

Case No. 122654

IN THE  
SUPREME COURT OF ILLINOIS

ALAN BEAMAN,	)	
	)	
	)	
Plaintiff-Appellant,	)	On Appeal from the
	)	Appellate Court of Illinois,
	)	Fourth Judicial District,
v.	)	No. 4-16-0527
	)	
TIM FREESMEYER, Former Normal	)	There Heard on Appeal from
Police Detective; DAVE WARNER,	)	the Circuit Court of McLean County,
Former Normal Police Detective;	)	Illinois, No. 14 L 51
FRANK ZAYAS, Former Normal	)	
Police Lieutenant;	)	
and TOWN OF NORMAL, ILLINOIS,	)	
	)	
Defendants-Appellees.	)	

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APPENDIX OF PLAINTIFF-APPELLANT ALAN BEAMAN  
VOLUME III

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Police Initial Case Report

Reporting Agency  NCSO  BUM  NOR  ISU  Other \_\_\_\_\_ Page 1 of 2 Case No. C94-5003

Offense Description: DOMESTIC BATTERY  
 Date: 10-07-94 Time Occurred: 1050 Report Date: 10-07-94 Report Time: 1052 Arrived Time: 1052

Offense Code #1: 0486 Offense Code #2: Offense Code #3: Offense Code #4: C & A: Activity: # of R: Forced Entry: Y  N

Circumstance: Hands, FIST FEET Weapon(s) Used: 40. Injury: YES  NO  Place of Treatment: REFUSED Suspected of Using:

Reported by: MACKOWAY, BEBRA J. Address (City, State, Zip): [REDACTED] Normal IL. Sex: F Race: W DOB: [REDACTED] Home Phone: 454-8060

Victim:  Suspect/Offender:  A - Arrested W - Witness R - Runaway T - Father M - Mother G - Guardian O - Other Arrestee's Criminal History Checked:  Y  N

Code Name/Business: A MURRAY, LARBI JOHN Sex: M Race: W DOB: [REDACTED] Age: [REDACTED] Home Phone: 454-8060

Address (City, State, Zip): [REDACTED] Normal IL 61761 Employed by: Injury Description: Code: Criminal Gang: Relation to Victim:

Victim:  Suspect/Offender:  A - Arrested W - Witness R - Runaway T - Father M - Mother G - Guardian O - Other Arrestee's Criminal History Checked:  Y  N

Code Name/Business: Y PLEASE SEE REPORTED BY Sex: Race: DOB: Age: Home Phone: [REDACTED]

Address (City, State, Zip): Employed by: Injury Description: Code: Criminal Gang: Relation to Victim:

Vehicle Identification:  Victim:  Suspect:  Stolen:  Recovered:  Towed:  Bicycle:  Y  N

Color: Year: Vehicle Make: Model: Style: Lic. Year: Lic. State: Lic. Type: License Number: VIN Number:

Damage: Locked? Y  N  Keys in Vehicle: Y  N  Misc. ID Information: Value: Condition: Bicycle: Boys  Girls  Misc. Bicycle Information:

Was Taken?  Manually Property:  Y  N  Significant Physical Evidence:  Y  N

Document #	Date of Documents	Bank/Drawn On	Name of Account	Payable To	Amount	Endorse
Loss Code	Property Code/Day	Property Description	Serial Number	Value	040	
					410	

LEADS Number: NCIC Number: Crime Scene Tech: TOTAL

M.O.

OFFICER LYDEN AND MYSELF WERE DISPATCHED TO [REDACTED] FOR A PHYSICAL DOMESTIC IN PROGRESS UPON ARRIVAL I SPOKE WITH MURRAY WHILE OFFICER LYDEN SPOKE WITH MACKOWAY. MACKOWAY INDICATED TO OFFICER LYDEN THAT SHE IS THE VICTIM OF PHYSICAL ABUSE ON A CONTINUAL BASIS. MACKOWAY INDICATED THAT HER AND MURRAY BECAME INVOLVED IN AN ALTERCATION TODAY THAT ESCALATED TO THE POINT WHERE SHE WAS STRUCK. MACKOWAY SAID THAT MURRAY PINNED HER DOWN ON THE FLOOR TODAY AND

00 - Unfiled, 01 - Ref to Other Agency, 02 - Pending, 03 - Adult Arrest, 04 - Juvenile Arrest, 05 - Except Cit/Death of Off, 06 - Except Cit/Death of Off, 07 - Except Cit/Death of Off, 08 - Except Cit/Death of Off, 09 - Except Cit/Death of Off, 10 - Except Cit/Death of Off

Initial Officer Name and P#: T.M. WEIR #109 Date/Time Hand: 10-07-94 Field Supervisor: [Signature] Assigned Investigator: [Signature] Booking Number: B94-1008

PLAINTIFF'S EXHIBIT 30

C07419

NORMAL POLICE SUPPLEMENTAL CASE REPORT

1. Page	of	2. Case No
2	2	C94-5003

3. Offense <b>DOMESTIC BATTERY</b>	4. Supervisory Correction No. 2 or 3
---------------------------------------	--------------------------------------

5. Victim Name (or if Business Not Incorporated Name) <b>MACKOWAY, DEBRA J.</b>	5A. Responsible Party
--	-----------------------

NARRATIVE:

1 ELBOWED HER REPEATEDLY IN THE CHEST. MACKOWAY REPORTED THAT SHE WAS INJURED AND THAT THERE  
 2 WERE VISABLE MARKS ON HER IN BETWEEN HER BREASTS. A FRIEND OF MACKOWAY, MELISSA M. HUEBNER,  
 3 WAS PRESENT AND DID VERIFY THAT THERE WAS A PROMINENT RED MARK BETWEEN MACKOWAY'S BREASTS WHERE  
 4 SHE HAD BEEN ELBOWED. BOTH MACKOWAY AND HUEBNER ARE REGISTERED NURSES.  
 5  
 6 MURRAY WAS ARRESTED FOR DOMESTIC BATTERY AND TAKEN TO THE MCLEAN COUNTY JAIL. FOR RELATED  
 7 INFORMATION PLEASE SEE CASE NUMBERS C94-5007 AND C94-5004.  
 8  
 9 OFFICERS LYDENS SUPPLEMENT IS ATTACHED TO THIS REPORT.  
 10  
 11  
 12  
 13  
 14  
 15  
 16  
 17  
 18  
 19  
 20  
 21  
 22  
 23

OFFICER'S NAME AND I.D. No. (PLEASE PRINT NEATLY) <b>TODD WEIR #109</b>	DATE AND TIME REPORT TYPED <b>10-07-94</b>	SUPERVISOR'S NAME AND I.D. No. (PLEASE PRINT NEATLY) <i>Sgt J. [unclear] 694</i>
SOLVABILITY FACTORS REFERRED TO (ON 104-10)	PROPERTY RECOVERED	VALUE
ASSIGNED INVESTIGATOR (Name and I.D. No.)	STATUS: <input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED	BOOKING NO. <b>B94-5003</b>

ORIGINAL - WHITE COPY - YELLOW McLean 000002

AA (29)

007420

NORMAL POLICE SUPPLEMENTAL CASE REPORT

Page 1 of 1 Case # C94-5003

Offense: Domestic Battery Supervisory Correction of #2 or #3

Victim Name (or Business Name): Mackoway Responsible Party:

Officer Weir and myself were dispatched to [redacted] in response to a domestic situation. We were advised by dispatch that there was a physical struggle going on at the time of the call. When I arrived Officer Weir was on the front porch speaking with Larbi Murray one of the parties involved. I went inside the unit and met with Mackoway. She was crying at the time. When she settled down she reported that an argument erupted between her and Murray which resulted in her being battered. She reported that one time he had pinned her to the floor and was striking her in the chest with his elbow. She reported that there was another argument the night before in which he grabbed her and scratched her right wrist and caused a bruise on her left arm. Both injuries were evident. She also reported that in the last week she received a bruise to her upper left thigh. She showed this bruise to us. Officer Weir and I met separate from the parties involved and discussed the situation. Weir reported to me that Murray also had evident injuries from the current altercation. I spoke with Murray. Murray claimed that he was attacked from behind by Mackoway and for "defensive" purposes he struck her in the chest in an attempt to knock the wind out of her to prevent her from further attacking him. We elected to charge both with domestic battery. We allowed Murray to secure some personal affects and then I transported him to the McLean Co. Jail.

Officer's Name & ID#: Lyden, Chas. Date & Time Report Typed: 7-October-94 1448 Supervisor's Name & ID#: [Signature] 694

Sol'ability Referred to: Property Recovered: Value:

Assigned Investigator: Status: Active Suspended Fail to File Complaint Cleared Unfounded Exceptionally Cleared Booking #:

C07421

McLean 000003

Petition for Order of Protection - Page 1 of 3 pages

IN THE CIRCUIT COURT OF THE McLean COUNTY, ILLINOIS

FILED  
JUDICIAL CIRCUIT  
OCT 11 1994  
CIRCUIT CLERK  
McLEAN COUNTY ILLINOIS

People ex rel. \_\_\_\_\_ on behalf of  
\_\_\_\_\_ self and/or behalf of  
Debbie Mackoway  
Petitioner  
-vs-  
Earbi John Murray  
Respondent

Case No. 94F 596  
 Independent Proceeding  
 Other Civil Proceeding  
(Specify) \_\_\_\_\_  
 Criminal Proceeding  
 Juvenile Proceeding

PETITION FOR ORDER OF PROTECTION

(Fill in lines and check boxes as applicable)

Now comes the Petitioner Debbie Mackoway on his/her own behalf or on behalf of \_\_\_\_\_ a minor child/ren, or on behalf of \_\_\_\_\_ inaccessibility on his/her own behalf, pursuant to the Illinois Domestic Violence Act (IDVA), and moves this Honorable Court to issue an Order of Protection in this cause and in support thereof states as follows:

ALLEGATIONS

THIS COURT HAS JURISDICTION OF THE SUBJECT MATTER AND OVER ALL NECESSARY PERSONS, WITH APPROPRIATE VENUE, BECAUSE:

A.  Petitioner resides at [redacted] Normal in the County of McLean State of Ill; OR  
 Petitioner resides at \_\_\_\_\_ in the County of \_\_\_\_\_ State of \_\_\_\_\_ and \_\_\_\_\_ the person on whose behalf this Petition is brought, resides at \_\_\_\_\_ in the County of \_\_\_\_\_ State of \_\_\_\_\_; OR  
 Petitioner's address is omitted pursuant to statute. (Alternative address for notice of any motion is \_\_\_\_\_)

B.  Respondent resides McLean County Jail in the County of \_\_\_\_\_ State of \_\_\_\_\_

C. Respondent stands in relationship to the Petitioner or alleged abused person/s as:  
 Spouse;  Former spouse;  Parent;  
 Child;  Having or allegedly having a child in common;  Stepchild;  
 Sharing or formerly sharing a common dwelling;  Having or having had a dating or engagement relationship;  Other person related by blood or marriage;  
 Sharing a blood relationship through a child;  Personal assistant to person with disabilities or a person who has responsibility for a high-risk adult with disabilities;

*signed w/ Resp 4/10*

007486

McLean 000068

FORM 202 A - Petition for Order of Protection - Page 2 of 5 pages

D.  There is no other pending court action involving the parties, OR  
 There is another pending court action involving the parties in McLean Court,  
 County of \_\_\_\_\_ State of \_\_\_\_\_ known as Case No. same as

E.  As referred to herein, "the minor child/ren" are \_\_\_\_\_ deceased  
per DV advoc

The Court has jurisdiction over the minor child/ren because:

1. This state  
 a. is the home state (as defined in the Illinois Uniform Child Custody Jurisdiction Act) of the child/ren at the time of the commencement of this proceeding, or  
 b. has been the children's home state within 6 months before commencement of the proceeding and the child/ren is/are absent from this State because of his/her removal or retention by a person claiming his/her custody or for other reasons, and a parent or person acting as parent continues to live in this state;  
 OR

2. It is in the best interest of the child/ren that a court of this State assume jurisdiction because the child/ren and his/her parents, or the child/ren and at least one contestant, have a significant connection with this State and there is available in this State substantial evidence concerning the child's/ren's present or future care, protection, training and personal relationships;  
 OR

3. The child/ren is/are physically present in this State and  
 a. the child/ren has/have been abandoned, or  
 b. it is necessary in an emergency to protect the child/ren because he/she/they has/have been subjected to or threatened with mistreatment or abuse or is/are otherwise neglected or dependent;  
 OR

4. It appears that no other state would have jurisdiction under prerequisites substantially in accordance with paragraphs 1, 2, or 3, or another state has declined to exercise jurisdiction on the grounds that this State is the more appropriate forum to determine the custody of the child/ren, and it is in the best interest of the child/ren that this Court assume jurisdiction.

F.  No "father and child/ren relationship" (pursuant to the Illinois Parentage Act of 1984) has been established with the following child/ren \_\_\_\_\_

G.  The primary caretaker of the minor child/ren is or has been \_\_\_\_\_

H.  Venue in civil proceedings is appropriate because:  
 Petitioner resides in the County of McLean, State of Illinois; OR  
 Respondent resides in the County of McLean, State of Illinois; OR  
 The alleged abuse occurred in the County of McLean, State of Illinois; OR  
 The Petitioner is temporarily located in the County of \_\_\_\_\_, State of Illinois, to avoid further abuse, and could not obtain safe, accessible, and adequate temporary housing in the county of his/her residence.

PETITIONER ALLEGES AS TO RESPONDENT THAT:

I.  The following individuals are alleged to be persons who need to be protected from abuse by Respondent:  
Debbie Markaway → charges filed against Pet

J.  Respondent has acted in the following manner towards the Petitioner:  
 (State details of incident(s) of abuse (including time and place), as well as effects of incident(s) on Petitioner.)  
Incident(s): he has been a friend of 4 years, which was peaceful until Jan. of 1999 when he was arrested with charges of street control violations. His behavior since has been reprehensible. He has been a violent drunk to leave me out of my house. I have been asking for over a month that he not come on my legal action. He has refused to leave. I have given him a deadline that he is out of my house. I am going to call the police. He left after reading my letter. I got home from work on the morning (24th Sept). I told him he was not to come to my house. As he came to my house then the argument got started, even though I was the one with many more injuries/movements. He had a black eye, bruise on his head, etc. Effect(s): I called my friends over to help persuade him to leave. He refused. We told him he was going to be taken to jail. He insisted my friends hold the phone. Still would not leave. The police arrived. He did not initially show up. When my brother & I got there he had to be forced to leave. He had no correct identification. I then told state that I

*hand  
 called  
 police  
 to  
 remove  
 on  
 24th  
 Sept  
 with  
 2  
 boys*

C07487 McLean 000069

FORM 202 A - Petition for Order of Protection - Page 3 of 5 pages

- K.  Petitioner should be granted exclusive possession of the residence, the special venue rules of sec. 209 (b) of IDVA (applicable only in civil proceedings) having been met, because:
  - Petitioner has a right to occupancy and Respondent has no right to occupancy, OR
  - Both parties have a right to occupancy; and, considering the risk of further abuse by Respondent interfering with the Petitioner's safe and peaceful occupancy, the balance of hardships favors the Petitioner because of the following relevant factors:
    - Availability, accessibility, cost, safety, adequacy, location, and other characteristics of alternative housing for each party and any minors or other dependents; and/or
    - Effect on each party's employment; and/or
    - Other factors, as follows: \_\_\_\_\_
  
- L.  Respondent should be ordered to stay away from Petitioner and the protected persons.
  - Respondent should be prohibited from entering or remaining present at Petitioner's school, place of employment, or (specify) Roanoke Virginia at Franklin because:
    - Respondent has no right to enter/remain present at such place(s); Or parking lot, floor.
    - The balance of hardships favors the Petitioner in prohibiting the Respondent from entering or remaining at such place(s).
  
- M.  The likelihood of future abuse would be minimized by appropriate counseling.
- N.  Petitioner should be granted physical care of the minor child/ren or granted other appropriate relief because there exists a danger that the minor child/ren will be:
  - Abused or neglected; and/or
  - Separated in an unwarranted manner from the child/ren's primary caretaker; and/or
  - Unprotected as to his/her/their well-being.
  
- O.  Petitioner should be granted temporary legal custody of the minor child/ren.
- P.  The Respondent's visitation with the minor child/ren should be restricted or denied because the Respondent has or is likely to:
  - abuse or endanger the minor child/ren during visitation; and/or
  - use visitation as an opportunity to abuse or harass Petitioner or Petitioner's family or household members; and/or
  - improperly conceal or detain the minor child/ren; and/or
  - otherwise act in a manner that is not in the best interest of the minor child/ren.
  
- Q.  There exists a danger that the minor child/ren will be removed from this jurisdiction or concealed within the State.
- R.  Respondent has knowledge of the whereabouts of or access to the minor child/ren.
- S.  Petitioner should be granted exclusive possession of the following items of personal property:

because:

- Petitioner, but not Respondent, owns such property;
- OR
- Sharing the property creates a further risk of abuse or is impractical; the balance of hardships favors temporary possession by Petitioner; and
  - Petitioner and Respondent own the property jointly, or
  - The property is alleged to be marital property and a proceeding has been filed under the IMDMA.

T.  An order should be granted protecting the following items of personal property:

4 Normal + all contents within  
20

because:

- Petitioner, but not Respondent, owns such property;
- OR
- The balance of hardships favors Petitioner, and
  - Petitioner and Respondent own the property jointly, or
  - The property is alleged to be marital property and a proceeding has been filed under the IMDMA.

U.  Respondent has a legal obligation to support Petitioner and/or the minor child/ren, and Respondent is able to provide such support.

V.  As a direct result of the above described abuse, Petitioner has suffered certain losses, incurred certain expenses, and/or has been provided temporary shelter/counseling services, as follows:

\$350 check to bank no loan      \$1000 cash to pay shop for month

\* \$200 school travel      \* \$100 to pay on shop taking bank

\$100 cash for taxi      More travel expenses as taxi has not worked on paid bill for 6 months.

McLean 000070

C07488

FORM 202 A - Petition for Order of Protection - Page 4 of 5 pages

W.  There is a threat to the safety and well-being of Petitioner's family or household when Respondent enters or remains on the premises while under the influence of alcohol or drugs.

X.  Respondent should be denied access to school or other records of the minor child/ren because:  
 Respondent is or will be prohibited from having contact with the minor child/ren; or  
 Petitioner's address is omitted pursuant to statute; or  
 It is necessary to prevent abuse or wrongful removal or concealment of the minor child/ren.

Y.  Allegations for other injunctive relief:  
No contact by phone  
by mail or 3rd party.

Z.  Disclosure of Petitioner's address would risk further abuse to her/him or to another protected person/s, or such disclosure would reveal the confidential location of a shelter for domestic violence victims.

Additional Allegations For Emergency Orders Only

(I) For requested remedies 1, 3, 5, 7, 8, 9, 11, 14, 15, and 17, the harm which that remedy is intended to prevent would be likely to occur if Respondent were given any prior notice, or greater notice than was actually given of Petitioner's efforts to obtain judicial relief.

(II) For requested remedy 2, the immediate danger of further abuse of Petitioner by Respondent if Petitioner chose or had chosen to remain in the household while Respondent was given any prior notice or greater notice than was actually given, outweighs the hardship to Respondent of an emergency order granting Petitioner exclusive possession of the residence or household.

(III) For requested remedy 10, improper disposition of the personal property would be likely to occur if Respondent were given any prior notice or greater notice than was actually given of Petitioner's effort to obtain judicial relief, or that Petitioner has an immediate and pressing need for possession of that property.

REMEDIES REQUESTED

PETITIONER REQUESTS THAT THE COURT FIND THAT THE FOLLOWING ARE PROTECTED PERSONS:

Debbie Madonay

WHEREFORE, PETITIONER REQUESTS THE ENTRY OF AN ORDER OF PROTECTION SETTING FORTH THE FOLLOWING REMEDIES:

- 1. With respect to Petitioner and other Protected Persons, Respondent is prohibited from committing the following:  
 Physical abuse;  Harassment;  Interference with personal liberty;  Intimidation of a dependent;  
 Willful deprivation;  Neglect;  Exploitation;  Stalking
- 2. Petitioner is granted exclusive possession of the residence and Respondent be prohibited from entering or remaining at such premises:  
(Address) Normal
- 3.  a. Respondent is ordered to stay away from Petitioner and other protected persons; and/or  
 b. Respondent is prohibited from entering or remaining at Brookman parking lot while any Protected Person is present; and/or  
 c. Respondent is allowed access to the residence on (date) \_\_\_\_\_ at (time) \_\_\_\_\_ in the presence of (name) \_\_\_\_\_ to remove items of clothing, personal adornments, medications used exclusively by the Respondent and other items, as follows: \_\_\_\_\_
- 4. Respondent is ordered to undergo counseling for a period of time to be determined by this court. [Not available in Emergency Order]
- 5.  a. Petitioner is granted physical care and possession of the minor child/ren; and/or  
 b. Respondent is ordered to:  
 Return the minor child/ren \_\_\_\_\_ to the physical care of \_\_\_\_\_; and/or  
 Not remove the minor child/ren \_\_\_\_\_ from the physical care of Petitioner or \_\_\_\_\_
- 6. Petitioner is granted temporary legal custody of the minor child/ren \_\_\_\_\_ [Not available in Emergency Order]

C07489

McLean 000071

FORM 202 A - Petition for Order of Protection - Page 5 of 5 pages

7.  a. Respondent is awarded visitation rights on the following dates and times or under the following dates and times or under the following conditions or parameters: [No order shall merely refer to the term "reasonable visitation"]

b. Respondent's visitation is restricted as follows:

c. Respondent's visitation be denied.

8. Respondent is prohibited from removing the minor child/ren from Illinois or concealing them within Illinois.

9. Respondent is ordered to appear in this Court with/without the child/ren on a date certain.

10. Petitioner be granted exclusive temporary possession of the following personal property and the Respondent be ordered to deliver to Petitioner said property that is in Respondent's possession or control, to wit:

11. Respondent be ordered not to take, encumber, conceal, damage or otherwise dispose of any of the following real or personal property, to wit:

*All contents within FSA 228 (Camero)*

12. Respondent be ordered to pay temporary support for Petitioner and/or the minor child/ren of the parties as follows: \$ \_\_\_\_\_ per \_\_\_\_\_ starting \_\_\_\_\_ payable  through the Clerk of the Circuit Court, or  directly to Petitioner. [Not available in Emergency Order]

13. Respondent be ordered to pay \$ \_\_\_\_\_ respecting losses and expenses within the scope of sec.214(b)(13) of the IDVA to \_\_\_\_\_ on or before \_\_\_\_\_ [Not available in Emergency Order]

14. Respondent be prohibited from entering or remaining at the household or residence located at \_\_\_\_\_ while under the influence of alcohol or drugs and so constituting a threat to the safety and well-being of any Protected Person.

15. Respondent be denied access to school or any other records of the minor child/ren and prohibited from inspecting, obtaining, or attempting to inspect or obtain such records.

16. Respondent be ordered to pay \$ \_\_\_\_\_ to the following shelter \_\_\_\_\_ on or before \_\_\_\_\_ [Not available in Emergency Order]

17. Respondent be further enjoined as follows: *no contact with petitioner*

*[Signature]*  
Signature of Petitioner

\_\_\_\_\_  
Signature of Attorney or State's Attorney

UNDER THE PENALTIES OF PERJURY AND AS PROVIDED BY LAW PURSUANT TO SECTION 1-109 OF THE CODE OF CIVIL PROCEDURE, THE UNDERSIGNED CERTIFIES THAT THE STATEMENTS SET FORTH IN THIS INSTRUMENT ARE TRUE AND CORRECT, EXCEPT AS TO MATTERS THEREIN STATED TO BE ON INFORMATION AND BELIEF AND AS TO SUCH MATTERS THE UNDERSIGNED CERTIFIES AS AFORESAID THAT THE UNDERSIGNED VERILY BELIEVES THE SAME TO BE TRUE.

*[Signature]*  
Signature of Petitioner

Attorney (or Pro Se Petitioner) Name: \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
Phone \_\_\_\_\_  
Attorney # \_\_\_\_\_  
Service by Facsimile  will be accepted  will not be accepted.  
Facsimile Number \_\_\_\_\_  
(Must be included if service by facsimile is accepted)

007490

McLean 000072

Proof of Service

Order of Protection - Page 1 of 3 pages

IN THE CIRCUIT COURT OF THE JUDICIAL CIRCUIT COUNTY, ILLINOIS

People ex rel. \_\_\_\_\_ on behalf of \_\_\_\_\_ self and/or behalf of

Debbie Mackoway  
Petitioner

vs.  
Larbi John Murray  
Respondent

JUDICIAL CIRCUIT COUNTY, ILLINOIS

FILED  
OCT 28 1994  
McLEAN COUNTY

Case No. 94F592

Independent Proceeding

Other Civil Proceeding

(Specify)

Criminal Proceeding

Juvenile Proceeding

LEADS NO. \_\_\_\_\_

FILED

NOV 04 1994

CIRCUIT CLERK

PETITIONER Debbie Mackoway	ADDRESS [Redacted] NML <input type="checkbox"/> (Check if omitted pursuant to Statute)
-------------------------------	--

RESPONDENT Larbi John Murray	ADDRESS McLean City Jail
---------------------------------	-----------------------------

Birthdate [Redacted] <small>(Required for LEADS)</small>	Sex M	Race W	Height 6' 2"	Weight 175	Hair DK Brown	Eyes DK Brown	Social Security Number (if known) [Redacted]
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ORDER OF PROTECTION

INTERIM

PLENARY

ANY KNOWING VIOLATION OF ANY ORDER OF PROTECTION FORBIDDING PHYSICAL ABUSE, NEGLECT, EXPLOITATION, HARASSMENT, INTIMIDATION, INTERFERENCE WITH PERSONAL LIBERTY, WILLFUL DEPRIVATION, OR ENTERING OR REMAINING PRESENT AT SPECIFIED PLACES WHEN THE PROTECTED PERSON IS PRESENT OR GRANTING EXCLUSIVE POSSESSION OF THE RESIDENCE OR HOUSEHOLD, PROHIBITING ENTERING OR REMAINING AT THE HOUSEHOLD WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS AND SO CONSTITUTING A THREAT TO THE SAFETY AND WELL-BEING OF ANY PROTECTED PERSON, OR GRANTING A STAY AWAY ORDER, IS A CLASS A MISDEMEANOR. GRANT OF EXCLUSIVE POSSESSION OF THE RESIDENCE OR HOUSEHOLD SHALL CONSTITUTE NOTICE FORBIDDING TRESPASS TO LAND. ANY KNOWING VIOLATION OF ANY ORDER AWARDED LEGAL CUSTODY OR PHYSICAL CARE OF A CHILD, OR PROHIBITING REMOVAL OR CONCEALMENT OF A CHILD MAY BE A CLASS 4 FELONY. ANY WILLFUL VIOLATION OF ANY ORDER IS CONTEMPT OF COURT. ANY VIOLATION MAY RESULT IN FINE OR IMPRISONMENT. STALKING IS A FELONY.  
*(Definitions of prohibited conduct on back of page 3)*

The following persons are protected by this Order: Debbie Mackoway

"The minor child/ren" referred to herein are: \_\_\_\_\_

Date, time and place for further hearing (if Interim Order): \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_ Courtroom/Calendar No. \_\_\_\_\_ Location \_\_\_\_\_

This Order was issued on: Date <u>10-28-94</u> Time <u>10:25 AM</u>	This Order will be in effect until: <input checked="" type="checkbox"/> Date <u>10-28-96</u> Time <u>9:00 AM</u> <input type="checkbox"/> Vacated by court order. <input type="checkbox"/> Specified event: _____
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C07491

McLean 000073

FORM 204A - Order of Protection - Page 2 of 3 pages

BASED ON THE FINDINGS OF THIS COURT,  WHICH WERE MADE ORALLY FOR TRANSCRIPTION OR  WHICH ARE SET OUT IN A SEPARATE INSTRUMENT FILED WITH THE COURT, AND WITH THE COURT HAVING JURISDICTION OF THE SUBJECT MATTER AND OVER ALL NECESSARY PARTIES, IT IS HEREBY ORDERED THAT:

- 1. With respect to all Protected Persons, Respondent is prohibited from committing the following:
  - Physical abuse;  Harassment;  Interference with personal liberty;  Intimidation of a dependent;
  - Willful deprivation;  Neglect;  Exploitation;  Stalking
- 2. Petitioner is granted exclusive possession of the residence and Respondent shall not enter or remain in the household or premises located at Norman, IL *(This remedy does not affect title of property)*
- 3.
  - a. Respondent is ordered to stay away from Petitioner and other protected persons; and/or
  - b. Respondent is prohibited from entering or remaining at Ball Park Hotel, Virginia at Franklin, Norman, IL while any Protected Person is present; and/or
  - c. Respondent is allowed access to the residence on (date) \_\_\_\_\_ at (time) \_\_\_\_\_ in the presence of (name) \_\_\_\_\_ to remove items of clothing, personal adornments, medications used exclusively by the Respondent and other items, as follows: *(must give at least five hour notification to local law enforcement department)* \_\_\_\_\_
- 4. Respondent is ordered to undergo counseling at \_\_\_\_\_ for a duration of \_\_\_\_\_
- 5.
  - a. Petitioner is granted physical care and possession of the minor child/ren; and/or
  - b. Respondent is ordered to:
    - Return the minor child/ren \_\_\_\_\_ to the physical care of \_\_\_\_\_ and/or
    - Not remove the minor child/ren \_\_\_\_\_ from the physical care of Petitioner or \_\_\_\_\_
- 6. Petitioner is granted temporary legal custody of the minor child/ren \_\_\_\_\_
- 7.
  - a. Respondent is awarded visitation rights on the following dates and times or under the following conditions or parameters: *(No order shall merely refer to the term "reasonable visitation")* \_\_\_\_\_
  - b. Respondent's visitation is restricted as follows: \_\_\_\_\_
  - c. Respondent's visitation is denied. *(Petitioner may deny Respondent access to the minor child/ren if, when Respondent arrives for visitation, Respondent is under the influence of drugs or alcohol and constitutes a threat to the safety and well-being of Petitioner or Petitioner's minor child/ren or is behaving in a violent or abusive manner.)*
- 8. Respondent is prohibited from removing the minor child/ren from Illinois or restraining them within Illinois.
- 9. Respondent is ordered to appear in Courtroom/Calendar \_\_\_\_\_ at \_\_\_\_\_ AM/PM, with/without the minor child/ren \_\_\_\_\_
- 10. Petitioner is granted exclusive possession of the following personal property and the Respondent is ordered to promptly make available to Petitioner said property that is in Respondent's possession or control, to wit: \_\_\_\_\_ *(This remedy does not affect title of property)*
- 11. Respondent is prohibited from taking, encumbering, concealing, damaging or otherwise disposing of the following personal property: \_\_\_\_\_ except as explicitly authorized by the Court.  Further, Respondent is prohibited from improperly using the financial or other resources of an aged member of the family or household for the profit or advantage of Respondent or any other person.
- 12. Respondent is ordered to pay temporary support for  Petitioner and/or  the minor child/ren of the parties as follows: \$ \_\_\_\_\_ per \_\_\_\_\_ starting \_\_\_\_\_ payable  through the Clerk of the Circuit Court, or  directly to Petitioner.
- 13. Respondent is ordered to pay \$ \_\_\_\_\_ as actual monetary compensation for loss(es) to \_\_\_\_\_ on or before \_\_\_\_\_.  Further, Respondent is ordered to pay court costs in the amount of \$ \_\_\_\_\_ and attorney fees in the amount of \$ \_\_\_\_\_ to \_\_\_\_\_ in connection with any action to obtain, modify, enforce, appeal or rescind any order of protection on or before \_\_\_\_\_.

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FORM 204b - Order of Protection Page 3 of 3 pages

- 14. Respondent is prohibited from entering or remaining at the household or residence located at \_\_\_\_\_ while under the influence of alcohol or drugs and so constituting a threat to the safety and well-being of any Protected Person.
- 15. Respondent is denied access to school and/or any other records of the minor child/ren and is prohibited from inspecting, obtaining, or attempting to inspect or obtain such records.
- 16. Respondent is ordered to pay \$ \_\_\_\_\_ to the following entity \_\_\_\_\_ on or before \_\_\_\_\_.
- 17. Respondent is further ordered and/or enjoined as follows:  
No contact w/ Protected Person by phone  
while she is at her place of employment
- 18. The relief requested in paragraph(s) \_\_\_\_\_ of the petition is (DENIED) (RESERVED), because: \_\_\_\_\_

PLENARY ORDERS ONLY

This order shall remain in effect until:

- 1. Two years following date of entry of such Order, such expiration date being 10-28-96 or such earlier date, as ordered by the Court, such expiration date being \_\_\_\_\_.
- 2. Final judgment in conjoined proceeding is rendered.
- 3. This Order is modified or vacated (provided such Order is incorporated into the final judgment of another civil proceeding).
- 4. Termination of any voluntary or involuntary commitment, or until \_\_\_\_\_ (not to exceed 2 years).
- 5. Final disposition when a Bond Forfeiture Warrant has issued, or until \_\_\_\_\_ (not to exceed 2 years).
- 6. Expiration of any supervision, conditional discharge, probation, periodic imprisonment, parole, or supervised mandatory release, plus 2 years.
- 7. Expiration of a term of imprisonment set by this Court, plus 2 years.

NOTICE: Upon 2 days notice to Petitioner or such shorter notice as the Court may prescribe, a Respondent subject to an Interim Order of Protection issued under the DVYA may appear and petition the Court to rehear the original or amended Petition. Respondent's petition shall be verified and shall allege lack of notice and a meritorious defense.

Respondent stands in relationship to the Petitioner or alleged abused person's as:

- Spouse;  Former spouse;  Parent;
- Child;  Having or allegedly having a child in common;  Stepchild;
- Sharing or formerly sharing a common dwelling;  Having or having had a dating or engagement relationship;  Other person related by blood or marriage;
- Sharing a blood relationship through a child;  Personal assistant to person with disabilities or a person who has responsibility for a high-risk adult with disabilities.

Attorney (or Pro Se Petitioner) Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Attorney # \_\_\_\_\_  
 Service by Facsimile:  will be accepted,  will not be accepted.  
 Facsimile Number: \_\_\_\_\_

Date: 10-28-96  
 Judge: [Signature]  
 Judge No: \_\_\_\_\_

(Must be included if notice by facsimile is accepted)

C07493

McLean 000075

Order of Protection - Page 1 of 3 pages

IN THE CIRCUIT COURT OF THE

11/4h  
JUDICIAL CIRCUIT  
COUNTY, ILLINOIS

FILED  
OCT 28 1994  
McLEAN COUNTY  
CIRCUIT CLERK

People ex rel. \_\_\_\_\_  
or behalf of \_\_\_\_\_  
self and/or behalf of \_\_\_\_\_

Debbie Mackoway  
Petitioner

-vs-

Larbi John Murray  
Respondent

Case No. 94F596

Independent Proceeding

Other Civil Proceeding

(Specify) \_\_\_\_\_

Criminal Proceeding

Juvenile Proceeding

LEADS NO. \_\_\_\_\_

PETITIONER <u>Debbie Mackoway</u>		ADDRESS [REDACTED] NML <input type="checkbox"/> (Check if omitted pursuant to Statute)					
RESPONDENT <u>Larbi John Murray</u>		ADDRESS <u>McLean City Jail</u>					
[REDACTED] (Required for LEADS)	Sex <u>M</u>	Race <u>W</u>	Height <u>6' 2"</u>	Weight <u>175</u>	Hair <u>Dk Brown</u>	Eyes <u>Dk Brn</u>	Social Security Number (if known) [REDACTED]

ORDER OF PROTECTION

INTERIM

PLENARY

ANY KNOWING VIOLATION OF ANY ORDER OF PROTECTION FORBIDDING PHYSICAL ABUSE, NEGLECT, EXPLOITATION, HARASSMENT, INTIMIDATION, INTERFERENCE WITH PERSONAL LIBERTY, WILLFUL DEPRIVATION, OR ENTERING OR REMAINING PRESENT AT SPECIFIED PLACES WHEN THE PROTECTED PERSON IS PRESENT OR GRANTING EXCLUSIVE POSSESSION OF THE RESIDENCE OR HOUSEHOLD, PROHIBITING ENTERING OR REMAINING AT THE HOUSEHOLD WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS AND SO CONSTITUTING A THREAT TO THE SAFETY AND WELL-BEING OF ANY PROTECTED PERSON, OR GRANTING A STAY AWAY ORDER, IS A CLASS A MISDEMEANOR. GRANT OF EXCLUSIVE POSSESSION OF THE RESIDENCE OR HOUSEHOLD SHALL CONSTITUTE NOTICE FORBIDDING TRESPASS TO LAND. ANY KNOWING VIOLATION OF ANY ORDER AWARDED LEGAL CUSTODY OR PHYSICAL CARE OF A CHILD, OR PROHIBITING REMOVAL OR CONCEALMENT OF A CHILD MAY BE A CLASS 4 FELONY. ANY WILLFUL VIOLATION OF ANY ORDER IS CONTEMPT OF COURT. ANY VIOLATION MAY RESULT IN FINE OR IMPRISONMENT. STALKING IS A FELONY.

[Definitions of prohibited conduct on back of page 3]

The following persons are protected by this Order: Debbie Mackoway

"The minor child/ren" referred to herein are: \_\_\_\_\_

Date, time and place for further hearing [if Interim Order]: \_\_\_\_\_

Date \_\_\_\_\_ Time \_\_\_\_\_ Courtroom/Calendar No. \_\_\_\_\_  
Location \_\_\_\_\_

This Order was issued on: Date <u>10-28-94</u> Time <u>10:25 AM</u>		This Order will be in effect until: <input checked="" type="checkbox"/> Date <u>10-28-96</u> Time <u>9:00 AM</u> <input type="checkbox"/> Vacated by court order. <input type="checkbox"/> Specified event: _____	
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C07494

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FORM 204A - Order of Protection - Page 2 of 3 pages

BASED ON THE FINDINGS OF THIS COURT,  WHICH WERE MADE ORALLY FOR TRANSCRIPTION OR  WHICH ARE SET OUT IN A SEPARATE INSTRUMENT FILED WITH THE COURT, AND WITH THE COURT HAVING JURISDICTION OF THE SUBJECT MATTER AND OVER ALL NECESSARY PARTIES, IT IS HEREBY ORDERED THAT:

- 1. With respect to all Protected Persons, Respondent is prohibited from committing the following:
  - Physical abuse;  Harassment;  Interference with personal liberty;  Intimidation of a dependent;
  - Willful deprivation;  Neglect;  Exploitation;  Stalking.
- 2. Petitioner is granted exclusive possession of the residence and Respondent shall not enter or remain in the household or premises located at: 1107 Maple St  
*(This remedy does not affect title of property)*
- 3.
  - a. Respondent is ordered to stay away from Petitioner and other protected persons and/or
  - b. Respondent is prohibited from entering or remaining at Brother's Steak House  
Urgent at Franklin, Peoria, IL while any Protected Person is present; and/or
  - c. Respondent is allowed access to the residence on (date) \_\_\_\_\_ at (time) \_\_\_\_\_ in the presence of (name) \_\_\_\_\_ to remove items of clothing, personal adornments, medications used exclusively by the Respondent and other items as follows: (must give at least two hour notification to local law enforcement department)
- 4. Respondent is ordered to undergo counseling at \_\_\_\_\_ for a duration of \_\_\_\_\_
- 5.
  - a. Petitioner is granted physical care and possession of the minor child/ren and/or
  - b. Respondent is ordered to:
    - Return the minor child/ren \_\_\_\_\_ to the physical care of \_\_\_\_\_ and/or
    - Not remove the minor child/ren \_\_\_\_\_ from the physical care of Petitioner or \_\_\_\_\_
- 6. Petitioner is granted temporary legal custody of the minor child/ren \_\_\_\_\_
- 7.
  - a. Respondent is awarded visitation rights on the following dates and times or under the following conditions or parameters: NO order shall merely refer to the term "reasonable visitation"
  - b. Respondent's visitation is restricted as follows: \_\_\_\_\_
  - c. Respondent's visitation is denied. (Petitioner may deny Respondent access to the minor child/ren if, when Respondent arrives for visitation, Respondent is under the influence of drugs or alcohol, and constitutes a threat to the safety and well-being of Petitioner or the minor child/ren or is behaving in a violent or abusive manner.)
- 8. Respondent is prohibited from removing the minor child/ren from Illinois or concealing them within Illinois.
- 9. Respondent is ordered to appear in Courtroom/Calendar \_\_\_\_\_ at \_\_\_\_\_ AM/PM, with/without the minor child/ren.
- 10. Petitioner is granted exclusive possession of the following personal property and the Respondent is ordered to promptly make available to Petitioner said property that is in Respondent's possession or control, to wit: \_\_\_\_\_  
*(This remedy does not affect title of property)*
- 11. Respondent is prohibited from taking, encumbering, concealing, damaging or otherwise disposing of the following personal property: \_\_\_\_\_ except as expressly authorized by the Court. Further, Respondent is prohibited from improperly using the financial or other resources of an aged member of the family or household for the profit or advantage of Respondent or any other person.
- 12. Respondent is ordered to pay temporary support for  Petitioner and/or  the minor child/ren of the parties as follows: \$ \_\_\_\_\_ per \_\_\_\_\_ starting \_\_\_\_\_ payable  through the Clerk of the Circuit Court or  directly to Petitioner.
- 13. Respondent is ordered to pay \$ \_\_\_\_\_ as actual monetary compensation for losses to \_\_\_\_\_ on or before \_\_\_\_\_. Further, Respondent is ordered to pay court costs in the amount of \$ \_\_\_\_\_ and attorney fees in the amount of \$ \_\_\_\_\_ to \_\_\_\_\_ in connection with any action to obtain, modify, enforce, appeal or reopen any order of protection, on or before \_\_\_\_\_.

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FORM 204B - Order of Protection - Page 2 of 3 pages

- 14. Respondent is prohibited from entering or remaining at the household or residence located at \_\_\_\_\_ while under the influence of alcohol or drugs and so constituting a threat to the safety and well-being of any Protected Person.
- 15. Respondent is denied access to school and/or any other records of the minor child/ren and is prohibited from inspecting, obtaining, or attempting to inspect or obtain such records.
- 16. Respondent is ordered to pay \$ \_\_\_\_\_ to the following shelter \_\_\_\_\_ on or before \_\_\_\_\_.
- 17. Respondent is further ordered and/or enjoined as follows:  
no contact w/ Protected Person by phone while she is at her place of employment
- 18. The relief requested in paragraph(s) \_\_\_\_\_ of the petition is **(DENIED)** **(RESERVED)** because: \_\_\_\_\_

**PLENARY ORDERS ONLY**

This order shall remain in effect until:

- 1. Two years following date of entry of such Order, such expiration date being 10-28-96, such earlier date, as ordered by the Court, such expiration date being \_\_\_\_\_.
- 2. Final judgment in conjoined proceeding is rendered.
- 3. This Order is modified or vacated (provided such Order is incorporated into the final judgment of another civil proceeding).
- 4. Termination of any voluntary or involuntary commitment, or until \_\_\_\_\_ *(not to exceed 2 years)*
- 5. Final disposition when a Bond Forfeiture Warrant has issued, or until \_\_\_\_\_ *(not to exceed 2 years)*
- 6. Expiration of any supervision, conditional discharge, probation, periodic imprisonment, parole, or supervised mandatory release, plus 2 years.
- 7. Expiration of a term of imprisonment set by this Court, plus 2 years.

**NOTICE:** Upon 2 days notice to Petitioner, or such shorter notice as the Court may prescribe, a Respondent subject to an Interim Order of Protection issued under the IDVA may appear and petition the Court to rehear the original or amended Petition. Respondent's petition shall be verified and shall allege lack of notice and a meritorious defense.

Respondent stands in relationship to the Petitioner or alleged abused person/s as:

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Spouse   | <input type="checkbox"/> Former spouse   | <input type="checkbox"/> Parent                                    |
| <input type="checkbox"/> Child  | <input type="checkbox"/> Having or allegedly having a child in common  | <input checked="" type="checkbox"/> Stepchild                      |
| <input checked="" type="checkbox"/> Sharing or formerly sharing a common dwelling | <input checked="" type="checkbox"/> Having or having had a dating or engagement relationship   | <input type="checkbox"/> Other person related by blood or marriage |
| <input type="checkbox"/> Sharing a blood relationship through a child             | <input type="checkbox"/> Personal assistant to person with disabilities of a person who has responsibility for a high-risk adult with disabilities |  |

Attorney (or Petitioner's Name): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Attorney #: \_\_\_\_\_  
 Service by Facsimile  will be accepted  will not be accepted.  
 Casefile Number: \_\_\_\_\_  
(Must be identical to service by facsimile if accepted)

Date: 10-28-94  
 Judge: [Signature]  
 Judge's No: \_\_\_\_\_

007436 McLean 000078

**ILLINOIS STATE POLICE  
INVESTIGATIVE REPORT**

JRRO428A							
No.:	Reporting Date(s):	Reporting Agent(s):	ID #:	Lead No.:			
93G0642	01-25-93	Insp. J. Roberts	#9938				
LARBI J. MURRAY		Case Agent: ID #:	Office:	Typed By:	Date:		
		Schlosser #9708	Zone 6	jk	04-28-93		

On 01-25-93, at approximately 1845 hours an interview was conducted with LARBI J. MURRAY, AKA: JOHN, W/M, DOB: [REDACTED], who resides at [REDACTED], Bloomington, Illinois, TX (309) 828-0718. This interview was conducted at the Division of Criminal Investigation (DCI), Zone 6 Office, by Inspector J. Roberts (Reporting Inspector - R/I) and Inspector R. Tjarks. The following is a synopsis of the interview:

At approximately 1840 hours (01-25-93), MURRAY waived his fifth and sixth amendment rights (see attached rights waiver). MURRAY agreed to be interviewed by the above listed inspectors and to cooperate to the best of his (MURRAY'S) ability.

MURRAY stated that the one-quarter (1/4) pound and the one-quarter (1/4) ounce of cannabis located at his residence during the execution of the search warrant was obtained from Chicago. MURRAY said he was taken to Chicago by a friend of his (MURRAY'S), MIKE LNU. MURRAY advised R/I that MIKE LNU drives a red Chevy Van and resides outside of Normal, Illinois. MURRAY stated he was introduced to MIKE LNU by one of the members in his (MURRAY'S) band. On 01-23-93, MURRAY said MIKE LNU took MURRAY to a town north of Joliet or a south suburb of Chicago, to meet a friend of MIKE LNU'S. MURRAY described MIKE LNU'S friend as being a W/M, approximately twenty-one to twenty-two years of age, short curly blonde hair, 6'00, 180 pounds. MURRAY said he and MIKE LNU acquired a pound of weed from MIKE LNU'S friend. MURRAY stated they didn't pay for the pound, it was fronted. MIKE LNU informed MURRAY that he would be by in a week to collect for the pound. MURRAY said he and MIKE LNU were at MIKE LNU'S friends residence for approximately a minute to a minute and a half before departing. MIKE LNU advised MURRAY that he would be charged one thousand three hundred dollars (\$1,300.00) for the pound of weed.

MURRAY advised R/I that two (2) sales were made from the pound of weed he received from Chicago. MURRAY stated the rest was fronted out to friends. MURRAY said one of the sales was for a one-half (1/2) pound to a JAVIER LNU, M/Mexican, approximately twenty years of age, 5'3, 150 pounds, black hair, and is a student at Illinois State University (ISU). MURRAY stated that JAVIER LNU lives in student housing off of Linden Street. MURRAY stated that the other sale of cannabis from the pound that MURRAY received was to a B.J. LNU, W/M, approximately sixteen to seventeen years of age, 6'00, 180 pounds, short brown hair, and resides in a town between Normal and Peoria. MURRAY informed R/I that the sale to B.J. was for two and one-half (2 1/2) ounces of weed.

MURRAY stated that approximately two (2) weeks ago, he (MURRAY) acquired a quarter (1/4) pound of cannabis from MIKE LNU. MURRAY said he paid three hundred twenty-five dollars (\$325.00) for the quarter (1/4) pound.

nation:

This document contains neither recommendations nor conclusions of the Illinois State Police.  
It and its contents are not to be disseminated outside your agency.

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ISP 4-3 (9 88)

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APPENDIX 002557

93GD642

Insp. J. Roberts, #9938

01-25-93

Page 2

MURRAY informed R/I that before he (MURRAY) started selling weed while attending school, he used to obtain weed from a friend of his, TONY LNU, W/M, approximately thirty-five to forty years of age, brown hair, 6'01, who resides in Rockford, Illinois, off of Morgan Street. MURRAY stated he would purchase a quarter (1/4) ounce of weed for forty dollars (\$40.00), one (1) ounce for one hundred dollars (\$100.00), and a quarter (1/4) pound from TONY LNU for three hundred twenty-five dollars (\$325.00).

MURRAY advised R/I that he would sell a quarter (1/4) ounce of cannabis for thirty-five to forty dollars (\$35 to \$40), a half (1/2) ounce for sixty dollars (\$60.00), one (1) ounce for one hundred twenty dollars (\$120.00) and a quarter (1/4) pound for four hundred fifty dollars (\$450.00).

R/I inquired on how MURRAY obtained the steroids that were located in his apartment during the execution of the search warrant. MURRAY stated he received the decaadurobin from JODY GILLIGAN, a friend from Rockford. MURRAY said when he initially received the decaadurobin there were fifteen (15) vials in the box. R/I advised MURRAY there were four (4) left over, MURRAY stated he used the other eleven (11) vials to increase his weight lifting. MURRAY said he purchased the decaadurobin from GILLIGAN at the Denney's Restaurant parking lot, located on 11th Street in Rockford. MURRAY stated he paid GILLIGAN two hundred fifty dollars (\$250.00) for the fifteen (15) vials of the decaadurobin and five (5) syringes. MURRAY informed R/I that GILLIGAN wasn't happy with the amount of money that MURRAY paid for the steroids. GILLIGAN advised MURRAY that he (MURRAY) was ripping him off. R/I asked MURRAY why he needed the steroids. MURRAY stated that he wasn't advancing in his lifting, and GILLIGAN told him (MURRAY) that the steroids would help.

Attachment: Personal History - MURRAY  
 Photos - MURRAY  
 Fingerprints - MURRAY  
 Rights Waiver

C07522 (2)

McLean 000104

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APPENDIX 002558

ILLINOIS STATE POLICE  
INVESTIGATIVE SUMMARY

ABSD429A Report No: 93C0642	Case Agent: Insp. A. Schlosser #9708	I.D. # <i>AK</i>	Office: Zone 6	Field Report No:
Date of Summary: 04-29-93	Reporting Period: 01/25/93-02/26/93	Status: <input type="checkbox"/> Active <input checked="" type="checkbox"/> Pending Prosecution	Typed By: jlk	Date: 04-29-93
Subject: LARBI JOHN MURRAY M/W, DOB: [REDACTED] 5 Bloomington, Illinois		Character of Case: POSSESSION W/INTENT TO DELIVER 30 to 500 GRAMS OF CANNABIS		
		Previous Summaries: None		

SYNOPSIS:

On 01/25/93, at approximately 1300 hours, Normal Police Department, Detective John Belcher provided Inspector A. Schlosser with information regarding LARBI JOHN MURRAY trafficking cannabis out of MURRAY'S home at [REDACTED] [REDACTED] [REDACTED], Bloomington, Illinois. Detective Belcher received information from a reliable Confidential Source (C/S) who alleged MURRAY is currently in possession of a large quantity of cannabis.

As a result of an in person interview with Detective Belcher's C/S at approximately 1500 hours, on 01-25-93, and the C/S's cooperation, a search warrant was applied for and received from Judge Charles Witte. This search warrant was executed at MURRAY'S residence at approximately 1800 hours, 01-25-93.

As a result of this search multiple grams of cannabis, steroids, trace of cocaine, drug paraphernalia, U.S. Currency and miscellaneous papers were seized at this residence.

Specifically two hundred six point one (206.1) grams of cannabis, cocaine residue from a paper fold and four (4) vials of steroids.

As a result of MURRAY'S cooperation with Task Force 6, MURRAY was not arrested at this time.

Recommendation:

IL 493-0120 *5/27/94*

This document contains neither recommendations nor conclusions of the Illinois State Police;  
it and its contents are not to be disseminated outside your agency.

ISP 4-6 (3/89)

C07563

McLean 000145

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

ALAN BEAMAN, )  
 )  
Plaintiff, )  
 )  
vs. ) No. 10-CV-1019  
 )  
JAMES SOUK, et al., )  
 )  
Defendants. )

DISCOVERY DEPOSITION  
OF  
TERRENCE McCANN

Discovery deposition of TERRENCE McCANN,  
taken on April 2, 2013, beginning at 10:15 a.m., at  
1810 South Main Street, Morton, Illinois, at the  
instance of the Defendants, pursuant to Subpoena and  
agreement of the parties, before Christine M. Luciano,  
Certified Shorthand Reporter in the State of Illinois.

\* \* \* \* \*

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007604

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Plaintiff's Exhibit No. 28

1 Mr. Murray's polygraph examination.

2 You had indicated that at one point,  
3 Mr. Murray told you that he had slapped a girlfriend  
4 four years ago and that he had punched his brother and  
5 caused a bruise, right?

6 A. Yes.

7 Q. And was that response to the question, "Have  
8 you ever caused harm to anyone"?

9 A. Yes. That's a comparison question that we  
10 use to compare responses to on the test. So we're  
11 asking questions in general, "Have you ever caused  
12 harm to somebody," and that's what he told me in  
13 response to that in the pretest interview.

14 Q. So that was information that he told you in  
15 the pretest interview?

16 A. That is correct.

17 Q. And if I could direct your attention to  
18 page 1, you ask him, "Besides what you've already told  
19 me, have you ever caused harm to another person?"  
20 Correct?

21 A. Yes.

22 Q. And at this time, he's already told you  
23 before you asked that question about the information  
24 we were just discussing, right?

1 A. That's correct.

2 Q. Understood. He also indicated to you in the  
3 pretest interview that he had sold drugs and had  
4 engaged in drinking and DUI, right?

5 A. Yes. That was in response to my question for  
6 the other comparison that I used on his test, "Have  
7 you ever done anything that you could have been  
8 arrested for?"

9 Q. And he also stated in this polygraph  
10 examination that he had been busted for selling drugs  
11 in response to the question, "Has anything like this  
12 ever happened before?" Right?

13 A. Yes.

14 Q. Ms. Barton asked you some questions about  
15 whether you had met with Jim Souk in connection with  
16 the polygraphs you administered in this case, and I  
17 believe your testimony was you don't recall either  
18 way?

19 A. I don't recall, no.

20 Q. Do you recall meeting with the State's  
21 Attorneys from the McLean County State's Attorney's  
22 Office in connection with polygraphs that you  
23 administered in other cases?

24 A. I recall meeting with them on other

It's Wednesday, September 8, 1993 at approximately 1:00 p.m. we are at the Normal Police Department in the middle interview room. Present with myself is Detective Tony Daniels and a Deborah Mackoway.

Rob: Deborah could you state your full name and SSN.

Deb: Deborah Jean Mackoway, [REDACTED].

Rob: And Deb you are aware that we are taping this interview, correct?

Deb: Yes.

Rob: Deb what we called you back for we wanted to go over some information that you had given us before. Were you able to find the dates that Mr. John Murray was in Byron?

Deb: Yeh, um he was in Bloomington on August 24th which is a Tuesday and he left Wednesday August 25th at I would imagine like, I left at 4:20 and he left right after me he said.

Rob: Ok, and you left where at 4:20?

Deb: His apartment, I was at his apartment from like about 2:00 until 4:20.

Rob: Ok, was John there with you the entire time?

Deb: Yeh.

Rob: From when to when?

Deb: From like to 2:00 until 4:20 I got off work at about 2:00 that day.

Rob: And that's p.m.?

Deb: Yeh.

Rob: On Wednesday August 25th?

Deb: Yes.

Rob: Do you know when he returned back to Bloomington Normal?

Deb: Yeh, he came back on Wednesday September 1st.

Rob: Do you know about what time he got back?

Deb: Um, I can't remember, I can't remember but I know it was that date because it was Tuesday August 31st when I talked to him late at night on the phone and he told me about all this that he had heard about it and um then I called my mom and then I-

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called him back and then he came back the next day, Wednesday.

Rob: When you talked to John where were you at, were you at your house or his apartment?

Deb: I was at my sorority house when I talked to him late at night on the phone you mean on the 31st?

Rob: Correct.

Deb: Yeh, I was at my sorority house.

Rob: Ok, did you at all stay at John's apartment during that time that he was gone?

Deb: Yeh, I was there some of that time.

Rob: Ok, do you know which dates you were there?

Deb: (looking through calendar), Ok, I was probably I was there probably Wednesday night the 25th, Thursday, Friday I don't think I was there, Saturday and Sunday I went home to my parents, Monday I was probably at his apartment.

Rob: Ok, did John call you every night?

Deb: Usually, he called me or I called him pretty much every usually evening.

Rob: Ok, the day that John left do you know where he was at before 2:00?

Deb: I think he, well I wasn't with him I was at work. I don't remember if he called me at work that day or not I was I think he was at the I am sure he was at the apartment, his apartment, as far as I know I don't know if he went anywhere.

Rob: When was the last time that you had seen Jennifer?

Deb: Ok, um (looking through calendar),

Rob: As a reference point, Jennifer's body was found Saturday, August 28th.

Deb: Yeh, but it was awhile before I have seen her. I think it was right around the 20th or something, because well whatever day it was that we had to be out of the apartment it was like a morning we had to be out of the apartment and it was the night before that and I don't remember the date that we had to be out of the apartment.

Rob: Ok, where did you see her at?

Deb: She came by, she was in the car, and pulled by and talked to.

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John and my dad was there helping me move and John had gotten there late at night and she pulled in.

Rob: Ok you said she came by there, where is there?

Deb: She came to John's apartment in the parking lot.

Rob: Ok, and the address of John's apartment?

Deb: [REDACTED].

Rob: In Bloomington?

Deb: Yeh.

Rob: Do you know approximately how long she was there?

Deb: A few mintues, not very long at all.

Rob: Ok, was she by herself?

Deb: I can't I don't remember if she was by herself that time I know I saw her another time, it was right around that like within a couple days either before or after now but since I've been thinking about it I think it was before and she was with Swaine but that time I think as far as I remember she was either by herself or Swaine was in the car I don't remember if Swaine was in the car or not.

Rob: Ok, was Jennifer in her own vehicle?

Deb: I think so, she was driving, but I couldn't tell you what her car is but she was driving.

Rob: Is that the last time that you have had contact either in person or by phone with Jennifer?

Deb: Um, yeh, I don't think she called after that, she used to call quite a bit but I don't think she called after that.

Rob: Do you know when the last time that John had contact with Jennifer?

Deb: The same time, the same day.

Rob: He was present with you when you were talking

Deb: I didn't talk to her.

Rob: Ok, who was talking to her?

Deb: John talked to her.

Rob: Ok, that was the same time that you referred to earlier when

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your dad was there?

Deb: Right, it was the night before we had to move out of that apartment.

Tony: Deb, you stated that you saw Jennifer in the parking lot, at who's apartment?

Deb: At John's apartment.

Tony: And that was the last date that John was to move out of his apartment, is that the date you saw her?

Deb: Yeh.

Tony: Ok, that is the apartment where he now presently resides?

Deb: Ok, we moved from the upstairs apartment downstairs, well, not we, ok it was my apartment over the summer now it is his and we had the apartment upstairs, [REDACTED]

Tony: Which is, apartment ok so

Deb: And it was the day that we had to be out of [REDACTED] and then apartment 1 we had had like from that day to a couple days before.

Tony: So then you were moving from [REDACTED] which was your apartment to apartment 1 when you saw Jennifer last and that was in the parking lot at the apartment building, is that right?

Deb: Right.

Tony: Also, where do you work?

Deb: BroMenn.

Tony: Pardon me?

Deb: Brom Menn.

Tony: Bro Menn.

Deb: Um huh.

Tony: Ok, what is your phone number there at work?

Deb: (looking something up) Well you could call the BroMenn number that is in the phone book and I work in OB.

Tony: OB.

Deb: OB, yea.

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Tony: Ok, you stated that at about 2:00 on the 25th of August which is a Wednesday, that you and John were in was it John's apartment?

Deb: Yes, that was [REDACTED]

Tony: [REDACTED]

Deb: Yea.

Tony: Now did you arrive there together at 2:00?

Deb: No, I got there and he was there. I got off work at 2:00.

Tony: And you got off work at what time?

Deb: I got off work at about 2:00 that day.

Tony: Ok, and you went straight to apartment number?

Deb: [REDACTED]

Tony: [REDACTED], and he was there already?

Deb: Um huh.

Tony: And that is that was your apartment or is your apartment?

Deb: No, it is his apartment.

Tony: It's his apartment, ok, and did he call you at work prior to you getting off work that day or do you recall?

Deb: (Pause), I can't say for sure, he does call me almost every day that I work and I don't remember anything you know so I would imagine that he probably did but I can't say for sure.

Tony: Ok, also, was do you have any knowledge whether or not or did John ever talk to you about his relationship with Jennifer?

Deb: She was an ex-girlfriend of his.

Tony: Had he been seeing her during the time period that you and John been going together?

Deb: No.

Tony: Did you and him ever go out with Jennifer and her friends together?

Deb: Um huh.

Tony: Ok. Where would you go?

Deb: Either his apartment or their apartment, Jennifer's apartment

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um that is pretty much it.

Tony: Did you ever go yourself with Jennifer?

Deb: No. Jen no.

Tony: Ok, did ah does, did you and John ever attend any of the bars downtown in Normal together?

Deb: Um huh.

Tony: Ok, do you recall ever going to bad music night at Rocky's?

Deb: I don't remember ever going to bad music night.

Tony: Ok, do you know what bad music night is?

Deb: Yeh, but I don't even know what I know there was one night that we did go to several bars in Bloomington in Normal and a couple other nights we went to some in Bloomington but I don't remember being bad music I don't remember that I don't know but

Tony: Ok, so you and John would go out with Jennifer at various times together, is that right?

Deb: I didn't go to bars with Jennifer.

Tony: Oh, ok, even if John was with you?

Deb: I can't remember ever being at a bar with her.

Tony: Either with or without John you don't recall?

Deb: No, I have never been anywhere with her without John.

Tony: Ok, has she been anywhere, I am sorry, had John gone with Jennifer to any bars just the two of them, with or without your knowledge?

Deb: I really don't think so.

Tony: Would it be like him to take another girl to a bar or to an outing somewhere or?

Deb: And not tell me no, I mean I could see him maybe going over and seeing her but he would you know he would tell me if he did which wasn't, you know I am sure he didn't do it alot, but he may have gone over and seen her some time but he would have told me.

Tony: Ok, if he were go over to see her would he let you know in advance or would he come and tell you after he would see her?

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Deb: Probably tell me in advance, usually I would know I mean I was around him constantly, I'd know, I knew when she called, I knew

Tony: Would you have any problems if he wanted to take her out?

Deb: Well it would depend on how he is taking her out, if he just wanted to go to a bar with her some evening, probably not, but if he said it like that, that he wants to take her well yeh.

Tony: Ok, and you and John have been seeing each other for about 9 months is that is that correct?

Deb: Yeh.

Tony: Ok, I don't have anything else Rob do you have anything?

Rob: Is there anything else that you wish to add at this time?

Deb: Well, I don't know if this, I don't want to waste you guys time but we saw, I was with John yesterday and we saw Beaman at registration at school and John was talking to him you know just for a few minutes and he was John was like well what happened or something and he said it was, he was just like he acted like it didn't matter and he said that Swaine has to wear she was seeing Swaine now so Swaine has to wear black for a year is what he said which was strange because he was so obsessed with her before and now heres I mean I don't know, you know I don't want to be like accusing someone or saying something like that, I am just telling you that I mean John and I do both think he did it and you know I understand that you have to check everyone out and all this but you know, that was just, I don't know if you talked to John about that already but maybe you might want to talk to him about it when he talked to

Rob: Did you hear that statement yourself or is that what John?

Deb: No, John told me, John told me I just came up and saw those guys sitting there.

Tony: So you understand that conversation to be about how strange it would be that Alan Swaine would have to wear black for a year, and not I am sorry

Deb: Well that he would put it that way,

Tony: Michael Swaine.

Deb: that he didn't even act like he was upset about I mean, if someone just killed my boyfriend, I would be like someone is going to pay for this, I would be like I can't you know, I wouldn't just say oh well, someone else is going to have to pay, wear black for a year, I mean I think that is a strange reaction

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Tony: Did you state last time you were in here talking with us which was September the 3rd, did you tell us then that Joe, you had talked to Joe who is John's brother in regards to the death of Jennifer?

Deb: John talked to Joe and then he called me after that.

Tony: Joe did or John?

Deb: John called me and told me about it, I don't think I haven't really talked to Joe, I can't remember talking to Joe about this no.

Tony: Ok. Anything else Rob?

Rob: No, is there anything else you wish to add then?

Deb: No.

Rob: Ok, this interview is now concluding it's 1:13 p.m. on September 8th, 1993.

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APPENDIX 002570

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IN THE CIRCUIT COURT  
 FOR THE ELEVENTH JUDICIAL CIRCUIT  
 McLEAN COUNTY, BLOOMINGTON, ILLINOIS

THE PEOPLE OF THE STATE OF ILLINOIS,  
 Plaintiff-Respondent,  
 vs.  
 ALAN W. BEAMAN,  
 Defendant-Petitioner.

No. 94 CE 476  
**FILED**  
 AUG 10 2005  
 McLEAN COUNTY  
 CIRCUIT CLERK

HEARING ON SECOND VERIFIED AMENDED PETITION FOR  
 POST-CONVICTION RELIEF  
 TRANSCRIPT OF PROCEEDINGS

BE IT REMEMBERED and CERTIFIED that on, to wit:  
 the 15th day of December, 2004, the following proceedings  
 were held in the aforesaid cause before The Honorable  
 JEFFREY B. FORD, Associate Circuit Judge.

APPEARANCES:  
 MR. MARK MESSMAN                      MR. DOMINIC SALVATI  
 Assistant State's Attorney            Assistant State's Attorney  
 On behalf of the People                On behalf of the People

MR. JEFFREY URDANGEN                MS. KAREN DANIEL  
 Attorney at Law                        Attorney at Law  
 On behalf of the Defendant            On behalf of the Defendant

MS. JACQUELINE JOHNSON  
 Pursuant to Supreme Court Rule 711  
 On behalf of the Defendant

Amy Jennings, CSR, RPR  
 Official Court Reporter  
 IL CSR No. 084-004135

C07820

Plaintiff's Exhibit No. 30

1 get an order and eat a Belgian waffle? Probably about an  
2 hour.

3 Q. All right. And where did you proceed after that?

4 A. And then I took her directly back to Independence  
5 Village.

6 Q. All right. Directing your attention to this  
7 slide, can you tell me what that represents?

8 A. Okay. Just north of The Atrium on Alpine is  
9 Independence Village. It's probably maybe two miles north  
10 there. So that's the route that we would take back to  
11 Independence Village.

12 Q. All right. Now when you arrived back at  
13 Independence Village with your mother, what did you do upon  
14 arriving at the building?

15 A. Well, because she has some difficulty walking, she  
16 wouldn't walk with me from the parking lot. It would have  
17 been too tiring to do. So I would drive -- there is an  
18 overhang there at the entrance to the -- to Independence  
19 Village, and I'd drive into that area, get her out of the  
20 car and seat her on a bench next to the entrance, and then  
21 go park my car and then go back and take her on into  
22 Independence Village and sign her in.

23 Q. So, is it possible that you could have simply  
24 dropped her off and someone who worked at Independence

1 Village might have taken her in --

2 A. No.

3 Q. -- for you?

4 A. No.

5 Q. Directing your attention to the next slide, could  
6 you, Mrs. Beaman, tell me what this represents?

7 A. This is the sign-in sheet at Independence Village.  
8 The, what is it, fourth name down there says "Chris Gray."  
9 That's my mother. Shows the sign-out time at 7:30. There  
10 is a little crossover there, but if you look at it you see  
11 the one before that was 7:30 and the next one is 8:00. So  
12 7:30. And then the time in was 10:00.

13 Q. Now, the sign-in time, at what point would you  
14 have signed that sign-in sheet?

15 A. As we entered the building after I parked the car  
16 and everything.

17 Q. And after you entered the building with your  
18 mother, what did you do then?

19 A. Sign her in and then take her back to her room.  
20 And then really later we -- and I -- I'm not sure how to say  
21 this, but later we got to thinking about that, and Wednesday  
22 was the day that I set up her medicine. And since she had a  
23 blood draw, I wouldn't have done it sooner, so I stayed and  
24 set up her medicine.

1 Q. Now, at this time, was anyone living with your  
2 mother in her apartment?

3 A. Yes, we had a lady living with her. As I said,  
4 she didn't -- my mother didn't really fit the independence  
5 part. We didn't know how much my father had covered for her  
6 over the years before he died. But we had a lady who had  
7 given up her home and was on a high-rise list and was quite  
8 far down on the list. She happened to be a family friend,  
9 and she agreed to go and stay with my mother and just kind  
10 of be her reminder. You know, it's time to go to dinner;  
11 it's time to take your medicine; don't forget to put your  
12 clothes on before you go out in the hall; you can't go out  
13 in your robe. And that sort of thing.

14 Q. What was this lady's name?

15 A. Gay Geezer (phonetic)

16 Q. Was one of Ms. Geezer's (phonetic)  
17 responsibilities to set up medicine for your mother?

18 A. No. She was not a nurse, and it was not her  
19 responsibility to set up the medicine. Only to remind my  
20 mother to take it and point her in the right direction.

21 Q. So, from the time that you signed in your mother  
22 at 10:00 until you got her to her room, completed setting up  
23 her medicines, can you estimate for us how long that would  
24 have taken?

1 A. Probably 20 to 30 minutes.

2 Q. All right. And if Ms. Geezer (phonetic) had been  
3 at the apartment -- well, do you know -- actually, do you  
4 remember whether Ms. Geezer (phonetic) was at the apartment  
5 when you arrived there?

6 A. No, I don't. And it wouldn't have been necessary  
7 for her to be there. Our agreement with her was that she  
8 needed to be there at mealtimes to make sure my mother got  
9 to the right place. That she needed to be there in the  
10 evening, at bedtime and everything. She did stay there, but  
11 she pretty much had her own life to live, too. And she had  
12 volunteered at a lot of activities there at the Village and  
13 was involved in various activities there. So -- and she  
14 knew my mother was with me, so there was no reason for her,  
15 one, to know when I would return with my mother or, two, to  
16 really be concerned about it until noontime.

17 Q. If she had been there, would that have shortened  
18 the time that you would have been able to spend with your  
19 mother?

20 A. It might have lengthened it, because we might have  
21 discussed what was going on as far as the doctor's  
22 appointment and that sort of thing.

23 Q. After you left your mother's apartment, where did  
24 you go next?

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1           A.    The next step was -- the next stop was to go  
2 shopping at the Wal-Mart directly across the street from  
3 Independence Village.

4           Q.    And what was your agenda for the rest of that day  
5 after having taken care of your mother?

6           A.    My agenda for the rest of the day basically was to  
7 make sure I got home by suppertime to fix supper. And in  
8 the evening we were going to take my mother to an ice cream  
9 social at church.

10          Q.    Did you have particular errands that you needed to  
11 do?

12          A.    Yeah. This was the last day before I was really  
13 committed for school. Thursday and Friday I was going to be  
14 in a seminar all day. Saturday my in-laws were due in from  
15 Florida, and then Monday we were back on the school routine.  
16 So I was trying to get a number of things done during that  
17 time, because I knew I wouldn't have time to do them after  
18 that.

19          Q.    And, specifically, what were your shopping  
20 activities geared toward?

21          A.    Well, at the time I was in graduate school as well  
22 as teaching full time, and I was in the thesis part of my  
23 graduate work. And my students were going to be doing a  
24 project the next year related to that, an action research

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1 THE COURT: Not right now.

2 Q. (By Ms. Daniel) Okay. Going to the next slide,  
3 can you tell me what that depicts?

4 A. This is the Wal-Mart receipt from that day, August  
5 25th. Shows a check-out time of 11:10:34.

6 Q. All right, now, how often prior to that time had  
7 you shopped at this particular Wal-Mart?

8 A. I'm not exactly sure when that Wal-Mart opened,  
9 but it was a fairly new store at the time. Because of its  
10 proximity to my mother's apartment, I probably had been  
11 there more often than I might have otherwise, but not a lot  
12 of times. I'm not a shopper.

13 Q. So, would you say you were quite familiar with  
14 that Wal-Mart? Unfamiliar with it?

15 A. Sort of familiar with it.

16 Q. All right. Just going through the individual  
17 items, could you tell us what the copy paper was for?

18 A. Because school was starting the following week, I  
19 wanted to get a head start on some of the things that I  
20 needed. One was a syllabus for my students. And so I have  
21 a copy machine at home, and I was just buying a ream of  
22 paper to make sure I could get that syllabus copied off.

23 Q. What department would you have found that in?

24 A. In the stationery or paper supplies.

1 Q. I see two items described as poster frames.

2 A. Right.

3 Q. What would those have been for?

4 A. I like to decorate my classroom with posters, and  
5 so I was looking for some frames that I could use to put  
6 those posters in. Because if I don't put them in frames,  
7 the students deface them.

8 Q. So, choosing the frames, what would that have  
9 entailed?

10 A. Trying to find out if they were, one, cheap enough  
11 to afford, and, two, if they were light enough to fit on my  
12 walls at school, and, three, if they were big enough to hold  
13 the posters I had in mind.

14 Q. Do you know exactly what size you needed?

15 A. Not really. I was kind of -- I need a big one,  
16 and I need a medium one.

17 Q. Did you compare various poster frames?

18 A. Yes, I did.

19 Q. The magazine holders, could you describe what  
20 those were for?

21 A. Those are those plastic magazine holders that fit  
22 in a three-ringed binder. I had some magazines that I had  
23 gotten. My *Math Teacher* magazine and *Education Leadership* I  
24 wanted to put in those -- in the three-ringed binder just to

1 organize them.

2 Q. And where were those located?

3 A. Those are in the paper supply area, also.

4 Q. All right. And then, finally, I see two pairs of  
5 Rustlers.

6 A. Jeans.

7 Q. Jeans.

8 A. Uh-huh.

9 Q. Could you describe what those were?

10 A. Those were for Alan. He wanted some -- it was  
11 very hard to buy for him when he wasn't there. First of  
12 all, his size was unusual, because he was very skinny then.

13 Secondly, they couldn't be too dark. They had to  
14 be faded faded, because he didn't want anyone to know he had  
15 new jeans. He's laughing because I said that.

16 And they had to fit over the boots he wore in the  
17 theater, so -- but they couldn't be wide legged and they  
18 couldn't be straight, narrow legged. They had to be bootcut  
19 leg and that sort of thing.

20 Q. So what did all of that mean for your selection  
21 process in choosing the jeans?

22 A. It was hard to find the right thing.

23 Q. Were you able to look at it, fold it up and put it  
24 in the --

1

A. No, no.

2

Q. -- cart?

3

A. Once I found the right size, I'd have to hold them up and look and see do I think he'll accept this?

4

5

As an aside, he didn't, and I had to take them back.

6

7

Q. While you were at this Wal-Mart, did you do any shopping or browsing that did not result in an actual purchase?

8

9

10

A. I can't honestly say that I did, but I also can't honestly say that I didn't. It would be normal for me,

11

12

particularly at that stage of the year, to have wandered around a little bit. One, I taught math, and our students

13

14

used calculators. Not that I necessarily agree with that, but they do. And I wanted them to have specific kinds, so

15

16

I -- or a specific style, I should say. So whenever I was in a store that time of year, I would check the sales to see what kind of prices, so I could give them some idea of where they might find it at a reasonable price.

19

20

The other thing is because I'm not necessarily a shopper, when I do go shopping and have the time I want to have some idea what other things are available.

22

23

I was also looking for the materials for my -- the spiral notebooks, and the pocket folders for my thesis

24

1 well?

2 A. Yes. Alan was singing and playing the guitar, and  
3 Mitch was accompanying him on keyboard. So they would have  
4 needed practice.

5 Q. By the way, approximately how long does it take to  
6 drive from that Wal-Mart to your home?

7 A. Well, it's very close to my mother's house, so I  
8 would allow about a half hour. But I would think somewhere  
9 in the range of 21, 22 minutes to a half hour, depending on  
10 traffic.

11 Q. Did you have any pets living at your home at that  
12 time?

13 A. We had two dogs at the time.

14 Q. Would there have been a reason for you at that  
15 time in the morning to drive back to your house to attend to  
16 your dogs to let them out in the yard?

17 A. No, no. They were used to being home alone. They  
18 were locked into our kitchen. They were paper trained.  
19 They were used to being there all day by themselves, so  
20 there was no reason to go home and let them out. And,  
21 besides, I expected Alan to be home sometime during that  
22 morning between 9:00 and 11:00, and he would have let them  
23 out.

24 Q. Is it possible that you might have driven home to

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

ALAN BEAMAN, )  
 Plaintiff, )  
 vs. ) Case No. 10-CV-1019  
 JAMES SOUK, et. al, )  
 Defendants. )

The videotaped deposition of ROBERT A. HOSPELHORN, taken in the above-entitled cause, before RHONDA K. O'NEAL, CSR, RPR, on the 17th day of December, 2012, at the Bloomington-Normal Marriott Hotel and Conference Center, 201 Broadway Street, Normal, Illinois, at the instance of the Plaintiff, pursuant to Notice at the hour of 10:16 a.m.

Reported by: Rhonda K. O'Neal, CSR, RPR

License No: 084-004158

1

McCorkle Litigation Services, Inc.  
 Chicago, Illinois (312) 263-0052

C07966  
 Plaintiff's Exhibit No. 31

APPENDIX 002582

1 August 23?

2 A. I don't remember.

3 Q. Now, is it your understanding that some of  
4 the interactions between you and Daniels and Beaman  
5 were captured on audiotape and some were not?

6 A. I believe so, yes.

7 Q. Okay. As to those portions of the  
8 interaction that we don't have a transcript for  
9 because they weren't taped, do you have any  
10 recollection of anything that happened?

11 A. No.

12 Q. Is there anything at all that you could  
13 testify about as to what Daniels said, what you said,  
14 what Beaman said in the unrecorded portion of the  
15 interview that you had with Beaman on August 28?

16 A. No.

17 Q. As a result of your interview with Beaman on  
18 August 28, the one you did with Daniels, did you  
19 and/or Daniels form any suspicion as to whether  
20 Beaman might be guilty of murdering Jennifer  
21 Lockmiller?

22 MR. DiCIANNI: I'll object to foundation as  
23 to Daniels.

24 THE WITNESS: No.

77

1 any investigator to identify persons with whom  
2 Lockmiller had had contact over the course of the  
3 summer with an eye to determining whether any of  
4 those individuals might have been responsible for her  
5 murder?

6 A. I guess there's people that come up on  
7 interviews, I think, that were contacted. I don't  
8 remember specific names or times.

9 Q. Okay. So there are some people in that  
10 category who were reflected in your reports, right,  
11 who you interviewed?

12 A. Correct, correct.

13 Q. And then let me ask you this. Did any  
14 investigator, to your knowledge, pull the lists of  
15 the classes that Lockmiller had been involved in, the  
16 enrollment lists, to ascertain whether there might be  
17 some individual that she'd been in a class with who  
18 might have been responsible for her murder?

19 A. Not to my knowledge.

20 Q. Was any effort made to investigate people  
21 that Lockmiller might have encountered at the college  
22 newspaper, The Vidette, I think it's called?

23 A. Not to my knowledge.

24 Q. Was any effort made to investigate

99



1

Plaintiff's Exhibit No. 32

**ILLINOIS STATE POLICE**  
*Division of Forensic Services*

George H. Ryan  
*Governor*

Sam W. Nolen  
*Director*

July 17, 2000

Ms. Juliet Yackel, Attorney at Law  
 53 West Jackson Boulevard, Suite 1515  
 Chicago, Illinois 60604

Dear Ms. Yackel:

Re: Laboratory Case #P93-2654, Court Case #94CF476

In response to the McLean County Subpoena Duces Tecum, dated July 13, 2000, I have enclosed all reports, notes and data relating to the polygraph examination attempted with Mr. Larbi John Murray on September 30, 1993. We have no information in our case file to indicate Mr. Murray was ever tested, or attempted to be tested, by any other Illinois State Police polygraph examiner.

If you have any questions regarding this material, you may contact Polygraph Examiner Terry McCann directly at 309-284-6500. Please note this is our new telephone number.

Sincerely,

George A. Whitlatch  
 Laboratory Director

GAW:i  
 Enclosures  
 cc: McLean County State's Attorney's Office

Forensic Sciences Command  
 Forensic Science Laboratory  
 1810 South Main • Morton, IL 61550-2983 • (309) 284-6500  
 1 (800) 255-3323 (TDD)

C08162

AB019629

APPENDIX 002585



ILLINOIS STATE POLICE  
*Division of Forensic Services & Identification*

Jim Edgar  
 Governor

October 5, 1993

Terrance W. Gainer  
 Director

Detective David Warner  
 Normal Police Department  
 100 East Phoenix  
 Normal, Illinois 61761

Laboratory #P93-2654

NATURE OF INVESTIGATION: Homicide  
 SUSPECT: Larbi John Murray  
 VICTIM: Jennifer Lockmiller

REQUEST

At the request of Detective David Warner, the above listed suspect was to have been examined by the Polygraph Detection of Deception Technique at the Bureau of Forensic Sciences in Morton, Illinois, on September 30, 1993.

NATURE OF INVESTIGATION:

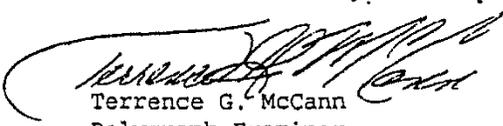
The purpose of this polygraph examination was to investigate whether the above listed subject was involved in the strangulation death of Jennifer Lockmiller on or about August 25, 1993.

RESULTS:

During the course of the examination, the subject denied strangling Jennifer Lockmiller and denied having any knowledge regarding who did.

Throughout the course of his polygraph examination, the subject did not follow specific directions given to him which are necessary for the proper completion of a polygraph examination. After being advised several times to follow directions, the subject informed this examiner that he was not able to comply. Subsequently, the subject was dismissed from this laboratory.

Respectfully submitted,

  
 Terrence G. McCann  
 Polygraph Examiner

TGM:d

C08163

Bureau of Forensic Sciences  
 Forensic Science Laboratory  
 1810 South Main • Morton, IL 61550-2983 • (309) 263-7491 AB019630  
 1 (800) 255-3323 (TDD)

APPENDIX 002586

ELEVENTH JUDICIAL CIRCUIT  
McLEAN COUNTY, ILLINOIS

PEOPLE OF THE STATE OF )  
ILLINOIS, )

Plaintiff, )

-vs-

No. 94-CF-476

ALAN W. BEAMAN, )

Defendant. )

THE DISCOVERY DEPOSITION OF TIMOTHY J.

FREESMEYER, taken before Amy S. Powers, Illinois  
CSR 084-003053, RPR 038540, a Notary Public, on  
Monday, the 22nd day of November 2004, commencing  
at the hour of 2:15 p.m., at 130 South Lafayette  
Street, in the City of Macomb, County of  
McDonough, and State of Illinois.

CIRCUIT WIDE REPORTING  
Suite 316 Hill Arcade Building  
Galesburg, Illinois 61401  
(309) 343-3376 \* 1-800-342-DEPO

C08210

Plaintiff's Exhibit No. 34

**PRESENT:**

MARK D. MESSMAN, ESQ., and  
 DOMINIC SALVATI, ESQ.,  
 Law & Justice Center  
 104 West Front Street, Room 605  
 Bloomington, Illinois 61702  
 on behalf of the Plaintiff;

JEFFREY URDANGEN, ESQ.,  
 Bluhm Legal Clinic  
 Northwestern University School of Law  
 357 East Chicago Avenue  
 Chicago, Illinois 60611-3069  
 on behalf of the Defendant.

I N D E XWITNESSPAGE

TIMOTHY J. FREESMEYER,	
Examination by Mr. Urdangen	3 - 103
Certificate of Reporter	108 - 109
Signature Page	110

EXHIBITS

No Exhibits

C08211

1 (Witness sworn.)

2 **TIMOTHY J. FREESMEYER,**  
3 having been first duly sworn, was examined and  
4 testified on his oath as follows:

5  
6 **MR. URDANGEN:** Okay. We're here  
7 pursuant to Judge Jeffrey Ford's order on  
8 the discovery deposition of Timothy  
9 Freesmeyer pursuant to the Post-Conviction  
10 Petition and related proceedings in People  
11 versus Alan Beaman, 94-CF-476.

12 My name is Jeff Urdangen. Want to  
13 identify yourselves, please?

14 **MR. SALVATI:** Dominic Salvati,  
15 Assistant State's Attorney with McLean  
16 County, Illinois.

17 **MR. MESSMAN:** Mark Messman,  
18 Assistant State's Attorney.

19  
20 **EXAMINATION BY MR. URDANGEN:**

21 Q. Sir, your name?

22 A. Tim Freesmeyer.

23 Q. Is it Tim or Timothy?

24 A. It's Timothy.

C08212

- 1 Q. Could you spell Freesmeyer?
- 2 A. F-R-E-E-S-M-E-Y-E-R.
- 3 Q. What's your date of birth?
- 4 A. [REDACTED].
- 5 Q. And your occupation?
- 6 A. I am self-employed.
- 7 Q. What is your employment?
- 8 A. I do consulting and training.
- 9 Q. In what area?
- 10 A. Law enforcement, security, and education.
- 11 Q. And you consult with law enforcement
- 12 agencies; is that right?
- 13 A. Yes, sir.
- 14 Q. How long have you been doing that?
- 15 A. Oh, approximately nine years now.
- 16 Q. Okay. And are you aware that you are here
- 17 pursuant to an order by Circuit Judge
- 18 Jeffrey Ford?
- 19 A. Yes.
- 20 Q. And you are aware of the purpose that you
- 21 are here to give a deposition in the Alan
- 22 Beaman matter?
- 23 A. Yes, I am.
- 24 Q. Can you briefly describe your education,

C08213

1 yes.

2 A. I have a bachelor's degree in Physics from  
3 Illinois State University. Graduated in  
4 1998, I believe it was. I have a master's  
5 degree in Business Administration from  
6 Illinois State University. Graduated in  
7 2000. And I'm currently working on a Ph.D.  
8 in Educational Administration through  
9 Illinois State University.

10 Q. All right. Now, you were a -- an officer  
11 for the Normal, Illinois Police Department;  
12 is that right?

13 A. Yes, sir.

14 Q. What were your dates of employment there?

15 A. I started March 12, 1990, and terminated, or  
16 gave my resignation, in I believe it was  
17 August of 2000.

18 Q. August of 2000?

19 A. Yes, sir.

20 Q. Why did you resign?

21 A. I was offered a full-time faculty position  
22 at Northwestern University.

23 Q. In Evanston, Illinois?

24 A. Yes, sir.

C08214

- 1 Q. And what was that position?
- 2 A. It was as Director of Management Training  
3 for the Center for Public Safety.
- 4 Q. How long did you keep that job?
- 5 A. I was there a little over a year.
- 6 Q. Why did that job end?
- 7 A. Living in Chicago just didn't adjust to our  
8 family life. I was commuting two hours each  
9 way. You're from Evanston, so you  
10 understand.
- 11 Q. Were you terminated?
- 12 A. No, I was not. I resigned my position.
- 13 Q. Then what did you do after that?
- 14 A. I came here to Macomb and began working for  
15 Western Illinois University.
- 16 Q. And how long did you stay at that position?
- 17 A. I was there until July 7 of this year.
- 18 Q. And what was your job there?
- 19 A. I was a faculty development coordinator, so  
20 I was responsible for helping integrate  
21 technology into higher education.
- 22 Q. And did you resign, or were you terminated?
- 23 A. I resigned my position.
- 24 Q. And why was that?

C08215

1 A. To start my own business and run my own  
2 corporation.

3 Q. And before you were in law enforcement --  
4 before you were on the Normal P.D., were you  
5 in law enforcement before that?

6 A. I was in corrections. If you deem that law  
7 enforcement, I was in corrections --

8 Q. What were your positions in corrections?

9 A. I started in 1987, I believe it was, with  
10 the Arizona Department of Corrections  
11 working in the state prison in Florence,  
12 Arizona. Took a couple of separate  
13 positions. I was moved to a minimum custody  
14 work camp in Picacho Peak, Arizona, and then  
15 back to Florence.

16 And then in 1988 returned to the  
17 state of Illinois, which was my location of  
18 birth, and began working for the Champaign  
19 County Sheriff's Department as a  
20 correctional officer.

21 Q. So when were you assigned to the Alan Beaman  
22 investigation?

23 A. Would have been the day that her body was  
24 found. It was in August of 1993, but I

CIRCUIT WIDE REPORTING \* 1-800-342-DEPO

7  
C08216

APPENDIX 002593

1 don't remember the exact date. I want to  
2 say maybe the 25th or the 28th.

3 Q. Okay. So you were initially assigned with  
4 what officers?

5 A. I was the on-call -- I was the detective on  
6 duty at the time her body was found. I was  
7 actually on duty at the time in the  
8 Detective Division, so I responded to the  
9 scene.

10 Q. And what was your rank at the time?

11 A. I was a detective.

12 Q. And who were you working with as that  
13 investigation proceeded?

14 A. You mean who else was in the Detective  
15 Division?

16 Q. Who worked with you on the case?

17 A. It would have been Dave Warner, Tony  
18 Daniels, Rob Hospelhorn, Frank Zayas.

19 Q. Can you spell Zayas, please?

20 A. Z-A-Y-A-S.

21 Q. Maybe you should spell Hospelhorn too.

22 A. H-O-S-P-E-L-H-O-R-N.

23 Q. Anyone else?

24 A. Well, there were a host of patrol officers.

C08217

1 I can't tell you offhand exactly which ones  
2 were right at the scene.

3 Q. Where was your office, what building, at the  
4 time of the murder, on the date of the  
5 murder?

6 A. The same place where the current police  
7 department is located.

8 Q. All right.

9 A. It's on Phoenix Avenue.

10 Q. And that's where you worked out of, you,  
11 yourself?

12 A. Yes.

13 Q. At some point did you move your office  
14 location?

15 A. After the arrest in the case, towards the  
16 last two months prior to trial, I began  
17 working out of the state's attorney's  
18 office.

19 Q. And why was that?

20 A. The last two months --

21 Q. Why was that?

22 A. Because most of my time was spent working  
23 with James Souk and Terry Demmick  
24 (phonetic). It was senseless to be driving

- 1 back and forth. I just simply reported  
2 straight to the state's attorney's office.
- 3 Q. Did any other detectives working on the case  
4 move their offices?
- 5 A. Not that I'm aware of.
- 6 Q. Why were you the only one that moved your  
7 office, if you know?
- 8 A. I was the lead investigator, if you want to  
9 call it that, towards the end of the case.
- 10 Q. When did that status begin?
- 11 A. I couldn't tell you for sure.
- 12 Q. Approximately.
- 13 A. As people began to drift off the case.
- 14 Sir, you're asking me to put a  
15 date on when a position that gradually  
16 evolved became effective. I can't put a  
17 date on that.
- 18 Q. Okay. Now, during the -- from the beginning  
19 of this investigation and as it proceeded to  
20 trial, did you have input from other  
21 detectives?
- 22 A. Yes.
- 23 Q. And did those include Tony Daniels? C 8219
- 24 A. Yes.

1 Q. Did you -- did Tony Daniels ever discuss  
2 with you his views of the case?

3 A. Yes.

4 Q. Did he discuss with you his views of the  
5 weight of the evidence against Mr. Beaman?

6 A. We had many open meetings. It was not a  
7 conversation strictly between Tony Daniels  
8 and I.

9 Q. Were you and Daniels ever in disagreement  
10 about whether or not the evidence against  
11 Beaman was sufficient to indict?

12 A. Would you clarify what you mean by  
13 disagreement? I mean, are you talking  
14 completely at odds, or just skeptical as to  
15 whether we had enough evidence or not?

16 Q. Were you ever skeptical?

17 A. No, I was not.

18 Q. Was Daniels ever skeptical?

19 A. Yes, he was.

20 Q. Did you have a good working relationship  
21 with Tony Daniels throughout this  
22 investigation?

23 A. No, I did not.

24 Q. Okay. Did at some point -- can you isolate

C08220

1 the time that it started to go bad?

2 A. No, sir, I can't isolate the time. I can  
3 just -- no, I can't.

4 Q. Well, would that have been in the first  
5 month of the investigation?

6 A. No, I don't think so. I believe it would  
7 have been more into the sixth or the ninth  
8 month of investigation just prior to arrest.

9 Q. What was the nature of -- why do you  
10 characterize it as not good during that time  
11 period?

12 A. Tony was my original FTO when I came on the  
13 police department in 1990. He was my first  
14 trainer. He was a personal friend. We had  
15 been friends for a long time. And for some  
16 reason when Tony was taken off as the lead  
17 investigator and I took more of an active  
18 role as a lead investigator would, we  
19 started to drift apart.

20 Q. Was there a professional disagreement?

21 A. What do you mean professional disagreement?

22 Q. I can't define it for you, sir. I'll let  
23 you use your own definition.

24 A. I can tell you he did not feel we had enough

C08221

1 evidence to convict. I felt we did.

2 Q. Was he the only officer who felt that way on  
3 the police force?

4 A. I don't know. I can't answer for everybody  
5 else on the police force, Mr. Urdangen.

6 Q. Ur-dang-en.

7 A. Ur-dang-en.

8 Q. Were you aware of any other officers having  
9 similar feelings as Tony Daniels on the  
10 weight of the evidence?

11 A. No. And I can tell you that prior to the  
12 arrest we held one very large meeting asking  
13 if anybody had outstanding issues they  
14 wanted to bring up, and everybody was in  
15 agreement on the arrest prior to the arrest,  
16 including Tony Daniels.

17 Q. Tony Daniels was in agreement that there was  
18 probable cause for arrest?

19 A. He was in agreement that we should go ahead  
20 and make the arrest.

21 Q. Was he in agreement that there was probable  
22 cause for arrest?

23 A. I can't tell you that, sir. I can tell you  
24 before we made the arrest we had one final

1 meeting prior to the arrest and everybody  
2 involved in the case had an opportunity to  
3 give their input.

4 Q. And how many people there specifically said  
5 they thought there was probable cause for  
6 arrest?

7 A. I -- again, I believe it was unanimous.

8 Q. Okay.

9 A. 'Tony Daniels' expressions at that point were  
10 that he did not feel we would have enough to  
11 convict, not that we did not have enough  
12 probable cause to arrest. That was my  
13 understanding.

14 Q. What did James Souk say at that meeting  
15 about the weight of the evidence?

16 A. I can't tell you what he said. I can tell  
17 you that we were in agreement that it was  
18 enough for the arrest.

19 Q. Okay. In any of your corrections jobs or  
20 with the Normal Police Department, were you  
21 ever disciplined in connection with your  
22 professional activities?

23 A. I don't believe so.

24 Q. You're not sure?

1 A. I believe I had -- I'm sorry, I had a  
2 write-up one time because I was using the  
3 computer to do an Excel spreadsheet instead  
4 of being out on patrol. I think that was  
5 the extent of my discipline, sir.

6 Q. Were you ever sanctioned for brutality or  
7 dishonesty in any way?

8 A. No, sir.

9 Q. As a guard either?

10 A. No, sir.

11 Q. Ever dismissed, fired, or terminated from  
12 any job?

13 A. No, sir.

14 Q. Who was your supervisor at Northwestern  
15 University?

16 A. My direct supervisor was Cameron Fisher.  
17 Ron, he goes by Ron.

18 Q. Now, insofar as this deposition is  
19 concerned, have you prepared by reviewing  
20 materials before getting -- in between the  
21 time you heard from me and today?

22 A. I've reviewed the motion that you sent.

23 Q. The motion?

24 A. This is the only information that I've

1 received from either yourself or from the  
2 state's attorney's office, and I have read  
3 through that (indicating).

4 Q. So you're referring to documents entitled  
5 "Second Verified Amended Petition For  
6 Post-Conviction Relief"?

7 A. Yes.

8 Q. That's what it says, right?

9 A. Yes.

10 Q. And is that the extent of the materials that  
11 you reviewed from the time that you first  
12 spoke to me until today?

13 A. Yes, it is.

14 Q. Now, I want to show you -- well, I sent you  
15 an e-mail on October 22nd of this year in  
16 which I said, You may wish in the next 30  
17 days to prepare for these proceedings by  
18 reviewing all of your testimony and reports.  
19 Certainly the prosecutor will furnish these  
20 materials to you in a timely manner. Do you  
21 remember getting that e-mail?

22 A. Yes.

23 Q. Okay. Did you ask -- did you look for your  
24 own materials?

- 1 A. No, I don't have any of my own materials,  
2 sir.
- 3 Q. When you and I spoke on the phone, you  
4 talked to me -- I think you referred to  
5 binders that you hadn't reviewed for awhile.  
6 Do you remember that expression?
- 7 A. Yes.
- 8 Q. Okay. What binders were you referring to?
- 9 A. Those were binders that became the official  
10 case notes that were submitted to the  
11 Records Section of the Normal Police  
12 Department.
- 13 Q. Okay. And why did you not -- or did you ask  
14 Mr. Messman for materials and testimony?
- 15 A. No, sir, I did not.
- 16 Q. Why not?
- 17 A. Because I had many other things going on and  
18 I did not have the time to sit down and read  
19 through many stacks of binders in this case.  
20 You simply said you wished. There was not a  
21 court order that I had to go back and review  
22 all that material, sir.
- 23 Q. And do you feel that that's appropriate to  
24 come into a deposition without having

1 prepared by reading any of the prior  
2 materials?  
3 A. Sir, I've read what your Petition for  
4 Post-Conviction Relief is.  
5 Q. Do you feel satisfied that you've done all  
6 you can to prepare for this deposition?  
7 A. Sir, I've never had a deposition like this  
8 before. I don't know what questions you're  
9 going to ask me. You did not forward a list  
10 of questions to me that you were going to  
11 ask; so, therefore, to sit and read all of  
12 the material from that 18-month  
13 investigation is a shot in the dark. I have  
14 many other things I have to get done.  
15 Q. How about your testimony, did you think it  
16 would have been helped you to review your  
17 grand jury testimony?  
18 A. It -- it may have, sir.  
19 Q. Do you think it would have helped you to  
20 review your trial testimony?  
21 A. Yes, it probably would have.  
22 Q. Did you ever ask Mr. Messman for copies of  
23 those materials?  
24 A. No, sir, I did not.

1 Q. Have you reviewed the deposition transcript  
2 of James Souk?  
3 A. No, I have not.  
4 Q. Did you know he was deposed?  
5 A. Yes, I did.  
6 Q. How did you know that?  
7 A. I spoke with Mr. Souk on the phone.  
8 Q. When did you speak with him on the phone?  
9 A. It was before you contacted me. It was  
10 after the last court hearing was postponed.  
11 Mr. Souk called to let me know that the  
12 court case had been postponed.  
13 Q. And how many times had you talked to Souk in  
14 the six months before that phone call?  
15 A. I might have talked to him one other time.  
16 Q. Approximately when was that?  
17 A. It would have been after I found out that  
18 the court -- the case was going back to  
19 court. So it probably would have been close  
20 to six months prior to that. I don't  
21 remember the exact date, sir.  
22 Q. Okay. Well, how many times have you spoken  
23 to James Souk, if any, since I spoke to you  
24 on October 22?

1 A. I believe just the one time.

2 Q. I can tell you that the court hearing was  
3 postponed prior to October 22, the date you  
4 and I spoke on the phone.

5 A. Okay. Then I may not have spoke to him  
6 since then.

7 Q. Are you sure?

8 A. I spoke to him one time after the court case  
9 was postponed to find out what had happened,  
10 and he told me that it had been postponed.

11 Q. Did you inform James Souk that you were  
12 going to be deposed?

13 A. I don't believe so.

14 Q. Are you sure?

15 A. I don't -- no, I'm not sure.

16 Q. Well, could you please think about that. I  
17 asked -- it was one month ago that you were  
18 given notice of this deposition. Do you  
19 want to take a minute to think about whether  
20 or not you've discussed this with Souk since  
21 then?

22 A. I don't believe I have in the last month.  
23 I've been out of town quite a few of those  
24 weeks, so I don't believe I have.

C08229

- 1 Q. Okay. And how many times have you spoken to  
2 Mr. Messman in preparation for this  
3 deposition?  
4 A. I know at least twice, possibly three times.  
5 Q. Did you review any documents during those  
6 conferences?  
7 A. No.  
8 Q. Okay. Insofar as the Alan Beaman case is  
9 concerned and your work on that case, was  
10 that the most high profile case that you  
11 worked on in your career as a law  
12 enforcement officer?  
13 A. Yes, it was.  
14 Q. Okay. And did it have the most media  
15 coverage of any case that you ever worked  
16 on?  
17 A. I believe so.  
18 Q. And were the most resources devoted to that  
19 prosecution than any case you've ever worked  
20 on?  
21 A. Yes.  
22 Q. Had you ever been a lead investigator in a  
23 murder case prior to that?  
24 A. No.

CIRCUIT WIDE REPORTING \* 1-800-342-DEPO 21

C08230

APPENDIX 002607

1 Q. Fair to say it was a memorable case for you?

2 A. Yes, it is.

3 Q. But you did not -- I think you said earlier  
4 that you do not -- you're not in possession  
5 of your own records of this case?

6 A. No, sir, I'm not.

7 Q. You don't have any of your own original  
8 reports?

9 A. No, I don't.

10 Q. Or copies?

11 A. No.

12 Q. Or notes?

13 A. No.

14 Q. When you left the Normal Police Department,  
15 did you put those documents and materials in  
16 storage?

17 A. No, sir.

18 Q. What did you do with them?

19 A. I did not take anything from the police  
20 department when I left. Any reports that I  
21 had, which would have been evidence in any  
22 case, went to the Records Section. And  
23 anything else that I had was destroyed when  
24 I left.

1 Q. So your handwritten notes and memos were  
2 destroyed?

3 A. Oh, yes. Those were destroyed after I  
4 transcribed them into my report.

5 Q. Have you ever written about this case since  
6 you left the police department?

7 A. No, sir.

8 Q. Have you ever spoken publicly about it?

9 A. No, sir.

10 Q. Have you kept up with the developments in  
11 this case?

12 A. No, sir.

13 Q. Why not?

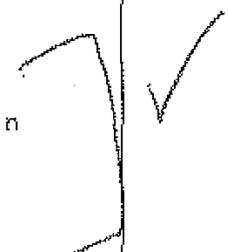
14 A. I'm not interested in keeping up with the  
15 developments of it. That was ten years ago.  
16 I'm no longer in law enforcement. I've  
17 moved on with my life. I have no desire to  
18 go back and relive those 18 months of  
19 investigation.

20 Q. Not interested in the most important case in  
21 your career and how it's developed?

22 A. No, sir.

23 Q. You in that period of time, have you -- let  
24 me rephrase that, please.

C08232



1                   We spoke earlier about Tony  
2                   Daniels and disagreements about weight of  
3                   the evidence and sufficiency of probable  
4                   cause. Do you remember those questions?  
5           A.    Uh-huh.  
6           Q.    You've got to answer out loud.  
7           A.    Yes. Yes, I do.  
8           Q.    Has anything that's developed during that  
9                   time or since ever caused you to re-examine  
10                  your views about the outcome of this case?  
11           A.    I've been contacted by friends who have seen  
12                  articles in *The Pantagraph*, and they'll send  
13                  me an e-mail with the link to *The Pantagraph*  
14                  article. And some articles I'll read, and  
15                  some articles I'll totally disregard and not  
16                  read. And this has caused me to think about  
17                  the case.  
18           Q.    Has it caused you to re-examine your views  
19                  about Alan Beaman's guilt?  
20           A.    It's caused me a lot of time thinking about  
21                  the case. I have never wavered on my belief  
22                  that Alan Beaman's guilty of that murder.  
23           Q.    And finally, did you read the appellate  
24                  court's opinion with confirming Alan

1 Beaman's conviction?

2 A. No, sir.

3 Q. You didn't?

4 A. No. Mr. Urdangen, you seem to look  
5 surprised that I'm not interested in this  
6 case. I've moved into a completely separate  
7 part of my life now. I'm no longer in law  
8 enforcement. I moved to a quiet town to  
9 raise my family.

10 Q. Sir, your comments about how I'm looking is  
11 just taking up time. I'll ask the  
12 questions, you can give the answers, and I  
13 think that will get us out of here in a more  
14 efficient light.

15 Did you know that there was a  
16 40-page dissent in that appellate court  
17 opinion?

18 A. I knew that there was a dissent.

19 Q. And did you know that the presiding justice  
20 who was the dissenter said it's impossible  
21 to identify any evidence which firmly  
22 supports defendant's guilt in this case?

23 A. I believe that I read that in your Petition  
24 for Post-Conviction Relief.

C08234

- 1 Q. And what is your response to that?
- 2 A. Everybody is entitled to their opinion, sir.
- 3 Q. What formed your view, what's the single
- 4 most important factor that formed your view
- 5 that Alan Beaman is guilty?
- 6 A. The 18 months that I spent on the case, sir.
- 7 Q. What fact? What artifact of evidence? What
- 8 piece of testimony is significant in forming
- 9 your view that he's guilty?
- 10 A. Well, let's start with the fingerprint on
- 11 the clock. We'll move on to the fact that
- 12 he remembered exactly where he drove for the
- 13 entire several days between the murder and
- 14 his first interview.
- 15 Q. Let me interrupt. The fingerprint on the
- 16 clock. Are you talking about Mr. Beaman's
- 17 or Mr. Swain's fingerprint?
- 18 A. Mr. Beaman's.
- 19 Q. You're aware Mr. Swain had a fingerprint on
- 20 there?
- 21 A. Yes.
- 22 Q. You're not referring to that?
- 23 A. No, I'm referring to Mr. Beaman's.
- 24 Q. Did you know there was an unidentified print

C08235

1 on that clock radio?

2 A. Yes, I did.

3 Q. And what did you do to have that identified?

4 A. It was sent to the crime lab. I don't know  
5 what the crime lab did to try to identify  
6 that.

7 Q. Did you ever seek to have it run through the  
8 AFIS database?

9 A. That was not a specific request that we had  
10 to make of the crime lab. When we submitted  
11 it for evidence, it was assumed that they  
12 would run it through whatever databases they  
13 had available to them.

14 Q. You spent a lot of time interviewing Alan  
15 Beaman, did you not?

16 A. Yes, I did.

17 Q. And your efforts were obviously to have him  
18 give statements which would yield  
19 information about whether or not he  
20 committed the crime, right?

21 A. Yes.

22 Q. Did you -- was there ever a statement that  
23 he gave that said -- that indicated he was  
24 guilty of this crime?

C08236

1 A. He never came out and said he killed  
2 Jennifer Lockmiller.

3 Q. Did he ever come out and say he didn't?

4 A. Yes, he did, several times.

5 Q. How often did he do that?

6 A. Several times.

7 Q. Did he testify in the grand jury?

8 A. I was not present in the grand jury.

9 Q. Did you read the grand jury testimony in  
10 preparation for trial?

11 A. I don't recall if I did or not.

12 Q. You read your own grand jury testimony in  
13 preparation for trial, did you not?

14 A. I don't recall if I did or not.

15 Q. Did you not sit with Mr. Souk and prepare  
16 for trial?

17 A. I did. But, sir that was ten years ago. I  
18 don't remember what I read and what I did  
19 not read from the grand jury for trial.

20 Q. Okay. So you can't -- as you sit here, you  
21 can't say that, yes, I did review my prior  
22 testimony under oath before I testified at  
23 trial? You did not -- you can't recall  
24 doing that?

C08237

1 A. No, sir.

2 Q. Why was it as the lead investigator that you  
3 endeavored to have the time of death, the  
4 time of the murder, between 12:00 and  
5 12:15 p.m.?

6 A. Sir, that wasn't my endeavor. We took  
7 whatever we could find from the crime scene,  
8 from the evidence we had, to pinpoint a time  
9 of death.

10 Q. Was that window of opportunity that you  
11 surmised when the victim was murdered?

12 A. I -- if I recall correctly, I believe that  
13 came from the answering machine in Jennifer  
14 Lockmiller's apartment of when the last  
15 message was received on the answering  
16 machine and when she would have been  
17 returning back from class.

18 Q. What was it in your investigation that  
19 convinced you that she wasn't killed closer  
20 to 2:00 than 12:00?

21 A. I recall from memory, sir, that we looked at  
22 the phone, the answering machine calls. I  
23 don't recall from memory if she had another  
24 class later that day that she did not show

C08238

1 up for or not. I would have to look back in  
2 the case notes to see why we pinpointed that  
3 time that we did.

4 Q. Do you think it would have helped you in  
5 answering that question if you had reviewed  
6 your prior testimony?

7 A. Yeah, probably.

8 Q. Issues with regard to the drive times, did  
9 any of those drive time issues cause you any  
10 pause about whether Alan Beaman had the  
11 opportunity to commit this crime?

12 A. Prior to the drive times they did, yes.  
13 After the drive times, no.

14 Q. Did the bank video with the time on it and  
15 the related phone records showing two calls  
16 placed from the Beaman residence cause you  
17 any pause about Alan Beaman's opportunity to  
18 commit the crime?

19 A. Yes, it did.

20 Q. Were you able to reconcile those doubts or  
21 that pause?

22 A. Yes, I was.

23 Q. How so?

24 A. By driving from Bell Federal, I believe it

C08239

1 was Bell Federal Bank, to the Beaman  
2 residence in multiple routes. I could not  
3 make the time between the bank and the  
4 Beaman residence in less than -- the time  
5 you gave in the Petition for Post-Conviction  
6 Relief, which I believe it was 31 minutes.

7 Q. Carol Beaman, Alan's mother, from time to  
8 time had produced documentary evidence that  
9 was relevant to your investigation; is that  
10 right?

11 A. Uh-huh.

12 Q. Is that a yes?

13 A. Yes. I'm sorry.

14 Q. Did you those include receipts for a tire  
15 rotation mileage?

16 A. We did not receive those receipts until  
17 after we arrested Mr. Beaman. She did not  
18 disclose those at the beginning of the  
19 investigation when we started this entire  
20 process.

21 Q. Are you suggesting when you say she did not  
22 disclose them, do you believe she was  
23 consciously withholding those?

24 A. I don't know, sir.

C08240

1 Q. Do you have an opinion about that?

2 A. Yes, I have an opinion.

3 Q. What's your opinion?

4 A. I have an opinion that she was withholding  
5 those, yes.

6 Q. Okay. And the receipt for the Wal-Mart  
7 check-out, do you remember that particular  
8 document?

9 A. Yes, I remember she had a receipt for a  
10 store close to the time of those phone  
11 calls.

12 Q. And do you remember when she produced that  
13 receipt?

14 A. I don't remember exactly, sir.

15 Q. Do you believe that --

16 A. Go ahead. I believe it was after  
17 Mr. Beaman's arrest.

18 Q. And do you believe that Mrs. Beaman was  
19 withholding that as well?

20 A. I believe for some reason she decided not to  
21 give those to us until after the arrest.

22 Q. Mrs. Beaman has said that she turned those  
23 over when she became aware of them. You're  
24 aware of that, right?

C08241

1 A. Turned them over to?

2 Q. Law enforcement when she came became aware

3 of them.

4 A. To which law enforcement agency, sir?

5 Q. I don't know, sir. But she -- weren't you

6 informed when those receipts were turned

7 over?

8 A. I was aware -- I know we had received them,

9 but I don't recall exactly when we received

10 them or how I became aware of them. I just

11 was aware that we had received them.

12 Q. Do you believe Carol Heaman was dishonest in

13 the way she handled this documentary

14 evidence?

15 A. The fact that she decided to withhold those

16 receipts doesn't make her dishonest.

17 Q. Is that a fact, that she decided to do that?

18 A. No, it's not a fact. Sir, I don't know -- I

19 don't know how she handled those receipts.

20 You're asking me if she was dishonest by not

21 turning those in.

22 Q. No, I'm not.

23 A. If I understand your question. Could you

24 restate your question?

C08242

1 Q. Do you think she consciously withheld those?  
2 I believe we've been through that.  
3 A. I believe she purposely held on to those.  
4 Q. Okay. When did Alan Beaman become the prime  
5 suspect in this case?  
6 A. Immediately.  
7 Q. And did he ever in your mind become anything  
8 other than the prime suspect?  
9 A. No.  
10 Q. Did any other person ever supplant him as a  
11 suspect in your mind in the case?  
12 A. You mean take a higher precedence over him  
13 as the lead -- as the main suspect?  
14 Q. Let's start with that.  
15 A. No.  
16 Q. Did anybody ever -- anybody ever else become  
17 a suspect in your mind?  
18 A. Well, there were a lot suspects, sir. But  
19 Alan remained the primary suspect.  
20 Q. And why was he the primary suspect from the  
21 very beginning?  
22 A. Well, initially the 911 call. His -- he was  
23 referenced in the initial 911 call from the  
24 person who found the body, from a friend who

1 knew the stormy relationship between  
2 Jennifer and Alan.

3 When we arrived at the scene and  
4 noticed things about the scene that were  
5 consistent with things he had done in the  
6 past, such as trash cans being pulled out  
7 and rummaged through, that was consistent  
8 with Alan Beaman's past behavior of looking  
9 for condoms in her trash can of evidence of  
10 other lovers.

11 Q. Was that trash bag ever examined for  
12 fingerprints that was found at the crime  
13 scene?

14 A. You would have to ask the crime scene  
15 technician, sir, I don't know.

16 Q. You don't recall?

17 A. I don't recall.

18 Q. Do you think reviewing your reports would  
19 have helped you in that answer?

20 A. If I would have looked over all the evidence  
21 that was submitted to the crime scene, then  
22 it might appear on that list, sir.

23 Q. You were supervised by James Souk; is that  
24 correct?

1 A. I was supervised by Frank Zayas directly.

2 James Souk was the prosecutor.

3 Q. Well, you had a working relationship with  
4 James Souk?

5 A. Yes, I did.

6 Q. Was he in a position to direct or exert  
7 authority over the direction of the  
8 investigation?

9 A. In an indirect manner. He was not my boss,  
10 so I did not report -- report to James.

11 Q. Well, did you discuss with James Souk  
12 investigative avenues that you would pursue?

13 A. Yes, we worked as a team together.

14 Q. And did he have authority to suggest or  
15 modify your investigative avenues that you  
16 were pursuing?

17 A. Yes, he had professional authority. It was  
18 not aligned authority given through a  
19 hierarchy, but he has been in his field for  
20 a long time, and I respected his  
21 recommendations.

22 Q. You were the investigative arm of the  
23 state's attorney's office at that point,  
24 right?

C08245

1 A. Last several months, yes, sir.

2 Q. So Mr. Souk had authority over this  
3 investigation, did he not?

4 A. Yes, he did.

5 Q. Had you worked with him before this case?

6 A. Yes, I had.

7 Q. On what cases?

8 A. Oh, there were numerous cases, sir. I had  
9 been in Detectives for two years prior to  
10 this case.

11 Q. Okay. You don't -- that's fine.

12 How closely was James Souk  
13 involved with you in your day-to-day work on  
14 the Beaman case?

15 A. Oh, when the case initially started, we  
16 would talk on average probably once a week.  
17 As it moved into the last couple of weeks  
18 before the arrest, probably more every other  
19 day, if not every day. As we prepared for  
20 trial towards the last two to three months,  
21 it would have been on an everyday basis.

22 Q. And did he preview the reports before they  
23 were prepared?

24 A. Did he preview reports before they were

C08246

1 prepared?

2 Q. Before you prepared your reports, did you  
3 discuss the content that was going to go  
4 into those reports with James Souk?

5 A. No, sir.

6 Q. You never did?

7 A. I would write the report based on what I  
8 investigated and what I saw.

9 Q. Did he ever ask to edit any of the reports  
10 that you prepared?

11 A. I imagine there were probably times he would  
12 ask me to add something in if I forget  
13 something in the report.

14 Q. Was there ever a time he asked you to leave  
15 anything out?

16 A. No.

17 Q. How do you know that?

18 A. Because that's -- that's not Jim. He would  
19 not ask me to take something out of a police  
20 report. If it was factual and it occurred,  
21 he wouldn't ask me to take it out.

22 Q. Did he ever advise you that a report would  
23 or would not be necessary?

24 A. Oh, I'm sure he probably did, yes.

C08247

1 Q. Do you remember which reports he would have  
2 advised you were not necessary to prepare?

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

4 MR. URDANGEN: Speaking of  
5 reports, do you have a better copy of his --  
6 of this?

7 MR. MESSMAN: No -- well, no --  
8 well, I don't think so. Do you recognize  
9 this (indicating)? I think it was John  
10 Brown's.

11 THE WITNESS: Yes.

12 MR. MESSMAN: As far as I'm  
13 concerned, you're free to look through that.  
14 I don't know that any of your reports are in  
15 there.

