



file (“H-file”) for both murders, we now know his joint trial for both murders was unconstitutionally tainted by: (1) the DAO’s suppression of significant *Brady* evidence; and (2) the now discredited and criminally charged former detective Phillip Nordo.

**A. The suppressed evidence**

The suppressed evidence would’ve allowed Mr. Fields to develop, present, and argue facts showing: (1) his nearly identical looking brother – Eric Fields – committed the Michael Smith murder with Kelvin Bryant; and (2) Mr. Fields had nothing to do with Braheem King’s murder – which Amin Payne and his friend committed.<sup>1</sup>

While the suppressed evidence undermines confidence in both of Mr. Fields’s first-degree murder convictions, its greatest impact is on the Michael Smith conviction. The quantity of suppressed evidence is astounding because, had it been disclosed, any competent criminal defense attorney could’ve conducted a much more expansive pre-trial investigation than trial counsel did, developed much more exculpatory evidence, and presented a powerful defense implicating Eric Fields as Kelvin Bryant’s co-conspirator.

Put differently, had the DAO disclosed the suppressed evidence, it’s reasonably probable at least one juror would’ve had reasonable doubts regarding the DAO’s case against Mr. Fields in connection with Michael Smith’s murder. This reasonable doubt, moreover, would’ve created reasonable doubts regarding Mr. Fields’s alleged conspiratorial involvement in Braheem King’s

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<sup>1</sup> As discussed in detail *infra*, pp. 16-18, counsel interviewed Amin Payne at SCI-Brenner Township on January 23, 2017. During the interview, Payne admitted he and his friend, Cory, shot and killed Braheem King over a “dispute.” Payne repeatedly said Kelvin Bryant and Milique Wagner had nothing to do with Braheem King’s murder. Moreover, during sentencing, when Kelvin Bryant was given an opportunity to speak, he readily admitted to killing Michael Smith, but he adamantly denied killing Braheem King. NT, Sentencing Hrg., 2/6/2013, p. 174. Based on (1) Payne’s description of how the Braheem King shooting occurred, (2) Kelvin Bryant’s willingness to admit to the Michael Smith murder, but not the Braheem King murder, and (3) the fact Nordo typed Payne’s February 20, 2010 statement (C-19A) and January 25, 2013 statement (C-19B), counsel believes Amin Payne’s narrative is credible and truthful and that Kelvin Bryant and Milique Wagner are innocent of Braheem King’s murder.

murder, *i.e.*, if Eric Fields served as Kelvin Bryant's co-conspirator in the Michael Smith's murder, and there's no evidence implicating Reafeal Fields, it's reasonably probable Reafeal Fields had nothing to do with Braheem King's murder either.

## **B. The Nordo disclosures**

The Nordo disclosures undermine the credibility of at least four pieces of evidence fundamental to the DAO's theory that Reafeal Fields committed the Michael Smith murder and played a conspiratorial role in the Braheem King murder: (1) Timothy Johnson's February 16, 2010 statement (C-6A); (2) Amin Payne's February 20, 2010 statement (C-19A); (3) Amin Payne's January 25, 2013 (C-19B) statement; and (4) Herman Adams's February 21, 2010 statement (C-13A).

### **1. Nordo typed the 2/16/2010 statement for Timothy Johnson**

Nordo typed Timothy Johnson's February 16, 2010 statement (C-6A). In the statement, Johnson identified "June" and "Shiz" as the two men who shot and killed Michael Smith. Johnson identified Reafeal Fields as "Shiz" and Kelvin Bryant as "June."

At trial, Timothy Johnson repudiated C-6A and said he signed it and circled whoever the detectives wanted him to circle because he wanted to leave Homicide. Johnson said detectives held him in Homicide for two or three days before questioning him on February 16th. Also, Johnson knew Reafeal Fields as Ra Ra – not Shiz – and he knew Kelvin Bryant as Ka – not June.

At the preliminary hearing, Nordo said he typed Johnson's statement.<sup>2</sup>

At trial, Nordo mentioned Johnson's statement but didn't testify in depth about it. Detective Crystal Williams did, however.

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<sup>2</sup> NT, Prelim. Hrg., 1/4/2011, pp. 47-48.

## 2. Nordo typed the 2/20/20 statement for Amin Payne

Within thirty minutes of Braheem King's murder, the PPD had stopped Milique Wagner as he walked the neighborhood. The PPD transported Wagner to Homicide. During questioning, Wagner said Amin Payne committed the shooting. The PPD released Wagner that night – February 11th.<sup>3</sup> Based on Wagner implicating Amin Payne, the PPD looked for and found Payne on February 19th, transported him to Homicide, and quickly told him someone had identified him as Braheem King's shooter.<sup>4</sup>

Nordo interrogated Payne on February 20th and typed a statement for him to sign – which Payne signed (C-19A).<sup>5</sup> Nordo's typed statement claimed Payne was inside Kelvin Bryant's mother's apartment with Bryant and Milique Wagner shortly before the King shooting. Bryant's mother, Debra Sumbler, dated Herman Adams, and Adams was also inside the apartment with Payne, Bryant, and Wagner. The report claimed Payne was "burnin' bags" (packaging marijuana) inside Sumbler's house.

As he packaged his drugs, Payne claimed he looked around Sumbler's apartment and didn't see Bryant and Wagner anymore. So curious was Payne as to Bryant's and Wagner's whereabouts, he stopped bagging his drugs, left Sumbler's apartment, and looked in the direction of 25th Street. As Payne looked in that direction, he claimed he saw Kelvin Bryant and Milique Wagner talking to Braheem King. With his drugs unmanned and unsecured upstairs in Sumbler's apartment, Payne – for some reason – began walking in the direction of Bryant, Wagner, and King. As he walked, Payne claimed Bryant and Wagner pulled their weapons and repeatedly shot King. Payne claimed Bryant and Wagner turned onto 26th Street and fled. Payne claimed he ran back into Sumbler's apartment, grabbed his shirt, and ran out, running all the way to his house in Frankford. Payne, apparently, left all his drugs behind at Sumbler's apartment.

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<sup>3</sup> NT, Trial, 2/4/2013, pp. 312-314.

<sup>4</sup> NT, Trial, 2/4/2013, pp. 309-310; NT, Prelim. Hrg., 1/4/2011, p. 42.

<sup>5</sup> H-File, pp. 995-1006.

Thirty minutes after the shooting, Payne claimed Kelvin Bryant called him and said, “[W]e hollered at another one” – which meant he’d “killed another boy.” When Nordo asked, “What boy was [Kelvin] talkin’ about that he killed?” Payne replied, “Molo and the guy on 25th & Cecil B. Bra.” Payne claimed he ran into Kelvin Bryant on February 15, 2010, but Nordo’s report doesn’t mention where. During this run-in, Payne claimed Kelvin Bryant told him, “I killed the one (Smith), I might as well get the rest (King). I got to get them out of the way.”

Nordo’s typed statement also alleged he showed Payne the surveillance footage of the Michael Smith shooting, and based on viewing the footage Payne identified Kelvin Bryant and Mr. Fields (“Ra Ra”) as the two gunmen. Nordo’s typed statement also alleged that Kelvin Bryant and Mr. Fields told him (Payne) they’d (Bryant and Fields) shot and killed Michael Smith over a drug turf dispute.

Amin Payne served as the DAO’s “nexus” witness, meaning the DAO used his statements to tie Mr. Fields to Braheem King’s murder even though Mr. Fields didn’t commit the murder and was nowhere near the scene. The DAO claimed Mr. Fields was part of Kelvin Bryant’s drug trade and part of Bryant’s grand conspiracy to eliminate his drug competition.

At trial, Payne repeatedly repudiated this statement (C-19A) and repeatedly admitted he and an unnamed friend from the neighborhood shot and killed Braheem King.<sup>6</sup> Payne also repeatedly said he didn’t watch any surveillance footage at Homicide and he didn’t identify anyone linked to Michael Smith’s murder.<sup>7</sup>

At trial, Nordo mentioned participating in Payne’s February 20, 2010 interview, but the DAO had Detective White serve as its rehabilitation witness once Amin Payne repudiated the statement. Detective White, however, repeatedly said he wasn’t with Nordo when Nordo supposedly showed

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<sup>6</sup> Amin Payne’s testimony is discussed in detail, *infra*, pp. 16-18.

<sup>7</sup> NT, Trial, 2/1/2013, pp. 300-302.

Payne the surveillance footage, meaning if Nordo showed the footage to Payne, he did so on his own, outside the view of other detectives.<sup>8</sup>

### **3. Nordo typed the 2/21/2010 statement for Herman Adam**

On February 20, 2010, immediately after Nordo interviewed Payne, Nordo had Adams arrested and transported to Homicide.<sup>9</sup> Nordo questioned Adams on February 21st – which produced another Nordo typed-written report (C-13A). According to Nordo’s report, Adams described Debra Sumbler, Kelvin Bryant’s mother, as his common law wife. He said they’d been together for three years. Nordo’s report for Adams mirrors the report he’d typed for Amin Payne.

According to the Adams report, Kelvin Bryant, Milique Wagner, and Amin Payne were at Sumbler’s apartment the night of Braheem King’s murder. The report claimed Bryant received a phone call shortly before the shooting, which prompted him to leave the apartment with Wagner. Amin Payne stayed behind. Shortly thereafter, Adams went to his bedroom and retired for the night. Ten minutes later, Adams heard a dozen gunshots. Adams looked out the window but didn’t see anything. Adams claimed both Bryant and Wagner were armed when they left Sumbler’s apartment.

At trial, Herman Adams present schizophrenic testimony where he adopted, rejected, denied, and then adopted or denied again different portions of the February 21, 2010 report Nordo had typed. Adams, though, repeatedly said he didn’t witness Braheem King’s murder and didn’t know who shot and killed him.

At trial, Nordo said he’d typed Adams statement verbatim and that Adams signed it and identified Kelvin Bryant, Milique Wagner, and Amin Payne.<sup>10</sup>

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<sup>8</sup> NT, Trial, 2/4/2013, pp. 302-33.

<sup>9</sup> NT, Trial, 1/30/2013, pp. 22-23.

<sup>10</sup> NT, Trial, 2/4/2013, pp. 226, 233-239, 252, 255-256.

#### 4. Nordo typed the 1/25/2013 statement for Amin Payne

By January 2013, shortly before Mr. Fields's trial began, defense counsel for Mr. Fields, Kelvin Bryant, and Milique Wagner had developed information strongly suggesting and, in fact, proving at least three things: (1) Amin Payne shot and killed Braheem King; (2) Herman Adams knew about Amin Payne's involvement in King's murder because Debra Sumbler saw Payne fleeing the scene;<sup>11</sup> and (3) Amin Payne shot Herman Adams on March 27, 2010 – only weeks after the Braheem King murder.

There's no question Amin Payne shot Herman Adams in the stomach on March 27, 2010. In June 2011, a jury found Payne guilty of attempted murder and other charges relating to the shooting and he received a 12 to 25 year prison sentence (CP-51-CR-0012463-2010). Thus, by the time Payne testified at Mr. Fields's trial, he was an inmate at SCI-Cresson.

Based on this information and the sequence of events, defense counsel for Mr. Fields, Kelvin Bryant, and Milique Wagner intended to argue that Amin Payne not only shot and killed Braheem King, he then shot Herman Adams on March 27, 2010 to prevent Adams from identifying or linking him to Braheem King's murder. If Mr. Fields persuasively argued Amin Payne killed Braheem King, this would've – at the very least – raised doubts about the alleged nexus between Michael Smith's and Braheem King's murders, undermining the DAO's claim that Mr. Fields aided or encouraged Kelvin Bryant to murder Braheem King because King was encroaching on *their* drug territory.

To short circuit this evidence and argument, *i.e.*, Payne killed King, Adams potentially knew Payne killed King based on what Sumbler saw immediately after the shooting, and Payne shot Adams (with the intent to kill him) to prevent him from snitching, Nordo and the DAO had Payne transferred

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<sup>11</sup> Kelvin Bryant's defense investigator interviewed Debra Sumbler on July 8, 2011. Once Sumbler heard the gunfire, she ran outside her apartment and saw Amin Payne running from the area where Braheem King was shot. When Sumbler saw Payne, she yelled asking him what he'd done. Sumbler said Payne looked at her, laughed, and continuing running. NT, Trial, 1/30/2013, p. 130; NT, Trial, 2/1/2013, pp. 126, 151.

from SCI-Cresson back to Philadelphia County in January 2013. Payne was back in Philadelphia County as early as January 14, 2013. Once back in Philadelphia County, Nordo served as the DAO's handler, meaning Nordo met with Payne on at least one occasion that we know of – January 24, 2013 – to discuss his trial testimony and the problems created by him shooting Herman Adams.<sup>12</sup>

The next day, January 25th, Nordo had Payne transported to the DAO by Officer Golphin where Payne met with Nordo and ADA Jude Conroy. At trial, Detective White testified he had no idea Nordo and the DAO had brought in Payne from SCI-Cresson, nor did he know Nordo had interviewed Payne on January 24th, or that Nordo and ADA Conroy had interviewed Payne on January 25th at the DAO.<sup>13</sup>

The January 24th and January 25th meetings spawned another report typed by Nordo, dated January 25th, but this one – mysteriously – isn't signed by Payne (C-19B).<sup>14</sup> More importantly, based on Payne's trial testimony, it's apparent Nordo typed the January 25th statement either *before* or *after* the January 25th interview, not during the January 25th interview.<sup>15</sup>

Nordo's January 25th statement effectively destroys the notion Amin Payne shot Herman Adams with the intent of killing Adams to prevent him from identifying Payne as Braheem King's gunman. Nordo's statement claims Payne shot Adam's at Kelvin Bryant's behest. According to the statement, Adams worked for Kelvin Bryant's drug trade and Adams "messed up the count and messed up the money."

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<sup>12</sup> NT, Trial, 2/1/2013, pp. 176-180.

<sup>13</sup> NT, Trial, 2/4/2013, pp. 291-295.

<sup>14</sup> Ex. 1.

