

EXHIBIT A

JUNE 17TH, 1998 BARTON MCNEIL NEIGHBORHOOD CANVAS INTERVIEWS NARRATIVE BY DETECTIVES CLAYTON WHEELER AND MICHAEL BURNS.

The following represents the only information concerning the two witnesses that were relayed to Barton and his counsel. It was believed both neighbors had nothing important to contribute toward his defense since Barton had only lived in the neighborhood for 8-weeks. They were misled.

Bloomington Police Department

Narrative Supplemental Report

Offense Description: HOMICIDE
Primary Person Involved: MCNEIL, CHRISTINA

Page 1 of 2
Case Number: 98-4610

I, DETECTIVE CLAY WHEELER, ASSISTED DETECTIVE BURNS WITH A NEIGHBORHOOD CANVASS IN THE 1100 BLOCK OF N. EVANS. THIS WAS DONE SHORTLY AFTER 6:00PM.

1105 N. EVANS

ROBERT L. SIMS AND ROBIN D. HAFLEY BOTH SAID THEY HAD SEEN THE MAN AND HIS LITTLE DAUGHTER OUTSIDE ON THE PORCH AND IN FRONT OF THE HOUSE OFTEN. THEY SAID SHE WAS ALWAYS WITH HIM, HE DID NOT LET HER RUN AROUND UNSUPERVISED LIKE MANY OF THE PARENTS IN THE NEIGHBORHOOD. THEY SAID THEY HAD NOT SEEN ANY TYPE OF DISCIPLINE FROM HIM OTHER THAN MAYBE RUNNING AFTER HER AND TURNING HER AROUND ON HER BIKE WHEN SHE RODE TO FAR. THEY SAID THEY HAD NOT HEARD ANY LOUD DISTURBANCES OR ANYTHING LIKE THAT. HOWEVER, SIMS LATER SAID ONE NIGHT A COUPLE OF WEEKS AGO HE HEARD SOMEONE POUNDING AND OR KICKING ON HIS DOOR AND LOOKED OUT AND SAW HIS WIFE OR GIRLFRIEND POUNDING ON THE DOOR. SIMS SAID HE WAS GONE TO A COOKOUT MONDAY NIGHT AND HAFLEY SAID SHE DOES NOT RECALL HEARING ANY DISTURBANCES THAT NIGHT

EXHIBIT B

MARCH 4TH, 1999 OFFER TO SHOW PROOF HEARING

SCUFF MARK TESTIMONY PROVIDED BY CRIME SCENE DETECTIVE TOM SANDERS

T H O M A S S A N D E R S

called as a witness herein on behalf of the Defendant, having been first duly sworn on his oath, was examined and testified as follows, to-wit:

DIRECT EXAMINATION

BY MR. SMITH:

15 Q Did you have occasion to examine the outside of the
16 apartment building there at 1106 North Evans?

17 A Yes, I did.

18 Q Let me show you what I've marked here as Defendant's
19 Exhibit H and ask you if you can identify that particular
20 exhibit?

21 A It's a 35 millimeter photograph taken on the 22nd of
22 June of '98. It shows that window that we just discussed from
23 the outside. So this would be from the north looking south,
24 and it shows the window and evidence tape on it, but at this

56

1 point I believe looks like at that point I have the screen,
2 the storm window removed, but I'm not sure.

3 Q Okay, did you take this photograph?

4 A Yes.

5 Q Below the window, somewhat to the left, there
6 appears to be a little bit of a dark spot on the siding in
7 that photograph. Do you see what I'm speaking about?

8 A Yeah, like a blemish or ---

9 Q Right. Did you look at that anymore closely that you
10 recall, determine exactly what that was?

11 A I couldn't -- couldn't determine anything other than
12 just inconsistencies in the wood. Visual examination at the
13 scene didn't appear to be anything significant.

EXHIBIT C

JULY 1ST, 1999 TRIAL TRANSCRIPT

SCUFF MARK AND TRAMPLED PLANTS TESTIMONY PROVIDED BY CRIME SCENE DETECTIVE TOM SANDERS

12 T H O M A S E D W A R D S A N D E R S
13 called as a witness on behalf of the People herein, being
14 first duly sworn, was examined and testified as follows:

15 D I R E C T E X A M I N A T I O N

16 B Y M S. W O N G:

13 Q State's Exhibit 15K is that also a picture of the
14 window from the outside?

15 A Yes, it is.

16 Q That is a close up view of it?

17 A A closer view at an angle, yes.

18 Q And State's Exhibit 15L what is depicted in this
19 exhibit?

20 A This is a photograph of the front of the apartment
21 building showing the front door and two front windows of the
22 apartment, and also a child's tricycle in front. It also
23 shows bushes and plants in front and below the window and
24 the door stoop.

1 Q When you were taking photographs of the exterior of
2 this residence, did you look closely at the bedroom window
3 from the outside?

4 A Yes, I did.

5 Q Did you notice any marks or any disturbance around
6 the areas below the window?

7 A No, I did not.

8 Q Did you have an opportunity to examine the scene in
9 the front window of that apartment building?

10 A Yes, I did.

11 Q From the outside?

12 A Yes, I did.

13 Q Did you notice anything that appeared to be
14 disturbed with the ground below, below those windows?

15 A No, I didn't.

16 Q Did you notice any bushes that were trampled?

17 A No, I did not.

13 Q Detective Sanders, directing your attention back to
14 when you were at the residence at 1106 North Evans did you
15 have an opportunity to walk outside the exterior of that
16 building?

17 A I did.

18 Q Did you notice any kind of disturbance in the area
19 underneath the bedroom window in which the room, in which
20 the victim was found?

21 A No, I didn't.

22 Q Did you notice any kind -- was there any kind of
23 markings or footprints under the window?

24 A None.

1 Q Did you have an opportunity to observe the exterior
2 of the building where the front the living room were
3 located?

4 A Yes, I did.

5 Q Was there any kind of trampled or footprints on the
6 ground below the window?

7 A Not that I saw.

8 Q And how about the plants and the shrubbery did they
9 appear to be disturbed?

10 A No.

5

CROSS EXAMINATION

6

BY MR. SMITH:

12

Q I would like to show you first a photograph which I
13 have marked for identification as Defendant's Exhibit Number
14 4. I ask whether you can identify that photograph?

