

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
CRIMINAL SECTION TRIAL DIVISION**

COMMONWEALTH OF PENNSYLVANIA :
 :
 v. : CP-51-CR-0001160-2011
 : CP-51-CR-0001161-2011
 :
 INDIA SPELLMAN :

**RESPONDENT COMMONWEALTH'S SECOND SUPPLEMENTAL ANSWER TO
PCRA PETITION**

TO THE HONORABLE SCOTT DICLAUDIO:

On August 24, 2022, this Court held an evidentiary hearing on the defendant's ineffective assistance of counsel claim, related to trial counsel's failure to present an alibi defense at trial. At the conclusion of the hearing, the Court requested additional information about: (I) the time of the criminal acts, specifically the basis for determining the decedent, George Greaves ("Greaves") was shot around 3:48 p.m. on August 18, 2010; and (II), what information about petitioner India Spellman's ("Spellman") whereabouts at the time of Greaves's death could be gleaned from her Facebook account. Additionally, following the hearing, (III) this Court inquired about whether a black and gold scarf that had been retrieved from Spellman's house by Philadelphia Police matched the description of the scarf that co-defendant Von Combs ("Combs") described Spellman as wearing at the time of the murder in his statement to police.¹ This Court also inquired as to whether the scarf had been tested for gun-shot residue ("GSR testing"). Each these questions are addressed below.

¹ This Court informally summoned ADA's Michael Garmisa and Graham Sternberg on consecutive days, but they were unable to appear because they were on leave and attending a funeral, respectively. ADA Garmisa appeared on Tuesday August 30. The Commonwealth withdraws any statements that may have been made by other ADAs who may have "stood in" for the undersigned, as they are not familiar with this case.

I. Timeline of Robbery of Phillips and the Murder of Greaves

During the August 24 hearing, this Court inquired about the underlying information for applying 3:48 p.m. on August 18, 2010, as a probative time related to Greaves' murder. This case involved two distinct criminal acts, so information on both is provided below.

The Phillips Robbery: August 18, 2010, 2:33 p.m.

On August 18, 2010, at 2:33 p.m., police radio recorded a 911 call of a robbery at 7700 Rugby Street. The caller, Phillips, was out of breath from running and said that she had just been robbed. Phillips told the operator that she had been robbed by two people, a woman with dark skin and a "muslim outfit," and a man wearing a t-shirt with a design on it. She said both perpetrators were black and that the woman had a gun. Phillips said that the robbers had taken her pocketbook and that Phillips threw her Transpass down the street.

The Murder of Greaves: August 18, 2010, prior to 3:37 p.m. but likely no earlier than 3:22 p.m.

On August 18, 2010 at 3:37 p.m., police radio recorded a 911 call related to Greaves' murder at 7901 Pickering Avenue. The caller identified herself as Mamie Jacobs ("Jacobs") and said that her next-door neighbor had fallen or collapsed, and that we (referring to another neighbor) can't get him up. When the operator inquired if the person fell, the caller responded that she had been watching for about 15 minutes before going out. 15 minutes before the call is 3:22 p.m. However, witnesses frequently over-estimate the duration of events. Jacobs, the 911 caller, was

not formally interviewed by police during the investigation so no further information about the timing of her observations was memorialized.²

Mathis testified that she was inside her house when she heard gunshots. She ran outside to retrieve her grandson, and saw two people running up Phil Ellena Street, who then turned left onto Greenwood Street.

Combs's confession describes a continuous course of conduct between two criminal acts.

Both Comb's statement to police and testimony at Spellman's trial describes him and Spellman robbing Phillips, walking around the area, and then robbing and murdering Greaves—after which they fled. Combs's trial testimony describes the time between the robbery and the murder by saying that they “left that particular area and [] were just walking around.”

Spellman's Cell Phone Carrier Records

Phone records show calls on Spellman's cell phone connecting to tower/sector 18601 at various times on the afternoon of August 18, 2010. The records received indicate the time of the calls in whole minutes and without the seconds, effectively rounding the start time of the call down. However, the duration of the call is indicated in whole minutes, with the duration being rounded up to the next full minute. For illustrative purposes, the Commonwealth provides the “timespan” of the call below, because of the rounding in the records, the timespan is rounded down to the earliest start-time, and also rounded up to the latest end-time.³ Additionally, information regarding

² The Commonwealth earlier referenced the time as 3:48, which was the time memorialized on the Confidential Caller Information (“CCI”) report as the time the incident was entered (08/18/10 15:48:22) (CCI info is similar to a Computer Aided Dispatch (“CAD”) report, but contains more information). The 48 was prepared by Officer Jacqueline Speaks who memorialized that MED 18 was on location and pronounced the male at 3:53 p.m. Other documents memorialize that police responded at 3:48 p.m.

³ For clarity and consistency of illustrating this information, the Commonwealth was required to assume that a call either commenced at exactly zero seconds after the minute or some number of seconds after the minute. Because it is

the times of criminal acts, as described *supra*, is provided in the last column for demonstrative purposes.

