

Felder & Associates Investigations Inc.

INVESTIGATION INTERVIEW RECORD

COMMONWEALTH V. INDIA SPELLMAN	CASE# CP-51-CR-0001160-2011	INTERVIEWER: RONALD FELDER		
NAME KATHY MATHIS	AGE 70	RACE BLACK	SEX FEMALE	DOB 07/22/1950
ADDRESS 7907 PICKERING AVENUE PHILADELPHIA, PA 19150		APARTMENT# NA	PHONE (267) 900-2065	
PLACE OF INTERVIEW 7907 PICKERING AVENUE PHILADELPHIA, PA 19150			DATE 10/12/2020	TIME 2:12 PM
WE ARE QUESTIONING YOU CONCERNING: THE SHOOTING DEATH OF GEORGE GRAVES ON 08/18/2010 AT 7901 PICKERING AVENUE PHILADELPHIA, PA 19150				

Hello Ms. Mathis my name is Ronald Felder; I'm a licensed Private Detective hired and working on behalf of India Spellman to possibly reinvestigate her case about the shooting death of Mr. George Graves on August 18, 2010.

Q. There is some new information that has been recently disclosed to us, and we wanted to ask you about it would that be ok with you?

A. Yes.

Q. Ms. Mathis this is a follow-up interview from the one we had previously with me and my partner Brenda Armstrong on September 29, 2020 in which you spoke to us briefly and requested that we come back when you had more time to take a formal interview. Do you remember that?

A. Yes.

Q. Ms. Mathis before we begin I need to ask you a few personal questions so that I may complete the top portion of this interview will that be ok with you?

A. Yes.

Q. You are aware that you do not have to speak with me if you do not want to and you can stop the interview at any time?

A. Yes.

Q. Understanding that would you be willing to speak with me and answer some questions regarding this incident?

A. Yes.

Q. Do you read, write and understand the English language?

A. Yes.

Q. What is the highest level of education that you completed?

A. 12th.

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NAME INDIA SPELLMAN	DOCKET CP-51-CR-0001160-2011
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INVESTIGATION INTERVIEW RECORD CONTINUATION SHEET

- Q. Are you presently under the influence of any drugs, medication or alcohol that would prevent you from understanding and answering any of my questions?
 A. No.
- Q. Have you ever been treated for any mental illness that would prevent you from understanding and answering any of my questions?
 A. No.
- Q. Are you willing to answer these questions about this investigation truthfully and under your own free will?
 A. Yes.
- Q. Ms. Mathis, do you remember speaking to detectives on the day of the shooting death of Mr. George Graves if so do you remember who you spoke to and where you spoke to them at?
 A. I don't know their names. I know I spoke to them at 8th & Race.
- Q. Is it correct to say that you gave a statement to Detective Santamala down at the Philadelphia Homicide Unit about 2 hours give or take from the time Mr. Graves was shot and killed?
 A. I don't remember the time. Not long after it happened.
- Q. Can you please review the Investigative Interview Record from Philadelphia Police Department Homicide unit in which Detective Santamala #935 interviewed you on August 18, 2010 at 6:15 Pm and let me know if everything in it is truthful and correct if it is not please cross out and initial next to it and explain what was incorrect?
 A. Most of it is correct except the fact that it says that my grandson was riding his bike and I was standing in my door way. My grandson was 2 at the time and I was not in the door way I was standing next to the gate with my grandson standing behind me. They also said that I said that I could see blood on my Graves chest that was a lie. How could I see that and I was around the corner?
- Q. Please sign and date to acknowledge that you read and corrected anything that was incorrect in the Investigative Interview Record taken by Detective Santamala.
 A. Ok.
- Q. And you would say during that time everything would have been fresh in your mind?
 A. Yeah.

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INVESTIGATION INTERVIEW RECORD CONTINUATION SHEET

Q. Reviewing your statement given to Detective Santamala when you were asked to describe the female you stated "She was black; I think she was brown complexion. She was "thick" and wearing Muslim head garb, it was either black or navy blue... it was dark. Her top was black, but the way she was running I couldn't tell if she was holding part of it up. And I think she had a pair of jeans on." Would you say to the best of your memory that was an accurate description of the female?

A. Yeah.

Q. When you say she was black; I think she was brown complexion. What complexion are you referring to?

A. Your complexion.

Q. Can you please review the complexion sheet that I have prepared and circle, sign and date the photograph that best depicts the complexion of the female that you saw running pass you on the day of the incident?

A. Ok.

Q. When you say she was "thick" can you explain what you mean by thick?

A. She was not fat and she was not skinny she was in between. From the looks when she pulled up her Muslim thing it look like she wore a size 14 in jeans.

Q. During your time down Homicide did you speak to anyone else besides Detective Santamala about what you saw?

A. No.

Q. During your time down Homicide were you threatened, promised or coerced to give your statement?

A. No.

Q. Do you remember speaking to someone from the Police or the District Attorney's office about a month after the shooting death of George Graves?

A. Yeah.

Q. I have a phone message from what appears to be someone named Kathy Mathis Lindsay to someone at the District Attorney's Office dated 9/13/2010, Was Kathy Mathis Lindsay your full name at that time?

A. Yes.

Q. Did you speak to anyone else at the District Attorney's Office if yes who, when and what was the content of the conversation or did you leave a voicemail?