15

THE COURT: That is defendant's what?

16

MR. SMITH: Four, your Honor.

17

THE COURT: All right.

18

~~THE WITNESS:~~ That is a photograph of the exterior
19 of the window of the aluminum window and screen that had
20 been removed. So this would be taken after the 16th.

21

MR. SMITH: Q That is the bedroom window, is
22 that correct?

23

A That's correct looking from the north to the south
24 of the north wall.

1

Q On the siding below that window there happens to be
2 a slight discoloration. Do you see what I'm referring to?

3

A Yeah, kind of. Yeah.

4

Q Did you examine that discoloration at the scene?

5

A There was no discoloration at the scene originally.

6

Q But it showed up in a photograph?

7 A It didn't show up in any of the others. I don't
8 know what that is unless it was a shadow from the plant life
9 or unless it was put there later.

10 Q Even in spite of this photograph it is still your
11 testimony when you investigated the outside of the building,
12 you saw nothing that would indicate any kind of possibility
13 of somebody having been through or near that window, is that
14 correct?

15 A I didn't see any evidence of that.

19 Q Let me show you what is marked as Defendant's
20 Exhibit Number 6. If you can identify or will identify that
21 photograph for us.

22 A That appears to be the bushes or vegetation I
23 believe that is below the front window.

24 Q Is that a photograph that you took?

1 A Yes.

2 Q Do you recall that was one of the first, second or
3 third sets?

4 A That was a later set at least I believe. Well, it
5 was on the 22nd of June so it was much later.

6 Q Does that show what appears to be some bushes?

7 A It certainly does.

8 Q Or foliage?

9 A Yes.

10 Q In that photograph does there appear to be any
11 trampling of those bushes or foliage?

12 A Yes, there does.

22

REDIRECT EXAMINATION

23

BY MS. WONG:

24

Q Detective Sanders, I am going to show you again what

1 was marked earlier as State's, or I'm sorry, Defendant's
2 Exhibit Number 4. If you could point to where the alleged
3 discoloration appears?

4 A The only thing I can think of is perhaps this, and
5 now looking at it, it may be a knot in the siding. That is
6 the only thing that I can see that even approaches it, but I
7 know on visual examination I saw nothing that looked like a
8 scrape or a mark or anything like that. It is either
9 something in the wood or a shadow. Not that I look at it is
10 kind of rounded like a knot. It might be a knot just cut at
11 a right angle.

12 Q I am going to hand you what was earlier marked as
13 State's Exhibit 15. Do you see any markings below the
14 window, the bedroom window?

15 A No, I just had a thought of that also. This is
16 after we removed the screen and the window, and I recall
17 that we did have the crime scene ladder out there and were
18 working in that area. I don't know it might have been
19 caused. Like I said it was very faint and wasn't there when
20 I first examined, and that is the only photograph I see it
21 in. That photograph was taken the night of the 16th and
22 not in the day time.

23 Q Detective Sanders, you were earlier shown the photo
24 handed to you by the defense. I believe it was Defendant's

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1 Exhibit 6 which purports to show a trampling on the bushes?

2 A Yes, I took that specifically because it did show
3 trampling. However it showed trampling on the 22nd which
4 were days after. I have more photographs that show there
5 was no trampling on the 16th.

6 Q I show you State's Exhibit 15L. Did you take this
7 photograph?

8 A I did.

9 Q And was that taken on June 16th of 1999?

10 A It was.

11 Q Was it taken in the day time?

12 A Yes, it was.

13 Q When you were there, when you initially reported to
14 the scene?

15 A Yes.

16 Q Is there any appearance of trampling of bushes?

17 A Not at all.

EXHIBIT D

JULY 2nd, 1999 TRIAL TRANSCRIPT

SCUFF MARK AND TRAMPLED PLANTS TESTIMONY PROVIDED BY SGT. DETECTIVE RANDALL MCKINLEY

11 RANDALL D. MCKINLEY
12 CALLED AS A WITNESS ON BEHALF OF THE PEOPLE, AFTER
13 HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND
14 TESTIFIED AS FOLLOWS:

15

16 DIRECT EXAMINATION

17 BY MS. GRIFFIN:

4 Q What did you note about him and what did
5 he indicate to you?

6 A He was flagging me down as I pulled up.
7 So I parked the car, went up and introduced myself and
8 told him who I was, and he took me over to the side of
9 the house and wanted to show me a window.

10 Q And did you go over there and look at
11 that window?

12 A Yes, I did.

13 Q And was that the windows that are on the
14 north side of 1106 North Evans?

15 A Yes, it was.

16 Q And did he say anything to you when he
17 was taking you over there?

18 A He said I want to show you -- he said
19 there is something about this being a homicide. I want
20 to show you this window. I know how they got in or I
21 know how somebody got in.

22 Q Did you then observe the window?

23 A Yes, I did.

24 Q What did you note about it?

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1 A He was pointing to a couple of small
2 holes in either side, the lower part of the screen, and
3 I noted those holes and noticed what he was telling me
4 about them.

5 Q Did you notice anything about the areas
6 surrounding that, the area below it on the side of the
7 building --

8 A I would imagine the crime scene
9 investigator who handled that would have a measurement
10 of the window, but I noticed the window was quite high
11 up. It didn't hit me in the waist. It's a good sized
12 window, and the side of the house is covered. It's a
13 wood siding, and I don't know the technical name for
14 that type of siding, but it's a wood siding with
15 vertical slats, and, of course, I viewed that whole
16 area there besides just the window, and I didn't notice
17 any scuff marks on the wall underneath the window, mud
18 or anything out of the ordinary there except those two
19 holes that Mr. McNeil pointed out to me.

20 Q And your purpose in looking for that in
21 particular had to do with the high window; did that
22 indicate to you that someone might even hit the side of
23 the house to get into the window?

24 A Yes, I brought up the fact it was a high

1 up window from the sidewalk because to get through that
2 window as Mr. McNiel was saying somebody had according
3 to him had poked holes in the screen, opened the screen
4 and crawled through the window. In order to do that
5 you would need either a step stool, a step ladder or
6 you would have to pry yourself up somehow to get in
7 that window.