Demonstrative Chart

TIME OF CALL	DURATION	TIMESPAN	CRIMINAL ACT
1:38 p.m.	1 minute	1:38 p.m. – 1:39 p.m.	
			2:33 p.m. Phillips Calls 911, says she was “just” robbed.
2:51 p.m.	2 minutes	2:51 p.m. – 2:53 p.m.	
2:52 p.m.	2 minutes	2:52 p.m. – 2:54 p.m.	
3:10 p.m.	1 minute	3:10 p.m. – 3:11 p.m.	
			No earlier than 3:22 p.m. Jacobs notices Greaves on ground.
3:33 p.m.	25 minutes	3:33 p.m. – 3: 58 p.m.	3:37 p.m. Jacobs calls 911 about Greaves on ground
4:04 p.m.	2 minutes	4:04 p.m. – 4:06 p.m.	
4:05 p.m.	1 minute	4:05 p.m. – 4:06 p.m.	
4:05 p.m.	5 minutes	4:05 pm – 4:10 p.m.	

II. Spellman’s Facebook Account

At the August 24, 2022 hearing, Spellman testified that she was on Facebook throughout the day of August 18, 2010. This Court asked the Commonwealth to obtain information from Spellman’s Facebook account. At the hearing the Commonwealth expressed that a search and

more likely that a particular call started some number of seconds after a minute, the Commonwealth assumes all the calls started some number of second after a minute.

seizure warrant would be needed to obtain the information, and expressed concern about probable cause and the use of prosecutorial resources. After leaving Court, the Commonwealth believed the issue with obtaining a warrant was more accurately described as being unable to state with specificity the location and items to be searched for, as Spellman testified she did not recall her account credentials.

The Commonwealth has since obtained the purported missing information, and a Court issued a search and seizure warrant, which was served on Facebook's parent company. However, there is reason to have tempered expectations about the outcome of this investigation. Facebooks' parent company Meta provides an electronic portal for law enforcement to serve process, which requires law enforcement to enter account information, which is checked by the portal before it can be submitted electronically. When the Commonwealth attempted to submit that warrant through the portal and entered available account information, the portal produced an error message that prevented submission. Other information indicates the account is no longer active. The warrant was served by U.S. Mail.

III. PPD Sought and Obtained an Ex Parte Order, and Destroyed the Scarf During this PCRA Litigation

This Court inquired about a black and gold scarf that was seized from Spellman's house by police during a search conducted on August 21, 2010. Specifically, this Court wanted to know whether it was a "Kanye West" scarf, and whether the scarf was tested for GSR.

On August 21, 2010⁴ PPD, executed search and seizure warrant No. 151866 at 938 E. Slocum Street, Spellman's residence. The items seized box on the warrant described the evidence as "1 – Blk + Gold Silk Scarf."

PROPERTY SEIZED
(If "Yes" list inventory below)
 Yes No
MLK SUSPENSION NOTICE FRDIA SPELLMAN
1- BLK + GOLD SILK SCARF
IF ADDITIONAL SPACE REQUIRED, USE REVERSE SIDE -- INVENTORY MUST APPEAR ON ALL COPIES

The evidence was placed on property receipt No. 2929688. The property receipt described the item as "one (1) black with gold scarf", as follows:

1. ONE (1) BLACK WITH GOLD SCARF.

That same day, the same detectives executed a search and seizure warrant on 1180 E. Sharpnack Street, Comb's mother's residence. During that search a shirt and shorts were recovered as evidence, being described as follows:

1. ONE (1) BLUE HOLLISTER SURF CLUB SHIRT WITH BEAR DESIGN IN THE FRONT.
2. ONE (1) PAIR BLUE JEANS CUT OFF HOLLISTER SHORTS.

This item would later be examined by Forensic Scientist II Gamal Emira of the Office of Forensic Science, Criminalistics Laboratory⁵ who prepared the following picture and notes:

⁴ The warrant erroneously notes that it was executed on August 20, 2010, 2:15 a.m., but was actually executed on August 21, 2:15 a.m. The warrant was not issued until August 21, 2010, and the issuing authority authorized a nighttime search and seizure. The property receipts describe the items being seized on August, 21, 2010. The error likely occurred because the search occurred a few hours after midnight on August 20—what was actually the early morning hours of August 21.

⁵ This examination would later reveal that there was a stain on the shirt, subsequent DNA and criminalistics testing would conclude that to an extremely high probability, the DNA on the stain containing biological material belonged to Combs. See Exhibit D.

8/25/11



Item # 1 is a blue t-shirt w/ brown colored bear design on front and light brown "HOLLISTER SURF CLUB" w/ "HOLLISTER" label, size "s"

SEM/EDX stub of front the t-shirt (Stub 1A, Stub 1B)
 - no brn stain w/ app. of blood det on the item

* The SEM/EDX stub saved for future analysis if needed.