16 MR. URDANGEN: Off the record.

17  
18 (Whereby a discussion was held off  
19 the record.)  
20

21 BY MR. URDANGEN:

22 Q. Sir, let me show you these, make it easier.  
23 I'm showing you a packet of ten pages which  
24 are not -- they're not clear because they're

C08248

1 faxes of faxes, but just take a look at this  
2 first page. It's page 52 at the top, and  
3 it's titled Victim Name, Jennifer Lynn  
4 Lockmiller, and Assigned Investigator  
5 Freesmeyer, and I believe is that your badge  
6 number at the bottom?

7 A. That was my employee number.

8 Q. All right. Now, can you leaf through these  
9 ten pages and tell me if you recognize those  
10 just in a general sense as reports that you  
11 prepared during the time you worked on the  
12 Beaman case.

13 A. (Complies.) Can you see the date on that,  
14 sir?

15 Q. Looks to me like May 18. I believe that's  
16 1995. To save time, I'm not going to  
17 question you right now about the detail in  
18 there, but does your name appear at the  
19 bottom of each of those pages?

20 A. Yes, it does.

21 Q. And --

22 A. This would have been a report that I would  
23 have written.

24 Q. All right. Keep going just to be sure that

C08249

1 you've looked at every page, would you?

2 A. (Complies.)

3 Q. Are those all your reports?

4 A. Yes, sir, I believe so.

5 Q. And there's a computer-generated number on  
6 those ten pages at the top, page 52, top  
7 middle right of the page through page 61.

8 Are those the same reports you just looked  
9 at?

10 A. Yes, that's correct.

11 Q. All right. Are you aware of other reports  
12 that you prepared in connection with this  
13 case?

14 A. Sir, there are a lot of reports I  
15 prepared --

16 Q. Right.

17 A. -- in connection with this case.

18 Q. And I have another packet I'd like to show  
19 you very briefly, and I'm not going to ask  
20 you about the contents of these either, but  
21 I'm showing you another packet of documents.  
22 I'm going to ask you if you recognize those  
23 as your reports. I'll identify those in a  
24 minute after you've looked.

C08250

1 A. These are not in the typical Normal Police  
2 Department format.  
3 Q. That's right.  
4 A. Do you want me to look through the entire  
5 packet, sir?  
6 Q. Well, do you recognize those reports as --  
7 A. Yes, the content appears to be the case  
8 report that I wrote for this investigation.  
9 Q. All right. Here, can I have it back for a  
10 minute? I just want to see. . .  
11 A. (Complies.)  
12 Q. It starts, even though it's a computer --  
13 it's a downloaded copy of documents. It  
14 starts with page 1 and picks up on page 51.  
15 Are those the same reports that you just  
16 referred to?  
17 A. Yes, they are.  
18 Q. All right. So you can't, as you sit here  
19 today, tell me whether or not all the -- the  
20 reports I just showed you are the sum total  
21 of all the reports you prepared in  
22 connection with this case?  
23 A. Well, there are other reports I prepared,  
24 such as a Phone Records Log that I had C08251

- 1 completed and submitted. There were other  
2 papers that I had submitted, requests for --  
3 search warrant requests possibly. If you  
4 consider those reports, then, yes, there are  
5 things in excess of what you just showed me.
- 6 Q. Right.
- 7 A. As far as a complete case report, there was  
8 only one police report that I wrote for this  
9 investigation, and I continued that report  
10 throughout the entire investigation.
- 11 Q. So assuming this to be true, and it's only  
12 an assumption, I must tell you that, because  
13 I don't have your original, but if we have a  
14 case page number 1 in the -- I just showed  
15 you a larger packet that runs through page  
16 51, and then a smaller packet of ten pages  
17 that starts page 52 and runs through 61, are  
18 you aware of any other such case reports by  
19 looking at what you've just seen that you  
20 may have prepared in connection with this  
21 case?
- 22 A. This first report numbered 1 through 51  
23 begins on page 1 with my initial response to  
24 Jennifer Lockmiller's apartment at [REDACTED]

C08252

1           ██████████ And the last entry in this report  
2 was when I dropped Mr. Beaman off at the  
3 sallyport at McLean County Correctional  
4 Center and left.

5                           Page 52 picks up on began  
6 post-arrest investigation, which to me  
7 looking at it ten years later would be  
8 logical this would be the second half to  
9 this one, and this would continue with all  
10 the investigation I did after the arrest.

11 Q. Are you able to say whether or not that last  
12 page that you're looking at numbered 61 is  
13 the final report that you prepared? And I'm  
14 not being coy with you sir. I don't know  
15 the answer.

16 A. I don't believe it would be, because the  
17 date on the bottom is January 30, 1995, and  
18 the trial did not take place until, I  
19 believe, March, if I'm not mistaken. I'm  
20 sure there would have been reports prepared  
21 between January 30 and March.

22 Q. Very well.

23                           I'd like to talk to you about some  
24 of the time trials that you conducted on

C08253

1 distances using your vehicle in this case.  
2 To start, I'd like to discuss the time trial  
3 you conducted from the Bell Federal Bank to  
4 the victim's apartment, Bell Federal in  
5 Rockford, victim's apartment in Bloomington,  
6 I believe.

7 A. Yes.

8 Q. You said at trial that you left the bank and  
9 went to her apartment and that you -- let me  
10 read it to you.

11 "Once again, referring to" -- this  
12 is you speaking.

13 "Once again, referring to my  
14 report, after finishing the inner-city  
15 driving, we checked the distance from Bell  
16 Federal to [REDACTED], Normal,"  
17 excuse me, it was Normal, "at an average of  
18 75 miles per hour."

19 You testified as to an average  
20 speed. Do you remember taking that route?

21 A. Yes.

22 Q. Now, when you were discussing average speed,  
23 what does that mean, average, in that  
24 context?

C08254

1 A. When I would have mentioned an average speed  
2 of 75 miles an hour, it would have meant  
3 that when I got to the interstate after  
4 traveling south out of Rockford and reached  
5 I-39, I would have brought my speed up to  
6 approximately 75 miles an hour and  
7 maintained that average until I reached the  
8 city limits of Normal.

9 Q. When you were between the bank -- between  
10 the Bell Federal Bank and the interstate,  
11 and then again between exiting the  
12 interstate near the college and getting to  
13 the victim's apartment, how fast were you  
14 driving?

15 A. I can tell you it would not have been any  
16 more than 10 miles over the posted limit.

17 Q. And did you prepare any kind of report in  
18 connection with how fast you drove  
19 inner-city?

20 A. It may be in one of these two reports.  
21 Again inner-city, I would have stayed either  
22 between exactly the speed limit, or not  
23 going more than 10 miles over the posted  
24 limit.

C08255

1 Q. By the way, when you made this drive, were  
2 you -- did you have your police lights on?  
3 A. No, sir.  
4 Q. Did you stop for tolls?  
5 A. No, sir. There were no tolls on I-39  
6 between Rockford and Normal.  
7 Q. Did you stop for red lights?  
8 A. Yes, I would have.  
9 Q. In town?  
10 A. Yes.  
11 Q. Okay. And what was the purpose of driving  
12 at an average of 75 miles an hour?  
13 A. Well, I was keeping up with the flow of  
14 traffic. And the flow of traffic around me  
15 was averaging that speed.  
16 Q. And did -- and by keeping up with the flow  
17 of traffic, is that because you wanted to be  
18 driving at a typical speed?  
19 A. I drove at what I assumed would be a speed  
20 of somebody who would want to go back and  
21 see an old girlfriend.  
22 Q. Okay. And did you at that point -- did you  
23 surmise that driving at the speed limit is  
24 not what most people drive at?

C08256

1 A. Again, I was keeping up with the speed of  
2 traffic, and most people around me were not  
3 driving 65.

4 Q. And so it's been your experience that  
5 keeping up with the flow of traffic is the  
6 most accurate speed one can drive when doing  
7 a time test; is that fair?

8 A. Sir, I haven't -- this is the only time test  
9 that I know of in a case that I've done, so  
10 I don't have a great history to back up  
11 upon.

12 Q. I take it -- did you stop for gas on this  
13 trip?

14 A. No, sir.

15 Q. Have any bathroom breaks on this trip?

16 A. No, sir.

17 Q. All right. I'd like to talk to you next  
18 about the time trial you conducted from Bell  
19 Federal to the Boaman residence. Do you  
20 recall independently what the date was of  
21 that time trial?

22 A. Not without looking at my police report,  
23 sir.

24 Q. Okay. I don't have the benefit of

C08257

1           apparently all of the reports, so I need to  
2           refer to the transcript. Just give me a  
3           moment.

4       A.    Would you mind if I looked at these,  
5           (indicating)?

6       Q.    Please do. Please do.

7       A.    January 18 was one date that I did the  
8           mileage verification.

9       Q.    Between Bell Federal and the Beaman  
10          residence?

11      A.    No.

12      Q.    I'm sorry, that was a no?

13      A.    That was a no. It's not listed in my  
14          report.

15      Q.    All right. Was that date after the  
16          conclusion of that packet of reports?

17      A.    I believe it would have been, sir.

18      Q.    All right. Okay. Thank you. Do you know  
19          how many times if -- strike that, please.

20                    Did you do this test more than  
21          once, the time trial between Bell Federal  
22          and the Beaman residence?

23      A.    Yes, I believe I did. I believe I took two  
24          separate routes.

C08258

1 Q. And I'm going to get to that. But did you  
2 do it on more than one day? Did you go back  
3 to do it a second time?

4 A. Sir, I believe I may have, but I can't tell  
5 you for sure sitting here out of memory.

6 Q. All right. How -- when you timed yourself  
7 from the Bell Federal to the house, the  
8 Beaman house, how did you do that timing?  
9 What were the mechanics of that?

10 A. Well, I used my watch. I would start, write  
11 down the time when I began, and as soon as I  
12 hit a point on my watch, I would begin my  
13 journey. When I arrived at the other  
14 location, again I would check my watch and  
15 find out the time that has transpired.

16 Q. And did you record how fast you were going?

17 A. I was traveling the speed limit, I believe,  
18 at that time.

19 Q. And as opposed to the flow of traffic?

20 A. Let me back up, please. It would have been  
21 somewhere between the speed limit and  
22 10 miles over. At no point would I have  
23 traveled more than 10 miles over the posted  
24 limit.

C08259

1 I believe -- I would say from  
2 memory, sir, that the trial between Bell  
3 Federal and the Beaman residence, I would  
4 have tried to stay as close to the speed  
5 limit as I could have.

6 Q. And I'll read to you your testimony that  
7 confirms that.

8 A. Please.

9 Q. You were asked during trial on Direct  
10 Examination.

11 "And how much time did it take you  
12 to make that drive?

13 "Again, referring to my report,  
14 the time required to drive from Alan  
15 Beaman's residence to the Bell Federal Bank,  
16 observing all speed limits --

17 A. Okay.

18 Q. -- was 31 minutes." So you're quite  
19 correct in your memory apparently.

20 And if you could help me with  
21 this, is that -- in this testimony you  
22 discussed referring to a report. I did not  
23 see that report in these ten pages. Did  
24 you?

C08260

1 A. Not in these ten pages. What I saw was  
2 towards the last page on page 60, I guess,  
3 it gives Chris Gray's residence, the Beaman  
4 residence. I don't see a listing between  
5 Bell Federal and the Beaman residence.

6 Q. And since you refer to a report in your  
7 testimony, it's fair to assume that such a  
8 report existed at the time?

9 A. I believe so, yes.

10 Q. All right. Did you chart your drive time  
11 with any more detail? For example, did you  
12 indicate what stops you made, what stop  
13 lights you might have stopped at, things of  
14 that nature?

15 A. I didn't indicate which lights were red and  
16 which lights were green during my drives. I  
17 did not stop off for coffee or rest room  
18 breaks or anything of that nature. The  
19 purpose was to find the amount of driving  
20 time from Point A to Point B.

21 Q. Now, to be completely fair to you, I want to  
22 tell you about my next question. I want to  
23 read to you a question and answer that  
24 Mr. Souk -- an answer that he gave during

C08261

1 his deposition.

2 Question, "You say you had been  
3 to" -- this is the question, and the answer  
4 is Mr. Souk.

5 "You say you had been to Rockford  
6 to survey important locations?"

7 Answer, "Yeah. I think maybe just  
8 that trip. I went up there with Tim, if I'm  
9 remembering."

10 Question, "Did you participate in  
11 the time trial from the bank to the Beaman  
12 residence?"

13 Answer, "I don't remember."

14 Question, "Did you discuss it with  
15 Detective Freesmeyer?"

16 Answer, "I'm sure I did."

17 Is your recollection the same as  
18 James Souk's in that regard?

19 A. Yes.

20 Q. That you and he discussed the time trials --

21 A. Uh-huh.

22 Q. -- contemporaneously with you having done  
23 them?

24 A. Yes, yes.

C08262

1 Q. And did he tell you or instruct you or  
2 suggest to you how fast you should drive  
3 during those trials?

4 A. I don't believe he did, sir.

5 Q. And -- very well.

6 Do you -- do you recall, as he  
7 does, him being with you on any of these  
8 time trials?

9 A. I remember him taking a trip to Rockford  
10 with me. But I do not remember if we did  
11 time trials at the time that he went with  
12 me. I made many trips to Rockford, sir, and  
13 I don't recall the time he was with me if we  
14 kept times or not.

15 Q. Okay. Now, there was a slide presentation  
16 with overlays used at the trial when  
17 describing the routes taken in Rockford. Do  
18 you recall that?

19 A. Yes, I do.

20 Q. And when -- when you did this -- or were  
21 testifying about the route between the Bell  
22 Federal and the Beaman residence, I want to  
23 read you a question and an answer that you  
24 gave.

C08263

1 Question by Mr. Souk, "The first  
2 slide that we're looking at, People's  
3 Exhibit 70-AX, could you tell us what's  
4 depicted on this slide, Detective?"

5 Answer, "Yes, sir. What this is  
6 basically, a blowup of a picture of Rockford  
7 out of a road atlas. Over the top of that  
8 I've done an overlay on the computer which  
9 shows the route in yellow that Alan would  
10 have taken from the Bell Federal Bank to his  
11 residence in Rockford."

12 Does that sound accurate? I'm  
13 reading it.

14 A. I'm assuming it is.

15 Q. If you want to see it, you can.

16 My question to you is what does it  
17 mean -- what did you mean when you were  
18 saying that shows the route that Alan "would  
19 have taken"?

20 A. May have been a poor choice of words, sir.  
21 That's a route he could have taken would  
22 probably have been better wordage. I  
23 assumed the most direct route, I believe.

24 If I recall correctly, the route

C08264

1 that I used was straight south from Bell  
2 Federal to the bypass, and the bypass around  
3 to Indian Trail, or whatever the name of it  
4 is that goes up to his particular  
5 subdivision.

6 Q. When you're saying direct -- are you  
7 talking about -- I want to distinguish  
8 between most direct route and fastest route.

9 A. Uh-huh.

10 Q. Can you distinguish that, please?

11 A. Yes. Most direct route would be a straight  
12 line between Point A and Point B. However,  
13 that may be going through a lot of stop  
14 lights and lower speed limits. A fastest  
15 route would probably be the bypass, going  
16 south from Bell Federal, getting onto the  
17 bypass, which has a higher speed limit, and  
18 taking it around to the residence.

19 Q. When asked by Mr. Souk about the route that  
20 he would have taken then, you're saying that  
21 that was a poor choice of words?

22 A. It might have been. It's also possible that  
23 in a conversation with Alan, he may have  
24 given me the route that he took from Bell

C08265

1 Federal to get home.

2 Q. Well --

3 A. Because Alan -- I'm sorry.

4 Q. No, go ahead, you can finish your answer.

5 A. In our conversation -- many of our taped  
6 conversations, I asked Alan specifically  
7 where he had driven, and that's where I got  
8 the basic information to do the time tests  
9 was from Alan himself. He may have  
10 mentioned during those conversations that he  
11 took the bypass to get home from Bell  
12 Federal. I don't recall that independently,  
13 sir. That might have been why I would have  
14 said would.

15 Do you have the transcripts of all  
16 of the taped conversations between Alan and  
17 myself?

18 Q. Not with me.

19 A. Okay. That would be the place to look to  
20 see if Alan would have told me the route he  
21 took from Bell Federal to his residence.

22 Q. Let me read another section of this -- this  
23 is Cross-Examination of Mr. Beu -- by  
24 Mr. Beu. You were asked this question and

C08266

1 given this answer.

2 "Isn't it true that the route that  
3 you drove to make the comparison is a route  
4 that you simply selected as being perhaps  
5 the most direct route between the two  
6 locations?"

7 Answer, "Yes, sir, that is  
8 correct."

9 Question, "That is not a route  
10 that Mr. Beaman told you specifically that  
11 he took to go between these points, is it?"

12 Answer, "I don't recall he told me  
13 what route he took. He just said he went to  
14 the bank and back."

15 A. Okay.

16 Q. Does that refresh your recollection?

17 A. Okay. It's possible he may not have given  
18 me a route then, sir.

19 Q. And on Direct Examination by Mr. Souk, that  
20 was the sum and substance of the testimony  
21 elicited about the route from the bank to  
22 the Beaman residence, I could tell you that,  
23 as -- as is verified by the official  
24 transcript in this case. And I want to

C08267

1 continue to ask you some questions, though,  
2 about Mr. Beu's Cross-Examination on that  
3 point.

4 Before I do that, you refer to  
5 another route that you timed between the  
6 bank and the residence.

7 A. I believe I took two routes. I took the  
8 direct route that I -- the most direct route  
9 that I could find, which looked to be the  
10 shortest distance, and then I took what  
11 seemed to be the fastest, which would have  
12 been the bypass going around. I know I  
13 drove that distance more than once.

14 Q. Right. Well, in fact, indeed you're  
15 correct, that in your grand jury testimony  
16 you were asked a question and an answer  
17 about that.

18 The grand jury testimony, would  
19 you take my word for it, was July 7, 1994?

20 A. Okay.

21 Q. There was a series of questions where you  
22 discuss how long it took you to do the  
23 route. I'll show you this. After a  
24 discussion about how long it took you to go

C08268

1 through the city, because I think you can  
2 see a reference in my transcript here, the  
3 trip took me 30 minutes.

4 A. Could I read those two pages?

5 Q. Please do. In fact, I'll give you 238 and  
6 anything else you want to read numbering --  
7 237 you're reading now. You can read 238 if  
8 you would like. Just so that it's clear,  
9 these are numbers we generated from a CD rom  
10 which was made of the transcript. These are  
11 not the official record notations.

12 A. Okay. Sir, I've read those two.

13 Q. All right. So you see where in your July 7,  
14 1994, grand jury testimony is it true that  
15 you testified both about the route that you  
16 took through town and the route you took  
17 bypassing town?

18 A. Yes.

19 Q. Now, at the trial, going back to Mr. Beu's  
20 Cross-Examination, and I'll show you this,  
21 but I would like to read it to you first.  
22 Here's a series of questions and answers by  
23 Mr. Beu on Cross-Examination with regard to  
24 the routes from Bell Federal to the house.

C08269

1 Question by Bou, "We have" -- and  
2 this is only part of the question, but it's  
3 the important part for my purposes.

4 "We have up here now a slide which  
5 shows a route that you traveled between  
6 Mr. Beaman's residence and Bell Federal; is  
7 that correct?"

8 Answer, "Yes, sir, that's  
9 correct."

10 Question, "Isn't it true that the  
11 route that you drove to make the comparison  
12 is a route that you simply selected as being  
13 perhaps the most direct route between the  
14 two locations?"

15 "Yes, sir, that is correct."

16 Those are the two questions and  
17 the answers that you gave.

18 And then I read to you the next  
19 question and answer. I'll read it again  
20 just to give it context.

21 "That is not a route that  
22 Mr. Beaman told you specifically that he  
23 took to go between those points, is it?"

24 "I don't recall he told me what

008270

1 route he took. He just said he went to the  
2 bank and back."

3 Next question, "So you chose to  
4 select a route, did you not, that took you  
5 right through the heart of downtown  
6 Rockford?"

7 Answer, "As you stated earlier, I  
8 took the most direct route, sir."

9 Now, that question, you would  
10 agree, leaves the impression that that's the  
11 only route you took; would you not agree?

12 A. Yes, yes.

13 Q. Was this an opportunity for you to explain  
14 or to clarify in front of the jury that  
15 there was another route that you drove?

16 A. Yes, it probably would have been. Did I go  
17 on to explain --

18 Q. Well, I'll read you the next question and  
19 answer.

20 A. Okay. Okay.

21 Q. Question, "Does not the route take you  
22 directly through the heart of downtown  
23 Rockford?"

24 Answer, "Yes, sir, it does."

C08271

1                   Question, "As opposed to going  
2                   down Meridian Road to the high speed bypass  
3                   over to Alpine Road and then up north to  
4                   Bell Federal?"

5                   Answer, "Yes, that would be  
6                   correct."

7                   I'll let you have a look at that  
8                   and tell me if you think that wasn't  
9                   misleading to the jury?

10                  A.   Well, the question he is asking is if that  
11                   route takes you directly through the heart  
12                   of downtown Rockford. And so the answer is  
13                   as opposed to going down Meridian Road to the  
14                   bypass, which is not through downtown  
15                   Rockford, and so I said yes, that would be  
16                   correct. So I'm saying it is correct that  
17                   the bypass does not go through the heart of  
18                   Rockford.

19                  Q.   So you don't read his question as opposed to  
20                   taking this route; you don't read it that  
21                   way?

22                  A.   I -- I read that that he's comparing two  
23                   routes. He's saying that the direct route  
24                   goes through downtown Rockford and the

C08272

1 bypass route does not go through downtown  
2 Rockford.

3 Q. Right.

4 A. That's the way I read it.

5 Q. And that's the way you answered it, right?

6 A. Yes.

7 Q. You did not read -- you did not hear the  
8 question to mean that you didn't take the  
9 other route, you took the more direct route?

10 A. No, he was asking which was more direct.  
11 And so I was stating that that route would  
12 have been -- that was the one that would  
13 have gone through downtown Rockford.

14 Q. Now, I'll tell you that Mr. Souk never asked  
15 you to explain on Redirect Examination that  
16 you indeed took the other route that you  
17 testified to in the grand jury.

18 A. Okay.

19 Q. Did you ever -- did that concern you at all  
20 that the jury was left with the impression  
21 that only one route was driven?

22 A. I never really thought about it, sir.

23 Q. Of course, the route -- you never thought  
24 about that after the -- after your

C08273

1 testimony?

2 A. Not until you've mentioned it right now. I  
 3 mean, if you went back and asked me the  
 4 first question that you asked at 2:00, I  
 5 wouldn't be able to tell you what question  
 6 you asked me at 2:00.

*can't  
remember  
1st question*

7 Q. How important was the time that it took Alan  
 8 Beaman to get from the bank to his house, if  
 9 he drove it?

10 A. It was very important, sir.

11 Q. Indeed, it could have possibly determined  
 12 whether or not he had the opportunity to  
 13 commit this crime, correct?

14 A. In some people's mind, it could have put  
 15 that notion.

16 Q. Well, do you want to explain to me how Alan  
 17 Beaman could have committed the crime if he  
 18 left his house after those two calls were  
 19 made?

20 A. The time frame would have been much, much  
 21 tighter for him to have gotten to Normal and  
 22 back again. That's what -- it would have  
 23 crunched the opportunity down considerably.

24 Q. Mr. Souk, I can tell you, has testified in

C08274

1 his deposition that it would have made it  
2 very, very difficult to conceive of that.  
3 Those aren't his exact words, but that was  
4 his sentiment.

5 A. Sure. I would not disagree with that.

6 Q. So this wasn't -- these were important  
7 central facts for the jury, were they not?

8 A. Yes, they were, sir.

9 Q. Did you or Souk ever discuss this omission  
10 after you were done testifying?

11 A. No, sir.

12 Q. You testified again, a second time much more  
13 briefly in the trial, did you not?

14 A. In the trial or in the grand jury?

15 Q. No, weren't you called back as a witness the  
16 second time after your first lengthy --

17 A. I mean, during the trial or during the grand  
18 jury, sir?

19 Q. During the trial I'm talking about.

20 A. During the trial. I would take your word  
21 for it that I was.

22 Q. So there was no discussion about this  
23 discrepancy with Mr. Souk at any point?

24 A. No, sir.

C08275

1 (Whereby a short recess was  
2 taken.)  
3

4 BY MR. URDANGEN:

5 Q. Sticking with this time test and phone calls  
6 for a minute here. This is direct testimony  
7 during the trial to you, asked of you by  
8 Mr. Souk.

9 Question, "Did you while you were  
10 there, referring to Rockford -- well," it  
11 says here, "well, strike that. At that  
12 point in time in terms of measuring that  
13 distance by time, what was your purpose in  
14 doing that in terms of furthering the  
15 investigation?"

16 Your answer was, "According to the  
17 phone records, there was a call coming out  
18 of the Beaman residence at 10:37 and 10:39.  
19 We had Alan on videotape at the bank 11  
20 minutes after 10:00. By driving that  
21 distance, I wanted to see if it was possible  
22 for Alan to make it home to make the first  
23 phone call at 10:37. If he left the bank at  
24 11 minutes after 10:00, made the 31-minute

C08276

1 drive, it would put him home at 10:42."

2 That was your testimony, sir.

3 A. Okay.

4 Q. You're telling the jury at this point that  
5 you did this time trial to determine if it  
6 was possible for him to make the first call.  
7 You then related how long it took you to go  
8 through town putting him in there five  
9 minutes after the first call and three  
10 minutes after the second call. You were not  
11 asked about the bypass route.

12 A. Okay.

13 Q. Do you think that your conclusion about  
14 whether or not it was possible, therefore,  
15 was misleading?

16 A. I don't believe so, sir. I answered the  
17 question that was asked of me.

18 Q. Now, you referred in that testimony that it  
19 took 31 minutes, a 31-minute drive. In the  
20 grand jury, this is a question put by Souk  
21 to you.

22 Question, "How long did that trip  
23 take going through town?"

24 This is in reference to that same

C08277

1 route.

2 Answer, "That trip took me 30  
3 minutes. If he had left the bank at 11  
4 minutes after 10:00, he'd of gotten home at  
5 10:41."

6 The calls were made at 10:37 and  
7 10:39. Now, I'm not splitting hairs for the  
8 purpose of one minute here, but I'm curious,  
9 if you made a report, how was it that you  
10 gave two different answers?

11 A. Well, he -- Mr. Souk could have been  
12 referring to two separate time trials.

13 Q. So there were two separate time trials?

14 A. There were many time trials. I drove it in  
15 two separate vehicles on separate trips up  
16 there. And, yes, I can tell you there were  
17 more than just the one or the two.

18 Q. How many time trials were there between Bell  
19 Federal and the Beaman residence using the  
20 bypass route?

21 A. Without going back and looking at my police  
22 report, sir, I can't tell you how many there  
23 were.

24 Q. Does your memory serve you that there was

C08278

1 more than one of those?

2 A. I don't recall if there was more than one.  
3 There could have been, but I don't recall  
4 that there was more than one.

5 Q. Okay. There was a point in the trial  
6 related to these time trials on Direct  
7 Examination after you testified that your  
8 trial would have got him there at 10:42.

9 Question by Mr. Souk, "And up  
10 until that point in the investigation in  
11 your interviews with Mr. Beaman, had he ever  
12 indicated that he had made any phone calls  
13 or had any phone contact with anyone once he  
14 got home that day."

15 Your answer, "No, sir, he didn't.  
16 While interviewing outside of McPherson  
17 Hall, I asked him specifically did you make  
18 any phone calls, and he stated no."

19 A. Yes.

20 Q. When was that interview at McPherson Hall?

21 A. That was one of the taped interviews that  
22 was done in conjunction with the Illinois  
23 State Police.

24 Q. Was that early on in the investigation?

C08279

- 1 A. It was prior to the arrest.
- 2 Q. And --
- 3 A. We were --
- 4 Q. Go ahead.
- 5 A. We were aware of the phone calls.
- 6 Obviously, because of the time lost, we were
- 7 making everything else, and so the most
- 8 direct way was to ask Alan if he had made
- 9 the phone call.
- 10 Q. Right. And did you tell him -- and I
- 11 haven't seen those tapes lately. Did you
- 12 tell him we have records of two phone calls
- 13 coming out of that residence?
- 14 A. I don't believe I did, sir.
- 15 Q. And did you give him any context for why you
- 16 were asking him these questions?
- 17 A. I had stated that -- and please understand
- 18 this is not direct words.
- 19 Q. Right.
- 20 A. But in my conversation with Alan, I
- 21 indicated that if he had any way of proving
- 22 that he was not guilty of this murder, that
- 23 he needed to share that with me so that I
- 24 could confirm that he was not the person

C08280

1 responsible. And so as we sat on a bench  
2 outside of McPherson Hall on the mezzanine  
3 quad, I began to ask questions trying to  
4 give him an out as to what his alibi might  
5 be. Did you do anything else that day? Did  
6 you make any phone calls? Did you go  
7 anywhere that would have had a videotape?  
8 Q. Okay. Let me cut you off. Is that the way  
9 you asked it, in a series of questions like  
10 that?  
11 A. Yes, it would have been.  
12 Q. And then he would have given you an answer  
13 "No" at the end of that series of questions?  
14 A. Again, you would have to refer to the tape.  
15 It would all be on the tapes --  
16 Q. All right.  
17 A. -- so I'm sure those are in evidence.  
18 Q. All right.  
19 A. But I believe that's the way it went.  
20 Q. Did you ever point out to Alan that these  
21 were two calls that never connected?  
22 A. No, sir.  
23 Q. Did you ever go back and give him another  
24 chance to ask him, look it, want to direct

C08281

1 your attention to this specific time after  
2 you got home from work, did you make any  
3 phone calls?

4 A. No, sir.

5 Q. Were you satisfied that his answer to that  
6 "no" type of question -- that "no" answer he  
7 gave you in the context of all of those  
8 questions was a solid, very accurate answer?

9 A. This is not a directed answer, but let me  
10 explain my answer if I may.

11 Q. First give me the answer, then you may  
12 explain it.

13 A. I gave him many opportunities to tell me  
14 that he had made phone calls. But I did not  
15 come out and directly state we have a log of  
16 two calls coming from your house, did you  
17 make those calls, the reason being he would  
18 have jumped on that as an easy out. And I  
19 wanted him -- to come from his recollection  
20 of what he had done that day.

21 Had he recalled those two phone  
22 records independently, then I would have  
23 been convinced that he would have been the  
24 one making those calls.

C08282

1                   And there were numerous  
2                   conversations I had with Mr. Beaman on tape.  
3                   I believe this issue may have been addressed  
4                   in more than just one conversation.

5           Q.    Were you interested in the time that it  
6                   would take to drive from the Beaman  
7                   residence to the Wal-Mart in their locale?

8           A.    I believe I checked that distance, and I  
9                   think it's in one of these reports.

10          Q.    Why were you interested in that?

11          A.    To see if Carol Beaman might have had time,  
12                   after she checked out, to make it home to  
13                   make that phone call.

14          Q.    And if she had not had time to do that,  
15                   would that have had an impact on your  
16                   investigation?

17          A.    Well, it would have left a question as to  
18                   who, in fact, did make those phone calls.

19          Q.    Well, who could have made those phone calls  
20                   if it were not Alan Beaman and Carol  
21                   Beaman -- or Carol Beaman?

22          A.    I have no idea who has access to their  
23                   house, sir.

24          Q.    Was there any evidence that anybody had

C08283

1 access to the house?

2 A. I don't know that we ever tried to nail that  
3 down to see if there were guests in town or  
4 if anybody else came and went in their house  
5 at that time.

6 Q. You never tried to determine that there  
7 would have been another person who could  
8 have made the call other than Alan and  
9 Carol; is that what you're saying now?

10 A. Sitting here today, I don't recall that we  
11 ever isolated that no one else was in the  
12 residence.

13 Now, Carol Beaman, I believe in  
14 her testimony to the grand jury, stated that  
15 nobody else would have been home, that she  
16 and Alan would have been the only two  
17 capable of doing that call.

18 Q. You didn't investigate that? You took her  
19 word for it?

20 A. I don't know if any of the other  
21 investigators might have checked into that,  
22 or if it was a conversation they might have  
23 had early on with Alan. I was not privy to  
24 the first interview with Alan. That was

C08284



1 questioned the integrity of Wal-Mart.

2 Q. And did you question the integrity of Carol  
3 Beaman with regard to those receipts?

4 A. Yes, I believe we did.

5 Q. So, as you sit there today, your  
6 recollection is you did not -- you had  
7 reason to suspect that Carol Beaman was not  
8 truthful about how she obtained those  
9 receipts?

10 A. We wanted to verify the receipts. Now, I  
11 have no question that those were receipts  
12 that she had gotten. I don't know that we  
13 went back -- I can tell you, we didn't go  
14 back into the store video cameras to make  
15 sure she was actually the one checking out  
16 at the time stamped on that receipt.

17 Had we thought she was covering  
18 for her son, that would have been a good  
19 thing for us to do was to go back and check  
20 the videotape of the store.

21 Q. You -- do you know how many times you did  
22 the time trial from the Beaman residence to  
23 the Wal-Mart?

24 A. I recall there would have been only one

C08286

1 time, sir.

2 Q. Do you recall when you learned of the  
3 Wal-Mart receipt?

4 A. If I could look in my Post-Arrest Report.  
5 It may say in there.

6 Q. I'm not sure it does, but if you could help  
7 me with that, that would be good.

8 A. I can tell you that on May 18, she was  
9 having an interview with Detective Daniels.  
10 That's when she produced the photograph of  
11 the mileage on the car and the Sears  
12 receipt. But as for the Wal-Mart receipt, I  
13 would have to look through the report.

14 Q. I don't believe it's in there. As you sit  
15 there, you don't know the date?

16 A. I don't recall the date, sir.

17 Q. Your report does show, however, that you  
18 timed that trip to be 15 minutes?

19 A. May I look again?

20 Q. Yes, I think it's near the back.

21 A. Fifteen minutes, 9.7 miles.

22 Q. I'll read your testimony, because I want to  
23 ask you a few more questions about this.

24 Question from Mr. Heu. It says,

- 1 "Let's go through that, if you would."  
2 Answer, "Okay. I left the Beaman  
3 residence at 9:13 a.m., arrived at Wal-Mart  
4 at approximately 9:28 a.m., 15 minutes  
5 later, and then arrived at the grandmother's  
6 residence at 9:29 a.m., one minute after  
7 Wal-Mart, 16 minutes after the Beaman  
8 residence."  
9 That's consistent with your  
10 report, is it not?  
11 A. The 15 minutes is consistent between  
12 Wal-Mart and the Beaman residence. I don't  
13 see the grandmother's location, but she was  
14 right down the street from Wal-Mart.  
15 Q. Right. Now, you drove the speed limit, I  
16 believe, on this drive?  
17 A. Yes. I believe Mr. Beu was poking fun at me  
18 at the trial saying it was one of the rare  
19 times I drove the speed limit.  
20 Q. And as opposed to keeping up with the flow  
21 of traffic --  
22 A. Uh-huh.  
23 Q. -- aspect or theory?  
24 A. Yes, it is inner-city driving versus

C08288

- 1 interstate driving.
- 2 Q. Right. But there is, of course, a flow --
- 3 they don't live inner-city, do they, the
- 4 Beamans?
- 5 A. No, no, they don't.
- 6 Q. Nonetheless, on those country roads to the
- 7 Wal-Mart, you drove the speed limit?
- 8 A. I -- I don't recall offhand. I suppose I
- 9 probably would have
- 10 Q. And you recorded 15 minutes as your time?
- 11 A. Yes.
- 12 Q. Did you use the same timing method as you
- 13 testified --
- 14 A. I would have used my watch.
- 15 Q. Now, you started that from in your car in
- 16 front of the Beaman residence, correct?
- 17 A. I believe so.
- 18 Q. And you drove to the Wal-Mart, right?
- 19 A. Uh-huh.
- 20 Q. Is that a yes?
- 21 A. Yes, I'm sorry.
- 22 Q. I take it you drove past or parallel to the
- 23 Wal-Mart, because you say you continued on
- 24 one more minute to the grandmother's house?

C08289

- 1 A. No, I believe I went into the Wal-Mart  
2 parking lot and stopped the vehicle.
- 3 Q. Is that in your report? I may have missed  
4 that.
- 5 A. I don't know if it is. Sir, my purpose for  
6 driving those distances was to be accurate.  
7 Whether it cleared or convicted was to be  
8 accurate of the times. And so my  
9 recollection is I pulled into the Wal-Mart  
10 parking lot, parked my vehicle, and walked  
11 to the door.
- 12 Q. And walked to the door?
- 13 A. And would have walked to the door.
- 14 Q. And I didn't see that in any testimony. Do  
15 you recall testifying that way?
- 16 A. No, I don't recall that.
- 17 Q. And do you recall -- I didn't see it in the  
18 report. Did you see that in a report?
- 19 A. No, sir, I did not. I -- understand, I'm  
20 trying to recall from memory.
- 21 Q. That's fine.
- 22 A. The reason I did this was to see what the  
23 truth really was. And to just drive on by  
24 would not have been accurate time.

C08290

1 Q. Right. Precisely.

2                   Again, on Cross-Examination I read  
3 it, and I'm going to read it again. "Okay,"  
4 is your answer. "I left the Beaman  
5 residence at 9:13 a.m., arrived at Wal-Mart  
6 at approximately 9:28 a.m., 15 minutes  
7 later, and then arrived at the grandmother's  
8 residence at 9:29, one minute after  
9 Wal-Mart."

10 A. Uh-huh.

11 Q. Are you suggesting that you parked the car  
12 in the Wal-Mart parking lot and then from  
13 that went to the grandmother's house in one  
14 minute?

15 A. The grandmother's house was right on the  
16 same road. It was roughly three blocks -- I  
17 don't recall exactly how many, but it was  
18 very close to the vicinity of Wal-Mart.

19 Q. If you don't remember --

20 A. I don't, sir. And if it's -- let me back  
21 up, please. If it's not in the report, then  
22 let's err -- let's go on the side of error  
23 and assume that I didn't get out of the  
24 vehicle. I seem to think that that's what I

C08291

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APPENDIX 002668

- 1           would have done to check the time, but I  
2           can't tell you for sure that I did, sir.
- 3       Q.    Now, the receipt was a check-out receipt of  
4           Carol Beaman's, was it not?
- 5       A.    Yes, it was.
- 6       Q.    And it showed 11:10 on the receipt, did it  
7           not? You can take my word for it.
- 8       A.    11 -- okay.
- 9       Q.    And I'm going to tell you what I think is  
10           accurate and you tell me if I'm right.
- 11      A.    Uh-huh.
- 12      Q.    That would mean -- by the way, the phone  
13           record, take my word for this, too, showed  
14           that the call disconnected at 9:40 p.m., the  
15           last call that was -- that connected at  
16           9:39.
- 17      A.    I'm sorry, which -- which phone?
- 18      Q.    From the Beaman residence.
- 19      A.    Okay. In the morning?
- 20      Q.    In the morning.
- 21      A.    It connected at 9:40.
- 22      Q.    9:39, disconnected at 9:40.
- 23      A.    Okay.
- 24      Q.    That's my recollection. In any case, for

C08292

1 you to get an accurate, and you say you  
2 strove for accuracy, you would have needed  
3 to do more than you did; isn't that right?  
4 A. Sitting here today, we would have had to  
5 probably start at the check-out lane --  
6 Q. Let's start -- let's start backwards from  
7 the phone call. Why don't you tell me what  
8 you would have to do to get the correct  
9 reading on how long it would have taken.  
10 A. Okay. So Wal-Mart was after the phone  
11 call --  
12 Q. Right.  
13 A. -- is what you're saying?  
14 Q. That's correct?  
15 A. So we would have had to leave from inside  
16 the Beaman home, which I didn't have access  
17 to, and drive to Wal-Mart, do the shopping,  
18 and check out.  
19 Q. Right.  
20 A. Okay.  
21 Q. Did you do that?  
22 A. No, sir, I did not do that.  
23 Q. Did you know how long it would take to leave  
24 the car in the Wal-Mart parking lot for

C08293

1 Carol Beaman, a woman older than you?

2 A. No. No, sir, I don't know how long it would  
3 have taken her to walk, or where she would  
4 have found a parking spot on that particular  
5 day.

6 Q. And to walk in and make a shopping trip in  
7 Wal-Mart?

8 A. Correct.

9 Q. Had you ever been in that Wal-Mart?

10 A. I don't -- I don't believe I had.

11 Q. Do you have any reason to believe that it's  
12 anything other than a vast store like most  
13 of them are?

14 A. I don't have any reason to believe that, no.

15 Q. So you would have shopped in that store,  
16 wait in a line, transact your business with  
17 the cashier, wait for your credit card to be  
18 processed, and have it -- the receipt be  
19 transmitted that read 11:10?

20 A. Uh-huh.

21 Q. That's correct, isn't it?

22 A. Yes, that's correct.

23 Q. Did it ever occur to you to do that?

24 A. No, sir, I did not go through that process.

C08294

1 Q. Did Mr. Souk ever tell you to do that?

2 A. No, he did not.

3 Q. Did any of the investigators ever tell you  
4 to do that?

5 A. No, they did not.

6 Q. Why not?

7 A. I don't know, sir.

8 Q. Very well. Thank you for your candor.

9 By the way, do you know who Tony  
10 Matens is?

11 A. I don't believe I know Tony Matens. I saw  
12 his name in the report. I believe he was an  
13 investigator for somebody.

14 Q. Yes, he's a long-time investigator in  
15 Bloomington. It's M-A-T-E-N-S.

16 He has filed an Affidavit in this  
17 case, and in his Affidavit he swore under  
18 oath that he timed that route from in front  
19 of the Beaman residence to the parking lot,  
20 and his trips took him 20, 20, and 19  
21 minutes. And his Affidavit is that he was  
22 driving with the flow of traffic, presumably  
23 above the speed limit. Do you have any  
24 reason to believe that that's not accurate?

C08295

- 1 A. I don't know this individual. I wasn't with  
2 him. I can't make a judgment on that, sir.
- 3 Q. Very well. Do you recall whether or not the  
4 speed limit was posted on the drive between  
5 the Boaman residence and Wal-Mart?
- 6 A. Oh, I would assume it was, sir. It was a  
7 public road.
- 8 Q. Okay. Do you recognize the name John Larby  
9 Murray?
- 10 A. Yes, I do.
- 11 Q. He was another -- or he was a paramour of  
12 the victim, a boyfriend?
- 13 A. That I don't know for sure. They knew each  
14 other. I don't know if they were boyfriend  
15 and girlfriend.
- 16 Q. Well, in your investigation did you review  
17 interviews he gave to Tony Daniels?
- 18 A. I had read the interviews. I did not  
19 conduct any interviews with Larby Murray  
20 directly, but --
- 21 Q. Were you interested in learning what you  
22 could about John Murray as a possible  
23 suspect in this case?
- 24 A. That was Tony Daniels' responsibility was to

C08296

1 either confirm or deny his ability as a  
2 suspect. Early on in the investigation, we  
3 each took specific people and tried to  
4 either clear or prove their involvement in  
5 this particular case.

6 Q. And did you take an interest in his  
7 investigation of John Murray?

8 A. Not necessarily. I was tied up with my  
9 investigation of Michael Swain and then on  
10 to Alan Beaman.

11 Q. Were you aware that Tony -- that, excuse me,  
12 John Murray gave conflicting versions of an  
13 alibi that he had on the day of the murder?

14 A. Yes.

15 Q. Are you aware that he changed his story from  
16 his first interview with Mr. Daniels to his  
17 second?

18 A. As -- as I eventually took more of a lead  
19 roll in this, then I was responsible for  
20 reviewing all of those, so I did go back and  
21 read the interviews, sir.

22 Q. And did -- and he admitted in his second  
23 interview that indeed he was in  
24 Bloomington-Normal on the day of the murder;

- 1 do you recall that?
- 2 A. I don't recall that from independent memory,  
3 sir.
- 4 Q. In any case, do you have any memory whether  
5 you were impressed or interested in his  
6 changing version of his alibi?
- 7 A. It wasn't something that impressed me,  
8 because it was never raised as a red flag by  
9 the other investigators that this is  
10 something we need to hold off and check  
11 farther.
- 12 Q. Were you aware that John Murray had a record  
13 of abusing his girlfriend, Debra McElvay?
- 14 A. Did he have that record at the time of the  
15 initial investigation, or did that happen  
16 later on in the investigation?
- 17 Q. Were you aware at any point in the  
18 investigation?
- 19 A. Again, sir, I was not the one that looked at  
20 Larby Murray. That was Rob Kospelhorn and  
21 Tony Daniels. So his background, his  
22 history, no, I was not aware of that.
- 23 Q. You never -- oh. So at no point --
- 24 A. I'm not saying at no point.

C08298

1 Q. Okay. Well, then --

2 A. I'm saying as this proceeded on, I was not  
3 aware of his background. At the point where  
4 I took over as the lead on the case, then I  
5 had to make myself aware of those other  
6 interviews and I had to go back and read  
7 what everybody else had done to synthesize  
8 things together. And at that point, yes, I  
9 became aware that he had an incident of  
10 domestic violence that was handled by the  
11 Normal Police Department.

12 Q. And did you also become aware then of the  
13 conflicting or the changing alibi versions  
14 that he gave?

15 A. I'm sure that I was aware of it, sir.

16 Q. And did you also become aware that according  
17 to a polygrapher he was attempting to  
18 manipulate a polygraph exam about whether or  
19 not he was involved in this crime?

20 A. I may have been aware on that. I'm -- that  
21 report probably would have gone directly to  
22 Tony Daniels, because he was the one that  
23 requested that polygraph, I believe.

24 Q. What -- of those three things, for example,

C08299

1 the polygraph issue, the abuse to the  
2 girlfriend, and the changing alibi, were you  
3 also aware that he and Jennifer had used  
4 drugs together and that he had supplied her  
5 marijuana?

6 A. I had heard that in the investigation that  
7 he had provided drugs for her in the past.

8 Q. And had you also been aware that he was a  
9 steroid abuser?

10 A. We found that out later in the  
11 investigation.

12 Q. Before charging Alan Beaman?

13 A. Before the charge, yes.

14 Q. Did -- what was your view of these facts  
15 with respect to whether or not Alan Beaman  
16 is the person who should be charged?

17 A. Well, steroid use was not an uncommon thing  
18 on the Illinois State University campus. We  
19 found a lot of people throughout the course  
20 of our duties abusing and using steroids.  
21 So Larby Murray did not stand out as one  
22 villain amongst an entire city of 50,000.  
23 It was not that uncommon. I'm not saying it  
24 happens every day, but I'm saying it was not

C08300

1 a once in a lifetime thing that you find a  
2 person using steroids.

3 Q. Let me cut you off just for a minute. I'm  
4 asking you, sir, about the totality of these  
5 facts and circumstances.

6 A. Yes, and that's what I'm trying to answer  
7 for you is that the steroids in themselves  
8 did not leave me to think that he was a  
9 prime suspect in this case. The fact that  
10 he provided drugs to Jennifer did not lead  
11 to me think that he was a prime suspect in  
12 this case.

13 Jennifer had, from what we could  
14 tell, a history of using drugs, and she  
15 could have got those from a number of  
16 sources, so simply providing drugs to her  
17 was not a motive for killing her.

18 So those things -- to answer your  
19 question, in totality, no, it did not raise  
20 a red flag that this is our person.

21 Q. And what about when you throw into that mix  
22 the manipulation of the polygraph when asked  
23 about the crime?

24 A. Well, that also is not uncommon, sir.

C08301

- 1 Q. And what about, if you throw into the mix  
2 that he was contemporaneously or near the  
3 time of the murder abusing -- physically  
4 abusing his girlfriend, another girlfriend?
- 5 A. Now, I believe that arrest was nine months  
6 after the murder, was it not?
- 7 Q. Before Beaman was charged.
- 8 A. Yes, but wasn't that in October?
- 9 Q. I'm not sure, but I do know it was before  
10 Beaman was charged.
- 11 A. Yes, I believe that was in October, so I  
12 don't think it's fair to say that we know he  
13 was abusing his girlfriend in August when  
14 his arrest was not until October.
- 15 Q. And I'm not --
- 16 A. We're saying that had been taking place for  
17 many months, and we can't assume that.
- 18 Q. Okay. I'm just going to move on.
- 19 The last thing I'll ask you then,  
20 were you aware -- are you aware that Tony  
21 Daniels' views about John Murray as the  
22 perpetrator are much different than yours?
- 23 A. I am aware that Tony Daniels has many  
24 different views now from mine.

C08302

1 Q. And are you aware that then he believed that  
2 John Murray should have been investigated  
3 further before Beaman was charged?

4 A. I don't believe so. As I indicated to you  
5 before at the beginning of this deposition,  
6 there was a final meeting before we charged  
7 Alan Beaman, before we arrested him, and at  
8 that point it was held in the conference  
9 room at the Normal Police Department. Tony  
10 Daniels was present in the room, as was  
11 everybody else involved in this case,  
12 including James Souk, Dave Warner, I can't  
13 remember the rest of the host of people that  
14 were there. And at that final meeting was  
15 the opportunity for anybody to raise any  
16 concerns they had before we charged.

17 Q. And you're saying that no concerns were  
18 raised by Daniels or anybody else at that  
19 point about whether it was the appropriate  
20 time to charge Alan Beaman?

21 A. No, I do not recall anybody raising any  
22 objections to that. May I look at my report  
23 for moment?

24 Q. I'm sorry?

C08303

1 A. May I look at this for a moment?  
2 Q. Yes, please.  
3 A. It says on page 48 on my report, On May 16 a  
4 meeting was held to determine a course of  
5 action in this case. Present at the meeting  
6 was Chief James Taylor, State's Attorney  
7 Charlie Reynard, Assistant State's Attorney  
8 James Souk, Lieutenant Frank Zayas,  
9 Lieutenant John Brown, Detective Tony  
10 Daniels, and myself. So I said that  
11 Detective Warner was there. It appears that  
12 he was not.

13 We reviewed the facts of the case  
14 once again and then opened the meeting up  
15 for input. When the discussion was ended,  
16 the decision had been made to effect the  
17 arrest of Alan Beaman for the homicide of  
18 Jennifer Lockmiller.

19 Had Tony Daniels had concerns  
20 about Larby Murray and felt that Larby  
21 Murray still was responsible for the murder,  
22 that would have been the time he brought  
23 that up. And if there were legitimate  
24 concerns, then the arrest would not have

C08304

1           been made.

2       Q.   Well, are you saying that had Tony Daniels  
3           expressed doubts about the quality of this  
4           evidence, that it would have -- that fact  
5           would have appeared in your report?

6       A.   What I said was if he would have raised  
7           legitimate concerns that Larby Murray still  
8           had outstanding issues that would make him a  
9           possible suspect here, that that arrest  
10          would probably not have taken place.

11      Q.   But what has it got to do with what -- the  
12          section of the report that you just read?

13      A.   Well, that report is to indicate when that  
14          meeting took place and who was present in  
15          that meeting.

16      Q.   Right.

17      A.   Okay? I recall the meeting. I just,  
18          without looking at the report, couldn't tell  
19          you when it was or who there was.

20      Q.   Are you -- were you -- at that meeting were  
21          you open to suggestions from other officers,  
22          you and Souk, about other possible avenues  
23          of investigation before charging?

24      A.   Yes, we were.

C08305

1 Q. At that meeting did Tony Daniels try get  
2 both you and James Souk to listen to him  
3 about doubts he had about going forward with  
4 the charge at that point?

5 A. Anybody that spoke up at that meeting was  
6 listened to. If he had issues, we would  
7 have listened to what he had to say. Sir,  
8 this was the culmination of a nine-month  
9 investigation at that point.

10 Q. I understand that.

11 A. And we had pursued everything we had to  
12 pursue. I did not want to get tunnel vision  
13 and try to say that it has to be Alan, it  
14 can't be anybody else. This was one more  
15 time to open up and say have we missed  
16 anything and is there anything else we need  
17 to look at before we effect this arrest.  
18 Had Mr. Daniels spoken up, yes, we would  
19 have listened to him.

20 Q. And you don't recall him speaking up?

21 A. No, it doesn't come to mind that he would  
22 have raised any major issues.

23 Q. Okay.

24 A. Because the arrest continued on.

C08306

1 Q. Well, okay. Thank you.

2 A portion of your time in this  
3 investigation was spent looking at the  
4 odometer issue?

5 A. Yes, sir.

6 Q. With Mr. Beaman's car, correct?

7 A. Yes, sir.

8 Q. And the reason for that was what?

9 A. Well, because his ability to travel to  
10 Normal to commit the crime and back to  
11 Rockford was a key issue. And so it was  
12 important to look at the odometer. His main  
13 defense was the photograph he had of his  
14 odometer and the tire statement -- or the  
15 receipt from Sears that showed the mileage.  
16 That was evidence they held until after the  
17 arrest and then provided to us. That was a  
18 key point. And so yes, I spent considerable  
19 time looking at his odometer.

20 Q. Well, when you say they held that evidence,  
21 it sounds to me that you're suggesting that  
22 they had it, but didn't turn it over until  
23 Alan was arrested.

24 A. Yes, sir, that's correct.

C08307

- 1 Q. And what is your, sir, opinion about why  
2 someone would wait to be arrested before  
3 presenting apparently exculpatory evidence?
- 4 A. Sir, I have no idea why they held that as  
5 long as they did. Obviously they had it,  
6 because they took a photograph of his  
7 odometer. Now, you wouldn't typically just  
8 go out and take a photograph of an odometer  
9 for no reason. And so they took the picture  
10 at the time, or shortly after Lieutenant  
11 Daniels went up and interviewed Alan for the  
12 first time. And that picture was not  
13 released to us until after Alan Beaman's  
14 arrest. So they had it, and we know they  
15 had it, but they did not disclose it. And  
16 why, I don't know.
- 17 Q. Well, did it concern you that it is  
18 counterintuitive to wait until after an  
19 arrest to present exculpatory evidence?
- 20 A. Uh-huh.
- 21 Q. Did that concern you?
- 22 A. It -- I don't know that the word concern.  
23 It made me curious as to why.
- 24 Q. Well, what was your theory about the

C08308

1 existence of this odometer evidence? In  
2 other words, did it -- did your  
3 investigation suggest that Alan Beaman knew  
4 about this mileage before --

5 A. Yes.

6 Q. -- he was arrested and never told you?

7 A. I'm sorry, I said yes before you finished  
8 your question.

9 Q. And never told you about it?

10 A. I was aware that he had a photograph, or  
11 that he had the receipt for the tires,  
12 because he told his neighbor that he had a  
13 receipt for tires. And when we interviewed  
14 the neighbor, the neighbor told that. I  
15 believe it was Van Beringer was the  
16 neighbor's name. And the neighbor told us  
17 that he has a receipt for tires from Sears.  
18 We knew they had it. They just did not  
19 disclose it to us until after the arrest.  
20 And so mileage was going to become a key  
21 part of this investigation.

22 Q. Well, did Alan -- did you understand that  
23 Alan told a neighbor that he had evidence  
24 which exculpated him based on this receipt?

C08309

1 It's one thing to have a receipt, is it not?  
2 It's another thing for the accused to  
3 interpret that as exculpatory. What  
4 evidence did you have of that?

5 A. He made the statement to Van Beringer, and I  
6 don't recall the statement word for word,  
7 I'm sure it's in the case, that he had  
8 mileage -- a statement from Sears about new  
9 miles on his car, and that was one of his,  
10 if you want to call it an alibi, that was  
11 his excuse as to why he could not have  
12 committed the murder, because he's got this  
13 receipt showing the mileage on this vehicle,  
14 and there's not enough miles for him to have  
15 driven to Normal and back again.

16 Q. And you concluded that that mileage was not  
17 legitimate, that figure that showed on the  
18 odometer at some point?

19 A. I -- I believed that the figure on the  
20 odometer when the picture was taken was  
21 accurate. I believe that the current  
22 mileage on his odometer was not accurate.

23 Q. And so you believe that it was tampered with  
24 by Alan?

C08310

1 A. Yes, I did.

2 Q. And that this tampering was done when in  
3 relation to his arrest?

4 A. My belief was the tampering was done as soon  
5 as he arrived back from Normal the day that  
6 Jennifer Lockmiller was killed, and it was  
7 reconnected at the time when Detective  
8 Daniels was en route and pulled in and  
9 witnessed Alan Beaman up underneath the  
10 dashboard of his car working on his radio,  
11 as Alan said.

12 Q. And you can't explain why Alan never brought  
13 this evidence out before he was arrested,  
14 can you?

15 A. No, I can't tell you why he decided not to  
16 disclose that prior.

17 Q. And who disclosed the significance of this?  
18 Was it the photograph of the newspaper?

19 A. According to the report, from what I read,  
20 they gave -- I was not -- see, I was not  
21 present at that interview with Mrs. Beaman  
22 when she gave up the Sears receipt and the  
23 photograph of the odometer.

24 Q. Do you believe that Carol Beaman colluded

**C08311**

1 with Alan Beaman to falsify the odometer  
2 evidence?

3 A. No, I do not.

4 Q. What was her role in this?

5 A. I believe that Mrs. Beaman believed the  
6 odometer statement in the car and did not  
7 know that her son had disconnected the  
8 odometer cable and reconnected it after  
9 driving around town, creating an alibi, for  
10 the miles that were on the vehicle.

11 Q. Your recollection seems to be pretty clear  
12 on this point.

13 A. This was a key point, sir.

14 Q. A lot of time was spent on it at the trial,  
15 wasn't it?

16 A. Yes, it was.

17 MR. URDANGEN: Thank you for your  
18 patience, sir. I'm done, unless Mr. Messman  
19 has any questions.

20 MR. MESSMAN: Nope.

21 MR. URDANGEN: I want to then stay  
22 on the record for just one moment.

23 Mr. Messman, because this is going  
24 to be an issue for the judge, which is more

C08312

1 clear than ever today, I do not have either,  
2 as I've told you in writing, from Mr. Beu's  
3 file, or from anywhere for that matter, any  
4 of Detective Freesmeyer's reports of these  
5 time trials that were referenced as not  
6 being in those ten pages today.

7 I have asked you repeatedly to  
8 produce reports for me, and your most recent  
9 answer is they are in the official court  
10 file for you or anyone else to see. I am  
11 certainly under no obligation to go through  
12 all of those documents and copy them for you  
13 when you have the same access to them as I.

14 Before I approach the judge on  
15 this issue, are you telling me that  
16 Mr. Freesmeyer's police reports are public  
17 record in the court file?

18 MR. MESSMAN: That's the truth.

19 MR. URDANGEN: You've seen those  
20 in the court file?

21 MR. MESSMAN: I look at those  
22 repeatedly.

23 MR. URDANGEN: So all of these  
24 reports that have been referenced to today

C08313

1 are public record?

2 MR. MESSMAN: Unless they're  
3 missing, which I -- you know, I look at that  
4 court file a lot, and I don't think any of  
5 them are. They are -- anybody in the public  
6 can come in and look at them.

7 MR. URDANGEN: I'm not talking  
8 about pleadings, sir.

9 MR. MESSMAN: I'm talking about  
10 discovery, police reports, phone records,  
11 everything that was filed and given a  
12 number, a handwritten number in the bottom  
13 right corner of the page is filed in the  
14 discovery. There's 15 volumes of official  
15 court file, and everything disclosed in  
16 discovery is in them.

17 MR. URDANGEN: Then I guess we  
18 shall look at that.

19 Let's see if I have anything else.

20 MR. MESSMAN: It's further made a  
21 part of the common law record that went up  
22 on appeal and was sent to the appellate  
23 court.

24 MR. URDANGEN: Mr. Freesmeyer,

C08314

1 I'll tell you on the record today that we  
2 have a hearing date which is going to begin  
3 where you will not be required to attend on  
4 December 15. The judge has set aside  
5 January 13 and 14 for the final day or two,  
6 if necessary, of the hearing. At this point  
7 I'm going to ask you and tell you, and I'll  
8 try to, as I've tried from the beginning  
9 here, to make -- to inconvenience you as  
10 little as possible.

11 I will try to let you know which,  
12 if either, of those two January dates you'll  
13 need to come and testify, or if you will at  
14 all. So please mark those on your calendar  
15 as possibilities. Fair enough?

16 THE WITNESS: Uh-huh.

17 MR. URDANGEN: And just answer out  
18 loud.

19 THE WITNESS: Yes.

20 MR. URDANGEN: Okay. I'm done.

21  
22 (Whereby a discussion was held  
23 off the record.)  
24

C08315

1 THE WITNESS: I just -- I want to  
2 clarify our conversation about the Wal-Mart  
3 trip. I had indicated I thought I had  
4 stopped and walked in. I can't say that I  
5 did that, and I want to clarify so that  
6 doesn't become confused later down the road.

7 MR. URDANGEN: I appreciate that.

8 THE WITNESS: I don't recall  
9 exactly how that -- where that stopping  
10 point was. It may have been the front. It  
11 may have been in the parking lot. It may  
12 have been at the -- I know I didn't go in  
13 and shop.

14 MR. URDANGEN: I appreciate that.  
15 I think you -- I think that that's the  
16 impression I already had from your  
17 statement, but thank you for clarifying  
18 that.

19 THE WITNESS: Okay.  
20  
21  
22  
23  
24

C08316

1 STATE OF ILLINOIS )  
 2 COUNTY OF KNOX )

3

4

5

C E R T I F I C A T E

6 I, Amy S. Powers, CSR, RPR, a Notary Public  
 7 duly commissioned and qualified in the State of  
 8 Illinois, DO HEREBY CERTIFY that pursuant to  
 9 notice there came before me on the 22nd day of  
 10 November 2004, at 130 South Lafayette, in the  
 11 City of Macomb, County of McDonough, and State of  
 12 Illinois, the following named person, to wit:

13

14

TIMOTHY J. FREESMEYER,

15

16 who was by me first duly sworn to testify to the  
 17 truth and nothing but the truth of his knowledge  
 18 touching and concerning the matters in  
 19 controversy in this cause and that he was  
 20 thereupon carefully examined upon his oath and  
 21 his examination immediately reduced to shorthand  
 22 by means of stenotype by me.

23

24

I ALSO CERTIFY that the deposition is a true  
 record of the testimony given by the witness and

C08317

8

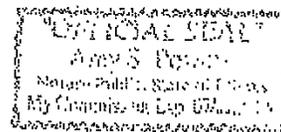
8

1 that the necessity of calling the court reporter  
 2 at time of trial for the purpose of  
 3 authenticating said transcript was also waived.

4 I FURTHER CERTIFY THAT I am neither attorney  
 5 or counsel for, nor related to or employed by,  
 6 any of the parties to the action in which this  
 7 deposition is taken, and further, that I am not a  
 8 relative or employee of any attorney or counsel  
 9 employed by the parties hereto, or financially  
 10 interested in the action.

11 IN WITNESS WHEREOF, I have hereunto set my  
 12 hand and affixed my notarial seal at Galesburg,  
 13 Illinois, this 26th day of November 2004.

14  
 15   
 16 AMY S. POWERS  
 17 Certified Shorthand  
 18 Reporter



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DEPOSITION OF T. J. LOTHY FRUESMEYER

NOVEMBER 22, 2004

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DEPOSITION OF TERRY J. FREESMEYER

NOVEMBER 22, 2004

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NOVEMBER 22, 2004

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CIRCUIT WIDE REPORTING \* 1-800-342-3376

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

ALAN BEAMAN,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 10-CV-1019
	)	
JAMES SOUK, et al.,	)	
	)	
Defendants.	)	

The videotaped deposition of DAVID WARNER taken in the above-entitled cause, before Christine M. Luciano, CSR, on the 18th day of December, 2012, at 201 Broadway Street, Normal, Illinois, pursuant to Notice at the hour of 10:12 a.m.

Reported by: Christine M. Luciano, CSR

License No.: 084-004084

## 1    A P P E A R A N C E S :

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21                    and County of McLean, Illinois;

22

23

24

2

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C08477

APPENDIX 002708

1 A P P E A R A N C E S :

2

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8 BY: MR. THOMAS G. DiCIANNI  
9 Representing the Defendants,  
10 Timothy Freesmeyer, Robert Hospelhorn,  
11 David Warner, Frank Zayas, and  
12 Town of Normal, Illinois.

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14

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\* \* \*

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I N D E X

WITNESS	EXAMINATION
DAVID WARNER	
Direct Examination by Mr. Shapiro	5
Cross-Examination by Ms. Barton	188

E X H I B I T S

DAVID WARNER	
DEPOSITION EXHIBIT	MARKED FOR ID
No. 20	158
No. 21	162

1 THE VIDEOGRAPHER: This is the video  
2 deposition of Dave Warner taken by the Roderick  
3 MacArthur Justice Center in the matter of Beaman v.  
4 Souk, et al., Case No. 10-CV-1019, held in the  
5 Marriott Hotel & Conference Center, 201 Broadway  
6 Street, Normal, Illinois. Today is December 18, 2012.  
7 The time is 10:12.

8 The court reporter is Christine Luciano. The  
9 videographer is Rick Kosberg.

10 The counsel can now introduce themselves, and  
11 the court reporter is free to administer the oath.

12 MR. SHAPIRO: David Shapiro for the plaintiff  
13 Alan Beaman.

14 MS. BARTON: Elizabeth Barton for McLean  
15 County defendants.

16 MR. DiCIANNI: Thomas DiCianni for the Town  
17 of Normal defendants.

18 (Witness duly sworn.)

19 DAVID WARNER,  
20 called as a witness herein, having been first duly  
21 sworn, was examined and testified as follows:

22 DIRECT EXAMINATION

23 BY MR. SHAPIRO:

24 Q. Good morning, Mr. Warner.

5

1 A. Good morning.

2 Q. Let me just begin by asking, have you ever  
3 had your deposition taken before?

4 A. Once a long time ago.

5 Q. About -- approximately when was that?

6 A. Oh, gosh, late '90s maybe.

7 Q. Uh-huh. What was that case about?

8 A. It was a case where a guy got beat up, I  
9 think, and his parents thought the case should have  
10 gone farther.

11 Q. Were -- were you a defendant in that case?

12 A. No. I don't -- in fact, I don't even think  
13 it was a lawsuit. I think they just hired an  
14 attorney to find out if more could have been done.

15 Q. Uh-huh. Was it a setting like this where  
16 there's --

17 A. Similar.

18 Q. -- a court reporter and --

19 A. I don't remember the court reporter. I  
20 remember being recorded.

21 Q. Okay. So I'm not -- that may or may not  
22 have -- have been a deposition. I'm not -- I think  
23 none of us -- neither of us are sure.

24 A. Right.

6

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APPENDIX 002712

1 Q. Let me just go over a few of the, you know,  
2 ground rules for -- for today. It's important that  
3 you try to let me finish my question before you  
4 answer. Sometimes you may know what I'm going to say  
5 before I finish the question. But if you let me  
6 finish, it will create a clear record for the court  
7 reporter.

8 A. Sure.

9 Q. Okay. For the same reason, it's important  
10 to answer my questions audibly, for example, with a  
11 yes or no rather than nodding or shaking the head or  
12 uh-uhs or uh-huhs because those are difficult to take  
13 down. Will you try to do that?

14 A. I will.

15 Q. Okay. If I ask you a question and it  
16 doesn't make sense or you don't understand it, just  
17 let me know, and I'll keep rephrasing the question  
18 until -- until it does make sense. All right?

19 A. All right.

20 Q. And if I ask a question, you do answer it,  
21 I'll assume that you understood it. Fair enough?

22 A. Fair enough.

23 Q. Okay. Now, there are the few questions I  
24 just ask at the beginning of pretty much any

7

1 deposition just to make sure that you're able to give  
2 accurate, truthful testimony today. I'm not trying  
3 to pry into anything that's personal. That's just  
4 the reason that I ask.

5 Are you under a doctor's care for any  
6 illness that would affect your ability to testify  
7 today?

8 A. No.

9 Q. Are you taking any medication that would  
10 affect your ability to testify?

11 A. No.

12 Q. And I take it you haven't had any alcohol  
13 today?

14 A. No.

15 Q. Okay. Is there any reason whatsoever why  
16 you wouldn't be able to give accurate and truthful  
17 testimony today?

18 A. No.

19 Q. Okay. And you understand you're testifying  
20 under oath today and under penalty of perjury just as  
21 if you were testifying in court?

22 A. Yes.

23 Q. One thing I forgot to mention is that if  
24 there's -- if you want to take a break at any point

8

1 today, we'll probably be taking breaks periodically;  
2 but anytime you want to for any reason, that's fine.  
3 The only real limitation on that is that if there's a  
4 pending question, I'll ask you to answer the question  
5 before we take the break. Okay?

6 A. Yep.

7 Q. Okay. Great. What did you do to prepare  
8 for your deposition today?

9 A. I received a packet of information from my  
10 attorney.

11 Q. Uh-huh. What was included in that packet of  
12 information?

13 A. Reports, some handwritten notes.

14 Q. Were there any interview transcripts  
15 included --

16 A. Yes --

17 Q. -- in that material?

18 A. -- interview transcripts.

19 Q. Okay. Who -- which interview transcripts  
20 were included?

21 A. Morgan, I think the girl that found her --

22 Q. Morgan Keefe?

23 A. Keefe, yeah.

24 And then some of the neighbors, I recall.

9

1 Q. Uh-huh.

2 A. I don't remember who else was in there.

3 Q. Stacey Gates?

4 A. Yes, Gates.

5 Q. Uh-huh. Heidi Steinman?

6 A. If that was a neighbor, then yes. I don't  
7 recall the name, though.

8 Q. She was -- I don't believe that she was a  
9 neighbor. She was a friend of Jennifer Lockmiller's.

10 A. I don't remember the name, but ...

11 Q. You do not -- you're not sure if that one  
12 was included?

13 A. No, no.

14 Q. I think -- I think we're talking over each  
15 other just a little -- a little bit.

16 A. Sorry.

17 Q. Just try to be mindful of that if you could.  
18 No, I'd appreciate it.

19 What reports did you review?

20 A. Some evidence sheets that went to and from  
21 the lab. There was a polygraph report in there.

22 Q. Uh-huh.

23 A. The transcripts. I think -- I think that  
24 was it.

10

1 Q. Okay. Was that the polygraph report  
2 regarding John Murray?

3 A. Yeah.

4 Q. Okay. Did you review a polygraph report  
5 regarding Stacey Gates?

6 A. I think it was in there. I didn't read  
7 through it.

8 Q. Okay. You mentioned notes. Were those  
9 notes that you took during the course of the  
10 investigation?

11 A. Yes.

12 Q. Okay. And what do you remember about the  
13 notes that you reviewed?

14 A. That I wrote them.

15 Q. Do you remember the time, the date -- some  
16 of the dates, approximate dates or subject matter of  
17 the notes?

18 A. They appeared to be early on in the  
19 investigation, you know, within a day or so probably.

20 Q. Do you recall taking any notes after the  
21 first couple of days in the investigation?

22 A. No.

23 Q. And you don't recall reviewing any notes  
24 that you had taken during a period more than a couple

11

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APPENDIX 002717

1 days after the investigation?

2 A. No.

3 Q. Okay. In terms of the reports, you  
4 mentioned polygraph reports. Did you -- and evidence  
5 sheets. Did you review any police reports?

6 A. No.

7 Q. Did you prepare any police reports as part  
8 of this case?

9 A. I don't remember.

10 Q. You don't remember doing so?

11 A. (Nodding.)

12 Q. Okay.

13 THE COURT REPORTER: Is that a yes or no?

14 THE WITNESS: I'm sorry. What was the  
15 question?

16 BY MR. SHAPIRO:

17 Q. Let me -- let re-ask it.

18 You don't have any recollection of having  
19 prepared any police reports, correct?

20 A. I do not.

21 Q. Okay. Did the documents that you reviewed,  
22 did they refresh your recollection about the facts of  
23 the Lockmiller investigation?

24 A. To some degree, yes.

12

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APPENDIX 002718

1 Q. Okay. How would you characterize the level  
2 or quality of your recollection about the Lockmiller  
3 investigation?

4 A. I'm not sure I know how to answer that.

5 Q. Well, would you say that you have a good  
6 memory of the events that have occurred?

7 A. I remember some things.

8 Q. Are there particular aspects of the  
9 investigation that stand out in your memory?

10 A. I remember the first day when I was there.  
11 I remember trying to determine the time of death. I  
12 called her -- one of her class instructors to find  
13 out if she was in class. I remember taking some  
14 pictures of cars, evidence, processing back and forth  
15 to the lab.

16 Q. When you were reviewing documents to prepare  
17 for this deposition, I think you mentioned there were  
18 some that you looked over quickly?

19 A. Uh-huh.

20 Q. Which documents did you review in greater  
21 detail?

22 A. Not in great detail. I glanced through the  
23 statements. Didn't really know what you were going  
24 to ask so I didn't know what I needed to read, but I

13

1 remember taking the statements. But that's about it  
2 as far as that goes.

3 Q. Uh-huh. Did -- were there certain documents  
4 that you focused on more so than others?

5 A. Not really.

6 Q. Who did you meet with in order to prepare  
7 for your deposition today?

8 A. My attorney here, Tom DiCianni.

9 Q. Okay. When was the -- when was the first  
10 time you met with Mr. DiCianni to prepare?

11 A. It was an introductory meeting months ago.  
12 I don't know the exact date. And over the last two  
13 days, I think we met yesterday morning and then this  
14 morning.

15 Q. That introductory meeting you mentioned, was  
16 that soon after the complaint in this case was filed?

17 A. Yeah, I believe it was.

18 Q. Okay. Who -- other than Mr. DiCianni and  
19 yourself, who was present at that meeting?

20 A. I don't recall.

21 Q. Was Rob Hospelhorn present?

22 A. I don't -- I don't remember.

23 Q. Timothy Freesmeyer?

24 A. I doubt it.

14

1 Q. Why -- why -- why do you say you doubt it?

2 A. Didn't work here then.

3 Q. Okay. So did you -- do you --

4 A. I don't know. My answer is I don't know who  
5 was there.

6 Q. Well, I'm just curious why -- for  
7 Hospelhorn, you know, you don't remember.  
8 Freesmeyer, you're --

9 A. He didn't work here then.

10 Q. Okay.

11 A. And he lives out of town. Could have been.  
12 I don't remember, but --

13 Q. What was -- without asking, I mean, with  
14 that understanding -- strike that.

15 With the understanding that you don't recall  
16 a specific person was present at that meeting, were  
17 there other people present?

18 A. Yes.

19 Q. Okay. Were -- were there other police  
20 officers present?

21 A. Yes.

22 Q. About how many people were there?

23 A. I think the chief of police was there maybe,  
24 probably my lieutenant. I'm guessing. I don't

15

1 remember exactly who was there.

2 Q. Okay. And who's -- who's the chief of  
3 police and the lieutenant?

4 A. Kent Crutcher was at that time.

5 Q. And the lieutenant?

6 A. Rick Bleichner. He is now the chief.

7 Actually he was assistant chief then. He would have  
8 been chief now.

9 Q. Uh-huh. Do you remember if -- even if you  
10 don't remember specific person, whether any of the  
11 other defendants in this case were present for that  
12 meeting?

13 A. I don't remember.

14 Q. Okay. And about -- about how long was that  
15 meeting?

16 A. I don't think it was long.

17 Q. Approximation?

18 A. 20 minutes maybe.

19 Q. Okay. And who was present at the meeting  
20 yesterday morning?

21 A. Rob Hospelhorn, myself, and Tom.

22 Q. Okay. And about how long was that meeting?

23 A. My involvement in the meeting was very  
24 short, maybe 15 minutes.

16

1 Q. Did you talk to Mr. Hospelhorn after his  
2 deposition yesterday?

3 A. I said hi to him this morning.

4 Q. Uh-huh. Other than saying hi, did you  
5 exchange any other words with him?

6 A. No.

7 Q. Okay. Approximately how long was the  
8 meeting this morning with Mr. DiCianni?

9 A. I believe he got there around 8:30 to almost  
10 10 o'clock.

11 Q. Okay. And that meeting was just the two of  
12 you?

13 A. Yes.

14 Q. So these three -- these three meetings, the  
15 introductory meeting, the meeting yesterday, and the  
16 meeting today were the only ones when a lawyer was  
17 present?

18 A. Yes.

19 Q. Regarding this case?

20 A. Yes.

21 Q. Have you had -- other than the meeting  
22 yesterday where Mr. Hospelhorn was -- was present,  
23 have you had any other conversations whether by phone  
24 or in passing with Mr. Hospelhorn about this case?

17

1 A. I don't recall any.

2 Q. When's the last time you spoke with him  
3 about anything other than just saying hi this  
4 morning?

5 A. We work the same shift. We started at  
6 7 o'clock this morning.

7 Q. So -- so -- so you -- so you see each other  
8 pretty -- pretty regularly?

9 A. Every day except his days off.

10 Q. When -- when's the last time you had any  
11 contact with Timothy Freesmeyer?

12 A. Years. I don't know.

13 Q. Uh-huh. What about Tony Daniels?

14 A. Tony Daniels, the last time I saw him was on  
15 November 30.

16 Q. What were the circumstances of seeing him on  
17 the 30th?

18 A. He retired from the department again.

19 Q. Uh-huh. So sort of a going-away party or?

20 A. No, it was just his last day.

21 Q. Oh, okay. I see. I see.

22 When's the last time you had any sort of  
23 contact with Frank Zayas?

24 A. Years.

18

1 Q. Uh-huh. And that -- that's because he  
2 retired, and you so haven't seen him in a while?

3 A. Right.

4 Q. What about John Belcher?

5 A. I saw John Belcher at a funeral. I believe  
6 it was in early November. It was Scott Johnson's  
7 mother's funeral. I just said hi, chit-chat stuff.

8 Q. Uh-huh. Have you had any conversations  
9 with -- with Frank Zayas, Rob Hospelhorn, or  
10 John Belcher or Timothy Freesmeyer about this case in  
11 any way?

12 A. None that I recall.

13 Q. Have you had any conversations about this  
14 case with anyone currently or formerly employed by  
15 the State's Attorney's Office?

16 A. Tony Daniels would talk to me about it.

17 MR. DiCIANNI: State's Attorney's Office.

18 THE WITNESS: Oh, I'm sorry. State's  
19 Attorney's Office? No.

20 BY MR. SHAPIRO:

21 Q. Okay. You never talked about this case with  
22 the State's Attorney's Office?

23 A. No.

24 Q. What did Tony Daniels say when you guys

19

1 talked?

2 A. He would often comment -- he didn't  
3 understand why Rob and I were involved in this case;  
4 that we didn't do anything wrong; that it was just  
5 Freesmeyer and Souk. And I didn't pay much attention  
6 to it. And then that would come up periodically if  
7 something was in the news or something, he would  
8 mention that again.

9 And early November he said he was going to  
10 go talk to the attorneys -- this was when he knew  
11 that I was going to be deposed and Rob was. And he  
12 said, don't tell anybody, I'm going to go this week  
13 and talk to the attorneys. And I said, why can't we  
14 tell anybody? We all know, you know, this is going  
15 on. And he goes, well, you know what side I'm on. I  
16 said, everybody knows what side you're on. What's  
17 the big deal?

18 And he goes, well, I don't know why you're  
19 involved in this. I said, they're hung up on some  
20 polygraph report that said never got to the State's  
21 Attorney. I said if I -- I got that report, it  
22 wasn't to me, it was to you, Tony; and I handed it to  
23 you. If I didn't, you would have said where's that  
24 report? And whatever happened after that, I don't

20

1 know.

2 He said, yeah. And he started going about  
3 his business.

4 Q. And which -- which -- which polygraph report  
5 are you referring to?

6 A. Larbi.

7 Q. Larbi John Murray?

8 A. Yeah.

9 Q. Uh-huh. And -- and you said Tony Daniels,  
10 you -- was the -- you and Hospelhorn had no  
11 responsibility for this case and that it was -- it  
12 was Freesmeyer and someone else who were  
13 responsible -- am I -- I'm not trying to put words in  
14 your mouth.

15 A. The responsibility for the case would be  
16 Lieutenant Zayas. He was in --

17 Q. Uh-huh.

18 A. -- charge of CID at the time. Freesmeyer  
19 and Daniels had the most assignments in the case.

20 Q. But I'm sorry. I'm just trying to  
21 understand what Tony Daniels's view that he conveyed  
22 to you was about, you know, who -- who -- who -- who  
23 bore responsibility for the conviction of Mr. Beaman?

24 MS. BARTON: Objection to form.

21

1 THE WITNESS: Tim Freesmeyer and Jim Souk.

2 MR. SHAPIRO: Okay.

3 MR. DiCIANNI: Let's clarify. That's what  
4 Mr. Daniels said to you?

5 THE WITNESS: Yes.

6 MR. DiCIANNI: Yeah.

7 BY MR. SHAPIRO:

8 Q. And do you agree or disagree with that view  
9 of Mr. Daniels?

10 A. I have no opinion either way.

11 Q. Who was the lead investigator in this case?

12 A. We didn't use that term. If I had to single  
13 anybody out, it was probably Tim Freesmeyer.

14 Q. And -- and understanding that you -- that  
15 that's not -- a lead investigator is not a particular  
16 term that you use, what are your reasons for, as you  
17 say, singling out Tim Freesmeyer?

18 A. Did more of the high profile persons of  
19 interest, the ones that had the most involvement.

20 Q. And -- and -- and what were some of the  
21 things that he did that were particularly high  
22 profile?

23 A. I remember him driving to I think it was  
24 Joliet, timing the route. And that's all I remember

22

1 him doing, only because he talked about it. I didn't  
2 have any firsthand knowledge of it.

3 Q. But you had the impression that he -- he was  
4 doing the most important stuff -- most important  
5 tasks in the case, right?

6 A. Yes.

7 Q. Okay. And was that the case from the  
8 beginning of the investigation?

9 A. Tony started out he was the first one at the  
10 scene.

11 Q. Uh-huh.

12 A. Tony Daniels.

13 Q. Uh-huh.

14 A. I don't know when or where it switched or  
15 why. I know Tony was not pleased about Freesmeyer  
16 doing, I guess, the stuff he thought he should be  
17 doing.

18 Q. Uh-huh. And a -- you know, I understand  
19 that your recollection of when that shift occurred,  
20 you know, would not be -- would not be perfect or  
21 precise, but was it more or less than, say, six  
22 months into the investigation?

23 A. I honestly couldn't speculate. I don't -- I  
24 don't recall when that happened.

23

1 Q. Well, would it be fair to say that one of  
2 the higher profile things that Freesmeyer did in this  
3 case was become the primary point of contact with the  
4 defendant, Mr. Beaman?

5 A. I didn't know he was the primary -- I don't  
6 know.

7 Q. Do you recall that Mr. Beaman -- was --  
8 was -- was charged at one point in this case?

9 A. I do, yes.

10 Q. Was -- was -- was Timothy Freesmeyer the  
11 person with primary responsibility at the time he was  
12 charged?

13 MR. DiCIANNI: Object to lack of foundation.

14 MS. BARTON: I'll join.

15 MR. DiCIANNI: You can answer if you can.

16 THE WITNESS: Oh. Repeat the question,  
17 please.

18 BY MR. SHAPIRO:

19 Q. Sure. My -- my -- my question was whether  
20 you believe that Timothy Freesmeyer was the person  
21 with primary responsibility for the investigation by  
22 the time Mr. Beaman was charged?

23 A. I suppose so.

24 Q. And I -- and I -- correct me if I'm

24

1 mistaken, but I believe that you were one of the  
2 people who prepared Mr. Freesmeyer for the arrest  
3 including by attaching a body wire to him; is that  
4 correct? Do you remember that?

5 A. I have a vague recollection. I don't recall  
6 what I did.

7 Q. Uh-huh. But -- but -- but fair to say that  
8 by the time Freesmeyer was going out to make that  
9 arrest, he was the lead -- the primary person working  
10 on the case?

11 A. I -- I suppose it was. I don't --

12 MR. DiCIANNI: Well, he don't -- he doesn't  
13 want you to guess.

14 BY MR. SHAPIRO:

15 Q. Right, I don't want you -- but is that what  
16 you think?

17 A. He was working on his assignment, and his  
18 assignment was Alan Beaman. So does that mean he's  
19 in charge of the case? Not necessarily.

20 Q. Right. No, no. And I understand that.

21 And that's because Lieutenant Zayas --

22 A. Right.

23 Q. -- was in charge of the case.

24 But -- but -- but what I'm really asking is

25

1 among the line investigators -- is that a fair term?

2 A. Yeah.

3 Q. Among the line investigators, there are  
4 people who have more or less responsibility --

5 A. Sure.

6 Q. -- in a particular case, right?

7 A. Uh-huh.

8 Q. And by the time Timothy Freesmeyer was  
9 making the arrest, with the understanding that he's  
10 the line investigator, he was -- would you say that  
11 he was the line investigator with primary  
12 responsibility for the case?

13 A. Yes.

14 Q. Okay. What was Lieutenant Zayas's --  
15 you've mentioned some already, but what was  
16 Lieutenant Zayas's role in the case?

17 A. He was in charge of the detective division.  
18 He would have approved all of the reports turned in  
19 to him. Any paperwork would have gone through him.

20 Q. And -- and -- and what is the process of  
21 approving a report entail?

22 A. He would read whatever was turned in to him.  
23 If he thought it needed more information, he would  
24 send it back. If it met whatever the requirements

26

1 were for that instance, he would sign it and turn it  
2 into records.

3 Q. Okay. Did he suggest investigative avenues  
4 during the investigation?

5 A. He would assign people tasks, yes.

6 Q. Uh-huh. So he was in charge of deciding who  
7 would get which -- which tasks?

8 A. Yes.

9 Q. What was Rob Hospelhorn's role in the  
10 investigation as you understand it?

11 A. A line investigator.

12 Q. What about John Belcher?

13 A. Same.

14 Q. What was -- what was Jim Souk's role in the  
15 investigation?

16 A. State's Attorney.

17 Q. Uh-huh. And -- and -- and -- and somewhat  
18 more specifically, can you say what role he played in  
19 the investigation?

20 MS. BARTON: Objection to foundation.

21 THE WITNESS: Was the State's Attorney.

22 That's his role. I don't know what --

23 BY MR. SHAPIRO:

24 Q. Okay. We can -- we can -- we can come back

27

1 to that a little bit later.

2           When's the last time you spoke with anyone  
3 who was involved in the Lockmiller homicide  
4 investigation about the investigation?

5           A. Tony Daniels would have been in November. I  
6 don't recall any other conversations.

7           Q. You don't recall -- other than with --  
8 with -- with Daniels, you don't recall having any  
9 conversations with anyone about the Lockmiller  
10 homicide investigation?

11          A. No.

12          Q. Okay. Let me ask you a few questions about  
13 your -- your education and your training and your  
14 experience. What's -- what's the highest degree  
15 you've received from an educational institution?

16          A. I have a bachelor's in art from Illinois  
17 State University.

18          Q. Uh-huh. And did you go straight from high  
19 school to college?

20          A. Yes.

21          Q. Uh-huh. And upon your graduation, did you  
22 immediately become a police officer?

23          A. No, I was a commercial artist in Peoria for  
24 little over a year.

28

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1 Q. Huh. What -- what -- just out of curiosity,  
2 what -- what -- what -- what sort of art were you  
3 involved in?

4 A. I did -- I was a product illustrator.

5 Q. Uh-huh.

6 A. I drew products, shoes, motorcycles,  
7 diapers, insulation.

8 Q. And have -- have you lived in this area  
9 all -- all your life?

10 A. I went to -- I started in 1982 I think is  
11 when I came to ISU.

12 Q. Okay. Okay. And -- and -- and have you  
13 lived in the Bloomington-Normal area continuously  
14 since 1982?

15 A. Since then, yes.

16 Q. Okay. And how long were you -- were you a  
17 commercial artist?

18 A. About a year, maybe a little longer.

19 Q. What was the -- did you go into the police  
20 force at that point or was --

21 A. Yeah.

22 Q. Okay. And what -- what was it that decided  
23 that, you know -- strike that.

24 What was the reason you decided to -- to

29

1 move from being a commercial artist to a -- to the  
2 police force?

3 A. Well, it paid more.

4 Q. Uh-huh.

5 A. It was also -- I lived in Normal at the  
6 time. I had to commute to Peoria.

7 Q. Uh-huh.

8 A. I had started the police process couple  
9 years before that. And every once in a while, I get  
10 a letter saying do something else, do something else.  
11 And finally I got a letter saying you're next on the  
12 list, what do you want to do?

13 Q. Uh-huh.

14 A. So over a period of time, I had forgotten  
15 about it really. And I thought if I didn't try it, I  
16 would regret it. And here I am 25 years later.

17 Q. No regrets?

18 A. I won't say that but ...

19 Q. None of us would.

20 And -- and -- and -- and when you began in  
21 the police force, was there a process of going  
22 through the academy and receiving training?

23 A. I went to the academy in Champaign, yeah.

24 Q. Okay. And how long a program is that?

30

1 A. I think it was 10 or 12 weeks. I don't  
2 remember.

3 Q. Okay. Will you sort of walk me through the  
4 progression of your career through the Normal --

5 A. Sure.

6 Q. -- Police Force?

7 A. After the academy, I was on patrol I think  
8 for a year. At the time the department had a  
9 six-month rotation; you could go to detectives for  
10 six months and then do something else. I did that  
11 sometime after that first year. And I did my  
12 six-month rotation.

13 I left for a month or two. They asked me to  
14 come back permanently. And I was, like, after the  
15 second year I think, stayed there for -- I was in  
16 detectives for seven years I think. I went back to  
17 patrol because there was a possibility of promotion  
18 to sergeant. I didn't have a lot of patrol  
19 experience.

20 I was promoted to sergeant. I don't have  
21 the dates. Did sergeant on patrol for a while. I  
22 was asked to go to -- be administrative sergeant by  
23 the chief. I was promoted up there.

24 I was promoted to lieutenant. I spent most  
31

1 of my time until July of this year as an  
2 administrative lieutenant. I was in charge of  
3 computer investigations, radio system, in-car video;  
4 basically anything electronic. I was in charge of  
5 training. And in July of this year, I became the day  
6 shift supervisor.

7 Q. And -- and your current rank is lieutenant?

8 A. Yes.

9 Q. Okay. And you mentioned a period when you  
10 were a detective for seven years. Was -- did the  
11 Lockmiller investigation fall within that period?

12 A. Yes, uh-huh.

13 Q. Do you recall roughly how long you had been  
14 a detective during -- during that period?

15 A. Two years maybe. I don't remember.

16 Q. And were you the evidence custodian during  
17 that period?

18 A. I was an investigator; I was an evidence  
19 technician; I was an arson investigator; and I was in  
20 charge of the property.

21 Q. And you held all those responsibilities at  
22 the same time?

23 A. I did.

24 Q. Okay. Can you explain to me, sir, what --

32

1 what the role of an evidence custodian is?

2 A. You check things in and out of the evidence  
3 room, keeping track of where things are. If somebody  
4 needs something sent to the lab, you prepare the  
5 paperwork, take it to the lab, pick it up.

6 Q. And when -- when there's an outside expert  
7 like a -- like a fingerprint examiner or I think you  
8 mentioned earlier, polygraph examiner, would --  
9 would -- would you be the person who would send the  
10 evidence for examination to those experts?

11 A. For polygraph you're talking?

12 Q. Well, I guess -- I guess it's a bad question  
13 for poly -- right, because -- well -- because that  
14 doesn't involve physical evidence, right?

15 A. Right.

16 Q. So let's take something that -- that -- that  
17 does ballistics, fingerprinting --

18 A. I would send it to the lab.

19 Q. And I apologize. I think we're just talking  
20 over each other a little bit. And if we could both  
21 try to be mindful of that, it will make the court  
22 reporter's job a little bit easier. I appreciate it.

23 So -- so -- so for fingerprint exam or  
24 ballistics exam, you would send the evidence to the

33

1 lab, right?

2 A. Yes.

3 Q. Okay. And -- and -- and when there was a  
4 report from the lab, you would -- you would -- would  
5 you typically be the person to -- to receive that  
6 report?

7 A. Not necessarily. I believe it went to the  
8 case officer and the State's Attorney because I  
9 didn't ask -- I wasn't the one asking for the report.  
10 I was just taking it. The officer wanted whatever  
11 process done on it. I just was the means to getting  
12 it done.

13 Q. Uh-huh. And -- and -- and help me  
14 understand the process. So the officer who wanted  
15 the report would -- would ask you to contact the  
16 outside person; is that right?

17 A. They usually sent the report. The crime lab  
18 would send the report to the officer and I believe to  
19 the State's Attorney.

20 Q. Okay.

21 A. You know, like on ballistics or drugs or  
22 something like that.

23 Q. Uh-huh. And -- and would that also apply --  
24 strike that.

34

1           Did that also apply to polygraph exams; in  
2 other words, the polygraph examiner would send the  
3 report to the case officer and the State's Attorney?

4           A.    Are you talking about the report for Larbi?

5           Q.    Well, let's -- we'll -- we'll get to that in  
6 a moment, but I'm first just trying to understand the  
7 process generally.

8           A.    I didn't --

9           MS. BARTON: Object to foundation.

10          BY MR. SHAPIRO:

11          Q.    Okay. Well, let me lay a little bit of a  
12 foundation.

13                As the evidence custodian, you were -- what  
14 was -- what was your role in connection with things  
15 like -- in connection with polygraph reports?

16          A.    We didn't have too many polygraphs that I  
17 recall. What -- it wasn't as formal as asking for  
18 fingerprints or things like that. All you needed to  
19 do was call up, talk to the polygrapher, and ask for  
20 an appointment.

21          Q.    Uh-huh. And -- and -- and who would  
22 typically call the polygrapher?

23          A.    It could be anybody.

24          Q.    Okay. So, for example, it could be the case  
35

1 officer?

2 A. Could be.

3 Q. Or the case officer might ask you to call  
4 the polygrapher?

5 A. Could happen.

6 Q. Okay. And -- and that polygrapher would  
7 generate a report, right?

8 A. Yes.

9 Q. Okay. And who -- who -- who would typically  
10 receive copies of that report?

11 A. Whoever called it in, I suppose.

12 MR. DiCIANNI: If you know.

13 THE WITNESS: I don't know.

14 BY MR. SHAPIRO:

15 Q. Would -- would the State's Attorney  
16 typically receive a copy of the report?

17 MS. BARTON: Objection to foundation.

18 THE WITNESS: I thought they did.

19 BY MR. SHAPIRO:

20 Q. Okay. And -- and -- and you said with  
21 reports from fingerprint examiners and -- and  
22 ballistics experts, those reports would go to State's  
23 Attorney, right?

24 A. Yes.

36

1 Q. Can you think of any reason why it would be  
2 different for a polygraph report?

3 A. I don't have a reason.

4 Q. Okay. And since -- since you mentioned the  
5 polygraph report regarding -- regarding Murray, why  
6 don't we --

7 A. Well, it's just easier --

8 Q. -- talk about that, yeah.

9 A. Easier to talk about if that's what you know  
10 want to.

11 Q. I want to know about both, but you're  
12 absolutely right that I want to know about that as  
13 well.

14 So talk -- talk me through your  
15 understanding of what -- what happened with that  
16 report.

17 A. Well, I viewed the paperwork, and I noticed  
18 that it said "at the request of David Warner," and  
19 that made me understand that I called and asked for  
20 the appointment.

21 Q. Okay.

22 A. And that's more than likely why it got sent  
23 to me.

24 Q. Uh-huh. And -- okay. So -- so -- so you

37

1 requested the report, and the report was sent to you,  
2 right?

3 A. And it would have been requested by  
4 Tony Daniels, who was working with Larbi at the time.

5 Q. Sure, sure. That's all right. Let's just  
6 take it step by step, though.

7 So you requested the report, right?

8 A. I made the appointment.

9 Q. Uh-huh. And -- and making the appointment  
10 means you called the polygraph examiner and asked  
11 that examiner to examine Mr. Murray?

12 A. Yes.

13 Q. Okay. And -- and -- and then you received  
14 the polygraph report regarding Mr. Murray, correct?

15 A. Yes.

16 Q. Okay. And I think this is what -- what --  
17 where -- where you're going, but what did you do with  
18 the polygraph report when you received it?

19 A. I opened it, realized what it was, that it  
20 was not for me. It was for Detective Daniels. I  
21 handed it to Detective Daniels. I said, here's your  
22 polygraph report. He said okay.

23 Q. Do you have a specific recollection of  
24 having done that 20 years ago?

38

1           A.    I do.  I was standing at my desk.  I took  
2   the mail -- there was a mail slot next to my desk,  
3   and Tony's desk was just ahead of mine, and he was  
4   there.  I opened it, saw what it was, and I handed it  
5   to him.

6           Q.    Let's go back for -- for a moment for sort  
7   of the usual process.

8                    In the ordinary course when you got a report  
9   from an outside expert, what -- would -- would you  
10  give a copy to the State's Attorney's Office or was  
11  that someone else?

12           MS. BARTON:  Object to foundation as to the  
13  time period.

14  BY MR. SHAPIRO:

15           Q.    I'm talking about around the period of the  
16  Lockmiller homicide investigation.

17           A.    My understanding of the process is the State  
18  Police lab, if that's what we're talking about, sent  
19  the report to the State's Attorney as well as to the  
20  agency, and it would have been to the originating  
21  case officer.

22           Q.    I see.  So -- so -- so the lab would send a  
23  copy directly to the State's Attorney's Office?

24           MS. BARTON:  Objection to form.  Which lab?

39

1 BY MR. SHAPIRO:

2 Q. Okay. A polygraph examiner would send a  
3 copy of the polygraph report directly to the State's  
4 Attorney's Office?

5 MS. BARTON: Objection to foundation.

6 BY MR. SHAPIRO:

7 Q. Is that your understanding?

8 A. I thought the process was the same.

9 Q. Uh-huh. And by "the same," you mean that  
10 the polygraph examiner would send a copy to the case  
11 officer and to the State's Attorney, right?

12 A. Correct.

13 Q. Okay. And would you typically also receive  
14 a copy of a polygraph report?

15 A. I -- there wasn't that many --

16 Q. Uh-huh.

17 A. -- so typically I would say no. I don't  
18 recall getting any others.

19 Q. Okay. For -- for as long as you were  
20 evidence custodian, you don't recall receiving any  
21 other polygraph reports?

22 A. I do not.

23 Q. Okay. Did you ever request other polygraph  
24 examinations while you were the evidence custodian?

40

1 A. I think I did Bubba, what's his name,  
2 Stacey Gates?

3 Q. Stacey Gates, uh-huh.

4 A. I think I did his.

5 Q. Okay. But -- but I'm not -- and just to be  
6 clear, I think we are on the same page here, but  
7 I'm -- I'm -- for right now I'm not talking just  
8 about the Lockmiller homicide investigation.

9 Do you recall any other instance when you  
10 received a polygraph report?

11 A. I do not recall any other instance.

12 Q. Okay. But do you recall other instances  
13 when you requested a polygraph report?

14 A. I don't think I did. I don't -- there  
15 wasn't that many. I don't remember. I -- it was not  
16 a typical thing to do.

17 Q. Okay. So -- so you -- so as far as you --  
18 strike that.

19 You don't think you ever requested of  
20 polygraph report except in the Lockmiller homicide  
21 investigation?

22 A. I didn't request the report. I requested  
23 the exam.

24 Q. Fair enough. Right. No, I appreciate that

41

1 clarification.

2           So -- but is -- you don't think that you  
3 ever requested an exam of anyone except in the  
4 Lockmiller homicide investigation; is that correct?

5           A. I don't recall any.

6           Q. Okay. But do you think that it is something  
7 that you, you know, when you -- sometimes you don't  
8 recall because you just don't remember doing a  
9 specific thing. Sometimes, you know, you don't  
10 recall because you really don't think it ever  
11 happened.

12           Do you think that in the course of the --  
13 strike that.

14           With the understanding that you don't have a  
15 specific recollection of requesting or receiving a  
16 particular polygraph exam or polygraph report, do you  
17 think that in the course of the time that you served  
18 as the evidence custodian there were other instances  
19 when you requested exams?

20           A. Before or after Lockmiller?

21           Q. Either.

22           MR. DiCIANNI: I'm going to object to  
23 speculation, asking him to speculate. He doesn't have  
24 a memory. All he can do then is speculate.

42

1 BY MR. SHAPIRO:

2 Q. Go ahead.

3 A. I know we hired a polygrapher shortly --  
4 sometime in the '90s, I believe. I don't remember  
5 the date.

6 It was much easier to get a polygraph at  
7 that time and there was no -- no one had to request  
8 anything. You just go in and, hey, are you free to  
9 do a polygraph? It was in our building.

10 Q. So that was -- that was -- that was a  
11 full-time polygraph examiner?

12 A. Actually she took over the evidence tech  
13 responsibilities and property manager.

14 Q. I see. Well -- okay.

15 But -- and that was -- that was shortly  
16 after the Lockmiller investigation that she --

17 A. I believe it was.

18 Q. -- was hired?

19 A. I don't recall the exact date.

20 Q. Okay. And -- and -- and I know it's -- I  
21 know it's a hard artificial thing to do, but we are  
22 talking -- I know you're trying. I appreciate that.

23 Do you -- do you think that you ever  
24 requested a polygraph exam prior to the Lockmiller

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1 homicide investigation?

2 A. I don't recall.

3 MR. DiCIANNI: Object, speculation.

4 BY MR. SHAPIRO:

5 Q. Now, you -- you -- you -- you stated that  
6 your understanding was that ordinarily a polygraph  
7 report would go to the State's Attorney's Office,  
8 correct, from the polygraph examiner?

9 MS. BARTON: Objection to foundation.

10 THE WITNESS: Based on the process of the  
11 other tests at the crime lab.

12 BY MR. SHAPIRO:

13 Q. Uh-huh.

14 A. Yes.

15 Q. Do you have any reason to doubt that a copy  
16 of the polygraph of John Murray was sent to the  
17 State's Attorney's Office in the Lockmiller case?

18 A. I'm not sure -- would you repeat the  
19 question?

20 Q. Sure. If -- if I'm understanding your  
21 testimony about the ordinary process for outside  
22 reports, it's that a copy would be sent directly from  
23 the outside person to the State's Attorney's Office.

24 And the question that I'm asking is whether

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1 you have any reason to doubt that a copy of the  
2 polygraph report regarding John Murray was -- was  
3 sent to the State's Attorney's Office in the  
4 Lockmiller case?

5 MS. BARTON: Objection, form and foundation.

6 THE WITNESS: I understood the process was  
7 the same.

8 BY MR. SHAPIRO:

9 Q. Uh-huh. When you handed a copy of the  
10 Murray polygraph report to Daniels, what -- what  
11 happened next?

12 A. He went about his business; I went about  
13 mine.

14 Q. Okay. So -- so you had no further --  
15 Daniels didn't mention anything to you at that time?

16 A. No.

17 Q. Okay. Did you have any further discussion  
18 with him about the report?

19 A. No.

20 Q. Did you have any further discussion with  
21 other investigators in the Lockmiller homicide  
22 investigation about the report?

23 A. No.

24 Q. When you received reports from outside

45

1 experts, did you typically place copies in the  
2 central file?

3 MS. BARTON: Objection to form.

4 THE WITNESS: I would turn the reports in to  
5 my supervisor.

6 BY MR. SHAPIRO:

7 Q. Okay. Was -- was -- was Tony Daniels your  
8 supervisor in the Lockmiller --

9 A. No, Frank Zayas was the supervisor.

10 Q. Okay. Did you give a report -- did you give  
11 a copy of the polygraph report to Zayas -- I'm sorry.

12 Did you give a copy of the John Murray  
13 polygraph report to Zayas?

14 A. No, I gave it to Tony Daniels.

15 Q. Why didn't you also give a copy to  
16 Frank Zayas?

17 A. Tony needed the information. I handed it to  
18 Tony. I assumed he would.

19 Q. But typically you would -- you would give a  
20 copy of a report from an outside expert to the lead  
21 investigator, right?

22 A. I suppose I would. I -- unless there is  
23 something else that made sense to do with it, yeah.

24 Q. But you didn't do that in this case?

46

1 A. I handed it to Tony Daniels.

2 Q. Let's just back up for -- for a moment,  
3 and -- and let me ask you how you first became  
4 involved in the Lockmiller homicide investigation?

5 A. I was on call that weekend. My pager went  
6 off. By the time I got there, Tony Daniels was  
7 already there.

8 Q. And by -- and by there, you mean the --

9 A. Lockmiller's --

10 Q. -- scene of the crime?

11 A. -- address, yes.

12 Q. And what -- what was your role at the crime  
13 scene?

14 A. I -- well, the State Police crime lab was  
15 called in. I assisted them with whatever they needed  
16 help with. I would interview people as needed.

17 Q. Were you -- were you called to the crime  
18 scene in part because you were the evidence  
19 custodian?

20 A. I was on call that weekend, so I supposedly  
21 got the call first. But I didn't answer my pager  
22 right away, so they started calling other people.

23 Q. And -- and -- and -- and what do you mean  
24 when you say you were on call?

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1 A. I was the detective on call for that  
2 weekend.

3 Q. Okay. So -- so -- so every weekend -- every  
4 weekend there's a particular detective who will get  
5 called in the event of something urgent?

6 A. Yes.

7 Q. Okay. And what do you remember doing when  
8 you arrived at the -- at the crime scene?

9 A. I remember meeting with Detective Daniels.  
10 He explained what was going on. I went into the  
11 apartment with the crime lab people from the State.  
12 I remember trying to figure out the time of death.  
13 Called her -- one of her instructors to see if she  
14 was in class. I interviewed the girl that found her,  
15 Morgan. As far as time frame right -- that's about  
16 all I recall of the immediate day.

17 Q. So all of this was -- was on August 28,  
18 right?

19 A. As far as I can recall, yes.

20 Q. Uh-huh. What do you recall about the scene  
21 of the crime itself?

22 A. Lockmiller was in a bedroom on her back.  
23 She had scissors in her chest. She was dark colored.  
24 I remember a cord around her neck.

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1           The apartment itself was not -- didn't look  
2 like it was ransacked or anything like that. The  
3 report that the door was open. I didn't see any  
4 forced entry.

5           Q. Are these -- as you're recounting these  
6 memories, are -- are -- is this based on your  
7 independent recollection or partly based on a  
8 reconstruction of things that you've read more  
9 recently?

10          A. That's my memory of the event.

11          Q. Okay. Do you remember that there was a --  
12 a -- a fan on top of the body?

13          A. That's -- I believe that's what the cord was  
14 to.

15          Q. Okay. Do you remember that the victim had  
16 been stabbed?

17          A. Yeah, with scissors in her chest.

18          Q. And what did it -- what did it smell like at  
19 the scene of the crime?

20          A. I don't remember an odor.

21          Q. Do you remember the body being in a  
22 partially decomposed state?

23          A. It was bloated and discolored, yes.

24          Q. Do you remember anything that was -- was

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1 said by any of the other investigators at the scene  
2 of the crime?

3 A. Particular conversations, no.

4 Q. Did you see anything at the scene of the  
5 crime that indicated to you that a staged rape was  
6 involved?

7 A. I don't -- don't recall that that was  
8 discussed.

9 Q. Okay. So that wasn't -- that wasn't  
10 something the investigators discussed, in your  
11 memory?

12 MS. BARTON: Objection to form.

13 THE WITNESS: No.

14 BY MR. SHAPIRO:

15 Q. And -- and -- and as part of your role as  
16 the evidence custodian, did you have training and  
17 expertise in inspecting physical evidence at crime  
18 scenes?

19 A. Yes.

20 Q. And was -- was -- was part of that  
21 expertise, you know, the -- the ability and training  
22 to make deductions about the nature of the crime  
23 based on the physical evidence at the crime scene?

24 A. Yes.

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APPENDIX 002756

1 Q. And as you recall the layout of the  
2 apartment, the position of the body, do you recall  
3 anything that indicated to you that there was a  
4 staged rape?

5 A. I don't recall a discussion about a staged  
6 rape.

7 Q. Okay. No. And I understand it wasn't --  
8 wasn't discussed, but -- but I'm asking you as -- as  
9 someone who, you know, has -- has -- has -- has --  
10 has training and expertise regarding crime scenes.  
11 For you personally, was there anything that suggested  
12 a staged rape?

13 MR. DiCIANNI: You're talking about based on  
14 his observations?

15 MR. SHAPIRO: Yeah, right.

16 BY MR. SHAPIRO:

17 Q. Based on your observations, but obviously  
18 also based on your training, your expertise --

19 MR. DiCIANNI: Yeah.

20 BY MR. SHAPIRO:

21 Q. -- was there anything that indicated a  
22 staged rape --

23 A. I did not --

24 Q. -- to you?

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1 A. I did not draw a conclusion. It was  
2 premature to do so.

3 Q. Uh-huh. As the investigation progressed,  
4 did you continue to receive and review physical  
5 evidence?

6 A. State Police collected the physical  
7 evidence. I assisted if they need help. I did not  
8 see a lot of the evidence. Some of it went to the  
9 crime lab. What I received was packaged.

10 Q. Uh-huh.

11 A. So, no, I did not look through all the  
12 evidence.

13 Q. Uh-huh. And with -- with the understanding  
14 that you didn't look through all the evidence, is  
15 it -- is it fair to say of what you did see and  
16 observe, there was nothing that indicated a staged  
17 rape to you at any point in the investigation?

18 A. I did not come to that conclusion, no.

19 Q. Okay. And -- and you mentioned that you  
20 also interviewed Morgan -- Morgan Keefe on August 28?

21 A. I did.

22 Q. Okay. And do you have an independent  
23 recollection of -- of that interview?

24 A. Not what was said, no. I'd have to refer to  
52

1 the statement.

2 Q. Uh-huh. Do you recall her -- her demeanor,  
3 what she looked like, anything like that?

4 A. She was visibly upset. I remember that.

5 Q. Uh-huh. And -- and you don't recall  
6 anything at all about what she said?

7 A. No, not without looking at the transcript.

8 Q. Uh-huh. Okay. So -- so if I'm  
9 understanding you properly, what you recall doing on  
10 August 28 is -- is -- is arriving at the crime scene,  
11 meeting with other investigators, including  
12 Tony Daniels, inspecting the crime scene, and  
13 interviewing Miss -- Miss Keefe; is that a fair  
14 summary?

15 A. That's what I recall, yes.

16 Q. Okay. Do you recall doing anything the  
17 following day?

18 A. I don't have a recollection of the following  
19 day. I'm sure I did something. I don't know what it  
20 was.

21 Q. Just consulting my -- my notes on this  
22 point, I believe on the following day you were at the  
23 morgue with Dr. Schnittker and the medical assistant,  
24 Bill Belcher. Does that ring a bell for you?

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1 A. Yes, I recall going to the autopsy.

2 Q. Uh-huh. What -- what -- what do you recall  
3 about the autopsy?

4 A. I remember taking the cord off her neck and  
5 keeping all the pieces the same so it wouldn't be --  
6 wouldn't lose the knot and things like that. I  
7 remember them taking the scissors out of her chest.  
8 They swabbed her vaginal area. They checked  
9 underneath her fingers, her fingernails. That's  
10 about all I recall of that. I believe I took  
11 pictures.

12 Q. Do you recall any -- any discussion among  
13 Dr. Schnittker or the medical assistant, Bill  
14 Belcher, or anyone else who was present at the  
15 autopsy about whether there was anything indicating  
16 a staged rape?

17 A. I don't recall a conversation about a staged  
18 rape.

19 Q. Okay. Do you recall anything -- oh, do you  
20 recall going back to the scene of the crime that same  
21 day, August 29?

22 A. I went back several times. I don't remember  
23 the dates.

24 Q. When -- when -- when you -- when you went

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1 back to the scene of the crime on various occasions,  
2 who were some of the people who went with you?

3 A. I don't remember. It could have been  
4 several different people.

5 Q. Well, who -- who -- who could it have been?  
6 I mean --

7 A. It could have been Rob Hospelhorn, it could  
8 have been Tony Daniels, it could have been  
9 Tim Freesmeyer; so others that were helping.

10 Q. What about representatives from the State's  
11 Attorney's Office?

12 MS. BARTON: Objection to speculation.

13 THE WITNESS: I don't remember.

14 BY MR. SHAPIRO:

15 Q. Do you recall that there was a State's  
16 Attorney's Office -- Assistant State's Attorney for a  
17 time named Kari Mason?

18 A. Yes.

19 Q. Okay. It always seemed like a memorable  
20 name to me because of Perry Mason.

21 Do you have -- have any recollection of --  
22 of -- of being at the scene of the crime at any point  
23 with Ms. Mason?

24 A. I do not.

55

1 Q. What about Jim Souk?

2 A. I don't remember.

3 Q. What about Teri Dimmick?

4 A. I don't recall.

5 Q. Would it be -- well, let me -- let me ask  
6 you this: When you've been present at other crime  
7 scenes, is it typical in your experience for people  
8 from the State's Attorney's Office to -- to visit the  
9 crime scene early on in the investigation?

10 MS. BARTON: Objection to foundation.

11 THE WITNESS: Is it typical? No.

12 BY MR. SHAPIRO:

13 Q. Okay. And there have been -- is it fair to  
14 say that there -- there have been a number of  
15 instances throughout your career when you've been  
16 present at a crime scene soon after the investigation  
17 begins?

18 A. Yes.

19 Q. Okay. And it's fair to say that it's -- in  
20 the first week of the investigation, it's not typical  
21 in your experience for someone from the State's  
22 Attorney's Office to be present?

23 A. Not typical, no.

24 MR. DiCIANNI: At the crime scene?

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1 MR. SHAPIRO: Yes, at the crime scene.

2 BY MR. SHAPIRO:

3 Q. Okay. And -- and -- and you don't have any  
4 recollection of being present at the crime scene on  
5 September 2, 1993 with Timothy Freesmeyer and  
6 Kari Mason?

7 A. I don't recall.

8 Q. Okay. If -- if -- if it were in  
9 Detective Freesmeyer's report in this case that on  
10 September 2, 1993, Freesmeyer and Mason were present  
11 at the crime scene, would you have any reason to  
12 doubt that?

13 A. I do not.

14 MR. SHAPIRO: Okay. I think we've been on  
15 the record for about an hour. Is it a good -- would  
16 you guys like to break at this time?

17 MR. DiCIANNI: Sure.

18 MR. SHAPIRO: We'll take a ten-minute break.

19 THE VIDEOGRAPHER: Off the record at 11:11.

20 (Whereupon, a break was taken,  
21 after which the following  
22 proceedings were had:)

23 THE VIDEOGRAPHER: Back on the record, 11:22.

24

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1 BY MR. SHAPIRO:

2 Q. Lieutenant Warner, before the break, we were  
3 talking about some of the steps in the investigation,  
4 visiting the crime scene, et cetera.

5 And I believe you testified earlier on  
6 that -- that you don't have recollection of  
7 interviewing Heidi Steinman on September 2; is  
8 that -- is that right?

9 A. I do not.

10 Q. Okay. Do you have any recollection of --  
11 of -- of victimology being performed at any point?

12 A. I believe we asked for State Police -- I  
13 forget their title -- to come in and give us an  
14 overview of the crime scene.

15 Q. And -- and -- and when did that occur  
16 roughly?

17 A. I don't recall the date. It would have  
18 been -- well, I'm guessing. I don't recall the date.

19 Q. Okay. Early October sound reasonable or --

20 A. I don't recall the date.

21 Q. Okay. Do you remember who -- who -- who was  
22 there?

23 A. Other than the trooper, I don't.

24 Q. Uh-huh. It was -- it was -- it was a

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1 state -- it was a state trooper who was -- who was  
2 there?

3 A. It was an employee of the State Police. I  
4 don't recall if they were actually sworn or not.

5 Q. Uh-huh. Was this someone with any  
6 particular expertise or specialization?

7 A. I can't remember the term they used right  
8 now. It's -- they -- they take all the pieces of the  
9 crime scene and say, you know, whether or not it was  
10 probably someone that knew her that did it or  
11 something like that.

12 Q. Is profiler the --

13 A. Profiler. Thank you.

14 Q. Okay.

15 A. Crime scene profiler.

16 Q. Uh-huh. What -- what did the profiler  
17 report?

18 A. My recollection is that it was someone that  
19 knew her. The body was positioned in way to shock  
20 whoever found her. Beyond that, I don't recall.

21 Q. What indicated to the -- to the profiler  
22 that it was someone who -- who knew the victim?

23 MR. DiCIANNI: I'll object to the form -- of  
24 the lack of foundation.

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1 THE WITNESS: I don't know.

2 BY MR. SHAPIRO:

3 Q. And -- and -- and were you suggesting sort  
4 of a connection between a conclusion that the --  
5 strike that.

6 As I understand it -- understood it, you  
7 were saying that there were two conclusions from the  
8 state trooper. One was that the victim was known to  
9 the perpetrator, and the second that the perpetrator  
10 was attempting to arrange the body in a way that  
11 would shock the person who discovered the victim; is  
12 that right?

13 A. That's my recollection.

14 Q. Okay. And was it -- was it -- was it your  
15 understanding that the purported desire to arrange  
16 the victim in a -- in a shocking way somehow  
17 suggested that the victim was known to the  
18 perpetrator?

19 A. I don't know the science behind her  
20 profession, so I don't know.

21 Q. Okay. Did -- did -- did the state trooper  
22 provide any sort of written report or analysis, to  
23 your knowledge?

24 A. I don't know.

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APPENDIX 002766

1 Q. Have -- if -- if -- if there had been some  
2 sort of written analysis provided, would that have  
3 been placed in the -- the central file of the  
4 homicide investigation?