EXHIBIT E

JULY 16TH, 1998 POLICE NARRATIVE

YUMAN ALDRIDGE INTERVIEW BY DETECTIVE SHEPHERD DENYING HAVING RETURNED TO THE CRIME SCENE AFTER THE MURDER HAD TAKEN PLACE, LYING TO THE POLICE.

Bloomington Police Department

Narrative Supplemental Report

Offense Description: 1st Degree Murder
Primary Person Involved: McNeil, Christina

Page 1 of 1
Case Number: 98 4610

On 07 09 98 Yuman Aldridge came to the Police Dept per my request. Yuman lives at 1206 S. Clayton Bloomington, 827-3759, WK: 663-9405. I wanted to ask Her questions pertaining to Her knowledge of Tita McNeil, Barton McNeil and Misook Nowlin.

She wasn't able to offer much just that She had met Bart about 13 years ago when She started to work at Red lobster in Bloomington. She states that She doesn't believe that either of them are responsible for Christina's death. She states that She understands that Bart is afraid and has to Blame someone that's why He's blaming Misook. She states that She didn't know Tita hardly at all. She say's that She talked to Misook about two weeks ago they didn't talk about much just generalities.

I asked Her about what contact She had with Misook around the time of Christina's death. Yuman say's that She saw Misook for about 5 minutes on Monday the 15th at Misooks' residence. She stayed for a short time because Misook said that She was meeting Bart for Dinner at Avanti's Restaurant.

Yuman say's that Misook then called her the next day at Red Lobster and told Yuman that She was at Barts and Yuman that there were Police there and that there was yellow tape around the house and She didn't know what was going on. Yuman say's that at the same time Tim Wilson was on the Phone with Bart, Tim seemed to be very upset, Later He told employee's including Yuman that Christina had died. Yuman states that Misook called later and said that Christina had died and Misook seemed to be very upset.

Yuman say's that both Bart and Misook had bad tempers and that they argued a lot. Yuman says that She has not heard from Bart except for a letter that He sent from jail. She brought the letter and it was placed into evidence along with letters written to Tita McNeil from Bart and Mike and a letter to Shanna Hamilton.

She also states that other than the call about two weeks ago She has had no contact with Misook.

Officer ID# / Name:

Report Date:

7-16-98

EXHIBIT F

SEPTEMBER 12, 2011 POLICE INTERVIEW TRANSCRIPT

EXCERPT FROM MISOOK CONFESSION INTERVIEW FROM LINDA TYDA MURDER STATING FELLOW KOREAN EMIGREE YUMAN ALDRIDGE CONTINUTES TO BE MISOOK'S BEST FRIEND

EXCERPT FROM MISOOK NOLWIN WANG CONFESSION SEPTEMBER 12, 2011

34 B – If I would have to say tell me 3 of your best friends

35

36 M – Uh-huh

37

38 B – Who are they?

39

40 M – Yuman Aldridge, Yuman, Y-U-M-A-N

41

42 B – Y-U-M-A-N

43

44 M – M-A-N and Aldridge, A-L-D-R

34 B – If I would have to say tell me 3 of your best friends

35

36 M – Uh-huh

37

38 B – Who are they?

39

40 M – Yuman Aldridge, Yuman, Y-U-M-A-N

41

42 B – Y-U-M-A-N

43

44 M – M-A-N and Aldridge, A-L-D-R

10 B – Now where does Yuman live?

11

12 M – Uh Yuman living uh Bloomington

13

14 B – In Bloomington

15

16 M – Yeah

17

18 B – Do you know the address?

19

20 M – Uh 1208 uh South Clayton, Clayton

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EXHIBIT G

JUNE 17TH, 1998 POLICE INTERVIEW TRANSCRIPT

MISOOK DENIES DURING HER FIRST INTERVIEW SHE TOLD YUMAN OR ANYONE ELSE SHE WAS GOING TO BE INTERVIEWED BY BLOOMINGTON POLICE.

DET. WIKOFF: Between 7:40 and a quarter to 8 before you went to work you called and you didn't get an answer? Then when you did find out that Christina had died, and you said just go it alone since you found out that Christina had died up until today, when I called you and said to come down and see us, did you talk to either Susie Or John Wang, or your other friend Yuman Aldridge? Did you talk to any of them?

MISOOK NOWLIN: Yeah. No I don't.

DET. WIKOFF: Do they know Christina died?

MISOOK NOWLIN: Yes.

DET. WIKOFF: Okay. Did they know that you were going to come to talk to us?

MISOOK NOWLIN: No.

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
MCLEAN COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS

v.

BARTON MCNEIL

)
)
)
)
)

No. 98 CF 633

AFFIDAVIT OF ROBERT SIMS

I, Robert L. Sims, being duly sworn, do hereby state as follows:

1. I reside at 1105 N. Evans Street, Bloomington, IL 61701.
2. I am over the age of 18 and am of sound mind to execute this Affidavit.
3. In 1998 Barton McNeil moved into an apartment located at 1106 N. Evans. My girlfriend, Robin Hafley, lived at 1105 N. Evans Street in a two-story home.
4. Mr. McNeil's front apartment door and our front door are directly across the street from one another.
5. One night a month or several weeks before Christina McNeil died, Misook was causing a public disturbance in our neighborhood by screaming and kicking and beating on the door of Mr. McNeil's residence.
6. It was sometime after the sun had set, between 9 pm and midnight as my girlfriend's children were trying to go to sleep. I believe it was a school night.
7. Myself and a neighbor, Dr. Judith Wright, who lived several houses away from Mr. McNeil's apartment complex, called 911.
8. I knew Judith Wright had called 911 as I spoke to her that night regarding the disturbance.
9. Before a marked Bloomington Police squad car with two uniformed officers arrived, I went out onto the street to confront Misook who was kicking the front door and pounding on it, telling her she needed to stop making a racket and to leave the neighborhood.
10. Misook was screaming bloody hell. I don't know what she was mad about but could tell she was thoroughly pissed off about some situation between her and Bart.

