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IN THE COURT OF COMMON PLEAS
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
CRIMINAL TRIAL DIVISION

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COMMONWEALTH : MAY TERM, 1997

VS.

ARNIM EVANS : NO.: 0141

Tuesday, July 6, 1999

Courtroom 602 - Criminal Justice Center
Philadelphia, Pennsylvania

GUILTY PLEA

/no contest
plea

BEFORE: THE HONORABLE JANE CUTLER GREENSPAN, J.

APPEARANCES:

ARLENE FISK, ESQUIRE
For the Commonwealth

DANIEL STEVENSON, ESQUIRE
For the Defendant

On these He just told me to say yes!

KEVIN FLANAGAN, RPR

ALSO PRESENT:

EVERETT GILLISON, ESQUIRE
For the Defendant

THE COURT: This is a negotiated no contest plea; is that correct?

MS. FISK: Yes, Your Honor; no contest to two counts of Murder in the First Degree, and two counts of Rape, with an agreement that based on a recitation of the facts, there is sufficient evidence upon which Your Honor will find the Defendant guilty of those four counts, and that two consecutive sentences of life imprisonment will be imposed on the two Murder convictions, with no further penalty for the two Rape convictions.

THE COURT: We can have the Defendant sworn.

COURT OFFICER: State your full name, for the record, and spell your last name.

THE DEFENDANT: Arnim Evans;
E-v-a-n-s.

ARNIM EVANS, the Defendant, having been first duly sworn, was examined and testified, as follows:

MR. STEVENSON: Your Honor, may I ask Mr. Evans some questions?

THE COURT: Sure.

MR. STEVENSON: Mr. Evans, as you well know, my name is Dan Stevenson, and we have been representing you for some two years now; that is, myself, along with Mr. Gillison.

The other day, we came up and read this no contest form with you, did we not?

THE DEFENDANT: Yes.

MR. STEVENSON: I went over it again with you this morning, did I not?

THE DEFENDANT: Yes.

MR. STEVENSON: In fact, you signed the bottom of these five pages -- you initialed the first four, and signed the last page; is that correct?

THE DEFENDANT: Yes.

MR. STEVENSON: I would just like to briefly go over some of this with you now, so that we can put this on the record.

How old are you?

THE DEFENDANT: 31.

MR. STEVENSON: How far did you go in school?

THE DEFENDANT: Ninth grade.

MR. STEVENSON: Do you read, write

and understand English?

THE DEFENDANT: Yes.

MR. STEVENSON: Are you presently, this day, under the treatment of any psychiatrist or psychologist, for any mental disease or defect?

THE DEFENDANT: No.

MR. STEVENSON: Have you taken any medicine today, or within the last week, that would cause you not to understand what is going on here today?

THE DEFENDANT: No.

MR. STEVENSON: Do you understand, sir, that you are here today to plead no contest, as you just heard Miss Fisk say, to two counts of First Degree Murder, and two counts of Rape, and do you understand that by pleading no contest today, the Court will listen solely to what Miss Fisk reads into the record, and will enter verdicts of guilty on two counts of Murder, and two counts of Rape?

Here is where I wanted to change my mind and he said the don't want everything is going to be ok

IF I knew this I would have never done it

THE DEFENDANT: Excuse me?

MR. STEVENSON: Do you understand that by pleading no contest today, the Court will hear the evidence that Miss Fisk reads, and you will be found guilty of those charges?

He just said say yes in my ear

THE DEFENDANT: Yes.

MR. STEVENSON: Other than the fact that we have agreed that the Commonwealth will not seek the death penalty, has anyone forced you to do this, or has anyone promised you anything?

THE DEFENDANT: No.

MR. STEVENSON: Do you understand -- I already went over all of this with you.

Do you understand that you have the right to a jury trial, and that you are giving all of that up today?

THE DEFENDANT: Yes.

MR. STEVENSON: Do you understand that you also have the right to a trial with just the Judge?

THE DEFENDANT: Yes.

MR. STEVENSON: Do you also understand that you are giving up your right to challenge any statements or identifications that were made of you, any pre-trial right to suppress both the statements, and any identifications that were made of you?

THE DEFENDANT: Yes.

MR. STEVENSON: Do you understand that your appellate rights, after the entrance of a no contest plea, are limited to three grounds: The jurisdiction of the Court, which means that this Judge does

statements were made to help me

They got me here

not have the right to hear this plea, this no contest plea; the legality of the sentence, and the voluntariness of the plea?

*Did not understand none of what he said
he just told me to say yes*

THE DEFENDANT: Yes.

MR. STEVENSON: You are not on probation or parole now, are you?

THE DEFENDANT: No.

MR. STEVENSON: In fact, you have no criminal record, do you?

