

Q And at whose request was that?

A That was at Mr. Yarris' request.

Q And was a statement made at that time?

A Yes, it was.

Q Okay. Was it tape recorded?

A It was.

Q Was that reduced to writing?

A It was reduced to a typewritten statement which Mr. Yarris reviewed in my presence and signed.

Q And signed?

A Yes, sir.

Q Do you have the original of that with you here?

A I believe it has been entered into evidence.

Q Do you have a copy of that?

A I have a copy in front of me, yes.

Q Now, could you read the questions and answers concerning that statement of that day?

A I will.

The initial question was, Nick, how old are you?

The response, the answer was, twenty.

What was your date of birth?

7/16/61.

Your home address?

Answer, 7387 Elmwood Avenue.

Where is that at?

Southwest Philadelphia.

Nick, do you have a phone number?

365-0195.

Who do you live with?

Answer, my parents.

Nick, do you want to tell us the story about the investigation of the homicide of [REDACTED]?

Can you relate to us the story that you have to offer and take your time, Nick.

His answer, December, it was Tuesday, December 16 or 17, I believe it was the 16th. Me and a friend of mine, James Brisbois, were contemplating stealing an automobile from a mall in the area. I drove James down to the Tri-State Mall in Delaware and I dropped him off. But before I did that, we had a conversation about him being there previously and him being in an argument with a female working at one of those stands there or a shop and James went from my automobile.

When I dropped him off directly to the mall. As I could see him turn around, I left and went back to Philadelphia.

When I got back to Philadelphia, I was waiting his call that night. Didn't receive any. I became furious,

you know, he usually did call. I thought maybe he got arrested. So I went to the usual hangouts of his that Friday, you know, contemplated him being there. I met him and he did come in. It was in Tiffany's Bar on 70th and Passyunk. And we got into a conversation and I asked him, I said, "Well, did you get a car?"

He said, yes and no.

I said, what do you mean yes and no?

And he said, "Yeah, you know I got one, but I don't think you want to deal with it."

I said, "What do you mean?"

He said, "Well, it's got a lot of heat on it."

I said, "What do you mean?"

He said, "Remember that broad I was telling you about?"

I said, "Yeah."

He said, "Well, I got her car and I got her."

I said, "What do you mean?"

He says, "Well, I got her. I offed her."

I said, "What do you mean?"

He said, "You know, I stabbed her."

I said, "Ah, man, what did you do that shit for?" I said, "What did you do with the car?"

And he said, "Well, I drove it off the side of the road about in Chichester and I got out and I split."

And that was the end of the conversation.

I said, "Well, you know, let me go. I got people to see. I don't want to be around," and I just left.

And I got kind of pissed off. And then I heard about it just yesterday at the prison that this lady had kids and I feel as though I wanted to do a little bit to help.

Question, Nick, let me ask you a few questions. You were aware of this being tape recorded; is that right?

Yes.

And this is with your permission?

Yes.

Question, And have you been threatened or forced to give us a statement?

No, sir.

Correct me if I'm wrong, okay? You know Jimmy?

Very well.

How long have you know Jimmy?

Since about 1979.

Can you spell his last name?

Answer, B-r-i-s-b-o-i-s.

Do you know where Jimmy's address is?

Shields Street, 6700, up around there.

What kind of car does Jimmy drive?

He wasn't driving any. The last time I seen him drive it was an Electra deuce and a quarter, green.

Was that stolen?

No.

Nick, now you're saying on Tuesday, you think it was?

I'm pretty sure this was Tuesday, yeah.

Why do you think it was Tuesday?

That's when we usually go out, Tuesday, Wednesday, sometimes Monday.

Where did you pick Jimmy up at?

Well, in front of a little steak shop around 73rd and Island, right there, Felone's Steaks.

Whose car were you in?

I was in an orange Camaro.

The next word is unintelligible was driving. It's my car.

Was that car yours?

No, it was not.

Was it a stolen car?

MR. STRETTON: Objection.

THE COURT: Sustained.

BY MR. GROSS:

Q Okay. If you skip that next area and starting up with you picked him up.

