

STATEMENT OF FACTS

Karyn Slover, who worked for the *Decatur Herald and Review*, was last seen alive at around 5:00 p.m. Friday, September 27, 1996. Her dismembered body was found in Lake Shelbyville that following Sunday and Monday. On January 27, 2000, a grand jury returned indictments charging her former in-laws, Michael Slover, Sr. (Senior) and Jeanette Slover, and her ex-husband, Michael Slover, Jr. (Junior) with her murder. In addition, Senior and Junior were charged with concealment of a homicide.

September 27, 1996 - 8:00 a.m. - 5:00 p.m.

Karyn's Day

State's Case-in-Chief

On Friday, September 27, 1996, Karyn Slover and her then boyfriend, David Swann, got up and took a shower. They had dated for about a month and Swann had previously been convicted of a felony but he could not remember if it was aggravated battery. (Vol. LVIX, R. 1550) Swann drove his company car to work and Karyn took his car, a black Pontiac Bonneville with license plate number "CADS7." (Vol. LVIX, R. 1515-17) At around 8:30 a.m., Karyn stopped by her father's home-based office on her way to a sales meeting in Springfield. She stayed there for 45 minutes to an hour. (Vol. LIII, R. 117-18; 180-81) Karyn was wearing blue jeans and a white blouse. (Vol. LIII, R. 180)

David Swann saw Karyn again around 1:20 p.m. in the *Herald and Review* parking lot. Swann was going to a wedding rehearsal that night and Karyn was going to pick up her and Junior's son, Kolten, and go shopping for a dress to wear to the wedding. (Vol. LVIX, R. 1518-22) Swann had to go to Cerro Gordo and Karyn went with him. They stopped by Karyn's apartment to get some photographs and then, at 3:15 p.m., went to the post office to mail a modeling contract to Paris World. (Vol. LVIX, R.1525-29)

Alan Tapley owned “Paris World” a Savanna, Georgia modeling agency. Paris World would seek applicants through newspaper ads and then sign potential models and place their photos on the internet. (Vol. LVIX, R. 1448-50) Karyn had sent in an application and had signed on with Paris World in July of 1996. (Vol. LVIX, R. 1454-55; 63) Tapley indicated he had found a job for Karyn and phone records confirmed that there was a 34-second call placed from Paris World to Karyn Slover’s office phone at 10:07 a.m. (Vol. LXV, R. 2824)

Only hours after receiving this call, Karyn sent \$92 along with a signed contract for the job. (Vol. LVIX, R. 1455-56; 1466) This amount did not include a 10% discount that would be offered to models for whom Paris World had already secured work. (Vol. LVIX, R. 1487-90) Tapley stated that the work he had for Karyn would be only temporary – anywhere from one day to a month. Tapley could not remember specifics about this particular job. (Vol. LVIX, R. 1491-93)

Christy Quintez, a classified advertisement sales representative with the *Herald and Review* said Karyn was very excited about a modeling job she had gotten that day. Karyn also said she was going to the mall after work to pick up a dress for a wedding that weekend. (Vol. LX, R. 1749-52) As they returned to work from break, Karyn’s phone rang and she told that person about the modeling job, at which point Ms. Quintez returned to her desk. Quintez could see Karyn’s face change during the phone call. Karyn looked like she was scared and she began to shake. (Vol. LX, R. 1750-56) Karyn then walked by Ms. Quintez’s desk and mouthed the word “Mike.” (Vol. LX, R. 1757)

On cross-examination, Ms. Quintez stated she first talked to police on October 2, 1996. Her stepfather was Jack Ahola, an assistant prosecutor for Macon County. (Vol. LX, R. 1758) During the October 2, 1996 interview, Ms. Quintez told the police that Karyn was happy and joking until she left work that day. (Vol. LX, R.1758-59) Ms. Quintez testified that when she went before the

grand jury on June 9, 1999, she did not say that Karyn was shaking when she got off the phone, although she did testify that Karyn had a “deer caught in the headlights” look. (Vol. LX, R. 1763-64) Ms. Quintez did not hear Karyn raise her voice or cry, during or after, the phone conversation. (Vol. LX, R. 1769)

David Swann received a phone call from Karyn at 4:50 p.m. and Karyn said she was going to pick up Kolten and go shopping. (Vol. LVIX, R. 1531-32) Swann was with John Gruen and he put Karyn on speaker phone. (Vol. LVIX, R. 1532; 1636) Swann asked Karyn to get some hair gel while out shopping. (Vol. LVIX, R. 1534) Karyn called her mom around 5:00 p.m. to tell her that she was going to pick up Kolten and go to the mall shopping. (Vol. LVIII, R. 183; 219-20)

Athena Rich worked at the *Herald and Review* as a sales representative. Ms. Rich saw Karyn in the lunch room at 5:00 p.m. and asked Karyn if she would like to join a group of co-workers for drinks at the Lock, Stock and Barrel – a local tavern. (Vol. LVIII, R. 238; 243) Karyn declined because she had to pick up Kolten and then go shopping. (Vol. LVIII, R. 238-39)

The Defense Evidence

Detective David Reeves interviewed Christy Quintez on October 2, 1996. (Vol. LXXIII, R. 51) Quintez told Reeves that Karyn received a phone call from Junior in the afternoon of September 27, 1996, and she appeared to be herself, happy and joking until she got off work at 5:00 p.m. (Vol. LXXIII, R. 51)

On September 27, 1996, Stephanie Erickson walked out of the newspaper building at 5:00 p.m. and ran into Karyn Slover. The two talked as they left the building and Karyn seemed normal at that time. The last time she saw Karyn she was leaning over into a car talking to someone. (Vol. LVI, R. 70-80) On cross-examination, Erickson testified that her encounter with Karyn could have been at lunch time. (Vol. LVI, R. 83-84)

Officer Jeremy Walker met with David Swann who stated that “Karyn was going to the mall in order to get a dress for a wedding” and also “after this, she was supposed to pick up her son and then return home.” (Vol. LVI, R. 137-38)

Junior’s Day

State’s Case-in-Chief

The State presented no evidence as to the whereabouts of Michael Slover, Jr. from 8:00 a.m. to 5:00 p.m. on September 27, 1996.

Defense Evidence

In September of 1996, Lisa Smothers was employed at Cub Foods. (Vol. LXX, R. 123-24) Smothers testified concerning the time clock at the store. Ms. Smothers explained that employees would scan their time card and a computer would collect all the information. Her job was to check the information and make sure people clocked in and out correctly. (Vol. LXX, R. 125-28)

Smothers saw Junior at Cub Foods on September 27, 1996, around 4:30 p.m. in her office where they spoke for about 10 minutes. He had forgotten to clock in after his afternoon break and he had come up to let her know. (Vol. LXX, R. 130) Smothers fixed the problem on his time record. (Vol. LXX, R. 130-31)

Ms. Smothers was shown a print out of the time keeping system from September 23-29 showing the hours Junior worked. (Vol. LXX, R. 131-32) On September 27, 1996, Junior clocked in at 12:09 p.m., which made him late for his shift. He had a clock out recorded at 3:24 p.m. and he clocked back in at 3:39 p.m. Smothers added the 3:39 punch in to fix the mistake Junior made when he forgot to clock in after his break. His final clock out time on September 27, 1996, was at 6:00 p.m. (Vol. LXX, R. 133-34)

On cross-examination, Smothers testified that she could not personally vouch for Junior’s presence from 12:09 to 3:24 p.m. and that he could have clocked in and left without anyone noticing. (Vol. LXX, R. 140-41) Smothers

could not vouch for Junior's presence at 3:39 p.m. and could not account for Junior's presence until 4:30 when she saw him. She also noticed that Junior had a shoplifter in his office at around 5:00 p.m. (Vol. LXX, R. 142-44)

Smother testified that there was nothing unusual about Junior's behavior and that it was common for him to forget to clock in or out. On this particular week, she had made corrections for him two other days other than the 27th. (Vol. LXX, R. 136)

Jeanette's Day

State's Case-in-Chief

The State offered no evidence as to Jeanette Slover's activities from 8:00 a.m. to 5:00 p.m. on September 27, 1996.

Defense Evidence

In addition to baby-sitting her grandson, Kolten, Jeannette Slover was also the child care provider for Kim Connour's son, Clayton. Connour typically picked up her son around 5:20 p.m., but on September 27, 1996, Connour picked her son up early at around 3:30. Jeannette did not know that Connour would be leaving early that day. (Vol. LXX, R. 147-48) Connour testified that she stayed at the house for around ten minutes and that there was nothing unusual about Mrs. Slover's attitude or demeanor. (Vol. LXX, R. 149)

Keith Wiggle lived next door to Senior and Jeannette Slover. (Vol. LXX, R. 152) On September 27, 1996, Mr. Wiggle's third son was born at 5:50 a.m. And Wiggle did not get home from the hospital until 3:00 or 3:30 in the afternoon. (Vol. LXX, R. 152-53) Wiggle laid down to take a nap and around 5:30 or 6:00 p.m. he got a phone call from Jeannette asking about the baby. (Vol. LXX, R. 153) Following the phone call, he took a shower, returned to the hospital, came back home around 11:00 p.m. and went to bed. Wiggle testified that did not notice anything unusual going on around his house. (Vol. LXX, R. 153-54)

Senior's Day

State's Case-in-Chief

Senior was interviewed by Police Officer Mike Beck on October 9, 1996. (Vol. LX, R. 1872-87) Senior also testified before a grand jury on December 5, 1996. Senior's statement to Beck was consistent with his grand jury testimony.

Senior testified to the grand jury that he worked as a pipe insulator at the Clinton Powerhouse and operated a car lot, Miracle Motors. On September 27, 1996, Senior left for work at 5:30 a.m. and got home from work between 4:30 and 5:00 p.m. Jeanette and Kolten were home when he arrived. Jeanette and Kolten went shopping and Senior went to his car lot at 6:00 p.m. (Vol. LVIX, R. 1663; Vol. LX, R. 1876-77) Phone records show a call was made from the Miracle Motors Lot to the home of Senior and Jeanette at 4:31 p.m. (Vol. LXV, R. 2825)

Defense Evidence

The defense offered no testimony as to the whereabouts of Senior from 8:00 a.m. to 5:00 p.m. on September 27, 1996.

September 27, 1996 between 5:00 p.m. and 10:00 p.m.

Karyn's Night: After 5:00 p.m.

The State's Case-in-Chief

The State presented no witnesses who saw where Karyn went after she left the *Herald and Review* parking lot.

The Defense Evidence – Car Sightings

For ease of following the sightings of Karyn Slover and the car she was driving, counsel has included People's Exhibit 147 in Appendix C, which is a color map of the sightings identifying who saw Karyn and when they saw her.

Just after 5:00 p.m., Leo Meyers saw a blonde haired girl pull up to the left of his car at the intersection of Water and Wood Streets in Decatur. The car's license plate was CAD57. The blonde was petite, attractive and wearing sun

glasses. Meyeres also observed a passenger in the car whom he described as being a young man with brown hair that touched his shoulders. The passenger also had acne around his chin and wore a tan short sleeve sweater. Meyers last saw the car on the north end of town near Mound Road. The following week Meyers thought he saw the younger man with long hair in the *Herald and Review* parking lot talking to another heavy set man. (Vol. LXVIII, R. 183-207)

At about 5:20 or 5:25 p.m., James Huff stated that he was passed by a speeding car with CAD7 as the license plate. The last time Mr. Huff saw the car it was traveling north on Route 105 just south of Cerro Gordo. (Vol. LXXI, R. 54-66) At about the same time, Vicki Gagnon, a school bus driver, saw a car with CADS7 as the license plate traveling at a high rate of speed heading north on Route 105 near Milmine road. This would be just to the east of Cerro Gordo about six miles from where Mr. Huff saw the same car. Gagnon had seen the same car parked in the IGA parking lot in Cerro Gordo the previous day. (Vol. LXV, R. 2998-3028)

Between 5:30 and 6:30 p.m., several individuals saw Karyn, and/or her car, in Cerro Gordo. Lisa Kidwell testified that Karyn came into her Nanny's Place and ordered an ice cream cone. (Vol. LVI, R. 31-51) At the same time, Officer Mark Newberry of the Lovington Police Department was entering Bob's Fairway Foods and he noticed a dark colored car with the CADS7 license plate parked in front of Nanny's Place. When confronted with a prior inconsistent statement concerning the license plate, Officer Newberry admitted that he may have been confused as to the license plate because the incident occurred six years prior to his testimony. (Vol. LXVII, R. 93-102)

At about 5:45 p.m., Tina Arseneau saw a greenish colored car with the license plate CADS7 pull into the parking lot of Bob's Fairway Foods. Arseneau next observed a gentleman, who was about 5'5" tall with brown hair, get out of the

driver's side of the car. The first time Arseneau ever told anyone about the driver was in the summer of 2001. (Vol. LVI, R. 12-31) Sharon Nichols, an assistant manager at Bob's Fairway Foods, testified that Karyn came into the store between 6:00 and 6:30 to purchase a pack of gum. Nichols saw Karyn leave the parking lot in a dark colored car with the CADS7 license plate. (Vol. LVI, R. 95-109)

At around 6:30 p.m., Mark Adcock and his family were traveling east on Route 36 when a dark colored Pontiac with a CADS7 license plate quickly came up behind them. The car followed them closely until they turned onto the Bement black top where the CADS7 car passed at a high rate of speed and got out of sight within 2 miles. (Vol. LXV, R. 2896-2905)

Beginning at around 8:00 p.m. several individuals saw the CADS7 vehicle at or near where Karyn's car was eventually found. David Requarth saw the car pull into a rest area near the Argenta exit on Interstate 72 and park about 50 or 60 yards away sometime between 7:45 p.m. and 8:00 p.m. Requarth tried to see into the vehicle as he left the rest area around 8:10 p.m but the windows were tinted and nobody exited the car. (Vol. LVI, R. 139-62)

Sometime between 8:00 and 8:20, the Housh family saw two cars traveling west at a high rate of speed on Interstate 72 just west of Champaign, Illinois. The second car had a license plate of CADS7. The Housh's later saw the CADS7 car near the Clinton exit on the right hand side shoulder of Interstate 72 with the driver and passenger side doors open and the dome light on. A couple of the Housh's saw a man, about 6' to 6'3" tall, at the side of the car walking towards the trunk. This man had a white mark on the side of his face. They also saw someone laying down in the front seat of the car with his/her legs sticking outside the driver's door. (Vol. LXIX, R. 55-186)

Shortly before 9:00 p.m., Jamie Wasson also saw the car in the same area with the driver's door open and lights on. However, she did not see anyone near

the car. (Vol. LXVIII, R. 13-16) Thomas Schwent saw the vehicle in the same place a little after 9:00 p.m. The driver's door was open and the dome light was on but nobody was around the vehicle. (Vol. LXVIII, R. 112-14) At 9:15 p.m., Stephen Scott saw the same scene with the car door open, dome light and headlights on. Mr. Scott also saw another car about a quarter of a mile west in the middle turnaround lane pointing towards the east. (Vol. LXVIII, R. 152-58)

