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COMMONWEALTH OF PENNSYLVANIA
CORONER'S INQUEST

COMMONWEALTH OF PENNSYLVANIA
vs.
TEQUILLA FIELDS &
LACHAN RUSSELL,
Defendants.

TRANSCRIPT of stenographic notes of testimony
taken and proceedings had in the above-entitled
CORONER'S HEARING before Timothy G. Uhrich,
Esquire, Deputy Coroner at the Office of the
Coroner, 542 Fourth Avenue, Pittsburgh, PA 15219,
on Friday, February 25, 2005, starting at 2:16
p.m.

 **COPY**

1 APPEARANCES:
 2 Edward J. Borkowski, Esquire
 3 Senior Assistant District Attorney
 4 Jennifer DiGiovanni, Esquire
 5 Assistant District Attorney
 6 Allegheny County District Attorney's Office
 7 401 Courthouse
 8 Pittsburgh, PA 15219-2489
 9 Appearing on behalf of the Commonwealth
 10
 11 John K. Lewis, Jr. Esquire
 12 Lewis Lewis & Reilly
 13 1040 5th Avenue
 14 Pittsburgh, PA 15219
 15 Appearing on behalf of Defendant Lachan Russell
 16
 17 Joseph E. Hudak, Esquire
 18 200 Grant Street
 19 Pittsburgh, PA 15219
 20 Appearing on behalf of the Defendant Tequilla Fields
 21
 22 PRESENT:
 23 The Defendants were present, in person.

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P R O C E E D I N G S

MR. UHRICH: Good afternoon. My name is Timothy Uhrich. I am a Deputy Coroner of Allegheny County, and I'm presiding this after in the Coroner's Inquest into the deaths of Montelle Thornhill and Charita Thornhill, whic also the matter of the Commonwealth of Pennsylvania versus Tequilla Fields and Lachan Russell.

Will counsel please identify themselves fo the record?

MR. HUDAK: Joseph Hudak and also Eric Jobe for Tequilla Fields.

MR. LEWIS: Kerry Lewis for Lachan Russell.

MR. BORKOWSKI: Edward J. Borkowski and Jennifer DiGiovanni for the Commonwealth.

MR. UHRICH: This is a preliminary hearing, the Commonwealth of Pennsylvania versus Tequilla Fields, age 33 years, of 2296 Wilner Drive, Pittsburgh, Pennsylvania 15222, who has been charged with criminal homicide, two counts,

I N D E X P A G E

RE- RE-
 DIRCT: CROSS: DIRCT: CROS:

1				
2				
3				
4	On behalf of Commonwealth:			
5	Mary Kay Perrott			
6	by Ms. DiGiovanni	10		
7	by Mr. Lewis		17	
8	by Mr. Hudak		20	
9				
10	J.R. Smith			
11	by Ms. DiGiovanni	28, 62		
12	by Mr. Lewis		38, 74	49
13	by Mr. Hudak		46, 72	
14				
15	Dale Canofari			
16	by Ms. DiGiovanni	50		
17	by Mr. Lewis		56	
18	by Mr. Hudak		59	
19				
20				
21				
22	EXHIBITS			
23	(none)			

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in a criminal complaint signed by Detectives Timothy Rush and J.R. Smith of the Pittsburgh Police Homicide Section; and the Commonwealth of Pennsylvania versus Lachan Russell, age 29 years of 1806 Sheridan Avenue, Braddock, Pennsylvania 15104, who has been charged with criminal homicide, two counts, in a criminal complaint signed by Detectives Timothy Rush and J.R. Smith of the Pittsburgh Police Homicide section in connection with the deaths of Montelle Thornhill, age two months, and Charita Thornhill, age three years, of 7053 Apple Street, Pittsburgh, Pennsylvania.

Montelle Thornhill and Charita Thornhill were pronounced dead on July 11, 1990 at 3:55 a.m. at 7053 Apple Street, Pittsburgh, Pennsylvania 15208 by Pittsburgh Bureau of Fire, Deputy Chief Charles Bradburn. The deceased were viewed at the scene by Deputy Coroners Fred Bell and Robert Keys who then removed the deceased to the Allegheny County Coroner's office.

The postmortem examination for Charita Thornhill was performed by Dr. T. Imajo who gave

1 the immediate cause of death as smoke inhalation.
2 The postmortem examination for Montelle Thornhill
3 was performed by Dr. Shakir who gave the immediate
4 cause of death as smoke inhalation. The
5 certification of identification was made by
6 Sharon Fields, the grandmother of the deceased.

7 Mr. Hudak and Mr. Lewis, do we have a
8 stipulation or stipulations, I should say, for the
9 for the chain of custody of the deceased for the
10 certification of identifications and for the use
11 of the protocols in this proceeding?

12 MR. LEWIS: Yes, sir.
13 MR. HUDAK: We do, Your Honor.

14 MR. UHRICH: Protocol of the deceased,
15 Montelle Thornhill, found at case No. A90-1953
16 with anatomic diagnoses as follows:

17 I. Smoke inhalation (carbon monoxide
18 59 percent saturation, cyanide: 0.078 milligram
19 percent).

20 II. Pulmonary congestion and edema,
21 moderate, bilateral.

22 III. Burns, superficial and deep, covering
23 90 percent of total body surface.

1 The manner of death is listed as undetermined
2 is signed by T. Imajo, M.D., Associate Patholo
3 and Joshua A. Perper, M.D., LL.B., M.Sc., Cor
4 will all those who have been subpoenaed
5 testify or who will testify in this proceeding
6 please stand to be sworn.

7 (THEREUPON, various and sundry
8 witnesses were first duly
9 sworn.)

10 MR. UHRICH: You may proceed.

11 MR. BORKOWSKI: Judge, before we begin
12 calling witnesses, I would bring to your attent
13 two matters:

14 One is there is a stipulation entered into
15 the parties that Miss DiGiovanni will read into
16 the record.

17 Secondly, there are interlocking statements.
18 The detectives have had adequate time to
19 Bruton-ize those statements, consequently we will
20 make every effort to redact them during the course
21 of the testimony itself. Insofar as there would
22 be a slip up, we'd ask you to entertain them only
23 for their purposes as each defendant has provided

1 The opinion is that Montelle Thornhill, it
2 lists as a two-year old black male, died as a
3 result of smoke inhalation. I think we need to
4 possibly check the age on that.

5 MR. BORKOWSKI: I have two years.

6 MR. UHRICH: It's two years? We have two
7 months listed here. Okay. The opinion is that
8 Montelle Thornhill, a two-year old black male died
9 as a result of smoke inhalation. The manner of
10 death at this point is listed as undetermined and
11 it is signed by A. Shakir, M.D., Associate
12 Pathologist and Joshua A. Perper, M.D., LL.B.,
13 M.Sc, Coroner.

14 Protocol on the deceased, Charita Thornhill,
15 is found in case No. A90-1954 with anatomic
16 diagnoses as follows:

17 I. Smoke inhalation in the airway.

18 II. Acute carbon monoxide intoxication (80
19 percent blood saturation).

20 III. Visceral congestion.

21 The opinion is that Charita Thornhill, a
22 three-year old black female, died as a result of
23 smoke inhalation and carbon monoxide intoxication.

1 and as provided by the Rules of Evidence.

2 MR. UHRICH: You may proceed.

3 MR. HUDAK: Your Honor, I'd move to
4 sequester.

5 MR. UHRICH: Let's do the stips first.

6 MS. DIGIOVANNI: Your Honor, the first
7 stipulation would be as to the ownership of the
8 dog, Fay-Lou, that was burned in connection with
9 this fire, and ownership of the dog would be to
10 Miss Minnie Bivens, B-I-V-E-N-S.

11 MR. UHRICH: All right.

12 MS. DIGIOVANNI: The second stipulation, Your
13 Honor, would be to the testimony of Mary Kay
14 Perrott who at the time was an arson investigator,
15 and we have a stipulation as to her qualifications
16 as an expert in arson investigation.

17 MR. UHRICH: okay.

18 MS. DIGIOVANNI: Your Honor, the Commonwealth
19 calls --

20 MR. UHRICH: we still have a sequestration
21 motion, so all those who have been subpoenaed to
22 testify, other than I believe Detective Rush, will
23 remain as the case agent. Anyone else who is

1 going to testify or who will testify in the
2 proceeding, you are sequestered to the hallway
3 where Assistant Chief Brown is standing.

4 MARY KAY PERROTT, the witness herein, called
5 as a witness on behalf of the Commonwealth, having
6 been first duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MS. DIGIOVANNI

9 Q Would you state your name, please, and spell
10 your last name for the record.

11 A Mary Kay Perrott, P-E-R-R-O-T-T.

12 Q How are you employed?

13 A As a City of Pittsburgh police officer.

14 Q Were you employed in that capacity on July 11
15 of 1990?

16 A Yes, I was.

17 Q What division or department were you employed
18 with at that time?

19 A Fire arson investigation.

20 Q For how long had you been employed in arson
21 investigation?

22 A At that point approximately two and a half
23 years.

1 A The origin of the fire was the front porch,
2 most specifically on a couch under the large front
3 window.

4 Q And from that point of origin were you able
5 to determine where the fire and how the fire spread?

6 A Yes. The fire spread up through the window.
7 The structure was built with a balloon construction.

8 The fire was then able to travel up through the
9 structure as well as in through the window, into the
10 first floor area, in and up the steps. Sort of in a
11 chimney effect to the second floor.

12 Q You say balloon construction, can you describe
13 for the court what type of structure this was?

14 A This was a home, a large older home and
15 balloon construction is, the superstructure underneath
16 the wood is placed in such a manner that there are
17 straight shots from the ground floor, from the
18 foundation, through to the roof, almost like little
19 chimneys. It's a style of construction and it's found
20 in many, many of the older homes.

21 Q And the front of this home, is that where the
22 porch was?

23 A Yes, ma'am.

1 Q And during that time period, approximately how
2 many fires had you investigated or helped to investigate
3 the cause and origin of?

4 A Somewhere between 100 and 200.

5 Q On July 11 of 1990 were you called as part of a
6 team to investigate the cause and origin of a fire that
7 had occurred at 7053 Apple Street in the City of
8 Pittsburgh, Allegheny County?

