

## Interrogation: George Rahsaan Brooks-Bey

Case Reference Numbers: CC - 750 - 8889, CC - 750 - 9310 Allegheny County, Pennsylvania, 90-8357 Western District Pennsylvania

Following George Rahsaan Brooks-Bey's arrest for robbery on October 1, 1975, he was taken to the Public Safety Building for interrogation.

George listened as his miranda rights were read to him and he agreed to sign them. Although the arrest was for a robbery, Detective Spozarski told George, "That guy you and your buddy beat had a cardiac arrest and was brought back to life."

Confused, George asked, "What do you mean?" The detective responded, "The guy named Freddy and you were seen talking in Presbyterian Hospital shortly before he left with the guy."

Having no idea what the detective was referring to, George told him, "I have no idea what you're talking about." After this discussion, George was arraigned on the charge of robbery of Schwartz Supermarket.

There was no recording of this interrogation, George signed no statements and did not confess to committing any crime. After Michael Miller died, on November 5, 1975, Detective Spozarski made a revelation that George had confessed to him. No one had heard such a confession but Spozarski. This alleged confession was not recorded, written, or even made part of a routine police report. Based solely on this testimony and allegation, George was convicted for murder. An innocent person has spent nearly three decades in prison for a crime he did not commit.

Logically, as we all know, if George had made such an admission to Spozarski on October 1, 1975, he would have been charged with the robbery and assault on that date. No police officer will listen to a confession of a beating and robbery that placed a victim in the hospital without making an arrest of the person who confessed.

No police officer hearing such a confession would neglect to mention it to any of his co-workers or fail to put it in his police report. When an officer receives a confession, they immediately try to get a signed statement, recorded admission, or some type of verification through other officers that the confession was given. Have you ever heard of an officer forgetting to mention a confession to anyone until a month later?

On November 5, 1975, Detective Spozarski lied, after Michael's death, about such an admission from George. Spozarski formulated his plan to have George arrested and held, as is common police procedure, on his belief that George was guilty. This detective wrongly assumed that after the preliminary hearing, George would either lie and implicate himself or lie and implicate their other suspect Dale Freddy Harris. Spozarski knew that even innocent people will lie and accuse others when they are faced with a possible life sentence.

What Spozarski didn't account for was that George is truly innocent and would not falsely accuse another person simply because he was threatened with life imprisonment. This left Spozarski and the prosecutors with no choice but to proceed with their lies and frame George for a murder he never even knew about.

Once George asked for a lawyer during the interrogation on November 11, 1975, he was destined for conviction since he would not play their game and cooperate in their lies. Despite his innocence, must George spend the rest of his life in prison because of his refusal to lie about what he knew?

## Arrest: George Rahsaan Brooks-Bey

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On October 1, 1975, George Rahsaan Brooks-Bey was arrested by the Pittsburgh Police Department for the alleged robbery of Schwartz Supermarket.

While in the Allegheny County Jail awaiting trial for robbery, Michael Miller, the man George was wrongfully convicted for killing, died on November 5, 1975. Michael Miller had a severely damaged liver and the cause of his death was due to an abscess of the lungs and bronchial pneumonia.

Upon Michael's death, Detective Robert Spozarski of the Pittsburgh Police Department filed a false affidavit that stated:

1. An arrest warrant was issued for George Brooks' arrest on 10/1/75 for the robbery and assault of Michael Miller, and
2. That George Brooks was arrested pursuant to that warrant, read his rights, and gave an incriminating statement.

On November 11, 1975, George was approached by Sergeant McCord at the Allegheny County Jail and told that his mother was sick and that he needed to call her. Upon entering the deputy warden's office, Detectives Spozarski and Lentz, along with a third detective were waiting with an arrest warrant issued by the Coroner's Solicitor.

The coroner is part of the police investigative team. He is not a neutral, detached, or impartial judicial officer and he lacks the power to authorize and issue a probable cause arrest warrant prior to holding an inquest. Detective Spozarski, and his two companions, could not have obtained an arrest warrant from a city magistrate because under Pennsylvania law, if a person is not arraigned within six (6) hours of arrest, any confessions "not written" are not admissible.