Joan Husted saw the car on the shoulder of the road at about 9:30 p.m. Ms. Husted did not see the license plate and was not sure if it was the same car Karyn was driving but she did see someone in the driver's seat looking towards the passenger side. Ms. Husted also did not see the headlights on. (Vol. LXV, R. 2906-16) At about the same time, Toni Wendler passed the car on the side of the road and saw another car parked near the Pontiac. Wendler also noticed a tall man standing outside of the big car and a blonde sitting in the smaller car. (Vol. LXV, R. 2918-2929) Leighton Ewers and Jeremy Stoddard also passed the car about the same time and saw a man standing at the door leaning into the car. The man had dark hair and wore a dark coat and was not a police officer. Ewers and Stoddard did not see a blonde in the car. (Vol. LXV, R. 2950-78)

Wayne Thais saw two cars bumper to bumper traveling at a high rate of speed west of Champaign on Interstate 72, four miles before the White Heath Exit, at around 9:00 p.m. One of the cars had the CADS7 license plate but he thought the car was light colored and not the one shown in the picture of Karyn's car. (Vol. LVI, R. 2-10)

State's Rebuttal

Steve Carroll, a Decatur police officer, was dispatched on September 27, 1996, to the interstate where Deputy Anderson had found the vehicle with the CADS7 license plate. (Vol. LXXIV, R. 23-24) Carroll was running radar that day on I-72 near the 166-mile marker between 7:45 p.m. and 10:30 p.m. (Vol. LXXIV,

R. 24) His car was marked with reflective markings but he did not have any lights on while he was running radar. (Vol. LXXIV, R. 27) Carroll testified that there could have been other cars in the median to the east of him. (Vol. LXXIV, R. 28)

Around 5:30 p.m., Sandra Cribbet and her husband had just left Hickory Point Mall and were on Route 51 on their way to Mt. Auburn, Illinois. (Vol. LXXIV, R. 70-72) They were stopped at a four-way stop light at Miles Chevrolet in Decatur. (Vol. LXXIV, R. 72) Cribbet's vehicle was located directly behind a vehicle that had the license plate CADS7. (Vol. LXXIV, R. 73) Cribbet testified that the car was a Pontiac and that there was only one person in the car. (Vol. LXXIV, R. 73) The driver did not have blond hair and Cribbet did not see any type of car seat; however, she did notice the driver wearing a vinyl or black leather shiny jacket. (Vol. LXXIV, R. 76-77) Cribbet noted that the car went straight through the light while Cribbet and her husband turned right. (Vol. LXXIV, R. 77)

At 6:30 p.m., Laura Seidler was at a stop sign on Routes 16 and 51 about 10 miles south of Assumption, Illinois. (Vol. LXXIV, R. 79-80) Seidler was turning east to go to Shelbyville. (Vol. LXXIV, R. 80) Seidler and her companion were looking for a car driven by her companion's boyfriend by watching the plates on the cars which drove past. She noted a CAD 7 plate that on a car which turned north off of 16 and head towards Decatur on 51. (Vol. LXXIV, R. 81-82)

At 8:30 p.m., Ellen Dalton and her husband were heading west on I-74 when she noticed another westbound car coming up behind them. (Vol. LXXIV, R. 63) They were located just before the Route 47 exit and about a quarter to a half-mile after interstate 57. (Vol. LXXIV, R. 64) Dalton said that she tends to read license plates and noticed that the plate said CAD 7. (Vol. LXXIV, R. 63) It looked like there was only one person in the car and she thought it was a man. (Vol. LXXIV, R. 65) Dalton believed that the car was dark colored and medium in

size. (Vol. LXXIV, R. 66) They were nowhere near I-72 but Dalton stated there are turnaround roads from I-74 that can take you to I-72. (Vol. LXXIV, R. 68)

Junior's Night between 5:00 p.m. and 10:00 p.m.

State's Case-in-Chief

The State presented no evidence as to the whereabouts of Junior from 5:00 p.m. to 10:00 p.m. on September 27, 1996.

Defense Evidence

Detective Cory Barros was called to Cub Foods at 5:04 p.m., September 27, 1996, to take a shoplifter into custody. (Vol. LXVI, R. 133; 140-41) This incident took 20 minutes to process and Junior was with Detective Barros the entire time. (Vol. LXVI, R. 134) Barros had dealt with Junior on several occasions prior to September 27, 1996, and he could not recall anything different about Junior's demeanor, conduct, or behavior. (Vol. LXVI, R. 135-36)

Dan Frazee assisted Junior in apprehending a shoplifter sometime between 4:30 and 5:00 p.m. (Vol. LXIX, R. 214-15) Frazee exchanged a few words with Junior about the shoplifter prior to Junior leaving the store at 6:30 p.m. (Vol. LXIX, R. 215-18) Nothing seemed out of the ordinary in Frazee's dealings with Junior that evening. (Vol. LXIX, R. 216-17)

David Burgener, the store manager of Cub Foods, worked from 7:00 a.m. until 6:30 p.m. on September 27, 1996. (Vol. LXVII, R. 241) Burgener saw Junior periodically throughout the day and was with him between 5:00 p.m. and 6:00 p.m. discussing the details of a shoplifting incident that had occurred around 5:00 p.m. (Vol. LXVII, R. 241; 243; 247) The two concluded their meeting at 6:00 p.m. (Vol. LXVII, R. 242) Throughout their discussion Junior never looked at the clock nor did he act unusual in any way. (Vol. LXVII, R. 242-43)

Gene Schuman received karate lessons in his home in Decatur from Junior. (Vol. LXVII, R. 218) Normally, Junior taught karate to Schuman, his three

children, and a friend every Monday and Friday from 5:30 to 6:30 p.m. (Vol. LXVII, R. 218-19) On September 27, 1996, Junior did not arrive at the Schuman home until 6:10 p.m. Schuman noticed nothing unusual about Junior and he had been late on other occasions. (Vol. LXVII, R. 220-24) Junior was wearing blue jeans and T-shirt and not his karate uniform as he did on about half the lessons. (Vol. LXVII, R. 221) Junior instructed his student for 30 minutes during which time Schuman did not notice anything unusual about Junior. He left at around 6:45 p.m. (Vol. LXVII, R. 222-23)

Elenor Woolery, a former patrol officer in Decatur, Illinois, had occasion to go to Cub Foods for reports of retail theft she often met with Junior because he was the security guard there. (Vol. LXXIII, R. 7-8)

On September 27, 1996, Woolery was sent to a vehicular accident on Pershing Road around 6:15 or 6:30 p.m. (Vol. LXXIII, R. 8) Woolery was inside her squad car doing paperwork when she saw Junior as he walked towards her car across the grassy median on Pershing Road. (Vol. LXXIII, R. 14-15)

Woolery spoke briefly with Junior before he walked back to his purple vehicle across the median on the east side. (Vol. LXXIII, R. 18) Woolery did not have any recollection as to what direction his vehicle was facing or which direction he went when he drove off. (Vol. LXXIII, R. 20) Ms. Woolery did not see anyone with Junior. (Vol. LXXIII, R. 20) Woolery recalled being interviewed by a Decatur officer, Michael Beck on November 27, 1996, and telling him that she believed Junior had been driving southbound on 22nd Street. (Vol. LXXIII, R. 21-22)

On cross-examination, Woolery testified that when she saw Junior he did not have his karate uniform on, but instead wore a bulky flannel (Vol. LXXIII, R. 25) Woolery testified that Junior would have had to cross six lanes of traffic if his car was on the east side. (Vol. LXXIII, R. 26) Officer Woolery also testified that in the past Junior had never stopped to converse with her while she was on duty.

(Vol. LXXIII, R. 29-30) Woolery further admitted that during her grand jury testimony on August 19, 1999, she had testified that his car had been headed north. (Vol. LXXIII, R. 27)

Trina Gifford, who was living with Junior on September 27, 1996, testified that she saw him around 2 o'clock on that date when they ate lunch at a Steak n' Shake across the street from the Cub Food Store on Pershing Road. Lunch lasted about thirty to forty-five minutes and Junior was not acting any differently than normal. (Vol. LXXI, R. 81-82)

After Trina got off work at 5:00 p.m., she picked up her boys and went to the store before returning home around 6:30 p.m.. (Vol. LXXI, R. 82) Junior arrived at around 7:00 p.m. (Vol. LXXI, R. 83) She testified that he had his karate uniform on when he arrived and that he quickly showered, changed, and got something to eat because he needed to be at his second job by 8:00 p.m. He was not acting unusual. (Vol. LXXI, R. 84) When testifying before a grand jury on August 19, 1999, Trina did not remember if Junior was already home or if he had joined her for dinner on September 27, 1996. (Vol. LXXII, R. 16-18) Gifford definitely remembered seeing Junior that night for dinner. (Vol. LXXII, R. 16-18)

Sherry Chandler was the manager and bartender at Ronnie's Tavern where Junior worked as a doorman. On September 27, 1996, Junior was scheduled to work from 8:00 p.m. to 2:00 a.m; however, Junior had told Chandler the previous day that he might be late for work. (Vol. LXVII, R. 26; 28) Junior arrived at work at 8:10 p.m. and parked his car in the north parking lot directly in front of the door. (Vol. LXVII, R. 3-12)

Junior was tucking in his shirt as he walked into the bar and his hair looked wet. Chandler initially said there was nothing unusual about Junior's hair being wet and then later stated that it was unusual. (Vol. LXVII, R. 27) Junior told Chandler he got everything done that he needed to. Junior's demeanor and

behavior was fine. (Vol. LXVII, R. 7-23) Junior went to the front door where he stayed until he got a phone call a few hours later. (Vol. LXVII, R. 9)

Craig Hearn was the brother of Karyn Slover. (Vol. LXXIII, R. 43) On September 27, 1996, he left home around 9 or 9:30 p.m. to go to Ronnie's Tavern. (Vol. LXXIII, R. 45) His recollection was that he did not remember seeing Junior there that night. (Vol. LXXIII, R. 46) Mr. Hearn testified that he first heard about his sister's disappearance from his father at about 2:30 to 3:00 a.m. Saturday, the 28th. (Vol. LXXIII, R. 47) Mr. Hearn did not find out about his sister's disappearance, nor did he discuss it with Junior, while he was at Ronnie's (Vol. LXXIII, R. 49)

Jeanette's Activities between 5:00 p.m. and 10:00 p.m.

State's Case-in-Chief

Jeanette took Kolten to a K-Mart sometime between 5:00 p.m. and 5:30 p.m. on Friday. She left a note on the door and Karyn knew how to get into the house if she had arrived to pick up Kolten while they were at the store. (Vol. LVIX, R. 1698-99) When Jeanette returned home at about 6:00 p.m. Senior was already at the car lot. Jeanette stayed at home with Kolten until 8:00 p.m. when they went to the car lot to see Senior. (Vol. LVIX, R. 1698-99) Prior to going to the car lot, Jeanette called Karyn's apartment but no one was home. (Vol. LVIX, R. 1700) They were going to go to McDonald's but Kolten fell asleep while at the car lot so they went home instead.

Senior's activities after 5:00 p.m.

Senior probably fed his dogs and worked on some cars while he was at the lot. Jeanette and Kolten arrived at the lot at 8:00 p.m. and they all went home around 8:30 p.m. (Vol. LVIX, R. 1666; Vol. LX, R. 1877-78) Jeanette called Karyn's apartment twice but got no answer. They received a call from Karyn's father sometime after 10:00 p.m and he told them that Karyn's car had been

found abandoned on the interstate. Jeanette called Junior at work and told him that Karyn was missing. (Vol. LVIX, R.1667-70; Vol. LX, R. 1877-79)

Senior went to his car lot the next morning sometime between 9:00 and 10:00 a.m. He remained at the lot until noon and returned to the lot at 4:00 or 5:00 p.m. Kolten stayed with Jeanette and Senior on Friday and Saturday. The car lot had not been open since August 7th because Senior had steady work. Senior did go to the lot daily to feed the dogs. (Vol. LVIX, R.1670-72; Vol. LX, R. 1879-80)

Phone records show a series of four phone calls made from the Miracle Motors lot and the home of Senior and Jeanette on September 28, 1996. These calls occurred at 7:26 a.m.; 9:39 a.m.; 2.22 p.m.; 3:46 p.m. – the duration of each call was unknown. (Vol. LXV, R. 2827-29)

Appendix A has a complete list of all of the phone calls the State introduced into evidence.

Karyn's Missing – the Car is Found and the Families Are Notified

The State's Case-in-Chief

David Swann returned home after the wedding rehearsal and discovered that Karyn had not stopped by the house. (Vol. LVIX, R. 1637-38) Swann called Donna Hearn between 9:30 p.m. and 9:45 p.m. saying that Karyn had not returned home. Swann was concerned that Karyn had not dropped off some hair gel she was supposed to buy for him at the mall. (Vol. LIII, R. 121; 186; Vol. LVIX, R. 1537) Donna Hearn was not concerned when she was initially informed that Karyn had not returned home. Karyn was very active socially and this was not unusual. (Vol. LIII, R. 122; 161-62)

Kevin Anderson, a Piatt County Sheriff's Deputy, was patrolling Interstate 72 on September 27, 1996, at 9:57 p.m. when he spotted a black Pontiac on the side of the road. The Pontiac was pointing westbound with the driver's door open;

headlights on and engine running. (Vol. LVII, R. 1079-81) The Pontiac was about one-half mile west of the exit ramp for Route 10. (Vol. LVII, R. 1080-81) Deputy Anderson called the license number into dispatch because there was nobody in or around the car. (Vol. LVII, R. 1082)

David Swann was called by police and he, in turn called the Hearn's residence and told them that his car had been found on Interstate 72 with the motor running and Karyn was nowhere around. (Vol. LVIX, R. 1537-38) After receiving two phone calls from David Swann, Larry Hearn called Jeannette Slover to tell her that Karyn and Kolten were missing but Jeannette Slover told him that Kolten was with her. (Vol. LIII, R. 187-88) The Hearn's went to where the car was found. There was also a police dog at the scene. (Vol. LIII, R. 127; 189-90) Prior to this trip, around 10:30 p.m., Larry Hearn received a call from Junior that lasted about a minute. Hearn did not remember this call but phone records show such a call was made. (Vol. LIII, R. 150; Vol. LXV, R. 2826)

Phone records show that at 10:02 p.m., a call was placed from the residence of David Swann to the residence of Larry Hearn – duration 49 seconds. At 10:09 p.m., a call was placed from the residence of David Swann to the residence of Larry Hearn – duration 48 seconds. (Vol. LXV, R. 2826)

The Defense Evidence

The phone records also showed that at 10:24 p.m. a call was placed from the residence of Larry Hearn to the residence of David Swann – duration 4 minutes and 54 seconds. Phone records also show a phone call made from Ronnie's to the Hearn residence at 10:30 p.m. – duration one minute. (Vol. LXXIV, R. 13) (A complete list of phone record stipulations for the defense is found in Appendix B.)

