IN THE DISTRICT COURT OF OKLAHOMA COUNTY

STATE OF OKLAHOMA

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

OCT 07 1998

PATRICIA PRESLEY, COURT CLERK
BY _____
Deputy

The State of Oklahoma,)
Plaintiff.)
)
vs.)
)
Justin Sneed,)
Defendant.)

COPY
F-98-948

CF-97-244

FILED
IN COURT OF CRIMINAL APPEALS
STATE OF OKLAHOMA

MAR 11 1999

JAMES W. PATTERSON
CLERK

Proceedings had October the 1st, 1997,

Before Judge Charles Humble,

APPEARANCES

FOR THE STATE: Ms. Fern Smith, Assistant District Attorney, Oklahoma Count Courthouse, Oklahoma City, Oklahoma 73102.

FOR THE DEFENDANT: Ms. Gina Walker and Mr. Tim Wilson, Assistant Public Defenders, Oklahoma County Courthouse, Oklahoma City, Oklahoma 73102.

REPORTED BY: Ken Sharpe, Certified Shorthand Reporter

WITNESSES

NAME	DIRECT	CROSS	RE-DIR	RE-CROSS
Timothy Brown	3	6		
William Cook II	21	27		

THE COURT: This is the matter of State of Oklahoma versus Justin Sneed. The State's represented today by Fern Smith. The defendant is present in person, is that right, Mr. Wilson?

MR. WILSON: Yes, sir.

THE COURT: And represented by Mr. Wilson and Ms. Walker. Case No. CF-97-244. Do you waive the reading of the Information?

MR. WILSON: Yes, sir.

THE COURT: Call your first witness.

TIMOTHY S. BROWN

Having been first duly sworn by the Court, the witness testified as follows:

DIRECT EXAMINATION

BY MS. SMITH:

Q State your name, please.

A Timothy S. Brown.

Q What is your occupation or profession, sir?

A I am a police officer with the Oklahoma City Police Department.

Q How long have you been a police officer?

A Approximately 18 years.

Q Were you working and an duty on January the 7th of

1997?

A Yes, I was.

Q What area did you patrol?

A I was patrolling Baker 6 District, which is in the area of Reno and South Council.

Q Are you familiar with the location of 301 South Council Road?

A Yes, I am. That's the Best Budget Inn.

Q Is that in Oklahoma County?

A Yes, it is.

Q Had you been familiar with that location prior to the 7th of January of 1997?

A Yes.

Q Is that something that you normally patrol?

A Yes, it is.

Q Let me refer you back to sometime around 11:00 p.m. on January the 7th of 1997 and ask you if you went to Room 102 at 301 South Council Road?

A Yes. I believe it was around 10:00 p.m., though, that evening.

Q Okay. And what did you observe when you went to that location?

A I went there with another subject in order to get into the room, because I observed on the outside, inside the window itself, small splatters of blood on it and the Levelors. Knowing that there was a person missing from that area, the owner of Best Budget Inn, I then had the other

subject, Cliff Everhart, that's -- he told me he was part owner of the motel. We were going to go in the room and check it. When he tried to open the door, he noticed that the tumbler was taken out of the doorknob, so I got a pair of hemostats, opened up the door, and once entering the room, that's when we noticed the crime scene, along with the body.

Q Had you been aware or had you done some investigation looking for a missing person prior to the time that you entered Room 102?

A Yes, I did.

Q And who was the person that was missing?

A Barry Vantrees.

Q Did you know Mr. Vantrees?

A Yes, I did.

Q When you entered the room, tell us what you saw.

A On both walls, east and west walls, I noticed a lot of blood. The bedspread, along with the sheets, were taken off

of the bed. It was a water bed. And they were on the floor down towards the east end of the bed, the foot of the bed. It looked like there was something underneath it. I lifted up the corner and noticed some feet and I noticed it was Mr. Vantrees.

Q What did you do as a result of that?

A At that point I then backed out of the room, contacted my lieutenant. In return, then homicide was called and the

lab units

Q Do you know the defendant in this case,

Mr. Justin Sneed?

A Yes, I do.

Q How did you know Mr. Sneed?

A I've seen him around there. He was maintenance for the

motel. I don't know for sure how long. A few months that I

know of.

Q Will you point him out for the, Judge, please?

A He's sitting over in the orange coveralls at the

defense table (indicating).

MS. SMITH: Your Honor, will you let the record reflect

he's identified the defendant, Justin Sneed?

THE COURT: So reflected.

MS. SMITH: Pass the witness.

CROSS EXAMINATION

BY MS. WALKER:

Q Good morning, Officer Brown.

A Good morning.

Q officer Brown, my name is Gina Walker. I think we know

each other --

A Yes.

Q -- from prior cases. officer Brown, you said that you

knew Justin Sneed prior to January 7th of 1997, is that correct?

A Yes. on occasions going through the parking lot, I'd see him there at the motel and we would talk.

Q Okay. In your dealings with Mr. Sneed, had you ever found him to be an aggressive sort of person?

A No.

Q Would you -- how would you describe him?

A Kind of quiet, more or less. As far as I knew, he -- from what I heard from the past, you know, he worked around there very well.

Q Basically, was he kind of meek?

A I guess you could say that.

Q Okay. Did you ever observe any interaction between Justin Sneed and Richard Glossip?