<sup>15</sup> As discussed *infra*, pp. 16-18, when counsel interviewed Amin Payne on January 23, 2017 at SCI-Brenner Township, Payne said Nordo wrote the statement before the January 25th DAO interview because Nordo presented the statement to him during the January 25th DAO interview and wanted him to sign it. Payne refused because he repeatedly told Nordo and ADA Conroy he killed Braheem King and had committed other shootings and murders.

Angered by Adams's mistake, Bryant asked Payne to shoot Adams – even though, based on the DAO's narrative – Bryant had already, to this point, shot and killed two people: Michael Smith and Braheem King. Bryant, apparently, didn't feel comfortable killing a third person so he recruited Payne to do his dirty work. Payne, according to Nordo's statement, agreed and shot Adams, but did so *pro bono* evidently because, according to Nordo's statement, Bryant paid Payne nothing for shooting Adams.

At trial, the DAO called Amin Payne as a witness, and that backfired because Payne repeatedly confessed to shooting and killing Braheem King.<sup>16</sup> Furthermore, Payne described how he'd met with Nordo on January 24th and ADA Conroy on January 25th.<sup>17</sup> More importantly, Payne repeatedly said that, during both meetings, he told Nordo and ADA Conroy that he'd killed Braheem King, that Kelvin Bryant and Milique Wagner had nothing to do with Braheem King's murder, and that he'd shot and killed other people in the neighborhood during this period of time.<sup>18</sup> When Payne confessed to the King murder and other shootings, however, Payne said ADA Conroy and Nordo didn't believe him.<sup>19</sup>

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How the jurors viewed Nordo's credibility played a critical role in how they viewed each of these statements. The Nordo disclosures would've significantly undermined – if not destroyed – Nordo's credibility and thus the credibility and weight the jurors assigned to each statement at trial. For instance, the credibility of Timothy Johnson's identification of Mr. Fields turned, in significant part, on how jurors viewed and weighed Johnson's and Nordo's credibility. The same is true for Amin Payne's statements. Whether the jurors found Payne's statements credible turned, in significant part,

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<sup>16</sup> Payne's testimony is discussed in detail *infra*, pp. 16-18.

<sup>17</sup> NT, Trial, 2/1/2013, pp. 176-179.

<sup>18</sup> NT, Trial, 2/1/2013, pp. 180-182.

<sup>19</sup> NT, Trial, 2/1/2013, pp. 176-182.

on how they viewed and weighed Payne's trial testimony repudiating these statements and Nordo's and Detective White's testimony confirming the accuracy of these statements.

Amin Payne's February 20, 2010 statement is particularly significant because the report claims Nordo showed Payne the surveillance footage of Michael Smith's murder and that Payne identified Mr. Fields as one of the two gunmen. At trial, however, Payne repeatedly said he didn't watch the surveillance footage, meaning he didn't identify anyone.<sup>20</sup> The credibility issue, therefore, turned on whether jurors found Payne's trial testimony or Nordo's testimony and typed report more credible.

Amin Payne's January 25, 2013 statement is also enormously significant because Nordo orchestrated the DAO meeting by himself and handled Payne by himself. The credibility issue turned on whether jurors believed Nordo's typed report or Payne's repeated testimony that, during his January 24th meeting with Nordo and January 25th meeting with Nordo and ADA Conroy, he repeatedly confessed to murdering Braheem King.

It's likely the new facts in the Nordo disclosures would produce a different result at a new trial. Based on these disclosures, jurors would likely find Amin Payne's testimony more credible, meaning they would find:

*First*, Amin Payne murdered Braheem King, not Kelvin Bryant and Milique Wagner. If Kelvin Bryant didn't murder Braheem King, jurors would likely acquit Mr. Fields of the Braheem King murder.

*Second*, Amin Payne didn't watch the surveillance footage, meaning he didn't identify either gunmen who shot and killed Michael Smith. If Payne didn't identify Mr. Fields, jurors would likely acquit Mr. Fields of the Michael Smith murder because Timothy Johnson repeatedly repudiated his identification at trial – and Nordo was the detective who obtained Johnson's identification.

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<sup>20</sup> NT, Trial, 2/1/2013, pp. 300-302.

In the end, based on all the new facts, the Court can have no confidence in Mr. Fields's two first-degree murder convictions.

Mr. Fields, therefore, is entitled to a new trial.

### **PROCEDURAL HISTORY**

#### **A. Trial and initial-review PCRA proceedings**

On November 11, 2010, the DAO charged Mr. Fields and his co-defendant, Kelvin Bryant (CP-51-CR-0014199-2010), with two counts of murder and other charges in connection with the shooting deaths of Michael Smith and Braheem King. On January 11, 2011, the DAO also charged Milique Wagner (CP-51-CR-0000127-2011) with two counts of murder in connection with Michael Smith's and Braheem King's shooting deaths.

Mr. Fields, Kelvin Bryant, and Milique Wagner all pled not guilty and proceeded to a jury trial before the Honorable M. Teresa Sarmina. Andres Jalon represented Mr. Fields at trial. Before trial, the trial court granted the DAO's joinder motion, allowing it to jointly try Mr. Fields, Kelvin Bryant, and Milique Wagner.

On February 8, 2013, a jury convicted Mr. Fields of first-degree murder, conspiracy, and PIC. The jury convicted Kelvin Bryant and Milique Wagner of the same offenses.

Mr. Fields appealed (1522 EDA 2013), but the Superior Court affirmed on February 6, 2015. Mr. Fields didn't seek discretionary review from the Pennsylvania Supreme Court, making his conviction final on March 9, 2015.

On March 7, 2016, Mr. Fields filed a timely PCRA petition, which he amended on February 10, 2017. On December 29, 2017, the PCRA court dismissed Mr. Fields's PCRA petition without a hearing. Mr. Fields appealed (366 EDA 2018), but the Superior Court affirmed the denial on May 20, 2019. Mr. Fields didn't seek discretionary review from the Pennsylvania Supreme Court. The Superior Court remitted Mr. Fields's case back to the PCRA court on July 5, 2019.

**B. The Nordo and H-file disclosures**

On December 20, 2018, while Mr. Fields’s PCRA appeal (366 EDA 2018) was pending, the DAO emailed counsel the following “Police Misconduct Disclosure Notice” regarding Nordo:

DATE: December 20, 2018  
RE: *Com. v. Rafiq Dixon*, Superior Court No. 4046 EDA 2017; CP-51-CR-0011476-2011  
(Police Misconduct Disclosure Notice)

Dear Mr. Cooley:

Former Philadelphia Police Officer Phillip Nordo has been identified as having been involved in the above-captioned case. This officer has been identified by the DAO as an officer who may have or has engaged in qualifying misconduct that necessitates disclosure. Specific information regarding the qualifying misconduct is contained in the attached: 2 page news article dated 8/23/17; and documents related to Commonwealth v. Darnell Powell (CP-51-CR-0006915-2015), which include a dismissal order filed 6/4/18, stay order filed 6/4/18, release of prisoner order filed 7/3/18, and notes of testimony from a proceeding in the court of common pleas on 6/4/18.

**Because discovery and admissibility are clearly different issues, this disclosure is being made for discovery purposes only and it is in no way a concession to the admissibility of any of the disclosed information.**

Sincerely,  
*/s/ Grady Gervino*  
GRADY GERVINO  
Assistant District Attorney<sup>21</sup>

This disclosure contained substantial new facts undermining Mr. Fields’s murder convictions because Nordo played such a prominent role in both murder investigations. Nordo procured the key eyewitness identification from Timothy Johnson in connection with Michael Smith’s murder and he interviewed Amin Payne – the DAO “nexus” witness – multiple times regarding Braheem King’s murder, procuring two damning statements (C-19A and C-19B).

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<sup>21</sup> Counsel represents Rafiq Dixon in a separate PCRA matter involving Nordo, thus the reason the DAO made the Nordo disclosure.

When counsel received this disclosure, Mr. Fields was appealing the dismissal of his first PCRA petition (366 EDA 2018). Under the PCRA case law, this procedural posture prevented Mr. Fields from filing a newly-discovered facts PCRA petition until the appellate courts had resolved his appeal and remitted jurisdiction back to the PCRA court. *Commonwealth v. Lark*, 746 A.2d 585, 588 (Pa. 2000).

On May 20, 2019, the Superior Court affirmed the denial of Mr. Fields's PCRA petition.

On July 27, 2019, counsel met with the CIU regarding *Commonwealth v. Rafiq Dixon*, CP-51-CR-0011476-2011. During this meeting, the CIU provided counsel with additional disclosures regarding Nordo that contained more new facts undermining Mr. Fields's murder convictions.

On November 1, 2019, the CIU emailed counsel the H-file for both homicides.

### **PCRA REQUIREMENTS**

Under the PCRA, Mr. Fields must prove and/or show the following:

*First*, he must be convicted of a crime under the laws of this Commonwealth and serving a criminal sentence. 42 Pa. C.S. § 9543(a)(1). Mr. Fields stands convicted of two counts of first-degree murder and is serving LWOP for both.

*Second*, he must present a cognizable claim under 42 Pa. C.S. § 9543(a)(2). Mr. Fields alleges that his murder convictions “resulted from” the following:

(1) A violation of the Constitution of this Commonwealth or the Constitution or laws of the United States which, in the circumstances of the particular case, so undermined the truth-determining process that no reliable adjudication of guilt or innocence could have taken place. 42 Pa. C.S. § 9543(a)(2)(i).

(2) The unavailability at the time of trial of exculpatory evidence that has subsequently become available and would have changed the outcome of the trial if it had been introduced. 42 Pa. C.S. § 9543(a)(2)(vi).

As demonstrated throughout this pleading, Mr. Fields didn't have the ability to (1) develop/obtain the new facts regarding Nordo's criminality, improper investigative tactics, and overall incredibility as a detective or (2) develop/obtain the new material/exculpatory facts contained in the H-file because the PPD and DAO had suppressed said facts.

*Third*, he must show his claims aren't previously litigated or waived. 42 Pa. C.S. §9543(a)(3). Mr. Fields's claims haven't been previously litigated or waived because they're based on newly-discovered facts he couldn't have developed and presented to the PCRA court any sooner than now.

*Fourth*, because this current PCRA petition obviously doesn't meet the PCRA's 1-year limitations period, 42 Pa. C.S. § 9545(b)(1), he must trigger at least one of the PCRA's three timeliness exceptions. Here, the facts trigger two of the timeliness exceptions:

(1) The failure to raise the claim previously was the result of interference by government officials with the presentation of the claim in violation of the Constitution or laws of this Commonwealth or the Constitution or laws of the United States. 42 Pa. C.S. § 9545(b)(1)(i). This subsection is based on *Brady's* suppression component.

(2) The facts upon which the claim is predicated were unknown to the petitioner and could not have been ascertained by the exercise of due diligence. 42 Pa. C.S. § 9545(b)(1)(ii). This exception is referred to the newly-discovered facts exception. *Commonwealth v. Burton*, 158 A.3d 618, 627 (Pa. 2017).

*Fifth*, Mr. Fields must file his newly-discovered facts PCRA petition within one year of developing/obtaining the new facts upon which he bases his new state and federal claims. 42 Pa. C.S. § 9545(b)(2).

The key dates are as followed:

(1) July 5, 2019: Counsel received the DAO's initial Nordo disclosures on December 20, 2018. However, because Mr. Fields was appealing the denial of his first PCRA petition, he couldn't file a subsequent PCRA petition based on these Nordo disclosures. *Commonwealth v. Lark*, 746 A.2d at 588. On May 20, 2019, however, the Superior Court affirmed the dismissal of his first PCRA petition. Mr. Fields had thirty days to petition the Pennsylvania Supreme Court. Mr. Fields didn't petition the Supreme Court, and the Superior Court remitted his case back to the PCRA court on July 5, 2019.

Once the PCRA court retained jurisdiction on July 5, 2019, Mr. Fields had one year from this date to file his newly-discovered fact PCRA petition based on the December 20, 2018 Nordo disclosures. By filing his newly-discovered facts PCRA petition today, Mr. Fields's petition is timely.

July 29, 2019: The CIU provided counsel with additional Nordo disclosures during counsel's July 27, 2019 meeting with the CIU to discuss *Commonwealth v. Rafiq Dixon*, CP-51-CR-0011476-2011. By filing his newly-discovered facts PCRA petition today, Mr. Fields's petition is timely.

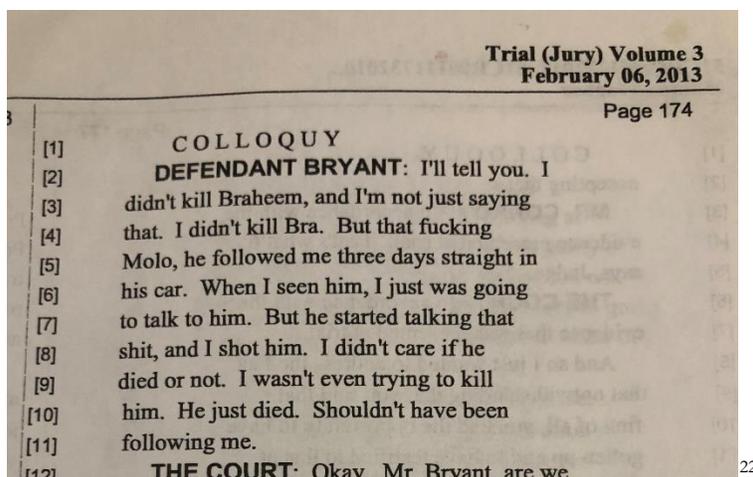
November 1, 2019: The CIU provided counsel with the H-file for both homicides on November 1, 2019. By filing his newly-discovered facts PCRA petition today, Mr. Fields's petition is timely.

### **KELVIN BRYANT'S AND AMIN PAYNE'S ADMISSIONS**

Based on Kelvin Bryant's sentencing admission and Amin Payne's trial testimony, two things are clear at this point: (1) Kelvin Bryant was one of the two gunmen who shot and killed Michael Smith; and (2) Amin Payne was one of the two gunmen who shot and killed Braheem King.

