

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF DELAWARE



POLICE CRIMINAL COMPLAINT
COMMONWEALTH OF PENNSYLVANIA

VS.

DEFENDANT: (NAME and ADDRESS)

Magisterial District Number: 32-2-37
MDJ Hon: TAMMI L. FORBES
Address: 150 SOUTH MACDADE BLVD
SUITE E
DARBY, PA 19023
Telephone: (610)534-3504

BRIAN JAMES DEVANEY
First Name Middle Name Last Name Gen.
1110 SPRING STREET
SHARON HILL POLICE DEPARTMENT
SHARON HILL, PA 19079-2024

NCIC Extradition Code Type

- ☐ 1 - Felony Full ☐ 5 - Felony Pend. ☐ C - Misdemeanor Surrounding States ☐ Distance: _____
☐ 2 - Felony Ltd. ☐ 6 - Felony Pend. Extradition Determ. ☐ D - Misdemeanor No Extradition
☐ 3 - Felony Surrounding States ☐ A - Misdemeanor Full ☐ E - Misdemeanor Pending
☐ 4 - Felony No Ext. ☐ B - Misdemeanor Limited ☐ F - Misdemeanor Pending Extradition Determ.

DEFENDANT IDENTIFICATION INFORMATION

Docket Number CR-1-22	Date Filed 01/18/2022	OTN/LiveScan Number A 221911-5	Complaint/Incident Number 00138102/20210628M4233	Request Lab Service? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
GENDER <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	DOB 02/24/1980	POB	Add'l. DOB	Co-Defendants? <input type="checkbox"/>
AKA	First Name	Middle Name	Last Name	Gen.
RACE <input checked="" type="checkbox"/> White <input type="checkbox"/> Asian <input type="checkbox"/> Black <input type="checkbox"/> Native American <input type="checkbox"/> Unknown	ETHNICITY <input type="checkbox"/> Hispanic <input checked="" type="checkbox"/> Non-Hispanic <input type="checkbox"/> Unknown			
HAIR COLOR <input type="checkbox"/> Gry (Gray) <input type="checkbox"/> Red (Red/Auburn) <input type="checkbox"/> SDY (Sandy) <input type="checkbox"/> BLU (Blue) <input type="checkbox"/> PUR (Purple) <input type="checkbox"/> BRO (Brown) <input type="checkbox"/> Blk (Black) <input type="checkbox"/> Ong (Orange) <input type="checkbox"/> WHI (White) <input checked="" type="checkbox"/> XXX (Ink/Bald) <input type="checkbox"/> GRN (Green) <input type="checkbox"/> PNK (Pink) <input type="checkbox"/> Bln (Blonde / Strawberry)				
EYE COLOR <input type="checkbox"/> Blk (Black) <input type="checkbox"/> Blu (Blue) <input type="checkbox"/> BRO (Brown) <input type="checkbox"/> GRN (Green) <input type="checkbox"/> GRY (Gray) <input type="checkbox"/> HAZ (Hazel) <input type="checkbox"/> MAR (Maroon) <input type="checkbox"/> PNK (Pink) <input type="checkbox"/> MUL (Multicolored) <input checked="" type="checkbox"/> XXX (Unknown)				
DNA <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO DNA Location	WEIGHT (lbs.)			
FAX Number	MNU Number			
Defendant Fingerprinted <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Ft. HEIGHT In.			
Fingerprint Classification				

DEFENDANT VEHICLE INFORMATION

Plate #	State	Hazmat <input type="checkbox"/>	Registration Sticker (MM/YY)	Comm'l Veh Ind. <input type="checkbox"/>	School Veh. <input type="checkbox"/>	Oth. NCIC Veh. Code	Reg. Same as Def. <input type="checkbox"/>
VIN	Year	Make	Model	Style	Color		

Office of the attorney for the Commonwealth ☒ Approved ☐ Disapproved because: _____

(The attorney for the Commonwealth may require the complaint, arrest warrant affidavit, or both, be approved by the attorney for the Commonwealth prior to filing. 382 PA. R. Crim. P 507.)

DDA DOUGLAS RHOADS

(Name of the attorney for the Commonwealth - Please Print or Type)

(Signature of the attorney for the Commonwealth)

(Date)

1/18/22

I, DETECTIVE ROBERT LYTHGOE DETECTIVE STEVEN BANNAR

(Name of the Affiant)

of DELAWARE COUNTY CID

(Identify Department or Agency Represented and Political Subdivision)

5186/903677

PSF/MPOETC - Assigned Affiant ID Number & Badge #

PA0234800

(Police Agency ORI Number)

do hereby state:

1. ☒ I accuse the above named defendant who lives at the address set forth above
☐ I accuse the defendant whose name is unknown to me but who is described as

☐ I accuse the defendant whose name and popular designation are unknown to me and whom I have therefore designated as John Doe or Jane Doe

with violating the penal laws of the Commonwealth of Pennsylvania at [023] DELAWARE CO CID

ACADEMY PARK HIGH SCHOOL, COATES STREET, SHARON HILL, PA

in DELAWARE County [23] on or about 27 AUGUST 2021 AT 2049 HRS.

(County Code)

(Offense Date)

DELAWARE COUNTY (PA) CRIMINAL INVESTIGATION DIVISION INCIDENT 21-2015

Jan. 18. 2022 9:07AM

No. 1370 P. 3

**POLICE CRIMINAL COMPLAINT**

Docket Number	Date Filed 01/18/2022	OTN/LiveScan Number	Complaint/Incident Number 00138102/20210828M4233
Defendant Name	First BRIAN	Middle JAMES	Last DEVANEY

The acts committed by the accused are described below with each Act of Assembly or statute allegedly violated, if appropriate. When there is more than one offense, each offense should be numbered chronologically.