A Well, yeah. They worked together there in the motel.

Q Would Justin take directions and orders from Richard Glossip --

A Yes, he would.

Q -- as to what he was supposed to do with regard to the hotel?

A Yes, he would.

Q Were you aware of what sort of payment arrangements

there were with Justin and what kind of pay he would receive or compensation he would receive for his work there?

A No, not really.

Q Okay. Did you ever have any reason to believe that Justin was associated with any sort of criminal activity at the hotel?

A All I heard was rumors, you know, that he was associated with some type of narcotics at one point, but I couldn't confirm that.

Q okay. Did you ever -- with regard to the work that you did on this case, was it mainly confined to what you did at the motel in your investigation on January the 7th or did you have any follow-up investigation on this case?

A No, not really any follow up.

Q So it was mainly when you were there and you had received a call.

A Right.

Q And were you the first officer on the scene?

A No. The first officer, I guess, came in in the earlier morning hours or sometime about noon, and when I first pulled in there, it was probably right around 4:30, and I noticed Richard Glossip and Cliff Everhart going through the dumpster at the motel, and they flagged me down and told me that Barry

was missing.

Q So your involvement in this case was basically just because your were patrolling in that area and they flagged you over.

A Right.

Q And did you know Cliff Everhart?

A Yes.

Q Prior to that date?

A Yes.

Q During the course of your investigation on January 7th, did you ever develop any suspects that you felt, based on your visiting with people there, that might be related to the disappearance of Mr. Vantrees?

A In a way.

Q Okay. Who would that have been?

A Richard Glossip.

Q And what was that based on?

A His story kept changing, the times that he had last seen Mr. Vantrees during the early morning hours.

Q Had he ever told you that he had checked all of the room s of the hotel looking for Mr. Vantrees?

A I was told by Mr. Everhart that -- I had mentioned to him about, "Let's check the rooms." He told me, "It's

already been done," that Richard had Justin do it.

Q Okay. So Mr. Everhart never told you that he, himself, had checked the rooms.

A No.

Q Did you ever at any time consider Mr. Everhart to be a suspect in this?

A Never did have anything pointing at him.

Q Did he ever explain to you how he ended up there?

A He said that Richard contacted him. It was either Richard or the desk lady that was on duty during the day.

Q Initially, were you looking for someone, a possible suspect, that may have tried to take out a town in the middle of the night on a bus that had stayed at the hotel?

A I was told by both Mr. Everhart and Mr. Glossip that there was a subject in Room 237 that had taken off in the early morning hours, just after the window had gotten broken out, or right in the same time period.

Q Were you ever able to determine who that individual was?

A No.

Q Are you aware of anyone who tried to follow up on that to find out who was staying in Room 237?

A I'm pretty sure that I had a name on that would be

in my report, but I just don't have it with me. And that was just going through the records of the motel itself.

Q So if I can clarify, you don't remember whether anybody ever followed up on that or not?

A No, I don't have any idea.

Q Okay. During the course of the day, how much time did you spend with Richard Glossip?

A Probably on and off for maybe 20 minutes.

Q Had you ever heard Richard Glossip and Mr. Vantrees arguing before?

A Not that I can remember.

Q Okay. Were you aware of any sort of criminal activity that may have been going on at that motel?

A Other than the people that rented the rooms, no.

Q with regard to the people that rented the rooms, I guess there's possible narcotic activity or possible prostitution activity?

A Right.

Q Did you ever have any reason to believe that anyone in the management of that hotel was letting that happen or involved in that activity?

A No.

Q During the course of your investigation, did you ever

develop any suspects that may have had some animosity towards Mr. Vantrees?

A No.

Q Did you ever come across any information that Mr. Vantrees was going to fire Richard Glossip?

A No, I never heard anything like that.

Q Did you ever hear of any information that Mr. Vantrees thought Mr. Glossip was embezzling money?

A I had heard something prior to that from Mr. Everhart on - I don't know if it was in a few weeks of that or --

Q So prior to the date of January 7th.

A Yes.

Q And Mr. Everhart also had an interest in that hotel, is that correct?

A He said he did.

Q Did you ever interview anybody at the scene that you did not make a written report about what became of that interview?

A No, I did not.

Q Did Mr. Glossip ever tell you during the course of the day that he suspected Justin Sneed was involved in this?

A No. Just after I had him in the back seat of my car, he did.

Q when did you have him in the back seat of your car?

A After I found Mr. Vantrees in the room.

Q What was Mr. Glossip's demeanor after Mr. -- well, prior to Mr. Vantrees's body being found?

A Scared.

Q He looked scared to you --

A Yes, he did.

Q -- visibly?

A Yes.

Q Just -- was he a hyper person in general?

A Yes, he was.

Q Did he appear more hyper that day?

A I could tell that he was scared just the way he was acting. He was nervous about something.

Q And did you ever visit with his girlfriend, Deanna Wood, during that time period?

A No, I never did talk with her.

Q Did Mr. Glossip ever make -- other than the inconsistent statements that he made to you, did he ever make any incriminating statements to you personally?

A After I placed him in the back seat, he had made one statement. I got back in the car and he says, "Well, I guess I better tell you now" -- I can't remember verbatim what he

stated, but he had told me that he thought all along that Justin had done it, and I think my report - I can't remember anymore on that.

Q Do you remember which report that would be?