Knowing this, Detective Spozarski intentionally bypassed all Due Process of law protections, illegally obtained an arrest warrant based on false information, and executed an illegal arrest. George was escorted by the three detectives directly to a Coroner's Inquest Hearing.

The above activities of Detective Spozarski were a direct violation of George's Fourth Amendment, Fifth Amendment, and Fourteenth Amendment rights.

# Personal History: George Rahsaan Brooks-Bey

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Pennsylvania

George Rahsaan Brooks-Bey was the perfect innocent victim for wrongful conviction and false arrest after Michael Miller's death. On the night of the crime, George had been seen in the hospital talking to him. George was arrested the next day on an unrelated charge. He has never claimed to be a model citizen and had previous encounters with police, including being picked up for loitering while walking down the street. He was forced to participate in a line-up or face a fine. The same police held him for 72 hours of investigation for demanding an officer's name after being stopped and searched for no reason.

The police seen him as a perfect candidate to scare and intimidate into either admitting guilt or lying about another person to save his own skin. When their tactics did not work, they carried out their threat of life imprisonment.

George suffered the fate of many innocent prisoners. He knew he did nothing wrong, asserted his rights to defend himself at trial, and paid the price for taking a jury trial. Judge Smith punished George for fighting the charges and used false facts and suppressed evidence to support the opinion of guilt. It is common knowledge that if you proceed to trial and lose, you will be sentenced much more severely than if you cooperate and deal.

Everyday is the same feelings and emotions for George. Hear his words:

"I feel powerless while watching my life waste away. I try not to think about it because the grief is too strong. I want my life to matter. I won't give up my fight to prove my innocence. It is hard to put into words my sorrow, my bitterness, my rage. Being unjustly imprisoned for 28 years has shut many doors of opportunity for me. I have not been able to properly raise my daughters. I know what hell is."

George has been wrongfully incarcerated for almost three decades. Many in the same circumstances have given up, lost hope, and took to heart society's view that prisoners don't exist or matter. Personal knowledge by the editor of this case profile, knows George is different than many. He doesn't talk about the writings, advice, and help he offers many other prisoners on a regular basis for free. He doesn't talk about the inspiration and empowerment to help themselves that he brings out in others. Before ever knowing George and his case, this writer read and seen the positive and dramatic changes he has made in others. His life does matter to many. Please don't let this innocent man die in prison for a crime he did not commit.

# Factual History: George Rahsaan Brooks-Bey

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On September 30, 1975, George Rahsaan Brooks-Bey went to Presbyterian Hospital in Pittsburgh, Pennsylvania. Due to injury to his neck, he was seeking medical attention. While at the hospital, George talked to Michael Miller and Dale Freddy Harris while waiting to receive treatment. After treatment, George left the hospital alone.

Later that evening, Michael Miller was found in a state of distress in a nearby alleyway. When asked by police what happened, Michael told the police he was drinking with some friends and one of them punched him in the stomach and took his money. He was hospitalized. At no time did Michael ever say George did anything to him, nor did he implicate George in any way for the alleged robbery and assault.

The next day, October 1, 1975, George was arrested for an alleged robbery of Schwartz Supermarket. This arrest had nothing to do with Michael Miller.

Detective Robert Spozarski informed George of the charges against him for his arrest, read him his rights, and had George waive his rights to a lawyer. Then to George's surprise, Detective Spozarski said, "that guy you and your partner beat and robbed had a cardiac arrest and was brought back to life." Since George could not fathom how this statement related to his arrest for robbery of a supermarket, he asked the detective "What do you mean?" The detective again repeated the statement and George told him that he had no idea what the detective was referring to.

George was then taken to the city magistrate at the Public Safety Building and arraigned for the robbery of Schwartz Supermarket. After the arraignment, George was placed in the Allegheny County Jail.

On November 18, 1975, George was approached by Sergeant McCord, an African American guard at the jail, and told that his mother was ill and wanted to know if George would like to make a phone call to her. Of course he wanted to make the call and accompanied McCord to Deputy James Dudley's office. When George walked into the office, Detective Spozarski, Detective Lentz, and a third detective were hiding behind the door. George was handcuffed and escorted to the Coroner's Office, still dressed in a pair of cut-off shorts. George did not know what was going on.