5 A. If there had been, I would assume there  
6 would have.

7 Q. Uh-huh. It would have been good police  
8 practice to put it in there, right?

9 A. Yes.

10 Q. Okay. And you don't have any knowledge of  
11 what informed the profiler's conclusions, correct?

12 A. What the what informed?

13 Q. I'm sorry.

14 You don't have any knowledge of what it was  
15 that led the state trooper to reach the two  
16 conclusions we've been discussing, right?

17 A. No.

18 Q. Was there anything that to you personally  
19 suggested that the victim and the perpetrator knew  
20 each other?

21 A. Repeat the question, please.

22 Q. Uh-huh. And -- and -- and maybe just to  
23 clarify a little bit. You know, we've -- we've --  
24 we've been talking about what the state trooper

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1 concluded, and now I'm just asking about whether --  
2 whether you drew any conclusions.

3 Was -- was there anything that indicated to  
4 you that the victim and the perpetrator knew each  
5 other?

6 A. I did not come to any conclusion either way.

7 Q. Uh-huh. Can -- can you -- can you recall  
8 any other cases where a -- well, strike that.

9 Do you have any recollection of a meeting in  
10 early December among investigators in this case?

11 MS. BARTON: Objection to form.

12 THE WITNESS: Which year?

13 BY MR. SHAPIRO:

14 Q. I'm sorry. I'm glad you -- I'm glad you  
15 asked that. I thought it was '93, but looking at my  
16 notes -- December of '94.

17 Do you have any recollection of December  
18 1994 meeting among the investigators in this case?

19 A. I do --

20 MS. BARTON: Same objection.

21 THE WITNESS: -- do not.

22 BY MR. SHAPIRO:

23 Q. Or -- or -- or one in which counsel for the  
24 defendant as well as the representatives from the

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1 State's Attorney's Office were present?

2 A. I do not.

3 Q. Maybe a meeting to review the evidence in  
4 the case, for example, for -- for -- for lawyers on  
5 both sides?

6 A. There were several meetings. I don't  
7 remember the dates of them.

8 Q. Okay. So -- so you recall several meetings  
9 you had with both defendant's lawyers and the -- and  
10 the -- and the prosecution present?

11 A. Yes.

12 Q. Okay. What -- what -- what do you recall  
13 about those meetings?

14 A. Ones I was involved in was they wanted to  
15 see the evidence. So I brought all the evidence out,  
16 put it on the table, and they both looked at it.

17 Q. Do you recall anything that was -- was  
18 discussed at those meetings?

19 A. I wasn't involved in the discussion.

20 Q. Uh-huh. You were solely there to -- as in  
21 your role as the custodian of the evidence?

22 A. Yes.

23 Q. Okay. Do you recall the day -- I'm not  
24 asking for a particular date. I'm just asking if you

63

1 recall it happening.

2 Do you remember the day when Mr. Beaman was  
3 arrested?

4 A. Yes.

5 Q. Okay. What do you -- do you remember about  
6 the circumstances of the arrest?

7 A. I think I assisted Freesmeyer. We went and  
8 got him. I don't remember a lot about that day.

9 Q. How -- how -- how did you assist Freesmeyer?

10 A. Being there, backup.

11 Q. Uh-huh. Were -- were you back in a car or  
12 truck or were you side-by-side with Detective  
13 Freesmeyer when the arrest occurred?

14 A. I don't have a recollection. I don't know.

15 Q. Do you have any understanding of why  
16 Mr. Beaman was arrested at that time as opposed to  
17 another time?

18 A. No.

19 Q. You don't -- don't recall any discussion of  
20 there being a need to arrest Mr. Beaman at that  
21 particular time because the semester was ending?

22 A. I do.

23 Q. Okay. Well -- all right. I'm glad I jogged  
24 your memory.

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1 A. Yes.

2 Q. What -- what-- what exactly do you remember?

3 A. That the semester was coming to an end, and  
4 they thought they needed to do it now -- or then. I  
5 remember that. I don't remember any other details to  
6 the conversation.

7 Q. Why did the end of the semester suggest that  
8 he needed to be arrested then?

9 A. I don't know all of the facts for -- they  
10 based the arrest on. That was not my position.

11 One would have been we knew where he was at  
12 that time, and after graduation we may not know where  
13 he is after that.

14 Q. Uh-huh. So it was your understanding that  
15 he was -- he was graduating as opposed to going home  
16 for the summer?

17 A. I don't recall if he was graduating or not.  
18 I don't know.

19 Q. Okay. Beyond the fact that he was not going  
20 to be in Normal for a period of time, do you recall  
21 any reason to believe that Mr. Beaman would -- would  
22 flee?

23 A. I don't recall any conversation about that.

24 Q. Uh-huh. And -- and aside from a con --

65

1 something you might have heard from someone else in a  
2 conversation, do you ever any recollection of why --  
3 of any reason -- let me try that again.

4 Do you -- do you personally -- strike that.

5 Did you personally have any reason to think  
6 that he would flee?

7 A. No.

8 Q. Is it fair to say -- and just correct me if  
9 this is not an accurate characterization -- that you  
10 were heavily involved in the case in the early stages  
11 and then it tapered off to some extent?

12 A. That's fair to say, yes.

13 Q. Okay. Was -- was there a period of time  
14 when you were working pretty much full-time on this  
15 case?

16 A. Early on, the first few days.

17 Q. The first -- okay.

18 And on the first few days, was it sort of a  
19 all-hands-on-deck type of situation?

20 A. Yes.

21 Q. Okay. And was -- was -- was pretty much --  
22 strike that.

23 As far as you know, was every detective in  
24 the Normal Police Department working on the case in

66

1 the early stages?

2 A. If not all, most were.

3 Q. Okay. Can you recall any -- any other case  
4 where all or most of the detectives were working on  
5 that case in the early stages of the investigation?

6 A. Any other?

7 Q. Other cases?

8 A. It happens often.

9 Q. It happens often. Okay.

10 What are some other cases where that --  
11 where that --

12 A. Any homicide or questionable death that --  
13 we're not a large agency, and we don't have that many  
14 detectives, so it's not unusual for a case to start  
15 off with everybody.

16 Q. Uh-huh.

17 A. And then taper down or call more people --  
18 we often have other agencies help us.

19 Q. Uh-huh. How would you say this -- this  
20 homicide case compared to other homicide cases in  
21 terms of the level of staffing?

22 A. Typical.

23 Q. Okay. Okay. So at the beginning of the  
24 case, there were a number of people working almost

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1 full-time, yourself included, right?

2 A. Yes.

3 Q. Okay. And you said that after that, some  
4 began to taper off?

5 A. Yes.

6 Q. Okay. Who -- who -- who -- who -- who was  
7 involved initially in the case that you can remember?

8 A. Myself, Tony Daniels, Tim Freesmeyer,  
9 Rob Hospelhorn, John Belcher. Those were the ones I  
10 recall. There could have been more. There may have  
11 been some officers that were brought in.

12 Q. And Zayas, right?

13 A. I'm sorry. Yes, Lieutenant Zayas was in  
14 charge of CID.

15 Q. And -- and -- and CID is the detective  
16 division?

17 A. Criminal investigation division, detectives.

18 Q. Okay. So the other officers you mentioned  
19 but can recall by name, safe to say they -- they kind  
20 of tapered off, right?

21 A. Yes.

22 Q. And what about Belcher?

23 A. I don't think he had a lot of involvement.  
24 I don't recall.

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APPENDIX 002774

1 Q. And fair to say Daniels tapered off after  
2 the first couple of months?

3 A. Yes.

4 Q. And -- and as -- as -- as Daniels tapered  
5 off, Freesmeyer took a broader and broader role in  
6 the investigation?

7 A. Yes.

8 Q. And you mentioned yourself, and -- and you  
9 had put yourself in the category of people whose  
10 involvement tapered off, right?

11 A. Yes.

12 Q. Okay. And let's sort of work through --  
13 through -- through your involvement. It -- what  
14 period were you working almost full-time on the case?

15 A. I couldn't speculate. I don't remember.

16 Q. Okay. A few days to a week, is that --  
17 ballpark; is that right?

18 A. I'd probably say a few weeks.

19 Q. Few weeks, okay.

20 And then after the few weeks, the tapering  
21 process began?

22 A. Yes.

23 Q. And from the end of the first few weeks to  
24 the conclusion of the investigation, was your level

69

1 of involvement fairly similar throughout that time or  
2 did it go up and down throughout?

3 A. It did not go up. If anything, it went  
4 down.

5 Q. Okay. Rough -- and after -- after the first  
6 few weeks, roughly what percentage of your time would  
7 you say you were devoting to the case?

8 A. It's difficult to speculate it. It depend  
9 on the day. There might be a day when I worked on  
10 the case all day, and it might not be for a week or  
11 two later that I did anything on it.

12 Q. Okay. Yeah, that helps clarify. Yep.  
13 Thank you.

14 I think we talked about the -- some of the  
15 interviews that you conducted in this case. Do you  
16 recall any interviews that you were present for but  
17 did not personally conduct?

18 A. No.

19 Q. Okay. You don't remember an interview with  
20 Michael Swain?

21 A. Vaguely.

22 Q. Okay. That was an interview that was  
23 conducted soon after the body was found?

24 A. Probably.

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1 MR. DiCIANNI: Yeah, I'm going to object to  
2 speculation.

3 BY MR. SHAPIRO:

4 Q. Was that -- was that interview conducted by  
5 Detective Freesmeyer with you present?

6 MR. DiCIANNI: Same objection.

7 THE WITNESS: I don't remember.

8 BY MR. SHAPIRO:

9 Q. Okay. You say that you have a vague  
10 recollection of it. What -- do you remember anything  
11 about it?

12 A. I remember that it happened. I don't  
13 remember the particulars without looking at the  
14 statement.

15 Q. You mentioned earlier that you recall  
16 Morgan Keefe's distraught demeanor. Do you remember  
17 anything about Mr. Swain's demeanor?

18 A. I do not.

19 Q. Okay. Did you personally write any reports  
20 in this case?

21 MR. DiCIANNI: Object, asked and answered.

22 You can go ahead and answer.

23 BY MR. SHAPIRO:

24 Q. I apologize if I asked that already. I'm

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1 not -- I'm not trying to belabor it. I just don't  
2 remember asking you.

3 A. I don't recall if I did.

4 Q. Okay. If you had written reports, what --  
5 well, let me -- let me -- let me ask it a different  
6 way.

7 There's been testimony in this case that  
8 when reports were filled out, they were filled out in  
9 triplicate typically? Is that consistent with your  
10 recollection?

11 A. Yes.

12 Q. Okay. And was it like a carbon copy type of  
13 system or how did it work?

14 A. Well, there was two options. One was a  
15 multipart form that you handwrote or put in a  
16 typewriter back then. We -- some people were using a  
17 mainframe computer which is basically a word  
18 processor, and there was a template so you'd have to  
19 print out more copies.

20 Q. Okay. So I take it that the handwritten or  
21 typewritten form, that was a carbon copy system?

22 A. Yes.

23 Q. Okay. And -- and the idea of printing out  
24 multiple copies if you did it on a computer was

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1 essentially to replicate that carbon copy system?

2 A. Yes.

3 Q. Okay. What was the purpose of the multiple  
4 copies?

5 A. I don't remember what it said on the forms  
6 where they went. One went to records. One -- I  
7 don't remember. They went to different locations.

8 Q. Uh-huh. Did -- did -- did one -- did one go  
9 to the State's Attorney's Office?

10 MS. BARTON: Objection to form.

11 THE WITNESS: I don't remember.

12 BY MR. SHAPIRO:

13 Q. Okay. What's your understanding of the  
14 process through which -- well, you know, let's --  
15 let's -- let's back up.

16 Since you -- since you mentioned central  
17 records, I want to try to understand the  
18 recordkeeping and filing system.

19 What sort of documents go into central  
20 records?

21 A. Anything that would go in the case file  
22 other than physical evidence.

23 Q. Okay. Is there a -- is there a difference  
24 between central records and the case file or?

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1 A. I wouldn't say -- well, records would be a  
2 location in the building, the records office.

3 Q. Uh-huh.

4 A. The case file would, I guess, be the box or  
5 whatever the papers ended up being in.

6 Q. Okay. So just to make sure I'm  
7 understanding, when you say one of the copies of the  
8 police report would go to the central records, that  
9 means it would go into the case file --

10 A. They would put it into the case file.

11 Q. Okay. So the police officer would hand that  
12 copy to central records; central records would put it  
13 into the case file?

14 A. Goes to the supervisor first.

15 Q. Okay.

16 A. Then from the supervisor's approval, goes  
17 into records, records would file it into the case  
18 file.

19 Q. Okay. So the copy that goes to central  
20 records and the case file is the same copy that goes  
21 to the supervisor?

22 A. The multipart form would go to the  
23 supervisor. They would turn it into records, then it  
24 would be separated.

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1 Q. Okay. So -- so -- so records would get the  
2 three copies, correct?

3 A. I don't remember how many copies there were  
4 on the --

5 Q. Okay. Records would get all the copies?

6 A. Yes.

7 Q. Okay. And records would then put one copy  
8 into the case file?

9 A. Yes.

10 Q. And -- okay. Understood.

11 Okay. And you said that anything other than  
12 physical evidence is supposed to go to central  
13 records, correct?

14 A. Correct.

15 Q. Okay. And so we already discussed the  
16 police reports and reports from outside experts like  
17 we were talking about earlier, polygraph reports,  
18 fingerprinting reports. That would all -- copies of  
19 that would also go to central records?

20 A. It should all end up in central.

21 Q. Uh-huh. Okay. At the time of the  
22 Lockmiller investigation, was it common for  
23 individual detectives working on a case to also keep  
24 a working file?

75

1 A. Yeah.

2 Q. Uh-huh. Were there any documents that were  
3 distributed to all or most of the detectives working  
4 on a case for their working files?

5 A. I don't recall any.

6 Q. What -- what -- what sort of the documents  
7 would -- would commonly go into those -- those  
8 working files?

9 A. On any case?

10 Q. Sure, yeah, let's talk about any case just  
11 in general.

12 A. Could be the investigators' notes, what  
13 supplements they typed, the original report.

14 Q. Copies of other reports in the case?

15 A. Possible.

16 Q. And in the Lockmiller case specifically,  
17 did -- did -- did you keep any kind of working file?

18 A. No.

19 Q. Do you know if others did?

20 A. I have no personal knowledge of that.

21 Q. With -- with a number of different  
22 investigators working on the case, was it a challenge  
23 to sort of make sure that the left hand knew what the  
24 right hand was doing; in other words, that everyone

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APPENDIX 002782

1 was kept in the loop?

2 A. Yes.

3 MR. DiCIANNI: Object to form.

4 BY MR. SHAPIRO:

5 Q. And what was done to meet that challenge and  
6 to make sure that -- that investigators were informed  
7 about others were doing?

8 MS. BARTON: Objection to form.

9 THE WITNESS: I don't know what the other  
10 investigators knew.

11 BY MR. SHAPIRO:

12 Q. I guess I'm asking you sort of more -- more  
13 about processes. I mean, you'd agree it's a good  
14 police practice for a group of investigators working  
15 on a case to -- to stay informed about what others  
16 are doing, right?

17 MS. BARTON: Objection to form.

18 THE WITNESS: It's a good practice, yes.

19 BY MR. SHAPIRO:

20 Q. Uh-huh. And were -- in your view, were --  
21 were -- were good practices followed in the  
22 Lockmiller case?

23 A. Yes.

24 Q. So what processes were followed to make sure

77

1 that people were kept in the loop?

2 A. We had meetings. I don't recall the dates  
3 or times or who was there.

4 Q. The purpose of the meetings was to share  
5 information?

6 A. Share information, assignments, who's doing  
7 what, who's already talked to who.

8 Q. And would you agree with me that it would be  
9 a good police practice to share important information  
10 about the case in those meetings with the  
11 investigators?

12 MS. BARTON: Objection to form.

13 THE WITNESS: It would be a good practice.

14 BY MR. SHAPIRO:

15 Q. In the Lockmiller case during those meetings  
16 with investigators, was the important information  
17 about the case shared?

18 MS. BARTON: Objection to form.

19 THE WITNESS: I don't know all of the  
20 important information. I don't know what you would  
21 consider important.

22 BY MR. SHAPIRO:

23 Q. No. Fair enough.

24 And -- and -- and I'm not asking you to

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1 guess as to what I consider important, but it's a  
2 fair statement that, you know, given your decades of  
3 experience as a police officer you -- you have a  
4 sense of what information in the case is important  
5 and what's more tangential, right?

6 A. Yes.

7 Q. Okay. So in the Lockmiller case, do you  
8 think that the important information regarding the  
9 case unearthed by investigators was shared during the  
10 investigative meetings?

11 MS. BARTON: Same objection.

12 THE WITNESS: The early meetings I went to,  
13 yes.

14 BY MR. SHAPIRO:

15 Q. When did you -- when did you stop going to  
16 meetings?

17 A. When my involvement slowed. It was not  
18 necessary for me to go.

19 Q. Okay. So that would have been after the  
20 first couple of weeks that you stopped attending the  
21 meetings?

22 A. Yes.

23 Q. Was anyone from the State's Attorney's  
24 Office present at any of those meetings?

79

1 MR. DiCIANNI: Which meetings?

2 BY MR. SHAPIRO:

3 Q. The meetings that you attended toward the  
4 beginning of the case.

5 A. I don't recall.

6 Q. Was it -- was it typical for State's  
7 Attorneys to -- to be present at investigative  
8 meetings during the first few weeks of the case?

9 MS. BARTON: Objection to form and  
10 foundation.

11 THE WITNESS: It was not typical.

12 BY MR. SHAPIRO:

13 Q. And you've been involved in many cases over  
14 the years in which investigative meetings were held,  
15 right?

16 A. Yes.

17 Q. Okay. So when you say that it is not  
18 typical for the State's Attorneys to be present  
19 during the first couple of weeks of the  
20 investigation, you're -- that means in comparison to  
21 the other cases you've worked on, right?

22 A. Correct.

23 Q. Okay. Do you recall an investigators  
24 meeting held on August 29, the day after the body was

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APPENDIX 002786

1 discovered?

2 MS. BARTON: Objection to form.

3 BY MR. SHAPIRO:

4 Q. It would have been a Sunday.

5 A. I don't recall the meeting. I don't recall.

6 Q. Okay. So you don't know if you were present  
7 or not present at that meeting?

8 A. For a fact, no. I would probably say I was.

9 MR. DiCIANNI: You don't remember?

10 THE WITNESS: I don't remember.

11 BY MR. SHAPIRO:

12 Q. Now, I understand from one of  
13 Detective Freesmeyer's police reports in this case  
14 that Mr. Souk was -- was present at a meeting held on  
15 August 29. I take it you don't have any independent  
16 recollection?

17 A. I do not.

18 Q. Okay. But throughout the course of your  
19 years as a police officer, I -- I take it you've been  
20 present at a number of meetings held after the day a  
21 crime has been discovered, right?

22 A. Yes.

23 Q. Okay. Can you recall in any other case a  
24 meeting held on the day after a crime was discovered

81

1 at which a State's Attorneys -- a State's Attorney  
2 was present?

3 A. I do not.

4 Q. That would be out of the ordinary, right?

5 A. Yes.

6 Q. Do you recall any discussion of John Murray  
7 during any of the meetings you were present at?

8 A. I do not.

9 Q. Okay. Do you recall having any recollection  
10 of the name John Murray coming up in connection with  
11 the Lockmiller case?

12 A. I do.

13 Q. Okay. And what -- and what's that  
14 recollection?

15 A. Person of interest that Detective Daniels  
16 was working on.

17 Q. Why was he a person of interest?

18 A. Acquaintance or some relation to the victim.  
19 I don't remember.

20 Q. Was he a suspect?

21 MR. DiCIANNI: I'll object to a lack of  
22 foundation.

23 THE WITNESS: It was person of interest. I  
24 mean ...

82

1 BY MR. SHAPIRO:

2 Q. Okay. What -- what's the difference between  
3 a person of interest and a suspect?

4 A. I don't use the term suspect a lot. Someone  
5 you need to talk to and figure out if they had any  
6 involvement.

7 Q. Uh-huh. So -- so is it fair to say that --  
8 that when you use the term person of interest,  
9 that's -- it's referring to the same thing that  
10 others might call a suspect?

11 MR. DiCIANNI: Objection; lack of foundation,  
12 form of the question.

13 THE WITNESS: It could.

14 BY MR. SHAPIRO:

15 Q. Where was Tim Freesmeyer's office located  
16 during the Lockmiller case?

17 A. It would have been north of the criminal  
18 investigation division in the same building, office  
19 just north of it.

20 Q. And what -- same floor?

21 A. Yes.

22 Q. How many -- how many people were on that  
23 floor approximately at the time?

24 A. Were on the floor?

83

1 Q. Uh-huh.

2 A. Assigned to a desk? What do you mean on the  
3 floor? Walking around?

4 Q. I'm sorry. How many people worked on that  
5 floor approximately at the time?

6 A. It was a patrol floor, so whoever was on  
7 patrol, records division, there is three in there.  
8 Criminal investigation division, at the time I'm  
9 going to say six or so plus Tim. The exact number, I  
10 don't -- it depends on the day and who was there.

11 Q. Okay. But I think you said -- said three  
12 plus six -- and, I mean, I'm not trying to put words  
13 in your mouth. I realize these are approximate  
14 numbers. But I believe you said three plus six in  
15 the criminal investigations division plus Freesmeyer.  
16 So about ten people worked on that floor?

17 A. The patrol officers and that could be  
18 anywhere from five to ten officers per shift.

19 Q. And the patrol officers would sort of be in  
20 and out during their shift?

21 A. Yes, there would be -- patrol supervisors  
22 would be at a desk.

23 Q. Okay. And -- and -- and how many patrol  
24 supervisors approximately?

84

1 A. One or two a shift probably.

2 Q. Okay. So -- so -- so what I'm hearing  
3 and -- and -- and just tell me if I'm wrong or I'm  
4 missing anything, is that there were about  
5 approximately a dozen people working and then five to  
6 ten sort of in and out on that floor?

7 A. That's a fair statement.

8 Q. Okay. How -- how far was Freesmeyer's  
9 office from the rest of the detectives and CID?

10 A. There was one room in between.

11 Q. There's one room in between.

12 Do you have any reason to think that  
13 Freesmeyer being separated by one room from the rest  
14 of the criminal investigations division interfered in  
15 any way with his ability to remain apprised of  
16 developments in the case?

17 MR. DiCIANNI: Object to lack foundation,  
18 speculation.

19 THE WITNESS: I don't know what Tim knew.

20 BY MR. SHAPIRO:

21 Q. Uh-huh. No, I -- I understand that. I -- I  
22 know you don't know what -- what Tim knew. I'm  
23 asking you can -- you -- you were on the floor,  
24 right? You were in the criminal investigations

85

1 division?

2 A. Yes.

3 Q. Are you aware of any communications problem  
4 that was created by the fact that Freesmeyer was  
5 separated by a single room from the other  
6 investigators?

7 A. I was not personally aware of any issue.

8 Q. Okay. Did you ever hear of Freesmeyer  
9 complain that he wasn't in the loop because of the  
10 location of his office?

11 A. I recall no such conversation.

12 Q. So was -- was -- was -- was Freesmeyer's  
13 office in the juvenile division?

14 A. It was the juvenile division. It was one  
15 office.

16 Q. Okay. And was -- was -- was -- was --  
17 was -- was Freesmeyer basically the totality of the  
18 juvenile division?

19 A. Yes.

20 Q. And the -- he would -- am I right he was --  
21 he was -- he was a detective in the juvenile  
22 division, which is separate from CID, but he was  
23 still a detective; is that -- I don't know -- I don't  
24 know if I'm getting that right.

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1 A. He was a detective.

2 Q. Uh-huh.

3 A. The juvenile division has a title for a  
4 detective who was mostly assigned juvenile cases.

5 Q. Okay. So at the beginning of the Lockmiller  
6 homicide investigation, most of Freesmeyer's previous  
7 work as a detective was in juvenile cases?

8 A. I don't recall.

9 Q. That's a -- he was -- when did Freesmeyer,  
10 if ever, cease to be in the juvenile division?

11 A. I don't recall.

12 Q. So -- so he may have been in the juvenile  
13 division throughout the entire investigation or  
14 prosecution?

15 A. I don't recall.

16 Q. He had never worked on a murder case prior  
17 to this one to your knowledge, right?

18 A. I don't recall.

19 Q. To your knowledge, he hadn't?

20 A. I don't know.

21 Q. Yeah. Was he young for a detective?

22 A. I don't remember how old he was honestly.

23 Q. Was he younger than the other detectives?

24 MR. DiCIANNI: Well, I -- no, never mind.

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1 THE WITNESS: Some.

2 BY MR. SHAPIRO:

3 Q. Had he risen up through the ranks fairly --  
4 fairly quickly?

5 A. Quicker than some, yes.

6 Q. And, you know, I understand you don't recall  
7 this; but I -- I believe he was -- was -- was 27 when  
8 became a detective. Is that a young age for someone  
9 to be -- to be working as a detective?

10 A. I'm trying to remember how old I was. It  
11 was probably close to my age.

12 Q. Uh-huh. Is it correct that soon after  
13 Mr. Beaman's arrest, Freesmeyer was promoted to the  
14 head of the detectives division?

15 A. I don't recall the date. It was after. I  
16 don't recall.

17 Q. It was after Beaman's arrest?

18 A. Yeah.

19 Q. Was Freesmeyer perceived as an ambitious  
20 person?

21 MR. DiCIANNI: Object to foundation.

22 THE WITNESS: Perceived by whom?

23 BY MR. SHAPIRO:

24 Q. Well, let me first ask what -- do you

88

1 have -- was -- was he perceived by others --

2 MR. DiCIANNI: Object to foundation.

3 BY MR. SHAPIRO:

4 Q. -- as ambitious?

5 A. I don't know.

6 Q. How did you perceive him?

7 A. Kind of cocky.

8 Q. Why did you think he was cocky?

9 A. Attitudes.

10 Q. Well, what -- what -- what kind of  
11 attitudes?

12 A. I don't have any examples.

13 Q. Was he -- was he disrespectful to people?

14 A. I never witnessed it.

15 Q. Cocky means that he was arrogant?

16 A. Yeah.

17 Q. He had sort of inflated sense of himself?

18 A. Yes.

19 Q. And when he was placed on the Lockmiller --  
20 when he became the lead in the Lockmiller  
21 investigation, do you think that contributed to his  
22 cockiness?

23 MR. DiCIANNI: Objection; speculation, lack  
24 of foundation, assuming a fact that isn't been

89

1 established.

2 THE WITNESS: I don't know.

3 BY MR. SHAPIRO:

4 Q. How did you feel about his becoming the lead  
5 investigator in this case?

6 MR. DiCIANNI: Object to foundation, assuming  
7 a fact not established.

8 BY MR. SHAPIRO:

9 Q. I'm sorry. Lead investigator probably was  
10 not a good phrasing.

11 How did you feel about his assuming primary  
12 responsibility for this case?

13 A. I had no opinion one way or the other.

14 Q. How did you feel about Daniels getting  
15 forced out?

16 A. I had no opinion one way or the other, and I  
17 have no opinion whether he was forced out.

18 Q. Do you think the Lockmiller case had any  
19 role in Freesmeyer's promotion to head of CID?

20 MR. DiCIANNI: Object, speculation.

21 THE WITNESS: I don't know.

22 BY MR. SHAPIRO:

23 Q. What's your impression of -- strike that.

24 Is Timothy Freesmeyer among the best police

90

1 officers you've ever worked with?

2 A. I would not include him in that group, no.

3 Q. Would you -- how would you describe the  
4 level of his police work based on your interactions  
5 with him?

6 A. Adequate.

7 Q. Adequate means kind of minimally competent  
8 but nothing special; is that fair?

9 MR. DiCIANNI: I'll object to that  
10 characterization.

11 THE WITNESS: That's your definition.

12 BY MR. SHAPIRO:

13 Q. Well, I'm asking -- what's your -- what's  
14 your definition?

15 A. Adequate, competent, nothing special.

16 Q. Do you find it surprising that someone  
17 who -- whose work you viewed as nothing special  
18 became the person with primary responsibility for a  
19 major homicide investigation?

20 MR. DiCIANNI: Object; speculation, form of  
21 the question.

22 THE WITNESS: Would you repeat the question,  
23 please?

24

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1 BY MR. SHAPIRO:

2 Q. Sure. My -- the question is were you  
3 surprised that someone who -- whose work you've  
4 described as nothing special became the person with  
5 primary responsibility for the Lockmiller homicide  
6 investigation?

7 MR. DiCIANNI: And you mean back then?

8 MR. SHAPIRO: Yeah, right, this question is  
9 about back then.

10 THE WITNESS: I was not surprised. I didn't  
11 know everything about Freesmeyer, and perhaps others  
12 had more information than I.

13 BY MR. SHAPIRO:

14 Q. Were there others who were opposed to  
15 Freesmeyer becoming the person with primary  
16 responsibility in this case?

17 MR. DiCIANNI: Object to foundation.

18 BY MR. SHAPIRO:

19 Q. If you know.

20 A. I believe Tony Daniels was not pleased about  
21 it.

22 Q. Anyone other than Daniels?

23 A. I don't recall anyone else.

24 Q. Why do you think Freesmeyer was made the

92

1 person with primary responsibility?

2 MR. DiCIANNI: I'll object; speculation, lack  
3 of foundation.

4 THE WITNESS: I have no idea.

5 BY MR. SHAPIRO:

6 Q. Do you think others would have been more  
7 qualified?

8 A. Not necessarily.

9 Q. Is Freesmeyer someone who knew how to get  
10 ahead?

11 MR. DiCIANNI: Objection; lack of foundation,  
12 vagueness.

13 THE WITNESS: I don't know what he knew.

14 BY MR. SHAPIRO:

15 Q. No, no. I'm not asking what he knew. I'm  
16 asking, you know, did you perceive him as someone who  
17 was good at advancing his career?

18 MR. DiCIANNI: Objection; lack of foundation,  
19 speculation.

20 THE WITNESS: He got promoted, so I guess  
21 yes.

22 BY MR. SHAPIRO:

23 Q. You think it was fair that he was promoted?

24 MR. DiCIANNI: Objection.

93

1 THE WITNESS: I don't know.

2 BY MR. SHAPIRO:

3 Q. Who is a better cop in your estimation,  
4 Freesmeyer or Daniels?

5 A. I don't know.

6 MR. SHAPIRO: It's 12:07. I think I'm at a  
7 decent stopping place if you want to break for lunch.

8 MR. DiCIANNI: Okay.

9 THE VIDEOGRAPHER: Off the record, 12:07.

10 (Whereupon, a break was taken,  
11 after which the following  
12 proceedings were had:)

13 THE VIDEOGRAPHER: Back on the record, 1:08.

14 BY MR. SHAPIRO:

15 Q. Lieutenant Warner, before the break, we had  
16 spoken about Freesmeyer's office in the juvenile  
17 division on the same floor as the CID.

18 A. Yes.

19 Q. And did -- did a time come when Freesmeyer  
20 moved out of that office next to CID and relocated to  
21 the State's Attorney's Office?

22 A. I think that did happen. I don't recall the  
23 date.

24 Q. Uh-huh. Did it happen before or after

94

1 Mr. Beaman was charged in this case?

2 A. I don't recall the date.

3 Q. Do you have any recollection of what time of  
4 year approximately it might have been?

5 A. I do not.

6 Q. Before the break, you also mentioned that it  
7 was atypical for a State's Attorney to be present at  
8 an investigators meeting the day after a crime was  
9 discovered?

10 A. Based on all cases, yes. We don't get very  
11 many homicides.

12 Q. Uh-huh.

13 A. So I could see why they'd want to be.

14 Q. Uh-huh. Have you been at other homicide  
15 cases -- complex cases where the State's Attorney was  
16 present on the day after the investigation?

17 A. I believe they have been present at others.

18 Q. Which ones?

19 A. I think Olanude Adeyooye when she was  
20 murdered. I believe -- I don't recall who was there,  
21 though.

22 Q. Would it be fair to say that it's something  
23 that happens in high profile cases?

24 A. Yes.

95

1 Q. So -- so not all murder cases, just the high  
2 profile ones?

3 A. Yes.

4 Q. Did you encounter Jim Souk at any point  
5 during the investigation?

6 A. Yes.

7 Q. And how is it that you encountered him?

8 A. He was the State's Attorney, and he came to  
9 some meetings.

10 Q. So -- so you -- you were present at meetings  
11 with him?

12 A. I don't recall which ones.

13 Q. Do you recall whether he made any  
14 recommendations?

15 MS. BARTON: Objection to form.

16 THE WITNESS: I don't recall, no.

17 BY MR. SHAPIRO:

18 Q. Do you recall whether he suggested any  
19 avenues of investigation?

20 A. Not to me.

21 Q. Do you recall whether he suggested them to  
22 anyone?

23 A. I don't recall.

24 Q. When Freesmeyer was in the office on the

96

1 same floor as you during the investigation, would  
2 anyone from the State's Attorney's Office visit him  
3 during the investigation?

4 MS. BARTON: Objection to foundation.

5 THE WITNESS: I have no personal knowledge of  
6 such meetings.

7 BY MR. SHAPIRO:

8 Q. You didn't see him -- well, never mind.  
9 Strike that.

10 You recall that the body was discovered on  
11 August 28, 2012 {sic}?

12 A. I don't recall the date.

13 Q. You recall that it was -- the body was  
14 discovered at a time when students were returning for  
15 the fall semester?

16 A. Well, she was already in class, so --  
17 because I called the instructor to see if she had  
18 shown up.

19 Q. Uh-huh. And that -- that -- that was for  
20 the term time as opposed to summer school class?

21 A. I don't recall.

22 Q. But it was early on -- on in the semester --

23 A. Yes.

24 Q. Okay. Were people in the community here

97

1 shaken as a result of the murder?

2 MR. DiCIANNI: Object, foundation.

3 MS. BARTON: I'll join.

4 THE WITNESS: I don't know. I suppose some  
5 were.

6 BY MR. SHAPIRO:

7 Q. I mean, it was a -- fair to say it was a  
8 grisly homicide, right?

9 A. Homicides are unusual here.

10 Q. And -- and this one wasn't only unusual  
11 because it was a homicide, it was unusual because of  
12 the brutal way in which the murder occurred; is that  
13 a fair statement?

14 A. Sure, yes.

15 Q. And in the course of your duties as a police  
16 officer, you have a -- fair to say you have a fair  
17 amount of interaction with the community?

18 A. Yes.

19 Q. For example, you're cognizant of when the  
20 semester begins and ends?

21 A. Yes.

22 Q. And is this the sort of grisly murder that  
23 in your view would be unsettling for the community?

24 MR. DiCIANNI: Same objection.

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1 THE WITNESS: I can't speak for the  
2 community.

3 BY MR. SHAPIRO:

4 Q. Well, I know you -- I understand -- I'm not  
5 asking you to speak for -- for the community. I  
6 guess what I'm just asking is, you know, you're --  
7 you've -- you've -- you've been a part of this  
8 community since -- since you went to college here,  
9 right?

10 A. Uh-huh.

11 Q. And -- and -- and you've continued to be in  
12 touch with the community both because you continue to  
13 live here and because it's part of being a police  
14 officer here, right?

15 A. True.

16 Q. So really I'm just asking for your opinion  
17 as, you know, someone who's knowledgeable of this  
18 community what you think the reaction was like?

19 MR. DiCIANNI: Objection to foundation.

20 THE WITNESS: I'm sure they were concerned  
21 about it.

22 BY MR. SHAPIRO:

23 Q. Uh-huh. What -- what -- what was -- what  
24 would be concerning about it?

99

1 A. A student homicide is always front-page  
2 news.

3 Q. Uh-huh. And -- and -- and fair to say that  
4 it's particularly unsettling when it's unsolved?

5 MR. DiCIANNI: I'll object, form of --  
6 foundation.

7 MS. BARTON: I'll join.

8 THE WITNESS: Yes.

9 BY MR. SHAPIRO:

10 Q. And in this case with regard to the  
11 Lockmiller investigation, the sooner the crime could  
12 be solved, the sooner some of the fears and concerns  
13 could be allayed; fair statement?

14 MR. DiCIANNI: I'll object to foundation.

15 MS. BARTON: I'll join.

16 THE WITNESS: Yes.

17 BY MR. SHAPIRO:

18 Q. Given the fears and concerns of the  
19 community, was there a concern among the  
20 investigators in this case with solving it as quickly  
21 as possible?

22 MS. BARTON: Object to --

23 MR. DiCIANNI: Objection, foundation.

24 MS. BARTON: And form.

100

1 THE WITNESS: No.

2 BY MR. SHAPIRO:

3 Q. The investigators didn't care when this case  
4 got solved?

5 MS. BARTON: Objection, form.

6 MR. DiCIANNI: Objection; foundation, form.

7 MS. BARTON: I'll join.

8 THE WITNESS: I think we wanted to do a good  
9 job, regardless of the time.

10 BY MR. SHAPIRO:

11 Q. Forgive me if I asked you this before. I'm  
12 not trying to be repetitious. I just don't -- don't  
13 recall.

14 Did you have an opinion of Tony Daniels?

15 MR. DiCIANNI: Object to foundation or maybe  
16 form is better than foundation.

17 You can answer it if you can.

18 THE WITNESS: Sure, I have an opinion.

19 BY MR. SHAPIRO:

20 Q. And what's your opinion?

21 A. Decent guy, little opinionated.

22 Q. Is he -- is he a good cop in your opinion?

23 A. You know, he has his positives and  
24 negatives.

101

1 Q. Is he honest?

2 A. I've not known him to lie. I don't have any  
3 evidence of that.

4 Q. Uh-huh. Is he fair?

5 A. I suppose it would depend on the  
6 circumstance.

7 Q. Well, I'm asking what -- what you think.  
8 You think he's a fair person?

9 A. Sure.

10 Q. Do you think he's a reliable person?

11 MR. DiCIANNI: Object to lack of foundation.

12 THE WITNESS: He didn't let me down.

13 BY MR. SHAPIRO:

14 Q. Do you know of anyone he -- he let down?

15 A. I do not.

16 Q. Okay. Do you think he's intelligent,  
17 perceptive?

18 A. I think he's intelligent, sure.

19 Q. Does he have good judgment?

20 MR. DiCIANNI: Object to foundation.

21 THE WITNESS: Not always.

22 MR. DiCIANNI: Withdraw the objection.

23 BY MR. SHAPIRO:

24 Q. When -- when has he had bad judgment in your  
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1 estimation?

2 A. I heard he was disciplined for fighting with  
3 a citizen who questioned his authority.

4 Q. Uh-huh. I heard that too.

5 Have you -- do you have any other instance  
6 in which you think he displayed bad judgment?

7 A. I don't have any recollection of any.

8 Q. Would you agree that for the most part he  
9 has good judgment; would that be a fair statement?

10 A. I think that's a pretty big problem, though,  
11 when he got disciplined.

12 Q. Okay. With -- with the exception of the  
13 discipline instance, do you think he has good  
14 judgment?

15 A. I think so.

16 Q. Okay. I just wanted to go back to the  
17 central file for a moment.

18 Is it your understanding that the case file  
19 which is kept in central records is -- is provided to  
20 the State's Attorney's Office?

21 A. Yeah.

22 Q. At this time I want to hand you a set of  
23 documents which are premarked as Exhibits 1 through  
24 19.

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1 Provide a copy of the same exhibits to  
2 opposing counsel.

3 MS. BARTON: This says Volume I. Is there  
4 another one?

5 MR. SHAPIRO: It's -- it's -- it's one  
6 volume. There's not --

7 MS. BARTON: One of one.

8 MR. SHAPIRO: One of one, yes.

9 MS. BARTON: Just checking. I didn't know  
10 how many others you had in your bag of tricks.

11 BY MR. SHAPIRO:

12 Q. Let's look -- could I ask you to turn to  
13 Exhibit 7, please.

14 MS. BARTON: Are you marking all these for  
15 the deposition?

16 MR. SHAPIRO: Yeah, yeah, yeah, yeah. I just  
17 haven't ...

18 BY MR. SHAPIRO:

19 Q. Let me direct your attention to -- to the  
20 first page of Exhibit 7.

21 MR. DiCIANNI: Let me stop you for one  
22 second.

23 MR. SHAPIRO: Yeah.

24 MR. DiCIANNI: Are these the same ones that

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1 were used in the Freesmeyer?

2 MR. SHAPIRO: There's some overlap, but  
3 they're -- they're not the same.

4 MR. DiCIANNI: They're not the same.

5 MR. SHAPIRO: It's not.

6 MR. DiCIANNI: I guess deposition of  
7 David Warner will identify this and differentiate it  
8 from what was distributed before.

9 MR. SHAPIRO: Yes, right.

10 MR. DiCIANNI: Because you'll have an  
11 Exhibit 7 in both of them, Exhibit 12 in both of them,  
12 so ...

13 MR. SHAPIRO: Yeah. And -- and -- and  
14 thanks. Let's -- let's just put that on the record to  
15 be totally clear on this.

16 The exhibits start at 1, and these are the  
17 exhibits to -- to this deposition. And in some cases  
18 the exhibits have been used previously and may have a  
19 different number --

20 MR. DiCIANNI: Right.

21 MR. SHAPIRO: -- from a different deposition.

22 BY MR. SHAPIRO:

23 Q. So page one of Exhibit 7 is the polygraph  
24 report of -- regarding John Murray that you received

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1 and that you mentioned previously, right?

2 A. Yes.

3 Q. Now, is the document that you received from  
4 the polygraph examiner, is it just the first page or  
5 did it also include any of the other pages that --

6 A. I don't recall. I didn't open it. I mean,  
7 I read what it was, and I gave it to Tony Daniels. I  
8 didn't look through it.

9 Q. Okay. So you're not sure how many pages  
10 were there, but the first page is what's page one of  
11 Exhibit 7, right?

12 A. Right. That's how I determined what it was  
13 and who needed to see it.

14 Q. Okay. And it's your understanding that  
15 ordinarily a copy of a document such as this would  
16 also be sent to the State's Attorney, right?

17 A. That was my understanding.

18 MS. BARTON: Objection to form, foundation.

19 THE WITNESS: That was my understanding.

20 BY MR. SHAPIRO:

21 Q. Uh-huh. Okay. And is it also your  
22 understanding that a copy of this document should  
23 have gone into the case file in central records?

24 A. Yes.

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1 Q. Okay. Why was John Murray asked to -- to  
2 take a polygraph, if you know?

3 A. I don't know.

4 Q. And -- and -- and you were the one who made  
5 the request to -- to the polygraph examiner,  
6 Terrence McCann, to perform the polygraph, right?

7 A. I believe I called and made the appointment  
8 based on the first line. It says, "At the request of  
9 David Warner," and that was the only involvement I  
10 had with Mr. Murray.

11 Q. Uh-huh. Beyond that, did you have any  
12 other conversations with the polygraph examiner,  
13 Terrence McCann?

14 A. I don't recall any.

15 Q. Okay. Do you recall reporting to other  
16 investigators on the team other than Daniels the  
17 information received from Mr. McCann about  
18 Mr. Murray?

19 MS. BARTON: Objection to form, foundation.

20 THE WITNESS: I gave it to Tony Daniels. I  
21 don't know if he told anybody else.

22 BY MR. SHAPIRO:

23 Q. But you didn't, right?

24 A. No.

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1 Q. Okay. Are you aware of any other attempts  
2 to take polygraph of Mr. Murray in the Lockmiller  
3 investigation other than the attempt that's described  
4 in page one of Exhibit 7?

5 A. I don't recall any.

6 Q. Are you familiar with the term exculpatory  
7 evidence?

8 A. Yes.

9 Q. Okay. What's -- what's your understanding  
10 of that term?

11 A. You can't leave out evidence that could help  
12 the defendant.

13 Q. And -- and when you say not -- not leave it  
14 out, what do you mean by that?

15 A. You have to tell the State's Attorney.

16 Q. And what Exhibit 7 shows is that Mr. Murray  
17 was asked questions about his involvement in the  
18 Lockmiller homicide, correct?

19 A. Yes.

20 Q. And Exhibit 7 further shows that Mr. Murray  
21 was unable and -- and refused to complete the  
22 polygraph exam?

23 A. Yes.

24 Q. And directing your attention to the headings  
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1 on the top third of the page, do you see where it  
2 says, "Suspect: Larbi John Murray"?

3 A. Yes.

4 Q. Fair to say that John Murray's polygraph  
5 was -- was being taken because he was a suspect?

6 MR. DiCIANNI: Object, lack of foundation.

7 MS. BARTON: I'll join.

8 THE WITNESS: They had to put some heading  
9 there. I don't know if they would put anything else  
10 for anybody else. I don't know.

11 BY MR. SHAPIRO:

12 Q. Well, why don't -- why don't we turn to  
13 Exhibit 8 for just a moment. The first page of  
14 Exhibit 8, which bears number at the bottom of page  
15 McLean 1495?

16 A. Yes.

17 Q. Does this appear to be a cover sheet  
18 directed to your attention involving the polygraphs  
19 of Stacey Gates and John Murray?

20 A. I don't know what this is.

21 Q. Well, you see it says, "Suspect: Stacey  
22 Gates, John Murray"?

23 A. Okay.

24 Q. And you see to the left it says, "Attention  
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1 to Detective David Warner"?

2 A. Yes.

3 Q. Okay. And I want -- why don't you -- and --  
4 and you can take however you want to review this,  
5 this Exhibit 8. I'll have a few more questions about  
6 it. But if you want to take a moment, please feel  
7 free.

8 A. It's hard to read. Hard to make out, a lot  
9 of it.

10 Q. Yeah, no, there -- I agree with you, there  
11 are some parts that are hard to read.

12 But you see that it was directed to your  
13 attention and that --

14 A. I do.

15 Q. And that it involves Stacey Gates and  
16 John Murray, right?

17 A. It's true.

18 Q. Okay. And you also see under the heading  
19 Request, at the request of Detective David Warner?

20 A. I do.

21 Q. And that reads, at the request of  
22 David Warner, the above listed, and then there are  
23 options to choose from, suspect, witness, victim,  
24 applicant. And then it says: Was examined by

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1 polygraph, detection of deception technique at the  
2 BFS?

3 A. Okay.

4 Q. Did I read that right?

5 A. True.

6 Q. Okay. And among the choices, suspect,  
7 witness, victim, applicant, suspect is the one that's  
8 circled, right?

9 A. That is.

10 Q. Okay. So there are cases in which a person  
11 is polygraphed when they are not a suspect; is that a  
12 fair statement?

13 A. Sure.

14 Q. Okay. And going back to the -- to Exhibit 7  
15 which says "Suspect: Larbi John Murray," that  
16 indicates that John Murray is being polygraphed  
17 because he is a suspect, right?

18 A. That's what it would indicate.

19 Q. Okay. So -- so -- so we were discussing the  
20 polygraph indicates that Murray refused to comply and  
21 complete the exam and that he was a -- and that he  
22 was being polygraphed as a suspect.

23 Would you agree with me that Exhibit 7 is  
24 evidence that is exculpatory as to Alan Beaman?

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1 MS. BARTON: I'll object --

2 MR. DiCIANNI: Well, I'll object to that.

3 MS. BARTON: I'll object --

4 MR. DiCIANNI: Lack of foundation and legal  
5 conclusion.

6 MS. BARTON: I'll join.

7 MR. DiCIANNI: You can answer it if you can.

8 THE WITNESS: It's a document that the  
9 State's Attorney should have been aware of, yes.

10 MR. DiCIANNI: All right. I'm going to ask  
11 to confer with the witness. There's no question  
12 pending. Let's ...

13 THE VIDEOGRAPHER: Off the record, 1:29.

14 (Whereupon, a break was taken,  
15 after which the following  
16 proceedings were had:)

17 THE VIDEOGRAPHER: Back on the record, 1:36.

18 BY MR. SHAPIRO:

19 Q. Have you received any training in the duty  
20 of law enforcement officers to apprise prosecutors of  
21 exculpatory evidence?

22 A. I don't recall.

23 Q. Are you aware that law enforcement officers  
24 have a duty to provide exculpatory evidence to

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1 prosecutors in a case?

2 A. My understanding is that when we find  
3 something out, we should tell the State's Attorney.

4 Q. And would you agree with the proposition  
5 that when someone is a suspect in a case and they  
6 can't comply or complete a polygraph examination,  
7 that can be evidence suggesting that person's guilt?

8 MR. DiCIANNI: I'll object to form,  
9 foundation.

10 MS. BARTON: I'll join.

11 MR. DiCIANNI: You can answer.

12 THE WITNESS: It's my understanding that  
13 polygraphs can't be used in court.

14 BY MR. SHAPIRO:

15 Q. And -- and -- and earlier Mr. DiCianni  
16 objected to one of my questions as calling for a  
17 legal conclusion. I just want to be clear. I'm  
18 not -- I'm not asking you a question as a lawyer.  
19 I'm asking you a question as someone who has, you  
20 know, spent -- spent your career in -- in law  
21 enforcement and developed a sense of what evidence  
22 tends to suggest that someone is guilty and what  
23 evidence tends to suggest that someone's not guilty.

24 You -- you -- you must have an understanding

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1 of the types of evidence that would fall into both  
2 those categories, right?

3 A. Yes.

4 Q. Okay. So with that clarification, would you  
5 agree with me that when you have a suspect in a case  
6 who cannot comply with the instructions and complete  
7 a polygraph examination, that is evidence suggesting  
8 that the person may be guilty of the crime?

9 MR. DiCIANNI: I'll object to foundation.

10 MS. BARTON: I'll join.

11 THE WITNESS: I disagree with that. There  
12 could be any number of reasons.

13 BY MR. SHAPIRO:

14 Q. I'm -- I'm -- I'm not suggesting that the  
15 fact that someone can -- fails to complete a  
16 polygraph exam is conclusive evidence of guilt.

17 Do you think that it is relevant evidence of  
18 guilt?

19 A. No.

20 Q. Why not?

21 A. I think there's more work that needs to be  
22 done.

23 Q. Uh-huh. So -- so then I take it you would  
24 agree that receiving information that a suspect could

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1 not complete a polygraph examination suggests that  
2 further investigation of that suspect is necessary?

3 MR. DiCIANNI: Object to foundation.

4 MS. BARTON: I'll join.

5 THE WITNESS: I gave the information to  
6 Detective Daniels. I assume he would follow up on it.

7 BY MR. SHAPIRO:

8 Q. I -- I understand that. And -- and --  
9 but -- but -- and but -- and but that's not really  
10 the question that I'm asking.

11 A. Then repeat the question.

12 Q. Okay. Sure. And -- and -- the question is  
13 if you have a suspect in an investigation who cannot  
14 complete a polygraph examination and refuses to  
15 comply, is that relevant evidence of guilt?

16 MR. DiCIANNI: Object, lack of foundation.

17 MS. BARTON: I'll join.

18 THE WITNESS: My previous answer was no.  
19 There's many reasons why that can happen.

20 BY MR. SHAPIRO:

21 Q. Uh-huh. And is receiving polygraph --  
22 strike that.

23 Is receiving a report from a polygraph  
24 examiner that a suspect in a case was unable to

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1 complete a polygraph exam and comply with the  
2 instructions, does -- does -- does that suggest that  
3 further investigation of the individual is necessary?

4 MR. DiCIANNI: Object, foundation and form  
5 the question.

6 MS. BARTON: I'll join.

7 THE WITNESS: Yes.

8 BY MR. SHAPIRO:

9 Q. So you would agree with me that Plaintiff's  
10 Exhibit 7 suggests that as of when this report was  
11 received, October 5, 1993, further investigation of  
12 John Murray was called for; would you agree with  
13 that?

14 MR. DiCIANNI: I'll object to foundation.

15 MS. BARTON: I'll join.

16 THE WITNESS: I agree.

17 BY MR. SHAPIRO:

18 Q. Do you remember interviewing Stacey Gates in  
19 connection with the Lockmiller homicide  
20 investigation?

21 A. I remember that I did. I don't remember the  
22 particulars.

23 Q. Uh-huh. And -- and forgive me if I -- I've  
24 asked this. Did you review the transcript of your

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1 interview with Mr. Gates in preparing for the  
2 deposition today?

3 A. Briefly I looked at it. I did not read it  
4 completely.

5 Q. Based on a -- the -- your recent review of  
6 the -- of the interview, what are your impressions of  
7 that interview?

8 A. I would have to review it again. I don't  
9 know.

10 Q. Let's turn to I believe it's Exhibit 1.  
11 Exhibit 1 is the transcript of your interview with  
12 Stacey Gates in the Lockmiller homicide  
13 investigation, correct?

14 A. It appears it is.

15 Q. Let me ask you to review a portion of this  
16 report. I'd like you to turn to the second page --  
17 yeah, it bears Bates stamp AB 2310.

18 A. Yes.

19 Q. Okay. And you see the question that you  
20 asked: "What happened with the call"?

21 A. I do.

22 Q. Okay. And turning to page 2312, you see --  
23 you see the question: "How often have you seen her  
24 since 1991"?

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1 A. I do.

2 Q. Okay. Let me ask you to review the --  
3 the -- the portion of the transcript in between, What  
4 happened with the call, and How often have you seen  
5 her since '91.

6 A. Okay.

7 Q. Okay. You've had a chance to review the  
8 portion of the transcript that I indicated?

9 A. I did.

10 Q. Okay. What are your impressions based on  
11 your review of the transcript about Stacey Gates's  
12 answers?

13 MR. DiCIANNI: I object to form of the  
14 question.

15 THE WITNESS: Can you be more specific?

16 BY MR. SHAPIRO:

17 Q. Well, did you have any reactions as you were  
18 reading the text I just indicated?

19 A. My recollection of Mr. Gates was he was all  
20 over the place.

21 Q. He's -- that was -- that was sort of my  
22 impression too.

23 So now do you sort of have a recollection  
24 talking to him having read this?

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1 A. Yeah. He was under the impression that he  
2 was the only person that she was going out with; and,  
3 in fact, that was not true. He described her as his  
4 fiance, which was not true.

5 Q. He had over-inflated views of how Jennifer  
6 perceived him, right?

7 A. Yes.

8 MS. BARTON: Objection to foundation.

9 MR. DiCIANNI: I'll join.

10 BY MR. SHAPIRO:

11 Q. That was what you understood based on your  
12 interview, right?

13 A. Yes.

14 Q. Based on your interview, was he jealous of  
15 the fact that Jennifer had other romantic  
16 relationships in her life?

17 A. I don't think he was aware of them. That  
18 was my recollection.

19 Q. Uh-huh. So Stacey Gates was -- was in love  
20 with Jennifer Lockmiller, right?

21 MS. BARTON: Objection.

22 MR. DiCIANNI: Object, foundation.

23 MS. BARTON: Join.

24 THE WITNESS: I think he said he was. I  
119

1 don't know.

2 BY MR. SHAPIRO:

3 Q. Okay. Your understanding based on the  
4 interview was that he was in love with her?

5 A. I think he said he was.

6 Q. Okay. And he was very attached to her?

7 MS. BARTON: Objection, foundation.

8 MR. DiCIANNI: Same objection.

9 THE WITNESS: I don't know.

10 BY MR. SHAPIRO:

11 Q. Based -- based on the interview, did -- do  
12 you believe that he was very attached to her?

13 MR. DiCIANNI: Same objection.

14 MS. BARTON: I'll join.

15 THE WITNESS: I don't know.

16 BY MR. SHAPIRO:

17 Q. And -- and -- and he did not know that  
18 Lockmiller was seeing other people, correct?

19 A. I don't believe so.

20 Q. Fair to say that Gates was rambling during  
21 this interview?

22 A. I believe he was.

23 Q. Almost incoherent?

24 A. Changed topics a lot.

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1 Q. Uh-huh. I mean, tell me if you disagree  
2 with this, but reading this transcript, my impression  
3 is you were trying to ask some pretty simple  
4 questions, and you were getting some pretty  
5 convoluted answers?

6 A. Yeah. I experienced that before.

7 Q. Uh-huh. And that's what -- and that's how  
8 you characterize this interview?

9 A. Repeat it again.

10 Q. Is it a fair characterization of your  
11 interview with Mr. Gates that you were asking him  
12 relatively simple questions in a number of instances  
13 and getting rambling answers?

14 A. Yes.

15 Q. Okay. Did that arouse your suspicions in  
16 any way?

17 A. I suppose I -- I don't recall. I would  
18 probably ask more questions.

19 Q. When you -- when you say you would ask more  
20 questions, you mean beyond what was asked during this  
21 interview or beyond the portion that you just  
22 reviewed?

23 A. Beyond the portion I just reviewed.

24 Q. And I -- I -- I think you said that

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1 reviewing those -- those portions of the transcript  
2 refreshed your recollection as to actually what you  
3 remembered from the interview; is that right?

4 A. To some degree.

5 Q. To some degree, okay.

6 Do you recall whether at the conclusion of  
7 this interview Stacey Gates had aroused your  
8 suspicions?

9 A. I don't know if they were aroused. I think  
10 I expressed to Lieutenant Zayas that some more work  
11 might need to be done on him.

12 Q. And -- and -- so -- so your interview with  
13 Stacey Gates suggested to you that he needed to be  
14 investigated further?

15 A. Yes.

16 Q. Not -- not just talking about this case, but  
17 as a -- as a -- as a general matter based on your  
18 experience as a -- as a police officer, when you're  
19 asking someone questions and they're giving the sort  
20 of rambling answers that Stacey Gates was giving you,  
21 is that the sort of thing that would arouse  
22 suspicion?

23 A. That depends on the context.

24 Q. Uh-huh. Can you explain that a little for

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1 me?

2 A. For some people, that's how they talk about  
3 everything.

4 Q. Uh-huh. Was it your impression that --  
5 that -- that Stacey Gates just generally was someone  
6 who rambled?

7 A. I believe he was.

8 Q. Okay. I want to work few -- work through a  
9 few other portions of this interview with you. If  
10 you wouldn't mind turning toward the page of  
11 Exhibit 1 that is marked AB 3231, and I'm just going  
12 to -- I'm just going to read this aloud. I think it  
13 will be faster --

14 A. Sure.

15 Q. -- that way.

16 Begin at the bottom of 32:

17 "Question: Did you plan to get  
18 together?

19 Answer: I even -- I guess -- I  
20 guess I even could tell before she went  
21 to California that we might be ironing  
22 things out and that I was beginning to  
23 predict that I think things would --  
24 after California I'd be -- we would be  
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1 back together officially."

2 Did I read that right?

3 A. Yes.

4 Q. Okay. And recognizing it's rambling, is the  
5 gist of what Mr. Gates is saying is that he believed  
6 that upon Lockmiller's return from California, the  
7 two of them would get back together and rekindle  
8 their romantic relationship?

9 MR. DiCIANNI: Object, speculation.

10 MS. BARTON: I'll join.

11 THE WITNESS: Well, the statement says he  
12 would get back together officially. You know, that I  
13 don't know.

14 BY MR. SHAPIRO:

15 Q. Well, what -- what do you -- what do you --  
16 what -- what -- what do you understand it to be  
17 saying?

18 A. That they had some relationship issues and  
19 he wanted to iron things out and get back together.

20 Q. Uh-huh. Okay. Directing your attention a  
21 little bit further down the page on 2322:

22 "Answer: I consider myself" --

23 Do you see where I am?

24 A. Yes.

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1 Q. Okay.

2 "Answer: I consider myself that  
3 when I read in the paper that this said  
4 it was a domestic -- a domestic  
5 incident, that implied to me that there  
6 was someone that was in love with her or  
7 her or something that was important to  
8 her. I'm sorry. There was no one else  
9 but me in that category, and I guess I  
10 was being selfish. It offended me  
11 totally and it still does. It gnaws at  
12 my craw. Whoever this was is -- no,  
13 whoever she was living with might not be  
14 the murderer, but he is certainly and  
15 probably nothing --- not good person in  
16 her life. And I'm sure whoever it was,  
17 whether it was the person or not, she  
18 wanted him out as quickly as possible."

19 Did I read that right?

20 A. You did.

21 Q. Uh-huh. Fair to say that what Stacey Gates  
22 conveyed to you is that when he learned that  
23 Lockmiller was living with someone, he was very  
24 jealous of that fact?

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1 MR. DiCIANNI: Object to foundation,  
2 speculation.

3 MS. BARTON: I'll join.

4 THE WITNESS: I don't know. I think he was  
5 surprised he didn't know.

6 BY MR. SHAPIRO:

7 Q. So he was -- well, he's -- he's more than a  
8 little surprised, right? I mean, he said "it gnaws  
9 at my craw," right?

10 A. My impression of him was he was -- he had no  
11 idea she was seeing other people. He thought that he  
12 was the only one in her life. And now he's reading  
13 in the paper that that's not true.

14 Q. Uh-huh.

15 A. So I think he was a bit confused.

16 Q. Would you agree with the proposition that --  
17 well, strike that.

18 I -- I -- I understand you're saying that,  
19 you know, you understood that Gates found out about  
20 Lockmiller's other relationships after the time of  
21 the murder. That's what you're saying, right?

22 A. Yes.

23 Q. So I understand and I appreciate that.

24 But my question to you is as a general

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1 matter, would you agree with the proposition that  
2 when someone is romantically attached to another  
3 individual, believes that individual is not seeing  
4 other people. Then finds out that that person, in  
5 fact, is romantically involved with other people,  
6 that can be a motive for murder?

7 MS. BARTON: Objection --

8 MR. DiCIANNI: I'll object; foundation, form  
9 of the question.

10 MS. BARTON: I'll join.

11 THE WITNESS: I don't know.

12 BY MR. SHAPIRO:

13 Q. Well, as someone who's been a police officer  
14 for your whole career, you've formed some sense as to  
15 what can be a motive to commit a crime, can you  
16 not -- have you not?

17 A. Yes.

18 Q. Can jealousy and hurt feelings in connection  
19 with a romance be a murder -- a motive to commit a  
20 crime?

21 A. Yes.

22 Q. So -- and would you agree that thinking that  
23 you're the only person who is romantically involved  
24 with someone and then finding out that you're not can

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1 be a motive to commit a crime?

2 MR. DiCIANNI: Object, lack of foundation.

3 MS. BARTON: I'll join.

4 THE WITNESS: At that time, the crime has  
5 already been committed.

6 BY MR. SHAPIRO:

7 Q. I understand that, right. And -- and  
8 that's -- that's why I was sort of making that  
9 qualification.

10 Let's say Gates were to have found out, you  
11 know, prior to the murder that Lockmiller was seeing  
12 other people, could that be a motive to commit a  
13 murder?

14 MS. BARTON: Object to form and foundation.

15 MR. DiCIANNI: Yeah, I'll join in that.

16 THE WITNESS: Could be.

17 BY MR. SHAPIRO:

18 Q. Let me direct your attention to page 23 --  
19 AB 2327 of Exhibit 1.

20 MR. DiCIANNI: 2327?

21 MR. SHAPIRO: Yes.

22 BY MR. SHAPIRO:

23 Q. And -- and this is another portion I'm going  
24 to ask you to read to yourself. You see where it

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1 begins:

2 "Answer: He looked up" --

3 I'm sorry. You know what, my apologies.

4 Let's back up to 2326. You see where you ask the

5 question: "What's on the backside; do you know"?

6 A. Yes.

7 Q. And then turn to page 2328. You ask the  
8 question about two-thirds of the way down the page,

9 "Did she ever have any complaints?"

10 MR. DiCIANNI: Wait. That's not what I see.

11 What page did you say?

12 MR. SHAPIRO: 2328.

13 THE WITNESS: Yes, I do.

14 BY MR. SHAPIRO:

15 Q. Okay. "Did she ever have any complaints,"

16 right?

17 A. Yes.

18 Q. So would you take however you need to -- to  
19 read everything in between the start of the question,

20 "What's on the backside; do you know," on 2326 and

21 "Did she ever have any complaints" on 2328.

22 MR. SHAPIRO: Oh, sure. And why don't we

23 take a break.

24 MR. DiCIANNI: All right. I -- I -- I don't  
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1 want to repeat what happened yesterday. I think that  
2 if we're going to take a break, then the witness is  
3 going to take a break as well. And if we're going to  
4 read reports, then we're going to do that during the  
5 course of the deposition. I don't want us breaking  
6 and him reading.

7 MR. SHAPIRO: That's fine.

8 And just for purposes of this deposition, I'm  
9 not going to argue because I'm not going to go over  
10 seven hours on this one.

11 MR. DiCIANNI: All right.

12 So you take a break too.

13 THE VIDEOGRAPHER: Off the record, 2 o'clock.

14 (Whereupon, a break was taken,  
15 after which the following  
16 proceedings were had:)

17 THE VIDEOGRAPHER: Back on the record, 2:11.

18 BY MR. SHAPIRO:

19 Q. And since we are on the record,  
20 Lieutenant Warner, you remember before the break I  
21 gave you a portion to read, and you remember that  
22 portion?

23 A. Yes.

24 Q. Okay. So please go ahead and review it.

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1 MR. DiCIANNI: Could you remind me?

2 MR. SHAPIRO: Sure. It's -- begins on 2326  
3 with "What's on the backside; do you know?" and ends  
4 on 2328 with "Did she ever have any complaints?"

5 MR. DiCIANNI: Thanks.

6 MR. SHAPIRO: Sure.

7 THE WITNESS: Where we ending at?

8 BY MR. SHAPIRO:

9 Q. We were ending on 2328 at "Did she ever have  
10 any complaints?"

11 A. Okay.

12 Q. Okay. Having -- having read the portion of  
13 the interview with Stacey Gates that you just read,  
14 did that trigger any independent recollections -- any  
15 further independent recollections in your mind of  
16 this interview?

17 A. It was difficult to read because he was  
18 rambling again. Not really, no.

19 Q. Okay. In the portion of the interview that  
20 you just read, Stacey Gates informs you of two people  
21 who he viewed as possible suspects in the case,  
22 right?

23 A. Stacey was a person who tried to remember  
24 anything that could possibly help us.

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1 Q. Uh-huh.

2 A. Going back years before someone he saw,  
3 just -- he's one of those people that any little  
4 thing he could think of, he told us.

5 Q. Uh-huh. But in his mind, these were people  
6 that could be considered suspects based on what he  
7 told you, right?

8 A. Apparently.

9 Q. Okay. And the first person he describes in  
10 this section is an individual who he says had huge  
11 legs and a big rack of shoulders?

12 A. Yes.

13 Q. He says this individual had a southern  
14 drawl?

15 A. He did.

16 Q. And that this individual appeared on  
17 Lockmiller's doorstep one night in the summer of '92  
18 wearing an overcoat, right?

19 A. That's what he said.

20 Q. And he knocks -- according Gates, this  
21 individual knocks on the door, and Gates answers the  
22 door, and this individual is asking for Lockmiller,  
23 right?

24 A. That's what he said.

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1 Q. Okay. And Gates further said that this  
2 individual told him words to the effect of don't you  
3 sass me or I'll break the F'ing door down, right?

4 A. That's what he said.

5 Q. And Gates had suspicions as to whether  
6 Lockmiller knew this person previously, right?

7 A. That's what he said.

8 Q. Okay. Was any effort made to locate this  
9 individual who according to Gates appeared on  
10 Lockmiller's doorstep in the summer of '92?

11 MS. BARTON: Objection to form and foundation  
12 as to who.

13 MR. DiCIANNI: I'll join.

14 THE WITNESS: I did not. I don't know if  
15 anybody else did.

16 BY MR. SHAPIRO:

17 Q. And just -- and just as a result of the  
18 objection, are you aware of any effort that was made  
19 to identify this individual who's -- who knocked on  
20 Lockmiller's doorstep in December of '92?

21 A. I have no knowledge of that, no.

22 Q. Do you think it's something that should have  
23 been followed up on?

24 A. Yes.

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1 Q. In the same portion of the interview that --  
2 that you just read, Stacey Gates also refers to an  
3 individual who he says was known as Psycho Bill,  
4 right?

5 A. He did.

6 Q. And Gates says that Psycho Bill was reputed  
7 to lure women into his room and film them, correct?

8 A. That's what he said.

9 Q. And he further said that Jennifer and  
10 Psycho Bill had dated for a while, right?

11 A. That's what he said.

12 Q. And he further said that there was a point  
13 when Psycho Bill stalked Jennifer, right?

14 A. That's what he said.

15 Q. Was any effort, to your knowledge, made to  
16 identify who the individual that he referred to as  
17 Psycho Bill was?

18 A. I have no knowledge of it.

19 Q. To your knowledge, was anything done to  
20 locate the individual who he referred to as  
21 Psycho Bill?

22 A. I have no knowledge of that.

23 Q. Okay. At the time of the Lockmiller  
24 homicide investigation, was there any sort of

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1 database maintained by the Normal Police Department  
2 or that could be accessed by the Normal Police  
3 Department that could be used to identify --  
4 ascertain the identity of individuals based on  
5 nicknames?

6 A. I believe there was a database that  
7 contained information on people arrested.

8 Q. Uh-huh. And would that database have  
9 included nicknames of people who are arrested?

10 A. If they were known.

11 Q. Uh-huh. To your knowledge, was any effort  
12 made to determine whether the nickname Psycho Bill  
13 appeared anywhere on that database?

14 A. I don't recall.

15 Q. Okay. And -- and -- and you -- and you  
16 didn't do anything -- you did not search for  
17 Psycho Bill in that database, right?

18 A. I don't believe so.

19 Q. Okay. Do you recall requesting a polygraph  
20 examination of Stacey Gates?

21 A. Well, I know I did. I don't remember the  
22 incident.

23 Q. Do you recall receiving a report from a  
24 polygraph examiner regarding an examination of

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1 Mr. Gates?

2 A. I saw it in the packet of paper.

3 Q. Uh-huh. You saw it in the packet of paper  
4 that you reviewed --

5 A. Yeah.

6 Q. -- for the deposition. Okay.

7 But you don't have a independent  
8 recollection of having either requested and received  
9 that polygraph?

10 A. No, not really.

11 Q. Okay. Let's turn to Exhibit 8, please.

12 A. I'm sorry, 8?

13 Q. Yes, Exhibit 8.

14 MR. SHAPIRO: Oh, first just a housekeeping  
15 matter on -- on -- on page -- first page of the  
16 exhibit, McLean 1495. We talked about this page  
17 earlier. I believe I read the acronym in the middle  
18 of the page BFS. Ms. Barton corrected me during the  
19 break. That appears to be BES.

20 MS. BARTON: I don't know. I don't know if  
21 it is or not.

22 THE WITNESS: I don't know what that means.

23 BY MR. SHAPIRO:

24 Q. Do you know what BFS or BES would stand for?

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1 A. No, I don't.

2 Q. Okay.

3 MR. DiCIANNI: Is it Bureau of Forensic  
4 Sciences?

5 THE WITNESS: Oh, that could be.

6 MS. BARTON: Oh, that's good.

7 BY MR. SHAPIRO:

8 Q. All right. Let's turn to the second and  
9 third pages of Exhibit 8 which are marked McLean 1496  
10 and 1497.

11 This is the polygraph report regarding  
12 Stacey Gates that you referred to a moment ago,  
13 right?

14 A. It appears that it is, yes.

15 Q. Okay. And I know you don't have an  
16 independent recollection of requesting or receiving  
17 it, but do you have -- but it indicates on its face  
18 that you requested a polygraph examination of  
19 Mr. Gates, right?

20 A. It does.

21 Q. Okay. Do you have any reason to doubt that  
22 you requested such an examination?

23 A. I do not.

24 Q. Okay. And the polygraph report regarding

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1 Mr. Gates is addressed to you, right?

2 A. It is.

3 Q. Okay. And do you have any reason to doubt  
4 that you received this polygraph report?

5 A. I do not.

6 Q. Okay. Do you have any recollection of what  
7 was done with this polygraph report subsequent to  
8 your receiving it?

9 A. I would have turned it in to my supervisor.

10 Q. And who -- who was your supervisor?

11 A. Frank Zayas.

12 Q. Okay. Can you help me understand why the  
13 Murray polygraph you would have given to Daniels or  
14 this one you would have given -- you gave to Zayas?

15 A. Because Daniels was doing the investigation  
16 on Larbi, and I was doing the one on Bubba.

17 Q. Okay.

18 A. So there was no reason to give it to anybody  
19 else. I turned it in.

20 Q. And is it your understanding that the  
21 polygraph examiner would have -- would have sent a  
22 copy of the same document regarding Mr. Gates to the  
23 State's Attorney's Office?

24 MS. BARTON: Objection to foundation.

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1 THE WITNESS: That was my understanding.

2 BY MR. SHAPIRO:

3 Q. And was it also your understanding that a  
4 copy of the polygraph examination regarding Mr. Gates  
5 would be placed into the case file in central  
6 records?

7 A. Yes.

8 Q. And that Zayas would have been the one to  
9 receive the polygraph report and transmit it to  
10 central records, right?

11 A. Yes.

12 Q. Okay. Do you recall having any  
13 conversations with the polygraph examiner about  
14 Stacey Gates?

15 A. I do not.

16 Q. Now -- now, earlier I think you said with  
17 the Murray polygraph, you wouldn't have reported it  
18 to the team of investigators because that -- that  
19 would have been Daniels's responsibility; is that --

20 A. Right.

21 Q. Is that right?

22 MS. BARTON: Objection to form.

23 BY MR. SHAPIRO:

24 Q. But for -- for this one, you -- you -- you  
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1 were the investigator who was looking into Gates,  
2 right?

3 A. That's correct.

4 Q. Okay. Having received this polygraph report  
5 regarding Mr. Gates, did you report it to the other  
6 investigators working on the case?

7 MS. BARTON: Objection to form.

8 THE WITNESS: I turned in the form to my  
9 supervisor, and he would have assigned someone else if  
10 it needed follow-up or back to me.

11 BY MR. SHAPIRO:

12 Q. So -- so you don't recall informing anyone  
13 other than Zayas that you had received this report  
14 shown on Exhibit 8, right?

15 A. I don't recall, no.

16 Q. Given that there were several different  
17 investigators working on the case, do you think it  
18 would have been a good practice to inform the other  
19 investigators of the results of this examination?

20 MS. BARTON: Objection to form.

21 MR. DiCIANNI: I'll object to foundation,  
22 form.

23 THE WITNESS: That wasn't my position. My  
24 job was to turn it into my supervisor, and they spread  
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1 it out or assign someone else or follow up. That  
2 wasn't my call.

3 BY MR. SHAPIRO:

4 Q. Okay. The report shown on pages 1496 and  
5 1497 of Exhibit 8 indicates that Stacey Gates was  
6 polygraphed as a suspect, correct?

7 A. That's what it says.

8 Q. Do you disagree with the characterization of  
9 Stacey Gates as a suspect?

10 MR. DiCIANNI: I'll object to foundation.

11 MS. BARTON: I'll join.

12 THE WITNESS: You know, everybody's a suspect  
13 until they're cleared, so ...

14 BY MR. SHAPIRO:

15 Q. Your testimony is that everyone Lockmiller  
16 knew was -- was a suspect in the homicide  
17 investigation?

18 A. Unless we had reason to believe that they  
19 weren't.

20 Q. Is it your testimony that everyone who  
21 Lockmiller knew was excluded as a suspect in the  
22 investigation?

23 MR. DiCIANNI: Excluded?

24 MR. SHAPIRO: Uh-huh.

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1 THE WITNESS: I -- I don't understand the  
2 question.

3 BY MR. SHAPIRO:

4 Q. Well, I understand you to be saying that  
5 anyone she knew was a suspect. And presumably one  
6 goal of an investigation is to exclude the people who  
7 didn't do it and find the person who did do it,  
8 right?

9 A. Yes.

10 Q. Okay. Do you feel that everyone that  
11 Lockmiller knew was excluded as a suspect?

12 A. I don't know if they were. It was not my  
13 responsibility to find out.

14 Q. The polygraph report for Mr. McCann  
15 indicates that when asked questions about  
16 Lockmiller's murder, Stacey Gates gave responses that  
17 were erratic and inconsistent, right?

18 A. True.

19 Q. And in your view, an indication that a  
20 suspect gave erratic and inconsistent answers in a  
21 polygraph examination is something that should be  
22 provided to the State's Attorney's Office, right?

23 MR. DiCIANNI: I'll object to foundation.

24 MS. BARTON: I'll join.

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1 THE WITNESS: The report should have been in  
2 the case file; the case file given to the State's  
3 Attorney.

4 BY MR. SHAPIRO:

5 Q. Uh-huh. So I guess -- right. I -- I -- I  
6 understand that. And I -- I appreciate that. I  
7 guess there -- so when you say it should be, I mean,  
8 you mean that the ordinary protocol --

9 A. I expected it to be.

10 Q. Uh-huh. Aside from the fact that in the  
11 ordinary course a document like this would be  
12 provided to the State's Attorney's Office, would you  
13 agree that one of the reasons it should be provided  
14 is that it could be considered exculpatory?

15 MR. DiCIANNI: Objection; foundation, legal  
16 conclusion.

17 MS. BARTON: I'll join.

18 THE WITNESS: I don't know.

19 BY MR. SHAPIRO:

20 Q. Does a polygraph report indicating that  
21 Mr. Gates gave erratic and inconsistent response to  
22 questions about Jennifer Lockmiller's murder make it  
23 more likely or less likely he was involved in the  
24 murder?

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1 MR. DiCIANNI: Objection to foundation.

2 MS. BARTON: I'll join.

3 THE WITNESS: I can't determine from that.  
4 He gave erratic responses to every question.

5 BY MR. SHAPIRO:

6 Q. But all of the questions involved his  
7 involvement in Lockmiller's murder, right?

8 A. And during the interview, he was all over  
9 the place.

10 Q. Uh-huh. So you would describe Gates's  
11 responses as erratic and inconsistent not only in the  
12 polygraph exam but in every question you asked him  
13 about the Lockmiller murder, right?

14 A. Yes.

15 Q. In your view, was Stacey Gates excluded as a  
16 suspect in the Lockmiller murder?

17 A. I don't know if he was or not. I did what I  
18 was assigned and went on.

19 Q. Uh-huh. And based on what -- what you were  
20 able to uncover your -- or your part of the work on  
21 Stacey Gates, you knew that he was romantically  
22 attached to Lockmiller, that he was erratic and  
23 inconsistent when he talked to you?

24 A. Yes.

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C08619

APPENDIX 002850

1 Q. And that he was erratic and inconsistent  
2 during the polygraph?

3 A. Yes.

4 MS. BARTON: Objection to form and  
5 foundation.

6 BY MR. SHAPIRO:

7 Q. All of those statements are fair and  
8 accurate, right?

9 A. Yes.

10 Q. And taking those pieces of information  
11 together, that would indicate that Gates was a person  
12 of interest in the investigation who warranted  
13 further inquiry; would you agree with that?

14 A. Yes.

15 Q. Do you have any understanding or  
16 recollection of charges against John Murray in other  
17 cases?

18 A. No.

19 Q. Do you recall John Murray ever working as a  
20 confidential informant?

21 A. I wouldn't know that.

22 Q. Do you recall that in a case in which  
23 John Murray was a defendant, you were listed by the  
24 State's Attorney's Office as a potential witness?

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C08020

1 A. I don't recall.

2 Q. Okay. Let's turn to Exhibit -- I believe  
3 it's 19.

4 A. 19?

5 Q. 19, yeah, the back exhibit.

6 And just for the record, I believe the arrow  
7 and the circle -- I'm sorry.

8 Do you have an arrow and a circle on your  
9 copy?

10 A. I do not.

11 Q. Okay. That's just a notation in mine.  
12 Never mind.

13 So -- well, please -- please go ahead and  
14 review Exhibit 19 and let me know when you've had a  
15 chance to do so.

16 A. I don't recall.

17 MR. DiCIANNI: What was the question?

18 BY MR. SHAPIRO:

19 Q. Actually there's not a question. Yeah, just  
20 go ahead and review and let me know when --

21 A. Okay. I reviewed it.

22 Q. Okay. So Exhibit 19 is -- is a legal  
23 document involving a case against John Murray in  
24 which you were listed as a potential witness, right?

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1 A. That's what it says.

2 Q. Okay. And you don't have any recollection  
3 of this -- the case that is described here?

4 A. I do not.

5 Q. Okay. Do you -- do you have any  
6 understanding of -- of -- of why you would be listed  
7 as a potential witness in this case?

8 A. Not without reading the case report.

9 Q. Okay. And opposing counsel's quite rightly  
10 going to object to the next -- next question on  
11 grounds of speculation, but I -- but I really just am  
12 trying to understand. So that's fine.

13 Do you have any sense of why you might have  
14 been listed in a case as a potential witness that you  
15 don't have any recollection of? I mean, I'm asking  
16 you to speculate, and I understand it's a speculative  
17 question. I'm just trying to find out for my own --

18 MS. BARTON: Well, to the extent that he  
19 asks -- that you're asking him to speculate, then I  
20 would object.

21 MR. DiCIANNI: I'll join.

22 BY MR. SHAPIRO:

23 Q. Go ahead. What do you think?

24 A. I would guess it had to do with my

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1 employment as a detective. I don't know.

2 Q. Okay. Do you have any knowledge of anything  
3 that was done in the Lockmiller investigation to  
4 exclude Murray as a suspect?

5 A. I -- no.

6 Q. Okay. Do you remember testifying at trial  
7 in this case?

8 A. I do.

9 Q. I'm sorry. By this case, I mean the  
10 Lockmiller case.

11 A. I do.

12 Q. Okay. Do you recall that the prosecution  
13 argued in the case that suspects other than Beaman  
14 had been excluded and that Beaman was the only  
15 remaining suspect?

16 MS. BARTON: I'll object to form.

17 THE WITNESS: I don't believe that was in my  
18 testimony.

19 BY MR. SHAPIRO:

20 Q. Were you present for parts of the trial  
21 other than your own testimony?

22 A. I was not.

23 Q. Okay. Based on the portions of the  
24 investigation that you're familiar with, are you

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1 aware of any evidence against Alan Beaman other than  
2 circumstantial evidence?

3 A. I have not read the entire case report. I  
4 don't know.

5 Q. Okay. And -- and -- and that's why I'm  
6 asking based on what's familiar to you. And with  
7 regard to the university investigation that is  
8 familiar to you, are you aware of anything other than  
9 circumstantial evidence against Mr. Beaman?

10 A. I am not.

11 MS. BARTON: Objection, form.

12 MR. DiCIANNI: Join.

13 BY MR. SHAPIRO:

14 Q. I'm just going to read a very brief question  
15 and answer of -- from a 2004 deposition regarding  
16 this case that was given by Mr. Souk.

17 "Question: This is an entirely  
18 circumstantial case?

19 Answer: It was."

20 Based on what you know about this case, do  
21 you have any basis to disagree with that  
22 characterization?

23 A. I do not.

24 Q. Are you aware of any investigation that was  
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1 undertaken as to whether some unknown sexual partner  
2 killed Jennifer Lockmiller?

3 A. I don't recall.

4 Q. Are you aware of any investigation as to  
5 whether just some random person was the murderer?

6 A. I don't recall.

7 Q. Are you aware of any investigation that was  
8 undertaken to determine whether the murderer was a  
9 home invader?

10 A. I don't recall.

11 Q. Are you aware of any investigation that was  
12 undertaken to determine whether the murderer was  
13 someone who had stalked Jennifer Lockmiller?

14 A. I don't recall.

15 Q. Are you aware of any investigation that was  
16 done to attempt to ascertain all of the people who  
17 had classes with Jennifer Lockmiller?

18 A. I don't have any knowledge of that.

19 Q. Are you aware of any investigation that was  
20 undertaken to determine all of the people that  
21 Lockmiller worked with at the newspaper, the Vidette?

22 A. I don't have any knowledge of that.

23 Q. Are you aware of any investigation that was  
24 undertaken to determine whether the murderer was

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1 someone that Jennifer Lockmiller knew from the gym?

2 A. I'm not aware of that.

3 Q. As the evidence custodian, would you have  
4 been the person who received any physical evidence  
5 that was recovered from Mr. Beaman's vehicle?

6 A. Eventually, yes.

7 Q. Are you aware of any physical evidence  
8 recovered from Mr. Beaman's vehicle?

9 A. I believe there was some evidence. I don't  
10 recall exactly what it was.

11 Q. Do you have any thoughts on what it was at  
12 all?

13 A. I'm thinking some papers or receipts or  
14 something. I don't remember.

15 Q. Are you -- are you -- are you referring to a  
16 receipt that would have indicated the number of miles  
17 on Mr. Beaman's car when he got his tires changed?

18 A. I think it was something about that, yes.

19 Q. Okay. Are you aware of any other evidence  
20 recovered from Mr. Beaman's car at any point in the  
21 investigation?

22 A. I know there was some. I don't recall  
23 exactly what it was.

24 Q. Are you -- are you -- are you talking about

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1 documentation related to the odometer or mileage,  
2 that sort of thing?

3 A. I know that was recovered, yes.

4 Q. Okay. Do you have any knowledge of any  
5 evidence recovered from Mr. Beaman's vehicle other  
6 than, you know, evidence concerning the odometer or  
7 mileage?

8 A. I don't recall.

9 Q. Okay. Was a search performed of  
10 Mr. Beaman's home?

11 A. I don't recall.

12 Q. And just to be a little bit more -- more  
13 clear, do you have any recollection of a search being  
14 conducted of either his family home in Rockford or  
15 his -- his -- his the place where he lived during the  
16 year in -- in Bloomington-Normal?

17 A. I don't recall.

18 Q. Do you have any knowledge of any effort  
19 being made to speak to the regulars at the bars that  
20 Jennifer Lockmiller would visit?

21 A. I don't have any information on that.

22 Q. Okay. Do you have any information as to  
23 whether the bartenders or other staff at the bars  
24 that Lockmiller would frequent were contacted as part

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1 of the investigation?

2 A. I don't have any information on that.

3 Q. Do you have any information about efforts  
4 being made to track down individuals that Lockmiller  
5 might have encountered at a rehab clinic?

6 A. I don't have any information on that.

7 Q. Would it be fair in your estimation to say  
8 that Lockmiller spent time with a lot of different  
9 men?

10 A. I believe that was accurate.

11 Q. And she would -- she liked to go to bars and  
12 meet people?

13 A. That's my recollection.

14 Q. And she'd -- she'd -- she'd flirt with men  
15 at bars?

16 A. I don't have any knowledge of that.

17 Q. Okay. She drank a lot?

18 A. My recollection is that she was a drug user.

19 Q. Uh-huh. Do you recall that she -- she did  
20 drugs with a number of different people?

21 A. I don't recall that. I wouldn't doubt it,  
22 though.

23 Q. Uh-huh. And -- and -- and why wouldn't you  
24 doubt it?

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1           A.    I think I heard that.  I don't have any  
2 direct recollection of that.

3           Q.    Uh-huh.  Fair to say she had a number of  
4 sexual partners?

5           A.    I believe she did.

6           Q.    Fair to say that there were a number of  
7 different people who moved in and out of Lockmiller's  
8 life?

9           A.    I believe there was.

10          Q.    In light of that, do you think it would have  
11 been an important component of the investigation to  
12 try to identify all of Lockmiller's acquaintances?

13          A.    Yes.

14          Q.    Are you aware of any evidence that indicated  
15 that this was a crime with a sexual motive?

16          A.    I'm not.

17          Q.    Okay.  And I believe you said earlier you're  
18 not aware of any evidence that would indicate a  
19 staged rape?

20          A.    I'm not.

21          Q.    Okay.  Someone who's -- who's dealt  
22 extensively with crime scenes, is the fact that there  
23 was a fan found on top of Jennifer Lockmiller's face  
24 an indication to you in any way that -- I'm sorry, on  
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1 top of her body, an indication of an impersonal crime  
2 to you?

3 MR. DiCIANNI: Any what?

4 MR. SHAPIRO: An impersonal crime.

5 MR. DiCIANNI: Im, im, i-m-p-e-r?

6 MR. SHAPIRO: Yes.

7 MR. DiCIANNI: I'll object to vagueness.

8 THE WITNESS: Repeat the question, please.

9 BY MR. SHAPIRO:

10 Q. Sure. Do you recall there was a fan  
11 found --

12 A. I do.

13 Q. -- on top of the body?

14 A. Yes.

15 Q. Does that in any way indicate to you that  
16 this was an impersonal crime committed by someone  
17 that Lockmiller did not know?

18 A. I did not come to that conclusion, no.

19 Q. As you sit here right now, what do you think  
20 of that argument?

21 A. I still wouldn't come to that conclusion.

22 Q. Can -- can -- can you explain to me why --  
23 why you don't agree?

24 A. There's any number of ways that fan could

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1 have ended up where it did. Is that a possibility?

2 Sure.

3 Q. Uh-huh. So the fan, for example, could have  
4 just fallen off the dresser and landed on her?

5 A. Well, it was certainly used in the  
6 commission of a crime; and it could have ended up  
7 there by being drug there, it could have been placed  
8 there. There's many ways it could have got there.

9 Q. Okay. There's -- there's -- there's one  
10 thing I think I should clarify here. I think you  
11 testified earlier that your recollection was that she  
12 was strangled with the cord --

13 A. Cord.

14 Q. -- of the fan, right?

15 A. Yes.

16 Q. So I'll represent to you that actually she  
17 was found with a cord of an alarm clock --

18 A. Alarm clock.

19 Q. -- around her neck.

20 A. Okay. Yes, yes, yes.

21 Q. Okay. Okay. Okay.

22 So with the clarification that -- that  
23 the -- the fan apparently was not used in the  
24 strangulation --

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1 A. Okay.

2 Q. -- does the presence of a fan on top of the  
3 body indicate a crime committed by someone who  
4 Lockmiller did not know in any way?

5 A. Based only on that information, I would not  
6 come to that conclusion.

7 Q. Uh-huh. Sure. I understand that it would  
8 be, you know, one might not leap to that conclusion  
9 based solely on that -- that information.

10 Is it information suggesting that the  
11 possibility of a murder by someone she didn't know  
12 was something that warranted further investigation?

13 MR. DiCIANNI: Well, would you read back the  
14 question.

15 (Whereupon, the record was  
16 read as requested.)

17 MR. SHAPIRO: Why don't I re-ask that  
18 question.

19 MR. DiCIANNI: Yeah.

20 BY MR. SHAPIRO:

21 Q. I understand that in your view standing  
22 alone the fact that there was a fan on top of the  
23 body does not prove that the murderer did -- and  
24 Lockmiller did not know each other.

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1 BY MR. SHAPIRO:

2 Q. Lieutenant Warner, you mentioned that you  
3 had reviewed an interview that you performed of  
4 Morgan Keefe. Is Exhibit 20 a transcript of that  
5 interview?

6 A. It appears that it is.

7 Q. Okay. And let me again ask you to read a  
8 portion of this interview transcript as well, but  
9 beginning point is on page 1353.

10 A. Okay.

11 Q. And the beginning point will be your  
12 question: "So you, Kelly, and Jen went where on  
13 Saturday?"

14 A. Okay.

15 Q. And the ending point will be on the  
16 following page, page 1354, two-thirds of the way  
17 down. You say, Monday night. And Ms. Keefe responds  
18 uh-huh, indicating yes?

19 A. Yep.

20 Q. Okay. Take a moment to read that.

21 A. I'm sorry. Where were we starting again?

22 Q. 1353. "So you, Kelly, and Jen went where on  
23 Saturday?"

24 A. Okay. Thank you.

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1           Okay.

2           Q.    In the portion of the -- well, first let me  
3 ask you, do you -- do you have any independent  
4 recollection of the portion of the interview with  
5 Ms. Keefe that you just reviewed?

6           A.    No, I do not.

7           Q.    Okay.  In the portion of the interview that  
8 you just reviewed, Ms. Keefe is -- is -- is talking  
9 about an occasion on Saturday before the murder, the  
10 Saturday before the murder, when Lockmiller went out  
11 with Morgan Keefe and Kelly Hamburg, right?

12          A.    Yes.

13          Q.    Okay.  And in that portion of the interview,  
14 Keefe tells you that on that Saturday, the group was  
15 walking between two bars and encountered a couple of  
16 guys, right?

17          A.    Yes.

18          Q.    And that there was an exchange of phone  
19 numbers between one of the guys and Lockmiller.  
20 Either she gave him her number or the other way  
21 around, right?

22          A.    There was something written on a napkin,  
23 yes.

24          Q.    Uh-huh.  And that was a phone number that

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1 was written on the napkin, right?

2 A. I don't -- did it say that? I don't  
3 remember. I thought she wasn't sure what she wrote.

4 Q. Oh, maybe you're right. So she says -- I  
5 guess we're on the top of 1354 --

6 A. It might have been her phone number.

7 Q. Okay. So there was an encounter with --  
8 with the two guys between the two bars. Something  
9 was written down on a napkin, and Keefe thought that  
10 it might have been a phone number, right?

11 A. Yes.

12 Q. Are you aware of any efforts that were made  
13 to ascertain the identity of the men that Lockmiller  
14 met in between two bars on a Saturday before her  
15 murder?

16 A. I'm not aware of any, no.

17 Q. Okay. Do you view that as an angle that  
18 should have been followed up on?

19 A. I think it should have, yes.

20 Q. Okay. And in that same portion of the  
21 interview that you just reviewed, Keefe also told you  
22 that on the Saturday before the murder, Lockmiller  
23 met a guy in a bar who lived in Woodstock and went to  
24 ISU, right?

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1 A. Yes.

2 Q. Okay. Was any effort made, to your  
3 knowledge, to identify that individual?

4 A. I have no knowledge of that.

5 Q. Okay. In your view, is that something that  
6 should have been followed up on?

7 A. I think so.

8 MR. SHAPIRO: Mark this as 21, please.

9 (Whereupon, Warner Deposition  
10 Exhibit No. 21 was marked for  
11 identification, CML.)

12 BY MR. SHAPIRO:

13 Q. Exhibit 21 is a transcript of an interview  
14 that you conducted with Heidi Steinman, correct?

15 A. Yes.

16 Q. And if I can could direct your attention to  
17 page eight of the interview.

18 A. Page eight?

19 Q. Yes. That also bears Bates number AB 1433.

20 A. Okay.

21 Q. And toward the bottom of the page, do you  
22 see where it says: "Heidi: I remember she said ..."

23 A. I'm sorry. I don't see that.

24 Q. "I remember she said -- I don't know his

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1 name."

2 A. Oh, yes, I see that.

3 Q. Okay. This is a just short excerpt, so I'll  
4 read it aloud.

5 "Heidi: I remember she said -- I don't know  
6 his name, but she said she met a guy at a bar, and he  
7 kept calling her, but I don't know.

8 Dave: Do you know when that was?

9 Heidi: I bet it was, like, August 20th or  
10 21st that weekend."

11 Did I read that correctly?

12 A. You did.

13 Q. Okay. So Heidi Steinman also referred to  
14 someone that Lockmiller met shortly before the murder  
15 in a bar, right?

16 A. That is correct.

17 Q. Okay. And Steinman also reported that this  
18 individual kept calling Lockmiller after that  
19 encounter, right?

20 A. She did.

21 Q. Okay. To your knowledge, was any effort  
22 made to ascertain the identify of this individual?

23 A. I have no knowledge of it.

24 Q. Okay. In your view, is this an angle that

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1 should have been followed up on?

2 A. I believe so.

3 Q. Okay. Let me direct your attention to  
4 Exhibit 17 which is in the large packet.

5 A. Okay.

6 Q. And you can go ahead and review Plaintiff's  
7 Exhibit 17 before I ask some questions about it.

8 A. All right.

9 Q. Do you have any independent recollection of  
10 the individual, Danny Hosey, who's described in this  
11 exhibit?

12 A. I do not.

13 Q. The exhibit indicates that you and  
14 Officer Hospelhorn had an encounter with Mr. Hosey on  
15 September 27, 1993, correct?

16 A. It appears we were sent there.

17 Q. Okay. And when you arrived there,  
18 officer Ludington informed you that Hosey was found  
19 with knives in his car with a substance on them that  
20 appeared to be blood; is that correct?

21 A. It's unclear to me if Ludington was there.

22 Q. Okay. But -- but in any event, the report  
23 indicates to you -- strike that.

24 The report indicates that Ludington had

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1 found knives with what appeared to be blood in  
2 Hosey's car, right?

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

4 Q. And the report further indicates that the  
5 following day, September 28, Hospelhorn and Ellington  
6 went to the truck stop where Hosey was apparently  
7 temporarily living or camped out and spoke with him,  
8 right?

9 A. That's what it says.

10 Q. And -- and -- and you -- you weren't present  
11 for that second part of it as far as you know, right?

12 A. Does not appear that I was.

13 Q. Okay. And under the victim's name on this  
14 report, it says Jennifer Lockmiller, correct?

15 A. It does.

16 Q. And that indicates that the purpose of this  
17 report is that it relates to the Lockmiller homicide  
18 investigation, right?

19 A. It has the homicide case number on it, case.

20 Q. Uh-huh. You wouldn't put that on a police  
21 report that had nothing to do with the Lockmiller  
22 homicide investigation, right?

23 A. No.

24 Q. Okay. And the des -- Officer Hospelhorn's

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1 description of the second -- of the encounter with  
2 Hosey, the one which you were not present, describes  
3 him as a manic depressant who has been off his  
4 medication, right?

5 A. It does.

6 Q. It also says that he seems disoriented and  
7 started to recite passages from the bible, right?

8 A. It does.

9 Q. Based on what you know about these events  
10 involving Danny Hosey based on this report, do you  
11 think that Hosey should have been further  
12 investigated in connection with the Lockmiller  
13 homicide?

14 A. It sounds to me that he refused to  
15 voluntarily cooperate with -- with anything.

16 Q. Okay. So he -- so he -- he didn't -- he  
17 didn't cooperate. Is it your view that after having  
18 not cooperated that should have been the end of any  
19 investigation into whether Hosey was involved in the  
20 Lockmiller homicide?

21 A. I don't know what else they would have done  
22 at that point. They had no reason to detain him.

23 Q. Well, the report indicates that  
24 Officer Ludington had found knives in Hosey's car

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1 with what appeared to be blood, right?

2 A. That's what he reported, yes.

3 Q. Uh-huh. Could a test have been run on those  
4 knives to ascertain whether it was blood?

5 A. Test could have been done, yes.

6 Q. Could a test have been run to determine  
7 whether the substance on the knives was  
8 Jennifer Lockmiller's blood?

9 A. Could have.

10 Q. Do you think that those would have been  
11 sensible steps to take?

12 A. I believe the puncture wounds were caused by  
13 a pair of scissors.

14 Q. So you don't think the fact that he was  
15 found with knives in his car with what appeared to be  
16 blood was something warranted further investigation  
17 to determine whether the substance was blood?

18 A. I think the -- no, I don't.

19 Q. Do you think that a criminal background  
20 check should have been run on Mr. Hosey?

21 A. I think that would be reasonable.

22 Q. Do you have any reason to think that a  
23 criminal background check was run?

24 A. I have no information that one wasn't.

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1 Q. You have no information either way?

2 A. No.

3 Q. And you have no information either way as to  
4 whether any tests were run on the knives, on the  
5 blood on the knives, right?

6 A. I do not.

7 Q. Okay. Was any inquiry made, to your  
8 knowledge, as to whether crimes similar to the  
9 Lockmiller murder had been committed?

10 MS. BARTON: I'll object to form and  
11 foundation.

12 MR. DiCIANNI: I'll join.

13 THE WITNESS: Would you repeat the question,  
14 please?

15 BY MR. SHAPIRO:

16 Q. Sure. Was there any attempt to ascertain  
17 whether crimes similar to the Lockmiller murder had  
18 occurred?

19 A. I don't --

20 MS. BARTON: Same objection.

21 THE WITNESS: I don't recall.

22 BY MR. SHAPIRO:

23 Q. Is there any sort of database or service  
24 that was available to the Normal Police Department

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1 that would have enabled officers to determine whether  
2 similar crimes had been committed?

3 A. Yes.

4 Q. Can you describe that database or core  
5 information --

6 A. I believe it's the MOCIC database. You can  
7 fill out an inquiry and --

8 MS. BARTON: Can you repeat that.

9 THE WITNESS: MOCIC.

10 You fill out an inquiry, describe what you're  
11 looking for, and they search their database.

12 BY MR. SHAPIRO:

13 Q. And I'm sorry. What does the acronym stand  
14 for?

15 A. I don't remember.

16 Q. Would you just repeat the acronym again.

17 A. MOCIC.

18 Q. MOCIC. Okay.

19 And is it fair to say that the purpose of  
20 that database is to enable investigators in one crime  
21 to gain leads by comparing that crime with other  
22 similar crimes?

23 A. That would be the purpose, yes.

24 Q. Uh-huh. And -- and -- and that's an

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1 important purpose because certain crimes have  
2 hallmarks that may be associated with a particular  
3 single individual, right?

4 A. They can.

5 Q. And that -- that -- that's the purpose of  
6 the database, right?

7 A. I'm not sure if that's the only purpose of  
8 the database.

9 Q. Okay. Well, I mean, one -- I'm not trying  
10 to put -- put words in your mouth, but is it -- is  
11 it -- is it fair to say -- and, you know, I don't --  
12 I don't know this -- know this well, so please  
13 correct me.

14 Is it fair to say that one reason the  
15 database exists is to help police gain leads in one  
16 crime by comparing it to other similar crimes?

17 A. Yes.

18 Q. Okay. And are you aware of -- strike that.

19 To your knowledge, was there any effort in  
20 the Lockmiller homicide investigation to use that  
21 database to ascertain whether similar crimes have  
22 been committed?

23 A. I have no knowledge of that.

24 Q. And -- and -- and I believe you said earlier  
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1 you do not have any knowledge of anything being done  
2 to compare this crime to other possible similar  
3 crimes, right?

4 A. I do not.

5 Q. Do you think that attempting to compare the  
6 Lockmiller murder to other possible similar crimes  
7 would have been worth doing?

8 MR. DiCIANNI: Objection, for -- foundation.

9 MS. BARTON: I'll join.

10 THE WITNESS: I suppose that value would  
11 determine what you found out.

12 BY MR. SHAPIRO:

13 Q. Well, you don't know what you're going to  
14 find out until you try, right?

15 A. Then I don't know the value.

16 Q. Well, fair to say that that's true of many  
17 things in an investigation, right? There -- there --  
18 there -- there's steps that one should take, but you  
19 don't really know if they're going to pan out until  
20 they're done, right?

21 A. Yes.

22 Q. Okay. And so as an investigator, one has to  
23 make judgments as to whether something is  
24 sufficiently likely to be fruitful before undertaking

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1 it, right?

2 A. It's something that could have provided  
3 information.

4 Q. Uh-huh. Would it have been a good practice  
5 to check for similar crimes?

6 A. Yes.

7 Q. So in the Lockmiller murder, the body was  
8 arranged in an awkward and somewhat unusual position.  
9 Would you agree with that characterization?

10 A. Yes.

11 Q. And the victim was stabbed with a scissors  
12 in between her breasts, right?

13 A. Yes.

14 Q. And that stabbing with the scissors occurred  
15 when the victim was already dead, right?

16 A. I believe so.

17 Q. Do any of those factors stand out to you as  
18 ones that might suggest a killer with a particular  
19 hallmark?

20 A. It could also suggest that -- there could be  
21 many suggestions about that.

22 Q. I understand that, but -- but -- but the  
23 question is -- is one thing that it could suggest a  
24 killer a particular hallmark?

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APPENDIX 002878

1 A. Sure.

2 Q. Are you aware of any evidence that was  
3 encountered -- strike that.

4 Are you aware of any evidence that was  
5 uncovered during the course of the investigation that  
6 Alan Beaman had ever been violent to any person?

7 A. Evidence? No, I don't think so.

8 Q. Let me direct your attention to Exhibit 16  
9 toward the back of the packet of exhibits.

10 A. Okay.

11 Q. Do you know whose notes are shown in  
12 Exhibit 16?

13 A. I do not.

14 Q. Okay. They're not your notes?

15 A. They're not.

16 Q. Toward the top on the left-hand column of  
17 the first page of Exhibit 16, do you see that there  
18 are four S's with circles around them?

19 A. I do.

20 Q. Is that a notation you're at all familiar  
21 with?

22 A. I don't know. That could mean -- I don't  
23 know, suspect, I suppose. I don't know.

24 Q. And you see that appears next to individuals  
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APPENDIX 002879

1 including John Murray; Bubba, presumably Stacey  
2 Gates; and Alan, presumably Alan Beaman, right?

3 A. I do.

4 Q. Okay. And the notation after John Murray  
5 Larbi says drug supplier, question mark, right?

6 A. Yes.

7 Q. The notation next to Rob Curtis says  
8 stalking type, right?

9 A. Yes.

10 Q. Okay. So looking at these notations as a  
11 whole, do you think it's reasonable to conclude that  
12 the S notations indicate that these individuals were  
13 suspects?

14 MR. DiCIANNI: I'll object to speculation.

15 MS. BARTON: And foundation.

16 THE WITNESS: Yeah, I don't know what the  
17 writer of this was thinking.

18 BY MR. SHAPIRO:

19 Q. Can you think of any other explanation than  
20 they're being suspects?

21 MR. DiCIANNI: Objection, speculation.

22 MS. BARTON: Same.

23 THE WITNESS: It could be 5's. I don't know.

24

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1 BY MR. SHAPIRO:

2 Q. Did Detective Daniels express any doubts  
3 about Beaman's guilt to other investigators?

4 MR. DiCIANNI: Object to foundation.

5 MS. BARTON: I'll join.

6 THE WITNESS: I don't know what he told other  
7 investigators.

8 BY MR. SHAPIRO:

9 Q. Uh-huh. Did he express doubts to you?

10 A. I don't recall any.

11 Q. There was a meeting held on May 16, 1994  
12 where a decision was made to charge Mr. Beaman. You  
13 weren't present at that meeting, right?

14 A. I don't recall.

15 Q. Earlier you testified that when an  
16 investigator completes a report, that report would be  
17 reviewed and signed by a supervisor?

18 A. Yeah.

19 Q. Okay. And what's -- what's -- what's the  
20 purpose of having the supervisor sign and review the  
21 reports?

22 A. Make sure it contains necessary information.

23 Q. No -- I'm sorry?

24 A. Make sure it contains necessary information.

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1 Q. Okay. So if necessary information were  
2 omitted, one of the supervisor's responsibilities  
3 would be to correct that, right?

4 A. Send it back, right.

5 Q. Can you think of any reason why reports by  
6 an investigator in this case would not have been  
7 signed by a supervisor?

8 A. I don't know.

9 Q. Okay. Let me -- let me ask you the question  
10 with -- with regard to some -- some specific  
11 documents.

12 Let's first turn to Exhibit 2 in the packet,  
13 if you would.

14 A. Okay.

15 Q. I'm just going to ask you -- I'm not going  
16 to ask you questions, I think, that will require any  
17 sort of line-by-line review of this report. If you  
18 disagree with that and want to review it, just let me  
19 know, and we can do that.

20 But the question is this: Exhibit 2 is a  
21 report prepared by Timothy Freesmeyer in this case,  
22 right?

23 A. That's correct. That appears to be right.

24 Q. And Exhibit 2 you'll see contains at the

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1 bottom of each page a field for supervisor's name and  
2 ID; is that right?

3 A. It does.

4 Q. Okay. And this, I think, will require you  
5 to flip through. The question is going to be every  
6 page in this exhibit has a blank where the  
7 supervisor's signature should be?

8 A. It does.

9 Q. Okay. If you would turn to Exhibit 3.

10 A. Okay.

11 Q. Exhibit 3 appears to be a continuation  
12 report prepared by Detective Freesmeyer in this case,  
13 right?

14 A. It appears that way, yes.

15 Q. And I think you know what the next question  
16 is -- is -- is going to be. This continuation report  
17 by Freesmeyer is blank on every page in the field for  
18 the supervisor's signature, correct?

19 A. Correct.

20 Q. Okay. Can you think of any reason why these  
21 reports by Freesmeyer would not have been signed by a  
22 supervisor?

23 A. I have no idea why it wasn't signed by a  
24 supervisor.

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1 Q. Okay. Let me direct your attention to  
2 Exhibit 5.

3 A. Yep.

4 Q. Okay. So Exhibit 5 is a -- is a report by  
5 Freesmeyer that has been signed by the supervisor,  
6 Lieutenant Zayas, right?

7 A. That's correct.

8 Q. Okay. And if you flip back to Exhibit 2,  
9 I'm just going to ask you whether Exhibit 5 is the --  
10 appears to be the first 24 pages of Exhibit 2?

11 A. I'm sorry. What?

12 Q. Yeah, it's a -- maybe I'll make a statement,  
13 and you can -- you can tell me if you agree or  
14 disagree. The statement is that Exhibit 5 --

15 A. Okay.

16 Q. -- contains the first 24 pages of the  
17 Freesmeyer report shown in Exhibit 2 and the first 24  
18 pages are signed?

19 A. Without -- I don't know is my answer.

20 Q. Okay. All right. Well -- well, I think --  
21 I mean, I think -- I think there's a way to cut --  
22 cut through this a little more quickly. Let's -- let  
23 me point you to Exhibit 6.

24 A. 6, okay.

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1 Q. Exhibit 6 is a -- three pages of a report by  
2 Freesmeyer that are signed by Zayas, right?

3 A. Yes.

4 Q. Okay.

5 A. I think. Yes.

6 Q. Okay. So -- so just to save the time of  
7 your having to, you know, compare everything, I'll  
8 just -- I'll just represent to you and ask you to  
9 take it as true for purposes of this question that  
10 taken together, Exhibit 5 and 6 are the first 26  
11 pages of Exhibit -- of Exhibit 2. And that after  
12 those first 26 pages, we haven't gotten any further  
13 pages of this report by Freesmeyer signed by Zayas,  
14 okay. Does that make sense?

15 A. Is that what you're telling me?

16 Q. I'm telling you that.

17 A. Okay.

18 Q. I'm not asking. Right.

19 And the last pages of the report of  
20 Exhibit 24 through 26 --

21 A. 20 -- I don't have.

22 Q. I'm sorry. Exhibit 6, pages 24 to 26.

23 A. These aren't numbered.

24 Q. I'm sorry. They're numbered at the top on  
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C08654

1 Freesmeyer --

2 A. Okay, that number. 24 to -- okay. What was  
3 your question?

4 Q. So I'm just -- I'm just going to represent  
5 to you that -- that -- that, you know, this is the  
6 latest date, September 24, 1993 that we have a signed  
7 portion of the report from Freesmeyer -- from -- this  
8 is the last part of the report that we have with a  
9 signature from Zayas, okay?

10 A. Okay.

11 Q. So can you -- can you think of any reason  
12 why Zayas would stop signing Freesmeyer's reports as  
13 of late September '93?

14 A. I have no idea.

15 Q. Would that be a departure from protocol?

16 MR. DiCIANNI: I'll object to form of the  
17 question.

18 BY MR. SHAPIRO:

19 Q. Would it -- would it -- I'll rephrase the  
20 question.

21 Would it be a departure from protocol for  
22 portions of an investigator's report not to be signed  
23 by a supervisor?

24 A. I would expect them to be signed if they

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1 were turned in to the supervisor.

2 Q. Why would you expect them to be signed?

3 A. That's what typically happens.

4 Q. Uh-huh. And if they're not signed, is that  
5 an indication that there's something wrong with the  
6 report?

7 MR. DiCIANNI: I'm going to object,  
8 speculation.

9 THE WITNESS: I don't know why they weren't  
10 signed. I wouldn't speculate the cause. I don't  
11 know.

12 BY MR. SHAPIRO:

13 Q. Have you ever turned in a report that a  
14 supervisor refused to sign?

15 A. I -- you know, I don't look at them after  
16 they're signed. They get turn -- if they get signed,  
17 they get turned in.

18 Q. Uh-huh. And if they're not signed, would  
19 they be sent back to you?

20 A. They could be. I don't know why they were  
21 not signed.

22 Q. Do you have any recollection of a conference  
23 in Florida about cold cases that occurred during the  
24 Lockmiller homicide investigation? I don't believe

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1 you attended.

2 A. I don't think I went to Florida.

3 Q. I don't think you did either. My question  
4 is do you recall anyone else doing that?

5 A. I do not.

6 Q. Okay. Do you have any recollection of a  
7 meeting with the Chicago Police Department's violent  
8 crimes unit held by investigators in this case?

9 A. I do not.

10 Q. Do you have a view as to whether Alan Beaman  
11 killed Jennifer Lockmiller?

12 A. I have not read the complete case file. I  
13 don't know.

14 Q. Is there any aspect of the investigation --  
15 of the Lockmiller homicide investigation that you  
16 believe should have been done differently?

17 A. I have not read the entire case file. I  
18 don't know what was done.

19 Q. So -- so -- so you don't have a view as to  
20 whether the investigation was thorough and complete?

21 A. I've not read the whole case file. I don't  
22 know what was done.

23 Q. Okay. We discussed earlier that you've been  
24 a part of this community for -- for a long time?

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1 A. Yes.

2 Q. And is it fair to say that as a resident of  
3 this community and a police officer who works in this  
4 community, you've had an opportunity to observe how  
5 it's changed over the years?

6 A. Yes.

7 Q. Okay. Would it be fair to say that -- that  
8 in the '90s in this area and particularly around the  
9 universities there was a rebirth so-to-speak of the  
10 hippy movement?

11 A. The '90s?

12 Q. Yeah, that -- maybe a better way of phrasing  
13 it is there was sort of neo-hippies with long hair,  
14 that sort of thing?

15 A. I think long hair came back into being  
16 popular. I don't know about any movement.

17 Q. Okay. Movement is probably a wrong -- wrong  
18 way to put it.

19 There were -- there were a group people in  
20 the late '90s who in general had certain  
21 characteristics; longer hair, casual attitude toward  
22 substance abuse, devotion to particular kinds of  
23 music, limited respect for authority and tradition.  
24 Is that making any sense to you?

183

1 A. Is that a question or a statement?

2 Q. Yeah. Well, I'm asking would you agree with  
3 that statement and if not, you know, where -- where  
4 is it going wrong?

5 A. You have to repeat the question. You lost  
6 me.

7 Q. Okay. Well, you -- you -- you remember that  
8 I think you said that there was sort of group of  
9 folks in the early '90s who were wearing their hair  
10 longer?

11 A. Yes.

12 Q. Were there any other characteristics you'd  
13 associate with that group?

14 A. Like you said, certain music. I don't  
15 remember.

16 Q. Casual attitude toward the use of certain  
17 drugs?

18 A. Okay.

19 Q. You agree with that?

20 A. Sure.

21 Q. Limited respect for authority and tradition?

22 A. That's been going downhill for a long time.

23 Q. And these guys were a part of it, right?

24 A. A lot of people are part of that.

184

1 Q. Okay. In the -- in the early '90s, were --  
2 was the police department having to deal with a lot  
3 of these people with drug convictions, drug arrests;  
4 that sort of thing?

5 A. I guess I don't like the term "these  
6 people."

7 Q. Yeah, that's --

8 A. That's offensive to me.

9 Q. Okay. Well, I -- I -- I'm not trying to be  
10 offensive.

11 A. No, I know you're not.

12 Q. I'm trying to talk about a group with  
13 certain characteristics, and I'm not trying to --

14 A. And you're asking if we were biased against  
15 them.

16 Q. No, no, no, no. I'm not asking --

17 A. Ask the question.

18 Q. Sure. I'm asking whether -- whether you --

19 A. I'm totally lost here.

20 Q. No, no, no, no. That's fair.

21 I'm asking whether you -- whether the police  
22 department regularly had occasion to have to arrest  
23 or charge people belonging to that group with drug  
24 offenses, disturbing the peace, public drunkenness;

185

1 that sort of thing?

2 A. We regularly had occasion.

3 Q. Uh-huh.

4 A. I'm sure we arrested some people that fit  
5 that description. I don't know how many.

6 Q. Uh-huh. In your view, was -- was -- was  
7 there any tension between the -- the -- the police  
8 department and that group?

9 A. I don't recall any.

10 Q. Okay.

11 MR. DiCIANNI: David, I remember the real  
12 '60s when those questions first started coming up. By  
13 the '90s, that was not a reality anymore.

14 MR. SHAPIRO: Fair enough.

15 Why don't we take a break.

16 THE WITNESS: Thank you.

17 THE VIDEOGRAPHER: Off the record, 3:32.

18 (Whereupon, a break was taken,  
19 after which the following  
20 proceedings were had:)

21 THE VIDEOGRAPHER: Back on the record, 3:42.

22 BY MR. SHAPIRO:

23 Q. You mentioned earlier, Lieutenant Warner, at  
24 one point Freesmeyer was promoted to the head of CID,

186

1 right?

2 A. Yes.

3 Q. Do you remember any sort of announcement or  
4 ceremony being associated with that promotion?

5 A. I don't believe there was much of a  
6 ceremony. There typically wasn't.

7 Q. Do you recall any discussion about the  
8 reasons for the promotion?

9 A. Not with me.

10 Q. Now, I'll represent to you that the two  
11 polygraphs we discussed earlier, the polygraph of  
12 Mr. Murray and Mr. Gates, were not provided to  
13 defense counsel during Mr. Beaman's criminal  
14 investigation. Do you have any explanation of why  
15 that would have happened?

16 A. I do not.

17 Q. Okay. Well, I just have one more question,  
18 but before I ask it, I want to say thank you for your  
19 time today. I apologize for any disruption  
20 associated with your schedule and with this -- this  
21 deposition.