The tape of the conversation between Swann and the Piatt County Sheriff's department was played for the jury. It showed that the officers mentioned a black

purse being found and that Swann confirmed Karyn had a black purse. At the end of the tape, Swann said he was going to call Karyn's parents. (Vol. LXIV, R. 149-51; Vol. LXXV, R. 9)

Jeanette received a call from Karyn's father saying that her car had been found on the interstate and Karyn was missing. Jeanette called Junior at work and told him Karyn was missing. (Vol. LVIX, R. 1701-06)

At approximately 10:15 p.m., Sherry Chandler answered the phone at the bar and the person on the other end of the line identified herself as "Jeanette, Mike's mother." It sounded urgent. (Vol. LXVII, R. 9-15) It was busy and very loud at Ronnie's so Junior took the cordless phone outside the front door. (Vol. LXVII, R. 8-12) Chandler stated that Junior remained outside for 45 minutes. (Vol. LXVII, R. 29-30)

Shortly after 11:00 p.m., Junior went to the back room. Junior's eyes were red and Chandler asked him what was wrong. Junior told Chandler that his mother had told him that Karyn's car had been found on the highway and her purse was in the car but Karyn was not. (Vol. LXVII, R. 13-14) Chandler gave Junior time to gather himself but did not let him leave because she had nobody else to cover the front door. After spending about 10 minutes in the back room, Junior returned to work. (Vol. LXVII, R. 14-15)

At 10:30 p.m. Gary Shafer, the Chief of Police for Cerro Gordo, went to Ronnie's Tavern. Shafer saw Junior sitting inside the door. (Vol. LXVIII, R. 191-95) Junior told Shafer that his ex-wife was missing and her car had been found on the Interstate near Monticello. (Vol. LXVIII, R. 193-94) Junior was aware that Shafer was a police officer. (Vol. LXVIII, R. 194)

Junior remained at the front door until closing time at 1:55 a.m. when he received a phone call from a male. (Vol. LXVII, R. 16-17) Junior had about a ten minute conversation within 8 feet of Chandler. Junior left about two minutes

after the conclusion of this conversation. Junior's car was at the same place it was when he arrived. (Vol. LXVII, R. 17-18; 31-33)

Linda Carnahan was a waitress at Ronnie's and began work at 8:00 p.m. on September 27, 1996. (Vol. LXVII, R. 75-76) Shortly after 10:00 p.m., Carnahan worked the door for Junior while he took a phone call. (Vol. LXVII, R. 77-79) Junior seemed upset and had been crying when he re-entered Ronnie's after taking the phone call. (Vol. LXVII, R. 80) Carnahan worked the door four or five times that night. (Vol. LXVII, R. 82) Carnahan never noticed a difference in Junior's clothing or appearance besides the time he was crying. (Vol. LXVII, R. 89)

Trina Gifford testified that Junior got home around 3 a.m. on Saturday, September 28, 1996. (Vol. LXXI, R. 85) She said that his demeanor had changed by this time and that he was upset. He told Gifford that Karyn was missing and that Craig Hearn had notified him of this fact at Ronnie's. (Vol. LXXI, R. 85-86) At another point in Gifford's testimony she said she did not recall if Junior had heard from his mother about the disappearance, or if he had heard it from Karyn's brother at Ronnie's Lounge. (Vol. LXXII, R. 19-20)

Sergeant Max Austin, of the Macon County Sheriff's Department, was detailed to Junior's house at approximately 2:55 a.m. Sergeant Austin informed Junior that he needed to contact an investigator from the Piatt County Sheriff's Department. (Vol. LXVII, R. 173-75) When Junior answered the door to his home he seemed to be visibly upset and in a sobbing, somber mood. (Vol. LXVII, R. 176-77) Although Sergeant Austin prepared a report which noted that Junior appeared to be upset and crying, at trial Austin testified that he did not take Junior's sobbing to be sincere. (Vol. LXVII, R. 179-81)

Phone records also show that a phone call was placed from the cell phone of Junior to his parents house at 2:05 a.m. on Saturday, September 28, 1996 – duration 8 minutes. In addition, two phone calls were made from Junior's and

Trina's residence to Senior's and Jeanette's residence at 2:46 a.m. and 3:10 a.m. – the durations of which were unknown. (Vol. LXV, R. 2827)

State's Rebuttal Evidence

On Friday September 27, 1996, Larry Hearn made a phone call to Jeanette Slover. (Vol. LXXIV, R. 87; 91) During this conversation, he did not mention that Karyn's purse was still in her car. Hearn did not find out about the purse until he was at the scene and he spoke with Swann. (Vol. LXXIV, R. 88-90)

Condition of the Car

State's Case-in-Chief

David Swann went to where the car was found and was asked to look inside the car to see if he noticed anything unusual. He found the car in disarray with several items moved from their normal place. The garage door opener was found near the driver's door but it was normally on the visor. A cup and some change were found in the passenger seat but the cup had been in the cup holder and the change was normally in the console. In addition, Swann's umbrella and Karyn's brief case had been moved from the back seat to the floorboard. (Vol. LVIX, R. 1592-1595; 1638)

Joe Siefferman, a crime scene technician with the Illinois State Police, was called to the crime scene a little before 11:00 p.m. (Vol. LIV, R. 472-76) Officer Siefferman took several pictures of the vehicle. The vehicle was later towed to the Piatt County Sheriff's Department where a search was conducted. (Vol. LIV, R. 478) A black purse and a maroon planner were seized from the passenger floorboard. (Vol. LIV, R. 479-80; Vol. LVII, R. 1083) Some small black rocks or cinders were removed from the driver's side floorboard. (Vol. LIV, R. 483) Officer Siefferman took latent prints from the interior of the window of the driver's side of the car. (Vol. LIV, R. 484-85)

Inside the leather business portfolio, Officer Siefferman found a fax cover sheet from Paris World International and a postal receipt to Paris International from Karyn Slover. (Vol. LIV, R. 541-42) The time date on the postal receipt was 3:14 p.m. on September 27, 1996. (Vol. LIV, R. 542)

On cross-examination, Officer Siefferman testified that there was a canine unit present at the scene when he arrived. (Vol. LV, R. 606) The car was not sealed while in the Piatt County Sheriff's Department. (Vol. LV, R. 596-97) There was no way to tell how long the cinders had been in the car nor was there any notice taken of cinders on the ground near where the car was found or if cinders were present where the car was towed. (Vol. LV, R. 597; 585-88) The umbrella from the car was not collected as evidence or checked for fingerprints. (Vol. LV, R. 615)

Strange Events in Cerro Gordo

Defense Evidence

Juliana Hamilton lived at 422 West Abraham Street in Cerro Gordo. (Vol. LVI, R.113) Hamilton's home was located two blocks north of a car wash, which was directly east of some storage units. A concrete cement plant had been previously located where the car wash stood. (Vol. LVI, R. 119-21) On September 27, 1996, Hamilton was alone and fell asleep on the couch until sometime after 10:30 p.m. (Vol. LVI, R. 114-15)

Hamilton got up and took her dog for a walk which lasted about 20 minutes. It was a quiet evening and sometime during the walk Hamilton heard several distinctive "popping" noises. (Vol. LVI, R. 116-18) The pops were "rhythmic, just consecutive and in a rhythm." (Vol. LVI, R. 117) Hamilton was not familiar with the sound of a hand gun but the sounds she heard were different than the sound of a shotgun during hunting season. (Vol. LVI, R. 118) Hamilton contacted

police two weeks after Karyn Slover's disappearance to report her story. (Vol. LVI, R. 124-25)

Florence Keller lived at 203 Carmi Court in Cerro Gordo. (Vol. LXVII, R. 35-36) A car wash, railroad tracks and a wooded area were located to the north of Keller's house. (Vol. LXVII, R. 36-37) During the Jenny Jones show, which aired for an hour immediately after the 10:00 p.m. news, Ms. Keller heard four "pops." Ms. Keller's bedroom window was open and she heard the first pop and then three more consecutive pops. (Vol. LXVII, R. 39-40) Ms. Keller had heard gunshots from a .357 magnum, and .22 and .38 caliber guns but the pops she heard that night sounded like they came from a smaller caliber gun. (Vol. LXVII, R. 40)

After hearing the pops, Keller looked out of her bedroom window and approximately 20 yards away she saw two individuals come through the woods on a path located along her neighbor's house. (Vol. LXVII, R. 41-42) The two individuals wore dark clothing and walked south out of the wooded area towards the road. (Vol. LXVII, R. 41; 43) One individual was heavysset and the other individual was a little taller, about 5'8" to 6' and not as heavy. (Vol. LXVII, R. 49) Several days later, Ms. Keller was interviewed by law enforcement officials and she notified them of her observations. (Vol. LXVII, R. 53)

On cross-examination, Keller stated that Jenny Jones was on every night of the week and she could not remember what night of the week September 27, 1996, was on. Keller heard four pops and not seven. Keller tried to call the Cerro Gordo Police but there was no one on duty until midnight. (Vol. LXVII, R. 53-57)

Joyce Collins Cahill lived in Cerro Gordo. (Vol. LXV, R. 2940-41) Cahill's house was at 116 West Park Street and the fairgrounds were behind her residence. On September 28, 1996, at about 4:10 to 4:15 p.m., Cahill heard a chainsaw for a few seconds and the sound was coming from the direction of the

fairgrounds. She called the police. (Vol. LXV, R. 2943-47) Cahill did not hear any gun shots the day or night before. (Vol. LXV, R. 2949)

State's Rebuttal Evidence

John Russell, Piatt County Sheriff's Deputy, spoke to Florence Keller sometime after Karyn Slover's body had been discovered. (Vol. LXXIV, R. 36) Keller told Russell that she had heard a total of four popping noises from a wooded area near her residence in Cerro Gordo. (Vol. LXXIV, R. 37) She made no mention of seeing anyone coming out of the woods following the noises. (Vol. LXXIV, R. 37) Russell purposely did not specifically ask Keller if she had heard gun shots or seen any unusual men. (Vol. LXXIV, R. 38-40)

On October 14, 1996, Charles Dunlap spoke to Florence Keller. She described four gun shots she had heard with the first two being close together and the last two spaced evenly. (Vol. LXXIV, R. 42) Keller did not tell Dunlap about seeing two men coming from the woods, nor did Dunlap ask about any men. (Vol. LXXIV, R. 43)

September 28, 1996

Mike Mannix interviewed David Swann on May 17, 2000, at the Macon County State's Attorney's office regarding voice mails. Swann had told Mannix that on September 28, 1996, he had deleted five voice mails from his cell phone that were from Karyn Slover. (Vol. LXX, R. 120)

Junior's Whereabouts on September 28

State's Case-in-Chief

The State offered no evidence as to Junior's whereabouts on September 28, 1996. There were four phone calls placed from the residence of Junior and Trina to the residence of Senior and Jeanette at 3:14 p.m.; 5:00 p.m.; 6:00 p.m.; and 9:25 p.m. – the duration of which were unknown.

Defense Evidence

Trina Gifford left the house around 8:00 a.m. to take her boys to her ex-husband's, and Junior was still home when she left. (Vol. LXXI, R. 89) Trina worked until about 2:30 and then returned home. (Vol. LXXI, R. 90) Gifford believed Junior also had to work that day. However, Gifford testified before the grand jury on August 19, 1999, that she did not believe he worked that day. (Vol. LXXII, R. 25-26) Time records showed that Junior clocked in at 11:26 a.m. and clocked out at 4:00 p.m. on Saturday, September 28, 1996. (Vol. LXX, R. 135)

Gifford originally did not think she had worked on Saturday, September 28, 1996 but changed her mind after she saw her record from work. (Vol. LXXII, R. 22-23) She had previously told officers Michael Mannix and Jeff Bush, as well as a Macon County grand jury, that she had been home that day. (Vol. LXXII, R. 23)

Keith Wiggle saw Junior in his parent's driveway around 9:30 or 10 a.m. on September 28, 1996. He was upset and crying and talking to his sister. (Vol. LXX, R. 154) Jeannette Slover came over to see the baby on Sunday or Monday and stayed for 15 minutes to a half an hour. (Vol. LXX, R. 155; 157)

Crystal Sams, a fellow employee at Cub Food, saw Junior at between 9:30 and 10:00 a.m. on September 28, 1996. Junior was holding a cup and brush in his hand. (Vol. LXVII, R. 226-28; 235) As Sams talked to Junior, she pointed to a picture of a woman and asked Junior if that was his ex-wife. (Vol. LXVII, R. 229-31) Junior looked at the picture and dropped the cup and brush. Junior went into the pricing office around the corner and Ms. Sams stayed and patted Junior on the back. (Vol. LXVII, R. 231) Sams saw Junior about an hour later as he was walking around the store looking for shoplifters. (Vol. LXVII, R. 232-33)

Junior got home around five o'clock that evening. Trina Gifford and Junior originally had plans for that evening but instead stayed at home eating pizza and watching movies. (Vol. LXXI, R. 92) They stayed at home the entire night and

received calls from Junior's sister, mother, and Larry Hearn. (Vol. LXXI, R. 93) Junior made a few calls to his mom and dad. (Vol. LXXI, R. 93) Trina did not see him use his cellular phone that night. (Vol. LXXI, R. 94) Junior was upset and concerned. (Vol. LXXI, R. 84) Trina went to bed around 10 o'clock but did not remember if Junior went to bed at the same time. She woke up around 8 o'clock the following morning and Junior was home. (Vol. LXXI, R. 94-95)

September 29 and 30 – a Body Is Found

State's Case-in-Chief

At around 2:20 p.m., on September 29, 1996, Tracy Seabaugh and his wife were boating when they saw a black plastic trash bag in about 2 inches of water near point 6 on Lake Shelbyville. Seabaugh and his wife called the Moultrie County Sheriff and they all returned to where the bag had first been seen. It was determined that this spot was approximately 1 mile from the Coal Shaft Bridge and three quarters of a mile from the Findlay Marina. (Vol. LIII, R. 260; 266-67)

Jeff Thomas, Chief Deputy with the Moultrie County Sheriff's Department, met Tracy and Sherry Seabaugh. (Vol. LIII, R. 270-71) The area where the plastic bag was found was difficult to get to without a boat and no foot prints were seen on the shoreline. (Vol. LIII, R. 277) Deputy Thomas cut into the plastic bag and discovered a human head. Thomas never touched the head nor did he remove it from the bag. (Vol. LIII, R. 279) Deputy Thomas called the coroner and crime scene technicians who arrived approximately 45 minutes later. (Vol. LIII, R. 281)

Officer Joe Siefferman was called to Lake Shelbyville where he was met by Deputy Thomas. (Vol. LIV, R. 485-86) After processing the scene, the head was transferred to the local funeral home where it was kept in the embalming room. (Vol. LIV, R. 490-91; Vol. LVI, R. 899-900)

Siefferman observed cinders and vegetation stuck in the hair. (Vol. LIV, R. 491) These items were taken and placed into an evidence bag. (Vol. LIV, R. 492)

The head was in two plastic bags. The outer bag was closed with duct tape and the inner bag was tied by a knot. (Vol. LIV, R. 492)

Gregory Rowe, a Conservation Police Officer, participated in a search of the lake that took place on September 30, 1996. Rowe found a bag floating near the shore in a cove northeast of the Findlay Marina. He did not touch the bag but called State Police investigators. The bag contained two hands. (Vol. LIII, R. 314-16)

Moultrie County Sheriff Kendall and Piatt County Sheriff Sawlaw found a plastic bag against a tree trunk near the east shore about one mile north of the Findlay Bridge. (Vol. LIV, R. 392-97) The bag contained the right chest area and a right upper arm of a human. (Vol. LIV, R. 395)

Moultrie County Deputy Sims, Deputy Houser, and Sergeant McCabe were assigned to search the west shore of Lake Shelbyville north of the Findlay Marina. (Vol. LIV, R. 411-12) Sheriff Kendall called the deputies to the east shore where one of the bags was found. They walked north of that area and discovered a left thigh that was outside a plastic bag. (Vol. LIV, R. 415) They continued north and found a plastic bag containing two feet.