#### **A. Kelvin Bryant and someone else shot and killed Michael Smith**

After a jury convicted Kelvin Bryant of Michael Smith's and Braheem King's murders, Bryant addressed the trial court during sentencing and confessed to shooting and killing Molo – aka Michael Smith. According to Bryant, he shot and killed Smith because Smith had been following him for three days. Bryant, though, adamantly denied shooting and killing Braheem King:



## B. Amin Payne and someone else murdered Braheem King

### 1. Amin Payne's trial testimony

Within thirty minutes of Braheem King's murder, the PPD had stopped Milique Wagner in the neighborhood and transported him to Homicide. Wagner denied involvement in Braheem King's murder and identified Amin Payne as King's shooter.<sup>23</sup>

In his February 20, 2010 statement – which Nordo typed – Amin Payne flipped the script and pinned Braheem King's murder on Milique Wagner and Kelvin Bryant.

Before trial, however, Amin Payne told Nordo and ADA Conroy what many people in the neighborhood already knew: He shot and killed Braheem King. Payne told Nordo this during the January 24, 2013 meeting and he told ADA Conroy this during the January 25, 2013 meeting.

At trial, Payne repeatedly discussed his January 24th and 25th meetings and repeatedly told jurors he was the person who shot and killed Braheem King:

Listen, point-blank, I told your [*i.e.*, ADA Conroy] motherfucking ass, man, I killed the motherfucking dude [Braheem King]. You don't want to listen, man. You want me to sit up here and play these games. I told you, man. How many times you want me to tell you?<sup>24</sup>

<sup>22</sup> NT, Sentencing Hrg., 2/6/2013, p. 174.

<sup>23</sup> NT, Trial, 2/4/2013, pp. 309-310; NT, Prelim. Hrg., 1/4/2011, p. 42. Counsel doesn't have a copy of Wagner's February 11, 2010 statement – and it's not in the H-file.

<sup>24</sup> NT, Trial, 2/1/2013, p. 195.

Payne testified:

[ADA Conroy] want me to come up in here and say other people committed the [Braheem King] crime, and I'm telling him I committed the crime and giving him details on the crime. [ADA Conroy] don't want to believe it.<sup>25</sup>

Payne testified:

You and I guess the other DA, whoever else that way, y'all didn't want to believe me. I told y'all about the shootings, the murders, that I committed, and you want me to sit her and blame these people. For what, I don't know. I told you.<sup>26</sup>

Payne testified:

I'm telling him over and over again, but for some reason [ADA Conroy] just like, no, no, I know you ain't do it. I know you wasn't around there committing them crimes. But I kept telling him, like I was around there, and I was committing the crimes when I came home in November.<sup>27</sup>

This colloquy with ADA Conroy and the trial court drives this point home:

Payne: And I told [ADA Conroy] this. I told him. I told him. He asked me why [I shot Herman Adams]. I told him because I told him I did this [*i.e.*, the Braheem King shooting].<sup>28</sup>

Conroy: You did what?

Payne: And you not – oh, no, you didn't.

Court: Well, what is it that you did?

Payne: I told [ADA Conroy] that I did the shooting.

Court: Which shooting? Mr. Adams?

Payne: No. The other shooting.

Conroy: What shooting?

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<sup>25</sup> NT, Trial, 2/1/2013, pp. 181-182.

<sup>26</sup> NT, Trial, 2/1/2013, p. 188.

<sup>27</sup> NT, Trial, 2/1/2013, pp. 265-266.

<sup>28</sup> NT, Trial, 2/1/2013, p. 204.

Payne: On Cecil B. Moore Avenue. I told him that I committed it.

Court: Who got shot there?

Payne: The guy Braheem.

Court: Okay. So you shot him?

Payne: Yes, and I told [ADA Conroy] this. He don't believe it. I don't know why. I told him what kind of gun it was. No, no, no, you didn't. No, you didn't.<sup>29</sup>

## **2. Amin Payne's January 23, 2017 interview with counsel**

On January 23, 2017, undersigned counsel interviewed Amin Payne at SCI-Brenner Township, during which Payne confirmed his trial testimony and he identified the other gunman as a friend named "Cory."

Payne told counsel he knew Kelvin Bryant and Milique Wagner didn't shoot and kill Braheem King because he and his friend, Cory, shot and killed King over a non-drug related dispute. On the night of the shooting, February 11th, Payne said he was at Debra Sumbler's house with Bryant, Wagner, and Herman Adams. Payne said Bryant and Wagner left at some point, and shortly after they left, Payne said Cory called and told him Braheem King was a block away. Payne said he had a "dispute" with King, but said it wasn't "drug related." Payne said he left Debra Sumbler's house, met Cory out on the street, and then they walked in the direction of where Cory had seen King. Payne said when they saw King, they both began shooting. Payne said Kelvin Bryant and Milique Wagner were nowhere near the shooting and didn't shoot and kill Braheem King.

During the interview, Payne also confirmed what he'd testified to a trial regarding his pre-trial meetings with Nordo and ADA Conroy: He told both his February 20th statement was untrue because he shot and killed Braheem King. Moreover, Payne said the January 25, 2013 statement had already been written *before* he'd arrived at the DAO on January 25th because Nordo and ADA Conroy

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<sup>29</sup> NT, Trial, 2/1/2013, pp. 204-205.

presented it to him during the meeting. Payne said he refused to sign it because it was all “bullshit” and “not true.”

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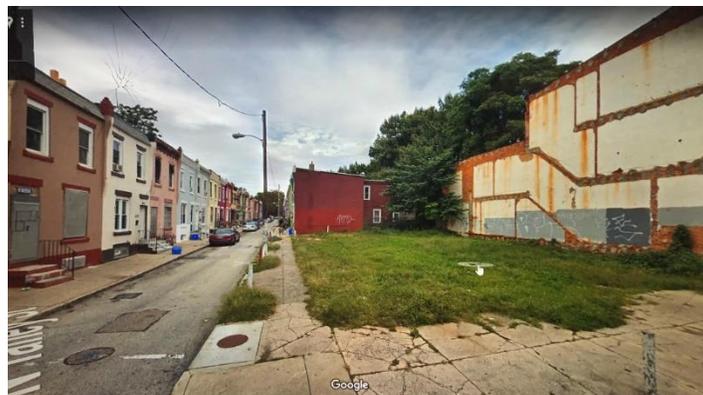
Based on these admissions, the key questions are thus: Who was with Kelvin Bryant during the Michael Smith shooting? The suppressed evidence strongly suggests it was Eric Fields – Reafeal Fields’s near identical, younger brother. If Amin Payne’s trial testimony doesn’t already undermine the Braheem King conviction, undermining the Michael Smith conviction will undoubtedly do so because the DAO sold both murders as a packaged deal committed by Kelvin Bryant’s drug organization, which supposedly included Reafeal Fields. Put differently, if Reafeal Fields didn’t commit the Michael Smith murder, both of his murder convictions lack confidence and a constitutional footing, requiring a new trial.

### **THE SUPPRESSED FACTS AND HOW THEY IMPACT BOTH CONVICTIONS**

#### **A. Brian Crosland’s January 24, 2010 murder, Montez Blackman, Eric Fields, and Kelvin Bryant**

##### **1. Brian Crosland’s murder**

On January 24, 2010, Brian Crosland was gunned down at the corner of Taney Street and Montgomery Street.<sup>30</sup> His body was found in the empty lot pictured below:

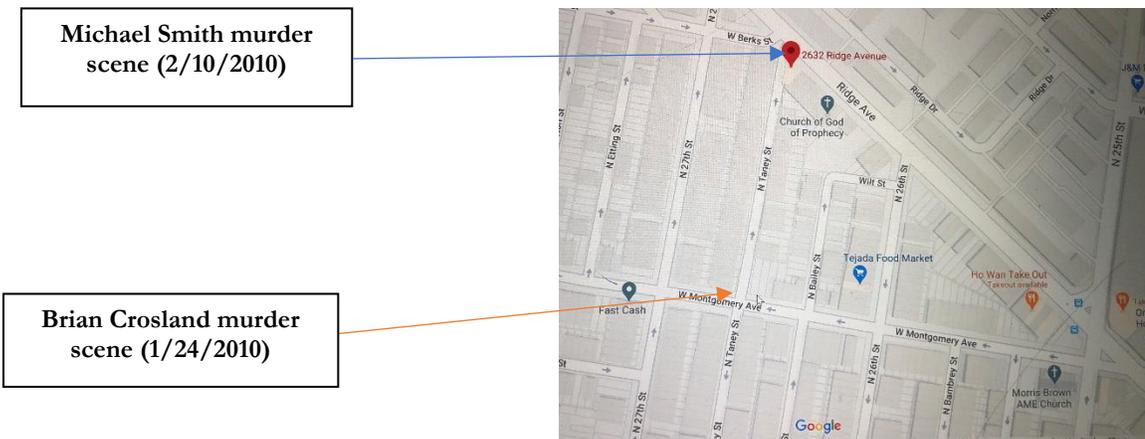


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<sup>30</sup> Stephanie Far, *3 are killed in weekend violence*, PHILA. INQUIRE, Jan. 25, 2010, at [https://www.inquirer.com/philly/hp/news\\_update/20100125\\_3\\_are\\_killed\\_in\\_weekend\\_violence.html](https://www.inquirer.com/philly/hp/news_update/20100125_3_are_killed_in_weekend_violence.html).

HOMICIDE RECORD						CASE #	DC#
PHILADELPHIA POLICE DEPARTMENT HOMICIDE UNIT						MF10-17	10-22-007309
DATE OF ASSAULT						LOCATION OF INCIDENT	
01-24-10	TIME	DATE OF DEATH	TIME	PRONOUNCED BY		MEDIC #13	
4:25 AM	01-24-10	4:33 AM	BRIAN CROSLAND		HOSPITAL	SCENE	
DECEASED		RESIDENCE		P.I.B.	HOSPITAL		
BRIAN CROSLAND		1842 N. TANEY ST		996566	SCENE		
CAUSE OF DEATH		D.O.B.	AGE	SEX	RACE	WEAPON	RECOVERED
GUNSHOT WOUND TO THE HEAD		01-30-91	18	MALE	BLK	HANDGUN	YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
POSTED BY DR.		Q.M.E.#	DATE		CASE STATUS	FUGITIVES	
DR. BLANCHARD		10-368	01-24-10		ACTIVE	YES <input type="checkbox"/> NO <input type="checkbox"/>	
DEFENDANTS							
NAME	AGE	RACE	SEX	RES.	P.I.D.	DATE ARRESTED	
NAME	AGE	RACE	SEX	RES.	P.I.D.	DATE ARRESTED	
NAME	AGE	RACE	SEX	RES.	P.I.D.	DATE ARRESTED	
SUPERVISORS				ASSIGNED DETECTIVE			
Sgt. Coan # 354/ Gallagher #8716				DET. PETERMAN # 9114			
SUMMARY							
On Sunday, 01-24-10, at approx. 4:25 am. Fire Rescue responded to a RIC for a Hospital Case at							
1800 N. Taney St. Police were dispatched at approx. 4:37 am. Upon arrival, they located a black male lying							
in a vacant lot suffering from a gunshot wound to the head. The male was pronounced at the scene by							
Medic #13 at 4:33 am.							

Crosland lived on Taney Street near Montgomery Avenue, not far from the empty lot where he was shot and killed. This corner lot is a block south of the corner of Taney Street and Ridge Avenue where Michael Smith was gunned down on February 11, 2010. Here's a Google Map showing the short distance between the Brian Crosland murder/shooting scene and the Michael Smith murder/shooting scene



On February 25, 2010, two weeks after Michael Smith's murder, the PPD interviewed an eyewitness to Brian Crosland's murder: Bilah Taylor (or Muhfooth, *see infra*). According to Bilah Muhfooth, he saw Kelvin Bryant and Eric Fields force Brian Crosland to his knees in the

abovementioned lot at the corner of Montgomery Avenue and Taney Street and shoot him execution style:

**ACTIVITY SHEET**

**Platoon # 2**  
**M / S # M10-17**

**Date: 2-25-10**  
**Superv: Lt. Williams**

**Victim: Crosland, B**

**Assn: Peterman, H**

**ORIGIN: M10-17**

On Sunday, 1-24-10 at approx. 4:25AM, Fire Rescue responded to an R/C for a Hospital Case at 1800 N. Taney Street. Police were dispatched at approx. 4:37AM. Upon their arrival at that location they observed a black male, later identified as Brian Crosland 18 B/M, in a vacant lot suffering from a gun shot wound to the head. The male was pronounced at the scene by Medic #13 at 4:33AM.

**UPDATE:**

Bilah Taylor 19 B/M was interviewed by Det. Scally and he related the following in summary. Bilah stated that the decedent was a friend of his and on 1-24-10 he was walking home when he saw the decedent at Montgomery and Taney. He further stated that he saw two boys (Kelvin and Ra-Ra's brother) from the neighborhood come up to the decedent and put him on his knees in the lot. Bilah then stated that one boy (Ra-Ra's brother) pulls out a gun and he shoots the decedent. Bilah stated that he then ran in the house. Bilah was shown color photo of a male (shown PPN# Kelvin Bryant) and he positively identified this male as the male that he saw approach the decedent with Ra-Ra's brother. He was also shown a color photo (shown PPN#958062 Eric Fields) and he positively identified this male as Ra-Ra's brother and the male he saw shoot the decedent.

31

Here's the Activity Sheet indicating the PPD picked up Bilah Taylor (Muhfooth) on February 25, 2010.

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<sup>31</sup> H-File 775.

**UPDATE:**

On 2-25-10 Detectives along with Police Officers Golphin and Davila met with a male by the name of Willard Hopkins and he identified Montez Blackman PPN#835559 as the male that robbed him at 2600 Montgomery Avenue. They also went to the area of Taney and Montgomery to look for witnesses as well as 25<sup>th</sup> & Cecil B. Moore Avenue.

On 2-25-10 Police Officers from the 23<sup>rd</sup> District along with Criminal Intelligence Unit located Tyrik Lark PPN#867075 and Bilah Taylor PPN#990786 who are possible witnesses on Taney & Montgomery which occurred on 1-24-10.

