

**STATE**

**V.**

**GINO BOATWRIGHT**

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**1719 N. Broad Street**  
**Philadelphia, PA 19122**  
(Revised Fall 2012)

# **STATE v. BOATWRIGHT**

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## **INTRODUCTION**

This is a criminal case file in which Gino Boatwright has been accused of taking Evelyn Wilson's shoulder bag at knife-point at approximately 6:15 a.m. on 9-5-Yr-1 as she walked to work. He has been charged with robbery, theft, receiving stolen property and possession of an instrument of crime.

Assume that all suppression motions (physical evidence, identification and statements) have been litigated and denied and that the case has been listed for trial in the felony waiver program. You may further assume that all witnesses will testify consistent with their statements and/or preliminary hearing testimony. Where the witness departs, you will be expected to impeach when appropriate.

The following stipulations have been entered by and between counsel at a pre-trial conference:

1. The good character of the defendant (i.e. That if called to testify, the defendant's employer from the Free Library and counselor in the job corps will testify to his reputation as a peaceful, non-violent and law-abiding young man and if relevant (i.e. if he testifies and is impeached) to his reputation for truthfulness).
2. The accuracy of the preliminary hearing transcript.
3. The authenticity of all exhibits
4. Trial Witnesses

The trial witnesses for the State are:  
Evelyn Wilson (complainant)  
Raymond Lackey (arresting officer)

The trial witnesses for the defense are:  
Clara Inzillo (witness at identification)  
Gino Boatwright

5. Tests for blood on the defendant's clothing were negative.
6. Other than what is supplied in the problem, itself, and the logical and inferences to be drawn therefrom, there is nothing exceptional or unusual about the background information of any of the witnesses that would bolster or detract from their credibility.
7. You may assume that the case will be tried in the Court of Common Pleas and that the statutes and case law of the State of Pennsylvania will apply.
8. A map (Philadelphia streets) of the relevant area has been supplied.

## **INVESTIGATION REPORT 75-49**

**D.C. 03-15-68245**

**NEDD CONTROL #9305**

**PHILADELPHIA POLICE DEPARTMENT**

### **1. ORIGIN AND DETAILS OF COMPLAINT:**

- a. On Wednesday, 9-5-yr-1, at approximately 6:19 a.m., the above complainant reported to Officer Levitt #2422, assigned to RPC 1512, that an unknown W/M put a knife to her throat and took her hand bag.

As a result of flash information, Officers Lackey, #2557 and Keane #2206, assigned to Emergency Patrol Wagon (EPW) #1504, arrested Gino Boatwright, 17/WM, res. 4528 Hedge Street, 2nd floor rear, after he was identified by complainant as being male who robbed her.

- b. N.E. Detective Division notified, Det. R. Gerace #436 assigned.

### **2. INTERVIEWS AND INTERROGATION:**

- a. *Lackey, Raymond* (Officer) #2557, 15th District was interviewed at approximately 7:25 a.m., 9-5-Yr-1.

On 9-5-Yr-1, I was assigned to EPW #1504 with Officer James Keane #2206.

At approximately, 6:19 a.m., we responded to a radio call of a robbery, point of knife, female victim, highway 4600 Mulberry St. En route to that location, we received flash information that a founded holdup was committed by an white male, approximately 18 y/o, 5'9", 140 lbs., short hair, wearing a white T-shirt, blue pants and sneakers.

We began patrolling the area and at approximately 6:35 a.m. we saw the defendant walking westbound in front of 1716 Meadow St., one block south and two and one half blocks west of the robbery site. We both recognized the defendant. He is known in the district as a troublemaker who has complained about the police hassling people. We stopped him because he fit the description. He was wearing a light blue T-shirt, blue work pants and white sneakers.

When we first saw first saw Boatwright he was walking west. He didn't appear to be in any hurry and was not breathing heavily. This time he didn't give us any trouble. He had \$9.00 (one five and four ones) in his pocket. That's all we found. We searched the area around where we stopped him but didn't find the purse, the wallet, a knife or any money.