Forensic Scientist Emira's, Criminalistics final report would offer the following descriptions:

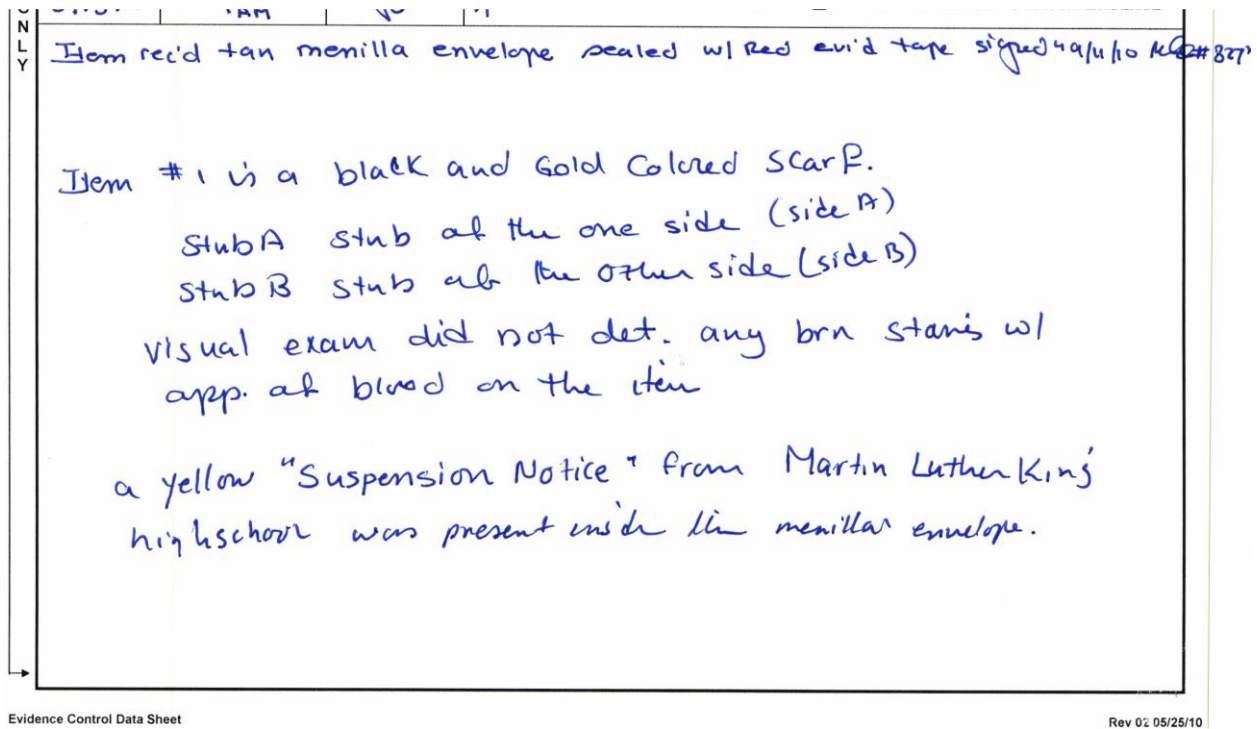
<u>Item #</u>	<u>Sample #</u>	<u>Description</u>
1		A blue t-shirt with brown colored bear design and light brown "HOLLISTER SURF CLUB" on front. The t-shirt has a "HOLLISTER" label, size "S". Visual examination did not detect the presence of any brown stains with the appearance of blood on the t-shirt.
2		A pair of blue denim shorts with a "HOLLISTER" label,

Page 1 of 3

LAB# CRIM10-01024

size "W 28 L30". Visual examination detected the presence of brown stains on the shorts.

Forensic Scientist Emira did not produce a sketch of the scarf, but did memorialize the following description, which contained no brand information:



Forensic Scientist Emira's, Criminalistics final report would offer the following description of the scarf:

<u>Item #</u>	<u>Sample #</u>	<u>Description</u>
1		A black and gold colored scarf. Visual examination did not detect the presence of any brown stains with the appearance of blood on the scarf.

The Commonwealth uncovered no other descriptions (or photographs) of the scarf that was stored as evidence.

Stub A and Stub B were collected for purposes of testing for GSR. The two stubs were not tested, but were retained as evidence on the same property receipt as the scarf. Emails at the time memorialize the fact that the Office of Forensic Science was not capable of conducting GSR testing. Instead, OFS was stubbing garments and sending samples to an outside lab, at a cost of

\$250 per stub. At the time prosecutors made the request, OFS expressed, “Ideally, we would like to do this work in-house” and inquired about the trial date, which had not been set, and later expressed that “[h]opefully we will have our GSR restriction lifted well before your trial on this case.” Ultimately, no GSR testing (either in-house, or outsourced for \$250) was done on either Stub A or Stub B. The property receipt for this evidence was stamped received by the evidence custodian clerk on December 3, 2012, where it remained until 2022.