George was being taken to a Coroner's Hearing. A public defender, David Metinko, introduced himself and asked if George knew he had been charged with murder on November 11, 1975. Immediately, George told him, "No! I didn't murder anyone!" Metinko explained that he was charged with the murder of Michael Miller and this was his preliminary hearing.

Metinko escorted George into the hearing room and had him sit at a large table. George was the only African American at the table. Although not there to testify, Michael Miller's mother and her daughter were there to see George. No one had identified George or picked him out of a photo array as being the perpetrator of murder.

Detective Spozarski lied at this hearing by claiming: 1) that an arrest warrant was issued for George's arrest on 10/1/75; 2) that George was arrested pursuant to that warrant for a robbery and assault of Michael Miller; 3) that George was read his rights, waived them, and gave an incriminating statement to him; and 4) that the statement was not recorded or reduced to writing, typed, or signed. No one seemed to be aware that such a statement was given until Spozarski's revelation on 11/11/75 upon Michael's death. This testimony was crucial, however, to insure George was held over for trial. There was no other evidence implicating George in the murder.

After the hearing, George was transported to the Public Safety Building and locked in a holding cell. After a period of time, the two arresting detectives Spozarski and Lentz took George to an interrogation cell where Detective Hutton was waiting. George was told he could make it easy on himself if he was willing to make a statement about Dale Freddy Harris and testify against him. George told them all he could testify to was that he talked to him in the hospital while awaiting treatment. Detective Hutton then said, "I'm gonna give it to you straight, you either finger Harris or face life in prison." George told him he wanted his lawyer present. (George was in the minority on this stance, most people faced with this threat would willingly put another innocent person in prison!) George was then placed back in the holding cell.

Later in the same day, George was again taken to a magistrate's hearing to be arraigned for the robbery of Michael Miller. At this hearing, Mrs. Lula Miller, Michael's mother was asked to give an "in-court identification" of George. She was not

asked to pick him out of a line-up or photo array, and she had heard her friend Mrs. Terry testify at the preliminary hearing for murder that she could not identify George or anyone. Mrs. Miller's identification, after already seeing George in court earlier, allowed the magistrate to hold him over for trial on robbery charges.

After this arraignment, George was appointed another public defender, Gary Zimmerman. George requested that he file a Brady motion for the transcripts of the preliminary hearing held by the coroner and for a copy of the pathologist's medical report. George wanted Zimmerman to also claim ineffectiveness against Metinko for not having a copy of Spozarski's probable cause affidavit, copy of the arrest warrant for 10/1/75 and for not demanding a photo array or line-up identification. Of course, due to state law, Zimmerman could not claim ineffectiveness on his co-worker because they both worked for the same public defender's office.

George and his attorney both filed Brady motions and the state refused both requests to receive a copy of the preliminary hearing transcripts and the pathologist's medical report. In fact, prosecutors Edward Fagan and Peter Dixon told George's attorney that the preliminary hearing was not transcribed.

George asked his attorney to file a suppression motion because of the perjured testimony of Spozarski and Hutton at the hearing. At the suppression hearing, Spozarski's testimony changed to: 1) there was no arrest warrant on 10/1/75 for George's arrest for any charge dealing with Michael Miller; 2) that George was not read his rights for charges dealing with Michael Miller and that the rights form that was signed was for an "unrelated charge." Due to Spozarski's claims that George gave an oral inculpatory statement when being questioned on an unrelated charge, his perjured coroner's hearing testimony was not suppressed. This motion failed because of the lack of transcripts showing Spozarski's lies.

At trial, the pathologist, Dr. Howard "E. Reidberg, testified that the beating was the direct cause of Michael Miller's death. This was a direct contradiction to Dr. Reidberg's preliminary hearing testimony. At the preliminary hearing, the testimony was that Michael Miller had a severe liver problem and that he died due to an abscess of the lungs and bronchial pneumonia. Again, due to the lack of the preliminary hearing transcripts and the refusal of the prosecutor to turn over a copy of the pathologist's medical report, this was unchallengeable.