11. There was a lot of cussing going on. She cussed me, she cussed Judy, she cussed Bart's next door neighbor Mr. Meredith King.
12. I told her it was late at night and Judy had kids and so did we.
13. I told her it didn't matter what the argument was about and to just shut her mouth.
14. I told her she needed to be quiet telling her it's a quiet neighborhood.
15. Misook then threatened to kill me during this incident and threatened to kill Judy as well.
16. She said she would kill us if we kept sticking our nose where it didn't belong.
17. She said to us all to shut the hell up, go to hell, get out of her face, and if we didn't get out of her face she was going to kill both of us.
18. I remember making a stupid comment and said, "well get it done then".
19. Two officers then arrived driving a car with police markings.
20. As the officers got out of their vehicle, one of the officers recognized Misook calling her by her name.
21. I informed the police officers that Misook had been making a ruckus in the neighborhood and had threatened to kill me and Judy.
22. The officers tried to tell her to shut the hell up and by then she was threatening everybody including them.
23. They ordered Misook to leave the neighborhood which she did.
24. Several weeks later, approximately one to two weeks prior to the Christina McNeil murder, Misook and a friend of hers returned after it was dark.
25. A neighbor that lived next door, Ken Callahan, was on his front porch. His front porch is approximately 15 feet distance from Christina McNeil's bedroom window.
26. He was on his porch late that night as he was having a smoke.

27. He and I witnessed Misook walking along the sidewalk that ran beneath Christina McNeil's bedroom window.
28. Misook did not know that Mr. McNeil's next door neighbor Mr. Callahan was observing her.
29. Barton McNeil was not home at the time.
30. I left my front porch and went over to confront Misook again.
31. I knew it was her as it was the same person I had confronted earlier in which one of the Bloomington Police officers had recognized her.
32. I told her she needed to get out of the neighborhood.
33. Both she and the friend she came with then argued with me.
34. Misook again threatened to murder me and said she would murder my girlfriend Robin as well.
35. Misook's friend finally persuaded her that they should leave before I called police which they did.
36. On the morning of June 16th, my girlfriend Robin Hafley and I heard an ambulance arrive at the McNeil apartment residence.
37. Present at the apartment also was a fire truck, two police cars, two detective vehicles, and a County Coroner vehicle.
38. After everyone left that morning, I saw Barton on his front porch.
39. He was clearly upset about what happened. He was shaking a little bit.
40. I asked him what happened, and he didn't have much to say about anything. He told me that his daughter had died.
41. Later that morning or early afternoon, Judy and I noticed that we saw Bart had gone to run an errand and was no longer at his apartment from what we could tell.
42. We decided to go over and see his residence as we were both curious as to what might have happened.

43. We both noticed immediately the window condition that appeared someone had broken into the apartment.
44. It had two noticeable holes in the screen that would allow a person's fingers to unlatch the locking mechanisms when reaching inside.
45. The screen was also bent and not in its proper track.
46. We both noticed a prominent scuff mark directly beneath the window frame.
47. The apartment complex had been recently painted so the scuff mark stood out.
48. We went to the front of the apartment, and I noticed that plants located along the front of the residence had been trampled.
49. Later that afternoon, I returned with neighbor Ken Callahan and we both observed the same things.
50. Later in the day before the sun had set, I saw that detectives were at Mr. McNeil's residence. Curtains were up and photographs inside the apartment were being taken. Robin noticed this too.
51. I went over and noticed at least one of the officers outside the residence near the bedroom window area.
52. I told the officer that was situated along the walkway that I noticed a scuff mark beneath the window and wanted to make sure they noticed it too.
53. I also told the officer about the trampled plants in the front of the residence.
54. I told him where I lived, pointing to my residence.
55. I was told that the police would come to interview me later that night.
56. They did not come to my residence until the following afternoon or early evening.
57. The next morning, June 17th, around 10 am myself and my girlfriend Robin were on the front porch when an Asian woman I did not recognize came up to our residence and stood in our recently planted flower garden located in our front yard.
58. I heard her speak to Robin and so I came to our front porch.

59. I knew this woman was not Misook.
60. The woman standing in our garden I remember was wearing a Red Lobster work shirt. I recall it being red in color.
61. She wanted to know what we knew happened at the McNeil apartment.
62. Robin told her we did not know anything and asked her to get out our flower garden she was standing in.
63. I noticed that across the street, but in listening distance, was Misook.
64. I remember this as I commented to Robin "there she is" pointing to Misook as Robin up until now had only seen Misook from a distance.
65. They eventually left, getting into a car and driving off.
66. Later that day, two Bloomington police officers came to our residence.
67. They introduced themselves and said they were asking about anything we might have known concerning the death of Christina McNeil.
68. We invited them into our residence.
69. They had brought a tape recorder with them and asked if we would give them permission to tape our interview.
70. We both agreed to being recorded and were together for the time we were interviewed by both detectives.
71. One of the officers then spoke into the recorder to make sure it was recording properly which it appeared it was.
72. The interview began and I explained that we believed the Asian woman who we believed was Bart's girlfriend must have had something to do with it.
73. I explained to them both about the first incident that had taken place between the two of us with Misook causing a public disturbance with myself and Dr. Judith Wright having called 911.
74. I explained that in that incident a Bloomington marked squad car came with two officers.

75. I explained that I had confronted Misook in this earlier incident, and that Misook had threatened to kill me and Dr. Judith Wright who had also called 911 that same night.
76. I explained that one of the patrol officers had recognized Misook calling her by her first name.
77. I explained that Misook had become argumentative with us all and then was told to leave the neighborhood which she did.
78. I explained that weeks later, that Misook had returned to the neighborhood, this time with a friend of hers.
79. I explained that the neighbor whose residence was next to Christina's, both saw Misook at a late hour walking along McNeil's bedroom window that was in complete darkness.
80. I explained that Barton was not home at that time.
81. I explained that Misook was unaware that next door neighbor to Bart, Mr. Callahan, went unobserved by Misook.
82. I explained that we both thought she had been casing the residence on that visit as Barton was not home that evening.
83. I explained that I confronted her on this occasion also telling her that I had called the police even though I had not at the time.
84. I told her I was trying to keep her busy until the cops showed up to take her ass to jail.
85. I told her to just keep on bitching and screaming at me until the cops showed up.
86. She told me in reply to fuck off.
87. She threatened also to kill me at this time and threatened to stab me.
88. Her friend was egging us both on for a while but then told Misook they should leave before the police arrived. Both got into a car and then left.
89. I explained that on the day Christina had died, that in the afternoon myself and Robin had gone up to Barton's apartment to see what we could see.
90. I explained that we both saw the condition of the window observing that it had two holes cut into the screen and not in its track.