9 A Yes, I was.

10 Q Can you tell the court how you go about
11 determining cause and origin of a fire?

12 A Once you arrive on the scene, you make a
13 determination as to how safe the area is, and then you
14 begin a systematic evaluation of the areas that have
15 been damaged by the fire as well as the areas that have
16 not been damaged. By evaluating the areas that have
17 been damaged, you make a step by step on not only where
18 the fire started, but how the fire progressed.

19 Q Did you do that in this case?

20 A Yes, ma'am, we did.

21 Q Can you tell the court what findings you and
22 your other arson investigators made with respect to the
23 origin of this fire?

1 Q You indicated there was a front window. Is
2 that a picture type window?

3 A Yes, ma'am, it was a large picture type
4 window with side portions that actually opened, and
5 they opened out.

6 Q And what effect would the opening of these
7 windows have on the fire that was on the porch?

8 A The fire was drawn in through those windows
9 and the fire extinguishing also helped to push the fire
10 in through those windows.

11 Q And describe how the fire extinguishing on the
12 front porch would do that?

13 A The water hitting the flames will actually
14 push the flames further, although the flames had a
15 pretty good start. This assisted in pushing it in
16 through the window (indicating) and up through the
17 construction.

18 Q Did you and your fellow arson investigators
19 find that that, in fact, is what happened in this case,
20 as far as the fire being drawn in from the porch, inside
21 the structure itself?

22 A Yes, it was drawn from the porch into the
23 structure.

1 Q And what amount of damage resulted from the Page 14
2 fire?

3 A I don't understand the question.

4 Q Was the house completely destroyed, partially
5 destroyed? Can you describe the amount of damage to the
6 house as you saw it?

7 A There was a large amount of fire damage. It
8 was not completely destroyed. We were able to take
9 samples and work through the structure.

10 Q Can you describe for the court what other
11 measures you took to determine, after determining the
12 origin, what measures you took to determine the cause of
13 the fire?

14 A All of the natural and accidental causes were
15 looked at in an attempt to rule those out.

16 Q What types of causes would they be and how did
17 you rule them out?

18 A For example, electrical would be an
19 accidental cause. If there had been an electrical
20 outlet in that area and we could have shown that it had
21 been overloaded and that that had led to the starting
22 of the fire, but that was not the case.

23 A natural cause would be something like

1 product which would serve as an accelerant to the fire? Pa

2 A Yes, ma'am.

3 Q Now, the testimony you provided here today an
4 the opinion you have provided as to the cause and origin
5 of this fire, do you hold those opinions to a reasonable
6 degree of scientific certainty?

7 A Yes, ma'am.

8 Q Ma'am, as a general proposition, can you
9 describe for the court how smoke from a fire such as thi
10 that would start outside on the porch area and travel
11 through a balloon type construction home, how that smoke
12 would travel and what effect that would have on the
13 structure itself?

14 A The smoke would have been drawn up through
15 the structure, but it was also reported to us that the
16 front door had been opened, which would act as a
17 chimney. This would draw much as your chimney in your
18 fireplace draws the air up towards the highest point,
19 which would have been the roof. So it was drawn
20 through the balloon construction, through the interior
21 structure up the steps in a similar manner to a
22 chimney.

23 Q And, in fact, did you see evidence in the

1 spontaneous combustion or a lightning strike. Those Page 15
2 items were also ruled out.

3 Q So all natural and accidental causes were ruled
4 out?

5 A Yes, ma'am.

6 Q What determination did you make as far as the
7 cause of this fire?

8 A The cause of this fire was incendiary. It
9 was caused by someone actually doing something to bring
10 the flame to that point, to the area.

11 Q In addition to ruling out the natural and
12 accidental causes, did you have any evidence as far as
13 the incendiary nature of the fire?

14 A It was also an accelerated fire in that we
15 took samples from the couch that was underneath the
16 window. Actually some handbag that was on the couch,
17 and it had been reported to us that at the time that
18 the fire was first discovered that the dog had also
19 been on that couch. We had the dog's body taken to the
20 Coroner's Office, and they were able to locate samples
21 on the dog that were consistent with a kerosene type
22 product.

23 Q And is the kerosene type product the type of

1 structure after the fire was extinguished of smoke damage Page 17
2 on the second and third floors and interior in general of
3 the structure?

4 A Yes, ma'am, there was a large amount of smoke
5 damage.

6 MS. DIGIOVANNI: Thank you. Offer for cross.

7 MR. UHRICH: Mr. Lewis, would you like to
8 start?

9 CROSS-EXAMINATION

10 BY MR. LEWIS

11 Q Yes. Officer, did you fill out a report and
12 include your statements regarding what happened 15 years
13 ago?

14 A There is a report that was completed by the
15 lead investigator, which was Ronald Rudolph. He has
16 since retired.

17 Q Do you have that report in your hands right
18 now?

19 A Yes, sir, I do.

20 Q Did you review it immediately before taking the
21 stand here today?

22 A Yes.

23 MR. LEWIS: Your Honor, may we take a moment

1 and review that report?

2 MS. DiGIOVANNI: Your Honor, I would object
3 to that at this point. That's clearly a matter
4 for discovery post-formal arraignment stage of
5 proceeding. She hasn't referred to it during her
6 testimony whatsoever.

7 MR. UHRICH: That's a standard... let me say
8 this, Mr. Lewis: I can't order them to turn over
9 the report to you. Obviously, if the District
10 Attorney wants to do that at this point, because
11 it is basically a discovery issue, unless she read
12 it and used it in her testimony; then I believe
13 you have the, obviously, you would have the
14 opportunity at this point to review that. But I,
15 having reviewed it prior to testimony doesn't
16 qualify it as discoverable to you at this point.
17 It would only be if they extend you that courtesy.

18 BY MR. LEWIS:

19 Q Let me ask it a different way: You did reduce
20 some of your statements here today regarding information
21 which you gave statements about at the time of the
22 report, is that correct, statements or information you
23 testified here today about?

1 A Yes.

2 Q You gave statements to the reporting officer at
3 the time the report was prepared, is that correct?

4 A Yes, we collaborated on it.

5 Q Yes. And some of your statements are included
6 in that report you reviewed, is that right?

7 A Yes, sir.

8 Q And, of course, by looking at that report and
9 reading your prior statements, that refreshed your
10 recollection as to what you're going to testify to here
11 today, is that correct?

12 A Yes, somewhat.

13 Q Now, as to those statements you made at the
14 prior time, at any time did you say or make, issue any
15 opinion as to a dog or a carcass of a dog that was found
16 on the premises?

17 A Yes, sir.

18 Q Could you tell us what you said about that dog?

19 A Then or now?

20 Q Then.

21 A I don't recall what I might have said about
22 the dog in 1990.

23 Q Do you know if the statements you made about

1 A Yes.

2 Q You gave statements to the reporting officer at
3 the time the report was prepared, is that correct?

4 A Yes, we collaborated on it.

5 Q Yes. And some of your statements are included
6 in that report you reviewed, is that right?

7 A Yes, sir.

8 Q And, of course, by looking at that report and
9 reading your prior statements, that refreshed your
10 recollection as to what you're going to testify to here
11 today, is that correct?

12 A Yes, somewhat.

13 Q Now, as to those statements you made at the
14 prior time, at any time did you say or make, issue any
15 opinion as to a dog or a carcass of a dog that was found
16 on the premises?

17 A Yes, sir.

18 Q Could you tell us what you said about that dog?

19 A Then or now?

20 Q Then.

21 A I don't recall what I might have said about
22 the dog in 1990.

23 Q Do you know if the statements you made about

1 the carcass was important to you in 1990, important
2 enough for you to have included information about it in
3 your prior report?

4 A Yes, there is information concerning the dog.

5 Q Did you interview or speak to Tequilla Fields
6 at the time?

7 A No.

8 Q And did you ever interview Tequilla Fields from
9 that time until today?

10 A No.

11 Q Did you ever interview Lachan Russell at that
12 time?

13 A No.

14 Q Have you ever interviewed her from that time
15 until today?

16 A No.

17 MR. LEWIS: Thank you, that's all I have.

18 MR. UHRICH: Mr. Hudak.

19 CROSS-EXAMINATION

20 BY MR. HUDAK

21 Q Is it officer or detective?

22 A It's actually sergeant now.

23 Q Okay. Sergeant Perrott, you said that you

1 ruled out accidental cause, is that correct?

2 A That's correct.

3 Q But I want to go step by step, if I may,
4 through some of the things you said.

5 You said that it was important to the spread
6 of this fire that the front window, that's the large
7 window, was open, correct?

8 A No, the sides on the window were open. It
9 was a large window that had like solid glass in the
10 middle and portions of it on the sides that opened out.

11 Q And you said that was important that they were
12 open to the spread of the fire, correct?

13 A That would be important, yes.

14 Q Now, did you obtain any information that
15 anybody had opened those side windows for any reason
16 other than the natural temperature in July of 1990?

17 A Personally, no.

18 Q Now, you said that the front door also was
19 open, correct?

20 A Yes, we received information.

21 Q Did you obtain the information that somebody
22 had deliberately opened that front door in order to
23 direct the spread of that fire?

Page 22

1 A I'm not certain I'm understanding your
2 question.

3 Q Did the front door being open have anything to
4 do with the direction in which the fire spread?
5 A Yes.

6 Q Do you have any information in your
7 investigation up until today here that anybody
8 deliberately opened that door with the plan of spreading
9 the fire in a particular direction?
10 A No.

11 Q Now, you said that if we go step by step that
12 the fire spread to the window, those opened side windows,
13 correct?
14 A Yes.

15 Q And then you said it spread to the structure,
16 correct?
17 A Yes.

18 Q And you said then it spread onto the first
19 floor, correct?
20 A The porch was adjacent to the first floor,
21 yes.

22 Q And then the fire spread up to the second
23 floor, correct?

Page 22

1 of the dog and they determined that there had been some
2 kerosene put on the dog, correct? Page 22

3 A Yes, he had kerosene on his fur.

4 Q Now, in your investigation, did you find
5 kerosene anywhere else in the house?
6 A No.

7 Q Now, your investigation did lead to a
8 conclusion that that dog with kerosene poured on it and
9 presumably burning, that dog had gone onto the couch that
10 was on the front porch, correct?
11 A At some point he had -- he had kerosene on
12 him and the couch had kerosene on it.