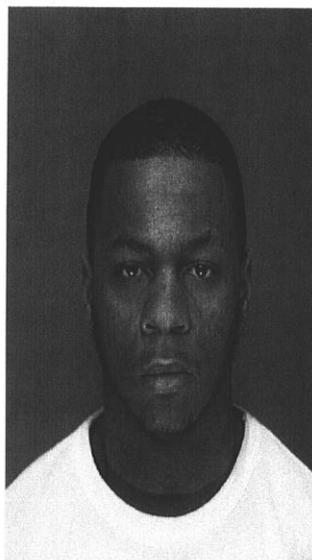
32

In these Activity Sheets, the PPD refers to the witness as Bilah Taylor, but this appears to be a mistake (or an alias) because the witness's name is Bilah Muhfooth – as indicated by the below mug shot taken on January 13, 2010:



**Philadelphia Police Department**

**EVENT#:** 140361048  
**PID#:** 990786  
**NAME:** BILAH MUHFOOTH  
**ARREST DATE:** Jan 13 2010 4:52PM  
**AGE AT ARREST:** 19  
**HEIGHT:** 505  
**WEIGHT:** 130  
**HAIR COLOR:** BLACK  
**EYE COLOR:** BROWN  
**Phil Arrestee DATABASE**



33

The PPN number listed for Bilah Taylor (990786) is the same for Bilah Muhfooth (990786).

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<sup>32</sup> H-File, p. 798,

<sup>33</sup> H-File, p. 572.

In a February 24, 2010 Activity Sheet, the PPD indicated it spoke with a woman named Nancy Mitchell on this date (February 24th), and that Mitchell told the PPD Bilah Muhfooth possibly witnessed Brian Crosland's January 24, 2010 murder:

**UPDATE:**

*On 2-24-10 Police Officers from the 23<sup>rd</sup> and Criminal Intelligence Unit transported Nancy Mitchell 49 B/F to the Homicide Unit. Nancy stated that she was told that there were two possible witnesses (Tyrik Lark PPN#867075 & Bilah Muhfooth PPN#990786) who were outside when the shooting occurred at 1809 N. Taney Street. (M10-17) on 1-24-10.*

34

Based on counsel's review of trial counsel's case file, the DAO never disclosed Bilah Muhfooth's statement identifying Eric Fields and Kelvin Bryant as the two people who shot and killed Brian Crosland on January 24, 2010. The suppression is significant because, as explained below, the first two people identified in the Michael Smith murder were none other than: Eric Fields and Kelvin Bryant. Also, based on counsel's Google Search and criminal docket search, it appears no one has ever been arrested, charged, and prosecuted for Brian Crosland's murder..

The evidence implicating Eric Fields and Kelvin Bryant could've permitted trial counsel to present multiple third-party guilt arguments as to who killed Michael Smith with Kelvin Bryant. For instance, when Bilah Muhfooth's identifications of Eric Fields and Kelvin Bryant are coupled with the fact Reafeal Fields and Eric Fields look like twins, the argument implicating Eric Fields in Michael Smith's murder morphs into a strong and persuasive 404(b) modus operandi argument: Eric Fields and Kelvin Bryant shot and killed Brian Crosland in broad daylight just like they shot and killed Michael Smith in broad daylight only a block away from their Brian Crosland shooting.

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<sup>34</sup> H-File, p. 762.

## 2. Montez Blackman's connection to Brian Crosland's murder and Eric Fields

The PPD also suppressed evidence implicating Montez Blackman in Brian Crosland's murder. According to the suppressed facts, Montez Blackman had Brian Crosland murdered because Crosland knew Blackman had committed an armed robbery in the neighborhood. After the robbery, Blackman gave the gun he'd used during the robbery to Crosland. Blackman, though, believed Crosland intended to snitch on him. Blackman, therefore, had Crosland taken to the corner of Taney Street and Montgomery Avenue and murdered.

### M10-017 Assigned Detective: H. Peterman

Montez Blackman commits a robbery at a numbers house. After the robbery Montez gives the gun to the decedent Brian Crossland to hold/hide. Montez then confides in a older piper guy they all call "Sarge". Montez tells "Sarge" that he thinks that Brian is going to tell on him about the robbery. Montez then walks Brian to the corner and has him go onto his knees and shoots and kills him.

35

"Sarge" is a man named Gary Charles. On February 18, 2010, Charles told Nordo about "Tez" – aka Montez Blackman – having Brian Crosland murdered because he (Crosland) "was a snitch" and he (Blackman) "had to get him (Crosland) out of the way."

### UPDATE: CONT.

He stated that he heard from a male named Manny that a boy just got fucked up on 25<sup>th</sup> Street and he stated that the male's name was "Bra." That information was in reference to the shooting death of Braheem Young that occurred at 25<sup>th</sup> & Cecil B. Moore Avenue. (M10-28)

Gary then stated that in reference to the murder of Brian Crossland (M10-17) a male by the name of Tez told him that Brian was a snitch and he had to get him out the way. Gary was shown a color photograph (Montez Blackman PPN#835559) and he identified this male as Tez.

36

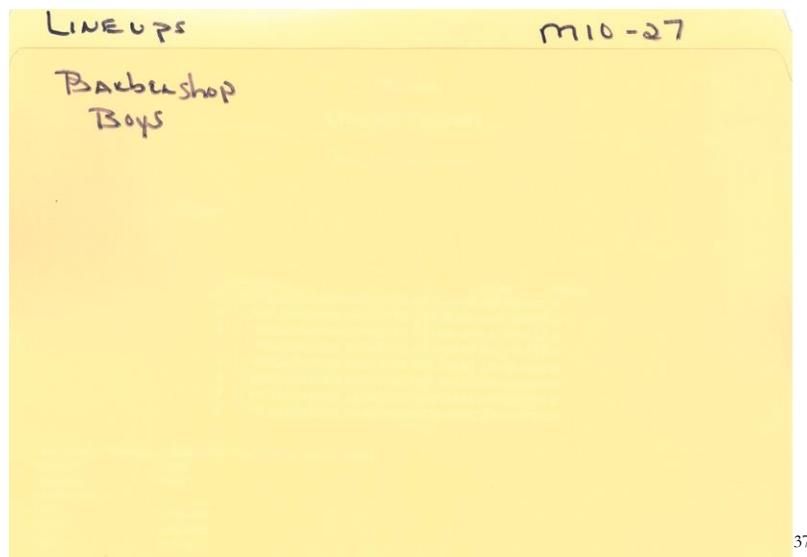
This is significant because the H-file is littered with reports connecting Eric Fields to Montez Blackman. In fact, the PPD called Montez Blackman's crew the Barbershop Boys, because they

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<sup>35</sup> H-File, p. 10.

<sup>36</sup> H-File, p. 1055.

robbed neighborhood barbershops. The H-file had an entire folder regarding the Barbershop Boys and their connections to Michael Smith's murder (M10-27):



Eric Fields,<sup>38</sup> Raheem Jackson,<sup>39</sup> Kelvin Bryant,<sup>40</sup> Amin Payne,<sup>41</sup> and Brian Crosland<sup>42</sup> were part of the Barbershop Boys.

The PPD, unsurprisingly, put out a BOLO for Montez Blackman, Eric Fields, and Raheem Jackson on February 14, 2010 in connection with Michael Smith's and Braheem King's murders. This can be gleaned from a February 14, 2010 Activity Sheet that says this explicitly:

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<sup>37</sup> H-File, p. 338.

<sup>38</sup> H-File, pp. 340, 356, 360.

<sup>39</sup> H-File, pp. 348-349.

<sup>40</sup> H-File, pp. 357-359.

<sup>41</sup> H-File, pp. 341, 344-345.

<sup>42</sup> H-File, pp. 352-353.

**UPDATE:**

On Sunday, 2-14-10, Sgt. Wilkins notified members of SWAT of arrest warrants on Raheem JACKSON PPN#916056, Montez BLACKMAN PPN#835559, and Eric FIELDS PPN#958062. All three males wanted on Arrest warrants from CDD. SWAT will be in the area of 2600 Ridge Ave looking for these males, possibly one or two of the males may have been on the scene in the shootings that occurred on M10-27/28. Members of Highway patrol was also notified.

43

M10-27 represents the PPD's case number for Michael Smith's murder. M10-28 refers to the PPD's case number for Braheem King's murder. Based on the February 14, 2010, and Anthony Benton's February 11, 2010 identification of Eric Fields, *infra* pp. 34-36, it's safe to say the PPD believed Eric Fields was involved in Michael Smith's murder – and perhaps Montez Blackman as well. Here's the BOLO:

GENERAL:7445 02/14/10 18:54:37 FROM HMCJ TO RADP RECEIPT NO.509. PAGE 1 OF 1.  
TO: SUPERVISOR, POLICE RADIO  
FROM: HOMICIDE UNIT  
DATE: 2/14/2010

PLEASE BROADCAST THREE TIMES A TOUR EVERYDAY UNTIL APPREHENDED.  
WANTED FOR ARMED ROBBERY BY SHOTGUN - D.C.#09-22-084744 THAT OCCURRED ON 01/29/10 AT 26TH. & RIDGE AVE. WANTED PERSONS ARE ALSO SUSPECTS ON THREE MURDERS IN THAT SAME AREA. (M10-017,M10-027,M10-028) TANEY STREET & MONTGOMERY, TANEY & RIDGE AVE. AND 2500 CECIL B. MOORE AVE.  
SUBJECTS ARE TO BE CONSIDERED ARMED AND DANGEROUS AND ALL CAUTION SHOULD BE USED WHEN ATTEMPTING TO STOP THESE INDIVIDUALS.  
IF CONTACT IS MADE WITH ANY OF THESE INDIVIDUALS OR ANYONE THAT HAS KNOWLEDGE OF THEIR WHEREABOUTS PLEASE TRANSPORT IMMEDIATELY TO THE HOMICIDE UNIT.  
ATTENTION SGT. WILKINS #8870  
ERIC FIELDS,AKA/LLL' "E", DOB/12-08-1987,PPN#958062,B/M  
MONTEZ BLACKMAN,B/M,DOB/01-01-1984,PPN#835559  
RAHEEM JACKSON,B/M,DOB/01-24-1989,PPN#916056

REVIEWED AND APPROVED BY CAPT. CLARK #27, C.O. HOMICIDE UNIT

44

As the BOLO mentions, all three were suspects in homicide M10-017 – which is Brian Crosland's January 24, 2010 murder.

The PPD also suppressed evidence linking Eric Fields to the December 31, 2009 armed robbery of the Kirbymack Barber Shop – which he committed with Montrez Blackman and Raheem Jackson.

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<sup>43</sup> H-File, p. 786.

<sup>44</sup> H-File, p. 14.



Police Incident Number (DC#):  
0922084744

Warrant Control Number:  
AFF-0000513-2010

DET JAMES CALLAHAN JAMES 8128 Central Detective Division

0922084744 On 12/31/2009, at 7:01 PM, at 2600 Ridge Avenue, Kirbymack's Barbershop was robbed by three black males who were all armed with firearms.  
Offender #1, Montez Blackman, who was armed with a shotgun, entered the barbershop and announced a robbery.  
Offender #2, Raheem Jackson, and Offender #3, Eric Fields, who were armed with handguns, entered the business and ordered the customers and employees to lie on the floor and to empty their pockets. All three offenders took property from the complainants and threatened to shoot them if they did not comply. After the robbery the offenders fled on foot in an unknown direction.  
P/O Frames #2903 and P/O Jackson #6952 from Criminal Intelligence Unit developed suspects in the case. The suspects were placed in photographic arrays and shown to the complainants.  
On 01/11/2010, at 3:30 PM, the assigned detective and Sergeant Lowry #270 showed Complainant #2 a photographic array which contained a picture of Defendant #2, Raheem Jackson, and seven similar images. Complainant #2 positively identified Jackson as the shortest male offender.  
On 01/12/2010, at 10:55 AM, the assigned detective and Sergeant Lowry #270 showed Complainant #1 a photographic array which contained a picture of Defendant #2, Raheem Jackson, and seven similar images. Complainant #1 positively identified Jackson as the person he knows as "Roscoe", the shortest male offender.  
On 01/12/2010, at 12:15 PM, the assigned detective showed Complainant #3 a photographic array which contained a picture of Defendant #2, Raheem Jackson, and seven similar images. Complainant #3 positively identified Jackson as the shortest of the three offenders. Complainant #3 was then shown a photographic array which contained a picture of Defendant #1, Montez Blackman. Complainant #3 positively identified Defendant #1, Montez Blackman, as the offender who was armed with a shotgun.  
Complainant #3 was then shown a photographic array which contained a picture of Defendant #3, Eric Fields. Complainant #3 positively identified Defendant #3, Eric Fields, as the third offender.  
The following property was taken during the robbery:  
Complainant #1: One Blackberry cellular telephone and one Apple I-Phone valued at \$300.  
Complainant #2: One wallet which contained insurance cards, identification and bank cards; as well as \$770 US currency.  
Complainant #3: \$200 US currency.  
Complainant #4: \$300 US currency.  
Complainant #5: \$50 US currency.  
Complainant #6: One wallet which contained personal items; as well as \$150 US currency.  
Nothing was taken from Complainants #7, #8, #9 or #10.

45

The connection between Montez Blackman, Eric Fields, Kelvin Bryant, and Michael Smith's murder is made more reasonable and likely when one considers the 2018 Superior Court opinion in *Commonwealth v. Blackman*, 2018 Pa. Super. Unpub. LEXIS 3941 (October 22, 2018). The opinion affirms Blackman's aggravated assault/firearms convictions stemming from a July 12, 2015 shooting.

Montez Blackman, Daisy Batties, and Mark Nkwocha were in Batties and Nkwocha's apartment on the evening of July 12, 2015. Shortly before 11:00 p.m., Batties and Blackman were sitting on her living room couch:

Batties testified that while he was sitting on her couch, [Montez Blackman] continued to rant and rave about how "*he's going to take over the projects, how he runs the projects, how he [is] the king of the projects [and] everyone [is] beneath him.*" [Blackman] "*was just ongoing about him being on top.*" Batties knew, based on her own dealings with [Blackman], that he was referring to his drug-dealing enterprise. As she put it quite plainly, "*He's a drug dealer. He's -- he[s'] got goons, a squad, his team.*" Batties also testified that while [Blackman] was sitting on her couch, he was brandishing a handgun, the butt of which she saw in plain view protruding from his waistband.