91. I explained that we both further saw a scuff mark beneath the window frame.
92. I noticed it as the apartment complex had just been painted not more than a month before that.
93. The scuff mark was about 3 feet or maybe a little more off the ground.
94. I explained that we both saw trampled plants outside the front of the McNeil residence.
95. There were a good bunch of plants in front. You could see that where somebody had their feet.
96. The plants were off to the side to the left and underneath the window.
97. I explained that I returned to the McNeil residence later that same afternoon with Mr. Callahan.
98. I explained that we both saw this same evidence together.
99. I explained that I had also brought all of this same information to the detectives that were at the McNeil residence the night of June 16th.
100. I recall that there were four detectives present.
101. At the time I approached them, they were taping off the yard and taking a lot of photographs of everything.
102. By now I pretty much figured out something bad had happened to the little girl.
103. I also mentioned to the police that his girlfriend had been over there for domestics and carrying on.
104. I explained to the two detectives interviewing us, that earlier in the morning on the same day we were being interviewed, that an Asian friend of Misook, wearing a Red Lobster uniform shirt, had come to our residence.
105. That she had come over not early in the morning but about 10 or 11.
106. That the woman stood in our flower bed that was located right in front of our porch.
107. Robin was on the front porch at the time and then hollered for me.

108. The woman was Asian, dark headed, 5' 4" or 5' 5" maybe and 35 or 140 pounds at the most. She appeared a little bigger than Misook.
109. The woman asked us what we knew about the Christina McNeil death.
110. I told the detectives recording us that I thought it was unusual and stupid at the same time as they wanted to know if he went to jail and what happened to the little girl.
111. I was thinking that Misook who was over near Callahan's home would have known something before we did.
112. The woman in our front yard was adamant a couple times about why he didn't go to jail, and I said why should he go to jail?
113. I told the detectives that I thought to myself, are you trying to tell us something that we don't know?
114. I explained that at the time of our being asked this question, that Bart's girlfriend Misook was nearby and could hear whatever answer that we were willing to give.
115. I explained to the detectives interviewing us that we felt these actions suspicious by both women.
116. I explained that I felt Misook had something to do with the murder.
117. We explained that Barton appeared from what I could tell appeared to be a good father of Christina.
118. I told them that I thought he was a pretty good father as he was always attending to her, and he wouldn't let her run out into the street.
119. I told them he would always take her out for walks and to the park and I would say "Howdy."
120. All my statements for the entire interview were recorded on the tape recorder that the police officers brought with them.
121. The tape recorder was small the detectives used and could fit in a small pocket, so it was approximately 3" x 5".
122. I remember that it was an old style one that used little cassette tapes as compared to modern digital ones used today.

123. On occasion as Robin and I were answering their questions one of the detectives would look at the recorder and say, "speak up".
124. During this interview Robin also answered several questions that were asked and at times would also nod in agreement to what I was saying or would add more to what I was telling or describing to them.
125. The two detectives left at approximately 5:45 pm, thanking us for our time.
126. We expected someone to follow up and ask us to be witnesses but never did.
127. We later learned Barton was found guilty.
128. We did not know what happened to Misook until she strangled her mother-in-law.
129. I am coming forward now on my own free will.

FURTHER AFFIANT SAYETH NAUGHT,

Robert L. Sims
Robert L. Sims

11-16-23
Date

Subscribed and sworn before me
on this 16 day of November, 2023.

Rose Connell
Notary Public, State of Illinois



IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
MCLEAN COUNTY, ILLINOIS

PEOPLE OF THE STATE OF ILLINOIS)	
)	
v.)	No. 98 CF 633
)	
BARTON MCNEIL)	

AFFIDAVIT OF ROBIN HAFLEY

I, Robin D. Hafley, being duly sworn and under penalty of perjury, do hereby state as follows:

1. I reside at 1105 N. Evans Street, Bloomington, IL 61701.
2. I am over the age of 18 and am of sound mind to execute this Affidavit.
3. In 1998 Barton McNeil moved into an apartment located at 1106 N. Evans.
4. My boyfriend, Robert L. Sims, and I live at 1105 N. Evans Street in a two-story home.
5. Mr. McNeil's front apartment door and our front door are directly across the street from one another.
6. The distance between our two front doors is approximately 50 feet.
7. One night several weeks before Christina McNeil died, Misook was causing a public disturbance in our neighborhood by screaming and kicking and beating on the door of Mr. McNeil's residence.
8. At the time of the disturbance, I heard the noise coming from across the street as I was in my upstairs bedroom which faces out onto Evans Street.
9. I could hear the noise as my windows in my bedroom were open as the weather was warm. I do not have air conditioning so could hear everything that was going on.
10. I keep a spyglass in my bedroom, so focused it on the person making the noise to see what was going on.
11. I was only able to see mostly the person's back that was making the noise. I could tell it was an Asian woman that was approximately five-foot tall, skinny, dark hair that was shoulder length.

12. She was screaming for Bart real loud, kicking and beating the door. I thought she was going to break down the door. I was surprised she didn't break it down.
13. I know that the incident took place sometime after the sun had set, between 9 pm and midnight as my children were trying to go to sleep.
14. Robert told me he had called police and that they were on their way.
15. He told me he was going out to confront the woman.
16. He went out halfway across the street and she was on him screaming at him.
17. The police arrived and I went back to bed as I thought to myself this was his trouble and I went back to bed.
18. Robert told me the next morning about the previous evening incident that the police had come and that she had threatened to kill him. I told him at the time it was a wonder she didn't as she looked like she could beat somebody up.
19. On the morning of June 16th, my boyfriend Robert Sims and I heard an ambulance arrive at the McNeil apartment residence.
20. Also arriving at Barton's apartment that morning was a fire truck, two police cars, two detective vehicles, and a County Coroner vehicle.
21. We later saw what appeared to be a small body bag removed from the apartment.
22. At the time I thought the little girl must have died from an asthma attack.
23. I thought this as I had met Barton and had learned in conversation she suffered from asthma.
24. At the time he told me about her asthma condition he asked me if it was safe outside for his daughter to ride her tricycle. I told him to stay with her and teach her not to go past certain driveways as the houses had teenagers who drove like maniacs. So he got her to where she would go as far as the neighbor's driveway and then turn around and come back.
25. At first I thought a Medi helicopter would come to take his little girl to Peoria. After the ambulance didn't take anyone away then the coroner van backed up and I said "Oh no, that's the coroner vehicle right there".