13 Q So, is it your conclusion from the
14 investigation here that the dog caused the couch to catch
15 on fire?
16 A I can't say that the dog caused the couch to
17 catch on fire. The couch had been on fire and the fire
18 spread from the couch into the house.

19 Q Okay. Do you have anything in the course of
20 your investigation of the last 15 years to indicate that
21 any person set the couch on fire as opposed to the dog
22 setting the couch on fire?
23 A You're asking me if I believe the dog set the

Page 23

1 A It spread, yes, to the second and third
2 floors.

3 Q Now, am I correct that in the investigation you
4 check if there was any type of flammable liquid or any
5 type of substance that would further the spread of that
6 fire up to the second floor, correct?
7 A Yes.

8 Q In other words, did you check to see if, for
9 instance, somebody had poured gasoline all through the
10 house up to the second floor?
11 A Yes, there was no indication there was
12 anything like that.

13 Q And, did you check that there was any poured
14 gasoline or poured substance to spread the direction of
15 the fire from the couch inside the house?
16 A No.

17 Q So, you ruled out accidental causes, correct?
18 A Yes.

19 Q Am I correct that what you learned was that a
20 dog -- this is really painful, this is bad -- a dog is
21 deliberately set on fire, correct?
22 A I did not receive that information myself.

23 Q But, the Coroner's Office did the examination

Page 25

1 couch on fire? Page 25

2 Q That's right. I'm not saying the dog intended
3 to set the couch on fire, but I'm asking you you've been
4 investigating this for 15 years, correct?
5 A I haven't. It has been 15 years since.

6 Q And you're an arson expert, correct?
7 A Yes.

8 Q Now, let's ask this more fundamentally. Is it
9 possible for a flaming animal who's been doused in
10 kerosene and is burning who jumps onto a couch, is it
11 possible that the couch would then catch on fire?
12 A In the scenarios you've described, yes, it's
13 possible the couch would catch on fire.

14 Q Now, in the course of your investigation, from
15 what you're able to bring to this inquest today, do you
16 have any information that a human being set the couch on
17 fire, other than the dog setting the couch on fire, which
18 you just said would be possible?
19 A I have no direct information on how the dog
20 caught on fire or the couch caught on fire.

21 Q Okay. I'm not trying to be difficult with you,
22 but it sounds like what you're saying -- tell me if I'm
23 correct -- it sounds like what you're saying is probably

1 somebody had to set the dog on fire. The dog didn't set
 2 himself on fire, unless it's a suicidal dog, right,
 3 because he was a Buddhist monk dog? But assuming, let's
 4 say, probably some person set the dog on fire, correct?

5 A Some person set the fire, whether the dog was
 6 first set on fire or the couch, I can't specifically
 7 state. I can tell you that there was an intentional
 8 act that started the fire.

9 Q Now, you do think that's important to the
 10 determination of this case, though, correct?

11 A That someone committed an act that started
 12 the fire?

13 Q Right.

14 A Yes, that is important.

15 Q Now, we want to know if somebody just set a dog
 16 on fire, which is in itself a terrible act, and then the
 17 dog accidentally set the house on fire.

18 Am I correct that you're not able to make
 19 that determination?

20 A That is correct, I could not interview a dog.

21 MR. HUDAK: Okay, thank you.

22 MR. UHRICH: Is that it, Mr. Hudak?

23 MR. HUDAK: Yes.

DIRECT EXAMINATION

BY MS. DIGIOVANNI

1 Q Sir, could you please state your name and spell
 2 your last name?

3 A Detective J. R. Smith, S-M-I-T-H.

4 Q How are you employed?

5 A Pittsburgh Police.

6 Q In what division, sir?

7 A Homicide.

8 Q And were you employed in that capacity in
 9 February of this year?

10 A Yes.

11 Q In that capacity were you and your partner,
 12 Detective Rush, assigned to investigate the homicide of
 13 Charita and Montelle Thornhill, which had occurred on
 14 July 11, 1990?

15 A Yes.

16 Q And in connection with that investigation into
 17 those two deaths did you interview Lachan Russell?

18 A Yes.

19 Q Is Lachan Russell in court today?

20 A Yes.

1 MR. UHRICH: Miss DiGiovanni, anything
 2 further on redirect?

3 MS. DIGIOVANNI: No redirect, Your Honor.
 4 Thank you.

5 MR. UHRICH: Mr. Lewis, any recross on Mr.
 6 Hudak's cross?

7 MR. LEWIS: No.

8 MR. UHRICH: All right, Sergeant, you may
 9 step down.

10 (Witness excused.)

11 MS. DIGIOVANNI: Your Honor, the Commonwealth
 12 calls Detective Smith.

13 MR. UHRICH: Mr. Hudak, the sergeant, is she
 14 leaving or is she just sequestering? Once she's
 15 testified do you have any objection to her
 16 remaining in the room?

17 MR. HUDAK: No.

18 MR. UHRICH: She can come back in if she
 19 wants.

20 J. R. SMITH, the witness herein, called as a
 21 witness on behalf of the Commonwealth, having been
 22 first duly sworn, testified as follows:
 23

1 Q Could you identify her, please?

2 A She's wearing a cream colored sweater.

3 Q Thank you.

4 MS. DIGIOVANNI: Your Honor, may the record
 5 reflect the identification of Miss Russell?

6 MR. UHRICH: The record will reflect the
 7 identification of Defendant Lachan Russell by the
 8 witness.

9 MS. DIGIOVANNI: Thank you.

10 BY MS. DIGIOVANNI:

11 Q Sir, where did this interview take place?

12 A The Homicide Office Interview Room.

13 Q And on what day did that occur?

14 A February 14.

15 Q 2005?

16 A Yes.

17 Q Prior to interviewing Miss Russell did you give
 18 her her Miranda rights?

19 A Yes.

20 Q And did you use the standard City of Pittsburgh
 21 pre-interrogation warning form?

22 A Yes.

23 Q Did you go over those rights with Miss Russell

1 individually?

2 A Yes.

3 Q Did she respond to those rights and indicate
4 she would speak with you regarding the death of Charita
5 and Montelle Thornhill?

6 A Yes.

7 Q Can you tell the court what Miss Russell said
8 to you in connection with the fire that occurred at Apple
9 Street on July 11 of 1990?

10 A Originally she said that she didn't know how
11 the fire had started. She said that she and her friend
12 told the police that they didn't know back in 1990 and
13 that she continued to stick with the story. She then
14 went on to say what had happened.

15 Q Did she tell you that the original story that
16 she and her friend did not know how the fire started was,
17 in fact, false?

18 A Yes.

19 Q And did she then agree to tell you what
20 actually happened, according to the Defendant, Lachan
21 Russell?

22 A Yes.

23 Q What did Lachan Russell tell you regarding the

1 o'clock in the afternoon when the conversation began.
2 And they spoke of how they were going to get rid of the
3 dog, and they came up with they would set it on fire.

4 Q Did Miss Russell tell you why she and her
5 friend were making this plan to get rid of the dog?

6 A Yes. Lachan said that her friend was having
7 trouble with her grandmother, her friend's grandmother
8 because she was a strict type and they always were
9 having conflicts.

10 Q Okay. And did Lachan Russell tell you whose
11 dog this was?

12 A She said that it was her friend's
13 grandmother's dog and the dog's name was Fay.

14 Q And so this is now July 10 and this discussion
15 is going between Miss Russell and her friend. Can you
16 continue from there about the plan that was being made
17 about the dog?

18 A Lachan explained that they spoke of that
19 plan, then they eventually went to her friend's
20 mother's house who lived on Borough Street in the Hill
21 District. Lachan explained that her friend, Lachan,
22 and her friend's two children all went to the house.
23 Now, she said that they stayed at the friend's mother's

1 origin of this fire?

2 MR. HUDAK: Your Honor, if I may, I'm
3 assuming, again, this statement is carefully
4 Bruton-ized.

5 MR. UHRICH: I would suspect it is.

6 MS. DIGIOVANNI: That's correct, Your Honor.

7 MR. HUDAK: I still wanted to say something
8 that violates that.

9 MR. UHRICH: Well, even if he does, the
10 jury's gone home for the day, so I parse those
11 things out.

12 MR. HUDAK: Okay.

13 MR. UHRICH: We've done it both ways here,
14 but I can sort that out.

15 MS. DIGIOVANNI: Thank you.

16 BY MS. DIGIOVANNI:

17 Q Detective, can you tell the court, please, what
18 Lachan Russell told you regarding this fire.

19 A Lachan stated that she and her friend were
20 over her friend's house and had a conversation
21 regarding killing her friend's dog. She said that she
22 and her friend were at her friend's grandmother's and
23 it was, it was July 10, 1990, around three or four

1 house and drank beer. She said that she and her friend
2 and her friend's kids eventually took a bus back to
3 Apple Street, which would have been the last bus
4 running back to Apple Street, and then they walked to
5 her friend's grandmother's house.

6 Q Now, by the time Miss Russell and her friend
7 and the two children get back to the house on Apple
8 Street, this being the last bus, was it then past
9 midnight to where you're now on July 11, 1990?

10 A Yes.

11 Q What happens once they get back in the
12 neighborhood of Apple Street and into that actual
13 residence?

14 A Well, on the bus ride, Lachan explained that
15 her friend continually spoke about lighting the dog on
16 fire when they get to the house, how they'll light the
17 dog on fire and kill the dog.

18 The four of them, Lachan, her friend and her
19 friend's two children then walked to the house is what
20 Lachan explained to me. And they were let in the house
21 by her friend's grandmother, and Lachan said that she
22 stayed downstairs in the living room area when her
23 friend was upstairs tending to the children for

1 approximately 45 minutes.

2 Q What happens once Lachan Russell's friend came
3 back down from tending to the children? Were the
4 children then remaining upstairs?

5 A Yes.

6 Q So, Lachan Russell's friend comes back
7 downstairs, and what happens from that point, according
8 to Miss Russell?

9 A At that point Lachan explained to me that
10 they both exited the house. There was a vestibule.
11 There's the main door to exit the house and then
12 there's another set of doors that would lead out onto
13 the front porch. And that front porch, that's the way
14 you would exit down Apple Street; that front porch led
15 to some stairs down on Apple Street.

16 They said when they exited the second set of
17 doors, Lachan explained that her friend pulled out a
18 container containing what she explained to be either
19 kerosene or lighter fluid and started dousing Fay, the
20 dog.