<sup>45</sup> H-File, p. 306.

*Id.*, \*2 (emphasis added).

Just before 11:00 p.m., Batties and Nkwocha said someone or some people fired several gunshots through their apartment window into their living room. Batties said Blackman jumped up from the couch, retrieved his handgun, fired several shots out the living room window in the direction of the initial gunfire, and then fled the apartment.

Police arrived shortly thereafter and interviewed Batties and Nkwocha. Both identified Blackman as the person who fired shots from inside their living room. However, after Nkwocha spoke with officers and identified Blackman as the return-fire gunman, he described the following incident involving Montez Blackman's friend named "Shiz":

Mr. Nkwocha also testified that, after speaking with the responding officers, he saw [Montez Blackman] walk by the residence with a large group of males, at which time he identified Appellant, stating, "The guy [is] right there." *Additionally, Mr. Nkwocha testified that, just prior to being transported to the station for a detailed statement, one of [Blackman's] friends, "Shiz[.]" pointed at Mr. Nkwocha with his fingers in the shape of a gun -- indicating to Mr. Nkwocha, "don't snitch or [you're] gonna get shot."*

*Id.*, \*6 (emphasis added). In footnote 4 of the Superior Court's opinion it says: "The name of the individual referenced as 'Shiz' is not in the certified record."

As discussed *infra*, video surveillance footage showed Timothy Johnson speaking with two men immediately before Michael Smith's shooting. Johnson identified these two men as "June" and "Shiz" – and he identified June as Kelvin Bryant and Shiz as Reafeal Fields. That Montez Blackmon is connected to Brian Crosland's and Michael Smith's murders, that he's also heavily connected to Eric Fields and Kelvin Bryant, and that he also has a friend named "Shiz" – is beyond accidental.

In the end, this suppressed evidence prevented trial counsel from pursuing, developing, and presenting facts and argument strongly and persuasively suggesting:

*First*, Eric Fields and Kelvin Bryant murdered Michael Smith at Montez Blackman’s request;  
or

*Second*, Kelvin Bryant – on his own accord – recruited Eric Fields to help him shot and kill Michael Smith based on the fact he and Eric had murdered Brian Crosland on weeks earlier.

As discussed *infra*, the Eric Fields theory is made even more plausible when Reafeal’s and Eric’s mug shots are placed side-by-side:

**Eric Fields (3/3/10 arrest)**



**Reafeal Fields (10/21/08 arrest)**



Notably, the PPD used Reafeal’s October 2008 mug shot during its investigation, meaning Timothy Johnson’s and Anthony Benton’s identifications, *infra*, pp. 34-36, are based on the October 2008 mug shot.

In February 2010, however, Eric Fields looked nearly identical to Reafeal’s 2008 mug shot. They look like twins, meaning Timothy Johnson and Anthony Benton could’ve easily misidentified Reafeal Fields when, in fact, the gunman was Eric Fields. *Infra*, pp. 34-41 (discussing the misidentification issue in more detail).

**B. The Ridge Grocery Market shooting and how the suppressed facts impacted Reafeal Fields's trial defense**

**1. Reafeal Fields was shoveling snow when Michael Smith was shot**

February 9-10, 2010 was the North American blizzard.<sup>46</sup> Snowfall across Pennsylvania ranged from 11 to 27 inches. On February 10, 2010, Governor Ed Rendell ordered the activation of over 11,000 Pennsylvania National Guard soldiers statewide. All Philadelphia public and parochial schools closed February 10th, 11th, and 12th due to the snow and dig out.

On the morning of February 11, 2010, consequently, Reafeal Fields and those living on the 1700 block of North Marsten Street, including Pastor Purvies, James Brown, and Robert Reddy, spent the morning shoveling snow and shoveling cars out of the snow. All four shoveled snow that morning from 8:00 a.m. until noon. James Brown and Robert Reddy testified as alibi witnesses and both “positively” and “absolutely” confirmed Reafeal Fields was shoveling snow with them between 8:00 a.m. and noon.<sup>47</sup>

Michael Smith's murder occurred shortly before 11:00 a.m. that morning, meaning Reafeal Fields didn't shoot and kill Michael Smith.

**2. The identifications of Eric Fields, Reafeal Fields, and Kelvin Bryant**

**a. Anthony Benton's identification of Eric Fields**

Based on the H-file, the first eyewitness interviewed regarding the Michael Smith shooting was Anthony Benton, who described the shooting this way:

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<sup>46</sup>[https://en.wikipedia.org/wiki/February\\_9%E2%80%9310,\\_2010\\_North\\_American\\_bizzard#Pennsylvania](https://en.wikipedia.org/wiki/February_9%E2%80%9310,_2010_North_American_bizzard#Pennsylvania).

<sup>47</sup> NT, Trial, 2/5/2013, pp. 99-100, 102-103, 118-119.

DC #10-22-012457

Date: 02-11-2010

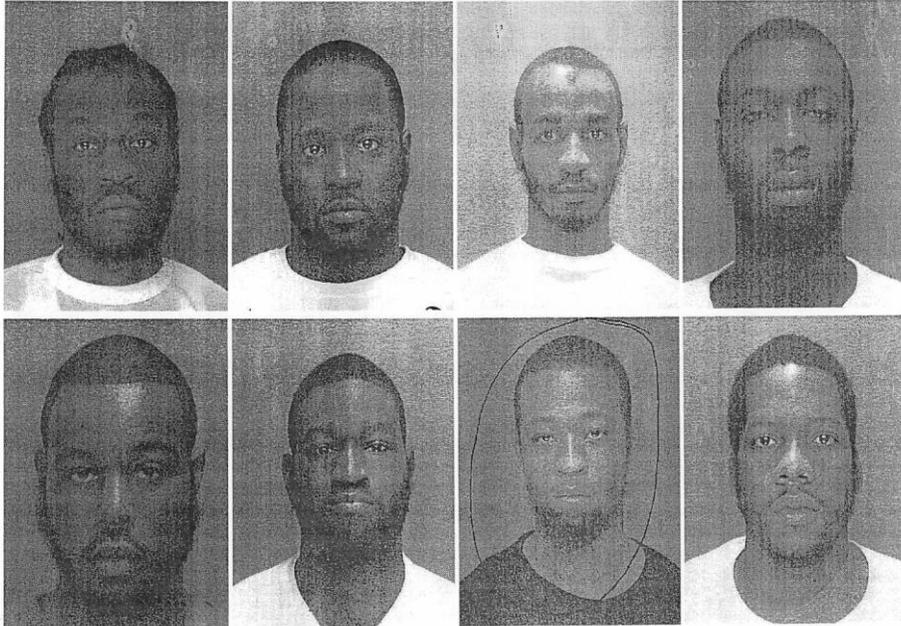
Witness/Contact: Anthony Benton [REDACTED] (Pa. OLN-19-718-253)

Above Witness/Contact was interviewed inside CDD (401 n. 21<sup>st</sup> St.), and stated the following in summary: On Thursday, February 11, 2010, at approx. 11:10am, while inside a residence (near the corner of Taney and Ridge Ave) on the 1<sup>st</sup> floor, he heard approx. 4-5 shots, coming directly outside the property. He then turned around and looked out the window. He saw a B/M, in his late 20's early 30's, approx. 5'11," with a full beard, brown complexion, wearing a black coat, black hat, and blue jeans, with a dark colored hooded sweatshirt underneath the coat, with a handgun in his right hand. The handgun was large and appeared to be a "Desert Eagle." The Male then began to run south on Taney St. as he was trying to place the handgun in his waist area. After I heard the gunshots and saw the Man run down the street, I called the Police (9-1-1). The Witness/Contact waited a couple of seconds and went the door and looked out and saw the victim (desc. B/M, 25yrs.) lying on the ground trying to get up from the snow. The snow was practically covering him up. He tried to get up but was unable to. He was saying "What the fuck," several times as he was trying to get up. People were beginning to approach the victim and were saying to him, "Talk to me Moe, Moe to talk to me!" After a short time, he was not saying anything. He was sitting on the ground in the middle of the street. I went inside for a minute and when I came back out the victim was faced down on the street. There was a small crowd of about 4-5 people, some were holding snow shovels, and some that knew the Victim were standing overtop of him.

Detectives White and Williams interviewed Benton and asked, "Can you identify [the man fleeing the scene] if you saw him again?" Benton replied, "Yes. His face really stands out to me." Benton then described the man as black, 5'11", medium build, *with a full beard*. Detectives presented Benton with the following photo array which included Eric Fields's mug shot. Benton identified Eric Fields as the fully bearded gunman fleeing south on Taney Street:



**Philadelphia Police Department**



*Anthony Benton*  
2-11-2010

Printed Philadelphia PD: 2/11/2010 1:18 P.M.

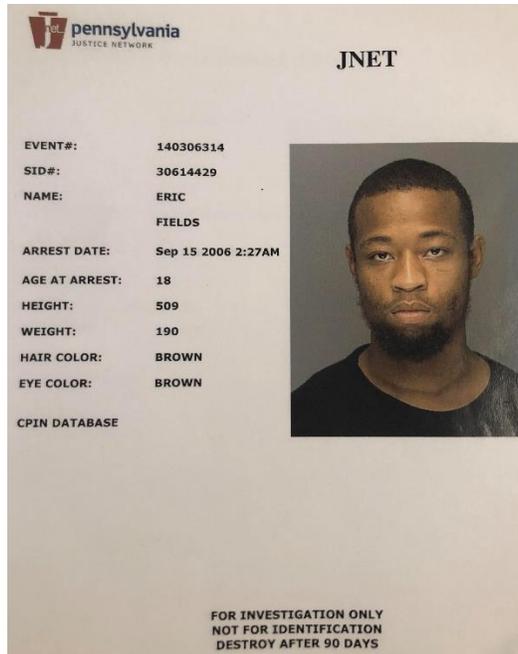
48

The mug shot of Eric Fields used in the photo-array was from a September 15, 2006 arrest.

He's a color version:

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<sup>48</sup> H-File, p. 1012.



This mug shot, though, only showed Eric Fields with a partial beard. Thus, the question is: What does Eric Fields look like with a full beard? Well, the PPD arrested Eric Fields on March 3, 2010, only weeks after Michael Smith's shooting. Here's his March 3, 2010 mug shot:



Here's the mug shot up close:



**b. Detectives asked Anthony Benton to reconsider his identification of Eric Fields**

On February 16, 2010, during the early afternoon, Detective White picked up Anthony Benton and brought him back to Homicide, where he and Detective Williams asked him to reconsider his initial identification of Eric Fields by asking him this question:

Q-MR. BENTON, YOU STATED IN YOUR PRIOR INTERVIEWS THAT YOU WERE ABOUT 80 TO 90 PERCENT SURE ABOUT THE MALE YOU PICKED IN THE PHOTO ARRAY ON 2-11-10 AT CENTRAL DETECTIVES, AS PHILA HOMICIDE DETECTIVES IT IS OUR OBLIGATION TO MAKE SURE THAT THE CORRECT MALE IS PICKED WHEN IDENTIFYING THE OFFENDER. MR BENTON WE WILL NOW SHOW YOU AN ADDITIONAL PHOTO ARRAY, DO YOU RECOGNIZE ANYONE IN THIS PHOTOARRAY?

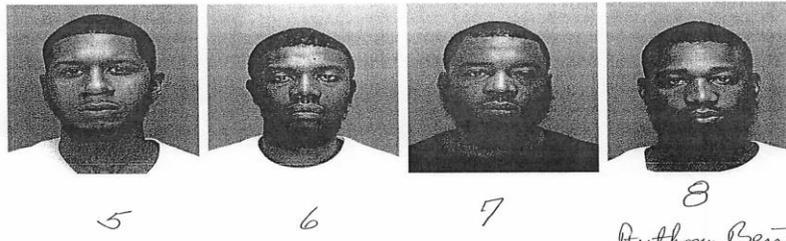
49

White and Williams showed Benton another photo array, but this one included Reafeal Fields's 2008 mug shot. Benton circled Reafeal Fields's mug shot, and now said he was 100 percent positive of his identification:

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<sup>49</sup> H-File, p. 1013.

Philadelphia Police Department



Anthony Benton  
2/16/2010  
Printed Philadelphia PD: 2/16/2010 10:13 A.M. 50

Reafeal's mug shot, as mentioned, was from October 21, 2008.

Mugshot Profile Poster Page 1 of 1

Philadelphia District Attorney

EVENT#:	131346317
PID#:	922282
NAME:	REAFEAL FIELDS
ARREST DATE:	Oct 21 2008 12:37AM
AGE AT ARREST:	27
HEIGHT:	509
WEIGHT:	170
HAIR COLOR:	BLACK
EYE COLOR:	BROWN

Phil Arrestee DATABASE



FOR INVESTIGATION ONLY  
NOT FOR IDENTIFICATION  
DESTROY AFTER 90 DAYS

Printed Philadelphia PD: 1/14/2013 12:03 P.M.

The problem with Reafeal's mug shot isn't that it doesn't accurately capture his physical characteristics. It's that Reafeal's fully bearded look in October 2008 mirrored – to an uncanny degree – Eric Fields's fully bearded look in February 2010:

<sup>50</sup> H-File, p. 1014.

Eric Fields (3/3/10 arrest)



Reafeal Fields (10/21/08 arrest)



The resemblance is remarkable and significant, especially in an eyewitness identification case where the identified gunman had on a heavy jacket up to his neck and a knit cap over his head. Realistically, then, Anthony Benton (and Timothy Johnson) saw this much of the gunman's face:



Detectives, though, never brought Anthony Benton back to Homicide a third time to view Eric Fields's March 3, 2010 mug shot.

Neither the DAO nor trial counsel called Anthony Benton as a witness at trial.