26. Robert and I decided to go over after everyone left and just look around. We did not know if Barton was home or not at the time. There is a sidewalk that runs beneath his apartment window that ran to the back of the complex where cars were parked. We walked along this sidewalk.
27. We both noticed immediately the window condition that appeared someone had broken into his apartment.
28. It had two noticeable holes in it and was bent and not in its correct track.
29. The window looked like someone had tried to pull it down but didn't get it back in.
30. We both noticed a scuff mark directly beneath the window frame.
31. The scuff mark looked like it was the toe and the ball and the outer side of a shoe.
32. The scuff mark was located about two feet below the window on the siding.
33. The scuff mark was dark like it was caused by a dark black bottomed shoe.
34. The apartment complex had been recently painted so the scuff mark stood out.
35. Later in the day, we saw that several detectives were at Mr. McNeil's residence.
36. It was evening and they had the curtains raised. I was watching what they were doing with my spyglass.
37. I could see they were tearing the apartment apart and were taking pictures. I could see the refrigerator door was open and they were taking pictures of inside it too.
38. Robert went over to talk to them and then returned letting me know he spoke to one or several of them.
39. The next morning, June 17th, around 10 am, I was on my porch.
40. An Asian woman approached my residence. She had dark hair, a flat face and her hair was half in a ponytail or something.
41. She stood in my recently planted garden that is in my front yard.
42. The woman standing in our garden I remember was wearing a Red Lobster work uniform. It looked like a dress but it is like a shirt and a skirt that they wear. To me, it reminded me of a sailor outfit.

43. She said she was a friend of Misook and Bart's and Misook wanted to know if something happened to Bart.
44. I said not that I know of.
45. She said "why is that tape over the door?". I said I was wondering the same thing why that tape is over the door.
46. The only thing I told her was that Christina probably died of an asthma attack.
47. I said that this is what I thought because I didn't know anything different at that time.
48. She then said something like "Umm, ok" and away she tromped.
49. I thought her showing up was very strange.
50. I thought it was strange as she was asking what happened to Bart.
51. She said she was a friend of Bart's girlfriend.
52. So thought to myself why she wouldn't then know versus my knowing?
53. I noticed before she tromped away, that across the street, but in listening distance, was another Asian woman.
54. I did not know who she was either.
55. Robert then pointed to the woman across the street as he had come out onto the porch while I was talking to the first woman. He told me that the other one was Misook, the same woman that he had confronted twice before in our neighborhood.
56. Later that day, two Bloomington police officers came to our residence.
57. It was evening but still daylight.
58. They introduced themselves and said they were asking about anything we might have known concerning the death of Christina McNeil.
59. They had brought a tape recorder with them and asked if we would give them permission to tape our interview.

60. We both agreed to being recorded.
61. The recorder looked to be about 3" x 5" in size. It could fit in a pocket. They were looking at it and said "speak up."
62. The interview began and I explained that we believed the Asian woman must have had something to do with it.
63. I further told them that anybody could have gone through that window and they told me nope, because the cobwebs weren't disturbed.
64. I said buddy, you come through my window and tell me if the cobwebs are disturbed hours later.
65. Robert and I told them about the condition of the window we saw earlier in the day.
66. We told them about the presence of the scuff mark.
67. The officers said there was no scuff mark.
68. Because of this remark, Robert and I returned a second time to inspect the scuff mark closely after they left either before the sun set or the following day and it was still there.
69. Robert told them about the earlier incident in which he called 911.
70. Robert told them that during that incident she had threatened to kill him.
71. Robert told them that she had threatened to kill neighbor Judith Wright and that she had threatened to kill me too.
72. Robert told them that when police officers responded to his 911 phone call that one of them recognized Milsook calling her by her first name.
73. Robert told them about the other incident in which he and neighbor Callahan had witnessed her late at night walking beneath Christina's window at a time that Barton was not home.
74. Robert told them that he had confronted her this second time too.
75. Robert and I told the detectives that we saw the presence of trampled plants in front of the McNeil residence the day the girl died.

76. I also explained I saw trampled flowers between the sidewalk that ran beneath the bedroom window and neighbor Callahan's front porch.
77. Robert explained that he had brought all this same information about the condition of the window screen, scuff mark and presence of trampled plants to the detectives that were at the McNeil residence the night of June 16th.
78. I explained to both detectives that earlier on the same day they were interviewing us both, that an Asian friend of Misook, wearing a Red Lobster uniform shirt, had come to our front yard asking what we knew about the Christina McNeil death.
79. I explained that at the time of our being asked this question by this Asian woman, that Misook was nearby and could hear the answer we gave. Which was I thought she had died of an asthma attack.
80. I explained that Robert and I felt these actions suspicious by both women.
81. I explained that I felt Misook had something to do with the murder.
82. I told the police that I felt Barton was innocent and his girlfriend was guilty.
83. I told them that Barton was the best parent I'd seen on this block in a long time, and he obviously cared for her very much because he stood outside with her and let ride her bike.
84. I told the detectives further that she was very clean and very happy.
85. I told them that if they think Barton did this that they were way out of line.
86. I said several times "Did somebody go through that window?".
87. The detectives responded with "Why would you say that?".
88. I then said that I have had people come through my windows.
89. They said it was not possible somebody went through the window as it was up too high.
90. I told them they were not even close in making this kind of statement. I told them to just think about it. They'd get a hold of that windowsill, put their foot up, get right in.
91. I told them maybe it was the girlfriend as she was the violent one.
92. The detectives then just shrugged it off. They didn't say anything.

93. I was surprised that nobody called us to be witnesses at the trial.

94. All of my statements were recorded on the tape recorder that the police officers brought with them. Their microphone was held out to Robert and I near our mouths for the entire time we spoke.