A Yeah. It would be in my arrest report.

Q Would any statement he made to you be reflected in that report?

A Yes.

Q Did you do any investigation into Justin Sneed's background while you were at the hotel?

A No, I did not.

Q There were some witnesses listed -- endorsed that I could not find in the police reports. Let me ask you some names and see if you remember their names. Are you aware of anyone named Terry Cooper?

A No.

Q John Myron Pritty (spelled phonetically).

A No.

Q Did you ever talk to a Kirby Evans?

A No.

Q A K.R. Perfew (spelled phonetically)?

A Yes.

Q Who is K.R. Perfew?

A It she's the same one, she's a clerk at the Sinclair gas station.

Q Did you ever interview anyone at Weokie Credit Unit?

A No. The only one I talked with over there was the deputy sheriff that was working an off-duty job.

Q Are you aware that -- were you there or aware that there was over $23,000 recovered from the trunk of Mr. Vantrees's car?

A Yes.

Q Were you ever able to determine where that money came from?

A No.

Q In the report, where the money was found, it said that the way it was marked, that an officer suspected it may have been marked as taken in a robbery or something like that. Are you aware of any follow up that was done?

A No.

Q Are you aware of whether Mr. Vantrees carried a large sum of money on him most generally?

A I was told that he always carried a little bit of money on him.

Q Was that before the date of January 7th you were aware of that?

A Yes.

Q Was that common knowledge around the hotel where he worked?

A Yes.

Q Had you ever heard Mr. Vantrees tell anyone he was getting ready to remodel the motel?

A Pardon me?

Q Had you ever heard Mr. Vantrees tell anyone that he was getting ready to redo or remodel the hotel?

A No.

Q Were you ever aware of Justin Sneed not getting along with Mr. Vantrees?

A No.

Q Was Mr. Vantrees the type of guy that would threaten to kick an employee out of the hotel if they had no place to stay?

A Not to my knowledge.

Q Did you have anything at all to do with the arrest of either Mr. Glossip or Mr. Sneed?

A I detained Mr. Glossip at first, since I found the deceased.

Q You said that Mr. Glossip acted scared and nervous prior to the discovery of Mr. Vantrees's body. What did he

act like after it had been discovered?

A once he got in the back seat of my car, he started to talk with me. It was more or less like a deep breath and he was little bit more calm.

Did you search Mr. Glossip when you put him in the back of your car?

A Yes, I did.

Q Did he have anything on him?

A Not that I can remember.

Q Had you ever had any problems with Richard Glossip, being a police officer, while he managed that hotel?

A You mean him doing security work there?

Q Or any illegal activity that you are aware of?

A Not illegal activity. He called in quite a bit, and we made quite a few arrests off the property.

MS. WALKER: Your Honor, may I have just one moment?

THE COURT: Certainly.

Q (By Ms. Walker) Just a couple more questions.

A okay.

Q Is it Sergeant?

A Yes.

Q Sergeant Brown, how long had you known Mr. Vantrees

prior to January the 7th?

A A few years.

Q And is that related to his managing and owning that hotel?

A Yes.

Q And about how often would you see Mr. Vantrees?

A A couple of times a month.

Q Related to the hotel?

A Yes.

Q Is that because you checked on the hotel?

A I knew him personally. I'd go in there and say hi to him whenever he was there.

Q And what about Mr. Everhart? How long have you known him?

A On and off for the past nine or ten years, I guess.

Q And what formed the basis of you knowing him?

A He was doing bounty hunting work years back, and then just all of a sudden, he started coming around the motel.

Q Just out of the blue?

A I guess. That's where I'd seen him after a few years, was back there.

Q Do you know if he has any law enforcement training?

A I believe he works for the state or did work for the

state as a private investigator

Q Do you know if he's CLEET certified?

A I don't have any idea.

Q You don't know whether he carries a weapon?

A He did carry a weapon quite a bit. He had a concealed weapon license.

Q When was it that he disclosed to you that he had ownership in the hotel?

A It was a year or two.

Q A year or two prior to this?

A Right.

Q What kind of interest did he tell you he had in the hotel?

A He just told me that he was part owner, that he had worked down on South I-35 at a motel also. I believe he said that Mr. Vantrees had that one, and that's where they had met up and he had came up there and went to work for him up there.

Q Do you remember the name of the hotel on South 1-35?

A No, I sure don't.

Q were you aware of how many hotels Mr. Vantrees had?

A I think there was three or four.

Q But the only one that you ever went to to see him at

was the Best Budget?

A Right. The other ones were out of town.

Q And you stated earlier that you had heard rumors that Justin Sneed at one point in time was associated with some narcotics?

A Right.

Q But you weren't able to verify that.

A Right.

Q What type of narcotics are we talking about?

A I don't know for sure. It was a detective that got a hold of me and mentioned his name and another subject's name that was known to be with him.

Q Do you remember that subject's name?

A No. I think it was his brother or somebody out of Texas.

Q Was it Wesley, perhaps?

A Could be.

Q His stepbrother?

A Could be.

Q Have you ever heard the name Ricky Page?

A No.

Q Did anything -- did you ever investigate what the detective had told you? Did you ever look into that to see

if you could verify whether he was involved?

A Who is that?

Q Mr. Sneed. After the detective told you that he -- his name had come up related to some --

A Oh, yes, yes. I went over to the motel to talk with Justin.

