

APPENDIX

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APPENDIX A: Pennsylvania Supreme Court Decision (Sept. 26, 2024)

[J-15-2024]
IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

TODD, C.J., DONOHUE, DOUGHERTY, WECHT, MUNDY, BROBSON, McCAFFERY, JJ.

COMMONWEALTH OF PENNSYLVANIA,	:	No. 801 CAP
Appellee	:	Appeal from the Judgment of Sentence entered on May 31, 2022, in the Court of Common Pleas of Cumberland County, Criminal Division, at No. CP-21-CR-0001964- 2020.
v.		
DAVONE UNIQUE ANDERSON,	:	ARGUED: March 6, 2024
Appellant	:	

OPINION

CHIEF JUSTICE TODD

DECIDED: September 26, 2024

In this direct capital appeal,¹ Appellant Davone Unique Anderson challenges the sentence of death imposed by the Cumberland County Court of Common Pleas following his conviction by a jury of two counts of first-degree murder,² one count of first-degree murder of an unborn child,³ and two counts of endangering the welfare of children.⁴ For the reasons that follow, we affirm Appellant's judgment of sentence.

The following evidence was presented at trial. On July 5, 2020, at approximately 4:00 p.m., Sergeant Joshua Bucher of the Carlisle Police Department was dispatched to an apartment at 137 East Louther Street, in Carlisle, Pennsylvania. When he arrived, the

¹ See 42 Pa.C.S. § 9546(d) (a final court order in a case in which the death penalty has been imposed shall be directly appealable to the Supreme Court); *id.* § 9711(h)(1) (sentence of death shall be subject to automatic review by Supreme Court).

² 18 Pa.C.S. § 2502.

³ *Id.* § 2604(a)(1).

⁴ *Id.* § 4304(a)(1).

door to the apartment was ajar, and he called out and pushed the door open. Sergeant Bucher observed a woman, Sydney Parmalee, laying face-up across a sofa and ottoman, with a gunshot wound to her head and a pistol near her outstretched hand. Sergeant Bucher called for back-up, and, after the apartment had been cleared, Sergeant Bucher saw Appellant and his mother in the hallway outside of the apartment.

At Sergeant Bucher's request, Corporal Scott Hertzler, another responding officer, spoke with Appellant. Appellant told Corporal Hertzler that he was the father of Sydney's two children, and that Sydney did not live at the apartment; rather, Kaylee Lyons lived in the apartment with her 13-month-old son, Royce, of whom Appellant also was the father. Appellant stated that he and Sydney had been arguing inside the apartment, and he stepped outside the back door to smoke a cigarette, whereupon he heard what he believed was a gunshot. When he went back inside the apartment, he found Sydney dead, and Royce sitting on the sofa near her. Appellant took Royce and went to his mother's house, which was approximately two blocks away. There, Appellant told her that Sydney had just committed suicide. Appellant's mother called 911.

Notably, Appellant's version of the events was belied by the evidence, including the fact that the back door to the outside of the apartment was locked from the inside with a deadbolt, and the alternate exit to the outside was blocked by a fan. Further, an autopsy revealed that Sydney died from a single gunshot wound to the head, the shot having been fired from at least three feet away. Based on the distance and downward angle at which the gun was fired, Sydney's death ultimately was ruled a homicide, not a suicide.

Almost immediately after Sydney's death, and before the investigation into Sydney's death was complete, Appellant began residing with Kaylee and Royce in Kaylee's apartment. On July 30, 2020, less than one month following the murder of Sydney, Appellant arrived at his mother's house where his cousin, Allison Murray, also

was present. Appellant told the women, "somebody needs to go get Royce," N.T., 5/4/22, at 109, and then left without explanation. Appellant's mother and Murray drove to the apartment, and Murray went inside to look for Royce. She found him in a back bedroom, and took him outside to his grandmother. Murray reentered the apartment and found Kaylee lying on the floor in the fetal position under a table in the living room with a head wound. Murray called 911, and Officer Ronald Hoover was the first officer to arrive at the scene. After escorting Murray from the room, Officer Hoover attempted to perform CPR on Kaylee until paramedics arrived, to no avail. Kaylee was pronounced dead, and an autopsy revealed that she died from a gunshot wound to her head, and that the shot had been fired from three to four feet away. The autopsy also confirmed that Kaylee was pregnant with Appellant's child at the time of her death.⁵ During their investigation of Kaylee's apartment, the police observed a bullet on the living room sofa that appeared to have plaster on it, suggesting it had ricocheted off the wall and ceiling.

On the same day Kaylee was found dead in her apartment, Appellant arrived unexpectedly at his friend Jasmyn Lloyd's house in Harrisburg. According to Lloyd, although Appellant often visited her, he usually called first. Lloyd observed that Appellant seemed jittery, not as talkative as usual, and "just off." N.T., 5/5/22, at 54. Appellant asked Lloyd if anyone had contacted her, stating "they were coming," and he then asked for a change of clothing and some bleach. *Id.* at 55. As Appellant left Lloyd's house, he

⁵ Kaylee's mother testified that she was at Kaylee's home five days before Kaylee's death, and saw a dry-erase board on the refrigerator that listed the names of all of Appellant's children; the last name on the list was "Davone Junior." When she questioned her daughter about the name, Kaylee and Appellant admitted they were expecting a child. See N.T., 5/4/22, at 99-103.

asked her for a rag and some bullets; she gave him a rag, but not bullets, and saw him wrap a gun in the rag.⁶

At approximately 4:00 a.m. on July 31, 2020, several hours after leaving Lloyd's house, Appellant was arrested in Carlisle, Pennsylvania, on, *inter alia*, charges of receiving stolen property and unauthorized use of firearms. He was in possession of Kaylee's car. Appellant immediately invoked his right to counsel and was taken to the Cumberland County Prison for booking. Shortly before 3:00 p.m. that same day, then-Corporal, now-Sergeant Jason Sweeney, who was preparing to begin his shift, observed that Appellant, who was still in a holding cell awaiting booking, was "crying a little bit," and "seemed out of sorts." N.T., 12/27/21, at 27. Sergeant Sweeney went into Appellant's cell to speak with him, and Appellant indicated that he had not slept for several days, and had taken a lot of drugs, including ecstasy and marijuana. *Id.* at 29. When Appellant asked if he could make a call, Sergeant Sweeney told him he could not make a call until he was processed. *Id.* Appellant then asked Sergeant Sweeney to have detectives come in so he could speak with them; however, Sergeant Sweeney did not convey the request. *Id.* at 31.

Shortly after beginning his 3:00 p.m. shift at the prison on July 31, 2020, Officer Matthew Corsiglia observed Appellant, who was still in his holding cell, attempting to tie elastic from a face mask around his neck. Due to concerns that he was suicidal, Appellant was placed in a medical holding cell in a suicide smock. Sometime between 6:45 p.m. and 7:00 p.m., Appellant knocked on the glass window of the holding cell to get the attention of Officer Corsiglia. When the officer approached Appellant's cell, Appellant stated that he wanted to confess something. Officer Corsiglia immediately went to his

⁶ Eight months later, Lloyd's neighbor found a gun wrapped in a rag in a pile of leaves under his car, which he had not used for a long time. He called the police, and the rag was identified as that which Lloyd had given Appellant months earlier. A firearms expert confirmed that the gun was the same one used to kill Kaylee.

desk to contact Detectives Thomas Dolan and Christopher Miller, who were investigating the murder of Sydney. Appellant again summoned Officer Corsiglia over to his cell window and stated, "I killed them both." *Id.* at 15. Officer Corsiglia asked him to repeat his statement, and Appellant again stated that he "killed them both," and mentioned two names, although Officer Corsiglia could not recall what the names were at the time of his testimony. *Id.*

Detectives Dolan and Miller arrived at the prison shortly after 7:00 p.m., and Officer Corsiglia relayed what Appellant had said to him. Appellant was taken to an interview room, where the detectives began questioning him. After several minutes, Appellant requested a lawyer, but the detectives ignored his request and continued to question him. *Id.* at 67. Eventually, Appellant was read his *Miranda*⁷ rights, and he indicated that he was willing to speak with the detectives. During the interrogation, Appellant exhibited signs of paranoia and expressed fear that the prison guards were trying to kill him and that they would place him in his cell and set him on fire. *Id.* After approximately 40 minutes of conversation (the "First Interview"), Appellant repeated his request for an attorney, and refused to answer any additional questions. Detectives Dolan and Miller ceased the interrogation and left the room.

Thereafter, Appellant asked one of the booking officers if he could speak with Sergeant Sweeney again, and he asked Sergeant Sweeney if he could call his mother. Sergeant Sweeney advised Appellant that he was not permitted to make a call until he was charged and processed. Appellant then requested that Detectives Dolan and Miller return to the room. At approximately 8:20 p.m., Detectives Dolan and Miller re-read Appellant his *Miranda* rights, and resumed questioning him (the "Second Interview"). Appellant continued to express concern that the prison guards were going to put him in a

⁷ *Miranda v. Arizona*, 384 U.S. 436 (1966).

cell and set him on fire. *Id.* at 73. This interrogation lasted for approximately 50 minutes and ended when Appellant refused to answer additional questions.

At approximately 9:42 p.m., the detectives decided to execute search warrants on Appellant to test for gunshot residue and DNA. During the execution of these warrants, which they had in their possession when they first arrived at the prison earlier in the day, Appellant made an unsolicited statement that he killed Sydney and Kaylee. Specifically, according to Detective Dolan, Appellant stated: "I killed Sydney. I killed Kaylee too." N.T., 5/6/22, at 17.

On the following day, August 1, 2020, Detectives Dolan and Miller retrieved Appellant from the prison, telling him they would take him for a ride in their vehicle so that he could get some fresh air. In truth, the detectives wanted to find the gun Appellant had used to kill Kaylee, and the detectives had equipped their vehicle with a recording device so they could secretly record any statements made by Appellant. According to Detective Dolan, Appellant feared the detectives "were taking him out to kill him," N.T., 12/27/21, at 80, asked to be returned to the prison, and re-invoked his *Miranda* rights.

On August 10, 2020, Appellant was formally charged with, *inter alia*, the murders of Sydney, Kaylee, and Kaylee's unborn child. Prior to trial, Appellant sought to suppress all of his statements admitting that he killed Sydney and Kaylee. Following a suppression hearing, the trial court concluded that the statements Appellant made to Officer Corsiglia, and those he made to Detectives Dolan and Miller at the beginning of their execution of the search warrants, were voluntary statements that were not made in response to any police questioning and, thus, were admissible at trial. The trial court determined, however, that all of the other statements made by Appellant – including those made during the First Interview, the Second Interview, and those made following the execution of the warrant and in the police car on August 1, 2020 – were obtained in violation of

Appellant's Fifth and Sixth Amendment rights. Accordingly, the trial court suppressed those statements.

In addition to the unsuppressed statements described above, the Commonwealth presented at trial the testimony of Kaylee's upstairs neighbor, Haley Eschelman, who stated that she heard Kaylee repeatedly shouting at Appellant, "you killed her," the evening before Kaylee's body was found. N.T., 5/4/22, at 60.

At the close of the Commonwealth's case-in-chief, Appellant admitted, through counsel, that he killed both Sydney and Kaylee. In addition to first-degree murder, the trial court, pursuant to Appellant's request, charged the jury on the offense of voluntary manslaughter. As noted above, the jury convicted Appellant of two counts of first-degree murder for the murders of Sydney and Kaylee, the first-degree murder of Kaylee's unborn child, and two counts of endangering the welfare of children.

At the penalty phase of Appellant's trial, the Commonwealth introduced the evidence from the guilt-phase proceedings. It also presented victim impact testimony from the families of the victims, including Sydney's mother and sister, and Kaylee's mother and father.

Appellant sought to establish mitigating factors by presenting the testimony of Louise Luck, a mitigation expert, who testified extensively regarding Appellant's family history, which involved physical, emotional, and sexual abuse; criminality; and neglect. She recounted how, after high school, Appellant enlisted in the army, where he was abused by a fellow service member and ultimately discharged for his ongoing use of marijuana. She noted that, after leaving the military, Appellant's goal was to start a clothing company and that he took steps to do so. He also attempted to become physically healthy, and tried to be a role model for his brothers, moving his mother and brothers from Georgia to Carlisle to live with him and Sydney. However, Luck testified

that, in light of his past trauma, the presence of Appellant's mother had a negative impact on him, and he became depressed and resumed using drugs.

In connection with the murder of Kaylee, the Commonwealth proposed a First Degree Murder Sentencing Verdict Slip ("Sentencing Verdict Slip"), listing the following aggravating circumstances:

- (1) The defendant committed a killing while in the perpetration of a felony.
- (2) The defendant has a significant history of felony convictions involving the use or threat of violence to the person.
- (3) The defendant has been convicted of another Federal or State offense, committed either before or at the time of the offense at issue, for which a sentence of life imprisonment or death was imposable or the defendant was undergoing a sentence of life imprisonment for any reason at the time of the commission of the offense.

Sentencing Verdict Slip at 1. The Sentencing Verdict Slip was agreed to by the parties.

The jury deadlocked regarding the appropriate sentence for the murder of Sydney, and the trial court therefore imposed a sentence of life imprisonment without the possibility of parole. The trial court also imposed a sentence of life imprisonment for the homicide of Kaylee's unborn child. With respect to Kaylee's murder, the jury found one aggravating circumstance under 42 Pa.C.S. § 9711(d)(10) – that Appellant had been convicted of another federal or state offense (Sydney's murder) for which a sentence of life imprisonment or death was imposable. The jury also found one mitigating circumstance – the "catch-all" mitigator under 42 Pa.C.S. § 9711(e)(8). The jury concluded, however, that the aggravating circumstance outweighed the sole mitigating factor, and recommended a sentence of death. Thus, in accordance with 42 Pa.C.S. § 9711(c)(1)(iv) (requiring a death sentence if the jury unanimously finds one or more aggravating circumstances which outweigh any mitigating circumstances), on May 31,

2022, the trial court imposed a sentence of death. Appellant's subsequent post-sentence motion was denied, and he filed a direct appeal in this Court.⁸

I. Sufficiency of the Evidence

A. Homicide

We begin by addressing Appellant's contention that the evidence was insufficient to support his convictions for the first-degree murders of Sydney and Kaylee.⁹ ¹⁰ Appellant does not dispute that he shot and killed Sydney and Kaylee. However, he submits that the jury "should have found" him guilty of voluntary manslaughter, rather than first-degree murder, because the evidence established that, prior to each murder, "arguments, screaming or a verbal fight was heard," thus demonstrating that the murders "occur[ed] in the heat of passion." Appellant's Brief at 20. Appellant further maintains: "The facts presented to the jury show no premeditation, in fact the mutually shared circumstances of both homicides belie logic of premeditation – that a man would murder two separate women, in the same room, in the same month, in the same method, clearly shows a lack of planning." *Id.*

The Commonwealth asserts that it established each of the necessary prongs to prove that Appellant committed first-degree murder when he killed Sydney and Kaylee,

⁸ We have reordered Appellant's arguments.

⁹ Although Appellant raises a challenge to the sufficiency of the evidence, we note that, in all direct capital appeals, this Court performs a self-imposed duty to review the sufficiency of the evidence in support of a first-degree murder verdict resulting in a death sentence. See *Commonwealth v. Le*, 208 A.3d 960, 969 (Pa. 2019). Moreover, we review the sufficiency of the evidence notwithstanding the fact that, in challenging the weight of the evidence, Appellant concedes that the evidence is sufficient to support his convictions for first-degree murder. See *Commonwealth v. Widmer*, 744 A.2d 745, 751 (Pa. 2000) (providing that "[a] motion for [a] new trial on the grounds that the verdict is contrary to the weight of the evidence, concedes that there is sufficient evidence to sustain the verdict.").

¹⁰ Appellant does not challenge the sufficiency of the evidence supporting his conviction for the murder of an unborn child.

including that a human being was killed; the accused caused the death; and the accused acted with malice and the specific intent to kill. With respect to Appellant's suggestion that the similarities between the two murders undercut the notion that the murders were premeditated, the Commonwealth takes the opposite position, comparing the instant case to *Commonwealth v. Boczowski*, 846 A.2d 75 (Pa. 2004) (evidence that appellant's deceased wives, both of whom were in their thirties and in good health, were found to have been strangled, despite appellant's claim that they had drowned after consuming alcohol, and appellant's admission that he argued with both women prior to their deaths and had fresh scratch marks on his arms, hands, and torso on both occasions, was sufficient to support the jury's finding that the second killing was premeditated).

In reviewing a challenge to the sufficiency of the evidence, we must determine whether the evidence admitted at trial, and all the reasonable inferences derived therefrom, viewed in the light most favorable to the Commonwealth as verdict winner, supports the jury's finding of all of the elements of the offense beyond a reasonable doubt. *Le*, 208 A.3d at 969.

First-degree murder is an intentional killing. 18 Pa.C.S. § 2502(a). An intentional killing is a "[k]illing by means of poison, or by lying in wait, or by any other kind of willful, deliberate and premeditated killing." *Id.* § 2502(d). In order to prove first-degree murder, the Commonwealth must establish that: (1) a human being was killed; (2) the accused caused the death; and (3) the accused acted with malice and the specific intent to kill. *Le*, 208 A.3d at 969. A jury may infer the specific intent to kill based upon the defendant's use of a deadly weapon on a vital part of the victim's body. *Id.*

Furthermore, the law does not require a lengthy period of premeditation. Indeed, "the period of reflection required for premeditation to establish the specific intent to kill . . . can be formulated in a fraction of a second. Premeditation and deliberation exist

whenever the assailant possesses the conscious purpose to bring about death."

Commonwealth v. Rivera, 983 A.2d 1211, 1220 (Pa. 2009).

Voluntary manslaughter is defined as follows:

(a) General rule.—A person who kills an individual without lawful justification commits voluntary manslaughter if at the time of the killing he is acting under a sudden and intense passion resulting from serious provocation by:

(1) the individual killed[.]

18 Pa.C.S. § 2503(a)(1). In this regard, the test for determining whether there was adequate provocation is whether a reasonable man, confronted with a particular series of events, "became impassioned to the extent that his mind was incapable of cool reflection."

Commonwealth v. Montalvo, 986 A.2d 84, 100 (Pa. 2009) (citation omitted).

We reject Appellant's argument that the evidence does not support his convictions for first-degree murder, but, rather, at most supports a conviction for voluntary manslaughter. It is undisputed that both Sydney and Kaylee were killed by gunshots to the head. Further, Appellant admitted that he fired the shots that caused their deaths. Thus, the first two requirements for verdicts of first-degree murder – a human being was killed and the accused caused the death – were established.

Appellant maintains there was insufficient evidence to establish the third requirement – that he acted with malice and the specific intent to kill – because the evidence demonstrated that the murders occurred in the heat of passion, and, thus, were not premeditated. However, with respect to Kaylee's murder, the only evidence Appellant offers to support his claim is the trial testimony of Kaylee's upstairs neighbor, Haley Eschelman, who stated that she heard Kaylee repeatedly shouting at Appellant, "you killed her," the evening before Kaylee's body was found. N.T., 5/4/22, at 60. Moreover, Appellant fails to identify any evidence, aside from his own self-serving statement to police that he and Sydney had been arguing before he went outside to smoke a cigarette

and then returned to find Sydney dead of a gunshot wound, to support his assertion that he and Sydney had been involved in an argument or fight immediately prior to her murder, and, thus, that he acted under a sudden and intense passion resulting from serious provocation.

As described above, the evidence established that both Sydney and Kaylee were shot in the head, a vital part of their bodies, by Appellant from a distance of approximately three to four feet away. Notwithstanding the trial court's jury instruction on voluntary manslaughter, the evidence that Appellant used a deadly weapon on a vital part of the victims' bodies was sufficient to allow the jury to infer that Appellant acted with malice and the specific intent to kill. See *Le*, 208 A.3d at 969. Accordingly, as the evidence demonstrated that: (1) Sydney and Kaylee were killed by gunshots to the head, a vital part of their bodies; (2) Appellant fired the shots that caused their deaths; and (3) Appellant acted with malice and the specific intent to kill, the evidence was sufficient to support Appellant's convictions for first-degree murder in the deaths of Sydney and Kaylee.

B. Endangering the Welfare of a Child

As noted above, Appellant was convicted of two separate counts of endangering the welfare of a child under 18 Pa.C.S. § 4304 – one based on his actions on July 5, 2020, when he fatally shot Sydney as his son sat near her on the sofa, and one based on his actions on July 30, 2020, when he fatally shot Kaylee and then left his son alone with her in the apartment. Before this Court, Appellant challenges only the sufficiency of the evidence in support of his conviction with respect to the July 30, 2020 incident. With respect to that incident, Appellant maintains that “[t]he mere presence of a child in the home during a murder, where the victim is shot by a single round, is facially insufficient to support a verdict of Endangering the Welfare of Children.” Appellant's Brief at 30.

The Commonwealth, conversely, argues that the evidence that the bullet that killed Kaylee had ricocheted through the living room, and that Appellant left Royce alone at home after Kaylee had been shot and lay helpless on the floor, was sufficient to demonstrate that Appellant failed to protect Royce's physical, psychological, and moral well-being. Commonwealth's Brief at 49.

Section 4304 of the Crimes Code provides that, "[a] parent, guardian or other person supervising the welfare of a child under 18 years of age . . . commits an offense if he knowingly endangers the welfare of the child by violating a duty of care, protection or support." 18 Pa.C.S. § 4304(a)(1). In this regard, a person acts knowingly with respect to a material element of an offense:

- (i) if the element involves the nature of his conduct or the attendant circumstances, he is aware that his conduct is of that nature or that such circumstances exist; and
- (ii) if the element involves a result of his conduct, he is aware that it is practically certain that his conduct will cause such a result.

Id. § 302(b)(2).

We conclude that the evidence was sufficient to support Appellant's conviction for endangering the welfare of a child under Section 4304. Not only did Appellant fire a loaded gun at Kaylee's head while Royce was in the apartment, Appellant then left Royce, who was only 13 months old, alone in the apartment, in his crib, with no supervision. Further, Appellant clearly was aware of the danger of leaving Royce alone without care or supervision, as evidenced by the fact that, upon arriving at his mother's home after shooting Kaylee, he told his mother and cousin that, "somebody needs to go get Royce." N.T., 5/4/22, at 109. As the evidence demonstrates that Appellant fatally shot Kaylee in the head while Royce was in the apartment, and then left Royce alone in the apartment with her, with an awareness of the danger of doing so, the evidence was sufficient to

establish that, on July 30, 2020, he knowingly endangered the welfare of Royce by violating his duty to protect him.

II. Admission of Appellant's "Excited Utterance"

Appellant next challenges the trial court's denial of his pretrial motion to suppress his "excited utterance," wherein he confessed to killing Sydney and Kaylee in the presence of Detectives Dolan and Miller as they executed the warrant for his DNA and gunshot residue. Appellant's Brief at 28. Specifically, Appellant contends that the police, in violation of *Miranda*, "repeatedly refused to scrupulously honor his unambiguous invocation of his state and federal constitutional rights to remain silent and to the assistance of counsel" by resuming questioning of Appellant "on their own initiative." *Id.*

In denying Appellant's motion to suppress this statement, the trial court determined it was a "voluntary statement[] and not made in response to any questioning." Trial Court Findings of Fact and Conclusions of Law, 12/27/21, at 4.

When reviewing the denial of a suppression motion, this Court reviews only the suppression hearing record, and not the evidence elicited at trial. *Commonwealth v. Frein*, 206 A.3d 1049, 1064 (Pa. 2019). Where the record supports the suppression court's factual findings, we are bound by those findings and may reverse only if the court's legal conclusions are erroneous. *Id.*

As the basis for his claim that the trial court erred in denying his motion to suppress the statement at issue, Appellant asserts:

the police in Appellant's case, while he was undergoing custodial interrogation, repeatedly refused to scrupulously honor his unambiguous invocation of his state and federal constitutional rights to remain silent and to the assistance of counsel and, instead, on multiple occasions resumed questioning Appellant on their own initiative; hence, all incriminating statements must be suppressed and excluded from trial.

Although previously raised and preserved for appeal, the admission of the statements made to law enforcement and played in the Courtroom via both audio and video for the jury at trial, was the crux of the Commonwealth's case in chief and the resulting murder convictions that rest upon such evidence are the exact kind of prejudicial violations our Constitutions seek to exclude from cases.

Appellant's Brief at 28-29.

The Commonwealth responds by noting that an "excited utterance," defined as a statement relating to a startling event or condition made while the declarant was under the stress or excitement caused by an event, is an exception to the hearsay rule. Commonwealth's Brief at 46 (citing *Commonwealth v. Stallworth*, 781 A.2d 110, 119-20 (Pa. 2001)). The Commonwealth further avers that excited utterances are not precluded by *Miranda*. *Id.* (citing *Commonwealth v. Johnson*, 42 A.3d 1017, 1029 (Pa. 2012)). Thus, the Commonwealth argues that Appellant's "excited utterance," which was "made voluntarily and without any prompt from law enforcement," was properly admitted at trial. *Id.* at 47.

Initially, we observe that Appellant's characterization of his statement that he killed Sydney and Kaylee, made in the presence of the detectives as they prepared to execute a search warrant for gunshot residue and DNA, as an "excited utterance" is somewhat inaccurate. As noted by the Commonwealth, the term "excited utterance" generally is used to refer to a statement made by an individual who was under stress or excitement caused by a particular event, and which a party seeks to admit into evidence as a hearsay exception. See *Commonwealth v. Carpenter*, 725 A.2d 154, 165 (Pa. 1999) (an excited utterance is an exception to the evidentiary rule prohibiting the admission of hearsay). However, Appellant does not challenge his statement as hearsay; he contends it should have been suppressed under *Miranda*.

The statement which Appellant argues should not have been admitted into evidence by the trial court is more properly characterized as a "spontaneous utterance,"

but, as we explained in *Johnson*, "Miranda does not preclude the admission of spontaneous utterances." 42 A.3d at 1029; *see also Commonwealth v. Baez*, 720 A.2d 711, 720 (Pa. 1998) ("[V]olunteered or spontaneous utterances are admissible even though the declarant was not 'Mirandized.'").

In his *Miranda*-based argument, Appellant does not reference or cite to the transcript of the suppression hearing, nor does he address the trial court's findings of fact or legal conclusions regarding its decision to admit Appellant's "excited utterance," while, at the same time, suppressing numerous other statements it found to have been obtained in violation of Appellant's Fifth and Sixth Amendment rights. Regardless, our independent review of the record supports the trial court's finding that Appellant's statement was made voluntarily, and not in response to any prompting by law enforcement. Accordingly, we conclude that the trial court did not err in refusing to suppress Appellant's spontaneous statement, made in the presence of the detectives, that he killed Sydney and Kaylee.

III. Weight of the Evidence

Appellant next contends that the verdicts were against the weight of the evidence. A verdict is against the weight of the evidence "only when the jury's verdict is so contrary to the evidence as to shock one's sense of justice." *Commonwealth v. VanDivner*, 962 A.2d 1170, 1177 (Pa. 2009) (citation omitted). It is well established that a weight of the evidence claim is addressed to the discretion of the trial court, and "[a] new trial should not be granted because of a mere conflict in the testimony or because the judge on the same facts would have arrived at a different conclusion." *Widmer*, 744 A.2d at 751-52. Rather, the role of the trial court is to determine whether, notwithstanding all the evidence, certain facts are so clearly of greater weight that to ignore them, or to give them equal weight with all the facts, is to deny justice. *Id.* at 752.

In reviewing a challenge to the weight of the evidence, the function of an appellate court is to review the trial court's exercise of discretion based upon a review of the record, rather than to consider *de novo* the underlying question of the weight of the evidence. *VanDivner*, 962 A.2d at 1178. Appellate review "is limited to whether the trial judge's discretion was properly exercised, and relief will only be granted where the facts and inferences of record disclose [an] abuse of discretion." *Commonwealth v. Diggs*, 949 A.2d 873, 879 (Pa. 2008).

In rejecting Appellant's post-sentence challenge to the weight of the evidence, the trial court recognized that the weight of the evidence is exclusively for the finder of fact:

Before we can overturn a verdict based on [a weight of the evidence] challenge, the evidence must be so tenuous, vague and uncertain that the verdict shocks the conscience of the court. . . . We cannot say, based on the evidence recited above, that it was tenuous, vague, or uncertain. Our conscience was certainly not shocked by any of the jury's verdicts.

Trial Court Opinion, 4/12/23, at 21. After recounting all of the evidence presented at trial, the court concluded that the "evidence was not only sufficient, but it was overwhelming." *Id.* at 20.

In support of his argument that the verdicts were, in fact, against the weight of the evidence, Appellant highlights that there were no eyewitnesses to the shooting of Sydney or Kaylee; no fingerprints found on the firearms that caused their deaths; and no gunshot residue found on him. Appellant thus contends that the Commonwealth's case "depended upon the admission of an excited utterance made to law enforcement while preparing to take a buccal swab . . . just minutes after he had exercised his right to counsel." Appellant's Brief at 21. Appellant submits that "[t]he entire weight of the evidence hinges on this voluntariness of the admission," and "the voluntariness of the

same should [lead] the trier of fact to find that the verdict was against the weight of the evidence." *Id.*

In response, the Commonwealth recounts that the evidence established that: Appellant was the only adult with each victim immediately prior to their deaths; Appellant attempted to portray Sydney's death as a suicide, which was contrary to the physical evidence; and Kaylee's upstairs neighbor reported hearing Kaylee, the evening before she was found dead, screaming at Appellant that he had killed Sydney. The Commonwealth further notes that the evidence demonstrated that Appellant fled the apartment where Kaylee was murdered, and people who observed him afterward noted he was acting strangely; Appellant's friend, Jasmyn Lloyd, indicated that, on the day Kaylee was murdered, Appellant appeared unannounced at her home and asked for bleach, new clothing, and a rag, and Lloyd observed Appellant wrap a firearm in the rag; the firearm that was used to kill Kaylee was subsequently found wrapped in the rag Lloyd provided under Lloyd's neighbor's car; and, during the execution of a search warrant of his person, Appellant made an unsolicited statement that he killed both Sydney and Kaylee. Commonwealth's Brief at 43-44.

We cannot conclude, based on the evidence detailed above, that the trial court abused its discretion in denying Appellant a new trial based on his claim that the verdicts were against the weight of the evidence. Notwithstanding Appellant's argument to the contrary, the Commonwealth's case did not rise and fall on the admission of Appellant's spontaneous utterance that he killed Sydney and Kaylee, which he made in the presence of the detectives as they were preparing to take a buccal swab. Indeed, there was substantial evidence, as detailed above, that supported the jury's verdicts. Moreover, Appellant fails to acknowledge that, at the end of the Commonwealth's presentation of its case-in-chief, Appellant admitted, through counsel, that he killed both Sydney and Kaylee.

To the extent Appellant's challenge to the weight of the evidence is based on his contention that the jury should have convicted him of voluntary manslaughter instead of first-degree murder because he allegedly shot both victims while acting under a sudden and intense passion resulting from serious provocation, we reiterate, as discussed above, that the evidence that Appellant used a deadly weapon on a vital part of the victims' bodies was sufficient to allow the jury to infer that Appellant acted with malice and the specific intent to kill, as required for a conviction for first-degree murder.

The jury was instructed on the elements of both first-degree murder and voluntary manslaughter, and determined that Appellant was guilty of first-degree murder, specifically rejecting a verdict of voluntary manslaughter. Notwithstanding the brevity of the trial court's analysis, it explained that, based on the evidence presented at trial, the jury's verdicts did not shock its conscience. We find no abuse of discretion by the trial court in this regard.

IV. Review of Death Sentence

Appellant next challenges the jury's recommendation of a sentence of death for the murder of Kaylee. We would review Appellant's death sentence even if he had not raised it, as we are statutorily required, in all cases in which the death penalty is imposed, to conduct an independent review to determine: (1) whether the sentence of death was the product of passion, prejudice, or any other arbitrary factor; or (2) if the evidence fails to support the finding of at least one aggravating circumstance under 42 Pa.C.S. § 9711(d). *See id.* § 9711(h)(3) (requiring affirmance of the sentence of death unless this Court concludes either of these two factors are present).

That said, Appellant specifically maintains that the jury improperly recommended a sentence of death for Kaylee's murder by erroneously considering the death of Sydney as an aggravating factor. As noted above, after the jury convicted Appellant of the

murders of Sydney, Kaylee, and Kaylee's unborn child, the trial court provided the jury with a Sentencing Verdict Slip for Kaylee. The Sentencing Verdict Slip provided, *inter alia*, the following aggravating circumstance for the jury's consideration pursuant to 42 Pa.C.S. § 9711(d)(10):

The defendant has been convicted of another Federal or State offense, committed either before or at the time of the offense at issue, for which a sentence of life imprisonment or death was imposable or the defendant was undergoing a sentence of life imprisonment for any reason at the time of the commission of the offense.

Sentencing Verdict Slip, I(B)1(3).

Section II of the Sentencing Verdict Slip is reproduced below:

II. SENTENCING VERDICT AND FINDINGS

If you have reached a unanimous verdict, complete this part of the form.

In Section A, indicate whether the sentencing verdict is death or life imprisonment. If the sentence is death, indicate the basis for that verdict by completing Section B. If the sentence is life imprisonment, indicate the basis for that verdict by completing Section C.

A. We, the jury, unanimously sentence the defendant to (check one):

Death

Life Imprisonment

B. The findings on which the sentence of death is based are (check one):

1. At least one aggravating circumstance and no mitigating circumstance. The aggravating circumstance(s) unanimously found (is) (are): _____

2. One or more aggravating circumstances which outweigh(s) any mitigating circumstance(s).

The aggravating circumstance(s) unanimously found (is) (are): Sydney B(3) B1(3)

The mitigating circumstance(s) found by one or more of us (is) (are): B.2(2)

Appellant argues that:

[t]he focus on the name Sydney [Parmalee] – who the jury found was previously murdered by Davone Anderson, shows that the verdict of death in the case of Kaylee Lyons was based on sympathy for the loss of Sydney or additionally based on the actual death or killing of Sydney, which is not an

aggravating factor and could not be considered by the jury in their penalty deliberations.

Appellant's Brief at 17-18.

The Commonwealth responds, *inter alia*, by noting that Section 9711(d)(10) specifically allows the jury to consider whether a defendant has been convicted of another offense punishable by death either before or at the time of the offense at issue in finding the existence of an aggravating circumstance. It further emphasizes that the weighing of aggravating and mitigating factors is solely for the jury, and avers that there is no evidence in the instant case that the jury's recommended sentence of death was the product of passion, prejudice, or some other arbitrary factor.

We conclude that Appellant's argument is without merit. To the degree that Appellant contends that Sydney's death was not a proper aggravating factor for the jury to consider, the law specifically allows a jury to consider, as an aggravating factor, the fact that a defendant has been convicted of another offense punishable by death either before or at the time of the offense for which he is being sentenced. 42 Pa.C.S. § 9711(d)(10). In this case, that prior offense was the first-degree murder of Sydney.

With regard to Appellant's suggestion that the jury's initial writing of the name "Sydney" on the line for the aggravator demonstrated that the jury's verdict was a result of passion, we agree with the trial court's response to Appellant's argument:

We see it as a logical description of the supporting fact for the aggravating factor as Sydney Parmelee's murder constituted a triggering circumstance under Section 9711(d)(10), which was listed as B.1.(3) on the verdict slip. The fact that "Sydney" and the incorrect citation of "B(3)" were both crossed out to write-in the correct citation of B.1.(3) also suggests that it was a matter of not being sure how to cite the aggravating factor on the line rather than passion.

Trial Court Opinion, 4/12/23, at 15 n.63.

In other words, the jury's mere notation of the name of one of the victims – which it eventually crossed out – does not, in and of itself, demonstrate that the jury's recommended sentence of death for Kaylee's murder was the result of passion or sympathy for Sydney.

Appellant also submits that the fact that the jury deadlocked on the penalty for the murder of Sydney "suggests that the death penalty [for the murder of Kaylee] was the product of prejudice or the consideration of some arbitrary factor." Appellant's Brief at 18. He further contends that the evidence presented under the catch-all mitigator was "numerous and overwhelming," and, thus, the jury's finding that that the sole aggravator outweighed the catch-all mitigator "clearly shows that the sentence of death was the product of passion [or] prejudice and or [was] plain[ly] arbitrary in nature." *Id.*

This Court, however, has repeatedly rejected claims that a sentence of death must be overturned because a jury failed to give sufficient weight to mitigation evidence presented by a defendant, or because the jury improperly weighed any mitigating and aggravating factors. See *Commonwealth v. Diamond*, 83 A.3d 119, 134-35 (Pa. 2013) (a capital jury is not required to find a mitigating circumstance presented by a defendant, and once a jury has been properly instructed on the nature of aggravating and mitigating circumstances as defined in the statute, as well as on the statutory scheme for balancing one against the other, the weighing process is exclusively a question for the fact finder). In the instant case, although the jury found the catch-all mitigator, it concluded that mitigating factor was outweighed by the Section 9711(d)(10) aggravator, a finding within its sole discretion.

Finally, and more broadly, in keeping with our statutory obligation to independently determine whether a sentence of death was the product of passion, prejudice, or any other arbitrary factor, or whether the evidence fails to support the finding of at least one

aggravating circumstance under 42 Pa.C.S. § 9711(d), we first conclude that the jury's recommended sentence of death was not the product of any passion, prejudice or other arbitrary factor. Rather, the evidence established that Appellant killed Sydney and Kaylee by shooting them in the head, with the specific intent to kill them. Next, the Commonwealth proved, beyond a reasonable doubt, as an aggravating factor with respect to Kaylee, that Appellant had "been convicted of another Federal or State offense, committed either before or at the time of the offense at issue, for which a sentence of life imprisonment or death was imposable." *Id.* § 9711(d)(10). That prior offense was the fatal shooting of Sydney. Although the jury found a single mitigating circumstance, the "catch-all mitigator," pursuant to Section 9711(e)(8), it concluded that the aggravating circumstance outweighed the mitigating circumstance. As such, Appellant's sentence complies with the statutory mandate for the imposition of a sentence of death. See *id.* § 9711(c)(1)(iv). Accordingly, there are no grounds upon which to vacate Appellant's death sentence pursuant to Section 9711(h)(3).

For all of the above reasons, we affirm Appellant's convictions and sentence of death.

Justices Donohue, Dougherty, Wecht, Mundy, Brobson and McCaffery join the opinion.

Justice McCaffery files a concurring opinion.

[J-15-2024] [MO: Todd, C.J.]
IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA,	:	No. 801 CAP
Appellee	:	Appeal from the Judgement of Sentence entered on May 31, 2022, in the Court of Common Pleas of Cumberland County, Criminal Division, at No. CP-21-CR-0001964- 2020.
v.	:	
DAVONE UNIQUE ANDERSON,	:	ARGUED: March 6, 2024
Appellant	:	

CONCURRING OPINION

JUSTICE McCAFFERY

DECIDED: September 26, 2024

"The death penalty not only takes away the life of the person strapped to the table — it takes away a little bit of the humanity in each of us."

—Clint Smith¹

If we, as a society, wish to impose death on one of our fellow citizens and thereby diminish ourselves in the process, we had better be sure to do so only after ensuring an examination of conscience, a complete and vigorous defense, and a full discussion of the issues involved.

Although I agree with the Court's result, I write separately to express my deep discomfort with affirming a death sentence given the very poor quality of Anderson's representation. This level of representation should highlight the need for greater

¹ Clint Smith, *There is No Justice in Killing Dylann Roof*, THE NEW YORKER (June 4, 2016), <https://www.newyorker.com/news/news-desk/there-is-no-justice-in-killing-dylann-roof>.

resources, education, and training for capital defense litigation in this Commonwealth — a need often identified, yet never addressed.

In this case, defense counsel's only engagement with Anderson's capital sentence concerns the irrelevant fact that the verdict slip initially listed one of the victims' names — Sydney — as an aggravating factor. The name was then crossed out and replaced with "B1(3)[,]" which corresponds to one of the aggravating factors for a capital sentence provided in 42 Pa.C.S. § 9711(d)(10). See *id.* (listing as an aggravated circumstance the defendant's conviction "of another murder committed in any jurisdiction and committed either before or at the time of the offense at issue."). As the Majority aptly demonstrates, this argument is weak and unavailing. Clearly, the jury was referring to the murder of one of the victims, Sydney Parmelee, as the aggravating factor. The fact that they initially wrote the victim's name does not show they reached a verdict based on impermissible considerations, such as sympathy for that victim.

Counsel's presentation of mitigating evidence before this Court is similarly meager, with little (if any) time devoted to mitigation at argument. Moreover, in the submitted brief, counsel fails to describe the mitigating evidence presented at trial with any level of detail.

To compound these deficiencies, defense counsel raises no other objections to the death penalty. He does not mention, let alone raise an as applied or facial challenge to, the constitutionality of the death penalty in Pennsylvania.

Nor is this the only issue defense counsel fails to put forth. Indeed, I am disturbed by counsel's failure to challenge what appears to be a quite glaring matter: Anderson's "voluntary" excited utterance confession to the corrections officer **after he was put on suicide watch for attempting to kill himself while in custody.** In my mind, there is

certainly a question as to whether such a statement, given by a person experiencing a mental health crisis, can be voluntary, especially where, as here, Anderson gave this statement after being in custody for nearly 12 hours without access to the counsel he requested upon his arrest. Inexplicably, counsel made no attempt to argue this issue, or, it seems, to evaluate the defendant's competency.

Unfortunately, this dismal advocacy illustrates long-standing issues with capital representation in Pennsylvania and the great harm ineffective lawyering poses to capital defendants. Former Chief Justice Saylor highlighted this very problem on numerous occasions. See, e.g., *Commonwealth v. Johnson*, 985 A.2d 915, 928 (Pa. 2009) (Saylor, J., concurring) (articulating "continuing concern" with the performance of counsel in capital cases); *Commonwealth v. King*, 57 A.3d 607, 636 (Pa. 2012) (Saylor, J., concurring) (noting "we have seen more than enough instances of deficient stewardship to raise very serious questions concerning the presumption[] of effective capital defense representation); *Commonwealth v. Cousar*, 154 A.3d 287, 314 (Pa. 2017) (Saylor, C.J., concurring and dissenting) (describing "a pattern of deficient representation that we have seen in capital litigation in Pennsylvania") (citation omitted).²

I strongly echo former Chief Justice Saylor's concerns. As such, I seriously question the death penalty's constitutionality and efficacy, given the truly dire state of capital representation in this Commonwealth. Where the difference between a death sentence and life sentence (or acquittal) largely depends upon the caliber of lawyer a defendant happens to obtain, and where that difference is so vast, our capital system

² See also Saylor, Thomas G., *Death-Penalty Stewardship and the Current State of Pennsylvania Capital Jurisprudence*, 23 WIDENER L.J. 1, 22-35 (2013) (describing numerous examples of ineffective capital counsel in Pennsylvania).

cannot be anything but arbitrary. I save for another day the many other reasons for which I believe the death penalty has no place in our Commonwealth.

**APPENDIX B: Order Denying Application for Reargument
(Nov. 22, 2024)**

[J-15-2024]
IN THE SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT

COMMONWEALTH OF PENNSYLVANIA, : No. 801 CAP

Appellee

v.

DAVONE UNIQUE ANDERSON,

Appellant

ORDER

PER CURIAM

AND NOW, this 22nd day of November, 2024, Appellant's Application to Exceed Word Limitation is GRANTED, and his Application for Reargument is DENIED.

A True Copy Darian Holland
As Of 11/22/2024

Attest: Darian Holland
Chief Clerk
Supreme Court of Pennsylvania

**APPENDIX C: Transcript of Hearing on Suppression of Statements
(Dec. 27, 2021)**

#4132

COMMONWEALTH : IN THE COURT OF COMMON PLEAS OF
: CUMBERLAND COUNTY, PENNSYLVANIA
: THE NINTH JUDICIAL DISTRICT
: CP-21-CR-1964-2020
: v
: DAVONE UNIQUE ANDERSON

IN RE: SUPPRESSION HEARING

Proceedings held before the HONORABLE
EDWARD E. GUIDO, P.J., Cumberland County
Courthouse, Carlisle, Pennsylvania, on
December 27, 2021, in Courtroom Number 3.

APPEARANCES:

Sean McCormack, Esquire
Nicole Vito, Esquire
Office of the District Attorney

Heidi F. Eakin, Esquire
For Defendant

ORIGINAL

INDEX TO WITNESSES

FOR COMMONWEALTH

	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
Matthew Corsiglia	21	16	23	--
Sgt. Jason Sweeney	24	34	--	--
Det. Thomas Dolan	44	60	85	89

FOR DEFENDANT

Det. Sgt. Daniel Freedman	90	93	--	--
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FOR DEFENDANT

1 THE COURT: Okay. Let's deal with the issues
2 that don't require evidence to begin with.

3 MR. MCCORMACK: And actually we have some
4 agreements on some of those issues, Your Honor.

5 THE COURT: All right. Well, let's run down.

6 MR. MCCORMACK: If I take the last thing from her
7 brief or her motion dealing with the theft charges, the theft
8 docket, which --

11 MR. MCCORMACK: We agree that that would be
12 severed and tried separately. However, there is also an
13 agreement that the -- some of the evidence of him using the
14 car going into Harrisburg and those sorts of things would come
15 into the trial, but the jury would not make a determination on
16 that.

17 THE COURT: Yeah, as long as they -- okay. So
18 those charges will be tried separately. What about the
19 firearms charge?

20 MR. MCCORMACK: We also agree that the firearm
21 should be tried separately.

22 THE COURT: All right.

23 MR. MCCORMACK: Or if the Court wanted, after the
24 jury rendered a verdict on the murder charges, we could give
25 additional testimony at that time and have the jury make a

1 second decision.

2 THE COURT: Try them separately.

3 MR. MCCORMACK: Okay.

4 THE COURT: All right.

5 MR. MCCORMACK: We also have an agreement
6 concerning the testimony -- victim impact testimony. The
7 Commonwealth is going to prepare a list of the witnesses that
8 we intend to introduce if we get to that phase and provide
9 that to the defense with a synopsis of what we understand
10 they're going to testify to.

11 THE COURT: By when?

12 MR. MCCORMACK: When I spoke with Ms. Eakin she
13 indicated a month prior to the trial would be okay for her.

14 MS. EAKIN: That's plenty notice. That's plenty
15 of notice.

16 THE COURT: All right. So this is the trial
17 schedule for May.

18 MS. EAKIN: May 2nd.

19 THE COURT: May 2nd, so make it --

20 MR. MCCORMACK: The first Monday in April or the
21 first day of April?

22 THE COURT: Yeah, Friday, April 1.

23 MR. MCCORMACK: Okay.

24 THE COURT: All right. Your issue number 4 as far
25 as the death penalty being unconstitutional, that's going to

1 be denied.

2 MS. EAKIN: Understood.

3 THE COURT: -- because the caselaw is clear. I
4 understand you did that just to preserve the issue.

5 MS. EAKIN: Right. And, Judge, with regard to
6 discovery, it is still ongoing. Actually we received
7 additional discovery as late as Thursday last week.

8 THE COURT: Well, let's be clear on this,
9 Mr. McCormack.

10 MR. MCCORMACK: Yes, sir.

11 THE COURT: Get the discovery to her immediately.
12 I do not want to be in the position I have been in before
13 where I've got to preclude witnesses.

14 MR. MCCORMACK: Yes, sir.

15 THE COURT: I am not going to delay this trial,
16 okay?

17 MR. MCCORMACK: And I don't want to delay it
18 either.

19 THE COURT: So what is the purpose? Here we are
20 --

21 MR. MCCORMACK: Well, Thursday was a witness that
22 I just discovered on Thursday, and immediately after getting
23 that information I turned it over.

24 THE COURT: That's been my problem in the past.
25 We discover witnesses on the eve of trial.

1 MR. MCCORMACK: Yes, sir.

2 THE COURT: I end up granting continuances, and
3 then when I've had enough of it I deny the witnesses, then you
4 guys appeal. I don't want that happening here, okay?

5 MR. MCCORMACK: I understand.

6 THE COURT: So I'm going to make it clear in my
7 order that any witnesses not disclosed by the 1st of February
8 cannot testify.

9 MS. EAKIN: Well, Judge, there is one issue that
10 is going to be a problem, I think. We are waiting for the
11 results from the gun that was recovered from the lab, those
12 types of witnesses.

13 THE COURT: February 1st is plenty of time.

14 MR. MCCORMACK: Yeah, I mean the only discovery
15 that I can think of that's outstanding at this point is the
16 gun that was found has been sent to the lab. I did ask our
17 lab to contact the Pennsylvania State Police Lab concerning
18 the ballistics on that gun.

19 THE COURT: I'm going to give a hard deadline,
20 March 1st.

21 MR. MCCORMACK: Okay.

22 THE COURT: Okay? So either get it done. We are
23 not going to be coming back in and getting additional --
24 actually I can give you the 15th. That's 6 weeks before trial
25 and 6 weeks from now.

1 MR. MCCORMACK: March 15th?

2 THE COURT: March 15.

3 MS. EAKIN: So I guess the only other issue we

4 have now is the statements.

5 MR. MCCORMACK: The statements, yes.

6 MS. EAKIN: Right. And we are ready to take

7 testimony on that.

8 THE COURT: Well, the sequestration of the jury.

9 MR. MCCORMACK: You already ruled on that.

10 MS. EAKIN: Yeah, you already ruled on that,

11 Judge.

12 THE COURT: Okay. So we are going to sequester in

13 the beginning if it gets to that point --

14 MS. EAKIN: At delib -- no, at deliberations.

15 THE COURT: At deliberations. Okay. All right.

16 So I've ruled on that. What about -- did I rule on precluding

17 the Commonwealth from selecting a death qualified jury? Do I

18 need testimony on that? We have got enough in the

19 allegations.