(Set forth a brief summary of the facts sufficient to advise the defendant of the nature of the offense(s) charged. A citation to the statute(s) allegedly violated, without more, is not sufficient. In a summary case, you must cite the specific section(s) and subsection(s) of the statute(s) or ordinance(s) allegedly violated. In addition, social security numbers and financial information (e.g. PINs) should not be listed. If the identity of an account must be established, list only the last four digits. 204 PA §§ 213. - 213.7.)

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older <u>0</u>			
<input checked="" type="checkbox"/> Lead?	<u>1</u>	<u>2503</u>	<u>A</u>	of the	<u>18</u>	<u>1</u>	<u>F1</u>
	Offense #	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code UCR/NIBRS Code
PennDOT Data (If applicable)	Accident Number			<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone		
Statute Description (Include the name of statute or ordinance): VOLUNTARY MANSLAUGHTER							

Acts of the accused associated with this Offense:

VOLUNTARY MANSLAUGHTER - The Actor, Brian DEVANEY, on or about, Friday, 08/27/2021, in the County of Delaware, did commit the crime of Voluntary Manslaughter, if at the time of the killing believed that the act would justify the killing of another.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older <u>0</u>			
<input type="checkbox"/> Lead?	<u>2</u>	<u>2504</u>	<u>A</u>	of the	<u>18</u>	<u>1</u>	<u>M1</u>
	Offense #	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code UCR/NIBRS Code
PennDOT Data (If applicable)	Accident Number			<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone		
Statute Description (Include the name of statute or ordinance): INVOLUNTARY MANSLAUGHTER							

Acts of the accused associated with this Offense:

INVOLUNTARY MANSLAUGHTER - The Actor, Brian DEVANEY, on or about, Friday, 08/27/2021, in the County of Delaware, did commit the crime of Involuntary Manslaughter, when as a direct result of the doing of an unlawful act in a reckless or grossly negligent manner, or the doing of a lawful act in a reckless or grossly negligent manner, he causes the death of another person.

Inchoate Offense	<input type="checkbox"/> Attempt 18 901 A	<input type="checkbox"/> Solicitation 18 902 A	<input type="checkbox"/> Conspiracy 18 903	Number of Victims Age 60 or Older <u>0</u>			
<input type="checkbox"/> Lead?	<u>3</u>	<u>2705</u>		of the	<u>18</u>	<u>10</u>	<u>M2</u>
	Offense #	Section	Subsection	PA Statute (Title)	Counts	Grade	NCIC Offense Code UCR/NIBRS Code
PennDOT Data (If applicable)	Accident Number			<input type="checkbox"/> Safety Zone	<input type="checkbox"/> Work Zone		
Statute Description (Include the name of statute or ordinance): RECKLESSLY ENDANGERING ANOTHER PERSON							

Acts of the accused associated with this Offense:

RECKLESSLY ENDANGERING ANOTHER PERSON - The Actor, Brian DEVANEY, on or about Friday, 08/27/2021, in the County of Delaware, did commit the crime of Recklessly Endangering Another Person, by recklessly engaging in conduct which placed or may have placed ten (10) individuals in danger of death or serious bodily injury.



POLICE CRIMINAL COMPLAINT

Docket Number	Date Filed 01/18/2022	OTN/LiveScan Number	Complaint/Incident Number 00138102/20210828M4233
Defendant Name	First BRIAN	Middle JAMES	Last DEVANEY

2. I ask that a warrant of arrest or a summons be issued and that the defendant be required to answer the charges I have made.
3. I verify that the facts set forth in this complaint are true and correct to the best of my knowledge or information and belief. This verification is made subject to the penalties of section 4904 of the Crimes Code (18 PA C.C. 4904) relating to unsworn falsification to authorities.
4. This complaint is comprised of the preceding page(s) numbered 1 through 2.
5. I certify that this filing complies with the provisions of the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania* that require filing confidential information and documents differently than non-confidential information and documents.

The acts committed by the accused, as listed and hereafter, were against the peace and dignity of the Commonwealth of Pennsylvania and were contrary to the Act(s) of Assembly, or in violation of the statutes cited. (Before a warrant of arrest can be issued, an affidavit of probable cause must be completed, sworn to before the issuing authority, and attached.)

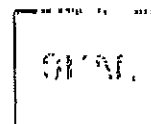
01/18, 2022
(Date)

[Signature]
(Signature of Affiant)

AND NOW, on this date 1-18-2022 I certify that the complaint has been properly completed and verified. An affidavit of probable cause must be completed before a warrant can be issued.

32-2-37
(Magisterial District Court Number)

[Signature]
(Issuing Authority)





POLICE CRIMINAL COMPLAINT

Docket Number	Date Filed 01/18/2022	OTN/LiveScan Number	Complaint/Incident Number 00138102/20210828M4233
Defendant Name	First BRIAN	Middle JAMES	Last DEVANEY

AFFIDAVIT of PROBABLE CAUSE

Your Affiants, Detective Robert T. Lythgoe and Detective Steven S. Bannar, Special Investigations Unit (SIU) of the Criminal Investigative Division (CID) of the Delaware County District Attorney's Office, being duly sworn, depose and state:

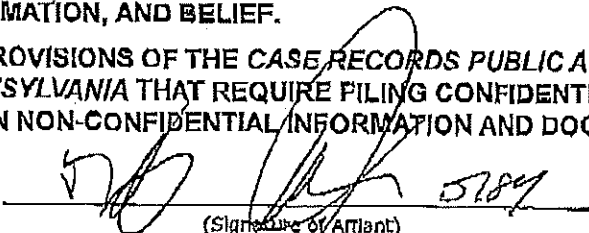
Your Affiants have conducted an investigation into the events of August 27, 2021 occurring at the Academy Park High School Football Field, Sharon Hill, Pennsylvania (Delaware County).