Michael Kyrouac, a crime scene technician with the Illinois State Police, collected plastic bags found on the east shore north of the Findlay Bridge and turned those items over to Deputy Coroner David Reed. (Vol. VI, R. 991-1003; 901) Officer Kyrouac also walked the Findlay Bridge to look for anything suspicious. He found what appeared to be blood on the north rail of the Findlay Bridge. He collected the evidence with a sterile cotton swab. (Vol. LVII, R. 1004-05) Officer Kyrouac also noted a white mark and a reddish-brown stain near the area of the suspected blood stain. (Vol. LVII, R. 1046) There was a remote possibility that the white mark could have been made by a car. (Vol. LVII, R. 1078)

Lieutenant Tony Norman and Debbie Manzel were searching the east and west shoreline of the Coal Shaft Bridge on October 5, 1996. (Vol. LIV, R. 455-56) They spotted a piece of red clothing along the shoreline. As they approached, Lieutenant Norman noticed a white hump on the shoreline about 3/4 of a mile south of the Findlay Bridge. (Vol. LIV, R. 457-63)

As Norman walked closer to the whitish object, he thought it resembled a body part and he called Sheriff Kendall. The body part was partially buried in sand which had been washed up against the body part by the waves. (Vol. LIV, R. 458-62)

Defense Evidence

On Sunday, September 29, 1996, Tina Flanigan Hill was in a boat on Lake Shelbyville fishing with her fiancé and stepson. (Vol. LXV, R. 2984-85) They launched their boat at Point 6 and arrived at Indian Point at around 7:30 a.m. (Vol. LXV, R. 2986) While at Indian Point they noticed a grayish trash bag floating near the surface. Hill's fiancé tried to get the bag out of the water but it was too heavy. (Vol. LXV, R. 2987-89) When they came back around Indian Point at about 2:30 p.m., Hill saw several conservation boats at Point 6 and near the Coal Shaft Bridge. (Vol. LXV, R. 2989-93)

Hill stated that she did not see what was in the bag and did not know how it was sealed. The contents of the bag remained below the water line and all she knew was that there was something heavy in it. (Vol. LXV, R. 2996-97)

Investigator Tom Martin of the Illinois State Police arrived at Lake Shelbyville between 8:00 and 8:30 a.m. on September 30, 1996. (Vol. LXVIII, R. 118-19) Media personnel with cameras were on a boat and at Findlay Bridge. (Vol. LXVIII, R. 120; 126) Investigator Martin observed Michael Kyrouac recover some stain material from the Findlay Bridge. (Vol. LXVIII, R. 121-22) There was also a foam rubber-like substance right next to the stain.

The blood stain found on the north rail of the Findlay Bridge was submitted for DNA testing and compared to tissue samples by forensic scientist William E. Frank. (Vol. LXXIII, R. 52) Frank concluded that the DNA profile identified in the stain from the bridge matched the DNA profile identified in the tissue sample of Karyn Slover. (Vol. LXXIII, R. 52) The DNA profile identified in the blood stain from the bridge would be expected in 1 in 41, 000 Caucasians or 1 in 1.89 million African Americans. (Vol. LXXIII, R. 52) The blood stain found on the bridge originated from a woman and could have originated from Karyn Slover. (Vol. LXXIII, R. 52)

A fingerprint was located near the blood stain. The bridge was metal and silver colored. Christmas lights had been secured to the rails with tape although no one knew when the lights had been put up. The fingerprint could have been there for days or even months. (Vol. LXVIII, R. 90-91) However, when a fingerprint is exposed to sunlight or rain, the print can be damaged or destroyed. The print in this case had been exposed to the elements. (Vol. LXVIII, R. 92-93)

Mark Mills, a fingerprint examiner for the Illinois State Police, compared the fingerprints of Senior, Junior and Jeanette with the fingerprint found on the north rail. (Vol. LXXIII, R. 53) No match was found. (Vol. LXXIII, R. 54)

Investigator Mike Kyrouac, T.K. Martin and Sheriff Rieck Kendall were in a boat searching the lake around 12:30 and 12:45 p.m. Their boat was approached by a media boat that had a video and a still camera in it. This boat remained 30 to 40 yards away. (Vol. LVI, R. 88-90) Kyrouac and his crew then proceeded to collect several gray bags from various parts of the lake. (Vol. LVI, R. 89) During this time, the media boat remained to the west of Kyrouac's boat and appeared to be filming their activities. (Vol. LVI, R. 90)

Kyrouac met with coroner David Reed at 1:45 p.m. and transferred the recovered items. Between 2:15 to 2:30, Kyrouac took several photographs from

both the east and west side of the Findlay Bridge. During this time, the Findlay Bridge was still open but traffic came to a standstill as a news media vehicle remained on the bridge. (Vol. LVI, R. 91-92)

Police Interviews

State's Case-in-Chief

Senior called in sick to work on September 30th. Senior and Junior went to Piatt County for an interview with police. In route, Jeanette called to tell Senior that Karyn's body had been discovered. (Vol. LX, R. 1880-81) All three watched a police press conference while at Senior's home later that afternoon. All three cried for a long time before Junior left for home. (Vol. LX, R. 1882-83)

Officer Beck testified that the discovery of Karyn's body was not public knowledge prior to the press conference. However, he did not know if members of the Hearn family had been notified prior to the press conference. (Vol. LX, R. 1914-15)

Officer Beck testified that Senior was polite and emotional during the interview. Senior cried on several occasions. (Vol. LX, R. 1888) In addition, although Senior did not volunteer that he was cleaning the car lot on October 1st, Senior did acknowledge that he had received a letter from the Village of Mt. Zion which told him he had to clean up the property or the Village would take him to court. (Vol. LX, R. 1895)

Defense Evidence

Deputy Charles Dunlap met with Junior at his office in Monticello, Illinois at around 6:32 until 6:38 p.m. on September 29, 1996. Dunlap did not notice any scratches or injuries on Junior at this time. (Vol. LXXI, R. 72-73)

On September 30, 1996, Junior had another appointment with the police. (Vol. LXXI, R. 101-02) Trina Gifford saw Junior later that evening and he told her that Karyn had been found dead. He was very upset and crying. (Vol. LXXI, R.

103) At around 5:30 or 6:00 p.m., Gifford called Junior's mother who told her that Karyn had been found. (Vol. LXXI, R. 103-04) Gifford believed that a sheriff had told Mrs. Slover about Karyn. (Vol. LXXI, R. 108)

James Taylor was a friend and co-worker of David Swann at the *Herald and Review*. On September 30, 1996, Mr. Taylor accompanied David Swann to the Piatt County Sheriff's Office. (Vol. LXIX, R. 100-102; 111-12; 114) At 1:15, Taylor left Swann at the Sheriff's office and went to a bank in Piatt County where he heard from a bank teller that Karyn's body had been found. (Vol. LXIX, R. 103-06) Taylor called the *Herald and Review* and got confirmation the information was true. (Vol. LXIX, R. 106) Taylor later heard the news conference on the radio as he returned to Decatur at about 2:30 p.m. (Vol. LXIX, R. 112-13)

Clean-up at Miracle Motors

State's Case-in-Chief

Marla Burge worked at Green Valley, Inc. which was on property owned by Senior. (Vol. LVII, R. 1194) On October 1, 1996, Burge asked Senior if he was related to the missing girl and he said she was his daughter-in-law. Senior also said he was going to be out of town and he was sweating and more talkative than usual. (Vol. LVII, R. 1200)

October 1, 1996, was a sunny, unseasonably warm day and Burge stated she did not know what Senior had been doing prior to coming in to collect the rent. (Vol. LVII, R. 1204-05) Senior told police he had probably been cleaning the lot and burning trash he collected that day. (Vol. LX, R. 1885) In addition, Senior was a heavy man in 1996 – about 40 or 50 pounds heavier than he was at the time of the trial. (Vol. LVII, R. 1206)

Michael Schollmeier, the President of Green Valley, Inc., saw Senior on the Miracle Motors property on October 2, 1996. Senior was carrying a shopping bag towards a burn pile which was on the lot. The smoke from the fire was white and

could have been from burning oil. (Vol. LVII, R. 1207-17) There were barrels around the area of the fire but the fire was on the ground. Schollmeier did not see anyone else on the property that day. (Vol. LVII, R. 1218-21)

Frank Kelly was employed by Green Valley from 1995 to 1997. (Vol. LVIII, R. 1267) The Miracle Motors lot was normally unorganized and messy. (Vol. LVIII, R. 1267) However, the week after Karyn Slover was murdered, Kelly observed Senior near a fairly large fire either in the burn barrel or near it. (Vol. LVIII, R. 1269-70) Kelly had never seen Senior burn anything on the property before that time. (Vol. LVIII, R. 1271) Later that same day, when Senior came into Green Valley to collect the rent, he was acting nervous, sweating, and looking over his shoulder. (Vol. LVIII, R. 1273) Kelly knew Senior to be normally calm and laid back. (Vol. LVIII, R. 1272-73)

Kelly admitted that he had never observed Senior after a member of his family had been murdered so he would not know if Senior's conduct had been related to that incident. (Vol. LVIII, R. 1281) In addition, Senior was overweight and it was unseasonably warm. (Vol. LVIII, R. 1276-78)

Jerry Bates was the owner of Jerry's Sports which was located next door to Miracle Motors. Bates also lived across the street from the Slover's on Kruse Road. (Vol. LVII, R. 1117-19) Prior to September 1996, the lot at Miracle Motors was unkempt with old cars and overgrown with weeds. (Vol. LVII, R. 1122; 1144) The weekend after Karyn Slover's death, Mr. Bates saw Junior with a weed eater along the south fence row. Junior was outside the fence on Mr. Pryor's property cutting weeds. He had never observed Junior doing any kind of maintenance on the lot before that day. (Vol. LVII, R. 1123-25; 1134) His attention was drawn to the clean up by the noise made by the weed eater. (Vol. LVII, R. 1131-32)

Bates did not recall seeing Senior there at that time. (Vol. LVII, R. 1127) Bates testified that he never saw Senior burning anything on the property;

although, he had testified before the grand jury that Senior was always burning something on the lot. (Vol. LVII, R. 1127-30) Mr. Bates did not observe any smoke that day. (Vol. LVII, R. 1134)

Joe and Theresa Pryor lived next door to Miracle Motors between Jerry's Sports and Miracle Motors. (Vol. LVII, R. 1140; 1145; 1178-79) That weekend, Mr. Pryor and his wife went to Lake Shelbyville camping. They returned Sunday evening and Joe Pryor saw Junior cutting weeds along the fence row between the Pryor's house and Miracle Motors. (Vol. LVII, R. 1145-46) Junior did not burn any weeds after he was done. He just left them there and Pryor later mowed over them. (Vol. LVII, R. 1159-62) Pryor never saw Junior before or after that date doing maintenance on the property. (Vol. LVII, R. 1148-49)

Theresa Pryor saw Junior on Monday with the weed eater working his way around some utility poles and a shed on the Miracle Motors property. (Vol. LVII, R. 1181-84) Mrs. Pryor had never seen the Miracle Motors lot cleaned prior to Karyn's death although she would see Junior mowing the lawn in front of the car lot on occasion. (Vol. LVII, R. 1185-86) Pryor had no problem hearing the weed eater even though she was inside her home at the time. (Vol. LVII, R. 1192)

Defense Evidence

On Sunday, September 29, 1996, Trina Gifford picked up her boys from her ex-husband at around noon. (Vol. LXXI, R. 99) Junior left at the same time to go to his parents' house. (Vol. LXXI, R. 100) Gifford saw Junior later that day at 3:00 p.m. at the house. (Vol. LXXI, R. 100) Junior went with his father to the Piatt County Sheriff's office for an appointment at 5:00 p.m. (Vol. LXXI, R. 100-01) Junior returned home around 8:00 or 8:30 p.m. and was very quiet. (Vol. LXXI, R. 101)

Rita Winter owns a kennel (Winter Kennel) in Harristown where she breeds Japanese Akitas, Siberian Huskies and Shibainu. (Vol. LXX, R. 82) Junior would call with dog questions and purchase dog food from her. (Vol. LXX, R. 83)

On September 29, 1996, Junior called Ms. Winter and said he needed dog food. (Vol. LXX, R. 85) Junior arrived around 4:00 p.m. with Trina. They talked for about an hour and a half. (Vol. LXX, R. 86) Junior was quiet and subdued where normally he is joking around and friendly. (Vol. LXX, R. 88) On cross-examination, the State attempted to establish the reason Winter could remember the date – was because Junior never paid for that bag of food. (Vol. LXX, R. 89-90) Tina Gifford testified that she knew who Rita Winter was because she had been to her home before. Gifford testified she did not accompany Junior to the kennels at Rita Winter's on Sunday, September 29, 1996. (Vol. LXXII, R. 38) She did not recall Junior leaving with any female that day. (Vol. LXXII, R. 38-39)

Julie Miller, the secretary/receptionist for the Village of Mt. Zion, sent a form weed notice directed to Senior for the property located at 1450 Highway 121 in Mt. Zion on September 23, 1996. (Vol. LXVII, R. 107-08; 122-23; 127) Similar letters had been sent to Senior on June 10, 1996, July 3, 1997 and June 6, 1998. (Vol. LXVII, R. 123-24; Vol. LVI, 2838-44)

If a property was not mowed by the owner after the receipt of a weed notice, the Village Public Works Department performed the mowing and billed the property owner \$100 for the first hour of labor and \$50 for each additional hour. (Vol. LXVII, R. 126-29) Ms. Miller drove passed the property a week after September 23, 1996, and the lot had been mowed. (Vol. LXVII, R. 115-16; 119)

From January 28, 1995, to August 29, 1995, there was no improvement in the property or any reduction in the number of inoperable vehicles in spite of several warning letters, a ticket for an ordinance violation and a complaint filed

by the city of Mt. Zion. (Vol. LVI, R. 2847-51) There was no enforcement action regarding the weeds at that time. (Vol. LVI, R. 2852)

Dennis Hughes sold automobiles across the street, about 500 feet north, from Miracle Motors. (Vol. LXX, R. 61-62) Hughes knew Senior from car sales. (Vol. LXX, R. 63) Hughes did not observe or hear anything unusual at Miracle Motors from September 27-30, 1996, nor did he see any clean-up activities going on. (Vol. LXX, R. 64) Hughes left work around 6:30 p.m. on September 27, 1996, and worked on the 28th from about 10-6. Hughes testified that he did not recall if he was there on Sunday. (Vol. LXX, R. 75-76)

Hughes purchased vehicles at Decatur Auto Auction, the same place where Senior purchased vehicles, and he would often find personal property including clothing in the vehicles that had not been detailed. (Vol. LXX, R. 65-67) It was not unusual at the car auctions to find personal belongings in undetailed cars and Senior tended to buy non-detailed cars. (Vol. LXX, R. 67-69) Hughes had been to Miracle Motors on several occasions and had seen a 55-gallon drum on the south part of the property prior to March 1998. Senior used this drum to get rid of things such as yard waste or garbage through burning. (Vol. LXX, R. 73)

Weedeater

Fred Bishop, the father of Trina Gifford, loaned Junior and Trina a weedeater to clear out a dog run behind Junior's home. (Vol. LXX, R. 39-45) Mr. Bishop testified that it had been his idea to loan the weedeater to Junior and Trina. (Vol. LXX, R. 41-42)

After they had the weedeater for several months, Bishop finally went to their house and picked it up. (Vol. LXX, R. 43) Bishop testified that the steel blade he had installed was still in place. (Vol. LXX, R. 42) Bishop found the weedeater on the porch and noticed the dog run had been cleared. (Vol. LXX, R. 46)

