

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.)	

APPENDIX OF PLAINTIFF-APPELLANT ALAN BEAMAN
VOLUME II

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Offense Supervisory Correction of #2 or #3
Homicide

Victim Name (Or Business Name) Jennifer Lynn Lockmiller Responsible Party

On 08/28/93 at approximately 1410 hours, I was monitoring the Normal Police Radio Channel after returning from a special detail that I was conducting. After hearing Officers respond to [redacted] and then request the Coroner, I returned to the Normal Police Department and telephoned the dispatcher for further information. The dispatcher advised that a body had been discovered at [redacted] and that the circumstances were suspicious.

After retrieving our department's video camera, and other needed equipment, I responded to [redacted] in Normal to meet with our patrol officers on the scene. Upon arrival, I met with Sgt. M. Kotte, who advised that a friend of the resident of [redacted] had been unable to make contact with the resident of [redacted]. The friend eventually drove over to speak with the resident of [redacted] and discovered her body. The friend stated that the door was unlocked when she arrived. After discovering the body, the friend drove to another friends residence at Kingsley Court and called the Normal Police Department.

After talking with Sgt. Kotte, I began to familiarize myself with the apartment layout and the entries and exits. The apartment complex was a rectangular shape building which contained four separate apartments. There is a main entrance into the apartment building on the south side of the building, directly off the driveway. On the north side of the building, there is a back exit with a set of stairs leading to the upper hall and a few steps leading to the lower hall. There is only one driveway leading into the apartment and that is only wide enough for one vehicle at a time. The parking area for the apartment is located at the east end of the building and consists of a gravel lot. There was a trash dumpster located due south of the main entrance on the south side of the driveway. A silver Pontiac Sunbird, the vehicle identified as belonging to the victim, was parked on the southeast corner of the building between the driveway and the building. The license number on the sunbird was JLL 1111.

As I entered the Main door on the south side of the building, I stepped up one step to a landing. On my left side, I saw four mailboxes, one for each apartment. On the left side of the landing was a small set of stairs leading down to apartment #1 and #2. On the right side of the landing was another set of stairs leading up to apartment #3 and #4. At the top of the stairs to my right, Officer Fogler was securing the door preventing access to the apartment by unauthorized people. While speaking to Officer Fogler, he stated that there were two kittens that were found inside that were trying to get back inside. I asked about Animal Control and Officer Fogler advised that they were on the way. I then took the kittens from Officer Fogler and placed them in my squad car. I asked our department interns, Linda Steil and Racheal Rosenberg, to sit

Officer's Name & ID#: _____ Date & Time Report Typed 10-January-94 1600 Supervisor's Name & ID#: _____

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Assigned Investigator: Freesmeyer #694 Status: xxActive Booking #: _____
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NOK POLICE SUPPLEMENTAL CASE REPORT

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Offense Supervisory Correction of #2 or #3
Homicide

Victim Name (or Business Name) Responsible Party
Jennifer Lynn Lockmiller

with the kittens, with the car running and the air conditioning on, until animal control arrived. After their arrival, the kittens were turned over to Animal Control. Before his departure, we also located a black cat that was outside near the apartment door, and turned it over as well. I then went back to talk with Officer Fogler at the door to the apartment. Officer Fogler advised that he arrived shortly after Officer Birkhead and that after rescue confirmed that the victim was deceased, Officer Fogler instructed all parties to leave the apartment immediately. Officer Fogler then closed the door and remained at the hallway to preserve the scene.

After speaking with Officer Fogler, I began to check the perimeter of the apartment building, I walked slowly throughout the parking lot and around all sides of the complex looking for anything suspicious. Upon the conclusion of my search, finding nothing suspicious, I waited at the scene for the crime scene technician from Peoria and also for any witnesses that might arrive or for any neighbors that might happen by.

The first people I made contact with were neighbors that lived directly below the victim. The neighbors I spoke with were Liza Kristen Everett () and Lori Ann Solomon (). Liza and Lori live at () in Normal, IL and their phone number is 452-0433. They state they have been living there for approximately one year and know the girl slightly that lived above them. They noticed a smell coming from the apartment but thought that someone had failed to take out their garbage so they did not report it. When asked to describe the girl that lived above them in () they stated she was a white female with long blond hair, approximately 5'3" or 5'4" and weighed about 110 to 120 lbs. They guessed her age to be about 21 to 22 years old. They stated that the silver car parked in the driveway, a 1985 Pontiac Sunbird, was the vehicle belonging to the upstairs neighbor. That vehicle showed an Illinois registration of "JLL 1111". The neighbors stated they had seen the car in place since Sunday, they did not note the vehicle moving since then. When asked about the personal habits of their upstairs neighbor, they stated that they smelled pot coming from her apartment on more than one occasion. They described her as a partier who stayed up late at night. They described her manner of dress as being a 60's style, almost sleazy, but more into a "hippie" style dress. When asked about acquaintances, they described a boyfriend they had seen with long brown hair. They stated they last saw him in June or early July. They described his vehicle as being a small grey car, possibly a Ford Escort two door. They seemed to recall a Star Trek sticker on the back window area. They both seemed to recall large fights between the long haired make and the upstairs neighbor. Those fights they recall occurring in January or February. They stated that the upstairs neighbor stayed in town most weekends and when spoken to,

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10-January-94 1600

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Assigned Investigator: Status: Booking #:
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NOR POLICE SUPPLEMENTAL CASE REPT

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Offense Supervisory Correction of #2 or #3
Homicide

Victim Name (or Business Name) Responsible Party
Jennifer Lynn Lockmiller

Dean Kennedy and then remained in the area to assist in any way possible. The interior of the apartment was video-taped by the coroner's department and all evidence was recovered and taken into evidence by Dean Kennedy.

While the scene was being processed, I received radio traffic from Det. Tony Daniels. Det. Daniels advised that there was an individual, Michael J. Swaine, living in that apartment with the victim. In a message left on the victim's answering machine, Michael stated that he was planning on returning to the apartment on either Friday night or Saturday. Det. Daniels advised that he might be driving a late model Pontiac with Massachusetts license plates. I advised Sgt. Ebert and Officer Dave Ludington, who were providing security for the scene, that this vehicle might be in the area and that we definitely wanted to question the driver of that vehicle, Michael Swaine. At approximately 5:00 or 5:30 pm, Sgt Ebert noticed an individual attempting to enter the apartment building at [REDACTED] [REDACTED]. As the individual reached the steps leading to the south door, Sgt Ebert advised that he could not enter the apartment. He stated he was going to see a friend and pointed to apartment [REDACTED]. Sgt. Ebert advised that nobody was allowed into the building and that he would have to return in about an hour. The individual went back through the breeze-way just south of [REDACTED] [REDACTED], and disappeared from sight. Shortly thereafter, Sgt. Ebert observed a white vehicle pull out of the parking lot to the apartment just south of [REDACTED] [REDACTED] and proceed north on Main street. The vehicle had no front plate and as the vehicle passed, Sgt. Ebert noticed that the vehicle had an out of state plate on the back. Sgt. Ebert and Officer Ludington then attempted to catch up to the vehicle but were unable to locate it. Approximately one to one and a half hours later, the occupant of the vehicle returned. Sgt. Ebert recognized the individual from the prior incident and he and Officer Ludington immediately secured that individual near my squad car. The individual identified himself as Michael Swaine and Officer Ludington identified himself as an Officer from our department and stated that we needed to talk with him. Michael was then frisked for any possible weapons, handcuffed, and then placed into my squad car. (See officer Ludington's report for further details.) Due to the nature of the crime and the uncertainty of Michael Swaine's involvement, the handcuffs were placed on him for his safety and also for mine during transport to the Normal Police Department. Since the press had arrived at the scene and were standing by with cameras, a yellow emergency blanket was placed between Michael and the passenger side window to preserve his anonymity from the camera's. Michael Swaine was then transported to the Normal Police Department and escorted to an interview room. After being placed in the interview room, I removed the handcuffs from Michael and stepped outside the room to

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Offense Supervisory Correction of #2 or #3
Homicide

Victim Name (or Business Name) Responsible Party
Jennifer Lynn Lockmiller

Speak with Det. Tony Daniels.

After speaking with Det. Daniels, I re-entered the room where Michael was sitting and took a seat next to him. Also located in the room, sitting in plain sight on the table, was a tape recorder and a blank tape. I turned on the tape recorder and advised Michael Swaine that I needed to speak with him. I informed Mike that in order to preserve the integrity of the conversation, I wished to record the conversation. Mike acknowledged my request and agreed to speak with me with the recorder going. I advised Mike that he was not under arrest and that he was free to leave at any time. I then briefly verified that Mike understood why he was handcuffed and also why the blanket was put up near the window to prevent photographs of his face. Mike stated that he understood and that he had no problem with what had taken place. I then advised Mike of his Miranda warnings and asked if he understood and would waive those rights. Mike stated that he understood his rights and would agree to talk with me. We then began an interview.

The interview between Mike and myself lasted about an hour to ninety minutes. The highlights of that interview are as follows:

Mike stated that he lived in the apartment with Jen at [redacted]. This living arrangement was temporary while Mike was waiting to get into his apartment for the fall. Mike stated that he and Jen had a dating relationship and had been seeing each other behind Jennifer's boyfriend's back. Mike stated that Jen's old boyfriend, Alan Beaman, was also Mike's roommate and close friend. Mike stated that he did not want to get too mixed up with Jennifer because of her heavy alcohol use.

I asked Mike to describe Alan. Mike stated that, "yea, he's a friend of mine." He continued by stating that it was "hard to say anything about him without making him seem really evil." Mike stated that Alan gets really jealous when he thinks that something is going on. Mike recalled an incident within the last two months when he was at Jen's apartment and Alan broke the door down to get in. Mike also stated that there were some holes in Jen's apartment that Alan had made. Mike also recalled a time that Alan broke into her apartment while Jen was with John Murray.

According to Mike, Jen and Alan had broken up about 18 times. Mike described Alan's involvement with Jen as an infatuation. When Jen and Alan fought, Mike stated that Jen would go around to the other apartments yelling "help me, save me." Mike stated that Alan had commented that Jen was "messing up his life" due to their relationship. Mike informed me that Alan went to Ohio at the end of July to get away from the situation with Jen. After a week and three days, Alan returned and picked up his things from the apartment that he shared with Mike. On the way out of town, he stopped and spoke with

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Offense: Supervisory Correction of #2 or #3
Homicide

Victim Name (or Business Name): Jennifer Lynn Lockmiller
Responsible Party:

Jen. Jen told Mike that Alan called and told her that he was over her and didn't love her anymore. Mike stated that Jen did not tell Alan that Mike was living with her. Mike was told by Jennifer that after she broke up with Alan, she was happy.

Mike stated that he last saw Jennifer on Sunday August 22, when they went to Zorba's together. Mike commented to her that night about her excessive drinking. Mike described his own drinking habits as very occasional.

I asked Mike about marijuana use by Alan, Jen, and himself. Mike stated that they all three used marijuana and that he believed Alan and Jen's relationship was based on marijuana. Mike stated that he used pot and tried a whippet one time. Mike stated that Jen used pot, cocaine, LSD, and that she tried heroin once. Mike stated that Alan used pot regularly, and that he tripped on LSD.

I asked Mike to describe his feelings when he returned to the apartment at [redacted]. Mike stated that the first thing he thought of was that Jen got caught for her marijuana use. After arriving at the scene the second time, Mike stated he saw the coroner's van and his thoughts changed. Jennifer's alcohol use and drug habit came to his mind and he thought that maybe she overdosed or was curling her hair while she was drunk and fell into the bathtub. Mike stated that after he walked up to the officers and they handcuffed him, he knew something major had happened.

For further details and a more complete account of the statement, see the transcription of the interview tape done by Jackie Thomas.

After interviewing Michael and discussing the interview with other investigators and obtaining the addresses where Mike would be staying, I called the Path Crisis Team and set up an appointment for him at Brokaw Hospital. After Mike talked to his mother on the phone, we met with two of his friends, Mike Israel and Rich House. Rich and Mike agreed to drive Mike directly to Brokaw Hospital where he could talk with the Path Crisis Team.

I returned to the crime scene and talked with Dean Kennedy. Dean stated that he was almost finished and asked if our department wanted anything from the scene before he sealed the door. After looking through the apartment, I located a word processor on the table and eight data disks from through-out the apartment. I also located several papers on the dresser located in the bedroom and thought that they might reveal something significant. After notifying Dean of what I wished to take for our review, he noted the items and I loaded them into my squad car. After we had finished removing all evidentiary items from the apartment, the apartment management secured a board over the doorway with several woodscrews and a piece of evidence tape was placed and signed over the door.

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NOR POLICE SUPPLEMENTAL CASE REPORT

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Offense Supervisory Correction of #2 or #3
Homicide

Victim Name (or Business Name) Jennifer Lynn Lockmiller Responsible Party

After returning to the station, I turned on the word processor and began to review the disks that I had found in the apartment. After reviewing the disks, I printed out the contents of the files that might have any significance in this case. I then began looking through the letters that Dean Kennedy had found under Jennifer's bed. I found letters from numerous people including Stacy Gates, Morgan Keefe, Dean Cauley, John, and Alan Beaman along with some letters that Jennifer had written to other people. The letters from Stacy Gates (Bubba) talked mostly about their relationship and the good times they either had together or were planning. One letter from Dean was written in 11/22/91 and contained nothing of importance. The other letter dated 3/30/92 described a relationship that neither of them were sure was right. There was a letter from Jennifer to Stacy Gates in which she was telling him that she had found another guy but still wished to remain friends with him. There was a letter written from Jennifer to Kris Perry in which she was stating that she had never been happier in her life than during the summer of '93 with a new guy that she had met.

The letters from Alan were numerous and contained many descriptions of his feelings, his emotions, and what appeared to be an enormous love for Jennifer. Dates were unable to be found on any of Alan's letters. Due to the length of the letters, only highlights have been put in this supplement, see the enclosed letters for complete context. Following are excerpts from the letters written to Jennifer from Alan:

"Thinking of you puts me to sleep at night and wakes me up in the morning. I'm always scared that you'll get scared of "us", and that you'll drop me."

"Fantasies: Funks Grove - Lots of brush and cover by foliage. There's no one around, and even if there was they couldn't see through all the thick foliage - whadaya say about that one?"

or

In a sleeping bag?

or

Standing up (propping you against a wall or something)

or

you could let me do a certain thing I've wanted to do for a while that you always tell me that I can't do - no pressure of course, but I'll try to make you beg for it next time I'm with you... Beer massage would be nice to do again.

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Homicide

Victim Name (or Business Name) Responsible Party
Jennifer Lynn Lockmiller

Damn it, now I'm horny
In the fly gallery at the theatre at IWU, (I've wanted to do that for years).
On the quad if your brave enough.
It would also be fun to go into a one person public restroom and get a little crazy.
God! the possibilities are endless....(write yours to me)"

"Okay, you got it, all out honesty:
Here's the things you don't want to hear.
#1) I really just want you to be with me and only me. Selfish, but honest.
#2) When I say "I love you" on the phone, I wish you would say it back and not give a shit who is sitting there in your living room!
#3) I won't be able to handle this much longer without some growth in our relationship.
#4) I'm not sweet, I'm a selfish asshole with a thorn in my pride and I want to be yours, but only if you're mine.
#5) Even I sometimes put on a pair of shiny shoes.
#6) Are you wanting inspiration? You spill your secrets on me, then you tell me with a whisper of things that will never be.- Black Crowes
#7) Lover cover me with your sleep, let your love light shine. Lover cover me with a good dream, let your love light shine. - Black Crowes
#8) Yah, I fucked up, I'm only human. If you wanted a demi-god or a martyr, you should have become a nun and chased priests.
* I guess that the bad part about boys who don't wear shiny shoes: they have real emotions.
Love me, need me, want me, trust me and respect me! I'll do the same for you.
And now my bitter hands, frayed on broken glass of what was everything.
All the pictures have been washed in black, tattooed all I see, all that I am, all I'll be. I know someday you'll have a beautiful life, I know you'll be the sun in somebody else's sky, but why, why, why can't it be, why can't it be mine!!? I LOVE YOU! STOP DRAGGIN AROUND
Honesty, from the heart incorporated. Alan"

"Okay, so I'm a fuckin' asshole, but I'm not a drug. You can't just quit

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Cleared _____ Unfounded _____ Exceptionally Cleared _____

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Homicide

Victim Name (or Business Name) Responsible Party
Jennifer Lynn Lockmiller

me, then come back, then quit me again, then come back over and over.
(Sometimes it happens 3 times a day.) I now understand why things have
been tense these past couple of weeks, and I haven't made it any better.
I'M SORRY! I never wanted to hurt you. I just want to love you, want you,
need you, trust you and respect you."

"I'm good and messed up about everything."

"I don't know what my life is for yet, I don't know about anything for
sure, but I know that I love you."

"When I say goodnight to you, I want you to kiss me goodnight whether or
not Jon, or Slush, or Bubba is watching."

"I wanna get high with you or drop with you, and have you include me in
what's going on in your trip."

"I want to be at Peace with you and for you to be at peace with me!"

"I know there's things about me that bother you, but I want to make a
change in my lifestyle. I want to be monogamous, and I want it to be with
you."

"I love you !

- More passionately that Romeo did Juliet.
- More hopelessly that Ophelia did Hamlet.
- More vengefully that did Medea, Jason.

(Don't worry, I won't kill anybody, I don't believe in that.) I do unto
others as I would have them do unto me (from now on). That's why I love
you... that's why I need you... I could really grow up for you."

"When I show up at your door on friday, you'd better grab me, pull me in,
shut the door, lock it, throw me down right there on the floor, and make
love to me. Dig?

P.P.P.S. I don't care if you bleed all over me....."

Officer's Name & ID#: _____ Date & Time Report Typed _____ Supervisor's Name & ID#: _____
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Assigned Investigator: _____ Status: _____ Booking #: _____
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NORMAL POLICE & MENTAL CASE REPORT

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Offense Supervisory Correction of #2 or #3
Homicide

Victim Name (or Business Name) Responsible Party
Jennifer Lynn Lockmiller

"..I was only accepted by people that were just as childish as I was. I began to realize that, and my personality took on a much darker form. People only came to see me to get acid, and then left again quickly on their way to parties and other such places where my presence was scoffed at. I gave up, and crawled into a bottle."

"As I came to realize that I needed you I became insecure, and afraid of losing you. Jealousy became all too common. Then when I went back to school, I felt that you were trying to return to your past, that you didn't need me, or love me. I was walking on eggs, and I thought you didn't love me anymore. So I ran away."

"I love you. I'm sorry that I've been such an ass lately, it seems like every time I don't get my way, I freak out and do something stupid..." "I know that it's a problem, and I'm really trying to mellow out about things like that, but it's hard for me because I always expect to get the run-around." ... "Needless to say, this whole Bubba thing has got me freaked out more than you could possibly imagine." ... "With the most confusing and passionate love ever imaginable in anyone's wildest dreams, Alan"

"I have a short temper. I need your help with that." ... "I feel like a druggie, I don't remember what it's like to be sober on a week night, and be content watching "Who's the Boss" re-runs."

"I can't bear any longer to stare into your eyes to see the barrage of countless past lovers of your life. I cannot look at you, if I cannot touch you. Damned if I do, Damned if I don't. I will not let myself love ever again. I'll just sink back into the hollow, selfish, unhappy, Bottle Crawling piece of a man that found true love for a few brief weeks, and had it stolen by the child in him that merely wanted to make things less sticky for you.

After all, it was you who said you didn't want a commitment, and then when I finally stopped trying to get a commitment, you gave up on me without ever saying that you did want one. That's not fair. That's narrow minded. Remove the log from your eye before removing the twig from mine. GET IT?!

When I'm around you I feel like falling apart, and I can't handle that

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Solvability Referred to: _____ Property Recovered: _____ Value: _____

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Assigned Investigator: _____ Status: _____ Booking #: _____
Freesmeyer #694 xxActive _____ Suspended _____ Fail to File Complaint
Cleared _____ Unfounded _____ Exceptionally Cleared

[Handwritten signatures and initials]

C05421

AB000265

NORMAL POLICE & MENTAL CASE REPORT

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11 C93-4033

Offense Supervisory Correction of #2 or #3
Homicide

Victim Name (or Business Name) Responsible Party
Jennifer Lynn Lockmiller

anymore. If I thought that things would ever change with "us", It might make it easier. Your phrase NBF is just a sign to me of my failure to be good enough for you, and your constant reminding me is a living Hell. I want you back and I'll sacrifice my pride to get you back, but if I can't have you back, then pride IS ALL I HAVE! So don't do me any favors, just do what you want to do. And if I can't convince you of my love, and we can't get back together to form a basic trust, then get the fuck out of my life."

After reading through the letters, I placed them into a manila envelope to be entered into evidence.

On Sunday, August 29, 1993, I arrived at NPD at 1100 hours for a group meeting with all detectives in this case, the Chief of Police, Dean Kennedy, James Souk, and Coroner Dan Brady. We met for approximately four and a half hours and discussed the facts known at the time. Coroner Brady informed us that the victim, Jennifer Lockmiller, was deceased prior to the insertion of the scissors into her chest. The cause of death had been confirmed at the autopsy Sunday morning as strangulation with an electrical cord from an alarm clock.

While Dean Kennedy was processing the scene on Saturday evening, he came across a pink pad of paper which was lying next to the telephone in the living room. I copied the information off the paper and thought it might be valuable information at the onset of the investigation. On the top page was "████████████████████ 862-0956" on the second page was "828-7868 Robert". An account of these two slips of paper do not appear in the crime scene report.

The two main suspects at that time were Alan Beaman and Michael J. Swaine. It was determined that Det. Daniels and Det. Hospelhorn would return to the Rockford area and attempt to find any further information about any involvement that Alan Beaman could have had in this case. Meanwhile, Det. Warner and myself would make contact once again with Michael J. Swaine and attempt a second interview.

After the meeting ended, Detective Warner and myself, along with several other individuals from the meeting, went back to the apartment to review any details that needed to be confirmed. Detective Warner and I then left to return back to NPD. I called Michael Swaine and established an appointment at 1800 hrs at NPD.

Prior to talking with Michael J. Swaine, we thought it necessary to talk with the individuals that stated they had observed a white car, usually driven by Michael J.

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Assigned Investigator: _____ Status: _____ Booking #: _____
Freesmeyer #694 Active Suspended Fail to File Complaint
 Cleared Unfounded Exceptionally Cleared

C05422

CPB (160)

AB000266

APPENDIX 001297

NOR POLICE SUPPLEMENTAL CASE REPORT

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Offense Supervisory Correction of #2 or #3
Homicide

Victim Name (or Business Name) Jennifer Lynn Lockmiller Responsible Party

Swaine, outside the apartment building on Wednesday. Those individuals were Susan Jenkins and David Singley. Susan also mentioned that a friend of hers, Lisa Rosnick, that lives across the drive also stated she observed the vehicle on Wednesday night. Detective Warner and myself went to [REDACTED], the apartment where Michael J. Swaine's vehicle was located, and took two photos of his vehicle. We then went to other places in the neighborhood and took pictures of three other cars that were similar in color and appearance from the same angle that we took the pictures of Michael J. Swaine's vehicle.

Susan and David stated that they were sure the car they saw on Wednesday was the same vehicle parked in the lot earlier that summer. Lisa stated that she had seen the car earlier in the summer and was sure that the car she saw that night was the same car. After showing the vehicle pictures to Susan Jenkins, David Singley, and Lisa Rosnick, none of the three could pick out Michael's car from the other three comparison vehicles. Detective Warner and I then returned to NPD.

At 1800 hours, Michael J. Swaine arrived at NPD per our request for a second interview. Michael was taken into the same interview room as before and the tape recorder was turned on once again. Present in the room was Detective D. Warner, Michael J. Swaine, and myself. I advised Mike once again of his Miranda rights and verified that he understood those rights. I then asked Mike if he was willing to waive those rights in order to make a statement regarding our investigation and he stated he would. I advised Mike that I would be recording the conversation and he stated he understood and would consent to the recording. We then began the interview.

Mike stated that he first met Jennifer Lockmiller in October of 1992 while she was dating Alan Beaman, Mike's roommate at the time. In June of 1993, Mike and Jennifer began to have a close relationship. The first time they slept together was in June of 1993 at the Sigma Chi Fraternity House that was still under construction on the IWU campus. In late July, Alan found out about the relationship between Jennifer and Mike and confronted Mike about that relationship. On July 25, 1993, Alan went to Ohio to get away from the situation. Mike stated that Alan returned on August 3rd and picked up his belongings that he left at the apartment that they shared. Mike continued to live alone from August 1 to August 15 until he moved in with Jennifer at [REDACTED] on the weekend of August 15, 1993. He stated that August 15, 1993 was the first time he slept at Jennifer's apartment.

I asked Mike about the classes that Jennifer was taking over the summer. He informed me that Jennifer was taking an "Anthropology of Death" class that ended August 6. He told me the class she was taking met from 8 am to 12 pm and 1 pm to 4 pm.

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Freesmeyer #694 xxActive Suspended Fail to File Complaint
Cleared Unfounded Exceptionally Cleared

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C240
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Offense Supervisory Correction of #2 or #3
Homicide

Victim Name (or Business Name) Responsible Party
Jennifer Lynn Lockmiller

I asked Mike if he would talk about his sexual relationship with Jennifer. Mike agreed and stated that he remembered having sex with her five times. The first was in June at the Sigma Chi House as mentioned earlier. The second and third times were at his apartment, once in a missionary style and the second time with Jennifer on her knees leaning over the bed and Mike behind her. The last two times were at Jen's apartment and were both missionary style. Mike stated that the last time he had sex with Jennifer Lockmiller was on August 19, 1993. On that date, he did not use a condom.

I asked Mike to tell me once again, about the incident when Alan broke in the apartment and he hid in the closet. Mike stated that it occurred between July 11, 1993 and July 24, 1993. Mike stated that he was so scared of Alan, that he hid in the closet and pulled one of Jennifer's dresses over his head to conceal himself. On July 25, Mike recalled Alan confronting him saying, "You're fucking my girlfriend!"

I asked Mike to tell me about the relationship that Alan and Jen had. Mike stated that Alan and Jen began dating July 4, 1992. Mike stated that Jen had a miscarriage with Alan's baby in October of 1993. They fought continually until they broke up on July 25, 1993.

I asked Mike to describe how the apartment looked when he left on Sunday August 22, 1993. Mike began describing the apartment as if he had just walked in the door. He described the hallway first, then the kitchen, then the living room, the bathroom, and finally the bedroom. Mike described the apartment almost exactly as we had found it, however, Mike provided some additional insight.

As Mike was describing the living room, he stated that there was a coffee can on the table next to the television that contained some pencils and scissors. Mike continued and stated that there was a whipped cream container with some marijuana seeds in it that he was trying to grow. Mike stated that he used a pair of scissors to cut the top of a milk jug off to place over the whipped cream container to make the seeds grow better. While describing how he cut the milk jug, Mike showed me his finger and stated that he cut his finger with the scissors while he was cutting the milk jug. I asked Mike to describe the scissors that he was using. Mike described them as a large pair of metal scissors with orange or pink plastic handles. Mike stated that he put the scissors in the top kitchen drawer when he finished with them.

Mike stated that there were two alarm clocks in the bedroom. The white clock was Jennifer's and the brown clock belonged to Mike. Mike stated that the alarm clocks were both kept on the floor by the corner post of the bunkbeds.

I asked Mike if he ever returned to Bloomington/Normal between 8/23 and 8/27 27

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Freemeyer #694 Active Suspended Fail to File Complaint
Cleared Unfounded Exceptionally Cleared

C217 182

C05424

AB000268

NON POLICE SUPPLEMENTAL CASE REPORT

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Offense Supervisory Correction of #2 or #3
Homicide

Victim Name (or Business Name) Responsible Party
Jennifer Lynn Lockmiller

and he replied that he had not. Mike stated that he was in Elmhurst all week working at the bookstore located in his old high school. Mike stated that his presence could be verified by Virginia Betteridge, the supervisor of the bookstore. I told Mike that his car was seen at Jennifer's apartment on Wednesday and he replied, "Oh, really?" He then continued to state that it could not have been his car since it was left at his parents house in Elmhurst all week long. I asked Mike to try to recall where he was each evening during the week of August 23 - August 27. Mike's response is as followed:

Monday, August 23: Worked at the bookstore from 7am to 4pm and then spent the evening with Anne Flowers (708-383-1008) and Lisa (LNU).

Tuesday, August 24: Worked at the bookstore from 7:45am to 3:30 pm and spent the evening with his parents watching a video (Mosquito Coast).

Wednesday, August 25: Worked at the bookstore from 7:45 am to 3:00 pm and spent the evening with his parents watching a video (Time to Kill).

Thursday, August 26: Slept in, worked at the bookstore from 11:30 am to 3:30 pm. Saw "Sleepless in Seattle" with Tonya Brooks at Stratford Square in Bloomingdale.

Friday, August 27: Worked at the bookstore from 7:45 am to 11:30 pm. Spent the afternoon at home and then went to a swimming party with Anna Flowers (708-383-1008), Kyle Humphries, and Mark Fletcher.

Saturday, August 28: Stayed home until 3:30 and then left for Bloomington/Normal.

I asked if anyone else was driving his vehicle that week and he stated "no". Mike stated that he was borrowing the car from his friend and was not supposed to take it out of Bloomington but drove it to Elmhurst anyway. Mike stated that he left the car parked in the driveway all week and walked to work since he lives about a block and a half from the school. Mike stated that his parents have a Midnight Blue mini-van and a White 1979 Buick Skylark.

Before concluding the interview, I asked Mike if he would be willing to take a polygraph exam and he stated that he would. Before Mike left, I obtained his future school address and phone number.

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Solvability Referred to: Property Recovered: Value:
C 268

Assigned Investigator: Status: Booking #:
Freesmeyer #594 xxActive Suspended Fail to File Complaint
Cleared Unfounded Exceptionally Cleared

C05425 ~~02/18~~ (183)

AB000269

APPENDIX 001300

NOR POLICE SUPPLEMENTAL CASE REPE

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15 93-4033

Offense Supervisory Correction of #2 or #3
Homicide

Victim Name (or Business Name) Jennifer Lynn Lockmiller Responsible Party

Michael J. Swaine DL# [redacted]-3128 Home Address:
[redacted] SS# [redacted] [redacted]
Bloomington, Il D.O.B. [redacted] Elmhurst, Il. 60126
Ph# 829-4300 5'11, 148lbs, Brn, Brn (708) 530-5865

Mike stated that he would be staying with friends for a few days. Those friends were Rich House and Mark Israel. (663-0057, [redacted], Bloomington) Mike then left the station.

On Monday, August 30, I received a message on my answering machine from Michael J. Swaine. Mike stated that he talked with his mother and that she wanted him to wait and talk to an attorney before taking a polygraph exam. Mike apologized for the inconvenience and stated that he would talk with me after seeing his attorney. After talking with Mike, I went to IWU to speak with the head of Residential Life. I met with Darcy Greder. Darcy stated that Alan Beaman was scheduled to be living at [redacted] [redacted], upon his return to IWU for the fall of 1993. That address is a residence hall, [redacted], and Alan will be sharing a room with Christopher Carbone and James Thorman. The phone number for room [redacted] is 556-2677. Darcy also provided the following information on Christopher Carbone and James Thorman:

James Thorman [redacted] Christopher Carbone [redacted]
[redacted] w/m [redacted] w/m
Milford, Ohio 45150 [redacted] Rockford, Il. 61107
(513)831-3286 [redacted] (815)398-7658

Darcy stated that Alan lived in the same room last year and shared the room with Chris Carbone and Chris Wharry. Darcy provided the following information for Chris Wharry:

Chris Wharry
[redacted]
Canada

I then asked if it was possible for Alan to have a key to room [redacted] at [redacted] from last year. Darcy stated that they collect the keys but that he could have made a duplicate. I asked Darcy if it would be possible to look through the room at 201

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Assigned Investigator: Freesmeyer #694 Status: xxActive ___Suspended ___Fail to File Complaint Booking #: _____
Cleared ___Unfounded ___Exceptionally Cleared

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(184)

C05426

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NOR POLICE SUPPLEMENTAL CASE REPORT

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Offense Supervisory Correction of #2 or #3
Homicide

Victim Name (or Business Name) Jennifer Lynn Lockmiller Responsible Party

Wallis Hall and she stated that I could. Darcy called for IWU security and they agreed to accompany me to [redacted]. Darcy gave me her office number, 556-3113, and extended her offer to help in any way she could.

I then left Darcy's office and met with IWU security. I checked through room [redacted] and found it to be completely empty. I then checked all common areas of the house and found nothing unusual.

After checking Wallis Hall, IWU security suggested that we might want to take a walk through McPherson Hall, the theatre building at IWU. We then went to McPherson Hall and began walking through. While in the building, I made contact with Chris Thunker [redacted] / 556-2440) and Leigh Kuyper ([redacted] / 556-2028). Chris and Leigh both stated that they knew Alan Beaman and Mike Swaine from working the theatre. They described Alan as being a very melodramatic person. They stated that Mike Swaine, on the other hand, was a pacifist. When asked about other people that we could talk with, Leigh and Chris provided the names of: J.C., Mike and Tish Mackey, Ross Minion (827-0441), Don, and Meredith Hanes (828-4737). Chris stated that he was at Jennifer Lockmiller's residence about two weeks earlier and that he knew Mike was staying with Jennifer. Leigh stated that she believed Mike had some belongings that he was storing in the photo lab there at McPherson Hall. After talking with Leigh and Chris, IWU security and I went to the photo lab and looked through the belongings that were being stored there. Since the Photo lab is IWU property and the items were not secured in any closed containers, we felt there was no expectation of privacy. We looked through Mike Swaine's belongings but found nothing that seemed pertinent to this case. I then returned to NPD.

Also, on that same date, I checked with the Credit Bureau for any credit cards listed to Alan Beaman or Michael Swaine. The Credit Bureau showed no credit cards issued to Michael J. Swaine. They showed two credit cards issued to Alan Beaman, a Discover Card and a Citibank Visa. The Discover card showed no usage since it's issuance. I called and spoke with Citibank Visa, they stated the card showed it's last usage on August 12, 1993 at the Denny's restaurant in Rockford.

After checking the credit card usage, I talked with our Records Department Supervisor for any calls that were dispatched to the general area of the victim's apartment during the last two weeks. That report did not reveal anything significant.

At 6:00 pm, we had another investigator's meeting to discuss the results of our various actions thus far.

On Tuesday, August 31, 1993, we began with another investigator's meeting. After the

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Freesmeyer #694 Active Suspended Fail to File Complaint
 Cleared Unfounded Exceptionally Cleared

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NO. POLICE SUPPLEMENTAL CASE REE

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Offense Supervisory Correction of #2 or #3
Homicide

Victim Name (or Business Name) Jennifer Lynn Lockmiller Responsible Party _____

meeting, I went to the McLean County State's Attorney's office in an attempt to obtain subpoenas for Jennifer Lockmiller's phone records. I obtained the subpoena and served it immediately to Sherry Curry Thomas of GTE Security at their Bloomington office.

After returning to the office, I called Virginia Betteridge at (708)617-2441. Virginia is the supervisor of the bookstore located at York High School in Elmhurst. Virginia was Michael J. Swaine's immediate supervisor while he was working at the bookstore during the week of August 23 through August 27. Virginia stated that Mike Swaine was working directly beside her all week at a registration table. She gave me the following schedule that Michael J. Swaine kept that week:

Monday, August 23: 7:15 am - 4:00 pm
Tuesday, August 24: 7:45 am - 3:30 pm
Wednesday, August 25: 7:45 am - 3:15 pm
Thursday, August 26: 11:45 am - 4:00 pm
Friday, August 27: 7:45 am - 11:30 am

That afternoon, I received a call from Stacy Gates. Stacy stated that Jennifer was pregnant with his child on two separate occasions, once in the spring of 91 and the other in the spring of 92. Stacy stated that Jennifer had an abortion each time and that both were done at a clinic in Champaign on the corner of 4th and Springfield.

Stacy stated that he called because he had a few dates incorrect when he talked with Detective Warner. Stacy stated that he last saw Jennifer on May 16, 1993.

I asked Stacy if he wore a condom during the times that he had intercourse with Jennifer. Stacy stated that Jennifer hated condoms and that he wore them about 20% of the time. He stated that when they used them they usually used Sheik Elites or Trojan Ens.

Finally, I asked Stacy how Jennifer would usually disrobe prior to having sexual intercourse. Stacy stated that Jennifer would usually unbuckle her pants first, then remove her shoes, remove her pants, socks, shirt, and then panties. This order seemed to be inconsistent with the crime scene.

We concluded the day with an investigator's meeting and discussed our separate findings thus far. During that meeting, the suggestion of an overhear for a phone conversation between Michael Swaine and Alan Beaman was discussed. It was decided that if Michael would take and pass a polygraph exam, we would attempt to have him make contact with Alan Beaman via phone and discuss Jennifer's death.

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Assigned Investigator: Freemeyer #694 Status: xxActive Suspended Fail to File Complaint Booking #: _____
Cleared Unfounded Exceptionally Cleared

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NO POLICE SUPPLEMENTAL CASE REF

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Offense Supervisory Correction of #2 or #3
Homicide

Victim Name (or Business Name) Jennifer Lynn Lockmiller Responsible Party

On Wednesday, September 1, 1993, I went to the McLean County State's Attorney's office and made a request for a court authorized overhear. While there, I requested subpoena's for the following records:

Agency	Records	Phone Number	Subscriber	
AT&T 1-800-732-5689 Printiss Hall 33 N. LaSalle St. Chicago, Il. 60602 Anita Floyd (404)552-2121	Toll and MUD calls from 7/25/93 through 8/30/93.	(815)964-5761 (815)962-6540 (708)530-5865 (309)452-9913	Josh Whitney Alan Beaman Mike Swaine Jen Lockmiller	
	large computer study from 7/25/93 through 8/30/93 not on current bill.	(815)964-5761 (815)962-6540 (708)530-5865 (309)452-9913	Josh Whitney Alan Beaman Mike Swaine Jen Lockmiller	
	MCI 1133 19th St. Northwest Washington D.C. 20036 Linda Stewart (202)736-6350 Fax (202)736-6072	all incoming and outgoing calls for the following numbers	(815)964-5761 (815)962-6540 (708)530-5865 (309)452-9913	Josh Whitney Alan Beaman Mike Swaine Jen Lockmiller
		GTE 1312 E. Empire St. Bloomington, Il. 61701 Sherry C. Thomas 663-3444 Fax (309)662-3371	all incoming and outgoing calls from 8/1 to present	(309)828-4737
all incoming and outgoing calls from 8/1 to 8/23			(309)452-9913	Jen Lockmiller
Illinois Bell 212 W. Washington Rm 2G Chicago, Il. 60606 Larry Renfro (312)727-5429 Joy (312)727-6890 Fax (312)845-3521	all incoming and outgoing calls from 8/1 to present	(815)964-5761 (815)962-6540 (708)530-5865 (815)398-7658	Josh Whitney Alan Beaman Mike Swaine Chris Carbone	

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Assigned Investigator: Freasmeyer #694 Status: Active Booking #: _____
 Active Suspended Fail to File Complaint
 Cleared Unfounded Exceptionally Cleared

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C05429

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NO. POLICE SUPPLEMENTAL CASE REP.

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Offense Supervisory Correction of #2 or #3
Homicide

Victim Name (or Business Name) Responsible Party
Jennifer Lynn Lockmiller

At approximately 1500 hrs, I received consent from Michael Swaine's attorney for a polygraph exam. I had prearranged an appointment for 4:00 with Kenneth Frankenberg at the Illinois State Police Crime lab in Rockford, IL. After speaking with Michael's attorney, I picked Michael up at the attorney's office and headed for Rockford. While we were enroute to Rockford, Detective Hospelhorn continued the overheard request and obtained the required court order.

Michael Swaine and I arrived in Rockford at approximately 4:45 pm and a polygraph exam was administered by Kenneth Frankenberg. Mike was asked the following three questions:

- 1) "Between August 23 and August 27, 1993, were you in the company of Jennifer Lockmiller in apartment [redacted] at [redacted] in Normal?" Answer: "No"
- 2) "Did you cause Jennifer's death?" Answer: "No"
- 3) "Have you withheld any information from investigators regarding Jennifer's death?" Answer: "No"

After the polygraph, Ken explained the results of the test and stated that he felt Michael J. Swaine was answering the questions truthfully and that he was not the person responsible for the homicide.

Michael and I then began our return trip back to Normal. During that time, I gave Mike several reasons why we felt that Alan Beaman was a strong suspect in the homicide of Jennifer Lockmiller. I explained to Mike that we were asking for his cooperation in a court authorized overheard during a phone conversation between himself and Alan Beaman. After talking about the aspects of the overheard in detail, Mike agreed to assist our department in any way possible to solve this case.

Mike and I arrived back at NPD at approximately 8:45 pm and met with Lt. Frank Zayas, ASA James Souk, and ASA Keri Mason. After setting up the equipment in the upstairs conference room of the police department, we sat and discussed our strategy for directing the conversation. Upon the conclusion of our discussion, we attempted contact with Alan Beaman at his residence in Rockford (815)962-6540.

On our first attempt at approximately 9:40 pm, an older male voice answered the phone and stated that Alan was sleeping. We called back approximately 5 minutes later and an older female voice answered. The female stated that he is not allowed to talk to anyone right now. The female stated it would be better if Mike did not call back that

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C 273

Assigned Investigator: Status: Booking #:
Freesmeyer #694 Active Suspended Fail to File Complaint
Cleared Unfounded Exceptionally Cleared

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C05430

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NC POLICE SUPPLEMENTAL CASE REF

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Offense Supervisory Correction of #2 or #3
Homicide

Victim Name (Or Business Name) Responsible Party
Jennifer Lynn Lockmiller

week. The female also stated that they were advised not to let him talk to anyone. We then concluded the session for that evening and I gave Mike a ride back to his residence.

On September 2, 1993, we began the day once again with a group meeting. After the meeting, I went before the Grand Jury of McLean County and was granted approval for the nine subpoenas that I had requested the day before. After leaving the Grand Jury, I stopped and picked up Mike and we attempted another phone call to Alan Beaman. The second attempt was made at the Normal Police Department in the same conference room as before.

We began the second call at approximately 11:28 am. The phone was answered by an older gentleman, believed to be Alan's grandfather. Mike asked if Alan was there and the person first stated he wasn't, then he stated that he was there but that he was sleeping. The person asked who was calling and stated that they were keeping a record of who called. Mike asked if Alan could call him back and the man stated "no". We then concluded the calling session at 11:34 pm. I then took Mike home and then came back to NPD to begin compiling my report and organizing the phone records that I was beginning to receive from GTE.

At approximately 2:00 pm, we held another meeting with the Assistant State's Attorney's and the Chief of Police. Prior to the meeting's start, ASA James Souk gave me the subpoena's that I had requested so that I could serve them to the respective companies. It was decided at that meeting, that we would take Mike Swaine through the apartment to see if there was anything that he would note as unusual. We were also advised to look for a sorority pin, a necklace, and a watch that might be of value. After the meeting, I went to the scene with Kari Mason and Detective Dave Warner. After reviewing the apartment once more, I went to pick up Mike Swaine and then returned to the apartment. Mike was allowed into the apartment and he began to survey the apartment room by room. Mike did not mention anything that was unusual and was successful in helping us locate the sorority pin. The watch and the necklace were also located. After reviewing the apartment, Mike was taken back to his residence.

On Friday, September 3, 1993, I went to Rockford Illinois to attempt to interview Alan Beaman's neighbors regarding anything they might have seen or heard during the prior week. I first met with Sgt. Greg Lindmark of the Rockford Police Department. I advised Sgt. Lindmark that I wished to interview several people in the area regarding Alan Beaman. Sgt. Lindmark was somewhat familiar with the case from assisting Det.

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Assigned Investigator: _____ Status: _____ Booking #: _____
Freesmeyer #694 xxActive Suspended Fail to File Complaint
Cleared Unfounded Exceptionally Cleared

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C05431

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NO 4 POLICE SUPPLEMENTAL CASE REF

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Offense Supervisory Correction of #2 or #3
Homicide

Victim Name (or Business Name) Responsible Party
Jennifer Lynn Lockmiller

Daniels on 8/28/93 and he assigned Detective Al Johnson to accompany me through the city and to serve as a guide to get me where I needed to go.

Detective Johnson and I began by going to the neighborhood where Alan Beaman resides. As we drove past Alan's residence at [redacted], we observed an elderly gentleman in the driveway cleaning a mobile home. We also observed a grey Ford Escort with Illinois license plates "BBB 282" sitting in the driveway parked to the left of the garage. After driving past and taking several pictures of the Ford Escort, we began to make attempts at contacting neighbors.

There are five houses that border the Beaman residence. Those residence are:

- 1) Henry Taylor - [redacted], Rockford, Il. (Due East of the Beaman)
- 2) Lawrence & Melba Rinaldo - [redacted], Rockford, Il. (Northeast of Beaman)
- 3) Schultzes - [redacted], Rockford, Il. (Due North of Beaman)
- 4) Unknown - [redacted], Rockford, Il. (Northwest of Beaman)
- 5) Michael & Linda VanBarriger - [redacted], Rockford, Il. (Due West of Beaman)

Of the five residence, I was able to make contact with only one individual. That individual was Michael P. Vanbarriger (4-8-74) who lives due west of Alan Beaman. Mike is 19 years old and stated that he grew up with Alan Beaman. Mike stated that on the evening that Alan was initially stopped, he came over to Mike's window to talk with him. According to Mike, Alan said he was going to Denny's for coffee when he was pulled over and taken downtown for questioning. He stated to Mike that the detectives were trying to get him to say something. Mike said Alan was shaken up over his old girlfriend and that Alan told him that the police were trying to find out where he was. Alan told Mike that he had a receipt for some tires that were installed on his car. The receipt had the mileage written on it and the mileage had not accrued over three hundred since the tires were put on. Alan stated that it was over 300 miles to Bloomington and back so he couldn't have driven to Bloomington after getting the tires. Alan told Mike that he loved his old girlfriend and wanted to call down and find out what happened to Jen but if the cops thought he did it, he didn't want to start anything. Mike stated that Alan was talking about "Bubba" and how Bubba would bother Alan and Jennifer while they were together. Alan told Mike that they broke up about a month before school let out. Alan did not tell Mike the last time he saw Jennifer.

When asked to describe the vehicles driven by Alan's parents, Mike stated that they had two chryslers, one's grey and the other is pinkish-tan. Mike stated that the car

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Freemeyer #694 xxActive _____ Suspended _____ Fail to File Complaint
Cleared _____ Unfounded _____ Exceptionally Cleared

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Homicide

Victim Name (or Business Name) Responsible Party
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might be white because he has seen Alan's mom driving a white car. While talking, Mike stated that he doesn't think Alan has a temper. Mike stated that he usually sees Alan's car around 10 am and around 12:30 am. However he added that Alan hasn't been driving the car since we interviewed him because he didn't want to change the mileage. Alan told Mike that he was originally taken to the station for questioning about a homicide and then after getting to the station he was told that she was beaten up real bad. Mike stated, for a second time, that Alan was shaken up but wasn't crying. Mike then recalled Alan saying something about Jennifer being beat up or cut-up but didn't know if she was raped or not. We then concluded the interview and I left the residence.

After checking the neighborhood, Al Johnson and I went to David Olson's residence located at [redacted] in Rockford. We arrived at the residence at approximately 11:10 am and were unable to make contact with anyone at that residence. We then returned to the Rockford Police Department.

I checked the Rockford City Directory in an attempt to locate Alan's pastor, Frank Moore. I was unable to locate a Universal Church located anywhere in the Rockford Area. I did locate a Frank Moore in the city directory but there was no answer when I called the house.

The only person able to verify Alan's alibi, during the time that the homicide occurred, was his mother, Carol Beaman. Before returning to Normal, I went to Auburn High School to see if I could verify either Alan Beaman's presence or Carol Beaman's presence during the time in question. After arriving at the School, I talked with the Assistant Principal, Mrs. Ann Anderson. (815-966-3305) Mrs. Anderson stated that she remembered seeing Alan and Carol in the school building on the previous week, however, she couldn't remember which day. Mrs. Anderson stated that a lot of teachers come in to prepare their classroom before school starts and that they do not sign in or out when they enter the building. Mrs. Anderson stated that she was at the school every day of the week in question.

After leaving the school, I returned to the Normal Police Department.

On Tuesday, September 7, 1993, I continued to compile phone records that I was receiving from the various subpoena's that were sent out. At approximately 1630 hours, we held another investigators meeting to discuss the various findings of each investigator. On Sunday, September 5, Alan Beaman returned to Bloomington/Normal and moved into his room at [redacted]. After the meeting, I went to Mike Swaine's residence and picked him up for another attempt at the overhear. We returned to the

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Homicide

Victim Name (or Business Name) Responsible Party
Jennifer Lynn Lockmiller

station and attempted calling Alan at his dorm room at approximately 8:00 pm. We made several attempts and were unable to get an answer at Alan's apartment in [REDACTED]. I asked Mike if he would be willing to assist us by approaching Alan in person and engaging him in a conversation while wearing a body wire. Mike consented and stated that he was to be with Alan the following night at the theatre to set up for a performance. Mike stated that he could ask Alan to go for a walk with him after they were done setting up the theatre. We made temporary plans to conduct a body wire on the following evening and I took Mike back to his residence.

On Wednesday, September 8, 1993, I went to the Mclean County State's Attorney's Office to request a court order for a body wire and also for two additional subpoenas for phone records. The subpoena's requested were due to two requests that were written incorrectly on the week prior. The two additional subpoena's were:

Agency	Records	Phone Records	Subscriber
MCI 1133 19th St. Northwest Washington D.C. 20036 Linda Stewart (202)736-6072 Fax (202)736-6072	Records of all calls terminating at 452-9913 between 7/20 - 8/30	(309)452-9913	Jen Lockmiller
Illinois Bell 212 W. Washington Rm 2G Chicago, IL. 60606 Larry Renfro (312)727-5429 Joy (312)727-6890 Fax (312)845-3521	Large computer study on three numbers from 7/25 to 8/30.	(815)964-5761 (815)962-6540 (708)530-5865	Josh Whitney Alan Beaman Mike Swaine

After presenting Judge Prall with the request for a body wire, the request was approved. I called Tech Services in Springfield Illinois and they agreed to assist our department at 6:30 that evening. I contacted Mike Swaine and picked him up at approximately 12:45 pm. Mike was brought to NPD and fingerprinted so that the lab could begin eliminating his prints. We then made arrangements to do the overhear that night and I took Mike back to his residence.

At 6:30 pm, I picked Mike up again at his residence and brought him to NPD. We then

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Freesmeyer #694 Active Suspended Fail to File Complaint
 Cleared Unfounded Exceptionally Cleared

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Homicide

Victim Name (or Business Name) Responsible Party
Jennifer Lynn Lockmiller

met with Pat Keen and Keith Frederick of ISP Technical Services and discussed the plan for the body wire. It was decided that Mike would be dropped off at about 7:00 pm to work at the theater and we would designate a meeting place at that time. Shortly before they were done working, Mike would slip out to the meeting place and get into the van. We would then strap on the body wire and send him back in. After completing work, Mike would attempt to engage Alan in conversation.

We dropped Mike off at about 7:00 pm and established a meeting point. Pat, Keith, and I returned at about 9:00 pm and found that there was another vehicle in the spot where we were going to meet. We parked across the street from McPherson hall and waited for Mike to come out. At about 9:40 pm, Mike approached the van and entered by the side door. Pat Keen applied the body wire while Keith and I kept watch for pedestrians passing by the van. Mike Swaine stated that Alan was working in a brown house that was located about 30 yards south of the van. After the body wire was installed, Mike exited the vehicle and approached the brown house.

Mike was successful in making contact with Alan Beaman and convinced him to go outside to the front porch to talk. Alan and Mike talked about Jennifer for approximately 50 minutes before Mike terminated the conversation. (For a complete detail of the conversation, see the transcript of the tape prepared by Jackie Thomas.) After the conversation terminated, Mike Swaine began walking towards his residence and we stopped and picked him up along the way to return to NPd. After removing the wire at NPd, I returned Mike to his residence. The original tapes were submitted into evidence and a copy of the tape was made for investigative use.

On Thursday, September 9, 1993, I went before the Grand Jury of McLean County and obtained approval for the last two subpoena's that I requested. After obtaining the subpoenas, I returned to NPd and faxed off the copies to the respective agencies. I then mailed the hard copy to MCI via registered mail and began to update my reports.

On Wednesday, September 15, 1993, we conducted another overhear using a body wire. Mike Swaine was picked up at his residence and escorted to the Normal Police Department by this R/O. After arriving at NPd, we met with Pat Keen from Tech Services and discussed the plans for the overhear. At approximately 1900 hours, the nagra recorder was turned on and Pat Keen and I took a position near Alan Beaman's apartment while John Russell and John Belcher dropped Mike Swaine off near the Walgreen's store located on Center street. At approximately 1915 hrs, Mike was dropped off and began walking towards [redacted] located on the IWU campus. Mike entered the hall and made

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Homicide

Victim Name (or Business Name) Responsible Party
Jennifer Lynn Lockmiller

contact with Alan Beaman in Alan's dorm room. Alan consented to talking with Mike and they went to the front porch to talk. The conversation lasted for about 15 to 20 minutes before Alan became upset and walked away. Mike then began walking back to Walgreens where we picked him up and returned him to NPD. After arriving at NPD, the tape was transferred to a cassette copy and the Mike was returned back to his residence. For a complete detail of the conversation between Mike Swaine and Alan Beaman, see the transcription done by Jackie Thomas.

On 09/22/93, Lt. John Brown and I went to Rockford to attempt at interviewing other possible witnesses. We made contact with Dennis Clark and received a hardcopy of Alan's work schedule for the week of August 23, through August 27. According to Dennis, they had been paving parking lots during the evenings and were not in the stores.

After talking to Dennis Clark, we went to the Winnebago County Sheriff's Department and spoke with Detective Chris Cowan. According to Mike Van Barriger, on the evening that Alan was stopped, Alan had told him that he had just had new tires put on his car and had not driven the car over 300 miles since having the new tires installed. Detective Cowan checked to see if a tow sheet was completed on Alan Beaman's vehicle on the night that Detective Daniels and Detective Hospelhorn talked with him. After checking the tow-sheet, we were unable to find any mileage statements that were taken.

Before returning to Normal, we went to [redacted] in Rockford. David Olson was the person sponsoring the party that Alan stated he attended on Wednesday night. We arrived at David Olson's house at approximately 1050 and remained there until about 1140. After being unable to make contact with David, we returned to Normal.

On 09/23/93, I went before the McLean County Grand Jury to request a subpoena for banking records of Alan W. Beaman's accounts at Bell Federal Savings and Loan. I also requested a subpoena for the AT&T trap and trace division in order to identify the truncated calls coming into the victim's apartment. Both requests were granted.

After returning to the Normal Police Department, I faxed the subpoena's to AT&T and Bell Federal Savings and Loan. I followed up the fax by mailing out the hardcopies via registered mail.

At approximately 2:30 pm, John Brown and I made contact with Chris Carbone on the IWU campus. I asked Chris if he would be willing to speak with us for a little while and he agreed. We then transported Chris to the McLean County State's Attorney's office and began an interview in Lt. Brown's office. I began by informing Chris that he was still

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Homicide

Victim Name (or Business Name) Responsible Party
Jennifer Lynn Lockmiller

a suspect and therefore, I needed to advise him of his Miranda rights. I advised Chris of his rights and asked if he understood his rights to which he stated, "yes". I then asked if he was willing to waive those rights and he agreed he would. I began by asking Chris to tell me about himself. Chris talked for about 15 minutes about himself and then began to talk about Alan. We continued to talk for about another 30 minutes and then brought up the issue of the polygraph test. Chris stated that he refused the test because he was unsure where we were going with the interviews. After talking for an extended time regarding the polygraph, Chris stated that he had no problem with the polygraph but would prefer to talk with his family first. Chris stated that he would get back with Lt. Brown next week regarding whether he would take a polygraph or not. After our discussion, Chris was driven back to his dorm on the IWU campus.

On 09/24/93, I had contact with representatives of Bell Federal Savings and Loan. They informed me that Alan Beaman had made a deposit of \$400 at approximately 1011 am on Wednesday August 25, 1993. They further advised that the transaction occurred at the Rockford Illinois branch office and that the transaction was captured on video tape. They agreed to follow up our conversation by mailing copies of the transaction and the video tape to our department. There were no vehicle descriptions obtainable by the video tape. It was also confirmed that Alan Beaman did not have an ATM card.

On 09/25/93, I obtained facsimile copies of the records from Bell Federal. The records show that Alan made a deposit of \$400 on 8/25/93. That deposit was comprised of \$300 cash and a \$100 check from Barry & Carol Beaman (Check #2387).

On 10/11/93, I received the video tape from Bell Federal Savings and Loan. I took the video tape to the First of America bank in Bloomington and reviewed it's contents. After identifying the frames in the video containing Alan Beaman's picture, I made several print-outs of the frames. I also confirmed that the video showed Alan Beaman entering the bank at 10:09:22 on 8-25-93 and remaining there until 10:11:43 on the same date. The tape was placed into evidence at the Normal Police Department and the print-outs were placed with the rest of the report.

On that same date, I also reviewed the copies of Alan Beaman's account statements for the period from June 2 through September 1, 1993. There was nothing of significance in the statements.

On 10/12/93, Kenneth Frankenberry, a polygraph operator from the State Police Crime Lab in Rockford, IL, agreed to come to NPD to administer three polygraph tests. At 0945 hrs, Christopher Carbone arrived at NPD as requested. Christopher was given a polygraph test and passed with no notable problems. An attempt was made to get Larbi

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Cleared Unfounded Exceptionally Cleared

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Homicide

Victim Name (or Business Name) Jennifer Lynn Lockmiller Responsible Party

Murray to take a polygraph exam at 11:00 that same date but Larbi stated he was not available at that time. The third appointment was reserved for Alan Beaman, should he choose to take the exam.

On that same date, Lt. Brown obtained a search warrant to collect body fluids from Alan Beaman's body. Lt. Brown and I made contact with Alan Beaman on the campus of Illinois Wesleyan at approximately 1200 pm and asked him to accompany us to the hospital. Alan asked at first if he could go after class and we informed him that he was under the effect of a court ordered search warrant to obtain body fluid and hair samples. Alan agreed to come willingly and we escorted him back to my squad car. After the three of us were in the car, I advised Alan of his Miranda rights by reading them straight from a warning card that was provided to me by the Normal Police Department. After verifying that Alan was aware of his Miranda rights, we transported him to the Brokaw emergency room.

After arriving at Brokaw, Alan was registered and we waited in a small waiting area until a room became available. After waiting for approximately five to ten minutes, we were escorted back to an examining room and prepared to collect the samples listed on the search warrant. The attending nurse was Ron Bartlett. We began by opening the collecting kit, supplied by Brokaw E.R. and sorting what items were needed. The first sample taken was saliva, following by head hair samples, blood, and ending with pubic hair samples. The blood sample was drawn from Alan's right forearm by Ron Bartlett. The saliva packet was moistened and placed in the collection package by Alan Beaman. The hair samples were plucked by Alan Beaman from the various parts of his head and pubic region and placed in the collection envelopes by Alan Beaman. The various collection envelopes were sealed in my presence as was the entire collection package. After all seals were placed and signed, the package was turned over to me by Ron Bartlett and we then transported the package and Alan Beaman to the Normal Police Department. After arriving at the Normal Police Department, Alan was taken to the booking area and his fingerprints and photograph were taken. After we concluded in the booking area, we escorted Alan back upstairs to the Juvenile Detective's Office. After arriving in the office, I took a seat at my desk and asked Alan to have a seat next to my desk. Lt. Brown took a seat behind Alan in order to observe the conversation. I verified that Alan remembered his rights and that he understood his rights. I then advised him that the effect of the search warrant was completed and that he was free to leave at any time. Alan stated that he understood. I informed Alan that we had been talking to numerous people regarding this case and that I would appreciate the opportunity to speak to him about the matter. Alan agreed and told me to go ahead and

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Cleared Unfounded Exceptionally Cleared

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APPENDIX 001313

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<u>Offense</u> Homicide	<u>Supervisory Correction of #2 or #3</u>
<u>Victim Name (or Business Name)</u> Jennifer Lynn Lockmiller	<u>Responsible Party</u>

ask the questions that I had to ask.

I began by asking Alan about any personal habits that Jennifer maintained. Alan stated that she smoked clove cigarettes, drank Bud Light beer, hated condoms, and liked watching "L.A. Law." I asked Alan about bars that Jennifer used to frequent and he listed The Gallery, Kilarney's, Rhino's, and Rocky's. Alan stated that Jennifer liked listening to "Pearl Jam" and worked for the Vidette and "Inside Edge" as a writer. Alan stated that Jennifer had a lot of problems in her life and that she did not seem to like herself much. Alan stated that she referred to herself as "Jade". We talked for several more minutes regarding Jennifer's habits and recent hang-outs.

As Alan became more comfortable with the conversation, I began to direct the topic towards his relationship with Jennifer. Alan openly admitted that their relationship was very unstable. Alan stated that they broke up about 18 times in one year and that there was a lot of psychological battles that would take place. Alan stated that he would never hit Jennifer, citing that she had been hit enough by her parents. When Alan felt the need to fight with Jennifer, he stated that they would have psychological battles were one would mention the others past boyfriend/girlfriend as a way to irritate the other. Alan stated that Jennifer would always win the psychological battles. While we were talking, I mentioned to Alan that it sounded like Jennifer "really raked him over the coals" to which he agreed. He further commented on a time that she had sexual intercourse with Mike Swaine in the Sig Chi basement during the exact time that Alan was driving to Rockford to obtain marijuana for her. Alan made it clear that she was much less than faithful to him and that she took everything he had to give leaving him "a hollow fucking shell." As we talked, Alan would change the tone of his voice, speaking first in a normal tone and then reducing his voice to a low whisper, then back to his normal voice. At one point in the conversation, Alan's eyes began to tear up and Alan sat back in his chair and stated, "What do you want me to say, I've told you everything." At that point, I explained to Alan that we wanted him to take a polygraph test. I told Alan that if he has told us everything, then he should have nothing to fear from the polygraph test. I informed Alan that we had an operator on hand and that the test could be administered immediately. Alan stated that he did not want to take the test because he did not trust machines. I explained the test further to him and he stated that he would check with his lawyer and then get back with me. After a few more minutes of talking, I called a break and Alan and Lt. Brown stepped outside for a cigarette.

After their return, I asked Alan if he was willing to talk for a while longer. Alan agreed and we continued our conversation. I asked Alan if he would write out a

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<u>Assigned Investigator:</u>	<u>Status:</u>	<u>Booking #:</u>
Freesmeyer #694	<input type="checkbox"/> Active <input type="checkbox"/> Suspended <input type="checkbox"/> Fail to File Complaint	C. 282
	<input type="checkbox"/> Cleared <input type="checkbox"/> Unfounded <input type="checkbox"/> Exceptionally Cleared	

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APPENDIX 001314

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Homicide

Victim Name (or Business Name) Jennifer Lynn Lockmiller Responsible Party

schedule of his activities during the week of August 23 through August 27. Alan agreed and I handed him a piece of paper and a pencil. I asked Alan to begin by writing the days of the week on the left hand side and then to fill in the days with his activities. Alan then wrote the days of the week on the left and began to complete each days agenda. Alan went to Wednesday first and wrote in "Church ice cream social 7:00", "rehearse - Mitch Olson - choir director", "Carbone - 8:00 Dave Olson's". After filling in Wednesday, Alan went immediately to Monday and inserted, "Jen called - I hung up about 5 min." After that Alan began to skip around to several different days until he had completed the schedule.

On the schedule, I asked Alan to list the times he went to bed and the time he got up. On Tuesday, Alan reported that he went to bed about 10:00. (am) He wrote, "parents woke me up about 5 or 6". At the end of Tuesday, Alan noted, "(home 9-10 am wed)." Alan did not list a time that he woke up on Wednesday. On Thursday, he documented "9-10 am home in bed parents wake me up at 8-9." On Friday he failed to list a time he went to bed or a time he was awakened.

While writing his activities for Thursday, he stated that he remembered being at home with his parents until around 12:00 am because he was fighting with them. I asked what the fight was about and he stated that his mom was bugging him and he yelled at her stating, "Don't you think I've got enough on my mind right now!" He stated that his father was following him into his bedroom and grabbed him by the shirt. Alan stated that he grabbed his father's hand and pushed it away while stating, "Don't assault me."

After he finished his schedule, I asked what time he woke up on Wednesday and he stated that his parents woke him up at around 3:30 to 4:00 when they got home. We talked a while longer about the week in question before the interview was finally concluded. Alan stated that he would call his attorney to ask about a polygraph and then get back with us.

Alan was then driven back to his residence on the Illinois Wesleyan Campus and I returned to NPD.

On 10/22/92, after getting no return response from Alan regarding the polygraph test, Lt. John Brown and I attempted to make contact with Alan. At approximately 0820 hrs, Lt. Brown and I arrived at Alan's dorm room and I knocked on the door. I was met by Alan's roommate, Chris Carbone, and was informed that Alan was still asleep. I asked Chris to wake Alan so I could talk with him. After waiting for about five minutes, Alan Beaman opened the door and began to walk downstairs towards the door. Alan was completely dressed and had on his shoes and coat. I told Alan that we wanted to talk

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Homicide

Victim Name (or Business Name) Responsible Party
Jennifer Lynn Lockmiller

with him for a little while and he agreed. After making a restroom stop, Alan, Lt. Brown, and myself left the dorm enroute to the State's Attorney's office.

Since Lt. Brown and I had brought two separate vehicles, Alan rode to the S/A's office with me while Lt. Brown followed. While enroute to the office, I advised Alan that he was not under arrest and that we just wanted to talk with him for a while. I then advised Alan of his Miranda rights once again and verified that he understood his Miranda rights.

After arriving at Lt. Brown's office in the State's Attorney's office, We offered Alan a seat in front of Lt. Brown's desk while I took a seat behind the desk. Lt. Brown took a seat next to Alan and asked Alan if he had been advised of his rights to which Alan stated "yea". Lt. Brown asked if Alan would agree to talk with us once again and he stated he would. Lt. Brown started the conversation by talking about Alan's relationship with Jennifer Lockmiller. Alan began talking about their relationship and stated that he had bought Jennifer a cheap ring at Mother Murphys to verify their engagement. Alan stated that Jennifer lost the ring in June. Lt. Brown asked about the last time that Alan had sex with Jennifer and he stated that it was during the last week of June and the sexual intercourse occurred at Alan's apartment. As he continued to talk, Alan stated once again that their relationship was rocky at best. Alan stated that Jennifer had broken off the relationship with him 16 times in the last year and that he broke off the relationship twice, the second time being the final time.

After Lt. Brown and Alan had talked for about ten to fifteen minutes and the subject of Jennifer's death was brought to the foreground, Lt. Brown asked Alan "what happened that day?" Alan then asked, "What day?" Lt. Brown clarified, "The day Jennifer died?" Alan's response was, "I wasn't there, I don't know." Lt. Brown then stated to Alan, "I think you do know." At that point, Alan's calm demeanor changed completely as he stood up and yelled, "YOUR JUST LIKE FUCKING DANIELS". Alan then grabbed his coat from the back of his chair and bolted for the door of the office. After flinging the door open violently, Alan stormed out of the office stating "I'LL FUCKING WALK HOME!" I immediately got my keys and went after Alan in an attempt to speak with him. I headed for the outer hallway where I found him waiting for the elevator. When Alan saw me he commented, under his breath, "I'll take the fucking stairs." Alan then began to walk down six flights of stairs as I took the elevator to the lobby. After exiting the elevator, I observed Alan walking out the front door of the Law and Justice Center. I yelled to Alan that this was his best chance to talk. After turning once to look at me, he continued to walk away.

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Victim Name (or Business Name) Responsible Party
Jennifer Lynn Lockmiller

On that same day at approximately 1430 hrs and 1530 hrs, I attempted to make contact with Alan Beaman once again and was unsuccessful.

At 1500 hrs on that same day, I had another interview with Michael J. Swaine. The interview took place on the front step of Michael's residence with only Michael and myself present. I asked Michael if he could remember when the sheets to Jennifer's single bed had last been changed. Michael stated that he remembered thinking to himself that Jennifer changed the sheets for him on August 18. Michael stated that he was almost positive the sheet was changed on August 18, but could not testify to that recollection. Michael stated that he and Jennifer had sex on the sheets on August 19 but he did not recall any stains as a result of that activity. I asked Michael if he remembered any stains at all being on the single bed bedsheets before he left on August 22 and he stated that he did not.

I asked Mike if he recalled Jennifer giving anything to Alan during the time that they were dating. Mike stated that Jennifer had given him a Kappa Kappa Gamma coat which Alan would wear proudly. Mike believed he wore the coat more because of it's affiliation with the Kappa Kappa Gamma Sorority in general than with Jennifer. I asked Mike if he had ever seen Jennifer with a guitar and he stated "no", he then commented that Alan has a guitar.

I asked Mike if he could remember the last time that Alan would have been in Jennifer's bedroom. Mike stated that Alan probably slept with Jennifer for the last time around the end of June. Mike added that Jennifer had been withholding sex from Alan since June 11, 1993. Mike knew of one contact between Alan and Jennifer on July 25th when Alan talked to her. Mike stated that Alan got angry, ripped up some letters, and threw them at Jennifer.

Finally, I asked Mike about the alarm clocks once again that were located in Jennifer's bedroom. Mike stated that the brown clock was his and the white clock was Jennifer's. I asked if Alan had an occasion to touch Jennifer's clock and he stated that Alan used to spend the night over at her place quite frequently. The last time Alan would have stayed over would have been in late June. I asked if Mike had any occasion to touch Jennifer's clock and he stated that he used to set both clocks each night and was usually the one to shut them off in the morning.

After concluding the interview, I returned to NPD.

On 10/27/93, I attempted to make contact with Alan Beaman once again. After trying to reach him at his 10:00 am class and being unsuccessful, I went to McPherson Hall to check at the theater shop. After obtaining approval to check the shop from the

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10-January-94 1600

Solvability Referred to: _____ Property Recovered: _____ Value: _____
C 285

Assigned Investigator: _____ Status: _____ Booking #: _____
Freemeyer #694 Active Suspended Fail to File Complaint
 Cleared Unfounded Exceptionally Cleared

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Offense Supervisory Correction of #2 or #3
Homicide

Victim Name (or Business Name) Jennifer Lynn Lockmiller Responsible Party

building secretary, I entered the shop area where Michael Swaine, Alan Beaman, and several other individuals were working. Upon my arrival, Alan had his back to me and was speaking with another person. When he concluded talking and turned to see me waiting, Alan pointed outside with a gesture to have me follow and headed for the exit door. Alan and I then stepped out the back door of McPherson Hall to the east side of the building.

I initiated the conversation by telling Alan that I did not want him to accompany me to any other place as before. I told Alan that he was not in custody and that I merely wanted about five minutes of his time in order to talk. I then took a seat on a small wooden bench located next to McPherson and asked Alan to have a seat beside me. After Alan lit a cigarette and took a few deep breaths, he sat down next to me on the bench.

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. At that point, Alan once again experienced a mood swing and stood up abruptly and began walking away while swearing at me and the situation. I then stated, "Go ahead Alan, walk away, that's how you seemed to handle everything in this case." I continued to talk to Alan and convince him that walking away was not going to solve the situation. Alan began to pace back and forth for a few minutes before he eventually came back and sat down next to me again.

Alan and I then proceeded to carry on a conversation for the next ten to fifteen minutes. I informed Alan that we had Jennifer's phone records verifying that she had called him 28 times on August 22. I informed Alan that we had copies of his letters which vividly displayed his infatuation for Jennifer and his deep sense of despair when she would break up with him. I explained that we had checked his alibi and he had an unverifiable opening in that alibi at the same time that Jennifer was killed. I informed him that we had a copy of the video tape showing him at his bank at 10:11 am 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 be 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 facade continues, we're going for the death penalty." At this point, Alan was resting his arms on his legs with his head facing the ground. After waiting a few

Officer's Name & ID#: _____ Date & Time Report Typed 10-January-94 1600 Supervisor's Name & ID#: _____

Solvability Referred to: _____ Property Recovered: _____ Value: _____

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Assigned Investigator: Freesmeyer #694 Status: Active Booking #: _____
Cleared Unfounded Exceptionally Cleared

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APPENDIX 001318

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Offense Supervisory Correction of #2 or #3
Homicide
Victim Name (or Business Name) Responsible Party
Jennifer Lynn Lockmiller

seconds, Alan lifted his head and stated "But I didn't do it".
I asked Alan to give me any information that I could use to prove that he wasn't responsible for Jennifer's death. I reminded Alan that we offered a polygraph test and he refused to take it. I then reminded him that he did not even call back to tell us that he wasn't going to take the polygraph, after he said he would call us. I asked Alan if he in fact told us that he went straight home on Wednesday, August 25, after getting off work and he stated that he had in fact told us that. I then pointed out the conflict in his story that arose after we obtained a video tape of his presence in the bank on the opposite side of his place of employment from his house. When asked to explain the inconsistency, Alan simply stated, "I didn't go to Normal." I then asked Alan if he recalled telling me that he was home by himself sleeping on Wednesday until around 1530 to 1600 hrs when his parents arrived home to wake him. Alan then again confirmed that he was home by himself on Wednesday, August 25, from around 1000 or 1100 hrs until his parents arrived home at around 1530 to 1600 hrs. I asked Alan if he had anyone over to his house and he stated no. I asked if he made any phone calls that morning and he stated "no". Once again, I asked Alan to give me any way possible to clear him and he stated that he couldn't.

I then confronted Alan one more time and clarified that he had a definite motive, to which he agreed, he had no alibi for the time of Jennifer's death, to which he agreed, he had an opportunity for the crime since Jennifer knew him, to which he agreed, and that his fingerprint was on the murder weapon, which he acknowledged. 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."

Before I left, Alan stated that he would take a polygraph if I called his lawyer and got his lawyer's approval. I stated that I would contact his attorney and get back in touch with him. I then asked Alan if I could contact him at his dorm room and he stated "yea".

I then left the area and returned to the State's Attorney's office.

On 10/29/93, I met with Michael J. Swaine once again and escorted him to Brokaw Hospital where he agreed to give voluntary samples of blood, saliva, pubic hair, and head hair to be used for comparison with the samples taken from the scene. After obtaining the samples, they were sealed into an evidence kit and turned back over to my custody. I then returned Michael to his residence and then secured the evidence kit in the evidence refrigerator at NPD.

On 11/1/93, I transported the evidence kit containing Michael J. Swaine's samples to

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1-July-94 1600

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Assigned Investigator: _____ Status: _____ Booking #: _____
Freasmeyer #694 Active Suspended Fail to File Complaint
Cleared Unfounded Exceptionally Cleared

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L POLICE SUPPLEMENTAL CASE RE

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Offense Supervisory Correction of #2 or #3
Homicide

Victim Name (or Business Name) Responsible Party
Jennifer Lynn Lockmiller

the Morton Crime Lab where I turned them over to Pat Orr of the serology department.

On 11/03/93, I obtained a court order authorizing a third bodywire in this case. The purpose of the bodywire was to tape a conversation between Alan Beaman and myself in which we expected Alan Beaman to verify that he was home alone from 10 am on 8/25/93 to 4 pm on that same date.

On 11/05/93, I met with Tech Services at the Normal Police Department. After having the bodywire attached to my body, I drove to IWU to attempt to speak to Alan Beaman. Pat Keen provided surveillance along with Detective Belcher. I made contact with Alan Beaman after he finished one of his classes and we went to the quad to talk. During the conversation, Alan stated that he was home alone from 10:00 am on 8/25/93 until 4:00 pm when his mother returned from school. Alan stated that his father returned home sometime between 5pm to 6pm. At that time, I asked Alan if he had any other way that we could clear him of this case and he stated "no".

Lt. Brown and I were contacted by John Revis shortly after a reward was offered in this case. We met with John Revis at the McLean County Sheriff's Dept. and began an interview. John stated that a man by the name of Jason Garinger might be a possible suspect in this case. John stated that Jason Garinger lives in Rutland, Illinois. John stated that Jason was a "real psycho" and that he was always talking about strangling people. The reason John felt that Jason was a suspect was because he knew Jennifer and that Jennifer had told him a while back that Jason came over. John couldn't remember when Jennifer had said this but felt it was several months earlier. John also talked about Alan Beaman. He stated that he sold a lot of marijuana to Beaman and also smoked a lot of marijuana with Beaman. John stated that he used to go places with Jennifer and Alan would get very upset over them being together. John stated that he was the reason for the fights between Jennifer and Alan during the summer of 1992. John stated "Alan was very jealous".

When asked about Jennifer's personal habits, John began to describe her drug use. John stated that Jennifer was always asking for pills. Percadin and Darvacet were two of the pills that John recalled Jennifer asking for. He stated that Jennifer also asked for speed, snortable, edible, or smokable. Revis recalled one evening when he obtained cocaine and he and Jennifer smoked it on top of the Law and Justice Parking garage.

Revis also brought up the name of Terry Boyd once again and stated that he knew

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 Cleared Unfounded Exceptionally Cleared

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FORMAL POLICE SUPPLEMENTAL CASE REPORT

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Offense: Homicide; Supervisory Correction of #2 or #3

Victim Name (or Business Name): Jennifer Lynn Lockmiller; Responsible Party:

Jennifer. He stated that Terry went to Jennifer's apartment with him once along with Josh Hill. When they arrived, they heard someone inside telling someone else not to answer the door. After returning outside, Jennifer came to the window and told him to come back after the weekend. He then saw a guy known to him as "Bubba" through the window and the man asked him who he was and what he wanted.

After the interview, John was transported back upstairs and Lt. Brown and I left the Sheriff's Dept.

On 11/10/93, at about 1400 hrs, a meeting was held at the Morton Crime Lab to discuss this case. Present for the meeting was Assistant State's Attorney Jim Souk, Assistant State's Attorney Kari Mason, Lt. John Brown, Pat Orr of the serology department, John Derker of the latent prints department, Ken Knight of the microscopy department, George Whitlat who directs the forensic lab, and Susan Johns who is the director of research and development for the forensic lab. We began the meeting by reviewing the facts of the case to determine if any other types of evidence could be found. After reviewing the case, we received a report from each laboratory department regarding their findings as of that date. Susan Johns stated that the DNA testing would begin soon and a result should be obtained in four to eight weeks from that date. Susan stated that if we could obtain blood samples from Jennifer Lockmiller's parents, a better DNA result could be obtained. John Derker also suggested that we submit Jennifer's shoe that was found in the hallway for possible prints.

On 11/11/93, I drove to Decatur and met with Norma and Richard Lockmiller, Jennifer's parents. We met at their doctor's office and blood samples were taken. The samples were drawn by Benita Baker, the RN working at Dr. Newlin's office. They were then packaged in a State Police Evidence kit. I also received a photograph from Norma Lockmiller which was taken in 1989. The photograph was a picture of Jennifer's dorm room at IWU and depicted the clock that was used in her death. I also asked Norma Lockmiller if she recalled Jennifer doing any laundry while she was home in August. Norma stated that she did numerous loads of laundry for Jennifer the last time she was home but could not remember what type of laundry it was. When asked about Jennifer's black bedsheets, Norma stated that she remembered Jennifer having black sheets but could not verify if she washed them or not while she was last home. After obtaining the necessary blood samples, I delivered them straight to the Morton Crime Lab and deposited them into the Serology evidence refrigerator.

On 11/16/93, I drove to Peoria in an attempt to verify Stacy Gates alibi during the time of the homicide. I went to his place of employment, Harrison School, and spoke with the school principal, Miss Aurthur Perkins (672-6522). I explained my purpose of being at her school and Miss Perkins stated that Stacy had informed her of the

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Assigned Investigator: Status: Booking #: Freemaner #694 Active Suspended Fail to File Complaint Cleared Unfounded Exceptionally Cleared

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NORMAL POLICE SUPPLEMENTAL CASE REPORT

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Offense Supervisory Correction of #2 or #3
Homicide

Victim Name (or Business Name) Responsible Party
Jennifer Lynn Lockmiller

situation. I asked Miss Perkins if she could verify Stacy's presence during the week of 8/22/93. Miss Perkins pulled the weekly attendance sheets for that week and made a copy for our investigation. Miss Perkins then explained how the sheet was set up and verified that Stacy Gates was present at Harrison School on Monday through Friday from 8:00 am to 4:00 pm. I then left Harrison School and returned to NPD.

When asked about his whereabouts on August 25, 1993, Michael Swaine stated that he was working at York High School at the bookstore until 3:30 when he got off work and walked back to his residence. On 11/17/93, I attempted to verify driving time from Michael Swaine's residence to Jennifer's apartment. I left from the driveway at [redacted] at 9:52 am and drove straight to Michael Swaine's residence in the most direct route I could find. By driving the speed limit the entire way, I arrived at Michael Swaine's residence at [redacted] in Elmhurst at 11:57 am. The trip took two hours and five minutes to complete. I then parked my vehicle in front of Michael Swaine's residence and walked to York Community High School at 355 W. St. Charles Road in Elmhurst. I left my vehicle at 12:20 pm and arrived at the school on foot at 12:33 pm walking a normal to moderate pace. The .8 mile walk took 13 minutes. While at York Community School, I spoke with the building principle, Dr. James W. Nelson. Dr. Nelson stated that he remembered Swaine from his high school days and stated that the scheduling records kept by the bookstore manager, Virginia Betteridge, would be kept at the Unit's Business Office located at Hawthorne School. After getting directions from Dr. Nelson, I walked to Hawthorne school and obtained a copy of Michael Swaine's work schedule for the week of August 22, 1993. The schedule showed Swaine working on the 25th for seven and one half hours. Those hours were reported to be 8:00 am to 3:30 pm. I then returned to Swaine's residence. I left Swaine's residence at 1:33 pm and headed for Jennifer's apartment at [redacted]. For this trip, I was traveling five to ten miles over the speed limit to attempt to approximate a true travel time. I arrived at [redacted] in Normal one hour and fifty-one minutes later at 3:26 pm.

Based on the above findings, The total time for Michael Swaine to walk home from work, drive to Jennifer's apartment, then turn immediately around and return home, would have been 4 hours and 10 minutes. If Michael Swaine got off work at 3:30 as his supervisor can verify, then drove to Normal and back, he would not return home until 7:40 pm. However, phone records reflect a call from Swaine's residence in Elmhurst to Jennifer's apartment at 7:17 pm. This time corresponds to the message left on Jennifer's answering machine by Michael Swaine. This segment of the investigation proves to further clear Michael Swaine of the homicide by eliminating his opportunity.

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Freesmeyer #694 Active Suspended Fail to File Complaint
Cleared Unfounded Exceptionally Cleared 290

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NORMAL POLICE SUPPLEMENTAL CASE REPORT

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Offense Supervisory Correction of #2 or #3
Homicide

Victim Name (or Business Name) Jennifer Lynn Lockmiller Responsible Party

On 1/12/94, I went to Illinois Wesleyan University to speak with Samone Weissman. Samone is the current girlfriend of Alan Beaman. I made contact with Samone at 0905 am by phone and asked her to meet me in the lobby of her dormitory, that being [redacted]. Samone agreed to speak with me and met me shortly thereafter in the lobby. I introduced myself as a Detective with the Normal Police Department and asked if she would be willing to sit down and talk for a while. Samone agreed and we went into the [redacted] lounge where we took a seat on a couch to talk. I informed Samone that she wasn't obligated to talk with me in any way and she stated that she would answer any questions that she felt were appropriate.. She then stated, "You want to talk about Alan don't you".

I began by asking Samone to describe Alan Beaman for me. She stated that Alan was a very gentle person and that he was incapable of hurting anyone. She stated that she has only known Alan since September but that she has never seen him angry or violent. She stated that Alan had never even gone as far as to comment what he would to certain people if he "had them in a dark alley". I asked Samone if Alan ever talked about Jennifer to him. Samone stated that they don't talk about Jennifer since it is such a touchy subject. She stated that he mentioned her once or twice but prefers not to talk about her. I asked Samone if she thought it was strange that Alan dated Jennifer for a year and then could just shut off his emotions for her. Samone stated that she understood that Jennifer was less than faithful to Alan and he could therefore forget her easily.

After talking for a while, I asked Samone about her sexual activity with Alan. Samone was willing to talk about their sex life and stated that everything was pretty much normal. I asked if Alan ever wanted to explore new sexual options and Samone stated that he commented to her that "He could never watch Basic Instinct with me." When asked to explain what she meant, she recalled a scene in the movie where the male actor's hands were tied to the bedpost while the female actor was on top of him. While in this position, they were having sex and the female reached back, grabbed an icepick, and stabbed the male in the chest. I asked Samone if Alan told her this happened with Jennifer and she stated yes. Alan had told Samone that she tied him to the bed and was on top of him. She then stretched back several times which Alan thought to be synonymous with reaching for an object. This was the only unusual instance regarding sexual actions between Alan and Jennifer that Samone could recall hearing from Alan.

At the conclusion of the interview, Samone still believed that Alan was incapable of hurting anyone. She stated she was unaware that Alan had broken into Jennifer's apartment and was unaware of the large amount of phone calls between Jennifer and Alan.

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Cleared Unfounded Exceptionally Cleared

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Offense Supervisory Correction of #2 or #3
Homicide

Victim Name (or Business Name) Responsible Party
Jennifer Lynn Lockmiller

however, she could not believe that Alan could be capable of murder. After thanking Samone for her time, I left [REDACTED] to return to NPd.

On 2/5/94, at approximately 1015 hrs, I received a call from the Normal Police Dispatcher. They advised Norma and Richard Lockmiller had received a prank call and were wanting to talk with me. I called the Lockmiller's from my residence and talked with them about the phone call. Richard Lockmiller informed me that they were gone from about 5:15 pm to about 10:00 pm on that same date and had received a call on their answering machine during their absence. The caller seemed to be a female voice and it was the Lockmiller's impression that the caller was talking to someone else in the background of the caller's location. The caller stated that the Lockmiller's had an answering machine and then the caller repeated the Lockmiller's phone number. After repeating the Lockmiller's number, the caller spent the next several minutes playing a song into the mouthpiece of the phone. The Lockmiller's stated that they believe the title of the song to be "Can't get you out of my mind." The caller then terminated the call. I informed the Lockmiller's that I would attempt to get a trace on the line to determine where the call came from.

Immediately after hanging up with the Lockmiller's, I contacted a phone operator for the Decatur area. The operator informed me that the Decatur area used Illinois Bell as a local service company. I then called the 1-800 operator to obtain the number for Illinois Bell Security. The number given to me was 1-800-451-2761. I called the number and was told that I would have to call the Illinois Bell Security Office at 1-312-727-5411. I then called that number and received an individual from the answering service. I explained the situation to the answering service employee and stated that I needed a trace put on the line as soon as possible to determine where the incoming call came from. The person stated that there was nobody in the office on the weekends and that I would have to call back on Monday between 9am and 5 pm. I explained the urgency and stated that I wanted to catch the records before they were dumped and she again told me that they could not help me at that time and that I would have to call back and talk with Larry Renfro on Monday morning. I then asked if the records would still be available on Monday and she stated that they would.

On Monday morning at approximately 0900 hours, I called 1-312-727-5411 and asked to speak with Larry Renfro. They stated that Larry was not in and gave me another representative from the security division. I explained the circumstances to them and asked for a listing of all calls coming into that residence on 2-5-94 between the hours of 1715 and 2200. The representative stated that they no longer had those records an

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Freesmeyer #694 Active Suspended Fail to File Complaint
Cleared Unfounded Exceptionally Cleared

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APPENDIX 001324

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Offense Supervisory Correction of #2 or #3
Homicide

Victim Name (or Business Name) Jennifer Lynn Lockmiller Responsible Party

that they only hold incoming calls for 24 hours. I advised her of the information I received from the answering service on Saturday and she stated that she could not help me any further since the records had been destroyed.

After talking with Illinois Bell, I made contact with the three major long distance carriers in our area and asked for searches for any calls going to the Lockmiller's residence between the time frame in question. The people I talked with were as follows:

AT&T	MCI	Sprint Communications
Warren Volk	De Ogle	Diane Atkins
1-800-648-4936	1-800-877-7330	1-214-701-1221

After thorough checks of their records, all three companies verified that they had no calls going to that residence during that time frame. AT&T stated they had a call connecting to that residence at 10:33 pm for about 5 minutes. After asking, they confirmed that it was a call from my residence during the time that I returned the Lockmiller's call. According to the companies above, they stated that there was a 90% to 95% assurance that their searches did not miss an incoming call. This leads to the final conclusion that it was probably a local incoming call which would not appear on any long distance searches.

On 02/09/94, I drove to Morton and met with John Dierker of the Illinois State Police Crime Lab. John explained the latent print findings once more and described where he located two of Alan Beaman's prints on the clock and four of Michael Swaine's prints on the clock. John stated that he had found a palmprint on the kitchen garbage bag found in Jennifer's apartment and had verified that it did not belong to Michael Swaine. He stated that if he was provided with a palmprint of Alan Beaman he could compare it with the palmprint on the bag. John released all evidence from the Latent division regarding the Lockmiller case to me and I transported it back to Normal where I turned it over to our evidence custodian, Det. David Warner.

At approximately 1415 hours on that same date, I went to Alan Beaman's residence at [redacted] on the IWU campus. I made contact with Alan and asked if he would be willing to accompany me to the Morton Crime Lab for palmprints. Alan agreed and we confirmed a date of 2/16/94 at 0900 hrs. As I was walking down the stairs to leave, Alan made a comment causing me to stop and face him. Alan then made several statements similar to "I've been freaking out on you lately, I'm sorry. I've treated you poorly

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Freemeyer #694 Active Suspended Fail to File Complaint
Cleared Unfounded Exceptionally Cleared

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Homicide

Victim Name (or Business Name) Responsible Party
Jennifer Lynn Lockmiller

and I shouldn't have, I apologize." I then told Alan that I understood and that I would pick him up at 9:00 am on Wednesday. At that point I left the residence.

On 2/10/94, Lt. Brown and I met Rob Miller at his girlfriends's residence located at [redacted] in Bloomington. Rob was just getting ready to leave and we talked with him in the driveway to the residence. Rob agreed to meet with us at 1330 hrs on that date and I made plans to pick him up at that location at that time. We asked Rob where we could locate his girlfriend Shane and he stated that she was working at the IWU Rat lab until 7:00 pm.

We then met with Shane (Last name unknown) at the Illinois Wesleyan University Rat Lab. We introduced ourselves to Shane and asked if she would be willing to talk with us for a while. Shane agreed and we went into a conference room located on the lower level of Stevenson Hall at IWU. I began the interview by asking Shane what she could tell us about Jennifer Lockmiller. Shane stated that she really didn't know Jennifer that well but she did live in the apartment over Michael Swaine and Alan Beaman over the summer. She stated that she would see Jennifer around Alan's apartment but really didn't talk with her much. I asked if she had ever seen Alan loose his patience with Jennifer and she recalled one instance. She state that she remembered Alan barging into her apartment on one occasion yelling for Jennifer as if he thought she was in Shane's apartment. Shane stated that Jennifer had left without telling Alan goodbye and he became very upset and loud about the incident. Shane stated that Alan was a very melodramatic person and that he blew everything way out of proportion. Shane remembered times when Alan would get upset and sit on the front stoop of the apartment drinking from a bottle of whiskey until he was inebriated. Shane stated that Alan had called her sometime after Jennifer's death and asked if she knew where he could get some drugs. She recalled Alan making the statement, "Life is getting too boring, I've only lived once," Shane stated that she doesn't associate with Alan very much anymore.

After concluding the interview, we left the rat lab and returned to the McLean County State's Attorney's office. It was the opinion of the investigating team that any direct contact with Beaman in the future should be done with the aid of a bodywire in the event that he would make further incriminating statements. I made contact with the Illinois State Police Technical Services Division and spoke with Pat Keene once again. Pat agreed to meet me at MPD on 2/16/94 at 0800 hours to provide his assistance with a bodywire. In order to get a clear recording on the wire as Alan and I traveled to Morton and back, I made arrangements to get a newer unmarked squadcar to reduce the

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Offense Supervisory Correction of #2 or #3
Homicide

Victim Name (or Business Name) Responsible Party
Jennifer Lynn Lockmiller

road noise in the cabin area. I then went to Rebbec Motors in Normal and spoke with the sales manager, Doug Haas. After explaining the circumstances, Doug agreed to loan our department a new buick for tech services to use in following Beaman and I to Morton. The purpose of the loaner was to reduce the cabin volume in the trail car so that the transmitter could be more easily heard and understood. Arrangements were made to pick up the car on 2/15/94.

At 1330 hours, I met Rob Miller at his girlfriend's residence once again and took him to the State's Attorney's office for an interview. Rob stated that he was once part of the group that Alan ran around with but has changed his lifestyle since he joined the ROTC. Rob stated that he had been around Alan at time when he got high and that Alan would sometimes get depressed and just walk off by himself. Other times, Alan would get very happy. Rob stated that when he first knew Alan, alcohol was a bigger problem for Alan then drugs. When asked about drug activity, Rob stated that he knew Alan about involved but Rob has not been a direct part of it for a while. When we asked Rob about his roommate, Linus, Rob agreed that Linus was doing drugs and possibly selling drugs out of his dormroom. Rob technically shares a room with Linus but Rob stays at Shanes' house most often to avoid the situation. I asked Rob what would shake Alan up the most and he stated that if a girl were to break up with him, that would set him off. Pat also described Alan as being very melodramatic and exaggerating all his problems as a way of getting attention. After talking for about 45 minutes, I returned Pat to his girlfriend's residence.

On that same date, I completed a request form for an eavesdropping order and it was submitted to Judge Prall. Judge Prall approved the order allowing for the use of a bodywire from 2/16/94 at 6:00 am to 2/26/94 at 6:00 am to capture conversation between Alan Beaman and myself.

On 2/11/94, I called and informed John Dierker that Alan and I would be arriving on 2/16/94 at approximately 0945 hrs and that I would have Lt. Brown call from a cellular phone just prior to our arrival so that we could limit the number of people that Alan and I have contact with inside the Crime lab.

On 2/15/94 at approximately 1750 hrs, Ross Minion came to NPD and requested to speak with an investigator in reference to the Lockmiller Homicide. Ross and I sat down in my office and we began to discuss the information he wished to share.

Ross stated that he was around John Revis the night before while Revis was high on drugs and that Revis told Ross that he was the one that killed Jennifer Lockmiller. Ross stated that he just wanted to get this thing over with and that is why he is

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coming forward with the information on Revis.

I then proceeded to inform Ross that this was the second or third time Revis had told someone he killed Jennifer when in reality he was incarcerated in a Florida jail. Ross stated that he was unaware of Revis' incarceration and then seemed to understand why Revis had been disregarded as a suspect.

While talking further, Ross stated that he had filed a complaint with Illinois Wesleyan University in reference to the people that have been surveilling his house. Once again, I explained to Ross that there was no surveillance on his house by our investigative team and that if we wished to speak with someone we would approach the house and knock on the door. After addressing Ross' concerns, we began to talk about in depth about the Lockmiller case and about Alan Beaman. Ross stated that he knew Alan was the prime suspect and that he wasn't sure about any possible involvement by Alan in Jennifer's murder. Ross confirmed that Alan's marijuana use has increased over the last several months. He stated that Alan used to use marijuana every other day or so but is now using marijuana every day. Ross explained that Alan uses marijuana as a way to calm his nerves and to even out his moods. I asked Ross if Alan ever talks about Jennifer or her death to anyone and he stated that he does not. Ross informed me that he sees Alan about once a week and the subject is never brought up.

As we continued to talk, Ross asked if I knew anything about Alan's past. Ross stated that Alan spent a lot of his childhood locked in a closet while he was living at home. He stated that he is unaware of any physical abuse but feels that things were certainly not normal at home. It was Ross's opinion that Alan was not capable of homicide but he stated that he had seen Alan acting as a child on many occasions. Ross recalled an instance just prior to Mike and Trish Mackey's wedding when Alan laid on the ground and pounded his fists and feet on the ground like a child. It was Ross's opinion that when Alan feels insecure, he reverts to a child-like behavior.

After we finished talking, I asked Ross if he would keep me informed of anything that he hears on campus regarding Lockmiller. Ross agreed and stated that he and several of his friends want to get this thing over with as soon as possible.

On 02/16/94 at approximately 0815 hrs, I met with Pat Keene and Kenneth Parker of the ISP Technical Services Division. We met at the Normal Police Department and they installed a body wire on my person in accordance with the latest court order that we had obtained. At approximately 0900 hours, I left the station in route to Alan Beaman's residence. Lt. Brown, Pat Keene, and Kenneth Parker followed in the borrowed vehicle and monitored the conversation over the transmitter attached to my side.

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I pulled in front of Alan's apartment at about 9:05 am as Alan was coming down the stairs. Alan took a seat in the front of my vehicle and we proceeded to the Morton Crime Lab. As we started the trip, I reminded Alan that he was not under arrest. However, since it would be hard for him to walk away while we were driving, I advised Alan of his Miranda rights and he stated he understood his rights. I then asked Alan if he would be willing to talk on the way to Morton and back and he agreed.

We conversed for the entire trip to Morton and covered various topics including his childhood and his past and present drug use. Alan stated that he is currently using marijuana four to five times a week. When asked about acid, Alan stated that he still "trips" (uses) occasionally and that he had only had one "bad trip". Alan recounted the fight that he got into with his parents on August 26, 1993 and stated that it was the one and only time that he had ever become physical with his father.

After we arrived at the Morton Crime Lab, we were met by John Dierker and were led to the conference room where they had a fingerprinting table set up. After the appropriate introductions, John spent the next hour taking complete fingerprints and palmprints from Alan Beaman. During this time there was small talk and instructions given to Alan as to how to proceed with the fingerprinting. There was nothing of significant value said during the fingerprinting time.

After the fingerprinting process was completed, Alan and I returned to the car and began the return trip to Bloomington/Normal. As we were leaving Morton, I asked Alan where we would find his fingerprints in the apartment. Alan stated that they would probably be on the bathroom garbage can. When asked why his prints would be there, he stated that he went through her garbage looking for evidence of birth control. I asked if he had done this often and he stated that he went through her garbage several times looking for evidence that she was cheating on him. In an indirect way, Alan confirmed that the last time he would have had the occasion to touch Jennifer's clock would have been prior to July 2, 1993.

As we continued home, Alan mentioned that there was a black truck sitting outside his house on the night he was stopped in Rockford. He stated that the person in the truck was also in the Detective's office when he was being interviewed. As we talked about his interview in Rockford, he stated that he was placed under "house arrest" for three days. I asked what made him say that and he stated that he couldn't talk to anyone or see anyone for three days. I asked if that was his idea or someone else's and he stated that it was his lawyer's decision. When asked why, he stated that he was not allowed to leave the property so that if the police wanted to come and get him they would need

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a search warrant.

I then asked Alan if there was anyway that he could help me prove that he was not responsible for Jennifer Lockmiller's death. Alan stated that he had told me everything that he could tell me. I explained to Alan that other suspects had taken polygraph and cleared themselves along with giving valid alibis. I went on to remind Alan that he could not verify his alibi and had refused to take a polygraph. Alan stated that he would ask his attorney about a polygraph and then call me back.

As we neared Bloomington/Normal, Alan stated that he had thought he made himself pretty clear that he would talk to no one but myself regarding this investigation. Alan stated that he was beginning to trust me and that if I had any further questions I could come to him and ask. After we arrived back at Wesleyan, I dropped Alan off at his apartment and returned to NPD to meet with Tech Services.

After arriving back at NPD, Tech Services removed the wire and turned over six original transmitter tapes. Pat Keene agreed to send the Nagra recording the following week after he made a cassette copy for our department.

On 2/17/94 upon my arrival at work, I found a message on my answering machine from Alan Beaman. Alan stated that he had tried to reach his attorney but that the attorney was out of town. Alan stated that he would try again when he returned and then get back to me. This marked the first time that Alan initiated contact with our department or returned a call as asked.

On 02/18/94, Det. Daniels, Lt. Zayas, and myself went to Chicago to meet with Jack Regan of the Chicago Police Department's Violent Crimes Unit. We had sent a copy of our report to Lt. Regan and asked that he review the case to see if he could offer any advise for further possible follow-up. It was believed that since their department handled a large volume of homicides each year, they might be able to suggest techniques that worked for them in the past.

We talked with Lt. Regan and one of his fellow investigators for about two hours regarding the case. Both Lt. Regan and his fellow investigator felt that our department had done everything possible as a means of solving this case. They offered a different viewpoint on a few matters and shared their reactions to the reports and interviews contained in the case files. Their main suggestion was that we continue to build a rapport between Alan Beaman and myself until he either took a polygraph exam or ended all communication with us. They felt that as long as Alan Beaman was willing to communicate with us and we were unable to rule him out as a suspect, we should continue to focus our entire effort on him. We then returned to NPD.

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Victim Name (or Business Name) Responsible Party
Jennifer Lynn Lockmiller

On 2/21/94, At approximately 0800 hours, Melissa Klavins called NPD and asked to meet with Det. Daniels. As per an earlier agreement, Melissa was referred to me and I set up an appointment for 10:30 that morning. At approximately 9:30 am, Melissa came to NPD with her father and we conducted an interview in my office.

Melissa stated that she really didn't know much about the Lockmiller case but stated that she knew Alan Beaman and John Revis. When asked, she stated that she met Alan around February and that she sees him occasionally. She stated that she has known John Revis for about three weeks. Melissa was unable to provide much information at all but stated that she didn't believe Alan was capable of doing anything like this. I asked if Melissa knew where John Revis was staying and she stated that she didn't know but that she would probably see him soon. I gave her my business card and asked if she would have John Revis call me when she saw him. Melissa stated that she was leaving Wesleyan for good and that she could be reached at the following home address if I needed to talk to her.

Melissa Klavins (414)332-5460
[Redacted]
Milwaukee, Wisconsin
53217

Shortly after Melissa left, I received a call from John Revis. I asked Revis why he was telling people that he killed Jennifer Lockmiller. John stated that he had not told anyone that he killed Jennifer and that he didn't think that the statement was funny at all. I explained to John that I had heard from others on the Wesleyan campus that he told them he killed Jennifer. John again denied making the statements and stated that he doesn't go to parties anymore since he is in hiding from everyone. I asked John to explain and he stated that there were several people on the IWU campus that wanted to hurt him because of things he had done. I asked if that involved ripping people off during drug deals and he stated that he did that once to Alan Beaman a long time ago. He stated that recently he had stolen a few girlfriends from people and they don't like that. He stated that a guy named Greg Golden was after him for taking his girlfriend and that Alan Beaman and Chris Carbone no longer wanted to be friends with him.

John stated that he was in a real bad predicament at the time and informed me that he had gotten Melissa Klavins pregnant and he has nowhere to go. John gave me his mother's phone number, 827-2343, and stated that if I needed to reach him for any

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reason that I could leave a message at his mother's house and he would call me back as soon as possible.

At about 11:30 that same day, Jennifer Sieg came to NPD to speak with an investigator in reference to the Lockmiller case. Jennifer had been speaking with Det. Daniels and Lt. Fillipponi and had been referred to me for further interviews. Jennifer stated that she had recalled one item that she had not told Det. Daniels during previous interviews. Jennifer stated that while talking with Alan before break (November 1993 or December 1993) he had told her that he didn't know Swaine was living with Jennifer until the detective told him about it while investigating Jennifer's death. Jennifer stated that she didn't think it was important until she took some time to think about it. Jennifer agreed to call me if she heard anything further from Alan or anything else regarding the Lockmiller investigation.

On 2/22/94, I called Alan Beaman at his residence and asked if he had talked with his attorney yet. Alan stated that his attorney was out of town and would not return until Wednesday, February 23. Alan stated that he would call after he talked with him.

On 2/24/94, upon arriving at work, I found the following message on my answering machine.

"Yea Tim, it's Alan. Uh, I just got off the phone with my lawyer, he still says "no". So, I'm sorry, I can't go against what he says, you know, I just, I don't know what to do. I mean, your just going to have to come up with something better than that I guess. See ya later, I'm sure you'll be around again. Bye.

At about 1600 hours on that same day, Jennifer Seig came to NPD. Jennifer stated that she talked with Alan on Monday, February 21, 1994. After she knocked on the door, Alan allowed her into the room and immediately told her "the pigs are after me again". He then told her that the room was bugged and that her conversation was being recorded. He stated that he believed the phone to be tapped also. As Jennifer was standing in the room, Alan jumped across his bed and yelled "hi you assholes" towards the floor. He informed Jennifer that he would only deal with Freesmeyer because he was the only one that wasn't an asshole towards him. He then went on to tell her that the "pigs" are pressuring him into taking a polygraph. He said he had to wait until his lawyer

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Victim Name (or Business Name) Jennifer Lynn Lockmiller Responsible Party

"got back" (Wednesday) to ask him "whether I can take the damn thing or not". Jennifer asked him if he wanted to take the polygraph or not and he said yes, but he wasn't going to do anything his lawyer didn't want him to do. After talking, Jennifer stated that she left Alan's residence.

While talking with Detective Daniels, I was informed that there were three bags of trash that were removed from the apartment at [redacted] shortly after the body was discovered. The bags had been brought back to the Detective's office and placed in a box for safekeeping until we could determine what to do with them. On 02/24/94, I packaged the bags into paper sacks and submitted them into evidence so that they could be transported to the Morton Crime lab for latent analysis.

On 03/09/94, I visited Alan Beaman at his residence. I arrived at [redacted] at about 11:30 am and was allowed in by another resident. I then went upstairs and knocked on Alan's Dorm room. Chris Carbone answered the door and then woke Alan for me. After Alan awoke, Chris excused himself and stated that he would leave us alone to talk. Alan offered me a seat and we began to talk. I asked Alan about his lawyers decision regarding the polygraph and Alan again stated that he could not go against his attorney's advise. I asked Alan if there was anything else he could add and he stated that he had told me everything. I explained to Alan that I had exhausted all means to prove his innocence. I explained that I had initially set out to prove he was not involved but must now change gears and prove that he was. I explained to Alan that, as it stands at that point, he was going to be arrested once we finished the remainder of the lab work. I explained that he would be incarcerated on a high bond for several months until the court hearing began, would spend several more months while the court hearings continued, and would have his friends and relatives subpoenaed to court. After hearing this, Alan responded by saying "Bring it on, I've told you everything I know." I then asked Alan when he first found out that Michael Swaine was living with Jennifer and he stated that he didn't know until Jennifer was already dead. After talking for a while longer, I asked Alan if he felt I was harassing him by coming to his apartment and he responded "no". I then asked if I could come back to talk with him if i had any further questions and he stated "yee, as long as you come." I then thanked him for his time and left the dorm to return to NPD.

On 3/24/94, I called NCIC directly and requested an off-line search of any inquiries

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made on Alan Beaman, the registration numbers on his vehicle, and the registration numbers on his parents' two vehicles. The off-line search would return with any inquiries made in the U.S. from the first of July, 1993, to the end of August, 1993. The number called was (202)324-6242 and I spoke with Rod Miller. Mr. Miller advised that he should have a response for me in a couple of days. The registration numbers given were "BBB 282", "LW 1057", "AAVSO 44".

On that same date, I called the Financial Crimes Enforcement Network and asked for a FinCEN Search on Alan Wayne Beaman. The search would disclose any credit cards, calling cards, bank accounts, etc. and might possibly produce other leads that could be followed in this case. I was referred to Dora Rentmeister, (217)782-6053, of the Illinois State Police and she faxed the necessary paperwork to me so that we could initiate the search.

On 3/31/94, I received a return from the U.S. Department of Justice regarding the Off-line search that I had requested. According to the off-line search, there was an inquiry on Alan Beaman's Ford Escort license plate on August 22, 1994 by the Loves Park Police Department. The next recorded inquiry was on August 28, 1994 by the Winnebago County Sheriff's Department. There were no inquiries between those times.

On 4/12/94, I received a return from the Financial Crimes Enforcement Network (FinCEN). The report did not contain any significant information that was not already known.

On 05/16/94, a meeting was held to determine the course of action in this case. Present at the meeting was Chief James Taylor, State's Attorney Charlie Reynard, Assistant State's Attorney James Souk, Lt. Frank Zayas, Lt. John Brown, Detective Tony Daniels, and myself. We reviewed the facts of the case once again and then opened the meeting up for input. When the discussion had ended, the decision had been made to effect the arrest of Alan W. Beaman for the homicide of Jennifer Lockmiller.

On 05/17/94, I made contact with the Illinois State Police Technical Services Bureau, and they agreed to assist our department with a fifth consensual overhear via bodywire. I then met with ASA Souk at the McLean County State's Attorney's office and we prepared a petition for a consensual overhear order and a petition for an arrest warrant for Alan W. Beaman. Both petitions were presented to Judge Prall and an overhear order was granted as well as an arrest warrant for Alan W. Beaman on two counts of first degree murder.

At approximately 1530 hours on that same date, I met with tech services at the Normal Police Department. After reviewing the overhear order, the overhear agent, Keith Frederick, prepared the overhear equipment and strapped it in place. After testing the

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Homicide

Victim Name (or Business Name) Responsible Party
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equipment, I proceeded to the Wesleyan University Campus to attempt to locate Alan Beaman. Keith Frederick was accompanied by Detective Warner and they also proceeded to the Wesleyan Campus in order to monitor the conversation once I made contact with Alan Beaman.

After checking numerous locations, I located Alan Beaman in the main cafeteria located in the Student Union Building. I approached a table where Chris Carbone was sitting and asked if he knew where Alan could be found. Chris stated that he had just gotten up to take his tray to the kitchen and he then pointed towards Alan's location. I located Alan and stated that I needed to talk with him. He agreed and we walked to the south side of the building. As we were walking, Alan was in a pleasant demeanor and was talking freely. After we reached the south door of the building, I led Alan over to my squad car. I then asked Alan if he would accompany me to the Normal Police Department so we could talk for a while. He asked what I wanted to talk about and I told him that I wanted to discuss this case. He asked if he could follow me in his own vehicle and I stated that I would prefer for him to ride with me. I informed Alan that he would not be coming back to Wesleyan and he asked why not. I informed him that he was going to be arrested. Alan then asked if he was under arrest and I stated that I was hoping he would come to the police department willingly so we could talk for a while. Alan stated that I would have to arrest him to get him to go with me. I then informed Alan that he was under arrest for the homicide of Jennifer Lockmiller and I placed him in custody. While I was putting the handcuffs on Alan, he saw an acquaintance walking towards him on the street. The person asked Alan "what was up?" and Alan's reply was "Spread the word, bullshit." Alan was then placed into my squad car and transported to the Normal Police Department.

While enroute to the station, I advised Alan of his Miranda rights and he stated that he understood his rights. Alan then stated "I really wish you would have done this right away so I wouldn't have wasted my entire semester."

After arriving at the station, I led Alan into my office and removed the handcuffs. I asked Alan to have a seat by my desk and readvised him that he was officially under arrest for two counts of first degree murder in the death of Jennifer Lockmiller. I then allowed him to call his attorney and stated once again that I would like to speak with him if he desired to do so. Alan stated that he was not going to talk to anyone until he was in a place where he could smoke a cigarette. I then made arrangements to get his lawyer's phone number from his wallet and also his tobacco that was taken from

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him at the time he was picked up. I handed Alan a copy of the warrant and allowed him to review it's contents. After he finished reading the warrant, I allowed him to get his lawyer's phone from his wallet and his tobacco. Alan then attempted to call his lawyer and could not get an answer. He then tried a home number and could not get an answer. He then called his parent's residence in Rockford and got the answering machine. The message he left was "Mom, Dad, it's Alan. I've been arrested. Wonderful thing huh. I'm at the Normal Police station. And I'm just going to sit here until Bill gets here. So if you could get ahold of him somehow, that would be appreciated. Thank you very much, love you, bye." I then told Alan it was his call and he stated that he was just going to sit there until his attorney got there.

As I was completing the booking forms, Alan stated, "Enjoy your job while you got it, cause I'm going to take it away from ya. I'm gonna sue the shit out of this whole place. Guess who'll be fucked?" While inventorying his belongings he stated that two of his keys belonged to the university. I asked, "If the university were to ask for them, do you mind if we give them back?" Alan replied, "I'll be out of here by then."

After Alan's belongings were inventoried, we stepped into the detective's office where Alan was fingerprinted and photographed. After the process was complete, Alan and I left NPD enroute to the McLean County Jail.

While enroute to the McLean County Jail, Alan was riding in the front passenger seat of my squad car and was heard to make several statements. Alan asked "What was the last recompense for wrongful arrest the guy got awarded, two million dollars, something like that?" I responded, "I don't know, I'm unfamiliar with that case Alan." Alan's next response was "I can't wait." He then made a barely audible comment in which he referred to me as a "cut-throat fucker". I told Alan "Alan, I told you what was going on the whole time along, I never lied to you through this whole thing. I told you exactly what was going on." to which he stated "back-stabbing bastard." I told him that "last time I talked to you I told you that we were getting to a T-road." Alan replied "Your a fuckin pig just like the other pigs." He then stated "that's the law". As we got farther down the road Alan stated, "As soon as I get out you'll just come back and bust me for weed because you can (inaudible)". He then stated, "You gotta make a scape goat, so you find the weakest guy that nobody will support. I guess you can't fight against the system."

At that point, we arrived at the McLean County Jail and Alan was escorted into the booking area. After Alan was turned over to the correctional staff, I left the sally-

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Jennifer Lynn Lockmiller

port area and met with Keith Frederick where Keith stopped the overhear tape and removed the equipment from my back. I then returned to NPD.

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Jennifer Lynn Lockmiller

the name of Alan Beaman presented themselves to the Health Department on 8/25/93.
On June 22, 1994, I travelled to Rockford once again to verify mileages that Alan Beaman would have traveled between August 24th and August 28th. I left the driveway of [redacted] in Normal at 8:28 am and drove straight to Alan Beaman's house driving strictly at the posted speed limit. I arrived at Alan's house at 10:45 am making the trip in 2 hours and 17 minutes. The total mileage from [redacted] to Alan Beaman's residence was 139.7 miles. We then drove the routes that were given us by Alan during numerous interviews. The time required to drive from Alan Beaman's residence to the Bell Federal Bank, observing all speed limits, was 31 minutes. After we completed our business in Rockford, we returned to Normal. We left Bell Federal bank at 4:43 pm and drove straight to Normal observing the speed limit. We arrived at [redacted] at 6:44 pm. We made one stop along the way which consumed 7 minutes. The return trip therefore took 1 hour and 54 minutes. The total mileage from Bell Federal to [redacted] was 126.7 miles. The trip from Bell Federal, to [redacted], and then back to Alan Beaman's house was a total of 266.4 miles. The total time for the drive was 4 hours and 11 minutes if the speed limit was observed at all times.

Within the next few days, I received a call from Carol Beaman. Mrs. Beaman stated that she was going through some receipts at home and found a receipt from the IGA store on Auburn Road dated August 25, 1993. The receipt showed a check-out time of 14:03 or 2:03 pm. Mrs. Beaman stated that she drove straight home from the store and that would have put her at home by no later than 2:15 pm. I asked why it took her this long to produce a cash register receipt and she stated that she was busy with school and didn't have time to look.

On June 27, 1994, I travelled to Rockford once again for follow-up in this case. Prior to my trip, I had called the IGA store on Auburn Road and asked what type of cash registers they were using. I was informed that the registers were Hugin-Sweda brands and was able to obtain a phone number for the service center that services the store's registers. While speaking with the representative, Heidi Gonzalez, I was informed that the Hugin-Sweda machines print an internal journal of all transactions in addition to the customer's receipt. The machine also produces a report on price changes, date and time changes, and auditor reports. I asked how long it took to change the date and time in the computer and was advised that if I had the right key she could walk me

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Cleared Unfounded Exceptionally Cleared

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HomicideVictim Name (or Business Name) Responsible Party
Jennifer Lynn Lockmiller

through the procedure over the phone in a "matter of seconds". When I arrived in Rockford, I went to the IGA store on Auburn road and made a purchase. The format of the receipt that I received was similar to the receipt received by Mrs. Beaman. I observed one of the pieces of equipment on the register to be a Hugin-Sweda Slip Printer with a model #3456.

While in Rockford, I went to interview Chris Gray, Alan's grandmother. I made contact with Miss Gray at her apartment located on [REDACTED] road. Miss Gray lives in a retirement village with several hundred other residents. I explained the reason for my visit and asked Miss Gray if she had time to talk. She agreed and invited me into her apartment. I asked Miss Gray if she could remember back to August 25, 1993 when Carol Beaman took her to the doctor's office. She stated that she could not remember the trip as Carol takes her to the doctor quite often. I asked if Carol would have stopped to buy her any groceries or anything and Miss Gray stated "no". She followed her response by telling me to look around the apartment to see that there was no need for food since she eats in the dining area of the retirement center. I asked Miss Gray if she could remember going anywhere else besides the doctor's office such as a restaurant and she stated she could not remember. After thanking her for her time, I left her apartment and proceeded to leave the retirement center. Before leaving, I stopped at the receptionist desk and asked if the residence had to sign in and out of the facility when they leave. The receptionist stated that the residence signed a log sheet for the facility. I asked if they still had the log sheet from August of 1993 and she stated she might. The receptionist then referred me to the retirement village manager and I explained the situation to him. He stated that he believed they still had the records and then left in an attempt to find them. He returned a short time later with the sign in log from August 1993. He allowed me to review the log and I noticed that Chris Gray signed out at 7:30 am and signed back in at 10:00 am. I then asked for a photocopy of the sign-in log and the manager agreed and provided me with a photocopy that accurately represented the actual log.

While in Rockford, I drove the route that Alan reported once again in a different vehicle. The results were consistent with the first time varying by only 1.7 miles. The total mileage for the inner city driving that Alan claims to have driven from the time his tires were changed until the photograph was taken of his odometer was an average of 198.85 miles.

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Freemeyer #694 Active Suspended Fail to File Complaint
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Offense Supervisory Correction of #2 or #3
Homicide

Victim Name (or Business Name) Jennifer Lynn Lockmiller
Responsible Party

On June 30, 1994, I met with Barry Beaman, Carol Beaman, and William Beu. Carol and Barry were at the Law and Justice Center to testify in Grand Jury. Upon my request, Carol Beaman brought a copy of the receipt that she found dated August 25, 1993. She also brought a copy of her canceled check and numerous other items including her notes and her calendar from August 1993. Carol also mentioned that she saved all her receipts and she handed me numerous store receipts from various stores. After testifying in grand jury, Carol brought other receipts from 8/25/93 to our attention including a receipt from Wal-mart at 11:10 am and a receipt from Union Hall at 12:39 pm, both in Rockford.

On June 24, 1994, I conducted an interview with Todd Heyse. Todd came to the Normal Police Department to report an incident that he felt should be forwarded to investigators in this case. Todd informed me that he was the owner of [redacted] street, the apartment that Jennifer Lockmiller was residing in prior to her death. Todd stated that during the week of August 22 through August 28, he was working on some other property that he owns on south Main street in Normal. Todd stated that while working on the other property, he would drive past [redacted] on his way home for lunch. Todd stated that on one particular day, either Tuesday, Wednesday, or Thursday, he drove past [redacted] and observed a man and woman walking up the drive towards the door of the apartment building. Todd stated that he observed a blond female that was about a head shorter than the male. He described the male as having long, dark hair, reminiscent of the seventies, with the hair being parted in the middle and hanging over the back of his shoulders. Todd recalled the time as being late morning to early afternoon and recalled the male wearing dark, "trendy euro" type clothing. A written statement was taken from Todd and he then left the station.

Throughout the month of November, I worked on arrangements to have Alan Beaman's car inspected and to determine the integrity of the speedometer/odometer. On December 5, 1994, the following people met at NPD to inspect Alan Beaman's 1987 Ford Escort:

- Walter Kryszak Morton Crime Lab, Tool mark expert
- James Souk McLean County State's Attorney's Office
- Timothy Freesmeyer Normal Police Department, CID Division
- Marvin D. Van Etten Vehicle Expert for Alan Beaman

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Freesmeyer #694 Active Suspended Fail to File Complaint
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HomicideVictim Name (or Business Name) Responsible Party
Jennifer Lynn Lockmiller

After meeting at NPD, the individuals listed above traveled to rural Bloomington where Alan Beaman's vehicle was being stored. We were accompanied by two mechanics for the town of Normal, Keith Simpson and David Olson. After both the defense and prosecution had a chance to review and photograph the vehicle, it was towed to the Normal Public Works garage by Keith Simpson using the Town of Normal towtruck. The towtruck was attached to the escort with a hydraulic boom attached to the escort's front wheels. After arriving at the Normal Public Works garage, the vehicle was backed inside the shop and the towtruck was disconnected. Several more photographs were taken after the vehicle was in the shop.

At the direction of the prosecution team, Keith Simpson began to disassemble the vehicle's interior. Throughout the entire process, the vehicle was photographed extensibly by both myself and Dr. Van Etten. The first item removed was the finish panel that surrounded the instrument cluster. There were six screws holding the finish panel in place. There appeared to be tool-marks on the six screws which prompted us to force the plastic panel out from around the head of the screws. After removing the finish panel, we removed the finish panel screws by using a pair of pliers on the outside of the screw. After the finish panel was removed, the instrument cluster could be seen in its entirety. There were four screws holding the instrument cluster in place and the screws had both a hex head on the outside and a phillips's head on the inside. By looking at the four screws, it appeared the phillips's head had been marked by an unknown tool. We removed the screws using a hex-head nut-driver and then placed the screws into a piece of cardboard for safekeeping. At that point, we were prepared to pull out the instrument cluster. With Walter Kryszak sitting in the passenger seat and Keith Simpson in the driver's seat, they began to slowly remove the instrument cluster. The cluster pulled out without resistance and Walter Kryszak informed me to look behind the instrument cluster. Mr. Kryszak pointed out to me that the speedometer/odometer cable was not connected to the instrument cluster and was simply laying in the housing area behind the instrument cluster. Both Dr. Van Etten and myself took numerous photographs while Walter Kryszak held the instrument cluster in the same fashion as he had pulled it out. Dr. Van Etten commented on the fact that the speedometer/odometer cable was not properly snapped into place. After photographing, the instrument cluster was removed and a closer inspection of the area was done.

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Offense Supervisory Correction of #2 or #3
Homicide

Victim Name (or Business Name) Responsible Party
Jennifer Lynn Lockmiller

By looking straight into the speedometer/odometer cable, it appeared that the tip of the cable had been bent to one side, possibly by an attempt to force the cable into the housing. I asked the city mechanics to push the car forward and back as I observed the inner cable spinning in the housing as it should. After more photography, the speedometer/odometer cable was disconnected from the transmission and removed from the car. After photographing all items removed from the vehicle, Mr. Van Etten was given another chance to do any type of analysis on the vehicle that he wished. After Dr. Van Etten stated that he was satisfied, the items removed from the vehicle were collected and vehicle was removed to the Public Works parking lot. We then returned to the Normal Police Department where all items were photographed once again and then entered into evidence.

While at NPD, I began to experiment with a new cable and speedometer that I had purchased at Dennison Ford. The parts I had purchased were for a 1987 Ford Escort similar to Alan Beaman's. I found that if I inserted the cable into the speedometer housing, and spun the opposite end of the cable, I could simulate the way the car would keep the mileage. I then unsnapped the cable from the speedometer housing while another person continued to spin the cable. As I slowly pulled the cable out of the housing, the speedometer went from an accurate reading, to a false sporadic reading, to no reading at all. Thus, since the cable was not snapped into place on Alan Beaman's car, it is quite obvious that the integrity of the speedometer/odometer is destroyed.

On December 7, 1994, a meeting was held at NPD to discuss the evidence in this case. Present were Alan Beaman, William Beu, William Beu's investigator, Jim Souk, Terri Dimnick, Detective David Warner, and myself. We reviewed the evidence in this case piece by piece giving the defense team an opportunity to review any piece that they wished to see. Photocopies were made when requested and the evidence was then resecured after the meeting. Before leaving, I asked William Beu if he was aware of what the Beaman family wanted done with the vehicle as it was still sitting at the public works garage. William Beu advised that he would get back with me about the vehicle.

During the week of December 12th, I began to research the 1987 Ford Escort that belonged to Alan Beaman in an attempt to determine who the previous owner was. By

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Offense Supervisory Correction of #2 or #3
Homicide

Victim Name (or Business Name) Responsible Party
Jennifer Lynn Lockmiller

checking with the Secretary of State's office, I was able to determine that the previous owner was "Gervaise Sparhawk" of [REDACTED] in Roscoe, Illinois. I made phone contact with Gervaise Sparhawk's son, Gilbert Sparhawk, at (815)389-4129 and spoke with him about the vehicle. Gilbert stated that the car belonged to his mother and that she was between the ages of 53 years and 57 years when she owned the car. Gilbert stated that his mother was the principal driver and that he had not had a license for numerous years and he therefore did not drive the car. I set up an interview for he and his mother for December 22, 1994 at their residence.

The Secretary of state was also able to provide information that the car was sold to Strandquist motors in Rockford in 1992. I called Strandquist motors at (815)962-0621 and spoke with Lori Carter. Lori confirmed that Strandquist motors did buy a car from Gervaise Sparhawk and then sold the car to Barry and Carol Beaman. I was able to obtain a subpoena for the records of those sales and informed Lori that I would be coming to Rockford on December 22, 1994.

On December 22, 1994, I traveled to Rockford and met with Lori Carter at Strandquist Motors. Lori provided me with the mileage disclosure statements for the transaction between Strandquist and Gervaise Sparhawk and between Strandquist and Barry Beaman. Lori pointed out that due to the appraisal form when the vehicle was purchased, their agency would not have done any work on the vehicle.

While in Rockford, I stopped at Bell Federal bank and attempted to speak with the teller that took William Beu's original call on September 3, 1993 concerning Alan Beaman's presence on 8/25/93. I found the teller's name to be Kim Schiavo and believe her home phone number to be (815) 229-8441. Kim was on vacation so I was unable to interview her about this case.

At 3:00 pm on that same date, I met with Gervaise and Gilbert Sparhawk at their residence in Roscoe, Il. I was invited in and we began to discuss the 1987 Ford Escort that Gervaise had previously owned. I asked Gervaise if she had ever had any work done on the vehicle while she owned it. Gervaise stated that she had a three year warranty on the car and that she began to have problems with it in late 1991. She stated she began to have electrical problems with the car and then the speedometer quit working in early December of 1991. Her son, Gilbert, replaced the inner cable for the speedometer and it broke a second time just two weeks later, just before Christmas. Gilbert then replaced the inner cable again and she sold the car the following month. While

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Homicide

Victim Name (or Business Name) Jennifer Lynn Lockmiller Responsible Party

speaking to Gilbert, he stated that a friend named "Tom" helped him replace the cable and that they had replaced speedometer cables numerous times before. I asked Gilbert how many cables they had replaced and he stated that he had changed two or three and "Tom" had changed at least ten. I asked Gilbert if he removed the dash to get to the cable and he stated hat "yes" he had. I then asked Gilbert if he knew how the speedometer cable attached to the instrument cluster and he stated that there was a plastic clip that secured the cable to the instrument cluster. Gilbert stated that he believed he used a nut-driver to remove the instrument cluster when he replaced the cables. When asked, Gilbert stated that he bought the cables for the car from Jerry's Auto parts store in Roscoe.

After leaving the Sparhawk residence, I went to Jerry's Auto parts store in Roscoa. I talked with Todd Fehler and asked if they still had their receipts from 1991. Todd stated that their registers are computerized and that they keep duplicate copies for their auditor. Todd pointed out a large number of boxes in the rear of the store and stated that I was welcome to look through the boxes for the receipts that I was looking for. After looking through numerous boxes, I located the receipts for December of 1991. I found four receipts for speedometer cables during the month of December and one return. One receipt was for a local dealership and was ruled out due to the specific part. The other three receipts showed a universal cable that could be used in a number of different vehicles. Of those three remaining receipts, two were about two weeks apart dated 12/13/91 and 12/26/91. The final receipt also showed a purchase for Orange hand Cleaner "DL 23-114" which Gilbert Sparhawk does not recall ever purchasing.

On subsequent calls to Gilbert Sparhawk, he stated that he was familiar with the plastic clips used to hold the speedometer cable to the instrument cluster and state d that they surely would have made sure that the clip was seated after installing the new cable into the sheath.

On 01/18/94, I traveled to Rockford once again to verify mileages between several different locations. I began at [redacted] and drove directly to Alan Beaman's residence at an average of about 75 mph. The total distance was recorded as 138 miles with a driving time of 1 hr and 56 minutes. The following inner-city driving was also recorded:

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Offense Supervisory Correction of #2 or #3
Homicide

Victim Name (or Business Name) Responsible Party
Jennifer Lynn Lockmiller

Origination	Destination	Travel time	Miles
Chris Gray's Residence	Beaman Residence	16 minutes	9.9
Beaman Residence	Wal-Mart	15 minutes	9.7
Wal-mart	Union Hall	7 minutes	1.9
Union Hall	Gray's IGA (Auburn Rd)	13.5 minutes	4.9
Gray's IGA (Auburn)	Auburn High School	4 minutes	1.6
Auburn High School	Beaman Residence	8 minutes	6.3
Beaman Residence	Denny's (State)	26 minutes	11.9
Beaman Residence	Cafe Esperanto	13 minutes	8.2
Cafe Esperanto	Sinissippi Gardens	6.5 minutes	1.8

After finishing the inner-city driving, we checked the distance from Bell Federal to [redacted], Normal, at an average of 75 mph. The total distance was 123.9 miles with a travel time of 1 hour and 48 minutes.

On 1/18/95, I received a copy of the lease for the apartment where Michael Swaine and Alan Beaman were living from May 24, 1993 to August 15, 1993. The lease was in the name of "Theater Arts" bearing the signature of the department secretary, Kelly Ullom.

On that same date, I spoke with Dr. David Eaton from Illinois State University. Dr. Eaton stated that he was teaching a class on Social Gerontology that met on Monday, Wednesday, and Friday at 11:00 am. Dr. Eaton stated that since it was early in the semester, he had not yet established a seating chart as of August 25, 1993. I explained to Dr. Eaton that we had one of Jennifer's notebooks with a page dated Wednesday, August 25, with only one note on the page. Dr. Eaton explained that each time he starts the course, he begins with a handout that they cover for the first few days. He stated that he was probably lecturing from the handout and would therefore not expect many notes in Jennifer's notebook. Dr. Eaton was unable to say that he definitely saw Jennifer in class on Wednesday August 25, 1993 but due to her notes he would assume that she was there.

On 1/19/94, I conducted a brief interview with Dale Janssen of Janssen Construction. Dale stated that on July 22, 1993, he repaired a door for Redbird Apartment Management at [redacted]. Dale stated that he did not remember the occupant, believed to be

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Freemeyer #694 Active Suspended Fail to File Complaint
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Offense Supervisory Correction of #2 or #3
Homicide

Victim Name (or Business Name) Responsible Party
Jennifer Lynn Lockmiller

Jennifer Lockmiller, saying anything to him while he repaired the door. He stated that it appeared the door had been forced open near the latch and he put several screws into the doorframe so that the door could be secured. Dale stated that he was also the person that responded to [REDACTED] on August 28, 1993 when Jennifer's body was discovered. Dale was asked to come to that address and secure the door so that the crime scene would not be disturbed. Dale examined the door on that date and did not notice any fresh damage since he last repaired it on July 22, 1993. Before Dale left the station, he left his copy of the repair bill that he gave to Redbird Apartment management. Dale stated that the bill was a business record for the business that he owns, Janssen Construction. The bill was placed into evidence and a copy was made for Dale Janssen.

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Freesmeyer #694 Active Suspended Fail to File Complaint
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HomicideVictim Name (or Business Name) Responsible Party
Jennifer Lynn Lockmiller

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Freesmeyer #694 Active Suspended Fail to File Complaint
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Offense Supervisory Correction of #2 or #3
Homicide

Victim Name (or Business Name) Jennifer Lynn Lockmiller Responsible Party

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Cleared Unfounded Exceptionally Cleared Fail to File Complaint

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Homicide

Victim Name (or Business Name) Responsible Party
Jennifer Lynn Lockmiller

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APPENDIX 001350

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<p style="text-align: center;">IN THE UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF ILLINOIS PEORIA DIVISION</p> <p>Alan Beaman, Plaintiff, v. No. 10-CV-1019</p> <p>James Souk, Charles Reynard, Tim Freesmeyer, Rob Hospelhorn, Dave Warner, John Brown, Frank Zayas, McLean County, Illinois, Town of Normal, Illinois, Defendants.</p> <hr/> <p style="text-align: center;">VIDEOTAPED DEPOSITION OF FRANK L. ZAYAS Taken on Behalf of the Plaintiff</p> <p>DATE TAKEN: February 15, 2013 TIME: 8:58 a.m. - 4:26 p.m. PLACE: Holiday Inn - Lakewood Ranch 6231 Lake Osprey Drive Sarasota, Florida</p> <p style="text-align: right;">Stenographically Reported by: Donna L. Peterson, RDR, CRR Registered Diplomat Reporter Certified Realtime Reporter</p> <p style="text-align: center;">1</p>	<p style="text-align: center;">INDEX</p> <table border="0"> <tr><td>1</td><td></td><td></td></tr> <tr><td>2</td><td></td><td></td></tr> <tr><td>3</td><td>WITNESS</td><td>PAGE</td></tr> <tr><td>4</td><td>Called by the Plaintiff:</td><td></td></tr> <tr><td>5</td><td>FRANK L. ZAYAS</td><td></td></tr> <tr><td>6</td><td>DIRECT EXAMINATION BY MR. SHAPIRO</td><td>6</td></tr> <tr><td>7</td><td>CROSS EXAMINATION BY MS. EKL</td><td>187</td></tr> <tr><td>8</td><td>CROSS EXAMINATION BY MR. DICIANNI</td><td>194</td></tr> <tr><td>9</td><td>ERRATA SHEET</td><td>198</td></tr> <tr><td>10</td><td>CERTIFICATE OF REPORTER OATH</td><td>199</td></tr> <tr><td>11</td><td>REPORTER'S DEPOSITION CERTIFICATE</td><td>200</td></tr> <tr><td>12</td><td></td><td></td></tr> <tr><td>13</td><td></td><td></td></tr> <tr><td>14</td><td></td><td></td></tr> <tr><td>15</td><td style="text-align: center;">EXHIBITS</td><td></td></tr> <tr><td>16</td><td></td><td></td></tr> <tr><td>17</td><td>NUMBER DESCRIPTION PAGE</td><td></td></tr> <tr><td>18</td><td>Exhibit 1 Three pages of handwritten notes</td><td>95</td></tr> <tr><td>19</td><td>Exhibit 2 Two-page document consisting of typewritten notes</td><td>105</td></tr> <tr><td>20</td><td></td><td></td></tr> <tr><td>21</td><td>Exhibit 3 Copy of a police report that was prepared by Detective Freesmeyer in the Lockmiller case; AB000256</td><td>114</td></tr> <tr><td>22</td><td></td><td></td></tr> <tr><td>23</td><td>Exhibit 4 Polygrapher's report regarding Larbi John Murray, dated October 5th, 1993</td><td>119</td></tr> <tr><td>24</td><td></td><td></td></tr> </table> <p style="text-align: center;">3</p>	1			2			3	WITNESS	PAGE	4	Called by the Plaintiff:		5	FRANK L. ZAYAS		6	DIRECT EXAMINATION BY MR. SHAPIRO	6	7	CROSS EXAMINATION BY MS. EKL	187	8	CROSS EXAMINATION BY MR. DICIANNI	194	9	ERRATA SHEET	198	10	CERTIFICATE OF REPORTER OATH	199	11	REPORTER'S DEPOSITION CERTIFICATE	200	12			13			14			15	EXHIBITS		16			17	NUMBER DESCRIPTION PAGE		18	Exhibit 1 Three pages of handwritten notes	95	19	Exhibit 2 Two-page document consisting of typewritten notes	105	20			21	Exhibit 3 Copy of a police report that was prepared by Detective Freesmeyer in the Lockmiller case; AB000256	114	22			23	Exhibit 4 Polygrapher's report regarding Larbi John Murray, dated October 5th, 1993	119	24		
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<p>1 APPEARANCES:</p> <p>2</p> <p>3 Counsel for Plaintiff:</p> <p>4 DAVID M. SHAPIRO, ESQUIRE Roderick MacArthur Justice Center Northwestern University School of Law 357 East Chicago Avenue Chicago, Illinois 60611</p> <p>5</p> <p>6 Counsel for Defendants Tim Freesmeyer, Rob Hospelhorn, Dave Warner, Frank Zayas, and Town of Normal, Illinois:</p> <p>7</p> <p>8 THOMAS G. DICIANNI, ESQUIRE Ancel, Glink, Diamond, Bush, Dicianni & Krafthefer, P.C. 140 South Dearborn Street Chicago, Illinois 60603</p> <p>9</p> <p>10 Counsel for Defendants James Souk, Charles Reynard, John Brown, and County of McLean, Illinois:</p> <p>11</p> <p>12 ELIZABETH A. EKL, ESQUIRE James G. Sotos & Associates, Ltd. 550 East Devon, Suite 150 Itasca, Illinois 60143</p> <p>13</p> <p>14</p> <p>15 Also Present: Robert Cruz, videographer</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p style="text-align: center;">2</p>	<p style="text-align: center;">EXHIBITS - continued</p> <table border="0"> <tr><td>1</td><td></td><td></td></tr> <tr><td>2</td><td></td><td></td></tr> <tr><td>3</td><td>NUMBER DESCRIPTION PAGE</td><td></td></tr> <tr><td>4</td><td>Exhibit 5 Two-page exhibit, report from a polygraph examiner regarding Stacy Gates; McLean 001496</td><td>125</td></tr> <tr><td>5</td><td></td><td></td></tr> <tr><td>6</td><td>Exhibit 6 Exhibit consisting of 433 pages</td><td>131</td></tr> <tr><td>7</td><td>Exhibit 7 Composite exhibit; documents involving charges against two individuals, Steven Sedrel and Rob Curtis, in connection with torturing cats</td><td>162</td></tr> <tr><td>8</td><td></td><td></td></tr> <tr><td>9</td><td></td><td></td></tr> <tr><td>10</td><td>Exhibit 8 Essentially the first 24 pages of Exhibit 3</td><td>172</td></tr> <tr><td>11</td><td></td><td></td></tr> <tr><td>12</td><td>Exhibit 9 Exhibit consisting of last page of Exhibit 8 and its pages 24, 25, and 26 of the longer report shown in Exhibit 3</td><td>172</td></tr> <tr><td>13</td><td></td><td></td></tr> <tr><td>14</td><td>Exhibit 10 Notification of Disciplinary Action; DEF0104</td><td>185</td></tr> <tr><td>15</td><td></td><td></td></tr> <tr><td>16</td><td></td><td></td></tr> <tr><td>17</td><td></td><td></td></tr> <tr><td>18</td><td></td><td></td></tr> <tr><td>19</td><td></td><td></td></tr> <tr><td>20</td><td></td><td></td></tr> <tr><td>21</td><td></td><td></td></tr> <tr><td>22</td><td></td><td></td></tr> <tr><td>23</td><td></td><td></td></tr> <tr><td>24</td><td></td><td></td></tr> </table> <p style="text-align: center;">4</p>	1			2			3	NUMBER DESCRIPTION PAGE		4	Exhibit 5 Two-page exhibit, report from a polygraph examiner regarding Stacy Gates; McLean 001496	125	5			6	Exhibit 6 Exhibit consisting of 433 pages	131	7	Exhibit 7 Composite exhibit; documents involving charges against two individuals, Steven Sedrel and Rob Curtis, in connection with torturing cats	162	8			9			10	Exhibit 8 Essentially the first 24 pages of Exhibit 3	172	11			12	Exhibit 9 Exhibit consisting of last page of Exhibit 8 and its pages 24, 25, and 26 of the longer report shown in Exhibit 3	172	13			14	Exhibit 10 Notification of Disciplinary Action; DEF0104	185	15			16			17			18			19			20			21			22			23			24		
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<p>1 end, right?</p> <p>2 A. Right. It would go to whoever the state</p> <p>3 attorney that's handling the case.</p> <p>4 Q. Okay. So as I'm understanding, so far what</p> <p>5 we've -- what we've talked about with regard to copies</p> <p>6 of police reports is that there's an original that</p> <p>7 ultimately makes its way to the chief; after the chief's</p> <p>8 review there are copies for all the investigators;</p> <p>9 there's an original that goes from the chief to the</p> <p>10 records office, and ultimately to the state's attorney.</p> <p>11 Right?</p> <p>12 A. Yes.</p> <p>13 Q. Okay. Are there any other copies of a report</p> <p>14 that would be generated in that process that we haven't</p> <p>15 talked about yet?</p> <p>16 A. Not to my knowledge, no, sir.</p> <p>17 Q. And as for the part about the investigators all</p> <p>18 getting copies of a report, that's something that</p> <p>19 happens throughout the investigation, right?</p> <p>20 A. Yeah. The investigators are involved in that</p> <p>21 particular investigation, not necessarily all of them,</p> <p>22 just the ones that are involved. So that would have</p> <p>23 been Tony Daniels and Freesmeyer and Warner, I think.</p> <p>24 Q. And John Belcher?</p> <p style="text-align: right;">41</p>	<p>1 case, it would have been part of Freesmeyer's job to</p> <p>2 read the reports prepared by other officers, right?</p> <p>3 A. Yes, should have, yes.</p> <p>4 Q. So we've talked through the process of reports</p> <p>5 making their way into the central file. Can you</p> <p>6 describe how the process would work for transcripts of a</p> <p>7 witness interview?</p> <p>8 A. Well, if the transcript -- I don't remember how</p> <p>9 they were -- if they were recorded and then transcribed.</p> <p>10 Is this what you're talking about? I don't understand</p> <p>11 your question.</p> <p>12 Q. Right. Typically if an --</p> <p>13 Would officers typically record interviews?</p> <p>14 A. Sometimes they did, yes.</p> <p>15 Q. Okay. In the case of a recorded interview, the</p> <p>16 interview would generally be transcribed, right?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And who does the transcription?</p> <p>19 A. The secretarial staff there. I don't remember</p> <p>20 who -- who was there at the time.</p> <p>21 Q. So the officer would give the tape to the</p> <p>22 secretarial staff?</p> <p>23 A. Yes, sir.</p> <p>24 Q. And would the secretarial staff then give the</p> <p style="text-align: right;">43</p>
<p>1 A. Yes, sir, John Belcher.</p> <p>2 Q. And your recollection was that Hospelhorn</p> <p>3 wasn't working on the investigation?</p> <p>4 A. I don't remember working with him. I really</p> <p>5 don't. I'm sorry.</p> <p>6 Q. Okay. But -- but if you -- if you were, he</p> <p>7 would receive copies of the reports, right?</p> <p>8 A. Yes, sir.</p> <p>9 Q. Okay. What's the purpose of making sure that</p> <p>10 all of the investigators in a case receive copies of all</p> <p>11 the reports?</p> <p>12 MR. DiCIANNI: Object to the form of the</p> <p>13 question.</p> <p>14 You may answer.</p> <p>15 A. You want them to be well informed as to where</p> <p>16 the investigation is going and what we're looking at so</p> <p>17 we're all on the same page.</p> <p>18 Q. And as a supervisor, was it your expectation</p> <p>19 that the investigators would read all the reports that</p> <p>20 they received?</p> <p>21 MR. DiCIANNI: Objection; speculation.</p> <p>22 A. I suspect that they did read the reports. That</p> <p>23 was their job.</p> <p>24 Q. So, for example, as an investigator on the</p> <p style="text-align: right;">42</p>	<p>1 transcript back to the officer after transcribing it?</p> <p>2 A. Yes, sir, and he would review it.</p> <p>3 Q. After the officer's review of the -- of the</p> <p>4 transcripts, would that be submitted to -- to you as the</p> <p>5 lieutenant?</p> <p>6 A. Yeah. Then I would -- I would see it and</p> <p>7 review it.</p> <p>8 Q. And after your review of the transcripts, what</p> <p>9 would you do next?</p> <p>10 A. Then they would be put in the records file</p> <p>11 where -- then the record would -- would put the original</p> <p>12 in the -- in the -- in the records. The chief would</p> <p>13 probably get a copy of it to -- to review it. Or if he</p> <p>14 came down and got the record or the transcript, he may</p> <p>15 have taken it upstairs to -- to read it and then brought</p> <p>16 it back down. Could have been that way.</p> <p>17 Q. So -- so you're not sure whether the transcript</p> <p>18 would go to the chief prior to going to records, right?</p> <p>19 A. I don't remember how that would -- how that</p> <p>20 would have occurred on that particular date and time. I</p> <p>21 really don't.</p> <p>22 Q. Uh-huh. But safe to say that either after your</p> <p>23 review or after the chief's review, the transcript would</p> <p>24 go into central records, right?</p> <p style="text-align: right;">44</p>

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<p>1 it won't.</p> <p>2 So the body was first discovered on August 28th</p> <p>3 of 1993. It was a, you know, pretty -- pretty gruesome</p> <p>4 crime scene, cord around the victim's neck, significant</p> <p>5 amount of bloating because it had been some time since</p> <p>6 the murder occurred.</p> <p>7 Do you remember how you first became aware that</p> <p>8 there had been a murder?</p> <p>9 A. No. I don't remember how the call came in.</p> <p>10 Q. Do you recall ever visiting the crime scene?</p> <p>11 A. Yes, I did.</p> <p>12 Q. When you visited the crime scene, was the</p> <p>13 victim's body still there or had it been removed --</p> <p>14 A. No. It was still there.</p> <p>15 Q. Okay. Did you visit the crime scene on the</p> <p>16 same day that the call came in?</p> <p>17 A. Yes, I'm sure it was.</p> <p>18 Q. What recollections do you have about the crime</p> <p>19 scene?</p> <p>20 A. It was -- I think it was like a one-bedroom</p> <p>21 apartment, shag carpet. I think she had two cats. It</p> <p>22 was flea infected. I remember seeing the body in the</p> <p>23 bedroom. Not a pretty scene.</p> <p>24 Q. Who else was present, if you remember, when you</p> <p style="text-align: right;">89</p>	<p>1 and day. The crime scene is on -- right on a main</p> <p>2 thoroughfare, Route 51. You know, it -- pretty well, it</p> <p>3 was kind of like an open case. We -- we had no idea on</p> <p>4 where to go.</p> <p>5 Q. As the investigation went forward, do you</p> <p>6 remember -- well, strike that.</p> <p>7 You had mentioned partying and the college</p> <p>8 scene generally.</p> <p>9 As the investigation went forward, do you</p> <p>10 recall learning anything about Lockmiller's lifestyle as</p> <p>11 it related to partying, drugs, alcohol?</p> <p>12 A. I remember a little bit from the reports that I</p> <p>13 saw, that she was -- I think she was a volunteer</p> <p>14 employed at The Vidette, the newspaper, and that she</p> <p>15 frequented a lot of parties. She was always at parties,</p> <p>16 drank heavily, was very sexually active, from the</p> <p>17 reports we were getting.</p> <p>18 Q. And those are factors that contribute to a wide</p> <p>19 universe of possible perpetrators. Is that a fair</p> <p>20 statement?</p> <p>21 A. No, not -- not just necessarily that. I'm sure</p> <p>22 there was other factors. Just -- I don't know. Just</p> <p>23 the area where she lived, the activity. The gas station</p> <p>24 is right by, the 24-hour operations that were going on</p> <p style="text-align: right;">91</p>
<p>1 were first on the scene?</p> <p>2 A. I think Officer Warden was with me.</p> <p>3 Q. Warner?</p> <p>4 A. Warner, I'm sorry, yeah.</p> <p>5 Q. And he -- he -- one of his roles was evidence</p> <p>6 technician, right?</p> <p>7 A. Yes. Yeah.</p> <p>8 Q. So he would have been there in connection</p> <p>9 with --</p> <p>10 A. Right.</p> <p>11 Q. -- those duties?</p> <p>12 A. Yeah.</p> <p>13 Q. Okay. Based on your seeing the crime scene,</p> <p>14 did you form any theories or possibilities about the</p> <p>15 nature of the murder?</p> <p>16 A. Well, I first thought, you know, whoever</p> <p>17 committed this was evil. As far as a particular type of</p> <p>18 suspect or -- no, I didn't have any particular idea. In</p> <p>19 a college town, I mean, there's so many possibilities.</p> <p>20 Q. What is it about a college town that -- that</p> <p>21 causes you to say that there were so many possibilities?</p> <p>22 A. The transient nature of the campus. The</p> <p>23 activities during the day and night, you know. A lot of</p> <p>24 parties. Kids are always out, all hours of the night</p> <p style="text-align: right;">90</p>	<p>1 all the time.</p> <p>2 Q. So there were a lot of different factors that</p> <p>3 pointed to a potentially broad range of suspects, right?</p> <p>4 A. Yes, sir, it did.</p> <p>5 Q. And during the course of the investigation,</p> <p>6 what's your recollection of what was done to investigate</p> <p>7 the whole universe of potential suspects who might have</p> <p>8 come in and out of Jennifer Lockmiller's life?</p> <p>9 A. Well, we had the officers canvass the</p> <p>10 university. Other neighbors were interviewed, service</p> <p>11 station right there at the corner. The Vidette staff</p> <p>12 was talked to. Generally tried to track as many</p> <p>13 friends, family members that may have known something</p> <p>14 about her whereabouts at the time.</p> <p>15 Q. When you say "canvass the university," what do</p> <p>16 you recall of what was done to -- to canvass the</p> <p>17 university?</p> <p>18 A. Well, through The Vidette we would be able to</p> <p>19 get names of people that knew -- knew her, and then we</p> <p>20 would have tried to interview them. If my memory serves</p> <p>21 me correctly, I think we even looked into her phone</p> <p>22 records. I think, the best of my memory, that's all I</p> <p>23 can remember.</p> <p>24 Q. Uh-huh. Is it fair to say that on -- strike</p> <p style="text-align: right;">92</p>

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<p>1 Q. There's nothing that you could testify to as to 2 whether anyone at that meeting agreed or disagreed with 3 the decision to arrest Mr. Beaman? 4 A. No, sir. I don't remember. 5 Q. You don't have any recollection of any position 6 that you took at that meeting, right? 7 A. No, sir, I don't remember. 8 Q. Do you have any recollection of who led any of 9 the meetings that were held as part of this case? 10 A. No, sir, I don't. 11 Q. Do you recall any discussions that you had 12 with -- with Tony Daniels during the time of the 13 Lockmiller homicide case? 14 A. Just in a general, I think he -- I mean, at the 15 time we didn't have sufficient evidence yet. It was all 16 circumstantial. I think we would talk about that. But 17 specifically I don't remember, you know, per se what -- 18 what we actually delved into. But I know that we 19 discussed that. 20 Q. Have you spoken with Tony Daniels about this 21 case subsequent to when you -- when you left the Normal 22 Police Department? 23 A. No, sir. 24 Q. And I think you mentioned earlier that -- that</p> <p style="text-align: right;">117</p>	<p>1 recollection of the meeting to decide whether to arrest 2 Beaman or to decide to arrest Mr. Beaman. 3 Do you have any recollection of what the 4 probable cause to arrest Mr. Beaman consisted of? 5 A. No. Sorry, I'm afraid that I didn't read the 6 affidavit and I -- I didn't see it. If my memory served 7 me correct, he was not -- he was arrested after I had 8 left the department, so -- or he was indicted, I think, 9 after I left the department. So, no, I don't. 10 Q. Okay. Is there any piece of evidence against 11 Mr. Beaman that -- that you can recall? 12 A. I know that it was mostly circumstantial 13 evidence, but specifically I don't remember what it was. 14 Q. Okay. Is there -- is there any document you 15 could review or anything that I could do to help refresh 16 your recollection as to the evidence against Mr. Beaman? 17 A. I -- no, I don't think so. 18 MR. SHAPIRO: Okay. Would you mark that as 19 Exhibit 4, please. Thank you. 20 (Zayas Exhibit No. 4 was marked for 21 identification.) 22 Q. Mr. Zayas, I've shown you a document that's 23 been marked as Exhibit 4. Please go ahead and review 24 the document and let me know when you've had a chance to</p> <p style="text-align: right;">119</p>
<p>1 you had a conference with Mr. Daniels at some point? 2 A. Oh, yeah. We've -- we've communicated. I mean 3 we -- when I go to Normal, we get together for coffee or 4 something, but we don't talk about the case. 5 Q. Understood. 6 What's your -- what's your opinion of 7 Tony Daniels? 8 A. Tony is a very intelligent officer, to the 9 point that he could be bullheaded. Sometimes he could 10 be difficult. You know, he's very opinionated. But 11 he's -- he's pretty honest, straight. What you see is 12 what you get with Tony. 13 Q. Is he a good cop, in your opinion? 14 A. I think -- yeah, I thought he was a good -- 15 excellent cop, yes, yeah. He's a very caring guy. He's 16 kind of a real sensitive-type guy. 17 Q. He has good judgment? 18 A. You're asking me to speculate. I -- I don't -- 19 I don't know how to answer that. 20 Q. You don't have any reason to doubt his 21 judgment, right? 22 A. No. 23 MS. EKL: Objection; form, foundation. 24 Q. Okay. So I understand that you don't have any</p> <p style="text-align: right;">118</p>	<p>1 do so. 2 A. Okay. 3 Q. So Exhibit 4 is a polygrapher's report 4 regarding Larbi John Murray, dated October 5th, 1993, 5 right? 6 A. Yes, yes, sir. 7 Q. Do you recall ever -- ever having seen this 8 document? 9 A. No, sir, I don't remember it. 10 Q. Okay. And we talked earlier about the process 11 of receiving reports from outside specialists? 12 A. Uh-huh. 13 Q. In this case, the report is addressed to 14 Detective David Warner. How would this report have been 15 routed through the police dependent upon receipt? 16 MR. DiCIANNI: I object to lack of foundation, 17 speculation. 18 MS. EKL: Also form. 19 A. I don't know how to answer the question because 20 if -- if it came into the police department addressed to 21 David Warner, I think he would have gotten it and it 22 would -- then he would read it, submit it, run copies of 23 it, get the original to -- to records, make sure that, 24 you know, I would have gotten a copy of it, the chief</p> <p style="text-align: right;">120</p>

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1 would have gotten a copy of it. So he would have had to
 2 disseminate the report. If my memory serves me
 3 correctly, that's -- should have been the way to process
 4 that.
 5 Q. Okay. So let me try to take that step by step
 6 so I make sure I'm understanding.
 7 Assuming Detective Warner received the report,
 8 he should direct the original to records?
 9 A. Yes. The originals always went to records.
 10 Q. And by sending it to records, the report would
 11 become part of the central file for this case?
 12 A. Right, uh-huh.
 13 Q. And upon receiving this report, Warner should
 14 make sure that you get a copy?
 15 A. Yeah, should have made sure everybody else
 16 would have gotten a copy of it.
 17 Q. And when -- when you say "everybody," do you
 18 mean all of the detectives working on the case?
 19 A. Working on the case, yes.
 20 Q. Okay. And he should have also made sure that
 21 the chief got a copy?
 22 A. Oh, yes, sir.
 23 Q. Okay. And upon receiving the report that's
 24 shown in Exhibit 4, do you have any reason to doubt that

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1 Detective Warner would have gone through the steps that
 2 you and I just discussed?
 3 MR. DICIANNI: Object to speculation.
 4 A. I -- I don't know. I -- he should have
 5 followed the procedure, disseminated the information.
 6 Q. Uh-huh. And he would have been trained to
 7 follow that procedure?
 8 A. Yes, sir.
 9 Q. And assuming the report went to the records
 10 department and became part of the central file, the
 11 report would have been transmitted to the State's
 12 Attorney's Office, right?
 13 A. Yes.
 14 MS. EKL: Objection; form, foundation.
 15 A. It should have been, yes, sir.
 16 Q. Okay. If the lead state's attorney in this
 17 case did not receive a copy of this report, would you
 18 find that surprising?
 19 A. Yes, I would have, yes.
 20 Q. Now, I'll represent to you that this report was
 21 not provided to Mr. Beaman's defense lawyers prior to or
 22 during his trial. Do you have any explanation of why
 23 that might have occurred?
 24 A. No, sir, I don't.

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1 Q. Would you agree with me that this is a report
 2 that should have been provided to Mr. Beaman's defense
 3 lawyers?
 4 A. Yes, sir.
 5 MR. DICIANNI: I'll object to speculation, to
 6 lack of foundation, legal conclusion.
 7 A. Yeah, they should have gotten a copy of it,
 8 yes.
 9 Q. When you were a law enforcement officer, did
 10 you receive training with regard to the duty to provide
 11 exculpatory evidence to defendants' lawyers?
 12 A. Yes, sir.
 13 Q. And did -- did detectives that you supervise
 14 also receive that training?
 15 A. Yes, sir, I'm sure they did.
 16 Q. Based on the training that the detectives
 17 working on the Lockmiller case received, should they
 18 have recognized that the report shown in Exhibit 4 is
 19 something that ultimately should have been provided to
 20 the defense?
 21 MR. DICIANNI: Objection; speculation.
 22 A. Yes, sir.
 23 Q. And why is it that the report should have been
 24 provided to the defense?

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1 A. It's valuable information. It should have
 2 relayed to the State, yes.
 3 Q. And you didn't -- you mentioned relayed to the
 4 State. And ultimately relayed to the defense, right?
 5 A. Right, yes, sir.
 6 Q. And when you say that it's valuable
 7 information, what's valuable about it?
 8 MR. DICIANNI: I'll object to asking him to
 9 speculate about why it would be valuable.
 10 A. Well, I mean, it's a result of an examination
 11 conducted on one of the suspects; therefore, it's
 12 something that should have been relayed to the defense.
 13 Q. And the report shown in Exhibit 4 indicates
 14 that Mr. Murray didn't follow directions given to him
 15 during the polygraph, right?
 16 A. I'm sorry. Repeat that question again.
 17 Q. Sure. Does the report indicate that Mr. Murray
 18 did not follow directions given to him by the polygraph
 19 examiner?
 20 A. It says, "Did not follow specific directions."
 21 That's what it says, yes.
 22 Q. Uh-huh. And it also says that the subject had
 23 to be dismissed from the laboratory because he wasn't
 24 complying with the instructions, right?