Q And did you interview him?

A No. Mr. Glossip told me at that point that Justin wasn't around, and I found out the next day that Mr. Glossip told Justin to get off the property, that I was looking for him.

Q How did you find that out?

A It came up through a little bit further investigation.

Q Did you ever confront Mr. Glossip about that?

A Oh, yeah. I didn't trust him after that. I couldn't trust him on any warrants or anything after that.

Q So up until that time, you had basically a relationship where you trusted Glossip --

A Oh, yes.

Q -- when you needed to do some police work on the hotel.

A You bet. Yeah.

Q Did you ever try to follow up after that period of time and talk to Mr. Sneed?

A I never could find anymore information, so I just let it go .

Q Did you ever see Mr. Sneed after that point in time?

A Yes, I did.

Q But with no more than you had, you didn't feel the need to go ahead and interview him and follow up on that.

A No. This was just information that had been passed on down the line that he was possibly dealing drugs.

Q Okay. But you don't know what kind of drugs.

A No.

Q Thank you, Sergeant Brown.

THE COURT: Ms. Smith?

MS. SMITH: Nothing further.

THE COURT: Thank you, Officer Brown. You're excused.

WILLIAM LAWRENCE COOK II

Having been first duly sworn by the Court, the witness testified as follows:

DIRECT EXAMINATION

BY MS. SMITH:

Q Will you state your name, please?

A William Lawrence Cook II.

Q What is your occupation or profession?

A I'm an investigator and detective in homicide with the Oklahoma City Police Department.

Q How long have you been so employed?

A Twenty years.

Q Let me refer you back to the 14th day of January, 1997, and ask you if you came into contact with a person you now know to be Justin Sneed?

A Yes, ma'am.

Q Will you point him out for the Judge, please?

A It's the young man sitting at the defense table with his hand over his mouth wearing the orange coveralls.

MS. SMITH: Your Honor, let the record reflect he's identified Justin Sneed?

THE COURT: So reflected.

Q (By Ms. Smith) What were the circumstances of your coming into contact with Mr. Sneed on the 14th of January?

A Mr. Sneed was a suspect in the homicide of Barry Vantrees. We had arrested him and he was in custody, and any time we have a situation like that, we talk to our suspect to see if he's willing to talk with us, and that's what the situation was on this particular evening on the 14th.

Q Was Mr. Sneed arrested pursuant to an arrest warrant or was it probable cause?

A I'm sorry, I don't remember.

Q Can you tell us a little bit about the circumstances of Mr. Sneed becoming a suspect?

A Sure. The manager of the motel --

Q Mr. Glossip?

A Mr. Glossip, Richard Glossip, told us that early in the morning hours, just before the body was discovered, Mr. Sneed knocked on the wall of the motel office and it woke Mr. Glossip and his girlfriend up. He got up to go see what was going on, and it was Mr. Sneed outside wanting to get his attention, so he went outside and talked to Mr. Sneed, and at that point Mr. Sneed confessed to him that -- what had happened. He said that he had killed Mr. Vantrees. He also pointed out to us – we had several people tell us that Mr. Sneed had a black eye, had scratches and cuts on him, as it he had been in a fight. He had told a couple of people when they inquired about these injuries that he had hurt himself in the shower. At any rate, that was the main basis for him becoming our suspect.

Q When you -- where did you interview Mr. Sneed?

A In an interview room at the Oklahoma City Police Department.

Q Was someone else present with you?

A My partner, Inspector Bemo, was present most of the interview.

Q And prior to interviewing Mr. Sneed, was he read his Miranda rights?

A Yes, ma'am.

Q And will you advise the Court of the Miranda rights that were read prior to this interview?

MS. WALKER: Your Honor, if this is the standard Miranda warning that all police officers are issued, we would stipulate for the purpose of this hearing that it does reflect adequately the Miranda warnings. If he could just testify as to what the answers were.

THE COURT: Thank you.

A After reading him the Miranda warning, he indicated that he would talk to us.

Q (By Ms. Smith) And did he waive his right to an attorney?

A Yes, he did.

Q Did you then have a lengthy conversation with Mr. Sneed?

A Yes, ma'am.

Q Did you record that in some way?

A Yes, ma'am. We have a video recorder in the interview

room that's not obvious to anyone that's in there talking with us, and on that particular evening, we turned it on with a videotape and recorded the entire session.

Q when you were talking to Mr. Sneed, did he appear to understand the questions that you were asking him and respond to those --

A Very much so, yes.

Q Did he appear to be under the influence of any drugs or alcohol?

A No, ma'am.

Q Did he appear to be speaking to you voluntarily?

A Yes, ma'am.

Q Did you do anything to -- prior to the interview, to coerce him or threaten him in any way?

A No, ma'am.

MS. SMITH: May I approach the witness, Your Honor?

THE COURT: Yes, you may.

Q (By Ms. Smith) I'm going to hand you State's Exhibit No. 1 and ask if you can identify that?

A Yes. This is the videotape that we made of Just in Sneed that evening, and I signed it.

Q And have you reviewed this tape just yesterday to be sure that it's true and accurate?

A Yes, ma'am.

Q And is this a true and accurate interview that you had with Mr. Sneed that's reflected on State's Exhibit No. 1?

A That's correct.