A You picked him up around what time?

Oh, it was about before lunch, about 11:30, about 11;30.

In the morning?

Yes.

Were you by yourself?

Yes.

Did anybody know you were going to pick him up?

No.

Then where did you go?

We drove down Island Road. We went on I-95 and we were going to go to Wilmington Dry Goods but he decided he wanted to go to the Tri-State Mall and then we went to the Tri-State Mall. It is hard to get there but he showed me the way.

Did you go I-95 all the way down?

We got off an exit in Delaware. We had to go like, I think it is a little road, Naaman's Road or something like that we had to go up. It was complicated. It is a pretty good bit from the highway and then I dropped him off in the parking lot.

What parking lot did you drop him off?

The one the storefronts are facing.

Now, what was Jimmy wearing when you dropped him off?

He had denims on and a denim jacket.

Do you know what kind of shoes he had on?

It could have been work boots or work shoes. I'm not sure.

Does he usually wear work boots or work shoes?

Yeah.

He doesn't wear sneakers?

No, I don't think he wore sneakers. I'm not sure.

Did he have any gloves?

I'm not sure. He might have a brown pair in his pocket. I don't really remember.

How about a hat?

No, no hat. He had a hood underneath his jacket.

What did he have, a hooded sweatshirt on under the jacket?

Yes.

Do you know what color his sweatshirt was?

Navy blue.

And blue denim jacket?

Yeah.

Did he have any kind of weapon on him, do you know?

I didn't see any weapon, but he does, you know, he does carry a weapon, you know.

What kind of gun does he have?

.380 automatic, I seen him with.

Now, you dropped him off about what time?

It was about 1:30.

In the afternoon?

Yeah, about that.

Was anyone else around there? Did you see any police cars or any cars that stick out in your mind?

No, not that I can think of. It is a large mall. There's a lot of cars out there but none that I can vaguely describe, you know, that would stick out in my mind.

What was the weather conditions?

It was fair. It was kind of like overcast. No snow.

So you dropped him off at 1:30, and what was the plan?

For him to pick up an automobile and then when he got back to Philadelphia call me that night and I'll call a friend of mine who would take the car from him in exchange for this --

MR. STRETTON: Objection, Judge.

THE COURT: Sustained.

BY MR. GROSS:

Q Now, if you would start on the next page, the top of the next page.



A After you dropped him off at 1:30, when was the next time you talked to him?

It was on a Friday. It was in a bar called Tiffany's down at 70th and Passyunk.

Was that the Friday after the Tuesday you dropped him off?

Yes, immediately following. I think it was like the 19th or the 18th.

What was the conversation?

Then he told me he had gotten a car, but he said he didn't know if I wanted it. He didn't think I would want anything to do with it anyhow. He said yes or no and when I asked him did you get a car and then he told me about that, you know, he got that lady that he was talking about. He said he had a dispute with her earlier. He got her car.

What was the dispute that he had earlier? Explain that to me and Randy.

He didn't get into it much because he's telling me he just had a hassle with her, you know, at the mall the week following that Tuesday. He said he was up there and he got into an argument with her and I said well, just stay out of her sight, you know, don't let many people see you because it will just draw attention and you will

wind up getting busted and we don't need that.

What was your argument about?

He didn't describe it.

Did he describe her to you? Was she white or black?

No, I believe she was white. I don't know. We didn't get into it too much of what he did, you know. Like I said, he told me that he stabbed her. He said, quote, I did a job on her, end of quote.

Nick, when was the argument that he had with her?

I took it as to be the Saturday before that.

Saturday before the Tuesday?

Answer, Yes, it could have been the weekend before that Tuesday.

Did he say where she worked at?

Answer, He didn't.

Was it in a store, department store, stand or what?

Well, he said to me this bitch had a stand. So whatever that meant, a counter or display case. I'm not sure. It could have been anything.

So when you talked to him at Tiffany's and he was telling you, what were the words that he used?

I offed the bitch, he said.

What does that mean?

Kill.

Did he tell you that he killed her?