THE DEFENDANT: No.

MR. STEVENSON: You are a citizen of the United States; is that correct?

THE DEFENDANT: Yes.

MR. STEVENSON: Are you satisfied with the representation of myself and Mr. Gillison?

THE DEFENDANT: Yes.

MR. STEVENSON: I am now handing this form up to the Court. (Indicating).

THE COURT: No other promises have been made to you?

THE DEFENDANT: No.

(Whereupon, a brief pause was taken from the proceedings, at this time.)

THE COURT: I believe that everything

in the form has been covered, but let me ask you -- I know that you signed this, Mr. Evans, but did you go over this with your attorney; did you go over this form with your attorney?

THE DEFENDANT: Yes.

THE COURT: Do you have any other questions that you want to ask Mr. Stevenson now, or ask me?

THE DEFENDANT: No.

THE COURT: You may read the factual basis.

MS. FISK: Your Honor, first, may the record reflect that the Commonwealth stands ready to proceed to trial. This matter is, in fact, scheduled to begin next week, and we are prepared and ready, with all necessary witnesses, just so that the record is clear, and reflects that.

I would also ask, Your Honor, as a part of the recitation of the facts, that the notes of testimony from the preliminary hearing, which are in the Quarter Sessions file, be marked and entered into the record, and I will refer to them briefly in summary, but certainly the details in those notes of testimony are far more extensive.

(Whereupon, the notes of testimony

from the preliminary hearing were collectively marked as Exhibit C-1, for identification.)

MS. FISK: If the Commonwealth were to proceed to trial, Your Honor, we would show that on March 21st and March 22nd of 1997, the two Decedents in this case, Roseanne Young and Pamela Blue, lived at 146 Millick Street, in the City of Philadelphia. They lived there with Roseanne Young's infant child, and Pamela Blue's three sons, who were eight-year-old twins, Kyle and Kevin, and her nine-year-old son, Keith. They all have the last name of Smallwood.

The evidence would show, Your Honor, that on Friday evening, the 21st of March, 1997, Pamela, who was in her 30's -- I will give you her exact age.

(Whereupon, a brief pause was taken from the proceedings, at this time.)

MS. FISK: Actually, Pamela was a 34-year-old Black female. Roseanne was a 25-year-old Black female.

The evidence, Your Honor, would show that Pamela went out on Friday evening, the 21st, leaving Roseanne to watch her own child, and Pamela's three boys, as well as an additional infant of her friend, who she was watching.

The eight-year-old boys, Kyle and

Kevin, would testify that they awoke during the night, while it was dark out, probably in the early morning hours of the 22nd, but sometime after they went to sleep on Friday night, the 21st, because they heard their aunt, Roseanne, having an argument with someone downstairs.

The boys went to the top of the stairs, Your Honor. They heard the voice of a man whom they would identify as the Defendant, who they then saw the next morning, and realized that it was the same man.

They saw and heard their aunt arguing with the Defendant about the fact that he had come over so late. *This was a lie*

The boys would testify that their aunt told them to go back to bed, which they did. *only one boy was up*

Those two boys, as well as their older brother, would testify that when they woke up the following morning, they never again saw their aunt, Roseanne, alive.

The boys would go on to testify -- and that is all three boys, Keith, Kyle and Kevin -- that when they woke up on Saturday morning, the 22nd, they had arrangements to spend the day with their father, Keith, Sr., who was coming to pick them up between nine and 10:00 in the morning.

They would testify that when they woke up, their mother was in the house; their mother, Pamela, was in the house, as well as the Defendant, whom they would identify. They knew the Defendant by the name of Darryl.

The two eight-year-olds who woke up in the middle of the night recognized Darryl's voice as the man that they had heard their aunt arguing with the night prior. They had never met Darryl before.

They would testify, Your Honor, that Darryl and their mother, Pamela, entered into some kind of dispute, a verbal dispute, on the second floor of the house, and that at some point, their mother went downstairs to fix them breakfast on the first floor. The kitchen in this home at 146 Millick is in the back of the first floor.

Your Honor, the oldest boy, Keith, would testify that after his mother went downstairs to get breakfast, the Defendant went downstairs behind his mother, and his mother then failed to come back up. So, he went downstairs to inquire of his mother as to how long breakfast would be.

Your Honor, Keith would further testify that when he got to the first floor, about midway between the living room and the dining room, he saw a large

pile of clothing and coats on the floor. He could not see his mother. He called out for his mother. His mother did not respond, but the Defendant called from the basement to the boy, "Go upstairs, and something will be brought up to you."

He then followed those instructions, he would testify, Your Honor, and he and his brothers would further testify that they never again saw their mother alive.