22 Obviously I sit here as someone who believes  
23 that Mr. Beaman was wrongfully convicted and spent 13  
24 years in prison for something he didn't -- didn't do.

187

1 And I've done my best to ask you questions about the  
2 investigation today, but obviously as someone who --  
3 who wasn't there, I don't always know the best  
4 questions to ask.

5 So my question to you is is there anything  
6 that you think I should know or you think Mr. Beaman  
7 should know that we haven't covered today?

8 MR. DiCIANNI: Yeah, I'm going to object to  
9 that. I don't -- you can go ahead and answer.

10 THE WITNESS: No.

11 MR. SHAPIRO: Okay. Thank you.

12 MR. DiCIANNI: Done?

13 MR. SHAPIRO: Yes, I'm done with the  
14 questions.

15 MS. BARTON: I just have a couple.

16 MR. DiCIANNI: Sure.

17 CROSS-EXAMINATION

18 BY MS. BARTON:

19 Q. Lieutenant, right?

20 A. Yes.

21 Q. Lieutenant, you testified when Mr. Shapiro  
22 was asking you questions that you thought the State's  
23 Attorney's Office should have received a copy of the  
24 polygraph reports, right?

188

1 A. I did.

2 Q. And that would include John Murray's report  
3 and also Stacey Gates's, right?

4 A. Correct.

5 Q. You didn't provide either one of those  
6 reports to anyone in the State's Attorney's Office,  
7 right?

8 A. Directly, no.

9 Q. Okay. And you didn't do anything to verify  
10 that the State's Attorney's Office received those  
11 reports, right?

12 A. I wouldn't verify if any report was sent  
13 over.

14 Q. But you didn't do that in this case, right?

15 A. No.

16 MS. BARTON: That's it. Thank you.

17 MR. SHAPIRO: Okay. No recross from me.  
18 Thank you.

19 MR. DiCIANNI: Okay. Re --

20 MR. SHAPIRO: Oh, I'm sorry.

21 MR. DiCIANNI: No, I don't have a question.  
22 I'm just saying we will reserve signature.

23 MR. SHAPIRO: Thank you very much.

24 THE VIDEOGRAPHER: This concludes the video  
189

1 deposition of Dave Warner. The time, 3:45.

2 (Witness excused at 3:45 p.m.)

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McCorkle Litigation Services, Inc.  
Chicago, Illinois (312) 263-0052

C08665

1 STATE OF ILLINOIS )

2 )

3 COUNTY OF COOK )

4

5 I, CHRISTINE M. LUCIANO, Certified Shorthand  
 6 Reporter, State of Illinois, DO HEREBY CERTIFY, that  
 7 pursuant to agreement between counsel there appeared  
 8 before me on December 18, 2012, at 201 Broadway  
 9 Street, Normal, Illinois, DAVID WARNER, who was first  
 10 duly sworn by me to testify to the whole truth of his  
 11 knowledge touching upon the matter in controversy  
 12 aforesaid so far as he should be interrogated  
 13 concerning the same; that he was examined and his  
 14 examination was taken down in shorthand by me and  
 15 afterwards transcribed by stenographic means; that the  
 16 deposition is a true record of the testimony given by  
 17 the witness; and that the signature of the deponent is  
 18 reserved.

19 IN WITNESS WHEREOF, I have hereunto set my  
 20 hand this 2nd day of January, 2013.

21

22 \_\_\_\_\_

23 Christine M. Luciano, CSR

24 CSR #084-004068

191

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 Chicago, Illinois (312) 263-0052

008666

APPENDIX 002897

1 IN RE: Beaman vs. Souk, et al.

2

I, DAVID WARNER, Deponent herein, do hereby  
3 certify that I have read the foregoing deposition and  
that it is a true and accurate transcription of the  
4 questions asked of me and the answers given by me,  
with the following change (s):

5

PAGE	LINE	CHANGE	REASON
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24 \_\_\_\_\_  
DAVID WARNER

192

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Chicago, Illinois (312) 263-0052

C08667

APPENDIX 002898

1                   MCCORKLE COURT REPORTERS  
2                   200 North LaSalle Street, Suite 2900  
3                   Chicago, Illinois 60601  
4                   January 2, 2013

5                   Ance1, Glink, Diamond, Bush, DiCianni & Krafthefer  
6                   Mr. Thomas G. DiCianni  
7                   140 South Dearborn Street, Suite 600  
8                   Chicago, Illinois 60603

9                   RE: Beaman vs. Souk, et al.  
10                  Dear Mr. Thomas G. DiCianni:

11                  Enclosed is the deposition of DAVID WARNER,  
12                  taken in the above-captioned matter on December 18,  
13                  2012, along with the original errata sheet. Pursuant  
14                  to the rules of court, please have the deponent read  
15                  the transcript and sign the signature page.

16                  Under the provisions of the Rules pertaining  
17                  to the reading and signing of deposition transcripts,  
18                  you have 28 days from the date of this notice to  
19                  attend to this matter. If any corrections/changes are  
20                  required, they must be made on the errata sheets, not  
21                  on the transcript itself. All errata sheets must be  
22                  signed. After you have completed the above, please  
23                  send the original to the above address, and I will  
24                  facilitate delivery of the errata sheet.

                  Our office has no authority to grant an  
                  extension of time for review of the transcript. So  
                  please understand that should you fail to sign and  
                  return the certificate within the specified time  
                  period, the unsigned deposition may then be used as  
                  fully as though signed, with certain exceptions under  
                  the Rules.

                                  Very truly yours,

                                  Christine M. Luciano, CSR

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23  
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193

McCorkle Litigation Services, Inc.  
Chicago, Illinois (312) 263-0052

C08668

This is Detective Daniels of the Normal Police Department. I am present with Detective Rob Hospelhorn and a Mr. Alan Beaman. We are in the Winnebago County Sheriff's Department. Today's date is August the 28th, the approximate time is 11:02 p.m. We are conducting an interview with Mr. Beaman.

Tony: Could you state your complete name please?

Alan: Alan Wayne Beaman.

Tony: What is your address, Alan?

Alan: [REDACTED] Rockford, Illinois.

Tony: What is your date of birth?

Alan: [REDACTED]

Tony: And your home telephone please?

Alan: 962-6540 and area code 815.

Tony: Alan do you understand at present you are not under arrest?

Alan: I understand.

Tony: You also understand that you do not have to answer any questions you do not wish to answer?

Alan: I understand.

Tony: You also understand that you can leave at any time?

Alan: I understand.

Tony: Alan, can you tell us where you were this past week?

Alan: This past week I have been in Rockford working for my uncle.

Tony: And what type of work is that?

Alan: It's pretty much odd jobs, handywork. I've been painting mostly this week. In the past I've been doing some blacktopping, and uh, carpentry. I work at his store, he owns four Stores, Gray's IGA, and at night I work with another person, Dennis, who uh, he and I will do whatever needs to be done at whatever store.

1

C 1240

*et al* (711)

C08687

AB001252

APPENDIX 002900

Tony: Do you live here in Rockford?

Alan: Yes.

Tony: Are you on vacation from school in Normal?

Alan: Yes.

Tony: What school do you attend in Normal?

Alan: I attend Illinois Wesleyan University in Bloomington actually.

Tony: Where do you reside in Normal/Bloomington?

Alan: Uh, it depends, where I am going to or where have I?

Tony: Yes, what was your last address?

Alan: My last address was [REDACTED].

Tony: In Bloomington?

Alan: Yes.

Tony: Did you have an apartment number there?

Alan: Apartment #3

Tony: When did you come back home here in Rockford?

Alan: When did I come back home? Uh, it would have been like, August. The second week in August.

Tony: The second week?

Alan: No, it was in the middle of the first week in August actually.

Tony: Do you recall the day of week?

Alan: No I don't know exactly when.

Tony: Do you recall the date?

Alan: No.

C 1241

~~01/2/18~~ (7)

C08688

AB001253

Tony: Who are you staying with while you are back here in Rockford?

Alan: My parents.

Tony: So you have been back here since about the first, the middle of the first week in August, that would be around the 4th or 5th, does that sound right?

Alan: Yeh.

Tony: How did you get back...

Alan: Might have been a Wednesday.

Tony: Pardon me?

Alan: It might have been Wednesday.

Tony: Ok, how did you get back here from Normal?

Alan: I drove.

Tony: Did you drive with anyone?

Alan: No.

Tony: Ok. You've been back here in Rockford since the 4th of August is that correct?

Alan: Yes.

Tony: Did you make any return trips to Normal or to Bloomington?

Alan: No.

Tony: Did you make any trips outside of Rockford?

Alan: Uh, I went to Carpentersville to pick up a friend who had been stranded. That would have taken about twenty minutes.

Tony: Ok. What was that friends name.

Alan: Ed (Larkinson?)

Tony: And do you recall the date that was?

3

C 1242

~~1219~~  
713

C08689

AB001254

APPENDIX 002902

Alan: Uh, that would have been...last week? What's the date?

Tony: This is Saturday the 28th.

Alan: Saturday the 28th. It would have been like, last week sometime, I don't know.

Tony: What is your uncle's name?

Alan: Cliff Gray.

Tony: Spell his last name?

Alan: Gray.

Tony: And do you have his address?

Alan: Uh, Not off the top of my head, no.

Tony: Do you have his phone number?

Alan: Not off the top of my head.

Tony: How would I get ahold of Mr. Gray.

Alan: Uh, you would have to, probably call my parents and find out the number, or call the store, Gray's IGA. Or you could look it up in the phone book.

Tony: What were you doing today?

Alan: What was I doing today? Today I got up at about 3:00. I went to a rehearsal at church, cause I'm playing the guitar tomorrow morning, and uh, then when I got done with that it was about 6:00. I came back home, and was working on replacing, or not replacing but putting a tape deck into my car, my Dad was helping me. And that is what I have been doing up until I left my house and ten minutes later I got pulled over.

Tony: What were you doing yesterday, friday the 27th?

Alan: Yesterday? I, Ok. Um, I got up at like 9:00, cause I work nights, the graveyard shift. I got up at 9:00 and uh, I called a friend, and she and I went out to Denny's for coffee and, uh, then we went out to Sinissippi Gardens and went for a walk and then I went home, after I dropped her off, and went to bed.

Tony: You say you worked a graveyard shift, what kind of work do you do?

Alan: I already said, I just paint and, you know, tear this wall out and put this wall back and stuff.

Tony: You work at night?

Alan: Yeh, because that is when there is nobody in the store, to like, have to paint around, no food sitting along the counters.

Tony: Ok, that is at the IGA store that your uncle owns?

Alan: Yeh.

Tony: What were you doing, Thursday, the 26th of August?

Alan: Thursday, the 26th. Thursday. Well, I went to work Thursday morning and then when I got off work at 11:00, I went over to my uncles and I was going to start doing his driveway cause he wanted somebody to blacktop, or seal the blacktop in his driveway. And so I was just edging the driveway that day, and then I was getting tired so I went home and went to bed. Um got up and went to a party and, went back to work again.

Tony: What time did you go to work on the 26th?

Alan: 1:00 in the morning.

Tony: 1:00?

Alan: yep.

Tony: And what time you get off?

Alan: I got off at 11:00.

Tony: Is that 11:00 p.m. or 11:00 a.m.?

Alan: 11:00 a.m.

Tony: And you went home and went to bed?

Alan: Yeh.

Tony: What time did you get up?

Alan: I got up at around 7:00 or 8:00 maybe.

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C 1244

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AB001256

APPENDIX 002904

Tony: P.m.

Alan: Yeh.

Tony: You say you attended a party?

Alan: Yeh.

Tony: Where was that party?

Alan: It was on 15th Street, I don't know the exact address.

Tony: Who resides there?

Alan: David Olson.

Tony: O-L-S-O-N?

Alan: I think so.

Tony: Ok, how long did you stay at his party Thursday night?

Alan: I was at his party until I went to work.

Tony: Which was what time?

Alan: Which was 1:00 in the morning.

Tony: On Wednesday, August 25th, what did you do?

Alan: I'm trying to think what went on, I know I went to Olson's house that night too.

Tony: Do you recall what time?

Alan: His parents were out of town. Oh, probably around like 10:00 so I would have gotten up at about 7:00 or 8:00 and went and eaten with my Mom and Dad and ...

Tony: Are you saying 10:00 in the morning?

Alan: What? No, at night.

Tony: 10:00 p.m. at night, Wednesday night.

Alan: Yeh.

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C 1245 222  
(71)

C08692

AB001257

APPENDIX 002905

Tony: Who was there.

Alan: Who was there? People, just friends of mine.

Tony: Ok, what did you do after you went to this house?

Alan: Then I went to work.

Tony: What time did you go to work?

Alan: 1:00 in the morning.

Tony: So you went to his house at 10:00 p.m. and stayed there until about 1:00 a.m.?

Alan: Yeh.

Tony: What did you do prior to 10:00 p.m.?

Alan: I hung out with my Mom and my Dad.

Tony: And where were they?

Alan: At home.

Tony: Then during Wednesday, during the day, you were at home with your parents?

Alan: During the day, I was asleep.

Tony: Ok, where were you sleeping?

Alan: In my bedroom.

Tony: Ok, so you were at home, is that correct?

Alan: Yeh

Tony: On Tuesday, the 24th, where were you?

Alan: Same schedule, go to work, you know, that's what we all do.

Tony: Ok, so normally what time do you get off of work?

Alan: Normally, I get off at about, sometime between 9:00 and 11:00 and I go home and-go straight to bed after that and then I get up at about, uh, usually between 7:00 and 9:00.

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C 1246

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(717)

C08693

AB001258

APPENDIX 002906

And either I go out with my parents or I go out for a little while before I have to go to work again.

Tony: OK, so you work the graveyard shift, which is usually what, 1:00 until...

Alan: uh huh, 1:00 until 11:00 usually.

Tony: 1:00 in the morning until 11:00 in the morning?

Alan: Right.

Tony: Then you go home and get a few hours rest, sleep.

Alan: I Try to get 8 hours of sleep usually.

Tony: Do you recall where you were on the 24th?

Alan: The 24th would have been what?

Tony: Tuesday.

Alan: Tuesday, It would have been the same thing. Same with Monday too.

Tony: Did you happen to go out of town on the 24th?

Alan: No.

Tony: Or were you down in Normal/Bloomington on the 24th?

Alan: No.

Tony: If you were to go down to Normal/Bloomington, how would you get down there?

Alan: I would drive.

Tony: What do you drive?

Alan: I drive a Ford Escort.

Tony: Do you know the license plate number?

Alan: BBB 282.

Tony: Name some of your friends that you have down there in Normal/Bloomington.

C 1247  
~~21224~~  
71

C08694

Alan: In Normal, friends of mine, uh, most of them have moved out and people I know that are down there still, my ex-girlfriend, ...

Tony: What is her name?

Alan: Jennifer Lockmiller.

Tony: Where does she live down there?

Alan: She lives at 412 North Main?

Tony: Do you know the apartment number?

Alan: Apartment #4.

Tony: When did you last see her?

Alan: When did I last see her? I last saw her before I came back to Rockford.

Tony: Which was when?

Alan: Which would have been, like, the 4th of August.

Tony: OK, have you called her since then?

Alan: I have not called her, she has called my twice.

Tony: What was the purpose of her calling you?

Alan: She was calling me to try to get me to talk to her about our break up and I said "I don't really want to talk to you, you cheated on me so it's over and I don't want to talk to you ever again", I said "bye", hung up the phone, and just, I didn't want to talk to her.

Tony: What was the break up over?

Alan: She cheated on me with my roommate.

Tony: Who was your roommate?

Alan: My roommate would be Mike Swaine, he is not there any longer.

Tony: When did this relationship..., Pardon me?

Alan: He's not there any longer either.

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C 1248

~~1225~~

(71)

C08695

AB001260

APPENDIX 002908

Tony: Where is Mike?

Alan: Uh, he would have gone back home too, we were working summer stock Theatre, Campus of Illinois Wesleyan

Tony: Together? Together?

Alan: Yeh.

Tony: What were your time periods that you were working at the Theatre?

Alan: At the Theatre, what do you mean like?

Tony: You say you were working it together?

Alan: Yeh.

Tony: OK.

Alan: It's a 9:00 to 5:00 job and then if there is a show at night we would work at night.

Tony: Ok. What was the last date the two of you worked together at the theatre?

Alan: The last date the two of us worked together, it would have been a Saturday, it was the last Saturday in July, I believe, what day of the week was July 31st?

Tony: The 31st is a Saturday.

Alan: Ok, so it would have been the Saturday before that, it was the last Saturday.

Tony: The 24th?

Alan: Yes.

Tony: Was that the last time you saw him, have you talked to him?

Alan: No I saw him when I was back in Bloomington also before I left for Rockford, I went to Cincinnati for a week.

Tony: Ok when, ok when did you last see him then?

Alan: The last time I would have seen him would have been August 4th.

Tony: In Bloomington?

Alan: Yeh.

Tony: Whereabouts in Bloomington?

Alan: At the apartment. I went back to pick up my stuff and leave them my keys.

Tony: Who's apartment?

Alan: Our apartment.

Tony: Then you shared the same apartment?

Alan: Yeh.

Tony: Was that the week of the 4th?

Alan: I, I don't even know, it might, it was probably like a Tuesday or Wednesday.

Tony: Ok, was he there when you were packing to leave?

Alan: Um, no, he was not there when I was packing to leave because I packed to leave before I went to Cincinnati on the Sunday after the last, right after the last day he and I worked together. So it would have been the last Sunday, the last Sunday in July. I packed my car and then I went to Cincinnati with a friend of mine and I was there for a week and a half and then I came back, got my car, and left for Rockford immediately.

Tony: Ok, clear this up for me if you will, the last time the two of you, that's Mike...

Alan: Right.

Tony: What's Mike's last name?

Alan: Mike Swaine.

Tony: You and him worked together was the 24th of July is that correct?

Alan: I think so.

Tony: Is that correct.

Alan: Yeh.

Tony: Yeh, when was the last time you were in the apartment that the two of you shared in Bloomington?

C 1250  
~~01227~~

C08697

Alan: The last time I was in the apartment would, was August 4th.

Tony: And when was the last time you saw Mike?

Alan: August 4th.

Tony: Ok, where did you see him?

Alan: In the apartment.

Tony: OK, that's in Bloomington right?

Alan: Yes.

Tony: You say you went to Cincinnati, Ohio with a friend?

Alan: Yes.

Tony: What is that friends name?

Alan: Jamie Thorman.

Tony: And, uh, spell his last name.

Alan: T-H-O-R-M-A-N

Tony: Where does Jamie live?

Alan: He lives in Cincinnati, Ohio, actually in uh, uh, what is that suburb, it's uh, well it's in the Cincinnati area.

Tony: How long did you stay in Cincinnati?

Alan: I was there for about a week and half.

Tony: And when you left, where did you go?

Alan: His Mom drove me back, to uh, to my apartment where I picked up my car and then I came to Rockford.

Tony: So that's in Bloomington, is that right?

Alan: Yeh.

12

C 1251

~~ET 228~~

C08698

AB001263

APPENDIX 002911

Tony: So you were there for approximately, until the 14th or so of August, is that correct?

Alan: Approximately, yes.

Tony: And when you returned to Bloomington around the August 14th or 15th, did you happen to visit Jennifer?

Alan: Yes, I stopped by her house.

Tony: Stopped by her house which is on Main Street in Normal?

Alan: Right

Tony: Ok, what was the purpose of that visit?

Alan: Just to see how she was doing because we had broken up awhile before that and uh,

Tony: Ok, how was she doing?

Alan: Uh, she seemed stable at the time. I knocked on the door, she answered it, she let me in and we talked for a little while, like maybe a half hour, and then I took her to class cause she needed a ride to class so I dropped her off at class and then I left for Rockford and that would have been around 1:00.

Tony: How long did the two of you visit?

Alan: It was about a half hour to 45 minutes maybe at the most.

Tony: What was her state of mind at the time?

Alan: Just calm.

Tony: Was she dating anybody at the time?

Alan: I have no idea, I didn't ask, I didn't want to know.

Tony: What was the purpose of your visit then?

Alan: Just to see if she was alright.

Tony: Did she mention who she was dating?

Alan: No.

Tony: Did she inquire as to you and her getting back together and renewing your relationship?

Alan: Well, yes and no, it was just kind of a, she kissed me good bye in the car and I told her that might be the last time we ever kissed because I really didn't think that I could ever trust her again. But that was..

Tony: How did you know that she was dating your roommate?

Alan: He told me, they weren't dating, it was just an affair happened between them about, it would have been at the end of, towards the end of June and he told me about it a couple days after it happened so it would have been right at the end of June.

Tony: How did you feel after you left her that last day there in August, the last time you saw here?

Alan: I felt good, I felt like, you know, ok, I'm just getting out of here, and forget about it.

Tony: Did you more or less put that all behind you?

Alan: Pretty much, yeh.

Tony: Did you ever have a key to her apartment?

Alan: I did at one time and then she got it back.

Tony: How did she get it back.

Alan: I just gave it to her cause she wanted it, so..

Tony: Ok, when did you give it to her?

Alan: That, that was like during the school year, that was like uh, what was it, March or April.

Tony: Of 1993.

Alan: Yeh.

Tony: When you left her at school back in August 14 or 15, where did you go then?

Alan: I went to Rockford.

Tony: Up here?

Alan: Yeh.

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APPENDIX 002913

Tony: OK, and what did you do while you were up here?

Alan: I worked.

Tony: You haven't been down to Normal/Bloomington since?

Alan: I haven't been down there since.

Tony: And you said that she had called you a couple of times?

Alan: Correct.

Tony: Where did she call you?

Alan: At home.

Tony: Ok, what time during the day did she call you?

Alan: The first time she called it was in the evening and the second time she called it was like, early afternoon.

Tony: Ok, what was the subject of the conversation?

Alan: Uh, the first phone call, subject of the conversation was her calling me up and me pretty much saying I didn't want to talk to her uh and then she coaxed me into talking to her for a little while and just, you know, it was just pretty much small talk. "Oh how are things, how are you doing" and then uh, and then she told me she was going to be leaving for California for a week or so and then she said she would call me when she got back and I said I really didn't care if she did call and I said if you want to send me a postcard, that's cool and that was about it. The second time she called uh, she wanted to talk about the things that had happened in the relationship and I didn't really want to talk about that because it was over and there is no point in talking about it, so I told her that and I said I don't want to talk to you. Then I hung up.

Tony: How did she respond to that?

Alan: Very very not happy, she started crying but I just couldn't deal with her at that point.

Tony: Who ended the relationship, you or her?

Alan: Who? She broke up with me and then she tried to come crawling back and I hung up on her.

Tony: She never drove up here to see you during that period of time?

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APPENDIX 002914

Alan: No.

Tony: You never drove back down there?

Alan: No.

Tony: Who are some other friends you have seen down there since you have left on the 4th of August?

Alan: Since I left the 4th of August when I came back from Cincinnati?

Tony: Correct.

Alan: Um, some other people I know down there just, or what?

Tony: Who else did you visit down there from the time you left 4th of August?

Alan: Right, Um, I visited, her name is Jen Sieg. She lives downstairs from where our apartment was, or lived, I think she has moved, I'm still not sure.

Tony: How do you spell her last name?

Alan: Seig I think or Sieg, one of the two.

Tony: And she lived in the apartment by yours?

Alan: Yeh, downstairs, yeh

Tony: Do you know what apartment number that was?

Alan: That would have been Apartment #1.

Tony: And what is that address again?

Alan: [REDACTED]

Tony: In Bloomington?

Alan: Correct.

Tony: Ok, who else did you visit?

Alan: Uh, I visited upstairs, Katy Corbit, in number [REDACTED]

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APPENDIX 002915

Tony: When did you visit her?

Alan: Uh, right about the same time, it was all, it was all in the same day, It was just, I was just stopping by to say "Hi".

Tony: Do you recall when that was?

Alan: hah?

Tony: Do you recall when that was?

Alan: Like what time?

Tony: What day it was?

Alan: On the fourth.

Tony: The fourth?

Alan: Yeh.

Tony: Ok. And who else did you visit down there?

Alan: That was it. I was just, stopping by Jen's house.

Tony: Did you visit any one else?

Alan: No.

Tony: What was your purpose to , returning to Normal/Bloomington August 4th?

Alan: To get my car.

Tony: OK,

Alan: Cause I went to Cincinnati in Jamie's car.

Tony: And who drove you back?

Alan: His mother.

Tony: Have you written any letters to Jennifer?

Alan: I wrote a letter but I didn't send it.

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APPENDIX 002916

Tony: Do you still have that letter?

Alan: I ripped it up, I might still have it somewhere, torn up.

Tony: What was the contents of that letter?

Alan: Uh, pretty much, just, I don't know, spouting, you know, just I can't believe you did what you did and I can't believe you'd still honestly think I would want to be back together with you after that and, you know, I mean, what would you write to a girl that cheated on you?

Tony: How was your relationship with her, how would you describe your relationship with her?

Alan: We were either fucking for fighting, that's how I would describe the relationship.

Tony: How did you make up when you were fighting?

Alan: Just by, pretty much the only time we, the only way we ever managed to make up anytime was just to say we were putting it all behind us when we really weren't and hiding feelings and pretending to be nice.

Tony: Describe your fights with her, would you please?

Alan: Most of the time it would be about some, what one of my female friends that I would have talked to, or something, that day and she would be like "well have you seen any tits you like?" and I would say no and she would be like "are you sure?", "no", "yes", "no". And we went to a wedding once and at the wedding I was a groomsman and I was supposed to dance with the bridesmaid that I was matched up with and she screamed at me about that. She um, pretty much she was easily thrown into a jealous rage, she would threaten suicide, she called me up once and said, "I am going to kill myself, I just thought I would let you know" so I called 911 and I talked to 911 and they said meet us there and I met them there and she was bullshitting and it wasn't true. She didn't really try to kill herself supposedly. That kind of psycho shit, I mean

Tony: How would she threaten suicide, what would she say?

Alan: She would say she was going to take pills or she was going to get a gun and blow her head off.

Tony: Any other means?

Alan: No.

Tony: How about slitting of the wrist?

Alan: I can't see her doing that, but....

Tony: Did you ever see any marks on her wrist?

Alan: No.

Tony: Was she a violent person?

Alan: Yes, she threw glasses alot, threw dishes alot.

Tony: At you?

Alan: yes.

Tony: And how would react to that?

Alan: Usually I just stood there and took it, I yelled alot, but I didn't ever strike her.

Tony: Never did?

Alan: I never struck her once.

Tony: Not even in self defense?

Alan: No, I just back away.

Tony: Could you describe to us your most hostile period of time with her during a fight?

Alan: My most hostile period of time, she was in the apartment with my roommate and he had borrowed my car to uh, he had borrowed my car to supposedly go to a party on Cherry Street and uh, I don't know, I could tell there was, I could tell he was lying so I just followed him on a bicycle to see where he was going. And he went straight to her house and I don't know, I just wanted to catch them, I wanted to see it, so I broke the door down and I walked in and he was hiding in a closet so I left.

Tony: Do you recall when that was?

Alan: That was, that was like, the middle of July.

Tony: 1993?

Alan: The second week of July, yeh.

Tony: Is this Mike Swaine?

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APPENDIX 002918

Alan: Yeh.

Tony: And you saw him in the closet and you didn't react?

Alan: I didn't see him in the closet, he told me later he was hiding. Cause I, when I went back to my apartment a friend of mine was sitting on the porch, Chris Perry, and he and I got into his car, and he said "Ok calm down, I am driving, we will go get your keys, cause he had my keys and I wanted them back cause my car was parked right in her parking lot so I knew he was there. And he was not to drive my car anymore so we went there and Chris said he'd go to the door and ask for my keys for me, so he got my keys for me and told me that "yes Mike was there, he had been hiding in a closet" and then I talked to Mike about it later because after I uh, Chris took me around the block again to get my car because it was parked in the parking lot on the other side of the building from her building, so it was nice, neatly hidden from everybody. And he took me to my car and dropped me off at my car and I started to get into my car and I saw Mike walking out and I said "let me give you a ride" and I took him back to the apartment and talked to him on the way back and he was telling me he didn't try anything.

Tony: Has she ever been afraid of you? Jennifer?

Alan: Yes, because of that.

Tony: Because of that?

Alan: Yes.

Tony: You didn't display any hostilities towards her?

Alan: I have never physically assaulted her in any way shape or form, I have yelled at her for things that made me mad but I have never..

Tony: Is there any reason why she would be afraid of you?

Alan: No, except for that I broke the door down, I can understand that.

Tony: Did you ask her permission to enter?

Alan: That time no, I did not.

Tony: Was the door locked?

Alan: I knocked at first, several times, and she wouldn't answer, so I kicked the door down.

Tony: Did you ever possess a key to the apartment?

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APPENDIX 002919

Alan: I told you that before, yes I did, at one time.

Tony: Did you have a key to apartment when you left Normal/Bloomington on August 4th?

Alan: No I didn't.

Tony: Ok, when did you return the key to her?

Alan: I returned the key to her in like March or April.

Tony: You say there is no reason why other than that one incident that she would be afraid of you?

Alan: No.

Tony: And you never did strike her, with any object or with your hand?

Alan: Never, I have never struck her in anyway shape or form.

Tony: How was your relationship with her in terms of a sexual relationship?

Alan: I'd say extremely good.

Tony: How, how frequent?

Alan: Fairly often um,

Tony: Do you recall the last time you had sexual intercourse with her?

Alan: It was about, it was probably in uh, well I know it was at the end of July. It was like probably July 15, something like that.

Tony: Did she enjoy your companionship?

Alan: Usually yes, except when she was gettingy jealous.

Tony: What would make her jealous?

Alan: All I would have to do is talk to another female.

Tony: When you would talk to another female, be it someone you knew or maybe on a social basis elsewhere, how would she react to that?

Alan: She would give me dirty looks, later on after we left, you know, if we were at a party

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or something, she would give me a dirty look. And if we left like the party she would start screaming at me and yelling at me and telling me I was going to cheat on her and telling me I probably already have and uh, telling me that I was a terrible person and on and on. She would just scream at me until I finally calmed her down and convinced her, you know, and she would be like, "Ok I believe you then" and then the same thing would happen the next day.

Tony: Is there any reason why anyone would say they saw you down in Normal/Bloomington particularly at Jennifer's apartment...

Alan: No.

Tony: This past week?

Alan: No.

Tony: You never returned to Normal/Bloomington?

Alan: I have not been back to Normal since, Bloomington/Normal since August 4th.

Tony: Since August 4th? You have never been to Jennifer's since August 4th which is on Main Street?

Alan: Right.

Tony: 412 North Main?

Alan: Uh-huh.

Tony: You never were inside her apartment after you left her?

Alan: No.

Tony: Prior to the 4th, you did leave her the 4th, is that correct?

Alan: Yes.

Tony: And when was the last time you saw Jennifer?

Alan: the 4th.

Tony: Of August?

Alan: Right.

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APPENDIX 002921

Tony: And that was to take her to school and kiss her good-bye, is that correct?

Alan: yes.

Tony: What was that statement you made to her before you left Normal that day?

Alan: I just said I don't believe, you know, this is probably the last time I'll ever kiss you because I don't believe I can trust you anymore.

Tony: Has your car ever been in that parking lot after July, correction after August 4th?

Alan: No.

Tony: And you have never been into her apartment after August 4th?

Alan: No.

Tony: Have you ever seen her after August 4th?

Alan: No.

Tony: Alan, as you can best recall, when was the last time that you saw Jennifer in the nude?

Alan: In the nude? That would have been, probably the last time we slept together, it would have been like the 15th of July or something like that, roughly.

Tony: Did uh, did she stay at your apartment or did you stay at her apartment?

Alan: The very last time she stayed at my apartment.

Tony: Which was in Bloomington?

Alan: Right.

Tony: On [REDACTED]?

Alan: Correct.

Tony: Did you ever stay in her apartment?

Alan: Yes.

Tony: Can you describe her apartment for me?

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APPENDIX 002922

Alan: Uh, sure, um, as you walk in the front door it is probably about the, the actual living room is about 10 feet wide and against the opposite wall from the door it is about 20 feet. The kitchen is right on the left, the living room is in the front, and then to the right there, about five feet from the door to the right there is an archway and then the bedroom is on the left as you go through the archway and the bathroom is right in front of it.

Tony: So it's a one bedroom apartment?

Alan: It's a one bedroom apartment.

Tony: How many beds in that one bedroom?

Alan: There is a bunkbed and then there are two beds that are bunked and then one that is on the floor.

Tony: Which bed is hers?

Alan: She sleeps in all of them.

Tony: All three of them?

Alan: Well, not the top one, not very usually because she puts stuff up there but she sleeps in both the two bottom ones.

Tony: Does she ever sleep in the single bed?

Alan: What?

Tony: Does she ever sleep in the single bed?

Alan: In the single one, yes.

Tony: Yeh, what did you say, she put things on the top bunk?

Alan: yeh, like clothes and there is a teddy bear up there and something, actually it's a dog.

Tony: Or a stuffed animal?

Alan: Yeh.

Tony: What did she keep on the bottom bed?

Alan: Just, on the bottom bed on the bunk, sometimes there is clothes there, other times she

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APPENDIX 002923

throws the clothes on the other bed and sleeps on that one. Whatever, she'll stumble home and crash on one of them.

Tony: By crash you mean uh, drinking so much or just being tired?

Alan: That's about it, right, she drinks alot.

Tony: How is that apartment of hers, particularly the bedroom, how is it cooled?

Alan: How is it, the bedroom. The air conditioner is in the living room, the bedroom has a fan and she opens the window.

Tony: Do you recall what direction that window opens?

Alan: What do you mean?

Tony: Is that on the North wall, east wall, south wall?

Alan: It's on the North wall.

Tony: On the north wall?

Alan: Yes.

Tony: You say there is a fan, what type of a fan is that?

Alan: It's just a big floor fan.

Tony: Box or round?

Alan: It's a round one.

Tony: A round one?

Alan: Yeh.

Tony: Where does she usually keep that fan?

Alan: Just out in the middle of the floor.

Tony: Does she have a box fan, do you know what I mean by a box fan?

Alan: What do you mean, like square one?

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APPENDIX 002924

Tony: It's square, yes.

Alan: Um, no. She doesn't have a square box fan.

Tony: She doesn't have one of those?

Alan: No.

Tony: No, does she have a desk in that apartment bedroom?

Alan: She has two desks in that bedroom, one on either side. One that she puts makeup stuff on and the other one is actually a desk.

Tony: Ok, when was the last time you were in her apartment?

Alan: The last time I was in her apartment, it had been August 4th.

Tony: And when was the last time you were in her bedroom?

Alan: The last time I would have been in her bedroom would have been, probably sometime before the 15th of July.

Tony: You weren't in there August the 4th?

Alan: No.

Tony: You weren't in there after August 4th, were you in there this week?

Alan: No.

Tony: Was Jennifer in there this week?

Alan: I have no idea.

Tony: You never visited Jennifer after you left Normal/Bloomington August 4th?

Alan: Right.

Tony: Ok, and there is no reason why anyone can honestly say that they saw you back with Jennifer this past week?

Alan: No

Tony: And you haven't seen Jennifer or heard from her this past week?

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APPENDIX 002925

Alan: I heard from her Monday.

Tony: Monday?

Alan: Sunday or Monday is the last time she called.

Tony: And she called you?

Alan: Yeh.

Tony: Do you know of anyone that would bring any bodily harm to Jennifer other than yourself?

Alan: No.

Tony: Have you ever been so mad at her that you would want to slap her?

Alan: No, I've never slapped her.

Tony: How did you react when you found out that she was dating your roommate, Mike?

Alan: I was pretty calm about it because, I don't know, it had been a deteriorating relationship anyways and I was getting sick of always listening to her yelling at me about other chicks. So finally I, you know, I was like you know, you got jealous about all these chicks and you are screwing my roommate, you know, and I was pretty calm about it and I just you know, I was pretty much just, indignant about it and not like, screaming and yelling.

Tony: Did you ever come down just to check to see who she was dating?

Alan: No.

Tony: Other than finding her with Mike that one night, you never did find her with anyone else?

Alan: No.

Tony: Did you ever visit the apartment and find any occasion of another man staying there?

Alan: No.

Tony: Have you ever been told there is another man staying there?

Alan: No.

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APPENDIX 002926

Tony: Did you ever see any other men leaving or entering her apartment?

Alan: No.

Tony: If you wanted to get into her apartment today, how would go about getting into it?

Alan: Getting into it? Uh, I would have to break the door down like I did before.

Tony: Ok. Why do you say that?

Alan: Huh?

Tony: Why would you say you'd have to break the door down?

Alan: Because there is no way, I don't have a key, there is no way for me to get into it.

Tony: Would she have let you in if you went to visit her?

Alan: Yeh, she would let me in if I knocked.

Tony: Would you want to call her tonight?

Alan: Huh?

Tony: Would you want to call her tonight?

Alan: Yeh, I would call her before I left if I was going to go visit her.

Tony: Have you thought about calling her..

Alan: no

Tony: so you can make uh.?

Alan: I don't want to talk to her.

Tony: You don't want to talk to her, you are finished with her?

Alan: Yeh.

Tony: Ok, if I were to tell you that she wants to see you or talk to you, how would you react?

Alan: I would say Ok.

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APPENDIX 002927

Tony: You would meet with her?

Alan: Uh, yeh, I would meet with her, you know, if she really wanted to talk to me.

Tony: Do you have any hopes of getting back together?

Alan: Like it would ever happen. Who knows right? No, I couldn't handle it.

Tony: Why couldn't you handle it?

Alan: Because she would do the same shit again.

Tony: Suppose you were to take her out of that environment and bring her up here?

Alan: It wouldn't matter. It would be worse, she would be even more jealous, she wouldn't know anybody.

Tony: What about your friendship with Mike?

Alan: My friendship with Mike? It's, you know, I haven't talked to him really, I haven't called him at all and he hasn't called me or anything, I'll see him in the school year, you know.

Tony: If something were to happen to Jennifer, who would you contact first?

Alan: I would probably call her parents.

Tony: Why would you do that?

Alan: Because they actually have the capability to deal with something that if it happened to her that they could do something about it.

Tony: Have you ever known her to take any type of drugs, be it LSD, coke, marijuana?

Alan: I know she used to do coke, alot, she hasn't done it officially that I know of since last summer. Um, she smokes pot, Um she has done acid, and ub, other than that, prescription drugs that her doctor has had her on that she takes too many of usually.

Tony: What kind of prescription drugs?

Alan: Like sleeping pills, pep pills that she will take, like, ten times more than she is supposed to. She claims that she doesn't.

Tony: Is she a manic depressive?

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Alan: I don't know what it is officially that is wrong with her, no it's not like Lithium or anything like that.

Tony: Where did she get her illegal drugs?

Alan: Her illegal drugs, uh, I don't really want to answer that.

Tony: You know who, but you do know who supplies them correct?

Alan: yes

Tony: Ok, was you ever there when she was taking these drugs?

Alan: Yeh

Tony: Did you ever take any drugs with her?

Alan: I smoked pot.

Tony: Did you ever take any hard drugs?

Alan: No.

Tony: Not any crack?

Alan: I will not do narcotics. That's all I can say about it.

Tony: What are your feelings when she would get high on drugs and you see her in that condition?

Alan: Well, she is just escaping. I mean alot of things that happened to her when she was younger and she doesn't really know how to handle life without being drunk or being stoned or being, you know, fucked up in some way, she can't handle it otherwise.

Tony: Does it make you made when you see her that way?

Alan: It just makes me sad for her, but, she has to have it to be able to be not getting in a fight with somebody or not getting mad or...

Tony: What kind of a fight are we talking about?

Alan: Like a verbal, yelling ...

Tony: Oh, ok not pushing and shoving or physical confrontations?

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APPENDIX 002929

Alan: She has hit me a few times, thrown glasses at me before, things like that.

Tony: She ever hit you with anything other than glasses?

Alan: No.

Tony: Ok. Did you ever wish for her sake that somehow you could help her with her miseries in life?

Alan: Well, I wished I could, you know, get her off the junk.

Tony: Do you think that's the answer, getting her off the junk?

Alan: Well, I mean it's not helping any you know, she needs to really, like sit down and say "Ok, I need to get off of this shit, and just be real", you know.

Tony: She ever make promises to you as far as your relationship with her if she were to stop taking drugs?

Alan: No.

Tony: Do you think that is part of the problem?

Alan: Oh, I would say it's like 50% of them I think.

Tony: Does uh, did Mike take any kind of these same type of drugs?

Alan: He only smokes pot.

Tony: Pardon me?

Alan: He only smokes pot.

Tony: He only smokes pot.

Alan: Yeh, even rarer, even more rare than I do.

Tony: Ok, how often do you smoke pot?

Alan: Oh, sometimes every two or three days.

Tony: Was you smoking pot when you saw her the last time?

Alan: No, I was straight.

Tony: Was she smoking pot when you saw, when uh...

Alan: Uh, I think she was packing a one hitter then. The last time I talked to her on the phone I heard her tap out a one hitter too.

Tony: How do you know it was a one hitter.

Alan: Because it was the kind of thing you would tap out that would go kink kink instead of a thunk thunk.

Tony: Oh, you are telling me that you are familiar with that sound that you were able to distinguish what it was?

Alan: Right, I am familiar with the sound of the one hitter hitting an ash tray.

Tony: Ok, you ever get so disgusted at her when she was high on drugs or even alcohol or marijuana that you just want to slap her silly?

Alan: No, I would never strike her.

Tony: What would you do when you come home and find her passed out due to alcohol or drugs?

Alan: Put her in bed.

Tony: Would you do anything else?

Alan: What could I do?

Tony: I don't know, that is what I am asking, do you ever have sex with her when she was passed out?

Alan: No.

Tony: When the two of you had sex in her apartment, normally where would you have it?

Alan: In the bedroom, sometimes in the living room too, but mainly in the bedroom.

Tony: Where in her bedroom would you have sex?

Alan: On the bed, on one of the two beds whichever one she just, she would just lead me into the bedroom.

Tony: What type of sex did she enjoy most?

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APPENDIX 002931

Alan: Just normal everyday ordinary sex, you know.

Tony: OK, what may be ordinary with some people may be kinky with someone else.

Alan: Ok, well, alright, whatever. Um, we would have sex in maybe, you know, a few different positions but nothing really kinky. I mean, nothing like, no handcuffs involved or anything like that it was just like a, you know we tried to keep it peaceful and loving and beautiful like sex should be.

Tony: She ever enjoy you inflicting pain on her when she, when you were having sex?

Alan: No

Tony: Did she ever have, did she ever perform any oral sex on you in the bedroom?

Alan: Yes, yes.

Tony: And where would you be when this was being performed?

Alan: Laying on the bed.

Tony: You were laying on the bed? Where would she be?

Alan: She would be on top of me.

Tony: You ever have it when you were sitting on the bed and she's on the floor?

Alan: Occassionally.

Tony: And uh, she ever get mad at you or you ever get mad at her during your actual sex acts?

Alan: no

Tony: Never?

Alan: Never.

Tony: Never, never got mad or slapped her?

Alan: No.

Tony: Period?

Alan: Period.

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Tony: Aside from the time you had sex did you ever slap her?

Alan: What?

Tony: You ever slap her?

Alan: I have never slapped her.

Tony: While having sex or while not having sex you have never slapped her?

Alan: I have never slapped.

Tony: You ever push her backwards?

Alan: I have never struck her.

Tony: Never struck her, did you ever choke her?

Alan: No.

Tony: Can you think of any reason why someone would say they saw you leaving her apartment this past week?

Alan: No.

Tony: Is this the truth?

Alan: This is the truth.

Tony: You never left her apartment this week, you were not down there in Normal?

Alan: I have never been, I have not been to her apartment this week.

Tony: This past week.

Alan: Right.

Tony: And when was the last time you were in her apartment?

Alan: The last time I was in her apartment would have been August 4th.

Tony: Ok, we have been sitting her talking approximately 45 to 50 minutes and you have never asked me once what this is about, aren't you one bit curious?

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APPENDIX 002933

Alan: I just figured you would tell me, I am curious, yes.

Tony: Ok, what do you think this interview is about?

Alan: I have a feeling somebody has killed her or she is missing or something like that. What's up?

Tony: Ok, why do you, what makes you feel that way?

Alan: Because you are asking me questions about my relationship with her and the officer that pulled me over told me it was about a homicide.

Tony: So why do you think it's about her?

Alan: Because that's been what you've mostly asked questions about.

Tony: You are not one bit concerned about her?

Alan: I am concerned, I would like to know what is going on but I figured you'd ask the questions, and I'd answer, you know.

Tony: And how long have you known her?

Alan: How long have I known her? I have known her for about a year and a half.

Tony: And how did you meet?

Alan: We met in the Dugout. She used to go to Wesleyan, now she goes to ISU, but she used to go to Wesleyan and we met in the student center.

Tony: Has either one of you ever contemplated marriage together?

Alan: Yeh, we were engaged.

Tony: How long were you engaged?

Alan: Um, we were engaged for about, well see we didn't start dating until about 6 months after we met so we had only been dating about a month, out of a year and a month and um, then uh, um, we got engaged last October.

Tony: 92?

Alan: Yeh

35

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APPENDIX 002934

Tony: And who asked who?

Alan: I asked her to marry me.

Tony: And what was her response?

Alan: "yes".

Tony: Just like that without any time period to think about it, or try? What started the uh, the uh, breaking up of your relationship with her?

Alan: Um, well, she uh, she just got jealous all the time and it just started grating on us and uh, I don't know, it just got to the point there wasn't any point in continuing it. It was just .....

Tony: Who's idea then was it to ...?

Alan: It was hers. She broke up with me because she thought I was screwing around on her.

Tony: Did you give her any reason to think that?

Alan: No.

Tony: Did she ever catch you screwing around on her?

Alan: No, I never did screw around on her.

Tony: You never did, but she did on you?

Alan: yes.

Tony: And the last person you know of was Mike Swaine, your former roommate, so that caused you to break up the engagement, the relationship, all together?

Alan: That just caused me to say "hey, it's not worth even worrying about it, you know, I should just get out and try to forget about it".

Tony: Did she love you more than you loved her?

Alan: I would say I loved her more than she loved me.

Tony: Ok, let's say on a scale of one to ten, one meaning you greatly despise her and hate her, don't want to see her again, and ten meaning I can't live without her, I am so madly in love with her.

Alan: Yes, I was "I can't live without her" up until about last week.

Tony: Last week Ok, why do you say last week?

Alan: Um, I just started dating again. Um, I met a girl and asked her out and we went out.

Tony: Where did you meet this girl?

Alan: At a party.

Tony: Ok, but getting back to my question, how would rate your relationship with Jennifer?

Alan: Um, well, let's say from me to her as far as how much I loved her, 9, 7, 8, 9 around there. And for her it would have been about 5 or 6.

Tony: You know there is an old saying 'there is more than one fish in the ocean', you know, when you get of one situation in a relationship with a girl and you are into another relationship with a different girl you more or less forget that old relationship.

Alan: Right.

Tony: But uh, I don't understand, Alan. You have known her for over a year and a half and probably real intimately for at least a year, you were engaged to her and you were going to be married. You sit there and you rate your relationship almost a 10, 7, 8, or a 9, and yet you are not inquisitive as to what happened to her, can you explain your lack of feeling for Jennifer?

Alan: Well, I just thought you would tell me whenever, I mean, I didn't know, you are asking the questions, I answer them. That's all I know. I'm serious, that is just all I know.

Tony: It's very obvious the reason why we are here and asking you questions and especially when the sergeant informed you it was concerning a homicide in Normal/Bloomington, now who's homicide do you think that is?

Alan: Why don't you tell me, I don't know?

Tony: Well, I want to hear your thoughts? Who's homicide do you think that is?

Alan: I assume it's Jen, because you just keep saying, asking me questions about her, that's all you really ask about.

Tony: Yeh, it is Jennifers.

Alan: Ok.

37

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APPENDIX 002936

Tony: Do you want to tell us who is responsible for that?

Alan: I don't know.

Tony: You don't know, do you care?

Alan: I do care.

Tony: Do you want to help us with this?

Alan: Sure.

Tony: Ok, to what degree, to what extent do you want to help us with this investigation?

Alan: What can I do, I mean, what is there that I can do?

Tony: Well, I would like for you to start by telling us the truth as far when the last time you visited Jennifer.

Alan: That is the last time I visited her. What I told you, I have not talked to her since I left Bloomington except on the phone when she has called me twice. I have been in Rockford.

Tony: And you have never been down to Normal/Bloomington?

Alan: I have not been down to Normal/Bloomington.

Tony: And you have not seen Jennifer since when?

Alan: Since August 4th

Tony: Now, a little while ago you told us you went down there the 14th to pick your car up and you stopped by to see her and you drove her to school.

Alan: Well, but, no it was the 4th that I went to get my car.

Tony: Do you want me to go back over my notes and read your answers to you? Or do you want to listen to the tape?

Alan: I am lost now.

Tony: Yes, I think you are lost.

Alan: Ok, um

Tony: I think you are somewhat confused wouldn't you say, about the dates when you left down there?

Alan: Yeh, I don't, I never know the dates.

Tony: Ok. You are confused with the date that you left down there to go to Ohio, you are confused about the date you returned to pick you car up, perhaps, and could you be confused about the last time you saw Jennifer?

Alan: I have not been back down there since I picked my car up from coming back from Ohio and came home, I have been in Rockford.

Tony: You have been in Rockford?

Alan: I have been in Rockford.

Tony: You have never visited her since the last time you took her to school and she was alive then?

Alan: Right.

Tony: What was she wearing?

Alan: She was wearing, I don't even remember that long, I know she had her hair up and she was wearing, I think, blue jeans and she had a white top of some sort on.

Tony: Ok. Where did you pick her up at?

Alan: At her, I went to her apartment and knocked on the door and said "hey how's it going", and she's like, "oh I got to get to class in about a half hour" you know.

Tony: Was she dressed at the time?

Alan: yes.

Tony: She was fully dressed, and what did she have on?

Alan: She had on blue jeans and a white top, I believe, I don't ...

Tony: Ok, you can recall what she was wearing that date, but yet you are confused about the date you were down there.

Alan: I never know the date.

39

C 1278

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APPENDIX 002938

Tony: You know why I think you are confused about the dates you were down there? Because I think you were down there more recent than what you are telling us.

Alan: I have not been down there.

Tony: You haven't been down there to visit Mike?

Alan: No.

Tony: You haven't been down there to visit Jennifer or anyone else?

Alan: No, I have not been down to visit anybody, I have not gone to Bloomington/Normal.

Tony: Mike, or Alan, if we could, let's say that we can prove that you were down there this past week,

Alan: I would like to see you try.

Tony: In Jennifer's apartment. Suppose that we can prove, by eye witnesses, that you were down visiting Jennifer in Jennifer's apartment this last week.

Alan: It's not true.

Tony: It's not true, ok. How are we going to prove it's not true.

Alan: How am I going to prove, I am innocent until proven guilty, man.

Tony: I am not accusing you of anything.

Alan: You just told me that I was down there.

Tony: In the apartment and saw Jennifer.

Alan: I was not, I have not been down there.

Tony: I, I, I didn't, I didn't accuse you of anything.

Alan: You have to prove that I was there, and I was not there, so there is no way you can prove it.

Tony: Well, maybe you didn't listen to my statement, do you want me to reiterate what I said?

Alan: Sure.

C 1279

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APPENDIX 002939

Tony: Ok. What if I can prove by witnesses that you were down in Jennifer's apartment with Jennifer this past week?

Alan: Witnesses?

Tony: Correct.

Alan: They're lying, I have not been down there.

Tony: Ok, how can you prove that you weren't down there?

Alan: How can I prove that I wasn't down there? Well, I have got, uh, several friends in the town that I have been with just about every night, my parents have seen me every day, um my employer has seen me everyday.

Tony: If you were to visit her, if you were to visit her, what time of the day would you be visiting her?

Alan: It would be on a weekend if I were to go anywhere long distance.

Tony: It wouldn't be during the week?

Alan: No, cause I work during the week.

Tony: Ok.

Alan: Why would I drive down in the middle...

Tony: When you go to work, do you have to punch in on a time clock?

Alan: No.

Tony: You don't?

Alan: No.

Tony: Ok. Who takes your word for it that you are working?

Alan: Huh? I just go in, I'm working for my uncle, I work with Dennis Clark and he and I, both just, you know, turn in our hours, we write them down.

Tony: Ok. How do you get in, How do you get into the store?

Alan: There is always somebody working in there, in the bakery.

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C 1281

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(7)

Tony: In where?

Alan: In the bakery.

Tony: And who would that be?

Alan: I don't even know the name. I have only been here ...

Tony: Are they working all night long?

Alan: They are probably working right now.

Tony: Do they work all through the night?

Alan: Yeh.

Tony: Ok. Do they work like, 24 hours a day in the bakery?

Alan: No, that's, the same person is not there 24 hours a day?

Tony: Ok. When you go ..

Alan: The thing is, is there has to be at least two people in the store all time.

Tony: Including yourself?

Alan: That would be including me, when I am there. When Dennis and I are both there, then they can leave.

Tony: When you go to work, how do you enter the building?

Alan: I knock on the window and they come around and and let me in.

Tony: How do you account for the time that you spend there at work?

Alan: What do you mean? We write it down, on an hour sheet.

Tony: Then do you have eight hour sheets that you have to turn in?

Alan: no

Tony: Was there anybody there to verify those?

Alan: No

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APPENDIX 002941

Tony: Ok, what were your hours Tuesday night?

Alan: Tuesday night? I worked from 1:00 in the morning til, what time did I get off Tuesday, 9, 10?

Tony: Wednesday morning?

Alan: yeh.

Tony: And where did you go when you got off of work?

Alan: I went home and went to bed.

Tony: And Dennis can verify the fact that Tuesday night you worked, went in at what time was that?

Alan: 1:00 in the morning.

Tony: And you worked until when, Wednesday morning?

Alan: I already said.

Tony: Pardon me?

Alan: From 1:00 in the morning until 9:00 or 10:00 in the morning.

Tony: And that can be verified?

Alan: yes.

Tony: By Dennis?

Alan: Yes.

Tony: Can it be verified by your time sheet?

Alan: yes.

Tony: Who verifies your time?

Alan: What do you mean?

Tony: Do they take your word for it that you were there working?

C 128

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C08729

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AB001294

APPENDIX 002942

Alan: Right, I just take the piece, I just write down on a piece of paper what my hours were, I take them in.

Tony: Ok. What kind of work was you doing there at the store Friday night?

Alan: Friday night, like last night?

Tony: yes

Alan: Right, last night I was painting the inside of the deli.

Tony: What was you doing Thursday night?

Alan: Thursday night I was painting the outside of the deli.

Tony: And how about Wednesday night?

Alan: Wednesday night, I was tearing out a wall and putting in a new one and we were also doing that Tuesday.

Tony: What were you doing on Monday?

Alan: Monday? What did we do Monday, I don't ....

Tony: What is Dennis' name again?

Alan: Dennis Clark.

Tony: Dennis Clark?

Alan: yes.

Tony: What is the phone number at that store?

Alan: I don't know it off the top of my head.

Tony: Would he be there working tonight?

Alan: No, it's a weekend.

Tony: Is anybody there tonight?

Alan: I don't know, I never go on ...

Tony: Ok, who do we contact to verify your hours?

Alan: I don't know. Um .....

Tony: You don't know, who pays you?

Alan: You would contact my uncle, yeh.

Tony: Ok, that's Cliff Gray?

Alan: Cliff Gray, yeh.

Tony: Getting back to this past week in Normal, you stated you wanted to help us.

Alan: Sure.

Tony: And my reply was "you can help us by being truthful with us".

Alan: I am telling you the truth.

Tony: And uh, telling us about your whereabouts this past week. Alan we have reason to believe that you were down in Normal this past week.

Alan: Well, I wasn't there.

Tony: We don't understand why you can't tell us.

Alan: I was not down in Normal this week.

Tony: When was the last time you were in Normal?

Alan: The last time I was in Normal was August 4th, when I left.

Tony: See Alan, you are confused about when you left Normal. Therefore, doesn't it, doesn't it sound reasonable you are confused about not being down there with actually being down there this past week?

Alan: I was not down there this past week.

Tony: You told us several times that the last time you were down in Normal .....

Alan: Was the 4th.

Tony: was on the 14th .....

C08731

C 128

Alan: No, I said the 4th.

Tony: and now you are telling us on the 4th. You said several times the 4th, you said several times the 14th, to pick up your car when you came back from Ohio.

Alan: I don't know what this is all about?

Tony: Pardon me?

Alan: I said I don't know what this is all about?

Tony: What this is, this is about Jennifer's death. I thought you said you wanted to help us.

Alan: I do, but, I am telling you the truth. I have not been down there this week.

Tony: How do you think Jennifer died?

Alan: I have not been down there, I don't know.

Tony: Do you think Mike could have killed her?

Alan: I doubt it.

Tony: Why do you say that?

Alan: I don't see why Mike would kill anybody?

Tony: Ok, who would be responsible then?

Alan: I don't know, perhaps Bubba.

Tony: Who is Bubba.

Alan: Bubba is the ex-boyfried that would never go away that's been around for five years hounding her, calling her everyday. Have you talked to her parents, do you know anything about Bubba?

Tony: Who is this Bubba? Is that his real name?

Alan: I don't even know his real name, she just calls him Bubba? He's from Wisconsin.

Tony: What did she say about Bubba, what did she say about Bubba?

Alan: She says he won't go away, that he's crazy, that he's psycho and let's see, this past year

he drove his car into a brick wall because she wouldn't take him back. I think that is where you ought to be looking, cause I didn' do shit.

Tony: We are asking, were you down there this week?

Alan: I was not down there this week.

Tony: Alan, I don't think you are being truthful with us.

Alan: I am being exactly truthful, I was not down there this week.

Tony: You are confused about when you left Normal/Bloomington, when you went back, I think you are confused...

Alan: I never know the date.

Tony: about being down there.

Alan: I never know the date, I just wake up and ...

Tony: Just the truth, that's all.

Alan: I have told you the truth.

Tony: No, I don't think you have.

Alan: I have told you the truth.

Tony: And you are setting here, and you know what the truth is, you don't want to share that truth with us, and we are asking your help....

Alan: I don't, I just told you the truth.

Tony: We are asking your help, we are asking your help.

Alan: I told you the truth man, I have not been down there to see her since I came back here.

Tony: Which was when?

Alan: Which was the 4th.

Tony: When was the last time you were in Normal/Bloomington?

Alan: The last time I was in Normal/Bloomington was August 4th.

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Tony: I would sure like to take you out of this picture but you are not helping us.

Alan: The last time, I am serious man, I just have not been back there, why would I go there, I have got a job here, I am living at my parent's house, I've got no apartment there ..

Tony: When, when, when did, when did you shave your goatee off?

Alan: My goatee? I didn't have a goatee, I had a beard.

Tony: You never did? Ok, beard then?

Alan: When did I shave it? Uh, a couple days ago, before I went out with a chick.

Tony: Let me ask you a question, and I want you to think about it. How did you think we knew you had a goatee if we had never met you before?

Alan: I didn't have a goatee, I had a beard.

Tony: Listen to me, if you had a beard or goatee? You had facial hair, we will call it facial hair for simplicity sake. How do you suppose that we knew that you had facial hair, be it a goatee or a mustache or a beard for the last few days if we had never laid eyes on you?

Alan: I have no idea.

Tony: How do you think we know that?

Alan: I don't know.

Tony: Alan, how do you think we know that?

Alan: I really don't know.

Tony: Don't you think maybe, perhaps somebody told us you had one?

Alan: Lot's of people have facial hair, you have facial hair, maybe you were there, you know, I mean, I don't know what you are trying to get at.

Tony: Somebody had to see you there didn't they Alan?

Alan: I was not there, nobody could have seen me there because I was not there man.

Tony: Somebody saw you there, somebody saw your car there?

48

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(7E)

AB001299

APPENDIX 002947

Alan: Somebody is full of shit.

Tony: Well, that is for certain, somebody is, but yet we have not discovered who. I don't know how you can live with this Alan, as much as you loved her...

Alan: I don't know what your talking about.

Tony: as much as you loved her Alan, how you can live with this?

Alan: What are you? (Deep Sigh) I haven't been there.

End of tape.

C08735

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C 1288

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(7)

AB001300

APPENDIX 002948

CRIMINAL DEATH INVESTIGATION

WITNESS FACE SHEET

Classification: \_\_\_\_\_ eyewitness \_\_\_\_\_ circumstances \_\_\_\_\_ motive  
\_\_\_\_\_ flight \_\_\_\_\_ medical X investigative  
\_\_\_\_\_ expert \_\_\_\_\_ identity \_\_\_\_\_ (other) \_\_\_\_\_

Name: MICHAEL SWANE Male: X Female: \_\_\_\_\_

Address: \_\_\_\_\_ ELAHURST IL 60126 Apt No.: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Age: 20 Home telephone: (630) 831-8742

Social Security #: \_\_\_\_\_ Marital Status: M \_\_\_\_\_ S \_\_\_\_\_

D \_\_\_\_\_ SP \_\_\_\_\_

Spouse name: \_\_\_\_\_ Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ Age: \_\_\_\_\_ Home telephone: ( ) - - -

Number of Children: \_\_\_\_\_ Names and Ages: \_\_\_\_\_

Occupation: \_\_\_\_\_

Company Name: \_\_\_\_\_

Business Address: \_\_\_\_\_

Work telephone: ( ) - - - Number of years employed: \_\_\_\_\_

Areas frequent: \_\_\_\_\_

Place of Birth: \_\_\_\_\_

Miscellaneous information: \_\_\_\_\_

Witness knows perpetrator personally? yes \_\_\_\_\_ no \_\_\_\_\_

How? \_\_\_\_\_

Did witness I.D. perpetrator? yes \_\_\_\_\_ no \_\_\_\_\_

How? \_\_\_\_\_

Case #: C93-4033 Crime Classification: HOMICIDE

Date of Interview: \_\_\_\_\_ Interviewing Officer: FREESMEYER

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C 1433

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AB001446

Mike: Alan have a what?

Tim: Does Alan have a temper?

Mike: Yes.

Tim: What..

Mike: But he's not physical, I mean he won't, I don't, he's never been physical with me, he's always just freaked out and gotten crazy and hit the wall and cried.

Tim: Ok, freaked, I mean, explain what's, what's it mean?

Mike: It's like, it's like screamed and, or talked on the phone to her, and broken down to the floor in tears.

Tim: Ok.

Mike: And just been a mental wreck, and he's not, his health isn't that good either because he just

Tim: We need to know everything.

Mike: Right, I, all I know, I'm, I'm, I'm not, okay, um, he just, I was just thinking what I was talking to Jen about. Um, she thought he was just infatuated with her but he said he loved her, and, and he was just, he thought that she was the only woman for him.

Tim: Uh-huh. (yes).

Mike: And, he was finding out, I guess they broke up like 18 times.

Tim: Uh-huh. (yes).

Mike: Um, but she would always take him back. Um, and they, and there was another time at a party that, um, they both, I was with them too but I was staying away. I was with some friends of mine. And they started freaking out and she was crying and saying she loved someone else and I guess that was me. But, she, was freakin, she was drunk and he was drunk and I guess he started running around after her and she started running around beating on peoples doors, "Help me, save me."

Tim: Uh-huh. (yes).

Mike: And he, he, and then he got in the car and drove off, um, and then he came back and tried to take her with him.

Tim: Did, did he try to forcibly take her?

C 1442

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Mike: I don't know, because I was gone at that point I think, um. I don't know.

Tim: The times, the times when you seen him get mad, Mike, you know some people when they get mad they don't say anything they get quiet, other people...

Mike: That's me.

Tim: ... get mad and they, they just kind of go electric, you know.

Mike: Uh-huh. (yes).

Tim: What type, what kind of personality does he have?

Mike: Well, when he got mad, when I saw him at, break in,

Tim: Yeh.

Mike: He broke in and he wasn't, he said he didn't want it to do anything except see me there, and as soon as he saw me there, he'd be fine and know it was true that I was seeing her or whatever.

Tim: Uh-huh. (yes).

Mike: And, then he'd leave he said. Um, but he couldn't find me there, and, and I had told him that I was going to go visit a friend that was in town.

Tim: Uh-huh. (yes).

Mike: It was 2:00 in the morning, which was lame. Um, and I was hid, hiding in the closet because I was terrified because I didn't, I didn't know if he would hurt me, I didn't know, I just didn't know how to deal with the situation, cause I never had anything bad happen. Um, so I just hid, and she said she would do whatever I wanted. She could seek me out and he thought I had snuck out a window.

Tim: Uh-huh. (yes).

Mike: And she, she ended up calling a friend of hers who was a friend of mine and Alan's, too.

Tim: Uh-huh. (yes).

Mike: And he came over and talked to me and said that Alan, he told me that Alan was just mad that I had lied to him and stuff, and that, he'd dro\*\*, I said, he asked me if I needed a ride home and I said no, I walked home, but Alan, he was with Alan, so Alan drove me home. Ah, then we talked and he cried and said how much she hurt him and what, how it was messing up his life.

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G1470  
(911)

AB001456

APPENDIX 002951

Tim: Uh-huh. (yes).

Mike: And I said, I, and I lied to him and said that I, you know, there is nothing there and I don't want anything or something, and so that's all, I think that's all he knew, I don't think anybody knew that I was, well, my friends sort of, very few knew that I was living with Jen because I didn't want Alan to know. I didn't want many of my friends know because they knew that Jen was like, drank alot and I didn't want, I was just embarrassed I guess.

Tim: Uh-huh. (yes). Did, did he know that you were staying with Jen? That you were living there?

Mike: He suggested it first, before all this happened.

Tim: Ok.

Mike: But, he knew that I had the chance to, and he knew that she was going away to California for a week to visit her brother. So, ah, but as far as I know I don't think he, if I was him I would assume that he, that I wouldn't have stayed there because that would have been the moral thing to do.

Tim: Ok, so there's a chance that he didn't know you were staying there?

Mike: Right.

Tim: Ok. You say that, that Alan left for vacation with somebody or went to another state?

Mike: He went to Cincinnati, to go, to get away, because a friend of his was in town that weekend that this all happen, that he found the notes and came and quit.

Tim: Ok.

Mike: That was the last weekend of August. Um, and he went to Cincinnati to get away from everything because

Tim: The last weekend in August, this is August.

Mike: It's September now, isn't it?

Tim: No this is August 28th.

Mike: Oh, the last weekend of the last, the past, July.

Tim: Ok.

Mike: Thank you. I thought it was September. So that, it, so I didn't, I left on August 22nd not September 22nd.

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Tim: Ok. Ok.

Mike: Um.

Tim: So he left the end of July?

Mike: He went to Cincinnati with a friend of his named Jamie Thurman.

Tim: Ok.

Mike: Or Thurogate, I think it is Thurman.

Tim: How long was he supposed to be in Ohio?

Mike: There was no, he didn't have a set time because he wasn't supposed to go. He quit. He broke his contract with this Theatre, and, and said that he just needed to go to Ohio and I said that was the best thing.

Tim: Uh-huh. (yes).

Mike: I, and, I, oh, I didn't think that was the best thing, but I felt bad that I had done this. And I thought he needed to just get away, and cool off, and that would, he needed to just get away from Jen.

Tim: Uh-huh. (yes).

Mike: And, and he did, and he was gone for a week, and like three days.

Tim: Ok.

Mike: And he came back, and I saw him and talked to him and he seemed fine.

Tim: Uh-huh. (yes).

Mike: And I, and I was still living in my apartment, alone.

Tim: Uh-huh. (yes).

Mike: Um, and he, he took all the stuff and packed it up, and went to see Jen, and I had seen, I saw Jen that night and she said she had talked to him, and he, she said he was, ah, he just needed to get away from her, and, um. He was going to wait for her and so he was going to go home to Rockford.

Tim: Ok.

Mike: Um, to visit his friends there. I guess.

Tim: Ok.

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AB001458

Mike: Um. Ah.

Tim: Did he go home to Rockford?

Mike: Yes, I think so, I don't know for sure. Um, but I heard from his friends that they, he wasn't hanging out with them, he was just hanging out with his parents.

Tim: Ok.

Mike: Which is good because I guess they were just straightening him, straightening him out. Um.

Tim: When was the next time that you saw him?

Mike: I didn't, I haven't seen him at all since then.

Tim: Since he went to Rockford.

Mike: Right. But she said he called once...

Tim: When is

Mike: ...and told her that, pardon?

Tim: I'm, I'm sorry. Go ahead.

Mike: I think, I don't know if it was after I started living with her or before. I don't remember.

Tim: Ok, go ahead.

Mike: Um.

Tim: He called.

Mike: He called and said that he was over her, he didn't love her anymore, he was dealing with other things, and he had seen a psychiatrist when he was down here.

Tim: Uh-huh. (yes).

Mike: Um, but he didn't really keep up with it, and I think she was seeing a psychiatrist in the past and I was trying to get her to, cause I think she had problems.

Tim: Uh-huh. (yes).

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APPENDIX 002954

**ROBERT K. SEYFRIED, PE, PTOE  
R.K. SEYFRIED AND ASSOCIATES, INC.  
3441 DAVIS STREET  
EVANSTON, IL 60203**

August 11, 2015

Professor David M. Shapiro  
Professor of Law  
Bluhm Legal Clinic  
Northwestern University School of Law  
375 E. Chicago Avenue  
Chicago, IL 60611

Re: Beaman v. Freesmeyer  
Case No. 14-L-51

Dear Mr. Shapiro:

The following report documents my traffic engineering analysis and opinions with regard to the referenced case.

**CREDENTIALS**

I am recently retired from the position of Director of Transportation Engineering Programs for the Northwestern University Center for Public Safety. I continue to teach seminars and workshops in highway design, traffic operations, traffic studies, and traffic crash analysis for Northwestern University, both on-campus in Evanston, Illinois and throughout the United States. I also regularly serve as an instructor in engineering training programs for the National Highway Institute and the Institute of Transportation Engineers. I have a total of 46 years of experience in transportation engineering.

I hold B.S. and M.S. degrees in Civil Engineering from Northwestern University. I am a Fellow of the Institute of Transportation Engineers, a member of the American Society of Civil Engineers, and a member of the Regulatory/Warning Signs Technical Committee of the National Committee on Uniform Traffic Control Devices. I am also a registered Professional Engineer in the State of Illinois and a Certified Professional Traffic Operations Engineer. For more information, see my attached Curriculum Vitae.

008789

## BACKGROUND

It is my understanding that the following information is relevant to my analysis:

- Mr. Beaman was previously convicted of a murder that occurred at 412 N. Main Street in Normal, Illinois in 1993
- Mr. Beaman made a bank transaction at the bank (currently a BMO Harris Bank) located at the intersection of Alpine and Newburg in Rockford, Illinois at 10:11 a.m. on the day of the crime
- Two phone calls were made from the Beaman residence at the intersection of Alvina and Meridian in Rockford, Illinois at 10:37 and 10:39 a.m. on the day of the crime
- Mr. Beaman was observed as present at his residence at the intersection of Alvina and Meridian in Rockford, Illinois at 2:16 p.m. on the day of the crime
- For the purpose of this study, I have assumed that the commission of the murder in Normal Illinois would have required at least 5 minutes

## METHODOLOGY

On the date of July 14, 2015 I conducted travel-time studies along the routes of travel between the Beaman residence and the crime scene, as well as between the BMO Harris Bank and the Beaman residence. These travel-time studies represented normal mid-day weekday traffic conditions. Data were collected for the following travel routes:

- Starting at the Beaman residence at Alvina and Meridian in Rockford, south along Meridian Road 6.2 miles to the entrance ramp for eastbound U.S. Route 20, east along U.S. Route 20 9.7 miles to the exit ramp to southbound I-39, south along I-39 118.6 miles to the exit ramp to northbound I-55, 1.6 miles to the exit ramp to Main Street in Normal, Illinois, south along Main Street 1.8 miles to 412 N. Main (site of crime).
- Starting at 412 N. Main Street in Normal, Illinois, north along Main Street 1.7 miles to the entrance ramp to southbound I-55, south along I-55 0.4 miles to the exit ramp to northbound I-39, north along I-39 119.9 miles to the exit ramp to westbound U.S. Route 20, west along U.S. Route 20 9.8 miles to the exit to Meridian Road, north along Meridian Road 6.4 miles to Alvina Road (Beaman residence).
- Starting at the bank at Alpine and Newburg in Rockford, 0.1 miles to exit the bank driveway on Newburg and west to the intersection of Alpine and Newburg, south along Alpine 2.0 miles to the entrance ramp to westbound U.S. Route 20, west along U.S. Route 20 8.6 miles to the exit ramp to Meridian Road, north along Meridian Road 6.4 miles to Alvina Road (Beaman residence).

These travel-time studies were conducted at speeds of 10 mph higher than the posted speed limits (as of 1993) on all routes, to the extent possible. These speeds represent the actions of a driver attempting to travel the routes as quickly as is reasonably possible without being stopped and cited by police officers for speeding. The basis of using speeds 10 mph greater than the posted speed limits is discussed in more detail later in this report, and is supported by research on typical freeway speeds and Illinois State Police enforcement policies and practices.

Recorded travel times were adjusted to account for conditions that were in existence on the day of my travel-time studies but may not have been present on the day of the crime. These included:

- *Changes in intersection traffic control.* A letter from the Winnebago Highway Department dated March 25, 2015 indicates that the intersection of Auburn and Meridian had been controlled by all-way STOP control at the time of the crime, although it is currently a roundabout controlled by YIELD signs. Recorded travel-times accounted for a full stop at this intersection.
- *Changes in speed limits.* A letter from the Winnebago Highway Department dated March 25, 2015 indicates that the speed limit on Meridian Road from Alvina to the U.S. Route 20 entrance ramp was 55 mph at the time of the crime, although it currently has a speed limit of 45 mph from West State Street to the U.S. Route 20 entrance ramp (the remainder of Meridian Road remains as a 55 mph speed limit). In addition, an email from the Illinois Department of Transportation dated June 25, 2015 indicates that the speed limit on I-39 was 65 mph at the time of the crime, although it currently has a speed limit of 70 mph. Recorded travel-times were determined based on speeds of 10 mph above the 1993 speed limits.
- *Construction zones.* On the day of my travel-time studies, there were construction zones with reduced speed limits on U.S. Route 20 and on I-39. There is no available information regarding possible construction zones on the day of the crime. In cases where recorded travel-times were affected by construction zones, travel-times were adjusted to reflect continuous travel at speeds 10 mph higher than the 1993 speed limits.
- *Channelization.* The intersection of N. Main Street and Gregory Street in Normal Illinois currently includes raised-curb channelization islands that prohibit left turns from southbound Main Street into the residence at 412 N. Main Street. As a result, it is currently necessary to continue south to the intersection of Main and Willow, make a U-turn, and return north 0.1 mile to 412 N. Main Street (scene of the crime). It is unknown whether this same condition existed on the day of the crime. Recorded travel times were adjusted to reflect left turns made directly into 412 N. Main Street, assuming that the curbed channelization did not exist in 1993.

In all cases, the recorded and/or adjusted travel time reflected the highest likely speeds and lowest likely travel times that Mr. Beaman could have attained if he attempted to make the trips between Rockford and Normal or between the bank and his residence on the day of the crime. When multiple travel time runs were conducted, the shortest travel times were used, again reflecting the lowest likely travel times that Mr. Beaman could have attained.

#### ANALYSIS

1. The total available time between Mr. Beaman's bank transaction at Alpine and Newburg (10:11 a.m.) until the second phone call at his residence at Alvina and Meridian (10:39 a.m.) was 26 minutes. My analysis indicates that he could have traveled this distance in 19.70 minutes traveling at 10 mph over the posted speed limits:
  - Bank to U.S. Route 20 entrance ramp: 4.42 minutes
  - U.S. Route 20 to Meridian Road exit ramp: 6.88 minutes
  - Meridian Road to Alvina Road (Beaman residence): 7.40 minutes

19.70 minutes

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Even if Mr. Beaman traveled at the 65 mph speed limit on U.S. Route 20 and encountered increased delays at signalized intersections along Alpine Road, his travel time from the bank to his residence would have required no more than 20.07 minutes. In any case, he could have easily made a bank transaction at 10:11 a.m. and traveled to his residence in time to make a phone call at 10:37 a.m.

2. The total available time between Mr. Beaman's phone call at his residence at 10:39 a.m. and him being observed as present at his residence at 2:16 p.m. was 217 minutes (3 hours and 37 minutes). My analysis indicates that the minimum time to travel the distance from his residence to the crime scene and return to his residence is 233.25 minutes (3 hours and 53.25 minutes) traveling 10 mph over the posted speed limits:

• Residence to U.S. Route 20 entrance ramp:	7.07 minutes
• U.S. Route 20 to exit ramp to I-39:	7.76 minutes
• I-39 to exit ramp to I-55:	94.90 minutes
• I-55 to exit ramp to Main Street:	1.65 minutes
• Main Street to 412 N. Main (crime scene):	2.18 minutes
• Time to commit the crime:	5.00 minutes
• 412 N. Main to I-55 entrance ramp:	2.67 minutes
• I-55 to exit ramp to I-39	0.68 minutes
• I-39 to exit ramp to U.S. Route 20:	95.88 minutes
• U.S. Route 20 to Meridian Road exit ramp:	8.06 minutes
• Meridian Road to Alvina Road (Beaman residence):	<u>7.40 minutes</u>
	233.25 minutes

Thus, even if Mr. Beaman attempted to make this round trip while driving 10 mph above the posted speed limits on all of the roads traversed, it would have taken him 16 minutes more than the available time.

3. In order to complete the round trip within the available time, Mr. Beaman would have to have driven at an average speed of 81.0 mph over the entire 260.3 mile length of the freeways traversed (U.S. Route 20, I-39, and I-55). This is 16 mph over the 1993 posted speed limits on these freeways. It is unknown whether there were any construction zones on these freeways at the time of the subject crime. However, if any construction speed reductions were encountered, this would necessitate even higher average speeds during the remainder of his freeway travel. Similarly, any speed reductions due to slower moving traffic would necessitate even higher average speeds during the remainder of his freeway travel in order to complete the round trip within the available time.

An average speed of 16 mph over the posted speed limit over the entire 260.3 miles of freeway travel does not appear to be a likely scenario. A speed of 81 mph is relatively high for a freeway with a posted speed limit of 65 mph. A recent study of vehicle speeds on various types of roadways throughout the United States (National Traffic Speed Survey II: 2009 published by the National Highway Traffic Safety Administration, U.S. Department of Transportation) found that in 2007, national freeway speeds averaged 64.7 mph, with a 95th percentile speed of 79.2 mph. This means that only 5 percent of vehicles were seen to travel at or above 79 mph.

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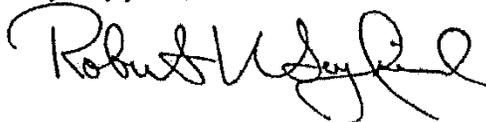
Master Sergeant Mark Nytko of the Illinois State Police was deposed on April 8, 2015, and testified that in 1993 he was a State Police Trooper who performed traffic enforcement on I-39. He further testified that it was the State Police Enforcement Policy to issue citations for vehicles traveling at 10 mph or more above the posted speed limit. He further testified that "violators would be more likely to get stopped for traveling at such a speed as 8, 6 mph over the speed limit" in 1993 and that a driver traveling more than 9 mph over the speed limit would "definitely attract the attention of troopers" as well as local police officers. Master Sergeant Nytko also testified that the State Police had greater resources available for traffic enforcement in 1993 than they do a present, resulting in a greater likelihood of speeders being observed and cited. Thus, it appears to be likely that if Mr. Beaman attempted to make the round trip to Normal Illinois to commit the murder within the available amount of time, his speed on the freeways would have been observed by traffic enforcement personnel and he would have been cited for speeding.

#### OPINIONS

1. There was sufficient time for Mr. Beaman to travel from the bank at Alpine and Newburg to his residence at Alvina and Meridian within the available time.
2. There was not sufficient time for Mr. Beaman to travel from his residence at Alvina and Meridian to 412 N. Main Street in Normal Illinois and return within the available time.

If you have any questions, please feel free to contact me. My curriculum vitae is attached for your information.

Very truly yours,



Robert K. Seyfried, PE, PTOE

C08793

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

ALAN BEAMAN )  
Plaintiff, )  
-vs- ) No. 10-CV-1019  
JAMES SOUK, et al., )  
Defendants. )

The videotaped deposition of JAMES SOUK called for examination pursuant to Notice and the Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before Sandra Eberle, a notary public within and for the County of Cook and State of Illinois, at 357 East Chicago Avenue, Chicago, Illinois, on the 10th day of December, 2012, commencing at the hour of 10:52 a.m. and concluding at 5:25 p.m.

Reported by: Sandra Eberle, RPR, CRR

License No.: 084-003229

C08850

McCorkle Litigation Services, Inc.  
Chicago, Illinois (312) 263-0052

Plaintiff's Exhibit No. 47

APPENDIX 002960

1 different light than I ever thought they would  
2 have been back at the time of the -- you know,  
3 the preparation for trial and the trial.

4 Q. All right. Anything else that you  
5 believe in retrospect you should have disclosed?

6 A. Not that I can think of, no.

7 Q. Okay. Now, when the Supreme Court  
8 issued its opinion, it did not outright reverse  
9 the conviction, it reversed and remanded for a  
10 new trial and a decision was made not to retry  
11 Mr. Beaman?

12 A. That's true.

13 Q. Now, were you consulted about that  
14 decision?

15 A. No.

16 Q. Did you talk informally about that  
17 decision with anybody in the McLean County  
18 State's Attorney's Office?

19 A. Well, now that I think about it, the  
20 only thing I can think of is -- and I'm not sure  
21 if I was asked to do it or I did it on my own.  
22 I know that I did talk with Mrs. Lockmiller to  
23 get her opinion and the opinion of her husband  
24 as to what their feelings were about a retrial.

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1 I'm not recalling if, you know, maybe I  
2 was asked by Mr. Yoder or Mr. Messman to make  
3 that contact since I had, you know, kept up at  
4 least a Christmas card exchange type  
5 relationship with the Lockmillers over the  
6 years.

7 So I'm recalling that I did do that and  
8 I think passed on some information about that.  
9 In terms of being consulted about my opinion, as  
10 to whether the case ought to be retried, I'm not  
11 recalling being asked for my opinion about it.

12 Q. Well, were you informed of the decision  
13 of the office not to retry the case?

14 A. At some point, I was, sure.

15 Q. Were you informed of that decision  
16 prior to the public announcement of the  
17 decision?

18 A. I don't remember.

19 Q. Would you have expected that you would  
20 be given that courtesy?

21 MS. EKL: Objection, calls for speculation.

22 THE WITNESS: As I think about it, I  
23 probably was told before the public  
24 announcement. I just don't specifically recall.

64

1 I'm not recalling if, you know, maybe I  
2 was asked by Mr. Yoder or Mr. Messman to make  
3 that contact since I had, you know, kept up at  
4 least a Christmas card exchange type  
5 relationship with the Lockmillers over the  
6 years.

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8 I think passed on some information about that.  
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10 to whether the case ought to be retried, I'm not  
11 recalling being asked for my opinion about it.

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13 of the office not to retry the case?

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17 decision?

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20 be given that courtesy?

21 MS. EKL: Objection, calls for speculation.

22 THE WITNESS: As I think about it, I  
23 probably was told before the public  
24 announcement. I just don't specifically recall.

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1           But I -- you know, I mean, I was  
2 treated with, you know, courtesy about any  
3 issues related to Beaman. I had, you know, a  
4 good relationship with people in the office and,  
5 you know, I was a sitting judge there so they  
6 probably did tell me but I just don't remember  
7 the specifics.

8 BY MR. BOWMAN:

9           Q. Who probably did tell you?

10          A. Probably Mr. Messman, but it could have  
11 been Mr. Yoder. I'm not sure.

12          Q. And how did they probably tell you?

13          A. I don't remember.

14          Q. Well, when they -- when they probably  
15 told you, did you express any views such as  
16 disappointment?

17          MS. EKL: Objection, form, calls for  
18 speculation.

19          THE WITNESS: You know, I really don't have  
20 a recollection of having any conversation. I  
21 suppose my main recollection would be that I  
22 didn't have any surprise decision.

23                 I mean, I knew from the outset it would  
24 be a rather difficult matter to retry the case

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1 after so many years so I don't think the  
2 decision surprised me at all.

3 BY MR. BOWMAN:

4 Q. Well, why do you say that?

5 A. Because I knew how difficult it would  
6 be for the state's attorney at that time to put  
7 together the case again for a retrial. So I  
8 wasn't particularly surprised that they chose  
9 not to do it.

10 Q. Well, what about the case would make it  
11 difficult to retry other than the fact that it  
12 would no longer be open to the state's  
13 attorney's office to suggest that Alan Beaman  
14 was the only person who possibly could have  
15 committed the murder?

16 MS. EKL: Objection, form, foundation,  
17 assumes facts not in evidence.

18 THE WITNESS: Well, I believe the Supreme  
19 Court opinion was 2008, if I'm recalling  
20 correctly, so 13 years had past since the trial.

21 It would be a monumental effort on the  
22 part of police and prosecutors to gather up all  
23 the witnesses, all the evidence again, and, you  
24 know, so it didn't surprise me that they didn't

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1 undertake that effort.

2 BY MR. BOWMAN:

3 Q. Is there some witness who had  
4 disappeared, some piece of evidence that was no  
5 longer available, anything specific that you can  
6 point to, Mr. Souk, to help explain your answer  
7 that it would have been monumental or difficult  
8 to retry the case after the Supreme Court's  
9 decision?

10 A. Well, I didn't have any involvement in  
11 assessing what witnesses might still be  
12 available or what the effort might be. I'm just  
13 talking in general terms of my own experience as  
14 a trial lawyer, that I knew it would be a very  
15 difficult and monumental effort to do that.

16 Q. In other words, the answer to my  
17 question is no, there's nothing specific that  
18 you can point to?

19 MS. EKL: Objection, form. He answered the  
20 question.

21 THE WITNESS: Not specific. I didn't know  
22 anything about any availability of any witnesses  
23 or any or any evidence.

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1 Q. Right, because to be clear, the other  
2 possibility was that the fingerprint was on the  
3 clock radio because Mr. Beaman had been a  
4 frequent guest in the apartment and it had been  
5 clear that he had touched the clock radio as a  
6 routine matter when he spent the night at the  
7 Lockmiller apartment, yes?

8 A. Based on that evidence and the expert  
9 testimony about the fingerprints, we, you know,  
10 could not prove when the fingerprint would have  
11 definitely been placed there.

12 Q. Right. And to be very clear, you had  
13 -- you had no scientific evidence on which you  
14 could base your argument as to the date of  
15 origin of that print, right?

16 A. Fingerprint experts won't give you such  
17 an opinion or at least they didn't back then. I  
18 don't know what they do now.

19 Q. Well, they certainly didn't in the  
20 record of Mr. Beaman's trial, right?

21 A. Correct.

22 Q. And so what you did in your closing  
23 argument, sir, was to engage in an exercise in  
24 speculation that perhaps the fingerprint was of

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1 recent origin because if it wasn't of recent  
2 origin, it would have been smudged off, right?

3 MS. EKL: Objection, form, foundation.

4 THE WITNESS: What I did in closing argument  
5 was argue the reasonable inferences of the  
6 evidence as is appropriate and proper for any  
7 attorney in closing argument.

8 BY MR. BOWMAN:

9 Q. Yes, but you had introduced no evidence  
10 at the trial, sir, had you, about anyone's habit  
11 in terms of wiping the clock radio or touching  
12 certain portions of the clock radio, right?

13 A. You know, I'd have to look at the  
14 record. I seem to recall that maybe Swaine  
15 might have given some testimony about that. I'm  
16 not sure if Mr. Beaman did in his testimony  
17 about how often or when they might have touched  
18 the clock radio.

19 But I think -- I think probably they  
20 might have been asked, but I would have to look  
21 at the record to be sure.

22 Q. Well, the clock radio obviously gets  
23 set every night, right?

24 MS. EKL: Objection, form, foundation.

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1 MS. EKL: Objection. Form, specifically to the  
2 phrase your investigation.

3 THE WITNESS: Well, the investigation of the  
4 Normal police department and any further investigation  
5 by our office after charges were filed uncovered no  
6 evidence that he was physically violent prior to August  
7 23rd of 1993.

8 BY MR. BOWMAN:

9 Q. You mean August 25th?

10 A. Or 25th I guess. I'm sorry. Yeah, the date of  
11 the murder.

12 Q. That's a good way of putting it. We've talked  
13 about this fingerprint in the apartment, and I don't  
14 want to reenter that debate. But you'll agree that at  
15 least at the theoretical level there is an innocent  
16 explanation for Mr. Beaman's fingerprint on this clock  
17 radio, right?

18 MS. EKL: Objection. Form.

19 THE WITNESS: There was a reasonable alternate  
20 explanation for the fingerprints. I think there were  
21 two prints, but.

22 BY MR. BOWMAN:

23 Q. Right. Four of Swaine's, who we know didn't  
24 commit the murder, and two of Beaman's, right?

25 A. Correct.

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1 Q. And the next thing I want to ask you about,  
2 because I wasn't clear from our conversation on the 10th  
3 of December, is the gap in the alibi. I believe you  
4 characterized the gap in Mr. Beaman's alibi as a very  
5 narrow gap. Is that, am I putting words in your mouth,  
6 or is that your assessment of it?

7 A. I'm not recalling that. I'm not sure what you  
8 mean.

9 Q. Well, let me just ask you then. Will you agree  
10 with the proposition that for Beaman to have committed  
11 the murder on the prosecution's theory and the  
12 investigator's theory of when the murder was committed  
13 he would have had to travel from Bell Federal Savings to  
14 the Lockmiller apartment at a high rate of speed,  
15 committed the murder in a short period of time, and  
16 returned home at a high rate of speed?

17 A. I'm not sure what you mean by high rate of  
18 speed.

19 Q. Well, how about 75 miles an hour?

20 A. Well, I guess what I would agree to is that he  
21 would have had to have traveled to Normal between 11  
22 minutes after 10:00 and have been home in bed by 3:00  
23 o'clock when we know his mother's home. That was the  
24 final, if you will, gap that was never closed by any  
25 evidence. Mrs. Beaman attempted to close that, but he

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TIMOTHY FREESMEYER,

called as a witness herein on behalf of the People, having been first duly sworn on his oath, was examined and testified as follows, to-wit:

DIRECT EXAMINATION

BY MR. SOUK:

Q Would you state your name please, and spell your last name?

A Timothy John Freesmeyer, F-R-E-E-S-M-E-Y-E-R.

Q Your occupation?

A I'm a police officer for the Town of Normal.

Q How long have you been a police officer for the Town of Normal?

A Since March 12th of 1990.

Q Your present rank is?

A I'm a sergeant.

Q And I want to call your attention back to August the 28th of 1993. What section of the police department were you assigned to at that time?

A I was assigned to the detective division.

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APPENDIX 002971

1 Q At that time did you have occasion to respond to the  
2 scene of the Jennifer Lockmiller murder, [REDACTED] [REDACTED] [REDACTED] [REDACTED]

3 [REDACTED]  
4 A Yes, I did. I was in my squad car when the call  
5 came in.

6 Q About what time do you think you got there?

7 A The call came out, to my knowledge, approximately  
8 ten minutes after two. I would have gotten there probably  
9 about 2:15 to 2:20, after I went to the station to retrieve a  
10 camera and other supplies.

11 Q When you got to the scene, what's the first thing  
12 you recall doing?

13 A The first thing I recall doing was speaking with  
14 Sgt. Mark Kotte and being briefed on the situation.

15 Q Was he inside or outside the apartment at that  
16 point?

17 A I believe he was in the driveway at that point, sir.

18 Q At that point in time had Dean Kennedy, the crime  
19 scene technician, arrived yet?

20 A No, he had not.

21 Q Prior to the time that the crime scene technician  
22 did arrive, what did you do yourself personally at the scene?

23 A I checked in with Officer Fogler, who was securing  
24 the door. He informed me there were two kittens that had

1 gotten out of the apartment that he was having a problem  
2 trying to corral. I collected the kittens, gave them to the  
3 two interns that were with me, asked them to sit with the  
4 kittens until animal control arrived. I then waited at the  
5 scene for the crime scene technician or any other neighbors or  
6 witnesses that might happen by.

7 Q At that time, was Officer Fogler assigned to the  
8 door?

9 A Yes, he was.

10 Q Did you check the perimeter of the building at all  
11 that day?

12 A Yes, sir, I did.

13 Q Did you walk all the way around the building?

14 A Yes, I did. I walked around the entire building  
15 looking for anything on the ground or near the building that  
16 might prove significant.

17 Q Did you find anything that you considered to be of  
18 evidentiary value?

19 A No, sir, nothing significant.

20 Q Prior to Mr. Kennedy's arrival, did you go in Apt.  
21 [REDACTED] at all?

22 A Yes, sir, I did.

23 Q Would you tell us about that? About when was it and  
24 what did you do when you were there?

C09550

1           A     Yes, after speaking with Sgt. Kotte and collecting  
2 the kittens, giving those to the interns, I walked back up and  
3 asked Mr. Fogler if I could enter to view the scene. I  
4 stepped through the front door into the bedroom door area, saw  
5 the body, saw the condition, stepped back out of the apartment  
6 again.

7           Q     At that point in time, did anyone go in with you?

8           A     No, sir, I don't believe they did.

9           Q     About how long were you in there?

10          A     Probably between 20 and 30 seconds.

11          Q     At that time did you remove anything from the scene  
12 or disturb anything inside the apartment?

13          A     No, sir, I did not.

14          Q     Were you there when the crime scene technician  
15 arrived?

16          A     Yes, sir, I was.

17          Q     What's your recollection of about what time that  
18 was?

19          A     If I could look at my report I believe I could tell  
20 you.

21          Q     Do you have that in front of you?

22          A     Yes, sir, I do.

23          Q     Would that refresh your recollection?

24          A     I believe it would.

C09551

1 Q Okay, if you'd refer to it.

2 A According to my report at approximately 3:30 to four  
3 P.M. the crime scene technician arrived.

4 Q You've written rather voluminous reports regarding  
5 this case. Is that correct?

6 A Yes, sir, that's true.

7 Q Do you have those in front of you on the witness  
8 stand?

9 A Yes, sir, I do.

10 Q If other occasions arise when you feel you need to  
11 refer to them, just indicate that if you would please.

12 A Thank you, sir.

13 Q At the time that Mr. Kennedy arrived, obviously he  
14 was then processing the scene as he testified. Is that  
15 correct?

16 A Yes, sir, that's right.

17 Q Did you go in and assist somewhat with that process?

18 A Yes, sir, off and on. I was not in the apartment  
19 the entire time.

20 Q At some point in time, did you view and retrieve the  
21 purse and the contents that he had previously testified about  
22 and we saw some slides on?

23 A Yes, sir, I did.

24 Q And that had Jennifer Lockmiller's identification in

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APPENDIX 002975

1 it?

2 A Yes, sir, a driver's license.

3 Q And the body that you saw at the scene, did it  
4 appear to be the same as the young lady you saw the picture of  
5 on the driver's license?

6 A As close as I could tell, yes, sir.

7 Q We've had some discussion -- I guess Mr. Beu has  
8 asked some questions about something called a crime scene log.  
9 Is a crime scene log something that is part of your  
10 department's procedure?

11 A No, sir, it's not.

12 Q Has it ever been as long as you've been a police  
13 officer there?

14 A In the five years that I've been there, no, sir, it  
15 has not.

16 Q Are you aware that some departments use something  
17 called a crime scene log on major crimes?

18 A Yes, sir. In the larger departments, I would assume  
19 they would have to due to the number of people that would be  
20 involved.

21 Q And what's your understanding of what a crime scene  
22 log is?

23 A It's my understanding in large departments they use  
24 a crime scene log in order to document anybody going into and

1 out of a crime scene. In our case, in a small department, we  
2 only have approximately four to five uniformed officers -- any  
3 particular shift you may not have any more than four or five  
4 officers. We know everybody by sight. Therefore, we don't  
5 see a need for a crime scene log. We could recreate anybody  
6 that would have gone in or out of that apartment.

7 Q And on the situation that day, do you feel the  
8 department had any problem keeping track of who went in and  
9 out of the scene?

10 A No, sir, not at all.

11 Q At some point in time, did you have some contact  
12 with Mr. Swaine that day?

13 A Yes, sir, I did.

14 Q Is that during the late afternoon hours?

15 A Yes, it was.

16 Q And he'd indicated you were involved in taking a  
17 statement from him. Is that correct?

18 A That is correct.

19 Q Where did that occur?

20 A That occurred in an interview room within the  
21 detective division in the Normal Police Department.

22 Q And how did you -- Where did you first have contact  
23 with him?

24 A I first had contact with him at the scene. After

1 they received the answering machine tape, Detective Daniels  
2 and Detective Warner were able to determine, due to a message  
3 left on the machine, that a Mike Swaine was planning on  
4 returning to the apartment on Saturday. They put that over  
5 the police radio, that they were expecting him. When he  
6 arrived, we immediately put him in police custody, placed him  
7 in my squad car, and then I transported him to the Normal  
8 Police Department for an interview.

9 Q Even though you -- That was basically similar to  
10 what happened to Mr. Beaman in Rockford?

11 A Yes, very similar.

12 Q Even though you're not making an arrest, at that  
13 point, could you tell us why you do have them put the  
14 handcuffs on people who are potential suspects?

15 A Yes, sir. We're dealing with probably one of the  
16 most violent crimes there is, a homicide. We don't know who  
17 the suspect is. We don't know who the culprit is. At that  
18 point, for officer's safety, we treat everyone as a suspect.  
19 Mike Swaine was living in that apartment. He had some direct  
20 involvement in the case, and therefore for officer's safety,  
21 we placed handcuffs on him until we were able to determine  
22 what type of individual we were dealing with.

23 Q After he got to the station, were the handcuffs  
24 removed at that point, after you made sure he didn't have any

1 weapons or anything like that?

2 A Yes, sir, they were.

3 Q And you took a formal statement from him at that  
4 time?

5 A Yes, sir, I did.

6 Q After you did that, did you have occasion to return  
7 to the crime scene?

8 A Yes, I did.

9 Q And at some point in time that day, was a video tape  
10 done showing various aspects of the crime scene?

11 A Yes, it was.

12 Q And who did the video tape?

13 A That was done by the coroner's office. The  
14 camcorder that I had taken had a dead battery, so we asked  
15 them to record the crime scene for us.

16 Q Do you have that video tape here today so we can  
17 play it for the people?

18 A Yes, sir.

19 MR. SOUK: Your Honor, we'll be marking that People's  
20 Exhibit No. 81. We'd ask the court's permission to play that  
21 for the jury now on the T.V. monitor that's in the courtroom.

22 THE COURT: Any objection, Mr. Beu?

23 MR. BEU: No, sir.

24 THE COURT: That will be allowed. May I suggest that you

1 and your client, if he desires to observe that with you,  
2 position yourselves in such a way that you can see the video.  
3 I will move over here also. Off the record for a moment.  
4

5 (WHEREUPON A BRIEF DISCUSSION WAS HAD  
6 OFF THE RECORD.)  
7

8 THE COURT: Let's go back on the record. Are any of the  
9 members of the jury having any difficulties seeing the monitor  
10 from their positions?  
11

12 (NO AFFIRMATIVE RESPONSE.)  
13

14 THE COURT: Apparently not.

15 Q (By Mr. Souk) Before we play the video, have you  
16 reviewed this video prior to coming to court today?

17 A Yes, sir, I have.

18 Q And is it basically going to show us many of the  
19 things -- basically the same views that we've seen on numerous  
20 slides in the courtroom by two previous witnesses?

21 A Yes, I believe the video tape was taken at the same  
22 time that the crime scene technician was taking photographs of  
23 the scene, so it should be very similar.  
24

Q I'd ask you, can you see?

1 A Yes, I can see.

2 Q At this time, I'll -- if I hit the right button --  
3 begin the video tape.

4  
5 (WHEREUPON PEOPLE'S EXHIBIT NO. 81 WAS  
6 PLAYED FOR THE JURY AS THE FOLLOWING  
7 PROCEEDINGS WERE HAD:)

8  
9 Q (By Mr. Souk) Now I'd ask you, detective, to  
10 describe what's being seen on the video tape as it's being  
11 played here just briefly.

12 A You're seeing the two windows and the air-  
13 conditioner under Jennifer's apartment. That's Officer Fogler  
14 standing in the doorway who's securing the door prior to the  
15 crime scene technician --

16 Q Is that the door we're seeing?

17 A That is the south entrance to the apartment, yes.  
18 You're seeing Jennifer Lockmiller's car on the right side of  
19 the screen.

20 Once again, that's the apartment of the people who  
21 live below -- or used to live below Jennifer. The window you  
22 see in the right side of your screen is the living room window  
23 of Jennifer Lockmiller's apartment. The air-conditioner, then  
24 the window on the right would be the kitchen window.

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APPENDIX 002981

1                    Obviously the address of the building, [REDACTED].  
2                    This would be the east side of the building that you're  
3                    looking at now, the side which faces the parking lot area for  
4                    the apartment.

5                    Once again on the left side of your screen you can  
6                    see Jennifer Lockmiller's car that was parked in the parking  
7                    lot.

8                    Okay, now you're looking in the south door of the  
9                    apartment. On your right is a staircase leading up to Apt. 3  
10                   and 4. On the left is a stairway leading down to 1 and 2.

11                   This would be the west side of that same building,  
12                   the side which faces [REDACTED].

13                   I believe now you're viewing the north side of the  
14                   apartment. Those would have been Jennifer's bedroom windows,  
15                   and you see the back stairwell out of the apartment. The  
16                   bottom door goes into Apt. 1 and 2, the top door, 3 and 4.  
17                   That again is the top door with the stairs leading up to it.

18                   That would be the bottom windows of the apartment on  
19                   the northeast corner of the building, and this, once again, is  
20                   the back stairwell leading up to the hallway area going to  
21                   Apt. 3 and 4.

22                   This would be a view from [REDACTED] looking at the  
23                   apartment.

24                   Q     That view right there, is that, from your knowledge

1 of the case, basically the view that Mr. Heyse would have had  
2 from the street?

3 A Yes, sir, it would have been.

4 Q Which apartment building is this that we're just  
5 looking at there?

6 A The apartment building south of [REDACTED]. I'm  
7 not sure exactly what the street number is of it.

8 This is the hallway, I believe, leading down to Apt.  
9 1 and 2. As you come in the South [REDACTED] door, if you go to  
10 your left, you get to the hallway. On the right you're seeing  
11 the stairs leading up to Apt. 3 and 4. These would be the  
12 mailboxes for the apartment building. As you step in the  
13 south door, they're immediately on your left.

14 You're looking down the hallway. Okay, now you're  
15 looking in the door from the hallway into Jennifer's  
16 apartment. This is the living room area.

17 The person you saw briefly was Dean Kennedy taking  
18 photographs of the scene.

19 Q The television and the video is on?

20 A The television is. I can't tell if the video is on  
21 from the picture.

22 This is a view of the body as looking from the  
23 bedroom door.

24 View of the kitchen. The table, you see the book

1 bag and the purse on the table.

2 At this point it appears the person taking the film  
3 is standing in the living room area of Jennifer's apartment.

4 This again is a view of the kitchen from the living  
5 room. The couch, the garbage bag on the couch. In front of  
6 that is a small table with the keys and the remote control.  
7 To the left you'll see the telephone. Directly behind that is  
8 the answering machine. Once again, the coffee table with the  
9 keys, the garbage bag.

10 Q Is that a remote control for the television?

11 A I did not try the remote control to find out what it  
12 operated. I can't answer that.

13 Top of the photograph is the air-conditioner for the  
14 apartment. It was a window unit. These are the living room  
15 windows. The flashes that you saw, as I mentioned earlier, is  
16 Dean Kennedy taking photographs of the scene.

17 These are posters up on the living room wall.

18 The garbage can that was pulled out in the kitchen.  
19 On the table behind the book bag and the purse is a small word  
20 processor, a table-top unit. It's a cream or off-white color.  
21 Some books stacked on top of it.

22 This is the bathroom floor. There's a small piece  
23 of hair laying here which appeared to come from the black cat  
24 which Jennifer used to own.

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APPENDIX 002984

1 This again is the bathroom.

2 This is the bedroom once again. This is looking in  
3 the door, the wall which would be on your left if you were to  
4 walk into the bedroom.

5 Zooming in on the table. There's a Bible there,  
6 telephone.

7 This is a farther shot. Once again you'll see the  
8 joint compound, sander, other items.

9 This is the back of Jennifer's bedroom door. On the  
10 right side you'll see the hoop earring which Dean Kennedy  
11 referred to, and the clump of hair. This is the other hoop  
12 earring which was found inside the front door. This was the  
13 red shoe which was found in the hallway. And this is a shot  
14 of the other shoe which was still on Jennifer's left foot.

15 You see the white alarm clock on the left, the brown  
16 alarm clock on the right located just behind the power strip.  
17 Single bed that's on the left. See a lamp on her dresser, and  
18 then the bunk beds on the right.

19 Q That lamp appears to be on, correct?

20 A Yes, it does appear to be on.

21 Q Previously we went by the bathroom. Did you notice  
22 if the bathroom light was on?

23 A I believe it was. There was light in the room. I'm  
24 assuming it came from the bathroom light.

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APPENDIX 002985

1 purposes?

2 A Yes, I believe it does.

3 Q Prior to the -- I'm sorry, when you returned to the  
4 crime scene after questioning Mr. Swaine, were you involved in  
5 retrieving some items of evidence at that point in time?

6 A Yes, sir, I was. The crime scene technician was  
7 just finishing up his work at the apartment. He asked if  
8 there was anything that I would like to take as evidence which  
9 he was not going to take.

10 Q And did you gather some items at that point?

11 A Yes, I did.

12 Q What items did you gather?

13 A I gathered the word processor off that table, some  
14 disks I found in the bedroom desk and drawers, and a box of  
15 letters which I believe were found under one of the two beds.

16 Q Did you, at the station, review the letters that you  
17 had found?

18 A Yes, sir, I did.

19 Q Did you find some letters which appeared as if might  
20 have been letters to Jennifer from Mr. Beaman?

21 A Yes, I did.

22 MR. SOUK: If we could have the lights please?

23 A Mr. Souk, I'll need to advance the slide projector  
24 to the right place.

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APPENDIX 002986

1 Q (By Mr. Souk) You have the controller here with  
2 you?

3 A Yes, I do.

4 Q If you would advance that.

5 A I'll need to go quite a ways. Could I step down and  
6 adjust the projector?

7 THE COURT: You may.

8 A Thank you.

9

10 (WHEREUPON A BRIEF INTERRUPTION WAS HAD.)

11

12 Q (By Mr. Souk) Let me show you first what's marked  
13 People's Exhibit 4-A, and also has Grand Jury Exhibit No. 17  
14 affixed to it, and ask you if those are copies of certain of  
15 the letters that you found at Jennifer's apartment that day?

16 A Yes, sir, they are.

17 Q And are those -- is that Grand Jury Exhibit, are  
18 those letters that Mr. Beaman later admitted were letters that  
19 he had, in fact, written to Jennifer?

20 A I believe so, yes, sir.

21 Q And I'm going to show you People's Exhibit 4-B-1  
22 through 4-B-24, and ask you if those are the originals of  
23 those copies, People's Exhibit 4-A?

24 A Yes, sir, they are.

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APPENDIX 002987

1 Q In reviewing these letters, did you find in the  
2 letters certain indications of Mr. Beaman's feelings towards  
3 Miss Lockmiller?

4 A Yes, I did.

5 Q And in preparation for court today we now have a  
6 slide here that appears to have a portion of one of the  
7 letters enlarged. Did you prepare these, and if you will,  
8 take out certain portions that express those feelings that you  
9 found in reviewing the letters?

10 A Yes, I did. The actual letter, itself, will appear  
11 behind the blow-up window. The window makes it just a little  
12 easier to read the important part.

13 Q And the arrow comes from the part of the letter  
14 where that blow-up was taken from, correct?

15 A That's correct. I intended to put the arrow where  
16 it started.

17 Q Do you need a list to know which ones we're on?

18 A I don't believe so.

19 Q The slide that we're looking at now, which number is  
20 that?

21 A That's 4-B-1.

22 Q And Mr. -- The blow-up is in Mr. Beaman's  
23 handwriting. It's actually what's written on the letter.  
24 Is that correct?

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AB017804

APPENDIX 002988

1 A Yes, sir, it's an actual blow-up of the letter.

2 Q And the blow-up portion, would you read that out  
3 loud?

4 A Yes. "Thinking about you puts me to sleep at night  
5 and wakes me up in the morning. I'm always afraid you'll get  
6 scared of us and that you'll drop me."

7 Q Could we go to the next slide please? Which letter  
8 is that on the next slide that's now on the screen?

9 A That's letter 4-B-3, People's Exhibit 4-B-3.

10 Q There doesn't seem to be a blow-up on that portion.  
11 Is there a reason for that?

12 A Yes, sir, the approximate bottom half of the letter  
13 I found to be important. Therefore, I thought a blow-up of  
14 the bottom half of the letter wouldn't do much good as  
15 compared to showing the entire letter.

16 Q The portion that goes to his feelings that you  
17 noted, would you read that please?

18 A Yes. Down towards the bottom he lists, "Fantasies:  
19 Funks Grove, lots of brush and covered by foliage. There's no  
20 one around, and even if there was, they couldn't see through  
21 all of the thick foliage. What do you say about that one? Or  
22 in a sleeping bag, or standing up in parenthesis" -- I'm  
23 sorry, yes, "propping you up against a wall or something, end  
24 parenthesis."

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AB017805

APPENDIX 002989

1           For the back of People's 4-B-3. I would need to  
2 switch to the next slide.

3           Q     Yes, would you do that as you need to?

4           A     The back of the page continues, "Or you could let me  
5 do a certain thing I've wanted to do for awhile that you  
6 always tell me I can't do, no pressure of course, but I'll try  
7 to make you beg for it next time I'm with you. Beer massage  
8 would be nice to do again. Damn it, now I'm horny. In the  
9 fly gallery at the theater at IWU (I've wanted to do that for  
10 years.) On the quad, if you're feeling brave enough. It  
11 would also be fun to go into a one-person public restroom and  
12 get a little crazy. God! The possibilities are endless.  
13 Write yours to me. I love you. Gotta go. I dig you," and  
14 appears to have Alan's signature on the bottom.

15          Q     Would you go to the next slide please, and again  
16 which exhibit --

17          A     This would --

18          Q     -- does this slide go with?

19          A     People's Exhibit 4-B-4.

20          Q     And you have no blow-up here. Is there a  
21 substantial portion that you considered to go to his  
22 feelings?

23          A     Yes, that is correct.

24          Q     Would you read those portions?

1           A     If I could look at my report. I would need page --  
2 either seven or eight. I stand corrected, this letter starts  
3 in People's Exhibit 4-B-5.

4           Q     Okay, and would you read the portions that go to his  
5 feelings?

6           A     Yes, I would. Underneath the blacked out marks  
7 there's a little spot, and then it starts out, "Okay, you got  
8 it, all out honesty. Here's the things you don't want to  
9 hear. Number one, I really just want you to be with me and  
10 only me," only underlined, "Selfish, but honest. Number two,  
11 when I say I love you on the phone, I wish you would say it  
12 back and not give a shit who is sitting there in your living  
13 room. Number three, I won't be able to handle this much  
14 longer without some growth in our "relationship." Number  
15 four, I'm not sweet, I'm a selfish asshole with a thorn in my  
16 pride and I want to be yours, but only if you're mine." It  
17 continues on the back of People's Exhibit 4-B-5, "Number five,  
18 even I sometimes put on a pair of shiny shoes. Number six,  
19 are you wanting inspiration? You spill your secrets on me,  
20 then you tell me with a whisper of things that will never be,  
21 Black Crowes." It appears to be a quote. "Number seven,  
22 lover cover me with your sleep, let your love light shine.  
23 Lover cover me with a good dream, let your love light shine,  
24 Black Crowes. Number eight, yeah, I fucked up. I'm only

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APPENDIX 002991

1 human. If you wanted a demi God or a martyr, you should have  
2 become a nun and chased priests." Then there's a star on the  
3 bottom, "I guess that's the bad part about boys who don't wear  
4 shiny shoes, they have real emotions." Real is in large  
5 letters. "Love me, need me, want me, trust me and respect me.  
6 I'll do the same for you."

7 Q The next slide, which exhibit is that?

8 A That was People's Exhibit 4-B-4, and --

9 Q And would you read the portion that goes to his  
10 feelings for Jennifer?

11 A On the back of that exhibit it goes on, "Now my  
12 bitter hands, frayed on broken glass of what was everything.  
13 All the pictures have been washed in black, tattooed all I  
14 see, all that I am, all I'll be. I know some day you'll have  
15 a beautiful life. I know you'll be the sun in somebody else's  
16 sky. But why, why, why can't it be, why can't it be mine?"  
17 And then in very large letters he has, "I love you! Stop  
18 dragging around!" Signed, "Honesty from the heart,  
19 Incorporated," and once again appears to have Alan's signature  
20 on the bottom.

21 Q And now on the next slide goes with which exhibit?

22 A The next slides goes to Exhibit 4-B-8.

23 Q And you've blown up a portion of that, and it's  
24 going to his feelings, correct?

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1 A Yes, sir, I have.

2 Q And would you read the blown-up portion of that  
3 please?

4 A "Okay, so I'm a fucking asshole, but I'm not a drug.  
5 You can't just quit me, then come back, then quit me again,  
6 then come back over and over. Sometimes it happens three  
7 times a day. I now understand why things have been tense  
8 these past couple of weeks, and I haven't made it any better.  
9 I'm sorry. I never wanted to hurt you. I just want to love  
10 you, want you, need you, trust you and respect you. Dig?",  
11 and then at the bottom appears to have Alan's signature.

12 Q Go to the next slide please. Again, which exhibit  
13 does this slide equate to?

14 A This is People's Exhibit 4-B-9. There were two  
15 particular quotes on the front page of this exhibit. The top  
16 one states, "I'm good and messed up about everything."  
17 Farther towards the bottom he states, "I don't know what my  
18 life is for yet. I don't know about anything for sure, but I  
19 know that I love you."

20 Q The next slide please. And this slide refers to  
21 which exhibit?

22 A This slide exhibit relates to Exhibit 4-B-10.  
23 "When I say goodnight to you, I want you to kiss me goodnight  
24 whether or not Jon, or Slush, or Bubba is watching." Towards

1 the bottom in large letters it says, "I want to be at peace  
2 with you and for you to be at peace with me."

3 Q Next slide please.

4 A The next slide relates to Exhibit 4-B-13.

5 Q And the blown-up portion there that you -- that goes  
6 to his feelings?

7 A States, "I know there's things about me that bother  
8 you, but I want to make a change in my lifestyle. I want to  
9 be monogamous, and I want it to be with you."

10 Q The next slide refers to which exhibit?

11 A The next slide refers to Exhibit -- People's Exhibit  
12 4-B-15. The large portion shows, "I love you! More  
13 passionately than Romeo did Juliet. More hopelessly than  
14 Ophelia did Hamlet. More vengefully than did Medea, Jason."  
15 And then in parentheses, "Don't worry, I won't kill anybody.  
16 I don't believe in that.", end parentheses -- or end quotes.  
17 "I do unto others as I would have them do unto me from now on.  
18 That's why I love you, ..., that's why I need you, ..., I  
19 could really grow up for you," with really underlined.

20 Q Next slide please. Next slide refers to which  
21 exhibit?

22 A Refers to People's Exhibit 4-B-16.

23 Q And the blown-up portion reads?

24 A This is on the bottom of the note, "When I show up

1 at your door on Friday, you'd better grab me, pull me in, shut  
2 the door, lock it, throw me down right there on the floor, and  
3 make love to me. Dig? P.S. I miss you muchly. P.P.S. I  
4 tried to make this smell like me, smoke. P.P.P.S. I don't  
5 care if you bleed all over me."

6 Q Next slide please. Which exhibit does this slide  
7 refer to?

8 A This refers to People's Exhibit 4-B-18.

9 Q Read the blown-up portion please.

10 A Just a moment, let me take a look. Says, "As I came  
11 to realize that I needed you I became insecure and afraid of  
12 losing you. Jealousy became all too common. Then when I went  
13 back to school I felt that you were trying to return to your  
14 past, that," and it's continued onto 4-B-19. Picking up where  
15 I left off "that you didn't need me or love me. I was walking  
16 on eggs and I thought you didn't love me anymore. So I ran  
17 away."

18 Q Next slide please. This equates to which exhibit?

19 A Sir, may I approach the slide so I can see it a  
20 little closer?

21 MR. SOUK: Your Honor?

22 THE COURT: You may.

23 A This slide relates to People's Exhibit 4-B-21.

24 Q (By Mr. Souk) And would you read the blown-up

1 portion of that please?

2 A Yes. "I'm sorry that I've been such an ass lately.  
3 It seems like every time I don't get my way, I freak out and  
4 do something stupid." The bottom quote, "and then over the  
5 weekend in Chicago," excuse me, "I know that it's a problem  
6 and I'm really trying to mellow out about things like that."  
7 The next two quotes are from the same page, "Needless to say,  
8 this whole Bubba thing has got me freaked out more than you  
9 could possibly imagine." The smaller box on the right is the  
10 way he signed off on the letter, "With the most confusing and  
11 passionate love ever imaginable in anyone's wildest dreams."  
12 Once again it appears to have Alan's signature at the bottom.