Yes, he did.

Describe to me how he told you he killed her.

Like I said, I didn't get it. Like I said, I got, you know, revolted from what he said. He said words, words he said. What do you mean, yes or no. And he says, well, I got too much heat in the car. I said what do you mean? He says, you know, I got that woman's car, you know. I said, well, I said, did you get a car? He said yes and no. And I said what do you mean?

And he said, yeah, I got one, but you don't want it. I said what do you mean? He said there's too much heat on it. I said what do you mean? He said, well, I got that woman in her car. I said, well, what did you do? He said, I offed the bitch. I said, ah, man, I said, you know, at first I didn't believe him. I thought it's hard to believe some people sometimes, and you know, he was in a snickering attitude and I said what did you do with the car? And he said I drove it off the side of the road and when I got done stabbing her, I got off and rolled. He said I got a ride.

Can you describe the car to me?

I asked him what kind of a car it was. It was a yellow car, Chrysler Cordova.

Anything else you can tell us about the car?

It had a brown top. He said it was a yellow and brown Cordova.

A yellow Cordova with a brown top. Is that what he said?

Yeah, that's correct.

Did he say what year it was?

I think it was either 1978 or '79. I think he said 1978.

How did he get the keys?

From what I understood, see, his usual method was taking the car from people double parked, or if he caught someone just going to their car, he would knock them down and take the keys and jump in and take off, or he would, like, you know, like I'm saying, he would do it that way. I would take it that he forced her to give him the keys and then decided to take her with him, you know.

Did he say when he got in the car where did they go from there?

Back this way, back towards Philadelphia.

Did he say which way he went?

Evidently, he just, you know, no, he had to come this way. He said that he dropped the car off in Chichester someplace.

Why Chichester?

I don't know. Maybe he found a secluded area. He didn't elaborate too much on it. Like when I became resentful to him for telling me this, like he became reluctant to tell me, plus I told him I got to leave, I got to go somewhere.

Did he say how he killed her?

He stabbed her.

Did he say how many times?

He said he did a job. From my understanding he had multiple stabbings.

Did he say where he grabbed her at?

No.

Did he say where it took place at?

When he drove off the side of the road. That's all I could tell, because when he said he drove off the road, off the side of the road, he said he offed her. I said, what did you do with the car? I drove off the side of the road, got out and split.

How did he get home?

He said he thumbed it.

Did he say where he dropped the car at?

Up in Chichester.

Did he take any money from her?

He didn't say. He didn't say at all. I believe he probably did.

You think so?

Yeah, I think he would.

Did he say if he left anything else behind in the car?

No, not that I know of because like I said, I became very resentful to him for telling me because he's kind of a bad dude.

Nick, would you tell me --

MR. GROSS: Your Honor, Detective Martin, if you will go on to the next page. Will you go to Page 9. I'm sorry, Page 10. Beginning the first question.

THE WITNESS: First question?

BY MR. GROSS:

Q Yes?

A Where does he hang at out?

He hangs around the Hut up around 65th Street. That's Greenway Avenue. That's 66th and Greenway up around there or he hangs out at down at Tiffany's a lot, down there on Paschal Avenue there. That's where I usually find him on Friday and Saturday nights.

Around what time?

Any time he can come in. You know, he's got this thing that he has to be a big shot.

Any questions, Randy?

You mentioned that he usually carried a gun. Does he usually carry a gun?

Yes.

What does he carry?

A small automatic, a 380 automatic I've seen him with.

Is there anything you want to say besides what we've already talked about? Is there any questions that you have that I can answer?

Answer, I just don't want to get hurt out in the jail for doing this. I tried to do it the best I could in secrecy. I'm not sure if you understand what it is to be like in prison and be named a snitch, you know. You can really be hurt. I just want this not to happen because like I said when I found out this lady had two kids, or something like that, I got a kid myself. It is fucked up.

Nick, have you been promised anything?

No.

Q Now, did he initial each page and sign it?

MR. STRETTON: Judge, I'd ask he finish the

statement.

MR. GROSS: May we go to Side Bar?