21 Q Now, at this point the dog was where, right
22 there on the front porch?

23 A Yes, the dog was tied up on the front porch,

1 and it had a rope which was explained to me as being a
2 rope long enough to reach about halfway down the steps
3 to Apple Street, and there was approximately 37 steps.

4 Q So, according to Miss Russell, her friend
5 begins to douse the animal with this liquid?

6 A Yes.

7 Q Kerosene or lighter fluid?

8 A Yes.

9 Q What happens from that point?

10 A Lachan explained that she watched her friend
11 douse the dog Fay with the accelerant that she
12 explained to be kerosene or lighter fluid. She
13 explained that it was in a white container with a red
14 pour spout or red cap. Lachan explained that she told
15 her friend that she was crazy for what she was doing,
16 and she stood and watched her friend then go into her
17 pocket, pull out a pack of matches; and Lachan
18 explained that there were some words. She used some
19 profanities on saying how she was crazy like that, and
20 then she lit the match and put it onto the dog. Lachan
21 explained that the dog then went up in a fireball.

22 Q What happened once the dog ignited?

23 A Lachan said the dog ignited. She had dropped

1 her purse, which she had borrowed from her mother, and
2 then they both ran down the steps to Apple Street to
3 the city steps, which were across Apple Street, which
4 would have led to Lang and Upland Street where they
5 went halfway down those steps and turned around and saw
6 that the house was on fire, the front of the house.

7 Q The house, in addition to the dog at this
8 point?

9 A Yes.

10 Q And what happened from that point?

11 A Lachan explained that she and her friend ran
12 back up the city steps to Apple Street, across Apple
13 Street, ran up the house steps. She saw her friend's
14 grandmother coming down the steps, exiting the house,
15 which was now engulfed in flames. Lachan explained
16 that she went to the side door and eventually that side
17 door glass window blew out and cut her elbow causing
18 what she showed me to be a scar today on one of her
19 elbows. She said that she could not enter through that
20 door. She ran to the back of the house and either saw
21 or heard her friend's brother on the second or third
22 floor at the window, and she told him to jump.

23 Q And, in fact, did her friend's brother then

1 jump from the second or third floor?

2 A He was -- he did fall from the second or
3 third floor, yes.

4 Q Whether he jumped or was forced out from the
5 fire?

6 A Yes.

7 Q Did she tell you what her friend's brother's
8 name was?

9 A Yes.

10 Q What was that name?

11 A She called him Dre', Andre'.

12 Q And once Andre' came out of the house, did she
13 tell you what happened at that point?

14 A Yes. She explained that at that point there
15 were no fire equipment there, but an ambulance arrived
16 and the ambulance took away Andre'. She stated that
17 she and Andre' were boyfriend/girlfriend also. She
18 said that Andre' was taken away by ambulance and that
19 she met up with her friend on Apple Street.

20 Q And did she and her friend then have a
21 discussion regarding what had happened?

22 A Yes. Lachan explained that she and her
23 friend agreed upon to never tell anybody on how the

1 fire had started here.

2 Q And at that point, Detective Smith, was that
3 basically all Lachan Russell told you about how this fire
4 had started at the house on Apple Street?

5 A Yes.

6 MS. DiGIOVANNI: Thank you. Offer for cross.

7 MR. UHRICH: Mr. Lewis.

8 CROSS-EXAMINATION

9 BY MR. LEWIS

10 Q Detective, Lachan Russell, you filed an
11 affidavit in this case, did you not --

12 A Yes.

13 Q -- of probable cause? And you said that Lachan
14 Russell was asked to come down to the station, which she
15 agreed to do. Is that what you stated in the affidavit?

16 A Yes.

17 Q And you gave her her rights and she waived
18 them, is that right?

19 A Yes.

20 Q She was cooperative. You said come on down to
21 the station, she came down, is that correct?

22 A Yes.

23 Q Had you ever talked to her about this matter

1 before that time on 2/14/05 date?

2 A No.

3 Q And why did you call her down there?

4 A Well, she's a witness in this case.

5 Q Well, that case happened 15 years earlier and
6 you had never spoken to her, yet you called her down that
7 day?

8 A Yes.

9 Q And I'm going to ask you, why did you call her
10 down there?

11 A Because she's a witness in this case.

12 Q Well, why on that day did you call her down
13 there?

14 A We're investigating this, the death of these
15 two children and this arson.

16 Q Have you talked to Tequilla Fields prior to
17 calling her down, Lachan Russell?

18 A Yes.

19 Q You have?

20 A Yes.

21 Q And has Tequilla Fields given you a statement
22 which you used as a probable cause in this case?

23 A Not at that time.

1 Q Had she given you the information that's
2 contained in the statement of probable cause against
3 Tequilla Fields in this case?

4 A Not at that time, no.

5 Q Had she given you any statement prior to
6 calling down Lachan Russell?

7 A Yes.

8 Q When had she given you the statement?

9 A Several days prior to us contacting Lachan.

10 Q And in that statement that she had given you
11 several days prior to contacting Lachan did you reduce
12 any of that to writing?

13 A No.

14 Q Did you take any notes?

15 A No.

16 Q Was anybody with you when you took that
17 statement?

18 A Yes.

19 Q Who?

20 A Detective Timothy Rush.

21 Q Did he take any notes or reduce anything to
22 writing?

23 A I don't believe so.

1 Q Was that the first time you had talked to
2 Tequilla Fields since a few days before the 14th? Had
3 you talked, other than that date, had you talked to
4 Tequilla Fields?

5 A No.

6 Q Now, when Lachan came down to the office she
7 waived her rights. Did you tell her at that time that
8 you had a statement from Tequilla Fields which in some
9 way implicated Lachan in this case?

10 A No.

11 Q Did you tell her at all about Lachan having a
12 statement from Tequilla?

13 A I'm not sure. I don't follow you on that
14 question.

15 Q Did you tell her when she came down on the 14th
16 that you had taken a statement from Tequilla?

17 A Possibly.

18 Q Possibly. How about your partner, did he tell
19 her?

20 A I'm not sure.

21 Q You're not sure. Do you know what you said,
22 might have said to her?

23 A Regarding a statement?

1 Q Yes.

2 A I did explain to Lachan that -- I'm not sure
3 how to say this now -- her friend or...

4 MR. UHRICH: You can state someone.

5 A That we had somebody in here regarding this
6 case.

7 Q Okay. And after you told her they had someone
8 in there regarding this case, did you tell her this
9 someone had accused her or at least blamed her for the
10 criminal conduct?

11 A No.

12 Q Did you say that they suggested that Lachan
13 might be involved?

14 A No.

15 Q Did she tell you that Tequilla or did she tell
16 you that her friend wanted to kill her family dog?

17 A Yes.

18 Q How old was Lachan at the time, 15?

19 A Fifteen years old.

20 Q How old was Tequilla?

21 A Eighteen years old.

22 Q Did she tell you that her friend was angry at
23 her grandmother?

1 went?

2 A From what she explained to me, yes.

3 Q And I suspect she told you from your affidavit
4 here that her friend came out of the house with someth-
5 under her jacket (indicating), is that right?

6 A She explained that she had pulled a white
7 container from about her body. She wasn't sure if it
8 was under her jacket or under her shirt or from her
9 pants.

10 Q So her friend went into the house upstairs and
11 then exited the house without her children, with
12 something under her, hidden somewhere, is that right?

13 A Yes.

14 Q And pulled it out and that was the lighter
15 fluid, according to the statement, is that right?

16 A Yes.

17 Q And after she did that, soaked the dog, now,
18 the dog was outside, the friend lit the dog on fire, is
19 that right?

20 A Yes.

21 Q And your investigation indicates that the dog
22 indeed was on fire, is that right?

23 A Yes.

1 A Yes.

2 Q And when you said before that there was a
3 dispute between them, you didn't mean there was any
4 dispute between Lachan Russell and her friend's
5 grandmother, did you?

6 A No.

7 Q Nobody ever suggested that, is that right?

8 A That's correct.

9 Q And she also told you, did she not, that her
10 friend had called her grandmother crazy and that her
11 friend wanted -- couldn't wait to set her grandmother's
12 dog on fire, isn't that what she said?

13 A Yes.

14 Q Now, they were -- and her friend had these two
15 children, is that right, the four of them, they came to
16 the house?

17 A Yes.

18 Q Now, as I understand it, Lachan Russell never
19 went upstairs in the house or went anywhere in this house
20 other than the front door, is that right?

21 A From what she explained to me, she was in the
22 living room area.

23 Q Is that the only thing, the only place she

1 Q And that it indeed caught on fire outside the
2 porch and that was what you found out and that's what you
3 believe today, is that right?

4 A Yes.

5 Q And the dog was tied up outside, was it not?

6 A From the statements given, yes.

7 Q Did you ever investigate the scene after it
8 happened?

9 A No.

10 Q Were you ever there personally?

11 A No.

12 Q Have you reviewed the reports?

13 A Yes.

14 Q Does it indicate that the dog was found there
15 dead, tied up?

16 A No.

17 Q It doesn't?

18 A No.

19 Q What does it indicate?

20 A That the dog was found under her friend's
21 son's bed.

22 Q Where?

23 A On the second floor.

1 Q And you've heard the arson investigator tell us
2 today that the origin of this fire was outside, is that
3 right? Page 46

4 A No, I didn't hear that, but I read that in
5 the reports.

6 MR. UHRICH: He was sequestered, Mr. Lewis.

7 MR. LEWIS: I'm sorry. That's all the
8 questions I have.

9 MR. UHRICH: Mr. Hudak, do you have any
10 questions?

11 MR. HUDAK: A few. Thank you, Your Honor.
12

CROSS-EXAMINATION

13 BY MR. HUDAK:

14 Q Detective, how long did the interview with
15 Lachan Russell take?

16 A She was in approximately five hours.

17 Q And so I take it that it took you and your
18 partner, Detective Rush, a long time to convince her to
19 provide the information that you were seeking?

20 A It was a fairly short time when she gave what
21 she said to be the true story.

22 Q And that true story, I take it, came towards
23 the end of the five hours, not towards the beginning,

1 MR. UHRICH: Sustained. P.

2 MR. LEWIS: Because as the officer knows in
3 his probable cause affidavit, there is not, the
4 word plan by Lachan Russell has never been...