20 MS. EAKIN: I understand that.

21 THE COURT: All right. So I'll deny that. So we

22 will start with the following order:

23 AND NOW, this 27th day of December, 2021, it is

24 hereby ordered and directed as follows:

25 1. All discovery regarding the guilt phase must

1 be provided to the defense no later than March 15, 2022. Any
2 discovery provided after that date will result in the
3 preclusion of the Commonwealth from presenting any evidence in
4 connection therewith.

5 2. The Defendant's request to preclude the
6 Commonwealth from selecting a death qualified jury is denied.

7 3. The defense request to have us rule the death
8 penalty to be unconstitutional is denied.

9 4. By agreement of the parties, all discovery
10 regarding the penalty phase shall be provided to the defense
11 by April 1, 2022. The discovery shall include an exhaustive
12 list of the victim impact witnesses, along with a synopsis of
13 their testimony. No testimony outside the scope of the
14 synopsis shall be allowed at trial.

15 5. The Defendant's motion to sever Counts 4 and
16 5 to be tried separately is granted. Those charges shall be
17 tried separately.

18 6. The Defendant's motion to sever 1944 Criminal
19 2020 is granted. Those charges shall be tried separately.

20 THE COURT: So that covers everything but the
21 suppression of the statements; is that correct?

22 MS. EAKIN: Correct.

23 THE COURT: So we will take testimony on that.

24 Mr. McCormack.

25 MR. MCCORMACK: Your Honor, at this time I would

1 call Matthew Corsiglia.

2 Whereupon,

3 MATTHEW CORSIGLIA

4 having been duly sworn, testified as follows:

5 MR. MCCORMACK: Your Honor, we have certain audio
6 to go with the testimony here today and we have a stipulation
7 between the parties that we have a flash drive that contains
8 all of these items that we will put into the record. We also
9 have, as we will introduce as the witnesses go through,
10 transcripts of certain statements that they have done.

11 THE COURT: All right. The flash drive is what
12 exhibit number?

13 MR. MCCORMACK: Exhibit Number 10 would be the
14 flash drive itself.

15 THE COURT: All right.

16 MR. MCCORMACK: And we have a breakout of what all
17 of the exhibits are.

18 THE COURT: Do you want to list them and then --
19 and you agree to these?

20 MS. EAKIN: I agree to the flash drive --

21 THE COURT: Just tell me the numbers you agree to
22 or if it's shorter the numbers you don't agree to.

23 MS. EAKIN: No. It's the transcripts. The best
24 evidence of all of these interviews is actually the flash
25 drives. We have some disputes with regards to what's on the

1 transcript and that is why we are going to play you segments
2 of the flash drive.

3 THE COURT: All right. But you agree that the
4 transcripts can come in, but you don't necessarily agree that
5 they are accurate?

6 MS. EAKIN: Exactly.

7 THE COURT: And you're going to play me the
8 sections that you disagree with.

9 MS. EAKIN: Exactly.

10 THE COURT: So I'll make the determination as to
11 what's accurate.

12 MS. EAKIN: Exactly.

13 THE COURT: But if it's not been played, then you
14 agree that it's correct? You're making this much too
15 complicated. You agree that the transcripts are correct
16 except for the portions that you are going to play? Never
17 mind. Call your first witness.

18 MR. MCCORMACK: At this time I call Matthew
19 Corsiglia.

20 DIRECT EXAMINATION

21 BY MR. MCCORMACK:

22 Q Okay. Can you please tell us your name?

23 A Matthew Corsiglia.

24 THE COURT: Pull that microphone right up to your
25 mask and speak into it, please. Thank you.

1 THE WITNESS: Matthew Corsiglia.

2 BY MR. MCCORMACK:

3 Q And, Mr. Corsiglia, can you spell your last name for
4 us?

5 A I can. It's C-o-r-s-i-q-l-i-a.

Q. And currently what do you do for a living?

7 A I work for Renewal by Anderson.

8 Q Prior to working for Renewal by Anderson, at any
9 point in time did you work for the Cumberland County Prison?

10 A Yes, sir, I did.

11 Q And what was your position at the Cumberland County
12 Prison?

13 A I was the senior booking officer.

14 Q All right. And as the senior booking officer at the
15 Cumberland County Prison, on July 31st, 2020, did you come in
16 contact with the Defendant in this matter, Davone Anderson?

17 A Yes, sir, I did.

18 Q Can you explain to Judge Guido how you came in
19 contact with Mr. Anderson?

20 A Yes, sir. My shift starts -- I worked 1500 to 2300
21 hour shift, 3 to 11. I came on the shift at 3:00. Within
22 coming to the shift, after receiving everything from the prior
23 officer about the situation, everything that was going on,
24 then getting all of my duty equipment, I saw Mr. Anderson
25 trying to tie something around his neck in the cell. I rushed

1 over to the cell. I called a code. I went into the cell,
2 pulled his blanket off of him and the thing that he was trying
3 to tie around his neck, which looked like to me the straps
4 from a facemask that he had tied together.

5 THE COURT: So this is shortly after you came on?

6 THE WITNESS: Yes, sir, it is. After I called the
7 code all responding officers came back and the white shirts or
8 lieutenants, and I even believe Warden Shenk came back. He
9 was changed out and then put into a suicide proof cell, the
10 dry cell in the booking center.

11 BY MR. MCCORMACK:

12 Q Now, you say changed out. Was anything done with
13 his clothing?

14 A Yes, sir. His clothing was all removed due to the
15 possible suicide threat -- or, you know, what he tried to do,
16 whatever he was trying to do, just to keep the Defendant safe.
17 We remove all of the clothing. We put them inside of a
18 suicide proof smock and give them a suicide proof blanket as
19 well.

20 Q Okay. And you said that he was moved to a different
21 cell then?

22 A That is correct, yes. He was in booking cell one,
23 and then he was moved to the booking dry cell, which has no
24 sink or toilet, just a cement pad.

25 Q Okay. And was he monitored closely at that point in

1 time?

2 A Yes, sir. He was put on a half hour face-to-face
3 with another officer, and also right at my desk I also had the
4 CC TV right there with a camera facing into his cell.

5 Q Now, at any point in time while you were on duty did
6 Mr. Anderson request to speak with you?

7 A Yes, sir. It was later on in the night. I want to
8 say around 1845 to 1900 hours he tapped on the cell door,
9 called me over to his cell, and he said he wanted to confess
10 something. I told him one second, because I don't like to get
11 involved in defendants and their court cases so I don't have
12 to get subpoenaed to come to court, and I contacted County 911
13 to get in touch with Detective Dolan or Detective Miller.

14 Q Now, let me just clarify something. You said 1845
15 to 1900. That's 6:45 p.m. to 7 --

16 A -- to 7:00 p.m., that is correct.

17 Q So at that point in time he indicated that he wanted
18 to confess something to you?

19 A That is correct.

20 Q Now, you say that you went somewhere and did
21 something. Tell us what you did.

22 A I just walked back over to my desk. I called County
23 911 and reached out to either Detective Miller or Detective
24 Dolan, and when I finally got ahold of them I told them he
25 wants to confess. As soon as I hung up the phone he tapped on

1 the cell door again and he called me over, and that's when he
2 stated I killed them both.

3 Q I killed them both. Did he say anything else?

4 A I asked him what did he say, and then he said I
5 killed them both, and he mentioned two names, and I'm not sure
6 what the names were that he stated at the time.

7 Q Okay. At that time, when he says I killed them
8 both, were Detectives Dolan or Miller even at the prison?

9 A They were not. They were en route to the prison.
10 After that I contacted County again to reach out to Detective
11 Miller and Detective Dolan, and I wanted to pass along what I
12 just was told.

13 Q Okay. That second thing about I killed them both?

14 A Yes, sir.

15 Q All right. So at some point in time do either
16 Detective Miller or Detective Dolan interview you about what
17 -- your interactions with Mr. Anderson?

18 A Yes, sir. I'm not sure of the approximate time that
19 they arrived to the booking center, but once they arrived I
20 greeted them and I told them everything that he said to me,
21 and Detective Miller pulled me to the back of the booking
22 center and started interviewing me I believe while Detective
23 Dolan was interviewing Anderson.

24 Q Did you also write a report or some type of incident
25 report in this matter?

1 A Yes, sir, I wrote an incident report.

2 Q All right. What's Exhibit 6-A -- I'm going to show
3 you what has been marked as Exhibit 6-A. Do you recognize
4 what that is?

5 A Yes, sir. That is my incident report that I wrote.

6 MR. MCCORMACK: Your Honor, the Commonwealth would
7 move for the admission of 6-A.

8 MS. EAKIN: No objection.

9 THE COURT: It's admitted.

10 (Commonwealth's Exhibit 6-A was admitted into
11 evidence.)

12 BY MR. MCCORMACK:

13 Q All right. Just so we're clear on the record, so
14 there's no confusion, the person you were speaking with, is
15 that person, who said that I killed them both, is that person
16 present in the courtroom today?

17 A Yes, they are.

18 Q And where is he?

19 A It's Mr. Anderson sitting right over here.

20 MS. EAKIN: Stipulate to my client.

21 MR. MCCORMACK: I don't have any further questions
22 at this time.

23 THE COURT: Ms. Eakin.

24 CROSS EXAMINATION

25 BY MS. EAKIN:

1 Q All right. So the G is silent in your name,
2 Corsiglia?

3 A Yes, ma'am.

4 Q How long did you work at CCP?

5 A A little over 7 years.

6 Q And were you always in the booking area?

7 A The first year, maybe year and a half, I was on the
8 secure side of the prison working the blocks.

9 Q Okay. Do you remember what time Davone was actually
10 brought to the prison?

11 A That I do not. All's I know is when I came on my
12 shift, I punched in at 2:53, and he was already in the back of
13 booking when I arrived.

14 Q At 2:43 in the morning or did you say evening?

15 A No, no. In the afternoon.

16 Q Oh, all right. And what was his behavior when you
17 first saw him?

18 A He was just --

19 Q How would you describe it?

20 A He was just sitting on the floor avoiding the cell
21 door and trying to avoid the window and trying to cover
22 himself, and he was just sitting on the floor just hunched
23 over. If you were standing in the booking center and looked
24 over towards the cell, you could not see him sitting there.

25 Q What drew your attention to him when you believed he

1 was trying to put something around his neck?

2 A By the camera. The way the camera is set up, it's
3 in the very back of the cell, and I looked over at the camera
4 and I just saw his actions and I saw something -- I want to
5 say it was yellow that was in his hand, and I saw him go like
6 this and then also try pulling the blanket over his head at
7 the same time.

8 Q At that point in time, and this is back in 2020,
9 were you providing masks to inmates that were brought in?

10 A Yes, ma'am.

11 Q Were you giving them more than one mask?

12 A No, just one mask.

13 Q I thought you said you thought -- I thought I heard
14 you say you saw him tying two together?

15 A The two straps.

16 Q Oh, okay.

17 A Yeah, like my mask has two straps, yes, ma'am.

18 Q All right. And at that point you said you called a
19 code. What does that mean?

20 A A code -- if there's any disturbance inside the jail
21 you call a code blue, if an inmate's trying to harm them self
22 or if inmates are fighting.

23 Q So you were concerned about his mental health at
24 that point?

25 A I was concerned about his safety, yes, ma'am.

1 Q All right. So the guards all come in, you strip him
2 down. Was he cooperative during that?

3 A From what I remember, it was actually Lieutenant
4 Palmer that took him into the back of the booking into a
5 shower, and he was refusing to get out of his clothes. I
6 remember Lieutenant Palmer having to remove his clothes from
7 him, but I was not a part of that. I was standing on the
8 outside.

9 Q And then you described this suicide suit. Is that
10 commonly referred to as a turtle suit?

11 A As a turtle suit, yes, ma'am.

12 Q And what's the reason somebody's put into a turtle
13 suit?

14 A It's to prevent them from committing suicide from
15 hanging themselves.

16 Q So that was a concern?

17 A Yes, ma'am.

18 Q All right. Once he's put into this turtle suit, you
19 say at approximately 6:45 he wanted your attention or you
20 could tell -- what precisely did he do?

21 A He stood up at the cell door and he tapped on the
22 cell door glass.

23 Q Okay.

24 A And he called -- and he waved me over.

25 Q And when he's in the cell and you're outside, can

1 you hear what he's saying to you?

2 A I can.

3 Q So you didn't open the door?

4 A I did not.

5 Q And your testimony was he says to you I want to
6 confess something, right?

7 A Yes, ma'am.

8 Q He didn't ask for the police?

9 A He did not.

10 Q You were the one who went and summoned the police?
11 A That's correct.

12 THE COURT: As a matter of fact, I understand your
13 testimony was that he said he wanted to confess something to
14 you?

15 THE WITNESS: No, he never said he wanted to
16 confess it to me.

17 THE COURT: Okay.

18 THE WITNESS: He just said he wanted to confess
19 something.

20 THE COURT: All right. Got it. Go ahead.

21 BY MS. EAKIN:

22 Q Then you testified that you immediately called
23 County radio to try to contact Detectives Miller or Dolan,
24 right?

25 A Yes, ma'am, I called County 911.

1 Q Why were you specifically trying to contact Miller
2 or Dolan?

3 A Because from what I was told, that these are the two
4 officers that brought him in that were handling the case that
5 was going on with him, so I wanted to get in contact with
6 those two officers.

7 Q All right. So you believed that Miller and Dolan
8 were the ones that had arrested him on the receiving stolen
9 property and unauthorized use?

10 A Yes, ma'am. I didn't even know anything about that
11 charge. I was told why he was there and we are waiting to
12 find out something else that was going on with him. That's
13 all I was told.

14 Q What were you told that he was there for?

15 A I was just told that we were holding him for
16 Carlisle pending an investigation.

17 Q All right. Did you know it was for a theft or for a
18 homicide investigation?

19 A I did not know either of them, no, ma'am.

20 Q All right. But you somehow knew Miller and Dolan
21 were involved?

22 A Yes, ma'am.

23 Q Then after you call 911 or County radio, did he
24 summon you back over?

25 A Yes, ma'am, he did.

1 Q And that's when you say he said to you, I killed
2 them both?

3 A Yes, ma'am.

4 Q Are you sure that that was the entire substance of
5 the communication?

6 A Yes, ma'am.

7 Q Are you certain he didn't say they think I killed
8 him both?

9 A I am certain, yes, ma'am.

10 Q And then you're confused about the names. I believe
11 in your report you said that you thought the name was with a
12 C, maybe Calie or Carley, and with a T; those were the names?

13 A Yes, ma'am. Because when he -- after he said that,
14 I killed them both and he started mentioning their names, he
15 ended up looking down, and I couldn't hear the last sentence
16 of what he stated.

17 Q All right. So as soon as these statements were made
18 to you, Dolan and Miller got to the prison, and I believe you
19 said that Miller interviewed you?

20 A Yes, ma'am.

21 Q And he was wearing his body cam, so it's all on body
22 cam, right?

23 A That I am not sure.

24 Q And you said you believed that Dolan then went in
25 and was talking to Davone by himself?

1 A That, I am not sure, but I'm fairly certain
2 Detective Dolan did pull him out into one of our DUI rooms,
3 which is all recordings as well, but at that time I was being
4 interviewed by Detective Miller.

5 Q All right. So Detective Dolan would have been alone
6 with Davone for a period of time until Miller was finished
7 with you?

8 A He would not have been alone, there would have been
9 an officer right outside the door. One of our staff at the
10 prison would have been outside the door.

11 Q My point is that he was in the room alone with
12 Davone prior to Miller entering?

13 A I would say yes.

14 MS. KAKIN: I don't have anything else at this
15 point.

16 THE COURT: Thank you. You may be excused.

17 MR. MCCORMACK: Actually I have one follow-up.

18 REDIRECT EXAMINATION

19 BY MR. MCCORMACK:

20 Q As to where Detective Dolan was when you were being
21 interviewed, you were being interviewed where?

22 A I was in the very back of the booking center. So I
23 don't have access to any of the cells or anything.

24 Q And you didn't see the cells?

25 A I did not.

1 Q So you did not see Dolan in there by himself with
2 the Defendant?

3 A That is correct.

4 Q Okay.

5 THE COURT: Any follow-up on that, Ms. Eakin?

6 MS. EAKIN: No, sir.

7 THE COURT: Thank you. You may be excused, sir.

8 THE WITNESS: Thank you, sir.

9 THE COURT: Next witness.

10 MR. MCCORMACK: Jason Sweeney. Can this witness
11 be excused?

12 THE COURT: He may.

13 MR. MCCORMACK: Thank you for coming in.

14 Whereupon,

15 SGT. JASON SWEENEY

16 having been duly sworn, testified as follows:

17 DIRECT EXAMINATION

18 BY MR. MCCORMACK:

19 Q Can you tell us your name, please?

20 A My name is Sergeant Jason Sweeney.

21 Q And by whom are you employed?

22 A Cumberland County Prison.

23 Q Just so we have it correctly, can you spell your
24 last name for us?

25 A Yes. S-w-e-e-n-e-y.

1 Q And you're currently a Sergeant?

2 A Yes, sir.

3 Q Back in July of 2020, what rank did you hold at that
4 time?

5 A I was corporal.

6 Q As a corporal at the Cumberland County Prison, what
7 are your responsibilities?

8 A My responsibilities pretty much entail the overall
9 operation of the institution, making sure that if -- it is my
10 responsibility on any given day to be able to handle all
11 operations pertaining to anything from the records, booking
12 department, security, staffing, those sorts of things.

13 Q Does that also include interacting with some of the
14 inmates?

15 A Very much so, yes, sir.

16 Q On July 31st of 2020, when did you come on shift?

17 A My shift was scheduled to start at 1500 hours.
18 Typically -- that day I was scheduled to shift lead, which
19 means I was operating the facility by myself. So I typically
20 come in early, around 2:00, catch up on e-mails, get briefed
21 from the previous shift, anything pertaining to previous
22 issues or anything I might need to be made aware of.

23 Q Were are you made aware of the arrival of a prisoner
24 by the name of Davone Anderson?

25 A I was informed that there was -- that he would be

1 here. I believe at the time whenever I did get in that he was
2 already there. I don't believe that the previous shift leader
3 was aware that they had brought him in.

4 Q Okay. So -- and I want to make sure. I don't know
5 if I said this. We are talking about July 31st of 2020?

6 A Yes, sir.

7 Q Okay. So were you familiar with Mr. Anderson prior
8 to July 31st?

9 A Yes, sir.

10 Q All right. You had seen him before?

11 A Yes, sir.

12 Q All right. And you had interacted with him
13 previously?

14 A Yes.

15 Q Okay. You say you believe he may have already been
16 present when you came on shift. Did you have an opportunity
17 to see him on July 31st of 2020?

18 A I did go back. We have -- the intake portion of the
19 facility is the booking center. That's where anyone obviously
20 gets -- the police departments bring them in, and that's where
21 they're housed until they can be processed to be then booked
22 into the facility through our records department, and then
23 from there taken over to our medical department, get medical
24 backgrounds, and then they are housed in our classification
25 unit.

1 Q When you first saw Mr. Anderson, how did you wind up
2 interacting with Mr. Anderson?

3 A I saw Mr. Anderson in a holding cell.

4 THE COURT: About what time was this? Was it
5 after your shift started or before?

6 THE WITNESS: Slightly before I actually punched
7 in.

8 THE COURT: Got it.

9 BY MR. MCCORMACK:

10 Q And let's put it this way, how was he dressed at
11 that time? Was he in regular clothes or was he in a suicide
12 smock at the time when you first saw him?

13 A He was in the clothing that the officers who dropped
14 him off -- whatever he was wearing that day.

15 Q What someone might call street clothes?

16 A Yes.

17 Q Okay. So when you first saw him -- can you describe
18 for Judge Guido what the interaction was like when you first
19 saw him and how you wound up speaking with him?

20 A I had noticed that he seemed out of sorts, if you
21 will. He seemed to be, you know, kind of emotional, up, down.
22 He was crying a little bit. He was -- his appearance just
23 seemed to be a little disheveled. At that time he had then --
24 you know, he had seen that I was there, and he had said
25 something to one of the booking officers asking if he could

1 speak with me.

2 Q All right. And did you wind up speaking with him?

3 A Yes, sir, I did.

4 Q Now, you said he was out of sorts. Out of sorts as
5 compared to what?

6 A Any previous interactions that I have had with
7 Mr. Anderson, he's a very reserved individual. I mean he
8 doesn't say a lot. He's -- you know, always seems to be, you
9 know, fairly pleasant, you know. Hello. Please. Thank you,
10 you know. But very quiet. So it seemed very off to me that
11 he was, you know, as worked up, if that's the right way of
12 saying it.

13 Q And I think you said at some point he was crying
14 even?

15 A Yes. Yes.

16 Q So when you were talking with him, what were you
17 talking about?

18 A Well --

19 Q You said he wanted to speak with you?

20 A Yes. And I entered the cell. I said, Mr. Anderson,
21 how are you doing? And he's like, you know, look, man --

22 MS. EAKIN: I'm sorry. I can't hear you.

23 THE WITNESS: He said, look, man, this just --
24 this isn't good. I mean, like I don't know what I'm supposed
25 to do. Like what am I supposed to say? And I said, I don't

1 know, I mean, you know, what's going on with you because you
2 seem to be like -- you're not you. And at that time he had
3 expressed to me that he had not slept for a few days. He had
4 said that he had a lot of ecstasy, smoked some weed, you know,
5 and we kind of conversed a little bit.

6 You know, I'm like, okay, so, you know, listen,
7 you know, this isn't you. Are you going to be okay? I mean I
8 have to make sure that, you know, you're not going to do
9 anything, you know, hurt yourself or anything, and he was like
10 no, no, no, I'm not going to do anything like that.

11 I said, okay, do you need like something to eat?
12 I mean, you know, do you need like a drink? Is there anything
13 I can do for you? And he was like, man, I just -- you know, I
14 need a call, and I explained to him that I would not be able
15 to do that at the time. I would be able to give him a call
16 after he was processed, and if he was going to be remanded to
17 the facility, then I would be able to get him on the phone.

18 Q Did he indicate who he wanted to call?

19 A After a little while he had said, you know, would
20 you be able to ask them to come in so I can talk to them?
21 And he was referring to the detectives, because they had then
22 arrived.

23 Q Okay. So at some point you mentioned that you had a
24 conversation with him about his emotional state and you were
25 concerned about his emotional state. We heard some testimony

1 about him at some point in time with a mask or something
2 around his throat. Were you aware of that situation?

3 A Yes, sir.

4 THE COURT: Did that occur before or after you
5 spoke with him?

6 THE WITNESS: That occurred after.

7 THE COURT: All right.

8 THE WITNESS: One of the main responsibilities
9 when you are a shift leader -- I had other duties. I had
10 spoken with him. I went back over to the office to start
11 getting paperwork together, handling e-mails, those sorts of
12 things, and that was right around 1500 area.

13 BY MR. MCCORMACK:

14 Q 3 p.m.?

15 A Yes.

16 Q Okay.

17 A At that time, I believe it was Officer Corsiglia had
18 called for a code blue, which in the facility means that we
19 have an emergency situation and we need staff to be able to
20 respond, at which time I did. We went back to the booking
21 center, and Officer Corsiglia had informed me that he had
22 taken one of the elastic straps from a mask and placed that
23 around his neck.

24 Q So is it at that point in time when he's put in what
25 people routinely call the turtle suit, that suicide smock?

1 A Yes, sir. At that point we're required for --
2 obviously for their own safety to be able to take preventative
3 measures, and the directive was given to change him into a
4 suicide smock.

5 Q Do you become aware at some point after that that
6 Detectives Dolan and Miller, or some detectives from the
7 Carlisle Police Department, arrive and speak with
8 Mr. Anderson?

9 A Yes. Yes.

10 Q Now, we have been talking about --

11 THE COURT: Excuse me. Did you ever tell anybody
12 before the detectives arrived or after they arrived that
13 Mr. Anderson wanted to speak with them?

14 THE WITNESS: I did not, no.

15 THE COURT: All right. Go ahead, Mr. McCormack.

16 BY MR. MCCORMACK:

17 Q So after the detectives arrive and speak with him,
18 do you have a second interaction with Mr. Anderson after the
19 detectives speak with him?

20 A Yes.

21 Q And can you describe that for Judge Guido?

22 A So one of the booking officers had asked, do you
23 have a minute, Mr. Anderson would like to speak with you.
24 Obviously at this point my concerns are elevated because my
25 primary job at this point is the care, custody, and control of

1 the individual. If I'm remiss in any of my duties and
2 something were to happen, obviously I'm going to have some
3 pretty bad consequences occur.

4 So I go in. I speak with him. He said, man, look,
5 Sweeney, this is my life, man. Like I need to call my mom.
6 And I said listen, I said, I can't put you on the phone, but,
7 you know, we kind of already talked about that. I can only do
8 that after, you know, we go ahead and we get you processed in.
9 And he's like, man, I just don't know what I'm supposed to do.
10 And at that point I told him, you know, look, you know, you're
11 all over the place still. I mean you're very worked up.
12 You're very agitated. And I understand the gravity of the
13 situation.

14 I said, you know, listen, if you know anything, if you
15 understand what's going on and why you're here, you need to
16 say something because if you keep anything inside of you, that
17 weight will crush you. I said, it's just a simple matter of
18 just being truthful. I said I don't know what the situation
19 is. I don't know what the background on it is, I said, but
20 you know, I'm not trying to tell you what to do. I'm just
21 trying to give you just solid advice. You speak the truth and
22 it will get a lot of that weight off your chest.

23 And at that point he kind of put his head down and he
24 nodded, and he said, would you be able to ask the detectives
25 to come back in? At that point I had exited the cell, and I

1 had said that he would like to speak with the detectives.

2 Q And as far as you know, do the detectives speak with
3 him another time?

4 A Yes.

5 Q All right.

6 THE COURT: Okay. I need to know times on this.

7 When's this -- when did this last conversation take place
8 approximately?

9 THE WITNESS: Your Honor, I would be really hard
10 pressed to be able to give you a time because during the midst
11 of all of this I am still trying to perform other duties over
12 on the secure side of the facility. It would be really hard
13 for me to be able to even say.

14 THE COURT: All right.

15 BY MR. MCCORMACK:

16 Q If I could try to clarify things, if not by time, by
17 events. Before you come on shift is when you have your first
18 encounter with him and he's still in street clothes?

19 THE COURT: I got all of that.

20 BY MR. MCCORMACK:

21 Q Okay. The last time that you were describing, that
22 occurred after you had already acknowledged that he had
23 already spoken with the officers?

24 A That's correct.

25 Q Okay. The person that you were speaking with that

1 day, the conversation you were having in that cell, is that
2 person present in court here today?

3 A Yes, sir.

4 Q And could you just tell us where he is?

5 A Mr. Anderson.

6 MS. EAKIN: I stipulate.

7 THE COURT: All right. Yeah, we don't need to do
8 that anymore.

9 MR. MCCORMACK: Okay. I won't. I have no further
10 questions at this time.

11 THE COURT: Ms. Eakin.

12 CROSS EXAMINATION

13 BY MS. EAKIN:

14 Q All right. Sergeant, how long have you been
15 employed with CCP?

16 A About 11 1/2 years.

17 Q And when were you promoted to sergeant?

18 A Back in August.

19 Q Of 2021?

20 A Of '21, yes.

21 Q And in your new capacity you know the importance of
22 advising the authorities of any incidents that occur at the
23 prison that might be of interest in their case, don't you?

24 A Yes.

25 Q Why is it that you were only contacted about this

1 case last week?

2 A I would not even be able to give you an answer
3 pertaining to that, ma'am.

4 Q Who contacted you?

5 A I was talked to by the warden. Mr. Shenk had said
6 that I would be speaking with the D.A.'s office, and that
7 there was a possibility of being subpoenaed for today.

8 THE COURT: After that second conversation --

9 THE WITNESS: Yes, sir.

10 THE COURT: -- did you actually ask the detectives
11 to come back in?

12 THE WITNESS: Yes. Yes.

13 THE COURT: Okay.

14 BY MS. FEAKIN:

15 Q Again, why -- who is it that contacted you within
16 the last week about your knowledge of this case? Who exactly
17 did you speak to?

18 A I believe it was the D.A. who had contacted me then.

19 Q Who had you spoken to before the D.A. that knew you
20 had any information?

21 A No one that I spoke to. I was not contacted about
22 anything.

23 Q You weren't contacted by Detective Dolan?

24 A No, I was not.

25 Q You weren't contacted by Detective Miller?

1 A No, I was not.

2 Q The warden just out of the blue said, oh, by the
3 way, we think you have information about the Davone Anderson
4 case?

5 A Yes. Apparently through conversation, I believe,
6 with someone else, because I was the shift leader on that day.

7 Q And really I'm not trying to belabor that. That's
8 what I'm trying to find out.

9 THE COURT: But you are.

10 THE COURT: He already told you he doesn't know.

11 MS. EAKIN: Well, obviously somebody knew, and
12 somebody was talking about this because he never made a
13 report. He's unclear on times.

14 THE COURT: Are you asking a question or are you
15 talking to me?

16 MS. EAKIN: I'm asking him who he talked to
17 recently about this case?

18 THE COURT: He answered that. He doesn't know.
19 Do you know anybody you talked to?

20 THE WITNESS: No, Your Honor.

21 THE COURT: All right.

22 BY MS. EAKIN:

23 Q All right. You said that when you're the shift
24 leader you usually come in early, around 2:00; is that right?

25 A That's correct.

1 Q And you clock in at that point?

2 A No, ma'am.

3 Q You don't clock in then until 3:00?

4 A Yes, ma'am.

5 Q All right. And once you clock in you said you saw
6 Davone in the holding cell and he still was in his street
7 clothes, right?

8 A He was in street clothes whenever I had gone back
9 the first time. Right around the time of the shift change,
10 which would be 1500 hours, or 3:00 p.m., is when the situation
11 occurred to where I was notified that he had a piece of
12 elastic around his neck, at which time we had to have him
13 changed over into a suicide smock.

14 Q Is there video in the booking area?

15 A There is, yes. There is cameras.

16 Q So this should all be on video, right?

17 A Yes, it should be.

18 Q And is there audio in the booking center?

19 A There is no audio unless you are in one of the
20 specialized rooms that have audio and video recording that we
21 use for DUI processings and those sorts of things.

22 Q Was Davone in one of those special rooms with the
23 audio and video?

24 A Not during any time that I spoke with him, no.

25 Q All right. So it would not be memorialized -- these

1 conversations that he had with you and/or Corsiglia would not
2 have been memorialized audibly?

3 A No, I do not believe so.

4 Q But there should be video available?

5 A There should be, I believe, yes.

6 Q And you will certainly turn that over to the
7 District Attorney's office?

8 MR. MCCORMACK: That video's already been turned
9 over to the defense.

10 MS. EAKIN: It must be buried on the drive.

11 Thank you.

12 BY MS. EAKIN:

13 Q You said that he seemed a bit out of sorts. Those
14 were your words exactly. Had you had prior interactions with
15 the Defendant?

16 A Yes, ma'am.

17 Q All right. And how -- I'm assuming at the prison?

18 A Yes, ma'am.

19 Q How was his demeanor different than the other times
20 you have seen him?

21 THE COURT: Is your answer going to be different
22 than it was on direct?

23 MS. EAKIN: Judge, I have a point here.

24 THE COURT: Then make it. He's already testified
25 on direct.

1 MS. EAKIN: I know.

2 THE COURT: You're allowed to lead, Ms. Eakin.

3 BY MS. EAKIN:

4 Q Did he appear to be on drugs?

5 A In my experience of dealing with individuals, he did
6 appear to be under the influence of some sort of substance,
7 but I would not know that, what it might be, until we would
8 have had the opportunity to be able to perform a urinalysis.

9 Q At the point you saw him initially, had he already
10 been arraigned?

11 A No, I don't -- he was brought in. The arraignment,
12 I believe, was to be done by video by Judge Birbeck. Now,
13 depending on what time that may be, I really wouldn't be able
14 to say because they run an a.m. and a p.m. time.

15 Q What was your understanding as to why he was in
16 custody when you first saw him?

17 A In connection with a possible homicide.

18 Q All right. So you knew at that -- very early on
19 that he was under investigation for possibly homicides,
20 correct?

21 A Yeah.

22 Q And did you know that Miller and Dolan were
23 involved?

24 A No. I had no idea who the detectives would be.

25 Q You said that Davone requested -- or to one of the

1 booking officers that he be allowed to speak with you. That
2 was your initial testimony, right?

3 THE COURT: Which time are you talking about?

4 BY MS. EAKIN:

5 Q The initial -- the initial when he's still in his --
6 let's see. He's still in his street clothes, the detectives
7 have not arrived yet. The first interaction you had with
8 Davone?

9 A Yes.

10 Q All right. What booking officer said that to you?

11 A I believe it was Officer Corsiglia.

12 Q And that's when he explained to you that he hadn't
13 slept and you were concerned about him, right?

14 A Yes, ma'am.

15 Q How close in time -- or you don't recall times.

16 Would it help you if I told you that the first interview with
17 Dolan and Miller started at approximately 7:17 p.m.? Does
18 that help you with your times?

19 A Honestly, ma'am, there is quite a number of duties
20 that I perform, and I really don't even -- I am very busy
21 going back and forth and being able to handle things and
22 address other issues. It becomes a little tense, especially
23 during COVID, because we have decontamination processes and
24 things that need to be done and areas that need to be cleaned,
25 relief for staff, scheduling issues --

1 Q I understand all of that, but I mean if you got to
2 the prison around 2 --

3 A Okay.

4 Q -- the officers -- I'm telling you the detectives
5 did not start talking to him until 7:17 p.m.

6 A Okay.

7 Q All right. So see if that helps you. And according
8 to that interview -- that first interview lasted about 40
9 minutes?

10 A Okay.

11 Q All right. So now we get to when you -- the second
12 time where you say that, again, he requests to talk to you?

13 A Yes.

14 Q Were you aware of what had gone on in the interview
15 room with Miller and Dolan?

16 A No, ma'am.

17 Q Are you aware that he invoked his right to counsel?

18 THE COURT: If he's not aware what went on in the
19 interview room --

20 THE WITNESS: I am not present inside of the
21 interview room.

22 BY MS. EAKIN:

23 Q All right. So you didn't have any conversations
24 with Miller or Dolan after the fact?

25 A I believe that at some point when he had requested

1 to speak to me again I had -- they were in the booking center,
2 and I just simply said, okay. Is it okay that I go in and
3 speak with him because he's requesting to talk to me, and I
4 don't -- I'm not trying to, you know, get into anything, and
5 they said, no. No, that's fine. You know, he had ended the
6 first interview with them. So I proceeded to go ahead and go
7 in and speak with him.

8 Q So you communicated to Miller and Dolan that you
9 were going in to talk to Davone Anderson, right?

10 A Yes, because he had requested to speak.

11 Q All right.

12 A That is correct.

13 Q All right. And then Dolan and Miller didn't leave
14 the booking center, they didn't even leave the prison, did
15 they?

16 A No, not that I am aware of.

17 Q They just stayed in the booking center while you
18 were talking to Davone; is that correct?

19 A Yes, in a room by myself with him.

20 Q All right. And that's when you went into Davone and
21 you encouraged him to get this off of his chest and to do the
22 right thing, right?

23 A I believe that what I had said was if you have any
24 knowledge of this, it would be in your best interests to just
25 say something and tell the truth because if you try and carry

1 this, that weight will crush you.

2 Q And you're fully aware that they are talking --
3 Miller and Dolan had talked to him about murder, right?

4 A Well, based off of the charge that he was brought in
5 for, I am assuming that what transpired in the -- when they
6 talked to him would be pertaining to the murder charge.

7 MS. EAKIN: May I have a minute, Judge?

8 THE COURT: Yeah.

9 BY MS. EAKIN:

10 Q Were you aware of the fact that he wasn't even
11 charged with the homicide?

12 A I was under the impression that he was being brought
13 in for that charge. Like I said, I don't get involved with
14 going back there unless I need to make an observation based on
15 his safety.

16 Q All right. And then he says to you, according to
17 your testimony, tell them to come back in?

18 A Yes, he did.

19 Q And according to the evidence, that next interview
20 started at 8:19, which would have been basically 18 minutes
21 later after the first interview of Dolan and Miller; does that
22 sound about right?

23 A Okay. Yeah, I would assume so. Like I said, I'm a
24 little bit fuzzy on times here.

25 Q Right. Did you have anymore interaction with Davone

1 after those -- that last interaction?

2 A No. No, we had -- when he was done with the
3 interview, we then had to take him over to our medical
4 department so that he could be given his medical intake, and
5 then from there he would have then been taken down to our
6 classification unit.

7 MS. EAKIN: Thank you. I don't have anything
8 further.

9 THE COURT: Any follow-up?

10 MR. MCCORMACK: No, no follow-up questions.

11 THE COURT: Thank you. You may be excused. Five
12 minute recess. We will reconvene at 11:00.

13 (A recess was taken at 10:55 a.m., and court
14 resumed at 11:00 a.m.)

15 AFTER RECESS

16 THE COURT: Next witness.

17 MR. MCCORMACK: Thomas Dolan.

18 Whereupon,

19 DETECTIVE THOMAS DOLAN

20 having been duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MR. MCCORMACK:

23 Q Please tell us your name, and spell your last name
24 for us.

25 A Thomas Dolan, D-o-l-a-n.

1 Q And by whom are you employed?
2 A The Carlisle Borough Police.
3 Q How long have you worked for the Carlisle Police?
4 A A little over 16 years.
5 Q What rank do you currently hold?
6 A Detective.
7 Q And how long have you been a detective?
8 A Approximately 4 years.
9 Q Four years. In July of 2020, on July 31st of 2020,
10 were you so employed with the Carlisle Police?

11 A Yes.

12 Q And were you involved with an investigation into the
13 death of either -- if I recall, it was Sydney Parmelee?

14 A Yes.

15 Q All right. When was Sydney killed?

16 A She was killed in early July. I think July 5th.

17 Q July 5th of 2020?

18 A Yes.

19 Q Okay. As part of that investigation, did you become
20 aware of a second death at the end of July?

21 A Yes.

22 Q And whose death was that?

23 A That was Kaylee Lyons.

24 THE COURT: The focus of this hearing is on the
25 admissibility of the statements. So could we start at the

1 arrest? I don't need --

2 MR. MCCORMACK: Your Honor, I'm going right into
3 the -- to him going to the prison.

4 BY MR. MCCORMACK:

5 Q So when you were investigating these two deaths, did
6 you have an opportunity at some point in time to go to the
7 Cumberland County Prison and speak with a person by the name
8 of Davone Anderson?

9 A Yes.

10 Q And how did you wind up going to the prison? What
11 circumstances brought you to the prison?

12 A I was called by Officer Corsiglia, who said that
13 Mr. Anderson wanted to speak to police.

14 Q And based on that information, what did you do?

15 A Myself and Detective Miller went to the prison.

16 Q And when you went to the prison, what occurred?

17 A As we were walking in, I remember that Officer
18 Corsiglia said that he had already confessed and said that he
19 had killed both girls.

20 Q That's what Officer Corsiglia told you?

21 A Yes.

22 Q All right. So you get that information. What do
23 you do then?

24 A We went into one of the DUI rooms. They brought
25 Mr. Anderson in, and then we started to interview him.

1 Q Now, as part of interviewing him, did you preserve
2 that interview in any way, shape or form?

3 A Yes, it was recorded on one of our body cams.

4 Q All right. And was the Defendant aware that he was
5 being recorded?

6 A Yes.

7 Q And that recording -- was that recording preserved?

8 A Yes.

9 MR. MCCORMACK: Your Honor, by stipulation, the
10 recording would be -- the Commonwealth would move for the
11 admission of the recording as Exhibit 1-A.

12 MS. EAKIN: No objection.

13 THE COURT: It's admitted.

14 (Commonwealth's Exhibit 1-A was admitted into
15 evidence.)

16 BY MR. MCCORMACK:

17 Q And I'm going to show you what's been marked as
18 Exhibit 1-B, do you recognize what that is?

19 A Yes. This is a transcription of the interview.

20 Q What we are calling the first interview, which you
21 were just describing to the Judge; is that correct?

22 A Yes, correct.

23 MR. MCCORMACK: All right. I would move for the
24 admission of Exhibit 1-B.

25 MS. EAKIN: Again, it is the transcript. I'm not

1 agreeing to the entire contents.

2 THE COURT: You're going to point out to me --

3 MS. EAKIN: I am, Your Honor.

4 THE COURT: -- the parts you do not agree to.

5 MS. EAKIN: Given the opportunity, yes.

6 THE COURT: All right. So it's admitted subject
7 to the disputed portions.

8 (Commonwealth's Exhibit 1-B was admitted into
9 evidence.)

10 THE COURT: Do you want to pass that up?

11 THE WITNESS: Yes.

12 THE COURT: So if we're going to play the video
13 recording, I only need to see the disputed portions. I don't
14 need to see the whole thing.

15 MR. MCCORMACK: Your Honor, at this point in time
16 the Commonwealth -- although we wanted the recording as part
17 of the record, we're not going to play that particular
18 recording unless there's portions that are requested.

19 THE COURT: Well, that's what I just said.

20 MR. MCCORMACK: Okay.

21 THE COURT: She's disputing some portions so we
22 are going to have to play them --

23 MR. MCCORMACK: Okay.

24 THE COURT: -- if they are disputed. Do you have
25 the portions queued up?

1 MS. EAKIN: We have it by time. Their computer's
2 the only one that is going to work so I will have to tell her
3 what time I want to listen to. I can go to the time, yes.

4 THE COURT: All right.

5 BY MR. MCCORMACK:

6 Q All right, Detective, so when you speak with
7 Mr. Anderson is there anyone else present at that time?

8 A Yes, Detective Miller.

9 Q And when you speak with him, does anyone go over his
10 constitutional rights, routinely called his Miranda Rights?

11 A Yes.

12 THE COURT: Is this all in the transcript?

13 MR. MCCORMACK: It's all in the video.

14 THE COURT: It's in the transcript, right?

15 MR. MCCORMACK: It's in the transcript.

16 THE COURT: And on the video?

17 MR. MCCORMACK: And it's on the video, yes.

18 THE COURT: I've already admitted the transcript.

19 MR. MCCORMACK: Okay.

20 THE COURT: I don't need any other questions as to
21 what's in the transcript other than the disputed portions.

22 MR. MCCORMACK: Okay.

23 THE COURT: Okay?

24 BY MR. MCCORMACK:

25 Q So at some point in time --

1 MR. MCCORMACK: Well, you do want testimony,
2 however, concerning when the interview ended; is that correct?
3 THE COURT: Yes.
4 MR. MCCORMACK: Okay.
5 THE COURT: Unless it's on the transcript.
6 MR. MCCORMACK: The entire video is transcribed so
7 everything is on the transcript.
8 THE COURT: Then I'm going to read it.
9 MR. MCCORMACK: Okay.
10 THE COURT: If you need an explanation other than
11 what's in the transcript, he can explain.
12 MR. MCCORMACK: Okay.
13 BY MR. MCCORMACK:
14 Q So at some point in time does that interview with
15 Mr. Anderson end?
16 A Yes.
17 Q All right. During the course of that interview,
18 does Mr. Anderson make any inculpatory -- substantial
19 inculpatory statements? And I'm talking about the first
20 interview.
21 A Can you clarify exactly what you're asking me?
22 Q Does he make any -- does he confess during that
23 first statement?
24 A No.
25 Q All right. So when the first interview ended, what

1 happened next?

2 A We stopped the interview, and then we went out into
3 the booking center. Detective Miller started to interview
4 Officer Corsiglia, and then I was notified that Mr. Anderson
5 wanted to speak to police again.

6 Q All right. Do you then speak with Mr. Anderson a
7 second time?

8 A Yes.

9 Q Again, where is this interview being taken place?

10 A The same interview room, in DUI Interview Room 1.

11 Q And is it preserved in any way, shape or form?

12 A Yes, on body cam.

13 Q And again, Mr. Anderson knows that it's being
14 recorded?

15 A Yes.

16 Q And that's both visual and audio?

17 A Yes.

18 MR. MCCORMACK: Your Honor, at this time the
19 Commonwealth would be seeking to admit Exhibit 2-A, which is
20 the recording, and 2-B, which is the transcript of that
21 recording.

22 THE COURT: And the same reservations as with 1.

23 MS. EAKIN: Understood.

24 THE COURT: Okay. So they are admitted subject to
25 disputed portions.

1 (Commonwealth's Exhibits 2-A and 2-B were admitted
2 into evidence.)

3 BY MR. MCCORMACK:

4 Q During the course of this second interview, does the
5 Defendant -- first of all, do you know how long the second
6 interview was?

7 A Give me one second here.

8 MS. BAKIN: I'm willing to stipulate it's
9 52 minutes long.

10 MR. MCCORMACK: Okay.

11 BY MR. MCCORMACK:

12 Q So that interview takes place, about 52 minutes.
13 During the course of that interview does Mr. Anderson at any
14 point in time make any inculpatory confession type statements?

15 A No.

16 Q All right. At some point in time is that interview
17 ended?

18 A Yes.

19 Q Why is that interview ended?

20 A He wants to stop talking.

21 Q After that interview ends, what happens?

22 A We go back out of the interview room, and that's
23 when I tell Corporal Sweeney at the time -- you know, we have
24 some search warrants that we need to execute. I showed him
25 the search warrants. They moved Mr. Anderson to medical to

1 finish his processing, and I said, bring him back here because
2 we have the search warrants. It was close to 10:00, so I knew
3 the processing for the medical was probably going to take
4 longer than 20 minutes or so. I said, please bring him back
5 here so we can get these executed so we didn't run into the
6 time with the nighttime search warrant. So they brought him
7 back in.

8 Q Which room was he brought back into?

9 A Back into the same -- the DUI Interview Room 1.

10 Q When you get into the interview room, is that again
11 recorded on the body cam as before?

12 A Yes.

13 Q All right. When you are back in the interview room
14 with him, is there anyone else present?

15 A Detective Miller.

16 Q All right. And at this point in time are there --
17 are you questioning Mr. Anderson in any form?

18 A No.

19 Q All right. What do you tell Mr. Anderson at this
20 point in time?

21 A I advised him we have search warrants to be served.
22 I showed him the search warrants. I explained them to him.
23 One was for gunshot residue, one was for DNA, and we had
24 already executed the search warrant for the clothes because
25 they were out in the booking center. He had copies of the

1 search warrants, was allowed to read them, and then I started
2 to open up the gunshot residue kit to take gunshot residue
3 samples.

4 THE COURT: When did you get those search
5 warrants?

6 THE WITNESS: They were, I believe, the same day.

7 THE COURT: Before or after the second interview?

8 THE WITNESS: We got those prior to going down to
9 the --

10 THE COURT: So you had them prior to the first
11 interview?

12 THE WITNESS: Correct.

13 THE COURT: All right.

14 BY MR. MCCORMACK:

15 Q So, again, that was recorded?

16 A Yes.

17 MR. MCCORMACK: And, Your Honor, at this time we
18 would seek to introduce Exhibit 3-A, which is the recording,
19 and the transcription that goes with that would be Exhibit
20 3-B.

21 MS. EAKIN: The same conditions as before, Judge.

22 THE COURT: All right. So admitted subject to
23 those conditions.

24 (Commonwealth's Exhibits 3-A and 3-B were admitted
25 into evidence.)

1 MR. MCCORMACK: And at this time the Commonwealth
2 would seek to play Exhibit 3-A.

3 THE COURT: I don't need you to play 3-A except
4 for the disputed portions. I can read.

5 MR. MCCORMACK: Well, I think there is a dispute
6 as to the nature of whether it's a voluntary statement that
7 the Defendant makes or not. That, I think, is the crux of the
8 hearing here today, is this statement.

12 MR. MCCORMACK: I'm not seeking the first and
13 second interviews at trial, that's correct.

14 THE COURT: So you're okay with me suppressing
15 them?

16 MR. MCCORMACK: I'm not okay with you suppressing
17 them because I don't think the police did anything incorrect.
18 I do not see any evidentiary value in them, and I have no
19 intention of playing those for the jury or referencing them.

20 THE COURT: Ms. Eakin?

21 MS. EAKIN: Judge, the last -- the interview that
22 he wants to play is only, it looks like what? It's about 20
23 minutes?

24 MR. McCERNACK: I believe it's 39 minutes.

25 MS. EAKIN. Thirty-nine minutes.

1 MR. MCCORMACK: We don't have to play the entire
2 interview, but I do want Your Honor to see the beginning of
3 the interview and the Miranda so you can see with your own
4 eyes the Defendant's reaction and statements.

5 MS. EAKIN: Well, obviously they Mirandized him.
6 That's really not the issue that we are even talking about
7 here.

10 MR. MCCORMACK: Your Honor, with the sound -- when
11 we set this up this morning we have headphones so that you
12 will be able to hear better.

13 THE COURT: All right. Is there any portions of
14 this that are disputed?

15 MR. MCCORMACK: I believe there are as to the --

16 THE COURT: Hold on. I'm sorry. Ms. Bakin.

17 MS. BAKIN: Is there any issue with regard to what
18 this audic actually says?

19 THE COURT: No. With the transcript. I'm going
20 to follow along. I don't want to have to go back when you're
21 questioning him. So if you can point out to me where in the
22 transcript you have a dispute, I will pay attention.