The boys would testify that shortly thereafter, after Keith was sent upstairs, the Defendant joined them upstairs, and now all five children and the Defendant remained upstairs. The Defendant brought them food. It appeared to the boys that the phones were unplugged. When they tried to use the phones, they were not able to get a dial tone on those occasions.

Your Honor, when their father came to the front door, and knocked for them, they were not permitted by the Defendant to go to the front of the house and respond.

Read the statements, he said he was at the door but I pushed him back up the steps

They remained in that status on the second floor of the home, without view of their aunt or their mother, and solely with the Defendant, throughout that entire day, Saturday, March 22nd, 1997, until approximately

DAD WAS TO COME
Between 9:00 AM why so late
10:00 AM

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6:00 in the evening.

Your Honor, the Commonwealth would also present Keith Smallwood, Sr., who would testify that because he had arrangements to see his sons on that day, he went to the house at 146 Millick early that morning. He was unable to get a response at the door.

He then went to Pamela's father's house, to see if, perhaps, the boys were there. He was unable to find them.

Throughout the day, Your Honor, he called the house several times. He was unable to get a response.

He then joined up with the other woman whose infant was being cared for by Roseanne, and finally, at about 6:00 in the evening, on March 22nd, Keith Smallwood called the police. He had them meet him at 146 Millick Street, and with the police present with them on the front porch of the house, he broke through the front window of the porch, into the home.

Your Honor, both Keith Smallwood, Sr., as well as the police officers who were present, as well as the boys who were upstairs, would testify that at the moment that Keith Smallwood broke into the house, the only occupants in the house were the five children, as well

as the Defendant.

Subsequent investigation and examination of the house disclosed that the front door was bolted from the inside, with the key broken in the lock, and that the back door was closed, and had been for an extensive period of time, as the witnesses would testify, based on the large build-up of dust and cobwebs across the closed part of the back door. Even though it was not locked, there was a car battery up against it, and dust in the area of the car battery, and had the car battery been moved to afford access in and out of that door, it would have been apparent, but there was no apparent movement of that battery for an extended period of time.

*why would
I lock
myself
in*

The Defendant was taken into custody by the police when it was discovered that the large pile of clothing on the first floor, between the living room and the dining room, had below it, or underneath it, the body of Roseanne Young.

Your Honor, the police then went into the basement, after the boys told the police that the Defendant had been in the basement, and found the body of Pamela Blue.

The bodies of both women were transferred to the Office of the Medical Examiner, where

post-mortem examinations were conducted upon them by Dr. Bennett Preston.

Dr. Preston, who would be qualified as an expert in the field of forensic pathology, would testify that Pamela Blue, who was 34 years old at the time of her death, was identified by her brothers, James and Frederick, who are both in the courtroom, Your Honor, and that Roseanne Young, a 25-year-old female, was identified by Keith Smallwood, Sr., who was, in fact, her nephew, as well as Frederick Blue, who was a friend.

Dr. Preston would testify that Miss Young's death, based on a post-mortem examination, was caused by suffocation. She had a wash rag jammed into her mouth in the form of a gag, that was tied to a long purple cloth, which was wrapped loosely around her neck. The petechial hemorrhages, dusky face, and other injuries seen in the internal examination caused the doctor to conclude that her injuries; that is, Miss Young's injuries; were consistent with suffocation, as a result of a wash rag being jammed into her mouth.

In addition, Your Honor, Dr. Preston did an examination of the vagina, and examination of those smears revealed the presence of complete sperm and sperm heads.

Where is the
RAPE

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Those have been examined, Your Honor, both by the Philadelphia Chem Lab, as well as Celli Mark, and the Defendant, Arnim Evans, can't be excluded as a source of the sperm in Roseanne Young.

The doctor would further testify, Your Honor, that in his opinion, the cause of Miss Young's death was suffocation, and the manner of her death was Homicide.

In addition, Your Honor, Dr. Preston conducted a post-mortem examination on the remains of Miss Blue, whose partially naked body was found in the basement. The police would testify that she was found naked from the waist up, and that she had a ligature mark around her neck at the time that she was found.

Dr. Preston would testify that there were petechial hemorrhages around her eyes, and an area of bruising to her neck, consistent with strangulation, and bruises to her upper chest.

In addition, the doctor would testify, as to the remains of Miss Blue, that there was evidence of strangulation, specifically a variety of bruises, which he discussed in great detail in his Medical Examiner's Report, and evidence of dragging and hand bindings on Miss Blue.

Had to make
noise all lies

In addition, there was an examination of the vagina of Miss Blue, and examination of the smears from her remains also reveal the presence of complete sperm and sperm heads.

Your Honor, those have been examined both by the Philadelphia Chem Lab, as well as Cell Mark, and the Defendant can't be excluded as a source of that sperm, in the opinions of those forensic scientists who would testify.