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INVESTIGATION INTERVIEW RECORD CONTINUATION SHEET

- A. I don't remember. But I do remember me calling.
- Q. Please review the phone message. Would this be a message from you on 9/13/2010, Do you recall leaving that message?
- A. I remember taking to someone but I don't remember who?
- Q. In the phone message it states that I got my letter, what letter were you referring to?
- A. It was something about court, I think it was a subpoena I can't be certain.
- Q. The note states "never saw faces". "Didn't see the face". "Did not see a pictures". Can you elaborate on what you were talking about?
- A. I must have been talking about me not seeing the entire face. I only saw the female face from the nose up. I tried to tell them that in court but the attorney wouldn't let me he kept cutting me off.
- Q. Do you remember telling anyone that you did not see the faces of the suspects?
- A. Yes I told that man. The prosecutor.
- Q. The note appears to be around the time of the preliminary hearing in this case, which was within one month after the shooting did you go to the preliminary hearing on January 26, 2011?
- A. No. I only went to court. I went one time for that boy and one time for that girl.
- Q. Why didn't you go to the preliminary hearing?
- A. They never called or came and got me for court like they told me they would.
- Q. Do you know who told you that they were coming to pick you up for court?
- A. Somebody from the DA's office.
- Q. Do you remember testifying in the court proceeding on February 13, 2013 for the female defendant?
- A. Yes.
- Q. How did you get there?
- A. Two men came to pick me up. I think they were detectives they were in civilian clothes.
- Q. Did you speak to anyone Police, Detectives, or District Attorney specifically about the case prior to going in to the courtroom?
- A. Yes.

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- Q. Who was it that you spoke to?
A. The prosecutor.
- Q. Did anyone mention to you that the suspect was already seated in the courtroom?
A. Yes. It was the prosecutor.
- Q. Prior to your testimony at trial, did you tell the prosecutor that you could not in fact identify the suspects?
A. Yeah.
- Q. And what did he say?
A. He told me that she was sitting right there with her attorney.
- Q. When did you tell the prosecutor this?
A. When I was in the court house. In the hallway.
- Q. What were your discussions with the prosecutor about before you testified?
A. I was telling him that I only saw from here up on the girls face. I didn't see her entire face. But didn't nobody wanted to hear it.
- Q. Prior to trial, had you seen any photos of the defendants or news coverage about this incident?
A. No photos, only the news.
- Q. What can you remember about the features of the female suspect?
A. She wasn't fat she wasn't skinny she was dark-skinned. All I could see was her nose and eyes. I couldn't see her entire face.
- Q. When you were in court and testified on February 13, 2013 and February 14, 2013 in the Philadelphia Criminal Justice Center and you saw the defendant sitting next to her attorney did she look like the same person that you saw running down the street on August 18, 2010 the day of the incident?
A. No.
- Q. What was different about the defendant and the female running down the street?
A. She was smaller and she looked good she looked like she loss weight and her skin was radiant she was much lighter than the female that I saw on the day Mr. Graves was killed.

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INVESTIGATION INTERVIEW RECORD CONTINUATION SHEET

- Q. On the day of the trial could you say 100% that the defendant was the same female that you saw running down the street the day of the George Greaves incident?
- A. No
- Q. If you were not 100% sure that the female sitting next to her attorney was the female that you saw on the day that Mr. Graves was murder why did you point her out and identify her as the female you saw?
- A. Because they told me where she would be sitting at.
- Q. Who are you referring to when you sat they?
- A. That man. The prosecutor.
- Q. Reviewing your testimony given to the courts on February 13, 2013 in the Philadelphia Criminal Justice Center located at 1301 Filbert Street would you please look at page 27 in the notes of testimony for Commonwealth vs. India Spellman CP-51-CR-0001161-201. After reviewing it can you sign and date the area that you read?
- A. Ok.
- Q. Please review page 27 lines 7-23, of the notes of testimony for Commonwealth vs. India Spellman

[7] Q. And how about the young lady or the one farther

[8] away. Did you have a chance to see how she was

[9] built?

[10] A. With her jeans pulled up, she looked thick in

[11] the back.

[12] Q. Did you get a chance to see the young lady's

[13] face?

[14] A. Yes, I saw the boy, face.

[15] Q. You saw the boy's face?

[16] A. And from what I could see of her face.

[17] Q. Do you think you would be able to recognize the

[18] girl again if you saw her?

[19] Absolutely.

[20] Is she here today?

[21] Mm-hm.

[22] Would you please point to her?

[23] Yes.

A. Ok.

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- Q. In question 12 it asked. Did you get a chance to see the young lady's face? You stated Yes, I saw the boy's face. What did you mean by that?
A. I saw the boy's face but I did not see the girls face completely.
- Q. You also stated "And from what I could see of her face" what did you mean by that?
A. It was only from her nose up to her forehead everything else was covered.
- Q. Is there anything else you'd like to tell us about the death of George Graves?
A. No
- Q. Have you been threatened, promised or coerced to give this statement?
A. No.
- Q. Is there anything that you would like to add to this interview?
A. No.

PLEASE REVIEW THE ABOVE STATEMENT. IF EVERYTHING ACCURATELY REFLECTS WHAT WE'VE JUST DISCUSSED PLEASE INDICATE SO BY SIGNING AND DATING THE BOTTOM OF EACH PAGE. IF THERE ARE ANY CORRECTIONS, ADDITIONS, OR CHANGES TO BE MADE YOU MAY DO SO IN INK.

AFFIDAVIT

Kathy M Mathis verifies that the facts set forth in the forgoing Affidavit are true and correct to the best of my knowledge, information and belief. The foregoing understands that the statements therein are made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

RECORDED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	CHECKED BY: <u>Kathy M. Mathis</u>	DATE <u>10-12-20</u>	PAGE# <u>7</u>	OF <u>7</u>
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STATEMENT OF ADOPTION ATTESTATION

The attached investigation interview record of 7 pages is a verbatim statement that I have given to Private Detective Ronald Felder, who recorded my answers to the questions that he asked me. I hereby adopt this verbatim statement and hereby verify by my signature below that the facts set forth in this statement are true and correct to the best of my knowledge and belief.