In 2022, the scarf along with Stub A and Stub B (stored on the same property receipt with the scarf) were destroyed pursuant to a court order obtained by PPD’s ex parte petition. On January 3, 2022, the Commanding Officer of the Evidence Custodian Unit sent a memo to the Police Commissioner styled, REQUEST FOR APPROVAL TO DESTROY CONFISCATED PROPERTY NO LONGER NEEDED FOR PROSECUTIONS (D-255). Exhibit A. The memo described an attached list of 24 pages, representing two-thousand, eight hundred sixty (2,860) property receipts for destruction, stating that “the pages list items of contraband and other property of no value that was submitted to the Evidence Custodian for storage” and state the cases represented “have been disposed of by the courts or the (1) year investigating period has ended” and the “forty-five (45) day waiting period for any motion or appeal to the courts has expired” and the items are “no longer needed as evidence.” This Memo was approved through multiple levels of PPD, up to the Deputy Commissioner. Legal Counsel for the Commissioner submitted a petition with the Court of Common Pleas seeking a destruction order, and representing that “the cases represented on this list, identified as evidence, have been disposed of by the courts...”

On January 31, 2022, a common pleas judge entered a destruction order “based upon the attached memorandum approved by the Police Commissioner along with the petition

submitted...**in that all of the listed items involve cases that have been disposed and the appeal period has expired**". Exhibit B (emphasis added).

The Commonwealth spoke to the supervisor of the Evidence Custodian Unit to understand why the evidence in this homicide was destroyed. The custodian observed that "10 – 20 yrs" was written on the property receipt, which he suggested could be an erroneous reference to the sentence imposed in this case. *See* Exhibit C. He noted that according to the UJS portal, the sentence for H2 was not entered as life, and inquired if this was a juvenile case. On the defendant's court summary, the sentence for H2 is listed as "other" while the sentence for other counts was 10-20 years.

Regarding the pendency of the appeal, the supervisor could not say when this particular property receipt had been checked against the information from the UJS portal, in relation to the petition for destruction. However, the Commonwealth notes that this case involves a timely, first PCRA brought by a defendant serving a term of years to LIFE for second degree murder. The PCRA was filed on November 14, 2017, a mere nineteen days after her direct appeal was denied. Significantly, the PCRA was pending for four years, two months, and seventeen days prior to the issuance of the destruction order.

The currently available evidence tends to show that the scarf was not discernable as a "Kanye West" scarf.⁶ Based on the above descriptions of the members of the prosecution team that handled the scarf, the Commonwealth believes the evidence shows the scarf was not a "Kanye West scarf" in any meaningful way. The other clothing-evidence seized in this case was processed

⁶ As an evidentiary matter, this Court as the finder of fact in this PCRA evidentiary hearing is "allowed to draw a common-sense inference" that the scarf and Stub A and Stub B would have been evidence unfavorable to the Commonwealth if it finds the evidence was "available to [the Commonwealth] and not [the defendant]", contains or shows "special information material to the issue," and would not be "merely cumulative" of other available evidence. *See* Pa. Suggested Standard Criminal Jury Instructions SS 3.21B. These requirements are met here.

As a constitutional matter, a defendant's due process rights are violated when the Commonwealth fails to preserve potentially useful evidence, and the defendant can show bad faith on the part of the police. *Commonwealth v. Chamberlain*, 612 Pa. 107, 138 (2011) (citing *Arizona v. Youngblood*, 488 U.S. 51, 58 (1988) (all that can be said about usefulness to the defense is that the evidence could have been tested)).

by the same individuals who processed and described this scarf. While the branding and logos on the other clothing was described in detail as “Hollister,” there was no similar descriptive information regarding the scarf, even though the evidentiary value would have been obvious in light of Combs’ *confession*. The reasonable inference from the facts and evidence is that the scarf was black and gold, made of silk or a silk-like fabric, and had no branding or logos on it.

As for Stub A and Stub B, the Commonwealth can say no more than that further testing for GSR could have been done on the stubs. These testing results (depending on the outcome) could have been significant in judging the accuracy and voluntariness of the confessions. Further the results of testing would have been relevant to a materiality analysis of the *Brady*-claim—predicated on Pitts’ significant history of police misconduct—and the prejudice prong of the ineffective assistance of counsel claim—predicted on the failure to present an alibi defense. At a minimum, the fact that no GSR testing was done on Stub A and Stub B (from the scarf) impeaches the thoroughness of the investigation. *See generally Kyles v. Whitely*, 514 U.S. 419 (1995).

Respectfully Submitted,

/s/ Michael Garmisa
Assistant District Attorney
Supervisor, Conviction Integrity Unit

/s/ Graham Sternberg
Assistant District Attorney
Conviction Integrity Unit

Date: October 4, 2022

VERIFICATION

The facts set forth above are true and correct to the best of the undersigned knowledge, information and belief. I understand the statements herein are made subject to the penalties of 18 Pa. C.S. §4904 (relating to unsworn falsification to authorities).