When Bishop took the weed eater home it was dirty and covered in grass, dirt and hair (blonde or whitish color which is the same color as the hair on Junior's dogs). (Vol. LXX, R.46; 57) Bishop used an air compressor on the weed eater and washed it off with water from a hose. He took the cutting blade off and put some string on it. The blade was stored in a plastic bag on the shelf in his garage. (Vol. LXX, R. 47-48) He used the weed eater, with the string attachment and not the blade, every second or third time he mowed through the growing seasons in 1997, 1998 and 1999 until police officers seized the weed eater in July of 1999. (Vol. LXX, R. 49; 55)

Trina Gifford testified she and Junior borrowed a weed eater from her father, Fred Bishop, about a week or so before September 27, 1996, in order to cut weeds behind the house. (Vol. LXXI, R. 97) She testified that she did not see Senior or Junior with the weed eater on September 29, 1996, nor was the implement used any time that weekend at the car lot. (Vol. LXXI, R. 97; Vol. LXVII, R. 8)

On cross-examination, Gifford reiterated that Junior did not borrow the weed eater to work at his father's car lot the weekend of Karyn's death; however, at the grand jury she testified that he did. (Vol. LXXII, R. 26-28) Gifford also told the grand jury that Junior had helped her place the metal blade on the weed eater as opposed to her father. (Vol. LXXII, R. 26-27) Later in her testimony, she reaffirmed that it was her father who installed the metal blade. Before that week in September, Junior had not shown any interest in cleaning up the car lot. (Vol. LXXII, R. 30) Junior's father had called him and asked for help at the lot. (Vol. LXXII, R. 30)

Ms. Gifford testified that Junior was not at the car lot on Saturday. However, before the grand jury she testified that he was at the car lot on Saturday for several hours. (Vol. LXXII, R. 30-32) Ms. Gifford testified that the Saturday

she was referring to in the grand jury testimony was not Saturday the 27th but rather the following Saturday. (Vol. LXXII, R. 35)

On August 6, 1999, Dana Pitchford, an expert in forensic biology, tested three exhibits, Senior's Exhibits 30, 31, and 32, which combined would comprise Fred Bishop's weedeater. (Vol. LXIX, R. 200-04) Ms. Pitchford thoroughly examined and tested the three exhibits for biological fluid. (Vol. LXIX, R. 200-03) Based on these thorough tests, there was no blood found on any of the items. (Vol. LXIX, R. 203) Many factors affect the ability to detect biological fluids including, environmental conditions and exposure to chemicals. (Vol. LXIX, R. 205-07) In addition, the amount of the biological fluid is a factor because a large bloodstain would take longer to degrade than a smaller one. (Vol. LXIX, R. 211)

Water Service

Tammy Mense, the Village Clerk of Mt. Zion for over 20 years, kept records of water service for the Village. According to her records, as of the date of trial, there was not and there never had been water service at 1450 North State Highway 121, Mt. Zion. (LXVII, R. 209-212) Mense did not know if the property had its own well. (LXVII, R. 112-13)

State's Rebuttal Evidence

Harry Carter, who at one time rented the Miracle Motors lot from Senior, recalled that in mid-1995, there was running water from a well which was used in a stool and a sink. (Vol. LXXIV, R. 18) The location did not have a heater and the pipes froze the winter before he was there. One of his drivers repaired them when he moved in and he had his own propane heater to prevent the pipes from freezing. (Vol. LXXIV, R. 19-20) Carter did not know what happened to the pipes in the winter of '95 to the summer of '96. (Vol. LXXIV, R. 20)

Karyn's Visitation and Funeral

State's Case-in-Chief

Kenneth Hearn, Karyn's uncle, attended the visitation at Brintlinger's Funeral Home on October 4, 1996. (Vol. LVI, R. 818) Hearn was approached by a woman whom he did not know and later found out was Jeannette Slover. (Vol. LVI, R. 820) Mrs. Slover told Hearn that "we had nothing to do with what took place here." (Vol. LVI, R. 820-21) Hearn could not remember when he related this incident to police. (Vol. LVI, R. 822-23)

Defense Evidence

Detective Frank Hubbard of the Decatur Police Department attended the visitation for Karyn Slover on October 4, 1996. (Vol. LXVIII, R. 172-73) Detective Hubbard first observed Junior in the visitation line at the funeral home. (Vol. LXVIII, R. 173) Junior approached and interacted with the Hearn family and then returned to the casket where he broke down and began to cry. (Vol. LXVIII, R. 174-75) Detective Hubbard observed Junior for a total of 30 minutes and found Junior's actions to be sincere. (Vol. LXVIII, R. 174-75)

Karyn Slover's Relationship With the Slover Family

Karyn and Junior

State's Case-in-Chief

Karyn Hearn married Junior on January 2, 1993, and they divorced in January of 1996. (Vol. LIII, R. 98; 176) Karyn and Junior had a son, Kolten, in 1993 and Jeannette Slover was the primary baby-sitter after Karyn returned to work. In addition to Jeanette, Donna Hearn would sit for Kolten a couple of times a week. (Vol. LIII, R. 103; 175) After divorcing, Junior and Karyn had joint custody of Kolten with Karyn having primary care. (Vol. LIII, R. 116-17)

Jill Scribner worked with Karyn at the JC Penny Portrait Studio in the early 1990's. (Vol. LVI, R. 790-92) In late fall of 1992, Ms. Scribner, Karyn, and Laurie

Lee got together for a girls night out. (Vol. LVI, R. 793; 824) Later, they went to Laurie Lee's trailer where Karyn talked to someone on the phone. (Vol. LVI, R. 793-94; 824-25)

The three ladies left in Karyn's car and went to the parking lot at Cub Food where Karyn dropped the other two women at the door. Karyn drove to the side lot and parked near Junior's car. (Vol. LVI, R. 796; 825-26) Junior opened the car door and grabbed Karyn by the neck and threw her against the car causing the car to rock. (Vol. LVI, R. 796-99; 827-28) Scribner saw Karyn at work two days later and there were bruises visible on her neck. (Vol. LVI, R. 800)

Scribner could not remember if the three ladies had been drinking during their night out at the Leisure Lounge. Lee had a couple of drinks but she stated Karyn had nothing to drink that night. This incident occurred about midnight and no one called the police. (Vol. LVI, R. 801-03; 832) They all left in Junior's car and he drove Scribner and Lee back to Lee's trailer. Junior and Karyn left together. (Vol. LVI, R. 803-07; 30) Scribner talked to police and related this story a couple of weeks after the murder. (Vol. LVI, R. 805-09) Lee never talked to the police and first related her story to the grand jury. (Vol. LVI, R. 830)

April Smith, a friend of Karyn Slover's from Richland Community College, remembered an incident where she was at Karyn and Junior's apartment when Karyn was pregnant. Smith was on a couch talking with Karyn when Junior entered the apartment and went to the bedroom followed by Karyn. Smith saw Junior push Karyn onto the bed and hold her down with two hands. This incident lasted less than a minute and Junior immediately left the apartment. (Vol. LVI, R. 841-47)

Karyn told Smith not to call the police but Smith never intended to anyway. (Vol. LVI, R. 841-42) Smith was first interviewed by police on the day of Karyn's visitation and she did not mention this incident. (Vol. LVI, R. 852) Smith was

interviewed a second time in January of 1997 and did not mention this incident to police. (Vol. LVI, R. 853) It was not until March of 2000 that Smith told an investigator about this incident. (Vol. LVI, R. 854-55)

Rebecca Underwood testified concerning three alleged incidents of domestic abuse by Junior towards Karyn Slover. Ms. Underwood went to a comedy club at the Holiday Inn with Junior and Karyn in 1994. (Vol. LVI, R. 856-57) After the show, she was sitting at a window seat in the Burger King when she saw Junior and Karyn pull into the parking lot. They were talking and Junior's hand ended up on Karyn's shoulder. (Vol. LVI, R. 857-59)

Junior got in front of Karyn with his back facing Ms. Underwood who saw Junior grab Karyn by the shoulder as his hand went up near her face. (Vol. LVI, R. 861) Karyn came into the Burger King and Junior went back to the car. Karyn's face had a red mark with white indentations that looked like fingerprints. Karyn was crying. (Vol. LVI, R. 861-62) Junior honked and Karyn said she was sorry but she had to go. Junior grabbed Karyn when she got into the car. (Vol. LVI, R. 863)

About six months later, Underwood and Jody Osbourne went to Karyn and Junior's new house to visit. (Vol. LVI, R. 865) Junior called Karyn to the kitchen and used both hands to push her against an appliance. Karyn then told Underwood and Ms. Osbourne to leave. (Vol. LVI, R. 865-67)

The third incident was at a cookout at Jody Osbourne's house. Ms. Underwood walked into the house and heard Junior threaten to kill Karyn. When Junior saw Underwood he said he was kidding. Junior then told Karyn if she ever left him she would never see Kolten again. Junior was snarling. (Vol. LVI, R. 868-69) Underwood was interviewed by police in January of 1997 and did not tell them about the incident in the car or at the Slover house at that time. In fact, she told police there were no other incidents to report. (Vol. LVI, R. 872-75)

Raylynn Whobrey worked as a bartender at Ronnie's at the same time Junior worked as a doorman. (Vol. LVI, R. 888-89) Whobrey heard Junior refer to his ex-wife as a "fucking bitch" on more than one occasion prior to September 27, 1996. (Vol. LVI, R. 891) When Whobrey was interviewed by detectives and during her grand jury testimony she stated that Junior had referred to his ex-wife as a "bitch." She had not previously used the word "fucking." (Vol. LVI, R. 894)

Bill Chandler, talked with Junior on occasion at Ronnie's. About two weeks prior to Karyn's disappearance, Junior told Chandler that Karyn was going to take a modeling job out of state and take Kolten with her. (Vol. LVI, R. 946-50) When interviewed by police in May of 1999, Chandler told police Junior talked about getting custody of Kolten if Karyn left town but Chandler never said anything about Karyn getting a modeling job. (Vol. LVI, R. 949-50; 960)

Robert Casey went to Karyn's apartment with Junior on a few occasions. One time, after Junior and Karyn were divorced, Casey accompanied Junior to her apartment. Casey stayed in the car and Junior went to the door. There was an argument and Junior later said that Karyn was going to move out of state with Kolten. (Vol. LVI, R. 967-73) Junior did not say anything about a modeling job and he was not ranting or raving about the situation. (Vol. LVI, R. 976-78)

Michelle Stenger worked at Cub Foods during the time Junior was a security guard there. (Vol. LVIII, R. 1367-69) A couple of months before Karyn's disappearance Stenger had a conversation with Junior about the fact Karyn was planning on moving out of the state and taking Kolten with her. Junior was upset because he did not know how this would affect visitation. (Vol. LVIII, R. 1369-70) Stenger did not initially tell police about this conversation even though investigators specifically asked if Junior had ever said anything about Karyn taking Kolten out of state. (Vol. LVIII, R.1374-77)

Stenger admitted she was not friends with Junior – just acquaintances. (Vol. LVIII, R. 1371) She did attempt to go to Ronnie’s one night but was not able to get in because she was underage. Stenger stated Junior had invited her. (Vol. LVIII, R. 1371-73) Stenger did not know Karyn and never heard Junior refer to her as a “bitch.” (Vol. LVIII, R. 1373)

Sherri Chandler was a manager and bartender at Ronnie’s in September of 1996. Prior to September 27, 1996, Chandler heard Junior refer to Karyn Slover as a “bitch.” Junior did not talk about Karyn very often. (Vol. LVI, R. 932-934; 38) On the night of Karyn’s funeral, Chandler observed Junior and some friends at a table doing shots and making toasts. They were laughing and talking. (Vol. LVI, R. 934-37) Chandler only saw Junior do one shot. (Vol. LVI, R. 943)

That same night, Bill Chandler heard Junior say, “that’s one bitch I don’t have to worry about.” Everyone in the group laughed. Chandler did not hear Junior specifically refer to Karyn when he made that statement. (Vol. LVI, R. 952-53) Chandler never told police about this incident until he was present when the police interviewed his wife in May of 1999. (Vol. LVI, R. 955-56)

After the funeral, Larry and Donna Hearn tried to set up a visitation schedule for Kolten. Junior insisted on certain conditions including that the Hearn promise not to talk to Kolten about Karyn’s murder; not visit the grave site and not seek counseling for Kolten. (Vol. LIII, R. 33-41) Eventually Junior stopped returning phone calls and it became impossible for the Hearn to see Kolten on a regular basis. (Vol. LIII, R. 141-42; 192) Mr. Hearn did admit that he had no way of knowing whether Junior had received any of these phone messages because Junior was living in his house with other people. (Vol. LIII, R. 151-52)

The Hearn took Junior to court over visitation with Kolten in February of 1997. The trial court gave specific dates for visits and conditioned those visits on the agreement that the Hearn would not take Kolten to his mother’s grave site;

not talk to Kolten about his mother's murder; and not take Kolten to counseling. These were the same conditions Junior had insisted upon all along. (Vol. LIII, R. 153) Later, the judge further limited the Hearn's' visitation rights by not allowing them to keep Kolten overnight. (Vol. LIII, R. 160)

Karyn's and Jeanette's Relationship

State's Case-in-Chief

Richard Hopp, an attorney in Decatur, was contacted by Karyn Slover to handle her divorce from Junior and custody of their son, Kolten. (Vol. LVII, R. 1102-04) One unique aspect of this dissolution that Jeanette Slover was designated the primary baby-sitter of Kolten until he started kindergarten. This arrangement could only be changed by agreement of the parties. (Vol. LVII, R. 1106)

Mr. Hopp conceded that Karyn agreed to this term of the agreement and the divorce was uncontested. (Vol. LVII, R. 1109-10) Karyn never attempted to change the baby-sitting arrangement and the judge who signed the dissolution agreement did not find the provision to be unreasonable. (Vol. LVII, R. 1116) Karyn would have had to get a court order to take Kolten out of Illinois. (Vol. LVII, R. 113-14)

A portion of Jeanette Slover's grand jury testimony from December 5, 1996, was read to the jury by court reporter Norma Hubert. Jeanette tried to be friends with Karyn even after the divorce. She would watch Kolten 3 or 4 days a week. (Vol. LVIX, R. 1675-79) Karyn's parents would also watch Kolten during the week but Jeanette only talked to Karyn about the schedule. (Vol. LVIX, R. 1679-80)

The last time Jeanette talked to Karyn was on Thursday night, September 26th at a McDonald's parking lot. Jeanette and her husband were taking Kolten to the Chuckie Cheese in Springfield. Karyn said she was going to a church function. Karyn was supposed to pick up Kolten between 5:00 and 6:00

p.m. on Friday. This was consistent with the statement of Senior. (Vol. LVIX, R. 1688-92; Vol. 1875-76)

Jeanette knew Karyn was interested in a modeling career but did not know that Karyn was thinking about moving out of town. (Vol. LVIX, R. 1707) A month prior to Karyn's murder, Jeanette and Karyn had an argument about putting Kolten in preschool three days a week but they apologized to each other later the same day. (Vol. LVIX, R. 1707-12; Vol. LX, R. 1887)

Brian Maxey dated Karyn Slover after meeting her at the Decatur Health Club. They lived together for three months prior to breaking up. (Vol. LVIII, R. 1324-28) During this time, Maxey saw Karyn was upset and in tears every time she came home from picking Kolten up from the Slovers'. (Vol. LVIII, R. 1329)