Kathy M. Markes 10-18-20
Signature of Witness

[Signature]
Signature of Detective

INVESTIGATION INTERVIEW RECORD		PHILADELPHIA POLICE DEPARTMENT Homicide		CASE NUMBER: 10-199	
NAME: Kathy Mathis		AGE: 60	RACE: B/F	SEX: FEMALE	INTERVIEWER: Santamala #935
ADDRESS: 7907 Pickering Ave 19150		APARTMENT #:	HOME TELEPHONE# 215-276-3772	DOB: 7/22/50	OTHER CONTACT# 215-200-9856
NAME OF EMPLOYMENT / SCHOOL: Retired		ADDRESS OF EMPLOYMENT / SCHOOL:		DEPARTMENT:	SOCIAL SECURITY #
DATES OF PLANNED VACATIONS: None		DATES OF PLANNED BUSINESS TRIPS:		WORK TELEPHONE#	
NAME OF CLOSE RELATIVE OR ALTERNATE CONTACT PERSON: Terry Mathis (brother)				RELATIONSHIP: brother	
ADDRESS: same				TELEPHONE# 215-276-3772	
PLACE OF INTERVIEW: 750 race St, Homicide Unit				DATE: 8/18/10	TIME: 6:29PM
BROUGHT IN BY: Police				DATE: 8/18/10	TIME: 6:15PM
WE ARE QUESTIONING YOU CONCERNING: The shooting death of George Graves on 8/18/10 at 7901 Pickering Street					
WARNINGS GIVEN BY:					
ANSWERS:				DATE:	TIME:
(1)	(2)	(3)	(4)	(5)	(6)
					(7)

Q Do you read, write and understand English?

A Yes

Q Are you currently under the influence of any medication that would affect your judgment?

A No

Q Do you go by any other names?

A No. Just Kathy

Q Do you know the person that was shot today, Mr George Graves?

A Yes. I have known him for 14 years

Q Please in your own words, tell me what took place today. *Kathy M. Mathis*

A My great grandson was outside riding his bike, playing with my neighbor, Celeste. I was sitting inside my house but my door was open, and my dining room windows were open, so I can see my grandson outside. Suddenly I heard two (2) "pops". I knew right away that they were gunshots. Celeste had my great grand son and was trying to bring him into the house, but he was resisting, so I ran outside to scoop him up. That's when I saw two people, a male and a female turn the corner, running. I stood right there in the door way watching. Celeste said, "oh, those firecrackers scared them". I said "those were no firecrackers...those were gunshots!". I know the sound of a gun. I watched as the two ran around the corner from Phil Ellena onto Pickering Street, They ran up the 7900 block of Pickering and turned left on Greenwood Street. Celeste went across the street and I asked her if she could see anything from her house, because she is on the other side of the street and could see and she replied that she didn't see anything so I went back inside the house. About 15 minutes later Celeste called me and told me Mr Graves was lead. She said that the lady that lives in the house that sits right there on the corner told her that she knew he (Mr

Kathy M. Mathis

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INVESTIGATION INTERVIEW RECORD		CITY OF PHILADELPHIA	
CONTINUATION SHEET		POLICE DEPARTMENT	
NAME: Kathy Mathis		PAGE# 2	CASE# 10-199

Graves) had sugar and thought he may have just passed out, so she called fire rescue. I went up to the corner to see and by that time Fire Rescue was there. Mr Graves was lying on the ground facing up and I could see blood on his chest. *K. M. Mathis*

Q You said that you saw two people running, a male and a female. Can you please describe the female?

A She was black, I think she was brown complexion. She was "thick" and was wearing Muslim head garb, it was either black or navy blue...it was dark. Her top was black, but the way she was running I couldn't tell if she was holding part of it up. And I think she had a pair of jeans on.

Q Can you describe the male that you saw running?

A He was brown skin, he had a little frame, he was thin build, wearing black "knickers", black T-shirt with gold writing and his pants were drooping down, he had on dirty gray under ware. He had a close haircut.

Q Do you remember anything else that may help us?

A I remember that when they got up to around 7917, he turned around and was looking behind.

Q Did you see anyone else running?

A No, it was just them two.

Q Do you know of a person that helps Mr Graves with his yard work?

A Yes, that would be Larry

Q Describe Larry

A Larry is tall, brown skin. He's a real nice man

Q How old is Larry?

A He may be in his 40's

Q Would you be able to tell if that was Larry you observed running?

A Oh, that was defiantly not Larry. I know Larry, and that was not him.

Q Did you see Larry today?

A No, I did see Mr Graves working on his yard, he kept it very well maintained. He had a gray trash can that he was putting the cut grass into: I didn't see Larry there with him, though.

Kathy M. Mathis

COMMONWEALTH v. INDIA SPELLMAN

[Redacted text]

[18] ---
[19] COMMONWEALTH'S EVIDENCE
[20] ---
[21] **THE COURT:** Your first witness
[22] please.
[23] **MR. LIPSCOMB:** Yes, Ms. Kathy Mathis.
[24] **THE CRIER:** Ma'am, in a loud clear
[25] voice, state your full name and spell your last

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[1] name.
[2] **THE WITNESS:** Kathy Mathis,
[3] M-A-T-H-I-S.
[4] ---
[5] (Witness sworn.)
[6] ---
[7] DIRECT EXAMINATION
[8] ---
[9] **BY MR. LIPSCOMB:**
[10] **Q** Ms. Mathis, back in August of 2010, did you
[11] live on Pickering Street?
[12] **A** Yes.
[13] **Q** Back on 7900 block?
[14] **A** Yes.
[15] **Q** Did you have a neighbor by the name of George
[16] Greaves?
[17] **A** Yes.
[18] **Q** I want to ask you about the events the day that
[19] Mr. Greaves died. Do you remember that day?
[20] **A** Yes.
[21] **Q** First of all if you could, describe the houses
[22] on that block. Are they rowhomes, semidetached?
[23] **A** Some are attached like rows but some are
[24] semidetached from each other.
[25] **Q** And what neighborhood of the city would this