5 MR. HUDAK: I'm just suggesting --

6 MR. LEWIS: well, you're assuming a fact not
7 in evidence.

8 MR. HUDAK: Okay.

9 MR. UHRICH: objection sustained.

10 BY MR. HUDAK:

11 Q And I don't move to admit that there is such a
12 fact. I'm just saying if there is, am I correct about
13 this. Did my client, did Lachan Russell ever tell you
14 that my client intended to kill her children?

15 A No.

16 Q Did Lachan Russell ever tell you that her
17 friend intended to burn down her own home?

18 A No.

19 Q Did Lachan Russell tell you that the burning of
20 the house and killing of her children was ever anything
21 more than an accident resulting from the dog?
22

23 A No.

MR. HUDAK: That's all I have.

1 correct? Page 47

2 A No.

3 Q So at the beginning of the five hours she told
4 you the information and you just kept her there for an
5 additional four and a half hours or so?

6 A Yeah, in the beginning of the interview she
7 pretty much stuck with the story that she said in 1990,
8 only several minutes later, it was only several minutes
9 later when she said what I had just testified to.

10 Q Now, during the interview of Lachan Russell,
11 did she indicate to you that her friend had planned
12 anything to direct the dog to go into the house?

13 A No.

14 Q And did Lachan Russell tell you that her friend
15 had planned anything to direct the spread of the fire
16 into the house?

17 A No.

18 Q In fact, based on your investigation, it was
19 the opposite of that, as Mr. Lewis just said, that the
20 plan was to keep the dog tied up outside, correct? Maybe
21 you didn't say that.

22 MR. LEWIS: I'd object to that and I'd object
23 to the fifth reference to a plan.

1 MR. LEWIS: Excuse me, Your Honor, I may have Page 49
2 missed a question.

3 MR. UHRICH: Let's do this. Do you have any
4 redirect?

5 MS. DIGIOVANNI: No, Your Honor.

6 MR. UHRICH: You're going to get the
7 opportunity, obviously, then, to cross or recross
8 on his cross.
9

RE-CROSS-EXAMINATION

10 BY MR. LEWIS:

11 Q Just to make the record clear, I've read the
12 affidavit, the probable cause that you filed to charge
13 Lachan Russell today, and I'm sure you prepared this and
14 signed it, is that right, Detective Smith?
15

16 A That's right.

17 Q There's no reference in there to any plan that
18 Lachan Russell made with her friend, is that right?

19 A I would have to reread it.

20 Q I'll give it to you.

21 A I don't see any reference to a plan.

22 MR. LEWIS: Thank you, Your Honor. That's
23 all.

MR. UHRICH: Anything else?

1 MS. DIGIOVANNI: Your Honor, I have no
2 further questions for the detective regarding
3 Lachan Russell. I will call him later in regards
4 to Miss Fields.

5 MR. UHRICH: Do you want to step down?
6 (witness excused.)

7 MS. DIGIOVANNI: Your Honor, Commonwealth
8 calls Detective Canofari.

9 DALE CANOFARI, the witness herein, called as
10 a witness on behalf of the Commonwealth, having
11 been first duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MS. DIGIOVANNI

14 Q Sir, state your name and spell your last name.

15 A Dale W. Canofari, C-A-N-O-F-A-R-I.

16 Q How are you employed?

17 A City of Pittsburgh Police officer currently
18 assigned to the Homicide Division.

19 Q In that capacity did you have the occasion to
20 interview a Lachan Russell in connection with a fatal
21 fire that occurred on Apple Street on 7/11/1990?

22 A Yes, I did.

23 Q When did that occur, sir?

1 A Last week.

2 Q And was that interview conducted subsequent to
3 Detective Smith's interview of Miss Russell?

4 A Yes.

5 Q And was that at the same, not at the same time,
6 but shortly after Detective Smith spoke with
7 Miss Russell?

8 A Afterwards.

9 Q And can you tell the court what information
10 Miss Russell provided to you regarding the origin of the
11 fire on Apple Street?

12 A She provided me with information of she went
13 to Apple Street to visit a friend. While visiting her
14 friend, her friend was having a problem with her
15 grandmother and other family member and her friend
16 became quite upset.

17 MR. LEWIS: Excuse me, Your Honor, is this
18 statement reduced to writing of the defendant,
19 because if it's a statement of --

20 MS. DIGIOVANNI: Your Honor, this isn't an
21 oral interview that Detective Canofari had with
22 the defendant.

23 MR. LEWIS: Excuse me, I'm just asking if

1 it's been reduced to writing in any way. And
2 think because it's her statement, and I clear
3 have a right to it here to test his ability to
4 remember or understand what he said.

5 MR. UHRICH: And you can do that on cross
6 believe.

7 MR. LEWIS: Do you have the statements? C
8 you have the writing?

9 MR. UHRICH: Well, I don't think you need

10 MS. DIGIOVANNI: We're talking about -- we
11 not talking about --

12 MR. UHRICH: There's no report that was
13 written. This was a statement made by apparent
14 or obviously your client to Detective Canofari,
15 which obviously falls under any number of hearsay
16 exceptions.

17 MR. LEWIS: Yes, I agree with that. If
18 there's anything that is taken from this defendant
19 and reduced to writing, notes or whatever of this
20 conversation.

21 MR. UHRICH: You'd like to know it.

22 MR. LEWIS: I'd like to know it. If
23 Ms. DiGiovanni would allow me to see it.

1 MR. UHRICH: well, once again, I can't -- if
2 it were an issue as to whether or not he was
3 reading the notes or refreshing himself with the
4 notes during this testimony, I could provide that
5 to you, but I'm not in a position to do that so.

6 MS. DIGIOVANNI: Thank you.

7 BY MS. DIGIOVANNI:
8 Q Detective, I believe you were just beginning to
9 state for the court what Miss Russell told you in
10 connection with how this fire on Apple Street started.

11 MR. UHRICH: One second, if I may. when,
12 again, was this, Detective?

13 THE WITNESS: Last week, the day that she was
14 arrested.

15 MR. UHRICH: That would be around the 14th?

16 A Yes. I spoke with her after Detective Smith,
17 and she informed me that her friend was quite angry
18 with another family member, and they left the residence
19 to go to the Hill District to another family member's
20 house. But prior to doing this she was so mad, she
21 said she was going to fuck the dog up. She said they
22 had a dog named Fay and she was going to take care of
23 the dog because the dog seemed to get more attention

1 than she did.
2 Q when you say she, do you mean Miss Russell told
3 her that her friend was going to do this?

4 A Lachan said her friend that lived on Apple
5 Street was going to do this.

6 Q And at that point Lachan and her friend leave
7 Apple Street and go to the Hill District?

8 A They go to the Hill District for three or
9 four hours. They're there with the two children.

10 Q whose children are they?

11 A They're her friend's children. They go there
12 maybe four hours, they take a bus back to Apple Street,
13 get off the bus, the Lincoln bus, walk up Apple Street,
14 and when they came in the residence, Lachan said her
15 friend's grandmother began yelling at her about having
16 the kids out so late, just yelling and screaming at her
17 about having the kids out so late. Grandma went up the
18 stairs. Lachan said that her friend kept ranting and
19 raving about fucking the dog up, then she said, I'm
20 going to burn that fucking dog. And Lachan said she
21 tried to calm her down, but she could not calm her
22 down. Lachan said they put the children to sleep on
23 the second floor, and once that was done, her friend

1 give it to me. I said what? She said, well, the
2 container I put in the purse. I handed it to her
3 her friend took it out, took it from her. At that
4 Lachan said she smelled the liquid on her hand and
5 was in her purse. It must have opened in her purs
6 the cleaning solvent she had given her. She gave
7 her friend. Her friend vigorously shook the bottle
8 the dog up and down, up and down, and then took a n
9 out of her pocket, struck the match and threw it on
10 dog.

11 Lachan said she was walking away at this
12 time. She just got to the edge of the porch, and he
13 friend came after her, but then for some reason the
14 came down towards them and then ran back up on the
15 porch, and the door opened to the house. She said th
16 dog started burning a bit more. When it came down it
17 didn't appear to be on fire, but when it ran back up
18 the steps, she could tell it was engulfed in flames.

19 MS. DIGIOVANNI: Thank you. Offer for cross-
20 CROSS-EXAMINATION

21 BY MR. LEWIS:

22 Q Did you reduce -- how long did this
23 conversation last with Lachan?

1 didn't calm down. She kept saying, I'm going to burn
2 that fucking dog. Once they were in the living room,
3 her friend handed a container to Lachan and said I'm
4 going to burn that -- again, she reiterated she's going
5 to burn the dog. When she handed the container to
6 Lachan, Lachan took the container and put it in her
7 purse. She described it as a white container with a
8 cleaning solvent in it, did not recall the name. She
9 said it was a little bit smaller, there was a Sprite
10 bottle on the table, a little bit smaller than the
11 Sprite, but thinner. It was a white container with
12 writing on it. She doesn't know what the name was.
13 She took the purse, took the bottle, put it in her
14 purse, Lachan put it in her purse, and when they were
15 just about to leave, they yelled to grandma they were
16 going to get cigarettes.

17 Once outside the residence, this is probably
18 half a minute after she put the container in her purse,
19 they walked outside, they're on the front porch, Lachan
20 said the dog was on the front porch, so, you know, the
21 dog's name she said, of course I do, it's Fay. The dog
22 was, she believed, chained up on a couch, near a couch
23 or on a couch on the front porch. Her friend said,

1 A Everything with the conversation, notes, and
2 taped statement, maybe less than two hours.

3 Q That was after Detective Smith had her for
4 three hours, you then took over and questioned her for
5 two more?

6 A I didn't question her for that in total.
7 That was everything.

8 Q what do you mean in total everything?

9 A I took notes, she read and signed the notes.
10 A little bit after that she went on tape, she did a
11 taped statement.

12 Q Do you have those notes here today?

13 A No, I don't.

14 Q Where are they?

15 A My office.

16 Q Have they been reduced to an official report,
17 those notes?

18 A No.

19 Q what do you intend on doing with them?

20 A Soon.

21 Q I said what do you intend on doing with them.

22 A I thought you said when. Writing the report
23 and providing it to the District Attorney's office.

1 Q Did you, when you took these notes, give her
2 any printed form regarding her rights she was under?

3 A Yes, I read her her rights from the
4 Pittsburgh Pre-Interrogation Warning Form. She signed
5 her rights and said she'd speak without the presence of
6 an attorney.