Defense Evidence

Charles Dunlap interviewed Brian Maxey on September 29, 1996. Maxey did not make any comment to Dunlap concerning any problems that Karyn Slover was having with her mother-in-law. (Vol. LXXI, R. 73-74)

Ed Culp was a Detective with the Macon County Sheriff's Office. (Vol. LXX, R. 162-63) On October 2, 1996, Culp spoke with Brian Maxey who did not say anything about Karyn Slover having complaints about Jeannette Slover. (Vol. LXX, R. 165)

Autopsy – October 1, 1996

State's Case-in-Chief

Doctor John Murphy, a pathologist since 1971, performed the autopsy on Karyn Slover on September 30 and October 1, 1996. (Vol. LV, R. 675-81) Dr. Murphy identified a total of seven gunshot wounds to the head as the cause of death – six of them on the left side of the head and one to the back of the head. All of the gunshots were ante mortem and from inches away. (Vol. LV, R. 688-93;

709-11) Dr. Murphy concluded that the bullets came from a small caliber weapon – most likely a .22. (Vol. LV, R. 715)

James Kreiser was a forensic scientist with the Illinois State Police. Kreiser's expertise was in firearms. (Vol. LVIX, R. 1602) Kreiser examined the bullets and bullet fragments in Karyn Slover's case. (Vol. LVIX, R.1608-09) Most of the fragments were too damaged for identification. At least four of the pieces were fired from a .22 caliber rim fired gun. The murder weapon could have been a .22 caliber rifle, semiautomatic pistol or revolver. (Vol. LVIX, R. 1617-18) The bullets could not have come from a .25 automatic. (Vol. LVIX, R.1628-29)

Several pieces of evidence were collected including a partial pant leg from a jean; plastic bags; socks from the feet; duct tape used to close the bag; the belt and jeans from the waist area of the body; and some red underwear. (Vol. LIV, R. 496-501)

Inside one of the bags that contained the hands and forearms of Karyn, Siefferman found a piece of broken concrete. (Vol. LIV, R. 501) Another piece of concrete was found in the bag containing the right shoulder area of the victim. (Vol. LIV, R. 502) There was also a partial white sleeve found in this bag. (Vol. LIV, R. 502) Pictures of Karyn Slover's hands showed that some of the fingernails were longer than others and some of them appeared to have substances under the fingernails. The police decided against taking fingernail scrapings. (Vol. LV, R. 620-22)

Prior to showing pictures of the dismembered body to the jury defense counsel objected. Dr. Murphy was asked if the pictures were necessary to understand his testimony and he stated that he did not need the pictures although some people might find them helpful. The trial court allowed the pictures to be published to the jury. (Vol. LV, R. 683-84) The jury was then

shown pictures of the severed head, torso, waist area, hands, upper leg and feet. (Vol. LV, R. 698-706)

The hands did not show any signs of injury indicating that there was no struggle. (Vol. LV, R. 701-03) Dr. Murphy would not expect any blood spatter to occur as the body was being cut because blood stops flowing after death and coagulates within five to ten minutes. (Vol. LV, R. 712-13)

Sand was found in the vagina. Murphy explained that prior to rigor mortis setting in the muscles of the body would relax. This could explain how the sand could get into Karyn's vagina. The sand entered prior to rigor mortis and then was trapped inside by a tampon as it expanded in the water. (Vol. LV, R. 719-22)

Murphy did not scrape underneath the deceased's fingernails although matter was observable in the pictures. (Vol. LV, R. 729) There was some skin irregularity on the bridge of the nose which could have been the result of some trauma prior to death. Irregularities around the eyes were most likely after death. Two areas of discoloration behind the ear on the right mandible could indicate bruising and, thus, be pre-death trauma. (Vol. LV, R. 725-27)

Dr. Murphy says believed was a short time between death and dismemberment; anywhere from minutes to hours. It was apparent Ms. Slover died minutes after being shot. (Vol. LV, R. 734-35) The gunshot wounds indicate that Ms. Hearn Slover was shot at a downward angle at about a 30-45 degree angle. (Vol. LV, R. 736)

Dr. Murphy stated that there would be no blood spatter because a dead body does not bleed. With blood coagulating within five to ten minutes of death he would not expect blood splatter, however, there could be tissue that would be spread. (Vol. LV, R. 737-38) Also, if the body were cut within three minutes of death there would be blood spatter. (Vol. LV, R. 739)

Murphy did not do a pelvic examination himself. It was done by a colleague, Travis Hindman. His conclusion that sand went into the vagina prior to rigor

mortis and was trapped by a tampon expanding as it got wet was just a theory. It was also possible that sand was in the vagina and then trapped by a tampon being in the vagina. There was no evidence that Karyn was menstruating at the time of her death. (Vol. LV, R. 752-54)

Defense Evidence

Dr. Travis Hindman, an expert in forensic pathology, examined a portion of the pelvis of Karyn Slover. (Vol. LXVII, R. 131;133-34) Hindman identified rocks, sand, and gravel in photographs of the body parts. (Vol. LXVII, R. 136-37) According to Hindman, the vagina and rectum were facing away from the direction of the waves on the lake. (Vol. LXVII, R. 165)

Hindman found what he described as a large quantity of sand, rocks and gravel within the vagina and terminal leading to the outside of the anus. (Vol. LXVII, R. 138-39) The amount of sand, rocks, and gravel that came from the vagina alone formed a mass 10 by 10 by 2 centimeters in diameter, or 2 inches by 2 inches by 1 inch thick. (Vol. LXVII, R. 139) Hindman described the vagina as a closed compartment which does not allow materials, or even water, to enter. (Vol. LXVII, R. 140)

Hindman also found a tampon low in the vagina with sand and gravel and rocks very high in the vagina – between the top of the tampon and the top of the vagina. (Vol. LXVII, R. 168)

Based on the amount of rocks, sand, and gravel found above the tampon, Hindman opined that the materials found inside the vagina were not caused by the lake's wave action. (Vol. LXVII, R. 141-42; 169) Even though the muscles of the body relax after death, the sand, rocks and gravel were likely placed there because even water does not easily enter the vagina and the tampon served as a substantial obstructive agent. (Vol. LXVII, R. 142; 148-50; 157; 172)

There was no evidence to suggest Ms. Slover was sexually assaulted before or after her death. (Vol. LXVII, R. 147) There is no definitive test for determining

if an individual experienced forced sexual relations and it is possible for there to be instances of sexual assault where no spermatozoa or seminal fluid is left and where there is no evidence of trauma. (Vol. LXVII, R. 163)

The Investigation

Senior Owns a Gun

State's Case-in-Chief

William Richter had known Senior for years because they bought and sold cars together. Senior had a dealer's license and Richter would pay him for doing paperwork and getting dealer's plates for the cars. (Vol. LVIII, R. 1381-83) On a few occasions prior to Karyn Slover's disappearance, Richter saw a small revolver in Senior's office at Miracle Motors. Richter did not know the caliber or color but the gun was about four to four and one-half inches long. (Vol. LVIII, R. 1383-85)

Richter was first interviewed by police on March 27, 1997. He did not tell police about the gun. (Vol. LVIII, R. 1388) The first time Richter related the story about Senior having a gun in his office was during his grand jury testimony in February of 1999. He was not sure if he saw the gun before or after Karyn was murdered. Richter often had memory problems due to his drinking. (Vol. LVIII, R. 1388-92) At the time of his grand jury testimony, Richter had a felony domestic battery charge pending. That charge was reduced to a misdemeanor after his testimony but Richter was not aware of any deal. In addition to the domestic battery, Richter was aware he was under investigation for narcotics at the time of his grand jury testimony. No prosecution ever occurred. (Vol. LVIII, R. 1394-96)

The Many Searches of the Slover Property

Initial Search of Miracle Motors

State's Case-in-Chief

Joe Siefferman, participated in a search of Miracle Motors conducted on October 12, 1996. (Vol. LIV, R. 514) The area searched included a metal shed, a fence, vehicles and a grassy area with rocks. (Vol. LIV, R. 514-15) There was a burnt area on the west side of a mound of dirt and debris. (Vol. LIV, R. 516) This area was covered by a tree limb but the limb was not burnt at all. (Vol. LIV, R. 571) Siefferman took several pictures of the property including inside the building. It was cluttered. (Vol. LIV, R. 517-18) Siefferman also collected seven pieces of broken concrete from the property. (Vol. LV, R. 575) The pieces looked similar to those found with the body. (Vol. LIV, R. 519-20) Siefferman stated that execution of that warrant took no more than two hours. (Vol. LIV, R. 521)

Police had the opportunity to collect all of the evidence they wanted on that day. (Vol. LV, R. 599) None of the cars on the lot were searched but police did look inside all of them. Siefferman did not recall seeing any vehicle that did not have a seat in it. (Vol. LV, R. 599-600) Police looked into the burn barrel but nobody dumped it out or searched its contents. (Vol. LV, R. 599-600)

Defense Evidence

Lieutenant Thomas Snyder of the Macon County Sheriff's Office assisted in the execution of a search warrant for Miracle Motors on October 12, 1996, at around 3:15 p.m. (Vol. LXX, R. 104-05) There were a total of 22 people taking part in the search for about two and a half hours. (Vol. LXX, R. 106-07)

Second Search – February 6, 1997

State's Case-in-Chief

Siefferman returned to Miracle Motors and the Slover residence with a search warrant on February 6, 1997. He seized some metal springs that were

observed in the burn area during the initial search in October of 1996. (Vol. LIV, R. 521)

The main focus of the February search was to find blood and human tissue. In the case of the Slover home, the walls and floors were torn up to search for hidden evidence. The police used both Luminol and Kassel Meyer to detect blood and tissue evidence, and neither chemical showed the presence of any blood or tissue at either the Miracle Motors property or the Slover home. (Vol. LV, R. 623)

Third Search – March 10-12, 1998

State's Case-in-Chief

Richard Munroe, of the Winnipeg Police Department, testified that he participated in the execution of a third search warrant at Miracle Motors on March 10-12, 1998. (Vol. LXI, R. 2064) A burn barrel on the property was taken to the Decatur Police Department where the items in the barrel were dumped and sorted through piece by piece. (Vol. LXI, R. 2072) The searchers found a petroleum can of some kind, remnants of a partially burnt coat, some rubber and plastic products, among other things. (Vol. LXI, R. 2072-73) Many of the objects had melted together. (Vol. LXI, R. 2073)

At the time of the search, there was snow on the ground and the search crew brought in a large military tent and propane heaters which were used to heat the area to be searched. (Vol. LXI, R. 2074-75) Fire brick, which is used to melt asphalt was brought in from the highway department to melt the snow and thaw the ground. (Vol. LXI, R. 2076; 2080-81) Two to three inches of soil was then scraped off with new shovels and placed into plastic buckets. (Vol. LXI, R. 2076-77) Searching the buckets was difficult on site and they were taken to another location to be searched at a later date. (Vol. LXI, R. 2078-79)

Munroe stated he had no idea if the burn barrel they searched in 1998 was the same burn barrel that was in use in 1996. (Vol. LXII, R. 2169-70) Munroe

identified a picture of 20 to 30 buckets sitting open and without any labels. (Vol. LXII, R. 2176-77) There were many people on the property and a lot of activity during the search. (Vol. LXII, R. 2177-79)

The car lot was divided into grids and the searchers dug in different areas of the car lot and put the dirt into buckets and identified the buckets by grid number and a letter to determine what order the buckets were filled with dirt – *i.e.*, bucket one from area 36 would be labeled 36A bucket 2 would be 36B, etc. (Vol. LIII, R. 285-290) Deputy Jeff Thomas concentrated his efforts by digging in areas 36, 38, and 40 which were located near a burn barrel. At one point, Deputy Thomas received a metal button from one of his co-workers, David Reed. (Vol. LVI, R. 921-22) The button was found in a bucket from area 36 and given to Munroe who was supervising the search. (Vol. LIII, R. 302-03)

Deputy Thomas admitted that he did not know how many buckets of dirt had been taken from area 36. There were several people digging in that area. Each area of the grid was approximately four feet by ten feet. (Vol. LIII, R. 307-11; 328) Investigators were schooled on how to dig and were told the type of buttons they wanted to find. (Vol. LIII, R. 330-32) The buckets remained in a shed on the Motor Miracles property overnight and Deputy Thomas was not sure if the shed was locked although an officer remained at the scene overnight. (Vol. LIII, R. 333-34)

Rodney Miller of the Illinois State Police would dig and fill buckets in area 38 and give them to Deputy Thomas who put them into a metal shed adjacent to the dig. (Vol. LVIX, R. 2601-04) Trooper Miller transported 60 buckets of dirt to the Task Force Facility in his Toyota pick-up truck. This took three trips. The task force building also housed seized vehicles and people other than law enforcement officers had access to the building. (Vol. LVIX, R. 2605-07)

On cross-examination, Trooper Miller admitted that none of the buckets had lids on them and anyone in the building had access to the buckets. The buckets remained in the task force building for a couple of months while the sifting took place. (Vol. LVIX, R. 2614-17) Trooper Miller had been involved in the case since November of 1996 and knew that items of clothing could be important. Miller could not remember if there was any security at the site. (Vol. LVIX, R. 2625-29) Mike Mannix testified that an individual had to have permission to be in the building and that the building had a burglar alarm. (Vol. LXIV, R. 2660)

Moultrie County Deputy Chris Sims helped sift the contents of buckets of dirt that were collected from the lot at Miracle Motors. (Vol. LIV, R. 423-24) Deputy Sims found a button in bucket 38(c) on March 24, 1998. (Vol. LIV, R. 426-28) Deputy Sims put the button into an evidence bag and handed it to Mike Mannix for safe keeping. (Vol. LIV, R. 429)

In all, there were over 20 people at Miracle Motors during the search and not all of them were from law enforcement. (Vol. LIV, R. 433-34) Deputy Sims was there when the buckets were removed from the lot at Miracle Motors but he did not see who moved bucket 38(c). (Vol. LIV, R. 434-35) Sims could not recall who was present when he found the button in bucket 38(c). (Vol. LIV, R. 436-37) Sims did not know if the buckets were sealed after leaving Miracle Motors and before they were sifted. (Vol. LIV, R. 437-38)

Detective Roger Ryan, who helped sift through buckets of dirt taken from the property, discovered a rivet from a pair of Paris Sports Club jeans in bucket 38-(o) and gave it to Officer Mike Mannix. (Vol. LVIII, R. 1348-52)

Detective Ryan stated there were twenty people involved in the search including members of the Macon County State's Attorney's office. (Vol. LVIII, R. 1355-56) The sifting of the buckets occurred in a warehouse on West Main Street in Decatur. Bucket 38-(o) was not sealed in any way from the time it was taken

from Miracle Motors during the March search until it was sifted on April 8, 1998. (Vol. LVIII, R. 1357-58)

Officer Mike Trummel participated in taking the burn barrel off of Miracle Motors lot and keeping it for evidence. (Vol. LVII, R. 1228-29) Officer Trummel also collected several cinder samples from various areas of the property. (Vol. LVII, R. 1230-39) In addition, Officer Trummel took hair samples from the Slover's two black dogs and a blond dog. (Vol. LVII, R. 1240-43) Officer Trummel had no idea how long the items collected from the scene had been there prior to the search. (Vol. LVII, R. 1256)