13 Q All right, the next slide please.

14 A This slide relates to People's Exhibit 4-B-22. It  
15 states, "I have a short temper, I need your help with that."

16 Q Next slide?

17 A This slide shows the entire letter marked People's  
18 Exhibit 4-B-23.

19 Q And would you read the portion of that that relates  
20 to his feelings?

21 A Yes, sir. "I can't bear any longer to stare into  
22 your eyes to see the barrage of countless past lovers of your  
23 life. I cannot look at you if I cannot touch you. Damned if  
24 I do, damned if I don't. I will not let myself love ever

1 again. I'll just sink back into the hollow, selfish, unhappy,  
2 bottle crawling pieces of man that found true love for a few  
3 brief weeks and had it stolen by the child in him that merely  
4 wanted to make things less sticky for you. After all, it was  
5 you who said you didn't want to a commitment. And then when  
6 I finally stopped trying to get a commitment, you gave up on  
7 me without ever saying that you did want one. That's not  
8 fair. That's narrow-minded. Remove the log from your eye  
9 before removing the twig from mine. Get it?"

10 Q Next slide please.

11 A This again appears to be the back side of 4-B-23.  
12 "When I'm around you I feel like falling apart and I can't  
13 handle that anymore. If I thought that things would ever  
14 change with us," in quotes, "it might make it easier. Your  
15 phrase NBF is just a sign to me of my failure to be good  
16 enough for you, and your constant reminding me is a living  
17 hell. I want you back and I'll sacrifice my pride to get you  
18 back. But if I can't have you back, then pride is all I  
19 have," all in capitals. "So don't do me any favors. Just do  
20 what you want to do. And if I can't convince you of my love  
21 and we can't get back together to form a basic trust, then get  
22 the fuck out of my life." There's more, but I didn't feel it  
23 was relevant.

24 Q Do those slides now complete the portions of the

1 letters that related to Mr. Beaman's feelings towards Miss.  
2 Lockmiller?

3 A Yes, sir, I believe they do, the important parts..

4 Q From the day that Jennifer's body was discovered,  
5 have you remained assigned to and working on this case?

6 A Yes, sir, I have.

7 Q I want to ask you some questions now about the  
8 further investigation in this case beginning with August the  
9 29th of 1993. Did you have occasion to reinterview Mr. Swaine  
10 on that day?

11 A Yes, sir, I did.

12 Q Did you also, on that day, return to the scene with  
13 Detective Warner?

14 A Yes, sir, I did.

15 Q And on that occasion did you and he gather a piece  
16 of evidence from the scene that had been left there?

17 A Yes, sir.

18 Q What was that?

19 A That was a plastic garbage bag that was left on the  
20 couch in the living room.

21 Q Was it still in the same place that it had been the  
22 day before?

23 A Yes, it was.

24 Q When you had left the day before, and after the

1 crime scene technician had finished and Jennifer's body was  
2 removed, was the scene sealed up in any way?

3 A Yes, sir, it was.

4 Q What did you do to seal the scene?

5 A I believe, first of all, we locked the door, and  
6 then we called the maintenance person over who took a large  
7 piece of plywood, placed the plywood across the doorway. The  
8 crime scene technician then placed the red evidence seal  
9 across a portion of the plywood and the door so that if  
10 anybody were to try to remove that tape it would show on that  
11 plywood that it would come off. He then placed his initials  
12 on that tape to show that he had been the one to place that on  
13 there.

14 Q And you saw it placed on that tape?

15 A Yes, sir, it was.

16 Q Did you have to remove that seal and the plywood to  
17 get in?

18 A Yes, sir, we did.

19 Q Show you People's Exhibit No. 46, which I don't  
20 believe has been opened. Ask you if you'd open that just  
21 enough to look and see what's in it. Tell us what that is  
22 please.

23 A Yes, sir, that appears to be the pink garbage bag.

24 Q Does it appear to be in the same condition as when

1 you gave it to the lab for fingerprints?

2 A There's been extensive evidence of fingerprint work,  
3 but other than that, it appears to be the same pink garbage  
4 bag.

5 Q Did you or Detective Warner later deliver that to  
6 the crime lab for analysis?

7 A Yes, sir.

8 Q I want to call your attention now to August the 30th  
9 of 1993, and ask you if on that date you had occasion to do  
10 some checking to discover possible credit cards issued to Alan  
11 Beaman, and what you found in that regard?

12 A Yes. I contacted the credit bureau and asked for a  
13 search on any credit cards, bank cards, ATM cards that he  
14 might have in his name. We were trying to determine if they  
15 might have been used for anything during that time frame.

16 Q Did you discover any credit cards in his name?

17 A Yes, sir, we discovered two credit cards in his  
18 name.

19 Q Okay, and any usage on those credit cards that was -  
20 - that you could figure out was relevant to this  
21 investigation?

22 A Nothing that was relevant, no. One card had not  
23 been used, and the second one was last used in Rockford at a  
24 Denny's.

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APPENDIX 003000

1 Q At that point in time, were you checking out anyone  
2 else's credit cards?

3 A At that point in time, no, I don't believe so.

4 Q Perhaps we're getting a little ahead of ourselves,  
5 but at some time later in the investigation, did you ever have  
6 occasion to check car rental agencies in the Rockford area to  
7 determine if you could find any evidence of Mr. Beaman having  
8 rented a car on or about August 25th of 1993?

9 A Yes, sir.

10 Q Did you ever find any evidence of any such rental?

11 A No, sir, there was no evidence of such a rental.

12 Q On August the 31st of 1993, ask you if you had  
13 occasion to go to the grand jury and seek your first subpoena  
14 in this case for phone records relevant to the investigation?

15 A Yes, I did.

16 Q And just for simplification purposes, were there a  
17 number of occasions after that where you returned to the grand  
18 jury to get additional phone records?

19 A Yes, sir.

20 Q And would it be accurate that the phone records that  
21 you gathered in this investigation were quite voluminous?

22 A Yes, sir, there were quite a few phone records  
23 retrieved.

24 Q And were those gathered over a period of a number of

1 months pursuant to subpoenas?

2 A Yes, they were.

3 Q And those -- A relevant portion of those phone  
4 records would be the subject of some stipulations between the  
5 parties that have been prepared. Is that correct?

6 A Yes, sir, that's correct.

7 Q The phone records that you gathered as part of this  
8 investigation, when were those phone records turned over to  
9 either Mr. Beaman or his attorney?

10 A Those phone records were turned over pursuant to a  
11 discovery motion after the defendant's arrest in this case.

12 Q And would that have been sometime after his actual  
13 indictment in July of 1994?

14 A Yes, sir, I believe so.

15 Q Okay. And as part of your procedures as a police  
16 officer, who did you turn those records over to?

17 A I turned those records over to the state's  
18 attorney's office. They correlated all discovery motions  
19 going to the defendant.

20 Q So it was then the job of our office to get things  
21 to the defendant and his counsel. Is that correct?

22 A Yes, sir, that is correct. I worked directly  
23 through the state's attorney's office.

24 Q And that's normal procedure in all cases?

1 A Yes, sir, it is.

2 Q On August the 31st I'd ask you if you also had  
3 occasion to have a telephone interview with a Virginia  
4 Betteridge?

5 A Yes, sir, I did.

6 Q And is that the same Virginia Betteridge that  
7 previously testified in this case who had worked with Michael  
8 Swaine?

9 A I didn't meet her, it was a phone conversation. But  
10 I believe it to be the same Virginia Betteridge, yes.

11 Q When you talked to her, did she tell you the same  
12 thing she told us here in court basically?

13 A Yes, sir, she did.

14 Q Did you also have a phone interview with Stacey  
15 Gates on that day?

16 A Yes, sir, I did.

17 Q On September the 1st of 1993, did you begin some  
18 efforts with the cooperation of Michael Swaine?

19 A Yes, sir, that is the day we got the first court-  
20 ordered authorized overhear.

21 Q First, would you tell us at that point in time, had  
22 you sufficiently eliminated Mr. Swaine as a suspect that you  
23 wanted to ask for his cooperation?

24 A Yes, sir, to my satisfaction we had established a

1 solid alibi for Mr. Swaine.

2 Q Would you tell us the process that you have to go  
3 through in order to do what I'll hereafter refer to as what we  
4 commonly refer to as overhears? Would you explain that  
5 process?

6 A Yes, sir. The only way that you can record  
7 somebody's voice or activities without their consent is  
8 through a court-ordered authorized overhear, consensual  
9 overhear. In order to do that, you must have the consent of  
10 one of the two parties in the conversation. That overhear is  
11 normally issued by the judge, and in order to get that  
12 overhear, you must provide probable cause of why you think  
13 that overhear is needed. And in this particular case we were  
14 able to establish enough probable cause to obtain a court-  
15 authorized overhear for a conversation between Michael Swaine  
16 and Alan Beaman. We completed a request for overhear,  
17 presented that to the judge. The judge reviewed it, and upon  
18 his approval, he signed the court-authorized overhear form to  
19 allow us to do that particular technique.

20 Q And just for simplification purposes, there were  
21 several conversations involving Mr. Swaine that required an  
22 order. Is that correct?

23 A Yes, sir, that is correct.

24 Q And later on there were several conversations

1 between yourself and Mr. Beaman that required overhear orders.  
2 Is that correct?

3 A That is correct.

4 Q And on each of those occasions, did you follow the  
5 same procedure and go back to one of the judges that works  
6 here in the courthouse and obtain an overhear order by the  
7 procedure you have indicated?

8 A Yes, sir. I believe on each case there was a  
9 separate overhear order.

10 Q You're not -- You don't get just one overhear order  
11 at the beginning of the case and go with that the whole way  
12 through?

13 A No, sir. Circumstances change and people involved  
14 in the overhears change, and therefore each time you attempt  
15 an overhear you have got to get a fresh overhear order. Also  
16 they are only valid for approximately ten days to two weeks,  
17 and therefore they will expire and you have to get a new one  
18 to replace that older order.

19 Q In the early part of September, did you have a  
20 couple of overhear attempts by telephone using Mr. Swaine that  
21 were basically unsuccessful?

22 A Yes, sir, we did.

23 Q There was no connection between him and Mr. Beaman  
24 on those, correct?

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APPENDIX 003005

1 A That's correct.

2 Q I call your attention now to September the 3rd of  
3 1993, and ask you if you had occasion to go to Rockford that  
4 day as part of the investigation?

5 A Yes, sir, I did.

6 Q At that time did you go to -- or drive past the  
7 Beaman house at [REDACTED] [REDACTED] [REDACTED]?

8 A Yes, sir, I did.

9 Q Did you, at that time, have occasion to see the gray  
10 Ford Escort with license plates BBB 282 there?

11 A Yes, I did.

12 Q And was that the day that you interviewed Mike  
13 Vanberringer, as he testified to here in court?

14 A Yes, that is correct.

15 Q Did you also go to Auburn High School where Carol  
16 Beaman is employed?

17 A Yes, I did.

18 Q At that time, did you attempt to ascertain whether  
19 there were any records for the week of August 23rd which might  
20 indicate her presence there, or possibly even the presence of  
21 her son, Alan?

22 A Yes, I made the attempt, but at that time school had  
23 not started. Teachers were in and out before and after  
24 classes, so it was very hard to find any recorded

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1 documentation of presence during that week.

2 Q Were you able to find any witnesses with any  
3 specific recollections of when they may have seen Mrs. Beaman  
4 and/or Alan there the prior week?

5 A No, no witnesses with specific dates and times.

6 Q On September the 5th did you have another  
7 unsuccessful telephone attempt overheard with a telephone?

8 A Yes, we did.

9 Q On September 8th, after obtaining another overheard  
10 order, then did -- with Mr. Swaine's cooperation and consent,  
11 did you conduct an overheard that day?

12 A Yes, I did.

13 Q Prior to that time, earlier that day, did you have  
14 occasion to get Mr. Swaine's fingerprints from him to use for  
15 laboratory examination purposes?

16 A Yes, I did.

17 Q I show you People's Exhibit 47 which contains some  
18 print cards, and ask you if those are the print cards that you  
19 took from Mr. Swaine that day?

20 A The top print card is a card that I took. Shows  
21 Michael J. Swaine's signature and my signature on it. The  
22 palm print card was taken by Detective Warner.

23 Q But those were both taken that day at the Normal  
24 Police Department?

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APPENDIX 003007

1 A Yes, I believe so.

2 Q And conveyed to the crime lab for comparison  
3 purposes by Mr. Dierker?

4 A Yes, both are dated 9-8 of '93.

5 Q When that day was the -- approximately was the  
6 overhear between Mr. Swaine and Mr. Beaman done?

7 A According to my report I picked up Mr. Swaine at  
8 approximately 6:30 P.M. We talked about the plans for the  
9 overhear. At about 9:40 P.M. the body wire was strapped onto  
10 Mr. Swaine. He then exited the van that we were sitting in  
11 and engaged Mr. Beaman in conversation.

12 Q Do you, in doing that, have to obtain some technical  
13 services from somewhere?

14 A Yes, sir, we did. You have to be specially trained  
15 in doing the body wire. You have to be certified by the state  
16 to operate the body wire. Therefore, our department always  
17 called upon the State Police Tech Services division to assist  
18 in that matter.

19 Q I take it when you're talking about body wire,  
20 you're talking recording equipment that's hidden from view?

21 A A Nagra recorder, about this tall with an elastic  
22 cord and two wires then come over the shoulders, each with  
23 microphones attached to them. And there's an RF transmitter  
24 that accompanies that unit.

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APPENDIX 003008

1 Q And during the time that the overhear is actually  
2 taking place, where were you located?

3 A I was located in a Dodge or a Plymouth minivan  
4 sitting right across the street from McPherson Hall, along  
5 with two individuals from tech services.

6 Q Could you and the technical people hear the  
7 conversation at the time that it was taking place?

8 A Yes, sir. The Nagra recorder is a reel-to-reel  
9 recorder, but as I mentioned, the RF transmitter that is also  
10 stuck in the elastic in the front, and the RF transmitter  
11 transmit all of the conversation back to the unit where the  
12 tech services are monitoring the equipment. So we had the  
13 receiver in the van with us and could hear the entire  
14 conversation.

15 Q After the conversation ended, was the tape from the  
16 tape recorder on Mr. Swaine's body recovered by yourself?

17 A It was recovered by the tech services individuals in  
18 my presence, sir.

19 Q Did they then turn it over to you?

20 A Yes, sir, they did after making a recording onto an  
21 audio cassette tape. We don't have the facilities to run a  
22 reel-to-reel tape to play it back.

23 Q After obtaining that, did you make other copies at  
24 the police station?

1 A Yes, sir, I did.

2 Q And at the appropriate time, did you have that  
3 transcribed by the secretarial help available to you?

4 A Yes, sir, I did.

5 Q Did you compare the transcript of those two tapes?

6 A Yes, I've listened to it numerous times, sir.

7 Q Did you also -- Is there a requirement pursuant to  
8 the overhear statute that you do something with the original  
9 of those tapes?

10 A Yes, sir. This again -- Since it requires a court  
11 order we obviously don't have Carte Blanche just to do  
12 whatever we want. We must give the original copy of that tape  
13 to the issuing judge so he can listen to it and approve what's  
14 contained within the tape before that tape can be used in this  
15 case. An overhear return was done to the judge.

16 Q And again for simplicity's sake, all the overhears  
17 that we're going to hear about today, did you follow that same  
18 procedure and have the transcripts made, keep copies of the  
19 tape, and return the original to the judge as required by law?

20 A Yes, sir, I did returns on all overhears.

21 Q On the 15th of September, did you do another  
22 overhear involving an in-person conversation between Mr.  
23 Swaine and Mr. Beaman?

24 A Yes, I did, once again involving the Nagra recorder,

1 RF transmitter, and a conversation between Mr. Beaman and Mr.  
2 Swaine.

3 Q Where did both of these conversations take place,  
4 the one on the 8th and the 15th?

5 A Both occurred on Illinois Wesleyan campus,  
6 Bloomington, McLean County, Illinois.

7 Q And could you hear the conversation again as it was  
8 going on?

9 A Yes, sir, I could. I was sitting in the same van  
10 once again.

11 Q Did you follow the same procedure with a transcript  
12 and copy of the tapes that we previously mentioned?

13 A Yes, sir, I did.

14 Q I call your attention to September 22nd of '93, ask  
15 you if you had another occasion to make a trip to Rockford at  
16 that time?

17 A Yes, sir, I did.

18 Q Did you have occasion to interview Dennis Brown,  
19 who's testified in this case?

20 A Interviewed Dennis Clark, sir.

21 Q I've got Brown down. His name is Clark, isn't it?

22 A Yes.

23 Q Okay. Thank you.

24 The gentleman who worked with Mr. Beaman at the

1 Gray's IGA, correct?

2 A Yes, sir, the maintenance man for Gray's IGA.

3 Q And, at that time, did you also obtain Mr. Beaman's  
4 work schedule from the -- from the records there at the IGA?

5 A Yes, I did.

6 Q Call your attention to September the 23rd of 1993,  
7 and ask if you had occasion to go to the grand jury of McLean  
8 County on that day and request a subpoena of the defendant's  
9 bank records at Bell Federal Savings & Loan in Rockford,  
10 Illinois?

11 A Yes, sir, I did.

12 Q How was it that you knew to seek those bank records?

13 A I got lucky, sir. I went to the Rockford phone  
14 book, went to the yellow pages, and started calling each bank  
15 in the yellow pages. I found Bell Federal to be one of the  
16 first or second banks.

17 Q Basically just called up the banks and asked if they  
18 had an account there?

19 A That's correct, sir.

20 Q Did you not receive that information from Mr.  
21 Beaman?

22 A No, sir, I did not.

23 Q All right --

24 A It also might have been contained in the credit

1 bureau report, but I can't be sure about that without looking.

2 Q Calling your attention to September the 24th of  
3 1993, did you have some contact with people from Bell Federal  
4 in Rockford on that date?

5 A Yes, sir, I did.

6 Q And was that the first time that you learned of Mr.  
7 Beaman's presence at the bank on August the 25th of 1993?

8 A Yes, that was my first indication of that.

9 Q Did they later send you a video tape which you were  
10 able to view and verify a week or two later?

11 A Yes, sir. I asked them if they had a video tape,  
12 and they said they did, and they did send it to me.

13 Q What did that video tape show?

14 A The video tape showed Alan Beaman standing in the  
15 Bell Federal Bank in Rockford, Illinois, at 11 minutes after  
16 ten. If I could refer to my reports -- When I received the  
17 video tape back from Bell Federal, showed him entering the  
18 bank at 10:09 and 22 seconds of 8-25 of '93, remaining there  
19 until 10:11 and 43 seconds on the same date.

20 Q And you personally viewed that and satisfied  
21 yourself it was Mr. Beaman in the video tape?

22 A Yes, sir, I did.

23 Q On October the 12th of 1993, did you have your first  
24 personal contact with Mr. Beaman in connection with this

1 investigation?

2 A Yes, sir, I did.

3 Q Now you were aware that he had been questioned  
4 originally in Rockford by Detective Daniels?

5 A Yes, sir, I was well aware of that.

6 Q And obviously you've already indicated you were  
7 aware of the conversations with Mr. Swaine in September?

8 A Yes, sir, I was.

9 Q As far as contact with actual police officers  
10 between August the 28th or the early morning hours of the 29th  
11 and your first conversation with him on October the 12th, were  
12 there any other direct police contacts with Mr. Beaman?

13 A No, sir, there was not.

14 Q On that occasion, prior to your conversation with  
15 him, did you have occasion to obtain a search warrant?

16 A Yes. Lt. Brown from the county sheriff's department  
17 obtained that.

18 Q And what was that search warrant for?

19 A That search warrant was for body fluids and hair  
20 samples from Alan Beaman.

21 Q And were those used for comparison purposes at the  
22 laboratory?

23 A Yes, that is correct. What would typically be  
24 called a rape kit is what we were attempting to get.

1 Q Did that also include fingerprints?

2 A Yes, sir, it did.

3 Q And what's the procedure you have to go through to  
4 obtain that search warrant?

5 A To obtain the search warrant we have to once again  
6 go in front of a judge. We have to show probable cause as to  
7 why we feel we need the items listed in the search warrant.  
8 We were able to establish that Alan was a boyfriend, and that  
9 there was motive based on the letters. And after presenting  
10 that to the judge, along with other items, we were able to  
11 explain to the judge that we required to get this kit so we  
12 could make identifications, matches, or attempt to make  
13 matches from the evidence found at the scene. The judge  
14 approved that and saw that there was need for that and signed  
15 a search warrant for the body of Alan Beaman to recover those  
16 samples.

17 Q At that time were you aware from the preliminary  
18 laboratory analyses that there were possible prints that might  
19 be compared in this case, and also possible semen stains?

20 A Yes, sir, I was.

21 Q As part of that search warrant process -- After you  
22 completed the search warrant, what are you required to do  
23 after you have done the actual gathering of the evidence?  
24

A Well, just as in the overhear return, once again,

1 it's not Carte Blanche. We have to give a return to the judge  
2 and tell him exactly what we took and when it was taken, and  
3 then he approves that and says that it was done legal and  
4 justly. So we did return -- or make a return on the search  
5 warrant.

6 Q Did you and Lt. Brown locate the defendant that day?

7 A Yes, sir, we did, outside McPherson Hall, Illinois  
8 Wesleyan campus.

9 Q And I think we've done that, but for the record is  
10 the Alan Beaman that you have been dealing with throughout the  
11 investigation in the courtroom?

12 A Yes, sir, he is, sitting to the right of Mr. Beu  
13 with the long hair.

14 MR. SOUK: May the reflect the identification of the  
15 defendant?

16 THE COURT: Record will reflect.

17 Q (By Mr. Souk) Prior to doing anything with Mr.  
18 Beaman, did you have occasion to read him what are called his  
19 Miranda Rights?

20 A Yes, sir, I did.

21 Q After doing that, did you obtain the samples that  
22 were required by the search warrant?

23 A Yes, sir, we did.

24 Q Did Mr. Beaman cooperate in that process?

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APPENDIX 003016

1 A Yes, sir, he cooperated with us.

2 Q The samples, other than the fingerprints, where were  
3 they gathered?

4 A The samples were gathered at BroMenn Hospital in the  
5 ER room.

6 Q Show you People's Exhibit No. 48, and there's a  
7 48-D that's outside the package, and without opening it, ask  
8 you if you recognize that exhibit?

9 A Yes, sir. That is what's known as a rape kit, the  
10 samples that were taken from Alan Beaman.

11 Q And if we opened that, would we find another --  
12 several other envelopes like this with samples in it?

13 A Yes, you would.

14 Q And were you personally present at BroMenn as those  
15 were gathered by a nurse or someone at the hospital?

16 A Yes. They were gathered by a nurse by the name of  
17 Ron Bartlett. He took all of it in my presence. After he did  
18 that, then I placed this red evidence seal on the box, and  
19 you'll see my initials, TJF, here, here, and up here.

20 Q And then do you send that to the lab for comparison  
21 purposes?

22 A Yes, sir, we do.

23 Q When you got back to the station, before you had  
24 your interview with him, did you take his fingerprints?

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APPENDIX 003017

1 A Yes, sir, we did.

2 Q And did you do that personally?

3 A If I could look at the cards, I could tell whether  
4 I did or not.

5 Q Show you People's Exhibit No. 49.

6 A Yes, sir, I did both the fingerprints and the palm  
7 print cards.

8 Q Okay. And again, did you then convey those to the  
9 laboratory for comparison purposes?

10 A Yes, sir, I did.

11 Q After you finished the fingerprinting, did you have  
12 a conversation with Mr. Beaman?

13 A Yes, I did. When I first approached him I advised  
14 Mr. Beaman he was under the effect of a search warrant. After  
15 the fingerprints were completed, we obtained everything we  
16 needed, I informed him that he was no longer under the effects  
17 of the search warrant, no longer under arrest, and he was free  
18 to leave at anytime, and I think asked if he would mind having  
19 a conversation with me.

20 Q Did he agree to do that?

21 A Yes, he did.

22 Q At that point in time, did you remind him of his  
23 rights that you had read him before, his Miranda Rights?

24 A I believe I did, yes.

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APPENDIX 003018

1 Q During the initial portion of that conversation,  
2 did you ask him about his relationship with Jennifer  
3 Lockmiller and whether or not they had encountered any  
4 problems in that relationship?

5 A Yeah, towards the very first part of the  
6 conversation I just asked him about Jennifer in vague, what  
7 she was like. And as he became more comfortable with the  
8 situation, I focused on their relationship.

9 Q And what did he tell you about the relationship,  
10 itself?

11 A Well again, if I could refer to my notes. He did  
12 state that they would have psychological battles where one  
13 would mention the other's past boyfriends or girlfriends as a  
14 way to irritate the other. He stated that Jennifer would  
15 always win the psychological battles. I mentioned, "Alan, it  
16 sounded like Jennifer had really raked you over the coals."  
17 To which he agreed. He further commented on a time that she  
18 had sexual intercourse with Mike Swaine in the Sigma Chi  
19 basement. Alan made it very clear that she was much less than  
20 faithful. Took everything that he had. Left him a hollow  
21 fucking shell. As we talked he would change his tone from the  
22 normal talking voice to a whisper, and then back to a normal  
23 talking voice.

24 Q When you're referring to your report, I take it that

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APPENDIX 003019

1 this particular conversation was not tape recorded in any  
2 form?

3 A No, sir, it was not.

4 Q Okay. And did you take some notes and later reduce  
5 those to the form of a police report?

6 A Yes, sir, I did. In cases --

7 Q I'm sorry.

8 A -- cases like this, it's hard telling how long we're  
9 going to go, so I try to document everything I do at the time,  
10 so at times such as this, I can refer back to my report and  
11 refresh my memory.

12 Q The report that you're referring to now to refresh  
13 your recollection, those are the reports that you wrote at the  
14 time shortly after you had this interview with Mr. Beaman?

15 A Yes. This was an ongoing report, and I just  
16 continued to add onto it as the case progressed.

17 Q After that initial conversation that covered  
18 generally his relationship and the problems that they had, did  
19 you have occasion to ask him anything about his whereabouts  
20 the week of August the 23rd through August the 28th of 1993?

21 A Yes, I did.

22 Q Could you tell us how you went about that?

23 A Well, we took a short break. He stepped outside  
24 with Lt. Brown to smoke a cigarette. Once he came back in, we

1 restarted the interview. I asked him if he would be willing  
2 to talk with me for awhile longer. He stated he would. I  
3 then -- We were sitting at my desk in the juvenile office. He  
4 was sitting to the left of my desk. I handed him a blank  
5 sheet of notebook paper and pencil. I asked him if he would  
6 write down the numbers of the week, Monday through Friday, on  
7 the left side of that paper. At that time he wrote down,  
8 abbreviated the days Monday through Friday on the left side of  
9 that paper.

10 Q And then what did you ask him to do?

11 A Then I asked him to go back and fill in what he did  
12 the week of August 23rd through August 27th, 1993.

13 Q And what did he do then?

14 A He went immediately to Wednesday and started filling  
15 in what he did on Wednesday. If I could refer to the article,  
16 I could tell you exactly what he wrote.

17 Q Let me show you People's Exhibit No. 44 and ask you  
18 if you recognize that document?

19 A Yes, sir, I do. That is the schedule which he wrote  
20 out for me. Also in the top right corner of the schedule  
21 says, schedule written by Alan Beaman on 10-12-93. Witnessed  
22 by Detective Tim Freesmeyer, my signature, TJF underneath.

23 MR. SOUK: Could we have the lights?

24 Q (By Mr. Souk) The slide that we're now viewing, is

1 that a blow-up of People's Exhibit No. 44?

2 A Yes, sir, it is.

3 Q Okay. The writing that you're referring to in the  
4 upper right-hand corner, that you just referred to, that shows  
5 on the slide in the upper right-hand corner?

6 A Yes, sir, it does. It's in very small letters.  
7 It's hard to read.

8 Q Everything else that was written on the piece of  
9 paper, was that written by Mr. Beaman?

10 A Yes, sir, it was.

11 Q All right. And the days of the week that you  
12 mentioned that he wrote, wrote down first, those are the  
13 Monday, Tuesday, Wednesday, Thursday, Friday that's written  
14 along the left-hand margin line there?

15 A That's correct, along the two vertical lines on the  
16 left.

17 Q And you indicated that he went directly to  
18 Wednesday, correct?

19 A Yes, that is correct.

20 Q At that point in time in the investigation, had you  
21 informed Mr. Beaman the day that it was believed that Jennifer  
22 Lockmiller had been murdered?

23 A No, sir. He was only interviewed one time prior to  
24 the interview, and that was by Detective Daniels up in

009599

1 Rockford, and I don't believe Detective Daniels knew the time  
2 of death.

3 Q At anytime prior to October 12th, had it been made  
4 public the day or time that the police investigation was  
5 focusing on?

6 A No, sir, it did not.

7 Q Could we go to the next slide please?

8 A Yes, sir.

9 Q Again, this is another view of that same slide with  
10 just a heading telling exactly what it is. Is that correct?

11 A Yes, it is.

12 Q And could we go to the next slide? And this has a  
13 part, if you will, blown up with an arrow like we had on some  
14 previous slides, correct?

15 A Yes, sir. This again is a computer-generated slide.

16 Q The blown-up portion here you have typed up rather  
17 than doing it in handwriting, is that correct?

18 A That's correct, just to make it more legible I typed  
19 what was written at that time.

20 Q And the part that's blown-up, is that exactly the  
21 words that were written by Mr. Beaman?

22 A Yes, it is, and it's exactly the words that are in  
23 my police report that I wrote at the time that this was done.

24 Q Those words that are up there, would you read them

1 please?

2 A "Church, ice cream social, seven o'clock,  
3 rehearsed," there's a dash, "Mitch Olson, Choir Director,  
4 Carbone - eight o'clock; Dave Olson's."

5 Q And is that what you observed him write when you say  
6 he went to Wednesday?

7 A Yes, that's the very first thing he wrote on the  
8 page.

9 Q What is the next thing he did on the page?

10 A The next thing he did was to go up to Monday and  
11 write in, "Jen called, I hung up, about five minutes."

12 Q Okay, and then thereafter, what did you observe him  
13 to do?

14 A From there he went on throughout the days of the  
15 week and filled in the rest of his schedule for that week.

16 Q Any -- was that in any particular order, or somewhat  
17 random order, or --

18 A The first two instances stuck out in my mind that he  
19 immediately went to Wednesday, and then to Monday. After that  
20 I don't recall what order he took them in, sir.

21 Q Is that the last slide in that series?

22 A Yes, sir, I believe it is.

23 MR. SOUK: And for the record, those would be slides  
24 44-AX, BX, CX, DX and EX.

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AB017840

APPENDIX 003024

1 THE COURT: All right, back on the record. Counsel and  
2 the defendant return to open court. The witness returns to  
3 the witness stand. Jury is brought back into the courtroom.  
4

5 (WHEREUPON THE JURY ENTERED THE COURTROOM  
6 AND THE FOLLOWING WAS HAD:)  
7

8 THE COURT: All right, for the record, the jury has now  
9 returned to open court. Mr. Souk, you may continue your  
10 examination.

11 MR. SOUK: Thank you, your Honor.

12 Q (By Mr. Souk) Sgt. Freesmeyer, I think we were at  
13 October the 22nd of 1993, and I had asked you if on that date  
14 you had a second interview with the defendant, Alan Beaman?

15 A Yes, sir, we did.

16 Q Where did that interview take place?

17 A That interview -- We first met him at his residence  
18 at [REDACTED]. The interview took place at the state's  
19 attorney's office in Lt. Brown's office.

20 Q At that time, was Lt. Brown serving as the  
21 investigator for the McLean County State's Attorney's office?

22 A Yes, sir, he was.

23 Q And he's recently retired, correct?

24 A Yes, sir, within the last week.

1 Q Prior to arriving at the state's attorney's office  
2 on this occasion, did you read to the defendant his Miranda  
3 Warning?

4 A If I could refer to my notes for just a moment.  
5 Yes, sir, I did.

6 Q And did he agree to go into the office and have a  
7 conversation with you and Lt. Brown?

8 A Yes, sir, he did.

9 Q When you were in Lt. Brown's office, was anyone  
10 present besides you and the defendant and Lt. Brown?

11 A No, there was just the three of us, sir.

12 Q During that conversation, did Lt. Brown have  
13 occasion to ask Mr. Beaman about when the last time was that  
14 he had had sex with Jennifer?

15 A Yes, sir, he did.

16 Q And could you refer to your notes, if you need to do  
17 so --

18 A Yes, he did ask that.

19 Q What was Mr. Beaman's response at that time?

20 A He stated it was during the last week of June, and  
21 the sexual intercourse occurred at Alan's apartment.

22 Q Did Mr. Beaman make any further comments during this  
23 interview about his relationship with Jennifer and the ups and  
24 downs of that relationship?

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AB017842

APPENDIX 003026

1           A     Again, if you'll give me a moment to refresh myself  
2 with my notes. Yes, he stated once again their relationship  
3 was rocky at best. Stated that Jennifer  
4 had broken off the relationship with him 16 times in the last  
5 year, and that he broke off the relationship twice, the second  
6 time being the final time.

7           Q     How long did this interview last altogether?

8           A     It was not very long. It lasted maybe five to ten  
9 minutes, 15 minutes at the most.

10          Q     And how did it terminate?

11          A     Well, the interview was being conducted, as I said,  
12 in Lt. Brown's office. The door was closed. Lt. Brown and  
13 Alan were seated in front of Lt. Brown's desk. I was seated  
14 behind the desk taking notes for the interview. Lt. Brown  
15 asked Alan what happened that day. Alan stated he didn't  
16 know. Lt. Brown said, "I think you do know." At that point,  
17 Alan lost his temper, and he stood up, grabbed his chair, his  
18 coat off the back of the chair, grabbed the door to the room,  
19 slammed the door open to the point that it shook the walls,  
20 stated, "You're just like fuckin' Daniels," in a very loud  
21 voice that the people outside could hear what was going on,  
22 drawing the attention of the rest of the people in the state's  
23 attorney's office. At that point he left the room, walked out  
24 to the elevator.

846

C09604

AB017843

APPENDIX 003027

1 Q Up until Lt. Brown had said that to him, what was  
2 his demeanor like?

3 A Demeanor was absolutely calm, no tension that I  
4 could see, no physical tension.

5 Q At the time that Lt. Brown was asking him questions  
6 and made that comment to him, what was Lt. Brown's demeanor  
7 like?

8 A Lt. Brown's demeanor was very calm, talking in a  
9 voice very similar to what I'm talking like now.

10 Q He was not yelling or shouting at the defendant?

11 A No, sir. At no point did I hear Lt. Brown raise his  
12 voice above a normal speaking tone.

13 Q Did you have occasion to follow the defendant or see  
14 where he went, or what he did?

15 A I attempted to, yeah. I grabbed my keys. I went  
16 out to the elevator area on the sixth floor. I saw Alan  
17 waiting for the elevator. As soon as he saw me, he said,  
18 "I'll take the fuckin' stairs." And he went down the  
19 stairwell to the lobby. At that time, the elevator opened, I  
20 got in the elevator, went to the lobby. As the elevator  
21 opened and I stepped out, I saw Alan leaving the front door of  
22 the Law & Justice Center, walking out in a northerly  
23 direction. I followed him out and stated something to the  
24 effect of, "Alan, this is your best chance to talk to us."

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AB017844

APPENDIX 003028

1 He turned around once and looked at me and kept walking.

2 Q Had you given him a ride down there that day?

3 A Yes, sir, I did.

4 Q Best of your knowledge, he walked home?

5 A Best of my knowledge, he walked home.

6 Q After that occasion, did you make an attempt on  
7 October the 27th of 1993 to reestablish your own personal  
8 contact with Mr. Beaman?

9 A Yes, I did. At that point, he had blown up at  
10 Lt. Brown. I figured I would try to make an attempt to try to  
11 contact him.

12 Q And where did you do that?

13 A I went to McPherson Hall to check the theater shop.  
14 After I obtained approval of the building secretary, I entered  
15 the shop area. Alan Beaman was there. He was working with  
16 his back to me. He turned around and saw me standing there  
17 and motioned me to the outside of the theater, and so he and  
18 I walked to the outside of the theater.

19 Q At that time, were you able to have a conversation  
20 with him for some period of time?

21 A Yes, sir. We stepped right outside McPherson Hall.  
22 I took a seat on a little park bench that's outside there.

23 Q And this conversation, the one on October 22nd, and  
24 the one on October the 12th, were any of these conversations

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AB017845

APPENDIX 003029

1 tape recorded by any means?

2 A On October the 27th, you mean?

3 Q Yes, 27th, and the 22nd, and the 12th of October?

4 A No, none of those conversations were recorded.

5 Q Okay, again --

6 A Not by electronic means, I should say, just in my  
7 notes.

8 Q So again, the one on the 22nd, and for this one on  
9 the 27th, did you prepare police reports based upon your notes  
10 that you are now referring to to refresh your recollection?

11 A Yes, sir, I did.

12 Q I want to ask you some of the details about that  
13 conversation on October the 27th. First, did you, at that  
14 time, during what you were saying to Alan, inform him that he  
15 was going to be arrested at some time for this crime?

16 A Yes, sir, I did.

17 Q And did you inform him that some laboratory results  
18 were still awaiting finalization?

19 A Yes, I stated they were still pending. Lab work was  
20 still being done.

21 Q And without going into the details, did you talk  
22 with him some about some of the evidence that had been  
23 uncovered in the investigation?

24 A Yes, I did.

C09607

1 Q Did you also, at that point, have some conversation  
2 with him that involved the topic of the death penalty?

3 A Yes, I did.

4 Q What did you tell him about that?

5 A After speaking with the representative from the  
6 state's attorney's office, I was authorized to tell him that  
7 if he wished to talk to me and just get it cleared up and get  
8 the matter over with, we would not pursue the death penalty  
9 against him, and that is what I informed him.

10 Q Just to make it clear, he never confessed to you  
11 that day or any other time about this crime. Is that correct?

12 A No, sir, I never did receive a confession from Mr.  
13 Beaman.

14 Q At this point in time, during this conversation, did  
15 you have occasion to confront the defendant with the  
16 information that you previously had received back in September  
17 that indicated he was at the bank at 11 minutes after ten on  
18 Wednesday, August the 25th?

19 A Yes, I did. That was the first time that that --  
20 our knowledge of that information was disclosed to him.

21 Q And on that occasion in talking about that, did you  
22 have occasion to ask him whether or not he had, in fact, even  
23 told investigators on two prior occasions that he had gone  
24 straight home?

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AB017847

APPENDIX 003031

1           A     Yes, sir, I did confirm that with him. I asked him,  
2     "Didn't you tell the officers that you went straight home?"  
3     He said, "Yes."

4           Q     Did you, in telling him about the bank information,  
5     point out that inconsistency to him?

6           A     Yes, I told him it was in direct conflict with what  
7     he had told us. He said he went straight home, we had  
8     information he was at the bank.

9           Q     Did you ask him if he would explain that  
10    inconsistency to you?

11          A     Yes, I did.

12          Q     What was his response to that?

13          A     His response was, "I did not go -- or I didn't go to  
14    Normal."

15          Q     At that time, did he make any indication to you that  
16    he had forgotten that information?

17          A     His only response was, "I didn't go to Normal."

18          Q     As part of your conversation with him that day, did  
19    you directly inform him that there appeared to be a gap in his  
20    alibi during the mid part of the day of Wednesday, August the  
21    25th of 1993?

22          A     Yes, I did. If I can refer to my notes for just a  
23    moment?

24          Q     If you would please.

1           A     Yes. I told him that there was an alibi -- a very  
2 large alibi gap that he had not accounted for.

3           Q     And in so doing, did you again ask him for any  
4 information he could give you about where he was during the  
5 daytime hours on Wednesday, August the 25th?

6           A     Yes, sir, I did. I took a somewhat different  
7 approach than Detective Daniels' did. I tried talking to him  
8 in a very civil, calm demeanor, and asked him if there's  
9 anything that you can give me to help prove you are innocent,  
10 and he said there was nothing that he could give me.

11          Q     Did he again tell you where he was and what he was  
12 doing on Wednesday, August 25th of 1993?

13          A     Yes, he did.

14          Q     And can you refer to your report -- would you do  
15 that, but would you tell us what he told you that day about  
16 his activities on August the 25th?

17          A     I then asked Alan if he recalled telling me that he  
18 was home by himself and sleeping on Wednesday until 3:30 or  
19 four o'clock when his parents arrived home to wake him.  
20 Alan then confirmed that he was home by himself on Wednesday,  
21 August 25th, from around ten or 11 hours until his parents  
22 arrived home at around 1530 to 1600 hours, which would be 3:30  
23 to four o'clock. I asked Alan if he had anyone over to his  
24 house, and he stated no. I asked him if he made any phone

1 calls that morning, and he stated no. Once again I asked  
2 Alan Beaman if there was anyway possible to clear him, and he  
3 stated he couldn't.

4 Q And in fairness, he ended that conversation by  
5 reiterating to you that he did not do this crime, correct?

6 A Yes, sir, that is the way he ended the conversation.

7 Q I want to call your attention to October the 29th of  
8 1993, and ask you if upon that date you had Michael Swaine go  
9 to BroMenn and give some samples similar to the ones that you  
10 had done for Mr. Beaman earlier?

11 A Yes, sir, I did.

12 Q I show you People's Exhibit 51 and several packages,  
13 51-C and D that are removed, and ask you if you recognize that  
14 to be the rape kit and some of the packaging on Mr. Swaine's  
15 rape kit?

16 A Yes, it is. On the small packages that's my  
17 writing, pubic hair samples and head hair samples, and on this  
18 package is one of the typical evidence cards we fill out, and  
19 once again you see my signature on the evidence, TJF --

20 Q And if we opened that, we'd find some more similar  
21 packages?

22 A Yes, sir, I believe so.

23 Q And did you follow the same procedure of that that  
24 you had with Mr. Beaman, that is to be personally present when

1 those samples were gathered and place them in the envelopes?

2 A Yes, I did.

3 Q Did you then seal them in the big box and take them  
4 to the lab?

5 A Yes -- I didn't take them to the lab myself, but  
6 they were taken to the lab.

7 Q You had them sent to the lab?

8 A Yes, that's correct, sir.

9 Q Calling your attention to November the 3rd, 1993,  
10 utilizing the same procedure that you have used before, did  
11 you have occasion to obtain an overhear order to record  
12 conversations between yourself and the defendant?

13 A Yes, sir, I did.

14 Q And on November the 5th, did you have such a  
15 conversation with the defendant that was recorded pursuant to  
16 that order?

17 A Yes, sir, on November the 5th, 1993, I did do that  
18 order.

19 Q And was that the first of your conversations with  
20 the defendant that was tape recorded?

21 A That was the first conversation with the tape --  
22 with the defendant tape recorded that I did personally where  
23 I was wearing the body wire, yes, sir.

24 Q And again was the same procedure used basically that

1 was used with Mr. Swaine to use the Nagra recorder and put it  
2 hidden on your body using the tech services people?

3 A Yes, sir, it was the same procedure, except this  
4 time I was the consenting party instead of Michael Swaine.

5 Q Obviously Mr. Beaman did not know it was being  
6 recorded. Is that correct?

7 A That is correct.

8 Q Okay. Have you, prior to today, prepared some  
9 slides for use in court that basically contain the transcript  
10 from that third overhear?

11 A Yes, sir, I have.

12 Q What I'm calling the third overhear, would be your  
13 first overhear, but the third one you've done, correct?

14 A Yes, the first overhear that I did, but the third  
15 one for the case.

16 Q And was the slide prepared using a transcript that  
17 you'd already done and had prepared in this case after  
18 completing the conversation?

19 A Yes, sir, they were.

20 Q The conversation that you had with Mr. Beaman on  
21 November 5th, where did that take place?

22 A That took place in the quad area of Illinois  
23 Wesleyan University.

24 MR. SOUK: Your Honor, I'd ask leave to play the tape

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AB017852

APPENDIX 003036

1 which is People's Exhibit 78-A and show the slides which are  
2 beginning with 69-A.

3 THE COURT: Any objection?

4 MR. BEU: This would be the tape of this particular  
5 recorded conversation, and then the slides saying the same  
6 thing as the tape?

7 MR. SOUK: Yes.

8 MR. BEU: No objection.

9 THE COURT: All right.

10 Q (By Mr. Souk) And for the record, we're now going  
11 to play the tape, 78-A, and, detective, the transcript --  
12 first page of the transcript, 69-A, appears on the slide for  
13 the jury. Is that correct?

14 A That is correct, sir.

15 Q Does it take awhile, or should we check it?

16 A You might want to check it. May I, sir?

17 THE COURT: Mr. Souk, do you want the witness to step  
18 down and check?

19 MR. SOUK: Yes.

20 THE COURT: All right, you may.

21  
22 (WHEREUPON PEOPLE'S EXHIBIT NO. 78-A, THE  
23 TAPE RECORDING, WAS PLAYED TO THE JURY AS  
24 SLIDES OF PEOPLE'S EXHIBIT NO. 69-A THRU 69-I

1 WERE DISPLAYED TO THE JURY. A COPY OF PEOPLE'S  
2 EXHIBIT NO. 69-A THRU 69-I APPEARS AS FOLLOWS:)

3  
4 Q (By Mr. Souk) Detective, did you just hear the tape  
5 recording, People's Exhibit 78-A, played here in court?

6 A Yes, sir, I did.

7 Q And was this an accurate tape recording of the  
8 conversation that you had with Mr. Beaman on November the 5th  
9 of 1993?

10 A Yes, it is, with the exceptions of the long spans  
11 where there was no talking, I shortened the tape up for court  
12 purposes.

13 Q The slides that we saw beginning with 69-A, I  
14 believe ending with 69-I, did those slides have a transcript  
15 of that tape that was true and accurate based on your review  
16 of the tape and the transcript?

17 A Yes, with two exceptions. First, at the very  
18 beginning of the tape, tech services is talking about what  
19 this is. This is referenced PD on the screen. You didn't  
20 see that on the screen. And also I mentioned I'm standing in  
21 a certain hall at Illinois Wesleyan. I'm not certain it was  
22 Fell Hall, but it was where Alan was having class.

23 Q But you did say Fell?

24 A I did say Fell Hall on the tape, and I'm not sure

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C09615

AB017854

APPENDIX 003038

1 that's accurate. But it was the hall where he was.

2 Q I want to call your attention to November the 16th  
3 of 1993, and ask you if you had occasion to go to Peoria in  
4 connection with this investigation?

5 A Yes, sir, I did.

6 Q And did you have occasion to interview the principal  
7 at Harrison School where Stacey Gates was employed at that  
8 time?

9 A Yes, sir, I did.

10 Q And did you obtain his employment records at that  
11 time for the week of August 23rd through 25th?

12 A Yes, I did.

13 Q I'm sorry, through the 29th?

14 A The 27th I believe.

15 Q 27th?

16 A 23rd to the 27th, yes, sir.

17 Q All right, thank you. Calling your attention to  
18 November the 17th of '93, and ask you if you had occasion to  
19 go to Elmhurst, Illinois that day?

20 A Yes, sir, I did.

21 Q And, at that time, were you obtaining further  
22 information relating to verifying -- doing the final  
23 verification of Mr. Swaine's whereabouts that week?

24 A Yes, sir, I was.

858

C09616

AB017855

APPENDIX 003039

1 Q When you went up there, did you keep track of your  
2 time for the trip when you went both ways?

3 A Yes, sir, I did.

4 Q Where did you leave from when you left down here?

5 A I left from the parking lot of [REDACTED],  
6 Jennifer's apartment.

7 Q Where did you go to?

8 A I drove directly to Mike Swaine's residence, parked  
9 in the street in front of his house.

10 Q Is that [REDACTED] in Elmhurst?

11 A Yes, sir, it is.

12 Q When you drove up, what speed did you drive?

13 A If I could refer to my report for just a moment?  
14 On the way up I drove the speed limit, sir, the entire way.

15 Q How long did it take you to get from Jennifer's  
16 apartment to Mr. Swaine's house?

17 A Once again referring to my report, the trip took two  
18 hours and five minutes to complete one way.

19 Q Did you go to York High School after you got to his  
20 house?

21 A Yes, sir, I did.

22 Q Did you drive that or walk that?

23 A I walked that distance, sir.

24 Q How long did that take?

1 A Once again referring to my report, I left my vehicle  
2 at 12:20 P.M. and arrived at the school on foot  
3 at 12:33 P.M. It was a .8 mile walk. It took 13 minutes.

4 Q While at the school, did you obtain employment  
5 records regarding Mr. Swaine's employment that week of August  
6 23rd?

7 A Not particular at York High School, sir. I was sent  
8 to a different school to obtain those records.

9 Q Those were basically similar and identical to the  
10 ones that we saw here in court from Virginia Betteridge?

11 A Yes, sir, they were.

12 Q On the way back, where did you leave from?

13 A On the way back I left from Swaine's residence where  
14 I had originally left my car parked when I walked to the  
15 school.

16 Q Where did you go back to?

17 A I went directly back to Jennifer's apartment at

18 [REDACTED]

19 Q What speed did you maintain on the trip back?

20 A On the return trip, I tried to average around five  
21 to ten miles over the posted speed limit for the entire trip.

22 Q How long did the trip back take?

23 A The trip back, according to my report, took one  
24 hour, 51 minutes.

1 Q Now at that point in time, had you obtained some  
2 phone records which indicated the 7:17 P.M. call on August the  
3 25th by Mr. Swaine?

4 A Yes, sir, I had.

5 Q Is that the same one that we heard the answering  
6 machine tape during his testimony?

7 A Yes, sir, it is.

8 Q For the record, People's Exhibit 5-A, the original  
9 answering machine tape, is that the tape that was recovered  
10 from Jennifer's apartment?

11 A Yes, sir, that is the original tape recovered from  
12 her apartment.

13 Q And I believe we had some testimony perhaps from  
14 Dean Kennedy that he released that to some member of your  
15 department?

16 A Yes, sir, I believe he released that to Dave Warner,  
17 Detective Dave Warner.

18 Q Did Detective Warner give it to you, and did you do  
19 a lot of work with that tape?

20 A Yes, sir. Basically we had a transcript made of  
21 that tape, and I was working off of the transcript.

22 Q We've heard a number of excerpts from that tape  
23 regarding witnesses; Claudine Moss, Morgan Keefe, Lori Itano,  
24 Mike Swaine, and Stacey Gates, and their testimony in court?

1 A Yes, sir.

2 Q Those were grouped together in an edited tape,  
3 People's Exhibit No. 5?

4 A That's correct. For convenience sake, we put all  
5 the calls from one individual all together so we didn't have  
6 to waste the court's time.

7 Q The tapes that we heard were not all of the messages  
8 on the recorder, were they?

9 A No, sir, they certainly weren't.

10 Q Were the ones that we heard here in court, were the  
11 ones that you pulled out for witnesses that were going to be  
12 testifying and that you thought were relevant to the  
13 investigation?

14 A Yes, sir, they were.

15 Q The other messages that were on there, were there  
16 some where there was actual messages and some were basically  
17 like a hang-up type call?

18 A Yes, there were calls where all you would hear would  
19 be the dial tone, then you would hear a busy signal, things of  
20 that nature.

21 Q And at some point in time in working with the  
22 transcript and the phone records, did you basically match up  
23 the transcript to help prepare the phone stipulations that we  
24 have in regards to the answering machine?

862

C09620

AB017859

APPENDIX 003043

1           A     Yes, sir, on several of the messages left on the  
2 answering machine, someone would call and state who they were,  
3 possibly even state a time they were calling. For instance,  
4 Mrs. Lockmiller stated she called at 12:29. Stacey Gates  
5 stated he called at such a time. By taking the phone records  
6 we were able to match up which call was which. Also by  
7 listening to the actual tape and listening to the length of  
8 the message, you could make a rough estimate as far as how  
9 long the message would take. And all the raw phone records  
10 again showed how long the phone calls lasted. So by doing  
11 that and matching up which call came which we were pretty much  
12 able to verify when calls came, where they came from, and  
13 exactly what time they came in due to the phone messages and  
14 the transcript of the answering machine.

15           Q     Have we now, through the prior witnesses; Claudine  
16 Moss, Morgan Keefe, Lori Itano, Mike Swaine, and Stacey Gates  
17 heard at one time or another all the messages that you  
18 discovered on that answering machine tape that you considered  
19 relevant to this investigation?

20           A     Yes, sir, I believe we have.

21           Q     Now there was some prior testimony from Mr. Dierker  
22 about additional prints that he obtained from Mr. Beaman at  
23 some point in time. Did you have anything to do with that?

24           A     Yes, sir, I did.

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APPENDIX 003044

1 Q And what did you have to do with that?

2 A Well, I contacted Mr. Beaman and asked if he would  
3 be willing to accompany me to Morton so that John Dierker  
4 could take the fingerprints that he needed. This is something  
5 that I've never done, taking the additional prints that Mr.  
6 Dierker needed, and I didn't know exactly what he needed. So  
7 I asked him if he would be willing to do it at the Morton  
8 Crime Lab. I called Alan and asked if he would accompany me.  
9 He stated he would. So I made arrangements for that trip.

10 Q As a preliminary to that trip, were any efforts made  
11 to obtain an overhear order to record any conversations you  
12 and Mr. Beaman might have that day?

13 A Yes, they were. We were looking at about a  
14 45-minute drive from Normal to Morton, and I thought that  
15 might be a good opportunity to try to engage Mr. Beaman in  
16 some conversation. And once again so we could accurately  
17 record what was said, I tried to get an overhear order for  
18 that trip.

19 Q And was one granted?

20 A Yes, sir, it was, the same procedure as before.

21 Q And did you, in fact, get the equipment on and  
22 proceed to Morton with Mr. Beaman on that day?

23 A Yes, sir, I did with the assistance of the Illinois  
24 State Police tech services crew.

1 Q On that day, did you remind him or read him his  
2 rights again?

3 A Yes, sir, I did. When I picked him up at his  
4 apartment at Wallis Hall I told him, I said, "Alan," I'm  
5 paraphrasing, but I mentioned, "Alan, you're not under arrest,  
6 but by the same token, you can't get out of the car at 55  
7 miles an hour. Therefore, I want to advise you of your  
8 Miranda Rights again." And I advised him of his Miranda  
9 Rights.

10 Q And did he basically have a conversation with you  
11 most of the way over and most of the way back?

12 A Yes, sir, he did.

13 Q Have you prepared for court a tape and transcript on  
14 slides again that contains portions of that conversation that  
15 are relevant to the issues in this investigation?

16 A Yes, sir, I have.

17 Q And would that be the tape, People's Exhibit No. 78-  
18 B, and slides starting with People's Exhibit No. 69-J?

19 A Yes, sir. We started out talking basically about  
20 his home life and his family, and then progressed on to his  
21 relationship with Jennifer.

22 Q So there was actually much in the conversation that  
23 was general conversation and didn't really relate to the  
24 investigation?

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APPENDIX 003046

1           A    Yes, sir. I certainly wasn't going to come right  
2 out and begin talking about the relationship, so I eased into  
3 it by talking about his family.

4           MR. SOUK: If we may play the tape, People's 78-B now,  
5 and show the slides?

6           THE COURT: Any objection, Mr. Beu?

7           MR. BEU: No.  
8  
9

10                   (WHEREUPON PEOPLE'S EXHIBIT 78-B, THE  
11 TAPE RECORDING, WAS PLAYED TO THE JURY  
12 AS PEOPLE'S EXHIBITS 69-J THRU 69-FF AND  
13 WERE SHOWN TO THE JURY. A COPY OF 69-J  
14 THRU 69-FF APPEARS AS FOLLOWS:)  
15  
16

17           Q    (By Mr. Souk) Detective Freesmeyer, have you  
18 just listened here in court to the tape recording of People's  
19 Exhibit 78-B?

20           A    Yes, sir, I have.

21           Q    Was that an accurate tape recording of certain  
22 portions of your conversation with Mr. Beaman on February the  
23 16th of 1994?

24           A    Yes, sir, it was.

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APPENDIX 003047

1 Q Now the quality of that tape recording was not as  
2 good as the prior one that we have heard, correct?

3 A Yes, that's correct.

4 Q Is that because most of that is while you're driving  
5 in a vehicle?

6 A Yes, sir. That was in the winter months I believe.  
7 I was wearing a leather coat over the top of both microphones  
8 which are strapped over my shoulders, plus we were in a moving  
9 vehicle with the road noise behind it, so it was very hard to  
10 hear.

11 Q And the transcripts of those portions of the tape,  
12 or the portions of the conversations that are on 78-B, which  
13 was slide 69-J through 69-FF, did you prepare those slides  
14 based on the transcripts that had been prepared and then  
15 checked by you for accuracy?

16 A Yes, sir, I did.

17 Q And when you were checking those transcripts for  
18 accuracy were you able, out of court, to perhaps hear a little  
19 better some of the softer portions, especially of what Mr.  
20 Beaman was saying?

21 A Yes, sir, I was using a dictation machine. I had an  
22 earplug in my ear, and it's a little bit clearer than it is on  
23 a box trying to make it louder.

24 MR. SOUK: May we approach?

1 THE COURT: You may. This will be off the record.

2

3

(WHEREUPON A CONVERSATION WAS HAD AT THE  
4 BENCH OFF THE RECORD.)

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THE COURT: You may step down.

(WITNESS EXCUSED.)

MR. SOUK: Judge, if we may make a record?

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APPENDIX 003049

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IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
McLEAN COUNTY, ILLINOIS

THE PEOPLE OF THE STATE )  
OF ILLINOIS, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
ALAN W. BEAMAN, )  
 )  
Defendant. )

No. 94-CF-476

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REPORT OF PROCEEDINGS

JURY TRIAL

VOLUME V

March 22, 1995

March 23, 1995

\*\*\*\*\*

Becky S. Brandt  
Official Reporter  
Logan County Courthouse  
601 E. Broadway, Rm. #34  
Lincoln, IL 62656  
License #084-001549

C09627

I N D E XMARCH 22, 1995

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AB018130

APPENDIX 003051

1 MARCH 22, 1995

2 JURY TRIAL CONTINUED

3 PRESENT - SAME AS BEFORE

4  
5 THE COURT: All right, this is 94-CF-476, People vs. Alan  
6 W. Beaman. People appear by assistant state's attorneys,  
7 James Souk and Teri Dimmick. Defendant appears in person and  
8 by attorney, William Beu. This case is scheduled for a  
9 continued jury trial.

10 Mr. Souk and Mr. Beu, are you ready to proceed?

11 MR. SOUK: Yes.

12 MR. BEU: Yes, your Honor.

13 THE COURT: All right, the jury will be brought back into  
14 the courtroom.

15  
16 (WHEREUPON THE JURY ENTERED THE COURTROOM

17 AND THE FOLLOWING WAS HAD:)

18  
19 THE COURT: All right, for the record, the jury has now  
20 returned to open court. I'll ask the bailiff if a daily juror  
21 affidavit has been signed by the jury. The court has now been  
22 tendered and will file a daily juror affidavit.

23 Mr. Souk, are you ready to proceed with further  
24 evidence?

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AB018131

APPENDIX 003052

1 MR. SOUK: Yes, your Honor. We recall Detective  
2 Freesmeyer.

3 THE COURT: Would you be resworn again?  
4

5 TIMOTHY FREESMEYER,

6 recalled as a witness herein on behalf of the People, having  
7 been first duly sworn on his oath, was examined and testified  
8 as follows, to-wit:  
9

10 CONTINUED DIRECT EXAMINATION  
11

12 BY MR. SOUK:  
13

14 Q Would you state your name again for the record?  
15

16 A Timothy John Freesmeyer.  
17

18 Q And are you the same Timothy Freesmeyer who  
19 testified yesterday?  
20

21 A Yes, sir, I am.  
22

23 Q A couple of preliminary matters, Detective  
24 Freesmeyer. First, while obviously you're testifying about  
extensive matters that you did in this investigation, were  
other officers, not just Detective Daniels and Hospelhorn and  
Lt. Brown, but other officers of the Normal Police Department  
involved, especially in the early stages of this investigation

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APPENDIX 003053



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**APPENDIX 003054**

1 doing substantial amounts of work and interviews?

2 A Yes, sir, there were quite a few people involved.

3 Q Were there a number of people interviewed in  
4 connection with this investigation who have not appeared here  
5 as witnesses here in court?

6 A Yes, quite a few.

7 Q And would it be ballpark accurate to say that  
8 probably several thousand pages worth of documents and  
9 interviews and so forth have been produced as you have  
10 proceeded with this investigation, correct?

11 A Yes, sir. I believe as it stands now, there's about  
12 five or six binders this thick full for the case.

13 Q Another preliminary matter, you mentioned about  
14 subpoenaing phone records and that there's some stipulations  
15 that are prepared that are going to be presented at a later  
16 time. I want to ask you in terms of interpreting those, there  
17 are some phone records that are going to appear on there with  
18 either the origination or the destination of them simply  
19 saying trunc call.

20 A Yes, that's correct.

21 Q Would you tell us what that means?

22 A Yes, it would appear in the origination section.

23 A trunc -- it's spelled T-R-U-N-C -- it's short for truncated  
24 call. What that means is a long distance call coming into a

1 residence where they're unable to tell where that call came  
2 from when you ask for phone records of all incoming and  
3 outgoing calls through the long distance billing. But  
4 incoming calls basically you're searching for any calls  
5 throughout a wide area that are coming into one number. That  
6 might be carried by AT & T long distance, by SPRINT, by MCI,  
7 by a number of different companies, and therefore you have to  
8 check all those companies. They will check all those records  
9 and find something terminating at that destination that you're  
10 looking for. Some of those were unable to be found obviously  
11 because of the enormous search that had to be done. So in the  
12 phone records, you'll see some parts where it will say trunc,  
13 and those were long distance calls we weren't able to find.

14 Q You knew they came in, but you just didn't know the  
15 origin of them?

16 A That's correct, we did not know the caller. We knew  
17 what time they came in.

18 Q I believe, getting back to yesterday, call your  
19 attention to February 21st of 1994, and ask you if you had  
20 occasion to interview Jeannie Sieg on that date?

21 A Yes, sir, I did.

22 Q And prior to your interview with her, had she  
23 previously been interviewed by another officer at the  
24 department sometime before that?

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1 A Yes, she had.

2 Q On the day that she came in to talk with you on  
3 February 21st, did she make you aware of an additional item  
4 that she thought she ought to tell you about?

5 A Yes, she did, sir.

6 Q Was that particular item that she mentioned --

7 MR. BEU: May we approach, your Honor?

8 THE COURT: You may.

9

10 (WHEREUPON A DISCUSSION WAS HAD AT

11 THE BENCH AS FOLLOWS:)

12

13 MR. BEU: Unless this is more than some prior consistent  
14 statement that's otherwise relevant, your Honor, I think it  
15 would be an improper consistent statement of a witness who has  
16 testified already.

17 THE COURT: What is it?

18 MR. SOUK: I'm not offering it as a prior consistent  
19 statement. I'm only offering it to show what information he  
20 got from Jeannie Sieg that day that he thereafter, in his next  
21 conversation with Mr. Beaman, asked Mr. Beaman a question to  
22 verify the information he had gotten from Miss Sieg.

23 THE COURT: What information is it that you expect this  
24 witness --

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AB018136

APPENDIX 003057

1 MR. SOUK: As to when the defendant knew that Mike Swaine  
2 was living there. That he didn't know until after her death.

3 THE COURT: And that would explain why he then took the  
4 action that he took in asking the additional question of Mr.  
5 Beaman?

6 MR. SOUK: Right.

7 THE COURT: Is that correct?

8 MR. SOUK: He got Mr. Beaman to confirm that.

9 THE COURT: Are you intending to offer that testimony  
10 then for the limited purpose of showing why the officer did  
11 what he did?

12 MR. SOUK: Right.

13 THE COURT: And for no other purpose, not for the truth  
14 of the matter asserted?

15 MR. SOUK: Right, Miss Sieg has already testified.

16 THE COURT: Bolster her testimony?

17 MR. SOUK: Bolster her testimony.

18 THE COURT: I think for the limited purpose it would  
19 explain why the officer did what he did.

20

21

22

23

24

(WHEREUPON THE FOLLOWING PROCEEDINGS  
WERE HAD IN THE JURY'S PRESENCE:)

THE COURT: All right, proceed, Mr. Souk.

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AB018137

APPENDIX 003058

1 Q (By Mr. Souk) What was the item that you recall  
2 that she told you about that day?

3 A Sir, referring to my report, Jennifer stated while  
4 talking with Alan before break, December, 1992 or December,  
5 1993, he told her that he didn't know Swaine was living with  
6 Jennifer until the detective told him about it while  
7 investigating Jennifer's death.

8 Q First, let me ask you if during the course of this  
9 investigation in any of your contacts, either in person or on  
10 the phone which you actually talked or communicated with Mr.  
11 Beaman in any way, whether you ever told Mr. Beaman that Mike  
12 Swaine had been living with Jennifer?

13 A No, sir, I did not.

14 Q The contacts that Lt. Brown had with this case in  
15 terms of having personal contact with the defendant, were  
16 those all in your presence?

17 A Yes, they were.

18 Q Did Lt. Brown ever tell him that?

19 A No, sir, to my knowledge, he never did.

20 Q From your knowledge of the investigation, are you  
21 aware from any reports or any sources that any detective ever  
22 told Mr. Beaman that?

23 A No, sir. The only contact any other detective,  
24 other than myself, would have had with Mr. Beaman would be

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AB018138

APPENDIX 003059

1 Detectives Daniels and Hospelhorn while in Rockford. Every  
2 interview and every contact with Mr. Beaman since that time I  
3 conducted myself or was present while Lt. Brown had conducted  
4 the interview.

5 Q On February the 24th of 1994, did you have occasion  
6 on that day to get some evidence from Detective Daniels that  
7 he had been keeping?

8 A Yes, sir, I did.

9 Q And what was that?

10 A That was three bags of trash that were removed from  
11 the apartment, [REDACTED] [REDACTED] [REDACTED], shortly after the body was  
12 discovered.

13 Q Show you People's Exhibits 55, 56, and 57, and  
14 without opening the bags, can you identify those from the  
15 markings on the outside?

16 A Yes, sir, I can. All three are marked -- two are  
17 marked trash, one is marked plastic bag with contents. This  
18 again is the evidence receipt that we normally would use at  
19 that time at the Normal Police Department, and on the bottom,  
20 submitting officer number 694, that's my officer's number.

21 Q When you received those, were the bags sealed or did  
22 you seal them?

23 A When I received them, I placed them in the paper  
24 bag, sealed them with my initials on each one of the tapes,

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1 and put the evidence card on the outside.

2 Q Did you then submit them to the lab for Mr. Dierker  
3 to do some fingerprint work on them?

4 A Yes, sir, I believe I did.

5 Q On March 9th of 1994, did you have occasion to have  
6 another conversation with Mr. Beaman on that date?

7 A Yes, sir, I did at his residence at [REDACTED] [REDACTED].

8 Q Did you have an overhear done on that occasion?

9 A No, sir, I don't believe I did.

10 Q Was this another occasion in which there was no tape  
11 recording at all?

12 A That is correct, sir.

13 Q You made a report and included it in your reports?

14 A Yes, I did.

15 Q During that conversation, did you ask Mr. Beaman  
16 about that item of information that Miss Sieg had brought to  
17 your attention shortly before that?

18 A Yes, I believe I did. I wanted to confirm what she  
19 had told me and see if I could get it from Alan himself.

20 Q Would you tell us what you asked him and what his  
21 response was at that time?

22 A Yes, sir. Once again I'll refer to my report. I  
23 then asked Alan when he first found out that Michael Swaine  
24 was living with Jennifer, and he stated he didn't know until

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APPENDIX 003061

1 Jennifer was already dead.

2 Q Did you, during that conversation, again ask him if  
3 he had anything else he could provide the investigation?

4 A Yes, sir, I did.

5 Q What was his response?

6 A Once again, sir, I'll refer to my reports. I asked  
7 Alan if there was anything else he could add, and he stated  
8 that he had told me everything. After explaining the process  
9 of what we were getting into, Alan responded by saying, "Bring  
10 it on, I've told you everything I know."

11 Q Was that your last conversation with Mr. Beaman  
12 prior to his arrest?

13 A Yes, sir, I believe it was.

14 Q On May the 17th of 1994, did you arrest Mr. Beaman  
15 on that day for the murder of Jennifer Lockmiller?

16 A Yes, sir, I did.

17 Q Did he go through the normal booking process that  
18 day?

19 A Yes, sir, he did.

20 Q Was a photograph taken in the course of doing that  
21 booking then?

22 A Yes, it was. A photograph was taken at the county  
23 jail.

24 Q Do you recall looking at The Pantagraph the next day

C09639

1 after the arrest?

2 A Yes, sir, I do.

3 Q And was Mr. Beaman's picture in the paper?

4 A Yes, it was, front page.

5 Q Was it -- what photograph was used for that?

6 A It was the booking photograph from the county jail.

7 Q I show you People's Exhibit No. 65, and ask you if  
8 that's the photograph you're referring to?

9 A Yes, sir, it is. This is the one I collected from  
10 the records section of the county jail.

11 Q On May the 18th of 1994, were you personally present  
12 when -- when the defendant's parents, Barry and Carol Beaman,  
13 were interviewed?

14 A No, sir, I was not.

15 Q Were you made aware by Detective Daniels or Lt.  
16 Brown about information received during that interview?

17 A Yes, sir, I was made aware after the interview had  
18 concluded.

19 Q Specifically were you made aware, at that time, of  
20 the existence of a Sears receipt showing mileage on Mr.  
21 Beaman's Ford Escort as of Tuesday night, August the 24th?

22 A Yes, sir, that was one piece of information that was  
23 forwarded to me.

24 Q And were you also made aware that the Beamans

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APPENDIX 003063

1        apparently had a photograph showing the odometer reading on  
2        the 1st of September of 1993?

3            A     Yes, sir, I was told about it. I did not see the  
4        picture myself.

5            Q     Later on in the investigation, did you see those  
6        items?

7            A     Yes, sir, I did.

8            Q     Was -- when you learned that from Detective Daniels,  
9        was that the first time in this investigation that you became  
10       aware of the existence of such evidence?

11          A     Yes, sir, that was the first time I'd heard of any  
12       photograph taken of the odometer shortly after the interview.

13          Q     After receiving that initial evidence, did you begin  
14       in the investigation to make some more precise measurements as  
15       to times, and distances, and mileage, and that sort of thing?

16          A     Within the City of Rockford and to and from  
17       Rockford, yes, sir, I did.

18          Q     Prior to that time, you'd driven to Rockford several  
19       times during the investigation, correct?

20          A     Yes, sir, that is correct.

21          Q     And so had some other detectives involved in the  
22       investigation. Is that correct?

23          A     Yes, sir, I believe Lt. Brown accompanied me a few  
24       times.

1 Q Up until that point in time of May 18th of 1994,  
2 would it, I suppose, be accurate to say that your measurements  
3 of driving time and so forth would have been somewhat --  
4 somewhat rough up until that point?

5 A Yes, they had.

6 Q Had Detective Daniels also made you aware, or by  
7 reading the transcript of the interview of the Beamans, did  
8 you also learn that Mrs. Beaman had indicated that she was  
9 home that day at about 2:30 to three o'clock?

10 A Yes, sir.

11 Q After learning that at that time, on or shortly  
12 after May 18th of 1994, was that the first time in the  
13 investigation that you had learned that anyone might be able  
14 to verify the presence of the defendant earlier than the times  
15 that he had been giving you all winter basically?

16 A Yes, sir, through my numerous contacts with him he  
17 continued to state around four or five o'clock for his mother  
18 getting home. Overhears he would say fourish for her arrival.  
19 This is the first time I heard anytime prior to that,  
20 specifically 2:30 or three o'clock.

21 Q I want to call your attention to June the 22nd of  
22 1994. I believe 206 of your report.

23 A Yes, sir.

24 Q On that occasion, did you make a trip to Rockford?

1 A Yes, sir, I did.

2 Q Did you do some mileage and time measurements on the  
3 trip going up and the trip coming back?

4 A Yes, sir, I did.

5 Q And would you tell us about the trip up, where you  
6 left from and where you went to in Rockford?

7 A Yes, sir. Once again referring to my report, sir,  
8 I left the driveway of [REDACTED] [REDACTED] [REDACTED] in Normal at 8:28  
9 A.M. Drove straight to Alan Beaman's house, driving strictly  
10 at the posted speed limit. I arrived at Alan's house at 10:45  
11 A.M., making the trip in two hours and 17 minutes.

12 Q And did you measure the mileage on your odometer?

13 A Yes, I did. Total mileage from [REDACTED] [REDACTED] to Alan  
14 Beaman's residence was 139.7 miles.

15 Q Was that the [REDACTED] residence that's previously  
16 been mentioned here in court?

17 A [REDACTED].

18 Q The road to Rockford, could you tell us what that  
19 route is and what route you traveled, and what type of roadway  
20 it is?

21 A Yes, sir. Jennifer's apartment is on [REDACTED] [REDACTED]  
22 [REDACTED]. That is a four-lane road. It's two lanes going  
23 either direction. It's the main road to the City of Normal.  
24 I got onto Main Street, which is actually Route 51, took that

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APPENDIX 003066

1 north directly out of town until I connected up with I-39.  
2 Then got on I-39, which is an Illinois interstate. Traveled  
3 all the way up to Rockford. When I-39 got into Rockford, I  
4 took I-20 around Rockford. I-20 is also a four-lane highway,  
5 state route. I took that all the way to Meridian Road.  
6 Meridian Road is just outside of Rockford. It's kind of a  
7 rural road. I believe it has a posted speed limit of 45 or  
8 55. I'm not sure exactly. I then turned north on Meridian  
9 Road. I believe I went up through two stop lights, a stop  
10 light and stop sign. Continued traveling north, and in a  
11 rural area outside of the town until I came to [REDACTED].  
12 Meridian Road is a county road. [REDACTED] [REDACTED] seems to be a  
13 rural subdivision street. I then turned right onto [REDACTED] and  
14 proceeded onto [REDACTED].

15 Q You don't -- in going directly to the Beaman  
16 residence, you don't have to drive through, if you will, the  
17 more populated areas within the city limits of Rockford?

18 A No, sir. I take 39 to State 20, bypassing all the  
19 way around to Meridian Road, and straight north to [REDACTED].  
20 You do not go through Rockford.

21 Q The town driving you would have to do would be the  
22 little bit of town driving here in Normal to go north on Main  
23 Street til you got to 39?

24 A Yes, sir, roughly about three miles.

1 Q Before we go all through all the routes that you  
2 measured while you were there that day, let's just cover your  
3 trip back. Would you tell us about your trip back?

4 A Yes, sir, and again I'll refer to my report. We  
5 left Bell Federal Bank at 4:43 P.M., drove straight to Normal  
6 observing the speed limit. We arrived at [REDACTED] at 6:44  
7 P.M. We made one stop along the way which consumed seven  
8 minutes. The return trip, therefore, took one hour and 54  
9 minutes. The total mileage from Bell Federal to [REDACTED]  
10 was 126.7 miles.

11 Q And on the Rockford end of this trip, could you tell  
12 us where Bell Federal is located?

13 A Yes, sir. Bell Federal is located at the corner of  
14 Alpine and Newberg Road in Rockford. It's again roughly 3.6  
15 miles north of State Route 20 off of Alpine Road. If you pull  
16 out of the parking lot of Bell Federal onto Newberg, make a  
17 left onto Alpine, take that street south until you hit 20. As  
18 you get onto Interstate-20, you stay in the right lane, and  
19 you exit immediately onto Route 39 headed directly to Normal.

20 Q On that portion of that trip from Bell Federal until  
21 you get to 20, is that in-town driving in Rockford?

22 A Yes, sir, it is. That's a two-lane road going  
23 either direction. Alpine is a very busy street, seems to me  
24 anyway in my travels in Rockford.

1 Q Alpine is one of the major north-south roads within  
2 the City of Rockford?

3 A With my limited knowledge of Rockford, I would say,  
4 yes, sir.

5 Q While you were in Rockford that day, did you do some  
6 mileage measurements of various routes within the City of  
7 Rockford?

8 A Yes, sir, I spent the majority of the day there  
9 driving intercity routes.

10 Q Prior to doing that, had you reviewed all of the  
11 various statements that Mr. Beaman had given to law  
12 enforcement at anytime during this case?

13 A Yes, sir. After he had repeatedly told me he had  
14 given me everything, I reviewed all of the reports and looked  
15 for intercity driving that would have accounted for miles on  
16 his odometer. I took all of those intercity drivings,  
17 combined them into what route I would need to cover in  
18 Rockford to account for what mileage should be on his  
19 odometer.

20 Q Have you, to help us understand that evidence in  
21 court, prepared some -- some slides that will show those  
22 perhaps a little more graphically than just the driving?

23 A Yes, sir, I have.

24 MR. SOUK: With the court's permission, I would like to

1 show some slides. Could we have the lights, please?

2 A I'll need to progress the carousel a little bit.

3 MR. SOUK: Can he get down?

4 THE COURT: Yes.

5 A Thank you, sir.

6

7 (WHEREUPON A BRIEF INTERRUPTION WAS HAD.)

8

9 Q (By Mr. Souk) The first slide that we're looking  
10 at, People's Exhibit 70-AX, could you tell us what's depicted  
11 on this slide, detective?

12 A Yes, sir. What this is basically, a blow-up of a  
13 picture of Rockford out of a road atlas. Over the top of that  
14 I've done an overlay on the computer which shows the route in  
15 yellow that Alan would have taken from Bell Federal Bank to  
16 his residence in Rockford. You see Bell Federal in the lower  
17 right, his residence, [REDACTED], upper left.

18 Q Did you measure either the mileage or the time that  
19 it takes to make this trip?

20 A Yes, sir, I believe I measured both, if I'm not  
21 mistaken. I know I measured the time for sure.

22 Q If you need to refer to your report, would you give  
23 us that information?

24 A Yes, I will. I stand corrected, sir. I only

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1 measured the time that the drive took. I don't believe I  
2 recorded the mileage at that time.

3 Q And how much time did it take you to make that  
4 drive?

5 A Again referring to my report, the time required to  
6 drive from Alan Beaman's residence to the Bell Federal Bank,  
7 observing all speed limits, was 31 minutes.

8 Q Do you recall if this was on a week day?

9 A June 22nd I believe it would have been, sir. At  
10 that time I was working Monday through Friday, and I don't  
11 believe I would have done this trip on overtime.

12 Q Did you, while you were there -- well, strike that.  
13 At that point in time in terms of measuring that distance by  
14 time, what was your purpose in doing that in terms of  
15 furthering the investigation?

16 A According to the phone records, there was a call  
17 coming out of the Beaman residence at 10:37 and 10:39. We had  
18 Alan on video tape at the bank at 11 minutes after ten. By  
19 driving that distance I wanted to see if it was possible for  
20 Alan to make it home to make that first phone call at 10:37  
21 A.M. If he left the bank at 11 minutes after ten, made the 31  
22 minute drive, it would put him home at 10:42.

23 Q And up until that point in the investigation in your  
24 interviews with Mr. Beaman, had he ever indicated that he had

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1 made any phone calls or had any phone contact with anyone once  
2 he got home that day?

3 A No, sir, he didn't. While interviewing outside of  
4 McPherson Hall I asked him specifically, "Did you make any  
5 phone calls?" And he stated, "No."

6 Q After measuring that distance, did you then measure  
7 a number of other distances within the Rockford area as you  
8 have previously indicated?

9 A Yes, sir, I did.

10 Q Did you prepare a slide -- several slides to help  
11 present that evidence?

12 A Yes, sir, I have.

13 Q Could we have the next slide? Now would you tell us  
14 what's depicted on this particular slide?

15 A Yes, sir. Once again this is the same background  
16 format on the computer, the City of Rockford. The red dots  
17 that you're seeing appearing on the screen are different  
18 locations that he reported to have been during the time that  
19 he had the tires changed on his car to the time that they took  
20 the photographs of the car on that Sunday. The red box that  
21 you see on top is basically an index to tell you what each red  
22 dot is and what that location corresponds to.

23 Q And for the record, that's People's Exhibit No. 70-  
24 EX. Once again, the (A) up in the corner is the Beaman

1 residence, correct?

2 A Yes, sir, it is.

3 Q And then all the other locations are as listed  
4 there, correct?

5 A That is correct, sir.

6 Q Did you also prepare a slide that basically  
7 summarizes the various trips that you made based on his  
8 statements and mileage that you recorded?

9 A Yes, sir, I did.

10 Q Could we see that slide please? For the record,  
11 that's People's 70-FX. The list you have there contains what  
12 appears to be, oh, 20 or more different -- different trips,  
13 correct?

14 A Yes, sir, that's correct.

15 Q And it starts at the top with an origination of  
16 Sears to the Beaman residence, correct?

17 A Yes, sir, that's correct.

18 Q And what trip is that supposed to start with?

19 A That starts when he had the tires changed at Cherry  
20 Vale Mall at the Sears store, and then returned home with his  
21 parents -- or following his parents.

22 Q And what trips -- at the bottom, you've got two  
23 trips; Beaman residence to Christ United Church, and then  
24 Christ United Church to Beaman residence. What trips are

1 those?

2 A I believe those would have been Sunday morning  
3 before he went to church before the picture was taken of the  
4 odometer.

5 Q That would be the August 29th church attendance?

6 A Yes, sir, that is correct.

7 Q All of the ones in between, without going through  
8 each and every one of them, are each of those a -- a route  
9 with the note of origination and destination that was given by  
10 Mr. Beaman, himself, at some time during the statements that  
11 he had given to either you or Detective Daniels?

12 A Yes, sir, this is my best attempt from anything that  
13 I could get through the reports of his itinerary for those  
14 specific dates. You'll notice on the right the destination  
15 will be the same place as the next column down as the  
16 origination. For instance, Sears to Beaman residence, then  
17 Beaman residence to Dave Olson's, and Dave Olson's to Sandy  
18 Hollow, and so on and so forth.

19 Q At the bottom, you have that totaled up at 206.5  
20 miles. Is that correct?

21 A Yes, sir, that is correct.

22 Q And is that figure, 206.5 miles, basically the total  
23 distance that you got driving everywhere that you had reason  
24 to believe that Mr. Beaman had been between getting his tires

1 -- from the time he got his tires changed on Tuesday night  
2 until Sunday morning after he went to church?

3 A Yes, sir, that's my best estimate.

4 Q Did you -- I'm not sure of the date, but did you, at  
5 a later date, recheck your mileages and drive all those one  
6 more time?

7 A Yes, sir, I believe I drove those at least twice, if  
8 not three times.

9 Q And when you -- when you redrove it, how close were  
10 you to the 206.5?

11 A I was very close. My first estimate was around 197,  
12 I believe. The second estimate was around 198, or 199. I  
13 then found out I had one distance that was incorrect. The  
14 Beaman residence to Cafe Esperanto I had 2.6 instead of 8.2  
15 miles. So I went back and corrected that. I came up with an  
16 average of approximately 206.5 miles.

17 Q So you're saying, looking in your report we'd see a  
18 hundred and ninety there, but you discovered you made one  
19 error in arithmetic?

20 A That's correct, and I believe it's reflected in my  
21 narrative on page 60 that I wrote after I did that last check.

22 Q I want to call your attention in particular to the  
23 Sandy Hollow IGA/the Beaman residence, where it shows 13.8  
24 miles.

1 A Yes, sir.

2 Q Is that the store that Mr. Beaman had indicated he  
3 was working at during the week of August 23rd?

4 A Yes, that is correct.

5 Q Did you prepare another slide, which I think you may  
6 have passed by a moment ago, that indicated the route from  
7 there to his -- to his home and back to the bank?

8 A Yes, I did.

9 Q Could we see that slide please? For the record,  
10 this is People's 70-DX. What's depicted on that slide,  
11 Detective Freesmeyer?

12 A That's the route depicted from Sandy Hollow store to  
13 the Beaman residence at [REDACTED], then back to the  
14 Bell Federal Bank. I'm afraid I failed to label the Sandy  
15 Hollow store. I would be happy to point that out if you'd  
16 like me to.

17 Q Perhaps you better do that. May he step down?

18 THE COURT: He may.

19 A Sir, the Sandy Hollow store would be located right  
20 here at 11th and Sandy Hollow. Just go right up onto State  
21 20, all the way out Meridian Road north to [REDACTED] and then  
22 this is the route I showed earlier going through Rockford back  
23 to Bell Federal Bank.

24 Q (By Mr. Souk) Okay. That's the same route that you

1 previously said took you 31 minutes to drive?

2 A That is correct, sir.

3 Q I know you indicated you measured the distance of  
4 Sandy Hollow to [REDACTED]. Did you time that on any of your  
5 trips?

6 A I don't recall if I did or not. It's in my report.  
7 I don't believe I did.

8 Q Based on all the driving that you did around  
9 Rockford, can you estimate about how long it would take to get  
10 on that route from the store to Mr. Beaman's home?

11 A I would estimate probably 20, maybe 25 minutes.

12 Q Did you measure the distance or the time from the  
13 Sandy Hollow store to go directly to the Bell Federal Bank  
14 facility?

15 A From Sandy Hollow to Bell Federal?

16 Q Yes.

17 A I believe I would have, if I could look at my  
18 report.

19 Q Okay, if you would do that.

20 A That I'm not finding in my report. It might be on  
21 the listing that I showed on the slide earlier. If I could go  
22 to that slide, I could check that for you.

23 Q Sure, if you could.

24 A Yes. The third one down lists Sandy Hollow IGA/Bell

1 Federal Savings, 4.6 miles.

2 Q And based on your driving in Rockford, approximately  
3 how long would it take to make that trip?

4 A I would guess probably about seven minutes.

5 MR. SOUK: Okay, thank you. I think we can have the  
6 lights on now.

7 Q (By Mr. Souk) Shortly after that Rockford trip,  
8 sometime the next several days after that, did you have  
9 occasion to talk to Mrs. Carol Beaman on the telephone?

10 A Yes, sir, I did.

11 Q And did she make you aware, at that time, of some  
12 additional evidence that she felt was relevant to the  
13 investigation?

14 A Yes, she did.

15 Q What did she tell you?

16 A She told me that she had found a store receipt from  
17 her brother's store, Gray's IGA, showing a checkout time on  
18 August 25th of 1993 of 14:03, which would relate to 2:03 P.M.,  
19 three minutes after two.

20 Q And did she tell you, in that conversation, make any  
21 change in when she said that she thought she was home?

22 A Yes, she said based on that receipt, she would say  
23 that she was home at 2:15 P.M. approximately.

24 Q Was that phone call the first time in the

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1 investigation that you became aware of an IGA receipt, or any  
2 other receipts connected with this investigation?

3 A Yes, sir. Once again, after asking numerous times  
4 if Mr. Beaman had anything else, this was the first time I was  
5 made aware of an IGA receipt on that day.

6 Q Right about that same time, I think maybe June 24th,  
7 did you have occasion to interview Mr. Heyse, who previously  
8 testified here in court?

9 A Yes, sir, I did.

10 Q Prior to taking a formal statement from him, had you  
11 talked with him previously at all on the phone?

12 A Yes, I had.

13 Q And how long before had you talked with him?

14 A I can't recall exactly. I don't believe I  
15 documented that anywhere, but that was a rather busy month as  
16 I recall. Could have been a week, could have been two weeks,  
17 I don't recall exactly.

18 Q You basically had him make an appointment and come  
19 in sometime later?

20 A Yes, sir, that's correct.

21 Q On June the 27th of 1994, did you have occasion to  
22 go to Rockford again?

23 A Yes, sir, I did.

24 Q And was that the second occasion that you drove the

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1 mileages that you have just testified about?

2 A Yes, sir, I believe it is.

3 Q Did you also, on that day, have occasion to go to  
4 Independence Village, a retirement home there?

5 A Yes, sir, I did, located on North Alpine Road.

6 Q What was your purpose in going there?

7 A That was the residence where Alan Beaman's  
8 grandmother lives, Chris Gray. According to Mrs. Beaman's  
9 testimony earlier I believe to Detective Daniels, she stated  
10 that she picked up her mother that morning for a doctor's  
11 appointment, went to the doctor, dropped her off, and then did  
12 some other shopping. I was attempting to find out if Mrs.  
13 Gray remembered anything about that day and that trip to the  
14 doctor's office.

15 Q And you were able to obtain a log from there which  
16 is now the subject of a stipulation that basically indicated  
17 that ten o'clock drop-off time, right?

18 A Yes, sir. While I was there, I noticed there was a  
19 sign-in log, and I was able to obtain a copy of that sign-in  
20 log.

21 Q I want to call your attention now to June the 30th  
22 of 1994, and ask you if you had occasion to be present in this  
23 building when some grand jury proceedings were held in  
24 connection with this case.

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1 A Yes, sir, I was.

2 Q And prior to and perhaps subsequent to the testimony  
3 of Carol and Barry Beaman at that grand jury proceeding, did  
4 you have occasion to be provided some receipts and documentary  
5 evidence in connection with this case?

6 A Yes, sir, I believe I issued a subpoena for  
7 documents to the Beamans for the IGA store receipt and checks,  
8 a canceled check that would back that up.

9 Q During the Beamans -- or Mrs. Beaman's testimony  
10 before the grand jury that day, was the investigation made  
11 aware of for the first time of some receipts relating to  
12 Wal-Mart and Union Hall?

13 A Yes, sir, once again more receipts were produced for  
14 the first time.

15 Q And were that day also some notes that Mrs. Beaman  
16 had made the week after the murder also produced?

17 A Yes, they were.

18 Q I show you first People's Exhibit No. 52, and ask  
19 you what that document is?

20 A People's Exhibit 52 is a receipt from the Sears  
21 store, 200 Harrison, Rockford, Illinois. It's printed in the  
22 name of Barry Beaman, and it appears to be a receipt for two  
23 Super Guard 40 tires, along with some other items.

24 Q Is that the so-called Sears receipt that's been

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1 referred to now in this trial?

2 A Yes, sir, it is.

3 Q And is that the receipt that shows the Tuesday night  
4 mileage on the Ford Escort?

5 A Yes, it does.

6 Q And what is that mileage figure?

7 A 77,479.

8 Q And is there also, if you turn it over on the back,  
9 is there a notation made there in handwriting?

10 A Yes, sir, there is.

11 Q And is that a notation Mrs. Beaman had previously  
12 indicated she made?

13 A I believe so, yes, sir.

14 Q And what is that notation?

15 A That note says, "77,801 on 8/30/93."

16 Q Now the photograph that was eventually produced  
17 regarding the odometer mileage shown with a newspaper on  
18 September the 1st had ten more miles on it than that, did it  
19 not?

20 A I believe so, yes, sir.

21 Q Okay, and -- well, strike that. And People's  
22 Exhibit 52 appears to be the original of that receipt, or at  
23 least the original copy that the Beamans would have gotten?

24 A Yes, sir, it does.

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1 Q Show you People's Exhibit No. 52-A and ask you if  
2 you recognize that item?

3 A Yes, sir, I do. People's Exhibit 52-A is a store  
4 receipt from the Gray's IGA at 3214 Auburn Road, dated August  
5 25, 1993, with a checkout time at the bottom of 14:03.

6 Q And People's Exhibit 53 is what?

7 A People's Exhibit 53 is a check in the account of  
8 Barry B. Beaman and Carol G. Beaman, check number 2388,  
9 written August 25th, 1993, to Gray's IGA. It's in the amount  
10 of \$48.25, signed by Carol G. Beaman and endorsed on the back.

11 Q And were those two items provided to you by the  
12 Beamans on June 30th of 1994?

13 A Yes, sir, they were.

14 Q I want to show you People's Exhibit 52-B, which is  
15 also marked Grand Jury Exhibit 3, and People's Exhibit 52-C  
16 which is also marked Grand Jury Exhibit No. 4, and ask you if  
17 you recognize those items?

18 A Yes, sir, I do.

19 Q And what are each of those?

20 A 52-B is a photocopy of a Wal-Mart receipt. Once  
21 again dated 8-25 of '93 with a time of 11:10 and 34 seconds.  
22 People's Exhibit 52-C appears to be a photocopy of a Union  
23 Hall receipt from Loves Park dated August 25, 1993, 12:39 P.M.  
24 The back page of that appears to be a credit card receipt. I

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1 believe it's Master Card, I'm not sure. 8-25-93, 12:34 P.M.,  
2 signed by Carol Beaman in the amount of \$26.25.

3 MR. SOUK: Could I have just a moment, your Honor?

4 THE COURT: You may.

5 Q (By Mr. Souk) The receipts, 52-C and 52-B, the  
6 Wal-Mart and the Union Hall receipts, after you received  
7 those, did you attempt to do any follow-up investigation to  
8 see if you could discover any further evidence, video tape or  
9 anything like that, that would confirm the arrival or  
10 departure of Mrs. Beaman from those facilities on those days?

11 A Yes, sir, I started checking on that immediately.

12 Q First as to Wal-Mart, were you able to obtain any --  
13 any such information?

14 A No, sir. I called the Wal-Mart store and talked to  
15 the security person there. I asked if they had any video  
16 tapes that would show people coming into the facility or out  
17 of the facility at certain times. They stated they did. I  
18 asked them how long they kept the tape. They indicated only  
19 three weeks or three months. At this time, nine months would  
20 have passed and they could not produce any video tapes that  
21 would show what time Carol Beaman would have entered or exited  
22 the store.

23 Q How about the Union Hall store, what did you find  
24 out when you investigated that?

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1           A     When I tried to call the Union Hall store, I believe  
2 I found that they were closed, and I was no longer able to  
3 contact anybody from that store because they were out of  
4 business.

5           Q     Now, could you tell us please, how and when in your  
6 investigation that you located a bank memo from Bell Federal  
7 indicating that Mr. Beu had made an inquiry there on September  
8 the 3rd of 1993?

9           A     Yes, sir, I believe it was overheard in a hearing  
10 somewhere within this case that Mr. Beu had made contact with  
11 the bank checking on his client, or a memo to the bank,  
12 something to that effect. Then I was asked by the state's  
13 attorney's office to call the bank and see if any contact had  
14 been made between Mr. Beu or Alan Beaman and the bank.

15          Q     And they provided you with some information in this  
16 regard?

17          A     Yes, sir, they did.

18          Q     That information was not provided to you by the  
19 defense?

20          A     No, sir, it was not.

21          Q     Or Mr. and Mrs. Beaman?

22          A     No, sir, it was retrieved from the bank, itself.

23          Q     Now show you People's Exhibit No. 84, and ask you if  
24 you recognize that item?

1           A     Yes, sir, I believe these are some of the notes that  
2 were provided from Carol Beaman in reference to the activities  
3 that occurred the week of August 23rd through August 27th.

4           Q     Okay.     Again were those provided to the  
5 investigation on that June 30th date when the grand jury met?

6           A     Yes, sir, I believe they were.

7           Q     And was that the first time that you'd ever seen  
8 those?

9           A     Yes, sir, it is.

10          Q     That particular exhibit is a photocopy rather than  
11 the original. Is that correct?

12          A     Yes, sir, it is a photocopy.

13          Q     In that particular exhibit, 84, did Mrs. Beaman make  
14 any mention of the IGA, Wal-Mart, or Union Hall visit that  
15 day?

16          A     I would have to review the exhibit first, sir, to be  
17 able to say for certain.

18          Q     If you would do that please.

19          A     Sir, the closest thing that comes to mentioning  
20 Union Hall or Wal-Mart was when she states, "After having  
21 breakfast I took my mother home and did some shopping before  
22 returning home." There's a ". Three P.M., Alan was sound  
23 asleep." That's the only mention there is. It does not  
24 mention Wal-Mart or Union Hall specifically.

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1 Q Moving ahead now to December 5th of 1994, were you  
2 personally present at the inspection of the Ford Escort that's  
3 already been testified about extensively here in court?

4 A Yes, sir, I was.

5 Q The inspection that was done that day, did you have  
6 occasion to take some photographs?

7 A Yes, sir, I did.

8 Q Okay. And like many of the photographs that have  
9 been presented here in court, are those the ones that you  
10 took?

11 A Yes, sir, those would all be my photographs.

12 Q Do you remember the defense representative, Dr. Van  
13 Etten, being present there that day?

14 A Yes, sir, he met us at the Normal Police Department  
15 before we even went out to the vehicle.

16 Q Was he allowed to take any photographs that he  
17 wanted to?

18 A Yes, sir, he was. Before we progressed to any  
19 stages I asked him if he had done anything he wanted to do,  
20 and we then proceeded to the next step. After that, I asked  
21 him if he wanted to take anything else, and we proceeded to  
22 the next step.

23 Q I'm going to go through these just briefly with you,  
24 since we've been through them before. Ask you about People's

1 31-A, does that depict the vehicle before it was towed into  
2 town?

3 A Yes, People's 31-A shows where it was sitting in the  
4 rural Bloomington area.

5 Q And 31-B?

6 A Yes, 31-B shows the inside of the vehicle. It's  
7 missing the radio area. The wires are pulled out where the  
8 radio once was.

9 Q It was in that condition when you found it that day?

10 A Yes, sir, it was in that condition.

11 Q The vehicle was towed in, was it not, in an  
12 operating condition?

13 A It was towed in on a City of Normal tow truck. We  
14 did not actually drive the vehicle that day. We pushed it  
15 back until we could get the tow truck hooked onto it.

16 Q Were you informed -- I mean, why was it towed? Were  
17 you informed it couldn't be driven?

18 A We were informed, I believe, it had a cracked head  
19 on it.

20 Q People's Exhibit 31-C?

21 A Yes, sir, this picture is a picture of the inside of  
22 the vehicle as you're looking from the driver's door. You'll  
23 see Mr. Kryszak in the right side of the picture with his left  
24 hand holding the equipment cluster and his right hand holding

1 the flashlight.

2 Q Were you viewing this as it was being undone?

3 A Yes, sir, I was.

4 Q I guess obviously you were, since you took the  
5 picture?

6 A Yes, sir.

7 Q Was that your first view of the speedometer cable?

8 A No, sir, this is not my first view. My first view  
9 was from the passenger side. I was doing some other things at  
10 that time. I then went back to get my camera, and this would  
11 have been the first photograph that I took with the camera.

12 Q And is 31-D a closer-up view of the cable?

13 A Yes, I just zoomed in on the cable behind the  
14 instrument cluster.

15 Q 31-E?

16 A That would have been my first view of the vehicle as  
17 I was standing on the passenger side.

18 Q And 31-F?

19 A 31-F is a closer view of the speedometer cable tip  
20 where it sits in the housing behind the instrument cluster.

21 Q 31-G?

22 A This again is even a closer shot with a macro lens  
23 going down onto the end of the speedometer cable. The small  
24 thing you see inside is a penlight adapter which Walter

1 Kryszak was using to light the area, since I was using a macro  
2 lens.

3 Q 31-H?

4 A This is a view of the speedometer cable as it plugs  
5 into the transmission down on the interior of the engine  
6 compartment.

7 Q 31-J -- I'm sorry, I.

8 A This is a speedometer cable that we removed from  
9 Alan Beaman's vehicle. After we returned to the Normal Police  
10 Department I laid each piece out on the table and photographed  
11 those pieces by themselves.

12 Q 31-J?

13 A This photograph was taken at the scene. The part  
14 that you see sticking up is the back of the speedometer  
15 housing, and this is the cable, how they connect on to each  
16 other.

17 Q 31-K?

18 A This is the end of the speedometer cable. It was  
19 taken out of Alan Beaman's car, showing the white plastic  
20 retaining clip.

21 Q 31-L?

22 A This is the back of the speedometer as it was still  
23 in the instrument cluster, just a close-up view using a macro  
24 lens once again.

1 Q 31-M?

2 A This is a photograph provided to me by Walter  
3 Kryszak. I did not take this photograph myself. It shows the  
4 speedometer cable taken from Alan Beaman's car with the tip of  
5 the replacement inner cable that was put in, and the tip of  
6 the new cable which I had purchased in Roscoe, USC-1, placed  
7 on a nail to show the comparative size.

8 Q We'll look at that photo in just a minute. Had you  
9 provided the new tip to Mr. Kryszak?

10 A Yes, sir, I had.

11 Q All of those photographs truly and accurately  
12 represent the car and the cable as you saw it that day,  
13 December 5th?

14 A With the exception of the last photo. That photo  
15 was not taken on that day. But the rest of the photos do  
16 accurately depict, yes.

17 Q Show you People's Exhibit No. 62 and ask you if you  
18 recognize that item? If you would take it out of there  
19 please.

20 A You want me to remove it, sir?

21 Q Yes.

22 A People's Exhibit 62 is the instrument cluster that  
23 was taken out of Mr. Beaman's vehicle, the 1987 Ford Escort.

24 Q And what is the present odometer reading on the --

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APPENDIX 003091

1           A     The present mileage on this instrument cluster is  
2 83,677 miles.

3           Q     Other than perhaps a little movement of the odometer  
4 from the experiments that have been done with the drill, is  
5 that the same mileage or very close to the same mileage that  
6 would have been on there the day that it was taken out of the  
7 car?

8           A     Yes, sir, it would have been. This was taken out of  
9 the car, transported to the Normal Police Department by  
10 myself, and put into evidence. So there's no reason it should  
11 have accrued mileage while it was sitting in evidence.

12          Q     While we're on this topic, let me show you People's  
13 Exhibit No. 63. Can you recognize that document?

14          A     Yes, sir, I do.

15          Q     What is that?

16          A     People's Exhibit 63 is an odometer disclosure  
17 statement. It was written by Strandquist Motors, 601 W.  
18 Jefferson St., Rockford, Illinois. Shows the transfer  
19 signature of Gervaise Sparhawk and the printed name of the  
20 transferee signature being Mike Strandquist.

21          Q     And does it give a mileage on the date of the sale?

22          A     Yes, sir, it does.

23          Q     And what was the mileage?

24          A     The date of the statement was 12-27-91. The mileage

1 is 60,013 miles.

2 Q Okay. And you previously have indicated that the  
3 second mileage that would be known was on the Sears receipt  
4 which was 77,479, correct?

5 A I'm sorry?

6 Q 77,479 on the Sears receipt?

7 A Yes, sir.

8 Q And that would be on August 24th of '93, correct?

9 A Yes, that is correct, sir.

10 Q And then the next mileage that would be known would  
11 be the 77,811 that was in the photograph taken by Mrs. Beaman,  
12 correct?

13 A That is correct.

14 Q That would have been on September the 1st of '93,  
15 correct?

16 A It would have been 8-30 of '90 -- yeah, I believe --

17 Q Well --

18 A I'm sorry, the photograph, yes.

19 Q The photograph?

20 A Yes, sir, I'm sorry.

21 Q Within a few days after the murder, correct?

22 A Correct.

23 Q And then the mileage as recorded on the car at the  
24 time it was inspected, December 5th, 1994, would be the last

1 known mileage on the odometer, correct?

2 A Yes, sir.

3 Q Now I'll show you People's Exhibit No. 66, ask you  
4 if you recognize that item?

5 A Yes, sir, I do recognize that item.

6 Q And what is that?

7 A That is the speedometer cable taken out of Alan  
8 Beaman's 1987 Ford Escort.

9 Q Both that and item number 62, did you recover those  
10 as evidence that day and package them and take them to the  
11 crime lab for examination?

12 A Yes, sir, I did.

13 Q And are both those items, other than the lab  
14 markings and fingerprint residue, in substantially the same  
15 condition as when you recovered them?

16 A Yes, sir, I believe they are.

17 Q Did you also, in connection with this investigation,  
18 purchase a new speedometer from a Ford dealer, and a new  
19 speedometer cable from a Ford dealer?

20 A Yes, sir, I did.

21 Q Show you first People's 62-A, and ask you if you  
22 recognize that item?

23 A Yes, sir, that's the new speedometer which I bought  
24 from Dennison Ford in Bloomington.

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APPENDIX 003094

1 Q And People's 66-A?

2 A Yes, sir, that appears to be the cable, speedometer  
3 cable, which I bought from Dennison Ford in Bloomington,  
4 Illinois.

5 Q Now when you purchased the new cable, was the -- did  
6 you have to purchase -- this has an inner cable in it,  
7 correct?

8 A Yes, it does.

9 Q And did you have to purchase a new inner cable and  
10 put it in there, or does it come with the inner cable?

11 A No, sir, it comes as one assembly, inner cable and  
12 outer sheathing.

13 Q And as far as the tip of the Ford replacement part,  
14 does that differ at all from the universal tip in the  
15 replacement universal parts that you bought?

16 A Yes, the tip in the new cable which I bought is a  
17 white plastic tip. The tip in the universal tip which I  
18 bought is a silver tip, silver metallic tip.

19 Q And you previously indicated at some point in time  
20 you went to Roscoe to Jerry's Auto Parts and purchased some  
21 parts there, correct?

22 A Yes, sir, on two different occasions.

23 Q And did you also have occasion to be allowed by Mr.  
24 Fehler to go through their records and attempt to locate

1 receipts that related to the December, 1991 time period that  
2 you learned may have related to some work on the odometer or  
3 the speedometer?

4 A Yes, sir, he did allow me to go through his records  
5 for December of '91.

6 Q First let me show you People's Exhibits 64-A, H, G,  
7 F and B, and ask you if you recognize those receipts?

8 A Yes, sir, I do.

9 Q And what are those?

10 A These are receipts that I found in boxes at Roscoe's  
11 -- or Jerry's Auto Parts in Roscoe, Illinois, after searching  
12 for records in December of 1991.

13 Q And in particular is People's Exhibit 64-B a receipt  
14 for December the 26th of '91?

15 A Yes, it is, sir.

16 Q And what does that show purchased on that date?

17 A Shows a one -- quantity of one, the part number is  
18 Advantage USC-1, description is a cable kit. It also shows  
19 one part number, KRY1613, which was told to me to be a black  
20 spray paint.

21 Q And when you later purchased the various items at  
22 Jerry's Auto Parts, did you get the receipts from those  
23 purchases also?

24 A Yes, sir, I did.

C09673

1 Q Let me show you 64-D, C and E, and ask if you  
2 recognize those receipts?

3 A Yes, sir, I do.

4 Q And what are -- what are those?

5 A These are receipts given to me after I purchased an  
6 Advantage USC-1 cable kit.

7 Q Now you got three receipts there, right?

8 A Yes, sir, I do.

9 Q How many of these Advantage parts did you purchase?

10 A I purchased two. I purchased one December 22nd of  
11 1994, and one on February 15th of 1995.

12 Q And what's the third receipt for?

13 A The third receipt is for a different type of repair  
14 kit which I purchased on February 15th, 1995.

15 Q And what's the notation on there for that different  
16 type of repair kit?

17 A This, instead of saying cable kit under description,  
18 says repair kit. And instead of a part number of Advantage  
19 USC-1, this says DOR705-707.

20 Q All right. On the dates that you purchased the two  
21 Advantage replacement kits, what does those entries say?

22 A Those entries say Advantage USC-1, and under  
23 description they say cable kit, both on December 22nd and  
24 February 15th?

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1 Q And was that the same notation that was on the old  
2 receipt that you found in 1991, particularly the one on  
3 December 26th?

4 A Yes, sir, they say Advantage USC-1, cable kit.

5 Q And show you now People's Exhibit 66-B and C, and  
6 ask you if you recognize those two items?

7 A Yes, sir. People's Exhibit 66-B is an Advantage,  
8 part number USC-1, part one, universal cable kit, which I  
9 purchased at Jerry's Auto Parts in Roscoe, Illinois. This is  
10 the same Advantage speedometer cable kit which I gave to the  
11 Morton Crime Lab.

12 Q This one has been opened, correct?

13 A Yes, sir, it has.

14 Q Presumably to use the tip for comparison purposes?

15 A I assume so. I wasn't there when it was opened.

16 Q You've seen the photographs. You weren't actually  
17 present when Mr. Kryszak did that?

18 A That is correct.

19 Q And 66-C?

20 A People's Exhibit 66-C once again is an Advantage  
21 part number USC-1, universal speedometer cable kit. This  
22 would be the cable kit that I purchased on February 15, 1995,  
23 at Jerry's Auto Parts in Roscoe, Illinois.

24 Q The two different types of replacement kits that you

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1 said you bought at Jerry's, were those the only two that they  
2 carried?

3 A Yes, sir, they said that was the only two.

4 Q Call your attention to the week of December 12th.  
5 Did you, as part of your investigation at that point, make an  
6 attempt to find who the prior owner of the Ford Escort would  
7 have been?

8 A Yes, sir, I did.

9 Q And how did you find out that information?

10 A I went through the Secretary of State's office and  
11 asked them to do a title search on the vehicle. By a manual  
12 look-up through the Springfield office they were able to tell  
13 me who owned the vehicle prior to then.

14 Q And were you, by that process, able to locate Mrs.  
15 Sparhawk, who's testified here?

16 A Yes, sir, I was.

17 Q And did you, thereafter, interview her and her son,  
18 Gilbert, and Mr. Angotti as part of the investigation?

19 A Yes, I did.

20 Q Did you also go to Strandquist Motors at some point  
21 and obtain records of the trade-in and the subsequent sale to  
22 the Beamans?

23 A Yes, sir, I did.

24 Q Once you interviewed Mrs. Sparhawk and her son,

1 Gilbert, was that your first indication in the investigation  
2 that the speedometer cable on this car had any prior problems?

3 A Yes, sir, it was.

4 Q On January 18th of 1995, did you have occasion to  
5 make another trip to Rockford and do some more measuring of  
6 mileages and times?

7 A Yes, sir, I did.

8 Q Was that also a weekday?

9 A Yes, sir, I believe it was.

10 Q If you could refer to your report please, do so, but  
11 would you tell us what measurements you made on the trip up?

12 A According to my report I began at [REDACTED]  
13 [REDACTED], drove directly to Alan Beaman's residence at an  
14 average of about 75 miles per hour. Total distance was  
15 recorded as a hundred, eighty-three miles, with a driving time  
16 of one hour and 56 minutes.

17 Q And I believe you previously indicated at the speed  
18 limit, it took two hours and 17 minutes?

19 A Yes, sir, that is correct.

20 Q Most of the -- the great majority of the route is  
21 interstate highway, correct?

22 A Yes, sir, Route 39, State 20, all interstate.

23 Q And what's the speed limit on those roads?

24 A On 39 it's 65 miles an hour. On State 20, I believe

1 it's 55 miles per hour.

2 Q On that day, before we go into the driving you did  
3 while you were there, would you tell us about the trip back  
4 and the measurements you made on the trip back?

5 A Yes, sir. Once again referring to my report, after  
6 finishing the intercity driving, we checked the distance from  
7 Bell Federal to [REDACTED], Normal, at an average of  
8 75 miles per hour. The total distance was a hundred and  
9 twenty-three, point nine miles, with a travel time of one hour  
10 and 48 minutes.

11 Q And while you were there, did you do some intercity  
12 driving to measure some routes that related to the information  
13 you had learned from Mrs. Beaman?

14 A Yes, sir, I did.

15 Q And have you prepared some slides that would help us  
16 to understand that evidence?

17 A Yes, sir, I have.

18 Q For the record, we are now looking at slide -- just  
19 a minute, 70-DX. Could you tell us what's depicted on the  
20 slide, detective?

21 A Yes, sir. Once again, this is a background of the  
22 insert from the atlas from the City of Rockford. Overlaying  
23 that are the yellow routes of Carol Beaman driven on August  
24 25, 1993, to the best of our knowledge due to her reports and

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1 her disclosures to us. You'll notice on the sheet  
2 Independence Village, which is the residence of Chris Gray,  
3 Wal-Mart, Union Hall, Gray's IGA where she received the  
4 receipt at three minutes after two, Auburn High School where  
5 Carol Beaman is employed, and the Beaman residence at [REDACTED]  
6 [REDACTED] [REDACTED]

7 Q Did you -- excuse me -- make certain distance and  
8 time measurements relating to those various places?

9 A Yes, sir, I did.

10 Q Okay. Is that on a slide or just in your report?

11 A It's in my report, sir.

12 Q Would you give us that information based on your  
13 driving that day?

14 A Yes, I would. From Chris Gray's residence at  
15 Independence Village to the Beaman residence at [REDACTED] [REDACTED]  
16 [REDACTED], the total mileage of 9.9 miles, the travel time of 16  
17 minutes. From the Beaman residence to Wal-Mart, the distance  
18 of 9.7 miles, travel time of 15 minutes. From Wal-Mart to  
19 Union Hall, the distance of 1.9 miles took me approximately  
20 seven minutes. From Union Hall to Gray's IGA on the Auburn  
21 Road site was a distance of 4.9 miles, a travel time of 13.5  
22 minutes. From Gray's IGA on Auburn to the Auburn High School  
23 is a distance of 1.6 miles, took me approximately four  
24 minutes. From Auburn High School to the Beaman residence, the

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1 distance of 6.3 miles, took a travel time of eight minutes.

2 Q When you're doing the driving that day, could you  
3 tell us about your speed?

4 A Yes, sir, I was driving to stay within the speed  
5 limit, right at the posted speed limit.

6 Q Basically traffic on a normal weekday?

7 A I assume it was, sir. I don't live in Rockford. I  
8 don't know how traffic is normally, but I would assume it was  
9 a normal day.

10 Q But you were there on a weekday during a business  
11 day?

12 A Yes, sir, I was.

13 Q Okay, thank you.

14 A Would you like me to continue with the list, sir?

15 Q Oh, do we have some more on this slide?

16 A Just the Auburn High School to Beaman residence --  
17 I guess I would have finished up on that.

18 Q I think you mentioned that, yes.

19 A Okay.

20 Q Detective, you were present here in court and, in  
21 fact, assisting Mr. Kennedy when we used the drill and ran the  
22 demonstration the other day on People's Exhibit 62, 66, 62-A,  
23 and 66-A, the old and new speedometer cables, correct?

24 A Yes, sir, I was.

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1 Q And you had a chance as you were assisting in that  
2 to observe the operation of those as the cable was both locked  
3 on the back and then unlocked and moved slowly back off until  
4 it was removed, correct?

5 A Yes, sir, I was able to observe that.

6 Q And during that operation did you observe that it --  
7 after being unlocked, that it would still operate properly and  
8 fully if it's on there enough of a distance?

9 A Yes, sir, I did observe that.

10 Q And did you also observe at a certain point as  
11 you're backing it off that it operates in basically an  
12 intermittent position?

13 A Yes, sir, I observed that as well.

14 Q Then at a certain point it goes to zero and it will  
15 not operate at all, correct?

16 A That is correct.

17 Q All right. Prior to doing that in court the other  
18 day, had you participated at all with either Mr. Kennedy or  
19 anyone else in doing that same operation outside of court?

20 A Yes, sir.

21 Q On how many occasions was that done?

22 A Three times, sir.

23 Q Outside of court, did the operation always go the  
24 same way that it went in court?

1           A    Yes, sir. There was a different drill used each  
2 time, but I believe, yes, it operated the same.

3           Q    Now would you agree that the locking mechanism on  
4 the old cable is, how should we say, not in pristine  
5 condition?

6           A    Yes, sir, it's not in the condition that a new one  
7 would be.

8           Q    And sometimes if you fiddle with it you can get it  
9 to lock, and sometimes it doesn't lock, right?

10          A    Yes, sir. From the experience that I had with it,  
11 if you push the notch in, it will stay, but if you don't push  
12 the notch, it will slide on and off without locking.

13          Q    Was the locking mechanism, itself, was it in that  
14 same condition when it was removed from the car as best you  
15 know?

16          A    Yes, sir, it was.

17          Q    As far as you know, nothing about the old cable,  
18 itself, has been changed or damaged in any way by any  
19 examinations or inspections done by anyone?

20          A    To my knowledge, no, sir.

21          Q    I want to call your attention to this past weekend.  
22 I believe it would have been March the 18th, Saturday, March  
23 the 18th of 1995, and ask you if you had occasion to make  
24 another trip to Rockford to make yet another check on distance

1 and time?

2 A Yes, sir, last Saturday morning I drove to Rockford  
3 again.

4 Q Would you tell us what you did on that trip and the  
5 results?

6 A Yes, sir. If I could refer to my notes?

7 Q Do you not have those up there?

8 A No, sir, I don't. They're in my notebook on the  
9 prosecution table.

10 MR. SOUK: May I?

11 THE COURT: You may.

12 A Okay, sir, would you ask the question again please?

13 Q (By Mr. Souk) Would you summarize, for us, the  
14 distances that you traveled and the times on this last trip to  
15 Rockford?

16 A Yes, sir. On the 18th of March, I left Jennifer's  
17 apartment at 7:15 A.M. I left from the parking lot area. I  
18 traveled to Alan Beaman's residence at an average of 75 miles  
19 per hour. Leaving at 7:15 A.M. I arrived at 9:10 A.M. in  
20 front of Alan Beaman's residence. The total distance  
21 registered on the odometer of the vehicle I was driving was  
22 138.5 miles. The entire trip took one hour and 55 minutes.  
23 On the way back --

24 Q Well, let's -- did you do some driving while you

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1 were there?

2 A Yes, sir, I did.

3 Q Let's go through that, if you would.

4 A Okay. I left the Beaman residence at 9:13 A.M.,  
5 arrived at Wal-Mart at approximately 9:28 A.M., 15 minutes  
6 later. And then arrived at the grandmother's residence at  
7 9:29 A.M., one minute after Wal-Mart, 16 minutes after the  
8 Beaman residence.