COMMONWEALTH v. INDIA SPELLMAN

[1] be?
[2] **A** East Mount Airy.
[3] **Q** What I would like you to do is tell the ladies
[4] and gentlemen of the jury in your own words what you
[5] remember from that afternoon on August 18, 2010.
[6] **A** Okay. I was outside earlier with my great
[7] grandson. And usually in the morning, that is when
[8] we come out to do work. And Mr. Greaves, he is
[9] always out in the yard, you know, doing the grass,
[10] cutting roses down. He kept his lawn really
[11] immaculate. And he would give neighbors tips about
[12] something going on with your roses, you know,
[13] something going on, Well, you have to do this and
[14] keep water off of this. He was like that. But, you
[15] know, a very friendly man.
[16] And so after we finished up the yard work he
[17] came up to my gate and he was talking with my great
[18] grandson. And after then he took his can and the
[19] stuff he was working with in the yard and he took
[20] that to put in the house. I went in the house --
[21] got my grandson, I went in the house and I went to
[22] the store to pick up something from the store. And
[23] I came back. My neighbor was out front. I went in
[24] the house to put my grocery's down. So by the time
[25] I got to the dining room in my house, I heard pop

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[1] pop. I automatically turned and ran because I knew
[2] it was gunshots and she was trying to get, my
[3] neighbor -- my neighborhood was trying to get my
[4] great grandson because he was really resistant.
[5] **Q** How old was he back then?
[6] **A** Two. And so I ran down the steps, five steps.
[7] And so I ran, you know, to grab him to get him in
[8] the house. In the interim I'm standing at my gate
[9] and, you know, the street is there. There is not a
[10] lot of cars parked in that block in the daytime
[11] because people at work or out for whatever reason.
[12] So I am standing there. So here, running
[13] around the corner, this young man, young lady, and
[14] they are running. They got to say 7917 or might
[15] have been 19.
[16] **Q** What house number was Mr. Greaves?
[17] **A** I think he is 01.
[18] **Q** And how many doors down from him did you live
[19] back then?
[20] **A** Three.
[21] **Q** So you see as far down as 7917 on your block?
[22] **A** Yes. You see when they turned, they ran around
[23] Phil Ellena. So they had to pass me because I'm
[24] standing here. And both of them, you know, passed.
[25] When they got to around 17, they stopped. The boy

Kathy M. Mathis 10-12-20

COMMONWEALTH v. INDIA SPELLMAN

[1] stopped, the young man. He stopped to pull his
 [2] pants up because his pants had fallen down. And the
 [3] young lady stopped along with them and both of them
 [4] looked back. And then they took off running and
 [5] they ran straight up Phil Ellena. We have two 7900s
 [6] of Phil Ellena. It is the long and the short. I
 [7] live in the long. They ran to the corner which is
 [8] Greenwood and they made a left and took off down
 [9] Greenwood. Well, once they got around the corner of
 [10] Greenwood, I don't know if they ran, walked, or what
 [11] way.
 [12] Q You didn't follow them?
 [13] A No.
 [14] Q So about how long would you estimate you had
 [15] them in your sight from the time they turn the
 [16] corner until you see them?
 [17] A Until they got to, say, about midway of the
 [18] block.
 [19] Q And do you have an estimate about how long that
 [20] was in time?
 [21] A No.
 [22] Q No?
 [23] A No.
 [24] Q And as they are running, which one is closer to
 [25] you, the boy or the girl?

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[1] if she had on a dress or pants underneath?
 [2] A It was pair of jeans.
 [3] Q And do you recall approximately what the build
 [4] was of the young man?
 [5] A He was a little thin guy, you know. He was
 [6] thin.
 [7] Q And how about the young lady or the one farther
 [8] away. Did you have a chance to see how she was
 [9] built?
 [10] A With her jeans pulled up, she looked thick in
 [11] the back.
 [12] Q Did you get a chance to see the young lady's
 [13] face.
 [14] A Yes, I saw the boy, his face.
 [15] Q You saw the boy's face?
 [16] A And from what I could see of her face.
 [17] Q Do you think you would be able to recognize the
 [18] girl again if you saw her?
 [19] A Absolutely.
 [20] Q Is she here today?
 [21] A Mm-hm.
 [22] Q Would you please point to her?
 [23] A Yes.
 [24] MR. SEAY: Your Honor, may we see the
 [25] court at sidebar?

COMMONWEALTH v. INDIA SPELLMAN

[1] A The boy.
 [2] Q And could you estimate approximately how old
 [3] they appear to be to you?
 [4] A Kids.
 [5] Q Kids?
 [6] A Kids to me. I'm 62 so, you know, they were
 [7] kids to me.
 [8] Q They didn't appear to be adults?
 [9] A No, they were not adults.
 [10] Q Can you recall as you sit here today what they
 [11] were wearing?
 [12] A The boy was wearing a shirt. It was a dark
 [13] shirt, it had gold writing on it. He had on a pair
 [14] of pants that were cut off.
 [15] Q Like capris?
 [16] A Yeah. Capris with the string hanging out the
 [17] side of them. The young lady, she had on Muslim
 [18] garb. The color either black or Navy blue. I can't
 [19] say it was black and couldn't say it was Navy blue
 [20] but the colors so close to together.
 [21] Q Was her head covered?
 [22] A Yes.
 [23] Q Was there a veil over her face?
 [24] A No.
 [25] Q And could you see if she had -- could you see