23 MS. EAKIN: Not with regard to the third one, no.
24 there is not.

25 THE COURT: All right. Good enough.

1 MS. EAKIN: Not with regard to admissibility, but
2 not with regard to this, no.

3 THE COURT: I have no idea what you just said.

4 MS. EAKIN: I'm not conceding admissibility.

5 THE COURT: I'm not asking you to concede
6 admissibility, I'm asking if there is any disputed portions.

7 MS. EAKIN: No.

8 THE COURT: That's all I needed.

9 (The video was played.)

10 THE COURT: Why am I watching this?

11 MR. MCCORMACK: There will be an excited utterance
12 in a moment. For the record, the video is stopped at
13 12 minutes and 50 seconds. That's the portion we wished to
14 show the Court at this time.

15 THE COURT: Okay. Go ahead.

16 BY MR. MCCORMACK:

17 Q We just saw on the video, Detective, a Miranda form
18 being filled out. At this time I'm going to show you what's
19 been marked as Commonwealth's Exhibit 7-C. Is this a copy of
20 the Miranda form that was just on that video?

21 A Yes.

22 Q You previously mentioned that there was Miranda
23 during the first interview. I'm going to show you what's been
24 marked as Commonwealth's Exhibit 7-A. Is that the form from
25 what we are calling the first interview?

1 A Yes.

2 Q And then I'm going to show you 7-B, which is the
3 Miranda form from the second interview. Is that the form from
4 the second interview that was done at the prison?

5 A Yes.

6 Q All right. And then, again, 7-C is the one that we
7 just saw executed on the video; is that correct?

8 A Yes.

9 MR. MCCORMACK: We would move for the admission of
10 Commonwealth's Exhibit 7-A, 7-B, and 7-C at this time.

11 MS. EAKIN: No objection.

12 THE COURT: They're admitted.

13 (Commonwealth's Exhibits 7-A, 7-B, and 7-C were
14 admitted into evidence.)

15 BY MR. MCCORMACK:

16 Q As the interview from the video that we just saw
17 went on, you then get into details with the Defendant
18 concerning the killing of both Kaylee and Sydney; is that
19 correct?

20 A Yes.

21 Q All right. And at the end of the interview is there
22 a discussion about the potential of continuing this interview
23 at another time?

24 A Yes. The next day.

25 Q And what happened there?

1 A The next day we went back to the prison with the
2 intention of trying to find the gun because Mr. Anderson
3 admitted that he had thrown the gun behind Jazmyn's house and
4 we didn't know where the gun --

5 Q And Jazmyn lives where?

6 A In Harrisburg.

7 Q In Harrisburg, okay.

8 A So our intent was to have Mr. Anderson show us where
9 the gun was because it was out in public. It's a residential
10 area. There's kids in that area, and we didn't want a child
11 picking up a gun and potentially harming somebody or
12 themselves with a gun.

13 Q So do you recall approximately the time that you got
14 him out of the prison the next day, and would that be August
15 1st, 2020?

16 A Yes. I believe it was in the afternoon sometime.

17 Q Okay.

18 A I'm not a hundred percent sure on the exact time.

19 Q Did you preserve the car ride when you had
20 Mr. Anderson in the car?

21 A Yes.

22 Q All right. And was that video -- was that video and
23 audio recorded?

24 A Yes.

25 Q Again, was that on a body cam?

1 A Yes.

2 Q All right. And was that preserved?

3 A Yes.

4 Q All right. During the course of that car ride, were
5 there any incriminating statements made by the Defendant?

6 A No.

7 Q In fact, that car ride, did it last very long?

8 A No. Only a few minutes. I think I got maybe a half
9 mile away from the prison and Mr. Anderson said he wanted an
10 attorney so I stopped, we turned around, and we returned him
11 to the prison.

12 Q All right.

13 MR. MCCORMACK: Your Honor, we would seek to admit
14 Exhibit 4-A, which is the video of that car ride, and 4-B,
15 which is the transcription of that ride.

16 THE COURT: Any objection?

17 MS. EAKIN: No, with the same conditions.

18 MR. MCCORMACK: And for the record, Your Honor, at
19 trial the Commonwealth does not intend on introducing this
20 video or statement. If I could have one moment, Your Honor.
21 They're all the questions the Commonwealth has at this time.

22 THE COURT: Ms. Eakin.

23 MS. EAKIN: Thank you.

24 CROSS EXAMINATION

25 BY MS. EAKIN:

1 Q Okay. Detective Dolan, were you involved with the
2 actual arrest of Davone Anderson at approximately 4:00 in the
3 morning the day before that you went into the prison? Were
4 you involved in that?

5 A No.

6 Q That was Detective Freedman, right?

7 A I don't believe that Detective Freedman made the
8 arrest.

9 Q But Detective Freedman at that point was your
10 sergeant, correct?

11 A Yes.

12 Q Okay. So he's the head of your department, right?
13 As far as supervising you --

14 THE COURT: Who was involved in the arrest? I'm
15 asking you, Detective Dolan. Who was involved in arresting
16 him at 4:00 in the morning?

17 THE WITNESS: Officer Sturm and Mennor (phonetic)
18 took him into custody.

19 BY MS. EAKIN:

20 Q In fact, there were a lot of officers involved in
21 the arrest, correct?

22 A Eventually other officers came to the scene, yes.

23 Q Right. And there were --

24 THE COURT: Were you aware that he invoked his
25 right to counsel at the time he was arrested?

1 THE WITNESS: No.

2 BY MS. EAKIN:

3 Q Prior to you're going to the prison, did you have a
4 joint meeting with Sergeant Freedman before you and Miller
5 went to see Davone?

6 A I believe there was a briefing, yes.

7 Q And you're telling me that the sergeant in your
8 department did not tell you that Davone invoked both his right
9 to counsel and his right to remain silent within seconds of
10 being arrested?

11 A Yes, that's what I'm telling you.

12 THE COURT: All right. Hold on a second. Is it
13 in dispute whether or not he invoked his right to counsel at
14 the time of arrest?

15 THE WITNESS: No.

16 THE COURT: All right. I don't need to hear any
17 more about this, okay? Move on. The law is clear. If he
18 invoked his right to counsel, there's to be no contact with
19 him without counsel unless he requests it. So move on. So
20 that's the issue. We are now back at the prison.

21 MS. EAKIN: All right.

22 BY MS. EAKIN:

23 Q So your first communication then from anybody is
24 from Officer Corsiglia?

25 A Yes.

1 Q And exactly what did Officer Corsiglia say to you?
2 A To the best of my recollection I believe he said,
3 you need to come down here to the prison. Mr. Anderson wants
4 to talk to you. He wants to confess.

5 Q Would it surprise you that Officer Corsiglia
6 testified earlier in this hearing that Davone never requested
7 to talk to the police?

8 A Yes, that would surprise me.

9 Q You wouldn't suggest that he's lying about that?

10 A I'm not suggesting that. That's surprising to me.

11 Q All right. During your first interview with Davone,
12 the one we're calling interview one, which relates to Exhibits
13 1-A and 1-B, he was still in the turtle suit when you
14 interviewed him, correct?

15 A Yes.

16 Q And the interview lasted 43 minutes, 9 seconds, and
17 started at 7:19 p.m.; is that correct?

18 A Yes.

19 Q He was first Mirandized at 7:20 p.m.; is that
20 correct?

21 A Yes.

22 Q Did you tell him why you wanted to talk to him?

23 A He wanted to talk to us.

24 Q I didn't ask you that. Did you tell him why you
25 wanted to talk to him?

1 A Yes. We wanted to know about everything. We told
2 him that.

3 Q Did you tell him why you wanted to talk to him?
4 What charge?

5 A We did not specifically tell him we wanted to talk
6 about a homicide involving Kaylee.

7 Q Did you ever tell him during the first interview
8 that you wanted to talk about a homicide?

9 A No.

10 Q Why not?

11 A We didn't know that Kaylee was dead at that point.

12 Q Well, you knew Sydney was dead?

13 A Yes.

14 Q But you never told him that you wanted to talk about
15 murder, did you?

16 A Not specifically. We wanted to know everything.

17 Q Well, in actuality didn't you state to him that you
18 weren't even there to talk about the receiving stolen property
19 charge, that was somebody else's case?

20 A That's correct.

21 Q That somebody else's case was your department's
22 case?

23 A Yes.

24 Q Right?

25 A Yes.

1 Q The one where he's already invoked his right to
2 counsel on?

3 A We were there to talk to him about something other
4 than the receiving stolen property case.

5 Q But you did not tell him what the details were
6 because you wanted him to sign the Miranda form, right?

7 A We were waiting for him to sign the Miranda form
8 because we didn't want to get into any kind of questioning
9 without him being advised of his rights.

10 Q To include what you wanted to talk about?

11 A Yes, that was part of it.

12 Q When is the first time he made mention of a lawyer
13 after he was Mirandized?

14 A There was -- shortly into the interview he --

15 THE COURT: Where in the transcript is that?

16 MS. EAKIN: Go to -- it's not in the transcript.
17 That's the problem. I need you to go to 4 minutes into
18 recording number one. I believe he makes the first mention of
19 an attorney, which is the time stamp --

20 THE COURT: Just one thing at a time.

21 MS. EAKIN: I'm sorry. I was just going to tell
22 her the timestamp.

23 THE COURT: Can we play that?

24 MS. VITO: I'm pulling it up. Yes, Judge.

25 (The video was played.)

1 THE COURT: Hold on a second.

2 (The video stopped.)

3 THE COURT: Go ahead.

4 MS. VITC: And, Your Honor, for the record I'm
5 playing -- this would be Commonwealth's Exhibit 1-A,
6 interview, part one, at 3 minutes and 54 seconds.

7 (The video was played.)

8 MS. BAKIN: You can stop right there. Just keep
9 that up though, please.

10 BY MS. BAKIN.

11 Q So essentially he's Mirandized at 7:20, and at
12 7:22:56 he says lawyer, right?

15 MS. EAKIN: Right. I was just asking the witness,
16 Judge. I'm sorry.

12 THE WITNESS: He posed it as a question to us.

18 MS. ZAKTN: 11m. bnm

19 THE WITNESS: If I'm going to get a lawyer right
20 now. It wouldn't be

21 THE COURT: Wait a second. I didn't -- could you
22 replay that?

23 MS. VITO: Yes, Your Honor. Replaying starting at
24 3 minutes and 53 seconds.

25 (The video was played.)

1 THE COURT: I didn't hear that as a question.

2 BY MS. EAKIN:

3 Q He still had not even signed his Miranda form at
4 this point, had he?

5 A That's correct.

6 Q And then you offered him a pen and another five
7 minutes goes passed and he asks you about the threat section
8 of the Miranda form, right?

9 A Yes. There's no threats on the form. I mean
10 there's a reference to we have not made threats to him.

11 Q But he specifically asked you about the use of the
12 word threat on the Miranda form, right?

13 A Can you ask me that again? I'm trying to understand
14 exactly what you're asking.

15 Q Did the Defendant question the officers regarding
16 the wording on the Miranda form regarding the use of threats?

17 A Yes.

18 Q Had he been expressing to you during the interview a
19 fear that the guards in the prison were trying to kill him?

20 A Yes.

21 Q Did he tell you that they were going to take him to
22 his cell and set him on fire?

23 A Yes.

24 Q Did you and Detective Miller assure him that nobody
25 was going to hurt him?

1 A Yes.

2 Q And finally then at 7:42:52 he signed the form,
3 correct?

4 A Yes.

5 Q All right. At which point does he ask you, am I
6 here for just that charge? Referring to the receiving stolen
7 property charge.

8 A Yes.

9 Q And Detective Dolan did say to him, yes, we didn't
10 file that charge?

11 A Yes.

12 Q At 8:00 and 32 seconds did the Defendant say,
13 without making any other statement, I don't need to be talking
14 to you. I need an attorney, and I ain't got nothing else to
15 talk about? It's at -- how many minutes is that in? 41
16 minutes and 9 seconds.

17 THE COURT: Into the interview, 41 minutes?

18 MS. BAKIN: It's at the very end of the interview
19 and it doesn't appear in the transcript.

20 THE COURT: You say it does?

21 MS. BAKIN: It does not.

22 THE COURT: Can we play it?

23 MS. VITO: Yes, Your Honor. Your Honor, the
24 recording, for the record, is 43 minutes, 9 seconds. I'm
25 going to begin to play it at --

1 THE COURT: I thought she said 41 minutes and
2 9 seconds.

3 MS. VITO: Yes, the total is 43 minutes. I'm
4 going to start playing it at 41 -- around as close as I can
5 get to that, 40 minutes, 31 seconds.

6 (The video was played.)

7 THE COURT: It is at that point he doesn't want to
8 talk anymore, he wants a lawyer?

9 THE WITNESS: Yes.

10 THE COURT: And that's why you stopped the
11 interview?

12 THE WITNESS: Yes.

13 THE COURT: All right.

14 MR. MCCORMACK: And for the record, Your Honor,
15 though that does appear in the transcript. There was
16 reference that it does not. It actually is in the transcript.

17 THE COURT: Where is that?

18 MR. MCCORMACK: We are on page 19.

19 THE COURT: My pages aren't numbered.

20 MR. MCCORMACK: At the top they are numbered, in
21 small print on the right-hand corner.

22 MS. EAKIN: They have -- yes, they said -- it says
23 so I need an attorney. I think that we're just listening to
24 -- it's slightly different than what we think he's saying, but
25 he clearly invoked again.

1 THE COURT: Well, that's what the man just said.
2 All right. Okay.
3 BY MS. RAKIN:
4 Q So now at this point you're done, right?
5 A Yes.
6 Q You can't talk to him?
7 A Yes.
8 Q You shouldn't be talking to him?
9 A We are done at that point.
10 Q But you want to get back in there, and you've got
11 the search warrants, right?
12 A Yeah.
13 Q And you had the search warrants in your pocket all
14 day? Since you got to the prison?
15 A We had the search warrants, yes.
16 Q Because you were going to take another shot at him,
17 right?
18 A No. We got called down there -- we weren't planning
19 to go down there at the time that we went down there. We got
20 called by the prison for us to go down there. That's why we
21 went down, and we took the search warrants with us. So we had
22 them.
23 THE COURT: That was the end of the first
24 interview that he invoked his right to counsel.
25 MS. RAKIN: Right. I'm sorry, Judge.

1 BY MS. ZAKIN:

2 Q All right. We will go to interview two. All right.

3 So the first interview stops at 8:00 and 32 seconds, right?

4 Approximately?

5 A Yes.

6 Q And is it fair to say then that you're back in there
7 because you are given information by Sweeney now that he wants
8 to talk to you again; is that right?

9 A Yes.

10 Q Exactly what was that conversation?

11 A I don't remember the specific wording, but the C.O.
12 said that Mr. Davone wanted to talk to us and come clean.

13 Q All right. When you left after the first interview
14 when you could no longer talk to him, did you represent to
15 anybody at the prison that he had invoked his right to remain
16 silent?

17 A I don't believe that I spoke to them about that.

18 Q Well, if Corporal Sweeney stated that he
19 specifically went in and said, is it okay if I go talk to him
20 about this and you said yes, would he be lying?

21 A I don't recall talking to him -- or I don't recall
22 Corporal Sweeney specifically asking me if he can go talk to
23 Mr. Anderson.

24 Q I am telling you that this morning --

25 THE COURT: Hold on a second. You don't recall or

1 it didn't happen?

2 THE WITNESS: I don't recall specifically --

3 THE COURT: So if Mr. Sweeney testified that he
4 did ask either you or Detective Miller if he could talk with
5 him, it was okay to talk with him, there's no reason for you
6 to dispute that?

7 THE WITNESS: No.

8 THE COURT: All right.

9 MS. EAKIN: Thank you.

10 THE COURT: Good enough. Move on.

11 MS. EAKIN: Thank you, Judge.

12 BY MS. EAKIN:

13 Q All right. So for whatever reason then you go back
14 in after Sweeney comes out and tells you that Davone wants to
15 speak to you again, right?

16 A Yes.

17 Q And once again that interview commences at
18 approximately 8:19; is that fair?

19 A Yes.

20 Q And by my calculation it lasts approximately
21 52 minutes long. Does that sound reasonable?

22 A Yes.

23 Q All right. At this point I am taking it that this
24 is where you say to Davone that he wants to get something off
25 his chest, right?

1 A I believe that was Detective Miller that said tha
2 Q All right. So you go through another Miranda form,
3 right?

4 A Yes.

5 Q And Detective Miller said you told them you wanted
6 to come clean; is that correct?

7 A I believe it was he wanted them to come clean about
8 some things.

9 Q Right. And then again he starts repeating that he's
10 afraid somebody's going to kill him?

11 A Yes.

12 Q Is that right? He's still worried that the C.O.'s
13 that apparently he's been confiding in all morning, are going
14 to put him in a cell and burn him up, right?

15 A Yes, he was concerned about that.

16 Q And you guys again tried to tell him no one's trying
17 to kill you?

18 A Yes.

19 Q Once again, for protracted periods of time --
20 actually between 8:32 and 8:55, you and Detective Miller keep
21 trying to get him to talk, and he basically sits there and
22 says nothing but he mutters, just sits there muttering; is
23 that fair?

24 A No.

25 Q That's not fair?

1 A No.

2 Q That is not what happened between 8:32 and 8:55?

3 A No. He asks about the neighbor a little bit. He
4 asks about an affidavit. And there are points that he
5 mutters, and there's a long time period that there's not a
6 whole lot of talk.

7 Q At 8:55 did he say, I need time to think, I'm going
8 to be here tomorrow, and cut off the conversation?

9 A That's part of what he said. There's inquiries
10 about the neighbor. Excuse me. Let me clarify. The time
11 span in between 8:32 and 8:55 he asks us what we know, what
12 police know. After 8:55, I need more time to think. And
13 there's some inquiries about the neighbor. I am still going
14 to be here tomorrow.

15 Q Right. And then toward the end of the interview he
16 once again says he doesn't want to talk to you; is that right?

17 A He shakes his head. Detective Miller asks him about
18 answering more questions, and he shakes his head no.

19 Q Right. And then he says specifically to you, toward
20 the very end of the interview, I don't want to answer anymore
21 questions, right? Next time you come back I want a lawyer,
22 right?

23 A That's not what he said.

24 Q That's not what he said?

25 A No. Next time we speak, I'm going to need an

1 attorney.

2 Q Okay. Thank you. All right. So you're done,
3 right?

4 A Yes.

5 Q You can't talk to him.

6 A Yes.

7 Q He's asked for a lawyer how many times at this
8 point? If you don't even count Freedman, how many times has
9 he asked for a lawyer?

10 A By my interpretation, once.

11 Q Okay. How many times does he say he doesn't want to
12 talk to you anymore?

13 THE COURT: Wait a second. I heard it twice.
14 The first interview and at the end of this interview.

15 THE WITNESS: Judge, in the beginning of the
16 interview he makes reference about -- he poses a question, the
17 way I took it, in the beginning of interview one about an
18 attorney, and we explained to him that's fine essentially if
19 you want to talk to an attorney.

20 THE COURT: Okay. If I don't even count that, at
21 41:09 at the end of the first interview he says, I need a
22 lawyer. I don't want to be talking to you, and that's why you
23 stopped it?

24 THE WITNESS: Yes.

25 THE COURT: And then at the end of this second

1 interview, he says I don't want to answer questions. The next
2 time we talk, I need a lawyer. Or something --

3 THE WITNESS: I'm going to need an attorney, yes.

4 THE COURT: Okay.

5 BY MS. EAKIN:

6 Q Okay. So then we get -- then you leave that
7 interview, right? And then now with the search warrants that
8 you've had in your pocket all day you go back again, right?

9 A Yes.

10 Q So you've been with him for hours at this point,
11 right?

12 A Yes.

13 Q You've been repeatedly interviewing and
14 re-interviewing him even though he's asked for counsel and
15 expressed his right to remain silent, right?

16 A Upon his initiation of the -- wanting to talk to us,
17 yes, we talked to him.

18 Q I understand what you're saying, but he's been --
19 you've been at him for a long time?

20 A We talked to him several times because he initiated
21 the conversations.

22 Q So you go in and you serve the search warrant,
23 right?

24 A Yes.

25 THE COURT: And that's at about?

1 MS. EAKIN: That is -- I'm sorry.

2 THE COURT: It's 9:42 or thereabouts, right?

3 MS. EAKIN: Yes.

4 THE COURT: I'm asking him.

5 MS. EAKIN: Oh, I'm sorry. I thought you were
6 asking me, Judge. I apologize.

7 THE WITNESS: Yes, sir.

8 THE COURT: All right.

9 BY MS. EAKIN:

10 Q And at 9:43 he makes the first incriminating
11 statement that you've heard, right?

12 A Yes.

13 Q And then once again you re-Mirandize him and then we
14 get the last statement, right?

15 A Yes, we get all of the details.

16 Q All right. And at the end of that statement he's
17 clearly -- you suggest that perhaps you'll talk again, but he
18 hasn't given you any indication whatsoever he wants to talk to
19 you again, right?

20 A I believe he said that he didn't want to talk
21 anymore.

22 Q Yes. Okay. All right. Yet the following day you
23 decide it's okay for you to go and take him out of the prison,
24 right? Right?

25 A Yes, we returned --

1 Q Without a lawyer being present?

2 A We returned to the prison because we knew that the
3 gun was out --

4 THE COURT: That wasn't the question. Okay. The
5 question was -- as a matter of fact you said to him at the end
6 of the third interview, if you need to talk to us again, you
7 get a hold of one of the C.O.'s, right?

8 THE WITNESS: Yes.

9 THE COURT: He didn't ask to talk to you again,
10 right?

11 THE WITNESS: Correct.

12 THE COURT: You went back and got him?

13 THE WITNESS: Correct.

14 THE COURT: All right. Anything else on that? Do
15 you have anything else on what I just --

16 MS. EAKIN: No, sir. No, sir.

17 THE COURT: Next question.

18 BY MS. EAKIN:

19 Q What was the point of you going back to get him?

20 THE COURT: What difference does it make?

21 MS. EAKIN: Well, it does because the fourth
22 transcript shows you exactly what they were doing. Exactly
23 what they were doing. So I would just -- give me a little bit
24 of leeway here, Judge, please.

25 THE COURT: Go ahead. Go ahead.

1 BY MS. EAKIN:

2 Q You were not just wearing a body wire, were you?
3 You had the car wired, hardwired back to the station, didn't
4 you?

5 A No.

6 Q There was not another wire -- there were not two
7 cameras in that car; is that what you're telling me?

8 A Yes, there were two cameras in the car.

9 Q Where were the cameras?

10 A There was one in the front, I believe it was in the
11 console area, and then we have one mounted to the back of the
12 passenger seat.

13 Q Why was there a need for two cameras?

14 A Because we want to have coverage of the back of the
15 car and the conversation.

16 Q Okay. So you take him out of the prison --

17 THE COURT: So there's not normally two cameras in
18 the car?

19 THE WITNESS: In patrol cars there's two cameras
20 in each car. There's one in the front and one in the back.

21 THE COURT: In the car you were using --

22 THE WITNESS: Not normally, no.

23 THE COURT: All right.

24 BY MS. EAKIN:

25 Q Why -- I'm sorry.

1 THE COURT: So you specially set up this car with
2 cameras?

3 THE WITNESS: Yes.

4 THE COURT: All right. Go ahead.

5 BY MS. EAKIN:

6 Q Was this second camera being heard by the station,
7 is what I'm asking you?

8 A No.

9 Q So you get him in the car and you tell him you just
10 want to get him some fresh air, right?

11 A Yes.

13 A Well, yeah, we wanted to get him out to -- he got
14 some fresh air. That was part of it. We wanted to find the
15 gun.

16 Q And he quickly tells you, I got nothing to say to
17 you. Take me back. Either kill me or take me back, right?

18 A He made reference that he thought we were taking him
19 out to kill him.

20 Q And --

21 A And he invoked that he wanted an attorney, and we
22 stopped and we took him back.

23 Q All right. And he's still making these references
24 about people are trying to kill me and everything else, just
25 take me back, I have nothing to say to you essentially, right?

1 A Yes.

2 Q And after you took him into the prison, you kept the
3 cameras running, didn't you, in the car when you and Miller
4 were in the car, didn't you?

5 A Yes, the camera -- one of the cameras was running.

6 Q Right. And, in fact, I believe you forgot it was
7 running, didn't you?

8 A I think we both forgot that it was running.

9 Q All right. Because during that car ride you and
10 Detective Miller were talking about what a fantastic job you
11 had done getting the statement out of Davone, right?

12 A Yes.

13 Q You were very proud of yourselves, weren't you?

14 A Yes.

15 Q At 5:07 p.m. did Detective Miller say to you,
16 dammit, Tom, how the hell we fucking did that last night was
17 amazing. He was kind of back and forth last night saying he
18 wants an attorney. He's fucking nuts. And how you and I got
19 that confession last night is just amazing. Is that accurate?

20 A I think there's some words that are left out of that
21 part of the transcript, I would have to listen, but yeah.

22 Q Is that the gist of what happened?

23 A Yes, those words are in the video.

24 Q And you didn't know -- you didn't remember that
25 recording was on, did you?

1 A That's correct.

2 Q And you then say that -- you say to Miller, and he's
3 a little bit more stable now, right?

4 A The next day, yes.

5 Q And Miller says, I did good. You did good. His
6 state of mind. Right?

7 A Yes.

8 Q And then you say, I think we got lucky because of
9 his mental state. Other people would have left after he went
10 squirrely the first time. They wouldn't have kept doing it,
11 right?

12 A I don't think that I said squirrely, and Detective
13 Miller said they would not have kept doing it.

14 Q Meaning they wouldn't have kept going back after
15 him, right?

16 THE COURT: Is there a transcript of this you're
17 referring to?

18 MS. EAKIN: It's not in the transcript. That's
19 the problem, Judge.

20 MR. MCCORMACK: It's Commonwealth's Exhibit 4-B.
21 It's the last transcript I handed up to you.

22 MS. EAKIN: It starts -- I mean it's paraphrased
23 from page 8 on. I only pointed it out rather than playing it
24 and mincing over words. This is the gist of what happened
25 here.

1 THE COURT: And you're okay with that?

2 MS. EAKIN: Yes.

3 THE COURT: All right.

4 MS. EAKIN: Yes.

5 THE COURT: Then I'll read it.

6 BY MS. EAKIN:

7 Q And then finally at 5:15 p.m., at the very end of
8 the recording, you realize that it's being recorded, right?

9 A Yes.

10 Q And I believe Miller says, busted. Turn that
11 fucking thing off; is that right?

12 A No, that is inaccurate.

13 Q That's inaccurate?

14 A I did not hear anybody say busted.

15 THE COURT: Where in the transcript is this?

16 MR. MCCORMACK: The very last sentences of the
17 transcript, Your Honor, is what she's referring to.

18 MS. EAKIN: Yeah. I would ask that the last
19 minute of the tape then be played.

20 THE COURT: I don't see it on the last page of the
21 transcript.

22 MS. EAKIN: Page 9 it says -- the transcript says,
23 yeah, and they -- they wouldn't have had to and kept doing it,
24 and plus he was at least responding with us. I'm telling you
25 right now certain officers, certain people, they, pause, did I

1 turn that fucking thing off?

2 THE COURT: I don't see busted anywhere.

3 MS. EAKIN: That's what I'm telling you.

4 THE COURT: We will reconvene at 1:15.

5 (A recess was taken for lunch.)

6 AFTER LUNCH RECESS

7 (Court reconvened at 1:15 p.m.)

8 THE COURT: Okay.

9 MS. EAKIN: Just very quickly I'm going to ask to
10 play the last minute of what would be the car interview.

11 MS. VITO: Your Honor, that would be
12 Commonwealth's Exhibit 4-A that was previously entered, and
13 I'm going to start the video at 38 minutes and 56 seconds.

14 (The video was played.)

15 BY MS. EAKIN:

16 Q All right. Now, Sergeant, just one other thing.
17 During any of your interactions with the Defendant, did you
18 ever mention the fact that you were investigating the two
19 murders?

20 A Not both of them.

21 Q Which one?

22 A We mentioned about Kaylee.

23 Q All right. But he was never told that that was your
24 purpose for talking to him?

25 A Not initially when we came in.

1 THE COURT: Well, the question was ever? During
2 any of the four interviews was he ever made aware that he was
3 being questioned regarding the homicides?

6 BY MS. EAKIN:

7 Q But Kaylee wasn't dead yet, right?

8 A Not that we were aware of at that point

9 Q In fact, your own search warrants say that they were
10 for an aggravated assault, right?

11 A At the time that I did the search warrant, yes.

12 MS. FEAKIN: Okay. I have nothing further.

13 THE COURT: Any follow-up?

PREDICT EXAMINATIONS

15 BY MR. MCCORMACK.

16 Q From the discussions that you had with the
17 Defendant, whether you specifically told him why you were
18 there or not, from your perspective he was aware of what you
19 were talking about?

MS. BAKIN: Objection. That's speculative.

21 THE COURT: Sustained. You can get into details.

22 BY MR. MCCORMACK:

23 Q Did he at any point in time during any of those
24 interviews mention Kaylee or any of the circumstances
25 concerning the murder or ask questions about the murder?

1 A I believe he asked us how Kaylee was.

2 Q Okay.

3 A Or if she was okay. I would have to look back
4 through the transcripts to get the exact wording, but I think
5 he asked about if she was okay when I left.

6 Q That third -- when you're doing the search warrant
7 though he is the one who brings up Sydney and Kaylee, correct?

8 A Yes.

9 Q All right. We had talked about the cameras that
10 were in the car during the car ride. Was the Defendant aware
11 that there were cameras -- the camera was on in the car?

12 A Yes.

13 Q And how do you know he was aware?

14 A We told him.

15 Q All right. At the end of the third interview there
16 was a question that you were asked about whether -- who
17 mentioned about coming back another time. Were you the only
18 person that mentioned about we can come back another time?

19 A No. Mr. Anderson said that he would be here
20 tomorrow.

21 Q All right. So he mentioned that you could come back
22 another time?

23 A Yes.

24 Q And, in fact, on 3-B, on page 15 at the bottom, is
25 there a reference from Mr. Anderson about potentially

1 continuing the interview another time?

2 A Yes. On line 668 Mr. Anderson says, you all got
3 enough now or can we continue another time?

4 Q And that's towards the end of that interview?

5 A Yes.

6 Q And --

7 THE COURT: And so I'm correct in my notes, it was
8 at the end of that interview that he said, I don't want to
9 answer anymore questions, and the next time I talk to you I
10 will need a lawyer, something to that effect? It was that
11 second interview? Was it the second or third interview that
12 he said the next time we talk I need a lawyer?

13 THE WITNESS: It was the second interview, I
14 think.

15 THE COURT: Okay. Thank you.

16 BY MR. MCCORMACK:

17 Q When you were interacting with him during those
18 three different interviews, it sounds like you were at the
19 prison for a couple hours; is that correct?

20 A Yes.

21 Q What were your observations of the Defendant
22 concerning his state of -- whether he was in a state of
23 intoxication or anything like that? Did you make any
24 observations of that?

25 A Yes. He didn't appear to be intoxicated. He

1 understood all of our questions. He appeared just flat, but
2 he didn't appear like he didn't understand anything that we
3 were talking about. He didn't --

4 THE COURT: And the first time you talked with him
5 wasn't until after 6:30 -- after 7:00; is that right? Because
6 Corsiglia didn't talk to him until about 7, so it would have
7 been after that that he called you?

8 THE WITNESS: We got the call around 18:45 and
9 then we --

10 THE COURT: Which is what?

11 THE WITNESS: 6:45 p.m.

12 THE COURT: 6:45.

13 THE WITNESS: I'm sorry, Judge. Yeah.

14 THE COURT: Okay.

15 THE WITNESS: So after 7 -- probably 7:19, 7:20.

16 THE COURT: So he had been arrested like at 4:00
17 that morning; is that right?

18 THE WITNESS: Yes.

19 THE COURT: So he had been in custody for 15 hours
20 anyhow?

21 THE WITNESS: Yes.

22 THE COURT: Okay.

23 MR. MCCORMACK: They're all the questions I have
24 at this time.

25 THE COURT: Follow-up?

1

RECROSS EXAMINATION

2 BY MS. EAKIN:

3 Q Okay. So your testimony now is from your first
4 interaction with him on the 31st of July through your
5 interaction with him in the car the following day that he did
6 not display any indication that he had a problem with his
7 thinking pattern?

8 A He understood --

9 THE COURT: That's not what he said. He said he
10 wasn't intoxicated.

11 BY MS. EAKIN:

12 Q Did you think he was nuts?

13 A I said that he was nuts.

14 Q Right. In fact --

15 THE COURT: Wouldn't that be speculation too?

16 BY MS. EAKIN:

17 Q Well, according to your own transcript, Detective
18 Miller says he's a fucking psycho?

19 A That's the following day, yes.

20 Q Right?

21 A That was said.

22 Q Right. And then -- let's see, then he says to you,
23 I mean very well could be, but he was kind of back and forth
24 last night too, you know, about I want an attorney. And then
25 stopped talking to us. And just he's fucking nuts. And how

1 you and I got that confession from him last night is just --
2 I'll tell you what, man, that's just amazing. And then you
3 say, he was a little bit more stable right now. He's still
4 fucking nuts, man. Do you want to change your answer?

5 THE COURT: Well, we can wait here until 4:00
6 or --

7 MS. BAKIN: I'll withdraw. My point is -- you've
8 got the transcripts, Judge. I don't have anything else for
9 him.

10 MR. MCCORMACK: I have no further questions.

11 THE COURT: Detective, you may step down.

12 MR. MCCORMACK: And the Commonwealth has no
13 further testimony.

14 THE COURT: Anything from the defense?

15 MS. BAKIN: I just have to check. It will take
16 five minutes.

17 THE COURT: Let me know when you are ready.

18 Whereupon,

19 DETECTIVE SGT. DANIEL FREEDMAN

20 having been duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MS. BAKIN:

23 Q Please state your name.

24 A Daniel Freedman, F-r-e-d-m-a-n.

25 Q And at one point you were employed with Carlisle

1 Borough Police Department?

2 A Yes, ma'am.

3 Q For how long were you there?

4 A Just under 24 years.

5 Q And you retired as a sergeant; is that correct?

6 A Technically still in the books until the 2nd, but,
7 yeah, Detective Sergeant.

8 Q Detective Sergeant?

9 A Yes.

10 Q All right. And you were involved in a vehicle stop
11 and the arrest of the defendant, Davone Anderson, on the 31st
12 of July, 2020, at approximately 4:04 a.m., correct?

13 A I showed up on the scene after the stop, yes.

14 Q Right. And you were in an unmarked car?

15 A Yes.

16 Q And it was a convenience store. What's the name of
17 that store?

18 A At the time it was a Super 7. It might be a Carroll
19 Mart now. I can't remember what it is right now.

20 Q Do you have any idea how many officers were there
21 when the arrest was made? Or when you arrived, how many
22 officers were there?

23 A When I arrived, at least 6.

24 Q And guns were drawn, right?

25 A Not when I was there, but from watching the video

1 they were. All of that was finished when I arrived.

2 Q And rifles had -- oh, you've seen the video?

3 A I've seen the video.

4 Q Rifles were drawn?

5 A Yes, correct.

6 Q This is a use of force situation?

7 A Correct.

8 Q And you had contact with Davone when he was in a
9 cruiser, right?

10 A Correct.

11 Q You've reviewed that video, and at some point he
12 indicated that he wanted a lawyer, right?

13 A On the video, yes.

14 Q And he said, I'm not talking, and your response was,
15 I got that. Is that right?

16 A Not in that order, I don't believe.

17 THE COURT: I thought this was agreed to, that he
18 invoked his right to counsel when he was arrested?

19 MR. MCCORMACK: We do agree.

20 MS. EAKIN: Fine.

21 THE COURT: They agreed to that 2 1/2 hours ago.

22 BY MS. EAKIN:

23 Q Were you in communication with Detectives Miller and
24 Dolan when they went and picked Davone up from the prison on
25 the 1st of August?

1 A For the trip in the vehicle?

2 Q Yes?

3 A Yes.

4 Q And how were you in contact with them?

5 A We were in communication -- well, not in two-way
6 communication. We had set up a security type detail.
7 Corporal Kurtz and I were in a vehicle behind them just as a
8 security feature because we were taking him out of the prison.

9 Q And were you talking on the phone?

10 A No. No, we had set up a phone call. I believe it
11 was with Detective Miller's phone or Dolan's. I'm not sure
12 whose it was. They left it open. We muted the phone just so
13 we could hear them talking. Should something go wrong, we
14 could react.

15 Q Right. So you could hear?

16 A I could hear them, yes.

17 Q All right. I understand. I understand.

18 MS. EAKIN: No further questions.

19 MR. MCCORMACK: Just one.

20 CROSS EXAMINATION

21 BY MR. MCCORMACK:

22 Q When you were speaking with him on the night of the
23 -- or early morning on the 31st, did you have any conversation
24 with him about whether he was under the influence at all?

25 A I believe I asked him if he was under the influence

1 of drugs or alcohol.

2 Q And what was his response?

3 A He said he was not.

4 Q Okay.

5 MS. EAKIN: No questions.

6 THE COURT: Thank you.

7 THE WITNESS: Thank you.

8 THE COURT: Anything else? Any rebuttal?

9 MR. MCCORMACK: No rebuttal.

10 THE COURT: Okay. So I've got to make findings of
11 fact and conclusions of law.

12 (The following was entered after the testimony.)

13 AND NOW, this 27th day of December, 2021, after
14 hearing, we make the following Findings of Fact, Conclusions
15 of Law, and Order:

16 FINDINGS OF FACT

17 1. Defendant was arrested around 4:00 a.m. on
18 July 31, 2020, on charges unrelated to the instant homicides.
19 However, we find the arrest was made with the homicides in
20 mind.

21 2. At the time of his arrest the Defendant
22 clearly and unequivocally invoked his right to counsel and his
23 right to remain silent.

24 3. The Defendant was transported to the
25 Cumberland County Prison where he was held in the booking

1 center for processing.

2 4. As of 3:00 p.m. on July 31, 2020, he had
3 still not been processed and no charges had been filed.

4 5. Shortly before 3:00 p.m. on that date the
5 shift leader, Corporal Sweeney, noticed the Defendant to be
6 emotionally out of sorts and crying. He spoke with the
7 Defendant and confirmed his emotional state.

8 6. The Defendant asked Sweeney to have the
9 detectives come to the prison to talk with him. However
10 Corporal Sweeney never conveyed that request to anyone.

11 7. Shortly after 3:00 p.m. the Defendant made a
12 halfhearted attempt to commit suicide by strangling himself
13 with the elastic bands on his COVID-19 mask.

14 8. The Defendant was placed in a suicide suit
15 and put on suicide watch.

16 9. At about 6:45 p.m., while still at the
17 booking center, the Defendant told C.O. Corsiglia that he
18 wanted to confess something to him. The Defendant did not say
19 that he wanted to talk to the police.

20 10. Nevertheless, C.O. Corsiglia took it upon
21 himself to call the police to come talk to the Defendant.

22 11. Before the police arrived, the Defendant
23 made an unsolicited statement to C.O. Corsiglia to the effect
24 that "I killed them both".

25 12. Detectives Dolan and Miller arrived at the

1 prison to question the Defendant shortly after 7:00 p.m.

2 There were still no charges filed against him.

3 13. About 4 minutes after the interview began,
4 the Defendant requested a lawyer. No lawyer was provided, yet
5 the interview continued.

6 14. The Defendant was given his Miranda Warnings
7 at 7:41 p.m., after which he indicated that he was willing to
8 speak with the detectives.

9 15. The Defendant was questioned for about
10 40 minutes before he again invoked his right to counsel and
11 refused to answer anymore questions.

12 16. The detectives stopped the interview, but
13 remained at the prison.

14 17. Shortly after the interview ended, the
15 Defendant asked to speak with shift leader Sweeney again.
16 Shift Leader Sweeney sought permission from the detectives
17 before going back to speak with the Defendant.

18 18. The Defendant was obviously distraught. He
19 asked Sweeney if he could call his mother. Sweeney advised
20 him that he could not make a call until charges had been filed
21 and he was processed.

22 19. Corporal Sweeney then told the Defendant
23 that if he knows anything he has to talk and to tell the
24 truth. He went on to say that keeping it bottled up would
25 "crush him".

1 20. At that point the Defendant put his head
2 down and asked for the detectives to come back in.

3 21. The Defendant was again read his Miranda
4 Warnings and agreed to talk with the police. This occurred at
5 8:20 p.m., shortly after the first interview had ended.

6 22. The second interview ended when the
7 Defendant refused to answer anymore questions and said "The
8 next time we talk I'm going to need a lawyer".

9 23. While the detectives ended the interview,
10 they again did not leave the prison.

11 24. Within an hour of ending the second
12 interview, the detectives decided to execute search warrants
13 on the Defendant. One was for gunshot residue and the other
14 was for DNA.

15 25. They had been in possession of both warrants
16 since earlier in the day before they first came to the prison.

17 26. During the execution of the search warrants,
18 the Defendant made unsolicited voluntary statements admitting
19 to the killings.

20 27. After those statements were made, Detective
21 Miller requested the Defendant to give a formal statement,
22 gave him his Miranda Warnings again, and proceeded to question
23 him. The Defendant eventually ended the interview by again
24 invoking his right to remain silent.

25 28. The detectives came to the prison the next

1 day. They specially equipped their vehicle with cameras to
2 record anything the Defendant might say.

3 29. They retrieved the Defendant from the prison
4 and took him for a ride in the vehicle. The ostensible
5 purpose was to get the Defendant to lead them to the weapon.

6 30. The Defendant yet again invoked his right to
7 remain silent and his right to counsel. At that point the
8 trip ended.

9 CONCLUSIONS OF LAW

10 1. The statement made to C.O. Corsiglia was a
11 voluntary statement which was not made in response to any
12 questioning.

13 2. The statements made at the beginning of the
14 execution of the search warrants were voluntary statements and
15 not made in response to any questioning.

16 3. The first interview at the prison was in
17 violation of the Defendant's right to remain silent under the
18 5th amendment, and right to counsel under the 6th amendment.

19 4. The second interview at the prison was made
20 in violation of the Defendant's right to remain silent under
21 the 5th amendment, and the right to counsel under the 6th
22 amendment.

23 5. The statements made in response to
24 questioning after the execution of the search warrant were
25 made in violation of the Defendant's right against self

1 incrimination under the 5th amendment, and right to counsel
2 under the 6th amendment.

ORDER OF COURT

8 AND NOW, this 27th day of December, 2021, after
9 hearing, the Defendant's request to suppress the statements
10 made to Corrections Officer Corsiglia and the unsolicited
11 statements made to the police at the beginning of the
12 execution of the search warrant is denied. All other
13 custodial statements made by the Defendant are suppressed and
14 may not be used at trial in this matter.

15 THE COURT: So I believe that covers everything?

16 MS. EAKIN: Yes, sir.

17 THE COURT: Anything else?

18 MR. MCCORMACK. Not at this time, Your Honor.

19 THE COURT: Okay. We are adjourned.

(The proceedings concluded at 1:56 p.m.)

21

22

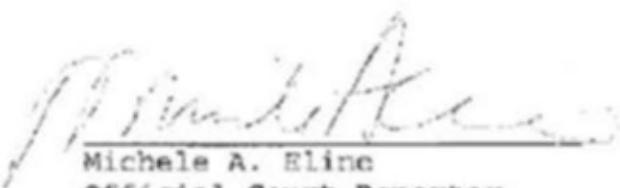
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CERTIFICATION

I hereby certify that the proceedings are contained fully and accurately in the notes taken by me on the above cause, and that this is a correct transcript of same.


Michele A. Eline
Official Court Reporter

The foregoing record of the proceedings on the hearing of the within matter is hereby approved and directed to be filed.


Date

Edward R. Guido, P.J.
Ninth Judicial District

APPENDIX D: Order on Pretrial Motions (Dec. 27, 2021)

COMMONWEALTH : IN THE COURT OF COMMON PLEAS OF
v : CUMBERLAND COUNTY, PENNSYLVANIA
: THE NINTH JUDICIAL DISTRICT
: CP-21-CR-1964-2020
: CP-21-CR-1944-2020
DAVONE UNIQUE ANDERSON :

IN RE: PRETRIAL MOTIONS
ORDER OF COURT

AND NOW, this 27th day of December, 2021, it is hereby ordered and directed as follows:

1. All discovery regarding the guilt phase must be provided to the defense no later than March 15, 2022. Any discovery provided after that date will result in the preclusion of the Commonwealth from presenting any evidence in connection therewith.

2. The Defendant's request to preclude the Commonwealth from selecting a death qualified jury is denied.

3. The defense request to have us rule the death penalty to be unconstitutional is denied.

4. By agreement of the parties, all discovery regarding the penalty phase shall be provided to the defense by April 1, 2022. The discovery shall include an exhaustive list of the victim impact witnesses, along with a synopsis of their testimony. No testimony outside the scope of the synopsis shall be allowed at trial.

5. The Defendant's motion to sever Counts 4 and 5 to be tried separately is granted. Those charges shall be tried separately.

6. The Defendant's motion to sever 1944 Criminal 2020 is granted. Those charges shall be tried separately.

By the Court,



Edward E. Guido, P.J.

Sean McCormack, Esquire
Nicole Vito, Esquire
Office of the District Attorney

Heidi F. Eakin, Esquire
For Defendant

Michael O. Palermo, Esquire
For Defendant

Probation

:mac

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APPENDIX E: Order on Motion to Suppress (Dec. 27, 2021)

COMMONWEALTH : IN THE COURT OF COMMON PLEAS OF
: CUMBERLAND COUNTY, PENNSYLVANIA
: THE NINTH JUDICIAL DISTRICT
:
: CP-21-CR-1964-2020
:
: DAVONE UNIQUE ANDERSON :

IN RE: MOTION TO SUPPRESS
FINDINGS OF FACT, CONCLUSIONS OF LAW & ORDER OF COURT

AND NOW, this 27th day of December, 2021, after hearing, we make the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Defendant was arrested around 4:00 a.m. on July 31, 2020, on charges unrelated to the instant homicides. However, we find the arrest was made with the homicides in mind.

2. At the time of his arrest the Defendant clearly and unequivocally invoked his right to counsel and his right to remain silent.

3. The Defendant was transported to the Cumberland County Prison where he was held in the booking center for processing.

4. As of 3:00 p.m. on July 31, 2020, he had still not been processed and no charges had been filed.

5. Shortly before 3:00 p.m. on that date the shift leader, Corporal Sweeney, noticed the Defendant to be emotionally out of sorts and crying. He spoke with the Defendant and confirmed his emotional state.

6. The Defendant asked Sweeney to have the detectives come to the prison to talk with him. However Corporal Sweeney never conveyed that request to anyone.

7. Shortly after 3:00 p.m. the Defendant made a halfhearted attempt to commit suicide by strangling himself with

the elastic bands on his COVID-19 mask.

8. The Defendant was placed in a suicide suit and put on suicide watch.

9. At about 6:45 p.m., while still at the booking center, the Defendant told C.O. Corsiglia that he wanted to confess something to him. The Defendant did not say that he wanted to talk to the police.

10. Nevertheless, C.O. Corsiglia took it upon himself to call the police to come talk to the Defendant.

11. Before the police arrived, the Defendant made an unsolicited statement to C.O. Corsiglia to the effect that "I killed them both".

12. Detectives Dolan and Miller arrived at the prison to question the Defendant shortly after 7:00 p.m. There were still no charges filed against him.

13. About 4 minutes after the interview began, the Defendant requested a lawyer. No lawyer was provided, yet the interview continued.

14. The Defendant was given his Miranda Warnings at 7:41 p.m., after which he indicated that he was willing to speak with the detectives.

15. The Defendant was questioned for about 40 minutes before he again invoked his right to counsel and refused to answer anymore questions.

16. The detectives stopped the interview, but remained at the prison.

17. Shortly after the interview ended, the Defendant asked to speak with shift leader Sweeney again. Shift Leader Sweeney sought permission from the detectives before going back to speak with the Defendant.

18. The Defendant was obviously distraught. He asked Sweeney if he could call his mother. Sweeney advised him that he could not make a call until charges had been filed and he was processed.

19. Corporal Sweeney then told the Defendant that if he knows anything he has to talk and to tell the truth. He went on to say that keeping it bottled up would "crush him".

20. At that point the Defendant put his head down and asked for the detectives to come back in.

21. The Defendant was again read his Miranda Warnings and agreed to talk with the police. This occurred at 8:20 p.m., shortly after the first interview had ended.

22. The second interview ended when the Defendant refused to answer anymore questions and said "The next time we talk I'm going to need a lawyer".

23. While the detectives ended the interview, they again did not leave the prison.

24. Within an hour of ending the second interview, the detectives decided to execute search warrants on the Defendant. One was for gunshot residue and the other was for DNA.

25. They had been in possession of both warrants since earlier in the day before they first came to the prison.

26. During the execution of the search warrants, the Defendant made unsolicited voluntary statements admitting to the killings.

27. After those statements were made, Detective Miller requested the Defendant to give a formal statement, gave him his Miranda Warnings again, and proceeded to question him. The Defendant eventually ended the interview by again invoking his right to remain silent.

28. The detectives came to the prison the next day. They specially equipped their vehicle with cameras to record anything the Defendant might say.

29. They retrieved the Defendant from the prison and took him for a ride in the vehicle. The ostensible purpose was to get the Defendant to lead them to the weapon.

30. The Defendant yet again invoked his right to remain silent and his right to counsel. At that point the trip ended.

CONCLUSIONS OF LAW

1. The statement made to C.O. Corsiglia was a voluntary statement which was not made in response to any questioning.

2. The statements made at the beginning of the execution of the search warrants were voluntary statements and not made in response to any questioning.

3. The first interview at the prison was in violation of the Defendant's right to remain silent under the 5th amendment, and right to counsel under the 6th amendment.