9 Q Did you -- was that the only route of Mrs. Beaman's  
10 that you redrove that day?

11 A Yes, sir, it is.

12 Q Did you -- could you tell us about the trip back  
13 then?

14 A Yes, sir. I went to Bell Federal Bank at the corner  
15 of Alpine and Newberg. I walked inside the bank, stood inside  
16 the doorway where we observed Alan Beaman on film at 11  
17 minutes after ten. As soon as my watch said 11 minutes after,  
18 I walked out of the bank, walked to the parking lot, unlocked  
19 the vehicle I was driving, got in, drove to Normal at an  
20 average speed of 75 miles per hour. I drove to [REDACTED],  
21 pulled into the parking lot, got out of my vehicle, locked my  
22 vehicle, walked to the door of [REDACTED] at [REDACTED] and  
23 checked my watch.

24 Q And what time was it?

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APPENDIX 003107

1 A Twelve o'clock, sir.

2 Q Did you also, last Saturday, go to the location on  
3 the ISU campus where Jennifer attended her last class?

4 A Yes, sir, I did, Edwards 211.

5 Q And did you walk the route from her classroom where  
6 she had her last class to the entrance of [REDACTED] [REDACTED] [REDACTED]?

7 A Yes, sir, I did.

8 Q And just to make sure we're clear, were you outside  
9 the building at Edwards Hall, or did you actually go up where  
10 the classroom was?

11 A No, sir, I walked up to the doorway of Edwards 211.  
12 The door was locked, so I started at the locked door of the  
13 classroom, walked at a moderate pace to Jennifer's apartment,  
14 [REDACTED], walked to [REDACTED], up the stairs to the front of Apt.  
15 [REDACTED] at that location.

16 Q Did you time that trip?

17 A Yes, sir, I did.

18 Q And how long did it take?

19 A At a moderate pace, eight minutes, 52 seconds.

20 MR. SOUK: Judge, I believe that's all I have, but if we  
21 could have a recess I could make certain of that.

22 THE COURT: I think we'll take about a ten-minute recess  
23 at this time. If the bailiffs would please take charge of the  
24 jury, and the jury is to leave their notebooks here as well.

1 Court will be in recess for ten minutes. You may  
2 step down.

3  
4 (WHEREUPON A RECESS WAS HAD.)

5  
6 THE COURT: All right, for the record, counsel and  
7 defendant return to open court. The jury will be brought back  
8 into the courtroom.

9  
10 (WHEREUPON THE JURY RETURNED TO THE  
11 COURTROOM AND THE FOLLOWING WAS HAD:)

12  
13 THE COURT: All right, for the record, reflect that the  
14 jury has now returned to open court. Before I call upon you  
15 to examine, Mr. Beu, let me just clarify. I understand that  
16 some additional paper was made available to the jurors. If  
17 you need a moment to put any additional paper into your  
18 notebooks, would you take that time to do that please.

19  
20 (WHEREUPON A BRIEF INTERRUPTION WAS HAD.)

21  
22 THE COURT: All right, Mr. Beu, you may proceed with your  
23 cross examination.

24 MR. BEU: Thank you, your Honor.

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CROSS EXAMINATION

BY MR. BEU:

Q I'm sorry, detective, your title is what?

A Sergeant.

Q Sgt. Freesmeyer, okay. Sergeant, can you first of all go back with us on the slides that you were doing of the mileages from Rockford? I don't know if that's set up right at the moment for you to do that, or do you need to go there to get to that location?

THE COURT: Would you like him to step down, Mr. Beu?

MR. BEU: If he needs to, unless it's already in that spot.

Is that the first of them, officer?

A This is the one you're referring to, sir, or did you want the -- I'll go to the beginning of the slides. Okay, that would have been the first, I believe.

Q (By Mr. Beu) All right. Now I had a little difficulty hearing from back here as far as all of the numbers that went with these, and so I'm not going to be in a position to identify specifically by number what these are. But I shall try to phrase my question so that it's clear which slide I'm referring to. We have up here now a slide which shows a

1 route that you traveled between Mr. Beaman's residence and  
2 Bell Federal Bank. Is that correct?

3 A Yes, sir, that's correct.

4 Q Isn't it true that the route that you drove to make  
5 that comparison is a route that you simply selected as being  
6 perhaps the most direct route between the two locations?

7 A Yes, sir, that is correct.

8 Q That is not a route that Mr. Beaman told you  
9 specifically that he took to go between those points, is it?

10 A I don't recall he told me what route he took. He  
11 just said he went to the bank and back.

12 Q So you chose to select a route, did you not, that  
13 you took right through the heart of downtown Rockford?

14 A As you stated earlier, I took the most direct route,  
15 sir.

16 Q Does not that route take you directly through the  
17 heart of downtown Rockford?

18 A Yes, sir, it does.

19 Q As opposed to going down Meridian Road to the high  
20 speed bypass over to Alpine Road, and then up north to Bell  
21 Federal?

22 A Yes, that would be correct.

23 Q Would you please advance to the next slide? Next  
24 slide, please. Next slide. Sir, there is a notation on here

1 that you identified before of going directly from the Sandy  
2 Hollow IGA to Bell Federal Savings. I believe that's the  
3 fourth item on this total list of originations/destinations  
4 and distance recap?

5 A Yes, sir, that's correct.

6 Q Mr. Beaman never told you that he drove that  
7 distance at anytime that was relevant to these proceedings,  
8 did he?

9 A No, sir, he did not.

10 Q He told you that he drove from the IGA on Sandy  
11 Hollow to his home, and then from there back to Bell Federal,  
12 correct?

13 A Yes, sir, I believe you are correct.

14 Q Can you tell us why, other than an oversight on your  
15 part, you chose to include on this supposed list of the total  
16 mileage he drove, a distance which you knew he never drove?

17 A Yes, sir. This was done, I believe, prior -- the  
18 first routes were done before I had knowledge that in grand  
19 jury he stated he went from work to home, to the bank, to back  
20 home. I was told when I was questioning him at McPherson  
21 Theater and I asked him, "Didn't you go to the bank?" He  
22 responded, "I didn't go to Normal." So I knew, at that point,  
23 that he was at the bank at some time. So, therefore, I went  
24 from where he was that morning, which was Sandy Hollow IGA, to

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1 Bell Federal Bank.

2 Q In other words, this document of your mileages was  
3 prepared before the grand jury testimony?

4 A This particular document you're looking at now, no,  
5 this was done last week. But when I began trying to figure  
6 out what routes he had done, once I was made aware of the  
7 mileages, I was not aware that he had gone home first, and  
8 then to the bank, and then back home again.

9 Q I'll go back to my original question then, sergeant.  
10 When you prepared this document, you knew that that wasn't a  
11 route that he had told you that he took?

12 A Yes, sir, I guess I did know that.

13 Q Are there, to the best of your knowledge, any other  
14 places on this document where you have included distances that  
15 you may have guessed at some earlier time, found out were not  
16 accurate, but then didn't delete off of this?

17 A No, sir, to my knowledge, I didn't purposely delete  
18 anything that I was aware --

19 Q I didn't mean to suggest you were --

20 A If you have something in mind, I'm open to  
21 suggestions.

22 Q So am I, and I'm simply asking you to look at the  
23 list. We've identified one, and I'm asking whether you could  
24 look at that and determine whether maybe now having had that

1 pointed out to you there may be others that you have  
2 inadvertently placed in here?

3 A I don't recall anything else I would have  
4 inadvertently placed in, no.

5 Q Next slide please. This is the slide which shows  
6 the various locations that you identified, I believe, based  
7 upon what was told to you by Carol Beaman about her activities  
8 on the day of August 25th?

9 A Yes, sir, that's correct.

10 Q And Carol is Alan Beaman's mother?

11 A Yes, sir, she is.

12 Q Okay. She told you that she had been home and left  
13 from home in the morning?

14 A Yes. Let me make an exception to my last answer,  
15 sir. She did not say that she stopped by Auburn High School.  
16 Gray's IGA and then back home, and I --

17 Q You've anticipated me, sir, and I congratulate you.  
18 She did not tell you that Auburn High School was a stop that  
19 she made, did she?

20 A No, sir, she did not.

21 Q When you testified earlier that the slide was  
22 prepared for locations she had said to you, that was not  
23 correct, was it?

24 A If that was my wording, that these are places she

1 said to me, then you are correct. She did not say Auburn High  
2 School.

3 Q You knew from talking with her and from your  
4 investigation that she's a teacher at Auburn High School?

5 A Yes, sir, I did know that.

6 Q You put this Auburn High School stop on here  
7 speculating that she might have stopped at Auburn High School  
8 on the way home. Is that not correct?

9 A Yes, sir, that is correct.

10 Q You put it on here to raise the inference that she  
11 might have done something different than she said she did?

12 A I can't testify I put it on there to make an  
13 inference. I put it on there because I felt that was  
14 pertinent.

15 Q Why would it have been pertinent, sir?

16 A Well, because she was going from Gray's IGA to [REDACTED]  
17 [REDACTED] [REDACTED] In prior testimony she didn't recall exactly  
18 what time she got home. At this time she stated she was sure  
19 she was home at 2:15, and being a teacher at Auburn High  
20 School, stating she was buying supplies for school, I felt it  
21 was pertinent to put in Auburn High School as she was on her  
22 way home and she was buying items for school.

23 Q This was a school vacation period, correct?

24 A The day, that week before school started, yes, sir.

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1 Q Yes, sir, the 25th of August?

2 A Yes, that's my understanding.

3 Q And again, just so it's clear, part of her itinerary  
4 that day as she described it to you and to the grand jury was  
5 not a stop at Auburn High School, was it?

6 A That is correct, sir.

7 Q Okay, next slide please. Back up, I think, please.

8 You have identified certain routes again on the same slide I  
9 was just asking you about concerning Carol Beaman's travel.  
10 You have a part of a distance on this map. Let me step up and  
11 show you what I'm asking you about here. Here on a route that  
12 is listed on the map as North Main Street, a north/south  
13 portion of one of those routes, correct?

14 A Yes, sir.

15 Q That again is your arbitrary selection of a route  
16 between a couple of points, is it not, as opposed to a route  
17 that she described to you?

18 A Yes, sir. Again I don't believe she described  
19 exactly what route she took. I chose an arbitrary route which  
20 seemed to be the most direct route.

21 Q So, of course, you cannot say that that was the  
22 route that was taken?

23 A No, sir, I can't say that.

24 Q Next slide please. And next. That was the end of

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1 those slides then, I believe.

2 A I believe so, sir.

3 Q Okay, lights please. Thank you. Sergeant, you  
4 indicated that you were present when the various pre-court and  
5 in-court demos were made with the old and new odometer cable  
6 with the drills?

7 A Yes, sir, that's correct.

8 Q I truly don't mean to be cute, but did each drill  
9 register 62 miles an hour?

10 A I can't tell you for sure, yes. I'm sure each one  
11 might have turned at a slightly different speed.

12 Q But in each case, the old and new registered  
13 identically regardless of the drill?

14 A I believe in court was the first time that I had  
15 tried the new drill and compared it to the old drill. I had  
16 done -- I'm sorry, the new cable compared to the old cable.  
17 I had done the old cable once at the Morton Crime Lab, once at  
18 the Normal Police Department, and once upstairs in the state's  
19 attorney's office. The new drill, I recall doing here in the  
20 courtroom testimony.

21 Q New drill or new cable?

22 A I'm sorry. The new cable I recall doing here in  
23 courtroom testimony. I don't recall ever doing the new drill  
24 other than this time -- the new cable.

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1 Q So prior to court you didn't have, to your  
2 knowledge, direct knowledge that it was going to work just the  
3 same as the old drill?

4 A No, sir, not prior to court I did not.

5 Q The old cable. When you were doing the examination  
6 or overseeing the examination of the Escort of Mr. Beaman's,  
7 you've indicated Mr. Van Etten that was there for us was  
8 allowed to take photos at each stage of the examination. He  
9 did do that, as a matter of fact, did he not?

10 A Yes, sir, he did.

11 MR. BEU: May I approach, your Honor?

12 THE COURT: You may.

13 Q (By Mr. Beu) Officer, I show you what's been marked  
14 previously for identification as People's Exhibit 53, which I  
15 believe you have indicated earlier is a check that you  
16 obtained from either Carol or Barry Beaman bearing the date of  
17 August 25 and written to Gray's IGA.

18 A Yes, sir, that's correct.

19 Q If you'll refer to the back of that document, sir,  
20 is there a bank deposit stamp on there?

21 A Yes, there is from the Northwest Bank of Rockford.

22 Q Okay. Sir, is that bank deposit dated?

23 A Yes, sir, it is.

24 Q What is the date?

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APPENDIX 003118

1 A August 26th, 1993.

2 Q The 26th?

3 A Yes, sir.

4 Q The day following its delivery according to the date  
5 on the face of it?

6 A Yes, sir, the 26th would follow the 25th.

7 Q Did you make any inquiry with respect to Northwest  
8 Bank of Rockford concerning this?

9 A I don't know I made any inquiry to Northwest Bank.  
10 I did make an inquiry to Amcoré Bank to get copies of canceled  
11 checked.

12 Q That is the bank upon which the check is drawn?

13 A Yes, sir.

14 Q So you made no inquiry to determine whether the bank  
15 stamp on the back of a check the day following a transaction  
16 at the store would or would not be standard processing for a  
17 store of this sort?

18 A I had no reason to doubt it. I didn't feel  
19 investigation on that was needed.

20 Q As a matter of fact, officer, at the various times  
21 that you received items from the Beaman family, the Sears  
22 receipt for example, the Wal-Mart receipt, the Union Hall  
23 receipt, the check written to IGA, the IGA receipt, you were  
24 provided with the originals of all of those documents, right,

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APPENDIX 003119

1 and you or your department or the state's attorney have had  
2 them there thereafter in your possession?

3 A No, sir, I don't recall it that way.

4 Q What do you recall?

5 A I recall from the subpoena that I received getting  
6 the original copy of the IGA store receipt and the checks from  
7 Carol or Barry Beaman. The receipt from Sears, I don't recall  
8 whether I took that into evidence, or rather another member of  
9 our department took that into evidence. The Wal-Mart receipt  
10 and Union Hall receipt, I don't recall taking the original of  
11 that or holding the original. At some point I'm sure I had  
12 it, because we have a photocopy of it. But, sir, it did not  
13 appear on our subpoena, and I don't believe I held the  
14 original for that.

15 Q It is entirely likely, isn't it, that these  
16 documents were forthcoming to you without a subpoena?

17 A That is possible, yes, sir.

18 Q And you did have the original of the Wal-Mart and  
19 Union Hall receipts, as well as the rest of these, correct?

20 A At this point, I have a photocopy of them, so I  
21 assume at some point I did have the originals.

22 Q The question I'm getting to, what testing  
23 procedures, if any, did you apply on these documents in an  
24 effort to determine whether or not they appeared to be

1 legitimate documents?

2 A Well, for the Union Hall receipt, I also have a  
3 photocopy of a Master Card receipt with a date on it and Carol  
4 Beaman's signature. For the Wal-Mart receipt, I didn't have  
5 any reason to check with Wal-Mart. I don't believe that the  
6 Wal-Mart Corporation would forge a receipt. I accepted them  
7 as legitimate receipts, sir, other than as I testified  
8 earlier, I did call Wal-Mart to see if Mrs. Beaman would have  
9 appeared on camera. At that point, the tapes were already  
10 destroyed or reused. And I attempted to call Union Hall to  
11 see if they had video tapes, and found that the business was  
12 no longer established at that location.

13 Q There were no tests, I take it, that you caused to  
14 be performed at any state lab or otherwise with respect to the  
15 paper, or the ink, or anything, to determine if these were  
16 apparently contemporaneous documents for the day they appeared  
17 to be?

18 A No, sir. No, sir, I had no reason to question that.

19 Q How about the IGA receipt and check?

20 A Yes, sir, the IGA receipt I did have question to --  
21 or an occasion to question since it was Carol's brother's  
22 store. The check, as I mentioned earlier in testimony, I did  
23 -- I received copies of Carol Beaman's check from the Amcore  
24 Bank to verify that the check was written on that day, and

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APPENDIX 003121

1 copies of the check from the bank verified that that check was  
2 written on that day. For the Gray's IGA receipt, I went to  
3 Gray's IGA store myself and I made a purchase, and I believe  
4 it was a soda. I took the receipt from that soda. I knew  
5 from the receipt it was a Union Sweeter register. I called  
6 the company and asked them how hard it would be to change a  
7 date and time on a registered receipt such as that. She told  
8 me how to do that in a matter of seconds. I believe that  
9 concluded the investigation that I did on those receipts.

10 Q Was any type of investigation done to see anything  
11 further with respect to any of those documents?

12 A No, sir, I don't believe so.

13 Q And the -- you checked also, did you not, at the IGA  
14 about the fact that they have print-out numbers on the system  
15 that they use which places a transaction number both on a  
16 receipt and on the check that is registered in return for that  
17 check?

18 A I'm sorry, sir, that's a very complicated question  
19 that you asked me. Would you mind showing me the receipts and  
20 check and verify that?

21 MR. BEU: May I, your Honor?

22 THE COURT: You may.

23 Q (By Mr. Beu) I realize you are right, it was a  
24 lengthy question. If you will refer, I believe, to People's

1 Exhibit 53. Did you not determine, on that document, is a  
2 notation printed by the register at the IGA store which  
3 inserts an identification number which also appears on the  
4 receipt?

5 A Sir, would you mind showing me the receipt? There's  
6 several stamps on here. I don't know what came from IGA and  
7 what came from the bank.

8 Q Yes, sir. Showing you what's been marked as  
9 People's Exhibit 52-A.

10 A Thank you. Sir, on the bottom of the check there in  
11 blue ink, it's stamped 6574 777. On the far right, it appears  
12 in blue letters to have 48.25. 48.25 is the amount of the  
13 cash register receipt at Gray's IGA, and the 6574 777 appears  
14 on the bottom of the IGA receipt. If that's what you're  
15 referring to, sir, yes, the numbers from the receipt match the  
16 check, sir.

17 Q Okay. So those things appear to match. Now was it  
18 your understanding from the representative at the company that  
19 made that register that if a person were inclined to somehow  
20 tamper with the information that would appear on that receipt  
21 at the time it would have had to be done at the time the  
22 receipt was issued?

23 A I'm sorry, sir, again you've confused me.

24 Q I'm sorry, I'll try not to. You spoke with a

1 representative of the company that makes the machine?

2 A Union Sweeter, yes, sir.

3 Q And that was a register in place at the IGA store?

4 A Yes, sir, I believe so.

5 Q And a person there alluded you to the fact that if  
6 someone was inclined, it would be possible to produce a  
7 receipt that was in some way not standard. Is that correct?

8 A Yes, they could alter the date and the time on a  
9 receipt.

10 Q And is it not your understanding that for that to  
11 have been done in this case, somebody who knew what they were  
12 doing with that machine would have had to do that at the time  
13 that that receipt was originally issued?

14 A If that were the original receipt, yes, the altering  
15 would have to be done before it would print on that receipt,  
16 yes, sir.

17 Q You have --

18 A If that's what you're asking.

19 Q You've already said that you have no reason to not  
20 accept that as the original receipt, have you not?

21 A When I first got it, as I mentioned earlier, I did  
22 do some checking on it. After that, then I had no reason to  
23 do any further checking on it.

24 Q You're satisfied that's the original receipt?

1 A Yes, sir, I am.

2 Q You're satisfied that there was no tampering done at  
3 that register by anybody at the IGA store?

4 A Yes, sir. The way it matches up to the check, I'm  
5 comfortable with that.

6 Q Do you truly consider, sir, that Alan Beaman has  
7 some way lied to you when he failed to recall that he had gone  
8 to the bank that morning rather than going home to go directly  
9 to bed?

10 A Of course, it would depend on what you consider as  
11 lying to you. If purposely leaving things out is lying, then,  
12 yes, he purposely left things out. On some occasions I did  
13 ask him, did you go anywhere else. He said no, I went home  
14 and went to bed. Now in direct answer to the question, did  
15 you go anywhere else, if he went to the bank, and what he  
16 tells me is, no, I went straight home and went to bed, then,  
17 yes, sir, I would consider that a lie.

18 Q Do you consider that it is a positive factor,  
19 however, for the prosecution that he was what, 13 miles maybe  
20 closer to Bloomington than his home?

21 A I consider it a positive factor that he was back  
22 out from his home at that time of the morning, sir.

23 Q And even though it shows, of course, that he was a  
24 hundred twenty-six miles from Bloomington at that time?

1 A Yes, sir, that didn't really bother me.

2 Q Officer, after Mr. Beaman appeared and testified at  
3 the grand jury here, did you go back and rerun mileage checks  
4 based upon the details that he had provided in lengthy grand  
5 jury testimony?

6 A Again, sir, you've pointed out some discrepancies  
7 that I had failed to see earlier, and those were brought out  
8 in grand jury. So if that's what you're referring to, sir, I  
9 did not make those corrections.

10 Q I'm referring, sir, to the fact that Mr. Beaman,  
11 first of all, earlier had a bond hearing following his arrest,  
12 correct?

13 A Yes, sir, that is correct.

14 Q And you recall he did not testify at the bond  
15 hearing?

16 A I was not present at the bond hearing, sir.

17 Q Is it your understanding that he did not testify at  
18 the bond hearing?

19 A That's my understanding, yes, sir.

20 Q You've seen a transcript of the bond hearing?

21 A I don't recall if I have or not, sir.

22 Q All right, sir. At any rate, other than what he has  
23 said to you, isn't it correct that the only time he has given  
24 any lengthy description of that week's activities was during

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1 testimony at the grand jury?

2 A Okay, sir, you've mentioned the only time. Are you  
3 referring to the only time after his arrest, or the only time  
4 during the investigation?

5 Q Well, let me rephrase the question. Other than  
6 those conversations you had with him --

7 A Okay.

8 Q -- isn't it true that the only description of his  
9 activities that have been put forward publicly was the  
10 testimony at the grand jury?

11 A No, sir, that is not correct.

12 Q In what way?

13 A He did give a description of his activities to  
14 Detective Daniels on the very first interview on the 28th.

15 Q All right, and let me clarify something for my own  
16 benefit there. You were what, the supervising overseeing  
17 detective during the bulk of this examination or  
18 investigation?

19 A Well, sir, I started out just as a case detective  
20 when the first -- the first of this began on August 28th. I  
21 happened to be the first detective on the scene. I did not  
22 become lead detective, so-to-say, until maybe October or  
23 November. I was not a supervisor of anybody else on this crew  
24 or this team. I was just a member of the team. And then in

1 October or November, then I began the majority of the work  
2 since I was the only person that could talk with Mr. Beaman.

3 Q Is it safe to say that in the course of your  
4 investigation on this case you have reviewed the statements  
5 that have been given by Mr. Beaman to Officer Daniels, and  
6 other witnesses to other officers?

7 A Yes, sir, that is correct.

8 Q And other than those things that were said in those  
9 various statements to any of the officers, the -- let me  
10 rephrase that question. Activities concerning his whereabouts  
11 on that day were described in far greater length at the grand  
12 jury than they were on any of the police interviews, were they  
13 not?

14 A Sir, for a direct answer to that I guess I would  
15 have to sit down and compare the grand jury with the interview  
16 that I had with him at the Normal Police Department in which  
17 he wrote out a written schedule of each day's activity and  
18 compare that with the interview that Detective Daniels did.  
19 At this point I'm afraid I'm unable to tell you which is more  
20 exact until I sat down and actually compared them.

21 Q I didn't mean to suggest exact. I meant more  
22 detailed.

23 A More detailed?

24 Q Yes, sir.

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1           A     Again, sir, I'm afraid I would have to review the  
2 grand jury. I've been through it once. I don't recall  
3 exactly how in detail he got on that, sir.

4           Q     For now I think I'll leave it with this question on  
5 that point, sir. Did you go back out to retrace routes of Mr.  
6 Beaman following his testimony before the grand jury?

7           A     Yes, sir, I'm sure I did.

8           Q     Did you test any additional routes or add any  
9 additional mileage to your total estimate in those checkings  
10 after the grand jury?

11          A     Yes, sir, I did.

12          Q     What were they, do you recall?

13          A     As I mentioned earlier, the distance from the Beaman  
14 residence to Cafe Esperanto was incorrect, so I remeasured  
15 that. The distance from Cafe Esperanto to Sinissippi Garden  
16 I had to remeasure because at the time Alan mentioned he went  
17 to Cafe Esperanto, but I couldn't find any listing in the  
18 phone book in Rockford, and I couldn't find an address for it.  
19 So at a later time I was actually able to find that particular  
20 restaurant or coffee shop. Also when I was doing mileage  
21 previously I was looking at the wrong Denny's. I thought  
22 there was only one Denny's in Rockford, and that was on 11th  
23 Street and Sandy Hollow. I then found out the Denny's they  
24 went to was on State Street, so I had to rerun the route to

1 Denny's so I could be accurate.

2 Q Were these various things that you found out during  
3 the course of the grand jury testimony, best of your  
4 recollection?

5 A No, I believe the fact of Denny's I found out from  
6 Beth Torissi possibly, from an interview with her, and I asked  
7 her which Denny's they went to. I don't recall exactly, but  
8 that sticks out in my mind, sir. The Cafe Esperanto, I knew  
9 that I didn't have an exact address on that. So during one of  
10 my trips to Rockford, I stopped by the Winnebago County  
11 Sheriff's Department or courthouse. It might have been the  
12 police department I spoke with. I asked one of the desk  
13 officers where I could find the Cafe Esperanto. They gave me  
14 direct directions, and then I went from there.

15 Q Okay, sergeant. And I don't know if you could  
16 answer this without maybe again going back to the slides. I'm  
17 making notes in the dark. Isn't it correct that in your  
18 overall recap on the slide where you come up with 206 and a  
19 half miles, that you did not include a Saturday run from the  
20 Beaman residence to the church and back for the Saturday  
21 rehearsal? Do you recall without looking?

22 A You're right, sir, I would have to go back to the  
23 slide to recall.

24 MR. BEU: May we do the lights, your Honor, and go back

1 to that slide?

2 Q (By Mr. Beu) There --

3 A Yes, sir, after the initial traffic stop by the  
4 sheriff's office to the Beaman residence, there was only one  
5 other trip from the Beaman residence to the church. You are  
6 correct, sir, I failed to list the Saturday.

7 Q Thank you, sir. Lights please. Officer, at the  
8 time you approached Alan Beaman with a subpoena for body  
9 samples, you had never asked him to simply voluntarily provide  
10 you with such, had you?

11 A No, sir, I did not. We had not had any contact with  
12 him since the interview with Detective Daniels.

13 Q You described earlier an interview you had with Alan  
14 on October 22 of 1993.

15 A May I refer to my notes, sir?

16 Q Yes, sir, page 199 of the discovery if yours -- if  
17 yours is identified the same way on your copies.

18 A Yes, sir, thank you.

19 Q During that October 22 interview, in addition to the  
20 things you testified to, did he not also describe to you that  
21 he and Jennifer had been engaged?

22 A Give me just a moment, sir.

23 Q Yes, sir.

24 A Yes, he stated that he had bought Jennifer a cheap

1 ring at Mother Murphy's to verify their engagement.

2 Q Sgt. Freesmeyer, where -- what department did you  
3 work for before you began with the Normal Department?

4 A Prior to the Normal Department, I worked for the  
5 Champaign County Sheriff's Office as a correctional officer,  
6 Deputy Sheriff Correctional Officer. I worked in the county  
7 jail, sir.

8 Q Okay, and for how long had you done that?

9 A Thirteen months maybe, 14 months.

10 Q Prior to that, sir?

11 A Prior to that -- well, I was working odd jobs at  
12 Champaign. I worked for Mercy Hospital as private security.  
13 Before that I was living in the State of Arizona, working in  
14 the Arizona Department of Corrections.

15 Q Okay. So your actual first on-the-street police  
16 experience has been beginning with 1990 when you began with  
17 Normal?

18 A Yes, sir, March 12th of 1990, sir.

19 Q What schooling and such have you had, sir, in terms  
20 of any formal class work during that time?

21 A In anything, sir, or just law enforcement related?

22 Q I'm sorry, law enforcement, yes, yes.

23 A When I started at the Arizona Department of  
24 Corrections I went through, I believe --

1 Q I'm sorry, I'm sorry. I'm thinking of since you  
2 began working as a police officer.

3 A I'm sorry, for the department, for the City of  
4 Normal?

5 Q Yes, right.

6 A I began my employment March 12th of 1990 at the  
7 Police Training Institute in Champaign, Illinois, where I  
8 underwent 400 hours of basic police training. After that I  
9 returned to Normal, went through, I believe, a 14-week field  
10 training officer program, which I rode with a field training  
11 officer. They observed my behavior and my job performance for  
12 that 14-week period. I then went into a period of probation  
13 which I believe lasted several months after that. Since then  
14 I have had several on-the-job training in different areas. I  
15 didn't come prepared to give you that list today, sir, but  
16 it's been different in-services throughout the department.

17 Q Okay. Do you recall off the top of your head any of  
18 the persons who provided you your in-service training within  
19 the department?

20 A There were quite a few of them, sir. In-service  
21 training I obtain at least 40 hours a year, and they may be  
22 broken up into eight-hour sessions or 12-hour sessions.

23 Q During the course of these things, sergeant, have  
24 you become aware of what I referred to earlier as a crime

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1 scene log.

2 A Sir, I've heard you talk about a crime scene log all  
3 week. I've never had any specific training on a crime scene  
4 log as I recall.

5 Q So your training has never included maintaining of  
6 some log that would clearly identify the names and times of  
7 persons who have been in and about a crime scene?

8 A May I specify sir?

9 Q Sure.

10 A I don't recall to my knowledge ever having specific  
11 training on that. The Town of Normal does not have a crime  
12 scene log that I'm aware of that we use in crime scenes. The  
13 size of our city and the make-up of our city, we don't really  
14 have that many major crimes like Rockford or Chicago, and I  
15 guess our department has never really seen a need for that,  
16 sir.

17 Q All right, sir. In the time you've been with the  
18 Normal Department, do you recall the number of homicide  
19 investigations you have participated in?

20 A Yes, sir.

21 Q How many is that?

22 A Two.

23 Q Officer, if I told you that based on the testimony  
24 here there's been about 12 people in and out of that apartment,

1 before the crime scene technician got there on the 25th, would  
2 that sound to you about accurate?

3 A Yes, I believe that would be about accurate.

4 Q Please name them.

5 A Okay. It would have been Officer Fogler, Officer  
6 Fenton, Officer Birkhead, Sgt. Mark Kotte, possibly the Chief  
7 of Police, James Taylor, Walt Clark, who, at that time, was  
8 our captain. You have two people from the Normal Fire  
9 Department, Firefighter Elston, Firefighter McLeese. You had  
10 Coroner Dan Brady, and I believe Ed Brooks who was with Dan  
11 Brady. How many is that, sir?

12 Q That's ten.

13 A That's ten, okay. You would have had Dean Kennedy  
14 from the crime scene technician --

15 Q I'm talking about before he got there.

16 A Oh, before he got there?

17 Q Yes, sir.

18 A Did I mention myself, sir?

19 Q I don't believe you did yet.

20 A Okay, myself. Probably Detective Daniels, since he  
21 arrived at the scene. Possibility of Detective Hospelhorn and  
22 Detective Warner, also Lt. Frank Zayas. And Frank Zayas might  
23 have been there as well. He was in charge of our CID  
24 Division, Criminal Investigation Division at that time. I

1 believe that would have accounted for any people who would  
2 have been at the crime scene. That includes the Normal Fire  
3 Department, Normal Police Department Detective Division, the  
4 officers that were on patrol that day, and the coroner's  
5 office, and the police department, sir.

6 Q By my count, that's 15 people.

7 A Okay.

8 Q Does that include what has been referred to earlier  
9 as the rescue squad?

10 A Yes, sir, that's our Normal Fire Department,  
11 Firefighter McLeese and Firefighter Elston.

12 Q Were photograph sets available for each of those  
13 individuals?

14 A I'm sorry, sir, I didn't hear you.

15 Q Were sets of photographs available for each of those  
16 individuals?

17 A Sets of photographs available?

18 Q I'm really -- talk about a confusing question --

19 A Yes, sir, I am.

20 Q Were fingerprints available for each individual?

21 A Were fingerprints available?

22 Q Yes, sir.

23 A Fingerprints were made available of Detective Zayas,  
24 Detective Daniels, Detective Hospelhorn, Detective Warner, and

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AB018215

APPENDIX 003136

1 myself. We were the only people that actually touched objects  
2 inside the apartment, with the exception of possibly Officer  
3 Fogler or Officer Birkhead when they opened the door to enter  
4 the apartment. The firefighters, their normal practice when  
5 they enter a crime scene, they walk in and attempt to touch  
6 nothing at all. They set their bags down. If the body is  
7 obviously deceased, they pick their bags up and leave the  
8 scene again. Does that answer your question, sir?

9 Q It tells me I believe that you fingerprinted only  
10 the officers?

11 A Only the detectives, sir, that were working that  
12 crime scene -- and I'm sorry, also Dean Kennedy.

13 Q Officer, in your first -- okay, I'm sorry, sergeant.  
14 When were you promoted to sergeant, sir?

15 A I believe it was around September 27th of 1994.

16 Q Month or two after the grand jury indictment in this  
17 case?

18 A If the grand jury indictment was in June or July,  
19 yes, I would say two months afterwards.

20 Q In your first interview with Mike Swaine, where did  
21 that take place?

22 A I initially met him at the crime scene. After he  
23 was handcuffed, he was transported to Normal Police  
24 Department, and the interview took place in the interview room

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1 inside the detective division inside Normal Police Department.

2 Q In that initial contact with Mike Swaine, isn't it  
3 correct that you voluntarily suggested to him that he could  
4 benefit from counseling services for emotional trauma of this  
5 incident?

6 A It's very possible I might have told him that, yes,  
7 sir. He was very shaken up.

8 Q Is it not also true that you, yourself, as an  
9 investigating police officer in this homicide, phoned  
10 yourself, the PATH Crisis Team on behalf of Mr. Swaine and set  
11 him up an appointment at Brokaw Hospital for counseling?

12 A Yes, sir, that is -- that is true.

13 Q At that time, you recognized him as a person who was  
14 close to the deceased and a possible suspect?

15 A Yes, sir, that is correct.

16 Q On the -- in the course of your investigation, did  
17 you become aware of the general description of a vehicle at  
18 least driven regularly by Swaine, whether or not owned by him?

19 A At which point, sir? Immediately at the scene?

20 Q During the period in the early stages of the  
21 investigation at any point?

22 A Yes, sir, we were told he was driving a white car.  
23 If I could look at my notes, I could tell you what I was made  
24 aware of.

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1 Q Certainly, certainly.

2 A Yes, while I was at the scene, Detective Daniels  
3 advised that he might be driving a late model Pontiac with  
4 Massachusetts license plates.

5 Q Did you ever have any further description given to  
6 you of a car associated with Michael Swaine?

7 A Well, I eventually saw the car, sir.

8 Q All right, was it a white vehicle?

9 A Yes, sir, it was.

10 Q Did it have a Subway bumper sticker on the rear  
11 bumper?

12 A Yes, sir, it did.

13 Q Where was that car when you first saw it, sir, if  
14 you recall?

15 A To the best of my knowledge, sir, it would have been  
16 parked at Mike Swaine's apartment, the place where he was  
17 living. Shortly after we discovered the body, we went over  
18 there and took photographs of the vehicle.

19 Q Am I correct that at the time you talked with him  
20 from at the scene and took him from the scene he had been  
21 dropped off there by friends of his?

22 A Sir, I don't -- at the time I didn't know how he got  
23 there. We just saw him walking, walking up. Actually, the  
24 first I saw him was after Officer Ludington and Ebert had him

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1 in custody. I heard the commotion and they told me what they  
2 had.

3 Q Isn't it correct, officer, that on August 28th you  
4 had conversations with a man who lived across the hall from  
5 Jennifer Lockmiller in the -- page 172, sir -- in the  
6 adjoining apartment who described to you that he had seen a  
7 white car with a bumper sticker on it in the lot of Jennifer's  
8 building around 2:00 P.M. on that Wednesday.

9 A Sir, in my report, I see a portion of my report  
10 where it says, "I then asked David and Susan if they could  
11 recall the last time they saw either of the two cars." I  
12 believe on Wednesday they saw a white sedan, maybe a Chevy or  
13 an Olds, late '80s style. David recalled seeing the vehicle  
14 parked in the driveway around two P.M. when he returned from  
15 class. Was there some place on this page that you saw  
16 something about the bumper sticker, sir?

17 Q No, I didn't.

18 A I don't see that myself either.

19 Q You followed what you just described in your report,  
20 correct --

21 A Yes, sir.

22 Q -- speaking with a couple of individuals. Those  
23 individuals that you just identified occupied the apartment  
24 directly across the hallway from Jennifer. Is that correct?

1 A Yes, I believe so. Yes, they were in apartment 3.

2 Q Now within three days after that, those people had  
3 a more detailed statement taken from them, did they not,  
4 Singley and Jenkins?

5 A Was that taken by me, sir?

6 Q No, it was not. Let me show you here.

7 THE COURT: Could we have that marked please for  
8 identification, just so that we can see what it is of record?

9 MR. BEU: Yes, your Honor.

10 THE COURT: We need to refer to it by a number is what  
11 I'm saying.

12 MR. BEU: I understand that, and I guess we've not been  
13 doing that up until this point with these various things.

14 THE COURT: Well, if it's someone else's statement. If  
15 it's his statement, I think that clarifies what it is. If you  
16 can refer to it by some other identification other than the  
17 number so that the record will be clear, I have no problem  
18 with that.

19 MR. BEU: I'm thinking about assigning it an arbitrary  
20 number that would be farther down the line from any that I  
21 anticipate using during our presentation, your Honor.

22 THE COURT: All right.

23 MR. BEU: I'm just trying to think, but I'm not.

24 THE COURT: Counsel step up for just a moment. Let's go

1 off the record.  
2

3 (WHEREUPON A DISCUSSION WAS HAD OFF  
4 THE RECORD.)  
5

6 MR. BEU: Thank you, judge.

7 Q (By Mr. Beu) Sergeant, I'm going to show you what  
8 I've marked for identification here as Defendant's Exhibit A.

9 A Okay.

10 Q And ask you to -- to take a look at it for just a  
11 moment and tell us if that is a statement that you reviewed at  
12 some point after it was taken from Susan Jenkins?

13 A Sir, this is a statement that was taken by Officer  
14 Hospelhorn.

15 Q Yes.

16 A It says Hospelhorn/Daniels. I don't recall if I  
17 reviewed this exact document. As I mentioned earlier, there's  
18 six binders full of this stuff. I can't say exactly I  
19 reviewed this interview, but I would be more than happy to  
20 look through it for a specific part if you would like.

21 Q If you would look on pages 1945 and 1948. Can you  
22 tell us whether or not according to that transcript Susan  
23 Jenkins told the officers in that statement that on August 28  
24 she saw a white car with a Subway bumper sticker about four to

1 five P.M. on that Wednesday, August 25?

2 A First of all, you said on August 28th.

3 Q I meant August 25th.

4 A Okay. Can you tell me what page that was on?  
5 I can save some time by going right to there, sir.

6 Q 1945, 1948, both places.

7 A All right, both places, I'm sorry.

8 Q Or one place or the other. I've got two numbers  
9 written down here in my notes.

10 A Sir, on 1945 you stated -- yes, sir, on the top of  
11 page 1945 -- okay, sir, you're referring to page 1945. The  
12 question being asked is if they saw a car there the night, an  
13 instance where they were breaking in the door, and her answer  
14 is, "No, the individual came to get his keys." However, they  
15 have seen another car there, a white sedan with a Subway  
16 sticker. She doesn't say anything on page 1945 about it being  
17 there on Wednesday --

18 Q Okay --

19 A -- on August 25.

20 Q Maybe my notes were off.

21 A Maybe on 1949, sir. I haven't had a chance to  
22 review that yet.

23 Q Page 1948, doesn't it say on that page that Susan  
24 Jenkins was describing as seeing the white car with the Subway

1 bumper sticker at four P.M. in the lot of Jen's building on  
2 August 25th of 1993?

3 A Yes. The question asked here is on --

4 Q No, you don't need to go into all that. But, yes,  
5 that's what she said, right?

6 A Yes, she said on Wednesday at four P.M. --

7 Q You don't need to read it, sir.

8 A Okay, I'm trying to answer your question, sir.

9 Q Well, I understand.

10 A Would you repeat your question for me?

11 Q You already answered it.

12 A Okay.

13 Q Now what was the date of that interview please  
14 again?

15 A Day of interview was September 8th of 1993, sir.

16 Q Okay --

17 THE COURT: Mr. Beu, I wonder if before you move on to  
18 another line of questioning, if you're about to move on --

19 MR. BEU: Yes.

20 THE COURT: Have you finished this line of questioning?

21 MR. BEU: Close, but --

22 THE COURT: If you have a few more questions --

23 MR. BEU: We could resume --

24 THE COURT: -- you can go ahead and finish this.

1 MR. BEU: Actually the line will take a little longer.  
2 Maybe this would be a good time --

3 THE COURT: I think this would be an appropriate time to  
4 recess for noon. We'll resume at 1:30 this afternoon. If the  
5 jury would please leave its notebooks on the chairs, they'll  
6 be secured during the noon hour. I'll ask the bailiffs to  
7 take charge of the jury, and the witness may step down.

8 A Thank you, sir.

9 THE COURT: All right, we'll be in recess then.

10

11 (WHEREUPON THE NOON RECESS WAS HAD.)

12

13 THE COURT: All right, back on the record in  
14 94-CF-476. Counsel and the defendant return to open court.  
15 The witness has now resumed the witness stand. The jury is  
16 presently outside the courtroom.

17 Are the parties ready to continue with the trial of  
18 this case?

19 MR. BEU: Just one brief minute, your Honor --

20 THE COURT: All right.

21 MR. BEU: -- in the interest of proceeding efficiently  
22 here.

23

24

(WHEREUPON A BRIEF INTERRUPTION WAS HAD.)

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1 MR. BEU: Thank you, your Honor.  
2 THE COURT: Are you ready, Mr. Beu?  
3 MR. BEU: Yes.  
4 THE COURT: Mr. Souk?  
5 MR. SOUK: Yes.  
6 THE COURT: Bring the jury back in.

7  
8 (WHEREUPON THE JURY ENTERED THE  
9 COURTROOM AND THE FOLLOWING WAS HAD:)

10  
11 THE COURT: All right, for the record, the jury has now  
12 returned to open court. Mr. Beu, you may continue your  
13 examination.

14 MR. BEU: Thank you, your Honor. May I approach, your  
15 Honor?

16 THE COURT: You may.

17 Q (By Mr. Beu) Sergeant, I show you what's been  
18 previously marked for identification as Defendant's Exhibit A,  
19 identified apparently as a statement of a Susan Jenkins,  
20 August 31st, to Officer Hospelhorn and Daniels.

21 A Yes, sir.

22 Q Remember me talking about that earlier?

23 A Yes, sir.

24 Q I want to refer you to page 1945 of that, and then

1 let me ask you a couple of specific questions. I believe you  
2 already indicated that that report was taken by those two  
3 named officers, and that you perhaps had not reviewed it?

4 A Officers Hospelhorn and Daniels. --

5 Q Yes, sir.

6 A -- are the two that took the interview. I don't  
7 recall specifically if I reviewed this.

8 Q All right. The young lady that was interviewed  
9 August -- rather September 8th on that occasion, indicated  
10 that she had seen that -- that white car with the Subway  
11 bumper sticker on the Sunday previous to August 28th -- or  
12 pardon me, August 25, did she not?

13 A (No audible response.)

14 Q I take it you haven't found what I'm suggesting on  
15 page 1945, officer?

16 A No, sir, I haven't seen that, where on Sunday she  
17 saw the vehicle there. Maybe I'm overlooking it.

18 Q Let me take it back for a moment, and maybe I can  
19 help you here. I guess on that page is the point where she  
20 talks about having seen that car there on Wednesday, the 25th,  
21 isn't it?

22 A Yes, on this page she does say that she saw the  
23 white vehicle on the 25th. She believes it to be the 25th.

24 Q Also on that page she describes having started to

1 see that vehicle around June to July, and then periodically  
2 between then and the time of the homicide, right?

3 A Yes, she stated at the beginning of the summer,  
4 around July, she said, "I think I might have even seen it  
5 there in June every once in awhile."

6 Q Okay. Sergeant, to your knowledge, were  
7 investigating officers also told on August 31 by a David  
8 Singley, the person who shared the apartment across the hall  
9 with Susan Jenkins, that he'd come up the stairs to --

10 MR. SOUK: Your Honor, may we approach?

11 THE COURT: You may.

12  
13 (WHEREUPON A DISCUSSION WAS HAD AT  
14 THE BENCH AS FOLLOWS:)

15  
16 MR. SOUK: Is this going beyond the car now?

17 MR. BEU: Oh, yeah.

18 MR. SOUK: I'm going to object to going beyond the car by  
19 bringing out -- going through witness statements and bringing  
20 out what the witnesses said by means of cross examination of  
21 Detective Freesmeyer. I did not object to it up to this  
22 point, bringing up the car matter which related to Swaine  
23 which the court previously indicated I had opened the door to  
24 by my prior position. But, at this point, I think it's

1 improper to bring out everything that any witness may have  
2 said by cross examining Detective Freesmeyer about other  
3 statements. If he wants to know what they saw or heard at the  
4 time of the crime, he needs to bring them in as his witnesses.

5 MR. BEU: I think we need a little conference in the side  
6 conference room.

7  
8 (WHEREUPON THE FOLLOWING PROCEEDINGS  
9 WERE HAD IN A CONFERENCE ROOM OFF OF  
10 THE COURTROOM AS FOLLOWS:)

11  
12 THE COURT: On the record. We are now presently in a  
13 conference room adjacent to the courtroom, and outside of the  
14 jury's presence. Present is assistant state's attorney Souk,  
15 the defendant's counsel, the court, and the court reporter.

16 Mr. Beu, are you waiving the presence of the  
17 defendant for this conference?

18 MR. BEU: Yes, your Honor.

19 THE COURT: All right. Mr. Souk, did you want to speak  
20 to your objection?

21 MR. SOUK: Your Honor, at this point, I believe counsel  
22 has indicated that he is in this cross examination now with  
23 some witness statements from other residents of the apartment  
24 building going beyond where his cross examination had just

1 been, that is about possibly seeing the car driven by Michael  
2 Swaine on the day of the murder, or sometime that week  
3 surrounding the -- the murder. At this point in time, I am  
4 objecting to any further -- the procedure now of using a  
5 witness statement to, in effect, get in that witness's  
6 testimony by cross examining Detective Freesmeyer about what  
7 some witness said out of court. It's hearsay. I think, at  
8 this point, this is going to go into, if I recall correctly,  
9 things about hearing -- maybe when they heard doors slam, or  
10 that sort of thing, that does not relate directly to Mr.  
11 Swaine. The only evidence that I know of that -- in this  
12 area that relates directly to Mr. Swaine and his potential --  
13 or his alibi which we have previously proved up is the car  
14 business, and I think anything beyond this point is improper.  
15 Obviously it's going to be offered for the truth of what's  
16 asserted in it to suggest other possible suspects, and it's  
17 hearsay.

18 THE COURT: Mr. Beu?

19 MR. BEU: Mr. Souk is correct up to a point that the line  
20 of questioning that I'm intending to engage in here is to  
21 present to the officer questions about information provided to  
22 his department by two other residents across the hall from  
23 her, another resident across the parking lot from Jennifer, to  
24 the effect that these people are not going to -- did not give

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1 statements and won't be testifying later that they saw a  
2 person or persons. But the testimony relates to time of  
3 death, and also relates to the speed with which the  
4 investigation narrowed itself to a single focus, rather than  
5 progressing as a more broad murder investigation, which I  
6 think is a relevant inquiry. The substance of what I propose  
7 to question him about are statements on the -- between about  
8 the 31st of August, three days after the body was found, up to  
9 maybe the 9th or 10th of September. The neighbors inside the  
10 same building across the hall, describing the man for one  
11 thing, coming home from a class at around two P.M. that  
12 afternoon, and as he enters the lower door hearing the door to  
13 Jennifer's apartment slam. And then as he's inside his  
14 apartment for a brief period, hearing it open again, and  
15 hearing footsteps going down the stairs and out the front  
16 door, not seeing anyone, not paying any attention at that  
17 time. The things that he pinned down and reported to the  
18 police. Also, your Honor, that during the course of that  
19 afternoon he was in and out of the apartment on several  
20 occasions, and that at a point sometime during the latter part  
21 of the afternoon the air-conditioning in Jennifer's apartment  
22 unit went through a state of being turned off to a state of  
23 being turned on.

24 THE COURT: I think he needs to testify to that then, Mr.

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1 Beu, if that's what that witness will say.

2 MR. BEU: He shall. He will.

3 THE COURT: I'm sorry --

4 MR. BEU: I have these people under subpoena, and they  
5 will appear later and testify. However, I believe that as  
6 long as I tie it up, that I am fully able to cross examine  
7 this witness with respect to these things at this stage to  
8 show the limited focus of the investigation from a certain  
9 point forward compared to the evidence that they had received.

10 THE COURT: All right. Do I understand you to be telling  
11 me that you intend to have the witnesses testify who are --  
12 who you intend to question this officer on?

13 MR. BEU: Singley, Jenkins, and Ronsick, Lisa Ronsick.

14 THE COURT: Those are the only three areas of inquiry  
15 that you --

16 MR. BEU: Those are the first ones that I have right now  
17 that I'm on right now. I have a related extension of that  
18 that relates to certain information given to the officer at an  
19 even earlier stage, on the 28th of August, by Morgan Keefe who  
20 has testified previously, who obviously is here and is subject  
21 to recall.

22 THE COURT: All right, any further argument?

23 MR. SOUK: Well, judge, if this procedure was proper we  
24 could be here for years by him cross examining the detective

1 on the substance of every statement made by every witness.

2 THE COURT: I think --

3 MR. BEU: I have half a dozen points.

4 THE COURT: I think we can establish, Mr. Beu, that on  
5 such and such a date a witness made a statement to the Normal  
6 Police concerning what they either saw or heard on the date of  
7 August 25, 1993, yes, without going into detail as to what  
8 that statement was. You're going to establish presumably what  
9 that statement was when the witness testifies. It is hearsay  
10 for him to now repeat what that witness told him.

11 MR. BEU: Not being offered for the truth of the  
12 information. It's being offered for what they did in their  
13 investigation, even though they had received such information.

14 MR. SOUK: He can ask him that. He can ask him what he  
15 did after he took the statement.

16 MR. BEU: But without being able to get into the  
17 substance of what was conveyed to them leading to certain  
18 inferences --

19 THE COURT: Do you want leave to recall Detective  
20 Freesmeyer after those witnesses testify?

21 MR. BEU: Well, I --

22 THE COURT: Let me just say this, Freesmeyer apparently  
23 did not take this first statement. It was taken by  
24 Hospelhorn, according to your question.

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1 MR. BEU: There are apparently four statements here that  
2 I'm dealing with that were taken other than by Freesmeyer,  
3 himself, that's correct.

4 THE COURT: And you're wanting to establish that that  
5 was, in fact, a statement taken by one of his co --  
6 co-detectives, co-investigators?

7 MR. BEU: Correct.

8 THE COURT: And that based upon that, action either was  
9 or wasn't taken?

10 MR. BEU: Yes.

11 THE COURT: Correct?

12 MR. BEU: Yes.

13 THE COURT: All right, once again, we're kind of getting  
14 into an area where -- let me suggest that we take a brief  
15 recess at this time. Mechanically you can do what you want to  
16 do. There's no question legally that you have the right to  
17 question this officer as to, (a) additional statements that  
18 were made by other witnesses. Those can be identified, the  
19 date, the time of that statement, and what the general subject  
20 matter of that statement was. Whether we get into repeating  
21 the total statement is, I think, where we're having some  
22 difficulty.

23 MR. BEU: I've got clips on one, two, three, four, five,  
24 six, seven, eight, nine, maybe ten pages out of all of this

1 stuff here, your Honor. That's all I'm intending to inquire  
2 about. It's the man coming up the stairs and hearing the door  
3 slam and people leaving. The air-conditioner going from a  
4 state of off to on later on that day. The lady from across  
5 the hallway -- across the parking lot, I'm sorry, would also  
6 confirm on that day she sees the white car with the bumper  
7 sticker. And she would testify in the vicinity of 10:45 or so  
8 that evening she heard a female scream from that general  
9 vicinity.

10 THE COURT: What time was it?

11 MR. BEU: 10:45, or approximately within 15 minutes or so  
12 of that on Wednesday evening.

13 THE COURT: Okay.

14 MR. BEU: These things go to the question of -- of when  
15 things, in fact, may have happened to -- to Jennifer, and they  
16 are matters surrounding the crime scene, and they are relevant  
17 issues. And I think it's relevant for me to explore what they  
18 did or didn't do with that sort of information.

19 THE COURT: I don't think Mr. Souk is disputing, and  
20 maybe he is and I shouldn't put words in his mouth, I don't  
21 think he's disputing those are relevant inquiries for you to  
22 make within the context of your case or through those  
23 witnesses. The issue is really whether that should be  
24 presented through cross examination testimony of this witness.

1 MR. BEU: I understand.

2 THE COURT: And there's no question that you can tie the  
3 fact that statements were made by each of these witnesses in  
4 a couple of ways. You can ask this officer on the stand: Do  
5 you have in front of you, is this document a document that  
6 reflects that a statement was made by witness Jones? All  
7 right, yes, it was. And this was made on such and such a  
8 date? Yes, it was. And it related to incidences concerning  
9 August 25, between whatever hours it pertained to?

10 A Yes, it did. Then when witness Jones testified  
11 presumably, you can show that person that same statement, and  
12 then that way tie those issues together. The question is  
13 whether it ought be repeated by way of hearsay a couple of  
14 times. You're going to have the opportunity presumably if that  
15 witness testifies to have them testify to what they heard or  
16 what they observed. I'm wondering -- I'm going to suggest we  
17 take a brief recess and ask that you and Mr. Souk perhaps  
18 communicate a bit about how that information might be  
19 presented.

20 MR. BEU: Okay.

21 THE COURT: It may well be that there could be, in fact,  
22 a stipulation reached at some point concerning certain --  
23 factually that certain statements were made by certain  
24 witnesses on the following dates relating to incidences

1 concerning, beginning at X time on the 25th through Y time on  
2 the 25th, and the statements will obviously come out when  
3 those people testify.

4 MR. BEU: Then the effect of the inability of proposing  
5 what I'm intending to do robs me of a fair amount of cross  
6 examination at this point, however, but we will talk.

7 THE COURT: Well, I'm not certain that I understand how  
8 that will effect your cross examination.

9 MR. BEU: The point that I seek to establish through the  
10 cross examination is that the information that was coming  
11 through in a timely fashion to the officers was more or less  
12 set aside in favor of a preconception to proceed against  
13 building a case against Alan Beaman as their preferred best  
14 target, and that they have continued on building their case  
15 against Alan Beaman right up through and including last  
16 Saturday to get to where they are now, as opposed to going on.

17 I intend to further the cross examination by asking this  
18 officer which of her fellow students they followed up with,  
19 which of her classes they checked for fellow students, which  
20 of her sorority sisters did they talk or didn't talk to, which  
21 I intend to explore some questions concerning statements made  
22 on the day the body was found by Morgan Keefe to the effect  
23 that the preceding Saturday they'd been together at a bar.

24 I'm not going to get into testimony concerning excessive

1 use of alcohol, but socializing is not within the bounds of  
2 the limine order, and ask about did he not get information the  
3 very first day that on the Saturday evening preceding this she  
4 struck up a conversation with two guys in a bar and they  
5 exchanged phone numbers in some fashion, and another guy,  
6 another totally different guy, bought her a few drinks that  
7 night. And on that occasion did not Morgan Keefe say to them  
8 that Jennifer was the queen of scamming drinks from guys, and  
9 this sort of thing. This is early information which I don't  
10 think is followed up. I think -- I mean I think we're  
11 entitled to explore that they didn't pursue a broad  
12 investigation from a pretty early area.

13 THE COURT: It is not my intention to limit your cross  
14 examination -

15 MR. BEU: I understand.

16 THE COURT: -- but to follow the rules of evidence in  
17 doing so.

18 MR. BEU: Hm-mmm.

19 THE COURT: Now I don't think there's any question that  
20 you have the right to cross examine this officer as the --  
21 apparently the officer who's been identified as kind of the  
22 managing investigator, the overall investigator, as to what  
23 information became known to him or other members of his  
24 department, and from what sources that information came. The

1 bigger problem I guess is whether you can then just parrot the  
2 testimony of those individuals, or whether that testimony  
3 should come through their sworn testimony under oath.

4 MR. BEU: Hm-mmm.

5 THE COURT: It may well be that you can identify in your  
6 cross examination without doing damage to your cross  
7 examination to that subject matter of the conversation, what  
8 it pertained to, again without reading the actual statement of  
9 the -- of the witness into the record.

10 MR. BEU: The court will recall that I haven't been  
11 reading the witness statement. I've been asking the witness,  
12 didn't this person tell you such and such. He's been  
13 responding by reading the statement.

14 THE COURT: No, no, I understand. I don't mean to  
15 suggest that you were reading it or having it read by some  
16 other witness.

17 MR. BEU: Nor did I ask that it be read.

18 THE COURT: All right. Okay, so you would be satisfied  
19 with this witness then answering your questions in such a way,  
20 if you ask a question, didn't this person tell you about their  
21 hearing noises from the apartment on the afternoon of the 25th  
22 --

23 MR. BEU: I could very well, very well, live with that,  
24 your Honor, and ask him specific questions.

1 THE COURT: Without him parroting --  
2 MR. BEU: Right.  
3 THE COURT: -- the total statement?  
4 MR. BEU: He could answer yes or no, and --  
5 THE COURT: And could you not by directing him refer to  
6 a line of the --  
7 MR. BEU: Yes.  
8 THE COURT: -- middle of the page --  
9 MR. BEU: Sure.  
10 THE COURT: -- and so forth?  
11 MR. BEU: I can be more specific with respect to that.  
12 I can.  
13 MR. SOUK: That's a difference without a distinction.  
14 I mean it's still hearsay whether he states what the substance  
15 of the statement is or whether somebody reads verbatim what it  
16 is. It's still getting in what the witness said through  
17 somebody else. He needs to call the witness first and testify  
18 to what they saw, other than the general subject matter of the  
19 interviews; did you interview them about what they knew about  
20 this crime being a resident there, or whatever. Going beyond  
21 that is not proper at this point where we are now. It just --  
22 you know, he can ask him, you know, did you interview these  
23 people? Did you do any follow-up? Did you interview any  
24 other people? He can ask if he interviewed sorority sisters,

1 or the whole campus, or the whole world, but going into last  
2 Saturday night in the bar and that she was exchanging phone  
3 messages or phone numbers with somebody, and that she's the  
4 queen of scamming drinks, that goes well into an area that's  
5 been covered by a motion in limine and starting to suggest now  
6 unknown perpetrators.

7 THE COURT: I'm going to -- I'm going to ask that the  
8 jury leave the courtroom for a few minutes while we try to  
9 sort this matter out instead of having them sit out there.

10 All right?

11  
12 (WHEREUPON THE FOLLOWING PROCEEDINGS  
13 WERE HAD IN THE PRESENCE OF THE JURY:)

14  
15 THE COURT: All right, back on the record. Show that the  
16 court, assistant state's attorney Souk, and attorney Beu have  
17 now returned from a conference room adjacent to the courtroom.

18 I'm going to ask that the jury please go with the  
19 bailiffs back to the deliberation room for just a few minutes,  
20 and you will be brought back in to begin the resumed trial in  
21 this case. If you would please leave your books where they  
22 are on your chairs. Bailiffs are to take charge of the jury.

23 All right, court will take a brief recess at this  
24 time. I'd like counsel to step back please.

1 (WHEREUPON A BRIEF RECESS WAS HAD.)

2  
3 THE COURT: All right, back on the record. Counsel and  
4 the defendant appear in open court. The jury is presently  
5 outside of the courtroom. I would note for the record that  
6 the court has had a conversation with counsel in chambers  
7 regarding the issues that have been addressed in the side bar  
8 conference that the court conducted. Do either counsel want  
9 to make any further argument on the record regarding those  
10 issues?

11 MR. SOUK: I think I made -- I've made my point, your  
12 Honor.

13 THE COURT: Mr. Beu?

14 MR. BEU: Your Honor, I made my point to the court. I  
15 had a preferred procedure, but I've suggested to the court  
16 that I could live with a suggestion that the court has made to  
17 get around certain confusion.

18 THE COURT: The issue relates to the hearsay nature of  
19 certain testimony that would be elicited through this witness  
20 as to what other persons may have said in statements given by  
21 them. It's my understanding, Mr. Beu, from you that you  
22 intend to call those persons as witnesses during your case.  
23 Is that correct?

24 MR. BEU: Yes.

1 THE COURT: And therefore the court today would be ruling  
2 that an objection by the state will be sustained as to  
3 soliciting from Officer Freesmeyer specific statements under  
4 oath today as to what those witnesses told police  
5 investigators. You may establish that statements were given  
6 to police investigators, the dates of those statements, who  
7 made the statements, and what time frame those statements  
8 concern, but not the specificity of the statements until after  
9 those persons have testified. Is that understood?

10 MR. BEU: Yes, sir.

11 THE COURT: We'll bring the jury back out then.

12  
13 (WHEREUPON THE JURY ENTERED THE COURTROOM  
14 AND THE FOLLOWING WAS HAD:)

15  
16 THE COURT: All right, for the record, the jury has now  
17 returned to the courtroom. Mr. Beu, you may continue your  
18 examination.

19 MR. BEU: Thank you, your Honor. May I approach, your  
20 Honor?

21 THE COURT: You may.

22 Q (By Mr. Beu) Sgt. Freesmeyer, I'm going to show you  
23 what I've marked for identification as Defendant's Exhibit B  
24 and ask you, first of all, if that appears to be a transcript

1 of a statement given by one David Singley to Detective  
2 Hospelhorn, August 31, 1993?

3 A Yes, sir, that is what that appears to be.

4 Q And does that -- a portion at least of this  
5 statement, relate or contain information provided by Mr.  
6 Singley concerning first-hand observations of his apartment  
7 building occupied not only by him, but also by Jennifer  
8 Lockmiller, at the time during the afternoon and very early  
9 evening of August 25th of 1993?

10 A Sir, first of all, that was a very long question.  
11 Second of all --

12 Q Yes, it was.

13 A -- you're asking what it contains, sir.

14 Q Having asked the long question, I'll now ask a  
15 shorter question to help pin this down. Do portions of this  
16 statement contain information from Mr. Singley about things he  
17 saw and heard during the afternoon of August 25, 1993?

18 A I would have to look at the report, sir.

19 Q I've clipped certain ones for your quick reference.

20 MR. SOUK: Your Honor, to simplify matters, we would  
21 stipulate that Mr. Singley was questioned about his knowledge  
22 on the day of the murder.

23 MR. BEU: Would the stipulation extend to time frame from  
24 around two o'clock until approximately 5:15 that afternoon?

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1 MR. SOUK: The day of the murder, whole day.  
2 THE COURT: All right, is that stipulation acceptable for  
3 you?  
4 MR. BEU: It is.  
5 THE COURT: Or do you want further inquiry? You may, if  
6 you want to.  
7 MR. BEU: That's fine.  
8 THE COURT: All right, that stipulation will be reflected  
9 of record.  
10 Q (By Mr. Beu) Sergeant, I'll show you what's been  
11 marked as Defendant's Exhibit C and ask you if this is a  
12 transcript of the statement given by the same David Singley,  
13 September 8th, 1993, to Detective Hospelhorn and Detective  
14 Tony Daniels?  
15 A Yes, sir, this does appear to be a statement given  
16 to Hospelhorn and Daniels on September 8th.  
17 MR. SOUK: We'd again stipulate that he was questioned  
18 about his knowledge regarding the day of the murder, August  
19 25th, 1993.  
20 MR. BEU: Under the circumstances, that statement -- that  
21 stipulation will be acceptable.  
22 THE COURT: All right, that stipulation will be reflected  
23 of record.  
24 Q (By Mr. Beu) Sergeant, I show you what I've marked

1 for identification as Defendant's Exhibit D, and ask you  
2 whether it is a copy of a tran -- or a transcript of a  
3 statement given by one Lisa Ronsick, August 31, 1993, to an  
4 officer of the Normal Police Department?

5 A Yes, sir, that appears to be a transcript of the  
6 statement given to a police officer on August 31st, 1993,  
7 10:37 A.M.

8 Q From looking at that, can you identify the officer  
9 to whom that statement was given?

10 A Yes, the names before say Dave and Lisa, so I'm  
11 assuming Detective Dave Warner.

12 Q Dave Warner?

13 A He's the only Dave in the detective division.

14 Q Okay, thank you.

15 A That would be my assumption, sir.

16 MR. SOUK: Show the same stipulation on that.

17 THE COURT: Would that be acceptable?

18 MR. BEU: Would that stipulation extend to the time  
19 between 10:45 and 11:00 P.M. that night?

20 MR. SOUK: Sure.

21 MR. BEU: That's acceptable.

22 THE COURT: You want to state the stipulation then for  
23 the record as you understand that, and then I'll confirm that  
24 with the state.

1 MR. BEU: I believe that they're stipulating, your Honor,  
2 that this statement contains statements made by Lisa Ronsick  
3 concerning observations, things she saw and heard, on August  
4 25 during the day and into -- late as 10:45 to 11 o'clock at  
5 night.

6 THE COURT: Is that your stipulation?

7 MR. SOUK: That's mine, your Honor.

8 THE COURT: All right, that stipulation will be reflected  
9 of record.

10 Q (By Mr. Beu) Show you what I've had marked as  
11 Defendant's Exhibit E and ask you whether this is a transcript  
12 of a statement given by one Morgan Keefe on August 28, 1993,  
13 to Detective Dave Warner of the Normal Police Department?

14 A Yes, sir, it appears to be. Also Detective Daniels  
15 was there at the time.

16 MR. BEU: Thank you.

17 MR. SOUK: We'd stipulate in regards to that statement  
18 that Miss Keefe was questioned about her knowledge of the week  
19 of the murder, and also her contacts with the victim the week  
20 prior to the murder, week prior to August 25.

21 MR. BEU: If that stipulation would specifically include  
22 the preceding Saturday, that would be an acceptable  
23 stipulation.

24 MR. SOUK: She was questioned about that. Yes, that is

1 acceptable.

2 THE COURT: That stipulation will be reflected of  
3 record also.

4 MR. BEU: Thank you.

5 Q (By Mr. Beu) Sergeant, I show you what's been  
6 marked for identification as Defendant's Exhibit F and ask  
7 you if this is a transcript of a statement given by Morgan  
8 Keefe on September 10, 1993, to Detective Rob Hospelhorn of  
9 the Normal Police Department?

10 A No, sir, this was given to Detective Tony Daniels  
11 of the Normal Police Department. Rob Hospelhorn was just  
12 present.

13 Q The officers present were whom?

14 A Detective Tony Daniels and Detective Rob  
15 Hospelhorn. Detective Daniels began the interview. You'll  
16 note his name off to the left.

17 Q Yes. Both names appear in the first paragraph?

18 A Yes, sir, that is correct.

19 Q Right. And in this statement, did Morgan give  
20 general information concerning her acquaintance with  
21 Jennifer Lockmiller over a period of time?

22 A Did she give statements about her acquaintance  
23 with Jennifer Lockmiller? Is that what you're asking?

24 Q Yes.

1 A Yes, I believe so.

2 Q Officer Freesmeyer, if you recall, when you  
3 arrived at the crime scene and entered [REDACTED], were the  
4 lights in the living room of that apartment on?

5 A Sir, I don't recall that, and I don't believe it  
6 is noted in my police report.

7 Q You've identified a number of letters which you  
8 recovered from Jennifer's apartment which have been  
9 displayed here and which appear to have been written by Alan  
10 to Jennifer?

11 A Yes, that is correct.

12 Q If you can recall without looking at those  
13 letters, were any of them dated?

14 A I don't recall dates on the letters, sir.

15 Q Are you satisfied enough that they were not dated  
16 without looking again physically at the exhibits?

17 A Sir, I don't recall any dates on them. To be --  
18 to say absolutely positive there are no dates, I'm afraid I  
19 would have to look at the exhibits.

20 MR. SOUK: Judge, my recollection is that there's no  
21 dates on the letters. We'd stipulate to that.

22 MR. BEU: Stipulation that they're undated?

23 MR. SOUK: Yes.

24 THE COURT: Are you prepared to accept that

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1 stipulation?

2 MR. BEU: Yes.

3 THE COURT: All right, that stipulation will be  
4 reflected of record.

5 Q (By Mr. Beu) Officer, to the best of your  
6 knowledge, were any of those letter documents put through  
7 any sort of lab testing to determine the age of the paper,  
8 or the ink?

9 A No, sir, they were not.

10 Q Any other sort of testing to seek to age them?

11 A No, sir, they were not.

12 Q It's your understanding that Jennifer and Alan had  
13 first started a close relationship back in July of '92. Is  
14 that correct?

15 A July of '92, yes, sir.

16 Q You are aware, are you not, of forensic testing  
17 that can be done seeking to determine, for example, age of  
18 paper?

19 A I'm not a forensic scientist, sir. I'm not  
20 familiar with that process.

21 Q I know, I'm not asking about the process or how  
22 it's done, because I wouldn't have the slightest idea  
23 either. But are you aware that there is available testing  
24 that could attempt to do that?

1 A No, sir, that's not something that I have ever  
2 done.

3 Q Or had occasion to ask anyone to do?

4 A I've never had occasion to ask anybody to do that,  
5 that's correct, sir.

6 Q Did you make any inquiry through any other  
7 departmental sources as to whether such testing would be  
8 available in this case?

9 A No, sir, I did not.

10 Q During your investigation, sir, did you receive  
11 first-hand information from any person of any physical harm  
12 done by Alan Beaman to Jennifer?

13 A No, sir, I did not.

14 Q On Sunday, August 29, sergeant, is it correct that  
15 you had a group meeting of various of the investigative  
16 officials on this case, and that would be on page 180 of  
17 discovery, sir?

18 A Sir, I don't have page 180 with me in my report.

19 Q Page 11 of your report?

20 A Yes, I understand, I don't have that with me. We  
21 used that in a different part of the testimony. Yes, I  
22 believe we did start the day of with a meeting on the 29th.

23 Q Did that include coroner Brady?

24 A I'd have to refer to my report to find out exactly

1 who was there.

2 Q And you do not have that in your hand?

3 A As I mentioned, I don't have page 11 with me. I  
4 don't have page seven through 11 of my report, because we  
5 used that in a different part of the courtroom.

6 MR. SOUK: Could we approach?

7 THE COURT: You may.

8

9 (WHEREUPON A DISCUSSION WAS HAD AT THE  
10 BENCH AS FOLLOWS:)

11

12 MR. SOUK: This is going into what somebody said at a  
13 meeting of the investigators, state's attorney, and coroner,  
14 and I'm going to object, if that's where it's going.

15 MR. BEU: My intention is to ask him if the autopsy had  
16 been completed by that time.

17 THE COURT: Just want to ask some factual questions in  
18 relationship to that?

19 MR. BEU: No, no --

20 THE COURT: Okay.

21 MR. BEU: First I want to ask that.

22 THE COURT: Right.

23 MR. BEU: And secondly, I'm going to ask him if Coroner  
24 Brady, at that time, stated that she died before she was

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1 stabbed.

2 MR. SOUK: It's hearsay.

3 THE COURT: Coroner Brady has testified.

4 MR. BEU: He has testified. He will testify he was a  
5 first-hand observer in the autopsy, and tie this to the  
6 testimony if, in fact, the officer testifies that he made  
7 it.

8 MR. SOUK: Doctor Schnittker testified as to cause of  
9 death. Coroner Brady did not testify as to cause of death.

10 THE COURT: Objection is going to be sustained.

11

12 (WHEREUPON THE FOLLOWING PROCEEDINGS  
13 WERE HAD IN THE PRESENCE OF THE JURY:)

14

15 THE COURT: Proceed.

16 Q (By Mr. Beu) Did you, as part of your  
17 investigation on October 5th of 1993, consult with an  
18 Illinois State Police profiler?

19 A No, sir, I did not do that personally. I did not  
20 meet the profiler at all during this investigation.

21 Q You didn't use one, or you didn't meet with one?

22 A I did not meet with one, and I didn't have any  
23 involvement in that process.

24 Q Are you aware of whether or not there was such a

1 meeting?

2 A Yes.

3 MR. SOUK: Judge, excuse me, may we approach?

4 THE COURT: You may.

5

6 (WHEREUPON A DISCUSSION WAS HAD AT THE  
7 BENCH AS FOLLOWS:)

8

9 MR. BEU: In this case, I'm not proposing to get into  
10 any substance, just that there was a meeting.

11 THE COURT: If you intend to present evidence as to  
12 what that profile is, you're going to need to call a  
13 witness.

14 MR. BEU: I'm not going to ask any questions about what  
15 the profile was about.

16 THE COURT: All right.

17

18 (WHEREUPON THE FOLLOWING PROCEEDINGS  
19 WERE HAD IN THE PRESENCE OF THE JURY:)

20

21 THE COURT: You may proceed, Mr. Beu.

22

23 Q (By Mr. Beu) I believe the question was, and this  
24 will be just a yes or no question, was there a meeting  
between officers in your department and an Illinois State

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1 Police profiler?

2 A Yes, sir.

3 Q On February 18, 1994, did you or others have some  
4 consultation with the Chicago, Illinois Police Department?

5 A Yes, sir, we did.

6 Q Were you a participant in that?

7 A Yes, sir, I was.

8 Q Was that generally because they're a very big  
9 department?

10 A Yes, sir, they handle many homicides, and we don't  
11 handle very many at all. We were seeking their assistance.

12 Q And was that the extent, other than the laboratory  
13 work that's been described here, of outside resources that  
14 you brought to bear on this case?

15 A Give me a moment to think, sir, it's been quite a  
16 long investigation. We did call upon the state's attorney's  
17 office for the use of Lt. John Brown. He was outside the  
18 Normal Police Department. We requested assistance from the  
19 coroner at the scene to video tape the scene, since we were  
20 not present there. Yes, we did request the Chicago Police  
21 Department to review our report to see if they had any  
22 suggestions. We assisted -- or we requested the assistance  
23 of the Illinois State Police for their use as with the crime  
24 scene technician and the lab work as you mentioned.

1 Q That would be Dean Kennedy?

2 A Yes, the technician, but then other lab work done  
3 by numerous other people through the forensic sciences area.

4 Q Correct.

5 A I believe those are the major ones, sir. I might  
6 be missing something minor, but I believe those are the  
7 major ones.

8 Q Did you, to your knowledge, submit any of the  
9 unidentified fingerprints from the crime scene, including  
10 the one from the clock radio, to the Automated Fingerprint  
11 Identification System run by the State of Illinois?

12 A I did not personally do that, no.

13 Q To your knowledge, did anyone in connection with  
14 your department do that?

15 A To my knowledge, I don't know of anybody that did  
16 that. Not to say that it wasn't done, but I don't know who  
17 did it.

18 Q Do I understand that you became the chief assigned  
19 supervising detective in October?

20 A As I mentioned, sir, I wasn't supervising anybody  
21 on the crew. I was just a detective. I was the main person  
22 working the case. If you want to use the term lead  
23 detective, I guess we could do that.

24 Q From what date approximately?

1 A October or November through the current time.

2 Q You're familiar with that the State of Illinois  
3 does have such an identification system in place?

4 A Yes, sir, I'm aware of that.

5 Q And does that provide the capacity you have  
6 computer searches made to possibly even identify individual  
7 fingerprints through a fingerprint bank?

8 A Yes, if you have enough ridge detail, my  
9 understanding, on the print, if you have a good enough print  
10 you can send it in.

11 Q Did I -- did I understand you to say at one point,  
12 sir, during your direct examination, that you took a  
13 different approach in dealing with Mr. Beaman than Tony  
14 Daniels did?

15 A Yes, sir, I did.

16 Q Did I understand you to use the term you were  
17 civil?

18 A I certainly didn't mean to slight Detective  
19 Daniels. I took a different approach, sir. Mine was more  
20 of a soft approach.

21 Q Is there such a thing as, in police work, as a  
22 good guy/bad guy approach?

23 A Yes, there is.

24 Q Had you consciously assigned yourself a role in

1 this regard?

2 A As the good guy/bad guy routine?

3 Q Yes, sir.

4 A No, sir, I did not.

5 Q Is it safe to say that you fit the good guy role  
6 better than comparatively perhaps, in your technique, than  
7 Officer Daniels?

8 A If we had used that technique, yes, I would have,  
9 I assume, been the good guy.

10 Q Did you or anyone else to your knowledge, sir,  
11 obtain the records concerning Jennifer's class schedules for  
12 the period of time that she attended ISU and Wesleyan?

13 A I don't know that we collected her records from  
14 Wesleyan. We did collect her records of the classes she was  
15 currently enrolled in in a way to find out what time the  
16 homicide occurred.

17 Q I guess more specifically I'm wondering, did you  
18 obtain the records of who her fellow classmates were in  
19 those classes?

20 A For the 11 o'clock class, yes, I did. I obtained  
21 a seating chart from Dr. Eaton and the class list. From Dr.  
22 Brown we obtained a class listing. I believe he was -- just  
23 a moment, I'm not sure if it was Dr. Brown or not. The two  
24 o'clock instructor, we obtained a class listing of people in

1 that class.

2 Q It came to your attention, did it not, that she  
3 had lived in this community for some years?

4 A I really didn't know at the onset of the  
5 investigation how long she had been living here, sir.

6 Q At some point you found out how long she'd been a  
7 student between ISU and Wesleyan?

8 A Yes, approximately. My understanding she'd been  
9 there about three or four years. She was a senior at ISU.

10 Q Did you not check any further class lists and  
11 fellow classmates beyond the ones that she was scheduled to  
12 take the day she was killed?

13 A Could you tell me what you're referring to? Are  
14 you referring to past semesters?

15 Q The summer, any semester prior to that?

16 A No, we didn't check past semesters, sir.

17 Q So you had no way of checking what persons might  
18 have had multiple classes with her?

19 A No, sir, we didn't go into that.

20 Q Nor any information generated then as to who might  
21 also know her well and could provide information concerning  
22 her associates, things of that nature?

23 A I'm sorry, would you repeat the question?  
24

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(WHEREUPON THE LAST QUESTION WAS READ  
BACK BY THE REPORTER.)

A The main way we went about finding out who her  
friends were and associates --

Q Excuse me, officer, the answer is yes or no?

A I'm sorry, I didn't understand the question that  
way. Is the question then through class records were we  
able to find out other associates?

Q No. The question was, isn't it true then that you  
didn't have the opportunity to check through such records if  
you didn't get them --

A Well, yes --

Q -- that information?

A That's true. If we didn't get them, then we  
couldn't have checked through them.

Q Did you determine that she belonged to a sorority  
sister -- sorority on campus?

A At one point we were aware she belonged to a  
sorority, yes.

Q Was that at Wesleyan or ISU?

A It was my understanding it was at Wesleyan.

Q That would have been then sometime back?

A Yes.

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1 Q Did you gain information as to whether or not she  
2 had joined a sorority at ISU?

3 A No, sir, I did not.

4 Q You don't know then one way or another from your  
5 investigation?

6 A No, sir.

7 Q You had some conversation, you or other officers  
8 in the department, with Vidette personnel, right, the ISU  
9 school newspaper?

10 A I did not have conversations with them, sir.

11 Q Any other officers that did?

12 A Sir, I don't know what other officers would have  
13 had contact with The Vidette. If there's a specific  
14 document you're pertaining to, I'd be happy to look at it.

15 Q No, sir, I'm simply wondering whether anyone in  
16 your department checked with the personnel at The Vidette  
17 newspaper where she worked.

18 A Not that I know of, sir.

19 Q Your investigation did not check into then whether  
20 she socialized with people from there, knew people through  
21 that, those sorts of things?

22 A Well, by talking to her friends, we were finding  
23 out who she was associating with. Nobody else really came  
24 up that she was hanging around with.

1 Q At some point I believe you indicated that you  
2 told Alan Beaman that he was going to be arrested and you  
3 were simply waiting on the results of some lab tests?

4 A Yes, sir, that's correct.

5 Q What were those lab tests, sir?

6 A We were still waiting on DNA results to come back.  
7 We still had items that needed to be fingerprinted. At the  
8 time, due to the backup at the crime lab, it was taking  
9 awhile to get that done.

10 Q When did those tests come in approximately?

11 A I would have to guess probably May. I don't know  
12 for sure without looking at the dates on the lab reports,  
13 sir.

14 Q Some of those test results didn't even come in  
15 until far after the arrest, did they?

16 A That's very possible, sir.

17 Q I take it that when the last tests did come in,  
18 they showed what's been presented in this courtroom?

19 A Yes, sir, they did.

20 Q Was there any significant difference between your  
21 statement about lab tests and Daniels' statement about  
22 witnesses in Bloomington that was told to Mr. Beaman?

23 MR. SOUK: Judge, I'm going to object to the form of  
24 that question. If he wants to ask the officer if it was a

1 true statement --

2 THE COURT: Objection is sustained.

3 MR. BEU: No further questions.

4 THE COURT: Redirect?

5 MR. SOUK: Yes, thank you, your Honor.

6 Could we -- I need to show one slide. Maybe we  
7 could just do that first.

8 THE COURT: You want the lights?

9 MR. SOUK: Yes, please.

10  
11 (WHEREUPON A BRIEF INTERRUPTION WAS HAD.)

12  
13 REDIRECT EXAMINATION

14  
15 BY MR. SOUK:

16  
17 Q Detective, in response to Mr. Beu's questions, I  
18 believe you previously indicated that in doing this mileage  
19 chart this was, while it was prepared later, this was based  
20 on your mileage runs basically prior to the grand jury,  
21 correct?

22 A Yes, that is correct.

23 Q And if I could point near the top, there's --  
24 well, the first entry is Sears to the Beaman residence,

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1 which was a trip home from getting the tires, correct?

2 A Yes, that's correct.

3 Q On Tuesday night. And then the next one is Beaman  
4 residence to David Olson's residence. Did you have some  
5 information that later Tuesday night Mr. Beaman went to a  
6 David Olson's house?

7 A Yes, sir, I did.

8 Q And then from David Olson's house did he go to  
9 work at Sandy Hollow?

10 A Yes.

11 Q And up until the grand jury, was it your belief,  
12 based on all the statements that he'd given, that he went  
13 from Sandy Hollow to Bell Federal, 4.6 miles, and then went  
14 from Bell Federal to his -- to his residence where he said  
15 he went to bed at 11.7 miles?

16 A At the time of that preparation, yes, that was my  
17 understanding.

18 Q Now originally after his original statement to  
19 Daniels and his first statement to you, you wouldn't even  
20 have had the Sandy Hollow/Bell Federal, Bell Federal/Beaman  
21 in there, because at that point he hadn't told you about  
22 Bell Federal, right?

23 A That is correct.

24 Q All right. Now at the grand jury, Mr. Beaman

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1 indicated for the first time that after he left work that  
2 morning, that he went home, went to the bank, and then went  
3 back home and went to sleep, correct?

4 A Yes, that's correct.

5 Q If we did the chart so that that occurred, and I'm  
6 sorry, I'm going to need another slide. If we could have  
7 the one of that route from Sandy Hollow to --

8 A The remote control is over by the --

9 Q Oh, I'm sorry, you don't have the remote control.

10 A It's over by the machine.

11 Q The slide we're now looking at shows -- I'm sorry,  
12 I'm in your way -- shows that route from, as I'm pointing to  
13 it on the slide here, from Sandy Hollow store up to Mr.  
14 Beaman's house, and then the route to Bell Federal, and then  
15 the same route back home, correct?

16 A Yes, sir, that would be shown on the map.

17 Q Okay. If you used the mileages that you have  
18 previously done, the Sandy Hollow to the Beaman residence I  
19 believe was --

20 A 13.8 miles, sir.

21 Q All right. And the distance that you previously  
22 measured from the Beaman residence to Bell Federal was 11.7  
23 miles, correct?

24 A That is correct, sir.

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APPENDIX 003185

1 Q So if you took that route in making up the chart,  
2 it would be 13.7 to his home, and then 11.7, plus 11.7 for  
3 the -- for the round trip to Bell Federal, correct?

4 A That is correct.

5 Q And that would be basically close to 40 miles as  
6 opposed to what you previously had up there, which is closer  
7 to about 16 miles for that portion, correct?

8 A That's correct, it would be close to 37, 38 miles.

9 Q So that would add somewhere in, without being  
10 precise, somewhere in the area of 25 miles or so, correct?

11 A Yes, ballpark figure.

12 Q And Mr. Beu had asked you about a Saturday  
13 afternoon trip possibly to the church and back to practice  
14 with the -- with Mr. Olson, who's testified. Was that trip,  
15 even up through the grand jury, the subject of some dispute  
16 or some difference in memories of people as to whether it  
17 actually took place?

18 A My understanding, yes. It was never really  
19 confirmed.

20 Q But assuming that it did take place, you  
21 previously had measured that distance from the Beaman home  
22 to the church on the last, on the last entry, correct?

23 A Correct, 10.7 miles.

24 Q So that would add basically a round -- another

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APPENDIX 003186

1 round trip to the church would add another 21.4 miles,  
2 correct?

3 A 21.4 miles, yes, sir.

4 Q So if those two items were added in there, total  
5 distance traveled would still be under 260 miles basically,  
6 correct?

7 A Yes, sir.

8 Q I'm not going to put the slide back up, but in  
9 your slide of the discussions of the routes that you  
10 measured regarding Mrs. Beaman and her travels and  
11 whereabouts that day, you had included Auburn High School on  
12 that chart, correct?

13 A Yes, sir, I did.

14 Q And you had indicated to Mr. Beu that after May  
15 18th, basically when she first told authorities about this,  
16 that Mrs. Beaman indicated that she went to the grocery  
17 store as her last stop and then went straight home, correct?

18 A Yes, that is correct.

19 Q And that it's approximately a 12 minute or so ride  
20 directly to her home, and she would have been home by 2:15  
21 after leaving the store at 2:03, right?

22 A That's correct, 2:15 is the time she gave.

23 Q In measuring the distances and timing then, if she  
24 had gone directly home from the IGA store to her house, do

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APPENDIX 003187

1 you think that's pretty accurate that she would have been  
2 home about 2:15?

3 A Yeah, I think that's fairly accurate.

4 Q In looking at the grocery receipt that was  
5 provided to you, were there certain frozen food items listed  
6 on there?

7 A Yes, sir, there were. If I could see the receipt  
8 again I could be more specific.

9 Q Well, I don't think we need to do that. And in  
10 Mrs. Beaman's grand jury testimony, did she indicate that  
11 she had bought some items for her school lunches starting  
12 the next week?

13 A Yes, she did.

14 Q And did that information have something to do with  
15 your checking out the Auburn school and measuring those  
16 routes?

17 A Yes, that was my reasoning.

18 Q Now in fairness, she has never told anyone that  
19 she stopped at Auburn school. Is that right?

20 A Yeah, that is correct.

21 Q Did you also as part of your investigation at my  
22 request, go to Auburn school and determine whether they have  
23 a refrigerator there, or refrigerator/freezer, or whatever,  
24 for the teachers to use in keeping their lunches and so

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1 forth?

2 A Yes, sir, I did.

3 Q And what was the result of that?

4 A Well, I found out as I stepped in the front door,  
5 went to the left, there's a teachers' lounge on the right.  
6 Right inside the door, on the right, was a refrigerator for  
7 teachers' use.

8 Q Mr. Beu asked you about your interview with Mr.  
9 Swaine, and afterwards making available to him, or referring  
10 to him if he needed some counseling services and this sort  
11 of thing.

12 A Yes, he did ask me about that.

13 Q And you did something of that type for Mr. Swaine?

14 A Yes, sir, I did.

15 Q Why did you do that at that time?

16 A Well, I felt my job as a police officer was more  
17 than just trying to find who the suspect was. It was also  
18 to help people that might be shaken up about a recent  
19 homicide about somebody they cared for. Mike Swaine was  
20 obviously shaken. His hands were shaking when I initially  
21 got him. He was very upset, and I didn't feel comfortable  
22 as a police officer, even as a person, turning this person  
23 out the front door when he just found out that somebody he  
24 really cared about had been murdered. And therefore, I felt

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1 it was in his best interest to find somebody to do some  
2 counseling with him.

3 Q You indicated the information you'd received in  
4 this investigation did not include evidence from any  
5 witnesses who could verify that prior to the murder that Mr.  
6 Beaman had ever physically hurt Miss Lockmiller. Is that  
7 correct?

8 A That's correct.

9 Q Let me ask you a few more questions about the --  
10 conducting this investigation. First, I think you had  
11 indicated as your own background and experience that you had  
12 had some prior experience as a correctional officer in  
13 another state?

14 A Yes, sir, I did.

15 Q What was that for?

16 A That was the State of Arizona, I worked for the  
17 Department of Corrections.

18 Q And how long did you work out there?

19 A It was approximately eight to nine months.

20 Q And then you relocated here and became a  
21 correctional officer in Champaign County?

22 A Yes, sir. I'm originally from Illinois, moved  
23 back to Champaign, and was hired by Champaign County.

24 Q Then was it 1990 you were hired by the Normal

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1 Police Department?

2 A Yes, March 12th of 1990.

3 Q How soon after you became a uniformed officer were  
4 you promoted to detective?

5 A Approximately 11 months, sir.

6 Q You've recently -- fairly recently been promoted  
7 to sergeant. Is that correct?

8 A Yes, sir.

9 Q Does your department have any recent type of  
10 certification?

11 A Yes, sir, we do. We are CALEA certified through  
12 the law enforcement accreditation association. We're one of  
13 only three departments in the State of Illinois that have  
14 met the 500 guidelines to be accredited by the law  
15 enforcement accreditation service company. It's commissioned  
16 on law enforcement accreditation. There's only about 42  
17 departments nationwide who are CALEA accredited. Ours is  
18 one of them.

19 Q You indicated your department had just two  
20 homicides recently?

21 A Yes, sir, the Lockmiller being the first one, and  
22 then another one occurring in August of '94.

23 Q And you worked on both of those?

24 A Yes, sir, I did.

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APPENDIX 003191

1 Q Other than homicides, does your department handle  
2 a lot of major crime?

3 A Yes, sir, whatever occurs within our city.

4 Q Any of the investigatory techniques that are used  
5 in a homicide used also in other major crimes?

6 A Yes, sir, a lot of them are very standard as far  
7 as protecting a crime scene.

8 Q The people who went in and out of the crime scene,  
9 you mentioned a number of people who were there, including  
10 the chief. Do you know if all of those people went in for a  
11 brief look like yourself, or are you just stating the people  
12 that were standing outside?

13 A I'm stating the people who were present at the  
14 scene. I'm not saying that all of them went into the  
15 apartment.

16 Q And after you got there, to the best of your  
17 knowledge, I believe you previously indicated you went in  
18 there for a very brief look of under a minute, correct?

19 A Yes, sir, I did.

20 Q Did anybody else that you know of do that prior to  
21 the crime scene technician arriving?

22 A I can't say for sure, sir.

23 Q Would anyone have been allowed more than a brief  
24 look like you took until you had your crime scene tech

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APPENDIX 003192

1 there?

2 A No, sir.

3 Q Is it part of the training and procedures that you  
4 have received as a detective and that's standard practice  
5 with your department that when a person is obviously  
6 deceased that the scene is not disturbed until the crime  
7 scene tech gets there?

8 A That is correct.

9 Q In the case where the person is not obviously  
10 deceased, I take it sometimes the crime scene would be  
11 disturbed because of life saving efforts?

12 A Of course, if there's any possibility of saving a  
13 life, then the body would obviously be removed immediately  
14 and all attempts would be made.

15 Q Mr. Beu asked you about several people who made  
16 you aware of a car, presumably one similar to Mr. Swaine's,  
17 they might have seen that week?

18 A Yes.

19 Q First, you'd indicated the written statement from  
20 those witnesses -- I'm sorry, could I get the -- Defendant's  
21 Exhibit A, Susan Jenkins, Defendant's Exhibit C, David  
22 Singley. Those were two other residents of the building,  
23 correct?

24 A Yes, sir, they lived in Apt. 3 across from where

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APPENDIX 003193

1 Miss Lockmiller was living.

2 Q You didn't take their formal statements that are  
3 contained there, did you?

4 A No, sir, I did not.

5 Q Okay. Had you talked to them before?

6 A Yes, sir, I did.

7 Q When did you talk to them?

8 A As I noted earlier, I was the first detective on  
9 the scene. I waited at the scene for any neighbors or  
10 friends that might have happened by. At that time, David  
11 Singley and Susan Jenkins did come onto the scene, and I had  
12 occasion to talk to them at that time.

13 Q How about Lisa Ronsick, Defendant's Exhibit D.  
14 She lived in the next building, right?

15 A Yes, she lived in the building south. I had an  
16 occasion to speak with her at her place of employment, which  
17 I believe is Tobin's Pizza.

18 Q Again, was that the day of finding the body?

19 A No, that was several days after when I spoke to  
20 Lisa Ronsick.

21 Q But her formal statement was taken at a later time  
22 by another officer?

23 A Yes, sir. I did not take her statement.

24 Q And you also talked to some other residents of the

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APPENDIX 003194

1 apartment building the same day as the body was found,  
2 didn't you?

3 A Yes, sir, I spoke to the two people that lived  
4 directly below Miss Lockmiller.

5 Q Two young ladies?

6 A Yes, sir.

7 Q Any of the young women you interviewed who lived  
8 in the building have blond hair like Jennifer's?

9 A Not that I know of, sir. No, sir, not long blond  
10 hair.

11 Q The gentleman you testified -- or that you  
12 interviewed who lived there, did he have long dark hair like  
13 Mr. Beaman's?

14 A No, David Singley had short hair.

15 Q In following up your investigation about the  
16 possible sighting of this car, now you've already testified  
17 about checking out Mr. Swaine's alibi at various times,  
18 correct?

19 A Yes, sir.

20 Q In addition to that, did you do anything to  
21 determine whether these witnesses who thought they may have  
22 seen this car, whether they could actually identify it?

23 A Yes, sir, I did.

24 Q What did you do?

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1           A     Detective Warner and myself, after hearing that  
2 they thought they saw Mr. Swaine's vehicle outside, went  
3 throughout the Bloomington/Normal area. First of all, we  
4 went to Michael Swaine's apartment and we took photographs  
5 of the vehicle he was driving, the white Pontiac with the  
6 Subway bumper sticker on the back. We then went to areas  
7 near there and took three other photographs of like  
8 vehicles, same size, same basic dimensions, took a back rear  
9 shot and side shot of four different vehicles, the one Mr.  
10 Swaine was driving being one of those four.

11           Q     And did you, in effect, do a car photo line-up  
12 with the witnesses who thought they'd seen this car?

13           A     Yes, sir, I did.

14           Q     Anybody able to pick it out?

15           A     No, sir. I first went back and showed all four  
16 pictures to David Singley and Susan Jenkins. After looking  
17 at all four photos, they could not identify the vehicle that  
18 they saw on that day. I then took the photos to Tobin's and  
19 showed them to Lisa Ronsick, and she was also not able to  
20 tell us what vehicle she saw that day out of the four she  
21 saw in the pictures.

22           Q     Mr. Swaine previously indicated in his testimony  
23 with me that he drove that car up to Elmhurst. He went with  
24 a person named Kyle Humphrey?

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APPENDIX 003196

1 A Yes, sir, that's correct.

2 Q Did you interview Kyle Humphrey in connection with  
3 this investigation?

4 A I did not do the interview, but I believe somebody  
5 from our department did, sir.

6 Q You indicated that in response to Mr. Beu's  
7 question that you didn't get Jennifer's class schedules from  
8 prior semesters or that sort of thing?

9 A No, sir, I did not.

10 Q And go back and check out her sorority at Illinois  
11 Wesleyan?

12 A No, sir, we didn't necessarily see a need for  
13 that.

14 Q To the best of your knowledge, you didn't know  
15 whether or not she was in a sorority when she transferred to  
16 Illinois State?

17 A I knew she was in a Wesleyan sorority from talking  
18 to Mr. Swaine, but I didn't know of a sorority she would  
19 have been in at ISU.

20 Q Could you -- I know it may be hard to approximate,  
21 but after getting into the investigation and initially  
22 talking with people who knew her, like Morgan Keefe and  
23 Michael Swaine, did you come up with the names of a number  
24 of people who had known her and had substantial contact with

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APPENDIX 003197

1 her that summer?

2 A Oh, yes, we came up with quite a few people.

3 Q Any -- could you estimate how many people were  
4 interviewed that knew her that summer in connection with  
5 this investigation?

6 A I would guess anywhere from 60 to a hundred people  
7 were interviewed.

8 Q Did you feel that the information you received in  
9 conducting the investigation that way was sufficient for  
10 your purposes?

11 A Yes, sir, I certainly did.

12 Q Now regarding The Vidette, Lori Itano was a person  
13 at The Vidette that was interviewed obviously, correct?

14 A Yes, she was.

15 Q And the consultations that you had with other  
16 departments, for example, the Chicago Police Department in  
17 February, would you tell us why that consultation was done?

18 A Sure. As I mentioned, we only had two homicides  
19 in the City of Normal. I certainly don't claim to be an  
20 expert, and any help that I can get or any other suggestions  
21 that any other department can make that we could follow, I  
22 was more than open for that. And this was a suggestion that  
23 the chief of police for our department suggested. He knew  
24 some people from Chicago. He asked them to send a copy of

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APPENDIX 003198

1 our case report to them, asked them to read the report, and  
2 then followed up with a later interview -- or meeting with  
3 the Chicago detectives from the homicide division.

4 Q You're not too proud to have your work looked at  
5 by somebody else?

6 A No, sir, not at all.

7 Q After that consultation, were any substantial  
8 suggestions made to you by the Chicago Department for  
9 anything that you had left undone?

10 A No, not necessarily. They commented on the  
11 thoroughness of our investigation, and stated that they  
12 really didn't have any other suggestions that came to mind  
13 immediately that we had not already tried. Their suggestion  
14 to us was to continue to try to talk to Alan Beaman as long  
15 as we could.

16 Q Now in that regard, you indicated that, if you  
17 will, you took the kinder, gentler approach with Mr. Beaman?

18 A Yes, sir, I did.

19 Q And there's already been testimony of several  
20 occasions where he had some problems, if you will, both with  
21 Detective Daniels and later with Lt. Brown, correct?

22 A Yes, sir.

23 Q And you were actually in the room and sort of  
24 involved in the Lt. Brown situation, correct?

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APPENDIX 003199

1 A That is correct.

2 Q But as you've testified, you were able to  
3 reestablish contact with Mr. Beaman and keep talking with  
4 him through the winter, correct?

5 A Yes, sir, I was.

6 Q The fingerprint system that was mentioned, the  
7 Automated Fingerprint System, that's actually a system that  
8 is available and works through the Morton Crime Lab,  
9 correct?

10 A It works through the state. The Morton Crime Lab  
11 is a facility that can enter into AFIS.

12 Q You need special equipment to do that, right?

13 A Yes, you do. To enter that information into AFIS  
14 you do need special equipment.

15 Q And that equipment is available at the Morton  
16 Crime Lab where Mr. Dierker works, correct?

17 A Yes, it is.

18 Q Also to analyze any information coming out of that  
19 system you need a fingerprint expert like Mr. Dierker, don't  
20 you?

21 A That is correct, to determine if the print is good  
22 enough to go into AFIS and suitable for AFIS capabilities  
23 you would have to have an expert look at it.

24 Q Based on your contact with Mr. Dierker in this

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APPENDIX 003200

1 investigation, do you know whether or not he used the AFIS  
2 system?

3 A No, sir, I don't know whether he did or not. It  
4 was my assumption that --

5 MR. BEU: Object to the assumption, your Honor.

6 THE COURT: Objection is sustained as to assumption.

7 Q (By Mr. Souk) You were never made aware whether  
8 that was one of the things that he used?

9 A No, sir, I was not made aware.

10 MR. SOUK: I believe that's all, thank you.

11 THE COURT: Mr. Beu?

12 MR. BEU: Thank you, judge.

13 May I approach, your Honor?

14 THE COURT: You may.

15  
16 RE-CROSS EXAMINATION

17  
18 BY MR. BEU:

19  
20 Q Officer, I show you what's been previously marked  
21 as People's Exhibit 2-A which has been identified as the  
22 receipt from Gray's IGA store.

23 A Yes, sir.

24 Q Can you identify any of those items on there as

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APPENDIX 003201

1 being frozen goods?

2 A There's two sections that say meat, a dollar,  
3 ninety-nine, meat, a dollar, ninety-nine, bratwurst, three-  
4 o-eight. There also Dub franks. There's - I'm sorry,  
5 that's not a frozen item, but there is perishable items.  
6 Would that count, sir?

7 Q First asking about frozen.

8 A Okay, nothing indicates that it was frozen, but  
9 there are meats.

10 Q Okay. You can't tell from that receipt whether  
11 they were frozen items or not, correct?

12 A No, you can't tell whether they're frozen or  
13 refrigerated.

14 Q At least one of the items that is listed is Brat -

15 -  
16 A Bratwurst.

17 Q The others are not listed as to what they are?

18 A A listing for Dub franks, right here, sir.

19 Q Okay. So we've got a meat listing up here, right,  
20 once?

21 A Correct.

22 Q And then two separate ones here, right?

23 A That's correct.

24 Q And then one for bratwurst?

1 A That's correct.

2 Q And then the one you found that I missed for  
3 DuBuque. I suppose that is franks, but you can't --

4 A It says DuBuque franks.

5 Q Okay, thanks. Where was the stove in the lounge  
6 in the Auburn school?

7 A Sir, I was not looking for a stove.

8 Q Did it cross your mind that a person might not  
9 want to heat frozen bratwurst?

10 A No, sir, it didn't.

11 Q Or frozen hot dogs?

12 A No, sir, it didn't.

13 Q Or cold hot dogs?

14 A No, sir.

15 Q Or a cold bratwurst?

16 A No, sir.

17 Q In your investigation, sir, did you question a  
18 Ryan Campbell?

19 A If I could refer to my report for just a moment.

20 Q Let me refresh your recollection, a male occupant  
21 of a lower apartment in the building occupied by Jennifer  
22 Lockmiller.

23 A Yes, sir, I know who Ryan Campbell is, but your  
24 question was, did I interview him, and I would have to refer

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APPENDIX 003203

1 to my report to see if I actually interviewed him.

2 Q Okay.

3 A Would you like me to refer to my report?

4 Q Please do. Why you're looking, officer, whether  
5 or not you interviewed him, can you tell us, when you're  
6 done there, whether or not you ever met him?

7 A Yes, I do know that I met Ryan Campbell.

8 Q I don't need to have you look further.

9 A Okay.

10 Q Can you tell us how soon after the 28th of August  
11 you met him?

12 A It would have been the time that I showed the  
13 photographs of the vehicle to Lisa Ronsick -- I'm sorry,  
14 Susan Jenkins and David Singley.

15 Q And that was within how long following the 28th,  
16 roughly?

17 A It would have been Sunday, the 29th.

18 Q Okay. Did you determine, at that time, that Ryan  
19 Campbell has long, dark hair?

20 A I don't recall him having long, dark hair at that  
21 time, sir.

22 Q Do you recall that he didn't?

23 A Sir, I don't have a clear recollection of exactly  
24 what he looked like at that time. I can tell you it was not

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APPENDIX 003204

1 obvious shoulder-length dark hair.

2 Q Do you recall ever speaking -- whether or not you  
3 ever spoke with Ryan Campbell's girlfriend?

4 A To my knowledge, I don't know that I spoke to Ryan  
5 Campbell's girlfriend.

6 Q In speaking with Miss Ronsick, and Mr. Singley,  
7 and Miss Jenkins, they all told you that the white car they  
8 described to you was not a car of a resident of Jennifer's  
9 building, didn't they?

10 A That is possible, yes.

11 MR. BEU: That's all.

12 THE COURT: Any redirect?

13 MR. SOUK: Yes, your Honor.

14  
15 FURTHER REDIRECT EXAMINATION

16  
17 BY MR. SOUK:

18  
19 Q For the record, I'm just marking one page out of  
20 the grand jury exhibit. It's page 78, has People's Exhibit  
21 85-D on it. And, Officer Freesmeyer, I'd ask you to look at  
22 the last question and answer on that page from the testimony  
23 of Carol Beaman.

24 A Yes, sir.

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APPENDIX 003205

1 Q Would you tell us what the question she was asked  
2 was and what answer she gave regarding her shopping that  
3 day?

4 A "After going to the grocery store, did you go  
5 straight home?" Her answer, "Yes, there's nothing between  
6 my house and the grocery store, first of all. And secondly,  
7 I had frozen orange juice, two gallons of milk, frozen  
8 lunch- type stuff for me to take to school, and meat."

9 MR. SOUK: Thank you, no further questions.

10 THE COURT: Anything further, Mr. Beu?

11  
12 FURTHER RE-CROSS EXAMINATION

13  
14 BY MR. BEU:

15  
16 Q Was she ever questioned further at that time as to  
17 whether she would typically leave her lunch for a week or a  
18 month at the school, or whether she would take it daily?

19 A Not that I know, sir.

20 MR. BEU: That's all.

21 THE COURT: All right, you may step down, sir.

22 A Thank you.  
23  
24

(WITNESS EXCUSED.)

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APPENDIX 003206

Plaintiff's Exhibit No. 51

CHARLES G. REYNARD

McLean County State's Attorney

Law and Justice Center  
 104 W. Front Street, Room 605  
 P.O. Box 2400  
 Bloomington, Illinois 61701-2400  
 (309) 888-5400

April 17, 1995

Chief James Taylor  
 Normal Police Department  
 100 E. Phoenix  
 Normal, IL 61761

Re: Tim Freesmeyer

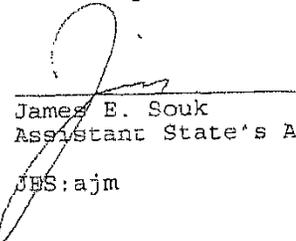
Dear Chief Taylor:

I would be derelict in my duties if I did not write you a separate letter concerning Tim Freesmeyer's performance in the Beaman case.

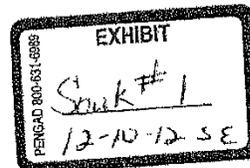
Rather than elaborate on the details, I will simply tell you that Tim's work on this case is the single finest effort by any police officer in any case with which I have been involved during 20 years as both a prosecutor and defense lawyer.

The effort is all the more remarkable considering his relative youth and inexperience. His recent promotion indicates you are already aware of his exceptional ability, but I would not be comfortable without expressing to you officially my great admiration for Tim, both as a person and a police officer. Beyond any question in my mind, this case would not have been won without Tim Freesmeyer.

Sincerely,

  
 James E. Souk  
 Assistant State's Attorney

JES:ajm



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McLean 002480

APPENDIX 003207

**ILLINOIS STATE POLICE**  
 Division of Forensic Services and Identification  
 Bureau of Crime Scene Services

**Crime Scene Report**

Requesting Department			Requesting Department Case Number		B.C.S.S. Case Number		Crime Scene Technician Dean S. Kennedy	
Normal P.D.			C93-4033		G93-1590-9-1		Classification Death Investigation	
Date, Time, by Whom Notified (Name)			Date and Time of Arrival		Weather		Temperature	
8-28-93 2:30 p.m. ISP Command Center			8-28-93 3:45 p.m. Saturday		Partly Cloudy		80° Inside 85° Outside	
Evidence Transported to Laboratory			Date and Time Received at Laboratory		Received by		B.F.S. Case Number	
See Narrative			See Narrative		See Narrative		P93-2654	
Evidence Retained by Agency			Date and Time		Received by		Other Laboratory	
See Narrative			See Narrative		See Narrative		N/A	
Photography			Sketch		Latents		Other Evidence	
Yes			Pending		No		Yes	
Victim Jennifer Lockmiller, F/W, DOB 1-11-71 412 Main Street, Apartment #4 Normal, Illinois								

On 8-28-93, Saturday, at approximately 2:30 p.m., Crime Scene Technician Dean Kennedy was notified by the ISP Command Center that the Normal Police Department was requesting assistance in reference to a death investigation.

At approximately 3:45 p.m., CST Kennedy arrived at the scene located at 412 Main Street, Apartment #4, in Normal, Illinois, and met with Detective Tim Freesmeyer, McLean County Coroner Dan Brady and other members of the coroner's office and Normal Police Department.

The scene was a two-story frame apartment building containing four (4) apartments. The main entrance to the apartment building was on the south side of the first floor. The main entrance opened into a split stairway which led to the main floor and second floor. An exterior door was located at the north end of the second floor hallway. This door was unlocked.

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**ILLINOIS STATE POLICE**  
 Division of Forensic Services and Identification  
 Bureau of Crime Scene Services

393-1590-9-1  
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**Crime Scene Report**

The victim's body was found in Apartment #4, which was on the west end of the second floor. The door to Apartment #4 was open. Det. Freesmeyer stated that a friend who came over to check on the victim found the apartment door unlocked upon her arrival. No signs of recent forced entry were visible. The door and door frame had what appeared to be old damage from previous entries. Some fresh marks on the inside of the door frame appeared to be from the dead bolt lock being left in the lock position when the door was closed. A maintenance person from the apartment complex examined the door and advised that the damage had been there previously.

A window in the kitchen was open with no sign of forced entry visible. A window screen to the aluminum storm window was torn at the bottom and was out of the track. The curtains on the window were closed and did not appear disturbed.

Two (2) windows in the northwest bedroom were open with no signs of forced entry visible. The screens on both windows were in place. The curtains on both windows were closed.

The entrance door to Apartment #4 led into a short hallway. A gold-colored hoop-type earring was lying on the floor approximately 3' inside the door. The hallway led west into the apartment. The bedroom and bathroom were located off the north side of the hallway. The living room was located at the west end of the hallway and the kitchen was located off the south side of the hallway.

A red shoe was lying in the hallway outside the bedroom door. A gold-colored hoop-type earring similar to the earring by the entrance door was found on the bathroom floor. A clump of dark-colored hair was also found on the bathroom floor.

Dirty dishes were in the kitchen sink. The left cabinet door under the kitchen sink was open. A plastic garbage can which had apparently been under the sink was lying on its side in front of the cabinet. A garbage bag which may have been taken out of the trash can was found on the living room sofa filled with trash. A table was located along the south wall of the kitchen. A word processor, school books, and various notebooks belonging to the victim were found on the table. Two (2) book bags and the victim's purse were found at the west edge of the table. The book bags and purse were stacked on top of each other, with the purse in the middle. The purse and book bags were closed and did not appear to have been gone through. The purse contained a green ID holder with the victim's driver's license and other identification, a brown wallet with \$17.71 in U.S. currency and change, various credit cards, and other personal effects. The green ID holder and contents were retained by Coroner Brady.

The living room was located west of the kitchen. A television and air conditioner in the living room were on. A table on which a telephone and an answering machine were located was along the north wall of the living room. The tapes from the answering

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**ILLINOIS STATE POLICE**  
 Division of Forensic Services and Identification  
 Bureau of Crime Scene Services

G93-1590-9-1

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**Crime Scene Report**

machine were retained by Officer Dave Warner of the Normal Police Department. A pink note pad was next to the telephone. Several phone books and a black address book were found under the table.

A television was on a table at the west end of the living room. A shoe box filled with letters was also on the table. A small basket containing small wooden boxes and pipes appearing to be drug paraphernalia was next to the television on the table. The sofa was located at the east end of the living room. A set of keys was on a table in front of the sofa. The previously-mentioned trash bag was on the sofa. A round indentation approximately 2" in diameter was observed at the east end of the north living room wall. The indentation was approximately 5' from the floor.

The bedroom was located in the northwest corner of the apartment. The bedroom door was open. A desk calendar was lying on the floor about 3' west of the doorway. A hole approximately 10" in diameter was present in the south wall of the bedroom. Maintenance personnel from the apartment complex advised that the hole had been made previously. A laundry basket filled with clothes, a desk, a chest of drawers and a twin bed were along the south wall of the bedroom. A chest of drawers was along the west wall. A lamp on top of the chest of drawers along the west wall was on. A bunk bed and a desk were along the north wall of the bedroom. A curling iron on top of the desk was on. The sliding doors to a closet on the east wall of the bedroom were open. Several clothing items, including a nightshirt, were on the floor in front of the closet. The victim's body was on the floor between the beds. The victim's body was in a supine position, with the head toward the north and the legs toward the south. The victim was wearing a red and white floral top and bra which were pushed up, exposing the chest. The body was nude from the chest down, and a pair of blue jean shorts with a brown belt and light-colored underpants were around her left calf and ankle. A red shoe similar to the shoe found in the hallway outside the bedroom door was on the victim's left foot. A gold-colored ring with a reddish stone was on the victim's left ring finger. The victim's arms were extended almost straight out from the shoulders. The legs were spread apart and bent at the knees, with both feet extended back toward the head. The body was bloated and discolored from the effects of decomposition. A pair of scissors with red plastic handles was embedded in the center of the victim's chest. Three (3) other defects were noted in the skin on the victim's chest which had apparently been made with the scissors. A clock radio was on the floor east of the victim's head. The cord from the clock radio was wrapped around the victim's neck and tied in the front of the neck. A box fan was resting across the victim's chest against the handle of the scissors. The other end of the box fan was on the bed next to the victim's head.

CST Kennedy photographed the scene.

CST Kennedy obtained measurements for use in making a crime scene drawing. A computerized sketch will be completed at a later date.

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ILLINOIS STATE POLICE  
Division of Forensic Services and Identification  
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## Crime Scene Report

CST Kennedy utilized the alternate light source on the victim's body and the area surrounding the body while at the scene.

The following item was collected, packaged, and marked as reflected on the evidence receipt:

Exhibit #21 Sealed box containing hair removed from victim's pubic region at scene.

CST Kennedy cut the cord from the clock radio found next to the victim's head. The victim's body was placed into a white sheet and then into a body bag and sealed by CST Kennedy. The victim's body was removed from the scene by the McLean County Coroner's Office at approximately 7:00 p.m., and transported to the McLean County Morgue in Bloomington, Illinois.

CST Kennedy utilized the electrostatic dust print lifter on the bathroom floor, kitchen floor and desk calendar found on the bedroom floor with negative results.

CST Kennedy processed the scene for items of evidential value which were collected, packaged and marked as reflected on the evidence receipt:

Exhibit #1 Word processor "WP-2200" found on kitchen table.

Exhibit #2 Word processor manual found on kitchen table.

Exhibit #3 Shoe box containing letters found on table at west end of living room.

Exhibit #4 Box containing papers and letters found under south bed in northwest bedroom.

Exhibit #5 Papers and photographs found on south chest of drawers and inside north side desk in northwest bedroom.

Exhibit #6 Eight (8) 3.5" floppy computer diskettes found in drawer of south side desk in northwest bedroom.

Exhibit #7 Purse and contents found on kitchen table.

Exhibit #8 Sealed bag containing cardboard tag removed from outside entrance doorknob - Apartment #4.

Exhibit #9 Sealed bag containing note pad found next to phone in living room.

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APPENDIX 003211

**ILLINOIS STATE POLICE**  
 Division of Forensic Services and Identification  
 Bureau of Crime Scene Services

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**Crime Scene Report**

- Exhibit #10 Sealed bag containing keys and key ring found on table in front of living room sofa.
- Exhibit #11 Sealed bag containing address book found under telephone table - north wall of living room.
- Exhibit #12 Sealed bag containing small basket with pipes and wooden boxes inside (apparent drug paraphernalia) found on table - west end of living room.
- Exhibit #13 Sealed bag containing red shoe found in hallway between bedroom and bathroom.
- Exhibit #14 Sealed bag containing two (2) gold-colored earrings - one (1) found in hallway near entrance door and one (1) found on bathroom floor.
- Exhibit #15 Sealed box containing blue/white/yellow ceramic piece, approximately 1/4" in diameter, possibly part of an earring (found on floor 3' east of victim's body).
- Exhibit #16 Sealed bag containing keys and key ring found on desk in northwest bedroom - key ring included small container with tiny sea shells.
- Exhibit #17 Sealed bag containing five (5) prescription medications found in north side desk drawer - northwest bedroom.
- Exhibit #18 Sealed bag containing two (2) boards with reddish stain found on top of south side desk - northwest bedroom.
- Exhibit #19 Sealed bag containing multi-colored comforter, black fitted sheet and pillowcase from north side bed, bottom bunk - northwest bedroom.
- Exhibit #20 Sealed bag containing black fitted sheet from south side bed - northwest bedroom.
- Exhibit #22 Sealed envelope containing clump of dark-colored hair found on bathroom floor.
- Exhibit #23 Sealed bag containing clock radio found next to victim's body - electrical cord from clock radio tied around victim's neck.

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ILLINOIS STATE POLICE  
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### Crime Scene Report

CST Kennedy processed the scene for latent finger and palm print impressions; however, no identifiable latent prints were developed.

CST Kennedy departed the scene at approximately 10:20 p.m., and proceeded to the Normal Police Department.