We were directed to take Boatwright to 1700 Plum St. to determine whether the complainant could identify him as the robber. As we took the defendant out of the back of the wagon and walked him to where the victim was standing, she looked at him and stated that he was the one and that she recognized him when she saw him walking toward us. After she said that, Boatwright looked at her and said, "I'm sorry."

- b. *Levitt, Richard* (Officer) #2422, 15th District, was interviewed at approx. 7:45 a.m., 9-5-Yr-1. At approximately 6:15 a.m., I responded to a call, "Meet holdup victim at 4500 Mulberry Street." I proceeded directly to that address and met the complainant, Mrs. Evelyn Wilson. Mrs. Wilson told me that she was robbed at knife-point by a WM who took her shoulder bag. She described her assailant as follows: 18-20 years old, 140

lbs., 5'9" tall, short hair, white T-shirt, blue pants. She was unable to tell me anything else about how the man looked. After the robbery, she saw the man run south on Mulberry. In her bag, was her wallet containing \$15 (1 ten, 1 five), credit cards and a house key.

After putting out the description on the radio, I was directed to transport the complainant to 1700 Plum Street for an identification. Complainant unsure she can identify.

- c. *Wilson, Evelyn* 48/AA/Fem; res. 4600 Mulberry St., was interviewed at approx. 8:15 a.m., 9-5-Yr-1.

I left my home at approximately 6:15 a.m. and was headed to Margaret and Frankford, approximately 6 blocks away to catch the #59 bus which would take me to work. At that time, the weather was dry and warm and it was beginning to get light. As I walked up Margaret Street, I heard footsteps from behind, felt someone grab my left shoulder and felt the blade of a knife against my throat. The man cut my right ear lobe causing it to bleed. The man was standing to my left side, but one step back. My pocket book was draped over my right shoulder. The man told me to give up my bag and that if I hollered, he would cut my throat. I saw the man step in front of me as he reached to grab the bag and take it off my shoulder. When he did this I saw his face. I did not recognize the man and do not believe I have ever seen him before. I dropped my bag and the man bent down to pick it up. I saw him run west on Margaret, the same direction in which I had been headed. I returned home and called the police.

My bag was brown leather and contained a beige cloth wallet. In it I had \$15 (one ten and one five), several credit cards and my house key. The police found my bag but the money, cards and key were missing. When they brought the young man back, I didn't have any trouble identifying him. He told me he was sorry. While I was waiting outside of the interview room at the police station, I saw him being led inside. As he passed in front of me, he looked at me and said, "I'm sorry."

- d. *Inzillo, Clara*; 45/W/Fem; res. 1702 Plum Street, was interviewed at approximately 9:30 a.m., 9-5-Yr-1.

I heard some voices outside my house at around 6:30 this morning and saw several police cars and officers looking around my bushes. I asked one of the officers what was going on and he told me that some woman had her bag snatched, but that they caught the kid who did it and that they found the bag in front of my house. He held up a cream colored bag with a shoulder strap. Several minutes later, another police car showed up with the woman who had been robbed. She took the bag and told the police that her wallet with her cards and money were missing. Almost immediately after that, a police wagon pulled up and I heard the Officer who gave her the bag tell her that they were bringing the man they caught for her to identify. She said that she wasn't sure she could pick him out.

I was standing next to her at this time. The wagon pulled up and a young kid jumped out of the back. He was handcuffed and brought to where we were standing. One of the policemen who came with the wagon asked her whether this was the man who robbed her. She looked at him for several seconds. Then she said, "I think so." The Officer asked her whether she was sure. She said he had on the same blue pants and white shirt and sneakers. The Officer asked her again whether she was sure. This time she said she was. I did not know either the woman or the young man who was handcuffed. As far as I know, that was the first time I had ever seen either one.