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31 (Pages 121 to 124)

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<p>1' retired and gone for a few months.</p> <p>2 Q. Well, you retired in November of '94, right?</p> <p>3 A. I'm sorry. Yes, sir. Sorry. Yes.</p> <p>4 Ask the question again.</p> <p>5 Q. Sure. Does the 10 January '94 date on the</p> <p>6 first page of the unsigned report indicate to you</p> <p>7 anything about the point at which the state's attorney</p> <p>8 began exercising supervision over Freemeyer?</p> <p>9 MS. EKL: Same objection.</p> <p>10 A. Again, I couldn't answer that question because</p> <p>11 I don't know.</p> <p>12 Q. If I could ask you to turn to page 33 of</p> <p>13 Exhibit 3, please.</p> <p>14 At the bottom of page 33, in the "date and time</p> <p>15 report typed" field, it says "July 1st, '94," right?</p> <p>16 A. July -- 1600, yes.</p> <p>17 Q. And that's a jump ahead in time from the date</p> <p>18 shown on page 32, which is January 10th, '94, right?</p> <p>19 A. Yes, it is.</p> <p>20 Q. Okay. Does that jump in the date strike you as</p> <p>21 odd in any way?</p> <p>22 A. I don't know. You're asking me to speculate.</p> <p>23 I don't know.</p> <p>24 Q. Do you have any idea why that jump in date</p> <p style="text-align: right;">177</p>	<p>1 Investigators kept an open mind until the end of the</p> <p>2 investigation, but I'm wondering whether there was any</p> <p>3 information or evidence that was obtained that made it</p> <p>4 possible for anyone to rule out the possibility of an</p> <p>5 unknown drifter being responsible.</p> <p>6 A. Not that I can recall, no.</p> <p>7 Q. What about a home invader?</p> <p>8 A. Not that I recall, no.</p> <p>9 Q. Do you recall a victimology ever being</p> <p>10 performed in connection with this case?</p> <p>11 A. No, I don't remember that.</p> <p>12 Q. Do you recall any attempt to create a profile</p> <p>13 as part of this case?</p> <p>14 A. No, I don't remember that.</p> <p>15 Q. How certain are you today that Alan Beaman</p> <p>16 killed Jennifer Lockmiller?</p> <p>17 A. I'm not certain at all. I don't know.</p> <p>18 Q. Were you certain that Alan Beaman killed</p> <p>19 Jennifer Lockmiller at any point prior to your</p> <p>20 retirement?</p> <p>21 A. No. I don't think we had all the information</p> <p>22 needed at the time when I left. That was still in</p> <p>23 limbo. They were still working on it. So at the point,</p> <p>24 I didn't know.</p> <p style="text-align: right;">179</p>
<p>1 would occur in the middle of a report?</p> <p>2 A. Wouldn't have the slightest idea.</p> <p>3 Q. Okay. In your opinion, did the investigation</p> <p>4 of the Lockmiller homicide exclude the possibility that</p> <p>5 some unknown drifter was the murderer?</p> <p>6 MR. DICIANNI: Well, let me object to the point</p> <p>7 in time.</p> <p>8 Are you saying from the beginning or -- or when</p> <p>9 they completed the investigation?</p> <p>10 MR. SHAPIRO: Yeah, I'm saying at any point.</p> <p>11 A. Excluded a drifter? No. I -- I think we tried</p> <p>12 to keep an open mind and tried to look at, you know, all</p> <p>13 the evidence that came in and all the information and</p> <p>14 the suspects. We tried to keep an open mind. We didn't</p> <p>15 want to get tunnel vision and focus in on something that</p> <p>16 wasn't there.</p> <p>17 Q. So there's no piece of evidence that you recall</p> <p>18 that would have closed the possibility that the murderer</p> <p>19 was an unknown drifter; is that a fair statement?</p> <p>20 A. Pretty well. I mean, if it was -- it was still</p> <p>21 open to any suspects that looked like, you know, a</p> <p>22 likely responsible person, yeah, then we would have went</p> <p>23 that way, yes.</p> <p>24 Q. And I understand you're saying that the</p> <p style="text-align: right;">178</p>	<p>1 Q. And do you remember any information or leads</p> <p>2 that were still outstanding in the case?</p> <p>3 A. No, I -- I don't.</p> <p>4 Q. Uh-huh. But it was your sense when you retired</p> <p>5 that there were still loose ends in the case?</p> <p>6 A. Still work to be done.</p> <p>7 Q. And that no one could reasonably say with</p> <p>8 certainty that Alan Beaman was the killer, right?</p> <p>9 A. That's true.</p> <p>10 MS. EKL: Objection; foundation.</p> <p>11 A. My opinion at the time is true.</p> <p>12 Q. Was there anything to -- that caused you to</p> <p>13 doubt whether Alan Beaman was the killer?</p> <p>14 A. I think most of the evidence was</p> <p>15 circumstantial. I like physical evidence, and it wasn't</p> <p>16 there. It was all, you know, a time frame. So at the</p> <p>17 time I -- I -- they didn't have it. When I left, they</p> <p>18 didn't.</p> <p>19 Q. When you left, you felt that the case against</p> <p>20 Beaman was -- was weak? Is that a fair statement?</p> <p>21 A. At this point -- I'll put it this way.</p> <p>22 I don't think it was ready to be sent to the</p> <p>23 State yet. I think we needed to work on it some more.</p> <p>24 Q. And that was true in November of '94, when you</p> <p style="text-align: right;">180</p>

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<p>1 retired?</p> <p>2 A. Yes, sir.</p> <p>3 Q. There were a lot of people who were talked to</p> <p>4 in this case who said you ought to look at Alan Beaman,</p> <p>5 right?</p> <p>6 A. I don't know if I'd categorize it that a lot of</p> <p>7 people said to look at Alan Beaman. I think the facts</p> <p>8 would -- as they were presented at the time and the</p> <p>9 conflicts that he had with Jennifer, I think caused us</p> <p>10 to look at him a little bit harder than anybody else.</p> <p>11 He was a difficult person to talk to, from what</p> <p>12 I understand from the officers. They told me he was</p> <p>13 very difficult. So that's probably why, one of the</p> <p>14 reasons -- I'm sure there's a lot more -- that caused</p> <p>15 the officers to focus in on him.</p> <p>16 Q. Would it be fair to say that one of the reasons</p> <p>17 Beaman was focused on was speculation that was put</p> <p>18 forward by some of his classmates, his acquaintances?</p> <p>19 A. I don't know. You're asking me to speculate.</p> <p>20 I don't know. I just don't know. I don't know how to</p> <p>21 answer that question.</p> <p>22 Q. When you retired from the Normal Police</p> <p>23 Department in November of '94, did you have any concerns</p> <p>24 about other suspects who had not yet been fully</p> <p style="text-align: right;">181</p>	<p>1 connection of my representation of Mr. Beaman in that</p> <p>2 matter. But since I wasn't present in the</p> <p>3 investigation, I don't always know the best questions to</p> <p>4 ask.</p> <p>5 So I wanted to ask you if there is anything</p> <p>6 that -- about the investigation that you think I should</p> <p>7 know or you think Mr. Beaman should know that we haven't</p> <p>8 covered in our discussion today.</p> <p>9 MS. EKL: Objection; form, vague.</p> <p>10 MR. DICIANNI: Yeah, I'll object, too.</p> <p>11 You can answer.</p> <p>12 A. Well, at the time, I think the team worked well</p> <p>13 together. I -- I don't think that they were focusing</p> <p>14 unjustly on one particular person or another. They were</p> <p>15 looking at the evidence as they saw it coming in.</p> <p>16 The documentation was done as -- as it was</p> <p>17 performed while I was there. The chief was kept</p> <p>18 abreast. The State was kept abreast. They worked</p> <p>19 closely with us. And to the best of my knowledge, every</p> <p>20 piece of paper that was created by us was forwarded to</p> <p>21 the State and should have been in the packet for</p> <p>22 discovery purposes.</p> <p>23 Q. Okay. I want to ask you just a couple of</p> <p>24 questions about discipline, and then -- then I should be</p> <p style="text-align: right;">183</p>
<p>1 Investigated?</p> <p>2 A. Well, I know they were looking other people at</p> <p>3 the time. And I felt confident that they were going to</p> <p>4 follow up on that. But I don't know what happened once</p> <p>5 I left.</p> <p>6 Q. Uh-huh. And that process of foreclosing other</p> <p>7 suspects, in your mind, had not been accomplished as of</p> <p>8 November '94?</p> <p>9 A. No. Still had a lot of work to do.</p> <p>10 MR. SHAPIRO: I think I'm getting very close to</p> <p>11 done, but let's just take a brief break, if that's</p> <p>12 all right.</p> <p>13 THE WITNESS: That's fine.</p> <p>14 THE VIDEOGRAPHER: We're off the video record</p> <p>15 at 4:00 p.m.</p> <p>16 (Recess from 4:00 p.m. until 4:09 p.m.)</p> <p>17 THE VIDEOGRAPHER: We're on the video record at</p> <p>18 4:09 p.m.</p> <p>19 BY MR. SHAPIRO:</p> <p>20 Q. Mr. Zayas, as I'm sure is obvious to you, my</p> <p>21 view is that Mr. Beaman is innocent of the murder of</p> <p>22 Jennifer Lockmiller and was in prison for over a decade</p> <p>23 for -- for something that he -- he didn't do. And</p> <p>24 obviously, I've been asking you questions today in</p> <p style="text-align: right;">182</p>	<p>1 done.</p> <p>2 Did you ever have occasion to discipline any of</p> <p>3 the officers who were involved in the Lockmiller case?</p> <p>4 A. I -- I did not. There was an incident that the</p> <p>5 chief, I think, was involved in with Tony Daniels and</p> <p>6 Freesmeyer because there was a little conflict between</p> <p>7 those two. But I think that's one of the reasons.</p> <p>8 There might have been a little rift between those two.</p> <p>9 Q. What was the basis of the conflict between</p> <p>10 Daniels and Freesmeyer?</p> <p>11 A. I think there was a conflict between of</p> <p>12 pursuing different pieces of evidence. Tony had his</p> <p>13 particular style, Tim had his, and they would clash</p> <p>14 against each other.</p> <p>15 Q. Did -- did part of the clash involve different</p> <p>16 views regarding the strength of the case against</p> <p>17 Mr. Beaman?</p> <p>18 A. I don't know -- no, I don't know if it was</p> <p>19 anything about the strength. I think just their</p> <p>20 particular styles. They're two different personalities,</p> <p>21 and that was the big conflict with them.</p> <p>22 Q. Okay. When you were with the Normal Police</p> <p>23 Department, do you -- do you recall any incidents when</p> <p>24 you were disciplined?</p> <p style="text-align: right;">184</p>

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Kenneth R. Moses

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August 12, 2015

Report of Crime Scene Analysis

Beaman v. Freesmeyer et al
Circuit Court #14L51
Our Case # 1343

I have been retained to provide an independent review and analysis in the death of Jennifer L. Lockmiller.

My curriculum vita is attached to this report.

In rendering my analysis I have reviewed the following materials:

- Initial and supplemental reports prepared by members of the Normal Illinois Police Department in their case #C93-4033.
- Illinois State Police Crime Scene Report G93-1500-9-1 by Dean Kennedy.
- Illinois State Crime Lab Report #P93-2654
- Crime scene, evidence, and autopsy photographs
- Autopsy Report from McLean County Coroner.
- Summary of Trial Testimony of Dr. Sharon Schnittker.
- Transcript of Trial Testimony of Dr. Sharon Schnittker.
- Transcript of the testimony of Dean Kennedy.
- Transcript of the deposition of Timothy Freesmeyer.

Methodology

The reconstruction of any crime scene is an attempt to step back in time to understand a chain of events using physical evidence as a base against which later statements and

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theories are evaluated. In all scene investigations, missing pieces and variables exist giving rise to more than one possible scenario. Each scenario is constrained by the physical evidence giving more weight to some theories and excluding others as improbable or impossible.

Description of Scene

The decomposing body of Jennifer Lockmiller was found inside her second floor apartment at 412 Main St. She had been strangled with her alarm clock cord, stabbed multiple times with a pair of scissors, and sexually assaulted as evidenced by her clothing and the position of her body. The bedroom was in disarray. The closet and several of the drawers showed signs of having been searched. A large floor fan had been placed or fallen on the victim's head. The rest of the house was largely undisturbed except for the kitchen where a plastic can had been removed from under the counter and the contents deposited on the living room sofa. Dirty dishes and food items cluttered the kitchen counter top and sink. The victim's purse was sandwiched between two book bags on the kitchen table. The front door had been damaged and repaired from a previous incident. There was no sign of fresh damage around the locks.

Analysis

There is a high correlation between the crimes of rape and the crime of burglary. Nearly all forcible rapes that occur between strangers are committed by perpetrators with burglary records. As such, a rapist will exhibit nearly the same habits or *modus operandi* in a rape as he would in a burglary. Many rapes are merely crimes of opportunity where the burglar unexpectedly finds the victim at home. My overall impression of the murder of Jennifer Lockmiller is that it fits this type of crime based on the totality of the following observations.

1. Most residential burglaries occur in the middle of the day when the residents are away at work or at school. In a multi-floor building, the burglar will commonly go to the top floor to avoid interruptions from first floor residents. (Burglars who

prefer window entries will naturally prefer the first floor.) Once on the top floor, he will select the weakest lock to attack. Weakened doors and locks and doors where the deadbolt is either not engaged or has a very short throw are usually attacked using a thin piece of plastic called a "loid" to slip the lock without leaving visible damage to the wood or the metal. It is common that the intruder will ring the doorbell or knock on the door before attempting entry.

2. One of Jennifer Lockmiller's earrings was located on the floor near the front door; the other earring and one of her shoes was found close to the bedroom door. This indicates that the victim was overpowered by a blitz-like attack and driven straight back to the bedroom. This would have required a person of considerable strength and power to maintain complete control over Jennifer up through wrapping the electrical cord around her neck.

3. The position of the body suggests that the perpetrator stood with his back to the twin bed with the victim on her knees in front of him. He then probably forced her backwards and may have raped her before or after plunging the scissors into her chest. That this was a crime of opportunity is evidenced by the fact that the assailant did not bring with him a weapon or materials for controlling his victim.

4. Once the victim was deceased, the perpetrator rummaged through the closet and drawers searching for valuables. At some point, the floor fan fell or was placed on the victim's head. It is not uncommon for a perpetrator to cover the head of his victim while he conducts his search, however, the covering is usually more opaque such as a blanket or pillows.

5. In cases like this, it is important that the investigator consider the possibility that the scene might have been staged by the perpetrator to throw off the investigation. In all cases, a decision that staging occurred must be based on a rigorous evaluation of the physical evidence and not on mere speculation, suspicion, or rumination. Some of the things in this scene that could indicate staging might include inconsistent patterns of livor mortis, drag trails from urine and

other bodily fluids, unnatural lateral bunching of the victim's clothing, positioning of the body in relation to the furniture to suggest intercourse, and a more obvious forced entry and search pattern. None of the features in the Lockmiller scene would lead me to believe it was staged. However, even without evidence of staging, it was not inconsistent that this crime could have been committed by someone known to the victim.

Freesmeyer's opinion that the stab wounds in the victim's chest were postmortem and an expression of emotion and vengeance on the part of the assailant is not only incorrect but would tend to negate the staging theory by pointing right back to someone she knew instead of diverting the investigation away. According to Dr. Schnittker, Jennifer may have still been alive when stabbed and therefore, the perpetrator may have delivered three closely spaced wounds to ensure her death. Emotionally charged stabbings generally have far greater numbers of wounds in a frantic pattern.

6. Other evidence in this scene correlate to burglary. Burglars often seek out containers in the form of suitcases, pillow cases, garbage cans, or garbage bags with which to carry out stolen goods. These containers like the garbage container in Jennifer's kitchen are often left in the middle of the floor if they are not needed.

Burglars commonly eat, drink, or use the bathroom. I could find nothing in the reports to indicate that the items on the kitchen counter were either brought in or processed for latent fingerprints. Most of those items such as the Pepsi bottle would best be processed in the crime laboratory.

It is not known if anything of value was taken from the apartment. There was nothing in the Lockmiller living room that would be irresistible value-wise to a burglar. Jennifer's purse was on the kitchen table but it was sandwiched between her book bags and not plainly visible.

7. It struck me as unusual that the first items booked into evidence were boxes of the victim's letters and personal papers rather than the physical evidence from the crime. It reflected that at the initial stages of this homicide investigation, the

detectives prematurely ruled out the likelihood that this had been a random attack by a stranger. From all of the reports I saw, the focus remained narrow.

8. Finally, even though Beaman was suspected on the first day of the investigation, I saw no attempt to seize and conduct forensic examinations of his clothing and footwear for injuries and trace evidence.

My observations and conclusions are based on the reports and documentation I have reviewed. Please feel free to contact me if you would like to further discuss these observations or if new facts arise that might alter my hypotheses.

Kenneth R. Moses



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Kenneth R. Moses

Summary of Qualifications:

Kenneth Moses has over forty years of experience in forensic evidence. He established the Crime Scene Investigations Unit of the San Francisco Police Crime Laboratory in 1983 and was instrumental in the installation of automated fingerprint systems in San Francisco and at the California Department of Justice. His experience includes examination of a wide variety of physical evidence in criminal and civil cases. Over the years, he has worked with attorneys, with local, state, and federal agencies, and with private companies in a number of complex investigations. Mr. Moses holds an interim top-secret security clearance for work with the Office of Military Commissions in crimes involving members of the armed forces. He has been active in national efforts to establish professional standards in forensic science. Mr. Moses currently serves in as Laboratory Director of Forensic Identification Services in San Francisco.

Education:

- Bachelors Degree in Criminology; University of California, Berkeley, 1969
- Chemistry major, University of San Francisco, 1963-65
- Administrative Advanced Latent Fingerprint School; F.B.I., 1972
- Field Evidence Certification Program; Long Beach State University 1971
- Bloodstain Evidence Institute, Elmira College, N.Y., 1981
- Continuing Education, Bloodstain Evidence, IAL, Milwaukee, 1999, 2009, 2010
- Bayesian Networks in Forensic Science, Dept. of Biostatistics, U. of Washington

Professional Experience:

- Founder, Forensic Identification Services, 1997
- Qualified panel expert in Crime Scene Analysis—Los Angeles Superior Court
- San Francisco Police Inspector (ret.)
- Supervisor, Crime Scene Investigations, Crime Laboratory, 1980-1997
- Firearms and tool mark examiner, 1972-1982
- Latent print examiner and crime scene investigator, Crime Laboratory, San Francisco Police Department, 1971-1998
 - Investigation of 17,000 crime scenes including approximately 500 homicide scenes

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Kenneth R. Moses

- Court testimony as an expert witness in crime scene investigations, physical evidence, scene reconstruction, blood spatter analysis, shoe and tire impressions, firearms, gunshot residue and fingerprint identification in 750 cases in State and Federal courts

Systems Manager, Automated Fingerprint Identification System, 1983-1997

- Police Officer, San Francisco Police Department, 1970
- High school chemistry and biology teacher, 1967-1969
- Investigator, Alameda County Coroner's Office, 1966-67

Additional Professional Activities

- Interim top-secret security clearance for work with the Office of Military Commissions
- International Conference on Forensic Inference and Statistics, 2011
- Instructor in Biometrics, U.C.L.A., 2002-2007
- Instructor in Criminal Identification, Central Intelligence Agency, 2005
- Consultation to The Innocence Projects (numerous)
- Technical Working Group, Mass Fatalities Incidents, Human Identification, National Institute of Justice, 2001
- Project Director, Infant Identification Program, 2001
- Design and implementation of Digital Image Enhancement System for latent prints, 1989
- National Scientific Working Group for Friction Ridge Analysis, Standards, and Training (SWGFAST), 1998
- Design and construction of Fingerprint Processing Laboratory, SFPD Crime Lab, 1983
- Instructor, Bloodstain Evidence Courses (3), 1986-87, San Francisco Police Academy
- Associate Editor, California Identification Digest, 1997-2001
- Firearms and Tool Mark Examiner, San Francisco Police, 1972-1982
- Lecturer in forensic evidence before the following organizations
 - California Appellate Project
 - National Assoc of Criminal Defense Lawyers
 - DePaul University School of Law
 - USF School of Law
 - Golden Gate U School of Law

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- Hastings School of Law
 - The Innocence Project
 - Massachusetts Bar MCLE
 - California State Bar Continuing Education
 - California Attorneys for Criminal Justice
 - California Public Defenders Association
 - Defense Investigators Training Academy
 - San Francisco Public Defenders Office
 - Alameda Public Defenders Office
 - California Attorneys for Criminal Justice
 - International Association for Identification
 - California State Division IAI
 - National Law Enforcement Seminar
 - American Association of Medical Examiners
 - University of San Francisco Law School
 - Northern California Law Enforcement Training Center, Santa Rosa
 - U.S. Postal Inspection Service, San Bruno
 - National Association of Bunco Investigators
 - Attorney General's Advisory Committee on Criminal Identification
- Assistance and advisory to government agencies in implementation of automated fingerprint and image enhancement systems. Some of those agencies include:

Federal Bureau of Investigation, C.J.I.S. advisory committee on latent fingerprints
 U.S. Postal Inspection Service
 California Department of Justice, CAL-ID
 Massachusetts State Police
 Connecticut State Police
 Michigan State Police
 Illinois State Police
 Los Angeles Police Department
 Los Angeles Sheriff's Department
 Boston Police Department
 Chicago Police Department

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Idaho Department of Public Safety

Selected Writings and Papers

The Friction Ridge Handbook, Chap 6, "AFIS," National Institute of Justice, 2010
Encyclopedia of Biometrics, contributing author, "Law Enforcement Applications," Springer, Inc 2009

- "The National Academy of Sciences Report," PDS Annual Forensic Science Conference, Washington, D.C. 2009
- "Legal Issues in Fingerprint Analysis"; Texas Criminal Defense Lawyers Assoc.; Rusty Duncan Conference; 2009
- "Fingerprints—A Paradigm in Transition," Forensic Science Seminar, National Assoc. of Criminal Trial Lawyers, Las Vegas, 2008
- "Professional Investigation of Crime Scenes," Arizona Identification Council, Phoenix 2008
- "Analysis of Error in Fingerprint Identifications; DePaul University School of Law; Chicago, 2006"
- "The Professional Investigation of Burglary Scenes", International Assoc for Identification, Annual Conference, 2006.
- "The Brandon Mayfield Case---Anatomy of Error"; International Assoc for Identification, Annual Conference, 2004
- "Fingerprints in Post-Conviction Cases", National Innocence Conference, 2004
- "The Role of the Independent Expert", CSDIAI, Concord, 2001
- "Crime Scene Evidence Collection and Preservation Issues," California Public Defenders Association, 1999
- "AFIS and Community Policing," International Association for Identification, 1999
- "Productivity of Fingerprint Systems," International Forensic Symposium, FBI, Quantico, 1987
- "Automated Fingerprint Systems," National Assoc. of Criminal Justice Planners, San Diego, 1987
- "Blood Spatter Evidence," California Medical Examiners, 1989
- "The Future of the Identification Profession," IAI, Sacramento, 1988
- "Making AFIS Systems Work," California State Division, IAI, 1987
- "Image Processing of Latent Fingerprints," Police Technology Conference, Canberra,

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www.forensicidservices.com

C05555



Forensic
Identification
Services

Kenneth R. Moses

Australia, 1992

"Chemical Processing of Fingerprints from Documents," National Association of Bunco Investigators, Charleston, S.C., 1994

"DNA at the Crime Scene," DNA Symposium, University of San Francisco, 1994

"Points Revisited, Individuality in Nature," Cal State Division, IAI, 1997

"Fingerprints in the Courtroom--Legal Aspects of Digitized Fingerprint Technologies,"

AFIS Users Groups, 1998 "AFIS and Community Policing," International Association for Identification, 1999

"Daubert Issues in Identification," Arizona Identification Council, 1999

"Forensic Evidence at Crime Scenes," CAJC/CPDA Capital Case Defense Seminar, 2001

"The Role of the Independent Expert," California State IAI, 2001

"Friction Ridge Identification," Defense Investigators Academy, 2001

Professional Affiliations

- International Association for Identification (IAI)
- Speaker Chair, California State IAI Training Conference, 2009
- Past Chairman, Automated Fingerprint Sub-committee, IAI
- American Academy of Forensic Sciences
- International Association of Bloodstain Pattern Analysts
- Scientific Working Group for Friction Ridge Analysis, Standards, and Training (SWGFAST)

The Mayfield Effect

In 2004, fingerprint examiners at the Federal Bureau of Investigation erroneously identified the fingerprint of a Portland attorney, Brendan Mayfield, to a latent print lifted in the bombing of a train in Madrid Spain. Later, Mr. Moses was retained to check the work of the FBI examiners, and he too erroneously identified the print as that of Mayfield.

This was not only an error but also a significant scientific discovery. Never before in history had two prints with so many similar features (15) been found to come from two different persons. The cause of the error was not just the similarity of the features, but also the recent expansion of fingerprint computers to search huge databases across international lines. The larger the database searched, the more likely that increasing numbers of similarities and false positives will be found.

As a direct result of the Mayfield case, numerous international governmental and university studies have been

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initiated and are on-going to refine the standards of fingerprint identification. Mr. Moses is actively engaged in this research.

Certifications:

- Certified Senior Crime Scene Analyst, International Assoc. for Identification
- Certified Latent Print Examiner, International Assoc. for Identification
- California Community College Teaching Credential

Honors and Awards:

- George Pletts Award for Lifetime Distinguished Service, California State Division, International Association for Identification, 2000.
- Life Member; IAI, 2008
- Life Member; California State Division, International Assoc for Identification; 2006
- Outstanding Service Award, 1985, San Francisco Board of Supervisors
- Silver medal of Valor, SFPD, for arrest of an armed homicide suspect, 1972.
- Dedication and Professionalism Award, 1997, Criminal Trial Lawyer's Association
- Police Officer of the Year Award, 1990, San Francisco Chamber of Commerce
- Pursuit of Excellence Award, 1991, U.S. Postal Inspection Service
- Meritorious Conduct Medal, 1993, San Francisco Police Department

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Schedule of Fees:

Crime Scene Analyses & Consultation	\$225.00/hour
Laboratory Testing	\$225.00/ hour
Travel time billed as above	
Court Appearances & Depositions	\$350.00/hour
Initial inquiry and consultation (w/o travel)	No charge

Retainer: \$2500.00 payable in advance

Or

Copy of a court order or government authorization for expert witness fees.

There is a 3-hour minimum charge per case.

Non-billed balance of retainer will be promptly returned upon written notification that no further services will be required.

Court appearances are billed at \$700 per half-day session plus travel and pre-trial conferences.

Travel is billed at the regular hourly rate portal to portal not to exceed 10 hours per day plus travel expenses including airfare, airline luggage or change fees, hotel, meals, car rental or local transportation, parking fees and tolls. Mileage will be billed at the then current government rate. Pre-paid electronic ticketing shall be provided for air travel. Flight segments longer than two hours shall be booked in premium seating.

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APPENDIX 001369

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IN THE CIRCUIT COURT OF McCLEAN COUNTY, ILLINOIS
CASE NO.: 14L 51

ALAN BEAMAN,

Plaintiff,

vs.

TIM FREESMEYER, et al.,

Defendants.

Thursday, September 24, 2015
200 South Biscayne Boulevard
Suite 4900
Miami, FL 33131
11:41 a.m. - 12:14 p.m.

VIDEOTAPED DEPOSITION OF MORGAN HARTMAN

Taken before Carol Ann Kridos, Registered
Professional Reporter and Notary Public in and for
the State of Florida at Large, pursuant to Notice
of Taking Deposition filed in the above cause.

C05560

Page 2

1 APPEARANCES:
 2
 3 On behalf of the Plaintiff:
 4
 5 MACARTHUR JUSTICE CENTER
 375 East Chicago Avenue
 6 Chicago, IL 60611
 BY: DAVID M. SHAPIRO, ESQ.
 7 (312) 503-0711
 david.shapiro@law.northwestern.edu
 8
 9 On behalf of the Town of Normal Defendants:
 10
 11 ANCEL, GLINK, DIAMOND, BUSH,
 12 DiCIANNI & KRAFTHOFFER, PC
 140 South Dearborn Street
 13 Chicago, IL 60603
 BY: LUCY B. BEDNAREK, ATTORNEY AT LAW.
 14 (312) 782-7606
 lbednarek@ancelglink.com
 15
 16 ALSO PRESENT:
 17 JASON STAPLETON, VIDEOGRAPHER.
 18
 19
 20
 21
 22
 23
 24
 25

Page 4

1 PROCEEDINGS
 2 THE VIDEOGRAPHER: We're on the record.
 3 This is Media Unit Number 1.
 4 We are here today, September 24th, 2015,
 5 at approximately 11:41 for the video
 6 deposition of Morgan Hartman in the case
 7 styled Alan Beaman versus Tim Freesmeyer, et
 8 al., case number 14L 51.
 9 The videographer is Jason Stapleton; the
 10 court reporter is Carol Ann Kridos.
 11 At this time would counsel please state
 12 their appearances for the record.
 13 MR. SHAPIRO: David Shapiro for the
 14 plaintiff, Alan Beaman. And since there's a
 15 distinction in Illinois between evidence and
 16 discovery depositions, I'll just state that
 17 this is the evidence deposition.
 18 MS. BEDNAREK: Lucy Bednarek on behalf
 19 of the Town of Normal defendants.
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 22
 23
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Page 3

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 16 Exhibit 2 8/28/93 Interview 13
 17 Exhibit 3 9/10/93 Interview 13
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 19 Exhibit 5 AB003145 to 003151 14
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 21 Exhibit 8 Photograph 8
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 25

Page 5

1 Thereupon:
 2 MORGAN HARTMAN
 3 Was called as a witness, and having been
 4 first duly sworn and responding "I do," was
 5 examined and testified as follows:
 6 DIRECT EXAMINATION
 7 BY MR. SHAPIRO:
 8 Q Miss Hartman, we just took your
 9 discovery deposition and you recall that at the
 10 beginning of the deposition I went through some of
 11 the rules that accompany giving a deposition?
 12 A Yes.
 13 Q Okay. Do you recall those rules or
 14 should I repeat them?
 15 A I recall them.
 16 Q Okay. Thank you.
 17 And your full name is Morgan Hartman and
 18 it's spelled H-a-r-t-m-a-n; yes?
 19 A Yes.
 20 Q Okay. And in 1993 your name was Morgan
 21 Keefe?
 22 A Yes.
 23 Q And you were a friend of Jennifer
 24 Lockmiller who was murdered in that year; yes?
 25 A Yes.

<p style="text-align: right;">Page 6</p> <p>1 Q And you were the person who discovered 2 the body of Jennifer Lockmiller in her apartment; 3 right? 4 A Yes. 5 Q Okay. And when the police were 6 investigating the Lockmiller homicide, you spoke 7 with them and were interviewed; yes? 8 A Yes. 9 Q Okay. During the summer of 1993 you had 10 spent the night at Jennifer Lockmiller's apartment 11 four or five times; right? 12 A Right. 13 Q And that gave you, along with being a 14 close friend of hers, some familiarity with her 15 habits and how she lived; yes? 16 A Yes. 17 Q Okay. And with regard to her apartment, 18 in your experience was Jennifer Lockmiller 19 generally a clean and tidy person or a messy 20 person? 21 A Clean and tidy. 22 Q Okay. We marked some exhibits during 23 the discovery deposition. I believe -- do you 24 still have those in front of you? 25 A Yes.</p>	<p style="text-align: right;">Page 8</p> <p>1 Jennifer Lockmiller's living habits, would it be 2 typical for Jennifer to have a pot and a lid and 3 some mess out in this manner in her apartment? 4 MR. SHAPIRO: Objection -- 5 THE WITNESS: No. 6 MS. BEDNAREK: -- to form of the 7 question. 8 THE WITNESS: No. 9 BY MR. SHAPIRO: 10 Q Okay. So fair to say that what you see 11 depicted in Exhibit 6 of the pot, the lid and the 12 substance by the lid wasn't typical of Jennifer 13 Lockmiller's habits as far as you knew them? 14 MS. BEDNAREK: Same -- 15 THE WITNESS: Not typical. 16 MS. BEDNAREK: Same objection. 17 BY MR. SHAPIRO: 18 Q Okay. Let me ask you to turn to what 19 was marked as Exhibit 8 for purposes of the 20 discovery deposition; and we'll also mark this as 21 Exhibit 8 for purposes of this evidence 22 deposition. 23 (The referred-to photograph was marked 24 Plaintiff's Exhibit 8 for Identification by 25 the Court Reporter.)</p>
<p style="text-align: right;">Page 7</p> <p>1 Q Okay. So a number of those exhibits, 2 the ones that I mention, we're just going to also 3 treat as exhibits for the evidence deposition as 4 well. 5 Let me first direct your attention to 6 what was marked as Exhibit 6 and which will also 7 be Exhibit 6 for purposes of this evidence 8 deposition. 9 (The referred-to photograph was marked 10 Plaintiff's Exhibit 6 for Identification by 11 the Court Reporter.) 12 BY MR. SHAPIRO: 13 Q What does Exhibit 6 show? 14 A A messy kitchen. 15 Q Okay. And do you recognize it to be the 16 kitchen of the apartment that Jennifer Lockmiller 17 occupied in 1993? 18 A Yes. 19 Q Okay. And you'll see that there is a 20 pot left out on the stove, what appears to be the 21 lid of the pot next to it on the counter, and some 22 sort of mess next to the lid on the counter. 23 Do you see that? 24 A Yes. 25 Q Okay. Based on what you knew about</p>	<p style="text-align: right;">Page 9</p> <p>1 BY MR. SHAPIRO: 2 Q Do you recognize Exhibit 8 to be a 3 picture from Jennifer -- strike that. 4 Do you recognize Exhibit 8 to be a 5 picture from the apartment that Jennifer 6 Lockmiller occupied in 1993? 7 A Yes. 8 Q Okay. And does it depict a portion of 9 her bedroom that includes a desk? 10 A Yes. 11 Q Okay. You'll see that there is a 12 cooking pot out in the -- on the desk in 13 Exhibit 8; yes? 14 A Yes. 15 Q Is having a cooking pot out on the desk 16 like that consistent with Jennifer Lockmiller's 17 habits as you knew them? 18 A No. 19 Q Okay. You'll also see in Exhibit 8 that 20 there's a calendar on the floor of the apartment? 21 A Yes. 22 Q Okay. Is having a calendar on the floor 23 of the apartment as it's shown in the picture 24 consistent with Jennifer Lockmiller's habits as 25 you understood them?</p>

C05562 3 (Pages 6 - 9)

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APPENDIX 001372

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1 A No.
 2 Q Okay. Thank you.
 3 Let's turn now to Exhibit 9. And,
 4 again, Exhibit 9 was marked as Exhibit 9 in the
 5 discovery deposition. We'll mark it as Exhibit 9
 6 also for this -- for this evidence deposition.
 7 (The referred-to photograph was marked
 8 Plaintiff's Exhibit 9 for Identification by
 9 the Court Reporter.)
 10 BY MR. SHAPIRO:
 11 Q Does Exhibit 9 depict the bunk bed that
 12 was in Jennifer Lockmiller's apartment in 1993?
 13 A Yes.
 14 Q Okay. And you'll notice that on the
 15 bunk bed there are towels, what appears to be a
 16 smallish boom box, what appears to be mouthwash,
 17 and some other items; yes?
 18 A Yes.
 19 Q Okay. Now, during the time that you
 20 would sleep over at Jennifer's apartment, you
 21 would sleep on this bunk; right?
 22 A Yes.
 23 Q Okay. So, obviously, it wasn't typical
 24 for Jennifer to have stuff piled up on the bunk
 25 while you were sleeping there; right?

Page 11

1 MS. BEDNAREK: Objection to form.
 2 THE WITNESS: Not typical.
 3 BY MR. SHAPIRO:
 4 Q Okay. Well, let me just ask. So was it
 5 typical when you were sleeping on the bunk in
 6 Jennifer Lockmiller's apartment for her to have
 7 items piled up on the bunk?
 8 A No.
 9 Q Okay. Aside from the fact that it
 10 wouldn't be typical for these things to be piled
 11 up on the bunk while you were sleeping there, was
 12 it consistent with Jennifer's general habits with
 13 regard to cleanliness and housekeeping to have a
 14 number of items piled up in the bed as they're
 15 shown on Exhibit 9?
 16 A I can't recall. All I can speak to is
 17 the weekends that I was there and it -- there
 18 wasn't stuff piled on the bunk when I was there.
 19 Q Okay. Was -- I mean, was it -- based on
 20 what you knew about how she kept her apartment and
 21 whether she kept it clean, would it be normal for
 22 her to leave out towels and a boom box and
 23 mouthwash on a bunk?
 24 MS. BEDNAREK: Objection to form, calls
 25 for speculation as to what she did during the

Page 12

1 week.
 2 THE WITNESS: I -- yeah, I can't answer
 3 to that.
 4 BY MR. SHAPIRO:
 5 Q Okay.
 6 THE VIDEOGRAPHER: You're okay, but just
 7 don't -- don't because...
 8 BY MR. SHAPIRO:
 9 Q I showed you, and we marked, during the
 10 discovery deposition Exhibits 1, 2, 3 and 4. I
 11 just want to identify and mark them for purposes
 12 of this deposition, too. Would you take out -- do
 13 you have Exhibit 1?
 14 A Yes.
 15 Q Okay. And that will be Exhibit 1 for
 16 purposes of this evidence deposition as well.
 17 (The referred-to document was marked
 18 Plaintiff's Exhibit 1 for Identification by
 19 the Court Reporter.)
 20 BY MR. SHAPIRO:
 21 Q On Exhibit 1 is a true and accurate copy
 22 of a 911 call that you placed to the police after
 23 you discovered Jennifer Lockmiller's body; right?
 24 A Yes.
 25 Q Okay. And let's turn to Exhibit 2,

Page 13

1 please. And we'll mark this as Exhibit 2 for
 2 purposes of the evidence deposition as well.
 3 (The referred-to document was marked
 4 Plaintiff's Exhibit 2 for Identification by
 5 the Court Reporter.)
 6 BY MR. SHAPIRO:
 7 Q Is Exhibit 2 a true and accurate copy of
 8 the first interview that you gave to the police on
 9 August 28th?
 10 A Yes.
 11 Q And August 28th was the same day that
 12 you discovered Miss Lockmiller's body; right?
 13 A Yes.
 14 Q And this interview was given on the same
 15 day as the 911 call?
 16 A Yes.
 17 Q Okay. If you could turn, please, to
 18 Exhibit 3. Exhibit 3 is the -- and we'll mark
 19 this as Exhibit 3 for purposes of the evidence
 20 deposition.
 21 (The referred-to document was marked
 22 Plaintiff's Exhibit 3 for Identification by
 23 the Court Reporter.)
 24 BY MR. SHAPIRO:
 25 Q Exhibit 3 is a true and accurate

4 (Pages 10 - 13)

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APPENDIX 001373

<p style="text-align: right;">Page 14</p> <p>1 transcript of an interview that you gave with 2 police on September 10th, 1993; right? 3 A Yes. 4 Q Okay. And if we could turn to Exhibits 5 4 and I think it was 5. Exhibit 4 and 5, please. 6 A Yes. 7 Q Exhibit -- and we'll mark Exhibits 4 and 8 5 as Exhibits 4 and 5 for purposes of the evidence 9 deposition. 10 (The referred-to documents were marked 11 Plaintiff's Exhibits 4 and 5, respectively, 12 for Identification by the Court Reporter.) 13 BY MR. SHAPIRO: 14 Q Exhibits 4 and 5 are copies of testimony 15 that you gave in the prosecution of Alan Beaman; 16 right? 17 A Yes. 18 Q Okay. At the time that you placed the 19 911 call, is it accurate to say that you were 20 extremely shaken and distraught? 21 A Yes. 22 Q Okay. And you weren't present at the 23 time that the murder occurred; right? 24 A Right. 25 Q Okay. And did you witness the murder?</p>	<p style="text-align: right;">Page 16</p> <p>1 lot of weight; is that accurate? 2 MS. BEDNAREK: Objection to form. 3 THE WITNESS: That is accurate. 4 BY MR. SHAPIRO: 5 Q And you didn't think that the statements 6 you made to the police would carry a lot of weight 7 in the investigation? 8 MS. BEDNAREK: Objection to form. 9 THE WITNESS: As I said earlier, I was 10 22 and I was in shock, probably some 11 posttraumatic stress; so I really had no idea 12 of how this would legally play out. 13 BY MR. SHAPIRO: 14 Q And Jennifer had never said that Alan 15 had ever been violent with her or touched her; 16 right? 17 A She -- 18 Q I'm sorry, that was an unclear question. 19 Did Jennifer ever tell you that Alan had 20 been physically violent with her? 21 A No. 22 Q Okay. And did -- you never saw Alan be 23 physically violent with Jennifer; right? 24 A No. 25 Q Okay.</p>
<p style="text-align: right;">Page 15</p> <p>1 A No. 2 Q Okay. Do you have any knowledge of who 3 committed the murder? 4 A No. 5 Q And you didn't know Alan Beaman at all 6 well; right? 7 A No. 8 Q You had only met him once or twice? 9 A Yes. 10 Q And so when you told the police that you 11 thought Alan Beaman might have been the murderer 12 you were guessing; right? 13 A Right. 14 MS. BEDNAREK: Objection to form. 15 THE WITNESS: Yes. 16 BY MR. SHAPIRO: 17 Q And Jennifer had told you that she was 18 afraid of Alan but you didn't consider him 19 violent? 20 A No. 21 Q Is that an accurate statement, that she 22 was afraid but you didn't consider him violent? 23 A I was not afraid of him. 24 Q Okay. And you didn't expect that the 25 guesses you expressed to the police would carry a</p>	<p style="text-align: right;">Page 17</p> <p>1 A I did not. 2 Q And -- but there was an occasion in 3 which Jennifer told you that Alan had broken her 4 door; is that true? 5 A Yes. 6 Q Okay. But you never actually saw that 7 happen; right? 8 A Right. 9 Q Okay. Although you did look at the door 10 afterwards? 11 A Yes. 12 Q Okay. And so when you suggested to the 13 police that Alan might have been the murderer, is 14 it accurate to say that it was based on what 15 Jennifer had told you about him kicking down the 16 door and Jennifer saying she was afraid of him 17 even though you didn't personally consider him 18 violent? 19 A Please say that again. 20 Q Sure, sure, sure. I just -- I want to 21 make sure I understand, you know, all of the -- 22 everything that you were basing it on when you 23 suggested to the police that Alan might have been 24 the murderer. One thing you were basing it on was 25 that Jennifer had told you that he had kicked down</p>

<p style="text-align: right;">Page 18</p> <p>1 the door?</p> <p>2 A Yes.</p> <p>3 Q Okay. And it was also based on Jennifer</p> <p>4 saying that she was afraid of Alan even though you</p> <p>5 didn't personally think he was violent; is that</p> <p>6 accurate?</p> <p>7 A I knew that she was afraid of him.</p> <p>8 Q Okay. But you personally weren't afraid</p> <p>9 of him?</p> <p>10 A I personally didn't know him well enough</p> <p>11 and didn't see enough evidence to think that he</p> <p>12 was violent, but I heard her say over and over and</p> <p>13 over again that she was afraid of him.</p> <p>14 Q Okay. Was your statement to the police</p> <p>15 that Alan might have committed the murder based on</p> <p>16 anything else than what we've just discussed?</p> <p>17 A I was aware that he was possessive and</p> <p>18 that he had told Jen on one occasion -- I didn't</p> <p>19 witness this. She told me that he told her on one</p> <p>20 occasion that he would commit suicide if she broke</p> <p>21 up with him.</p> <p>22 Q Okay. Anything else?</p> <p>23 A Well, she would -- he would call her and</p> <p>24 call her and would -- it was almost harassing.</p> <p>25 And I was in the apartment a few times when he</p>	<p style="text-align: right;">Page 20</p> <p>1 Okay. And in romantic terms, is it</p> <p>2 accurate to say that Bubba Gates was very much</p> <p>3 into Jennifer Lockmiller but she wasn't really</p> <p>4 into him?</p> <p>5 A True.</p> <p>6 Q Okay. And you described her attitude</p> <p>7 toward him as kind of flippant; right?</p> <p>8 A Yes.</p> <p>9 Q Okay. And during your interviews with</p> <p>10 police in the Lockmiller homicide investigation</p> <p>11 you told them that Jennifer was the queen of</p> <p>12 scamming drinks off --</p> <p>13 A Yes.</p> <p>14 Q -- of guys; right?</p> <p>15 A Yes.</p> <p>16 Q Okay. And by that you meant that she</p> <p>17 would meet guys in bars and she would smile and</p> <p>18 flip her hair and be flirtatious; right?</p> <p>19 A Yes.</p> <p>20 Q Okay. On Saturday, the 21st of August</p> <p>21 of 1993 you went out drinking with Jennifer</p> <p>22 Lockmiller and a person named Kelly Hamburg;</p> <p>23 right?</p> <p>24 A Yes.</p> <p>25 Q And Kelly Hamburg was a former boyfriend</p>
<p style="text-align: right;">Page 19</p> <p>1 called and she would just be frustrated; but</p> <p>2 that's as much as I can remember.</p> <p>3 Q Okay. And if you told police during the</p> <p>4 911 call that he was a psycho, that Alan was a</p> <p>5 psycho, that would be based on the same things</p> <p>6 that you just told me?</p> <p>7 A Yes.</p> <p>8 Q Okay. And it's fair to say that you</p> <p>9 didn't like Alan?</p> <p>10 A Yes, it's fair to say that.</p> <p>11 Q Okay. And you told the police that he</p> <p>12 was really kind of gross, he was greasy?</p> <p>13 A Yes.</p> <p>14 Q Okay. You recall that Jennifer had a</p> <p>15 former boyfriend whose name was Stacey Gates or</p> <p>16 Bubba Gates; right?</p> <p>17 A Yes.</p> <p>18 Q Okay. And you knew that Jennifer had</p> <p>19 plans to go and see Stacey Gates in Peoria on</p> <p>20 August 27th; right?</p> <p>21 A Yes.</p> <p>22 Q Okay. And she was going to Peoria for</p> <p>23 the purpose of seeing him --</p> <p>24 A Yes.</p> <p>25 Q -- is what she told you?</p>	<p style="text-align: right;">Page 21</p> <p>1 of yours and at the time a close friend?</p> <p>2 A Yes.</p> <p>3 Q Okay. And you started off at a bar</p> <p>4 called Spanky's and were going to head over after</p> <p>5 that to a bar called The Cellar; correct?</p> <p>6 A Correct.</p> <p>7 Q Okay. And at Spanky's there was a</p> <p>8 stranger that Jennifer met and began speaking</p> <p>9 with; right?</p> <p>10 A Yes.</p> <p>11 Q Okay. And that stranger bought Jennifer</p> <p>12 four or five drinks?</p> <p>13 A Yes.</p> <p>14 Q Okay. And she might have given him her</p> <p>15 phone number in that interaction as far as you</p> <p>16 know?</p> <p>17 A There was a phone number exchanged. I</p> <p>18 don't know who gave it to who.</p> <p>19 Q Okay.</p> <p>20 A This is before the lipstick incident.</p> <p>21 Q Yes. We'll get to -- we'll get to the</p> <p>22 lipstick incident in a second; right.</p> <p>23 And that person who Jennifer met and who</p> <p>24 bought her four or five drinks at Spanky's had</p> <p>25 said that he lived in Woodstock, Illinois?</p>

<p style="text-align: right;">Page 22</p> <p>1 A Yes.</p> <p>2 Q Okay. And when you saw Jennifer on</p> <p>3 Tuesday, the 24th, she said that the Woodstock guy</p> <p>4 from the bar had called her; right?</p> <p>5 A Yes.</p> <p>6 Q And you surmised that he had called her</p> <p>7 the day before, on Monday, the 23rd?</p> <p>8 A Yes.</p> <p>9 Q Okay. And is it accurate to say that</p> <p>10 Jennifer wasn't into this guy but that he was into</p> <p>11 her and pursuing her?</p> <p>12 A Yes.</p> <p>13 Q Okay. And -- so Monday, the 23rd, that</p> <p>14 would have been two days before the murder,</p> <p>15 assuming it occurred on Wednesday, the 25th?</p> <p>16 A Yes.</p> <p>17 Q And you told the police in your</p> <p>18 interviews with them about the stranger that</p> <p>19 Jennifer had met in the bar and who bought her</p> <p>20 drinks and who had called her; right?</p> <p>21 A Yes.</p> <p>22 Q Okay. Now, after you left Spanky's you</p> <p>23 were on the way to another bar called The Cellar?</p> <p>24 A Yes.</p> <p>25 Q Okay. And there -- strike that.</p>	<p style="text-align: right;">Page 24</p> <p>1 Jennifer just always seemed to have pot; right?</p> <p>2 A Yes.</p> <p>3 MR. SHAPIRO: Those are all of my</p> <p>4 questions.</p> <p>5 MS. BEDNAREK: Okay. I do have some.</p> <p>6 CROSS-EXAMINATION</p> <p>7 BY MS. BEDNAREK:</p> <p>8 Q You testified that when you called 911</p> <p>9 after you discovered Jennifer's body that you were</p> <p>10 shaken and distraught; correct?</p> <p>11 A Correct.</p> <p>12 Q When you were interviewed by the police</p> <p>13 on August 28th, 1993 and September 10th, 1993,</p> <p>14 were you still shaken and distraught?</p> <p>15 A Yes.</p> <p>16 Q Would you describe your -- when --</p> <p>17 during your interview, though, would you -- were</p> <p>18 you able to speak in a -- what you've previously</p> <p>19 described as a sane manner or a reasonable manner?</p> <p>20 A Yes, I was -- I was clearheaded. I was</p> <p>21 just still shaken, that's all.</p> <p>22 Q You testified that you didn't -- that</p> <p>23 you did not believe that Alan Beaman was violent</p> <p>24 towards Jennifer; correct?</p> <p>25 A Not physically.</p>
<p style="text-align: right;">Page 23</p> <p>1 And you never made it all the way to The</p> <p>2 Cellar?</p> <p>3 A Right.</p> <p>4 Q On the way to The Cellar you and</p> <p>5 Jennifer and Kelly Hamburg ran into a group of</p> <p>6 men?</p> <p>7 A Yes.</p> <p>8 Q And you'd never met these guys before?</p> <p>9 A No.</p> <p>10 Q And as far as you knew, Jennifer had</p> <p>11 never met them before either?</p> <p>12 A As far as I know, no.</p> <p>13 Q Yeah. And there was some exchange where</p> <p>14 a phone number was written on a napkin in lipstick</p> <p>15 and passed between Jennifer and the --</p> <p>16 A Yes.</p> <p>17 Q -- men; right?</p> <p>18 A Yes.</p> <p>19 Q Okay. And you told the police during</p> <p>20 your interviews with them about the encounter with</p> <p>21 this group of men on the way from Spanky's to The</p> <p>22 Cellar; right?</p> <p>23 A Yes.</p> <p>24 Q Okay. Oh, and when you spoke with the</p> <p>25 police on one occasion, you told them that</p>	<p style="text-align: right;">Page 25</p> <p>1 Q Or you never -- not physically; correct,</p> <p>2 but that he was verbally aggressive towards her;</p> <p>3 correct?</p> <p>4 A Yes.</p> <p>5 Q And you described him as kind of pushy</p> <p>6 to the police; right?</p> <p>7 A Yes.</p> <p>8 Q You were -- one of the reasons that you</p> <p>9 believed or you told the police that you believed</p> <p>10 the killer may be Alan Beaman was based on an</p> <p>11 incident where Jennifer told you that Alan broke</p> <p>12 down her door; correct?</p> <p>13 A Yes.</p> <p>14 Q And you saw the door the same day that</p> <p>15 that happened; right?</p> <p>16 A Yes.</p> <p>17 Q Can you describe for me what the door</p> <p>18 looked like?</p> <p>19 A It was off the hinges. And I remember</p> <p>20 that it didn't shut quite right, so it wasn't in</p> <p>21 the jam, so it wouldn't latch. So it was -- she</p> <p>22 kind of makeshifted a way to keep it up with a</p> <p>23 door and I just remember having to push it to get</p> <p>24 in.</p> <p>25 Q And when you pushed the door to get in,</p>

C05566 7 (Pages 22 - 25)

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APPENDIX 001376

<p style="text-align: right;">Page 26</p> <p>1 what happened? 2 A Jen screamed. And I said, "It's okay. 3 It's just me." And she said -- she was on the 4 phone in the corner of the living room like kind 5 of hunkered down and said Alan had been there and 6 that she was scared and she was on the phone with 7 one of our friends. 8 Q You and Jennifer were very good friends; 9 right? 10 A Yes. 11 Q You would -- you considered her one of 12 your best friends? 13 A Yes. 14 Q And you'd known her for at least five 15 years prior to the date she was murdered; right? 16 A Yes. Four years. 17 Q Four years. 18 A Let's say four years. 19 Q When you -- if I could direct your 20 attention to Exhibit Number I, which is the 21 audio -- or the transcript of the audio from the 22 911 call. 23 A Yes. 24 Q When you called the 911 after you 25 discovered her body, you told the 911 operator</p>	<p style="text-align: right;">Page 28</p> <p>1 would -- she -- as far as I remember, she would 2 collect phone numbers and never act on them or 3 anything. She just liked to flirt. And it was 4 almost like a game to see how many drinks she 5 could get. 6 Q She didn't promise any of the guys 7 anything; right? 8 A No. 9 Q And she -- you didn't see her physically 10 touch any of the guys that she was flirting with; 11 right? 12 A No. I never saw her follow-up with any 13 of the guys either. 14 Q The guys that -- with the lipstick 15 incident and the guy from Woodstock, was there 16 anything -- I know that you talked to the police 17 about those incidents and those men. Did you at 18 any time believe that any of those men had 19 anything to do with Jennifer's murder? 20 A No. 21 Q And you didn't tell the police that 22 either; right? 23 A I don't think so, no. I was just 24 recalling the last night that she and I had gone 25 out. Because Tuesday night we went to a movie,</p>
<p style="text-align: right;">Page 27</p> <p>1 that, quote, "She had this psycho ex-boyfriend 2 that she broke up with. His name is Alan, he went 3 to Wesleyan and I only met him once and he was 4 psycho and he used to harass her all the time and 5 he used to break down her door;" right? 6 A Yes. 7 Q Is that an accurate summary of what you 8 told the 911 operator after you found her body? 9 A Yes. 10 Q You were also asked about one of 11 Jennifer's previous boyfriends, Stacey Gates, or 12 Bubba Gates as he was also known. Would you 13 describe him as a nice individual at the time and 14 that there was nothing odd about him? 15 A I thought it was odd that he continued 16 to pursue her when she kept saying she wasn't 17 interested, but he wasn't pushy or harassing. He 18 just -- he just really loved her. 19 Q Now, you were also asked about a number 20 of times when Jen and you were out at the bars and 21 Jen would flirt to get drinks from guys; right? 22 A Yes. 23 Q Would you describe -- how would you 24 describe that flirting? 25 A Benign. Completely benign. And she</p>	<p style="text-align: right;">Page 29</p> <p>1 but Saturday night was the last night that we had 2 been out at the bars. 3 Q And you were shown a number of 4 photographs of the inside of Jennifer's apartment; 5 right? 6 A Yes. 7 Q And those were Exhibits 6, 8 and 9 for 8 the purposes of this video deposition or this 9 evidence deposition. 10 You don't -- do you know when these 11 photographs were taken? 12 A No. 13 Q Do you know who took them? 14 A No. 15 Q You were asked about Jen's habits as to 16 how she kept her -- the inside of her apartment, 17 you know, whether it was clean or not. Can you -- 18 you were there mostly on the weekends; right? 19 A Um-hmm. 20 Q Yes? 21 A Yes. 22 Q So are you able to speak to how she kept 23 the inside of her apartment during the week? 24 A No. And when I was there, nothing 25 seemed unusual for a college student; I will say</p>

8.(Pages 26 - 29)

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APPENDIX 001377

Page 30

1 that.

2 Q Sometimes college students are messy?

3 A Yeah.

4 MR. SHAPIRO: I'm sorry, I'm going to

5 object to that last question.

6 MS. BEDNAREK: They are.

7 BY MS. BEDNAREK:

8 Q And I apologize. I don't know whether

9 you actually testified to this earlier, but you

10 told the police in your interviews with them that

11 you believed that Jennifer was afraid of Alan

12 Beaman; right?

13 A Yes.

14 MS. BEDNAREK: Give me one second.

15 I have nothing further.

16 MR. SHAPIRO: I just have a couple of

17 quick questions.

18 REDIRECT EXAMINATION

19 BY MR. SHAPIRO:

20 Q In response to questions from

21 Miss Bednarek you said that for Jen scamming

22 drinks from a guy was kind of a game, how many

23 drinks could she get, how many numbers could she

24 get; right?

25 A I know -- not numbers.

Page 31

1 Q Oh, drinks. Okay.

2 A Just drinks.

3 Q Drinks. It was sort of a game, how many

4 drinks she could get?

5 A Um-hmm.

6 Q And sometimes she would take numbers,

7 but she wouldn't give her number out?

8 A I can't remember her giving her number

9 out as a regular thing. Maybe she did once or

10 twice, but I don't remember.

11 Q When you went out with Jennifer and

12 Kelly Hamburg on August 23rd, two days before the

13 murder, you recall testifying that she met a guy

14 from Woodstock at Spanky's; right?

15 A On the 21st, yes.

16 Q Oh, I'm sorry, on the --

17 A Yes.

18 Q You're right, the 21st. 21st.

19 A Yes.

20 Q And she reported to you that that guy

21 had called her and you surmised that that was on

22 Monday, the 23rd, that he called her?

23 A Yes.

24 Q Okay. Did Jennifer explain to you how

25 the guy from Woodstock got her number such that

Page 32

1 she was -- such that he was able to call her?

2 A No.

3 Q Okay.

4 MR. SHAPIRO: Thank you. That's all I

5 have.

6 MS. BEDNAREK: I have nothing further.

7 THE VIDEOGRAPHER: The time is 12:14.

8 Deposition concluded. Off the record.

9 (Witness excused.)

10 (Thereupon, at 12:14 o'clock p.m. the

11 deposition was concluded.)

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Page 33

1

2 CERTIFICATE OF OATH

3

4 STATE OF FLORIDA)

5 COUNTY OF BROWARD)

6

7 I, Carol Ann Kridos, Registered

8 Professional Reporter, Notary Public in and for

9 the State of Florida at Large, certify that the

10 witness, MORGAN HARTMAN, personally appeared

11 before me on September 24, 2015 and was duly sworn

12 by me.

13

14 WITNESS my hand and official seal this

15 24th day of September, 2015.

16

17

18

19

20

21 

22 Carol Ann Kridos

23 Registered Professional Reporter

24 Notary Public - State of Florida

25 Commission No.: EE185492

My Commission Expires: 4/27/16

1 VERITEXT FLORIDA REPORTING COMPANY
2 South Biscayne Boulevard, Suite 2250
3 Miami, FL 33131
4 (305) 376-8800

5
6 September 25, 2015

7 DAVID M. SHAPIRO, ESQ.
8 MACARTHUR JUSTICE CENTER
9 375 East Chicago Avenue
10 Chicago, IL 60611

11 RE: BEAMAN vs. FREESMEYER, et al.

12 DEPO OF: Morgan Hartman

13 TAKEN: September 24, 2015

14 READ & SIGN BY: October 25, 2015

15 Dear Counsel,

16 The original transcript of the deposition
17 listed above is enclosed for your file. The
18 witness did not waive reading and signing and has
19 been sent a letter notifying them to come and read
20 and sign their deposition transcript.

21 The witness will be provided a copy of their
22 deposition transcript for reading in our office
23 should they come in to review the transcript, and
24 we will forward to you any corrections made by the
25 witness at that time, along with an original
signature page which should be attached to the
original transcript which is in your possession.

Sincerely,

CAROL ANN KRIDOS, RPR
VERITEXT/FLORIDA REPORTING CO.

C05570

11 (Page 38)

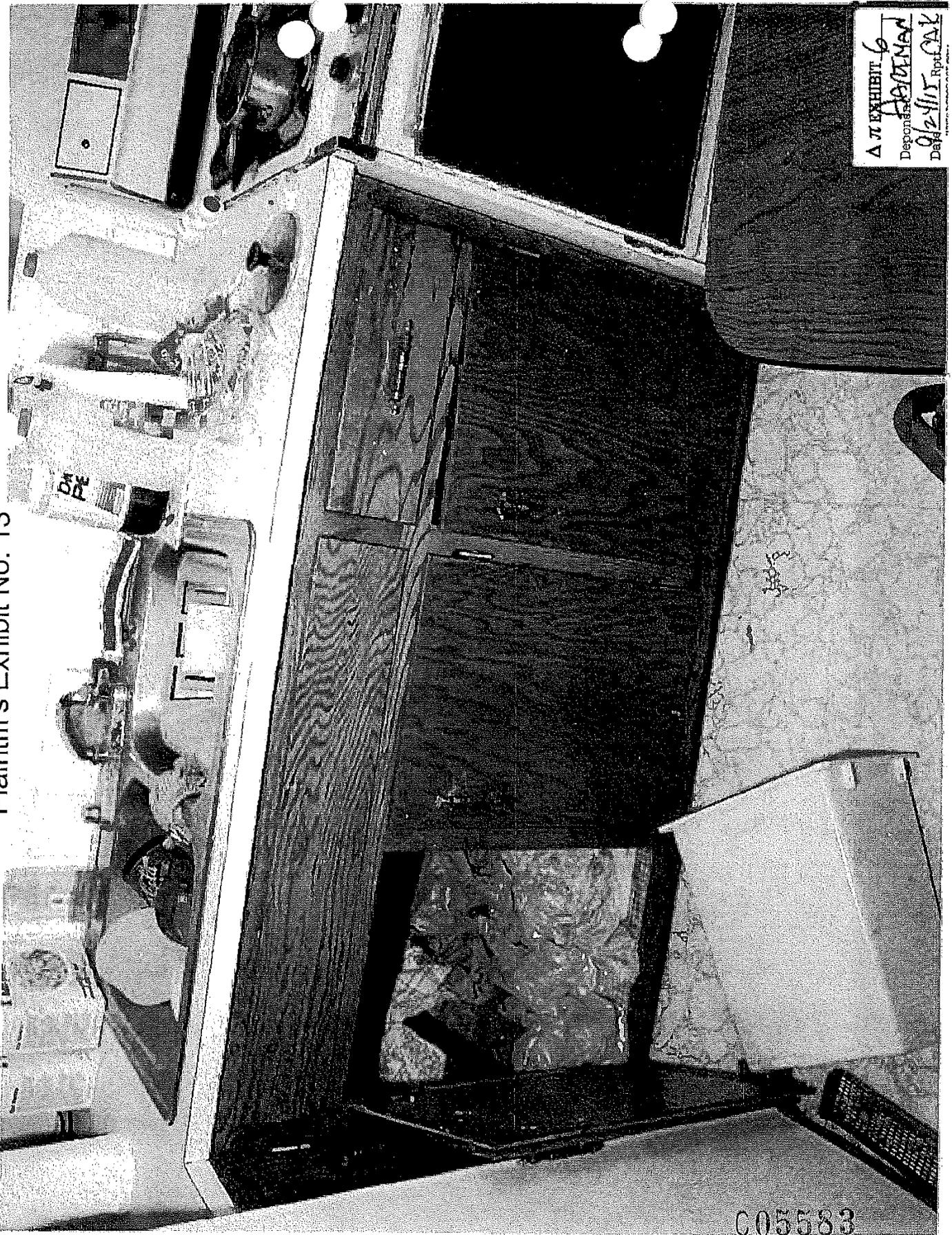
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APPENDIX 001380

Plaintiff's Exhibit No. 13



005583

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

ALAN BEAMAN,)
 Plaintiff,)
 vs.) No. 10-CV-1019
 JAMES SOUK, CHARLES REYNARD,)
 TIM FREESMEYER, ROB HOSPELHORN,)
 DAVE WARNER, JOHN BROWN, FRANK)
 ZAYAS, MCLEAN COUNTY, ILLINOIS,)
 TOWN OF NORMAL, ILLINOIS,)
 Defendants.)

The videotaped deposition of JOHN BROWN taken in the above-entitled cause, before LISA K. HAHN, CSR, RMR, on the 19th day of December, 2012, at the Bloomington-Normal Marriott Hotel and Conference Center, 201 Broadway Street, Normal, Illinois, pursuant to Notice at the hour of 10:05 a.m.

Reported by: Lisa K. Hahn, CSR, RMR

License No. 084-002149

1

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 Chicago, Illinois (312) 263-0052

005585

APPENDIX 001382

1 Q. Was it before Alan Beaman was charged?

2 A. Yes.

3 Q. Okay. Was it still in 1993, that fall you
4 started working on the investigation?

5 A. I couldn't be sure.

6 Q. Okay. And do you remember if it was before all
7 the body wires occurred with Freesmeyer and Alan?

8 MS. BARTON: Object to form.

9 A. I don't recall.

10 Q. Do you know what Daniels' role in the
11 investigation was after he was no longer lead
12 investigator?

13 MS. BARTON: I'll object to form.

14 A. I believe he was still investigator.

15 Q. On the case.

16 A. Yes.

17 Q. But he had a less substantive role afterwards?

18 MS. BARTON: Objection to foundation.

19 A. I believe so.

20 Q. When you say that Freesmeyer was the lead
21 investigator, what does that mean?

22 MS. BARTON: I'll object to foundation.

23 A. He would be the one that would have reported to
24 the superior on the case, to his Lieutenant on the case.

113

1 He would probably make more of the decisions about the
2 direction of the case.

3 Q. Would he have more responsibility than others
4 for the case?

5 MS. BARTON: Objection to foundation.

6 MR. DiCIANNI: I'll object. Speculation;
7 foundation.

8 A. Yes.

9 Q. Okay. And would he receive the most credit for
10 solving the case?

11 MS. BARTON: Objection to form; foundation.

12 MR. DiCIANNI: Objection.

13 A. Probably.

14 Q. And if this case were not solved, would he
15 receive the most blame?

16 MS. BARTON: Same objection.

17 MR. DiCIANNI: Same objection.

18 A. Yes.

19 MS. BARTON: Can we take a short break? Just a
20 few minutes.

21 MS. VAN BRUNT: Yeah, we'll take a break.

22 VIDEOGRAPHER KOSBERG: Off the record at 12:19.

23 (A brief recess was taken.)

24 Back on the record, 12:32.

114

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
TIMOTHY JOHN FREESMEYER taken in the above-entitled
cause, before Christine M. Luciano, CSR, on the 11th
day of December, 2012, at 1601 Jumer Drive,
Bloomington, Illinois, pursuant to Notice at the hour
of 10:00 a.m.

Reported by: Christine M. Luciano, CSR
License No.: 084-004084

1 A P P E A R A N C E S :

2

3 BLUHM LEGAL CLINIC
4 NORTHWESTERN UNIVERSITY SCHOOL OF LAW
5 357 East Chicago Avenue
6 Chicago, Illinois 60611
7 (312) 503-0844

8 BY: MR. DAVID M. SHAPIRO

9 BY: MR. LOCKE E. BOWMAN

10 BY: MS. ALEXA VAN BRUNT

11

12 Representing the Plaintiff;

13

14

15 JAMES G. SOTOS & ASSOCIATES, LTD.

16 550 East Devon, Suite 150

17 Itasca, Illinois 60143

18 (630) 735-3300

19 BY: MS. ELIZABETH K. BARTON

20

21 Representing the Defendants,

22 James Souk, Charles Reynard, John Brown,

23 and County of McLean, Illinois;

24

2

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C06023

APPENDIX 001386

1 A P P E A R A N C E S :

2

3 ANCEL, GLINK, DIAMOND, BUSH,
4 DiCIANNI & KRAFTHEFER, P.C.
5 140 South Dearborn Street, Suite 600
6 Chicago, Illinois 60603
7 (312)782-7606

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.

13

14 ALSO PRESENT:

15

16 Mr. Rick Kosberg, Legal Videography

17

18

19 * * *

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3

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C06024

1

I N D E X

2

WITNESS

EXAMINATION

3

TIMOTHY JOHN FREESMEYER

4

Direct Examination by Mr. Shapiro 6

5

Cross-Examination by Ms. Barton 318

Redirect Examination by Mr. Shapiro 322

6

7

8

9

E X H I B I T S

10

FREESMEYER

11

DEPOSITION EXHIBIT

MARKED FOR ID

12

No. 42 296

No. 43 298

13

Nos. 44 through 47 301

14

Exhibit Nos. 1 through 41 were retained by Counsel.

15

16

17

18

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4

1 THE VIDEOGRAPHER: This is the video
2 deposition of Timothy Freesmeyer taken by Roderick
3 MacArthur Justice Center in the matter of Beaman v.
4 Souk, et al., Case No. 10-CV-1019 held in the Chateau
5 Hotel and Conference Center, 1601 Jumer Drive,
6 Bloomington, Illinois. Today is December 7, 2012
7 {sic}. The time is 10 o'clock.

8 The court reporter is Christine Luciano. The
9 videographer is Rick Kosberg. If counsel can now
10 introduce themselves, and the court reporter is free
11 to administer the oath.

12 MR. SHAPIRO: David Shapiro for the plaintiff
13 Alan Beaman.

14 MS. VAN BRUNT: Alexa Van Brunt for the
15 plaintiff Alan Beaman.

16 MR. BOWMAN: Locke Bowman for Mr. Beaman.

17 MS. BARTON: Elizabeth Barton for McLean
18 County, Reynard, Souk, and Brown.

19 MR. DiCIANNI: Thomas DiCianni for the Town
20 of Normal defendants including Mr. Freesmeyer.

21 (Witness duly sworn.)

22 TIMOTHY JOHN FREESMEYER,
23 called as a witness herein, having been first duly
24 sworn, was examined and testified as follows:

5

1 DIRECT EXAMINATION

2 BY MR. SHAPIRO:

3 Q. All right. Please state your name, sir.

4 A. Timothy John Freesmeyer.

5 Q. Mr. Freesmeyer, you were deposed by my
6 colleague, Mr. Urdangen, in 2004, correct?

7 A. Yes.

8 Q. And that was the first time you had given a
9 deposition such as this one today?

10 A. Yes.

11 Q. Have you given a deposition since then?

12 A. No.

13 Q. Okay. Sir, you're somewhat familiar with
14 the rules of the road based on -- based on that
15 deposition, but just I'll few -- go through a few
16 through of them quickly.

17 It's important when I'm asking a question
18 that you wait for me to finish. You may know what
19 the question is going to be before I finish, but for
20 the sake of having a clear record, it's important
21 that you wait until my question is finished. Will
22 you try to do that?

23 A. Yes, sir.

24 Q. And relatedly it's important that we try not
6

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C06027

APPENDIX 001390

1 to talk over each other, okay?

2 A. Yes.

3 Q. And we also -- it's also important that you
4 answer my question audibly, yes or no where possible.
5 No uh-huhs or uh-uhs or nods or shakes of the head.
6 Will you try to do that as well?

7 A. Yes.

8 Q. Okay. And if I ask a question and you don't
9 understand it, just tell me that you don't understand
10 it, okay?

11 A. Yes.

12 Q. And if you answer a question, I'll assume
13 that you understood it, okay?

14 A. Yes.

15 Q. Are you under a doctor's care for any
16 illness that would interfere with your ability to
17 testify today?

18 A. No.

19 Q. Are you taking any medication that would
20 affect your ability to testify?

21 A. No.

22 Q. Is there any reason whatsoever that you
23 can't give accurate and truthful testimony today?

24 A. No.

7

1 Q. And you understand that you're testifying
2 today under oath and under penalty of perjury just as
3 if you were testifying in court?

4 A. Yes.

5 Q. Begin by asking you some questions about
6 your preparation for today's deposition. What did
7 you do to prepare for your deposition today?

8 A. I spoke with my attorney. I also reviewed
9 numerous court documents and also police reports.

10 Q. What court documents did you review?

11 A. I've reviewed my grand jury testimony, my
12 courtroom testimony in the trial, my posttrial
13 testimony, my deposition. I believe that's all.

14 Q. Okay. And what police reports did you
15 review?

16 A. My main police report that I wrote, the
17 overview -- or the taped overviews or conversations
18 between Mr. Beaman and Mr. Swain, between Mr. Beaman
19 and myself.

20 Q. Other than what you mentioned already, are
21 there any other documents that you reviewed to
22 prepare yourself today?

23 A. There were some other assorted documents in
24 the binders that were sent to me such as police

8

1 reports and such.

2 Q. When you say and such, what other documents
3 are you referring to?

4 A. There was some statements that were taken
5 from previous owners of Mr. Beaman's Escort, there
6 were some evidence returns from the crime lab, there
7 were some -- short list of phone records. I didn't
8 look deeply at the phone records that were contained
9 in the binder.

10 Q. Okay. Are there any other documents you
11 reviewed beyond the ones that you've mentioned so
12 far?

13 A. Only what was in the binders that were sent
14 to me by my attorney.

15 Q. And you've stated all the contents of the
16 binders as you remember them, correct?

17 A. I've stated the majority of them. If you
18 wanted me to --

19 Q. Just any others that you remember, just tell
20 me.

21 A. I've given you the ones that stick out in my
22 mind, sir.

23 Q. Are there any others you remember?

24 A. My police report; the overhears; there was a
9

1 interview with the Sparhawks; there were a couple of
2 interviews, I believe. But I may have -- be
3 confusing those with things that I documented in my
4 police report. There was a lot to read. I think
5 I've covered the majority of what I've reviewed.

6 Q. And there are -- you don't remember anything
7 else that you haven't covered; is that correct?

8 A. Yes.

9 Q. Okay. Did those documents that you reviewed
10 refresh your recollection as to the facts as to the
11 Lockmiller homicide and prosecution?

12 A. Yes.

13 Q. Were there particular documents among those
14 that you mentioned that you focused on?

15 A. Yes.

16 Q. Which were those?

17 A. My main police report, my courtroom
18 testimony, my grand jury testimony, my deposition
19 testimony.

20 Q. Let's start with your police report. Were
21 there particular portions of your police report that
22 you read with particular care? I'm sorry. Strike
23 that.

24 When you reviewed your police report, did

10

1 you read it word for word?

2 A. Yes, sir, I did.

3 Q. And were there particular parts that you
4 focused on with particular care when you were reading
5 it?

6 A. No.

7 Q. What about your courtroom testimony, did you
8 focus on any particular portions of that?

9 A. No.

10 Q. What about with regard to your grand jury
11 testimony, any particular portions of that that you
12 paid more attention to than less?

13 A. No.

14 Q. Any portions that you skimmed over?

15 A. No.

16 Q. With regard to your deposition testimony,
17 were there any portions that you skimmed over?

18 A. No.

19 Q. Any portions that you reviewed with greater
20 care than others?

21 A. No.

22 Q. Other than your attorney, did you meet with
23 anyone else in preparation for today's deposition?

24 A. No.

11

1 Q. Did you discuss your testimony today with
2 anyone other than your attorney?

3 A. No.

4 Q. Have you discussed your testimony today with
5 anyone else who was involved in the Lockmiller
6 investigation?

7 A. No.

8 Q. When's the last time you had a conversation
9 with James Souk?

10 A. I believe it was shortly after the last
11 hearing that was held in the courtroom in McLean
12 County.

13 Q. Which hearing was that?

14 A. It might have been 2004 or 2005. It was
15 when Mr. Urdangen was questioning me on the stand.

16 Q. Are you referring to the post-conviction
17 hearing --

18 A. Yes.

19 Q. -- in which you testified?

20 A. Yes, sir.

21 Q. So you spoke to -- you recall speaking to
22 Mr. Souk at that hearing?

23 A. I spoke with him, yes.

24 Q. What did you talk about?

12

1 A. Just caught up on how his family was doing,
2 how his wife was. I believe she was going through
3 some medical problems at that time. He asked me what
4 I was doing, where I was living.

5 Q. Did you have any discussion concerning
6 Alan Beaman or the Lockmiller homicide investigation?

7 A. No, there was -- it may have been
8 superficial comments over are you okay with what's
9 happening; but it was nothing in detail of the case.

10 Q. What are the superficial comments that you
11 remember?

12 A. I don't remember any superficial comments.
13 I said there may have been --

14 Q. Do you remember --

15 A. -- but I don't remember.

16 Q. Do you remember anything that he said
17 related to the Lockmiller homicide investigation or
18 Alan Beaman?

19 A. No, I do not.

20 Q. Did Mr. Souk call you at any time
21 subsequent -- strike that.

22 Did you have any phone conversations with
23 Mr. Souk at any time subsequent to that pro -- to
24 that post-conviction hearing you were just

13

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1 describing?

2 A. I remember Jim Souk leaving a message on my
3 answering machine that Alan Beaman had been released.
4 That was the last phone conversation I remember
5 having with Mr. Souk.

6 Q. And did you call him back?

7 A. I believe I did.

8 Q. And did you have a conversation with him
9 then?

10 A. I don't have an independent recollection of
11 that, sir.

12 Q. You don't have an independent recollection.
13 Is there some document that refreshed your
14 recollection -- when you say -- strike -- when you
15 say you don't have an independent recollection, it
16 implies that there may be some source of a
17 recollection. Do you have any remembrance of what
18 happened --

19 A. No.

20 Q. -- during that conversation?

21 MR. DiCIANNI: Object to the form of the
22 question.

23 BY MR. SHAPIRO:

24 Q. That was a no, right?

14

1 A. That's a no.

2 Q. Okay.

3 A. I have no documents or notes about that.

4 Q. Mr. Souk call you when this case was filed?

5 A. No.

6 Q. He did not?

7 A. No.

8 Q. Have you spoken to any of Mr. Souk's lawyers
9 representing him in this case?

10 A. No.

11 Q. How would you characterize the state of your
12 recollection with regard to the investigation of the
13 Lockmiller homicide?

14 A. It's been 19 years, sir. Major things in
15 the investigation are still in my mind, but much of
16 the details have faded.

17 Q. So there's a lot that you don't remember
18 about that investigation; is that correct?

19 A. Yes, sir.

20 Q. Ask you a few questions about your
21 employment history. Prior to joining the Normal
22 Police Department, you were a correctional officer;
23 is that correct?

24 A. Yes, sir.

15

1 Q. Okay. And what positions did you hold as a
2 correctional officer?

3 A. I started as a correctional service officer
4 with the State of Arizona and the Arizona Department
5 of Corrections. I held that position for roughly
6 eight months, moved back to Illinois, and was hired I
7 believe in the end of 1988 by the Champaign County
8 Sheriff's Office and worked as a correctional
9 service officer -- sorry, deputy sheriff correctional
10 officer I believe was the official title and worked
11 in the county jail for a period of 12 to 14 months, I
12 believe, before being hired on the force.

13 Q. And when you joined the Normal Police
14 Department, that was the first time that you were
15 employed as a police officer; is that correct?

16 A. Yes, sir.

17 Q. And when was that?

18 A. March 12 of 1990.

19 Q. What was your position when you joined?

20 A. Police officer.

21 Q. And the next position that you held was
22 detective; is that right?

23 A. Yes, sir.

24 Q. When did that occur?

16

1 A. My memory serves, approximately 11 months
2 after I graduated from PTI and started on the street.

3 Q. And how old were you approximately when you
4 became a detective?

5 A. 23, 24 years old.

6 Q. And when you were -- when you became a
7 detective, that was a promotion from being a police
8 officer; is that correct?

9 A. It was a different job position. There was
10 no increase in pay. There was no increase in rank.
11 It was just a different job function.

12 Q. Was there an increase in prestige and
13 desirability of the position?

14 A. Not necessarily, sir.

15 Q. Did you apply for the position?

16 A. No, I did not.

17 Q. Did you want the position?

18 A. I was approached by the assistant chief
19 asking if I would move back into the detective
20 division.

21 Q. And after serving as a detective, you were
22 later promoted to detective sergeant; is that right?

23 A. There was no rank of detective sergeant. It
24 was just sergeant.

17

1 Q. There's no rank of detective sergeant?

2 A. No. There was no distinguishment at the
3 time in the Normal Police Department as a patrol
4 sergeant or a detective sergeant. It was just simply
5 police officer, sergeant, lieutenant, captain,
6 assistant chief, chief.

7 Q. So the term "detective sergeant" would be
8 sort of a nonexistent title?

9 A. Correct.

10 Q. When you were promoted to sergeant, did you
11 have supervisory responsibility over the detectives?

12 A. Not at first, no.

13 Q. When -- when was it that you acquired
14 supervisory responsibility over the detectives?

15 A. Upon Frank Zayas's retirement.

16 Q. When was that?

17 A. I believe it was around November of 1994.

18 Q. All right. What -- what position did you
19 hold after being the sergeant with supervisory
20 responsibilities over the detectives?

21 A. I had supervisory responsibility from
22 November until the end of December. And at that
23 point, I was moved to the State's Attorney's Office
24 to begin prepping for this trial -- excuse me, for

18

1 the original trial.

2 Q. That's November to December of 1994 you were
3 moved to the State's Attorney's Office?

4 A. It would have been around January 1 of 1995
5 that I was moved to the State's Attorney's Office.

6 Q. How long were you at the --

7 MR. BOWMAN: What year was that, January of
8 '95?

9 THE WITNESS: Yes, sir.

10 BY MR. SHAPIRO:

11 Q. How long were you at the State's Attorney's
12 Office?

13 A. From January 1, I believe, around that time,
14 up until the trial concluded.

15 Q. And at that point, you moved your office
16 back to the Normal Police Department?

17 A. No, sir. Upon the end of the trial -- I
18 believe the trial ended towards the end of the week
19 on a Friday or a Saturday. The following day, I went
20 to Northwestern University and was enrolled in the
21 School of Police Staff and Command, spent the next 10
22 weeks living in the Omni Orrington Hotel at the
23 School of Police Staff and Command.

24 Q. During that period, you were still employed
19

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1 by the Normal Police Department; is that correct?

2 A. Yes.

3 Q. Okay. After those 10 weeks at Northwestern,
4 did you return to your office in the Normal Police
5 Department?

6 A. I returned back as a sergeant on the patrol
7 shift on the midnight shift, I believe.

8 Q. What were your responsibilities as sergeant
9 on the midnight shift?

10 A. I was responsible for the shift, supervising
11 the shift officers, approving reports, basically
12 overseeing the patrol force on the midnight shift.

13 Q. In that capacity, were you a detective?

14 A. No, sir.

15 Q. Did you have supervisory responsibilities
16 over detectives?

17 A. No, sir.

18 Q. Would it be accurate to say that after the
19 Beaman investigation, you never had responsibilities
20 as a detective again?

21 A. Yes, that's correct.

22 Q. And you never had supervisory
23 responsibilities over other detectives after the
24 Beaman investigation?

20

1 A. Correct.

2 Q. How long did you serve in that position of
3 sergeant on the midnight shift?

4 A. Would have been a period of approximately
5 three to four years.

6 Just prior to leaving the department, I did
7 a few tours on day shift as the day shift supervisor.
8 So I believe three to four years I spent on
9 midnights.

10 Q. Uh-huh. And when did you -- when did you
11 leave the Normal Police Department?

12 A. I left, I believe it was, August of 1990.
13 I'm sorry. August of 2000.

14 Q. Okay. What position did you assume after
15 leaving the Normal Police Department?

16 A. I was hired by Northwestern University as a
17 junior faculty member, and I took over as the
18 director of the management training division for the
19 Center For Public Safety at Northwestern University.

20 Q. Did your responsibilities at Northwestern
21 include teaching in the traffic school in any way?

22 A. Well, the center had changed names from
23 Traffic Institute to the Center For Public Safety. I
24 was not teaching in the traffic courses per se. I

21

1 was -- my entire focus was in the management training
2 division, primarily the School of Police Staff and
3 Command, the executive management program, and the
4 staff supervision program.

5 Q. What were your responsibilities in that
6 position?

7 A. I was the director of that division, so I
8 was responsible for setting up courses across the
9 country, hiring faculty, overseeing the curriculum,
10 reviewing and evaluating faculty; basically
11 everything to do with the School of Police Staff and
12 Command, the executive management program, and the
13 staff supervision program.

14 Q. Did your responsibilities include writing
15 curricula?

16 A. Most of our curricula was written by the
17 content experts in that particular area. It would be
18 more fair to say that I reviewed curriculum rather
19 than to write the curriculum. I'm not an expert in
20 all areas of that program.

21 Q. Would it be fair to say you reviewed an
22 edited curriculum or would that be inaccurate?

23 A. I reviewed and edited my own topics that I
24 taught, which was resource allocation and staff

22

1 scheduling and computers for law enforcement. The
2 other curriculum the adjunct instructors were
3 responsible for editing and correcting their
4 material.

5 Q. How long were you in that position at
6 Northwestern?

7 A. For one year, sir.

8 Q. What were the circumstances of your
9 departure?

10 A. I was traveling extensively. I was on the
11 road an average of roughly three weeks out of every
12 month. My children were young at the time. I was
13 driving 40 miles to work and 40 miles back, which was
14 a two-hour commute, roughly.

15 There was a particular day when I came home
16 from a trip on a Friday afternoon, walked into the
17 house, and my four-year-old son addressed me as
18 Uncle Tim as opposed to dad, and I realized that I
19 was losing touch with my family.

20 So after church on that Sunday, I asked my
21 wife if she was happy in Chicago. She said no. She
22 asked if I was happy. I said no. We immediately
23 made a life change and moved to Macomb, Illinois
24 where we could have time with our family while they

23

1 were young.

2 Q. While you were at Northwestern, were you
3 ever criticized in any way for your writing
4 curricula?

5 A. No, sir. I was actually praised for putting
6 all the curriculum onto CD which saved the institute
7 a large amount of money in printing costs.

8 Q. And was your departure purely voluntary?

9 A. Yes, it was.

10 Q. What position did you hold after your
11 departure from Northwestern?

12 A. When I left Northwestern, I was hired from
13 Wes -- by Western Illinois University. I was hired
14 as a coordinator for -- I can't remember the exact
15 title, sir.

16 But there was a training lab that trained
17 faculty on how to use technology. It was an
18 instructional services lab. I was hired in two
19 roles; one, to supervise that instructional services
20 lab and to be the conduit between the faculty and the
21 technologists, and the second role was to oversee the
22 technology that was being infused throughout the
23 college of education. So I was responsible for their
24 blackboard system. I was responsible for their user

24

1 services and support which supported their computer
2 systems. So I supervised a number of people.

3 Q. Okay. And let me just say when -- in the
4 interest of time and getting through today
5 efficiently, you know, when I ask a question about --
6 just what was your position, if -- you know, if I
7 want you to elaborate, I'll just ask you to do so.
8 But if you could try to answer my questions as
9 directly as possible, I'd appreciate that.

10 A. Yes, sir. I'm sorry.

11 Q. When was the time that you assumed the
12 position that you were just describing?

13 A. I believe it was around September of 2001
14 that I started with Western Illinois University.

15 Q. And when did you depart that position?

16 A. July 7 of 2004.

17 Q. What position did you assume after that?

18 A. I started my own corporation at that point.
19 I was teaching for the International Association of
20 Chiefs of Police, so I was working for them as
21 adjunct when --

22 Q. Was that Addeco Solutions that you're
23 referring to?

24 A. Yes, it is.

25

1 Q. Okay. And is that -- that's a position that
2 you continue to hold today, correct?

3 A. Yes, sir.

4 Q. Okay. All right. I want to ask you some
5 questions about how the police department files
6 pertaining to the Lockmiller murder investigation
7 were maintained at the time.

8 Could you begin by please describing how the
9 file related to the Lockmiller case was maintained
10 and organized.

11 A. I don't know how everything was maintained
12 beyond the control that I had, sir. My documents
13 were submitted to my supervisor. What he did with
14 those, I don't know exactly.

15 Q. You became the lead investigator in the case
16 in October or November of 1993, correct?

17 A. I became the primary investigator in the
18 case, yes, around October to November of '94.

19 Q. Of '94?

20 A. Yes.

21 Q. As the primary investigator in the case --

22 A. I'm sorry, sir. Let me back up.

23 Q. Yeah.

24 A. The arrest was in May of '94 -- May of

26

1 '94 -- let me say that I was taking more of a lead
2 role in October-November of '93. I told you '94 a
3 moment ago.

4 Q. Uh-huh..

5 A. I was taking more of a lead role in October
6 or November of '94.

7 At that point, however, Frank Zayas was
8 still the lieutenant in charge, so the case was
9 ultimately run by him; but I was taking more of a
10 lead in the case.

11 MR. DiCIANNI: Let me just clarify. You just
12 said '94 again. Did you mean to say '93?

13 THE WITNESS: I meant to say '93.

14 BY MR. SHAPIRO:

15 Q. All right. So as of October or November of
16 1993, you began to take more responsibility in the
17 case; is that correct?

18 A. Yes, that's correct.

19 Q. Okay. And at that time, you were reporting
20 to Zayas as a supervisor; is that correct?

21 A. Yes.

22 Q. And then in October or November of 1994,
23 Zayas ceased to be a supervisor?

24 A. Say that again, sir.

27

1 Q. When did it cease to be the case that you
2 were being supervised by Lieutenant Zayas?

3 A. When he retired.

4 Q. And when was that again?

5 A. I believe it was November of 1994.

6 Q. Okay. So let's talk about the period
7 between October or November of 1993 and October or
8 November of 1990 -- I'm sorry.

9 Was it October or November of 1994 that you
10 said Zayas retired? Did I mishear you?

11 A. Yes, sir, that's correct.

12 Q. Okay. So let's talk about that period
13 between October or November of 1993 and October or
14 November of 1994.

15 Is it fair to say that during that period,
16 even though you were supervised by Zayas, you were
17 the primary investigator on the case?

18 A. I don't know how much other people were
19 doing in the background being directed by
20 Frank Zayas, but I know that I took over the main
21 interviewing process with Alan Beaman and the main
22 contacts with Alan Beaman.

23 Q. Was there any other investigator besides
24 Zayas on the team who was your superior as of

28

1 October-November of '93?

2 A. There were other detectives who had more
3 seniority than I, but they were not my supervisor.

4 Q. So are you denying, Mr. Freesmeyer, that in
5 October or November of 1993 you became the lead
6 investigator in this case?

7 MR. DiCIANNI: I'm going to object to the
8 form of the question.

9 Go ahead and answer.

10 THE WITNESS: It depends on how you choose to
11 define lead investigator --

12 BY MR. SHAPIRO:

13 Q. How would you define lead investigator?

14 A. Lead investigator is the person who's taking
15 the primary role in the investigation. However,
16 since I was not supervising the case, I can't tell
17 you what the other investigators were doing. I know
18 that my role became heavier when I took on the
19 relationship with Mr. Beaman and the investigation of
20 Mr. Beaman.

21 Q. So you're saying that even when you became
22 the primary investigator in the case, you had no idea
23 what the other detectives were doing in the case; is
24 that what you're saying?

29

1 A. I'm not saying I had no idea. I'm saying
2 I -- I'm not totally aware of everything that was
3 being done by everybody else on the case.

4 Q. Were you working full-time on this case as
5 of October or November of 1993?

6 A. I don't believe I was full-time on it. I
7 believe there were other cases that I was also
8 working.

9 Q. Was there any point at which you were
10 working full time on this case?

11 A. Yes, in January of 1995, when I moved to the
12 State's Attorney's Office.

13 Q. In October or November of 1993, what
14 proportion of your time would you say was devoted to
15 the Lockmiller homicide investigation?

16 A. I'm speculating 50 to 60 percent of my time,
17 sir.

18 Q. What about in December of 1993?

19 A. I don't know.

20 Q. Was there anyone besides you who was
21 spending more time on the Lockmiller homicide
22 investigator -- investigation?

23 A. I can't answer that question, sir. I don't
24 know what the other detectives were doing.

30

1 Q. You had no idea what the other detectives
2 were doing with their time; is that correct?

3 MR. DiCIANNI: Objection, characterization of
4 his -- of that.

5 BY MR. SHAPIRO:

6 Q. It's a question. Did you have any idea what
7 the other detectives were doing with their time?

8 MR. DiCIANNI: Asked and answered.

9 THE WITNESS: No, sir.

10 BY MR. SHAPIRO:

11 Q. You didn't talk with the other detectives
12 about what they were doing?

13 A. Sir, I was in a separate room than the other
14 detectives. I operated out of the juvenile office
15 where Detective John Belcher and I were stationed.
16 John Belcher was our vice narcotics guy. The other
17 detectives were in a separate office in the
18 detectives' office.

19 Q. So if others in this case testified that you
20 were the primary investigator in October or November
21 of 1993, you would disagree with that
22 characterization?

23 MR. DiCIANNI: Objection, form of the
24 question.

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1 MS. BARTON: I'll join the objection.

2 THE WITNESS: Could you repeat the question,
3 sir?

4 BY MR. SHAPIRO:

5 Q. Uh-huh. If others on the investigation were
6 to characterize you as the lead investigator
7 beginning in October or November of 1993, would you
8 disagree with that characterization?

9 MR. DiCIANNI: Same objection.

10 MS. BARTON: Same objection.

11 THE WITNESS: That would be their opinion,
12 sir.

13 BY MR. SHAPIRO:

14 Q. I'm asking whether you'd agree with that or
15 not?

16 A. No.

17 Q. Okay. So is it your testimony,
18 Mr. Freesmeyer, that there was no lead investigator
19 in October-November 1993?

20 A. No, that is not my testimony.

21 Q. And that's because Zayas was supervising,
22 correct?

23 A. That's correct. Lieutenant Zayas was in
24 charge of the detective division, and he had ultimate

32

1 responsibility for that case.

2 Q. Was it ordinarily the case when -- that
3 there would be a lead or primary detective on a
4 particular investigation?

5 A. Would you repeat the question?

6 Q. Sure. When cases were staffed -- not
7 talking about just the Lockmiller case, I'm talking
8 about general practices -- was it ordinarily the case
9 that there would be a lead or primary detective
10 assigned to each case?

11 A. That occurred.

12 Q. And it's your testimony that it did not
13 occur in the Lockmiller investigation?

14 MR. DiCIANNI: I object.

15 THE WITNESS: No, sir.

16 BY MR. SHAPIRO:

17 Q. Why do you disagree with that with respect
18 to the Lockmiller investigation, because of Zayas?

19 MR. DiCIANNI: Objection. Agree with dis --
20 agree with what or disagree with what? You said why
21 do you disagree with that.

22 BY MR. SHAPIRO:

23 Q. You disagreed with the characterization that
24 there was a lead in the Lockmiller investigation

33

1 other than Zayas, right?

2 A. Sir --

3 Q. I'm sorry. Strike that.

4 Other than Zayas, was there any lead
5 investigator in the Lockmiller investigation?

6 A. We all served as a team on that
7 investigation, sir. Whether a person was a lead or
8 not a lead to me would be a matter of opinion of who
9 you're asking.

10 From a formal hierarchy, Lieutenant Zayas
11 was the lieutenant of that division; therefore, he
12 was responsible for every case taking place in that
13 division.

14 I worked on that case. I testified to you
15 that my role became heavier in October or November.
16 You're asking me if I reached a milestone of a lead
17 detective, and that would depend on who you asked,
18 sir.

19 Q. I'm not asking you if you reached a
20 milestone. My question is: Were you the
21 investigator with primary responsibility for the
22 Lockmiller investigation as of October-November '93?

23 A. In October-November of '93, my
24 responsibility focused on Alan Beaman and

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1 Michael Swain. If they were the primary players or
2 if Alan Beaman was a primary player in this case and
3 somebody wanted to assume I was a primary
4 investigator because I was investigating Alan, they
5 could make that assumption, sir.

6 Q. When did you become the individual with
7 primary responsibility for the Beaman investigation?

8 A. Upon Lieutenant Zayas's retirement.

9 Q. And it's your contention that prior to
10 Lieutenant Zayas's retirement, you did not have
11 primary responsibility over the Lockmiller
12 investigation?

13 A. That's correct.

14 Q. And I want to be perfectly clear that I'm
15 not just talking about supervisory responsibility.
16 I'm talking about working on the investigation on a
17 day-to-day basis.

18 Is it your testimony that prior to
19 Lieutenant Zayas's retirement, you did not have prior
20 responsibility for working on the Lockmiller homicide
21 investigation on a day-to-day basis?

22 MR. DiCIANNI: Well, I'm going to object to
23 the form of the question.

24 Go ahead and answer.

35

1 THE WITNESS: I don't know that I can answer
2 that question in the form you asked. You're asking me
3 if I worked more on that case than any other
4 detective, and I've already told you that we were
5 working in separate rooms, and I don't know what
6 Lieutenant Zayas was assigning to those other
7 detectives while I was doing my part.

8 BY MR. SHAPIRO:

9 Q. So until Lieutenant Zayas's retirement, you
10 had no idea what the other detectives were doing in
11 the case; is that right?

12 A. I did not have primary responsibility --

13 Q. That wasn't my question. I said until
14 Lieutenant Zayas's retirement, did you have any idea
15 what the other detectives were doing in the case?

16 A. I had marginal information of what they were
17 doing.

18 Q. You had marginal information about that.
19 Your in -- your information about what the
20 other detectives was doing was sketchy and
21 incomplete; is that what you're saying?

22 A. No, that's not a fair statement.

23 Q. Well, what did you mean by marginal?

24 A. We would have meetings periodically that

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1 would -- that we would brief each other on what was
2 happening. But I was not with them day-to-day. I
3 was not sitting next to them day-to-day to know what
4 they were doing. We each had a part to play in this
5 investigation. I was aware of the major things they
6 were doing; but I didn't read every statement, every
7 document, every interview.

8 Q. We were talking about files earlier before
9 we went off in this direction, and I asked you to
10 describe for me, if you could, what knowledge you had
11 about the files in the Beaman investigation. Could
12 you describe those for me?

13 A. Is there a particular file you'd like me to
14 start with, sir?

15 Q. I'd like you to -- well, first of all, I'd
16 like you to provide whatever general description you
17 can of the manner in which files were maintained and
18 what files there were.

19 A. My police report was written on a computer
20 in my office, kept on the mainframe. Periodically, I
21 would give Lieutenant Zayas a copy of the updates to
22 that report, and it was one running report throughout
23 the entire investigation.

24 Additional files such as phone records would
37

1 have either been put into evidence or they would have
2 been submitted to Lieutenant Zayas who then would
3 have submitted them, I imagine, to the records
4 section as an official archive in the case.

5 Q. Was there a central file in the case?

6 A. I believe there was in the records section.

7 Q. Did you maintain an individual file of
8 documents related to the investigation?

9 A. Only the main police report that I spoke of
10 which is on my computer.

11 Q. So during the investigation, you didn't have
12 a file on your desk with documents that you
13 considered relevant and were working on at any point?

14 A. It would have been a temporary file only --

15 Q. That's what I'm asking you, sure.

16 A. -- so that, yes. There would have been a
17 temporary file of things that I was working on until
18 that information was placed into my police report.

19 Q. What would you -- what would you do with the
20 information once it was placed into your police
21 report?

22 A. I would throw it away, destroy it.

23 Q. Did you maintain any other sort of working
24 file throughout the case?

38

1 A. No.

2 Q. So anything that you had, once it was
3 described in your police report, was thrown away?

4 A. Or placed into evidence or given to
5 Lieutenant Zayas to go to the records section.

6 Q. Were there binders of materials that were
7 distributed to detectives in this case?

8 A. I don't recall, sir.

9 Q. What sort of documents did you keep in your
10 temporary file?

11 A. It would have been personal notes of times
12 and dates when people came in; things that I would
13 want to document in my police report when I had a
14 moment to catch up my report.

15 Q. Did you ever have, for example, transcripts
16 of interviews?

17 A. Those would have been done on the computer,
18 printed out, and submitted to the Lieutenant Zayas,
19 and then made a record of -- made a record in the
20 records department.

21 Q. Transcripts of body wire overhears, same
22 answer?

23 A. Same answer. That tape immediately was --
24 when the Nagra recorders were done --

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1 Q. I'm sorry. I'm not talking about the actual
2 recorder. I'm talking about the transcript.

3 A. The transcripts. I would have received
4 copies of that transcript to work off of. Once I was
5 done with it, if it had not been entered into
6 records, I would have submitted it to Frank Zayas.
7 If we already had a copy of that, I probably would
8 have thrown them away.

9 Q. All right. Well, we've covered the computer
10 file, the central file, and temporary files. Are
11 there any other types of files that were maintained
12 during the course of this investigation that you're
13 aware of?

14 A. Evidentiary material which would have been
15 filed in the evidence vault.

16 Q. Anything else?

17 A. That's all I can recall, sir.

18 Q. What was supposed to go into the central
19 file?

20 A. Central file was the police reports, written
21 statements, transcripts, any other document that
22 provided information that was not part of an official
23 police report written by one of the detectives nor
24 evidence.

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1 Q. Polygraph reports, do those go into the
2 central file?

3 A. I don't know if they went in the central
4 file or if they went into evidence.

5 Q. But they would have gone -- polygraph
6 reports would have gone either into the central file
7 or into evidence, correct?

8 A. I believe so.

9 Q. Did other detectives in the case maintain
10 temporary files?

11 A. I can't answer that, sir. I don't know.

12 Q. Was it the ordinary practice of detectives
13 to maintain temporary files?

14 A. I don't know what their ordinary practice
15 was, sir.

16 Q. You've never been in another detective's
17 office and saw a file related to a case they're
18 working on?

19 A. The desks were full of files, sir. Many of
20 them were active cases. I don't know what they kept
21 as personal notes or what they kept as official
22 files.

23 Q. Were there any documents that were
24 distributed to all members of the investigative team?
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1 A. Could you expand on the question, what type
2 of documents you're referring to?

3 Q. Well, I'm asking you. Any sort of doc --
4 were police reports distributed to everyone working
5 on the case?

6 A. It would depend on the police report. It
7 would depend on what type of document it was.

8 Q. Was there -- were there any police reports
9 you can recall that were distributed to anyone
10 working on the case?

11 MS. BARTON: Objection to form.

12 THE WITNESS: No, not that I remember.

13 BY MR. SHAPIRO:

14 Q. At any point in the investigation, did you
15 read the full central file?

16 A. I don't remember doing that, sir.

17 Q. Do you recall reviewing documents from the
18 central file when you became the lead investigator?

19 A. It's been too long ago, sir. I don't recall
20 if I did or not.

21 Q. When you became the lead investigator,
22 didn't you want to inform yourself of the facts of
23 the case?

24 A. Again, sir, that was 19 years ago. I don't
42

1 remember exactly what I did then.

2 Q. Well, earlier you characterized your
3 understanding of what others were doing on the case
4 as marginal. Do you remember that?

5 A. I remember that, yes.

6 Q. As the lead investigator, would you want to
7 have a marginal understanding of what was going on
8 with the case as whole?

9 A. No, sir.

10 Q. So it would have been logical, would it not
11 have, to review the central file when you became the
12 lead investigator if your knowledge prior to that was
13 marginal, right?

14 MR. DiCIANNI: Object to the form of the
15 question.

16 THE WITNESS: Are you asking me if it would
17 have been logical to look at it?

18 BY MR. SHAPIRO:

19 Q. Yeah.

20 A. Yes.

21 Q. Do you think you did?

22 A. I don't recall, sir.

23 Q. Do you think you did?

24 A. I don't recall, sir.

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1 Q. Do you think you would have?

2 MR. DiCIANNI: Objection; speculation, form
3 of the question.

4 THE WITNESS: Sir, I can't tell --

5 MR. DiCIANNI: Asking him to guess.

6 THE WITNESS: I can't tell you what I did 19
7 years ago. I don't recall.

8 BY MR. SHAPIRO:

9 Q. So you think it's possible that when you
10 became lead investigator, you made no effort to
11 inform yourself of the facts of the case; is that --

12 MR. DiCIANNI: Same objection.

13 BY MR. SHAPIRO:

14 Q. -- what you're saying?

15 MR. DiCIANNI: Same objection.

16 THE WITNESS: That is not what I'm saying,
17 sir.

18 BY MR. SHAPIRO:

19 Q. You're saying when you became the lead
20 investigator, it's possible that you made no effort
21 to review the documents in the central file in order
22 to familiarize yourself with the case?

23 A. I did not say that.

24 MR. DiCIANNI: Objection, objection.

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1 BY MR. SHAPIRO:

2 Q. Well, I'm asking what you're saying.

3 MR. DiCIANNI: Objection.

4 BY MR. SHAPIRO:

5 Q. I'm asking what you're saying.

6 A. I told you I don't remember, sir.

7 Q. And when you say you don't remember, you're
8 saying it's possible that you did not review the
9 central file when you became the lead investigator to
10 familiarize yourself with the facts of the case?

11 MR. DiCIANNI: Objection; speculation, asked
12 and answered.

13 THE WITNESS: I'll repeat my answer, sir. I
14 do not remember.

15 BY MR. SHAPIRO:

16 Q. Would it have been consistent with your --
17 strike that.

18 As the lead investigator, you'd want to be
19 familiar with the facts of the case, wouldn't you?

20 A. Yes.

21 Q. And the central file would be an important
22 repository of information regarding the facts of the
23 case, right?

24 A. Yes.

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1 Q. So the responsible thing to do upon becoming
2 lead investigator would be to review the central
3 file, right?

4 MR. DiCIANNI: I'll object to the form of the
5 question.

6 THE WITNESS: Can you repeat your question,
7 sir?

8 BY MR. SHAPIRO:

9 Q. Yeah. Would you agree with me that the
10 responsible thing to do upon becoming the lead
11 investigator would be to review the central file?

12 MR. DiCIANNI: Same objection.

13 THE WITNESS: Yes.

14 BY MR. SHAPIRO:

15 Q. But you're not sure if you did?

16 A. I do not remember.

17 Q. And, therefore, you're not sure?

18 A. I do not remember.

19 Q. How did you remain -- strike that.

20 When you became lead investigator, how did
21 you remain abreast of developments in the case that
22 you weren't personally involved in?

23 A. That would have been -- to the best of my
24 memory, sir, that would have been through meetings

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1 that we had as an investigative team.

2 Q. So now you're saying that you don't think
3 you would have reviewed paper files, right?

4 A. I didn't say that, sir. You asked me how
5 pertinent information would come to my attention.

6 Q. No, I asked you how you remained abreast of
7 rele -- of developments in the investigation.

8 MR. DiCIANNI: And he answered the question.

9 BY MR. SHAPIRO:

10 Q. Was the only mechanism through which you
11 remained abreast of developments in the investigation
12 participating in meetings with the other
13 investigators?

14 A. I don't remember, sir.

15 Q. So as far as recollection serves, it could
16 be that that was the only manner in which you
17 remained abreast of further developments in the
18 investigation?

19 MR. DiCIANNI: Objection, speculation.

20 THE WITNESS: I don't remember, sir.

21 BY MR. SHAPIRO:

22 Q. Do you have any recollection of whether you
23 reviewed the central file as it continued to expand
24 over the course of the investigation?

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1 A. I don't --

2 MR. DiCIANNI: Same objection.

3 THE WITNESS: -- remember.

4 MR. SHAPIRO: You have an objection to does
5 he remember if he -- what's your objection?

6 MR. DiCIANNI: You've asked that question
7 about five times.

8 MR. SHAPIRO: So it's an asked and answered
9 objection --

10 MR. DiCIANNI: Well, and each time it's a --
11 you're asking him to speculate because he says he
12 doesn't remember. So all he can do at this point is
13 guess. So you're asking him to guess, which I object
14 to.

15 BY MR. SHAPIRO:

16 Q. Well, let me -- let me rephrase my -- I
17 don't think I need to rephrase it, but let me restate
18 it so that it's perfectly clear.

19 Do you have any recollection of reviewing
20 the central file as it continued to expand over the
21 course of the investigation?

22 MR. DiCIANNI: Same objection.

23 THE WITNESS: I do not remember.

24

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1 BY MR. SHAPIRO:

2 Q. Were investigative files provided to the
3 prosecutor's office at some point?

4 MS. BARTON: Objection to form.

5 THE WITNESS: That was out of my control,
6 sir. That was not my responsibility, to provide files
7 to the State's Attorney's Office.

8 BY MR. SHAPIRO:

9 Q. Did you have any responsibility for ensuring
10 that the State's Attorney's Office received the
11 relevant files related to the investigation?

12 A. No, sir.

13 Q. None whatsoever?

14 A. No, sir.

15 Q. Who was responsible for doing that?

16 A. That would have been Lieutenant Zayas and
17 the records section.

18 Q. What about upon Zayas's retirement?

19 A. My responsibility would be providing them to
20 the records section, which is our official archive of
21 our documents.

22 Q. Have you received any training regarding the
23 obligation of law enforcement officers to provide
24 pertinent exculpatory evidence to prosecutors

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1 handling a case?

2 A. Can you explain exculpatory, sir?

3 Q. What does the word "exculpatory" -- do you
4 know what the word "exculpatory" means?

5 A. No, sir.

6 Q. Okay. Well, I'll define it as evidence that
7 could be favorable to the defense in a criminal case.

8 Did you receive any sort of training related
9 to the obligation of a law enforcement officer to
10 provide exculpatory evidence as I've defined it to
11 the prosecutor in a criminal case?

12 A. My training from the basic police academy
13 was to report the documents and the facts, present
14 all of that information to the State's Attorney's
15 Office in the situation of an arrest. Or if there's
16 probable cause, to submit that on.

17 Q. So you're -- you're -- you're -- you did not
18 receive any training in providing additional
19 exculpatory evidence post arrest over the course of
20 the investigation; is that what you're saying?

21 A. I don't recall receiving any training, sir.

22 Q. At the time of the Beaman investigation, did
23 you understand that you had any obligation to provide
24 exculpatory evidence to the prosecutors after the

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1 time of an arrest?

2 A. No, sir.

3 Q. Did you provide any files to the
4 prosecutor's office in the course of the Beaman
5 investigation?

6 MR. DiCIANNI: Him personally?

7 MR. SHAPIRO: I'm sorry?

8 MR. DiCIANNI: Him personally, is that what
9 you're asking?

10 MR. SHAPIRO: Yeah.

11 BY MR. SHAPIRO:

12 Q. I'll ask -- yes, you personally, did you
13 provide any documents to the prosecutor in the Beaman
14 investigation?

15 A. I don't recall, sir.

16 Q. Do you recall anyone in the Normal Police
17 Department providing documents to the prosecution in
18 the course of the Beaman investigation and
19 prosecution?

20 A. No, sir. I don't recall the exact process
21 of how that was provided to them.

22 Q. Is it your testimony that the only people
23 who were in charge of making sure the prosecutors got
24 the police files they needed were Lieutenant Zayas

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1 and the records department?

2 A. Lieutenant Zayas had primary responsibility
3 for providing that as leader of the detective
4 division and the supervisor of the detective
5 division.

6 Q. Did you ever provide a document to Zayas and
7 say that it's something that in your opinion should
8 be provided to the State's Attorney?

9 A. I don't have a recollection of that, sir.

10 Q. What was the role of the records department
11 in ensuring that documents were transferred to the
12 State's Attorney's Office during the prosecution?

13 MR. DiCIANNI: Object, speculation.

14 THE WITNESS: I didn't work in the records
15 section, sir. I don't know what their role was.

16 BY MR. SHAPIRO:

17 Q. When you moved to the State's Attorney's
18 Office -- well, first of all, remind me when you
19 moved to the State's Attorney's Office, please.

20 A. I believe it was around January 1 of 1995.

21 Q. When you were working out of the State's
22 Attorney's Office, did there ever come a time when
23 you needed to access a related to the Beaman
24 investigation?

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1 A. I don't recall, sir.

2 Q. What files did you take with you to the
3 State's Attorney's Office?

4 A. I don't recall, sir.

5 Q. Well, maybe you can help me out here. I'm
6 just -- and let me set up the question this way. I'm
7 just having trouble imagining how you're working out
8 of a completely separate office where presumably you
9 need, you know, to be reviewing documents in order to
10 be working on, you know, reports and managing the
11 progress of the investigation.

12 So I'm just trying to understand what
13 documents or what type of files you had with you when
14 you were at the State's Attorney's Office?

15 MS. BARTON: Objection to form.

16 BY MR. SHAPIRO:

17 Q. What type of documents did you have with you
18 at the State's Attorney Office when you moved there?

19 MR. DiCIANNI: I'll object to form as well.

20 THE WITNESS: I believe the question you
21 asked me first was what documents --

22 BY MR. SHAPIRO:

23 Q. Well, the pending question is: What
24 documents did you have with you when you went to the

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1 State's Attorney's Office?

2 MR. DiCIANNI: In his pocket?

3 MR. SHAPIRO: Yes, in his pocket. No.

4 BY MR. SHAPIRO:

5 Q. What documents did you bring with you when
6 you went to the State's Attorney's Office?

7 A. Sir, I do not recall what documents I took
8 with me. I did have at my disposal the case files
9 that were at the State's Attorney's Office to review.

10 Q. Okay. So when you wanted to access a
11 document while -- during the period of time when you
12 were working out of the State's Attorney's Office,
13 would you generally access it from the State's
14 Attorney's files?

15 A. Yes, sir.

16 Q. What was James Souk's role in the
17 investigation and prosecution of Alan Beaman?

18 MS. BARTON: Objection to form, foundation.

19 THE WITNESS: He was the prosecuting attorney
20 in the case.

21 BY MR. SHAPIRO:

22 Q. What role did he have prior to the charging
23 of Mr. Beaman with murder?

24 A. He was our liaison, our contact with the

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1 State's Attorney's Office as we were investigating
2 the case.

3 Q. What do you mean by a liaison or contact?

4 A. If we had legal questions or if needed to
5 obtain documents such as a subpoena for phone
6 records, subpoena for overhears, overhear returns, he
7 was our primary contact for that.

8 Q. Did he ever suggest that you perform an
9 investigative task prior to the charging of
10 Alan Beaman?

11 A. Yes.

12 Q. Which tasks?

13 A. I don't recall.

14 Q. Fair to say that there were several tasks
15 that he assigned to you prior to the charging of
16 Alan Beaman?

17 MS. BARTON: Objection to form.

18 THE WITNESS: I don't recall that he assigned
19 them directly to me. He would have advised the team
20 in general of things that we should follow up on,
21 things that we should do.

22 BY MR. SHAPIRO:

23 Q. Uh-huh. Is it accurate to say that he
24 assigned tasks to the team as a whole?

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1 A. He did not assign tasks to the team, sir.
2 That would have been Frank Zayas's responsibility.
3 He would have made recommendation on things that we
4 should do.

5 Q. Do you recall him ever asking you to do
6 something in connection with the investigation?

7 MS. BARTON: Objection to foundation.

8 THE WITNESS: Yes.

9 BY MR. SHAPIRO:

10 Q. Do you remember him asking you to do
11 something related to the investigation prior to the
12 charging of Alan Beaman?

13 A. I don't recall.

14 Q. So you think it's possible that prior to the
15 charging of Alan Beaman in May of 1994, Souk never
16 asked you to do anything related to the
17 investigation?

18 A. My response is I don't recall, sir.

19 Q. You don't re -- do you think it's possible
20 that he never asked you to do anything related to the
21 investigation prior to the charging of Alan Beaman?

22 MR. DiCIANNI: Objection, speculation.

23 MS. BARTON: Same objection.

24 THE WITNESS: I do not recall, sir.

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1 BY MR. SHAPIRO:

2 Q. Did you consult with Souk frequently prior
3 to the decision to charge Mr. Beaman?

4 A. Yes.

5 Q. How frequently?

6 A. I don't recall exactly, sir.

7 Q. Well, let's talk about the period in between
8 the discovery of the body on August 28 and the
9 decision to charge him on May 16, 1994.

10 During that period, did you have more or
11 fewer than 20 conversations with Souk related to the
12 investigation?

13 A. More than 20.

14 Q. More than 50?

15 A. I don't recall, sir.

16 Q. It could have been as many as 50?

17 A. It could have.

18 Q. That number, are you including telephone
19 contacts or face-to-face only?

20 A. Telephone contacts.

21 Q. Okay. You're including both?

22 A. Yes, sir.

23 Q. Now, you say prior to the decision to charge
24 Beaman, Souk issued recommendations with regard to

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1 the investigation, correct?

2 A. Repeat your question, please, sir.

3 Q. If I am understanding your testimony, you
4 said that prior to the decision to charge Beaman,
5 Souk issued recommendations with regard to how the
6 investigation should be carried out? Did I
7 understand that right?

8 A. That's not how I recall the question you
9 asked me, sir. You --

10 Q. Okay.

11 A. -- asked me at any time --

12 Q. Well --

13 A. -- had Souk asked me to do anything. You
14 didn't specify prior to the arrest or conviction.

15 Q. Prior to the arrest or conviction -- strike
16 that.

17 Prior to the arrest of Alan Beaman, did Souk
18 make any recommendations to you with regard to the
19 manner in which the investigation should be
20 performed?

21 A. I don't recall.

22 Q. So you think that you had as many as up to
23 50 contacts with him prior to the decision to charge
24 Beaman, but you're not sure whether he made any

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1 recommendations with regard to how the investigation
2 should be performed?

3 MS. BARTON: Objection to form.

4 BY MR. SHAPIRO:

5 Q. Is that right?

6 A. I don't recall.

7 MR. DiCIANNI: Could you -- sorry. Could you
8 read back that question.

9 MR. SHAPIRO: I'll just -- you know, I'll
10 just re-ask it if that's easier.

11 MR. DiCIANNI: Okay.

12 MR. BOWMAN: Actually, can we just take a
13 break at this point?

14 MR. SHAPIRO: Yeah. Let's do it.

15 THE VIDEOGRAPHER: Off the record, 10:54.

16 (Whereupon, a break was taken,
17 after which the following
18 proceedings were had:)

19 THE VIDEOGRAPHER: Back on the record, 11:09.

20 BY MR. SHAPIRO:

21 Q. Mr. Freesmeyer, before the break, we were
22 talking about some of the recommendations that
23 Mr. Souk issued in the course of the investigation,
24 and I wanted to ask you whether you remember any

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1 conversations in which a recommendation was
2 mentioned?

3 A. Yes.

4 Q. Tell me about that conversation.

5 A. During the jury trial, there was some new
6 information that came up during testimony, and so
7 Jim Souk asked me to go back up and recheck some
8 mileage in Rockford. So I drove back up on a
9 Saturday and rechecked some mileage.

10 Also, he asked me to check on some things
11 that were disclosed during grand jury testimony such
12 as Carol Beaman's IGA receipts, several other
13 documents that she had given to us. So I made
14 several trips to Rockford to check on those.

15 Q. Do you remember any conversations about a
16 recommendation he made prior to the arrest of Beaman?

17 A. I don't have a remembrance of any.

18 Q. What was Mr. Souk's involvement in the
19 decision to place a wire on Mr. Swain?

20 MS. BARTON: Objection, foundation.

21 THE WITNESS: Could you repeat the question,
22 sir?

23 BY MR. SHAPIRO:

24 Q. Yeah. Was -- well, first of all, let me ask
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1 you, was Mr. Souk involved in any way on the decision
2 to place a body wire on Michael Swain?

3 A. I don't know if he was involved in the
4 decision. I do believe he was present when we
5 discussed that idea.

6 Q. And what was his role in that process?

7 A. He was an advisor from the State's
8 Attorney's Office.

9 Q. What advice, if any, did he give in
10 connection with the body wire?

11 A. I don't recall, sir.

12 Q. You said that he was an advisor, and I think
13 earlier you characterized him as a liaison. Can you
14 remember any meetings prior to the charging of Beaman
15 in which he was present in his capacity as an advisor
16 or liaison?

17 A. In reviewing my police report, I was
18 reminded of meetings that were documented in my
19 police report where he was present.

20 Q. Do you have any recollection what he said at
21 any of those meetings?

22 A. No, sir.

23 Q. None whatsoever?

24 A. No, sir, unless it's documented in my police
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1 report.

2 Q. Did reviewing your police report refresh
3 your recollection as to anything that he said in any
4 of those meetings?

5 A. I don't recall any statements of what he had
6 said in those meetings. And my recollection from
7 reading those police reports was just stating his
8 presence and documenting his presence at a couple of
9 meetings.

10 Q. Do you remember there was a meeting held the
11 day after the body was discovered, a Sunday?

12 A. I believe there was a meeting then, yes.

13 Q. Everyone had to come in from -- from home
14 presumably because it was -- it was a Sunday, and the
15 body discovered the previous day?

16 A. Yes.

17 Q. What was discussed at that meeting?

18 A. If I recall correctly from reviewing my
19 reports over the last couple of days, that was a
20 meeting with the coroner, Dan Brady, to verify the
21 cause of death. The autopsy, I believe, was done
22 that Sunday morning.

23 Q. What was discussed at that meeting?

24 A. All I can remember is what I read in my

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1 police report, sir.

2 Q. You don't have any recollection of anything
3 that Mr. Souk said at that meeting?

4 A. No, sir.

5 Q. Do you recall him being present?

6 A. It's documented in my police report that he
7 was present at that meeting.

8 Q. Do you have an independent recollection of
9 his being present?

10 A. No, sir.

11 Q. Now, earlier you said that you were the
12 principal person working on the investigation of
13 Beaman specifically, correct?

14 A. Yes, I believe I testified that I was
15 focusing on Alan Beaman.

16 Q. And if -- would it be fair to infer from
17 that that if Souk had an issue he wanted to discuss
18 with regard to Beaman specifically, that would be an
19 issue he'd discuss with you?

20 MS. BARTON: Objection to form.

21 THE WITNESS: That would be -- I would only
22 be able to speculate on that, sir.

23 BY MR. SHAPIRO:

24 Q. Well, I'm asking what your -- what you

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1 think, what your opinion is.

2 MS. BARTON: Same objection.

3 THE WITNESS: Would you restate the question,
4 please?

5 BY MR. SHAPIRO:

6 Q. Sure. Given that you were the investigator
7 with primary responsibility for focusing on Beaman
8 specifically --

9 A. Yes, sir.

10 Q. -- is it a reasonable inference that Souk
11 would speak with you with regard to issues in the
12 investigation specifically confirm -- concerning
13 Beaman?

14 MS. BARTON: Objection to form and
15 foundation.

16 THE WITNESS: If you're asking me if that's
17 what Jim would have done --

18 BY MR. SHAPIRO:

19 Q. Uh-huh.

20 A. -- I assume that would be reasonable, but I
21 can't say if that's what he would have done.

22 Q. That would have been the reasonable thing to
23 do?

24 MR. DiCIANNI: I'll object.

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1 MS. BARTON: Same objection.

2 BY MR. SHAPIRO:

3 Q. That's what you said; is that right? You
4 think that would have been the reasonable thing to
5 do?

6 A. I'm saying that that would have been a
7 reasonable thing to do.

8 Q. Uh-huh. Do you recall that a series of
9 investigators meetings were held throughout the
10 course of the investigation?

11 A. Yes, there were a number of meetings held.

12 Q. Who was typically present at those meetings?

13 A. I can only tell you who was present in those
14 times in my police report where I documented those
15 who were present.

16 Q. I mean, there were a core group of people
17 who are working on the case and others who were more
18 peripheral, right?

19 A. Yes.

20 Q. Who were the core group?

21 A. It depends on what the meeting was about and
22 when the meeting would have been held.

23 The core group would probably have been the
24 main detectives assigned to the case, which would

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1 have been Tony Daniels, Dave Warner, Frank Zayas,
2 Rob Hospelhorn, and myself.

3 Q. You would not include Souk in the -- in sort
4 of that core group who were involved in the case?

5 A. Sir, the only recollection I have is when I
6 documented who was present in my police report. I
7 have no independent recollection of who was there.

8 Q. Well, you just -- you just gave me a
9 characterization of who were the core people, right?

10 A. Yes, you asked me who the core investigators
11 were.

12 Q. Was Souk typically present at the
13 investigators meetings that were held?

14 MS. BARTON: Objection to form.

15 THE WITNESS: I don't recall, sir.

16 BY MR. SHAPIRO:

17 Q. Do you recall his presence at any meetings
18 prior to the charging of Mr. Beaman other than the
19 August 29 meeting that we were just discussing?

20 A. I recall, in reading my police report over
21 the last several days, that I documented his presence
22 on August -- it would have been right after the
23 finding of the body and just prior to the arrest of
24 Mr. Beaman.

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1 Q. Independent of what's stated in your police
2 reports, you're saying you have absolutely no
3 recollection of any investigators meeting in the
4 course of the Beaman investigation; is that --

5 A. That's correct, sir.

6 MR. DiCIANNI: Could you repeat that question
7 and answer.

8 (Whereupon, the record was
9 read as requested.)

10 BY MR. SHAPIRO:

11 Q. When there was a meeting in the course of
12 the investigation, did you always document it in your
13 report?

14 A. I made an attempt to document every meeting.
15 I can't tell you for sure that I documented every one
16 of them.

17 Q. So -- did -- in -- in -- in each of your --
18 strike that.

19 In -- you stated that when you were writing
20 your report, you -- there were some meetings that
21 were documented, right?

22 A. Yes.

23 Q. Okay. Did you always document who was
24 present at every meeting?

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1 A. No.

2 Q. Okay. So it's possible that there would be
3 some meetings mentioned in your report which do not
4 refer to a specific individual being present at a
5 meeting even if the individual were present, right?

6 A. Yes.

7 Q. And that would include Mr. Souk?

8 MS. BARTON: Objection to foundation.

9 THE WITNESS: Yes.

10 BY MR. SHAPIRO:

11 Q. Now, your view is that this case involved a
12 staged rape; is that correct?

13 A. No, sir.

14 Q. Are you aware that that was the theory
15 advanced by the prosecution at trial?

16 A. I don't remember that, sir.

17 Q. So your view is the case was not a staged
18 rape?

19 A. I don't have a view. I do not know if there
20 was a rape done or -- or not.

21 Q. Okay. So it's your testimony that you have
22 absolutely no idea whether Jennifer Lockmiller --
23 strike that.

24 It's your testimony that you have absolutely
68

1 no idea as to whether the murderer of Jennifer
2 Lockmiller staged a rape?

3 A. Yes.

4 Q. Yes, you have no idea?

5 A. That is my testimony, yes, sir.

6 Q. Did you sit through the trial in this case?

7 A. Yes, I did.

8 Q. How many days did you miss?

9 A. I don't recall, sir. I don't think I missed
10 any days.

11 Q. You don't recall there ever being mentioned
12 at the trial of a staged rape theory?

13 MS. BARTON: Objection to form.

14 THE WITNESS: I'm saying the trial was 19 --
15 almost 19 years ago. I don't remember that, sir.

16 BY MR. SHAPIRO:

17 Q. Can you recall any evidence that would have
18 led you to conclude that there was a staged rape?

19 MR. DiCIANNI: I'll object to the form --
20 foundation and form of the question.

21 THE WITNESS: Could you be more specific,
22 sir?

23 BY MR. SHAPIRO:

24 Q. I'm asking can you recall any evidence that

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1 led you to believe that there was a staged rape?

2 MR. DiCIANNI: Objection. He's testified --

3 THE WITNESS: I testified earlier that I
4 didn't know if there was a staged rape or not.

5 BY MR. SHAPIRO:

6 Q. And I'm asking you whether you are aware of
7 any evidence that would indicate that there was one?

8 A. No.

9 Q. You mentioned earlier there was a point in
10 which you began assuming greater and greater
11 responsibility in the course of the investigation,
12 right?

13 A. Yes.

14 Q. Was Mr. Souk involved in the decision to
15 give you greater responsibility in any way?

16 A. I don't know, sir.

17 Q. Was he opposed to it?

18 MS. BARTON: Objection to foundation.

19 THE WITNESS: The same answer, I don't know,
20 sir.

21 BY MR. SHAPIRO:

22 Q. Do you recall him ever mentioning anything
23 to you as to whether you should assume greater
24 responsibilities in the course of the investigation?

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1 A. I don't recall any such conversations, sir.

2 Q. There was a meeting in which a decision was
3 made to charge Alan Beaman, right?

4 A. Yes.

5 Q. Do you have any recollection of that meeting
6 whatsoever?

7 A. Yes.

8 Q. What's your recollection?

9 A. I recall reading about it in the police
10 report, and I do recall that meeting.

11 Q. You do recall that meeting independently?

12 A. Yes, I recall that that meeting happened.

13 Q. Do you have independent recollection of any
14 other meeting happening prior to the charging of
15 Beaman?

16 A. I remember the initial two meetings that we
17 held on Saturday night and Sunday after the body was
18 found. They were important meetings.

19 Q. Do you remember any other meetings that you
20 haven't mentioned so far?

21 A. None.

22 Q. None whatsoever?

23 A. Not a special rec -- recollection of them,
24 no.

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1 Q. What happened at the Saturday meeting on the
2 day the body was discovered?

3 A. It was a meeting to talk about what each one
4 of us had found and what information we had at that
5 time.

6 Q. Do you recall anything that was said at the
7 meeting?

8 A. No, I do not.

9 Q. Who was present at the meeting?

10 A. It's documented in my police report, I
11 believe. If it's not documented in my police report,
12 I can't tell you exactly --

13 Q. You have -- you have no independent
14 recollection of who was present?

15 A. No, sir. I just remember that the meeting
16 was held.

17 Q. What do you remember about the Sunday
18 meeting on August 29?

19 A. I remember that we met again that evening to
20 talk about the developments because we were going in
21 many different directions.

22 And, again, my memory was sparked by reading
23 about it in my police report.

24 Q. What -- what -- what different directions

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1 were you going?

2 A. Again, according to my police report,
3 Detective Daniels and Detective Hospelhorn were
4 trying to deal with people up in Rockford,
5 specifically Alan Beaman and his parents. I was
6 dealing with Michael Swain because I was present at
7 the scene when Michael Swain showed up.

8 And so those were two different avenues we
9 were exploring, and that meeting on Sunday was to
10 talk about the developments in those two directions.

11 Q. What was said with regard to the
12 developments?

13 A. I don't recall exactly what was said, sir.

14 Q. Who was -- who was present at that meeting
15 on August 29?

16 A. Unless it's documented in my police report,
17 I don't recall.

18 Q. Do you remember Mr. Souk being present?

19 A. Same answer, sir. Unless it's documented in
20 my police report, I don't recall.

21 Q. Do you remember his being present at the
22 Saturday meeting, August 28?

23 A. Unless it's documented in my police report,
24 I don't recall.

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1 Q. Let's go back to the meeting in May of 1994
2 regarding the charging decision. How was the
3 decision made to charge Mr. Beaman at that meeting?

4 A. I don't recall exactly, sir, how the
5 decision was made.

6 Q. Who chaired the meeting?

7 A. I don't recall who chaired the meeting.

8 Q. Do you remember who led any of the meetings
9 that we've been talking about?

10 MS. BARTON: Objection, foundation.

11 THE WITNESS: No, sir, I don't recall who led
12 the meetings.

13 BY MR. SHAPIRO:

14 Q. Was there a show of hands at that meeting?

15 A. I don't recall.

16 Q. Did anyone express doubts about arresting
17 Mr. Beaman?

18 A. That I do remember. And, no, there was no
19 hesitation in effecting the arrest of Mr. Beaman at
20 that meeting.

21 Q. No one expressed any doubt whatsoever about
22 arresting Mr. Beaman?

23 A. That is my recollection, sir.

24 MS. BARTON: Objection, foundation.

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1 BY MR. SHAPIRO:

2 Q. I'm sorry. I didn't hear your answer.

3 A. That is my recollection. There was no doubt
4 expressed in arresting Mr. Beaman.

5 Q. Okay. Your testimony is that Tony Daniels
6 expressed no doubt whatsoever at that meeting?

7 MS. BARTON: Object.

8 THE WITNESS: My testimony is that I don't
9 recall exact words that were being said, but what
10 sticks out in my mind was that was the meeting just
11 prior to the arrest; and there was no doubts brought
12 up as to the arrest, should we arrest Alan Beaman --

13 Q. Right.

14 A. -- for the murder of Jennifer Lockmiller.

15 Q. So you're saying you specifically recall
16 that no one raised any doubts whatsoever?

17 A. No one raised objection to the arrest of
18 Alan Beaman.

19 Q. So they might have raised doubts, they
20 just -- you're not -- they just didn't raise
21 objections; is that what you're saying?

22 A. It may have been doubts as to whether we
23 have enough information to convict, but there was no
24 doubt as to whether we should arrest Alan Beaman for

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1 the murder of Jennifer Lockmiller.

2 Q. So someone said, I doubt that there's enough
3 information to convict, but I think we should arrest
4 him anyway?

5 A. Well, you've just put those words in my
6 mouth, sir.

7 Q. Well, that's -- well, that's -- that was --
8 well, I understood you to say that there was
9 hesitation about whether there was enough evidence to
10 convict; is that correct?

11 A. No, sir.

12 Q. Okay. Well, what were -- what were you
13 saying about that then?

14 A. If we go back to my answer, I believe I said
15 that there may have been objections or doubts as to
16 whether we had enough information to convict; but
17 there was no doubt as to whether we should arrest
18 Alan Beaman.

19 Q. What were -- what were the doubts that were
20 expressed with regard to sufficient evidence to
21 convict?

22 A. I don't recall what the individual doubts
23 were, sir. I said there may have been doubts as to
24 whether we had enough to convict, but I don't

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1 remember exact circumstances or exact items.

2 MR. BOWMAN: Who had the doubts?

3 BY MR. SHAPIRO:

4 Q. Who had the doubts?

5 A. Sir, I said there may have been doubts. I
6 don't know if any particular person brought up a
7 particular doubt.

8 MR. BOWMAN: Why are you saying --

9 BY MR. SHAPIRO:

10 Q. Yeah, why are you saying there may have been
11 doubts then?

12 A. Because I know after the fact of
13 Tony Daniels' statements. And so you're asking me if
14 anybody had any doubt in their mind, I'm saying he
15 may have had doubt; but there was nothing expressed
16 in that meeting that said we should not arrest
17 Alan Beaman for the murder of Jennifer Lockmiller.

18 Q. Wait, wait, wait. So you're -- so you're
19 saying you don't have -- you're saying that your sole
20 basis for thinking that Tony Daniels had doubts about
21 evidence to convict is based on subsequent
22 information, not your independent recollection of the
23 meeting?

24 A. I told you I don't remember exact statements

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1 that were made in that meeting.

2 Q. That wasn't the question.

3 A. Okay. Please state your question --

4 Q. Okay.

5 A. -- again for me, sir.

6 Q. The question is: Do you have any
7 independent recollection of doubts being expressed at
8 the meeting with regard to sufficient evidence to
9 convict?

10 A. No.

11 Q. So the sole basis for your assertion that
12 there were doubts expressed with regard to evidence
13 to convict is subsequent statements?

14 A. You've just changed your statement again,
15 sir.

16 Q. Well, I'm asking a question.

17 A. Okay. You asked -- in my answer, I told you
18 there may have been doubts. You've just stated that
19 my sole reason --

20 Q. What is your statement that there may have
21 been doubts based on?

22 A. My statement that there may have been doubts
23 based on -- that is that based on subsequent
24 statements that Tony has made throughout this entire

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1 process that he may have had doubts at that meeting;
2 however, there was nothing raised at that meeting
3 that said we should not arrest Alan Beaman for the
4 murder of Jennifer Lockmiller.

5 Q. Do you recall anything about this
6 investigation that's not documented in your police
7 report?

8 MR. DiCIANNI: I'm going to object to that.
9 I think that's a vague and broad question.

10 THE WITNESS: No.

11 BY MR. SHAPIRO:

12 Q. The answer is no?

13 A. The answer is no.

14 Q. Did you make it clear at the May 1994
15 meeting that you thought Beaman should be arrested?

16 A. I don't recall my exact words at that
17 meeting, sir.

18 Q. I'm not asking you for exact words. I'm
19 asking you whether you made it clear that you thought
20 Beaman should be arrested?

21 A. I don't know that I made it clear. I
22 know at that meeting I was convinced in my mind
23 that he should be arrested for the murder of
24 Jennifer Lockmiller.

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1 Q. Did Souk make it clear that he thought
2 Beaman should be arrested?

3 A. Again, sir, I don't remember the exact words
4 that were said at that meeting. I've told you I
5 remember the meeting happened; I remember the
6 importance of the meeting; but I don't remember exact
7 things that were said there.

8 (Plaintiff's attorneys confer off
9 the record.)

10 BY MR. SHAPIRO:

11 Q. All right. I'd like to hand you a binder of
12 exhibits, Mr. Freesmeyer. Get copies for opposing
13 counsel. These are all premarked.

14 MR. DiCIANNI: Thank you.

15 MS. BARTON: Thanks. So this is not a group
16 exhibit? It's separate exhibits?

17 MR. SHAPIRO: It's separate exhibits, yes.

18 MS. BARTON: Thanks.

19 BY MR. SHAPIRO:

20 Q. Let's start with Exhibit 6, if you wouldn't
21 mind, behind tab 6.

22 A. I don't have a tab 6, sir.

23 Q. I'm sorry. I'm sorry. Thanks.

24 You have Plaintiff's Exhibit 6?

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1 A. I believe so, yes.

2 Q. Okay. Do you know whose notes these are on
3 Plaintiff's Exhibit 6?

4 A. No, sir.

5 Q. Okay. Take a minute to review the -- the
6 question I'm going to ask you is whether these are an
7 investigator's notes related to the Lockmiller
8 homicide investigation. Take a moment to review them
9 until you feel you're able to answer that question.

10 MR. DiCIANNI: I'm sorry. What's the
11 question?

12 BY MR. SHAPIRO:

13 Q. The question is: Are these an
14 investigator's notes related to the Lockmiller
15 homicide investigation?

16 A. Sir, they're notes taken by somebody --

17 Q. Uh-huh.

18 A. -- and they mention several people that were
19 involved in the Lockmiller investigation.

20 Q. Uh-huh. I mean, it's a reasonable inference
21 that these notes were taken by someone present at an
22 investigators meeting related to the Lockmiller
23 homicide investigation on September 7, '93, right?

24 MR. DiCIANNI: I'll object --

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1 MS. BARTON: Objection; form, foundation.

2 MR. DiCIANNI: Yeah, I'll object to --

3 BY MR. SHAPIRO:

4 Q. Just looking at the face of the document --

5 A. I can't make an inference of what these
6 notes refer to, sir. I've told you they're notes
7 taken by somebody, and they mention several people
8 involved in the Lockmiller homicide.

9 Q. Who else could have taken these notes other
10 than someone involved in the Lockmiller homicide
11 investigation?

12 MR. DiCIANNI: Objection, speculation.

13 MS. BARTON: Same objection.

14 THE WITNESS: Sir, I don't know who the notes
15 were taken by.

16 BY MR. SHAPIRO:

17 Q. That's not the question.

18 A. I've never seen these notes.

19 Q. That's not the question. The question is:
20 Can you think of any explanation for the existence of
21 notes -- these notes other than the fact that they
22 were taken by an investigator in the course of the
23 Lockmiller homicide investigation?

24 MR. DiCIANNI: Objection, speculation.

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1 MS. BARTON: I'll join.

2 THE WITNESS: Sir, these notes could have
3 been written by anybody. I've never seen these notes
4 before. They could have been written yesterday and
5 photocopied and handed to me. I didn't --

6 BY MR. SHAPIRO:

7 Q. Well, I'll represent to you that I didn't do
8 that. Are you willing to take my word that these are
9 notes -- and I'll further represent that these were
10 notes produced to us in discovery by your lawyer.

11 You -- okay. You really want to fight me?
12 Plaintiff's Exhibit Number 6 might not be notes taken
13 by an investigator in the Lockmiller homicide
14 investigation?

15 MR. DiCIANNI: He's saying he doesn't know.

16 THE WITNESS: I'm saying I don't know where
17 these notes came from --

18 BY MR. SHAPIRO:

19 Q. All right. And my question is: Do you have
20 any basis to doubt that they are?

21 A. If it says Plaintiff's Exhibit 6, I doubt --
22 I do not doubt that they're official notes, sir --

23 Q. Okay.

24 A. -- if that's what you're asking.

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1 MR. DiCIANNI: But you don't know?

2 THE WITNESS: No. I've never seen these
3 before until today.

4 BY MR. SHAPIRO:

5 Q. I'll represent to you that in your report,
6 you document that you were present at a meeting in
7 the afternoon of September 7, 1993, for what it's
8 worth.

9 A. Okay.

10 Q. What do you think the "S" notations on the
11 left-hand margin indicate?

12 MR. DiCIANNI: I'm going to -- you're asking
13 him to speculate.

14 MR. SHAPIRO: I'm asking what he thinks.

15 MR. DiCIANNI: That's asking him to
16 speculate.

17 THE WITNESS: Sir, I have no idea. These are
18 not my notes. I have no idea.

19 (Plaintiff's attorneys confer off
20 the record.)

21 BY MR. SHAPIRO:

22 Q. Okay. Was Rob Curtis -- well, strike that.

23 Was John Murray ever a suspect in the
24 Lockmiller homicide investigation?

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1 MR. DiCIANNI: Object to it, foundation, form
2 of the question.

3 MS. BARTON: I'll join.

4 THE WITNESS: I did not have any
5 involvement with John Murray. That was handled by
6 Detective Daniels and Hospelhorn. He was a person of
7 interest.

8 BY MR. SHAPIRO:

9 Q. He was a person of interest?

10 A. Yes.

11 Q. What do you mean by person of interest?

12 A. He was a person that was investigated as
13 part of this investigation, sir.

14 Q. As someone who could have committed the
15 murder?

16 A. He was a person who was investigated as part
17 of this investigation, yes -- so, yes, the answer
18 would be yes to that question.

19 Q. What's the difference between a suspect and
20 someone who's investigated as someone who might have
21 committed the murder?

22 MR. DiCIANNI: I'll object to form of the
23 question.

24 THE WITNESS: Could you ask the question

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1 again, sir?

2 BY MR. SHAPIRO:

3 Q. Yeah. What's -- so -- are you saying he's
4 not -- are you saying John Murray was never a suspect
5 in the Lockmiller homicide investigation?

6 A. No, I'm not saying that.

7 Q. Was John Murray a suspect in the Lockmiller
8 homicide investigation?

9 MR. DiCIANNI: Objection; form of the
10 question, foundation.

11 MS. BARTON: I'll join.

12 THE WITNESS: I believe in some people's
13 mind, yes, he was a suspect.

14 BY MR. SHAPIRO:

15 Q. He was never a suspect in your mind; is that
16 correct?

17 A. I didn't know --

18 MR. DiCIANNI: Same objection.

19 THE WITNESS: I didn't know that much about
20 Larbi Murray to make a very valid decision on that,
21 sir.

22 BY MR. SHAPIRO:

23 Q. You couldn't make a valid decision as to
24 whether Murray was a suspect?

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1 A. I'm saying that I didn't --

2 MR. DiCIANNI: Same objection.

3 THE WITNESS: I didn't have very much contact
4 at all with Larbi Murray. I did not interview him. I
5 don't know that I ever had face-to-face contact with
6 Larbi Murray.

7 BY MR. SHAPIRO:

8 Q. Do you have any opinion as to whether he
9 should have been considered as a suspect?

10 MR. DiCIANNI: Same objection.

11 THE WITNESS: My same answer, sir. I had
12 very limited contact with Larbi Murray. He was not an
13 area of my responsibility.

14 BY MR. SHAPIRO:

15 Q. And there's no disagreement among us,
16 Mr. Freesmeyer, that by the time the investigation
17 ended, you were the lead investigator, right?

18 A. Yes, sir.

19 Q. And as the person who was, by the conclusion
20 of the investigation the lead investigator in the
21 Lockmiller homicide investigation, your testimony is
22 that you don't know whether John Murray should have
23 been considered a suspect; is that -- is what you're
24 saying?

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1 MR. DiCIANNI: Same objection.

2 THE WITNESS: My answer stands. I did not
3 have that much contact with Larbi Murray through this
4 investigation, sir.

5 BY MR. SHAPIRO:

6 Q. That's not the question that I asked you, so
7 let me ask it again.

8 A. Okay.

9 Q. You were the lead investigator by the end of
10 the investigation? No question about that, right?

11 A. Yes, after Lieutenant Zayas's retirement.

12 Q. Uh-huh. And you do not have a view as to
13 whether John Murray should have been considered a
14 suspect, correct?

15 A. I don't recall what that view was, sir.

16 Q. So you're saying you had a view, but you
17 don't recall what it was?

18 A. I'm saying I don't recall if I had a view or
19 not, sir.

20 Q. Do you have any view as you sit here today?

21 A. No, sir.

22 Q. All right. So if someone said that
23 John Murray should have been considered as a suspect
24 in the Lockmiller homicide investigation, as you sit

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1 here today, you would had no basis for disagreement
2 with that, right?

3 MR. DiCIANNI: I'll object to --

4 THE WITNESS: I have no view on that --

5 MR. DiCIANNI: -- the question.

6 THE WITNESS: --sir.

7 MS. BARTON: I'll join the objection.

8 BY MR. SHAPIRO:

9 Q. And you have no basis for disagreeing with
10 that statement?

11 MR. DiCIANNI: Objection; form of the
12 question, foundation.

13 THE WITNESS: I have no view on that, sir.

14 MS. BARTON: I'll join the objection.

15 BY MR. SHAPIRO:

16 Q. Who thought that John -- you said that some
17 people thought John Murray was a suspect. Who were
18 these people?

19 A. I didn't say that, sir. I said that some
20 people could have thought him to be a suspect.

21 Q. Who could have thought him to be a suspect?

22 MR. DiCIANNI: Objection, speculation.

23 MS. BARTON: I'll join.

24 THE WITNESS: Evidently from the line of your
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1 questioning, Tony Daniels did, sir.

2 BY MR. SHAPIRO:

3 Q. Who else?

4 A. I don't know of anybody else.

5 Q. Was Stacey Gates, also known as Bubba, ever
6 a suspect in the Lockmiller homicide investigation?

7 MR. DiCIANNI: Same objection; foundation,
8 form of the question.

9 MS. BARTON: I'll join.

10 THE WITNESS: Yes, for a short time.

11 BY MR. SHAPIRO:

12 Q. What -- during what period of time?

13 A. Early on in the investigation until we were
14 able to verify his alibi, sir.

15 Q. When was alibi verified?

16 A. I don't remember the exact date.

17 Q. Your testimony is he was a suspect from
18 early on in the investigation up until the point when
19 his alibi was verified, right?

20 A. Yes.

21 MR. DiCIANNI: Same objection.

22 I'm going to confer with my client for a
23 second.

24 Is there a question pending?

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1 THE COURT REPORTER: No.

2 THE VIDEOGRAPHER: Off the record, 11:40.

3 (Whereupon, a break was taken,
4 after which the following
5 proceedings were had:)

6 THE VIDEOGRAPHER: Back on the record, 11:44.

7 BY MR. SHAPIRO:

8 Q. Now, Mr. Freesmeyer, if I'm remembering your
9 testimony correctly, and forgive me and correct me if
10 I'm wrong, I believe you said when you're talking
11 about the meeting in which the decision was made to
12 charge Mr. Beaman that when I asked you a question
13 about who raised objections, you said you assumed I
14 was talking about Tony Daniels; did I get that right?

15 A. Yes -- no.

16 Q. Okay. Well, correct me then, please.

17 A. There were no objections raised. You asked
18 if anybody had objections, and I misstated my
19 response because I learned later that Tony did have
20 questions in his mind. However, at that meeting,
21 there was no objections raised as far as I recall.

22 Q. So is that why you assumed that my question
23 was related to Daniels?

24 A. Yes.

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1 Q. Okay. Now, you said -- I want you to tell
2 you me everything that you can recall independently
3 about John Murray as it relates to the Lockmiller
4 homicide investigation.

5 MR. DiCIANNI: Independently, you mean not
6 contained in reports?

7 BY MR. SHAPIRO:

8 Q. That's a fair character -- I want -- as you
9 sit here today, I want you to tell me everything you
10 can remember about John Murray as it relates to the
11 Lockmiller homicide investigation.

12 A. I remember that on one particular day, I
13 called Kenneth Frankenberg down from Rockford to
14 conduct three polygraph exams; one on Chris Carbon,
15 one on Larbi Murray, and one on Alan Beaman, if he
16 agreed to take it. I documented in my police report
17 that Larbi Murray did not show that day.

18 I also read a police report after the
19 conviction where Larbi Murray was arrested for, I
20 believe, domestic violence; and I signed off on that
21 report as a supervisor on the following shift after
22 that occurred.

23 That occurred on the 3:00 to 11:00 shift.
24 The officer stayed over late, dropped the report in

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1 the box; and as a midnight shift supervisor, I had to
2 approve it because it was a custody arrest.

3 That is the only thing I can tell you about
4 Larbi Murray.

5 Q. And that incident where you signed off on a
6 domestic violence report related to Murray, was that
7 after -- that was after the arrest of Beaman; is that
8 right?

9 A. I believe it was, yes.

10 Q. Was it prior to the conviction of Beaman?

11 A. There were two reports, sir. I believe one
12 was prior. I would have to look at the reports. I'm
13 sorry. I'm trying to guess on my memory. I would
14 have to look at the reports to determine when they
15 were filed.

16 Q. Okay. So you're not sure if those reports
17 were filed before or after the trial of Alan Beaman?

18 A. That's correct, sir, not as I sit here
19 today.

20 Q. Can you remember anything else as you sit
21 here today with respect to Mr. Murray?

22 A. No, sir.

23 Q. Okay. I want to give you a series of
24 statements about John Murray, and I want you to tell

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1 me on the basis of those statements, assuming them as
2 true, and I know you may not agree with them; but I
3 want you to assume them as true for purposes of this
4 question whether he should be -- whether he should
5 have been considered a suspect, okay?

6 First statement is that John Murray had no
7 alibi at the time of the murder. Second statement is
8 that John Murray had a history of domestic violence
9 and steroid use. Third statement is that John Murray
10 had a series of drug charges against him. Fourth
11 statement is that Jennifer Lockmiller received
12 marijuana from Murray and owed him money for it. And
13 the fifth statement is that John Murray was a former
14 lover and boyfriend of Lockmiller who was attempting
15 to rekindle the relationship.

16 Based on those statements, would you agree
17 that Murray should have been a -- considered a
18 suspect in the Lockmiller murder?

19 MR. DiCIANNI: I'm going to object on several
20 bases. First of all, you're asking him something that
21 may be considered a legal opinion based on a
22 hypothetical, which I think is an incomplete
23 hypothetical; you're asking him to speculate; and
24 there's a -- there's a lack of a complete foundation

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1 for the question.

2 Apart from that, you can go ahead and answer.

3 MS. BARTON: I will join in all of the
4 objections.

5 THE WITNESS: If those statements were true,
6 he would been -- be an individual that we would need
7 to continue an investigation on.

8 BY MR. SHAPIRO:

9 Q. What do you mean continue investigation?

10 A. I mean those things should have been
11 investigated.

12 Q. Do you have any reason to doubt that
13 John Murray lacked an alibi for the Lockmiller
14 murder?

15 A. Do I have a reason to doubt that he lacked
16 an alibi?

17 Q. Uh-huh.

18 A. Yes, I do.

19 Q. Which is what?

20 A. Because in the final meeting on May 16, I
21 don't recall any verbal objection to the arrest of
22 Alan Beaman.

23 As I stated earlier in my statement, I was
24 focusing on Alan Beaman and Mike Swain. Other

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1 members of the team were responsible for focusing on
2 these other people. And, therefore, if there was an
3 objection, if that had not been investigated fully,
4 then that should have been verbalized and brought out
5 at that meeting; and that -- I did not recall that
6 happening, sir.

7 (Plaintiff's attorneys confer off
8 the record.)

9 BY MR. SHAPIRO:

10 Q. If he didn't have an alibi, would that mean
11 that Beaman should not have been arrested?

12 MR. DiCIANNI: That's speculative. I object
13 to that.

14 MS. BARTON: I join the objection.

15 THE WITNESS: I'm not saying that, sir.
16 There were a number of people that were acquaintances
17 with Jennifer that didn't necessarily have an alibi
18 for that day. Once instant -- just the fact that he
19 did not have an alibi does not mean that the evidence
20 is not overwhelming enough for the conviction of
21 Alan Beaman.

22 BY MR. SHAPIRO:

23 Q. Did you have any other reason beyond nothing
24 being raised, in your view, in the May 1994 meeting

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1 to conclude that John Murray had an alibi?

2 A. I'm sorry, sir. Could you state that again?

3 Q. Okay. You gave one basis for why you
4 thought John Murray did not have an alibi, right?

5 MR. DiCIANNI: Could you repeat the question?

6 THE WITNESS: I don't --

7 MR. DiCIANNI: I'm not following --

8 MR. SHAPIRO: All right.

9 MR. DiCIANNI: I'm not trying --

10 BY MR. SHAPIRO:

11 Q. Maybe my question is not clear. I
12 understood you to be -- to say -- all right. We'll
13 move on.

14 Do you have any reason to doubt that
15 John Murray had a history of domestic violence and
16 steroid use?

17 A. I recall seeing a police department report
18 where he was arrested for domestic violence, and it
19 was rumored that he was on steroids. So if one
20 incident creates a history, I would agree with you
21 that he has a history.

22 Q. And you have no reason to disagree, right?

23 A. I saw the police report of the domestic
24 abuse and the suspicion of the steroid use.

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1 Q. Uh-huh. Do you have any reason to doubt
2 that John Murray had a history of drug charges?

3 A. I don't have any independent knowledge of
4 whether he has a history of drug charges, sir.

5 Q. Do you have any reason to doubt that
6 John Murray was owed money by Jennifer Lockmiller
7 for drugs?

8 A. I know nothing about that, sir.

9 Q. And you have no reason to doubt it?

10 A. I know nothing about it.

11 Q. Do you have any reason to doubt that
12 John Murray was a former lover of Ms. Lockmiller who
13 was attempting to rekindle the relationship?

14 A. I know nothing about that either, sir.

15 Q. Do you remember what John Murray looked
16 like?

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

18 Q. If I showed you picture of him, do you think
19 you could recall?

20 A. I don't know that I ever met him
21 face-to-face, sir. He didn't show up for the
22 polygraph exam that I scheduled, and I was not on
23 duty when he was arrested in the police report. I
24 simply signed off on the police report after the

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1 fact.

2 (Plaintiff's attorneys confer off
3 the record.)

4 BY MR. SHAPIRO:

5 Q. As a lead investigator on this case on
6 May 16, 1994, were you totally clueless about
7 John Murray's role in the investigation?

8 MR. DiCIANNI: I'll object to the premise of
9 the question that he was lead investigator as of
10 May 16, 1994.

11 I'll also object to the characterization of
12 clueless. Seems to me to be some type of pejorative
13 term that I think they made a movie about, but --

14 MR. SHAPIRO: All right. Well, this is
15 becoming a speaking objection, but let -- if you want
16 to me re-ask the question.

17 BY MR. SHAPIRO:

18 Q. Were you -- did you consider yourself the
19 primary investigator as of May 16, '94?

20 A. No, Lieutenant Zayas was still in charge of
21 the investigation at that point.

22 Q. As of May 16, 1994, fair to say you were
23 clueless about any potential involvement by
24 John Murray in the homicide investigation?

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1 A. No, sir, I was not clueless. His name had
2 come up in meetings before.

3 Q. What was said about him in meetings?

4 A. I don't recall what was said.

5 Q. Right. So earlier you said that if it's not
6 in your police report, you don't have any
7 recollection of it at all, right?

8 A. Correct.

9 Q. And now you're telling me that you, in fact,
10 remember instances when there were references to --
11 that you remember that there was discussion of
12 John Murray at meetings, right?

13 A. No, sir. You asked if I was clueless about
14 his involvement in this case, yet my police report
15 says we had meetings periodically about this case.
16 And obviously he was investigated by Tony Daniels and
17 Rob Hospelhorn.

18 Q. And that was brought up in meetings?

19 A. Therefore, I'm making the inference it was
20 brought up in the meetings and discussed. But I do
21 not recall exact statements that were made during
22 those meetings or exact conversations.

23 Q. Do you have any basis for disagreeing with
24 my characterization that on May 16, 1994 you were

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1 clueless as to whether Murray had any potential
2 involvement in the murder?

3 MR. DiCIANNI: I'll object, form of the
4 question.

5 THE WITNESS: Would you ask that question
6 again, sir?

7 BY MR. SHAPIRO:

8 Q. Do you have any reason to doubt that as of
9 May 16, 1994, you were clueless as to whether
10 John Murray could have had any potential role in the
11 murder?

12 A. I have reason to doubt that I was clueless,
13 sir. We had meetings periodically. And if he was
14 being investigated by somebody on the team, that
15 would have been brought up in the meetings.

16 (Plaintiff's attorneys confer off
17 the record.)

18 BY MR. SHAPIRO:

19 Q. Was Souk at those meetings?

20 MS. BARTON: Objection to foundation, form.

21 THE WITNESS: I don't recall, sir. I've told
22 you already if it's in my police report of who was
23 present, I can tell you that from my police report;
24 but I don't have an independent recollection of who

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1 was present at those meetings.

2 BY MR. SHAPIRO:

3 Q. You mentioned that you received and signed
4 as a supervisor police reports related to
5 John Murray, right?

6 A. Yes, sir.

7 Q. Did you ever raise with anyone else in the
8 investigation the possibility that those police
9 reports related to Murray should be provided to the
10 defense?

11 MS. BARTON: Objection to form.

12 THE WITNESS: That was not my responsibility,
13 sir.

14 BY MR. SHAPIRO:

15 Q. Did you ever raise that?

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

17 (Plaintiff's attorneys confer off
18 the record.)

19 BY MR. SHAPIRO:

20 Q. Yeah, why was it not your responsibility?

21 A. I was a patrol supervisor at that point.

22 That arrest, a copy would have also gone to the
23 supervisor of detectives. And if it was important to
24 an investigation, it was their responsibility to make

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1 sure that's done.

2 Q. Your testimony is that you had no
3 responsibility whatsoever for determining what
4 documents related to John Murray should be provided
5 to the prosecutors; is that right?

6 A. That's correct, sir. I was working the
7 midnight shift, 11:00 p.m. to 7:00 a.m. My
8 responsibility in arrest was to make sure that report
9 was put in the box to go to detectives, and another
10 copy was put in the box to go to the State's
11 Attorney's Office for arraignment.

12 Q. Did it concern you at all that during the
13 time that Beaman was being prosecuted for the murder
14 of Jennifer Lockmiller reports were coming in
15 regarding criminal activity by John Murray?

16 A. I don't recall that, sir.

17 Q. Would that have concerned you? Is that
18 something that should be of concern?

19 MR. DiCIANNI: Objection, speculation.

20 MS. BARTON: Same objection.

21 BY MR. SHAPIRO:

22 Q. Would it have concerned you?

23 A. The time frame again, sir?

24 Q. In between the charging and trial of

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1 Alan Beaman.

2 A. Uh-huh.

3 Q. You received reports related to criminal
4 activity by John Murray. Did that concern you?

5 MR. DiCIANNI: Ob -- same -- asked and
6 answered.

7 THE WITNESS: It's not my responsibility,
8 sir.

9 BY MR. SHAPIRO:

10 Q. Okay. So if it's not your responsibility,
11 it wouldn't have concerned you; is that what you're
12 saying?

13 A. I don't recall if I was concerned by it or
14 not, sir. I'm saying after 19 years looking back at
15 my position, that would have not been my
16 responsibility; but I don't recall if it concerned me
17 or not.

18 Q. Would it concern you today if there -- in
19 the middle of the investigation, prosecution of
20 Beaman, documents regarding Murray were discovered
21 and signed by you but not disclosed?

22 MR. DiCIANNI: I will -- first of all, I'll
23 object to the premise of the question because they
24 were disclosed.

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1 MR. SHAPIRO: All right. This is -- this
2 is -- this is speaking objection.

3 MR. DiCIANNI: Well, I mean --

4 MR. SHAPIRO: If you want to state an
5 objection --

6 MR. DiCIANNI: If you want to make facts up
7 and just ask him about facts that are completely
8 fabricated, then we can -- we can --

9 MR. BOWMAN: Don't go there.

10 MR. SHAPIRO: Just let's -- let's -- yeah.

11 MR. BOWMAN: Don't go there. Don't go there.

12 MR. DiCIANNI: Are you saying they weren't
13 disclosed?

14 MR. SHAPIRO: Yes, but that's not -- yes,
15 that's what we're saying.

16 MR. DiCIANNI: Didn't we just hear
17 Judge Souk --

18 MR. BOWMAN: You should --

19 MR. SHAPIRO: Okay. Can you --

20 MR. DiCIANNI: -- say yesterday that he had
21 that report and he knew all about it?

22 MR. SHAPIRO: I'm saying they weren't
23 disclosed to defense.

24 MR. DiCIANNI: Oh.

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1 MR. SHAPIRO: Here's the question --

2 MR. DiCIANNI: Well, all right.

3 MR. SHAPIRO: And I -- I.

4 MR. DiCIANNI: All right. Go ahead. I'm
5 sorry. Ask the question. I apologize. Go ahead.

6 MR. SHAPIRO: Thank you. Thank you.

7 BY MR. SHAPIRO:

8 Q. Question is: Would it concern you today to
9 learn that documents regarding John Murray and
10 criminal activity by him, which were reviewed by you
11 in between the charging and trial of Alan Beaman,
12 were not disclosed to the defense?

13 MR. DiCIANNI: Yeah, I will object, lack of
14 foundation --

15 MS. BARTON: I'll join.

16 MR. DiCIANNI: -- vagueness as to what it
17 means by concern.

18 MS. BARTON: I'll join the objection.

19 THE WITNESS: Sir, as a police officer, it
20 was my -- not my responsibility to make sure that
21 documents were provided to the State's Attorney's
22 Office.

23 To go back and say that I'm concerned today
24 that documents were not disclosed, that is outside of
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1 my -- outside of my knowledge base. I don't have a
2 concern over that, sir.

3 BY MR. SHAPIRO:

4 Q. Let's go to Exhibit 25. You know, actually
5 this is -- all right.

6 So for the record, Exhibit 25 is a lengthy
7 exhibit, and it actually expands the end of the first
8 binder and the beginning of the second binder.

9 MR. DiCIANNI: Okay.

10 BY MR. SHAPIRO:

11 Q. Exhibit 25 is the entirety of the
12 components. Okay. I'd like to direct your attention
13 to page 1 of Exhibit 25.

14 This is a police report regarding domestic
15 battery by John Murray, right?

16 A. Yes.

17 Q. It was signed by you, right?

18 A. Yes.

19 Q. This is something you signed as a shift
20 supervisor?

21 A. Yes.

22 Q. Report indicates that on the third line that
23 Mackoway was the victim of physical abuse on a
24 continual basis, right?

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1 A. Could you repeat your question, please?

2 Q. The document states that according to
3 Mackoway, she was the victim of physical abuse on a
4 continual basis, right?

5 A. Yes, it states that.

6 Q. Beginning on the bottom line, it says --
7 begins: Mackoway said that Murray pinned her down on
8 the floor today and elbowed her repeatedly in the
9 chest. Mackoway reported that she was injured and
10 that there were visible marks on her in between her
11 breasts. A friend of Mackoway, Melissa M. Huebner,
12 was present and did verify there was a prominent red
13 mark between Mackoway's breasts where she had been
14 elbowed. Both Mackoway and Huebner are registered --
15 well --

16 THE COURT REPORTER: You have to read slower.
17 I'm sorry. You have to read slower.

18 MR. SHAPIRO: Sure. I'll provide this to you
19 at a break.

20 BY MR. SHAPIRO:

21 Q. But did I read that correctly,
22 Mr. Freesmeyer?

23 A. Yes.

24 Q. Okay. And you -- and you signed both pages

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1 of this, right?

2 A. Yes, I did.

3 Q. So you knew about Murray's history of
4 domestic violence against Mackoway, correct?

5 MS. BARTON: Object to form.

6 THE WITNESS: Sir, I - the fact that I signed
7 off on this report says that I knew what happened in
8 this instant. It doesn't say that I knew about a past
9 history.

10 BY MR. SHAPIRO:

11 Q. Well, this refers to a continual -- it
12 refers to physical abuse on a continual basis, right?

13 A. That was her statement, sir.

14 Q. And you read this and signed it, right?

15 A. Yes, I did.

16 MR. BOWMAN: The date.

17 BY MR. SHAPIRO:

18 Q. Oh, right. And you signed this on
19 October 10, 1994, correct?

20 A. Yes, I did.

21 Q. And that was in between --

22 MR. DiCIANNI: Whoa, whoa, whoa, whoa.

23 October 7?

24 MR. SHAPIRO: October 7, 1994. Thanks.

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1 BY MR. SHAPIRO:

2 Q. And that was in between the time when Beaman
3 was charged and the time when he was tried, correct?

4 A. Yes, it was.

5 Q. Okay. Does it concern you that this
6 document was not disclosed to the defense in this
7 case?

8 MR. DiCIANNI: Same objection as before.

9 MS. BARTON: Join the objection.

10 MR. DiCIANNI: Go ahead and answer.

11 THE WITNESS: I don't know that it was not
12 disclosed, sir.

13 BY MR. SHAPIRO:

14 Q. If it were not disclosed, would that concern
15 you?

16 MR. DiCIANNI: Same objection as before.

17 THE WITNESS: No, I don't believe so.

18 BY MR. SHAPIRO:

19 Q. Would it concern you that the defense did
20 not receive a document regarding allegations and
21 charges of domestic violence against John Murray?