CERTIFICATION OF COMPLIANCE

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Cases Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Respectfully submitted,
/s/ Michael Garmisa
Michael Garmisa (Pa. Bar 203708)
Assistant District Attorney, Supervisor
Conviction Integrity Unit
Philadelphia District Attorney's Office
Three South Penn Square
Philadelphia, PA 19107
(215) 686-8724

/s/ Graham Sternberg
Graham Sternberg (Pa. Bar 329468)
Assistant District Attorney

CERTIFICATE OF SERVICE

I, Graham Sternberg, Assistant District Attorney, hereby certify that a true and correct copy of the foregoing Respondent Commonwealth's Second Supplemental Answer to PCRA Petition was served on October 4, 2022, to the parties indicated below via email:

Todd M. Mosser, Esq.
Mosser Legal, PLLC
448 N. 10th Street, Suite 502
Philadelphia, PA 19123
todd@mosserlegal.com

/s/ Graham Sternberg
Assistant District Attorney
Conviction Integrity Unit

EXHIBIT A

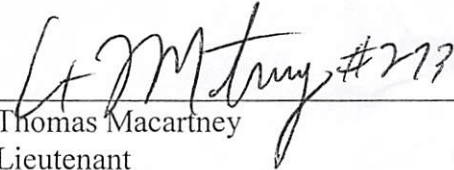
MEMORANDUM

POLICE
CITY OF PHILADELPHIA

DATE: 01-03-2022

TO : Police Commissioner
FROM : Commanding Officer, Evidence Custodian Unit
SUBJECT : REQUEST FOR APPROVAL TO DESTROY CONFISCATED PROPERTY
NO LONGER NEEDED FOR PROSECUTION (D-255)

1. Attached is a list of twenty-four (24) pages, representing two-thousand, eight hundred sixty (2,860) property receipts for items confiscated by the Philadelphia Police Department in the course of arrests and investigations. It should be noted that property receipts with a recent received date are items that were not previously barcoded.
2. These pages list items of contraband and other property of no value that was submitted to the Evidence Custodian for storage. The cases represented on the list have been disposed of by the courts or the one (1) year investigation period has ended. The forty-five (45) day waiting period for any motion or appeal to the courts has expired.
3. The items of property which are represented on this list are no longer needed as evidence and are of no value as salvage. A petition for destruction of these items will be secured through the office of the Police Legal Counsel.
4. Upon receipt of this approved memorandum and petition, a court order will be obtained, sealed and certified to cover the final destruction of this property.


Thomas Macartney #273
Lieutenant
Commanding Officer
Evidence Custodian Unit

APPROVED

JAN 17 2022

Cve

DEPUTY COMMISSIONER
ORGANIZATIONAL SERVICES

APPROVED

JAN 06 2022

CHIEF INSPECTOR
SUPPORT SERVICES BUREAU

APPROVED

JAN 04 2022

Inspector
Field Support Division

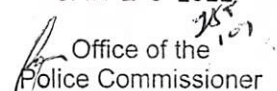

APPROVED

JAN 04 2022

Commanding Officer
Court Evidence

APPROVED

JAN 18 2022


Office of the
Police Commissioner

COURT OF COMMON PLEAS OF PHILADELPHIA :
TRIAL DIVISION - CRIMINAL SECTION :
: MISCELLANEOUS DIVISION

PETITION FOR DESTRUCTION OF PROPERTY

The Philadelphia Police Department, by its counsel, Francis Healy, Senior Legal Counsel to the Police Commissioner, hereby requests:

1. The Philadelphia Police Department is in possession of certain items seized by the Police Department.
2. The property receipt numbers of these items are attached.
3. These pages list items of contraband and other property of no value that were submitted to the Police Evidence Custodian for storage.
4. The cases represented on this list, identified as evidence, have been disposed of by the courts or the one (1) year period for the investigation of property has ended.
5. The items of property which are represented on this list are no longer needed as evidence or for investigation and are of no value as salvage.

WHEREFORE, petitioner respectfully requests that the Philadelphia Police Department be ordered to destroy this property.



Francis Healy
Legal Counsel

EXHIBIT B

2022 JAN 31 AM 10:56

OFFICE OF PROBATION RECORDS
CRIMINAL JUSTICE DISTRICT
PHILADELPHIA, PENNSYLVANIA

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
TRIAL DIVISION, CRIMINAL SECTION

ORDER FOR DESTRUCTION OF PROPERTY

AND NOW, this 31st day JAN 2022, it is

hereby ORDERED AND DECREED that the items listed on the Property Receipts detailed on the 3rd of January, attached requested memo (24 pages) submitted by the Police Evidence Custodian, Lieutenant Thomas Macartney #273, be destroyed. This order is granted based upon the attached memorandum approved by the Police Commissioner along with the petition submitted by Francis Healy, Senior Legal Counsel, in that all of the listed items involve cases that have been disposed and the appeal period has expired.

BY THE COURT:


Robert J. Colman J.