4. The second interview at the prison was made in violation of the Defendant's right to remain silent under the 5th amendment, and the right to counsel under the 6th amendment.

5. The statements made in response to questioning after the execution of the search warrant were made in violation of the Defendant's right against self incrimination under the 5th amendment, and right to counsel under the 6th amendment.

6. Any statements made in the police car on August 1, 2020, were obtained in violation of the Defendant's right to remain silent under the 5th amendment and the right for counsel under the 6th amendment.

ORDER OF COURT

AND NOW, this 27th day of December, 2021, after hearing, the Defendant's request to suppress the statements made to Corrections Officer Corsiglia and the unsolicited statements made to the police at the beginning of the execution of the search warrant is denied. All other custodial statements made by the Defendant are suppressed and may not be used at trial in this matter.

By the Court,



Edward E. Guido, P.J.

Sean McCormack, Esquire
Nichole L. Vito, Esquire
Office of the District Attorney

Heidi F. Eakin, Esquire
For Defendant

Michael O. Palermo, Esquire
For Defendant

Probation

:mae

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APPENDIX F: Exhibits in Support of Motion to Suppress

INTERVIEW WITH DEVON ANDERSON

PART 2 – Second Recording

DETECTIVE CHRISTOPHER MILLER: So, um, Devon, I'm recording again, okay? So, um, you said you wanted to talk to us today. Uh, uh, we need you to - we need to do this Miranda again because since, since the last time you didn't wanna talk to us anymore and you wanted to get attorney last time and you told us, you know, that you did wanna talk to us again so we need to re- your - re-Mirandize you. So I'm going to read this to you again. I know it's very repetitive 'cause you've already done it but I need to do this first.

DEVON ANDERSON: I know like you're probably irritated.

DETECTIVE CHRISTOPHER MILLER: No, no, not at all. I wanna jot down. Give me one second. And, Detective Dolan, I have 07-31 of '20 and what time do you have?

DETECTIVE THOMAS DOLAN: I have 8:20 pm.

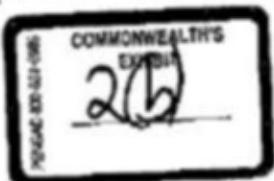
DETECTIVE CHRISTOPHER MILLER: 2020 hours. Place, Cumberland County Prison. Okay here we go. My name is Detective Christopher Miller of the Carlisle Police Department. I wish to advise you that you have an absolute right to remain silent and anything you say can and will be used against you in a court of law. You have a right to talk to an attorney before and have an attorney present with you during questioning. And if you cannot afford an attorney, one will be appointed to represent you without charge before questioning if you so desire. If you do decide to answer any questions, you may stop at any time you wish. And then do you understand these rights, you can check yes or no. Bearing these rights in mind, are you willing to speak with me? And check yes and no. You can read the waiver statement again. Signature and I'll sign it. Detective Dolan will sign it. Sign here. Thanks. And, Detective Dolan can you sign this, please? Great. And you wanna talk to us again, Devon? What's goin' on, man? It's okay man. Tell me what's goin' on.

DEVON ANDERSON: I don't really know. I understand that I don't really (unintelligible) the to talk about. I mean...

DETECTIVE CHRISTOPHER MILLER: Sure. It's okay, Devon. I know things are tough, man. I know things are tough. I get it. Like I say, man, you know, we respect honesty and all that stuff.

DEVON ANDERSON: Yeah, I know.

People that are honest with me, always respect...



46

47 DEVON ANDERSON: So what...

48

49 DETECTIVE CHRISTOPHER MILLER: ...no matter what.

50

51 DEVON ANDERSON: ...you wanna know straight up?

52

53 DETECTIVE CHRISTOPHER MILLER: You told deputies you wanted to - you wanted to
54 come clean about some things. What'd you wanna come clean about? And
55 straight up, I'll - I'll ask you a question, sir. If you - if you - if you trust me,
56 I trust you. Trust me to be honest. I trust you to be honest. (Unintelligible).
57 It's okay, man. I'm here to listen. It's tough, man, but listen I just, I want you
58 to be - I just want you to be honest and I want you to be straight with me
59 'cause, you know, I wanna help you best I can. I really do. I promise you.
60 You've been through a lotta stuff. Were you upset with her? You said about
61 the kids maybe not being - being yours. I mean, did you guys have an
62 argument or something?

63

64 DEVON ANDERSON: I heard that -- that you all guys think that I wasn't the only person
65 that was at the house when Sydney was killed.

66

67 DETECTIVE CHRISTOPHER MILLER: Where are you hearing this information?

68

69 DETECTIVE THOMAS DOLAN: Who told you that?

70

71 DEVON ANDERSON: I don't know. Somebody told me that, that - and you all
72 (unintelligible) somethin' about me and some - somebody or some police
73 came there again and - and trying to break into the house (unintelligible).

74

75 DETECTIVE CHRISTOPHER MILLER: So another police officer came back to the house
76 and looked for somethin'? Okay. Tell - tell me - tell me about those
77 situations, man. Tell me about - tell me everything. Tell me everything that's
78 goin' on 'cause, uh, uh, this is - this is my thought, Devon, is, yeah, and I - I
79 can't go into how much I respect honesty. I can't go into how much I respect
80 you coming in and trying to make things better. And I want you to make
81 things right. I want you to tell us whatever's on your mind. Tell us whatever
82 happened. Tell us whatever's goin' on 'cause I want - I wanna help the best I
83 can. What I don't want to happen, Devon, is I just don't wanna - I don't
84 wanna walk outta here, you know, and not give you opportunity to talk with
85 us and not give the opportunity for us - for us to help the best way we can,
86 um, for me to get you where you need to be, um, for you to tell me what's
87 goin' on. I mean, we're - we're - we're here to talk to you. You know, we're
88 not gonna lie to you. And I - I - I hope you know us a little bit by now that
89 what - what we tell ya is - it's how it is, you know? You ask before about
90 let's get you outta jail, man. We can't control that.

91
92 DETECTIVE THOMAS DOLAN: And Corporal, Corporal (Unintelligible) said, you told 'em
93 that -- you told 'em you're wanted to come clean. What do you wanna come
94 clean about?

95
96 DETECTIVE CHRISTOPHER MILLER: Just tell us what happened, man. We'll -- we'll
97 move forward. We'll figure out how to move forward. Tomorrow's another
98 day, man, but we have to move forward. You know what I mean? Have to
99 get certain things squared away and all that's, you know, sometimes people
100 make mistakes. And sometimes, you know, things -- things have -- people
101 have had some bad things happen to 'em. Um, we have to move forward. I'm
102 -- I'm concerned. You know, if -- if -- you can't keep things in. Can't just
103 (unintelligible) certain things. You know what I mean? Part of moving
104 forward is -- is being honest with yourself and being honest with others and --
105 and sometimes then to say, "You know what? I screwed up. At least I'm man
106 enough to admit it." You know what I mean? And you move forward and
107 you tell people you screwed up. And that's how respect's there. You know
108 what I mean? I don't like when people lie to me. I'm sure you don't like
109 people to lie to you either. You like when someone's straight with ya? Yeah,
110 so do I 'cause no matter what, man, people make mistakes. Everybody does.
111 But the honesty part, you know, people deliberately lie and -- and try and
112 manipulate. That's the -- that's the problem. You know what I mean? That --
113 that's a big problem 'cause people make mistakes and -- and you deal with it.
114 You move forward and you figure out what all the options are but at least
115 you're honest about it, you know, and you're man about it and you can always
116 move forward and respect each other for it and move on, you know? You
117 have people that care about you and you have kids. You have -- have family.
118 I know -- I know (Alicia) cares about ya. She does. And they're -- they're
119 concerned for you. They know that you've been through a lot. Um, so you --
120 bad things happen. But no matter what, you still have certain people that are
121 always gonna care. I promise you right now I know for a fact (Alicia) cares
122 about you. I know (Allison) cares about you -- know for a fact. But, Devon, I
123 think people need to -- I think people need to, you know, take a step forward
124 and -- and move on and -- and deal with what we have to deal with. That's
125 what I think. So I'm just being honest with you. I think we need to move
126 forward and figure out where we go from here. You could tell me what
127 happened last night.

128
129 DETECTIVE THOMAS DOLAN: Devon if you want -- if you wanna come clean, you gotta
130 get that out. You gotta get that out and talk to us (unintelligible) it's gonna
131 bother ya.

132
133 DETECTIVE CHRISTOPHER MILLER: Yeah, and...
134

135 DETECTIVE THOMAS DOLAN: I, I have been there, (unintelligible) been abused for so long
136 that you gotta get that out and tell us (unintelligible).

137

138 DETECTIVE CHRISTOPHER MILLER: It becomes like a weight off your chest. You know
139 what I mean? Sometimes you just gotta get things out 'cause, you know,
140 things will eat away at you inside. 'Cause, man, you got a future, you do. But
141 we need to move forward. We need to take a step forward. We need to do the
142 right thing. You need to do the right thing. And I know you wanna do the
143 right thing. You came in to talk to us. You told me you wanna do the right
144 thing and you wanna make up for things that you've done. So what
145 happened? Do - do you guys (unintelligible) you guys - you guys have an
146 argument or somethin'? Did you hear somethin'? Did ya - what happened,
147 man? Trust me, I - I can't - I can't help if you don't talk to me. Promise you
148 I'm gonna straight with you everything I say. Everything I said is the truth. I
149 need you to talk. I want you to talk. Devon (unintelligible).

150

151 DEVON ANDERSON: I ain't gonna lie man (unintelligible).

152

153 DETECTIVE CHRISTOPHER MILLER: Okay (unintelligible).

154

155 DEVON ANDERSON: (Unintelligible) killed me.

156

157 DETECTIVE CHRISTOPHER MILLER: Okay and who's gonna kill you?

158

159 DEVON ANDERSON: (Unintelligible). (Unintelligible).

160

161 DETECTIVE CHRISTOPHER MILLER: Devon, nobody's gonna kill you. Nobody's gonna
162 harm you. What - what are you scared - wha- why - why do you think that
163 they would harm ya? What happened that night, dude? I'm talkin' what
164 happened last night? Tell me your side. Tell me. I wanna hear your story,
165 okay...

166

167 DEVON ANDERSON: I'm...

168

169 DETECTIVE CHRISTOPHER MILLER: ...your story. I - I - I don't wanna hear what
170 everyone else wants to say. I wanna hear your story and what happened from
171 your perspective, what you've been through and why things happened the way
172 they did. Let me ask you this. Would you rather people say whatever they
173 wanna say or would you rather get your side out, your story out? I know I'd
174 rather get my story out.

175

176 DETECTIVE THOMAS DOLAN: Something I think, Devon, I think, I - I know you - you -
177 you were (unintelligible) there. And I - I - I can tell that you - it's - it's
178 eating you alive. It's eating you up inside.

179

180 DETECTIVE CHRISTOPHER MILLER: I can see (unintelligible).
181
182 DETECTIVE THOMAS DOLAN: I knew it – and I know it hurts. But you gotta – you gotta
183 come clean. You gotta tell us what happened.
184
185 DETECTIVE CHRISTOPHER MILLER: And we wanna hear it from you, man, just wanna
186 hear your side. We wanna hear your perspective of things. Wanna be fair
187 about everything, man. And tell me your perspective. I wanna know, man.
188 There – I – I don't like not knowing stuff, you know? Tell me what happened.
189
190 DEVON ANDERSON: Did you see the affidavit for Kaylee's (unintelligible)? Why were
191 they saying that we were staying in 157 when her apartment is 139?
192
193 DETECTIVE CHRISTOPHER MILLER: Uh, I don't, I mean, Kaylee's is 137, okay?
194
195 DEVON ANDERSON: I mean, I – I don't know (unintelligible) tell you the truth.
196
197 DETECTIVE CHRISTOPHER MILLER: I thought the other one was 139. But that's – that's
198 fine. No, I'm pretty sure – pretty sure that was 137. I think the numbers are
199 kinda scratched off there a little bit. But I'm pretty – I'm pretty confident it's
200 137.
201
202 DETECTIVE THOMAS DOLAN: Haley lives upstairs in the – I think Haley lives upstairs in
203 139.
204
205 DETECTIVE CHRISTOPHER MILLER: Yeah. Yeah, 139 would be the upstairs one and
206 137...
207
208 DEVON ANDERSON: Haley?
209
210 DETECTIVE THOMAS DOLAN: I think that's her name.
211
212 DETECTIVE CHRISTOPHER MILLER: It's whoever the neighbors – I – I'm not sure of her
213 name, man.
214
215 DETECTIVE THOMAS DOLAN: Uh, who.
216
217 DETECTIVE CHRISTOPHER MILLER: Whoever the name, the neighbors upstairs, I'm not
218 sure – I'm not sure. Yeah, we – we put the wrong – we just had the neighbors
219 upstairs. You guys – you guys were downstairs. Haley lives downstairs.
220 Take – take – take me through it, man, uh, that night. I know there was some
221 sort of disagreement. Did you – did you lose control? Did you get angry or
222 somethin'?
223
224 DEVON ANDERSON: (Unintelligible).

225
226 DETECTIVE CHRISTOPHER MILLER: I understand. You know what I mean? Stuff
227 happens sometimes. I get it. You know, for sure, you know, bad things
228 happen sometimes. And I'm - I'm not here to - not here to kick you when
229 you're down. I'm here to try to help (unintelligible). You know what I mean?
230 And we're here to try and move forward (unintelligible). Where do we go
231 from here (unintelligible) to where you need to be? And - and, uh, I think we
232 can all agree that, that starts with you know, I wanna hear your side. You tell
233 us your side and tell us what happened. And then we - we decide, okay, this
234 is what we need to do to move forward and we do it.
235
236 DEVON ANDERSON: I gotta come clean.
237
238 DETECTIVE CHRISTOPHER MILLER: (Unintelligible) keep respect for each other.
239
240 DETECTIVE THOMAS DOLAN: You gotta come clean, man. That's what men do, you're a
241 man.
242
243 DETECTIVE CHRISTOPHER MILLER: Gotta make things right.
244
245 DETECTIVE THOMAS DOLAN: You gotta come clean.
246
247 DETECTIVE CHRISTOPHER MILLER: You know, when someone - someone makes a
248 mistake, it - it's like anything else. Gotta admit when you gone and screwed
249 up and gotta try and make things right the best you can no matter what, you
250 know? Like Detective Dolan said, that's - that's being a man. That's respect.
251 It's brave. That's doin' what's right. I know that's kinda guy you are, all
252 right? I know people care about ya. I know you care about people. So that's
253 why I wanna hear -- I wanna hear your side. I wanna hear what happened.
254
255 DETECTIVE THOMAS DOLAN: You gotta come clean Devon. I don't know what
256 happened. You gotta tell us.
257
258 DETECTIVE CHRISTOPHER MILLER: Your side is important. Your side is just as
259 important anybody else's. Can I ask you what's holdin' you back a little bit?
260 You just need some time. Give you a minute to think, man. Just relax and
261 gather your thoughts. There's nothin' wrong with that.
262
263 DETECTIVE THOMAS DOLAN: You gotta come clean, Devon.
264
265 DETECTIVE CHRISTOPHER MILLER: Talk to us, man.
266
267 DETECTIVE THOMAS DOLAN: I know it's eatin' you up inside. I can see it. But you gotta
268 come clean. I know it's hard.
269

270 DETECTIVE CHRISTOPHER MILLER: What happened that night, man? What were you
271 upset about? Can you tell me that? Can you tell me what – what you were
272 upset about? Did she do somethin'? Did she do somethin' wrong against ya?
273 You said about the kids. Did she cheat or somethin'? I got it, man. If that's
274 what happened, I get it.
275

276 DETECTIVE THOMAS DOLAN: You gotta come clean Devon. Come clean.
277 (Unintelligible). You wanted – you wanted to tell us. We're here to listen.
278 Get it off your chest 'cause it's eating you up inside.
279

280 DETECTIVE CHRISTOPHER MILLER: I know you didn't want this sorta thing to happen. I
281 know you've been through so much in the pa- in the past couple months, man,
282 and – and stuff you found out, some stuff you heard. I get it. Can you tell us
283 what happened – your – your side of the story, your perspective?
284

285 DEVON ANDERSON: (Unintelligible).
286

287 DETECTIVE CHRISTOPHER MILLER: Uh, I – well, I wanted to hear this 'cause we weren't
288 there. You know what I mean? So, um, the other perspective is, you know,
289 the – the – the police work and all that stuff. But I wanna hear from your
290 perspective 'cause I wasn't there. I don't know what happened. You know
291 what I mean? I don't know what you were feeling. I don't know, you know,
292 you know, what – what – what you were upset about and everything that's
293 goin' on with you. That's important, okay? I don't just believe in like, you
294 know, I hate when you just, you know, arrest somebody and just I wanna hear
295 their side of the story. You know what I mean? That's always important to
296 me. It's always been and always will be 'cause your perspective is gonna be a
297 whole lot different. It's gonna shed some light. I can understand. You know
298 what I mean? I wanna understand. You know, I don't want people to paint
299 you up to be some freakin' monster. You know what I mean? 'Cause you're
300 not. I know you're not. You know you're not. Your side of the story needs
301 to get out. Can you at least slowly take it through the night and start with, you
302 know, how the night began? Okay, Detective Dolan and I are gonna stop talk
303 and I want you to take your time and I want you just talk with us. So we're
304 gonna stop talkin'. I'm gonna give you as much time as you need, all right? I
305 want you to gather your thoughts and I want you to tell us. I'm gonna stop
306 talkin' so is Detective Dolan. Tell me, man. It's okay, man. It's all right.
307 You're doing the right thing, man. Uh, you're doing the right thing.
308

309 DEVON ANDERSON: See who that is?
310

311 DETECTIVE CHRISTOPHER MILLER: That is, uh, Officer nar- are you talkin' about the
312 officer?
313

314 DEVON ANDERSON: Who they're bringing in.

315
316 DETECTIVE CHRISTOPHER MILLER: Um ...
317
318 DETECTIVE THOMAS DOLAN: I think it's (unintelligible) or ...
319
320 DEVON ANDERSON: Ronny's girlfriend?
321
322 DETECTIVE THOMAS DOLAN: I think.
323
324 DETECTIVE CHRISTOPHER MILLER: Yeah, that's who it looks like.
325
326 DETECTIVE THOMAS DOLAN: I haven't seen him for a while.
327
328 DETECTIVE CHRISTOPHER MILLER: That's who it looks like. If it's not him - someone
329 looks a lot like him. Doing the right thing, man. Tell us - tell us what
330 happened.
331
332 DETECTIVE THOMAS DOLAN: Gotta come clean (unintelligible).
333
334 DETECTIVE CHRISTOPHER MILLER: It's the way to move forward.
335
336 DETECTIVE THOMAS DOLAN: Gotta come - you gotta come clean. Tell us the truth.
337
338 DEVON ANDERSON: And this is just audio recorded?
339
340 DETECTIVE CHRISTOPHER MILLER: This one right here? No, that's - that's a bodycam.
341 It's one of our bodycams we use - same one we've always used. The one we
342 always a- we always tell you about and ask you about. Yeah, that's the one.
343 We don't none of their stuff. Like this is - this is ours. It's what we brought
344 in here. But a lotta that's down to get your words. I can't - I wanna - you
345 say, you know? Your side is important. You're doing the right thing. You -
346 you (unintelligible). It's a tough situation. Now we all gotta move forward.
347 Takes - it takes a strong - strong person to admit when they made a mistake
348 and a strong person to, you know, tell us everything that happened, you know?
349 But it's - it's respectful thing to do. It's the right thing to do and you move
350 forward. And - and like I said, I - I - I want your side. Every single time, I -
351 I always wanna get everybody's side. Your side's important to me. I wanna
352 get you to where you need to be.
353
354 DETECTIVE THOMAS DOLAN: You gotta come clean, Devon. You gotta be a man and
355 come clean. Truth is truth. I know it's killin' you. It's eat'n ya up inside.
356 You gotta get it out, gotta come clean.
357
358 DETECTIVE CHRISTOPHER MILLER: Tomorrow's a new day, man. You get it out; you
359 can start to move on.

360
361 ((CROSSTALK))
362
363 DETECTIVE CHRISTOPHER MILLER: They're being loud. We're basically telling them to
364 shut up. It's basically, uh...
365
366 DETECTIVE THOMAS DOLAN: That's why we're...
367
368 DETECTIVE CHRISTOPHER MILLER: Yeah, I think they were like just being loud.
369
370 DETECTIVE THOMAS DOLAN: You gotta come clean, man. Tell us what happened.
371 (Unintelligible)...
372
373 DETECTIVE CHRISTOPHER MILLER: Yeah, it's – it's...
374
375 DETECTIVE THOMAS DOLAN: ...(unintelligible).
376
377 DETECTIVE CHRISTOPHER MILLER: ...(unintelligible). It's the right thing to do, man.
378
379 DETECTIVE THOMAS DOLAN: I know it's bothering you. It's eating you up inside.
380
381 DETECTIVE CHRISTOPHER MILLER: It's the right thing to do. I know, man, a lot of stuff
382 you've been through. You might have been the victim man.
383
384 DETECTIVE THOMAS DOLAN: Mm, hmm.
385
386 DETECTIVE CHRISTOPHER MILLER: Seriously, you've been through a lot – a bunch –
387 you've been through a bunch of stuff. And, you know, some of the stuff I – I
388 wish we knew about – wish we knew about a lot sooner. Um, I mean, I – I
389 mean, I look at you and I, you know, some of this stuff that happened I wish I
390 could fix. I can't. You know, but you've been through a bunch. You think
391 maybe some of that stuff that's – that's been happening to you, some of that
392 stuff played into this? You think if it wasn't for maybe – maybe that stuff,
393 things might be a little bit different? That, uh, and you took, uh, it's a lotta
394 stuff to hear and we don't need to know the whole story. But from – from –
395 from what we know from you, that – that's a lotta stuff to take in. You know,
396 I'm sorry to hear that, man. Some of the stuff you're saying about your
397 childhood, I'm sorry to hear that. You should not have gone through that.
398
399 DETECTIVE THOMAS DOLAN: I understand some of that stuff, okay, 'cause I went through
400 some trauma myself.
401
402 DEVON ANDERSON: I'm sorry but I don't want it to be (unintelligible) how much time
403 it'll take.
404

405 DETECTIVE THOMAS DOLAN: Okay.

406

407 DETECTIVE CHRISTOPHER MILLER: Okay.

408

409 DETECTIVE THOMAS DOLAN: Hey, no problem.

410

411 DETECTIVE CHRISTOPHER MILLER: We'll just - we'll - we'll stop talkin'.

412

413 DEVON ANDERSON: I didn't see - you said that Haley lives upstairs and I didn't know
414 that.

415

416 DETECTIVE CHRISTOPHER MILLER: I - I don't know if that's her name. Uh, it might not
417 be. We - we thought the neighbor's name was that. Eh, eh, we just know
418 there's an upstairs neighbor. Could be wrong. Yeah, don't hold us to it
419 'cause I - I don't want you to think we lied to you if that's not the case. We
420 might be mistaking somebody's name. But we know that the - the neighbor is
421 the upstairs apartment and that's - that's the 139 and you were 137. That was
422 all we were tryin' to say.

423

424 DEVON ANDERSON: (Unintelligible) I'm still gonna be here, though, like tomorrow or
425 whatever (unintelligible).

426

427 DETECTIVE CHRISTOPHER MILLER: Well...

428

429 DEVON ANDERSON: So tomorrow's gonna be...

430

431 DETECTIVE CHRISTOPHER MILLER: Um, I mean, what - what - what we'd like to do is
432 - is move forward. You know what I mean? And 'cause tomorrow's another
433 day and we want you to be able to move forward. We want everybody
434 moving forward. Uh, I understand it's a difficult thing and I understand that a
435 lot of things, a lot of emotions are running through your mind. But I'm telling
436 you by - by being honest, by telling us what happened, by getting this stuff
437 off your chest, it's gonna benefit you. You ha- you know how sometimes you
438 just hold stuff in and we finally let it go, it's a big relief? You know, 'cause
439 what's tomorrow? You - what - tomorrow - and that's fine. We can - we
440 can talk to you tomorrow. We're not saying it's tomorrow. You're just gonna
441 put yourself through another twenty-four (24) hours of - of this. You know
442 what I mean? And - and like I said, man, we - we know what's going on.
443 We - we know what happened.

444

445 DEVON ANDERSON: Mm, hmm.

446

447 DETECTIVE CHRISTOPHER MILLER: I want your side we - we give you opportunity.
448 Detective Dolan's giving you opportunity. We wanna hear your side. We
449 wanna hear where your coming from. Wanna hear why. Wanna hear, you

450 know, everything. And – and that's the opportunity we're givin'. We – we
451 don't – we don't want you to go through this for – for another – for another
452 day, you know, your thoughts, your, you know, from here, you can tell us
453 what's goin' on. We'll – we'll tell you what's gonna happen next. We'll
454 come up with a game plan. We'll move on to the next day. We'll move
455 forward, you know? That's all that's gonna happen by you – by you telling us
456 what's goin' on to move forward. We're not – we're not lying to you. We've
457 been true with you the entire time. We'll tell you exactly what's goin' on.
458 We'll tell you ev- every part of the deal. But we're gonna move forward with
459 respect. We're gonna move forward with trust. I'm gonna look at you and
460 I'll be like I trust Devon. You know, he's – he's an honest person who made
461 some mistakes but I trust him. He's honest. I – I respect him for – for coming
462 clean, for – for telling us what happened. That's how I wanna look at you. I
463 hope you look at me like, "Oh that's – that's Miller. I, you know, I trust him.
464 I know him. He's not a liar. He's a decent guy." That's what I wanna do.
465 And I'll – I'll lead you – like at the beginning of our conversation, I'll lead
466 you to where you need to be whether it's, you know, talking to somebody,
467 therapy things, whether it's, you know, what – whatever it might be – whether
468 it's, you know, medication, whatever, anything, you know what I mean?
469 What – what – whatever can get you to be where you need to be because this
470 stuff – like Detective Dolan says (unintelligible). Every – every hour that
471 goes on, it's – it's – it's killing you, man. And, you know, and honestly, like
472 when we walked out the last time, we – we knew that you didn't wanna stop
473 talking to us. We knew it but we had to. We knew you did. And then you
474 went in there. What, five (5) minutes later, you wanna talk to us again 'cause
475 it's – it's – it's eating away.

476
477 DEVON ANDERSON: (Unintelligible), right? I don't know if (unintelligible) day that I
478 have to deal with (unintelligible).
479

480 DETECTIVE CHRISTOPHER MILLER: Nobody's gonna do – who, them?
481

482 DETECTIVE THOMAS DOLAN: They're not gonna do anything to you.
483

484 DETECTIVE CHRISTOPHER MILLER: They're out there doing their job. They're not even
485 paying attention to us in here. They have no idea what's going on. This is the
486 three (3) of us in here. Promise you three (3) of us in here having a
487 conversation.
488

489 DETECTIVE THOMAS DOLAN: They won't do anything to ya and I'll make sure of it
490 'cause if I gotta call down to Travis for you. I'll call. They're not gonna do
491 anything to ya.
492

493 DETECTIVE CHRISTOPHER MILLER: Devon nobody's – nobody's gonna fuck with you,
494 okay nobody.

495
496 DETECTIVE THOMAS DOLAN: But you gotta -- you gotta get it out.
497
498 DETECTIVE CHRISTOPHER MILLER: I don't want you to go through another day like this.
499 Hey, look, man, I'll -- I'll say that 1 -- I don't want you to go through another
500 day like this. And if you don't wanna talk about your past, I get it, man. 1 -- I
501 don't wanna talk about your past if you doo't wanna. 1 -- I -- I respect that.
502 But we still gotta talk about now. Did you do it 'cause you were angry? Did
503 you find out somethin'? Just kinda like lost control? Is that what happened?
504 I understand if you did, man. I understand. Can you tell me what you found
505 out or what upset ya and start with that? Do you think maybe she cheated on
506 you? Know how many times I've seen that, man? People do things 'cause
507 they find out somethin', whether it's somebody cheated or whatever, you
508 know, man? It happens, man. I've seen it. You know what I mean? People
509 get upset. People lose control. We're human, you know? Still gotta move
510 forward. You didn't wanna hurt her, did ya? You didn't want to, did you? I
511 know you didn't.
512
513 DEVON ANDERSON: I didn't (unintelligible). (Unintelligible) so...
514
515 DETECTIVE CHRISTOPHER MILLER: Happen (unintelligible). Okay.
516
517 DEVON ANDERSON: I don't know what happened to the Kaylee.
518
519 DETECTIVE CHRISTOPHER MILLER: Where were you?
520
521 DEVON ANDERSON: (Unintelligible).
522
523 DETECTIVE CHRISTOPHER MILLER: What time did you leave?
524
525 DEVON ANDERSON: I don't wanna answer any more questions.
526
527 DETECTIVE CHRISTOPHER MILLER: You don't wanna answer any of my questions? I
528 mean, I get it.
529
530 DEVON ANDERSON: (Unintelligible).
531
532 DETECTIVE CHRISTOPHER MILLER: All right. All right take care, okay?
533
534 DEVON ANDERSON: Yep.

INTERVIEW WITH DEVON ANDERSON

PART 1-First Recording

DETECTIVE CHRISTOPHER MILLER: Um, I'm gonna record like we always do. You okay with that?

DEVON ANDERSON: Yeah.

DETECTIVE CHRISTOPHER MILLER: Okay. Just gonna read you somethin'. We just
SEARCHED

DEVON ANDERSON: It's recordin' for sure?

DETECTIVE CHRISTOPHER MILLER: Yeah. It's recordin' right now. Just gotta read you somethin'. Okay. 'Cause you - you're in custody. All right? You're at the - at the jail so I gotta...

DEVON ANDERSON: Yeah.

DETECTIVE CHRISTOPHER MILLER: Gotta read you somethin' 'cause we're askin' ya some questions and you're in custody. Okay?

DETECTIVE THOMAS DOLAN: You wanna sit down or?

DETECTIVE CHRISTOPHER MILLER: Yeah. By all means.

DETECTIVE THOMAS DOLAN: *Good? You mind if I sit down?*

DEVON ANDERSON: I'm more comfortable.

DETECTIVE THOMAS DOLAN: All right.

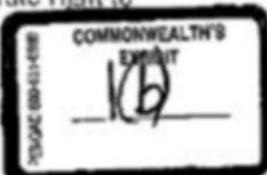
DETECTIVE CHRISTOPHER MILLER: All right. (Unintelligible), uh, all right. Um, all right, as my name is Detective.

DEVON ANDERSON: How about this?

DETECTIVE CHRISTOPHER MILLER: That's for, um, the DUI stuff. This is one of the reasons there are for these.

DEVON ANDERSON 43

DETECTIVE CHRISTOPHER MILLER: So my name is Detective Christopher Miller of the Seattle Police Department. I wish to advise you that you are under no obligation



46 remain silent. That anything you say can and will be used against you in a
47 court of law. That you have a right to talk to an attorney before and have an
48 attorney present with you during questioning. That if you cannot afford an
49 attorney one will be provided. One will be appointed to represent you without charge
50 before questioning if you so desire. If you do decide to answer any questions
51 you may stop at any time you wish. Do you understand these rights?
52 Basically you're in custody and - and I wanna ask you some questions so, um,
53 I read ya the - the Miranda Warnings that ...
54

55 DETECTIVE THOMAS DOLAN: That's what - Devon, that's one of the processes we gotta go
56 - I wanna hear what you have to say and since you're in custody, you know,
57 we gotta do this and that's what our boss says so. Um, we're interested to hear
58 what you're goin' through. We need ya to answer the questions so we can - we
59 can talk to ya.
60

61 DETECTIVE CHRISTOPHER MILLER: We're not - we're not playin' any games with ya
62 man. We're just - we're here to talk to you.
63

64 DETECTIVE THOMAS DOLAN: Are you willin' to talk to us?
65

66 DEVON ANDERSON: I don't know what this - what this is. Is this some type of test or
67 somethin'?

68 DETECTIVE CHRISTOPHER MILLER: No.
69

70 DETECTIVE THOMAS DOLAN: No.
71

72 DEVON ANDERSON: I already talked to y'all before.
73

74 DETECTIVE THOMAS DOLAN: Yeah.
75

76 DETECTIVE CHRISTOPHER MILLER: Yeah. We're gonna talk about a little bit different
77 stuff today though.
78

79 DEVON ANDERSON: Different stuff?
80

81 DETECTIVE CHRISTOPHER MILLER: Yeah. And some of the other stuff we talked about.
82

83 DETECTIVE THOMAS DOLAN: No tests, no tricks. This is - this is just - this is what we
84 have to do.
85

86 DETECTIVE CHRISTOPHER MILLER: You know. And - and, you know, right now we
87 wanna bullshit with ya for a bit. You know what I mean? We're not like I
88 said tryin' to - we wanna make you comfortable. We want to sit down, do
89 whatever. Like, this isn't - we're not tryin' to - to rush you. We're not tryin' to
90

91 stress ya out. We're not tryin' to do any of that. You know. We've already
92 talked before. You know who we are. You know, you said - are you - are
93 you goanna shoot ya, like we - we would never hurt ya man. We're not here to
94 hurt ya.
95
96 DEVON ANDERSON: Yeah, I know.
97
98 DETECTIVE CHRISTOPHER MILLER: I know.
99
100 DEVON ANDERSON: I'm so paranoid.
101
102 DETECTIVE CHRISTOPHER MILLER: I get it.
103
104 DEVON ANDERSON: (Unintelligible).
105
106 DETECTIVE CHRISTOPHER MILLER: I'm just sayin' that you talked to me, you've talked
107 to Detective Dolan, you know. We're (unintelligible). You know, we're here
108 to have a friendly conversation.
109
110 DEVON ANDERSON: Say that again.
111
112 DETECTIVE CHRISTOPHER MILLER: Yeah, sure. All right. So my name is Detective
113 Christopher Miller of the Carlisle Police Department. I wish to advise you
114 that you have an absolute right to remain silent. That anything you say can
115 and will be used against you in a court of law. That you have a right to talk to
116 an attorney before and have an attorney present with you during questioning.
117 That if you cannot afford an attorney one will be appointed to represent you
118 without charge before questioning if you so desire. If you do decide to answer
119 any questions you may stop at any time you wish. You understand these
120 rights?
121
122 DEVON ANDERSON: Yeah, I understand.
123
124 DETECTIVE CHRISTOPHER MILLER: Kay. Bearing these rights in mind you willin' to
125 speak with me -- speak with us -- myself and Detective Dolan?
126
127 DEVON ANDERSON: If I wanted to get a lawyer right now we wouldn't be able to have
128 this conversation?
129
130 DETECTIVE CHRISTOPHER MILLER: If you - if you would choose to get a lawyer then we
131 would - we would not talk. Again it's completely your decision.
132
133 DETECTIVE THOMAS DOLAN: It's your decision we wanna hear...
134

135 DETECTIVE CHRISTOPHER MILLER: Yeah. We're not playin' games. We wanna have a
136 conversation.

137

138 DEVON ANDERSON: But, like, you are though 'cause even when I came and told you all
139 that shit I told you you probably already knew all of it.

140

141 DETECTIVE CHRISTOPHER MILLER: That's not true. Not true at all.

142

143 DEVON ANDERSON: So why am I in jail right now?

144

145 DETECTIVE CHRISTOPHER MILLER: We can explain all that. But in order for me to talk
146 to you I - I - I need to get through this because without this I - we - we can't
147 ask you questions. We can't - we can't talk to you. It's part of the things
148 because you're in jail right now we can't talk to you unless you agree. You
149 know what I mean? And I can explain all that. There's a lot a things we can
150 talk about man. You know, we can talk as long as you want but I - I can't
151 speak with you...

152

153 DEVON ANDERSON: Yeah, but will I still be in jail afterwards?

154

155 DETECTIVE CHRISTOPHER MILLER: At this point, yes - yes. Yeah and we'll explain all
156 that stuff for ya. But like I said I - I can't start askin' questions and I can't start
157 - start talkin' to you, you know, and again you have an absolute right. Like,
158 these are all your rights. You knew what I mean? You - you can quick call
159 an attorney but we - we can't continue the conversation because then we
160 would be violating - violating that. We're not gonna do that. Like I said man,
161 we're - we're straight shooters man. We're not playin' any games. We're just
162 followin' - followin' the law, followin' legal practices, followin' our policy.
163 While you're thinkin' about it how you been? Are you okay? I'm sayin', like,
164 physically and everything? Like, in here they...

165

166 DEVON ANDERSON: (Unintelligible).

167

168 DETECTIVE CHRISTOPHER MILLER: ... feed ya? They what?

169

170 DEVON ANDERSON: You know how it is.

171

172 DETECTIVE CHRISTOPHER MILLER: Yeah, I know. I mean obviously you don't wanna
173 be here.

174

175 DEVON ANDERSON: Sometimes they like to over (unintelligible). It's cool though.

176

177 DETECTIVE CHRISTOPHER MILLER: Yeah.

178

179 DEVON ANDERSON: I don't (unintelligible).

180
181 DETECTIVE CHRISTOPHER MILLER: Do you need somethin' to eat? Did you eat dinner
182 tonight?
183
184 DEVON ANDERSON: So you - if I say yeah you not gonna ask me about nothin' we
185 already talked about. It's some whole other new shit?
186
187 DETECTIVE CHRISTOPHER MILLER: The - the stuff that we talked about when you came
188 in and spoke with us about I guess it was a week ago?
189
190 DETECTIVE THOMAS DOLAN: Yeah. Week and a half ago.
191
192 DETECTIVE CHRISTOPHER MILLER: We're not gonna talk about that. We're not gonna
193 go into that. If you don't wanna go into the stuff you spoke with us about a
194 week ago and I - that's on - I'm not - like I said I'm not playin' any games.
195 That's - that's on. Um, when you came in about a week ago the stuff we spoke
196 about there we're - we're not gonna bring that stuff up if you don't wanna talk
197 about that. We're - we're here to talk about some different stuff. And really
198 we're here to just talk to you, man. You know. We - we told you before, you
199 know, I wanna make sure you're okay to. It's part of everything, man. I know
200 you've been through a lot recently. Um, and that - that's part of it and, you
201 know, we're not - we're - we're people, okay? We're all - we're all the same.
202
203 DEVON ANDERSON: We're all the same but you - I know y'all know everything already.
204 I don't understand why.
205
206 DETECTIVE CHRISTOPHER MILLER: Well because it's always important to try to you
207 'cause again, you know, you're a person and I always like to hear everybody's
208 different sides of everything. I like to hear what's goin' on with you. I wanna
209 know the stuff that's been goin' on. I mean, you know, we're all - we're all
210 people. We all have struggles. Detective Dolan's had problems in his life.
211 I've had problems in my life. You've had problems in your life. That's
212 important. Okay? You're a human being, so are we. You know? It's
213 important to always talk to people, um, and find out what's goin' on.
214
215 DEVON ANDERSON: What did you really want?
216
217 DETECTIVE CHRISTOPHER MILLER: Really want? That's what we wanna do.
218
219 DEVON ANDERSON: Nah, I know that's not it. You talked to a million people about it,
220 this (unintelligible) you what - what, like, what are you tryin' to get? What's
221 your ultimate goal?
222
223 DETECTIVE CHRISTOPHER MILLER: I'll tell - I'll tell you everything that we're gonna talk
224 about but I mean in order for me to continue to talk to ya I would need you to

225 - to basically say that you're willin' to speak to me 'cause the more and more I
226 talk I - I wanna get - this has to be squared away because I'm not - I'm not
227 going to violate anything -- policy, law, anything. So if you wanna continue
228 to talk that's great and again you can stop at any time you wish but, you know,
229 I - to talk to ya I gotta - I gotta get this part squared away first, Devon.
230

231 DETECTIVE THOMAS DOLAN: Devon we don't know every little thing about you. Okay?

232
233 DEVON ANDERSON: Yeah, but...

234
235 DETECTIVE THOMAS DOLAN: But we wanna - we wanna - we wanna talk to you and we
236 can learn some stuff but as Detective Miller said, you know, there's certain
237 rules that - that we have to go by. And we certainly like to talk to you. You,
238 you know, it's - it's up to you. I mean I wanna talk to you. He wants to talk to
239 you. We're not tryin' to play games with ya. I understand you're goin' through
240 a lot but we need to, you know, we need to know that - that you're willing to
241 talk to us.
242

243 DETECTIVE CHRISTOPHER MILLER: And if you wanna know my main goal, I'll tell you
244 what my main goal is. Okay. My main goal is I'll get you where you need to
245 be. Okay? I know that you've told us before about some stuff and you've
246 been strugglin' with some things. I wanna get you where you need to be.
247 Okay. Um, there's only so much that a person can take. You know. And -
248 and I don't know all the details and, you know, I don't know if you're gonna
249 tell me all the details of what you - what you know and some of the history
250 and some of the past that you kinda mentioned and I - I wanna get you where
251 you need to be. Okay. That's my goal. Whatever gets you to where you need
252 to be, man. That's - I'm - I'm happy if we get there wherever that is and
253 whatever you wanna talk to me about you're free to talk to me about.
254

255 DEVON ANDERSON: So all I gotta do is say I'm willin' to talk to you.
256

257 DETECTIVE CHRISTOPHER MILLER: In e- in order for us to continue our conversation
258 yeah, in order for us to talk about really anything now Devon for - for us to
259 ask you questions since you're - you're here right now -- since you're in a
260 prison. I need you to - to sign off on that because right now you're in custody.
261 So we have to go through and - and I'd be happy to read again. I - I read it to
262 you twice. I'd be happy to read it again but because you're in custody this is-
263 this isn't like you just, you know, it's different than comin' to the police
264 department. You know because we're coming to you and you're in custody so
265 we need to, you know, read this and - and again these are completely your
266 rights but in order for us to really continue the conversation...
267

268 DEVON ANDERSON: (Unintelligible).
269

270 DETECTIVE CHRISTOPHER MILLER: Sure. In order for us to continue the conversation,
271 um, I need you to sign off on it.
272
273 DEVON ANDERSON: And what happens if I refuse?
274
275 DETECTIVE CHRISTOPHER MILLER: Well you know - like I said we - we wanna talk.
276 We have to get that squared away first because, um, you know, there's certain
277 things I - I wouldn't be able to ask you without goin' through that and I, you
278 know, I wanna have an open conversation in order to have that. So if - if you
279 say that you don't wanna talk to us and that - that then we leave.
280
281 DETECTIVE THOMAS DOLAN: Devon, I wanna - I wanna hear what you have to say but...
282
283 DEVON ANDERSON: You wanna know what I be thinkin' about? I be thinkin' about my
284 family. A lot of people in town even people from Harrisburg (unintelligible)
285 everybody even the gang. You know so (unintelligible).
286
287 DETECTIVE THOMAS DOLAN: I get that.
288
289 DEVON ANDERSON: Wear our suits and ties, you know. And this could be all a test.
290
291 DETECTIVE CHRISTOPHER MILLER: We wanna hear that.
292
293 DEVON ANDERSON: That's how I feel.
294
295 DETECTIVE CHRISTOPHER MILLER: It's not...
296
297 DETECTIVE THOMAS DOLAN: It's not a test.
298
299 DETECTIVE CHRISTOPHER MILLER: ...not a test. And this isn't the first time you met us
300 to and you met us a couple times. You know us. We're not - we're not playin'
301 games with ya. We wanna talk to you. You know Carlisle Police
302 Department. You know Dolan, you know me. You talked to us on the phone,
303 you talked to us at the apartments. You called in, so.
304
305 DETECTIVE THOMAS DOLAN: Tell you what it's not a test.
306
307 DETECTIVE CHRISTOPHER MILLER: Yeah. Is it the suit and tie? I'll take off my jacket.
308
309 DETECTIVE THOMAS DOLAN: I'm not tryin' to trick you or anything but...
310
311 DETECTIVE CHRISTOPHER MILLER: Actually I'd love to take this off. I'll take this off
312 too.
313

314 DETECTIVE THOMAS DOLAN: Yeah, we both wanna talk to you and like I said we're not
315 tryin' to trick you but in order for us to talk to ya you have to agree to it. We
316 need you to sign off.
317
318 DETECTIVE CHRISTOPHER MILLER: Yeah, just so, so you know man we want, whatever
319 you wanna talk about 'cause it's, you know, we're - we're talking anything that
320 comes to your mind we can talk about. Look, I'm not, you know, we're not
321 here for thirty (30) seconds and then gonna leave. No. Like, we wanna talk to
322 you. We wanna - we wanna find out what's goin' on. We wa- I wanna find
323 out about some of the - some of the stuff that's been - that's been buggin' ya if
324 - if you'll let me.
325
326 DETECTIVE THOMAS DOLAN: The last time that we talked that day when you came in to
327 see us we were pretty straight with ya. You know.
328
329 DEVON ANDERSON: Yeah.
330
331 DETECTIVE THOMAS DOLAN: You said some things.
332
333 DEVON ANDERSON: And I told y'all a bunch a shit. You know what I mean, I don't
334 even know if y'all did anything with it. I didn't get nothin' out of it. But like I
335 said I didn't want anything out of it but I'm in trouble for a fuckin'...
336
337 DETECTIVE THOMAS DOLAN: I gotcha.
338
339 DEVON ANDERSON: ...dumbass fake charge right now.
340
341 DETECTIVE THOMAS DOLAN: I gotcha hooked up ...
342
343 DEVON ANDERSON: (Unintelligible) behind me though.
344
345 DETECTIVE THOMAS DOLAN: I'll get ya hooked up with - with the person - with my friend
346 so - but before we - we talk about any- anything like that is we need you to -
347 we need you to sign off and agree to talk with us.
348
349 DETECTIVE CHRISTOPHER MILLER: We can talk about that more but you gotta - we
350 gotta - listen man, we play by the rules here.
351
352 DEVON ANDERSON: Okay.
353
354 DETECTIVE THOMAS DOLAN: Here I'll let you use my pen. Just need your - your
355 signature.
356
357 DETECTIVE CHRISTOPHER MILLER: We'll all sign (unintelligible) your signature, I'll
358 sign here and then Detective Dolan will sign there. So that we're all in

359 agreement. Like I said you can look at the form. There's nothin', you know,
360 just - it says your name, my name, his name and at the top it's gonna have
361 your name and date, the time and then it's (unintelligible) we'll fill that out.
362 But if you could check the box. Do you understand the rights? Yes. And that
363 you agree to talk to us, yes. And then sign and we'll - we'll talk about
364 whatever you want.
365

366 DEVON ANDERSON: And you said as far as what's, you know, now I won't get outta
367 jail?
368

369 DETECTIVE CHRISTOPHER MILLER: What's that you're ...
370

371 DEVON ANDERSON: I'm sayin', like, I don't even what type a questions you're...
372

373 DETECTIVE CHRISTOPHER MILLER: Yeah, like I said we - we can explain everything but
374 no - no. Um, whether you talk - it's not gonna effect anything about you being
375 jail whether you talk to us or not. That's got nothin' to do with - with you
376 bein' in jail right now at this moment. Um, you know.
377

378 DETECTIVE THOMAS DOLAN: You - you bein' in jail has nothing...
379

380 DEVON ANDERSON: Can you be honest with me about one thing?
381

382 DETECTIVE THOMAS DOLAN: It's - go ahead.
383

384 DEVON ANDERSON: Is (Shayvon Morrian) an informant?
385

386 DETECTIVE CHRISTOPHER MILLER: Is - is (Shayvon Morrian) informant?
387

388 DEVON ANDERSON: Yeah.
389

390 DETECTIVE CHRISTOPHER MILLER: Not to my knowledge, no. No, I have no
391 knowledge of that. I'm being completely honest with you. None.
392

393 DETECTIVE THOMAS DOLAN: I haven't - I haven't seen (Shayvon) in years.
394

395 DETECTIVE CHRISTOPHER MILLER: Yeah. I - I haven't either. Um, again I - I'm telling
396 you what we know. I have zero knowledge of him being an informant at all.
397

398 DEVON ANDERSON: So I sign this right here?
399

400 DETECTIVE CHRISTOPHER MILLER: Yep. If you could just check the yes and then yes or
401 I can check that for you as long as you're okay with that and then you can sign
402 (unintelligible) that. I'll sign it and then, uh, Detective Dolan will sign and
403 then we can start talkin' about some stuff.

404
405 DEVON ANDERSON: Are you and them on same side?
406
407 DETECTIVE CHRISTOPHER MILLER: Are we and who?
408
409 DEVON ANDERSON: You and the COs and them people that work here.
410
411 DETECTIVE CHRISTOPHER MILLER: There's a whole different thing. They work for the
412 prison. We work for the Borough of Carlisle.
413
414 DEVON ANDERSON: Yeah. (Unintelligible) stay here.
415
416 DETECTIVE CHRISTOPHER MILLER: Yeah. We are, um, completely different jobs.
417
418 DEVON ANDERSON: Yeah, I know. (Unintelligible)
419
420 DETECTIVE CHRISTOPHER MILLER: They - they are not even - They don't - they're not
421 part of this interview whatsoever. This is between us. You know what I
422 mean? They have nothing to do with this. We're just using this nice room.
423
424 DEVON ANDERSON: So what's this - what's this?
425
426 DETECTIVE CHRISTOPHER MILLER: What I'm gonna do and I can fill this out for ya. It's
427 gonna be your name 'cause you're the person we're talkin' to. I'm gonna date
428 it. I'm gonna do the time. I'll actually do that right now. Where is - I have a
429 pen here. Today is the 31st, is that correct Detective Dolan?
430
431 DETECTIVE THOMAS DOLAN: Yes.
432
433 DETECTIVE CHRISTOPHER MILLER: And the time it's (unintelligible) watch?
434
435 DETECTIVE THOMAS DOLAN: I have 7:41 pm.
436
437 DETECTIVE CHRISTOPHER MILLER: 7:41? Okay. 1941- place, Cumberland County
438 Prison. So all this is just have your name 'cause we're talkin' to you, date, and
439 the time and location. And then all - if you sign there I'm gonna sign as
440 witness #1 and Detective Dolan will sign as witness #2. And like I said that's
441 - that's the form we gotta do, gotta um, you know, to talk to you.
442
443 DEVON ANDERSON: Don't promise me with anything and I'm not bein' threatened in
444 any way.
445
446 DETECTIVE CHRISTOPHER MILLER: We're not - are we threatenin' you at all, Devon?
447 Are we makin' you promises? No. We're just here to talk. All right. And
448 sign right below ya just like I said I was going to. Uh, Detective Dolan sign

449 below mine. Here you go. All right. So do you have some questions for us?
450 I know that you wanted to ask me something before I kinda said that we need
451 to do that first. Do you have any particular ones? No, I have zero knowledge
452 whatsoever of (Shayvon) being any sort of informant at all. You have
453 anything else that's really buggin' ya?