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(Side Bar Conference, with the Court Reporter.)

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MR. GROSS: I'm surprised the request is made here. Then he gets to, "Do you want a polygraph so do you want to give a polygraph?"

Now, not only am I not putting in that for that reason but Mr. Yarris was brought in for a polygraph which he refused.

THE COURT: Why do you want that read?

MR. STRETTON: Well, Judge, the reason I think it might be relevant, normally the District Attorney's right. You wouldn't want something like this. I think in this case you have to see the totality of the circumstances. He says one thing, changes his mind.

THE COURT: Okay. I'm telling you right now it is not admissible. I don't want any reference to polygraph. If it does come in, then his refusal is going to come in.

MR. GROSS: Also, your Honor, just so the record will be clear, even in situations where defense



counsel allowed it to come, it's been an automatic PCHA hearing. So even if you allowed this, if he's convicted, we will have to retry this case. He can't even waive it.

MR. STRETTON: I understand that.

Unfortunately, your Honor, I understand it. I think at this time it is relevant in the case. I think it shows the state of mind. I understand your Honor has denied it.

THE COURT: All right.

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(End of Side Bar Conference.)

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BY MR. GROSS:

Q Now, Detective Martin, at the end of the tape when the tape was off, did he sit there for a while?

A Yes, he did.

Q And what happened?

A Well, the other detective was present when the interview was taken. I removed the tape and took it out to the secretary for it to be transcribed into a typewritten statement for Mr. Yarris to sign. At that time Mr. Yarris and I had additional conversation that was not part of the normal statement. I asked Mr. Yarris is there anything

else he can think about the car, can he describe the car in any greater detail referring to the victim's car.

Q He described it as he had before, a brown roof and a light tan bottom, but he mentioned that it had a brown Landau roof.

Q All right. Did he say anything further?

A Yes, he did. I asked him if he felt better now that he came forward. He said, "Yeah, I do."

He said, "If there's anything I can't stand, it's a beef snatcher."

I wasn't familiar with the term. I said, "What do you mean, a beef snatcher?"

He said, "Well, she was raped, right?"

I then asked Mr. Yarris, "Why do you say that?"

He said, "Well, I heard one of the detectives say it."

I asked him, "Which detective?"

He said, "I don't know."

Q Now, had anything ever been released outside of the name of the main investigating officers concerning the fact that the victim had in fact been raped?

MR. STRETTON: Objection. How would he know?

MR. GROSS: The main investigating officer.

THE COURT: Sustained.

BY MR. GROSS:

Q Did you or the C.I.D. ever release any information concerning the rape?

A No, as a matter of fact a conscious decision was made not to release any such information and to safeguard any such information about a rape.

Q Did you or anybody from the C.I.D. ever release any information about a Landau roof?

A The same pertains to the Landau roof. This is one of the things we decided to keep confidential in the investigation from the press.

Q Why was that?

MR. STRETTON: I object to him or any other detectives, him he can testify to, but any other detectives unless he was watching them and with them twenty-four hours a day during the entire time. I'd ask how we know. I'd ask the jury be advised.

THE COURT: Overrule. You may handle it on Cross-Examination.

Continue, please.

BY MR. GROSS:

Q To your knowledge was that information ever released?

A To my knowledge it was not.

Q Now, why was that kept and not released?

A Well, the primary reason would be to substantiate if

anyone can come forward with a story or a statement. This is an investigative tool that we used to keep certain things from general knowledge so when someone does come forward, we can use this to judge the quality of what they are telling us.

Q Is that a common practice in the investigation of cases?

A It is a standard practice that I use, yes.

MR. STRETTON: Objection.

THE COURT: Overruled.

THE WITNESS: I'm sorry.

BY MR. GROSS:

Q Now, after he gave you that statement on January 12th concerning this Brisbois fellow did you investigate Brisbois?

A Yes, I did.

Q And as a result of that investigation, did you speak to the Defendant again?

A Yes, I did.

Q And at whose request was that?

A At whose request was that that I speak to the Defendant again?

Q Did he request to see you or did you request to see him?