Regular Property Disposal 760 D - 255 (Total 2860)

Property Receipt	Received Date	Property Receipt	Received Date	Property Receipt	Received Date
2919603	01/31/2011	2931217	08/20/2010	2940558	10/29/2010
2919607	03/01/2011	2931224	08/22/2010	2940559	11/02/2010
2922512	12/03/2010	2931225	08/22/2010	2940980	11/07/2010
2922522	12/08/2010	2931226	08/22/2010	2940982	11/08/2010
2922610	06/23/2010	2931248	08/30/2010	2940997	12/09/2010
2922677	07/11/2010	2931251	08/30/2010	2940998	12/09/2010
2922698	07/16/2010	2931256	09/02/2010	2941016	11/23/2010
2922766	08/22/2010	2931257	09/01/2010	2941077	12/01/2010
2922770	08/06/2010	2931261	08/31/2010	2941122	12/10/2010
2924802	07/07/2010	2931266	09/01/2010	2941125	12/16/2010
2926390	08/24/2010	2931267	09/01/2010	2941164	01/19/2011
2926654	09/02/2010	2931268	09/02/2010	2941165	01/18/2011
2926924	07/16/2010	2931270	09/02/2010	2941209	01/17/2011
2927000	08/25/2010	2931275	09/03/2010	2941255	01/11/2011
2927814	07/19/2010	2931281	09/16/2010	2941260	01/14/2011
2929161	08/04/2010	2931300	09/16/2010	2941261	01/08/2011
2929685	09/04/2010	2931364	10/11/2010	2941262	01/08/2011
2929687	09/11/2010	2931372	10/04/2010	2941263	01/19/2011
2929688	09/11/2010	2931377	09/23/2010	2941264	01/21/2011
2929696	09/12/2010	2931380	09/24/2010	2941276	01/16/2011
2929711	09/15/2010	2931389	10/01/2010	2941283	01/14/2011
2929716	09/20/2010	2931404	10/07/2010	2941293	01/19/2011
2929722	10/01/2010	2931434	10/06/2010	2941299	01/18/2011
2929754	10/01/2010	2931527	02/13/2011	2943392	11/14/2010
2929941	12/05/2010	2931555	03/03/2011	2943393	11/14/2010
2930015	07/24/2010	2931565	03/14/2011	2943452	11/27/2010
2930966	10/08/2010	2931630	10/31/2010	2943473	12/01/2010
2931097	12/06/2010	2931657	12/16/2010	2947428	01/20/2011
2931137	08/06/2010	2935064	09/03/2010	2949940	02/20/2011
2931147	08/19/2010	2935259	10/08/2010	2949941	02/20/2011
2931155	08/21/2010	2935717	09/11/2010	2950312	01/10/2011
2931161	08/25/2010	2935826	10/26/2010	2950539	02/06/2011
2931162	08/24/2010	2935829	10/26/2010	2950636	12/08/2010
2931163	08/25/2010	2935979	12/20/2010	2950681	12/20/2010
2931174	08/23/2010	2936071	11/03/2010	2950691	12/21/2010
2931188	08/24/2010	2940262	10/01/2010	2950725	12/27/2010
2931189	08/24/2010	2940308	10/12/2010	2950780	01/06/2011
2931191	08/24/2010	2940321	02/28/2011	2950794	01/06/2011
2931192	08/24/2010	2940339	10/16/2010	2950823	01/11/2011
2931194	08/19/2010	2940469	11/23/2010	2951759	12/31/2010

EXHIBIT C

PROPERTY RECEIPT <input type="checkbox"/> LOST AND FOUND <input type="checkbox"/> FOR INVESTIGATION <input type="checkbox"/> PERSONAL PROPERTY FOR SAFEKEEPING <input checked="" type="checkbox"/> EVIDENCE	FROM WHOM TAKEN INSIDE 1180 E SHARNACK STREET	AGE: _____ SEX: _____ No. 2929687	
	ADDRESS SAME AS ABOVE	DATE: 08-21-10 TIME: 1M	DISTRICT: HOM UNIT: 6003
	OWNER (If Known) ADDRESS	LAB USER FEE REQUESTED <input type="checkbox"/> YES <input type="checkbox"/> NO	DC NO.: 10-14-61132 SEIZURE NO.: 151865
	DEFENDANT'S NAME VON COMBS/INDIA SPELLMAN	BULK OF PROPERTY STORED AT FORENSIC SCIENCE CENTER	

ITEMS OF PROPERTY AND CIRCUMSTANCES UNDER WHICH IT WAS RECEIVED INCLUDING THE EXACT LOCATION TAKEN FROM:

BELOW ITEMS WERE RECOVERED INSIDE 1180 E SHARNACK STREET INSIDE A SECOND FLOOR HALLWAY CLOTHING BINN IN REFERENCE TO A HOMICIDE INVESTIGATION THAT OCCURRED ON 08-18-10. VICTIM GEORGE GRAVES WAS LOCATED FACE DOWN IN HIS DRIVEWAY SUFFERING FROM A GUNSHOT WOUND TO HIS CHEST. GRAVES WAS PRONOUNCED AT THE SCENE BY FIRE MEDIC #18.