**c. Timothy Johnson's February 16, 2010 identification**

On February 16, 2010, hours after Anthony Benton abruptly changed his identification from Eric Fields to Reafeal Fields, Nordo and Williams interviewed Timothy Johnson. Shortly before Michael Smith was shot, witnesses saw him speaking with someone name T.I. The PPD identified T.I. as Timothy Johnson. Johnson signed a statement Nordo typed. According to the statement, PPD officers brought Johnson to Homicide at 5:45 p.m. on February 16, 2010, and Nordo and Williams interviewed him at 7:45 p.m. At trial, however, Johnson said he'd been at Homicide two to three days before Nordo and Williams questioned him.<sup>51</sup>

Nordo's statement claims Johnson identified "June" and "Shiz" as the two gunmen who shot Michael Smith:

Q: Can you tell me in your own words about the shooting death that happened at Ridge Ave. & Taney Street on 02/11/2010 when Michael Smith was shot and killed ?

A: I was riding past and I jumped out of my car and I was about to go in the store, but I went to the other store down the block. When I pulled up I seen two gentlemen I know that were standing on the corner. I know the one as "June" and the other as "Shiz". Then I walked off and I got about halfway up Ridge Ave. going towards 26<sup>th</sup>. Street and that's when I heard the shots. I heard about three shots and then I turned and looked back and I saw my friend Michael but I call him "Mo" lying on the ground. I saw "June" and "Shiz" running away. So I ran up to "Mo" and I was talking to him while he was on the ground and he said, "I call the ambulance." So I called 911 from my cell phone. And then I waited for the COPS to come. I sat with "Mo" the whole time.

52

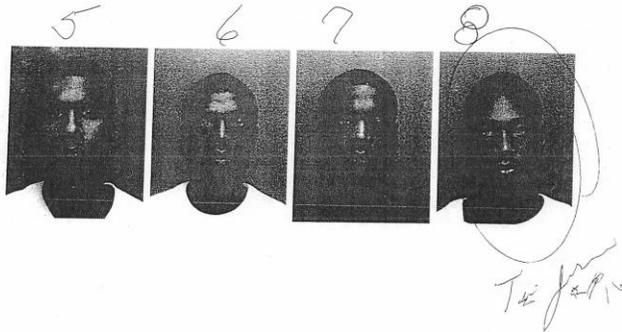
Nordo's statement claims Johnson identified June as Kelvin Bryant and Shiz as Reafeal Fields.

Reafeal Fields is photograph #8:

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<sup>51</sup> NT, Trial, 1/28/2013, p. 300.

<sup>52</sup> H-Hile, p. 973.



Like Anthony Benton’s photo array, Nordo used Reafeal’s mug shot from October 2008.<sup>53</sup> Also, Nordo never brought Timothy Johnson back to Homicide after Eric Fields’s March 3, 2010 arrest – to present Johnson with Eric’s March 3, 2010 mug shot:



At trial, Johnson said he’d known Reafeal Fields for a “couple of years” and he – like most people in the neighborhood – knew him as Ra or Ra Ra. Johnson said he’d never called Reafeal Fields the name Shiz and he didn’t know anyone in the neighborhood who did.<sup>54</sup> On direct examination,

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<sup>53</sup> NT, Trial, 1/29/2013, pp. 203-204.

<sup>54</sup> NT, Trial, 1/28/2013, pp. 231, 265.

Johnson said he saw Kelvin Bryant and Reafeal Fields in the neighborhood that morning, individually and not together, five to seven minutes before he arrived at the Ridge Grocery Mart.<sup>55</sup>

Johnson said he was on the corner of Taney Street and Ridge Avenue for five minutes before he began walking southeast on Ridge Avenue towards 26th Street. While on the corner, he shook hands with a “couple of people[.]” As he walked southeast on Ridge Avenue, he heard several gunshots and dove under a car. When he looked in the gunfire’s direction, he saw two men fleeing in the direction of Taney Street, but he didn’t see their faces.<sup>56</sup>

On redirect-examination, Johnson confirmed he saw two people on the corner of Ridge Avenue and Taney Street, but he refused to adopt the June and Shiz identifications mentioned in Nordo’s February 16, 2010 statement.<sup>57</sup> He also said he didn’t see Reafeal Fields and Kelvin Bryant in front of the Ridge Grocery Mart.<sup>58</sup> The prosecutor introduced Johnson’s statement as substantive and impeachment evidence.<sup>59</sup>

On cross-examination, Johnson said he was at Homicide for two to three days before his February 16th interview with Nordo.<sup>60</sup> He said he knew Kelvin Bryant as Kal not June. He said he saw Reafeal Fields with “a couple guys” on “the corner” the morning of the shooting but not near the corner of Ridge Avenue and Taney Street.<sup>61</sup>

Trial counsel presented a misidentification defense regarding Michael Smith’s murder, arguing Timothy Johnson could’ve misidentified Reafeal Fields when, in fact, the real second gunman –

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<sup>55</sup> NT, Trial, 1/28/2013, pp. 232-233, 312, 333

<sup>56</sup> NT, Trial, 1/28/2013, pp. 235, 241, 244, 246, 272, 273.

<sup>57</sup> NT, Trial, 1/28/2013, p. 332.

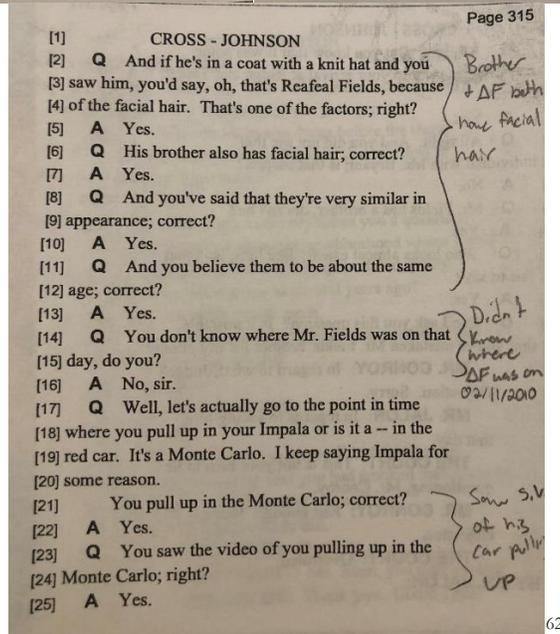
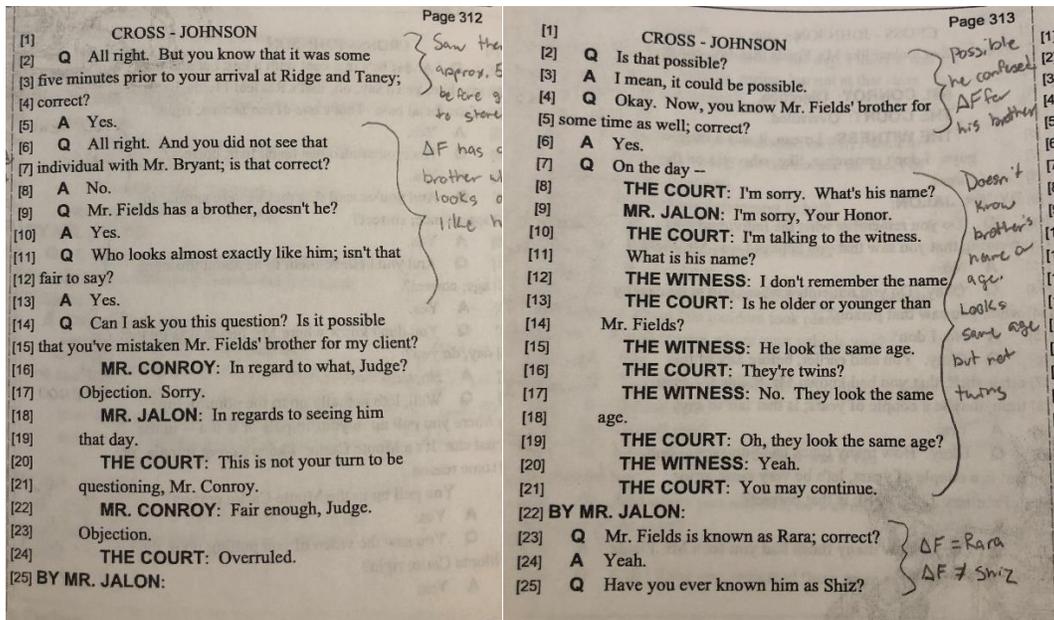
<sup>58</sup> NT, Trial, 1/28/2013, p. 334.

<sup>59</sup> NT, Trial, 1/28/2013, p. 251.

<sup>60</sup> NT, Trial, 1/28/2013, p. 300.

<sup>61</sup> NT, Trial, 1/28/2013, p. 310. This supports Robert Reddy’s and James Brown’s alibi testimony, as the “couple of guys” were probably Reddy, Brown, and Pastor Pervius.

besides Kelvin Bryant – was Eric Fields. Trial counsel tried to accomplish this by having Johnson admit that Reafeal and Eric look like twins:



Trial counsel also got Johnson to admit that, because Reafeal didn't have a knit cap on in his mug shot, he could've misidentified Reafeal because he only saw a portion of the gunman's face:

<sup>62</sup> NT, Trial, 1/28/2013, pp. 312-312, 315.

Page 340

[1]           REXCROSS - JOHNSON  
 [2] couple of years, and you agreed to that; correct?  
 [3]    **A** Yeah.  
 [4]    **Q** And he also said that you couldn't be  
 [5] mistaken about your identification of Mr. Fields; isn't  
 [6] that right?  
 [7]    **A** Yes.  
 [8]    **Q** But the fact is you could be mistaken; isn't  
 [9] that right? Isn't it right?  
 [10]   **A** I mean, I couldn't remember. I could be. I  
 [11] don't know.  
 [12]    **Q** You were shown a picture of Mr. Fields not  
 [13] wearing a knit cap, not wearing an overcoat, not  
 [14] outside on the street.  
 [15]           Is it possible that you could have made a  
 [16] mistake when you made that identification; yes or  
 [17] no?  
 [18]    **A** Yes.  
 [19]    **Q** I'm sorry?  
 [20]    **A** Yes.  
 [21]           **MR. JALON:** Thank you. I have no  
 [22] further questions.  
 [23]           ---

63

Could have  
mistaken someone  
else for  
AF

Pic in a  
didn't have  
hat or coat

Trial counsel, though, didn't present this comparison between Eric's March 3, 2010 mug shot and Reafeal's October 2008 mug shot – to drive home the misidentification defense:



<sup>63</sup> NT, Trial, 1/28/2013, p. 340.

Trial counsel's emphasis on Eric Fields is why the suppressed evidence regarding Brian Crosland's January 24, 2010 murder is so significant. The PPD and DAO suppressed the following: (1) Bilah Muhfooth's February 25, 2010 statement indicating he saw Eric Fields and Kelvin Bryant shoot and kill Crosland on January 24, 2010 only a block south from where Michael Smith was shot and killed three weeks later; (2) the evidence indicating Montez Blackmon wanted Brian Crosland killed because Blackman feared Crosland may snitch on him; and (3) Eric Fields's connection to Montez Blackmon viz a viz the December 31, 2009 barbershop robbery.

Had trial counsel received this evidence before trial, he could've investigated, developed, and presented substantial facts and arguments strongly suggesting Eric Fields was Kelvin Bryant's co-conspirator. For instance, trial counsel could've presented Bilah Muhfooth as a 404(b) witness to establish Eric Fields and Kelvin Bryant worked together privately or at Montez Blackman's behest to shoot and kill Michael Smith. The Montez Blackman suppressed evidence as well as the suppressed evidence linking Montez Blackman and Eric Fields to the December 31, 2009 barbershop robbery would've corroborated parts of this argument. Regardless of why Eric Fields and Kelvin Bryant murdered Brian Crosland, trial counsel could've introduced Bilah Muhfooth's February 25, 2010 statement and identifications to establish that Eric Fields and Kelvin Bryant had a history of working together and a modus operandi of shooting people in the neighborhood in broad day light.

This evidence would've undermined Timothy Johnson's identification of Reafeal Fields, as it would've strongly suggested Johnson misidentified Reafeal Fields and the real (second) gunman was Eric Fields.

This evidence would've undermined Nordo's typed reports for Amin Payne, most notably the portions of Payne's February 20, 2010 statement where he supposedly: (1) identified Reafeal Fields after viewing the surveillance footage of the Michael Smith shooting; and (2) said Reafeal Fields confessed to him that he (Reafeal) and Kelvin Bryant murdered Michael Smith.

Had trial counsel undermined Reafeal Fields's connection to Michael Smith's murder, this would've undermined the DAO's conspiratorial argument connecting Reafeal Fields to Braheem King's murder. Put differently, the DAO's "nexus" argument regarding Braheem King's murder is dependent on Reafeal Fields being Kelvin Bryant's co-conspirator in the Michael Smith murder. If Reafeal Fields didn't take part in Michael Smith's murder, the DAO's "nexus" argument is a non-starter and it can't prove any sort of conspiracy involving Reafeal Fields.

In the end, had trial counsel had access to the suppressed facts, and weaponized them at trial as mentioned above, it's reasonably probable at least one juror would've had reasonable doubts regarding Reafeal Fields's involvement in both murders, warranting a new trial.

### **THE NORDO DISCLOSURES**

On December 20, 2018, while Mr. Fields's PCRA appeal was pending, the DAO emailed counsel informing him of Nordo's misconduct, firing, and criminal behavior. In February 2019, the DAO charged Nordo with several criminal offenses in a Grand Jury Presentment. On July 27, 2019, the CIU provided counsel with additional Nordo disclosures. In a nutshell, the Presentment alleged that Nordo had, for years, raped, assaulted, stalked, and intimidated male witnesses, and in doing so he frequently obtained false statements from those he preyed on.