MS. SMITH: Your Honor, at this time I move to admit State's Exhibit No. 1 and ask that we play it for the Court.

THE COURT: Ms. Walker?

MS. SMITH: I have previously provided a copy of the tape to Ms. Walker.

THE COURT: Ms. Walker?

MS. WALKER: Judge, we have no objection for the purpose of this hearing.

THE COURT: Be admitted. It will be allowed.

(Whereupon the videotape was played in open court.)

Q (By Ms. Smith) Detective Cook, after you interviewed the defendant, Mr. Sneed, did you do some further investigation based upon what he had told you?

A Yes, ma'am.

Q Did you go to the location where he said the money could be found?

A Yes, ma'am. We actually called for a uniformed patrol unit, put Mr. Sneed in it, and we had him show us where the apartment was that he - - where he told us the money was.

Q Did he in fact sign the search-waiver that he alluded to on the videotape?

A Yes, ma'am.

Q Did you find the money where he said it would be?

A Yes, ma'am.

Q Was it in a Crown Royal bag?

A Yes, ma'am.

Q Did you also go to the scene of 301 South Council Road, Room 102?

A Yes, ma'am.

Q That being in Oklahoma County?

A Yes, ma'am.

Q Did you see the plexiglass that the defendant referred to on the videotape?

A Yes, ma'am.

Q And was the shower curtain actually taped on the window just like --

A Yes, it was.

Q Was the body covered like he said it was?

A Yes, ma'am.

Q And did you find Mr. Sneed's clothing where he told you it would be?

A Yes, ma'am, we did.

Q And was it bloodstained?

A Very much so.

Q Did you find his belt buckle?

A It was actually the end of the belt. It was laying on the floor underneath the victim, along with the knife.

MS. SMITH: Pass the witness.

CROSS EXAMINATION

BY MS. WALKER:

Q Good morning, Detective Cook.

A Good morning.

Q Can you see me okay with the TV there?

A Just fine.

Q Inspector Cook, prior to your interview with Justin Sneed on January the 14th, you had interviewed Richard Glossip on at least -- was it two prior occasions?

A I believe it was at least two prior occasions.

Q okay. And did you become involved in this case on the day that the body was found?

A That's correct.

Q Are you and Inspector Bemo the lead homicide investigators an this case?

A Yes, ma'am.

Q Are you aware of the reports that have been generated

that pertain to this case?

A Yes, ma'am. It's been a while since I've reviewed them, but I'm aware of them.

Q Okay. And during the course of the investigation in this homicide, who were the suspects that you developed?

A You mean from the very beginning? There was a man on the second floor that came to my attention that he had left in a taxi cab, I believe, and maybe gone to the bus station, taken a bus out. He was an interesting individual. There was another gentleman that had come to the -- had come to the motel and stayed there once, and I use the term "gentleman" loosely, a man by the name of Rick Page who was a convicted felon that had just gotten out of prison. I believe he had done time in Arkansas for some type of homicide charge. I don't remember which one now, but we were thinking in terms of him being a potential suspect. It was interesting that Mr. Sneed had left the area and nobody seemed to know where he was at. That was very interesting to us.

Mr. Glossip, his story had changed several times from the beginning when uniformed officers had talked with him. Of course, when we first got there, they briefed us as to what they had, and part of that briefing included the fact that Mr. Glossip had told them one thing and then had changed

his mind and told them a different story, so we had -- he was not to be excluded by a long shot.

Q Okay. The individual that was on the second floor that was seen to leave in a cab around the time of night that the homicide probably took place, did you ever follow up on him and find out his name or --

A We tried to, and we didn't do any good in locating him. 1 think we came up with a name from the motel records and where he was from and that sort of thing, but we never actually were able to make contact with him, and when he left, that was after -- it was my understanding, after the police had arrived. The body had -- the actual homicide had occurred early that morning in the pre-dawn hours.

Q Are you aware of someone who had gone to the Sinclair station around 4:00 or 4:30 that morning and was there asking about getting a cab and a bus ticket?

A That was the man we're talking about that was an the second floor.

Q Okay.

A Or at least that's the man I'm talking about.

Q Okay. I never saw a name referenced to that person in the police reports that I have been provided, so I didn't

know --

A If there's not one there, I can't tell you what it was.

Q Okay. Anything that would be referenced as to your investigation on that person would be in the report, is that right?

A That's right. And I apologize. At that particular time, my hands were full, because I was charged with the crime scene investigation, and I'm just getting bits and pieces back from my partner and other police officers.

Q All right. This Rick Page person, did you say there was actually a record that he had stayed there on the date of the homicide?

A No, no, no, no, no, no. He had stayed there at some point in time, and I'm sorry, I don't remember who had pointed that out. It could be Glossip. I don't remember. But he had been there and in fact and it was -- seemed to be pretty well known that he had it hadn't been too long since he was released from an Arkansas penitentiary.

Q Was the crime in Arkansas similar in M.O. as the one here?

A No, it was a domestic.

Q All right. And then you -- it appears that your investigation focussed in on Glossip and Sneed pretty much

from the beginning, is that correct?.

A Yes, ma'am, you can say that.

Q And when you were talking with Glossip, and I noticed on the interviews that you had with Glossip, you and Inspector Bemo confronted him from the get-go that you didn't think he was being honest with you all. Is that a fair statement?