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[1] [REDACTED]
 [2] [REDACTED]
 [3] [REDACTED]
 [4] [REDACTED]
 [5] [REDACTED]
 [6] [REDACTED]
 [7] [REDACTED]
 [8] [REDACTED]
 [9] [REDACTED]
 [10] [REDACTED]
 [11] [REDACTED]
 [12] [REDACTED]
 [13] [REDACTED]
 [14] [REDACTED]
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 [16] [REDACTED]
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 [18] [REDACTED]
 [19] [REDACTED]
 [20] [REDACTED]
 [21] [REDACTED]
 [22] [REDACTED]
 [23] [REDACTED]
 [24] [REDACTED]
 [25] [REDACTED]

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[REDACTED]

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[1] **THE COURT:** Do you want to state your
[2] name for the record.
[3] **THE WITNESS:** Kathy May Mathis.
[4] ---
[5] (Witness sworn.)
[6] ---
[7] **THE COURT:** Very well. And this is
[8] going to be brief, Miss Mathis. And there has
[9] been a motion, an oral motion that has been
[10] filed to suppress the identification based on
[11] the fact that was first time it was in court so
[12] if there is independent basis.
[13] Is that correct, Mr. Seay?
[14] **MR. SEAY:** That's correct.
[15] **THE COURT:** Very well.
[16] Commonwealth?
[17] **MR. LIPSCOMB:** Ms. Mathis, I take it
[18] when you saw the two people walk past your
[19] residence it was daylight.
[20] **THE WITNESS:** Yes.
[21] **MR. LIPSCOMB:** And do you have an
[22] estimate as to how far away they were when they
[23] were level with your property?
[24] **THE WITNESS:** No more than five, six
[25] feet. It is three feet from my gate, I mean,

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[1] on the sidewalk is like three feet less. So
[2] they were in the middle of the street. So I
[3] would say no more than six feet.
[4] **MR. LIPSCOMB:** And the girl, did you
[5] have a chance to see the girl's face?
[6] **THE WITNESS:** Yes. She had on Muslim
[7] garb, the had wrap on, and the -- I think they
[8] call it khimar. I'm not sure what -- the long
[9] dress.
[10] **MR. LIPSCOMB:** And you were able to
[11] actually see here features?
[12] **THE WITNESS:** Mm-hm.
[13] **MR. LIPSCOMB:** I'm sorry --
[14] **THE WITNESS:** Yes.
[15] **THE COURT:** Was that a full face view
[16] or side?
[17] **THE WITNESS:** Just this.
[18] **THE COURT:** Indicating full facial
[19] area.
[20] **MR. SEAY:** Excuse me, Judge. You
[21] said just, you are talking about not complete
[22] face, not complete face?
[23] **THE WITNESS:** This.
[24] **MR. LIPSCOMB:** For the record the
[25] witness is --

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[1] **THE WITNESS:** I'm trying to show you
[2] with the thing she had on.
[3] **MR. SEAY:** Because the whole purpose
[4] of that is to cover the hair, for the Muslims;
[5] right? If you know?
[6] **THE COURT:** Well --
[7] **MR. SEAY:** I don't mean to interrupt
[8] you.
[9] **THE COURT:** Go ahead. You can
[10] continue.
[11] **MR. LIPSCOMB:** And, ma'am, it is my
[12] understanding they also kept walking down the
[13] street?
[14] **THE WITNESS:** They were running.
[15] **MR. LIPSCOMB:** Running. And did she
[16] at any point turn back around?
[17] **THE WITNESS:** Yes, her and the young
[18] man.
[19] **MR. LIPSCOMB:** Did you have a chance
[20] to see her face again?
[21] **THE WITNESS:** Yes. I looked right at
[22] her. Because I didn't know if somebody, you
[23] know, because they came running from -- Phil
[24] Ellena is here. They came running around into
[25] Pickering. My great grandson was outside. And

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[1] I ran out the door and I grabbed him and put
[2] him behind me because they were running up -- I
[3] didn't know if it was somebody returning fire
[4] or anything like that. I just heard the
[5] pop-pop and I knew it was gunfire.

[6] And when they came into Pickering,
[7] I'm standing this way looking -- I saw both of
[8] them -- I'm standing there looking. Then they
[9] ran past and they stopped at around 17 or 18.

[10] And because the young man, he had to pull his
[11] pants up because his pants had fallen. And she
[12] was holding the left side, the bottom of the
[13] dress up. Her right hand was across this way.
[14] And that is how I got such a really good look
[15] at them.

[16] **THE COURT:** Very well. Any further
[17] questions?

[18] **MR. LIPSCOMB:** Nothing further.

[19] **MR. SEAY:** I do.

[20] Have you seen the statement you gave
[21] to the police on the day?

[22] **THE WITNESS:** No.

[23] **MR. SEAY:** Because in the statement,
[24] to refresh your recollection, you were asked
[25] did they turn around. And you said only the

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[1] young man turned around, that the girl was
[2] running and never turned around. Did you see
[3] it?

[4] **THE WITNESS:** So I have to see it.

[5] **MR. SEAY:** I will show it to you,
[6] ma'am.

[7] **THE COURT:** Well, I think that
[8] subject is for trial.

[9] **MR. SEAY:** Okay. She brought it up
[10] here.

[11] **THE COURT:** Let's keep it just to the
[12] independent basis. Any questions on that?

[13] **MR. SEAY:** You never gave any other
[14] identification of her other than the day that
[15] you did in court; is that right.

[16] **THE WITNESS:** No. I told them --

[17] **MR. SEAY:** Listen carefully to my
[18] question.

[19] **MR. LIPSCOMB:** Your Honor, he doesn't
[20] need to argue with the witness.

[21] **MR. SEAY:** I'm not arguing. Listen
[22] carefully to my question. You never identified
[23] this young lady from two and a half years ago
[24] until you identified her in the courtroom -- no
[25] pictures were ever shown you?

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[1] **THE WITNESS:** No pictures were ever
[2] shown.