7 Q She didn't want an attorney, she wanted to
8 cooperate with you, is that what you're saying?

9 A No, she wanted to talk without an attorney.

10 Q Does that mean she wanted to cooperate with
11 you?

12 A You can take it as that.

13 Q Did you take it as that?

14 A Sure.

15 Q Now, had you been present when Tequilla Fields
16 was interviewed prior to interviewing Lachan Russell?

17 A No, sir, I wasn't.

18 Q Did you know she had been interviewed?

19 A Yes.

20 Q Did you have any notes or copies of notes of
21 that interview available to you when you started to
22 interview Lachan Russell?

23 A No, I didn't.

1 Q Detective, did Lachan roughly during the cc
2 of her interview ever indicate to you that her friend
3 intended to kill her children?

4 A No, she intended to burn the dog is what she
5 told me.

6 Q And she didn't give any indication her frien
7 intended to burn down her home, correct?

8 A Her intention was to burn the dog, as I said.

9 Q So, would it be a fair characterization of
10 Lachan Russell's statement to you that it was basically
11 sick act that accidentally turned into a disaster?

12 A I don't know if I can classify it as that or
13 not. I can classify as what she told me she did, her
14 actions that night. I can't determine, you know, what
15 she was thinking.

16 Q Right. I don't want you to try to do that.
17 Just based on the information Lachan Russell gave you
18 about the friend, she didn't indicate to you it was
19 anything more than a true accident, correct, the death of
20 her children?

21 A It was not an accident, I mean, she meant to
22 burn --

23 Q Burn the dog?

1 Q And you reviewed them prior to interviewing
2 Lachan Russell?

3 A Tequilla's notes?

4 Q Yes.

5 A No.

6 Q Had you ever talked with Tequilla yourself
7 personally prior to interviewing Lachan?

8 A I have never spoke to Tequilla.

9 Q In these five hours of questioning, Lachan
10 Russell never mentioned having any plan with anybody to
11 do anything, did she?

12 A No.

13 Q She never said that she ever was mad at anybody
14 at Tequilla's household, the grandma, the mother, the dog
15 or the kids, anybody, is that right?

16 A No. All she did was provide what she gave
17 her upon request and that's about it.

18 Q She never said that she had any problems with
19 this dog, is that right?

20 A No, she didn't.

21 MR. LEWIS: That's all I have.

CROSS-EXAMINATION

22 BY MR. HUDAK:

1 A -- burn the dog, the way she was shaking the
2 can vigorously (indicating) up and down. It wouldn't
3 just go on the dog. It apparently went on the couch on
4 the front porch.

5 MR. LEWIS: I'd object to that and move to
6 strike.

7 MR. UHRICH: As far as?

8 MR. LEWIS: As far as it's speculative, Your
9 Honor. He has no knowledge either firsthand,
10 secondhand or otherwise as to where the fluid
11 went, other than what's been testified to here. as
12 to the dog.

13 MR. UHRICH: I think he was testifying based
14 on what Miss Russell had told him as part of the
15 interview.

16 BY MR. HUDAK

17 Q We know that the sick act of burning the dog
18 was intended, based on this statement?

19 A From what Lachan told me, yes.

20 Q You're not telling me that there was some
21 further intention to burn the house, are you?

22 MS. DIGIOVANNI: Your Honor, I would object
23 and ask Mr. Hudak to confine the statements to

1 what Lachan Russell told him.

2 MR. UHRICH: Told him.

3 MR. HUDAK: I'll limit it to that.

4 BY MR. HUDAK:

5 Q You were not told there was any further
6 intention to burn the house, correct?

7 A Her intentions were to burn the dog.

8 MR. HUDAK: Okay, that's all I have.

9 MR. UHRICH: Anything else, Miss DiGiovanni?

10 MS. DiGIOVANNI: No.

11 MR. UHRICH: Mr. Lewis, any cross on

12 Mr. Hudak's cross?

13 MR. LEWIS: No.

14 MR. UHRICH: All right, Detective, you may
15 step down.

16 (Witness excused.)

17 MS. DiGIOVANNI: Your Honor, the Commonwealth
18 calls Detective Smith.

19 J.R. SMITH, the witness herein, recalled as a
20 witness on behalf of the Commonwealth, having been
21 previously duly sworn, testified as follows:

22 FURTHER DIRECT EXAMINATION
23

1 MS. DiGIOVANNI: Thank you.

2 BY MS. DiGIOVANNI:

3 Q Detective, can you tell the court on what
4 you spoke with Miss Fields?

5 A February 15, 2005.

6 Q Thank you. And where did this occur?

7 A At the Homicide Office at the Interview Room

8 Q Did you tell Miss Fields why you wanted to
9 speak with her?

10 A Yes.

11 Q And did you read to her the standard City of
12 Pittsburgh Pre-Interpretation Warning Form providing h
13 with her Miranda rights?

14 A Yes.

15 Q Did Miss Fields agree to speak with you in
16 regards to what she knew about the origin of the fire o
17 Apple Street?

18 A Yes.

19 Q Can you tell the court, please, what
20 Tequilla Fields told you regarding that fire?

21 A Tequilla stated that she and her friend came
22 up with a plan to kill the family dog, Fay, which
23 belonged to Tequilla's grandmother.

1 BY MS. DiGIOVANNI

2 Q Detective, could you state your name again for
3 the record, please.

4 A Detective J. R. Smith.

5 Q You testified a short time ago you had spoken
6 with Lachan Russell in connection with the fatal fire on
7 Apple Street on July 11 of 1990, is that correct?

8 A Yes.

9 Q In connection with that same investigation,
10 Detective, did you also speak with Tequilla Fields in
11 connection with that same fatal fire?

12 A Yes.

13 Q Is Miss Fields in court right now?

14 A Yes.

15 Q Could you identify her, please?

16 A She is wearing a red Allegheny County jail
17 suit.

18 MS. DiGIOVANNI: Thank you. Your Honor, may
19 the record reflect the identification of
20 Tequilla Fields.

21 MR. UHRICH: The record will reflect the
22 identification of Defendant Tequilla Fields by the
23 witness.

1 Q What was Tequilla's grandmother's name?

2 A Minnie Bivens.

3 Q And did Tequilla Fields detail for you what
4 that plan was between herself and her friend?

5 A Yes. She had stated, Tequilla had explained
6 that because Tequilla and her son, named Montelle
7 Thornhill, along with the daughter, Charita Thornhill,
8 were living in Minnie Bivens', her grandmother's house,
9 on Apple Street, her son had allergies to the dog, Fay,
10 and she wanted rid of Fay. She went on to say there
11 were a couple of different plans that she had made with
12 her friend to get rid of the dog. After one had
13 failed, they agreed they would burn the dog to death,
14 put it in a dumpster off of Upland Street.

15 Q They were going to dispose of this dog together
16 and set the dog on fire together, was that the plan?

17 A Yes.

18 Q And how did this plan get carried out?

19 A Tequilla explained that on July 10, 1990, she
20 and her friend and her two children were in route to
21 Apple Street to her grandmother's house from her
22 mother's house in the Hill District, and they had
23 spoken about a plan, the plan on permanently getting

1 rid of Fay in the past. But on the night of July 10,
2 1990, they discussed that was going to be the night
3 they were going to carry out their plan.

4 She stated there was a failed attempt to get
5 rid of the dog two to three, possibly four weeks
6 possibly prior. They said once the bus dropped off the
7 two of them on Apple Street, they walked up to the
8 grandmother's house and decided at that time they were
9 going to light the dog on fire.

10 Q Where were the Thornhill children at that point
11 in time?

12 A They were with them walking.

13 Q And so the two adults, that being
14 Tequilla Fields and her friend, and the two children
15 returned to the Apple Street address, correct?

16 A Yes.

17 Q At this point in time is it now July 11 of
18 1990?

19 A Yes.

20 Q Okay. What happens once they arrive back at
21 the Apple Street address?

22 A Tequilla explained that when the four of them
23 got to the front door of her grandmother's house, they

1 kerosene from being doused with the fluid.

2 Q Once Tequilla Fields' grandmother let th
3 women inside, what happened at that point?

4 A Tequilla explained that she had went upsta
5 and put the two children -- well, first, gave them a
6 bath, gave them both a bath and then put them in bed
7 and that her friend had eventually come in the house,
8 but went no further than the living room.

9 Q So her friend was waiting downstairs?

10 A Yes.

11 Q Once Tequilla Fields put the children to b
12 how long elapsed before she went back downstairs whe
13 her friend was waiting?

14 A She said it was approximately a half an hour
15 to an hour.

16 Q And what happened at that point?

17 A She said that they had walked out --
18 originally the plan was to catch a jitney, was to light
19 the dog on fire and catch a jitney and leave the area,
20 but her grandmother had asked her to go to the store to
21 pick up a couple of things. So she had walked out with
22 her friend. As they went onto the front porch, the
23 plan that they had discussed, the plan that they had

1 had to knock to be let in. She said there was a few
2 minutes that they waited for her grandmother to open
3 the door, and during that time her friend started to
4 pour kerosene all over Fay, the family dog, which was
5 tied up on the front porch.

6 Q What was Tequilla's response to her friend
7 doing this?

8 A Actually Tequilla's response was she was
9 aware that the plan was now being... was starting, and
10 her grandmother had come to the door and opened the
11 door. Tequilla explained that she had blocked the view
12 of what her friend was doing behind her with her body
13 by moving over to the right (indicating) so her
14 grandmother wouldn't be able to see her friend pouring
15 the kerosene on Fay.

16 Q Did Tequilla Fields tell you about actually
17 seeing this kerosene?

18 A Yes. She said that she saw that the dog was
19 soaked. Fay had jumped up on her, actually got her
20 clothing wet with the kerosene. She said when she
21 looked down on the porch she saw that the paw prints of
22 Fay were wet. In other words, every time Fay would
23 take a step, there would be a wet paw print with the

1 discussed was for her friend to untie the dog and
2 Tequilla would go down the steps from the house to
3 Apple Street, cross the street, go down to the city
4 steps to the top of the city steps and call Fay the
5 dog, and when the dog reached the city steps, at that
6 time her friend would be there, and they would light
7 the dog on fire.