Your Affiants have reviewed the Delaware County Investigating Grand Jury XII Presentment No. 1 attached hereto as "Exhibit A" and accepted by President Judge Kevin F. Kelly, Supervising Judge of the Investigating Grand Jury XII, and your Affiants find that the factual findings therein correspond to your Affiants' investigative findings.

Your Affiants are incorporating the Presentment attached hereto as "Exhibit A" and into the Affidavit of Probable Cause.

I, DETECTIVE ROBERT LYTHGOE (5186), BEING DULY SWORN ACCORDING TO THE LAW, DEPOSE AND SAY THAT THE FACTS SET FORTH IN THE FOREGOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF.

I CERTIFY THAT THIS FILING COMPLIES WITH THE PROVISIONS OF THE CASE RECORDS PUBLIC ACCESS POLICY OF THE UNIFIED JUDICIAL SYSTEM OF PENNSYLVANIA THAT REQUIRE FILING CONFIDENTIAL INFORMATION AND DOCUMENTS DIFFERENTLY THAN NON-CONFIDENTIAL INFORMATION AND DOCUMENTS.


(Signature of Affiant)

Sworn to me and subscribed before me this 18 day of January, 2022
_____, Magisterial District Judge

My commission expires first Monday of January, 2023

SEAL

Exhibit “A”

INTRODUCTION

We, the members of the Delaware County Investigating Grand Jury XII, having received and reviewed evidence regarding homicide and related laws occurring in Sharon Hill, Delaware County, Pennsylvania, pursuant to Notice of Submission of Investigation Number 1, do hereby make the following findings of fact, conclusions, and recommendation of charges.

FINDINGS OF FACT

This presentment arises from an investigation into the death of Fanta Bility, an eight-year-old girl, who was struck and killed by gunfire as she exited a high school football game with other spectators at the Academy Park High School Football Field on August 27, 2021. On that evening, Academy Park hosted Pennsbury for a high school football game. At the conclusion of the game at approximately 8:45PM, spectators traveled to the only point of entry and exit to the field: the pathway connecting the track that surrounds the football field with the sidewalk on the northside of Coates Street. Victims Fanta Bility and her older sister, Mamasu Bility, were among the spectators leaving the football stadium down the pathway. As spectators were exiting the game, gunshots rang out in two distinct bursts.

An initial burst of gunshots occurred on the 900 block of Coates Street, one block west of the Academy Park High School Football Field that is located on the 800 block of Coates Street. Two (2) individuals, Hasein Strand and Angelo ("AJ") Ford, were charged in connection with those initial gunshots for their respective roles in shooting at one another on the 900 block of Coates Street on August 27, 2021. An "FCC," or fired cartridge casing, is expelled from semiautomatic firearms, such as Glock 17 handguns, as a bullet is fired. A grouping of five (5)

.45 caliber FCCs and another grouping of two (2) 9mm FCCs were recovered from the 900 block of Coates Street in connection with the initial gunfire of Strand and Ford.

Sharon Hill Police Department personnel then discharged their service weapons in a subsequent burst of gunshots on the 800 block of Coates Street, shortly after the initial burst of gunshots. The discharging police officers were positioned in the area of the stadium exit, a pathway leading to Coates Street, and they were monitoring the spectators exiting the game when the gunfire began a block away. At the same time, a black Chevrolet Impala at the intersection of Kenny Avenue and Coates Street began turning left to travel in an eastbound direction down Coates Street in the direction of the stadium as the gunfire began on the 900 block of Coates Street. The three (3) Sharon Hill Police Officers shot at the passenger side of the Impala as it traveled down Coates Street. Because the discharging officers were positioned on the southside of the Coates Street sidewalk across from the football stadium on the northside, the Impala traveling eastbound passed in between the discharging officers and the football stadium. The football stadium and the spectators leaving through the exit pathway were down range from the three (3) officers, as they discharged. The police discharge struck four (4) individuals as they exited the high school football stadium, including eight-year-old Fanta Bility, whose injuries were fatal.