95. I am coming forward now on my own free will.

FURTHER AFFIANT SAYS TO NAUGHT,

Robin D. Hailey

Robin D. Hailey

11-16-23

Date

Subscribed and sworn before me
on this 16 day of November, 2023.

Rose Connell

Notary Public, State of Illinois





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Reason: I attest to the
accuracy and integrity
of this document
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RULE 3.8: SPECIAL RESPONSIBILITIES OF A PROSECUTOR

The duty of a public prosecutor is to seek justice, not merely to convict. The prosecutor in a criminal case shall:

(a) refrain from prosecuting a charge that the prosecutor knows is not supported by probable cause;

(b) make reasonable efforts to assure that the accused has been advised of the right to, and the procedure for obtaining, counsel and has been given reasonable opportunity to obtain counsel;

(c) not seek to obtain from an unrepresented accused a waiver of important pretrial rights, such as the right to a preliminary hearing;

(d) make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, and, in connection with sentencing, disclose to the defense and to the tribunal all unprivileged mitigating information known to the prosecutor, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal;

(e) not subpoena a lawyer in a grand jury or other criminal proceeding to present evidence about a past or present client unless the prosecutor reasonably believes:

(1) the information sought is not protected from disclosure by any applicable privilege;

(2) the evidence sought is essential to the successful completion of an ongoing investigation or prosecution; and

(3) there is no other feasible alternative to obtain the information;

(f) except for statements that are necessary to inform the public of the nature and extent of the prosecutor's action and that serve a legitimate law enforcement purpose, refrain from making extrajudicial comments that pose a serious and imminent threat of heightening public condemnation of the accused and exercise reasonable care to prevent investigators, law enforcement personnel, employees or other persons assisting or associated with the prosecutor in a criminal case from making an extrajudicial statement that the prosecutor would be prohibited from making under Rule 3.6 or this Rule.

(g) When a prosecutor knows of new, credible and material evidence creating a reasonable likelihood that a convicted defendant did not commit an offense of which the defendant was convicted, the prosecutor shall:

(1) promptly disclose that evidence to an appropriate court or authority, and

(2) if the conviction was obtained in the prosecutor's jurisdiction,

(i) promptly disclose that evidence to the defendant unless a court authorizes delay, and

(ii) undertake further reasonable investigation, or make reasonable efforts to cause an investigation, to determine whether the defendant was convicted of an offense that the defendant did not commit.

(h) When a prosecutor knows of clear and convincing evidence establishing that a defendant in the prosecutor's jurisdiction was convicted of an offense that the defendant did not commit, the prosecutor shall seek to remedy the conviction.

(i) A prosecutor's judgment, made in good faith, that evidence does not rise to the standards stated in paragraphs (g) or (h), though subsequently determined to have been erroneous, does not constitute a violation of this rule.

Adopted July 1, 2009, effective January 1, 2010; amended Oct. 15, 2015, eff. Jan. 1, 2016.

Comment

[1] A prosecutor has the responsibility of a minister of justice and not simply that of an advocate. This responsibility carries with it specific obligations to see that the defendant is accorded procedural justice and that guilt is decided upon the basis of sufficient evidence.

[1A] The first sentence of Rule 3.8 restates an established principle. In 1924, the Illinois Supreme Court reversed a conviction for murder, noting that:

"The state's attorney in his official capacity is the representative of all the people, including the defendant, and it was as much his duty to safeguard the constitutional rights of the defendant as those of any other citizen." *People v. Cochran*, 313 Ill. 508, 526 (1924).

In 1935, the United States Supreme Court described the duty of a federal prosecutor in the following passage:

"The United States Attorney is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done. As such, he is in a peculiar and very definite sense the servant of the law, the twofold aim of which is that guilt shall not escape or innocence suffer. He may prosecute with earnestness and vigor—indeed, he should do so. But, while he may strike hard blows, he is not at liberty to strike foul ones. It is as much his duty to refrain from improper methods calculated to produce a wrongful conviction as it is to use every legitimate means to bring about a just one." *Berger v. United States*, 295 U.S. 78, 88, 79 L. Ed. 1314, 1321, 55 S. Ct. 629, 633 (1935).

The first sentence of Rule 3.8 does not set an exact standard, but one good prosecutors will readily recognize and have always adhered to in the discharge of their duties. Specific standards, such as those in Rules 3.3, 3.4, 3.5, 3.6, the remaining paragraphs of Rule 3.8, and other applicable rules provide guidance for specific situations. Rule 3.8 is intended to remind prosecutors that the touchstone of ethical conduct is the duty to act fairly, honestly, and honorably.

[2] In Illinois, a defendant may waive a preliminary hearing and thereby lose a valuable opportunity to challenge probable cause. Accordingly, prosecutors should not seek to obtain waivers of preliminary hearings or other important pretrial rights from unrepresented accused persons. Paragraph (c) does not apply, however, to an accused appearing pro se with the approval of the tribunal. Nor does it forbid the lawful questioning of an uncharged suspect who has knowingly waived the rights to counsel and silence.

[3] The exception in paragraph (d) recognizes that a prosecutor may seek an appropriate protective order from the tribunal if disclosure of information to the defense could result in

substantial harm to an individual or to the public interest.

[4] Paragraph (e) is intended to limit the issuance of lawyer subpoenas in grand jury and other criminal proceedings to those situations in which there is a genuine need to intrude into the client-lawyer relationship.

[5] Paragraph (f) supplements Rule 3.6, which prohibits extrajudicial statements that pose a serious and imminent threat of prejudicing an adjudicatory proceeding. In the context of a criminal prosecution, a prosecutor's extrajudicial statement can create the additional problem of increasing public condemnation of the accused. Although the announcement of an indictment, for example, will necessarily have severe consequences for the accused, a prosecutor can, and should, avoid comments which have no legitimate law enforcement purpose and have a substantial likelihood of increasing public opprobrium of the accused. Nothing in this Comment is intended to restrict the statements which a prosecutor may make which comply with Rule 3.6(b) or 3.6(c). *Cf. Devine v. Robinson*, 131 F. Supp. 2d 963 (N.D. Ill. 2001).