8 She said that she had given her friend a bag
9 from inside of her grandmother's house, and after the
10 dog had died, her friend would put the dog in a bag and
11 they would then put it in a dumpster and the dog would
12 be missing.

13 Q Did Tequilla Fields tell you when she and her
14 friend left this house whether the door was locked?

15 A Yes.

16 Q What, if she told you, what was the locking
17 mechanism on that front door?

18 A Tequilla explained that the lock was a dead
19 bolt and the key was not kept in the dead bolt itself.
20 You needed the key to get in the house and to get out
21 of the house because her grandmother kept that locked,
22 that front door locked, and she explained that her
23 grandmother had given her the key so she didn't have to

1 get up and open the door when they had come back.
2 Tequilla explained she had locked her door on
3 her way out.

4 Q Now, once Miss Fields and her friend are
5 outside and they, do they then begin to carry out this
6 plan, as you said?

7 A Yes. The plan was, from what Tequilla
8 explained to me, her friend would untie the dog and she
9 would call the dog down to the steps. She said that
10 she made, Tequilla explained that she had made it down
11 the steps when her friend stayed on the front porch,
12 and she started calling the dog when she reached the
13 city steps at Apple Street. She said immediately
14 following she then noticed that the front porch was on
15 fire and her friend was coming down the steps.

16 Q What happened at that point?

17 A She explained, she told the friend that she
18 was supposed to untie the dog. She explained that the
19 dog never came and that she messed up the plan, and she
20 was supposed to untie the dog.

21 Q Once Miss Fields indicated that she noticed
22 that the house itself was on fire, what did she do?

23 A Tequilla explained she had ran up the city

1 A Yes. She said that she believes he was
2 thrown out by some air forcing him out of the window.
3 And she believes he didn't jump, but he was forced out
4 of the house due to the fire.

5 MS. DIGIOVANNI: Thank you. Offer for cross.

6 MR. UHRICH: Mr. Hudak.

7 MR. HUDAK: Thank you, Your Honor.

8 CROSS-EXAMINATION

9 BY MR. HUDAK:

10 Q How long was the interview that you conducted
11 with my client, Tequilla Fields?

12 A Approximately eight hours.

13 Q Did you interview her on a date previous to
14 this date?

15 A Yes.

16 Q I mean just recently?

17 A It was possibly the 9th. I'm not sure, but,
18 yes.

19 Q I mean obviously you interviewed 15 years ago,
20 but on the day you talked to her for eight hours, did you
21 talk to her a day or two before that?

22 A I didn't interview her 15 years prior. This
23 was the first that I interviewed her regarding this

1 steps because when she and her friend met up they were
2 halfway down the city steps, which would be in between
3 Apple Street and upland. She said she ran up those
4 steps, crossed Apple Street, ran up the steps to the
5 house. At that point she had spoken to her grandmother
6 who said that Man Man who both, who both Tequilla and
7 her grandmother referred to Tequilla's son as Man Man.
8 She said Man Man is gone, Andre' has Charita.

9 Q Man Man would be Montelle Thornhill?

10 A Yes, Montelle, and she took that to believe
11 that Man Man was dead, was already gone within the fire
12 and that Andre' had Charita, her daughter.

13 Q Did Miss Fields tell you whether she and her
14 friend discussed what, if anything, they would tell the
15 investigators about how this fire started?

16 A Yes, she did.

17 Q What did she tell you in reference to that?

18 A Tequilla explained to me that she and her
19 friend made a pact to never tell anybody how that fire
20 had started and that she sworn on her children's grave
21 not to say.

22 Q Did Miss Fields tell you whether or how she saw
23 her brother Andre' get out of the house?

1 case, and it was approximately four or five days prior
2 to the 15th.

3 Q Now, would I be correct that Tequilla Fields
4 even 15 years later indicated to you extreme remorse,
5 almost hysterical remorse over the loss of her children?

6 A Yes.

7 Q But would I be correct that it was absolutely
8 clear that Tequilla Fields never intended those children
9 or any humans to die?

10 MS. DIGIOVANNI: I would object again and ask
11 that the question be confined.

12 MR. UHRICH: That's sustained.

13 MR. HUDAK: I'll rephrase.

14 BY MR. HUDAK:

15 Q Would I be correct that Tequilla Fields told
16 you that she never intended for any human being to die?

17 A Yes.

18 Q Now, would I also be correct that
19 Tequilla Fields told you that she never ever intended to
20 burn down her home?

21 A Yes.

22 Q And would I also be correct that she told you
23 that, that Tequilla Fields told you that she never did

1 anything to direct the spread of the fire into the house,
2 correct? Page 74

3 A Yes.

4 Q And would I also be correct Tequilla Fields
5 told you that she never did anything to direct the dog to
6 go into the house, correct?

7 A Yes.

8 MR. HUDAK: That's all I have, thank you.

9 CROSS-EXAMINATION

10 BY MR. LEWIS:

11 Q Officer, you filed another probable cause
12 affidavit for the charge against Tequilla Fields, did you
13 not?

14 A Yes.

15 Q And you summed up that Fields stated, she had a
16 plan to kill Fay, the family dog, because her son was
17 allergic to it, is that right?

18 A Yes.

19 Q That was her motivation to kill it?

20 A Correct.

21 Q That's what she told you. And her plan was to
22 put the dog on fire, on the city steps and then throw it
23 in the dumpster because she was mad at her grandma,

1 A Yes.

2 Q And at that point you say or she tells you
3 dog's being soaked with kerosene or some kind of
4 flammable liquid when grandma comes to the door, is th
5 right?

6 A Yes.

7 Q And she said the kids are still there with
8 Lachan and herself, is that right?

9 A Yes.

10 Q Did she ever tell you in all these eight hours
11 that Lachan Russell had anything against the dog?

12 A No.

13 Q Did she ever tell you Lachan Russell ever had
14 any problem with her mom or with her kids or with her
15 grandmother?

16 A No.

17 Q Did she ever tell you they picked up kerosene
18 before they got to the house?

19 A No.

20 Q And isn't it true, sir, that Lachan Russell was
21 15 at the time and I think Miss Fields was 18, three
22 years older, is that right?

23 A Yes.

1 right?

2 A with the help of her friend, correct.

3 Q In your affidavit I think you say they arrived
4 there at the house, they being Fields, Russell, and the
5 two kids age three and two, is that right?

6 A Yes.

7 Q What time of day did they arrive at the house
8 on the 11th?

9 A Sometime around one or 1:30, from what I was
10 explained.

11 Q 1:30 a.m.?

12 A A.m.

13 Q And when you filled this affidavit out and got
14 this statement, you got a chronological description, did
15 you not?

16 A Yes.

17 Q So they arrived at the house at 1:30,
18 1:45 a.m., and at that point I think you say in your
19 affidavit that they can't get in the house because it's
20 locked, is that right?

21 A Yes.

22 Q That's what Miss Fields tells you, is that
23 right?

1 MR. LEWIS: That's all the questions I have.

2 MR. UHRICH: Redirect?

3 MS. DIGIOVANNI: No, Your Honor.

4 MR. UHRICH: Mr. Hudak, anything on recross?

5 MR. HUDAK: No, Your Honor.

6 MR. UHRICH: All right, Detective, you may
7 step down.

8 (witness excused.)

9 MS. DIGIOVANNI: Your Honor, the Commonwealth
10 rests.

11 MR. UHRICH: All right. We'll start with
12 you, Mr. Lewis. Do you have any witnesses or
13 defense to present?

14 MR. LEWIS: I have no witnesses, but I have a
15 few legal --

16 MR. UHRICH: Let me ask that first of
17 Mr. Hudak. Do you have any defense or any
18 witnesses to present?

19 MR. HUDAK: Not at this time, Your Honor.

20 MR. UHRICH: All right, Mr. Lewis, you may
21 begin.

22 MR. LEWIS: Your Honor, if I have a motion to
23 dismiss the case against Lachan Russell for a

1 number of reasons: And the first one is that at
2 best, taking this evidence at best, even if you
3 believe the affidavits and everything that was
4 said, the intent here to put the dog on fire by
5 any person -- and that's the plan -- would at best
6 rise to a misdemeanor under the Crimes Code in
7 cruelty towards animals.

8 MR. UHRICH: How about 3301 (e), which is the
9 arson misdemeanor?

10 MR. LEWIS: 3301 (e), Your Honor, failure to
11 control or report dangerous fires certainly is
12 something that the court could take under
13 advisement at this time, but...

14 MR. UHRICH: How about 3301 (c), which is the
15 felony count, which talks about aiding in the
16 arson?

17 MR. LEWIS: Your Honor, even assuming that
18 Lachan Russell, age 15 at the time, is a juvenile,
19 at the time of this act, the only crime that could
20 be certified, not certified, but directly sent to
21 the Criminal Court Division would be murder, would
22 be a general charge of murder.

23 So for that reason, I would ask the case be

1 presented of involuntary manslaughter, a re-
2 act, at best. And as you know, the statute
3 long since passed for voluntary manslaughter
4 I would ask you to dismiss it on that basis.

5 On the third argument here of facts,
6 basically, Your Honor, indicate that this act
7 in taking it into consideration, even the ars
8 statute, at best this is a negligent act. Th
9 statement against this defendant, my defendan
10 should not be used to interpret a case here of
11 murder in any way whatsoever.

12 The best that can be said is -- and you l
13 at the credibility of this case. My client is
14 years old. She's a juvenile, and as I said,
15 should not be charged here. Two, she is at a
16 place and time where she is being directed by a
17 18-year-old to the house. She has no motivatio
18 no plan. She made no statement. She made no
19 reference to doing anything to this woman, to th
20 family, to the dog or anybody else. Miss Fields
21 statement is obviously self-serving.

22 MR. UHRICH: I'm not considering her
23 statement with respect to that.

1 dismissed because, of course, she's now 30 odd
2 years old and well out of the jurisdiction of any
3 Juvenile Court proceeding.

4 MR. UHRICH: They could still bring it back
5 to juvenile, can't they?

6 MR. LEWIS: They could. Theoretically they
7 could.

8 MR. UHRICH: But still, you understand that's
9 not a decision that I'm going to make. I would
10 allow you to argue that. If you want to make a
11 record of this, Mr. Lewis, you're free to do that,
12 but again, that's a power higher than I who will
13 make that determination, higher than me that will
14 make that determination.