A Yes ma'am

Q Okay. And is that true? Did you all really not think he was being honest with you about what he knew about the homicide?

A Yes, ma'am.

Q Okay. And it appears that his demeanor in the tapes that I watched, he's kind of a hyper person, kind of a foot tapper, and he was smoking cigarettes, just classic signs that he was nervous during the course of the interview. Would you agree with that?

A Yes, ma'am.

Q And were you ever able to verify any of the things that he was telling you about what had happened?

A Now, we're talking about Glossip?

Q Yes. Well, let me re-ask that question. Would it be a fair statement to say that he would tell you things and when

you would confront him with other evidence that you had come across, he would change his story, kind of a constant evolution of what he knew and what he thought about what happened?

A Yes, ma'am, to a certain extent, but I'm afraid that I came here today prepared to testify on Mr. Sneed and I haven't reviewed all of Glossip's tapes and reports, and I don't remember, but to a certain extent, I do remember what you're saying is correct.

Q Okay. And of the two, of your relationship with Glossip and then Mr. Sneed, prior to your interview with Mr. Sneed, had you talked to anyone at the hotel that could tell you anything about the dynamics between the relationship between Glossip and Sneed?

A I'm sorry, I don't remember. It's possible I did at the time or maybe my partner did while I was taking care of the crime scene.

Q Did you ever get a feel for which person was in charge between the two of them?

A I definitely got the impression that Mr. Glossip was the dominant personality.

Q In fact, were you in here when Sergeant Brown testified that he would characterize Justin as passive or even meek to

a point, personality wise?

A Are you asking me would I agree with that?

Q Yes.

A From my encounter with him, I would say that's correct.

Q Okay. And during the course of your interview -- well, let me back up. You ultimately were given the name of the Brassfields, who were in the roofing or construction business, who were able to tell you where Mr. Sneed was.

A That's correct.

Q Can you tell me how you ended up coming into contact with the Brassfields and how you were able to locate Mr. Sneed?

A Well, we were looking for Mr. Sneed. We were looking for him hot and heavy, and we had several police officers that were given an assignment to do nothing but look for Mr. Sneed, and I believe one of those police officers on a special task force to work on this case came up with Brassfield.

Q Could that have been Vernon Creeth?

A Yes, ma'am. Yes, it could be. And it developed from there.

Q Okay. And you had indicated an your videotape with Mr. Sneed that Mr. Brassfield liked Justin and had -- in one

of the reports had expressed concern that if he were to tell you all where Justin was, to make sure that Justin wasn't harmed.

A That's correct.

Q Is that because of the working relationship Mr. Brassfield had with Justin?

A I can only assume that. I didn't talk to Mr. Brassfield.

Q And how was it that -- did Justin come himself to the police department or did Mr. Brassfield arrange for Justin to be a particular place where he was arrested?

A The latter.

Q And so when Mr. Brassfield told Officer Creeth that he could have Justin there within a period of time and he could pick him up there, that came to be.

A Yes, ma'am

Q okay. And from the reports, there wasn't any problem in taking him into custody?

A None whatsoever.

Q And he came -- he actually cooperated in coming down and being photographed and things like that. Would you agree with that?

A Yes, ma'am.

Q And when you very first started the interview, you spent a little time getting to know him and kind of warming up and getting the conversation going, is that correct?
A That's correct. It takes that in order to get a man to admit that he's just beat another individual to death.
Q I understand that that's part of the interrogation tactics that are used.
A That's correct.
Q Okay. When you read Mr. Sneed his Miranda warnings, had you taken any steps to determine what his level of education or IQ was at that particular point in time?
A No, ma'am. Any conversation we had with Mr. Sneed was videotaped. You saw the entire thing, with the exception there was a little segment there at the end where he actually signed search waivers, and other than that, everything we had to say -- well, I take that back. We did talk to him off and on when we went to get the money at the apartment, and also we spoke with him just a little bit about when we went to get his clothes, his bloody clothes, from the motel, but it was actually a situation where we were asking directions and making sure we're going to the right place as opposed to an interrogation.
Q Okay. And did you actually take him to the apartment

where he got his money and stuff like that? Was that you?
A Well, he was in a cage in a scout car, and they led the way, and Bemo and I followed the scout car, so we were actually with him when we got there, and then after we got the money and the Crown Royal bag, then from there we traveled to the motel.
Q Okay. With regard to the Miranda warning that you give an individual, that is to make sure that they are intelligently and voluntarily waiving their right to counsel and they understand their rights. Would you agree with that?
A Yes, ma'am.
Q Okay. If T were to tell you -- based on his answers to your questions and kind of the way he spoke and kind of rambled and mumbled in some places, if I told you that an IQ test revealed an IQ of 80 in a borderline range, would you have any reason to disagree with that based on your observations of him in that interview?
MS. SMITH: objection. Calls for speculation.
THE COURT: Ms. Walker?
MS. WALKER: Judge, I think he can answer. He's a police officer, has been in homicide for 20 years. I'm sure he has a feel for the people that he interviews and where they're coming from, if he could answer.

THE COURT: If he wants to answer, that will be fine.

A I didn't get the impression he had a low IQ. His answers were clear, concise. As a matter of fact, we even danced around for quite some time just before we got to the meat of it, of the confession, and he was trying to slip around us by coming up with excuses and how he knew the victim and so forth, and I would say it's just the opposite. He demonstrated to me that he knew what was going on.