22 A. No.

23 Q. Why would that not concern you?

24 MR. DiCIANNI: Same objection.

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1 THE WITNESS: Because of the amount of
2 overwhelming evidence that I knew against Alan Beaman.
3 I was convinced in my mind that he was the one and
4 still am convinced in my mind that he was the one that
5 committed the homicide.

6 In this particular case, we dealt with
7 domestic batteries a lot. I won't tell -- I don't
8 know how often, but a lot. And so another domestic
9 battery coming through did not raise a red flag in my
10 mind that this should be a concern.

11 BY MR. SHAPIRO:

12 Q. Uh-huh.

13 A. I did not know that much about Larbi Murray
14 during the investigation. To me, he was not that big
15 of a concern. And so signing off on this report did
16 not alert a red flag to me.

17 Q. Part of the reason you're not concerned
18 about nondisclosure is you think that there was so
19 much evidence against Beaman that it was -- it wasn't
20 necessary to disclose; is that fair?

21 A. No, sir. Disclosure is not my
22 responsibility. I don't know anything about that.

23 You're asking me if I'm concerned that it
24 wasn't disclosed, and I'm telling you that domestic

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1 batteries occurred often in the City of Normal. This
2 was one instance that I signed off on. And knowing
3 the totality of the case, this did not raise a red
4 flag to me.

5 Q. So you would have seen no reason to raise
6 this document with the prosecutors as something that
7 should possibly be disclosed to the defense, right?

8 A. That was not my responsibility, sir.

9 Q. And you would have seen no reason to do so?

10 A. I don't have an answer for your question.
11 It was not my responsibility.

12 Q. But --

13 A. I've never contemplated that question
14 before.

15 Q. Well, you can contemplate it now.

16 A. Okay. Repeat the question, sir.

17 MR. DiCIANNI: Let me just clarify. Go
18 ahead. Finish --

19 MR. SHAPIRO: Yeah. Read the question back,
20 please.

21 (Whereupon, the record was
22 read as requested.)

23 BY MR. SHAPIRO:

24 Q. Well, the question was: Do you think that

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1 you should have raised this report with the
2 prosecutors in the Beaman case?

3 MR. DiCIANNI: No, you're -- let me object.
4 Are you asking him looking at it now --

5 MR. SHAPIRO: Yes.

6 MR. DiCIANNI: -- or back on it?

7 MR. SHAPIRO: Looking at it now, looking at
8 it now.

9 THE WITNESS: As of what I know now because
10 of where we are today, yes, this should have been
11 raised. I don't know that it wasn't. But, yes, it
12 should have as I sit here today.

13 BY MR. SHAPIRO:

14 Q. Uh-huh. And it should have been disclosed
15 to the defense?

16 A. As I sit here today, yes.

17 Q. When you signed off on this report, you were
18 well aware of who Murray was in relation to the
19 Lockmiller investigation, was?

20 A. I was aware his name was involved in the
21 Lockmiller investigation.

22 Q. You had been -- you had been briefed on who
23 he was in the meetings that you attended throughout
24 the course of the investigation, right?

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1 A. I was familiar that Larbi Murray was being
2 investigated in the case, yes.

3 Q. Okay. Let's turn to page 3 of Exhibit 25.
4 It's another report by you that was -- strike that.

5 This is another report that was signed by
6 you regarding the same incident of domestic violence
7 by Murray, correct?

8 A. No, this is not domestic violence. Page --
9 I must be on the wrong page.

10 Q. Page -- I'm on page 3.

11 A. Okay. I'm sorry. I'm looking at number 3
12 down here.

13 Q. Page 3 of Exhibit 25.

14 A. It's the supplement?

15 MR. DiCIANNI: Bates stamp 3 --

16 MR. SHAPIRO: Page 3 of Exhibit 25 --

17 MR. DiCIANNI: -- on the right-hand corner.

18 THE WITNESS: Okay. I'm looking at number 3
19 now. Please repeat your question, sir.

20 BY MR. SHAPIRO:

21 Q. My question is: This is another police
22 report of the same incident of domestic violence
23 regarding John Murray that we were discussing a
24 moment ago, right?

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1 A. It's a supplemental report from a secondary
2 officer.

3 Q. Uh-huh. In this report do you see,
4 beginning about a third of the way down at the end of
5 the line, it begins she, she reported, on the next
6 line?

7 A. Yes.

8 Q. She reported that one time he had pinned her
9 to the floor and was striking her in the chest with
10 his elbow. She reported that there was another
11 argument the night before in which he grabbed her and
12 scratched her right wrist and caused a bruise on her
13 left arm. Both injuries were evident.

14 Would you agree with me that if Beaman's
15 defense team had received this document, it's
16 evidence that could have been used by the defense at
17 trial?

18 MR. DiCIANNI: I'll object to that. It's
19 speculation. It's also a legal conclusion.

20 MS. BARTON: Join the objection.

21 THE WITNESS: If they received a copy of
22 this, I assume they could have used it, yes.

23 BY MR. SHAPIRO:

24 Q. Uh-huh. And they could have used it to put
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1 forth a case that Beaman was not guilty of the
2 murder, right?

3 MR. DiCIANNI: Same objection.

4 MS. BARTON: I'll join.

5 THE WITNESS: I'll agree with you they could
6 have used it. I don't know how effective it would
7 have been in the trial.

8 BY MR. SHAPIRO:

9 Q. Could it have been used to cross-examine you
10 as to why Murray was not investigated further as a
11 suspect?

12 MR. DiCIANNI: Same objection.

13 MS. BARTON: I'll join.

14 THE WITNESS: Sir, I don't know the rules of
15 court. I don't know if this could have been used for
16 cross-examination of me or not. I assume -- I don't
17 know --

18 MR. DiCIANNI: Let's not assume.

19 THE WITNESS: I'm not going to assume. I
20 don't know.

21 BY MR. SHAPIRO:

22 Q. When you became the lead investigator in
23 this case, was it then your responsibility to turn
24 over documents to the prosecutor?

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1 MR. DiCIANNI: Objection. What response --
2 vagueness of responsibility, speculation --

3 MS. BARTON: Join the --

4 MR. DiCIANNI: -- lack of foundation.

5 MS. BARTON: Join the objection.

6 THE WITNESS: In November, when I took over
7 as the supervisor of CID, it would have been my
8 responsibility to forward reports to the State's
9 Attorney's Office. Does that answer your question,
10 sir?

11 BY MR. SHAPIRO:

12 Q. In November of '94?

13 A. After Frank retired, yes. There was a short
14 period where I was put in charge of the detective
15 division.

16 Q. Remind me when that period was again.

17 A. I believe it was November of '94 until
18 January of '95.

19 Let me clarify, however, that original case
20 reports like this, if it's an arrest situation, the
21 report automatically goes to the State's Attorney's
22 Office because they have arraignment the following
23 day.

24 So even if I was in charge of detectives, a

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1 copy would have been sent through the normal process
2 at the same time that I was receiving a copy in my
3 office.

4 Q. Would that have ensured that the same
5 State's Attorney who was working on the Beaman
6 investigation received a copy of this?

7 MR. DiCIANNI: Objection, speculation.

8 THE WITNESS: I don't know.

9 MS. BARTON: I'll join.

10 BY MR. SHAPIRO:

11 Q. You don't have any -- okay.

12 A. I don't know.

13 Q. All right. Okay. Turn to page 4 of the
14 exhibit.

15 Pages 4 to 6 of the exhibit are a police
16 report signed by you regarding drug charges against
17 John Murray, correct?

18 A. Yes.

19 Q. And you signed them on October 7, 1994,
20 correct?

21 A. Yes, sir.

22 Q. And if you turn to page 6, second line,
23 you'll see that Murray was found to be in possession
24 of 68 grams of cannabis, correct?

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1 A. Yes.

2 Q. Is this report evidence that could have been
3 used to put forth Murray as an alternative suspect in
4 the trial?

5 MR. DiCIANNI: Objection; speculation, legal
6 conclusion.

7 MS. BARTON: Join.

8 THE WITNESS: I don't know if this report
9 could be used in the trial or not, sir.

10 BY MR. SHAPIRO:

11 Q. Could the fact that Murray was a drug dealer
12 been used against you in cross-examination?

13 MR. DiCIANNI: Same objection.

14 MS. BARTON: I'll join.

15 THE WITNESS: I don't know, sir.

16 BY MR. SHAPIRO:

17 Q. Does it concern you in any way today that
18 this document was not disclosed to the defense in the
19 Beaman case?

20 MR. DiCIANNI: Same objection as to the
21 vagueness of concern and speculation --

22 MS. BARTON: Join.

23 MR. DiCIANNI: -- lack of foundation.

24 THE WITNESS: I have a similar answer as to
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1 before. As we sit here today, yes, it concerns me
2 because I'm aware that this was an issue in the case.
3 At the time, I don't recall that it concerned me. I
4 don't recall if it did or if it didn't.

5 BY MR. SHAPIRO:

6 Q. What -- why does it concern you now?

7 A. Because this is part of the reason why we're
8 here, sir. From everything I've put together, this
9 is part of your discussion, so this is part of the
10 reason why we're here.

11 Q. Do you have any concern about the fact that
12 it -- strike that.

13 Do you have any concern related to it's
14 weakening Beaman's defense as a result of not having
15 these documents?

16 MR. DiCIANNI: Objection; speculation and
17 legal conclusion.

18 MS. BARTON: I'll join the objection. And
19 vagueness.

20 MR. DiCIANNI: Or legal opinion I think is
21 probably better.

22 THE WITNESS: No, sir. In my mind, nothing
23 in this report discounts the evidence against
24 Alan Beaman. It simply clouds the issue that it could

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APPENDIX 001504

1 be somebody else.

2 BY MR. SHAPIRO:

3 Q. This report clouds the issue that it could
4 be somebody else?

5 A. It's a distraction to me. It doesn't take
6 away from the evidence against Alan.

7 Q. Let's turn to page 11 of Exhibit 25, please.
8 Take a moment to review the exhibit and the attached
9 letter, the letter on page 12 for the record.

10 Look up when you've had a chance to review
11 it.

12 A. Okay.

13 Q. This document reflects an attempt to -- or
14 pages 11 to 12 reflect an attempt to seize or forfeit
15 John Murray's car in connection with drug charges,
16 right?

17 A. Yes.

18 Q. So you would have been aware of the drug
19 charges against John Murray at the time you signed
20 this report, correct, because you signed it on
21 December 16, 1994, right?

22 A. Yes.

23 Q. And you would have also been aware on
24 December 16, 1994, that Murray was being investigated

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1 in connection with the Beaman case, right?

2 A. Yes.

3 Q. And this was during a period during which
4 Zayas had retired because it's December of '94 and
5 you had assumed responsibility, right?

6 A. Yes.

7 Q. Did you turn this document over to the
8 prosecutors, pages 11 to 12, Exhibit 25?

9 A. I don't recall, sir.

10 Q. When this document came across your desk,
11 did that refresh your recollection as to the drug --
12 other documents regarding drug charges against
13 Murray?

14 A. I don't recall, sir.

15 Q. Did you consider when this document came
16 across the desk whether any of the documents related
17 to drug or domestic violence charges against Murray
18 should have been disclosed and provided to the
19 State's Attorney's Office?

20 A. I don't recall, sir.

21 Q. Let's turn to page 14, please.

22 This is another document signed by you in
23 connection with drug charges against John Murray,
24 correct?

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1 A. I believe this is the same document we
2 looked at back at the beginning.

3 Q. I don't think -- I don't believe you're
4 right.

5 A. I'm sorry. It's a different case number.

6 Q. Uh-huh. You also signed this document on
7 October 7, 1994, right?

8 A. Excuse me just a moment, sir.

9 Q. Uh-huh.

10 A. Comparing these two documents, they happened
11 on the same date, 10-7-94, at the same time.

12 Q. Right. And they have a different case
13 number because one's a domestic battery charge and
14 one's related to drugs, right?

15 A. No, no, they're both domestic battery.

16 Q. Okay. But you signed both documents, right?
17 You clearly signed on multiple times because the case
18 numbers at the top are different so it's a different
19 document, right?

20 A. Okay. I'll agree that it's a different case
21 number.

22 Q. Okay. And you signed this document,
23 Exhibit 14 and 15, as well, right?

24 A. Yes, I did.

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1 Q. Did you apprise the State's Attorney's
2 Office of this document or provide a copy to them?

3 MS. BARTON: Objection to form and
4 foundation.

5 THE WITNESS: I don't recall, sir.

6 All I can tell you is, looking at this
7 report, there was an arrest, and I signed off on it.
8 Therefore, a copy would have gone to the file to go to
9 the State's Attorney's Office for arraignment on that
10 charge.

11 BY MR. SHAPIRO:

12 Q. And you don't -- you don't recall -- but you
13 don't recall mentioning this document to Souk?

14 A. I don't recall, sir.

15 Q. In fact, if we look through pages 1 through
16 16 of Exhibit 25, you don't recall providing any of
17 these documents to Souk or anyone in the State's
18 Attorney's Office, correct?

19 MS. BARTON: Objection to foundation.

20 THE WITNESS: No, sir.

21 MR. DiCIANNI: Did you say 1 of 25?

22 MR. SHAPIRO: 1 through 16 of 25.

23 BY MR. SHAPIRO:

24 Q. Mr. Freesmeyer --

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1 (Plaintiff's attorneys confer off
2 the record.)

3 THE WITNESS: All of these documents, 1
4 through 16, all originates out of the same event on
5 the same day at the same time.

6 BY MR. SHAPIRO:

7 Q. My question is: Did you provide any of
8 those documents to the State's Attorney's Office?

9 MS. BARTON: Objection --

10 THE WITNESS: I do not recall.

11 MS. BARTON: -- to foundation.

12 BY MR. SHAPIRO:

13 Q. Did you mention any of these documents to
14 Mr. Souk?

15 MR. DiCIANNI: Wait, whoa, whoa, whoa. She
16 objected, and then he didn't answer, then you asked
17 another question. So he's got to answer --

18 MR. SHAPIRO: All right. Okay.

19 MR. DiCIANNI: -- the first question.

20 Could you read back --

21 MR. SHAPIRO: Well, I'll --

22 MR. DiCIANNI: Do it again.

23 BY MR. SHAPIRO:

24 Q. Yeah. Did you provide any of these

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1 documents, pages 1 through 16 of Exhibit 25, to
2 Mr. Souk?

3 MS. BARTON: Objection to foundation.

4 THE WITNESS: I do not recall, sir.

5 BY MR. SHAPIRO:

6 Q. Did you mention them to Mr. Souk?

7 MS. BARTON: Objection to foundation.

8 THE WITNESS: I don't recall, sir.

9 BY MR. SHAPIRO:

10 Q. Ask you to turn to page 68 of Exhibit 25.

11 MS. BARTON: What page? I'm sorry.

12 MR. SHAPIRO: 68.

13 MS. BARTON: Thank you.

14 BY MR. SHAPIRO:

15 Q. Are you ready?

16 A. Yes, sir.

17 Q. Do you know whether you received this
18 document at any point?

19 A. I don't recall receiving this document.

20 Q. Do you know if you ever -- at any -- to be
21 clear, I'm referring to pages 68 through 72. I may
22 not have been clear about that so let me give you a
23 moment.

24 A. I don't recall ever seeing this document,

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1 sir.

2 Q. Okay. Let me direct your attention to the
3 bottom of page 69. And it's a little hard to read,
4 but let me direct you to the second line of the
5 series of handwritten lines at the bottom of the
6 page.

7 His behavior since then has been
8 unexplainable. Do you see that?

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

10 Q. I do apologize. It is a little hard to
11 read, but the -- on the second line, about two-thirds
12 along the way in the line, there's a line that begins
13 "his behavior"?

14 A. Okay.

15 Q. It says: His behavior since then has been
16 unexplainable, and he has asked daily to leave and to
17 move out of my house. Did I read that right?

18 A. He has been asked daily to leave and
19 something out of my house.

20 Q. Okay. And this is a petition for order of
21 protection that was filed against John Murray by his
22 girlfriend, Deborah Mackoway, right?

23 A. Yes.

24 Q. And this document also refers to steroid

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1 injections, is that correct, at the bottom of 69?

2 A. She stated when he experienced -- yes, she
3 mentioned steroid injections.

4 Q. Do you think it would have been important
5 for the defense to know in this case that
6 John Murray's girlfriend, Deborah Mackoway, was
7 seeking an order of protection against him in
8 connection with unexplainable behavior connected to
9 steroid use?

10 MR. DiCIANNI: Objection, form of the
11 question.

12 MS. BARTON: And foundation.

13 (Plaintiff's attorneys confer off
14 the record.)

15 THE WITNESS: Could you give me a time frame,
16 sir? Are you asking if I feel it's important today or
17 if I feel it was important at the time this document
18 was given?

19 BY MR. SHAPIRO:

20 Q. Well -- okay. I'll withdraw the question,
21 actually.

22 Is this a document that would have appeared
23 in the Normal Police Department files?

24 A. I don't know.

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1 MR. DiCIANNI: When you say -- you mean Town
2 of Normal?

3 MR. SHAPIRO: Yes, I mean the Town of Normal,
4 yes.

5 THE WITNESS: I don't know.

6 BY MR. SHAPIRO:

7 Q. Would this document have been provided to
8 the State's Attorney's Office in the ordinary course?

9 MS. BARTON: Objection to form, foundation.

10 THE WITNESS: I don't know, sir. I don't
11 work at the State's Attorney's Office. I don't know
12 the routing of these documents.

13 BY MR. SHAPIRO:

14 Q. No, no. But I'm asking if it would have
15 been provided by the Normal Police Department to the
16 State's Attorney's Office in the ordinary course?

17 A. I don't know, sir.

18 MR. SHAPIRO: All right. I think I'm at a
19 decent stopping place if you want to break for lunch
20 or in the alternative, keep going.

21 MR. BOWMAN: Let's break.

22 MR. SHAPIRO: Let's break.

23 THE VIDEOGRAPHER: Off the record, 12:24.

24

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1 (Whereupon, a break was taken,
2 after which the following
3 proceedings were had:)

4 THE VIDEOGRAPHER: Back on the record, 1:39.

5 BY MR. SHAPIRO:

6 Q. Mr. Freesmeyer, in the Lockmiller murder
7 investigation, what was done to investigate whether
8 or not John Murray had an alibi?

9 A. I don't know, sir.

10 Q. Having reviewed your police reports and
11 various other documents and testimony in preparation
12 for today's deposition, you've -- you have -- you
13 still have no inkling as to what was done to
14 investigate his alibi?

15 A. He was not an area of my responsibility
16 during the investigation.

17 And to prepare for this deposition, I read
18 my police reports; I read interviews that pertained
19 -- or overhears that I did; and I read my courtroom
20 testimony. I did not read all the other police
21 reports of all the other investigators, so I can't
22 tell you sitting here today what was done.

23 Q. Was John Murray's girlfriend,
24 Deborah Mackoway, interviewed at any point?

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1 A. I don't have an independent recollection of
2 that, sir.

3 Q. Do you have any recollection of whether
4 there was any inconsistency between what Murray said
5 and what Mackoway said?

6 A. I don't remember.

7 Q. Who was in charge of investigating
8 John Murray?

9 A. Tony Daniels.

10 Q. What did Daniels report to you about what he
11 learned during the course of invest -- his
12 investigation of Murray?

13 A. I don't remember that Tony Daniels reported
14 anything to me, sir.

15 Q. What was done to investigate John Murray's
16 motive with regard to the Lockmiller murder?

17 A. Same answer, sir. I don't know. It was not
18 an area of responsibility of mine.

19 Q. As you sit here today, you still have no
20 recollection of anything that was done to investigate
21 whether he had a motive?

22 A. No, sir. I have not read Tony Daniels'
23 reports or any other reports beside my own.

24 Q. Are you aware that John Murray was owed

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1 money by Jennifer Lockmiller in connection with
2 narcotics that he provided to her?

3 MS. BARTON: Objection to foundation.

4 THE WITNESS: No, I was not.

5 BY MR. SHAPIRO:

6 Q. You're not aware of that today?

7 A. I'm not aware of that today. I have no
8 memory of that.

9 Q. As far as you know, you're -- you were never
10 aware of that?

11 A. I don't -- I don't remember that at all,
12 sir.

13 Q. Well, I'm having a little trouble here,
14 Mr. Freesmeyer, because you did become the lead
15 investigator in this case in October or November of
16 1994, right?

17 A. Yes. Yes, sir.

18 Q. And you were involved in the prosecution of
19 Alan Beaman, correct?

20 A. Yes, sir.

21 Q. Did you care whether there was an
22 alternative suspect who could have been investigated
23 in connection with the Lockmiller investigation?

24 MR. DiCIANNI: Object to form of the

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1 question.

2 THE WITNESS: Yes, I would have cared.

3 BY MR. SHAPIRO:

4 Q. Did you do anything to inquire as to whether
5 he had an alibi, John Murray?

6 A. I don't remember, sir.

7 Q. Did you do anything to inquire as to whether
8 he had a motive?

9 A. I don't remember, sir.

10 Q. And did you do anything to investigate
11 whether he owed money to -- whether he was owed money
12 by Jennifer Lockmiller?

13 A. I don't remember, sir.

14 Q. Did you record anything in your report about
15 whether John Murray had an alibi, had a motive, or
16 was owed money?

17 A. I don't remember seeing that in my police
18 report that I've read over the last couple of days.

19 Q. Well, if you cared about it, why didn't you
20 put it in your report?

21 MR. DiCIANNI: Well, I'm going to object to
22 that.

23 THE WITNESS: I responded, sir, that I don't
24 remember my involvement with that. I don't remember

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1 having any involvement with Larbi Murray.

2 BY MR. SHAPIRO:

3 Q. Well, I thought you said you would have
4 cared, right, and I'm -- did you say that?

5 A. I don't remember. I don't remember if I --
6 if you asked if I cared and I said I didn't remember.

7 Q. Well, let me ask you again. Would you have
8 cared about the possibility of there being an
9 alternative suspect in the Lockmiller homicide
10 investigation?

11 MR. DiCIANNI: I'll object to speculating,
12 asking him to speculate.

13 MS. BARTON: I'll join the objection.

14 THE WITNESS: Looking back now, yes, I would
15 have cared; but I can't remember what my feelings were
16 at that point, sir.

17 BY MR. SHAPIRO:

18 Q. So you might not have cared at the time?

19 A. I didn't say that. I said --

20 MR. DiCIANNI: Objection --

21 THE WITNESS: -- I did not remember.

22 MR. DiCIANNI: -- speculation.

23 BY MR. SHAPIRO:

24 Q. All right. You can't remember if you cared
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1 at all about the possibility of an alternative
2 suspect --

3 MR. DiCIANNI: Objection --

4 BY MR. SHAPIRO:

5 Q. -- correct?

6 MR. DiCIANNI: -- speculation.

7 THE WITNESS: You're asking me how I felt 19
8 years ago. I can't remember what I cared about 19
9 years ago, sir.

10 BY MR. SHAPIRO:

11 Q. Did you attend meetings where investigators
12 reported on their activities?

13 A. It's documented in my police report that I
14 attended meetings.

15 Q. Did you learn about any efforts made to
16 investigate John Murray as a result of those
17 meetings?

18 A. Sir, I don't remember the exact
19 conversations that were taking place in those
20 meetings.

21 Q. Did you learn anything about the status of
22 the investigation of Murray?

23 A. I don't have an independent recollection. I
24 don't remember the conversations held at those

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1 meetings. I know we held meetings because I
2 documented several of them in my police report.

3 Q. How is it possible that you were the lead
4 investigator of this case, but you have no
5 recollection whatsoever about efforts done to
6 investigate an alternative suspect?

7 A. Because --

8 MR. DiCIANNI: Form of the question.

9 MS. BARTON: I'm going to join and object to
10 foundation also.

11 THE WITNESS: Because you're --

12 BY MR. SHAPIRO:

13 Q. How is that possible?

14 A. Because you're asking me to remember
15 conversations 19 years ago, sir; and I can't remember
16 those conversations. My memory is not that good.

17 Q. Do you remember testifying in your 2004
18 deposition this was the highest profile case of your
19 career, right?

20 A. That's a double question. Do I remember
21 testifying? Yes, I do remember.

22 Q. Uh-huh.

23 A. Your second question was this is the highest
24 career -- highest profile in my career. The answer

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1 is yes to that also.

2 Q. Okay. And your testimony is that you have
3 absolutely no recollection whatsoever, even though
4 you were the lead investigator about the -- strike
5 that.

6 You have no recollection whatsoever
7 regarding an investigation of John Murray as an
8 alternative suspect in what you've characterized as
9 the highest profile case of your career?

10 MR. DiCIANNI: Objection, form of the
11 question.

12 MS. BARTON: I'll join.

13 THE WITNESS: I'd ask you to re-ask the
14 question, please.

15 BY MR. SHAPIRO:

16 Q. You have no recollection of any efforts made
17 to investigate John Murray as an alternative suspect
18 in the highest profile case of your career; is that
19 true?

20 A. No, that's not true, sir.

21 Q. Okay. What recollection do you have of
22 efforts to investigate John Murray?

23 A. I have a recollection that he was a suspect
24 in the case, and he was being investigated by

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1 Tony Daniels and Robert Hospelhorn.

2 You've asked me what statements were made
3 and what was reported to me. I don't remember
4 exactly what was reported to me or what statements
5 were made to me, but I remember that he was being
6 investigated.

7 Q. So all you remember about John Murray is
8 that there was some guy named John Murray who was
9 being investigated by Hospelhorn and Daniels; is that
10 what you're saying?

11 A. I remember John Murray was --

12 Q. That's not my -- I'm sorry. I don't mean to
13 cut you off, but I just want to be very clear about
14 the question.

15 Are you saying that you have no recollection
16 of anything whatsoever about John Murray beyond the
17 fact that there was someone named John Murray who was
18 being investigated by Daniels and Hospelhorn?

19 A. How long an answer would you like, sir?

20 Q. I think you can answer that yes or no.

21 MR. DiCIANNI: If you can answer it yes or
22 no.

23 THE WITNESS: I can answer it -- I cannot
24 answer it yes or no.

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1 I already testified to you that I set up a
2 polygraph time for Larbi Murray, and he did not show.
3 I testified to you that I signed police reports, a
4 copy of which is right in front of me, about
5 Larbi Murray.

6 So to tell you that I knew nothing about
7 Larbi Murray would not be accurate. I've already
8 testified to several things about Larbi Murray.

9 Your question is very vague, sir.

10 Q. Well, it sounds like a no to me.

11 So what have we got? We've got you ordered
12 a police polygraph report on Murray, correct?

13 A. I did not order that, sir. I documented --

14 Q. You documented it --

15 A. I documented in my police report that
16 Kenneth Frankenberry was brought down from Rockford
17 to conduct three polygraph exams that day --

18 Q. Uh-huh.

19 A. -- and that Larbi Murray was one of the
20 three, and he did not show up.

21 I did not document that I contacted Larbi
22 for that. I didn't document that I wrote a
23 supplement on it because I have no recollection of
24 arranging that for Larbi Murray.

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1 Q. Did it make you suspicious that he didn't
2 show up for a polygraph examination?

3 A. There's a lot of people that didn't show up
4 for a polygraph --

5 Q. So the answer is no, it did not make you at
6 all suspicious --

7 A. No.

8 Q. -- that he did not show up for a polygraph
9 examination?

10 A. No, it didn't.

11 Q. It did not make you suspicious?

12 A. No, it did.

13 Q. How do you remember that?

14 A. I remember that because Tony Daniels'
15 interviewing style was scaring all of these younger
16 people, and a number of people that we asked to take
17 polygraphs refused polygraphs because of his
18 interviewing styles.

19 Q. Where's that in your report? Is that in
20 your report?

21 A. I don't think it's in my report, sir.

22 Q. I -- because I thought you told me that you
23 didn't remember anything that wasn't in your report.

24 A. You asked me things about the case, and I

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1 told you I don't remember anything beyond what I've
2 testified to.

3 Q. When did you testify to the fact that there
4 were other witnesses who were refusing to take
5 polygraphs because of Tony Daniels' confrontational
6 interview style?

7 A. I don't believe I testified to that, sir.

8 Q. That's what I'm saying. Right.

9 A. Okay.

10 Q. You testified, if I understood you, there's
11 nothing in your -- beyond what's in your report that
12 you recall; is that right?

13 MR. DiCIANNI: I think you're
14 mischaracterizing his testimony. He's talking about
15 meetings and he doesn't remember the -- well --

16 BY MR. SHAPIRO:

17 Q. Okay. Is there anything that you recall
18 about the investigation that's not documented in your
19 report?

20 MR. DiCIANNI: I'm going to object to that.
21 That's too -- I objected the last time you asked the
22 question. It's too vague and too broad of a question.

23 THE WITNESS: Could you be more specific in
24 your question?

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1 BY MR. SHAPIRO:

2 Q. No, I'd like you to -- is there anything you
3 can remember about the investigation that you're
4 aware of that's not documented in the report?

5 MR. DiCIANNI: I'll object to the form of the
6 question. You're asking him to detail a lot
7 of different -- first of all, he'd have to go through
8 his report and compare his memory to what's in the
9 report.

10 MR. SHAPIRO: I'm asking if he's aware of
11 anything. That's all I'm asking.

12 MR. DiCIANNI: Okay. Objection.

13 THE WITNESS: There's a lot of peripheral
14 things I'm aware of. I'm aware of the fact that I
15 operated out of the juvenile office, and the rest of
16 the detectives operated out of the detectives office;
17 but I didn't document that in the report. I'm aware I
18 drove a gray Caprice Classic during that
19 investigation, but I didn't put that in the police
20 report. I'm aware that Tony Daniels' interviewing
21 styles was scaring off suspects and witnesses, but I
22 didn't document that in the police report.

23 Your question before I understood to mean is
24 there any other major details of the case that you

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1 remember, and I answered that no. Now when I make a
2 comment about peripheral things to the case, you've
3 tried to back me into a corner, I feel.

4 BY MR. SHAPIRO:

5 Q. All right. Is there anything consequential
6 about the case that's not included in your police
7 report as far as you --

8 A. No, anything of major consequence should
9 have been documented in the report, sir.

10 And I can only speak to my police report. I
11 cannot speak to other people's reports.

12 Q. Anything of major consequence should have
13 been documented in the report?

14 A. Yes, it should have.

15 Q. Do you have any reason to doubt that in the
16 course of the investigation, the alibi of John Murray
17 was discussed?

18 MS. BARTON: Objection to foundation.

19 THE WITNESS: I don't have a reason to doubt
20 that.

21 BY MR. SHAPIRO:

22 Q. Do you have any doubt -- did you have any
23 reason to doubt that in the course of the
24 investigation the fact that Murray did not have any

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1 alibi was discussed?

2 MS. BARTON: Same objection.

3 THE WITNESS: I don't remember that
4 discussion.

5 BY MR. SHAPIRO:

6 Q. Do you have any reason to doubt that it was
7 discussed?

8 A. I don't have any reason to doubt that it was
9 discussed --

10 Q. Thank you.

11 A. -- but I don't remember a discussion like
12 that, sir.

13 Q. Do you have any recollection -- I'm sorry.
14 Strike that.

15 Do you have any reason to doubt that during
16 the course of the investigation the fact that
17 Murray's story change was discussed?

18 MS. BARTON: Same objection.

19 THE WITNESS: I don't remember that anywhere
20 in the reports, and I don't have an independent
21 recollection of that, sir.

22 BY MR. SHAPIRO:

23 Q. Do you have any reason to doubt that it was
24 discussed?

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1 MS. BARTON: Same objection.

2 THE WITNESS: I don't have any reason to
3 doubt.

4 BY MR. SHAPIRO:

5 Q. Okay. And that's -- that -- just to be
6 clear, that is the question I'm asking, do you have
7 any reason to doubt; so let me ask the next question.

8 Do you have any reason to doubt that in the
9 course of the investigation the fact that Murray
10 failed to cooperate in his polygraph examination was
11 discussed?

12 MS. BARTON: Objection to form, foundation.

13 BY MR. SHAPIRO:

14 Q. Any reason to doubt that? That's the
15 question.

16 A. No, I don't have any reason to doubt that.

17 Q. Do you have any reason to doubt that all of
18 these things that I've just mentioned would have been
19 discussed even if you don't have an independent
20 recollection of them?

21 MR. DiCIANNI: Let me just -- let me just ask
22 you for a clarification. You can provide it if you
23 want or not.

24 When you say discussed, you're talking about

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1 in the course of the entire investigation between one
2 person and another, not necessarily with him? That's
3 the way I've interpreted all your questions. Is that
4 accurate?

5 MR. SHAPIRO: We can do it again with him if
6 you want.

7 BY MR. SHAPIRO:

8 Q. Do you have any reason to doubt that in the
9 course of the investigation the alibi of John Murray
10 was discussed with you? Do you have any reason to
11 doubt that?

12 MS. BARTON: Objection to foundation.

13 MR. DiCIANNI: Yeah, I -- well, I will object
14 to that. But I think that's a -- never mind.

15 THE WITNESS: At what point in the process,
16 sir? Early on in the investigation or towards the
17 later stage of the investigation prior to the arrest?

18 BY MR. SHAPIRO:

19 Q. Does your answer change depending on the
20 stage of the investigation we're talking about?

21 A. I believe it may.

22 Q. How so?

23 A. If there was no alibi for John Murray in the
24 first week of the investigation, then that means

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1 that's something that we need to follow up on, and
2 there's plenty of time to follow up on that. If
3 there was a question about a hole in his alibi on the
4 day before Alan's arrest, then that would have been a
5 totally different issue.

6 So to ask me if I would have had reason to
7 be concerned over that, it all depends on at what
8 point in the investigation that was brought to my
9 attention, if it was brought to my attention.

10 Q. Why would there be a difference in -- with
11 regard to whether Murray's lack of an alibi would
12 concern you in the first few days of the
13 investigation versus before Beaman's arrest?

14 A. Because in the first stages of the
15 investigation, we would not have made any attempts to
16 try to verify that alibi. As things went farther
17 down the road, if that alibi still existed, then that
18 brings more concern.

19 Q. The al -- I'm talking about the lack of an
20 alibi.

21 A. Yes, sir.

22 Q. The lack of -- you're saying that there
23 would be more concern of the lack of an alibi in the
24 later stages of the investigation?

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1 thought what I was asking about is whether you were
2 concerned with these issues. That's not what I'm
3 asking. I'm asking whether you have any reason to
4 doubt that they were discussed with you.

5 Do you have any reason to doubt that in the
6 course of the investigation the alibi of John Murray
7 was discussed with you?

8 MR. DiCIANNI: I'll object to the form of the
9 question.

10 You can go ahead and answer.

11 MS. BARTON: I'm going to join the objection
12 and add foundation.

13 THE WITNESS: I don't remember if that --
14 you're asking if I have a reason to doubt if it
15 happened?

16 BY MR. SHAPIRO:

17 Q. Yes.

18 A. I don't have a reason to believe that it did
19 happen, and I don't have a reason to believe that it
20 didn't happen, sir.

21 Q. Okay. No reason to doubt that it happened,
22 right?

23 A. I guess it's a nonanswer, but I didn't
24 investigate John Murray, and so I don't have a reason

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1 to doubt or reason to believe.

2 (Plaintiff's attorneys confer off
3 the record.)

4 BY MR. SHAPIRO:

5 Q. I mean, the status of Murray's alibi is an
6 element of the investigation, right?

7 A. Yes, it is.

8 Q. And the elements of the investigation and
9 the progress of the investigation were discussed
10 during the investigative meetings that you and I have
11 discussed today, right?

12 MS. BARTON: Objection to form, foundation.

13 MR. DiCIANNI: I'll join.

14 THE WITNESS: I assume they would have been,
15 yes.

16 BY MR. SHAPIRO:

17 Q. Doesn't that suggest to you that Murray's
18 alibi would have been discussed among the
19 investigators during the course of the investigation?

20 MR. DiCIANNI: Objection, speculation.

21 MS. BARTON: Same objection.

22 THE WITNESS: At some point it's possible
23 that it could have been discussed at a meeting.

24

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1 BY MR. SHAPIRO:

2 Q. It's likely that it would have been
3 discussed, isn't it?

4 A. Yes.

5 MR. DiCIANNI: Objection.

6 BY MR. SHAPIRO:

7 Q. And you were present at the investigators
8 meetings, right?

9 A. I was present at a number of them. I can't
10 tell you exactly that I was present at every one of
11 them.

12 Q. Did you think that -- and the fact that
13 John Murray's story shifted, that would have been an
14 element of the investigation too, right?

15 MR. DiCIANNI: Objection.

16 MS. BARTON: Objection to form.

17 MR. DiCIANNI: Yeah, form.

18 THE WITNESS: I don't remember John Murray's
19 story.

20 BY MR. SHAPIRO:

21 Q. That's not the question.

22 I'm asking you whether that was an aspect
23 of -- a fact that was revealed during the course of
24 the investigation?

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1 A. And I --

2 MR. DiCIANNI: Objection, speculation.

3 MS. BARTON: I'll join.

4 THE WITNESS: And I answered that. I don't
5 recall that being a part of the investigation of
6 Mr. Murray's story changing.

7 BY MR. SHAPIRO:

8 Q. Assume with me that -- well, let me ask you
9 this. If there were a suspect whose story changed in
10 the course of the investigation, that's something
11 that would be discussed at an investigators meeting
12 in all likelihood --

13 MR. DiCIANNI: Object --

14 BY MR. SHAPIRO:

15 Q. -- is that a fair statement?

16 MR. DiCIANNI: Objection, speculation.

17 MS. BARTON: Join the objection.

18 THE WITNESS: Depending on the severity of
19 that story and the severity of that person's
20 involvement in the case, then it could have.

21 BY MR. SHAPIRO:

22 Q. And if it were someone who were convicted --
23 who were connected to the murder and a -- and a shift
24 with regard to a story on the day of the murder, is

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1 that something that would have been discussed at an
2 investigative meeting?

3 MS. BARTON: Objection; form, foundation.

4 MR. DiCIANNI: I'll join.

5 THE WITNESS: You're asking me to make an
6 assumption, sir.

7 BY MR. SHAPIRO:

8 Q. I'm asking you -- yeah, I'm asking you to
9 draw a conclusion about what would ordinarily be
10 discussed in these meetings regarding the
11 investigation?

12 MS. BARTON: Same objection.

13 MR. DiCIANNI: Join.

14 THE WITNESS: Okay. So if somebody's story
15 changed and they were a part of the investigation and
16 it surrounded the day of the murder --

17 BY MR. SHAPIRO:

18 Q. Uh-huh.

19 A. -- yes.

20 Q. That would have been discussed?

21 A. That --

22 MR. DiCIANNI: No, that wasn't the question.

23 I'll object.

24 THE WITNESS: That was not the question. You
153

1 asked if that was -- could you repeat the question,
2 please?

3 BY MR. SHAPIRO:

4 Q. What's the question that you thought you
5 were answering?

6 A. That's why I just asked her to repeat it,
7 sir.

8 Q. Why don't I ask you another one.

9 MR. DiCIANNI: Well --

10 THE WITNESS: I'd like to clarify --

11 BY MR. SHAPIRO:

12 Q. That's -- that's --

13 A. -- my answer, please.

14 Q. All right. Mr. Freesmeyer, I'm just going
15 to continue with the questioning.

16 MR. DiCIANNI: You're withdrawing the last
17 question?

18 MR. SHAPIRO: Yeah, I'll withdraw the last
19 question.

20 BY MR. SHAPIRO:

21 Q. Would you agree with me that if there were a
22 suspect in the investigation whose story changed that
23 that is something that would have been discussed in
24 the investigative meetings?

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1 MR. DiCIANNI: Objection, speculation.

2 MS. BARTON: I'll join.

3 THE WITNESS: I'm making an assumption as we
4 sit here today that, yes, it would have been talked
5 about.

6 BY MR. SHAPIRO:

7 Q. Is the fact that John Murray failed to
8 cooperate in a polygraph examination something that
9 would have been talked about in investigative
10 meetings?

11 MR. DiCIANNI: Objection, speculation.

12 MS. BARTON: Objection to form and
13 foundation.

14 THE WITNESS: As we sit here today, all I can
15 do is assume, sir, that that would have been discussed
16 in a meeting.

17 BY MR. SHAPIRO:

18 Q. Is John Murray's potential motive in this
19 case something that would have been discussed in
20 investigative meetings?

21 MR. DiCIANNI: Objection, speculation.

22 MS. BARTON: Objection to form and
23 foundation.

24 THE WITNESS: I'm unaware of what

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1 John Murray's motive would have been in this case,
2 sir. I don't remember that.

3 BY MR. SHAPIRO:

4 Q. Well, I'll tell you how the Illinois Supreme
5 Court characterized it and what -- and what -- and
6 what the Illinois Supreme Court said was that there
7 were two possible motives for Murray. One was the
8 fact that he was a former lover of Lockmiller who was
9 attempting to rekindle the relationship. The other
10 was that he was a drug dealer that -- to whom
11 Lockmiller owed money.

12 Assuming that to be true, is that something
13 that would have been discussed in investigative
14 meetings?

15 MR. DiCIANNI: Objection, speculation.

16 MS. BARTON: I'll join.

17 THE WITNESS: If there were truth to those
18 two, then that would have been -- that could have been
19 a topic for discussion. I don't recall that, sir.

20 BY MR. SHAPIRO:

21 Q. If an investigator had found that, that
22 would have been a topic of discussion?

23 MR. DiCIANNI: Spec -- objection to
24 speculation.

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1 MS. BARTON: Objection to form and
2 foundation.

3 THE WITNESS: It could have been a topic for
4 discussion, sir.

5 BY MR. SHAPIRO:

6 Q. Would you assume that it would have been?

7 MR. DiCIANNI: Objection, asking him to
8 assume something.

9 MS. BARTON: I'll join.

10 THE WITNESS: I prefer not to make an
11 assumption, sir. I don't have an independent
12 recollection of that conversation happening.

13 (Plaintiff's attorneys confer off
14 the record.)

15 BY MR. SHAPIRO:

16 Q. Would it be good police practice to discuss
17 such matters at investigative meetings?

18 MR. DiCIANNI: Objection, form of the
19 question.

20 MS. BARTON: I'll join the objection and add
21 foundation.

22 THE WITNESS: If it needed to be brought to
23 the attention of the rest of the team and it wasn't
24 able to be handled by the people that were dealing

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1 with it, then yes.

2 MR. DiCIANNI: Let's take a break. I want to
3 confer.

4 THE VIDEOGRAPHER: Off the record, 2:01.

5 (Whereupon, a break was taken,
6 after which the following
7 proceedings were had:)

8 THE VIDEOGRAPHER: Back on the record, 2:02.

9 BY MR. SHAPIRO:

10 Q. Would it be good police practices for all
11 investigators on a case to be kept apprised of
12 developments regarding alternative suspects?

13 MR. DiCIANNI: Objection, form of the
14 question.

15 MS. BARTON: I'll join.

16 THE WITNESS: Yes.

17 BY MR. SHAPIRO:

18 Q. And what -- why would that be a good
19 practice?

20 MR. DiCIANNI: Same objection.

21 THE WITNESS: For shared knowledge of
22 everyone handling the case, sir.

23 BY MR. SHAPIRO:

24 Q. So it's a good practice for everyone

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1 involved to be kept abreast of the developments that
2 are going on?

3 MS. BARTON: Objection to form and
4 foundation.

5 MR. DiCIANNI: Join.

6 THE WITNESS: Yes, it would be a good
7 practice.

8 BY MR. SHAPIRO:

9 Q. And why is it important for everyone to be
10 kept abreast of what's going on in the investigation?

11 MS. BARTON: Objection to form.

12 THE WITNESS: In order to do a thorough
13 investigation, sir.

14 BY MR. SHAPIRO:

15 Q. Do you think that a thorough investigation
16 was -- was conducted in the Lockmiller case?

17 A. Yes, I do.

18 Q. Do you think good police practices were
19 followed?

20 A. Yes, I do.

21 Q. Would it have been a good police practice to
22 keep the whole team informed of developments with
23 regard to John Murray?

24 MS. BARTON: Objection to form and

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1 foundation.

2 THE WITNESS: Yes, it would.

3 MR. DiCIANNI: Speculation too.

4 BY MR. SHAPIRO:

5 Q. Do you think that was done?

6 MS. BARTON: Objection to form.

7 THE WITNESS: Yes, I do.

8 BY MR. SHAPIRO:

9 Q. So if John Murray lacked an alibi, it would
10 have been good practices to inform the entire team of
11 that, correct?

12 MS. BARTON: Objection to form, foundation.

13 MR. DiCIANNI: Object to form.

14 THE WITNESS: Yes.

15 BY MR. SHAPIRO:

16 Q. And that would have been done?

17 MS. BARTON: Same objection.

18 MR. DiCIANNI: Objection, speculation.

19 THE WITNESS: I cannot recall, sir.

20 BY MR. SHAPIRO:

21 Q. I asked do you think it would have been
22 done.

23 MS. BARTON: Same objection.

24 MR. DiCIANNI: Objection, speculation.

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1 THE WITNESS: I don't recall, sir.

2 BY MR. SHAPIRO:

3 Q. Do you think good police practices would
4 have been followed?

5 A. I believe good practices were followed in
6 the investigation, sir.

7 Q. And would it have been a good police
8 practice to keep everyone informed of developments
9 with regard to John Murray's lack of an alibi?

10 MR. DiCIANNI: Objection, asked and answered.

11 MS. BARTON: Form and foundation.

12 MR. DiCIANNI: And form.

13 THE WITNESS: I've already answered that as
14 yes.

15 BY MR. SHAPIRO:

16 Q. But you're not sure if anyone was informed
17 of Murray's alibi; is that what you're saying?

18 A. I told you I have no -- no memory of that.

19 Q. Would it have been good police practice to
20 keep everyone in the investigative team informed of
21 Murray's alibi? I'm sorry. Strike that.

22 Would it have been good police practice to
23 keep the full investigative team apprised of Murray's
24 motive?

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1 MS. BARTON: Objection to form and
2 foundation.

3 THE WITNESS: If that rose to a level of
4 importance, yes.

5 BY MR. SHAPIRO:

6 Q. And assuming with me that Murray was owed
7 money by the victim in connection with a drug deal
8 and that he was a former lover seeking to rekindle
9 the relationship, would that be the sort of important
10 information that should be shared with the team if
11 good police practices are being followed?

12 MS. BARTON: Objection to form and
13 foundation.

14 MR. DiCIANNI: Object, speculation.

15 THE WITNESS: I don't know that -- those
16 statements to be true, sir.

17 BY MR. SHAPIRO:

18 Q. I understand that. I'm asking you to assume
19 that they're and with that assumption. Is that the
20 sort of information that would be shared with the
21 whole team under good police practices?

22 MR. DiCIANNI: I'll object, form of the
23 question.

24 MS. BARTON: Same objection.

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1 THE WITNESS: I don't know, sir.

2 BY MR. SHAPIRO:

3 Q. Wouldn't those be important developments in
4 the course of the investigation?

5 MS. BARTON: Objection to form.

6 MR. DiCIANNI: I agree -- I agree with that
7 objection.

8 THE WITNESS: I don't know, sir. I was not
9 in charge of investigating Larbi Murray.
10 Detective Daniels and Detective Hospelhorn were
11 responsible for his investigation.

12 BY MR. SHAPIRO:

13 Q. No, I understand that. But what I'm asking
14 you is, would you consider it an important
15 development to learn that he was owed money for drugs
16 by
17 Jennifer Lockmiller and that he was a former lover
18 who was seeking to rekindle the relationship?

19 MS. BARTON: Objection to form.

20 MR. DiCIANNI: Object to form, speculation.

21 THE WITNESS: I don't remember that, sir.

22 BY MR. SHAPIRO:

23 Q. Okay. Did John Murray ever serve as a
24 confidential informant for the Normal Police

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1 Department?

2 A. I don't know, sir.

3 Q. Do you have any knowledge of a division or
4 program of the Normal Police Department referred to
5 as Task Force 6?

6 A. I'm aware of the existence of Task Force 6.

7 Q. What's Task Force 6?

8 A. It was a drug unit.

9 Q. What were its activities?

10 A. I don't know, sir.

11 Q. Who was assigned to Task Force 6?

12 A. I believe --

13 MR. DiCIANNI: I'll object to the foundation
14 as to when.

15 THE WITNESS: During my tenure at Normal,
16 John Belcher was assigned from our agency.

17 BY MR. SHAPIRO:

18 Q. Do you know if there were confidential
19 informants who worked with Task Force 6?

20 A. I don't know, sir. I didn't work for Task
21 Force 6.

22 Q. I want to go back for a moment to a
23 different area. Earlier you were talking about the
24 process through which files were put in central

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1 records and transferred to the State's Attorney's
2 Office.

3 Now, I understand that that's not a process
4 that you were directly involved in, right?

5 A. Correct.

6 Q. Okay. And I'm just trying to understand how
7 that -- how that process works.

8 What type of files get sent into central
9 records?

10 A. Any files that become a part of the official
11 police report. Would be written case reports; would
12 be written statements; it could be any document
13 received by the police department which is not
14 evidence in fact but informational.

15 Q. Okay. And any evidence received by the
16 police department which is not evidence would go into
17 that central file?

18 MR. DiCIANNI: Object to form.

19 THE WITNESS: I wouldn't say any. That's a
20 broad word, sir.

21 BY MR. SHAPIRO:

22 Q. Okay. Well, I'm not trying to put words in
23 your mouth. I'm trying to understand.

24 Maybe if you could just continue helping me
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1 to understand what exactly goes into that file, we
2 can take it from there.

3 A. Police reports, written statements,
4 transcripts, documents received by the police
5 department from outside agencies which are not in and
6 of themselves evidence.

7 I can't go through the entire list, sir,
8 because it's on a case-by-case basis what could go
9 into records and what would need to go into evidence.

10 Q. Well, maybe you can give me some examples of
11 one category you provided which is documents received
12 from outside agencies that are not evidence.

13 What -- what -- what -- can you give me some
14 examples of those --

15 A. A return from the crime lab on DNA finger --
16 on latent fingerprints or DNA results. The items
17 themselves tested would go into evidence, but the
18 report explaining the results of that would go into
19 the file and records.

20 Q. And typically that report would take the
21 form of a letter from the DNA expert to one of the
22 detectives working on the case; is that --

23 A. Yes.

24 Q. -- is that accurate?

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1 A. Yes.

2 Q. Okay. Do you think the same would hold
3 true from a letter from a polygraph examiner to a
4 detective in the case?

5 A. Yes.

6 Q. That would go into central records?

7 A. That would be -- yes, would be one of the
8 places it would go.

9 Q. Uh-huh. And one of the purposes of
10 collecting documents in central records is that those
11 are documents that at some point are provided to the
12 State's Attorney?

13 MS. BARTON: Objection to form.

14 BY MR. SHAPIRO:

15 Q. Is that correct?

16 A. They can be. They're not presented every
17 time depending on the nature of the case. Such as if
18 we have a deceased body and we get results back on
19 the deceased body and it's not a criminal prosecution
20 of anybody, a suicide, for instance, then it may go
21 into archive in the records section.

22 If it's an arrest situation, then there's a
23 high potential that that information would then be
24 forwarded to the State's Attorney's Office.

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1 Q. I see. Okay. So let's put aside cases that
2 are not charged in the State's Attorney's Office,
3 doesn't have any involvement.

4 A. Okay.

5 Q. For cases that the State's Attorney's Office
6 is involved in --

7 A. Yes.

8 Q. -- prosecuting, the central records files
9 goes to the State's Attorney's Office?

10 A. A copy of those files, not the original
11 file.

12 Q. A copy of the file?

13 A. Yes, sir.

14 Q. Okay.

15 (Plaintiff's attorneys confer off
16 the record.)

17 BY MR. SHAPIRO:

18 Q. So you mentioned that polygraph reports from
19 the polygraph exam would go into the central file,
20 correct?

21 A. I believe so.

22 Q. I'd like to direct your attention to
23 Exhibit 24, please. It's in Volume 1.

24 And you can take a moment to review it and

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1 just indicate when you're done by looking up.

2 Is the document shown in Plaintiff's
3 Exhibit 24 something that would have gone into the
4 central file?

5 A. I believe so, yes.

6 Q. And Exhibit 24 is a letter from polygraph
7 examiner Terrence McCann to Detective David Warner
8 regarding an attempted polygraph of John Murray,
9 right?

10 MS. BARTON: Objection to form. It also
11 includes several other documents.

12 MR. SHAPIRO: That's fine. Yeah --

13 MS. BARTON: There's 30 pages here.

14 BY MR. SHAPIRO:

15 Q. We can clarify that.

16 Let's start with the first page. First page
17 of Exhibit 24 is a report from the polygraph examiner
18 Terrence McCann to Detective David Warner regarding a
19 polygraph attempt of John Murray in connection with
20 the Lockmiller investigation, right?

21 A. Yes.

22 Q. Okay. And I don't know if you -- did you
23 have a chance to go through the pages following the
24 first page of the exhibit?

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1 A. No, sir. I just looked at the first page.

2 Q. Yeah, go ahead. Just take ...

3 A. Is there a difference between page 1 and
4 page 13?

5 Q. I produced it as it was provided to us. It
6 may be -- there may be a repeat of pages.

7 A. It looks like a duplicate of everything.

8 Q. Well, I'm not trying to hide -- well, the
9 question is going to be are these the type of
10 documents that go into the central file, so whatever
11 level of review --

12 A. Yes, they are.

13 Q. All of these documents are ones that you
14 believe --

15 A. I --

16 Q. -- would have gone?

17 A. I don't know about all the documents, sir.
18 I know the cover letter, I believe, would have gone
19 in.

20 Q. Okay.

21 A. I don't know about the others.

22 Q. They might have, but you're not sure?

23 A. I don't know.

24 Q. Yeah, what would have happened to the other

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1 documents if they didn't go into the central file?

2 MS. BARTON: Objection, foundation.

3 THE WITNESS: I don't know, sir.

4 MR. BOWMAN: What's the answer?

5 MR. SHAPIRO: I don't know.

6 THE WITNESS: I don't know.

7 BY MR. SHAPIRO:

8 Q. Could you go to Exhibit 5, please. This one
9 I'm just going to ask you about the second page of 5
10 so just take a moment to review it. I'm sorry.
11 Second and third page bears a Bates stamp 1496 and
12 1497 at the bottom.

13 A. I'm sorry. Did you say --

14 MR. DiCIANNI: Is there a question pending?

15 MR. SHAPIRO: There's not a question pending.

16 I want -- I'm indicating that I'm going to ask a
17 question --

18 MR. DiCIANNI: Okay.

19 MR. SHAPIRO: -- giving a chance --

20 MR. DiCIANNI: Okay. Before you do that, I
21 want to confer, okay?

22 MR. SHAPIRO: All right.

23 MR. DiCIANNI: Yeah, before you ask the
24 question.

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1 THE VIDEOGRAPHER: Off the record, 2:18.

2 (Whereupon, a break was taken,
3 after which the following
4 proceedings were had:)

5 THE VIDEOGRAPHER: Going back on the record,
6 2:19.

7 BY MR. SHAPIRO:

8 Q. We were talking about pages 2 and 3 of
9 Exhibit 5 which bear Bates stamp 1496 and 1497.

10 Have you had a chance to review those pages?

11 A. Yes, sir.

12 Q. Uh-huh. Is this a document that would have
13 gone into the central file in the Lockmiller case?

14 A. I believe so, yes.

15 Q. And these pages are a letter from polygraph
16 examiner Terrence McCann to Detective David Warner
17 regarding a polygraph of Stacey Gates in connection
18 with the Lockmiller investigation, correct?

19 A. Yes.

20 Q. Help me understand the process through which
21 files in the central record are provided to the
22 State's Attorney Office. How does that work?

23 A. I can't tell you, sir. I don't know.

24 Q. Who would know how that process works?

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1 A. I don't know, sir.

2 Q. Well, you said that a copy is provided to
3 the State's Attorney's Office, right?

4 A. Yes.

5 Q. Is a copy made in the police department and
6 sent over to the State's Attorney's Office?

7 MS. BARTON: Objection to form.

8 THE WITNESS: I don't know, sir. I didn't
9 work in the records section.

10 BY MR. SHAPIRO:

11 Q. Okay. But it -- okay. It's something
12 that's handled by the records section?

13 A. I don't know. I know the reports went to
14 records.

15 Q. Uh-huh.

16 A. So -- I don't know.

17 Q. Now, when you -- you became the lead
18 detective -- when you became the lead detective, you
19 had some responsibility for ensuring that records
20 were provided to the prosecutor; is that right?

21 A. Yes.

22 Q. Okay. What process did you go through in
23 order to make sure that documents were provided to
24 the prosecutor when you were in that role?

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1 A. I don't remember, sir. That was one month
2 between November and December of 1994 that I was in
3 charge of the detective division before I was moved
4 straight to the State's Attorney's Office. I don't
5 remember what process I used for that 30-day period.

6 Q. Were you the lead investigator in any other
7 cases in your career and -- within -- in the Normal
8 Police Department?

9 A. Oh, yes, many.

10 Q. Uh-huh. And in those cases, did you have
11 responsibility for ensuring that the prosecutor
12 received documents regarding cases you were working
13 on?

14 A. I had responsibility for making sure my
15 supervisor was provided those documents. So I would
16 provide all of my documents to my supervisor, and he
17 would have to sign off on them before anything went
18 to the State's Attorney's Office.

19 Q. And in the Lockmiller case, would Zayas have
20 had to sign off on any documents before they went to
21 the State's Attorney's Office?

22 A. Zayas. Lieutenant Zayas was responsible for
23 any case coming out of the detective division, so he
24 would be responsible for either approving or signing

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1 off on reports before they were submitted anywhere.

2 Q. Would he have to approve -- strike that.

3 When you say he would approve the reports,
4 meaning he would sign them and make sure that they
5 were properly completed, right?

6 A. Yes.

7 Q. And did he also have to sign off on
8 decisions about which documents to send to the
9 State's Attorney's Office?

10 MS. BARTON: Objection to form and
11 foundation.

12 THE WITNESS: That I don't know, sir.

13 BY MR. SHAPIRO:

14 Q. Did he sign off on decisions about which
15 documents to -- no, strike that. I'm sorry.

16 (Plaintiff's attorneys confer off
17 the record.)

18 BY MR. SHAPIRO:

19 Q. Irrespective of whose individual
20 responsibility it was to provide certain documents to
21 the prosecutor's office, what was your understanding
22 of a police officer's responsibility for ensuring
23 that the prosecutor receives documents in the case?

24 MR. DiCIANNI: At Normal?

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1 MR. SHAPIRO: Yes.

2 MR. DiCIANNI: You're talking about -- you're
3 not taking about general police practices. You're
4 talking about --

5 MR. SHAPIRO: Well -- well --

6 MR. DiCIANNI: -- the Normal Police
7 Department?

8 MR. SHAPIRO: I'll ask both questions.
9 That's good actually.

10 BY MR. SHAPIRO:

11 Q. What was your understanding -- with regard
12 to good police practices, what was your understanding
13 of the role of a police officer in ensuring that
14 documents are provided to the prosecuting attorney?

15 MR. DiCIANNI: Object to the form of the
16 question.

17 MS. BARTON: And foundation.

18 MR. DiCIANNI: And foundation.

19 THE WITNESS: My understanding at our
20 department was the police officer was responsible for
21 reporting the information accurately and submitting
22 that report to their immediate supervisor. Their
23 immediate supervisor would then send it to either
24 their supervisor, or it would be disbursed to the

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1 records section or the State's Attorney's Office if it
2 were an arrest situation.

3 BY MR. SHAPIRO:

4 Q. What was your understanding of how the
5 supervisor would determine which documents would be
6 sent over?

7 MS. BARTON: Objection to form.

8 THE WITNESS: I don't recall, sir.

9 MR. DiCIANNI: I join.

10 BY MR. SHAPIRO:

11 Q. I mean, would you agree with me that there
12 are some documents in a police file that are
13 important to the prosecution and some that are not?

14 MS. BARTON: Objection to foundation.

15 MR. DiCIANNI: Same objection.

16 THE WITNESS: Yeah, I imagine a parking
17 ticket would not be a concern to the State's
18 Attorney's Office. So in that light, yes, I guess
19 some documents would be of their concern and some
20 would not.

21 MR. SHAPIRO: Uh-huh.

22 (Plaintiff's attorneys confer off
23 the record.)

24

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1 BY MR. SHAPIRO:

2 Q. Was it your understanding that the Normal
3 Police Department had an obligation to provide the
4 investigative file to the prosecutor's office?

5 MS. BARTON: Objection to form.

6 MR. DiCIANNI: Yeah, I object. And I
7 don't -- by legal obligation, based on you're asking
8 him for a legal opinion.

9 BY MR. SHAPIRO:

10 Q. I'm asking you whether in your view the
11 Normal Police Department had any obligation to
12 provide the investigative file to the prosecutor's
13 office.

14 MR. DiCIANNI: Object to the form of the
15 question.

16 MS. BARTON: I'll join.

17 THE WITNESS: I don't know what our
18 obligation was, sir.

19 (Plaintiff's attorneys confer off
20 the record.)

21 BY MR. SHAPIRO:

22 Q. Do you have any understanding of the
23 obligation of the police department to provide
24 documents exculpating the defendant to the State's

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APPENDIX 001562

1 Attorney's Office?

2 MS. BARTON: Objection to form.

3 MR. DiCIANNI: Yeah, same objection.

4 THE WITNESS: Exculpating the defendant, can
5 you explain that phrase?

6 BY MR. SHAPIRO:

7 Q. Tending to suggest the defendant's
8 innocence.

9 MS. BARTON: Same objection.

10 THE WITNESS: Okay. Now would you repeat the
11 question, please?

12 BY MR. SHAPIRO:

13 Q. Uh-huh. Do you have any understanding of
14 the Normal Police Department's obligation to provide
15 exculpatory evidence to the State's Attorney's
16 Office?

17 A. Well, our responsibility was to provide
18 information -- factual information in a case, whether
19 it was positive or negative, to put that into the
20 report, submit that to our supervisor. The
21 supervisor then responsible to make sure that those
22 are going into records or going to the State's
23 Attorney's Office.

24 Now, I don't know if that helps you, sir, 179

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1 but in the Normal police report, that original report
2 was a triplicate form. There was a pink form, a
3 yellow form, and a white form. The pink form went to
4 detectives, I believe the white form went to the
5 State's Attorney's Office -- I'm sorry. The pink
6 form went to detectives, the yellow I believe went to
7 the State's Attorney's Office, and the white went to
8 the records section.

9 That's the extent of what I know of how
10 those forms are disseminated to various places.

11 Q. I'm -- I want to be very clear that I'm not
12 talking about the manner of dissemination right now,
13 and I'm not talking about the color of the forms.

14 What I'm asking is: Do you have any
15 understanding of an obligation on behalf of the
16 Normal Police Department to provide exculpatory
17 evidence to the prosecutors in a case?

18 MR. DiCIANNI: I'll object, asked and
19 answered.

20 MS. BARTON: I'll join.

21 MR. DiCIANNI: He's already answered it.

22 THE WITNESS: No, sir.

23 BY MR. SHAPIRO:

24 Q. No understanding?

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1 A. No understanding.

2 Q. Do you have any understanding of the
3 obligation of law enforcement to provide exculpatory
4 evidence to the defense in a criminal case?

5 A. No, sir.

6 Q. In the course of your work in the Lockmiller
7 homicide investigation, did you do anything at all to
8 ensure that the State's Attorney's Office received
9 exculpatory evidence?

10 MR. DiCIANNI: Object to form of the
11 question.

12 MS. BARTON: Join and add foundation.

13 THE WITNESS: I guess in answer to your
14 question, I just made sure that documents that I
15 received were submitted to my supervisor and then into
16 the records section or into evidence if they needed to
17 be placed into evidence. If they were to go into
18 records, I would have routed them through my
19 supervisor. Where they go from there, sir, is not my
20 responsibility.

21 BY MR. SHAPIRO:

22 Q. Are you talking about documents that you
23 personally prepared?

24 A. Yes, my 62-page written police report

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1 submitted to my supervisor.

2 Q. Beyond the fact that you submitted police
3 reports to your supervisor, did you do anything at
4 all to ensure that any exculpatory evidence in the
5 Lockmiller homicide investigation was provided to the
6 State's Attorney's Office?

7 MR. DiCIANNI: Object to form.

8 MS. BARTON: And foundation.

9 THE WITNESS: I don't recall.

10 BY MR. SHAPIRO:

11 Q. Did you take any handwritten notes in the
12 course of the investigation in this case?

13 A. Yes, I did.

14 Q. Did you provide any of them to the State's
15 Attorney's Office?

16 A. No, I did not.

17 Q. Did you ultimately destroy them?

18 A. Yes, I did.

19 Q. When did you destroy them?

20 A. After all that information was transferred
21 into my police report.

22 Q. So if you had information in a handwritten
23 note that were not transferred in the police report,
24 it would not be provided to the State's Attorney's

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APPENDIX 001566

1 Office, right?

2 MR. DiCIANNI: Objection. That's not what
3 he's saying.

4 MS. BARTON: I'll join the objection.

5 THE WITNESS: My handwritten notes may have
6 also been put in other types of reports such as phone
7 records, could have been put into a presentation such
8 as the one that we used for court purposes.

9 My handwritten notes would have been used as
10 a temporary way of refreshing what I did until I
11 completed some final document that would not always be
12 the police report.

13 BY MR. SHAPIRO:

14 Q. Did you take handwritten notes in the course
15 of the time trials you performed in this case?

16 A. Yes, I did.

17 MS. BARTON: Form, foundation.

18 BY MR. SHAPIRO:

19 Q. Did you take any handwritten notes relating
20 to your interviews with Alan Beaman that were not
21 recorded in report?

22 A. No.

23 Q. How do you remember that?

24 A. Because that was a habit of mine when I was
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1 a police officer. If I were to keep every
2 handwritten note on every case I handled, I would
3 have volumes and volumes of handwritten notes. So it
4 was a practice of mine and that was taught in the
5 academy that when you take information, you jot it
6 down in your notebook. Once you write the police
7 report, you destroy your notes.

8 Q. Okay. I think my question probably wasn't
9 clear to you and -- did you take any handwritten
10 notes regarding interviews with Beaman that were not
11 recorded in your report? I'm not asking whether you
12 kept them.

13 A. Oh, did I take notes?

14 Q. Did you take any notes that weren't recorded
15 in your report?

16 MR. BOWMAN: No, that were reported.

17 BY MR. SHAPIRO:

18 Q. That were reported.

19 MR. DiCIANNI: Wait.

20 THE WITNESS: You're confusing me.

21 MR. DiCIANNI: Yeah.

22 MR. SHAPIRO: Pardon me.

23 (Plaintiff's attorneys confer off
24 the record.)

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1 BY MR. SHAPIRO:

2 Q. All right. There -- I'm sorry. Let me
3 clarify.

4 There are -- some of your interviews with
5 Beaman were recorded with a tape recorder and some
6 were not, right?

7 A. Yes.

8 Q. Okay. Did you take any handwritten notes in
9 the interviews with Beaman that were not recorded on
10 the tape recorder?

11 A. Yes.

12 Q. And were those notes ultimately destroyed?

13 A. Yes.

14 Q. As of May 16, 1994, the day that Beaman was
15 charged, had you reviewed all of the police reports
16 that had been prepared as of that date?

17 A. I don't remember, sir.

18 Q. Okay. So it's possible that a decision was
19 made to charge Beaman without your reviewing all of
20 the police reports that had been prepared?

21 MS. BARTON: Objection, form.

22 MR. DiCIANNI: Objection, speculation.

23 MS. BARTON: Form and foundation.

24 THE WITNESS: I don't remember, sir, if I

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1 reviewed all the reports or not.

2 BY MR. SHAPIRO:

3 Q. Was there a process by which the
4 investigators on the team would receive copies of
5 others' police reports as they were prepared?

6 MS. BARTON: Objection to form.

7 THE WITNESS: I don't remember, sir.

8 BY MR. SHAPIRO:

9 Q. Would that have been a good police practice
10 in order to keep those on the investigative team
11 apprised of the progress of other investigators?

12 MS. BARTON: Objection --

13 MR. DiCIANNI: Objection, form of the
14 question.

15 MS. BARTON: I'll join.

16 THE WITNESS: I don't know, sir.

17 BY MR. SHAPIRO:

18 Q. You don't know if that would be a good
19 police practice?

20 A. No.

21 Q. Was there any point during the trial at
22 which you reviewed all of the police reports in this
23 case?

24 A. I don't remember, sir.

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1 (Plaintiff's attorneys confer off
2 the record.)

3 BY MR. SHAPIRO:

4 Q. In the course of your investigation, did you
5 take any handwritten notes regard -- related to
6 interviews with Michael Swain?

7 A. I don't remember. It's likely, but I don't
8 remember.

9 Q. Why do you say that it's likely?

10 A. Just because I could have, sir. But my
11 interviews with Michael Swain, the first two were
12 recorded on an auto cassette tape. So there was no
13 need to take notes. I had the cassette tape backup
14 to go back to.

15 Q. What about handwritten notes about your
16 interviews with Alan's classmates?

17 A. Which interviews are you referring to, sir?

18 Q. Any interviews with students at IWU or
19 Wesleyan?

20 A. I don't have an independent recollection of
21 any interviews that I did with other students. I
22 interviewed Alan and Michael Swain. I -- interviews
23 of other people don't stand out in my mind of other
24 students.

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1 Q. Did you take any handwritten notes on
2 interviews with -- interviews with Alan's neighbors?

3 A. It's possible.

4 Q. Did you take handwritten notes related to
5 time trials conducted in this case?

6 MS. BARTON: Objection to form.

7 MR. DiCIANNI: That's been asked and
8 answered.

9 THE WITNESS: You already asked that. Yes, I
10 have.

11 BY MR. SHAPIRO:

12 Q. You did. Were all of those handwritten
13 notes recorded in your report?

14 A. You've asked that also. If they weren't in
15 the police report, they would have been put together
16 into a presentation used for trial; but they were
17 transferred to some other final product and then
18 those notes were destroyed.

19 Q. What presentation are you referring to at
20 trial?

21 A. There was a map, mileage presentation that
22 we used at the trial that showed various times and
23 distances. And I believe I also used that -- I only
24 recall using it at the trial. It could have been

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1 other places.

2 Q. Go back to John Murray for a moment, and
3 Murray claimed in an interview that he and his
4 girlfriend, Mackoway, were scared after hearing about
5 the murder and slept in a hotel the first night after
6 the murder.

7 I assume you don't have a recollection of
8 that, right?

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

10 Q. Okay. Well, assume with me for now that
11 it's true.

12 My question is: Was anything done to check
13 that claim that Murray and Mackoway had slept in a
14 hotel the night they learned about the murder?

15 MR. DiCIANNI: Objection, speculation.

16 MS. BARTON: Foundation.

17 MR. DiCIANNI: You can always speculate --

18 THE WITNESS: I don't know, sir.

19 BY MR. SHAPIRO:

20 Q. Would that have been an easy thing to check?

21 MS. BARTON: Objection to form and
22 foundation.

23 MR. DiCIANNI: Yeah, I join.

24 THE WITNESS: I don't know, sir.

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1 BY MR. SHAPIRO:

2 Q. Well, Mr. Freesmeyer, you've been in law
3 enforcement for many years. You really don't know
4 whether it would be a hard thing or an easy thing to
5 check whether someone had slept in a hotel on a given
6 night?

7 MS. BARTON: Same objection.

8 MR. DiCIANNI: Same objection.

9 THE WITNESS: I don't know the circumstances
10 surrounding that if they simply said a hotel or if
11 they gave an exact hotel in a -- you've given me no
12 circumstances and I have no independent recollection
13 of that statement, sir.

14 BY MR. SHAPIRO:

15 Q. Well, let's say they didn't give -- let's
16 say they did not give a particular hotel. Could they
17 have been easily asked what hotel they stayed at?

18 MR. DiCIANNI: Objection, speculation.

19 MS. BARTON: I'll join.

20 THE WITNESS: Yes, they could have.

21 BY MR. SHAPIRO:

22 Q. Uh-huh. And having learned and -- would it
23 then have been easy to check whether they, in fact,
24 had stayed at that hotel?

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1 MR. DiCIANNI: Same objection.

2 MS. BARTON: I'll join.

3 THE WITNESS: Yes.

4 MR. BOWMAN: Take a break.

5 MR. SHAPIRO: Let's take a break.

6 THE VIDEOGRAPHER: Off the record, 2:40.

7 (Whereupon, a break was taken,
8 after which the following
9 proceedings were had:)

10 THE VIDEOGRAPHER: Back on the record, 2:59.

11 BY MR. SHAPIRO:

12 Q. Mr. Freesmeyer, earlier today we talked
13 about a meeting that was held on August 29, the day
14 after the body was discovered?

15 A. Yes.

16 Q. At the time of that -- well, Mr. Souk
17 testified yesterday that at the time of the -- that
18 meeting, Beaman was the primary suspect in this case.
19 Would you agree with that characterization by
20 Mr. Souk?

21 A. He was a major suspect.

22 Q. Was there anyone else who was a greater
23 focus than Beaman?

24 A. I wouldn't say a greater focus, but we had

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1 not yet ruled out Mike Swain, and we had not yet
2 ruled out Alan Beaman; and both of them had real
3 close relationships with Jennifer.

4 Q. Uh-huh. So as of August 29, the two primary
5 suspects were Beaman and Swain?

6 A. Yes.

7 Q. And --

8 A. I'm sorry. Was that Saturday night or
9 Sunday night you're referring to?

10 Q. Well, I was referring to Sunday, but who
11 were the primary suspects on Saturday night?

12 A. Well, we had more interest in -- the primary
13 suspect was Alan Beaman, but the interest in Swain
14 got less as we continued in to farther conversations
15 with him.

16 I just wanted to clarify which meeting you
17 were talking about, the Saturday night or the Sunday
18 night.

19 Q. So on Saturday night, Beaman was the primary
20 suspect?

21 A. That would be a fair statement to say, yes.

22 Q. Uh-huh. And that's true on Sunday too?

23 A. Yes.

24 Q. And Swain was a secondary suspect, is that a
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1 fair way to put it?

2 A. Initially, yes.

3 Q. Uh-huh. And he was later eliminated as a
4 suspect based on his alibi, right?

5 A. Yes, sir.

6 Q. I'd like to talk to you about the decision
7 to arrest Alan Beaman and ask you to list all the
8 reasons why you believed you had probable cause to
9 arrest him.

10 A. Okay. First of all, his fingerprint was on
11 the murder weapon. Second of all, the scene matched
12 things that he had confessed to me prior on the body
13 wire such as pulling the garbage out of the garbage
14 can, going through her garbage for evidence of
15 contraceptives. That was also shown at the scene
16 with the garbage pulled out sitting on the living
17 room couch.

18 The letter -- the voluminous letters that he
19 had written showing his infatuation for her; 28 phone
20 calls from her residence to his residence within
21 the -- I think it was the day before trying to get in
22 touch with him; his lack of an alibi during the time
23 of the murder; his past situations of breaking down
24 her door to get into her apartment. And the

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1 biggest -- well, no, that came later. Those were
2 the main things.

3 I was -- and I had gone to him point blank
4 in interviews asking him, Alan, do you have anything
5 else that you can give me to help clear you? And his
6 response each time was, I got nothing or I have
7 nothing or something to that effect. I asked him
8 point blank, did you make any phone calls or did you
9 go anywhere after you got off work on Wednesday
10 morning? And he told me no, I went home and I went
11 to bed. We know that's not true. And I know his
12 attorney knew that wasn't true because his attorney
13 sequestered the videotape from Bell Bank in
14 September. So he knew that Alan went to the bank.
15 So when Alan's making statements that I knew to be
16 false, that was also part of the reason why I
17 believed he was responsible.

18 MR. DiCIANNI: Let me -- are you done with
19 your answer?

20 THE WITNESS: Yes, sir.

21 MR. DiCIANNI: Let's take a break. I want to
22 confer.

23 THE VIDEOGRAPHER: Off the record, 3:03.

24

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1 (Whereupon, a break was taken,
2 after which the following
3 proceedings were had:)

4 THE VIDEOGRAPHER: Back on the record, 3:06.
5 BY MR. SHAPIRO:

6 Q. Mr. Freesmeyer, before the brief break, you
7 gave me a list of reasons why you believe that there
8 was probable cause to arrest Alan Beaman. Other than
9 the reasons that you gave me, are there any other
10 reasons why you believe there was probable cause to
11 arrest Alan Beaman?

12 A. I mentioned the print on the murder weapon,
13 I mentioned the letters and the infatuation, I
14 mentioned the garbage can pulled out, I mentioned the
15 fact that he had broken into her apartment before, I
16 mentioned the 28 calls from her apartment to him
17 trying to get in touch with him.

18 There were also a number of incriminating
19 statements in the overhears that he made which to me
20 seemed totally out of place and very alerting.

21 He made one comment during an overhear with
22 Mike Swain where he said: That women dug into me
23 with every ounce of sharp silver she had every time
24 she could. I had never heard anybody say the

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1 expression "dug into me with every ounce of sharp
2 silver." And that was less than a week and a half
3 after we found the body where she was stabbed in the
4 chest with a pair of silver scissors with a colored
5 handle.

6 He also made a comment to Simone Weisman
7 that -- when we interviewed her that he told her that
8 he could not watch Basic Instinct with Jennifer
9 anymore because of the time when they were having sex
10 and she reached back as if she was gonna grab
11 something. In the movie, the female in the movie
12 during an act of sexual intercourse reaches back and
13 grabs an ice pick and stabs the victim in the chest
14 with an ice pick.

15 I found that to be odd that that was fresh
16 in his mind, the movie scene, Basic Instinct, which
17 he had been stabbed in the chest. And we don't know
18 if there was a sexual assault or not.

19 He also made the comment when talking to
20 Mike Swain that he knew he was sleeping with her.
21 And Mike said: How do you know that? And he
22 responded: That pussy never tasted the same. That
23 to me was incredibly crude for somebody he supposedly
24 loved a week and a half after her death, and he said

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1 it with hardly any remorse whatsoever.

2 He made a comment to Alan, she was never
3 gonna be happy, man. She was never gonna be happy.
4 And in training for homicides, they often say that
5 when somebody makes a terminal statement like that,
6 that they're definitive that somebody's never gonna
7 be happy, they're trying to justify their own
8 actions.

9 He made the comment to Mike Swain: She
10 trained me, she trained me good, and she'd of trained
11 you just the same. So, again, he's making those
12 statements as a matter of fact of what would happen.

13 The fact that at the scene, there was a fan
14 pulled down over her face which oftentimes is done
15 when the victim -- the suspect knows the victim.

16 The fact that she was stabbed multiple times
17 after she was already dead. According to the
18 coroner's report, she died of strangulation and the
19 lack of blood indicated that her heart wasn't pumping
20 anymore when she was stabbed. That's not the act of
21 a random person. To me, that gave me the indication
22 that was the act of vengeance over somebody that she
23 had hurt deeply, and she hurt Alan deeply.

24 Q. Anything else?

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1 A. That's about all I can recall right now,
2 sir.

3 Q. One of the things that you mentioned was
4 that when you spoke to Alan and asked him whether
5 there was anything that could clear him, he didn't
6 mention the trip to Bell Federal Bank; right?

7 A. That's correct. He said he went straight
8 home and went to bed.

9 Q. Did you consider that a major piece of
10 evidence against Mr. Beaman?

11 A. I wouldn't say major, but I certainly noted
12 that as an inconsistency especially after finding out
13 that his attorney was well aware of that video and
14 had actually sent a request to the bank getting a
15 copy of the video.

16 So as of the 1st of September, he was well
17 aware of the fact that he was at the bank on that
18 particular day. And my interviews with him were well
19 into October, November. When I asked him if he went
20 straight home that day, and he said: Yes, I went
21 straight home and went to bed. I even asked: Did
22 you go anywhere else? No, I went straight home and
23 went to bed.

24 Q. How do you know Alan as opposed to his

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1 attorney was familiar with the fact that the Bell
2 Federal evidence had been recovered?

3 A. I'm sorry. I didn't understand your
4 question.

5 Q. Well, what you said, if I understood you,
6 was that prior to that conversation you were
7 describing --

8 (Plaintiff's attorneys confer off
9 the record.)

10 BY MR. SHAPIRO:

11 Q. Let me withdraw that question and ask a
12 different one.

13 What was incriminating, in your opinion,
14 about Alan's not mentioning Bell Federal Bank?

15 A. It was inconsistent with what we knew to be
16 the truth. We knew he was at the bank, and his
17 attorney knew he was at the bank. And I gave him the
18 opportunity to say he was at the bank, and that's not
19 what he told me. He told me he went straight home
20 and went to bed. It was deceit and the deceit to me
21 was -- was suspicious.

22 Q. I think I understand your view as to why it
23 was inconsistent. I guess what I'm asking you is why
24 you view that as incriminating him in the murder.

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1 A. Well, because the Bell Federal video showed
2 that he was out away from home; that he was out and
3 around and he wasn't home sleeping like he claimed he
4 was. His statement was that he went straight home
5 and he went to bed, and his mom woke him up; and the
6 time she woke him up varies depending on what piece
7 of paper that you look at.

8 But the fact that he was not home asleep,
9 that he was stopping at the bank, showed us that's
10 not consistent with what he told us he did.

11 Q. The fact that Mr. Beaman visited the bank at
12 10:11 on August 25 was something that was helpful to
13 him, right?

14 A. I don't -- I don't know that it was helpful
15 or hurtful to him, sir. That could have cut both
16 ways.

17 Q. What would you -- would you disagree that
18 having been at Bell Federal Bank at 10:11 would have
19 made it difficult for Alan to have been in Normal and
20 committed a murder at noon?

21 A. No, it would not have made it difficult.

22 Q. It would not have made it difficult?

23 A. It would not have made it difficult.

24 Q. Why do you say that?

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1 A. Because of the many time trials that I made
2 between Bell Federal Bank and the apartment.

3 Q. How long did it take you to get from Bell
4 Federal to the apartment?

5 A. I would have to look at my notes, sir. It's
6 in my police report.

7 But I can tell you that the time frame from
8 10:11 and noon at her apartment was sufficient time
9 for him to drive from Bell Federal to Jennifer's
10 apartment.

11 Q. Let me also ask you about your reference to
12 the fingerprint on the clock. When you refer to the
13 murder weapon, you're referring to the clock, right?

14 A. Yes.

15 Q. Alan Beaman had lived in that apartment with
16 Jennifer Lockmiller for a period of time, right?

17 A. I don't believe --

18 Q. Strike that.

19 He had frequently been present in that
20 apartment with Jennifer Lockmiller for a period of
21 time, right?

22 A. He had been present, but I don't believe he
23 had been living there --

24 Q. He -- he --

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1 A. -- if I recall correctly.

2 Q. -- had spent the night on many occasions?

3 A. I believe so.

4 Q. Wouldn't that explain his fingerprint on the
5 clock?

6 A. In my opinion, no.

7 Q. Why -- why do you say that?

8 A. The last time he spent the night, according
9 to his records, was the end of June. We found the
10 print on the clock at the end of August. That's two
11 months down the road. We found Swain's prints on the
12 clock, but we never found any of Jennifer's prints on
13 the clock.

14 If he's claiming that his prints can last
15 two months on that clock, then why didn't we find any
16 of Jennifer's prints on it as well since she lived
17 there every day?

18 Q. Was there any fingerprint expert who
19 indicated to you that it was significant that
20 Mr. Beaman's prints were on the clock?

21 A. There was a return from the crime lab
22 showing that there was a print on the clock. I don't
23 know that it said if it was significant or not.

24 The crime lab typically just returns a

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1 result of what they found. Whether it's significant
2 or not I believe is up to the investigative team.

3 Q. Was there any fingerprint expert who
4 indicated at any point in the course of the
5 investigation that the fingerprint on the clock was
6 odd even though Alan Beaman had frequently spent the
7 night at Lockmiller's apartment?

8 A. I don't recall hearing that.

9 Q. So when you say that the fingerprint was a
10 significant piece of evidence, you're -- are you
11 basing that solely on your own interpretation of that
12 piece of evidence?

13 A. Yes, sir, that's my opinion.

14 Q. You also mentioned the fan that was found on
15 Lockmiller's body. What was the significance of that
16 piece of evidence to you?

17 A. To me it was significant because the fan was
18 covering her face. And from what I had been taught
19 in prior classes in investigation that when a suspect
20 does something to someone they love or someone they
21 know, oftentimes they'll try to cover the face as a
22 way of dehumanizing the person. And so once they
23 realize what they've done and unable to look at that
24 person, that loved one, they'll put something over

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1 the top of their face so they don't associate that as
2 their loved one.

3 Q. Is that something you -- strike that.

4 Did you include in your police report a
5 statement that the position of the fan was something
6 that suggested Alan Beaman was the killer?

7 A. I don't know that I did, sir.

8 Q. If it was an important aspect of the
9 investigation, is it something that you -- strike
10 that.

11 If it was an important piece of evidence
12 against Beaman, is it something that you would have
13 included in your report?

14 A. I don't know that I would have necessarily
15 reported or recorded that in wording. It was
16 documented where the fan was, and to me that was an
17 argument that would be up to the State's Attorney's
18 Office's to point out that during the prosecution if
19 one were to result.

20 Q. Did you -- did you mention that to the
21 State's Attorney's Office?

22 A. I don't --

23 MS. BARTON: Objection, foundation.

24 THE WITNESS: I don't recall, sir. Been so
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C06225

1 long ago.

2 BY MR. SHAPIRO:

3 Q. What was the significance of the fact that
4 Lockmiller had been stabbed multiple times in
5 connection with your view of Beaman's guilt?

6 A. This is my own personal opinion, sir. But
7 according to the coroner, she was killed by
8 strangulation. And they stated when she was stabbed
9 with the scissors, she was already dead, and that was
10 evident because of the lack of blood flow. The heart
11 had stopped pumping when the stabbing started.

12 To me that indicated that was a vengeful act
13 that was done. It was not an act to stop her. It
14 was not an act to kill her. That was a final
15 vengeful thing towards her because she was already
16 dead from the cord.

17 Q. What do you mean when you say it was a
18 personal opinion?

19 A. That's my opinion, sir, from training that
20 I've been to and just from my own thinking.

21 Q. Was there any criminologist or crime scene
22 expert who put forth the view that the fact that
23 Lockmiller was stabbed with the scissors was
24 something that suggests Alan Beaman was guilty?

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1 that she was stabbed multiple times is something that
2 you think supported probable cause against
3 Mr. Beaman?

4 A. It supported my belief in why Alan Beaman
5 was responsible for that murder.

6 Q. And are your personal beliefs relevant to an
7 establishment of probable cause?

8 A. I don't know, sir.

9 Q. You mentioned letters that were sent by
10 Alan Beaman to Jennifer Lockmiller. What year were
11 those letters sent?

12 A. Those letters were undated, sir. I don't
13 know what year they were sent.

14 Q. Do you remember Mr. Beaman testifying that
15 nearly all of those letters were from 1992?

16 A. I don't remember that, sir.

17 Q. Would the time when those letters have been
18 written rele -- be relevant to the strength of
19 Mr. Beaman's motive?

20 MR. DiCIANNI: Object to form of the
21 question.

22 MS. BARTON: I'll join.

23 MR. DiCIANNI: Foundation.

24 THE WITNESS: I don't know if they would or
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1 not, sir.

2 BY MR. SHAPIRO:

3 Q. You don't think that there's any difference
4 between a letter expressing feelings for someone in,
5 you know, a year before the murder versus right
6 before the murder in terms of their relevance to
7 someone's motive?

8 MS. BARTON: Objection to form.

9 MR. DiCIANNI: I join.

10 THE WITNESS: I don't know that it makes that
11 big of a difference. It showed us his level of
12 infatuation with her. And there was no reason -- I
13 guess I didn't see any reason to think that that
14 infatuation had dropped any at all.

15 BY MR. SHAPIRO:

16 Q. You mentioned the breaking down of the door
17 by Mr. Beaman?

18 A. Yes.

19 Q. Had Mr. Beaman ever been violent to another
20 person as opposed to a piece of property?

21 MS. BARTON: Objection to foundation.

22 THE WITNESS: I don't know, sir.

23 MR. BOWMAN: I'm sorry. What was the answer?

24 THE WITNESS: I don't know.

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1 BY MR. SHAPIRO:

2 Q. And you're aware from the domestic violence
3 report that we reviewed earlier that Mr. Murray, in
4 fact, had been violent against another person, right?

5 A. Yes.

6 MS. BARTON: Objection to form, foundation.

7 MR. DiCIANNI: Well, allegedly.

8 BY MR. SHAPIRO:

9 Q. You mentioned the 28 phone calls from
10 Lockmiller to Beaman. Why did you view those phone
11 calls as significant to the establishment of probable
12 cause?

13 A. Because 28 phone calls in one night to any
14 one particular person shows me that there was a deep
15 interest in trying to communicate with him. He
16 walked away from her, is my understanding, and she
17 was reaching back to him.

18 He had told me in overhears numerous times
19 that she had broke up with him -- some say 16, some
20 say 18 times. He says twice. So there was a history
21 of them constantly breaking up, getting back
22 together, breaking up, getting back together.

23 She calls him 28 times in one night, it
24 would be consistent in their past pattern for them to

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1 get back together again, which is consistent with him
2 coming back down the next day to see her.

3 Q. 28 calls from Lockmiller to Beaman would be
4 consistent with Lockmiller wanting to get back
5 together with Beaman, right?

6 A. I believe it could be interpreted that way,
7 yes. That's the way I understood it was she was
8 trying to reach him for some reason. And I don't
9 know what that reason was. We'll never know.

10 Q. What was the significance of the garbage
11 bag?

12 A. Alan Beaman stated in his letters that he
13 had a very huge jealousy for Jennifer. Several of
14 the people had told me he was incredibly jealous of
15 anybody that was around Jennifer.

16 On the overheard when we drove to Morton, I
17 actually have him on tape telling me that he had
18 broken into her -- had gone through her garbage in
19 the past looking for signs of birth control,
20 contraceptives, to prove that she was sleeping with
21 somebody else.

22 Therefore, when we got there and the garbage
23 had been pulled out and set on the couch and gone --
24 and appeared to have gone through, that was a

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1 telltale sign what we found out later of something
2 Alan used to do.

3 Q. Did you ever explore the possibility that
4 the garbage bag might have been removed by a burglar
5 who was looking for something to put items in?

6 MS. BARTON: Objection to form, foundation.

7 THE WITNESS: No, sir, I had not explored
8 that thought.

9 BY MR. SHAPIRO:

10 Q. And then you smiled when you answered that
11 question. Why are you smiling?

12 A. Well, because that is -- I'm smiling because
13 there's just so many hypotheses that we can throw out
14 here today what about this or what about that, but
15 most of those things lack motive and lack opportunity
16 and lack all of the other things in this case that
17 Alan had.

18 She typically locked her doors. There was
19 no forced entry into the door. If this was a burglar
20 coming in, there probably would have been some
21 damage -- fresh damage to the door. There was not.

22 There were valuables laying around the
23 apartment. Her purse was laying right there that had
24 money in it. If somebody wanted -- if a burglar

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1 wanted to come in, why go through the garbage when a
2 purse is sitting right on the table. It didn't make
3 sense for a burglar, sir. That's why I smiled.

4 (Plaintiff's attorneys confer off
5 the record.)

6 BY MR. SHAPIRO:

7 Q. Did you immediately as of August 28 or
8 August 29 discount the possibility that the murder
9 had been the result of a burglar?

10 A. I can't say that we ever discounted that. I
11 can't say that we considered it or that we discounted
12 it. I don't have any memory as I sit here today that
13 that was a strong concern.

14 Q. You don't --

15 MR. BOWMAN: That's fine.

16 BY MR. SHAPIRO:

17 Q. Is it your view that there -- if there had
18 been a burglar, there would have been signs of forced
19 entry?

20 A. I believe there would have been signs of
21 forced entry unless she would have left the door
22 unlocked. But she -- we were told that she typically
23 locked the door.

24 Q. You don't think it would have been possible

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1 to unlock the door without leaving a sign of having
2 done so?

3 MS. BARTON: Objection to form.

4 THE WITNESS: That could be a possibility,
5 sir.

6 BY MR. SHAPIRO:

7 Q. You referred to Mr. Beaman's lack of an
8 alibi. What -- describe to me what you mean when you
9 say that he lacked an alibi.

10 A. I gave him every attempt to state that he
11 had gone to the bank, to state that he had made a
12 phone call to his pastor that came out of that house;
13 and every one of his statements to me was that he
14 went home and he went to bed.

15 In running the mileage charts back and forth
16 and the times, he would have had time to leave Bell
17 Federal Bank, arrive at Jennifer's apartment just as
18 she's getting home from class, commit the homicide,
19 and then drive back to his house before his mom came
20 home. Therefore, there's a time during when we
21 believe that murder happened that he cannot account
22 for his whereabouts, and nobody else can account for
23 his whereabouts other than him saying, I went home
24 and I went to bed and my mom woke me up when she got
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1 home.

2 And we know from his statements that he
3 didn't go straight home. We know he went to the
4 bank. So his deception is right in the middle of
5 that alibi time.

6 Q. There were two calls placed from Beaman's
7 home on August 25 at 10:37 and 10:39, right?

8 A. Yes.

9 Q. Is there anyone who could have placed those
10 calls other than Carol Beaman or Alan Beaman?

11 A. I don't know, sir. We were not watching the
12 house at that time. I don't know if there could have
13 been a relative, grandparent. I don't know.

14 Q. Did you doing anything to investigate
15 whether anyone could have made those calls other than
16 Carol Beaman or Alan Beaman?

17 A. We did quite a bit to investigate who
18 answered those calls. We tried to track
19 Carol Beaman's time on her trial --

20 Q. I'm sorry --

21 A. -- before she --

22 Q. I don't mean to cut you off, but I think you
23 might not have understood my question.

24 My question was: Did you do anything to

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1 investigate the possibility that someone other than
2 Carol Beaman or Alan Beaman had made those calls?

3 A. I'm sorry. No.

4 Q. So you have --

5 A. I'm sorry. Not that I remember.

6 Q. And Carol Beaman stated that she did not
7 make the calls, correct?

8 A. I believe that's correct.

9 Q. Would you agree with me that it would not
10 have been possible for Beaman to have committed the
11 murder if he had made the calls?

12 A. I don't know that that would have totally
13 ruled him out.

14 Q. What do you mean you don't know that it
15 would have totally ruled him out?

16 A. It would have delayed his departure from
17 Rockford from 10:11 to 10:42, and it would have added
18 an additional distance; the additional distance from
19 his home to Normal as opposed to Bell Federal to
20 Normal.

21 But as I sit here today, I can't tell you
22 that even if he had made those calls and then left
23 that it still would have closed the gap.

24 Q. Well, Mr. Souk stated in his closing

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1 arguments in this case, quote, Mr. Beaman is out of
2 the apartment, meaning Lockmiller's apartment, by
3 12:15 or thereabouts.

4 Do you agree or disagree with Mr. Souk on
5 that?

6 A. I don't know, sir. It's been too long since
7 the case. I couldn't tell you.

8 Q. Well, you testified earlier that you sat
9 through the trial and didn't miss a day, right?

10 A. Yes, I did.

11 Q. Do you remember -- well, strike that.

12 A. If you'd like me to look at the transcript,
13 I can tell you if Mr. Souk said that or not; but I
14 don't have an independent recollection of it, sir.

15 Q. When do you think Jennifer Lockmiller was
16 killed?

17 A. I believe it was sometime between 12 o'clock
18 and 2 o'clock.

19 Q. Okay. So just take my word because this is
20 a direct quote in closing argument. Mr. Beaman is
21 out of the apartment by 12:15 or thereabouts.

22 In your view, that's -- is that narrowing
23 the window too much?

24 MR. DiCIANNI: I'll object.

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1 THE WITNESS: Again, sir, I don't know. It's
2 been too long since I did all the mileage and the
3 times and everything. I don't know.

4 BY MR. SHAPIRO:

5 Q. But you just -- I mean, you just said you
6 thought it happened between 12:00 and 2:00, right,
7 which is a broader window?

8 A. Yes, I said that happened --

9 MR. DiCIANNI: Objection.

10 THE WITNESS: I told you that we believe it
11 happened between 12:00 and 2:00 because she got home
12 from one class at 12:00 and didn't appear to her
13 2 o'clock class.

14 BY MR. SHAPIRO:

15 Q. So my -- so, again, my question was: Do you
16 think the statement, Mr. Beaman is out of the
17 apartment by 12:15 or thereabouts, is narrowing the
18 window beyond how you would narrow it?

19 MR. DiCIANNI: Objection.

20 MS. BARTON: I'll join the objection, asked
21 and answered.

22 THE WITNESS: I don't know, sir.

23 BY MR. SHAPIRO:

24 Q. If Alan Beaman made the calls at 10:37 and

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1 10:39, what do you think is the soonest that he could
2 have been home, assuming for a moment that he killed
3 Jennifer Lockmiller?

4 MS. BARTON: Objection to form.

5 MR. DiCIANNI: Join.

6 THE WITNESS: Similar answer that I gave you
7 before, sir. It's been so long since the time that I
8 did the driving and the time trials, I can't tell you
9 as I sit here what that estimated time would be.

10 BY MR. SHAPIRO:

11 Q. Let me help you out a little bit with
12 Exhibit 19, which is a Mapquest of the route.

13 MR. DiCIANNI: 19?

14 MR. SHAPIRO: Yeah.

15 BY MR. SHAPIRO:

16 Q. All right. This is a Mapquest set of
17 directions for -- from Beaman's home to Lockmiller's
18 and back. And I'll represent to you that I just
19 entered the addresses into Mapquest and asked for
20 round-trip time, and you'll see the round-trip time
21 is indicated here as four hours and 37 minutes.

22 Does that strike you as a reasonable time or
23 unreasonable time for a round-trip?

24 A. I've used Mapquest quite a bit, and the

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1 times are never that accurate for me when I use
2 Mapquest.

3 Q. So are you saying you don't think this is a
4 reasonable time?

5 A. Well, I would totally agree with you about
6 the mileage that Mapquest gives --

7 Q. I'm just asking you about the time. Do you
8 think it's an unreasonable time?

9 A. The time? I'm saying it's not an accurate
10 time. Is it reasonable? It could be reasonable, but
11 I wouldn't call it accurate.

12 Q. All right. Well, why don't we go with some
13 of the time trials that you did. And I'll represent
14 to you that in your report you indicate that once you
15 traveled from the Beaman residence to the Lockmiller
16 apartment, driving the posted speed limit it took you
17 two hours and 17 minutes?

18 A. Could you tell me where that's at in my
19 report?

20 Q. It's at page 53 of your report.

21 A. Do you have a copy of my report?

22 Q. Yeah, we can do it that way. Turn to
23 Exhibit 53.

24 A. I'm sorry. What page?

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1 Q. Just a moment. I apologize. It's actually
2 Exhibit 4. And, you know, why don't we do -- why
3 don't we just establish what these documents are.
4 Sorry for flipping back and forth.

5 Exhibit 3 is a copy of the first report that
6 you wrote in this case, right?

7 A. Yeah, yes.

8 Q. And Exhibit 4 is a continuation of your
9 report shown in Exhibit 3?

10 A. That's correct. You said first report. The
11 other question that it really was just one police
12 report that I wrote. It was just a continuation of
13 the one.

14 Q. You would characterize Exhibits 3 and 4 as a
15 single report collectively; is that correct?

16 A. Yes, sir.

17 Q. Okay. So let's turn to page 53, which is
18 actually the second page of Exhibit 4.

19 A. Okay.

20 Q. Okay. So I'm looking at left the driveway
21 at [REDACTED] in Normal at 8:28 -- at 8:28 a.m.
22 and drove straight to Alan Beaman's house driving
23 strictly at the posted speed limit. I arrived at
24 Alan house at 10:45 a.m. making the trip in two hours

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1 and 17 minutes.

2 A. Yes, that's a statement out of my report,
3 sir.

4 Q. Yeah. And I read that correctly?

5 A. Yes, you did.

6 Q. Okay. So that indicated on that time trial
7 that from Lockmillers to Beaman's, it was two hours
8 and 17 minutes?

9 A. Yes, sir.

10 Q. Okay. Does that help you to answer the
11 question that I was asking earlier as to assuming
12 Beaman made the calls at 10:37 and 10:39 and further
13 assuming that he had committed the murder what the
14 soonest time is you think that he could have been
15 back to his home?

16 A. Well, the two hours and 17 minutes is
17 driving the posted speed limit, sir. I don't know
18 how fast Alan would have driven down to Normal and
19 back to Rockford.

20 I believe there was another trial that I
21 made where I actually did ten miles over the speed
22 limit. I drove 65 on the main -- or 75 on the
23 Interstate and approximately 8 to 10 miles over the
24 speed limit the rest of the way to his house. That

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1 was a different time.

2 Do you remember where that's at in --

3 Q. Let's talk about it for a moment.

4 During that time trial, you averaged 75
5 miles an hour?

6 A. Yes -- well, in the police report I stated I
7 average 75 miles an hour. When I reached the
8 Interstate, I would have averaged 75 on the four-lane
9 Interstate between Bloomington and Rockford.
10 Obviously I would not have been averaging 75 through
11 town.

12 Q. Yes. On the Interstate you averaged 75?

13 A. Yes.

14 Q. Okay. What type of a vehicle were you
15 driving when you averaged 75?

16 A. I don't recall, sir.

17 Q. What type of vehicles did you have access to
18 in connection with your professional activities at
19 the time?

20 A. I had a gray Chevy Caprice that I drove as
21 my main assigned vehicle, and we also had a
22 Mitsubishi Eclipse which is a vehicle given to us by
23 Diamond Star Motors. I know I made trips in both of
24 those vehicles.

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1 Q. How old were those vehicles?

2 A. I don't recall, sir. Mine was the car that
3 was the chief's old car, and it was pretty much the
4 end of the fleet for the detective division, so it
5 was one of the older cars we had in detectives. And
6 I don't remember the year of the Mitsubishi Eclipse.

7 Q. Do you recall the condition of Alan Beaman's
8 car?

9 A. I only saw his car a couple of times. I
10 took pictures of it when it was in Rockford and
11 during the investigation of the speedometer where we
12 towed it into the city garage to inspect the
13 speedometer.

14 Q. So you took picture of it?

15 A. Yes, I did.

16 Q. You towed it in?

17 A. Uh-huh.

18 Q. You took out the odometer?

19 A. Yes.

20 Q. You went with the two expert witnesses back
21 down to the car?

22 A. Yes.

23 Q. And, you know, played with the odometer, for
24 want of a better word, and put the odometer back in

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1 at that time?

2 A. I don't know that we ever put the odometer
3 back in.

4 Q. Okay.

5 A. I think we took it out and kept it for
6 evidence, sir.

7 Q. Okay. So you viewed the car on a number of
8 occasions, right?

9 A. Yes.

10 Q. What do you remember about its condition?

11 A. I remember when we towed it in, it was
12 reported to have a cracked head gasket on it. That's
13 the only thing I remember. And I remember that
14 because I read it in my police report over the last
15 couple of days.

16 Q. Did anyone attempt to drive the car at any
17 point?

18 MS. BARTON: Objection; foundation, form.

19 THE WITNESS: Not that I recall, sir. I
20 don't remember.

21 BY MR. SHAPIRO:

22 Q. Did you ever -- well, did you ever undertake
23 a time trial using a car same make and model as
24 Alan's car and of similar age?

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1 A. No, sir.

2 Q. Did you make any effort to ascertain whether
3 it would be feasible for Mr. Beaman to drive 70
4 miles -- an average of speed of 75 miles on the
5 Interstate in his car?

6 A. I don't recall if I did or not, sir.

7 Q. The other time trial you're referring to is
8 on page 59 of your -- of the continuation of your
9 report.

10 And directing your attention to Exhibit 4,
11 the page that's marked 59 at the top. You see the
12 bottom paragraph?

13 A. Yes, sir, I do.

14 Q. Is that the paragraph you were referring to
15 earlier?

16 A. Yes, it is.

17 Q. This paragraph reads: On January 10, 1994,
18 I traveled to Rockford once again to verify mileages
19 between several different locations. I began at
20 [REDACTED] and drove directly to
21 Alan Beaman's residence at an average speed of 75
22 miles per hour. Total distance was recorded as 138
23 miles with a driving time of one hour and 56 minutes.
24 The following -- well, we can stop there.

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1 So this was another time trial in which you
2 drove from Lockmiller's apartment to Beaman's, right?

3 A. Yes.

4 Q. Uh-huh. Did you ever do a time trial in the
5 reverse direction from Beaman's to Lockmiller's?

6 A. I might have, sir. I don't recall.

7 Q. If you had done it, would you have recorded
8 it in your report?

9 MS. BARTON: Objection, calls for
10 speculation.

11 THE WITNESS: I don't remember, sir.

12 BY MR. SHAPIRO:

13 Q. I'm asking whether -- whether you would
14 have.

15 A. If I had done it the other way, I don't -- I
16 don't know, sir.

17 Q. Why did you undertake these time trials?

18 MS. BARTON: Objection to form.

19 THE WITNESS: I was trying to verify an
20 alibi.

21 BY MR. SHAPIRO:

22 Q. And that alibi depended on how long it took
23 to get from Beaman's to Lockmiller's and from
24 Lockmiller's to Beaman's, right?

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1 A. No.

2 Q. I'm sorry. That -- strike that.

3 It depended on how long it took to get from
4 Bell Federal to Lockmiller's and then Lockmiller's to
5 Beaman's, right?

6 A. Yes.

7 Q. Did you -- did you measure the time from
8 Bell Federal to Lockmiller's?

9 A. I believe I did.

10 Q. If you did, would that have been included in
11 your report?

12 A. I believe it would have.

13 Q. Would that have been an important aspect of
14 the investigation?

15 A. Yes, it would have. If you'd like me to
16 look at my police report, I believe it's in my police
17 report.

18 Q. Yeah. Well, I -- if you have a moment to
19 look over it, yeah, sure, if you can direct me to
20 that.

21 MR. BOWMAN: Why don't we take a short break
22 while he's looking at the report.

23 THE WITNESS: It's on page 60 after --

24 MR. SHAPIRO: Let's take a break, yeah.

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1 MR. DiCIANNI: Your answer can -- will be the
2 first thing we do when we come back from the break.

3 MR. SHAPIRO: Fair enough. I didn't mean to
4 cut you off there.

5 THE VIDEOGRAPHER: Off the record, 3:42.

6 (Whereupon, a break was taken,
7 after which the following
8 proceedings were had:)

9 THE VIDEOGRAPHER: Back on the record at
10 4 o'clock.

11 BY MR. SHAPIRO:

12 Q. Prior to the break, we were talking about
13 time trials that you did in this case. You did time
14 trials from Bell Federal Bank to the Beaman residence
15 both using the bypass route and going through town,
16 right?

17 A. Yes.

18 Q. Which of those did you do first?

19 A. I don't recall, sir.

20 Q. So you could have done the bypass route
21 first, and you could have gone through town first?

22 A. That's correct.

23 Q. When you went through town, how did you
24 determine the route that you took through town?

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1 A. To the best of my memory, I took the most
2 direct route between -- the shortest distance between
3 Bell Federal and the Beaman residence.

4 Q. How would you -- how did you determine what
5 was the shortest route?

6 A. I don't know if I indicated that in my
7 police report. I don't remember exactly how I
8 determined that shortest route, sir.

9 Q. Did you ever live in Rockford?

10 A. No, sir.

11 Q. How familiar were you with Rockford?

12 A. I was not very familiar, sir.

13 Q. Not -- did Mr. Souk accompany you on any of
14 the time trials?

15 A. I recall him accompanying me to a trip to
16 Rockford, but I cannot tell you as I sit here today
17 if we did time trials on that trip or if we did
18 something else on that trip.

19 Q. Had he ever lived in Rockford?

20 MS. BARTON: Objection to foundation.

21 THE WITNESS: I don't know, sir.

22 BY MR. SHAPIRO:

23 Q. Did you have any reason to think that he
24 knew his way around Rockford particularly well?

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1 A. I don't remember, sir.

2 Q. Did you ask anyone what was the fastest --
3 strike that.

4 Did you ask anyone what was the most direct
5 route from Bell Federal to the Beaman residence
6 assuming one's going through town?

7 A. As I testified a moment ago, sir, I don't
8 recall how I chose the most direct route, if it was
9 off of an atlas or if it was off of a city map. I
10 don't recall exactly what method I used to determine
11 the most direct route.

12 Q. Do you recall anything about how you
13 determined the route?

14 A. No, sir.

15 Q. The route you took was an important aspect
16 of the investigation, right?

17 MS. BARTON: Objection, form and foundation.

18 MR. DiCIANNI: I'll join.

19 THE WITNESS: Yes, it was.

20 BY MR. SHAPIRO:

21 Q. You did not record the time trial from Bell
22 Federal Bank to the Beaman residence using the bypass
23 route in your report, right?

24 A. I don't believe I did.

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1 Q. Why did you not include it?

2 A. I don't know, sir.

3 Q. That was an important piece of evidence,
4 right?

5 MR. DiCIANNI: I'll object to form of the
6 question.

7 MS. BARTON: I'll join.

8 THE WITNESS: Yes, it was. I testified to
9 that route in grand jury, so it was important.

10 BY MR. SHAPIRO:

11 Q. Why was it important?

12 A. Because it was part of the alibi for the
13 drive times. That's why we spent time testifying
14 about it in the grand jury.

15 Q. It was important because it would help to
16 establish whether or not Beaman could have made it
17 home from Bell Federal Bank in time to make the calls
18 at 10:37 and 10:39, right?

19 A. Yes.

20 Q. Given that -- given it's important, why did
21 you fail to include it in your report?

22 MR. DiCIANNI: Objection, asked and answered.

23 MS. BARTON: Join.

24 MR. DiCIANNI: Speculation.

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1 THE WITNESS: I don't know, sir.

2 (Plaintiff's attorneys confer off
3 the record.)

4 BY MR. SHAPIRO:

5 Q. So it's fair to say you didn't actually
6 include everything that was important in your report,
7 right?

8 MR. DiCIANNI: Objection, form of the
9 question.

10 MS. BARTON: I'll join.

11 THE WITNESS: The distance -- I don't think
12 it's a fair question that you just gave me. A lot of
13 the information that I -- the notes that I took could
14 have been recorded in other places besides my official
15 police report. It could have been in the presentation
16 that we put together for the jury trial, it could have
17 been in some other document that I prepared.

18 BY MR. SHAPIRO:

19 Q. Is it --

20 (Plaintiff's attorneys confer off
21 the record.)

22 BY MR. SHAPIRO:

23 Q. It was in another document -- it was not in
24 another document that you have prepared, at least one

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1 that I've seen; and why wasn't it?

2 MS. BARTON: Objection to form, foundation.

3 MR. DiCIANNI: Yeah, I'll object to the
4 premise and form of the question.

5 THE WITNESS: You're asking me to take your
6 word that it wasn't in the other document, sir. I
7 don't recall.

8 BY MR. SHAPIRO:

9 Q. What other important evidence did you not
10 include in your police report but only put in other
11 documents?

12 MS. BARTON: Objection to foundation and
13 form.

14 MR. DiCIANNI: I'll join.

15 THE WITNESS: I don't believe there was any
16 other important information that I did not document
17 somewhere else.

18 BY MR. SHAPIRO:

19 Q. You included some time trials in your
20 report, right?

21 A. Yes, I did.

22 Q. In fact, you included a time trial from
23 federal -- from Bell Federal Bank to the Beaman
24 residence not using the bypass route, right?

233

1 A. Yes, I did.

2 Q. Did you testify as to that route at any
3 point?

4 A. I testified to the in-town route, I believe,
5 during the jury trial.

6 Q. Okay. So there was some things that you
7 testified to at the jury trial and included in your
8 report, correct?

9 A. Yes.

10 Q. So why was the bypass route something that
11 was testified to at the grand jury but not included
12 in the report?

13 MR. DiCIANNI: Object to form of the
14 question.

15 MS. BARTON: I'll join.

16 THE WITNESS: Sir, testifying to it in grand
17 jury made it a matter of document and a matter of
18 record.

19 BY MR. SHAPIRO:

20 Q. When you were writing your report, did you
21 know exactly what you were going to say in the grand
22 jury?

23 A. No, sir.

24 Q. So how is the fact that you testified to it

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1 in the grand jury an explanation for why it's not in
2 your report?

3 A. I don't know, sir.

4 MR. DiCIANNI: Yeah, I'll object,
5 speculation.

6 MS. BARTON: I'll join.

7 BY MR. SHAPIRO:

8 Q. Did you make any notes of the time trial by
9 the bypass route from the bank to the Beaman
10 residence?

11 A. I believe I would have.

12 Q. And what did you do with those notes?

13 A. Those notes would have been transferred in
14 to either my police report or some other document
15 that I prepared.

16 Q. We've established they're not in the police
17 report, right, as to the time trial?

18 A. I don't believe they're in the police
19 report, sir.

20 Q. I'm still struggling to understand,
21 Mr. Freesmeyer. The purpose of the police report is
22 to record what you did in the investigation, right?

23 A. Yes, sir.

24 Q. Purpose of writing a police report is not to
235

1 think ahead to what you might testify to and only
2 include important facts that you're not going to
3 testify to, right?

4 A. Okay.

5 Q. Right? Would you agree with that?

6 A. Yes.

7 Q. Okay. So why is it that when I ask you why
8 the bypass route time trial is not in the police
9 report, you answer that by telling me that you
10 testified to it in the grand jury?

11 MR. DiCIANNI: I object to the form of the
12 question.

13 MS. BARTON: I'll join.

14 THE WITNESS: Sir, I responded by telling you
15 that I don't know why it's not in the police report,
16 and then I made a statement that I testified to it in
17 grand jury so it was a matter of record. I didn't say
18 that it was not in the report because I testified to
19 it in grand jury.

20 BY MR. SHAPIRO:

21 Q. It's an omission on your part that it's not
22 included in the report, right?

23 MR. DiCIANNI: Objection.

24 MS. BARTON: Join.

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1 THE WITNESS: I'll agree with you that it is
2 not in my police report.

3 BY MR. SHAPIRO:

4 Q. And was that a potentially significant
5 omission on your part, not knowing at the time you
6 wrote the report that you were going to testify about
7 it in the grand jury?

8 A. I don't know, sir.

9 MR. DiCIANNI: I object.

10 BY MR. SHAPIRO:

11 Q. Is one of the purposes of preparing a police
12 report to apprise the State's Attorney of
13 everything -- of all the important things that you
14 did in the course of investigation?

15 MS. BARTON: Objection to form.

16 THE WITNESS: The State's Attorney is one of
17 many people that read that police report. The purpose
18 of a police report is to document the facts of a case.

19 BY MR. SHAPIRO:

20 Q. Uh-huh. And one of the people that it's
21 being documented for is the State's Attorneys, right?

22 A. Yes.

23 Q. And one of the reasons for documenting it as
24 well is that the police reports are often turned over

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1 to the defense, right?

2 A. I don't know about that, sir. That's out of
3 my area of expertise.

4 Q. You've never received any training as to
5 whether one reason to document investigations is the
6 provision of that documentation to the defense in a
7 criminal case?

8 A. I've been trained that the purpose of
9 writing a police report is to document the facts,
10 both positive and negative, of what occurred in the
11 case.

12 Q. Okay. So is the answer to my question no?

13 A. The answer to your question is to document
14 all the facts not knowing who's going to read that.

15 Q. So you've never received any training with
16 regard to the need to prepare police reports in part
17 to document facts for the defense in a case?

18 MS. BARTON: Objection to form.

19 BY MR. SHAPIRO:

20 Q. Is that correct? I think that's a yes or no
21 question.

22 MR. DiCIANNI: I'm not sure it is.

23 Could you read it back.

24

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1 (Whereupon, the record was
2 read as requested.)

3 MR. DiCIANNI: I'll object to form of the
4 question.

5 THE WITNESS: I don't recall ever receiving
6 training with a specific focus of documenting facts
7 for the defense. I know that I have had training in
8 writing reports to document the facts of a situation
9 that occurred.

10 Does that answer your question, sir?

11 BY MR. SHAPIRO:

12 Q. Not entirely, but let's move on.

13 Why were the time trials in this case
14 conducted post arrest?

15 A. Because we received additional information
16 from grand jury after Alan Beaman testified. We also
17 received additional information after the arrest from
18 Carol Beaman that she had been holding for some time
19 such as the IGA receipts, the mileage photograph of
20 odometer, the Sears receipt, the union hall receipt.
21 I believe that's all.

22 Q. To be clear, I'm referring to the time
23 trials from Bell Federal Bank to the Beaman
24 residence.

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1 You knew well before the arrest that
2 Mr. Beaman had been to Bell Federal Bank, right, at
3 10:11?

4 A. Yes.

5 Q. At what point did you learn that calls had
6 been made from Mr. Beaman's home at 10:37 and 10:39?

7 A. Shortly after the incident occurred when we
8 got the phone records.

9 Q. When was that?

10 A. It would have been within the first couple
11 of months of the investigation.

12 Q. Okay. So well before the arrest?

13 A. Yes.

14 Q. So well before the arrest, you'd agree with
15 me that you knew that Mr. Beaman had been at the Bell
16 Federal Bank at 10:11 and that calls were made from
17 the Beaman residence on the same day, August 25, at
18 10:347 and 10:39, right?

19 A. Yes.

20 MS. BARTON: Objection to form.

21 BY MR. SHAPIRO:

22 Q. Was it not important at that point to
23 determine whether Mr. Beaman could have made it home
24 from Bell Federal Bank in time to make the calls?

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1 MS. BARTON: Objection to form.

2 MR. DiCIANNI: I'll join.

3 THE WITNESS: Yes, it was important.

4 BY MR. SHAPIRO:

5 Q. Why was it important?

6 A. You've asked that question before. I'll
7 answer the same way. To establish his alibi, whether
8 it was valid or not.

9 Q. Why did you not seek to establish whether
10 his alibi was valid or not prior to arresting him?

11 MS. BARTON: Objection to form.

12 THE WITNESS: That's a misleading statement,
13 sir. You asked why I didn't do something which, in
14 fact, I did. I did seek to get those times prior to
15 his arrest, I believe.

16 BY MR. SHAPIRO:

17 Q. When did you do so?

18 A. Well, I would have to look at my times. I'm
19 sorry. I may be mistaken. I'd have to go back to my
20 report and see if we did any time trials before the
21 arrest. They may have been all after the arrest.

22 Q. Yeah, go ahead. Take a look.

23 Have you had a chance to review your report?

24 A. I believe I was confusing the time trials

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1 that I did to Mike Swain's house and back prior to
2 the arrest with the time trials I did to Alan's
3 house.

4 Q. Okay. So you'll agree that I was, in fact,
5 not misleading when I --

6 A. I --

7 Q. -- suggested that there -- you had not done
8 time trials involving Bell Federal Bank prior to the
9 arrest of Alan Beaman, right?

10 A. I believe that's a true statement, sir.

11 Q. Okay.

12 MR. BOWMAN: So what's the answer?

13 BY MR. SHAPIRO:

14 Q. Yeah, given the importance of the time
15 trials to Mr. Beaman's alibi, why didn't you conduct
16 them prior to his arrest?

17 MS. BARTON: Objection to form.

18 THE WITNESS: I don't have an answer to that,
19 sir. I don't know. I don't remember.

20 BY MR. SHAPIRO:

21 Q. Whether the person you're about to arrest
22 has an alibi is an important element of whether
23 probable cause exists, right?

24 A. Yes.

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1 Q. So in establishing whether probable cause
2 exists to arrest Mr. Beaman, it would have been
3 important to check whether he had an alibi, right?

4 A. Yes.

5 Q. And in determining whether he could have
6 made the calls from his house after Bell Federal Bank
7 was an important aspect to determining whether he had
8 an alibi, correct?

9 A. Yes.

10 Q. While we're on the topic of probable cause,
11 what do you think probable cause means?

12 A. Probable cause means sufficient evidence to
13 believe that an individual committed a particular
14 crime.

15 Q. And when you're considering whether there's
16 probable cause as to whether individual A committed a
17 crime, is it also important to consider whether there
18 is evidence suggesting that individual B committed a
19 crime?

20 MR. DiCIANNI: I'll object, form of the
21 question.

22 MS. BARTON: I'll join.

23 THE WITNESS: The fact that criminal B could
24 commit a crime does not necessarily take away the

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1 evidence facing criminal A.

2 The amount of evidence against Alan Beaman
3 indicating that he committed this crime was not --

4 MR. DiCIANNI: I think that's it. You
5 answered it.

6 MR. SHAPIRO: Well, Tom, that's coaching.
7 Let him finish the answer.

8 MR. DiCIANNI: That's not coaching.

9 BY MR. SHAPIRO:

10 Q. Were you finished answering the question?

11 A. Yes.

12 Q. What a surprise.

13 Before arresting individual A, wouldn't you
14 want to ensure yourself that the person who committed
15 the crime was not individual B?

16 A. Yes.

17 Q. So why wouldn't you take the possibility
18 that individual B committed the crime into
19 consideration when determining whether there's
20 probable cause?

21 MS. BARTON: Objection to form.

22 MR. DiCIANNI: Join.

23 THE WITNESS: Because when we had our meeting
24 prior to the arrest of Mr. Beaman, there was nobody

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1 else in the room that raised an objection that he was
2 not the one responsible for this crime.

3 (Plaintiff's attorneys confer off
4 the record.)

5 BY MR. SHAPIRO:

6 Q. When you're assessing probable cause against
7 Mr. Beaman, did you consider evidence inculpatng
8 Mr. Murray?

9 MS. BARTON: Objection to form, foundation.

10 THE WITNESS: Again, I did not handle
11 Mr. Murray, so I don't recall the exact conversations
12 that occurred at those meetings.

13 BY MR. SHAPIRO:

14 Q. So when the decision was made to charge
15 Mr. Beaman, do you have any recollection of any
16 consideration being given to the possibility that
17 Mr. Murray committed the murder?

18 MR. DiCIANNI: Are you referring to that
19 meeting of May --

20 MR. SHAPIRO: I'm referring to the May 16,
21 1994 meeting in which the decision was made to charge
22 Mr. Beaman.

23 MS. BARTON: Indication by anyone? Object to
24 the form, vague.

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1 THE WITNESS: Sir, I don't remember
2 individual comments that were made. But what sticks
3 out in my mind of that meeting was it was the final
4 meeting before the day of arrest for Alan, and
5 everybody present was in unison to effect the arrest
6 of Mr. Beaman and charge him with the murder of
7 Jennifer Lockmiller.

8 BY MR. SHAPIRO:

9 Q. So my question -- and I think this is a yes
10 or no question -- is: Did you in any way consider
11 evidence against Mr. Murray in making an assessment
12 as to whether there was probable cause to arrest
13 Mr. Beaman?

14 MR. DiCIANNI: Objection now. Asked and
15 answered and speculation. He's already testified --

16 MS. BARTON: I'll join and add --

17 MR. DiCIANNI: He's already answered that
18 question.

19 MS. BARTON: -- form and foundation.

20 THE WITNESS: As I just stated, in that
21 meeting I do not recall the exact comments that were
22 made, the exact conversation. I just remember in that
23 meeting there was no objection to the fact that Alan
24 was the man that committed the homicide of Jennifer

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1 Lockmiller --

2 BY MR. SHAPIRO:

3 Q. And you remember no comments made about --

4 THE COURT REPORTER: I'm sorry. I'm sorry.

5 I can't get both of you at the same time.

6 MR. SHAPIRO: Fair enough. I'm sorry.

7 THE COURT REPORTER: I got Jennifer

8 Lockmiller. That's all I heard.

9 THE WITNESS: Jennifer Lockmiller's death.

10 I do not remember the exact conversation that
11 took place, sir. That was 19 years ago.

12 BY MR. SHAPIRO:

13 Q. I understand you don't remember the exact
14 conversation. My question is: Do you remember any
15 consideration being given to Mr. Murray when the
16 decision was made to arrest Mr. Beaman? I believe
17 that is a yes or no question.

18 MS. BARTON: Objection to form.

19 MR. DiCIANNI: Well, I'll object to the
20 question.

21 THE WITNESS: I don't believe it's a yes or
22 no question. I have the same answer I gave you the
23 last two times. I do not remember the individual
24 conversation or comments that were made at that

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1 meeting.

2 BY MR. SHAPIRO:

3 Q. You remember no comments about Mr. Murray?

4 MR. DiCIANNI: Objection.

5 THE WITNESS: I do not remember any comments,
6 individual comments made at that meeting.

7 BY MR. SHAPIRO:

8 Q. You have no recollection of yourself giving
9 any consideration to Mr. Murray?

10 MR. DiCIANNI: Same objection.

11 THE WITNESS: I have no recollection of
12 individual comments made at that meeting.

13 BY MR. SHAPIRO:

14 Q. That wasn't the question. The question was
15 do you have any recollection of yourself considering
16 the evidence against Murray when the decision was
17 made to arrest Beaman?

18 A. I do not remember that, sir.

19 Q. Okay. One of the pieces of evidence, if you
20 want to call it that, indicating probable cause that
21 you mentioned earlier was the 28 calls made from
22 Jennifer Lockmiller to Mr. Beaman, right?

23 A. Yes.

24 Q. I'm not sure I understood you the first

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1 time. Could you explain for me how that contributes
2 to a finding of probable cause against Mr. Beaman?

3 A. You asked what in my mind led to my reason
4 believing that he was responsible for the murder, and
5 I explained to you that they had broken up between 16
6 and 18 different times according to Alan's statements
7 to me.

8 In such a relationship, if she's reaching
9 out to him 28 times in one night to get back
10 together, that would -- the natural conclusion would
11 be him driving down the next day and responding to
12 those 28 calls that she attempted to reach him.

13 Q. Why would the natural conclusion from
14 someone calling 28 times be driving two hours to go
15 and see them?

16 A. Because the pattern was fight, break up, one
17 apologizes, get back together; fight, break up, one
18 apologizes, get back together. In this case, they
19 had fought, they broke up. We believe she may have
20 been calling to try to apologize. He states that she
21 called wanting him back. That was in one of the
22 statements that he made, and his comment was, I told
23 her to forget it.

24 So it follows the pattern of what they had
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1 done before, fight, break up, apologize, want them
2 back, get back together. To me that indicated that
3 he would have a desire to come back and see her again
4 after she's made 28 attempts to reach him.

5 Q. But if she calls him 28 times and then he
6 says essentially, I'm no longer interested, how does
7 that indicate that he wanted to get back together
8 with her?

9 A. That's if you believe his statement to us
10 that he told her he's no longer interested. I don't
11 believe that statement.

12 MR. BOWMAN: What evidence?

13 BY MR. SHAPIRO:

14 Q. What evidence do you have to doubt the
15 veracity of that statement?

16 A. An entire collection of letters showing his
17 infatuation for her.

18 Q. Oh, you mean letters from 1992?

19 MS. BARTON: Objection, form --

20 THE WITNESS: They are undated, sir.

21 MS. BARTON: -- and foundation.

22 THE WITNESS: The fact that he's gotten back
23 together with her 17 prior times or 15 prior times,
24 depending on which number you want to go with, this

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1 was a common pattern between the two of them.

2 So for him to say after she called him and
3 wanted him back that he was not interested and he was
4 walking away was hard for me to believe.

5 BY MR. SHAPIRO:

6 Q. And when you say that the -- in response to
7 my comment that the letters were undated, are you
8 saying that he lied when he testified, referring to
9 Mr. Beaman, that those letters were from 1992?

10 A. I'm not saying he lied, sir. I'm simply
11 saying the letters were undated. I don't recall his
12 testimony on that day, and I'm not saying whether he
13 lied or not. I'm just making a statement the letters
14 were undated.

15 Q. What efforts did you make to ascertain the
16 date of those letters?

17 A. I don't recall.

18 Q. Did you ask Mr. Beaman the dates of those
19 letters?

20 A. I don't recall.

21 Q. Did you ask any of Jennifer Lockmiller's
22 close friends whether they could identify when the
23 letters were sent?

24 A. I don't recall.

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1 Q. Do you have any reason to doubt Mr. Beaman's
2 testimony that almost all of those letters were sent
3 in 1992?

4 A. I have reason to believe -- reason to doubt
5 many things that Mr. Beaman said.

6 Q. That wasn't my question. My question was:
7 Do you have any reason to doubt Mr. Beaman's
8 testimony that virtually all of those letters to
9 Lockmiller were sent in 1992?

10 A. Yes.

11 Q. And what is that reason?

12 A. Because he lied to me on many other
13 important things such as the fact that he didn't go
14 to Bell Federal, such as the fact that he didn't make
15 any phone -- I'm sorry. The fact that he went
16 straight home. I misstated.

17 When I asked him if he went anywhere, he
18 said, no, I went home. He didn't tell me about the
19 bank. That's a lie through omission. I asked him if
20 he made any phone calls when he got home. He said,
21 no, I didn't make any phone calls.

22 There were a number of inconsistencies. And
23 if he's lied to me once, then I have a reason to
24 believe that he's lying on other issues as well.

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1 MR. DiCIANNI: Let me just say I want to
2 object to what's going on in the corner over there
3 where people are making faces and gasping and making
4 different gestures in reaction to some of the
5 testimony. I think that's inappropriate at a
6 deposition.

7 THE WITNESS: It's very distracting.

8 MR. DiCIANNI: And I want to take a break to
9 confer for a second.

10 MR. BOWMAN: I don't -- I don't mean any
11 disrespect to you, Mr. Freesmeyer. You know, there
12 are obviously different opinions about the
13 significance of all this, and I don't mean any
14 disrespect to you.

15 MR. DiCIANNI: Thank you.

16 THE VIDEOGRAPHER: Off the record, 4:25.

17 (Whereupon, a break was taken,
18 after which the following
19 proceedings were had:)

20 THE VIDEOGRAPHER: Back on the record, 4:35.

21 BY MR. SHAPIRO:

22 Q. Why do you think Alan Beaman -- strike that.
23 What evidence do you have to support your
24 view that Alan Beaman lied to you about the Bell

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1 Federal Bank as opposed to simply not remembering
2 immediately having gone to the bank that day?

3 A. Because in early September, his attorney,
4 Bill Beu, sent -- or made a call to Bell Federal
5 asking for a copy of the tape. Therefore, I know his
6 attorney was aware of that video.

7 And so when asked several times, did you go
8 anywhere else that day, he would have been aware of
9 that. And so his lie was through omission --
10 omission. Excuse me.

11 Q. Your testimony is that you asked him
12 specifically where were you on August 25 as opposed
13 to during the week of the murder?

14 A. I asked about the entire week.

15 Q. Uh-huh. And the omission was
16 forgetting that he -- strike that.

17 The omission was not mentioning that he had
18 gone to the bank at some point that week?

19 A. That's correct. Actually, he was asked
20 several times if he had done anything that day.
21 It -- just leave it at that.

22 Q. The 28 calls suggests that -- well, strike
23 that.

24 There was evidence that Beaman was not

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1 interested in getting back together with Lockmiller;
2 was there not?

3 MS. BARTON: Objection, form.

4 THE WITNESS: Not that I'm aware of.

5 BY MR. SHAPIRO:

6 Q. Beaman had gone out of town and been in Ohio
7 for a period after breaking up with Lockmiller,
8 correct?

9 A. He did leave to go to Ohio for a while, yes.

10 Q. Uh-huh. There had been a call in which Alan
11 said that Jennifer wanted to get back together with
12 him, and he was not interested, correct?

13 MS. BARTON: Objection to foundation.

14 THE WITNESS: That was Alan's version of how
15 that conversation went.

16 BY MR. SHAPIRO:

17 Q. And that was consistent with his parents'
18 understanding of that conversation based on what Alan
19 told them immediately after the conversation, right?

20 MS. BARTON: Objection to foundation.

21 THE WITNESS: I don't know anything about the
22 conversation between he and his parents.

23 BY MR. SHAPIRO:

24 Q. You don't have -- you don't have any

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1 recollection of Alan's parents stating that he had
2 told them prior -- immediately after a conversation
3 with Lockmiller that she was interested in getting
4 back together but he was not?

5 A. No, sir.

6 MS. BARTON: Objection, foundation.

7 THE WITNESS: I don't remember that.

8 BY MR. SHAPIRO:

9 Q. When you were discussing your view that
10 there was probable cause to arrest Mr. Beaman, you
11 discussed evidence that you think suggested a motive
12 to kill her, right?

13 A. Yes.

14 Q. How is that evidence different from evidence
15 indicating a bad break-up?

16 A. I don't understand your question, sir.

17 Q. Well, not everyone who has a bad break-up
18 has a motive to kill their ex, right?

19 A. I guess that would be a fair statement, yes.

20 Q. Okay. So what made Alan Beaman different?

21 A. Well, he had a past history of breaking into
22 her apartment thinking that Mike Swain was in the
23 apartment. He had a history of going through her
24 garbage looking for evidence that she was cheating

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1 with somebody else. He stated in his letters that he
2 was incredibly jealous. There were numerous
3 indications of his jealousy and his rage that he
4 would go into when finding out that she was
5 potentially sleeping with somebody else or having
6 sexual relations with somebody else. That's not
7 always common in any break-up. That was a very
8 violent --

9 Q. When did Mr. Beaman learn that
10 Jennifer Lockmiller was having sexual relations with
11 Mr. Swain?

12 MS. BARTON: Objection to foundation.

13 THE WITNESS: That's a very good question. I
14 don't know.

15 BY MR. SHAPIRO:

16 Q. Well, he knew it at the time that he walked
17 in on a night when Lockmiller was with Swain, right?

18 MS. BARTON: Same objection.

19 THE WITNESS: He had suspicions that
20 Mike Swain was having a relationship with Jennifer.
21 When he busted the door in, he didn't see Mike in
22 there. According to the statements, Mike was hiding
23 in the closet underneath one of her dresses, so he
24 didn't see Mike at that time.

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1 BY MR. SHAPIRO:

2 Q. So you don't think at that point he knew
3 that there was a sexual relationship between Swain
4 and Lockmiller?

5 A. My answer is I don't know exactly when he
6 found out about the relationship between Mike and
7 Jennifer.

8 Q. What do you think he inferred from the fact
9 that Swain was, as you just stated, hiding in the
10 closet behind dresses?

11 A. I'm sorry. Say that again.

12 Q. What do you think Mr. Beaman inferred from
13 the fact that Mr. Swain was standing in the closet
14 behind dresses when he walked in?

15 MR. DiCIANNI: Objection, form of the
16 question, speculation.

17 MS. BARTON: I'll join.

18 THE WITNESS: I don't know what his inference
19 would be, sir.

20 BY MR. SHAPIRO:

21 Q. He might have attached no significance to
22 the fact that Mr. Swain was in the -- was hiding in
23 the closet; is that what you're saying?

24 MR. DiCIANNI: Same objection.

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1 MS. BARTON: I'll join.

2 THE WITNESS: I don't know exactly what he
3 was thinking. I believe he did tell me in overhear
4 that he had suspicion that they were romantic because
5 he had found out later that after he broke in she was
6 in the closet.

7 BY MR. SHAPIRO:

8 Q. So when -- when -- when do you think -- and
9 I realize you view it as an unsubtle question, but
10 when do you think Mr. Beaman learned there was a
11 romantic relationship between -- strike that -- a
12 sexual relationship between Ms. Lockmiller and
13 Mr. Swain?

14 MR. DiCIANNI: Objection, form of the
15 question.

16 THE WITNESS: I believe you answered the
17 question while you asked it. I don't know at what
18 point he realized that they were having sexual
19 relations. He made reference to them sleeping
20 together in the Sigma Chi basement. But as to when
21 the point came he realized they were sleeping
22 together, I don't know, sir.

23 BY MR. SHAPIRO:

24 Q. Is the point at which he realized that

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1 important to establishing his motive in this case?

2 MR. DiCIANNI: Same objection.

3 MS. BARTON: I'll join.

4 THE WITNESS: It could be.

5 BY MR. SHAPIRO:

6 Q. Why is that important?

7 A. We know from the letters that Alan was a
8 very passionate individual. And if he had discovered
9 that, you know, recent evidence of them together, it
10 could have fueled that passion even harder.

11 Q. But you have no idea when that would have
12 occurred, right?

13 MR. DiCIANNI: Which -- what's that?

14 MR. SHAPIRO: The discovery of the sexual
15 relationship.

16 MR. DiCIANNI: The knowledge? The knowledge?

17 MR. SHAPIRO: Yes.

18 THE WITNESS: No.

19 BY MR. SHAPIRO:

20 Q. Do you think that Lockmiller wanted to get
21 together -- get back together with Mr. Beaman?

22 MR. DiCIANNI: Object, speculation.

23 MS. BARTON: Join.

24 THE WITNESS: I have no way of knowing that,
260

1 sir.

2 BY MR. SHAPIRO:

3 Q. In discussing Mr. Beaman's motive, you made
4 a reference to Basic Instinct. How -- how -- how did
5 that inform your view of his motive?

6 MR. DiCIANNI: Let me object to the
7 characterization. I don't think he said it went to
8 motive.

9 BY MR. SHAPIRO:

10 Q. All right. Well, how -- fair enough.

11 Did the fact that Mr. Beaman watched the
12 movie and made a reference to -- purportedly made a
13 reference to Basic Instinct in your view constitute a
14 piece of evidence against him?

15 A. No, sir. I found it to be a very weird and
16 odd coincidence that he would make reference to Basic
17 Instinct being a movie where during sex someone is
18 stabbed in the chest.

19 Q. Uh-huh. Are you -- so you did not view it
20 as a piece of evidence; you viewed it as weird and
21 odd?

22 A. It was odd. I didn't view it as a piece of
23 evidence, sir.

24 Q. If you didn't view it as a piece of

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1 evidence, why did you tell me earlier that it was one
2 of the bases for believing that you had probable
3 cause against Mr. Beaman?

4 MR. DiCIANNI: I object to the form of the
5 question. I mean, I -- go ahead.

6 THE WITNESS: I believe you asked me why I
7 felt there was enough probable cause against
8 Mr. Beaman, and that was one of a number of different
9 things that I listed off that I found odd just as
10 stating that she dug into him with every ounce of
11 sharp silver that she had. I didn't consider that
12 evidence either, but I found it very odd.

13 In this particular case, as you well know,
14 there's not one smoking gun. But you have to look at
15 the totality of everything that occurred over the
16 entire investigation, and there were a number of these
17 odd things that took place. And when you sit down and
18 you start looking at them all together, it begins to
19 build more and more and more of a case.

20 BY MR. SHAPIRO:

21 Q. Uh-huh. Well, while we're talking about
22 there not being a smoking gun and totality of the
23 evidence, I'm going to read to you from Mr. Souk's
24 2004 deposition.

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1 "Question: This was an
2 entirely circumstantial case?

3 "Answer: It was."

4 Do you agree with that characterization.

5 A. Yes, I do.

6 Q. In his deposition yesterday, Souk testified
7 that Lockmiller, quote, had multiple sexual partners,
8 unquote. Would you agree with that characterization
9 as well?

10 A. Yes.

11 Q. She liked to go to bars and meet people?

12 A. I don't know that, sir.

13 Q. You don't have any recollection of her going
14 to bars as part of the investigation?

15 A. I don't remember, sir.

16 Q. Would you agree that Jennifer Lockmiller
17 drank a lot?

18 A. I read in my police report where Alan or
19 Mike did not want to get involved with her,
20 Mike Swain, because of her alcohol use.

21 Q. So you think she drank a lot, right?

22 A. Yes, I believe that's true.

23 Q. Did she frequently use drugs?

24 A. There are several reports that she used

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1 drugs frequently, yes.

2 Q. Uh-huh. And she drank and did drugs with
3 multiple different people, some of whom she met
4 casually?

5 A. I don't know about the "met casually," but I
6 know she drank and did drugs with several different
7 people.

8 Q. Did your investigation exclude the
9 possibility that some drifter or unknown sexual
10 partner was the murderer?

11 A. I don't know, sir.

12 Q. Can you recall anything that was done to
13 exclude the possibility of an unknown sexual partner
14 or drifter being the murderer?

15 A. At the time, I felt we did everything we
16 could in the case to look at the evidence, to look at
17 prints, to look at DNA statements, swabs, whatever.
18 The door was not broken into. There was no forced
19 entry into the apartment. There was telltale signs
20 of things that Alan had done.

21 And, therefore, I don't recall that we made
22 a widespread effort to look for drifters or homeless
23 people in the area. At least I didn't, sir.

24 Q. And you have no recollection of anyone

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1 making a widespread effort to look for drifters who
2 might have been the murderer?

3 A. I don't recall that that was done.

4 Q. Uh-huh. And would you say the same with
5 regard to unknown sexual partners? In other words,
6 there was no widespread effort to exclude the
7 possibility of an unknown sexual partner had been the
8 murderer?

9 A. I don't know, sir.

10 Q. Did you speak to the regulars at the bars
11 that Jennifer Lockmiller would visit in connection
12 with the investigation?

13 A. I did not, sir, and I don't know if anybody
14 else did.

15 Q. Did you or anyone else involved in the
16 investigation attempt to canvas everyone that
17 Jennifer Lockmiller knew or had encountered recently?

18 A. I don't believe we canvassed everybody that
19 she knew. She was a college student. She attended
20 classes with a number of different people. She
21 worked at the Vidette, V-i-d-e-t-t-e. I can't say
22 that we canvassed everybody that she knew and
23 everybody that she came in contact with.

24 Q. Did you attempt to speak with everyone she
265

1 worked with at the Vidette?

2 A. I don't know, sir. I did not personally.

3 Q. And you don't know if the investigation did
4 that --

5 A. That's correct.

6 Q. -- as a whole. Uh-huh.

7 As part of the investigation, were lists
8 of the other students who had classes with
9 Jennifer Lockmiller obtained?

10 A. I don't recall. I recall in my police
11 report speaking with her professors, and I believe I
12 might have obtained a roster of the classes that she
13 was currently in; but I don't recall for sure.

14 Q. Was the purpose of obtaining that roster to
15 verify her attendance in that class?

16 A. Yes, it was.

17 Q. Okay. Was any -- having obtained that
18 roster, was any effort made to contact the other
19 people on the roster?

20 MS. BARTON: Objection to form.

21 THE WITNESS: I don't remember, sir.

22 BY MR. SHAPIRO:

23 Q. Separate from that roster, we were just
24 speaking about that roster previously, but do you

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1 recall any effort being made to speak with all of the
2 individuals that Jennifer Lockmiller had in her
3 classes?

4 MS. BARTON: Objection to form and
5 foundation.

6 THE WITNESS: I don't remember, sir.

7 BY MR. SHAPIRO:

8 Q. You talked about bars -- patrons of bars
9 earlier, but was any effort made to speak with the
10 bartenders that the bars where Lockmiller frequently
11 was?

12 MS. BARTON: Same objection.

13 THE WITNESS: I don't remember, sir.

14 BY MR. SHAPIRO:

15 Q. Were any efforts made to locate anyone that
16 Lockmiller encountered during the period of mental
17 health treatment?

18 MS. BARTON: Objection, form and foundation.

19 THE WITNESS: I don't remember anything about
20 mental health treatment.

21 BY MR. SHAPIRO:

22 Q. So you don't remember any effort being made
23 to track down anyone she might have met during a
24 period of mental health treatment?

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1 A. I don't remember that.

2 Q. Do you remember any efforts being made to
3 track down and speak with people Lockmiller met
4 during a period she spent at a rehabilitation clinic?

5 A. I don't remember that either, sir.

6 Q. Earlier we discussed the evidence of a piece
7 of the fan that was found on Ms. Lockmiller. Was any
8 consideration given to the possibility that that fan
9 was -- thrown on her was an indication that the
10 murder was committed by a sociopath?

11 MS. BARTON: Objection to form.

12 THE WITNESS: I don't recall, sir.

13 BY MR. SHAPIRO:

14 Q. Was a victimology ever performed to
15 determine the killer's likely profile?

16 A. I testified to you earlier I believe written
17 in the report somewhere that a profiler was
18 contacted, but I don't recall any results of that
19 profiler. I don't even recall who met with him.

20 Q. Do you have any recollection what was done
21 to follow up on any leads suggested by the profiler?

22 A. No, sir.

23 Q. Or any investigative angle suggested by the
24 profiler?

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1 A. No, sir. I don't remember anything about
2 the profiler.

3 Q. Uh-huh. I'll represent to you that in an
4 interview with Hospelhorn, Kelly Hamburg indicated
5 that Ms. Lockmiller met two guys on August 24 on the
6 street on the way between two bars and gave one of
7 them -- or rather one of them gave her his phone
8 number.

9 What was done to identify the two men
10 Lockmiller met in a bar the night before the murder?

11 A. I don't know, sir.

12 Q. Would it have been important to find out who
13 Jennifer Lockmiller met on the night before she was
14 killed?

15 A. I -- yes.

16 Q. I'll further represent to you that in that
17 same interview with Kelly Hamburg, Hamburg stated
18 that an Arthur Barron did know the two individuals
19 that Lockmiller encountered on the street on
20 August 24.

21 Was Arthur Barron interviewed?

22 A. I don't know, sir.

23 Q. Further represent to you that Kelly Hamburg
24 stated that she -- that Lockmiller had met an

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1 individual from Woodstock at a bar called Spanky's.

2 Were any efforts made to determine the
3 identify of this individual?

4 A. I don't know, sir.

5 Q. Do you know if staff at the bar were spoken
6 to in an effort to determine the identify of this
7 individual?

8 A. I don't know, sir.

9 Q. Do you know if customers at the bar were
10 spoken to in an attempt to identify the iden -- to
11 identify who this individual was?

12 A. I don't know, sir.

13 Q. I'll also represent to you that in an
14 interview with Heidi Steinman she stated that
15 Lockmiller met a guy at a bar on August 20 or 21st
16 who kept calling her.

17 What was done to locate that individual?

18 A. I don't remember, sir.

19 Q. I'll represent to you that a month after the
20 murder, there was an individual named Danny Hosey who
21 was found with knives in his car that appeared to
22 have blood on them.

23 Was anything done to exclude Hosey as a
24 suspect in the Lockmiller investigation?

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1 A. I don't remember anything about a
2 Danny Hosey, sir.

3 Q. Okay. So you don't remember whether there
4 was any attempt to test the substance on the knives
5 and determine whether it was blood?

6 A. I don't remember anything about that, sir.

7 Q. Okay. And you don't remember if anyone ran
8 a criminal background check on Hosey, right?

9 A. That's correct, I don't remember anything
10 about a Danny Hosey.

11 Q. Okay. And those would have been -- that
12 would have been a pretty easy to do, right, running a
13 criminal background check?

14 MS. BARTON: Objection; form, foundation.

15 THE WITNESS: A background check is an easy
16 thing to do, yes.

17 BY MR. SHAPIRO:

18 Q. And determining whether a substance is blood
19 is something that's commonly done in investigations?

20 A. I don't know, sir.

21 Q. One could have determined whether the
22 substance on the knives was blood by sending it to a
23 lab, right?

24 A. Yes.

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1 Q. And that lab might have yielded information
2 about who the blood came from, right?

3 A. Speculation, sir. I don't know.

4 Q. What is the reason that blood is commonly
5 sent to crime labs in the course of investigations?

6 A. Usually to see if it could be matched to a
7 particular person. So when a weapon is sent, it
8 would usually be a match that they're looking to
9 compare.

10 Q. Uh-huh. You mentioned that you looked into
11 DNA. What did you do when you were looking into DNA?

12 A. Can you be more specific? When did I
13 mention that and when was I --

14 Q. Well, I believe you mentioned that earlier
15 in the deposition. And if I'm misstating that, I
16 apologize.

17 The question was just what was done in the
18 course of the investigation with regard to DNA
19 evidence?

20 A. Detective Warner would be able to answer
21 that for you better. He handled all of our evidence
22 and -- throughout -- on the team. I had very limited
23 ex -- involvement in crime scene processing. I
24 didn't even videotape them. I can't -- it was bad,

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1 the battery was bad.

2 So all of that processing was done by
3 Dean Kennedy from the State Police, and Dave Warner
4 was the main contact for that.

5 Q. Would your opinion that Alan is the murderer
6 change if you knew that the -- that a vaginal swab of
7 Jennifer Lockmiller revealed two male seminal --
8 seminal profiles that did not match Mr. Beaman,
9 Mr. Swain, Mr. Murray, or Mr. Gates?

10 A. No.

11 Q. Why not?

12 A. Because of all the other evidence against
13 Alan Beaman. I'm still convinced to this day that
14 he's responsible for that homicide.

15 Q. If there were semen that matched another
16 individual, would it not be important to investigate
17 who that individual was?

18 MS. BARTON: Objection --

19 MR. DiCIANNI: Object, form of the question.

20 MS. BARTON: Join.

21 THE WITNESS: Yes.

22 BY MR. SHAPIRO:

23 Q. And is that something that could change your
24 view of Beaman's guilt?

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1 A. No.

2 MR. DiCIANNI: I'll object, speculation.

3 MR. SHAPIRO: Let's take a break.

4 THE VIDEOGRAPHER: Off the record, 4:55.

5 (Whereupon, a break was taken,
6 after which the following
7 proceedings were had:)

8 THE VIDEOGRAPHER: Back on the record, 5:08.

9 BY MR. SHAPIRO:

10 Q. Mr. Freesmeyer, did Mr. Souk advise you in
11 any way as to how probable cause might be developed
12 against Mr. Beaman?

13 A. I don't recall, sir.

14 Q. Did he issue any recommend -- did he give
15 any recommendations with regard to the investigation
16 of Mr. Beaman?

17 MS. BARTON: Objection to foundation as to
18 time.

19 THE WITNESS: I don't recall, sir.

20 BY MR. SHAPIRO:

21 Q. You were the person who was in charge of
22 investigating Mr. Beaman, right?

23 A. In the later stages, yes -- yeah, yes, from
24 the very beginning, yes. Sorry.

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1 Q. So -- and as the person who was in charge of
2 investigating Mr. Beaman and who had numerous
3 conversations with Mr. Souk, you don't recall whether
4 Mr. Souk ever made a recommendation with regard to
5 the investigation of Beaman, right?

6 A. I'm --

7 MR. DiCIANNI: Let me make an objection. You
8 know, we did this whole thing this morning about what
9 recommendations Souk made and didn't. I'm not
10 going --

11 MR. SHAPIRO: Your -- so it's an asked and
12 answered objection?

13 MR. DiCIANNI: Yeah.

14 MR. SHAPIRO: I understand the objection.

15 MS. BARTON: Join the objection.

16 THE WITNESS: I'll have to change what I said
17 just a moment ago. I said he did not make
18 recommendations. He did. One I can remember is
19 during the trial, he asked me to go up and do some
20 more time tests based on what was being disclosed
21 during the trial. So there were occasions where he
22 would say, "This is something we need to follow up
23 on," and I would follow up on it.

24

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1 BY MR. SHAPIRO:

2 Q. But you just stated that you were in charge
3 of the investigation of Beaman specifically from the
4 very beginning?

5 A. Yes.

6 Q. And --

7 A. Well, the original contact with Mr. Beaman
8 was with Tony Daniels and Rob Hospelhorn. So to say
9 that I was responsible from the very beginning would
10 not be accurate.

11 Q. Okay. Shortly into the investigation, you
12 became in charge of --

13 A. When --

14 Q. -- investigating Beaman, right?

15 A. When he returned to campus, then it was
16 switched to me because he would not talk to Daniels
17 anymore.

18 Q. Uh-huh. So there was a long period of time
19 prior to the charges being made against Mr. Beaman in
20 which you were the person in charge of investigating
21 him, right?

22 A. Yes.

23 Q. If Souk had a recommendation with regard to
24 investigating Beaman prior to filing of charges, who

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1 would he have gone to?

2 MS. BARTON: Objection to form and
3 foundation.

4 THE WITNESS: Again, he may have come to me.
5 He may have gone to Frank Zayas. I don't remember
6 exactly, sir.

7 That's contrary to what I answered before.
8 You asked me if he had made any recommendations, and I
9 said no. He may have made recommendations to me, or
10 he may have made them to Frank Zayas.

11 BY MR. SHAPIRO:

12 Q. Prior to charging?

13 A. Yes.

14 Q. Was Stacey Gates excluded as a suspect in
15 the Lockmiller murder?

16 A. Yes, he was.

17 Q. How was he excluded?

18 A. By going to his place of employment and
19 speaking with his employer. And he was in class or
20 at his employer's place during the time that we
21 identified as the window of opportunity for her
22 death.

23 Q. Uh-huh. And when you say his employer, you
24 mean the principal of the school where he was a

277

1 teacher, right?

2 A. I believe so.

3 Q. Would a principal have been able to verify
4 Mr. Gates's presence at the school throughout the
5 entirety of a workday?

6 A. I don't know, sir.

7 MR. DiCIANNI: Objection, speculation.

8 MS. BARTON: Join.

9 BY MR. SHAPIRO:

10 Q. Is it your general understanding that as a
11 principal, the principal is in class observing what
12 teachers are doing throughout the entirety of the
13 school day?

14 MS. BARTON: Objection to foundation, form.

15 THE WITNESS: I don't know, sir, if that
16 principal was observing him all day or not.

17 BY MR. SHAPIRO:

18 Q. Is it your understanding that it would be a
19 normal thing for a principal to do, to observe
20 teachers throughout the entire day?

21 MS. BARTON: Same objection.

22 THE WITNESS: That would not be a normal
23 thing.

24

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1 BY MR. SHAPIRO:

2 Q. Do you recall indicating in your report
3 anywhere that the teacher monitored Mr. Gates's
4 presence throughout the entire day?

5 MS. BARTON: Objection to form.

6 THE WITNESS: I don't recall documenting that
7 anywhere.

8 BY MR. SHAPIRO:

9 Q. Uh-huh. Did you obtain Gates's class
10 schedule indicating when in the day he had classes
11 and when he had breaks?

12 A. I don't remember, sir.

13 Q. If you did, would it have been in the
14 record?

15 A. Most likely, but I can't say. It's been too
16 long ago, sir.

17 Q. Did you ask Mr. Gates's fellow PE teachers
18 whether Gates asked him to cover any of his classes
19 on August 25?

20 A. I don't know, sir.

21 Q. Do you recall having a conversation with
22 anyone at the school where Gates taught other than
23 the principal?

24 A. I don't recall that, sir.

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1 Q. And you were the person principally
2 responsible for investigating Gates's alibi, right?

3 A. I don't know, sir. I believe Dave Warner
4 may have shared in that. I don't remember exactly.

5 Q. You were the person who went to the school
6 to investigate his alibi, right?

7 A. I believe that's in my police report, sir.

8 Q. So that's a yes?

9 A. Yes, I believe -- if it's in my police
10 report that I went, then yes.

11 Q. Were you able to foreclose the possibility
12 that Gates left the Harrison School for a period of
13 the day on August 25?

14 A. Would you restate that question, please?

15 Q. Uh-huh. Were you able to foreclose the
16 possibility that Gates left the Harrison School for
17 part of the day on August 25?

18 A. I'm sorry, but I'm going to ask you to
19 repeat that one more time without using the word
20 foreclose.

21 Q. We'll say eliminate instead.

22 A. All right. Thank you. Please.

23 Q. Were you able to eliminate the possibility
24 that Gates left the Harrison School for a period on

280

1 August 25?

2 A. I felt that I had sufficiently, yes.

3 Q. How did you do that?

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

5 Q. You don't recall doing anything other than
6 speaking to the principal, right?

7 A. Again, I don't recall exactly, sir.

8 Q. Direct your attention to Exhibit 18. Is
9 Exhibit 18 the document you obtained from the school
10 regarding Mr. Gates's presence during the week of the
11 murder?

12 A. I don't remember if I obtained this or if
13 somebody else did, sir.

14 Q. I can direct you to this portion of your
15 report if you'd like me to, but let me just read it
16 to you, and you can let me know if it's necessary.

17 A. Okay.

18 Q. It says: Ms. Perkins pulled the weekly
19 attendance sheets for that week and made a copy for
20 our investigation.

21 A. Okay.

22 Q. You can see the signature here is Perkins?

23 A. Yes.

24 Q. So would you agree with me that Exhibit 18
281

1 is the document that you obtained regarding
2 Mr. Gates's presence in school during the week of the
3 murder?

4 A. Okay. Yes, yes, I will.

5 Q. This document suggests that the principal
6 had to verify the attendance of 34 teachers
7 throughout the week, right?

8 A. That's what it indicates, yes.

9 Q. Uh-huh. And it would appear from the manner
10 in which this form is filled out that the principal
11 marked "present" for the 24th and then drew a line
12 through the rest of the week indicating the presence
13 of the teachers throughout the entire week, right?

14 A. I believe so.

15 Q. Uh-huh. And that would suggest that the
16 principal filled out this form all at once with
17 regard to attendance during the entire week. Is that
18 a fair inference the way this document's filled out?

19 MS. BARTON: Objection to foundation.

20 THE WITNESS: I can't answer that, sir. I
21 don't know. I don't know how she filled it out.

22 BY MR. SHAPIRO:

23 Q. Well, you see there's a "P" with a line
24 through all the dates filled out there, right?

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1 A. Yes.

2 Q. To me, at least, that very clearly indicates
3 that someone didn't check off attendance on a daily
4 basis but wrote a "P" and then a line in one sitting.
5 You agree with that characterization?

6 MR. DiCIANNI: Object, speculation.

7 THE WITNESS: Again, I don't -- I don't know
8 if she did that in one sitting, sir.

9 I would agree with you there's a "P" there
10 and there's a line there; but whether she did all that
11 at once, I don't know.

12 BY MR. SHAPIRO:

13 Q. Regardless, the document indicates that the
14 teacher had to monitor the attendance of 34 teachers
15 throughout the week, right?

16 A. At least 34.

17 Q. At least 34, right?

18 A. Yes.

19 Q. And you would agree with me that it would be
20 abnormal for a principal to monitor the presence of
21 34 people continually throughout the day, right?

22 MS. BARTON: Objection to form, foundation.

23 MR. DiCIANNI: I object to form.

24 THE WITNESS: Could you repeat your question
283

1 again, sir?

2 MR. SHAPIRO: Uh-huh.

3 MR. BOWMAN: Just rephrase it --

4 BY MR. SHAPIRO:

5 Q. Uh-huh. It would be impossible for a
6 principal to verify the presence throughout the
7 entire school day of 34 people, right?

8 MR. DiCIANNI: Same objection.

9 MS. BARTON: Same objection.

10 THE WITNESS: I'm sure there's ways that they
11 have of making sure their teachers are there. If a
12 teacher is going to go and the teacher has students in
13 the classroom, then obviously somebody is going to
14 have to be in that classroom.

15 What we're looking at is a payroll form, and
16 I'm assuming that the school is going to have some
17 other way of verifying that a teacher is there, either
18 in the presence of a substitute if they're not or some
19 sort of a leave slip that would be submitted if the
20 teacher was not there.

21 BY MR. SHAPIRO:

22 Q. I think we're talking past each other.

23 A. Okay.

24 Q. I'm not suggesting that the principal failed

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1 to verify that the teachers were present at some
2 point during each of the days indicated on this
3 attendance sheet.

4 What I'm asking you is it would be
5 impossible for the principal to continually monitor
6 the presence of 34 people throughout the day, right?

7 A. Yes.

8 MS. BARTON: Object to form and foundation.

9 MR. DiCIANNI: Yeah, I join.

10 BY MR. SHAPIRO:

11 Q. That was a yes, right?

12 A. Yes.

13 Q. Okay. Do you remember an individual
14 named Rob Curtis who was looked into as part of the
15 Lockmiller homicide investigation?

16 A. I remember the name from reading through
17 statements and other items preparing for this
18 deposition, but I couldn't tell you anything about
19 Mr. Curtis.

20 Q. You have no recollection of anything
21 regarding Mr. Curtis beyond his name?

22 A. Not independently, sir.

23 Q. Well, you mentioned that you've reviewed
24 documents in preparation for your deposition, so I'm

285

1 not just asking you for your independent
2 recollection. I'm asking you whether you have any
3 knowledge as you sit here today about Rob Curtis?

4 A. I know somewhere in the documents that I've
5 read over the last three days, I believe there was a
6 name Ron Curtis or Rob Curtis.

7 Q. Let me direct your attention to Exhibit 32.
8 Exhibit 32 is a -- 154 pages of documents primarily
9 relating to Rob Curtis's prior charges in connection
10 with the torture and killing of cats.

11 Do you know if these documents were ever in
12 the Beaman investigative files?

13 A. I don't --

14 MS. BARTON: Object to the form.

15 THE WITNESS: -- know, sir.

16 BY MR. SHAPIRO:

17 Q. Have you ever seen these documents before?

18 A. You have to give me a moment to look at
19 them.

20 Q. Oh, yeah. Please, please. Take a ...

21 A. Can you tell me which agency this came from?

22 Q. Yes, it came from the Town of Normal.

23 A. There's an investigator, Michael Metzler,
24 here. I don't know a Michael Metzler.

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1 Q. I'm not saying that all of the reports were
2 originally prepared by the Town of Normal. I believe
3 what your -- my understanding of your question was
4 where did these documents come from? They were
5 produced to us by Mr. DiCianni.

6 A. Okay. Thank you.

7 Q. Yeah.

8 A. I guess what I'm asking, the police reports
9 that I'm looking at, sir, what agency are these from?
10 Is this Urbana, Illinois?

11 Q. Yeah. I believe they're from Champaign if
12 memory -- if memory serves, but they were provided in
13 this case.

14 A. I think it's Urbana. There's a --

15 Q. Okay.

16 A. -- U in front of the case number.

17 Sir, I don't recall ever seeing any of these
18 documents before.

19 Q. Uh-huh. Were any of these documents in
20 the -- do you believe that there were any documents
21 related to cat torture by Robert Curtis in the
22 Lockmiller investigative files?

