

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

GEORGE RAHSAAN BROOKS,

Civil Action No.: 00-872

Petitioner,

Magistrate/Judge Caiazza

PHILLIP JOHNSON, MICHAEL FISHER,

Judge D. Ambrose

Respondents.

STATE OF PENNSYLVANIA

SS:

COUNTY OF ALLEGHENY

AFFIDAVIT OF ATTORNEY MICHAEL J. HEALEY

I, Attorney Michael J. Healey, being duly sworn, deposes and says:

1. I was appointed by Judge Henry R. Smith, Jr., to represent Defendant George R. Brooks on post-verdict motions and on appeal in criminal cases CC-750-8889 and CC-750-9310.
2. Upon my appointment I reviewed all court records I was able to obtain, including Judge Smith's records.
3. I have been sent a copy of the Coroner's Inquest Transcript by George R. Brooks and I have read the transcript he has sent to me in pertinent part. This transcript was not a part of the record Judge Smith gave me to review, nor was it in the Court records which I reviewed.
4. Even though I never saw a Coroner's Inquest transcript and no Coroner inquest transcript was a part of the record given me by Judge Smith, Defendant George R. Brooks was adamant about hearing Detective Spozarski testify at a Coroner's Inquest that he was officially arrested on October 1, 1975 on a warrant that was issued for a robbery of Michael Miller. Even



though there was no record to support Defendant Brooks' claim, I argued this claim for him in post-verdict motions without the benefit of the transcript of the Coroner's Inquest. This claim was denied on the premise that Defendant Brooks was officially arrested on November 11, 1975, not October 1, 1975.

5. If I had a copy of the transcript of the Coroner's hearing, I would have had a record to dispute the Commonwealth's contention that Defendant Brooks was not officially arrested on October 1, 1975, this record being the transcribed testimony of Detective Spozarski. Additionally, I would have made this transcript a part of the record and orally argued before the State Supreme Court.

6. The jury voir dire transcript also was not a part of the Court records or records that Judge Smith gave me to read. A Voir dire transcript would have provided information concerning two issues:

(a) Batson issues, although my representation was pre-Batson, it was an issue I routinely addressed.

(b) Commonwealth striking of jurors who had death penalty scruples in a case where the Commonwealth's expert, Dr. Reidberg, testified that the injuries suffered were not the direct cause of death.

7. If the Coroner's Inquest transcript would not have been withheld from me, I may have been able to argue that the Coroner had no jurisdiction or authority to issue a probable cause warrant after his office had conducted an autopsy, sent their report to the district attorney on top of conducting an inquest after issuing the probable cause warrant. I may have been able to argue that the Coroner's solicitor was not an impartial judicial officer and that the Defendant George R. Brooks was denied due process of law. See, Commonwealth v. Anderson, 253 PA. Super. 343,



347 n. 12, 385 A.2d 365, 374 No. 12 (1978); Commonwealth v. Little, 314 A.2d 270, 272 N. 2 (1974); Com. ex rel Czako v. Maroney, 194 A.2d 857 (1963); Minnesota v. Dickerson, 113 S.Ct. 2130, 2135 (1963); Com. ex rel Wilkes v. Maroney, 222 A.2d 856 (1966); Minnesota v. Dickerson Inc., 113 S.Ct. 2130, 2135 (1963); Lo Ji Sales, Inc. v. New York, 2319, 2324, 442 U.S. 319, 322, 327 (1979).



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**SWORN to and SUBSCRIBED**

before me this 2nd day  
of August, 2000.



**NOTARY PUBLIC**  
Notarial Seal  
Walter A. Wirtn, Notary Public  
Pittsburgh, Allegheny County  
My Commission Expires Oct. 19, 2002  
Member, Pennsylvania Association of Notaries