Q So when he first denied it and you made the statement, "Well, if I was in your shoes, I would do the same thing," did you not mean that?

A Not at all.

Q And when you were telling him that you felt sorry for him, that he was just working for his room and board and occasionally went without meals, had no extra spending money, you weren't sincere about that either?

A Ma'am, I'm trying to give him a way out to tell me, to make it as easy on him as possible for him to tell me that he's just beat a man to death.

Q I understand that. You weren't sincere and those were simply --

A No, ma'am.

Q -- interrogation techniques.

A That was definitely an interrogation technique.
Q Okay. And prior to his voluntary -- or trying to determine whether his confession or his statement was voluntarily given, with knowledge of what he was doing, did you ever at any time tell him that the words that were coming out of his mouth could ultimately result in him getting the death penalty?
A At one point -- again, we cut off the tape before we get there. At one point, I had left the room. Bemo was in the interrogation room with him, and I believe he asked -- if I'm not mistaken, I believe he asked Bemo, you know, "What kind of punishment are we looking at here?"
Q Was that before you started the videotape?
A No, ma'am. As a matter of fact, it's on the videotape.
Q Okay. So --
A It's just at the end. We cut the thing off before we got to that part. It's during the same point in time where the waivers are being signed at the end.
Q So he me made the inquiry as to the range of punishment after he had already made his statement.
A That's correct.
Q okay. After Mr. Sneed initially denied involvement in this, once he decided to tell you his version of what

happened, the things that he told you with regard to the condition of the room, the glass that was stacked on the inside, where his clothes would be, about the money and splitting the money in the approximate amounts, you were able to verify all of those things, would you agree with that?

A Yes, ma'am.

Q Did you have any reason to believe that those things that he told you about what happened were not the truth?

A I'm sorry. Could you rephrase that or repeat that?

Q With regard to your ability to verify so many parts of what he was telling you about what happened, did you believe that those -- what he was telling you was the truth?

A Absolutely, because I spent numerous hours in that crime scene and he pretty well ran it down just like -- I mean, he was definitely there, no doubt about it.

Q Did he ever give you any inkling that had it not been for Glossip approaching him, that he would have had anything to do with this homicide?

A You know, that's very difficult to answer. Now, you know, the way the story came out is Glossip hit him up to do these things. You know, I don't know whether he would have on his own after that or not.

Q I'm just talking about through the course of your

conversation, there was never anything that came up that he had animosity towards Mr. Vantrees or that he, on his own initiative, wanted to do this act.

A I would agree with that. I would agree, yes.

Q Did you do any sort of background check on Mr. Sneed during the time you developed him into a suspect until the point in time that he was arrested?

A Yes, ma'am. We did as much as we could. Of course, we checked him locally and then we attempted to check him through the Texas authorities also.

Q Did you ever run across any sort of crime-related activity that he was involved in?

A I'm sorry, I don't remember.

Q So you -- if I told you that in the police reports I've been given, there was no mention of any prior criminal activity that he was wanted for, including anything violent, would you have any reason to disagree with that?

A No, ma'am.

Q With regard to the money that he told you that they split, right around $4,000, are you aware of Mr. Glossip, when he was booked into jail, having approximately $1,700 on him?

A Yes, ma'am. As a matter of fact, we seized that money.

Q Okay. And Mr. -- the money that you found where Mr. Sneed was staying was a little over $1,600, would you agree with that, right around there?

A Well, he told us it was just under $4,000 that they got, and they split it, and he had $1,700 left, and I believe that was correct. It was $1,680 or something right in that neighborhood.

Q So if you total them up, what Glossip had and what Mr. Sneed had, you're getting close to $4,000.

A Very much so, yes.

Q Were you there when a little over $23,000 was discovered in Mr. Vantrees's truck?

A I'm wear of it. I wasn't actually there.

Q Are you aware of any investigation done to determine where that money came from?

A No, ma'am. We just -- as far as I know, the assumption was made that it was Mr. Vantrees's money from his businesses, and as a matter of fact, we had talked to his family by then and they mentioned to us that there could be some more money in a car, possibly in the trunk. I don't remember -- they didn't even think it was quite that much though.

Q During the course of the investigation, an individual

named Kirby Evans had called with some information that one of his employees named Kim Hopper or Kim Hooper had said her boyfriend had gotten in a fight with her and had spent the night at Best Budget and that she had overheard him on the next day talking about them finding a body. Do you know anything about that and if any investigation was done that pertains to a Gary Portnal?

A I'm sorry, I don't remember.

Q Did you develop any other people or any people during this investigation that would have had any animosity towards Mr. Vantrees?

A I don't remember any other people.

Q Did you discover any evidence that would show that Mr. Vantrees had threatened to fire Mr. Glossip or was getting ready to fire Mr. Glossip?

A I don't recall that right offhand. I'm sorry. No.

Q Did you ever believe anything Mr. Glossip told you on the videotapes?

A Not very much.

Q Did you ever interview Mr. Sneed's brother to find out about -- well, let me start that over. Richard Glossip told you and Detective Bemo that Justin Sneed had approached him about robbing the motel and then having Glossip give a

different description, but on the videotape where you interviewed Mr. Sneed, he basically said that was something that his brother and Mr. Glossip had talked about that he wasn't aware of until after the fact. Have I got it right so far?