This evidence of perjured testimony stood unopposed for 24 years because of the prosecution's refusal to turn over the relevant report and transcripts, and their intentional lies to both of George's lawyers. Finally, George asked a childhood friend who was a member of the Pennsylvania Superior Court and a volunteer with the Pennsylvania Prison Society to help him get this evidence. Joe Heckel was able to secure a copy of the coroner's preliminary hearing transcript that proves George's claims of innocence. However, due to technical procedures and rules, the court refused to address the evidence.

George is still seeking help in obtaining a copy of the pathologist's medical report and Detective Spozarski's probable cause affidavit. George recently filed a motion to obtain a copy of Dr. Reidberg's medical report. Common Pleas Court Judge James McGregor changed George's motion into a post-conviction and ordered Attorney Sumner Parker to amend the petition.

One of the primary reasons that George has been refused the chance to prove his innocence was because of judicial misconduct by Judge Henry R. Smith at the conclusion of the trial. During the trial, Judge Smith sent the jury home for a day while testimony was given by Mrs. Lula Miller and her daughter who were trying to establish that Michael told them that George beat him and took his money before he died. Judge Smith's ruling after hearing the testimony was that the presented evidence did not meet the dying utterance exception and that the jury would not hear it. There was also a stipulation reached that no one identified George or gave a description of him. Despite these rulings on the facts, Judge Smith actually made findings of fact in George's appeals process that the victim identified George as his attacker to family members and that Mrs. Lula Miller gave an accurate description of George to the police. This complete contradiction of the true evidence was made unchallengeable by the higher courts. An appellate court judge will not overrule a lower court judge's findings of fact. (See how Magistrate Judge Lancaster and U.S. Judge Mercer completely accepted Judge Smith's opinion, as opposed to looking at the true evidence and truth involved in the case.)

This case is a clear example of a person being in the wrong place at the right time to be framed for a crime. George was already a robbery suspect in another case and his presence at the hospital inevitably convinced the police George robbed and beat Michael Miller. Once the police believe they have the right person, they will lie, deceive, and hide evidence that contradicts their theory. George would not cooperate and implicate another person in this crime. Since George would not lie and say he saw someone else commit this crime, he paid the price with his freedom for life.

Will George continue to sit in prison for a crime he never committed? Will George die in prison because one detective lied and said he had confessed (Remember this confession wasn't revealed until a month after the fact and no other people were told this confession existed until after Michael's death)? Only society can say whether this is justice. The courts refuse to address it.

# Evidence: George Rahsaan Brooks-Bey

## Prosecution's Version:

On September 30, 1975, George Rahsaan Brooks-Bey and Dale Freddy Harris met Michael Miller at Presbyterian Hospital. Harris and Michael Miller left the hospital together. In a nearby alley Harris and George robbed and beat Miller. Miller eventually died as a result of the beating.

## Defense's Version:

George was not involved in the robbery or beating and was falsely identified after the witness heard prejudicial evidence that was false and seen George in a highly suggestive in-court setting.

## Evidence Available:

Pathologist Howard E. Reidberg omitted critical cause of death evidence that Michael Miller died due to an abscess of the lungs and bronchial pneumonia. His liver was also severely damaged. The beating was not the direct cause of death.

At trial, Dr. Reidberg changed his report and testified by saying the beating was the direct cause of death and then refused to turn over his medical report to the defense.

Police Officer John Gizler testified that the decedent told him he was drinking with a couple friends and one of his friends punched him in the stomach and took his money.

Mrs. Doris Terry, the decedent's mother's friend testified that she was there but could not identify anyone.

A stipulation was reached that, "No one gave an identification of George to anyone."

Detective Robert Spozarski gave perjured testimony that George was arrested on 10/1/75 for a robbery/assault of Michael Miller, waived his rights and then gave an inculpatory statement that he forgot to record or tell anyone about until 11/5/75.

The Coroner's Inquest Transcript that prosecutors claimed did not exist, finally was revealed after 24 years and supports all George's claims of innocence. However, due to the A.E.D.P.A.'s rules, this evidence cannot be introduced in court since George already exhausted all the appeals where it could have been presented.

George is innocent. The police manufactured evidence against him and then the judge supported the conviction with more false factual foundations. (See Trial Section of this case profile for more information on this.)