[3] **MR. SEAY:** You never went -- no
[4] lineup was ever given for her?

[5] **THE WITNESS:** We were supposed to go
[6] to one but it was canceled.

[7] **MR. SEAY:** It was canceled.

[8] Thank you, ma'am.

[9] **MR. LIPSCOMB:** And for the record
[10] canceled by the defense.

[11] **THE COURT:** Okay. You are going to
[12] be done in just a short minute. And if you can
[13] just go back into the courtroom. And thank
[14] you. And thank you for coming in again.

[15] **MR. LIPSCOMB:** Thank you, Ms. Mathis.
[16] We will be right out.

[17] **THE COURT:** And close that door.

[18] ---

[19] (Witness Mathis departs the robing
[20] room.)

[21] ---

[22] [REDACTED]

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[22] [REDACTED]

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[REDACTED]

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[REDACTED]

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[REDACTED]

[15] **THE CRIER:** Ma'am, if you could,
[16] please state your full name, spell your last
[17] name for the record.

[18] **THE WITNESS:** Kathy May Mathis,
[19] M-A-T-H-I-S.

[20] ---
[21] (Witness sworn.)

[22] ---
[23] **THE COURT:** Very well. We were in
[24] the middle of direct examination, and I believe
[25] we stopped at a point where the witness gave

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[1] identification.
[2] **MR. LIPSCOMB:** Right.
[3] **THE COURT:** Let's proceed from there.
[4] ---
[5] DIRECT EXAMINATION (Continued)
[6] ---
[7] **BY MR. LIPSCOMB:**
[8] **Q** Now, Ms. Mathis, when you see the defendant and
[9] the young man, the boy, walk past your place,
[10] approximately how far away from you were they?
[11] **A** They actually ran past.
[12] **Q** They ran past. Okay.
[13] **A** Yes. And between my house is the sidewalk, got
[14] to be no more than three feet, and they were in
[15] the street running, so no more than, I would say,
[16] five or six feet away.
[17] **Q** And, ma'am, the first time that they run past
[18] you, did you have a chance to see the defendant's
[19] face?
[20] **A** Yes. They ran toward me. They were coming
[21] from around Phil Ellena into Pickering. I was
[22] standing at the gate with my great grandson behind
[23] me, because I didn't know if somebody was going to
[24] be shooting back or what.
[25] **THE COURT:** This is after you heard

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[1] the shot?

[2] **THE WITNESS:** Yes. And I had him

[3] behind me. Her and the young man, they ran and

[4] they got to about 17. They stopped, and they

[5] turned to look behind them. The young man, his

[6] pants was falling, and he had just pulled his

[7] pants up. And I'm standing there and my eyes

[8] followed them up there because I'm moving my --

[9] he was two years old at the time. I'm moving

[10] him behind me because I didn't want him to get

[11] hurt.

[12] **BY MR. LIPSCOMB:**

[13] **Q** And at that point, when the young man and the

[14] defendant turned around, did you have a chance to

[15] see her face then; did you?

[16] **A** Yes. Yes. But I saw her face and his face

[17] because they were running toward -- I was standing

[18] like --

[19] **THE COURT:** How far away?

[20] **THE WITNESS:** From the time they

[21] turned the corner, that was the -- in front

[22] of -- actually, it was in the front of

[23] Mr. George's house.

[24] **THE COURT:** How far away from you was

[25] that?

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[1] **THE WITNESS:** Coming around the

[2] corner, maybe where the lady sitting in the

[3] back with the glasses.

[4] **THE COURT:** Right.

[5] **MR. LIPSCOMB:** Indicated by pointed

[6] finger --

[7] **THE COURT:** Probably about 15 feet.

[8] **THE WITNESS:** Turning the corner.

[9] **MR. LIPSCOMB:** Indicating by pointed

[10] finger at Juror No. 8.

[11] **THE WITNESS:** Oh, I'm sorry.

[12] **MR. LIPSCOMB:** And, Your Honor --

[13] **THE WITNESS:** And they -- and I'm

[14] standing, like, on the corner of my fence with

[15] my grandson behind me. And they're running

[16] this way.

[17] **BY MR. LIPSCOMB:**

[18] **Q** Okay. Towards you.

[19] **A** So as they're running toward me, I'm

[20] standing -- turning, pushing him behind me, because

[21] my neighbor tried to get him in the house, and he

[22] wouldn't move.

[23] **Q** Right. He was being --

[24] **THE COURT:** How close did they get to

[25] you?

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[1] **THE WITNESS:** Pardon me?

[2] **THE COURT:** How close did they get to

[3] you?

[4] **THE WITNESS:** Like right here, where

[5] these jurors are.

[6] **THE COURT:** Approximately 6 and 7.

[7] **THE WITNESS:** Uh-huh.

[8] **MR. LIPSCOMB:** Indicating by pointed

[9] finger where Juror No. 7 is seated.

[10] **BY MR. LIPSCOMB:**

[11] **Q** So when they're up the street at No. 17 -- or

[12] No. 17 or No. 18 -- that's 7917 or 7918 Pickering?

[13] **A** Yes.

[14] **Q** So that's going to be about five houses up from

[15] you?

[16] **A** Right.

[17] **Q** And that's the second time --

[18] **A** Yes.

[19] **Q** -- that you get a sight of her face.

[20] **A** Yes.

[21] **Q** Now, ma'am, after this all happens, did you

[22] tell the police what you've seen?

[23] **A** Actually, I didn't know that Mr. George had

[24] been shot. My neighbor, she lives across the

[25] street, and she can actually see down Phil Ellena

COMMONWEALTH v. INDIA SPELLMAN

[1] going towards Cheltenham.

[2] **MR. SEAY:** Excuse me, ma'am. This

[3] objection --

[4] **THE COURT:** Yes. Rephrase the

[5] question. Objection sustained.