23 MS. BARTON: Objection, form.

24 THE WITNESS: I do not recall.

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1 BY MR. SHAPIRO:

2 Q. Were you ever -- do you have any
3 recollection of Robert Curtis's -- Rob Curtis's
4 history of torturing cats?

5 A. No, I do not.

6 Q. Are you aware of any connection between
7 Rob Curtis and John Murray other than the fact that
8 they were both investigated in connection -- strike
9 that.

10 Are you aware of any connection between
11 Rob Curtis and John Murray other than the fact that
12 they were both connected to Jennifer Lockmiller --

13 MR. DiCIANNI: I'll --

14 BY MR. SHAPIRO:

15 Q. -- one way or another?

16 MR. DiCIANNI: -- object to assuming that
17 something hasn't been established at all.

18 MS. BARTON: I'll join the objection.

19 THE WITNESS: As I mentioned earlier, I
20 remember seeing Curtis's name somewhere in the items I
21 read, but I have no independent recollection of him at
22 all.

23 BY MR. SHAPIRO:

24 Q. Do you have any explanation of why documents

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1 regarding Rob Curtis and John Murray would be
2 intermingled in the Normal Police Department's files?

3 MS. BARTON: Objection, form and foundation.

4 THE WITNESS: No, I have no idea.

5 BY MR. SHAPIRO:

6 Q. Okay. The point at which Zayas retired was
7 December of 1994; is that correct?

8 A. I believe it was end of November or 1st of
9 December 1994.

10 Q. Okay. And up until the end of November or
11 December of 1994, Zayas was your supervisor in the
12 Lockmiller homicide investigation?

13 A. Zayas, yes.

14 Q. Zayas. I'm sorry.

15 A. That's okay.

16 Q. That was a yes, right? He was a
17 supervisor --

18 A. Yes, he was my supervisor.

19 Q. Okay. Let me direct your attention to
20 Exhibit 30.

21 You testified earlier that you wrote one
22 long police report throughout this case, right?

23 A. Yes, sir.

24 Q. Okay. And Exhibit 30 or -- is the first 24
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1 pages of the report as it was written by you; is that
2 correct?

3 A. It appears to be, yes.

4 Q. Okay. And the date and time indicated on
5 the first page and the last page at the bottom,
6 September 14, 1993, would indicate the date when this
7 portion of the report was prepared; is that right?

8 A. No, it would have been when it was
9 submitted.

10 Q. When it was submitted?

11 A. Yes.

12 Q. Okay.

13 A. It would have been prepared on an ongoing
14 basis as the investigation unfolded.

15 Q. Uh-huh. So this portion of the report was
16 submitted to Lieutenant Zayas on September 14, 1993,
17 right?

18 A. I would assume that what it's -- I don't
19 have an independent recollection of exactly when it
20 was submitted to him, but it would make sense that it
21 was on 1138. I don't know for sure.

22 THE COURT REPORTER: It was on 1138?

23 THE WITNESS: I'm sorry. September 14 of
24 '93.

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1 BY MR. SHAPIRO:

2 Q. If you turn to Exhibit 31, that is the
3 next portion of your report that was signed by
4 Lieutenant Zayas, right?

5 A. It would appear to be.

6 Q. Uh-huh. And the September 24, 1993 date on
7 Plaintiff's Exhibit 31 indicates that it was
8 submitted to him at that date, right?

9 A. I would -- I would assume so, yes.

10 Q. Okay. Now, I'll represent to you,
11 Mr. Freesmeyer, that these two portions of your
12 report are the only ones that we've received with a
13 signature from Lieutenant Zayas.

14 Can you -- is there any explanation as to
15 why Lieutenant Zayas would not have signed your
16 reports after September 24, 1993?

17 A. I have no idea, sir.

18 Q. Did you submit reports to him after
19 September 24, 1993?

20 A. I believe I did. I can't say for sure, but
21 that would have been the standard practice was to
22 submit reports through him as my supervisor.

23 Q. Let's go back to Exhibit 3.

24 MS. BARTON: 3?

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1 MR. SHAPIRO: 3, yes.

2 BY MR. SHAPIRO:

3 Q. Plaintiff's Exhibit 3 is a 54-page version
4 of your report, correct? 51-page version of your
5 report?

6 A. I believe so, yes.

7 Q. On the second to the last page bears Bates
8 number AB 305. You see the date indicated is July 1,
9 1994?

10 A. Yes, sir.

11 Q. What does the date indicate on this report?

12 A. Well, I would assume that it indicates when
13 that report was submitted to Lieutenant Zayas.

14 Q. Uh-huh.

15 A. I don't recall as I sit here if the computer
16 automatically changed the date each time we logged
17 in. You know how some word processors will
18 automatically update certain fields --

19 Q. Uh-huh.

20 A. -- when you open them up? I don't recall if
21 that was the case, or if I had to go down and
22 manually change the date before I submitted that. I
23 simply can't recall.

24 It would seem that that would have been the
292

1 date that I submitted this report.

2 Q. Uh-huh. And -- and -- and this report would
3 have been prepared after the reports that we looked
4 at earlier in exhibits -- I believe it was 30 and 31,
5 right?

6 A. Yes, because the page number is higher in
7 sequence.

8 Q. All right. If -- if -- if Zayas was still
9 supervising your work in the investigation up until
10 November or December of 1994, why -- why would he not
11 have signed a report that you apparently submitted on
12 July 1, 1994?

13 MR. DiCIANNI: Objection, foundation.

14 THE WITNESS: I don't know, sir.

15 BY MR. SHAPIRO:

16 Q. Okay. And you have no explanation
17 whatsoever why that might be the case, right?

18 A. No, sir.

19 Q. Mr. Freesmeyer, have you ever been
20 disciplined in any way in connection with your
21 professional activities?

22 A. In preparation for this testimony, I
23 reviewed some disciplinary reports that were provided
24 to my attorney from the Normal Police Department.

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1 Q. Uh-huh.

2 A. So there were some letter of reprimands that
3 I received.

4 Q. What letters of reprimand did you receive?

5 A. There was a letter of reprimand, I believe,
6 because I didn't fully support the fact that patrol
7 officers should be entering pawn shop reports, and it
8 should have been the job of the detective division.
9 I had a different perspective on whether that was a
10 patrol function or CID function at the time.

11 I believe I was -- I received a letter
12 because during a altercation with a custody who
13 continued to fight with us, we used OC spray on that
14 custody. Rather than putting our hands on him and
15 having to fight with the individual, we sprayed him
16 with OC to subdue him. And the administration felt
17 that was not an appropriate decision, so I was
18 disciplined for that.

19 There were a couple others. I can't recall
20 as I sit here, sir. They were insignificant to me,
21 quite honestly.

22 Q. The others were insignificant to you?

23 A. Quite honestly, I couldn't remember any of
24 them until my attorney showed them to me.

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1 Q. Can you remember any others as you sit here
2 today?

3 A. Not without -- not without looking at them,
4 sir.

5 Q. Uh-huh. You said that you administered OC
6 spray to an individual rather than putting your hands
7 on him?

8 A. Yes.

9 Q. Why would you have had to put your hands on
10 him if you didn't use OC spray?

11 A. He was in custody. We were trying to get
12 him into the squad car, if I remember the incident
13 correctly, and he was continuing to fight us. And so
14 the only other option was to physically grapple with
15 him where somebody could be hurt or spray him with
16 OC. If my memory serves, I believe that's what it
17 was referring to.

18 Q. Was he handcuffed at the time?

19 A. I believe he was.

20 Q. Was that there a policy in effect on
21 pepper-spraying or OC spraying individuals who have
22 been handcuffed?

23 A. Evidently there must have been because I
24 believe that's what I was disciplined for, sir.

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1 Q. You're aware that the administration of OC
2 spray can cause tears, pain, and temporary blindness?

3 MR. DiCIANNI: Object to foundation.

4 THE WITNESS: I've been sprayed with OC
5 spray, sir. It does bring pain and it does bring
6 tears and it's hard to see for a brief period of time.

7 BY MR. SHAPIRO:

8 Q. Uh-huh. You're aware that in some cases
9 it's even been linked to death?

10 MR. DiCIANNI: Objection, lack of foundation.

11 THE WITNESS: I'm unaware of that, sir.

12 MR. SHAPIRO: Do you want to mark this as
13 Exhibit 42, please.

14 (Whereupon, Freesmeyer Deposition
15 Exhibit No. 42 was marked for
16 identification, CML.)

17 BY MR. SHAPIRO:

18 Q. Exhibit 42 is the memorandum you received in
19 connection with the incident where you administered
20 OC spray to a handcuffed individual that you were
21 just describing; is that right?

22 A. Yes, this is what I was referring to.

23 Q. Now, I believe you stated that beyond what
24 you testified to just now, the other incidents in

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1 which you've been disciplined were insignificant to
2 you; is that right?

3 A. They weren't significant enough that I
4 remembered them, sir. I don't mean to make light of
5 them, but they weren't things that resulted in time
6 off or major injury to anyone.

7 Q. Do you remember once being reprimanded in
8 connection with an unlawful arrest?

9 A. You would have to give me the specifics of
10 it -- of the incident, sir.

11 Q. So you don't remember offhand being --

12 A. I don't.

13 Q. -- disciplined in connection with an
14 unlawful arrest?

15 A. No, I don't.

16 Sir, while reviewing with my attorney last
17 night, there was an incident where an individual
18 failed to give -- what we failed -- believe failed to
19 give a real name. I believe that's the incident
20 you're referring to. When you mentioned unlawful
21 arrest, that jogged my memory.

22 We arrested an individual because we
23 believed he was trying to evade arrest on a
24 situation. Is that the incident you're referring to?

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1 Q. I believe it is.

2 And let's mark this as Exhibit 43, I
3 believe.

4 (Whereupon, Freesmeyer Deposition
5 Exhibit No. 43 was marked for
6 identification, CML.)

7 BY MR. SHAPIRO:

8 Q. Is Exhibit 43 a copy of the letter of
9 reprimand that was issued in connection with the
10 incident you were describing regarding an unlawful
11 arrest?

12 A. Yes, sir.

13 Q. And it was determined in this incident that
14 you arrested an individual without probable cause; is
15 that right?

16 A. Would you give me a moment to finish reading
17 it, sir?

18 Q. Uh-huh.

19 A. I'm sorry. Sir, please repeat your
20 question.

21 Q. My question was is this the incident --
22 strike that.

23 Is this a letter of reprimand issued in
24 connection with your arresting an individual

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1 unlawfully without probable cause?

2 A. Yes. At this time I was mistaken on the
3 policy for obstructing a peace officer, and I
4 believed he was giving a false name to avoid arrest
5 for a situation that occurred, an armed robbery we
6 were investigating. And his significant other
7 produced a driver's license showing that he was not,
8 in fact, lying to us; and, therefore, the handcuffs
9 were removed.

10 Q. Uh-huh. So just to cut to it, I mean, this
11 is an incident in which you arrested someone who is
12 innocent and in an arrest for which you lacked
13 probable cause, right?

14 A. Yes.

15 Q. Okay.

16 (Plaintiff's attorneys confer off
17 the record.)

18 BY MR. SHAPIRO:

19 Q. Have you been disciplined or counseled
20 previous to receiving this letter of reprimand in
21 regard to other unlawful arrests?

22 A. I do not recall any, sir.

23 Q. Directing your attention to the second page
24 of the exhibit which is -- bears Bates number DEF 99?
299

1 A. Yes, sir.

2 Q. Do you see the line that begins "I have
3 exercised"?

4 A. Yes. I've read the statement, sir.

5 Q. Uh-huh. And that reads: I have exercised
6 progressive discipline on numerous occasions in the
7 past and feel this case warrants reprimand before it
8 being issued, right?

9 A. Yes, sir.

10 Q. Okay. What numerous occasions in the past
11 are being referred to here?

12 A. I have no memory of that, sir. I don't
13 know.

14 Q. Is it possible that you had made unlawful
15 arrests in the past that did not result in formal
16 discipline?

17 A. I do not know, sir. I don't remember any.

18 Q. And, in fact, you had not remembered this
19 incident until my question about an unlawful arrest
20 jogged your memory, right?

21 A. That's correct, sir.

22 Q. Mr. Freesmeyer, we can continue to go
23 through this report by report if you want to, but
24 really the question that I want to ask you -- and I

300

1 think we've reviewed the same disciplinary records.

2 Was there a clustering of disciplinary
3 reports against you in the late 1990s?

4 MR. DiCIANNI: I'll object to what --
5 vagueness of the question, lack of foundation. I
6 don't know what a clustering means.

7 THE WITNESS: I'm unfamiliar of a clustering.
8 I've got plenty of time if you'd like to go through
9 that.

10 MR. SHAPIRO: Let's do it that way.

11 Let's mark these all at once.

12 (Whereupon, Freesmeyer Deposition
13 Exhibit Nos. 44 through 47 were
14 marked for identification, CML.)

15 BY MR. SHAPIRO:

16 Q. The easier way to do this, Mr. Freesmeyer,
17 was for you to have Exhibits 43 through 47 in front
18 of you.

19 A. Okay.

20 Q. Okay.

21 A. Sure.

22 Q. All right. Exhibit 43, which is the OC
23 spray incident that we -- no. I'm sorry.

24 Exhibit 42.

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1 A. Could you give me a moment to read these?

2 Q. Oh, yeah, yeah. Please.

3 A. Okay, sir.

4 Q. Okay. So Exhibit 42, the OC spray incident,
5 you were talking about before, right?

6 A. Yes, sir.

7 Q. And that occurred in 1998, right?

8 A. Yes, it did.

9 Q. Exhibit 43 is letter of reprimand in
10 relation to the arrest without probable cause that we
11 were talking about before, right?

12 A. Yes.

13 Q. And that's dated 1997?

14 A. Yes.

15 Q. Exhibit 44 is a letter of reprimand that was
16 issued in 1999, right?

17 A. Yes.

18 Q. Exhibit 45 is a counseling memorandum that
19 was issued to you in July of 1998, right?

20 A. Yes.

21 Q. Exhibit 46 is a letter of counseling issued
22 to you in 1995, right?

23 A. Yes.

24 Q. And Exhibit 47 is an email of counseling

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1 dated 1999 and sent to you, right?

2 A. Yes, sir.

3 Q. Okay. So all of these events occurred
4 between 1995 and 1999, correct?

5 A. Yes.

6 Q. And you had begun working at the Normal
7 Police Department in 1990, correct?

8 A. Yes.

9 Q. Okay. And between 1990 and 1995, were you
10 disciplined?

11 A. I don't recall any discipline during that
12 time.

13 Q. Uh-huh. And between 1995 and 1999, you
14 received all disciplinary reports that we just ran
15 through, correct?

16 A. Everything that you showed me, yes.

17 Q. Uh-huh. Why is it, Mr. Freesmeyer, that you
18 began to receive these disciplinary reports beginning
19 in 1995 and continuing through 1999?

20 A. Because in 1995 I was assigned to patrol as
21 a midnight shift watch commander; therefore, all
22 responsibility for everything that happened on the
23 midnight shift fell on my shoulders.

24 As a supervisor, my area of responsibility

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1 was much broader than it was as a detective. So most
2 of -- many of these things that you see, like the OC
3 usage of handcuffs subject, I was there because I was
4 a supervisor, and I got disciplined because I made
5 the decision as the supervisor on duty.

6 The incident of the armed robbery and
7 arresting the guy for unlawful arrest, again, I was
8 the supervisor, and I made a decision as the
9 supervisor; and, therefore, I was responsible for the
10 results that happened.

11 The letter of reprimand about duties of pawn
12 shop entry, this came because I had already set up a
13 process within the detective division while I was
14 there to receive all of these pawn shops
15 electronically to be sent to the shop. They could be
16 downloaded in one in file and nobody had to enter
17 this stuff.

18 But because CID failed to continue on that,
19 they put that upon patrol. And I wrote a letter that
20 obviously showed my frustration that there was a
21 process in place, they weren't following it, so it
22 put more work on patrol shoulders. That's why I
23 received that.

24 The request for overtime radar training, the
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C06325

APPENDIX 001688

1 only excuse I have there is I incorrectly filled out
2 an overtime slip.

3 The letter of counseling from
4 Captain Clingon is a much longer story. At this
5 particular point, there were two captains or two
6 people that were put into a captain's position for
7 six months each on a trial basis, and whoever did the
8 best out of those two six months periods got the
9 captain's position. So you had two people that were
10 vying for a position and doing everything they could
11 to show what a good captain they were.

12 I was in charge of the detectives at the
13 time, February 16 of '95. Actually, I had been
14 preparing for the trial for Beaman. My hands were
15 full.

16 Clingon came to me and said you need to do
17 this, this, and gave me a whole stack of things. And
18 I turned to him and told him: There is no way that I
19 can get these things done. I have too much on my
20 plate, and I cannot finish it. And I remember his
21 response to me. His response was: You'll figure out
22 a way. And he turned around and he walked away. And
23 when I was unable to complete all of these items, he
24 gave me a letter of counseling for not finishing.

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1 On the shift vacancy, I -- there's an
2 apology in here. I took full credit for this that I
3 simply forgot to post a vacancy. It was covered by
4 Paul Smith. So, again, that had to do the fact that
5 I was a supervisor, and my responsibility was to fill
6 that vacancy and I didn't.

7 So the reason that I had more dis -- more
8 write-ups from 1995 to 1999 is because at that point
9 I was a supervisor and responsible for an entire
10 shift, sir.

11 Q. And you didn't address in your answer the
12 unlawful arrest and the OC spray, right?

13 A. Yes, I believe I did answer that. Again, I
14 was a supervisor in this scenario --

15 Q. Which -- which -- which exhibit are you
16 referring to?

17 A. I'm looking the 42, the OC spray.

18 So as a supervisor, I was called to that
19 scene when they had an arrest and they had a
20 combative subject. I believe that's how that went.

21 And so as a supervisor, it would have been
22 my decision to use the OC; and, therefore, it was my
23 responsibility.

24 Q. Did you physically administer the OC spray

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1 in this case?

2 A. I don't recall, sir.

3 Q. You don't recall this incident at all, OC
4 spraying a handcuffed individual?

5 A. I remember the parameters of it, but I can't
6 remember if I sprayed him, if the other officers
7 sprayed him. I can't even tell you who was there
8 with us.

9 Q. So you remember it was necessary to
10 pepper-spray this guy in order to prevent a physical
11 altercation, but you have no idea whether you
12 pepper-sprayed him; is that your testimony?

13 A. Two or three times.

14 Q. That wasn't my question. My question was
15 I -- why do you remember the fact that it was in your
16 view necessary to pepper-spray this guy because he
17 was putting up a fight yet have no recollection as to
18 whether you were the person who pepper-sprayed him?

19 MR. DiCIANNI: Objection, speculation.

20 THE WITNESS: I believe I just answered that.
21 In my five years on the street, I only used my pepper
22 spray two or three times. It was not something that I
23 did on a daily or a weekly basis, so I remember the
24 times that I used it.

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1 I used it once on two people fighting in a
2 parking lot that were drunk and I was by myself. I
3 used it here on this subject because he continued to
4 fight with us. And I used it one other time in trying
5 to subdue somebody that was confronting us.

6 BY MR. SHAPIRO:

7 Q. Okay. So you do remember personally
8 pepper-spraying this individual?

9 A. I don't remember if I used -- if I sprayed
10 the person or if the person that I was with sprayed
11 the person.

12 When I say use pepper spray, I was in the
13 presence where pepper spray was used. This was not
14 something that was done continuously. So I remember
15 that this individual is handcuffed. He was fighting
16 us. And so instead of laying our hands on the
17 person, we pepper-sprayed him.

18 Sir, I don't remember right now as I sit
19 here whether I administered the OC spray or if the
20 person that I was with administered the OC spray.
21 I'm sure it would probably say if we were to look at
22 the report. I'm sure I wrote a police report about
23 that.

24 Q. Just so the record is perfectly clear, you

308

1 don't recall whether you pepper-sprayed this person,
2 but you do recall that they were putting up a fight,
3 correct?

4 MR. DiCIANNI: Objection, asked and answered.

5 THE WITNESS: I've already answered that
6 question, sir.

7 BY MR. SHAPIRO:

8 Q. And is that answer yes?

9 A. I don't remember which one of us sprayed us
10 {sic}. It could have been me. It could have been
11 the other officer. I don't remember, but I remember
12 the reason why we sprayed him, and that was because
13 he was fighting us still.

14 Q. And your contention is that -- the fact that
15 you were a supervisor explains why you received this
16 particular disciplinary in connection with using
17 pepper spray in 1998?

18 A. The fact that I was a supervisor, I had
19 ultimate responsibility for this incident; and,
20 therefore, I would have been disciplined for it.
21 It's possible, as I indicated to you, that I may have
22 been the one spraying it; and, therefore, that might
23 have been why I got disciplined. The other person
24 might have been spraying it, and it might have been

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1 upon my approval. I really don't remember, sir. But
2 I have a strong feeling that it was because I was a
3 supervisor; and, therefore, I was ultimately
4 responsible for that incident.

5 Q. How does your role as a supervisor help to
6 explain you're receiving a letter of reprimand in
7 connection with unlawfully arresting an individual
8 without probable cause?

9 A. Well, it explains that as a supervisor, I
10 was responsible for the entire shift, not just for
11 myself; and, therefore, anything that happened on
12 that shift, I typically would respond to that as a
13 supervisor to oversee what was going on. So my
14 exposure to incidents got much higher as a supervisor
15 than it did as a simple detective not supervising
16 anyone.

17 Q. Is it your testimony that you did not
18 personally effect the arrest of the individual
19 described in Exhibit 43?

20 A. No, sir, I told you I don't -- I'm sorry.
21 On 43?

22 Q. 43, the unlawful arrest.

23 A. Okay. We're changing now. We're changing
24 from the OC to the obstructing justice.

310

1 Q. Yeah. Well, that was -- just to be clear,
2 that was my question. The question was does your
3 promotion to a supervisor in any way explain why you
4 were disciplined in connection with an unlawful
5 arrest without probable cause?

6 A. Well, my answer remains the same in this as
7 it would have before. Because of a supervisor, this
8 office, Officer Passini, probably would have called
9 me to the scene and asked me what to do in that
10 situation; and it would have been my call as to
11 whether we arrest him or if we don't.

12 Q. You see in Exhibit 43 where it says -- and
13 this is about two-thirds of the way down. First
14 paragraph begins, "Sergeant Freesmeyer then
15 arrested." Do you see where I'm reading?

16 A. Yes.

17 Q. Sergeant Freesmeyer then arrested McFarland
18 for obstructing justice and handcuffed him.

19 A. Uh-huh.

20 Q. Are you saying that you were not the
21 individual who made the arrest and applied the
22 handcuffs?

23 A. I'm saying I don't remember, sir.

24 MR. SHAPIRO: Let's take a brief break.

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1 THE VIDEOGRAPHER: Off the record, 5:54.

2 (Whereupon, a break was taken,
3 after which the following
4 proceedings were had:)

5 THE VIDEOGRAPHER: Back on the record, 6:02.

6 BY MR. SHAPIRO:

7 Q. Mr. Freesmeyer, earlier we were discussing
8 the decision that was made to arrest Alan Beaman on
9 May 16, 1994.

10 Was there anything in particular that
11 precipitated the decision at that particular point as
12 opposed to some other point?

13 A. Yes, he was getting ready to leave for the
14 semester. The semester was almost over at Wesleyan,
15 so we had continued to cover everything we could up
16 until the people he was getting to leave; and we felt
17 it was appropriate to effect the arrest at that
18 point.

19 Q. And if he left, presumably he would have
20 returned home to Rockford; is that right?

21 A. That was our -- that was probably the
22 thought of where he would go, yes.

23 Q. Why was it important to arrest Mr. Beaman
24 before he went to Rockford?

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1 we did everything we possibly could.

2 BY MR. SHAPIRO:

3 Q. So the only regret that you have in
4 connection with the investigation and prosecution of
5 Mr. Beaman is that actions that were taken during the
6 investigation resulted in post-conviction litigation?

7 MS. BARTON: Object to form.

8 MR. DiCIANNI: Yeah, I'll object.

9 THE WITNESS: I don't have any regrets in the
10 investigation, sir. I thought we handled a very good
11 investigation. I thought we did a thorough job on a
12 case that was circumstantial.

13 You asked me today if there's anything I
14 would have done differently. Yes, there are things
15 that I would have done differently, but I have no
16 regrets on the actions that we took.

17 BY MR. SHAPIRO:

18 Q. If it were in your power, would you support
19 the prosecution of Alan Beaman today for the murder
20 of Jennifer Lockmiller; in other words, a new
21 prosecution?

22 MR. DiCIANNI: I'll object to that question.

23 MS. BARTON: Same objection.

24 THE WITNESS: If the County chose to

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1 prosecute again, I would be willing to testify through
2 the whole process again. I still believe that
3 Alan Beaman is guilty of the murder of the
4 Jennifer Lockmiller.

5 However, at the present time, the prosecutor
6 is gone. Mr. Souk is no longer in place. I'm no
7 longer in place to the police department. Most of the
8 witnesses that we had at that point have moved away
9 and grown up. And so in order to prosecute such a
10 circumstantial case again 20 years later with a whole
11 new set of people would be very, very difficult.

12 BY MR. SHAPIRO:

13 Q. Would you want to see him convicted again if
14 it were possible?

15 MR. DiCIANNI: I'll object to that. I am
16 going to instruct the witness not to answer that
17 question. I think it's inappropriate.

18 MR. SHAPIRO: What's your basis for
19 instructing him, inappropriate?

20 MR. DiCIANNI: Uh-huh.

21 MR. SHAPIRO: What do you mean inappropriate?

22 MR. DiCIANNI: It's inappropriate.

23 MS. VAN BRUNT: It's not a basis to --

24 MR. SHAPIRO: Yeah, I mean --

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1 MS. VAN BRUNT: -- instruct him.

2 MR. SHAPIRO: You're not asserting any
3 privilege, right?

4 MR. DiCIANNI: I think you're asking him to
5 completely speculate. You're asking him to render an
6 opinion. I object.

7 MR. SHAPIRO: Yeah. You're entitled to
8 object if you want to, Tom, but are you going to
9 instruct the witness not to answer?

10 MR. DiCIANNI: I am. I am.

11 BY MR. SHAPIRO:

12 Q. Let me ask the question again just to make
13 the record perfectly clear on this point.

14 Would you want to see Mr. Beaman convicted
15 again for the murder of Jennifer Lockmiller?

16 MR. DiCIANNI: I'm going to object, instruct
17 him not to answer.

18 BY MR. SHAPIRO:

19 Q. If it were in your power today, would you
20 pursue -- strike that.

21 If you had the authority to pursue a further
22 prosecution of Mr. Beaman today, would you do so?

23 MR. DiCIANNI: I'll object. That is a --
24 speculative.

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1 Go ahead and answer.

2 THE WITNESS: That case was 20 years ago. I
3 did, I thought, a good job on that case. I did the
4 best I could have. I have no regrets.

5 If the State's Attorney were to come back to
6 me and say, "We've decided to prosecute, will you
7 testify," I would testify again just as I did before
8 to the evidence that I knew to be true.

9 However, at this point, the Lockmillers have
10 moved on in their life. They're quite older now.
11 Proving this case would be much diff -- more difficult
12 today than it was 20 years ago with a whole new set.

13 So to answer your question, I wouldn't be the
14 one spearheading it and saying I think we should
15 retry. But if the County decided to retry, I would be
16 willing to testify to the same way I did before.

17 BY MR. SHAPIRO:

18 Q. Now, your lawyer instructed me -- instructed
19 you not to answer the question as to whether you'd
20 want to see Mr. Beaman convicted again today. I'm
21 sure Mr. DiCianni would be -- would agree with me
22 it's your decision whether or not to follow that
23 instruction.

24 Do you want to follow that instruction and
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C06338

APPENDIX 001701

1 refuse to answer the question?

2 A. I'm going to follow the instruction of my
3 attorney.

4 MR. SHAPIRO: That's all I have. I may have
5 some recross depending on your questions.

6 CROSS-EXAMINATION

7 BY MS. BARTON:

8 Q. You testified earlier when Mr. Shapiro was
9 asking you questions that you believed that
10 Mr. Souk's role was somewhat of a liaison. Is that
11 the word that you used?

12 A. Yes, ma'am.

13 Q. Can you explain what you mean by liaison?

14 A. Yes. When we had questions about particular
15 proceedings from a criminal perspective, he was one
16 of the people that we would go to. If we needed to
17 get a subpoena for phone records, Jim would be one of
18 the people we would go to. If we needed to do
19 overhears and wanted to know what do we have to do in
20 order to do an overhear, Jim would be the person that
21 we would go to.

22 My specialty was in investigation. It was
23 not in criminal procedure, and that's what I meant by
24 liaison.

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APPENDIX 001702

1 Q. Acting a liaison, did Mr. Souk ever tell you
2 how to conduct your investigation?

3 A. No, ma'am.

4 Q. And you testified that in January of 1995
5 you moved to the State's Attorney's Office?

6 A. Yes.

7 Q. What did you mean by that?

8 A. I began reporting directly to the State's
9 Attorney's Office, and I was working out of a back
10 room. It was an unfinished section of that floor.
11 And I would bounce between that area and John Brown's
12 office or meeting with Jim in his office. I really
13 didn't have a home for those couple of months as I
14 was working.

15 Q. What was your role?

16 A. My role was as an investigator on this case
17 getting ready for trial, so it was pretrial
18 investigation.

19 Q. What sort of tasks did you perform while you
20 were stationed out of the State's Attorney's Office?

21 A. I did mileage trips, checking mileage,
22 intercity within Rockford, to and from Rockford.

23 I prepared a number of PowerPoint slides.

24 That was before the days of PowerPoint. So I

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1 actually spent some time at Illinois State University
2 with their media services taking photographs of the
3 letters and then putting that all together. It was
4 kind of techy thing back then in 1995. It wasn't
5 like PowerPoint today. So that took a long time to
6 prepare those.

7 Q. What were the PowerPoint slides used for?

8 A. They were used to show the letters that were
9 written by Alan in his own handwriting so that the
10 jury could see the letter and see his handwriting.

11 We also used that to show the routes that
12 were taken, the intercity routes that were measured
13 so that they had an idea of where everybody was going
14 and of how things were in relationship to each other.
15 We felt that a media display would be the best way to
16 get that across to the jury.

17 Q. Thank you for your answer, but in what
18 proceeding, I guess, were the PowerPoint slides used?

19 A. I'm sorry. It was in the jury trial in this
20 case.

21 Q. Okay. Thank you.

22 Did Mr. Souk ever tell you not to disclose
23 information about the timing of the bypass route?

24 A. No, he did not.

320

1 Q. How about Mr. Reynard, did he ever tell you
2 that?

3 A. No, he did not.

4 Q. Did Mr. Souk ever tell you not to disclose
5 any information related to John Murray?

6 A. No, he did not.

7 Q. How about Reynard --

8 A. No.

9 Q. -- did he do that?

10 A. No, he did not.

11 Q. Did Mr. Souk tell you to ignore any leads --

12 A. No.

13 Q. -- during the investigation?

14 A. No.

15 Q. How about Mr. Reynard?

16 A. No.

17 Q. And did Mr. Souk ever tell you to leave
18 anything out of your reports?

19 A. No, he did not.

20 Q. How about Mr. Reynard?

21 A. No, he did not.

22 MS. BARTON: Okay. Thank you.

23 MR. DiCIANNI: That's all you have?

24 MR. BOWMAN: We'll take -- do you have

321

1 questions?

2 MR. DiCIANNI: No.

3 MR. BOWMAN: Okay. We'll take a short break.

4 THE VIDEOGRAPHER: Off the record, 6:12.

5 (Whereupon, a break was taken,
6 after which the following
7 proceedings were had:)

8 THE VIDEOGRAPHER: Back on the record, 6:18.

9 REDIRECT EXAMINATION

10 BY MR. SHAPIRO:

11 Q. Mr. Freesmeyer, on -- you just testified, I
12 believe, that you went to Souk with questions
13 regarding the criminal process. What did you mean by
14 that?

15 A. What we would need to do in order to get an
16 overhear, for instance, to help us write up a request
17 for a phone subpoena. Or if there were other
18 questions such as when Alan's in my car and I'm
19 driving him to Morton with a body wire, do I have to
20 read him his Miranda rights, for instance. I had a
21 pretty good idea I had to because he can't get out of
22 the car at 65 mile an hour. But at the same time, he
23 was not under arrest. So those types of questions I
24 would ask Jim.

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APPENDIX 001706

1 Q. Did you call him with regard to that
2 question?

3 A. I don't recall. You asked for an example.
4 That might be an example of something. I don't
5 recall what I asked him in spec -- in particular.

6 Q. Uh-huh. Is the -- the quantum of evidence
7 necessary to establish probable cause an element of
8 the criminal process that you would consult Souk
9 about?

10 A. It -- it would have been, yes.

11 Q. Did Souk offer suggestions to you throughout
12 the course of the investigation with Beaman?

13 A. Yes, he would have.

14 Q. He offered advice and recommendations?

15 A. I believe --

16 MS. BARTON: Objection to form.

17 BY MR. SHAPIRO:

18 Q. Fair enough.

19 Did he offer advice?

20 A. I believe he did.

21 Q. Did he ever offer recommendations?

22 A. I believe he did occasionally, yes.

23 Q. Uh-huh. And you talked to him about the
24 case throughout the development of the evidence,

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1 right?

2 A. Yes.

3 Q. And throughout your investigation?

4 A. Yes.

5 Q. Uh-huh. You attended meetings with him
6 throughout the course of the investigation, right?

7 MS. BARTON: Objection to form and
8 foundation.

9 THE WITNESS: I've only documented two
10 meetings that I was with him in my police report. I
11 believe that would have been the meeting right after
12 the event was found -- the body was found and again
13 the day before the arrest.

14 BY MR. SHAPIRO:

15 Q. Your testimony is there are only two
16 reports -- two -- two -- two meetings with Souk in
17 your police report?

18 A. I told you I remember two from my police
19 report. I don't remember how many other meetings it
20 would have been with Jim.

21 Q. You remember whether there were meetings
22 throughout the course of the investigation?

23 A. Yes.

24 Q. And that -- with Souk?

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APPENDIX 001708

1 A. Some of them probably would have been with
2 Jim, yes. I don't negate that.

3 Q. And you had contacts with him throughout the
4 investigation, right?

5 A. Yes, I did.

6 Q. Did Mr. Souk give you any advice about how
7 to write your reports in this case?

8 A. No, he did not.

9 Q. Did you consult with Mr. Souk about your
10 reports in any way?

11 A. No, I did not.

12 Q. Did he read your reports -- did you -- did
13 he read your report as you were writing it?

14 A. No --

15 MS. BARTON: Objection to foundation.

16 THE WITNESS: -- he did not.

17 MR. SHAPIRO: That's all I have at this time.

18 MS. BARTON: I don't have any follow-up.

19 Thank you.

20 MR. DiCIANNI: Nothing.

21 MR. SHAPIRO: Mr. Freesmeyer, thank you for
22 your time today.

23 THE WITNESS: Uh-huh.

24 THE VIDEOGRAPHER: This concludes the video
325

1 deposition of Timothy Freesmeyer. The time, 6:20.

2 THE COURT REPORTER: Signature?

3 MR. DiCIANNI: Reserved.

4 (Witness excused at 6:20 p.m.)

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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 11, 2012, at 1601 Jumer Drive,
 9 Bloomington, Illinois, TIMOTHY JOHN FREESMEYER, who
 10 was first duly sworn by me to testify to the whole
 11 truth of his knowledge touching upon the matter in
 12 controversy aforesaid so far as he should be
 13 interrogated concerning the same; that he was examined
 14 and his examination was taken down in shorthand by me
 15 and afterwards transcribed by stenographic means; that
 16 the deposition is a true record of the testimony given
 17 by the witness; and that the signature of the deponent
 18 is reserved.

19 IN WITNESS WHEREOF, I have hereunto set my
 20 hand this 26th day of December, 2012.

21

22 _____

23 Christine M. Luciano, CSR

24 CSR #084-004068

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006348

APPENDIX 001711

1 IN RE: Beaman vs. Souk, et al.

2

I, TIMOTHY JOHN FREESMEYER, Deponent herein,
do hereby certify that I have read the foregoing
deposition and that it is a true and accurate
transcription of the 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 _____
TIMOTHY JOHN FREESMEYER

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C06349

CRIMINAL DEATH INVESTIGATION

WITNESS FACE SHEET

Classification: _____ eyewitness _____ circumstances _____ motive
_____ flight _____ medical investigative
_____ expert _____ identity _____ (other) _____

Name: Kelly Hamburg Male: Female: _____
Address: [redacted] Wormel Apt No.: _____
Date of Birth: [redacted] Age: 21 Home telephone: (209) 862-4533
Social Security #: [redacted] Marital Status: M _____ S
D _____ SP _____

Spouse name: _____ Address: _____
Date of Birth: _____ Age: _____ Home telephone: () - - -
Number of Children: _____ Names and Ages: _____

Occupation: production
Company Name: Vidette
Business Address: _____
Work telephone: () - - - Number of years employed: _____
Areas frequent: _____ Place of Birth: Denville NJ

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: 9-14-93 Interviewing Officer: Gospethon

C 1637

~~11612~~
(1098)

C06380

AB001651

This is Detective Hospelhorn, it's Tuesday, September 14th, 1993 at approximately 2:14 p.m. We are the Normal Police Department in the middle interview room. Present with myself is Detective Tony Daniels and Mr. Kelly Hamburger Hamburg.

Rob: Mr. Hamburg, could you state your last name spelling it?

Kelly: Hamburg, H-A-M-B-U-R-G

Rob: And your first name is Kelly?

Kelly: K-E-L-L-Y

Rob: Ok, could you give me your date of birth please?

Kelly: Ah, [REDACTED]

Rob: Do you know a Morgan Keefe?

Kelly: Yes

Rob: And how do you know Morgan?

Kelly: Um, I am a good friend of hers.

Rob: Ah, Did Morgan come over to your residence on Saturday, August 28th?

Kelly: Um huh (yes)

Rob: Do you know approximately what time that was?

Kelly: Um, It was probably a little bit after 1:00 in the afternoon somewhere around there.

Rob: Ok, do you know the reason she came over?

Kelly: Yeh, well she came in I was in someone elses room, it's like an apartment kind of, she came running by and said she had to talk to me. And she came in my room and closed the door and told me what she saw.

Rob: Ok, what did she tell you she saw?

Kelly: She saw Jen dead.

Rob: Ok, is that all she said or did she say anything else.

Kelly: She kind of went into what she saw and stuff but I mean she was kind of hysterical she was kind of hard to deal with. So I sat her down and that is when we called 911.

Rob: Ok, you called from your residence at #1.

C 1638
 01613
 01631
 (1099)
 C06381

AB001652

APPENDIX 001714

Kelly: Yeh

Rob: Ok, is there an apartment number over there that you live in?

Kelly: Room, ah, I got it, it's like a fraternity house, it's [REDACTED]

Rob: [REDACTED]

Kelly: yeh

Rob: Okay, and that was around 1:00.

C 1639

~~C1614~~

(1100)

C06382

AB001653

Kelly: Yeh a little after 1:00 I think it was.

Rob: Ok, was anyone else present besides you and Morgan?

Kelly: In my room, no.

Rob: Ah, was, can you describe Morgan's state of mind at the time that she come over?

Kelly: Um, when she, when she first came and looked at me I could tell something was wrong but she wasn't like freaking out or anything. But then when I got in the room she closed the door and locked it and then she started she was like crying and everthing and she was pretty hysterical.

Rob: Ok, do you know Jennifer Lockmiller?

Kelly: Yeh

Rob: And how long have you known her?

Kelly: Well, I knew her, I used to date Morgan about two years ago, and I knew her then but I hadn't seen her, I hadn't seen Morgan until like a week before that for like a year and that's when I seen Jen, I saw Jen like the Saturday but I mean I have known her but not really that well, but I have known her off and on for like three years.

Rob: You say you seen her that Saturday, would you be referring to the 21st of August?

Kelly: School started the 23rd

Rob: Correct

Kelly: Yeh

Rob: Ok, where did you see her at?

Kelly: Her and Morgan came over to my house for awhile, we sat there and then we went out to Spanky's.

Rob: So it was you Morgan Keefe and Jennifer Lockmiller?

Kelly: Um huh (yes)

Rob: Okay, did you meet anybody over at Spanky's?

Kelly: Yeh, we met some guy I don't know his name, he is a long haired guy. Um, Jen was talking to him alot, I don't really, I I was talking to Morgan about it she has told me more about it I guess he is from Woodstock or something. I, I didn't really talk to him I just saw him.

C 1640

~~1161~~

1161

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AB001654

Rob: Did it appear that Jennifer knew him before that Saturday?

Kelly: No she didn't.

Rob: Do you know if Jennifer gave her address or phone number to this gentleman?

Kelly: Uh, I don't I don't know I have no idea. But we also me those two other guys on our way home. Okay, when we left Spanky's we started to walk down to like towards like the other bars downtown.

Rob: What time did you leave Spanky's?

Kelly: I would say midnight I am not really sure though.

Rob: Ok where were you going when you left Spanky's?

Kelly: We were going to go to Shanigans or Rocky's or somewhere we were on our way. And like right before Watterson like by, like right in front o the parking garage.

Rob: Okay

Kelly: We saw two guys, I I had met before once, you know I didn't really you know, I so we were talking to them for a minute and they ended up talking to her cause me and Morgan kept walking and we really didn't pay attention that she kept talking to them and everything. So we sat there for a long time we didn't really hear the conversation or anything and then we walked back up there to see what was going on and uh these uh, one of the guys gave his phone number to her but I don't think she gave hers to him cause I remember.

Rob: Do you know the names of the two guys?

Kelly: No, I know one of his names is uh, I think his name is Jeremy, I haven't seen him since then. Oh I did see him once since then once, that Tuesday night after that after that Saturday, Tuesday night we were having rush and I guess they were rushing but I don't think they came to our house, they were in the court entrance and I was on my way to work cause that is why I remember when it was it was at 8:45.

Rob: That would have been Tuesday night the 24th of August?

Kelly: Yes.

Rob: Ok, and what time was?

Kelly: At 8:45 exactly.

C 1641

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AB001655

APPENDIX 001717

Rob: P.M.

Kelly: Yeh, cause I was on my way to work, I was walking to work, and I saw them and they asked me, they asked me about her, they asked me how come, they asked me why she didn't call them but he was just joking around and I said I don't cause like I said I really didn't know her that well they said all right, so that's also how I figured he didn't have her phone number because he told me to have her to call him.

Rob: Ok. Did he give you the phone number and address?

Kelly: No

Rob: After how long did Jennifer talk to the two guys in front of the parking garage?

Kelly: Probably about ten minutes.

Rob: Ok, but you didn't see her give her phone number to them?

Kelly: No, they did when they were going to exchange number neither of them had a pen and Morgan had some lipstick and they wrote, he wrote his number on this piece of paper with lipstick and gave it to her and she put it in her pocket that is all I saw I don't think she gave her number to them, I am pretty sure.

Rob: After you finished talking, or she finished talking to them did they go on their way?

Kelly: Yeh, they went that way, they went towards where we had just left and then we started to head to the bars and then we realized that it ws really getting late so then we started to head home too.

Rob: Ok, headed home to where?

C 1642

~~ETTT~~ (1103)

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AB001656

APPENDIX 001718

Kelly: We walked to Morgan's place and Jen had her car there and I live not too far from there so I walked them home and Jen got in her car and left and then I went in Morgan's for like ten minutes and then I walked home.

Rob: Ok, approximately what time was it when Jennifer left?

Kelly: Oh, I don't, probably around 12:30 or 1:00 cause we didn't go to that bar.

Rob: A.M.

Kelly: Yeh

Rob: Did Jennifer ever talk to you that night about anybody that she was currently dating?

Kelly: Yeh, Mike

Rob: Mike, do you know his last name?

Kelly: No, I just

Rob: Did she say how long she had been dating him?

Kelly: No, not really I she said his last name I know his last name but not from her, I know his last name is Mike Swain, you know, she really didn't say much about him she just we were just on our way from walking from there she was talking about it she wasn't really talking to me I was just kind of in on the conversation. And she said that I thought he was leaving, she said something about he was staying home that night playing Uno or something and I think she said he was leaving the next day.

Rob: Did she say where he was going?

Kelly: I think he was going home, so she said that they were going to go out for breakfast or something the next day.

Rob: Did she talk to you or Morgan about anyone else that she had been seeing either currently or before?

Kelly: Not in front of me, no.

Tony: In calling your attention back to when Morgan came into your room to tell you what she discovered at Jen's apartment, um, did you ask or did she tell you how she knew it was Jennifer?

Kelly: I didn't she just told me she saw her I mean I was kind of shocked to I didn't really think, I mean I could tell by looking at her she must have seen something so I just, actually I just set her down and put a blanket around her

C 1643

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(1104)

AB001657

APPENDIX 001719

and then she talked a little bit, I can't really remember her saying much of anything.

Tony: Does the name Robert Wright sound familiar to you? Could that have been the young fellow at Spanky's or could that have been one of the guys on the street that she bumped into?

Kelly: I don't recognize the name. I know, see the two guys that she met in front of the parking garage, one of them, the one I know is named Justin or Jeremy or something I think his name is Jeremy but that is not the one that she was talking to, the other guy was a shorter guy and I have no idea what his name is, but I could probably find out who they are for you guys.

Tony: What fraternity did they belong to?

Kelly: They didn't belong to any.

Tony: Ok, so that was the first time that you had met them that night?

Kelly: I had met them, they come, they know one of my friends I mean I don't really see him that much but they know one of my friends and I didn't really recognize them cause they said hi to me and I had met them like a few days before that I guess.

Tony: And who would be that friend they know?

Kelly: Um, Arthur Berron

Tony: And where does Arthur live

Kelly: I have no idea, I can find out.

Tony: Yes we would appreciate it if you would do that for us.

Kelly: I haven't seen him for like a week.

Tony: That night also at Jennifer was out with you and Morgan, uh, she had mentioned, you thought that she had mentioned that Mike Swain was back home in the apartment?

Kelly: Um huh (Yes)

Tony: Did she tell you which apartment, his, or was it her apartment?

Kelly: I I, She didn't say but I think he was staying with her, I don't know she didn't say anything about it though.

Tony: You mentioned that ah he was back, that she said he was

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AB001658

APPENDIX 001720

back there playing Uno, do you know what Uno is?

Kelly: yeh

Tony: Ok, what is Uno

Kelly: It is a card game.

Tony: Ok, how many people have to play Uno?

Kelly: Usually two

Tony: Ok, did you inquire as to who possibly may be playing Uno with Mike?

Kelly: No, but I think he might not have been, but she wanted he was, she kept saying that she could go home and play Uno with him if she wanted so he might not have been playing Uno but I remember her saying something about it.

Tony: Oh, did ah she seem to be upset or worried about anyone or anything in particular that night?

Kelly: No she was in a good mood

Tony: Did you find it strange for her to be out with you and Morgan when her boyfriend was back home in the apartment?

Kelly: Not really

Tony: Does she do that often?

Kelly: I didn't really hang around with her alot so I don't know, yeh, I guess I understood he really didn't go out alot or anything and I don't think he was 21 either so I don't think he could I am not sure.

Rob: Kelly, is there anything else that you would like to add to this interview?

Kelly: If there are any more questions that I can answer, I really don't know a whole lot about the whole thing really. I was just kind of

Rob: The interview is now concluding September 14, 1993 at 2:25 p.m.

C 1645

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C06388

(11/26)

AB001659

APPENDIX 001721

This is Detective Daniels of the NPD, I am conducting an interview with Miss Morgan Keefe. Along in the same room is Detective Rob Hospelhorn of the NPD. This is Friday, September the 10th, 1993 and the time is 11:26 a.m.

Tony: Morgan, would you state your full name please and your date of birth?

Morgan: Morgan Keefe, I don't have a middle name and I was born [REDACTED].

Tony: And how do you spell your last name?

Morgan: Keefe.

Tony: Uh, Morgan do we have your permission to record this interview?

Morgan: Yes

Tony: This interview is in regards to a previous interview we had with you in relation to the Jennifer Lockmiller investigation. Does Jennifer normally walk to her classes or does she take her car?

Morgan: I don't know, I think she drove, but I, I wouldn't be sure because I went to Wesleyan while she was here and..

Tony: Ok, she never talked about leaving her car parked at the apartment building while she walks to class? She never mentioned it?

Morgan: No, but I, no.

Tony: When was the last time that you saw her drive her car?

Morgan: Tuesday night, that Tuesday night, before she was found I guess.

Tony: If I gave you a calendar, could you tell us what Tuesday night that would have been?

Morgan: I might, my time is just...

Tony: Ok, August 28th is when the body was discovered.

Morgan: Ok, it would have been the 24th.

Tony: Of August?

Morgan: Uh-huh.

Tony: Did uh, Jennifer express any interest in uh, Bubba or John Murray or any other man when you had talked to her the evening of the 24th of August?

Morgan: Well she had talked about Bubba um, because he was moving to Peoria for a new job and she was going to go stay with him on the 27th.

Tony: And was that the purpose of her visit to go to Peoria was to be with Bubba that entire weekend?

Morgan: Bubba? No she was just going to go Friday night and, I don't remember if she was planning to spend the night or not I guess I remember assuming she was going to spend the night and I don't know if that was my own...

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(B18)
AB001364

APPENDIX 001722

Morgan: yeh

Tony: Ok, um, when did she talk to you on Sunday the 22nd? What time of the day? Do you recall?

Morgan: We didn't talk on the 22nd.

Tony: Ok, so you saw her and talked to her on the 21st. How about the 23rd, Monday?

Morgan: No.

Tony: Ok, on the 24th, once again, you called her prior to both of you going to the movie together?

Morgan: yes.

Tony: And did she come by your apartment or did you go by hers?

Morgan: She came to my apartment, that is when I last saw her drive, cause she drove over.

Tony: Ok. So you drove in her car to the movies, is that correct?

Morgan: No we drove in my car.

Tony: And left her car at your apartment?

Morgan: yes

Tony: Ok. Do you recall hearing the name Rod? Jennifer possibly could have spoken of Rod, a fellow that she met in a bar a week or two prior to her death?

Morgan: Ok, if it's who I am thinking it is, it would have been Saturday night, when she met this guy.

Tony: And what night?

Morgan: Does he live in Woodstock? Is that who you are talking about?

Tony: That is what the reports indicate.

Morgan: Ok, that was the 21st when she and I and our friend Kelly went out. And, he was sitting at the bar, this guy, I didn't know what his name was.

Tony: Uh-huh.

Morgan: He was sitting at the bar and Jen is, Jen is kind of the queen of scamming drinks off of guys. She kind of flirts, you know, and whatever and he bought her a bunch of drinks and then he suggested going to a party afterwards. He knew, a friend or somebody was having a party and Jen didn't want to go. She just basically wanted drinks from him and then we kind of walked off and um. I didn't think anything of it cause you meet a million people in a bar, you know, and they suggest you go to a party but you probably will never talk to them again, and so I had forgotten about it until Tuesday when we went to the movie she said that that particular guy had called.

Tony: Rod?

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C 1355

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(82)

C06394

AB001368

APPENDIX 001723

Morgan: I guess, if that is who it is? Yeh, and that he lived in Woodstock and didn't have a place to live on campus but was going to ISU and um was commuting. And then he said I'am not living there but I will probably will come stay over the weekends would you want to go out sometime. And the way I understood it Jen, Jen probably kind of scurtd around the issue and avoided saying yes or no but the way understood how she felt was "no, she didn't, she wasn't interested in him".

Tony: Did she give you a name of this caller? Or did you assume it was Rod?

Morgan: She might have but I, yeh, I just know that it was the guy from Woodstock that we met at Spanky's.

Tony: Now um, you were to call her Wednesday or you did call her Wednesday which is August the 25th cause the two of you had planned to go out that night right?

Morgan: yes

Tony: Ok, where were you going?

Morgan: We hadn't talked about that yet, we were just probably going to go to the bars.

Tony: Ok, so you were just going to go out for the evening?

Morgan: yes

Tony: Ok. uh, had Jennifer ever stood you up in the past when you had plans to go out?

Morgan: No.

Tony: Ok, how many times in the past would you say that the two of you had made plans to go out and those plans came about?

Morgan: And those plans..?

Tony: Came about.

Morgan: Um, in the last what?

Tony: Since you have known her.

Morgan: Every time we made plans we would go out. I mean every, I don't remember ever making plans with her and having them fall through, and, gosh, I have known her for five years, four years, we have gone alot.

Tony: And this is the first time that she has ever stood you up?

Morgan: Yes

Tony: Ok, and you thought that to be very strange, unlike Jennifer?

Morgan: Well, I kind of assumed, she had a meeting at the Vidette that night and I thought well maybe it has just gone over. And so I, we were going to go out with a friend of mine named Matt who didn't know her..

7

C 1356

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C-1333

(8)

AB001369

APPENDIX 001724

Tony: Well this came up in the investigation. I think in your interview you indicated that uh, Jennifer perhaps, had written her phone number down on a piece of paper using your lipstick and gave it to one of the young boys whose name was Rod, do you recall saying that?

Morgan: I remember saying, I remember talking about that and I am pretty sure he wrote his phone number down and gave it to her. I am pretty sure she didn't give him her phone number.

Tony: Do you know what she did with that piece of paper?

Morgan: No.

Tony: Did she have her purse with her that night?

Morgan: Yeh, (big pause), but she probably threw it away. See the, I am pretty sure that guy's name was Rob.

Rob: Could you describe Rob?

Morgan: No, he was kind of small, kind of, he was a Freshman at ISU. But the older guy from Spanky's that bought her the drinks had kind of long curly hair, and um ...

Tony: Ok, which person had called her then?

Morgan: The one from Spanky's.

Tony: And his name is?

Morgan: I don't remember.

Tony: Could it possibly be the one from Woodstock?

Morgan: Yes, it is the one from Woodstock.

Tony: Ok, how do you know it is the one from Woodstock.

Morgan: Because Jen told me. When she told me that this guy had called her, she said the guy that I met at Spanky's and I immediately knew who she was talking about.

Tony: And did she refer to the guy that I met at Spanky's who is from Woodstock?

Morgan: Yes.

Tony: Ok. So the one that she met, one of the two that she met the 21st at the other bar which is Rocky's?

Morgan: Yeh, no we didn't, I don't think we even made it to Rocky's.

Tony: Ok, what bar would that have been?

Morgan: We were walking.

Tony: Ok

Morgan: On the sidewalk when she met the second guy.

Tony: Ok, what is his name?

21

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C06409

~~CT347~~ (838)

AB001383

APPENDIX 001725

CRIMINAL DEATH INVESTIGATION

WITNESS FACE SHEET

Classification: eyewitness circumstances motive
 flight medical investigative
 expert identity (other)

Name: MORGAN KEEFE Male: Female:
Address: [REDACTED], Normal, IL Apt No.: [REDACTED]
Date of Birth: [REDACTED] Age: 23 Home telephone: (807) 862-1305
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: 28-Aug-93 Interviewing Officer: WARNER

C 1330
C1307
(98)

C06412

Morgan: I have no idea, I really. She went out with me and my other friend, Heidi, who I called earlier, who would come and stay. And um, usually when we came and stayed, he wouldn't go out with us. It would just be the three of us girls would go out and so, like I said, I only met him once and I only heard about him through her.

Dave: How often had they been going out? You say you only heard about them two going out. Had they been going out for awhile, or off and on for awhile, or how would you characterize that?

Morgan: Well, she, she is the type of person that if she was going out with somebody, she wouldn't cheat on him. And he would talk her into going out with him so she didn't really cheat on him, ever.

Dave: So how long...

Morgan: So they were exclusive I guess.

Dave: had they been going out? Week? Month?

Morgan: No, they started going out while I was in Washington. No, they started going out right before I left for Washington.

Dave: What month would that have been? Do you know an approximate date?

Morgan: I left in January, I would say probably, probably in November was when I first started hearing about him. And then I heard rumors that they were engaged and whatever, and I hadn't talked to her for awhile because we've both been so wrapped up in school that I didn't, I really don't know the story, so, this is hearsay. This isn't true, maybe not. Um anyway, um she, he lived with a guy named Mike Swaine, who Jen really liked and over the summer she has been talking about how much she was looking forward to Alan going home so that she could finally spend time with Mike. And Mike is, Mike and Alan were like, opposites, from what Jen says. Alan got high all the time, probably did other stuff, was drunk, was, I didn't like him when I met him, he was really kind of gross, he was greasy. And Mike was really, um, kind of anal retentive. Like, she would talk about how he would like to play Uno all the time and he wouldn't smoke pot or do anything like that because he had a guilty conscious or whatever, and. Anyway when Alan moved home, Mike moved in with her because he didn't have a place to live. So they have been living together for the past, maybe three weeks or so.

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AB001348

APPENDIX 001727

Dave: Mike and Alan have been living together?

Morgan: Mike and Jen had, Mike had moved in with Jen.

Dave: Ok.

Morgan: And um, this week he has been gone because Jen said he went home to work, I think. And so she has been living in her apartment by herself. And she likes Mike, she liked Mike, but she kind of found out that he was not her type either because, she is not like a greasy wild women or anything like that, but she smokes pot sometimes and she would get drunk and stuff and then would come home and Mike would make her feel guilty about it, so. And I haven't heard her talk about Alan for probably a couple of weeks. And I haven't asked, just cause I was glad that he was out of the picture.

Dave: When was the last time, when was the last time you saw Mike?

Morgan: I met him once at the beginning of the summer at a play at Wesleyan. It was probably in July.

Dave: You said he's, he was gone for three weeks working, er, I'm sorry, gone for a week working.

Morgan: Just this week, yeh.

Dave: How did you hear about that?

Morgan: Jen told me that he was leaving for the week.

Dave: To go where, do you know?

Morgan: I think he is from Elmhurst. I'm really not sure. Up near Chicago somewhere, he was going to come back today.

Tony: What school does uh, Mike go to?

Morgan: Wesleyan, they all go to Wesleyan except, um, I'm here now and Jen transferred here, two years ago or a year ago maybe. I think this is her second year.

Dave: How did Jen get along with Mike, other than she recently figured out?

Morgan: Well Tuesday night when we out I said to her, I said, "Well maybe you don't like him as much as you thought, maybe he is really not your type". And, um, she said "Well no, I do like him", and I said "well, what are you going to do? Are you going stay with him, or you know,

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C06417

and any problems that she might be having or anything like that? Who, does she go out, who does she hang around with, just uh, Mike when she is down here?

Morgan: I really, I, I really don't know. Like I said, cause I haven't lived here, I haven't, I haven't existed in the same place that she has.

Dave: She hasn't, Has she mentioned any other names to you like my friend so and so?

Morgan: Well, she's got a friend named Laura who is in the art department at ISU and I, I don't know her last name.

Dave: A student?

Morgan: But she is from Decatur, which is where Jen is from.

Dave: A student in the art department?

Morgan: Yeh.

Dave: Ok.

Morgan: But I don't think she talks to Laura very often, but they have been good friends since high school.

(pause, tape is shut off and then started again)

Morgan: Um, I don't know his real name, but ever since high school she dated a guy named Bubba who she broke up with.

Dave: Bubba?

Morgan: Yeh. Um, she broke up with Bubba, let's see, she was still seeing him last summer so she probably broke up with him sometime over the school year. And um, he was living at home in Decatur until she, he asked her what he needed to do to get back with her and um she said get a job cause he was kind of a bum so he just got a job in Peoria and she was going to go see him last night. So there's probably..

Dave: Ok. What do you know about Bubba? He lives in Decatur.

Morgan: Uh-huh (yes)

Dave: What about uh, the type of person he is?

Morgan: Well Jen had alot of, um, problems with anorexia through high school and through her first year of college and he was really there for her the whole time. And I don't

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APPENDIX 001729

think she ever really was in love with him because he wanted to marry her but um, she, she had strong feelings about him, I mean he was definitely a good friend. I don't know how much in contact they had been since he had been living at home and she had broken up with him, but I know that when he got this job in Peoria, she had told me she was going to go see him Friday night, last night.

Dave: She was going to see Bubba last night?

Morgan: Uh-huh (yes), which was also why it was weird that her car was at her apartment. That's why I was, just something wasn't right.

Dave: Where was she going to see Bubba at?

Morgan: In Peoria. Heidi, who I called, she may know Bubba's real name but I...

Dave: What's Heidi's phone number?

Morgan: Um, 219-924-FUN1.

Dave: F U N 1?

Morgan: Uh-huh (yes), F U N 1.

Dave: What were they going to do in Peoria?

Morgan: I don't know. I think she was gonna maybe help him move in or something?

Dave: This, was supposed to see him last night?

Morgan: Uh-huh (yes). Shoot, I wish I could remember his name. I know I have known it. I have only met him once or twice too.

Dave: What did you guys do on Saturday?

Morgan: When I saw her?

Dave: Yeh.

Morgan: Um, Kelly, my friend out there, Kelly, Jen, and I went to Spanky's.

Dave: Who's Kelly? Oh your...?

Morgan: Um, the guy out there.

Dave: What's his full name?

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APPENDIX 001730

Morgan: I don't know who's phone number was given, it might have been her phone number.

Dave: Something was written down?

Morgan: Uh, uh. (yes)

Dave: Jen wrote something down with your lipstick.

Morgan: I, I don't remember who even wrote with my lipstick, I just, one of the guys names was Rod, I think, or Rob.

Dave: Rodney?

Morgan: It might have even been me that wrote it down, I don't know, it was a week ago.

Dave: That's fine, we are just trying to get it straightened out here.

Morgan: And, um, there was another guy that we met at the bar Saturday and I don't know if she gave her phone number to him or not but he bought her four or five drinks.

Dave: Do you remember his name at all?

Morgan: Uh-uh (no), he, he lives in Woodstock, Illinois, and he has been um, commuting to ISU and, um, asked Jen if she'd, I think he called her and asked Jen if she would like to go out sometime and she said no, I think. This was all what she told me Tuesday night, she really didn't tell me what her answer was, she just said I can't believe that he called me to see if I wanted to go out with him. So, um, she probably talked to him Monday night.

Dave: Monday night?

Morgan: Uh-huh (yes).

(Detective Daniels can be heard in the background making a phone call)

Morgan: ...if Alan was ever abusive to her or not, all I know is, he would break down the door, and the fact that she screamed when I came in kind of indicated to me that he scared her.

Dave: She never said anything like he hit her? Did she ever have any bruises, well you didn't see her that often did you?

Morgan: Uh-uh (no).

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AB001354

APPENDIX 001731

It is September 2, 1993 at 1:22 pm. This is an interview with Heidi Steinman

Dave: Would you state your full name please?

Heidi: Heidi Lorraine Steinman.

Dave: Your date of birth?

Heidi: [REDACTED]

Dave: And your address?

Heidi: [REDACTED], Highland Indiana.

Dave: And your phone?

Heidi: 219-924-3861.

Dave: Ok, and why are you here today?

Heidi: To tell you anything I know about Jennifer Lockmiller.

Dave: When was the last time you had contact with Jen?

Heidi: Oh, ... I talked to her on the phone on last Tuesday, ah last Tuesday at, I don't know the date.

Dave: Ok.

Heidi: Um, it was in the afternoon.

Dave: Approximately what time?

Heidi: I honestly don't know, it's like...

Dave: You know, between what times, would it be before 3:00?

Heidi: Probably about 2:00 or 3:00.

Dave: Ok, and what did you talk about?

Heidi: Um, I was supposed to visit her this weekend, um, the week of September 3rd and we were just solidifying our plans.

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AB001426

APPENDIX 001732

it was already paid for so...

Dave: Ok, how about relationships though, you said Mike wasn't really a relationship did she have any plans or mention anyone else's name?

Heidi: Uh-uh, no.

Dave: Ok, how about Bubba?

Heidi: Bubba was an ex-boyfriend and she had no plans of getting back together with him. He always, he was always in love with her. I think he always planned on them getting married or whatever, but she was through with him about a year ago.

Dave: How about John Murray?

Heidi: She liked him. He said that if she broke up with Alan, he would break up with his girlfriend and maybe they could date again, cause they had always been dating someone and then the other one would like them and they would switch back and for and I think he broke up with his girlfriend and then, last time I talked to 'em she was like yeh, John broke up with Debbie.

Dave: Debbie who?

Heidi: She is an AOPic at Wesleyan, I don't know her last name. I think I may have met her once, but I...

Dave: Do you know if she saw John in the past few weeks, or?

Heidi: I don't know.

Dave: Would there be any other names that, ah, she had mentioned?

Heidi: I remember she said, I don't know his name, but she said she met a guy at a bar and he kept calling her, but I don't know...

Dave: Do you know when that was?

Heidi: I bet it was like August 20th or 21st, that weekend.

Dave: A bar here in Normal or somewhere else?

Heidi: Ah-huh. (yes). ****inaudible****

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AB001433

APPENDIX 001733

Heidi: The last concert I knew she went to was Arrowsmith.

Dave: When was that?

Heidi: Oh, gosh, I don't even know, that was, I know it was this summer.

Dave: Ok, so several months ago?

Heidi: Yeh.

Dave: Ok

Heidi: But, yea, we usually go to concerts together.

Dave: Did she mentioned anybody new besides the guy she met at a bar that kept calling her?

Heidi: No.

Dave: Would she?

Heidi: I think so.

Dave: Did she tell you everything?

Heidi: I think so. She was, um, she had been in alot of hospitals for eating disorders and I went to one this summer, and it was the same one that she was at, so we told each other alot about that. It was like another like breaking point for us that we could trust each other more, and it brought us really close.

Dave: It is important that, you know, we hear, ah, even the bad things about her, ah, but you know? It may not be anything, but then again it might. And, ah, we understand that we don't want to, ah, you know hash out all the bad things, but if we could come across something that is important.

Heidi: To my knowledge, I don't, she didn't tell me anything about another guy, but school had started on the 23rd so.

Dave: Was she ever pregnant, do you know?

Heidi: Morgan just told me that. I, I've no clue if she ever was except, Wednesday morning, I got in town on Tuesday.

Dave: Which Wednesday are we talking about?

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AB001439

APPENDIX 001734

Heidi: Um, the 1st.

Dave: August?

Heidi: Yesterday, September first.

Dave: Oh, ok. Ok.

Heidi: Um, I spend the night , Tuesday and Wednesday morning I woke up and I had this dream that she had been pregnant. I don't know.

Dave: And you had talked to Morgan and she said something about that?

Heidi: No, I talked to Morgan today and she like, you had asked her if she had ever been pregnant and I just had a dream yesterday that...

Dave: So not to your knowledge?

Heidi: No.

Dave: Ok.

Heidi: I have no clue, but it, it seemed like she didn't trust alot of people and it, she was very wary and very cautious.

Dave: That's the impression we're getting, it is very difficult to find anything out about her. She would tell somebody kind of like what they wanted to know, just enough but not everything.

Heidi: Yeh.

Dave: You know.

Heidi: She wouldn't want to hurt their feelings or something or get a bad impression.

Dave: So it wouldn't be unusual for her to do something with somebody and not tell somebody else about it.

Heidi: Yeh.

Dave: Fer...

Heidi: Cause like the whole drug scene.

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C 1427

AB001440

APPENDIX 001735

Dave: What about, ah, being approved of, would that be a reason for her not tell somebody?

Heidi: I think so.

Dave: Was she, you know like...

Heidi: I think that is the basis of her eating disorder.

Dave: So, like you being the straight person, she might not tell you the things that she thinks you would disapprove of?

Heidi: All the drugs she did. Yeh, cause I mean, I know so many people that do pot I don't think it would shock me, so she wouldn't, she didn't, she would tell me that. But, that..

Dave: So she did do pot, was it often, or?

Heidi: Um, it was often last year and this summer she was tapering down, cause Mike Swain is very straight, and she, it was like "I like him and if he is straight, I am going to go straight." And she had stopped. That's what she was telling me, that she had stopped and I don't know.

Dave: Would she do something when Mike wasn't around?

Heidi: Yeh, um.

Dave: How about drinking?

Heidi: Yeh, she drank alot.

Dave: Did she have a problem with drinking?

Heidi: Um, see I don't know. Cause her freshman year, I was still in high school and I guess she drank like a fish, and that is when her anorexia was really big, and, um, then my freshman year, she was in the hospitals and then her, she came back so then our sophomore year was the same, and she would drink, but it never occurred to me that she had a problem cause she drank as much as everybody else. Not more, not really less, just an average amount.

Dave: You only saw her drink, when it was appropriate to drink?

Heidi: Right, and, um, I know she had AA books and things because, at the, cause I go to over eaters anonymous and that is what she was into and we would base our stuff on AA and they give you the AA books, but I don't know if she had the AA books because of the eating disorder hospital or if because she drank and she was trying to go into that.

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AB001441

This is Detective Daniels of the Normal Police Department, I am in the middle interview room of the Detective Division of the Normal Police Department. Present with me are Detective Rob Hospelhorn and a Mr. John Murray. This is Thursday afternoon the time is 4:15 p.m. September the 2, 1993.

Tony: John would you state your full name, your date of birth and your address please?

John: My full name is Larvi John Murray, Larvi is spelled L-A-R-V-I, and my date of birth is [REDACTED] and my present address I'm ah going to Illinois Wesleyan, it is [REDACTED] that's Bloomington, Illinois 61701.

Tony: John do you understand the reason we asked you to come down for an interview?

John: Yes I do

Tony: And what is that reason?

John: Ah, It is to ask me questions about the deceased Jen Lockmiller.

Tony: How well do you know Jennifer Lockmiller?

John: Well I used to date her actually about a year to two years ago and I go out with her every once in awhile. I was coming back, I was coming back to actually see her school is just starting for me in about Tuesday, cause I go to Illinois Wesleyan and school starts on Tuesday for me and Illinois State already started and I have been back home and I was coming down I was actually going to see her tonight or yesterday I was going to call her up and ask her to go to bad music night. And I just found out yesterday, my brother called me and left a message saying that Jen Lockmiller is dead I didn't believe him at first you know it really hasn't hit me yet to say you know cause I haven't I don't know that much about it yet and I missed the funeral even and my brother said the funeral was what yesterday or two days ago and I have been home the entire time and I didn't hear about it.

Tony: When was the last time that you had any contact with Jennifer what type of contact would that have been?

John: Ah she called me about ah two weeks ago, a week ago, see I can't remember because of the kind of relationship I had with her you know I used to go out with her. And then you know we were still friends after that I knew ah,

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APPENDIX 001737

she was dating this guy named Alan Beamm right after me, she started going out with this guy named Alan Beaman for about um I don't know I guess they were dating for probably about a year or so. And both of them would come over to my place all time and you know we would party and stuff like that and I would go over there and party and we would just listen to music, you know, drink or whatever and just kind of chill every once in awhile and just kind of chill and every once in awhile I would go out to the bars with her cause she was 21 and Alan wasn't. And you know I sort of had that kind of relationship with her, I just go out and hang with her every once in awhile. And then um like lately um lately ah she started seeing I think she started seeing some guy named Swain or she was living with some guy named Swain and that's when I started losing contact with her because you know I started going back home more often and you know I live in Rockford. and I have been jumping back and forth between like jobs and stuff in Rockford and here ok, and trying to get ready for school and moving and all that and I have just been going back and forth lately and I saw her and Swain a couple times a couple weeks ago and you know and we partied together then and then the last time I talked to her though was probably maybe two weeks ago or maybe a week and half ago sometime around there. And she just called me and asked me what I was doing and you know I said you know I am getting ready to go to school and stuff and we sort of made plans oh well we are going to have to do something coming up soon and I was like well when I get back in town maybe like close to the beginning of September I will give you a call.

Tony: Is it my understanding then that you were in Rockford then when she had called you?

John: Um, yes, I was in Byron.

Tony: And where was she when she called you?

John: I think she was at her house.

Tony: Which is here in Normal?

John: Yeh, its 452-9913 I think is her phone number

Tony: Had she mentioned anything to you during that phone conversation that ah she was going or had been to California?

John: Oh, yeh yeh, she called me from California, too, she called me in California, she took a trip down to California. She just got back and she started ah living

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with Swain and I saw her after her California trip. I think I talked to her once or twice and saw her ah with Swain. Like at our business office I like met 'em they were doing something in there. Swain was getting ready to go to school at Illinois Wesleyan and they both stopped in and I talked to them in the parking lot for about a 1/2 hour.

Tony: Do you recall what day of the week that would have been?

John: Oh, summer all blends together, um I am not, I can't say for sure, it was within it was, I know it was after her California trip cause she told me a little bit about it and she went to California.

Tony: She got back from California on Thursday back to Normal on a Thursday. (John: Um huh (Yes)) which is August 19th, using that as a reference point, do you recall then when you saw her and Michael together?

John: Uh, Swain?

Tony: Yes

John: Um, probably either sometime within the next couple days. Or it had to have been, cause she called me from California on that Thursday and I think I was probably was down here that weekend. Okay, and I probably bumped into them then, see I go back and forth I mean home so much, that I am here one day, there the next day, here one day, I mean I put 3,000 miles on my car in the last couple weeks. You know I have been just driving all over the place so I can't say when for sure but I know it was maybe about two weeks ago, maybe 1 1/2 weeks ago that I saw them.

Tony: You say you saw them together is that right?

John: Yeh

Tony: And where was this that you saw them?

John: At Illinois Wesleyan, um, right outside the busienss office, there is a drive way sort of thing.

Tony: You are not sure whether it could have been a Saturday or Sunday?

John: Um, It could, I don't think it was a Sunday, cause the business office wouldn't be open. It would it could have been Friday or Saturday or even the following Monday.

Tony: What was the conversation about between the three of you?

John: Um, we just talked, you know about you know partying and you know and just we got to get together and go out and that kind of thing just general you hi kind of friend kind of conversations.

Tony: What did she talked to you about to you when she called you from California?

John: Um, I wasn't home, when she called but I got the message on the answering machine and she said hi I am in California. But then I talked to her when she got back from California and she said Oh, I called you from California.

Tony: So she had called you in California, but never reached you, she called you when she got back and then and then after she got back you ran into her and Mike, is that correct?

John: Yes

Tony: Ok, uh, did you ever visit her at her apartment when she got back from California?

John: Um, I am going to have to say I did stop by there I think once.

Tony: Do you recall when?

John; Mmm, It was I think the day after I saw them in the I think the day after I saw them.

Tony: Okay Mikey, what I am going to do, pardon me John, what I am going to do is show you a calendar, and ask you to look at the month of August 1993, the 19th being a Thursday, I do want to make a correction, she got back to Normal on the 18th, not the 19th as previously stated by myself. Would like for you to look at the month of August 1993 and try to determine ah the date that you ran into her and Mike and also the date that you visited her at her apartment in Normal, would you do that please?

John: Sure, um,

Tony: There is the 18th John that she had returned to Normal.

John: I would say it would have it was either let's see now, I went home last, I went home on the 24th. So it was either the 19th, 20th, 21st, 22nd or 23rd that I saw them and talked to them.

Tony: Ok, when was it that you visited her apartment then?
John: Um, it was the day after I talked to them.
Tony: So that would have been what day then?
John: Up to the 23rd.
Tony: Did you go?
John: Cause I didn't stop by on the 24th, that is when I went home.
Tony: You went home on the 24th
John: Um huh (Yes)
Tony: What time did you go home?
John: About oh about 3 in the afternoon.
Tony: Ok, how long were you home?
John: Um I was home, all the way til yesterday.
Tony: Was that..
John: I got back. Yes, I got back yesterday night.
Tony: Yesterday night, that would have been September the 1st?
John: Um huh (Yes)
Tony: What time did you arrive back here in Normal?
John: About 7:00
Tony: P.M.?
John: Yes
Tony: So then you were out of the Normal/Bloomington area around 3:00 p.m. on the 24th of August which is a Tuesday?
John: Yes
Tony: And you did not return to this area until around 7:00 p.m. September 2nd ah, correction September the 1st which is on a Wednesday, is that correct?
John: Uh, Yes

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AB001728

APPENDIX 001741

Tony: You last saw Jennifer in her apartment sometime on the..

John: Sometime one of these the 19th....

Tony: The 19th through the 24th or 23rd

John: Through the 19th through 23rd, I thought her California trip was actually earlier though. I mean it doesn't seem like it was only two weeks away. I mean it seems like it was earlier, it seems like it was somewhere around maybe the 1st of August or something, at least in my mind.

Tony: Ok

John: But there again, I don't keep track of time or days during the summer

Tony: Ok, when you visited her at her apartment do you recall what time of the day it was?

John: It was just, just a, I just swung by and said hi for a few seconds.

Tony: Do you do you drive?

John: yes

Tony: What kind of car do you drive?

John: Uh, an 87 Pontiac Firebird, black.

Tony: Do you know the license plate number

John: BOLARE 4 B-O-L-A-R-E-4

Tony: Did she ask you to come over or did you just at the spur of the moment decided to drop by?

John: I just dropped by, cause we had talked about it the day before, you know me and Swain and her, it's like oh, you know we should drop by sometime so I dropped by by to see what was going on and

Tony: Was she by herself?

John: Uh, I believe at the time she was.

Tony: How long did you stay?

John: About ten minutes.

Tony: And what was the purpose of the call again?

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C 1715
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AB001729

APPENDIX 001742

John: I just dropped by to see how she was doing.

Tony: Do you recall what you talked about?

John: Um, we just ah, talked about like you know partying and getting together later and you know how school you know that she was getting ready for school and all that kind of stuff. And you know ah she was basically just talking to me like as a friend. I see her about maybe my relationship with her was about I saw her maybe once every two weeks or once a week sort of thing so you know it wasn't like real imminent or real real close or real special. I mean I did go out with her a couple a year or two ago, but I mean it wasn't I mean now, it's just more like do you want to go to the bars tonight and hang for one night. And you know and I drop her off or something like that and she would like tell me how things were going and she was real excited and she had some kind of um press job with ah um, she was working for somebody that is the same maker's of life magazine, like Time Warner or something like that?

Tony: Was there any

John: She was working she was doing some kind of press thing with some Time Warner thing and she was telling me about that and how she wanted to hopefully to get a job like working for Rolling Stone because that was like her favorite magazine and she was telling me all that.

Tony: Was there anyone present there when you dropped by that day?

John: Um, I think the parking lot was pretty bare actually.

Tony: Well, was anybody in her apartment?

John: Um, no

Tony: Did you go in?

John: Um, no

Tony: Ok, you didn't go in so, therefore there could have been somebody there is that a possibility?

John: It could have been a possibility.

Tony: When was the last time that you saw her and Alan Beaman together?

John: Oh, God, Oh um, the last time I saw them together, I

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AB001730

APPENDIX 001743

remember once instance where uh, I was over there you know like I spent the night sort of thing cause we were just up talking and drinking just real casually I mean I have got a girlfriend, but you know she was somebody that I talked to and stuff like that. And we were talking all night and this was like right when her and Alan were breaking up. And I just remember him like Kicking in the door.

Tony: How do you remember that

John: Well, I was just sitting in, we were just sitting there talking and he was knocking on the door and he just kept on knocking and she was like no don't answer it it's just Alan.

Tony: How did she know it was Alan?

John: Um, her was the only one that would drop by you know at like 3:00 in the morning and stuff like that and knock on the door and go Jen let me in, Jen let me in, tsch tsch tsch tsch and like freak out, he was like..

Tony: Were you the only one there with her?

John: Yeh, that time

Tony: Ok, what time was it in the morning?

John: Oh, it was pretty late.

Tony: Do you recall the date?

John: No

Tony: Ok, you say

John: But I am sure the neighbors would know cause I mean every

Tony: Do you recall what time of the morning it was

John: uh, no I don't

Tony: Ok, what was the reason you were there visiting Jennifer at that time in the morning?

John: We just, we ah just went out drinking and then you know, that night, you know I went over there and we were partying a little bit and we were playing UNO or something during the night and listening to music and you know we were just talking. She liked to talk to me about you know like her relationship and just stuff like and

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AB001731

APPENDIX 001744

you know I was just kind of a neutral pole. You know in her life that she could just like explain things to me every once in awhile. And she was just explaining you know some stuff about Beaman basically.

Tony: How would you describe Jennifer's drinking habit

John: Her drinking, well, she liked to party and she was

Tony; How often did she like to party?

John; Umm, quite alot.

Tony: Ok, what is quite alot, could be specific, once, two, five times a week?

John: Well, I would say when she was done with her school work and once she was done with everything she had to do she would like to party.

Tony: Ok, once again, how often would that be?

John: Oh, some weeks it would probably be close to every night and other weeks not at all.

Tony: How often did she use marijuana?

John: Um, I don't know, probably once in awhile. I guess.

Tony: Ok, how often is once in awhile?

John: Maybe, like again, like say drinking.

Tony; Ok

John: Maybe sometimes she would do it alot, other times she wouldn't do it all.

Tony: Ok, what ah kind of state of mind was she in when she would be drinking heavily and using marijuana?

John: Um, well she would be pretty horny, but I mean, not only horny but she would just be fun. I mean not to the point like where she is just horny and sleeping with everybody, but she would be just really fun. She was like a real down to earth girl that you could just pretty much, you know, be mellow with she liked the Door's and stuff like that and you could just pretty much chill with her.

Tony; In your opinion what led to the break up of Alan and Jennifer?

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AB001732

APPENDIX 001745

John: Um, Jen really didn't like him.

Tony: Why did she date him then?

John: Well she was dating him, but she would she kept on telling me that she wants to get out of it, Alan is psycho and stuff like that and she just wanted to get out of the relationship but she didn't know how.

Tony: Was he supplying her with her marijuana?

John: I am not sure where she got the marijuana from.

Tony: Did you ever witness both of them smoking marijuana?

John: Well, I witnessed alot of people smoking marijuana.

Tony: Ok, did you ever witness those two people smoking marijuana?

John: Oh, yeh, I witnessed those two smoking marijuana.

Tony: How frequent?

John: Um, well when we party you know alot of times there would be marijuana there I am not sure where it came from there or anything it was just there.

Tony: You don't know where Alan would get his marijuana?

John: No I don't

Tony: Did you see either one of them ah indulge in the use of any other type of drugs?

John: Um, maybe once in a while, they might trip or something.

Tony: Ok, who would?

John: The party there might trip or something.

Tony: Ok, did you

John: Well, I have seen I've seen them party before, it's not a big deal.

Tony: Do you know where Alan got his supply of drugs?

John: No I don't.

Tony: Did he seem to be supplying Jennifer with the drugs?

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AB001733

APPENDIX 001746

John: I am not sure, they just, they would just have marijuana every now and then and I would help them smoke it and so I mean I know that they smoke marijuana because I would smoke it with them.

Tony: How about LSD?

John: Uh, that was a little more infrequently, I would say I had tripped with both of them maybe once.

Tony: Once

John: Since I have known them, yeh, so but I know that they probably have done it more than what I know about it.

Tony: Do you recall the last time you saw Alan and Jennifer together?

John: It was before Swain I see, my time periods are messed up but I would say probably before the California trip. I mean judging by what you say here I would say maybe the 10th of August or so it was the last physical time Alan went back to Rockford.

Tony: Do you know when he went back to Rockford?

John: Sometime at the beginning of August.

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(1181)

Tony: Ok, how do you know that?

John: Cause Jen told me, she was like I can't wait Alan is going to be out of here soon. And then she moved in with Swain.

Tony: Ok, she said she can't wait Alan will be out of here pretty soon meaning she can't wait for Alan to leave?

John: Well see, she always see she still liked me so she always flirted with me and made everything seem alot worse than probably what it is. Cause she still wanted to still go out with me and she was everytime she was around Alan, myself, she would always blow off Alan and you know act flirt with me sort of thing and that would make Alan sort of pissy and stuff but he would make Jen, Jen would always flirt with me.

Tony: When was the last time you can really honestly say you saw Alan and Jennifer together?

John: Beginning of August

Tony: Okay, you said ah Alan went back to Rockford at the beginning of August, did you see him return from Rockford and down here in Normal with Jennifer?

John: I haven't been in, I haven't been in Bloomington/Normal that much and I think the whole month of August, I saw Jen like twice?

Tony: Ok,

John: Now, months ah, like last school year I saw her all the time but that.....

Tony: But did you see Alan and Jennifer together after he went home to Rockford,

John: No

Tony: Did you see them together down here?

John: No, I saw only Jennifer and Swain together. During the month of August both times, I saw her or talked to her there was something dealing with Swain there.

Tony: How long have you known Alan?

John: Oh since last year, I met him basically when I met ah I met him actually at a party.

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(1182)

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AB001735

APPENDIX 001748

Tony: Where was that party?

John: Just around campus.

Tony: Ok

John: And you know it was just one of those things that we were partying and that's actually where she met, see I was with Jen originally and then Alan came into the picture. We were all partying and Alan came over in the picture too, and then Alan really liked Jen and you know I wanted to go out with someone else and you know we were still kind of flirting around at that point but were definitely broken up. And I was interested in someone else and I am like her I will set you up with...

Tony: With Jen

John: Yeh, with Jen kind of thing

Tony: So it was just fine with the both of them

John: Yeh, Yeh, so you know she started going out with Alan and stuff and she would act like she didn't like him but I think she did.

Tony: How did Mike enter the picture?

John: I don't know, Swain was just a complete surprise, all I know is Swain. See Alan used to live in apartments about a block away from me, and the couple times when ah like ah I like in July, I would go over to Alan's sometimes. Okay, and cause there would be some parties over there that he would have and when I would go over there, Swain was usually over at Alan's. So so I am taking it that Swain and Alan are friends ok, and so ah somehow they met there.

Tony: Okay, did you ever witness any of of a Alan and Jennifer's arguments or fights?

John: Yeh

Tony: Would he describe those for me please?

John: Um, well the most violent one that I saw is when Alan freaked out and kicked in the door.

Tony: Is that when you were in Jennifer's apartment?

John: Yeh, that is when I was in Jennifer's apartment.

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AB001736

APPENDIX 001749

Tony: And what did he do after he kicked in the door, he just like he grabbed Jen I gotta talk to you for a second and they were just sitting there and talking and screaming at each other.

Tony: How did he grab her?

John: OH, just by the arm maybe, just like this.

Tony: Was that against her will?

John: Come here you know, yeh, but then she stood there after that like he only grabbed her for a few seconds and then they started talking and I mean he he was pretty much flipped out.

Tony: Do you think he was on drugs at the time?

John: Uh, I don't know.

Tony: Ok

John: But I know that he got pretty intense into her into their relationship, like if she would have just given him the time of day, when he was around me if she would have given him time of day, he would have just been in heaven.

Tony: What ah did you ever ever hear Jennifer speak of Alan in regards to possible Alan committing suicide if their relationship ever deteriorated?

John: I think something like I think she mentioned that once like oh, Alan says he going to kill himself and all this if if something you know if something happened between us and I don't know what he is going to do if we break up. she kept on saying that to me.

Tony: She ever say anything to you that she was afraid that maybe he would bring her harm if they were to break up?

John: She goes I don't know what he would do if he we broke up. She was scared to break for the longest time she was scared to break up with him.

Tony: For what reason?

John: She was she wasn't saying, she was just like, I'm just scared to break up with him cause I don't know what he would do, I think he would freak out way too much. Which I would agree because he would pretty much freak out.

Tony: Do you know a young man by the name of Stacy Gates

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commonly referred to as Bubba?

John: Stacy Gates, oh that ah um that's Jen's ex-boyfriend, that is like way ex.

Tony: Was that before you?

John: That was before me.

Tony: So you came after Bubba, Alan came after you and then Bob after Alan is that the way you understand it?

John: Bob

Tony: I am sorry Mike
John: Mike, yeh
Tony: Is that the way you understand it
John: That is the way I understand it
Tony: So it was Bubba, you, Alan and then Mike
John: Yeh
Tony: Was there any other person that you know of for a fact?
John: That she went out and dated?
Tony: Yes
John: Um, she talked about Bubba alot, you know as being her ex and as far as I know not. To the best of my knowledge, no.
Tony: When was the last time that you had sex with Jennifer?
John: Um, the last time I had sex with Jennifer, Uh, I guess, I am going to have to admit it was when Alan was going out with her. Probably, the night the Alan kicked in the door.
Tony: Was that consensual sex?
John: Uh, yeh.
Tony: Did you ever have sex with her against her will?
John: No
Tony: Did you ever harm her in any way?
John: No she was so tiny that that no.
Tony: Did you ever get in arguments with her?
John: No we never fought, she completely like wanted to go out with me still. Like if she was alive today she would be calling me wanting to go back out with me.
Tony: And as far as you understand that was the purpose behind the last time that she had called your house?
John: Yes

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APPENDIX 001752

Tony: Which was last week sometime, is that correct?

John: I believe so yes.

Tony: Is there anything else you wish to say at this time John concerning your relationship with Jennifer?

John: Uh no

Tony: How about Alan's relationship with Jennifer?

John: Um, well I would seriously if I was you guys talk to Alan and find out cause I mean, in my opinion, I mean I don't want to like you know pass judgement on anybody or anything. But you know I am not saying that Alan is guilty or anything like that but I would find it kind of hard to believe, I mean, to me I have seen Alan do some weird stuff. You know like kick in the door that was pretty much, I mean, I don't think you would do that if you were normal. You know what I mean? And the way Jen was like frightened, she told me I don't how many hundreds of times that she was pretty scared to go, you know, she kept on saying that you know I don't know what he would do if I broke up with him. That is her exact words, she goes I can't wait for him to move back home so you know so I can get rid of him kind of thing, I don't know how much ah I don't what he would do if I broke up with him, he's psycho. That is what she would say. I, am like don't worry about it he is not going to do anything.

Tony: Did she ever show you or tell you of the gifts that Alan would give her?

John: Um, I think flowers and stuff like that.

Tony: Whe ever give, ah did he ever give her any stuffed toys, stuffed animals?

John: There were stuffed animals in her room.

Tony: Were those given to her by Alan or any other boys?

John: I don't ask, I mean there is just some things I mean really she didn't really want to talk to Alan when I was with her. Cause see, cause she liked me so she would pretty much ask me how my life, everytime I saw she was directing questions, like hitting on me sort of thing all the time cause she wanted to go back out with me. So we talked about Alan a little bit you know I would be like what is up with Alan and stuff like, and she would be like well, I am still going out with him but I really

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APPENDIX 001753

don't want to but he is just so psycho if I break up with him I don't know what he is going to do. I don't know if she was saying that cause she was scared because he might kill himself or because she was scared that he might harm her, I am not sure which, she never really said anymore than that but she did say that over and over again to me.

Rob: John, I just want to reclarify a couple things that Detective Daniels had asked you. You had something earlier about that Alan was psycho?

John: yeh, well no, those were her words quote "Psycho", that is what she called him all the time. I am not passing judgement on him cause every time I was with him he was normal. But she always called him psycho, like if you asked anyone what she would call Alan it would be like oh he is psycho, those were his her words.

Rob: Did you ever hear Alan himself say that he was ah ah going to commit suicide or do any kind (John: No No) of bodily harm to Jennifer or anyone else?

John: No, I, not at all. I I talked with, the night they broke up I talked with Alan and I said you know I was like hey, maybe you guys are not right for each other you know, and so forth and so on and like tried to talk to him about it and stuff like that but he never mentioned anything about suicide or anything like that at that point.

Rob: What was his reaction the night they broke up?

John: He was he was pretty upset, I mean he was like, Alan was 100% into Jen and more than that he was just gung ho for this girl I mean I have never even seen anyone..

Rob: Can you describe his behavior as far as upset do you mean, crying, mad, ah throwing stuff?

John: He was just like really just upset, you know, I mean but this is when he was talking to me. A he was just really really upset at that point. And I am like I am trying to talk to him I am like you don't need to be that upset maybe you guys are not right for each other, you know what I mean, like things like perfect relationships don't always happen and there is always other girls out there and there is always other guys for her?

Rob: Can you describe though, was he crying or was he yelling, was he mad was he..

John: No he wasn't, he wasn't mad sort of, he was more upset like crying kind of emotionally really upset. More so

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APPENDIX 001754

than anger like holding down like Alan you gotta control yourself, I mean I didn't have to do that.

Rob: Did you ever hear Alan accuse Jennifer of sleeping around on him?

John: Yeh, he did that all the time, he was really jealous, I mean if I was going to label someone jealous, that would be him.

Rob: And there is one more thing, you said that when you stopped by her apartment ath that the last time you had seen her that you didn't go inside there might have been possibly been somebody else there, where were you talking to her at?

John: I just talked to her in the hallway for a brief second, she said she was busy doing something, and I am like well ok, and I just talked for 30 seconds and I am like I am going home, you know the next day or whatever and I'll see you when you get back when school starts again and then we will go out and go to bad music night and soforth and so on.

Rob: Where did ah Jennifer like to hang out around town as far as music spots and so o?

John: I would say her house.

Rob: DId she like to go out to any particular bars, certain bars?

John: Yeh, she'd go out, you didn't mention a name, which kind of strikes me as kind of odd, Mike Bowen, that is her best friend, like in the whole world.

Tony: John you mentioned the name Mike Bowen, would you spell his name, would you spell his last name?

John: B-o-w-e-n, I believe

Tony: And who is Mike?

John: He is like Jen would always say he is like my best friend in the whole world. So

Tony: And where does he reside?

John: Uh, At the Theta Chi House at Illinois Wesleyan, and ah basically she's just is really good friends with him and they would go out drinking alot like she would always meetn Bowen at bars. I mean that is what triggered the

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APPENDIX 001755

name, when you asked me well where does she hang out or where does she like to go drinking and dancing and stuff she always met Mike at bars.

Tony: When you say met, she was there at the same time Mike Bowan was or did she agree to rondevue there?

John: I am not sure, she would always say like I met Mike at the bars like stuff like that.

Tony: When was the last time you saw the two of them together and where would that be?

John: Um, I would say I'd say about a month ago, but she always talks about them going out, see I didn't go out with her every night, the way, I mean she would go out drinking alot to the bars and stuff and she would go out with Mike alot.

Tony: Would you describe Mike to us please? Mike Bowan.

John: Oh, he is about my height, dark hair, um, real stocky kind of person, you know.

Tony: Was he a white male?

John: Yes

Tony: How did he wear his hair?

John: Short

Tony: Did he have a beard or goatee or mustache?

John: No, he has got a pretty-pretty recognizable he has got a real distiguishable face I mean it is pretty...

Tony: Do you know what kind of car he owns or drives?

John: Well man I should he is in my house, um

Tony: Let's start with the color, what color is the car?

John: No

Tony: You don't know?

John: A truck

Tony: A truck, let's try a truck.

John: I think, I am not sure what he drives.

Tony: So the relationship between Mike Bowan and Jennifer was basically partying from bar to bar is that it?

John: Um, no, I think Mike is from the same, See she is from Decatur,

Tony: Yes

John: And um, I think they are from the same hometown to tell you the truth and I think they are just been friends. She always they have just been friends, you know since they were knee high people, you know.

Tony: Does Mike know about the death of Jennifer?

John: I don't know, I just got into town, I was hopin to talk to these people before I came here so I would find out what happened.

Tony: Ok,

John: I mean I was going, I mean I would like to go talk to Mike, I would like to find Alan and I would like to find Swain and find out what happened, I mean I feel bad I missed the funeral, I didn't even know it was happening. My brother called me last night and told me about the funeral and you know I am like gee it already happened, you know I wish somebody would have called me or told me, you know,

Rob: I got a couple of questions that are personal questions but they might help out the investigation at a later time. (John: All right) It's hard to say. You were talking about the last time that you had had sex with her was the night that Alan broke in the door, ok, um, do was there anything ah different that you would consider kinky or other people would consider kinky that she liked?

John: Um, no I would say, I mean every time I had sex with her it was pretty normal I think.

Rob: Ok, where did that occur at?

John: In her bedroom.

Rob: At [REDACTED]

John: Yeh

Rob: Can you describe the bedroom for me as far as the beds and so on?

John: Ok, you walked in, first of all you walked in the building and you had to walk up the stairs to the left. Okay then you opened the door, and there was ah and if you went all the way back she had some beads hanging ok. If you walked all the back that was the living room right to the immediate left, the first left that you can do, went into the kitchen, turned right like as soon as you walk in you turn right there was a hallway and at the end of that there was a bathroom it was just about a two foot hallway. Then you zigged zagged around like right next to the bathroom but didn't go in it, went in there was her bedroom she had bunkbeds.

Rob: Ok was that the only...

John: I think she had bunkbeds and a bed over here to tell you the truth, ok, she had three beds

Rob: Which bed did she sleep in?

John: Well, the one that we had sex in is the not the bunkbeds, I think she slept in the one that, well I know that she slept in the one that wasn't the bunkbeds.

Rob: Ok

John: And then she had the closets on the other side here and she had a desk I think here.

Rob: Was it always in the bed where you had sex?

John; Yes

Rob: Did ah was there at any time did Jennifer perform oral sex while she was on the floor?

John: Oh yeh

Rob: Ok, where would you be at that time.

John: Well, she like had oral sex with me like in the in the living room I guess on the couch and stuff.

Rob: Back in the bedroom, did she have oral sex with you in the bedroom?

John: Oh yes

Rob: And if she was on the floor, where would you be?

John; On the bed

Rob: You did say that she has done it with her being on the floor correct?

John: I haven't had sex with her on the floor.

Rob: Ok, but oral sex,

John: Yeh

Rob: Ok, she was on the floor and you were on the bed during oral sex?

John: Um, actually, I think she was on the bed, I don't think she was ever kneeling on the floor and me on the bed, I think she was on the bed and I was on the bed and she was just kind of like kneeling sorta down.

Rob: Okay, but she might have been possibly been on the floor somewhat or do you know?

John: No, I don't think she was on the floor.

Rob: Okay, did you ever have sexual relations with her on the floor?

John: Uh, no, it was it was in the bedroom. I mean it was either on the bed or on the couch.

Tony: How was that bedroom cooled?

John: I don't think it really was.

Tony: Was there a window air condition unit in the bedroom?

John: I don't remember win-I don't remember windows in the bedroom at all to tell you the truth, I don't even think there was window.

Tony: Was there any fans in the bedroom?

John: Um, I am trying to think last time I had sex with her like um, I don't know if we needed a fan um let me see, I know that she had an air conditioner in the living room. I don't even think there are even any windows in her bedroom, I am trying to remember, I don't think there is I think there is just all walls, closet and then the door.

Tony: Did she like to get completely undressed when she had sex?

John: Um, yeh

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APPENDIX 001759

Tony: Was there any times that you wasn't completely undressed?

John: Um, yeh when she had oral sex with me, sometimes she wouldn't get undressed.

Rob: Ok, during that time when you did have sex, was is slow moving maybe where you would start with kissing or whatever and then you would slowing take off your clothes

John: Oh, yeh, yeh, it would be

Rob: Or was it you run in there and take you clothes off and you would start

John: No, it was ah pretty slow, we would start in the living room starting kissing kissing or whatever and then we would go into the bedroom and

Rob: At no time that you remember she took her clothes off at one time and then the sex occurred? Did what I'm trying...

John: No she would never like just strip down, at least she never did for me, like just take off all of her clothes and like attack me.

Tony: Did she ever describe her sexual relations with Alan?

John: Um, no not at all.

Tony: How about with Mike Swain?

John: No I-I in fact I don't know if Mike and her had sex and I am guessing they probably did knowing her, you know cause you mean cause she liked to have sex I think, you know it was my guess.

Tony: Have you heard of other than Alan and Michael Swain, and yourself, have you ever heard of anyone else having sex with her?

John: Um, well Bubba, and I don't know if Mike has or, you see I don't know, I mean I know that she was the kind of girl that liked to party alot you know and she pretty much, you know if she liked you pretty much, I don't know, see Alan would say that she would give blow jobs to people on a dime you know what I mean so she would probably have oral sex with alot of people.

Tony: What did Alan say about his sex ah exploits with Jennifer?

John: He never really talked about it. He like made a few indications at my house, you know like, he wanted to like you know take her home and have oral sex or something like that you know, and she would be like oh stop you know that kind of thing just joking around but I mean I never really I don't ask about other people's sex lives I think it is kind of rude.

Rob: Okay, during any type of sex when you were having it with her, did she like you to use condoms or do you know if she was on any type of birth control?

John: I always thought she was, I never used a condom with her.

Rob: Ok, did she ever ask you to use one?

John: No

Rob: Do you know if she was on any type of birth control?

John: I think she was on birth control, at least she told me she was.

Rob: Ok, do you know what type, did she ever say anything about concerning anything?

John: I think the pill, I mean I can't be more specific than that because I never looked but I think she was on birth

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APPENDIX 001761

control pills.

Rob: But as far as you know she never had to go into the bathroom and ah insert a sponge or any type of or anything like that?

John; No, as far as I know not.

Tony: John is there anything else that you would like to add to this interview

John; I have been trying to think the whole time, um, not really I mean, I would like to find I would like to go to talk to Mike, talk to Swain and talk to Alan and find out you know more for myself, you know but other than that I don't have anything to add at this point.

Tony: This interview concludes at 4:58 p.m.

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APPENDIX 001762

This is Detective Hospelhorn. It is Thursday afternoon at approximately 3:03 p.m. We are the Normal Police Department in the middle interview room. Present with myself is Detective Tony Daniels and a Laura McKeown.

Rob: Ms. McKeown, could you state your name and date of birth and spell you last name.

Laura: Laura Beth McKeown, Mc KEOWN, [REDACTED] [REDACTED].

Rob: Is it alright if I call you Laura?

Laura: Please do.

Rob: Laura, did you know the victim, Jennifer Lockmiller?

Laura: Yes, I did.

Rob: Ok, and how long have you known Jennifer Lockmiller?

Laura: About 12 and 13 years.

Rob: Did you grow up with her back in Decatur?

Laura: Yes.

Rob: When was the last time you had talked to Jennifer prior to her death?

Laura: That Sunday, I believe it was.

Rob: Ok, that would have been?

Laura: Over the weekend.

Rob: Her body was discovered on August 28th which is a Saturday. So you spoke to her on the 22nd of August?

Laura: Right.

Rob: Ok, was that in person or by phone?

Laura: It was by phone.

Rob: Can you tell us what that conversation consisted of?

Laura: She had just gotten back from a trip to California and she was telling me a little bit about that and um she was telling me about what she did with her brother Rick, um she said something about one of her ex-boyfriends, Bubba, um moving to Peoria to get a job to be closer to her and uh I responded with skepticism about

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Rob: And how do you know Alan?

Laura: Through Jennifer.

Rob: And when was the last time you seen Alan?

Laura: That's been a little bit longer, maybe in July.

Rob: of 1993?

Laura: of 1993.

Rob: And where was that at?

Laura: It must have been it was Jennifer's apartment.

Rob: Ok, do

Laura: maybe it was a little longer or before that because she was trying to break up with him.

Rob: Do you know why she was trying to break up with him?

Laura: Because um, he was, I guess possessive but then her interests turned toward Michael Swaine, his roommate.

Rob: How was she going to break up with him was she going to just tell him person to person?

Laura: Yea.

Rob: Do you know if she ever did?

Laura: Yea, yea she told him, she told him.

Rob: Do you know when that was?

Laura: No I don't.

Rob: Do you know a person by the name of John Murray?

Laura: Yea.

Rob: Ok. how do you know John?

Laura: Through Jennifer.

Rob: And what has Jennifer said about John?

Laura: That um he is a nice guy and he was going out with somebody else at the time and so was she, she was going out with Alan, I guess and um, they John wanted to start something up with her too.

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APPENDIX 001764

Rob: Do you know when this was?

Laura: See it all took place in the summer.

Rob: This last summer of 93?

Laura: Right.

Rob: Do you know what month?

Laura: No, June, July?

Rob: Did Jennifer ever tell you that she was afraid of either John Murray, Alan Beaman, Michael Swaine?

Laura: The last thing she told me about Michael Swaine was that he was really sweet and naive and that um they had gone to Zorba's one time for breakfast and she had told me the conversation that Mike sat down and told her that maybe perhaps she might drink too much and tried to, I guess, um tell her that and she just kind of laughed and she thought that was sweet that he said that I mean that is what Jennifer was telling me about how he packs his lunch to go to work when he was staying with her.

Rob: Ok, do you know when Michael started staying with Jennifer?

Laura: It was in August and I know he was supposed to be out by the 30th I thought, but I may be wrong I am not sure.

Rob: Be out of where?

Laura: Huh?

Rob: Be out of where by the 30th?

Laura: Out of her apartment.

Rob: Did Jennifer ever tell you about any arguments or fights that she ever had with Alan Beaman?

Laura: Yes, they had quite a bit, quite a few arguments, um, Jennifer would say that she was jealous of one of Alan's friends, I think that he used to go out with I am not sure who it was or who she is.

Rob: Does a Meredith Haynes, do you know a Meredith Haynes?

Laura: Meredith? Maybe.

Rob: Ok. Did Jennifer ever say if any of the arguments or fights that she had gotten in with Alan or any of Michael Swaine or John Murray were physical or if they were verbal?

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Laura: Right.

Tony: Ok. Was it Jennifer's desire that Mike move out and find his own place?

Laura: Um, no from what she told me she liked him.

Tony: Was she anxious that he move out or was she going to miss him?

Laura: Yea, she said that she told me a couple times that she doesn't know if this thing with Mike is going to work out.

Tony: Was she looking forward to Mike moving out?

Laura: No, she didn't seem happy about it or she didn't seem extremely sad about it either.

Tony: Was Jennifer pretty open with you as far as her personal life?

Laura: Yes.

Tony: What do you know about her sex life?

Laura: Well, um, I know with Michael um I think they had had sex I think she told me twice, because I think that he was trying to be gentlemanly um, and with Alan I am not quite sure. I really didn't ask but they had sex also.

Tony: Did she go into detail about the times that she would have sex with Mike. Was she descriptive with the actual act itself?

Laura: Um, No, I had tried to, I was asking her questions about that and she would just say that ah I asked him well did he know what he was doing and she said yes and that is about it. It wasn't detailed.

Tony: Did she ever talk to you concerning her sex life about using any type of objects when she had sex with any of her boyfriends?

Laura: Yea, there were, um not blatant, she didn't tell me come right out, and say it but um if, we just all I know is about Bubba her and Bubba played games and did things..

Tony: Like what?

Laura: Um, I just remember one time she told me that they did something in the shower where it was sort of, I don't know, I think maybe she was tied up to the rod, the curtain rod and something with cold water I am not sure.

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Laura: Yea, I hadn't seen her with that for a long time.

Tony: Did you ever inquire as to why she didn't have it any more?

Laura: No.

Tony: If she were to get rid of it how would she get rid of it?

Laura: She would have sold it at music store.

Tony: Do you recall when the last time that you saw her with that guitar?

Laura: It was a long time ago. She took lessons a long time ago, 4 or 5 years ago.

Tony: Do you know where she got that to begin with?

Laura: The guitar?

Tony: Yes.

Laura: Her parents probably gave it to her.

Rob: Did Jennifer on the Sunday the 22nd when you talked to her or anytime before that did Jennifer ever tell you of anyone that she was afraid of or that had threatened to do her harm or their self harm?

Laura: Yes, Alan. Alan has told her several times that if she breaks up with him that he is going to do harm to himself he is going to kill himself.

Rob: Did she ever mention anyone saying that they were going to do harm to her, her being Jennifer?

Laura: No, no. All I remember is some phone calls that she was getting that forced her to change her number. I can't remember if they were threatening. I think they were threatening she heard music in the background.

Rob: Do you know what type of music?

Laura: No.

Rob: Do you know when she was receiving these calls?

Laura: Um, in the summer. It must have been in the summer.

Rob: Do you know what month?

Laura: June maybe. She changed her number.

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APPENDIX 001767

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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
LARBI JOHN MURRAY

Discovery deposition of LARBI JOHN MURRAY,
taken on May 31, 2013, beginning at 10:23 a.m., at
550 East Devon Avenue, Itasca, 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.

* * * * *

ANCHOR REPORTING, INC.
P.O. Box 25471
Decatur, Illinois 62525-5471
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C06487

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1 with the Lockmiller homicide?

2 A. I'm asserting my Fifth Amendment privilege.

3 Q. Do you know anything about the current status
4 of the Lockmiller homicide investigation?

5 A. I'm asserting my Fifth Amendment privilege.

6 Q. Do you have any particular motivation for
7 invoking your Fifth Amendment privilege today?

8 A. Upon attorney advice.

9 Q. Is there anything that you're particularly
10 concerned about that causes you to invoke the Fifth
11 Amendment privilege?

12 A. I'm asserting my Fifth Amendment privilege.

13 Q. Were you involved in the homicide of Jennifer
14 Lockmiller?

15 A. I'm asserting my Fifth Amendment privilege.

16 Q. Can you tell me anything at all about whether
17 you were involved in the homicide of Jennifer
18 Lockmiller?

19 A. I'm asserting my Fifth Amendment privilege.

20 Q. Are you asserting your Fifth Amendment
21 privileges to any questions that would be asked
22 regarding the homicide of Jennifer Lockmiller?

23 A. Yes, I am asserting my Fifth Amendment
24 privilege.

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APPENDIX 001769

1 Q. Do you know who killed Jennifer Lockmiller?

2 A. I'm asserting my Fifth Amendment privilege.

3 Q. Were you physically intimate with Jennifer
4 Lockmiller at any point?

5 A. I'm asserting my Fifth Amendment privilege.

6 Q. Can you tell me anything at all about your
7 relationship with Jennifer Lockmiller?

8 A. I'm asserting my Fifth Amendment privilege.

9 Q. Are you asserting your Fifth Amendment
10 privilege as to any question relating to Jennifer
11 Lockmiller or your relationship with Jennifer
12 Lockmiller?

13 A. I'm asserting my Fifth Amendment privilege.

14 Q. Did you take a polygraph examination in
15 connection with the homicide of Jennifer Lockmiller?

16 A. I'm asserting my Fifth Amendment privilege.

17 Q. Did you refuse to follow the polygraph
18 examiner's instructions during a polygraph examination
19 administered to you in connection with the homicide of
20 Jennifer Lockmiller?

21 A. I'm asserting my Fifth Amendment privilege.

22 Q. Did you deliberately attempt to foil a
23 polygraph examination administered to you in
24 connection with the homicide of Jennifer Lockmiller?

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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, 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.)

The deposition of LEIGH KUYPER, taken in
the above-entitled cause before Lucia R. Block, a
notary public within and for the County of Cook and
State of Illinois, taken pursuant to the Federal Rules
of Civil Procedure for the United States District
Courts; at 550 East Devon, Suite 150, Itasca, Illinois,
on the 28th day of February, 2013, at the hour of 12:00
p.m.

C06514

1 Q. Okay. And then you also talked with
2 Mr. Shapiro yesterday about -- you said stuff with
3 Alan's car?

4 A. Uh-huh.

5 Q. What does that --

6 A. Yes.

7 Q. What does that mean?

8 A. About the speed of the car, how I knew what
9 it -- you know, how fast his car could go and my
10 experience of when I was in Alan's car.

11 Q. Okay. So what did you tell Mr. Shapiro with
12 regard to those issues?

13 A. Excuse me. Back in the summer of '93 the
14 concert Lollapalooza was going on. And so me and a
15 couple friends had borrowed Alan's car to take up to --
16 we drove from Bloomington to Tinley Park in the car for
17 the concert. So that it was -- it was kind of a joke
18 at the time, because the car couldn't go very fast, you
19 know, and having the other cars around us passing us.
20 And it was kind of a piece of crap, you know, little
21 car and just that I was sitting in the back seat at the
22 time, though I wasn't able to actually view the
23 speedometer, you know, so my opinion that the car could
24 barely go what the speed limit was may not be accurate

1 official suspect.

2 Q. And so right away you thought there's no way
3 this could be Alan, right?

4 A. Right.

5 Q. You just mentioned that you thought there
6 were other people that were even more capable of
7 committing the murder. Who are some of those people?

8 A. Really one, and that would be John Murray.

9 Q. Okay. What about John Murray makes you feel
10 like he's capable of committing the murder?

11 A. I -- it was -- he always kind of to me
12 appeared to be kind of a scary individual, you know,
13 someone that -- and someone that could be explosive in
14 his anger.

15 He -- there was a girl I worked with at the
16 library that I only now think maybe it wasn't his
17 official girlfriend. It could have been a girl that he
18 was just fooling around with, but at the time she
19 believed he was her boyfriend and was upset that he was
20 spending time with Jen. And it was her words of not
21 wanting -- not knowing what to say to him or how to
22 approach him about it that led me to believe that he
23 had been violent with her. You know, she didn't want
24 him to get mad at her again. She never told me that he

1 had hit her or anything like that, but it was the
2 way -- you know, the way she acted about it that made
3 me think that he had some anger issues.

4 Q. Who was this girl?

5 A. Her name was Gail, and I cannot remember her
6 last name.

7 Q. You worked with her at the library?

8 A. Yeah.

9 Q. When did you work at the library?

10 A. That was during the school year of '92 to
11 '93. I can't remember when I started working there. I
12 think it was in October of '92.

13 Q. And you told me you worked there over the
14 summer, too, right?

15 A. Correct. During the school year it was work
16 study, but during the summer it was my job.

17 Q. Was Gail someone that always worked with you,
18 or when did she start working there that you know of?

19 A. I don't remember how long she worked there.
20 I just remember her working with me during like the
21 January -- during the winter. I don't remember if she
22 worked there throughout the whole year or not.

23 Q. Is this the same -- so January of '93, right?

24 A. Yes.

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1 Q. Is that when you remember talking to Gail
2 about her relationship with John?

3 A. Yes.

4 Q. So what sorts of things did she tell you that
5 made you think John could have had anger issues or
6 however you put?

7 A. She was kind of asking me for -- I don't know
8 if she was asking me for advice. It seemed like she
9 was asking for advice on how to talk to him about that
10 and how to -- you know, she'd be upset, because she
11 knew that he was spending more -- you know, spending
12 time around her and found out that he was around Jen
13 again, you know, and didn't know how to approach him
14 about it. What should she do? Should I say anything?

15 And I didn't know what to tell her, because I
16 always found him to be kind of a scary -- you know,
17 scary guy. He was big. He was big and long, curly
18 dark hair and just -- I don't know how to say it more
19 than he was kind of a scary person.

20 Q. At the time you were talking to Gail about
21 her suspicions that John was hooking up with Jennifer,
22 did you already know or suspect that John was with
23 Jennifer?

24 A. Well, that's part of how I had suspected it.

1 I don't remember if at the time that was before or
2 after the time she -- Jen and John had shown up at our
3 friend's house. It was around the same time. I didn't
4 work with Gail on a daily basis, so I don't think -- I
5 might have said something to her about, oh, yeah, she
6 showed up with him at -- you know, at Don Jones' the
7 other day or whatever, and that might have been the
8 extent of it, but...

9 Q. So what else about -- you've told me about
10 the fact that John was a big person and then the
11 conversations you had with Gail. What else led you to
12 believe that John Murray was capable of committing the
13 murder?

14 A. I had -- and I cannot remember who told me
15 this, but I had heard that she had been getting -- Jen
16 had been getting involved in harder drugs and that some
17 people were getting kind of worried about her. And
18 it -- just through the connection that she had kind of
19 been fooling around with him and that he was the known
20 guy to go to for those kinds of drugs to me made me
21 believe that maybe he was the one that did it.

22 And when groups of friends -- when we would
23 sit around and talk about it, he was the one that would
24 come up as the one people thought might have -- might

1 BY MR. SHAPIRO:

2 Q. Sure. There had been short-lived break-ups
3 before between Alan and Jennifer, right?

4 A. Yes.

5 Q. But the break-up that occurred when Alan went
6 to Ohio was different in character than these
7 short-term break-ups, right?

8 MS. BARTON: Objection to form and foundation.

9 BY THE WITNESS:

10 A. Yes. This was the end, finally, last straw
11 finally done. The assumption was that Alan was done.

12 BY MR. SHAPIRO:

13 Q. Now, you were describing John Murray, and I
14 believe you described him as an individual who was
15 physically large and who was scary, right?

16 A. Yeah.

17 Q. Fair to say that John Murray wasn't someone
18 who came off as nerdy, right?

19 A. As nerdy, no.

20 Q. And you sort of smiled and laughed when you
21 said that. To you the notion that Murray would sort of
22 be a nerdy or awkward character is sort of ridiculous,
23 right?

24 A. Correct, yeah.

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1 Q. You mentioned an instance when -- strike
2 that.

3 You described a time shortly after the
4 discovery of the body where there were cops outside of
5 Jennifer Lockmiller's apartment and you talked to
6 another individual who was named Jennifer, right?

7 A. Right.

8 Q. Is that Jennifer Seig?

9 A. That could be what her last name was. I
10 don't remember it, though, but that could be.

11 Q. Sure. And you never saw Alan Beaman being
12 violent to any person ever in your life?

13 A. No, never.

14 Q. You said that in the summer of '93 there was
15 a time when you were one of the passengers in Alan's
16 car when Swaine was driving it, right?

17 A. Yes.

18 Q. How would you describe the physical condition
19 of the car?

20 A. It was kind of a piece of crap. I mean,
21 don't remember if it was rusty per se, but I just
22 remember it was kind of a -- you know, a claptrap
23 vehicle that you were -- it was made for puttering
24 around town and was -- you know, yes, it was a car we

1 the majority of this drive was on interstate highway,
2 right?

3 A. Yes, it was almost exclusively highway.

4 Q. And you were sitting in the back seat, so you
5 didn't actually get to see the odometer and know what
6 the speed was, right?

7 A. Correct.

8 Q. But you could observe that other cars were
9 passing you, right?

10 A. Yes, that is correct.

11 Q. And was the car rattling around or anything
12 like that?

13 A. Yeah, it was -- it was kind of a loud drive.
14 You know, we could talk if -- I sat in the middle with
15 my head towards the front. It wasn't a quiet car or a
16 nice ride. You know, it was college, and it was what
17 we had available to us, so we, you know, made it work.
18 It was -- it was loud. I don't remember if the muffler
19 was bad. I don't think it was, but, you know, it
20 was -- I don't think it had air conditioning, so we had
21 the windows down and -- you know, so it was kind of a
22 rough drive.

23 Q. And fair to say that in terms of the
24 bumpiness and the roughness of the drive, you know, the

1 faster you're going the more apparent that became?

2 A. Yes, definitely.

3 MR. SHAPIRO: That's all the questions that I
4 have. Thank you very much.

5 THE WITNESS: Okay.

6 REDIRECT EXAMINATION

7 BY MS. BARTON:

8 Q. I just have one question. You told
9 Mr. Shapiro that by the time Alan went to Ohio that he
10 and Jennifer's relationship -- or his and Jennifer's
11 relationship was done, and it was sort of the last
12 straw, right?

13 A. Yes.

14 Q. How did you know that?

15 A. You never can say never, but it was the
16 opinion that Alan was leaving town and going, you know,
17 away, so, therefore, he was done with the break up and
18 get back together, because -- and it was -- again, it
19 was probably something that was a little bit more of a
20 rumor, because everyone said, you know, Alan said he's
21 done, and it seems like he's really done. Like he
22 doesn't have that desire to try and get back together
23 again and try and make it work again. With him leaving
24 town seemed to be what made it more definitive.

This is Detective Daniels of the Normal Police Department, present with me in the interview room is Detective Rob Hospelhorn and a Larbi John Murray. This is a taped interview being conducted on Thursday, September the 8th, the time is 2:45 p.m.

Tony: John, would you state your date of birth and Social Security Number please?

John: Uh, My date of birth is [REDACTED] and my Social Security Number is [REDACTED]

Tony: John are you in agreement to have this interview taped?

John: Uh, Yes I am fully aware that it is being taped.

Tony: You are aware that you are not under arrest?

John: Yes I am

Tony: Are you aware of the fact that you do not have to answer any questions that you do not wish to answer?

John: Ah, Yes I Do

Tony: And do you understand that you can leave at any time you wish?

John: Ah, Yes I do

Tony: John, we had talked to you last week in regards to the death of Jennifer Lockmiller and what we are wanting to do is go back over some things with you.

John: Ok

Tony: I am going to ask you to speak loud and clear so you can be picked up by the tape recorder.

John: OK

Tony: John, I am going to give you a calendar and draw your attention to the month of August, 1993 and using this calendar I want you to tell us the day and the date and time that you last saw Jennifer.

John: Ok, the day that I last saw Jennifer Lockmiller I believe it was Saturday, the 21st and she came over and she was in the car with Swain. Swain was driving her car, she's got a gray car with Jen Lockmiller plates, JLL, I don't exactly what they said, but she came over that time uh, and she came over because she owed me a little bit of money ok. And she and she ah, gave me some money, ok and

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she basically just stopped by to talk to and see how I was going because before that I didn't see her for about a week before that. And then that was the last time I saw her and Debbie was there and Debbie's dad was there and we were helping, she was moving in.

Tony: Ok where was this located?

John: It was located at [REDACTED] in the parking lot.

Tony: And who resides there?

John: Uh, myself, I reside in apartment number [REDACTED], I was residing in apartment number [REDACTED] and I moved down to apartment number [REDACTED] that day and Debbie's dad was there helping.

Tony: And who is Debbie?

John: Debbie is my girlfriend.

Tony: Ok, who was with Jennifer at the time?

John: Uh, Swain was.

Tony: And who is Swain?

John: Um, he is the person who I believe that was living with her at the time. She said he was a live in friend until school started at Illinois Wesleyan.

Tony: On the last interview that we had with you which was on September 2nd, which is a Thursday, you informed us that the last time that you saw Jennifer was either Tuesday the 24th or Wednesday the 25th,

John: Yeh

Tony: And now you are telling us it's August 21st, why are you able to tell us today that it's the 21st and not the 24th or the 25th?

John: Well, because uh, I mean, when I first came in, I was pretty, I was pretty I was pretty startled first of all and I didn't really have any concept of the time cause it is summer. And see Debbie Debbie had a set work schedule and she you know and Debbie and my mom ah, basically take care of the times during the summer. Okay, and I pretty much don't know what day it is during week during the summer because there is really no any need for me to know. I just know that school started on September 7th

2

C 1737

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AB001751

APPENDIX 001782

and I had to be present on that day. During the summer I barely know what day it is. So that's why you were asking me and I just gave to the best recollection the best that I could recall at the time of the interview. That was what my guess was but now Debbie pointed out that you were here on this Saturday and I had talked to Debbie and I had found out exact dates and I am like well this is the last time I saw her. I believe actually in the tape I said that the last time I saw her was when I was moving out probably in the first tape I said something to that recall but I just had the dates mixed up.

Tony: Ok, when did you go home to Rockford?

John: Uh, I went home to Rockford on, let's see now I was, I, uh, well when I uh, when, when did I go uh, when do you want to know when?

Rob: The very last time that you went home.

John: The very last time that I went home was, I believe, it was Thursday, the (big pause) it was like it was Wednesday or Thursday on the 18th or 19th of August and then I came back I was back in Bloomington on the 25th of August. Wait does that make sense, no, no wait the last time I ah, wait hold on a second, let me figure this out a second, ok, I left, the last time I went home was on the 25th of August and I came back on Tuesday, September 2, right there so I left on the 25th and I came back on the 2nd.

Tony: Who was the last person you were with in the Normal Bloomington area on August 25th?

John: Debbie Mackoway

Tony: And where does she reside?

John: She resides at the AO Pie house, I am not sure of the number ah the, it is on [REDACTED], she was residing in my apartment at the time though.

Tony: When you left here August 25th, who were you with that entire day?

John: Um, I believe I was with Debbie and well actually Debbie was working Wednesday morning so I was, I believe, I slept in and I called her and asked her if she wanted to go out to eat for lunch and she said no cause she had a busy day. She got home from work then I left.

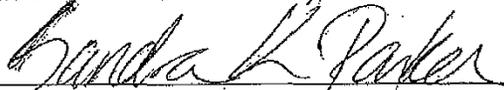
VOLUME VIII

PEOPLE OF THE STATE OF ILLINOIS
VS
ALAN BEAMAN

CASE NO. 94 CF 476
APPELLATE CASE NO. 4-05-0610

APPEAL TO THE
APPELLATE COURT OF ILLINOIS
FOURTH JUDICIAL DISTRICT

FROM THE CIRCUIT COURT
OF THE
ELEVENTH JUDICIAL CIRCUIT
McLEAN COUNTY, ILLINOIS


Sandra K. Parker, Circuit Clerk


Deputy

C06658

AB001753

APPENDIX 001784

Tony: Ok, you say she got home from work, were you at her apartment or were you at your apartment?

John: They were one in the same during the summer.

Tony: You were sharing the same apartment during the summer?

John: Yes

Tony: Ok, so on August 25th she came back to the apartment that both of you shared is that right?

John: Yes

Tony: And what time was that?

John: Oh, I want to say 4:00 uh, she knows the time better than..

Tony: Ok, but I am asking you what time was that?

John: About in the afternoon.

Tony: Ok, what time in the afternoon?

John: Uh, About 4:00 I'd say.

Tony: Ok what time did you leave to go to Rockford?

John: About 4:00

Tony: So as soon as she got back to the apartment August 25th, Wednesday at 4:00, that's when you...

John: Well I think, She got back from work at 1:00 and I went, and I, and I spent a couple hours with her then I left to go to Rockford.

Tony: So you were in the apartment you shared?

John: Yes,

Tony: On Wednesday the 25th?

John: I believe yes.

Tony: Ok

John: I am not telling you fact times.

Tony: Ok, where were you prior to 1:00?

C 1739

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C06659

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AB001754

APPENDIX 001785

John: I was probably, I was sleeping in my room.
Tony: At the same place?
John: Yes
Tony: Ok, what time did you get up that morning?
John: Oh, 11:00 I am guessing.
Tony: Ok, you don't know for sure?
John: I don't know any exact times in the day, I just looked up dates.
Tony: What time did you get in Tuesday night?
John: I think I got in Monday night because the previous Saturday which would be the
Tony: Ok, John, hold it for a minute, I don't want to talk about Saturday, I want to talk about Tuesday, so my question is, what time did you get into your apartment Tuesday night?
John: Uh, I believe I was in my apartment all day on Tuesday.
Tony: Was there anyone there with you?
John: Uh, Debbie worked again until 1:00.
Tony: So she was in your apartment Tuesday from what time?
John: Um, from 1:00 on.
Tony: Ok, now are we talking 1:00 a.m. Tuesday morning or are we talking 1:00 p.m..
John: No 1:00 p.m., one p.m.
Tony: She was with you from 1:00 p.m. on until when?
John: Til the rest of the night, we spent the rest of the night and I was with her the rest of the night until she had to go to work again.
Tony: Ok, where was where was Debbie prior to 1:00 Tuesday?
John: At work.
Tony: What time did she go to work?

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C 1740
C06660
C-715
121

AB001755

APPENDIX 001786

John: Uh, 6:30 in the morning or that is when she gets up and gets ready and leaves.

Tony: Ok, so she got up at 6:30 Tuesday morning to get ready to go to work, what time does she leave for work?

John: I am usually back in bed by that point so I think she has to be there like 7:00 or 7:30 I am not sure when.

Tony: Did you leave the apartment Tuesday morning?

John: Uh, no

Tony: You were home all morning?

John: Yes

Tony: Until she got home at what time Tuesday afternoon?

John: I believe she got home at 1:00.

Tony: Ok, why do you believe she got home at 1:00?

John: Well I don't want to say exact times because I am not sure I am going to have to look at her schedule when she worked like I said it is the summer so I don't really keep track of times.

Tony: When she got home what did the two of you do?

John: Um, well usually we just take naps, I am sure we laid down and fell asleep for a couple hours and woke up, ate dinner, watched a movie maybe went out um.

Tony: So you are not for certain what you did together Tuesday night the 24th?

John: No

Tony: So you were together when she got off work at 1:00 Tuesday afternoon until when?

John: Until that following morning, Wednesday morning.

Tony: When she went to work again?

John: Yes

Tony: Then she went to work again, got up at 6:30 went to work and got home at around 1:00 pm. Wednesday afternoon, is that correct?

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C 1741

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 AB001756

APPENDIX 001787

John: I believe so

Tony: And she was there with you in your apartment you share until 4:00?

John: Uh huh (Yes)

Tony: At that time you left the apartment and went to Rockford.

John: Uh, yes, she's got the schedule so she knows exact times.

Tony: So when you left at 4:00 to go to Rockford, what car was you drivin?

John: Um my the only car I own, an 87 Pontiac black Firebird.

Tony: Ok, what stops did you make when you left here?

John: Um, gas station at Burwells.

Tony: Where is that located?

John: Uh, south of me about by about two blocks.

Tony: In Bloomington

John: Yes

Tony: Ok, you got gas prior to going to Rockford?

John: Yes, I do all the time at Burwells.

Tony: What is your route when you go to Rockford, what route do you take?

John: I drive straight down Main street.

Tony: Is that the route you took that one day?

John: Uh, yes, it is the only way to get to, well its, I don't know of any other way to get to the by pass, to get to fif ah, 39.

Tony: Did you stop off to see Jennifer?

John: Uh, no I didn't

Tony: Why didn't you?

John: Cause I was just going home, um, I had no reason to. I mean, I was just going home.

7

C06662

C 1742

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AB001757

APPENDIX 001788

Tony: When was the last time that you had talked to Jennifer either in person or over the phone?

John: It was the day when we had to move out of our apartment which would be Saturday the 21st.

Tony: That was the last time you saw and talked to her?

John: Yes, that was the last time I saw and talked to her.

Tony: You hadn't talked to her on the phone since that day?

John: I believe not, she may have called me at my house, I am not sure, I am going to have to wait until the phone bill comes in for that.

Tony: You ah, stated on your first interview that you did stop by to see her, at her apartment and now you are telling me you were in error that you did not stop by to see her in her apartment prior to going to Rockford?

John: See I can't remember exactly.

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C 1743

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AB001758

APPENDIX 001789

Tony: You can't remember telling us or you can't remember whether or not you stopped to see her?

John: I can't remember, I can't remember what I said first of all and I don't remember exactly what I did. I mean had I known that I was going to be you know expected to know this information I would have known it better, you know? I just, the summer days just blend blend as one to me I just do not remember exactly what I did at certain times. I don't remember times, I am just being honest, I just you know I partied alot during the summer and I just I just do not remember exact times.

Tony: Is it possible you could have stopped by and seen her?

John: On Tuesday I....

Tony: Or Wednesday?

John: If I did stop by I don't think she was home. I remember stopping by one time when I, when I was just about ready to go to Rockford but she wasn't home.

Tony: I am going to call your attention to the statement that we had taken from you. On page 5 there is a question that I had asked you, again this statement was taken from you on September 2nd, on page 5, I asked you, you saw Jennifer in her apartment sometime on the, you interrupted me, you didn't let me finish the question and you said sometime one of these the 19th, I asked you the 19th through the 24th or the 23rd, you replied through the 19th through the 23rd, I thought her California trip was actually earlier though I meant it doesn't seem like it was only two weeks ago. I mean it seems like it was earlier, it seems like it was somewhere around maybe the first of August or something at least in my mind. I replied Ok, you replied, but there again I don't keep track of time or days during the summer. Ok, I asked when you visited her at her apartment, do you recall what time of day it was, it was just, I just swung by and said hi for a few seconds, then I went on and asked for a description of your car and so forth.

John: Uh, uh

Tony: Then you stated that you just dropped by cause you wanted to talk about it the day before, you know me and Swain and her it's like oh, you know you should drop by sometime so I dropped by to see what was going on. And was she by herself, and you said, I believe at the time she was. I asked how long did you stay and then you said, about ten minutes, what was the purpose of the

C 1744

C-1779
C06664

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call, I asked. You stated I just dropped by to see how she was doing. Do you recall what you talked about, you talked about partying and getting together, this conversation John had taken place with Jennifer, between you and Jennifer after she returned to Bloomington from her California trip.

John: Yes, now that happened, you you asked me, I thought that was the last time I talked to her, but it's not, I swung by and talked to her, it was before the 21st. And did that conversation, like I said I go home alot so I get confused which time it is that I went home I did stop by her place and talk to her and I think Swain was there, ok. But, that was not the last time I had talked to her. Now that uh, I think that was around maybe the 16th or 17th cause I went home and came back, then I went home again, ok. So the last time I did talk to her cause I I Debbie Debbie goes well you talked to her that night when uh, when um you were at the uh, when we were moving out, I am like oh yeh, her and Swain stopped by I completely forgot about that, okay. And I, I thought that was, I thought in my mind a couple days ago that's what I told you ahead of time, but, um the last time I did see her was the 21st.

Tony: When was the last time you were at her apartment, at her apartment [REDACTED] in Normal?

John: It would have to be the, I don't know, before that I don't know what day.

Tony: You don't know what day?

John: No

Tony: When did you find out that she had returned from California?

John: She gave me a call, she gave me a call at my place in Byron and she said that she was in California and that she was returning home and then she called here at my apartment several times saying that she was back in town.

Tony: Where were you on the 20th of August?

John: Um, (big pause), stop the tape for a second let me think about this for a second.

Tony: Well stop the tape momentarily, it is ah 3:01. The interview continues it is 3:04 p.m. On the 21st of August is when you last saw Mike Swain and Jennifer and that was together in your parking lot, is that correct?

10

C 1745

C06665

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(12)

AB001760

John: Yes that's correct, that's positive, I know that for a fact.

Tony: On 22 August, which is a Sunday, did you talk to Jennifer on a phone?

John: I am not sure about that but I know the last time I physically saw her in person was the 21st of August.

Tony: On the 23rd of August, which is a Monday, did you talk to Jennifer on the phone?

John: If I did she called me, I am not sure though, I did not call her on the 22, 23, 24, 25, 26, 27, 28, the rest of August, I did not call her on the phone, she may have called me.

Tony: Ok, John I am going to ask the questions I want you to answer.

John: Ok

Tony: On the 24th of August did you talk to Jennifer?

John: Uh

Tony: Yes or no John

John: No

Tony: On the 25th did you talk to Jennifer?

John: No

Tony: On the 22nd of August did you see Jennifer, yes or no John?

John: No

Tony: On the 23rd did you see her?

John: no

Tony: Did you see her on the 24th?

John: No

Tony: Did you see her on the 25th?

John: No

Tony: Then why did you sit here last week and tell us that you

11

C 1746

CPA

(12)

C06666

AB001761

stopped by her apartment and saw her and talked to her for ten minutes.

John: Because I had my dates confused.

Tony: You had your dates confused?

John: Yes

Tony: Ok, when did you stop by her apartment and talk to her for ten minutes? Look at the calendar John.

John: The week prior

Tony: Look at the calendar John.

John: Either the 16th or 17th, I don't know I can't remember.

Tony: John, she wasn't here the 16th or the 17th, she wasn't even in this state, now when did you last see her John?

John: I can't remember.

Tony: Could it have been the 25th of August?

John: It was the 21st of August

Tony: Could it have been the 25th of August John, Wednesday?

John: No, I was home.

Tony: How do we know you were home?

John: Uh, cause I have got phone calls to prove it, I've got my mom saw me, I was at home.

Tony: John, what would you say if we said to you that someone saw you at her apartment on the 25th of August?

John: I would say that they are lying through their teeth.

Tony: What about your car being there the 25th of August?

John: There is no way my car could have been there on the 25th of August.

Tony: Are you telling us then that you were not in her apartment on the 25th of August?

John: Yes

Tony: You were not there on the 26th?

12

C 1747

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AB001762

John: Yes, I was definitely not there I was definitely back home, Thursday night I had a, I went out with a girl and Travis and Leslie which are my two best friends from back home and Friday night I went out with them and Saturday I went out with people, I went out with people every single night and I made phone calls every single night.

Tony: How have you been sleeping at night John?

John: Just fine

Tony: No problems at all?

John: No I haven't

Tony: This hasn't been on your mind at all?

John: Uh, I look at like as ah I mean I wasn't I don't I don't even know exactly what even happened. I didn't get to see the funeral I didn't even find out about it until the 2nd of September when I called.

Tony: Ok, answer my question, hasn't this been on your mind at all?

John: It's been on my mind.

Tony: Since you have learned of the news?

John: Yes it has been on my mind.

Tony: Ok how have you have been sleeping at night?

John: I have been, I have been sleeping fine I have been, I the first couple nights when I found out about it I was scared.

Tony: Why were you scared?

John: Me and Debbie slept at a hotel the first night.

Tony: Why were you scared?

John: I was scared that whoever, whoever attacked Jen was going to come after me?

Tony: Why

John: Because I was thinking it was Alan, and Alan was jealous of me because Jen liked me. And Debbie was scared to the point where I I mean I put new locks on the doors and stuff and we still had to go spend the night at a hotel

13

C 1748 ~~21723~~

C06668

(209)

AB001763

APPENDIX 001794

I called up my landlord and I said hey I want new deadbolts on the doors.

Tony: Ok, you are telling me when you learned of this news, you thought it was Alan that had killed her and that is the reason why you slept in a hotel?

John: 100%, in my mind.

Tony: I believe that is what you are telling me but I don't believe that is what happened.

John: As soon as I heard

Tony: Why why do you think Alan killed her then, why do you think Alan killed her?

John: Because I know.

Tony: John you are not being truthful with us.

John: I am being truthful.

Tony: Then why do you think Alan killed her?

John: Because of the way, the way he is, what he has done, I had heard that he beat her up the other day too.

Tony: Did you tell you that Jennifer owed you money?

John: She owed me like 20 bucks.

Tony: \$20 from what?

John: From (big pause)

Tony: From what?

John: From some smoke.

Tony: Ok, what do you mean from some smoke, pot?

John: Yes

Tony: Ok, you supplied her drugs then didn't you?

John: Not all the time.

Tony: Not all the time, ok, what time did you supply her marijuana?

John: Just once in awhile.

14

C 1749 *et 724*

C06669

AB001764

APPENDIX 001795

Tony: Once, ok, how often is once in awhile? Tell us how often is once in awhile, we are not here to ask you questions.

John: Probably about once a month

Tony: About once a month, ok, how much did she get from you?

John: Maybe a maybe a quarter to and eighth, but I gave it to her.

Tony: You gave it to her,

John: yeh

Tony: And she owed you money for a buy?

C 1750 ~~04725~~

(1211)

AB001765

C06670

John: Well, she owed me money as a friend.

Tony: Is that why you dropped by to see her before you went to Rockford, to collect some money?

John: No

Tony: You mean she wouldn't give you the money?

John: No

Tony: Did you stop by to have sex with her then?

John: No, I was going out with Debbie.

Tony: Well that's right, you were going out with Debbie but you were also wanting to see Jennifer, we know that for a fact.

Rob: John, you are not telling us everything ok, we are not going to sit here and ask you this stuff if there isn't some reason for us to ask you ok, now you need to start telling us the truth. All right.

John: I do not know the exact dates, I mean I know this looks bad on me because I know that I mean I am involved because of because ah, because of the drugs and I know it looks bad because I probably have the weakest alibi out of everyone that you have talked to.

Tony: Well you were just telling us it was Alan, how do you know it was Alan?

John: I think it was Alan, here is the story....

Tony: Why do you think it was Alan?

John: As soon as I heard....

Tony: Why would Alan want to kill her?

John: Because....

Tony: Because why

John: From what I know of him, he was pretty psycho over her, those were Jen's words, (Tony: Psycho enough to kill her) not my words that is what everyone thought...

Tony: Psycho enough to kill her?

John: Yes, man when he would get mad, like I said I was there

16

C 1751

C 1726
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AB001766

APPENDIX 001797

and he would kick down the door.

17

C06672^C 1752

et 727
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AB001767

Tony: That doesn't mean he killed her?

John: Well, that doesn't mean he killed her....

Tony: You have a reason, she owed you money, drugs, and you was trying to get back with her, weren't you?

John: I was with Debbie.

Tony: We know you were with Debbie?

John: I wasn't trying to go back out with Jen.

Tony: We know you were with Debbie, we also know that you also that you tried to Jennifer again.

John: I did not try to see Jennifer.

Tony: Did she invite you over?

John: She wanted me to go back out with her but I wouldn't let her.

Tony: Did she invite you over?

John: Sometimes

Tony: Is that how it went?

John: Sometimes she does

Tony: It's not a crime to go over to her apartment?

John: I know it's not.

Tony: Then why can't you set here and tell us the truth?

John: Because I don't know exactly what dates I went over there.

Tony: But you did see her after the 21st? Didn't you John?

John: I did not see her after the 21st, I swear to God I'll take a polygram or whatever you want to take I did not see her.

Tony: I want the truth, swearing to God is a mistake John just like going over there seeing her was a mistake, it got out of hand didn't it?

John: I did not do anything.

18

C 1753

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ET 1728
(b21)

AB001768

APPENDIX 001799

Tony: It got out of hand didn't it?

John: You can, you can

Tony: You went there to collect money for drugs, you went there to have sex with her, it's that simple.

John: No I did not, I did not.

Tony: Alright, then why did you go there?

John: I did not go there, the last day I saw her, Alan or Swain and Jen was the 21st the Saturday when she came over. That was the last time I saw her, now I will swear to God I will do anything to tell you that and the first time I found out about any of this happening was Tuesday night. Which was September 2nd, that was the first time I ever heard about this. Now I'm 100% sure that that's the first time I heard about this and I'm 100% sure that the last time I saw Jen was the 21st of....

Tony: No you are not, you can't get your dates straight you are confused...

John: I do know that date and I do know that was the last time

Tony: John, John, yo're confused about the dates when you were in here September 2nd, just like you are confused about the day, you know why you are confused, you know why you are confused John?

John: Because I don't keep track...

Tony: Because you don't know the truth from the stories that you fabricated.

John: I didn't fabricate any....

Tony: To keep us from finding out the truth.

John: I didn't fabricate any stories.

Tony: You were there, you were the last one to see her, you were in her apartment.

John: I was not the last person to see her, at least I don't think so...

Tony: You went there to collect money and you went there to have sex with her....

John: Swain gave her a ride home on Saturday, I could hardly

19

C 1754

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AB001769

APPENDIX 001800

say that I am the last person to see her when she dropped by....

Tony: We are not talking about Saturday, we are not talking about Saturday, we are talking about before you went to Rockford.

John: I did not see her.

Tony: You did not leave for Rockford until Wednesday

John: Yes

Tony: Wednesday..

John: That's correct.

Tony: The 25th of September..

John: That's correct...

Tony: Or correct me August.

John: Yes

Tony: That's when you went to Rockford?

John: Yes

Tony: And what time of the day was that?

John: Afternoon

Tony: Why in the afternoon?

John: Cause that is when I felt like going home.

Tony: What's her class...

John: It's not a crime to leave.

Tony: What is her class schedule?

John: I have no idea, I don't even, I didn't even get to talk to her to find out....

Tony: So you you dropped by hoping that she would be home. You dropped by to collect drug money cause you were going to bring her some more marijuana back from Rockford, isn't that the truth John?

John: No that is not the truth...

20

C 1755

C06675

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 (211)
 AB001770

APPENDIX 001801

Tony: John, John, isn't that the truth?
John: No that is not the truth
Tony: That't what you do though, don't you?
John: No
Tony: You don't
John: No
Tony: Have you ever brought drugs down from Rockford marijuana from Rockford, have you ever?
John: Have I ever in my life?...
Tony: Have you ever in your life.
John: Well yeh, yes I have.
Tony: Other than for your own personal use?
John: Uh, not not not very often.
Tony: Not but very often, but you have done it?
John: Well yes I have...
Tony: So you dropped by to see her to collect money so you could bring her some down. Cause she cut ties with Alan and Alan wouldn't do it, isn't that right John? She invited you into that apartment didn't she John? And you wanted a little bit, you wanted a little bit for the way home.....
John: I didn't go to that apartment...
Tony: Isn't that right John, isn't that right
John: No that's not....
Tony: You figured as long as Debbie was at work...
John: Oh, come on please....
Tony: As long as Debbie was at work, out of sight out of mind, what she doesn't know wasn't going to hurt her, isn't that right John?
John: No that's not correct...

Tony: Isn't that what you did, you went in there.

John: I have not been in Jen's apartment....

Tony: You knocked on her door and you went into her apartment...

John: I haven't been there to her apartment weeks before that...

Tony: John you set there you are lying about the dates you went by and saw her you are lying about your drug activity

John: I am not lying, what am I supposed to do, first of all about the drug activity.....

Tony: John

John: What am I supposed to do, am I supposed to self incriminate myself in front of you guys?

Tony: John why can't you set here and tell us the truth? That's all we want you...

John: I have told you the truth, I told you the truth about the drugs and I told you the truth about what I knew about Jen. I did not do anything with Jen the last time I saw Jen was the 21st of August that Saturday when ah Debbie's dad came down and we moved down from the apartment she stopped by with Swain I haven't had sex with Jen in a couple months.

Tony: When is the last time you had sex with Jen?

John: In a couple months at least.

Tony: You were still going with Debbie...

John: It was last school year, at least...

Tony: You were still going with Debbie correct?....

John: It was last school year, it was way before last school year, no I don't even think I was going out with Debbie.

Tony: You told us in your last statement that the night that Alan came over and broke the door down you spent the night with Jennifer.

John: Yeh, and that was awhile ago.

Tony: And that was this past summer.

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C 1757

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 AB001772

APPENDIX 001803

John: Yes, no that wasn't this past summer, that was last school year. That was last school year, I know that for a fact.

Tony: Are you willing to take a polygraph John?

John: I I will take a polygraph.

Tony: And what is that polygraph going to tell us when we ask you when you saw her last?

John: That the 21st of August was the last day that I saw her.

Tony: How are you going to do on that polygraph when we ask you that question John?

John: I am going to do just fine.

Tony: Just fine?

John: Cause that is the truth.

Tony: That the 21st was the last time that you saw her.

John: Yes that is the last time that I saw her. And furthermore,

Tony: Has Debbie ever accused you of seeing other girls?

John: Uh, no

Tony: Did you ever give her any reason?

John: Uh no

Tony: That you know of you haven't given her any reason?

John: No

Tony: Does she know that sometimes you stop by and see Jennifer?

John: She knows that I went out with Jennifer sometimes...

Tony: While seeing Debbie, does she know you went out with Jennifer while seeing Debbie?

John: No, but I I only saw, I only saw Jen like once when I was going out with Debbie....

Tony: When did you plan on taking Jennifer or going with Jennifer at bad music night at Rocky's. When did you

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APPENDIX 001804

plan that, when did you plan on asking her about that?

John: I planned on asking her....

Tony: It's in your statement, it's in your statement..

John: I planned on asking her when I got back to school which would be the 8th.

Tony: And that was Debbie's understanding and she had no problem with that?

John: She wouldn't have any problem if I took Jen out to bad music night. She knows that Jen, Jen came over to my apartment all last year and had parties she was always with Alan though, she just started seeing Swain at the end of the school year.....

Tony: John how are we going to get you clear of this?

John: I have no idea but I just know that, I mean, I just know that, I mean if you guys are accusing me that then that scares me for one because I know that you guys just have no idea who did it then.

Tony: What am I accusing you of John?

John: Well I mean the way you are saying you were there, you were there, that's

Tony: What am I accusing you of John?

John: You are accusing me of being with Jen or the last person of being with Jen....

Tony: Is that a crime?

John: No it's not a crime....

Tony: Then I am not accusing you of anything then am I.

John: I guess not.

Tony: I want to know where you were the 25th of August. And I want to know where you were the 26th of August I want to know where you were the 27th of August, I want to know where you were the 28th of August, how are you going to find out where you were?

John: If you would like more specific dates I will, I will do research, I will find out exact times, I will get a phone bill. I will have every single minute of those days accounted for. If you would like. Okay, I got no problems with that, but I mean I got not problems with that.

Tony: Do you have anything else to say John in regards to ah the last time you saw Jennifer?

John: It was the 21st of August, ah, that Saturday.

Tony: It is now ah 3:18 p.m. we will be temporarily interrupting this interview with John. This interview with John continues, it is now 3:26 p.m.

Tony: John, you stated you saw Alan last night, where and when was this?

John: Ah, it was IWU Illinois Wesleyan Univeristy. It was right outside the main lounge it was about five, the time was about between 5:00 and 5:30 at night. We walked ah, we had decided to meet then, we talked for a little bit. I just asked him well what is up? And you know he is like Jen is dead and I'm like well what do you know about it and he is like I don't know that much ok, and I am like do you know how she died, when she died what happened? And he is like well all that I know is that she was stabbed to death. Okay. I am like stabbed to death I heard she was strangled, you know, and he was like the cops told me she was stabbed. Okay, then and then they first arrested me and then they said that she was stabbed and then they said that she was alive and then they said

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APPENDIX 001806

that she was stabbed and then they said she was alive again and then dead again. He said something the fact that she was alive then dead alive then dead and the whole time he was wearing this hat and these real dark sunglasses you know and I was just trying to look at his eyes, and I am like well what do you you know what I mean what are you going to do, I mean, what do you know about this and he's like nothing more besides that. And I am like well and then he said something to fact that uh well Swain was going out with her so Swain is the one that has to black clothes for year not me. I am done. I am over her. And for someone, I mean, he was so emotionally hungup on her to say something like that it just puzzled me.

Tony: What did he ah say in regards to how she did die?
John: He said she was stabbed with scissors or something.
Tony: And who told him this?
John: The cops, you guys.
Tony: Ok, and he said that she was stabbed with what?
John: I believe he said scissors.
Tony: Well where was she stabbed with scissors.
John: He never told me where he just said stabbed. I didn't pry in and ask further because I said oh, that's weird they told me that she was strangled and I thought she was strangled.
Tony: Who told you that she was strangled?
John: I think you guys did.
Tony: What did your brother Joe tell you?
John: Maybe it was my brother, my brother said that she was strangled then.
Tony: What was she strangled with?
John: Gloves
Tony: And that's what Joe told you?
John: yes....
Tony: And where did Joe get this information?

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APPENDIX 001807

John: I have no idea the first time I heard about this was, like I said Tuesday night he called me up really late and he was like Joe ah, John, guess what, and I'm like what. Jen Jennifer Lockmiller is dead. I am like dead, are you serious? And he is like yes, and I am like Jen Lockmiller is dead? And he is like yes. And I am like oh my God you know, and I talked to him for second and I hung up and I told my mom. I'm like I kept on saying. holy shit I can't even believe this. Jen Lockmiller is dead mom, I went out with her.

Tony: Ok, getting back to what the conversation that you and Alan had was about last evening at IWU.

John: Um huh (yes)

Tony: Alan did say that the cops had told him that Jennifer died from being stabbed from with scissors is that correct.

John: Yes

Tony: Did he say anything about being strangled, did he say anything about her being strangled?

John: No, no, he said he didn't even know about her being strangled. He said he just thought she was just stabbed. Which I don't even know what is the truth?

Tony: And he also mentioned that the cops told him that she had died from being stabbed with scissors is that correct?

John: Uh yes, she said she died from stabbing.

Tony: Is that the first time that you have heard of that.

John: That is the first time I have heard of that, and that's the first time I had talked to Alan.

Tony: I thought you had mentioned earlier in this ah conversation concerning your conversation with Alan that you had agreed to meet over there.

John: Well I had talked to him....

Tony: Had you talked to him prior to last night?

John: Oh it was, it was earlier that day about an hour I saw him in passing in the hallway I am like Alan we have to talk later. He's like what time, I am like ok 5:00 conference room.

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APPENDIX 001808

Tony: Ok, who was present when the two of you were talking about Jennifer's death last night?

John: Um, no one we were just sittin' talking on the oh, well Debbie did walk in because I was meeting Debbie at 5:30 or about 5:40 to go upstairs and register. So Debbie walked Debbie approached both of us and Alan said hi like that and Debbie is like who is that? And I am like that was Alan and she was like that was Alan she was like I thought I recognized him she was like you stay away from him. I am like yeh I know, I just wanted to find out what happened and she was like did he say anything and I am like no he just said that she was stabbed. And Debbie was like stabbed I thought she was strangled and that was basically the same.....

Tony: Did Debbie hear any of this conversation between you and Alan?

John: No

Tony: So the conversation switched when she approached?

John: I left when she approached because I didn't want to hang around Alan too long either.

Tony: Is there anything else that you can think of regarding that conversation that you had with Alan that last night, last night?

John: No, no, I met Swain and told him that we had to talk and I haven't talked to him yet.

Tony: You haven't talked to Mike Swain?

John: I haven't talked to Mike Swain yet, I just met him in the lunch line and said hey we have to talk and he was just walking to class...

Tony: Who else have you talked to besides Joe and your friend Debbie and Alan concerning Jennifer's death?

John: No one

Tony: What have you read in the paper concerning Jennifer's death?

John: An article about three lines long in the Rockford paper.

Tony: What did that say?

John: It said that a 22 year old ISU student found from

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APPENDIX 001809

Decatur, Illinois, Jennifer Lockmiller was found dead in her apartment early Saturday or something, that is it. It was about three lines long, two lines long in the Rockford Register Star.

Tony: When is the last time that you talked to Mike Swain?

John: It would be that it would be the 21st of August, it would be the 21st of August when Mike and Jennifer came by.

Tony: Have you talked to Chris Carbone?

John: Ah, I haven't talked to him since the beginning of summer.

Tony: Have you talked to Joshua Whitney?

John: I haven't talked to him since last year.

Tony: Have you talked to Michael McKay, a Michael Mackey?

John: I don't even know him.

Tony: Do you know Jay Schrock?

John: I don't even know him

Rob: He goes by J.C.

John: J.C., no I don't I know Josh....

Tony: Have you talked to any of Jennifer's female friends?

John: (Whew) A month ago I talked to Morgan.

Tony: Morgan Keefe?

John: Yeh, that's about it.

Tony: Is there anything else that you can recall concerning the conversation between you and Alan last night?

John: Um, no

Tony: This conversation/interview with ah John concludes at 3:33 p.m.

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APPENDIX 001810

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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.)

VOLUME I, PAGES 1 - 176

DISCOVERY DEPOSITION
OF
TONY L. DANIELS

Discovery deposition of TONY L. DANIELS,
taken on May 20, 2013, beginning at 10:04 a.m., at
207 West Jefferson Street, Bloomington, 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.

* * * * *

ANCHOR REPORTING, INC.
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Decatur, Illinois 62525-5471
(217) 428-0946

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Plaintiff's Exhibit No. 26

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16 and County of McLean, Illinois;

17 ANCEL, GLINK, DIAMOND, BUSH,
18 DiCIANNI & KRAFTHOFER, P.C.
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20 Chicago, Illinois 60603
21 (312) 782-7606
22 BY: MR. THOMAS G. DiCIANNI
23 Representing the Defendants,
24 Timothy Freesmeyer, Robert Hospelhorn,
 David Warner, Frank Zayas, and
 Town of Normal, Illinois.

* * *

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APPENDIX 001812

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I N D E X

WITNESS

EXAMINATION

TONY L. DANIELS

By Ms. Barton

4

E X H I B I T S

TONY L. DANIELS
DEPOSITION EXHIBIT

MARKED FOR ID

No. 1	96
No. 2	100
No. 3	115
No. 4	137
No. 5	138
No. 6	145
No. 7	157
No. 8	160

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(Witness duly sworn.)

TONY L. DANIELS,

called as a witness herein, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MS. BARTON:

Q. Can you please state your name and spell it for the record.

A. Tony L. Daniels, D-a-n-i-e-l-s.

MS. BARTON: For the record, this is the deposition of Tony Daniels. It's being taken in the case Beaman versus Souk, et al., filed in the Central District of Illinois. It's being taken pursuant to subpoena, the Federal Rules of Civil Procedure, as well as the local rules in the Central District.

BY MS. BARTON:

Q. Mr. Daniels, have you ever given a deposition before?

A. No.

Q. Have you testified in court?

A. Pardon me?

Q. Have you testified in court?

A. Oh, yes.

Q. Court proceedings?

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1 A. Yes.

2 Q. So this is a little bit different. Obviously
3 the court reporter is taking down everything that we
4 say, so it's very important that we not talk over one
5 another. So I'll extend the courtesy to you to wait
6 until you're finished answering my question. Just
7 please extend the same courtesy to me. And you might
8 know where I'm going with a question or what I'm going
9 to ask you and you might be eager to answer, things
10 can get conversational, but just make sure that, so we
11 have a clean record for today, so it's easier on the
12 court reporter, that you wait until I'm finished
13 asking my question, okay?

14 A. Okay.

15 Q. If something's confusing or you don't
16 understand the question, just let me know. I can
17 certainly rephrase. But if you answer the question,
18 I'm going to assume that you understood it; is that
19 fair?

20 A. That's fair.

21 Q. If you have to take a break for any reason,
22 just let me know. Just answer a question if there's a
23 question pending before we take the break, okay?

24 A. Sure.

C06690

1 Q. Did you meet with anybody in preparation for
2 your testimony today?

3 A. Yes, I met with Locke down here.

4 Q. When did you meet with Mr. Bowman?

5 A. I met with him in December of 2012 and also I
6 think it was in February of 2013.

7 Q. You met with Mr. Bowman in December and in
8 February?

9 A. Yes.

10 Q. So two times you met with Mr. Bowman in
11 preparation for your deposition testimony?

12 A. Correct.

13 Q. Was anybody else present other than
14 Mr. Bowman?

15 A. Yes, one of the assistants from the law firm,
16 Alexa, on the first meeting.

17 Q. How long did the first meeting last?

18 A. As I recall, approximately two hours and the
19 same for the second one.

20 Q. Where did you meet with Mr. Bowman and
21 Ms. Van Brunt?

22 A. On both occasions, it was at Baby Bull's
23 Restaurant in Pontiac, Illinois.

24 Q. The first time that you met with Mr. Bowman

1 and Ms. Van Brunt, do you recall any of the substance
2 of the conversation?

3 A. Yes, we talked about circumstances regarding
4 the death of Jennifer, suspects, evidence reviewed,
5 evidence that should have been disclosed, people that
6 should have been talked to, people that were talked
7 to. I think that's probably about what we talked
8 about as I can recall.

9 Q. Do you recall any of the specifics about what
10 evidence you discussed?

11 A. I don't really recall. Without me guessing
12 what it would have been, important substance in the
13 case.

14 Q. Did you talk about this lawsuit?

15 A. Yes.

16 Q. What did you talk about this lawsuit?

17 A. Who was being sued and being interviewed --
18 being interviewed.

19 Q. And what did you talk about with respect to
20 who was being sued?

21 A. The Normal officers, you know, their names,
22 Judge Souk. That's about it.

23 Q. Do you remember anything else about what you
24 discussed with them in December of 2012 with regard to

C06692

1 this lawsuit in particular?

2 A. Not really. Not in particular, no.

3 Q. Did they talk to you about why you would be
4 deposed in this case?

5 A. My understanding is that I would be deposed
6 by Souk's representatives.

7 MS. BARTON: And I'm sorry that I didn't do
8 this in the beginning of the deposition, but we met
9 earlier today, and I've spoken to you over the phone.
10 My name is Elizabeth Barton, and I do represent
11 Mr. Souk and also Mr. Reynard and John Brown and
12 McLean County.

13 Do other counsel want to identify themselves
14 for the record? I apologize I didn't do that earlier.

15 MR. DiCIANNI: Thomas DiCianni for the Town
16 of Normal defendants.

17 MR. BOWMAN: And my name is Locke Bowman, and
18 I represent Alan Beaman.

19 MS. BARTON: Thank you.

20 BY MS. BARTON:

21 Q. Did you discuss with Mr. Bowman and
22 Ms. Van Brunt why your testimony would be needed in
23 this case?

24 A. Well, if we did, I had forgotten the gist of

1 the conversation regarding that issue.

2 Q. Did you discuss with them in December why you
3 were not a party to the lawsuit?

4 A. We could have.

5 Q. But you don't recall?

6 A. No, I don't recall specifics, no. It's a
7 possibility we could have.

8 Q. You also mentioned earlier that you discussed
9 with Mr. Bowman and Ms. Van Brunt the fact that
10 certain evidence should have been disclosed. What do
11 you mean by that?

12 A. Well, my understanding during the trial and
13 even before that and also after that in my testimony
14 in one of Alan's appeals was that John Doe, who is
15 referred to as a viable suspect, that information had
16 not been disclosed why he was a suspect.

17 Q. And in these proceedings, we can refer to
18 John Doe by name. So who do you understand John Doe
19 to be?

20 A. John Larbi Murray.

21 Q. Larbi Murray?

22 A. Uh-huh.

23 Q. What did you discuss with Mr. Beaman's
24 counsel in December about the John Doe evidence as you

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1 referred to it?

2 A. His two interviews that myself and
3 Officer Hospelhorn conducted, the contents of those
4 two interviews, the fact that he had motive, he had
5 the opportunity, and he lived within five or
6 seven minutes drive of Jennifer, and the fact that
7 he -- the phone call he made when he got back to his
8 apartment to his girlfriend, Deborah Mackoway, in my
9 opinion was a way for him to set up an alibi.

10 Q. And this is what you discussed with
11 Mr. Beaman's counsel in December of 2012?

12 A. I'm almost 100 percent certain I did.

13 Q. Do you recall anything else that you
14 discussed with them in December?

15 A. Well, why I thought perhaps that Alan was not
16 the guilty individual.

17 Q. And what did you talk about then in December
18 about why you believed that Mr. Beaman is not guilty?

19 A. I may have touched on the victimology, why
20 she was a victim. The fact that she had many
21 boyfriends, she was to get back together with
22 John Larbi. And also the fact that his car couldn't
23 have taken him from Rockford down to Normal and back
24 traveling at over 100 miles an hour in order for him

1 to commit the murder. And I may have talked about his
2 demeanor in the courtroom. I don't know.

3 Q. And by his demeanor, who do you mean?

4 A. Alan Beaman.

5 Q. Anything else that you recall from the
6 conversation in December?

7 A. No, not offhand that I recall.

8 Q. What about the meeting in February of this
9 year?

10 A. Basically I think the same thing, but
11 Mr. Bowman had some selected questions for me, and I
12 don't recall what they were.

13 Q. Do you recall what the topic of those
14 questions were?

15 A. Oh, yes, one was the notes that I had brought
16 back from the April '94 unresolved homicide class that
17 I attended in Jacksonville, Florida, and the fact that
18 there was a meeting prior to Alan Beaman's -- a
19 warrant being issued. And at that meeting, which I
20 was present, so was Chief Taylor and Jim Souk and a
21 few other people whose names and faces I don't recall,
22 as to why I felt that the notes I had were not
23 important to Mr. Souk because Mr. Souk had interrupted
24 me when it was my opportunity to discuss these leads

1 from that school.