Michael Beck was a Decatur Police officer who participated in the search of Miracle Motors. (Vol. LX, R. 1861) Officer Beck helped sift through the buckets of dirt that were excavated from the car lot. This duty lasted 21 days. Officer Beck identified a rivet with Paris Sports Club indented on it in bucket 38-Q on March 31, 1998. The rivet appeared charred or dirty. (Vol. LX, R. 1867-68) Officer Beck gave the rivet to Mike Mannix. (Vol. LX, R. 1868)

Numerous people had access to the area where the excavation took place. The buckets were not in a secure facility during this process. Nobody had to sign in or out in order to enter the room where the buckets were kept. Both law enforcement and non-law enforcement personnel were in the room at various times. (Vol. LX, R. 1900-01) In addition, law enforcement personnel were given specific items of clothing to look for during the excavation. (Vol. LX, R. 1909)

Officer Beck received sample buttons, rivets and studs from David Cohen on September 15, 1999, and turned those over to Mike Mannix. (Vol. LX, R. 1871) These items were easy to obtain. (Vol. LX, R. 1906)

Defense Evidence

On March 11, 1998, Detective Rodney Miller, of the Illinois State Police, participated in the search at Miracle Motors and found what appeared to be a type of button snap outside a metal shed. (Vol. LXVIII, R. 198-200) Detective Roger

Ryan, CSI Trummel, and Richard Munroe dumped the contents of the burn barrel onto a tarp and searched most of the day. (LXVIII, R. 27; 30; 38) They found a burnt piece of jean material, a small metal clasp, a metal snap that could have been a grommet, and a small, rusty piece of metal in a half-moon shape. (LXVIII, R. 31-32; 35-37; 39-41) Detective Ryan also observed CSI Trummel seize a dark jacket. (Vol. LXVIII, R. 38)

Officer Trummel was shown Senior's Exhibit 35, remains of a light nylon type jacket recovered from the burn barrel. The remains were analyzed at the Springfield laboratory and it was determined that the jacket was green in color with no writing or labels on it. (Vol. LXX, R. 28-29)

Mr. Trummel was also shown Senior's Exhibit 36, another cloth type jacket that was brown in color. It was also among the charred remains removed from the burn barrel. (Vol. LXX, R. 29-30) Senior's Exhibit 34, two metal objects that appeared to be snaps collected from the burn barrel, were also shown to Mr. Trummel. He testified that they were analyzed at the Illinois State Police crime lab. (Vol. LXX, R. 31-32)

On March 24, 1998, Deputy Jeff Busch of the Macon County Sheriff's Department, discovered a piece of cloth fiber in bucket 61-A-8 and he turned it over to Mike Mannix. (Vol. LXX, R. 99-01) Deputy Busch also discovered cloth material with very small screws and metal objects in bucket 40A2. (Vol. LXX, R. 102-03)

Deputy Chris Sims, of the Moultrie County Sheriff's Department, discovered a Wrangler Jean label in bucket 61-C. (Vol. LXVIII, R. 162-65) Deputy Sims also found a metal fastener and zipper parts in bucket 38-Q on March 31, 1998. (Vol. LXVIII, R. 167) On March 18, 1998, Deputy Jeff Thomas of the Moultrie County Sheriff's Department, discovered some cloth, part of a zipper, and part of a plastic

bag in bucket 38-L. (Vol. LXVIII, R. 182) On March 30, 1998, Deputy Thomas discovered a circular piece of metal in bucket 40. (Vol. LXVIII, R. 185)

June 1998 – A Fourth Search of Miracle Motors

Charles Pierce, owner of Pierce's Lawn and Garden Products, bought the Miracle Motors and Green Valley property from Senior and Jeanette Slover on June 18, 1998. (Vol. LX, R.1837-38) There were two buildings on the property at that time. The property was overgrown with weeds and tall grass when Mr. Pierce moved his business. Pierce mowed the lawn once a week. (Vol. LX, R. 1839-41) Pierce allowed the police to take concrete samples in June of 1999. Pierce did not have any concrete or cinders delivered to the property after he bought it. (Vol. LX, R.1841-42)

There was working plumbing in one of the buildings but not the other when he bought the property. There was a septic system on the back of the property but he never found it. In addition, there was no running water at the time of the purchase. (Vol. LX, R.1844-45)

A Fifth Search – September 27, 1999

Defense Case

On September 16, 1999, Captain Steve Fermon of the Illinois State Police participated in a consensual search of the lot formally owned by Miracle Motors. (Vol. LXVIII, R. 147) Consent was given by the new owners of the lot, Pierce's Garden. During the search, Captain Fermon recovered a small, metal disk, approximately 3/8ths to 1/2 inch in diameter. This object was believed to be a snap. (Vol. LXVIII, R. 148-50) Mike Mannix discovered Senior's Exhibit 37, a silver colored snap, on the east side of the little, metal shed on the business property. (Vol. LXX, R. 108-10) He was also handed Senior's Exhibit 19 by Captain Fermon that same day. (Vol. LXX, R. 112)

Forensic Evidence

Canine DNA

State's Case-in-Chief

Dr. Joyce Halverson conducted the DNA testing. Halverson's qualifications and the validity of using canine DNA forensically was examined at trial and Halverson's qualifications and methodology are extensively explored in the argument portion of this brief. (Vol. LXIII, R. 2423-2535)

Halverson conducted DNA testing on the dog hair found on a piece of duct tape used to seal one of the garbage bags containing a body part. One of the tests was thrown out due to contamination. (Vol. LXIII, R. 2549) Based on her testing, Halverson was able to exclude the smaller of the two dogs owned by Senior as the donor of the dog hair found at the crime scene. (Vol. LXIII, R. 2551-60) The hair from the larger dog matched at 5 loci showing six alleles with the reference sample. The likelihood that the DNA found would randomly appear was 1 in 56,000. (Vol. LXIII, R. 2562-64)

On cross-examination, Halverson stated that each packet contained more than one hair and the initial testing encountered some contamination. The protocol is now to decontaminate the reference sample. (Vol. LXIII, R. 2566-77)

After the initial amplifications of the evidence sample, there were only four scorable loci between the reference sample and the evidence sample. This would be at the bottom rung of conclusions and is the minimum number of loci required in California to make any conclusion as to a match. (Vol. LXIII, R. 2581-83) At this point, when Halverson employed the product rule, she concluded that there was a 1 in 2,694 chance of a random match between the evidence sample and another dog. This conclusion did not take into account any potential lab error or population subculture due to the fact the data base was exclusively pure bred dogs from western United States. (Vol. LXIII, R. 2583-85) Halverson also did not

take into account the recommendations of the National Resource Council when dealing with population subcultures because she did not think it was necessary in this case. (Vol. LXIII, R. 2584-87)

After Halverson was not satisfied with her initial results, she went back and amplified a single loci, PEZ20 and got a fifth loci to match which is how she arrived at her final figure of 1 in 56,227. (Vol. LXIII, R. 2586-91) The data base for PEZ20 was limited to 94 pure bred dogs. The 1 in 56,227 would be for dogs randomly picked from California, Wyoming and Nevada and not Macon, Sullivan or Moultrie counties, Illinois. Halverson had no knowledge about the dog population in central Illinois. (Vol. LXIII, R. 2593-96)

Defense Evidence

Christopher Basten is a Research Associate Statistician at North Carolina State University conducting research in the area of statistical genetics. Dr. Basten examines genetic reports and arrives at a statistical estimation of the strength of the evidence. (Vol. LXXI, R. 7) He has testified concerning canine DNA in four cases.

Basten testified that by using a DNA data base you can estimate how often you would expect to see each type of allele. (Vol. LXXI, R. 9) He explained that the bigger the database the more accurate the estimate will be – usually a data base of 60 can generate good numbers. (Vol. LXXI, R. 9-10) There were 470 dogs represented in the Celera AgGen database and they were all purebred dogs. (Vol. LXXI, R. 24)

There are different subgroups among canines and dogs within the same subgroup are more likely to be related and share more genes. This is especially true with the inbreeding of dogs. (Vol. LXXI, R. 10) In analyzing the Celera AgGen database he discovered that, within a certain breed, the dogs were highly

interrelated and that this interrelation caused a departure from the Hardy-Weinberg Equilibrium concerning independency. (Vol. LXXI, R. 13)

When there is this type of departure from the equilibrium there is a higher likelihood that you will have matching alleles. (Vol. LXXI, R. 14) Basten believes that the interrelatedness of dogs needs to be taken into account and that a correction factor should be applied to the database. (Vol. LXXI, R. 15)

In the present case, Basten applied his methodology to the results arrived at by Halverson to take into account the inbreeding aspect of the canine DNA database. (Vol. LXXI, R. 16-17) His results showed that the evidence is 167 times more likely that Senior's dog Cagney is the source rather than another dog. (Vol. LXXI, R. 20-21) He then calculated the general frequency of the population and determined that the likelihood of a match was one in 1,680. (Vol. LXXI, R. 21)

On cross-examination, Basten said that DNA testing is generally accepted in his scientific community for human and canine application. (Vol. LXXI, R. 34) When making his calculations he resorted to the work of Dr. Bruce Weir who has a distinguished career in population and statistical genetics. According to Weir's work, a likelihood ratio of 167 strongly supports the proposition that Cagney was the source of the hair. (Vol. LXXI, R. 35-37)

Basten admitted that when he made his calculations he did not know that Senior's dog, Cagney, was not a purebred dog. (Vol. LXXI, R. 39) It was explained that the 167 ratio is still the best calculation available because there is no central Illinois canine database. (Vol. LXXI, R. 40) He stressed that knowledge of Cagney being a mix-breed would not have changed his statistics because he can only use this particular data set and theta. However, if he had a mixed-breed data base it could have changed the calculations significantly. (Vol. LXXI, R. 39-40) The database he used was from the west coast and there is no Midwest database. (Vol. LXXI, R. 43) He has no knowledge of the rate of inbreeding in Illinois;

however, this information is important for making these computations. (Vol. LXXI, R. 44)

The database he used is the same database that Halverson used. He testified that the Labrador Retriever was not represented in the database. (Vol. LXXI, R. 45-46) Basten later said that it is not significant to him that Cagney is not a purebred or that she is a Labrador Retriever mix. (Vol. LXXI, R. 50) Further, he said that Dr. Halverson's results were wrong. (Vol. LXXI, R. 51)

Human Hair

State's Case-in-Chief

The State's case offered no explanation for the human head hair found on one of the plastic bags containing body parts.

Defense Case

Suzanne Kidd is a forensic scientist with the Illinois State Police did hair comparisons for the Slover case. (Vol. LXXII, R. 72) Kidd was shown Senior's Exhibit Number 33 which included two human hair fragments removed from one of the bags containing the remains of Karyn Slover. (Vol. LXXII, R. 75) Kidd did a hair comparison between Exhibit 33 and Senior's Exhibit 41 which was the hair standard from Karyn Slover. It was determined that the hair in Exhibit 33 did not originate from Karyn Slover. (Vol. LXXII, R. 77) Kidd also determined that the two human head hairs found in Exhibit 33 did not originate from Senior (Exhibit 38), Jeannette (Exhibit 39), or Junior (Exhibit 40). (Vol. LXXII, R. 78-81)

Ms. Kidd then discussed the LOCARD theory of transfer which states that when two things come in contact with each other, there will be a transfer of material, such as hair, from one to the other. (Vol. LXXII, R. 97) Kidd also discussed secondary transfer which occurs when someone has direct contact with a person or thing and results in a transfer of some material to a second person who then has contact with a third person or thing and transfers the original

material on to this third person or thing. (Vol. LXXII, R. 100) Kidd explained that transfers can often be lost before they can be preserved and observed in a laboratory. (Vol. LXXII, R. 102)

Ms. Kidd was then shown Senior's Exhibits 10, 11, and 12 which were tapings from the front passenger seat, the driver seat, and back passenger seat of a 1992 Bonneville. (Vol. LXXII, R. 81; 83; 85) Several hair fibers were determined to be in the taping along with soil and debris. (Vol. LXXII, R. 81-86) The hair was determined to be Caucasian body hair and animal fur hairs. (Vol. LXXII, R. 82-83) One of the animal hairs was identified as that of a cat but the other hairs could not be identified. (Vol. LXXII, R. 88)

Grasses

State's Case-in-Chief

Thomas Voigt, an assistant professor at the University of Illinois, testified as an expert in identifying grasses. (Vol. LX, R. 1770-75) Mr. Voigt examined some grasses that were given to him by police on October 4, 1996, which were taken from one of the bags found at Lake Shelbyville. Voigt identified three different types of grasses: Foxtail; Nimble Will; and Switchgrass. (Vol. LX, R. 1777-78) Voigt examined the property at Miracle Motors on September 7, 1999. He found only Foxtail and Nimble Will. It is possible that Switchgrass could have been present on the property in 1996. The change could be explained if mowing patterns had changed; the weather had been different or disease had occurred. Switchgrass is more likely in areas not mowed regularly. (Vol. LX, R. 1781-83)

Voigt testified that the combination of Foxtail, Nimble Will and Switchgrass was very common in central Illinois. Voigt testified that he had all three species of grass in his lawn at home. (Vol. LX, R. 1794) In addition, Switchgrass is common near railroad tracks and Voigt was not familiar with the Lake Shelbyville area. (Vol. LX, R. 1795-99)

Defense Evidence

Voigt was shown a photograph of the Miracle Motors property taken on August 29, 1995. Voigt was unable to identify any Switchgrass in the photo. Mr. Voigt was shown three other pictures of the property taken between June and August of 1995 and he was unable to identify Switchgrass in any of those pictures either. (Vol. LXIX, R. 2-5) Mr. Voigt would not have confidence in identifying any types of grass with the pictures he was shown due to the nature of the pictures. (Vol. LXIX, R. 5-6)

Clothes – Buttons and Rivets

State's Case-in-Chief

Debra Johnson was the floor manager at Maurice's for 13 years until September of 1997. (Vol. LVI, R. 762-63) Karyn Slover was a regular customer at Maurice's. (Vol. LVI, R. 764-63; 769) Johnson identified the partial jeans found on Karyn's body as five button Paris Sports Club jeans that were sold exclusively at Maurice's. This particular jean was very popular. (Vol. LVI, R. 770) There were only two buttons on the pair found on the body. (Vol. LVI, R. 765-66) There were four Maurice's stores in central Illinois including ones in Effingham, Champaign, Springfield, and Decatur. (Vol. LVI, R. 771)

Johnson also identified some one button and two button fly jeans that were sold at Maurice's. These jeans were similar to the five button jeans but there were differences including the fact that the one and two button jeans had zippers whereas the five button brand did not. (Vol. LVI, R. 777-780) The five-button jeans's rivets were copper and the other jeans had silver rivets. (Vol. LVI, R. 789)

David Cohen had worked in the apparel industry since 1983. He currently owns D and S consulting based in California. (Vol. LXII, R. 2265) Cohen identified buttons found at Miracle Motors as 27 L two tone Paris Sports Club.