[6] **BY MR. LIPSCOMB:**

[7] **Q** After you see this, did you call 911?

[8] **A** No, I didn't call because I didn't see

[9] Mr. George laying in his driveway. His driveway

[10] slopes down, and he was actually laying in the

[11] slope.

[12] **Q** How did you find out that he was killed?

[13] **A** The lady who lives on Phil Ellena directly

[14] across from him. She saw him laying out in the

[15] driveway, and she called fire rescue. And when fire

[16] rescue came, they said that he had been laying for

[17] awhile, and he was shot.

[18] **Q** When the police arrived, did you tell them what

[19] you had seen?

[20] **A** Yes, I did.

[21] **Q** Were you asked to go down to the Homicide

[22] division at 8th and Race?

[23] **A** Yes, I was.

[24] **Q** And, ma'am, I'm going to ask you to have a look

[25] at what is premarked Commonwealth's Exhibit C-63,

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[1] and I'm going to ask you to have a look at C-63 and
[2] just let us know if you recognize that?
[3] **A** Yes.
[4] **Q** And what is this?
[5] **A** This is questions that they asked me in the
[6] police station.
[7] **Q** So is that the statement that you gave to the
[8] police?
[9] **A** Uh-huh.
[10] **Q** And that was on the day that Mr. George got
[11] killed?
[12] **A** Yes.
[13] **MR. LIPSCOMB:** Ma'am, those are all
[14] the questions I have for you. Mr. Seay might
[15] have some.
[16] **THE COURT:** Very well.
[17] Cross-examine, Mr. Seay.
[18] ---
[19] **CROSS-EXAMINATION**
[20] ---
[21] **BY MR. SEAY:**
[22] **Q** Good afternoon, Ms. Mathis.
[23] **A** Good afternoon.
[24] **Q** You have the statement in your hand. Would you
[25] look at the second page?

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[1] **A** Yes.
[2] **Q** And do you see the part where it says:
[3] **Question:** You saw two people running, a male
[4] and a female.
[5] **A** Uh-huh.
[6] **Q** Do you remember? And it says, Can you describe
[7] the female?
[8] **A** Yes.
[9] **Q** And do you remember your answer? You said, She
[10] was black.
[11] **A** Uh-huh.
[12] **Q** I think she was brown complexion. She was
[13] thick and wearing a Muslim head garb. It was either
[14] navy blue --
[15] **MR. LIPSCOMB:** It was either black
[16] or --
[17] **BY MR. SEAY:**
[18] **Q** I'm sorry -- either black or navy blue. It was
[19] dark. Her top was black, but the way she was
[20] running, I couldn't tell if she was holding part of
[21] it. And I think she had a pair of jeans on. You
[22] said that, right?
[23] **A** Yes.
[24] **Q** And, actually, I spoke with you outside the
[25] other day when you were here, and I asked you what

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[1] you meant by "wide." You indicated that when she
[2] was running, you could see that she was thick in the
[3] back. That's what you meant by "wide?"
[4] **A** Yes. I didn't say she was "wide." I said she
[5] was "thick."
[6] **Q** Thick.
[7] **A** Thick in the back.
[8] **Q** Thick in the back.
[9] **A** Yeah.
[10] **Q** Meaning she had a big backside? She was
[11] wobbling there like, woop?
[12] **A** No, not wobbling, sir. I didn't she was fat.
[13] **MR. SEAY:** (To the defendant) Stand
[14] up. Turn around.
[15] **BY MR. SEAY:**
[16] **Q** You think this girl is wide or thick?
[17] **A** Thick in -- she has a nice round butt. She's
[18] thick.
[19] **Q** I mean, she's not thick.
[20] **A** Yes. She's -- well, I'm saying she's thick.
[21] She -- the girl is thick. She has a nice butt.
[22] **THE COURT:** Is that a form of art
[23] with you?
[24] **MR. SEAY:** Yeah. Right. I mean --
[25] **THE WITNESS:** No. Well, that's

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[1] you're either -- you either got a little flat
[2] behind, you got a big butt, or you got a fat
[3] butt.
[4] **THE COURT:** Well, let me just say
[5] **this to you:** It's Valentine's Day. I'm not
[6] going to say that to flatter my brides.
[7] But go ahead, Mr. Seay.
[8] **BY MR. SEAY:**
[9] **Q** Look down at the middle of the page further.
[10] Question -- no. I'm sorry.
[11] **Question:** Can you describe the male that you
[12] saw running?
[13] **Answer:** He was brown skin. He had a little
[14] frame. He was thin built, wearing black knickers,
[15] black t-shirt with gold writing on it, and his pants
[16] were drooping down. He had on dirty-gray underwear.
[17] He had a close haircut.
[18] Do you remember saying that?
[19] **A** Yes.
[20] **Q** And do you remember saying:
[21] **Question:** Do you remember anything else that
[22] may help us?
[23] **Answer:** I remember that when they got
[24] around -- up to 7917, he turned around and was
[25] looking behind.