2 And at that time, he said he thought that
3 they went far enough in the investigation, that they
4 were going to go ahead and issue a warrant for
5 Mr. Beaman's arrest. And shortly after that meeting
6 broke up, I spoke with Chief Taylor, he's the chief
7 of -- was the chief of Normal Police Department, and I
8 expressed my concerns about not having the opportunity
9 to express those leads to the group of people present
10 at that meeting. And to no avail, I still wasn't
11 given the opportunity, but the document was available.

12 Q. And we'll go into more detail with respect to
13 those issues later.

14 Do you recall anything else that Mr. Bowman
15 asked you specifically or general topics in the
16 February meeting?

17 A. Yes, there was another issue, and that had to
18 do with receiving the results from the Illinois crime
19 lab in Morton, Illinois, and that was the results of
20 John Larbi Murray's attempted polygraph exam. There
21 was a discussion and apparently a misunderstanding as
22 to who received that letter from -- from the crime lab
23 and to where it had went.

24 Q. What did Mr. Bowman tell you about that?

1 A. Well, he informed me as I best recall that
2 Dave Warner, who at that time was the evidence tech on
3 this case for Normal, and he informed me that
4 Dave Warner said that he -- Dave Warner had taken
5 John Murray over to the crime lab himself and that
6 when the results came back to the Normal Police
7 Department, that Dave Warner had given me that letter,
8 and basically I don't want to say I corrected
9 Mr. Bowman or Mr. Warner; however, without a doubt,
10 100 percent surety, I am the one that had taken
11 John Murray over there because I had a conversation
12 with him on the way back from the crime lab.

13 And as far as the letter on the results of
14 the attempted polygraph, where that letter wound up
15 whether it was in my hands, whether it was in my
16 mailbox, whether Warner gave it to me, I don't recall.

17 Q. Did you discuss that with Mr. Bowman and
18 Ms. Van Brunt in February?

19 A. I don't know if I discussed it in February --
20 or, I'm sorry, Mr. Bowman was present in February.
21 Yeah, that was the issue we discussed. But as far as
22 December, I don't know if we discussed that in
23 December.

24 Q. Any other topics in the February

1 conversation?

2 A. Not that I recall. If Mr. Bowman had notes,
3 maybe that would refresh my memory, but I don't
4 recall.

5 Q. So you talked about the -- your notes from
6 the April '94 class that you took, --

7 A. Correct.

8 Q. -- right?

9 And then Mr. Murray's polygraph examination
10 or the attempt of the examination?

11 A. Correct.

12 Q. And you don't recall anything else?

13 A. Well, being there two hours, we had to talk
14 about other issues, but those two stand out.

15 Q. Sure. Any other conversations that you had
16 in preparation for your testimony today?

17 A. No.

18 Q. Did you --

19 A. Pardon me. Yes, I had a conversation with
20 the town's attorney, and I think that was back in
21 December as well.

22 Q. With Mr. DiCianni?

23 A. Yes.

24 Q. Do you recall what you discussed with him?

1 A. Basically the same issues.

2 Q. How about Tony Matens, did you talk to him in
3 preparation for today?

4 A. Not in preparation for today, no. We had a
5 couple of conversations of a personal issue and either
6 I or he would have said have you been deposed yet, and
7 I said no, but I got one coming up. He would
8 interject, well, we can't talk about that and I agreed
9 with him and we did not.

10 Q. Did you review any documents for today?

11 A. Well, I don't know if you want to call them
12 review, but prior to today, I had taken the documents
13 that I had maintained during the last 20 years, and I
14 prepared those by separating them by subject matter
15 putting them into individual folders and then taking
16 those up to Itasca to your law office. If you want to
17 call that review, I --

18 Q. Did you read any of the documents?

19 A. Well, I had to read them to separate them by
20 subject but for detail or looking for whatever.

21 Q. Sure. So you brought about five boxes,
22 right, --

23 A. Correct.

24 Q. -- to my office?

1 And that was in response to a subpoena that I
2 sent you?

3 A. Correct.

4 Q. Before you responded to the subpoena, are you
5 saying that you kind of went through the documents and
6 then you separated them by category into -- I think
7 they're blue folders with labels?

8 A. Well, before I got the subpoena, yes, I did.
9 I did that as a matter of fact in our meeting in
10 February with Mr. Bowman. Shortly after that I went
11 home and started organizing it, and then I got your
12 subpoena and then I delivered those myself up to your
13 office.

14 Q. What sort of state were the documents in
15 before you began to organize them after your February
16 meeting with Mr. Bowman?

17 A. Well, I had four boxes of documents that were
18 basically from the Court. They were transcripts, they
19 were discovery, officers -- copies of officers'
20 reports, videotapes from TV, and I had one box of
21 miscellaneous. And I hate to use that word
22 miscellaneous, but I had one box of notes that were
23 prepared most likely most of them after the issue of
24 the search warrant, after his trial --

1 Q. Do you mean the arrest warrant?

2 A. Yes, I'm sorry, the arrest warrant on Alan.
3 Notes that came up in my thoughts during the various
4 times that Alan had to reappear and appear for his
5 appeals and information that I had thought about,
6 questions that I had concerning the case and why was
7 Alan not a good suspect at the time, why was Murray a
8 good suspect, things that perhaps that should have
9 been done that were overlooked or things that would
10 prove -- might prove to be interesting.

11 Q. And so you said that most of these notes that
12 you prepared were after Mr. Beaman was arrested?

13 A. Correct. Most of them were, yes, after I
14 started reviewing the case and getting more
15 information from discovery, the information that I
16 wasn't aware of.

17 Q. Where did you keep all these notes or your
18 miscellaneous box? Where did you maintain that?

19 A. Mostly in my -- well, they all were in my
20 home.

21 Q. So when you began preparing these notes or
22 these thoughts, these miscellaneous materials, did you
23 prepare them at home on your own time?

24 A. Oh, yes, they were kept at my residence.

1 Q. They were always kept at your residence?

2 A. Yes. Perhaps maybe I need to clarify that a
3 little bit.

4 Q. Sure.

5 A. The Court documents I got from Mr. Beaman's
6 attorneys, they made copies for me.

7 Q. The five boxes that you provided to my
8 office, are those all the documents you have related
9 to the Beaman case?

10 A. That's all I have, yes.

11 Q. Let's go through a little bit of your
12 background, if you don't mind.

13 A. Okay. No.

14 Q. I'll try to do an abbreviated version, keep
15 things moving.

16 Did you graduate from high school?

17 A. Yes.

18 Q. What year did you graduate from high school?

19 A. 1960.

20 Q. It's a good example. I know you know what
21 I'm going to ask you, but just make sure to wait until
22 I'm finished asking the question so we have a clear
23 record, okay? Thank you.

24 Where did you graduate from high school?

- 1 A. Lanphier High School, Springfield, Illinois.
- 2 Q. Do you have a college degree?
- 3 A. Two years.
- 4 Q. An associate's degree?
- 5 A. Yes.
- 6 Q. When did you obtain that?
- 7 A. Late '90s. I started it in 1970 when I moved
- 8 up here. The courses I wanted to take were not
- 9 available, so when Heartland Community College started
- 10 up, I was able to complete that.
- 11 Q. So you have your associate's degree from
- 12 Heartland Community College?
- 13 A. Yes.
- 14 Q. Any other college credits?
- 15 A. Not college credits that would reflect my
- 16 profession, no. I have taken some other personal
- 17 courses.
- 18 Q. I understand that you were in the military at
- 19 one point in time?
- 20 A. Yes.
- 21 Q. What branch of the military?
- 22 A. Marine Corps.
- 23 Q. When did you join the Marine Corps?
- 24 A. May 1960.

1 Q. And when were you discharged?

2 A. September the 11th, 1970.

3 Q. What was your rank at that time?

4 A. Staff sergeant, E-6.

5 Q. Where were you located during your career in
6 the Marine Corps?

7 A. Japan; El Toro, California; Vietnam three
8 times. Basically that's about it. I'm sorry,
9 Quantico, Virginia for two years, and one year in
10 D.C. -- Washington, D.C.

11 Q. Did you have any specialties or areas in the
12 Marine Corps?

13 A. Yes, I was an intelligence analyst.

14 Q. What does that mean?

15 A. Basically what I did would be to analyze
16 reports. At that time when I first went in, it was a
17 cold war and you analyze all intelligence reports and
18 then consolidate them for a final briefing.

19 When I was in Vietnam, I briefed and
20 debriefed pilots on their combat missions. And then
21 third time I was in Vietnam, I helped prepare the
22 intelligence briefings. I also had a Vietnamese
23 language, secondary, and I taught Vietnamese language
24 to -- two years in Quantico to Marine officers.

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1 Q. Was it an honorable discharge?

2 A. Oh, yes.

3 Q. What did you do after you were discharged in
4 1970?

5 A. I took a first job that came along in
6 Springfield. I worked for a wholesale distributor,
7 wine, liquor and tobacco, while I was attending
8 part-time school at Lincoln Community College down in
9 Springfield.

10 Q. What was your first law enforcement position?

11 A. With the Town of Normal, February 1970 -- I'm
12 sorry, December of 1977.

13 Q. The seven years between 1970 and 1977, were
14 you in Springfield?

15 A. I was in Springfield for six years, and I had
16 moved to Bloomington in November of '76. And the
17 company I was working for in Springfield had a need
18 for a warehouse supervisor at their wine distribution
19 center in Bloomington, so I had taken that position,
20 and a year later I was offered a job with the
21 Normal Police Department and so I resigned with the
22 company to join the police department.

23 Q. And when did you retire from the Normal
24 Police Department?

1 A. I retired December the 15th, 2000.

2 Q. What was your position at that time?

3 A. I was a lieutenant in charge of CID.

4 Q. CID, can you --

5 A. Criminal Investigations Division.

6 Q. Can you run me through your career beginning

7 in 1997 at the Normal Police Department.

8 A. 1997?

9 Q. 1977. Did I misspeak?

10 A. Oh, I'm sorry.

11 Q. Excuse me.

12 A. 1977. Yes, like most recruits, individuals

13 who finish their training at PTI were assigned to

14 shift -- patrol shift.

15 Q. PTI is Police Training Institute?

16 A. Police Training Institute in Springfield at

17 the Illinois State Police Academy.

18 Q. Thank you.

19 A. And then a position became available in

20 detectives, and I was assigned to that detective

21 division for two years, and then we were being

22 rotated. With the new chief we had, we were being

23 rotated out of the detective division. I had a desire

24 to use my skills, if you will, an interest in a

1 civilian profession. So I left in February of '85.

2 And after I left, I moved down to St. Louis.
3 From St. Louis, I stayed there approximately
4 two years, moved to Sarasota, Florida, where I was
5 able to receive a position with the Sarasota County
6 Sheriff's Department. Personal issues came up with
7 the wife and the kids, so we came back to Normal.
8 Fortunately I was able to rejoin the Normal Police
9 Department in February of '85.

10 And during '85 and 2000 when I retired, I
11 worked -- or, I'm sorry, I rejoined in February of
12 '88.

13 Q. Okay.

14 A. I'm sorry.

15 Q. Because you left for St. Louis in February of
16 '85?

17 A. Right. I was gone for three years from the
18 Normal Police Department.

19 I was able to retest and was offered a job
20 back with the Normal Police Department in February of
21 '88.

22 Q. What was your position at that time?

23 A. I started over as a patrolman and then worked
24 my way up and worked back in detectives. I got

1 promoted to sergeant and then the lieutenant. All in
2 all, I spent -- during my 20 years total time, I spent
3 about 10 years in detectives.

4 Q. When were you promoted to sergeant?

5 A. I would say probably '95. I'm not certain of
6 those dates. And the lieutenant, probably around '98,
7 '97.

8 Q. And after you retired in December 2000, did
9 you continue to do work for Normal PD as an unsworn
10 civilian?

11 A. I did, but when I retired in 2000, I went to
12 work as a project manager at Mitsubishi Motors in
13 Bloomington-Normal. I was a project manager for their
14 contract, safety, and security operation. I was there
15 for three years.

16 Then I was offered a temporary position back
17 at the Normal Police Department as a front desk police
18 representative because their personnel was -- he was
19 going in for a hip replacement and I was offered that
20 position, which I took, and I think that went on for
21 about three months.

22 And then I had learned that a part-time
23 position within the police department had opened up
24 and that title was fleet vehicle maintenance officer.

1 Would you like my duties?

2 Q. Sure.

3 A. I was responsible for taking the cars down to
4 our city garage to have them repaired. I would take
5 them over to the car wash and have the people over
6 there wash them, and then I would do what is called
7 the court front. In other words, I'd take traffic
8 tickets and other legal documents down to the
9 courthouse. That basically was a part-time job,
10 three, four hours a day, and I did that for about
11 eight years.

12 Q. And you said you were in -- when you were at
13 the Normal Police Department, you were within the CID
14 for about ten years?

15 A. Approximately, yes.

16 Q. Were you ever the supervisor of CID?

17 A. Yes.

18 Q. When you were a sergeant and a lieutenant,
19 were you a supervisor of CID?

20 A. As a sergeant, I believe I worked under a
21 captain.

22 Q. How many sergeants were in the department at
23 that time?

24 A. CID or the entire department?

1 Q. The entire department.

2 A. In the neighborhood of 10 to 12.

3 Q. And so were you a sergeant of just the CID or
4 were you a sergeant of other areas of Normal Police
5 Department?

6 A. Well, just CID. We were required -- when I
7 got reported -- when I got promoted to lieutenant, we
8 required, I believe it was once a month, to supervise
9 a patrol shift so we wouldn't lose our connection with
10 the patrol and our skills.

11 Q. When you became a detective, did you have to
12 have special training to become a detective?

13 A. Yes.

14 Q. What was the training?

15 A. The training was basic investigations. I
16 attended three interview interrogation schools,
17 several other schools that related to investigations.

18 Q. And did you continue your training in
19 interrogations and detective work throughout your
20 career?

21 A. As much as I could and was allowed. I would
22 go to various seminars with specialist in homicide
23 investigations such as Henry Lee and -- there was
24 another individual that was in charge. That was part

1 of the school that I attended in April '94. He worked
2 for the FBI. He was behavioral science unit down
3 there. I think all in all, there was quite a few
4 schools.

5 Q. When did you stop working altogether for the
6 Normal Police Department?

7 A. Part-time as well?

8 Q. Yes.

9 A. November 30 of 2012.

10 Q. And are you currently employed?

11 A. No.

12 Q. Enjoying retirement.

13 A. As much as I can.

14 Q. I just want to establish some definitions
15 just so that we're all on the same page --

16 A. Sure.

17 Q. -- as we go forward. They may seem obvious
18 to you, but with all your years experience, I want to
19 hear in your own words what certain things mean.

20 So can you just define for me what an
21 investigation is, just generally what an investigation
22 is.

23 A. Investigation would be actions you would take
24 to determine if a crime had been committed and

1 identify possible suspects and collect evidence and
2 present your case to the State's Attorney's Office and
3 testify if needed.

4 Q. What is a suspect?

5 A. An individual who may have committed a crime.

6 Q. Is that different than a person of interest?

7 A. Well, my understanding the term person of
8 interest has come up recently in the law enforcement
9 lingo from the media. Today's use of the word, it's
10 probably interchangeable.

11 Q. What about during your career in the CID?

12 A. I have never used that word or phrase, person
13 of interest.

14 Q. So what are the realm of possibilities for
15 characterizing just a person involved in the
16 investigation, whether they be a witness, a suspect,
17 what are those --

18 A. Person who may have knowledge of a crime.

19 Q. So a witness is a person who may have
20 knowledge of the crime?

21 A. Correct.

22 Q. And a suspect is a person who may have
23 committed the crime?

24 A. Correct.

1 Q. Any other categories of individuals?

2 A. Other than -- well, you have victim of
3 course. Other than victim, suspect or witness, I
4 think that's about it.

5 Q. And what makes a person a suspect? They may
6 have committed the crime. What does that mean? Can
7 you elaborate on it?

8 A. Yes. The likelihood that that individual had
9 the opportunity, the motive and the means to commit a
10 crime.

11 Q. Do you have to have all three for a person to
12 become a suspect?

13 A. Not necessarily motive.

14 Q. So if an individual has the means to commit a
15 crime and the opportunity to commit the crime, they
16 could be a suspect in any given crime?

17 A. Correct.

18 Q. Why do you say not necessarily a motive to
19 commit the crime?

20 A. It could be an accident. We're talking about
21 homicide, are we not, or any crime?

22 Q. Any crime.

23 A. Would you repeat your question, please?

24 Q. Sure. I asked -- well, you said that in

1 order for a person to be a suspect, they have to have
2 the opportunity to commit the crime and the means to
3 commit the crime but not necessarily the motive to
4 commit the crime. And I just asked why not motive to
5 commit the crime? Why isn't that part of the
6 consideration?

7 A. Well, it's possible in a homicide, it could
8 be considered an accident, but you could have a crime
9 that maybe it's a misdemeanor, and he could do it --
10 or even a felony for personal gain, monetary gain
11 perhaps.

12 Q. In your definition of investigation, you also
13 said one of the duties of an officer is a -- or a
14 detective is to present the evidence. Can you define
15 evidence for me?

16 A. Evidence is those items that could be used in
17 the commission of a crime or identify the perpetrator.

18 Q. And you're familiar with the term probable
19 cause?

20 A. Yes.

21 Q. Can you define that for me, please.

22 A. Probable cause is a -- let me gather my
23 thoughts here.

24 Q. Sure.

1 A. A reason to believe that a person did commit
2 the crime.

3 Q. So is the standard, at least as far as you
4 understand it, reasonable belief?

5 A. A reasonable belief, well, based upon other
6 factors.

7 Q. What are the other factors?

8 A. Location, time, what a reasonable person may
9 believe that he had committed a crime.

10 Q. What's the -- or is there a difference
11 between an interview and an interrogation?

12 A. Interview is to collect information.

13 Q. Collect information about a potential crime?

14 A. A person, crime, yes.

15 And an interrogation is when you turn an
16 interview to accusation.

17 Q. So an interrogation involves more of an
18 accusation --

19 A. Correct.

20 Q. Depending on the circumstances, do you -- did
21 you use, at least in your time in the CID, different
22 tactics for an interview versus an interrogation?

23 A. Oh, yes.

24 Q. What was the difference?

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1 A. The difference on the interview is
2 hypothetically I have a person's name in a report or
3 it was given to me during maybe another interview, and
4 I would ask that person to come in or I would visit
5 that person and try to obtain from that person as much
6 information that person would have recording the crime
7 and/or person.

8 An interrogation would be that I have enough
9 information that I believe that the person I'm talking
10 with did actually commit the crime and I'm trying to
11 extract a confession.

12 Q. Can an interview turn into an interrogation
13 at the time you're speaking with the individual?

14 A. Yes.

15 Q. What sort of circumstances would that happen?

16 A. The information on the person I would be
17 interviewing would be available only to the person
18 that committed the crime. Then that would turn -- at
19 that point hopefully it could turn into an
20 interrogation. Based upon the totality of the
21 information that you have about the person and/or the
22 crime and the evidence.

23 Q. Are interrogations only of individuals who
24 you believe committed or could have potentially

1 committed the crime?

2 A. No. You could have a suspect that you
3 believe committed a crime, but it turns out to be that
4 he's not and you're interrogating him because you have
5 reason to believe that he did commit it.

6 Q. Would you interrogate a witness who may have
7 information about a potential suspect? Is that still
8 an interrogation?

9 A. No. If he's -- if that person is a witness
10 and you're interviewing him and you have reason to
11 believe that he had no involvement or personal
12 knowledge of who may have committed a crime, he would
13 still or she would still be considered a witness and
14 you're interviewing them basically for the purpose of
15 extracting the information.

16 Q. So an interrogation is always of someone that
17 you believe could have been involved in the crime?

18 A. Correct.

19 Q. At the Normal Police Department when you
20 investigated -- I'm sure you investigated a number of
21 crimes.

22 A. Yes.

23 Q. Can you give me an approximation of how many
24 investigations you were a part of?

1 A. How about more than 10 and less than
2 a thousand.

3 Q. Fair enough.

4 In those investigations that you were a part
5 of, between 10 and a thousand -- I'm sure it was more
6 than 10.

7 A. Oh, yes.

8 Q. I'm sure you could name 10 just sitting here
9 right now. Was there typically a lead investigator in
10 those investigations?

11 A. The ones that I handled?

12 Q. Yes.

13 A. If they were assigned to me, then I would be
14 the lead investigator.

15 Q. What does it mean when a case is assigned to
16 an investigator?

17 A. The supervisor normally under normal
18 circumstances, the supervisor would read the daily
19 reports, and he would assign the case to an
20 investigator, and that investigator would be the lead
21 investigator under normal circumstances.

22 Q. And what does that mean to be -- is the term
23 lead investigator or is there a different term for
24 that person who was assigned by the supervisor?

1 A. No. I think lead investigator is a general
2 acceptable term in investigations.

3 Q. And that's what you used at the Normal Police
4 Department?

5 A. Yes.

6 Q. Did every investigation have a lead
7 investigator?

8 A. Well, every case that was assigned. If it
9 was assigned to more than one investigator, they would
10 be titled lead investigator there between the two or
11 three or whatever. If it's just assigned to one
12 investigator, it's normally that's his case, that's
13 her case.

14 Q. And what does it mean -- or what does it mean
15 to be the lead investigator of an investigation?

16 A. Well, to help determine who could be
17 responsible for the crime if a crime was committed, to
18 direct all investigation into that particular case as
19 well as testify.

20 Q. So they're the person that directs the
21 investigation? Is that what I'm understanding you to
22 say?

23 A. He's basically in charge of the
24 investigation. He'll investigate himself -- or he'll

1 investigate -- he'll be an investigator also. He'll
2 make assignments.

3 Q. What sort of duties separate him from the
4 rest of the investigators? If more than one is
5 assigned to an investigation, what sets the lead
6 investigator apart?

7 A. Determining what action to take, what avenues
8 to approach, what leads to follow up on, who to assign
9 the leads to, and then to analyze what comes back,
10 feedback from those assignments and to report or to
11 incorporate into the report.

12 Q. Does the lead investigator, is he the only
13 one that would write a report on the investigation?

14 A. Normally, no. Every assistant, if you will,
15 would also write.

16 Q. So all the investigators working on a case
17 could write reports?

18 A. Yes.

19 Q. It's not just the lead investigator?

20 A. Correct.

21 Q. And what about analyzing leads, is that
22 something that only the lead investigator can do or is
23 that something that all the investigators assigned to
24 the case could do?

1 A. They all could be assigned -- working under
2 the same case, they all could be assigned a number of
3 leads.

4 Q. And my question was in particular to
5 analyzing the leads. First of all, what do you mean
6 by analyzing leads? What does that entail?

7 A. To look up the litany of the information as
8 well as the person reporting the information if that
9 is available, and to analyze it with other leads that
10 come in.

11 Q. So is that something, analyzing leads, is
12 that something that all of the investigative team
13 could do, not just the lead investigator?

14 A. Well, they could certainly have input as far
15 as the information they obtain and maybe any thoughts
16 that went along the same lines.

17 Q. And the lead investigator was the one who
18 would assign leads to his fellow investigators?

19 A. Well, if he was assigned the case and as the
20 leads came in, I would certainly think so.

21 Q. What sort of involvement would, let's say, a
22 sergeant have in an investigation?

23 A. To oversee each individual investigator in
24 regards to their status on their reports; to assist,

1 if necessary; and also keep the supervisor abreast.

2 Q. Just the general investigators, would they be
3 precluded from doing something because they weren't
4 titled the lead investigator?

5 MR. BOWMAN: Object to the form of the
6 question. It's vague.

7 You can go ahead and answer.

8 BY MS. BARTON:

9 Q. You can answer. Do you understand the
10 question?

11 A. Repeat your question.

12 Q. Sure. Could an investigator be precluded
13 from doing something because they weren't assigned to
14 be the lead investigator on an investigation?

15 A. That is a possibility, but we had to
16 understand that we're all working for the general
17 purpose of solving a crime. And if that investigator
18 had information, I would surely think they would share
19 it.

20 Q. Were you ever the lead investigator on
21 investigations --

22 A. Yes.

23 Q. -- at the Normal Police Department?

24 How many times were you the lead

1 investigator?

2 A. Well, I really could not give you a fair
3 answer.

4 Q. How about a percentage of times that you were
5 the lead investigator on your investigations? Was it
6 half the time?

7 A. Oh, no. I would say maybe, conservative
8 figure, 10 percent, yes.

9 Q. So 10 percent of the investigations you
10 worked on, you were the lead, right?

11 A. 10 percent of the cases that I worked on is I
12 required assistance from other detectives and I was
13 the lead.

14 Q. Otherwise it might just be you assigned to
15 the investigation --

16 A. Correct.

17 Q. -- alone?

18 A. Right.

19 Q. So 10 percent of the investigations where
20 there were multiple investigators working on it, you
21 being one, 10 percent of the time you were the lead?

22 A. Correct.

23 Q. Was that a formal assignment for someone to
24 be the lead? For example, there was like a memo that

1 would go out, or how did people come to understand
2 that somebody would be the lead investigator on an
3 investigation?

4 A. Supervisor would go to the investigator and
5 say this is your case, I want detective so-and-so to
6 assist you with it, but it's your case.

7 Q. So it was more of an oral assignment?

8 A. Yes.

9 Q. Was there a master list somewhere where it
10 might list out who the lead investigator was and then
11 who the assisting investigators were?

12 A. No, but there is a list of who is assigned
13 what case. There could be three or four detectives
14 assigned, two detectives assigned, and that wouldn't
15 necessarily indicate who the lead investigator is.

16 Q. But that was sort of understood among the
17 investigators?

18 A. Sure.

19 Q. And what does the term lead investigator mean
20 to the outside world? Does the lead investigator --

21 A. He would be supervising the investigative
22 activities.

23 Q. Is he the point person?

24 A. Yes.

1 Q. Would he be the only point person in an
2 investigation?

3 A. No.

4 Q. Well, what would be an example of a time
5 where the lead investigator would be the point person
6 for a particular subject or situation?

7 A. You mean by point, the person responsible
8 from beginning to end?

9 Q. Yes.

10 A. Minor cases, but still -- I interject -- but
11 still in our department, there's a supervisor and a
12 supervisor has the responsibility to read all reports
13 and to review those. And if it needed follow-up, he
14 would reassign that, or if the case was complete to
15 his satisfaction, he would sign off on it and forward
16 it up to administration level or the State's
17 Attorney's Office. Does that make sense?

18 Q. It does. And I have a couple follow-up
19 questions about that.

20 You said that the supervisor would be
21 responsible for reading all the reports written on a
22 particular investigation, right?

23 A. Correct.

24 Q. And the supervisor is different than the lead

1 investigator?

2 A. Correct.

3 Q. Does the lead investigator also have the
4 responsibility of reading all the reports prepared in
5 the investigation?

6 A. Yes. Normally I would say that was his
7 responsibility or her responsibility. But once again,
8 regardless if it was a petty offense or serial
9 homicide, supervisor is the one that reads all the
10 reports and signs off on them.

11 Q. Does the lead investigator sign off on
12 reports?

13 A. No, not necessarily. The lead investigator
14 would sign off on his report that he prepared, and
15 every other subordinate investigator would sign off on
16 their reports. Now, by sign off, I mean they
17 completed their report. In their minds, it's ready
18 for approval or disapproval or whatever.

19 Q. And then it's submitted to the supervisor for
20 approval or disapproval?

21 A. Correct.

22 Q. Could the lead investigator sign off on
23 reports?

24 A. You mean as a final okay?

1 Q. Yes.

2 A. Could he? In the absence of the supervisor
3 being maybe the supervisor is on leave, that's a
4 possibility, yes. There would be somebody in charge.
5 Certainly somebody would have to read the reports and
6 sign off on them.

7 Q. So somebody has to have final say?

8 A. Correct.

9 Q. You also said that the supervisor is charged
10 with forwarding the reports to administration; is that
11 right?

12 A. Correct.

13 Q. What does that mean?

14 A. Well, it depends on what time period we're
15 looking at. Back when I first came on, there were
16 four copies. One would go to the administration which
17 is the chief or his assistant; one goes to a binder
18 where the press would have access to it; one copy
19 would go to a binder in the roll call room where the
20 patrol shift would have access to it; and of course
21 one into records.

22 Q. When was that the practice?

23 A. I don't know when it started. That's the way
24 it was when I came on.

1 Q. So it was like when you got there in 1977?

2 A. We had typewriters. We didn't have a
3 computer system.

4 Q. Sure.

5 A. And there were carbon copies, yeah.

6 Q. When did that practice cease?

7 A. Well, it's still a practice as far as how
8 many copies are printed off with a printer. I don't
9 know what their practice is now because I left
10 13 years ago.

11 Q. When you left 13 years ago, it was still the
12 practice to have four copies of a report?

13 A. Well, I guess in some cases it would and some
14 it would not. The ones that it would not, they were
15 still under investigation perhaps, and we didn't want
16 the news media looking at it. That's probably the
17 reason for it.

18 Q. So the four copies would be -- so the
19 administration is the chief and/or his secretary,
20 right?

21 A. Well, not secretary. His assistant which
22 could be assistant chief, if you will.

23 Q. And then the binder for the press, where was
24 that maintained?

1 A. At the front desk.

2 Q. And what about the patrol binder? Would
3 that -- do you have a patrol room?

4 A. Roll call room, yeah, and then of course
5 records.

6 Q. And records was a separate department?

7 A. Yes.

8 Q. Or division I should say.

9 And the records division maintained sort of a
10 central file for all the investigations?

11 A. Correct.

12 Q. Who would be in charge of making sure the
13 four copies got to those four locations?

14 A. When the supervisor would sign off on, back
15 then it was his responsibility. He would separate the
16 different reports and distribute them to the
17 appropriate place.

18 Q. Did that practice change at some point when
19 you were at the Normal Police Department?

20 A. I guess it could have. Not that I really
21 know of. You could print as many -- when the printers
22 came on line with the computers, you could print as
23 many copies.

24 Q. Do you recall when the department got

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1 computers to type reports roughly?

2 A. I'm going to say roughly in the neighborhood
3 of the late 1980s. Maybe early '90s. I can't be
4 certain.

5 Q. So the reports or the copies of the reports
6 would be sent off to those four locations once the
7 supervisor signs off on it --

8 A. Yes.

9 Q. -- is that right?

10 So an investigator would submit their reports
11 to the supervisors --

12 A. Right.

13 Q. -- who would review it. If they needed any
14 changes, could give it back to the investigator or
15 sign off on it and the four copies were distributed.

16 A. Right.

17 Q. And whether those four copies were in the
18 carbon form or from the computer, it was still the
19 four copies?

20 A. Correct. Presently I believe the -- by
21 presently, I mean the late or the mid teens of 2000.
22 I don't believe they make any copies anymore because
23 everybody can access the computer and read those.
24 Everybody from -- of course there may be one copy for

1 the press, but everybody from the patrol division to
2 supervisors to administration. So there may be just
3 one copy. Cut down on paperwork.

4 MS. BARTON: Can we take a short break?

5 THE WITNESS: Sure.

6 (Whereupon, a break was taken.)

7 BY MS. BARTON:

8 Q. Just in general, during your time as an
9 investigator, what was your practice in terms of
10 writing reports? What sort of investigative
11 activities did you write reports on?

12 A. Any case, of course, I was assigned. If I
13 were to assist someone, of course, I would write a
14 report up for them too as well. I guess that's about
15 it.

16 Q. What did you write reports about, what sort
17 of activity -- investigative activities?

18 A. Oh, I see. The type of crimes would be --
19 once again, whatever assigned me which would be from
20 maybe bad checks, disorderly conduct, phone calls to
21 homicide.

22 Q. What about your specific activities as an
23 investigator, for example, interviewing witnesses or
24 checking out -- running down certain leads? When did

1 you -- what sort of things did you document in your
2 reports?

3 A. You document that information which is
4 pertinent to the investigation -- to the case, be it
5 negative or positive.

6 Q. So interviews, if you interviewed a witness
7 or a suspect, you would write that in a report?

8 A. Correct.

9 Q. Did you document -- have a way of documenting
10 all the phone calls you would make in relation to an
11 investigation?

12 A. Not necessarily.

13 Q. Why is that?

14 A. Depends on the level of crime it was. How
15 important it was to the case.

16 Q. And was that your decision to make?

17 A. Yes, it was each individual detective's,
18 yeah.

19 Q. Sometimes you would document the fact that
20 you'd talk to somebody over the phone.

21 A. Yes.

22 Q. But other times not because it might not be
23 that important.

24 A. Correct, such as no one at home, no one to

1 answer the phone. That wasn't in there.

2 Q. What about investigative activities in the
3 case, like -- well, let me start here. What sort of
4 things did you do as an investigator in investigating
5 a crime? So you interview witnesses. What other
6 types of things do you do in an investigation just
7 generally?

8 A. In most cases normally, you would read their
9 report, extract the information that is pertinent to
10 the case to help identify a suspect and what evidence
11 there is. Then you would take off with trying to
12 locate witnesses, suspects, and interview them or if
13 it led to an interrogation, then interrogated them and
14 then you'd document. And some officers, some
15 detectives would document as they go along, meaning
16 they could write a field note or they could put it in
17 a finished form on a type -- not a typewriter, but a
18 computer.

19 Q. What about did you ever use a dictation?

20 A. Oh, yes, we've used dictation for interviews,
21 and that became part of norm after a while, audio and
22 video.

23 Q. Can you give me examples of other things that
24 you do to investigate a crime other than interviewing

1 witnesses?

2 A. Oh, sure. You can go to the crime scene.
3 You would go to, for instance, the victims. If it was
4 a place of business, you would certainly want to look
5 at -- if it's a burglary, for instance, you would want
6 to look at the crime scene, people that may have
7 knowledge, ask questions concerning procedures to help
8 identify a suspect, information that they could afford
9 to give or could give legally.

10 Q. When you were investigating crimes, did you
11 also try to obtain documentary evidence?

12 A. Oh, yes.

13 Q. What sort of documentary evidence did you try
14 to obtain?

15 A. Tapes from registers, time cards, any
16 receipts maybe that would be pertinent to the case
17 such as maybe travel vouchers, anything that you
18 thought of that would be important.

19 Q. What about if you were trying to find out
20 information about a suspect, could you run a criminal
21 check, stuff like that?

22 A. Absolutely. You would -- you'd want to know
23 who you're dealing with and what kind of background
24 exactly. And, of course, it also helps to identify if

1 they maybe owned a car, didn't own a car, where they
2 lived and their criminal background.

3 Q. And what about contacts with crime labs and
4 things like that? Did the detectives keep in touch
5 with -- as the evidence is developing?

6 A. Yes. As far as physical evidence, that would
7 be collected by an evidence technician most of the
8 time. And they have a procedure that they have to go
9 through in regards to logging the evidence in and
10 storing it and taking it to the crime lab and when
11 it's returned.

12 Q. When you were collecting documentary evidence
13 like the receipts you were talking about, is that
14 something that you would document in your report that
15 you had located certain documents?

16 A. For the most part. And it also may mention
17 in your report document such-and-such, copy attached,
18 original entered into evidence.

19 Now, once again, that depends on the
20 detective. It wasn't etched in stone that this is the
21 way it will be done, but to make it a lot easier and
22 to be able to locate such documents.

23 Q. It would be a good -- finish your sentence
24 there.

1 A. It would be a lot easier to locate documents
2 if it were mentioned in your report, where the
3 document is, if it's not attached to a report.

4 Q. So, for example, writing a report saying I --
5 you know, reporting officer obtained receipt X which
6 is maintained in the central file or whatever --

7 A. Right, or it could be attached to the report.

8 Q. To the report itself.

9 A. Yeah.

10 Q. What was your practice in writing reports in
11 relation to what you were doing? How quickly would
12 you write your reports?

13 A. Normally after every step, especially with
14 the computers, I would document that in my report. If
15 I had field notes, I'd bring back to our division.
16 I'd document that in the report and then shred the
17 field reports once I was satisfied my information was
18 put into the report.

19 Q. And did you try to get the information to a
20 report within a week of --

21 A. Sooner than that, yeah.

22 Q. Sooner than that?

23 A. Yes.

24 Q. Can you give me an example of something that

1 wouldn't be, as you put it, pertinent to the case, so
2 it wouldn't be included in a report? You gave me one
3 example being if you tried to call somebody and you
4 didn't get an answer. You wouldn't necessarily put
5 that in your report.

6 Can you think of any other examples like
7 that?

8 A. Well, using the same kind of example, someone
9 calls you and says I got some information on this case
10 or I found my wallet, it wasn't stolen. Of course
11 that would be documented.

12 Q. What about types of things that wouldn't be
13 documented in the report? Like the example you gave
14 me before about if you tried to contact somebody and
15 they weren't home and you couldn't leave a message,
16 that wouldn't necessarily be reflected in your report?

17 A. Correct.

18 Q. What other kinds of examples of things that
19 wouldn't necessarily appear in a report?

20 A. Generalities, maybe a time or a date or a
21 location. That depends. I wish I could be more
22 specific without giving you an example of a case. It
23 all depends upon the particular case.

24 Q. And what's pertinent to that particular

1 investigation --

2 A. Correct.

3 Q. -- in the eyes of the officer?

4 A. Correct, yes. And then sometimes it could be
5 corrected by your supervisor, well, what happened
6 here? And he may give it back to you and say, you
7 need to put that in the report. Your opinions would
8 not be -- should not be in your reports because those
9 are strictly opinions.

10 Q. Did you submit your reports to anyone for
11 review other than your supervisor?

12 A. No, not that I could recall. I mean, there
13 could have been over the -- see, even when you work
14 the street as a patrolman, you had cases you had to
15 follow up on. So I would have to say I couldn't think
16 of any.

17 Q. When you were working an investigation, did
18 you -- with other investigators, did you read their
19 reports as they were prepared?

20 A. Oh, yes.

21 Q. And how would you get copies of their
22 reports?

23 A. They would give them to me. They could make
24 a copy. Or if I saw that I needed a copy, then I

1 would make it myself. There would be a copy available
2 if needed.

3 Q. Let's turn to the Jennifer Lockmiller
4 homicide investigation, okay? When did you first
5 learn that a body had been found at [REDACTED] ?

6 A. It was a Saturday afternoon. I was at home,
7 and one of the officers had called me.

8 Q. Do you recall who that was?

9 A. Kirk, K-i-r-k, Ijams, I-j-a-m-s.

10 Q. And what did Kirk tell you?

11 A. Well, I -- verbatim, I don't recall. But he
12 said something to the effect that they found a young
13 girl who'd been dead quite a while on the [REDACTED] block --
14 he gave me the exact address. I think it was [REDACTED]
15 [REDACTED] in Normal.

16 Q. Was he on the scene when he called you?

17 A. I don't recall.

18 Q. Was he a detective?

19 A. No, he was patrolman -- either patrolman or
20 supervisor, sergeant.

21 Q. And why was he contacting you?

22 A. I was on-call detective, one of them.

23 Q. What does that mean?

24 A. That means if the Normal Police Department

1 had a need for a detective, then they would call that
2 on-call detective, and their primary duty of course
3 was -- is to respond to the scene or to the station.

4 Q. And so on-call means it wasn't necessarily
5 your shift, but you had your pager or your --

6 A. Correct.

7 Q. Or you were available by phone?

8 A. Off time.

9 Q. Off time.

10 A. Right.

11 Q. Did you have a pager back then?

12 A. Seems to me I did. I could have had one.

13 Q. You don't recall either way?

14 A. Well, I was home. It was a Saturday
15 afternoon. I was working on the house. So I probably
16 didn't have a pager on me, but -- I could have been
17 paged and then went in and called. I don't recall.

18 Q. Were you one of the first people notified
19 that you know of?

20 A. First detective that I know of. There were a
21 few officers on the scene when I got there, uniformed
22 officers.

23 Q. At this point in 1993, how many death
24 investigations had you been a part of at the

1 Normal Police Department?

2 MR. BOWMAN: Death investigations?

3 MS. BARTON: Yes.

4 THE WITNESS: Does that include homicide --
5 I'm sorry. Does that include natural causes and
6 suicide?

7 BY MS. BARTON:

8 Q. Yes.

9 A. Six perhaps.

10 Q. And how many of those were homicide
11 investigations?

12 A. Well, let me answer it this way: Lockmiller
13 was probably my third perhaps.

14 Q. Third homicide investigation?

15 A. Correct. I mean, there were several natural
16 causes and suicides.

17 Q. About six of those you said?

18 A. No. About three were homicide -- I
19 investigated, took part in, assisted with about
20 three homicides as far as Normal PD goes. But there
21 were other homicides that were and still are
22 unresolved that I worked on.

23 Q. By 1993, you had worked on -- this was the
24 third homicide investigation?

1 A. Conservative, yes, I would say three.

2 Q. And was the Normal Police Department the
3 agency that was investigating the Lockmiller homicide?

4 A. Correct.

5 Q. Were there other agencies assisting in that?

6 A. Oh, yes, there was Illinois State Police,
7 McLean County Coroner's Office. As the initial
8 investigation started, there was also Department of
9 Criminal Investigations that assisted, FBI assisted,
10 special support technicians in Springfield assisted.

11 Q. What's the Department of Criminal
12 Investigations?

13 A. That's a joint task force made up of
14 McLean County, State Police district,
15 Normal-Bloomington, ISU. And that's about it, I
16 think. Officers from each department assigned as a
17 task force.

18 Q. And so that task force assisted in
19 investigating the Lockmiller homicide?

20 A. They assisted. Now, by that, I don't know
21 exactly what their limitations were or their purviews
22 were or exactly what they did. I can tell you they
23 helped with -- by furnishing information, they helped
24 identify a suspect or a person of interest. United

1 States Marshals office was one also.

2 Q. What about Bloomington Police Department?

3 A. They could have, yes.

4 Q. Do you know either way?

5 A. Normally something like that one department
6 will call the other department and offer assistance if
7 it's needed.

8 Q. And do you recall that happening in this case
9 with Bloomington Police Department?

10 A. I can't recall one way or the other.

11 Q. How about the McLean County Sheriff's Office?

12 A. Well, coroner's. McLean County Coroner's
13 Office.

14 Q. Not the sheriff's office?

15 A. Later on they did an investigation. I think
16 that was Lieutenant John Brown. He assisted basically
17 with Tim Freesmeyer.

18 Q. And it was at least your understanding that
19 Lieutenant John Brown was a lieutenant at the
20 McLean County Sheriff's Office?

21 A. Correct.

22 Q. And there was some assistance with -- by the
23 Rockford Police Department?

24 A. Oh, yes. Yes, there was. I'm sorry.

1 Q. And what about Winnebago County which is up
2 in Rockford?

3 A. That's the department, right, Winnebago.

4 Q. How did the FBI assist in this investigation?

5 A. By submitting requests for data information,
6 locating records I would say. I'm trying to think if
7 it was this case or a case that happened almost to the
8 date a year later. VICAP, V-I-C-A-P, that's violent
9 offenders who have -- they have a database and in that
10 database is stored information that is obtained from
11 the FBI regarding -- and other agencies regarding
12 crimes, major crimes that were committed, information
13 as far as individuals that did it and what their
14 motives -- or rather modis operandi was and like
15 crimes.

16 Q. Do you know if that database was utilized in
17 this case?

18 A. I don't know if it was that case. It may
19 have been a different case that I had worked on and
20 then I requested that information. So once again, I
21 can't be certain on that.

22 Q. How did the U.S. Marshal's Office assist in
23 the investigation?

24 A. They located one of the initial persons of

1 interest that was acquainted with the victim, and they
2 located him down in Florida, and he was being
3 transported during the period of her death.

4 Q. And I notice that you're using the phrase
5 person of interest, but we haven't defined it because
6 I didn't think you used that. Did you use that
7 term --

8 A. No.

9 Q. -- in the Normal Police Department?

10 MR. BOWMAN: I thought you did define it.

11 BY MS. BARTON:

12 Q. We didn't define person of interest, so maybe
13 you could define it for me if you're going to be using
14 it.

15 A. In today's law enforcement language, they use
16 person of interest; whereas, back in my days, we used
17 the word suspect title. Basically the same thing.

18 Q. Is there any difference in your mind?

19 A. In my mind there is not, because a person of
20 interest could be a witness or he could be a suspect
21 until he's ruled out. A suspect could be a suspect
22 until they're ruled out or a witness. Interchangeable.

23 Q. So when you're using that phrase, person of
24 interest, it's interchangeable with suspect?

1 A. I've always used suspect in my mind, and if I
2 were still investigating, I would say suspect.

3 Q. And the only reason I asked is because you've
4 used the term a couple of times --

5 A. Since then.

6 Q. -- since you said you don't use the term.

7 With the U.S. Marshal's Office, they located
8 a person of interest or a suspect, right, in Florida?
9 Is that what you recall with respect to this case?

10 A. They located the individual who was a
11 boyfriend of Jennifer Lockmiller.

12 Q. Do you recall who that was?

13 A. John Revis and he was incarcerated at the
14 time and in their custody.

15 Q. At what time?

16 A. Time of Jennifer's death.

17 Q. You also referred to support technicians --

18 A. Yes.

19 Q. -- that assisted in the case? Who are the
20 support technicians?

21 A. They're from State Police down in
22 Springfield. They assist with body wires and wire
23 taps.

24 Q. They are part of the Illinois State Police?

1 A. Correct.

2 Q. And they assisted in this case with body
3 wires?

4 A. With Detective Freesmeyer.

5 Q. And what did the coroner's office do in
6 relation to this case?

7 A. Well, they showed up on the crime scene, took
8 custody of the body, and then held an autopsy at the
9 coroner's inquest.

10 Q. And you testified at the coroner's inquest,
11 right?

12 A. Yes.

13 Q. What about the -- go ahead.

14 A. Let me back up on that. I don't know if I
15 testified at that one or not. It seems to me that
16 Officer Marty Fogler may have because he was one of
17 the first officers on the scene.

18 Q. Other than providing support technicians, how
19 else did the Illinois State Police assist in the
20 investigation?

21 A. They sent out a crime scene investigator.
22 They also had taken John Murray -- attempted to take
23 John Murray's polygraph examination, attempted to
24 administer one to him. And according to the reports,

1 they administered two polygraphs to two other of
2 Jennifer Lockmiller's boyfriends.

3 Q. Did they send out one crime scene
4 investigator?

5 A. As I recall, yes.

6 Q. Dean Kennedy, is that his name?

7 A. Yes.

8 Q. For this investigation, did the Normal Police
9 Department have a crime scene technician?

10 A. Dave Warner, and I believe his involvement
11 was somewhat limited because of the state crime lab
12 technician being there on account of the type of crime
13 it was.

14 Q. Within, let's say, the first week after
15 Ms. Lockmiller's body was found, how many people from
16 the Normal Police Department were assigned to the
17 investigation?

18 A. Well, let's see. Four, perhaps five.

19 Q. Were they all detectives?

20 A. Yes.

21 Q. Who were they?

22 A. Tim Freesmeyer, Rob Hospelhorn, Dave Warner,
23 John Belcher, and myself. And if you want to include
24 the supervisor, that would have been Frank Zayas,

1 Z-a-y-a-s.

2 Q. Was he a lieutenant at the time?

3 A. Yes.

4 Q. So there were -- so Freesmeyer, Hospelhorn,
5 Warner, Belcher, and yourself. That's five
6 detectives. How was -- just describe for me, I guess,
7 the -- strike that.

8 Of those five individuals, within that first
9 week of Ms. Lockmiller's body being located, was there
10 a lead investigator assigned to the homicide
11 investigation?

12 A. Yes.

13 Q. And who was that?

14 A. That was myself.

15 Q. Who assigned you to be the lead investigator?

16 A. Chief Taylor. I'd like to explain that.

17 Q. Sure.

18 A. Lieutenant Zayas was out of town at the time
19 and Chief Taylor, along with his assistant, Walt
20 Clark, came into the police department and came into
21 the CID and inquired as to whether Lieutenant Zayas
22 was there, and of course the response was no. And
23 Chief Taylor, he said to me, looks like you're it
24 then. At that time, I had taken on the responsibility

1 because of what he had said.

2 Q. When did that occur?

3 A. That same day that the body was found, late
4 afternoon, Saturday.

5 Q. And he said to you looks like you're it?

6 A. Correct.

7 Q. And to you that means that you were assigned
8 to be the lead investigator?

9 A. Correct.

10 Q. And what significance did that have in terms
11 your role in the investigation?

12 A. I assisted with the -- appointing other
13 detectives at that date and time with certain
14 responsibilities. Dave Warner was interviewing the
15 young lady who had discovered the body.
16 Tim Freesmeyer was interviewing Mike Swaine, who was
17 Jennifer Lockmiller's last live-in boyfriend.
18 Rob Hospelhorn and I went up later that -- late
19 afternoon -- as a matter of fact, it was late evening,
20 up to Rockford to talk to Alan Beaman. John Belcher
21 I don't believe was present at that time.

22 Q. Was Detective Hospelhorn your partner?

23 A. Yes.

24 Q. Had he been your partner before this

1 investigation?

2 A. No. I think this is the first one that we
3 worked together on. He was temporarily assigned to
4 work in detectives. That's the way the assignment was
5 for him, temporary.

6 Q. Because otherwise he was in patrol?

7 A. Correct, yes.

8 Q. And how long -- do you know how long his
9 assignment was in detectives at that time?

10 A. I think it was a six-month period, if not a
11 two-year. Don't quote me on either one. It's either
12 six- or a two-year.

13 Q. Were you Officer Hospelhorn's partner during
14 his six-month or two-year assignment in CID?

15 A. No, just this particular case.

16 Q. And why were the two of you partnered up for
17 this case?

18 A. He was available.

19 Q. Did all the investigators working on this
20 case partner up and have partners or was it just you
21 and Detective Hospelhorn?

22 A. As I recall, it was just he and I together,
23 and the other ones had certain assignments.

24 Q. Was there something about your assignment

1 that required you to have a partner?

2 A. Well, yes, we were going to go up and talk to
3 Alan Beaman that night.

4 Q. But Detective Hospelhorn was your partner
5 throughout your entire work on the Lockmiller homicide
6 case; is that right?

7 A. Initially. Initially until it was handed
8 over to Tim Freesmeyer.

9 Q. And when was that? When was it handed over
10 to Tim Freesmeyer?

11 MR. DiCIANNI: I'm sorry, what was what?
12 What was handed over?

13 MS. BARTON: He said the case was handed over
14 to Detective Freesmeyer.

15 THE WITNESS: I don't recall the exact date
16 of that. It just seems to me that basically we were
17 out of the investigation except for an assignment or
18 two later, about maybe a month, month and a half
19 later. Again, I don't have the exact time.

20 BY MS. BARTON:

21 Q. So between the day the body was found and
22 when you say that Detective Freesmeyer took the case
23 over, was Detective Hospelhorn your partner during
24 that entire time?

1 A. Yes.

2 Q. And what does that mean to be partnered on
3 the investigation?

4 A. He and I would look at leads, follow those up
5 together or separately. Depends on what type of a
6 lead it was. We interviewed and interrogated
7 together. We went up to Rockford. We went down to
8 Springfield to, you know, interview. And other places
9 in Normal-Bloomington that we interviewed associates
10 of Alan's as well as Jennifer's.

11 Q. So there were some tasks that you performed
12 separately, but a majority you performed together?

13 A. Correct.

14 Q. And you said that you conducted interviews
15 and interrogations with Detective Hospelhorn. Did you
16 take turns asking the questions in the interrogation?

17 A. Yes. I would usually lead off, and then if
18 Detective Hospelhorn had any questions, of course he
19 was welcome to ask them.

20 Q. How did you decide that you would be the one
21 asking questions?

22 A. My experience, experience in investigations.

23 Q. When you conducted the interviews or
24 interrogations with Detective Hospelhorn, did you take

1 notes?

2 A. Most of the notes were taken by Hospelhorn if
3 he was present with me or -- I'm sorry.

4 Q. So you would be asking the questions and he
5 took notes?

6 A. Yes, and there are times that I had taken
7 notes as well.

8 Q. While he was asking questions?

9 A. Well, while both of us were asking questions,
10 yeah.

11 Q. And how did you determine who would report on
12 your activity between you and Detective Hospelhorn?

13 A. Well, Rob took it basically upon himself to
14 do the final report on each individual activity.

15 Q. But you wrote some reports in the case,
16 though, too?

17 A. Yes.

18 Q. So what do you mean then by
19 Detective Hospelhorn took it upon himself to report on
20 the final activity?

21 A. Well, if we had a witness and we finished
22 with the interview with him, and what Rob Hospelhorn
23 would do would type up the report. We interviewed
24 so-and-so on such date and this is what that witness

1 or person has to say or --

2 Q. Did you read the reports that he prepared?

3 A. Yes.

4 Q. Before he submitted them to his supervisor?

5 A. Oh, yes, he would give them to me. I would
6 look at them and read them.

7 Q. And Zayas was the supervisor in charge of
8 this investigation?

9 A. Correct.

10 Q. So you and the other detectives submitted
11 your reports to Lieutenant Zayas?

12 A. Yes.

13 Q. When you considered yourself the lead
14 investigator on the investigation, how did you divvy
15 up the work?

16 A. I was appointed as lead investigator. And
17 what was your question?

18 Q. Were you the person that assigned one of the
19 detectives to follow up on certain leads, so one of
20 the five detectives?

21 A. The following week when Lieutenant Zayas had
22 come back into town, which was would have been a
23 Monday, he had then took over the assignments.

24 Q. So Lieutenant Zayas came back to town, what,

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1 within a week of Ms. Lockmiller's body being found?

2 A. Well, the body was found on Saturday, and I
3 believe he was back in the office on a Monday.

4 Q. A few days after the body was found or --

5 A. Correct.

6 Q. -- a week?

7 A. Two days.

8 Q. Two days?

9 A. Yeah.

10 Q. So once he got back to town, Lieutenant Zayas
11 was the one who assigned each of the detectives to
12 certain -- to follow up on certain leads or conduct
13 interviews?

14 A. Correct.

15 Q. But before that time, it was you on that
16 Saturday and Sunday?

17 A. Correct.

18 Q. From reading all the reports in this case,
19 it's pretty clear that there were a number of meetings
20 where the investigators would get together and discuss
21 the evidence and strategy, things like that. Do you
22 recall meetings like that happening in the Lockmiller
23 homicide investigation?

24 A. Well, yes, yes, I do. I believe it was the

1 following Sunday that Rob Hospelhorn -- the following
2 day which was a Sunday, Rob Hospelhorn and I had went
3 up to Rockford. We had a meeting. Of course the
4 chief was there and State's Attorney was there, I
5 believe. I don't know exactly who was there. And we
6 discussed what our findings were as a result of the
7 interview with Alan Beaman.

8 Q. And were there other times where all these
9 detectives working on this investigation would get
10 together and discuss the case?

11 A. I don't really recall. There could have
12 been.

13 Q. Did you share information with other
14 investigators as you were investigating the case?

15 A. Oh, yes, if we had the information that was,
16 you know, pertinent and give you direction.

17 Q. How would you go about sharing that
18 information?

19 A. Well, verbally. Sometimes Lieutenant Zayas
20 would share it in a report.

21 Q. But you don't recall -- so the one meeting
22 that you do recall was the Sunday after the body was
23 found. Do you recall any other meetings among
24 investigators?

1 A. Just investigators?

2 Q. Uh-huh.

3 A. I don't really.

4 Q. How about meetings with investigators and
5 other people?

6 A. Yes, with State's Attorney's Office, the
7 meeting that I described earlier in this deposition
8 with then the prosecutor, Jim Souk.

9 Q. In May of 1994?

10 A. Yes. As a matter of fact, that's where I'd
11 been when I had returned from that school. That's
12 where I'd been prior to his -- Alan Beaman's arrest.

13 Q. Yes. And you went to -- you already
14 testified that you went to the unsolved homicide class
15 in April of 1994?

16 A. Correct.

17 Q. And I'll just represent to you that
18 Mr. Beaman was arrested in May of 1994.

19 A. Okay.

20 Q. Does that jibe with your memory?

21 A. (Nodding.)

22 Q. Do you remember any other meetings between
23 investigators and somebody from the State's Attorney's
24 Office during this investigation?

1 A. Up to what point?

2 Q. Well, let's say between the Sunday meeting,
3 so Sunday, August 29, and then the May 1994 meeting.

4 A. Well, there could have been meetings between
5 Frank Zayas and the State's Attorney's office,
6 Frank Zayas and the chief, Freesmeyer and the
7 State's Attorney's Office.

8 Q. What about meetings where you were present?

9 A. Well, once again, there could have been
10 meetings, but I don't recall if there were or if, in
11 fact, there were, how many or what occurred.

12 Q. And you don't recall if they even happened,
13 right?

14 A. Correct.

15 Q. You've already mentioned Jim Souk being
16 present at the August 29 meeting which we'll discuss
17 in a little bit. What was -- I guess how many times
18 did you speak with Mr. Souk about the Lockmiller
19 homicide investigation between that Sunday, August 29
20 meeting, and the May 1994 meeting?

21 A. I was up at the State's Attorney's Office. I
22 don't know what the purpose of it was. But I asked
23 him -- he was in his office. I asked him if they were
24 going to check the speedometer on Alan's car.

1 I also called him at one time, and, again, I
2 don't remember what time period it was, and I asked
3 him if he was going to -- if he could reprocess the
4 evidence. And his response was what for? And I said,
5 well, if you reprocess the evidence and find out that
6 Alan did commit the homicide, then you can rest assure
7 you had the right person. I said, but on the other
8 hand, if it wasn't him, then you arrested the wrong
9 person. And his response was, well, you guys did
10 arrest the right person, didn't you? And I responded
11 to him, my name was not on that arrest warrant. And
12 that was about the end of the conversation.

13 Q. So this was --

14 A. Wait. I'm sorry, it wasn't the end. He
15 responded then and said, well, I think we'll just wait
16 until after the appeals before we do any reprocessing.

17 Q. So this was the conversation where you called
18 Mr. Souk?

19 A. Correct.

20 Q. Mr. Beaman had already been arrested?

21 A. Yes.

22 Q. Had Mr. Beaman been convicted at that time?

23 A. I don't recall.

24 Q. And what evidence did you need or did you

1 want to reprocess?

2 A. All evidence, mainly of course her clothing
3 items, the bed linen, blanket.

4 Q. And why did you call Mr. Souk about that?

5 A. He was the chief prosecutor. He was making
6 the calls, or I should say directing that particular
7 case.

8 Q. Well, why would you call the chief prosecutor
9 regarding reprocessing evidence?

10 A. I had an interest in it. I still had an
11 interest in it.

12 Q. But why the prosecutor in particular?

13 A. I do not know who else I would call.

14 Q. Did you talk to anybody else about
15 reprocessing evidence other than Mr. Souk?

16 A. Again, I don't recall if I did. That's
17 possible.

18 Q. What about the time you said you went to the
19 State's Attorney's Office and talked to Mr. Souk about
20 the speedometer, do you mean the speedometer in
21 Mr. Beaman's vehicle?

22 A. Correct.

23 Q. When did that conversation take place?

24 A. Well, it would have to have been probably

1 prior to the arrest. I did speak -- in regards to
2 your last question, I did speak to then Police Chief
3 Walt Clark. Chief Taylor had passed away and
4 Walt Clark who at that time was his assistant became
5 the chief, and I was at Evanston School going to a
6 ten-week command staff school.

7 When I got back, Chief Clark wanted to speak
8 to each sergeant and lieutenant in regards to any
9 issues that we may have regarding the department in
10 general. And he asked me -- Chief Clark asked me if I
11 had any particular interest. And I said, well, yes, I
12 got two. I said there are two homicide cases that I
13 have interest in. He said what are they? I said,
14 well, there's the Rostadt (phonetic) case and then
15 there's the Beaman case. He said, well, what about
16 the Beaman case? I said, in my opinion, you may have
17 the wrong person in prison. And then his response
18 was, well, if we got the wrong kid in prison, let's
19 get him out. I'll even pay to have the evidence
20 reprocessed.

21 Q. And what did he say in response?

22 A. I said okay.

23 Q. And so where did it go from there with
24 Chief Clark?

1 A. I don't know -- well, as far as following
2 through with his suggestion? At that time, processing
3 the evidence didn't go anywhere.

4 Q. Did you call Mr. Souk about reprocessing the
5 evidence after you talked to Chief Clark?

6 A. I don't recall if I did.

7 Q. When in relation to talking to Chief Clark
8 did you contact Mr. Souk, whether it was before or
9 after? Was it within a year, a couple days?

10 A. Well, you know, I'm sorry, I just don't
11 recall those dates.

12 Q. I'm just wondering if you walked out of
13 Chief Clark's office and called Mr. Souk or it might
14 have been a span -- a period of time in between that?

15 A. Oh, I see. No, I'm sorry, I can't pinpoint
16 for you.

17 Q. And you said you talked to Chief Clark
18 shortly after you took a ten-week course in Evanston,
19 and you don't recall when that course took place?

20 A. No, I don't.

21 Q. Do you recall when Chief Taylor passed away?

22 A. Yeah, it would have been shortly -- it was
23 during that time period because I came back for the
24 funeral.

1 Q. Came back from where?

2 A. Evanston.

3 Q. Did you go to the ten-week course in Evanston
4 after Mr. Beaman was convicted?

5 A. I was going there -- did I go there before or
6 after he was convicted? It might have been even
7 during.

8 Q. During his criminal trial?

9 A. It could have been -- well, I was there for
10 testimony in his trial. But when I came back and had
11 that conversation with Chief Clark, he had already
12 been in prison, so I would have to attend that class
13 after he was convicted.

14 Q. Let's go back to the conversation you had
15 with Mr. Souk at the State's Attorney's Office about
16 checking the speedometer, and this was before
17 Mr. Beaman's arrest. Why did you go to Mr. Souk about
18 the speedometer in Mr. Beaman's vehicle?

19 A. Well, to see if it was tampered with. If
20 there's a way we could record the mileage off of it.

21 Q. And why did you go to Mr. Souk about that?

22 A. Well, he was in charge of the investigation.
23 Prosecutor -- he was the chief prosecutor and that was
24 early into the investigation.

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APPENDIX 001890

1 Q. So why did you go to the prosecutor? Were
2 you trying to get some sort of search warrant or why
3 did you go to the prosecutor as opposed to somebody at
4 the police department?

5 A. Because it was just a spur-of-the-moment
6 thought when I was up there.

7 Q. What did you think Mr. Souk could help you do
8 in terms of checking out the speedometer?

9 A. Well, he would have to obtain a warrant.

10 Q. Were you seeking to obtain a warrant and
11 seeking Mr. Souk's assistance in that?

12 A. Suggestion. It was a suggestion.

13 Q. A suggestion that somebody should get a
14 search warrant?

15 A. Well, yes.

16 Q. But you weren't -- you weren't the one that
17 was going to get the search warrant?

18 A. Well, if he would have handed it to me and
19 had me request it, I guess I would have been obligated
20 to swear in before the judge to get the warrant.

21 Q. Did you talk to any investigators at the
22 Normal Police Department before you went over to the
23 State's Attorney's Office about checking the
24 speedometer?

006766

1 A. No. I was there on another matter. And,
2 like I said, it was a spur-of-the-moment thought.

3 Q. Were you meeting with Mr. Souk on a different
4 matter?

5 A. No.

6 Q. Why were you at the State's Attorney's Office
7 at that time?

8 A. I don't know what paperwork I had, but it was
9 something else.

10 Q. Unrelated to the Beaman case?

11 A. Correct. Correct.

12 Q. And then you had a spur-of-the-moment thought
13 and there's Mr. Souk?

14 A. Yeah.

15 Q. And you just wanted to talk to him about it?

16 A. Correct.

17 Q. What did Mr. Souk say about that?

18 A. I don't recall what his response was.
19 Apparently he was in favor of it because a search
20 warrant was obtained and executed by Tim Freesmeyer.

21 Q. Did you ever talk to Detective Freesmeyer
22 about that?

23 A. No.

24 Q. Why not?

C06767

1 A. I had no need to.

2 Q. Well, did you share your thoughts -- your
3 spur-of-the-moment thought about getting a search
4 warrant for the speedometer, did you share that with
5 any investigators?

6 A. Possibly. Again, I don't recall.

7 Q. Were you still the lead investigator at the
8 time?

9 A. No.

10 Q. What about any other conversations you recall
11 having with Mr. Souk prior to Mr. Beaman's conviction?

12 A. That's all I recall having with him.

13 Q. What about after the conviction?

14 A. No, other than that phone call.

15 Q. The one we've already discussed?

16 A. Correct.

17 Q. What about with Mr. Reynard who was the
18 State's Attorney for McLean County at the time of the
19 investigation?

20 A. I recall having two conversations with
21 Mr. Reynard. The first conversation was via telephone
22 from the CID office at Normal, and he was home. We
23 had a question regarding that Saturday night prior to
24 going to Rockford regarding possibility of making an

C06768

1 arrest of Alan Beaman if, in fact, we determined he
2 was the suspect.

3 Q. So you called Mr. Reynard at home when he was
4 at home and you were at the CID --

5 A. Correct.

6 Q. -- before you went to go to talk to
7 Mr. Beaman in Rockford?

8 A. Correct.

9 Q. And that would have been August 28, the day
10 the body was found?

11 A. Is that the date?

12 Q. Yes.

13 A. Okay.

14 Q. That Saturday.

15 A. Right.

16 Q. And why were you calling Mr. Reynard about
17 that?

18 A. Because advice whether or not if we needed an
19 arrest warrant to arrest him if we thought that he was
20 involved in the murder, if he was going to issue it or
21 have him extradited. That was my first conversation
22 with Charlie Reynard.

23 Q. About the Beaman case or ever?

24 A. That was my first one with the Beaman case.

006769

1 Q. And what did Mr. Reynard say?

2 A. You can go ahead and arrest him if you have
3 enough probable cause as I recall.

4 Q. You can arrest him without a warrant, right?

5 A. (Nodding.)

6 Q. Yes? It has to be a verbal --

7 A. As I recall, yes.

8 Q. I'm sorry. It just has to be a verbal
9 answer. I know you're shaking your head, but --

10 A. Yes. I'm sorry. I should have known that.

11 Q. And what was the second conversation you
12 recall?

13 A. I was in Charlie Reynard's office when he was
14 still a State's Attorney and Beaman had already been
15 convicted and I was getting another felony case
16 screened, meaning that he was reviewing the felony
17 paperwork to see if there's enough there to formally
18 charged the person mentioned in that report. And I do
19 not know what the exact words or who initiated the
20 subject matter, but we were talking about Alan Beaman,
21 but not in any particular detail, and his thought was,
22 well, we got the right guy.

23 Q. Did he say that?

24 A. Yes.

C06770

1 Q. And what did you say?

2 A. I didn't respond. I knew it was going to be
3 the end of conversation as far as Alan Beaman goes and
4 respecting his position.

5 Q. Was that all that you two discussed about the
6 Beaman matter?

7 A. It wasn't a discussion. It was just a
8 comment.

9 Q. Comment. Fair enough.

10 Any other conversations you remember with
11 Mr. Reynard either before or after Mr. Beaman's
12 conviction?

13 A. Not that I recall.

14 Q. What about Lieutenant John Brown?

15 A. Yes, John Brown and I were directed by
16 Frank Zayas -- again, I don't recall the date and the
17 time. But we were to go up to Rockford to the
18 Beamans' residence, Mr. and Mrs. Beaman, and Alan
19 Beaman of course resided there, and we were to have --
20 attempt to make contact with the Beamans, the parents,
21 regarding -- having a further conversation with Alan.
22 And we waited there for quite a while and there was no
23 activity in and out of the residence. Therefore, we
24 left Rockford and came on back to Normal. We were

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1 there approximately an hour, maybe an hour and a half.
2 That's the only time that John Brown and I, as I
3 recall, had any association together regards to this
4 case.

5 Q. No other conversations you remember having
6 with --

7 A. No, I don't.

8 Q. -- Lieutenant Brown?

9 What did you understand his role in the
10 investigation to be?

11 A. John Brown?

12 Q. Uh-huh.

13 A. Aside from being with me to go up there, he
14 worked with Tim Freesmeyer.

15 Q. But he was assisting on the investigation?

16 A. Correct, at the direction of -- my
17 understanding at the direction of perhaps
18 Charlie Reynard or Jim Souk.

19 Q. And why do you say that?

20 A. Because he's a McLean County deputy, and he
21 would come under their jurisdiction and authority.

22 Q. So he was a lieutenant in the sheriff's
23 office at that time?

24 A. Correct. Well, I believe at the time, he was

1 on assignment with the State's Attorney's Office as an
2 investigator.

3 Q. Any other conversations with John Brown
4 before or after the conviction that you recall --

5 A. Not that I recall.

6 Q. -- about the Beaman case?

7 So after you got the phone call on Saturday,
8 which is, I'll just represent to you, August 28, 1993,
9 the Saturday that Ms. Lockmiller's body was found,
10 what was the first thing that you did after you
11 received the phone call at your house?

12 A. Went to the scene.

13 Q. When you arrived at the scene, what did you
14 do?

15 A. I talked to some of the officers. It seems
16 to me it was Lieutenant Kotte, he was a lieutenant in
17 charge of shift that day.

18 Q. K-o-t-t-e?

19 A. K-o-t-t-e.

20 Q. And what information did Officer Kotte share
21 with you?

22 A. Basically there was a young female there in
23 the bedroom, scissors in her chest, her underclothing
24 had been pulled down, she had been laying there for

1 quite a while. I went in and didn't do a detailed
2 examination of the scene. As I recall, Chief Taylor
3 arrived and wanted me to get back to the CID to start
4 working on the case.

5 I recall Freesmeyer being there as well, and
6 he started interviewing some of the neighbors because
7 it was an apartment complex.

8 Q. How long were you at the crime scene?

9 A. Maybe 20 minutes, a half an hour. I know the
10 coroner arrived before I left, and I don't know if
11 Dean from state crime lab had arrived before -- oh,
12 yeah, he did because I saw him then. He was working
13 on it. So I don't know how long.

14 Q. Did you observe Ms. Lockmiller's body in the
15 condition in which it was found?

16 A. I observed it but not examined it.

17 Q. What did you observe about her body?

18 A. Well, she was in the bedroom. She was on her
19 back and her legs were underneath her knees, and, you
20 know, she was partly lying on the legs. Her shorts
21 and her under panties were pulled down, I believe, and
22 her bra was pushed up along with her blouse, and there
23 were a pair of scissors embedded in her chest, and the
24 cord from a clock radio was wrapped around her throat.

1 That's basically what I observed.

2 Q. Did you observe anything else about the
3 apartment?

4 A. There were cats, kittens in the apartment.
5 Like I say, I didn't have the opportunity, the time,
6 to further examine or inspect the apartment.

7 Q. Who else was at the scene that you recall?

8 A. Officers Fogler, Lieutenant Kotte, I believe
9 Sergeant Ebert, E-b-e-r-t, was there, Tim Freesmeyer.
10 I don't know if Detectives Hospelhorn or Warner were
11 there when I was there. Sergeant -- no, he wasn't a
12 sergeant. Patrolman Scott Johnson I believe was
13 there. There may have been one or two other uniformed
14 officers.

15 Q. Even though you were at the scene for a short
16 period of time, under a half an hour, did you get any
17 impressions from the scene or what were your first
18 thoughts about it?

19 A. My first thought that it was a sex crime, but
20 then looking at the fact that there were two murder
21 weapons involved, being a strangulation and the
22 scissors, perhaps the suspect had a personal interest
23 in this crime of passion. And it did not seem to be a
24 motive of burglary because things were not disturbed

1 as though you might expect at a burglary scene.
2 Granted, it was gruesome, but after talking to several
3 of her friends later on in the investigation, we
4 determined some facts from the victimology of her.

5 Q. What about the scene of the crime made you
6 think at least initially when you were first there
7 that it was a sex crime?

8 A. Because of the position of her body and the
9 fact that the -- the clothing.

10 Q. And what about the crime scene indicated to
11 you it was a crime of passion?

12 A. Because of maybe a personal vendetta against
13 her, up close and personal because overkill or even a
14 thought of staging it.

15 Q. Well, what specific things about the crime
16 scene?

17 A. That led to?

18 Q. To think that it was something of a personal
19 nature or a vendetta against the victim?

20 A. Because of the overkill.

21 Q. What do you mean by overkill?

22 A. Well, the fact that she was strangled by a
23 cord and also the scissors embedded in her chest, and
24 there were six stab wounds plus the scissors was left

1 in the seventh wound.

2 Q. On her chest?

3 A. On her chest, correct.

4 Q. Can you define what a crime of passion is.
5 What do you mean by that?

6 A. Well, normally there are three motives.
7 Normally there are three motives behind a homicide:
8 Sex, vendetta, or financial gain. I did not see a
9 financial gain. Later on it looked like maybe, first,
10 you know, it was sex because of the arrangement of the
11 clothing and the fact that she was knelt by the bed
12 there and the person was behind her, and also the fact
13 we learned of all the boyfriends she had gave us more
14 thought that maybe that's what it was. Nothing
15 conclusive as to the motive.

16 Q. How many times were you at the crime scene?

17 A. Maybe three.

18 Q. When did you revisit the crime scene after
19 that first initial call?

20 A. Early the following week or the beginning of
21 the week, latter part of August.

22 Q. And what about the third time?

23 A. If there was a third time, I don't know. The
24 reason why I recall that second visit is we went over,

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1 knocked on the neighbor's door across from the hallway
2 there and asked for a plastic bag.

3 Q. What was the purpose of the second visit?

4 A. To have another look around to see if we
5 missed anything.

6 Q. Who was there?

7 A. Dave Warner was with me on that second visit.

8 Q. Just the two of you?

9 A. Correct. Well, Rob Hospelhorn could have
10 been, but I couldn't be certain.

11 Q. Which neighbor? Which door did you knock on?

12 A. Right across the hallway. I think it was
13 Dave was his name.

14 Q. So there were four units in Ms. Lockmiller's
15 building?

16 A. Yes.

17 Q. Two on the second floor and two on the first
18 floor?

19 A. Correct.

20 Q. And Ms. Lockmiller's apartment was on the
21 second floor, right?

22 A. I guess.

23 Q. You don't recall either way?

24 A. No, I don't. I'm sorry.

1 Q. So the person -- the neighbor at least that
2 you knocked on their door the second time you went to
3 the scene was the person directly across the hallway
4 from Ms. Lockmiller's apartment?

5 A. Yes, and I don't think it was a male that
6 gave me a plastic bag. It seems to me it was a
7 female. Again, I'm not positive.

8 Q. Why were you asking for a plastic bag?

9 A. I believe I wanted to bag up another plastic
10 bag that was from the crime scene. I think it was in
11 front of the sink in the kitchen.

12 Q. So you and Detective Warner walked through
13 the crime scene and found another bag by the sink?

14 A. I believe that's what we found. That's what
15 got my interest. Again, I'm not certain on that.

16 Q. And then you went to the neighbor's house to
17 ask for a plastic bag so you could retrieve it?

18 A. Correct.

19 Q. Is that what I'm understanding?

20 A. I believe that's what it was.

21 Q. What sort of bag did you find near the sink?

22 A. It was a plastic grocery bag.

23 Q. Could you see any of the contents?

24 A. I must have opened it, otherwise why would I

1 save the bag? I saved the bag for perhaps latent
2 prints if it was -- it was a relevant item because she
3 had many cats, and the door to the sink was still open
4 and the bag -- trash bag laid there. And my thoughts
5 were one of two things: The perpetrator, or the cats
6 got hungry and were looking for something to eat and
7 underneath the sink was the trash bag.

8 Q. So the door underneath the sink was --

9 A. Ajar.

10 Q. -- ajar and there was a plastic bag around
11 that spot?

12 A. Correct.

13 Q. And do you recall any of the contents?

14 A. No, I don't.

15 Q. What did you do with the plastic bag once you
16 retrieved it?

17 A. Well, I gave it to Dave Warner to put into
18 evidence.

19 Q. Because Warner was a crime scene technician?

20 A. With Normal, correct, yeah.

21 Q. So did you give it to him right away? Did he
22 just take it back to the station?

23 A. I don't recall.

24 Q. Did you give any evidence to

1 Detective Freesmeyer?

2 MR. BOWMAN: Objection; vague, overbroad.

3 BY MS. BARTON:

4 Q. Did you provide -- strike -- I'll re-ask the
5 question.

6 Did you provide Detective Freesmeyer with any
7 evidence that you had recovered from the scene?

8 MR. BOWMAN: Objection; vague, overbroad. I
9 don't -- is there a time frame for the question?

10 MS. BARTON: Just ever.

11 MR. BOWMAN: Same objection. You can answer.

12 THE WITNESS: You want me to answer that
13 question?

14 BY MS. BARTON:

15 Q. If you can.

16 A. Okay. I don't recall.

17 Q. You testified in Mr. Beaman's trial, right?

18 A. Yes.

19 (Whereupon, Daniels Deposition
20 Exhibit No. 1 was marked.)

21 MR. BOWMAN: This is Daniels Number 1?

22 MS. BARTON: Yeah.

23 BY MS. BARTON:

24 Q. Mr. Daniels, I handed you what I marked as

1 Exhibit Number 1. And the front page just reflects
2 the date of these report of proceedings being
3 March 16th and 17th of 1995. And then if you go to
4 page -- I'm just looking at the numbers in the middle
5 of the page here, 436.

6 A. Okay.

7 Q. This is where your direct examination begins
8 by Ms. Dimmick. Do you remember Ms. Dimmick?

9 A. Oh, yes.

10 Q. And she was one of the prosecutors?

11 A. Second chair, yeah. She shared it with
12 Jim Souk.

13 Q. Turn to page 446. Beginning at line 10, read
14 through 46 and page 47 and let me know when you're
15 finished.

16 A. Starting with 10?

17 Q. Line 10, yes, through line 8 on the
18 second page.

19 A. Okay.

20 Q. Does that refresh your memory whether you
21 provided two bags that you had retrieved from the
22 crime scene to Detective Freesmeyer?

23 A. Apparently it does. I stand corrected on the
24 answer to your original question.

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1 Q. Does it refresh your memory at all about
2 providing Detective Freesmeyer with any evidence you
3 recovered from the scene?

4 A. No.

5 Q. So you still don't have any memory of that,
6 right?

7 A. That's correct.

8 Q. But you testified truthfully at the trial?

9 A. Correct.

10 Q. Did you retrieve more than one bag from the
11 crime scene?

12 A. I don't recall.

13 Q. Did you retrieve any other physical evidence
14 from the crime scene other than what you told me, the
15 grocery bag by the sink?

16 A. Again, I don't recall and I don't -- well, it
17 said bags, but I'm assuming that refers to the
18 evidence bag as well as the bag that I secured the
19 evidence in.

20 Q. We can put that to the side and come back to
21 that.

22 So you spent about 20 to 30 minutes at the
23 crime scene that first afternoon --

24 A. As I can recall, yes. It wasn't very long.

1 Q. And then you testified earlier that
2 Chief Taylor assigned you to go back to Normal Police
3 Department to begin the investigation?

4 A. Yeah. Well, as I recall, I was to go back to
5 the detective division. That's why I could not spend
6 much time there at the scene. And then when he came
7 into the station like I previously stated, and he said
8 looks like you're it. So that's when we started.

9 Q. What was the first thing you did when you got
10 back to the detective division?

11 A. Well, I don't know. Can't recall. It seems
12 to me we already had the young lady who discovered the
13 body. We already had an oral statement from her. And
14 I think Dave Warner was talking to her. I don't
15 recall. I could have said, what do we have here,
16 Dave Warner, or what can you tell me or what happened.
17 I just don't recall what the first step was.

18 Q. Did you sit in on the interview that
19 Dave Warner was conducting?

20 A. No, I didn't.

21 Q. You did not?

22 A. No, I don't recall.

23 Q. Oh, you don't remember, okay.

24 And that was Morgan Keefe. Does that name

1 ring a bell?

2 A. Morgan Keefe, yes.

3 (Whereupon, Daniels Deposition
4 Exhibit No. 2 was marked.)

5 BY MS. BARTON:

6 Q. This will be Daniels Exhibit 2.

7 Have you ever seen these documents before?

8 A. Well, most likely probably the day or during
9 the time period of the investigation. It looks as
10 though I was there.

11 Q. So on the second page of this document,
12 the --

13 A. Top of the page.

14 Q. Yeah. Do you -- this appears to be a
15 transcript of the interview conducted of Morgan Keefe
16 on August 28. And the top of the page, 1336,
17 page 1336 says it's the 28th day of August, 1993 at
18 approximately 1500 hours. Present is
19 Detective Daniels also with the Normal Police
20 Department. This is an interview with Morgan Keefe in
21 reference to a female found at [REDACTED]. I'm
22 sorry, I missed a part. This is Dave Warner with the
23 Normal Police Department.

24 Does that refresh your memory of being in the

1 interview with Detective Warner?

2 A. That doesn't refresh my memory, but let me
3 explain this. The layout of the detective division is
4 a wide, big open room, and every detective have their
5 own undivided cubicle. So if he was sitting over in
6 the opposite corner talking to her and I was sitting
7 at my desk, you could say theoretically, yes, I was
8 present.

9 Q. Okay.

10 A. Or he could have been in the interview room,
11 which he doesn't state, meaning, yes, I was present in
12 the room.

13 Just to clarify that, if you look at our
14 interviews, our meaning Rob Hospelhorn's and mine,
15 with various people at the Normal Police Department, I
16 think you'll see that in front of our opening
17 statement is the fact that we are present in an
18 interview room, and that's the reason why I don't
19 recall. And Dave Warner of course could have -- I
20 could have been there. I could have been sitting next
21 to him.

22 Q. Sure. Completely understand. It's been --
23 many years have passed in between that time. I'm just
24 trying to show you documents to try to refresh your

1 memory and see if it helps jog any memories for you.

2 Regardless of whether you were sitting next
3 to Dave Warner or somewhere in the detective division
4 at the time that Ms. Keefe was interviewed, did at
5 some point you learn what Ms. Keefe told
6 Detective Warner during the interview?

7 A. Yes.

8 Q. What did you learn that Ms. Keefe told
9 Detective Warner?

10 A. She -- she -- Morgan tried to get ahold of
11 Jennifer -- well, it would have been the day before
12 her demise. It would have been on a Friday I guess,
13 Friday night. Couldn't reach her by phone, and she
14 drove by her apartment and saw the lights on. And she
15 went over the next morning, Saturday, and discovered
16 the body.

17 Q. Did she provide -- do you recall any other
18 information she provided that was pertinent to the
19 investigation?

20 A. Well, I believe that she provided information
21 as far as a couple of Jennifer's past boyfriends, one
22 being Alan. I don't know if she provided John Revis's
23 name or Michael Swaine who was her latest live-in
24 boyfriend. That's how those names came up.

1 Q. If you look at page 3 of the interview
2 transcript, Dave, being Dave Warner, is asking does
3 she date anybody. Do you see where I am?

4 A. Oh, you're on printed page 3, okay. Where's
5 the question?

6 Q. Does she date anybody?

7 A. Oh, okay, sorry.

8 Q. And Morgan's response is: Um, this gets
9 really messy. She went out with this guy named Alan,
10 and this is -- and then she provides Alan Beaman's
11 name.

12 A. Okay.

13 Q. And she goes on to say that I finally met
14 him, being Alan Beaman, on the 4th of July and, um,
15 Jen didn't like him very much. Do you see where I am?

16 A. Right.

17 Q. She went out with him, but he was kind of
18 pushy, kind of to the point where he talked her into
19 going out with him. And if she swayed away from him,
20 then he would threaten suicide, and so she would out
21 of guilt go back out with him, and a couple times I
22 remember he would break down the door at her
23 apartment.

24 Do you see where I'm reading that?

1 A. Sure.

2 Q. And then the next question that Dave asks is
3 over here on [REDACTED] and she responds: Uh-huh,
4 yes, I had some friends who lived here. And one night
5 I came home and, um, there was a car -- or a chair up
6 against the door and there was a big beam and when I
7 opened the door, she started screaming, and I was
8 like, Jen, it's just me, it's okay. And she said, oh,
9 well, Alan broke down the door a while ago. And
10 that's why she had it all blockaded up. And I had
11 only met him once, and I don't know very much about
12 him.

13 Do you see where she says that?

14 A. Sure.

15 Q. On the next page, Ms. Keefe begins talking
16 about Mike Swaine.

17 A. Okay.

18 Q. Toward the bottom of the page, that middle --
19 the middle of that big paragraph there she says,
20 anyway, she -- he lived with a guy named Mike Swaine
21 who Jen really liked, and over the summer she has been
22 talking about how much she was looking forward to Alan
23 going home so that she could finally spend time with
24 Mike.

1 So here she's talking about Mike -- I guess
2 this is the first time that Mike Swaine's name comes
3 up. So she is providing background on
4 Ms. Lockmiller's previous relationships, right?

5 A. Sure.

6 Q. On page 7 towards the bottom half of the
7 page, Morgan says: I don't know his real name, but
8 ever since high school, she dated a guy named Bubba
9 who she broke up with. And Dave says, Bubba? And
10 Morgan says, yeah. She broke up with Bubba, and then
11 she goes on to talk about Bubba.

12 Do you see where I'm reading that?

13 A. Sure.

14 Q. So she is providing Beaman's name, Swaine's
15 name and now Bubba. Do you know who Bubba is?

16 A. Bubba Smith?

17 Q. Stacey Gates? Does that ring a bell?

18 A. Yeah, Stacey Gates.

19 MR. DiCIANNI: Defensive end.

20 THE WITNESS: Big guy.

21 Yes, Bubba Stacey Gates, yes.

22 BY MS. BARTON:

23 Q. And in that same paragraph Morgan says, he,
24 being Bubba, asked her what he needed to do to get

1 back with her, and she said get a job because he was
2 kind of a bum. So he just got a job in Peoria, and
3 she was going to see him last night.

4 A. Which would have been Friday night I guess.

5 Q. Friday night before the body was found, okay.

6 And then on page 9 Morgan says, we went to
7 Spanky's. Do you see where that is?

8 A. Yes.

9 Q. And then we left and we were going to go to
10 the Cellar, and we never quite made it. We ran into a
11 couple of guys.

12 And then Ms. Keefe goes on to talk about two
13 people that -- or two men that Ms. Lockmiller --
14 somebody gave somebody's number, right?

15 A. So she gave them her own number.

16 Q. And then Morgan says: Somebody gave somebody
17 their number.

18 A. Okay.

19 Q. So Ms. Keefe was talking about, again,
20 Alan Beaman, Mike Swaine, Bubba, being Stacey Gates,
21 and then now these two gentlemen that they met, I
22 don't know, about a week prior to her murder.

23 MR. BOWMAN: Objection. I'm belated in doing
24 this. I don't think it's a big deal, but, you know,

1 the transcript says what it says. Something about Jen
2 or Morgan writing Jen's number on a piece of lipstick
3 for the two guys. I mean, it says what it says. So I
4 object to the characterizations of what we can all
5 read.

6 BY MS. BARTON:

7 Q. On page 10 towards the bottom of the page,
8 Morgan -- right below where it says Detective Daniels
9 can be heard in the background making a phone call.
10 Right below that, you see --

11 A. Ah, so I was in the room.

12 Q. Morgan says: If Alan was ever abusive to her
13 or not, all I know is he would break down the door,
14 and the fact that she screamed when I came in kind of
15 indicated to me that he scared her.

16 Did I read that right?

17 A. Yes.

18 Q. All right. Anything else that you remember
19 from Morgan's interview with Dave Warner other than
20 what we've kind of covered? You can look through it
21 if you want to.

22 A. No, I really don't other than what's in
23 there.

24 Q. Do you recall whether you talked to

1 Dave Warner after he interviewed Ms. Keefe?

2 A. Oh, I would imagine I did because, you know,
3 there's an old saying in investigations, the first
4 person on the scene to discover a homicide body is the
5 first suspect you want to talk with.

6 Q. So was Ms. Keefe a suspect at that time?

7 A. Not -- in my estimation, she was not. Again,
8 she was interviewed because she discovered the body.
9 And the information of course that she gave me or gave
10 us came out in interviews.

11 Q. Do you recall talking to Detective Hospelhorn
12 about Morgan Keefe's interview?

13 A. I don't recall talking to him.

14 Q. Well, what's the next thing you remember
15 doing on that night on the 28th or during the
16 afternoon?

17 A. Well, I believe Tim Freesmeyer was in a
18 separate interview room talking to Mike Swaine. And I
19 don't know exactly what he said about Mike Swaine's
20 interview other than he was staying with her. I don't
21 recall exactly what the conversation would be.

22 Q. Do you recall how Detective Freesmeyer came
23 to be interviewing Michael Swaine?

24 A. Michael Swaine was stopped by patrol officers

1 when he returned to the scene, that being Jennifer's
2 apartment building. And they had him in a squad car
3 and he was being transported by Freesmeyer down to the
4 detective division of the Normal PD. That's how --
5 that's why he was there.

6 So reflecting back, he would have been most
7 likely a suspect at that time.

8 Q. That was going to be my next question,
9 whether Mike was a suspect at that time?

10 A. Seems to me because he was being detained and
11 transported back to the police department.

12 Q. So what do you recall the next thing that
13 happened after Morgan Keefe and Mike Swaine were
14 interviewed at the Normal Police Department?

15 A. Well, Rob Hospelhorn and I were comparing the
16 information we received from both of them.

17 Q. Them being?

18 A. Mike Swaine and Morgan Keefe. And discussing
19 going up to Rockford to talk to Alan because we
20 obtained information enough to found out who
21 Alan Beaman was through police records.

22 Q. And how was it -- what do you mean through
23 police records?

24 A. Well, he -- he had been on file, meaning

1 there were reports that the Normal Police Department
2 with his name mentioned as a suspect.

3 Q. What sort of reports?

4 A. I think there were domestic violence, battery
5 or criminal damage.

6 Q. And how did you find those reports?

7 A. Computer.

8 Q. So you searched Beaman's name?

9 A. Correct.

10 Q. Once you learned of what Ms. Keefe said?

11 A. I don't know if it was from her or Michael --
12 it may have been from Michael Swaine, yeah, with them
13 being roommates. I don't know how the information
14 that was provided to us, how that came about in order
15 to run his name through records.

16 Q. Were you also trying to figure out where
17 Mr. Beaman was living at that time?

18 A. Yes. At home.

19 Q. Were you doing that for anybody else?

20 A. Oh, I imagine we were. Well, we were in
21 touch with the Rockford -- Winnebago Sheriff's
22 Department up in Rockford I would imagine, because as
23 a matter of fact, I talked to them to assist us.

24 Q. Were you looking for -- well, was Mr. Beaman

1 a suspect? Did you consider Mr. Beaman a suspect by
2 the time you were looking at the Normal Police
3 Department reports when you did the search for his
4 name?

5 A. Based upon the contents of the report.

6 Q. Of what report?

7 A. From the record as a result of running his
8 name through the records.

9 Q. So as a result of those records, Mr. Beaman
10 became a suspect?

11 A. I think that's where we came up at or
12 maybe -- it could have been just what Morgan Keefe had
13 said that Jennifer had told her, all being hearsay,
14 but we had to go with the information we had. Him
15 breaking the door down, it looked like to be a violent
16 individual.

17 And, of course, you look at boyfriends when
18 you're initially investigating a homicide as that
19 because of what the crime scene looked like, what it
20 was able to tell us about -- the motive behind the
21 crime. Again, I can't recall if it's from basically
22 Morgan Keefe, running the report and/or Mike Swaine.

23 Q. And then how was it determined that you would
24 go -- you and Dave -- Rob Hospelhorn would go and

1 interview Mr. Beaman in Rockford?

2 A. Well, Chief Taylor directed us to go up
3 there, and I informed Chief Taylor or I suggested to
4 Chief Taylor I think it was a little bit too soon. We
5 didn't have enough information. And he wanted us to
6 go up there anyway.

7 Q. Did Chief Taylor tell you why he was
8 directing you to go up to Rockford?

9 A. Well, Chief Taylor has a position, a
10 personality that you don't question when he wants you
11 to do something. So I said, yes, sir. So we made
12 arrangements to go up there.

13 MR. DiCIANNI: I'm sorry. Could you repeat
14 that.

15 (Whereupon, the record was
16 read as requested.)

17 BY MS. BARTON:

18 Q. And you already testified before that you
19 called Mr. Reynard before you headed up to Rockford?

20 A. Correct.

21 Q. Was that after the point in time that
22 Chief Taylor directed you to go to Rockford?

23 A. Oh, yes.

24 Q. And how did you go about making arrangements

1 to go to Rockford?

2 A. Well, contacted Winnebago County to ask for
3 their assistance to locate where the house was. And
4 they did that and they even put a deputy on watch at
5 the house.

6 Q. How did you determine that Mr. Beaman was in
7 Rockford?

8 A. Well, I think -- I guess I shouldn't answer
9 that with my thoughts. I believe that Rockford
10 determined -- Winnebago County Sheriff's Department in
11 Rockford determined that his car was in the driveway.

12 Q. How did you obtain his address in Rockford?

13 A. Would have come off the police files or even
14 from ISU -- or not ISU, IW. I'm pretty sure it came
15 off the report on file.

16 Q. So by the time you were leaving for Rockford
17 with Detective Hospelhorn, Beaman was a suspect in
18 Ms. Lockmiller's homicide?

19 A. Yes.

20 Q. Were there any other suspects at that time?

21 A. Well, John Revis, I don't know if his name
22 came up shortly after that or shortly before that.
23 But Detective John Belcher had the task of locating
24 that John Revis.

1 Q. So it sounds like --

2 A. Mike Swaine -- until Detective Freesmeyer was
3 interviewing -- he completed his interview with
4 Mike Swaine, Mike Swaine was a suspect.

5 When I came -- when we came back from
6 Rockford, already a dispatcher advised me that there
7 was a kid named -- I don't know if the operator used
8 the word Bubba or Stacey Gates on the phone, was kind
9 of upset and inquisitive about not being able to get
10 ahold of Jennifer Lockmiller. So I talked to him on
11 the phone and informed him that we weren't releasing
12 any information regarding whereabouts of
13 Jennifer Lockmiller or any information at all about
14 her.

15 Q. Was Bubba a suspect at that time?

16 A. Well, in my opinion he was because it was
17 awful peculiar, coincidental that he was calling at
18 that time in that night. Again, that's just basic
19 intuition.

20 MS. BARTON: We could probably take a break.
21 We can go off the record.

22 (Whereupon, a discussion was
23 had off the record.)

24 (Whereupon, a break was taken.)

1 (Whereupon, Daniels Deposition
2 Exhibit No. 3 was marked.)

3 BY MS. BARTON:

4 Q. So when we left off, we were talking about
5 the decision to go up to Rockford and speak with
6 Mr. Beaman on August 28 which was the day that
7 Ms. Lockmiller's body was found.

8 A. Right.

9 Q. And you said that Chief Taylor had directed
10 you and Hospelhorn to go and speak to Mr. Beaman,
11 right?

12 A. Absolutely.

13 Q. And what information did you have about
14 Mr. Beaman at that particular point in time?

15 A. That he was the boyfriend before Mike Swaine,
16 and the fact what Morgan Keefe had said about breaking
17 in the door and a rocky relationship. I think that's
18 about the general gist of information we had.

19 Q. Did you know anything about Mr. Beaman from a
20 source other than Ms. Keefe?

21 A. Well, I thought we had report on file there
22 at the Normal Police Department.

23 Q. And that was the one that you referred to as
24 a domestic violence issue involving Mr. Beaman?

1 A. Well, that's -- that's what I believe it to
2 be, right, yeah, involving Alan. I think that's where
3 the information was substantiated as far as him
4 breaking the door down.

5 Q. And we've already established -- well, at
6 least you already testified that at that point in time
7 Beaman was a suspect?

8 A. Correct.

9 Q. So I've handed you what's been marked as
10 Exhibit 3 for your deposition, and this is a group
11 exhibit that I put together of all the police reports
12 that you authored. There was one that I missed, and
13 so I made copies of that today. So there's one
14 missing, but I'll get to that later. But other than
15 that, this seems to be all the reports that you
16 prepared in connection with the Lockmiller homicide.

17 So the first six pages, it looks like one
18 report. Is that one report, right, pages 1 through 6?

19 A. Yes.

20 Q. And this report is dated September 2, 1993.

21 A. Okay.

22 Q. Signed off by Lieutenant Zayas, right?

23 A. Right.

24 Q. Is this a report that you prepared?

1 A. Yes.

2 Q. On the first page, the second paragraph in
3 the middle says information from Secretary of State's
4 office revealed that Beaman had a residence of
5 [REDACTED] in Rockford.

6 A. Right. Okay.

7 Q. Does that refresh your memory of where you
8 learned that Mr. Beaman lived in Rockford?

9 A. Correct.

10 Q. And then it goes on to say that you made
11 arrangements, which we've already talked about.

12 A. Yeah.

13 Q. Talking to the Winnebago County Sheriff's
14 Office, right?

15 A. Okay.

16 Q. When you were traveling -- did you travel to
17 Rockford with Detective Hospelhorn?

18 A. Uh-huh.

19 Q. Did you two discuss what the strategy would
20 be for interviewing Beaman?

21 A. Well, my thoughts were this may be our only
22 opportunity to talk to the kid because we didn't have
23 that much information, so we're going to see what he
24 has to say. And then if there was something there

1 that needed to be challenged, we would challenge it
2 then.

3 Q. So what was the purpose of interviewing
4 Mr. Beaman?

5 A. To get information from him.

6 Q. About what?

7 A. His relationship basically, his relationship
8 with Jennifer and where he would have been during the
9 time period in question.

10 Q. At this point in time, Saturday night, the
11 Saturday that Ms. Lockmiller's body was found, did you
12 know what the time of death -- or the day of death or
13 time of death was?

14 A. Not before we went up there. I don't think
15 we did, unless -- I don't think it had been confirmed.
16 We knew of her class schedule, but we had to go from
17 that I guess. The phone records weren't obtained
18 until, I think, the following week.

19 Q. And the autopsy, of course, hadn't been
20 performed, right?

21 A. Correct, yeah. I think it was all based upon
22 her class schedule, phone record, you know, when the
23 last time somebody saw her and when she was expected
24 in class.

1 Q. But at least in the time before you went to
2 interview Mr. Beaman, you didn't have a time of death
3 or a day of death?

4 A. No, we did not have a specific time or date.

5 Q. Was the purpose of meeting with Mr. Beaman,
6 was it an interview or was it an interrogation?

7 A. An interview.

8 Q. An interview. But Mr. Beaman was a suspect
9 at that time?

10 A. Correct.

11 Q. Did you go to Rockford with the intention of
12 trying to elicit a confession from Mr. Beaman?

13 A. Well, based upon what the interview would
14 tell us, yes, that's why we called Charlie's office to
15 see what he would have us do if we were able to -- and
16 if it came to that point.

17 Q. So what happened when you got to Rockford?

18 A. Well, we went to the county sheriff's office,
19 met with detective, took us out to the scene which
20 was -- I don't know where the exact location was, but
21 they -- Winnebago had stopped Alan Beaman while Alan
22 was en route to work, and unbeknown to us, they had
23 informed him why he was being stopped.

24 We got there on the scene and we introduced

1 ourselves. And sheriffs were still there, Winnebago
2 sheriffs were still there. We introduced ourself and
3 asked him to come on down to the Winnebago Sheriff's
4 Department for some questioning about the death of a
5 friend of his.

6 Q. So when you're referring to the scene, do you
7 mean the place where Mr. Beaman was pulled over --

8 A. Correct.

9 Q. -- by the Winnebago --

10 A. Right, yeah. So he accompanied us. I think
11 we rode in the same car. I don't --

12 Q. Well, I want to kind of discuss that -- was
13 it a traffic stop?

14 A. Well, I think -- I don't know if they stopped
15 him on a traffic or was it being a suspect.

16 Q. Well, let me ask you this, was Mr. Beaman
17 driving a car when he was stopped?

18 A. Yes.

19 Q. And how were you alerted that the sheriff's
20 office had pulled over Mr. Beaman?

21 A. The detective there at the sheriff's
22 department informed us they had him stopped now,
23 meaning when we were -- when we arose.

24 Q. And so you went to where his location was at

1 that time?

2 A. Correct. We were taken there, yeah.

3 Q. Where was Mr. Beaman physically when you got
4 there?

5 A. He was outside his car.

6 Q. Was he handcuffed?

7 A. I don't recall. I don't recall.

8 Q. Was he in a squad car?

9 A. No, he was outside the cars.

10 Q. And who else was there?

11 A. Seems to me there were two deputies, myself
12 and Alan, plus Rob Hospelhorn.

13 Q. And Mr. Beaman wasn't in the car with anybody
14 else; he was driving alone?

15 A. Correct. Yeah.

16 Q. Did you speak with the sheriff deputies
17 before you spoke with Mr. Beaman?

18 A. Sure.

19 Q. And what did they tell you?

20 A. Basically that they waited in front of his
21 house for him to pull out. When he did, they stopped
22 him.

23 Q. Did they tell you what they said to
24 Mr. Beaman when they pulled him over?

1 A. They either told me there or they told me
2 back in the county sheriff's department.

3 Q. What did they tell you?

4 A. That it was an investigation homicide.

5 Q. So the sheriff deputies told you that they
6 told Beaman, what, that he was needed to be questioned
7 on a homicide case?

8 A. Yes.

9 Q. And that officers from the Normal Police
10 Department would be there to speak with him?

11 A. Right.

12 Q. So when you spoke to Mr. Beaman, what did you
13 say to him at the scene?

14 A. At the stop, traffic scene?

15 Q. Sure.

16 A. I don't recall the exact words, but something
17 of the nature we want to talk to you about a friend of
18 yours. He said okay. I asked him I'd like to talk to
19 you down at the county sheriff's department, and he
20 was more than willing to accompany us and he did.

21 Q. Did he have any reaction?

22 A. None that struck me odd or weird other than
23 okay.

24 Q. Anything about his demeanor stand out to you

1 at all?

2 A. Yes, it did.

3 Q. What was that?

4 A. He seems to be -- seemed to be, in my
5 opinion, based upon my experience, he seemed to be
6 tired, worn out or perhaps under the influence of
7 liquor or drug perhaps.

8 Q. Did you ever learn whether Mr. Beaman was
9 under the influence that night?

10 A. No. I would assume that if it was liquor or
11 something of that nature, that the county probably
12 would have intervened. That's just an assumption on
13 my part.

14 Q. What do you recall about -- so you took
15 Mr. Beaman back to the sheriff's office?

16 A. Correct, in Rockford.

17 Q. And went to an interview room?

18 A. Correct.

19 Q. With you and Detective Hospelhorn?

20 A. Correct.

21 Q. And Mr. Beaman?

22 A. Correct.

23 Q. Anybody else in the room?

24 A. No.

1 Q. What do you recall about the interview?

2 MR. BOWMAN: I'm going to object -- excuse me
3 for interrupting. I object to the extent that the
4 question seeks to elicit the recorded conversation
5 between Beaman and the investigators because it's a
6 recorded conversation. I just don't think it's useful
7 to, you know, have necessarily inaccurate
8 recollections of a recording that we can all review.

9 BY MS. BARTON:

10 Q. Can you answer the question?

11 A. You want me to answer the question? Okay.

12 I sat Alan right by the door where he could
13 exit anytime, and I was sitting probably three to
14 four feet to his immediate left. And directly in
15 front of him, around six, seven, eight feet, was
16 Rob Hospelhorn, and read him his rights, you can leave
17 anytime you want to, so forth and et cetera. He said
18 okay.

19 So then we started talking with him and was
20 mainly interested in his relationship with Jennifer
21 and his whereabouts I think dating back to the
22 previous Wednesday. And he gave us a summation of
23 where he had been, who he had been with as far as
24 friends and that, what he had done, where he worked.

1 Took a short bathroom break and came back. I
2 believe that's when he decided he wanted to leave.
3 And of course he was free to go. And we escorted him
4 downstairs to the parking garage where his vehicle had
5 been towed by the county sheriff department. We
6 searched his vehicle with his permission, but shortly
7 afterwards his father arrived to pick him up to take
8 him home. I think the interview lasted perhaps 45,
9 50 minutes.

10 Q. Who questioned Mr. Beaman?

11 A. I did mainly.

12 Q. What approach did you take to questioning
13 Mr. Beaman?

14 A. As to what his relationship was with her.

15 Q. Did you use any interview techniques or
16 anything like that?

17 A. Well, I studied his behavior as well as his
18 answers to the question -- the pertinent questions.

19 Q. What did you observe about his behavior?

20 A. He was tired.

21 Q. How could you tell he was tired?

22 A. He was slow in speech. He was not very
23 responsive in an immediate response. He was thinking
24 of his answer. Because he worked midnights and he

1 said he had been -- prior to being stopped by the
2 county sheriff's department, as I recall, he was out
3 in his driveway putting a stereo in which added to the
4 fact that he hadn't had much rest and he would go to
5 work -- prior to going to work, he would party.

6 Other than that, he just got a little
7 irritated with us I guess because maybe I moved to the
8 finger-pointing stage, accusation, but I didn't use
9 any words or terms that said you did it or --

10 Q. So at some point during the interview, did it
11 turn into an interrogation?

12 A. Yes, I think you could say it did, yes. He
13 just, like I said, seemed very tired.

14 Q. So what was the reason that the interview
15 turned into an interrogation?

16 A. Well, I think it's because of the fact that
17 some of the answers to the questions and the fact that
18 his relationship with Jennifer, 17 times they had
19 broke it off and got back together, that fact, and
20 just his overall demeanor or one particular response.

21 I said that -- I tried to incorporate some
22 trickery into the questions and I asked him about --
23 or informed him that before she had died, she said
24 that she really loved you, Alan. And at that point in

1 time, his head dropped to the floor like that as
2 though he was showing remorse in my opinion based upon
3 my training and experience. And just general demeanor
4 and the way he answered the questions, and his
5 response was she really did love me, didn't she.

6 Q. What about that response stood out to you?

7 A. Pardon me?

8 Q. What about that response stood out to you?

9 A. Well, he looked down at the floor as though
10 he regretted killing her or he's showing remorse.
11 That's just a cue I picked up on.

12 Q. And by that point in time, had the interview
13 turned into an interrogation already?

14 A. Well, yeah, I think so at that point, yeah.

15 Q. Can you turn to page 5 of your report. The
16 second full paragraph, those last two sentences, it
17 says: This is when I observed his most prominent
18 behavioral gesture that a person who was attempting to
19 be deceptive will exhibit when questioned about such a
20 serious crime. At this point, we observed Beaman bow
21 his head and say in a low, solemn voice, quote, she
22 loved me.

23 Is that what you were referring to?

24 A. Yes.

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1 Q. So did you think Mr. Beaman was being
2 deceptive in that gesture?

3 A. Well, that certainly is an indication. It by
4 itself or a response to a question or the answer to a
5 particular question does not necessarily mean, in
6 fact, he is being deceptive. You have to analyze the
7 questions along with what you know as an investigator
8 along with the way he answers the questions.

9 Q. Did you get the impression that Mr. Beaman
10 during the interview sort of had a lack of reaction?

11 A. I think he did.

12 Q. And what did that indicate to you at the
13 time?

14 A. Well, I soon checked off the fact that he
15 could have been under alcohol because I couldn't smell
16 it. And they did smoke a lot of marijuana, and
17 John Murray was their provider I guess. Anyway, of
18 course that came on later on in the investigation
19 discovering that.

20 But getting back to your question, the fact
21 that I couldn't smell the alcohol, he had been up
22 working on a stereo, working, party, working on a
23 stereo, going to go to work, led me to believe that
24 that was part of his reason for his behavior.

1 Q. Well, as a police officer, you've observed
2 people under the influence, right?

3 A. Yes.

4 Q. And you've certainly seen people under the
5 influence of marijuana?

6 A. (Nodding.)

7 Q. Yes? You have to answer audibly.

8 A. Yes.

9 Q. And under the influence of other drugs,
10 right?

11 A. Yes.

12 Q. Was there anything about Mr. Beaman's
13 behavior during that interview that led you to believe
14 he was under the influence of anything other than
15 alcohol?

16 A. Possibly marijuana.

17 Q. What about his behavior or demeanor led you
18 to believe that?

19 A. Just that he was -- he was -- well, what do I
20 want to say? He wasn't quite lethargic, you know what
21 I mean? He was slow to respond, slow, and as though
22 he could care less about what happened to Jennifer.

23 Q. Did you ever ask him whether he was under the
24 influence?

1 A. No, I did not.

2 Q. Did you take notes during the interview?

3 A. Oh, yes, I took notes and so did Rob.

4 Q. Was the interview recorded?

5 A. Yes, it was.

6 Q. With a tape recorder?

7 A. Yes.

8 Q. Was the entirety of your interview recorded
9 by the tape recorder?

10 A. No, it wasn't.

11 Q. Why was that?

12 A. It ran out of tape.

13 Q. So how long did the interview last after the
14 tape ran out?

15 A. Seven, ten minutes perhaps.

16 Q. And what do you recall about the interview
17 after the tape ran out?

18 A. His recap of his whereabouts for those days
19 that we asked him did not change, and I tried to
20 confuse him by turning some of the dates and times and
21 places around. And I've learned from experience and
22 training that if you are being deceptive in your
23 answers, you're going to confuse yourself eventually.
24 He did not.

1 And there was a point in time when he stood
2 up and he said, I had enough of this, I'm going. So
3 we said okay.

4 Q. Did you tell him that Ms. Lockmiller was in
5 the hospital and calling out for him?

6 A. I don't recall telling him that exactly.
7 Just the fact that she said she still loved him or
8 something of that nature is what I used to solicit a
9 response from him.

10 Q. Let's take a look at Exhibit 1 which is your
11 trial testimony. If you could review page 443 and
12 444.

13 A. Where did you want me to start on 3?

14 Q. On line number 1.

15 A. Okay.

16 Q. Does that refresh your memory about what you
17 told Mr. Beaman?

18 A. Yeah. Apparently I was incorrect in that.

19 Q. Okay. So on page 443, you were asked the
20 question: And what was the statement that you made to
21 him?

22 And you answered: I informed him at that
23 time that Jennifer really wasn't dead, that Jennifer
24 was in the hospital and that Jennifer had asked for

1 him.

2 Was that your answer?

3 A. Correct, yes.

4 Q. And then question: And what did he respond
5 to that?

6 Answer: I didn't get a verbal response. He
7 bowed his head to the floor and responded then that
8 she loved me. Is that right?

9 A. Correct.

10 Q. And that's what we already discussed, right,
11 that gesture that you wrote in your report was
12 deceptive?

13 A. Yes.

14 Q. And then on page 444, the question was:
15 Sergeant Daniels, why did you tell Mr. Beaman that
16 Jennifer was still alive at that point?

17 And you answered: Just an interview
18 interrogation technique.

19 Is that right?

20 A. Yes.

21 Q. So that was a technique that you used with
22 this interview/interrogation?

23 A. Correct.

24 Q. Did you tell Mr. Beaman during that interview

1 that Mike Swaine was living with Jennifer Lockmiller?

2 A. I don't recall telling him that. If the
3 documents indicate that I did, then I did, but I don't
4 recall from memory.

5 Q. Just take a look at your trial testimony on
6 page 445. The very last question that starts on
7 line 22, you were asked: At any point during the
8 interview with Mr. Beaman, did you inform him that
9 Michael Swaine was staying at Jennifer Lockmiller's
10 apartment?

11 And on the next page it says: No, I did not.

12 And that was the answer that you provided at
13 trial, right?

14 A. Yes.

15 Q. So at what point -- do you recall at what
16 point Mr. Beaman left the interview room?

17 A. Without referring to the trial testimony or
18 any notes that may be available here, in the
19 neighborhood of 12:00 p.m.

20 Q. Oh, at what point in the interview? What
21 were you talking about at that time? Not the
22 particular --

23 A. I think we were rehashing his schedule or his
24 itinerary for the few days that we questioned him or

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1 shortly after a statement about her being alive for a
2 short period of time.

3 Q. Did he seem angry when he left?

4 A. Yes.

5 Q. Did he indicate why he was angry?

6 A. No. He just says he doesn't have to take
7 this anymore. He said, you said I can leave, so I'm
8 going to leave.

9 Q. Did you try to convince him to stay?

10 A. No, because he wanted to leave. He certainly
11 had the opportunity to leave and I couldn't restrain
12 him. I had no reason to.

13 Q. And then you said that you walked Alan
14 outside to retrieve his car, and then did you ask
15 permission to search his vehicle?

16 A. Yes, verbal.

17 Q. And did you find anything during the search?

18 A. Nothing that we could tell at the time that
19 was relevant to the crime scene or her death.

20 Q. After talking to Mr. Beaman on this day, on
21 August 28, was he still a suspect after that
22 interview?

23 A. Yes.

24 Q. What did you do after the interview or after

1 the search of the car?

2 A. What did he do?

3 Q. What did you do?

4 A. We went back to Normal.

5 Q. Did you meet with any other officers or other
6 detectives that night?

7 A. We may have met with them shortly in their
8 office, but I don't recall.

9 Q. Do you recall any of the conversation that
10 you had with Rob Hospelhorn on the way back to
11 Bloomington-Normal?

12 A. Oh, I'm sure we discussed the interview.

13 Q. Do you recall anything about that
14 conversation?

15 A. Well, not in particular, but somewhere along
16 the line between that period that we finished with the
17 interview until I believe it was Sunday when we had a
18 meeting or it could have been later on in that week,
19 we thought that Alan was the prime suspect based upon
20 the interview and what we knew of his relationship --
21 stormy relationship with Jennifer.

22 Q. Well, what were the facts or the pieces of
23 evidence that you had that made Mr. Beaman the prime
24 suspect?

1 A. Based upon the fact that they had that
2 relationship where they broke up and got back together
3 17 times, the fact that she was always in the need of
4 male company, and, you know, some of the answers to
5 the questions during that interview.

6 Q. What were some of the answers during
7 Mr. Beaman's interview?

8 A. Well, I think the main issue there was the
9 fact that -- the way he responded when I told him that
10 she was still alive and still loved him. To me, that
11 was coupled with other things we knew was an
12 indication.

13 And that certainly was our first suspect that
14 we had talked to that we could not exclude. And if
15 you cannot exclude a suspect from an investigation of
16 any type, then you have to include them, and we could
17 not exclude him.

18 Q. Why couldn't you exclude him as a suspect at
19 that point?

20 A. Well, we hadn't checked out his alibis, his
21 locations and people he was with at the time, nor
22 could we check out his work record because he worked
23 at his uncle's stores I believe it was.

24 Q. I think you just talked about meeting with

1 investigators the next day, that being Sunday?

2 A. I think that's when we met.

3 Q. So was that the next thing that you did in
4 the investigation once you got back to Bloomington?

5 A. Yeah, I think we put our notes -- well, yeah,
6 we went home because it was the wee hours in the
7 morning. And I think we met -- don't quote me on
8 that, I'm not positive of the time and the day, but
9 I'm pretty sure it was Sunday.

10 Q. What do you recall about that meeting? Who
11 was present?

12 A. Souk, I believe Frank Zayas was present, I
13 don't know if Chief Taylor was there or not, myself,
14 Hospelhorn. I do not know if the other detectives
15 were there. But we jointly, Rob and I, thought that
16 perhaps at that particular time, Rob Hospelhorn -- or
17 Alan Beaman was the best suspect we had.

18 (Whereupon, Daniels Deposition
19 Exhibit No. 4 was marked.)

20 BY MS. BARTON:

21 Q. So I've handed you what we marked as
22 Exhibit 4 to your deposition, and this is a
23 compilation of Rob Hospelhorn's reports prepared in
24 the Lockmiller case. I just want to refer you to

1 page 2.

2 A. Okay.

3 (Whereupon, Daniels Deposition
4 Exhibit No. 5 was marked.)

5 BY MS. BARTON:

6 Q. Take a look at Number 5. This is
7 Freesmeyer's reports.

8 A. Are we on the record?

9 Q. Yes, we're still on the record.

10 A. I want to make a comment to Locke. Can I do
11 that or not?

12 Q. On the record?

13 A. No. Off the record.

14 Q. Oh, I guess, but I'll probably just ask you
15 about it when you get back.

16 A. Okay. Note the date of his report.

17 MR. BOWMAN: Yes.

18 THE WITNESS: Okay.

19 MR. BOWMAN: Thank you. Noted.

20 BY MS. BARTON:

21 Q. All right. Take a look at page 11 of
22 Detective Freesmeyer's report. Do you see how it
23 refers to the page numbers up here?

24 A. I turned right to it. I must have that

1 magic.

2 Q. And you see where it says: On Sunday,
3 August 29, 1993, I arrived at NPD at 1100 hours for a
4 group meeting with all detectives in the case, the
5 chief of police, Dean Kennedy, James Souk and
6 Coroner Dan Grady.

7 MR. BOWMAN: I'm sorry, what page are we at?

8 MS. BARTON: Sure. Page 11.

9 BY MS. BARTON:

10 Q. Is that the meeting that you were present at?

11 A. It very well could be.

12 Q. And it says: We met for approximately four
13 and a half hours and discussed the facts known at the
14 time.

15 A. Okay. I'm lost here.

16 Q. Okay. Just start with the paragraph on
17 Sunday, August 29.

18 A. Okay.

19 Q. And it's --

20 A. All right. We arrived at about 11 o'clock.

21 Q. And then the next sentence is: We met for
22 approximately four and a half hours.

23 A. Okay.

24 Q. Do you recall the meeting lasting a long

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1 time?

2 A. That's a pretty long time. I don't recall it
3 lasting that long.

4 Q. Do you recall the meeting that you were
5 present for that the coroner was present?

6 A. No, I don't. Once again, if it's in writing,
7 then it happened.

8 Q. The meeting that you recall occurring on that
9 Sunday, do you recall that the crime scene technician,
10 Dean Kennedy, was present?

11 A. No, I don't recall.

12 Q. Well, what do you remember about the Sunday
13 meeting?

14 A. The basic information that Rob Hospelhorn and
15 I had to offer was the fact that we believed that Alan
16 was your best suspect at the time.

17 Q. So you recall that Zayas was there, Mr. Souk,
18 you and Hospelhorn. Anybody else you recall being
19 there?

20 A. That's all I can recall, yes.

21 Q. Do you recall that there were other people
22 present, you just don't know who they were or you
23 don't -- excuse me, you don't recall who they are?

24 A. I don't recall anybody beyond whom I

1 mentioned, and it's possible they could have been
2 there.

3 Q. Did Mr. Souk say anything during that
4 meeting?

5 A. Well, I would imagine he said something
6 regarding the case; but, again, I don't know what he
7 said.

8 Q. What was your understanding as to why
9 Mr. Souk was there?

10 A. Prosecutor. He was going to be the chief
11 prosecutor directing traffic so to speak.

12 Q. What do you mean by that?

13 A. Directing the investigation on what he needed
14 or what had to be done from his viewpoint.

15 Q. So are you saying that Mr. Souk was the one
16 who directed --

17 A. No, I'm saying perhaps that's the reason why
18 he was there is to direct it.

19 Q. So in your mind, Mr. Souk directed the
20 investigation?

21 A. From the State's Attorney point of view.

22 Q. Well, who directed the investigation from the
23 Normal Police Department's point of view?

24 A. Lieutenant Zayas.

1 Q. So Lieutenant Zayas was directing the
2 investigators on what to do, right?

3 A. Correct.

4 Q. And what leads to follow up on?

5 A. Correct.

6 Q. And where the evidence was leading the
7 detectives, right?

8 A. Yes.

9 Q. Other than you and Detective Hospelhorn
10 briefing those individuals at the meeting about the
11 fact that you believed Alan Beaman was the prime
12 suspect, what else do you recall being discussed at
13 that meeting?

14 A. I don't really recall every detail of the
15 meeting. Certainly it all had to be centered on where
16 do we go from here? What do we need to do?

17 Q. Did you learn anything about the victim,
18 Jennifer Lockmiller, at that meeting?

19 A. Could have. Once again, I don't recall
20 exactly what details.

21 Q. Or the way in which she died?

22 A. I think that was probably discussed. But,
23 again, I'm sorry, I just don't recall exactly what was
24 said -- all that was said. I may even be wrong about

1 Zayas being there. He still may have been at the
2 Lake Shelbyville fishing that weekend.

3 I think I previously stated he was present,
4 but he could have been still fishing. So this is not
5 my report. This is --

6 Q. I understand.

7 A. -- Freesmeyer's, so I don't know what was in
8 his mind at the time.

9 Q. Do you recall what the conclusion of the
10 meeting was or -- or I should say this, what was --
11 were you assigned any tasks to investigate after this
12 meeting?

13 A. If I was assigned to any particular task from
14 anyone in there, I don't know who it would have been,
15 or what the task would have been.

16 Q. If you look at Detective Freesmeyer's report
17 on page 11, that same page, the report indicates that
18 it was determined that Detective Daniels and
19 Detective Hospelhorn would return to the Rockford area
20 in an attempt to find any further information about
21 any involvement that Alan Beaman could have had in
22 this case. Do you recall that?

23 A. Yes. As a matter of fact, we went up that
24 Sunday I believe it was to try to talk to Beaman

1 further, Alan Beaman. And as I recall, his parents
2 answered the door, invited us in, and we requested to
3 speak with him. He was in his bedroom sleeping. And
4 they said, well, we contacted an attorney and he
5 prefers us, the parents, not to allow Alan to talk to
6 anyone.

7 Q. Had you done any other investigation since
8 you had returned from Rockford before you went back up
9 there?

10 A. May have. 20 years is a long time to
11 remember exactly what happened.

12 Q. Sure. Do you recall whether you had any
13 additional information on Mr. Beaman before you went
14 back to Rockford for a second time?

15 A. No, I'm sorry, I don't. Could have been.

16 Q. When you went up to Rockford for the second
17 time on that Sunday, was it your intention to
18 interview Mr. Beaman again?

19 A. Yes.

20 Q. What would be the purpose of a second
21 interview?

22 A. To go over what he had told us the previous
23 night.

24 Q. To see if you could elicit additional

1 information?

2 A. Correct.

3 Q. Did you ever see Mr. Beaman that night, on
4 Sunday?

5 A. No, no.

6 Q. You only spoke to his parents, right?

7 A. Correct.

8 Q. And they told you that they had talked to a
9 lawyer, and did they say what the lawyer had
10 recommended them do?

11 A. That Beaman not be allowed to talk to anyone.

12 Q. Do you recall meeting the lawyer at the
13 Beaman residence?

14 A. No, I don't recall.

15 Q. Do you recall how long you were at the Beaman
16 residence?

17 A. On Sunday?

18 Q. Yes.

19 A. No. The conversation wasn't a lengthy
20 conversation. I couldn't tell you how long we had
21 been there.

22 (Whereupon, Daniels Deposition

23 Exhibit No. 6 was marked.)

24

1 BY MS. BARTON:

2 Q. This is Number 6. Mr. Daniels, this is -- I
3 marked this as Exhibit 6 to your deposition. This is
4 a transcript of your trial testimony at the Beaman
5 trial.

6 Take a look at page 1992. You could start on
7 line 7 and read through until page 1995.

8 A. Okay.

9 Q. Does that help refresh your memory of your
10 visit to the Beaman residence --

11 A. Yes, it does.

12 Q. -- on August 29?

13 Okay. How does it refresh your memory? What
14 do you remember now?

15 A. How long we were there, the attorney's name
16 and apparently we were waiting on a phone call the
17 following day or so from Mr. Laughlin I think it was,
18 the attorney.

19 Q. Right. You met attorney Tom Laughlin at the
20 Beaman residence?

21 A. Tom Laughlin, yeah.

22 Q. And according to your testimony, Mr. Laughlin
23 indicated he would call Monday or Tuesday of the next
24 week?

1 A. Correct.

2 Q. And you never received a phone call from
3 Mr. Laughlin?

4 A. That's correct.

5 Q. Do you recall taking pictures of the vehicles
6 at the Beaman residence when you were there?

7 A. No, I don't.

8 Q. Did you take notes of anything at the -- that
9 you observed or about your conversations with the
10 Beamans?

11 A. That day?

12 Q. Yes.

13 A. If I did, those notes would have been
14 transcribed into a report. I didn't make that report.
15 Other than that, no.

16 Q. Do you recall moving a piece of furniture or
17 helping the Beamans move a piece of furniture while
18 you were there?

19 A. Do I recall? And the answer is, no, I don't
20 recall.

21 Q. Take a look at 1993, page 1993 of Exhibit 6.

22 A. 6?

23 Q. Yeah, lines 1 through 4.

24 A. Okay.

1 Q. Does that help refresh your memory?

2 A. It says I think they were moving some
3 furniture in and out. I'm sorry, what was the
4 question?

5 Q. Do you recall helping them move the
6 furniture?

7 A. I don't recall moving -- helping them, no.

8 Q. Or any conversation that you had with the
9 Beamans while you were moving the furniture?

10 A. Well, according to my testimony here, either
11 I physically observed them or physically assisted
12 them. But if I assisted them, I think I would have
13 written I assisted them, therefore, I could observe
14 them.

15 Q. Sure. Do you recall saying anything to Carol
16 or Barry Beaman that -- or inquiring whether they had
17 a problem with their son with drugs or anything like
18 that?

19 A. I could have very well.

20 Q. You just don't recall?

21 A. No. Correct.

22 Q. So after August 29, what else did you do to
23 investigate Alan Beaman and his involvement, if any?

24 A. Alan Beaman directly?

1 Q. Yes.

2 A. I believe Rob Hospelhorn and I had -- you
3 know, we teamed up there. We started interviewing
4 friends of both Jennifer and Alan's, and as we
5 interviewed these people, other names would pop up,
6 and we would continue with our interview or -- and/or
7 we were given leads perhaps by Lieutenant Zayas to
8 follow up.

9 Q. And of course you were investigating the
10 homicide of Ms. Lockmiller. You weren't just
11 investigating Mr. Beaman's involvement, if any?

12 A. Correct, correct.

13 Q. So what other aspects of the investigation do
14 you recall?

15 A. That we were involved in?

16 Q. Sure, or other leads that you were uncovering
17 or anything like that.

18 A. Well, the information that was -- came to
19 light was when we talked to a mutual of friend of
20 theirs by the name of John Murray. We interviewed him
21 twice. And the reason we interviewed him a second
22 time, we found out that there was some contradictions
23 in his interviews.

24 Q. When did you first hear Mr. Murray's name?

1 A. I don't recall the exact first date. I know
2 we had talked to his brother, that's how we -- was
3 able to determine that he was out of -- John Murray
4 was out of town that weekend. That name could have
5 came up the first weekend.

6 Q. Throughout the time that you were
7 investigating the case, did you develop leads for
8 other suspects other than what you've told me,
9 Mr. Beaman and -- well, I guess I should ask you this
10 first. Was Mr. Murray a suspect in the homicide?

11 A. At that time, he was a person we wanted to
12 talk to.

13 MR. BOWMAN: At which time? I'm sorry.

14 BY MS. BARTON:

15 Q. When you first spoke to him.

16 A. No, not when we first spoke to him.

17 Q. And you were developing leads on other
18 suspects as well?

19 A. Other people that knew both of them and knew
20 about their relationships.

21 Q. Did you investigate a person named
22 Rob Curtis?

23 A. Name sounds familiar.

24 Q. Do you recall investigating somebody named

1 Stauffer, S-t-a-u-f-f-e-r?

2 A. I can't say with 100 percent accuracy, no.

3 Q. And you've already mentioned John --

4 A. Revis.

5 Q. -- Revis.

6 A. Yeah, or Revis, whatever his last name is.

7 He wasn't interviewed because he was incarcerated, so
8 he was excluded as a suspect.

9 Q. Let's take a look at Exhibit 3 which is your
10 report. Look at page -- I don't know which number to
11 refer to. I'll refer to the MCC number. Do you see
12 the prefix MCC at the bottom right page?

13 A. 224.

14 Q. Right. So look at 229.

15 A. Mine goes from 228 to 232. Apparently
16 there's pages 146, 7 and 8 missing.

17 MR. BOWMAN: Are you looking for this one?

18 MS. BARTON: It might be before that.

19 THE WITNESS: Oh, that number. I'm sorry. I
20 was looking for the -- which one was that? 229, that
21 one. Okay, I'm there.

22 BY MS. BARTON:

23 Q. Got it?

24 A. Got it.

1 Q. So this looks like it reflects an interview
2 that you conducted with David J. Olson?

3 A. Oh, yeah.

4 Q. Do you recall Mr. Olson?

5 A. Uh-huh.

6 Q. Yes?

7 A. Yes.

8 Q. And what was the purpose of interviewing
9 Mr. Olson?

10 A. My understanding, Mr. Olson was his uncle.
11 Was David Olson -- no, wait a minute, David J. Olson.
12 I don't recall what his relationship was to here. May
13 I refer to my notes?

14 Q. Absolutely.

15 MR. BOWMAN: I think that the record should
16 be clear that Mr. Daniels is a good witness. He's
17 answering these questions from memory. He's not
18 referring to the notes.

19 MS. BARTON: And I'm not --

20 MR. BOWMAN: And it might be helpful for him
21 to refer to the report --

22 MS. BARTON: Sure.

23 MR. BOWMAN: -- to refresh his recollection
24 as to Mr. Olson.

1 MS. BARTON: No problem.

2 BY MS. BARTON:

3 Q. Your notes are on that page 229 that we were
4 referring to.

5 A. Okay. Mr. Olson apparently sponsored a
6 party. He's stating in the second paragraph on that
7 same page that he had some friends overnight, and he
8 replied that he did not hear the name Alan Beaman. Is
9 this what we're looking at?

10 Q. Yes.

11 A. Okay.

12 Q. So do you recall that Mr. Beaman told you
13 that during the week prior to the time that you first
14 interviewed him that he had attended a party at
15 Mr. Olson's house?

16 A. I don't recall if that's where -- well,
17 according to Beaman's statement he made to me, he
18 attended a party at Olson's -- I'm reading strictly
19 from this page.

20 Q. Sure.

21 A. He attended a party at Olson's house on
22 Tuesday and on Wednesday and again on Thursday.

23 Q. On this Sunday -- well, we've already talked
24 about you going to the Beaman residence --

1 A. Correct.

2 Q. -- and tried to talk to Mr. Beaman. So it
3 looks like you did some other investigative activity
4 in Rockford at that time.

5 Were you attempting to verify Mr. Beaman's
6 whereabouts?

7 A. As I recall, yes.

8 Q. It looks like you also spoke to -- on that
9 same page, your notes reflect you also spoke with
10 Detective Greg Lindmark who had spoken to Mr. Jeff
11 Gray.

12 A. Gray is his uncle.

13 Q. Where Mr. Beaman worked?

14 A. Correct.

15 Q. And so you were obtaining his work schedule?

16 A. Right.

17 Q. And then you -- your report notes that these
18 above times are inconsistent with Beaman's statement
19 made to us on 8-28-93, right?

20 A. Correct.

21 Q. Your report goes on to say that you spoke
22 with Mr. Beaman's supervisor, Dennis Clark?

23 A. Yes.

24 Q. The next page, you spoke with Joshua Whitney?

1 A. Yes.

2 Q. Donald Jones, Mr. Jared Brown?

3 A. Yes.

4 Q. Read the paragraph on Mr. Jared Brown.

5 A. Mr. --

6 Q. You can read it to yourself.

7 A. Okay.

8 Q. I'm actually going to have you read
9 Detective Hospelhorn's report also on page 5. So it's
10 Exhibit 4, page 5. The second full paragraph on
11 8-30-93, do you see that?

12 A. Uh-huh. Yes.

13 Q. And this is about Dr. Brown as well. If you
14 could review that.

15 A. Okay.

16 Q. So it looks like from these -- from
17 Hospelhorn's report at least, that on the 30th of
18 August, you and Detective Hospelhorn interviewed
19 Dr. Brown and he was providing you with letters that
20 he had received from Mr. Beaman, right?

21 A. That's correct.

22 Q. Do you recall those letters?

23 A. I do not.

24 Q. Flip to page 10 of Hospelhorn's report. That

1 first full paragraph on 8-30-93, RO and
2 Detective Daniels interviewed Kathryn Corbett. Review
3 that to yourself.

4 A. Okay.

5 Q. Do you recall this interview with
6 Ms. Corbett?

7 A. No, but what I do recall was the fact that
8 what she said in there about the car being left
9 because I think Mike drove it. I'm not for sure on
10 that, though. Mike Swaine.

11 Q. On which car being left where? What do you
12 mean?

13 A. Alan's car. Wasn't that the one that was
14 left in the parking lot? Yeah, Alan left his car in a
15 parking lot.

16 Q. When he went to Ohio?

17 A. Correct.

18 Q. And she also told you that she had walked in
19 on Mike and Jen making out after a party?

20 A. Yes.

21 Q. And that she would -- she was asked if she
22 would describe Mike or Alan as violent. And on the
23 next page it indicates she said she never saw Mike
24 being violent, but Alan could be if he was in the

1 right frame of mind.

2 A. Okay.

3 Q. Do you recall speaking to Ms. Lockmiller's
4 therapist, Dr. Hammond?

5 A. No, I don't.

6 MS. BARTON: That was the report that got
7 left out. This is Number 7.

8 (Whereupon, Daniels Deposition
9 Exhibit No. 7 was marked.)

10 BY MS. BARTON:

11 Q. Does that refresh your memory about talking
12 to Ms. Lockmiller's counselor?

13 A. No, it doesn't.

14 Q. But it looks like Dr. Hammond reported to you
15 that Ms. Lockmiller had told her about having problems
16 with her boyfriend, Alan, and she was concerned about
17 Alan in that she was afraid he might attempt suicide
18 if he were -- if she were to break off their
19 relationship. Is that what Dr. Hammond told you?

20 A. According to my report, yes.

21 Q. And she also told you about a door-breaking
22 incident involving Alan, right, according to the
23 report?

24 A. According to the information he gave us.

1 MR. BOWMAN: You know, to be clear, the
2 report says the door-breaking incident and presumably
3 refers to the same door-breaking incident that had
4 been discussed in the earlier reports. I don't think
5 that it -- if the intent of the question was to
6 suggest --

7 MS. BARTON: I was -- I was just trying to --
8 I don't know if I said a number of them. I was just
9 trying to repeat what is in the report.

10 MR. BOWMAN: The report says --

11 MS. BARTON: You're right.

12 MR. BOWMAN: -- the --

13 BY MS. BARTON:

14 Q. Do you recall speaking to Ms. Lockmiller's
15 friends, any of her friends?

16 A. Any of her friends? Probably so.

17 Q. Do you remember anything that they would have
18 told you?

19 A. Well, no, I really wouldn't. I wouldn't know
20 who the names were other than Mike, Alan, Bubba,
21 Morgan and Alan of course.

22 Q. Take a look at Hospelhorn's report on
23 page 16.

24 A. What exhibit was that?

1 Q. Oh, sure. It's Exhibit 4.

2 A. And page 16?

3 Q. Correct.

4 A. Okay.

5 Q. That first paragraph reflects that on 9-9-93,
6 RO, being Hospelhorn and Detective Daniels, spoke with
7 Laura McKeown at the Normal Police Department. Do you
8 recall that interview?

9 A. No, I don't without reading.

10 Q. You want to read that paragraph?

11 A. Just that first paragraph?

12 Q. Uh-huh.

13 A. Okay.

14 Q. I see that you're chuckling to yourself.

15 A. Yeah.

16 Q. Why are you chuckling?

17 A. Share that with you off record.

18 Q. Well, I'm going to ask you on the record.

19 A. Oh, okay. That's fine.

20 Q. What made you chuckle about this particular
21 interview?

22 A. It was a -- as reported to us, meaning the
23 investigators, exactly what investigators I'm not sure
24 of, but it was reported to us that Jennifer could beat

1 Alan in arm wrestling and that was a big joke, and
2 Alan was the center of that joke. And for Alan to
3 take and force her into the shower and tie her up,
4 that's not -- oh, Bubba did, I'm sorry. I misread
5 that. Yeah, Bubba.

6 Q. So according to Ms. McKeown, she stated that
7 Jennifer had told her that one time Bubba tied
8 Jennifer to --

9 A. I misread that.

10 But another thing about that particular
11 paragraph that stuns me is the fact that it does add a
12 lot of the weight to the fact that Jennifer had to
13 have, did have and wanted one boyfriend after the
14 other which is why there were so many suspects that
15 weren't excluded in the investigation at first.

16 (Whereupon, Daniels Deposition
17 Exhibit No. 8 was marked.)

18 BY MS. BARTON:

19 Q. This is Exhibit Number 8. Have you ever seen
20 these notes before?

21 A. Have I seen this before?

22 Q. Yes.

23 A. This seems -- this came probably from one of
24 my files. I recognize the handwriting. It's

1 Frank Zayas's.

2 Q. So do you recall ever seeing these notes
3 before, though?

4 A. No.

5 Q. But you recognize this to be Frank Zayas's --

6 A. Handwriting.

7 Q. -- handwriting?

8 A. I could be wrong, but that's what it looks
9 like to me.

10 Q. So towards the top of the page we see -- I
11 know it's hard to read, but I think the first word
12 there is Mason, M-a-s-o-n.

13 A. Okay.

14 Q. And then Freesmeyer, JB, and then it says
15 notes, and then debriefing, 9-7-93, 4 o'clock p.m.,
16 and then T. Daniels and Cliff Rushing.

17 Do you recall a meeting in September of '93
18 with those people?

19 A. Well, I know who Mason is. Mason is
20 Kari Mason who was involved at first prior to
21 Teri Dimmick. She worked in the State's Attorney's
22 Office.

23 Q. And when you say that she was involved, what
24 do you mean by that?

1 A. She, I guess, was recruited to work on the
2 case with Jim Souk. I use the word recruited for lack
3 of a -- whether she was assigned or asked to be. She
4 was of the opinion that we may also have the wrong
5 suspect. She's working in an attorney's office up in
6 Chicago somewhere.

7 Freesmeyer, of course, is Tim Freesmeyer.
8 JB is John Belcher. I don't recall this particular
9 briefing, and I don't know who these names -- well, I
10 know some of these names.

11 Q. Who's Cliff Rushing?

12 A. I do not know.

13 Q. Do you recall, whether it was this one or
14 not, any sort of meeting where various suspects in the
15 Lockmiller homicide were discussed?

16 A. If any -- pardon me?

17 Q. Do you recall any meetings where various
18 suspects were discussed?

19 A. Oh, yes.

20 Q. So was Rob Curtis a suspect that you
21 discussed and investigated?

22 A. I couldn't answer that by looking at this
23 exhibit because this is Frank Zayas's writing and I
24 don't know who these -- some of these people are and

1 why they're written down. It appears to me that
2 that's the results of the meeting.

3 Q. And you don't have any recollection of the
4 meeting, right?

5 A. No, I don't.

6 Q. You can put those to the side.

7 Let's talk about John Murray. I think you
8 already told me this, but you don't recall when
9 Mr. Murray's name first came up in the investigation,
10 right?

11 A. Exact time, no.

12 Q. Do you know why you decided to interview him?

13 A. Yes, his name came up. When you talk to
14 witnesses and they bring other names up, that could
15 lead to further information.

16 Q. Do you have any recollection of the first
17 interview that you conducted with Mr. Murray?

18 A. To some degree.

19 Q. What do you remember about it?

20 A. He was -- when we interviewed him, we got
21 information from him on the first interview, issues
22 such as Jennifer was with Mike Swaine at one time,
23 came by his apartment. His apartment being John's
24 apartment. The fact that John said he made a lot of

1 trips back and forth to Rockford. Yes, he knew
2 Jennifer, knew her well, knew Alan.

3 He was afraid of Alan because he heard that
4 Alan had killed Jennifer, and he was afraid that Alan
5 was going to be looking for him, and that's why he
6 spent the first night back in town in Normal in a
7 motel. Information regarding their relationship --
8 Jennifer's relationship with the other guys as far as
9 going to band night I think they called it. It's a
10 band drinking night downtown Normal. They had a lot
11 of bands and happy hours and so forth. That was
12 generally it.

13 Q. The first time that you spoke with
14 Mr. Murray, was it an interview or an interrogation?

15 A. Interview.

16 Q. Was he a suspect at that time that you
17 interviewed him the first time?

18 A. No, he wasn't a suspect in that sense.

19 Q. And you've already said that Mr. Murray did
20 eventually become a suspect?

21 A. Correct.

22 Q. When did he become a suspect?

23 A. After the second interview. That's why I
24 believe -- I hope I'm not getting these two mixed

1 up -- that's why I believe I asked him for a
2 polygraph.

3 Q. You asked who for a polygraph?

4 A. Correct, I did.

5 Q. You asked who? Mr. Murray?

6 A. I'm sorry, John Murray to take a polygraph.

7 Q. When did you ask him that?

8 A. I don't recall the dates. It could have been
9 before the second or it could have been after the
10 second interview, would have been early September, I
11 believe.

12 Q. So you asked him to take a polygraph because
13 he was a suspect in your mind?

14 A. Yes, had some things to clear up.

15 Q. Like what?

16 A. Dates, what his connection was with Jennifer,
17 whatever became or whatever the outcome was of his
18 polygraph exam. That's an investigative tool.

19 Q. So what information did you have about
20 John Murray that made him a suspect in your mind?

21 A. Well, at that time and as I recall, he stated
22 that he was at Jennifer's house and I believe he said
23 it was the date that the State's Attorney had -- and
24 the coroner had determined the date and time of her

1 death. I'm certain that was in one of those
2 interviews with him. He had contradicted himself.

3 The fact that he, John Murray, lived about a
4 five- or seven-minute drive from Jennifer's house. We
5 were informed by more than one source that Jennifer
6 and John Murray were to get -- renew their
7 relationship. He was their -- that little group of
8 people, he was their drug supplier at one time, if not
9 more than one time, and she had owed him money. And
10 the fact that he was scared to come back in town on
11 account of Alan he heard had killed Jennifer, well, I
12 don't think anybody had determined that at the time.

13 Also, the fact that his alibi was very
14 convenient. The fact that he had called his
15 girlfriend at the hospital where she worked which was
16 located about, oh, perhaps four blocks from where he
17 lived on [REDACTED] Street in Bloomington. Just too many
18 issues there to exclude him from any further interview
19 or interrogation. Quite a lot of circumstantial
20 evidence there.

21 He was on steroids. He was being
22 investigated by DCI for drug trafficking. A lot of
23 issues there with John's personal life as well as the
24 relationship with Jennifer that seemed to carry more

1 weight as him a viable suspect than Alan Beaman. And,
2 once again, we could not exclude John Murray as a
3 suspect.

4 Q. Well, what did you do to investigate
5 Mr. Murray?

6 A. After the attempt to polygraph him, we,
7 meaning myself and Rob Hospelhorn, really lost contact
8 with him. He had called and we had called him because
9 we were to schedule another polygraph with a different
10 polygraph operator. I had discussed that with
11 John Murray when we came back from the crime lab in
12 Morton the day that he attempted the test. Other
13 contact of a legal aspect had been made with him.

14 Another issue with John Murray was the fact
15 that he was arrested one evening battering his
16 girlfriend in a like fashion that Jennifer
17 Lockmiller's body was found; that is, he was choking
18 her, pounding her on her chest, a scissors in the
19 chest and the strangulation.

20 The fact that he was on steroids could have
21 very well tipped his temper so to speak when he went
22 to visit her or another alibi -- or a reason could
23 have been a fact that she owed him money for drugs
24 that she used or that she herself would distribute.

1 Q. What did you yourself do to investigate
2 Mr. Murray?

3 A. During the time I was with Normal PD -- well,
4 actually there was nothing I could have done. You
5 can't force him to come in.

6 Q. Well, what -- did you do anything to
7 investigate?

8 A. I did not do anything to investigate John. I
9 did not have any authority to. I was a civilian. I
10 didn't have any -- I'm sorry, let me back up.

11 I went down to the jail and visited him one
12 time because he was being arrested for that drug that
13 they found in his car the night that he was arrested
14 for beating up Deborah Mackoway. And I offered him an
15 opportunity to help himself by simply let's get a body
16 wire on you and go talk to Alan. He wasn't open to
17 that. It was a flat denial. Other than that, that
18 was the extent.

19 Q. So during the time that you were
20 investigating the Lockmiller homicide investigation,
21 what steps did you take to investigate John Murray?
22 You already told me that you interviewed him twice.

23 A. Correct.

24 Q. You asked him to take a polygraph exam.

1 A. Correct.

2 Q. And, in fact, you took him to Morton Crime
3 Lab to sit for a polygraph examination.

4 A. Uh-huh.

5 Q. What else did you do?

6 A. Visited him down at the jail when he was
7 incarcerated on another legal charge.

8 Q. Was that part of your investigation on the
9 Lockmiller homicide investigation?

10 A. That was my point. That was my interest.

11 Q. Anything else?

12 A. As I can recall, I think that was about it.

13 Q. Did you attempt to speak to anyone that knew
14 Mr. Murray? Did you speak to his girlfriend? Did you
15 attempt to find additional evidence with respect to
16 Mr. Murray?

17 A. No, I had no further investigative activities
18 involved with John. Deb Mackoway did call the new CID
19 supervisor, Lieutenant Fillipponi, F-i-l-l-i-p-p-o-n-i,
20 and called him, and the lieutenant referred the call
21 to me and I referred it to Tim Freesmeyer.

22 Q. Well, you interviewed Deb Mackoway, right?

23 A. I believe I did.

24 Q. You told me before when you were -- before

1 you went to Rockford to interview Mr. Beaman on the
2 28th of August, that you ran his name through the
3 Normal Police Department. You did a computer search
4 for his name, right?

5 A. Okay.

6 Q. Isn't that what you told me?

7 A. Well, I don't think I personally did, but one
8 of the detectives probably did.

9 Q. Did you do the same thing for John Murray?

10 A. Well, John Murray's information came up
11 through DCI, John Belcher.

12 Q. What's DCI?

13 A. Department of Criminal Investigations.

14 That's the joint task force for McLean County.

15 John Belcher used to work there as a vice officer.

16 And John Belcher had learned through an active member
17 of the task force that that active member was
18 investigating and was working with John Murray and
19 that's how our information came about, fingerprints,
20 a picture of him and so forth.

21 Q. When did you first learn that the task force
22 was investigating John Murray?

23 A. Well, I learned it from John Belcher, but the
24 exact date, I don't recall.

1 Q. Was it during the time that you were
2 investigating the Lockmiller homicide?

3 A. Oh, yes, yeah. See, that would have been a
4 normal procedure when you have a case such as that
5 homicide is get ahold of DCI to see if they have any
6 information.

7 Q. Did you reach out to DCI?

8 A. John Belcher did. He was our contact.

9 Q. And you already told me that John Belcher was
10 one of the detectives --

11 A. Correct.

12 Q. -- assigned to the Lockmiller case, too.

13 A. He's the one also that checked out the
14 whereabouts of John Revis. Found out it was through
15 the marshals that he was incarcerated, in custody.

16 Q. What did you learn about the task force's
17 investigation of John Murray?

18 A. That they were -- the term they used working
19 with John, John was going to be a -- John Murray was
20 going to be a snitch for them because he was under
21 investigation for delivering drugs.

22 Q. Did you speak to anyone in DCI?

23 A. I did not. John Belcher did.

24 Q. And then John Belcher reported to you?

1 A. Yes.

2 Q. Did you document that conversation you had
3 with John Belcher?

4 A. No, I didn't document it. John Belcher may
5 have documented it.

6 Q. Why didn't you document it?

7 A. Because he probably got the information on
8 his own and just made a report and it was probably --
9 I'm saying probably. I can't recall. It should be in
10 with the original report.

11 Q. With what original report?

12 A. The Normal Police Department original report.

13 Q. Well, you wrote reports on the Lockmiller
14 homicide investigation, right?

15 A. Yes.

16 Q. But you didn't write a report about the
17 information you received from John Belcher about
18 John Murray?

19 A. Is that a question?

20 Q. Yes.

21 A. I don't recall, no.

22 Q. Well, I haven't seen anything.

23 A. Oh, okay.

24 Q. So I just didn't know if you had written a

1 report that I just hadn't seen.

2 A. I'm sorry, I don't know if I wrote a report
3 or not. If I wrote a report, chances are it's in with
4 the original report.

5 Q. Did you think the information you learned
6 from John Belcher was relevant to the Lockmiller
7 homicide case?

8 A. Yes.

9 Q. In what way?

10 A. He was a drug dealer and he was associated
11 with Jennifer as being a friend.

12 Q. Did you read -- or did you learn that
13 John Murray had been arrested for a drug-related
14 charge and that's why he was going to be, you called
15 it, a snitch for the task force?

16 A. Well, he was arrested in terms that DCI was
17 investigating him, and he was in their files as an
18 active investigation. Normally when they work, they,
19 the snitches they work up, they don't arrest them
20 unless they work with them. The snitches will work
21 with the agent. And if they do work with them and how
22 successful they are, it depends on what, if any,
23 charges are filed. If they're actively working with
24 them, and in this particular case, John Murray was

1 working with DCI, as far as his arrest, I don't know
2 what happened with that.

3 Q. Did you ever read any reports about his
4 arrest?

5 A. DCI? I could have.

6 (Whereupon, a break was taken.)

7 MS. BARTON: We had a discussion off the
8 record with all the counsel and Mr. Daniels who has
9 indicated that he is quite exhausted from today,
10 especially in light of his recent surgery which is
11 understandable. So we have all agreed to reconvene
12 the deposition and we have scheduled two days,
13 June 10th and 11th, and we will begin at 9:30 in the
14 morning on both days to complete Mr. Daniels's
15 deposition.

16 (Deposition concluded at 3:08 p.m.)

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1 STATE OF ILLINOIS)
 2 COUNTY OF C O O K) SS:

3
 4 I, Christine M. Luciano, Certified Shorthand
 5 Reporter in and for the County of Cook, State of
 6 Illinois, do hereby certify that on May 20, 2013, the
 7 deposition of the witness, TONY L. DANIELS, called by
 8 the Defendants, was taken before me, reported
 9 stenographically and was thereafter reduced to
 10 typewriting through computer-aided transcription.

11 The said witness, TONY L. DANIELS, was first
 12 duly sworn to tell the truth, the whole truth, and
 13 nothing but the truth, and was then examined upon oral
 14 interrogatories.

15 I further certify that the foregoing is a
 16 true, accurate and complete record of the questions
 17 asked of and answers made by the said witness, at the
 18 time and place hereinabove referred to.

19 The signature of the witness was continued
 20 until completion of all depositions by agreement.

21 The undersigned is not interested in the
 22 within case, nor of kin or counsel to any of the
 23 parties.

24 Witness my official signature as Certified

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Shorthand Reporter, in and for Cook County, Illinois
on this 3rd day of June, A.D., 2013.

Christine M. Luciano, CSR
License No. 084-004068

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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.)

VOLUME II, PAGES 177 - 380

DISCOVERY DEPOSITION
OF
TONY L. DANIELS

Continued discovery deposition of
TONY L. DANIELS, taken on June 10, 2013, beginning at
10:28 a.m., at 207 West Jefferson Street, Bloomington,
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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I N D E XWITNESSEXAMINATION

TONY L. DANIELS

Direct Examination by Ms. Barton	181
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E X H I B I T S

TONY L. DANIELS
DEPOSITION EXHIBIT

MARKED FOR ID

No. 9	187
No. 10	189
No. 11	191
No. 12	195
Nos. 13 and 14	211
No. 15	231
No. 16	246
No. 17	250
No. 18	263
No. 19	266
No. 20	269
No. 21	277
No. 22	296
No. 23	332
No. 24	371
No. 25	374
No. 26	376

Note: Exhibits not tendered for inclusion
into deposition transcript.

1 THE VIDEOGRAPHER: My name is Wayne
2 Rutherford with Rutherford Photo Video, Decatur,
3 Illinois. The date is 6-10-13. The time on the video
4 screen is 10:28 a.m.

5 We are here in reference to the case
6 Alan Beaman, plaintiff, v. James Souk, et al.,
7 defendants, Case Number 10 CV 1019. The name of the
8 witness is Tony Daniels.

9 Will attorneys please identify themselves and
10 the parties they represent.

11 MS. BARTON: Elizabeth Barton for McLean
12 County, Mr. Reynard, Mr. Souk, and Mr. Brown.

13 MR. DiCIANNI: Thomas DiCianni for the Town
14 of Normal defendants.

15 MR. BOWMAN: Locke Bowman on behalf of
16 Alan Beaman.

17 THE VIDEOGRAPHER: Will the court reporter
18 identify herself and swear in the witness.

19 THE COURT REPORTER: I'm Christine Luciano
20 from Anchor Reporting.

21 (Witness duly sworn.)

22 MS. BARTON: I just want the record to
23 reflect too that this is the continued deposition of
24 Tony Daniels. We've already had one session, so this

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APPENDIX 001990

1 is session number two.

2 TONY L. DANIELS,
3 called as a witness herein, having been first duly
4 sworn, was examined and testified as follows:

5 DIRECT EXAMINATION

6 (Continued)

7 BY MS. BARTON:

8 Q. We already went through the ground rules
9 before, so I'm not going to bore you with those. But
10 let's just make sure that we don't talk over one
11 another. That's probably the most important reminder
12 that we have, and that all of your answers be verbal
13 because the court reporter is taking down everything
14 that we say, okay?

15 A. Okay.

16 Q. Did you review any documents in preparation
17 for today that you didn't review --

18 A. No, I did not.

19 Q. Okay. Did you speak with anyone about your
20 deposition for today?

21 A. No, other than I got a deposition scheduled
22 for today.

23 Q. Sure. Did you speak with anyone from
24 Mr. Bowman's office about your deposition testimony

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APPENDIX 001991

1 today?

2 A. No.

3 Q. Did you talk to anybody at all about your
4 deposition the first time, a couple weeks ago?

5 A. I informed my wife basically what it was
6 about and the format.

7 Q. Did you have any other conversations with
8 anybody else other than your wife?

9 A. No.

10 Q. We touched on this last time, but I just want
11 to go over when Lieutenant Zayas -- or excuse me, when
12 Chief Taylor assigned you to be the lead investigator
13 of the Lockmiller homicide, okay. You told me before
14 during the first deposition that Chief Taylor said
15 that you were at -- that you were going to be the lead
16 investigator because Lieutenant Zayas was out of town
17 at the time; is that right?

18 A. Yes.

19 Q. Were you still the lead investigator when
20 Lieutenant Zayas came back to the Normal Police
21 Department after being out of town?

22 A. Well, he, Lieutenant Zayas, didn't say
23 continue as a lead investigator. Myself and Rob
24 Hospelhorn continued with the rest of the officers. I

1 wasn't given that title once he came back.

2 Q. And I think you told me this before that
3 Lieutenant -- Lieutenant Zayas came back on the Monday
4 following the Saturday that Ms. Lockmiller's body was
5 discovered?

6 A. Yes.

7 Q. So then when Lieutenant Zayas returned from
8 being out of town on that Monday, from then -- from
9 that point forward, was he the person deciding which
10 leads to follow for --

11 A. Yes.

12 Q. -- the investigation?

13 It's just important that you let me finish
14 asking my question before you begin your answer, okay?

15 Was Lieutenant Zayas the person who was
16 assigning different investigators what leads to
17 follow?

18 A. Yes.

19 Q. Was there a point in time where you became
20 inactive on the Lockmiller homicide case?

21 A. Yes.

22 Q. And when was that?

23 A. As I can best recall, maybe September,
24 October the same year.

1 Q. Of 1993?

2 A. Correct.

3 Q. So what did that mean for your participation
4 of the investigation?

5 A. I only took part if it was requested that I
6 do something.

7 Q. So you didn't do anything on your own, you
8 were only --

9 A. Assigned.

10 Q. -- doing things that you were assigned?

11 A. Correct.

12 Q. And was that different from the first portion
13 of the investigation where you were active?

14 A. Yes.

15 Q. Because you were making decisions on your own
16 about what leads to follow and things like that?

17 A. Where to go with the leads.

18 Q. What -- how did you learn that you would be
19 inactive on the investigation?

20 A. How did I learn?

21 Q. Were you informed?

22 A. Yes, I was informed.

23 Q. By whom?

24 A. Lieutenant Zayas.

1 Q. What did he tell you?

2 A. That they were going -- they, meaning the
3 department and the State's Attorney's Office, were
4 going to turn it over to Tim Freesmeyer.

5 Q. How -- how did Lieutenant Zayas inform you of
6 that? Was it in person?

7 A. Yes, it was in person.

8 Q. Okay. Was anybody else present?

9 A. No.

10 Q. Do you recall anything else that he said?

11 A. Regarding that issue?

12 Q. Yes.

13 A. No, I do not recall anything.

14 Q. Did he tell you why they, being the Normal
15 Police Department, was going to be turning the
16 investigation over to Tim Freesmeyer?

17 A. The only thing I can recall about that was
18 the fact that it was slowing down.

19 Q. What was slowing down?

20 A. The investigation, the leads.

21 Q. So then why would Detective Freesmeyer be
22 taking over if it was slowing down?

23 MR. DiCIANNI: I'll object to speculation.

24

1 BY MS. BARTON:

2 Q. You can answer.

3 A. I don't know. I didn't call any of the
4 shots. I didn't get involved in the decisions.

5 Q. Did it mean that you were not allowed to
6 investigate the case anymore?

7 A. No, those instructions were not given to me.

8 Q. Did it mean that you were to focus on other
9 investigations that were occurring?

10 A. Yes, I still had a caseload.

11 Q. Pretty heavy caseload probably?

12 A. Yes.

13 Q. So you were going to be assigned to focus on
14 your other investigations --

15 A. Correct.

16 Q. -- other than the Lockmiller case?

17 A. Correct.

18 Q. But you weren't told to stop investigating
19 the Lockmiller case?

20 A. No, I was not, not in those particular words,
21 no.

22 Q. And did Lieutenant Zayas give you any reason
23 why Detective Freesmeyer, as you put it, would be
24 taking over the case?

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APPENDIX 001996

1 A. If he did, I don't recall other than what I
2 said previously that it was slowing down.

3 (Whereupon, Daniels Deposition
4 Exhibit No. 9 was marked.)

5 BY MS. BARTON:

6 Q. Okay. Mr. Daniels, I'm handing you what the
7 court reporter marked as Exhibit Number 9. It's a
8 newspaper article from the Pantagraph dated
9 October 19, 2003.

10 The author is Steve Silverman. Do you know
11 Mr. Silverman?

12 A. Not personally. I knew he worked for the
13 Pantagraph.

14 Q. Did he interview you for a story?

15 A. Not that I recall.

16 Q. I just want to turn to the second page, if
17 you wouldn't mind. About halfway through, there's a
18 line that says "New detective." Do you see that, the
19 line only says "New detective"?

20 A. Yes, I see it.

21 Q. I think it was probably a heading that was in
22 the newspaper.

23 A. Yes.

24 Q. Right below that it says: "The case was

1 turned over to Freesmeyer a few weeks after the
2 killing. Freesmeyer, who is in his 20s, developed a
3 rapport with Beaman that Daniels - then a 51-year-old
4 veteran cop and ex-Marine acknowledged he couldn't
5 match, especially after his confrontation with Beaman
6 in the first interview."

7 Was that information that you provided to
8 Mr. Silverman?

9 A. Well, it's documented here. Apparently it
10 is.

11 Q. Do you recall either way?

12 A. No, not really.

13 Q. Is that a true statement?

14 A. I can't answer for Mr. Silverman whether
15 that's true or not.

16 Q. Do you agree with the statement?

17 A. Yes, I agree with what it says.

18 Q. So that Detective Freesmeyer, who was in his
19 20s, developed a rapport with Mr. Beaman, and that's
20 why the case was turned over to him?

21 A. That's what it states, yes.

22 Q. But do you agree with that statement?

23 A. Yes.

24 Q. Okay.

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(Whereupon, Daniels Deposition
Exhibit No. 10 was marked.)

BY MS. BARTON:

Q. Mr. Daniels, the court reporter handed you what she marked as Exhibit Number 10. These are part of the box that I received -- one of the boxes that I received from you.

And we copied them so the documents that were inside this folder that's on the front marked John Murray's Statements, the documents that follow are the documents that were contained inside of that blue folder, okay?

A. Yes.

Q. On the second page, it's marked Daniels SDT 58. Do you see that?

A. Yes.

Q. Are these your notes?

A. Yes, they are.

Q. After Roman numeral II, it says Involvement and then the second sort of paragraph says: "No longer active in the case from early October '93 on," right?

A. Yes.

Q. So is that the case that you were not

C06874

1 actively involved in the Lockmiller homicide case from
2 October of '93 on?

3 A. Yes, that's the Lockmiller case.

4 Q. You can put that to the side for now.

5 Did you do any work on the Lockmiller case
6 after October of 1993?

7 A. Yes.

8 Q. What do you remember doing?

9 A. Reviewing statements from various witnesses,
10 suspects. Also taking the entire case to unresolved
11 class November of '94, Jacksonville, Florida.

12 Q. So you went to a seminar in November of 1994
13 in Jacksonville, Florida?

14 A. Correct.

15 Q. And you took the Lockmiller file?

16 A. The documents that I was in possession of.

17 MR. BOWMAN: Did you say November of '94?

18 THE WITNESS: April of '94.

19 MS. BARTON: Oh, I'm sorry.

20 BY MS. BARTON:

21 Q. Did you also go to the Chicago Police
22 Department to discuss the Lockmiller case?

23 A. Yes.

24 Q. Did you also do an interview of Jennifer

1 Sieg, S-i-e-g?

2 A. I don't recall the name.

3 Q. But you do recall conducting an interview of
4 a witness related to the Lockmiller case after the
5 point in time that you were no longer active in the
6 investigation?

7 A. Do I recall conducting interviews with other
8 witnesses after when?

9 Q. October 1993.

10 A. Oh, yes.

11 Q. And you also participated in a meeting in May
12 of 1994 shortly before Mr. Beaman was arrested?

13 A. Correct.

14 MS. BARTON: I made two color copies and two
15 black and white because it was so expensive to make
16 color copies.

17 MR. BOWMAN: Yeah, I understand. This is
18 Exhibit 11?

19 MS. BARTON: Yes.

20 (Whereupon, Daniels Deposition
21 Exhibit No. 11 was marked.)