- ONE (1) BLUE HOLLISTER SURF CLUB SHIRT WITH BEAR DESIGN IN THE FRONT.
- ONE (1) PAIR BLUE JEANS CUT OFF HOLLISTER SHORTS.
- ASSIGNED: DET. GLENN #8091 HOMICIDE UNIT
- CONTROL #M10-199
- VICTIM: GEORGE GRAVES 87 B/M
- UCR HOMICIDE 111.

PLEASE EXAMINE FOR BIOLOGICAL MATERIAL AND BODILY FLUIDS AND COMPARE TO ALL TIMES UNDER SAME

2010 SEP 11 PM 4:15
 FORENSIC SCIENCE DIVISION

If the person from whom the above amount of money and/or property was taken does not sign below, state reason why:

RECEIVED BY POLICE DEPARTMENT

Arresting or Receiving Officer: (If personal property for safekeeping, Desk Supervisor is the Receiving Officer)

PERSON FROM WHOM TAKEN (Signature)	WITNESS (Signature)	BADGE NO. (Type)	SIGNATURE	BADGE NO. (Type)
	DET SERRANO	08141	DET McDERMOTT	827

TRANSFERRED TO EVIDENCE CUSTODIAN/COLLECTOR

I hereby acknowledge receipt of the above listed items.

DEC 04 2012 Rm 800 Box 2103
 (Date) **EVIDENCE CLERK** (Evidence Custodian/Collection)

RELEASE FROM CUSTODY OF POLICE DEPARTMENT

2929687 # DCH 10-14-061132 Item #5 N/A Clothin <input type="checkbox"/> Confiscated by Court <input type="checkbox"/> Destroyed by Order of Court Petition No. _____ <input type="checkbox"/> Escheat to State Escheat List No. _____ <input type="checkbox"/> To Department of Collections <input type="checkbox"/> Other Disposition (Explain): _____	ment of the City of Philadelphia of the amount of money and/or property hiladelphia and its agencies from any and all future responsibility therefor.
	<p style="text-align: center;">RECEIVED BY (Owner or Agent)</p> OWNER OR AGENT (Signature) WITNESS (Signature) BADGE NO. DATE
	<p style="text-align: center;">RECEIVED BY (Other than Owner of Agent)</p> SIGNATURE AND TITLE WITNESS DATE
	<div style="border: 2px solid black; padding: 5px; text-align: center;"> DESTROYED JAN 31 2022 EVIDENCE CUSTODIAN POLICE DEPT. </div>

PROPERTY RECEIPT <input type="checkbox"/> LOST AND FOUND <input type="checkbox"/> FOR INVESTIGATION <input type="checkbox"/> PERSONAL PROPERTY FOR SAFEKEEPING <input checked="" type="checkbox"/> EVIDENCE	FROM WHOM TAKEN 938 E SLOCUM STREET	AGE	SEX	No 2929688	
	ADDRESS SAME AS ABOVE	DATE 08-21-10	TIME M	DISTRICT HOM	UNIT 6003
	OWNER (If Known)	LAB USER FEE REQUESTED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		DC NO. 10-14-61132	
	ADDRESS			SEIZURE NO. 151866	
	DEFENDANT'S NAME VON COMBS/INDIA SPELLMAN	BULK OF PROPERTY STORED AT FORENSIC SCIENCE CENTER			

ITEMS OF PROPERTY AND CIRCUMSTANCES UNDER WHICH IT WAS RECEIVED INCLUDING THE EXACT LOCATION TAKEN FROM

BELOW ITEM WAS RECOVERED FROM THE DOORWAY FLOOR OF THE SECOND FLOOR MIDDLE BEDROOM OF 938 E. SLOCUM STREET IN REFERENCE TO A HOMICIDE INVESTIGATION THAT OCCURRED ON 08-18-10. VICTIM GEORGE GRAVES WAS LOCATED FACE DOWN IN HIS DRIVEWAY SUFFERING FROM A GUNSHOT WOUND TO HIS CHEST. GRAVES WAS PRONOUNCED AT THE SCENE BY FIRE MEDIC #18.

- ONE (1) BLACK WITH GOLD SCARF.
- ASSIGNED : DET GLENN #8091 HOMICIDE UNIT
- CONTROL# M10-199
- VICTIM: GEORGE GRAVES 87 B/M
- UGR HOMICIDE 111

PLEASE EXAMINE FOR BIOLOGICAL MATERIAL AND BODILY FLUIDS AND COMPARE TO ALL ITEMS UNDER SAME DC#.

RECEIVED
 FORENSIC SCIENCE
 DIVISION
 2010 SEP 11 PM 4:42

If the person from whom the above amount of money and/or property was taken does not sign below, state reason why: PERSON FROM WHOM TAKEN (Signature) WITNESS (Signature) <i>Det Ferrano</i> BADGE NO. (Type) 8141 DET SERRANO	RECEIVED BY POLICE DEPARTMENT Arresting or Receiving Officer: (If personal property for safekeeping, Desk Supervisor is the Receiving Officer) SIGNATURE <i>Det Mc Dermott</i> BADGE NO. (Type) 827 DET MCDERMOTT
---	---

TRANSFERRED TO EVIDENCE CUSTODIAN/COLLECTOR

I hereby acknowledge receipt of the above listed items.