454
455 DETECTIVE THOMAS DOLAN: Neither do I. I don't e- is (Shayvon) still live in Carlisle?
456

457 DEVON ANDERSON: Yeah, that's where (Unintelligible).

458
459 DETECTIVE THOMAS DOLAN: What's that?

460
461 DEVON ANDERSON: I wanna know what - what you wanna - what do you wanna know
462 and...

463
464 DETECTIVE CHRISTOPHER MILLER: I wanna - I wanna know what's goin' on - what's
465 goin' on with you man. I wanna know - the past few months I know that you
466 had been dealin' with some things. That's what I wanna talk about. If - if you
467 wanna talk about some of that stuff. You know, what's goin' on. Um, I know
468 you found out some information. I know you've been upset. I know that, um,
469 it's been tough. I know it's been a tough past few weeks. That's the main
470 thing I wanna talk about. I'm hopin' you're - you're willin' to talk to me about
471 that. Listen man, you're - you're a human being, I'm a human being. You
472 know what I mean? We're not much different. Everybody goes through
473 problems. Everybody has difficulties in their life. Um, everybody deals with,
474 you know, issues that come in whether it be money, females, um, family, jobs,
475 whatever it is man. Everybody deals with some stuff. So, um, I wanna know
476 what's goin' on with you and - and, you know, hopefully you'll wanna talk to
477 me about that. If not we can talk about other things to but that's what I wanna
478 know. I wanna - I wanna see what's goin' on.

479
480 DEVON ANDERSON: As far as?

481
482 DETECTIVE CHRISTOPHER MILLER: I wan- I wanna get you where you need to be. If - if
483 you been through a bunch a things, you know, whether it be (unintelligible) to
484 people. I - I want to get you where - where you need to be where you can,
485 you know, move forward and - and - and succeed and do what you wanna do
486 and be where you wanna see yourself. You know what I mean? That's what I
487 wanna do. 'Cause we're try- we're tryin' to help. That's w- we wanna do. I - I
488 wanna help if I can. I really do.

489
490 DETECTIVE THOMAS DOLAN: I'll tell ya a little bit about myself there, Davon.
491

492 DEVON ANDERSON: Man it, you just don't but I know there's somethin' more that you
493 want (unintelligible) you just say all that, that you want. I know that you got,
494 like, a main agenda. Uh, what you tryin' to find out.

495

496 DETECTIVE CHRISTOPHER MILLER: Well we're gonna - we're gonna ask you some
497 things too but I'm - I'm telling you, you ask what my goal is and what I wanna
498 do and I'm bein' honest and I'm tellin' you what I wanna do. I wanna talk
499 about those things you've been through. I wanna talk about things you're
500 facin'. I wanna get you to - to where you wanna be. Yeah, I'm not gonna lie to
501 ya, man. I - I am gonna have some questions.

502

503 DEVON ANDERSON: Can I ask you a question? Am I in here for just that charge right
504 now?

505

506 DETECTIVE CHRISTOPHER MILLER: Yes.

507

508 DEVON ANDERSON: Just that charge that they got the...

509

510 DETECTIVE CHRISTOPHER MILLER: Yes.

511

512 DEVON ANDERSON: The receiving stolen property?

513

514 DETECTIVE CHRISTOPHER MILLER: Yes. We can talk more about that too.

515

516 DETECTIVE THOMAS DOLAN: (Unintelligible).

517

518 DETECTIVE CHRISTOPHER MILLER: Yeah. We can definitely talk more about that.

519

520 DEVON ANDERSON: Yeah. That's complete bullshit but...

521

522 DETECTIVE THOMAS DOLAN: I - we didn't file the - we didn't file that charge so. I mean
523 we can certainly, we can talk about that.

524

525 DETECTIVE CHRISTOPHER MILLER: Yeah, sure.

526

527 DETECTIVE THOMAS DOLAN: So.

528

529 DETECTIVE CHRISTOPHER MILLER: So you wanna talk about - I mean or do you wanna
530 talk about - I mean there's a lot of stuff goin' on the past couple months, man.
531 And like I said that's - that's kind of - I wanna get you where you need to be
532 and I wanna try to see if I help - if I can help. Um, but if - if that's what you
533 wanna talk about we'll talk about whatever you want. You know what I
534 mean? Um, like I said we're - we're tryin' to - tryin' to do everything we can.
535 You know, help you out if we can.

536

537 DETECTIVE THOMAS DOLAN: Devon, you told us the last time that we spoke or at least
538 when I was there you found out some stuff about your family. You were goin'
539 through some rough times. So...

540

541 DEVON ANDERSON: I know I got a problem with it.

542

543 DETECTIVE THOMAS DOLAN: No. Wo...

544

545 DEVON ANDERSON: I know I got a problem with keepin' my mouth shut to the police,
546 but I got a problem (unintelligible) people and I know that some people
547 (unintelligible). Police about what happened.

548

549 DETECTIVE THOMAS DOLAN: We all ...

550

551 DEVON ANDERSON: So ...

552

553 DETECTIVE CHRISTOPHER MILLER: What have they said?

554

555 DEVON ANDERSON: See, it's my situation, you know what I'm sayin'. I don't understand
556 why I'm givin' you information.

557

558 DETECTIVE CHRISTOPHER MILLER: 'Cause I'm tryin' to help. And I don't - I - the
559 situation - I mean right now you're in here. Um, because of the vehicle.
560 That's right now why you're here. Um, so when you say about your situation
561 changing, like, I don't know what I can - what I can help you with and if I can
562 help you with something, you know, but I - I don't - I don't know what - what
563 it is that you're asking I guess 'cause right yeah. Right now I can't do anything
564 about the fact that you're in here on the vehicle theft. It is what it is. But what
565 I hopefully can do is, you know, help and talk to you to figure out all the stuff
566 that's been goin' on and get you where you wanna be. You came in to us,
567 okay, and you said you wanted to do the right things. You said you wanted to
568 make...

569

570 DEVON ANDERSON: Where do I wanna be?

571

572 DETECTIVE CHRISTOPHER MILLER: Where you wanna be? You tell me. Where do you
573 wanna be? What - what - where do you want me five (5) years from now?
574 Where do you wanna be ten (10) years from now? You tell me.

575

576 DEVON ANDERSON: Not in jail or prison.

577

578 DETECTIVE CHRISTOPHER MILLER: I understand. I'm talkin' more along the lines of as a
579 person. You know what I mean? Like, what kind of - you - you came in and
580 this goes back. You came into us and I was - I was real proud. You came in,
581 you said that you wanted to make up for some things that you did wrong in the

582 past. That you wanted to try to make things right. You know. I was - I - I
583 was res- that was - you know, I was really...

584
585 DEVON ANDERSON: I understand but if I'm 'bout to fuckin' bury myself I'm not gonna
586 do that.

587
588 DETECTIVE CHRISTOPHER MILLER: What do you mean by bury yourself? To me - and
589 anything you talk about, me, to me, the truth never buries you. Um,
590 everybody loves an honest person.

591
592 DEVON ANDERSON: So what do y'all know about what happened to Kaylee?

593
594 DETECTIVE CHRISTOPHER MILLER: Um, well we know that she got hurt. I was hoping
595 maybe you'd tell us what you know about the situation.

596
597 DEVON ANDERSON: You know what?

598
599 DETECTIVE CHRISTOPHER MILLER: I know that she got hurt. Can you tell me about
600 that? I do know that Royce is fine. I know for a fact that - that Royce is fine
601 and I know that - that Kaylee got hurt. How old's Royce? Devon, you have
602 three (3) kids, right? Three (3)? I know they're important to ya. And that's
603 fine man. That's - that's how I know, you know, the kinda guy you are. You
604 know what I mean? Kids are important to you. You know. I know that. You
605 wanna ask me anything, man? Anything you wanna ask me ask away. Let
606 me - let me ask you a question. Do you - has Detective Dolan and I have we
607 always been straight with you? Do you - I mean always been honest with you,
608 right? So listen I mean I know you haven't known us that long. Have we ever
609 told you anything wrong? Have we ever given you any reason to doubt us?
610 Um, when I tell you I - I'm here to - to try to help that - that's - that's what
611 we're tryin' to do. Um, I know you've been through a bunch a stuff. I know
612 you've been through a lot. I wanna do whatever I can do to help you to get
613 you - whether it's talkin' to somebody, get you, you know, whatever you need.
614 It's what I wanna do. It took - took bravery, it took, you know, I respect that
615 you came into us and you wanna make things right. Um, I told you that. I
616 told you I respect you for doin' that. You know. When - nobody's perfect.
617 People make mistakes man. I've made mistakes in my life. He's made
618 mistakes in his life. But when you took a step forward and said I wanna make
619 up for some things, I wanna make things right I respect that. And I respect the
620 hell outta you that day.

621
622 DETECTIVE THOMAS DOLAN: Devon, I'm forty-eight (48) years old. You're how old?

623
624 DEVON ANDERSON: Twenty-five (25).

626 DETECTIVE THOMAS DOLAN: I'm old enough to be your dad. And I agree with Detective
627 Miller. When you came in that took a lot of guts and a lot of fortitude and
628 that's what a man does. And like him I'm also proud of you for doin' it. You
629 said you went through a lot of crap and found out a lot a bad things with your
630 family. I'll tell ya...
631

632 DEVON ANDERSON: Yeah but you ain't that worried about me.
633

634 DETECTIVE THOMAS DOLAN: I'll tell ya what...
635

636 DETECTIVE CHRISTOPHER MILLER: Sure we are.
637

638 DETECTIVE THOMAS DOLAN: Not many people know this but I was over 400 pounds at
639 one time and I got abused as a kid. I mean abused all through high school --
640 made fun of, name callin', all that. I came out of it.
641

642 DETECTIVE CHRISTOPHER MILLER: And you know what and - and me I'll tell you what
643 man. My whole life you know what I've wanted? I wanted a kid my whole
644 life. I'm - I'm almost forty (40).
645

646 DEVON ANDERSON: What do you wanna know, man? Just ask your question.
647

648 DETECTIVE CHRISTOPHER MILLER: I wanna know about you.
649

650 DEVON ANDERSON: What about me?
651

652 DETECTIVE CHRISTOPHER MILLER: I wanna know everything that's been goin' on. I
653 want - I - I hope you - I hope you trust me. I - I wanna have a conversation
654 with you, man. I just wanna talk to you and I wanna know what's been goin'
655 on and I just a- all I hope is that, you know, you're honest with me and I will
656 always be honest with you and well - we'll figure everything out. And we'll
657 get you wherever you need to be. Um, if you don't feel comfortable talkin' to
658 us on the stuff from your past or from when you were a child and stuff like
659 that I get it. Um, that stuff takes time. But, you know, whatever you do
660 wanna talk about I - that's be fantastic.
661

662 DEVON ANDERSON: So what is your whole goal right now? Y'all tryin' to, like, take -
663 take the whole family down?
664

665 DETECTIVE CHRISTOPHER MILLER: No. Absolutely not.
666

667 DEVON ANDERSON: (Unintelligible).
668

669 DETECTIVE CHRISTOPHER MILLER: No.
670

671 DETECTIVE THOMAS DOLAN: No.

672
673 DETECTIVE CHRISTOPHER MILLER: Absolutely not. We're - we're very fair and like I
674 said we're here to talk to you about s- all the stuff that's been goin' on. Okay.
675 Um, nobody's against your family at all. What we do - I mean we have a job
676 to do. They have the radio on out there, police radio. Sometimes when police
677 come into prison they keep it on. But I promise you nobody's - this is just us
678 in here. And obviously I told you we're recording but it's - it's you, me,
679 Detective Dolan in here.

680

681 DETECTIVE THOMAS DOLAN: I'm not, I'm not against any of your family. Matter fact
682 some of your, I (unintelligible) some of your family.

683

684 DETECTIVE CHRISTOPHER MILLER: But I was gonna say man, you know, you keep
685 saying about, like, burying you and all this other stuff. Like, I'll tell you what.
686 You know somethin' I don't have - I was tellin' you, like, I always wanted a
687 kid. I don't have any kids. I wish I did. You got three (3) kids, man.

688

689 DEVON ANDERSON: I don't even know if these kids are mine.

690

691 DETECTIVE CHRISTOPHER MILLER: You don't know if they're yours?

692

693 DEVON ANDERSON: Anything is possible. (Unintelligible) sex change (unintelligible).

694

695 DETECTIVE CHRISTOPHER MILLER: Got the surgery?

696

697 DEVON ANDERSON: (Unintelligible) but I still don't believe them kids is mine.

698

699 DETECTIVE CHRISTOPHER MILLER: Say that again. You say the kids mom?

700

701 DETECTIVE THOMAS DOLAN: Why don't - why don't you believe the kids are yours?

702

703 DETECTIVE CHRISTOPHER MILLER: Devon, we don't know.

704

705 DETECTIVE THOMAS DOLAN: Tell us about that because we don't (unintelligible).

706

707 DEVON ANDERSON: Can I get outta jail (unintelligible).

708

709 DETECTIVE CHRISTOPHER MILLER: We - we - we're here to talk. We - we can't...

710

711 DETECTIVE THOMAS DOLAN: That's...

712

713 DETECTIVE CHRISTOPHER MILLER: ...you know, we can't get you outta jail right now.

714

715 DETECTIVE THOMAS DOLAN: (Unintelligible)

716
717 DEVON ANDERSON: What about the stuff I already gave.
718
719 DETECTIVE CHRISTOPHER MILLER: We don't have the authority.
720
721 DETECTIVE THOMAS DOLAN: We don't have any control over that.
722
723 DETECTIVE CHRISTOPHER MILLER: We don't have the authority. We're - we're here to
724 help, we're here to talk to you. We don't - we can't get you out. But I'll tell
725 you what.
726
727 DEVON ANDERSON: You said you have some (unintelligible).
728
729 DETECTIVE CHRISTOPHER MILLER: Say it again?
730
731 DEVON ANDERSON: You said you had some other questions.
732
733 DETECTIVE CHRISTOPHER MILLER: Yeah, no. I - I - again I just - well my questions are
734 also about - so you don't know if those kids are yours? You think that...
735
736 DEVON ANDERSON: Naw (unintelligible).
737
738 DETECTIVE CHRISTOPHER MILLER: I gotcha. Well then that's important to. You know
739 what I mean? Um, either way I mean they're kids even if they're not yours
740 they're, you know, still kids and I guess they, you know, could always look up
741 to ya. You know what I mean. Right? 'Cause technically even if they're not
742 yours biologically they could still look up to you. I know they're important to
743 you. I mean I can tell that. You keep as- you kept askin' about the car deal.
744 Um, what - what - wh- what's goin' on with the car deal that you're in here?
745
746 DEVON ANDERSON: I mean...
747
748 DETECTIVE CHRISTOPHER MILLER: It's not our charge. I - I - I want you to tell me what
749 - what's up with the car deal.
750
751 DEVON ANDERSON: Well I - David said that her mom reported the car stolen.
752
753 DETECTIVE CHRISTOPHER MILLER: Kaylee's mom?
754
755 DEVON ANDERSON: Yeah.
756
757 DETECTIVE CHRISTOPHER MILLER: 'Kay.
758
759 DEVON ANDERSON: But if she did that why when I got arrested and mind you I was out
760 drivin' around and stuff the whole night so I was even at the police. Checking

761 cameras out. I was in front of the police station. I was in Super 7 a couple
762 times. I even went to Sheetz and they didn't stop me, they didn't do anything
763 but when they went - when they went to Super 7 they tried to hide from me. I
764 went in Super 7 and those two (2) cops, I don't know who they were, but they
765 tried to hide from me like they were tryin' to (unintelligible) the cameras or
766 somethin'. I don't know what they were doin' but they was hidin' in the
767 (unintelligible) I came out that's when they came out: and tried to - but you
768 shoulda seen - I seen 'em comin' out and I knew they were about to try to, like,
769 so I put my hands up already anyway. And they really came out, like, all of
770 'em came out, like, they was about to kill me for real (unintelligible) kill me.
771

772 DETECTIVE CHRISTOPHER MILLER: No, no, no one was tryin' to kill ya. I - let me try to
773 - let me try clear up a little bit. So maybe they didn't see you on some of those
774 occasions Devon. Now...

775 DEVON ANDERSON: I know they seen me. It's in the affidavit that they seen me sittin'
776 on the car at one point and they say that's when they approached me but that's
777 not - I left and went - I left and went somewhere else after that and came back
778 again to the store.
779

780 DETECTIVE CHRISTOPHER MILLER: Well I think what happened was - so the vehicle
781 was reported as stolen and then it takes time to go through the system and
782 takes time for, you know, an active arrest warrant to happen. You know what
783 I mean. So maybe at the point in time that you saw them, um, they didn't have
784 an active arrest warrant that time. Um, maybe some of the spots they didn't
785 see ya and they saw after the fact. I don't know. Like I said it was not
786 Detective Dolan and my - my arrest. We didn't, you know, we did not make
787 that arrest. You'd see the (unintelligible) name on there is not him or I.
788

789 DETECTIVE THOMAS DOLAN: When did you get the car?

790 DEVON ANDERSON: I've always had the car.
791

792 DETECTIVE THOMAS DOLAN: Okay. Well you know it got, I don't know what time it got
793 reported stolen but what ...
794

795 DEVON ANDERSON: (Unintelligible).
796

797 DETECTIVE THOMAS DOLAN: ... what time did you - did you have the car all day long or?
798

799 DEVON ANDERSON: Y'all sayin' that you don't have any power. Y'all can't even get me
800 outta jail so I don't even think I need to be talkin' to y'all.
801

802 DETECTIVE CHRISTOPHER MILLER: Like I said Devon we're just tryin' to talk, man.
803 You know, tryin' to help you out the best we can. Tryin' to figure out...
804

806
807 DEVON ANDERSON: I know that's some bullshit.
808
809 DETECTIVE CHRISTOPHER MILLER: What do you mean?
810
811 DEVON ANDERSON: (Unintelligible).
812
813 DETECTIVE THOMAS DOLAN: It's the truth.
814
815 DEVON ANDERSON: So I need an attorney. Unless you can guarantee some shit other
816 than what y'all promisin' which is nothin'. You've been sayin' that you care
817 about me and all that which I know that's some bullshit. I ain't got nothin' else
818 to talk about.
819
820 DETECTIVE CHRISTOPHER MILLER: Yeah. Like I said man you want an attorney - you
821 want an attorney that's - that's your choice but we're not bullshittin' man.
822
823 DETECTIVE THOMAS DOLAN: Yeah.
824
825 DETECTIVE CHRISTOPHER MILLER: I wanna get you where you need to be. You know?
826
827 DEVON ANDERSON: And where is that?
828
829 DETECTIVE CHRISTOPHER MILLER: You gotta tell me.
830
831 DEVON ANDERSON: You're not sayin' it's outta jail so where do you think I need to be?
832
833 DETECTIVE CHRISTOPHER MILLER: Well that's the thing, Devon. I cannot - I cannot get
834 you outta jail. I can't just snap my fingers and get you outta jail. What I'm
835 saying is as a person, like, if you need to talk so that - wherever you need to
836 be 'cause I know you've been dealin' with a lot of stuff. Like, I can't snap my
837 fingers to get you outta jail. That's not how that works. You know what I
838 mean? I can't do that. But what I'm doin', you know, we're offering, you
839 know, conversation talk about whatever you wanna talk about. Things like
840 that. Um, and again you don't have to talk to us. It's - it's - it's fine. I mean
841 we just wanted to talk to ya. You know.
842
843 DETECTIVE THOMAS DOLAN: Well we're gonna have to - we're gonna have to stop talkin'.
844 If you wanna, you know, if you wanna talk to us again we'll - you'll have to let
845 us know but we gotta stop talkin' right now. I really wanted to - to talk to ya
846 some more and Detective Miller did to but we gotta stop now. All right.
847
848 DETECTIVE CHRISTOPHER MILLER: All right. You wanna talk to us in the future just
849 have 'em contact us. Okay? I'm gonna end the recording. Okay?
850

851 DETECTIVE THOMAS DOLAN: Yeah.

852

INTERVIEW WITH DEVON ANDERSON

PART 3 – Third Recording (Confession)

DETECTIVE THOMAS DOLAN: Search warrant's here. We're gonna take your phones. I got a search warrant also for gunshot residue. I'll swab your hands. And also, I have a search warrant for DNA. There's two (2) places for that.

DETECTIVE CHRISTOPHER MILLER: You'll get copies of everything, man. All right.

((UNINTELLIGIBLE))

DETECTIVE CHRISTOPHER MILLER: If you'll just swab right across there. Actually you can have a seat. That should be good. Um, let's see - nash, this isn't - this isn't - this is ours. Put that back in there. So - so far, these are search warrant indications. Okay? These search warrants are sealed meaning they affidavit...

DEVON ANDERSON: Search warrants for just the clothes?

DETECTIVE CHRISTOPHER MILLER: Right now, um, for the clothes, which here's the receipt for that, which we already have received. That's what we were there for. We want your DNA. That's a DNA swab for your DNA. You can swab your inner cheek or something. And there's also one for your hands here for - for gunshot residue. We're recording this, um, he's settin' it up now - so we're gonna collect those - those things. Um, like I said, just, um, those are your copies, um, we're gonna sit them there and these are yours to keep. Okay? The reason there's not more and there's not the written - the written information they want is because, uh, it's a sealed - it's sealed by the judge.

DETECTIVE THOMAS DOLAN: Let me grab that camera there.

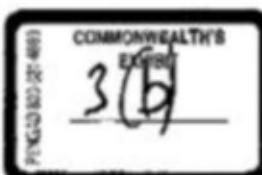
DETECTIVE CHRISTOPHER MILLER: Yeah, I mean, it's okay.

DETECTIVE THOMAS DOLAN: (Unintelligible) Devon

DEVON ANDERSON: You're recording this?

DETECTIVE CHRISTOPHER MILLER: Uh, yeah, we have to - we just wanna - we like to record everything, ya know what I mean. We don't want anybody thinkin' we did somethin' - ya know - not that - that's the way or most proper way. We always wanna make sure it's recorded and documented.

DETECTIVE THOMAS DOLAN: Okay. New left hand - time is 2142.



45 DETECTIVE CHRISTOPHER MILLER: So now everyone - anybody ever accusing me of
46 lyin' or not bein' fair or anything like that 'cause I'm an honest guy. Ya know
47 what I mean. Thanks. Get it all in there and -- Are there instructions over
48 here anywhere, man? I don't wanna go on ahead. I mean the inside just has a
49 -- I'll have to get it next week.

50

51 DEVON ANDERSON: I killed Sydney.

52

53 DETECTIVE THOMAS DOLAN: What's that?

54

55 DEVON ANDERSON: You can turn this recorder off.

56

57 DETECTIVE THOMAS DOLAN: Hold on here a second.

58

59 DETECTIVE CHRISTOPHER MILLER: I - I heard - I heard what you said. I - I respect that,
60 man. I appreciate you bein' honest. I respect your honesty. You know what I
61 mean?

62

63 DEVON ANDERSON: And I killed Kaylee too.

64

65 DETECTIVE CHRISTOPHER MILLER: Oh. Okay.

66

67 DEVON ANDERSON: Well I heard she ain't dead.

68

69 DETECTIVE THOMAS DOLAN: (Unintelligible).

70

71 DETECTIVE CHRISTOPHER MILLER: She's - you're right - she's not dead. How about we
72 talk a little bit more about this. Do you wanna do that?

73

74 DETECTIVE THOMAS DOLAN: Before you say anything more, hold on here a second. Can
75 you grab my black - in there?

76

77 DETECTIVE CHRISTOPHER MILLER: Hey, man, look. Ya know I really respect honesty.
78 Ya know.

79

80 DETECTIVE THOMAS DOLAN: Thank you sir.

81

82 DETECTIVE CHRISTOPHER MILLER: That's the right thing to do. Okay? That is the right
83 thing to do.

84

85 DETECTIVE THOMAS DOLAN: All right Devon.

86

87 DETECTIVE CHRISTOPHER MILLER: Ya wanna sit down for a second and relax for a
88 second? Like I said, man, that - that's - that's the right thing. Ya know.
89 You're - by talking to us - it's - tryin' to make things right.

90
91 DETECTIVE THOMAS DOLAN: Okay. There's that.
92
93 DETECTIVE CHRISTOPHER MILLER: We're gonna do a few more of these forms. Okay?
94 You feel like doin' that real quick? So we can do everything the right way.
95
96 DETECTIVE THOMAS DOLAN: Hang tight - hang tight - hang tight.
97
98 DETECTIVE CHRISTOPHER MILLER: He's gonna finish up that. Okay? This is the last
99 one. Okay? I (unintelligible). All right. I respect that. I respect honesty.
100 We're gonna - we're gonna move forward. Okay?
101
102 DETECTIVE THOMAS DOLAN: Devon, what's your address?
103
104 DEVON ANDERSON: Well, you - to be honest, we were stayin' at Kaylee's house - 139
105 East Louther.
106
107 DETECTIVE THOMAS DOLAN: 139 or 137?
108
109 DEVON ANDERSON: 139. 137 was the door on the right. As far as I knew that was
110 Russ from the Rustic...
111
112 DETECTIVE CHRISTOPHER MILLER: Nah.
113
114 DEVON ANDERSON: ...this dude he got caught up in court mostly.
115
116 DETECTIVE THOMAS DOLAN: Do you have a phone number?
117
118 DEVON ANDERSON: Do I have a phone number?
119
120 DETECTIVE THOMAS DOLAN: Yeah.
121
122 DEVON ANDERSON: Yeah.
123
124 DETECTIVE THOMAS DOLAN: What's that?
125
126 DEVON ANDERSON: Yeah.
127
128 DETECTIVE THOMAS DOLAN: All right. You saw tho, uh, the search warrant there for the
129 DNA. Okay? So I need ya to open up your mouth. All right. Take that. I
130 need ya to rub that in your mouth along your gums.
131
132 DEVON ANDERSON: The clothes on me?
133
134 DETECTIVE THOMAS DOLAN: Do, do it on both sides.

135

136 DEVON ANDERSON: Those clothes that I was wearing - those aren't mine.

137

138 DETECTIVE CHRISTOPHER MILLER: Okay, we'll get into that ...

139

140 DETECTIVE THOMAS DOLAN: Just hold on.

141

142 DETECTIVE CHRISTOPHER MILLER: ... to the official -- while Detective Dolan is
143 finishing up with that, You and I are gonna take care of this sheet again.
144 Okay? Get you squared away with that Detective Dolan...

145

146 DETECTIVE THOMAS DOLAN: Y- yes. Go ahead.

147

148 DETECTIVE CHRISTOPHER MILLER: Okay. So again, um, camera's on so you wish to
149 speak with us - and I'll read this form - is that correct? Okay. So, my name is
150 Detective Christopher Miller of the Carlisle Police Department and wish to
151 advise you that you have an absolute right to remain silent - that anything you
152 say can and will be used against you in court of law - that you have the right
153 to talk to an attorney before and have an attorney present with you during
154 questioning - that if you cannot afford an attorney, one will be appointed to
155 represent you without charge before questioning if you so desire. If you do
156 decide to answer any questions, you may stop at any time you wish. And
157 again, do you understand these rights? If you do, check Yes. Bearing these
158 rights in mind, do you wanna speak with me, which you said you - you - you
159 did. If you do, check Yes. Read the waiver and then you sign, I'll sign, and
160 Detective Dolan will sign and we'll - we'll talk about things. Okay? Sign.

161

162 DETECTIVE THOMAS DOLAN: All right. I gotta put a new pair of gloves on here and get
163 another sample there, Devon.

164

165 DETECTIVE CHRISTOPHER MILLER: Now Detective Dolan will sign that. So now that I
166 did that, he's gonna do this and we'll get the search warrant done, but I don't
167 wanna - I don't wanna have you stop talkin' if you wanna talk to us. Do you
168 understand what I mean? So we can do two things at once. I'll have him
169 swab that for you real quick.

170

171 DETECTIVE THOMAS DOLAN: Same thing, Devon.

172

173 DEVON ANDERSON: I don't understand what this is.

174

175 DETECTIVE THOMAS DOLAN: It's just a DNA sample that's just a second one both sides of
176 your mouth.

177

178 DEVON ANDERSON: (Unintelligible).

179

180 DETECTIVE THOMAS DOLAN: Yeah.
181
182 DETECTIVE CHRISTOPHER MILLER: So these clothes - you said they - they weren't
183 yours. Whose are they?
184
185 DEVON ANDERSON: I don't even know, ya know, exactly but I stopped over at
186 Jasmine's.
187
188 DETECTIVE CHRISTOPHER MILLER: Jasmine Lloyd
189
190 DEVON ANDERSON: Yeah.
191
192 DETECTIVE CHRISTOPHER MILLER: Paulus? Okay.
193
194 DEVON ANDERSON: Changed my clothes there.
195
196 DETECTIVE CHRISTOPHER MILLER: Why'd you do that? 'Cause you were concerned
197 about getting - getting arrested - getting caught?
198
199 DEVON ANDERSON: Yeah.
200
201 DETECTIVE CHRISTOPHER MILLER: I get it. So, you s- you mentioned - so you said that
202 you killed Kaylee and Sydney. What happened to Kaylee? Was - was there
203 an argument? What happened, man?
204
205 DEVON ANDERSON: Everybody been tellin' me I need to get help - that I'm always
206 thinkin' everybody's out to get me or I'm gonna get killed - that shit's goin' on
207 behind my back. Because of that they think I'm a paranoid schizophrenic or
208 something like that. I don't know. I don't know how to - obviously I never
209 believed it 'cause I always argued with 'em and think they doin' shit behind my
210 back.
211
212 DETECTIVE CHRISTOPHER MILLER: Yeah.
213
214 DEVON ANDERSON: Tryin' to set me up - get me killed. Sometimes Sydney too.
215
216 DETECTIVE CHRISTOPHER MILLER: Yeah. What happened last night? Like I said, I
217 wanna hear your words, man and - and your side. 'Cause I understand, man,
218 you're - you're dealin' with stuff and it's a brave thing, strong thing - respectful
219 thing to - to be honest about it.
220
221 DEVON ANDERSON: My whole affidavit was about lookin' - talkin' about it. We were at
222 139 East Louther...
223
224 DETECTIVE CHRISTOPHER MILLER: Okay.

225
226 DEVON ANDERSON: ... I don't know what the fuck 137 is but I (unintelligible) issues
227 communicate with anybody up there. (Unintelligible).

228
229 DETECTIVE CHRISTOPHER MILLER: Okay. And so what happened last night? Tell me -
230 take me through - take me through the, uh, the events that happened.

231
232 DEVON ANDERSON: There's - I mean - I thought back when I was fucking - I notice
233 she's always goin' through her phone. So - I know this shit, man. Males and
234 females all know how easy she can be had for.

235
236 DETECTIVE CHRISTOPHER MILLER: You mean she was ch- she cheated when she was
237 younger you said?

238
239 DEVON ANDERSON: Nah. It was a lot of stuff goin' on that I didn't know about.

240
241 DETECTIVE CHRISTOPHER MILLER: Oh, okay. I got ya. So you went through her phone
242 and you found out some stuff that she had been doin'?

243
244 DEVON ANDERSON: You want me to be completely honest?

245
246 DETECTIVE CHRISTOPHER MILLER: Yeah. Absolutely.

247
248 DEVON ANDERSON: That night I felt like she was settin' me up the whole time.

249
250 DETECTIVE CHRISTOPHER MILLER: Settin' you up?

251
252 DEVON ANDERSON: Yeah.

253
254 DETECTIVE CHRISTOPHER MILLER: For what?

255
256 DEVON ANDERSON: I don't know. I'm not sure whether she was workin' with y'all to set
257 me up or workin' with - just - I don't know - just a lot of stuff goin' on.

258
259 DETECTIVE CHRISTOPHER MILLER: I understand. What do you think she was settin' you
260 up for - because she found out about Sydney maybe or...?

261
262 DEVON ANDERSON: No. Not even that. I guess maybe one of my enemies had been
263 payin' her or somethin'. I don't know.

264
265 DETECTIVE CHRISTOPHER MILLER: Got ya. So ya felt ya - ya had to...

266
267 DEVON ANDERSON: But like I'm sayin' even now, like, when I'm walkin' the hallway
268 with them boys thinkin' they probably takin' me to my - my cell to set my cell
269 on fire with me in it.

270
271 DETECTIVE CHRISTOPHER MILLER: I understand. We'll get - we'll try to get you where
272 you...
273
274 DEVON ANDERSON: I thought that if I refused to cooperate with y'all, y'all were gonna
275 take me somewhere and kill me.
276
277 DETECTIVE CHRISTOPHER MILLER: No. Absolutely not. No, of course not.
278
279 DEVON ANDERSON: I need help.
280
281 DETECTIVE CHRISTOPHER MILLER: I understand. How - how'd that night play out?
282
283 DEVON ANDERSON: She was actin' really weird. Sh- she - ya know - I even found out
284 that she had secretly recorded us havin' sex in bed - in the TV.
285
286 DETECTIVE CHRISTOPHER MILLER: Oh. She secret recorded ya? I got ya.
287
288 DEVON ANDERSON: Yeah, man. A whole bunch of shit. She was always screen
289 shottin' my messages and I don't know, to keep it al real with y'all, I felt like
290 she was usin' me the whole time.
291
292 DETECTIVE CHRISTOPHER MILLER: Yeah. I got ya.
293
294 DEVON ANDERSON: For her benefit - for money - takin' care of the kids and...
295
296 DETECTIVE CHRISTOPHER MILLER: Yeah.
297
298 DEVON ANDERSON: ...fuckin' my cousin while we're in a relationship.
299
300 DETECTIVE CHRISTOPHER MILLER: Fuckin' your cousin?
301
302 DEVON ANDERSON: It's a lot, bruh.
303
304 DETECTIVE CHRISTOPHER MILLER: I got ya.
305
306 DEVON ANDERSON: Like I say, I don't wanna put anybody else in my deal.
307
308 DETECTIVE CHRISTOPHER MILLER: I understand - I understand.
309
310 DEVON ANDERSON: It's all about me. I did it.
311
312 DETECTIVE CHRISTOPHER MILLER: I understand. Um, was there a struggle over the gun
313 or what just happened? You just got upset and just shot her? How did - how
314 did it actually happen?

315
316 DEVON ANDERSON: I saw some messages there on her phone that she was
317 communicating with her friends and to me it seemed like that she was fuck'n
318 set'n me up to either get killed or bein' set up by the police.
319
320 DETECTIVE CHRISTOPHER MILLER: Get ya. So what - what - what'd ya do?
321
322 DEVON ANDERSON: Just panicked.
323
324 DETECTIVE CHRISTOPHER MILLER: Did you pull out the gun? Was there a struggle or
325 you just shot her? Said you just shot her? Yeah. Then what happened after
326 you shot her?
327
328 DEVON ANDERSON: Nothin'.
329
330 DETECTIVE CHRISTOPHER MILLER: What'd you do with the gun? Do you remember
331 where the gun is? It's okay, man. We would just like to try to get that - that
332 gun. I didn't know if you maybe threw it somewhere or - make sure that, ya
333 know, it doesn't fall into like a kid's hand or somethin'. Ya know what I mean.
334 That's kinda where I was goin with that to make sure that everybody's safe.
335 Do you remember where you put it?
336
337 DEVON ANDERSON: It was hot outside I was drivin' with the windows all down on my
338 way to Harrisburg. I just threw it out the window.
339
340 DETECTIVE CHRISTOPHER MILLER: Were you on 81 or 83? Do you remember?
341
342 DEVON ANDERSON: (Unintelligible) I don't know. GPS (unintelligible) Yeah we just -
343 we got to a bridge and - wherever the water is...
344
345 DETECTIVE CHRISTOPHER MILLER: You threw it into the water? So you actually threw
346 it off the bridge into the Susquehanna into the water?
347
348 DEVON ANDERSON: I don't remember. There was water.
349
350 DETECTIVE CHRISTOPHER MILLER: But you threw it into the water over the bridge?
351 Okay. And so tell me so I understand. You saw some stuff in her phone and
352 you thought people were against ya. And you're tellin' me you shot her and
353 then you left. You panicked. And I get it. You jumped in your car. Where'd
354 you go after that? Where'd you go first? You were concerned about your son,
355 weren't ya? And you wanted to make sure he was okay? I know you were. I
356 knew you wanted to make sure your son was okay. So what ha- and what
357 about Sydney? You said that - what happened with Sydney? Was it
358 something similar? You thought she was against you too? Come on. I'm just
359 tryin' to help, man. You know what I mean? I get it. I'm tryin' to get you

360 where you need to be if you think that, ya know, you might have
361 schizophrenia or something like that, you know, try to help. But ya know, you
362 do know what's goin' on. You told me that you also - you also killed Sydney.
363 Was it - was it something else - was there an argument - or did you think she
364 was against you? What - what happened there?
365

366 DETECTIVE THOMAS DOLAN: Devon, remember before, I told ya you had to come clean
367 and you wanna - I knew you wanted to come clean. And I appreciate that.
368 All right? I believe in God. Do you believe in God? The man? For
369 somebody - a higher power. One of those days - whatever God you believe in
370 - you're gonna have to answer to. And you can go a couple different paths.
371 You can come clean with us and tell us everything and your soul will be clean
372 when you stand in front of God for judgment. Or you can take the other path
373 and he'll make the decision. We're gonna have to stand in front of the judge at
374 some point. Ya know?
375

376 DETECTIVE CHRISTOPHER MILLER: I wanna be able to say that you were honest with me
377 and you told us everything and that I - it appears that you recognize that you
378 need help. And we wanna get ya that help. But this first step is honesty in
379 tellin' us everything that happened.
380

381 DEVON ANDERSON: I didn't throw the gun in the river.
382

383 DETECTIVE CHRISTOPHER MILLER: You didn't throw the g-...

385 DEVON ANDERSON: I hid it behind Jasmine Paulus house behind her car somewhere
386 back there.
387

388 DETECTIVE THOMAS DOLAN: Which car?

390 DEVON ANDERSON: Directly behind their house.
391

392 DETECTIVE THOMAS DOLAN: Do you remember what color the car was?

394 DEVON ANDERSON: Nah.
395

396 DETECTIVE CHRISTOPHER MILLER: Okay. So you hid it there.
397

398 DETECTIVE THOMAS DOLAN: Would it be in some woods or somethin' or somethin' like
399 that?
400

401 DEVON ANDERSON: No. I just - right where you go back beside their house in the alley
402 - directly to the back of the car..
403

404 DETECTIVE THOMAS DOLAN: Okay.

405
406 DEVON ANDERSON: ...right behind there. I'll have to show you.
407
408 DETECTIVE THOMAS DOLAN: What kinda - what kinda gun was it?
409
410 DEVON ANDERSON: It's a light blue Taurus. It's got (unintelligible). It's fucked up.
411
412 DETECTIVE THOMAS DOLAN: Okay. What - what caliber was it?
413
414 DEVON ANDERSON: Don't know...
415
416 DETECTIVE THOMAS DOLAN: The - the reason I'm askin' is 'cause that's a public ally
417 back there. I know where Jasmine lives. I - I - we don't want - we don't want
418 a little kid pickin' that up and accidentally doin' somethin' to themselves -
419 shoozin' themselves. I - I don't think that you want that.
420
421 DEVON ANDERSON: (Unintelligible).
422
423 DETECTIVE THOMAS DOLAN: Well I - I - I'd like to know - ya know - I don't want some
424 little kid gettin' hurt. That's - that's - that's why I'm askin' the questions.
425
426 DETECTIVE CHRISTOPHER MILLER: We - we're - we're being truthful with you the whole
427 time. That - that's our concern. We do wanna help.
428
429 DETECTIVE THOMAS DOLAN: We - we're bein' straight now.
430
431 DEVON ANDERSON: So what's gonna happen to me now?
432
433 DETECTIVE THOMAS DOLAN: I don't - I don't know what's gonna happen to ya.
434
435 DETECTIVE CHRISTOPHER MILLER: Yeah. We - we can't make that decision. But we
436 know that we - you're doin' the right thing by bein' honest with us and - and
437 we need to - to move forward and figure out what we're gonna do. But your
438 honesty's big. Um, people respect that.
439
440 DEVON ANDERSON: I don't know if you all (unintelligible).
441
442 DETECTIVE THOMAS DOLAN: Okay. And - and it was Kaylee's gun?
443
444 DEVON ANDERSON: Yeah.
445
446 DETECTIVE CHRISTOPHER MILLER: So you got it from like inside the house? She was -
447 so while you were there you - it was her gun so you just grabbed it and - is
448 that - is that what...
449

450 DEVON ANDERSON: She bought it for me (unintelligible).
451
452 DETECTIVE CHRISTOPHER MILLER: I got ya. So it was already there?
453
454 DETECTIVE THOMAS DOLAN: Okay.
455
456 DETECTIVE CHRISTOPHER MILLER: All right.
457
458 DETECTIVE THOMAS DOLAN: Where was it at in the house?
459
460 DEVON ANDERSON: The living room.
461
462 DETECTIVE THOMAS DOLAN: What caused you to shoot her?
463
464 DEVON ANDERSON: I knew she was about to leave.
465
466 DETECTIVE THOMAS DOLAN: Okay.
467
468 DETECTIVE CHRISTOPHER MILLER: About to leave. What did you think she was gonna
469 do? Like leave you or just report stuff or...
470
471 DEVON ANDERSON: She was likely to turn me in.
472
473 DETECTIVE CHRISTOPHER MILLER: Turn ya in? Okay.
474
475 DEVON ANDERSON: Or set me up to be killed.
476
477 DETECTIVE CHRISTOPHER MILLER: I got ya. Do you think she was gonna turn ya in
478 because of, uh, Sydney? Yeah? What happened with Sydney? Was it
479 somethin' similar? You saw somethin' in her phone - you thought she was
480 against ya or somethin' - or what? Somethin' different?
481
482 DEVON ANDERSON: Same - same stuff.
483
484 DETECTIVE CHRISTOPHER MILLER: Can you take me through that one too? Say, man,
485 you - you're doin' good. I - I appreciate it. Ya know what I mean. I
486 appreciate honesty. Just I wanna know everything. Ya know?
487
488 DETECTIVE THOMAS DOLAN: Devon, when I was there that day, I talked to Kaylee.
489
490 DEVON ANDERSON: Yeah. I know. She told me that.
491
492 DETECTIVE THOMAS DOLAN: Y- yeah. There was an argument between you and - and
493 Sydney. Right? What was that - what were you guys arguing about?
494

495 DEVON ANDERSON: All three (3) of us were in the relationship.

496
497 DETECTIVE THOMAS DOLAN: Okay.

498
499 DEVON ANDERSON: And I was tryin' to leave Sydney that day.

500
501 DETECTIVE THOMAS DOLAN: Okay. I remember that. You said...

502
503 DEVON ANDERSON: She followed me all up in the woods. She followed me to my
504 mom's house and she followed me over to Kaylee's.

505
506 DETECTIVE THOMAS DOLAN: Okay. And then what happened? I know - I - I know it
507 went sideways and - and got outta hand. Tell me - tell me what happened. It's
508 all right, Devon. I know it hurts - and it sucks - and it's painful. But you gotta
509 - you gotta be straight with us and tell the truth. 'Cause like I said before,
510 you're gonna get judged and we're gonna have to stand up in front of that - the
511 judge - and we're gonna have to say what kinda man is Devon. Did he come
512 through and tell the truth to us or not. You tell the truth - the judge, ya know,
513 will probably take that into consideration a little. But if you don't tell the
514 truth, they'll take that into consideration too.

515
516 DETECTIVE CHRISTOPHER MILLER: You sayin' she wouldn't leave ya alone and - and
517 you just couldn't deal with her anymore - she was just followin' ya around and
518 - and upset ya or - or did something else happen?

519
520 DEVON ANDERSON: To be completely honest, they were both doin' the same shit to me
521 that I was doin' to them. (Unintelligible).

522
523 DETECTIVE THOMAS DOLAN: So you...

524
525 DEVON ANDERSON: All the cheatin' and shiL (Unintelligible). And I couldn't take it no
526 more.

527
528 DETECTIVE CHRISTOPHER MILLER: I got ya. So y- so you - you think Sydney was
529 cheatin' on ya so that's why - you just got upset and couldn't take it anymore?

530
531 DEVON ANDERSON: Yeah 'cause that just really had me - 'cause what she had told me.

532
533 DETECTIVE CHRISTOPHER MILLER: You talkin' about your cousin?

534
535 DEVON ANDERSON: Yeah. (Los).

536
537 DETECTIVE THOMAS DOLAN: Back when you were out servin' your country?

538
539 DEVON ANDERSON: Yeah, man.

540
541 DETECTIVE CHRISTOPHER MILLER: So she - so Sydney was fuckin' around and you
542 found out and you just couldn't take it anymore.
543
544 DEVON ANDERSON: I didn't wanna (unintelligible). Like I said, they - they was just
545 doin' the same shit to me. And they were just calm. And then
546 (unintelligible)...
547
548 DETECTIVE CHRISTOPHER MILLER: Sorry, what was the last thing? I'm sorry. I just
549 wanna understand. Like they did the same thing that you guys did to them
550 back in the day and it's kinda like karma? So you found out the kinda stuff
551 she did? I don't wanna put words in your mouth. I just wanna get your - I
552 don't - I don't wanna - ya know what I mean. So you found out stuff that she
553 had done and you couldn't take it anymore and that's why?
554
555 DEVON ANDERSON: Yeah.
556
557 DETECTIVE CHRISTOPHER MILLER: What about that gun? Where'd ya get that from?
558
559 DEVON ANDERSON: I got that from (unintelligible).
560
561 DETECTIVE THOMAS DOLAN: Over there on Main Street? Do you know where he got it?
562
563 DEVON ANDERSON: (Unintelligible) he told me had it from a girl named Maria.
564
565 DETECTIVE THOMAS DOLAN: From a girl named Maria?
566
567 DEVON ANDERSON: Yeah. But, uh, that shouldn't be told. I knew I gave him the
568 money and he went and got it for me.
569
570 DETECTIVE THOMAS DOLAN: Okay.
571
572 DETECTIVE CHRISTOPHER MILLER: When did you get the gun? Was it like a long time
573 ago - well before this or you just had it - so it wasn't like you got it for any
574 particular reason - it was just yours.
575
576 DEVON ANDERSON: For protection.
577
578 DETECTIVE CHRISTOPHER MILLER: I understand.
579
580 DETECTIVE THOMAS DOLAN: What was the, uh, you guys got into an argument and you
581 just lost it?
582
583 DEVON ANDERSON: Yeah.
584

585 DETECTIVE THOMAS DOLAN: Where was - where was, uh, Sydney at?
586
587 DEVON ANDERSON: Where she died.
588
589 DETECTIVE THOMAS DOLAN: On the couch there? Where were you at when you shot?
590
591 DEVON ANDERSON: In the living room.
592
593 DETECTIVE THOMAS DOLAN: I don't - I wasn't there so I don't know where you were
594 sitting.
595
596 DEVON ANDERSON: I was standing facin' her with my gun to the side. And Royce was
597 on the couch. (Unintelligible).
598
599 DETECTIVE THOMAS DOLAN: But Sydney was sittin' where she was when she died?
600 Okay.
601
602 DETECTIVE CHRISTOPHER MILLER: Did she see it comin'? Or did - was she - she didn't
603 see it comin' so you just - you just did it and there was no struggle or anything
604 - it just happened? Yeah. Kind of the same with Kaylee? She didn't see it
605 comin' either. No? Do you know a little more about the other one. You
606 knew any more about the other one? I don't know that I have enough
607 information about that to ask too many more.
608
609 DEVON ANDERSON: Like what other one?
610
611 DETECTIVE CHRISTOPHER MILLER: Um, I'm - I'm involved a lot with the investigation
612 with Kaylee. Detective Dolan's involved a lot with the investigation of
613 Sydney. So I'm just sayin', I don't - I don't know enough about, um, Sydney's
614 situation that - to ask you much more so I was asking Detective Dolan if he
615 had - if he had more questions about that one.
616
617 DETECTIVE THOMAS DOLAN: Did you leave the - did you leave the gun where it was - on
618 the floor? Or did ya take it with you after the shooting? I need the whole
619 truth here, Devon. That's the only way you - you know - you can - I can help
620 ya in any way. What's that?
621
622 DEVON ANDERSON: About what?
623
624 DETECTIVE THOMAS DOLAN: I need to know the whole...
625
626 DEVON ANDERSON: About Sydney?
627
628 DETECTIVE THOMAS DOLAN: ...yeah.
629

630 DEVON ANDERSON: You already asked that.
631
632 DETECTIVE THOMAS DOLAN: Did you take the gun or did you leave the gun there?
633 'Cause you said you left.
634
635 DEVON ANDERSON: I was tryin' to shoot myself.
636
637 DETECTIVE THOMAS DOLAN: Okay.
638
639 DEVON ANDERSON: She tried to take the gun from me.
640
641 DETECTIVE THOMAS DOLAN: When you ran outa there, did you - did you leave the gun
642 there laying or did you take the gun with you and bring it back?
643
644 DEVON ANDERSON: I must've left it there.
645
646 DETECTIVE THOMAS DOLAN: Okay.
647
648 DETECTIVE CHRISTOPHER MILLER: You said you tried to shoot yourself and then she
649 tried to take it from you. So Sydney tried to take it from ya and then you shot
650 her? Or was it a little ways later that ya shot her?
651
652 DEVON ANDERSON: (Unintelligible). Our family's are already into it. She was gonna
653 tell everybody.
654
655 DETECTIVE CHRISTOPHER MILLER: So then you turned it on her? That's important,
656 man. I'm just tryin' to - tryin' to figure it out. Ya know? 'Cause I know y-
657 you told me before that you were upset and - and then you found out some
658 stuff that had happened and you just couldn't take it anymore. But so initially
659 you were gonna shoot yourself and then she was tryin' to talk ya out of it so
660 you then you just turned it on her and shot her? Is that how it went?
661
662 DEVON ANDERSON: Mmhmm.
663
664 Det. Miller Okay. And that was for Sydney - not for Kaylee - that's for Sydney. Kaylee
665 was just what you said - you thought she was against you and - and you shot
666 her. You weren't tryin' to hurt yourself that day? Okay.
667
668 DEVON ANDERSON: You all got enough now? Or can we continue another time?
669
670 DETECTIVE CHRISTOPHER MILLER: We can - we can continue another time if you'd like.
671 Wanna take a break? You wanna stop talkin'? Okay. I will end recording
672 unless there's any last minute and we can be in touch. But, hey, you did the
673 right thing, um, tellin' the truth always. It's very, very important. So I mean, I
674 respect that.