22 BY MS. BARTON:

23 Q. Mr. Daniels, the court reporter handed you
24 Exhibit Number 11. These are documents that we found

1 in the folder entitled Work to Be Done. I apologize
2 that the cover of the folder is not here, but I'll
3 just represent to it that that's where my office found
4 it.

5 If you turn to page 4, it's marked Daniels
6 SDT 4. Are these your notes here?

7 A. Yes, that's my handwriting.

8 Q. And it's dated, it looks like, March 31,
9 1994, right?

10 A. Correct.

11 Q. Do you know what these notes are about?

12 A. It's about, of course, the Lockmiller case.

13 Q. Anything specifically?

14 A. It appears to be issues that I saw needed
15 more attention.

16 Q. Were these notes that you made on March 31,
17 1994?

18 A. As indicated on the -- on page 4, yes.

19 Q. Okay. Turn to page 12, please. Are these
20 also your notes?

21 A. Yes.

22 Q. There are a couple different dates here. It
23 looks like June 22, 1994; June 27, 1994; January 18,
24 1995; and then May 18, 1994.

1 Did you make these notes on --

2 A. Yes.

3 Q. -- each of those days?

4 A. That's what it appears to be, yes.

5 Q. It also -- you're referring to different page
6 numbers. Do you know what the page numbers correspond
7 to?

8 A. No, I do not. I do not recall where those
9 page numbers originated from.

10 Q. Was this part of your investigation of the
11 Lockmiller case?

12 A. Investigation or review?

13 Q. What's the difference in your mind?

14 A. Well, investigation would be -- my
15 investigation would be my part in the investigation.
16 Review would be where I'm reviewing notes or reviewing
17 the case itself.

18 Q. What was the purpose of reviewing the notes
19 on the case itself?

20 A. Possible leads.

21 Q. Is that still considered investigative work?

22 A. Yes, on my part. Yes, it would have.

23 Q. And what was the purpose of looking for
24 additional leads?

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C06878

1 A. Well, it's been my experience in the past and
2 not only in this case but other cases that if you set
3 aside a case for a while, you can come back and you
4 can review it and maybe see new avenues of approach,
5 information that you overlooked.

6 Q. Okay. Thank you. You can put that to the
7 side for now.

8 Do you recall any of the other cases you were
9 working on in 1993 or 1994?

10 A. No.

11 Let me correct that. August of '94, we had a
12 similar homicide.

13 Q. A similar homicide?

14 A. Correct.

15 Q. Where did that homicide take place?

16 A. In Normal, Lancaster Heights complex.

17 Q. Did you investigate that murder?

18 A. Yes.

19 Q. Were you the lead investigator on that
20 homicide investigation?

21 A. Myself and Lieutenant Zayas.

22 Q. Do you remember any other cases you were
23 working on at that time in 1994?

24 A. I don't recall at this point.

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(Whereupon, Daniels Deposition
Exhibit No. 12 was marked.)

BY MS. BARTON:

Q. This is Exhibit Number 12. Flip through this
and let me know if you recognize it.

A. I recognize what it is.

MR. BOWMAN: This is Freesmeyer's -- I'm
sorry. I'm having trouble keeping up.

MS. BARTON: Yes, this is Exhibit Number 12.

MR. BOWMAN: Sorry. Thank you.

MS. BARTON: And on the front, the folder was
Freesmeyer's monthly report.

MR. BOWMAN: Okay.

BY MS. BARTON:

Q. On page what's marked 970 which I think looks
like number 3 of this exhibit, it says "In January."
Do you see that about halfway down the page?

A. "In January Detective Daniels"?

Q. Yes.

A. Yes.

Q. "Cleared a year-long investigation into a
felony theft from Kay's Merchandise with the arrest of
the cash office supervisor."

Do you recall that investigation?

1 A. Yes, I do.

2 Q. And so you had been investigating this case
3 for about a year, and then in January 1994 you cleared
4 it. What does clear mean?

5 A. Clear means you're at the end of the case.
6 There's nowhere to go or an arrest has been made.

7 Q. Do you recall whether an arrest had been made
8 here?

9 A. No, I -- I'd have to speculate.

10 Q. Well, it says an arrest was made of the cash
11 office supervisor, right?

12 A. Yes, that's how it was cleared.

13 Q. And then also turn to page SDT 972. The
14 third paragraph a few lines down it starts with
15 "Detective Daniels obtained a conviction"?

16 A. Repeat that page number.

17 Q. 7 -- 972.

18 A. You can direct my attention to what specific?

19 Q. Third paragraph, four lines down.

20 A. Okay.

21 Q. Detective Daniels. Do you see that?

22 A. "Obtained a conviction in the Hardee's armed
23 robbery case"?

24 Q. Right. Do you recall the Hardee's armed

1 robbery case?

2 A. No, I do not.

3 Q. And what does obtained a conviction mean?

4 A. Well, that phrase in itself means a
5 conviction was issued as a result of a jury trial,
6 bench trial in the State's Attorney's Office.

7 Q. As a result of an arrest that you made on the
8 Hardee's case?

9 A. Correct.

10 Q. Turn to page 974, the first paragraph, five
11 lines down says: "Detective Daniels was also
12 instrumental in the arrest of the person responsible
13 for the armed robbery at Hardee's on North Main in
14 Normal."

15 Do you recall whether that was the same
16 Hardee's armed robbery?

17 A. Without comparing both incidents, I cannot.

18 Q. Did you investigate more than one armed
19 robbery at Hardee's?

20 A. I don't know if I did or not.

21 Q. Okay. So it looks like at least you were
22 working on several other cases in 1994 other than the
23 Lockmiller case, right?

24 A. According to Freesmeyer's report.

1 Q. Do you disagree with Freesmeyer's report with
2 respect to you investigating other cases?

3 A. Well, once again, it's in writing, so -- I
4 have no comment on that question on that.

5 Q. Well, do you have any reason to believe it's
6 untrue?

7 A. Not true, no. Again, so many cases you
8 handle, I can't recall which ones I had a conviction
9 cleared by no further information. I just -- I can't
10 comment on another person's report.

11 But as far as the contents, again, I can't
12 say one way or the other without having all the
13 documents in front of me to substantiate his claim.

14 Q. Okay. You can put it to the side.

15 For the Lockmiller homicide case, did you
16 have your own working file?

17 A. Yes.

18 Q. Where did you keep your working file?

19 A. There at my desk in the Normal Police
20 Department detective division.

21 Q. How big was your file on this case?

22 A. I don't recall. Several binders is about the
23 best I can give an answer to.

24 Q. Okay.

C06883

1 MR. DiCIANNI: I'm sorry. Can you read that
2 last question and answer back.

3 (Whereupon, the record was
4 read as requested.)

5 BY MS. BARTON:

6 Q. Do you recall anything that were -- was in
7 the binders?

8 A. What was given to me would have been copies
9 of investigators' findings in their investigation and
10 their leads, other information that would have come
11 in.

12 Q. What do you mean by findings?

13 A. As a result of their leads, when the
14 investigator that leads, it would be the results, the
15 information that was obtained through those leads.

16 Q. What form were those findings in?

17 A. A narrative form.

18 Q. Were they handwritten notes or reports?

19 A. Some could have been. Most of them would
20 have been in typewritten form.

21 Q. In report form?

22 A. Correct.

23 Q. And you said that these were given to you.
24 Who were they -- who gave them to you?

C06884

1 A. Well, once a -- like any other case, any
2 other detective or even street officer would have
3 initiated, we would have gotten a copy of it; we,
4 meaning the detective assigned to that case.

5 Q. Was it your understanding that other
6 detectives also had working files on the Lockmiller
7 homicide case?

8 A. Yes.

9 Q. How do you know that?

10 A. As I can recall, we had an intern assigned to
11 the detective division, and his main responsibility
12 was to make copies of all reports that came from the
13 lieutenant's office and put them in the binders. And
14 also clippings from the newspaper, he made copies of
15 those. And I think there was approximately 12, maybe
16 13 different binders that went to different people.

17 Q. The 12 to 13 binders that went to different
18 people within the Normal Police Department?

19 A. And the State's Attorney's Office.

20 Q. On the Lockmiller case?

21 A. Correct.

22 Q. How do you know that the copies went to the
23 State's Attorney's Office, any copies?

24 A. How do I know? I don't know. I could only

C06885

1 say that that's what the intern was directed to do was
2 make copies for the State's Attorney's Office. How
3 they got there or if they got there, I do not know.

4 Q. The intern was instructed to bring copies of
5 what to the State's Attorney's Office?

6 A. No, the intern didn't take anything to the
7 State's Attorney's Office. He was making copies for
8 the State's Attorney's Office. How they got there,
9 again, I do not know.

10 Q. What was the intern's name?

11 A. I do not recall.

12 Q. Was the intern a male or female?

13 A. Male.

14 Q. How old was he?

15 A. I do not know.

16 Q. Was he under 40 years old?

17 A. Yes.

18 Q. Under 30?

19 A. Could have been.

20 Q. Was he a college student?

21 A. Yes.

22 Q. How do you know what the intern's
23 instructions were with respect to the copies?

24 A. The instructions from Lieutenant Zayas.

006886

1 Q. How do you know that?

2 A. I don't.

3 Q. Were you present when Lieutenant Zayas gave
4 any instructions --

5 A. I could have been.

6 Q. You got to let me finish my question.

7 Were you present when Lieutenant Zayas
8 instructed the intern to make copies of the Lockmiller
9 file?

10 A. I could have been.

11 Q. But you don't recall?

12 A. No.

13 Q. Was the intern making copies of documents
14 from the beginning of the investigation to when
15 Ms. Lockmiller's body was discovered all the way
16 through to the conviction of Mr. Beaman?

17 A. I don't recall.

18 Q. Do you recall when he started making copies
19 on the Lockmiller case?

20 A. No, I do not.

21 Q. Did he make copies on any other case?

22 A. No. I had no interest in what the intern was
23 doing, so I couldn't expand on any of his obligations,
24 whether or not he had finished his requirements,

1 whether or not he made 12 or 13 copies or anything of
2 that nature.

3 Q. How do you know it was 12 or 13?

4 A. I can recall at least 12 because that's how
5 many people we had involved in the case; detectives,
6 our administration, which is the chief and his
7 assistant, and of course the prosecutor in the -- from
8 the State's Attorney's Office.

9 Q. Where did you learn that there were 12 copies
10 being made of any documents --

11 A. I don't recall.

12 Q. What prosecutor are you referring to?

13 A. Jim Souk.

14 Q. Anyone else at the State's Attorney's Office?

15 A. Well, I would imagine -- and this is
16 speculation. I would imagine the State's Attorney
17 himself, Charlie Reynard, would have had a copy.

18 Q. Why do you speculate to that?

19 A. Well, he was also involved in the
20 investigation to some degree. To what degree, I do
21 not know.

22 Q. But you don't know whether Souk or Reynard
23 ever received copies from the Normal Police Department
24 with respect to this case, right?

C06888

1 A. Outside of speculation, I do not know. I did
2 not witness any turn-over of documents to them.

3 Q. And you never talked to Souk or Reynard about
4 receiving copies of anything from the Normal Police
5 Department related to the Lockmiller case?

6 A. I do not recall.

7 Q. Did you maintain binders on other cases?

8 A. It depends on what type of a case it was and
9 how in-depth investigation it was required.

10 Q. What kind of case would you maintain binders
11 in a working file at your desk?

12 A. Well, the 1994 homicide. I also had -- are
13 you wanting any case that I worked on?

14 Q. Yes.

15 A. I can also recall one that was -- that took
16 me down to the City of Lincoln, Illinois quite a few
17 trips down there and resolved. Binder meaning a one-,
18 two-, three-inch binder.

19 Q. Did the intern make you copies of records for
20 those binders as well?

21 A. I don't recall.

22 Q. What else do you recall being in your binder
23 for the Lockmiller case other than investigators'
24 reports?

006889

1 A. Offhand, I don't recall what was in there.

2 Q. Did you keep your notes on the case?

3 A. Yes.

4 Q. In the binders?

5 A. Well, yes, it was with the binders. It was
6 part of my copy of the case.

7 Q. What happened to your binders?

8 A. When?

9 Q. On this case.

10 A. Well, I took them with me to 1994 case -- or
11 school down in Jacksonville. I still have those.

12 Q. Did you make copies of the binders before you
13 took it down to Jacksonville?

14 A. That's how I obtained them, yes.

15 Q. Obtained what?

16 A. Copies.

17 Q. So you had a working file of the Lockmiller
18 case that was all in binders at the Normal Police
19 Department at your desk and then you made a copy of
20 the entire file to take down to Jacksonville?

21 MR. DiCIANNI: Let me object to the
22 characterization. I don't think that's completely
23 accurate as to what the testimony was.

24 You can go ahead and answer.

C06890

1 THE WITNESS: The copy that I had taken to
2 the class was the copy that I was working with. Now,
3 if it was any other documents required such as they
4 did require perhaps slides, so I had slides made from
5 photographs for that particular purpose for that
6 class.

7 BY MS. BARTON:

8 Q. Did you take anything else with you to
9 Jacksonville other than your binders and slides?

10 A. That is all I can recall.

11 Q. And you still have the binders today?

12 A. Correct.

13 Q. And are those -- those were within the boxes
14 that I received in response to a subpoena, right?

15 A. Yes.

16 Q. And those are documents that are still in the
17 binders, right?

18 A. Correct.

19 Q. Not the ones in the blue folders like we've
20 been looking at today?

21 A. Correct.

22 MR. DiCIANNI: What blue folders -- oh.

23 BY MS. BARTON:

24 Q. When you responded to the subpoena that I

1 sent to you, you gave me five boxes of documents and
2 one of the boxes of documents had folders that looked
3 like Exhibit 12 and Exhibit 10, right, those blue
4 folders?

5 A. These are -- appear to be photocopies of what
6 I had in that one particular box.

7 Q. So what sort of documents were in the blue
8 folders? Where did you get those documents?

9 A. Those were my documents from various notes.

10 Q. So those weren't documents from the binders
11 that you kept at your desk in the detective division?

12 A. As I best recall, I did not extract anything
13 from the original binders that I worked on.

14 Q. Did you take those binders with you when you
15 retired from the police department?

16 A. I've always had them at home once I returned
17 from the school.

18 Let me correct that. I had them in the
19 detective division for a while and then I had taken
20 them home.

21 Q. Do you recall when you took them home?

22 A. No, I do not.

23 Q. Was it before Mr. Beaman's conviction?

24 A. I don't recall.

C06892

1 Q. You wrote several reports in relation to the
2 Lockmiller homicide, right?

3 A. Yes.

4 Q. What's the purpose of writing a report?

5 A. Well, to recall later any facts concerning
6 the case, to be used in court or a decision whether to
7 go to grand jury, make an arrest, use to further your
8 investigation.

9 Q. In the deposition last time, you said that
10 you -- the information you document in reports, you
11 can document either negative or positive information.
12 What did you mean by that?

13 A. Well, I don't recall making that statement,
14 but if I made that statement -- you're asking me
15 whether or not I copied negative --

16 Q. Well --

17 A. -- or positive aspects of the --

18 Q. Well, why don't we go from here. What sort
19 of information do you put into a report?

20 A. Information that pertains to the case.

21 Q. And that's information you learned from
22 witnesses, right?

23 A. Witnesses, yes.

24 Q. And from documentary sources, right, from

006893

1 documents?

2 A. Yes.

3 Q. And you wrote your reports in this case
4 shortly after you obtained information. You told me
5 you wrote it contemporaneously with the information
6 that you received?

7 A. Yes.

8 Q. And in your prior deposition, you told
9 Mr. Bowman to pay attention to Detective Freesmeyer's
10 date of his report. I just wanted to ask you why --
11 what's important about the date on Detective
12 Freesmeyer's report?

13 A. If you looked at that particular report, you
14 see where everything was according to the computer. I
15 believe it was computer generized -- generized --
16 generated. He had written that report in one day.
17 That's what it appeared if you looked at the date of
18 each page.

19 Q. But you don't know that, right?

20 A. No, I do not know that. He could have kept
21 that in his computer as he went along, correct.

22 Q. Did you ever read Detective Freesmeyer's
23 reports throughout the time you were working on the
24 investigation?

C06894

1 A. Only if they were available.

2 Q. And you don't recall either way if they were?

3 A. I do not.

4 Q. I want to talk about John Murray. You
5 conducted two interviews of Mr. Murray, right?

6 A. Yes.

7 Q. Just sitting here today, what information do
8 you recall learning from Mr. Murray during either one
9 of those interviews?

10 A. The fact that Jennifer was a friend of his.
11 He supplied Jennifer with drugs, marijuana. They
12 would go out on the town so-to-speak. He also stayed
13 there, occasionally had sex with her. The fact that
14 when he said he came and learned -- learned of
15 Jennifer's death, he came back to town, he and his
16 girlfriend had spent the night in a motel in Normal
17 because he was afraid of Alan Beaman. He and Alan
18 Beaman had gone to visit her grave site. The fact
19 that --

20 Q. Was that information that you learned during
21 the two interviews?

22 A. I don't recall if that came from the
23 interviews or not. That could have come from an
24 outside source.

C06895

1 then goes to 1417 and then the second one is at 1419.

2 A. Okay.

3 Q. All right. So I want you to be looking at
4 the one that starts at page 1419.

5 A. Okay.

6 Q. On page 1419 the transcript reflects that you
7 asked Mr. Murray: "When was the last time that you
8 had any contact with Jennifer? What type of contact
9 would that have been?"

10 And then John states: "She called me about
11 two weeks ago, a week ago. I can't remember."

12 Right?

13 A. Yes.

14 Q. And the next page, 1420, it's a little bit
15 hard to find, but it looks like there's an underline
16 with red?

17 A. Yes.

18 Q. Was that your underline? The documents were
19 like that when I received them.

20 A. That could have been mine. That could have
21 been anybody else who had read this document.

22 MR. DiCIANNI: I'm sorry. Is it what's
23 underlined what looks like pen or pencil what you're
24 referring to?

1 MS. BARTON: Yes. In the exhibit that
2 Mr. Daniels has, it's color copied.

3 MR. DiCIANNI: Yeah. Yours is?

4 MS. BARTON: Yeah.

5 MR. DiCIANNI: Yours and his.

6 MS. BARTON: Right, so is mine. And it's in
7 red there.

8 BY MS. BARTON:

9 Q. And it says: "I talked to her was probably
10 maybe two weeks ago or maybe a week and a half ago,
11 and she just called me and asked me what I was doing.
12 And, you know, I said, you know, I am getting ready to
13 go to school."

14 Right?

15 A. Yes.

16 Q. Did you also learn during your interviews
17 with Mr. Murray that he claimed Ms. Lockmiller owed
18 him money for drugs?

19 A. Yes.

20 Q. Do you recall -- strike that.

21 Did Mr. Murray tell you during your
22 interviews that he was in Jennifer's apartment after
23 she returned from California?

24 A. I don't recall.

006898

1 Q. Page 1420, there's a paragraph at the bottom
2 where John is responding: "Oh, yeah, yeah. She
3 called me from California."

4 And then he goes on to say: "I saw her after
5 her California trip. I think I talked to her once or
6 twice?"

7 A. Yes, I see that.

8 Q. You also learned during these interviews with
9 Mr. Murray that he had some involvement with drugs?

10 A. Yes.

11 Q. What -- do you recall what you learned about
12 that?

13 A. I learned that he provided the group, the
14 group being Jennifer and her associates, her friends,
15 with drugs and marijuana. He also was a mule, a
16 dealer, a user of steroids.

17 Q. Did you learn that Mr. Murray did steroids
18 during your interviews with him?

19 A. Did I learn -- rephrase your question,
20 please.

21 Q. Well, where did you learn that Mr. Murray was
22 a user of steroids?

23 A. I don't recall where I learned that.

24 Q. But during the interviews of Mr. Murray, you

C06899

1 learned that he brought drugs down from Rockford,
2 right, to the Bloomington-Normal area?

3 A. Yes.

4 Q. You also learned that Mr. Murray claimed that
5 Ms. Lockmiller was interested in getting back together
6 with him?

7 A. That was -- information was obtained.
8 Whether it came from Murray himself or an outside
9 source, I don't recall.

10 Also getting back to your previous question,
11 would you restate that, please, or repeat that?

12 Q. Which question?

13 A. About learning where he got the drugs or that
14 he brought them down from Rockford.

15 Q. Yes.

16 A. Would you --

17 Q. Sure. Did you learn during one of these
18 interviews of Mr. Murray that he would bring marijuana
19 from Rockford to the Bloomington-Normal area?

20 A. I don't recall learning that from him in the
21 interview or from someone else.

22 Q. All right. Take a look at the Exhibit 14 and
23 look at the page marked SDT 1473.

24 A. Okay.

C06900

1 Q. Look at the last question and answer on that
2 page. You asked Mr. Murray: "Have you ever brought
3 drugs down from Rockford, marijuana from Rockford?
4 Have you ever?"

5 Mr. Murray responds: "Have I ever in my
6 life?"

7 On the next page you state: "Have you ever
8 in your life?"

9 And John says: "Well, yeah. Yes, I have."
10 Right?

11 A. Yes.

12 Q. While we're looking at the transcript from
13 the second interview, turn to page 1471. And in the
14 middle, the second circled answer, John says: "She
15 wanted me to go back out with her, but I wouldn't let
16 her."

17 Is that right?

18 A. Yes.

19 Q. Okay. So Mr. Murray was telling you that
20 Ms. Lockmiller wanted to go back out with him, but he
21 wouldn't let her?

22 A. That's according to the statement -- his
23 statement, yes.

24 Q. And then he also told you that during the

C06901

1 first interview -- on page 1432 of the first
2 interview?

3 A. 32?

4 Q. Yes.

5 A. Okay.

6 Q. And the portion circled, Mr. Murray states:
7 "No, we never fought. She completely, like, wanted to
8 go out with me still. Like, if she was alive today,
9 she would be calling me wanting to go back out with
10 me."

11 Right?

12 A. Yes.

13 Q. Do you recall that during the interview with
14 Mr. Murray, he -- during the second interview. I can
15 point you to the page -- strike that.

16 Between the first interview and the second
17 interview with Mr. Murray, did his account of his
18 whereabouts for the week of Ms. Lockmiller's murder --
19 they changed, right, his account of his whereabouts
20 changed?

21 A. I don't recall if they changed or if he
22 clarified some account of his whereabouts.

23 Q. Okay. What do you mean by clarified?

24 A. Well, he could have been confused. I know

C06902

1 one time in one of the interviews, he said: I go up
2 and down back and forth so many times, I might be
3 confused.

4 I don't know if that statement was written in
5 one of the interviews or not, but it seems to me that
6 that's what he said at one time or another.

7 Q. When he told you that his girlfriend,
8 Ms. Mackoway, actually helped him clarify what dates
9 he was in town and what dates he wasn't in town?

10 A. Is that what I said or is that what was
11 written?

12 Q. I'm just asking. Do you recall that?

13 A. No.

14 Q. Look at the second interview. It's
15 Exhibit 14 on page 1458.

16 A. Okay.

17 Q. And the last paragraph, the one that's
18 circled, just read that to yourself and let me know
19 when you're done.

20 A. Okay.

21 Q. So it looks like Mr. Murray was telling you
22 that Ms. Mackoway was -- actually helped him to
23 determine when he actually left Bloomington?

24 A. Yes.

C06903

1 Q. And he admitted that he was in Bloomington on
2 August 25?

3 A. Let me refresh my memory by reading that
4 again. I don't recall 20 -- reading the 25th here.

5 Q. Sure. You can read on page 1459, just keep
6 reading there.

7 A. "I was back in Bloomington on the 25th of
8 August." That's what it states.

9 Q. And then he also states: "I left on the
10 25th, and I came back on the 2nd."

11 And then you ask him: "Who was the last
12 person you were with in the Normal-Bloomington area on
13 August 25?"

14 And he says: "Deb Mackoway."

15 A. That's what it states, yes.

16 Q. Take a look at the -- still the second
17 interview on page 1464. The answer that's circled
18 there, John says: "If I did stop by, I don't think
19 she was home. I remember stopping by one time when
20 I -- when I was just about ready to go to Rockford,
21 but she wasn't home."

22 And then it looks like -- well, you say:
23 "I'm going to call your attention to the statement
24 that we had taken from you on page 5."

C06904

1 Did you have the transcript of the first
2 statement that Mr. Murray made to you when you were
3 interviewing him the second time?

4 A. According what this states, I must have.

5 Q. Do you recall how the transcripts were made
6 of the interviews?

7 A. We had chief's secretary, Jackie Thomas,
8 transcribe the tapes.

9 Q. When did she transcribe the tapes? Was it
10 throughout the course of the investigation?

11 A. I don't recall.

12 Q. But it looks like at least for Mr. Murray you
13 had the transcript from his first interview by the
14 time that you interviewed him six days later on the
15 8th?

16 A. It appears so.

17 Q. Do you recall Mr. Murray telling you during
18 the second interview that he would provide you with
19 telephone records to help clarify where he was and
20 when?

21 A. No, I don't recall him saying that.

22 Q. Look at page 1477. First let me ask you
23 about this page. Are these your notes in the margins
24 here?

1 A. That's my handwriting, yes.

2 Q. Towards the middle of the page, John states:
3 "If you would like more specific dates, I will -- I
4 will do research. I will find out exact times. I
5 will get a phone bill. I will have every single
6 minute of those days accounted for if you would like."

7 Right?

8 A. Yes.

9 Q. And then Mr. Murray actually also offered to
10 take a polygraph during --

11 A. Yes, he did.

12 Q. -- this interview?

13 A. I don't know if it was the second interview.

14 Q. Two pages back on page 1475, you asked
15 Mr. Murray: "Are you willing to take a polygraph,
16 John?"

17 John says: "I'll take a polygraph."

18 And you said: "And what is that polygraph
19 going to tell us when we ask you when you saw her
20 last?"

21 And John says that "The 25th of August is the
22 last date I saw her."

23 Right?

24 A. That's what it says, yes.

C06906

1 Q. Did you write a report on either one of the
2 interviews for Mr. Murray?

3 A. Rob Hospelhorn would have written the report
4 because he was sitting in with me on the interviews.

5 Q. So why -- why did Rob Hospelhorn write a
6 report on those interviews and not you?

7 A. He volunteered to do so.

8 Q. Okay. Let's look at Exhibit Number 4, and I
9 have that here for you.

10 MR. BOWMAN: Can we take a short pause?

11 MS. BARTON: Sure. Go off the record.

12 THE VIDEOGRAPHER: Off the record. The time
13 is 11:28.

14 (Whereupon, a break was taken.)

15 THE VIDEOGRAPHER: I'm back on the record.
16 The time is 11:37.

17 BY MS. BARTON:

18 Q. I put in front of you Exhibit 4. This was
19 from your last deposition. This is the set of reports
20 that Detective Hospelhorn prepared. Take a look at
21 page -- it's marked MCC 318 at the bottom.

22 The last paragraph, the second sentence on
23 9-2-93, RO and Detective Daniels interviewed John
24 Murray.

1 Right? So he's at least reporting about the
2 interview of John Murray on the 2nd?

3 A. Yes.

4 Q. And that was your first interview.

5 Now, I don't see in his report about the
6 interview from the 8th, and I also don't have a report
7 from you for the interview of Murray on September 8.

8 Do you recall if either one of you prepared a
9 report?

10 A. No, I don't recall. Once again, I'd like to
11 remind you, we could've prepared a report and for some
12 reason, it didn't get in the binder.

13 Q. What do you mean by that?

14 A. Well, we had that intern compare -- compiling
15 binders.

16 Q. Do you know how the intern obtained the
17 reports?

18 A. Well, once again, Lieutenant Zayas would have
19 had him -- hand him the reports and tell him to make
20 copies for the binders.

21 Q. So you as a detective would prepare your
22 report and submit it to Lieutenant Zayas?

23 A. That's correct.

24 Q. So that's at least what you did with your

C06908

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1 reports?

2 A. That's what I would do with each report I
3 would've prepared, yes.

4 Q. Okay. And it was your understanding that
5 Lieutenant Zayas then gave the report to the intern to
6 make copies?

7 A. That's my understanding, yes.

8 Q. But you don't have any firsthand knowledge of
9 that?

10 A. Of this particular report?

11 Q. Any report.

12 A. No, I didn't witness him actually turning
13 over any paperwork to the intern to make copies.

14 Q. All right. Take a look at MCC 333. And this
15 looks like a report by Detective Hospelhorn regarding
16 an interview that -- or at least a conversation
17 because it says spoke with John Murray. RO being
18 Hospelhorn and you, Detective Daniels spoke with John
19 Murray at Normal Police Department on September 22,
20 1993.

21 Take a look at this report and let me know if
22 this is what you were talking about with Murray
23 visiting the grave site with Mr. Beaman.

24 MR. DiCIANNI: I'm sorry. What page was

1 that?

2 MS. BARTON: MCC 333.

3 THE WITNESS: Yes, that's what I was
4 referring to.

5 BY MS. BARTON:

6 Q. So this is how you -- strike that.

7 So John Murray informed you that he went to
8 Ms. Lockmiller's grave site in Decatur with Alan
9 Beaman, Chris Carbone, and Josh Whitney?

10 A. Correct.

11 Q. Do you recall anything else about the
12 conversation with Mr. Murray other than what's
13 reported by Detective Hospelhorn in this report?

14 A. No, I do not.

15 Q. Do you recall whether this interview was in
16 person?

17 A. According to the first sentence there, they
18 spoke with John Murray at Normal PD. Of course, it
19 doesn't -- well, it says this interview was not
20 recorded. I don't want to speculate that it was in
21 person.

22 Q. Do you recall whether Mr. Murray came to the
23 police department to talk to you or whether you called
24 him in?

C06910

1 A. No, I do not.

2 Q. Do you know whether John Murray was
3 subpoenaed to testify at Mr. Beaman's criminal trial?

4 A. I have no knowledge of that.

5 Q. We touched briefly during your last
6 deposition on the task force that consisted of
7 representatives from local agencies to investigate
8 drug crimes; is that right?

9 A. Yes.

10 Q. Do you know who the representative was from
11 the Normal Police Department on that task force?

12 A. I don't believe we had a detective at that
13 time assigned to the task force.

14 Q. At what time?

15 A. The time that the murder occurred.

16 Q. Ms. Lockmiller's murder?

17 A. Correct.

18 Q. Do you know if there was ever a
19 representative from the Normal Police Department on
20 that task force at any time?

21 A. Yes.

22 Q. And who was that?

23 A. John Belcher, Jim Henderson, Marty Fogler.
24 That's the only names I can recall at this point in

1 time.

2 Q. What was Mr. Henderson's first name?

3 A. Jim.

4 Q. John Belcher, Marty Fogler, and Jim
5 Henderson?

6 A. Yes.

7 Q. Did anyone from the task force, whether it
8 was one of these three individuals or anybody else,
9 provide you with information related to John Murray?

10 A. As I recall, it would have been John Belcher.

11 Q. What did you learn from John Belcher?

12 A. John Belcher had called DCI and obtained some
13 information from Tony Schlosser. I don't know how to
14 spell his last name. But Tony was working with John
15 Murray at the time. John Murray was under
16 investigation for selling drugs.

17 Q. What do you mean by working with John Murray?

18 A. Attempting to make a purchase through
19 John Murray. John Murray was under investigation.
20 Tony Schlosser was the assigned agent.

21 Q. What agency employed Tony Schlosser?

22 A. McLean County Sheriff's Department.

23 Q. Do you know whether Investigator Schlosser
24 was using Mr. Murray as a confidential source?

C06912

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APPENDIX 002037

1 A. I do not know that personally.

2 Q. How do you know that John Belcher called DCI?

3 A. John informed me he obtained documents from
4 their case on John Murray.

5 Q. What does DCI stand for?

6 A. Department of Criminal Investigations.

7 Q. And where is that located?

8 A. At that time, the office was located on
9 Eldorado Road in Bloomington.

10 Q. Was that the task force's office?

11 A. Yes, Task Force 6.

12 Q. When did John tell you that he obtained
13 documents from DCI?

14 A. I don't recall the exact date.

15 Q. How about an approximate date?

16 A. During the first week I would believe.
17 Again, that's an assumption.

18 Q. First week of what?

19 A. The investigation.

20 Q. Related to Lockmiller's homicide?

21 A. Correct.

22 Q. You told me during the last deposition that
23 John Belcher was assigned certain tasks during the
24 Lockmiller homicide investigation, right?

1 A. Yes.

2 Q. Do you know what his role was in the
3 investigation?

4 A. Other than obtaining the information on
5 John Murray from DCI, I also recall him verifying the
6 whereabouts of John Revis.

7 Q. Did you ever see the documents that
8 John Belcher obtained from DCI?

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

10 Q. Did John Belcher tell you why the task force
11 was investigating John Murray?

12 A. He could have. He may have or I could have
13 gotten it from the report.

14 Q. From what report?

15 A. A report that Tony Schlosser would've had on
16 file.

17 Q. Did you obtain reports from Tony Schlosser?

18 A. I did not.

19 Q. So what do you mean by the reports that
20 Schlosser had on file?

21 A. Well, you'd have a case file on individuals
22 that you're investigating.

23 Q. So it was your understanding that Tony
24 Schlosser had a case file on the investigation of

C06914

1 John Murray?

2 A. Correct.

3 Q. Where was that case file?

4 A. DCI would have had that.

5 Q. Did you go to DCI to review records related
6 to John Murray?

7 A. I did not.

8 Q. Did you ever review Tony Schlosser's case
9 file?

10 A. I don't recall if I did.

11 Q. Do you recall reviewing any reports related
12 to an investigation of John Murray for possession of
13 drugs?

14 A. Yes.

15 Q. Okay. When?

16 A. When I read them or --

17 Q. Yes.

18 A. I don't recall when I read them.

19 Q. Was it during the Lockmiller homicide
20 investigation?

21 A. Could have been during it or it could have
22 been after the trial.

23 Q. You just don't recall either way?

24 A. Correct.

1 Q. So we've already discussed the fact that
2 during the second interview of Mr. Murray, he offered
3 to get a phone bill to show his whereabouts for the
4 week of Ms. Lockmiller's homicide.

5 Did you ever obtain either the phone bill or
6 records related to Mr. Murray's telephone records?

7 A. Yes.

8 Q. How did you obtain them?

9 A. Well, they were given to me. By whom, I do
10 not recall.

11 Q. Did Mr. Murray bring them into the police
12 department to give to you?

13 A. I don't recall.

14 Q. Did you subpoena the telephone records?

15 A. I don't recall that either.

16 (Whereupon, Daniels Deposition
17 Exhibit No. 15 was marked.)

18 BY MS. BARTON:

19 Q. The court reporter handed you what she marked
20 as Exhibit 15 to your deposition. This is the
21 entirety of the blue folder that you provided to me
22 labeled phone records.

23 Turn to SDT 590. Do you recognize this
24 document?

C06916

1 A. I don't recall the document.

2 Q. It looks like a handwritten letter from
3 Patty Engel of GTE Security to a person named John
4 dated September 16, 1993?

5 A. Yes, it does.

6 Q. And it says: "Enclosed are the calls for
7 both your number and your parents' number from
8 August 19 through August 28, 1993."

9 A. Okay.

10 Q. Do you know who the John is that this letter
11 is addressed to?

12 A. With 100 percent surety, no, I do not.

13 Q. What's your best guess?

14 A. Since we are talking about John Murray and
15 phone records, my guess best would be John Murray.

16 Q. And you interviewed John Murray on
17 September 2 and again on September 8. And during the
18 September 8 interview, Mr. Murray said I can get a
19 phone bill for you to verify my whereabouts during the
20 week of the homicide, right?

21 A. Yes.

22 Q. Take a look at Exhibit 10, and turn to page
23 SDT 70.

24 A. Okay.

1 Q. Are these your notes?

2 A. Yes, that's my handwriting.

3 Q. And the date on this is September 8, 1993?

4 A. Yes.

5 Q. Entitled Second Interview With Larbi?

6 A. Yes.

7 Q. Would that be John Murray?

8 A. Yes.

9 Q. Were these notes that you took during the
10 interview of Mr. Murray on September 8?

11 A. I cannot say if they were or not.

12 Q. And that note on the bottom, can you read
13 that for me?

14 A. Phone record on John, 21st through the 28th.

15 Q. What is that notation before the 21st? Can
16 you interpret that for me?

17 A. That could be a 04.

18 Q. What does that stand for?

19 A. Possibly a month or could be 06, possibly a
20 month.

21 Q. Do you know what that note refers to?

22 A. Well, it says phone record on John.

23 Q. Were you planning to ask Mr. Murray to obtain
24 phone records from the 21st to the 28th?

1 A. That's a possibility according to this note.
2 Q. But you don't recall either way?
3 A. Correct.
4 Q. Take a look at page SDT 95 in that same group
5 of documents.
6 MR. DiCIANNI: I'm sorry, what page?
7 MS. BARTON: 95.
8 BY MS. BARTON:
9 Q. It might be on the reverse page, 95 and 96.
10 A. Oh, there it is. Okay.
11 Q. Is this your handwriting on pages 95 and 96?
12 A. Yes, it is.
13 Q. And on page 95, it's labeled 9-2-93, Larbi
14 Interview?
15 A. Correct.
16 Q. Are these notes that you took during the
17 interview on September 2?
18 A. Either that or when I was reviewing the case.
19 Q. And the notation at the top says: "Check his
20 phone record to see if and when called him."
21 What does that refer to?
22 A. I don't know what -- recall why I wrote that
23 down the way I did. Check his phone record, I would
24 assume referring to John Murray to see if and when

1 called him.

2 Q. Right. Because we already established that
3 during the first interview, Mr. Murray told you, I
4 spoke to Jennifer and she called me and I called her
5 within a couple weeks of her murder. Right? And so
6 now you're writing check his phone records to see if
7 and when --

8 A. Possibly --

9 Q. -- Ms. Lockmiller called him?

10 A. Could possibly mean if and when Jennifer
11 called him.

12 Q. And look at page 96. Are these questions
13 that you prepared in preparation for Mr. Murray's
14 interview either on the 2nd or on the 8th?

15 A. I don't recall what they were referring to.
16 It also could be lead-up questions that I had written
17 down after the trial, during the trial.

18 Q. What are lead-up questions?

19 A. Questions that need to be answered after I
20 reviewed documents being maybe Murray's phone records
21 or other statements from other witnesses or John
22 Murray's interviews.

23 Actually his name is not mentioned in this
24 particular page. It could refer to anyone.

1 Q. Well, the first question says: "Were you
2 seeing both Jennifer and Deb at the same time?"

3 A. Okay. Then that -- well, it's possible that
4 Debbie had another boyfriend.

5 Q. Well, did you investigate another boyfriend
6 of Ms. Mackoway's that I don't know about?

7 A. Of Deb Mackoway?

8 Q. Yes.

9 A. I did not, no.

10 Q. Was there another Deb related to the
11 Lockmiller homicide case?

12 A. I don't recall.

13 Q. Did you want to obtain Mr. Murray's phone
14 records at the time of the investigation?

15 A. I don't know if it was my suggestion,
16 Hospelhorn's, or anyone else. Could have been
17 Zayas's. I don't recall whose idea it was. Surely it
18 would have been a suggestion to help verify where the
19 calls originated from, whether or not his phone or
20 someone else's phone.

21 Q. When did you receive the records?

22 A. I don't recall when I received the records.

23 Q. Did you receive them during the time of the
24 investigation?

1 A. Once again, I don't recall when.

2 Q. Where did you keep the records?

3 A. The phone records?

4 Q. Yes.

5 A. I would've, once again, assumed they would
6 have been kept with the case investigation.

7 Q. What does that mean "with the case
8 investigation"?

9 A. With the other case information that -- the
10 binders, so forth.

11 Q. In your binder or set of binders?

12 A. I don't -- I can't say with 100 percent
13 accuracy.

14 Q. Did you perform any analysis on Mr. Murray's
15 phone records?

16 A. It seems to me I was working on them.

17 Q. When were you working on them?

18 A. Well, of course had been after I received
19 them. Exactly when, I don't -- I'm not sure.

20 Q. Do you recall working on the telephone
21 records at any time during the Lockmiller homicide
22 investigation?

23 A. During my part of the investigation or during
24 the time that he was -- she was found and through the

C06922

1 appeal court?

2 Q. How about before October 1993?

3 A. I don't recall.

4 Q. After 1993?

5 A. Again, I don't recall.

6 Q. Did you write on the telephone records at any
7 time?

8 A. I could have.

9 Q. Take a look at the first page here, 578 of
10 the phone records. The big exhibit is going to be
11 here.

12 A. Okay. I'm sorry.

13 MR. DiCIANNI: What number was that again?

14 MS. BARTON: 15, Exhibit 15.

15 BY MS. BARTON:

16 Q. Do you see your handwriting anywhere on this
17 page?

18 A. Yes, I wrote up at the top "Larbi,"
19 L-a-r-b-i.

20 Q. Because that was Mr. Murray's telephone
21 number, 309-828-0718, right?

22 A. I don't know if that was his number at the
23 time or not.

24 Q. Do you see your handwriting anywhere else?

1 A. I don't recognize it.

2 Q. Do you recognize anyone else's handwriting on
3 this page?

4 A. No, I do not.

5 Q. Turn to page 581. Do you recognize your
6 handwriting on this page anywhere?

7 A. I couldn't say for sure.

8 Q. Isn't that your handwriting where it says
9 "Larbi's friend" to the right?

10 A. That could be. That appears to be.

11 Q. And what about down below where it says "Deb
12 Mackoway's apartment," that's your handwriting too,
13 isn't it?

14 A. I don't make the A that way. I don't make
15 the B that way. So I would have to say that doesn't
16 appear to be my handwriting.

17 Q. What about on page 582, do you see your
18 handwriting anywhere on that page?

19 A. I don't recognize it.

20 Q. No?

21 A. No, I don't recognize it.

22 Q. Turn to page 585. Is this a document that
23 you created?

24 A. Yes, I believe so.

C06924

1 Q. When did you create this?

2 A. I have no idea.

3 Q. What does this document mean?

4 A. It appears to mean a timeline on phone calls
5 made from 8 to -- zero -- correction. Made from area
6 code 390-828-0718 which appears to be Murray's
7 apartment.

8 Q. Well, you created this document, right? You
9 just told me that?

10 A. Yes.

11 Q. Why did you create the document?

12 A. Make it easier to read if I was looking for a
13 particular time, phone number, or a name phone numbers
14 would be registered to.

15 Q. And this was an analysis you performed on --
16 or this -- strike that.

17 This piece of paper reflects an analysis you
18 performed on John Murray's telephone records, right?

19 A. To some degree, yes.

20 Q. And you don't know when you did that
21 analysis?

22 A. That's correct, I do not know.

23 Q. But it says on the top "Murray's apartment"
24 and then it gives his telephone number 309-828 --

- 1 A. Yes.
- 2 Q. -- 0178?
- 3 A. Yes.
- 4 Q. So we can agree that that's the number that
5 was registered for Mr. Murray's apartment?
- 6 A. Yes.
- 7 Q. Turn to page 587. You might have to flip it.
8 The handwriting in red that says "Larbi's in BLM," is
9 that your handwriting?
- 10 A. Yes.
- 11 Q. What does that mean?
- 12 A. Bloomington. Larbi's -- mine's cut off at
13 the top. Would you reread that, please?
- 14 Q. Sure. It says "Larbi's in BLM."
- 15 A. Okay. That meant it's Larbi's phone number
16 in Bloomington.
- 17 Q. Of course, at the top we see 309-828-0718
18 which we already established was Mr. Murray's
19 apartment phone number?
- 20 A. Correct.
- 21 Q. There are several numbers circled in red,
22 some in black, some lines highlighted. Did you do any
23 of that on this page?
- 24 A. I'm sorry. I do not recall if I did.

1 Q. Turn to page 591. Is that your handwriting
2 in the margin?

3 A. Yes.

4 Q. And at the bottom of the page?

5 A. Yes.

6 Q. Did you circle any of these numbers in red?

7 A. Possible, but I don't recall circling them.

8 Q. What about the next page? The note at the
9 top says Larbi's in I think Byron?

10 A. Byron, Illinois.

11 Q. So this was the phone records related to
12 Mr. Murray's Byron residence, right?

13 A. Yes.

14 Q. And that's your handwriting?

15 A. Correct, in the margin at the top, yes.

16 Q. In red?

17 A. Correct.

18 Q. And on the margin, that's your handwriting
19 also in red?

20 A. Correct.

21 Q. And then there are several numbers circled in
22 red?

23 A. Correct.

24 Q. Page 594, there's a green highlight about

1 three-fourths down the page. Did you highlight that
2 number?

3 A. I don't recall.

4 Q. Turn to page 652.

5 A. 652?

6 Q. Yes.

7 A. Okay.

8 Q. Is this a document that you prepared?

9 A. It could be.

10 Q. Do you recognize it?

11 A. After all these years, no.

12 Q. Well, is there any reason it would be in your
13 possession?

14 A. To review if -- well, it was in my possession
15 apparently because you have a copy of it, so I would
16 say probably to review.

17 Q. Let me ask you, did you ever make copies of
18 the telephone records that were in your possession
19 related to Mr. Murray?

20 A. It's possible.

21 Q. Did you make the copies in color?

22 A. No, we didn't have a color copier at that
23 time.

24 Q. Why were you interested in Mr. Murray's

1 telephone records?

2 A. Well, help verify where he could have been.

3 Q. And why was that important?

4 A. Well, we had to have the opportunity to
5 commit a crime.

6 Q. So he was a suspect in Ms. Lockmiller's
7 murder, and you were trying to verify his alibi?

8 A. At that time, yes.

9 Q. Well, what did the phone records ultimately
10 prove to you, if anything?

11 A. That he was in Normal on the day that the
12 State's Attorney said that Jennifer was killed.

13 Q. Which was August 25?

14 A. As I recall, yes.

15 Q. Well, didn't Mr. Murray tell you himself that
16 he was in town on the 25th?

17 A. He may have. I don't recall as I'm sitting
18 here.

19 Q. Okay. Well, we already established that
20 with --

21 A. Okay.

22 Q. -- the second interview, but we can look at
23 it again if you like.

24 A. Okay.

1 Q. It's Exhibit Number 14, page SDT 1459.

2 A. I haven't found 14 yet.

3 Q. Okay.

4 A. Okay. What was that page number?

5 Q. 1459.

6 A. Okay.

7 Q. Take a look at that and see if it refreshes
8 your memory about whether Mr. Murray told you that he
9 was in town, town being Bloomington-Normal, on
10 August 25, 1993?

11 A. Looking at the page about third down where
12 he's answering Rob Hospelhorn's question, he states:
13 "I left -- the last time I went home was on the 25th
14 of August and then I came back on Tuesday,
15 September 2."

16 Q. And then you asked him a question.

17 A. "Who was the last person you were with in
18 Normal-Bloomington area on August the 25th?"

19 Q. And he says?

20 A. He says: "Debbie Mackoway."

21 Q. And then turn to the next page, and you ask
22 him "okay. What time did you leave to go to
23 Rockford?"

24 And he says: "About 4 o'clock."

1 hearing?

2 A. I do not recall if this was the hearing I
3 testified.

4 Q. Well, you did testify at a hearing --

5 A. Yes.

6 Q. -- for the post-conviction --

7 A. Correct.

8 Q. -- relief, right?

9 So turn to the second page and then it
10 reflects Tony Daniels is sworn in and then a direct
11 examination, right?

12 A. Apparently I did.

13 Q. Okay. Turn to page MCC 12714 at the -- the
14 last question and answer. The question is: "Had
15 John Doe number one also given you any indication as
16 to whether he had placed himself at Jennifer
17 Lockmiller's apartment on the day of her death or the
18 day before?"

19 As you sit here right now, Mr. Daniels, do
20 you know who John Doe number one is?

21 A. Yes.

22 Q. Who's that?

23 A. John Murray.

24 Q. Okay. So then your answer was what? Can you

1 read that answer for me?

2 A. "Both he during the first interview, he
3 placed himself there the 24th. Then on the second
4 interview, he placed himself there the 25th, and I
5 believe that was substantiated by Deb Mackoway."

6 Q. Okay. So that's how you testified at this
7 hearing?

8 A. That's what I testified to, correct.

9 Q. Okay. And you already told me you don't
10 recall what you did, if anything, with these telephone
11 records of Mr. Murray's, right?

12 A. Other than what I already testified to,
13 that's correct.

14 Q. Which is what?

15 A. Appeared that I was analyzing the dates and
16 the times, trying to compare those to the dates and
17 times where John Murray would have been.

18 Q. Did you provide these telephone records to
19 any other officers working on the investigation?

20 A. Did they have access to them? I do not know.
21 And I don't recall if I provided them or if copies
22 were made.

23 Q. Did you provide these records to Lieutenant
24 Zayas?

1 A. Again, I don't recall.

2 Q. Did you ever write a report stating that you
3 had received these telephone records?

4 A. I don't recall if I did.

5 Q. You eventually received a subpoena for the
6 telephone records; is that right?

7 A. I'm sorry. I don't recall if I did.

8 Q. All right. Take a look at Exhibit 15, which
9 is the big, thick exhibit, and turn to page 680. Do
10 you recognize this?

11 A. No.

12 Q. You've never seen it before?

13 A. I'm not saying that. I just don't recognize
14 it.

15 Q. What does it appear to be?

16 A. Well, it's a -- appears to be a subpoena
17 duces tecum. That's what it is, subpoena duces tecum.

18 Q. For what?

19 A. Documentation phone records for the residence
20 of Larbi John Murray.

21 Q. And it's dated July 13, 2000 on the bottom
22 right-hand?

23 A. Correct.

24 Q. Do you know why this was in your file?

1 A. No.

2 Q. Do you have any recollection of whether you
3 responded to the subpoena on behalf of the Normal
4 Police Department?

5 A. No, I do not.

6 Q. Do you recall meeting with Tony Matens
7 relating to this subpoena?

8 A. To this particular subpoena?

9 Q. Yes.

10 A. No, I don't.

11 Q. Do you recall meeting with Mr. Matens at the
12 Normal Police Department to discuss and go over the
13 records, the phone records related to John Murray?

14 A. No, I don't.

15 (Whereupon, Daniels Deposition
16 Exhibit No. 17 was marked.)

17 BY MS. BARTON:

18 Q. All right. Mr. Daniels, the court reporter
19 handed you what she marked as Exhibit Number 17. This
20 is a memo from Tony Matens to Juliet and Jeff dated
21 July 18, 2000, and it states: "These telephone
22 records are copies of copies. Lieutenant Daniels did
23 not know where the original records are currently
24 located. The records appear to be incomplete;

1 however, they are very interesting. I assume you will
2 supply a copy of the records to Jenner & Block's
3 office."

4 And then take a look at the records that are
5 attached to this memorandum.

6 A. Both handwritten and typed?

7 Q. Yes.

8 A. Okay.

9 Q. Did you provide these records to Tony Matens?

10 A. The cover letter indicates that, yes.

11 Q. Do you recall whether you did that or not?

12 A. No.

13 Q. Any reason to believe that you didn't provide
14 records to Mr. Matens in response to a subpoena?

15 A. Well, if it's in response to a subpoena, I
16 definitely would have honored that subpoena.

17 Q. Do you recall ever receiving a subpoena from
18 Mr. Matens?

19 A. No, I don't recall.

20 MR. BOWMAN: When you say -- I don't -- never
21 mind.

22 Is that question intended in his capacity as
23 an officer of the Normal Police Department? Is that
24 what you're asking?

1 MS. BARTON: Well, at any time.

2 MR. BOWMAN: You, the Normal Police
3 Department, or you, Daniels, Normal Police Department
4 officer?

5 MS. BARTON: So you're objecting to the form
6 of the question?

7 MR. BOWMAN: Yeah, it's vague and ambiguous.

8 BY MS. BARTON:

9 Q. Did you personally ever receive a subpoena
10 from Mr. Matens where he handed it to you?

11 A. I don't recall.

12 MR. BOWMAN: Same objection.

13 BY MS. BARTON:

14 Q. Did you meet with Mr. Matens and Detective
15 Hospelhorn at the Normal Police Department to go over
16 these records, the telephone records, related to
17 John Murray?

18 MR. BOWMAN: Same objection. What records?

19 THE WITNESS: I don't recall.

20 BY MS. BARTON:

21 Q. Do you recall having conversations with
22 Mr. Matens about the telephone records related to
23 John Murray?

24 A. No, I do not.

1 Q. Have you told me everything that you recall
2 doing with the telephone records?

3 MR. BOWMAN: Objection; vague, overbroad,
4 can't possibly be answered in that form.

5 THE WITNESS: Would you restate -- repeat
6 your question?

7 BY MS. BARTON:

8 Q. Sure. The -- you already told me, right,
9 that you at some point in time, but you don't know who
10 from or when, you received telephone records related
11 to John Murray?

12 A. That's correct.

13 Q. Have you told me everything that you did with
14 those records?

15 A. As I recall --

16 MR. BOWMAN: Same objection as to vague,
17 overbroad, confusing.

18 THE WITNESS: As I recall, I have told you
19 everything that I recall concerning the phone records.

20 BY MS. BARTON:

21 Q. Who made the decision to administer a
22 polygraph test on John Murray?

23 A. I do not know who made the decision. I made
24 the request.

1 Q. To who did you make -- to whom did you make
2 the request?

3 A. Well, would have been Terry McCann from the
4 Illinois State Police Crime Lab in Morton, Illinois.

5 Q. How did you make that request?

6 A. Well, I would've -- I could've -- I could
7 have done one of two things; called him personally, or
8 ask Dave Warner, who was our evidence tech, to make
9 the appointment. I don't recall the exact method in
10 which I requested it.

11 Q. Why did you want John Murray -- strike that.
12 Why did you want Mr. McCann to administer a
13 polygraph examination of Mr. Murray?

14 A. Terry McCann was the operator. The reason
15 why I requested one on John Murray as an investigative
16 tool.

17 Q. For what purpose?

18 A. Investigative tool, to see if we could verify
19 his information or if he was being deceptive.

20 Q. Were you trying to determine whether
21 Mr. Murray was involved in Ms. Lockmiller's homicide?

22 A. That could have been obtained later after
23 results of the polygraph.

24 Q. Take a look at Exhibit 16, please, and look

1 at page -- I'm sorry, MCC 12719. Read the question
2 and answer to yourself at the top of the page and let
3 me know when you're finished.

4 A. Do you want the whole page read?

5 Q. No, just that first question --

6 A. Okay.

7 Q. -- and answer at the top.

8 A. Uh-huh.

9 Q. Does that refresh your memory about why you
10 were interested in submitting John Murray to a
11 polygraph examination?

12 A. According to my testimony, yes.

13 Q. And why was that?

14 A. For the investigation.

15 Q. And specifically you testified that we were
16 interested in his involvement, John Doe's involvement,
17 in the case?

18 A. Yes.

19 Q. It says: "A normal set of questions would be
20 to the -- to the examinee whether or not he had any
21 involvement or if he knew who had involvement"?

22 A. Correct.

23 Q. When was the decision made to submit
24 Mr. Murray to a polygraph?

1 A. I don't recall the date it was requested.

2 Q. Was it sometime around the time you
3 interviewed him?

4 A. That's -- when I interviewed him, that's when
5 I asked him to take a polygraph or if he would take a
6 polygraph.

7 Q. And he agreed?

8 A. Yes.

9 Q. And you already told me during your first
10 deposition that you actually took Mr. Murray to Morton
11 Crime Lab for the polygraph examination, right?

12 A. That's correct.

13 Q. How did that get set up?

14 A. You mean the date and the time and who was to
15 escort him there and back?

16 Q. Correct.

17 A. I don't recall how that was set up.

18 Q. Was it just you and Mr. Murray in the car
19 when you drove to Morton?

20 A. As I recall, yes.

21 Q. Did you pick him up at his residence?

22 A. I don't recall.

23 Q. Do you recall any conversation that you had
24 with Mr. Murray on the way to the crime lab?

1 A. No.

2 Q. Did you talk to him on the way to the crime
3 lab?

4 A. I don't recall if I did.

5 Q. Did you tell anyone at all that you were
6 taking Mr. Murray to Morton Crime Lab for a polygraph?

7 A. That's a possibility.

8 Q. Do you remember?

9 A. I don't recall if I told anyone and if whom I
10 did who I would've informed them of.

11 Q. Did you talk to Mr. McCann when you got
12 there?

13 A. Yes.

14 Q. What did you talk about?

15 A. The case at hand.

16 Q. Can you elaborate on that?

17 A. Date and time and relationship Jennifer to
18 Larbi, and what Mr. Larbi had told us subsequent to
19 his interviews.

20 Q. What Mr. Murray had told you subsequent to
21 his interviews. What do you mean?

22 A. Maybe that was the wrong word. As a result
23 of his two interviews, what he had related to us.

24 Q. So are you saying there was another

1 conversation or interview of Mr. Murray after those
2 first two interviews?

3 A. Well, he -- according to your questioning and
4 I think my answer, he could have brought those phone
5 records to our station personally himself, and I
6 could've had a conversation with him. If that be the
7 case, I don't recall.

8 Q. Are you saying that you told Mr. McCann about
9 Mr. Murray's telephone records?

10 A. No, I'm not saying that because I don't
11 recall.

12 Q. Did you tell Mr. McCann what questions to ask
13 Mr. Murray during the examination?

14 A. No. Mr. McCann's a very professional and
15 experienced examiner. He would have standard
16 questions. Basically I suggest we want to know
17 whether or not Mr. Murray was involved or had any
18 knowledge of the murder and as to who -- who would've
19 committed it.

20 Q. Had you worked with Mr. McCann before on
21 investigations?

22 A. Yes.

23 Q. Any reason you chose Mr. McCann?

24 A. Taxpayer.

1 Q. What does that mean?

2 A. The taxes that we pay in the state of
3 Illinois goes for his salary.

4 Q. Okay. So why --

5 A. Well, if we would have hired an independent,
6 that would have cost the taxpayers more money.

7 Q. Okay. So you're saying you chose Mr. McCann
8 because he's hired by the State of Illinois, and so
9 the taxpayers wouldn't have to pay any more money?

10 A. Yeah, along with the fact that's a normal
11 procedure for Normal Police Department.

12 Q. Okay. So it's normal for you as an
13 investigator on behalf of the Normal Police Department
14 to contact a polygraph examiner from the Illinois
15 State Police to conduct --

16 A. Correct.

17 Q. -- an examination during your investigation?

18 MR. BOWMAN: Why don't we take a little break
19 at this point.

20 MS. BARTON: Okay.

21 THE VIDEOGRAPHER: Off the record, 12:30.

22 (Whereupon, a break was taken.)

23 THE VIDEOGRAPHER: Back on the record 1333.

24

1 BY MS. BARTON:

2 Q. Mr. Daniels, before we took the break, we
3 were discussing your conversations with Terry McCann,
4 the polygraph examiner, about John Murray, okay, just
5 to kind of bring you back to where we were.

6 At the point in time that you met with
7 Mr. McCann, when you brought Mr. Murray to the Morton
8 Crime Lab, did you know whether any other person had
9 been administered a polygraph test in the Lockmiller
10 investigation?

11 A. At that time, I don't really recall.

12 Q. Did you know when you met with Mr. McCann
13 that he had already administered the polygraph of
14 Stacey Gates?

15 A. No, I didn't.

16 Q. You didn't know that at the time?

17 A. No.

18 Q. You were not actually in the room when
19 Mr. McCann administered the polygraph examination to
20 Mr. Murray, right?

21 A. That's correct, I was not.

22 Q. Were you in the room during the pretest
23 interview?

24 A. No.

1 Q. Were you in the room at any time or were
2 you -- strike that.

3 Were you present at any time when Mr. McCann
4 was asking Mr. Murray questions?

5 A. No.

6 Q. How long were you at the Morton Crime Lab for
7 Mr. Murray's polygraph examination?

8 A. An estimate would be probably in the
9 neighborhood of an hour, 45 minutes.

10 Q. Did you wait at the crime lab --

11 A. Yes.

12 Q. -- until it was completed?

13 Did you speak with Mr. McCann when the
14 examination was over?

15 A. First of all, there was no exam; but I did
16 speak to him after -- afterwards.

17 Q. What do you mean there was no exam?

18 A. Mr. McCann explained to me that Mr. Murray
19 was not being cooperative in his questioning.

20 Q. And, therefore, Mr. McCann couldn't actually
21 complete the test on Mr. Murray?

22 A. He couldn't start the test.

23 Q. So Mr. McCann told you he never even started
24 the test?

1 A. Correct.

2 Q. Did he tell you whether he asked
3 Mr. Murray any questions or how he got to that point?

4 A. Well, there's a preliminary question they use
5 to establish a baseline, I believe. And what
6 Mr. McCann explained to me is that Mr. Murray could
7 not sit still. He would move his legs back and forth;
8 and, therefore, the exam was not administered.

9 Q. Did Mr. McCann tell you that Mr. Murray -- or
10 in his opinion, Mr. Murray was manipulating the test
11 or attempting to manipulate the test?

12 A. I don't know if that's the words he used. He
13 just indicated to me that he would not set still.

14 Q. Did he tell you that Mr. Murray wasn't being
15 cooperative?

16 A. Well, not being cooperative was an
17 explanation of him moving his legs back and forth. He
18 wouldn't cooperate in the fact that he wouldn't set
19 still. He didn't set still.

20 Q. Did Mr. McCann tell you that he informed
21 Mr. Murray to sit still, and he instructed him to do
22 that, and Mr. Murray failed to do that?

23 A. If he -- if Mr. McCann did, then I don't
24 recall.

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(Whereupon, Daniels Deposition
Exhibit No. 18 was marked.)

BY MS. BARTON:

Q. Do you recall giving an interview to a TV
reporter by the name of Mark Goldman?

A. Yes.

Q. Exhibit Number 18 is -- are documents that
were contained in the blue folder that you had labeled
Channel 31 Interview, okay? Turn to page SDT 1001.

A. Okay.

Q. Where did you obtain this document?

A. I just got it from you.

Q. Okay. Well, I got it from you from your
files.

A. Okay.

Q. I just informed you that it came from the
folder that was marked Channel 31 Interview. So it
was in your possession, would you agree with that?

A. Yes, I would say that it came from the
newscaster.

Q. From Mark Goldman?

A. Him or their office, yes.

Q. On that first page, 1001, of the interview
transcript, towards the bottom of the page, there's a

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1 bigger paragraph, where it starts: "Well, the
2 girlfriend"? Do you see that paragraph on the --

3 A. Yes.

4 Q. -- first page?

5 The last sentence in the paragraph reads:
6 "We did offer him a polygraph examination, and he did
7 take a polygraph."

8 And then Mr. Goldman asks you: "What was the
9 result to your knowledge?"

10 And you said: "Inconclusive."

11 Where did you learn that Mr. Murray's
12 polygraph was inconclusive?

13 A. Well, that may have been my term that I used
14 solely and not Mr. McCann's.

15 Q. Do you know whether Mr. McCann told you that
16 Mr. Murray's test was inconclusive?

17 A. I don't know for sure.

18 Q. And then on the next page, Mr. Goldman asks
19 you: "Any theory as to why?"

20 And you responded: "Yes. As told to me by
21 the polygraph operator, he had a problem with his
22 posture. He was manipulating the polygraph."

23 That word manipulating, is that something
24 Mr. McCann told you that Mr. Murray was manipulating

1 the test?

2 A. I'm not sure.

3 Q. Was that your interpretation of Mr. McCann's
4 attempt to polygraph Mr. Murray?

5 A. Again, I'm not sure. Could have been. Could
6 have been Mr. McCann's.

7 Q. Is it your opinion that he was manipulating
8 the test?

9 A. My opinion? Knowing John Murray through his
10 interviews and the information we got from his
11 associates, I would have to say yes in my opinion.

12 Q. And what is that based on? What's your
13 opinion based on?

14 A. Well, Mr. Murray was -- been known to use
15 drugs. He could've been under the influence. He
16 could've done some research how to manipulate or how
17 to get around polygraph testing, or he could have been
18 nervous for obvious reasons that he had some knowledge
19 with the murder, or he could have been involved
20 directly or indirectly.

21 Q. And you're using the words could have
22 researched --

23 A. Could have.

24 Q. Could have been nervous, could have been on

1 drugs. You don't know either way?

2 A. That's correct.

3 Q. You can put that to the side.

4 (Whereupon, Daniels Deposition
5 Exhibit No. 19 was marked.)

6 BY MS. BARTON:

7 Q. The court reporter has handed you Exhibit
8 Number 19. I'd ask you to flip to the second page of
9 the exhibit and review to yourself pages 2, 3, and 4
10 of the exhibit.

11 Have you had a chance to review it?

12 A. Yes, uh-huh.

13 Q. Have you ever seen it before?

14 A. No, I have not.

15 Q. Do you have any knowledge as to who prepared
16 this affidavit?

17 A. No, I do not.

18 Q. So if you haven't seen it before, is it safe
19 to assume that you have never signed this affidavit?

20 A. Well, I wouldn't assume that. It's possible
21 that my recollection of seeing this, my recollection
22 of making these statements could be very foggy; but I
23 certainly would have recognized my signature if I saw
24 it. I don't see my signature on here.

1 Q. Do you recall having any discussions with
2 Mr. Beaman's attorney, Juliet Yackel, regarding
3 signing an affidavit?

4 A. Yes. She's from the Center of Wrongful
5 Convictions. I do remember having one, if not two,
6 conversations with her.

7 Q. And what do you recall about those
8 conversations?

9 A. Regards to the case. I think early on in the
10 center taking over the case, they were interested in
11 basic -- my opinions and what I thought about other
12 suspects.

13 Q. And specifically Mr. Murray?

14 A. Correct.

15 Q. Did Ms. Yackel ask you to sign an affidavit
16 that she prepared?

17 A. She could have, yes.

18 Q. Do you recall?

19 A. I don't recall signing anything, like I don't
20 recall her asking me to participate in one.

21 Q. All right. Turn to the last page of this
22 exhibit.

23 A. Sure.

24 Q. And specifically paragraph 8. It says: "I'm

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1 aware that there was an attempt to give John Doe a
2 polygraph test."

3 The John Doe, do you have any knowledge of
4 whether that's Mr. Murray?

5 A. Are you asking me is that Mr. Murray?

6 Q. Yes.

7 A. Yes, that is referred to as Mr. Murray.

8 Q. And it says: "The polygraph operator told me
9 the test could not be completed because John Doe had a
10 problem with his posture, that he was manipulating the
11 polygraph, and that he could not follow instructions."

12 Is that a true statement?

13 A. That statement -- again, if my recollection
14 of me signing this statement and my signature
15 appears -- appears on it, that's what I probably did
16 say.

17 Q. Well, did Mr. McCann tell you that Mr. Murray
18 had a problem with his posture, that he was
19 manipulating the polygraph, and that he would not
20 follow instructions?

21 A. Number one, Mr. McCann did say he had a
22 problem with his posture. Number two, he did say he
23 couldn't follow instructions. As far as manipulating,
24 once again, that could have been my wording or could

1 have been Mr. McCann's wording.

2 Q. Okay.

3 (Whereupon, Daniels Deposition
4 Exhibit No. 20 was marked.)

5 BY MS. BARTON:

6 Q. All right. Mr. Daniels, the court reporter
7 handed you Exhibit Number 20. This is something that
8 I found in the materials that you provided to me in
9 response to the subpoena that I sent to you.

10 So I'm going to ask you whether you have ever
11 seen this document?

12 A. I can't recall if I've ever seen this
13 document.

14 Q. Is your handwriting on this document?

15 A. That handwriting appears to be my
16 handwriting.

17 Q. And specifically page 3, paragraph K, did you
18 circle the portion that says "He was manipulating the
19 test"?

20 A. Can't be sure, but I wrote something in the
21 margin. Perhaps that's what that was referring to.

22 Q. What does the note in the margin say?

23 A. "Not following the instructions as given by
24 the examiner."

1 Q. Does that mean that Mr. Murray wasn't
2 following the instructions as given by Terry McCann?

3 A. That's possible, yes.

4 Q. Do you know who prepared this affidavit?

5 A. No, I do not.

6 Q. You can put that to the side.

7 Did you ask Mr. Murray to take a second
8 polygraph examination?

9 A. Yes, I opened -- I left that option open to
10 him.

11 Q. When did you ask him to sit for another
12 examination?

13 A. While en route from Morton, Illinois back to
14 Normal, the day that he attempted to take the first
15 one.

16 Q. So you had a conversation with Mr. Murray on
17 the way back to the Bloomington-Normal area from
18 Morton, right?

19 A. Correct.

20 Q. And during the conversation, you said what?

21 A. Basically that I offered him a second
22 polygraph if he would be willing to take one. Maybe
23 perhaps a female operator would be a little more
24 gentle with him, trying to let him feel at ease in

1 responding to a different operator with the thought in
2 mind that the male operator is a little more
3 stringent, tougher, more strict.

4 Q. What led you to believe that Mr. McCann
5 stringent or strict with Mr. Murray?

6 A. There's nothing to indicate that. That was
7 just a ploy I used to try to solicit another polygraph
8 from Mr. Murray.

9 Q. Did Mr. Murray indicate that he was not at
10 ease with Mr. McCann?

11 A. I don't recall if he said that or not.

12 Q. What did he say when you asked him whether he
13 wanted to take another polygraph with the female
14 operator?

15 A. He was in agreement to that.

16 Q. He agreed?

17 A. Yes.

18 Q. Did you set it up with him at that time on
19 the --

20 A. At that --

21 Q. -- ride home?

22 A. At that time, no, because I had to check with
23 the lieutenant or the chief to see if it would be all
24 right to use an outside examiner.

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1 Q. So an examiner that wasn't employed by the
2 State?

3 A. Other one different from Terry McCann.

4 Q. So what do you mean by an outside examiner?

5 A. One that would be employed by the State.

6 MR. DiCIANNI: I'm sorry. Would or wouldn't?

7 MS. BARTON: Would or wouldn't?

8 THE WITNESS: Would not be --

9 MR. DiCIANNI: Would not.

10 THE WITNESS: -- employed.

11 BY MS. BARTON:

12 Q. And you didn't have to seek permission from
13 Lieutenant Zayas to take Mr. Murray to McCann because
14 he was an employee of the State, right?

15 A. I don't recall if I got his verbal expression
16 or verbal permission. Normally that's where we would
17 take our people to be examined is over there.

18 Q. Well, normally, did you have to seek approval
19 from your supervisor to take somebody to a polygraph
20 examination?

21 A. Not necessarily, Lieutenant, may I; but,
22 Lieutenant, I'm going to schedule him for a polygraph.
23 Something of that nature. Perhaps a suggestion and
24 looking for a reply of either no or yeah, go ahead.

1 Q. Did you do that in this case?

2 A. I don't recall what my exchange was even if I
3 had one with Lieutenant Zayas as far as getting him to
4 take a polygraph, taking him over there.

5 Q. And what did you do to follow through with
6 your suggestion that Mr. Murray take another polygraph
7 examination with a female operator?

8 A. My understanding was John Murray was to check
9 his schedule and call me back in a day or two to set
10 it up if he was available and what day it would be.

11 Q. Did he ever do that?

12 A. I don't recall him ever calling me back with
13 a yes or no or maybe.

14 Q. Did you ever call him to follow up on that?

15 A. That possibility exists, but I don't recall.

16 Q. Did you ever try to contact John Murray
17 again?

18 A. I can't give you a definite answer. That
19 possibility does exist; otherwise, I wouldn't have
20 went to those extremes in the first place to have him
21 examined.

22 Q. What do you mean extremes?

23 A. A second attempt.

24 Q. Well, what extremes did you go to?

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1 A. Well, I was waiting for Mr. Murray to give me
2 a date that he was available before I called an
3 examiner -- another examiner, and that did not come
4 about. He could have called me and said I don't want
5 to take one. I could have called him, and he could've
6 said I don't want to take one. I don't recall.

7 Q. Did you discuss Mr. McCann's verbal -- strike
8 that.

9 Did you discuss the conversation you had with
10 Mr. McCann with anybody else once you returned back to
11 the department?

12 A. I would believe, not certain, but I would
13 believe I would have. A case of that magnitude and
14 that had to be somebody in that department knew that I
15 was taking him over for a polygraph.

16 Q. Well, when you came back, did you tell
17 anybody --

18 A. Oh, I'm certain I did, but I can't tell you
19 whom I talked with or what date or what time or what
20 was that said. Something, like I said, of that
21 importance would have been discussed, I'm sure, with
22 Lieutenant Zayas, if not, maybe someone upstairs.

23 Q. What does upstairs mean?

24 A. Chief or assistant.

1 Q. Are you guessing that you did that?

2 A. Am I guessing what?

3 Q. That you had a conversation with somebody
4 about --

5 A. No, I'm not guessing. I'm saying that
6 possibility does exist.

7 Q. What does --

8 A. Meaning I'm not sure.

9 Q. So you're guessing?

10 A. It could have.

11 No, I'm not guessing. I'm saying that
12 possibility does exist.

13 Q. But you don't recall?

14 A. That's correct.

15 Q. Do you know if anybody asked Mr. Murray to
16 take another polygraph examination at any time related
17 to the Lockmiller homicide investigation?

18 A. I don't have any knowledge of that.

19 Q. Take a look at page 16 -- I mean, Exhibit 16.
20 Excuse me. Turn to page that's marked MCC 12709. And
21 beginning at line 21, read that to yourself and go on
22 to the next page until -- well, line 15.

23 MR. DiCIANNI: I'm sorry. What page?

24 MR. BOWMAN: To line 15?

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1 MS. BARTON: Pardon?

2 MR. BOWMAN: To line 15?

3 MS. BARTON: On the next page, yes.

4 THE WITNESS: Okay.

5 BY MS. BARTON:

6 Q. Did you read on page 127 as well?

7 A. Down to 15.

8 Q. You did?

9 A. Correct.

10 Q. Okay. So does that refresh your memory about
11 whether Mr. Murray was ever asked to take another
12 polygraph examination?

13 A. Other than by me?

14 Q. Yes.

15 A. Yes.

16 Q. And what do you now remember about that?

17 A. Other than what it says in this statement,
18 that's as far as my memory serves me on that question.

19 Q. And it says in your testimony that on page
20 12710: "He was in agreement to that and then later
21 on, I've also learned that Detective Freesmeyer had
22 asked him to take a polygraph and he declined that."

23 Right?

24 A. That's what it says, yes.

C06961

1 Q. How did you learn that Detective Freesmeyer
2 had asked Mr. Murray to take a polygraph?

3 A. I don't recall.

4 Q. How do you know that Mr. Murray declined to
5 take a polygraph?

6 A. I don't recall how I learned that.

7 (Whereupon, Daniels Deposition
8 Exhibit No. 21 was marked.)

9 BY MS. BARTON:

10 Q. Can you flip to the third page or fourth
11 page, excuse me, of Exhibit 21. It's SDT 1399.

12 A. Okay.

13 Q. Are these -- is this a document that you
14 prepared?

15 A. Yes, I believe so.

16 Q. And under fact number one, the second
17 paragraph states: Larbi was offered a second exam,
18 however, no exam was set up for him. He was no --
19 which I think should have been known -- to have stated
20 to people that he had passed the polygraph.

21 Do you know how you learned that information?

22 A. No, I do not.

23 Q. Where did you hear that Mr. Murray told
24 people he passed the polygraph?

1 A. I don't recall.

2 Q. Looking at the second page of Exhibit 21, it
3 appears to be Mr. McCann's report of the attempt on
4 page 2 of the exhibit.

5 When's the first time that you saw this
6 report?

7 A. I don't remember when I first saw this
8 report.

9 Q. Did you receive this report from Mr. McCann?

10 A. I don't remember receiving this report. I
11 don't remember when I seen this report.

12 Q. Well, how did this particular report come
13 into your possession?

14 A. This report?

15 Q. Yes.

16 A. After the fact of -- well, I don't want to
17 assume. It's possible when this document came into
18 existence, either shortly after that date, 5 October,
19 or sometime during one of his appeals, that's when
20 this came into my knowledge.

21 Q. During the time of your work on the
22 Lockmiller homicide investigation, did you know
23 whether Mr. McCann had prepared a report related to
24 his attempted examination of Mr. Murray?

1 A. For a fact, no, I do not.

2 Q. You didn't know that at the time?

3 A. Correct.

4 Q. Did you discuss with any of the other
5 investigators the results of the attempted polygraph
6 on Mr. Murray?

7 A. Oh, I'm sure I did; but, again, that would be
8 a guess or an assumption on my part.

9 Q. How did you come into possession of the
10 report?

11 A. I don't recall how I got it. Most of these
12 reports that come from the lab usually go directly to
13 Dave Warner at the time because he was our evidence
14 technician. He was in charge of the evidence, and it
15 would have been addressed to him.

16 Q. Well, it was addressed to him, right?

17 A. Correct.

18 Q. But you don't know whether he ever received
19 it, right?

20 A. I do not know, that's correct. I do not
21 know.

22 Q. Regardless of when you actually received this
23 report, how did you get it?

24 A. I don't know.

1 Q. Did you request it from Mr. McCann even if it
2 was after Mr. Beaman's conviction?

3 A. I do not know.

4 Q. You have no idea how this ended up in your
5 file?

6 A. Once again, I do not know.

7 Q. Did Mr. Matens ever provide you with a copy
8 of this report?

9 A. The polygraph --

10 Q. Yes.

11 A. -- letter? I don't recall if he did.

12 Q. Can you look at page 3 of Exhibit 21. It's
13 labeled 1398 on the corner. Is this a document that
14 you prepared?

15 A. Oh. Yes, appears to be, yes. Uh-huh.

16 Q. Where did you get the information contained
17 in paragraph 1?

18 A. I don't know. Unable to give you an answer
19 to that other than the fact that I do not know.

20 Q. Do you recall when you prepared this
21 document?

22 A. No, I do not know. Do not recall.

23 Q. Can you find Exhibit Number 10 in your stack.
24 Turn to the page marked SDT 99. It's two sided, so...

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1 A. Okay.

2 Q. Is this your handwriting on the page?

3 A. Yes, it is.

4 Q. Can you read the second paragraph out loud,
5 please?

6 A. Beginning with "When Larbi"?

7 Q. Yes, please.

8 A. When Larbi was asked by ISP Terry McCann --
9 or by Terry McCann ISP polygraph examiner if he had
10 any knowledge as to who strangled Jennifer, Larbi
11 denied having any knowledge. This is contrary to what
12 he told us September the 2nd interview.

13 Q. Where did you learn that information?

14 A. About being contrary?

15 Q. Where did you learn that Mr. Murray denied
16 having any knowledge when he was asked by Mr. McCann
17 whether he had any knowledge about who strangled
18 Jennifer?

19 A. Well, it had to come from two people, either
20 Terry McCann or Larbi himself.

21 Q. Is that what Mr. McCann told you on the date
22 that you took Mr. Murray to Morton Crime Lab?

23 A. That's a possibility.

24 Q. But you don't know?

1 A. Correct.

2 Q. And you don't know if Mr. Murray told you
3 this either, right?

4 A. That he denied having any knowledge or that
5 he told Terry McCann he denied having any knowledge?

6 Q. That he told Terry McCann.

7 A. Correct, I do not know.

8 Q. Did you ever prepare a report about taking
9 Mr. Murray to the Morton Crime Lab for a polygraph
10 examination?

11 A. No, I don't recall that.

12 Q. Did you document in any way the conversation
13 that you had with Mr. Murray on the trip either to or
14 from Morton?

15 A. That's a possibility.

16 Q. What did you do with that documentation?

17 A. If I documented it, it should have been in my
18 file.

19 Q. What file?

20 A. If it was documented.

21 The basic investigation file, which everyone
22 would've had a copy and it should've been in records,
23 if that did exist and if I, in fact, did prepare a
24 copy.

1 Q. Did you make a report of the conversation?

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

3 Q. Well, what if I told you that I have never
4 seen a report that indicates you took Mr. Murray over
5 to Morton Crime Lab?

6 A. Viewing the other reports that I made
7 centered around before and after his visit to the
8 crime lab, one would have to draw the conclusion that
9 I had taken him over there.

10 Q. What makes you say that?

11 A. Why? Well, we just went through his
12 polygraph, and we went through questioning regarding
13 what did Mr. Terry McCann say to me about the
14 polygraph. Did he interview -- or was I allowed in
15 the interview room before, during, and after? My
16 answer to those questions were no.

17 Q. I don't understand what you're saying.

18 A. Okay. Restate your question then.

19 Q. I'm telling you that I've never seen a report
20 that you wrote that says you took Mr. Murray to Morton
21 Crime Lab to be subjected to a polygraph examination
22 by Terry McCann. Why is that?

23 MR. BOWMAN: Object to the form of the
24 question. It's argumentative.

1 THE WITNESS: Why you did not see a report?

2 BY MS. BARTON:

3 Q. Is it because you didn't prepare one?

4 A. That's a possibility.

5 Q. Why didn't you prepare a report about taking
6 Mr. Murray to Morton Crime Lab to be subjected to a
7 polygraph examination?

8 A. At that particular time, I saw no need in it.

9 Q. Well, why not?

10 A. That was my decision. There's a lot of
11 things I do. There's a lot of things other
12 investigators do in cases that they don't report. Not
13 every little thought, action, or result of their
14 actions is recorded. It's just the nature of the
15 beast.

16 Q. Isn't that something you should have
17 documented?

18 A. I don't see the need to since I documented in
19 my other reports that he went over there and failed to
20 take one.

21 Q. In what reports?

22 A. Doesn't it say on page 1391, Exhibit 21, that
23 during the course of the examination, the subject
24 denied strangling her, et cetera, et cetera.

1 Q. Well, when did you make that document?

2 A. Once again, I'm sorry, I don't have that
3 document in my memory.

4 MR. BOWMAN: This is a quotation in -- the
5 record should be clear. This is a quotation from the
6 McCann report dated October 5, 1993 --

7 MS. BARTON: From a document --

8 MR. BOWMAN: -- which is also --

9 MR. DiCIANNI: Where?

10 MS. BARTON: He's reading from a document
11 that he prepared that quotes the report written by
12 Mr. McCann.

13 MR. BOWMAN: Right.

14 MS. BARTON: Okay.

15 BY MS. BARTON:

16 Q. Well, there's no police report with Normal
17 Police Department letterhead. There's no case
18 report --

19 A. Okay.

20 Q. -- reflecting that you took Mr. Murray to
21 Morton Crime Lab to be subjected to a polygraph
22 examination. Do you recall whether you actually wrote
23 a report on that investigative activity?

24 A. No, I do not recall.

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1 Q. And are you telling me that it was your
2 decision not to document in a report the fact that you
3 took Mr. Murray to a polygraph examination at Morton
4 Crime Lab?

5 MR. BOWMAN: Objection, argumentative. It's
6 an argumentative restatement of the question that's
7 already been asked and answered.

8 THE WITNESS: That possibility exists I did
9 not prepare a report indicating I had taken him over
10 there and brought him back. That possibility does
11 exist.

12 BY MS. BARTON:

13 Q. Why does that --

14 A. In other -- I do not recall.

15 Q. Did you think that the information you
16 learned from Mr. McCann was pertinent to the
17 Lockmiller homicide investigation?

18 A. Do I think it was pertinent that I taken him
19 over there and he did not take a polygraph?

20 Q. The information you learned from Mr. McCann.

21 A. It's documented somewhere in there.

22 Q. I didn't ask you that. I asked you --

23 A. Well, my answer is it's documented somewhere
24 in the case file. Exactly where, I do not know. If I

1 prepared one stating a date and a time and the results
2 of me taking him over there, I do not know if that
3 exists or not.

4 Q. I didn't ask you that.

5 A. Well, that's my answer.

6 Q. I asked you if you thought -- if you think
7 that the information you learned from Mr. McCann was
8 pertinent to the Lockmiller homicide investigation?
9 That's the question I asked you, not whether you
10 prepared a report, not whether that information is in
11 a case file. I asked you whether it was pertinent to
12 the investigation in your opinion as an investigator?

13 A. In my opinion, no.

14 Q. Why not?

15 A. Because.

16 Q. Because why?

17 A. It could not be used in court.

18 Q. So the information you learned from
19 Mr. McCann about his lack of an ability to
20 administer -- complete a test on Mr. Murray was not
21 pertinent to the investigation in your opinion because
22 you couldn't admit that in court?

23 A. The fact that anything come out of that
24 polygraph could not be admitted in court.

1 Q. So that's why you determined that that
2 information was not pertinent to the investigation?

3 A. Correct.

4 Q. Is that why you didn't document it?

5 A. Yes.

6 Q. Do you think you should have documented it?

7 A. As I sit here today, it probably been
8 advisable to document that.

9 Q. And why is that?

10 A. Because you asked me why I didn't.

11 Q. So this is --

12 A. Apparently it must be important to you.

13 Q. So this is the first time that you're
14 considering that maybe the information you received
15 from Mr. McCann was pertinent to the investigation?

16 A. The information I got from Mr. McCann was
17 documented in his report.

18 Q. But you didn't document that information?

19 A. That's correct, I didn't document it.

20 Q. And you didn't document the conversation you
21 had with Mr. Murray either to or from the Morton Crime
22 Lab, right?

23 A. Other than the fact that I asked him to take
24 another polygraph.

1 Q. You documented that in a supplemental case
2 report?

3 A. I don't know if it was a supplemental or not,
4 but I know it's in -- somewhere in the case file.

5 Q. How do you know that?

6 A. Because I read it.

7 Q. What case file did you read? What are you
8 referring to?

9 A. The Lockmiller case file.

10 Q. Well, where was that case file maintained?

11 A. Normal Police Department, State's Attorney's
12 Office, Lieutenant Zayas's office, chief of police's
13 office, detective room.

14 Q. Did you review each and every one of those
15 files in Lieutenant Zayas's office --

16 A. No, I did not.

17 Q. -- the State's Attorney's Office files -- so
18 what case file are you referring to when you say I
19 know that it was in there?

20 A. What case file? Well, the evidence that you
21 presented there, the exhibits in 21 --

22 Q. Well, that's from your file.

23 A. Also, I don't understand why I haven't
24 answered your question.

1 Q. You referred to a case file and that you were
2 certain that certain information about Mr. Murray's
3 polygraph examination or lack thereof was contained in
4 a case file. I'm trying to figure out what case file
5 you're referring to.

6 A. A case file in general.

7 MR. BOWMAN: You know, I think it might be a
8 good time to take a break. I mean, I'm not -- if you
9 don't want to now, you want to keep going, that's
10 okay. But, I mean, it's -- it's -- look, he says he
11 believed he documented it in the report in the file.
12 That's his answer.

13 MS. BARTON: He didn't say that.

14 MR. DiCIANNI: He didn't say that.

15 MR. BOWMAN: I thought he said it.

16 MS. BARTON: No, he didn't.

17 MR. BOWMAN: Well, we can go back and look.
18 I don't want to put words into anybody's mouth, but
19 that's what I heard him say.

20 MS. BARTON: Well, the transcript will speak
21 for itself.

22 MR. BOWMAN: It will.

23 MS. BARTON: Do you need a break?

24 THE WITNESS: No, I don't need a break. If

1 he wants a break, that's fine.

2 MR. BOWMAN: Okay. I don't need -- you
3 know --

4 MS. BARTON: No, I just --

5 MR. BOWMAN: I don't think there's --

6 MS. BARTON: I lost my train of thought
7 because you interrupted.

8 MR. BOWMAN: -- any virtue in arguing with
9 him about stuff.

10 MS. BARTON: Well, that's your opinion. I'm
11 asking the questions. If you have an objection, you
12 can state the objection for the record.

13 MR. BOWMAN: My objection is this whole line
14 of questioning has gotten extremely argumentative and
15 it's not productive.

16 MS. BARTON: Well, then state your objection.

17 MR. BOWMAN: I just did.

18 MS. BARTON: Okay. And now I lost my
19 thought, so I need to think again.

20 BY MS. BARTON:

21 Q. I just want to be clear about what
22 information you think was contained in a case file
23 about Mr. Murray's polygraph examination that you took
24 him to.

1 MR. BOWMAN: Object to the form of the
2 question.

3 THE WITNESS: I can't answer that question.

4 MS. BARTON: Can you read back the last
5 answer, if possible.

6 (Whereupon, the record was
7 read as requested.)

8 BY MS. BARTON:

9 Q. That's the case file I'm referring to.

10 A. Is there another question?

11 Q. No, that's -- what's the case file?

12 MR. BOWMAN: I think that the read back --

13 THE WITNESS: The Lockmiller.

14 MR. BOWMAN: The read back reflects the
15 correctness of my recollection of the state of the
16 record.

17 BY MS. BARTON:

18 Q. Okay. Was it your file that you had at your
19 desk that you're referring to as case files?

20 A. What I'm referring to the case file can be
21 any number of that 12 or 13 copies that were made. It
22 could have been any of those copies. It could have
23 been in records even.

24 Q. But you don't know?

1 A. That's correct.

2 Q. Because you didn't review any of the other
3 copies that were made, right?

4 A. Correct, if, in fact, there was a copy of
5 that made.

6 Q. You only had your working copy of the file,
7 right?

8 A. I only had access to my copy of the case
9 file, yes.

10 Q. And you believe or at least is it your
11 testimony that your conversation with Mr. Murray
12 either on the way to Morton or on the way back is
13 documented somewhere in that file?

14 A. I can't say that it is or it was for sure.
15 What I am saying is if there is -- was documentation
16 of that conversation to and from or with Mr. McCann,
17 where it is located, I do not know.

18 Q. Was the conversation you had with Mr. Murray
19 pertinent to the Lockmiller homicide investigation?

20 A. At that particular point in time, no.

21 Q. Why not?

22 A. Once again, results of a polygraph or even a
23 fact that a witness or suspect had taken a polygraph
24 is not admissible in court as well as the fact that it

1 was used as an investigative tool to further look into
2 him being excluded or included.

3 Q. And don't you think that's something that's
4 important to document?

5 A. No.

6 Q. Why not?

7 A. Because Mr. McCann had it in on file. Why
8 should I duplicate?

9 Q. What about the conversation you had with
10 Mr. Murray? Mr. McCann didn't have that
11 conversation --

12 A. At that point in time --

13 Q. -- on the record?

14 A. -- I did not think it was important to
15 document that.

16 Q. But you had a conversation with a suspect in
17 an investigation?

18 A. Correct.

19 Q. And you didn't document that conversation?

20 A. That one particular question or two, I did
21 not document that particular time with him in the car
22 coming back from Morton Crime Lab.

23 MR. DiCIANNI: Could we take a break?

24 MS. BARTON: Yeah.

1 THE VIDEOGRAPHER: Off the record, 1424.

2 MR. BOWMAN: Could I have the last answer
3 back, please.

4 (Whereupon, the record was
5 read as requested.)

6 (Whereupon, a break was taken.)

7 THE VIDEOGRAPHER: This is the beginning of
8 videotape number two. Back on the record, 1437.

9 BY MS. BARTON:

10 Q. Mr. Daniels, did you ever learn that a
11 reporter by the name of Steve Arney conducted an
12 interview of Mr. Murray?

13 A. An interview or had a conversation?

14 Q. Conversation.

15 A. Had a talk with him, yes.

16 Q. You talked with who?

17 A. No, he, Steve, had a talk with Larbi or
18 John Murray. Is that what you're saying?

19 Q. So you knew that Steve Arney --

20 A. Yes.

21 Q. -- had talked to John Murray?

22 A. Yes.

23 Q. How did you learn that?

24 A. Steve informed me.

1 Q. Do you recall when Steve informed you of
2 that?

3 A. No, I don't recall the exact date, no.

4 Q. What did you discuss with Mr. Arney about his
5 conversation with Mr. Murray?

6 A. Well, Steve volunteered to tell me and openly
7 told me that Murray's -- John Murray's class at
8 school, IWU, had visited a psychic by the name of
9 Greta Alexander and that -- to a subsequent visit by
10 John Murray, John had taken a friend with him, but he
11 wouldn't allow the friend to go in with John to talk
12 to Greta on his own.

13 And I think basically that's about all I
14 recall of that.

15 Q. That's all you recall about the conversation
16 with Mr. Arney?

17 A. Yes.

18 (Whereupon, Daniels Deposition
19 Exhibit No. 22 was marked.)

20 BY MS. BARTON:

21 Q. This is just a collection of various articles
22 written by Steve Arney for the Pantagraph Newspaper.
23 I want to focus on the first article.

24 MR. BOWMAN: Was this also marked in the

1 Arney deposition?

2 MS. BARTON: Yes, it was.

3 MR. BOWMAN: Do you have that number just out
4 of curiosity?

5 MS. BARTON: I don't because this Arney
6 exhibit was one large one.

7 MR. BOWMAN: No worries.

8 MS. BARTON: This is portions of it.

9 MR. BOWMAN: No worries.

10 BY MS. BARTON:

11 Q. The first article is written it looks like
12 May 8, 1994. Can you just kind of scan this, and let
13 me know if you've ever seen the article before. I
14 know it's kind of hard to read. It's small print.

15 A. I can't say for sure that I've seen this
16 article or bits or pieces of it. There certainly was
17 a lot of coverage in the Pantagraph.

18 Q. Were you ever a source for Mr. Arney's
19 articles related to the Lockmiller case?

20 A. Would you define the word source.

21 Q. Did you provide him with information?

22 A. As a Pantagraph reporter, he may have come in
23 and asked for some information regarding the
24 investigation. That's certainly possible. Whether or

1 not I accommodate him, that's possible too I did or
2 did not.

3 Q. And you don't remember?

4 A. That's correct.

5 Q. Look at the first page of the exhibit. Four
6 paragraphs from the bottom, if can count up. It says:
7 "Police believe." Do you see that?

8 A. Yes, uh-huh.

9 Q. Okay. It says: "Police believe the killer
10 did not force his way into the apartment. Her friends
11 say Ms. Lockmiller kept her door locked at all times.
12 It is assumed she knew the killer. Although the
13 estimate time of death has not been made public,
14 police traced her steps through Wednesday morning."

15 Did you provide Mr. Arney with that
16 information?

17 A. I certainly don't recall.

18 Q. Okay. Turn to the second page of the
19 article. About halfway down there's a paragraph that
20 begins with "Another friend and initial suspect." Do
21 you see that?

22 A. Yes.

23 Q. It says: "Another friend and initial
24 suspect, IWU student John Murray, said he cleared his

1 name through a polygraph test and telephone records
2 showing he was out of town. Then he searched for
3 answers."

4 A. Your question is?

5 Q. I'm thinking.

6 A. Oh.

7 Q. Do you recall reading this article or the
8 information contained in it during the investigation?

9 A. If this article appeared in the Pantagraph, I
10 would have read it.

11 Q. Were you monitoring the newspapers for --

12 A. Oh, yes.

13 Q. Got to let me finish my question.

14 A. I'm sorry.

15 Q. Were you monitoring the local newspapers for
16 any article related to Ms. Lockmiller or Mr. Beaman?

17 A. Yes.

18 Q. Did you ever call Steve Arney to tell him
19 that, in fact, Mr. Murray had not passed the polygraph
20 test?

21 A. No, I don't recall that.

22 (Whereupon, Daniels Deposition
23 Exhibit No. 23 was marked.)

24 MS. BARTON: You know what, we can talk about

1 this later. I don't need this now. It's the wrong
2 one.

3 MR. BOWMAN: Are you striking this number
4 or --

5 MS. BARTON: Yes, let's do that. I'll strike
6 it. Sorry about that.

7 BY MS. BARTON:

8 Q. During your work on the Lockmiller
9 investigation, did you run criminal background checks
10 on anybody?

11 A. I don't know. It seems as though that was
12 something that I would do during an investigation, and
13 I had witness names or suspect names. That's the
14 first thing that I would do or have someone do.

15 Q. That was your practice?

16 A. That would be a normal practice to see who
17 you're dealing with and what kind of background.

18 Q. Did you do that for Mr. Murray?

19 A. Oh, I would imagine I did, if it wasn't
20 already there as a direct result of John Belcher
21 getting the information from DCI.

22 Q. What do you mean already there?

23 A. Well, John Belcher contacted DCI, and that's
24 when John Murray came into the picture, you know,

1 having documentation that he was being investigated by
2 DCI and working with DCI.

3 Q. And I think you told me earlier today that
4 you don't recall whether you ever reviewed those
5 police reports related to the investigation of
6 Mr. Murray?

7 A. That's what I said earlier, yes.

8 Q. Okay. And you still don't recall, right?

9 A. Those reports that John Belcher got?

10 Q. Well, why don't you tell me what reports John
11 Belcher did get from DCI?

12 A. I don't know. I don't recall.

13 Q. So at some point during your work on the
14 investigation, you learned that Mr. Murray had been
15 arrested in I think January of 1993 for possession of
16 drugs?

17 A. I do not know if that's the date he was being
18 investigated by DCI or not.

19 Q. So you learned that he was being investigated
20 by DCI as a result of what? What did you learn?

21 A. Well, as a result of John Belcher getting the
22 information from DCI, that is what I learned that he
23 was -- had been not formally charged but -- arrested
24 but not formally charged with drug dealing.

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APPENDIX 002111

1 Q. Was that information that was pertinent to
2 the Lockmiller homicide investigation?

3 A. It was learned later on it was very valuable
4 because it gave another suspect, if not acquaintance
5 of Jennifer, who possibly could give us information.

6 Q. At the time you received that information,
7 did you think it was pertinent to the investigation?

8 A. Well, sure. She was -- they were friends and
9 they went out together, and they knew the same group
10 of people.

11 Q. Did you document the conversation you had
12 with Detective Belcher?

13 A. No, I did not.

14 Q. Why not?

15 A. There was no need because the documents were
16 right there.

17 Q. What do you mean the documents were right
18 where?

19 A. Apparently John Belcher had a copy of the
20 documents. That's where he got the information from.
21 If not, maybe he went over there and read their file.
22 I do not know. I do not recall.

23 Q. Did he give you a set of documents?

24 A. I don't recall if he did.

1 Q. So what documents are you referring to?

2 A. The documents of the case file that DCI had
3 on John Murray.

4 Q. Do you know if Mr. Belcher ever came in
5 possession of those documents?

6 A. Physically, no.

7 Q. Did he ever show them to you?

8 A. Well, if he was in possession of them, I
9 would imagine I would have read them or he would
10 inform me of them. Somehow the information came to my
11 attention either in the form of a verbal report by
12 John Belcher or information that was printed such as a
13 case file.

14 Q. Did you tell Detective Belcher that he should
15 document the information he received from DCI
16 regarding Mr. Murray?

17 A. If I did, I don't recall.

18 MR. BOWMAN: I'm so sorry. I need that
19 question back.

20 (Whereupon, the record was
21 read as requested.)

22 BY MS. BARTON:

23 Q. If Detective Belcher did give you reports
24 that he obtained from DCI, what would you have done

1 with them?

2 A. Well, that report, if he had gotten it from
3 the DCI, would belong to DCI; therefore, for me to
4 maintain it or keep it in my file would be totally
5 inappropriate.

6 Q. Why is that totally inappropriate?

7 A. Because it's DCI's file, not Normal PD or
8 Tony Daniels' file.

9 Q. Even if were copies of DCI's files?

10 A. Well, copies is a different question. If
11 they would have permitted copies, I would imagine
12 copies would have been made for all detectives
13 concerned.

14 Q. Concerned with what?

15 A. Pardon me?

16 Q. Concerned with what? All detectives
17 concerned with what?

18 A. The investigation into the Lockmiller case.

19 Q. But you don't recall whether you actually
20 maintained those copies --

21 A. That's co -- I did not maintain the copies
22 that DCI had, nor did I make any copies.

23 Q. Did you ever learn that Mr. Murray was
24 arrested on a domestic issue?

1 A. Yes, I did.

2 Q. How did you learn that?

3 A. Reading a report that was initiated by the
4 street officer the night that he was arrested.

5 Q. How did you come into possession of the
6 report?

7 A. I don't recall how it came to my attention.
8 It may be that I've read the daily log, some officer
9 could have told me. Basically that would have been
10 it.

11 Q. What did you learn about Mr. Murray's arrest?

12 A. What was in the report.

13 Q. Did you go and see John Murray at the McLean
14 County Jail when he was there related to his arrest
15 for the domestic?

16 A. Yes, I did.

17 Q. Tell me why you did that.

18 A. What I wanted to do was to attempt to get
19 John Murray -- his assistance in firing him up and to
20 meet with Alan Beaman in regards to maybe initiating a
21 conversation to see if we can obtain any further
22 information as far as either one of them being
23 involved in the -- the murder of Jennifer.

24 Q. Were you still investigating the Lockmiller

1 homicide at that time?

2 A. I don't believe I was.

3 Q. Did somebody at the department tell you to go
4 talk to John Murray?

5 A. I don't recall.

6 Q. And that was a decision you made to go and
7 speak to him and see if he would wear a wire and talk
8 to Alan Beaman?

9 A. Correct, that was my decision.

10 Q. Had Mr. Beaman been arrested yet for the
11 murder of Ms. Lockmiller?

12 A. Well, he must not have because I went there
13 to ask for John Murray's assistance in trying to
14 solicit information from him.

15 Q. Do you know what date Mr. Beaman was
16 arrested?

17 A. Exact date, no. Had to be in '94 sometime.

18 Q. May of '94?

19 A. Was it May of '94?

20 Q. I'll just represent to you that it was May of
21 '94. I think Mr. Bowman would agree.

22 MR. BOWMAN: No one is going to argue that
23 the arrest was --

24 MS. BARTON: May 18, I believe.

1 MR. BOWMAN: I was going to say the 17th,
2 but --

3 MS. BARTON: Okay.

4 MR. BOWMAN: -- I don't think it's a material
5 distinction.

6 MS. BARTON: Yes.

7 MR. BOWMAN: It's -- it's May of '94.

8 BY MS. BARTON:

9 Q. And do you know when Mr. Murray was arrested
10 on the domestic issue?

11 A. I don't recall.

12 Q. I'll just represent to you that it was
13 October of 1994.

14 A. Okay.

15 Q. Which would have been after Mr. Beaman's
16 arrest.

17 A. Okay.

18 Q. So does that change your answer as to why you
19 wanted to go talk to Mr. Murray to wear a wire to talk
20 to Mr. Beaman?

21 A. No, it doesn't change my -- my response as to
22 why. It does clarify the fact that I didn't know
23 when. Now I know when.

24 Q. Was Mr. Murray a suspect still in your mind?

1 A. Oh, yes.

2 Q. What were you hoping to gain for the -- from
3 the overhear, I guess?

4 A. Any information that would directly involve
5 either one of them in the murder or if they had
6 information that could lead possibility to another
7 suspect or suspects.

8 Q. But a suspect had already been arrested for
9 the murder?

10 A. Suspect, yes.

11 Q. And you still continued to investigate it?

12 A. Yes.

13 Q. Did you talk to anyone about your decision to
14 go and speak to Mr. Murray in the jail?

15 A. Not that I recall.

16 Q. Did you go with anybody?

17 A. No.

18 Q. What do you recall about the conversation?

19 A. He was absolutely opposed to assisting us.
20 He said his attorney was handling his case there and
21 that he saw no -- no need in helping himself.

22 Q. When did you see Mr. Murray in the jail in
23 relation to his arrest in October?

24 A. I don't know how -- how much time elapsed

1 from his arrest until I went there.

2 Q. Was it within days?

3 A. Pardon me?

4 Q. Was it within days?

5 A. I don't recall.

6 Q. When you spoke to Mr. Murray while he was in
7 jail, did you offer to help him out on his domestic
8 charge if he would offer to wear a wire?

9 A. I would offer, yes, to talk to the
10 prosecutor.

11 Q. You offered to Mr. Murray that you would go
12 talk to the prosecutor to see if you could help out on
13 his domestic charge?

14 A. If he --

15 Q. If he wore a wire for you?

16 A. Correct.

17 Q. Did you get approval from anybody to make
18 that sort of offer?

19 A. No offer was made.

20 Q. Well, you offered to Mr. Murray that you
21 would --

22 A. Talk.

23 Q. -- agree to talk to the prosecutor?

24 A. Correct --

1 Q. Did you --

2 A. -- but no offer was made.

3 Q. Okay. You never talked to a prosecutor about
4 that?

5 A. No, there was no need since Mr. Murray turned
6 me down cold flat.

7 Q. The fact that Murray refused to wear a wire
8 to talk to Alan Beaman, did that raise any suspicions
9 in your mind?

10 A. It sure added to it.

11 Q. Why is that?

12 A. Well, not wanting to help yourself, and you
13 possibly could be facing felony charges of what DCI
14 was looking into him for which was selling drugs as
15 well as the domestic battery against his girlfriend as
16 well as being in possession of a huge amount of
17 marijuana.

18 MS. BARTON: Can you read that answer back.

19 (Whereupon, the record was
20 read as requested.)

21 BY MS. BARTON:

22 Q. So why does that raise suspicions to you?

23 MR. BOWMAN: Objection, asked and answered.

24 THE WITNESS: Knowing why he was in there and

1 the fact that he was being investigated by DCI, and he
2 was committing a domestic battery.

3 BY MS. BARTON:

4 Q. So that made him a suspect in
5 Ms. Lockmiller's homicide?

6 A. That --

7 MR. BOWMAN: Objection, that's not -- that's
8 not what he's saying and that's argumentative. He's
9 answered the question.

10 You're certainly supposed to answer it again,
11 Mr. Daniels.

12 THE WITNESS: Those three factors added to my
13 suspicions of Murray.

14 BY MS. BARTON:

15 Q. As it relates to Ms. Lockmiller's homicide?

16 A. Correct.

17 Q. Did you document your suspicions in any way?

18 A. I did not document my visit nor my
19 conversation nor the results of the offer.

20 Q. Why not?

21 A. It was -- to me at that time and point, it
22 was insignificant. There was nothing at that
23 particular time to gain.

24 Q. It was insignificant to the investigation?

1 A. It could have.

2 Q. Well, I'm just trying to figure out what you
3 mean by it was insignificant.

4 A. Well, much like my conversation with Larbi on
5 the way back from Morton, it was insignificant to the
6 investigation. There was nowhere to go with that
7 particular bit of information or lack of information.

8 Q. So you don't document information that you
9 believe is insignificant?

10 A. No, not in general terms, in that particular
11 case.

12 Q. Well, in this case and also with relation to
13 the conversation you had on the way back from Morton?

14 A. That's what I'm saying, yes.

15 Q. What was the purpose of trying to gain
16 additional information regarding Mr. Beaman if he was
17 already arrested?

18 A. Not everybody that's arrested is guilty. I
19 saw a lot of suspicion there, circumstantial evidence
20 surmounted in my opinion based upon my experience and
21 my knowledge of the case. The amount of
22 circumstantial evidence outweighed Alan Beaman's
23 according to Jim Souk's view of circumstantial
24 evidence with Alan.

1 Q. Outweighed what? I'm not understanding.

2 A. John Murray -- circumstantial evidence
3 pointing to John Murray being a stronger suspect, a
4 viable suspect versus Alan Beaman actually being
5 arrested, charged, and tried. Those circumstantial
6 evidence on Alan Beaman did not carry as much weight
7 in my opinion as John Murray's.

8 Q. So by asking Mr. Murray to wear a wire to
9 talk to Mr. Beaman, were you trying to get information
10 that would exonerate Mr. Beaman?

11 A. Exonerate him or strengthen the case or
12 exonerate or exclude John Murray.

13 MR. BOWMAN: Could you read that answer back.
14 (Whereupon, the record was
15 read as requested.)

16 BY MS. BARTON:

17 Q. Did you ever learn that Ms. Mackoway filed a
18 petition for an order of protection against
19 Mr. Murray?

20 A. That's a possibility that could have been in
21 that domestic violation report. I don't recall
22 reading it.

23 Q. At the time that you knew Mr. Murray was in
24 the McLean County Jail on that domestic arrest, had

1 you read the report by then?

2 A. Yes, I believe I did. I can't be certain.

3 Q. Had you read anything other than that police
4 report?

5 A. On the reason why he was arrested for
6 domestic?

7 Q. Right.

8 A. Concerning John Murray?

9 Q. Yes.

10 A. And that particular case only?

11 Q. Yes.

12 A. That's all I recall reading in the case.

13 Q. The Normal Police -- okay.

14 A. Yeah.

15 Q. Take a look at Exhibit 10, page 66.

16 MR. BOWMAN: I'm so sorry to ask you to slow
17 down, Liz. I need to catch up with you here.

18 MS. BARTON: I think it might be on the top
19 of the --

20 MR. BOWMAN: I got it. Thank you. Sorry.

21 BY MS. BARTON:

22 Q. Page 66. Are these your notes?

23 A. Yes.

24 Q. Under John Doe number one, Larbi, it has four

1 facts stating what I learned of him, right?

2 A. Yes.

3 Q. So this is information that you learned about
4 Mr. Murray, correct?

5 A. Correct.

6 Q. Point five is using steroids, right?

7 A. Yes.

8 Q. Where did you learn that John Murray used
9 steroids?

10 A. Either word-of-mouth or in a report.

11 Q. Was the fact that Mr. Murray used steroids,
12 was that pertinent to the Lockmiller homicide
13 investigation?

14 A. Well, it by itself coupled with the fact that
15 steroids makes an individual very violent and the way
16 that he committed domestic violence against his
17 girlfriend surely brings that to a very important fact
18 being that he was sitting on top of her, the
19 girlfriend, Deborah Mackoway, choking her and beating
20 her in the -- on the chest.

21 And Deb's friend indicated that this is not
22 the first act that he had committed against Deborah of
23 a domestic violence issue.

24 Q. Did you believe that all of that information

1 was pertinent to the Lockmiller homicide
2 investigation?

3 A. What was written in the report, like I said,
4 gets more concrete suspicions of his ability,
5 opportunity to commit the crime, yes.

6 Q. To commit Ms. Lockmiller's murder?

7 A. Correct.

8 Q. Did you document your suspicions in that
9 report?

10 A. The suspicions are basically an opinion of an
11 officer and under normal conditions, opinions do not
12 belong in reports.

13 Q. Well, the fact that Mr. Murray was using
14 steroids, that's not an opinion, was it?

15 A. That coupled with how he committed domestic
16 violence, in my opinion, it was an opinion that he's
17 capable of performing or committing the act of murder.

18 Q. What about the fact, the fact that you
19 learned that he was using steroids?

20 A. Well, the fact is it's a personality changer
21 and can make one more violent if he's not already
22 violent.

23 Q. Regardless of your interpretation of that
24 fact, was the fact that Mr. Murray using steroids, was

1 that pertinent to the Lockmiller homicide
2 investigation?

3 A. No.

4 Q. Why not?

5 A. I do not know why not. By itself, no.

6 Q. Did you document in a report that you learned
7 the fact that Mr. Murray used steroids?

8 A. No, I don't recall ever stating that, no.

9 Q. Did you do anything to investigate Stacey
10 Gates also known as Bubba?

11 A. The answer to that question is no.

12 Q. Did you take him to Morton Crime Lab to be
13 subjected to a polygraph exam?

14 A. No, I did not.

15 Q. Do you know who did?

16 A. No, I do not.

17 Q. Did you ever see a report related to
18 Mr. Gates' polygraph examination conducted by Terry
19 McCann?

20 A. Seems to me I read that or had access to it
21 or was told that he was given a polygraph.

22 Q. When did you learn that?

23 A. I don't recall.

24 Q. From whom did you learn that?

1 A. I don't recall that either.

2 Q. Did you do anything to investigate a person
3 by the name of Rob Curtis?

4 A. Rob Curtis, if I recollect, he was an
5 associate of that group. If I talked to him, it'd
6 been documented.

7 Q. Do you recall if you ran a criminal history
8 check on Mr. Curtis?

9 A. I don't recall that, no.

10 Q. Was he a suspect in the Lockmiller homicide?

11 A. Once again, I don't know.

12 Q. Can you tell me about the time you went to
13 the Chicago Police Department to discuss this case?

14 A. We went up there -- we being Lieutenant
15 Zayas, Tim Freesmeyer, and myself -- and we had prior
16 to going up there sent them case file, a copy of the
17 case file up to that point in time that we had
18 investigated it. And it seems to me they looked into
19 it as far as the information they had and gave some
20 suggestions. Other than that, that's about all I
21 recall.

22 Q. Did you prepare the materials to send to the
23 Chicago Police Department ahead of time?

24 A. I personally I don't recall if I did.

1 Q. When did you go?

2 A. I don't recall when.

3 Q. Can you find Exhibit Number 11. It has a
4 yellow page on the front. Turn to page SDT 15. It's
5 marked on the top right-hand corner.

6 A. 15?

7 Q. Yes, please. Are these your notes?

8 A. Yes.

9 Q. What are these notes from?

10 A. I do not know.

11 Q. On the top it says 2-18-94, Chicago PD.

12 A. Oh, apparently that was the date and the
13 location of where the notes were -- well, not
14 necessarily. These notes that I made on this
15 particular page could have come from research in the
16 case at any time, or it could have come from our
17 conversation with Chicago PD at that given time.

18 Q. Can you find Exhibit 5, Detective
19 Freesmeyer's report. Turn to page MCC 303.

20 MS. BARTON: Locke, Exhibit Number 5.

21 MR. BOWMAN: Yes, coming.

22 THE WITNESS: Come again?

23 MR. BOWMAN: I'm like the slowest student in
24 the class. Everybody wait for Locke to catch up.

1 THE WITNESS: 303, huh?

2 MS. BARTON: I'm the fast student.

3 THE WITNESS: Oh, okay. A little bit out of
4 order there. That's why I missed that. Okay.

5 BY MS. BARTON:

6 Q. Got it?

7 A. Yeah.

8 Q. All right. The fifth paragraph starts with:
9 "On 2-18-94" --

10 A. Okay.

11 Q. -- "Lieutenant Daniels, Lieutenant Zayas, and
12 myself went to Chicago to meet with Jack Reagan of the
13 Chicago Police Department Violent Crimes Unit."

14 A. Okay.

15 Q. Do you have any disagreement with the date,
16 February 18, 1994?

17 A. I -- as I'm sitting here right now today, no,
18 I don't have a date because that coincides with my
19 note.

20 Q. How long did you meet with -- strike that.
21 How many people did you meet with at the
22 Chicago Police Department?

23 A. As I best recall, it was two of them.

24 Q. Do you recall what their ranks were?

1 A. Lieutenant Reagan according to this report.

2 Q. A lieutenant and --

3 A. I don't know who the other individual was.

4 It's not in the report. It was left out. Hmmm...

5 Q. How long was the meeting?

6 A. Conservative amount of time would be 30 to 45
7 minutes.

8 Q. What was the purpose of meeting with the
9 Chicago Police Department?

10 A. Input from well-trained and experienced
11 detectives on violent crimes.

12 Q. Did they make suggestions to you for the
13 Lockmiller homicide investigation?

14 A. Yes.

15 Q. What were their suggestions?

16 A. Well, I don't recall all of them. They
17 thought we had the right person, that being Alan
18 Beaman.

19 Oh, they wanted -- they thought it was best
20 for Tim Freesmeyer to do any further interviewing or
21 talking with Alan because apparently I -- I was a
22 little harsh on Alan Beaman in my first interview.
23 And they thought since Alan Beaman and Tim Freesmeyer
24 were about the same age, a few years difference

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1 perhaps, that Tim could better relate to him and
2 extract information that I could not.

3 Q. Well, and you agree with that also?

4 A. No comment.

5 Q. I'd like you to comment.

6 A. You like my comment -- my opinion?

7 Q. I would.

8 A. Tim Freesmeyer at that time with his time
9 with the department had no formal training in
10 homicide. He had no formal training with interview
11 and interrogation techniques. He had no formal
12 training in investigations, period. About the only
13 thing he really brought to the table was the fact that
14 he was very energetic and his age.

15 Q. Well, and by the time you met with the
16 Chicago Police Department, it was already determined
17 that Tim Freesmeyer would be the primary contact with
18 Mr. Beaman, right?

19 A. If you say so, yes, and if it's written in
20 the report, I guess.

21 Q. What other suggestions did the Chicago Police
22 Department make to you other than they thought you had
23 the right person, being Alan Beaman, and they thought
24 Tim Freesmeyer should continue to interview or be the

1 contact person of Mr. Beaman?

2 A. Upon reading this report of Tim's, it said
3 that they felt -- asked him to take a polygraph I
4 believe it says.

5 Their main suggestion was that we continue to
6 build a rapport between Alan and myself, meaning Tim,
7 until Alan either took a polygraph exam or end all
8 communications with him.

9 Q. The notes on page 15 of Exhibit 11, do these
10 relate to the suggestions of the Chicago Police
11 Department?

12 A. Yeah, it appears there's a correlation
13 between those.

14 Q. Page 15 I'm looking at. Sorry for the blocks
15 of paper.

16 It looks like the towards the bottom of the
17 page, there are two stars with a circle around it --

18 MR. BOWMAN: I need you to -- I need to catch
19 up with you. I'm sorry.

20 Thank you, go ahead.

21 BY MS. BARTON:

22 Q. Okay. And there are three points. One,
23 continue to talk to him; two, polygraph, question
24 mark -- I'm not quite sure what that next --

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1 A. Preceded about an interview, post polygraph
2 interview.

3 Q. And number three is what?

4 A. Boss bad guy. I need something to get the
5 boss off my back.

6 Q. What does that mean?

7 A. Well, the reason why you use that is a way to
8 make the interviewer, the interviewee, the
9 interrogator, the investigator that seemed to be
10 partial to the suspect. In other words, the reason
11 why I'm talking to is because my boss, Mr. Bad Guy,
12 wants me to talk to you.

13 Q. And so was this a technique that the
14 Chicago --

15 A. Technique.

16 Q. Got to let me finish.

17 Was this a technique that the Chicago Police
18 Department thought would be a good idea for a
19 continued investigation of Mr. Beaman?

20 A. As used in an interview, yes, used as sort of
21 an explanation as to why the investigator would be
22 talking to Alan directly.

23 Q. Did they -- did the Chicago Police
24 Department -- strike that.

1 During your conversation with the Chicago
2 Police Department lieutenant and the other officer,
3 did you discuss Mr. Murray?

4 A. I don't recall.

5 Q. Take a look at Exhibit 16.

6 A. Okay.

7 Q. Start on page 121 when you get a chance.

8 A. Exhibit 16?

9 Q. Correct.

10 A. Can you give me that page?

11 Q. 121.

12 A. Okie doke.

13 Q. Line 17 through to the next page, line 10.

14 A. You say through 18? 17?

15 Q. Yes, line 17 beginning on 121 through to the
16 next page line 10.

17 A. Okay.

18 Q. Okay. Does that refresh your memory about
19 the suggestions that the Chicago Police Department
20 made to you and Lieutenant Zayas and Detective
21 Freesmeyer?

22 A. Some degree, yes.

23 Q. So you did discuss John Murray, right?

24 A. Yes.

1 Q. Did you recall -- do you recall what you
2 discussed with the Chicago Police Department relating
3 to John Murray?

4 A. No, I do not know.

5 Q. In your testimony on page 122, you refer to
6 their summary as to people that probably should
7 continue talking with. Whose summary is that?

8 A. Where was that stated? What line?

9 Q. Sure, line 7 on page 122.

10 A. Well, the summary could have been the
11 conversation we had with the two detectives from
12 Chicago or -- would have been Chicago, right, Chicago
13 Police Department.

14 Q. Did they provide you with a written summary?

15 A. No, not a written summary, no.

16 Q. And then you also mentioned that their -- the
17 Chicago Police Department's summary mentioned four
18 names. Still on page -- that line 7?

19 A. Okay, yes..

20 Q. What were the four names?

21 A. Well, John Doe was one.

22 Q. John Murray?

23 A. I'm sorry. John Murray, yes.

24 Q. Alan Beaman?

1 A. Alan Beaman.

2 Q. Who else?

3 A. I don't recall. I don't recall who the other
4 two would have been.

5 Q. Did you conduct any investigation on the --
6 on Lockmiller's homicide when you returned from your
7 visit to Chicago?

8 A. Yes, we did.

9 Q. Did you follow up on their suggestions?

10 A. Well, Tim Freesmeyer did. He was talking to
11 Alan.

12 Q. And he asked Alan to take a polygraph, right?

13 A. Well, I'm not going to assume; but since
14 apparently someone else suggested that, he probably
15 had asked him to take a polygraph. Again, I'm
16 assuming and I'm not certain.

17 Q. Tell me about the seminar you attended in
18 Jacksonville, Florida.

19 A. What would you like to know about that
20 seminar?

21 Q. I would like to know -- well, first of all,
22 we established that it was April of 1994?

23 A. Correct.

24 Q. Whose decision was it for you to go to that

1 seminar?

2 A. Assistant Chief Walt Clark.

3 Q. Did he tell you why he wanted you to go to
4 the seminar?

5 A. Yes, he wanted me to take the Lockmiller case
6 with me.

7 Q. So the purpose of you going to that seminar
8 was to have another look at the Lockmiller homicide?

9 A. Yes.

10 Q. And how would that seminar help you do that?

11 A. The class is made about 40, 44 -- I don't
12 know the exact number -- of detectives, investigators,
13 homicide investigators throughout the United States,
14 anywhere from Miami, Florida, to New York City, out in
15 Texas and so forth.

16 And what the program consisted of is every
17 detective there was to bring with him certain
18 documents pertaining to the case they wanted to
19 discuss.

20 And the first day we were there, we broke up
21 into little teams of five, six, or seven. And we sit
22 around in our little groups and discuss our particular
23 case with one another looking for input, leads,
24 suggestions, which -- whatever term you want to use.

1 Then the second day, it started where each
2 individual detective got in front of the group and
3 discussed their case, presented what they could in the
4 way of documents that they had with them.

5 And this went on for four days along with
6 classroom instructions from FBI profiler, a major
7 homicide investigator from Miami, other individuals in
8 law enforcement.

9 And then what happened is in your particular
10 group while you're presenting your case, the rest of
11 the group would hopefully listen attentively and write
12 down any suggestions they may have based upon what you
13 presented.

14 And then after each individual gave their
15 case to the class, there was a time allotted for
16 discussion.

17 Q. What happened with your presentation of the
18 Lockmiller case?

19 A. I went overtime, and it laid dead.

20 Q. What does that mean?

21 A. That means I was not permitted, I was not
22 allowed, I was not asked, I was not given the
23 opportunity to sit down with the detectives in the
24 detective division of the Normal Police Department or

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1 Jim Souk or the chief or Assistant Chief Clark to
2 discuss what I had brought back from that class.

3 Q. Well, what happened when you were at the
4 class when you presented? So you went overtime. What
5 does that mean?

6 A. Well, you're allotted like a half an hour.

7 Q. And how long did you go?

8 A. Over an hour and I wasn't finished.

9 Q. And then the floor was opened up to discuss
10 it -- the case with other detectives?

11 A. Correct.

12 Q. And the other detectives did what?

13 A. Listened, write down notes -- take notes.

14 Q. Did they ask you questions?

15 A. Sure.

16 Q. Did they give you suggestions?

17 A. Yes.

18 Q. Did you write those down?

19 A. Yes. One or more individuals in your group
20 would write the suggestions down.

21 Q. Do you recall any of the suggestions that the
22 other officers at the seminar gave to you?

23 A. It was about 33, 32, 34 of them. I did not
24 commit that to memory --

1 Q. Do any stick out in your mind?

2 A. No, not any one in particular.

3 Q. You testified earlier today that you also
4 brought slides with you?

5 A. Yes.

6 Q. And you brought your working binders down
7 with you to Florida?

8 A. Correct.

9 Q. How many slides did you prepare?

10 A. I don't recall how many.

11 Q. More than ten?

12 A. Could have been nine. Could have been 11. I
13 don't recall exactly how many.

14 Q. Close to 100?

15 A. Well, for a fact there was no hundred.

16 Q. Okay. So less than 100?

17 A. Yes.

18 Q. What did you do with those slides?

19 A. Well, when I came back, they were turned back
20 in; meaning, they were most likely put into -- back
21 into that records division or turned back into
22 detective division.

23 Q. Do you know?

24 A. No. I can say equivocally I do not have

1 them.

2 Q. You don't have the slides?

3 A. I don't believe I have the slides.

4 Q. Have you been in possession of the slides
5 since your return from Florida?

6 A. I don't recall.

7 (Whereupon, Daniels Deposition
8 Exhibit No. 23 was marked.)

9 BY MS. BARTON:

10 Q. The court reporter handed you what she marked
11 as Exhibit Number 23. And I'll just represent to you
12 that these are all the documents that were contained
13 in the folder that you provided to me in the response
14 to the subpoena. And the folder was marked notes from
15 Unresolved Homicide Class.

16 A. Uh-huh.

17 Q. Are these your notes and records from that
18 homicide -- unsolved homicide class in Jacksonville,
19 Florida?

20 A. Without looking at each and every page, it
21 appears to be a good collection of handouts, notes,
22 and documents yet that I was given, uh-huh.

23 Q. At the seminar in Florida?

24 A. Correct.

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1 Q. The first couple pages that are marked 1151
2 and 1152, is this the entirety of the suggestions that
3 you were provided by other detectives at the seminar?

4 A. Well, yeah. It is, yeah. 36, isn't it?

5 Q. And did you take notes during that seminar?

6 A. Yes, to some degree. Most of the stuff was
7 handouts.

8 Q. Look at page 1158 through 62. Are these all
9 your notes?

10 A. Yes. That's my handwriting, yeah.

11 Q. Are these notes that you took during the
12 seminar?

13 A. No, without reading them, I really don't
14 know. They could've been taken from the seminar or
15 they could have been from my notes that I had written
16 from the case.

17 Q. And then turn to page 1212.

18 A. Okay.

19 Q. It's labeled or entitled Physical Evidence
20 Summary. Did you prepare this?

21 A. That list?

22 Q. Yes.

23 A. Yes, I do believe I did.

24 Q. Was this in preparation for the seminar?

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1 A. I think this was a required document that
2 they wanted.

3 Q. And then additionally the flip side, the case
4 summary, did you prepare this as well?

5 A. Yes.

6 Q. Was this the entirety of your summary related
7 to the Lockmiller case that you prepared in
8 preparation for the seminar?

9 A. Well, it was probably a brief summary. I
10 think that's what they wanted was a brief summary,
11 synopsis of what happened.

12 Q. I'm just trying to figure out whether there's
13 an additional page to this --

14 A. Oh.

15 Q. -- that I'm missing, or is this the entirety
16 of your summary that you prepared for the seminar?

17 A. This appeared to be what I prepared for the
18 seminar.

19 Q. So this is complete?

20 A. Pardon me?

21 Q. This is a complete summary that you prepared?
22 There's not more to this summary somewhere that I
23 don't have?

24 A. Not to my knowledge. That's complete to my

1 knowledge, best of my knowledge, yes.

2 Q. Then look at the last page here -- excuse me,
3 the page before that, 1216.

4 A. Okay.

5 Q. Are these notes that you took during the
6 seminar?

7 A. It could have been. It could have been just
8 a checklist that I came up preparing for the seminar
9 or it could have been taken from when I returned.

10 Q. Who's Thomas Penn?

11 A. Thomas Penn is a renowned attorney from the
12 Peoria area.

13 Q. Was Thomas Penn at the seminar in Florida?

14 A. No. Well, we can check that. I think I got
15 a list of the detectives and speakers, but I don't
16 recall Thomas Penn there. Him being an attorney, he
17 wouldn't have been invited.

18 I think this list or roster is not complete.
19 It doesn't look like it.

20 Q. Where are you looking at the roster?

21 A. Oh, here it is. I got a list of those who
22 appeared in the picture. How many were there? Oh,
23 it's only about 30 of us, I guess.

24 No, I think Thomas Penn's name was up there

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1 for a reason, and that was because he was a trial
2 attorney from the Peoria area.

3 Q. Name was up where?

4 A. Top of that page, Thomas Penn, phone number,
5 Peoria.

6 Q. Did you talk to Mr. Penn about this case?

7 A. Not to my knowledge, no, I don't recall.

8 That might have been a referral name.

9 Q. Has he ever been your attorney?

10 A. Pardon me?

11 Q. Has he ever been your attorney?

12 A. My attorney? No.

13 Q. Did you ever tell Mr. Matens that he was?

14 A. My attorney?

15 Q. Yes.

16 A. Let me -- so I understand, you're asking me
17 if I ever retained Mr. Thomas Penn as my attorney?

18 Q. Yeah.

19 A. The answer to that question is no.

20 Q. Did you ever consult with him?

21 A. Concerning?

22 Q. Anything.

23 A. Yes.

24 Q. Did you consult with him about this case?

1 A. No.

2 Q. Did you ever tell Mr. Matens that you
3 consulted Mr. Penn about this case?

4 A. I don't believe -- I don't recall that I ever
5 did.

6 Q. We touched on this briefly during your first
7 deposition, but when you returned from the seminar in
8 Florida, you attempted to present those ideas during a
9 meeting, right?

10 A. Correct.

11 Q. In May of 1994, correct?

12 A. Well, if that's what the records indicated,
13 yes.

14 Q. Who was present during the meeting?

15 A. Well, myself, Jim Souk, Chief Taylor. And
16 without -- I don't know who else was present, but it
17 seemed to me there were more than just the four of us,
18 three or four of us. Well, Freesmeyer would have been
19 there.

20 Q. How about Lieutenant Zayas?

21 A. Frank most likely would have been there,
22 because he didn't leave the department until November
23 of '94.

24 Q. How about Mr. Reynard?

- 1 A. He could have been there.
- 2 Q. But you don't know?
- 3 A. I don't recall who was there.
- 4 Q. How about John Brown?
- 5 A. Well, he was an investigator for the County,
6 so he could have been there.
- 7 Q. But you don't recall?
- 8 A. Correct.
- 9 Q. What was the purpose of the meeting?
- 10 A. To discuss and get input from various people
11 involved in the investigation of the Lockmiller case.
- 12 Q. Do you know who organized the meeting?
- 13 A. No, no.
- 14 Q. Did you bring any materials to the meeting?
- 15 A. I brought my list from the school.
- 16 Q. From your seminar in Florida?
- 17 A. Correct.
- 18 Q. Was that the two-page list that we just --
- 19 A. Correct.
- 20 Q. -- looked at with the handwritten leads?
21 Yes?
- 22 A. Yes. I'm sorry. Yes.
- 23 Q. Who talked during that meeting?
- 24 A. I didn't get to talk. Souk talked.

1 Meaning had some input, is that what we're
2 saying? Is that what your question is, who had input
3 into it?

4 Q. Let me ask you this first. Did anybody lead
5 the meeting?

6 A. Well, Souk mainly. And I don't know if
7 Charlie had -- Charlie Reynard had anything to say if
8 he was there. Same thing with Frank Zayas. I don't
9 know.

10 Q. What was --

11 A. I don't recall.

12 Q. What was discussed?

13 A. The case, what we had in the way of suspects
14 and what our steps should be.

15 Q. Were you laying out all the evidence that you
16 had?

17 A. Was I?

18 Q. Uh-huh.

19 A. I wasn't, no.

20 Q. Was the group?

21 A. Souk was.

22 Q. Okay. What do you recall Souk saying?

23 A. When I attempted to interject my thoughts and
24 based upon my list that I had in front of me for

1 possible leads or suggestions, he interjected by
2 saying, well, I think we went as far as we can with
3 this case. We are going to go ahead and issue a
4 warrant for his arrest, meaning Alan Beaman's arrest.

5 Q. So during the meeting, you were discussing --
6 or at least everybody at the meeting was discussing
7 what evidence there was against Alan Beaman, right?

8 A. Or -- and/or comments they had, yes.

9 Q. Were you discussing whether there was
10 probable cause to arrest Mr. Beaman?

11 A. Well, with Mr. Souk's statement, I believe we
12 had enough for an arrest. There was no need
13 questioning what he had to say.

14 Q. Was --

15 A. Meaning evidence presented and so forth. I
16 don't know if all the evidence was presented by each
17 individual or not. I don't recall that.

18 Q. So you don't recall whether each of the
19 members of the Normal Police Department were
20 discussing evidence that they had uncovered or what
21 the investigation uncovered, information they had; you
22 don't recall?

23 A. It appeared -- no, I don't. I don't.

24 Q. Were you asked for your input?

1 A. That's what the purpose of the meeting was.
2 And when it came to my turn around the table, as I
3 previously stated, I was cut off.

4 Q. So each person sitting around the table had a
5 chance to give their input?

6 A. Correct.

7 Q. And you said -- what did -- did you bring up
8 the 36 suggestions that you had obtained from the
9 seminar?

10 A. The issue was that I had these 36 leads,
11 suggestions, avenues to look into; but I was not
12 permitted, was not given the opportunity to discuss
13 them.

14 Q. Because Mr. Souk cut you off?

15 A. That's correct.

16 Q. And he said what?

17 A. I believe we went as far as we can with this
18 case. We're going to issue a warrant for Beaman's
19 arrest.

20 Q. Did you think at that time there was probable
21 cause to arrest Mr. Beaman?

22 A. Probable cause to arrest him? Yes.

23 Q. Did anybody around the table respond when
24 Mr. Souk cut you off from discussing the 36

1 suggestions from your seminar?

2 A. They could have been. I don't recall.

3 Q. What was your response to him?

4 A. I said nothing the rest of the meeting, and I
5 don't know how long that meeting lasted.

6 MS. BARTON: Could we take a brief break.

7 THE VIDEOGRAPHER: Off the record. The time
8 is 1543.

9 (Whereupon, a break was taken.)

10 (Whereupon, the record was
11 read as requested.)

12 THE VIDEOGRAPHER: On the record. The time
13 is 1553.

14 BY MS. BARTON:

15 Q. Do you know a woman by the name of Samone
16 Weisman?

17 A. I believe that was Alan Beaman's girlfriend
18 at the time of the trial.

19 Q. Have you talked to her about this case?

20 A. Yes, at one time.

21 Q. When did you first talk to her about this
22 case?

23 A. I don't recall the date. Seems to me she had
24 called me regarding the case, wanted to meet with me.

1 We met in a place called Mugsy's, which is a student
2 hangout, if you will, at -- located in Bloomington
3 across from IW campus. And we discussed the case to
4 some degree of what -- up to that point, what we had.

5 Q. Was this after Mr. Beaman was convicted?

6 A. I don't recall the time it was -- occurred.

7 Q. Do you recall anything specifically that you
8 discussed with Ms. Weisman?

9 A. No, even me to try to think of what we talked
10 about. The only thing I can say is we talked about
11 the case in general terms.

12 Q. Did you talk about John Murray?

13 A. I do not know. I do not recall.

14 Q. Did you talk about John Murray's attempted
15 polygraph?

16 A. I do not recall what we talked about in
17 general or specific terms.

18 Q. Did you meet with her more than once about
19 this case?

20 A. I believe it was only once.

21 Q. Did you provide her with information?

22 A. I may have in terms of what my thoughts were,
23 what my opinions were.

24 Q. Did you talk to her with the understanding

1 that it was in confidence?

2 A. That was my understanding. That's why I
3 agreed to meet with her in a public place.

4 Q. I didn't understand that. You agreed to meet
5 in public because you thought you were talking to her
6 in confidence?

7 A. Well, her being a female, me being a male, I
8 didn't want anything to be misconstrued later on
9 why -- as to why I met with her.

10 Q. And so you agreed to meet with her because
11 she promised that she would keep your information
12 confidential? Is that what I'm understanding?

13 A. Well, no -- well, yes, the fact that the
14 information that I had and that she had shared, but
15 was common knowledge of what we had because basically
16 it was our knowledge and our opinions.

17 Q. Well, I thought you told me that it was your
18 understanding you were speaking to her in confidence?

19 A. Right, as -- in other words, what she learned
20 from me based upon my opinions and what I knew about
21 the case, she was not to go and broadcast it.

22 Q. And why was that important to you?

23 A. Well, I didn't want the source to leak out as
24 to why.

- 1 Q. As to why what?
- 2 A. I was talking with her.
- 3 Q. Why were you talking with her?
- 4 A. I thought maybe she had some information for
5 me.
- 6 Q. Did she?
- 7 A. Well, apparently not because it didn't go
8 anywhere.
- 9 Q. Do you know if she provided the information
10 that you gave to her to anybody else?
- 11 A. No, I'm not aware of that.
- 12 Q. Who is Amy Birch?
- 13 A. I do not know.
- 14 Q. You've never met Amy Birch?
- 15 A. I didn't say that. I do not know who she is.
- 16 Q. What about Kristie O'Brien?
- 17 A. I don't know who she is either.
- 18 Q. Were they local reporters?
- 19 A. I don't know. I don't know them.
- 20 Q. Did you talk to them about the Lockmiller
21 homicide investigation?
- 22 A. Well, if I don't know who they are, I don't
23 know if I talked to them or not.
- 24 Q. Did you talk to two young women who were

1 reporters in the area for the Vedette in relation to
2 the Lockmiller homicide case?

3 A. I don't recall.

4 Q. When was the first time that you spoke with
5 somebody that was either an attorney for Mr. Beaman or
6 someone working for an attorney for Mr. Beaman?

7 A. Well, would have been the Center For Wrongful
8 Convictions -- oh, would've been before that.
9 Mr. Beu, I think it was, Alan's attorney.

10 There was three occasions in which I
11 conversed with an attorney. One was when myself and
12 Hospelhorn went back on a Sunday to talk to Alan, and
13 Mrs. Beaman was there with, as I recall an attorney;
14 but I don't think the attorney was representing Alan.

15 Q. And that was Tom Laughlin. We talked about
16 that before --

17 A. Okay.

18 Q. -- right?

19 A. Okay. There was another occasion -- it was
20 part of the trial. It could have been pretrial, but
21 Lieutenant John Brown from the County and I were
22 directed to talk to Mr. and Mrs. Beaman with their
23 attorney present in one of the offices at McLean
24 County Justice Center. That was a second time.

1 Now --

2 Q. That attorney was Mr. Beu?

3 A. Correct.

4 Now, there was another time, I don't know if
5 this was before or after; but the Center of Wrongful
6 Convictions came into the picture, and I talked to
7 Jeff Urdangen, Tony Matens, and I believe it was
8 Rex Reu at that time. And that took place at the
9 Normal Police Department.

10 Q. What was the purpose of that meeting?

11 A. The way it was explained to me by then
12 Chief Walt Clark was they wanted to ask me some
13 questions concerning my part in the investigation.

14 Q. So was it your understanding that Chief Clark
15 set the meeting up with you and Mr. Urdangen,
16 Mr. Matens, and Mr. Reu?

17 A. Yes, that's my understanding.

18 Q. And do you have that understanding because
19 Chief Clark told you to go to that interview?

20 A. He left that choice up to me. He said that
21 it was up to me whether I wanted to talk to him or
22 not.

23 Q. And you did want to talk to them because you
24 eventually met with them?

1 A. Right, I agreed with them or I agree with
2 them. I agreed to talk with them.

3 Q. Did you have to seek permission from Chief
4 Clark to speak with them?

5 A. He gave me permission. He offered me the
6 opportunity to talk with them, and he left it up to
7 me.

8 Q. Did you consult an attorney before talking to
9 Mr. Urdangen and Mr. Reu and Mr. Matens?

10 A. I don't believe I had to because I think
11 there were there that same day.

12 Q. The same day that Chief Clark told you to
13 talk to them?

14 A. Correct.

15 Q. And that was the first time that you learned
16 that the Center For Wrongful Convictions wanted to
17 meet with you?

18 A. Correct.

19 Q. What do you recall about the meeting?

20 A. Well, I recall mentioning the fact that the
21 distance between Alan Beaman's residence and
22 Jennifer's, the vehicle victimology basically led me
23 to believe that possibly Alan Beaman did not commit
24 the murder at that time.

1 Q. And what led you to believe that Mr. Beaman
2 didn't commit the murder?

3 A. It was -- John Murray was not excluded to my
4 satisfaction in the investigation.

5 Q. And did that exclude Mr. Beaman as a suspect?

6 A. Not in the eyes -- well, he still was a
7 suspect, but not eyes of the State's Attorney's Office
8 because apparently they went ahead with the trial and
9 found and convicted him based upon the evidence
10 presented by the State's Attorney and his witnesses.

11 Q. The information you had -- strike that.

12 During the meeting with Mr. Urdangen and
13 Mr. Matens and Mr. Reu, did you discuss the
14 possibility of you signing an affidavit on their
15 behalf?

16 A. I could have. I don't recall.

17 Q. How often did you meet with Mr. Urdangen or
18 someone from the Center for Wrongful Convictions in
19 relation to this case?

20 A. Neighborhood of maybe five to six times.

21 Q. What about with Mr. Matens, how many times
22 did you meet with him?

23 A. Eight or nine times perhaps. We could have
24 had conversations on and off. He could have called me

1 up on the phone and said, hey, Jeff Urdangen wants to
2 know this or did you remember this.

3 Q. Well, you talked to him quite a bit over the
4 phone?

5 A. Well, okay. Quite a bit.

6 Q. Right.

7 A. Okay.

8 Q. I mean, we deposed Mr. Matens --

9 A. Okay.

10 Q. -- and we went through --

11 MR. BOWMAN: Objection.

12 MS. BARTON: What's your objection?

13 MR. BOWMAN: That's not a proper question.

14 MS. BARTON: I didn't even get my question
15 out.

16 MR. BOWMAN: Started off on -- on the wrong
17 foot, and there's no way you can make it a proper
18 question.

19 MS. BARTON: Well, if you have an objection,
20 then you state it; but wait until I finish asking my
21 question and then we'll move on from there. Okay? I
22 would appreciate not being interrupted when I'm asking
23 questions. I will extend the same courtesy to you,
24 Mr. Bowman.

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1 BY MS. BARTON:

2 Q. How many times have you met with Karen Daniel
3 in relation to this case?

4 A. About as many times as Jeff I would say. She
5 had taken the case over when Yackel left.

6 Q. What was the purpose of you meeting with
7 Mr. Urdangen four to six times?

8 A. Questions concerning the case.

9 Q. Do you remember anything specifically?

10 A. No other than why I showed opposition as
11 to -- as to why the case was not completed. In my
12 opinion, they needed more investigation.

13 Even though Alan was a suspect in our
14 opinion, certainly John Murray at that time and still
15 is today, in my opinion, still a strong suspect.

16 Q. Did you provide anyone from the Center For
17 Wrongful Convictions with documents?

18 A. If I did, it's probably documented somewhere.

19 Q. Do you recall?

20 A. No, I don't recall what specific documents if
21 I did.

22 Q. When in relation to that meeting that you had
23 with Urdangen, Reu, and Matens at the Normal Police
24 Department, when did you give that interview to

1 Mark Goldman in relation to that?

2 A. That be shortly after that because Walt
3 Clark, again, gave me the option of speaking with Mark
4 Goldman. He said that's entirely your decision. If
5 you want to speak with him, go ahead.

6 Q. Can you look at Exhibit 18. Here it is. I
7 thought I saw it.

8 First, can you tell me how you came in
9 contact with Mark Goldman?

10 A. Through Walt Clark. Walt Clark, again,
11 approached me with the offer to talk to Mark Goldman,
12 and Mark -- either I called him back, Mark, or Mark
13 had called me and an appointment was set up.

14 Q. So the first you learned that Mark Goldman
15 wanted to interview you was through Chief Clark?

16 A. Correct.

17 Q. Take a look at Exhibit Number 18, the page
18 marked SDT 1010. Is this a letter you received from
19 Mr. Goldman?

20 A. Yeah, it's addressed to me and signed by him.

21 Q. And you received it, right? This was in your
22 file.

23 A. Oh. In that case, then I did.

24 Q. It was in the file marked Channel 31

1 Interview.

2 A. Okay.

3 Q. I notice it's dated February 17, 1998.

4 A. Okay.

5 Q. Would you -- did you receive this letter
6 around that time period?

7 A. I can't be sure, absolutely sure.

8 Q. And it -- the first line in the letter says:
9 "I appreciate your getting back to me regarding the
10 1993 death investigation of Jennifer Lockmiller."

11 So do you recall talking to Mr. Goldman
12 before you received this letter?

13 A. Well, he says I did, so I must have.

14 Q. I'm just asking if you remember?

15 A. Oh, do I remember? No.

16 Q. And he told you in this letter that I have
17 been working on a four-month investigation into facts
18 surrounding Ms. Lockmiller's murder, right?

19 A. Yes.

20 Q. Did he tell you anything about that
21 investigation or what he did?

22 A. No, I don't recall if he did go into any
23 detail.

24 Q. Flip forward in that exhibit to page -- flip

1 backward, I'm sorry, to 1001. And we've already
2 looked at the transcript of that interview with Mark
3 Goldman.

4 A. Okay.

5 Q. I notice at the top that this transcript is
6 dated February 1997?

7 A. Okay.

8 Q. So did you do the interview in '97, and the
9 letter was dated '98? I'm just trying to get a
10 context --

11 A. Well, looking at the --

12 Q. -- of what happened.

13 A. -- documents, that's exactly what it shows.
14 But, again, I didn't present these documents.

15 Q. Do you recall whether you gave the interview
16 in February of '97 or in February '98?

17 A. No.

18 MR. BOWMAN: Note for the record that
19 February is early in the year and sometimes mistakes
20 happen.

21 BY MS. BARTON:

22 Q. Do you know if Mr. Reu had anything to do
23 with setting the interview up with you and
24 Mr. Goldman?

1 A. I have no knowledge of that.

2 Q. Did you talk to anyone in preparation of your
3 interview with Mr. Goldman?

4 A. Other than Chief Clark, I don't recall
5 talking to anyone.

6 Q. Did anyone help prepare you for the
7 interview?

8 A. No.

9 Q. The last page of this Exhibit 18.

10 A. 18?

11 Q. No, it's Exhibit 18 --

12 A. Okay.

13 Q. -- and the last page --

14 A. I'm sorry.

15 Q. -- is marked 1012.

16 A. I'm a little behind you.

17 Q. Did you prepare this document?

18 A. I don't recall preparing any document for any
19 interview with Mark Goldman.

20 Q. Do you know how this document ended up in
21 your file?

22 A. No. No, I don't recall how it could have
23 ended up in the file.

24 Q. Are you denying that this is something you

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1 prepared?

2 A. Oh, I'm not denying anything. What I'm
3 saying is I don't recall.

4 Q. And on the top it says questions to WMBD TV,
5 interview number one. My question is was there more
6 than one interview with Mark Goldman?

7 A. I -- you know, I -- I don't know -- I -- I
8 don't know if there was. I don't recall if there was.

9 Q. You don't recall whether you gave more than
10 one interview to Mark Goldman?

11 A. To Mark, no. No, I don't. I know the taped
12 interview was in two parts suggesting perhaps
13 interview number one could be tape number one.

14 Q. Do you mean that portions of your interview
15 were aired on two different occasions?

16 A. Correct.

17 Q. But you don't recall giving more than one
18 interview?

19 A. I don't recall, that's correct.

20 Q. All right. Look at page 1007 of this
21 exhibit. Compare page 1007 to page 1008 and there
22 seems to be additional information on 1008 or a
23 continuation of your interview.

24 A. Apparently there's a -- is there a question

1 missing at the top here?

2 Q. Well, the question would be on the page
3 before. Start at page 1006.

4 A. Okay.

5 Q. Start there.

6 A. Let's go to 1006.

7 Q. All right. And there's a question: "As much
8 as you are willing to comment, what do you hope
9 happens in the future, if anything?"

10 And then it appears the same answer to that
11 question is at the top of --

12 A. Oh.

13 Q. -- of both 1007 and 1008, correct?

14 A. That's what it appears, correct. Looks like
15 it --

16 Q. So it looks like this page on 1007 kind of
17 cuts off --

18 A. Sure.

19 Q. -- the transcript.

20 A. Yes.

21 Q. Do you know who prepared this transcript?

22 A. No.

23 Q. You don't recall how you received it?

24 A. No.

1 Q. Did you have any --

2 A. Pardon me?

3 Q. Did you have any off-the-record discussions
4 with Mr. Goldman?

5 A. To my knowledge, my recollection, no.

6 Q. And on page 1008, you're giving your opinion
7 on Mr. Matens, looks like, right?

8 A. On who?

9 Q. Mr. Matens.

10 A. That's what it says.

11 Q. And you said: "I guess he's just my idol."

12 A. I wonder if I was under the influence when I
13 made that statement.

14 Q. Well, were you?

15 A. No, no. I hold Mr. Matens in high regard.

16 Q. In the highest of regards it seems, right?
17 He's your idol.

18 A. To surpass Dr. Lee, whoa, Roy Hazelwood, and
19 John Douglas. I don't know why I said that.

20 MR. DiCIANNI: And he's not hitting a ball
21 350 yards in the wind either.

22 THE WITNESS: No, he's not.

23 I didn't say that he has a wonderful build
24 and is a top athlete. Wait a minute. Let me -- is

1 this a joke?

2 MS. BARTON: No, it's not.

3 MR. BOWMAN: It's not a joke.

4 THE WITNESS: Well, you notice on number 7,
5 the first page 7 at the top, my answer was: "No, I
6 don't have any more further comments."

7 Then the question is: "Anything you'd like
8 to add in terms of something I didn't mention?"

9 BY MS. BARTON:

10 Q. Right. I will represent to you that all of
11 the documents in this exhibit were contained in the
12 blue folder marked Channel 31 Interview that you
13 provided to my office in response to the subpoena.
14 So, no, this is not a joke.

15 A. Okay. I have no explanation for these two --
16 yes, I do.

17 Q. What do you --

18 A. Somebody put those in there because I didn't
19 know Tony that well. I'm sorry, but I have no
20 explanation for that. None at all. It sure is a
21 shock and surprise to me.

22 Q. So you never -- you've never seen that
23 before?

24 A. No. And that he would know who Roy Hazelwood

1 is. Certainly he may know Dr. Lee through the OJ
2 trial. And John Douglas, Tony and I shared the same
3 interest in reading John Douglas's books.

4 Q. Are you saying that you don't believe
5 Mr. Matens knew Roy Hazelwood?

6 MR. BOWMAN: No.

7 BY MS. BARTON:

8 Q. What was the comment to Roy Hazelwood?

9 A. I don't think he would have known Roy
10 Hazelwood.

11 Q. Who is he?

12 A. Roy?

13 Q. No, you said --

14 A. Tony Matens.

15 Q. You don't think Tony Matens would know
16 Roy Hazelwood?

17 A. Know him. May know of him but not know him.

18 Q. So this is a first time you're seeing --

19 A. Yes, and I know he's not an 0350. He can't
20 drive that, 350.

21 Q. Why don't you take a look at the rest of the
22 interview, and let me know if there's anything else in
23 the transcript that you have never seen before or
24 don't agree with.

1 lightly as maybe perhaps somebody's manipulated or
2 interjected that. This is totally out of character to
3 me to put something like that out unless I was in a
4 frame of comedy, let's say.

5 Q. Okay. But --

6 A. That's just not -- I'm sorry. I know this is
7 a serious case, but I can't account for that. Let's
8 put it that way. We'll leave it at that.

9 Q. That's fine. I just wanted to ask you
10 because I found it in your file, and I wanted to ask
11 you questions about it. If you don't know, you don't
12 know.

13 But let's talk a little bit about Tony
14 Matens.

15 A. Oh, please.

16 Q. After that, right?

17 When's the first time you met with him? Was
18 it during that meeting at the Normal Police Department
19 with Urdangen and Reu?

20 A. Correct.

21 Q. Was that the first time you had ever met him?

22 A. I believe it is, yes.

23 Q. Have you ever met with him regarding any
24 other cases?

1 A. I don't believe so.

2 Q. Did you develop a friendship with Mr. Matens?

3 A. Yes.

4 Q. Are you friends with him now?

5 A. Yes.

6 Q. Pretty close friends?

7 A. No, not close. Just in between acquaintance
8 and being close.

9 Q. Okay. Do you recall having a conversation
10 with Mr. Matens before his deposition in this case?

11 A. Before Tony? When was his deposition?

12 Q. I don't think I have it with me.

13 A. Oh, the answer would have to be yes because I
14 met him that first time, and it's been 20 years.

15 Q. Shortly before his deposition in this case?

16 A. Well, if you can give me a time, maybe I can
17 be sure of that.

18 MR. DiCIANNI: June 4.

19 THE WITNESS: Of what year?

20 MS. BARTON: The first session.

21 MR. DiCIANNI: Oh, first.

22 BY MS. BARTON:

23 Q. Would have been sometime this year.

24 A. I guess.

1 Q. And you called him, right?

2 A. He'd call me, I would call him.

3 Q. To discuss the upcoming deposition?

4 A. That -- well, he -- he and I had an agreement
5 where we wouldn't talk about the deposition other than
6 the fact that I got a subpoena for deposition. He
7 said, well, we can't talk about it. I said, I know
8 that.

9 Q. Did you have a conversation with him shortly
10 before his deposition where you discussed the fact
11 that he would have to disclose who his reliable law
12 enforcement person was that he mentioned in his
13 affidavits?

14 A. Source? Seems to me I had a conversation
15 with him on the phone regarding that.

16 Q. Okay. What do you recall about that
17 conversation?

18 A. Exactly what you had said.

19 Q. Did you also tell him during the conversation
20 that you had received permission from Chief Clark to
21 talk to Tony Matens?

22 A. Did I tell him, Tony, that?

23 Q. Yes.

24 A. He was aware of that.

1 Q. And did you tell -- or did you discuss with
2 Mr. Matens during that telephone conversation shortly
3 before his deposition this year that Chief Clark had
4 told you that you could discuss anything with the
5 Beaman team after the trial and conviction as long as
6 it's about your involvement in the investigation?

7 A. About what I know about the investigation,
8 yes.

9 Q. So what can you recall about your
10 conversation with Chief Clark about that?

11 A. Pardon me?

12 Q. Did Chief Clark ever tell you that you could
13 discuss anything with Beaman's legal team after
14 Mr. Beaman's trial and conviction as long as it was
15 involving your involvement in the investigation?

16 A. My knowledge of the investigation.

17 Q. So that's a yes, Chief Clark did tell you
18 that?

19 A. Yes, that's correct.

20 Q. Did you have conversations with Mr. Matens
21 about the possibility of you signing an affidavit?

22 A. Affidavit for?

23 Q. In relation to this case.

24 A. Affidavit for information duces tecum or?

1 Q. An affidavit that you would sign?

2 A. I don't recall if Tony said that I'm -- in my
3 opinion that's what I said.

4 Q. Did you have any concerns about your job as a
5 police officer as a result of talking with
6 Mr. Beaman's lawyers?

7 A. No. As a matter of fact, I had support from
8 Chief Clark.

9 Q. Did you provide Mr. Matens with any documents
10 relating to this case?

11 A. I could have. If he has them in his
12 possession, he got them one of two ways, either --
13 well, one of threes -- three ways: Request from
14 Normal PD, got them from Urdangen, or I gave them to
15 him.

16 Q. Have you ever met Carol and Barry Beaman?

17 A. Oh, yes.

18 Q. Several times?

19 A. I met them twice at their residence, the
20 Saturday -- the weekend, Saturday and Sunday that
21 Jennifer's body was discovered. We talked with them.
22 We meaning John -- Lieutenant John Brown talked with
23 them in the Law and Justice Center during one of the
24 appeals or posttrial whatever -- or post-conviction.

1 I talked to them during the appeal down at
2 the Illinois Supreme Court in Springfield. I think
3 that was the last time I talked with them.

4 Q. Did you ever talk with them over the phone?

5 A. I don't recall if I did.

6 Q. Have you ever shared your theories of this
7 case with either Carol or Barry?

8 A. Oh, I may have.

9 Q. But you don't recall?

10 A. Well, during the trial, my opinions came out.
11 So if they were knowledgeable of what my theory was,
12 most likely that's where they got it from or they
13 could have gotten it from that Goldman videotape or
14 from the newspaper.

15 Q. What do you mean by your opinions came out
16 during the trial? What trial are you referring to?

17 A. Oh, the appeal of the Supreme Court when they
18 had post-conviction hearing down there to retrial.

19 Q. When you testified at the post-conviction
20 hearing?

21 A. Yes.

22 Q. Have you ever had any discussions with any
23 lawyers representing Mr. Beaman about whether or not
24 you would be a defendant in this lawsuit?

1 A. No.

2 Q. Never?

3 A. I don't -- well, I don't recall having any
4 conversations with any attorney concerning the
5 lawsuits.

6 Well, let me back up. Mr. Bowman sitting
7 here, as I recall that was probably all -- oh, his
8 associate Alexa.

9 Q. Ms. Van Brunt. We discussed that at the
10 first deposition, your meetings --

11 A. Okay.

12 Q. -- with Ms. Van Brunt and Mr. Bowman.

13 What's your understanding as to why you're
14 not a defendant in this lawsuit?

15 A. My understanding?

16 Q. Yes.

17 A. Is the fact that I was taken off of the case.
18 I was not in the case. I didn't assist with his
19 attempts to get him convicted. I was -- I had a
20 different opinion. I had different methods, different
21 thoughts about the case as it progressed.

22 Even though I thought there was enough to
23 arrest him, it was my feelings that there was
24 enough -- not enough to get it out of grand jury. And

1 when it came out of grand jury, that surprised me.

2 And when he got a conviction, that even
3 surprised me more because it's always been grilled
4 into us at different training sessions with some of
5 the top investigators that if you can't exclude a
6 suspect, then he has to be or she has to be included
7 into your investigation.

8 It's my opinion that it was a rush to
9 judgment, that no thoughts were given or time was
10 given to anybody else's thoughts or input in -- as to
11 do we have the right fellow.

12 Q. And that's why you believe you're not a
13 defendant in this lawsuit?

14 A. I think so, yes.

15 Q. I want to discuss the conversation that you
16 testified to during your first deposition with Kari
17 Mason. Do you remember Kari Mason?

18 A. I remember Kari Mason, yes. I remember Kari
19 Mason.

20 Q. And what do you remember about Kari Mason and
21 any conversations you had about this case with her?

22 A. She may have been present with Jim Souk on
23 that meeting in May. I -- I don't recall. But it
24 either came from her own lips or from somebody from

1 the State's Attorney that she had some doubt also as
2 to Alan being the perpetrator of this crime.

3 Q. Do you recall having a conversation with her
4 about her feelings on whether Mr. Beaman was guilty?

5 A. Other than what I just stated, no.

6 Q. When did you learn that about Ms. Mason?

7 A. Before she left the State's Attorney's
8 Office. And in what year that is, I don't know.

9 Q. Do you remember anything else about
10 Ms. Mason's opinions?

11 A. No.

12 Q. Have you ever been subjected to discipline as
13 a police officer?

14 A. Yes.

15 Q. How many times?

16 A. One for pulling a kid's hair, and another one
17 for accepting an invite to go outside and meet with
18 three kids who were involved in that incident. That
19 was the same -- same incident.

20 Q. Were you reprimanded --

21 A. It escalated.

22 Q. Were you reprimanded for those two
23 incidents -- it's one incident? I'm sorry.

24 A. Pardon me?

1 Q. It was one incident --

2 A. That was a separate incident.

3 Q. What was the result of your discipline?

4 A. Result of the discipline was I was given 20
5 working days' suspension. I was -- had criminal
6 charges filed against me for battery. The outcome of
7 that was I pled no contest. I was given a fine, court
8 cost, and a short period of court supervision without
9 further incident. It was expunged.

10 Q. When did the incident occur?

11 A. I don't -- I don't recall when it was. I can
12 give you a ballpark figure.

13 Q. I can show you a document and see if that
14 helps.

15 A. Okay.

16 (Whereupon, Daniels Deposition
17 Exhibit No. 24 was marked.)

18 BY MS. BARTON:

19 Q. Take a look at the first page of Exhibit 24
20 and let me know if that refreshes your memory.

21 A. Okay.

22 Q. Does that refresh your memory about --

23 A. Yes.

24 Q. -- when that incident took place?

1 And when did that incident take place?

2 A. February 14, 1997.

3 Q. Were you -- you said that you were charged
4 with misdemeanor battery as a result of that incident,
5 correct?

6 A. Correct.

7 Q. Have you ever been charged with any other
8 crimes?

9 A. Crime, no.

10 Q. Have you ever been arrested?

11 A. While on the police department or in my
12 entire life of 71 years?

13 Q. In your entire life of 71 years.

14 A. Yes.

15 Q. How many times have you been arrested?

16 A. Let's see. I came back from Nam the first
17 time in '65, so that was disorderly conduct. Out in
18 California when I was in the Marine Corps, disorderly
19 conduct.

20 Q. In 1965?

21 A. No, no, that would have been before. 1963 or
22 '64. That's all I can recall in my 71 years.

23 Q. What was the outcome of either one of those
24 charges of disorderly conduct?

1 A. A fine. The first one with -- when I came
2 back in '65, 25 -- I forfeited my bond, \$25.

3 Q. Okay.

4 A. The second one was discharged, disorderly
5 conduct.

6 Q. Have you ever been a party to a lawsuit,
7 either plaintiff or defendant?

8 A. I was a defendant on one -- I believe it was
9 a lawsuit in McLean County in, oh, 1978, perhaps. A
10 neighbor -- we live in a condo units. And my
11 neighbor, she was babysitting children, and that was
12 against the condominium association rules and
13 regulations. So I was asked to testify on her behalf.

14 Q. Were you a party to that?

15 A. No, I would just -- I lived right next door
16 to her. And the questions they asked were the kids
17 noisy, mistreated, or whatever.

18 Q. You were a witness?

19 A. A witness, right.

20 Second incident -- let me think when that
21 was. Oh, we rent our basement apartment to a student
22 from ISU. We've been renting that for nearly 20
23 years. Unfortunately, we made a mistake in our
24 judgment and rented to 20-year-old female who wanted

1 to party. Part of our agreement is no partying, no
2 noise, no animals. Well, she was 20. She wanted to
3 party, and she had an animal.

4 She took us to court because she felt that on
5 Christmas Day while I was entertaining guests and my
6 family at my home that she could not have access to
7 her apartment. Well, that led up in court. Judge
8 ruled in our favor.