At approximately 10:55 p.m., while at the police department, CST Kennedy receipted Exhibits #1 through #6 to Det. Freesmeyer. Exhibits #3 through #5 were examined by Normal detectives. Items found useful for the investigation were removed and will be given separate exhibit numbers by the Normal Police Department.

CST Kennedy departed the police department at approximately 11:05 p.m.

On 8-29-93, Sunday, at approximately 8:50 a.m., CST Kennedy arrived at the McLean County Morgue in Bloomington, Illinois, and met with Dr. Sharon Schnittker, Medical Assistant Bill Belcher, and Normal Police Officer Dave Warner.

The victim's body was removed from the body bag and appeared to be in the same general condition as when last seen by CST Kennedy at the scene. The only difference noted was a small defect in the victim's side where Dr. Schnittker had inserted a probe to get a liver temperature reading. The defect was circled with a black marker.

An autopsy was performed by Dr. Schnittker which will be the subject of a separate report by Dr. Schnittker.

CST Kennedy photographed the autopsy.

While at the autopsy, CST Kennedy received the following items from Dr. Schnittker:

- Exhibit #24 Sealed bag containing red and white floral top from victim (received from Dr. Schnittker at autopsy).
- Exhibit #25 Sealed bag containing blue jean shorts and belt from victim (received from Dr. Schnittker at autopsy).
- Exhibit #26 Sealed bag containing bra removed from victim (received from Dr. Schnittker at autopsy).
- Exhibit #27 Sealed bag containing underpants removed from victim (received from Dr. Schnittker at autopsy).
- Exhibit #28 Sealed bag containing paper bag removed from victim's right hand (received from Dr. Schnittker at autopsy).

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- Exhibit #29 Sealed bag containing paper bag removed from victim's left hand (received from Dr. Schnittker at autopsy).
- Exhibit #30 Sealed bag containing white sheet removed from victim's body (received from Dr. Schnittker).
- Exhibit #31 Sealed bag containing plastic bottle with portion of spleen (received from Dr. Schnittker).
- Exhibit #32 Sealed box containing Evidence Collection Kit (ISPECK) (received from Dr. Schnittker).
- Exhibit #33 Sealed envelope containing hair from right upper quadrant of abdomen (received from Dr. Schnittker).
- Exhibit #34 Sealed envelope containing blue and white particle from pubic hair (received from Dr. Schnittker).
- Exhibit #35 Sealed envelope containing hair from right anterior thigh (received from Dr. Schnittker at autopsy).
- Exhibit #36 Sealed envelope containing hairs and fiber from left breast area on nipple and blouse (received from Dr. Schnittker).
- Exhibit #37 Sealed envelope containing fiber from handle of scissors (received from Dr. Schnittker).
- Exhibit #38 Sealed envelope containing pink lighter found in sheet from victim's body (received from Dr. Schnittker).
- Exhibit #39 Sealed box containing electrical cord removed from victim's neck (received from Dr. Schnittker).
- Exhibit #40 Sealed bag containing red shoe removed from victim (received from Dr. Schnittker at autopsy).
- Exhibit #43 Sealed bag containing red plastic-handled scissors removed from victim's chest (received from Dr. Schnittker at autopsy).

CST Kennedy obtained inked finger and palm prints from the victim which were packaged and marked as reflected on the evidence receipt:

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**ILLINOIS STATE POLICE**  
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**Crime Scene Report**

Exhibit #41 Sealed envelope containing inked finger and palm print cards obtained from victim at autopsy.

While at the autopsy, CST Kennedy received the following item from Coroner Dan Brady:

Exhibit #42 Sealed envelope containing inked fingerprint card marked Jennifer L. Lockmiller, F/W, DOB 1-11-71 (received from Coroner Dan Brady).

The gold-colored ring with a reddish stone from the victim's left hand was retained by Coroner Brady.

Exhibit #7 was receipted to Coroner Brady at 2:00 p.m.

CST Kennedy departed the McLean County Morgue at approximately 2:20 p.m., and proceeded to the Normal Police Department.

At approximately 2:40 p.m., CST Kennedy arrived at the Normal Police Department and met with the Normal Detective Division, chief of police and the McLean County state's attorney.

At approximately 3:30 p.m., CST Kennedy departed the police department and returned to the scene at approximately 3:40 p.m., along with the state's attorney and Normal detectives. The scene was re-entered; however, no further items were collected by CST Kennedy. CST Kennedy departed the scene at approximately 4:30 p.m.

The exposed photographic film was mailed to the Bureau of Crime Scene Services Photo Lab in Springfield, Illinois. Upon receipt, the photographs will be forwarded to the Normal Police Department. The negatives will be maintained in the crime scene case file.

On 8-30-93, Monday, at approximately 3:25 p.m., CST Kennedy receipted Exhibits #18 through #22, #24 through #37 and #40 to Forensic Scientist Patricia Orr at the Morton Forensic Science Laboratory. Exhibits #23 and #41 through #43 were receipted to Forensic Scientist John Dierker.

On 9-1-93, Wednesday, at approximately 9:30 a.m., CST Kennedy receipted Exhibit #17 to Coroner Dan Brady at the McLean County Coroner's Office in Bloomington, Illinois. At approximately 9:35 a.m., while at the coroner's office, CST Kennedy received the following item from Coroner Brady:

Exhibit #44 Sealed container with bone from Jennifer Lockmiller, removed by Dr. Schnittker (received from Coroner Dan Brady).

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CST Kennedy departed the coroner's office at approximately 9:50 a.m., and proceeded to the Normal Police Department.

At approximately 10:15 a.m., while at the police department, CST Kennedy receipted Exhibits #8 through #16, #38 and #39 to Detective Frank Zayas.

CST Kennedy departed the police department at approximately 10:30 a.m.

On 9-1-93, Wednesday, two (2) sets of inked fingerprints of the victim from Exhibit #41 were mailed to the Bureau of Identification in Joliet, Illinois.

On 9-2-93, Thursday, CST Kennedy receipted Exhibit #44 to Forensic Scientist Patricia Orr at the Morton Forensic Science Laboratory.

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APPENDIX 003216

(Whereupon the Assistant State's Attorney informed the Grand Jury of its rights pursuant to Illinois Revised Statutes.)

July 7, 1994

TIMOTHY JOHN FREESMEYER

having been first duly sworn, was examined upon oral interrogatories and testified as follows:

EXAMINATION BY MR. SOUK:

Q Detective Freesmeyer, remind you you're still under oath from your testimony earlier today in the grand jury in another case. For the record, would you state your name?

A Yes, Timothy John Freesmeyer.

Q Are you same Detective Freesmeyer who previously testified in this case, People versus Alan Beaman before the grand jury last week?

A Yes I am.

Q Now I want to first go over the crime scene that relates to the murder of Jennifer Lockmiller,

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Q I want to go now to some alibi evidence. First as to Michael Swaine, before we get into his alibi, first let me ask you if your investigation revealed any conceivable motive that Michael Swaine might have had to kill Jennifer Lockmiller?

A No. Michael was the present boyfriend. When we picked him up at the scene, extremely remorseful, crying and sobbing. We were able to find no motive whatsoever.

Q We'll get into Mr. Beaman's motive at the end today, but other than Mr. Beaman, were you able in the course of your investigation to locate any other person anywhere who had any conceivable motive to kill Jennifer Lockmiller?

A No, not necessarily.

Q Perhaps the best thing is why don't you just summarize for us Mr. Swaine's alibi and how you were able to establish it?

A In speaking with Mr. Swaine, I asked him where he was that week. He stated he was working at York Community High School which is in Elmhurst, Illinois. It's his old high school. He works there every summer in the book store as a buy back person for books. That particular week, he was working under the

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However, considering the phone calls, if she would have left her mother's residence at 10:00 o'clock, she would have been home by 10:17. She could have made the calls at 10:37 and 10:39. Left the house and arrived back at Walmart at approximately 10:57 or 11:00 o'clock. Give her 10 minutes to go into three different departments at Walmart and check out. It would be rushed, but it would be possible.

Q And again, this was one of those rare occasions when you were driving the speed limit?

A That is correct.

Q Now did you also on two occasions do the same kind of timing from Bell Federal to the Beaman residence?

A Yes I did.

Q On one of those occasions, did you basically drive it through town?

A I drove the most direct route and I also drove what I thought to be the fastest route, the two most logical ways to get to the Beaman residence from Bell Federal.

Q On both those occasions, did you drive the speed limit?

A Yes. The trip through town, I drove the

speed limit and I drove it on a Wednesday afternoon at approximately 10:00 o'clock, so it would be very comparable to the time that Mr. Beaman would have driven that route.

Q How long did that trip take going through town?

A That trip took me 30 minutes. If he had left the bank at 11 minutes after 10:00, he'da gotten home at 10:41. The calls were made at 10:37 and 10:39.

Q When you drove it the other way, did you-- from Bell Federal, if you go a couple miles south, do you get to this Route 20 going around the south side of town?

A Yes. Bell Federal is on the corner of Newburg and Alpine. If you take Alpine straight south to 20 and around, that would be probably the quickest route to Mr. Beaman's residence, and that took me 25 minutes. So once again 25 added on to the 10:11 would put me there at 10:36. The calls were at 10:37 and 10:39.

Q Did you drive from Bell Federal to Jennifer's apartment on one occasion exceeding the speed limit?

A Yes I did.

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thing he told me is that he'll never be able to watch Basic Instinct with me." And I asked her, I'm unfamiliar with the movie Basic Instinct, so I asked her what's the significance there. And she says, "well in the movie, the man and the woman are having sexual intercourse, and the woman reaches back and grabs an icepick and stabs her partner." Shortly after that, I rented the movie Basic Instinct to satisfy my curiosity. The movie is all about a woman who, while she's having sex with the man, would grab an icepick and stab him numerous times in the upper chest and neck area.

Q What was significant about that or what came up in her conversation with Mr. Beaman relating to Basic Instinct?

A What was significant was, she indicated that at one time, Alan had told her that he and Jennifer were having sex and Jennifer reached back as if she was grabbing something. That spurred the comment that "I can never watch Basic Instinct with you."

Q At the time of the murder and throughout the school year, would you describe Alan Beaman's appearance as far as his hair and so forth?

A Alan's appearance, he's not a real big man.

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He's maybe 120 pounds. Stands about 5'7", 5'8" maybe. He has long dark hair. He's loosing his hair on top. He had a goatee and mustache. I'm sorry, a beard and mustache. Usually wore old faded blue jeans with the holes in the knees. He would wear old black zip up the side boots. He was a hippie basically. He dressed in a grunge hippie style. He was a theater major. And if that says anything, he dressed like a theater major.

Q Would it be true that Jennifer was a very short girl and had markedly blonde hair?

A Yes. Jennifer was very blonde. She was about 5', 5'1" I think from my best recollection.

Q Prior to the arrest of Alan Beaman, had his photograph ever been in any newspaper or accounts in this matter?

A No, not prior to his arrest, it was not.

Q Once he was arrested, was his picture basically showing him with that appearance and the long brown hair, was that in the Pantagraph here locally?

A Yes. That was his arrest photo and it was shown in the Pantagraph and also on most of the TV stations in the area.

Q Subsequent to that being in the paper, did you receive some communication from and eventually

July 14, 1994

TIMOTHY JOHN FREESMEYER

having been first duly sworn, was examined upon oral interrogatories and testified as follows:

EXAMINATION BY MS. HOMENY:

Q Would you state your name please?

A Timothy John Freesmeyer.

Q You're continuing your testimony before the grand jury from last week in the Beaman case, correct?

A Yes, that's correct.

Q Would it be correct that the court ordered overhears that were previously mentioned included two conversations that were overheard on the 8th and the 15th of September of '93 between Michael Swaine and Alan Beaman?

A That's correct.

Q Did you eventually have a copy of the taperecordings of those two conversations?

A Yes I did.

Q Were transcripts made, written transcripts made of those?

A Yes they were.

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APPENDIX 003223


**BEHAVIORAL CRIMINOLOGY *International***


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**GREGG O. MCCRARY**  
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August 17, 2015

Mr. Locke E. Bowman  
 Roderick and Solanage MacArthur Justice Center  
 Northwestern University School of Law  
 375 East Chicago Avenue  
 Chicago, IL 60611

**Re:            *Alan Beaman v. Tim Freesmeyer, et al.***  
**In the Circuit Court for the Eleventh Judicial Circuit**  
**McLean County, Illinois**

**Assignment**

I was asked to review relevant materials and offer opinions regarding the propriety of the defendants' investigation into the murder of Jennifer Lockmiller and address whether the investigation conducted by the defendants was consistent with reasonable police practices. This report may be amended upon review of additional material.

**Background and Experience**

I have been professionally involved in violent crime investigations for more than 40 years including 25 years as an FBI Agent. In that capacity, I investigated violent crimes as a field agent for approximately 17 years and then was promoted and transferred to the FBI Academy in Quantico, Virginia as a Supervisory Special Agent where I worked in the National Center for the Analysis of Violent Crime (NCAVC). There I was assigned to the operational wing of the Behavioral Science Unit where my primary responsibility was to provide expertise in investigative

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agents as well as to any law enforcement agency around the world that requested FBI assistance. My other responsibilities included conducting research into violent and sexually violent crimes and offenders and providing training to law enforcement agencies nationally and internationally.

I have investigated more than 1,000 homicide cases and numerous rape cases, (including serial rapes), and other sex crimes nationally and internationally. Included among the agencies whom I have trained and/or worked with on violent crime investigations are the following: The New York City Police Department, The New York State Police, The Texas Rangers, The Boston Police Department, The King County Police in Seattle, The Florida Department of Law Enforcement, the California Attorney General's Office, Georgia Bureau of Investigation, The Massachusetts State Police, The Kansas City Missouri Police and the Maricopa County Sheriff's Office in Arizona. Included among the international agencies with which I have worked cases and/or provided training are the following; The Cuerpo Nacional De Policia in Spain, The Policia Judiciare in Portugal, The Hungarian National Police, Budapest Homicide, The French National Police, Scotland Yard, The Dutch National Police, Oslo Police Homicide, The Seguridad Publica in Costa Rica, The Belize Police Department, The Royal Bahamas Police Force, The Metropolitan Toronto Police, The Ontario Provincial Police, The Royal Canadian Mounted Police, The Austrian Federal Police, the Carabinieri in Italy and serial murder task forces in Australia and Canada. I have testified before select Senate Committees on Sexual Violence in New York State and Massachusetts. My formal education includes a Bachelor's degree from Ithaca College and a Master of Arts degree in Psychological Services from Marymount University. I currently teach graduate-level courses in forensic psychology and criminal justice at Marymount University in Arlington, Virginia and DeSales University in Pennsylvania. I have co-authored an article on stalking,<sup>1</sup> was a contributing author to the FBI's *Crime Classification Manual*,<sup>2</sup> and contributed a

<sup>1</sup> Wright, J.A., Burgess, A.G., Burgess, A.W., Laszlo, A.T., McCrary, G.O., Douglas, J.E., (1966) *A Typology of Interpersonal Stalking*; Journal of Interpersonal Violence, (11), (4) 487-501

<sup>2</sup> Douglas, J., Burgess, A.W., Burgess, A.G., Ressler, R.K. (Eds.). (1992) *Crime Classification Manual: A Standard System for Investigating and Classifying Violent Crimes*. New York: Lexington Books,

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chapter to the book *Criminal Investigative Failures*.<sup>3</sup> I serve on the editorial review board of two professional journals, *The Journal of Aggression and Violence* and *The Journal of Family Violence*.

### Executive Summary

Ms. Jennifer Lockmiller, a student at Illinois State University, was murdered inside the apartment in which she resided in Normal, Illinois on Wednesday, August 25, 1993. Her body was discovered on Saturday, August 28, 1993. Alan Beaman and Michael Swain had been intimately involved with Ms. Lockmiller that summer and their fingerprints were found at the crime scene along with other latent fingerprints that remain unidentified. Upon determining that a homicide has occurred, the next phase of an investigation requires an objective consideration of all potential motivations based on method and manner in which the crime was committed, the physical and behavior evidence at the crime scene, and through a thorough victimology. Exploring all reasonable motivations is critically important to both accurately classifying the crime and obtaining a successful solution. A clear understanding of "why" is the best way to get to "who." In this case investigators prematurely concluded that Ms. Lockmiller was killed in a fit of jealous rage while ignoring other possibilities, such as having been the victim of a burglary or a rape. This led them to immediately focus on Mr. Beaman who happened to have broken up with Ms. Lockmiller earlier that summer. By intentionally creating this false narrative, the investigators moved prematurely from an evidence-based investigation to a suspect-based investigation.

There was no physical evidence, no eyewitnesses and certainly no confession that linked Mr. Beaman to this crime, while there were numerous facts that substantially weighed against his involvement. However, the defendants chose to believe he was guilty and the record clearly shows that they set out to prove that he committed the murder in spite of their protestations of being objective.

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<sup>3</sup> Rossmo, K. (Ed); *Criminal Investigative Failures*: 2009, Taylor and Francis Group  
Boca Raton, FL

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### Overview of This Homicide Scene and Investigation

At approximately 2:00PM Saturday afternoon, August 28, 1993, Morgan Keefe, a friend of Ms. Jennifer Lockmiller's, discovered her body in the victim's unlocked apartment at 412 North Main Street in Normal, Illinois. Ms. Lockmiller's apartment was one of four apartments in the building and was located upstairs in the building. Ms. Lockmiller's body was found in her bedroom, supine, with her legs spread and knees bent so that her lower legs were underneath her. Her shorts were around her left ankle, her underwear around the left knee and her blouse and bra were pushed up exposing her breasts. She had a shoe on her left foot and a matching shoe was located outside the bedroom door. One earring was found inside the door to her apartment and another near her bedroom. The victim was virtually naked. Lividity was set and consistent with the position in which the body was found. A light on top of a dresser in the bedroom was on and a floor fan was resting on her upper torso partially covering her face. The offender(s) strangled her with the cord attached to a clock radio and left the cord knotted around her neck. After she was dead the offender(s) stabbed her several times in the upper torso leaving a pair of scissors embedded in her chest with the handles protruding. The victim's purse was sitting on a table and did not appear to have been disturbed. While nothing of value seemed to be missing it is important to keep in mind that when the victim is a known drug user, as in this case, that illegal drugs may be missing, but understandably unreported. The air conditioning and TV were on. Crime scene and autopsy photos show post-mortem stab wounds around the victim's left breast and a peri-mortem abrasion on the inside of her right knee.<sup>4</sup> Overall, the scene suggested a struggle between the victim and the offender which may have begun near the door where her earring was found on the floor.

Forensic Pathologist Dr. Sharon Schnittker, who was present at the crime scene and performed the autopsy, thought it was possible that the victim had been

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<sup>4</sup> Photos 16764\_003A; 16764\_005A; 16766\_016; 16767\_008 - 010; 16763\_004; Autopsy Report of Ms. Lockmiller by Dr. Schnittker; Grand Jury testimony of Tim Freesmeyer Pg. 825-839

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sexually assaulted based on the position of the body and the position of her clothing, so she performed a sexual assault examination on the victim. She reported that due to the advanced state of decomposition it was not possible to determine whether or not the victim had sustained any vaginal or anal trauma. Officials involved in this homicide investigation never asked Dr. Schnittker for her opinion regarding the possibility that Ms. Lockmiller had been sexually assaulted.<sup>5</sup>

Detective Timothy Freesmeyer responded to the scene with a video camera and other equipment. After conducting a perimeter search of the apartment building, Detective Freesmeyer spoke with Liza Everett and Lori Solomon who lived in apartment #2, directly below the victim's apartment. They reported being slightly acquainted with the victim who they described as a white female with long blond hair, approximately 5'3" – 5'4", weighing about 110-120 lbs. They described Ms. Lockmiller as a "partier" who stayed up late and whose style of dress was somewhat like a 1960s "hippie" in an "almost sleazy" way. They reported smelling marijuana coming from her apartment on more than one occasion. They described the victim's boyfriend as having long brown hair and driving a small grey car, possibly a two-door Ford Escort. Both witnesses seemed to recall arguments between the long-haired male and the victim per Detective Freesmeyer's report.<sup>6</sup>

Detective Freesmeyer also spoke with David Singley and Susan Jenkins who resided in apartment #3, next door to the victim. They advised that they saw the victim on Tuesday, August 24, 1993 about 1:30PM, walking outside of the apartment building. She was wearing a light blue top and dark shorts. On Friday, August 27, 1993, the day before the body was discovered, Ms. Jenkins knocked on the door to the victim's apartment and heard the volume on the TV go down but no one answered her knock. David Singley told police that he saw a white car parked in the driveway at around 2:00PM when he returned from class on Wednesday, August 25,

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<sup>5</sup> Affidavit of Dr. Sharon Schnittker, Appendix Exhibit C: AB015277-78 and Autopsy Report of Ms. Lockmiller A93-172

<sup>6</sup> Report of Detective Freesmeyer in case C93-4033; AB004371

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the victim's apartment and heard the volume on the TV go down but no one answered her knock. David Singley told police that he saw a white car parked in the driveway at around 2:00PM when he returned from class on Wednesday, August 25, 1993. In a subsequent interview with Detective Hospelhorn, Mr. Singley reported that when he entered the apartment building on August 25, 1993 around 2:00PM, he heard the door to Ms. Lockmiller's apartment open and close quickly and her stereo playing inside her apartment. He also reported that the window air-conditioning unit was not running in Ms. Lockmiller's apartment at the time, which he thought was odd because it was such a hot day. Approximately 5-10 minutes after he entered his apartment he heard the door to the Ms. Lockmiller's apartment slam shut and someone leave quickly. Shortly after that he left his apartment to go to a swimming pool and returned around 4:30-4:45PM that afternoon and left again around 5:15PM to return to the pool. At that time he noted that Ms. Lockmiller's window air-conditioning unit that had not been running at 2:00PM was now running and that the stereo that had been playing earlier was now off and that the TV in her apartment was on instead.<sup>7</sup>

Morgan Keefe, the friend of Ms. Lockmiller's who found her body, was interviewed around 4:00PM on August 28 by Detectives Warner and Daniels. They went to a movie Tuesday evening, August 24, 1993. Keefe and Lockmiller were supposed to go out together Wednesday night, but Ms. Keefe advised that Ms. Lockmiller did not answer her calls so she went out with other friends. She tried repeatedly to contact Ms. Lockmiller over the next few days without success, became concerned and went to her apartment on Saturday, when she discovered her body. She mentioned Alan Beaman, Mike Swain and "Bubba" (Stacy Gates) as boyfriends or former boyfriends of Ms. Lockmiller. In recounting her recent time with Ms. Lockmiller she advised that they had been out at Spanky's bar the previous Saturday evening along with her friend Kelly Hamburg. They left the bar to go to another and met two males along the way who were thinking about pledging Kelly's

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<sup>7</sup> Transcript of interview with David Singley AB002436-2467

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met another guy at the bar who bought her four or five drinks. She does not know his name, but knows that he lives in Woodstock, Illinois. She thinks he called Ms. Lockmiller and asked her if she would like to go out and Ms. Lockmiller's response was, "I can't believe he called me and wanted to go out". Ms. Keefe characterized Ms. Lockmiller as "kind of the queen of scamming drinks off of guys. Kind of flirts, you know, and whatever and he bought her a bunch of drinks and then he suggested going to a party afterwards... but Jen didn't want to go. She just basically wanted drinks off of him and then we walked off."<sup>8</sup> In her 911 call to authorities she asserted that, "I know who did it too. She had a psycho ex-boyfriend that she broke up with. His name's Alan, he went to Wesleyan and I only met him once and he was psycho and he used to harass her all the time and he used to break down her door."<sup>9</sup>

On August 28, 1993, Michael Swaine, who was sharing the apartment with the victim at that time, was handcuffed and taken to the police department and interviewed. He explained to the police that he and the victim had been seeing each other behind her old boyfriend's back. He identified Alan Beaman as the victim's old boyfriend, noting that he and Alan Beaman were close friends and had been roommates.

Mr. Swaine told police that he wanted to avoid becoming too involved with Jennifer because of her heavy alcohol use. When asked about Mr. Beaman, Mr. Swaine reportedly told Detective Freesmeyer that, "it was hard to say anything about him without making him seem really evil." Mr. Swaine stated that Mr. Beaman gets really jealous when he thinks that something is going on. He recalled an incident within the last two months when Mr. Beaman broke down the door to the victim's apartment to get in and punched holes into the wall of the victim's apartment. Mr. Swaine told police that Mr. Beaman went to Ohio at the end of July to disengage from the relationship with the victim. Mr. Swaine further noted that the victim told him that Mr. Beaman told her that he was over her and did not love

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<sup>8</sup> Interview of Morgan Keefe by Normal Police Detectives Warner and Daniels, August 28, 1993

<sup>9</sup> Transcript of Morgan Keefe's 911 call to authorities August 28, 1993 Pg. 2

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her anymore. Mr. Swaine opined that he believed the relationship between Mr. Beaman and the victim was based on marijuana use. He further stated that the victim used pot, cocaine, LSD and had tried heroin once. He alleged that Mr. Beaman used pot regularly and tripped on LSD. He claimed that the victim and Mr. Beaman had broken up 18 times during the course of their relationship. Mr. Swaine also alleged that when the victim and Mr. Beaman fought, the victim would go to other apartments yelling, "help me, save me," although none of the neighbors reported that this occurred.<sup>10</sup>

In a second interview with authorities Mr. Swaine advised that although Mr. Beaman was Ms. Lockmiller's boyfriend, he and Ms. Lockmiller had sex about five times beginning in June through August 19, 1993. Sometime between July 11 and July 24, 1993, Mr. Beaman broke into Ms. Lockmiller's apartment while he was there. Mr. Swaine stated that he was so scared he hid in the closet and pulled one of Ms. Lockmiller's dresses over his head to conceal himself. Mr. Beaman confronted him on July 25, 1993 saying, "You're fucking my girlfriend." Mr. Swaine provided authorities with an alibi for August 23-27, 1993. He also agreed to take a polygraph, but later declined, saying that his mother wanted him to talk to an attorney before taking a polygraph exam.

Detective Freesmeyer seized a word processor, some discs and several letters from the victim's apartment. He found letters from numerous individuals including Stacy Gates (aka Bubba), Morgan Keefe, Dean Cauley and John (LNU). In his report, Detective Freesmeyer noted that Alan Beaman expressed his "enormous love" for Ms. Lockmiller in his letters to her. At one point he wrote, "Don't worry, I won't kill anybody, I don't believe in that."<sup>11</sup> Detective Freesmeyer reviewed the victim's telephone records and determined that on Sunday, August 22, 1993, there were 28 calls made from the victim's telephone number to that of Mr. Beaman. Due to the extremely short duration of each, it appeared that these calls were

<sup>10</sup> Report of Detective Freesmeyer in case C93-4033; AB004372-75

<sup>11</sup> Report of Detective Freesmeyer in case C93-4033; AB004378

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unanswered. The following evening, (Monday, August 23, 1993), there was a 13-minute phone call initiated from the victim's phone to Mr. Beaman's phone number.<sup>12</sup>

On Sunday, August 29, 1993, all of the detectives involved the case, along with the Chief of Police, Dean Kennedy, prosecutor James Souk, and Coroner Dan Brady, met at the Normal Police Department and discussed the case for approximately four and a half hours. Coroner Brady confirmed that strangulation with an electrical cord from an alarm clock was the cause of death and that the victim was deceased prior to being stabbed in the chest with the scissors. Detective Freesmeyer's report further noted that, "The two main suspects at that time were Alan Beaman and Michael J. Swaine"<sup>13</sup> (emphasis added). In other words, the immediate working hypothesis was that a current or former intimate partner had murdered Ms. Lockmiller. While that is one hypothesis, properly trained investigators know that they have to consider all reasonable hypotheses, being careful not to rush to judgment regarding potential suspects or motivations. There is little indication that the defendants seriously considered that the homicide of Ms. Lockmiller was anything other than an intimate partner homicide. In effect, the die was cast. From that point forward the investigation was suspect-based rather than an evidence-based one in which all evidence was interpreted in a manner consistent with the dominant hypothesis that Alan Beaman murdered Ms. Lockmiller.

Other potential suspects were developed, some were interviewed and four, (Stacy "Bubba" Gates, Michael Swaine, Christopher Carbone and John Murray) were polygraphed. The polygrapher found no deception on the part of Mr. Swaine and Mr. Carbone. However, he could not render an opinion regarding the results of the polygraphs of Stacy Gates and John Larbi Murray as Gates' responses were too erratic while Murray did not comply with the directions given to him for the proper completion of the polygraph, so it was discontinued. Further investigation

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<sup>12</sup> Detective Freesmeyer's 1994 Grand Jury Testimony Pg. 148-150

<sup>13</sup> Report of Detective Freesmeyer in case C93-4033; AB004375-80

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substantiated alibis for Stacy Gates and Michael Swain. John Murray had no alibi for the time that Ms. Lockmiller is believed to have been murdered.<sup>14</sup>

Detective Daniels and Hospelhorn interviewed John Larbi Murray, a former paramour of Ms. Lockmiller, on September 2, and again on September 9, 1993. By the end of the second interview Detective Daniels believed that Mr. Murray was a viable suspect in the murder of Ms. Lockmiller.<sup>15</sup>

Also beginning in September, Michale Swaine became a cooperating witness and wore a wire to surreptitiously record conversations he had with Alan Beaman. In a recorded conversation that occurred on September 8, 1993, the following exchange occurred:

*Mike: Are you OK man?*

*Alan: I'm hanging in there.*

*Mike: I wish just someone would tell me what is going on, cause I don't know. I'm just going crazy. I talked to the counselor, a counselor tonight at 5:00; gotta light?*

*Alan: Yep.*

*Mike: Thanks.*

*Alan: Dude, I don't know shit, that's the problem...*

*Mike: ....I don't know what is going on. I wish you'd, someone would tell me something, why can't any - can't anybody? I don't know.*

*Alan: Nobody can man....*

*Mike: I got back into town, they haven't talked to me in a long time either. I got back into town and they questioned me like two nights in a row and then my mom was like, "get a lawyer" and I was like "shit, why? I didn't do anything."*

*Alan: Yeh, get one, you need one, did you get one?*

<sup>14</sup> Polygraph results ABO19630; McLean 001496; ABO 000361; ABO 000363

<sup>15</sup> Deposition of Tony Daniels 5/20/2013, Pg. 10; 164-168; June 10, 2013; Pg. 210,213; June 11, 2013; Pg. 455-59; 536-538

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Mike: *Yeh, I have one, but I mean, I don't know.*

Alan: *Dude, the reason you have a lawyer during this is so they can't pull shit on you and make you say shit that is not true.*

Mike: *But, I mean, there is nothing that I, I mean I told them about the drugs and everything.*

Alan: *I know, but they will ask you shit about, you know, an interrogation, it's like, they will say something, they will reword it, they will reword it again, then they will reword it again, and they will twist everything you say into something else. You know. They are not there to get the truth when they are questioning you. They are there to bust you....*

Mike: *Morgan told me you talked to her on Monday though.*

Alan: *She called me.*

Mike: *What did she say?*

Alan: ***She was trying to crawl back to me and I said, "I don't love you"...and I hung up.***

Mike: *Dude, she was happy with me.*

Alan: ***All I know is she was on the phone talking to me saying, "don't you think we could get back together some day" and I said, "No, I don't love you" and I hung up, is the last thing I ever said to her.***

Mike: *Dude, this isn't going to be over for me until I read in the paper who did it.*

Alan: *Somebody's been captured. That will be a nice relief for me too, it really will, but I don't think they are going to find anybody.*

Mike: *Why?*

Alan: *Because it's been two weeks and they still haven't. What if it was some fucking nut that just happened by...What if it was, it could have been, you know somebody she knew, it could have been a drug connection?<sup>16</sup>*

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<sup>16</sup> Transcript of wire overhear AB000383; 386;389

Not only did Mr. Beaman deny knowing anything about the murder, but many of the things he said were inconsistent with being jealous about Ms. Lockmiller's relationship with Michael Swaine or anyone else, the alleged motive for her murder according to the defendants' theory. It also refutes the defendant's hypothesis that Mr. Beaman drove to Normal to rekindle his relationship with Ms. Lockmiller. The statements are especially credible as they occurred in what Mr. Beaman thought was a private conversation with a trusted friend. He had no idea that Mr. Swain was working as an agent for law enforcement and that he was recording this conversation.

On October 27, 1993, Detective Freesmeyer contacted Mr. Beaman and reported as follows: *"I informed Alan that I was not going to beat around the bush with him and I was not going to mince words. Alan was informed that he was going to be arrested for Jennifer's death at one point or another. I told Alan that probable cause for an arrest already existed and that we were simply waiting for finalized results from the lab before we arrested him and started the timeclock....I informed him that we had a copy of the video tape showing him at his bank at 10:11AM on the south side of Rockford the day Jennifer was killed in direct conflict with his statement that he went straight home from work and went to bed. And finally, I informed Alan that his fingerprint was found on the murder weapon. After explaining what he was facing, I told Alan that if he wanted to talk to me about the incident and get the incident off his chest, that the State's Attorney had authorized me to tell him that we would not go for the death penalty in this case. I followed up by telling him, 'But if this façade continues, we're going for the death penalty.' After waiting a few seconds, Alan lifted his head and stated, 'But I didn't do it'.....I then told him that he would be best off to talk with me now and to get this entire ordeal over with before we have to go to court and ask for the maximum penalty, that being death. Alan once again paused before looking straight at me and stating in a low soft voice, 'I didn't do it.'"<sup>17</sup> Threatening a suspect with the death penalty violates basic police practices. It is coercive and should*

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<sup>17</sup> Report of Detective Freesmeyer AB004401 - 4402

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never be used, especially to try and leverage a confession as it was in this situation. This exchange is clear evidence that Detective Freesmeyer has prematurely concluded that Mr. Beaman is guilty of the murder despite any concrete evidence to support that conclusion and with a large amount of logical investigation incomplete.

On November 5, 1993 Detective Freesmeyer wore a wire and surreptitiously recorded a conversation with Mr. Beaman during which this exchange occurred:

*Tim: You told me you were home sleeping, you told me that twice, right? That is not looking good. We talked about that you have got the motive, man, from all the letters that we saw, the infatuation that you had with her and the way she was dicking you around. That's not going to help you out. And I told you about the print that we found, Alan. You know, I don't know, I thought maybe you might have thought, thought of something over the last week that we could use to try to clear you up?*

*Alan: I haven't had time to think.*

*Tim: I mean I don't, I don't want to drag this thing out any longer than we have to and I am sure you don't either. It's got to be driving you nuts too. But at this point it is just a matter of waiting for lab results unless you can give us something else to work with, you know?*

*Alan: I got nothing. Wait for the lab reports. I'll be around.<sup>18</sup>*

Detective Freesmeyer appeared to have shifted the burden of proof from himself and his colleagues to Mr. Beaman. Shifting the burden of proof onto a suspect is a factor in criminal investigative failures.<sup>19</sup> Reasonably trained law enforcement officers clearly understand that the burden of proof is theirs, not the suspect's. They also understand that it is not their job to believe or disbelieve anyone. It is their job to find facts. There is ample evidence in this case that

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<sup>18</sup> Transcript of wire overhear AB000420

<sup>19</sup> Ditrich, H., Cognitive fallacies and criminal investigations; Sci Justice, 2015 Mar;55(2):155-9. doi: 10.1016/j.scijus.2014.12.007. Epub 2015 Jan 5.

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Detective Freesmeyer and his colleagues routinely chose to either disbelieve evidence pointing to Mr. Beaman's innocence or that they selectively interpreted other information to support their premature conclusion that Alan Beaman was guilty of murdering Ms. Lockmiller.

For example, Carol Beaman testified before the grand jury that early in September 1993, she realized new tires had been purchased for Alan's car on August 24, 1993 and found the receipt showing the mileage to be 77,811 miles. She took a photograph of the odometer on September 1, 1993 showing the odometer at 77,494 meaning there had been 332 miles put on the car during those 9 days. She further testified that she had given it to Alan's attorney in September of 1993 and assumed that he had provided it to the authorities.<sup>20</sup> In summary, the mileage was inconsistent with Mr. Beaman having traveled from Rockford to Normal, Illinois and back when controlling for his routine travel. This odometer evidence was not presented to authorities until after Mr. Beaman had been arrested for Ms. Lockmiller's murder.

Rather than view this evidence as exculpatory, Detective Freesmeyer interpreted as inculpatory. He testified that he believed that Mr. Beaman tampered with the odometer immediately upon his return from committing the murder and that was his, "*excuse as to why he could not have committed the murder.*"<sup>21</sup> Detective Freesmeyer could not explain why Mr. Beaman did not quickly bring this purportedly fabricated evidence to the attention of the authorities if Mr. Beaman had purposefully created it to prove his innocence. My experience has been that those who create false evidence as an alibi bring that fabricated evidence forward quickly and confidently. Mr. Beaman never brought this information forward at all, his mother did.

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<sup>20</sup> Carol Beaman's testimony before the grand jury July 7, 1994 pg. 44-53.

<sup>21</sup> Deposition of Timothy Freesmeyer Nov. 11, 2004 Pg. 101-103

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In April of 1994, Detective Daniels attended an unsolved homicide conference in Jacksonville, Florida at the request of Assistant Chief Walt Clark and presented the Lockmiller case. He returned with a list of 36 suggested leads, but apparently a number of those were not pursued.<sup>22</sup> During the May 16, 1994 meeting with Mr. Souk and investigators Detective Daniels stated that he tried to discuss that list of leads, but Mr. Souk cut him off saying, *"I think we went as far as we can with this case. We are going to go ahead and issue a warrant for his arrest, meaning Alan Beaman's arrest."*<sup>23</sup> Detective Daniels testified that right after the meeting he asked Police Chief Taylor why he was not given an opportunity to speak about his seminar findings. Chief Taylor asked him why he did not speak up and Daniels replied that he had, but was cut off.<sup>24</sup> Assistant State Attorney Souk obtained a warrant for Mr. Beaman's arrest and officers from the Normal Police Department executed that warrant.

#### **Time and Travel Issues**

While it is generally undisputed that Ms. Lockmiller was murdered the afternoon of August 25, 1993, it is the state's theory that she was murdered between 12:00-12:15 PM that afternoon even though there is no independent evidence to support this. This arbitrary choice for her time of death is another indication that Detective Freesmeyer and his colleagues, contrary to accepted police practices, were working this case backwards, i.e. starting with a conclusion as to who was guilty and then intentionally shaping, interpreting and creating evidence to support that conclusion. Standard police practice requires that every investigation be driven by the evidence and not by attempting to shape or create evidence to fit a predetermined conclusion. In this case, the conscious decision to narrow the time of death to that specific 15-minute window of opportunity is not based on any objective evidence, but appears to have been chosen by the defendants after

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<sup>22</sup> Deposition of Tony Daniels June 10, 2013; Pg. 338; Exhibit - Daniels STD 1152

<sup>23</sup> Deposition of Tony Daniels June 10, 2013 Pg. 340, lines 2-4

<sup>24</sup> Deposition of Tony Daniels June 11, 2013 Pg. 615-617

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determining when Mr. Beaman could, hypothetically, have had time to travel from Rockford to Normal and return by the time his mother returned from shopping, and then retrofitting the time of death to coincide with that information. Detective Freesmeyer's wrongful rush to judgment about Mr. Beaman's guilt is also apparent in the October 27, 1993 contact as previously noted.

Detective Freesmeyer testified that he only attempted to validate Mr. Beaman's alibi *after* he arrested him.<sup>25</sup> This is also completely contrary to the expectations of a reasonable law enforcement investigation. Reasonable law enforcement investigations require that all logical investigation be completed in order to make a determination if probable cause exists to charge anyone. Investigative work performed after a suspect has been arrested and charged is done under an overwhelming belief regarding the identity of the perpetrator, and therefore is especially prone to confirmation bias.

Detective Freesmeyer admitted that months prior to arresting Mr. Beaman he knew that Mr. Beaman was video taped by the bank surveillance camera leaving the bank at 10:11AM and that telephone calls were made from his residence at 10:37 and 10:39AM. The initial hypothesis of the state was that Mr. Beaman drove directly from the bank to Normal, Illinois where he murdered Ms. Lockmiller. However, if he returned home instead and made those two telephone calls it would have seriously undermined this hypothesis as it limited the time that Mr. Beaman would have had to drive to Normal, murder Ms. Lockmiller and return home before his mother arrived around 2:15 that afternoon. Therefore, it was an important to determine if Mr. Beaman could have traveled from the bank to his residence in time to make those calls. Detective Freesmeyer admitted that the issue of the drive time gave him pause as to whether Mr. Beaman had time to commit this crime prior conducting his time trials, but not after he did so. However, Detective Freesmeyer never conducted the time trial between the bank and Mr. Beaman's home until *after*

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<sup>25</sup> Deposition of Timothy Freesmeyer December 11, 2012 Pg. 241, line 9 - Pg. 242, line 19

he arrested Mr. Beaman. He failed to document the one time trial that showed by taking a bypass, Mr. Beaman could have arrived home in time to make those calls. The failure to document such an important finding violates standard police practices. He did mention that route in his testimony before the grand jury, but never mentioned it when he testified in Mr. Beaman's trial, even when defense counsel asked him about the bypass route.

Detective Freesmeyer offered this testimony before the grand jury on July 7, 1994 regarding the time trial that demonstrated that Mr. Beaman could have made the trip home in 25 minutes, which would have been in time to make those telephone calls:

*Q: When you drove it the other way, did you – from Bell Federal – if you go a couple of miles south, do you get to this Route 20 going along the south side of town?*

*A: Yes, Bell Federal is on the corner of Newburg and Alpine. If you take Alpine straight south to 20 and around that would be probably the quickest route to Mr. Beaman's residence. And that took me 25 minutes. So once again, 25 added to the 10:11 would put me there at 10:36. The calls were at 10:37 and 10:39.<sup>26</sup>*

However, during Mr. Beaman's trial Detective Freesmeyer testified as follows on direct examination regarding the time it took to drive between Bell Federal Bank and the Beaman residence:

*Q: And how much time did it take you to make that drive?*

*A: Again, referring to my report, the time required to drive from Alan Beaman's residence to the Bell Federal Bank observing all speed limits, was 31 minutes.*

*Q: ....What was your purpose in doing that?*

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<sup>26</sup> Grand Jury Testimony of Timothy Freesmeyer on July 7, 1994, Pg 238

A: *According to the phone records, there was a call coming out of the Beaman residence at 10:37 and 10:39. We had Alan on videotape at the bank at 11 minutes after ten. By driving that distance I wanted to see if it was possible for Alan to make it home to make that first phone call at 10:37AM. If he left the bank at 11 minutes after ten, made the 31-minute drive, it would put him home at 10:42.<sup>27</sup>*

On cross-examination Detective Freesmeyer testified as follows:

Q: *So you chose to select a route, did you not, that you took right through the heart of downtown Rockford?*

A: *As you stated earlier, I took the most direct route, sir.*

Q: *Does not that route take you directly through the heart of downtown Rockford?*

A: *Yes sir, it does.<sup>28</sup>*

Q: *As opposed to going down Meridian Road to the high speed bypass over to Alpine Road, and then up north to Bell Federal?*

A: *Yes, that would be correct.*

The trial jury was unaware that Detective Freesmeyer had driven the bypass route in 25 minutes. It is noteworthy that Detective Freesmeyer observed all speed limits when he drove the route through Rockford in support of his theory that he could not have gotten home in time to make those phone calls, but admittedly sped as he drove to and from Normal to prove that he could make that trip before his mother got home and saw his car. A subsequent expert analysis by Robert Seyfried, a credentialed expert in traffic operations and engineering, has provided a report indicating that a reasonable drive time between the bank and Mr. Beaman's residence was 19-20 minutes, a time frame which would have easily allowed him to arrive home in time to make the telephone calls at 10:37 and 10:39AM.<sup>29</sup>

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<sup>27</sup> Report of Proceedings Jury Trial, Volume V, Pg. 888 lines 3-22

<sup>28</sup> Report of Proceedings Jury Trial, Volume V, Pg. 928 lines 12-22

<sup>29</sup> Report of Robert Seyfried in this matter dated August 11, 2015

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Another issue that plagued this investigation is that fact that in January of 1995, Detective Freesmeyer began working out of the state's attorney's office doing what he described as "*pre-trial investigation*" that included, "*..mileage trips, checking mileage, intercity within Rockford, to and from Rockford.*"<sup>30</sup> The problem with this is that Detective Freesmeyer's objectivity and independence as an impartial law enforcement investigator was prone to being compromised as he was now working under the umbrella of Mr. Souk, the state's attorney prosecuting Mr. Beaman. Detective Freesmeyer testified that Mr. Souk offered him advice and recommendations.<sup>31</sup> A prosecutorial mind set could explain why he failed to document the one time trial between the bank and Mr. Beaman's residence that was exculpatory in nature.

#### **Analysis and Conclusion**

*"...Don't jump to conclusions. Circumstantial evidence may be strong and the suspect's story weak. Be careful to make sure" - Lt. William Kidd (1940)*<sup>32</sup>

In this case Detective Freesmeyer and his colleagues failed to follow standard police practices and that began a cascading series of errors. The first was a misclassification error. By immediately concluding that Ms. Lockmiller's murder was an act of intimate partner violence, they limited the overall scope of the investigation in a number of ways. First, they limited the universe of suspects to four: Stacy Gates, Michael Swain, John Murray and Alan Beaman. That error also meant that they shut down other avenues of investigation that reasonably trained detectives would have been expected to explore.

Well-trained detectives would have kept an open mind and considered all logical motives based on the method and manner in which the crime was committed as well as credible eyewitness testimony such as that provided by David Singley who heard the door to Ms. Lockmiller's apartment open and close twice around

<sup>30</sup> Deposition of Timothy Freesmeyer, December 11, 2012 Pg. 316. Ines 16-22

<sup>31</sup> Deposition of Timothy Freesmeyer, December 11, 2012 pg. 323 lines 19-22

<sup>32</sup> Police Interrogation Kidd, W.J. (1940) R.V. Basuino Publication, New York, NY pg. 69-70

C10020

2:00PM on the day of the murder. If true, and there is no reason to believe Mr. Singley was misleading investigators, the time of death could easily have been closer to 2:00PM and Mr. Beaman would then be eliminated as a suspect. Instead, the defendants purposely chose to ignore Mr. Singley's observations.

Another important avenue of investigation would have been to consider that Ms. Lockmiller was the victim of a sexual assault, but I saw no evidence that Detective Freesmeyer or his colleagues ever seriously considered this. A known sex offender or an opportunistic offender such as a burglar could have committed this crime. Those options were never seriously explored. Mr. James Souk, the assistant state's attorney prosecuting this case, testified as follows:

*Q: Did any investigator go out and examine other reports of burglaries and sexual assaults that had occurred in the same geographic region at the time period prior to Ms. Lockmiller's murder?*

*A: I don't know.*

*Q: Is there any – did you have any recollection of that ever being discussed or being done?*

*A: I don't have any recollection of it being discussed and I'm not remembering from my review of the records that would indicate that was looked at.<sup>33</sup>*

Well trained investigators would have conducted an exhaustive victimology, i.e. a study of the victim. This is especially important in cases like this where the victim's lifestyle included risk-enhancing behaviors such as illegal drug use, alcohol use or abuse, frequenting bars, exchanging telephone numbers with strangers and having multiple sexual partners. Detective Freesmeyer and his colleagues should have compiled a list of friends and associates from school; conducted investigations at the bars she frequented; checked any diaries, journals or calendars that she kept; and interviewed all those people they could identify beginning with those with whom

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<sup>33</sup> Deposition of James Souk, December 10, 2012, Pg. 210 line 14 – Pg. 211 line 2

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she had been in contact with closest to her time of death. Minimal investigative effort was expended in these areas.

Instead the defendants had created a list of four suspects that almost immediately became a list of one, Alan Beaman. Within hours of discovering the body, before any meaningful investigation had even begun, including an autopsy, the investigators confronted Mr. Beaman, hoping to get a confession from him. Detective Freesmeyer testified that only hours after Ms. Lockmiller's body had been discovered, Alan Beaman was the primary suspect.

*Q: So on Saturday night, Beaman was the primary suspect?*

*A: That would be a fair statement to say. Yes.<sup>34</sup>*

But even if one were to limit the universe of suspects only the initial four, it is clear that John Murray was a more viable suspect than Mr. Beaman or the others. Mr. Murray was a former boyfriend of Ms. Lockmiller's and indicated to police that Ms. Lockmiller was interested in seeing him again. He first denied, but then admitted, supplying her with her drugs and said that she owed him money. He also initially misled police about being out of town when the murder occurred, but phone records showed that he was in Normal when the state suspects the murder occurred, had no alibi and resided a short distance from Ms. Lockmiller's apartment. He apparently was working as a confidential informant with authorities to minimize drug charges he could face. He had been charged with domestic violence and Detective Freesmeyer signed that report as shift commander. That report, which was dated October 7, 1994, alleges that Murray victimized his girlfriend, Deborah Mackoway, on a continual basis and she had filed for an order of protection. Murray allegedly pinned her down on the floor and elbowed her repeatedly in the chest. Mackoway reported that she was injured and that there were visible marks on her in between her breasts. A friend of Mackoway's was present and verified the marks where she had been elbowed.<sup>35</sup> Detective Daniels testified that John Murray became

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<sup>34</sup> Deposition of Timothy Freesmeyer, December 11, 2012, Pg. 192, lines 19-21

<sup>35</sup> Deposition of Timothy Freesmeyer December 11, 2012 Pg. 107

C 10022

Mackoway reported that she was injured and that there were visible marks on her in between her breasts. A friend of Mackoway's was present and verified the marks where she had been elbowed.<sup>35</sup> Detective Daniels testified that John Murray became a suspect in Ms. Lockmiller's murder after his second interview.<sup>36</sup> Authorities attempted to polygraph Murray regarding his knowledge or involvement in Ms. Lockmiller's murder, but discontinued the polygraph because Murray refused to sit still and that type of movement renders the results of any polygraph meaningless. Of concern to Detective Daniels was the fact that Murray lived a 5-7 minute drive from Ms. Lockmiller's apartment and had no alibi during the time the state contends that murder occurred. Detective Daniels noted that Murray was on steroids which he believes, *"could have very well tipped his temper so to speak when he went to visit her...or a reason could have been a fact that she owed him money for drugs that she used or that she herself would distribute."*<sup>37</sup> Detective Freesmeyer testified that as he took over as the lead investigator he read over what everyone else had done and was aware of these facts, but devalued all of this information about John Murray stating that the totality of those circumstances, *"did not raise a red flag that this is our person."*<sup>38</sup> Thus, even if the only suspects were Michael Swain, Stacy Gates, John Murray and Alan Beaman, the strongest suspect was not Alan Beaman, but John Murray. But the universe of suspects was much larger and largely unexplored. Even some suspects who were identified, such as Danny Hosey, or Robert Graham, were investigated only superficially.

On September 27, 1993, Detectives Hospelhorn and Warner went to an abandoned truck stop at Main and Northtown Road in Normal and met a transient identified as Danny R. Hosey. He had knives in his car that appeared to have blood on them. Mr. Hosey described himself as a manic depressive who had been off his medication for sometime. He reportedly seemed disoriented and quoted from the

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<sup>35</sup> Deposition of Timothy Freesmeyer December 11, 2012 Pg. 107

<sup>36</sup> Deposition of Tony Daniels, May 20, 2013 Pg. 164, lines 23-24

<sup>37</sup> Deposition of Tony Daniels, May 20, 2013 Pg. 167

<sup>38</sup> Deposition of Timothy Freesmeyer, November 22, 2004, Pg. 90-92

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bible. A previous employer was contacted and advised they had not seen him for some time, but recently observed him riding a bicycle on September 26, 1993. Investigators obtained an arrest photo and fingerprints of Mr. Hosey.<sup>39</sup> There is no indication that those prints were compared with the latent prints recovered from the crime scene or whether the knives were seized and tested for blood.

An arrest record for Robert Graham showing seven arrests for criminal trespass and other violations along with "investigate mental case" was in the file with the handwritten note, "Possible Suspect - follow up - Lt. Zayas". However, I could find no follow up investigation on this suspect. The lack of a thorough victimology, and a failure to look for prior similar crimes, as well as registered sex offenders, known burglars in the area, etc. unduly limited the scope of the crime. The lack of a thorough victimology and failure to look for prior similar crimes, as well as known sex offenders and burglars in the area, etc. unduly limited the scope of this investigation.

Freesmeyer's theory regarding motivation was that Mr. Beaman killed her in a fit of jealous rage. Social science and criminological research in the area of intimate partner violence is prolific and has been profusely published. One of the underlying dynamics in such cases is the pathological need to possess the targeted victim and the refusal to let the individual go. A common sentiment is, "If I can't have her, no one can." Forensic Psychiatrist Ronald Markman has written that, *"...the heart of the issue is control....Men like this make their women into such integral parts of their lives that when the women threatened to break free, the danger was not one of loss of love, but a loss of control that was psychically interpreted as potential loss of life itself. Running away or 'letting go' could not dissipate the anxiety created by this anticipated loss. In fact, both of these steps would only heighten the anxiety. Unfortunately, violence usually is just what is needed to dissipate the anxiety as well as*

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<sup>39</sup> Police Report AB000340-341

C10024

*restore control.*<sup>40</sup> The dynamics in this case are the complete opposite. At the time Ms. Lockmiller was murdered it appears that she was attempting to rekindle her relationship with Mr. Beaman, but he wanted her out of his life. It was she who called Mr. Beaman repeatedly. He did not call her at all. There is no indication that he was demanding that she not leave him. In fact, he consistently maintained that he was done with her and wanted her out of his life. An example of this can be clearly seen in the surreptitiously monitored conversation Mr. Beaman had with Michael Swain.

*Mike: Morgan told me you talked to her on Monday though.*

*Alan: She called me.*

*Mike: What did she say?*

*Alan: She was trying to crawl back to me and I said, "I don't love you" ...and I hung up.*

*Mike: Dude, she was happy with me.*

*Alan: All I know is she was on the phone talking to me saying, "don't you think we could get back together some day" and I said, "No, I don't love you" and I hung up, is the last thing I ever said to her.*<sup>41</sup>

By May of 1994 organizational momentum to charge Mr. Beaman appears to have taken over and a meeting was held to confirm that they would charge Mr. Beaman with Ms. Lockmiller's murder. Detective Daniels claimed that when he attempted to discuss the leads in the case that were developed at a conference on unsolved homicides that he attended the month before Mr. Souk cut him off. Detective Daniels testified that Mr. Souk said, *"I think we went as far as we can with this case. We are going to go ahead and issue a warrant for his arrest, meaning Alan Beaman's arrest."*<sup>42</sup> Detective Daniels testified that right after the meeting he asked Police Chief Taylor why he was not given an opportunity to speak about his seminar findings. Chief Taylor asked him why he did not speak up and Daniels replied that

<sup>40</sup> R. Markman, MD, (1990) *Alone with the Devil*: New York. Bantam; Pps 42-43

<sup>41</sup> Transcript of wire overhear AB000383; 386;389

<sup>42</sup> Deposition of Tony Daniels June 10, 2013 Pg. 340, lines 2-4

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he had, but was cut off.<sup>43</sup> As noted above, no time trials had yet been conducted to determine if Mr. Beaman could have traveled from the bank to his home in time to make the two phone calls. Nonetheless, the defendants arrested Mr. Beaman for murder.

A standard investigative approach applied by the FBI and other leading law enforcement agencies is to apply a "template of plausibility" to criminal investigations, especially to a dominant hypothesis if one exists. This approach requires investigators to constantly question the plausibility of their assumptions, theories and conclusions.

In this case, investigators failed to apply the template of plausibility and failed to recognize that they had created numerous implausible and fanciful assumptions and conclusions as discussed above.

I have more than forty-five years of experience in investigating violent crimes, interviewing violent offenders and innocent suspects. I have trained FBI Agents, police officers, prosecutors and defense attorneys across the globe in proper investigative and interview techniques. Based on my review of the record in this case, it is my opinion that this investigation was riddled with almost every conceivable investigative failure possible and presents a case study on how such failures can lead to the arrest and conviction of an innocent individual. That the investigation was fatally flawed is primarily confirmed by the fact that it has never led to the real killer of Jennifer Lockmiller.

The statements and behavior of Mr. Beaman were not evidence of his guilt, but evidence of his innocence. The defendants violated the basic standards for police investigations by rushing to a judgment about the type of crime they were investigating, who was responsible for having committed it and either searching for

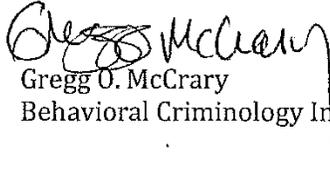
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<sup>43</sup> Deposition of Tony Daniels June 11, 2013 Pg. 615-617

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or creating evidence that supported those conclusions while withholding exculpatory information about drive times and alternate suspects from the defense and consequently from the jury. In doing so they showed an utter disregard for the truth that not only denied justice for Mr. Beaman, but also needlessly endangered the public by leaving a murderer on the streets free to kill again.

Sincerely,

  
Gregg O. McCrary  
Behavioral Criminology International

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APPENDIX 003249

**Materials Review by Gregg McCrary on Beaman matter**

Investigative documents

Autopsy report of Ms. Lockmiller  
 Beaman 01-10-94 Supplemental Report.pdf  
 Beaman Evidence, police photos, diaries, misc 1.pdf  
 Crime Scene photos  
 Criminal History for Richard Norman Graham  
 Detective Daniel's Florida conference notes  
 Detective Daniels overview: PPLX4  
 Detective Hospelhorn & Daniels' interview of Kelly Hamburg  
 Evidence Collected at Scene  
 Extract from Hospelhorn Police Report  
 Freesmeyer police reports and supplements  
 Hospelhorn's interviews with David Singley  
 Letters to and from Ms. Lockmiller  
 List of people with relationship with Lockmiller  
 Morgan Keefe 911 call and Interview, August 28, 1993  
 Murray Arrest Documents-Final  
 Overhear transcripts  
 Phone records  
 Police Interview of Mr. Beaman 8/28/93 transcript  
 Post Arrest Investigation Police Report

Legal Documents

Appendix Materials: Appeal to John P. Freese; Affidavits: Kallal, Schnittker, Reu;  
 Hearing on Motions in Limine; Second Supplemental Post-Trial Motion; Affidavit Mr.  
 William Beu.  
 Complaint for Search Warrant  
 Second Verified Amended Petition for Post-Conviction Relief Supplement to Second  
 Amendment Petition

Depositions:

Alan Beaman January 18, 2013  
 Davie Warner December 18, 2012  
 Frank Zayas February 15, 2013  
 Heidi Steinman April 2, 2013  
 James Souk March 22, 2004, December 10, 2013, February 11, 2013  
 Joshua Whitney March 19, 2013  
 Kristen Hubble April 3, 2013  
 Leigh Kuyper February 28, 2013  
 Robert Hospelhorn December 17, 2012  
 Terrence McCann April 2, 2013  
 Timothy Freesmeyer November 22, 2004; December 11, 2012

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Todd Heyse July 30, 2015  
Tony Daniels May 20, 2013, June 10, 2013, June 11, 2013

Trial transcripts

Beaman Transcript files: Closing argument from Mr. Souk  
Clerk's Exhibit Record  
Closing Arguments at criminal trial  
Grand Jury Proceedings Transcript  
Hearing on Second Verified Amended Petition for Post-Conviction Relief Transcript  
(Vol 1 & 2)  
Jury Trial Transcripts - nine volumes - March 15, 1995 - March 30, 1995

Other files

911 Call of Morgan Keefe August 28, 1993  
Exoneration documents  
Miscellaneous news articles re: Ms. Lockmiller  
Ms. Lockmiller's journal entries  
Ms. Mackoway's "Petition for Order of Protection"  
Report of Ken Moses dated August 12, 2015  
Report of Robert K. Seyfried dated August 11, 2014

C10029

1 THE COURT: Next witness?

2  
3 JOHN DIERKER,

4 called as a witness herein on behalf of the People, having  
5 been first duly sworn on his oath, was examined and testified  
6 as follows, to-wit:

7  
8 DIRECT EXAMINATION

9  
10 BY MR. SOUK:

11  
12 Q Would you state your name, please, and spell your  
13 last name?

14 A John Dierker, D-I-E-R-K-E-R.

15 Q By whom are you employed, Mr. Dierker?

16 A I'm employed with the Illinois State Police, Bureau  
17 of Forensic Sciences, at the crime laboratory in Morton,  
18 Illinois.

19 Q How long have you had that employment?

20 A Approximately ten years.

21 Q What is your job title?

22 A I'm a forensic scientist in the latent fingerprint  
23 section.

24 Q What are your duties there?

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C10031

AB017482

APPENDIX 003252

1 to whether we'll find a print.

2 A print on a piece of glass, versus say a brick or rock,  
3 something with a very rough irregular surface. And finally  
4 how a print or how an object is treated afterwards is very  
5 important as to whether we'll find a print or not. If it's  
6 extensively handled, if it's exposed to temperatures, extreme  
7 temperatures or humidity, that could all be very detrimental  
8 to finding a latent print.

9 Q Also a number of factors as to how long -- if a good  
10 latent print is left, how long it will last?

11 A There's no scientific way to determine how long a  
12 latent print can last on an item.

13 Q Just give us an overall view, you've examined a  
14 number of items in connection with this case and made some  
15 identification of latent prints that are of value. Is that  
16 correct?

17 A Yes.

18 Q Are you going to be able to tell us the age of any  
19 of those fingerprints?

20 A No.

21 Q Is there any knowledge within your discipline at the  
22 present time that allows any fingerprint examiner anywhere to  
23 give that kind of information?

24 A No, not that I'm aware of, no.

1 Q Now opening People's Exhibit No. 62 and handing you  
2 an object that appears to be an instrument cluster from a  
3 vehicle. Ask you to examine that and tell us if that's one of  
4 the items you were given for examination purposes in  
5 connection with this case?

6 A Yes, it is.

7 Q Anywhere on that particular object did you find any  
8 latent print of value for comparison purposes?

9 A Yes, I found nine latent impressions suitable for  
10 comparison on the instrument cluster.

11 Q And were any of those nine prints the prints of Alan  
12 Wayne Beaman?

13 A No.

14 MR. SOUK: May I have just a moment, your Honor?

15 THE COURT: You may.

16 Q (By Mr. Souk) I'm going to show you People's Exhibit  
17 No. 25-A. I'm not going to open these clothing items. I'd  
18 ask you to look at the packaging and tell us what that  
19 contains.

20 A Contains a belt.

21 Q And is that an item that you were given to examine  
22 for fingerprint evidence in connection with this case?

23 A Yes.

24 Q Did you find any latent prints of value on that

C10044

1 belt?

2 A I found no latent impressions suitable for  
3 comparison.

4 Q Thank you. Show you People's Exhibit No. 40, which  
5 is already open, and is a red shoe. Ask you if that's an item  
6 you were given to examine in connection with this case.

7 A Yes.

8 Q And did you find any latent prints of value suitable  
9 for comparison?

10 A No, I found no latent impressions suitable for  
11 comparison.

12 Q Show you People's Exhibit No. 38, which I believe  
13 has already been opened, and contains a pink lighter, and ask  
14 you if that's an item you examined for latent fingerprints in  
15 connection with this case?

16 A Yes, it is.

17 Q Did you find any latent prints of value suitable for  
18 comparison purposes on that object?

19 A No, I found no suitable prints on this object.

20 Q Show you People's Exhibit No. 47, will not ask you  
21 to open this. Ask you from the labeling to tell us what's in  
22 that and if you examined it.

23 A This is marked trash taken from the victim's  
24 apartment, and, yes, I examined it.

C10045

1 Q Did you find any latent prints of value for  
2 comparison purposes on any of the items in there?

3 A No, I found no suitable prints.

4 Q Show you People's Exhibit No. 43. We are not  
5 opening this item because it has biohazard written on it.  
6 Could you tell us what's in that package?

7 A Marked red handled scissors removed from the  
8 victim's chest at autopsy.

9 Q Were you, in fact, provided a pair of scissors in  
10 that bag and examined it for latent prints?

11 A Yes.

12 Q What was the result of that examination?

13 A My examination revealed no latent impressions  
14 suitable for comparison on the pair of scissors.

15 Q Show you People's Exhibit 45, and the little package  
16 that is 45-A, and this one's been opened so ask you if you  
17 recognize those items? You don't need to open the smaller  
18 package.

19 A Yes, I recognize the electrical cord. I'm not sure.  
20 I recognize this piece of evidence.

21 Q Okay. That other package states it contains some  
22 hair that was --

23 A Oh, okay.

24 Q -- tied in the electrical cord.

1           A    That was done in my presence at the Morton  
2 laboratory.

3           Q    That was removed for another examiner to look at?

4           A    That's right.

5           Q    You don't do hair?

6           A    That's right.

7           Q    The electrical cord, did you examine that for latent  
8 prints of value?

9           A    Yes.

10          Q    What was the result of that examination?

11          A    I found no suitable prints on the electrical cord.

12          Q    The last two items that you examined, the scissors  
13 and the electrical cord. First as to the electrical cord,  
14 could you comment please for us on the -- how good a surface  
15 that cord is as far as leaving a latent print?

16          A    This particular electrical cord, there's very small  
17 surface area to it, plus it's rounded. I think it would  
18 probably be very difficult to find any latent impressions on  
19 this cord.

20          Q    So it didn't really surprise you that you got no  
21 result off that?

22          A    No, that would be very difficult. What I would  
23 consider a very difficult surface to find prints on.

24          Q    How about the scissors, better or worse than the

1 electrical --

2 A The blade area would be better probably than the  
3 electrical cord. However, the handles would be difficult.

4 Q Okay. The handle, you're talking about the red part  
5 where you grasp it?

6 A Where you would grab a hold of the scissors.

7 Q That would not be a very good surface for prints  
8 either?

9 A I don't believe so.

10 Q Why is that?

11 A Again, the rounded surface, it's a very small  
12 surface. It's just not a very good surface to find prints off  
13 of.

14 Q So it didn't surprise you that you didn't find  
15 anything there either?

16 A No.

17 Q Show you now People's Exhibit No. 35, ask you again  
18 to identify this by the labeling and not open it.

19 A Marked as plastic bag containing trash removed from  
20 the victim's apartment.

21 Q Is that an item that you examined in connection with  
22 this investigation?

23 A Yes, it is.

24 Q Did you find any latent prints of value for

1 comparison purposes?

2 A Our Exhibit No. 57, and this is marked 55 would  
3 perhaps be the other bag of garbage --

4 Q Let me see. We may have one mixed up here. I think  
5 we maybe got our exhibit number mixed up. Let me back up a  
6 minute here. When you get items at the lab, you put an  
7 exhibit number on them yourself, correct?

8 A Yes, that's correct.

9 Q And you write your reports based on your exhibit  
10 number as you put it down?

11 A That's correct.

12 Q And if I do this right, I'm supposed to get the same  
13 exhibit number on the court document or exhibits?

14 A That's what I was told.

15 Q And looks like we mixed that up a little bit?

16 A Yes.

17 Q Let's see if we can straighten it out. People's  
18 Exhibit 57 that you previously looked at is actually your  
19 People's Exhibit 55. Is that correct?

20 A That's correct.

21 Q And People's Exhibit 55 which I just showed you is  
22 actually your Exhibit 57, correct?

23 A That's correct.

24 Q Okay. Now going back to 57, if I now show you

1 People's Exhibit 55, which is your Exhibit 57, is your  
2 testimony still correct that for your Exhibit 57 and what you  
3 thought was our Exhibit 57, that there were no latent prints  
4 of value?

5 A My Exhibit 57 contained no latent prints suitable  
6 for comparison.

7 Q All right. Now showing you once again our People's  
8 57, which we recognize is your 55, could you tell us what the  
9 results of your examination of People's 57 was?

10 A Yes, I found five latent impressions suitable for  
11 comparison on the luggage tags contained within this bag.

12 Q In comparing those with the known prints that you  
13 had, were any of those latent prints made by Jennifer  
14 Lockmiller?

15 A Yes, there were two identifications to the  
16 fingerprint -- fingerprint card marked Jennifer Lynn  
17 Lockmiller.

18 Q Any prints identified as those of Michael Swaine?

19 A No.

20 Q Or Alan Wayne Beaman?

21 A No.

22 Q The other three latent prints, you made no  
23 identification on?

24 A That's correct.

1 Q I'm going to show you People's Exhibit No. 56, and  
2 without removing it, ask you to look at that item. And was  
3 this an item you were provided at some stage of the  
4 investigation to process for prints?

5 A Yes.

6 Q And did you do that in the laboratory?

7 A Yes, I did.

8 Q What was the result of your examination?

9 A My examination revealed that there was one latent  
10 impression suitable for comparison on the garbage can.

11 Q And whose -- did you make an identification with the  
12 known prints that you had?

13 A Yes.

14 Q And whose print was that?

15 A That latent print was made by the person whose  
16 prints appeared on the fingerprint card of Michael J. Swaine.

17 Q I think we've got too much garbage here. I think we  
18 missed one of those. Let me show you People's Exhibit 56,  
19 which is also your Exhibit 56, and ask you if that -- what  
20 that item contains?

21 A It's marked garbage bag taken from the victim's  
22 bathroom.

23 Q And are there items of garbage in there also?

24 A Yes.

1 Q Did you make an examination of the contents of that  
2 bag in connection with this investigation?

3 A Yes.

4 Q What were the results as far as first obtaining  
5 latent prints of value?

6 A My examination revealed that there were eight latent  
7 impressions suitable for comparison. They were all on the  
8 garbage bag, itself.

9 Q Were any of those latent prints the prints of  
10 Jennifer Lockmiller?

11 A Yes, three of the latent impressions were made by  
12 the person's whose ink fingerprints appear on the card marked  
13 Jennifer Lynn Lockmiller.

14 Q Any of the six prints identified to anyone?

15 A I identified two additional prints.

16 Q And who were those identified to?

17 A Identified to the card containing the name Tony  
18 Daniels.

19 Q Show you People's Exhibit No. 60, and I'm opening  
20 and removing some print cards from it, and is one of those the  
21 print card of Tony Daniels from the Normal Police Department  
22 that you compared in connection with this exhibit?

23 A Yes, it is.

24 Q Is it fairly common during the course of

1 investigations for you to get the fingerprints of police  
2 officers and crime scene technicians who were involved in  
3 gathering evidence to eliminate prints?

4 A We occasionally get those, yes.

5 Q The other four latent prints that you found on that  
6 exhibit, did you make any identifications on those?

7 A No.

8 Q Show you People's Exhibit No. 46, ask you if you  
9 recognize that item, again without opening it?

10 A Yes, I do.

11 Q What is that item?

12 A It's marked pink kitchen garbage bag found on sofa.

13 Q And did you examine that in connection with this  
14 investigation?

15 A Yes, I did.

16 Q What were the results of that examination?

17 A My examination revealed that there were seven latent  
18 impressions suitable for comparison on the garbage bag.

19 Q Did you make any identifications?

20 A Yes, I did.

21 Q What was the results on that?

22 A Five of the seven suitable latent prints were made  
23 by the person whose inked fingerprints appear on the  
24 fingerprint card marked Jennifer Lockmiller.

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APPENDIX 003263

1 lab as a crime scene technician?

2 A No, I think he submitted that to me.

3 Q Finally I'd ask you to put on a pair of gloves, if  
4 you would, and examine People's Exhibit 23, and remove that  
5 item. Do you recognize that item?

6 A Yes, I do.

7 Q And what is that?

8 A It's a Sony clock radio.

9 Q Was that submitted to you for examination in  
10 connection with this investigation?

11 A Yes.

12 Q Did you examine it for latent fingerprints?

13 A Yes, I did.

14 Q What were the results of that examination?

15 A I found seven latent impressions suitable for  
16 comparison on the clock radio.

17 Q With the known fingerprints that you had, did you  
18 make any identifications?

19 A Yes.

20 Q And would you tell us the results of that  
21 examination?

22 A Two of the seven latent impressions were made by the  
23 person whose inked fingerprints appeared on the card marked  
24 Alan Wayne Beaman, and four of the suitable latent prints were

1 made by the person whose inked fingerprints appear on the card  
2 marked Michael J. Swaine.

3 Q The remaining latent print, did you make any  
4 identifications on that one?

5 A No.

6 Q Again, based on the unavailability of Miss  
7 Lockmiller's additional prints, could that print have been  
8 hers?

9 A Yes. I would need additional prints in order to  
10 tell that.

11 Q You can return that to the bag. All of the  
12 examinations and the results that you have testified to here  
13 this morning, were those made to a reasonable degree of  
14 scientific certainty based on the latest techniques available  
15 in your field of expertise?

16 A Yes.

17 MR. SOUK: Thank you. Tender the witness, your Honor.

18 THE COURT: Cross examination.

19 MR. BEU: Yes, thank you, judge.  
20

21 CROSS EXAMINATION  
22

23 BY MR. BEU:  
24

504

C10056

AB017507

APPENDIX 003265

1 scene, brushing their clothing, for example, against doors or  
2 doorways or furniture, could that have the effect of  
3 dislodging latent prints that might otherwise have been there?

4 A Yes, that could interfere with the residue also.

5 Q You've indicated that there is, in your knowledge  
6 and experience, no way to attempt to age fingerprints,  
7 correct?

8 A That's correct, to tell the age, yes.

9 Q Speaking specifically of the prints that you found  
10 on the Sony clock radio, you also looked at them, did you not,  
11 in an effort to see if they overlapped in any fashion, the six  
12 prints that you found?

13 A Yes, I was asked to see if one was on top of one the  
14 other prints.

15 Q You found that they did not overlap. Isn't that  
16 correct?

17 A That's correct.

18 Q Had they overlapped that might have provided you  
19 some basis to make an opinion as to a sequence in which they  
20 were placed on the item?

21 A That's possible, but it would be very difficult to  
22 determine that.

23 Q Was there a square box fan brought to you as part of  
24 this investigation?

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT

COUNTY OF McLEAN

ORIGINAL

PEOPLE OF THE STATE OF ILLINOIS,

Plaintiff,

-vs-

ALAN W BEAMAN,

Defendant.

)  
)  
)  
) No. 94-CF-476  
)  
)  
)  
)  
)

DISK  
ENCLOSED

DISCOVERY DEPOSITION

THE DISCOVERY DEPOSITION of JAMES E. SOUK taken before Kitty L. Malcom, a Certified Shorthand Reporter within and for the County of Mclean and State of Illinois, license No. 084-002106, at 104 West Front Street, Sixth Floor, Bloomington, Illinois, on March 22nd, A.D., 2004, commencing at 11:00 a.m. pursuant to agreement of the parties.

MALCOM REPORTING SERVICE  
1310 Ironwood CC Drive  
Normal, IL 61761  
(309) 454-3378  
Fax (309) 454-8288

C10070

Plaintiff's Exhibit No. 57

1 A. Well, I mean, I was aware from reading the interviews  
2 that Detective Daniels, perhaps as he had with Mr. Beaman, took  
3 on a somewhat accusatory confrontative style of interviewing,  
4 and particularly in the second interview. But I don't recall  
5 anything other than what was in the interviews themselves.

6 Q. When Bill Heu was making his arguments and asking the  
7 court to deny your motion in limine, were you aware that John  
8 Murray was one of the possible other suspects that he was  
9 addressing his concerns to?

10 A. During the first argument on that, I am not sure that  
11 Murray's name was ever mentioned. I can't remember that 100  
12 percent for sure. I don't think his name was mentioned. On the  
13 second argument on March 15th, Murray is most of the discussion.

14 Q. At that point were you aware of the domestic violence  
15 charges against Murray?

16 A. I would have been, sure.

17 Q. Were you apprised that John Murray had had two, I  
18 think two appointments with a polygraph examiner?

19 A. That I don't have any recollection of. I'm aware now  
20 and I have seen your exhibit with the report and so forth, but I  
21 have no recollection about that.

22 Q. Did Detective Daniels ever talk to you about this to  
23 the best of your memory?

24 A. I don't have any recollection of it.

C10117

1 Q. Did you ever -- sorry to repeat this, but just so the  
2 record is clear, you have looked at exhibits in our submissions  
3 of the polygrapher's impressions?

4 A. I saw a typewritten report and then some graphs and  
5 some handwritten notes and so forth.

6 Q. So as you sit here today, your statement is that you  
7 had never seen those pretrial?

8 A. I don't have any recollection of having seen them.  
9 When I reviewed the State's Attorney's Office file, I didn't see  
10 any indication they were ever in there. Certainly they are not  
11 in discovery. If I had received them, they would have been in  
12 discovery.

13 Q. Why?

14 A. Well, I provided everything in discovery. If you go  
15 talk to Mrs. Domnick, my co-counsel, she will tell you that  
16 those were my clear explicit instructions that we don't play  
17 games with discovery. If we get something, we provide it. If  
18 the police send it over, we provide it.

19 Q. That's fine. I guess the question is with reference  
20 to the significance of the polygraph paperwork that you have  
21 read. Had you known that, that as the examiner concluded Murray  
22 had attempted to manipulate the polygraph results, would that  
23 have been a significant fact for you in your consideration of  
24 other suspects?

C10118

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CAROL JEANNE BEAMAN,

having been called as a witness herein on behalf of the Defendant, having been first duly sworn on her oath, was examined and testified as follows, to-wit:

DIRECT EXAMINATION

BY MR. BEU:

Q State your full name, please, and spell it for the court reporter.

A Carol Jeanne Beaman. The Jeanne is spelled, J-E-A-- J-E-A-N-N-E, and Beaman, B-E-A-M-A-N.

Q Mrs. Beaman, where do you live?

A [REDACTED], Rockford, Illinois.

Q You're married?

A Yes, I am.

Q You have a family?

A Yes, I do.

Q Tell us the composition of your family.

A My husband, and myself, and two sons and a daughter-in-law.

Q Okay. You're Alan's mother?

A Yes, I am.

1369

C10313

AB018635

APPENDIX 003270

1 medicine, you name it.

2 Q And now Mr. Beu asked you if you had independent  
3 recollection of being there 15 to 20 minutes that day, and I  
4 think your answer was that, well, you usually stayed 15 or  
5 20 minutes.

6 A That would be about how much it would take to make  
7 sure she was back in her room, and usually -- usually I  
8 would check with the lady that lived with her to see if they  
9 needed anything, and set up medications and whatever else.

10 Q But again, you're going on usually and not some  
11 independent recollection of that day?

12 A I cannot remember any time when it wasn't that  
13 way. And besides, at my age, I would have had to stop at a  
14 restroom, too.

15 Q If you signed her out at ten o'clock, then you're  
16 out of there by 10:15?

17 A Signed her in at ten o'clock.

18 Q Signed her in, yes.

19 A I'd be out of there by, yeah, 10:15, 10:20,  
20 probably just depends.

21 Q And then the rest of the day you went shopping and  
22 returned home at 2:15 to 2:16. Is that correct?

23 A That's correct.

24 Q Now first let me call your attention to the notes

1483

C10427

1 that you made on August the 30th, and at that time you  
2 indicated that, "After having breakfast I took my mother  
3 home and did some shopping before returning home," and  
4 there's a mark here, that you have indicated means  
5 approximately --

6 A That's right.

7 Q -- "three P.M."?

8 A That's correct.

9 Q And at that point in your notes you didn't  
10 elaborate, did you, on what kind of shopping you did?

11 A No, I didn't.

12 Q Incidentally, how long does it take you to drive  
13 from where your mother lived then in Independence Village to  
14 your home on [REDACTED] Road?

15 A I wouldn't attempt to make it in less than half an  
16 hour.

17 Q If I told you that Detective Freesmeyer made it at  
18 the speed limit in 16 minutes, would that surprise you?

19 A I would say he was lucky. He hit all the stop  
20 lights, right?

21 Q And when you got home, Alan was sound asleep.  
22 You assume he was?

23 A When I got home, his car was in the driveway. The  
24 dog gate was open. The dog was by his closed door.

1484

C10428

AB018750

APPENDIX 003272

1 Q That was always your signal. You didn't make a  
2 habit of going in and actually seeing him in bed?

3 A I don't know of how many mothers of nearly 21  
4 year-old young men would open the door and check to see if  
5 their sons were asleep.

6 Q I agree. Now on May the 18th when you were  
7 questioned by Detective Daniels here at the Law & Justice  
8 Center, on that day you said that you took her back to her  
9 apartment, and then you did some grocery shopping, and then  
10 when you got home it was somewhere between 2:30 and three  
11 o'clock, and he was sound asleep in his bed?

12 A Correct. And to the nearest that I could recall  
13 at that point that would have been what it would have been.  
14 I knew I would have done some grocery shopping, because it  
15 was the day before I was going to start really full-time  
16 work at that point again for the fall. Other shopping I was  
17 not really aware of from the standpoint of specificity. It  
18 was only later when I had some time to work on that that I  
19 came up with the receipts.

20 Q And then the following week when you were asked --  
21 you testified at the bond hearing, correct?

22 A That is correct.

23 Q And Mr. Beu asked you, at that time, after you --  
24 when you next had occasion to see Alan, and at that point

1485

C10429

AB018751

APPENDIX 003273

1 you gave the answer, "Wednesday at five in the evening."

2 That he was asleep when you woke him up, correct?

3 A I tried to wake him at five, I think. It was more  
4 like six when he finally came out to -- to the dining room.

5 Q But I take it now that when you gave that answer,  
6 what you really meant was -- is you took that question  
7 literally and --

8 A Yes.

9 Q -- you didn't actually see him until five, but you  
10 were still saying you were home --

11 A That's right.

12 Q -- sometime in that afternoon and the dog was in  
13 front of the door?

14 A That's correct.

15 Q And in fact in that bond hearing you said that on  
16 some other days, didn't you, that's how you told he was  
17 home?

18 A Yes.

19 Q And at that time, at the bond hearing, when you  
20 were asked your basic schedule that week, do you remember  
21 telling Mr. Beu that school was not in session yet, but on  
22 Wednesday you had taken your mother to the doctor for some  
23 tests which did not take up the whole day, but a good part  
24 of it?

1486

C10430

AB018752

APPENDIX 003274

1 A Hm-mmm.

2 Q Remember giving that answer?

3 A Yes, I do. Leaving at seven and taking her back  
4 to her apartment by ten, and spending time there, I would  
5 say would be a good portion of my day.

6 Q And basically in that bond hearing there wasn't  
7 any mention made of the shopping or where you'd been  
8 shopping?

9 A That's correct.

10 Q Correct?

11 A As far as I know.

12 Q Now your indication here is that, I take it, it  
13 had been a very hectic time for you, not just because of  
14 your son's situation, but because you had both been teaching  
15 all year, and you were pursuing a master's program?

16 A That is correct. I was working on my thesis at  
17 the time all of this was going on.

18 Q And so sometime beginning about May 27th is when  
19 it finally occurred to you that maybe you ought to try to  
20 check out the paper trail of where you were that day?

21 A My last class met May 17th, 1994. That was the  
22 day my son was arrested. On the way home from my last class  
23 I was daydreaming about all the things that I was going to  
24 do with all that wonderful free time that I had suddenly

1487

C10431

AB018753

APPENDIX 003275

1 been given. I arrived home to find the answering machine  
2 blinking and his message to me saying that he had been  
3 arrested and to call Bill, meaning Mr. Beu.

4 Q Okay, but I think, hadn't you previously indicated  
5 that there was another week or ten days of dealing with  
6 this?

7 A Dealing with that, the arrest, and trying to get  
8 him bonded out, and -- and then at that point I still had to  
9 write finals for five classes.

10 Q But at least some time during, let's say the early  
11 part of June --

12 A When I finished writing my finals, that's when I  
13 sat and tried to be very specific about the time.

14 Q And that's the point at which you tracked down  
15 your Wal-Mart receipt and your Union Hall receipt, correct?

16 A That's correct.

17 Q And those are the two receipts that you found  
18 first?

19 A That's correct.

20 Q And then based on that, you then remembered that  
21 you had gone grocery shopping that day?

22 A It's not a matter of remembering. It's a matter  
23 of saying, if I could pin that down and what store I was at.  
24 I checked my canceled checks, found the check, and then I --

1488

C10432

AB018754

1 as has been indicated before even today, after finding the  
2 canceled check, I went through a kind of what-if. I  
3 wondered if I still had that receipt in the canister on the  
4 T.V., and I sat down and spread those out over my kitchen  
5 table, looking over every one of them, hunting for that one.

6 Q You're saying you already knew you went grocery  
7 shopping, you just didn't know where?

8 A I would have gone to the store nearest my mother,  
9 or the store closest to me, and I didn't know which one it  
10 would have been.

11 Q Again calling your attention to your grand jury  
12 testimony, and ask if you recall giving -- saying these  
13 words as part of an answer that you gave: "And realizing  
14 that I said I had gone shopping, there must be a paper trail  
15 related to that, either canceled checks or receipts from  
16 credit card. Credit card company sends me a yearly print-  
17 out of everything that I charge, the type of store, the name  
18 of the store, the date, the amount. So I went through that,  
19 and when I saw that both charges that I had for that day  
20 were in Loves Park, then I figured I must have also gone to  
21 the grocery store that day since it was going to be the last  
22 day before school started and I needed lunch materials, and  
23 I started looking at canceled checks."?

24 A That's correct.

1489

C10433

AB018755

APPENDIX 003277

1 Q Well, you've indicated there that it's from the  
2 receipts that you figured out that you went grocery  
3 shopping?

4 A No, no, excuse me, after finding the receipts and  
5 the credit card. First I found the credit card statement --  
6 not found it, I had it. I looked at it. And I believe  
7 earlier today I indicated to you that after seeing that I  
8 had actually charged something those -- that day, I then  
9 went to my file to find the actual receipts. Looking at  
10 those and the times involved I also realized I would not  
11 have been buying my groceries before, but after those  
12 receipts, and I wanted to narrow it down further. So I went  
13 to my canceled check file, found the canceled check, then  
14 from there went to the container of grocery receipts to look  
15 for further information.

16 Q And at that point in time, when you found the  
17 canceled check, you still didn't know --

18 A For sure which store.

19 Q -- the store you went to. That's because the  
20 check was made out to Gray's IGA, and there's four of them,  
21 correct?

22 A That's correct.

23 Q So then you had to search further in this bucket  
24 that you had kept your grocery receipts in during that year?

1490

C10434

AB018756

APPENDIX 003278

1 independent recollection?

2 A I'm saying that's the way I would have traveled.  
3 If you want to call it an independent recollection, yes.

4 Q Now in leaving from your mother's --

5 A Yes.

6 Q -- you're indicating, of course, that you didn't  
7 go home at that point, correct?

8 A That is correct.

9 Q And you now know, I take it, from the phone  
10 records and discovery materials that there were two phone  
11 calls made out of your home at 10:37 and 10:39 that day?

12 A That is correct.

13 Q And you're telling us that you didn't make those  
14 phone calls?

15 A I did not make those calls, no.

16 Q And again, you're telling us that based on habit  
17 and what you ordinarily would have done that it would have  
18 made logical sense for you to have gone from your mother's  
19 to Wal-Mart because they're very close together?

20 A They're right across the street from each other.

21 Q As you sit there now, are you telling us that you  
22 have a clear independent recollection that you never went  
23 home that day?

24 A I know I did not go home that day until after the

1499

C10443

AB018765

APPENDIX 003279

1 grocery store.

2 Q Do you know where your husband was that day?

3 A At work at Woodward Governor, 35th Street plant.

4 Q He ordinarily would not have been home at that  
5 time?

6 A No, it's too far from our home to work to go home  
7 during the day.

8 Q So basically you don't know who made those phone  
9 calls, do you?

10 A Unless the dog made them, Alan made them.

11 Q You did make a phone call or have a phone call,  
12 phone conversation with Pastor Olson that afternoon, didn't  
13 you?

14 A Yes, Mitch called. Mitch Olson, who I think  
15 you've already heard from, called around three o'clock that  
16 afternoon, and apparently he and Alan had planned to  
17 rehearse that day. He asked if Alan was home, and I said,  
18 "Yes, but he's asleep." And he said, "Well, we need to plan  
19 a time when we're going to rehearse." And I suggested to  
20 him, at that time, that we were coming for the ice cream  
21 social, and if he was going to be there, that would be a  
22 logical time to rehearse.

23 Q And if the phone records indicate that call was  
24 made at precisely three o'clock, would you have any argument

1500

C10444

AB018766

APPENDIX 003280

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

ALAN BEAMAN,

Plaintiff,

-vs-

JAMES SOUK, Former Assistant State's  
Attorney, CHARLES REYNARD, Former  
McLean County State's Attorney,  
TIM FREESMEYER, Former Normal Police  
Detective, ROB HOSPELHORN, Former  
Normal Police Detective, DAVE WARNER,  
Former Normal Police Detective,  
JOHN BROWN, Former Normal Police  
Lieutenant, FRANK ZAYAS, Former  
Normal Police Lieutenant,  
COUNTY OF McLEAN, ILLINOIS, and  
TOWN OF NORMAL, ILLINOIS,

Defendants.

NO. 10-CV-1019

DEPOSITION OF  
JOSHUA WHITNEY

The deposition of Mr. Joshua Whitney, called  
as a witness on behalf of Defendants James Souk, Charles  
Reynard, John Brown and the County of McLean, Illinois, in  
the above-entitled action, taken before Amy R. Campos,  
Certified Shorthand Reporter and Registered Professional  
Reporter, at Elite Reporting Services, Ltd., 4320 Spring  
Creek Road, Rockford, Illinois, on March 19, 2013, at  
12:50 p.m.

C10459

Plaintiff's Exhibit No. 60

APPENDIX 003281

1 that was reported to me by others during the trial  
2 process. Other friends were down for the trial and told  
3 me about what -- the circumstances of the crime at least  
4 as it was being presented by the prosecution.

5 Q. So you were in Rockford at the time Alan --

6 A. Yes.

7 Q. -- was on trial?

8 A. Yes. Sorry. Yes.

9 Q. That's okay. Do you recall what friends were  
10 reporting to you what was happening at trial?

11 A. Chris Carbone.

12 Q. Did he sit through the trial that you know of?

13 A. He was there for at least a portion of it if not  
14 the entire thing.

15 Q. What did he tell you about the timing of  
16 Jennifer's murder?

17 A. That it was being presented that Alan had driven  
18 down on the day of when they said her murder took place,  
19 had had some kind of altercation with her, had killed her  
20 and then driven back home and that, if my memory is  
21 correct, his mother later found him sleeping at home or he  
22 had to go to work that evening. I don't remember all of  
23 the details.

24 Q. So what about his piece of junk car, as you call

C10528

1 it, would not allow him to get to and from Bloomington?

2 A. It was frequently breaking down. It had engine  
3 problems, suspension problems. We commonly referred to it  
4 as the millennium falcon, which in the Star Wars motif it  
5 was constantly breaking down and having problems that just  
6 wouldn't allow for it to drive two hours down and two  
7 hours back without fitting into a perfect time frame as  
8 was being presented at the time.

9 Q. Do you know whether Alan had driven that car to  
10 and from Bloomington before?

11 A. Not for some months to my knowledge. I honestly  
12 don't know what Alan's situation was for transportation at  
13 the time. If he had access to another vehicle, I don't  
14 know about it.

15 Q. Well, Alan had that piece of junk car in  
16 Bloomington, right?

17 A. Yes. And he had nursed it back up to Rockford  
18 on more than one occasion where he had to stop and get  
19 some part working, or he had to get it towed, I believe,  
20 on one occasion because it just stopped running.

21 Q. Did you ever ride in Alan's car on a trip either  
22 to or from Bloomington to Rockford?

23 A. Once, I believe, during the holidays in 1993  
24 or -- let me think for a moment. I believe -- actually,

C10529

1 around Christmas of 1992, I believe, we drove back up to  
2 Rockford from Bloomington-Normal, and there was minor car  
3 trouble along the way but nothing that he couldn't handle  
4 at the time. Within another year -- I think that car was  
5 actually no longer functioning at all within another year  
6 or so.

7 Q. Did it break down during the time you were  
8 riding in it?

9 A. It did not break down at that time, but he had  
10 to do several sort of preventive maintenance things to  
11 keep it running, check the coolant, refill it, make sure  
12 that certain parts of it were working.

13 Q. Did you speak with any of Alan's lawyers --  
14 criminal lawyers after his arrest?

15 A. No.

16 Q. Why not?

17 A. I was never asked.

18 Q. Did you feel like you had information that could  
19 help Alan's defense?

20 A. No.

21 Q. Did you ever speak with any investigators  
22 working on his behalf at the time of his trial?

23 A. No.

24 Q. What was your observation of how Alan reacted

C10530

CALL DETAIL BILL DATE 09-93					ACCOUNT (815) 962-6540 138 MCDI					
					SCREEN 3 OF 4					
DATE	TIME	CALLED NUMBER	MINS	BAND	DATE	TIME	CALLED NUMBER	MINS	BAND	
8-21	1:59P	815-877-3804	1	A	8-26	7:33P	815-963-1057	2	A	
8-21	2:01P	815-399-5910	1	A	8-27	1:28P	815-398-7962	4	A	
8-21	3:48P	815-654-9794	3	A	8-28	2:20P	815-964-6457	2	A	
8-21	6:26P	815-964-8718	1	A	8-28	3:27P	815-398-7962	6	A	
8-21	7:30P	815-964-8718	1	A	8-28	6:26P	815-964-6457	1	A	
8-21	8:34P	815-964-8718	1	A	8-28	6:31P	815-389-9214	7	A	
8-22	6:28P	815-962-7222	1	A	8-29	1:35P	815-987-5800	4	A	
8-22	6:42P	815-397-8538	1	A	8-29	2:46P	815-636-9558	19	A	
8-22	7:19P	815-877-4524	1	A	8-29	7:21P	815-636-9558	5	A	
8-23	8:11A	815-963-1057	1	A	8-29	7:40P	815-654-3108	4	A	
8-23	7:30P	815-964-8718	1	A	8-29	8:19P	815-636-9558	1	A	
8-24	10:55A	815-968-0051	4	A	8-30	6:33P	815-398-7658	3	A	
8-24	9:21P	815-636-1726	2	A	8-31	3:10P	815-962-7222	1	A	
8-25	10:37A	815-399-5910	2	A	8-31	3:24P	815-962-7222	3	A	
8-25	10:39A	815-877-3804	1	A	8-31	5:11P	815-987-5330	2	A	
8-25	6:48P	815-636-1726	2	A	8-31	6:29P	815-987-5330	2	A	
8-25	6:58P	815-398-7658	3	A	LINE TOTAL BAND-A MSGS				99	

PF1 = ENTRY SCREEN PF4 = BACKWARD PF5 = FORWARD PRESS CLEAR TO EXIT  
MORE PAGES TO FOLLOW

C 2052

C10580

~~C2052~~ (1510)

AB002068

APPENDIX 003285

This is Detective Hospelhorn. It's August 31, 1993 on Tuesday morning at approximately 10:09 a.m. and I am at the Normal Police Department interviewing Mr. David Singley.

Rob: Sir, could you state your name and spell your last name please.

David: Yes, my name is David Singley, S I N G L E Y.

Rob: And you understand that you are here on your own free will and you can leave at any time, is that correct?

David: Yes, that is correct.

Rob: This statement is given of your own free will.

David: That's correct.

Rob: Mr. Singley, I understand that you live in the same building as the victim. Could you give your address and apartment number?

David: Yes, my address is [REDACTED] Normal, Illinois 61761.

Rob: And your phone number?

David: My phone number is 309-454-4610.

Rob: Is your apartment directly across from the victim's apartment?

David: Yes sir, it is.

Rob: Did you know the victim?

David: Just in passing.

Rob: Did you know what her name was?

David: Yes, I did.

Rob: Ok, can you tell me what that is?

David: Yes, her name is Jennifer Lockmiller.

Rob: Had you ever been to her apartment or had she ever come over to your apartment for anything?

David: I had been to her apartment when we previewed the apartment complex last September of 1992 when we were looking towards renting an apartment for this year we previewed an apartment and that was the only time I had ever been in her apartment.

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Rob: During the last week, starting say Sunday, August 22nd, through Saturday, August 28th, did you have any opportunity to see Jennifer around the apartment? The only time I saw her I believe was either Sunday afternoon or sometime Monday. I just seen her in passing uh, I don't know if she had been seeing some friends or what she had been doing but I just happened to see her out in the parking area out there.

Rob: Was she by herself at this time or was someone with her?

David: No, she was by herself.

Rob: Did you see her after Sunday afternoon or Monday?

David: No, I didn't.

Rob: Have you seen her vehicle in the lot, do you know which vehicle is hers?

David: Yes, I do.

Rob: Have you seen her vehicle leave or come back at any time during that week?

David: Not that I can recall right off the top of my head at this time.

Rob: Did you see anyone either come or go from her apartment during the week?

David: See, no I didn't but I noticed during the course of the week there was another car in the parking lot which um, I just know by previous association was a visitor of hers.

Rob: Do you know what type of car it is?

David: It appeared to be like a late 88 or 89 model I want to say it was a white Sunbird. Kind of a mid size car, I believe it was two door. I didn't really get that great of a look at it cause I didn't pay that much attention to it.

Rob: Are you sure that it is a Sunbird or Cougar or something else.

David: It could have been something else but it was a long the lines of like economy mid-size car, something like that.

Rob: And do you know approximately when you seen that there in the parking lot. Now the parking lot I am assuming you are talking about [REDACTED], is that correct?

David: That's correct.

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Rob: Ok.

David: I saw it Wednesday afternoon at approximately on or about 2:00 o'clock.

Rob: in the afternoon, going back to the car, you say you are not sure if it was a two door or a four door?

David: No, just assuming from the size, I would say it was a two door.

Rob: Could it have been any type of vehicle as far as the make that's in that line.

David: It was an American made car.

Rob: An American made car?

David: There was no doubt that it wasn't an Import.

Rob: Wasn't an import. Was there anything else on the vehicle you said it was white in color?

David: That's correct.

Rob: Was there anything else on the vehicle that you can distinguish?

David: I believe there was a bumper sticker on either side of the license plate but uh I really I can't remember, I didn't pay that much attention, I just noticed that there was a bumper, there was ah, you know, one or two bumper stickers.

Rob: Did you see who got in or who got out of that vehicle?

David: No, I really can't recall at this time.

Rob: How many times had you seen either this car or a car that is similar to this one in that parking lot?

David: I can recall maybe one or two other times during the course of the summer that that car was parked there in that parking lot.

Rob: You say that car, are you positive that it's that same car or is it possible that it could be a different one?

David: I would say there is a possibility it could have been a different one but I just really doubt it just because just ah just from association I recognized that I have seen it before but I wouldn't say that it's not possible that it might have been another one similar.

Rob: Do you know who drove the other vehicle that you think this one might have been?

David: Honestly, I can't recall at this time. Uh,

Rob: Can you describe the person then?

David: I want to say, the only thing that I can remember because I only got a glance a glimpse of them once; it was a male. I would guess in early to mid 20's caucasian. He was he had grown a goatee and he had short hair, but that is really the only thing that I can remember cause it was earlier in the summer.

Rob: Ok. When was it that you had seen this person approximately?

David: I would say it was during the month of July.

Rob: Ok. Have you seen that person around there other than possibly the vehicle last week, but have you seen the person around there since July you said?

David: Uh, since July? Um no. I can't recall that I physically saw the person the only way that I knew that the person might be there was just by association with this vehicle. That's about all I can

Rob: Other than last week, had you seen the vehicle that you were describing earlier there before or since July?

David: Uh, no. Like I say, I have seen it maybe oh gosh, probably once or twice, during the month of July and then this time there in August.

Rob: Do you know, did Jennifer live by herself, or was someone living with her?

David: All the time that I knew she lived alone is about all that you know, she always had either one or two guys that would come over I wouldn't say frequently but they came around fairly often, you know.

Rob: Have you lived at your address there [REDACTED], how long have you lived there?

David: I have lived there since Sunday. However, my girlfriend has been renting it since uh mid to late May so I would visit there quite often during the summer during the summer months.

Rob: Did you live there last year?

David: No sir, I did not.

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Rob: Is there anything else during the week that you had observed in the area that you wish to tell me now?

David: Sure, uh, Wednesday, when I came home from class on or about 2:00 in the afternoon, I entered, I was going I was approaching the apartment complex off of [REDACTED] and when I came in I opened the main door to the vestibule and the door to her apartment slammed shut real quick uh which I thought was kind of funny because I had approached the building in such a manner that I didn't see anybody go in ahead of me and it was, there was such a short distance to me that I would have assumed that I could have definitely seen somebody going before me or you know come from somewhere, but I didn't see anybody so I went into my own apartment and went on about my business and what not and within about I'd say 5 or 10 minutes, I heard the door to apartment [REDACTED] open and close again but I noticed when I went in, like I noticed pretty much every other day that she always played music cause she was usually always home when I would come home.

Rob: Ok. You said that when after you got back, you heard it slam quickly, did you hear anybody talking or any footsteps?

David: No, I didn't hear anybody talking or any footsteps or anything the only thing I noticed that slammed shut rather quick because I noticed the music I noticed the door had been open because the music was real loud at first and then it kind of got quiet like right after the door closed.

Rob: But you heard the door shut?

David: I heard the door shut, yes sir.

Rob: And then you said you went into your apartment which is [REDACTED] and across the hall?

David: That's correct. Went into my own apartment, like I say, went about my business um, I heard their door open, because I heard the music.

Rob: And how long ago, or how long after that?

David: I would say it was probably, I would guess it was within a 5 or 10 minute time period because

Rob: You said you came home about 2:00 so this would be about 2:00, 2:10, 2:15?

David: I would say it was right around 2:10.

Rob: On Wednesday, August 25th?

David: That's correct. Because I was kind of in a hurry cause it

was hot and I was trying to change so I could get down to the pool so I didn't really pay much attention, like I say, I heard their door open again and close the music was still playing, but then whoever it was exited the front door, I didn't like I say, I didn't pay much attention, like I said I didn't pay much attention because I was kind of in a hurry.

Rob: When this person exited you couldn't tell if it was a male/female?

David: No. I couldn't tell.

Rob: Did you hear any vehicles leave at the time?

David: That is something that I have been trying to go over in my mind. I think a vehicle might have left but I am not positive I have been thinking about it as much as I can but I, nothing sparks in my memory.

Rob: Ok. Now when, let's go back to the vehicle that you seen at approximately 2:00, I am assuming that's when you come home from class and then you heard the door and right before that's when you seen this white vehicle?

David: That's correct.

Rob: Ok. Was that vehicle still in the lot when you left?

David: Ok. When I left to go to the pool, it I would assume it still was, I am not positive because, let me think about this here.

Rob: Do you know what time it was when you left to go to the pool?

David: Yea, it was about 2:15.

Rob: Ok. so the person left and it was between 2:00 and 2:15 when this person exited [REDACTED]

David: That's correct.

Rob: Once they exited was the door shut, or open?

David: The door was to her apartment was shut.

Rob: Was the stereo still going at that time?

David: Yes, it was. Yes, it was.

Rob: Do you remember what was playing on the stereo?

David: No, I sure don't. She always seemed like it was usually the same tape or same record that she listened to it alot. It was

actually the same thing almost everyday.

Rob: Ok. Was there actual music coming from the room or was there talking?

David: As far as

Rob: Your definite that it was a stereo?

David: Yes.

Rob: And it couldn't have been a television that was on?

David: No. I am positive it was not. It wasn't a television.

Rob: Ok. Um, so after you left to go to the pool, did you notice anything about your return?

David: Ok. I went to the pool, when I left, I noticed that it was hot, but her air conditioning wasn't on, nobody really had em on cause ours doesn't work that good and I kind of figured that it was kinda the way it was for the whole apartment complex. Nobody's really works.

Rob: Her's wasn't on before you left?

David: No.

Rob: I came home on or about 4:30 that afternoon.

Rob: You are still talking about Wednesday the 25th?

David: That's correct. When I came in, opened the door to the vestibule there, and uh right away, when you walk in you can easily hear you know music or what not coming out of you know the apartment, but something struck me that the music was turned off but the TV was on and it was fairly loud actually because I could hear it the walls are thin there anyway but you can kind of tell if it's music or it it's like a TV but it struck me as funny because I could really hear the TV pretty clear.

Rob: Was the door shut to ■ at that time?

David: Yes it was.

Rob: And did you say that the air conditioner was on or off when you come back?

David: It was still off um, like I say, I noticed her TV was on because when we go into our apartment which is ■, before you go in you can always hear the music or in this case the TV but once you close the door to our and after you are in our apartment you can't

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hear anything the sounds um, you just can't hear it because the door blocks out the sound but this day, the TV was up so loud, that after I closed the door I could still hear the TV, um, let's see here. I went back to the pool at about 5:15 but this time, I just walked down there because my girlfriend had to have the car to go to work.

Rob: And your girlfriend is who?

David: My girlfriend is Susan Jenkins?

Rob: And she come to make a statement today also, is that correct?

David: That's correct. She also lives at [REDACTED] [REDACTED] with me.

Rob: Ok.

David: And at that time, when I went to the pool, I noticed that the air conditioning had been turned on because you know

Rob: That was as you were leaving to go

David: As I was leaving I walked out underneath where the windows to her apartment was and that was on or about 5:15.

Rob: On which day?

David: On Wednesday.

Rob: On Wednesday the 25th of August?

David: That's correct. And I came home on or about 7:30, quarter to eight, didn't really notice anything just that the TV was still on and that was pretty much about it that I can remember for Wednesday.

Rob: Is there anything else that you can remember?

David: Yes there is. Then Wednesday, excuse me, Thursday, the 26th when we returned to the apartment, we being my girlfriend and I, we because Wednesday night, we went back to my house, or actually my mother's house, which is in Chillicothe Illinois um, to pick up a couple things and what not that I had forgotten when I moved down on Sunday, when we came back on Thursday morning the TV was still on and didn't really think much about it being the first week of school and all nobody really knows you know what kind of certain hours or what kind of certain schedule people keep and like I say I really didn't think much about it then Thursday afternoon when I can back from class there was a parking pass that was or a little tag hanging on the handle of the door from Redbird Apartments saying that we all had to go down and sign for our

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parking passes and what not and I didn't think much about it because everybody had one

Rob: and that was on what day?

David: That was on Thursday.

Rob: Ok. On Thursday when you had seen this, the TV was still on?

David: That's correct, the TV was still on. Let's see here. Then Thursday, well actually it would have been Friday morning, during the course of the night at about 1:00 a.m. Friday morning I was kind of in a restless sleep and cause I had to go to the bathroom and I was procrastinating about getting up and going out to the bathroom cause I was trying to go back to sleep but anyway, I am fairly positive that I heard the door to apartment [redacted] open and close and it was on or about 1:00 a.m. on Friday morning because I thought it was strange then later Friday morning that she had failed to take this little parking notification thing off the handle of her door.

Rob: And this was 1:00 a.m. Friday morning you think?

David: Yes, and like I say, I thought it was strange but then again I thought that she might have been out partying or what not and come back and maybe she was a little too intoxicated and didn't want to worry about getting into the apartment and getting some sleep before class so I didn't I figured well she saw it you know it was good enough.

Rob: Are you positive that it was a door opening and shutting?

David: Yea. I am positive. I couldn't mistake it with any other kind of a sound.

Rob: Ok. Are you positive it was her door?

David: Yea. Because, I just was I got to be familiar with what the door sounds like in different apartments when they open and close cause it's we all all packed in there so close together and the walls are so thin you know you can always tell when somebody's you know.

Rob: Did you hear anything as far as anybody coming up the steps?

David: No I didn't like I say, I was kind of in a in-between sleep and in-between getting up and having to go to the bathroom and what not so I didn't notice anything.

Rob: Ok. Anything else that you can think of?

David: About the only thing I can think of is the thing the reason

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why that stuck out in my mind was when I went to sign for my pass Friday, the parking pass, everybody I had seen the sheet that we had to sign and I am pretty certain that everybody had signed except I think maybe the fellow that lives down below us hadn't signed yet but we had signed but she had signed but like I say that's what struck me as funny because I thought well hell I know she seen the thing hanging on the

Rob: You say she had signed, who do you mean she?

David: She being Jennifer, she hadn't signed.

Rob: Had not,

David: No, she had not signed. I thought, like I say, I thought it was funny, because we were only allowed a certain amount of time to go pick these passes up and I thought damn she must just be saying the hell with it you know and she is just going to park there or what not, but I didn't think much about it. Friday also, Friday morning I noticed there was kind of slight smell in the vestibule area but I knew she had cats so I didn't really think too much about it.

Rob: Ok. That was Friday morning?

David: That's correct.

Rob: About what time?

David: I would say it was probably 9:00, 9:30.

Rob: In the morning?

David: That's correct. The TV was still on, which I thought was kind of strange but her living alone and pretty much how some people are when they live alone they just turn something on just to have noise you know a TV, a radio or what not, but it seemed like all the times I can remember she always, always played music while she was home that was really the only occasion I can remember that the TV had ever been on, from Wednesday on.

Rob: The stereo. Did the stereo ever come back on after Wednesday afternoon around 2 when you were hearing it did it ever come back on between then and Saturday the 28th?

David: No sir it didn't.

Rob: Was it strictly the TV on between them times?

David: Strictly the TV only.

Rob: Is there anything else that you can think of that you want to

add?

David: Uh, noticed that one of her cats, the black cat, which like I say I knew she had three cats, my girlfriend knew it was her cat because she had seen it and somehow it got out of the apartment either Friday or Saturday, so we thought well, you know, we didn't think much about it at the time, but we did notice that somehow it had got out.

Rob: So just to double check on this, was there at anytime during the week, other than Sunday afternoon or Monday when you seen Jennifer, did you see anyone enter or exit apartment [REDACTED]

David: No sir I did not.

Rob: Did you see anyone around apartment number [REDACTED] between that time other than Jennifer on Sunday afternoon or Monday?

David: No sir I did not.

Rob: Anything else that you wish to add?

David: I don't know if this is really has to do with this but ah. There is an instance that took place back in mid July she had a friend she

Rob: She meaning?

David: She meaning Jennifer,

Rob: Ok.

David: had a friend and he tried to break into her apartment.

Rob: And do you know what this friend's name is?

David: No, I do not.

Rob: Ok. Do you know what he looked like?

David: Yes. Uh, he had long hair. I would say he was probably about 5'9". He was early 20's at best and he was real lanky. He probably weighed only about 140 or 145. He had long straight black or dark brown hair. Like I say, he tried to break into her apartment. It was about 1:30 or 2:00 in the morning because we had been sleeping there and all of a sudden just all this racket started going on and she yelled something to the effect of she being Jennifer, yelled something like what are you doing here. How did you get here and he said something to the effect he said I need to talk to you and he said I came to get my fucking keys. Jennifer said you know just get out of here. Just leave. He said I rode my bicycle over here but I want to talk with you and then she said

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APPENDIX 003296

leave or I'll call the cops and he just said fucking bitch and he just kept I don't know of he was kicking in the door or throwing himself against the door or what he was doing but then he quit and he ran outside and he was running around the building and I could hear her sobbing, crying and I don't know. I couldn't hear what she was saying but I knew she was crying. He came back in about three or four more times and he was real calm at first but then it was like all of a sudden he really just exploded like he's really out of control he could come in and talk to her and like he was real calm, like he had calmed down and kind of get her calmed down, then all of a sudden he would just fly off the handle and start busting in the door.

Rob: Do you know if this person ever struck Jennifer?

David: No. I do not.

Rob: You don't know or no he didn't?

David: I don't know if he did?

Rob: Did this person, how did this person leave?

David: He, he came back in like I say about three or four more times he wanted in real bad he finally ran back outside and he was running around the parking lot and he yelled ah he yelled something like slut and something like that and he paused briefly outside our window there and he saw me and of course I got a good look at him he didn't say anything he just ran away he came back in and he was able to get into her apartment and then I could hear him yell something like I see your cherry stain on the bed then he ran out yelling you slept with him but you wouldn't sleep with me and then he said the only reason you dated me was to go to bed with my friend and I believe he yelled something when he was leaving he was like I knew him first.

Rob: Ok. Did you see that person around the apartment other than that night? Had you seen him there before?

David: Yes. I have seen him one other time and at the time I believe he was driving a gray Ford Escort there was always a lot of junk in the Ford Escort and it had some kind of Star Trek bumper sticker on it or something like that.

Rob: Had you seen that person or vehicle at the apartment since that in July?

David: No sir I haven't.

Rob: Is there anything else that you wish to add?

David: No sir. Not at this time.



Rob: This is Detective Hospelhorn. We are going to conclude the interview on August 31st, 1993 and it is approximately 10:39 a.m.

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This is Detective Hospelhorn and it's Wednesday, September 8th, at approximately 5:02 p.m. We're at Normal Police Department in the middle interview room. Present with myself is Detective Tony Daniels and a David Singley.

RH: Mr. Singley, could you state your full name and social security number?

DS: Yes, my name is David O'Neal Singley, my social security number is [REDACTED]

RH: Could you state your address?

DS: Yes. My address is [REDACTED] Normal, Illinois, 61761.

RH: Mr. Singley do you live alone in apartment [REDACTED] or do you have a roommate?

DS: No, sir, I live with my girlfriend. Her name is Susan Jenkins.

RH: I'd like you to ah take a look at the calendar that's in front of you and call your attention to the week of August 22, 1993 through August 28, 1993.

DS: Okay.

RH: Uh, ISU school started on the 23rd, which is a Monday. Uh, Do you, what is your class schedule for that day?

DS: My class schedule for the 23rd of August, uh, first class started at uh about 10:00 in the morning and it ran to 10:50. Had a break from 10:50 to right about uh noon. I had another class from noon to 12:50 and then I had a class from 1 in the afternoon to 1:50 and then after that I uh went home.

RH: Between your classes on the breaks, where do you normally go?

DS: Ah, just kind of depends on what I have going on. Ah, normally I'll walk over to the student center or sometime the library.

RH: Do you ever go back to your apartment during the breaks?

DS: Ah, I usually do on Tuesdays and Thursdays because I have a little bit longer break.

RH: When you go to class do you normally walk or do you drive a vehicle?

DS: I walk to class.

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alongside the ah main entrance there to the apartment building.

RH: Okay. Did you observe anybody outside or inside the hallway to the apartment building?

DS: No, um, I didn't observe anybody. Uh, like every other day that week, when I came in, um, her uh her stereo was playing and it seemed a little louder than normal because, like I said, it's loud but when you go in and you go up the stairs going to our apartment, as soon as you close the door, um, that shuts out all the noise. But it seemed like when I, I know when I closed the door I could still hear the music and I thought, geez, that's you know, for a for early afternoon that's kinda loud and what not. Because I know I could still hear the music even through our door when it was closed.

RH: Okay. What did you do after you returned home?

DS: Ah, when I got home, just went about my business, um, put my books down, um, poured myself a glass of iced tea and ah started to get changed over to go to the pool.

RH: Did you go to the pool that afternoon?

DS: Yes I did. Um, went to the pool then, I got to the pool about 2:10 but um I do remember when I when I first came in to the apartment, um it seemed like the door to her apartment uh closed pretty abruptly and I thought that was strange, because um when I was walking home from my last class on the 25th of August, um I noticed that there was nobody, uh I came, well I came in off [REDACTED] and I was able to see that there was nobody going in the apartment ahead of me. And when I came in the apartment, or when I opened the door then, her door closed, so I thought, well you know that's strange, well maybe she forgot something. But then when I was getting changed over, ah which was probably about a time interval of about 5 to 10 minutes, um, I noticed that her her door opened and then it closed again, because I noticed the music got louder when I when I heard the door latch click. When the door was open and then when it closed clu closed shut again the music uh went down. It was still loud, but it uh had gotten louder when the door was open.

RH: Okay, did you hear the door actually open and shut?

DS: Yes, I did. And then I I uh heard somebody go down the stairs and uh seemed like they were in a hurry because it didn't take em very long between the time the door to her apartment closed to the time that the door to the vestibule, uh to the apartment complex opened and closed.

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APPENDIX 003300

RH: Did you see anyone leave the apartment?  
DS: No, I didn't.  
RH: Did you see anyone outside in the parking lot?  
DS: No, I didn't.  
RH: Did you see any vehicles or hear any vehicles start and leave?  
DS: I think I heard a vehicle start and leave, but I'm not, I'm almost positive I did but I I couldn't tell you which vehicle it was.  
RH: Okay, so you say that you got home at 1:50 to 1:55.  
DS: That's correct.  
RH: P.M. on Wednesday the 25th.  
DS: That's correct.  
RH: You went inside the building and you thought you heard the door open and shut real fast, at Jennifer's apartment?  
DS: Yes, I did. I know I heard it open and close ah because its such we're in such a small area there that you know who's door is whose and, ah...  
RH: Sure. Okay. You went inside your apartment to change to go to the pool, which you say took approximately 5 to 10 minutes?  
DS: That's correct.  
RH: And during that time that you were changing someone left ah the apartment in the apartment building.  
DS: Yes sir.  
RH: So that someone that would have left would have been between 1:55 and 2:10.  
DS: That's correct.  
RH: Okay. Once you uh changed to go to the pool uh and left your apartment, what time was that?  
DS: That was probably about, I don't know, probably about 2:05, 2:08, something like that.  
RH: Okay, when you went down to the parking lot did you observe any vehicles in the parking lot at that time?

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that day?

DS: Ah, yeah, actually, um, when I left to go to the pool, ah, nobody had their air conditioning on.

RH: This would have been at 2:05?