675
676 DEVON ANDERSON: Yeah. I had to man. They ain't gonna give me up. A whole bunch
677 of times I just (unintelligible) death penalty.
678
679 DETECTIVE CHRISTOPHER MILLER: You said what? You wanna what?
680
681 DEVON ANDERSON: I'd rather get the death penalty.
682
683 DETECTIVE CHRISTOPHER MILLER: You'd rather get the death penalty?
684
685 DETECTIVE THOMAS DOLAN: Well, Deven, I don't know what's gonna happen to you.
686 We don't make those decisions. That's up to the - that's up to the judge. But
687 ya know, I appreciate you comin' clean and bein' honest.
688
689 DETECTIVE CHRISTOPHER MILLER: Yeah. The whole time we - we've been nothin' but
690 honest, man. We - we're glad that you came forward. We're glad, ya know,
691 that we can move forward. Um, we will try to - you said about this
692 schizophrenia thing - that is an option that you can maybe get some treatment.
693 'Cause listen, man, y- your...
694
695 DEVON ANDERSON: I definitely want it.
696
697 DETECTIVE CHRISTOPHER MILLER: Well let's try to - let's try to make things right.
698 Okay? If you don't wanna talk more, we can talk another time. I want you to
699 be able to get some rest too. But...
700
701 DETECTIVE THOMAS DOLAN: All right. If ya need to talk to us again, you get a hold of
702 one of the COs. They can get a hold of us. Okay?
703
704 DETECTIVE CHRISTOPHER MILLER: Thank you for being honest with us. We really...
705
706 DETECTIVE THOMAS DOLAN: All right...
707
708 DETECTIVE CHRISTOPHER MILLER: ...appreciate that. We really respect that. All right.
709 Thank you.



CUMBERLAND COUNTY INCIDENT REPORT

TO: Det. Dolan
FROM: Ofc. Corsiglia
DATE & TIME: 07/31/2020 – Apprx time: 1845
SUBJECT: Inmate Anderson, Davone

On the above date and approximate time, I Officer Matthew Corsiglia was assigned as the Booking Officer for my shift 1500 to 2300 hours. At the approximate time listed above, inmate Anderson was temporarily housed in booking dry cell. Inmate Anderson was placed in the dry cell for his self-harming behavior. Inmate Anderson was trying to tie string's from his face mask around his neck to constrict his breathing. I Officer Corsiglia stopped this incident and with the authority of my shift leader, Cpl. Sweeney, we placed inmate Anderson into a suicide proof smock and placed him into the booking dry cell. At approximately 1845 hours, inmate Anderson knocked on his cell door and called for me to come speak with him. I approached the cell and asked inmate Anderson "What do you need?". Inmate Anderson stated "I need to confess something.". I immediately told inmate Anderson to "hold on, I'll get someone you can talk to.". Inmate Anderson complied and sat down on his bench. I contacted County Control and asked for Det. Dolan to contact the booking center immediately. Approximately 1846, Det. Dolan contacted me and I told him what inmate Anderson told me about wanting to "Confess something". Det. Dolan said "I'm on my way.". Right after talking to Det. Dolan, inmate Anderson knocked on his cell door and waived at me to come and talk to him again. This time I approached the cell and inmate Anderson stood at the door looking down towards his feet. Inmate Anderson then looked at me and stated "I killed them both.". I asked inmate Anderson "what did you say?". And inmate Anderson looked up at me and stated "I killed them both". Inmate Anderson then stated two names. One name began with a C and the other name began with a T. I believe the C name was Caley or Carley or something to that effect. I walked away from the cell and called my shift leader and made him aware of what happened. END OF REPORT

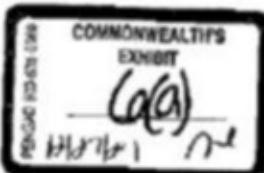
Staff Signature

A handwritten signature in black ink, appearing to read "Matthew Corsiglia".

07/31/2020

Officer Matthew Corsiglia

CC: Warden Shook
Dep/Warden: Security



CARLISLE POLICE DEPARTMENT

240 Lincoln Street

Carlisle, PA 17013

717-243-5252

MIRANDA WARNINGS

Subject Name:	Davone Anderson	
Date: 7/31/20	Time: 1941	Place: Cumberland County Prison

My name is Detective - Christopher Miller of the Carlisle Police Department.

I wish to advise you that you have an absolute right to remain silent, that anything you say can and will be used against you in a court of law; that you have a right to talk to an attorney before and have an attorney present with you during questioning; that if you cannot afford an attorney, one will be appointed to represent you without charge before questioning, if you so desire. If you do decide to answer any questions, you may stop any time you wish.

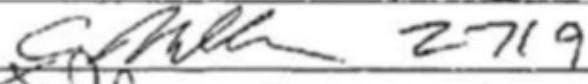
Do you understand these rights? Yes No

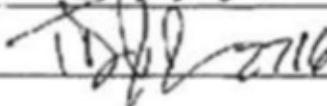
Bearing these rights in mind, are you willing to speak with me? Yes No

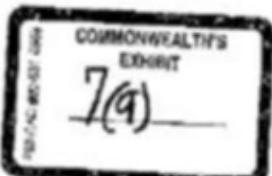
WAIVER

I FULLY UNDERSTAND THE STATEMENT ADVISING ME OF MY RIGHTS AND I AM WILLING TO ANSWER QUESTIONS. I DO NOT WANT AN ATTORNEY AT THIS TIME AND I UNDERSTAND THAT I MAY REFUSE TO ANSWER QUESTIONS ANYTIME DURING THE QUESTIONING. NO PROMISES HAVE BEEN MADE TO ME, NOR HAVE I BEEN THREATENED IN ANY WAY.

Signature of Subject: 

Witness #1:  2719

Witness #2:  2716



CARLISLE POLICE DEPARTMENT

240 Lincoln Street
Carlisle, PA 17013
717-243-5252

MIRANDA WARNINGS

Subject Name:	Devone Andoso	
Date: 7/31/20	Time: 2020	Place: Cumberland County Prison

My name is Detective Christopher M. Miller of the Carlisle Police Department. I wish to advise you that you have an absolute right to remain silent, that anything you say can and will be used against you in a court of law; that you have a right to talk to an attorney before and have an attorney present with you during questioning; that if you cannot afford an attorney, one will be appointed to represent you without charge before questioning, if you so desire. If you do decide to answer any questions, you may stop any time you wish.

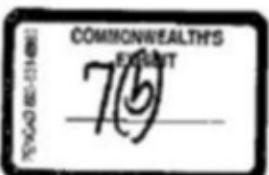
Do you understand these rights? Yes No

Bearing these rights in mind, are you willing to speak with me? Yes No

WAIVER

I FULLY UNDERSTAND THE STATEMENT ADVISING ME OF MY RIGHTS AND I AM WILLING TO ANSWER QUESTIONS. I DO NOT WANT AN ATTORNEY AT THIS TIME AND I UNDERSTAND THAT I MAY REFUSE TO ANSWER QUESTIONS ANYTIME DURING THE QUESTIONING. NO PROMISES HAVE BEEN MADE TO ME, NOR HAVE I BEEN THREATENED IN ANY WAY.

Signature of Subject:	
Witness #1:	 2719
Witness #2:	 2716



CARLISLE POLICE DEPARTMENT

240 Lincoln Street
Carlisle, PA 17013
717-243-5252

MIRANDA WARNINGS

Subject Name:	Davore Anderson	
Date: 7/31/20	Time: 2149	Place: Cumberland County Prison

My name is Christopher Miller of the Carlisle Police Department.

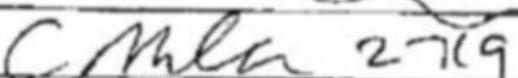
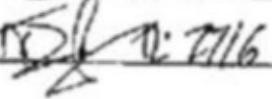
I wish to advise you that you have an absolute right to remain silent, that anything you say can and will be used against you in a court of law; that you have a right to talk to an attorney before and have an attorney present with you during questioning; that if you cannot afford an attorney, one will be appointed to represent you without charge before questioning, if you so desire. If you do decide to answer any questions, you may stop any time you wish.

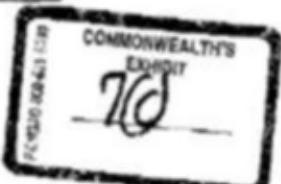
Do you understand these rights? Yes No

Bearing these rights in mind, are you willing to speak with me? Yes No

WAIVER

I FULLY UNDERSTAND THE STATEMENT ADVISING ME OF MY RIGHTS AND I AM WILLING TO ANSWER QUESTIONS. I DO NOT WANT AN ATTORNEY AT THIS TIME AND I UNDERSTAND THAT I MAY REFUSE TO ANSWER QUESTIONS ANYTIME DURING THE QUESTIONING. NO PROMISES HAVE BEEN MADE TO ME, NOR HAVE I BEEN THREATENED IN ANY WAY.

Signature of Subject:	
Witness #1:	
Witness #2:	



INTERVIEW WITH DEVON ANDERSON IN THE CAR

PART 4-In the Car

DETECTIVE THOMAS DOLAN: We're gonna put one (unintelligible) put this one here.

DETECTIVE CHRISTOPHER MILLER: I'll ask him if it's okay to put it there. Otherwise, you'll leave it there.

DETECTIVE THOMAS DOLAN: (Unintelligible).

DETECTIVE CHRISTOPHER MILLER: Um, do me a favor. Do you have your phone out? Call Jeff, and just get confirmation that body cams work, 'cause I don't see the light. I just wanna make sure everything's on and he has audio. We'll do a test right now.

DETECTIVE THOMAS DOLAN: You turned it on?

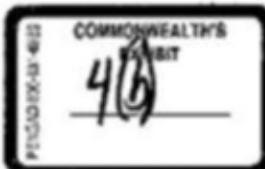
DETECTIVE CHRISTOPHER MILLER: Yep.

DETECTIVE THOMAS DOLAN: Didn't make, it make any (unintelligible)?

DETECTIVE CHRISTOPHER MILLER: It did, but the light's not on. I just wanna verify that it's working. What I'll do, I'll call Freeman and tell him. 'Cause I'm gonna call him anyways on his work phone, so he has a speaker, and we'll just leave it on. So I'll just set up right now. Hey, I called the right phone, right? Okay, what we're -- what's that, sorry? Um, what we're doing, we're just - I turned on the camera right now, and I just want Jeff to confirm that he has audio and - and everything's good, if he can. Yep. Yep. I did - I did. I just wanted to - 'cause I turned it on now just to make sure. Um, it's recording right now. I just wanted to confirm. If - if you wanna check it just to make sure evrything's fine, um, we're gonna go and get him now. Oh, yeah. Okay - okay. All right, I'm with you. Um, no, if you guys already parked there, I know it's on. I just was gonna offer, if you guys wanted to check. If throughout the ride or whatever you're close and you wanna check, if there's some issue, text Timmy. Okay - okay - okay. Yeah. Okay, do you want - do you want me to wait a few minutes before I walk in so you guys can do that first? Okay. All right, sounds good. Then I'll just call when I get him then. All right, see you.

DETECTIVE THOMAS DOLAN: Which way are we going? Are we just gonna head back into town (unintelligible)?

DETECTIVE CHRISTOPHER MILLER: Yeah, we're just gonna start driving for a while, and then I'll - I'll dictate it.



46
47 DETECTIVE THOMAS DOLAN: Okay.
48
49 DETECTIVE CHRISTOPHER MILLER: So just start cruising around. All right, I'm gonna
50 go in and get him.
51
52 DETECTIVE THOMAS DOLAN: I'll come in with you. You want me to come in with you
53 or...
54
55 DETECTIVE CHRISTOPHER MILLER: It don't matter. You can stay right here, if you want.
56
57 DETECTIVE THOMAS DOLAN: Let's do - let's do two (2), 'cause he's dangerous.
58
59 DETECTIVE CHRISTOPHER MILLER: Okay.
60
61 TIME: 2:47 - 17:33 (In prison getting prisoner)
62
63 DETECTIVE CHRISTOPHER MILLER: All right, can you slide a little bit to me? Actually,
64 take this - will you hold this? I'll get - let's go on the other side. All right.
65 Are you okay? All right, so like I said everything's recorded. We're gonna go
66 for a ride, maybe get you something to eat, drive around. Um, is that fine with
67 you? Okay. Um, if you're not hungry now, that's fine.
68
69 DETECTIVE THOMAS DOLAN: So - just so you know, Devon, I don't - just to be straight up
70 with you here, so you don't think we're doing anything shady or anything, we
71 have the - we have the cameras going, I'm gonna record it.
72
73 DETECTIVE CHRISTOPHER MILLER: We're just gotta record everything. We don't ever
74 want to, you know, have someone misconstrue our words or whatever we - we
75 say or do. So you want the window down a little bit?
76
77 DEVON ANDERSON: Sure.
78
79 DETECTIVE CHRISTOPHER MILLER: I'll put the window down a little bit, little fresh air.
80 Keep the AC running. So yeah, man, appreciate - appreciate you being honest
81 with us yesterday. I appreciate you talking to us. Um, you know, I was
82 thinking about, you know, a couple things and the main thing is, what I was
83 thinking about is, um, the gun that we were talking about. And our concern is
84 that that gun can get in a kid's hands or the wrong person's hands. And what
85 we were really hoping is maybe you can show us - show us where that would
86 be, you know. Get you out of here, maybe you could show us where it's at, you
87 know. It's up to you if you wanna have a conversation or not, but, you know,
88 kind of same deal as yesterday. You know, man, get you something to eat if
89 you want something to eat, get you a drink if you want something to drink.
90 Does any of that sound (unintelligible)?

91
92 DEVON ANDERSON: No, it doesn't.
93
94 DETECTIVE CHRISTOPHER MILLER: Jasmine's, is that what you said?
95
96 DEVON ANDERSON: No. If that's what we came out here for, y'all gotta take me back or
97 kill me. Whichever y'all wanna do.
98
99 DETECTIVE CHRISTOPHER MILLER: No- nobody's gonna kill you. Let me just - before I
100 talk to you about anything, um, I'm gonna read you the - the same deal I did
101 yesterday, just so that I'm covered if we talk about some stuff. So same as
102 yesterday, Devon, my name is Detective Christopher Miller with the Carlisle
103 Police Department. I wish to advise you that you have an absolute right to
104 remain silent. That anything you say can and will be used against you in a
105 court of law. That you have a right to talk to an attorney before and have an
106 attorney present with you during questioning. That if you cannot afford an
107 attorney, one will be appointed to represent you without charge before
108 questioning if you so desire. If you do decide to answer any questions you
109 may stop at any time you wish. Do you understand the rights as - as same as
110 yesterday?
111
112 DEVON ANDERSON: Yeah.
113
114 DETECTIVE CHRISTOPHER MILLER: Okay, bearing these in mind, do you wanna talk to
115 me?
116
117 DEVON ANDERSON: I want an attorney.
118
119 DETECTIVE CHRISTOPHER MILLER: You want an attorney.
120
121 DEVON ANDERSON: Yeah.
122
123 DETECTIVE CHRISTOPHER MILLER: Okay.
124
125 DETECTIVE THOMAS DOLAN: Well I need to turn it on here.
126
127 DETECTIVE CHRISTOPHER MILLER: Okay. And let me ask you this, Devon, even though
128 I don't have to ask you any questions, are you willing to indicate to us where the
129 gun might be, I don't have to ask you any questions? Is that something that
130 maybe we could retrieve that? And like I said I'm not asking you questions.
131 If you could shake your head. I mean, if you don't want to, we can take
132 you - what - whatever you wanna do, man. I'm not trying to put any pressure
133 on you, but again, I'm talking about talking to...
134
135 DEVON ANDERSON: Let me out these handcuffs right now.

136
137 DETECTIVE CHRISTOPHER MILLER: I can't do that, man, I can't. I can't get you out of
138 those handcuffs right now, I'm sorry. I'm doing the best I can for you here,
139 man. Take- taking you out of here and offering you stuff, but, um, it is what it
140 is. Again, you definitely don't have to talk to me. My - my biggest thing
141 was - my concern was - was - was the gun. And I'm worried because we had
142 Harrisburg City go out, and they couldn't find it. And I'm just worried that that
143 gun might get in the wrong person's hands, you know. That's what my concern
144 is. I'm not trying to pressure you, man. I'm not trying to cause you any
145 problems. I just - I - I need to get the gun back. Would you want - can we get
146 you a drink or something? Are you thirsty? Or do you wanna go back? It's
147 up to you, man. I'm not putting any pressure on you.
148
149 DEVON ANDERSON: I want an attorney.
150
151 DETECTIVE CHRISTOPHER MILLER: I understand that, and that's fine. I mean, I - I can't
152 get you an attorney right now. I mean, what we can do, we can take you back
153 and - and that's fine.
154
155 DETECTIVE THOMAS DOLAN: (Unintelligible). Prison remote 27-16 (unintelligible) please.
156
157 DETECTIVE CHRISTOPHER MILLER: I'll be right around, okay.
158
159 DEVON ANDERSON: If y'all gonna kill me, just do it.
160
161 DETECTIVE CHRISTOPHER MILLER: No, we're not gonna - we're not gonna - Devon, we're
162 not gonna hurt you, man. We're not gonna hurt you. We're just trying to get
163 you out, you know, for a ride and get you out of here for a little bit if you want.
164
165 DEVON ANDERSON: Is it okay for me to move?
166
167 DETECTIVE CHRISTOPHER MILLER: Yeah - yeah, you can get out, you can get out, you're
168 fine.
169
170 DETECTIVE THOMAS DOLAN: Yeah, come on out.
171
172 DETECTIVE CHRISTOPHER MILLER: What - what?
173
174
175
176 TIME: 27:09 - 31:03 (Taking prisoner back into prison)
177
178 DETECTIVE CHRISTOPHER MILLER: Can you hear me? Hello. Yeah, I can hear you
179 now. I guess, um, did you hear that conversation? Yeah. Okay, well, the
180 second we took him from there, he said, "Are you guys gonna kill me?"

181 He - he's a fuckin' psycho. Um, and then I said I'm taking him for a ride, and
182 then he's like, "Get to the point." And this was before I even entered the car.
183 And then I entered the car and he says - I think he said Jasmine. And he's like,
184 "Are you guys gonna take me to Jasmine's house and kill me?" Like, and then
185 he started saying his attorney twice, and it just - he - he's - he's fuckin' nuts.
186 Yeah. Was there anything else you guys thought that we could have done?
187 Because at that point I was like, man, if we keep doing this, we're - we're just
188 gonna look real, real bad. Yeah. And I even - without coer- I was just trying
189 to be like, "Hey, listen, man, you don't even have to talk. I'm just trying to see
190 can you maybe take us to where the gun would be?" And - and he didn't
191 respond. He said, "I want an attorney." So then it was just done. Okay. All
192 right, I'll - I'll see you back at the station. Bye. Fuck, damn it, Tom. That
193 just makes last night, how the hell we - we fuckin' did that just amazing.
194

195 DETECTIVE THOMAS DOLAN: (Unintelligible).

196
197 DETECTIVE CHRISTOPHER MILLER: I mean, very well could be, but he - he was kind of
198 back and forth last night too, you know, about, "I want an attorney." And then
199 stop talking to us, and just he's fuckin' nuts. And - and how you and I got that
200 confession from him last night is just -- I'll tell you what, man, that's - that's
201 amazing.

202
203 DETECTIVE THOMAS DOLAN: He was in - he's a little bit more stable right now. He's still
204 fuckin' nuts, man. He knows that if he takes us to the gun and all that other
205 stuff; (unintelligible).

206
207 DETECTIVE CHRISTOPHER MILLER: I actually - I was starting to think back there, Tom.
208 And there's certain things that he's - he did say Jasmine's but, I don't know.
209 Throughout this and - and even yesterday when I brought up about going to
210 Boiling Springs, I was trying to have him say that. I'm just wondering if his
211 mom knows, and he's scared that by saying - maybe his mom's been covering
212 for him, and maybe he's scared to talk about anything like that, 'cause he doesn't
213 wanna bring anybody else in it. I - I'm just wondering if maybe Tarika knows
214 about Sydney...

215
216 DETECTIVE THOMAS DOLAN: I'm sure that Tarika knows (unintelligible)...

217
218 DETECTIVE CHRISTOPHER MILLER: ...knows about -- I mean, I'm saying like he actually
219 like confided in her, and maybe she helped him maybe get rid of the gun. I
220 mean, it just - it kind of leaves me questioning that. Um...

221
222 DETECTIVE THOMAS DOLAN: I don't know but Tarika knows what went on between
223 Sydney and with Kaylee...

224
225 DETECTIVE CHRISTOPHER MILLER: Right.

226
227 DETECTIVE THOMAS DOLAN: ...and (unintelligible).
228
229 DETECTIVE CHRISTOPHER MILLER: Right, well, I'm just saying about tying her in as like
230 an accomplice or something like that. I just - I don't - I don't know about that. I
231 mean, I'm sure she knows...
232
233 DETECTIVE THOMAS DOLAN: (Unintelligible).
234
235 DETECTIVE CHRISTOPHER MILLER: ...but if him saying, "I did this." And maybe her
236 assisting and helping him cover things up...
237
238 DETECTIVE THOMAS DOLAN: I wanted to...
239
240 DETECTIVE CHRISTOPHER MILLER: ...makes me think about it.
241
242 DETECTIVE THOMAS DOLAN: ...I wanted to try and get that last night when I was talking to
243 him about, you know, telling the truth and everything, and being in front of
244 God. If - if you remember, I asked him, "Did you take the gun with you or did
245 you leave it at the scene?" 'Cause I wanted - I was kind of hoping that he
246 would say, "I took the gun with me." And then we could have indicate his
247 mother as an accomplice - principal accomplice liability.
248
249 DETECTIVE CHRISTOPHER MILLER: Well, how?
250
251 DETECTIVE THOMAS DOLAN: Because he - she would have known what happened.
252
253 DETECTIVE CHRISTOPHER MILLER: I mean, but - but...
254
255 DETECTIVE THOMAS DOLAN: He would have had to place the gun back in where - back in
256 its place, and she would have had to have been there to see it. 'Cause we got a
257 five (5) - a forty-five (45) - minute time (unintelligible).
258
259 DETECTIVE CHRISTOPHER MILLER: I - no, I - I - I get what your point is and I - I - I like
260 what you're - what you're going for. But I'm saying, I don't know that
261 we - we'd still be able to prove that mom saw gun - saw him with, you know
262 what I mean. I just - I don't - I don't know. I mean, I understand...
263
264 DETECTIVE THOMAS DOLAN: I would just...
265
266 DETECTIVE CHRISTOPHER MILLER: ...what you're saying, that likely she would know, but
267 I don't know that we can prove mom knew, mom saw?
268
269 DETECTIVE THOMAS DOLAN: ...I would take - I would take that to trial.
270

271 DETECTIVE CHRISTOPHER MILLER: I would too, but I'm just - I - I get you.
272
273 DETECTIVE THOMAS DOLAN: I would charge her every day, any day, and say, there is no
274 fuckin' way - why we we - there's no fuckin' way she didn't know what was
275 happening. She took - she came and he said - told her, and went back.
276
277 DETECTIVE CHRISTOPHER MILLER: Well, there's a difference between knowing what
278 happened and being an accomplice and assistant, you know what I mean.
279
280 DETECTIVE THOMAS DOLAN: Well, being an accomplice liability, you don't have to - you
281 don't have to prove the conspiracy part. Alls you have to prove is...
282
283 DETECTIVE CHRISTOPHER MILLER: That they assisted.
284
285 DETECTIVE THOMAS DOLAN: Yeah, that's why I always charge accomplice liability. I
286 never charge conspiracy.
287
288 DETECTIVE CHRISTOPHER MILLER: But - okay, but - but with Sydney, how - how are you
289 getting that she assisted with any of this? How are you getting that she
290 assisted?
291
292 DETECTIVE THOMAS DOLAN: He shot her, left, and ran back to his mom's house.
293
294 DETECTIVE CHRISTOPHER MILLER: Right.
295
296 DETECTIVE THOMAS DOLAN: If he takes the gun with him, talks to mom and says - you
297 know he's gonna say, "I shot her."
298
299 DETECTIVE CHRISTOPHER MILLER: Right, but then my - my point is though, if she
300 doesn't know where the gun is or anything like that...
301
302 DETECTIVE THOMAS DOLAN: She would have to know where the gun's at.
303
304 DETECTIVE CHRISTOPHER MILLER: I - I know, but - but I'm saying, that's the part that we
305 need to prove, is that she would have had to see him with the gun, or she would
306 have had to have taken the gun. If - if she didn't I - that's what I'm struggling
307 with. I don't know...
308
309 DETECTIVE THOMAS DOLAN: She would have to - she would have to know?
310
311 DETECTIVE CHRISTOPHER MILLER: ...that we would have enough to say...
312
313 DETECTIVE THOMAS DOLAN: ...she would have to know that he had the gun and to tell him
314 to place the gun back at the scene, the way it was.
315

316 DETECTIVE CHRISTOPHER MILLER: I agree with you, I just don't - I'm just thinking about
317 how to prove that, where she would just say, "Yeah, he told me this and I
318 leaked out, and..."
319
320 DETECTIVE THOMAS DOLAN: You're never gonna get - you're never gonna get direct proof
321 unless he says that, "My mom's involved in it." But if there's circumstantial,
322 then let the jury decide that. I don't know, they may say no, but it's worth a
323 freakin' try.
324
325 DETECTIVE CHRISTOPHER MILLER: Yeah. I think I just (unintelligible) my dad did we
326 get a message from them? It said it was personal.
327
328 DETECTIVE THOMAS DOLAN: (Unintelligible).
329
330 DETECTIVE CHRISTOPHER MILLER: Oh. Well, Tom, it was a good effort. I guess the
331 good news is you can enjoy the rest of this Saturday and tomorrow. And
332 we'll - I'll see you on Monday. I guess I'll - come in at 7:00, I'll come in around
333 8:00, we'll go from there. Unless they request me early. I know they're not
334 gonna be here before 8:00'clock anyway, so I'll just come in at fuckin' 8:00. That
335 extra hour, man, that fuckin' 7:00 a.m. shit fuckin' kills me. That one extra
336 hour makes me feel...
337
338 DETECTIVE THOMAS DOLAN: Yeah.
339
340 DETECTIVE CHRISTOPHER MILLER: ...like a million bucks. Hell, you can probably come
341 in at 8:00 tomorrow too, you know what I mean. Or Monday. I mean, I'm
342 supposed to be 11 to 7, so I'm just gonna do 8:00 o'clock. Unless they need me
343 earlier. But I don't know, Tommy, it was a good shot. I just know that
344 ever -- maybe - maybe some time in our career -- but I don't know that there's
345 too many instances where we're gonna be able to do what we were able to do
346 last night. That was - that was good shit, man.
347
348 DETECTIVE THOMAS DOLAN: I think we just - we got lucky.
349
350 DETECTIVE CHRISTOPHER MILLER: Well, no, I know, I really don't. I mean, there's a
351 portion of luck. But it's a combination of, dude, you did good, I did good.
352 Him, his state. It was a combination of a lot of things. Don't - don't minimize
353 what we did. I mean...
354
355 DETECTIVE THOMAS DOLAN: I think we got lucky because his mental state.
356
357 DETECTIVE CHRISTOPHER MILLER: Yeah.
358
359 DETECTIVE THOMAS DOLAN: That's why we got lucky.
360

361 DETECTIVE CHRISTOPHER MILLER: Tom, but don't under- like, we did good, man. The
362 way we played off each other. I mean, watch that video, you'll see, dude. We
363 did a hell of a good job. I - I - I really, if you think about it, I don't know, man,
364 if there was some other people there trying to do the interview, I don't think it
365 would have happened. But I'm thinking of - I'm not saying like it couldn't
366 have. I'm not like knocking anybody in particular, I'm just saying...
367

368 DETECTIVE THOMAS DOLAN: I think...
369

370 DETECTIVE CHRISTOPHER MILLER: ...I don't think that was something anybody could
371 have gotten.
372

373 DETECTIVE THOMAS DOLAN: ...other people I think would have just left after
374 (unintelligible) when he said the first time (unintelligible).
375

376 DETECTIVE CHRISTOPHER MILLER: Yeah, and they - they wouldn't have had to - and kept
377 doing it. And plus, he was at least responding with us. I'm telling you right
378 now, certain officers, certain people, they -- did I turn that fuckin' thing off?
379

380 DETECTIVE THOMAS DOLAN: I don't know.

APPENDIX G: Defendant's Omnibus Motion

FILED

2021 OCT 26 PM 1:21⁴
CLERK OF COURT
CAMERON COUNTY PA

DEFENDANT'S OMNIBUS PRETRIAL MOTION

TO: THE HONORABLE PRESIDENT JUDGE EDWARD E. GUIDO, :

AND NOW comes the Defendant, Devone Unique Anderson by and through his attorneys, Heidi F. Eakin, Esquire, and Michael Palermo, Esquire and respectfully represents as follows in support of this Omnibus Pretrial Motion pursuant to Rule 306, Pennsylvania Rules of Criminal Procedure:

1. [REDACTED]

[REDACTED] On or about August 10, 2020, Defendant was charged with [REDACTED] crimes at Information 1964-2020 to include the following crimes: Criminal Homicide, Murder in the first degree, 2 counts; Criminal Homicide, Murder of an Unborn Child; Persons Not to Possess, 2 Counts [REDACTED]; Endangering the Welfare of Children, 2 Counts. (Information 1964-2020).

2. Following a preliminary hearing, all charges were returned to Court.

3. Notice of Aggravating Circumstances was filed on October 14, 2020 to include the killing of a prosecution witness per Section 9711(d)(5); killing in the course of the perpetration of a felony , 42 Pa. C.S. Section 9711 (d)(1); A significant history of felony convictions pursuant to 42 Pa.C.S. Section 9711(d)(9); an averment under 42 Pa.C.S. Section 9711(d)(10) for multiple life sentences; an

averment under 42 Pa.C.S. (d)(11) related to multiple homicides; an averment under 42 Pa.C.S. 9711(d)(12) relating to voluntary manslaughter.

4. Defendant has been formally arraigned and has entered a plea of not guilty to all charges.
5. Defendant now timely files this omnibus pretrial motion per Order of Court.

I. Motion for Additional Discovery

6. The events of this prosecution occurred during the summer of 2020 at the height of the pandemic. The Defense has requested complete discovery to include the names and addresses of the Commonwealth witnesses.

7. Counsel further requests that the Commonwealth provide the Criminal history of each lay witness to be called, and the Curriculum vitae of any expert anticipated to be called in this case.

8. Defendant respectfully reserves the right to file a motion to compel discovery in accordance with Rule 305(E), Pennsylvania Rules of Criminal Procedure, in order to resolve any outstanding discovery disputes.

II. Motion for Sequestration of Jury

9. The averments set forth in paragraph 1 through 8 above are incorporated herein by reference.

10. It is expected that widespread media publicity, which may well become prejudicial to Defendant's right to a fair trial, will accompany trial in this case.

11. In order to safeguard Defendant's right to be tried by a jury of his peers uninfluenced by unusual or prejudicial trial publicity, Defendant respectfully asks that the jury be sequestered during trial in accordance with Rule 1111(a), Pennsylvania Rules of Criminal Procedure.

WHEREFORE, Defendant, Davonne Anderson, respectfully requests that Your Honorable Court order the sequestration of the jurors in this case.

III. Motion to Preclude the Commonwealth from Selecting a Death Qualified Jury and Seeking the Death Penalty

A. Insufficient Prima Facie Proof of Aggravating Circumstances

12. The Commonwealth has alleged in its Notice of Aggravating Circumstances that it intends to seek the death penalty against Defendant on the basis of the six aggravating circumstances outlined in paragraph three: the killing of a prosecution witness per Section 9711(d)(5); killing in the course of the perpetration of a felony , 42 Pa.C.S. Section 9711 (d)(1); A significant history of felony convictions pursuant to 42 Pa.C.S. Section 9711(d)(9); an averment under 42 Pa.C.S. Section 9711(d)(10) for multiple life sentences; an averment under 42 Pa.C.S. (d)(11) related to multiple homicides; an averment under 42 Pa.C.S. 9711(d)(12) relating to voluntary manslaughter.

13. The Commonwealth has presented insufficient *prima facie* evidence that any of the aforesaid aggravating circumstances applies in this case and, therefore, should be precluded pretrial from impaneling a death-qualified jury and from seeking the death penalty.

B. Death Penalty is Unconstitutional as Matter of Law and as Applied

14. The death penalty, inherently and as applied, constitutes cruel and unusual punishment and violates due process of law under both the Pennsylvania and United States Constitutions and, therefore, may not be sought against Defendant.

WHEREFORE, Defendant, Davonne Anderson, respectfully requests this Honorable Court order that the death penalty not be sought in the above matter.

IV. Motion to Suppress Incriminating Statements Obtained by the Police in Violation of Defendant's Constitutional Rights Under Article I, Section 8 and 9 of the Pennsylvania Constitution and the 5th, 6th, and 14th Amendments To the United States Constitution:

A. Arrest and Detention

15. On July 31, 2020, Defendant was arrested by Detective Freedman of the Carlisle Borough Police Department at a convenience store in the borough at 4:04 a.m..

16. The officers arresting Defendant were wearing Dash cam devices which recorded the encounter and arrest.

17. An examination of Axin Fleet #X81258278 documents the arrest. Upon being taken into custody, at 4:06 a.m., Detective Sgt. Freedman informed Defendant he was being taken into custody [REDACTED]

18. At 4:08 a.m., Defendant states to Freedman, "I want a lawyer."

19. At 4:10 a.m., Defendant states to the officers, "I'm not talking." The response is, "I got that."

20. Defendant was transported directly to the Cumberland County Prison (CCP) arriving at 4:15 a.m..

21. It is believed and therefore averred, Defendant was placed into the hospital unit at CCP under suicide watch.

Interview 1

22. On July 31, 2020, Defendant was subjected to a custodial interview at the prison by Detectives Miller and Dolan of the Carlisle Borough Police Department. At the time of the interview which occurred at CCP, Defendant is donned in a "turtle suit" which is worn by inmates who are in the medical unit subject to suicide watch.

23. This interview was captured on video cam, Axon Body 2 X81222313 and lasts 43 minutes and 9 seconds. The interview commenced at 7:19 p.m..

24. Defendant was mirandized via a written form at 7:20 p.m. by Miller.

25. The Detectives stated they were not there to talk about the [REDACTED]

[REDACTED] charge, but refused to tell Defendant what they wished to speak about.

26. At 7:22 p.m., the form remains unsigned by the Defendant and he expresses his paranoia to the Officers. Det. Dolan states in response to his concerns, "We would never hurt you."

27. Det. Dolan re-reads the Miranda form to Defendant at 7:22.56 at which point the Defendant states: "I'm going to need a lawyer right now."

28. Miller and Dolan continue to speak to Defendant despite he clearly invoked his right to counsel.

29. At 7:23 p.m. Defendant reads the printed Miranda form himself, and does not sign the same.

30. At 7:37 p.m., Defendant is offered a pen by the Detectives.

The Detectives fill in some information on the Miranda form after which Defendant does not sign the form.

31. At 7:42 p.m., Defendant questions the officers regarding the use of threats printed in the Miranda form.
32. At 7:42.52, Defendant then signs the Miranda waiver form.
33. At 7:45.58, the following transpires. Defendant asks "Am I here for just that charge?" [REDACTED]. Dolan states "yes", we didn't file that charge.
34. At 7:49 p.m., Defendant asks about Kaylee (second victim), and Miller responds, "She got hurt."
35. At 8:00.32 p.m., Defendant states "I don't need to be talking to you. I need an attorney. And I ain't got nothing else to talk about."

B. Interview 2

36. On July 31, 2020, Defendant was subjected to a second custodial interview at the prison by Detectives Miller and Dolan of the Carlisle Borough Police Department just 18 minutes after Defendant invoked both his 5th and 6th amendment rights. At the time of the interview which occurred at CCP, Defendant is donned in a "turtle suit" which is worn by inmates who are in the medical unit subject to suicide watch.
37. This interview was captured on video cam, Axon Body 2 X81222313 and lasts 52 minutes. The interview commenced at 8:19 p.m..
38. At 8:20 p.m. Dolan tells the Defendant he was informed he wished to "get something off his chest", according to a correctional officer. According to Officer Matthew Consiglia, Defendant was being held in the booking dry cell and made

certain incriminating statements at approximately 6:45 pm. It is unclear from the discovery provided when these statements were made by the Defendant. Such statements were a direct derivative of the unlawful initial interrogation of Defendant and should be suppressed.

39. Defendant is re-mirandized via a waiver form at 8:20 p.m. and signs the same.

40. Miller states to Defendant, "You told them you wanted to come clean".

41: Defendant states, "I heard you think I wasn't the only person at the house when Sydney killed herself." (first victim)

42. At 8:27, Dolan repeats to Defendant the CO said you wanted to come clean.

43. Defendant responds after several minutes, 8:32 p.m., "I'm not gonna lie, I'm scared that they about to kill me, the CO's are trying to kill me."

44. Miller responds, "No ones trying to kill you".

45. From 8:32 p.m. to 8:55 p.m., the Detectives continue to try to elicit information from Defendant. He mutters very little during this interval aside from commenting on another prisoner who had been brought to booking.

46. At 8:55 p.m., Miller again requests to know what happened with Kaylee. Defendant, responds at 9:00 p.m., "I need more time to think. I'm still going to be here tomorrow."

47. At 9:04 p.m. Defendant again expresses concerns about being hurt in the prison by the CO's. Miller and Dolan both reassure him no ones going to harm him.

48. At 9:10 p.m., Defendant states "when I left her (Kaylee), she was fine."

49. Miller states "You don't want to answer my questions?" Defendant shakes his head no, and states "Next time you come back, I want a lawyer."

C. Interview 3

50. On July 31, 2020, Defendant was subjected to a third custodial interview at the prison by Detectives Miller and Dolan of the Carlisle Borough Police Department just 17 minutes after Defendant invoked both his 5th and 6th amendment rights. At the time of the interview which occurred at CCP, Defendant is donned in a "turtle suit" which is worn by inmates who are in the medical unit subject to suicide watch.

51. Miller and Dolan return to the interview room for the third time to serve warrants for DNA, GSR (gun shot residue), and clothing. During the process, they explain to the Defendant the purpose behind securing the materials.

52. At 9:43 p.m., Defendant makes an incriminating statement.

53. For the third time, utilizing the same Miranda pre-printed form, Defendant signs the same at 9:49 p.m. He provides the Detectives with an incriminating statement.

54. At 9:59 p.m., in an attempt to keep Defendant talking, Miller mentions schizophrenia and getting Defendant a Doctor and medication.

55. The interview terminates at 10:09 p.m.

D. Attempted Interview 4

56. On August 1, 2020, Miller and Dolan return for the third time to CCP. Prior to removing Defendant from the prison, they secrete a car camera in the rear of their vehicle. This is recorded at Car Camera X81340130 and begins at 4:35 p.m.

57. While one Detective was wearing a body cam, the following are averments from the secreted car camera. It is believed and therefore averred, the car camera video was being sent live back to the Carlisle Borough police department.

58. Miller and Dolan escort Defendant from the prison shackled by both his legs and arms. (4:53 p.m.)

59. Miller suggests they want to take him out for some fresh air and to get something to eat. Miller suggests they want to find the missing gun. (4:56 p.m.)

60. Defendant states, "take me back or kill me so I know what I'm doing." Miller and Dolan tell Defendant "no ones going to kill you." (4:56 p.m.)

61. Miller attempts to Mirandize Defendant a fourth time and Defendant asks for an attorney. (4:56 p.m.) Upon return to the prison, at 4:58 p.m., Defendant again requests an attorney.

62. Following Defendant's return to CCP, the car camera remained on in the vehicle as Miller and Dolan returned to the station. The following transpired:

5:06 p.m.: Miller speaks on the phone to Detective Freedman and states, "Are you guys gonna believe me. He's a fucking psycho. He says Jasmine and says they're

going to take him to Jasmine's house and kill me. He's fucking nutsif we keep doing this, we're going to look real real bad."

5:07 p.m.: Miller states speaking to Dolan, "Damn-it Tom, how the hell we fucking did that last night was amazing. He was kinda back and forth last night saying he wants an attorney. He's fuckin nuts. And how you and I got that confession last night is just amazing."

5:08 p.m.: Dolan responds: "He's a little bit more stable right now."

5:14 p.m.: Miller states: "I did good, you did good, his state of mind.

5:15 p.m.: Donlan states: "I think we got lucky because of his mental state. Other people would have left after he went squirrely the first time."

Miller: "They would not have kept doing it."

53. At this point in the recording, the Detectives realize the car cam is recording and the following transpires. Miller: "Busted, turn that fucking thing off."

D. Discussion

As the foregoing detailed summary makes clear, the police in Defendant's case, while he was undergoing custodial interrogation, repeatedly refused to scrupulously honor his unambiguous invocation of his state and federal constitutional rights to remain silent and to the assistance of counsel and, instead, on multiple occasions resumed questioning Defendant on their own initiative; hence, all incriminating statements must be suppressed and excluded from trial.

"To protect an individual's 5th Amendment privilege against self-incrimination, the U.S. Supreme Court has held that, before an individual in police custody may be interrogated, he must first be informed, in clear and unequivocal terms, that he has the right to remain silent, that anything he says can and will be used against him in court, and that he has the right to consult with counsel and to have counsel present during interrogation, and, if he is indigent, counsel will be appointed for him. *Miranda*, 384 U.S. at 467-69. If an individual 'indicates in any manner, at any time prior to or during questioning that he wishes to remain silent, the interrogation must cease,' and any statement taken after the person invokes his privilege 'cannot be other than the product of compulsion, subtle or otherwise.' *Id.* at 473-74. Further, 'if the individual states that he wants an attorney, the interrogation must cease until an attorney is present. At that time, the individual must have an opportunity to confer with the attorney and to have him present during any subsequent questioning.' *Id.* at 474. If the individual is unable to obtain an attorney, but indicates that he wants one before speaking to police, the police must respect the individual's decision to remain silent. *Id.*" *Commonwealth v. Frein*, 206 A.2d 1049, 1064-1065 (Pa. 2019) (police violated defendant's constitutional rights by continuing to question him during custodial interrogation notwithstanding his clear and unambiguous invocation of rights).

Once a person asserts his or her election to remain silent, the right must be "scrupulously honored" by the authorities. *Michigan v. Mosley*, 42 U.S. 96, 104

(1975). The Pennsylvania Supreme Court itself has stated that "if an individual is given the *Miranda* warnings and responds that he wishes to exercise any of those rights, all interrogation must cease." *Commonwealth v. Mercer*, 302 A.2d 337, 39 (Pa. 1973), citing *Miranda*, 384 U.S. at 474.

Although *Miranda* warnings are not mandated by the U.S. Constitution's Bill of Rights, the U.S. Supreme Court has recognized that "*Miranda* announced a constitutional rule." *Dickerson v. United States*, 530 U.S. 428, 444 (2000). A primary purpose of that rule is "to [e]nsure that the [suspect's] right against compulsory self-incrimination is protected." *New York v. Quarles*, 467 U.S. 649, 654 (1984) (internal citation omitted). "The purpose of the *Miranda* warnings [] is to dissipate the compulsion inherent in custodial interrogation and, in so doing, to guard against abridgment of the suspect's Fifth Amendment rights." *Burbine*, 475 U.S. at 425. One way in which the warnings attempt to mitigate the coercive atmosphere of police interrogation is by clearly informing the suspect that he or she has the right to a lawyer to assist in the decision of whether to waive the right not to incriminate himself or herself. Another way is by allowing the suspect to stop the interrogation at any time to invoke the right to silence or to speak with a lawyer. *Ibid.*

The Pennsylvania Supreme Court has emphasized that "[t]he principles surrounding *Miranda* warnings are well settled. The prosecution may not use statements stemming from a custodial interrogation of a defendant unless it

demonstrates that he was apprised of his right against self-incrimination and his right to counsel." *Commonwealth v. Gaul*, 912 A.2d 252, 255 (Pa. 2006) (citation omitted). See *Commonwealth v. Lukach*, 195 A.3d 176, 193-194 (Pa. 2018) (constitutional rights of murder suspect were violated by continued police custodial interrogation after he had clearly invoked his rights; confession suppressed as well as derivative physical evidence).

Nor are the police permitted to re-initiate questioning after a suspect invokes his constitutional rights. See *Edwards v. Arizona*, 451 U.S. 477, 487 (1981). Any subsequent waiver of a suspect's constitutional rights "must not only be voluntary, but must also constitute a knowing and intelligent relinquishment of a known right or privilege, a matter which depends in each case 'upon the particular facts and circumstances surrounding that case,' including the background, experience, and conduct of the accused." 451 U.S. at 482. The *Edwards* Court further reiterated:

[this] Court has strongly indicated that additional safeguards are necessary when the accused asks for counsel, and we now hold that when an accused has invoked his right to have counsel present during custodial interrogation, *a valid waiver of that right cannot be established by showing only that he responded to further police-initiated custodial interrogation even if he has been advised of his rights*. We further hold that an accused ... having expressed his desire to deal with the police only through counsel, is not subject to further interrogation by the authorities until counsel has been made available to him, unless the accused himself initiates further communication, exchanges, or conversations with the police.

Id. at 484-85, cited in *Commonwealth v. Frein*, *supra* (emphasis added by the Pennsylvania Supreme Court; footnote omitted). See also *Commonwealth v. Keaton*,

45 A.3d 1050, 1067 (Pa. 2012) (invocation of 5th Amendment right to counsel shields arrestee from further interrogation until counsel is present unless arrestee himself initiates further conversation with police). The same standard applies to an accused's invocation of the right to remain silent. *Ibid.*

"If a suspect makes a statement during custodial interrogation, the burden is on the Government to show, as a prerequisite to the statement's admissibility in the Government's case-in-chief, that the defendant voluntarily, knowingly and intelligently waived his rights. *In re B.T.*, 82 A.3d 431, 436 (Pa.Super. 2013) (citations omitted).

A confession will be deemed involuntary where an interrogation was so manipulative or coercive that it deprived the defendant of his ability to make a true and unconstrained decision to confess. *Commonwealth v. Nester*, 709 A.2d 879, 881-882 (Pa. 1998). The U.S. Supreme Court has referred to involuntariness in terms of the suspect's will having been "overborne by the sustained pressures upon him." *Davis v. North Carolina*, 384 U.S. 737, 739 (1973). Review for voluntariness has traditionally entailed an inquiry into the totality of the circumstances. *Schneckloth v. Bustamonte*, 412 U.S. 218, 226 (1973) ("In determining whether a defendant's will was overborne in a particular case, the Court has stressed the totality of all the surrounding circumstances - both the characteristics of the accused and the details of the interrogation.")

The Pennsylvania Supreme Court itself in *Commonwealth v. Martin*, 101 A.3d 706, 724 (Pa.2014) has articulated a non-exclusive list of factors to be considered in determining the voluntariness of incriminating statements obtained from a defendant: "the means and duration of the interrogation, including whether questioning was repeated or prolonged, or accompanied by physical abuse or threats thereof; the length of the accused's detention prior to the confession; whether the accused was advised of his or her constitutional rights; the attitude exhibited by the police during the interrogation; the accused's physical and psychological state, including whether he or she was injured, ill, drugged, or intoxicated; the conditions attendant to the detention, including whether the accused was deprived of food, drink, sleep, or medical attention; the age, education, and intelligence of the accused; the experience of the accused with law enforcement and the criminal justice system; and any other factors which might serve to drain one's powers of resistance to suggestion and coercion[.]" citing *Commonwealth v. Perez*, 845 A.2d 779, 787 (Pa. 2004).