- e. DEFENDANT: *Boatwright, Gino*, 17/WM; res. 4528 Hedge Street, was interrogated at approx. 8:30 a.m., 9-5-Yr-1.

The defendant was informed of all charges and then was advised of his Constitutional Rights from the standard police interrogation card, 75-483. He agreed to make a statement without counsel.

I asked the defendant to tell me what happened, in his own words. I took notes while he was speaking and then typed up a summary of his account. As per routine, the defendant was not asked to sign his name.

Boatwright denied taking the complainant's pocketbook. He stated that he left his mother's house at about 5:30 a.m. and was going to his house when the police stopped him. I pointed out to him that the arrest occurred at 6:35 a.m. and asked him what he did for an hour. Boatwright answered that he stopped to talk with some friends. I asked him for their names but he said that he did not know their names. He then changed his story and stated that he left his apartment at 5:30 a.m. to pick up a few items at his mother's house, but since he did not hear that anyone was up, he returned home. He stated that while he was talking back to his apartment, he stopped and spoke with some friends for about 20 minutes. After that he said he was stopped by the police.

3. **ACTION TAKEN:**

- a. Def was searched. \$9 was taken from his pants pocket--one five and four ones--placed on property receipt #751864 issued.
- b. Def's pants, shirt and sneakers confiscated--placed on property receipt #751865 and sent to chem lab for testing for blood. All tests negative and clothing returned to defendant.
- c. Record check on defendant proved negative, no wanted.
- d. Aforementioned interviews conducted by the assigned.
- e. Search of the area for complainant's missing wallet with contents and defendant's knife proved negative. A Mr. Mathews, 55/AA/M found the hand bag on the lawn of 1702 Plum Street and turned it over to police.
- f. Defendant charged with Robbery, Theft, RSP & PIC.

4. **REMARKS:**

- a. Case cleared by arrest.
- b. Defendant was wearing light blue T-shirt, blue work pants and white sneakers at time of arrest. He is 17 years old, weighs 136 lbs. and is 5'6" tall.
- c. At trial the \$9 (a five and four ones) and the hand bag will be available as exhibits. They were taken by Officer Lackey, logged onto property receipt number 8675309, and will be retrieved from the police evidence locker by Officer Lackey and brought to court for trial.

5. **MESSAGE:**

- a. Arrested: Gino Boatwright, 17/WM, res. 4528 Hedge Street, 2nd floor, rear, charged with Robbery, Theft, RSP & PIC, highway, 1716 Meadow Street, at approx. 6:35 a.m., 9-5-Yr-1. No wanted.

6. **JUDICIAL PROCESS:**

Evelyn Wilson, 4600 Mulberry Street, 10337, phone 831-0658  
Pol. Raymond Lackey, #2557, 15th Dist. group 1-C, no vac.  
Pol. Richard Levitt, #2422, 15th Dist. group 1-C, no vac.

## **POLICE INDICENT REPORT 75-48**

R/C, Hold up point of knife.

Complainant states approx. 6:15 am this date,  
W/M, approx. 18 y/o, 5'9", 140 lbs, short hair, white T-shirt, blue pants,  
held knife to complainant's throat and grabbed pocketbook.

Fled south on Mulberry from 4600. No injury.  
Amount taken--\$15.

EPW 15C4

P/O's Lackey & Keane arrested perpetrator  
ID'd as Gino Boatwright, 17 W/M\DOB 8/24/yr-17  
4528 Hedge Street  
NEDD



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**SELECTION FROM PRELIMINARY HEARING**

**Mrs. Evelyn Wilson**

Q: Mrs. Wilson, tell us what happened to you on the morning you were robbed?

A: I was on my way to work, walking to the bus, when I heard footsteps behind me. I began to turn around when I felt his hand on my shoulder and saw this knife at my throat. Then he cut my ear with the knife. I let go of my bag and the man ran away. I identified my bag later and saw the man when the police brought him back to where I was.