DEC 03 2012

EVIDENCE CLERK POLICE DEPT. (Date) (Time)
N-800 Box 2102 (Evidence Custodian/Collection)

RELEASE FROM CUSTODY OF POLICE DEPARTMENT	
T li 2929688 # DCH 10-14-061132 Item #4 N/A Clothin <input type="checkbox"/> Confiscated by Court <input type="checkbox"/> Destroyed by Order of Court <input type="checkbox"/> Escheat to State <input type="checkbox"/> To Department of Collections <input type="checkbox"/> Other Disposition (Explain): DESTROYED JAN 31 2022 EVIDENCE CUSTODIAN POLICE DEPT.	ment of the City of Philadelphia of the amount of money and/or property Philadelphia and its agencies from any and all future responsibility therefor. RECEIVED BY (Owner or Agent) OWNER OR AGENT (Signature) WITNESS (Signature) BADGE NO. DATE RECEIVED BY (Other than Owner of Agent) SIGNATURE AND TITLE WITNESS DATE

EXHIBIT D



**Philadelphia Police Department
Forensic Science Division
Criminalistics Laboratory Report
843-849 N. 8th Street - 3rd Floor
Philadelphia, PA 19123
(215) 685-3149**



Philadelphia Police Department
Homicide Unit
ATTN: DET Glenn #8091
8th and Race Streets
Philadelphia, PA 19106

District Attorney's Office
Homicide Unit
ATTN: ADA Chesley Lightsey
3 S. Penn Square
Philadelphia, PA 19107

DATE: 09/19/2011
LAB#: CRIM10-01024
DC#: 10-14-061132
HOM#: M 10-199
CSU#: 10-701

The Investigation of the Shooting Death of George Greaves

The Defendant is India Spellman

Results of examinations and analyses on the evidence described on the following property receipt(s) are:

Property Receipt # 9011321

Submitted by P/OFF Yatcilla #6642 (Crime Scene Unit) on August 19,2010 at 01:56 AM

The following item was collected from the side lawn along the driveway of 7901 Pickering Street:

<u>Item #</u>	<u>Sample #</u>	<u>Description</u>
1		One(1) Swab of the mouth area of a 12oz Coors Light Beer glass bottle

Notes

Item 1 was saved for possible DNA analysis.

Property Receipt # 2929687

Submitted by DET Serrano #8141 (Homicide Unit) on September 11,2010 at 04:42 PM

The following items were collected from the 2nd floor hallway clothing bin inside of 1180 E. Sharpnack Street:

<u>Item #</u>	<u>Sample #</u>	<u>Description</u>
1		A blue t-shirt with brown colored bear design and light brown "HOLLISTER SURF CLUB" on front. The t-shirt has a "HOLLISTER" label, size "S". Visual examination did not detect the presence of any brown stains with the appearance of blood on the t-shirt.
2		A pair of blue denim shorts with a "HOLLISTER" label,

size "W 28 L30". Visual examination detected the presence of brown stains on the shorts.

- 2A Cutting with brown stains from upper left front near the left front pocket
- 2B Cutting with brown stains from upper right front near the waist edge
- 2C Cutting with brown stains from the mid left front

Tests for Blood

Chemical presumptive tests detected the presence of blood on Samples 2A and 2B. Chemical presumptive tests did not detect the presence of blood on Sample 2C.

Tests for Human Proteins

Presumptive tests detected the presence of human proteins on Samples 2A and 2B.

Property Receipt # 2929688

Submitted by DET Serrano #8141 (Homicide Unit) on September 11,2010 at 04:38 PM

The following item was collected from the doorway floor of the 2nd floor middle bedroom of 938 E. Slocum Street:

Item # Sample # Description

- | | |
|---|---|
| 1 | A black and gold colored scarf. Visual examination did not detect the presence of any brown stains with the appearance of blood on the scarf. |
|---|---|

Property Receipt # 2973280

Submitted by DET Byrne #3150 (Narcotics Bureau) on August 29,2011 at 06:41 PM

The item is a blood card with a sample collected from the body of George Graves. A portion of the item was saved for possible DNA analysis.

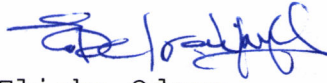
LAB# CRIM10-01024

Any of the above items/samples that had biological fluid(s) detected were saved for possible DNA analysis.

***LABORATORY USER FEE REQUESTED: \$ 795.00 ***

A handwritten signature in blue ink, consisting of a long horizontal stroke with a loop at the end and a vertical stroke crossing it.

Gamal Emira
FORENSIC SCIENTIST 2

A handwritten signature in blue ink, appearing to be 'E. Odoo' with a stylized flourish.

Elisha Odoo
Forensic Scientist I