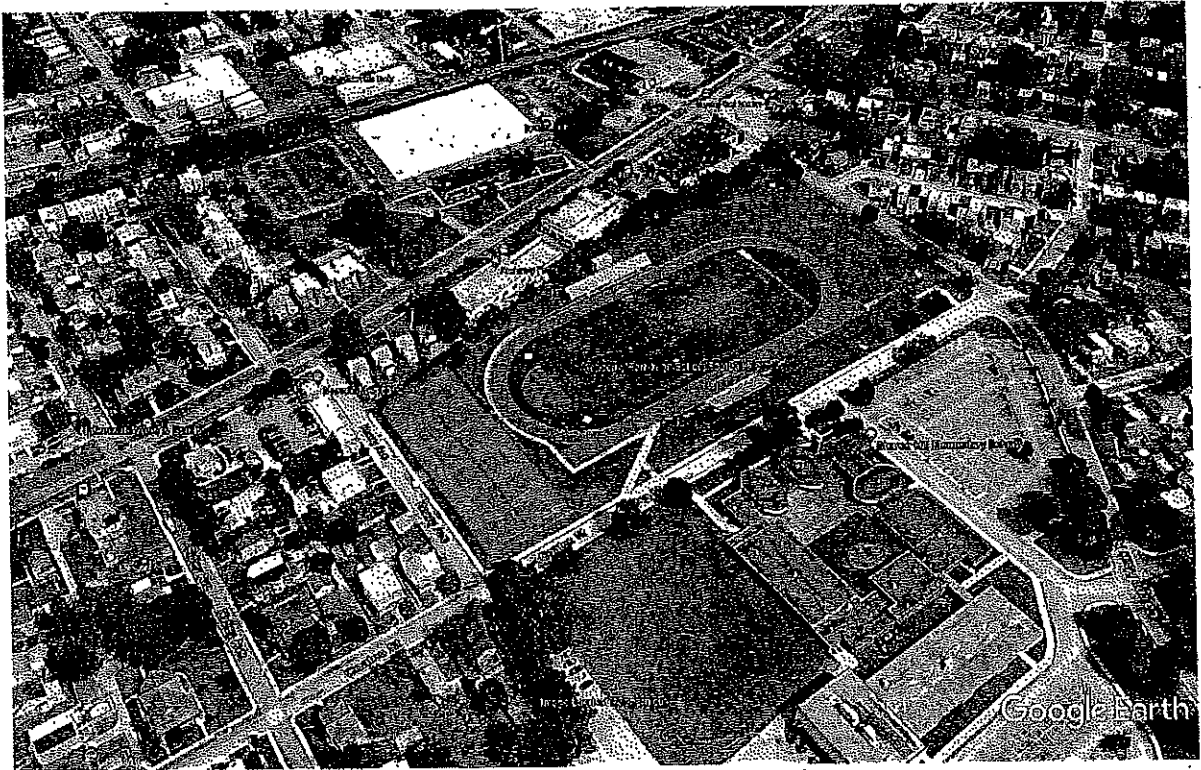


Exhibit 22

I. The Initial Gunfire—Hasein Strand and Angelo (“AJ”) Ford

Detective Corporal Vincent Port (“Detective Port”) testified that individuals identified as Hasein Strand and Angelo (“AJ”) Ford were arrested and charged in connection with shooting at one another on the 900 block of Coates Street on August 27, 2021. Outlining the investigation leading to the arrests of Strand and Ford, Detective Port testified to the Affidavit of Probable Cause entered in support of the Police Criminal Complaint, which provided:

On Friday August 27, 2021, at approximately 8:45 PM, during the final minutes of the football game at Academy Park High School, Sharon Hill, PA a verbal altercation ensued between several males exiting the game from the football field down the ramp on to Coates Street.

Your affiants interviewed witness #1 during this investigation. Witness #1 stated he observed AJ on Coates Street just outside the football game as the game ended. AJ was flashing a firearm that was inside his waist band and was making threats to others on the street. Witness #1 stated that AJ began shooting in a west bound direction toward Ridley Ave. Witness #1 identified a photo of Angelo Ford as "AJ" that was shooting. Witness #1 also stated that Hasein Strand shot back at AJ toward the football field. Witness #1 also identified a photo of Hasein Strand as the individual shooting back at AJ. Witness #1 identified Strand as possessing a 9mm Taurus.

Witness #2 spoke with Hasein Strand after the shooting. Strand stated that there was tension inside the football stadium between AJ and Strand's group of friends. Strand told witness #2 that AJ began to flash his gun to Strand as they exited the stadium. Strand stated that he took his brothers to his car and retrieved his firearm before walking back to AJ on Coates St. AJ then shot at Strand who returned fire.

Detectives also interviewed Victim #1. Victim #1 stated that he was standing at the intersection of Coates St and Kenny Ave when he observed a large crowd gathering. Victim #1 stated that a dark colored vehicle pulled up to the group near the intersection. Victim #1 heard shots being fired as the vehicle was driving towards him and was struck by a shot to the right side of his body. Victim #1 identified his location at the time he was shot as the sidewalk area on the south side of Coates Street at Kenny Avenue.

Five 45 caliber shell casings were located in front of 909 Coates Street and two 9mm shell casings were located in front of 919 Coates Street. Both addresses and the FCCs occupied the south sidewalk of Coates Street between Ridley Avenue and Kenny Avenue. The location of the FCCs are consistent with the shootout described by Witness#1 and Witness#2, with Ford standing near 909 Coates Street with a 45 caliber weapon and Strand standing near 919 Coates Street with a 9mm weapon. Victim #1's location and injury is consistent with being struck by bullets fired by Strand towards the football field.

140 feet beyond Victim #1 were uniformed Sharon Hill Police Officers escorting spectators out of the Football field as the game ended. Twenty-five 9mm casings were also recovered in the 800 block of Coates St. Immediately upon the shots fired by Ford and Strand east and west on Coates St, Police discharged their weapons. Victims #2 through #5 were struck by returning police fire. Victim #2, eight year old F.B., was rushed to Mercy Fitzgerald Hospital by Police and was pronounced at 9:25PM. The Delaware County Medical Examiner determined that cause of death was a single gun shot wound to the torso. Victim #2, 3, 4, and 5 were standing in the ramp/inside the football field area off of Coates Street when they were struck. Victim #3 suffered a graze wound to the ankle. Victim #4 suffered a graze wound to the back. Victim #5 suffered a gun shot wound to the foot.

Both FORD and STRAND are not licensed to carry firearms. Strand is under 21 and prohibited from acquiring a license to carry. Ford is also prohibited

due to age (under 18) and a prior conviction for firearms not to be carried by a minor (6110.1).

Based on the above information which your affiants know to be true and correct to the best of your affiant's knowledge, your affiants request that an arrest warrant be issued for the above named defendant so that he can be brought to court to answer for the crimes within the attached criminal complaint.