Q: Is the man who took your purse in the courtroom today?

A: Yes, he's standing right over there(pointing)

Q: May the record reflect that Mrs. Wilson has identified the defendant, Gino Boatwright as the man who robbed her.

THE COURT: Yes, the record will so reflect.

Q: Please describe the knife.

A: It looked like a small kitchen knife with a black handle.

Q: Were you hurt, Mrs. Wilson?

A: Yes, my shoulder hurt when he tore the bag off me and he cut my right ear with the knife. I was bleeding slightly.

Q: I have no further questions.

THE COURT: Cross-examine.

Q: Mrs. Wilson, please describe what the man who took your purse looked like?

A: Just like he does now. He was wearing a white shirt and blue jeans. And he was also wearing sneakers.

Q: Were you able to give a description to the police?

A: Yes.

Q: What did you tell them the man looked like.

A: Just what I told you here.

Q: How tall was the man who robbed you?

A: He was a little taller than I was.

Q: Is that what you told the police?

A: I really couldn't guess his height, but I showed Officer Levitt with my hands how tall I thought he was.

Q: How tall are you, Mrs. Wilson?

A: Let's see, my husband is 5'9" and I'm 6 inches shorter than he is, so I'm 5'3".

Q: How much did the man weigh?

A: I don't know.

Q: Did you tell the police how much the man weighed?

A: No I did not.

Q: Did the man have any hair on his face?

A: I don't think so.

Q: Did the man have any scars or any other unusual characteristics that you can now remember?

A: No.

Q: Do you remember anything else about the what man looked like?

A: No, it happened pretty fast, you know.

Q: Was your purse returned to you?

A: Yes.

Q: Were contents intact or were you missing some items.

A: I didn't get everything back. I was still missing my \$15, my credit cards and my house key.

## **STATE v. BOATWRIGHT**

### **Defense Investigator's Notes from Interview with Defendant**

Gino Boatwright is a young, white, childless, single male, 17 y/o, date of birth, 8-24-yr-1, a high school graduate (Frankford HS) and a lifelong resident of Philadelphia. Living in an apartment at 4500 Hedge Street and working through Neighborhood Youth Corps with the Free Library of the Blind at 9th & Chestnut. Has been there a little over a year and earns \$86.00 per week.

No prior adult or juvenile record. Is 5'6" tall, 136 lbs., no facial hair or distinguishing features. Was wearing blue T-shirt, jeans white sneakers and has gold capped front tooth that you can see when he smiles. \$9 confiscated from him--1 five and 4 ones. Clothing also taken but returned.