#### **A. The Presentment**

The Presentment alleged Nordo's "official misconduct" involved, *inter alia*, (1) "[c]oercing potential witnesses and suspects to appear at meeting locations chosen by Nordo outside of PPD properties," (2) "[t]hreatening some individuals with continued detention, arrest, and prosecution, despite knowing that he lacked reasonable suspicion or probable cause," (3) "[h]elping some individuals avoid criminal prosecution or significant punishment for crimes they had committed that were readily provable by the Commonwealth (in some cases Nordo prevented charges from being formally filed, and in other cases he requested leniency from prosecutors or judges)," (4) "[u]sing

threats, coercion, and force to prevent individuals from broadly sharing information about him,” (5) “[f]orcing, coercing, and/or attempting to coerce witnesses to sign interview statements/75-483s that were not true recitations of what witnesses said during interviews,” (6) “[s]ubmitting requests for individuals to receive crime reward monies that contained fabricated and falsified information, in violation of reward program requirements,” and (7) “[s]eeking promises of loyalty in exchange for promises of Nordo’s loyalty.”

The Presentment alleged Nordo’s “sexually coercive grooming and assaultive behavior” involved, *inter alia*, (1) “[d]iscussing sexual conduct with individuals,” (2) “[g]iving individuals money, including deposits to an inmate’s commissary account, and gift cards,” (3) “[i]nappropriately staring or looking at an individual’s penis while the individual was under arrest or confined to a correctional institution,” (4) “[c]ommenting on the size and condition of the individual’s penis,” (5) “[t]ouching the non-intimate parts of an individual’s body, such as the individual’s shoulder, arm, or leg,” (6) “[d]iscussing having sexual relationships with the individual in person, or over the phone, utilizing code words,” and (7) “[r]equesting that incarcerated individuals refer Nordo “homosexual inmates” who were soon-to-be released from incarceration, so he could have sex with them or sexually groom them.”

The Presentment said Nordo’s misconduct and sexually coercive grooming dated as far back as April 2005. Nordo engaged in these behaviors during his investigations, including while inside interrogation rooms, official visiting rooms at prisons, and with individuals he met through his official capacity as a PPD employee.

As a member of the Homicide Task Force (“HTF”), Nordo often volunteered to handle ministerial work for other detectives. This work gave him greater access to his victims and allowed him to gather information about them. For example, Nordo typically volunteered to transport inmates and witnesses for other detectives. These transports allowed Nordo to meet more potential victims

and mask his interactions with his victims. Further, Nordo often created and submitted packets documenting a witness/tipster's involvement in an investigation to crime-reward programs, allowing Nordo to fraudulently divert up to \$20,000.00 in funds from the Mayor's Office's Crime Reward Program ("CRP") to individuals and victims of his choosing.

During his initial meetings with his victims and potential victims, Nordo started his grooming by discussing something related to their case, such as general law enforcement business or the victim's potential to act as a confidential informant. Nordo used this small talk to get victims to drop their guard and make the conversation more comfortable. After this introduction, he then veered into other more personal topics. Nordo discussed these personal topics to test the person's reaction and their likelihood to resist or comply. At the end of these initial meetings, Nordo gave the victim his contact information.

Nordo often intimidated witnesses or attempted to impair the credibility or availability of witnesses. For instance, Nordo often prominently displayed his firearm during his crimes. Alternatively, Nordo targeted individuals who were in custody and often restrained with handcuffs and/or leg shackles, his dominating position reduced the individuals' ability to resist or report the assault. Nordo admonished several victims that if they reported his assault, authorities wouldn't believe them because he was a detective and they weren't. Nordo implied that coming forward would cause serious problems for them. Nordo also repeatedly contacted young men whom he sought to groom, sometimes over long periods of time.

Nordo used his power and position to coerce and intimidate his potential victims. He groomed them to submit to his sexually coercive advances by gaining their trust and bestowing favors on them. After these periods of grooming, Nordo sexually assaulted them.

## **B. The victims/cases**

### **1. James Frazier**

On May 14, 2012, Rodney Ramseur and his girlfriend, Latia Jones, were gunned down as they sat on the front porch of the Ramseur home on West Sparks Street. Witnesses said a man approached the house and asked if Ramseur was home. When Ramseur came to the railing, the man opened fire, striking Jones three times and hitting Ramseur as well. Ramseur tried to run away, but having already been hit eight times, he fell to the ground. The gunman then walked over and fired another shot into the back of Ramseur's head.

Witnesses described the gunman as a young black man in a gray hooded sweatshirt and dark blue jeans who fled on foot. Police also said they were seeking an older-model gray Ford Taurus with a black hood that may've brought the gunman to the scene. Police quickly theorized that Ramseur had been targeted because he'd testified for the DAO in a murder involving a childhood friend only six days earlier. The murder suspect, Garland Doughty, later pled guilty to voluntary manslaughter.

On June 19, 2012, Nordo brought in James Frazier, 19, for questioning. Nordo claimed a CI had identified Frazier as a potential suspect. Frazier said Nordo sought to cultivate him as a CI and to engage in sexual activity. Frazier said Nordo threatened and intimidated him, including threatening to sexually assault him. These threats resulted in a false confession Frazier claimed.

The confession alleged that Tevon Robison, a friend of Garland Doughty – against whom Ramseur had testified – learned of Ramseur's testimony. On the evening of the shooting, Tevon Robison was at a restaurant with Frazier and Frazier's half-brother, Taunzelle Garner. During their conversation, Tevor Robison said Ramseur was a "rat" and that he (Robinson) wanted to kill him.

In the confession, Frazier claimed he and Taunzelle drove Robison to Ramseur's house. When they didn't see Ramseur, Robison called someone and asked, "Is he out there now?" Robinson ended the call and exited the car, telling Frazier to wait for him. Robison then walked to Ramseur's house

and began shooting. After the shooting had stopped, Robison ran back to the car, saying, “Let’s go, Let’s go.”

The DAO charged Frazier with two counts of first-degree murder. In September 2013, Frazier went to trial. No physical or forensic evidence linked Frazier to the crime, meaning the DAO’s case against him consisted of his confession. Although detectives obtained search warrants for the telephone records of “Nubile,” Frazier, Garner, and Robison, there were no records of any calls among any of them. A jury convicted Frazier of two counts of third-degree murder – which resulted in an LWOP sentence. The DAO never prosecuted Robinson or Taunzelle.

Frazier appealed, but the Superior Court affirmed in July 2015.

On March 5, 2019, though, Common Pleas Court Judge J. Scott O’Keefe vacated Frazier’s convictions based on Nordo’s misconduct. On April 4, 2019, the CIU dismissed the charges and Frazier was released. In an official statement, the CIU said, “After a complete review of available files and a CIU investigation, this office determined that Mr. Frazier’s right to a fair trial was violated in several respects... The CIU review and investigation also revealed new evidence which establishes that there is insufficient credible evidence to prove Mr. Frazier committed the crimes for which he was convicted of.”

## **2. Darrell Powell and Gerald Camp**

On May 19, 2015, Eliezer Mendez was fatally shot near the 2000 block of East Stella Street in Kensington. On June 11, 2015, Nordo arrested Rhaheem Friend, who was a witness and possibly a suspect in the murder. Friend told Nordo he had a computer tablet that contained potential evidence in the murder and the tablet was in a closet at his sister’s house. Friend also said he had an illegal firearm in the closet.

Friend's sister, identified as S.S., was in a relationship with Gerald Camp. Friend and Nordo fabricated a story that allowed Nordo to seize the tablet and the gun and protect Friend from being charged with illegally possessing the gun. The next day, June 12, 2015, Nordo instructed Friend to call S.S. to confirm that Camp was at her house. Nordo then drove to her house and searched the second-floor closet. After recovering the tablet and the gun in the closet, Nordo kept the tablet and charged Camp with possession of the weapon and with removing the serial number from it.

S.S., though, was adamant the gun didn't belong to Camp, and told Nordo that, earlier that day, Friend had been in the bedroom where the closet was located. S.S., however, backed off when Nordo threatened to call Child Protective Services if she continued to claim the gun belonged to Friend.

At Camp's preliminary hearing, Nordo testified that "S.S. had informed him Mr. Camp lived in the front bedroom and the firearm belonged to Mr. Camp." On June 22, 2016, Camp went to trial. He elected a bench trial. After hearing Nordo's testimony, the judge convicted Camp of illegally possessing the firearm and possession of a firearm with an obliterated serial number.

In early 2017, while Camp was awaiting sentencing, his defense attorney subpoenaed Friend's prison phone records. The calls revealed that Friend and Nordo communicated frequently. Nordo promised Friend he'd intervene in another criminal case against him. Nordo and Friend also made comments strongly suggesting they had a sexual relationship. In addition, Friend said that "it was either me or him," referring to Camp and the gun charges. Prison records also showed that Nordo had deposited at least \$400 into Friend's prison commissary account.

After Camp's lawyer presented this evidence to the DAO, the DAO re-investigated the case and agreed to vacate Camp's conviction. On April 11, 2017, Camp's lawyer and the DAO jointly requested that Camp's conviction be vacated. The motion was granted, the charges were dismissed, and Camp was released after twenty-two months in custody.

Friend also implicated Darnell Powell in Eliezer Mendez’s murder. Nordo, unsurprisingly, typed the statement in which Friend implicated Powell. However, after Powell’s attorney obtained the prison phone recordings between Nordo and Friend he filed a motion in April 2017. In June 2018, Common Pleas Court judge Diana L. Anhalt not only called Nordo’s conduct “outrageous,” she said his conduct tainted the case beyond repair, requiring her to dismiss all charges with prejudice. Judge Anhalt, for instance, strongly suggested Nordo had written the statement he wanted and then convinced Friend – who she found to be “slow intellectually” – to sign the statement regardless of whether it was true or not. She also questioned whether Friend understood the statement because he admitted he had trouble reading the statement.

The DAO had the right to appeal Judge Anhalt’s decision. It didn’t.

### **3. Jamal Simmons**

On July 25, 2009, Rodney Barnes, a Philadelphia Housing Authority carpenter, was shot as he unloaded his work tools at the Raymond Rosen Manor public housing complex in the 2300 block of Norris Street. Police suspected the shooting was a case of mistaken identity that could’ve been connected to a shooting a day earlier at the complex. Despite a \$10,000 reward, the case was still unsolved on August 5, 2009 when Barnes died of his wound.

On September 1, 2009, Jamaal Simmons, a street-corner rapper, was arrested, and charged with Barnes’s murder. He went to trial in January 2012. Nordo testified that a rival rapper, Richard Taylor, had told him (Nordo) he was the intended target and that Rodney Barnes was mistakenly shot. Nordo claimed Taylor had told him that Simmons was driving a van that was parked near 23rd Street and Norris Street. A gunman emerged from the passenger side and fired a gun, mistakenly striking Barnes. Nordo, of course, typed Taylor’s statement.

When the DAO called Taylor to testify, however, he recanted the statement Nordo had typed. He said it was false and Nordo had intimidated and threatened him to identify Simmons. Taylor said his statement contained information he'd never provided to Nordo or the PPD, and that he'd signed the statement only because he wanted to go home. The DAO, though, impeached Taylor with Nordo's typed statement. On January 13, 2012, the jury convicted Simmons of third-degree murder and other charges. He received a 15- to 30-year prison sentence.

On December 6, 2018, Common Pleas Court Judge Steven Geroff vacated Simmons's conviction at the DAO's request. Judge Geroff, though, made his decision in secret, behind closed doors, after meeting privately with Simmons's attorney and the DAO. He said nothing on the record.

However, in January 2019, the Philadelphia Inquirer and Philadelphia Daily News reported that several weeks before the dismissal, Taylor said he'd been interviewed by the DAO, including CIU members. Taylor reported he'd told the DAO that before signing the statement, he'd been held at Homicide for more than a day, and that Nordo had pressured him to falsely implicate Simmons.

#### **4. Sherman McCoy**

On September 17, 2013, police were called to a home at 1336 North Dover Street in Philadelphia. Lester Lanier said that men wearing masks and carrying guns broke in and robbed him and his brother, Curtis. Lester accused the residents across the street of committing the home invasion. One of those residents was 18-year-old Shaheed Jackson.

The following night, police were called back to the same block and found Jackson lying between a car and the sidewalk in front of 1331 North Dover Street – diagonally across the street from Lanier's residence. Jackson had been shot fourteen times.

On October 8, 2013, Nordo brought Lester Lanier in for questioning. Nordo wanted to speak with Lester after learning the Laniers believed Jackson had been involved in the home invasion/robbery the day before Jackson's murder, and after receiving a tip from an informant that

Lester had confessed to killing Jackson. By October 8, 2013, Lester was in custody on an unrelated matter. Lester claimed he saw the shooting, and that the gunmen were Sherman McCoy, an intellectually disabled 20-year-old, and another man whose last name was Mack. Nordo wanted to talk to McCoy. On October 15, 2013, an officer spotted McCoy in a parking lot and arrested him.

Nordo kept McCoy in an interrogation room all night without being questioned. At 6:45 a.m. on October 16th, Nordo entered the room, and less than two hours later, Nordo claimed McCoy had confessed. Nordo claimed McCoy had told him that Lester Lanier and Mack shot Jackson and that he was trailing behind them, carrying a gun that he never fired. Nordo arrested McCoy and charged him with first-degree murder. Nordo, though, never arrested Lester Lanier and Mack and the DAO never prosecuted them.

McCoy filed a suppression motion in September 2016, arguing he was unable to knowingly waive his *Miranda* rights because he had a serious intellectual disability. According to the evidence, a test administered in 2016 put his IQ at 58. His literary comprehension was at a second-grade level.

Before questioning Lester Lanier, Nordo knew Lester had suspected Jackson in the robbery/home invasion the night before Jackson's murder. A source had also told Nordo that Lester had confessed to the murder. Nevertheless, Nordo testified at the suppression hearing that when he questioned Lester, he "didn't necessarily have an idea" that Lester was involved in the murder, suggesting that Lester was merely a witness.

While questioning McCoy, Nordo claimed McCoy displayed no signs he was intellectually impaired. Nordo conceded it took McCoy twenty-seven minutes to read the six-page statement he'd (Nordo) handwritten, but this fact didn't trigger any concerns from Nordo regarding McCoy's intellectual capacity. Judge Geroff denied the motion, although he conceded the decision was "difficult."