Providing context for the dispute between Strand and Ford, Detective Port testified to his experience and familiarity with criminal activity in and around the Sharon Hill area since he began his employment with the Sharon Hill Police Department in 2008. In particular, he described that, in his time with the department, individuals affiliated with two areas have been in conflict with each other: Darby Township and Collingdale (sometimes referred to as "Dale"). While the affiliations of the groups is geographic in nature, criminal activity in Collingdale has been tied more specifically to a gang known as "Money Making Legends," or just the acronym "MML." Detective Port described that Ford and Strand are affiliated with Darby Township and MML, respectively.

Detective Thomas Scarpato of the Delaware County Criminal Investigation Division ("CID") of the Office of District Attorney presented Crime Scene Unit evidence. Related to the exchange of gunfire between Ford and Strand, in which Ford fired a .45 caliber weapon and Strand fired a 9mm weapon, Detective Scarpato explained that CID recovered five (5) .45 caliber FCCs near 909 Coates Street and two (2) 9mm FCCs near 919 Coates Street. The .45 caliber FCCs were related to Speer brand ammunition. The two (2) 9mm FCCs from the 900 block of

Coates Street were related to one (1) Hornady brand ammunition and one (1) Blazer brand ammunition.

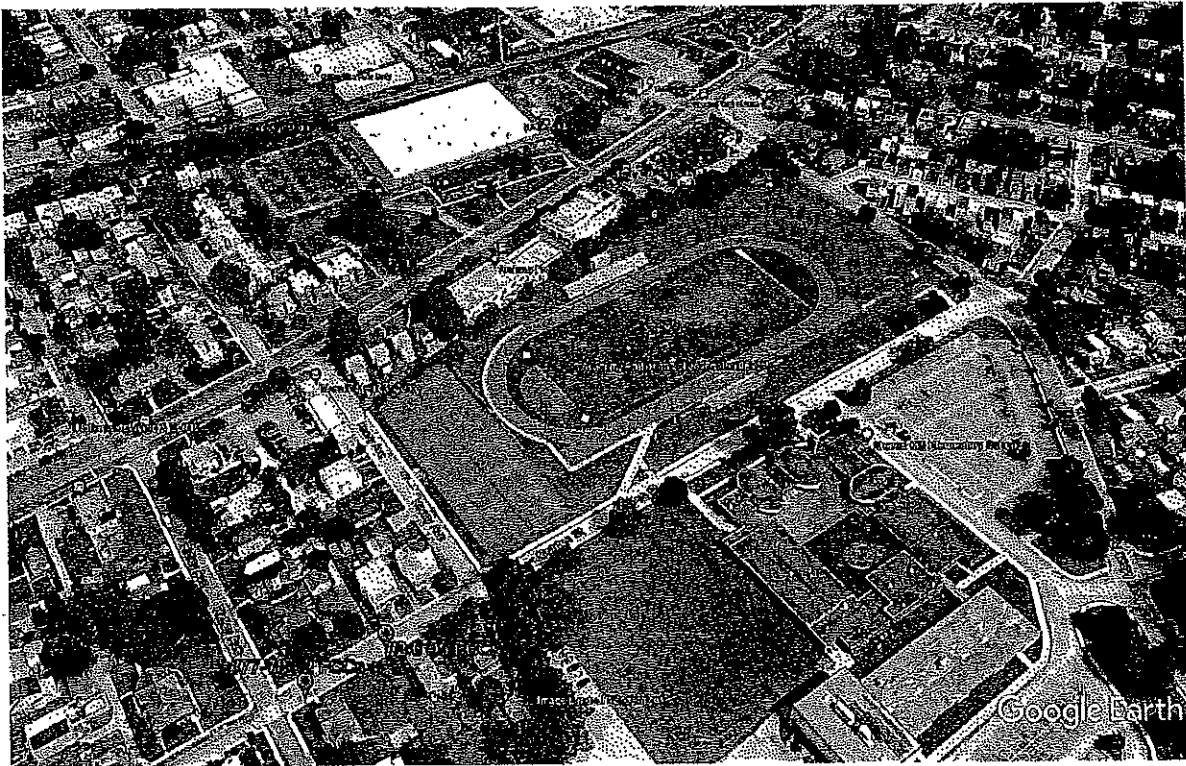


Exhibit # 22 with Overlay of Crime Scene Unit #2-6 and #77-78.

On August 27, 2021, Sharon Hill Elementary School student, Hafize Sherif, was a spectator at the high school football game. At the end of the game, 13 year-old Sherif left the stadium with other spectators. He walked the pathway down from the track and exited the stadium at the lone exit on the Coates Street side of the stadium. Mr. Sherif saw the three police officers near the gates as he exited the stadium onto the Coates Street sidewalk. He then walked westbound toward the tennis courts and crossed over Coates Street until he reached the south

side of the Coates Street sidewalk at the southwest corner of the intersection of Coates Street and Kenny Avenue.

While facing South on the southwest corner of Coates Street and Kenny Avenue, Mr. Sherif heard what he described as a "few" gunshots which he described as "no more than five." Mr. Sherif described that he heard the initial group of gunshots come from his right side, westbound and further down the 900 block of Kenny Avenue away from the stadium. Realizing he was shot, Mr. Sherif ran south from that corner toward a snack stand and fell. There, he received medical treatment for a gunshot wound to the right side of his torso.

Mr. Sherif described that, as he was running, he heard a second round of shots coming from behind him. Between the first group of shots and the second group of shots, Mr. Sherif described hearing 20 to 30 gunshots in total. After hearing the first group of shots to his right, he remembers turning around and noticing a black Chevrolet Impala facing him at the intersection of Kenny Avenue and Coates Street.