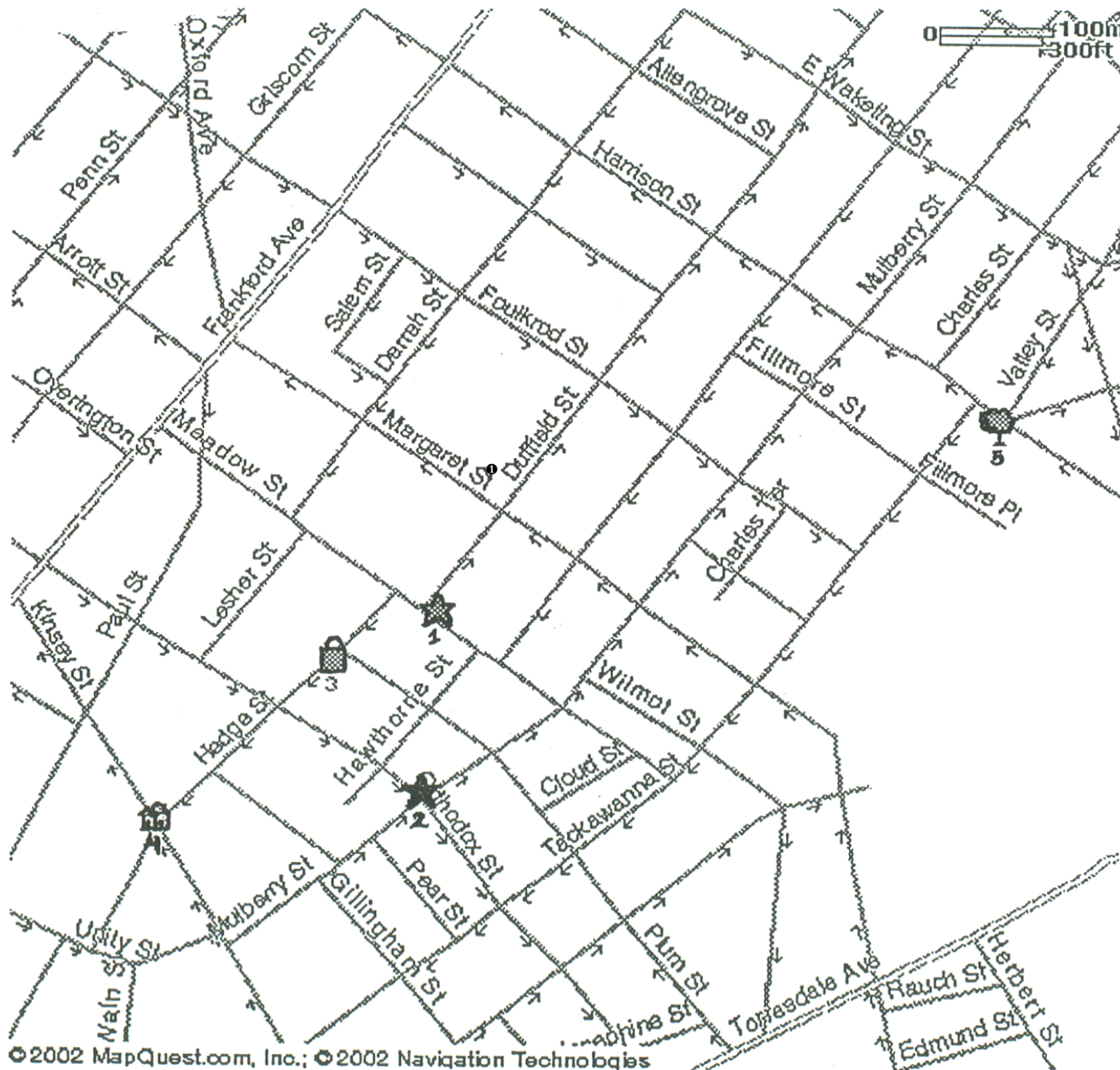
Arrested around 6:35 am near 1700 Meadow by 2 uniform cops. Brought back to complainant in handcuffs. She said it was me.

Denies giving cop 2 stories. Told Grace that he left his apartment early and walked to mother's house to get dictionary. He found no one up--mother is generally up early--so he began walking to catch bus on Margaret. From there he was to take the El to school. En route, he met Ed Garland and they had casual conversation. Garland remembers nothing about that day and will not testify.




\$9 was amount defendant had left from pay from previous Friday. He makes \$86/wk, rent is \$55 and he bought food with remainder.

He admits that he said, "I'm sorry," to complainant outside wagon and inside station, but says he meant only that he was sorry she was robbed, not that he did it. Adamantly states that he would not apologize for something he did not do.

When confronted with Detective's summary of interview in 49, Boatwright says that Grace either got it wrong or changed it around. He never saw interview and was not asked to sign it.



## BOATWRIGHT MAP

- 1 ☆ Site of Arrest - 1700 Meadow Street
- 2 ★ Site of Incident - 4600 Mulberry Street
- 3  Site of on-street identification and location of handbag – 4600 Mulberry Street
- 4  Defendant's Apartment – 4528 Hodge Street
- 5  Defendant's Mother's House - 1900 Harrison Street