[6] Like other lawyers, prosecutors are subject to Rules 5.1 and 5.3, which relate to responsibilities regarding lawyers and nonlawyers who work for or are associated with the lawyer's office. Paragraph (f) reminds the prosecutor of the importance of these obligations in connection with the unique dangers of improper extrajudicial statements in a criminal case. In addition, paragraph (f) requires a prosecutor to exercise reasonable care to prevent persons assisting or associated with the prosecutor from making improper extrajudicial statements, even when such persons are not under the direct supervision of the prosecutor. Ordinarily, the reasonable care standard will be satisfied if the prosecutor issues the appropriate cautions to law-enforcement personnel and other relevant individuals.

[7] When a prosecutor knows of new, credible and material evidence creating a reasonable likelihood that a person outside the prosecutor's jurisdiction was convicted of a crime that the person did not commit, paragraph (g) requires prompt disclosure to the court or other appropriate authority, such as the chief prosecutor where the conviction occurred. If the conviction was obtained in the prosecutor's jurisdiction, paragraph (g) requires the prosecutor to examine the evidence and undertake further reasonable investigation to determine whether the defendant is in fact innocent or make reasonable efforts to cause another appropriate authority to undertake the necessary investigation, and to promptly disclose the evidence to the court and, absent court-authorized delay, to the defendant. Consistent with the objectives of Rules 4.2 and 4.3, disclosure to a represented defendant must be made through the defendant's counsel, and, in the case of an unrepresented defendant, would ordinarily be accompanied by a request to a court for the appointment of counsel to assist the defendant in taking such legal measures as may be appropriate.

[8] Under paragraph (h), once the prosecutor knows of clear and convincing evidence that the defendant was convicted of an offense that the defendant did not commit, the prosecutor must seek to remedy the conviction. Necessary steps may include disclosure of the evidence to the defendant, requesting that the court appoint counsel for an unrepresented defendant and, where appropriate, notifying the court that the prosecutor has knowledge that the defendant did not commit the offense of which the defendant was convicted.

Adopted July 1, 2009, effective January 1, 2010; amended Oct. 15, 2015, eff. Jan. 1, 2016.

Thomas Patrick Gorman
Email: thomaspeoria@gmail.com

December 4, 2023

Mr. Kwame Raoul
Illinois Attorney General
306 N. Pulaski Road
Chicago, IL 60617

RE: McLean County, Illinois Case #98-CF-633

Dear Mr. Raoul

Important evidence withheld from Barton McNeil during the 1998 police investigation is attached in the form of two signed affidavits by two witnesses that are willing to testify if necessary to its contents.

This evidence is being sent to you pursuant to Ill. Sup. Ct. R. 3.8 "Special Responsibilities of a Prosecutor". As the State's Attorney General, your office has oversight into this important matter.

This new evidence, all of which was previously shared with detectives, shows that alternative suspect Misook Nowlin threatened to murder both witnesses and another neighbor who confronted her just weeks before the murder. Further, the witnesses had inspected McNeil's apartment following her death and before detectives returned and made observations regarding the condition of her window and front lawn. One of the witnesses saw Misook casing the McNeil residence at night when McNeil was not at home in the week leading up to the murder. Finally, both witnesses saw Misook and her best friend, fellow Korean emigree Ms. Yuman Aldridge, a Red Lobster co-worker of Barton's at the time, at the murder scene asking questions of neighbors and what they knew at the time just hours prior to Misook being questioned by the police for her first time. An occurrence both Misook and Ms. Aldridge denied took place when asked by the authorities.

None of this Brady material was passed onto Barton and his counsel.

It can be shown during McNeil's Offer to Show Proof hearing and subsequent trial there was several important attempts by Barton's counsel to question the police regarding the condition of Christina's window screen, their sighting of a scuff mark, and presence of trampled plants. Attached is a copy of the only information stemming from the interview shared with Barton and his counsel. Exhibits related to this matter are attached.

This withheld information further supports Barton's innocence and/or supports his need to be ordered a new trial by the court. More evidence can be obtained if necessary. However, believe the attached two affidavits should be all that is required to show beyond any reasonable doubt Barton McNeil's innocence.

The McLean County State's attorney has the power alone to reverse the conviction of Barton McNeil based upon this new evidence. All prior new evidence previously dismissed should be re-weighed now in combination with it. Under Rule 3.8, her office is required to immediately bring this important new evidence to the attention of Judge William Yoder who is currently overseeing this case and weighting other important evidence brought recently to him in a 3rd Stage Evidentiary hearing. This evidence must also be made available by her office to Barton McNeil's legal representatives as well without delay.

The public is aware of the existence of this new evidence and eagerly awaits the State and court's use of it.

This day is an important turning point in resolving once and for all the People of Illinois vs. Barton McNeil murder case.

Barton McNeil has an immense support network to welcome him back into society immediately upon his release. Considering the upcoming Christmas holiday, I sincerely hope you and Ms. Reynolds make his case your personal top priority and effectuate his release in coordination with her office to his family prior to Christmas Day.

Respectfully yours,

Thomas Patrick Gorman

cc: Governor J.B. Pritzker

December 4, 2023

Ms. Jodi M. Hoos
Peoria County State's Attorney
324 Main Street
Peoria, IL 61602

RE: McLean County, Illinois Case #98-CF-633

Dear Ms. Hoos;

Important evidence withheld from Barton McNeil during the 1998 police investigation is attached in the form of two signed affidavits by two witnesses that are willing to testify if necessary to its contents.

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This new evidence, all of which was previously shared with detectives, shows that alternative suspect Misook Nowlin threatened to murder both witnesses and another neighbor who confronted her just weeks before the murder. Further, the witnesses had inspected McNeil's apartment following her death and before detectives returned and made observations regarding the condition of her window and front lawn. One of the witnesses saw Misook casing the McNeil residence at night when McNeil was not at home in the week leading up to the murder. Finally, both witnesses saw Misook and her best friend, fellow Korean emigree Ms. Yuman Aldridge, a Red Lobster co-worker of Barton's at the time, at the murder scene asking questions of neighbors and what they knew at the time just hours prior to Misook being questioned by the police for her first time. An occurrence both Misook and Ms. Aldridge denied took place when asked by the authorities.

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Thomas Patrick Gorman

December 4, 2023

Mr. Charles M. Laegeler
Schuyler County State's Attorney
102 S. Congress Street
Rushville, IL 62681

RE: McLean County, Illinois Case #98-CF-633

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