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[1] Did you say that? Did you tell them?
[2] **A** I told them both of them did.
[3] **Q** Well, it's not on the paper; is it? They let
[4] you read it.
[5] **A** Well, listen, sir --
[6] **Q** Did they let you read it, ma'am?
[7] **A** No. You know, he told me to sign it, and
[8] this is a copy of it. Down at the --
[9] **Q** Yes, I know. Yes, ma'am. But you're --
[10] **THE COURT**: Wait. Let her finish,
[11] please, Mr. Seay. Go ahead.
[12] **BY MR. SEAY**:
[13] **Q** Yes, ma'am.
[14] **A** I said to them when they asked me, I told them,
[15] I said that they both stopped and looked behind
[16] them. And they told me not to say this, but I said,
[17] They looked behind them like to see if someone was
[18] chasing behind them. That's what I --
[19] **Q** Who told you not to say that --
[20] **A** Well, at the young man's trial, I was --
[21] **Q** Who told you not to say it?
[22] **A** They told me not to say that because that was
[23] giving my opinion.
[24] **THE COURT**: You mean, there was an
[25] objection, and that objection was sustained; is

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[1] **Q** Without reading it?
[2] **A** No. If I read it, I must have skimmed over it,
[3] sir. But I know what I said to them.
[4] **Q** And you also --
[5] **A** Because I even told them how the young lady was
[6] running.
[7] **Q** And you also --
[8] **THE COURT**: Okay. Go ahead. Next
[9] question, Mr. Seay.
[10] **MR. SEAY**: Thank you, Judge.
[11] **BY MR. SEAY**:
[12] **Q** You're coming in two and half years later and
[13] identifying -- in all that commotion and stuff that
[14] day, you identified this girl as being the one that
[15] was running with the boy; right?
[16] **A** With the young man, yes.
[17] **Q** Now, you went to a lineup --
[18] **A** Yes.
[19] **Q** -- about a few months or a few weeks after the
[20] incident; right?
[21] **A** About a week after.
[22] **Q** About a week after. And you went down to see
[23] the young man and if you could identify the young
[24] man in the lineup; isn't that right?
[25] **A** Yes.

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[1] that basically it?
[2] **MR. LIPSCOMB**: Yeah. That's what the
[3] transcript says.
[4] **THE COURT**: Yeah. We understand.
[5] Okay. Let's move on, Mr. Seay. Next question.
[6] **BY MR. SEAY**:
[7] **Q** In any event, you don't say anything about the
[8] girl turning around, yes or no?
[9] **A** Yes, I did, sir.
[10] **Q** On here, is it on your statement?
[11] **A** Sir, if it's not on here, they didn't put it on
[12] there, but I said it.
[13] **Q** But you read it.
[14] **THE COURT**: Wait. Let her finish.
[15] **THE WITNESS**: I said it.
[16] **BY MR. SEAY**:
[17] **Q** You signed it too; didn't you --
[18] **A** Yes, sir.
[19] **Q** -- after? And they let you read it to make
[20] sure that it was accurate; didn't they?
[21] **A** No.
[22] **Q** They didn't let you read it?
[23] **A** No. I didn't sit and read no papers down
[24] there. They asked me the questions, and he told me
[25] to sign. I signed the paper.

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[1] **Q** And you said you looked at the four or five
[2] guys, and you said, He's not in the lineup; didn't
[3] you?
[4] **A** I told them I couldn't recognize anyone in that
[5] lineup.
[6] **MR. LIPSCOMB**: Actually, I think it
[7] was six or seven.
[8] **BY MR. SEAY**:
[9] **Q** Oh, six or seven. It's been a long time. And
[10] you couldn't pick him out; right?
[11] **A** No, I didn't see him.
[12] **Q** But you learned later he was in the lineup;
[13] didn't you?
[14] **A** No. How did I learn later he was in the
[15] lineup?
[16] **THE COURT**: The officer didn't tell
[17] you that night?
[18] **THE WITNESS**: No. Nobody told me
[19] anything.
[20] **BY MR. SEAY**:
[21] **Q** No, you didn't pick anybody out?
[22] **A** No.
[23] **Q** I don't want to confuse you. You didn't pick
[24] anybody out?
[25] **A** No. They said to me --

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[1] Q Are you going to answer my question?
 [2] MR. LIPSCOMB: Objection. Your
 [3] Honor, he's arguing with the witness.
 [4] MR. SEAY: No. I'm not going to
 [5] argue. I'm not arguing much at all. Answer
 [6] the question and then explain it.
 [7] THE COURT: Hold on. Listen, listen,
 [8] let her finish the answer.
 [9] MR. SEAY: Let her answer then --
 [10] THE COURT: What was the question?
 [11] Give the question again, Mr. Seay, please. Go
 [12] ahead.
 [13] BY MR. SEAY:
 [14] Q Did you pick any young man out of that lineup?
 [15] A No, sir.
 [16] Q If you remember, how many young men were in
 [17] that lineup?
 [18] A I don't know. They were across the wall.
 [19] Q And you took your time looking?
 [20] A Yes.
 [21] Q And there was a detective in there; wasn't
 [22] there?
 [23] A It --
 [24] THE COURT: He ran the lineup.
 [25] THE WITNESS: No. It was --

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[REDACTED]

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[1] actually, it was a female DA that was in there.
 [2] She was in there, and there was several other
 [3] people in there. But I remember the female DA
 [4] being in there, and it was two of us they
 [5] brought in there. And they told us that we
 [6] weren't allowed to talk to each other or look
 [7] at each other; we were to stay focused.
 [8] BY MR. SEAY:
 [9] Q And they said, Take your time, and see if you
 [10] can identify anybody in that lineup involved in the
 [11] incident in the homicide of Mr. Greaves?
 [12] A Yes.
 [13] MR. SEAY: No further questions.
 [14] THE COURT: Thank you, ma'am. Thank
 [15] you for coming in this time. You're excused.
 [16] ---
 [17] (Witness excused.)
 [18] ---
 [REDACTED]

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[REDACTED]

FOR

me

Urgent

DATE

9-13-10

TIME

A.M.

P.M.

While You Were Out

M

Kathy Mathis

OF

Lindsay

PHONE

215 276-3772

AREA CODE

NUMBER

EXTENSION

TELEPHONED

PLEASE CALL

today

CAME TO SEE YOU

WILL CALL AGAIN

RETURNED YOUR CALL

WANTS TO SEE YOU

MESSAGE

got my little

*never saw face.
didn't see the face.*

did not see pictures.

SIGNED



9711

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She was nervous at noon.

His pants were falling

NO gasps made.