9 Other than that, that's all I can recall.

10 MS. BARTON: I think I might be done, but I'd
11 like a few minutes just to review my notes and make
12 sure I'm done.

13 We can go off the record.

14 THE VIDEOGRAPHER: Off the record, 1644.

15 (Whereupon, a break was taken.)

16 (Whereupon, Daniels Deposition

17 Exhibit No. 25 was marked.)

18 THE VIDEOGRAPHER: On the record, 1649.

19 BY MS. BARTON:

20 Q. Okay. Mr. Daniels, this should be the last
21 exhibit for me, Exhibit 25.

22 Do you recognize this?

23 A. I do not recognize this paper, this document,
24 no.

1 Q. Is your email address tld529@aol.com?

2 A. Presently it's at frontier.com.

3 Q. In 2002 was that your email address?

4 A. I'm sorry. Where's it located? Oh, there it
5 is. Yes, uh-huh.

6 Q. That was your email address in 2002?

7 A. Yes.

8 Q. Did you send an email to Rob Warden of the
9 Center of Wrongful Convictions?

10 A. If this is a copy of it, I would have to
11 answer yes.

12 Q. Do you recall sending an email to Mr. Warden?

13 A. I do not recall who Mr. Warden is, let alone
14 sending this.

15 Q. In 2002 were you interested in offering your
16 assistance to the Center For Wrongful Convictions?

17 A. I'm wondering if this could -- well, the
18 answer to your question is if this is an invitation to
19 speak at one of their seminars, the answer would be
20 yes.

21 Q. So you were looking to speak at one of their
22 seminars?

23 A. I was invited by Karen Daniel. I don't
24 recall the dates, but -- I don't recall who Mr. Warden

1 is either.

2 Q. Well, lucky for you, I have a letter that
3 might help refresh your memory on it.

4 A. Okay. Lucky for me.

5 (Whereupon, Daniels Deposition
6 Exhibit No. 26 was marked.)

7 BY MS. BARTON:

8 Q. This is something that I also found in your
9 file.

10 A. This?

11 Q. That you --

12 A. Okay.

13 Q. -- provided to my office in response to the
14 subpoena.

15 A. Okay.

16 Q. This is the letter that Ms. Daniel sent you
17 on March 8, 2009?

18 A. Okay.

19 Q. Which is actually seven years after you sent
20 that email to Mr. Warden.

21 A. Okay.

22 Q. So does that help you --

23 A. It does not help me recall who Mr. Warden is
24 or why the email. It appears it was an invitation of

1 some sort. But this is the one I recall.

2 Q. The email to Mr. Warden appears to be an
3 invitation then --

4 A. Well, that --

5 Q. -- for what?

6 A. In response to a letter that he wrote in a
7 newspaper. In response to an article apparently he
8 wrote in a newspaper, yes.

9 Q. In relation to the Beaman-Lockmiller case?

10 A. Yes, that's what it indicates, yes.

11 Q. Why did you want to offer your assistance to
12 him and his staff?

13 A. I may have been asked earlier by him, or
14 there could have been some reason stated in perhaps
15 the article itself that maybe I wanted to clear up or
16 add to or give an opinion of.

17 Q. And you don't remember either way?

18 A. That's correct.

19 MS. BARTON: Those are all the questions that
20 I have for today. I believe that we'll be continuing
21 tomorrow with questions from Mr. Bowman and
22 Mr. DiCianni.

23 MR. DiCIANNI: That's correct.

24 MS. BARTON: We are done for today. Thank

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you for your patience.

THE VIDEOGRAPHER: Off the record, 1653.

(Witness excused at 4:53 p.m.)

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1 STATE OF ILLINOIS)
2 COUNTY OF C O O K) SS:

3
4 I, Christine M. Luciano, Certified Shorthand
5 Reporter in and for the County of Cook, State of
6 Illinois, do hereby certify that on June 10, 2013, the
7 deposition of the witness, TONY L. DANIELS, called by
8 the Defendants, was taken before me, reported
9 stenographically and was thereafter reduced to
10 typewriting through computer-aided transcription.

11 The said witness, TONY L. DANIELS, was first
12 duly sworn to tell the truth, the whole truth, and
13 nothing but the truth, and was then examined upon oral
14 interrogatories.

15 I further certify that the foregoing is a
16 true, accurate and complete record of the questions
17 asked of and answers made by the said witness, at the
18 time and place hereinabove referred to.

19 The signature of the witness was waived by
20 agreement.

21 The undersigned is not interested in the
22 within case, nor of kin or counsel to any of the
23 parties.

24 Witness my official signature as Certified

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Shorthand Reporter, in and for Cook County, Illinois
on this 24th day of June, A.D., 2013.

Christine M. Luciano, CSR
License No. 084-004068

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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.)

VOLUME III, PAGES 381 - 653

DISCOVERY DEPOSITION
OF
TONY L. DANIELS

Continued discovery deposition of
TONY L. DANIELS, taken on June 11, 2013, beginning at
9:44 a.m., at 207 West Jefferson Street, Bloomington,
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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22 BY: MR. THOMAS G. DiCIANNI
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24 Timothy Freesmeyer, Robert Hospelhorn,
 David Warner, Frank Zayas, and
 Town of Normal, Illinois.

18 ALSO PRESENT:

19 Mr. Wayne Rutherford,
20 Rutherford Photo Video

21 * * *

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APPENDIX 002192

I N D E XWITNESSEXAMINATION

TONY L. DANIELS

Cross-Examination by Mr. DiCianni	384
Cross-Examination by Mr. Bowman	481

E X H I B I T S

TONY L. DANIELS
DEPOSITION EXHIBIT

MARKED FOR ID

No. 27	469
No. 28	577
No. 29	603
No. 30	619
No. 31	624
No. 32	628
No. 33	630
No. 34	633
No. 35	634
No. 36	638
No. 37	640

Note: Exhibits not tendered for inclusion
into deposition transcript.

1 THE VIDEOGRAPHER: The date is 6-11-13. The
2 time is 9:44 a.m. This is a continuation of the
3 deposition of Tony Daniels beginning of tape number
4 four. We're on the record.

5 MR. DiCIANNI: Ready to go?

6 THE VIDEOGRAPHER: Ready.

7 TONY L. DANIELS,
8 called as a witness herein, having been previously
9 duly sworn, was examined and testified as follows:

10 CROSS-EXAMINATION

11 BY MR. DiCIANNI:

12 Q. Okay. Tony, you testified yesterday for
13 close to eight hours or so. Is there anything that
14 you answered yesterday that, as you reflected on it
15 over the night, you thought you didn't maybe get
16 right?

17 A. There seems --

18 MR. BOWMAN: Object to that question. That's
19 impossibly vague and overbroad.

20 THE WITNESS: There seems to be maybe
21 misunderstanding of my question and maybe my answer in
22 regards to why I did not prepare a report based upon
23 my conversation with John Murray coming back from the
24 lab from Morton to Normal. That's just one of those

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APPENDIX 002194

1 instances where I thought that it wasn't that
2 important; it had no bearing. At that time, he did
3 not take the polygraph, and he was offered a second
4 one. And I hope that satisfies Liz with the -- with
5 the question she had for me.

6 BY MR. DiCIANNI:

7 Q. Well, and that doesn't sound inconsistent
8 with what you said yesterday.

9 A. Okay.

10 Q. It's just --

11 A. Yeah.

12 Q. -- you reflected on that and felt that that
13 was a reason why you needed --

14 A. Correct.

15 Q. -- to do it? Okay.

16 MR. BOWMAN: Object to the form of that
17 question as well.

18 BY MR. DiCIANNI:

19 Q. Did you do anything last night after the
20 deposition to prepare or get ready for today?

21 A. No, I didn't.

22 Q. All right. Did you talk to Mr. Bowman or any
23 other attorneys about how -- your testimony yesterday?

24 A. Afterwards?

1 Q. Yes.

2 A. No, I did not.

3 Q. You talked yesterday a little bit about the
4 meetings that you had with the attorneys for
5 Mr. Beaman prior to coming to give depositions,
6 correct? Do you remember that?

7 A. Yes.

8 Q. And you talked about meetings in December
9 and -- of 2012 and a meeting that -- meetings that
10 have taken place since then. Can you remember when
11 was the first time you met with the attorneys for
12 Mr. Beaman on the civil case regarding --

13 A. Well, the December meeting --

14 Q. -- the lawsuit?

15 A. I -- you have to refresh my memory. I don't
16 know if that was the first one or the second one, but
17 I had two meetings with him at the same location.

18 Q. That was in December of 2012?

19 A. Correct.

20 Q. Okay. Had you ever met with them before that
21 time?

22 A. No. That was the first time I met Mr. Bowman
23 face-to-face.

24 Q. How about anybody else from his office?

1 A. No. I talked to them but not have met them.

2 Q. Okay. Well, so you spoke over the phone --

3 A. Correct.

4 Q. -- with various people?

5 Did -- did you ever speak to them before the
6 lawsuit was filed? And -- and I'll represent to you
7 that the lawsuit was filed in the spring of 2010.

8 A. No.

9 Q. So all of your conversations with the
10 attorneys for Mr. Beaman on the civil case would have
11 taken place after, as far as you know, the lawsuit was
12 filed?

13 A. Correct.

14 Q. How did you first find out that the lawsuit
15 had been filed?

16 A. Well, it was -- I don't know what came first.
17 Either in the newspaper or the officers there at the
18 Normal PD. At that time, I was working part-time in
19 the Normal Police Department.

20 Q. Okay. So there was some conversation about
21 it at the station?

22 A. Correct.

23 Q. All right. You -- you retired from being a
24 sworn police officer in, I think you said, 2000,

1 correct?

2 A. Correct. December 15.

3 Q. Okay. Was there any particular reason why
4 you retired at that time?

5 A. My time was up. I had my 20 years in, and I
6 felt it was time to -- to retire.

7 Q. Okay. And then you went to work at a
8 different location?

9 A. Correct.

10 Q. And then came become to Normal?

11 A. Part-time basis, yes.

12 Q. Only on a part-time basis?

13 A. Correct.

14 Q. Okay. And then you retired from Normal in
15 November of 2012?

16 A. Retired or resigned.

17 Q. Okay.

18 A. Yeah, there were no benefits of that nature.
19 It was just --

20 Q. Okay.

21 A. -- a part-time job. I could leave at any
22 time I wanted to.

23 Q. Okay.

24 A. And I decided since I had knee surgery

1 scheduled for December the 3rd, I believe it was, that
2 November 30 would be my last day there.

3 Q. Okay. So when you were working part-time
4 there from the time you went back after your
5 retirement as a police officer until November of 2012,
6 were you working every day?

7 A. Monday through Friday, normally three to
8 four hours a day.

9 Q. Okay. And your role at that time was -- had
10 to do with maintaining squad cars and shuttling papers
11 back and forth to the State's Attorney's Office?

12 A. That's correct.

13 Q. Okay. So you say that you found out about
14 the lawsuit at the time it was filed from other police
15 officers?

16 A. Yes.

17 Q. Was there any specific conversation at that
18 time that you can recall?

19 A. No, there really wasn't that I could recall.

20 Q. What's the general gist of what you remember
21 being said?

22 A. I can remember Rob Hospelhorn saying that he,
23 Rob, doesn't really believe 100 percent that Alan was
24 the right person to be arrested, charged, and

1 convicted of Jennifer's homicide.

2 Q. Okay. And that conversation was -- was in
3 relation to the filing of the lawsuit?

4 A. I believe so, yes.

5 Q. And what else can you remember somebody
6 having said at the Normal Police Department?

7 A. Dave Warner. He's a lieutenant now. He's --

8 Q. No, I'm talking about at the time of the
9 lawsuit.

10 A. At that time?

11 Q. Yeah.

12 A. That's -- that's the general thing that I can
13 think of. I can recall was that particular
14 conversation.

15 Q. All right. Did anybody interview you in
16 relation to the lawsuit?

17 A. Interview me?

18 Q. Yeah.

19 A. No.

20 Q. Okay. You worked many years with the four
21 defendants in the lawsuit, correct? I'll remind you
22 of who they are: Dave Warner, Rob Hospelhorn,
23 Frank Zayas, and Tim Freesmeyer.

24 A. Yes.

1 Q. Do you have -- are you aware of any
2 reputation that any of them have about truthfulness or
3 not being truthful people?

4 A. In general terms?

5 Q. Yes?

6 A. No, I didn't experience any -- nor did I hear
7 of any rumors or innuendos.

8 Q. How about any of them being untruthful
9 people, having a reputation for being untruthful
10 people? You have never heard anything like that?

11 A. That's correct.

12 Q. Okay. We had discussions about your role in
13 the investigation and the whole concept of a lead
14 investigator. And the investigation I'm talking about
15 is the Jennifer Lockmiller investigation. The word --
16 the term lead investigator has been used several times
17 in this deposition and other depositions. Was there
18 actually an official position or assignment that was
19 called the lead investigator?

20 A. You mean within the Normal Police
21 Department --

22 Q. Yes.

23 A. -- investigations?

24 No. The title would be supervisor.

1 Q. Well, and are -- when you say supervisor, are
2 you referring to whoever's in charge of CID?

3 A. Correct.

4 Q. Okay. And -- and at the time of the
5 Lockmiller murder, that was Frank Zayas, correct?

6 A. That's correct.

7 Q. All right. And at other times you were head
8 of CID, correct?

9 A. Afterwards, I believe it was. After Frank
10 left.

11 Q. Yeah, and other people have also --

12 A. Correct.

13 Q. -- held that position.

14 A. Yes.

15 Q. Okay. But in terms of -- of somebody who
16 wasn't the supervisor of the CID, was there a
17 designation known as lead investigator?

18 A. At one time when Chief Taylor came into the
19 police department along with Assistant Chief
20 Walt Clark on the late afternoon, early evening of
21 discovering Jennifer's body, Chief Taylor said, I
22 guess you're it. I interpreted that as being the
23 person at this particular point in time in charge of
24 the investigation until Frank's return.

1 Q. Because as you remember, Frank was not --
2 Frank Zayas was not in town or working at the time?

3 A. That's correct.

4 Q. Okay. So that would have been something you
5 understood to be until Frank returned to work?

6 A. Yes.

7 Q. Okay. All right. And you understood his
8 saying to you, I guess you're it, meaning you were the
9 one who was going to go to Rockford to interview
10 Alan Beaman, correct?

11 A. No. I would be the lead investigator.

12 Q. Okay. What did you -- what did you
13 understand that to entail?

14 A. That I would oversee the investigation until
15 Frank Zayas returned.

16 Q. Okay. And do you remember when Frank Zayas
17 returned?

18 A. As I recall, it was the following Monday,
19 two days later.

20 Q. Okay. All right. So you would say that --
21 or at least you understood it that you were in charge
22 of the investigation for those first two days?

23 A. Correct.

24 Q. Did you assign people to do things?

1 A. Well, more or less, meaning there were only
2 four of us at the time on duty working that week and
3 on the case, myself, Rob Hospelhorn, Tim Freesmeyer,
4 and Dave Warner. Rob Hospelhorn and I had partnered
5 up and so Tim was assigned to talk to some of
6 Jennifer's friends, and Dave Warner had conducted one
7 or two interviews and then his role was assisting with
8 evidence collection and crime scene collection.

9 Q. So you assigned Tim Freesmeyer to interview
10 some of the friends?

11 A. He took it upon himself to interview
12 Mike Swaine. Now, after that, I do not recall that I
13 said, Tim, I want you to do this, I want you to do
14 that or Dave Warner the same way. Of course,
15 Rob Hospelhorn accompanied me.

16 Q. So you did not -- while during those two days
17 when you considered yourself as being the lead
18 investigator, you did not make assignments?

19 MR. BOWMAN: Object to the form of the
20 question.

21 THE WITNESS: Yes, I did.

22 BY MR. DiCIANNI:

23 Q. Okay. What assignments can you recall
24 yourself making?

1 A. That Rob Hospelhorn would accompany me.

2 Q. Okay. So you said, Rob, you're coming with
3 me. That was not an order, a direction.

4 A. Well, or, Rob, let's go up; or, Rob, you can
5 come with me. Nevertheless, however, I stated that,
6 he and I partnered up.

7 Q. Okay. So other than Chief Taylor telling you
8 that you're it until Frank Zayas came back, your
9 understanding of being the lead investigator -- well,
10 your understanding was that Frank Zayas would have
11 been the lead investigator regarding the Lockmiller
12 murder except for those two days that you recall?

13 A. Well, Frank Zayas was a lieutenant and he is
14 a supervisor. I was the senior investigator, senior
15 officer back there. So on my assumption, I was
16 determined to be the lead investigator because
17 Frank Zayas had little hands-on so to speak with the
18 investigation other than being present with -- at
19 meetings with the chief, with the State's Attorneys,
20 with us from time to time. But Frank, as I recall,
21 had no direct responsibility as far as talking to
22 witnesses, collecting evidence of that nature.

23 Q. All right. Well, I'm confused.

24 A. So am I.

1 Q. Yeah.

2 A. It's hard to explain that.

3 Q. I had -- I had asked you earlier was there a
4 designated assignment in the Normal Police Department
5 CID division known as lead investigator?

6 A. There is no title.

7 Q. Okay. Well, that's -- that's what I wanted
8 to know.

9 A. There is no title.

10 MR. BOWMAN: You cut off his answer. You
11 have to let him finish his answer.

12 BY MR. DiCIANNI:

13 Q. Well, okay. There is no title. There is no
14 position or particular assignment --

15 MR. BOWMAN: Again, you can't cut off his
16 answer.

17 MR. DiCIANNI: I'm -- stop.

18 MR. BOWMAN: He's in the middle of
19 answering --

20 MR. DiCIANNI: Stop.

21 MR. BOWMAN: -- the question --

22 MR. DiCIANNI: Stop. Stop.

23 MR. BOWMAN: You can't --

24 MR. DiCIANNI: Stop. You're not going --

1 you're not going to direct me on how to conduct the --
2 do you have a -- do you have a -- if you have an
3 objection, state your objection.

4 MR. BOWMAN: My objection --

5 MR. DiCIANNI: But don't -- don't direct me
6 on how I'm answering -- asking questions.

7 MR. BOWMAN: My objection is that by cutting
8 off the witness, you are not permitting him to
9 complete his answer to the question and thereby
10 creating a misleading and inaccurate record which is
11 unfair to the witness and to all of us who are
12 involved in the case.

13 MR. DiCIANNI: Well, all right. Then that's
14 your objection.

15 MR. BOWMAN: Correct.

16 BY MR. DiCIANNI:

17 Q. All right. So there was not a designated
18 position or title known as lead investigator; is that
19 correct?

20 A. Correct, there is not -- there was not.

21 Q. Okay. So there -- as there would be in any
22 investigation, there would be one person who would
23 have more involvement than other people generally,
24 correct?

1 A. If there were more than one person involved
2 in any given case, you would have individual to be
3 understood as being the lead investigator. Does that
4 explain your answer -- or your question?

5 Q. Would that be a conversation you would have?
6 Okay, Tony, you're the lead investigator on this case;
7 or, Tim, you're now the lead investigator on this
8 case; or go talk to Rob because he's the lead
9 investigator on the case. Is that the type of
10 interaction you would have on cases?

11 A. I'm confused on -- on where we are going with
12 this. A lead investigator is the individual who's in
13 charge and supervises a group of more than one
14 investigator on any given case. That's what a lead
15 supervisor does. There is no designation, per se, for
16 a lead supervisor in -- lead investigator in the CID
17 at that time.

18 Q. Okay.

19 A. It's assumed. Somebody has to take
20 responsibility. Somebody has to take the lead. There
21 has to be someone in charge that other investigators
22 would go to for any questions or any advice or would
23 have to report to his supervisor.

24 Q. So without -- somebody filled the role you

1 just described on each investigation, correct?

2 Somebody had that role.

3 A. Either assigned or assumed the role.

4 Q. Okay. All right. After the first two days
5 of the Lockmiller investigation, did you have that
6 role you just described, either assigned or assumed?

7 A. I can't answer that without giving you an
8 answer that you will be satisfied with. Myself and
9 Rob Hospelhorn worked together. Other detectives did
10 not come to us for advice. If they had any questions,
11 they would have went most likely to Lieutenant Zayas
12 since he was back on the premises.

13 Q. Okay. All right. So you cannot remember
14 yourself giving any instruction to anybody else to go
15 interview somebody or go follow up on a lead?

16 A. I don't recall, no.

17 Q. All right. And do you recall getting any
18 instruction from anyone other than Frank Zayas about
19 following up on any lead or doing any particular
20 investigative activity?

21 A. No, I don't recall.

22 Q. We saw from -- we saw from Freesmeyer's
23 report -- that's number --

24 MS. BARTON: 5.

1 MR. DiCIANNI: Number 12. No, no, I'm sorry,
2 his monthly report.

3 BY MR. DiCIANNI:

4 Q. We saw from Exhibit Number 12, which was
5 Sergeant Freesmeyer's monthly report that --

6 MR. BOWMAN: I'm going to have to ask for a
7 momentary pause so I can get my -- get my briefcase
8 that has the many exhibits in it.

9 Can we go off the record for just a minute,
10 please.

11 THE VIDEOGRAPHER: Sure. Off the record,
12 10:03.

13 (Whereupon, a break was taken.)

14 THE VIDEOGRAPHER: On the record, 10:04.

15 BY MR. DiCIANNI:

16 Q. According to Sergeant Freesmeyer's -- well,
17 Freesmeyer's report. I'll read it. This is on
18 page 970. "The criminal investigation division saw
19 many personnel changes in 1994. Sergeant Frank
20 Filliponi was the CID supervisor from 1-1-94 through
21 3-7-94. Acting Sergeant Daniels then took over as the
22 CID supervisor from 3-7-94 until 6-94. Lieutenant
23 Frank Zayas returned to CID and supervised the
24 division from 6-94 through his retirement on

1 11-12-94."

2 Do you recall those shifts in personnel and
3 supervision back in nineteen -- early 1994?

4 A. I recall the personnel. I don't recall the
5 dates.

6 Q. Okay. You have no reason to take issue with
7 what Freesmeyer wrote here?

8 A. What you just read?

9 Q. Yeah.

10 A. What you just read, I have -- I have no
11 reason to question that or take issue with it.

12 Q. Do you remember Frank Zayas being off for a
13 period of time during early 1994?

14 A. If that's the period of time he was
15 transferred to the patrol division, that could have
16 been the period of time that you're referring to.

17 Q. Do you remember him being -- I'm sorry,
18 Sergeant -- Lieutenant Filliponi taking over and
19 serving as the CID supervisor in early 1994?

20 A. If that's the date you're reading, yes, I
21 remember Lieutenant Filliponi being back in CID as the
22 supervisor.

23 Q. Okay. Do you remember replacing him as a
24 supervisor?

1 A. I -- I don't recall if it was him I replaced
2 or not.

3 Q. Okay. But you do recall that you for a
4 temporary period of time were the supervisor back in
5 1994?

6 A. Yes.

7 Q. Okay. And then Frank Zayas returned to CID?

8 A. Correct.

9 Q. What was your role in the Lockmiller
10 investigation during the time that you were the
11 CID supervisor?

12 A. Well, I believe that's the time period that I
13 had taken the case down to Florida.

14 Q. Okay.

15 A. So when I came back, what was my role? Would
16 be to -- well, regardless if it was the Lockmiller
17 case or any other case, I would review and assign the
18 cases -- caseload for each detective.

19 Q. Okay. You were in Florida for one week I
20 think you said?

21 A. Correct.

22 Q. And you had said yesterday or the day -- or
23 the time before that that was in April of 1994 that
24 you went to Florida?

1 A. As I recall, yes. I think documents prove
2 that.

3 Q. So other than that one week, you would have
4 been in charge of CID from -- at least during the
5 period of time from March 7 until June?

6 A. I was the supervisor, yes.

7 Q. Okay. All right. So in connection with the
8 Lockmiller investigation, other than the time you were
9 at Florida -- in Florida at the cold case seminar,
10 what actions were you taking in connection with that
11 investigation?

12 A. I don't recall exactly what actions or what
13 my role was at that particular time in regards to that
14 particular case. That's been nearly 20 years ago.

15 Q. Okay. Was it under your supervision during
16 that period of time?

17 A. CID?

18 Q. No. The Lockmiller investigation.

19 A. Well, as -- as a supervisor, I would imagine
20 like any other case, if there were some questions or
21 further investigation needed to be done, I would be
22 the one to -- to assign it and review the results.

23 Q. So you were in charge of the Lockmiller
24 investigation from March of '94 until Frank Zayas

1 returned in June?

2 A. No. I was in charge of CID.

3 Q. Well --

4 A. There's a difference.

5 Q. Okay. That would be in charge of all the
6 investigations going on in CID, correct?

7 A. Yeah, in charge of supervising the
8 detectives, yes, assigning and reviewing their cases.

9 Q. Right, okay.

10 So you would have been in charge of the
11 Lockmiller investigation when Alan Beaman was
12 arrested, correct?

13 A. No. Once again, I was not in charge of the
14 investigation. I was in charge of the detectives.

15 Now, I believe at that time, Tim Freesmeyer
16 was working with Jim Souk perhaps down at the Law and
17 Justice Center in Jim Souk's office. That may have
18 been that period of time, because there was a period
19 of time that Tim Freesmeyer was no longer physically
20 working out of CID. He was working with Jim Souk in
21 Jim Souk's office.

22 Q. So what happened in connection with being --
23 who was -- what's -- are you saying Freesmeyer became
24 in charge of the investigation when he moved over to

1 the State's Attorney's Office?

2 A. Well, if you want to use the word charge,
3 yes.

4 Q. Okay. So prior to that, whoever was the head
5 of CID was in charge of the Lockmiller investigation?

6 MR. BOWMAN: Objection, that's an inaccurate
7 summary of the testimony. That's not what he's
8 testified to.

9 BY MR. DiCIANNI:

10 Q. All right. Go ahead.

11 A. The hang-up in trying to explain an answer to
12 your question is the word charge.

13 I was responsible for the activities of the
14 super -- of the individual detectives. I assigned
15 them their cases and reviewed the status of their
16 cases.

17 Q. Okay. So while Frank Zayas was not there and
18 you were the supervisor of CID, you were responsible
19 for the activities of the detectives working on the
20 Lockmiller investigation and you reviewed their
21 activities?

22 A. With the exception of Tim Freesmeyer.

23 Q. Well, is that only when Tim Freesmeyer was
24 moved over to the State's Attorney's Office?

1 A. I don't recall exactly when. Whether or not
2 I was no longer on the case before or after he moved
3 over to the State's Attorney's Office.

4 Q. Well, when you were in charge of CID as the
5 supervisor during those months when Frank Zayas was
6 out, are you telling me you were not in charge of
7 Tim Freesmeyer?

8 A. When Tim Freesmeyer was out of the office, I
9 had no authority over him. I had no responsibility
10 for him. It was strictly under -- he was strictly
11 under Jim Souk's and the State's Attorney's Office
12 authority and supervision.

13 Q. When did that happen?

14 A. I don't recall exactly when.

15 Q. Was that when he moved -- when he physically
16 moved his presence to the State's Attorney's Office or
17 was it sometime before that?

18 A. I don't recall.

19 Q. Were you directed that Freesmeyer is no
20 longer -- well, I'm talking about when you were in
21 charge of CID, you were the supervisor of CID, were
22 you told Freesmeyer is not under your direction or
23 under your responsibility?

24 A. No, I was not told.

1 Q. We've had several discussions about a main
2 file and what -- what was included or sent to the main
3 file. Did you ever -- and I'm referring to the
4 Lockmiller investigation. When you -- you used the
5 term main file during the course of the deposition as
6 opposed to your own detective file, your own personal
7 file -- I won't say personal, but your own working
8 file. Is that a fair characterization of what you
9 have said?

10 A. At this point --

11 MR. BOWMAN: Object to the form of the
12 question.

13 Tony, give me a minute to make an objection
14 before you rush in and answer, please.

15 The question was compound, ambiguous.

16 You can answer.

17 THE WITNESS: Would you repeat your question?

18 MR. DiCIANNI: Yeah. Let me ask the court
19 reporter to repeat it.

20 (Whereupon, the record was
21 read as requested.)

22 MR. DiCIANNI: I'll rephrase it. I'll
23 rephrase it.

24 BY MR. DiCIANNI:

1 Q. During the course of the deposition, you've
2 talked about both the main file and you've talked
3 about both your -- about your own file. When you used
4 the term main file, what have you referred to? What
5 do you mean?

6 A. Under normal situations, the main file could
7 originate when an officer completes a report, gives it
8 to his supervisor and then is sent over to records.

9 Q. Okay. So the main file would be maintained
10 in the records section of the Normal Police
11 Department?

12 A. As a normal procedure, yes.

13 Q. Okay. And did you ever see a main file in
14 the Lockmiller investigation?

15 A. In order to make copy -- well, the answer
16 would be yes.

17 Q. Okay. And how -- how did it come about that
18 you actually saw the main file?

19 A. Preparing for the class in April of '94 for
20 the investigation.

21 Q. Okay. So when you had the -- did you
22 photocopy the entire main file for that class?

23 A. I don't recall. I don't think I would have
24 copied that if I had my own copy.

1 Q. Okay. So you reviewed the main -- are you
2 saying that you reviewed the main file in records for
3 the Florida investigation -- for the Florida class?

4 A. No, I wouldn't say that.

5 Q. Well, what do -- what do you mean?

6 A. Well, there were -- in preparation for the
7 class down there, there were certain documents that
8 you were to bring with you. So using it as a
9 checklist, if I had Document A, fine. And then if I
10 didn't have Document A, I would go to the main file
11 which was kept in records and make a copy of that
12 Document A if it was available.

13 Q. So you were given a checklist of documents
14 that you should bring to this class; is that what
15 you're saying?

16 A. It's not a checklist like I referred to like
17 Document A, B, and C. Those are the documents you
18 needed to bring with you, yes.

19 Q. So there would be a list of -- well, just
20 say, for example, the autopsy report, the crime scene
21 analysis, each detective's supplemental report, that
22 kind of thing?

23 A. That's the idea, yes.

24 Q. Okay. So -- so you went down that list and

1 then you looked at your own file to see if you had it,
2 and if you didn't, you then went to look at the main
3 file to, what, get a copy?

4 A. Yes.

5 Q. Okay. And is this -- are you -- are you just
6 speculating that that's what you did or do you recall
7 actually having done that?

8 A. One thing in particular I do recall was
9 making slides from the photographs.

10 Q. Okay. You didn't have those in your own --
11 in your own working file?

12 A. Not that I recall.

13 Q. All right. And -- and can we -- can we refer
14 to what you maintained as your own file as your
15 working file? When I -- if I said -- call that your
16 working file, you'll know what I mean?

17 A. That's fine.

18 Q. So to the best of your memory, you didn't
19 have the slides in your working file, so you went to
20 the main file to get them?

21 MR. BOWMAN: Objection; inaccurate,
22 mischaracterizes the testimony.

23 BY MR. DiCIANNI:

24 Q. Go ahead.

1 A. Yes, I would have.

2 Q. Okay. Tell me what the main file looked
3 like.

4 A. The original documents should be in the main
5 file, should be in a -- a binder.

6 Q. Okay.

7 A. A three-ring binder, be it one, two,
8 three inches or whatever, and however number of
9 binders that was necessary to maintain that file.

10 Q. So it was all in -- when you say binders,
11 you're talking about three-ring binders with the hole
12 punches on the side?

13 A. This particular case, yes, it should have
14 been.

15 Q. Well, okay. Should have been sounds like
16 you're not sure or you're guessing. Do you remember?

17 MR. BOWMAN: Object to the form of the
18 question, argumentative.

19 THE WITNESS: No, I don't remember.

20 BY MR. DiCIANNI:

21 Q. Okay. So you're -- you're filling in --
22 you're answering my question based on what you think
23 the file looked like but you're not sure?

24 A. Yes.

1 Q. Okay. All right. Do you actually have a
2 memory of going to the main file to pull out the
3 slides for the Florida class?

4 A. I have a memory of taking photo -- the
5 photographs to the camera shop in downtown Normal and
6 having slides made from those photographs.

7 Q. Okay. So you have that memory. You don't
8 remember where you actually had to go to get the
9 photographs --

10 A. Correct.

11 Q. -- is that fair to say?

12 All right. So in terms of actually going to
13 records and saying give me the file so I can get the
14 photographs, you don't have that memory?

15 A. No, I do not.

16 Q. So as you sit here today, do you have a
17 memory of ever going to records to review the main
18 file?

19 A. I do not have a recollection of doing that.

20 Q. So in your working file, where did you keep
21 that?

22 A. In my working area, in a desk.

23 Q. You had a desk in the CID room?

24 A. Yes, every detective did.

1 Q. Okay. And we've heard that two detectives,
2 Freesmeyer and Belcher, actually worked in what's been
3 referred to as the juvenile room --

4 A. Correct.

5 Q. -- during -- at this point in time?

6 A. Yes.

7 Q. Okay. So it would have been yourself,
8 Warner, Hospelhorn, who else located in that CID room
9 at that time?

10 A. You mean the main CID room?

11 Q. Yes.

12 A. Leszczynski and at that time that's all I
13 recall --

14 Q. Okay.

15 A. -- other than what you mentioned.

16 Q. And then in the corner was Frank Zayas's
17 office or the supervisor's office?

18 A. Yeah, he had his own office.

19 Q. Right. Right. That was just off of the main
20 CID room.

21 A. Correct.

22 Q. Okay. So as you walked into that room, as
23 you walked into that -- to the big room, where was
24 your desk?

1 A. At that time?

2 Q. Yeah.

3 A. Let's take a look at that screen up there.

4 Q. Okay.

5 A. The top of it being 12 o'clock, the bottom
6 being 6 o'clock, I would be located about 12 o'clock,
7 and off to the right about 2 o'clock would be
8 Frank Zayas's office --

9 Q. Okay.

10 A. -- with the closed door.

11 Q. Okay. So the -- just for the record then,
12 the entry into the CID office would have been at about
13 5 o'clock, right?

14 A. Approximately, yes.

15 Q. Okay. And where was -- where was
16 Dave Warner's office?

17 A. Over in the lower left corner of the screen.

18 Q. Okay. 7 o'clock?

19 A. Okay.

20 Q. Does that sound right?

21 A. Or one could say catty-corner across from me.

22 Q. Okay.

23 A. At the time, I believe there were four
24 cubicles, if not a fifth one.

1 Q. All right. Where did you -- where did you
2 keep the file, your working file?

3 A. There at my work area.

4 Q. On the desk?

5 A. Well, when I was working on it, it would have
6 been on the desk. There's also a bookcase located
7 behind my desk at that time.

8 Q. Okay. So you kept it there in the bookcase?

9 A. I -- I can't say without 100 percent
10 accuracy, yeah, I kept it there. But I think that
11 would have been the logical place either there or when
12 I was working on it or behind my desk on the bookcase.

13 Q. Okay. All right. And you said that there
14 was a binder that was given to you that was made by
15 records; is that fair to say?

16 A. I -- I thought I said the binder was compiled
17 by an intern for each individual detective.

18 Q. Yes, and that would have been part of your
19 working file, correct?

20 A. Correct.

21 Q. So each detective as far as you know got a
22 binder, correct?

23 A. To my knowledge, yes.

24 Q. Okay. And you said the binder was one to

1 three inches fat, correct? I think you said that
2 yesterday.

3 A. Yeah, it could be one, two, three. It
4 depends on what volume of documents you had and
5 reports you had to put in those binders.

6 Q. Those binders were compiled not by yourself
7 but by somebody else, right?

8 A. By the intern.

9 Q. By the intern.

10 A. But as my binder became full, I'm not saying
11 I did, but I perhaps would have probably used a little
12 bit of logic and got a second, third, fourth binder or
13 whatever it took.

14 Q. Are you speculating?

15 A. I am speculating because I have two or
16 three binders.

17 Q. The -- the binder that was prepared by the
18 intern was, what, they would come by and add a report
19 to your binder whenever they had more reports to add?

20 A. The procedure would have been after a
21 detective prepares a report, that original report
22 would go to the supervisor. At that time, it would
23 have been Frank Zayas. He would have made any
24 corrections, suggestions, whatever it took, to the

1 detective who presented that particular report, be it
2 Lockmiller, John Smith, John Jones, or whatever. But
3 in this particular case, then the procedure would have
4 been at that time for the intern to make copies of
5 that original report.

6 Q. Right.

7 A. And then the original report should go --
8 should have went to records division.

9 Q. And I thought you said also into everybody's
10 binder?

11 A. Didn't I say that the intern would make
12 copies?

13 Q. Right. Okay. So the original would go to
14 the main file you're saying, and then every binder
15 would be updated with the new report?

16 A. That is the normal procedure, yes.

17 Q. Was that the procedure for the Lockmiller
18 investigation?

19 A. Well, I didn't supervise the intern. I
20 didn't watch the intern do this or do that.

21 Q. But you had a binder?

22 A. I had a binder, yes.

23 Q. And did that binder get updated with
24 additional records?

1 A. Well, yes, I would update it myself.

2 Q. So the intern didn't update your -- your
3 binder. You updated it yourself.

4 A. By that, that working bind -- my working
5 binder was at my desk. So if he handed me a report, I
6 would have put it in an appropriate binder --
7 appropriate section of that particular binder.

8 Q. Okay. Well, that's my question. It sounded
9 yesterday like there were binders that were maintained
10 by somebody from records, an intern I think you
11 described, for each detective. And in addition, you
12 would have your own working file that would include
13 the binder and anything else that you may have done or
14 gathered. But that doesn't sound like what you're
15 saying.

16 What you're saying to me now is that the
17 intern would bring you the latest report after
18 Frank Zayas reviewed it and then you'd add it to the
19 binder.

20 MR. BOWMAN: Object to the form of the
21 question.

22 THE WITNESS: For my individual copy, that's
23 possible that could have happened, but I wasn't
24 watching the intern put reports in whatever binders he

1 had.

2 BY MR. DiCIANNI:

3 Q. Well, that's not my question. My question is
4 it sounded yesterday like you were saying that there
5 were binders that were maintained by the intern and
6 each detective had one, which means you, being one of
7 the detectives, would have had a binder that the
8 intern would maintain for you, but that doesn't sound
9 like it's correct. It sounds like the --

10 MR. BOWMAN: Object to the form of the
11 question.

12 Sorry, I thought you were done.

13 BY MR. DiCIANNI:

14 Q. It sounds -- it sounds like what you're
15 saying today is that the intern would bring you the
16 latest report and then you'd put it in the binder
17 yourself. Is that a more accurate --

18 A. I can't be sure.

19 MR. BOWMAN: Object. Object to the form of
20 the question.

21 BY MR. DiCIANNI:

22 Q. Okay. So it sounds like the best you can say
23 is that there were binders, copies of reports were
24 made for the detectives. How each detective

1 maintained the binder or added the reports or didn't
2 add the reports was up to the individual detective?

3 A. That's possible.

4 Q. All right. Well, let's just talk then about
5 how you did it. You sometimes added the reports to
6 the binder, sometimes you didn't --

7 A. Correct.

8 Q. -- is that fair to say?

9 Okay. And in addition to the binder -- and
10 when we talk about a binder, we're talking about an
11 actual notebook, correct?

12 A. A three-ring looseleaf binder.

13 Q. Yeah.

14 A. Which you can insert documents or extract
15 documents from.

16 Q. Right. So just for an example, we have in
17 front -- I have in front of me Exhibit Number 3 which
18 is Freesmeyer's big, fat report. If you got this, you
19 would -- with three-hole punches on it, you'd stick it
20 in your binder, right?

21 A. Yes, that would seem to be the logical thing
22 to do. If not me, then the intern. If I happen not
23 to be there and he happens to be handed a report from
24 Lieutenant Zayas, he could very well have done that,

1 put it on my desk or put it in my binder is what I'm
2 saying.

3 Q. Okay. All right. So there wasn't some
4 official practice of the intern comes by, updates
5 everybody's binder, and now everybody's binder is
6 updated?

7 MR. BOWMAN: Object to -- sorry.

8 BY MR. DiCIANNI:

9 Q. The reports would be brought to you and then
10 you would decide if it's going into the binder or not
11 going into the binder; is that fair to say?

12 A. Yes, that's fair to say.

13 Q. All right. So other than what you had -- was
14 your file in a file? Was it in a Redweld or a
15 bankers box, or was it just a collection of what you
16 had in the binder and anything else you collected?

17 A. I don't recall.

18 Q. All right. Did you read Exhibit Number 3
19 which is Freesmeyer's long report?

20 MR. BOWMAN: When?

21 MR. DiCIANNI: At any time.

22 THE WITNESS: What's the date of that?

23 BY MR. DiCIANNI:

24 Q. Well, it's got a number of dates. It starts

1 with January 10 of '94, and then it goes -- the last
2 report is January of '95.

3 A. Is that the investigation or is that his
4 monthly report?

5 Q. No, not the monthly report.

6 MR. BOWMAN: Mr. Daniels, the --

7 MR. DiCIANNI: Exhibit Number --

8 MR. BOWMAN: -- the report is in front of
9 you. You can look at it to determine --

10 THE WITNESS: What's the exhibit number?

11 MR. BOWMAN: 3.

12 BY MR. DiCIANNI:

13 Q. Exhibit Number 3.

14 A. Oh, okay, that's 4.

15 Q. Here, I'll just show it to him. I'm not
16 going to ask you to read it. I'm just going to ask
17 you if you've seen it.

18 A. So your question is whether or not I read
19 this?

20 Q. Yeah.

21 A. And my answer would be I do not know if I
22 read this or not.

23 Q. Okay. During the -- would this report,
24 Exhibit Number 3, have found its way into your binder?

1 A. Excuse me. May I see your copy again?

2 Q. Sure.

3 A. These don't, to me, appear to be the same
4 report.

5 Q. Well, then I must have just given you a
6 different one. I'm sorry, it's not --

7 MS. BARTON: It's Exhibit 5.

8 BY MR. DiCIANNI:

9 Q. It's 5.

10 A. Okay. So we're back on Exhibit 5.

11 Q. Right. Not 3.

12 A. And your question would be do I recall
13 reading this?

14 Q. Yeah.

15 A. And my answer would be I do not know if I
16 read this or not.

17 Q. Okay. You don't know if that got into your
18 binder?

19 A. That's correct.

20 Q. Did you ever turn your binder over to anybody
21 at any point during the investigation or -- strike
22 that.

23 Prior to the criminal trial, did you ever
24 turn your binder over to anybody?

1 A. My working binder?

2 Q. Yeah.

3 A. I couldn't recall if I did or not.

4 Q. When's the last time you saw your working
5 binder?

6 A. Approximately four days ago.

7 Q. And where was that?

8 A. At my residence.

9 Q. Okay. So obviously you didn't turn it over
10 to somebody if you still have it?

11 A. Well, apparently --

12 MR. BOWMAN: Object to the form of the
13 question.

14 THE WITNESS: Apparently I do then.

15 BY MR. DiCIANNI:

16 Q. Okay. And when you left employment with --
17 with the Normal Police Department, did you take
18 your -- your working file with you?

19 A. I had my working file from the time that I
20 prepared it for the class in '94, and as of this
21 morning, it's still there in my residence.

22 Q. And I assume you've added things to it since
23 April of 1994?

24 A. Yes.

1 Q. Okay. So you did take it with you when you
2 left -- at some point in time, you took it home from
3 the Normal Police Department?

4 A. Yes.

5 Q. And do you remember when?

6 A. Well, when I prepared it for the class in
7 '94, I brought it back with me, and I used it there
8 while still with the Normal Police Department. At
9 what time and point and how I took it home, I don't
10 recall.

11 Q. Why did you take it home?

12 A. Working on it.

13 Q. And what were you working on?

14 A. Analyzing the reports and the evidence, the
15 documents.

16 Q. And that would have been -- would that have
17 been in connection with the post-conviction case?

18 A. That would have been from '94 until
19 post-conviction, yes.

20 Q. So that would have been from April of '94
21 when the Florida -- when you returned from the Florida
22 seminar all the way through the post-conviction case?

23 A. Yes.

24 Q. And at various times, you added documents to

1 that obviously, correct?

2 A. If you want to refer to my notes as
3 documents, yes, yes.

4 Q. Okay. You've added other documents to it as
5 well, have you not?

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

7 Q. Well, you turned over five boxes to the
8 counsel for the county in response to a subpoena,
9 right?

10 A. Yes. Then the -- the answer to your question
11 would be, yes, I obtained copies of discovery in
12 post-conviction appeals and so forth.

13 Q. Okay. You've obtained other documents that
14 you've added to your working file since your return to
15 Florida -- from the Florida seminar?

16 A. Correct.

17 Q. Okay. What you turned over to the County's
18 attorneys in response to their subpoena, and that's in
19 the civil case, was your working file while you were
20 working on the Lockmiller investigation and anything
21 you added to it since then, correct?

22 A. Correct.

23 Q. When you -- you said you had several meetings
24 with Beaman's attorneys and you talked about

1 different -- and I'm talking about the attorneys in
2 the civil case -- and you talked about different parts
3 of the case. Did you ever talk about any of these
4 allegations they've made of missing evidence, evidence
5 not turned over to Beaman's defense attorneys?

6 A. I would --

7 MR. BOWMAN: Objection to the form of the
8 question. That misstates the testimony. He testified
9 there were two meetings, not several.

10 MR. DiCIANNI: I didn't say seven. I said
11 several.

12 MR. BOWMAN: Several, yes. Two, not several.

13 BY MR. DiCIANNI:

14 Q. Okay. Whatever -- whatever number of
15 meetings you may have had with Beaman's attorneys in
16 the civil case, did you discuss these allegations of
17 evidence not turned over to Beaman's lawyers in the
18 civil case?

19 A. Yes.

20 Q. And what did you say to -- what did they ask
21 you about that and what did you say to them about it?

22 A. The subject was the letter from the polygraph
23 operator Terry McCann. The question was what happened
24 or did I ever see or was it ever handed to me,

1 Terry McCann's report of John Murray not being able to
2 take a polygraph test.

3 Q. McCann's polygraph report?

4 A. Correct.

5 Q. And we looked at that yesterday I think as
6 one of the exhibits.

7 A. Yes.

8 Q. When did this con -- this particular
9 conversation about that polygraph report take place?

10 A. One of the two meetings I had with
11 Mr. Bowman.

12 Q. Okay. Was anybody else present at the time?

13 A. The first meeting, his associate Alexa.

14 Q. Was present?

15 A. Yes.

16 Q. Where did that meeting take place?

17 A. At the restaurant in Pontiac, and I don't
18 recall the name of the restaurant.

19 Q. Okay. They had that polygraph report with
20 them at the time?

21 A. I don't recall if they did or not.

22 Q. But you knew what they were talking about?

23 A. We were, the three of us, and also in a
24 second meeting with Mr. Bowman, we knew what we were

1 talking about, yes.

2 Q. I'm talking about the Murray report, the
3 polygraph report, you knew what he was talking about?

4 A. Correct.

5 Q. What did they ask you about it?

6 A. Well, I don't know how -- recall how he
7 phrased the question or comment. It was did I ever
8 receive this, did I ever see this, something along
9 that nature.

10 Q. Okay. And what was your response?

11 A. My response was I could have received a copy
12 of it. I could have read it.

13 Q. You didn't have a memory of it?

14 A. As to how I became privy to it, I did not
15 recall exactly how.

16 Q. Did you recall getting it during -- at some
17 point during the Lockmiller investigation before the
18 trial?

19 A. No, I do not.

20 Q. You didn't recall getting it?

21 A. I do not recall if I received it then.

22 Q. You obviously -- well, obviously since then
23 you've seen it obviously?

24 A. Correct.

1 Q. Did you ever have any -- strike that. Let me
2 go back to my other question.

3 Did you -- did you talk about any other
4 issues relating to that polygraph report?

5 A. Other than the polygraph report?

6 Q. Well, anything else besides whether you've
7 seen it before?

8 A. I don't recall.

9 Q. All right. What about any other questions
10 about missing evidence or evidence not turned over to
11 the State's Attorney or to the defense -- Beaman's
12 defense team?

13 A. As I recall, that was the one issue.

14 Q. Okay. You mentioned a second meeting, and
15 who was that with?

16 A. Mr. Locke Bowman.

17 Q. And who else?

18 A. Myself.

19 Q. Where was that?

20 A. At the same restaurant in Pontiac.

21 Q. Okay. And that first meeting with Alexa
22 and -- and Mr. Bowman at the restaurant in Pontiac,
23 that was your first meeting --

24 A. Correct.

1 Q. -- with his attorneys in the civil case?

2 A. Correct.

3 Q. Okay. All right. Did you ever have any
4 conversations with anybody at the Normal Police
5 Department about that polygraph report?

6 A. With Lieutenant Warner.

7 Q. Is that the only person you've spoke to about
8 it at the Normal Police Department?

9 A. At the Normal Police Department, I don't
10 recall if I spoke to other officers or records
11 personnel about that or not.

12 Q. All right. But you do remember a
13 conversation with Dave Warner?

14 A. Yes.

15 Q. And when did that take place?

16 A. I don't recall. I know it had to be after
17 him receiving a subpoena for the deposition.

18 Q. For Mr. Warner's -- for Lieutenant Warner's
19 deposition?

20 A. Well, there were four officers. All four of
21 the officers received a subpoena or affidavit,
22 subpoena.

23 Q. So if I tell you that Lieutenant Warner's
24 deposition took place last December 2012, does that

1 refresh your memory about when this conversation took
2 place at all?

3 A. Well, it couldn't have taken place after
4 that, because I was no longer employed there. So I
5 guess it would refresh my memory because I did have a
6 conversation with him about it.

7 Q. So you do remember you were employed there at
8 the time?

9 A. December?

10 Q. No. When you had the conversation with
11 Warner.

12 A. Yes.

13 Q. Okay. And were you at work when you -- when
14 you had the conversation?

15 A. Yes, I had -- I had to be because I don't
16 socialize with Dave Warner.

17 Q. Okay. So where did the conversation take
18 place?

19 A. I don't recall. It could have been in a
20 hallway. It could have been in his office.

21 Q. Somewhere at the department?

22 A. In the building, yes.

23 Q. Okay. And was anybody else there?

24 A. I don't recall.

1 Q. So how did it come up?

2 A. I don't recall that either.

3 Q. Can you recall anything that was said between
4 the two of you?

5 A. Well, Lieutenant Warner, I believe that he is
6 the one that escorted -- accompanied John Murray over
7 to the polygraph. I believe it was during this
8 conversation where I said, no, I'm the one that had
9 taken him over, because I remember having a
10 conversation with him on the way back. And I remember
11 what Mr. McCann had reported to me while still over
12 there at the Morton Crime Lab regarding John Murray's
13 behavior.

14 Q. So Detective Warner told you that he was the
15 one who took Murray to the -- to get the polygraph --

16 A. Yes.

17 Q. -- is that what you're saying?

18 A. That's what he had said, yes.

19 Q. And you corrected him because you remembered
20 that you did it; is that correct?

21 A. If you want to use the word correct, yes.

22 Q. Okay. And what did he say?

23 A. I don't recall what his response was.

24 Q. Did he argue with you or -- or dispute that

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1 you did it as opposed to himself?

2 A. No, he did not. I can recall he did not do
3 that.

4 Q. Did it refresh his memory that --

5 A. I -- I don't recall that either.

6 Q. You don't recall what his reaction was?

7 A. No.

8 Q. Can you -- what else was discussed between
9 the two of you in this conversation?

10 A. Basically that was it as I can best recall.

11 Q. Okay. Do you -- you can't remember anything
12 else about that conversation with Dave Warner; is that
13 fair to say?

14 A. No, that was about all I could recall as far
15 as the evidence.

16 Q. All right. And have you talked to
17 Dave Warner since that date about this polygraph?

18 A. I have not seen Dave Warner since December.

19 Q. Okay.

20 A. Therefore, I couldn't have talked to him.

21 Q. All right. So what you've just described to
22 me is the only conversation you've had with
23 Dave Warner about anything having to do with that
24 polygraph as far as you could remember?

1 A. As far as I can remember, yes.

2 Q. Okay. Do you recall telling Dave Warner that
3 you didn't understand why he was a defendant in the
4 case?

5 A. I could have.

6 Q. You don't remember that, though?

7 A. No, I don't remember that particular
8 statement, no.

9 Q. Is that a -- is that something that you would
10 agree with today, you don't know why he's a defendant
11 in the case?

12 A. That's correct.

13 Q. Would it be fair to say you don't feel like
14 Dave Warner -- well, you don't believe Dave Warner did
15 anything wrong in this case?

16 MR. BOWMAN: Objection, foundation.

17 THE WITNESS: In my opinion, Dave Warner did
18 not do anything that would have been illegal or
19 unprofessional.

20 BY MR. DiCIANNI:

21 Q. Okay. You have no reason to believe that
22 Dave Warner would have done something to intentionally
23 hide that polygraph report from anybody?

24 MR. BOWMAN: Objection, foundation.

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1 THE WITNESS: In my opinion, I don't believe
2 he had any motive, anything to gain by that, nor did
3 he do it.

4 BY MR. DiCIANNI:

5 Q. Okay. And it's -- and it's -- it's true -- I
6 mean, I may just be reiterating what you've said
7 before, but you have not discussed any missing
8 evidence issues regarding the Beaman trial with any of
9 the other people that you know to be defendants in
10 this case?

11 A. Any missing evidence?

12 Q. Right.

13 A. And -- no, other than what I just testified
14 to as far as the missing a letter, misplaced letter.

15 Q. Regarding the polygraph exam?

16 A. Correct. Yeah.

17 Q. With Warner?

18 A. Correct.

19 Q. No, no, I mean besides that.

20 A. With anyone else?

21 Q. Yeah.

22 A. Regarding the case itself?

23 Q. Regarding any questions about any missing
24 evidence. Let me rephrase the question.

1 A. Yeah, please.

2 Q. Other than the conversation you had with
3 Dave Warner about the John Murray polygraph report
4 which we've just discussed, have you had any
5 conversations other than that with any of the other
6 defendants about any issue of missing evidence?

7 A. No, I do not.

8 Q. Have you considered yourself an advisor to
9 Beaman's lawyers in the civil case -- in this case?

10 A. Advisors, no.

11 Q. Pardon me?

12 A. As an advisor?

13 Q. Yeah.

14 A. No.

15 Q. Did you ever tell Dave Warner, you know I'm
16 on their side? "Their" meaning Beaman's lawyers.

17 A. I don't recall those exact words.

18 Q. Do you recall something similar to that?

19 A. That's a possibility as to they questioned --
20 they meaning the four officers mentioned in the civil
21 lawsuit. I don't recall saying I'm on their side, but
22 something came up to the effect, well, why didn't you,
23 Tony, receive a subpoena? And my reply could have
24 been something along the lines that I'm on their side

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1 or I defended him or my name wasn't on the arrest
2 warrant, something of that nature, to give credence to
3 the fact that my name was not mentioned in the
4 lawsuit.

5 Q. Okay. So --

6 A. Is that satisfactory?

7 Q. You don't have to give answers that are
8 satisfactory. I just want you to give me what your
9 answer is. I'm just looking for the facts.

10 So -- so you may have said -- you -- you --
11 you will not rule out that you said to Dave Warner at
12 some point in time, I'm on their side. Their meaning
13 Beaman and his lawyers.

14 A. I would not rule that out, correct.

15 MR. DiCIANNI: All right. In -- do you want
16 to take a break? It's been an hour.

17 MR. BOWMAN: It's up to you.

18 MR. DiCIANNI: Yeah, take a little break.

19 THE VIDEOGRAPHER: Off the record, 10:46.

20 (Whereupon, a break was taken.)

21 THE VIDEOGRAPHER: On the record, 10:54.

22 BY MR. DiCIANNI:

23 Q. Mr. Daniels, we have been talking about the
24 John Murray polygraph, and it's Exhibit 21. I'll just

1 show it to you. As we discussed yesterday, it was
2 directed -- addressed to Dave Warner. And I think you
3 said yesterday that you thought it was directed to
4 Warner or addressed to Warner either because he may
5 have called to ask to set it up or it was -- he was
6 the evidence technician. Is that -- did I understand
7 that?

8 A. Yes, he's the -- the evidence tech, and it
9 could have been -- the reason why it was addressed to
10 him, it could have been for that particular reason.

11 Q. Did -- did -- did polygraph reports generally
12 go into evidence?

13 MR. BOWMAN: Object to the form of the
14 question. That's vague. It's not clear.

15 THE WITNESS: Generally I couldn't answer
16 that. The procedure would have been if it's an
17 official document, not a copy such as this is, it
18 should go either in -- placed into evidence or more
19 than not, it would have been in records.

20 BY MR. DiCIANNI:

21 Q. So -- so documents generally didn't go into
22 the evidence locker or whatever you wanted to call it,
23 the evidence section?

24 A. Well, I can't answer that question and be

1 truthful with it because I do not know.

2 Q. Okay. All right. So you don't know if this
3 was directed to -- to Warner because he was the
4 evidence technician?

5 A. That's correct.

6 Q. And you don't know if polygraph reports
7 generally went into the evidence section?

8 A. Correct.

9 Q. All right. Now, in connection with the --
10 with the work you did with Hospelhorn, I think you
11 said yesterday that you left it to Hospelhorn
12 generally to do the reports.

13 A. No, he -- I don't think I stated that. I
14 would leave it to him. He would volunteer to do the
15 report such as -- as we -- after we talked to the
16 witnesses.

17 Q. Okay. So sometimes you would -- you would
18 offer to do the reports, sometimes he would offer to
19 do the report?

20 A. I -- I would say so, yes.

21 Q. Okay. Was he involved at all in -- in the
22 polygraph -- getting Murray to the polygraph report --
23 polygraph exam?

24 A. As I recall, he was not.

1 Q. Okay. And did he have any interaction as far
2 as you know regarding the receipt of the polygraph
3 report?

4 A. As far as I know, no.

5 Q. Regarding Frank Zayas, did he have, as far as
6 you know, any direct involvement in bringing Murray or
7 getting Murray out to get the polygraph report?

8 A. As far as I know, no.

9 Q. In terms of any interaction regarding the
10 polygraph report itself, did he have any involvement
11 in that?

12 A. To my knowledge, I do not know.

13 Q. And Tim Freesmeyer in terms of getting Murray
14 out to take a polygraph, was he involved in that in
15 any way?

16 A. As far as I know, I do not know. As far as I
17 recall, I do not know.

18 Q. Are you aware of any interaction he had with
19 you or anyone else regarding Murray's polygraph
20 report?

21 A. No.

22 Q. You test -- well, we saw your testimony
23 yesterday from one of the hearings where you made the
24 statement that Freesmeyer set up -- I'm sorry,

1 Freesmeyer requested Murray to take the second
2 polygraph -- take another polygraph examination. Do
3 you recall that?

4 A. Do I recall the conversation yesterday?

5 Q. Yes.

6 A. That we discussed that issue?

7 Q. Well, all right. Let me pull out the
8 testimony. Here. If you would take a look at page
9 127 from Exhibit 16 from yesterday.

10 MS. BARTON: He's got it.

11 BY MR. DiCIANNI:

12 Q. You have it there, okay.

13 A. 127.

14 Q. Yeah. You testified -- starting actually
15 page 126. You were asked the question: "At any point
16 after that initial test, was John Doe One asked to
17 take another polygraph examination?"

18 "Answer: Yes. I asked him in our return trip
19 back to Normal from Morton if he would take another
20 examination perhaps given by a female since maybe the
21 male maybe intimidated him some. He was in agreement
22 to that. And then later on, I've also learned that
23 Detective Freesmeyer had asked him to take the
24 polygraph and he declined that."

1 Do you recall yesterday we talked about that
2 testimony?

3 A. I recall the portion where I tried to explain
4 that perhaps a female examiner he may feel more at
5 ease.

6 Q. Yeah.

7 A. And as far as Freesmeyer, I don't recall
8 yesterday saying that Freesmeyer had asked him and he
9 declined.

10 Q. Okay. Well, let me ask you about that then.
11 When you -- you don't dispute that this testimony was
12 given?

13 A. Oh, no.

14 Q. Okay.

15 A. Can't dispute that.

16 Q. When you testified to this, Freesmeyer had
17 asked him to take the polygraph, were you referring to
18 the one that he actually went down to Morton with you
19 to take or were you referring to a second one?

20 A. I'm referring to Detective Freesmeyer's
21 request to John Murray to take a polygraph test.

22 Q. Where did you learn that?

23 A. It's in Freesmeyer's report somewhere.

24 Q. Okay. So you read Freesmeyer's report and

1 that's where you saw that there was some reference to
2 John Murray taking the polygraph?

3 A. Yes, there was.

4 Q. Okay. There's nothing else -- you don't have
5 any other source for that information?

6 A. No.

7 Q. Okay. All right. Have you ever spoken with
8 Tim Freesmeyer about this case since the trial?

9 A. If I did speak to him, I do not recall. And
10 if I did actually speak with him, I don't recall what
11 the subject of the matter would be.

12 Q. Okay. You testified yesterday that you
13 thought the Chicago Police Department recommendation
14 that Freesmeyer continue with his contacts with Beaman
15 was incorrect. You didn't agree with it because you
16 thought that Freesmeyer was inexperienced, and
17 although energetic, didn't have the training or
18 experience to be doing that.

19 A. What the -- I'm sorry. What the Chicago two
20 homicide detectives indicated that they thought that
21 Freesmeyer should continue to talk to Alan. My
22 opinion was Freesmeyer lacked the experience.

23 Q. Okay. Chicago Police thought that because of
24 his age, closer to Beaman's, he should be the one to

1 continue?

2 A. Correct.

3 Q. You thought that he needed more -- he didn't
4 have the experience to do it?

5 A. To interview him, correct.

6 Q. Right. What did you think -- what did you --
7 what did you think was ineffective about Freesmeyer's
8 interactions with Beaman?

9 A. I did not witness any of Tim Freesmeyer's
10 confrontations with Alan Beaman. Only from the
11 reports, from the overhears.

12 Q. You read those?

13 A. Yes, I believe I did read them.

14 Q. Did you read them while the investigation was
15 going on or did you read them after he had already
16 been arrested and charged?

17 A. I don't recall.

18 Q. Did you have that opinion at the time that
19 you met with the Chicago Police Department that
20 Freesmeyer was -- should not have been the one to
21 continue the interaction with Beaman?

22 A. I do not know if that was the time that I
23 thought that he wasn't experienced enough --

24 Q. So --

1 A. -- or it could have been earlier.

2 Q. So the opinion that he wasn't experienced
3 enough and the disagreement with the Chicago Police
4 recommendation, that may have been something you
5 formed later; is that what you're saying?

6 A. I disagreed with what the homicide detectives
7 said in regards to Freesmeyer continuing to confront
8 Alan. I disagreed with that based upon the fact that
9 I didn't think Alan -- or, I'm sorry, I didn't think
10 Tim was experienced enough to conduct interviews with
11 Alan.

12 Q. But I'm saying did you believe that at the
13 time?

14 A. I don't recall at that time, at the
15 Chicago PD or later on in the investigation. I do
16 recall making a suggestion to Assistant Chief
17 Walt Clark when they brought Alan to the Normal Police
18 Department that perhaps we, meaning the police
19 department, should secure the cooperation, the
20 assistance from -- someone from the John Reid School
21 of Interview and Interrogation because this may be our
22 only chance, we, meaning the Normal Police
23 Department's only chance to talk with Alan prior to
24 his arrest.

1 Q. So you wanted to hire somebody from a
2 different agency to talk to Beaman?

3 A. Well, if you want to use that term hire, yes.
4 We needed their professionalism, we needed their
5 experience. Once again, Tim was not experienced
6 enough.

7 Q. What about yourself, why didn't -- did you
8 suggest that you -- did you feel like you were
9 experienced enough?

10 A. I -- based upon my experience and training
11 and prior investigations that I had and where I
12 extracted confessions, yes, more so than Tim because
13 Tim had not been trained.

14 Q. So why would you have to go out get somebody
15 who was outside the department --

16 A. Well, they did not want me because Chicago PD
17 did not recommend me because I was too much of a
18 direct threat to Alan because authoritative figure as
19 well as the age.

20 Q. Chicago Police said that?

21 A. Correct.

22 Q. Okay. Did you -- and you agreed with that?

23 A. I agreed with?

24 Q. With the Chicago Police's view on your -- you

1 being the one to talk to Beaman?

2 A. I disagreed once again that Tim should have
3 been the person to talk with Alan.

4 Q. Well, I'm not asking that. I'm asking did
5 you disagree with the Chicago recommendation that you
6 not be the one?

7 A. No, I didn't agree with that.

8 Q. You did not agree with that?

9 A. No, I did not.

10 Q. Did you express that to anyone? Did you ever
11 say I should be the one to do this?

12 A. I don't recall whether I said that to them or
13 not or at a later time other than what I just
14 explained to you about getting John Reid's expertise
15 involved would lead one to believe that I wasn't
16 qualified or I was not asked to or I was not
17 considered.

18 Q. Were you resentful about that?

19 A. No, I wasn't resentful that Tim would further
20 attempt to make contact or talk with him or interview
21 him. It was the fact that it seems that suggestions
22 from anyone that had the experience fell by the
23 wayside.

24 Q. Well, the Chicago Police investigators who

1 made the recommendation, they were very experienced?

2 A. Correct.

3 Q. Okay. And -- and they disagreed with you and
4 agreed with Tim, correct?

5 A. I disagreed with them.

6 Q. Okay. All right. Fine. Were you resentful
7 about their -- I'll use the term favoring Tim over you
8 in connection with that important part of the
9 investigation?

10 A. No, not as far as favoring or resentment as a
11 fact that why use an inexperienced interviewer,
12 detective to interview a homicide suspect.

13 Q. So you were not resentful?

14 A. No, not resentful, no.

15 Q. Okay. Were you ever blamed by anyone for
16 Beaman going out and lawyering up -- which is a term I
17 actually hate, but I'll use it -- lawyering up after
18 the initial investigation -- initial interview with
19 him in August of '93?

20 A. I -- I don't think I would have said
21 something of that nature, nor do I recall if I did.

22 Q. Do you remember anybody ever saying to you or
23 criticizing you for coming on in a way that caused
24 Beaman to go hire a lawyer?

1 A. Seems that Mr. Souk did, but he did it in a
2 jokingly fashion.

3 Q. What do you mean?

4 A. Well, I think he said -- I believe he said
5 something like, well, if you would have got a
6 confession from him.

7 Q. That's --

8 A. If I would have got a confession from him --

9 Q. Yeah.

10 A. -- then the investigation wouldn't have had
11 to go that far.

12 Q. When did he make that statement?

13 A. I do not recall when or who was present or
14 where that was made.

15 Q. But it was -- you interpreted that as being
16 some kind of a statement that you failed because you
17 didn't get --

18 A. I didn't take it personally. I took it as
19 just a joke or a side -- a side remark.

20 Q. Okay.

21 A. He didn't offend me in that statement.

22 Q. All right. If you look at Exhibit 3, it
23 appears that the last police report that you wrote in
24 connection with the investigation was October 4, '93.

1 I think that's the -- it's the second to the last
2 page, 257. Is that fair to say that was the last
3 report you wrote in connection with the -- with the
4 investigation?

5 A. I can't say that for sure because is this all
6 the documents in whose file? The State's Attorney's
7 file? The Normal Police Department's file?

8 Q. You have no memory of writing any reports
9 after October 4, '93?

10 A. Correct.

11 Q. You testified about your role in the case
12 becoming much less active than other people at some
13 point in time?

14 A. Yes.

15 Q. We see in Exhibit 3 a series of reports
16 beginning early September '93 and ending October 4 of
17 '93. Would that refresh your memory that there was
18 a -- that that was approximately the time in which
19 your role in the investigation was lessened?

20 MR. BOWMAN: Object to the form of the
21 question.

22 THE WITNESS: During these two dates, are you
23 asking me as time progressed, that my activity in this
24 investigation lessened?

1 BY MR. DiCIANNI:

2 Q. Yes.

3 A. I would have to say, yes, that there's no
4 more reports.

5 Q. Right, and you testified to that yourself?

6 A. Okay.

7 Q. You testified at some point in time after the
8 early part of the investigation, your role in it
9 diminished?

10 A. Correct.

11 Q. Okay. And was it explained to you why your
12 role was being diminished?

13 A. If it was, I don't recall, and by whom, I
14 don't recall other than that conversation I had with
15 Frank Zayas about returning to my cases.

16 Q. Okay. You took that, though, as a
17 diminishment of your role in the case?

18 A. Correct.

19 Q. Okay. Were you resentful about that?

20 A. No, I wasn't.

21 Q. Did you believe that was the wrong move by
22 the CID?

23 A. I can't say that it was a wrong move. I
24 don't have an opinion regarding that either.

1 Q. Now, you still consider John Murray a viable
2 suspect, correct?

3 A. As we're sitting here today?

4 Q. Yeah.

5 A. Yes, I do.

6 Q. Okay. Is there anybody else that you
7 consider to be a viable suspect?

8 A. Those individuals that -- there were two DNA
9 swabs, I guess, that came from Virginia -- Virginia.
10 From Jennifer, from her vagina area. Those have not
11 been identified as to whom is responsible. Not
12 knowing that information until after the evidence was
13 reexamined, I would have to include those people.

14 Q. Okay. And those have not been matched yet?

15 A. Correct.

16 Q. All right. So you do not consider
17 Michael Swaine a viable suspect anymore?

18 A. I do not.

19 Q. You don't -- you don't consider Stacey --
20 Stacey Gates a viable suspect anymore?

21 A. I do not.

22 Q. You don't consider Alan Beaman a viable
23 suspect anymore?

24 A. I do not.

1 Q. Okay. What about Rob Curtis? Do you still
2 consider Rob Curtis -- or I don't know if you ever
3 did, but do you consider Rob Curtis today a viable
4 suspect?

5 A. I do not know what Rob Curtis's role was in
6 this particular case. Now, was he a witness or a
7 suspect at the time?

8 Q. Were you the one who pulled up the
9 investigation regarding Rob Curtis being involved in
10 some kind of cat torture ritual?

11 A. I don't recall that.

12 Q. Doesn't ring a bell?

13 A. I don't recall that subject, and I don't
14 recall being involved in honing up an investigation
15 involving him.

16 Q. So why do you still consider John Murray a
17 viable suspect?

18 A. He has not been excluded. To my knowledge,
19 he has not been excluded.

20 Q. And what includes him?

21 A. Includes him?

22 Q. (Nodding.)

23 A. The fact that he lives approximately a five-
24 to seven-minute drive from Jennifer. He supplied them

1 drugs. He was and she was attempting to renew their
2 relationship.

3 He stated that he was afraid of Alan Beaman's
4 and that's why he stayed in a motel with his
5 girlfriend the night that he returned to Normal.

6 The fact that he -- regardless if you believe
7 in -- in Greta Alexander and her psychic abilities is
8 irrelevant. The fact that she is an investigative
9 tool as much as the polygraph is. The fact that he
10 went there by himself for unknown reasons and his two
11 interviews that we conducted -- that Rob Hospelhorn
12 and I conducted with him.

13 The fact that he was less than cooperative
14 from the time that he got to the crime lab to take the
15 polygraph. The fact that he, Murray, did not want to
16 take a polygraph after the first attempt.

17 And also the fact that he had committed
18 domestic violence against his girlfriend in the same
19 fashion that Jennifer was killed. The fact that
20 Jennifer's girlfriend, even though it is hearsay,
21 witnessed other domestic violences between John Murray
22 and Deb, his girlfriend.

23 The fact that Alan showed no history of any
24 physical violence against Jennifer. He was meek. I

1 think that there was an attempt made by Alan that she
2 could physically overcome Alan.

3 The fact that Alan's vehicle was not, in my
4 opinion, capable of driving in excess of 100 miles an
5 hour from Normal.

6 Q. Well, let me now -- let me stop you there
7 only because that seems to be -- I'm not asking you
8 what excludes Beaman as a suspect. I was asking you
9 what includes Murray as a suspect?

10 A. Murray had the vehicle. He had the distance.

11 Q. Right.

12 A. He had the opportunity.

13 Q. Opportunity, right.

14 A. Also I think John Murray had called
15 Deborah Mackoway at her place of employment which is
16 the hospital to set up an alibi, meaning that he had
17 called her from the apartment; he couldn't have
18 committed the crime.

19 Q. Is this -- are -- are these factors that you
20 considered in believing that John Murray is a viable
21 suspect? Are these -- are these considerations that
22 you formed after the trial -- after Beaman's trial or
23 did you have these prior to Beaman's trial?

24 A. Prior to his trial.

1 Q. So you considered John suspect -- John Murray
2 a suspect who was still viable and still needed to be
3 ruled out even at the time that Beaman was under
4 arrest and being charged?

5 A. Yes.

6 Q. And did you also believe that Gates and
7 Swaine were not viable suspects even at the time
8 Beaman was under arrest and being charged?

9 A. Yes.

10 Q. And did you consider Beaman not being a
11 viable suspect even at the time that he was arrested
12 and being charged?

13 A. No. I -- I considered him still a suspect in
14 the fact that he was arrested.

15 Q. So your opinion that -- or your -- yeah, your
16 opinion that Beaman is not a viable suspect, that
17 is -- that was formed after his trial?

18 A. Yes, when I -- I learned certain facts
19 regarding the trial. I learned those post-conviction
20 hearing.

21 Q. Okay. Wouldn't -- wouldn't Murray's going to
22 stay at a hotel so Beaman -- so he would be safe from
23 Beaman, wouldn't that confirm a fear of he thinks he
24 got Jennifer and now he's -- now he's next? He thinks

1 Beaman got Jennifer and now Murray believes he's next?
2 Wouldn't that confirm suspicion on Alan?

3 A. I guess it depends on how you look at it.

4 Q. Well, how did you look at it? How did -- how
5 did that suggest to you Murray was a -- was a
6 suspect --

7 A. Well, that fact --

8 Q. -- going to the hotel?

9 A. That -- that fact in and of itself did not.
10 Other factors --

11 Q. Okay.

12 A. -- that came into play.

13 Q. And he went -- when he went to the psychic,
14 didn't the psychic pick out Alan and Carbone from a --
15 from a yearbook?

16 A. According to John Murray's statement, yes.

17 Q. Okay. That didn't seem to be true?

18 A. Pardon me?

19 Q. That -- that -- you don't believe that's
20 true, though?

21 A. I can't say that.

22 Q. And wouldn't nervousness or inability to
23 perform the polygraph or nervousness during the
24 interviews, couldn't that be explained by Murray being

1 a drug dealer and also being an informant?

2 A. That would probably be left up to a poly
3 examiner to determine.

4 Q. Well, I'm talking about in your mind.

5 A. About who?

6 Q. In your mind.

7 A. Being nervous?

8 Q. Yeah. Wouldn't that be explained not by
9 guilt over having committed a murder, but by -- by the
10 fact that he's a drug dealer and he's an informant and
11 he's now being asked to give information --

12 A. That --

13 Q. -- could implicate him?

14 A. That possibility exists -- could exist.

15 Q. All right. Were you in possession of a bag
16 of evidence taken from the crime scene at some point
17 in the investigation?

18 A. Yes.

19 MR. BOWMAN: Objection, that's vague and
20 ambiguous. Objection.

21 THE WITNESS: Yes.

22 BY MR. DiCIANNI:

23 Q. And what was in that bag?

24 A. As I can best recall, we obtained a plastic

1 shopping bag from one of the neighbors across from
2 where Jennifer lived to place in there further
3 evidence. I believe that was another plastic shopping
4 bag that was found and I believe it was -- as I
5 recall, it was taken into evidence to determine if
6 there would have been some fingerprints on there that
7 could be valuable for the investigation.

8 Q. So the plastic bag you got from the neighbor
9 was in order to secure it -- secure the other plastic
10 bag that was taken from her apartment?

11 A. As I can recall, the -- a plastic bag was
12 taken from the apartment.

13 Q. What was in the plastic bag taken from the
14 apartment?

15 A. Well, I don't recall exactly what it -- what
16 was in there item for item.

17 Q. Okay. Where did you get it?

18 A. There in Jennifer's apartment. I don't know
19 if I -- if it came from the floor area in front of the
20 kitchen sink or if it came from the sofa.

21 Q. Okay. And why did you take possession of it?

22 A. Somebody had to.

23 Q. Were you directed to?

24 A. No. As I recall, there were -- either

1 Rob Hospelhorn and/or Dave Warner was with me at that
2 time. It was a subsequent visit to the crime scene.

3 Q. Okay. Was the crime scene investigation
4 completed, the crime scene analysis?

5 A. At that time?

6 Q. Yeah.

7 A. I do not recall whether it was completed at
8 that time or if it was turned back over to the
9 apartment owner.

10 Q. All right. What did you do with the bag?

11 A. Well, I brought it back to the police
12 department. I don't -- I don't recall myself
13 physically entering it into evidence or having someone
14 else do it.

15 Q. All right. So you -- you have no memory of
16 what you did with it once you brought it back to the
17 station?

18 A. Correct.

19 Q. Okay. Was it your practice that any
20 information that you obtained in connection with an
21 investigation would be turned over to the
22 State's Attorney's Office if there were charges
23 brought?

24 A. Of any investigation?

1 Q. Yeah. If your --

2 MR. BOWMAN: I need that question back. I
3 spaced out for a minute. Sorry.

4 (Whereupon, the record was
5 read as requested.)

6 MS. BARTON: Object to form.

7 THE WITNESS: That's the question?

8 BY MR. DiCIANNI:

9 Q. Yeah.

10 A. Normally, yes, that would be my practice.

11 Q. Okay. And as far as your understanding was,
12 that was the practice of the detectives you worked
13 with in -- in CID?

14 A. Over the years, yes.

15 Q. Why did you go to visit -- well, strike that.
16 When -- when you went to visit John Murray
17 after he was arrested for the domestic battery and the
18 drug charges in 1994, am I to understand you did that
19 on your own?

20 A. Yes, I did.

21 Q. You were not directed by anyone?

22 A. As I recall, I was not.

23 Q. And how did you find out that he had been
24 arrested?

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1 A. We have -- as I recall, we have a daily
2 readout of who's incarcerated.

3 Q. Okay.

4 A. I do not know if I obtained information from
5 that report or someone else had told me.

6 Q. And -- and you considered John Murray your
7 lead in connection with the Lockmiller investigation?

8 A. As the investigation went on, my -- my
9 thoughts turned towards John Murray being a very
10 viable suspect because we could not exclude him based
11 upon my previous testimony here this morning.

12 Q. But in terms of responsibility in the
13 invest -- in the Lockmiller murder investigation, you
14 considered John Murray to be your responsibility in
15 that investigation?

16 A. Yes -- oh, I'm sorry, you say responsibility?

17 Q. Well, part of your role was to follow up on
18 John Murray, correct?

19 A. Like any investigation, when you conduct an
20 interview and there are questions that are unanswered
21 regardless if it's the Lockmiller case, a detective
22 should follow up.

23 Q. Okay. You -- you conducted the first two
24 interviews with Murray?

1 A. With Rob Hospelhorn, yes.

2 Q. With Rob Hospelhorn.

3 You invest -- you interrogated or interviewed
4 Deb Mackoway regarding Murray?

5 A. It seems that we did, yes.

6 Q. You took Murray for the polygraph?

7 A. Yes.

8 Q. You went to see Murray in the jail after he
9 had been arrested in 1994, correct?

10 A. Correct.

11 Q. So those were all activities that you did and
12 followed up on regarding John Murray?

13 A. Correct.

14 Q. Did you get the State's Attorney's approval
15 to go talk to John Murray during -- while he was
16 incarcerated?

17 A. I don't recall asking.

18 Q. Okay. Would that be unusual?

19 A. Not necessarily, no.

20 Q. Well, Beaman had already been charged.

21 A. Okay.

22 Q. Would it be unusual not to get the approval
23 of a State's Attorney to go interview a possible
24 suspect on a case where somebody's been charged?

1 MS. BARTON: Object to form.

2 THE WITNESS: I think that's up to the
3 discretion of the detective.

4 BY MR. DiCIANNI:

5 Q. Okay. All right. And Murray was not
6 interested in working with you?

7 A. Correct.

8 Q. You were willing to make him an offer to go
9 talk to the prosecutor for leniency, correct?

10 A. No. I was willing to work with him and the
11 State's Attorney's Office in an offer.

12 Q. Yes.

13 A. I do not have the authority or position to
14 make him an offer prior to getting it approved by the
15 State's Attorney.

16 Q. I understand that fully. But -- but you --
17 you were -- you offered to him, to Murray, that if he
18 would cooperate, you would talk to the State's
19 Attorney about leniency?

20 A. Correct.

21 Q. Okay. And you said that to him?

22 A. Yes, I said -- well, not those exact terms,
23 but he understood that you help us with this and then
24 I'll do what we can to assist you with your current

1 issue.

2 Q. You made that clear to him?

3 A. Yes.

4 Q. Okay. Did he tell you that he was already
5 helping himself as an informant?

6 A. He informed me as I recall that he had an
7 attorney --

8 Q. Okay.

9 A. -- for that particular reason why he was
10 incarcerated.

11 MR. BOWMAN: And I'm late, but I do want to
12 lodge an objection to the form of that last question,
13 vague and ambiguous.

14 BY MR. DiCIANNI:

15 Q. When he said he had an attorney, did you --
16 did you then terminate your questioning?

17 A. Well, there were no -- the answer would be I
18 don't recall.

19 Q. Okay. You never reached out to his lawyer to
20 see if the --

21 A. No, I did not.

22 Q. -- to see if the lawyer would want to follow
23 up on the -- on your proposal?

24 A. No, I did not.

1 Q. Now, you became the head of CID, not -- not
2 temporarily, but permanently for a while, correct?

3 A. Yes.

4 Q. And when about did that happen?

5 A. I don't recall the exact date. More dates --
6 inclusive dates I don't recall. It would be on file
7 somewhere with the Normal Police Department
8 administrative office.

9 Q. Who did you succeed?

10 A. Probably for -- probably Frank Filliponi.

11 Q. Well, I know you did that temporarily and
12 then Zayas came back.

13 A. Captain Gary Spears also was an overseer at
14 one point. When Chief Taylor had passed away, as I
15 recall, Captain Spears was an interim police chief.
16 At that time, I don't know if I was assigned those
17 duties as the CID interim supervisor or not. I do not
18 recall the exact dates or periods.

19 Q. Were you the CID supervisor when you retired?

20 A. Yes, I over -- oversaw the case assignments
21 and preparing required monthly, weekly reports because
22 Captain Spears relied upon me to do that.

23 Q. Well, are you saying that Captain Spears was
24 the actual CID supervisor but he delegated some of

1 those duties to you or --

2 A. That's correct.

3 Q. So you were not officially the CID -- head of
4 CID?

5 A. For title-wise, no. Duties, yes, I was.

6 Q. Okay. But at some point prior to retirement,
7 you actually were the head of super -- of CID, a
8 supervisor of CID?

9 A. Title-wise, no.

10 Q. Okay. Okay. When -- when materials were
11 being obtained from the Normal Police Department in
12 connection with the post-conviction proceedings
13 regarding Beaman, were you in charge of providing
14 those materials?

15 A. Materials such as what? Documents or --

16 Q. Documents or whatever.

17 A. Providing those to whom?

18 Q. To anybody who was subpoenaing them.

19 A. I don't recall. I could have been. I just
20 don't recall.

21 Q. Was -- do you know if somebody was in charge
22 of -- well, strike that.

23 Do you know if there was ever an assignment
24 given to you, this case is going on now, this

1 post-conviction case is going on, Tony, you deal with
2 it? Do you know if --

3 A. No, I don't recall that.

4 Q. Do you know if any inquiry or any subpoena
5 regarding the post-conviction case was -- was assigned
6 to you?

7 A. Those subpoenas would have went through
8 records in order to obtain any copies of documents for
9 the post-conviction hearing. Does that answer your
10 question? Okay.

11 MR. DiCIANNI: Yeah, let's mark this as an
12 exhibit. What's the last one?

13 THE COURT REPORTER: The next one is 25.

14 MR. DiCIANNI: Let her mark it, then I'll
15 hand you a copy.

16 MR. BOWMAN: I think actually I've got an
17 exhibit from yesterday which is a March 8, 2009 letter
18 from Karen Daniel to Tony Daniels which was marked for
19 identification as Daniels Exhibit 26.

20 (Whereupon, a discussion was
21 had off the record.)

22 (Whereupon, Daniels Deposition
23 Exhibit No. 27 was marked.)

24

1 BY MR. DiCIANNI:

2 Q. Okay. I'm going to ask you to take a look at
3 what's been marked as Daniels Exhibit 27. Have you
4 seen this document before?

5 A. This document that's in front of me marked
6 Exhibit 27 appears that we looked at that yesterday.
7 I could be mistaken.

8 MR. BOWMAN: I think that, for the record,
9 these are -- these are some, but not all of the
10 documents that appear within an exhibit that was
11 marked yesterday from Mr. Daniels's files. It was one
12 of the blue binders. And just for the record, --

13 MR. DiCIANNI: Right. Right.

14 MR. BOWMAN: -- I think we should identify
15 the exhibit number. Yes, Daniels Exhibit 15.

16 BY MR. DiCIANNI:

17 Q. Okay. What wasn't in Daniels Exhibit 15,
18 though, was the subpoena that's on top, at least I
19 don't think it was, and -- and what wasn't in it is
20 the writing at the bottom. And it appears that this
21 writing says -- and I don't think this is your
22 handwriting, but I'll read it anyway. Maybe it'll
23 refresh your memory.

24 Received documents from Lieutenant Daniels on

1 7-17-2000, then it's signed Anthony Matens. Do you
2 see what I'm talking about?

3 A. Yes, uh-huh.

4 Q. Okay. That's not your writing, is it?

5 A. No.

6 Q. No, okay. It's probably Anthony Matens's.

7 But nevertheless, do you remember being the
8 person who delivered documents to Anthony Matens in
9 response to the subpoena?

10 MR. BOWMAN: Object to the form of the
11 question.

12 THE WITNESS: I do not recall.

13 BY MR. DiCIANNI:

14 Q. Do you recall responding to any requests for
15 any materials in connection with the post-conviction
16 case that Beaman filed?

17 A. No, I do not.

18 Q. So you have no memory as to obtaining the
19 documents that were responsive to this subpoena and
20 providing them to Tony Matens?

21 A. That's correct, I do not.

22 Q. What is your -- strike that.

23 You have no knowledge of what happened to
24 the -- the Lockmiller investigation file after the

1 conviction, after the trial?

2 A. The entire --

3 MR. BOWMAN: Object to the form of the
4 question, vague, ambiguous.

5 THE WITNESS: No, I have no recall of what
6 happened to the file after or before post-conviction.

7 BY MR. DiCIANNI:

8 Q. Do you have -- so you would have no knowledge
9 as to what was in the file at the time of the
10 prosecution of Alan Beaman as opposed to what may have
11 been added to it afterward?

12 A. That's correct.

13 Q. Did you add documents to the main file
14 after -- I know you -- strike that.

15 Did you add documents to the main file at the
16 Normal Police Department regarding the Lockmiller
17 investigation after the trial, after Beaman's trial?

18 A. I do not recall.

19 Q. You may have?

20 A. I do not recall.

21 Q. Let me ask you about the -- the meeting in
22 May of 1994 in which there was discussion about the
23 arrest of Alan Beaman. You -- you remember the
24 meeting, correct?

1 A. Correct.

2 Q. I think you said that you wanted to say that
3 we should follow up on some leads and then Souk cut
4 you off, correct?

5 A. Correct.

6 Q. And Souk said I think we've got our guy or
7 something like that, right?

8 A. Correct.

9 Q. Do you remember saying anything else?

10 A. I remember talking to Chief Taylor after the
11 meeting.

12 Q. Okay. But I'm talking about at the meeting
13 itself.

14 A. I don't recall.

15 Q. Do you recall saying at the meeting that you
16 would not execute an arrest warrant for him?

17 A. I don't recall saying that at the meeting,
18 no.

19 Q. Okay. Do you recall what any of the other
20 police officers said at the meeting?

21 A. No.

22 Q. Okay. You recall some general discussion
23 about the evidence, correct?

24 A. No.

1 Q. You don't?

2 A. No.

3 Q. You have no memory at all?

4 A. I don't -- I don't recall discussing,
5 quote/unquote, evidence at the meeting.

6 Q. Well, what do you recall the other officers
7 saying?

8 A. I don't.

9 Q. You don't, okay, okay.

10 Did you ever make the statement: I would not
11 execute an arrest warrant?

12 A. Oh, I made that verbally.

13 Q. Where did you say that?

14 A. That if there was a warrant issued for
15 Alan Beaman's arrest for the death of
16 Jennifer Lockmiller, that I would not execute the
17 warrant.

18 Q. When did you say that?

19 A. I said that probably several times to
20 officers within the police department.

21 Q. Did you say it at the May 14 meeting or no?
22 I mean, the May -- the May meeting we've just been
23 talking about?

24 A. I don't recall if I said that or not.

1 Q. Did you say that to Chief Taylor in the
2 conversation you had after the meeting?

3 A. I don't recall.

4 Q. You talked about your meeting with
5 William Beu which took place right after Alan's
6 arrest, correct?

7 MR. BOWMAN: Objection to the form of that
8 question. The meeting included others as well.

9 MR. DiCIANNI: Right.

10 BY MR. DiCIANNI:

11 Q. Right, I wasn't -- I wasn't saying it was
12 only William Beu. But you had had a meeting with
13 William Beu and others after Alan's arrest, correct?

14 A. As I recall, people present was Mr. Beu,
15 Mr. and Mrs. Beaman, Alan's parents, and
16 Lieutenant John Brown from the county sheriff's
17 department.

18 Q. Okay. And that was the only time you met
19 with Mr. Beu -- you talked to Mr. Beu?

20 A. As I can recall, yes, other than in the
21 courtroom.

22 Q. All right. And -- and what about Rex Reu,
23 had you ever talked to him about the Beaman case?

24 A. I may have said something to him in passing

1 at the L & J from time to time. There was no
2 discussion -- and length to the discussion or I recall
3 any particular topic.

4 Q. Did you know Rex Reu?

5 A. Not personally, no.

6 Q. Did you know him from cases?

7 A. No.

8 Q. Did either Mr. Beu or Mr. Reu ever request to
9 meet with you to talk while leading up to the trial,
10 the Beaman trial?

11 A. It seems to me as I previously testified that
12 I believe Mr. Rex Reu was present with the people, the
13 representatives from the Center for Wrongful
14 Convictions at the police department.

15 Q. That's after the conviction?

16 A. Was that after the conviction? Okay. Yeah,
17 it would have been.

18 Q. Well, I don't think the Wrongful Conviction
19 people would have been involved prior.

20 A. That's right. That's right.

21 Q. Right. So -- so my question, though, goes to
22 before the Beaman trial, the criminal trial, did you
23 have -- were you ever asked -- I'm sorry, did you ever
24 meet with Rex Reu?

1 A. My recollection, no.

2 Q. Were you ever asked by either William Beu or
3 Rex Reu to meet with them to discuss the -- Beaman's
4 trial?

5 A. To my recollection, no.

6 Q. Were you ever asked by anybody to meet with
7 Beaman's defense attorneys prior to his criminal
8 trial?

9 A. No, I do not.

10 Q. All right. Would you have agreed had that
11 been asked of you?

12 A. Well, I think at that particular time, I
13 probably should have got -- received permission
14 perhaps from the prosecution office to talk to the
15 defense attorneys because I'm not obligated to talk to
16 them other than in -- in court.

17 Q. Right. So you would have asked the
18 prosecution whether you could meet with them or not?

19 A. If I was asked to meet with them -- if they
20 were to ask me, I would have gotten permission.

21 Q. Right. Right. Well, I -- I -- I know the
22 standard advice that State's Attorneys give is you
23 don't have to meet with them, but you can if you want
24 to. Have you heard that kind of advice before from --

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1 from prosecutors on cases you've been involved in?

2 A. Other cases?

3 MR. BOWMAN: Objection.

4 BY MR. DiCIANNI:

5 Q. Other cases.

6 MR. BOWMAN: Objection to the form of the
7 question.

8 BY MR. DiCIANNI:

9 Q. Other cases.

10 A. I can't recall if I did.

11 Q. You're not -- you're not unfamiliar with that
12 standard, though?

13 A. Correct.

14 Q. You're aware prosecutors generally use that
15 advice?

16 A. Yes.

17 Q. Okay. So if -- if Mr. Reu or Mr. Beu had
18 asked you to meet with them prior to the trial --
19 prior to the Beaman trial, you would have gone to the
20 State's Attorney and asked the State's Attorney's
21 advice, correct?

22 A. Yes.

23 Q. And the State's Attorney -- had the
24 State's Attorney told you the standard State's

1 Attorney response, which is you don't have to but you
2 can, it's up to you, would you have met with them?

3 MR. BOWMAN: Objection to the compound
4 hypothetical nature of the question.

5 THE WITNESS: I really can't say if I would
6 have or not.

7 BY MR. DiCIANNI:

8 Q. You've -- you've talked to defense attorneys
9 on criminal cases before, right?

10 A. Other cases, yes.

11 Q. Right. And, you know, they may ask you a
12 question here and there about one thing or another.
13 That happens, right?

14 A. Outside of the courtroom?

15 Q. Outside the courtroom.

16 A. I don't recall if I did.

17 Q. Okay. It wasn't your standard practice,
18 though, that you would never talk to a defense
19 attorney on a case you're working on outside of the
20 courtroom?

21 MR. BOWMAN: Object to the form of the
22 question, assumes a standard practice.

23 THE WITNESS: I can't recall.

24

1 BY MR. DiCIANNI:

2 Q. There certainly was no prohibition --

3 A. No.

4 Q. -- by the Normal Police Department from your
5 talking to defense attorneys?

6 A. Well, there's no prohibition if the
7 State's Attorney says you can if you want, much like
8 when the chief said I can talk to the Center if I want
9 or not or the news media --

10 Q. Right.

11 A. -- would be my call, my discretion.

12 Q. Right. And that was your decision?

13 A. Correct.

14 Q. Did you harbor serious doubts about Beaman's
15 guilt before his trial?

16 A. To some degree, yes.

17 MR. DiCIANNI: Okay. I might be done. Let
18 me just take a look. Maybe we can take a little
19 break.

20 THE VIDEOGRAPHER: Off the record, 11:49.

21 (Whereupon, a break was taken.)

22 THE VIDEOGRAPHER: We're back on the record.
23 The time is 12:57.

24 MR. BOWMAN: Tom, your questioning is

1 concluded?

2 MR. DiCIANNI: Yes. I have no further
3 questions at this time.

4 CROSS-EXAMINATION

5 BY MR. BOWMAN:

6 Q. Mr. Daniels, that leaves me. I wanted to
7 begin by -- actually, I suppose I should begin by
8 cautioning you that I'm more slow of speech than any
9 lawyer in Illinois, so please be sure that I finish
10 asking before you start answering.

11 I wanted to begin by going over a few things
12 that came up during Mr. DiCianni's questioning of you
13 this morning. You testified to a conversation that
14 you had with Rob Hospelhorn after the lawsuit was
15 filed in which Mr. Hospelhorn expressed the view to
16 you that he was not 100 percent certain that
17 Alan Beaman was the right guy. Do you recall that
18 testimony?

19 A. Yes.

20 Q. Can you tell me to the best of your ability
21 when that conversation took place?

22 A. It would have been after he received his
23 affidavit or subpoena.

24 Q. After he received a copy of the lawsuit?

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1 A. Correct.

2 Q. And was the conversation in person or over
3 the phone?

4 A. It was in person.

5 Q. Was anyone else there?

6 A. I -- I don't recall.

7 Q. Where did it take place?

8 A. In the Normal Police Department.

9 Q. Can you just relate the conversation for me
10 to the best of your recollection.

11 A. I recall this particular time that I was in
12 Rob Hospelhorn's office. He was a sergeant, second in
13 command on the day patrol shift, and he made a comment
14 to me, it's all your fault. I said, what are you
15 talking about? This is the gist of the conversation.
16 And he showed me the documentations where he was going
17 to be deposed and have a lawsuit and so forth. And he
18 says, you know, he says, I'm not 100 percent sure or
19 I'm not quite certain that Alan is the right man.

20 Q. Did he indicate when he came to that
21 viewpoint?

22 A. During that conversation, no.

23 Q. Okay. At some other time, did he?

24 A. It seems to me that during the investigation,

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1 he and I had talked about that.

2 Q. What do you recall of conversations between
3 you and Mr. Hospelhorn during the investigation on the
4 subject of whether you could be confident that
5 Alan Beaman was the right guy?

6 A. I don't recall ever, other than the first
7 night we went up to interview Alan, we thought he was
8 the guy that would be responsible for her death. But
9 then as the investigation went on, our doubts began to
10 arise.

11 Q. And we'll talk about that in a minute.

12 Did you and Hospelhorn have conversations
13 with each other over the course of the investigation
14 after that first interview with Beaman on the night of
15 August 28 regarding doubts that were arising
16 concerning whether Beaman was the offender?

17 A. I'm sure we did. I can't recall any
18 specifics.

19 Q. And it was your impression that -- that
20 Hospelhorn shared your skepticism about whether Beaman
21 was the -- was the offender?

22 MR. DiCIANNI: Object to lack of foundation.

23 BY MR. BOWMAN:

24 Q. Based on what he told you?

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1 A. On what he told me, yes.

2 Q. Now, at the risk of beating a horse, I want
3 to go over again this subject that came up when
4 Ms. Barton was questioning you and then came up during
5 Mr. DiCianni's questioning of you this morning about
6 lead investigator. And I'm just going to ask you some
7 questions and make sure my understanding of this is
8 clear, okay? And if I get this wrong, I don't want to
9 put words in your mouth. You tell me.

10 Is it fair to say that in the Normal Police
11 Department while you were in the criminal
12 investigation division there, that the standard
13 procedure in cases where more than one investigator
14 was assigned was either by express command from the
15 supervisor or by assumption amongst the detectives to
16 have one individual detective identified as the person
17 with primary responsibility for the case?

18 A. You are correct.

19 Q. Okay. And whether you call that person the
20 lead investigator or the senior investigator or the
21 principal investigator doesn't change the concept.
22 The point is that somebody has to be in charge.

23 A. Correct.

24 Q. Fair?

1 Okay. Now, when the Lockmiller case started
2 on the 28th of August, you related that there was a
3 very short conversation with Chief Taylor in which he
4 pointed at you and said you're it. You took that to
5 mean that you would be the person with primary
6 responsibility for the investigation, accurate?

7 A. At that point, yes.

8 Q. And to the best of your recollection, that
9 took place the afternoon of August 28, the day the
10 body was found?

11 A. Correct.

12 Q. And so over the 28th, which was a Saturday,
13 the 29th, which was a Sunday, and then at least part
14 of the 30th of August, a Monday, you by order from
15 Chief Taylor in your understanding were the person in
16 the Normal Police Department principally responsible
17 for the investigation. Do I have that right?

18 A. Correct.

19 Q. And then on Monday, the 30th of August, was
20 the day that Frank Zayas returned from his absence,
21 correct?

22 A. Correct.

23 Q. And at that point, what happened to the best
24 of your ability in explaining it in terms of a

1 transition, if there was one, of responsibility for
2 the investigation?

3 A. The responsibility would have been
4 Frank Zayas's upon his return to the police department
5 that day.

6 Q. And why was that?

7 A. Because he was a lieutenant and he was a
8 supervisor of that division.

9 Q. Okay. So to be clear, at the point when the
10 Lockmiller case began, Zayas was the person who was
11 the -- the person in charge of CID?

12 A. Correct.

13 Q. And everything flowed back to Mr. Zayas, he
14 was in charge, accurate?

15 MR. DiCIANNI: Object. Objection, form of
16 the question.

17 MR. BOWMAN: Well, that's a bad question.

18 BY MR. BOWMAN:

19 Q. Just in turn in the old Harry S. Truman
20 expression, the buck stopped with Zayas in terms of
21 CID when he was in charge; is that accurate?

22 MR. DiCIANNI: Object to form.

23 THE WITNESS: That is accurate.

24

1 BY MR. BOWMAN:

2 Q. All right. And so when Zayas returns to the
3 office on August 30, because of his position, he
4 becomes the supervisor of that investigation; is that
5 accurate?

6 A. Correct.

7 Q. Did you have any role of primary
8 responsibility recognizing that -- that you were a
9 line detective at that point as opposed to a
10 supervisor?

11 A. I had no misunderstanding that I was a part
12 of the team.

13 Q. All right.

14 A. Not the supervisor.

15 Q. Would it be accurate to say that you were the
16 senior detective?

17 A. Correct.

18 Q. Okay. And tell us again who the other
19 detectives were who were working the case at that
20 time?

21 A. Rob Hospelhorn, Dave Warner, Tim Freesmeyer,
22 John Belcher.

23 Q. And yourself?

24 A. And myself.

1 Q. And then -- now, I wanted to ask you a couple
2 of questions about the responsibility of the
3 supervisor of CID who was Zayas at the time that the
4 Lockmiller case began. Is it accurate that the
5 supervisor of CID is the person responsible for
6 ensuring that all of the information that should go
7 into the main file does, in fact, go to the main file?
8 Is that Zayas's responsibility?

9 A. Yes.

10 MR. DiCIANNI: I'll object, lack of
11 foundation.

12 THE WITNESS: Yes, that's accurate.

13 BY MR. BOWMAN:

14 Q. Okay. And can you flesh that out for me a
15 little bit? I mean, you held that position at one
16 point. How does -- how does -- how does the
17 supervisor of CID discharge that responsibility of
18 making sure that what should go into the main file
19 does go into the main file?

20 A. Under normal circumstances and cases, once an
21 investigator either completed a report or completed
22 the case, the documents, his reports, would go to
23 Frank Zayas who then would read, make any suggestions
24 to further the investigation to make an arrest, to

1 close the case.

2 He then would sign -- what we call sign off
3 on it. In other words, he would attach his signature
4 to that document and then that document would go --
5 depends upon the type of case it was, that document
6 could go one of two places, if not both, to the -- the
7 original that is -- to the chief of police and/or to
8 records division with copies going for the news media.

9 Q. As well as to the State's Attorney?

10 A. Correct.

11 MS. BARTON: Objection, foundation.

12 BY MR. BOWMAN:

13 Q. Correct?

14 A. As well as the State's Attorney and also the
15 patrol division book.

16 Q. Okay. Now, obviously the Lockmiller case was
17 unusual in the sense that it was a very large
18 investigation, fair?

19 A. Yes.

20 Q. And it was also an investigation that went on
21 for a substantial period of time?

22 A. That's correct.

23 Q. I mean, relative to many investigations that
24 could be concluded within a day or a week?

1 A. Correct.

2 Q. Now, as the case was progressing, reports
3 were being generated, right?

4 A. Right.

5 Q. Information was being assembled from various
6 sources, right?

7 A. Correct.

8 Q. Subpoenas went out, right?

9 A. Correct.

10 Q. Documents came back pursuant to subpoena,
11 right?

12 A. Correct.

13 Q. And investigators went out, conducted
14 interviews, right?

15 A. Right.

16 Q. And as they performed their investigation,
17 they may or may not have taken notes in furtherance of
18 their work, right?

19 A. Correct.

20 Q. And in all of these ways, documents about
21 this case began to accumulate over the course of the
22 investigation, accurate?

23 A. Accurate.

24 Q. Now, what was the procedure in the Lockmiller

1 case for ensuring that all of these documents that
2 we've talked about went to the proper place so that
3 they would be available for the State's Attorney's
4 Office, available for the defense lawyers if there was
5 ever a criminal case, and available as records of the
6 Normal Police Department?

7 MR. DiCIANNI: Object to form and foundation.

8 MS. BARTON: I'll join the objection.

9 BY MR. BOWMAN:

10 Q. You may answer then.

11 A. Well, once Lieutenant Zayas would sign off on
12 the document, the procedure would have been he would
13 make a copy for maybe upstairs, meaning the chief of
14 police and so forth. An intern was available for him
15 to do the clerical work, meaning making copies,
16 putting them in different binders.

17 Q. And was it also Zayas's responsibility as --
18 over the course of the progression of the case to make
19 sure that the main file contained the copies of the
20 stuff that was coming in?

21 A. Correct.

22 MR. DiCIANNI: Object to form and foundation.

23 BY MR. BOWMAN:

24 Q. From time to time in this investigation,

1 documents came back pursuant to subpoena. We've
2 already talked about that, right?

3 A. Yes.

4 Q. When subpoenaed documents came back in
5 relation to this investigation, what was the procedure
6 for ensuring that the documents were, again, placed in
7 the proper place, in the main file and available as
8 appropriate and necessary for the benefit of the
9 investigators and the lawyers later on in the
10 prosecution?

11 MR. DiCIANNI: Object to form and foundation.

12 MS. BARTON: I'll join.

13 THE WITNESS: Under normal circumstances, if
14 you, for instance, as an investigator requested
15 documentation from an outside source through the use
16 of a subpoena duces tecum, that information would come
17 back to that detective and it was up to the detective
18 either to disseminate that, attach perhaps a cover
19 letter to that; and that information, if he needed
20 that information for further investigation, normally
21 he would make copies and the original copy could go
22 one of two places, either in evidence or it would go
23 into the records department.

24

1 BY MR. BOWMAN:

2 Q. And that would be the standard procedure?

3 A. Yes.

4 Q. And that's the procedure that certainly
5 should have been followed with respect to records that
6 were assembled in this case?

7 MR. DiCIANNI: Object to form, foundation --

8 MS. BARTON: Join.

9 MR. DiCIANNI: -- conclusion.

10 THE WITNESS: Correct.

11 BY MR. BOWMAN:

12 Q. Also, in the course of this investigation as
13 we've learned over the days of your testimony, there
14 have been additional documents that were acquired by
15 investigator, not pursuant to subpoena, but just by
16 going out and sleuthing out information, for example,
17 documents relating to the criminal background of an
18 individual, arrest reports involving another person of
19 interest and so forth.

20 What procedure was followed in this case to
21 ensure that documents that were obtained on an
22 informal basis by investigators working on the case
23 were placed in the proper place, either in the main
24 file or in some other location where they would be

1 available for purposes of the investigation and for
2 the benefit of the lawyers and the prosecution?

3 MR. DiCIANNI: Object to form and foundation.

4 MS. BARTON: I'll join.

5 THE WITNESS: The procedure falls upon -- and
6 the responsibility would fall upon the detective once
7 he receives that document through other than the
8 subpoena. If information, for instance, came through
9 the front door or maybe an envelope was passed on to
10 him or a street officer having information which he
11 presented in the typed form, it would be up to that
12 individual detective to disseminate that, of course,
13 going to the supervisor and then copies being made in
14 this particular case.

15 BY MR. BOWMAN:

16 Q. If I understand what you're saying, the
17 procedure would be with respect to documents obtained
18 informally and with respect to documents obtained by
19 subpoena duces tecum that it would be routed through
20 the supervisor and then get to the proper place in the
21 file, accurate?

22 A. That's correct. That's the procedure that
23 should be followed.

24 Q. Now, we were -- and to be clear, in the

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1 Lockmiller investigation, while the -- while Zayas was
2 sitting in the chair of supervisor of CID, he was the
3 guy with that responsibility of ensuring that the
4 documents would go through him and go to the proper
5 place, accurate?

6 MR. DiCIANNI: Objection; form, foundation,
7 vagueness.

8 THE WITNESS: Ultimately, yes.

9 BY MR. BOWMAN:

10 Q. All right. Now, there -- as you testified,
11 there came a point when you had a conversation with
12 Mr. Zayas and were informed that because of you being
13 an old ex-Marine and Tim Freesmeyer being a young guy,
14 relatively new out of college, that the judgment was
15 that Freesmeyer should be the primary detective in the
16 case; is that accurate?

17 A. That's correct.

18 Q. And I think you've said you can't recall
19 exactly when that conversation took place?

20 A. That's correct.

21 Q. One thing that we've done is to look during
22 Mr. DiCianni's questioning of you, we looked at the
23 dates on your reports, and nobody's found any reports
24 with your name on it subsequent to early October.

1 Does that suggest to you that the -- that you got
2 taken off of this case after approximately six weeks
3 or so?

4 A. Yes, as an active investigator into the case.

5 Q. Would it be accurate nonetheless,
6 Mr. Daniels, that you continued even after you were
7 removed to have a strong interest in this particular
8 investigation?

9 A. That's correct.

10 Q. Did you continue to follow developments?

11 A. As they came to my mind, yes.

12 Q. And did you from time to time receive
13 assignments and undertake duties in the case even
14 after you were removed as principal investigator?

15 A. Yes, as requested or required or ordered.

16 Q. All right. And did you have an understanding
17 of what Freesmeyer's role was to be going forward
18 after this transition when you stepped down and
19 Freesmeyer was -- was assigned additional
20 responsibilities in the case?

21 A. He was to keep -- attempt to keep the line of
22 communications open between him and Alan.

23 Q. Did he have other responsibilities in the
24 investigation as well?

1 A. If he did, I don't recall him sharing those
2 with me.

3 Q. Okay. Now, looking at this, Freesmeyer's
4 monthly report folder which is among the documents
5 stacked up there in front of you, it's Daniels
6 Exhibit 12. Mr. DiCianni showed you page 2 of that
7 document. The Bates number is 0970 in the bottom
8 right corner of the page.

9 And the indication from this report,
10 Mr. Daniels, is that you took over as CID supervisor
11 in -- in -- in -- responsibility, if not in title,
12 from March 7, 1994 until June of 1994, and you
13 testified earlier you don't quarrel with those dates.
14 Do you see where I am? Top of page 970.

15 A. Yes, I see that.

16 Q. Okay. Now, what -- in that -- you recall
17 that in that period of time, that encompasses the
18 point in May 1994 when Beaman actually got charged.
19 What was your relationship to the Lockmiller
20 investigation during those months when, according to
21 this report, you took over as CID supervisor?

22 A. I can recall being required to go to
23 unresolved homicide class in Jacksonville, Florida in
24 April of '94.

1 Q. And in terms of day-to-day responsibilities,
2 the investigation was ongoing until Beaman's arrest in
3 May of '94, right?

4 A. Also, I believe it was even after his arrest
5 it continued.

6 Q. Right. And in terms of day-to-day
7 responsibilities, what -- what role did you have, if
8 any?

9 A. Aside from the Lockmiller case or --

10 Q. No.

11 A. -- specifically?

12 Q. In the Lockmiller case in particular.

13 A. Oh, I would read -- much like the other
14 processors -- would read reports, and, again, if there
15 was any questions or further investigation needed,
16 then I would assign that. And then once the report
17 was approved, I would sign off on it.

18 Q. All right. So in other words, you stepped
19 into the role that other supervisors -- that other
20 supervisors held?

21 A. Yes.

22 Q. Okay. But in terms of having hands-on
23 responsibility in the investigation and apart from the
24 cold case seminar which we'll talk about in a minute,

1 am I accurate that you had no direct responsibility?

2 MS. BARTON: Object to form.

3 MR. DiCIANNI: I'll object. Yeah, object to
4 form, foundation.

5 THE WITNESS: No -- no direct responsibility
6 or active investigation in that case.

7 BY MR. BOWMAN:

8 Q. You were asked some questions this morning
9 about Freesmeyer's long report in the -- in the case.
10 I believe it's Exhibit 5. Let me double-check on that
11 number. I stand corrected. It is --

12 MS. BARTON: No, Freesmeyer's report is
13 Number 5.

14 MR. BOWMAN: Good. I got that right.

15 BY MR. BOWMAN:

16 Q. I believe you testified that you didn't have
17 a specific recollection of reading Mr. Freesmeyer's
18 report. Did you -- can you say with any degree of
19 confidence, even though you don't have a specific
20 recollection of reading it, of whether at some point
21 you reviewed this and became familiar with the
22 contents of it?

23 MR. DiCIANNI: Object to speculation.

24 THE WITNESS: Yes, I would feel comfortable

1 in saying there's a good chance that I did.

2 BY MR. BOWMAN:

3 Q. Okay. And why do you say that?

4 A. Well, number one, preparation for the school
5 in April, even though this is dated 10 January, to see
6 if any information could be obtained from his reports
7 that would help other investigators, information that
8 could corroborate other information that we had as
9 well as perhaps my comments.

10 Q. A minute ago you mentioned the fact that even
11 after the arrest of Mr. Beaman, that investigative
12 activities continued in the Lockmiller case.

13 A. Correct.

14 Q. Can you tell me what you're thinking about
15 when you say that that happened just by way of
16 example?

17 A. Within the department?

18 Q. Yes, sir.

19 A. I -- I don't have any specifics I can think
20 of offhand.

21 Q. Well, for example, at some point, Mr. Murray
22 gets -- gets arrested on a domestic violence charge in
23 October of 1994, correct?

24 A. Yes, sir. In reference to that particular

1 incident, yes, that was brought to my attention. And
2 in my opinion, it felt more attention looking into.

3 Q. As an investigator in the Normal Police
4 Department, after a charge has been filed against an
5 individual, when new information relating to the crime
6 comes to light, again, subsequent to the charges, is
7 it the investigator's responsibility to continue
8 investigation and to inquire further into the matter
9 as a result of the new information that might come to
10 light?

11 MR. DiCIANNI: Objection; form, foundation.

12 MS. BARTON: I'll join.

13 MR. BOWMAN: Let me ask our court reporter,
14 if you would, to read that back. It may be garbled.

15 (Whereupon, the record was
16 read as requested.)

17 MS. BARTON: Same objections.

18 BY MR. BOWMAN:

19 Q. You may answer that question.

20 A. Yes.

21 Q. And specifically with respect to the new
22 information regarding Murray, namely, his arrest in
23 October of 1994 on domestic violence charges and for
24 drug charges as well, would it be your judgment as an

1 experienced and trained police officer that the
2 responsibility of the investigators continues in
3 relation to the case, even though Beaman has been
4 charged, to pursue the investigation of Murray and the
5 significance of the new information?

6 A. Yes.

7 MR. DiCIANNI: Objection, form and
8 foundation.

9 BY MR. BOWMAN:

10 Q. All right. Now, I want to take you back to
11 the first days of the investigation, Mr. Daniels.
12 Your responsibilities on August the 28th included an
13 examination of the scene of -- of the crime, the
14 location of Lockmiller's body, right?

15 A. Yes.

16 Q. And you made at least a cursory examination
17 at that time of the scene, right?

18 A. Correct.

19 Q. Was there evidence at the scene suggesting
20 that either evidence at the scene or evidence
21 developed in connection with the scene investigation
22 and the initial interviews on the 28th and 29th of
23 August suggesting that the perpetrator of the homicide
24 had been a person that Lockmiller was acquainted with?

1 A. Yes.

2 Q. And can you relate for us what that
3 information was?

4 A. Even though the door to her -- front door to
5 her apartment had been damaged, we learned that that
6 was prior damage, and it's not uncommon for those not
7 to be repaired. We went into the bedroom where she
8 was found. We saw no indications of any type of
9 resistance, fight, burglary, anything of that nature.
10 Also, upon initially making contact with some of the
11 neighbors, there was no indication of a screaming,
12 yelling that would suggest forced entry.

13 Q. Now, all of that information aside, would you
14 agree with the proposition that the information that
15 you had suggesting that the perpetrator was an
16 acquaintance of Lockmiller did not rule out the
17 possibility that the perpetrator could also be someone
18 who had very quickly overpowered her and obtained
19 entry into the apartment?

20 A. Certainly that was a possibility. As we --
21 that weekend as we talked to her close friends, one in
22 particular, the one who discovered the body, we were
23 given several names of Jennifer's present or prior
24 boyfriends.

1 Q. And was there evidence at the scene of --
2 that suggested the possibility of a sexual assault in
3 connection with the homicide?

4 A. Yes.

5 Q. And relate for us again what that was.

6 A. Her body was found with -- on her back. Her
7 knees were folded underneath of her. She was facing
8 the wall, and beneath that wall she was facing was a
9 single bed. It appeared that she had grasped perhaps
10 part of the bedspread or cover on it. She had a cord,
11 electrical cord, wrapped around her neck. Her
12 panties, jeans were pulled down, and her blouse was
13 pushed up over her breast.

14 Q. Was there also -- as you and the other
15 investigators examined the scene, was there also
16 evidence at the scene suggesting that it was a
17 possible personal motive crime?

18 A. Yes.

19 Q. And can you explain, again, what that
20 evidence was.

21 A. My training suggests that along with the
22 extension cord or power cord that was used to strangle
23 her, there was a pair of scissors embedded in her
24 chest, either six or seven wounds to her chest. There

1 was also a fan placed over her face. Either it fell
2 from the bunkbed behind her or it was placed on her
3 possibly by the perpetrator. That's just an
4 indicative -- indication that they cannot face their
5 victim. The shears indicated, according to my
6 training, that perhaps that's what it was. It was a
7 personal attack upon her.

8 Q. Now, so in -- in -- in summary then, there
9 was evidence at the scene suggesting an
10 acquaintanceship between the victim and the
11 perpetrator, right?

12 A. Yes.

13 Q. Evidence, though, that did not rule out the
14 possibility that the perpetrator was an unknown
15 person, right?

16 A. Correct.

17 Q. There was evidence suggesting sexual motive,
18 right? Yes?

19 A. Yes.

20 Q. And there was also evidence suggesting a
21 personal motive, vengeance or something of the sort?

22 A. Correct.

23 Q. Separate from sex?

24 A. Correct.

1 Q. So would it be fair to say that as a trained
2 and experienced investigator, your responsibility at
3 the early stage of the investigation would be not to
4 rule out any of the possibilities as to what the
5 motive for the crime was, as to whether there was a
6 relationship between the perpetrator and the victim
7 and so forth; is that fair?

8 A. That's true.

9 Q. Would you agree with the proposition that for
10 investigators to focus too early on on one particular
11 theory of the crime to the exclusion of all others can
12 result in disastrous consequences?

13 MR. DiCIANNI: Object to form.

14 MS. BARTON: Join.

15 THE WITNESS: It's been my experience and as
16 well as training that if an investigator were to jump
17 early into the case with a theory, he -- he or she
18 will put their efforts forth try to prove that theory.

19 BY MR. BOWMAN:

20 Q. And what's the problem with that?

21 A. You're going to miss your target. You're
22 going to ex -- you're going to exclude viable
23 information. All your efforts, all your resources
24 could be towards proving that particular theory.

1 And another issue could arise is if there's
2 more than one detective working on it who is not in
3 step or inclined to believe that initial theory,
4 there's some friction that could be -- could develop.

5 Q. Which would impede the investigation further?

6 A. Correct.

7 Q. Now, on that first day of the investigation,
8 you testified previously about information that was
9 developed through a young friend of the victim by the
10 name of Morgan Keefe suggesting that Alan Beaman was a
11 person with a motive to commit this crime --

12 A. Yes.

13 Q. -- right?

14 And indeed the way Keefe described it, Beaman
15 was a volatile individual with a -- with a pretty
16 strong motive to -- to have -- to have committed
17 violence against Lockmiller, accurate?

18 A. In her opinion, plus the information that she
19 gave us about their relationship.

20 Q. Which had been stormy?

21 A. Correct.

22 Q. So based on that information, did you make
23 any decision as to what to do with respect to
24 Mr. Beaman?

1 A. At that time?

2 Q. Yes, sir.

3 A. I wanted to continue investigating other
4 names, information that came up.

5 Q. And why is that?

6 A. I felt that we need more information regards
7 to Mrs. Keefe's suggestions or opinions.

8 Q. Such as what?

9 A. Alibis on where Alan was, what type of
10 perhaps character he was of or if he had -- had any
11 run-in with the law, looking for motives.

12 Q. And so forth?

13 A. Correct.

14 Q. And did you have -- so -- so would it be fair
15 to say that in your judgment as an experienced
16 investigator at that time, the evening of August 28
17 was a -- was a premature time in which to conduct an
18 interview or interrogation of Beaman?

19 A. Yes, and I expressed that to Chief Taylor.

20 Q. Okay. And what was the response that you
21 received after you expressed that viewpoint?

22 A. I best recall, and in short, is get up there
23 and talk to him.

24 Q. As an experienced investigator, do you have

1 an opinion as to whether there were pitfalls in
2 conducting an interview/interrogation of a suspect in
3 a major crime at too early a time before the
4 investigation has proceeded to develop information
5 regarding that individual and regarding the crime?

6 MS. BARTON: Objection.

7 MR. DiCIANNI: Object, yeah, form,
8 foundation.

9 MS. BARTON: I'll join.

10 THE WITNESS: Yes.

11 BY MR. BOWMAN:

12 Q. Can you explain?

13 A. Yes. Experience and, again, training
14 warrants having more information about the crime,
15 about the individuals so you can challenge any
16 statement. And in this case, you can challenge maybe
17 any statement that Alan would make. You'd have a
18 reason to challenge him for his answers to questions
19 or explanations of, once again, with Alan, his
20 explanations of where he had been during that period
21 of time that you're interested in.

22 Q. So I take it, though, that notwithstanding
23 those concerns, you felt you had no alternative but to
24 do as Chief Taylor told you?

1 A. Correct.

2 Q. And did you and Mr. Hospelhorn then travel to
3 Rockford, Illinois for a conversation with Mr. Beaman?

4 A. Yes, we did.

5 Q. And you've testified previously about that
6 interaction. Just for purposes of summary, it'd be
7 fair to say that Beaman exhibited certain behaviors in
8 the interview that increased your suspicion of him; is
9 that accurate?

10 A. Yes.

11 Q. Can you relate for us again what those were?

12 A. He in one response to a question that I
13 employed bowed his head to the floor as though showing
14 remorse and made a statement as to the effect that,
15 oh, she really loved me. The question I -- or
16 statement I made to him was that she's called your
17 name out before she passed on.

18 Q. And, again, as an experienced investigator,
19 you read that as an indication of possible deception
20 or an indication of -- of -- of guilt in some way,
21 some kind of narcissistic involvement with the victim,
22 what have you, fair?

23 A. That particular question, his response by
24 itself, yes.

1 Q. All right. Now, as an experienced
2 investigator, you also knew that there could be --
3 couldn't rule out the possibility that -- that there
4 was an innocent explanation for Beaman's behavior in
5 that particular regard as well, right?

6 A. That's possible, yes.

7 Q. So other than the response that Beaman gave
8 to your ploy about Lockmiller calling out for him,
9 were there other behaviors that Beaman exhibited that
10 suggested the possibility of guilt during your
11 interview/interrogation of him on August 28?

12 A. During the information that he gave us, he
13 expressed the fact that during their relationship, a
14 little over year, they broke their relationship off
15 17 times. And in his own words, he said they were
16 either fighting or having intimate relationships.

17 Q. Right. And -- and the word that he actually
18 used -- it's in the transcript -- was an -- was an
19 obscene word, and we might as well go ahead and put it
20 on the record. Either fighting or fucking during that
21 period of time.

22 A. That's correct.

23 Q. Yes. And, again, this corroborated the
24 existence of a motive for murder, the rocky romantic

1 relationship between the victim and this individual,
2 accurate?

3 A. Plus the fact also I confronted him, I said,
4 you know, we've been sitting here 45 or 50 minutes
5 talking with you, and you have yet asked as to why
6 we're here. Even though he responded, well, I guess
7 it's about her.

8 Q. Right. And, again, and that's -- that's
9 about it in terms of the -- the signs of -- the signs
10 of -- of possible guilt that you saw in this
11 interview; is that --

12 A. At that particular point, and he also gave us
13 his whereabouts during the time period. Some were
14 foggy and some were precise.

15 Q. Right. And -- and -- and to be very clear,
16 there were, in addition, there were indications during
17 this interview that were consistent with Mr. Beaman's
18 innocence, right?

19 A. That's correct.

20 Q. I mean, one of them was the fact that he at
21 least on the face of it appeared to have corroboration
22 for being at work in Rockford during the week prior to
23 the discovery of the body, right?

24 MS. BARTON: Objection to form.

1 MR. DiCIANNI: Yeah, object to form,
2 foundation.

3 BY MR. BOWMAN:

4 Q. Just in terms of what he said?

5 A. Yes.

6 Q. And I'm not suggesting that he brought forth
7 any documentary evidence, but he -- he made statements
8 to the effect that he had a job and he had a schedule
9 and he had places where he was during the week in
10 question, right?

11 A. And he provide -- yes, that's correct.

12 Q. And as an experienced investigator, you knew
13 that all of that information needed to be followed up
14 on and investigated and pursued, right?

15 A. That's true.

16 Q. In order to assess the strength of his
17 alibi --

18 A. Correct.

19 Q. -- right?

20 A. Correct.

21 Q. And what we know just skipping forward is
22 that in this investigation, when all of the dust
23 settled, Mr. Beaman had an extremely strong alibi,
24 right?

1 MS. BARTON: Objection to form.

2 MR. DiCIANNI: Object, yeah, form.

3 BY MR. BOWMAN:

4 Q. In your judgment?

5 A. Yes.

6 Q. And explain that.

7 A. His time schedule, the fact that during --
8 are we talking about after our interview with him?

9 Q. When all the dust settled.

10 A. Okay. When all the dust settled. We looked
11 at his schedules. We obtained, I believe, parts of
12 his work schedule. He worked for his uncle at various
13 stores, various locations.

14 Right after the interview, which he
15 terminated voluntarily on his own, we got his
16 permission to examine his car, and after looking at
17 his car, we thought perhaps a little bit doubtful that
18 he could drive that car in that condition back and
19 forth to those two places without being stopped by a
20 police officer, and he would have had to have been
21 going in the neighborhood of 100 miles an hour.
22 That's just not possible.

23 Q. Well, indeed as the -- the investigation
24 progressed, there was information that his mother

1 could provide him with an alibi at a certain point in
2 the afternoon, right?

3 A. That came about during Lieutenant John Brown
4 and my interview with the parents and Beu at the Law
5 and Justice Center after his --

6 Q. Right. And we were talking a few minutes ago
7 about the responsibility of investigators to continue
8 with an investigation after charges, and another
9 example of that would be to follow up on the alibi
10 information from the parents, accurate?

11 A. That's correct.

12 Q. And indeed subsequent to the charging of
13 Mr. Beaman, a videotape surfaced that showed without a
14 doubt that Beaman was present at a Bell Federal
15 Savings & Loan location in Rockford, Illinois on --
16 whenever it was, 10:11 on the morning that it was
17 believed the murder took place, right?

18 A. Correct.

19 Q. So, again, when all of the dust settled, fair
20 summary to say that there was a very narrow window of
21 time within which Beaman could have traveled to
22 Normal, committed the murder of Lockmiller and then
23 traveled back to Rockford in order to be alibied by
24 his mother in the afternoon; fair summary?

1 MS. BARTON: Objection to form.

2 THE WITNESS: That's correct.

3 BY MR. BOWMAN:

4 Q. And indeed did you form an opinion as to
5 whether the information from the video and from his
6 mother excluded or included Beaman as the offender
7 based on your experience as an investigator?

8 MR. DiCIANNI: I'll object to foundation.

9 MS. BARTON: Join.

10 THE WITNESS: I think based upon that
11 information, that gave us more reason for doubt that
12 he could have committed the crime.

13 BY MR. BOWMAN:

14 Q. Okay. And can you elaborate on that?

15 A. There were two phone calls made from his
16 residence in the neighborhood of 10:30. It was to the
17 church. Alan Beaman was involved in the church to the
18 extent that he was a member of the band, and they were
19 to have an ice cream social, and he was making final
20 arrangements and confirming that particular time for
21 the social.

22 The fact that what he was driving at the
23 time. Also, the fact that the mother's description of
24 where Alan was at the time of question being that his

1 car was in the driveway, that's the Ford Escort. He
2 was in -- even though she didn't physically open the
3 door to his bedroom, he was in his room, the door was
4 closed, and his dog was parked sleeping right outside
5 of his door. And that's the normal activities for
6 that dog and for Alan when he comes home from work
7 because he's been up most of the night.

8 Q. And all of this indicated that the likelihood
9 that Beaman had made that trip and committed the
10 murder was to be just as fair and neutral about it as
11 possible was subject to serious doubt, accurate?

12 A. Correct.

13 MR. DiCIANNI: Object.

14 BY MR. BOWMAN:

15 Q. Now, let me ask you this: At the conclusion
16 of your interview/interrogation of Beaman on August
17 the 28th, going back now to the very beginning of the
18 investigation, there was developed the information
19 from Morgan Keefe that the -- that Beaman had a rocky
20 relationship with Lockmiller and that therefore he had
21 a motive to kill her, right?

22 A. Correct.

23 Q. And then there was also the information in
24 terms of Beaman's responses that was indicative of

1 possible guilt, and you have talked about that
2 already, right?

3 A. Correct.

4 Q. And among the things that were -- there were
5 also other signs, we started to talk about this, in
6 the interview that were indicative of possible
7 innocence, right?

8 A. Correct.

9 Q. For example, during your interrogation of
10 him, you mixed up the days and the times as to where
11 he was and so forth and the expectation was that was a
12 ploy as well, right?

13 A. Correct.

14 Q. And the expectation was that a guy who is
15 fabricating his whereabouts, providing a false alibi
16 for himself, won't be able to keep it straight once
17 you start shifting the shells around, right?

18 A. That's correct.

19 Q. And Beaman did not do that. In fact, he
20 maintained consistently an explanation of his
21 whereabouts over the course of the questioning,
22 correct?

23 MR. DiCIANNI: Objection to foundation.

24 MS. BARTON: Join.

1 THE WITNESS: Correct.

2 BY MR. BOWMAN:

3 Q. I mean, you were there and you interacted
4 with him, correct?

5 A. Correct.

6 Q. Now, would it be fair to say that, again,
7 that's not anything definitive, but as an experienced
8 investigator, you should weigh that in and take into
9 account the possibility that the alibi is truthful and
10 accurate even based on what you knew as of August 28?

11 A. Yes, yes.

12 Q. Now, in your judgment as an experienced and
13 trained investigator -- do you need to stop for a
14 minute or can I keep going?

15 A. No, I'm just stretching my leg out, and I
16 want to be careful not to kick someone.

17 Q. Anytime you need to stop, you let me know.

18 In your opinion as an experienced and trained
19 investigator, did the investigation of Beaman
20 subsequent to your interrogation of him on August 28
21 develop any further, additional evidence indicative of
22 Beaman's guilt beyond what was known to the
23 investigators at that particular point in time?

24 MR. DiCIANNI: I'll object to lack of

1 foundation.

2 BY MR. BOWMAN:

3 Q. Based on your familiarity and your knowledge
4 of this investigation.

5 A. Restate your question, please.

6 Q. Let me try it again.

7 A. Sure.

8 Q. Based on your familiarity with the case, your
9 direct participation in it, did the investigation
10 subsequent to your and Hospelhorn's interview of
11 Beaman on August 28 and the information that was
12 developed prior to that interview, subsequent to that
13 time, did the investigators get anything else on
14 Beaman that was further support for the proposition
15 that Beaman was the perpetrator?

16 MR. DiCIANNI: Same objection.

17 MS. BARTON: Join.

18 THE WITNESS: Yes, there had been.

19 BY MR. BOWMAN:

20 Q. And what is that?

21 A. Well, the information that came about as a
22 pretrial -- or a posttrial conviction I learned that
23 information was misrepresented by Tim Freesmeyer. I
24 also learned during the testimony of Judge Souk that

1 information was omitted.

2 Q. Time out. We didn't -- we didn't understand
3 each other I don't think. Let me try it again. And
4 it may be time for a break. We'll see.

5 I'm looking at the evidence as to Beaman's
6 guilt, all right. As of August 28, there was certain
7 evidence suggesting that Beaman might be guilty,
8 right?

9 A. Correct.

10 Q. And you've talked about it?

11 A. Correct.

12 Q. Now, here comes the question. After that
13 time, August 28, did any additional evidence of
14 Beaman's guilt get developed by the team of
15 investigators who worked on the Lockmiller homicide
16 investigation?

17 MS. BARTON: Objection, form and foundation.

18 MR. DiCIANNI: Same objection.

19 THE WITNESS: Yes.

20 BY MR. BOWMAN:

21 Q. What was that?

22 A. The crime lab had examined the instrument
23 used to strangle her. I believe that was a clock.

24 Q. And his fingerprint was on the clock?

1 A. Was one of them, yes.

2 Q. Right. And, again, as an experienced
3 investigator, you knew that that, again, might be
4 consistent with guilt, right?

5 A. Correct.

6 Q. But by the same token, there was another
7 explanation for the fingerprint on the clock, right?

8 A. Yes.

9 Q. And that explanation was what?

10 A. With my experience dealing with students, and
11 she was a student, that there are parties. When
12 there's parties in apartments, any number of people
13 could touch any item in the apartments as well as the
14 fact that I believe that clock was Alan's clock.
15 Therefore, that would indicate that Alan at one time
16 or another had to touch that clock, and prints cannot
17 be dated.

18 Q. Right. And, in fact, Beaman slept in the --
19 in the apartment with Lockmiller and he was her
20 boyfriend, right?

21 A. Correct, on other occasions.

22 Q. And used -- and logically would have used the
23 clock to set an alarm to wake himself for his
24 activities?

1 A. For a number of reasons, yes.

2 Q. Okay. Other than the fingerprint on the
3 clock, any other information?

4 A. At present, I can't recall any at present.

5 Q. And indeed with respect to the clock, there
6 was also a fingerprint from an individual named
7 Michael Swaine, right?

8 A. Yes.

9 Q. And Swaine was initially a suspect in the
10 investigation as well at the very beginning, right?

11 A. Correct.

12 Q. And then he was ruled out early on, right?

13 A. Correct.

14 Q. Why?

15 A. He had -- had an alibi in the form of his
16 class schedule at school out of town.

17 Q. So at least with respect to Swaine, the
18 investigators knew that the fingerprint on the clock
19 could not be indicative of guilt?

20 A. Yes.

21 Q. And, in fact, like Beaman, Swaine had spent
22 the night in Lockmiller's apartment from time to time,
23 and like Beaman would have occasion to touch the
24 clock?

1 A. In specific terms, Mike Swaine was her last
2 live-in boyfriend.

3 Q. All right. So other than this fingerprint of
4 Beaman's on the clock, did the investigators develop
5 any other evidence subsequent to August 28 when you
6 interviewed Beaman that pointed toward, in a
7 substantive way, toward Beaman's guilt?

8 A. Right now I don't recall.

9 Q. Can't think of anything?

10 A. At present, right.

11 Q. All right. If you think of something, let us
12 know, all right?

13 A. Yes.

14 MR. BOWMAN: And I think that we'll take a
15 break and change your tape and stretch our legs.

16 THE VIDEOGRAPHER: Off the record, 1353.

17 (Whereupon, a break was taken.)

18 THE VIDEOGRAPHER: Continuation of the
19 deposition of Tony Daniels, beginning of video number
20 four. The time is 1403.

21 BY MR. BOWMAN:

22 Q. Mr. Daniels, beginning at the early stage in
23 the investigation, and we've talked about this
24 already, there were -- in addition to Mr. Beaman,

1 there were other individuals whose names were given by
2 Morgan Keefe and other witnesses who were -- had to be
3 placed on the list of suspects at least in the
4 beginning stages of the investigation, accurate?

5 A. Correct.

6 Q. And that included Michael Swaine, who we've
7 talked about, the live-in boyfriend at the time of the
8 murder, right?

9 A. Yes.

10 Q. It included a former boyfriend by the name of
11 Stacey Gates, right?

12 A. That's correct.

13 Q. And Gates was a person of interest in part
14 because he had been in telephone contact with
15 Lockmiller shortly prior to her death?

16 A. Correct.

17 Q. And had plans to meet with her, and there
18 might have been a romantic reason for those plans?

19 A. That's correct.

20 Q. And then in addition, there was this
21 individual John Murray whose name came up in the
22 investigation as a result of the interviews of
23 Lockmiller's acquaintances?

24 A. Correct.

1 Q. And Murray also had in the past had a sexual
2 relationship with Lockmiller?

3 A. Correct.

4 Q. Now, a trained and experienced investigator
5 such as yourself would know early in the investigation
6 that all of these individuals needed to be looked into
7 and developed, accurate?

8 A. Correct.

9 Q. And would it be fair to say that in the
10 circumstances of this crime where there was reason to
11 suspect a sexual motive, where there was reason to
12 suspect a personal motive, where there was evidence
13 suggesting that the victim and the perpetrator were
14 acquainted, that before an arrest was appropriate,
15 that you had to narrow it down to one individual who
16 remained standing after all the investigation had been
17 complete?

18 MS. BARTON: Objection to form and
19 foundation.

20 MR. DiCIANNI: Yeah.

21 MR. BOWMAN: I think that's a terrible
22 question.

23 MR. DiCIANNI: I join.

24 MR. BOWMAN: Let me try it again.

1 BY MR. BOWMAN:

2 Q. In -- in terms of -- why don't we skip that
3 question for the moment.

4 In terms of the unfolding investigation, you
5 needed to look into Swaine and his alibi, right?

6 A. Correct.

7 Q. And that excluded Swaine eventually?

8 A. Right.

9 Q. Actually pretty early on, right?

10 A. Yes.

11 Q. You needed to look into Gates and his alibi,
12 right?

13 A. Yes.

14 Q. And in your judgment, did Gates have an alibi
15 that excluded him?

16 A. Yes.

17 Q. What was that?

18 A. He was also at school over in a near --
19 nearby town, Peoria, and that was documented over
20 there as far as his attendance.

21 Q. Well, actually he was a teacher at a -- at a
22 school, right?

23 A. Right.

24 Q. And then what about John Murray? You

1 testified about this already. Was -- was he excluded
2 by means of an alibi at any point in this
3 investigation?

4 A. I did not exclude him. He could have been
5 excluded by others.

6 Q. Well, in your judgment as an experienced and
7 trained investigator, was it appropriate to exclude
8 him based on alibi at any point in the investigation?

9 A. No.

10 Q. Why is that?

11 A. There was too much circumstantial evidence.
12 If you can't exclude him from an investigation
13 regardless of the magnitude of the -- of the crime,
14 then they have to be included until such time you can
15 exclude them.

16 Q. And that's -- that's a standard principle
17 that trained and experienced investigators must adhere
18 to; is that fair?

19 A. They should, yes.

20 Q. Now, as the investigation unfolded, we've --
21 we've talked about the -- there was -- apart from this
22 fingerprint, your testimony is that you can't think of
23 other evidence that was developed against Beaman,
24 right?

1 A. Against him?

2 Q. Yes.

3 A. That's correct.

4 Q. For example, nobody was ever able to develop
5 an eyewitness who reliably placed Beaman in Normal on
6 the day of the crime?

7 A. That's --

8 MS. BARTON: Objection to form.

9 MR. DiCIANNI: Lack of foundation.

10 BY MR. BOWMAN:

11 Q. To your knowledge?

12 A. To my knowledge, correct.

13 Q. No one apart from the single fingerprint that
14 had an innocent explanation, there was no physical
15 evidence that connected Beaman to this murder?

16 MS. BARTON: Objection; form, foundation.

17 BY MR. BOWMAN:

18 Q. Accurate?

19 MR. DiCIANNI: I join.

20 THE WITNESS: You're correct.

21 BY MR. BOWMAN:

22 Q. And -- and you know from your familiarity
23 with the case that there were a series of overhears
24 that Freesmeyer conducted with Beaman without Beaman's

1 knowledge in which he was invited to talk about the
2 crime and all of his statements on tape were fully
3 consistent with innocence?

4 MS. BARTON: Objection to form, foundation.

5 MR. DiCIANNI: Yeah, I join that, too.

6 THE WITNESS: To my knowledge, yes.

7 BY MR. BOWMAN:

8 Q. And I think we've said this already, but
9 the -- the circumstantial evidence as to motive really
10 didn't change going forward from what was developed by
11 Morgan Keefe and from Beaman's own lips in your
12 conversation with him?

13 MS. BARTON: Objection.

14 BY MR. BOWMAN:

15 Q. I mean, there was a rocky relationship and --
16 and jealousy and -- and so forth. You knew all that
17 on August 28. There was no additional information
18 regarding that motive that was developed subsequent to
19 August 28?

20 MS. BARTON: Objection, form, foundation.

21 MR. DiCIANNI: Yeah, I join.

22 BY MR. BOWMAN:

23 Q. Is that accurate?

24 A. Yes.

1 Q. Now, in Mr. DiCianni's questioning of you
2 this morning, you touched pretty extensively on this
3 already. Would it be fair to say that in your
4 estimation as an experienced and trained investigator
5 that the -- the circumstantial evidence, the motive
6 evidence, the evidence as to means and opportunity
7 with respect to John Murray was as great or stronger
8 than the evidence against Beaman?

9 A. That's correct.

10 Q. Now, in terms of opportunity, what was the
11 evidence with respect to John Murray?

12 A. John Murray had the opportunity.

13 Q. And why do you say that?

14 A. His -- where he lived, close proximity to
15 Jennifer's apartment. The fact that they were to
16 rekindle their relationship. To my knowledge, she was
17 using him for the -- for the drugs and the sex.
18 That's also substantiated by John Murray's statement
19 that he supplied them. Also the fact that if you look
20 at the phone record, it indicated that Murray was in
21 town at the time. He admitted that as well.

22 Q. And in terms of whether any other person
23 could provide Murray with an alibi for that full
24 window of time when the murder was believed to have

1 been committed, what was the state of the evidence on
2 that?

3 A. His alibi?

4 Q. Right.

5 A. Other than taking at face value, his
6 statement, Mackoway's statement and the documented
7 phone call, that would be it.

8 Q. And even if you took his statement and
9 Mackoway's statement at face value, it'd be accurate
10 to say, would it not, that Murray was not in anybody's
11 presence for part of that window of time when the
12 murder was believed to have been committed, accurate?

13 A. Correct.

14 Q. Now, you and Detective Hospelhorn conducted
15 two interviews of Murray on September the 2nd and
16 September the 8th, right?

17 A. Correct.

18 Q. And we've already in this deposition looked
19 at the transcripts that were made of those interviews.
20 And just to be clear, let me identify those numbers.
21 They were Daniels Exhibit 13 was the -- includes the
22 transcript of your September 2 interview. Daniels
23 Exhibit 14 includes the transcript of your September 8
24 interview, right? Take a minute to confirm that if

1 you could.

2 A. 14 and 13?

3 Q. Yes, sir.

4 A. So documented, yes.

5 Q. And would it be a fair summary that -- that
6 Murray's stories as to his interactions with
7 Lockmiller in the final weeks and days of her life
8 were shifting and inconsistent on the -- during the
9 course of those two interviews?

10 A. Correct.

11 Q. Specifically he provided different accounts
12 of when he last saw Lockmiller, right?

13 A. Yes, he did.

14 Q. And he provided differing accounts of -- of
15 the circumstances in which he last saw Lockmiller,
16 whether he saw her in an apartment -- or in her
17 apartment or whether he saw her in the company of
18 Swaine in a parking lot, right?

19 A. Correct.

20 Q. And he also provided varying accounts of his
21 own whereabouts on August 25, the day the murder was
22 believed to have been committed or the day that
23 investigators ultimately determined that the murder
24 was -- was committed, right?

1 A. Yes.

2 Q. At one point saying that he was in Rockford
3 on -- on that day and then at another point saying
4 that he was -- he was in Normal, right?

5 A. Yes. Yes.

6 Q. And as a trained and experienced
7 investigator, how did you assess these varying
8 accounts that Murray provided during the two
9 interviews that you and Hospelhorn conducted in
10 September of 1993?

11 A. Well, our intentions were to have him
12 polygraphed and try to determine what dates were the
13 actual dates and if he had any knowledge as to who or
14 if he himself had committed it.

15 Up to that point, I don't believe anything
16 came across our desk indicating one or the other,
17 other than his words and also Mackoway's words.

18 Q. Okay. And just as a general matter, when --
19 in your experience as an investigator, when a suspect
20 provides divergent accounts of his whereabouts on the
21 date in question in a homicide investigation, the date
22 of the murder, does that elevate suspicion with
23 respect to the individual or not?

24 A. Yes, it does.

1 Q. Can you tell me why?

2 A. Well, this particular case, the Lockmiller or
3 any other case, normally an individual comes in is
4 going to have a rigid alibi. He was confused, like
5 we -- as compared to Alan Beaman, and his demeanor and
6 the fact he was unable to provide, whereas Alan was
7 able to provide statements from other people that he
8 was present or wasn't present, videotape, the fact
9 that -- of his relationship with Jennifer made -- adds
10 a lot of credence to the fact that we needed to look
11 at him further.

12 Q. Now, when you were interviewing him on
13 September 2, be accurate to say that this is less than
14 two weeks subsequent to the date that the murder was
15 believed to have occurred, right?

16 A. Yes.

17 Q. It wasn't like you were talking with him
18 about two years ago, right?

19 A. Correct.

20 Q. And that elevated suspicion as well, I take
21 it?

22 A. Yes.

23 Q. And you have made mention in your testimony
24 so far of the fact that Murray informed you and

1 Mr. Hospelhorn in -- in one of his interviews, I think
2 it was the second, that when he returned to Normal
3 from a trip to Rockford in early September, that
4 rather than staying at his apartment, he stayed at a
5 motel. Do you recall that?

6 A. Yes.

7 Q. And did that account elevate suspicion for
8 you and Mr. Hospelhorn with respect to Murray?

9 A. As to his reason behind that, it did.

10 Q. And can you explain that for us, please.

11 A. Why would he be afraid of Alan? Alan's a
12 much smaller individual. That was the basic reason.
13 And how he came about having knowledge of -- of the
14 demise of Jennifer.

15 Q. So in -- in -- in layman's terms, that didn't
16 make a lot of sense?

17 A. It didn't, no, a couple of other -- previous
18 testimony. It just added more to the validity of his
19 alibi, his involvement, et cetera.

20 Q. All right. And in his -- in your interviews
21 with him on the 2nd and the 8th of September, Murray
22 admitted to sexual relations with Lockmiller?

23 A. Yes.

24 Q. And -- and, in fact, his account with respect

1 to those sexual relations also changed from one
2 interview to the next, right?

3 A. Yes.

4 Q. At one point he was saying they last had
5 sexual relations a year ago, and then in another
6 point, he was saying that it had been much more
7 recent?

8 A. Yes.

9 Q. And did that -- did that have any effect on
10 your view of Murray as a suspect in the investigation,
11 the -- the information about sexual relations and the
12 changing account that Murray gave of that?

13 A. In respect with his relationships with her,
14 one point got my attention, and in so many terms I
15 asked him the actual type of sexual relations you had,
16 acts and so forth. It seems as though he had to
17 defend himself by saying, oh, it was clean sex.
18 Whereas, the scene of how Jennifer was discovered
19 might suggest to someone else that, well, what's clean
20 sex mean? What is clean sex? In other words, I
21 interpreted clean sex as a man being the dominant
22 partner.

23 Q. Okay.

24 A. And --

1 Q. Now -- and so would it be a fair summary to
2 say that -- that your impressions of Murray's accounts
3 of his sexual activities with Lockmiller suggested the
4 possibility that he was being deliberately evasive
5 with respect to that subject?

6 A. Yes.

7 Q. Now, was there also some information with
8 respect to Murray's activities in terms of supplying
9 Lockmiller with drugs? Supplying Lockmiller with
10 drugs, did Murray provide information on that subject?

11 A. Yes, he did.

12 Q. And how did you evaluate that in terms of
13 whether Murray needed to be looked at further as a
14 suspect in this investigation?

15 A. As a possible motive, drug money.

16 Q. I mean, it was only \$20. So what -- what
17 made you think that that -- that would constitute a
18 motive for murder?

19 A. That's what he said, \$20.

20 Q. Well, what do you mean when you say that's
21 what --

22 A. Or there could have been other instances
23 where the amount of money that she owed him could have
24 been greater.

1 Q. So the fact that there had been financial
2 transactions between Lockmiller and Murray with
3 respect to illegal substances suggested to you that --
4 that -- that money might play in as a motivating
5 factor here?

6 A. Correct.

7 Q. At least as a trained and experienced
8 investigator, you couldn't rule that out?

9 A. Correct.

10 Q. And in your judgment as a trained and
11 experienced investigator, can even small amounts of
12 money in the context of drug transactions be an
13 occasion for physical violence and even homicide?

14 A. In my opinion, it could very well be
15 depending upon the individuals that are involved in
16 this. In particular, John Murray being a dealer and
17 being on steroids, it certainly could.

18 MR. BOWMAN: All right. Now, I don't think
19 the smirk is really necessary, Tom.

20 MR. DiCIANNI: Oh, I wasn't smirking.

21 BY MR. BOWMAN:

22 Q. Okay. In any event, this had to be looked at
23 further?

24 A. Yes.

1 Q. In your judgment?

2 A. Yes.

3 Q. Now, all of this led you -- and I believe
4 it's mentioned in the second transcript -- to suggest
5 to Murray that a polygraph examination would be the
6 next step in the investigation as to him, right?

7 A. Yes.

8 Q. And you've testified about this before. Just
9 moving forward quickly, you personally escorted Murray
10 to the site where the Illinois State Police technician
11 was prepared to conduct a polygraph?

12 A. Correct.

13 Q. And -- and then you received a report from
14 the investigator the sum and substance of which was
15 that Murray had not been cooperative in the
16 investigation. And I don't want to put words in your
17 mouth. Is that a fair summary of what you were told?

18 MS. BARTON: Objection to form and
19 foundation.

20 MR. DiCIANNI: I'll join.

21 BY MR. BOWMAN:

22 Q. Well, let me then correct the form, and just
23 ask you to state again what you were told with regard
24 to Murray's performance in the attempted polygraph.

1 A. He would not set still.

2 Q. And you had -- in sitting still, obviously in
3 your experience is a requirement to conduct a proper
4 polygraph, right?

5 A. Correct.

6 Q. Because the whole idea of a polygraph is to
7 measure galvanic skin response and heartbeat and
8 respiration, the individual has to remain perfectly
9 still in order for the examination to be reliable,
10 right?

11 A. Correct.

12 Q. And did you -- had you in your interactions
13 with Murray up to the point of the polygraph
14 investigate -- polygraph examination that was
15 conducted, had you noticed that -- that Mr. Murray had
16 some sort of nervous condition, some sort of
17 neurological problem, anything that in your
18 observation would make it impossible for him to sit
19 still?

20 MS. BARTON: Objection to foundation.

21 MR. DiCIANNI: Yeah, I'll join.

22 THE WITNESS: Do I think or do I -- am aware
23 of anything that could have made him nervous?
24

1 BY MR. BOWMAN:

2 Q. No, that's not what I'm asking.

3 A. Okay.

4 Q. I -- I -- I'll accept the point that any of
5 numbers of things could have made him nervous. The
6 fact that he's a drug dealer could make him nervous,
7 right?

8 A. Correct.

9 Q. The fact that he's a suspect in a homicide
10 investigation could make him nervous, right?

11 A. Correct.

12 Q. The fact that he may have killed
13 Jennifer Lockmiller can make him nervous?

14 A. Correct.

15 Q. If that was true, right?

16 A. Right.

17 Q. So let's leave aside being nervous. I'm
18 asking something else. Had you observed that
19 Mr. Murray had a condition such that he couldn't sit
20 still --

21 MS. BARTON: I'm going to object.

22 BY MR. BOWMAN:

23 Q. -- in your interactions with him on
24 September 2, September 8 and on the day you took him

1 for the polygraph?

2 MR. DiCIANNI: Same objection. Yeah, I join.

3 MS. BARTON: Form and foundation.

4 THE WITNESS: I don't recall noting any such
5 physical activity.

6 BY MR. BOWMAN:

7 Q. Okay. Now, and of course we're all -- all
8 the lawyers here understand that in terms of whether
9 an individual is a truthful person, that a polygraph
10 examination is -- is in almost every jurisdiction in
11 this country is inadmissible in court including in
12 Illinois, and you know that, too, as a trained and
13 experienced investigator, right?

14 A. Correct.

15 Q. But even so, investigators know that a
16 polygraph examination can be a valuable tool, right?

17 A. Yes.

18 Q. It may not be admissible in court, but if the
19 examination is conducted by an expert investigator who
20 knows how to set up the questions and knows how to
21 conduct the prepolygraph interview, the polygraph
22 examination can at least be an indicator of truth,
23 right?

24 A. Correct.

1 Q. And investigators commonly rely on those
2 results along with other evidence as an indication
3 that the individual may or may not be telling the
4 truth, right?

5 MR. DiCIANNI: Object to lack of foundation.

6 BY MR. BOWMAN:

7 Q. Right?

8 A. That's true.

9 Q. I mean, based on your experience --

10 A. Yes.

11 Q. -- as an investigator, and you -- I'm
12 assuming through the years in which you worked as an
13 investigator, you would -- you would ask to have
14 people polygraphed with that objective in mind?

15 A. Correct.

16 Q. Now, in addition, a polygraph can also be an
17 investigative tool in the sense that it may put the
18 fear of God into a subject, right?

19 A. Correct.

20 Q. So sometimes during the prepolygraph
21 interview, in your experience, you may get a
22 confession because the guy feels constrained by the
23 circumstances of -- of going on a lie box to -- to
24 actually come clean and confess?

1 MR. DiCIANNI: Object.

2 BY MR. BOWMAN:

3 Q. That can happen, right?

4 MR. DiCIANNI: Object, lack of foundation.

5 MS. BARTON: Join.

6 THE WITNESS: Or it also could possibly be
7 that he's afraid that something else may be revealed
8 that he does not want it be revealed.

9 BY MR. BOWMAN:

10 Q. Have you seen that happen in your experience?

11 A. Offhand, I couldn't say so many times or a
12 particular case, no.

13 Q. But in general, you're aware of that?

14 A. Right, because a lot of individuals say I
15 don't know if I want to take a polygraph or not, and
16 we have to, by encouraging them to take one, explain
17 to them that we're not interested in your window
18 peeking experience or stealing the candy bar. We're
19 interested in Lockmiller, information you may be aware
20 of.

21 Q. All right. Now, if a subject is unwilling to
22 take a polygraph, that is, if he says I'll take a
23 polygraph and then he doesn't follow up and doesn't
24 agree to go forward with the polygraph, that -- as an

1 experienced investigator along with any number of
2 other things, you weigh that in as an indication of at
3 least the subject's cooperation with the
4 investigation, right?

5 A. Yes.

6 Q. So in the sense of being a further indication
7 that Murray is somebody who needs to be looked at
8 further, the fact that he was not cooperating in the
9 polygraph and did not follow through in scheduling a
10 follow-up polygraph, all that has to be weighed in
11 with other things?

12 A. Yes, it does.

13 MR. DiCIANNI: Object, lack of foundation.

14 BY MR. BOWMAN:

15 Q. And it requires -- it's an indication that
16 there's a need for further investigation, accurate?

17 MR. DiCIANNI: I'll object, lack of
18 foundation.

19 MS. BARTON: Join.

20 THE WITNESS: Yes.

21 BY MR. BOWMAN:

22 Q. Now, in the -- fairly early on in the
23 investigation as you've testified, Detective Belcher
24 developed information that Murray was a confidential

1 informant following a drug bust of him that had
2 occurred in January of 1993, right?

3 MS. BARTON: Object to foundation.

4 THE WITNESS: Yes.

5 BY MR. BOWMAN:

6 Q. And the fact that -- I wanted to clarify one
7 thing that came up in Ms. Barton's examination of you.
8 You indicated that in the circumstances where the task
9 force works an individual as a CI following an arrest,
10 that typically the arrest will not be made public.
11 Did I get that right?

12 A. Correct. Typically, yes.

13 Q. And can you explain the reasons for that?

14 A. Well, one of two reasons. If the CS, CI,
15 confidential source or informant is 100 percent
16 cooperative with the agent, then surely that will be
17 taken into consideration as far as any charges being
18 filed by the State's Attorney's Office or the
19 individual could absolutely refuse to show up or
20 cooperate.

21 Q. Well, another -- let me ask you if this is
22 accurate in your experience. Cooperation as a CI can
23 be dangerous for the individual involved?

24 A. That's correct.

1 Q. And, in fact, if the individual is asked to
2 record a transaction or participate in a transaction
3 while under surveillance, if it were to be perceived
4 or detected that the individual had, in effect,
5 brought law enforcement to the transaction, that
6 could -- that could be extremely dangerous for the
7 individual, right?

8 A. That in and of itself, the scenario you just
9 gave, yes.

10 Q. And would that be another reason why when a
11 confidential informant arrangement is established with
12 an individual subsequent to arrest, that the arrest is
13 not made public?

14 A. Correct.

15 Q. Is it your understanding that that was the --
16 the procedure with respect to Murray's January 1993
17 arrest for possession with intent?

18 MS. BARTON: Objection to foundation.

19 BY MR. BOWMAN:

20 Q. Based on the information that Belcher
21 developed?

22 A. Yes.

23 MS. BARTON: Same objection.

24 THE WITNESS: Yes.

1 BY MR. BOWMAN:

2 Q. And in your judgment as an experienced and
3 trained detective, was the fact that Murray had been
4 arrested for possession with intent and was being
5 worked as a CI by Task Force 6, was that information
6 that elevated suspicion of him with respect to the
7 Lockmiller homicide?

8 MS. BARTON: Object to form and foundation.

9 MR. DiCIANNI: I join.

10 THE WITNESS: Yes.

11 BY MR. BOWMAN:

12 Q. Can you say why?

13 A. That indicates and it also later on would
14 support the fact that there could have been -- that
15 could have been the motive between him and Jennifer,
16 money and drugs, and of his -- added further to his
17 character whether we wanted to believe him or not.

18 Q. All right. So this was further information
19 that would be important to anyone in evaluating Murray
20 as a suspect, fair?

21 MS. BARTON: Objection, foundation.

22 THE WITNESS: Yes.

23 MR. DiCIANNI: Join.

24

1 BY MR. BOWMAN:

2 Q. And similarly with respect to the polygraph
3 examination and Murray's noncooperation in the
4 polygraph, his failure to schedule a repeat polygraph,
5 that as well would be important information for
6 anybody who was evaluating Murray as a possible
7 suspect?

8 MS. BARTON: Objection to foundation.

9 MR. DiCIANNI: I join.

10 THE WITNESS: Yes.

11 BY MR. BOWMAN:

12 Q. Now, subsequent -- you've testified about
13 this already -- subsequent to the charges against
14 Beaman, it came to your attention, did it not, that
15 Murray had been arrested on a domestic violence case,
16 right?

17 A. Yes.

18 Q. And I think we've established in this
19 deposition that that arrest took place at some point
20 in October of 1994. Does that jibe with your memory?

21 A. Yes.

22 Q. And do I have it accurate that your -- you
23 became aware of this charge as a result of just
24 following the daily information flow within the police

1 department as to arrests that were taking place?

2 A. Either that means or someone -- police
3 officer would have brought to my attention.

4 Q. All right. And did you elect to follow up
5 and do further investigation on that matter?

6 A. Not -- not as far as the incident itself.

7 Q. Well, let me ask it in a better way. Did you
8 read the reports.

9 A. Yes.

10 Q. And in your judgment, was it appropriate for
11 you as a trained investigator with involvement in
12 the -- or history of involvement in the Lockmiller
13 homicide investigation to follow up with respect to
14 the reports on Murray after you learned of this
15 arrest?

16 A. Yes.

17 Q. In your judgment, would any trained and
18 experienced investigator know to do that?

19 MR. DiCIANNI: I'll object to foundation.

20 THE WITNESS: Knowing to do it and doing it,
21 I would think so in my opinion.

22 BY MR. BOWMAN:

23 Q. And tell us again what you learned when you
24 read the reports?

1 A. When I read the report, it indicated how and
2 by what means that Murray committed the act of --
3 alleged act of domestic violence, choked --

4 Q. And --

5 A. I'm sorry.

6 Q. No. You go ahead.

7 A. Meaning choking her and sitting on her and
8 pounding her in the chest with his fist.

9 Q. And as a trained and experienced
10 investigator, did that have any significance for you
11 with respect to Murray's status as a suspect in the
12 Lockmiller homicide investigation?

13 A. I saw a correlation between that incident and
14 also the way Jennifer had met her death.

15 Q. Why don't you explain that to us again.

16 A. The neck incident or as Murray was choking
17 Debbie as -- certainly could explain why Jennifer was
18 strangled. I see a correlation there, the neck.

19 Secondary, I see the -- the attack up on the
20 chest, the beating, the pounding, if you will, the
21 chest of Debbie versus Jennifer being stabbed in the
22 chest with scissors.

23 Q. All right. And would you agree with the
24 proposition that anyone interested in evaluating

1 Murray as a possible suspect for the homicide of
2 Jennifer Lockmiller would want to know the information
3 regarding the facts and circumstances underlying
4 Murray's domestic violence arrest in October 1994?

5 MS. BARTON: Objection, foundation.

6 MR. DiCIANNI: Yeah, same.

7 THE WITNESS: In my opinion, yes.

8 BY MR. BOWMAN:

9 Q. You've indicated in your testimony that you
10 don't have a present recollection of an individual by
11 the name of Rob Curtis whose name also came up in the
12 Lockmiller homicide investigation?

13 A. Correct.

14 Q. If I were to suggest to you that Curtis was
15 an individual whom Lockmiller had encountered at a
16 health club in the weeks prior to her death, would
17 that refresh your recollection as to who Rob Curtis
18 was?

19 A. The health club does, yes.

20 Q. And if I were further to suggest to you that
21 Mr. Curtis was an individual who was involved in a
22 series of incidents involving the torture of cats,
23 would that further refresh your recollection
24 concerning Rob Curtis?

1 A. Not that in particular, no.

2 Q. Capturing cats and breaking their legs and
3 this sort of thing, is that --

4 A. Well, that would be an indication of the
5 person's personality as far as being violent.
6 Torturing animals sure is an indication of -- of
7 violence as a propensity to commit further violence.
8 I think it's one of the legs to try of a serial killer
9 being that torturing animals and, if you will,
10 bed-wetting and window peeking.

11 Q. Right.

12 MR. DiCIANNI: I'm sorry?

13 MR. BOWMAN: Bed-wetting and window peeking.

14 MR. DiCIANNI: Is what?

15 THE WITNESS: It adds to the propensity of an
16 individual along with the torture of animals to become
17 a serial killer, not saying all people are.