Cohen was involved in manufacturing these buttons at the I.M.I.M. plant in Hong Kong. Cohen could tell these buttons were made at that plant because of marking on the back. (Vol. LXII, R. 2266-67)

Cohen's initial order was received in 1996 and was for 250,000 buttons and 500,000 rivets and burrs. (Vol. LXII, R. 2269-72) His company stopped manufacturing these items in 1997. The total number of these items manufactured and sold was 1,598,000 buttons and 2,898,000 rivets and burrs. (Vol. LXII, R. 2288-90) They were shipped to two companies: Knight industries and Global industries. Not all of the buttons manufactured had the I.M.I.M. logo on them. It is possible more of these buttons were manufactured and sold as knock-offs. Cohen had no idea how many knock-offs were made. (Vol. LXII, R.2293-2301)

Jonie Drafts was the comptroller for Knight Industries. Drafts was in charge of keeping records. She could tell from the cut, style, and registration numbers when and where a pair of jeans had been made. (Vol. LXII, R. 2304-11) The partial pair of jeans found on Karyn Slover's body was made by Knight Industries and shipped to Maurice's Iowa distribution center in 1996. (Vol. LXII, R. 2312-18) That style of jeans was designed to have five size 27L Paris Sports Club buttons but the partial pair of jeans was missing three buttons. In addition, the Karyn Slover jeans only had three of six rivets on them. (Vol. LXII, R. 2319-22) A total of 125,000 pairs of this type of jeans were shipped to Maurice's prior to September of 1996. Of those, approximately 1,250 were size 7 tall. (Vol. LXII, R. 2323-24)

Prior to March 19, 1998, Knight Industries had shipped a total of over 227,000 of the style of jeans found on Karyn Slover's body. (Vol. LXII, R. 2325) In addition, the size 27L Paris Sports Club button was used on numerous styles of jeans, jumpers and shorts. There was no way of telling which style of jeans

might have yielded the 27L Paris Sports Club jeans buttons found in the search of Miracle Motors. (Vol. LXII, R. 2325-33) Knight Industries was not the only company that used this type of button in its manufacturing process and Knight was not the exclusive manufacturer for Maurice's. (Vol. LXII, R. 2332-41)

Suzanne Kidd was qualified as an expert in microscopy – a field of science that examines evidence through a microscope and focuses primarily on the LOCARD theory of transference which included hair, fiber and latent fingerprint evidence. (Vol. LXII, R. 2345-49) Kidd examined the partial pair of Karyn Slover's jeans, including the metal buttons and rivets. (Vol. LXII, R. 2351-52)

Kidd examined two buttons from the partial jeans found on Karyn's body and found that the characteristics of both buttons were consistent. Both buttons have the same design and have the words "Authentic" "Jean Company" and "Paris Sports Club" on them. (Vol. LXII, R. 2354-56) The rivets found on the jeans were also consistent with one another. The front of the rivets said "Paris Sports Club" and the back read "I.M.I.M." (Vol. LXII, R. 2357)

The buttons and rivets on the partial pair of jeans were then compared with the buttons and rivets found at Miracle Motors. The buttons found at Miracle Motors had to first be cleaned with bleach and vinegar to remove soot from them that was consistent with them being burned. (Vol. LXII, R. 2360-61) After comparing the two samples, Kidd concluded that the buttons and rivets found on the partial pair of jeans were consistent with the buttons and rivets found at Miracle Motors. (Vol. LXII, R. 2364-68)

Kidd did not receive any denim shorts or denim jumpers for testing. The buttons and rivets Kidd examined could have come from any type of jeans product that has an identical set of buttons and rivets. (Vol. LXIII, R. 2394) Kidd also did no testing to determine the molecular structure or the type of metal used in the manufacturing of the buttons. If the molecular structure had been different the

buttons found at Miracle Motors could have been excluded as being consistent with the buttons found on the partial jeans. (Vol. LXIII, R. 2414-15)

In addition to examining the buttons and rivets from the jeans, Kidd was also asked to make comparisons between the buttons found on a white blouse that was worn by Karyn and a button found during the search at Miracle Motors. (Vol. LXII, R. 2381-82) The buttons on the blouse and the button found at Miracle Motors, were both plastic with a cotton and polyester cover. The cloth cover looked white to the naked eye and colorless under the microscope. The button found at Miracle Motors was dirty and looked as if it had been close to a heat because of some partial melting of the plastic. Based on Kidd's examination of the materials and six of the buttons, she concluded that the button found at Miracle Motors and the buttons from Karyn's blouse were consistent with one another. (Vol. LXII, R. 2383-90)

On cross-examination, Kidd admitted that the polyester cotton blend found on the buttons she examined was very common. In addition, Ms. Kidd could not tell if the melting damage she found on the buttons was done intentionally or not. (Vol. LXIII, R. 2395) Kidd did not determine what type of plastic was used in manufacturing the button, therefore, she did not know what the melting point would have been for that button. (Vol. LXIII, R. 2400) There is nothing on the sleeve to identify the manufacturer of the blouse and thus the buttons could have come from any blouse that used the same type of buttons. Kidd had no way of knowing how many such buttons were in existence. (Vol. LXIII, R. 2411-12) Kidd did no testing to determine the age of the buttons in question. (Vol. LXIII, R. 2414)

Defense Evidence

The defense had Kidd compare several items found at the Miracle Motors lot with items worn by Karyn on the day she disappeared. Kidd compared Exhibit 22,

a partial pair of jeans, and Exhibit 23 a sleeve, with Exhibits 22 and 23, pieces of fabric taken from the Miracle Motors property. (Vol. LXXII, R. 87-89) Kidd determined that the pieces of fabric in Exhibit 20 and 21 did not originate from the pair of jeans or partial sleeve. (Vol. LXXII, R. 90) Kidd was then shown a green jacket and label from a pair of Wrangler jeans taken from the burn barrel. (Vol. LXXII, R. 91) Kidd did a comparison between the jacket and fibers taken out of the Bonneville and determined that the green fibers in the Bonneville were dissimilar to the fibers of the jacket. (Vol. LXXII, R. 92)

Kidd then determined that the fabric in Senior's Exhibit Number 26 was dissimilar to the jeans in People's Exhibit Number 22. (Karyn's partial jeans) (Vol. LXXII, R. 93) Kidd also compared Senior's Exhibit Number 34, metal fasteners found in the burn barrel, to the metal fasteners taken from Karyn's jeans and determined that they did not originate from Exhibit 34. (Vol. LXXII, R. 94-95) Similarly, Kidd did comparisons of other metal fasteners found at Miracle Motors to Karyn's jeans and determined that they were dissimilar. (Vol. LXXII, R. 96)

Cinders and Concrete

State's Case-in-Chief

Richard Munroe was a professional registered geologist and forensic scientist. (Vol. LXI, R. 1920) Munroe graduated from the University of Manitoba in 1977 with a bachelor's of science degree in geology. Munroe has worked as a consultant to the concrete industry, the sand and gravel and crushed rock industry and the industrial minerals industry. (Vol. LXI, R. 1920) Munroe was currently a member of the Winnipeg Police Department working as a fire and arson investigator. (Vol. LXI, R. 1920-21) Munroe had previously worked for the largest cement company in Canada as a quality control officer. (Vol. LXI, R. 1927-28)

Munroe had never attempted to compare cinder samples before. (Vol. LXI, R. 1957-58) Munroe has no background in chemistry and his work on this case is unique. (Vol. LXI, R. 1959) Cinders could be compared by looking at the component parts and chilling rings which form because of temperature. (Vol. LXI, R. 1999) Cinders produced by coal generation may include coal from several different sources. As a furnace is cleaned, each load removed would have its own history. (Vol. LXI, R. 1999-2000) The heat of the fire has a great impact on the shape and color of the cinder. (Vol. LXI, R. 2000-02)

In examining the cinders in this case, Munroe used his eyes and a microscope. (Vol. LXI, R. 2003) Some of the particles were bound with a resin and cut into thin pieces and examined under a microscope. Munroe initially stated that this was generally accepted procedure in the scientific community. (Vol. LXI, R. 2003-04) However, Munroe could not name anyone who had attempted to compare cinder samples to determine if they are consistent with one another. (Vol. LXI, R. 2032) Thus, Munroe stated he would not know if the procedures he used were generally accepted by the scientific community. (Vol. LXI, R. 2032)

State's Cinder Evidence

Munroe examined People's Exhibit 18 which were cinders taken from the car and head of Karyn Slover. (Vol. LXI, R. 2144-45) People's Exhibit 48 were cinders taken from a plastic bag. People's Exhibit 49 contained cinders taken from Karyn Slover's right forearm. (Vol. LXI, R. 2145-46) These cinders were compared with People's Exhibits 56, 57, 58, 59 and 60, which were cinders taken from the car lot. (Vol. LXI, R. 2147)

Using a microscope, Munroe concluded that the cinders found in the car, head and forearm appeared to be consistent with the cinders taken from Miracle Motors. (Vol. LXI, R. 2153) Munroe also found similar cinders at the facility

which used to be the track for Lakeview High School. (Vol. LXI, R. 2154) Munroe did not talk to the owners of the track to see where the cinders came from. (Vol. LXII, R. 2230) Munroe also gathered cinders from various highways, stockpiles, etc. that were not similar to those found at Miracle Motors. (Vol. LXI, R. 2155)

On cross-examination, Munroe testified that when he was first contacted by Mike Mannix he had told him that cinders are like a sponge and that they could absorb blood. (Vol. LXII, R. 2164) Munroe also told Mannix that if someone tried to burn the blood away the heat would provide a coating to the cinder protecting the blood. (Vol. LXII, R. 2165)

In examining the cinders collected from the car lot, Munroe found that they were surrounded with “black Clay fines” which were not present in the cinders found with the body. (Vol. LXII, R. 2230-31) Another test that could have been performed was to use an electron microprobe to determine if the cinders have VUG contaminants in common which might show that the cinders have a common source. However, Munroe did not perform this test because it would have been destructive. (Vol. LXII, R. 2230-32; 2234; 2244)

Defense Cinders Evidence

Dr. Raymond Murray, an expert in the field of forensic geology and author of the primary forensic geological textbook, had previously examined geological evidence in 105 to 175 cases since 1973. (Vol. LXIX, R. 9-12; 13-14) Although Murray had never previously examined cinders, the field of forensic geology encompasses all mineral and related earth materials, cinders included.

In Murray’s expert opinion, cinders have no evidential value because every grain is different. There is no way to say that one cinder came from the same place as another. One cannot examine two individual cinders to determine if they have a common source. (Vol. LXIX, R. 31) Murray was aware of only one case in which cinders, the samples of which were approximately one pint each, provided

useful information. (Vol. LXIX, R. 19) Thus, it may be possible to compare cinders if the sample size is large enough. (Vol. LXIX, R. 31) However, in the present case there were only 6 or 7 grains of cinders in People's Exhibit 18; 5 grains of cinders in People's Exhibit 48; and two grains in People's Exhibit 49. (Vol. LXIX, R. 19-21) In Murray's expert opinion, it would be impossible to arrive at any conclusion on the basis of an examination of the small samples in the present case. (Vol. LXIX, R. 20-22)

Harry Carter owned H and J Trucking which was located on the same property as Miracle Motors from mid-1994 until mid-1995. (Vol. LXVII, R. 56) In the latter part of 1994, Mr. Carter had 2-3 semi loads of cinders placed on the property. (Vol. LXVII, R. 58) Carter received those cinders from Steve's Trucking in Decatur. (Vol. LXVII, R. 58)

Irvin Smith had owned Steve's Trucking and Demolition since 1992. Steve's Trucking had a cinders contract with A.E. Staley from 1986 to 1994 or 1995. (Vol. LXVII, R. 66) The cinders produced by Staley's were a by-product of burnt coal, with quarter to small pebble-sized "clinkers," that are commonly used on roads by counties and townships for ice control. (Vol. LXVII, R. 68) Steve's Trucking accumulated a fifty foot tall pile of cinders on a 5 or 6 acre lot. (Vol. LXVII, R. 67-68) Steve's Trucking delivered cinders to hundreds of places within a 50-mile radius of Decatur. These loads were taken to cities and individuals, including the lot where Miracle Motors was located. (Vol. LXVII, R. 68-70) There was nothing unusual about the cinders from Staley's. (Vol. LXVII, R. 71-72) Steve's Trucking still has cinders from Staley's in inventory and delivers them to various locations to this day. (Vol. LXVII, R. 71-73)

State's Concrete Evidence

Munroe explained to the jury how concrete has different characteristics based on location, weathering and composition. (Vol. LXI, R. 2099) Munroe compared Q-1 and Q-2 – concrete found with the body with Exhibits K-1-A

through K-1-G – concrete at Miracle Motors. (Vol. LXI, R. 2108; 2112-13) Q-1 had a different source than Q-2 because it had a smooth surface. (Vol. LXI, R. 2110)

In comparing the concrete, Munroe employed a process called x-ray diffraction. This process involves scraping pieces of concrete to obtain cement samples. Then, an x-ray beam is shot through the particles while on a glass slide. The x-ray beam is moved in a 180 degree arc so that you get a reflection and refraction of the x-ray energy off the particles. (Vol. LXI, R. 1979-80)

Munroe concluded that the cement used to make Q-2 and K-1-C was the same. (Vol. LXI, R. 2113-15) This was based on the fact that during his x-ray diffraction examination there were two blips of the screen at 18 degrees and 34 degrees where the component parts of the cement were the same. (Vol. XLVI, R. 2114) Munroe also found similar weatehring patterns. (Vol. LXI, R. 2127-31) In Munroe's opinion, Exhibit K-1-E was also made from the same batch of cement as K-1-C and Q-2. (Vol. LXI, R. 2116-17) The same was true for Exhibit K-1-G. (Vol. LXI, R. 2117-19; 2139-41)

Munroe testified that he found both consistencies and inconsistencies in the concrete samples. (Vol. LXII, R. 2184; 2188) All the concrete tested was Portland cement and because of this there were going to be consistencies. (Vol. LXII, R. 2187) The mineralogy and component parts of Q-1 were the same as the samples and the degree of difference in the aggregates used in the samples were not great. (Vol. LXII, R. 2192) However, because the x-ray diffraction was inconclusive on the samples it is impossible to say that there was a "match." (Vol. LXII, R. 2195) In other words, the consistencies that were found do not lead to a positive identification. (Vol. LXII, R. 2246)

Defense Concrete Evidence

In contrast to cinders, concrete is very good earth material evidence because every batch of concrete is unique. (Vol. LXIX, R. 22-23) After examining the

concrete samples through a stereo microscope, Dr. Murray's expert opinion was that the concrete in People's Exhibits 61, 63, 64, 65 and 66 (concrete taken from Miracle Motors) and item Q-1 and Q-2 from People's Exhibit 24, (concrete substances that were found with Karyn Slover's body parts) did not come from the same batch of concrete. (Vol. LXIX, R. 26-30; 38)

Dr. Murray did not use x-ray diffraction on any of the samples in the present case – although in his book Murray did state that x-ray diffraction was one of the most important and reliable methods of identifying the composition of geological soil and other crystalline substances. (Vol. LXIX, R. 36) Murray testified that x-ray diffraction is useful to identify specific materials, but in the examination of concrete, if there were differences in the first level of analysis, as there was in this case, x-ray diffraction is not helpful because the differences in the first analysis will not change. (Vol. LXIX, R. 51) In addition, the weathering pattern of concrete is of little forensic value because it would be necessary to identify and quantify exactly what changes took place. (Vol. LXIX, R. 54-55)

Based on this evidence, all three defendants were convicted of first-degree murder. In addition, Senior and Junior were found guilty of concealment of a homicide. Each defendant was given the maximum non-extended term of 60 years for first degree murder and Senior and Junior received five-year sentences for concealment of a homicide.