II. The Subsequent Gunfire—Discharge of Police Officers Brian Devaney, Sean Dolan and Devon Smith

Sharon Hill Police Department personnel, Officer Brian Devaney, Officer Sean Dolan and Officer Devon Smith, discharged their service weapons on August 27, 2021 and, collectively, a total of twenty-five (25) FCCs attributed to their service weapons were recovered. From a position where their FCCs were recovered on the southside sidewalk of Coates Street on the opposite side of the street from the high school football stadium, all three (3) officers fired in a north direction. A police bullet struck and killed Fanta Bility.

Detective Port identified the discharging personnel as officers Devaney, Dolan and Smith. Upon arrival to the scene at approximately 9:00PM, Detective Port first encountered discharging Officer Devaney in the area of the intersection of Coates Street & Kenny Avenue on the south sidewalk of Coates Street across the street from the tennis courts and football stadium.

Detective Port described Officer Devaney as appearing "bright red" and "sweating profusely" in an "agitated state." Officer Devaney told Detective Port "they were shooting at us" and "we were getting shot at from down the street" and he was indicating to his left, in a westbound direction. Officer Devaney told Detective Port, "They were shooting at us...I heard the shots coming past us and, you know, the next thing I know this car pulls up." Officer Devaney explained to Detective Port that a blacked out Chevy Impala came up the street towards him on Coates at a very high rate of speed and slammed on its brakes halfway through the block, indicating to the area in the street about 7 to 8 feet from where Detective Port and Officer Devaney were standing. Detective Port described seeing fired cartridge casings ("FCCs") around their feet as he and Officer Devaney were talking.



Exhibit # 10, Crime Scene Unit Photographs #92

After speaking to Officer Devaney, Detective Port requested over radio for Officer Smith and Officer Dolan to meet him on location where he was still standing in the area of Coates and Kenny Street. Officer Dolan was traveling in an ambulance en route to a hospital to treat gunshot victim, Alona Ellison-Acosta. When Officer Dolan returned to the scene of the shooting, he confirmed for Detective Port that he discharged his firearm. Officer Smith was treating a gunshot victim, Hafize Sherif, at the nearby snack bar. He returned to Detective Port and confirmed that he also discharged his firearm.

Following the officer-involved shooting, police issued equipment was obtained from Officer Smith, Officer Dolan and Officer Devaney. In particular, the respective Glock 17 service weapons of each officer was retrieved and held for further examination. And, the "bodycameras" worn by Officer Dolan and Officer Smith were taken into possession by Detective Port, so that any video from the units of August 27, 2021 could be retrieved. Officer Devaney was not wearing his bodycamera on the night of the football game. The bodycameras used by the Sharon Hill Police Department are manually activated by the police officer, and no bodycamera footage captured either of the two bursts of gunfire.

On the night of August 27, 2021, six (6) Sharon Hill Police Department officers were detailed to work at the high school football game. That night, in addition to the discharging officers Brian Devaney, Sean Dolan, and Devon Smith, officers John Scanlan, Vincent Procopio and James Williams were detailed to work the game. The non-discharging officers immediately responded in the aftermath of the shootings, including scooping up Fanta Bility from the area of the pathway and rushing her to the hospital.

a. Police Shot at an Occupied Vehicle that Had No Involvement in Gun Fight

The Chevrolet Impala sedan with PA tag # LKS 8294 that was shot by Sharon Hill police officers had no involvement in the gun exchange on the 900 block of Coates Street between Ford and Strand. Rather, the Impala sedan was occupied by two girls trying to go to the football game. The Impala sedan traveled to the area of the football stadium southbound down Kenny Avenue and pulled up to the stop sign at the intersection of Coates Street and Kenny Avenue. As the Impala pulled into the intersection to make a left turn onto the 800 block of Coates Street the

gunshots started. Then, as the car completed the turn onto Coates Street and traveled eastbound in the direction of the football stadium, police began shooting the Impala.

The Impala was occupied by two girls: driver, Assiyah Easley, and front seat passenger, Yasmeen Mobley. Ms. Easley traveled to Ms. Mobley's house in Folcroft to pick her up to go to the Academy Park High School Football game at approximately "8:30ish" or "8:40ish." The two girls traveled in the Impala southbound down Kenny Ave to the stop sign at the intersection of Kenny Avenue and Coates Street. Stopped at the intersection, Ms. Mobley described that the game was already over and people were leaving the game. As their car traveled into the intersection to turn left (eastbound) down Coates Street past the football stadium, Ms. Mobley described hearing a "couple" of shots. Specifically, she described hearing what sounded to her like "firecrackers" as the car was in the intersection in the middle of its turn. When the car completed the turn onto Coates Street, Ms. Easley started driving down Coates Street in the direction of the football stadium, but she had to slow down because there were a "bunch" of kids in front of their car running. Both Ms. Easley and Ms. Mobley heard more shots that sounded "closer" and "louder." Ms. Mobley described knowing that they were being shot at and telling Ms. Easley to "drive." Ms. Easley described hearing the second set of shots and "jerked the car" to stop, noting there was a bunch of people in the street preventing her from driving away. Ms. Mobley described that the car was located on Coates Street by the entrance to the stadium when she heard the second grouping of shots. Both Ms. Easley and Ms. Mobley "ducked" as the gunshots continued for what Ms. Mobley described as feeling "like forever." Ms. Mobley felt glass shattering and described glass going into her eye and the top of her arm, where some glass

still remains. Eventually, Ms. Easley drove away down Coates Street, through the intersection and made a left onto Reese Street where she parked the car.