Here, what renders the Defendant's incriminating statements to the police utterly involuntary and coerced is their repeated contempt for his multiple invocations of his constitutional rights during several discrete episodes of custodial interrogation; there is no question that the Defendant clearly and unequivocally had invoked his *Miranda* rights and yet the police did not take "no" for an answer

but kept on questioning him, even bragging on tape about their own misconduct in doing so. By any reasonable measure, the Commonwealth cannot meet its burden of demonstrating that the Defendant's incriminating statements rendered under the totality of these circumstances were anything other than involuntarily, unintelligent and unknowing. Suppression is mandated. *Frein, supra; Lukach, supra; Miranda, supra; Edwards, supra.*

A lower threshold for voluntariness should be employed instantly where, as here, the law enforcement agents improperly re-initiated questioning after the Defendant had clearly asserted his rights. As the U.S. Supreme Court has observed, the setting of custodial police interrogation is inherently coercive: "the compulsion inherent in custodial surroundings." *Miranda*, 384 U.S. at 458; noting custodial interrogation "exacts a heavy toll on individual liberty and trades on the weakness of the individual." *Dickerson*, 530 U.S. at 435 (internal quotations and citations omitted). See then Chief Justice Saylor's stirring concurring opinion in *Lukach, supra*, 195 A.3d at 194-197.

Moreover, The Supreme Court of Pennsylvania has expounded upon a knowing and voluntary waiver of *Miranda* by requiring government actors to inform a suspect of the general nature of the transaction giving rise to the investigation. See *Commonwealth v. Richman*, 458 Pa. 167, 320 A.2d. 351. (1974).

The rationale of our Supreme Court is that it is only when such knowledge is possessed by a suspect that he/she can be said to understand the consequences of

yielding the right to counsel. "It is a far different thing to forego a lawyer where a traffic offense is involved than to waive counsel where a first degree murder is at stake." *Richman* quoting *Commonwealth v. Collins*, 436 Pa. 114, 121, 259 A.2d 160, 163 (1969) (plurality opinion).

While the suspect need not be made aware of the technicalities of the criminal offense involved, rather it is necessary under *Richman*, that the suspect be made aware of the "transaction" involved. *Commonwealth v. Jacobs*, 445 Pa. 364, 284 A.2d 717 (1971).

However, where a suspect has not been provided such awareness of the general nature of the transaction and challenges the validity of a confession or statement made on this ground, the Commonwealth must prove by preponderance of the evidence that the Defendant knew of the occasion for the interrogation. Miranda at 475. It is acceptable for the Commonwealth to sometimes satisfy their burden by establishing circumstances attending the interrogation such as the prior statements of the subject for the fact that the interrogation falls hard upon the criminal episode and there is no circumstance lending ambiguity to the direction and purpose of the interrogation. *Commonwealth v. Cooper*, 444 Pa. 122, 297 A.2d 108 (1971).

WHEREFORE, based on the foregoing legal authority, the statements obtained by the police from the Defendant, as well as any and all derivative physical evidence,

must be suppressed and excluded from trial because of the multiple violations of his state and federal constitutional rights.

V. Motion for notice and Discovery of Victim Impact Evidence and the Implementation of Strict Procedural Guidelines To Prevent Unfair Prejudice and Arbitrary Sentencing Decisions.

At the penalty phase of the trial, the Commonwealth will seek to present victim impact evidence regarding the effect of Mr. Anderson's actions on the victims and their family members. This type of evidence is not precluded by the Eighth Amendment, as made clear by the Supreme Court in Payne v. Tennessee, nor is it barred by Pennsylvania's death penalty statute. Payne v. Tennessee, 501 U.S. 808 (1991); Commonwealth v. Means, 773 A.2d 143 (Pa. 2001). Regardless, victim impact testimony is still subject to the restrictions espoused by the Payne court. Mainly, that the evidence be narrowly tailored to show no more than a "quick glimpse" of the life of the decedent and that the testimony is not so unduly prejudicial that it "renders the trial fundamentally unfair." Payne at 825.

There is an unmistakable need for Pennsylvania courts to establish substantive restrictions and greater procedural safeguards concerning victim impact evidence in capital cases to prevent this fundamental unfairness from occurring at trial. Pennsylvania trial judges have considerable discretion over the admissibility of and the defense's access to this evidence. See Means at 157. Nevertheless, all states are obligated to comply with the constitutional requirement

that the admitted evidence does not infringe upon the defendant's right to a fair trial. Therefore, this Court should allow only the substantive scope of victim impact evidence prescribed by Payne: no more than a "quick glimpse" of the life of the decedent. Payne at 825. The judge presiding over the matter must make an effort to control the emotions of the witnesses so the jury is not wrongly influenced by passion or prejudice when deciding the defendant's sentence. Id. at 836.

As explained by the Supreme Court, the trial court must also use its "authority and responsibility to control the proceedings consistently with due process." Payne at 826. Procedurally, the Court can do this by first affording Mr. Ali with the minimum fundamental due process requirements of notice and an opportunity to be heard. Pennsylvania has already held that a defendant must be given a list of witnesses and a brief outline of their proposed testimony prior to trial. See Commonwealth v. Natividad, 773 A.2d 167 (Pa. 2001). Based on the highly controversial nature of victim impact evidence, prior holdings in this state, specific guidelines established in other jurisdictions, and the general constitutional guarantee of due process, this Court should further require that the Commonwealth provide the defendant with detailed accounts of the witnesses' proffered testimony, and hold a pre-admissibility hearing in the absence of the jury to screen out any unduly inflammatory testimony.

Pennsylvania law mandates that the Commonwealth at least provide notice of its victim impact witnesses and a brief outline of their proposed testimony prior to trial.

In Means, Pennsylvania's predominant victim impact evidence decision, the Court upheld the constitutionality of the State's death sentencing statute that allowed for the admission of relevant victim impact testimony. Commonwealth v. Means, 773 A.2d 143, 157 (Pa. 2001). The Court found the statute valid based on Payne and the State Legislature's decision to amend the statute to permit evidence not precisely related to one of the enumerated aggravating or mitigating factors. Id. at 153.

Though the Court found no bar against the admission of victim impact evidence, it did recognize certain policy and procedural concerns inherent in the presentation of this potentially inflammatory testimony. Id. at 157. Rather than proposing rules to counteract these potential problems, the Court instead stated that it would refrain from addressing those issues until the case law further developed. Id. at 158. Nonetheless, the Court did not afford the lower courts complete and uncontrolled discretion. Part of its reasoning for refusing to adopt specific procedures for the admission of victim impact evidence was the Court's acceptance that the State's trial judges were "uniformly capable of restricting the admission of relevant evidence to only that information which is essential to the issue at hand, devoid of inflammatory, unessential data." Id. at 157 (quoting

Commonwealth v. Holland, 543 A.2d 1068, 1071 (Pa. 1988)). Furthermore, in contrast to the longstanding tradition of offering extensive discretion to the trial judge in phrasing instructions, the Court included in its opinion a draft of a model jury instruction that could be used by lower courts in future capital cases. Id. at 158.

Though it did not specifically endorse New Jersey's victim impact evidence rules, the majority did refer to and summarize the extensive procedural safeguards regarding the admission of victim impact testimony established by the New Jersey Court in State v. Muhammad. Id. at 155, Note 7; State v. Muhammad, 678 A.2d 164 (NJ 1996). The Court noted that the New Jersey rules were designed to "ensure that the evidence was admitted for its lawful purpose and limited to its appropriate place in the proceedings," and were proper given New Jersey's death penalty statute. Id. In addition, the Court observed that similar guidelines had been adopted in many other states. Id. at 156. Justice Nigro's dissent stressed that the Court could avoid the unconstitutional imposition of the death penalty by establishing a set of rules for the use of victim impact testimony that relied heavily on the New Jersey scheme. Id. at 165.

Just as the decisions of Pennsylvania's sister states were deemed to be persuasive support for the Court's rejection of the defendant's constitutional challenge in Means, they should now serve as persuasive support for the adoption of greater procedural safeguards for Mr. Ali. Id. at 156 ("The decisions of our sister

states are persuasive support for rejecting the current constitutional challenges to the statutory provisions at issue.") The Court's inclusion of model jury instructions against its usual practice demonstrates an initial acknowledgment of the prejudicial effect that victim impact testimony could have on a jury. Due to the already "volatile atmosphere" of a capital penalty phase, and the complexity of victim impact testimony, the Court sought to eliminate the potential for impassioned emotional appeals to the jury that would render the sentence unconstitutional. *Id.* at 165. Here, the trial court can attempt to remove all prejudicial victim impact evidence by requiring adequate notice and discovery of the detailed testimony, and by holding a pre-trial hearing to monitor what the jury will actually hear in court. Incorporating a greater degree of procedural safeguards in this case will further help overcome the concerns expressed in Means, and ensure that the jury only hears enough evidence to gain a "quick glimpse" of the life of the decedents without infringing upon Mr. Ali's due process rights.

There are certain requirements regarding victim impact evidence that have been authorized by the Pennsylvania Supreme Court. First, the majority in Means held that in order for the court to admit any victim impact testimony, the State must first establish that the victim's death had a specific impact on the victim's family, rather than a mere general effect on the community at-large. Means at 158-59. Once this threshold has been reached, the trial court maintains wide discretion as to the

appropriate nature and extent of the evidence permitted to be heard by the jury at the sentencing phase. Commonwealth v. Taylor, 876 A.2d 916 (Pa. 2005).

Following the Means decision, the Court in Natividad held that the prosecution must provide notice prior to trial of its intent to introduce victim impact testimony. Natividad, 773 A.2d 167, 180 (Pa. 2001). The Court noted that this pre-trial notice not only would satisfy one of the "essential elements of procedural due process," but would also allow the accused the opportunity to "investigate the background of the decedent, and prepare for potential victim impact testimony prior to jury selection." Id. at 178. This information could also be useful to the defense in its attempt to rebut certain evidence introduced by victim impact witnesses. Ultimately, the Court concluded that the Commonwealth would not be burdened by having to create a list of potential witnesses and a brief outline of their proffered testimony. Id. Thus, the Court would be respecting the defendant's due process rights and enabling him to better present his own defense by granting him pre-trial access to this information.

In a 2008 case, the Pennsylvania Supreme Court upheld the introduction of the victim impact evidence, but also described and did not overrule further methods that the lower court used to monitor the admission of such testimony. Commonwealth v. Baumhammers, 960 A.2d 59, 93 (Pa. 2008). Though the Court ruled that the defendant had waived the issue through his failure to object to any of the victim impact witnesses at trial, it noted that the lower court indicated that the

defendant "could request from the Commonwealth an offer of proof as to each witness and could lodge an objection particular to that witness if appropriate." Id. at 93-4.

Pennsylvania has progressed towards affording defendants more procedural safeguards concerning victim impact evidence, including allowing the defense greater access to the State's witnesses and testimony. Lower courts should continue to place limits on the nature and extent of this evidence. State case law that has developed since Means has illustrated the drastically prejudicial impact victim impact evidence can have on a capital jury. In order to fully protect defendants' Eighth Amendment and due process rights, it is apparent that trial judges must require adequate notice and discovery of the particular evidence, and also conduct a pre-trial admissibility hearing to analyze the potential testimony before it reaches the jury.

Payne and Means both prohibit the victim impact witnesses from speaking generally about the victim or the crimes' effect on the community at large. Means at 158. This Court should deny the admission of a victim's family members' characterizations and opinions about the crime, the defendant, and the appropriate sentence as well, as these are not discussed in either the general Pennsylvania Victim's Bill of Rights or the death penalty sentencing statute. 18 P.S. § 11.201; 42 Pa.C.S. § 9711.

In federal death penalty cases, victim impact evidence functions as a non-statutory aggravating factor. According to the death sentence statute, the attorney for the government in a capital case should serve the defendant with notice, at a reasonable time before trial, setting forth any "factors concerning the effect of the offense on the victim and the victim's family," including a victim impact statement identifying the extent and scope of their loss. 18 USC 3593(a)(2). Additionally, the statements are subject to the same standard of admissibility as other information presented during the penalty phase. Thus, the danger that the statements will create unfair prejudice, lead to a confusion of the issues, and mislead the jury must not outweigh the probative value of the testimony. 18 USC 3593(c).

Though these are the only statutory substantive and procedural requirements concerning victim impact evidence, federal courts have provided defendants with further protection from unfair sentencing verdicts. In U.S. v. Glover, a Kansas District Court held that the defendant was entitled to a greater degree of specificity and articulation in the government's pre-trial notice, such as "which members of the family have suffered, the nature of their suffering, and the nature of the permanent harm." Glover, 43 F.Supp.2d 1217, 1225 (D.Kan. 1999). Moreover, following the defendant's request that the court adopt the same penalty phase procedures as the New Jersey court in Muhammad, the District Court ordered the government to submit a written statement detailing the proposed testimony of

each victim impact witness. The Court explained that the statements must be factual, not emotional, and stated that it would review each specific point to assess the potential that it would cause unfair prejudice. During the actual proceedings, the Court would also make certain that each witness controlled his or her emotions and did not provide an opinion as to the defendant, the crime, or the appropriate sentence. Id. at 1236. Subsequently, several federal courts have followed Glover and its reasoning, either directing the government to provide more specific notice of its victim impact evidence, adopting some of the New Jersey procedural guidelines, or doing both. See, e.g., U.S. v. Wilson, 493 F.Supp.2d 491 (E.D.NY 2007); U.S. v. Solomon, 513 F.Supp.2d 520 (W.D.Pa. 2007); U.S. v. O'Driscoll, 203 F.Supp.2d 334 (M.D.Pa. 2002); U.S. v. Plaza, 179 F.Supp.2d 464 (E.D.Pa. 2001).

Like the Pennsylvania legislature and the State's highest Court in Means, Congress did not limit what can be considered as victim impact evidence when it wrote the Federal Death Penalty Act. Instead, the extent and nature of the evidence was to be a matter for the trial court's discretion. Nonetheless, the federal courts must comply with the same language expressed in Payne as the state courts in regards to protecting a defendant's right to due process. The Glover court was mindful of its "authority and responsibility to control the proceedings consistently with due process." Glover, 43 F.Supp.2d at 1235 (*quoting Payne*, 501 U.S. at 836). Therefore, the reasoning behind the court's decision to grant the defendant's requests in Glover should be equally applicable to the Pennsylvania state courts.

The Glover court viewed the procedural guidelines regarding victim impact testimony as reasonable attempts to avoid the inclusion of inflammatory testimony that would "risk a verdict impermissibly based on passion, not deliberation." Payne, 501 U.S. at 836. Simply requiring the government to offer notice of its intent to introduce victim impact evidence was not enough to adequately protect against fundamentally unfair sentencing decisions in death penalty cases, and the court felt compelled to use its discretion to implement greater safeguards.

Here, the Court should use its discretion to adopt the procedural guidelines set forth in Muhammad, Glover, and the various state and federal courts that have followed this precedent. Mr. Ali is entitled to the same protection of his Eighth and Fourteenth Amendment rights as the defendants in these cases. Just as "neither Payne nor the Federal Death Penalty Act speak to" the procedural requests granted to the defendant in Glover, the Pennsylvania statute refrains from mentioning any specific guidelines as well. The only way to substantially guard against a violation of Mr. Ali's constitutional rights is to grant his similar procedural requests.

The Supreme Court has not adequately addressed the limitation on victim impact evidence and therefore, State Trial Courts must implement their own procedures to avoid the introduction of unfairly prejudicial evidence.

In Payne, the Supreme Court ruled that the Eighth Amendment does not establish a per se bar on the admission of victim impact evidence, and that such evidence may be relevant to the jury's decision as to whether to sentence the defendant to death. Though the holding reversed the previous ban on victim impact evidence, it left many of the specific procedural and substantive questions unanswered, and its vagueness made it "extraordinarily difficult to determine" its scope. See e.g., Blume, Ten years of Payne at 266. Absent from the Payne opinion is any reference to what procedural protections – including notice, discovery, pre-admission hearings, and limiting instructions – are necessary to ensure that a capital defendant's right to a reliable determination of the appropriate penalty is not disrupted. Id.

Because Payne does not require that states permit victim impact evidence in capital trials, states are able to determine their own standards and procedures for its admittance. Many states have recognized the potential unfairness to the defendant that arises with unrestricted allowance of this type of evidence, and have at least attempted to regulate its use with different procedural protections.

New Jersey has been extremely careful in delineating the proper scope of admissible victim impact statements because of the glaring potential for abuse, and its procedural rules exemplify the degree of policing needed before allowing the jury to hear victim impact testimony. As discussed in by the Pennsylvania Court in Means, the New Jersey Supreme Court in Muhammad created extensive procedural

limitations for the use of victim impact statements that have been employed by the lower courts since that decision. State v. Muhammad, 678 A.2d 164 (NJ 1996); State v. Wakefield, 921 A.2d 954, 1008 (NJ 2007). In addition to pre-hearing notice, these guidelines require that the trial court limit the testimony to one survivor per victim, reduce the statements to writing, review each line and revise the statements so that their probative value outweighs the chance that they prejudice or mislead the jury, provide the jury with clear instructions as to the testimony's purpose, restrict prosecutor's comments about the testimony to what had initially been approved by the court, and, as an additional prophylactic step, have the statements read first outside the presence of the jury to assess their content and the witnesses' delivery. Wakefield 921 A.2d at 1008.

While Natividad stated that prosecutors in Pennsylvania could provide adequate notice through a list of victim impact witnesses and a brief outline of their testimony, other states have created more particularized guidelines regarding proper notice and discovery. Oklahoma had already held that prosecutors should file a "Notice of Intent to Produce Victim Impact Evidence" when it implemented further guidelines in Ledbetter. Cargle v. State, 909 P.2d 806 (Ok. 1995)(holding that prosecutors should file notice and that the Court should conduct a pre-trial admissibility hearing); Ledbetter v. State, 933 P.2d 880, 894 (Ok. 1997). Arguing that victim impact statements should be subject to the "same limitations and procedures as other evidence," the Court ruled that, when properly requested,

victim impact evidence including the names of witnesses and a **detailed** account/outline of their testimony must be turned over to the opposing party at least ten days before trial. Ledbetter, 933 P.2d at 894. The Court also restricted the use of "ghost writers" and other aid from outside sources, including personnel from the prosecutor's office, for those chosen to prepare written victim impact statements. Id. at 893. In Malone, the Oklahoma Court reversed the defendant's death sentence after the trial court failed to review and evaluate the victim impact evidence prior to its presentation. The Court ruled that the testimony permitted at trial was too long, too emotional, and went far beyond the financial, emotional, psychological, and physical effects of the crime on the victim's survivors that were outlined in Cargle, the seminal victim impact case in the state. Malone v. State, 168 P.3d 185 (OK 2007).

Similarly, the Supreme Courts of Georgia, Louisiana, and Tennessee have all reacted to the Payne holding by requiring their lower courts to closely scrutinize the proposed victim impact testimony to determine its admissibility before trial, through a pre-admissibility hearing outside the presence of the jury. See, e.g., Livingston v. State, 444 S.E.2d 748 (Ga. 1994); Turner v. State, 486 S.E.2d 839 (Ga. 1997); State v. Bernard, 608 So.2d 966 (La. 1992); State v. Nesbit, 978 S.W.2d 872 (Tenn. 1998). Georgia and Louisiana also call for comprehensive notice of what the prosecution intends to present, another measure that occurs before the jury is exposed to any of the victim impact evidence. See, e.g., Turner, 486 S.E.2d at 841-

42; Bernard, 608 So.2d at 972-73. Not only do these procedures allow the defense to review and prepare for the testimony prior to the penalty phase, thus complying with due process, but they also enable the trial court to "adequately supervise the admission of victim impact evidence" so that irrelevant or highly inflammatory statements are screened-out. State v. Austin, 87 S.W.3d 447, 463 (Tenn. 2002).

Members of the Supreme Court have recently acknowledged the lack of guidance provided by the Payne holding and the need for the Court to use its rule-making ability to create more specific instructions. Following the Court's denial of certiorari for two California cases in which the defendants had challenged the admissibility of certain victim impact evidence, three Justices questioned the Court's decision. See Kelly v. California; Zamudio v. California, 129 S. Ct. 564 (2008). Justices Stevens and Breyer both wrote opinions expressing their belief that the Court must better define the constitutional guidelines concerning the admissibility of victim impact evidence, while Justice Souter stated that he would have granted certiorari in the case.

Stevens' criticized the risk of unfair prejudice caused by the victim impact evidence that was permitted to be presented in the two California cases, and argued that the Court should now "provide the lower courts with long-overdue guidance on the scope of admissible victim impact evidence." Id. at 567. Observing that the lower courts have largely failed to regulate the scope, quantity, or kind of victim impact evidence, Stevens also stressed the need to reevaluate Payne and consider

what "reasonable limits" should be placed on the introduction of evidence that has overwhelmingly aided the prosecution's side in death penalty cases. *Id.* at 566-67.

These sentiments echo Justice Saylor's concurrence in the most recent challenge to victim impact evidence in Pennsylvania. See Baumhammers, 960 A.2d at 104. While Saylor did not agree with the defendant's challenge to the admissibility of the evidence, he did suggest that, given the "fairly wide differences across cases in terms of the degree of control exercised by the trial courts over the development of victim impact evidence . . . the Court would be well advised to consider exercising its rulemaking function to impose some structural limitations." *Id.* Procedural safeguards, such as a pre-admissibility hearing in which the trial court reviews the proposed testimony, will greatly aid the court's effort to control the "hazy boundaries" between permissible and impermissible victim impact evidence. Kelly; Zamudio 129 S. Ct. at 566.

The general notice requirement in Natividad, and the loose standards of Payne and Means are not sufficient to ensure that no unduly prejudicial testimony reaches the jury in this case. In the eighteen years since Payne was decided, the Pennsylvania Court, along with numerous states and the federal court system, have instituted some type of procedural safeguards to control the admission of victim impact evidence. The case law has developed to illustrate the significantly emotional effect that this type of evidence can have on every actor inside the courtroom. While victim impact evidence naturally elicits strong feelings from a

jury, it can not be allowed to lead to a sentencing decision based upon arbitrary factors rather than reason, which would violate the defendant's Eighth and Fourteenth Amendment rights.

This Court should require the State to offer Mr. Ali particularized notice and discovery of its victim impact evidence, after which this Court should conduct a pre-trial admissibility hearing as a "dry-run" through the testimony. These procedures would enable both parties and the Court to limit the nature and extent of the evidence to only that which is constitutionally permissible. Any potentially irrelevant or unfairly prejudicial statements could be redacted prior to reaching the jury. Moreover, the defense would be able to state its objections to any opinion, hearsay, or overly inflammatory evidence without having to risk appearing insensitive in front of the jury.

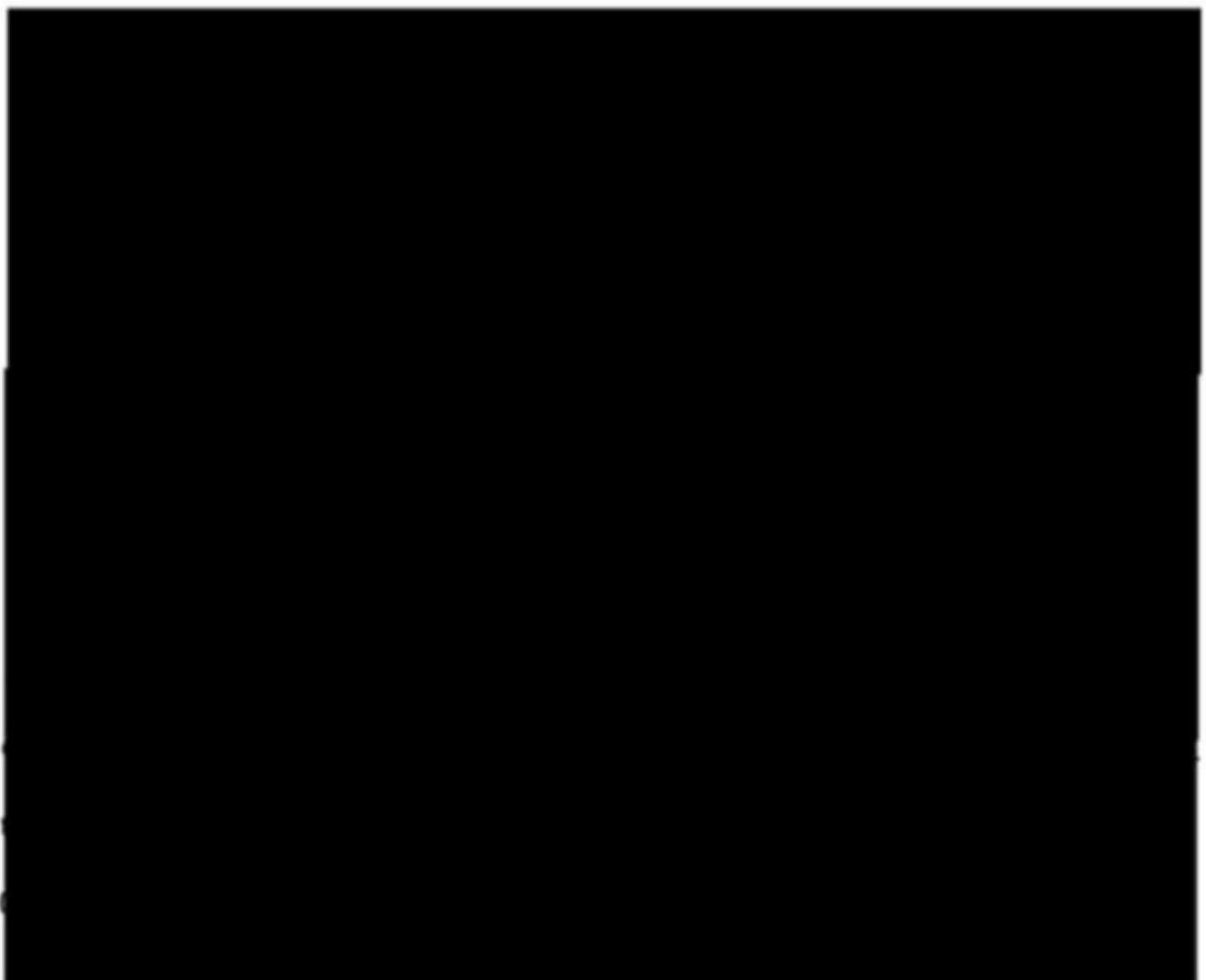
VI. Motion To Sever or Bifurcate the Illegal Possession of a Firearm Charge

54. An element of illegal possession of a firearm, in violation of 18 Pa.C.S.6105 , is the defendant's disqualifying prior conviction. To prove the Commonwealth's case with respect to this charge, it will necessarily have to submit evidence of his prior conviction, in this case, his criminal history related to felony charges.

55. Defendant's prior charges are irrelevant to all remaining counts.

56. The Superior Court of Pennsylvania has held that "unless evidence of prior criminal conduct is otherwise admissible... a trial court should grant a defendant's motion to sever the charge of former convict not to own a firearm from the other charges." *Commonwealth v. Jones*, 858 A.2d 1198, 1208 (Pa. Super. 2004) (quoting *Commonwealth v. Neely*, 444 A.2d 1199, 1207-08 (Pa. Super. 1982)).

WHEREFORE, the Defendant respectfully requests that this Honorable Court sever Counts 4 and 5, Person not Possess, Use, Manufacture, Control, Sell or Transfer Firearms at Criminal Action 1964-2020 from the remaining counts of the Information.



VII. Motion for Leave to File Supplemental/Amended Pretrial Motions

58. The averments set forth in paragraph 1 through 57 above are incorporated herein by reference.
59. As of this filing, discovery between the defense and the Commonwealth is ongoing.
60. The defense may need to file supplemental and/or amended pretrial motions as discovery progresses.

WHEREFORE, Defendant respectfully requests that Your Honorable Court grant him leave to file any supplemental and/or amended pretrial motions as may be required.

RESPECTFULLY SUBMITTED:

Heidi Eakin

Heidi F. Eakin
2807 Market Street
Suite 1
Camp Hill, PA 17011
717-602-0581
Sup. Court 43893

ATTORNEY FOR DEFENDANT

M.O. Palermo, Jr.

Michael Palermo
ATTORNEY FOR DEFENDANT

DATED: October 29, 2021

COMMONWEALTH OF PENNSYLVANIA :
VS. : [REDACTED]

DAVONNE UNIQUE ANDERSON : CP-21-CR-1964-2020

: Criminal Homicide, 3 counts,
Persons not to possess, 3
counts [REDACTED] Endangering child

ORDER OF COURT

AND NOW this _____ day of October, 2021 upon consideration of DEFENDANT'S OMNIBUS PRETRIAL MOTION, it is hereby ordered that a hearing be held at _____ m. on _____, 2021, in Courtroom No. , Cumberland County Courthouse, Carlisle, Pennsylvania.

BY THE COURT:

Edward E. Guido, J.

Distribution:

Sean M. McCormack,
Attorney for the Commonwealth

APPENDIX H: Post-Trial Order

COMMONWEALTH OF
PENNSYLVANIA

: IN THE COURT OF COMMON PLEAS
: OF CUMBERLAND COUNTY,
: PENNSYLVANIA

v.

DAVONE UNIQUE ANDERSON

: CP-21-CR-1964-2020

IN RE: OPINION

Guido, P.J., April 12, 2023

2023 APR 12 PM 4:10
CLERK OF COURT
CUMBERLAND COUNTY PA.

FILED

Defendant was charged with killing his paramours, Sydney Parmelee and Kaylee Lyons. On May 9, 2022, a jury convicted Defendant of two counts of First-Degree murder,¹ one count of First-Degree Murder of an Unborn Child,² and two counts of Endangering the Welfare of Children.³ The jury returned a verdict of death in connection with the murder of his second victim, Kaylee Lyons. We imposed a life sentence for the murder of Sydney Parmelee after we found that the jury was hopelessly deadlocked in the penalty phase for her murder. We imposed sentence on May 31, 2022.⁴ Defendant filed post-sentence motions on June 10, 2022. We denied

¹ 18 Pa.C.S. § 2502(a).

² 18 Pa.C.S. § 2604(a)(1).

³ 18 Pa.C.S. § 4304(a)(1).

⁴ We imposed a life sentence for the murder of an unborn child and various terms of imprisonment on the other charges for which he was convicted.

the motions on August 17, 2022. Defendant filed a notice of appeal September 9, 2022.⁵ The matter was transferred from the Superior Court to the Supreme Court of Pennsylvania as required by the imposition of the death sentence. We now author this opinion concerning the allegations raised by Defendant and the propriety of the death sentence we imposed.

With regard to the death penalty, Defendant contends that it must be set aside because 1) the sole aggravating factor was the “impermissible consideration of another victim’s death”;⁶ and 2) “mitigation evidence clearly outweighed the aggravating factor.”⁷ In addition, he raises the following issues with regard to his underlying convictions: 1) the evidence was insufficient to sustain the verdicts of first-degree murder;⁸ 2) the evidence was insufficient to sustain the verdicts of endangering the welfare of a child;⁹ 3) the verdicts were against the weight of the evidence;¹⁰ and 4) we erred in allowing the prosecution to admit into evidence Defendant’s statements to law enforcement.¹¹ We will discuss each of these issues in the opinion below.

⁵ We have no excuse for the late filing of this opinion. We accept full responsibility.

⁶ See Defendant’s Concise Statement of Errors, October 3, 2022, at paragraph 1.

⁷ *Id.* at paragraph 2.

⁸ *Id.* at paragraph 3.

⁹ *Id.* at paragraph 6.

¹⁰ *Id.* at paragraph 4.

¹¹ *Id.* at paragraph 5.

PERTINENT FACTS

Sgt. Bucher of the Carlisle Police Department was dispatched to 137 Est Louther Street on July 5, 2020.¹² He found the victim, Sydney Parmelee, lying on the couch with a gunshot wound to her head.¹³ A pistol was near her outstretched hand.¹⁴ The officers on scene initially believed that it was a possible suicide.¹⁵

Defendant was on scene when Sgt. Bucher arrived. Defendant identified himself as the father of the victim's children. He informed the investigators that she did not live at the apartment.¹⁶ As part of the investigation into the suspected suicide, Carlisle Detective Dolan interviewed Defendant on scene after the apartment was cleared.¹⁷ The interview was recorded on Detective Dolan's bodycam.¹⁸ During the interview, Defendant stated that he and the victim had been arguing.¹⁹ He claimed that he went outside behind the apartment to get away and to smoke a cigarette. While outside, he heard a gunshot from inside the apartment. He ran back into the apartment to find the victim dead, with his thirteen-month-old son, Royce, sitting on the couch next to her.²⁰ Defendant told this same story to Corporal Hertzler.²¹ Sgt.

¹² Transcript of Proceedings, *In Re: Jury Trial, Volume I*, May 4, 2022, at 26:7-16.

¹³ Transcript of Proceedings, *In Re: Jury Trial, Volume I*, May 4, 2022, at 35:10-21.

¹⁴ *Id.*

¹⁵ Transcript of Proceedings, *In Re: Jury Trial, Volume I*, May 4, 2022, at 54:8-13.

¹⁶ In fact, the killing took place in the home of his Kaylee Lyons.

¹⁷ Transcript of Proceedings, *In Re: Jury Trial, Volume III*, May 6, 2022, at 12:2-22.

¹⁸ Tr., Volume III, at 12:23-13:15.

¹⁹ See Commonwealth Exhibit 53.

²⁰ See Commonwealth Exhibit 53. Royce is the son of Defendant and Kaylee Lyons.

²¹ Transcript of Proceedings, *In Re: Jury Trial, Volume I*, May 4, 2022, at 48:14-23.

Bucher, noted that Defendant's version of events was belied by the evidence, *i.e.*, the backdoor to the outside area was locked from the inside with a deadbolt, and a fan blocked the other exit to the outside area.

On July 7, 2020, Dr. Ross, a forensic pathologist, performed an autopsy on Sydney Parmelee. Upon initial examination, he noted a projectile entry wound behind her right ear.²² He did not see any gunpowder residue around the wound.²³ The projectile did not exit her skull.²⁴ Ultimately, he concluded that Sydney Parmelee died of a head wound from a gunshot.²⁵ He further concluded that the gun was fired from at least 3 feet away.²⁶ The bullet also entered at a downward angle.²⁷ Based upon that angle and the distance of the gunshot, he ruled out suicide.²⁸ He concluded that her manner of death was a homicide.²⁹

Defendant then began residing with Kaylee Lyons and their son Royce. Less than a month later, on July 30, 2020, an upstairs-neighbor heard Kaylee Lyons screaming, "You killed her!", over and over.³⁰ Later that same day, Defendant,

²² Transcript of Proceedings, *In Re: Jury Trial, Volume II*, May 5, 2022, at 105:2-5.

²³ Tr., *Volume II*, at 96:23-100:8.

²⁴ Tr., *Volume II*, at 102:14-24.

²⁵ *Id.*

²⁶ Tr., *Volume II*, at 96:23-100:8; 110:17-24.

²⁷ Tr., *Volume II*, at 108:7-13.

²⁸ Tr., *Volume II*, at 109:11-23.

²⁹ Tr., *Volume II*, at 111:3.

³⁰ Transcript of Proceedings, *In Re: Jury Trial, Volume I*, May 4, 2022, at 60:1-17.

appeared at his mother's house.³¹ He told his mother and cousin, Allison Murray, "Somebody needs to go get Royce."³² He then left without any further explanation.³³

Defendant's mother and cousin drove to Defendant's apartment.³⁴ His cousin entered the apartment to look for Royce. She found him in the back bedroom and immediately took him outside.³⁵ After giving Royce to his grandmother, she reentered the apartment and found Kaylee Lyons on the living room floor.³⁶ At that point, she called 9-1-1.

At approximately 9:20PM, Officer Hoover arrived at the scene.³⁷ He entered the apartment where he found Defendant's cousin with Kaylee Lyons who was prostrate on the living room floor. He removed Ms. Murray from the room and began to perform CPR Ms. Lyons until paramedics could arrive.³⁸ While performing CPR, he noticed a bleeding wound on her head.³⁹ He was never able to get a pulse.

After the paramedics arrived, Officer Hoover secured the scene. His supervisor, Sergeant Shull, observed a bullet on the living room couch.⁴⁰ The bullet

³¹ Tr., *Volume I*, at 107:10-108:19.

³² Tr., *Volume I*, at 109:10-13.

³³ Tr., *Volume I*, at 109:12-18.

³⁴ Tr., *Volume I*, at 109:21-23.

³⁵ Tr., *Volume I*, at 110:6-12.

³⁶ Tr., *Volume I*, at 110:12-18.

³⁷ Transcript of Proceedings, *In Re: Jury Trial, Volume II*, May 5, 2022, at 6:13-9:15.

³⁸ Transcript of Proceedings, *In Re: Jury Trial, Volume II*, May 5, 2022, at 9:20-10:6.

³⁹ Tr., *Volume II*, at 10:9-13.

⁴⁰ Tr., *Volume II*, at 22:3-13.

appeared to have plaster on it from having ricocheted off the wall and ceiling before coming to rest on the couch.⁴¹ A gun, however, was not found in the apartment.

Later that same day, Defendant appeared at Jasmyn Lloyd's house on State Street in Harrisburg.⁴² Jasmine was Defendant's close friend and the mother of his late cousin's children. Defendant would often visit her, but he would typically call beforehand. She felt like something was wrong when he came running up her stairs unexpectedly.⁴³ They sat on her porch for a while, but Defendant just seemed "off" to her. He was jittery. He did not talk very much. He swayed back and forth and just asked whether anyone had contacted her because "they were coming".⁴⁴ He then asked for a change of clothes and some bleach.⁴⁵ She never saw what he did with the bleach or the clothes he wore to her house before changing.

At some point in Defendant's presence, Jasmyn received a phone call from Defendant's mother asking whether he was at her house.⁴⁶ He shook his "no", so she told them that he was not with her.⁴⁷

⁴¹ Tr., *Volume II*, at 23:8-24:21.

⁴² Transcript of Proceedings, *In Re: Jury Trial, Volume II*, May 5, 2022, at 52:1-24.

⁴³ Tr., *Volume II*, at 53:3-23.

⁴⁴ Tr., *Volume II*, at 54:17-55:11.

⁴⁵ Transcript of Proceedings, *In Re: Jury Trial, Volume II*, May 5, 2022, at 55:14-20.

⁴⁶ Tr., *Volume II*, at 56:11-57:23.

⁴⁷ *Id.*

As Defendant was leaving, he asked her for a rag. She gave him a rag from a restaurant that had belonged to her boyfriend.⁴⁸ She then saw him put a gun in the rag.⁴⁹ He then left using her backdoor. She did not know what he did with the gun after that point.⁵⁰

The gun was eventually found by Jasmine's neighbor several months later on March 13, 2021.⁵¹ He lived on Miller Street behind her house. He found the gun under his car which he had not used for quite some time. He had moved the car back to rake up some leaves underneath. He found the gun in a pile of those leaves.⁵² It was wrapped up in a tattered cloth, which was later identified as the rag Defendant took with him from Jasmyne's house.⁵³ He called the police. An examination by a firearms expert confirmed that it was the same gun that was used to kill Kaylee Lyons.⁵⁴

Defendant was arrested around 4:00AM on July 31, 2020, just a few hours after he left Jasmine's house.⁵⁵ He invoked his right to counsel at the time of his

⁴⁸ Tr., *Volume II*, at 60:6-23.

⁴⁹ Transcript of Proceedings, *In Re: Jury Trial, Volume II*, May 5, 2022, at 61:5-22.

⁵⁰ *Id.*

⁵¹ Tr., *Volume II*, at 72:14-75:15.

⁵² *Id.*

⁵³ See Commonwealth Exhibit No. 44.

⁵⁴ Transcript of Proceedings, *In Re: Jury Trial, Volume I*, May 4, 2022, at 79:19-22.

⁵⁵ We note that the facts concerning Defendant's voluntary statements and their proper admission at trial were taken from the suppression hearing held on December 27, 2021. See Transcript of Proceedings, *In Re: Suppression Hearing*, December 27, 2021; Commonwealth Exhibit Nos. 1-A; 1-B; 2-A; 2-B; 3-A; 3-B; 4-A; 4-B; 6-A; 7-A; 7-B; 7-C; 10.

arrest. The officers brought him directly to the prison for booking. However, Defendant would not be processed for some time. Instead, he was kept on suicide watch in a medical holding cell located near the booking center.

Around 3:00PM on July 31, 2020, Corporal Sweeney, who was on duty at the prison, noticed that Defendant was crying. Defendant asked Corporal Sweeney to have detectives come to the prison to talk with him. Corporal Sweeney did not convey that message to detectives. However, later that day, Defendant knocked on the glass window of his cell to get Corrections Officer Corsiglia's attention. When Corsiglia went over to the cell, Defendant mumbled something to him. Corsiglia responded that he did not hear what Defendant said. Defendant then said, "I killed them both." While Defendant did not request to speak with the police, Corsiglia nonetheless called the detectives.

Detectives Dolan and Miller arrived at the prison after 7:00PM on July 31, 2020. Charges still had not been filed against Defendant when the detectives began interrogating him. They questioned him for about 4 minutes before he requested an attorney. The detectives refused Defendant's request and continued the interrogation. After some time, the detectives gave Defendant his Miranda Warnings. He indicated that he was willing to speak with the detectives and the interrogation continued.

After about 40 minutes, Defendant again invoked his right to counsel and refused to answer anymore questions. Detectives Dolan and Miller stopped their interrogation but remained at the prison. Soon after he stopped the interrogation, Defendant requested to speak with Corporal Sweeney again. Defendant seemed distraught and asked Corporal Sweeney whether he could call his mother. When Corporal Sweeney told him that he could not make a call until he was charged and processed, Defendant asked Corporal Sweeney to have the detectives return to the room.

Around 8:20PM, Detectives Dolan and Miller began their second interrogation of Defendant. That interrogation ended when Defendant refused to answer anymore questions and asked for an attorney. Again, the detectives ended the interrogation but did not leave the prison. Instead, they decided to execute search warrants for Defendant's DNA. He was still in that same interrogation room and still uncharged. They had had the search warrants in their possession from the moment they arrived at the prison but chose not to execute them earlier. During their execution of the warrants, Defendant made unsolicited, voluntary statements to the detectives, in which he admitted to killing Sydney and Kaylee. When asked by the detectives to formalize the statements, Defendant again ended the detectives' questioning by invoking his *Miranda* rights.

The next day, the detectives returned to interrogate Defendant yet again. This time they retrieved him from the prison and took him for a ride in their vehicle. They had equipped the vehicle with recording devices so that they could secretly record any statements he might make. They wanted Defendant to tell them where the gun used to kill Kaylee Lyons was hidden. Defendant yet again invoked his *Miranda* Rights.

All of Defendant's statements from the interrogations by the detectives were later suppressed as a result of the Detectives' blatant violation of his rights under the 5th and 6th Amendments.⁵⁶ However, the unsolicited, voluntary statements he made to CO Corsiglia, as well as those made during the execution of the search warrants were presented at trial.

On August 4, 2020, Dr. Ross performed an autopsy on Kaylee Lyons. He immediately noted that she suffered a gunshot wound to her head.⁵⁷ He determined the points of entry and exit through her skull. He did not see any gunshot powder residue, indicating that the shot was fired from at least 3-4 feet away. He identified what he believed to be bullet fragments around the entry and exit wound areas of her skull. He removed those fragments and gave them to law enforcement for processing. Ultimately, he concluded that Kaylee Lyons' death was caused by a

⁵⁶ See In Re: Motion to Suppress, *Findings of Fact and Conclusions of Law*, January 6, 2022. (Guido, P.J.)

⁵⁷ Transcript of Proceedings, *In Re: Jury Trial, Volume II*, May 5, 2022, at 112:13-22.

gunshot to the right side of her head that traveled through her skull and brain and exited out the left side of her head.⁵⁸ He further concluded that her manner of death was homicide.⁵⁹ He also found that Kaylee Lyons was pregnant with Defendant's child at the time of her death.⁶⁰

On August 10, 2020, Defendant was charged for the murders Sydney Parmelee, Kaylee Lyons and Lyons' unborn child. The Commonwealth filed its notice of aggravating factors in connection with the killings of Sydney Parmelee and Kaylee Lyons. Trial commenced on May 2, 2022. The facts above were presented at the guilt phase of Defendant's trial. At the end of the Commonwealth's case-in-chief, Defendant, through counsel, conceded that he killed both Sydney Parmelee and Kaylee Lyons. The jury convicted him of two counts of First-Degree murder for the killings of Sydney Parmelee and Kaylee Lyons, First-Degree Murder of an Unborn Child, and two counts Endangering the Welfare of Children.

The Commonwealth moved to admit the entirety of the guilt phase proceedings as its case-in-chief for the penalty phase. It also presented victim impact testimony from the victims' family members. The Sentencing Verdict Slip for

⁵⁸ *Id.*

⁵⁹ Transcript of Proceedings, *In Re: Jury Trial, Volume II*, May 5, 2022, at 120:17.

⁶⁰ Tr., *Volume II*, at 118:9-15.

Kaylee Lyons, which was reviewed and agreed to by the parties, provided the following aggravating factors:

- (1) the defendant committed the killing in perpetration of a felony;
- (2) the defendant has a significant history of felony convictions involving the use of or threat of use of violence to the person; and
- (3) the defendant has been convicted of another Federal or State offense, committed either before or at the time of the offense at issue, for which a sentence of life imprisonment or death was imposable or the defendant was undergoing a sentence of life imprisonment for any reason at the time of the commission of the offense.⁶¹

Defendant presented a case for mitigation through Louise Luck, a mitigation expert. She presented an extensive history concerning Defendant's family history of abuse, trauma and criminal behaviors.

After some deliberation, the jury returned a verdict of death for the murder of Kaylee Lyons. It cited Defendant's conviction for the previous murder of Sydney Parmelee as an aggravating factor. It also found the existence of mitigating factors under the catchall provision. However, it unanimously found beyond a reasonable doubt that the aggravating factor outweighed the mitigating factors and returned a verdict of death.

⁶¹ The jury had a separate sentencing verdict slip for the murder of Sydney Parmelee with some of the same aggravating factors. The jury could not agree as to the death penalty for her murder. As a result, we imposed a sentence of life imprisonment without the possibility of parole.

On May 31, 2022, we imposed the sentence rendered by the jury. This appeal followed.

DISCUSSION

With regard to the death penalty, Defendant contends that it must be set aside because 1) the sole aggravating factor was the “impermissible consideration of another victim’s death”; and 2) “mitigation evidence clearly outweighed the aggravating factor.”⁶² We will address these contentions together. The penalty of death was imposed in accordance with the law. The jury found beyond a reasonable doubt that Defendant’s conviction for the previous killing of Sydney Parmelee was an aggravating factor. It also found that aggravating factor outweighed the mitigating character and background evidence found by the jury. We were compelled to defer to the jury and impose the sentence it rendered.

The Pennsylvania Sentencing Code establishes the statutory mechanism for imposing the death penalty. It requires the imposition of death under two circumstances: (1) when the jury finds at least one aggravating circumstance and no mitigating circumstance, or (2) when the jury finds at least one statutory aggravating circumstance, and further finds that it outweighs any mitigating circumstances. 42 Pa.C.S. § 9711(c)(1)(iv); *see also Commonwealth v. Morales*, 701 A.2d 516, 523

⁶² See Defendant’s Concise Statement of Errors, October 3, 2022, at paragraphs 1 and 2.

(Pa. 1997). The provisions exist to reduce arbitrariness in the application of this most severe penalty. Furthermore, the U.S. Supreme Court has expressly found that Pennsylvania's sentencing mechanism is constitutional. *See, e.g., Blystone v. Pennsylvania*, 494 U.S. 299 (1990). A sentence of death will not be overturned unless (i) the sentence of death was the product of passion, prejudice or any other arbitrary factor; or (ii) the evidence fails to support the finding of at least one aggravating circumstance specified in subsection (d). *See* 42 Pa.C.S. § 9711(h)(3); *Commonwealth v. Sanchez*, 36 A.3d 24 (Pa. 2011). The death penalty imposed in this case was neither the product of passion, prejudice or any other arbitrary factor, nor was it without sufficient support for the aggravating factor found by the jury under 42 Pa.C.S. § 9711(d)(10).

The meaning of this provision is clear. It reads: "(10) The defendant has been convicted of another Federal or State offense, committed either before or at the time of the offense at issue, for which a sentence of life imprisonment or death was imposable..." The term "convicted," as used here, means "found guilty of," not necessarily "found guilty of and sentenced." *Commonwealth v. Travaglia*, 467 A.2d 288 (Pa. 1983); *See also, Commonwealth v. Leslie C. Beasley*, 479 A.2d 460, 464 (Pa. 1984). The evidence clearly supported the jury's finding that this aggravator was proven beyond a reasonable doubt. Defendant had just been convicted of killing Sydney Parmelee by the same jury. He committed her murder *before* he murdered

Kaylee Lyons. It also found correctly that Defendant's first-degree murder conviction for her killing constituted a conviction for which a sentence of life imprisonment or death was imposable.⁶³ Then, as is the jury's duty, it weighed that aggravating factor against mitigation evidence and found that the Commonwealth had established that the aggravating factor outweighed the mitigating factor beyond a reasonable. We were not free to substitute our own judgment for the jury's. We were compelled to impose its penalty in accordance with the law.

Additionally, Defendant raises the following issues with regard to his underlying convictions: 1) the evidence was insufficient to sustain the verdicts of first-degree murder; 2) the evidence was insufficient to sustain the verdicts of endangering the welfare of a child; 3) the verdicts were against the weight of the evidence; and 4) the admission of defendant's statements to law enforcement into evidence was improper.