DS: That's correct, 2:05, 2:08, I left to go to the pool, um, and I drove our blue station wagon, or actually my girlfriend's blue station wagon to the pool cuz she was still at class. Um, I came back uh I would say on or about 4:30, quarter till 5 because my girlfriend had to work at about 5:00. Um...

RH: Did you observe any vehicles in the parking lot at 4:30 or 5:00?

DS: No, um, I didn't, to be honest with you I didn't really pay that much attention.

RH: Okay, when you left, do you know specifically of any apartments that the air conditioning was on.

DS: No, um, none of them had em on that day.

RH: Okay, when you returned you said it was what time?

DS: It was probably about uh 4:30 quarter till 5:00 on Wednesday uh the 25th of August.

RH: Did you observe any air conditioning on at that time?

DS: Uh, at that time, no. Because I was I drove in and parked. Um, I didn't stay home probably about uh til about 5:15 then I decided to go back to the pool. Um, I didn't have a ride so I uh I walked and and that's the time when I came out of the apartment and went walking towards the pool and then I noticed that the window air conditioner to apartment [redacted] was on.

RH: Could the air conditioner have been on when you returned at 4:30 or quarter till 5?

DS: Ah, it certainly could've. I know that when I came back in, ah, the stereo was turned off and it was replaced by ah the TV. It was the TV, the TV was turned on.

RH: Okay, when you left, or when I'm sorry, when you returned from the pool at 4:30 or quarter till 5, was the stereo on or the TV on?

DS: The stereo was off and the TV was on.

RH: Okay, backing up at 2:05 or 2:08 when you left to go to the

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APPENDIX 003302

tag that Redbird Apartment Management had hung on the door was still on the door.

RH: What time did you go downstairs?

DS: Oh, it was probably about 10:00, 10:15.

RH: This would have been Saturday, August 28?

DS: That's correct.

RH: Do you recall if there was a stereo or TV on at that time?

DS: Yes, the tv was still on.

RH: Do you recall any vehicles in the parking lot at that time?

DS: Ah, Jennifer's car, the two gals that lived down underneath [REDACTED] their car was there and that's about all that I ah that I remember ah besides our blue station, or excuse me, my girlfriend's blue station wagon, ah, but I'm not certain that Ryan's car was there and I'm not certain that his girlfriend's truck was there either.

RH: After you went downstairs, what did you do?

DS: Ah, opened the front door to the vestibule there and just, just trying to see what kinda day it was gonna be, if it was gonna be real hot or whatnot and just turned around and went back up the stairs.

RH: Okay. Were you there ah at the time that the police officers were uh notified that, of Jennifer's death.

DS: Ah, no I wasn't. Uhh. myself, my girlfriend, her two sisters and her parents, uh we were all out to eat that afternoon.

RH: Okay. What time did you return?

DS: Oh boy, we returned, probably, 2:30, ah, is my best guess.

RH: When was the last time that you seen Jennifer?

DS: Last time that I saw Jennifer was probably, Monday the 23rd or possibly Tuesday the 24th.

RH: And what time would that have been?

DS: It would have been in the afternoon.

RH: Ah, do you know what time in the afternoon?

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~~C2392~~

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APPENDIX 003303

DS: Yes sir that's correct.

TD: You were in your apartment and you saw her leave?

DS: No, ah, she was walking towards the apartment complex.

TD: Oh, coming back to the apartment complex.

DS: Yes sir.

TD: Okay, so Monday and Tuesday you have classes up till 1:50 is that right?

DS: That's correct.

TD: Okay. I want to clear up the position, directions where these cars are usually parked. If you're standing in your driveway facing your building, you are facing north, is that correct?

DS: That's correct.

TD: So then the driveway is on the south side of the building?

DS: That's correct.

TD: And you have ah doors leading to the vestibule to that apartment building?

DS: We have one door.

TD: And what side of the building is that door on?

DS: That is on the south side.

TD: Are there any doors exiting the common hallway on the north side?

DS: Yes, ah there is a door on the lower level and there is also a door on the ah second level.

TD: Okay, calling your attention back to Wednesday when you had, when you came home from class and you heard the music up loud and then, ah, you heard the door to her apartment slam shut, you stated you went into your apartment and then you heard footsteps leave leaving her apartment. Is that correct?

DS: That's correct.

TD: Could you tell from the footsteps what door those footsteps exited from?

DS: Yes, ah they went out the south door.

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AB002452

APPENDIX 003304



ILLINOIS STATE POLICE  
Division of Forensic Services & Identification

Jim Edgar  
Governor

January 3, 1994

Terrance W. Gainer  
Director

Detective Tim Freesmeyer  
Normal Police Department  
100 East Phoenix  
Normal, Illinois 61761

Agency #C93-4033  
B.C.S.S. #G93-1590-9-1  
Laboratory #P93-2654

OFFENSE: Death Investigation  
SUSPECT(S): Alan Wayne Beaman  
VICTIM(S): Jennifer Lynne Lockmiller

On August 30, 1993, the following evidence was received from CST Dean Kennedy of the Bureau of Crime Scene Services at the Morton Laboratory.

EXHIBIT    ITEM SUBMITTED

- #23        One (1) Sony clock radio
- #41        Inked fingerprint and palmprint cards marked Jennifer L. Lockmiller
- #42        Inked fingerprint card marked Jennifer Lynne Lockmiller
- #43        One (1) pair of scissors

On September 8, 1993, the following evidence was received from Detective Dave Warner:

EXHIBIT    ITEM SUBMITTED

- #46        One (1) garbage bag
- #47        Inked fingerprint and palmprint cards marked Michael J. Swaine

On October 13, 1993, the following evidence was received from Detective Dave Warner.

EXHIBIT    ITEM SUBMITTED

- #49        Inked fingerprint and palmprint cards marked Alan Wayne Beaman

Continued . . . . .

Bureau of Forensic Sciences  
Forensic Science Laboratory  
1810 South Main • Morton, IL 61550-2983 • (309) 263-7491  
1 (800) 255-3323 (TDD)

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Normal Police Department  
January 3, 1994

Laboratory #P93-2654  
Page #2

On October 14, 1993, the following evidence was received from Forensic Scientist Patricia A. Orr at the Morton Laboratory.

EXHIBIT    ITEM SUBMITTED

#25A        One (1) belt

On October 29, 1993, the following evidence was received from Detective Dave Warner.

EXHIBIT    ITEM SUBMITTED

#50        One (1) garbage can

On November 3, 1993, the following evidence was received from the Southern Illinois Forensic Science Centre via U. S. Registered Mail # R 737 658 752 at the Morton Laboratory.

EXHIBIT    ITEM SUBMITTED

#45        Electrical cord

On November 15, 1993, the following evidence was received from Evidence Locker #18 at the Morton Laboratory.

EXHIBIT    ITEM SUBMITTED

#13        One (1) red shoe

On November 15, 1993, the following evidence was received from Forensic Scientist Patricia A. Orr at the Morton Laboratory.

EXHIBIT    ITEM SUBMITTED

#40        One (1) red shoe

On November 17, 1993, the following evidence was received from CST Dean Kennedy of the Bureau of Crime Scene Services at the Morton Laboratory.

EXHIBIT    ITEM SUBMITTED

#54        Inked fingerprint card marked CST Dean Kennedy

EXAMINATION AND RESULTS

Examination of Exhibit #13 revealed one (1) latent impression suitable for comparison. Comparison revealed that the suitable latent impression was made by the person whose inked fingerprints appear on the card marked CST Dean Kennedy.

Continued . . . . .

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Normal Police Department  
January 3, 1994

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Page #3

EXAMINATION AND RESULTS (Continued)

Examination of Exhibit #23 revealed latent impressions suitable for comparison. Comparison revealed that two (2) of the suitable latent impressions were made by the person whose inked fingerprints appear on the card marked Alan Wayne Beaman. Comparison revealed that four (4) of the suitable latent impressions were made by the person whose inked fingerprints appear on the card marked Michael J. Swaine. Comparison of the one (1) remaining suitable latent impression to the submitted inked fingerprints and palmprints of the above listed subjects did not reveal an identification; however, legible inked fingerprints, including the extreme tip, side and lower joint areas, and inked palmprints, showing clear and complete ridge detail, are needed for a conclusive comparison.

Examination of Exhibit #46 revealed latent impressions suitable for comparison. Comparison revealed that five (5) of the suitable latent impressions were made by the person whose inked fingerprints appear on the cards marked Jennifer Lynne Lockmiller. Comparison of the two (2) remaining suitable latent impressions to the submitted inked fingerprint and palmprint cards marked Michael J. Swaine did not reveal any identifications. Comparison of the two (2) remaining suitable latent impressions to the submitted inked fingerprint and palmprint cards marked Jennifer Lynne Lockmiller and Alan Wayne Beaman did not reveal any identifications; however, legible inked fingerprints, including the extreme tip and side areas, and inked palmprints, showing clear and complete ridge detail, are needed for a conclusive comparison.

Examination of Exhibit #50 revealed one (1) latent impression suitable for comparison. Comparison revealed that the suitable latent impression was made by the person whose inked fingerprints appear on the card marked Michael J. Swaine.

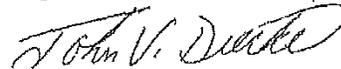
Examination of Exhibits #25A, #40, #43 and #45 revealed no latent impressions suitable for comparison.

EVIDENCE DISPOSITION

The above evidence will be retained in our evidence vault and should be picked up within 30 days.

Photographic copies of the suitable latent impressions will be retained on file at the Morton Forensic Science Laboratory in the event additional inked fingerprints and palmprints, including those for elimination purposes, become available.

Respectfully submitted,



John V. Dierker  
Forensic Scientist

JVD:i

cc: CST Dean Kennedy  
McLean County State's Attorney's Office

C10617 ~~2143~~

C 162  
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AB000162

APPENDIX 003307



Plaintiff's Exhibit No. 67.1

C10776

APPENDIX 003308



Plaintiff's Exhibit No. 68

C10778

APPENDIX 003309

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

ALAN BEAMAN )  
 Plaintiff, )  
 -vs- ) No. 10-CV-1019  
 JAMES SOUK, et al., )  
 Defendants. )

The videotaped deposition of MICHAEL SWAINE, called for examination pursuant to Notice and the Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before Sandra Eberle, a notary public within and for the County of Cook and State of Illinois, at 357 East Chicago Avenue, Chicago, Illinois, on the 22nd day of March, 2013, commencing at the hour of 10:19 a.m. and concluding at 4:06 p.m.

Reported by: Sandra Eberle, RPR, CRR  
 License No.: 084-003229

C10780 1

McCorkle Litigation Services, Inc.  
 Chicago, Illinois (312) 263-0052

Plaintiff's Exhibit No. 69

APPENDIX 003310

1           Before they had broken up, I don't  
2 remember. I mean, she might not have wanted him to  
3 know either because they were going out. Does that  
4 make sense?

5 BY MR. SHAPIRO:

6           Q. Yeah. And during the time that you were  
7 going out -- strike that.

8           During the time that Alan and Jennifer  
9 were going out, safe to say you didn't want him to  
10 know then either, right?

11          A. Correct.

12          Q. Okay. Okay. We had earlier discussed a  
13 little bit the incident when you were with Jennifer  
14 in her apartment and Alan barged in.

15                 What do you recall about that occasion?

16          A. I remember that -- do you want me to tell  
17 you starting with when he approached the door?

18          Q. No. I'd like you to start at the point  
19 when you made plans to go to Jennifer's apartment  
20 on that evening.

21          A. Okay. That night I wanted to see Jennifer  
22 so I faked a phone call. I pretended I was talking  
23 on the phone with friends and told Alan I was going  
24 to go see some friends that had come into town.

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1 Q. Let me stop you just for a moment and then  
2 we -- when you say that you faked a phone call, can  
3 you explain to me what you did, how you faked it?

4 A. Sure. I don't remember exactly where we  
5 were and what we did. But I assume that he was  
6 outside and he came in and I pretended to be on the  
7 phone saying, okay, yeah, I'll try and borrow his  
8 car right now and come over and hung up on a  
9 nonexistent phone person.

10 Q. You were speaking to a dial tone?

11 A. Right, right. And I said, oh, some of my  
12 friends are in town; can I borrow your car to go  
13 see them, thinking that he would let me borrow his  
14 car and keep on hanging out with the friends and I  
15 would go see Jennifer.

16 Q. At the point that you made the phone call  
17 as a pretext to going to see Jennifer, did you know  
18 that she wanted you to come over?

19 A. I think I did but I'm not sure. She had  
20 been over earlier that night, I believe. Even  
21 though they were broken up, she would still hang  
22 out with us. I believe at that point more to see  
23 me than to see her ex-boyfriend.

24 And I believe she went home, and we had

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1 the understanding that I would try and go over.

2 Q. Okay. So you do the fake phone call and  
3 then you ask Alan to borrow his car under the  
4 pretext of going to see the friends that you  
5 purported to have spoken to on the phone, right?

6 A. Correct.

7 Q. What time was it that you faked the phone  
8 call?

9 A. I think it was late. I don't remember.  
10 But in my testimony, it said it was like 2:00  
11 o'clock in the morning.

12 So obviously they had appeared in town at  
13 2:00 a.m., so I assume that Alan would have been a  
14 little suspicious.

15 Q. It would have been rational of him to be  
16 suspicious?

17 MS. BARTON: Objection to form.

18 MR. DiCIANNI: I'll join.

19 THE WITNESS: I mean, because of all -- I don't  
20 know how he would have felt but obviously he was  
21 because -- he was suspicious because he came and  
22 found us. It wasn't -- it wasn't an implausible  
23 situation but it wasn't totally plausible either.

24

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Chicago, Illinois (312) 263-0052

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APPENDIX 003313

1           A.    I hoped that we would kiss and I don't  
2 know -- I mean, I hoped that I would continue the  
3 relationship with her. I was -- I wanted to kiss  
4 her and see where things went from there.

5           Q.    So would it be fair to say that when you  
6 went to her apartment on that night, you considered  
7 it at least a possibility you would have sex with  
8 her?

9           A.    Sure.

10          Q.    Okay. And once you arrived at Jennifer's  
11 apartment, what happened between the two of you?

12          A.    We talked for I don't know how long and  
13 then apparently -- and I don't remember this. But  
14 apparently we engaged -- we had oral sex. She  
15 performed oral sex on me.

16                   And after that, I'm not sure if we just  
17 stopped independently or if we were stopped because  
18 Alan arrived at the door.

19          Q.    Did you recall telling the police that at  
20 the time Alan arrived, you and Jen were going into  
21 the bedroom and you had just kissed her?

22          A.    I don't remember telling them about that,  
23 but if it's in the record, I assume that's what  
24 happened. I had a better recollection at that

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1 point.

2 Q. So putting together your recollection just  
3 now with what you told the police, is it fair to  
4 say that you had had oral sex with her and you were  
5 kissing and going into the bedroom; does that sound  
6 right?

7 A. Sounds like it would have been the logical  
8 progression of things. Like I said, I don't  
9 remember if it actually happened that way but it  
10 seems like it would happen that way.

11 Q. Okay. Anything else you can recall that  
12 we haven't discussed about that incident at  
13 Jennifer's apartment prior to Alan's arrival?

14 A. No.

15 Q. What happens when Alan shows up?

16 A. Alan showed up and started banging on the  
17 door. I immediately panicked because I didn't want  
18 him to know that I was there. I didn't know what  
19 he was going to do. I just didn't want to be in  
20 that situation.

21 So I went and hid in the closet and  
22 Jennifer went to the door and told him to go away.  
23 And I didn't hear -- I heard what happened. I  
24 didn't see what happened.

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1           But I heard him break the door in somehow  
2 and pretty much stormed through the apartment  
3 saying where is he.

4           He did open the closet and didn't see me  
5 and stormed out of the apartment again, thinking, I  
6 believe, he said that did he go out the window. So  
7 he thought I had snuck out the window.

8           Q.   Okay. Let's try to break that down a  
9 little bit step by step.

10           At the point when you first heard Alan  
11 outside the door, were you fully clothed?

12           A.   I believe -- I don't know. I don't know.  
13 Yeah, I don't know.

14           Q.   Was Jennifer, if you recall?

15           A.   As far as I know, she was, but I'm not  
16 sure.

17           Q.   Do you recall any kind of a rush between  
18 the two of you to put on your clothes when, you  
19 know, you first heard Alan outside the door?

20           A.   I don't remember, but I remember that  
21 there was an immediate panic and I would have -- if  
22 I was in any form of undress, I would have rapidly  
23 clothed myself and tried to either escape or hide.

24           Q.   At the point that you ran into the closet,  
79

1 Q. You don't have any specific recollection  
2 of being scared for your physical safety; is that a  
3 fair statement?

4 MS. BARTON: Objection.

5 THE WITNESS: Yes.

6 BY MR. SHAPIRO:

7 Q. Do you have a specific recollection of  
8 being scared of shame or social disapprobation if  
9 you were discovered?

10 A. No specific recollection of that. Just a  
11 fear of everything, any possibility of what could  
12 happen.

13 Q. So fair to say that you experienced this  
14 as a traumatizing situation but don't recall it  
15 being a situation in which you were scared for your  
16 physical well-being?

17 A. Correct.

18 Q. You said that it was hard to maintain a  
19 sense of time which I can understand.

20 Did you have any recollection of how long  
21 it was before Alan calmed down?

22 A. I don't. But by that time we drove home,  
23 he was calm.

24 Q. Well, prior to your driving home, Kris

85

1 with Alan.

2 Q. When you left the apartment with Kris  
3 Perry, you were walking?

4 A. Yes.

5 Q. Kris Perry was walking the same direction  
6 as you for a time?

7 A. I believe so. I don't have a recollection  
8 of it. We would walk out so it was the same door  
9 that we walked out, yes.

10 Q. At the time that Alan drove up, were you  
11 with Kris Perry still?

12 A. I believe I was. I don't remember if he  
13 drove up or if he walked up. I don't remember if I  
14 started walking home and he picked me up on the  
15 way.

16 For some reason in my recollection, I  
17 remember him picking me up on a street on the way  
18 home which would mean I probably said I want to  
19 walk home and cool off or just sort of breathe.  
20 And then Alan pulled up and said get in; I'll give  
21 you a ride home. And he was calm so I did. But  
22 I'm not positive of that.

23 Q. Did you view that as a magnanimous thing  
24 on Alan's part, to offer you a ride after a

89

1 situation with a fair amount of friction between  
2 the two of you?

3 A. You mean a charitable thing?

4 Q. Yeah.

5 A. I thought it was nice, yeah. I thought it  
6 was good that he did that. Yeah, I -- I probably  
7 was surprised that he wasn't mad at me and was mad  
8 at Jennifer or was upset with Jennifer instead of  
9 me. I mean, he was upset with me, I'm sure, but he  
10 didn't blame me for the situation.

11 Q. Was it your perception that he was able to  
12 manage his anger with you and Jennifer during the  
13 time that he was giving you a ride home?

14 MS. BARTON: Objection to form.

15 THE WITNESS: As we were going home, he was  
16 emotional, but he was managing his anger, yes.

17 BY MR. SHAPIRO:

18 Q. Is there anything else that you can recall  
19 about the entire series of events surrounding the  
20 evening when Alan barged in on you and Jennifer  
21 that we haven't discussed yet?

22 A. Not that I can recall.

23 Q. Let me direct you to a portion of your  
24 trial testimony just to refresh your recollection

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1 to be an additional page. Let's not -- that  
2 shouldn't be in the exhibit. Take that off.

3 Let's take this piece by piece. The first  
4 page which is marked AB 703, Exhibit 6, indicates  
5 that it's September 1st, 1993?

6 A. Yes.

7 Q. And the third page, AB 705, indicates a  
8 September 2nd date?

9 A. Oh, okay, right.

10 Q. And the fifth page, AB 707, toward the  
11 bottom of the page indicates a September 7th date,  
12 right?

13 A. I see that.

14 Q. So fair to say that Exhibit 6 is a  
15 transcript of the phone overhears on the 1st, 2nd  
16 and 7th of September, 19 --

17 A. Yes.

18 Q. Let me direct your attention to Page 4 of  
19 the exhibit which is a portion of the transcript  
20 relating to the September 2nd, 1993 overhear.

21 Do you see the part where you're speaking  
22 and it begins this is Mike Swaine?

23 A. Uh-huh, yes.

24 Q. This is Mike Swaine. I'm sorry. I'm just  
180

1 a wreck and I just -- I just really need to talk to  
2 somebody and I don't know who else to talk to  
3 because I can't say anything. Do you know if he's  
4 okay?

5 Did I read that right?

6 A. Yes.

7 Q. So part of what you're doing here is  
8 you're inquiring whether Alan is okay, right?

9 A. Yes.

10 Q. And part of what you're doing is putting  
11 yourself forward as an emotional wreck who needs  
12 someone to talk to, right?

13 A. Yes.

14 Q. And so was part of the strategy or the  
15 goal in contacting Alan to sort of put yourself  
16 forth as an emotional wreck in order to get him  
17 talking?

18 A. Yeah, it seems like it.

19 Q. Because, you know, being -- being a  
20 college kid at the time, you wouldn't just decide  
21 to present yourself as an emotional wreck in this  
22 conversation unless you had been given some sort of  
23 instruction, right?

24 MS. BARTON: Objection to foundation, calls for  
181

1 thought it would be helpful to speak with Alan and  
2 they thought by overhearing our conversation, that  
3 they would accomplish that.

4 So we did it twice and in person and  
5 that's when it actually happened.

6 BY MR. SHAPIRO:

7 Q. You hadn't been successful in getting  
8 through to Alan on the phone?

9 A. No.

10 Q. In part, because others would pick up the  
11 phone, wouldn't let you talk to him, right?

12 A. Correct. They wouldn't -- out of -- they  
13 probably had their lawyer tell him not to talk to  
14 anybody.

15 Q. So was part of the reason for approaching  
16 him in person to cut through those who on the phone  
17 were preventing you from talking to him?

18 MS. BARTON: Objection to form and foundation.

19 MR. DiCIANNI: Join.

20 THE WITNESS: I would say it was just -- the  
21 purpose of doing that was to talk with him and it  
22 wasn't because they failed. They did fail.

23 But the purpose of me doing the in-person  
24 overhears was to just talk with him and see if he

185

1 said anything incriminating. I don't remember it  
2 being -- that the phone over -- the failure of the  
3 phone overhears was the reason for that. It could  
4 have been. I don't remember that at all.

5 BY MR. SHAPIRO:

6 Q. You don't recall any particular reason why  
7 attempts at phone overhears were discontinued and  
8 attempts at in-person overhears commenced?

9 MS. BARTON: Objection to form.

10 THE WITNESS: I remember the reason for that.  
11 He was in Rockford for the phone interviews and he  
12 was in Bloomington when we did the in-person  
13 interviews. So he was there. I didn't need to  
14 call him. I could walk up to his room or walk over  
15 to where he was. It was proximity in my opinion.

16 BY MR. SHAPIRO:

17 Q. Okay. All right. Well, let's talk about  
18 the in-person overhears.

19 You recall there were two of them?

20 A. I do.

21 Q. Do you recall any discussions you had with  
22 any police or prosecutor prior or subsequent to  
23 either of those in-person overhears?

24 A. I don't remember planning sessions but I

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FEMALE VOICE: OKAY.  
 MIKE: OKAY, THANK YOU.  
 FEMALE VOICE: YEA.  
 MIKE: THANKS.  
 FEMALE VOICE: BYE.  
 MIKE: BYE.

(PHONE CALL ENDS)

TIM: THE DATE IS NOW THURSDAY, SEPTEMBER 2ND, 1993. IT'S 11:28 AM. WE'RE BACK AT THE NORMAL POLICE DEPARTMENT, THIS IS A COURT ORDERED OVERHEAR PURSUANT TO CASE NUMBER C93-4033. FOR VOICE IDENTIFICATION, MY NAME IS DETECTIVE TIM FREESMEYER OF THE NORMAL POLICE DEPARTMENT, WOULD YOU STATE YOUR NAME PLEASE?

MIKE: MY NAME IS MICHAEL SWAINE.

TIM: AND YOUR DATE OF BIRTH?

MIKE: 5/4/73.

TIM: OKAY, MIKE ARE YOU AWARE THAT YOUR VOICE IS GOING TO BE RECORDED?

MIKE: YES.

TIM: AND HAVE YOU CONSENTED TO THAT RECORDING?

MIKE: YES.

TIM: OKAY, WE'LL NOW BE HOOKING UP THE TAPE. THE NUMBER TO BE CALLED IS AREA CODE (815)962-6540. THE RESIDENCE OF ALAN BEAMAN.

(DIALING SEQUENCE)

OLDER MALE: HELLO?

MIKE: HELLO, IS ALAN THERE?

OLDER MALE: UH, NO. HE'S HERE BUT HE'S ASLEEP.

3

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AB000705

APPENDIX 003324

MIKE: OKAY. UM, WELL...

OLDER MALE: WHO'S CALLING?

MIKE: THIS IS MIKE SWAINE AGAIN. I'M SORRY, THEY TOLD ME I  
COULDN'T CALL BUT I JUST DIDN'T, I'M JUST REAL....

OLDER MALE: WHO'S THIS?

MIKE: THIS IS MIKE SWAINE. I'M SORRY, I'M JUST A WRECK AND I JUST,  
REALLY NEEDED TO TALK TO SOMEBODY AND I DON'T KNOW WHO  
ELSE TO TALK TO BECAUSE I CAN'T SAY ANYTHING. DO YOU KNOW  
IF HE'S OKAY?

OLDER MALE: WHO? UH ..ALAN?

MIKE: ALAN.

OLDER MALE: YEA, HE'S OKAY.

MIKE: OKAY. OH, IS IT OKAY...

OLDER MALE: YOU SAY, MIKE SWAINE?

MIKE: YEA.

OLDER MALE: OKAY.

MIKE: I LIVED WITH HIM THIS SUMMER.

OLDER MALE: WHAT DID YOU SAY?

MIKE: I LIVED WITH HIM THIS SUMMER.

OLDER MALE: OKAY, I'LL TELL HIM UH, THAT UH, THAT YOU CALLED.

MIKE: OKAY, IT'S JUST....

OLDER MALE: AND UH, UH, WE'RE KEEPING A RECORD OF CALLS, BUT..

MIKE: OKAY, THAT'S FINE.

OLDER MALE: HE, HE WORKS AT NIGHT.

MIKE: OH.

OLDER MALE: HE WORKS ALL NIGHT SO HE'S ASLEEP.

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AB000706

APPENDIX 003325

MIKE: DOES HE WANT ME TO CALL AT...DOES HE WANT ME TO CALL HIM BACK OR SOMETHING?

OLDER MALE: WELL, IT'S UP TO YOU.

MIKE: OKAY.

OLDER MALE: BUT UH, HE DOESN'T GET UP UNTIL ABOUT 9:00 TONIGHT.

MIKE: CAN HE CALL ME BACK?

OLDER MALE: NO, UH.

MIKE: OKAY, I GUESS HE CAN'T CALL OUT. OKAY. WELL, JUST TELL HIM..

OLDER MALE: I'LL TELL HIM THAT YOU CALLED.

MIKE: THANK YOU.

OLDER MALE: OKAY.

MIKE: OKAY.

OLDER MALE: OKAY, BYE, BYE.

MIKE: BYE.

(PHONE CALL ENDS)

TIM: AFTER UNSUCCESSFULLY BEING ABLE TO MAKE CONTACT WITH ALAN BEAMAN, WE'LL CONCLUDE THIS PHONE CALL. IT'S NOW APPROXIMATELY 11:34 PM. THURSDAY, SEPTEMBER 2ND. THIS WILL CONCLUDE THIS SESSION FOR THE COURT ORDERED OVERHEAR.

TIM: TODAY'S DATE IS TUESDAY, SEPTEMBER 7TH, IT'S APPROXIMATELY 8:00 PM. THIS WILL BE A COURT ORDERED OVERHEAR PURSUANT TO CASE NUMBER C93-4033. FOR VOICE IDENTIFICATION, MY NAME IS DETECTIVE TIM FREESMEYER OF THE NORMAL POLICE DEPARTMENT, WOULD YOU STATE YOUR NAME PLEASE?

MIKE: MICHAEL SWAINE.

TIM: WOULD, COULD YOU GIVE YOUR DATE OF BIRTH?

MIKE: 5/4/73.

TIM: ARE YOU AWARE THAT YOUR VOICE IS GOING TO BE RECORDED?

5

*2676*  
C11057

C 697

(596)

AB000707

APPENDIX 003326

MIKE: YES.

TIM: AND HAVE YOU CONSENTED TO THAT RECORDING?

MIKE: YES I HAVE.

TIM: OKAY. THE NUMBER TO BE CALLED IS 566-2677. IT'S WALLIS HALL ON ILLINOIS WESLEYAN UNIVERSITY CAMPUS. WE'LL BE ATTEMPTING TO MAKE CONTACT WITH AN ALAN BEAMAN.

(DIALING SEQUENCE)

MIKE: HE MIGHT NOT HAVE AN ANSWERING MACHINE.

TIM: IT'S PROBABLY STILL WITH YOUR STUFF AT THE THEATRE.

(PHONE CALL ENDS WITH NO CONNECTION)

(DIALING SEQUENCE)

(PHONE CALL ENDS WITH NO CONNECTION)

(DIALING SEQUENCE)

(PHONE CALL ENDS WITH NO CONNECTION)

(DIALING SEQUENCE)

(PHONE CALL ENDS WITH NO CONNECTION)

TIM: THE TIME IS NOW 8:38. AFTER THREE UNSUCCESSFUL ATTEMPTS, WE WILL CLOSE THIS SESSION FOR THE COURT ORDERED OVERHEAR.

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C 698

(597)

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Today is September the 8th, 1993, we are in McLean County Illinois. This will be a state authorized, consensual, in person over hear, reference a NPD homicide investigation

Tech: Would you state your name please?

Mike: Michael J. Swaine

Tech: Mike, are you aware that your conversation will be recorded and monitored?

Mike: Yes I am.

Tech: And do you indeed give your consent to these recordings?

Mike: Yes

Tech: Ok, the time now is approximately 9:51 p.m. This state authorized over hear will now commence.

Mike: Is it clear?

Tech: Mike, when you get out there, hold on just for a second and I will have Tim yell at you

Mike: Ok

Mike: I'm going inside.

Alan: Hey man

Mike: What's up? What drop is that?

Alan: Oh Jesus, I don't fuckin know.

Mike: We have that one don't we?

Alan: You've got that one, it's these ...

Mike: Small ones

Alan: Side pieces and the middle piece, this is just fucked up.

Mike: I'm sorry dude.

Alan: Do you want to do this?

Mike: It's like 10:00, we're getting ready to leave over across the street and I just was going crazy, I'm sorry.

Alan: No that is alright, I can use a break anyway. Maybe we can go outside.

Mike: Take a smoke or something? I could use one too. Hey that's mine. Thanks dude.

Mike: Are you ok man?

Alan: I'm hanging in there.

Mike: I wish just someone would tell me what is going on, cause, I don't know, I'm just going crazy. I talked to the counselor, a counselor tonight at 5:00, gotta light?

1

C 381

~~e36~~ (281)

C11060

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APPENDIX 003328

Alan: yep

Mike: Thanks.

Alan: Dude, I don't know shit, that's the problem.

Mike: I talked to Ron yesterday, after pro, he was a cool guy.

Alan: yeh, he is.

Mike: I'm talking to some lady, um, Mary Horgan, she's cool but I don't know, I just, I pretty much sit there and go "I don't know what is going on, I wish you'd, someone would tell me something, why can't anybody". I don't know.

Alan: Nobody can man.

Mike: I am just going crazy and I try to keep myself busy and ...

Alan: Yeh, that's what I am tryin to do, I been kind of board,

Mike: Yeh? What did you do all day?

Alan: Fucked around, sat around, waited to go to this class, that class, you know, it was like I had a class and then I had like an hour and then I had another class and then an hour and then another class. Fucked up.

Mike: Do you know your stuff is in the uh .....

Alan: Yeh, I know, I'll get it one of these days.

Mike: You left a lot of stuff. I just threw it all in a bag in your trunk thing.

Alan: That's cool.

Mike: Yeh. So you don't know anything that is happening?

Alan: They haven't talked to me in a while.

Mike: I got back into town, they haven't talked to me in along time either. I got back into town and they questioned me like two nights in a row and then my mom was like, "get a lawyer" and I was like "shit, why, I didn't do anything."

Alan: Yeh, get one, you need one, did you get one?

Mike: Yeh, I have one but I mean, I don't know

Alan: Dude, the reason you have a lawyer during this is so they can't pull shit on you and make you say shit that is not true.

Mike: But, I mean, there is nothing that I, I mean I told them about the drugs and everything.

Alan: I know, but they will ask you shit about, you know, an interrogation, it's like, they will say something, they will reword it, they will reword it again, then they will reword it again, and they will twist everything you say into something else. You know, they are not there to get the truth, when they are questioning you they are there to bust you.

Mike: But I want them....

Alan: Move on to the next guy.

Mike: But if they know the truth, but if they know the truth, I mean, if I told them everything...

Alan: They don't know shit, that is why they're bugging us.

Mike: Why didn't you go to the funeral dude?

Alan: I'm the last person her parents would want to see.

Mike: Really? They are really nice, I talked to them.

Alan: They are nice people, but then, if I was there, her brothers would have been on me like that. (Alan snaps his fingers)

Mike: I think I met Bubba.

Alan: Bubba's a cock.

Mike: I don't know.

Alan: Bubba used to handcuff her, tie her to curtains or to the shower rod....

Mike: What?

Alan: Put a gag in her mouth, take pictures of her and shit, (inaudible)...

Mike: Why did she tell you that?

Alan: Huh?

Mike: Why did she tell you that? I really miss her a lot, you know how much I, do you know how much I liked her?

Alan: Yeh, my whole problem with the whole thing is that I can't even, you know, give a shit. Sometimes even crying.

Mike: Why not, I've done it like everyday.

Alan: Oh, I did, I did, believe me, but, at this stage it's just like, I don't know, pick up the pieces and move on, she's in a better place.

Mike: Yeh, but there is no rea..., she shouldn't be there.

Alan: Why?

Mike: Because she was, so you think she should have been murdered?

Alan: No I don't think she should have been murdered but there is nothing you can do about that man, Mike, remember .....

Mike: I should have just stayed in town.

Alan: Remember, no, no, cause then you would have been in town when it happened and then you would have been...

Mike: I could have protected her..

Alan: No, no, Mike, number one, it's not your fault. It could have happened the next night if you had been there, or the night before, or this week, or next week.

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Mike: No, but, what if it happened that week that I was gone, it was just someone who came and did it and fucking left, and if I was there they would never have been there.

Alan: Maybe, but what are you, what can you do about it Mike?

Mike: I can just torture myself, I don't know.

Alan: What's the fucking point in that?

Mike: Nothing.

Alan: Alright, you've been torturing yourself every since all that shit went down in July, you know or actually it was like, June I guess, I mean what the fuck? It's not worth it anymore, you can't do anything about it.

Mike: It was June 11th

Alan: Yeh. You can't dig her up and put her back, bring her back to life. You can't, you know, you can't do any of that. All you gotta do is pick up the pieces and what's, you know, I mean, why the fuck do you think I'm even talking to you Mike?

Mike: Dude, I know, I lied to you about that night too, I did sleep with her.

Alan: Yeh, I knew that.

Mike: How did you know that?

Alan: Dude, that pussy never tasted the same again?

Mike: What?

Alan: Her pussy never tasted the same again.

Mike: I never tasted it.

Alan: It was good.

Mike: I really miss her alot.

Alan: They walked in on you while you two were going at it didn't they?

Mike: No.

Alan: Oh.

Mike: No, we did it in the Sigma Chi House.

Alan: Ah, See, it's things like that that make me not grieve about her.

Mike: Why?

Alan: Why? Because she fucked me over.

Mike: Dude, she told me about the miscarriage and everything, you fucked her over.

Alan: Like I even knew, like I even had a clue.

Mike: She told me she told you and you just blew it off. She went, I'm glad she went, she went back to Meredith and made up with her, which is cool.

Alan: Dude, I didn't know what to think after all that, all I know is I got dragged through the mud for ten months and then she died.

Mike: Then why didn't you break up with her?

Alan: I don't know.

Mike: She told me all through July that she didn't want, she told me all through that time, I was going over there to talk to her I wasn't doing anything with her, I was talking to her because she kept saying to me that she couldn't deal with it and she didn't want to keep going out with you. I'm gonna burn this cigarette out, I'm not even paying attention. I am sorry dude, I feel bad about lying to you too, I'm just sick of lies.

Alan: I was too.

Mike: What?

Alan: That's why I walked away from it all and said "fuck it". And, I was still thinking "fuck it" when I heard.

Mike: Dude, Morgan told me...

Alan: And all I could think was "fuck it".

Mike: Morgan told me you talked to her on Monday though.

Alan: She called me.

Mike: What did she say?

Alan: She was trying to crawl back to me and I said, "I don't love you"...

Mike: Dude....

Alan: And I hung up.

Mike: Dude, she was happy with me.

Alan: All I know is she was on the phone talking to me saying, "don't you think we could get back together some day" and I said, "no, I don't love you" and I hung up, is the last thing I ever said to her.

Mike: Then how come I can't get over her now?

Alan: Cause you were with her, you loved her and she loved you at the time that it happened.

Mike: I didn't love her.

Alan: Well, whatever.

Mike: I told her that I didn't want a relationship with her.

Alan: I'm serious man, you gotta do this one solo, I did, You got to. You know, you gotta just fuckin buckle down, find something to do to grasp your sanity for just a few days until you can say "fuck it". You know I loved you or I cared about you or I liked you, you know, and ...

Mike: And your dead.

Alan: And your dead, so I gotta go on.

~~365~~

Mike: But it is different than "fuck it", "you fucked me over", "I gotta go on".

Alan: It is different, but it's, it's just, you know, it's not there. You can't think about it, you can't touch it, you can't grasp it. And if there is a better place, God knows she is there, cause she fucking went through hell in her life. She was never going to be happy man.

Mike: But she was.

Alan: No she wasn't!

Mike: She was so happy with me, she told her parents this, she told Morgan that she told Heidi this, and she told me this.

Alan: She told everybody that the first month I was going out with her too.

Mike: But then why would she do, why would she call you? You want me to wait over here dude?

He is coming back we will talk more.

Alan: It's just too much for me to be able to deal with so I just said "fuck it, I can't deal with it so I am not going to". I just walked away from it. Dude, she is better off than you are.

Mike: But I didn't get murdered, that's the big thing, I mean if she would have died...

Alan: Ok, you didn't get murdered. Are you that afraid of death?

Mike: No, I am not at all afraid of death right now.

Alan: Then can you imagine that it would be that horrible for her to be dead? Is there a God Mike?

Mike: I think so.

Alan: Alright then.

Mike: But why would he let something like this happen? Why would he let someone do this?

Alan: You can't, you can't stop em and you can't let em, there is no, you know..

Mike: Let who?

Alan: It just happens. Shit happens and shit happens to you, it happens to me, it happened to Jen all her fucking life. No matter what you did, her parents were gonna still beat her up.

Mike: What do you mean?

Alan: No matter what, forget about it.

Mike: What do you mean? Dude, I've had to deal with knowing so little ....

Alan: Her parents used to beat her up all the fucking time when she was a little kid, all through high school. For awhile they didn't while she was in the hospital, they felt bad, but they were slapping her around while she was dating me, "cause she was a tramp" they said, and they were hitting her.

Mike: But Phil told me about the wild sex that he, you'd described to him that

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you had, I never had it with her. We'd watch movies and play pool and, she'd come in the, she would sneak into our apartment when she would go to the bathroom and kiss me good night.

Alan: Yeh.

Mike: And I felt shitty the whole time during that to you but, I can't even be around you anymore without thinking of her and feeling shitty.

Alan: Same here.

Mike: You can't be around yourself anymore?

Alan: I can't be around you.

Mike: I know.

Alan: And the only reason I don't feel shitty at all is cause she was just, you know, she was fucking you.

Mike: But she wasn't.

Alan: Ok, but sneaking into the apartment to kiss you good night. I saw you two passing notes and shit, I knew.

Mike: Dude, we weren't passing notes, she gave me like three notes.

Alan: Well, she would squeeze your hand, I always thought you were passing notes, but, I don't know.

Mike: We were passing hugs and warm feelings and assurances.

Alan: Well that's good, I am glad you could do that, I wish you could have done it without me there.

Mike: I am sorry, no I am not really, because I cared about her and I wouldn't take that back. I really wouldn't take anything back this summer except the fact that she is dead. And if me not being involved with her at all this summer could have helped her at all I wouldn't have done it. I wouldn't have talked to her at all.

Alan: Dude, that wouldn't have helped. At least she was happy for the last month of her life. If you say she was, then she was, you know. For one brief shiny moment she was actually happy, she was never happy with me.

Mike: But you said for the first month she was happy?

Alan: For the first month, for the first month, while it was just sex and fun.

Mike: Then why didn't you break up? Why didn't she break up with you or why did you break up with her?

Alan: Because, it was a contest dude, it was ammo, it was like "who's gonna do, who's gonna, who's gonna screw who over first, I am not going to be the one, she is going to be the one", but she was saying the same thing about me.

Mike: But you...

Alan: And when she did, she had to lie about it so we stayed together.

Mike: That's wrong; you did it with Meredith, dude.

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APPENDIX 003334

Alan: I didn't fuck Meredith.

Mike: She was pregnant with your baby, she had a miscarriage.

Alan: Dude, I didn't know she was pregnant, I didn't know about the miscarriage.

Mike: I don't know, I don't even remember if she told me about that.

Alan: She was acting like a total royal bitch and I didn't know why, ok? Alright, if I had known she was pregnant, that would have been cool, but she didn't tell me. If I had known about the miscarriage, that would have been cool, but she didn't tell me. So I didn't know, so I tried to run away from somebody that I thought was just being a bitch, ok? I'm sorry if that makes me the bad guy, you know, I know, I know she and I put each other through alot of hell, alright, but that has nothing to do with it anymore, you know, it was over before her life was.

Mike: Dude this isn't going to be over for me until I read in the paper who did it.

Alan: Somebody's been captured. That will be a nice relief for me too, it really will, but I don't think they are going to find anybody.

Mike: Why?

Alan: Because it has been two weeks and they still haven't. What if it was some fucking nut that just happened by?

Mike: She wouldn't let some fucking nut in though, she kept, I told them when they questioned me that they, she kept her doors locked the whole time, when I would leave for work, I'd lock the doors.

Alan: So what if it was the one day that she didn't lock the door?

Mike: I don't know.

Alan: What if it was, It could have been, you know, somebody she knew, it could have been a drug connection.

Mike: Dude she didn't ...

Alan: Who knows?

Mike: But she didn't buy any drugs anymore. She didn't, she drank with me, I was trying to help her with that.

Alan: So was I, didn't do any good.

Mike: Dude, you were drinking with her though. I didn't, I haven't drank since I came to pick you up in Rockford.

Alan: You weren't around from the first.

Mike: But why did you give up?

Alan: Why did I give up? Cause she took everything out of me and squished it.

Mike: Then..

Alan: You don't understand it, I'm a hollow fucking shell, alright. I have been for ten months, stay out of it, I got nothing!

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Mike: What do I have?

Alan: I got no heart, I got no soul, I got no mind.

Mike: When you started to see it all go why didn't you just say "fuck it" and leave her?

Alan: Because the one fucking thing I do have left, is pride!

Mike: And so you didn't want to say good bye? I am sorry.

Alan: I wasn't going to be the one to do it, she was.

Mike: Dude...

Alan: And she was, so I walked away.

Mike: Dude, you didn't walk away easy.

Alan: Dude, I wasn't going to stand by and watch the shit go on while I was still living with you.

Mike: You did it for two months. Listen I gotta sit down I am sorry. She, I don't even remember what I was going to say, remember that fight you had with her?

Alan: Which one?

Mike: The one at Don's, the one that I saw?

Alan: Oh, hey man, she started it.

Mike: I saw the first part of it, dude she didn't start shit!

Alan: Dude, she was laying there on the ground, and I walked up to see what was wrong. I was asking her "what's wrong, what's wrong?" she, and the first thing she said to me was, "how much farther do I have to spread my legs to make you happy, baby". Dude, that woman dug into me with every fucking ounce of sharp, silver she had, every single time she could, and I still love her. And the only solace I can possibly find is that she is in a better place and I gotta pick up the pieces and go on.

Mike: Why is that solace if she's .....

Alan: If you can't do, If you care about her at all, do what she would want you to do which is fucking move on and get a grasp on your reality and make something of yourself, and be proud to have known her for a little while.  
...

Mike: Dude, that's really easy to say and hard to do, I have cried...

Alan: You don't know the half of it. It's really easy to say "I want to forgive you" and it's really easy to say that "I want to be your friend again"...

Mike: You want to forgive me?

Alan: And I am trying damn hard.

Mike: Why would you...

Alan: If you don't think I am doing a good enough job you don't have to be around me, you know, I understand that.

Mike: Dude, I am not going to, I'm probably not going to be, I don't know, I will try and. Dude, throughout the whole thing you said it wasn't my fault and it was hers, and now I feel shitty.

Alan: At this point, it's 50/50 man.

Mike: You know that I never trusted her, do you know that?

Alan: I never did.

Mike: I feel so guilty for not, I don't know, I figured if she did it to you, she would do it to me too.

Alan: She would have, she did it to Bubba, she did it to John Bon, she did it to every single guy she's ever gone out with..

Mike: She didn't do it to John Bon, did she?

Alan: Fuck yeh.

Mike: With who? Then she just lied to me.

Alan: Yeh, she lied to you. She lied to me, she lied to you, she lied to Bubba, she lied to her parents, she lied to everybody she knew because she, she wasn't even lying, she didn't know. She probably couldn't even remember half the time she slept with guys. She would get wasted at a party and go home with somebody.

Mike: You think that is what this was?

Alan: Yeh, I think that's what it was. She got wasted, I wasn't there, she was horny, you were there.

Mike: I wasn't there though, I was in Elmhurst the whole week.

Alan: I am talking about you and her getting started.

Mike: Dude, it didn't start then, it started the week before.

Alan: I don't fucking know.

Mike: What?

Alan: I don't when it started. It seems to me it started at the beginning of the summer. Neither of you may have known it, but, I saw it.

Mike: May have known what, that we were starting?

Alan: Uh-huh.

Mike: Do you got another cig, could I have another cigarette dude? I will buy you a pack sometime, I am sorry.

Alan: Mike, chill out ok?

Mike: That is what she always said, you gotta stop saying you are sorry.

Alan: Well do it.

Mike: Do what, stop?

Alan: Mike she's gone, you are still here. Pray real hard, go to bed, and move

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APPENDIX 003337

on with your life. Man, I know it is hard to do and easy to say....

Mike: I can't do it right now.

Alan: Ok, maybe you can't do it right now, but if it is what you aspire to.

Mike: If I aspire to it? I don't aspire to anything now, I could care less if I lived or died. I just want this to be resolved. I'll be, I won't be happy then, I will be satisfied, I don't even know, I don't know if I will be satisfied.

Alan: Nobody is ever satisfied, what's up Bo?

Mike: Who is that?

Alan: Friends of mine.

Josh: Hey guys.

Mike: Hey Josh, what's up?

(Alan and Josh are having a conversation about going out that night)

Mike: I am sorry man, I am throwing alot of this shit off on you. I just, I don't know, I just, when I talked to your parents twice last week when I called and I was like, I don't know, I was just, I needed to talk to somebody cause nobody was talking to me here and I had counselors appointments but they in the future. And I don't know why your parents wouldn't let me talk to you?

Alan: I couldn't talk to anyone.

Mike: But why, I mean, I took the pol, I didn't think that either and I talked to my lawyer and he said "take the polygraph test" and I did and I am clear. And like you said you had an alibi, I had an alibi all week, I was with people all week and. But why couldn't you talk to anybody? I mean I wanted to talk to you, me?

Alan: If I'd been talking to you, I would have just chewed you out and hung up on you.

Mike: Why?

Alan: Why?

Mike: You were broken up with her.

Alan: It doesn't matter.

Mike: Why, dude, you know you suggested that I stay with her.

Alan: I know, that didn't mean I had to be around it.

Mike: You weren't.

Alan: I know.

Mike: But I mean, But that doesn't tell me why you couldn't fucking talk to me and I was going crazy, I, I don't even know what I was thinking. I was here with my mom and I was chewing at my mom, and telling her about sex and drugs that I haven't had before May.

Alan: At that point there was nobody there. There was nobody inside my head.

Mike: Why?

Alan: Why?

Mike: I didn't sleep for a week, what, no, I just started eating on Monday, and when I saw you I almost stopped eating, cause you were just, I don't know, I thought you would be effected a little bit more than that if you were, if you were in love with her.

Alan: I'm just doing what she would want, you know, doing what she would want.

Mike: Dude, she wanted you to find someone else.

Alan: That wasn't very clear. Every time I even looked at another chick she freaked.

Mike: Not after she broke up.

Alan: Yeh, and after ten months of raking me over the coals about other chicks like I am even going to look at another chick right after she breaks up with me. Jesus Christ man, you know she actually had me trained good?

Mike: Why did you let her train you?

Alan: Powerful woman man, she would have trained you too. Ten times worse.

Mike: I told her that I wanted to stop seeing her when school started.

Alan: That is why she was calling back, she told me about that.

Mike: Did she? When, since you talked to her Monday?

Alan: That Monday, she said "Mike told me 'he doesn't want to talk to me anymore". I was like, "ha, he fucked her and doesn't want to talk to her anymore."

Mike: I didn't say I didn't want to talk to her.

Alan: Well, that is what she said, so....

Mike: How could you love her and laugh at her like that, how could you love her and say, I was hurt when you said "This is ammunition".

Alan: She was on my memory, and she still makes me laugh, she still makes me cry, she still makes me hurt, she still makes me feel, she still makes me hungry. She is still inside me, and always will be, and I know what she would want me to do and that is pick up the pieces, rebuild all the bridges that got torn down in all that bullshit, just go on with my life and I will never forget, never forget, remember, remember her, the way you saw her happiest.

Mike: I can make her happy. I almost said that when you, uh...

Alan: (Deep sigh)

Mike: What?

Alan: Nobody can make anybody happy, you gotta find it for yourself. Nobody can make anybody happy.

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Mike: Dude, you said she made you feel happy?

Alan: You don't understand.

Mike: I don't understand anything. That is why I am trying to sort things out and talk to you and talk to Mary Horrigan and

Alan: I am telling you man, I just can't tell you, you know, it's not, it's something so unspoken and so just, I just felt for her.

Mike: But she made you feel?

Alan: Yeh, she made me feel. She pulled me out of a bottle, and I sobered up, and I pulled her out of a bottle of pills.

Mike: For what?

Alan: All for not I guess.

Mike: No, I mean, for, what were her pills for?

Alan: Dude, she was writing prescriptions for herself and going to the stores and picking up high intense grade speed. She got caught for it twice, she was in a shit load of trouble when I met her, and I stood by her.

Mike: How could she get straight A's and do that?

Alan: Because, grades were her life. You tried to tell her that somebody that gets an A is not necessarily smarter than somebody that gets a B, she'd kill you.

Mike: She wouldn't have done anything to me.

Alan: Oh, when I tried to tell her that she uh, ripped me half, literally. (Inaudible mumbling)

Mike: My stuff is still there.

Alan: My bike is still there.

Mike: Your what? Your fan is there.

Alan: My fan? Which fan?

Mike: The dual head fan.

Alan: Oh (inaudible mumbling)

Mike: I just can't go on without knowing and one of the reasons I almost called you was just to say, "did you do this", cause that is the only thing that made sense to me.....

Alan: No, I didn't.

Mike: "I fucked over Alan so he's fucking around with me".

Alan: No, I didn't do it.

Mike: That is good to hear. So nothing, none of this is effecting you?

Alan: Yeh it is man, are you crying?

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Mike: No I am not going to cry in front of you now, I feel fine now, I am fine when I am talking to people. But as soon as I get alone I go to my room and see a picture that I have of her and me....

Alan: Throw the picture away.

Mike: I don't want to throw it away.

Alan: Well then keep it and remember and smile when you see it instead of fucking crying.

Mike: I do, I cry happy tears. Did Boner tell you about the funeral?

Alan: That would have been an uncomfortable situation at best, I'm sure.

Mike: You just said, But you didn't even want to go?

Alan: I wanted to go, I wanted desperately to go, but I couldn't go, the U.S. legal system denied me that privilege.

Mike: That's bullshit, they can't deny you anything. You said you had a lawyer, you didn't need to tell them anything.

Alan: Who do you think was her parent's number one suspect?

Mike: Her parents talked to me and said that you were disturbed and said that they didn't know who did it.

Alan: Who do you think, who do you think were her parents number one suspect, give me a fucking break.

Mike: I don't know.

Alan: Me.

Mike: I don't know.

Alan: It was me. I was their number one suspect. If I had shown up at the funeral her brothers would have beat the shit out of me.

(Alan is talking to someone else)

Mike: I will leave you alone, I am sorry, longer break than you expected to take. I can't feel anymore for anybody, I felt like I was on valium all day yesterday in class.

Alan: I'm the same as you, I'm feeling better.

Mike: You do, why, sometimes it can be better and then I feel, then I go home and I feel shitty, cause I don't know what to think, so many thoughts are racing through my head.

Alan: My number one rule since I heard has been "stay stoned".

Mike: Why, my number one rule is don't drink, don't do drugs, even though Jen would say "do them, they are fucking fun", wouldn't she?

Alan: Yeh, she would.

Mike: Mother fucker.

Alan: Maybe she wouldn't say that now.

Mike: Why wouldn't she say that now? She's partyin with Jim Morrison.

Alan: Yeh, down in South America.

Mike: Why in South America?

Alan: That's where everybody goes when they're dead.

Mike: I am going to South American right now then.

Alan: No you are not, if you kill yourself, I will kill myself.

Mike: That is another thing, don't ....

Alan: If you kill yourself, I will kill myself.

Mike: Dude,..

Alan: Mike!

Mike: You are not going to do that, why would you do that?

Alan: Because I give too much of a fuck about you.

Mike: Don't care about me, I wasn't talking about suicide. I was talking about going to South American on a plane and visiting her.

Alan: Don't do it. You got pieces to pick up, you got a responsibility.

Mike: Dude, you know what broke me up last week the most? Was that Perry told me that Jen told her once that Jen came to him and said "I am fucking freaked out because Alan said he was going to kill me and kill himself" and that just freaked me out you sayin that I am sorry.

Alan: I never said that.

Mike: That is what Perry told me I don't know anything ...

Alan: Perry's full of a lot of shit too.

Mike: ..what's a lie or what.

Alan: I told her if she killed herself I would do it too.

Mike: She wasn't going to do it.

(Alan and Mike are talking to Kurt.)

Mike: Dude, I'm going to go home I think.

Alan: Are you sure?

Mike: Yes, I'm sorry. I'll talk to you some other time, I don't...

Alan: Mike..

Mike: I've hugged so many people lately Alan, I can't, I am sorry.

Alan: Alright.

Mike: I have been getting sick about it, people are giving me so much, I mean, it is nice to be comforted to an extent, but I am just like "fucking back

off". I am sorry dude.

Alan: I understand. Don't let go.

Mike: I'll be ok, I'll be fine, I will. I will probably talk to you again sometime, I'll say, "Alan, I'm going crazy, help me."

Alan: I want you to come to me alright?

Mike: That's fine.

Alan: Alright.

Mike: If you want to talk to me, your welcome to.

Alan: I will.

Mike: O.K.

Alan: Dude, take care.

Mike: Thanks man, take care of yourself, I feel bad for not saying those words to her, I know it's bullshit but.

Alan: It's alright.

Mike: Thank's man, take it easy.

Alan: Don't do anything stupid.

Mike: What?

Alan: Don't do anything stupid.

Mike: I'm not going to.

Alan: Alright.

Pause

Mike: I'm going to go back to my apartment. I'll stop by Walgreens on the way, I will meet you there.

Mike: He said he was going to go back there and lock up. If you want to stay there for awhile until he leaves you can do that or I will be back at my apartment and you can just pull in the drive way or go to Walgreens and I will meet you there. Just so you don't drive away and look suspicious or something.

(Mike is singing, now he is whistling.)

Mike: I'll give you some music relief, I could use something. Singing, praying, the truth. Ugh. I hate cigarettes.

(Mike is whistling.)

Tech: Good job Mike.

Mike: Thanks.

16

C 396

~~376~~

(294C)

C11075

AB000397

APPENDIX 003343

Tech: The time is approximately 10:43 p.m., we turned the nagra recorder off,  
there will be no further conversations on this tape.

17

C 397

~~C 377~~

(294D)

C11076

AB000398

APPENDIX 003344

Tech: Today is September the 15th, 1993. We are in McLean County, Illinois. This will be a State authorized consensual in person overhear reference NPD Case No. 93, Correction, C93-4033.

Tech: Would you state your name please?

Mike: Michael Swaine.

Tech: Mike, are you aware that your conversation will be recorded and monitored?

Mike: Yes I am.

Tech: And do you indeed give your consent to these recordings?

Mike: Yes

Tech: The time now is approximately 7:02 p.m., this state authorized overhear will now commence.

(A car stereo is heard in the background as Mike is driven to the IWU campus)

(Mike knocks on the front door to Wallis Hall)

(Mike is talking to other people as he enters Wallis Hall.)

(Mike is heard knocking on Alan Beaman's door)

Alan: Who is it?

Mike: Swaine.

Alan: Hey dude, come in.

Mike: Hey what's up?

Alan: Don't worry man.

Mike: Hey boys and girls, what's up?

Unknown: Is he cool?

Alan: Yea. Hell yea.

Unknown: Ok, cool.

1

C 398

C11078

~~2378~~

295

AB000399

APPENDIX 003345

Alan: Swainer.

Mike: How you doing? Yea, we've met.

Wes: I'm Wes.

Mike: Hey Wes, How ya doing?

Alan: We're gonna top the when we swooped it. (???)

Mike: That's cool, I don't want any. Dude, can I talk to you sometime tonight?

Alan: Huh?

Mike: Can I talk to you sometime tonight? I just..

Alan: Sure, what's up?

Mike: Nothing really, it's just, I don't know, my thoughts in my head.

Alan: Well lets go out on the porch for a bit.

Mike: Ok, I am sorry dude.

Alan: That's alright, I mean I, we are planning on going out, but..

Mike: Ok, that's fine.

Alan: But I mean, I can come out for a bit.

Mike: I was supposed to go on a walk with Kurt but I just was..

Alan: Yeh.

Mike: ..like I don't want to deal with that. Yeh, well...

Unknown: What's going on?

Alan: We'll be back in a bit.

Unknown: That's cool.

Alan: Or at least I will, I don't know.

2

C 399

Q 379

(296)

C11079

AB000400

APPENDIX 003346

Mike: Sounds good from what I heard from outside, which wasn't much. Where did you get the hat man?

Unknown: My grandma made it.

Mike: Really?

Unknown: Isn't it bitch?

Mike: That's cool. It's fucking freezing, eh?

Alan: It's not too bad dude.

Mike: I was going to wear my, I almost broke out my leather jacket for today.

Alan: You should have man.

Mike: I don't know, I am sorry to come by now, it's just, we're trying ..

Alan: No, it's alright, what's up man?

Mike: I don't know, I just still don't know anything that is going on and it gets, it gets better and worse.

Alan: I know.

Mike: And it just pisses me off.

Alan: You gotta light? No you don't.

Mike: I don't. Sorry Alan.

Alan: Oh well.

Mike: I just keep hearing things, like, I don't know. I just keep hearing who everybody thinks that did it, and it pisses me off. And I don't know,..

Alan: Yea, just.

Mike: But you know who was..?

Alan: Huh?

Mike: I said, "you know who they think did it?"

3

C 400

C11080

~~0380~~

(297)

AB000401

APPENDIX 003347

Alan: No.

Mike: You.

Alan: Like who?

Mike: A lot of, I don't want to say names, but I, just people go "do you think Alan did it?" I'm like, "I don't know."

Alan: I don't know man, it's just like, I mean even the cops are totally clueless.

Mike: I don't know.

Alan: I mean their, their..

Mike: I haven't talked to them in a week.

Alan: Dude, dude, they got, people, they're asking people to come in and take lie detectors, they think, then their talking to Carbone, they are talking to JC....

Mike: But why don't, but if they pay for it why don't, have you taken one yet?

Alan: Huh?

Mike: Have you taken one yet?

Alan: They haven't asked me to, they never did ask me to.

Mike: It's weird, that should be the first thing that they ask you, cause that is what they said to me, like, right away.

Alan: Yeh, well, you were, I mean you were there, so ...

Mike: Yeh.

Alan: It's different, you know what I mean?

Mike: I guess.

Alan: I mean, they come and found me in Rockford, and..

Mike: Well they came to Elmhurst to my door too.

Alan: Oh, did they?

4

C 401

~~e-381~~

29B

AB000402

C11081

APPENDIX 003348

Mike: Yeh, but I had left, I had left that day.

Alan: Oh, and then when you got to the apartment to pick up your stuff, it was like....

Mike: I was going to stay there for a couple more days but I still don't have my stuff, and I don't know. It just pisses me off, did you get to talk to her at all?

Alan: Talk to Jen?

Mike: Yeh.

Alan: She called me, Monday.

Mike: Yeh, Morgan told me about that.

Alan: And I was just like, "I don't want to talk to you", you know.

Mike: You just talked to her for like a minute?

Alan: Yeh.

Mike: I don't know, I wish she was here, I talked to the counselor tonight.

Alan: yeh.

Mike: Again, which just pisses me off, and then I'd say, I mean I said that "either you or her are telling me lies".

Alan: Dude, all I know is what she told me and I don't know, it's just like...

Mike: She didn't tell you she was going out with anybody that week? She told me that Bubba was coming into town that, on the weekend, but that was the one after, that was supposedly after.

Alan: Yeh, well she just, all, see all I know is that she called me and she was just like "don't you think, you know, you still love me, bla bla bla bla bla, Swaine doesn't want to see me anymore..." you know, and I am like, you know, I mean what the fuck were you thinking Mi..., you know, and, and, and, I don't want to talk to you click, you know, and then I didn't hear from her again and then the next thing I knew was Saturday night.

Mike: You said you have an alibi right? I'm sorry.

Alan: Yeh, dude it is totally solid.

5

C 402

~~C 382~~

(299)

C11082

AB000403

APPENDIX 003349

Mike: What did you, what were you, what were you..?

Alan: I was out with Carbone Wednesday night, I was at a party every night that week, Carbone and I went to that party Wednesday night, and I have been at work every night.

Mike: But then in the day you had to work right?

Alan: I have been at work every night. I work from like 2 in the morning, 1 in the morning, you know, sometime around there until usually 9 or 10 in the morning.

Mike: Well you said you had a, I don't know, I just wish, I don't know, I wish, cause I know, I know that people have been talking about you and I just haven't said anything. But, why don't you go to the police and just tell them everything that, cause I mean ...

Alan: I told them everything I know, I mean..

Mike: Then say "give me a lie detector test and then you can wipe me off of your list" and that will be fucking it.

Alan: But see they can't even wipe you off their list with a lie detector test

Mike: Cause that's what they did for me. But they did, they did, for me.

Alan: They pretty much wiped me off the list too now. They haven't even bothered to talk to me or anything since then. I mean it is like, you know, my alibi checks out, they don't need to worry about it.

Mike: They'll worry about it, I think they'll. I mean, I had an alibi too and someone said that they saw my car in her driveway on Wednesday and I had to take two lie detector tests to prove that I wasn't there.

Alan: Well see, nobody has said anything about me, so.

Mike: Yeh, I don't, I don't know who, I don't even know who talked to the police. I know like, me and Katie and just people who are around here and they called everybody from the summer company.

Alan: Yeh, I don't know, people are talking about me. I don't really fucking care, you know, fuck them, I mean, it's just like ...

Mike: Dude, how did you get over her, her so, you were like a wreck when you left?

Alan: I was a wreck when I left, and then I got to Rockford and numbed it all.

6

C 403

~~2383~~

300

C11083

AB000404

APPENDIX 003350

Mike: And numbed it all?

Alan: Numbed it all. I said "fuck it".

Mike: You should have done that a long time ago.

Alan: Yeh, I should have done it in June.

Mike: Why didn't you?

Alan: I didn't know certain things.

Mike: Like what?

Alan: I didn't know, you know. A lot of things I didn't know until you told me last week.

Mike: There is nothing to tell really.

Alan: I know, but.....

Mike: I wasn't carrying on a relationship with her, I wasn't going to.

Alan: Yeh, I know that, but it is just like,...

Mike: I wa...., I, right now though.

Alan: That, that doesn't even matter, man, all that shit is behind, you know, It's just like "fuck that".

Mike: But dude that's, none of that is behind, I don't want there to be future right now, I just want her back.

Alan: You are not going to be able to get that man.

Mike: I know, but then I want whoever did it to be gone.

Alan: That would be a good start.

Mike: That is why I got mad because, I don't know, I assumed they talked to Bubba, because I have told them everything about, I didn't know much about him, I didn't even know his real name.

Alan: Neither do I.

7

C 404

~~C 384~~

(301)

C11084

AB000405

APPENDIX 003351

Mike: She told me his real name.

Alan: Oh.

Mike: But I forget it, she had it written down, I am sure, but I don't know. And alot of things that you said about her and me upset me because, because I read a note yesterday from Kris, that she sent to Kris Perry that said that, she was finally happy. And it was a wonderful letter, it was so, I almost cried when I read it. But it would have been happiness just because it said this was the best time of her life because she got a new belief in God, her faith in God was reaffirmed, she was happy with life again, she got out of a bad relationship, and you know it was a bad relationship for the both of you.

Alan: Yeh.

Mike: And she got into a better one, and she thought she was finally finding love.

Alan: She would have gone just as crazy on you in two months.

Mike: I don't buy it.

Alan: She said she was just as happy as she could ever be after she started going out with me. After she broke up with a bad relationship with Bubba man.

Mike: That doesn't mean that she would have been the same with me, but that might not have been a bad relationship.

Alan: Ok, well it might not have been a bad relationship but you say there wasn't a relationship, so..

Mike: What with me?

Alan: yeh.

Mike: There wasn't really, we both defined it as not having a relationship.

Alan: Yeh, it was just kind of...

Mike: I cared about her and I had the most fun with her that I have had in a long time, this has been the best summer of my life until about a month ago.

Alan: Yeh

Mike: I don't know.

~~385~~

302

C11085

AB000406

Alan: I don't know what to say man, all I know is, I can't wear black.

Mike: What do you mean? Oh, to mourn, I am not wearing black either.

Alan: You know what I mean, I mean it's just like, it's, it's just like ...

Mike: But this, this didn't effect you at all?

Alan: Yes it does, it did, I don't know if it does anymore.

Mike: Are you still seeing Ron?

Alan: Huh?

Mike: Are you still seeing Ron?

Alan: No, I haven't seen Ron since I was in Rockford, but...

Mike: You saw him in Rockford?

Alan: No, I didn't see him in Rockford.

Mike: Oh.

Alan: I haven't seen Ron since I left for Rockford.

Mike: And you are totally Ok?

Alan: Dude, I'm freaked out, ok? I am, but it's just like, she wasn't mine, she didn't love me, she wasn't mine....

Mike: But you said that she did?

Alan: I am just walking away. Dude, if she fucked you in the Sig Chi basement on June 11...

Mike: Not in the basement.

Alan: ....she didn't love me.

Mike: That is bullshit, cause she fucked you after that.

Alan: She didn't love me any more.

Mike: But, but she, then if she..

C11086

~~4386~~

(303)

Alan: If she fucked you, she didn't love me.

Mike: Dude, don't leave.

Alan: Don't try to tell me shit that is not true. I'll leave.

Mike: Alan, you said that she called you and said "I love you, I need you back" Dude, I am not gonna be able ....

Alan: She was bullshitting me and she was just looking for something to do while you were gone.

Mike: Dude...

Mike: He just got mad and went away. If you want me to go back in and try it again, honk three times, if not, I will go back to Walgreens.

Mike: How ya doing.

(A car stereo can be heard while Mike is driven back to the Normal Police Department.)

Tech: The time now is approximately 7:41 p.m., we will be turning the nagra recorder off, there will be no further conversation on this tape.

10

C 407

C387  
C11087

(304)

AB000408

APPENDIX 003354



# GENETIC TECHNOLOGIES, INC.

Forensic DNA / Serology / Relatedness Testing ©

Plaintiff's Exhibit No. 74

## FORENSIC REPORT 2 FP3025

Agency: Jason Wood  
Normal Police Department  
100 E. Phoenix  
Normal, Illinois 61761

Authorized by: Jason Wood

Shipped Via:  
In Person

Date:  
7/6/2011  
11:45 AM

Received by:  
Stephanie Beine

K2 – Blood stain card, reference standard from Alan Beaman<sup>1</sup>.

K3 – Blood stain card, reference standard from Michael Swaine<sup>1</sup>.

K4 – Blood stain card, reference standard from Stacey Gates<sup>1</sup>.

K5 – Oral swab, reference standard from Jennifer Lockmiller<sup>1</sup>.

Shipped Via:  
In Person

Date:  
2/2/2012  
1:00 PM

Received by:  
Jami K. Hamian

K7 – Buccal swabs, reference standard from Larbi John Murray<sup>1</sup>.

Shipped Via:  
In Person

Date:  
8/16/2012  
12:47 PM

Received by:  
Stephanie Beine

Q8 – One BPB sealed with CT labeled in part "200808888, Ex #15, box with cord from clock." Bag contains one yellow and white box sealed with RET, BET, PET, YET and CT. Box bears a hand drawing of the configuration of the cord and knot(s). Box contains two pieces of black cord. One piece has two cut ends and measures approximately 34 inches in length. Both cut ends are covered with CT. One end is labeled in part "end attached to clock radio cut at scene." Second piece of black cord has one cut end and one male-plug end and measures approximately 40 inches in length. Since no knots remain for reference, the entire length of both sides of both pieces of cord was swabbed in an attempt to recover DNA. (One moistened swab and one dry swab for each piece - total of four swabs)

<sup>1</sup> Genetic profiles obtained by Genetic Technologies, Inc and reported on June 5, 2012.

Email: [info@geneticttechnologies.com](mailto:info@geneticttechnologies.com)

Web Site: [www.geneticttechnologies.com](http://www.geneticttechnologies.com)

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C11089

P.O. Box 242  
Glencoe, MO 63038-0242  
Toll Free: (877) 451-4363  
Fax: (636) 451-5317

GTI Case #: FP30

**Q8A** – One manila envelope sealed with CT labeled in part "200808888, ISP# 93-2654:45B, swabbings from pieces of cord." Envelope contains one manila envelope sealed with BET labeled in part "P93-2654 #45B, swabbings from pieces of cord." Envelope contains one CPB containing four microcentrifuge tubes each containing one swab head. All swab heads bear gray/brown colored staining. Tubes are labeled P93-2654 45B (I, II, III and IV) respectively.

**Q8B** – Four swabs from ISP combined with four swabs from GTI extracted together into one sample. (Four tubes - two swab tips in each tube concentrated down to one tube)<sup>ii</sup>

**Q9** – One BPB sealed with C, labeled in part "200808888, Ex # 92 & 43, red plastic handled scissors recovered from victim." Bag contains one BPB sealed with RET, BET and CT labeled in part "P93-2654 Ex. 43, red plastic handled scissors removed from victim's chest at autopsy." Bag contains one pair of red plastic handled scissors. Scissors measure approximately 8.5 inches in length with the handles measuring approximately 3.5 inches and the blades measuring approximately 5 inches. Base of blades and part of handles closest to blades bear red/brown colored staining. These areas were avoided during swabbing. Portions of handles not bearing visible staining were swabbed in an attempt to recover DNA. (One moistened swab followed by one dry swab - total two).

**Q9A** – One manila envelope sealed with CT, labeled in part "200808888 ISP#P93-2654:43A, swabbing from handle of scissors." Envelope contains one manila envelope sealed with BET labeled in part "P93-2654 #43A, swabbings from plastic handles of scissors." Envelope contains one CPB containing four microcentrifuge tubes each containing one swab head. All swab heads bear dark gray colored staining. Tubes are labeled P93-2654 43A (I, II, III and IV) respectively.

**Q9B** – Four swabs from ISP combined with two swabs from GTI extracted together into one sample. (Three tubes - two swab tips in each tube concentrated into one)<sup>ii</sup>

**Q10** – One BPB sealed with CT labeled in part "200808888, Ex #79, Jean shorts removed from victim at autopsy." Bag contains one BPB (original packaging of item) and one pair of denim shorts. Shorts are "Lee" brand, size, "16 REG" and bear multiple areas of staining of various sizes, colors and intensity.

**Q10AA** – Swabs of fly area of shorts focusing on snap, zipper and fabric immediately surrounding each. (One moistened swab followed by one dry swab - total two)<sup>ii</sup>

**Q10AB** – Swabs of exterior sides of shorts at the waist and hips. (One moistened swab followed by one dry swab - total two)<sup>ii</sup>

**Q11** – One BPB sealed with CT labeled in part "200808888, Ex #100, Belt (no evidence tag attached)." Bag contains one brown leather faux braided belt with gold in color buckle. Belt is 32 inches in length. Belt appears to have been processed for latent prints.

**Q11A** – One white small drip-like stain located on the buckle end of the belt. Swabbed in an attempt to recover DNA.<sup>ii</sup>

GTI Case #: FP3025

**Q11B** – Swabs of remainder of buckle end of belt, approximately 4", (minus white stain), buckle and approximately 6" of opposite end of belt with holes. (One moistened swab followed by one dry swab - total two)<sup>ii</sup>

**Q12** – One manila envelope sealed with CT, labeled in part "200808888, Ex.#88, Underpants removed from victim at autopsy." Envelope contains one BFB (original packaging of item) and one pair of women's beige colored underwear. Underwear are "Maidenform" brand, size "5" and bear yellow/brown staining in the crotch section. The wearer's right side has been cut / torn open.

**Q12B** – Swabs of waistband of underpants (interior and exterior of band). (One moistened swab followed by one dry swab - total two)<sup>ii</sup>

**Q12C** – Swabs of leg openings of underpants (interior and exterior). (One moistened swab followed by one dry swab - total two)<sup>ii</sup>

**Q12O** – One light yellow/brown colored stain located on the interior crotch section extending onto the interior front panel.

#### Serology Results:

No seminal fluid was detected on Item Q12, stain O, underpants.

A presumptive test for the presence of semen was negative on items Q10 (26 stains), Q11 (one stain) and Q12 (18 stains).

#### DNA Results:

DNA extracts of Item Q8B, Q9B, Q10AA, Q10AB, Q11A, Q11B, Q12B and Q12C were amplified by Polymerase Chain Reaction and analysis of fifteen<sup>2</sup> and seventeen<sup>3</sup> STR systems was performed.

The genetic profiles obtained from these samples are listed in the Summary of Observed Alleles charts.

No reportable Y-STR genetic information was obtained from Item Q9B, swabs from scissors.

<sup>2</sup> Applied Biosystems AmpFISTR® Identifier® (D3S1358, vWA, FGA, D8S1179, D21S11, D18S51, D5S818, D13S317, D7S820, TPOX, TH01, D16S539, CSF1PO, D2S1338, D19S433 plus Amelogenin)

<sup>3</sup> Applied Biosystems AmpFISTR® Y-File® (DYS456, DYS389I, DYS390, DYS389II, DYS458, DYS19, DYS385, DYS393, DYS391, DYS439, DYS635, DYS392, Y-GATA H4, DYS437, DYS438 and DYS448).

GTI Case #: FP30

**Summary of Observed Alleles: Identifier**

System	FP3025 Q08B	FP3025 Q09B	FP3025 Q10AA	FP3025 Q10AB	FP3025 Q11A	FP3025 Q11B
D8S1179	12,13,14,15	13,14	12,13,14	10,11,12,13,14	NR	12,13
D21S11	28,29,31,2	28,29	28,29,30,31	27,28,29	27*	29*
D7S820	9*	NR	9,10	9,10	NR	9,10
CSF1PO	NR	NR	10*	10,13	NR	10,13
D3S1358	14,17,18	14,17	13,14,15,17	14,15,17,18	15*	14,16,17,18
TH01	7,9,9.3	7,9	7,9,9.3	7,9,9.3	NR	6,9.3
D13S317	11,13	11*	11,12,13	10,11,12,13	NR	11,12
D16S539	11,13	NR	10,11,13	11,13	NR	NR
D2S1338	17*	NR	NR	20*	NR	NR
D19S433	13	13	13,14,15,>17.2	13,14,15,>17.2	NR	13,14,15,>17.2
vWA	15,18	15,18	15,16,18	15,16,17,18	16*	15*
TPOX	8	NR	8,11	8	NR	NR
D18S51	15*	NR	NR	16,17	NR	NR
Amel.	X,PA	X	X,Y	X,Y	NR	X,Y
D5S818	12,13	12,13	11,12,13	11,12,13	NR	11*
FGA	20*	NR	20,21	20*	NR	NR

System	FP3025 Q12B	FP3025 Q12C	FP3025 K2	FP3025 K3	FP3025 K4	FP3025 K6	FP3025 K7
D8S1179	12,13,14	12,13,14	13	11,14	12,14	13,14	13,15
D21S11	28,29,30,2	28,29	29,31	29,31	29,32,2	28,29	29,32,2
D7S820	9	9,11	8,9	11,12	10	9	10,11
CSF1PO	10*	13*	10,12	11,12	11,13	10,13	12,13
D3S1358	14,15,17	14,17	15,17	15,17	15,18	14,17	14
TH01	7,9,9.3	7,9	9.3	9.3	6,9	7,9	6,9
D13S317	11,12,13	11,13	11,13	11,12	11	11,13	8,11
D16S539	10,11,13	9,10,11,13	11	9,11	11	11,13	9,12
D2S1338	20*	20*	23,25	17,20	18,24	20	18,25
D19S433	13	13,15	14	13,15,2	14	13	13,13,2
vWA	16,19	16,18	18,21	16,17	16,17	15,18	17
TPOX	8	8	8,9	8,11	8	NR	10,12
D18S51	NR	NR	12,18	16,19	13,17	16	14,15
Amel.	X,Y	X	X,Y	X,Y	X,Y	X	X,Y
D5S818	11,12,13	12,13	11,12	12	11,12	13*	9,13
FGA	20,23,2	20*	20,22	23	22,24	20	25

C11092



# GENETIC TECHNOLOGIES, INC.

Forensic DNA / Serology / Relatedness Testing ®



Plaintiff's Exhibit No. 75

## FORENSIC REPORT FP3025

Agency: Jason Wood  
Normal Police Department  
725 S. Second Street  
Springfield, IL 62704

Authorized by: Jason Wood

Shipped Via:  
In Person

Date:  
7/6/2011  
11:45 AM

Received by:  
Stephanie Beine

**Q1** - One BPB sealed with CT labeled in part "200808888, Jennifer Lockmiller Sex Assault Kit". Bag contains one SAECK box sealed with purple evidence tape, labeled in part "P93-2654, Jennifer Lockmiller. Kit contains multiple sub exhibits.

**Q1A** - One white envelope sealed with BET and PET, labeled in part "P93-2654, fingernail clipping and scrapping right" [*sic*]. Envelope contains one white paper packet containing five pieces of apparent fingernail, one piece of possible tissue and one wooden nail scraper. One side of each piece of nail appears to bear red fingernail polish.

**Q1A1** – Two pieces of apparent fingernail

**Q1A2** – One piece of possible tissue

**Q1B** - One white envelope sealed with BET and PET, labeled in part "P93-2654, fingernail clipping and scrapping left" [*sic*]. Envelope contains one white paper packet containing five large and three small pieces of apparent fingernail. One side of the larger piece of fingernail bears red fingernail polish. The interior of the white paper packet bears multiple apparent red fingernail polish flakes. Two of the larger pieces of fingernail and the three smaller pieces of nail were extracted as sample Q1B.

**Q1AB** - Remaining fingernail clippings from right and left hand as well as swabs of remaining nails and swabs of interior of paper packets.

**Q2** – One manila envelope sealed with CT labeled in part "200808888, J Lockmiller Vaginal Swabs - From ISP Sex Assault Kit". Envelope contains one heat sealed CPB labeled in part "P93-2654. Bag contains two clear plastic screw top tubes, both are labeled "93-2654 J.L. Vag 32B". Each tube contains three partial swab heads with partial wooden sticks. One tube contains swabs labeled "1, 2 and 3", the other tube contains swabs labeled "4, 5 and 6". All swab heads bear heavy yellow staining. Portions of swabs labeled "2, 3 and 6" were utilized for DNA

**Q2A** – The remainder of vaginal swabs labeled "2, 3 and 6".

**Q3** – One BPB sealed with CT labeled in part "200808888, Extracted DNA Tubes &

Email: [info@genetictechnologies.com](mailto:info@genetictechnologies.com)

Web Site: [www.genetictechnologies.com](http://www.genetictechnologies.com)

Testing | Expert Witness | Consulting Services

An FQS - ISO 17025 Accredited Forensic Laboratory

Page 1 of 8

C11094

P.O. Box 242  
Glencoe, MO 63038-0242  
Toll Free: (877) 451-4363  
Fax: (636) 451-5317

APPENDIX 003359

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Slides". Bag contains one CPB labeled in part "F031671, Laboratory # P93-2654." Bag contains one cardboard slide mailer, not opened or examined. Bag also contains one CPB sealed with BET and purple ET labeled in part "F03-1671. P93-2654:108." Bag contains 8 microcentrifuge tubes.

Q3A – One microcentrifuge tube labeled "F031671 01m, 1671 01m". Tube reportedly contains dried down DNA extract from swabbings of the Left Hand Fingernails of Jennifer Lockmiller.

Q3B – One microcentrifuge tube labeled "F031671 02m, 1671 02m". Tube reportedly contains dried down DNA extract from swabbings of the Right Hand Fingernails of Jennifer Lockmiller.

K2 – Blood stain card, reference standard from Alan Beaman.

K3 – Blood stain card, reference standard from Michael Swaine.

K4 – Blood stain card, reference standard from Stacey Gates.

K6 – Oral swab, reference standard from Jennifer Lockmiller.

Shipped Via:

In Person

Date:

2/2/2012  
1:00 PM

Received by:

Jami K. Harman

K7 – Buccals swabs, reference standard from Larbi John Murray.

Shipped Via:

In Person

Date:

3/9/2012  
12:18 PM

Received by:

Stephanie Beine

Q7 - One manila envelope sealed with CT labeled in part "200808888, sub exhibits of Exhibit #20." Envelope contains one manila envelope sealed with BET labeled in part "P93-2654 #20 sheet, semen stains & controls." Envelope contains five screw top tubes all labeled in part "P93-2654 #20" tubes labeled "Stain 1, Stain 2, Stain 3, Control 1 and Control 2" respectively.

Q7A – One piece of black fabric bearing a yellow/white colored stain. Stain measures approximately 9.0 cm x 3.6 cm.

Serology Results:

The presence of seminal fluid was indicated on Item Q2, vaginal swabs.

The presence of semen was confirmed on Item Q7A, piece of black fabric.

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**DNA Results:**

Differential extractions resulting in epithelial fractions (EF) and male fractions (MF) were performed on Items Q2 and Q2A, vaginal swabs and Q7A, piece of black fabric.

DNA extracts of Item Q1A1, Q1A2, Q1B, Q1AB, fingernail samples; Q2, Q2A, vaginal swabs; Q3A, Q3B, DNA extracts from Cellmark; Q7A, piece of black fabric; and Items K2, K3, K4, K6 and K7, reference standards were amplified by Polymerase Chain Reaction and analysis of fifteen STR<sup>1</sup> systems was performed.

DNA extracts of Item Q1A1, Q1A2, Q1B, Q1AB, fingernail samples; Q2, Q2A, vaginal swabs; Q3A, Q3B, DNA extracts from Cellmark; and Items K2, K3, K4 and K7, reference standards, were amplified by Polymerase Chain Reaction and analysis of seventeen Y-STR<sup>2</sup> systems was performed.

The genetic profiles obtained from these samples are listed in the Summary of Observed Alleles charts.

No reportable Y-STR genetic information was obtained from Items Q1A1, Q1A2, Q1B and Q1AB, fingernail samples, Q2A-EF, vaginal swab and Q3A and Q3B, DNA extracts from Cellmark.

**Summary of Observed Alleles: Identifier**

System	FP3025 Q01A1	FP3025 Q01A2	FP3025 Q01AB	FP3025 Q01B	FP3025 Q02-EF	FP3025 Q02-MF	FP3025 Q02A-EF	FP3025 Q02A-MF
D8S1179	13,14	13,14	13,14	13,14	13,14	13,14	13,14	12,13,14
D21S11	28,29	28,29	28,29	PA,PA	28,29	28,29	28,29	28,29,31
D7S820	NR	9*	9*	NR	9	9	9	9,10
CSF1PO		10*	NR		10,13	10,13	10,13	10,13
D3S1358	14,17	14,17	14,PA,17	14,17	14,17	14,17	14,17	14,17
TH01	7,9	7,9	7,9	7,9	7,9	7,9	7,9	7,9,PA
D13S317	11,13	11,13	11,13	11*	11,13	11,13	11,13	11,12,13
D16S539	NR	11,PA	11,13	PA	11,13	11,13	11,13	11,13

<sup>1</sup> Applied Biosystems AmpFISTR® Identifier® (D3S1358, vWA, FGA, D8S1179, D21S11, D18S51, D5S818, D13S317, D7S820, TPOX, TH01, D16S539, CSF1PO, D2S1338, D19S433 plus Amelogenin)

<sup>2</sup> Applied Biosystems AmpFISTR® Y-File® (DYS456, DYS389I, DYS390, DYS389II, DYS458, DYS19, DYS385, DYS393, DYS391, DYS439, DYS635, DYS392, Y GATA H4, DYS437, DYS438 and DYS448).

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D2S1338	NR	NR	PA	NR	20	20	20	20
D19S433	13	13	13	13	13	13,PA	13	13,PA
vWA	15,PA	15,18	15,18	15,18	15,18	15,18	15,18	15,18
TPOX	PA	8*	8*	8*	8	8	8	8
D18S51	NR	NR	PA	NR	16*	16	16	16
Amel.	X	X	X	X	x	X,Y	X	X,Y
D5S818	12,13	12,13	12,13	12,PA	12,13	12,13	12,13	PA,12,13
FGA	20*	20*	20*	PA	20	20	20	20

System	FP3025 Q03A	FP3025 Q03B	FP3025 Q07A-EF	FP3025 Q07A- MF	FP3025 K6 Lockmiller	FP3025 K2 Beaman	FP3025 K3 Swain	FP3025 K4 Gates	FP3025 K7 Murray
D8S1179	NR	13,14	11,13,14	11,14	13,14	13	11,14	12,14	13,15
D21S11		PA	28,29,31	29,31	28,29	29,31	29,31	29,32.2	29,32.2
D7S820		NR	9,PA,12	11,12	9	8,9	11,12	10	10,11
CSF1PO		10,12,13	11,12	10,13	10,12	11,12	11,13	12,13	
D3S1358	14*	14,17	14,15,17	15,17	14,17	15,17	15,17	15,18	14
TH01	NR	7*	7,9,9.3	9.3	7,9	9.3	9.3	6,9	6,9
D13S317		NR	11,12,13	11,12	11,13	11,13	11,12	11	8,12
D16S539		NR	9,11,13	9,11	11,13	11	9,11	11	9,12
D2S1338		PA,20	17,20	20	23,25	17,20	18,24	18,25	
D19S433	13*	13	13,PA	13,15.2	13	14	13,15.2	14	13,14.2
vWA	NR	18*	15,16,18	16,17	15,18	18,21	16,17	16,17	17
TPOX		NR	8	8,11	NR	8,9	8,11	8	10,12
D18S51		NR	16	16,19	16	12,18	16,19	13,17	14,15
Amel.		PA	X	X,Y	X,Y	X	X,Y	X,Y	X,Y
D5S818	NR	12,PA	12,13	12	13*	11,12	12	11,12	9,13
FGA		20*	20,PA	23	20	20,22	23	22,24	25

**Key:**

NR = No reportable data

GTI Case #: FP3025

PA = Possible activity detected below reporting threshold

\* = Possible allele not detected

**Bold** = Denotes the major DNA profile

**Autosomal DNA Results Summary:**

The partial genetic profile obtained from Item Q1A1, right hand fingernail scrapings and clippings of Jennifer Lockmiller, is single source and female in origin. Jennifer Lockmiller cannot be excluded as a possible contributor to this partial genetic profile. No DNA foreign to Jennifer Lockmiller was detected in this sample. Alan Beaman, Michael Swaine, Stacey Gates and Larbi John Murray are excluded as contributors to this partial genetic profile.

The partial genetic profile obtained from Item Q1A2, piece of apparent tissue from the right hand fingernail scrapings and clippings of Jennifer Lockmiller, is single source and female in origin. Jennifer Lockmiller cannot be excluded as a possible contributor to this partial genetic profile. No DNA foreign to Jennifer Lockmiller was detected in this sample. Alan Beaman, Michael Swaine, Stacey Gates and Larbi John Murray are excluded as contributors to this partial genetic profile.

The partial genetic profile obtained from Item Q1B, left hand fingernail scrapings and clippings of Jennifer Lockmiller, is single source and female in origin. Jennifer Lockmiller cannot be excluded as a possible contributor to this partial genetic profile. No DNA foreign to Jennifer Lockmiller was detected in this sample. Alan Beaman, Michael Swaine, Stacey Gates and Larbi John Murray are excluded as contributors to this partial genetic profile.

The partial genetic profile obtained from Item Q1AB, remaining fingernail clippings, scrapings, swabs from the remaining nails as well as swabs of the paper packets from both the right and left hand of Jennifer Lockmiller, is female in origin. Jennifer Lockmiller cannot be excluded as a possible contributor to this partial genetic profile. Alan Beaman, Michael Swaine, Stacey Gates and Larbi John Murray are excluded as contributors to this partial genetic profile. Activity detected below the reporting threshold indicates a possible mixture at the D3S1358 locus.

The genetic profile obtained from Item Q2-EF, vaginal swabs of Jennifer Lockmiller, is single source and female in origin. Jennifer Lockmiller cannot be excluded as a possible contributor to this partial genetic profile. No DNA foreign to Jennifer Lockmiller was detected in this sample. Alan Beaman, Michael Swaine, Stacey Gates and Larbi John Murray are excluded as contributors to this partial genetic profile.

The genetic profile obtained from Item Q2-MF, vaginal swabs of Jennifer Lockmiller, consists of a mixture of at least two individuals with one major female contributor. Jennifer Lockmiller cannot be excluded as a contributor to this major genetic profile. Alan Beaman, Michael Swaine, Stacey Gates and Larbi John Murray are excluded as contributors to this major genetic profile. Activity detected at the Amelogenin locus reflects evidence of a male contributor. An additional indication of a mixture of DNA was detected below the reporting threshold at the D19S433 locus.

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The genetic profile obtained from Item Q2A-EF, vaginal swabs of Jennifer Lockmiller, is single source and female in origin. Jennifer Lockmiller cannot be excluded as a possible contributor to this genetic profile. No DNA foreign to Jennifer Lockmiller was detected in this sample. Alan Beaman, Michael Swaine, Stacey Gates and Larbi John Murray are excluded as contributors to this partial genetic profile.

The genetic profile obtained from Item Q2A-MF, vaginal swabs of Jennifer Lockmiller, consists of a mixture of DNA from at least two individuals with one major female contributor and additional minor alleles. Jennifer Lockmiller cannot be excluded as a contributor to the major genetic profile. Alan Beaman, Michael Swaine, Stacey Gates and Larbi John Murray are excluded as contributors to this major genetic profile.

Activity detected at the Amelogenin locus reflects evidence of a male contributor. Assuming one minor contributor, Jennifer Lockmiller, Alan Beaman, Michael Swaine, Stacey Gates and Larbi John Murray are excluded as contributors to the minor alleles detected. DNA foreign to the tested individuals in this case was detected in this sample.

Genetic data obtained from Item Q3A, extract from Cellmark, was rendered unsuitable for both statistical evaluation and comparative statements.

The partial genetic profile obtained from Item Q3B, extract from Cellmark, is single source and female in origin. Jennifer Lockmiller cannot be excluded as a possible contributor to this partial genetic profile. Alan Beaman, Michael Swaine, Stacey Gates and Larbi John Murray are excluded as contributors to this partial genetic profile.

The genetic profile obtained from Item Q7A-EF, piece of black fabric, consists of a mixture of at least two individuals with one major female contributor and minor alleles. Jennifer Lockmiller cannot be excluded as a contributor to the major genetic profile. Alan Beaman, Michael Swaine, Stacey Gates and Larbi John Murray are excluded as contributors to this major genetic profile.

Activity detected at the Amelogenin locus reflects evidence of a male contributor. Michael Swaine cannot be excluded as a possible contributor to the minor alleles detected. These minor alleles are expected to occur in approximately 1 in 20,981 in the Caucasian population, approximately 1 in 27,460 in the African American population and approximately 1 in 9,622 in the Hispanic population among unrelated individuals. Statistics for the minor alleles are based upon allele frequencies at the following loci: D8S1179, D21S11, D7S820, CSF1PO, D3S1358, TH01, D13S317, D16S539 and vWA. Assuming one contributor, Jennifer Lockmiller, Alan Beaman, Stacey Gates and Larbi John Murray are excluded as contributors to the minor alleles detected.

The genetic profile obtained from Item Q7A-MF, piece of black fabric, is single source and male in origin. This genetic profile is identical to the genetic profile obtained from Michael Swaine. This genetic profile is expected to occur in approximately 1 in 1.9 quintillion in the Caucasian population, in approximately 1 in 20.9 quintillion in the African American population and in approximately 1 in 1.4 quintillion in the Hispanic population among unrelated individuals. Jennifer Lockmiller, Alan Beaman, Stacey Gates and Larbi John Murray are excluded as contributors to this genetic profile.

GTI Case #: FP3025

Summary of Observed Alleles: Y-Filer

System	FP3025 Q2-MF	FP3025 Q2A-MF	FP3025 K2 Beaman	FP3025 K3 Swain	FP3025 K4 Gates	FP3025 K7 Murray
DYS456	15	<b>15</b>	16	15	17	16
DYS389I	13	<b>13</b>	13	13	13	13
DYS390	23	<b>23,PA</b>	24	25	23	24
DYS389II	29	<b>29</b>	29	30	29	29
DYS458	18	<b>17,18</b>	16	15	17	18
DYS19	14	<b>14,15</b>	14	15	14	13
DYS385	11,14	<b>11,14</b>	12,14	11,14	11,13	12,14
DYS393	13	<b>13</b>	14	13	13	13
DYS391	11	<b>10,11</b>	11	10	11	9
DYS439	12	<b>12</b>	12	10	12	10
DYS635	PA	<b>23</b>	23	24	23	20
DYS392	13	<b>13</b>	13	11	13	11
Y GATA H4	12	<b>12</b>	12	12	12	11
DYS437	PA	<b>15</b>	15	14	15	14
DYS438	9,12	<b>12</b>	12	11	12	10
DYS448	PA	<b>19</b>	19	19	19	20

Key:

PA = Possible activity detected below reporting threshold  
**Bold** = Denotes the major DNA profile

Y-STR Results Summary:

The haplotype profile obtained from Item Q2-MF, vaginal swabs of Jennifer Lockmiller, consists of a mixture of at least two males. Alan Beaman, Michael Swaine, Stacey Gates and Larbi John Murray are excluded as contributors to this mixture.

The haplotype profile obtained from Item Q2A-MF, vaginal swabs of Jennifer Lockmiller, consists of a mixture of at least two males with one major contributor. Alan Beaman, Michael Swaine, Stacey Gates and Larbi John Murray are excluded as contributors to this major haplotype profile.

The partial minor haplotype profile obtained from Item Q2A-MF, vaginal swabs of Jennifer Lockmiller, consists of three alleles at the following loci: **DYS458, DYS19 and DYS391.**

C11100

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Assuming one minor male contributor, Alan Beaman, Michael Swaine, Stacey Gates and Larbi John Murray are excluded as contributors to this partial minor haplotype profile.

Items Q1A and Q1B, fingernail samples from Jennifer Lockmiller were consumed in analysis, however both DNA extract and amplified product remain from these exhibits<sup>ii</sup>.

Evidence will be returned to the submitting agency upon completion of this case.

*I hereby certify that the above testing was conducted according to currently accepted scientific standards in the forensic community and that the results and conclusions as stated above are an accurate and true reflection of said testing and this report accurately details the opinions and interpretations of the undersigned.*

Accepts responsibility:

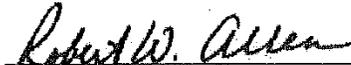


Stephanie Beine  
Sr. Forensic Scientist  
June 5, 2012

Reviewed By:



Jami K. Harman  
Scientific Director  
June 5, 2012



Robert W. Allen, Ph.D.  
Technical Leader  
June 5, 2012

<sup>ii</sup> Permission to consume these exhibits was obtained from Honorable Jeffrey Ford, Circuit Judge in the Eleventh Judicial District, McLean County, Bloomington, Illinois.



C11102

APPEAL TO THE APPELLATE COURT OF ILLINOIS  
FOURTH DISTRICT

FROM THE CIRCUIT COURT OF THE  
ELEVENTH JUDICIAL CIRCUIT  
MCLEAN COUNTY, ILLINOIS

McLEAN COUNTY  
FILED  
JUL 07 2016  
CIRCUIT CLERK

ALAN BEAMAN, )  
)  
Plaintiff-Appellant, )  
)  
v. )  
)  
TIM FREESMEYER, Former Normal Police )  
Detective; DAVE WARNER, Former Normal )  
Police Detective; FRANK ZAYAS, Former )  
Normal Police Lieutenant; and TOWN OF )  
NORMAL, ILLINOIS, )  
)  
Defendants-Appellees. )

Case No. 14 L 51  
The Hon. Richard L. Broch

NOTICE OF APPEAL

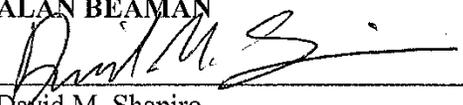
Plaintiff-Appellant Alan Beaman appeals to the Appellate Court of Illinois for the Fourth District from the following order entered in this matter in the Circuit Court of McLean County: the order of June 22, 2016 granting summary judgment in favor of Defendants-Appellees Timothy Freesmeyer, Dave Warner, Frank Zayas, and the Town of Normal.

By this appeal, Plaintiff-Appellant will ask the Appellate Court to reverse the order of June 22, 2016, and remand this cause with directions to reinstate all counts of the complaint for trial on the merits as to all claims, or for such other and further relief as the Appellate Court may deem proper.

C12501

Respectfully submitted,

ALAN BEAMAN

  
\_\_\_\_\_  
David M. Shapiro

Locke E. Bowman  
David Shapiro  
Roderick and Solange MacArthur Justice Center  
Northwestern Pritzker School of Law  
357 E. Chicago Avenue  
Chicago, Illinois 60611  
(312) 503-0844

Jeffrey Urdangen  
Bluhm Legal Clinic  
Northwestern Pritzker School of Law  
375 East Chicago Avenue  
Chicago, Illinois 60611  
(312) 503-7413

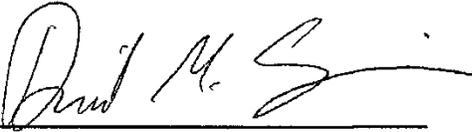
C12502

**CERTIFICATE OF SERVICE**

I, David M. Shapiro, an attorney, certify that I caused the foregoing Motion to be served upon:

Thomas G. DiCianni  
Lucy B. Bednarek  
Ancel, Glink, Diamond, Bush,  
DiCianni & Krafthefer, P.C.  
140 South Dearborn Street, 6<sup>th</sup> Floor  
Chicago, Illinois 60603

by electronic transmission and by placing the same in a properly addressed, postage pre-paid envelope for delivery by U.S. Mail before the hour of 5:00 p.m. at Northwestern Pritzker School of Law on July 6, 2016.



David M. Shapiro

**C12503**

## TABLE OF CONTENTS TO RECORD ON APPEAL

Exhibit Number	Name/Title	Volume	Record Page Range
	Record Sheet for Beamn v. Freesmeyer, et.al starting 04.11.14 - 09.07.16	Vol I	C00001-C00012
	Civil Statistical Cover Sheet for Beaman v. Freesmeyer, et.al filed 04.11.14	Vol I	C00013
	Receipt Voucher from 04.11.14 for \$443.50	Vol I	C00014
	First Case Management Conference set on 10.02.14 dated 04.11.14	Vol I	C00015
	Complaint for Beaman v. Freesmeyer filed 04.11.14	Vol I	C00016-C00046
	Receipt Voucher from 05.01.14 for 15.00	Vol I	C00047
	Service of Summons documents 05.15.14, 04.30.14, 05.07.14	Vol I	C00050-C00054
	Appearance for Thomas G. DiCianni filed 05.29.14	Vol I	C00055-C00056
	Appearance for Freesmeyer, Warner, Zayas and Town of Normal and DiCianni as attorney for same 05.29.14	Vol I	C00057
	Receipt Voucher 05.29.14	Vol I	C00058
	Defendants' Answer and Affirmative Defenses to Plaintiff's Complaint with Notice of Filing filed 05.30.14	Vol I	C00059-C00099
	Defendants' Amended Answer and Affirmative Defenses to Plaintiff's Complaint with Notice of Filing filed 06.06.14	Vol I	C00100-C00141
	Motion for Leave to File Amended Answer to Plaintiff's Complaint filed 06.16.14	Vol I	C00142
	Defendants' Amended Answer and Affirmative Defenses to Plaintiff's Complaint with Notice of Filing filed 06.16.14	Vol I	C00143-C00182
	Notice of Motion for Leave to Amended Answer to Plaintiff's Complaint filed 06.16.14	Vol I	C00183-C00184
	Plaintiff's Motion for Assignment of an Out of Circuit Judge filed 06.16.14	Vol I	C00185-C00191
	Complaint for Beaman v. Freesmeyer filed 04.11.14	Vol I	C00192-C00223
	Assignment of Out of Circuit Judge Filed 02.09.04	Vol I	C00224-C00225
	Temporary Assignment Order 04.13.10	Vol I	C00226
	Letter from Judge Robb to Dawn Rubio dated 04.02.10	Vol I	C00227-C00229
	Notice of Hearing for Pltff's Motion for Assignment of an Out of Circuit Judge filed 06.20.14	Vol I	C00230
	Order filed 06.03.14 re assignment of out of circuit judge (granted)	Vol I	C00231
	Letter from Judge Robb to Todd Schroeder dated 07.07.14	Vol I	C00232
	Temporary Assignment Order 07.15.14	Vol I	C00233
	Letter from Judge Flannell to Don R. Everhart re Temp Assignment with documents 07.16.14	Vol I	C00234-C00239
	Stipulation filed 08.27.14	Vol I	C00240-C00242
	Order filed 08.27.14 re acceptance of stipulation	Vol I	C00243
	Joint Motion to Lift Stay and for Scheduling Conference filed 01.30.15	Vol I	C00244-C00247
	Order to lift stay issued on 08.27.14 signed and entered filed 01.30.15	Vol I	C00248-C00250
	Circuit Court of McClean County Court Orders filed 03.05.15, 04.23.15, 04.27.15, 05.01.15, 08.25.15, 08.26.15, 09.01.15, 10.02.15	Vol II	C00251-C00272
	Joint Motion for Protective Order filed 10.02.15	Vol II	C00273-C00275
	Agreed Order filed 10.02.15	Vol II	C00276-C00278
	Order to be filed 10.19.15	Vol II	C00279-C00282
	Letter with copy of Proposed Order agreed to by the parties dated 10.16.15	Vol II	C00283-C00285
	Notice of Filing and Notice for Motion for Extension of Time filed 11.16.15	Vol II	C00286-C00289
	Joint Motion for Revised Briefing Schedule on Motion for Summary Judgment filed 11.18.15	Vol II	C00290-C00292

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Exhibit Number	Name/Title	Volume	Record Page Range
	Notice of Filing re Def's Motion for Summary Judgment, Memo in support of town of Normal Def's Motion for Summary Judgment, Def's Statement of Material Facts in support of MSJ filed 11.19.15	Vol II	C00293-C00358
Def Exhibit 1	Videotaped Deposition of Timothy Freesmeyer taken December 11, 2012	Vol II	C00359-C00479
Def Exhibit 2	Videotaped Deposition of Robert A. Hospelhorn taken December 17, 2012	Vol II - Vol III	C00481-C00546
Def Exhibit 3	Videotaped Deposition of David Warner taken December 18, 2012	Vol III	C00548-C00621
Def Exhibit 4	Videotaped Deposition of Frank L. Zayas taken February 15, 2013	Vol III	C00623-C00691
Def Exhibit 5	Discovery Deposition of Tony L. Daniels taken May 20, 2013	Vol III	C00693-C00975
Def Exhibit 6	Videotaped Deposition of James Souk taken December 10, 2012	Vol IV	C00977-C01133
Def Exhibit 7	Criminal Death Investigation- Witness Face Sheet for Morgan Keefe- August 28, 1993	Vol V	C001135-C01154
Def Exhibit 8	Normal Police Supplemental Case Report- Timothy Freesmeyer's Report	Vol V	C01156-C01216
Def Exhibit 9	Normal Police Supplemental Case Report- Robert Hospelhorn Report	Vol V	C01218-C1223
Def Exhibit 10	Criminal Death Investigation- Witness Face Sheet for John Murray- September 2, 1993	Vol V	C01224-C01250
Def Exhibit 11	John Murray Interview Transcript- September 8, 1993	Vol VI	C01252-C01281
Def Exhibit 12	Debbie Macoway Interview Transcripts	Vol VI	C01282-C01300
Def Exhibit 13	Hearing on Second Verified Amended Petition for Post Conviction Relief- Taken on December 15, 2004- Filed Stamped August 10, 2005	Vol VI	C01302-C01321
Def Exhibit 14	Grand Jury Proceedings June 30, July 7 and 14, 1994	Vol VI	C01323-C01750
Def Exhibit 15	State's Attorney Case File	Vol VIII	C01752-C02186
Def Exhibit 16	Jennifer Lockmiller's Telephone Records	Vol IX	C02188-C02195
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PL Exhibit 3	Deposition of Carol Jeanne Beaman taken March 29, 2013	Vol XVI	C04081-C04377
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State of Illinois  
Executive Department

**TO: Circuit Clerk, McLean County, McLean County, Illinois:**

Whereas, **ALAN W. BEAMAN (SID: 34309270)** was convicted of the crime of **Murder, Case: 94CF476** in the **Circuit Court of McLean County** and was sentenced **May 10, 1995 to 50 Years**,

Whereas, it has been represented to me that **ALAN W. BEAMAN (SID: 34309270)** is a fit and proper subject to Executive Clemency.

Now, Know Ye, that I, **PAT QUINN**, Governor of the State of Illinois, by virtue of the authority vested in me by the Constitution of the State, do by these presents:

**PARDON**

**ALAN W. BEAMAN (SID: 34309270)**

of the said crime of which convicted, and **ALAN W. BEAMAN (SID: 34309270)** is hereby acquitted and discharged of and from all further imprisonment and restored to all the rights of citizenship which may have been forfeited by the conviction.

**Grant Pardon Based Upon Innocence As If No Conviction.**

**DATED: January 9, 2015**

PAT QUINN  
GOVERNOR

By the Governor:

JESSE WHITE  
SECRETARY OF STATE



No. 4-16-0527

**IN THE  
APPELLATE COURT OF ILLINOIS  
FOURTH DISTRICT**

---

ALAN BEAMAN,

*Plaintiff-Appellant,*

v.

TIM FREESMEYER, Former Normal  
Police Detective; DAVE WARNER,  
Former Normal Police Detective;  
FRANK ZAYAS, Former Normal  
Police Lieutenant; and TOWN OF  
NORMAL, ILLINOIS,

*Defendants-Appellees.*

---

Appeal from the Circuit Court of McLean County, Illinois  
Eleventh Judicial Circuit, No. 14 L 51  
The Honorable Richard L. Broch, Judge Presiding

---

**BRIEF AND ARUGMENT OF PLAINTIFF-APPELLANT**

---

David M. Shapiro  
Locke E. Bowman  
Roderick and Solange MacArthur  
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(312) 503-0844

*Counsel for Plaintiff-Appellant*

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Chicago, Illinois 60611  
(312) 503-7413

**ORAL ARGUMENT REQUESTED**

**APPENDIX 003378**

Indeed, he allowed the arrest to occur even though he knew that case was half-baked and not ready for charging and prosecution. *See supra* at 40.

**II. THE INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS CLAIM (COUNT II) MUST PROCEED TO TRIAL.**

It goes without saying that the conduct at issue here—pursuing plaintiff’s conviction maliciously, disregarding and manipulating the evidence, and sending an innocent man to prison for a dozen years for a crime he could not have committed—is extreme and outrageous conduct. *See Carrocia v. Anderson*, 249 F.Supp.2d 1016, 1028 (N.D. Ill. 2003); *Treece v. Village of Naperville*, 903 F. Supp. 1251, 1259-60 (N.D. Ill.1995), *aff’d*, 213 F.3d 360 (7th Cir. 2000)); *Padilla v. City of Chicago*, 932 F. Supp. 2d 907, 930 (N.D. Ill. 2013); *Fox v. Tomczak*, No. 04 C 7309, 2006 WL 1157466, at \*6 (N.D. Ill. Apr. 26, 2006); *Wallace v. City of Zion*, No. 11 C 2859, 2011 WL 3205495, at \*6 (N.D. Ill. July 28, 2011); *McDonald v. Vill. of Winnetka*, No. 00 C 3199, 2001 WL 477148, at \*6 (N.D. Ill. May 3, 2001). Therefore, the circuit court erred in granting summary judgment on the intentional infliction of emotional distress claim.

**III. THE CIVIL CONSPIRACY CLAIM (COUNT III) MUST PROCEED TO TRIAL**

“Since conspiracies are generally evolved under the cloak of secrecy, the courts have traditionally permitted proof of a conspiracy by indirect or circumstantial evidence . . .” *Rosee v. Bd. of Trade of City of Chicago*, 43 Ill. App. 3d 203, 239 (1st Dist. 1976). “A conspiracy may generally be inferred from circumstances,” *People v. Small*, 319 Ill. 437, 449 (1925), so long as the circumstantial evidence of conspiracy is “clear and convincing.” *McClure v. Owens Corning Fiberglas Corp.*, 188 Ill. 2d 102, 134 (1999).

**FILED**

FEB 22 2017

CARLA BENDER  
Clerk of the  
Appellate Court, 4th District

No. 4-16-0527

IN THE  
APPELLATE COURT OF ILLINOIS  
FOURTH DISTRICT

---

 ALAN BEAMAN,

*Plaintiff-Appellant,*

v.

---

 TIM FREESMEYER, Former Normal  
Police Detective; DAVE WARNER,  
Former Normal Police Detective;  
FRANK ZAYAS, Former Normal  
Police Lieutenant; and TOWN OF  
NORMAL, ILLINOIS,

*Defendants-Appellees.*

---

Appeal from the Circuit Court of McLean County, Illinois  
Eleventh Judicial Circuit, No. 14 L 51  
The Honorable Richard L. Broch, Judge Presiding

---

**REPLY BRIEF OF PLAINTIFF-APPELLANT**

---

David M. Shapiro  
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**ORAL ARGUMENT REQUESTED**

**II. PLAINTIFF'S CLAIMS FOR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS, RESPONDEAT SUPERIOR, AND INDEMNIFICATION MUST PROCEED TO TRIAL.**

Defendants argue that the claims for intentional infliction of emotional distress, respondeat superior, and indemnification must fall with the malicious prosecution claim. Because a jury must decide the malicious prosecution claim for the reasons described above, these other claims (Counts II, IV, and V) must also proceed to trial.

**III. PLAINTIFF'S CIVIL CONSPIRACY CLAIM MUST PROCEED TO TRIAL**

Defendants attack the conspiracy claim (Count III) with a logical sleight of hand. First, they dodge the disputed facts surrounding misconduct by asking the court to put "Plaintiff's claims of misconduct aside." Def. Br. 47. Then they declare that evidence of officers working together on a case, standing alone, does not make a conspiracy. *Id.* 46-48. Of course, if one ignores the misconduct and focuses only on the coordinated investigation, a conspiracy looks less plausible, but only because the misconduct provides powerful evidence of the conspiracy. Defendants' argument, in short, is like asking someone to ignore the turkey, cheese, and mustard—and then declaring that bread alone does not make a sandwich.

Again, defendants do not seriously challenge the disputed facts surrounding Freesmeyer's grand jury perjury, his manipulation of the time trials, and his concealment of exculpatory evidence. Zayas let Plaintiff get arrested even though he knew the case was shoddy and incomplete. Whether Warner hid the Murray polygraph presents a genuine issue of fact, as the federal court recognized. Taking these facts as true, as we must in this posture, it would be an extraordinary coincidence if the defendants all decided in solitude to cook the evidence in a way that would nail Alan Beaman, a college student with an alibi

No. 4-16-0527

**IN THE APPELLATE COURT OF ILLINOIS  
FOURTH JUDICIAL DISTRICT**

---

ALAN BEAMAN,

Plaintiff-Appellant,

v.

TIM FREESMEYER, Former Normal  
Police Detective; DAVE WARNER,  
Former Normal Police Detective; FRANK  
ZAYAS, Former Normal Police  
Lieutenant; and TOWN OF NORMAL,  
ILLINOIS,

Defendants-Appellees.

Appeal from the Circuit Court of  
McLean County, Illinois

Eleventh Judicial Court Case No. 14 L 51

The Honorable Richard L. Broch, presiding

---

**BRIEF AND ARGUMENT OF DEFENDANTS-APPELLEES**

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**ORAL ARGUMENT REQUESTED**

could prove a termination indicative of innocence. In *Walden v. City of Chicago*, 391 F.Supp.2d 660, 673 (N.D.Ill. 2005), the district court merely recognized that if a governor's pardon uses certain language, that pardon may indicate a conviction was terminated in the plaintiff's favor for purposes of a *Heck* analysis only. Nevertheless, a district court decision is not precedential here, and in any event a case stands only for the issues it decides. *Sanner v. Champaign County*, 88 Ill.App.3d 491 (4th Dist. 1980).

Plaintiff also argues the evidence showed he is innocent, but the termination element of his claim turns on why the case was terminated, not what the civil court hearing the malicious prosecution tort case thinks of the strength of the evidence against the plaintiff. Plaintiff has presented no other evidence to satisfy his burden, and therefore the Circuit Court properly granted summary judgment on plaintiff's malicious prosecution claim.

## **II. The Circuit Court Properly Granted Summary Judgment On Plaintiff's Intentional Infliction Of Emotional Distress Claim.**

The Circuit Court properly recognized that plaintiff's intentional infliction of emotional distress ("IIED") claim is based on the alleged malicious prosecution and, therefore, fails because plaintiff's malicious prosecution claim fails. *Jiminez v. City of Chicago*, 830 F.Supp.2d 432, 451 (N.D.Ill. 2011) (success of the IIED claim was contingent on the success of malicious prosecution claim); *Walden v. City of Chicago*, 755 F.Supp.2d 942, 962 (N.D.Ill. 2010) (IIED claim was "intertwined" with the malicious prosecution claim). Here, because plaintiff bases his IIED claim on the alleged malicious prosecution, his IIED claim also fails. Moreover, absent proof sufficient to establish common law malicious prosecution, defendants are immune from liability for a prosecution, regardless of how plaintiff styles his cause of action. 745 ILCS 10/2-208.

Because the Circuit Court properly granted summary judgment on plaintiff's malicious prosecution claim, summary judgment on the IIED claim was also properly granted.

### **III. The Circuit Court Properly Granted Summary Judgment On Plaintiff's State Law Civil Conspiracy Claim.**

On appeal, plaintiff confines his conspiracy claim to defendants conspiring among themselves to maliciously prosecute him, abandoning his claim that defendants conspired with the McLean County State's Attorney. To prove a civil conspiracy, a plaintiff must show an agreement to accomplish either an unlawful purpose or a lawful purpose by unlawful means. *Mosley v. City of Chicago*, 614 F.3d 391, 399 (7th Cir. 2010); *Buchner v. Atlantic Plant Maint., Inc.*, 182 Ill.2d 12, 23 (1998). Most significantly, a plaintiff must prove a meeting of the minds between the defendants. A conspiracy claim cannot be based on speculation or conjecture. The plaintiff must show the defendants acted in concert. *Fritz v. Johnson*, 209 Ill.2d 302, 317-18 (2004).

First, for all of the reasons the defendants were entitled to summary judgment on Count I, they were also entitled to summary judgment on Count III. As explained above, the Circuit Court properly found there was no evidence to show a fact issue on the elements of plaintiff's malicious prosecution claim. Moreover, the Circuit Court properly found there was no evidence of a conspiracy. Plaintiff argues that a conspiracy is shown by the following: (1) defendants collaborated closely on the case and shared information and therefore must have known there was no probable cause to arrest and prosecute Beaman; (2) Freesmeyer ignored exculpatory evidence and alternative suspects, lied to the grand jury and skewed time trials; (3) Warner "buried" the Murray polygraph; and (4) Zayas allowed the arrest to go forward, knowing the evidence could not justify it. Plaintiff's claims of misconduct aside, his argument flags nothing more than defendants