If Reidberg's medical autopsy report could be obtained; and if Detective Spozarski's false arrest warrant affidavit could be obtained; and if the newly acquired Coroner's Inquest Transcripts could become introduced, George's innocence is made clear.

The truth in this case will show police perjury, a police frame-up, a judicial system creating facts that never existed, and the actual innocence of George Rahsaan Brooks-Bey.

# Trial: George Rahsaan Brooks-Bey

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After the deceptive arrest of George Rahsaan Brooks-Bey, George met his public defender Dave Metinko at the Coroner's Pre-trial Hearing as he was being told about the charge of murder against him. Counsel had done no pre-trial investigation, filed no pre-trial motions, and had interviewed no witnesses. Counsel did not ask for a line-up identification or that George's photograph be picked from a photo array. George was the only African American seated in the courtroom at any table.

Some of the highlights from this Coroner's Preliminary Hearing held on November 18, 1975 before Coroner's Solicitor Bernard McGowan are:

Homicide Detective Charles J. Lenz testified he was brought aware of Michael Miller's death on Tuesday, November 11, 1975 at approximately 3:00-3:15pm and that Michael had died at the hospital where he was hospitalized from 9/30/75 until the time of his death.

Detective Lenz further testified that it was only after the result of death that it was brought to his attention that Michael was the victim of a robbery/beatings. Pittsburgh Police Officer John Gizler who was employed at the No. 4 Police Station also gave testimony that on 9/30/75 he saw Michael Miller on the corner of Myron and Fifth Avenue in Oakland sitting on the steps with a beat policeman. He witnessed Miller doubled up. He couldn't straighten out. Michael told Gizler that he and a couple of his friends were drinking in the alleyway and one of his friends punched him in the stomach, took his money, and went down the street. Miller did not reveal to Officer Gizler the names of his friends. Officer Gizler took Miller to Presbyterian Hospital. At the hospital, someone in the emergency room recognized him and they called his mother who worked at the hospital.

Officer Gizler tried to talk to Miller in the hospital but could not get much out of him. Officer Gizler then told his mother, "When he gets treated and when he can talk better, call us and we'll come back and take a better report." Officer Gizler was never called back. The other beat officer with Gizler was Officer James Bulger.

Mrs. Doris Terry who lived on Aliquippa Street in Pittsburgh also testified that she carried her son to the hospital on 9/30/75 and that Michael Miller was with them. They arrived at the hospital at about 9:30pm. At about 10:00pm, Michael left with a friend. She really did not know the boy. She once thought she could identify the boy, but she doesn't think she can now. Michael only left the hospital with one boy. The boy Michael left the hospital with was the younger boy. She seen the younger boy talking with another fellow (George) that had a surgical neck collar on. Only one person left with Michael Miller - the younger boy. The one with the medical collar on left first and by himself.

Detective Robert Spozarski testified that he received a complaint on 9/30/75 that Michael Miller was the victim of a robbery. He went to the hospital in an attempt to interview Michael but he was in a poor condition precluding Spozarski from interviewing him. As a result of his investigation he did not issue a warrant for anyone. Warrants were issued for George Brooks for "Robbery of Michael Miller and he was arrested on 10/1/75. Spozarski then testified that he apprised George that he was under arrest along with other officers from No. 2 and No. 4 stations. George was then transported to the Public Safety Building where he had an opportunity to talk to George. At approximately 4:00 on 10/1/75 Spozarski said he advised George of his Constitutional rights with regards to the robbery of Michael Miller. George then waived his rights and signed the rights form. Spozarski then testified that he asked George about the robbery, where Michael was beaten and robbed. Spozarski said that George told him that he along with his partner beat Michael Miller because Michael allegedly raped his partner's mother, but George denied taking any money from him. Spozarski specifically stated that George told him that he pushed Miller into the alley, knocked him down and that his partner did the kicking.

Detective Spozarski went into his folder to get his report so he could be more accurate. His written report said a complaint was received that George was involved with a robbery/beatings of M. Miller and that I was officially arrested and that a "warrant was issued for my arrest on 10/1/75." Spozarski testified that he talked to the doctor, to determine who the person was who was treated with a cervical collar. The doctor told him it was George Brooks. Spozarski said he wanted