Based on the autopsy that was performed by Dr. Preston, his opinion is that Miss Blue's death was caused by strangulation, and in his opinion, the manner of her death was Homicide. *Whores the Rape*

Your Honor, following the Defendant being taken into custody, he was taken to the Homicide Division, where he was questioned by a Detective Perks. The Defendant waived his right to remain silent, and gave a statement to Detective Perks, which consists of eleven handwritten pages.

In summary, Your Honor, the Defendant, in his statement, denies having caused the deaths of both women. He admits having been in the home at the time that the police entered, and he admits having come into the home at the time consistent with the testimony of the

boys.

He alleges, in his statement, that he had consensual sex with both women, but that thereafter, each woman told him that she was leaving, one to go to work, and the other to go to her grandmother's house, and that he had simply remained in the home with the boys at the request of the women, to watch them until one or the other of them returned. *This was a lie I told them what I thought*

In summary, Your Honor, that would be the testimony that the Commonwealth would present at trial.

THE COURT: Do you understand, Mr. Evans, that that is the conduct to which you are pleading no contest today?

THE DEFENDANT: Yes.

THE COURT: You may arraign him.

COURT OFFICER: Arnim Evans, to Bill of Information Number 0141, May Term, 1997, Count-1, charging you with Murder in the First Degree of Pamela Blue, how do you wish to plead, sir?

THE DEFENDANT: No contest.

COURT OFFICER: Arnim Evans, to Bill of Information 0141, May Term, 1997, Count-2, charging you with Rape, as a Felony of the First Degree, how do you wish to plead, sir?

THE DEFENDANT: No contest.

COURT OFFICER: Arnim Evans, to Bill of Information 0141, May Term, 1997, Count-3, charging you with Murder in the First Degree of Roseanne Young, how do you wish to plead, sir?

THE DEFENDANT: No contest.

COURT OFFICER: Arnim Evans, to Bill of Information 0141, May Term, 1997, Count-4, charging you with Rape, a Felony of the First Degree, how do you wish to plead, sir?

THE DEFENDANT: No contest.

COURT OFFICER: Your Honor, the Defendant pleads no contest to all charges.

THE COURT: We will enter guilty verdicts on those Bills. *If I knew this it would not have happened*

Do you wish to waive a pre-sentence and mental health, and proceed to sentencing today?

MR. STEVENSON: Yes, we do, Your Honor.

THE COURT: I do need to ask some questions.

First of all, is this his first *why*
contact?

MR. STEVENSON: Yes, Your Honor.

There may have been an incident in Pottstown, but we could not find that at all. It might have been an ARD.

MS. RISK: There was a -- I believe that the Defendant failed to appear at a support hearing, and a warrant was issued in 1994, following a petition for support that was filed by Miss Carol Strong.

THE COURT: Are you married?

THE DEFENDANT: No.

THE COURT: Do you have any children?

THE DEFENDANT: Two.

THE COURT: Were you working?

THE DEFENDANT: Yes.

THE COURT: Where did you work?

THE DEFENDANT: Industrial

Industries, on Island Avenue.

THE COURT: Who did you live with, before you were arrested?

THE DEFENDANT: My ex-girlfriend.

THE COURT: He has been in since March of 1997?

MR. STEVENSON: Yes.

THE COURT: He has no open cases, and is serving no other sentences?

MR. STEVENSON: None, Your Honor.

THE COURT: I will accept the negotiations.

Is there anything that you want to say to me, before I sentence you? You have that right, but you don't have to, if you don't want to.

THE DEFENDANT: No.

MS. FISK: Your Honor, may I just check -- the family is aware of what the negotiations are, but I am not certain whether anyone has a statement to make.

May I check that?

THE COURT: Sure.

(Whereupon, a brief pause was taken from the proceedings, at this time.)

MS. FISK: Thank you, Your Honor.

THE COURT: Then on Bill of Information 0141, Count-1, charging Murder in the First Degree, I sentence you, in accordance with the negotiations, to life in prison.

On Bill Number-3 of 0141, also charging Murder in the First Degree, I sentence you to a consecutive term of life imprisonment, also in accordance with the negotiations.

The Rape Bills will be verdicts without further penalty.

You do have the right to appeal from this judgment of sentence.

If you wish to do so, you must do so in writing, within thirty days.

If you wish to raise anything with regard to your plea, or your sentence, you must do so in a written post-sentence motion, filed within ten days of today's date.

If you wish to do any of those things, and you can't afford Counsel, Counsel will be appointed for you, for that purpose, free of charge.

If you do file such a post-sentence motion, then your appeal period changes to thirty days from the date that that motion is denied.

Thank you all.

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(Whereupon, the proceedings were adjourned, at this time.)

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