18 MR. DiCIANNI: No, I gotcha.

19 THE WITNESS: Yes. We can look at Dahmer and
20 so forth.

21 MR. DiCIANNI: Yeah.

22 BY MR. BOWMAN:

23 Q. Now, as a general proposition, would you
24 agree that the responsibilities of the investigators

1 engaged in the Lockmiller homicide investigation
2 should have included following up on any individuals
3 whom Lockmiller had come into contact with in the
4 weeks prior to her death?

5 MS. BARTON: Objection to form.

6 MR. DiCIANNI: Yeah, I join.

7 THE WITNESS: Yes.

8 BY MR. BOWMAN:

9 Q. Why do you say that?

10 A. This particular type of crime we usually --
11 you usually look at an acquaintance and the way the
12 crime was committed, and that's exactly what we were
13 doing. Victimology played an important part as to why
14 the individual was a victim. Her -- her social
15 habits, people she kept company with, the location
16 where she lived, so forth and et cetera.

17 Q. Now, would it further refresh your
18 recollection as to Curtis if I were to suggest to you
19 that -- that there was information in the
20 investigation that Curtis had made some overture to
21 Lockmiller in terms of wanting to -- to go out with
22 her romantically prior to her death? Does that ring a
23 bell as well in addition to the health club?

24 A. No. The health club just stands out for some

1 reason in my mind as being somebody that had worked
2 there or association with the health club.

3 Q. All right. Well, hypothetically, if -- if
4 Lockmiller in the weeks prior to her death had had an
5 encounter, one or two encounters with an individual at
6 a health club, who on at least one occasion invited
7 her out on a date, and that individual was implicated
8 in a series of events involving cat torture and that
9 individual also did not have a known alibi for the
10 date and time that the investigators believed
11 Lockmiller was murdered, is that a matter in your
12 judgment as a trained and experienced investigator
13 that should be followed up on?

14 MS. BARTON: Objection to form and
15 foundation.

16 MR. DiCIANNI: Yeah, I join.

17 THE WITNESS: Yes.

18 BY MR. BOWMAN:

19 Q. Would the follow-up of such an individual
20 include obtaining the reports regarding the
21 individual's arrests --

22 MS. BARTON: Same objection.

23 MR. DiCIANNI: I'll join.

24

1 BY MR. BOWMAN:

2 Q. -- as a matter of standard practice for
3 trained and experienced investigators?

4 A. If we're --

5 MS. BARTON: Same objection.

6 THE WITNESS: If we're looking at -- let me
7 see if I understand this question. Looking at Rob --
8 Rob or Ron Curtis still?

9 BY MR. BOWMAN:

10 Q. Yes, sir.

11 A. That information that you just shared with
12 me, whether or not I had privy to, sure would warrant
13 further investigation into Mr. Curtis.

14 Q. All right. The -- there's been some
15 testimony on the -- the circumstances in which a
16 police officer at the Normal Police Department should
17 prepare a report.

18 Would in your judgment if an investigator
19 were to learn about this individual that I've asked
20 you to assume Rob Curtis was hypothetically, would the
21 information that I just indicated, that he had had the
22 encounter with Lockmiller, that he had asked her out,
23 that in addition he had this cat torture behavior in
24 his background, would that warrant preparing a report

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1 for the file --

2 MS. BARTON: Object to form and foundation.

3 BY MR. BOWMAN:

4 Q. -- in your judgment?

5 MR. DiCIANNI: Yeah, I'll join.

6 THE WITNESS: Yes.

7 BY MR. BOWMAN:

8 Q. Now, in the circumstance that we have been
9 talking about of the Lockmiller homicide investigation
10 where the evidence against John Murray is the same as
11 or greater than the evidence against Beaman with
12 respect to the murder, where there were other
13 individuals that investigators have not excluded,
14 Rob Curtis among them, in your judgment as a trained
15 and experienced investigator, is it appropriate in
16 that state of play for investigators to make an arrest
17 of Beaman?

18 MS. BARTON: Objection to form and
19 foundation.

20 MR. DiCIANNI: I join.

21 THE WITNESS: In my opinion?

22 BY MR. BOWMAN:

23 Q. In your opinion.

24 A. The case was not -- or the investigation was

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1 not complete, and for the sake of arresting somebody,
2 even though you had probable cause, I think a
3 responsible investigator on his own should not make
4 that call. Does that make sense --

5 Q. Well, let's --

6 A. -- or answer to your question?

7 Q. Let's be clear. The judgment as to probable
8 cause to charge Beaman with homicide, that -- that
9 lies with the -- with the prosecutor, correct?

10 A. Correct.

11 Q. And as a police officer, your responsibility
12 is -- is -- any other investigator's responsibility is
13 to gather evidence and to present it and to make
14 assessments, right?

15 A. Correct.

16 Q. And what I'm understanding you to say is that
17 in your judgment as a trained and experienced police
18 officer, it would not be appropriate to evaluate this
19 case as ready for charges against Beaman at the time
20 when Murray and others had not been eliminated as
21 suspects as good or better than Beaman for the crime,
22 accurate?

23 MS. BARTON: Objection. Objection to form
24 and foundation.

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1 MR. DiCIANNI: I join.

2 THE WITNESS: Correct.

3 BY MR. BOWMAN:

4 Q. In your opinion, in 1993 and 1994, was
5 Tim Freesmeyer qualified to serve as the lead
6 detective, primary detective, senior detective,
7 however you term it, in a high profile homicide
8 investigation?

9 A. In my opinion --

10 MR. DiCIANNI: Object to foundation.

11 THE WITNESS: In my opinion, no.

12 BY MR. BOWMAN:

13 Q. For lack of experience?

14 A. Yes, experience as well as training.

15 Q. And you've testified on this previously that
16 Freesmeyer at that point in time had no training in
17 homicide investigations, interviewing and
18 interrogation and in investigation generally
19 sufficient to qualify him for that job?

20 A. That's my opinion, yes.

21 Q. All right. Now, in the course of the
22 investigation, the folks who were working the case
23 came into possession of some phone records relating to
24 John Murray, right?

1 A. Yeah.

2 MR. DiCIANNI: I'll object to foundation.

3 MS. BARTON: Yeah, form.

4 MR. DiCIANNI: Form.

5 BY MR. BOWMAN:

6 Q. Is that -- is that accurate?

7 A. There are phone records available in the
8 case.

9 Q. Right. Let's take a look at Exhibit --
10 Exhibit 15 again.

11 A. 13?

12 Q. 15.

13 A. 15.

14 MR. DiCIANNI: Well, I have to get my
15 glasses. Can we wait just one second?

16 MR. BOWMAN: Sure.

17 (Brief pause.)

18 BY MR. BOWMAN:

19 Q. Do you have 15 in front of you?

20 A. Exhibit 15, yes.

21 Q. If you look at the back of that exhibit,
22 you'll see at pages 778, 779, and 780 that there are
23 grand jury subpoenas that were issued to the phone
24 companies for various phone records.

1 A. 7 and 8, okay.

2 Q. 778, 779, and 780, all the way toward the
3 back.

4 A. Sure. I have them.

5 Q. And is it your understanding and recollection
6 that in the course -- in the early stages when you
7 were involved in the Lockmiller homicide investigation
8 on an active basis, that investigators searched out
9 for telephone records with respect to various phone
10 numbers that were of significance?

11 A. Yes.

12 Q. And these subpoenas here are -- are examples
13 of grand jury subpoenas that were issued in September
14 of 1993 for phone records?

15 A. Yes.

16 Q. As an experienced investigator, based upon
17 the information that was developed on John Murray in
18 his interviews, was it an appropriate step for
19 investigators to subpoena Murray's phone records?

20 A. Yes.

21 Q. And indeed there's an indication in the
22 interviews that you were moving in that direction of
23 subpoenaing his phone records?

24 MS. BARTON: I'm going to object to

1 foundation.

2 BY MR. BOWMAN:

3 Q. Is that accurate?

4 MR. DiCIANNI: I join.

5 THE WITNESS: If -- if that was documented,
6 yes.

7 BY MR. BOWMAN:

8 Q. And in your judgment -- I mean, Murray
9 provided some information to you in his interviews
10 that -- that there had been some phone contact between
11 him and Lockmiller at various points?

12 A. Yes, that's correct.

13 Q. And in your judgment as an experienced
14 investigator, would an appropriate step given the fact
15 that Murray was not excluded as a suspect, would it be
16 appropriate to obtain a grand jury subpoena for
17 Murray's phone records as part of the investigation in
18 the latter part of 1993?

19 MS. BARTON: Objection.

20 MR. DiCIANNI: Objection.

21 MS. BARTON: Foundation.

22 MR. DiCIANNI: Foundation, form.

23 THE WITNESS: Yes.

24

1 BY MR. BOWMAN:

2 Q. Do you have any specific recollection of
3 whether that was done?

4 A. Personally, no, I do not have any
5 recollection.

6 Q. Would it -- would it surprise you in light of
7 all the information that you know about this
8 investigation if that was, in fact, done?

9 A. Yes.

10 Q. Meaning --

11 A. Oh, I'm sorry, no. Surprise me if it was not
12 done, and as I'm sitting here recalling, I do recall
13 phone records coming in regarding John Murray's phone
14 number both in Bloomington and his mother's residence.

15 Q. Right. And you testified about this
16 yesterday, but the -- the -- the phone records had
17 significance in the investigation in a couple of
18 respects, right? Murray's phone records.

19 A. Yes, it does.

20 Q. For one thing, the phone records establish
21 that Murray's phone in his apartment was used on
22 August 25, right?

23 A. If that's the date, yes.

24 Q. Which is the date of the murder?

1 A. Right.

2 Q. Right?

3 A. Right.

4 Q. And that is significant corroboration for the
5 fact that when he said he was not in Normal on
6 August 25, that that was either incorrect or a
7 deliberate lie?

8 MS. BARTON: I'm going to object to form and
9 foundation.

10 BY MR. BOWMAN:

11 Q. Accurate?

12 A. That's accurate.

13 Q. And the phone records also had significance
14 in your judgment as an investigator because of a phone
15 call that Murray made to Deborah Mackoway, right?

16 A. Correct.

17 Q. And can you explain for us again what the
18 significance of that was?

19 A. It would substantiate the fact that Murray
20 was in his apartment, that she was at work at that
21 particular time that show -- phone indicated that a
22 call was made from his apartment. Whether or not John
23 himself made that call, we'd have to rely upon
24 John Murray's testimony as well as Deb Mackoway.

1 Q. Right. And the fact that the phone call was
2 made suggested to you as an experienced investigator
3 at least the possibility that Murray was acting in a
4 way to deliberately create an alibi for himself; is
5 that accurate?

6 A. Certainly that's one way to look at it, yes.

7 Q. And, again, as with all these things, as an
8 experienced investigator, you're not committing to one
9 particular explanation for why a phone call was made.
10 You have to keep all of this information in mind as
11 you proceed further and continue evaluating and
12 reevaluating, accurate?

13 A. Correct.

14 MR. DiCIANNI: I object to the form.

15 BY MR. BOWMAN:

16 Q. And indeed anyone who wanted to understand
17 the information relating to Murray, relating to his
18 whereabouts on August 25 and relating to Murray's
19 viability as a suspect for this crime would be
20 benefited by having the phone records from Murray's
21 apartment in Normal, from the residence in Rockford as
22 well on the dates in question, accurate?

23 MR. DiCIANNI: I object, form and foundation.

24 MS. BARTON: I'll join.

1 THE WITNESS: Correct.

2 BY MR. BOWMAN:

3 Q. Assuming that the phone records as you
4 testified you believe occurred, that those phone
5 records were obtained by grand jury subpoena -- I mean
6 the phone records for Murray -- in the course of the
7 investigation in early nineteen ninety -- in late
8 1993 -- let me start that question over again. I
9 already lost track of it. Here comes the question
10 again, Mr. Daniels.

11 Assuming that Murray's phone records were
12 acquired by grand jury subpoena in the course of the
13 Lockmiller homicide investigation in September or
14 October of 1993, would it be your expectation that
15 those phone records should be placed in the main file
16 for transmission to -- for further use in the
17 investigation for transmission to the lawyers involved
18 in the criminal case?

19 MR. DiCIANNI: Object.

20 MS. BARTON: Objection; form, foundation.

21 MR. DiCIANNI: Join.

22 THE WITNESS: Yes.

23 BY MR. BOWMAN:

24 Q. Now, earlier today you were shown a copy of a

1 subpoena that I can't find right now.

2 MR. DiCIANNI: You mean the one we had
3 earlier?

4 MR. BOWMAN: Yeah.

5 MR. DiCIANNI: 27.

6 MR. BOWMAN: 27, right.

7 BY MR. BOWMAN:

8 Q. If you could place 27 in front of you,
9 Mr. Daniels. It was the one exhibit that was marked
10 so far today. I think I see it right there. You can
11 look at the front of Exhibit 27. You see that this is
12 a subpoena that was issued -- I believe it's in the
13 year 2000, right?

14 A. Yes. Uh-huh.

15 Q. And to whom is the subpoena addressed?

16 A. To whom it's addressed?

17 Q. Who -- who -- the subpoena is to the
18 Normal Police Department, right?

19 A. Correct, it's the Normal Police Department.

20 Q. It's not to Tony Daniels, right?

21 A. Correct.

22 Q. And it's -- did you ever get served
23 personally with a subpoena for phone records relating
24 to Murray? And the subpoena asks for certain phone

1 records, right?

2 A. Correct.

3 Q. And the phone records are attached as part of
4 Exhibit 27?

5 MR. DiCIANNI: Yes.

6 THE WITNESS: Yes.

7 MR. BOWMAN: Tom's answering the questions
8 now. He's helping us out. I'm sorry, that was a
9 gratuitous comment. So let's move past that, and I'm
10 going to ask a new question. I apologize for being
11 facetious.

12 BY MR. BOWMAN:

13 Q. Do you have any reason whatsoever to believe
14 that you would somehow have personally responded to a
15 phone records subpoena directed to the Normal Police
16 Department for phone records in the possession of the
17 Normal Police Department by somehow providing records
18 that were not at Normal Police Department but were in
19 your possession? Do you have any reason to believe
20 that that scenario would have unfolded?

21 MS. BARTON: Objection; form, foundation.

22 MR. DiCIANNI: I object to form and
23 foundation.

24 THE WITNESS: Well, let me answer that by

1 saying it's addressed to Normal Police Department.
2 That would go to records. Records would execute the
3 subpoena.

4 BY MR. BOWMAN:

5 Q. The answer to my question is no?

6 A. Correct. Right. No.

7 Q. All right. Now, I want to ask you some
8 questions about your trip to Chicago to talk with
9 Lieutenant Reagan and others in the Chicago Police
10 Department regarding this investigation. And I
11 appreciate that your recollections of this are -- are
12 incomplete, but to the best of your recollection,
13 whose idea was it to go for investigators with
14 familiarity with the Lockmiller homicide investigation
15 to go to Chicago and talk to Chicago Police about the
16 case?

17 A. I could not say definitely whose idea it was.

18 Q. Did you -- did somebody give you direction to
19 participate in that trip? Did you get an order to go?

20 A. I don't recall other than the fact that
21 Lieutenant Zayas, myself and Tim Freesmeyer were the
22 designated, selected, ordered, but we were the three
23 that actually went.

24 Q. All right. Did the trip to Chicago have

1 anything to do -- and -- and I believe that the
2 testimony yesterday and the review of documents
3 yesterday established that the trip to Chicago
4 occurred at some point in February 1994. Is that
5 consistent now with your best recollection of it?

6 A. Well, if that's what the document said, I
7 would -- I would have to concur with that. I don't
8 recall the exact date.

9 Q. And we could go out -- we could go find the
10 document again, but I don't think anybody's going
11 to -- going to --

12 A. Okay.

13 Q. -- differ that the -- to the extent that
14 there's a record of when the documents indicate
15 February of 1994. And I just want to confirm, you
16 don't have any quarrel with that?

17 A. Correct.

18 Q. Now, when you went to Chicago, was that
19 because at that particular point in time the
20 Lockmiller homicide investigation was essentially
21 stalled?

22 A. My opinion, yes.

23 Q. And would it be a fair summary to say that
24 the trip to Chicago was -- was a matter of reaching

1 out to another police agency for advice about how to
2 move forward in the investigation and bring it to
3 completion?

4 MR. DiCIANNI: I'll object to form,
5 foundation.

6 MS. BARTON: Join.

7 THE WITNESS: Correct.

8 BY MR. BOWMAN:

9 Q. Now, let's look again at Exhibit 11 which is
10 one of those in the big stack in front of you.
11 Here's -- here's my copy of it just so you can see.
12 It says Sex, Drugs, Motive, Suspect John Murray on the
13 front of it, and the first page is -- is 0001.

14 THE WITNESS: I had them in order.

15 MS. BARTON: Did you? Oh, well, then --

16 THE WITNESS: Oh, okay.

17 MS. BARTON: We're trying to keep the big one
18 out of the way.

19 THE WITNESS: Thank you much.

20 MS. BARTON: Okay.

21 BY MR. BOWMAN:

22 Q. Now, you were shown during Ms. Barton's
23 examination yesterday, you were directed to page 15 of
24 Exhibit 11 which includes some numbered paragraphs.

1 And my understanding of your testimony was that you
2 could not be certain whether these notes on this
3 particular page were made during the -- during the --
4 contemporaneously with the -- with the Chicago Police
5 visit or whether these are notes that you made at a
6 subsequent time. Do I have -- is that your position
7 on it?

8 A. Yes, your assumption is correct.

9 Q. All right. At the top of the page, we see
10 the date 2-18-1994 and the word Chicago PD, right?

11 A. Correct.

12 Q. And then the first of these numbered
13 paragraphs reads -- and is this your handwriting?

14 A. Yes, that's my handwriting.

15 Q. I think you testified to that yesterday. I
16 just wanted to double confirm it.

17 So the first -- the first number here reads:
18 "Ball of hair found in bathroom. Cat hair? Was this
19 ball of hair examined?"

20 Can you ex -- let me ask you this:
21 Recognizing that these may or may not be
22 contemporaneous notes, does this statement that I just
23 read jibe with your memory of a -- of a point that was
24 made during the discussion with the Chicago Police

1 detectives?

2 MR. DiCIANNI: Object to speculation.

3 MS. BARTON: Join.

4 BY MR. BOWMAN:

5 Q. And I'm not asking you to speculate. I'm
6 asking whether you recall some discussion at the
7 Chicago Police Department concerning a ball of hair
8 found in the bathroom?

9 A. Statement one contents, is that what you're
10 saying?

11 Q. Yes, sir.

12 A. That could have come from the discussion we
13 had with them or that statement written in my
14 handwriting could have come from perhaps other
15 documents in the case.

16 Q. All right. Same question with respect to
17 two. This reads: "Was the question asked about what
18 Jennifer was wearing in class the morning she died?"

19 Do you have a recollection of that coming up
20 in the Chicago Police meeting?

21 A. The answer is no, I don't have any
22 recollection where it -- if it came from that
23 discussion or not.

24 Q. Okay. And then number three: "Strength is

1 required to bury the scissors in her chest."

2 Is that an observation that was made by one
3 of the participants in the Chicago Police meeting?

4 MR. DiCIANNI: Object to speculation.

5 MS. BARTON: Yeah.

6 MR. BOWMAN: I'm not asking for speculation.
7 I'm just asking.

8 MR. DiCIANNI: Well, you're ask -- you are
9 asking for speculation because he said he doesn't
10 recall on the other ones. The other ones you asked
11 him do you recall. This one you're asking him if it's
12 a fact, so I'm objecting to speculation.

13 MR. BOWMAN: Well, okay, whatever.

14 BY MR. BOWMAN:

15 Q. You can answer the question.

16 A. It could have came from the discussion with
17 the two Chicago detectives, yes.

18 Q. Okay. Do you have a specific recollection of
19 that coming up?

20 A. No, I do not.

21 Q. Okay. And then there are a couple of
22 asterisks by number four. "Footsteps were heard by
23 Singley, but no car was heard leaving."

24 Is this something that you recall

1 specifically coming up in the Chicago Police meeting?

2 A. No, I don't recall that, but it could have.

3 Q. Okay. Number five with a single asterisk
4 next to it reads: "Recheck with Ryan Campbell's
5 statement and Kristen Grooms."

6 Does that jog your memory as to something
7 that specifically came up in the Chicago Police
8 meeting?

9 A. Again, it does not.

10 Q. All right. Now, the next one is not preceded
11 by a number. There are a couple of asterisks that are
12 circled and then three numbered bullets. Number one,
13 continued to talk to him; number two, polygraph,
14 question mark, pressed by -- preceded by interview;
15 number three, quote, boss-bad guy, closed quote. I
16 need something to get the boss off of my back.

17 Is that something -- advice that you remember
18 the Chicago Police detectives giving as to how to
19 proceed in the case?

20 A. These three particular bullets does.

21 Q. Okay. You do recall --

22 A. Or do.

23 Q. You do recall that there was -- that -- that
24 the Chicago Police detectives said proceed in the

1 efforts to talk to him being Alan Beaman; is that
2 right?

3 A. Correct.

4 Q. And to attempt to convince him to come in for
5 a polygraph that would be preceded by an interview,
6 and then in terms of the approach with Beaman, to use
7 the ploy of it's not my fault, the boss is pushing me
8 to talk to you, I need -- I need you to give me
9 something to get the boss off of my back?

10 A. True.

11 MR. BOWMAN: Okay. Now, I'm going to mark
12 for identification -- I'm not going to mark for
13 identification.

14 THE COURT REPORTER: 28.

15 MR. BOWMAN: 28 is going to be some notes
16 that come from Tony Matens, and they are Bates
17 numbered Matens Notes 100, 101 and 102. It's just a
18 selection from the -- the Matens's notes. This is
19 going to be 28. If you'd do the honors.

20 (Whereupon, Daniels Deposition
21 Exhibit No. 28 was marked.)

22 BY MR. BOWMAN:

23 Q. Take a minute to look those over. I'm going
24 to direct you to page 102. What I'm particularly

1 interested in is the -- the notes -- the notes here on
2 page 102.

3 It has been -- and I wasn't present at
4 Mr. Matens's deposition, but it's my understanding
5 that Mr. Matens has identified these pages as notes
6 that he took at various points in his work on
7 Mr. Beaman's behalf subsequent to Beaman's conviction.
8 And among others, he's got notes of meetings that --
9 that you had with him.

10 A. Okay.

11 Q. Okay. And these three pages, again, I'll
12 represent to you my belief that it's been established
13 that Mr. Matens has confirmed that these are notes
14 that he made of a meeting that he had with you, again,
15 subsequent to the conviction?

16 MS. BARTON: May I see a copy?

17 MR. BOWMAN: Oh, I'm so sorry.

18 MS. BARTON: Thanks.

19 MR. BOWMAN: Now, I'll -- hold off on
20 answering that question until Ms. Barton and
21 Mr. DiCianni have had an opportunity to observe the --
22 observe the exhibit. I'm sorry for not passing it
23 out.

24 MS. BARTON: Okay. I'm familiar with it.

1 MR. BOWMAN: You guys let me know when you're
2 ready for me to proceed.

3 MR. DiCIANNI: Okay.

4 BY MR. BOWMAN:

5 Q. According to Mr. Matens's notes, it appears
6 that you talked with him in one of your meetings
7 regarding the trip that you and the other
8 investigators took to the Chicago Police Department,
9 and I'm referring to that section on page 102 that I
10 directed you to where it says Chicago PD gave them
11 suggestions. Do you see where I am?

12 A. Yes. Uh-huh.

13 Q. And then the next line reads: Just as much,
14 if not more, circumstantial evidence as on -- and then
15 there's a delta symbol which I believe refers to
16 Beaman -- as on delta, on Murray. Concerned about
17 Murray because of steroids. Why in noted -- why in
18 motel next weekend, why afraid of -- again, there's a
19 delta symbol. Tel records of Murray's apartment. I
20 think that's telephone records of Murray's apartment.
21 Who made calls. Show, ask Debbie Mackoway. And then
22 int, i-n-t, which may mean interest or interested in
23 ball of hair in bathroom. Cat hair is in parentheses.
24 Then did she change clothes from class. I can't read

1 the next word, but then on the next line it says death
2 and then footsteps heard by Singley.

3 Q. And you can see that in terms of this -- this
4 account here, there's some correlation, right, between
5 the -- the notes on page 15 of Exhibit 11 and this
6 conversation with -- with -- that Matens has made
7 notes of on page 102 of Exhibit 28, right?

8 MS. BARTON: I'm going to object to form and
9 foundation.

10 MR. DiCIANNI: I'll join.

11 THE WITNESS: Correct.

12 BY MR. BOWMAN:

13 Q. Does this refresh your recollection that the
14 Chicago Police meeting in addition to including
15 discussion about Beaman also included discussion about
16 Murray?

17 A. Yes.

18 Q. What do you remember?

19 A. Well, it appears to me that what is here in
20 Exhibit --

21 Q. 27 -- 15.

22 MS. BARTON: 11.

23 BY MR. BOWMAN:

24 Q. 11.

1 A. -- 11 substantiates what Tony had written.
2 Now, whether this information he recorded came from my
3 notes, which it appears because it's almost verbatim,
4 and whether these notes came from that meeting with
5 Chicago PD.

6 So one can -- could draw the conclusion that
7 the notes in Exhibit 11 were the result of the meeting
8 with the Chicago PD and that's my handwriting.

9 Q. And is your recollection refreshed that when
10 you talked with the Chicago Police Department, you
11 also talked about Murray as a suspect?

12 MS. BARTON: Objection to foundation.

13 THE WITNESS: Yes.

14 BY MR. BOWMAN:

15 Q. Was there also discussion with the
16 Chicago Police Department of the fact that there was
17 additional or greater circumstantial evidence against
18 Murray relative to Beaman?

19 MS. BARTON: Objection to foundation.

20 MR. DiCIANNI: Join.

21 THE WITNESS: According to Tony Matens's
22 notes, that's what it appears. I can't speak for --
23 for his notes or conclusions he drew from my notes --

24

1 BY MR. BOWMAN:

2 Q. Okay. Well --

3 A. -- or conversations.

4 Q. -- my question is whether -- whether you can
5 state a recollection of the meeting with the
6 Chicago Police Department to that effect?

7 A. I -- that particular statement, no, I can't
8 recall.

9 Q. Okay. Now, let's turn to this seminar that
10 you attended in Jacksonville, Florida. Some of this
11 you've been through before, but I want to make sure
12 that I understand. Whose idea was it that you attend
13 the seminar in Florida?

14 A. The -- the idea -- it could -- the person
15 that called me and wanted me to go was Assistant Chief
16 Walt Clark. Now, that could have come from the chief
17 himself. I don't know. But he called me --
18 Walt Clark called me direct at home.

19 Q. And what did he say to you?

20 A. How would you like to go to unresolved class
21 in Florida -- Jacksonville, Florida. I said, yeah. I
22 said, can I take Rostadt case with me. Rostadt case
23 is another unresolved homicide case. He says, no, we
24 want you to take the Beaman case with you.

1 Q. Was there any discussion of why he wanted you
2 to take the Beaman case to an unresolved homicide
3 seminar in Florida?

4 A. No, he did not explain his reason.

5 Q. Now, you've alluded several times to your
6 process of preparation for this seminar. And I'm
7 wondering if at this point you can elaborate a little
8 bit on how you went about preparing for the seminar?
9 Did you have some contact with the folks who were
10 putting on the seminar as to what it was that you
11 needed to do in order to prepare to participate?

12 A. The contact came through a format that I had
13 received. Where that format came from, I do not know.
14 It could have come directly from the people in
15 Florida, or it could have come from Walt Clark who
16 maybe had gotten it from them.

17 Q. All right.

18 A. Or it could have come through our training
19 office.

20 Q. Okay. Take a look at Exhibit 23, which is
21 one of the exhibits that was marked yesterday, and
22 this is your blue binder labeled Notes From Unresolved
23 Homicide Class.

24 A. I had -- that's the entire exhibit that I had

1 in numerical order. Okay, 23.

2 Q. Do you see the format anywhere within
3 Exhibit 23?

4 A. That we had just discussed?

5 Q. Yes, that you referred to in your last
6 answer?

7 A. Yes, I do.

8 Q. Can you identify that by Bates page?

9 A. Pages 1212, 1213, 1214, 1215.

10 Q. All right. So the first part of the format
11 required you to assemble a summary of the physical
12 evidence in the case; is that right? Just -- I don't
13 want to --

14 A. Yes.

15 Q. Tell me if you could with reference to
16 this -- this document that you've just identified what
17 it was that you were expected to gather together in
18 preparation for your participation in the seminar?

19 A. A copy of the updated case.

20 Q. When you say a copy of the updated case, what
21 do you mean by that?

22 A. Most recent developments.

23 Q. And is that the summary that appears on
24 page 1213?

1 A. No. That would include the binders, if you
2 will, please, that I had taken down there with me.

3 Q. Okay. So that would -- that would include
4 your personal working file in the case?

5 A. Yes.

6 Q. And what else?

7 A. I recall having slides made from photographs
8 of the crime scene.

9 Q. Okay. So the expectation was that as part of
10 your presentation of the case, you would be able to
11 walk the other seminar participants through the crime
12 scene using photographs?

13 A. That's correct.

14 Q. Okay. And you prepared the slides for that
15 purpose?

16 A. Off of the actual photograph, yes.

17 Q. And other than slides of photographs, were
18 there any other slides that you prepared for your
19 presentation at the seminar?

20 A. Not that I recall.

21 Q. What else did you assemble?

22 A. I believe that was probably it. Let me check
23 this. This is what it appears to be, yeah.

24 Q. Did you go through and study and

1 refamiliarize yourself with the details of the file in
2 preparation for your participation in the seminar?

3 A. Yes, I must have in order to prepare a case
4 summary for them, for me and for the students.

5 Q. There is a -- on page 1212, there's a list.
6 It's actually a list of fingerprints, clock radio 23
7 to latent Beaman, clock radio number 23 for latent
8 Swaine. There's a latent unidentified from the clock
9 radio. Some unidentified prints on a garbage bag --
10 on two different garbage bags, and then there are also
11 certain items of evidence that did not have
12 fingerprints.

13 Do you recall what these numbers are that --
14 that you have in parentheses following the references
15 to these various items of evidence from which latent
16 prints -- prints were lifted?

17 A. These items that are numbered, those are
18 items themselves that would be -- that were available
19 as a result of the investigation.

20 Q. All right. Were the numbers slide numbers,
21 if you recall?

22 A. I don't recall.

23 Q. Okay. Then the serological evidence is
24 described in Item C, right?

1 A. Correct.

2 Q. Based on your review of the file?

3 A. Correct.

4 Q. And then the -- you have a description of
5 the -- the cord and the scissors that were used to
6 perpetrate the homicide in -- as well?

7 A. Correct.

8 Q. Then on page 1213, you put together a short
9 summary of the case?

10 A. Yes.

11 Q. Are you the author of the summary that --
12 that appears on page 1213?

13 A. Without guessing or speculating, I would say
14 I -- it was me because I prepared the case to go with
15 me.

16 Q. Okay. I'm guessing what you're saying is you
17 don't specifically recall writing this but it sure
18 looks like you did?

19 A. That's what I want to say, yes. Thank you.

20 Q. All right. Now, the summary concludes with a
21 paragraph that I'm just going to read at the bottom of
22 page 1213. It says: "After nearly 100 interviews,
23 five overhears, several polygraphs, the prime suspect
24 still is Alan Beaman. There is no real evidence that

1 can point to Beaman as being the person responsible
2 for Jennifer's death. Even though one investigator is
3 able to maintain contact with Beaman, Beaman is
4 adamant about his innocence, and he refuses to take a
5 polygraph examination. There has been no contact
6 between Beaman's attorney and the NPD."

7 I read that correctly, right?

8 A. You read it correctly, correct.

9 Q. And did -- did that reflect -- does that
10 accurately reflect your assessment of the
11 investigation at the point in April of 1994 when you
12 went down to participate in this cold case seminar?

13 A. At that point, yes.

14 Q. All right. Approximately how many hours did
15 you spend preparing for the seminar? And I -- I know
16 it has to be an estimate.

17 A. Preparing for?

18 Q. For the seminar in terms of reviewing the
19 file, writing up this -- this format for the purposes
20 of the seminar, assembling evidence and so forth.

21 A. I'd be afraid even to give you a rough
22 ballpark figure.

23 Q. I understand that. That's a fair answer.

24 Would it be accurate that you spent -- that

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1 this was more than -- more than an hour's project?

2 A. Yes, I think that would be a fair assumption.

3 Q. And -- and would it be accurate to say that
4 the process just of preparing for this seminar
5 consumed more than a day of your time?

6 A. I -- I couldn't say either way.

7 Q. Okay. When you prepared for the seminar, did
8 you do this on the -- during your workday as part of
9 your normal police duties?

10 A. Yes.

11 Q. And it was your understanding that your
12 duties included preparing for the seminar?

13 A. Yes. I was assigned that, yes.

14 Q. And the expectation was that you would take
15 it seriously and participate wholeheartedly, is that
16 what you were --

17 A. That was my --

18 Q. -- given to understand?

19 A. I'm sorry, yes, that was my understanding.

20 Q. Now, was it in your understanding generally
21 made known to the other investigators participating in
22 the Lockmiller homicide investigation that you would
23 be attending the seminar?

24 A. Would you repeat that.

1 MR. DiCIANNI: I'm going to object to form
2 and foundation. Yeah, repeat it I think.

3 MR. BOWMAN: I think it would be good to have
4 that one read back if you wouldn't mind.

5 (Whereupon, the record was
6 read as requested.)

7 MR. DiCIANNI: So was it his understanding
8 that everybody else knew?

9 BY MR. BOWMAN:

10 Q. Was it your -- was it -- in your
11 understanding, was it -- was it general knowledge
12 within the Normal Police Department that you were
13 going to be going -- I'm sorry. Let me start over.

14 In your understanding, was it general
15 knowledge among the detectives working on the
16 Lockmiller case that you would be going down to attend
17 this seminar?

18 MR. DiCIANNI: That I'll object to, form and
19 foundation.

20 THE WITNESS: Yes.

21 BY MR. BOWMAN:

22 Q. I mean, it wasn't a secret that you were
23 doing this?

24 A. Right, it was not to my understanding.

1 Q. Very good.

2 All right. Did -- do you know one way or
3 another whether Tim Freesmeyer was aware that you were
4 going down to participate in this seminar?

5 A. No, I was not aware if he knew or not.

6 Q. Do you know if folks in the McLean County
7 State's Attorney's Office were made aware that you
8 would be participating in the seminar?

9 A. That I would be?

10 Q. Yeah.

11 A. I'm not sure.

12 Q. It was certainly known among the brass in the
13 police department that you were going down there for
14 this purpose?

15 MR. DiCIANNI: Object to foundation.

16 THE WITNESS: At least Assistant Chief
17 Walt Clark.

18 BY MR. BOWMAN:

19 Q. I read you this -- we looked a minute ago at
20 this summary page on 1213 within Exhibit 23 that you
21 believe you prepared. Did you get input from anyone
22 else on this summary of the case?

23 A. I don't recall if I did.

24 Q. Do you believe that the other investigators

1 involved in the Lockmiller homicide investigation
2 disagreed with the summary that we've just been
3 looking at on page 1213?

4 MR. DiCIANNI: Object to foundation, form.

5 THE WITNESS: Without them reading this, I
6 don't know what their opinion was. I don't know if
7 they did read it.

8 BY MR. BOWMAN:

9 Q. Yeah. And that's -- that's a fair point. I
10 realize that -- that you don't have any reason to
11 believe that anybody else read it, and -- and I'm not
12 asking you to -- to -- you know, to suggest that
13 somebody did. I'm -- I'm really just stepping back
14 from the -- the document, and let me ask you this way:
15 Among other things, you say in your summary that
16 there's been a lot of investigative activity in the
17 Lockmiller homicide case, and at the end of the day,
18 Beaman looks to be a suspect in the case, right?

19 MR. DiCIANNI: Object to misrepresentation of
20 what it says.

21 MR. BOWMAN: Well, I'm summarizing.

22 BY MR. BOWMAN:

23 Q. That's a fair summary of -- of your
24 evaluation of the thing, right?

1 A. Of what it states in this?

2 Q. No.

3 A. No?

4 Q. Just generally speaking of the status of the
5 investigation in April of 1994.

6 A. That Beaman was --

7 Q. That was a suspect at that time.

8 A. That was a suspect.

9 Q. Accurate?

10 A. Throw that at me one more time.

11 Q. Let me do that one more time.

12 A. Yes.

13 Q. Is it a fair assessment of the status of the
14 investigation in April of 1994 that after a
15 substantial amount of investigative activity,
16 Alan Beaman remained a principal suspect in the
17 investigation?

18 A. In the department, yes, that assumption would
19 be correct.

20 Q. Okay. Is it also fair to say that in the
21 department, the view of yourself and your colleagues
22 was that although Beaman remained a suspect after all
23 this investigative activity, there was no real
24 evidence that could point to him as being the person

1 responsible for the homicide?

2 MR. DiCIANNI: I'll object to foundation as
3 to the colleagues.

4 MS. BARTON: Join.

5 THE WITNESS: Correct.

6 BY MR. BOWMAN:

7 Q. Are you aware of any individual within the
8 Normal Police Department who would have dissented from
9 that viewpoint?

10 A. No, I cannot.

11 Q. All right. Now, you talked yesterday about
12 the fact that at the seminar you go down, you're
13 divided into groups, there are a number of people from
14 all over the country presenting cases and you had an
15 opportunity to present the Lockmiller case, right?

16 A. That's correct.

17 Q. And I don't want to go through all of that
18 again, but I would like to look at pages 1151 and
19 1152. You testified yesterday that those are -- that
20 those pages record a set of leads that were developed
21 in the course of the seminar. Do I have that right?

22 A. The word lead is what they utilized, "they"
23 meaning the class. A lead is not a suggestion or
24 somewhere to go with the investigation or things you

1 may do. A lead may be information directly to maybe
2 somebody's knowledge. Does that make sense?

3 Q. Well, let -- let me see if I can follow up
4 and clarify.

5 Is it fair to say that during the course of
6 the seminar, suggestions were made as to particular
7 evidence that may be important in identifying a
8 perpetrator that -- that could be further investigated
9 and further pursued?

10 A. Yes, it's a suggestion what you may want to
11 look into.

12 Q. All right. And can you -- looking at pages
13 1151 and 1152, can you summarize for us some of the
14 suggestions that in your judgment required additional
15 investigation that were developed as a result of the
16 seminar?

17 A. As a result of the seminar?

18 Q. Yes.

19 A. Well, certainly all of these were
20 suggestions. Now, which of these 36 had been done
21 prior to the seminar versus those that had not been --

22 Q. And that's -- I didn't ask a very good
23 question, but that's what I'm -- I'm focused on here,
24 Mr. Daniels, is whether there were new ideas that came

1 up in the seminar that had not yet been followed up on
2 that -- that were developed by your colleagues that
3 you believed merited further investigation?

4 A. Looking at the list that was given to me
5 while there at the seminar, I notice there's lines
6 through there. Those lines would indicate to me that
7 I most likely am the person responsible for -- for
8 those lines. Those lines indicating this had -- work
9 had been done.

10 Q. Okay. But -- and a number of these do have
11 lines through them, but in addition there were some
12 that do not, right?

13 A. Correct.

14 Q. And focusing then on the -- on the ideas that
15 are not lined out that -- that you believed merited
16 further work, can you summarize the ideas that were
17 developed in the seminar?

18 A. The ones that merited further work?

19 Q. Further work, right.

20 A. Looking --

21 MR. DiCIANNI: Let me object to foundation
22 and form. Go ahead.

23 THE WITNESS: Did you want me to read those
24 that have not been crossed out --

1 MR. DiCIANNI: Is that what you're asking?

2 THE WITNESS: -- or just summarize it?

3 BY MR. BOWMAN:

4 Q. Well, no, I'm asking for your summary based
5 on your -- based on your participation in the
6 investigation. I'm sorry if I wasn't clear.

7 MR. DiCIANNI: Can I understand what you're
8 asking? You're asking him to summarize each of these
9 ones that weren't lined out?

10 MR. BOWMAN: Why don't we read back the --
11 the last two questions and that's what I'm asking.

12 (Whereupon, the record was
13 read as requested.)

14 MR. DiCIANNI: I object to form and found --
15 well, form. I think it's a confusing and vague
16 question.

17 MS. BARTON: I'll join.

18 BY MR. BOWMAN:

19 Q. Are you confused by the question? Because if
20 you are, I want to ask a better one.

21 A. Well, why don't you, sir, go ahead and
22 restate it.

23 Q. Okay. I'll restate it.

24 A. Reform or restate it.

1 Q. What I'd like you to do if you could with --
2 with the benefit of pages 1152 and 1153 is to
3 summarize to the extent there were the investigative
4 suggestions that were put forward during the seminar
5 that in your judgment merited further investigative
6 activity on the -- on the investigation.

7 A. Preference [sic] my answer or explanation,
8 these lines that were crossed -- the suggestions that
9 were crossed out, that could have happened from the
10 time that the list was made up until -- until I boxed
11 up the case. So -- but let me -- let me summarize
12 what they -- what the investigators suggest. Attempt
13 to have the crime lab expedite our request on
14 processing evidence. Also looking into the work
15 records of Mr. and Mrs. Beaman, Alan's parents, to see
16 if it's possible that they were mistaken in regards to
17 his -- his alibi. Look further into the hole in the
18 wall so somebody else's prints could have been there.

19 THE COURT REPORTER: Looking into the what?

20 THE WITNESS: The hole in the wall, referring
21 to number 12 on page 1151. The hole in the wall.

22 Okay. Also continue to find out who owned
23 that particular vehicle with the Jimmy John's sticker
24 on the bumper apparently that was there and the

1 significance of its presence.

2 BY MR. BOWMAN:

3 Q. This is the white car that the number of
4 individuals observed --

5 A. Correct.

6 Q. -- in the parking lot on August 25?

7 MS. BARTON: Object to form and foundation.

8 THE WITNESS: Also --

9 BY MR. BOWMAN:

10 Q. You need to answer that question. Is that a
11 yes?

12 A. Yes, that's the car. I'm sorry. Yes.

13 The location of Alan's car during the time
14 that he was at work, whether or not he could have used
15 a work -- used that car to come down to Normal to
16 commit the crime. Ask the suspect or suspects when
17 she was killed and the reason behind that is
18 self-explanatory, only a real suspect would know.
19 Check out Alan's vehicle as far as maybe further
20 evidence in the vehicle.

21 You want me to continue.

22 Q. Yes, please continue.

23 A. Okay. Check out the eggs that were located
24 on her body.

1 Q. Yes, I noticed that. What is that about?

2 A. Houseflies would usually appear and lay their
3 larvae, lay their eggs on a dead body a short period
4 of time or a day after the body laid there.

5 MS. BARTON: And I'd just like to state for
6 the record that that actually has a line through it.

7 MR. BOWMAN: Okay.

8 MS. BARTON: So...

9 THE WITNESS: Oh, it does, doesn't it? Okay.
10 How she get the injury to her knee,
11 number 23. Number 28, what kind of maintenance work
12 was performed, meaning on her -- her door and so
13 forth. Maintenance work that was performed before
14 perhaps her body was discovered, see if it could have
15 been discovered by someone else. I'm assuming that's
16 what the person meant. Reinvestigate Swaine. Yeah, I
17 said that, okay.

18 Phone records for newspaper ads. She was
19 giving or selling the kittens away. So that was of
20 interest to see if someone could have obtained her
21 phone record -- her phone number through the newspaper
22 and use that as a means to go to that apartment.

23 Any nail holes or tape near the hole in the
24 wall.

1 Highlight the calendar for writing. She had
2 a desk pad, I believe, calendar for any writings,
3 notes, anything that could have been on there.

4 That appears to be what is left or at that
5 particular time, what was left to do.

6 BY MR. BOWMAN:

7 Q. Now, in the course of the week that you spent
8 in this seminar, did any of the leaders of the seminar
9 put forward the suggestion that in addressing a cold
10 case like the Lockmiller homicide, that there -- that
11 one approach is just to throw out all the assumptions
12 and start over and think about the thing fresh?

13 MS. BARTON: Objection to form of the
14 question.

15 BY MR. BOWMAN:

16 Q. Does that make sense? I don't know if that's
17 a clear question or not. If it's not, tell me.

18 A. My understanding is if someone that's related
19 to the school down there suggest that we start over,
20 if that was suggested, I did not pick up on that.

21 Q. Okay. Now, when you came back from the --
22 actually, before we get there, why don't you -- you
23 said that your presentation of this particular case
24 ran over.

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1 A. Correct.

2 Q. Tell me what you remember about the -- the
3 presentation.

4 A. Using the slides and summarizing verbally
5 what had taken place and what we had done, answering
6 questions from the other investigators.

7 Q. Is it your impression that the case peeked
8 the interest of the other participants in the seminar?

9 A. That's an indication I got as well as one of
10 the -- the instructors is a formal -- former Normal
11 police officer, and he resigned his position to go
12 down there to teach.

13 Q. And who was that?

14 A. Ralph Ebert.

15 Q. And did Mr. Ebert say anything to you by way
16 of comment on this particular case?

17 A. His comment was it was well presented. His
18 instruction -- he was an instructor in accident
19 reconstruction, but he said, yeah, it was well
20 presented and the staff thought it was also.

21 Q. Did you come back from the seminar with the
22 belief that you had a number of additional
23 investigative steps to propose to the folks who were
24 working on the Lockmiller case?

1 A. Yes.

2 MR. BOWMAN: And I want to show you some more
3 of Matens's notes. And we'll mark this with 29
4 I'm guessing.

5 (Whereupon, Daniels Deposition
6 Exhibit No. 29 was marked.)

7 BY MR. BOWMAN:

8 Q. I'm going to direct your attention -- and,
9 again, I'll represent to you that the document that
10 I've just had handed to you which is a set of four
11 pages of handwritten notes that we have established
12 were prepared with -- by Mr. Matens, and they bear
13 Bates numbers Matens Notes 118 through 121 inclusive.
14 And these -- these particular notes relate, among
15 other things, to conversations with you. And I want
16 to direct you to the bottom of page 120.

17 And -- and what Mr. Matens has written here
18 is: After Florida, he, which I understand means you,
19 Tony Daniels, talked with Zayas and others knew that
20 Tony had other leads to follow. Then continuing on
21 page 121, others that knew Rob Hospelhorn,
22 Dave Warner. Do you see that?

23 A. Yes.

24 Q. And does that indicate to you that in a

1 conversation with Mr. Matens that you explained to
2 Matens that after you came back from Florida, you
3 spoke with Zayas and Hospelhorn and Warner about the
4 leads that you had talked about with others at the
5 seminar and that in your judgment needed to be further
6 pursued?

7 MS. BARTON: Objection, foundation.

8 MR. DiCIANNI: Can you read back that
9 question.

10 (Whereupon, the record was
11 read as requested.)

12 MR. DiCIANNI: I'll object to foundation and
13 form.

14 MS. BARTON: Join.

15 THE WITNESS: Correct.

16 BY MR. BOWMAN:

17 Q. I'll put it to you this -- this way: After
18 you came back from Florida, did you talk with
19 Frank Zayas and Rob Hospelhorn and Dave Warner and
20 others in the Normal Police Department about what you
21 learned in the seminar and specifically about the
22 leads that you had learned about and the things that
23 needed further work in the case?

24 A. Yes.

1 MR. DiCIANNI: I object to form, lack of
2 foundation.

3 BY MR. BOWMAN:

4 Q. Let me ask you to look at --

5 MS. BARTON: Are you starting a new line of
6 questioning?

7 MR. BOWMAN: Let me do just one more thing
8 and then I'll -- and then I'll switch, then we can
9 stop.

10 MS. BARTON: Thanks.

11 MR. BOWMAN: This will just take a second.

12 BY MR. BOWMAN:

13 Q. Let's look at Daniels Exhibit 12. This is
14 Freesmeyer's monthly report. It's got a blue cover on
15 it. It's a thin one in your stack. It's Exhibit 12.
16 It's real skinny.

17 A. Is it down -- pull it out -- is that it? No.
18 That's 21. Where is it?

19 MS. BARTON: Looks like that.

20 MR. BOWMAN: Looks like that right there.

21 MR. DiCIANNI: This is what the cover looks
22 like. Is that it on top?

23 THE WITNESS: I thought you said it was
24 little.

1 MS. BARTON: There it is.

2 BY MR. BOWMAN:

3 Q. Okay. And I just want to direct your
4 attention to a statement that's made on page 971 of
5 that report. It's the middle paragraph talking
6 about -- where Freesmeyer is talking about what
7 happened in April, and I'll just read this couple of
8 sentences to you. It says: "Detective Daniels was
9 sent to Florida for a 40-hour training class on
10 homicide investigations. The Lockmiller case was
11 submitted to the class for evaluation but no new
12 avenues were identified."

13 Do you see that?

14 A. Yes.

15 Q. Is that accurate?

16 A. I cannot comment whether the information that
17 Freesmeyer put in here is what really happened,
18 because in the previous exhibit, it contradicts what
19 Freesmeyer put in there. So the validity of his
20 statement, I can't comment on.

21 Q. Okay. That's fair enough.

22 A. It sure raises questions.

23 MR. BOWMAN: That's all I wanted to ask.

24 This is a good point to take a break.

1 MS. BARTON: Thanks.

2 THE VIDEOGRAPHER: Off the record, 1557.

3 (Whereupon, a break was taken.)

4 THE VIDEOGRAPHER: Back on the record, 1611.

5 BY MR. BOWMAN:

6 Q. In the period of time from when you prepared
7 the summary of the Lockmiller investigation that we
8 looked at in Exhibit 23 until May 16 when the meeting
9 took place and the decision was announced to charge
10 Alan Beaman with the Lockmiller homicide, was any
11 additional evidence developed against Alan Beaman to
12 your knowledge?

13 A. To my knowledge, no.

14 Q. Now, you've talked about the meeting before.
15 I want to go through this again and get your best
16 recollections of what happened on May 16, 1994.

17 Tell me who invited you to the meeting or
18 informed you that it would be taking place.

19 A. Who invited me? I don't recall who exactly
20 it was that invited me. It took place at the
21 conference room of the Normal Police Department where
22 we usually have staff meetings.

23 Q. And, again, please, and I realize you've gone
24 over this before, your best recollection of who was in

1 attendance at the meeting?

2 A. Myself, Chief Taylor, Jim Souk and -- it
3 could very well have been other people from the
4 State's Attorney's Office.

5 Q. Was -- were there any other personnel from
6 the Normal Police Department other than yourself and
7 Chief Taylor?

8 A. To speculate, I would have to say most likely
9 the supervisor of CID and as well as Tim Freesmeyer
10 since he was still working on that case.

11 Q. And when you say the supervisor of CID, who
12 do you mean?

13 A. Well, at that time, it would be either
14 Frank Filliponi or Frank Zayas.

15 Q. Okay. Now, forgive me for going -- going
16 over ground that's been covered before, but I want to
17 have your best recollection. What -- how long did
18 this meeting last?

19 A. My recollection, I -- I -- I couldn't give
20 you a time on that.

21 Q. Was it more than an hour?

22 A. Without an assumption, I would say no.

23 Q. Who was in charge of the meeting?

24 MS. BARTON: Objection to foundation.

1 BY MR. BOWMAN:

2 Q. Let me rephrase and ask a -- perhaps a
3 clearer question.

4 Who took the lead speaking role in the
5 meeting?

6 MS. BARTON: Same objection.

7 THE WITNESS: Jim Souk.

8 BY MR. BOWMAN:

9 Q. Did he sit at one end of the table?

10 A. The opposite end of where I was, yes.

11 Q. And tell me how the meeting proceeded best as
12 you can recall.

13 MR. DiCIANNI: I'm going to object to asked
14 and answered and speculation.

15 MS. BARTON: Join.

16 MR. DiCIANNI: Go ahead.

17 THE WITNESS: As -- as I can recall, people
18 present were giving input into the investigation as
19 far as where they need to go with it.

20 BY MR. BOWMAN:

21 Q. Okay. And when you say giving input into the
22 investigation as far as they need to go with it,
23 what -- what exactly do you mean?

24 MR. DiCIANNI: Object to speculation and

1 asked and answered. Why don't I -- can I show a
2 continuing objection because I think as you say we've
3 been over this and his memory is very slight from
4 previous questioning. So to the extent you're asking
5 him the same questions, my position is you can -- he
6 can only speculate about it. So can I show a
7 continuing objection to all of these so as not to
8 interrupt you?

9 MR. BOWMAN: I guess --

10 MR. DiCIANNI: That's fine.

11 MR. BOWMAN: I think it would be probably
12 better for all parties if --

13 MR. DiCIANNI: Okay.

14 MR. BOWMAN: -- if -- I don't mind the
15 interruptions.

16 MR. DiCIANNI: That's fine.

17 MR. BOWMAN: I understand you need to object,
18 and I don't have a problem with it.

19 MR. DiCIANNI: That's fine.

20 MR. BOWMAN: So in any event, why don't we
21 impose on you one more time to read it back if you
22 wouldn't mind.

23 (Whereupon, the record was
24 read as requested.)

1 MR. DiCIANNI: Show my objection.

2 MS. BARTON: I'll join.

3 THE WITNESS: As far as what further steps
4 need to be taken.

5 BY MR. BOWMAN:

6 Q. Was this coming from, to the best of your
7 recollection, from the police personnel at the meeting
8 or from the State's Attorney personnel?

9 A. I don't --

10 MR. DiCIANNI: Same objection.

11 MS. BARTON: Join.

12 THE WITNESS: I don't recall who.

13 BY MR. BOWMAN:

14 Q. Do you remember anything that anyone said in
15 terms of further steps that needed to be taken?

16 MR. DiCIANNI: Same objection.

17 MS. BARTON: Join.

18 THE WITNESS: Yes, me.

19 BY MR. BOWMAN:

20 Q. Okay. Tell me what you said.

21 MS. BARTON: Same objection.

22 THE WITNESS: I -- I have a list of
23 approximately 33, 34 suggestions or leads that I got
24 from the school. I could have said I'd like to read

1 or I need to talk about.

2 BY MR. BOWMAN:

3 Q. And after you said that, what happened next?

4 A. Mr. --

5 MR. DiCIANNI: Same objection.

6 MS. BARTON: Join.

7 THE WITNESS: Mr. Souk inserted the statement
8 that I think we went as far as we can with this
9 investigation. We're going to issue a warrant for his
10 arrest; his arrest meaning Alan Beaman.

11 BY MR. BOWMAN:

12 Q. Did anyone say anything -- strike that.

13 Let me ask this question: When Souk made
14 that announcement, I think we're going to charge
15 Alan Beaman, did -- was that the first time that you
16 had heard anyone at the meeting make a statement to
17 the effect of Beaman was going to be charged?

18 A. As I -- as I recall, it was.

19 Q. To the best of your recollection prior to
20 Mr. Souk making that statement, had anyone else made
21 the suggestion that the -- that the appropriate step
22 at this time was to charge Beaman?

23 A. I don't recall.

24 Q. After Souk said that we had gone about as far

1 as we can go, we're going to charge Beaman, did anyone
2 to the best of your recollection say anything in
3 response?

4 MR. DiCIANNI: Object, speculation, asked and
5 answered.

6 MS. BARTON: Join.

7 THE WITNESS: I don't recall if anything was
8 said one way or the other.

9 BY MR. BOWMAN:

10 Q. Did you say anything?

11 A. In the meeting?

12 Q. Yes.

13 A. I don't recall if I did in the meeting.

14 Q. Following Mr. Souk's comment, we have gone as
15 far as we can go with this, we're going to charge
16 Beaman, did -- did the meeting proceed for any period
17 of time or did that represent the conclusion of the
18 meeting?

19 A. I don't recall how long -- it could have went
20 on or it was cut short or...

21 Q. At the meeting, did any participant to the
22 best of your recollection discuss or comment in any
23 way on the question of whether Alan Beaman was a
24 flight risk?

1 A. I don't recall.

2 Q. Other than your comments to the best of your
3 recollection, did anyone else present at the meeting
4 talk about additional steps that needed to be taken in
5 the investigation?

6 MR. DiCIANNI: Same objection.

7 MS. BARTON: Join.

8 THE WITNESS: Do not recall.

9 BY MR. BOWMAN:

10 Q. During the meeting to the best of your
11 recollection, did -- was there any discussion
12 concerning John Murray and whether John Murray should
13 be charged --

14 MR. DiCIANNI: Same objection.

15 BY MR. BOWMAN:

16 Q. -- with the crime?

17 MR. DiCIANNI: I'm sorry.

18 THE WITNESS: Again, I don't recall.

19 BY MR. BOWMAN:

20 Q. Have I completely exhausted your recollection
21 of this meeting?

22 A. Of the meeting itself?

23 Q. Yes.

24 A. Yes, of that particular meeting, yes.

1 Q. Okay. Now, subsequent to this meeting, did
2 you have a conversation with anyone in the
3 Normal Police Department regarding your views as to
4 the decision to charge Beaman?

5 A. Yes, I did.

6 Q. And tell me who you spoke with.

7 A. Chief Taylor.

8 Q. Where did the conversation with Chief Taylor
9 take place?

10 A. After the meeting broke up, I asked the chief
11 if -- I told him I wanted to speak to him in the -- in
12 the break room. There's a small break room located
13 adjacent to the conference room we were in.

14 Q. Was this immediately after the conclusion of
15 the large meeting?

16 A. As I recall, yes.

17 Q. All right. Was anyone with you and
18 Chief Taylor?

19 A. They weren't -- or he was not with the chief
20 or myself. He had been in there already and that was
21 former Officer Kerry Lonbom.

22 Q. Can you spell that?

23 A. K-e-r-r-y, L-o-n-b-o-m. He was --

24 Q. He was -- he was in the break room?

1 A. He was already in the break room.

2 Q. All right. And did you -- did you and
3 Chief Taylor ask him to leave and give you guys some
4 privacy?

5 A. I did not, nor did I hear the chief ask him.

6 Q. So -- so Mr. Lonbom was there as well?

7 A. Correct.

8 MS. BARTON: I'm sorry, is that N like Nancy
9 or M like --

10 THE WITNESS: K, K, Kerry.

11 MS. BARTON: Lonbom?

12 MR. BOWMAN: L-o-n like Nancy?

13 THE WITNESS: Yeah, M.

14 MS. BARTON: Both N's like Nancy?

15 THE WITNESS: M at the end, Lonbom.

16 MR. BOWMAN: Lonbom.

17 MS. BARTON: Got it.

18 BY MR. BOWMAN:

19 Q. Okay. Other than Chief Taylor,
20 Officer Lonbom and yourself, was anybody else present?

21 A. I did not see anyone else.

22 Q. All right. And tell me as best you can
23 recall what the conversation was in the break room
24 immediately following the breakup of the large meeting

1 at which it was announced that Beaman was going to be
2 charged.

3 MR. DiCIANNI: I'm going to object, asked and
4 answered, speculation.

5 MS. BARTON: Join.

6 THE WITNESS: I questioned as to the reason
7 why I wasn't permitted to present my list of leads
8 from that class, and my thoughts were isn't that the
9 reason why I went there was to take the case down
10 there in hopes of furthering the investigation.
11 Chief Taylor's response was, well, why didn't you say
12 anything. And my response to Chief Taylor was I did,
13 but Mr. Souk cut me off, cut me short, whatever,
14 interrupted me.

15 And that was the -- as far as I can
16 recollect, that was the end of the conversation on
17 that subject between me and the chief.

18 BY MR. BOWMAN:

19 Q. In this meeting, did Chief Taylor attempt in
20 any way to defend the decision to charge Beaman with
21 the crime?

22 MR. DiCIANNI: Object. Same -- same
23 objection.

24 THE WITNESS: The meeting between myself and

1 the chief?

2 BY MR. BOWMAN:

3 Q. Right.

4 A. No.

5 Q. Did you get any information from anything
6 that Taylor said as to whether Taylor had personally
7 participated in the decision to charge Beaman?

8 MR. DiCIANNI: Same objection.

9 THE WITNESS: No.

10 BY MR. BOWMAN:

11 Q. Do you remember anything else that was said
12 between you and Chief Taylor?

13 MR. DiCIANNI: Same objection.

14 THE WITNESS: No.

15 BY MR. BOWMAN:

16 Q. Was there a subsequent conversation in which
17 you participated regarding the service of an arrest
18 warrant on Mr. Beaman?

19 MS. BARTON: Can you read that --

20 MR. DiCIANNI: Same objection.

21 MS. BARTON: Objection to form.

22 THE WITNESS: Repeat your question, please.

23 BY MR. BOWMAN:

24 Q. Did you have a conversation later on with

1 anybody else in the Normal Police Department on the
2 subject of whether you'd participate in serving an
3 arrest warrant on Mr. Beaman?

4 MR. DiCIANNI: Same objection.

5 THE WITNESS: I do recall making a statement
6 to -- at which time I do not know the time or the
7 date -- to Frank Filliponi, that if a warrant came
8 down and they wanted me to execute the warrant on
9 Alan Beaman, that I was going to refuse.

10 BY MR. BOWMAN:

11 Q. Were you ever asked to do that?

12 A. No, I was not.

13 Q. Mr. Daniels, at this point, I have a series
14 of folders that I'm going to hand to you and I've just
15 got some questions about -- some random questions
16 about documents in these folders. And we'll mark --
17 ask that the first one be marked for identification as
18 Exhibit 29.

19 THE COURT REPORTER: 30.

20 MR. BOWMAN: 30, thank you. As Exhibit 30 to
21 your deposition and for -- I'm sorry.

22 (Whereupon, Daniels Deposition
23 Exhibit No. 30 was marked.)
24

1 BY MR. BOWMAN:

2 Q. Exhibit 30 in its original form has a blue
3 cover on it like some of the other exhibits, and the
4 title that I believe you've written on this particular
5 folder is Meeting Concerning Case. And this
6 particular exhibit consists of pages 1229 through 1244
7 from the numbering of your files.

8 First of all, can you tell me the
9 significance of the -- actually, foundationally, did
10 you actually label this particular folder?

11 A. Yes.

12 Q. Why did you label it Meeting Concerning Case?

13 A. I don't like the word miscellaneous.

14 Q. Okay.

15 A. I'm sorry, a little bit of humor there.
16 Little bit didn't hurt anybody.

17 The reason why I labeled that is I had any
18 notes that pertained to meetings of course that
19 pertained to the homicide investigation went into
20 there. Other than that, that was the only reason.

21 Q. All right. So pages 1230, 1231, 1232, 1233
22 through 1236, it appeared to be notes written on a
23 small piece of paper, possibly Post-it notes. Do you
24 recognize these pages and can you shed on -- any light

1 on what this is?

2 A. I do not recognize the page itself, the
3 contents, but it appears to me -- and, again, it
4 appears to me to be a list of people in attendance at
5 a meeting.

6 Q. Right, and specifically a meeting that took
7 place on Sunday, August 29, 1993, the day following
8 the discovery of Lockmiller's body.

9 A. That's what it indicates, yes.

10 Q. Are these notes in your handwriting?

11 A. That's not my handwriting, no.

12 Q. Do you know whose handwriting it is?

13 A. I can't speculate on whose handwriting it is.

14 Q. Is it consistent with your recollection that
15 the meeting that took place on August 29, 1993
16 included yourself, Don Brady, Rob Hospelhorn,
17 Tim Freesmeyer, Frank Zayas, and Chief Taylor?

18 A. That would be Dan Brady, former coroner, now
19 one of our representatives of the State of Illinois.

20 Q. I knew that, sorry. More levity.

21 With that amendment, is that consistent with
22 your recollection?

23 A. I'm sorry, repeat your question.

24 Q. Did the meeting on August 29, 1993 include

1 the individuals who are listed here on page 1230
2 including yourself, Brady, Hospelhorn, Freesmeyer,
3 Zayas and Taylor?

4 A. Well, I'm puzzled as to why Zayas's name
5 appears on that list. My recollection was he wasn't
6 back into work until Monday.

7 Q. Okay.

8 A. I could be mistaken on that. He could have
9 come in Sunday evening or Sunday afternoon or Sunday
10 morning. If that be the case, then I was mistaken on
11 when he got back in town.

12 Q. Okay. There's a reference on page 1233 to
13 old boyfriend John Murray. My question is whether
14 that assists you in recalling whether or not
15 John Murray's name came up on August 29 in this
16 investigation?

17 MS. BARTON: Objection to foundation.

18 THE WITNESS: I -- I -- I do not know because
19 I don't know who the author of this note is. That
20 could -- that could have been written down at any time
21 by anyone.

22 BY MR. BOWMAN:

23 Q. Okay.

24 A. Does that answer your question?

1 Q. It does.

2 A. Okay.

3 Q. Take a look at page 1238. Is 380 your star
4 number?

5 A. Pardon me?

6 Q. Is 380 your star number?

7 A. No, it is not.

8 Q. Do you know whose it is?

9 A. Dave Warner.

10 Q. Okay. Does this appear to be Dave Warner's
11 handwriting, if you know?

12 A. It appears to be, yes.

13 Q. Take a look at pages 1241 and 1242. Just
14 take a minute to look that over.

15 For the record, it is a couple of one full
16 and a partial typed page. The date at the top of page
17 1241 is 28 August 1993. Jennifer Lockmiller's
18 identifying information is at the top and then there
19 is -- there are some typed notes.

20 Did you prepare this document?

21 A. I don't believe I did.

22 Q. Do you know who did?

23 A. No, I do not.

24 Q. Do you know how it came to be in your file?

1 A. No, I do not.

2 Q. Is this a -- in your experience as a
3 Normal police detective, is this the kind of document
4 that might be contained in a working file of a police
5 detective?

6 MR. DiCIANNI: I'll object to foundation,
7 form of the question.

8 MS. BARTON: Join.

9 THE WITNESS: This document very well could
10 have. It depends on who the originator or the author
11 were -- was.

12 BY MR. BOWMAN:

13 Q. Okay. Did you make the notes on the -- in
14 the margin on the left-hand side of page 1241?

15 A. I can't be sure.

16 Q. Is there anything that you can tell me
17 concerning the authorship or the origin of -- of these
18 two pages, 1241 and 1242?

19 A. Not with any degree of certainty.

20 MR. BOWMAN: Okay. Let's mark this folder
21 for identification as 31.

22 (Whereupon, Daniels Deposition
23 Exhibit No. 31 was marked.)

24

1 BY MR. BOWMAN:

2 Q. Is Exhibit 31 another folder of information
3 from your files on the Lockmiller homicide?

4 A. Yes.

5 Q. And this folder is other homicides crime
6 reports? Is that your labeling?

7 A. Correct.

8 Q. Why did you label this folder other homicides
9 crime reports?

10 A. These are reports from homicides that had
11 perhaps similarities to the Lockmiller case.

12 Q. As the -- as time proceeded, did you note
13 whether there were other homicides occurring in and
14 around Normal, Illinois -- or strike that, in and
15 around the State of Illinois that in your judgment as
16 an experienced investigator should be examined for a
17 possible connection to the Lockmiller homicide
18 including the possibility that they were committed by
19 the same perpetrator?

20 MS. BARTON: Object to form and foundation.

21 MR. DiCIANNI: I'll join.

22 THE WITNESS: I recall one in particular.

23 BY MR. BOWMAN:

24 Q. Can you tell us about that case.

1 A. Yes, it's exhibit -- page number 1130. It's
2 the Leathers, Lisa J. Leathers.

3 Q. Okay. Tell me -- tell me about that
4 circumstance.

5 A. Well, I don't -- this -- well, this is titled
6 Aggravated Battery. I believe the way in which this
7 was committed is similar to the way in which Jennifer
8 met her demise.

9 Q. And where did this incident take place?

10 A. In city of Bloomington, Illinois.

11 Q. And where -- when?

12 A. When? It took place in '94 -- well,
13 according to the report year, it took place in '94,
14 July the 5th.

15 Q. And what were the circumstances of
16 Lisa Leathers -- Lisa Leathers is the victim in this
17 case?

18 A. Correct.

19 Q. What were the circumstances of the aggravated
20 battery on Lisa Leathers that suggested to you that it
21 might merit investigation whether there was a
22 connection between --

23 A. I believe it was --

24 Q. I'm sorry, I should finish the question.

1 A. Oh, I'm sorry.

2 Q. Whether -- whether there merited
3 investigation concerning a possible connection between
4 the aggravated battery of Leathers and
5 Ms. Lockmiller's homicide?

6 A. Okay. Lisa was assaulted and I believe it
7 was an electrical cord involved in her assault,
8 electrical cord being used to -- to choke her. I
9 believe that's what it is. Strangle her, yes, on
10 page 1131, that's what it says. And this would have
11 been of interest to me at that particular time.

12 Q. Did you draw this coincidence to the
13 attention of any other investigators involved in
14 Lockmiller's case?

15 MS. BARTON: Object to foundation.

16 THE WITNESS: I could have, but I don't
17 recall if I did.

18 BY MR. BOWMAN:

19 Q. Are there any other incidents in here that --
20 let me start over.

21 Are there any other incidents that are
22 included within the other homicides folder that you in
23 your judgment as an experienced investigator warranted
24 follow-up for a possible connection to the Lockmiller

1 case?

2 MR. DiCIANNI: Object to foundation.

3 MS. BARTON: Join.

4 THE WITNESS: Well, there are several other
5 copies of reports attached, reports and/or notes from
6 other police departments or from newspapers regarding
7 similar homicides or assaults.

8 BY MR. BOWMAN:

9 Q. And you made it your business through the
10 years when such a matter came to your attention to
11 keep a -- keep a note of it?

12 A. Yes.

13 Q. Is there one in particular that comes to
14 mind?

15 A. The first one that came to mind because of
16 proximity, it's twin -- not twin city, but -- well,
17 twin city, Normal-Bloomington, and the fact that the
18 assault occurred the same way, the fact that an
19 electrical cord was used.

20 MR. BOWMAN: Let me hand you a single page
21 from your documents which we'll mark for
22 identification with our next number as 32.

23 (Whereupon, Daniels Deposition
24 Exhibit No. 32 was marked.)

1 BY MR. BOWMAN:

2 Q. Is Exhibit 32 a page of notes that you
3 prepared?

4 A. Was there a question there?

5 Q. Yes. Is Exhibit 32 a page of notes that you
6 prepared?

7 A. Yes, that's my handwriting.

8 Q. Did you prepare those notes in the course of
9 the Lockmiller homicide investigation?

10 A. Without a date on there, I couldn't be sure,
11 but I -- I -- Dr. Brown -- the name Dr. Brown to me
12 sounds familiar as it being connected to the
13 Lockmiller case.

14 Q. Right. If I were to suggest to you that
15 Dr. Brown was the head of the drama department at
16 Illinois Wesleyan and that Brown was somebody who
17 received a note from Alan Beaman at a certain point in
18 the summer of 1993, would that refresh your
19 recollection as to Brown's role in the case?

20 A. Yes.

21 Q. Was -- did you conduct an interview of Brown
22 at some point during the investigation?

23 A. As I best recall, I believe that
24 Rob Hospelhorn and myself went to talk to Dr. Brown or

1 maybe Rob by himself went to talk to Dr. Brown.

2 Q. So the -- the -- the possibility exists that
3 the notes that are here, Exhibit 32 that we're looking
4 at now, were prepared during an interview of Dr. Brown
5 but you can't be sure; is that a fair summary?

6 MR. DiCIANNI: I'll object to speculation.

7 THE WITNESS: Yes.

8 MR. BOWMAN: The next number, I believe, is
9 33.

10 (Whereupon, Daniels Deposition
11 Exhibit No. 33 was marked.)

12 BY MR. BOWMAN:

13 Q. Exhibit 33 is several pages of materials,
14 again, from your documents. This runs from page 954
15 through 960. My first question, if you can just tell
16 me whether this is something that you created?

17 A. The -- the document contains what is called a
18 timeline. Whether I created this or simply copied it,
19 I'm not sure of, this front document here.

20 Q. Do you know whether this is a document that
21 was generated in the course of the Lockmiller homicide
22 investigation?

23 A. Yes, as a matter of fact, if we look at
24 page 0954, right-hand side at 1900, that being

1 1900 hours, it says missed Vedette meeting. And that
2 handwriting appears to be mine or underneath that it
3 says at 2000 hours, that being 8:00 p.m. That appears
4 to be my handwriting.

5 Q. My question is whether the pages that are
6 marked for identification as Exhibit 33, the timeline
7 is something that was generated during the
8 investigation, that is, before the charging of
9 Mr. Beaman, if you know?

10 MS. BARTON: Objection to foundation.

11 THE WITNESS: I could not be 100 percent
12 positive that it was generated at that time.

13 BY MR. BOWMAN:

14 Q. Do you have a best estimate one way or
15 another?

16 MR. DiCIANNI: Object; speculation, lack of
17 foundation.

18 THE WITNESS: I -- I do not.

19 BY MR. BOWMAN:

20 Q. Okay. On page 958, you have placed some
21 notes on the timeline as pertains to David Singley and
22 Susan Jenkins in what I believe is your handwriting;
23 am I right about that?

24 A. You're correct.

1 Q. Would it be fair to say that Mr. Singley's
2 information regarding hearing the door to the victim's
3 apartment slam shut real quick twice at approximately
4 1400 hours, hearing the TV on loud, the
5 air-conditioning not on, the music off and so forth as
6 you've noted here on page 958, that all of that
7 suggests that there was some importance to
8 Mr. Singley's information regarding what he heard and
9 observed on the afternoon of August 25?

10 MS. BARTON: Objection to form.

11 MR. DiCIANNI: Yeah, I object to form.

12 MS. BARTON: Vague.

13 THE WITNESS: That's most likely the reason
14 why I wrote those -- made those entries in my own
15 handwriting. There was some question.

16 BY MR. BOWMAN:

17 Q. And the possibility existed that
18 Mr. Singley's observations might be actually
19 observations of the activities of the perpetrator,
20 right?

21 MR. DiCIANNI: Object to speculation, lack of
22 foundation.

23 MS. BARTON: Join.

24 THE WITNESS: That and the fact that maybe

1 Mr. Singley would have some further information for
2 us.

3 BY MR. BOWMAN:

4 Q. It would be your professional opinion that
5 this information from Singley is information that
6 should be followed up on?

7 A. Correct.

8 MR. DiCIANNI: I didn't get my objection out
9 so I'll make it late.

10 MR. BOWMAN: I hand you a single page with
11 the page number 1009 from your documents, and we'll
12 mark that for identification as Exhibit 34.

13 (Whereupon, Daniels Deposition
14 Exhibit No. 34 was marked.)

15 BY MR. BOWMAN:

16 Q. Can you tell us whether the -- this is just a
17 single page of notes. Again, it looks like it might
18 be on a Post-it or some other small piece of paper in
19 the original form. And the heading at the top of
20 the -- this small page is First Interview 2 September.
21 We've already established in earlier questioning that
22 your first interview with John Murray was on
23 September 2.

24 Is this in your handwriting?

1 A. Yes.

2 Q. Do you know what the origin of this
3 particular page of notes is?

4 A. I'm sorry, I didn't quite catch --

5 Q. Do you know when you wrote this?

6 A. No, I do not.

7 Q. Did you write this during Mr. -- Mr. Murray's
8 interview, if you know?

9 MR. DiCIANNI: Object, speculation.

10 MS. BARTON: Join.

11 THE WITNESS: During his first interview.

12 BY MR. BOWMAN:

13 Q. Right.

14 A. No, I wouldn't have written that down then.

15 MR. BOWMAN: All right. Our next exhibit
16 will be numbered for identification as 35. And this
17 is a very thin folder with just one page in it that is
18 labeled Two Teletyped Letters From Unknown Sources.

19 (Whereupon, Daniels Deposition
20 Exhibit No. 35 was marked.)

21 MS. BARTON: Are you sure this is the only
22 page in it?

23 MR. BOWMAN: Pardon me?

24 MS. BARTON: Are you saying that this is the

1 only page that was in that folder?

2 MR. BOWMAN: That's how it was presented to
3 me. I could be in error. If you have correction for
4 me, go ahead.

5 MS. BARTON: The only belief that I have is
6 there are -- these numbers aren't sequential.

7 MR. BOWMAN: Oh, indeed they're not.

8 MS. BARTON: So -- and I also believe just
9 from my review of the file that there may be
10 additional documents in that file.

11 MR. BOWMAN: Thank you. And it was not my
12 intention to misrepresent anything.

13 MS. BARTON: I know.

14 MR. BOWMAN: I'm just -- somebody else put
15 this together for me and I -- and I stand corrected.

16 BY MR. BOWMAN:

17 Q. I just have a couple of questions. Do you
18 know what this folder is about? Why you kept these
19 materials? Why you labeled this folder as you did and
20 what it bears?

21 A. The answer to the three-prong question, no.

22 Q. Okay. No -- no as to each part of that
23 question?

24 A. No, no, and no.

1 Q. Okay. Can you shed any light on what this
2 document is that is the second page of the exhibit,
3 page 1261?

4 A. May I read it first?

5 Q. Absolutely.

6 A. That'll help.

7 I do not know who authored this. As far as
8 the contents as we read that, it appears to be a
9 summary of the some facts of Larbi's visit to
10 Greta Alexander, the psychic, and also Larbi's visit
11 to the -- Jennifer's grave site.

12 Q. Can you state whether the investigators
13 received this particular page during the course of the
14 Lockmiller homicide investigation?

15 A. No, I cannot.

16 Q. When we were talking earlier in the
17 deposition about some of the circumstances relating to
18 John Murray, I neglected to ask you about Murray's
19 return visit to this Greta Alexander who was
20 supposedly a psychic. Was that a circumstance that in
21 your judgment as an experienced police investigator
22 had any possible significance with respect to Murray
23 and his guilt or innocence of the homicide?

24 MR. DiCIANNI: Yeah, I'll object to

1 speculation and form of the question.

2 MS. BARTON: Join.

3 THE WITNESS: Yes, it did.

4 BY MR. BOWMAN:

5 Q. Can you explain that, please.

6 A. Why would he not allow his friend or insist
7 that his friend remain in the car? Why did he go
8 there in the first place a second time when I believe
9 earlier somewhere in our exhibits here, two pictures
10 on the yearbook was pointed -- Greta pointed out as to
11 being possible suspects. So why would Larbi go back
12 by himself and why would he insist that his friend
13 stay behind if, in fact, he, Larbi, wanted to learn
14 more information? It would have seemed logical to me
15 that you would take someone with you to act as a
16 witness to substantiate anything that Greta may have
17 said.

18 Also, the reason why this information came
19 about as I see it is when you use a psychic or anyone
20 else, regardless if you believe it or not, you do not
21 know who has visited Greta and released information
22 that would be helpful in the investigation, and maybe
23 perhaps that's what Larbi was trying to head off.
24 That's how I view that.

1 Q. In your opinion that Murray's visit to the
2 psychic merited follow-up perhaps with an interview of
3 Greta Alexander herself was not any suggestion on your
4 part that you believe that Greta Alexander could solve
5 the crime because of her psychic powers, but rather it
6 was because of the interaction that she had had with
7 Larbi, Murray and potentially others; is that a fair
8 summary?

9 A. That -- that's correct.

10 MR. BOWMAN: I'm going to hand you next some
11 further pages from your files which I'm going to ask
12 our court reporter to mark for identification as
13 Exhibit 36.

14 (Whereupon, Daniels Deposition
15 Exhibit No. 36 was marked.)

16 BY MR. BOWMAN:

17 Q. Exhibit 36 is several pages running from 981
18 through 995. The first page is entitled victimology.
19 Are you familiar with this document?

20 A. If it came from my file, I must have had it
21 in my possession at one time or another.

22 Q. Did you create it?

23 A. I -- without 100 percent certainty, it
24 appears that I did because I remember doing some work

1 regarding victimology.

2 Q. And is this something that you prepared
3 during the Lockmiller homicide investigation?

4 A. I can't put a date on it, but yes.

5 Q. Is it possible that you prepared this for
6 purposes of the cold case seminar that you attended in
7 Florida?

8 MS. BARTON: I'm going to object to form and
9 foundation.

10 MR. DiCIANNI: Yeah, I'll join.

11 THE WITNESS: I can't be certain if it was.

12 BY MR. BOWMAN:

13 Q. What was your purpose in preparing this
14 document?

15 A. Looking -- further looking at this document,
16 the first three pages, it appears to be some sort of
17 guideline in which to insert a victim of a particular
18 crime; this, of course, being the Lockmiller case.
19 And there's more detail in which appears the next 10,
20 11 pages, whereas Lockmiller's information and also
21 case information was inserted with emphasis on
22 individuals that were either suspects or friends of
23 Jennifer's.

24 Q. So this is an aid to investigation?

1 MS. BARTON: I'm going to object to form.

2 MR. DiCIANNI: Yeah, I'll --

3 MS. BARTON: Foundation.

4 MR. DiCIANNI: I join. We need a button to
5 push.

6 THE WITNESS: Yes.

7 BY MR. BOWMAN:

8 Q. And would it be fair to say that Exhibit 36
9 suggests various avenues that should be pursued in
10 terms of further investigation?

11 MS. BARTON: Objection, form and foundation.

12 MR. DiCIANNI: I join.

13 THE WITNESS: I don't know who the author of
14 this -- these last 10 or 11 pages is, but to me,
15 that's what it appears. That's why we have the gaps
16 in conflicts to make notations. It appears the
17 information was abstracted from the report or from
18 investigators, witnesses or so forth for further work
19 to be done.

20 MR. BOWMAN: All right. I think our next
21 number is 37.

22 (Whereupon, Daniels Deposition
23 Exhibit No. 37 was marked.)

24

1 BY MR. BOWMAN:

2 Q. Exhibit 37 is a -- another folder of material
3 from your file, and the folder is entitled Tips For
4 Investigators. It runs from pages 1078 through 1127.
5 My first question is whether you're the person who
6 labeled the folder as tips for investigators?

7 A. Yes, I am.

8 Q. And what was your -- what was the meaning of
9 that designation on the folder?

10 A. As I continued to look at the case, it could
11 have been before, it could have been after his
12 conviction or even his release from prison, there were
13 still some questions in my mind that perhaps needed to
14 be answered in regards to Alan Beaman's innocence
15 and/or his conviction.

16 Q. And who were the investigators that you had
17 in mind when you wrote out this label, which
18 investigators?

19 A. None.

20 Q. None in particular?

21 A. Questions that really needed to be answered.

22 Q. Okay. Clear.

23 A. If I may?

24 Q. Please, go ahead.

1 A. Perhaps to correct maybe any misunderstanding
2 earlier this morning regards to whether or not I read
3 Tim Freesmeyer's report, this appears to be -- we'll
4 clear it up because on this copy of this report, I
5 have made some notes in the margin, so I can't believe
6 I would not have ever, never read his report.

7 Q. Right. And --

8 A. This had concrete --

9 Q. And in other words, you're -- you're pointing
10 to -- can you give us the Bates number?

11 A. On -- on this exhibit?

12 Q. Yes.

13 A. It would be 1089.

14 Q. And 1089 is a page from -- it's actually
15 page 36 -- from Freesmeyer's big report that was
16 marked for identification as Exhibit 5, right?

17 A. That's correct, and I believe that same page
18 number is an extract from his report that we reviewed
19 earlier this morning.

20 Q. And as you look at page 1089, you can see
21 that you've circled things, underscored things, made
22 notes in the margin, right?

23 A. That's correct.

24 Q. An indication to you that you not only at

1 some point in time read Freesmeyer's report but read
2 it carefully?

3 A. That's correct.

4 Q. And as an investigator in the Lockmiller
5 homicide case, you from time to time made handwritten
6 notes as you were pursuing your activities; is that --

7 A. Yes.

8 Q. -- accurate?

9 And to your knowledge, did other
10 investigators who were working on the case also make
11 handwritten notes from time to time as they fulfilled
12 their investigative responsibilities in the matter?

13 MR. DiCIANNI: I'll object to lack of
14 foundation and speculation.

15 MS. BARTON: Join.

16 BY MR. BOWMAN:

17 Q. And I'm asking to the extent of your personal
18 knowledge?

19 A. My personal knowledge, I couldn't be sure of
20 that if they did or if they did not.

21 Q. Would it be consistent with investigative
22 practice to make notes as you conduct an
23 investigation?

24 MR. DiCIANNI: Object, foundation.

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1 THE WITNESS: My opinion, yes, of any case.

2 BY MR. BOWMAN:

3 Q. Now, did you as a general matter when you
4 made notes in the investigation, did you place those
5 notes in your personal binders that constituted your
6 working file in the case?

7 MR. DiCIANNI: I'll object to lack of
8 foundation.

9 THE WITNESS: Yeah, it's a --

10 MR. DiCIANNI: Form of the question.

11 THE WITNESS: -- possibility, yes.

12 BY MR. BOWMAN:

13 Q. You may -- you may have in some instances,
14 and in other instances you may not have; is that your
15 testimony?

16 A. Yes.

17 Q. And in addition, over the course of the
18 investigation, you may have had ideas and thoughts for
19 further investigation, questions about follow-up and
20 so forth. Would it be your practice as an
21 investigator in the Lockmiller case to make notes or
22 other records to record your ideas and thoughts
23 regarding the unfolding investigation?

24 MR. DiCIANNI: Object to foundation and form

1 of the question.

2 MS. BARTON: I'll join.

3 THE WITNESS: Yes.

4 BY MR. BOWMAN:

5 Q. Was it your practice with respect to that
6 category of notes to place them in your personal
7 working file as well?

8 MR. DiCIANNI: Same objection.

9 THE WITNESS: Depends on the contents of the
10 note.

11 BY MR. BOWMAN:

12 Q. Okay. So the answer to my question would be
13 in some instances, yes; and in others, no?

14 A. Correct.

15 Q. Depending on the significance of the notes --

16 A. Correct.

17 Q. -- would that be fair?

18 A. Correct.

19 Q. In the course of the Lockmiller homicide
20 investigation, you obviously from time to time
21 received formal police reports that you and the other
22 officers generated memorializing your investigative
23 activities, right?

24 A. Correct.

1 Q. And as I understand the testimony that you've
2 given over the past few days, your -- your practice --
3 the practice generally was that each of the
4 investigators involved in the case received the
5 reports as they were generated and signed off on for
6 distribution; --

7 MR. DiCIANNI: I'll --

8 BY MR. BOWMAN:

9 Q. -- is that accurate?

10 MR. DiCIANNI: I'll object to form of the
11 question and lack of foundation.

12 MS. BARTON: I'll join the objection.

13 THE WITNESS: Yes.

14 BY MR. BOWMAN:

15 Q. And was it your practice whether you did it
16 yourself or whether an intern did it that you would
17 ensure that those reports went into your personal
18 working file?

19 MR. DiCIANNI: Object, asked and answered and
20 lack of foundation.

21 MS. BARTON: Join.

22 THE WITNESS: If it was my report that I
23 generated, I would assure -- ensure that I had a copy
24 of the report.

1 BY MR. BOWMAN:

2 Q. And what if it was a report generated by
3 someone else?

4 MR. DiCIANNI: Same objection.

5 MS. BARTON: Join.

6 THE WITNESS: Only if it was given to me by
7 that author or someone else.

8 BY MR. BOWMAN:

9 Q. Was it your understanding that with respect
10 to the Lockmiller case, a procedure was established
11 whereby every investigator got all the reports in the
12 investigation as they were prepared?

13 MS. BARTON: Object.

14 MR. DiCIANNI: Lack of foundation.

15 MS. BARTON: Join, and form.

16 THE WITNESS: That would have been the
17 standard practice in any case as well as the
18 Lockmiller case.

19 BY MR. BOWMAN:

20 Q. To the best of your understanding, that
21 happened?

22 A. Correct.

23 Q. Now, from time to time in the Lockmiller
24 case, did you and the other investigators take

1 possession of third party documents either by subpoena
2 or informally?

3 MS. BARTON: Object.

4 MR. DiCIANNI: Well, yeah, object to lack of
5 foundation and form of the question.

6 MS. BARTON: Join.

7 THE WITNESS: My understanding is yes.

8 BY MR. BOWMAN:

9 Q. And did those documents as a matter of
10 procedure and practice go into the working files of
11 the investigator who obtained the documents?

12 A. My understanding --

13 MR. DiCIANNI: Same objection.

14 MS. BARTON: Join.

15 THE WITNESS: Yes.

16 BY MR. BOWMAN:

17 Q. All right. Now, is it your understanding
18 that it was the responsibility of Mr. Zayas and of the
19 detectives involved, whoever they were, to make sure
20 that the materials from the working files went into
21 the main file?

22 MR. DiCIANNI: I'll object to form of the
23 question, lack of foundation.

24 MS. BARTON: Join.

1 THE WITNESS: Would you repeat your question,
2 please.

3 BY MR. BOWMAN:

4 Q. Let me -- let me restate it.

5 A. Okay.

6 Q. In your understanding as a matter of
7 practice, was it the responsibility of the CID
8 supervisor and of the detectives working a case like
9 the Lockmiller case that -- to ensure that any and all
10 materials from the individual detectives working files
11 went to the main file for distribution as needed in
12 the investigation and for the benefit of the lawyers
13 in the criminal case?

14 MR. DiCIANNI: Same objection.

15 MS. BARTON: Join.

16 THE WITNESS: That's my understanding, yes.

17 BY MR. BOWMAN:

18 Q. And that was the way you were trained and the
19 practice that you understood you were expected to
20 follow?

21 MR. DiCIANNI: Same objection.

22 MS. BARTON: Join.

23 THE WITNESS: Yes.

24

1 BY MR. BOWMAN:

2 Q. And as a Normal Police Department
3 investigator, was it made clear to all investigators
4 that this was the procedure that was supposed to be
5 followed?

6 MR. DiCIANNI: Same objection.

7 MS. BARTON: Join.

8 THE WITNESS: I can't say yes to that
9 question because I do not know if that was orders
10 issued by the supervisor. That was a practice.

11 BY MR. BOWMAN:

12 Q. Who trained you concerning the issue of
13 whether or not you should prepare a report with
14 respect to a particular matter that came up in an
15 investigation? I mean, to be clear, there's been
16 testimony over the course of the past several days in
17 which you've explained that -- that an incidental
18 matter -- do you need to stop for a minute?

19 A. No, that's all right. I'm just going to
20 stretch it.

21 Q. All right. Let me start over.

22 There's been testimony in the -- I'm worried
23 about you. Let's take a -- let's take a break.

24 THE VIDEOGRAPHER: Off the record, 1715.

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(Whereupon, a break was taken.)

MR. BOWMAN: We took a momentary comfort pause and a conversation among counsel. In light of the additional questioning that remains and the lateness of the hour, we agreed to conduct what we anticipate will be the final session of Mr. Daniels's deposition beginning at 10:00 a.m. on June 20, and this is obviously subject to reconfirmation, but that's our expectation.

MR. DiCIANNI: That's correct.

(Witness excused at 5:20 p.m.)

1 STATE OF ILLINOIS)
 2) SS:
 3 COUNTY OF C O O K)

4 I, Christine M. Luciano, Certified Shorthand
 5 Reporter in and for the County of Cook, State of
 6 Illinois, do hereby certify that on June 11, 2013, the
 7 deposition of the witness, TONY L. DANIELS, called by
 8 the Defendants, was taken before me, reported
 9 stenographically and was thereafter reduced to
 10 typewriting through computer-aided transcription.

11 The said witness, TONY L. DANIELS, was first
 12 duly sworn to tell the truth, the whole truth, and
 13 nothing but the truth, and was then examined upon oral
 14 interrogatories.

15 I further certify that the foregoing is a
 16 true, accurate and complete record of the questions
 17 asked of and answers made by the said witness, at the
 18 time and place hereinabove referred to.

19 The signature of the witness was waived by
 20 agreement.

21 The undersigned is not interested in the
 22 within case, nor of kin or counsel to any of the
 23 parties.

24 Witness my official signature as Certified

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APPENDIX 002462

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Shorthand Reporter, in and for Cook County, Illinois
on this 25th day of June, A.D., 2013.

Christine M. Luciano, CSR
License No. 084-004068

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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.)

VOLUME IV, PAGES 654 - 732

DISCOVERY DEPOSITION
OF
TONY L. DANIELS

Continued videotaped discovery deposition of
TONY L. DANIELS, taken on June 20, 2013, beginning at
10:13 a.m., at 207 West Jefferson Street, Bloomington,
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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22 BY: MR. THOMAS G. DiCIANNI
23 Representing the Defendants,
24 Timothy Freesmeyer, Robert Hospelhorn,
 David Warner, Frank Zayas, and
 Town of Normal, Illinois.

25 ALSO PRESENT:

26 Mr. Wayne Rutherford,
27 Rutherford Photo Video

28 * * *

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I N D E X

WITNESS

EXAMINATION

TONY L. DANIELS

Cross-Examination by Mr. Bowman	657
Recross-Examination by Mr. DiCianni	671
Recross-Examination by Mr. Bowman	722

E X H I B I T S

TONY L. DANIELS
DEPOSITION EXHIBIT

MARKED FOR ID

*** NO EXHIBITS MARKED ***

1 THE VIDEOGRAPHER: My name is Wayne
2 Rutherford with Rutherford Photo Video, Decatur,
3 Illinois. The date is 6-20-13. The time on the video
4 screen is 10:13 a.m. This is a continuation of the
5 deposition of Tony Daniels. We're on the record.

6 CROSS-EXAMINATION

7 (Continued)

8 BY MR. BOWMAN:

9 Q. Mr. Daniels, you'll be relieved to hear that
10 I don't have too many more questions.

11 I want to ask you, you've got the exhibits in
12 a binder in front of you at this point, and I'd like
13 to ask you to have a look at Daniels Exhibit Number 5
14 which is the lengthy report that Detective Freesmeyer
15 prepared.

16 Have you got that?

17 A. Yes, right here.

18 Q. If you could turn to page 44 of the report,
19 and it has a Bates number in the lower right-hand
20 corner MCC 000303?

21 A. Okay.

22 Q. Just below the middle of the page, there's a
23 sentence that reads as follows: On 2-18-94, Detective
24 Daniels, Lieutenant Zayas, and myself -- referring to

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APPENDIX 002467

1 Freesmeyer -- went to Chicago to meet with Jack Reagan
2 of the Chicago Police Department's violent crimes
3 unit.

4 Does that indicate to you that as of February
5 18, Detective Zayas was actively involved in the
6 Lockmiller case?

7 A. To me, yes.

8 Q. And that -- do you have any reason to dispute
9 the statement here that Lieutenant Zayas went with you
10 and others to the Chicago Police Department in
11 February of 1994?

12 A. He, in fact, did.

13 Q. And did he do so to the best of your
14 recollection in his capacity as lieutenant in the CID?

15 A. Yes, he did.

16 Q. All right.

17 MR. DiCIANNI: Let's hold one second -- I
18 want to see -- okay. Never mind.

19 BY MR. BOWMAN:

20 Q. Then if you would turn to page 48 of the
21 report, Bates number 307. Again, a little bit below
22 the middle of the page. There's a sentence that reads
23 as follows: On 5-16-94, a meeting was held to
24 determine the course of action in this case. Present

1 at the meeting was chief James Taylor, State's
2 Attorney Charlie Reynard, assistant State's Attorney
3 James Souk, Lieutenant Frank Zayas, Lieutenant John
4 Brown, detective Tony Daniels, and myself. I read
5 that accurately, right?

6 A. Correct.

7 Q. And that indicates to you, does it not, that
8 Frank Zayas was present at the May 16, 1994 auto
9 meeting that you have testified about before at which
10 the decision was announced that Beaman would be
11 charged with the murder, right?

12 MR. DiCIANNI: Object to form.

13 THE WITNESS: That's correct.

14 MR. BOWMAN: Can I correct the form? What's
15 your objection?

16 MR. DiCIANNI: You're asking him to draw a
17 supposition based on something that's written in a
18 report. You're saying this indicates to you that
19 Frank Zayas was there. Well, it's in the report, so
20 it doesn't -- wouldn't indicate -- lack of foundation.

21 MR. BOWMAN: Is the objection, okay. Thanks.
22 Did we get an answer to my question?

23 (Whereupon, the record was
24 read as requested.)

1 BY MR. BOWMAN:

2 Q. To the best of your recollection, was
3 Frank Zayas present at the May 16, 1994 meeting?

4 A. According to the report, yes.

5 Q. And to the best of your recollection --

6 A. Yes.

7 Q. -- was he there?

8 A. Yes.

9 Q. And was Frank Zayas -- does this indicate
10 that Frank Zayas was actively involved in the
11 Lockmiller homicide investigation as of this date, May
12 16, 1994?

13 MR. DiCIANNI: I'll object to lack of
14 foundation.

15 THE WITNESS: Correct.

16 BY MR. BOWMAN:

17 Q. And was Lieutenant Zayas there in his
18 capacity as head of CID at that time?

19 MR. DiCIANNI: Object to lack of foundation.

20 THE WITNESS: Yes, he was.

21 BY MR. BOWMAN:

22 Q. Now, jumping back to another topic that you
23 testified about last time. You indicated that in
24 about October of 1994, you learned of John Murray's

1 arrest for domestic violence, among other things, yes?

2 A. Correct.

3 Q. And you learned this, if I recall your
4 testimony accurately, based upon your review of the
5 daily information flow regarding individuals who were
6 arrested?

7 A. Correct.

8 Q. Is it accurate that any officer in the Normal
9 Police Department in October of 1994 would have had
10 access to that same information from which you learned
11 of Murray's arrest?

12 A. Yes.

13 Q. Do you recall was there discussion amongst
14 any of the officers who had participated in the
15 Lockmiller investigation regarding Murray's arrest,
16 the circumstances of it, and its significance?

17 MR. DiCIANNI: Object to lack of foundation.

18 THE WITNESS: I don't recall.

19 BY MR. BOWMAN:

20 Q. You're saying there may or may not have been,
21 you don't specifically remember?

22 A. That's correct.

23 Q. Okay. All right. Shifting again to another
24 subject on which you've testified about previously.

1 Mr. Zayas -- and this is -- this is the subject of the
2 report of Murray's polygraph examination about which
3 you testified before.

4 And, again, if I correctly recall the
5 substance of your testimony, it is that you do not
6 recall ever receiving the report of that polygraph
7 examination, accurate?

8 A. I don't know if that's what I said or not
9 that I recall; meaning, I could have, but I don't
10 recall. Is that what you're asking me?

11 Q. That's what I'm asking you.

12 A. Correct.

13 Q. Okay. Now, I want to read you some testimony
14 that Mr. Zayas gave in his deposition in this case
15 regarding that report, and I'm just going to read this
16 into the record. It's from the Zayas deposition
17 beginning at page 120, line 13 of the transcript.
18 Here's what he was asked about the report.

19 "Question: In this case, the
20 report is addressed to Detective
21 David Warner. How would this
22 report have been routed through the
23 police department upon receipt?"

24 And there was an objection, but there was

1 also an answer, and it goes on to state the answer:

2 "I don't know how to answer
3 the question because if -- if it
4 came into the police department
5 addressed to David Warner, I think
6 he would have gotten it and it
7 would -- then he would read it,
8 submit it, run copies of it, get
9 the original to -- to records,
10 make sure that, you know, I would
11 have gotten a copy of it, the chief
12 would have gotten a copy of it. So
13 he would have had to disseminate
14 the report. If my memory serves
15 me correctly, that's -- should have
16 been the way to process that.

17 Question: Okay. So let me
18 try to take that step-by-step so I
19 make sure I'm understanding.
20 Assuming Detective Warner received
21 the report, he should direct the
22 original to records?

23 Answer: Yes, the originals
24 always went to records.

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1 Question: And by sending it
2 to records, the report would become
3 part of the central file for this
4 case?

5 Answer: Right, uh-huh.

6 Question: Upon receiving this
7 report, Warner should make sure
8 that you, Zayas, get a copy?

9 Answer: Yeah, should have
10 made sure everybody else would have
11 gotten a copy of it.

12 Question: And when -- when
13 you say quote/unquote everybody, do
14 you mean all of detectives working
15 on the case?

16 Answer: Working on the case,
17 yes.

18 Question: Okay. And he
19 should have also made sure that the
20 chief got a copy?

21 Answer: Oh, yes, sir."

22 And upon -- and then the next question:

23 "Okay. And upon receiving the
24 report that's shown in Exhibit 4,

1 do you have any reason to doubt
2 that Detective Warner would have
3 gone through the steps that you and
4 I just discussed?"

5 There was an objection. The answer:

6 "I -- I don't know. I -- he
7 should have followed the procedure,
8 disseminated the information."

9 And that's the end of what I'm going to read,
10 and I've read through the top of page 122, line 5.

11 Do you have any dispute with any of the
12 testimony that Lieutenant Zayas?

13 MR. DiCIANNI: Well, I'll object to that for
14 several reasons. First of all, Detective Zayas is
15 obviously speculating about what did or did not
16 happen. And intermixed in that testimony is rank
17 speculation, and I'm sure the objections may have
18 pointed that out.

19 So you're asking this witness to -- whether
20 he would agree with another witness's speculation
21 which could only make this double speculation. I'll
22 object to the foundation and the form.

23 THE WITNESS: The answer to your question
24 would be the procedure that Lieutenant Zayas gave you

1 in his deposition is correct.

2 BY MR. BOWMAN:

3 Q. Do you have any reason to doubt based on
4 anything that you've heard about, anything that you've
5 seen, any recollection that you've had that the
6 procedure that Lieutenant Zayas described in the
7 testimony that he gave was, in fact, followed with
8 respect to this particular report?

9 MR. DiCIANNI: Object, lack of foundation and
10 speculation.

11 THE WITNESS: I can't be certain whether it
12 was followed or not.

13 BY MR. BOWMAN:

14 Q. And why do you say that?

15 A. Well, apparently one of the questions,
16 mysteries, if you will, is why this report of his
17 polygraph was not disseminated to everyone. So it
18 appears to me that it was not disseminated.

19 Q. And do you have any explanation for why that
20 happened?

21 A. No --

22 MR. DiCIANNI: Object.

23 THE WITNESS: -- I do not.

24

1 BY MR. BOWMAN:

2 Q. Did you have --

3 MR. DiCIANNI: Speculation.

4 BY MR. BOWMAN:

5 Q. Did you have yourself, sir, any intention,
6 any role, any activity whatsoever to cause this report
7 not to be disseminated?

8 MR. DiCIANNI: Object, speculation.

9 MS. BARTON: I'll join.

10 MR. BOWMAN: That's not speculation. I'm
11 asking you, sir.

12 MR. DiCIANNI: Well, he's testified he has no
13 memory about it, so he can only speculate about
14 whether he did anything to cause it. So I'm -- that's
15 my objection.

16 MS. BARTON: I'll join in the objection.

17 BY MR. BOWMAN:

18 Q. Did you cause this report not to be
19 disseminated, sir?

20 A. No, I did not.

21 MR. DiCIANNI: Same objection.

22 BY MR. BOWMAN:

23 Q. Did you take any action that would have
24 resulted in the report not being disseminated?

1 MR. DiCIANNI: Same objection.

2 MS. BARTON: Join.

3 THE WITNESS: No, I did not.

4 BY MR. BOWMAN:

5 Q. To the extent that Timothy Freesmeyer at some
6 point in the process functioned not as the supervisor
7 of CID but as the primary investigator in the
8 Lockmiller investigation, would Detective Freesmeyer
9 as primary investigator be responsible for being on
10 top of the information that was being developed, not
11 just by himself but by other investigators in the
12 case?

13 MR. DiCIANNI: I'll object; lack of
14 foundation, form.

15 THE WITNESS: He should have, yes.

16 BY MR. BOWMAN:

17 Q. As the primary investigator at some point in
18 time, if he was, was Freesmeyer's -- would
19 Freesmeyer's responsibility have been to be aware of
20 documents that were being assembled in the
21 investigation from third-party sources?

22 MR. DiCIANNI: Same objection.

23 THE WITNESS: Yes.

24

1 BY MR. BOWMAN:

2 Q. As primary investigator if he was at some
3 point in this investigation, would Freesmeyer be
4 responsible for ensuring that documents including
5 materials generated from third-party sources,
6 investigator reports, investigator notes and other
7 information, that that all be routed through the chain
8 to the supervisor for purposes of dissemination of the
9 documents to the State's Attorney and the other
10 lawyers in the criminal case?

11 MR. DiCIANNI: Object to form, foundation.

12 MS. BARTON: Join.

13 THE WITNESS: Correct.

14 BY MR. BOWMAN:

15 Q. Did you, Detective -- I guess you don't get
16 the title anymore.

17 A. No.

18 Q. Mr. Daniels, did you as -- to the best of
19 your ability in your work on the Lockmiller case
20 adhere to and follow the training and instruction that
21 you've been given?

22 MR. DiCIANNI: Object to lack of foundation,
23 speculation.

24 MS. BARTON: Join.

1 THE WITNESS: To my knowledge, yes.

2 BY MR. BOWMAN:

3 Q. And specifically with respect to the handling
4 of documents and your binders did you do so?

5 A. Yes.

6 MR. DiCIANNI: Same objection.

7 THE WITNESS: Yes.

8 MR. BOWMAN: That completes my questioning of
9 you at this time, Mr. Daniels. Thanks for your time.

10 MR. DiCIANNI: Do you have anything?

11 MS. BARTON: Since you indicated that you had
12 a couple of hours, maybe it would be -- unless anybody
13 has any objection to that?

14 MR. DiCIANNI: That's fine. I'll go.

15 MS. BARTON: You will --

16 MR. DiCIANNI: And I don't know that I have a
17 couple hours --

18 MS. BARTON: Okay.

19 MR. DiCIANNI: -- but I'll go next.

20 MS. BARTON: Just because it sounds like you
21 have more.

22 MR. BOWMAN: I hate to be a whiner. Can we
23 go off the minute just a minute so we could get some
24 tea?

1 MR. DiCIANNI: Oh, yeah.

2 THE VIDEOGRAPHER: Off the record, 10:29.

3 (Whereupon, a break was taken.)

4 THE VIDEOGRAPHER: On the record, 10:31.

5 RECROSS-EXAMINATION

6 BY MR. DiCIANNI:

7 Q. Mr. Daniels, you during your testimony in
8 response to questions by Mr. Bowman, you said several
9 times or you were asked several times about what
10 trained and experienced investigators might do in a
11 particular situation. You recall being asked
12 questions along those lines?

13 A. Yes.

14 Q. Okay. And I assume you considered yourself a
15 trained and experienced investigator, correct?

16 A. Yes, somewhat, some degree.

17 Q. Okay. Did -- did you take classes in
18 investigative techniques and practices or was all your
19 training sort of on the job?

20 A. I had quite a few schools, on the job.

21 Q. Well, that sounds like two different things.
22 Actually, the way I meant it as a question, that would
23 have been two different things.

24 You have continuing police training through

1 NEMRT and other types of -- maybe not NEMRT down here,
2 through other types of organizations that provide for
3 police training for sworn police officers, correct?

4 A. Yes.

5 Q. Okay. And have you taken those types of
6 courses in investigative techniques or practices?

7 A. Yes.

8 Q. As you sit here today, can you remember which
9 ones you may have taken?

10 A. Well, I've taken John Reid School of
11 interview interrogation. I had three -- two other
12 classes regarding interview and interrogation,
13 homicide investigations; seminars which were three,
14 four and five days long with the renowned -- one of
15 them was the renowned Dr. Henry Lee; Roy Hazelwood;
16 other update basic homicide investigations.

17 Q. So these are classes that you've gone to?

18 A. Correct.

19 Q. Okay. Have you ever instructed a class in
20 homicide investigation or any kind of investigation?

21 A. No.

22 Q. Have you ever instructed any police training
23 classes?

24 A. No.

1 Q. Have you ever written any types of articles
2 or publications regarding police investigation topics?

3 A. I -- when I was still in investigations, I
4 did write up a procedure for on-the-scene homicide
5 investigations.

6 Q. That was for internal use?

7 A. Correct.

8 Q. For the department?

9 A. Yes, a binder to take with you when you have
10 a homicide investigation, make sure -- it was a
11 checklist to make sure what it was.

12 Q. And where did you obtain the information from
13 that?

14 A. Various classes, experience, knowledge.

15 Q. Okay. So this was -- these were -- these
16 procedures were based on information that you gathered
17 from other courses?

18 A. Correct.

19 Q. Okay. And when -- when did you do that?

20 A. Well, see, I retired in 2000. I don't have
21 an exact recall of the date. Perhaps 1998, maybe
22 1999.

23 Q. Okay. Have you ever served in any positions
24 in any police organizations such as any -- any police

1 organizations? Have you belonged to -- held any high
2 level positions?

3 A. No.

4 Q. Have you been on the faculty anywhere of any
5 police organ -- police training organization?

6 A. No.

7 Q. Have you ever testified as an expert witness
8 in any situation?

9 A. No.

10 Q. Have you ever been asked to testify as an
11 expert witness?

12 A. No.

13 Q. Do you -- would you consider yourself an
14 expert witness in issues regarding police
15 investigation?

16 A. Absolutely not.

17 Q. The -- you testified early on in your
18 questioning by Mr. Bowman about Frank Zayas's
19 responsibility, and one of the things you said was he
20 was responsible to assure records get to the State's
21 Attorney's Office. And I think you -- the example you
22 used was the Harry Truman, the buck stops at the top.
23 So he was -- as the supervisor of CID, that would have
24 been one of his responsibilities, correct?

1 A. Yes.

2 Q. Okay. And we talked about the standard
3 procedures that were used in that certain documents
4 were disseminated, one copy was supposed to go to
5 central files; and at some point in time, the central
6 files or some action would be taken to get the main
7 file to the State's Attorney. That was the general
8 procedure, right?

9 A. Would you restate your question?

10 Q. Yeah, let me restate that.

11 A. Okay.

12 Q. Well, Mr. Bowman just read you some testimony
13 by Frank Zayas regarding some procedures that
14 generally were followed regarding the routing of
15 records up the chain of command and eventually into
16 the records department and then presumably to the
17 State's Attorney's Office, correct?

18 A. Correct.

19 Q. All right. And that was your understanding
20 of what the general practice was?

21 A. General practice, yes.

22 Q. Okay. Obviously there were situations where
23 things fell through the cracks, correct?

24 A. I would venture to say there is or was.

1 Q. In this case and in other cases?

2 MR. BOWMAN: Objection, foundation.

3 MR. DiCIANNI: I'll withdraw the question.

4 BY MR. DiCIANNI:

5 Q. In this case, there were obviously certain
6 situations in which things fell through the cracks,
7 correct?

8 MR. BOWMAN: Objection, foundation.

9 THE WITNESS: It appears to be, yes.

10 BY MR. DiCIANNI:

11 Q. All right. That doesn't mean that somebody
12 purposefully or anybody purposefully or intentionally
13 took some action to cause those things to fall through
14 the cracks, correct?

15 MR. BOWMAN: Objection, foundation.

16 THE WITNESS: That's correct.

17 BY MR. DiCIANNI:

18 Q. All right. You yourself say that you didn't
19 do anything, in response to Mr. Bowman's questions, to
20 cause the polygraph examination of John Murray to not
21 get to the State's Attorneys; that's your testimony,
22 correct?

23 A. Correct.

24 Q. You say -- you have no memory of ever taking

1 possession of it or seeing it back then, correct?

2 A. Correct.

3 Q. You say that only because you know that you
4 had no reason to do that, and that's not something you
5 would have done, correct?

6 A. Your --

7 MR. BOWMAN: The form of that question is
8 bad.

9 THE WITNESS: Your question confuses me.

10 BY MR. DiCIANNI:

11 Q. All right. Well, let me rephrase that.

12 If -- if -- you don't remember -- obviously I
13 don't want to beat the question up, but you don't
14 remember getting that report, correct?

15 A. That's correct.

16 Q. Dave Warner says he gave you that report.
17 You're familiar with that, correct?

18 A. That's what I -- my understanding is that's
19 what he testified to, yes.

20 Q. Yes. Assuming that Dave Warner is correct
21 and you just misplaced that report so it never got to
22 records or you lost it or it somehow got put in a
23 different file accidentally, you would have caused --
24 you would be able to say that you caused that record

1 not to get to the State's Attorney's Office, correct?

2 MR. BOWMAN: Objection.

3 BY MR. DiCIANNI:

4 Q. Assuming my -- my facts?

5 MR. BOWMAN: Objection; hypothetical,
6 speculation, lacks foundation.

7 THE WITNESS: Is this an accusation or --

8 BY MR. DiCIANNI:

9 Q. No, it's not.

10 A. -- is this a statement or --

11 Q. No, this is --

12 A. -- possibilities that it could've happened?

13 Q. Yes, possibilities.

14 A. That's a possibility, yes.

15 Q. Okay. So as you sit here today --

16 MR. BOWMAN: Same objection to the following
17 questions just to be clear.

18 BY MR. DiCIANNI:

19 Q. As you sit here today and you say to
20 Mr. Bowman that you know you did nothing to cause it,
21 what you mean is you did nothing intentionally to
22 cause it, correct?

23 A. Intentionally is the keyword. Yes.

24 Q. Okay. All right. And do you have any reason

1 to believe that Frank Zayas did anything to
2 intentionally cause either the polygraph report or
3 anything else not to get to the State's Attorney's
4 Office?

5 MR. BOWMAN: Objection, foundation.

6 THE WITNESS: I would think not.

7 BY MR. DiCIANNI:

8 Q. All right. Now, you've -- you've kept touch
9 with Frank Zayas since he left the department, haven't
10 you?

11 A. Yes, I have.

12 Q. In fact, you visited him a few times in
13 Sarasota?

14 A. Well, I -- I didn't go to Sarasota to visit
15 him. My sister lives there.

16 Q. Yeah.

17 A. When I go down to visit her, we get in touch.

18 Q. You'd get together?

19 A. Yes.

20 Q. Haven't you stayed with him at times at his
21 place?

22 A. No.

23 Q. No? Okay. But you've been down there, and
24 that's since he left the department, correct?

1 A. Correct.

2 Q. Have you had conversations with him about the
3 Beaman case?

4 A. I don't recall having conversations with
5 Frank Zayas about the Beaman case when I visited him
6 in Sarasota.

7 Q. Okay. Do you -- do you remember -- have you
8 ever had conversations with him about the lawsuit?

9 A. I think that came up because I believe he
10 stated at one time he or his wife, Nancy, would read
11 the Pantagraph, the local newspaper, on the website
12 down there.

13 Q. Okay.

14 A. Of course, he got served too. He said he got
15 served.

16 Q. Right. So -- so you did have conversations
17 with him about the lawsuit?

18 A. Yes, in passing, yes. It was no detailed
19 what happened here and what happened there, no. Just
20 the mention of the fact that the lawsuits.

21 Q. Okay. And he was -- and you -- this was in
22 person you had the conversation with him, correct?

23 A. Yes.

24 Q. Okay. Did he mention anything to you about

1 any of the allegations that were in the complaint
2 against him?

3 A. I do not recall.

4 Q. When you said it was -- well, strike that.

5 We saw in the records that Mr. Bowman showed
6 you that he was present, he, Frank Zayas, was present
7 at the meeting on February 18 with the Chicago Police,
8 correct?

9 A. Yes.

10 Q. And that's 1994.

11 And then he was -- he appeared to be present
12 with the -- at the meeting in May where the decision
13 was made to arrest Alan Beaman --

14 MR. BOWMAN: Object --

15 BY MR. DiCIANNI:

16 Q. -- at least -- at least according to that
17 report, correct?

18 MR. BOWMAN: Object to the form of the
19 question.

20 THE WITNESS: Yes.

21 BY MR. DiCIANNI:

22 Q. Okay. And we saw also in another report that
23 Frank was no longer the head of CID as of
24 March 7 or February -- I don't remember the exact

1 date, but sometime in February of '94 until June of
2 '94, he was not the head of CID. We saw that in the
3 Freesmeyer report, correct?

4 MR. BOWMAN: Objection, form and foundation.

5 THE WITNESS: If that was in the report, then
6 that would be the correct dates.

7 BY MR. DiCIANNI:

8 Q. Well, let me -- let me go to that then. I'm
9 referring to Exhibit Number -- Daniels Exhibit 12
10 which is the Freesmeyer monthly report.

11 On -- well, let me ask you a back-up
12 question. It says on the folder cover, which would be
13 the first page of this, Freesmeyer's Monthly Report.
14 And that's your writing, correct?

15 A. Yes.

16 Q. This came out of your -- your documents --

17 A. Correct.

18 Q. -- that you produced to the State's
19 Attorney's lawyers?

20 A. Yes.

21 Q. I should say the County's lawyers in response
22 to the subpoena.

23 MS. BARTON: Thank you.

24

1 BY MR. DiCIANNI:

2 Q. It's actually more of an annual report than a
3 monthly report, would that be accurate?

4 MR. BOWMAN: Objection; foundation, calls for
5 speculation.

6 THE WITNESS: If I may read on the first
7 page, it does say the division was assigned a total of
8 940 cases as compared to 1165 for 1993. That
9 indicates it probably is an annual report.

10 BY MR. DiCIANNI:

11 Q. Yeah. And it covers activities in almost
12 every month of that year, correct?

13 A. Well, I didn't read it. I couldn't tell you
14 what it does cover or does not.

15 Q. All right. In any event, on page S --
16 Daniels SDT 970 at the bottom -- and we talked about
17 this before. It says that Lieutenant Zayas -- that
18 Frank Filliponi took over as CID supervisor from
19 1-1-94 to 3-7-94, and then Sergeant Daniels took over
20 from 3-7-94 until 6-94, and then Frank Zayas returned
21 to be the CID supervisor in June of '94.

22 And you -- you have no quarrel with that --
23 with that part of the report, correct?

24 MR. BOWMAN: Objection, foundation.

1 THE WITNESS: I -- I can't testify as to what
2 Freesmeyer had put in this report to be accurate or
3 not.

4 BY MR. DiCIANNI:

5 Q. Okay. But we did talk earlier at your last
6 session that you do recall there was a point in time
7 when you were the -- you were the temporary CID
8 supervisor because Filliponi had retired and, Frank
9 Zayas was out of that position and then he returned.
10 You recalled that, but you couldn't recall the exact
11 dates?

12 A. Correct.

13 Q. Okay. The fact that Frank Zayas is present
14 at this meeting in February with the Chicago Police,
15 that doesn't mean that he was still the head of CID,
16 correct?

17 MR. BOWMAN: Objection; speculation,
18 foundation.

19 THE WITNESS: I couldn't recall if that was
20 the time that he traveled with us, he was still in
21 charge or not.

22 BY MR. DiCIANNI:

23 Q. Well --

24 MR. BOWMAN: Did you want to continue your

1 answer?

2 BY MR. DiCIANNI:

3 Q. Oh, I'm sorry. If you weren't --

4 A. I'm reading from his report.

5 Q. Yeah.

6 A. From Freesmeyer's report. In fact, that's
7 what it says in there. I got no way to challenge
8 those dates. I don't recall those dates.

9 Q. Well, I understand that. But Counsel had
10 asked you based on Freesmeyer's police report, not
11 this monthly -- this annual report, but based on his
12 police report where there's a reference to Frank Zayas
13 being at the police -- Chicago Police Department on
14 February 18, 1994 and also being at the meeting about
15 Beaman in May of 1994. Mr. Bowman asked you does that
16 indicate to you that he was still active in the
17 investigation.

18 So I'm asking -- my question to you is those
19 two references in the report that Mr. Bowman was
20 talking about don't indicate that Frank Zayas was
21 still the head of CID, do they?

22 MR. BOWMAN: Objection; foundation,
23 speculation, compound, argumentative.

24 THE WITNESS: They do not indicate that;

1 however, my recollection is that he was still in
2 charge. My recollection of the date that we went to
3 Chicago, I recall him the one that driving and he was
4 in charge.

5 BY MR. DiCIANNI:

6 Q. Well, what do you mean by "he was in charge?"
7 In charge of what?

8 A. Well, of us three going up there.

9 MR. DiCIANNI: What report was that, 12?

10 MS. BARTON: 5? Freesmeyer.

11 MR. DiCIANNI: 5, Freesmeyer.

12 BY MR. DiCIANNI:

13 Q. Well, do you mean that because he's a
14 lieutenant, he's in charge of yourself and
15 Freesmeyer --

16 MR. BOWMAN: Object --

17 BY MR. DiCIANNI:

18 Q. -- just based on the chain of command?

19 MR. BOWMAN: Objection; mischaracterizes the
20 testimony, argumentative.

21 THE WITNESS: As a lieutenant with two
22 detective officers with him, he would be in charge.

23 BY MR. DiCIANNI:

24 Q. Okay. All right. So you're under his

1 command because his -- of his rank, correct?

2 A. Yes.

3 Q. All right. That doesn't mean -- the fact
4 that he's coming with you to this meeting at the
5 Chicago Police Department, that doesn't mean he's
6 still the head of CID? You can't make that
7 conclusion, can you?

8 MR. BOWMAN: Objection, foundation.

9 THE WITNESS: I cannot definitely say for
10 sure that that was his title at that time and moment.
11 I can say as a lieutenant, he was in charge, and he
12 still had his hands in on the investigation.

13 BY MR. DiCIANNI:

14 Q. Okay. Well, obviously he's present?

15 A. Okay.

16 Q. But you don't know --

17 A. No.

18 Q. -- to what extent he's still involved in the
19 investigation, correct?

20 A. No.

21 Q. And that's the same thing in -- on May 16, I
22 believe it was, or 17, 1994, where he attends the
23 meeting where the discussion is had about arresting
24 Beaman, you can't say on that date and time what

1 involve -- what continuing involvement he had in the
2 investigation?

3 A. I could not be sure, no.

4 Q. All right. And it certainly could be
5 helpful, couldn't it, to have a detective who had been
6 involved in the investigation but no longer was to
7 attend these meetings, correct?

8 MR. BOWMAN: Objection; foundation,
9 speculation.

10 THE WITNESS: That would not been my call.

11 BY MR. DiCIANNI:

12 Q. But you can say that could be helpful?

13 A. In my opinion --

14 MR. BOWMAN: Same set of objections.

15 THE WITNESS: In my opinion, yes.

16 BY MR. DiCIANNI:

17 Q. Okay. When you -- when you testified that it
18 would have been Frank Zayas's responsibility to assure
19 that the polygraphs we've been talking about made it
20 the State's Attorney's Office, you're not saying it's
21 his fault that they didn't get to the State's
22 Attorney's Office, are you?

23 A. Absolutely not.

24 MR. BOWMAN: Objection. I -- where to start.

1 Foundation, form -- foundation and form for a number
2 of reasons.

3 BY MR. DiCIANNI:

4 Q. We heard at the first -- at prior sessions
5 we've been involved in, we've heard about your working
6 file, and we heard about the main file, and we heard
7 that other detectives also would have had, as far as
8 you know, working files.

9 Did you take any action to transfer your
10 working file to the State's Attorney's Office?

11 A. Not that I recall.

12 Q. And we heard that when you left the
13 department, you still had -- well, your working file
14 ended up in your home at some point in time. We don't
15 know when, but at some point in time, it ended up at
16 your home, correct?

17 A. Correct.

18 Q. And you have no memory of doing anything, of
19 taking action to transfer your working file to the
20 records division, correct?

21 A. As I recall, no.

22 Q. Now, you testified last time that you -- when
23 a question -- when questions were asked to you about
24 Mr. Beaman's alibi, you testified that we examined his

1 car and had doubts that he could drive it to Rockford
2 and back within that time frame. I'm paraphrasing
3 your testimony. But the -- but -- but the important
4 question is you said we examined his car. Who -- who
5 was we in that statement?

6 A. Detective Rob Hospelhorn.

7 Q. And yourself?

8 A. Correct.

9 Q. And when did you do that?

10 A. Right after Alan Beaman walked out of the
11 Winnebago County Sheriff's Department.

12 Q. And how did you examine his car?

13 A. We looked at it with our eyes. We used no
14 instruments.

15 Q. Okay. You just looked at it?

16 A. Correct.

17 Q. And it looked like a little beater which
18 couldn't get back and forth in time, right?

19 A. Well, in my opinion, yes.

20 Q. Okay. You know what I mean by beater?

21 A. Yes.

22 Q. Yeah. Okay. But not impossible for it to
23 get back and forth in time, just unlikely --

24 A. I didn't.

1 Q. -- in your opinion?

2 A. I didn't turn the engine in or get inside and
3 run it around the block, no.

4 Q. So not impossible?

5 A. I can't say that.

6 Q. You started to say -- and maybe we need to go
7 to the transcript for this. And I don't want to go
8 back and forth between the transcript like it's a
9 trial and all that. I don't think that's appropriate.
10 But for this question, I think maybe we need to do
11 that.

12 You were asked by Mr. Bowman -- this is on
13 page 133. You were asked by Mr. Bowman about yours
14 and Rob Hospelhorn's interview with Beaman on
15 August 28. And you were asked the question:

16 "Was there -- did the
17 investigators get anything else on
18 Beaman that was further support
19 for the proposition that Beaman
20 was the perpetrator?"

21 And you answered:

22 "Yes, there had been."

23 And Mr. Bowman asked you:

24 "What is that?"

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1 And you answered:

2 "Well, the information that
3 came about as a pretrial or
4 posttrial conviction, I learned
5 that information was
6 misrepresented by Tim Freesmeyer.
7 I also learned during the
8 testimony of Judge Souk that
9 information was omitted."

10 What I want to know is -- and was never went
11 into as to what was misrepresented. What are you
12 referring to there in that statement that was
13 misrepresented by Tim Freesmeyer?

14 A. Tim Freesmeyer in testimony on one of the
15 hearing -- post-conviction hearings testified that Mr.
16 Beaman had said -- there were two different routes to
17 the bank from Beaman's residence. And one route would
18 have indicated and pointed to the fact that Beaman did
19 have the opportunity to leave the bank, drive home,
20 and drive to Jennifer's residence; and the other
21 route, of course, indicate he didn't have time.

22 Well, the testimony that I understand was the
23 fact that Tim Freesmeyer represented the route, and he
24 said that Alan said this was the route that I had

1 taken that would have give him the opportunity to
2 commit the crime when, in fact, that's not what the
3 route that Beaman had taken.

4 Q. So --

5 A. From the bank to his residence.

6 Q. So what was the misrepresentation by
7 Mr. Freesmeyer?

8 A. That he had the wrong route. He indicated
9 that Alan said one route was the route he had taken,
10 which would have included him as a suspect as the
11 person who committed the crime, when, in fact, Alan
12 said, no, that's not the route I told you.

13 Q. I see.

14 A. And I think it was in jury -- or grand jury.

15 Q. Okay. So the misrepresentation that you
16 believe Mr. Freesmeyer made came during testimony?

17 A. Yes, I believe it did.

18 Q. And when was that testimony given?

19 A. I don't know the date of it. It was a
20 post -- posttrial.

21 Q. Okay.

22 A. Post-conviction trial.

23 Q. It was during the post-conviction part?

24 A. Yes.

1 Q. All right. So you went through those
2 transcripts from the post-conviction case?

3 A. No, I didn't go through the transcript.

4 Q. Well, how did you know what he testified to?

5 A. I believe I recalled hearing it because I was
6 there.

7 Q. You were in the courtroom?

8 A. Yes.

9 Q. You also said: "I also learned during the
10 testimony of Judge Souk that information was omitted."

11 And what were you referring to there; can you
12 remember?

13 A. The viable suspect they had cleared, John
14 Larbi, in regards -- the polygraph had a part to play
15 in that testimony, whether or not they received a
16 report of a polygraph.

17 Q. Well, can you remember what the exact
18 testimony of Judge Souk was that indicated to you that
19 information was omitted?

20 A. No, I don't.

21 Q. Again, you're talking about some testimony
22 that you heard Judge Souk give while you were sitting
23 in the courtroom?

24 A. I believe that's what I testified to, yes.

1 Q. All right. Did you ever listen to the 9 --
2 the answering machine messages from Jennifer's
3 answering machine?

4 A. Yes.

5 Q. Do you remember Stacey Gates's calls?

6 A. On her phone?

7 Q. Yeah.

8 A. No, not really. I remember the name Stacey,
9 Bubba.

10 Q. Bubba?

11 A. Stacey Gates getting -- being mentioned on
12 her phone. But conversations, no.

13 Q. Do you remember that he was calling
14 consistently wanting her to call him back so they can
15 test -- so they can set up a time to meet that
16 weekend?

17 A. They were to, yes.

18 Q. Okay.

19 A. They were to meet that weekend.

20 Q. And do you recall that those conversate --
21 those calls continued even after the point in time
22 when it's believed she was murdered?

23 A. No, I don't.

24 Q. Okay. Was that not your part of the case or

1 was that --

2 A. No, I wouldn't say that. What I'm saying in
3 answer to your question is I don't recall hearing
4 those or listening to those.

5 Q. Did you consider Stacey Gates your part of
6 the case, investigating Stacey Gates your part of the
7 case?

8 A. Whether or not I had taken personal attention
9 to Stacey or Bubba, Stacey Gates, I don't recall
10 getting personally involved in interviewing him.

11 I do recall when we came back from Rockford
12 that same night that we talked to Alan that he had
13 made a call to our radio operator, that -- Normal PD
14 to the point where he was demanding to know what was
15 going on. And I satisfied his curiosity by telling
16 him that we're investigating something, and I couldn't
17 release any information. I think basically that's
18 about it.

19 Q. Well --

20 A. Now, as far as talking to him and
21 interviewing him, I don't believe I did.

22 Q. Well, my question went more to who had
23 responsibility for him in the investigation. We've
24 heard testimony both from you and others that various

1 suspects were sort of split up between the
2 investigators. You had Beaman first and then
3 Freesmeyer was given Beaman. Freesmeyer had Swaine.
4 You had Murray. And I'm wondering who had Gates; do
5 you know?

6 A. I don't --

7 MR. BOWMAN: Object to the form of the
8 question.

9 THE WITNESS: I don't recall.

10 BY MR. DiCIANNI:

11 Q. All right. You do -- you do, though, agree
12 that each of the investigators sort of split up
13 the -- who was going to follow up on each suspect,
14 correct?

15 MR. BOWMAN: Objection, form, foundation.

16 THE WITNESS: I don't know who us was
17 assigned to -- what investigator was assigned to what
18 suspect or people to interview.

19 BY MR. DiCIANNI:

20 Q. You know who you were assigned to?

21 A. Yes.

22 Q. And who were you assigned to?

23 A. First was Alan --

24 Q. Right.

1 A. -- and then we talked to several other people
2 that names came up during the investigation.

3 Q. And then John Murray was one you were --

4 A. Yes.

5 Q. But you don't remember if you were assigned
6 to Stacey Gates or you weren't assigned?

7 A. I do not remember.

8 Q. Okay. You made the statement that all of the
9 recorded statements of Beaman from the overhears were
10 consistent with his innocence. Is that a statement
11 that you stand by here?

12 A. There did not seem to be anything on those
13 overhears to indicate that he himself admitted to her
14 murder; but as I recall, his whereabouts, his alibi
15 seemed consistent.

16 Q. Weren't there some statements on his -- well,
17 strike that.

18 I should ask you first, did you listen to his
19 overhears?

20 A. No, I did not listen to the overhears.

21 Q. Did you read the transcripts?

22 A. I read some of the transcripts.

23 Q. And was there nothing in those transcripts
24 that could have been consistent with guilt?

1 A. Well, I'm sure if there had been Tim
2 Freesmeyer or one else who listened to it or read the
3 transcripts would have caught their attention.

4 Q. So the statement -- the question you were
5 asked by Mr. Bowman about Beaman's statements being
6 completely consistent with innocence, that's not
7 exactly accurate?

8 MR. BOWMAN: Objection, argumentative.

9 THE WITNESS: Depends how you want to
10 interpret the statements and what prior knowledge you
11 had of his other statements.

12 BY MR. DiCIANNI:

13 Q. Well, as you sit here now, you're not
14 confident to say that all of Beaman's statements were
15 consistent with innocence, correct?

16 MR. BOWMAN: Objection. I mean, that's
17 argumentative, and that's exactly the contrary of what
18 he's just testified to.

19 BY MR. DiCIANNI:

20 Q. You could answer.

21 A. What my recollection of reading the
22 transcripts and also interviewing Alan appears to be
23 consistent. The context appears -- in my opinion
24 appears to be consistent.

1 Q. With innocence?

2 A. Yes.

3 Q. And there's no part of it that reasonable
4 people could construe as being consistent with guilt?

5 A. I can't recall.

6 Q. One of the statements that he made was that
7 Jennifer was better off dead basically. And at least
8 one of the other investigators thought that that was
9 consistent with guilt because it is a -- it is a means
10 of sort of consoling yourself and this -- represented
11 this as being an investigative piece of knowledge.

12 In your mind, did the statement that she's
13 better off dead have any investigative value?

14 MR. BOWMAN: Object to the form of the
15 question. Object in particular that, you know, it's
16 incomplete and inaccurate characterization of the
17 tape. Ask that question properly, you should put the
18 transcript in front of the witness.

19 BY MR. DiCIANNI:

20 Q. You can go ahead and answer.

21 A. You need an answer?

22 Q. Well, I'm asking you.

23 A. Oh, right now?

24 Q. Yeah.

1 A. Excuse me.

2 Q. Why don't I read --

3 A. I understand what you're saying.

4 Q. Okay.

5 A. In my opinion, that statement in and of
6 itself doesn't add to his guilt or innocence.

7 Q. Not at all?

8 A. In my opinion, not at all.

9 Q. Okay. What about the statement where he
10 made -- he said that Jennifer treated him as though it
11 were a sharp, silver object in his chest? Do you
12 remember reading or hearing that statement?

13 A. No, I don't.

14 Q. Okay. Would that statement -- assuming that
15 that's the statement he made, would that statement
16 have any investigative value in this case given that
17 Jennifer was stabbed in the chest with a scissors?

18 MR. BOWMAN: Objection, form of the question.

19 BY MR. DiCIANNI:

20 Q. In your opinion.

21 MR. BOWMAN: Objection to the form of the
22 question, in particular the proper way to ask that
23 question is to place the transcript in front of the
24 witness who's testified that the statements have to be

1 perceived in context.

2 MR. DiCIANNI: Well --

3 MR. BOWMAN: And also object to the extent --
4 and I don't have the transcript in front of me either,
5 but I object to the extent that that question may or
6 may not accurately characterize the specific portion
7 of the transcript on which counsel is -- is focused.

8 MR. DiCIANNI: Well, I have to disagree with
9 you, Mr. Bowman. This is not like an impeachment at
10 trial. I'm getting his opinion --

11 MR. BOWMAN: I don't want to debate it.

12 MR. DiCIANNI: I'm getting it his general --

13 MR. BOWMAN: I don't want to debate it with
14 you.

15 MR. DiCIANNI: Okay. All right.

16 MR. BOWMAN: I've made my objection.

17 MR. DiCIANNI: Okay. Could you read back the
18 question.

19 (Whereupon, the record was
20 read as requested.)

21 MR. BOWMAN: And I interpose the same
22 objections to the question as restated by the court
23 reporter.

24 THE WITNESS: That statement like the

1 previous question taken out of context by itself would
2 not indicate any remorse indication that he had
3 murdered Jennifer.

4 BY MR. DiCIANNI:

5 Q. Okay. So to you it's not consistent in any
6 way with guilt?

7 A. That statement in -- by itself taken out of
8 context, no.

9 Q. Okay. What about Beaman not talking about
10 having been to the bank even though he had been
11 questioned several times about his activities that
12 morning, did that have any investigative value to you?

13 A. Well, certainly it could have depending on
14 the dates and times that he left work and so forth.
15 It would help indicate, and it did apparently, whether
16 or not he could have possibly been down in Normal at
17 the time, but it doesn't mean that he had murdered
18 her. May -- it could mean that he had the opportunity
19 or did not much like his vehicle information.

20 Q. I'm referring more to, though, his statement,
21 not that the fact that he was at the bank, but his
22 statement that he -- in his statements he never raised
23 the question or disclosed that he had actually been to
24 the bank that morning. That's what I'm referring to.

1 Does his lack of disclosure of having been to
2 the bank that morning have any investigative value in
3 your opinion?

4 A. Not necessarily.

5 Q. Why not?

6 A. Given the condition that he was in that
7 night, in my opinion, I think I testified that he
8 appeared to be under the influence of perhaps drugs
9 and/or alcohol, plus the fact that he was tired. He
10 was going to work. It could have slipped his mind.
11 Maybe he placed no importance upon that.

12 Q. And you're referring to the conversation you
13 had with him on August 28?

14 A. Correct.

15 Q. Okay. But later on in subsequent
16 conversations which were tape recorded with
17 Freesmeyer, he continued to not disclose having been
18 to the bank. You're aware of that, correct?

19 MR. BOWMAN: Objection to the form of the
20 question. It's argumentative, particularly the phrase
21 "not disclose."

22 THE WITNESS: I wasn't aware that he had been
23 to the bank until Freesmeyer informed us through the
24 use and verification of videotape.

1 BY MR. DiCIANNI:

2 Q. But you were aware that Beaman never
3 disclosed in any of his statements that he had been to
4 the bank?

5 A. I don't --

6 MR. BOWMAN: Same objection to the form of
7 the question.

8 THE WITNESS: I don't recall that being in
9 any of his statements.

10 BY MR. DiCIANNI:

11 Q. All right. Are -- is it your opinion that
12 John Murray is an equal suspect to Beaman?

13 A. As of what period of time in the
14 investigation?

15 Q. Now.

16 A. My opinion?

17 Q. Yeah.

18 A. My opinion is that he is the prime suspect.

19 Q. He is a greater suspect than Alan Beaman?

20 A. Correct.

21 Q. What is your theory of John Murray's having
22 murdered Jennifer?

23 A. Point that they were to get back together.
24 Perhaps he found out that she was to have a weekend

1 with Bubba, her -- one of her flames in high school
2 back in Decatur. The fact that he was their drug
3 supplier, and there's a possibility that she owed him
4 money, something to do with drugs.

5 That give rise -- but there's other
6 circumstances -- circumstantial evidence that points
7 to him more so than Alan Beaman. And if one were to
8 take a chalkboard and draw a line down the middle on
9 that chalkboard and put Beaman on one side and Murray
10 on the other side and list the information taken from
11 interviews and information known, I think one would
12 draw the conclusion that there's more evidence
13 pointing to Murray, circumstantial evidence, than
14 there is Alan Beaman in my opinion.

15 Q. Well, let's talk about that. You're saying
16 that Murray's motive was jealousy because he
17 thought -- he wanted to get back with Jennifer, and he
18 thought she was going to see Bubba that weekend.
19 That's one motive?

20 A. Correct.

21 Q. How does that square with it being common
22 knowledge that Jennifer was going out with Michael
23 Swaine and had just broken up with Alan Beaman? How
24 does it square that he would become so enraged to

1 commit a murder over finding out that she's going to
2 see this fellow this weekend when she's already with
3 another fellow?

4 A. You're asking me an opinion?

5 Q. Yeah.

6 A. I don't know.

7 Q. Okay. And I didn't -- and during the
8 questioning about the drug debt, I apologize if I
9 smirked. Mr. Berman -- Mr. Bowman thought I had
10 smirked, and I apologize if I did that.

11 But is it -- is it your serious opinion that
12 John Murray may have murdered Jennifer over a \$20
13 nonpayment for a small bag of marijuana or whatever it
14 was?

15 A. I don't believe I stated that was the amount
16 in which would have been involved in the murder. That
17 was the money that she drove to his apartment and paid
18 John Murray according to John Murray's statement that
19 she had owed him for a prior buy in the past.

20 Now, I don't think I said that that's a
21 motive, \$20 being a motive. What I'm saying is
22 there's other drugs involved, there could have been a
23 large amount. That's, again, my opinion.

24 Q. Is there any -- there's no evidence, though,

1 that there was a larger amount than \$20, right?

2 A. Correct, there isn't. But this is plain
3 theory; what you asked me, theory. Theory is based on
4 something unless it's been proved yet.

5 Certainly it has a lot more weight in it than
6 what the State's Attorney thought his -- their first
7 two theories were.

8 Q. About what?

9 A. Why Alan killed her.

10 Q. Well, you can't deny that Alan had a -- had a
11 strong passion for her, correct?

12 A. I -- I agree with that.

13 Q. And this was a crime of passion we think,
14 correct?

15 A. Okay.

16 MR. BOWMAN: Objection, it's --

17 BY MR. DiCIANNI:

18 Q. And there's --

19 MR. BOWMAN: That's argumentative, misstates
20 the evidence.

21 BY MR. DiCIANNI:

22 Q. Well, that was your opinion it was a crime of
23 passion, wasn't it?

24 A. That was a possibility, yes.

1 Q. Yeah. Okay. And there's no indication that
2 John Murray had any passionate feelings about
3 Jennifer, correct?

4 A. I do not know if there is or not in his
5 heart. I don't know what's in his heart.

6 Q. Well, there's no evidence of that. You
7 didn't have any evidence of that?

8 A. On the surface?

9 Q. Yes.

10 A. Well, the information that came to us was the
11 fact that those two were to get back together, renew
12 their relationship. Now, there had to be some passion
13 in there.

14 Q. Well, how does renewing relationship become
15 or the possibility of renewing a relationship become a
16 motive for murder?

17 A. She found -- he found out perhaps that she
18 was going to see Bubba.

19 Q. Okay.

20 A. Stacey Gates that weekend.

21 Q. All right.

22 A. Or there could've been somebody in the
23 apartment at the same time.

24 Q. Would you agree with me that the reasonable

1 minds can differ over the strength of John Murray's
2 motive?

3 A. Would you re -- repeat that question.

4 MR. DiCIANNI: Yeah. Would you repeat it,
5 please.

6 (Whereupon, the record was
7 read as requested.)

8 MR. BOWMAN: State an objection to the form
9 of that. That's vague and ambiguous.

10 THE WITNESS: My opinion, yes.

11 BY MR. DiCIANNI:

12 Q. Okay. You mentioned that Murray had never
13 been excluded as a suspect, at least in your mind,
14 correct?

15 A. In my mind, correct.

16 Q. Okay. Is it a requirement of a
17 prosecution -- strike that.

18 Based on your investigation and training --
19 I'm sorry, your experience and training, is it a
20 requirement that any potential suspect be excluded
21 before a prosecution of someone else proceeds?

22 MR. BOWMAN: Are you asking him as an
23 investigator --

24 MR. DiCIANNI: Yeah.

1 MR. BOWMAN: -- as to what should happen
2 before there's an arrest for a serious crime?

3 MR. DiCIANNI: Yes.

4 MR. BOWMAN: Whether there should be an
5 exclusion of other possible -- okay.

6 THE WITNESS: Yes.

7 BY MR. DiCIANNI:

8 Q. Is that something you were taught or is that
9 just your opinion?

10 A. Let me tell you that that came from a
11 conference I had with an agent from the FBI
12 criminologist. If you can't exclude him, then you
13 have to include them during your investigation.

14 Q. Well, what about those situations where there
15 are several suspects. The evidence against one, at
16 least in the minds of the people making the decisions,
17 is stronger than the evidence against the other.

18 Is it your opinion based on your experience
19 and training that in that situation you -- the arrest
20 should not be made of the person with the stronger
21 evidence against him?

22 MR. BOWMAN: That's argumentative, wildly
23 hypothetically hypothetical, and incomplete. Are you
24 asking him about this case, or are you asking him just

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1 in general with no information other than what you've
2 just stated?

3 BY MR. DiCIANNI:

4 Q. Go ahead.

5 A. In my opinion, any case that had more than
6 one suspect, the suspect should not be arrested unless
7 the other suspects can be eliminated.

8 Q. And the other suspects in this case were all
9 eliminated in your mind except for John Murray?

10 A. I can't answer that question.

11 Q. Okay. At least John Murray was not eliminate
12 in your mind?

13 A. Correct.

14 Q. Tell me what was suspicious about John Murray
15 going to the motel after finding out Jennifer had been
16 murdered?

17 A. Well, he stated in his statement, I believe
18 it was, the fact that he was afraid of Alan Beaman.

19 Q. Why would that be indicative of potential
20 guilt of Murray?

21 A. Well, that in and of itself does not. With
22 other circumstances there, it does add to the
23 suspicions that he's a strong suspect. Why would --
24 other reason would he be afraid of Alan Beaman?

1 Q. Are you saying that he'd be afraid because
2 Beaman would know that he murdered Jennifer, and
3 Beaman would then be coming after him; is that what
4 your point is?

5 A. That certainly is a possibility.

6 Q. The other possibility would be that he was
7 afraid -- he has information that Beaman killed
8 Lockmiller and is afraid he's next?

9 MR. BOWMAN: Objection to the factual basis
10 for that. Objection.

11 THE WITNESS: Well, certainly there's two
12 answers to that question. One that he himself had
13 killed Lockmiller and he was afraid of Alan Beaman, or
14 he had information as to Alan killing Lockmiller, and
15 he didn't want John Murray to find out.

16 BY MR. DiCIANNI:

17 Q. He didn't want --

18 A. Or --

19 Q. -- Alan Beaman?

20 A. Finding out. He had information.

21 Q. Okay. Let's talk about the polygraph of John
22 Murray. Did you leave the -- strike that. Let me
23 rephrase that.

24 You did not get any information from

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1 Mr. McCann, did you, that Murray -- that Mr. McCann
2 believed Murray intentionally manipulated the
3 inconclusive result?

4 A. I don't believe I did. Is it in the report
5 that way?

6 Q. No, it's not in the report. We can look at
7 it. It doesn't say either way.

8 So you're not saying that you believe that
9 Murray intentionally manipulated the outcome of it --

10 A. I'm not saying that he did.

11 Q. All right.

12 MR. BOWMAN: I'll object to foundation for
13 that question and the answer.

14 BY MR. DiCIANNI:

15 Q. Take a look at Exhibit Number 29. You were
16 asked about this at the last session.

17 And these are not your notes as I understand
18 it?

19 A. Doesn't appear to be my handwriting, no.

20 Q. Okay. And you -- were these in your records?
21 Were these produced to the County's attorneys from
22 your records?

23 A. I don't know. Were they?

24 Q. I don't know.

1 Have you seen them before these depositions
2 started? Have you seen these notes?

3 A. I don't know. If they were in that box, I
4 must have seen them.

5 Q. You don't know as you sit here?

6 A. No, I can't tell you one way or the other
7 whether I seen them or put them in the box or had
8 knowledge of how they got there.

9 Q. All right. On the first page, there's a
10 reference to Rob Curtis. As you go down, it says 4-28
11 meeting.

12 A. Okay.

13 Q. Do you see that?

14 A. Yes.

15 Q. If I'm reading that accurately, was he ruled
16 out, he was at gym couple of weeks later, and made
17 comment about him being a suspect. Do you see that?

18 A. Yes.

19 Q. Did you have anything to do with
20 investigating Rob Curtis as a -- as a possible
21 suspect?

22 A. I don't know if I did or not. If there is a
23 transcript of his interview, my name should be on
24 there if I was present. But it seems to me that --

1 well, it was in there for a reason. I don't know who
2 did it -- who interviewed him.

3 Q. It says here in the margin: Get his rap
4 sheet, Champaign County. That, of course, is not your
5 writing as far as you know?

6 A. No, no.

7 Q. And were you ever asked to get his rap sheet
8 from Champaign County?

9 A. Not that I recall.

10 Q. Did you get any information about Rob Curtis
11 from Champaign County or anyone else?

12 A. Would I?

13 Q. Did you?

14 A. Not that I recall.

15 Q. Okay. Would you?

16 A. Would I what?

17 Q. Get information from Champaign County?

18 MR. BOWMAN: Objection, that's vague. You
19 have to stay in context.

20 THE WITNESS: Like other cases, if I have
21 someone I'm looking at to be a suspect, I would like
22 to know much about that individual as I possibly can,
23 and that one avenue would be to see if he has a
24 criminal record.

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APPENDIX 002526

1 BY MR. DiCIANNI:

2 Q. Okay. You don't recall having pulled --

3 A. No, I don't recall.

4 Q. Do you recall having gotten any information
5 about Rob Curtis from any other police agency?

6 A. No, I don't.

7 Q. Do you recall speaking to Tony Matens at all
8 about Rob Curtis?

9 A. No, I don't.

10 Q. Now, you've reviewed -- I think we talked
11 about this before. You've reviewed the information
12 that was disclosed at the criminal trial. You've
13 reviewed information that's been come forth since the
14 criminal trial. You've reviewed testimony and other
15 information that's been gathered since the criminal
16 trial.

17 Have you seen any reference anywhere to
18 Rob Curtis's criminal conduct in any -- anywhere?

19 MR. BOWMAN: Objection; overbroad, vague,
20 ambiguous.

21 THE WITNESS: Do I recall seeing any --

22 BY MR. DiCIANNI:

23 Q. Right?

24 A. -- criminal information?

C07402

1 Q. About Rob Curtis.

2 MR. BOWMAN: That's a new question. And I
3 object to that as well, same basis.

4 THE WITNESS: Well, 20 years ago, I could
5 have read something about it. But as I'm sitting here
6 today, I don't recall.

7 BY MR. DiCIANNI:

8 Q. So it is -- you talked about your
9 reprocessing the evidence after the conviction, during
10 the post-conviction proceeding. You talked about
11 having analyzed the evidence again, correct?

12 A. Yes.

13 Q. And we saw your notes where many of those
14 notes are written after the conviction in which you're
15 analyzing various aspects of the case, correct?

16 A. Yes.

17 Q. You have no memory of it, but you cannot rule
18 out that at some point during the post-conviction
19 proceeding or in your reprocessing the case after the
20 conviction that you pulled up information about Rob
21 Curtis?

22 A. That's correct.

23 MR. BOWMAN: Objection, that's rank
24 speculation. Lack of foundation for that question.

1 BY MR. DiCIANNI:

2 Q. Who's Kerry Lonbom?

3 A. Kerry Lonbom is a former sergeant with the
4 Normal Police Department.

5 Q. Do you know where Kerry Lonbom is today?

6 A. Well, I would assume he's in his residence
7 here in Normal, Illinois.

8 Q. He's retired?

9 A. Yes.

10 Q. And have you spoken to him at all about any
11 aspect of the Lockmiller investigation?

12 A. Not to my recollection.

13 Q. Have you spoken to any of the -- well, strike
14 that.

15 When you were there at the time of your
16 retirement, who was in charge of records?

17 A. Oh, Roger Orr.

18 Q. And he had an assistant?

19 A. Well, there were two young ladies that worked
20 in there.

21 Q. And who were they?

22 A. At the time of his retirement?

23 Q. Yeah. Time of your retirement?

24 A. Oh, my retirement. Oh, that's in 2000.

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1 Barbara Kagel.

2 Q. And there was another one?

3 A. I think it was Helen Williams.

4 Q. Okay. Have you spoken to any of those people
5 about any of the -- any issues relating to the
6 Lockmiller investigation?

7 A. Oh, I definitely can't say I had not, but I
8 would imagine from time to time.

9 Q. During -- we saw that you had been involved
10 in answering some subpoenas that were sent to the
11 police department during the post-conviction case.

12 Did you have any conversations with Roger Orr
13 or Barb Kagel or anybody else regarding the responses
14 to the subpoena?

15 A. Well, if I did, I wouldn't recall what the
16 conversations were about other than I need -- I got a
17 subpoena, I need this information, or whatever the
18 case may be.

19 MR. DiCIANNI: Okay. Let's take a little
20 break. That may be all I have.

21 THE VIDEOGRAPHER: Off the record, 11:31.

22 (Whereupon, a break was taken.)

23 THE VIDEOGRAPHER: On the record, 11:39.

24

C07405

1 BY MR. DiCIANNI:

2 Q. Mr. Daniels, when the -- back in CID during
3 the time of the Lockmiller investigation, the
4 procedure we discussed in which the records would be
5 sent to Zayas and then eventually would be circulated
6 in the way we've talked about, Zayas would put his
7 initials on the -- on the document that's sent to him
8 by the investigators, correct?

9 A. On the document itself?

10 Q. Yeah.

11 A. Initial it?

12 Q. Yeah.

13 A. I couldn't testify to that one way or the
14 other.

15 Q. Okay. Have you seen documents with Frank
16 Zayas's initials on it?

17 A. Documents or reports?

18 Q. Reports, anything.

19 A. Reports, I saw his signature many of times.

20 Q. On the reports?

21 A. On the reports, correct.

22 Q. Okay. Other information that -- not reports
23 but other information cycled through the CID
24 supervisor such as Frank Zayas, would he initial those

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1 or was it just reports?

2 MR. BOWMAN: Objection, foundation. It's
3 already established.

4 THE WITNESS: Once again, I couldn't say if
5 he did or not.

6 BY MR. DiCIANNI:

7 Q. Okay. All right. The purpose for -- of
8 cycling reports through Frank Zayas was that he would
9 have to review them and he would -- he, being as CID
10 supervisor, he would send it back in case he thought
11 something needed to be added or changed or improved or
12 whatnot, correct?

13 A. Correct.

14 Q. And you did that when you were the CID
15 supervisor, correct?

16 A. Yes.

17 MR. DiCIANNI: That's all I have.

18 MS. BARTON: I do not have any questions.

19 MR. BOWMAN: I have a few follow-ups.

20 RECROSS-EXAMINATION

21 BY MR. BOWMAN:

22 Q. You were asked -- let me just ask you this,
23 Mr. Daniels: Do you credit yourself with having
24 specialized knowledge that folks who have never worked

1 as a criminal investigator have on the subject of
2 criminal investigations, how to conduct them, and the
3 appropriate procedures to follow to manage such
4 investigations including the flow of information?

5 A. Yes.

6 Q. You said that you were not -- you don't
7 consider yourself to be an expert witness on issues
8 regarding police investigation. I take it what you
9 meant by that is you're not out there on the Internet
10 selling yourself as an expert witness?

11 A. That's correct.

12 Q. Okay. But you're not denying that you have
13 the specialized knowledge regarding criminal
14 investigations and how to conduct them, are you?

15 A. I'm not denying that, no.

16 Q. Now, you were asked, Mr. Daniels, to
17 speculate about the possibility that you yourself
18 misplaced or lost the polygraph report regarding
19 John Murray. Do you recall that?

20 MR. DiCIANNI: I'll object to the form of the
21 question. I don't think he was asked to speculate.

22 THE WITNESS: Yes, I was asked that.

23 MR. DiCIANNI: Wasn't asked to speculate.
24

C07408

1 BY MR. BOWMAN:

2 Q. Well, to be clear, you worked for many years
3 as an investigator, and in your work as an
4 investigator, you learned, did you not, that the
5 original copy of a report is a very important document
6 in any criminal investigation, yes?

7 A. Yes.

8 Q. And certainly that would be true in a
9 homicide investigation?

10 A. Yes.

11 Q. And would it be fair to say that as an
12 investigator, you would take all possible care to make
13 sure with respect to the original copy of a report
14 that might or might not have been entrusted to you
15 that you would follow the proper procedures with
16 respect to the report?

17 A. Yes.

18 Q. And would you agree with me that to misplace
19 or to lose the original copy of an investigative
20 report in a serious felony investigation would be a
21 serious mistake?

22 A. Correct.

23 MR. DiCIANNI: I'll --

24 MR. BOWMAN: Do you have --

1 MR. DiCIANNI: -- object to form of the
2 question.

3 BY MR. BOWMAN:

4 Q. Do you have any recollection of yourself at
5 any time during your long career as a police officer
6 ever losing or misplacing the original copy of an
7 investigative report?

8 MS. BARTON: Objection to form.

9 MR. DiCIANNI: Yeah, I join.

10 THE WITNESS: No, I do not.

11 BY MR. BOWMAN:

12 Q. Do you have any reason whatsoever to stand
13 here and take the fall and say I may have lost or
14 misplaced the original copy of the John Murray
15 polygraph report?

16 MR. DiCIANNI: I object to the form of the
17 question.

18 THE WITNESS: No.

19 BY MR. BOWMAN:

20 Q. You were asked some questions about the
21 significance of this videotape showing that Alan
22 Beaman was at the Bell Federal Savings & Loan in
23 Rockford at some point that we can all agree on
24 shortly after 10:00 a.m. on the morning of August 25,

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1 1993. Do you recall being asked about that?

2 A. Yes.

3 Q. Would you agree or disagree with the
4 proposition that the existence of the videotape
5 showing Beaman to be at a location over 100 miles from
6 the murder at a point in time very close to when
7 police believe that Lockmiller had been murdered,
8 would you agree with the proposition that is evidence
9 that is beneficial to Beaman?

10 MR. DiCIANNI: Object --

11 MS. BARTON: Objection to form.

12 MR. DiCIANNI: Join.

13 THE WITNESS: I agree that it would be
14 beneficial to him, yes, to show that he was in
15 Rockford at a particular time and point.

16 BY MR. BOWMAN:

17 Q. Right. And does it appear to you, therefore,
18 to be logical that Beaman would have every incentive
19 had he recalled the circumstance to report to
20 investigators asking him about the homicide that he
21 was at the bank on this particular date and time?

22 MR. DiCIANNI: Object, form.

23 MS. BARTON: Join.

24 THE WITNESS: Could you repeat that, please?

1 MR. BOWMAN: I'll ask Michelle to read that
2 back, and we'll see if I need to rephrase it.

3 (Whereupon, the record was
4 read as requested.)

5 THE WITNESS: I would agree it would be
6 beneficial.

7 BY MR. BOWMAN:

8 Q. Now, you were asked some questions about your
9 transfer of your working binders to the central file
10 at the -- at any point during the pendency of the
11 Lockmiller investigation and you testified in response
12 to Mr. DiCianni that you took no action to transfer
13 your working file to the State's Attorney's Office.

14 Do you have any information that any other
15 investigator took any steps to transfer his working
16 file to the State's Attorney's Office or to the
17 central file for purposes of transmission to the
18 State's Attorney's Office?

19 A. When Detective Freesmeyer went to work with
20 Jim Souk, one would assume he had taken his files with
21 him to that office, yes.

22 Q. All right. And is that an assumption on your
23 part?

24 A. Yes.

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1 Q. All right. Do you know?

2 A. For a fact, no.

3 Q. Okay. Did you ever talk with Freesmeyer
4 about it? Did he ever state something to that effect
5 to you?

6 A. Oh, no, no.

7 Q. Other than that, do you have any information?

8 A. No, no. Regarding that issue, no.

9 Q. You've been asked a number of questions about
10 the dates on which Frank Zayas was or was not in
11 charge of CID.

12 Is it a fair summary that apart from the
13 dates that you read on various documents that we look
14 at including, in particular, the annual report marked
15 for identification as Exhibit 12 to your deposition
16 that apart from that, you don't have any independent
17 recollection that you can sit here and provide us with
18 as to particular dates on which Frank Zayas was in
19 charge of CID or was not, accurate?

20 A. That's correct.

21 MR. BOWMAN: I have no further questions.

22 MR. DiCIANNI: I have nothing further.

23 MS. BARTON: Me either.

24 MR. BOWMAN: Wow. We never thought we'd get

1 to this point.

2 The rules provide, Mr. Daniels, that you may
3 review the transcript that Christine will prepare of
4 your testimony for accuracy.

5 THE WITNESS: Between now and?

6 MR. BOWMAN: Between now -- between the point
7 she gets it to you and the following 30 days. You
8 have 30 days. And if you want to review it and make
9 sure that the transcription is accurate, you have the
10 right to do that, to note any errors, and to sign the
11 end of the transcript.

12 You don't have to. You can trust Christine
13 to accurately transcribe everything. And some
14 witnesses choose to that -- choose to do that, but
15 it's your choice as to how you want to deal with that.

16 THE WITNESS: Could there be a disagreement
17 when -- what was recorded? If I had a question about
18 what recorded, I don't recall saying this, but she has
19 it written down there, so we have to go with what is
20 written, correct?

21 MR. BOWMAN: Well, if you don't believe it's
22 accurate, then you could -- you would have the
23 opportunity to note your belief that it's inaccurate.

24 THE WITNESS: Okay. Is it required that I

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1 sign it then?

2 MR. BOWMAN: And then you would sign it.

3 THE WITNESS: And then send it back to her?

4 MR. BOWMAN: And you send it back to her.

5 THE WITNESS: Okay. I understand.

6 MR. BOWMAN: What would you like to do, read
7 and sign, or waive signature?

8 THE WITNESS: Take the fifth. Hey, always
9 trust your attorneys. They know what's best for you.

10 No, I'll go ahead and put my trust in her,
11 and I have no issues with that.

12 MR. BOWMAN: Right.

13 THE WITNESS: I still get a copy?

14 MR. BOWMAN: And you'll be provided with a
15 copy if you would like it.

16 THE WITNESS: Sure.

17 MR. BOWMAN: Absolutely.

18 THE WITNESS: That's fine with me.

19 THE VIDEOGRAPHER: Deposition is concluded,
20 11:52.

21 (Witness excused.)

22

23

24

1 STATE OF ILLINOIS)
 2 COUNTY OF C O O K) SS:

3
 4 I, Christine M. Luciano, Certified Shorthand
 5 Reporter in and for the County of Cook, State of
 6 Illinois, do hereby certify that on June 20, 2013, the
 7 deposition of the witness, TONY L. DANIELS, called by
 8 the Defendants, was taken before me, reported
 9 stenographically and was thereafter reduced to
 10 typewriting through computer-aided transcription.

11 The said witness, TONY L. DANIELS, was first
 12 duly sworn to tell the truth, the whole truth, and
 13 nothing but the truth, and was then examined upon oral
 14 interrogatories.

15 I further certify that the foregoing is a
 16 true, accurate and complete record of the questions
 17 asked of and answers made by the said witness, at the
 18 time and place hereinabove referred to.

19 The signature of the witness was waived by
 20 agreement.

21 The undersigned is not interested in the
 22 within case, nor of kin or counsel to any of the
 23 parties.

24 Witness my official signature as Certified

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Shorthand Reporter, in and for Cook County, Illinois
on this 5th day of July, A.D., 2013.

Christine M. Luciano, CSR
License No. 084-004068

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