15 MR. LEWIS: It's a Motion to Dismiss, Your
16 Honor.

17 MR. UHRICH: Sure.

18 MR. LEWIS: I'll give you a copy.

19 MR. UHRICH: Thank you.

20 MR. LEWIS: Thank you. Your Honor, you may
21 look at this Motion to Dismiss and I would ask you
22 to look at the affidavit, and it clearly is a case
23 at best, even accepting the facts as they've been

1 MR. LEWIS: I hope not. My client's
2 statement in and of itself does not prove anything
3 but for the fact that she was merely present at
4 the scene of a crime. If you take it in its
5 entirety and even infer the most dreadful
6 motivation to people that are present, there was
7 nothing in that statement that proves a crime on
8 the part of my client. Either arson, either
9 manslaughter, murder. At best she's present at a
10 scene of a crime where someone is intending to
11 exercise cruelty to animals.

12 MR. UHRICH: Let me respond to this,
13 Mr. Lewis. If in considering the case against
14 your defendant, the evidence that I'm considering
15 out of everything that was testified to was the
16 statement that she gave to Detective Canofari that
17 she had the bottle of kerosene, she put it in her
18 jacket and then she handed it back to her friend
19 who set the fire, okay. So when I make my
20 determination, that's actually the key fact that
21 I'm winnowing in on that will help me in my
22 determination of this. And I want to say this,
23 too, I recognize the arguments you hear and, of

1 course, when Mr. Hudak is finished and the
2 Commonwealth is finished and you have your chance
3 to respond, I'll make a decision, but I want to
4 say initially that a decision to dismiss based on,
5 as I said before, if I hold this against your
6 client, if I do, I think it's a decision that's
7 not made at this level. And I recognize your
8 arguments, and they conceivably could bring
9 something against her as they've done in other
10 jurisdictions under the juvenile act, but again,
11 that's nothing that I can handle at this level.

12 MR. LEWIS: I agree, but I think it's
13 important for you in weighing whether the
14 Commonwealth has brought a case which deserves
15 your stamp of approval on the basis of probable
16 cause is to look at the written, the written
17 statement, affidavit where it says Tequilla pulled
18 out a white bottle of charcoal fluid from under
19 her clothing.

20 MR. UHRICH: I understand, but that only got
21 them the warrant. That got them the warrant.

22 MR. LEWIS: I agree.

23 MR. UHRICH: Obviously there may be a

1 That's what he signed under oath.

2 So I would ask the court to take into
3 consideration that the Commonwealth has prese.
4 two varying versions of the kerosene or
5 accelerant, whatever it might be, and it shoul
6 noted that at all times it was in the possessi
7 of Tequilla. Never something that was brought
8 to the scene by my client. But I also would a:
9 you, even looking at that warrant at it's best

10 MR. UHRICH: I'm not looking at the warran
11 today.

12 MR. LEWIS: Looking at the testimony as be
13 we do not have a charge of general murder in th
14 case.

15 MR. UHRICH: I think everyone would agree i
16 I rule I'm not ruling on degrees, but I don't
17 think you're looking at intent at this, at best
18 it's second degree, if it goes. So the notions c
19 intent while they're raised in questions and
20 argument, it's still at best a second degree; and
21 again, I don't do degrees here.

22 MR. LEWIS: I understand.

23 MR. UHRICH: Mr. Hudak.

1 conflict that you may want to resolve at some
2 further proceeding if it's held, but again, I'm
3 bound by what is testified here today and that was
4 by Detective Canofari, who I have to tell you was
5 not a signatory to the warrant.

6 MR. LEWIS: Nor has he brought anything
7 reduced to writing, nor does it comport with the
8 other...

9 MR. UHRICH: But it meets the hearsay
10 exception.

11 MR. LEWIS: It meets the hearsay exception.
12 I'm say if the Commonwealth offers two varying
13 versions of the crime, and I think Detective Smith
14 testified from the warrant that Tequilla went
15 upstairs, came down, came out of the house
16 (indicating), had the canister and sprayed the
17 dog.

18 MR. UHRICH: But he testified to what each --
19 he has no personal knowledge of anything that
20 happened in this. He can only testify to what
21 each of your respective clients told him in an
22 interview.

23 MR. LEWIS: I agree, and that's what he did.

1 MR. HUDAK: I think, Your Honor, that I don't
2 admit that either Tequilla Fields or Lachan
3 Russell burned the dog. I'm not admitting that.
4 I think that in itself is a horrendous act, but
5 even if one of them did, I think it's a sick act
6 that accidentally turned disastrous and should be
7 dismissed.

8 MR. UHRICH: Miss DiGiovanni?

9 MS. DIGIOVANNI: Thank you. Your Honor, with
10 respect to, first to Miss Russell, I think, Your
11 Honor is correct in saying that the most
12 significant testimony was provided by Detective
13 Canofari insofar as Miss Russell's statement that
14 she took the flammable liquid, held it and then
15 gave it back to her friend. It's important to
16 look at that statement, not in an isolated way,
17 but in context with what she told not only
18 Detective Canofari, but also Detective Smith.

19 MR. UHRICH: That's a fact, and maybe I
20 stated, I mean, I'm taking everything they testify
21 to, obviously, but I'm saying when I'm looking at
22 a specific point, that's the point that I'm
23 looking at.

1 MS. DIGIOVANNI: Yes.

2 MR. UHRICH: Not to the exclusion of
3 everything else.

4 MS. DIGIOVANNI: Exactly, exactly, when you
5 look at that act that Miss Russell admitted to,
6 knowing when she took that lighter fluid, what the
7 intent was of her friend to set the dog on fire,
8 the association between these two women and the
9 participation that Miss Russell then provided to
10 her friend.

11 with regard to both defendants, Your Honor,
12 and the argument that this case at best rises to
13 the level of negligence or manslaughter, I would
14 disagree strongly with that. I think that this
15 squarely fits within the second degree murder
16 statute. You have clearly what is an intentional
17 fire which is set upon the property of another,
18 which directly causes the death of the two victims
19 in this case, and that squarely fits within second
20 degree murder, Your Honor.

21 MR. UHRICH: Mr. Lewis, anything you want to
22 add?

23 MR. LEWIS: Your Honor, I would only --

1 the evidence as testified to that the Common
2 has made out at least a prima facie case, and
3 stress these are all prima facie cases. These
4 probable cause determinations. They are not
5 trials where proof is required beyond a reason-
6 doubt. These are prima facie findings. And I
7 upon the evidence as testified to that it is a
8 finding that the Commonwealth has made out a
9 prima facie case against the accused, Tequilla Field
10 She shall be remanded to custody of the Warden
11 Allegheny County Jail and the matter is held for
12 court.

13 with respect to the case against Lachan
14 Russell, again, Mr. Lewis, I do recognize the
15 arguments that you do make. Mr. Lewis, I do
16 recognize the arguments that you do make.
17 However, the arguments are best served by the
18 Court of Common Pleas, and I do notice that --
19 and, obviously, I don't think there's going to be
20 an objection from the Commonwealth. Apparently
21 your client has made bond in this matter and is
22 there going to be -- and, again, I believe I can
23 at this point revoke if I need to, but I would

1 MR. UHRICH: You argued well.

2 MR. LEWIS: Thank you, Your Honor. I think
3 it is clearly your ability to look at what is
4 presented here. Her age, the type of -- and I'm
5 not arguing degrees. I'm saying at best, if you
6 took the testimony, at best, Your Honor, it would
7 be involuntary manslaughter at best.

8 MR. UHRICH: That very well may be.
9 Mr. Hudak?

10 MR. HUDAK: Nothing further, Your Honor.

11 MR. UHRICH: First of all, it is my finding
12 that the deceased -- and bear with me one second
13 here -- the deceased, Montelle Thornhill, died as
14 a result of smoke inhalation. The manner of
15 death, which had been pending the investigation,
16 is now listed as homicide. It is my finding that
17 the deceased, Charita Thornhill, died as the
18 result of smoke inhalation, and the manner of
19 death, which had been pending investigation, is
20 now listed as homicide.

21 with respect to the manner of the
22 Commonwealth of Pennsylvania versus
23 Tequilla Fields, it's my finding that based upon

1 suspect that you're not looking for revocation at
2 this point?

3 MS. DIGIOVANNI: No, Your Honor.

4 MR. UHRICH: So given that fact, I may have
5 been persuaded one way if a liberty had been taken
6 away from her on this, but I think because she is
7 on bond, I think there's still enough for me to
8 find at least a prima facie case based on the fact
9 under the arson statute, there's a 3301 (c) and
10 that's the aiding in this, whether it falls down
11 to 3301 (e) at some point and becomes a
12 misdemeanor issue, juvenile issue, I think those
13 are matters that need to be resolved by the Court
14 of Common Pleas, but it's still not enough to
15 allow me to dismiss this case, so I hope you
16 understand that, okay?

17 So it is my finding that the Commonwealth has
18 made out a prima facie case, and, again, it's
19 criminal homicide. I'm not determining any
20 degrees here against Lachan Russell, as the
21 indication is she is -- the matter is held for
22 court, but as I understand there's no objection to
23 her bond continuing, and I believe at this point,

1 even though, they would have to do a petition in
2 front of the Court of Common Pleas.

3 All right. Let me ask you this: Everyone
4 must remain seated at this point, but I believe --
5 we're going to have to ask everyone to remain
6 seated in the courtroom until Miss Fields is
7 removed from the floor by the deputies, at which
8 time I'm going to ask you to leave the area and
9 the building and the courtroom as quickly as
10 possible after the conclusion of the hearing. If
11 you do not you'll be moved along. So your
12 cooperation in that will be greatly appreciated.
13 Hearing nothing further, this matter is concluded.
14 Thank you.

15 (THEREUPON, proceedings
16 concluded at 4:00 p.m.)
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3 COURT REPORTER'S CERTIFICATE

4 I hereby certify that I, Donna M. McMullen,
5 RMR, Notary Public, reported in stenotype the
6 record of proceedings in the above-entitled
7 matter, and that this copy is a full, true, and
8 accurate transcript of my said stenotype notes.
9

10
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13
14 _____
15 Court Reporter, RMR

16 dated: March 3rd, 2005
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