We will first address Defendant's contention that we improperly admitted his statements to law enforcement. Defendant made voluntary, unsolicited statements to Corrections Officer Corsiglia, and to Detectives Dolan and Miller. None of the

⁶³ Defendant takes issue with the fact that the jury wrote "Sydney" on the line where it ultimately wrote-in the citation of the aggravator on the verdict slip. He sees it as basing the decision on passion. We see it as a logical description of the supporting fact for the aggravating factor as Sydney Parmelee's murder constituted a triggering circumstance under Section 9711(d)(10), which was listed as B.1.(3) on the verdict slip. The fact that "Sydney" and the incorrect citation of "B(3)" were both crossed out to write-in the correct citation of B.1.(3) also suggests that it was a matter of not being sure how to cite the aggravating factor on the line rather than passion.

admitted statements, which were admissions to killing both Sydney and Kaylee, were the result of a custodial interrogation. *See Commonwealth v. Fisher*, 769 A.2d 1116 (Pa. 2001); *Commonwealth v. Gibson*, 720 A.2d 473, 480 (Pa. 1998) (holding that voluntary statements that are not responsive to any queries are admissible), *cert. denied*, 528 U.S. 852 (1999). He volunteered the statements of his own free will. Accordingly, they were not subject to suppression. We did suppress all of the statements made in response to detectives' questioning since they were obtained in violation of his rights under the 5th and 6th Amendments.

We are also satisfied that the evidence was sufficient to support his convictions of first-degree murder and first-degree murder of an unborn child. The elements of the crimes are as follows:

Murder is defined, in relevant part, as follows:

§ 2502. Murder

(a) Murder of the first degree.—A criminal homicide constitutes murder of the first degree when it is committed by an intentional killing.

18 Pa.C.S. § 2502(a). To sustain a conviction for first-degree murder, the Commonwealth must establish beyond a reasonable doubt that: (1) a human being was unlawfully killed; (2) the defendant was responsible for the killing; and (3) the defendant acted with malice and the specific intent to kill. *Commonwealth v. Houser*, 18 A.3d 1128, 1133 (Pa. 2011).

A killing is intentional if it is done in a “willful, deliberate and premeditated fashion.” 18 Pa.C.S. § 2502(d). The period of reflection needed to establish deliberation and premeditation may be as brief as a fraction of a second. *Commonwealth v. Rivera*, 983 A.2d 1211, 1220 (Pa. 2009). Intent exists whenever the actor possesses the conscious purpose to bring about death. *Id.* The Commonwealth may use circumstantial evidence to establish the elements of first-degree murder, including intent. *Id.* When there is no direct evidence of intent to kill, the fact-finder may glean the necessary intent from the act itself and from all surrounding circumstances. Specific intent to kill can be proven where the defendant knowingly applies deadly force to the person of another. Specific intent to kill as well as malice can be inferred from the use of a deadly weapon upon a vital part of the victim's body. *Commonwealth v. Padilla*, 80 A.3d 1238, 1244 (Pa. 2013); *Commonwealth v. Hawkins*, 701 A.2d 492, 500 (Pa. 1997).

Since Kaylee Lyons was pregnant at the time of her death, Defendant was also charged with first-degree murder of an unborn child. The Crimes Code provides in relevant part as follows:

(a) First degree murder of unborn child.--

(1) A criminal homicide of an unborn child constitutes first degree murder of an unborn child when it is committed by an intentional killing.

18 Pa.C.S. § 2604(a)(1).

In assessing a challenge to the sufficiency of the evidence, we must view the evidence and all reasonable inferences drawn therefrom in the light most favorable to the Commonwealth as the verdict winner. *Commonwealth v. Evans*, 901 A.2d 528 (Pa. Super. 2006). Using that standard, we are satisfied that the evidence was sufficient for the jury to find beyond a reasonable doubt that Defendant intentionally killed Sydney Parmelee. He pointed a loaded gun at the back of her head, fired it and then placed the gun by her hand to make it appear as though she committed suicide. The firing of the bullet into her head was sufficient to infer the specific intent required for a conviction of first-degree murder. *Commonwealth v. Hawkins*, 701 A.2d 492, 500 (Pa. 1997). Additionally, Defendant, through his statements to Corrections Officer Corsiglia and the Detectives, admitted that he killed her. The evidence was certainly sufficient to prove beyond a reasonable doubt that (1) Sydney Parmelee was unlawfully killed; (2) Defendant was responsible for the killing; and (3) Defendant acted with malice and the specific intent to kill. See *Commonwealth v. Houser*, 18 A.3d 1128, 1133 (Pa. 2011).

Likewise, we are also satisfied that the evidence was sufficient to find beyond a reasonable doubt that Defendant intentionally killed Kaylee Lyons, and, as a result, her unborn child as well. As with Sydney Parmelee, he pointed a loaded gun at her head and fired a bullet into her skull. A witness saw him wrap up the murder weapon in a rag. Additionally, Defendant, through his statements to Corrections Officer

Corsiglia and the Detectives, admitted that he killed her. The evidence was certainly sufficient to prove beyond a reasonable doubt that (1) Kaylee Lyons, a human being, was unlawfully killed; (2) the defendant was responsible for the killing; and (3) the defendant acted with malice and the specific intent to kill. *See Commonwealth v. Houser*, 18 A.3d 1128, 1133 (Pa. 2011).

Dr. Ross also testified that Kaylee Lyons had remnants of a fetus in her uterus. As a result, the evidence was also sufficient to find beyond a reasonable doubt that he caused the death of their unborn child when he intentionally killed Kaylee Lyons by firing a bullet into her head.

Concerning the offense of endangering the welfare of a child, the Crimes Code defines it as follows:

A parent, guardian, or other supervising the welfare of a child under 18 years of age commits an offense if he knowingly endangers the welfare of a child by violating a duty of care, protection or support.

18 Pa.C.S.A. § 4304(a). The Crimes Code defines knowingly as follows:

A person acts knowingly with respect to a material element of an offense when: (i) if the element involves the nature of his conduct or the attendant circumstances, he is aware that his conduct is of that nature or that such circumstances exist; and (ii) if the element involves a result of his conduct, he is aware that it is practically certain that his conduct will cause such a result.

18 Pa.C.S.A. § 302(b)(2). The three-prong standard to determine whether the Commonwealth's evidence is sufficient to prove this element of intent is as follows:

(1) the accused must be aware of his or her duty to protect the child; (2) the accused must be "aware that the child is in circumstances that could threaten the child's physical or psychological welfare"; and (3) the accused either must have failed to act, or must have taken "action so lame or meager that such actions cannot reasonably be expected to protect the child's welfare."

Commonwealth v. Retkofsky, 860 A.2d 1098, 1099–1100 (Pa.Super.2004).

As to the conviction for endangering the welfare of a child on July 5, 2020, the Commonwealth presented evidence that Defendant murdered Sydney Parmelee with his son sitting on the same couch as the victim. His act of shooting Sydney Parmelee while his son was in close proximity was sufficient to sustain the jury's verdict. Likewise, his acts of shooting Kaylee Lyons and then leaving his 13-month old son in the home without care on July 30, 2020, were also sufficient to sustain his conviction for endangering the welfare of a child on that date. He left the child alone in the home with his murdered mother. The only action he took to protect the child was to tell family members to get his son well after the fact.

With regard to Defendant's contention that the verdicts were against the weight of the evidence, we disagree. The evidence was not only sufficient, but it was overwhelming.

The weight of the evidence was exclusively for the jury as the finder of fact in this case. The jury was free to believe all, none, or some of the evidence and to determine the credibility of the witnesses. *Commonwealth v. Talbert*, 129 A.3d 536,

545 (Pa. Super. 2015). A weight of the evidence challenge concedes that sufficient evidence exists to sustain the verdict but questions the evidence the finder-of-fact chose to believe. *Commonwealth v. Thompson*, 106 A.3d 742, 758 (Pa. Super. 2014). We, as the court, are not free to substitute our own judgment for the jury's as the finder-of-fact. *Commonwealth v. Talbert*, 129 A.3d 536, 545-46. Before we can overturn a verdict based on such a challenge, the evidence must be so tenuous, vague and uncertain that the verdict shocks the conscience of the court. *Id.* We cannot say, based on the evidence recited above, that it was tenuous, vague, or uncertain. Our conscience was certainly not shocked by any of the jury's verdicts.

By the Court,



Edward E. Guido, P.J.

Distribution: Office of the District Attorney; Heidi Eakin, Esquire; Michael Palermo, Esquire

APPENDIX I: First Custodial Interview Transcript

INTERVIEW WITH DEYON ANDERSON

PART 1-First Recording

DETECTIVE CHRISTOPHER MILLER: Um, I'm gonna record like we always do. You okay with that?

DEVON ANDERSON: Yeah

DETECTIVE CHRISTOPHER MILLER: Okay. Just gonna read you somethin'. We just
N97129

DEVON ANDERSON: It's recordin' for sure?

DETECTIVE CHRISTOPHER MILLER: Yeah. It's recordin' right now. Just gotta read you somethin'. Okay. 'Cause you - you're in custody. All right? You're at the - at the jail so I gotta...

DEVON ANDERSON: Yeah

DETECTIVE CHRISTOPHER MILLER: Gotta read you somethin' 'cause we're askin' ya some questions and you're in custody. Okay?

DETECTIVE THOMAS DOLAN: You wanna sit down or?

DETECTIVE CHRISTOPHER MILLER: Yeah. By all means.

DETECTIVE THOMAS DOLAN: Good? You mind if I sit down?

DEVON ANDERSON: I'm more comfortable

DETECTIVE THOMAS DOLAN: All right.

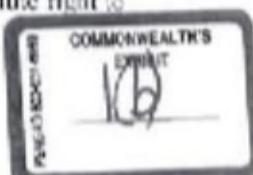
DETECTIVE CHRISTOPHER MILLER: All right. (Unintelligible), uh, all right. Um, all right, so my name is Detective.

DEVON ANDERSON: Hey, what's this?

DETECTIVE CHRISTOPHER MILLER: That's for, um, the DUI stuff. This is one of the rooms they use for those.

DEVON ANDERSON: 115

DETECTIVE CHRISTOPHER MILLER: So my name is Detective Christopher Miller of the Cardinal Police Department. I wish to advise you that based on the facts of this case



46 remain silent. That anything you say can and will be used against you in a
47 court of law. That you have a right to talk to an attorney before and have an
48 attorney present with you during questioning. That if you cannot afford an
49 attorney one will be paid - one will be appointed to represent you without charge
50 before questioning if you so desire. If you do decide to answer any questions
51 you may stop at any time you wish. Do you understand these rights?
52 Basically you're in custody and - and I wanna ask you some questions so, um,
53 I read ya the - the Miranda Warnings that ...

54
55 DETECTIVE THOMAS DOLAN: That's what - Devon, that's one of the processes we gotta go
56 - I wanna hear what you have to say and since you're in custody, you know,
57 we gotta do this and that's what our boss says so. Um, we're interested to hear
58 what you're goin' through. We need ya to answer the questions so we can - we
59 can talk to ya.

60
61 DETECTIVE CHRISTOPHER MILLER: We're not - we're not playin' any games with ya
62 man. We're just - we're here to talk to you.

63
64 DETECTIVE THOMAS DOLAN: Are you willin' to talk to us?

65
66 DEVON ANDERSON: I don't know what this - what this is. Is this some type of test or
67 somethin'?

68
69 DETECTIVE CHRISTOPHER MILLER: No.

70
71 DETECTIVE THOMAS DOLAN: No.

72
73 DEVON ANDERSON: I already talked to y'all before.

74
75 DETECTIVE THOMAS DOLAN: Yeah.

76
77 DETECTIVE CHRISTOPHER MILLER: Yeah. We're gonna talk about a little bit different
78 stuff today though.

79
80 DEVON ANDERSON: Different stuff?

81
82 DETECTIVE CHRISTOPHER MILLER: Yeah. And some of the other stuff we talked about.

83
84 DETECTIVE THOMAS DOLAN: No tests, no tricks. This is - this is just - this is what we
85 have to do.

86
87 DETECTIVE CHRISTOPHER MILLER: You know. And - and, you know, right now we
88 wanna bullshit with ya for a bit. You know what I mean? We're not like I
89 said tryin' to - we wanna make you comfortable. We want to sit down, do
90 whatever. Like, this isn't - we're not tryin' to - to rush you. We're not tryin' to

91 stress ya out. We're not tryin' to do any of that. You know. We've already
92 talked before. You know who we are. You know, you said - are you - are
93 you gonna shoot ya, like we - we would never hurt ya man. We're not here to
94 hurt ya.
95
96 DEVON ANDERSON: Yeah, I know.
97
98 DETECTIVE CHRISTOPHER MILLER: I know.
99
100 DEVON ANDERSON: I'm so paranoid.
101
102 DETECTIVE CHRISTOPHER MILLER: I get it.
103
104 DEVON ANDERSON: (Unintelligible).
105
106 DETECTIVE CHRISTOPHER MILLER: I'm just sayin' that you talked to me, you've talked
107 to Detective Dolan, you know. We're (unintelligible). You know, we're here
108 to have a friendly conversation.
109
110 DEVON ANDERSON: Say that again.
111
112 DETECTIVE CHRISTOPHER MILLER: Yeah, sure. All right. So my name is Detective
113 Christopher Miller of the Carlisle Police Department. I wish to advise you
114 that you have an absolute right to remain silent. That anything you say can
115 and will be used against you in a court of law. That you have a right to talk to
116 an attorney before and have an attorney present with you during questioning.
117 That if you cannot afford an attorney one will be appointed to represent you
118 without charge before questioning if you so desire. If you do decide to answer
119 any questions you may stop at any time you wish. You understand these
120 rights?
121
122 DEVON ANDERSON: Yeah, I understand.
123
124 DETECTIVE CHRISTOPHER MILLER: 'Kay. Bearing these rights in mind you willin' to
125 speak with me -- speak with us -- myself and Detective Dolan?
126
127 DEVON ANDERSON: If I wanted to get a lawyer right now we wouldn't be able to have
128 this conversation?
129
130 DETECTIVE CHRISTOPHER MILLER: If you - if you would choose to get a lawyer then we
131 would - we would not talk. Again it's completely your decision.
132
133 DETECTIVE THOMAS DOLAN: It's your decision we wanna hear...
134

135 DETECTIVE CHRISTOPHER MILLER: Yeah. We're not playin' games. We wanna have a
136 conversation.
137
138 DEVON ANDERSON: But, like, you are though 'cause even when I came and told you all
139 that shit I told you you probably already knew all of it.
140
141 DETECTIVE CHRISTOPHER MILLER: That's not true. Not true at all.
142
143 DEVON ANDERSON: So why am I in jail right now?
144
145 DETECTIVE CHRISTOPHER MILLER: We can explain all that. But in order for me to talk
146 to you I - I - I need to get through this because without this I - we - we can't
147 ask you questions. We can't - we can't talk to you. It's part of the things
148 because you're in jail right now we can't talk to you unless you agree. You
149 know what I mean? And I can explain all that. There's a lot of things we can
150 talk about man. You know, we can talk as long as you want but I - I can't
151 speak with you...
152
153 DEVON ANDERSON: Yeah, but will I still be in jail afterwards?
154
155 DETECTIVE CHRISTOPHER MILLER: At this point, yes - yes. Yeah and we'll explain all
156 that stuff for ya. But like I say I - I can't start askin' questions and I can't start
157 - start talkin' to you, you know, and again you have an absolute right. Like,
158 these are all your rights. You know what I mean? You - you can quick call
159 an attorney but we - we can't continue the conversation because then we
160 would be violating - violating that. We're not gonna do that. Like I said man,
161 we're - we're straight shooters man. We're not playin' any games. We're just
162 followin' - followin' the law, followin' legal practices, followin' our policy.
163 While you're thinkin' about it how you been? Are you okay? I'm sayin', like,
164 physically and everything? Like, in here they...
165
166 DEVON ANDERSON: (Unintelligible).
167
168 DETECTIVE CHRISTOPHER MILLER: ...feel ya? They what?
169
170 DEVON ANDERSON: You know how it is
171
172 DETECTIVE CHRISTOPHER MILLER: Yeah, I know. I mean obviously you don't wanna
173 be here.
174
175 DEVON ANDERSON: Sometimes they like to over (unintelligible). It's cool though.
176
177 DETECTIVE CHRISTOPHER MILLER: Yeah
178
179 DEVON ANDERSON: I don't (unintelligible).

180
181 DETECTIVE CHRISTOPHER MILLER: Do you need somethin' to eat? Did you eat dinner
182 tonight?
183
184 DEVON ANDERSON: So you - if I say yeah you not gonna ask me about nothin' we
185 already talked about. It's some whole other new shit?
186
187 DETECTIVE CHRISTOPHER MILLER: The - the stuff that we talked about when you came
188 in and spoke with us about I guess it was a week ago?
189
190 DETECTIVE THOMAS DOLAN: Yeah. Week and a half ago.
191
192 DETECTIVE CHRISTOPHER MILLER: We're not gonna talk about that. We're not gonna
193 go into that. If you don't wanna go into the stuff you spoke with us about a
194 week ago and I - that's on - I'm not - like I said I'm not playin' any games.
195 That's - that's on. Um, when you came in about a week ago the stuff we spoke
196 about there we're - we're not gonna bring that stuff up if you don't wanna talk
197 about that. We're - we're here to talk about some different stuff. And really
198 we're here to just talk to you, man. You know. We - we told you before, you
199 know, I wanna make sure you're okay to. It's part of everything, man. I know
200 you've been through a lot recently. Um, and that - that's part of it and, you
201 know, we're not - we're - we're people, okay? We're all - we're all the same.
202
203 DEVON ANDERSON: We're all the same but you - I know y'all know everything already.
204 I don't understand why.
205
206 DETECTIVE CHRISTOPHER MILLER: Well because it's always important to try to you
207 'cause again, you know, you're a person and I always like to hear everybody's
208 different sides of everything. I like to hear what's goin' on with you. I wanna
209 know the stuff that's been goin' on. I mean, you know, we're all - we're all
210 people. We all have struggles. Detective Dolan's had problems in his life.
211 I've had problems in my life. You've had problems in your life. That's
212 important. Okay? You're a human being, so are we. You know? It's
213 important to always talk to people, um, and find out what's goin' on.
214
215 DEVON ANDERSON: What did you really want?
216
217 DETECTIVE CHRISTOPHER MILLER: Really want? That's what we wanna do.
218
219 DEVON ANDERSON: Nah, I know that's not it. You talked to a million people about it,
220 this (unintelligible) you what - what, like, what are you tryin' to get? What's
221 your ultimate goal?
222
223 DETECTIVE CHRISTOPHER MILLER: I'll tell - I'll tell you everything that we're gonna talk
224 about but I mean in order for me to continue to talk to ya I would need you to

225 - to basically say that you're willin' to speak to me 'cause the more and more I
226 talk I - I wanna get - this has to be squared away because I'm not - I'm not
227 going to violate anything -- policy, law, anything. So if you wanna continue
228 to talk that's great and again you can stop at any time you wish but, you know,
229 I - to talk to ya I gotta - I gotta get this part squared away first, Devon.
230

231 DETECTIVE THOMAS DOLAN: Devon we don't know every little thing about you. Okay?
232

233 DEVON ANDERSON: Yeah, but...

234 DETECTIVE THOMAS DOLAN: But we wanna - we wanna - we wanna talk to you and we
235 can learn some stuff but as Detective Miller said, you know, there's certain
236 rules that - that we have to go by. And we certainly like to talk to you. You,
237 you know, it's - it's up to you. I mean I wanna talk to you. He wants to talk to
238 you. We're not tryin' to play games with ya. I understand you're goin' through
239 a lot but we need to, you know, we need to know that - that you're willing to
240 talk to us.
241

242 DETECTIVE CHRISTOPHER MILLER: And if you wanna know my main goal, I'll tell you
243 what my main goal is. Okay. My main goal is I'll get you where you need to
244 be. Okay? I know that you've told us before about some stuff and you've
245 been strugglin' with some things. I wanna get you where you need to be.
246 Okay. Um, there's only so much that a person can take. You know. And -
247 and I don't know all the details and, you know, I don't know if you're gonna
248 tell me all the details of what you - what you know and some of the history
249 and some of the past that you kinda mentioned and I - I wanna get you where
250 you need to be. Okay. That's my goal. Whatever gets you to where you need
251 to be, man. That's - I'm - I'm happy if we get there wherever that is and
252 whatever you wanna talk to me about you're free to talk to me about.
253

254 DEVON ANDERSON: So all I gotta do is say I'm willin' to talk to you.
255

256 DETECTIVE CHRISTOPHER MILLER: In o- in order for us to continue our conversation
257 yeah, in order for us to talk about really anything now Devon for - for us to
258 ask you questions since you're - you're here right now -- since you're in a
259 prison. I need you to - to sign off on that because right now you're in custody.
260 So we have to go through and - and I'd be happy to read again. I - I read it to
261 you twice. I'd be happy to read it again but because you're in custody this is-
262 this isn't like you just, you know, it's different than comin' to the police
263 department. You know because we're coming to you and you're in custody so
264 we need to, you know, read this and - and again these are completely your
265 rights but in order for us to really continue the conversation...

266 DEVON ANDERSON: (Unintelligible).
267

270 DETECTIVE CHRISTOPHER MILLER: Sure. In order for us to continue the conversation,
271 um, I need you to sign off on it.
272
273 DEVON ANDERSON: And what happens if I refuse?
274
275 DETECTIVE CHRISTOPHER MILLER: Well you know - like I said we - we wanna talk.
276 We have to get that squared away first because, um, you know, there's certain
277 things I - I wouldn't be able to ask you without goin' through that and I, you
278 know, I wanna have an open conversation in order to have that. So if - if you
279 say that you don't wanna talk to us and that - that then we leave.
280
281 DETECTIVE THOMAS DOLAN: Deven, I wanna - I wanna hear what you have to say but...
282
283 DEVON ANDERSON: You wanna know what I be thinkin' about? I be thinkin' about my
284 family. A lot of people in town even people from Harrisburg (unintelligible)
285 everybody even the gang. You know so (unintelligible).
286
287 DETECTIVE THOMAS DOLAN: I get that.
288
289 DEVON ANDERSON: Wear our suits and ties, you know. And this could be all a test.
290
291 DETECTIVE CHRISTOPHER MILLER: We wanna hear that.
292
293 DEVON ANDERSON: That's how I feel.
294
295 DETECTIVE CHRISTOPHER MILLER: It's not...
296
297 DETECTIVE THOMAS DOLAN: It's not a test.
298
299 DETECTIVE CHRISTOPHER MILLER: ...not a test. And this isn't the first time you met us
300 to and you met us a couple times. You know us. We're not - we're not playin'
301 games with ya. We wanna talk to you. You know Carlisle Police
302 Department. You know Dolan, you know me. You talked to us on the phone,
303 you talked to us at the apartments. You called in, so.
304
305 DETECTIVE THOMAS DOLAN: Tell you what it's not a test.
306
307 DETECTIVE CHRISTOPHER MILLER: Yeah. Is it the suit and tie? I'll take off my jacket.
308
309 DETECTIVE THOMAS DOLAN: I'm not tryin' to trick you or anything but...
310
311 DETECTIVE CHRISTOPHER MILLER: Actually I'd love to take this off. I'll take this off
312 too.
313

314 DETECTIVE THOMAS DOLAN: Yeah, we both wanna talk to you and like I said we're not
315 tryin' to trick you but in order for us to talk to ya you have to agree to it. We
316 need you to sign off.
317
318 DETECTIVE CHRISTOPHER MILLER: Yeah, just so, so you know man we want, whatever
319 you wanna talk about 'cause it's, you know, we're - we're talking anything that
320 comes to your mind we can talk about. Look, I'm not, you know, we're not
321 here for thirty (30) seconds and then gonna leave. No. Like, we wanna talk to
322 you. We wanna - we wanna find out what's goin' on. We wa- I wanna find
323 out about some of the - some of the stuff that's been - that's been buggin' ya if
324 - if you'll let me.
325
326 DETECTIVE THOMAS DOLAN: The last time that we talked that day when you came in to
327 see us we were pretty straight with ya. You know.
328
329 DEVON ANDERSON: Yeah.
330
331 DETECTIVE THOMAS DOLAN: You said some things.
332
333 DEVON ANDERSON: And I told y'all a bunch a shit. You know what I mean, I don't
334 even know if y'all did anything with it. I didn't get nothin' out of it. But like I
335 said I didn't want anything out of it but I'm in trouble for a fuckin'...
336
337 DETECTIVE THOMAS DOLAN: I gotcha.
338
339 DEVON ANDERSON: ...dumbass fake charge right now.
340
341 DETECTIVE THOMAS DOLAN: I gotcha hooked up ...
342
343 DEVON ANDERSON: (Unintelligible) behind me though.
344
345 DETECTIVE THOMAS DOLAN: I'll get ya hooked up with - with the person - with my friend
346 so - but before we - we talk about any- anything like that is we need you to -
347 we need you to sign off and agree to talk with us.
348
349 DETECTIVE CHRISTOPHER MILLER: We can talk about that more but you gotta - we
350 gotta - listen man, we play by the rules here.
351
352 DEVON ANDERSON: Okay.
353
354 DETECTIVE THOMAS DOLAN: Here I'll let you use my pen. Just need your - your
355 signature.
356
357 DETECTIVE CHRISTOPHER MILLER: We'll all sign (unintelligible) your signature, I'll
358 sign here and then Detective Dolan will sign there. So that we're all in

359 agreement. Like I said you can look at the form. There's nothin', you know,
360 just - it says your name, my name, his name and at the top it's gonna have
361 your name and date, the time and then it's (unintelligible) we'll fill that out.
362 But if you could check the box. Do you understand the rights? Yes. And that
363 you agree to talk to us, yes. And then sign and we'll - we'll talk about
364 whatever you want.
365

366 DEVON ANDERSON: And you said as far as what's, you know, now I won't get outta
367 jail?

368 DETECTIVE CHRISTOPHER MILLER: What's that you're ...

371 DEVON ANDERSON: I'm sayin', like, I don't even what type a questions you're...

373 DETECTIVE CHRISTOPHER MILLER: Yeah, like I said we - we can explain everything but
374 no - no. Um, whether you talk - it's not gonna effect anything about you being
375 jail whether you talk to us or not. That's got nothin' to do with - with you
376 bein' in jail right now at this moment. Um, you know.
377

378 DETECTIVE THOMAS DOLAN: You - you bein' in jail has nothing...

380 DEVON ANDERSON: Can you be honest with me about one thing?

382 DETECTIVE THOMAS DOLAN: It's - go ahead.

384 DEVON ANDERSON: Is (Shayvon Merrian) an informant?

386 DETECTIVE CHRISTOPHER MILLER: Is - is (Shayvon Merrian) informant?

388 DEVON ANDERSON: Yeah.
389 DETECTIVE CHRISTOPHER MILLER: Not to my knowledge, no. No, I have no
390 knowledge of that. I'm being completely honest with you. None.
392

393 DETECTIVE THOMAS DOLAN: I haven't - I haven't seen (Shayvon) in years.

395 DETECTIVE CHRISTOPHER MILLER: Yeah. I - I haven't either. Um, again I - I'm telling
396 you what we know. I have zero knowledge of him being an informant at all.
397

398 DEVON ANDERSON: So I sign this right here?

400 DETECTIVE CHRISTOPHER MILLER: Yep. If you could just check the yes and then yes or
401 I can check that for you as long as you're okay with that and then you can sign
402 (unintelligible) that. I'll sign it and then, uh, Detective Dolan will sign and
403 then we can start talkin' about some stuff.

404
405 DEVON ANDERSON: Are you and them on same side?
406
407 DETECTIVE CHRISTOPHER MILLER: Are we and who?
408
409 DEVON ANDERSON: You and the COs and them people that work here.
410
411 DETECTIVE CHRISTOPHER MILLER: There's a whole different thing. They work for the
412 prison. We work for the Borough of Carlisle.
413
414 DEVON ANDERSON: Yeah. (Unintelligible) stay here.
415
416 DETECTIVE CHRISTOPHER MILLER: Yeah. We are, um, completely different jobs.
417
418 DEVON ANDERSON: Yeah, I know. (Unintelligible).
419
420 DETECTIVE CHRISTOPHER MILLER: They - they are not even - They don't - they're not
421 part of this interview whatsoever. This is between us. You know what I
422 mean? They have nothing to do with this. We're just using this nice room.
423
424 DEVON ANDERSON: So what's this - what's this?
425
426 DETECTIVE CHRISTOPHER MILLER: What I'm gonna do and I can fill this out for ya. It's
427 gonna be your name 'cause you're the person we're talkin' to. I'm gonna date
428 it. I'm gonna do the time. I'll actually do that right now. Where is - I have a
429 pen here. Today is the 31st, is that correct Detective Dolan?
430
431 DETECTIVE THOMAS DOLAN: Yes.
432
433 DETECTIVE CHRISTOPHER MILLER: And the time it's (unintelligible) watch?
434
435 DETECTIVE THOMAS DOLAN: I have 7:41 pm.
436
437 DETECTIVE CHRISTOPHER MILLER: 7:41? Okay. 1941- place, Cumberland County
438 Prison. So all this is just have your name 'cause we're talkin' to you, date, and
439 the time and location. And then all - if you sign there I'm gonna sign as
440 witness #1 and Detective Dolan will sign as witness #2. And like I said that's
441 - that's the form we gotta do, gotta um, you know, to talk to you.
442
443 DEVON ANDERSON: Don't promise me with anything and I'm not bein' threatened in
444 any way.
445
446 DETECTIVE CHRISTOPHER MILLER: We're not - are we threatenin' you at all, Devon?
447 Are we makin' you promises? No. We're just here to talk. All right. And
448 sign right below ya just like I said I was going to. Uh, Detective Dolan sign

449 below mine. Here you go. All right. So do you have some questions for us?
450 I know that you wanted to ask me something before I kinda said that we need
451 to do that first. Do you have any particular ones? No, I have zero knowledge
452 whatsoever of (Shayvon) being any sort of informant at all. You have
453 anything else that's really buggin' ya?

454
455 DETECTIVE THOMAS DOLAN: Neither do I. I don't - is (Shayvon) still live in Carlisle?

456
457 DEVON ANDERSON: Yeah, that's where (Unintelligible).

458
459 DETECTIVE THOMAS DOLAN: What's that?

460
461 DEVON ANDERSON: I wanna know what - what you wanna - what do you wanna know
462 and...

463
464 DETECTIVE CHRISTOPHER MILLER: I wanna - I wanna know what's goin' on - what's
465 goin' on with you man. I wanna know - the past few months I know that you
466 had been dealin' with some things. That's what I wanna talk about. If - if you
467 wanna talk about some of that stuff. You know, what's goin' on. Um, I know
468 you found out some information. I know you've been upset. I know that, um,
469 it's been tough. I know it's been a tough past few weeks. That's the main
470 thing I wanna talk about. I'm hopin' you're - you're willin' to talk to me about
471 that. Listen man, you're - you're a human being. I'm a human being. You
472 know what I mean? We're not much different. Everybody goes through
473 problems. Everybody has difficulties in their life. Um, everybody deals with,
474 you know, issues that come in whether it be money, females, um, family, jobs,
475 whatever it is man. Everybody deals with some stuff. So, um, I wanna know
476 what's goin' on with you and - and, you know, hopefully you'll wanna talk to
477 me about that. If not we can talk about other things to but that's what I wanna
478 know. I wanna - I wanna see what's goin' on.

479
480 DEVON ANDERSON: As far as?

481
482 DETECTIVE CHRISTOPHER MILLER: I wan- I wanna get you where you need to be. If - if
483 you been through a bunch a things, you know, whether it be (unintelligible) to
484 people. I - I want to get you where - where you need to be where you can,
485 you know, move forward and - and - and succeed and do what you wanna do
486 and be where you wanna see yourself. You know what I mean? That's what I
487 wanna do. 'Cause we're try- we're tryin' to help. That's w- we wanna do. I - I
488 wanna help if I can. I really do.

489
490 DETECTIVE THOMAS DOLAN: I'll tell ya a little bit about myself there, Davon.

492 DEVON ANDERSON: Man it, you just don't but I know there's somethin' more that you
493 want (unintelligible) you just say all that, that you want. I know that you got,
494 like, a main agenda. Uh, what you tryin' to find out.
495

496 DETECTIVE CHRISTOPHER MILLER: Well we're gonna - we're gonna ask you some
497 things too but I'm - I'm telling you, you ask what my goal is and what I wanna
498 do and I'm bein' honest and I'm tellin' you what I wanna do. I wanna talk
499 about these things you've been through. I wanna talk about things you're
500 facin'. I wanna get you to - to where you wanna be. Yeah, I'm not gonna lie to
501 ya, man. I - I am gonna have some questions.
502

503 DEVON ANDERSON: Can I ask you a question? Am I in here for just that charge right
504 now?
505

506 DETECTIVE CHRISTOPHER MILLER: Yes.
507

508 DEVON ANDERSON: Just that charge that they got the...
509

510 DETECTIVE CHRISTOPHER MILLER: Yes.
511

512 DEVON ANDERSON: The receiving stolen property?
513

514 DETECTIVE CHRISTOPHER MILLER: Yes. We can talk more about that too.
515

516 DETECTIVE THOMAS DOLAN: (Unintelligible).
517

518 DETECTIVE CHRISTOPHER MILLER: Yeah. We can definitely talk more about that.
519

520 DEVON ANDERSON: Yeah. That's complete bullshit but...
521

522 DETECTIVE THOMAS DOLAN: I - we didn't file the - we didn't file that charge so. I mean
523 we can certainly, we can talk about that.
524

525 DETECTIVE CHRISTOPHER MILLER: Yeah, sure.
526

527 DETECTIVE THOMAS DOLAN: So.
528

529 DETECTIVE CHRISTOPHER MILLER: So you wanna talk about - I mean or do you wanna
530 talk about - I mean there's a lot of stuff goin' on the past couple months, man.
531 And like I said that's - that's kind of - I wanna get you where you need to be
532 and I wanna try to see if I help - if I can help. Um, but if - if that's what you
533 wanna talk about we'll talk about whatever you want. You know what I
534 mean? Um, like I said we're - we're tryin' to - tryin' to do everything we can.
535 You know, help you out if we can.
536

537 DETECTIVE THOMAS DOLAN: Devon, you told us the last time that we spoke or at least
538 when I was there you found out some stuff about your family. You were goin'
539 through some rough times. So...

540

541 DEVON ANDERSON: I know I got a problem wit it.

542

543 DETECTIVE THOMAS DOLAN: No. We...

544

545 DEVON ANDERSON: I know I got a problem with keepin' my mouth shut to the police,
546 but I got a problem (unintelligible) people and I know that some people
547 (unintelligible). Police about what happened.

548

549 DETECTIVE THOMAS DOLAN: We all ...

550

551 DEVON ANDERSON: So ...

552

553 DETECTIVE CHRISTOPHER MILLER: What have they said?

554

555 DEVON ANDERSON: See, it's my situation, you know what I'm sayin'. I don't understand
556 why I'm givin' you information.

557

558 DETECTIVE CHRISTOPHER MILLER: 'Cause I'm tryin' to help. And I don't - I - the
559 situation - I mean right now you're in here. Um, because of the vehicle.
560 That's right now why you're here. Um, so when you say about your situation
561 changing, like, I don't know what I can - what I can help you with and if I can
562 help you with something, you know, but I - I don't - I don't know what - what
563 it is that you're asking I guess 'cause right yeah. Right now I can't do anything
564 about the fact that you're in here on the vehicle theft. It is what it is. But what
565 I hopefully can do is, you know, help and talk to you to figure out all the stuff
566 that's been goin' on and get you where you wanna be. You came in to us,
567 okay, and you said you wanted to do the right things. You said you wanted to
568 make...

569

570 DEVON ANDERSON: Where do I wanna be?

571

572 DETECTIVE CHRISTOPHER MILLER: Where you wanna be? You tell me. Where do you
573 wanna be? What - what - where do you want me five (5) years from now?
574 Where do you wanna be ten (10) years from now? You tell me.

575

576 DEVON ANDERSON: Not in jail or prison.

577

578 DETECTIVE CHRISTOPHER MILLER: I understand. I'm talkin' more along the lines of as a
579 person. You know what I mean? Like, what kind of - you - you came in and
580 this goes back. You came into us and I was - I was real proud. You came in,
581 you said that you wanted to make up for some things that you did wrong in the

582 past. That you wanted to try to make things right. You know. I was - I - I
583 was res- that was - you know, I was really...

584
585 DEVON ANDERSON: I understand but if I'm 'bout to fuckin' bury myself I'm not gonna
586 do that.

587
588 DETECTIVE CHRISTOPHER MILLER: What do you mean by bury yourself? To me - and
589 anything you talk about, um, to me, the truth never buries you. Um,
590 everybody loves an honest person.

591
592 DEVON ANDERSON: So what do y'all know about what happened to Kaylee?

593
594 DETECTIVE CHRISTOPHER MILLER: Um, well we knew that she got hurt. I was hoping
595 maybe you'd tell us what you know about the situation.

596
597 DEVON ANDERSON: You know what?

598
599 DETECTIVE CHRISTOPHER MILLER: I know that she got hurt. Can you tell me about
600 that? I do know that Royce is fine. I know for a fact that - that Royce is fine
601 and I know that - that Kaylee got hurt. How old's Royce? Devon, you have
602 three (3) kids, right? Three (3)? I know they're important to ya. And that's
603 fine man. That's - that's how I know, you know, the kinda guy you see. You
604 know what I mean? Kids are important to you. You know. I know that. You
605 wanna ask me anything, man? Anything you wanna ask me ask away. Let
606 me - let me ask you a question. Do you - has Detective Dolan and I have we
607 always been straight with you? Do you - I mean always been honest with you,
608 right? So listen I mean I know you haven't known us that long. Have we ever
609 told you anything wrong? Have we ever given you any reason to doubt us?
610 Um, when I tell you I - I'm here to - to try to help that - that's - that's what
611 we're tryin' to do. Um, I know you've been through a bunch a stuff. I know
612 you've been through a lot. I wanna do whatever I can do to help you to get
613 you - whether it's talkin' to somebody, get you, you know, whatever you need.
614 It's what I wanna do. It took - took bravery, it took, you know, I respect that
615 you came into us and you wanna make things right. Um, I told you that. I
616 told you I respect you for doin' that. You know. When - nobody's perfect.
617 People make mistakes man. I've made mistakes in my life. He's made
618 mistakes in his life. But when you took a step forward and said I wanna make
619 up for some things, I wanna make things right I respect that. And I respect the
620 hell outta you that day.

621
622 DETECTIVE THOMAS DOLAN: Devon, I'm forty-eight (48) years old. You're how old?

623
624 DEVON ANDERSON: Twenty-five (25).

626 DETECTIVE THOMAS DOLAN: I'm old enough to be your dad. And I agree with Detective
627 Miller. When you came in that took a lot of guts and a lot of fortitude and
628 that's what a man does. And like him I'm also proud of you for doin' it. You
629 said you went through a lot of crap and found out a lot a bad things with your
630 family. I'll tell ya...

631

632 DEVON ANDERSON: Yeah but you ain't that worried about me.

633

634 DETECTIVE THOMAS DOLAN: I'll tell ya what...

635

636 DETECTIVE CHRISTOPHER MILLER: Sure we are.

637

638 DETECTIVE THOMAS DOLAN: Not many people know this but I was over 400 pounds at
639 one time and I got abused as a kid. I mean abused all through high school --
640 made fun of, name callin', all that. I came out of it.

641

642 DETECTIVE CHRISTOPHER MILLER: And you know what and - and me I'll tell you what
643 man. My whole life you know what I've wanted? I wanted a kid my whole
644 life. I'm - I'm almost forty (40).

645

646 DEVON ANDERSON: What do you wanna know, man? Just ask your question.

647

648 DETECTIVE CHRISTOPHER MILLER: I wanna know about you.

649

650 DEVON ANDERSON: What about me?

651

652 DETECTIVE CHRISTOPHER MILLER: I wanna know everything that's been goin' on. I
653 want - I - I hope you - I hope you trust me. I - I wanna have a conversation
654 with you, man. I just wanna talk to you and I wanna know what's been goin'
655 on and I just a- all I hope is that, you know, you're honest with me and I will
656 always be honest with you and well - we'll figure everything out. And we'll
657 get you wherever you need to be. Um, if you don't feel comfortable talkin' to
658 us on the stuff from your past or from when you were a child and stuff like
659 that I get it. Um, that stuff takes time. But, you know, whatever you do
660 wanna talk about I - that's be fantastic.

661

662 DEVON ANDERSON: So what is your whole goal right now? Y'all tryin' to, like, take -
663 take the whole family down?

664

665 DETECTIVE CHRISTOPHER MILLER: No. Absolutely not.

666

667 DEVON ANDERSON: (Unintelligible).

668

669 DETECTIVE CHRISTOPHER MILLER: No.

670

671 DETECTIVE THOMAS DOLAN: No.
672
673 DETECTIVE CHRISTOPHER MILLER: Absolutely not. We're - we're very fair and like I
674 said we're here to talk to you about s- all the stuff that's been goin' on. Okay.
675 Um, nobody's against your family at all. What we do - I mean we have a job
676 to do. They have the radio on out there, police radio. Sometimes when police
677 come into prison they keep it on. But I promise you nobody's - this is just us
678 in here. And obviously I told you we're recording but it's - it's you, me,
679 Detective Dolan in here.
680
681 DETECTIVE THOMAS DOLAN: I'm not, I'm not against any of your family. Matter fact
682 some of your, I (unintelligible) some of your family.
683
684 DETECTIVE CHRISTOPHER MILLER: But I was gonna say man, you know, you keep
685 saying about, like, burying you and all this other stuff. Like, I'll tell you what.
686 You know somethin' I don't have - I was tellin' you, like, I always wanted a
687 kid. I don't have any kids. I wish I did. You got three (3) kids, man.
688
689 DEVON ANDERSON: I don't even know if these kids are mine.
690
691 DETECTIVE CHRISTOPHER MILLER: You don't know if they're yours?
692
693 DEVON ANDERSON: Anything is possible. (Unintelligible) sex change (unintelligible).
694
695 DETECTIVE CHRISTOPHER MILLER: Got the surgery?
696
697 DEVON ANDERSON: (Unintelligible) but I still don't believe them kids is mine.
698
699 DETECTIVE CHRISTOPHER MILLER: Say that again. You say the kids mom?
700
701 DETECTIVE THOMAS DOLAN: Why don't - why don't you believe the kids are yours?
702
703 DETECTIVE CHRISTOPHER MILLER: Devon, we don't know.
704
705 DETECTIVE THOMAS DOLAN: Tell us about that because we don't (unintelligible).
706
707 DEVON ANDERSON: Can I get outta jail (unintelligible).
708
709 DETECTIVE CHRISTOPHER MILLER: We - we - we're here to talk. We - we can't...
710
711 DETECTIVE THOMAS DOLAN: That's...
712
713 DETECTIVE CHRISTOPHER MILLER: ...you know, we can't get you outta jail right now.
714
715 DETECTIVE THOMAS DOLAN: (Unintelligible).

716
717 DEVON ANDERSON: What about the stuff I already gave.
718
719 DETECTIVE CHRISTOPHER MILLER: We don't have the authority.
720
721 DETECTIVE THOMAS DOLAN: We don't have any control over that.
722
723 DETECTIVE CHRISTOPHER MILLER: We don't have the authority. We're - we're here to
724 help, we're here to talk to you. We don't - we can't get you out. But I'll tell
725 you what..
726
727 DEVON ANDERSON: You said you have some (unintelligible).
728
729 DETECTIVE CHRISTOPHER MILLER: Say that again?
730
731 DEVON ANDERSON: You said you had some other questions.
732
733 DETECTIVE CHRISTOPHER MILLER: Yeah, no. I - I - again I just - well my questions are
734 also about - so you don't know if those kids are yours? You think that...
735
736 DEVON ANDERSON: Naw (unintelligible).
737
738 DETECTIVE CHRISTOPHER MILLER: I gotcha. Well then that's important to. You know
739 what I mean? Um, either way I mean they're kids even if they're not yours
740 they're, you know, still kids and I guess they, you know, could always look up
741 to ya. You know what I mean? Right? 'Cause technically even if they're not
742 yours biologically they could still look up to you. I know they're important to
743 you. I mean I can tell that. You keep asking - you kept askin' about the car deal.
744 Um, what - what - what's goin' on with the car deal that you're in here?
745
746 DEVON ANDERSON: I mean...
747
748 DETECTIVE CHRISTOPHER MILLER: It's not our charge. I - I - I want you to tell me what
749 - what's up with the car deal.
750
751 DEVON ANDERSON: Well I - David said that her mom reported the car stolen.
752
753 DETECTIVE CHRISTOPHER MILLER: Kayle's mom?
754
755 DEVON ANDERSON: Yeah.
756
757 DETECTIVE CHRISTOPHER MILLER: Kay.
758
759 DEVON ANDERSON: But if she did that why when I got arrested and mind you I was out
760 drivin' around and stuff the whole night so I was even at the police. Checking

761 cameras out. I was in front of the police station. I was in Super 7 a couple
762 times. I even went to Sheetz and they didn't stop me, they didn't do anything
763 but when they went - when they went to Super 7 they tried to hide from me. I
764 went in Super 7 and these two (2) cops, I don't know who they were, but they
765 tried to hide from me like they were tryin' to (unintelligible) the cameras or
766 somethin'. I don't know what they were doin but they was hidin' in the
767 (unintelligible) I came out that's when they came out and tried to - but you
768 shoulda seen - I seen 'em comin' out and I knew they were about to try to, like,
769 so I put my hands up already anyway. And they really came out, like, all of
770 'em came out, like, they was about to kill me for real (unintelligible) kill me.
771

772 DETECTIVE CHRISTOPHER MILLER: No, no, no one was try'n to kill ya. I - let me try to
773 - let me try clear up a little bit. So maybe they didn't see you on some of those
774 occasions Devon. Now...

775 776 DEVON ANDERSON: I know they seen me. It's in the affidavit that they seen me sittin'
777 on the car at one point and they say that's when they approached me but that's
778 not - I left and went - I left and went somewhere else after that and came back
779 again to the store.
780

781 DETECTIVE CHRISTOPHER MILLER: Well I think what happened was - so the vehicle
782 was reported as stolen and then it takes time to go through the system and
783 takes time for, you know, an active arrest warrant to happen. You know what
784 I mean. So maybe at the point in time that you saw them, um, they didn't have
785 an active arrest warrant that time. Um, maybe some of the spots they didn't
786 see ya and they saw after the fact. I don't know. Like I said it was not
787 Detective Dolan and my - my arrest. We didn't, you know, we did not make
788 that arrest. You'd see the (unintelligible) name on there is not him or I.
789

790 DETECTIVE THOMAS DOLAN: When did you get the car?
791

792 DEVON ANDERSON: I've always had the car.
793

794 DETECTIVE THOMAS DOLAN: Okay. Well you know it got, I don't know what time it got
795 reported stolen but what ...
796

797 DEVON ANDERSON: (Unintelligible).
798

799 DETECTIVE THOMAS DOLAN: ... what time did you - did you have the car all day long or?
800

801 DEVON ANDERSON: Y'all sayin' that you don't have any power. Y'all can't even get me
802 outta jail so I don't even think I need to be talkin' to y'all.
803

804 DETECTIVE CHRISTOPHER MILLER: Like I said Devon we're just tryin' to talk, man.
805 You know, tryin' to help you out the best we can. Tryin' to figure out...

806
807 DEVON ANDERSON: I know that's some bullshit.
808
809 DETECTIVE CHRISTOPHER MILLER: What do you mean?
810
811 DEVON ANDERSON: (Unintelligible).
812
813 DETECTIVE THOMAS DOLAN: It's the truth.
814
815 DEVON ANDERSON: So I need an attorney. Unless you can guarantee some shit other
816 than what y'all promisin' which is nothin'. You've been sayin' that you care
817 about me and all that which I know that's some bullshit. I ain't got nothin' else
818 to talk about.
819
820 DETECTIVE CHRISTOPHER MILLER: Yeah. Like I said man you want an attorney - you
821 want an attorney that's - that's your choice but we're not bullshittin' man.
822
823 DETECTIVE THOMAS DOLAN: Yeah.
824
825 DETECTIVE CHRISTOPHER MILLER: I wanna get you where you need to be. You know?
826
827 DEVON ANDERSON: And where is that?
828
829 DETECTIVE CHRISTOPHER MILLER: You gotta tell me.
830
831 DEVON ANDERSON: You're not sayin' it's outta jail so where do you think I need to be?
832
833 DETECTIVE CHRISTOPHER MILLER: Well that's the thing, Devon. I cannot - I cannot get
834 you outta jail. I can't just snap my fingers and get you outta jail. What I'm
835 saying is as a person, like, if you need to talk so that - wherever you need to
836 be 'cause I know you've been dealin' with a lot of stuff. Like, I can't snap my
837 fingers to get you outta jail. That's not how that works. You know what I
838 mean? I can't do that. But what I'm doin', you know, we're offering, you
839 know, conversation talk about whatever you wanna talk about. Things like
840 that. Um, and again you don't have to talk to us. It's - it's - it's fine. I mean
841 we just wanted to talk to ya. You know.
842
843 DETECTIVE THOMAS DOLAN: Well we're gonna have to - we're gonna have to stop talkin'.
844 If you wanna, you know, if you wanna talk to us again we'll - you'll have to let
845 us know but we gotta stop talkin' right now. I really wanted to - to talk to ya
846 some more and Detective Miller did to but we gotta stop now. All right.
847
848 DETECTIVE CHRISTOPHER MILLER: All right. You wanna talk to us in the future just
849 have 'em contact us. Okay? I'm gonna end the recording. Okay?
850

851 DETECTIVE THOMAS DOLAN: Yeah.
852