On September 20, 2015, McCoy's trial began. Nordo testified to the statement he'd taken from Lester Lanier where Lester implicated McCoy and Mack in Jackson's murder. Nordo said Lester had told him that the day after the home invasion, he discussed with Mack and McCoy that Jackson was one of the robbers. Nordo claimed that Lester had told him (Nordo) that Mack had told Lester that Jackson had to be "hit." When they, *i.e.*, Lester, Mack, and McCoy, saw Jackson emerge from his house, all three walked in his direction very quickly. Mack began shooting and Jackson fell. Nordo claimed that Lester also accused McCoy of shooting Jackson.

During a break on the second day of the trial, McCoy's lawyer brought to Judge Geroff's attention a police report that said on October 3, 2013, Nordo had received information from his source that the gunmen were two men named "Les" and "Pooda" (Lester's and Mack's nicknames). Trial counsel and the prosecutor then talked to Nordo, who said he was concerned that disclosing the identity of the source would put her in jeopardy. Trial counsel also asked that the source be produced in court, which never happened.

During subsequent cross-examination, Nordo admitted that the source – who he claimed was reliable – had told him that Lester "was in fact the shooter." Nordo didn't say how the source knew this information. Trial counsel asked Nordo if Lester had been subpoenaed as a witness in the trial and Nordo replied he didn't see him in the courtroom.

When the prosecutor redirected Nordo, he suggested the source wasn't a witness to the crime. Trial counsel objected and again asked that the source be produced. Judge Geroff denied the motion. The prosecutor then asked Nordo if Lester would've required immunity to testify. Trial counsel objected, but Nordo was permitted to agree with the prosecutor that Lester needed immunity to testify. Nordo, though, conceded that granting immunity was the prosecutor's responsibility and beyond his capabilities. The prosecutor's questions and Nordo's answers strongly suggested the DAO didn't offer Lester immunity to testify.

After Nordo testified and the prosecution rested, the prosecutor disclosed to Judge Geroff and trial counsel that the source knew Lester and Mack were the gunmen because Lester and Mack both admitted to her they'd shot Jackson. On September 28, 2016, the jury convicted McCoy of first-degree murder.

In July 2018, McCoy's appellate attorney filed his opening brief. The brief indicated that based on the evidence of Nordo's misconduct and criminal conduct, appellate counsel was filing a motion to remand the case back to the trial court for further investigation. The Superior Court granted McCoy's request and remanded his case to the trial court in January 2019.

The CIU investigated McCoy's case and learned that the DAO had, in fact, immunized Lester Lainer in 2014 – two years before McCoy's trial. On May 9, 2019, the DAO filed a joint motion to vacate McCoy's conviction, which Judge Geroff granted. The DAO subsequently dismissed all charges against McCoy.

### **STATE AND FEDERAL CLAIMS**

Based on the suppressed H-file facts as well as the facts contained in the Nordo Presentment and other Nordo documents provided to counsel and mentioned in numerous media reports regarding Nordo's misconduct and criminal offenses, Mr. Fields raises the following state and federal claims:

Claim #1: Mr. Fields is entitled to a new trial because the PPD and DAO suppressed material evidence and it's reasonably probable that, had this evidence been disclosed and presented to the jury, at least one juror would've had reasonable doubts about Mr. Fields's guilt regarding Michael Smith's and Braheem King's murders. U.S. Const. adm. 6, 8, 14; Pa. Const. art. I, §§ 8, 9.

Claim #2: Mr. Fields is entitled to a new trial because the PPD and DAO suppressed significant impeachment evidence regarding Nordo's misconduct *predating* Mr. Fields's trial, and it's reasonably probable that, had the jury known of this misconduct, at least one juror would've had reasonable doubts about Mr. Fields's guilt regarding Michael Smith's and Braheem King's murders. U.S. Const. adm. 6, 8, 14; Pa. Const. art. I, §§ 8, 9.

Claim #3: Mr. Fields is entitled to a new trial because the DAO presented knowingly false reports Nordo typed for Amin Payne (C-19A and C-19B) and it's reasonably likely the false facts in these false reports may've impacted the jury's verdicts regarding Michael Smith's and Braheem King's murder. U.S. Const. adm. 6, 8, 14; Pa. Const. art. I, §§ 8, 9.

Claim #4: Mr. Fields is entitled to a new trial based on the cumulative prejudice caused by the PPD's and DAO's suppression of significant exculpatory evidence regarding Michael Smith's murder, the suppression of the significant impeachment evidence regarding Nordo's misconduct pre-dating Mr. Fields's trial, and the new facts contained in the Nordo presentment that pre-dated Mr. Fields's trial. It's reasonably probable the cumulative impact of these suppressed and new facts would've altered at least one juror's assessment of the DAO's case and concluded that the DAO failed to meet its burden for all charges against Mr. Fields in connection with Michael Smith's and Braheem King's murders. U.S. Const. adm. 6, 8, 14; Pa. Const. art. I, §§ 8, 9.

### **REQUEST FOR AN EVIDENTIARY HEARING**

Mr. Fields is entitled to an evidentiary hearing regarding his state and federal claims.

Brady claims: Mr. Fields is entitled to a hearing regarding his *Brady* claim in connection with Michael Smith's murder. Mr. Fields intends to call the following witnesses:

1. Bilah Muhfooth – who will explain how he gave a February 25, 2010 statement implicating Eric Fields and Kelvin Bryant in Brian Crosland's January 24, 2010 murder.
2. Jalon Andres – who will explain how the DAO didn't disclose the abovementioned reports regarding Brian Crosland's murder, Eric Fields's connection to Crosland's murder, Montez Blackman's connection to Crosland's murder, and Montez Blackman's connection to Eric Fields.
3. Timothy Johnson – who will explain how Nordo interrogated him and typed his February 16, 2010 statement and how Nordo conducted the photo array that resulted in Johnson identifying Reafeal Fields as Kelvin Bryant's co-conspirator in connection with Michael Smith's murder.

4. Reafeal Fields – who will explain he’s innocent of Michael Smith’s and Braheem King’s murders. As for Michael Smith’s murder, Mr. Fields will explain how he was shoveling snow the morning of February 11, 2010 from 8:00 a.m. until noon.

Nordo claims: Mr. Fields is entitled to a hearing regarding his Nordo claims. Mr. Fields intends to call the following witnesses:

1. Amin Payne – who will explain how Nordo interrogated him and typed his February 20, 2010 statement, how Nordo never showed him the surveillance footage of Michael Smith’s murder on February 20th, and how he never identified Mr. Fields from the surveillance footage on February 20th. Payne will also explain how Nordo had the January 25, 2013 statement pre-written before he (Payne) arrived at the DAO to speak with Nordo and ADA Conroy, how he (Payne) told Nordo and ADA Conroy that he murdered Braheem King, and how he told Nordo and ADA Conroy that Kelvin Bryant and Milique Wagner had nothing to do with Braheem King’s murder.

2. Herman Adams – who will explain how Nordo had him arrested on February 20, 2010, how Nordo interrogated him on February 21, 2010, and how Nordo typed his February 21, 2010 statement.

3. Philip Nordo – who will be confronted with and asked to explain his work product regarding the following critical statements: (1) Timothy Johnson’s February 16, 2010 statement (C-6A); (2) Amin Payne’s February 20, 2010 statement (C-19A); (3) Herman Adams’s February 21, 2010 statement (C-13A); and (4) Amin Payne’s January 25, 2013 statement (C-19B).

4. ADA Jude Conroy – who will explain, under oath, the substance of the conversation/meeting he and Nordo had with Amin Payne on January 25, 2013 at the DAO.

### **RIGHT TO AMEND**

Based on counsel's and CIU's cooperation in this matter, it's likely additional new facts may be uncovered or developed. Mr. Fields reserves the right to amend his newly-discovered fact PCRA petition with new claims and hearing witnesses should new facts be uncovered and developed that manifest new claims or reinforce the current claims. Pa.R.Crim.P. 905(A).

### **CONCLUSION**

WHEREFORE, Mr. Fields respectfully requests the following relief:

1. An order granting him an evidentiary hearing on his state and federal claims;
2. An order granting him, the DAO, and the CIU additional time to further investigate both murders and Nordo's impact on both murders and Mr. Fields's murder convictions;
3. Any relief the Court deems necessary to protect Mr. Fields's state and federal right to fundamentally fair PCRA proceedings.

Respectfully submitted this the 28th day of April, 2020.

*/s/Craig M. Cooley*  
Craig M. Cooley  
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### **CERTIFICATE OF SERVICE**

On April 28, 2020, counsel emailed this pleading to ADA Patricia Cummings at [patricia.cummings@phila.gov](mailto:patricia.cummings@phila.gov).

PCRA Ex. 1

<b>INVESTIGATION INTERVIEW RECORD</b>		<b>PHILADELPHIA POLICE DEPARTMENT HOMICIDE DIVISION</b>		<b>CASE NO:</b>	
				<b>INTERVIEWER:</b> <i>Nordo / Golphin</i>	
<b>NAME</b> Amin Payne		<b>AGE</b> 25	<b>RACE</b> B/M	<b>DOB</b> 06/21/88	
<b>ADDRESS</b> SCI Cresson		<b>APARTMENT NO.</b>		<b>PHONE NO.</b>	
<b>NAME OF EMPLOYMENT/SCHOOL</b> Inmate #KG1285				<b>SOC. SEC. NO.</b>	
<b>ADDRESS OF EMPLOYMENT/SCHOOL</b>		<b>DEPARTMENT</b>		<b>PHONE NO.</b>	
<b>DATES OF PLANNED VACATIONS</b>					
<b>DATES OF PLANNED BUSINESS TRIPS</b>					
<b>NAME OF CLOSE RELATIVE</b>					
<b>ADDRESS</b>				<b>PHONE NO.</b>	
<b>PLACE OF INTERVIEW</b> Inside the District Attorney's Office, Hom. Unit, 12 <sup>th</sup> floor				<b>DATE</b> 01/25/13	<b>TIME</b> 12:10pm
<b>BROUGHT IN BY</b> Police Officer DeNofa, District Attorney's Office Detective				<b>DATE</b> 01/24/13	<b>TIME</b> 11:00am
<b>WE ARE QUESTIONING YOU CONCERNING</b>					
<b>WARNINGS GIVEN BY</b>				<b>DATE</b>	<b>TIME</b>
<b>ANSWERS</b>	(1)	(2)	(3)	(4)	(5)
					(7)

1 Q: Amin, First let me ask you, Do you remember the people in this room ? Me and my partner Officer Golphin ?

1 A: Yeah, I remember you guys.

2 Q: Do you know why you were brought down from your prison ?

2 A: Yes, Kelvin is on trial

3 Q: Amin, are you currently incarcerated for shooting someone ?

3 A: Yes

4 Q: And may I ask, who did you shoot ?

4 A: C'mon Nordo, you know who I shot.

5 Q: I need you to tell me for the purposes of this interview ?

5 A: Herman

6 Q: And why did you shoot Herman ?

6 A: Because Kelvin asked me to.

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**INVESTIGATION INTERVIEW RECORD**

CITY OF PHILADELPHIA

**CONTINUATION SHEET**

**POLICE DEPARTMENT**

7 Q: How were you asked ?

7 A: Alright look, it all started because Herman was out there Hustling and Herm messed up the count and messed up the money. So Kelvin knocked him out. Now this was before Kelvin got locked up for murder. So Kelvin knew the old man Herman was gonna go to court on him. So Kelvin was talking to his girl and he never spoke to me directly but through his girl he was telling me that Herman had to be dealt with. So, then Kelvin's girl called me and she said that Kelvin needs to be home because of the baby and all this shit and then she said that Herman needs to be handled. So I came down to the City from Chester and I was around Bailey Street between Cecil B Moore and Oxford Street. I saw Herman on the steps and then I went down the street and I shot him in the stomach.

Objected  
by AmSener  
VI D3 148

8 Q: How many times did you shoot Herman ?

8 A: I shot him one time in the stomach and then the gun jammed. I was trying to un-jam the gun but it was taking too long. So I just ran away. Before I jumped back on the highway to go to Chester I stopped at the girlfriend's house and I beeped the horn and she came out and I told her that it was done and then I went back to Chester.

9 Q: Amin, Did you get paid for shooting Herman ?

9 A: No

10 Q: Do you know the girlfriend's name ?

10 A: No, I don't know Kelvin's girlfriend's name

11 Q: Where was her house when you pulled up outside ?

11 A: On 29<sup>th</sup> Street by Girard Ave. I think

12 Q: Why, may I ask Amin, are you telling the District Attorney's Office about this shooting and Kelvin asking you to shoot and kill Herman ?

12 A: Look Nordo, when I came down here I was in the cell block in CJC with Kelvin for a short while and Kelvin asked me, "What you gonna do?" And I told Kelvin, "You got me in this mess and I'm gonna do whatever I have to do in order to help myself." Then Kelvin said, "Damn, that's crazy." And that was the end of the conversation.

13 Q: And when did this meeting with Kelvin and you take place in the basement of the Criminal Justice Center ?

13 A: On January 14<sup>th</sup> when I was brought down here and he must have came down at the same time as me.

14 Q: Did anyone promise you anything with regards to your current situation and the time you are currently serving ?

14 A: No one promised me anything Nordo

**INVESTIGATION INTERVIEW RECORD**

CITY OF PHILADELPHIA

**CONTINUATION SHEET****POLICE DEPARTMENT**

15 Q: Can you please review this interview and let me know if there are any mistakes ?

15 A: O.K., But I want you to read it to me Nordo

16 Q: Why? You know how to read, right ?

16 A: Yeah, I know how to read but I trust you to read it to me please.

NORDO: OK. Reading his interview to him

17 Q: Was everything right in this interview ?

17 A: Yes

18 Q: Other than the pizza you just got and the soda is there anything you want because this interview is over ?

18 A: I never got my coffee Nordo

NORDO: I'll look into it

19 Q: Sign each page of this interview and the date is January 25<sup>th</sup> 2013

19 A: No I'm not signing anything Nordo. I said it, but I'm not signing anything..

Interview concluded at 1:20pm