A I believe so.

Q Did you ever investigate or try to interview his stepbrother to flush that out at all?

A I'm sorry, whose stepbrother? Are we talking about --

Q Mr. Sneed's.

A -- Sneed's? No. He was in Texas and that -- at the time of the investigation, it didn't seem that -- like it had a lot of priority.

Q Did you ever at any time interview Mr. Sneed, other than what's on the videotape, except for driving and getting the money and stuff like that?

A No, ma'am.

Q And at one time Mr. Richard Glossip mentioned a girlfriend that Justin Sneed might have had named Lois Gann. Did you ever interview her at all?

A No, ma'am.

Q Okay. Do you know who Terry Cooper is?

A Terry Cooper?

Q Do you remember the name Terry Cooper?

A I'm sorry, I don't.

Q John Myron Pritty?

A No. I'm sorry.

MS. WALKER: Your Honor, may I have just a moment?

THE COURT: Certainly.

MS. WALKER: Thank you, Detective. I have nothing further, Judge.

MS. SMITH: Nothing further, Your Honor.

THE COURT: Thank you, Officer Cook -- Detective Cook. You're excused.

MS. SMITH: Your Honor, the State has no further witnesses. At this time I would move to admit State's Exhibit No. 2, which is a certified copy of the medical examiner's report, and ask for a stipulation that if Dr. Chai Choi were called to testify, she would testify that she performed an autopsy on the body of Barry Vantrees, that he died of multiple injuries of the head, blunt force, that it was a violent, unnatural, and unusual death, and that the manner of his death was homicide. The report also reflects the date that he was found at the motel and the pathological diagnoses.

THE COURT: Ms. Walker?

MS. WALKER: Your Honor, we would stipulate that if Dr. Choi was here, she would testify in accordance with the autopsy report.

THE COURT: Anything else?

MS. SMITH: Your Honor, the defendant has no Page 2. We would inform the Court, though, that a Bill of Particulars seeking the death penalty has previously been filed and served both on defense counsel and the defendant.

THE COURT: The State has rested Ms. Walker.

MS. WALKER: Your Honor, at this time we would demur generally to the evidence presented as being insufficient.

THE COURT: Be overruled.

MS. WALKER: Your Honor, may I approach?

THE COURT: Certainly.

MS. WALKER: Your Honor, we have subpoenaed witnesses to testify today; however, the State, Ms. Smith, has given us copies of the police reports more than five days prior to this hearing, and if the State -- or, excuse me, if the Court will not allow us to present our witnesses and their testimony at this point in time, we would reserve our right under the statute to have these witnesses deposed if they, in the future, would not talk with us as is set forth in the statute.

THE COURT: All right. So that I -- so my record is clear, you don't know what these people are going to testify to. In other words, you don't know whether they're going to give testimony that might tend to inculpate your client, correct?

MS. WALKER: Judge, there are some witnesses that we have interviewed and there are some witnesses that we have not interviewed. I could -- I would like to, if I could, read into the record those people that we have subpoenaed for today.

We have subpoenaed Officer Gibbons, officer Tim Brown, who already testified, officer John Fiely, Officer Mike Jones, Detective Cook, who testified, Detective Bemo, Officer Vernon Creeth, Ricky Grate, civilian witnesses, Fred McFadden, Willy Ed Logan, Cliff Everhart, John Beavers, and Billy Hooper. We were not able to serve -- we tried to and we would have if we would have had a good address, Jacqueline Williams and William Bender.

THE COURT: Of those names, do you know any of those witnesses that would give testimony that would be beneficial to your client and the defense?

MS. WALKER: Well, beneficial as towards the fact that the State is seeking the death penalty, possibly.

THE COURT: Other than that.

MS. WALKER: It's exculpatory as to guilt or innocence. I would say that, Judge.

THE COURT: Okay. Anything else?

MS. WALKER: No.

THE COURT: The objection of the State is sustained. All right. I understand that Ms. Smith has indicated that she will assist you in making them available.

MS. SMITH: Yes. And, Your Honor, I have previously provided them with copies of everything that I have in the case, except the physical evidence, which is located at the police department, but as far as police reports concerning all of the witnesses that she read to the Court as having subpoenaed, I have provided them with police reports for all of those witnesses

MS. WALKER: That is true, Judge, and we appreciate it.

THE COURT: So with that, the State rests, is that right?

MS. SMITH: Yes, Your Honor.

THE COURT: And the defendant rests.

(Whereupon arraignment proceedings were conducted.)

MS. SMITH: Your Honor, I do ask the Court to allow the State to withdraw State's Exhibits No. 1 and 2.

MS. WALKER: No objection.

THE COURT: All right.

(End of Proceedings)

CERTIFICATE

I, Ken Sharpe, Certified Shorthand Reporter, within and for the State of Oklahoma, do hereby certify that the forgoing hearing was taken by me in stenograph and later reduced to typewritten form under my supervision, as it now appears.

I further certify that the foregoing transcript is a full, complete, and correct transcript of said hearing so taken.

I further certify that I am not attorney for, nor relative of any of the parties involved in this action, or otherwise interested in the event of the same.

Witness my hand this 7th day of October, 1998.

KEN SHARPE, C.S.R.

Omer A. Sharpe
Oklahoma Certified Shorthand Reporter
Certificate No. 00367