

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT  
OF ILLINOIS

CLEVE HEIDELBERG, JR.,  
Plaintiff,  
v.  
ROBERT S. CALKINS, et al.,  
Defendants.

No. P-CIV-75-20

STATE OF ILLINOIS )  
                          )SS  
COUNTY OF WILL   )

AFFIDAVIT

I, LESTER B. MASON, being duly sworn, deposes and says:

(1) When Ham, of the State's Attorney's Office, and a Sheriff Detective, a Captain Lollif of the Sheriff's Office, came to interview me on or about September or October 1970 in a "Side Visiting Room" at the Stateville Branch of the Illinois State Penitentiary, Joliet, Illinois; before the trial of Cleve Heidelberg, et al., I told them during the interview that James Clark was the person who had Cleve's car during the time that the cop was killed on May 26, 1970. They said they had other information that what I said was not true, and they told me if I tried to testify to what I told them; that they would see that I would never make a parole by writing a letter to the Parole Board against me. Mr. Hamm, also told me of the possibility of me being charged with something if Heidelberg was not found guilty, at his trial because, he, they told me, was going to blame me for the Robbery and Murder.

(2) Later, in a Witness Waiting Room, located in the back corridor of the courtroom, December 10th, 1970, at the trial of Cleve Heidelberg, Jr.; Assistant State's Attorney Riddle had me moved into one of the Witness Rooms that had a loud speaker in it. I was directed to listen to Junius Whitt's trial testimony and after listening to what Whitt said, I really made up my mind not to testify for Heidelberg. Because, I then thought, if I got on the stand to tell the truth, I would not only have the State's Attorney's people on my back; trying to charge me with something when my testimony finds Cleve not guilty but I would also have James Clark and his friends "gunning" for me for telling on James. Additionally, before I testified the State's Attorney people had my Common-Law-Wife to visit me and tell me Heidelberg was trying to put things on me or he was trying to say by his witnesses that I had something to do with the robbery and murder.

(3) On October 22, 1971 at the Joliet Branch of the Illinois State Penitentiary, I was encouraged to lie in an Oral Statement about Heidelberg's Case and Heidelberg by John Riddle of the Peoria State's Attorney's Office. Prior to the time of that statement I had a personal conversation with Mr. Riddle; where he mentioned my common-law-wife and her legal criminal problems and in so many words promised me if I cooperated with him he would "look out" for her personally and make sure she did not get any jail time for the charges against her. I lied in that statement and Mr. Riddle was aware I would lie in it before I made it; solely, because of the representations made to me by Mr. Riddle. But, at a later date when I was ask to sign the statement, I did not sign it because me and my common-law-wife was no longer together and she was not then in danger of going to jail & leaving my child by her without a mother; and, the statement was totally a lie.

(4) If I would not have been influenced not to testify at Heidelberg's Trial and his New Trial Hearing, I would have testified truthfully the following:

At approximately 11:00 A.M. May 25, 1970, I entered in conversation with James Clark about committing some stick-ups. This was in the T.T Club.

On the same date, about 25 minutes later, I also entered in, along with James Clark, the same type of conversation about committing some stick ups, with Junius Whitt being present at our booth.

I borrowed Cleve Heidelberg, Jr's., car from him, May 25, 1970 about 15 or 20 minutes to 12:00 P.M., at the T.T. Club.

At about 12:00 or a few minutes later, I drove Heidelberg's car from the parking lot of the T.T. Club. I drove his car to some address on West First or Second Street. With me in the car were: James Clark, Mathew Clark, Junius Whitt and a white boy by the name of Mike Biehl.

I entered in further conversation, about committing some stick ups, at, and in, the house we went to on West First or Second Street, with James Clark and Junius Whitt. Mathew Clark and Mike Biehl were in another room of this house and did not participate in this conversation, nor did they engage in any other of our conversations concerning a stick up.

I drove Heidelberg's Car from this house about 15 minutes after we were there. I drove Junius Whitt to his house on McBean Street; Matt & Mike Biehl to the 615 Club--on McBean Street also, and then I drove back to Junius Whitt's house with James Clark.

At Junius Whitt's house I, James Clark and Junius Whitt, entered again into conversation concerning committing some stick ups and the stick up of one of the Peoria Drive-In's in particular.

Junius Whitt traded guns with James Clark in my presents; while we were at Whitt's house.

James Clark and I left Junius Whitt's house about 12:40 or 12:50 A.M., the morning of May 26, 1970.

James Clark drove Heidelberg's car back to the 615 Club, on McBean Street; informed me that he was borrowing Heidelberg's car to go back to talk to Junius Whitt's house, alone, to go back to talk with him. I let James take Cleve's car for this purpose. He also told me that if he was late in getting back that he would look for me there at the 615 Club, the Sweetheart bar or the Blu Shadow or Jay Van Russell's Dimps Place on Hulbert Street.

I left the 615 Club with Mathew Clark and roded, in the car of a friend of his (Matt's friend), who took us to Jan Van Russell's Club, Dimps Place; where he (Matt's friend) went inside, and Mathew and I then walked from there to the Blu Shadow Club. We had looked in thru the door of Dimps place; but we didn't go inside - this was around 1:30 A.M. of the same morning - May 26th.

We, Mathew Clark and I, went to the Blu Shadow Club; where I was called to the telephone a few minutes after I got there. It was James Clark on the line. He said. That things didn't go right, out to the place he was trying to rob, and that he had to abandon Heidelberg's car about 3 or 4 blocks on the other side of Whitt's House, down by Lincoln Street. Also, he told me that if I let it out, or told, anyone that he was the one who had Heidelberg's Car that I would get hit (killed), (he told me the same thing the next day also when he talked with me.) I, then, ran to Dimp's Place, at 514 Hubert Street, where I told Heidelberg about his car when he came out-side. Before, I could completely tell Cleve all of what was said; he got a ride to go get his car. I didn't tell him it was James Clark who had had his car.

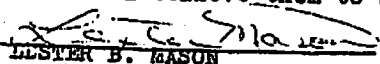
I at no time agreed to committ a robbery with James Clark.

  
Lester B. Mason

#### VERIFICATION

LESTER B. MASON being duly sworn, depose and say, that he resides at I.S.P. at Joliet, Illinois and have read the forgoing AFFIDAVIT and know the contents thereof and that the same are true of my own knowledge except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe them to be true.

Subscribed and Sworn to before me  
this 5 day of May 1974.

  
LESTER B. MASON