b. Bullets from Police were Fired in the Direction of the High School Football Game

All discharging Sharon Hill Police Department Police personnel, officers Sean Dolan, Devon Smith and Brian Devaney, fired their service weapons from the south sidewalk of the 800 block of Coates Street. According to the testimony of Detective Scarpato, ballistics evidence included twenty-five (25) Federal brand 9mm FCCs retrieved from the area of the south sidewalk on the 800 block of Coates Street. Both the brand of ammunition and the location of the FCCs are consistent with having come from the discharging police officers. Moreover, Firearms Examiner Louis Grandizio, a ballistics expert, performed a firearms analysis comparing those twenty-five (25) FCCs to the respective service weapons of the discharging officers and concluded that eight (8) FCCs matched the Glock 17 service weapon of Officer Devaney, eleven (11) FCCs matched the Glock 17 service weapon of Officer Smith, and six (6) FCCs matched the Glock 17 service weapon of Officer Dolan.



Exhibit # 10, Crime Scene Unit Photographs #92

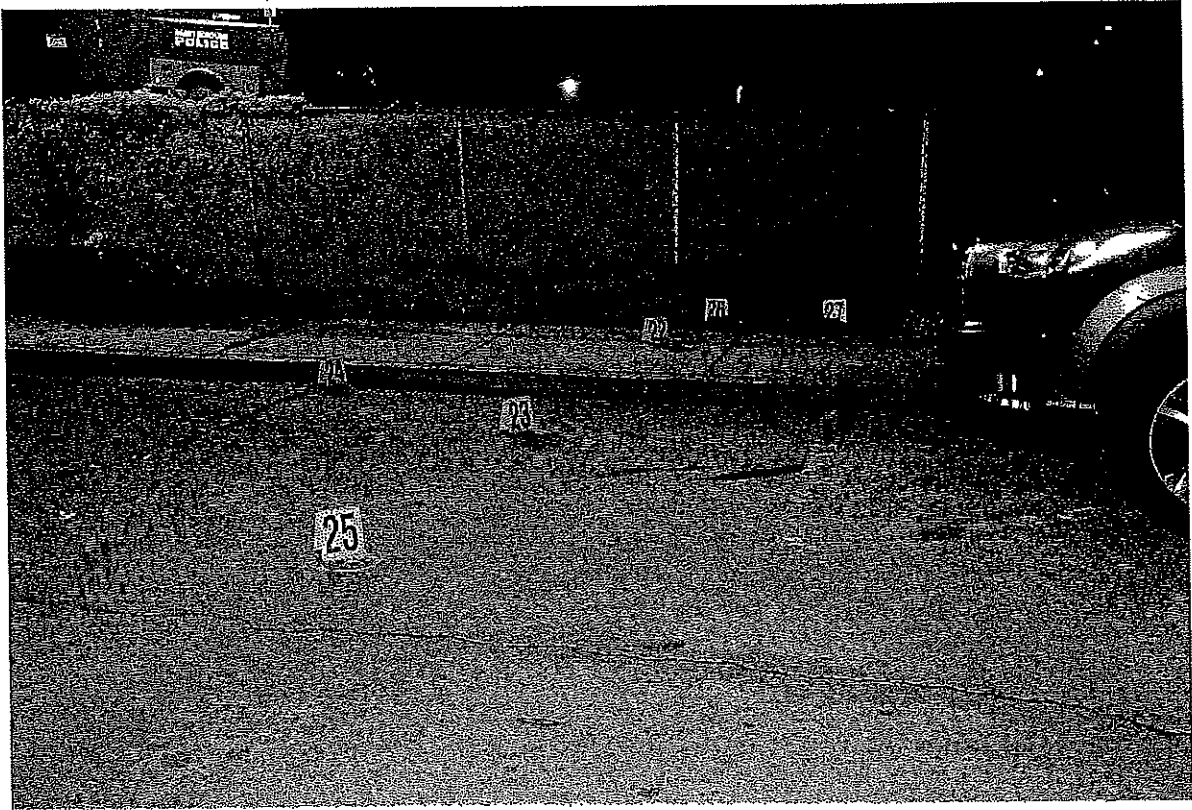


Exhibit # 11, Crime Scene Unit Photographs #134

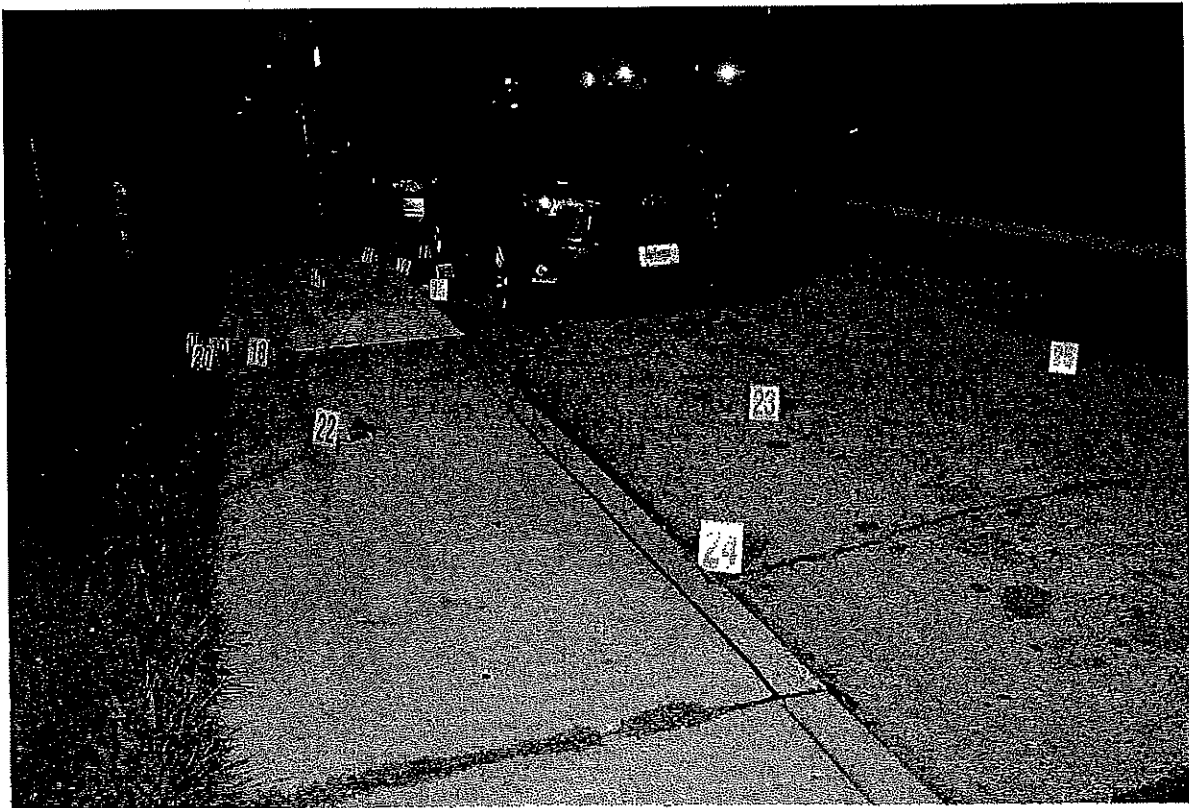


Exhibit # 12, Crime Scene Unit Photographs #143

All three discharging officers fired their service weapons in a northbound direction from the south sidewalk. In particular, Firearms Examiner Louis Grandizio confirmed that bullets recovered from the front passenger door of the Chevrolet Impala matched the service weapons of Officer Smith and Officer Devaney. Moreover, a bullet marked as “# 29” that was recovered from the roadway in between the FCCs and the entrance to the football stadium matched the service weapon of Officer Dolan.

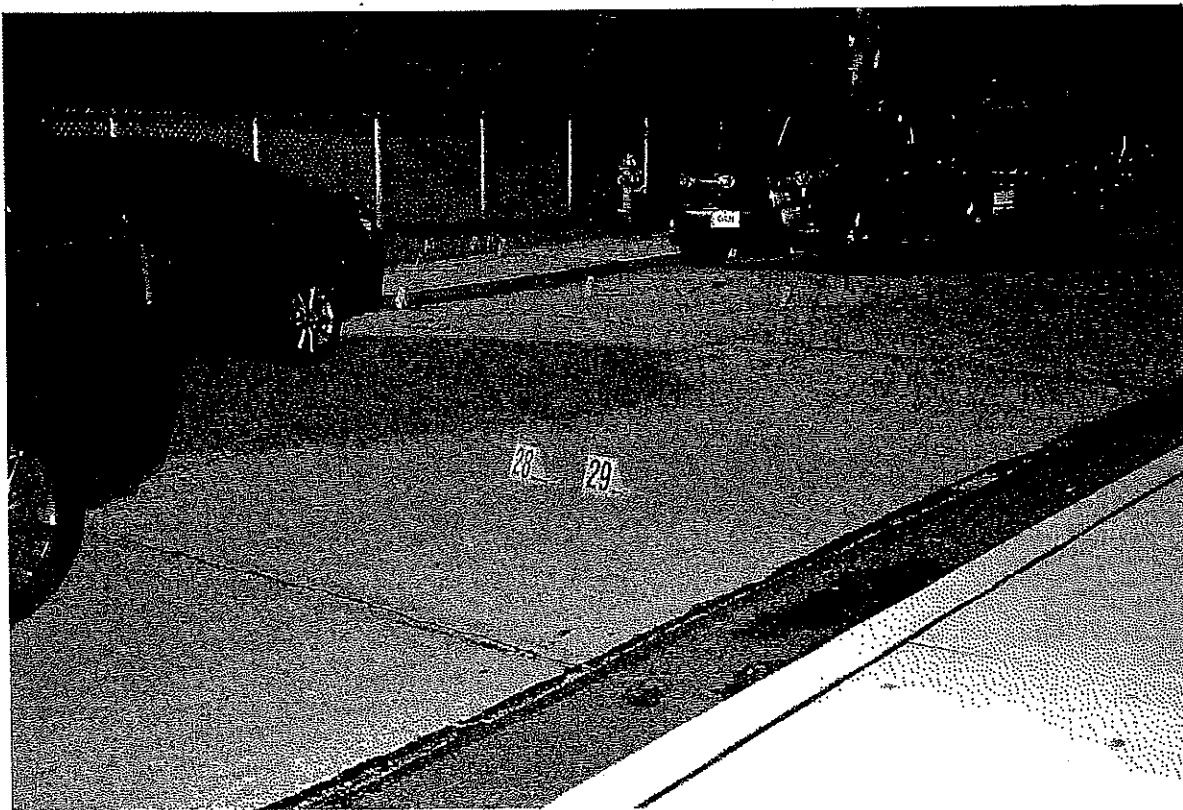


Exhibit # 13, Crime Scene Unit Photographs #165

The discharge of the police officers was directed toward the football stadium where spectators were exiting. Several spectators exiting the stadium were struck by gunfire. The location of the officers' ballistics evidence, along with Ms. Mobley's description of the vehicle being stopped in front of the entrance ramp to the stadium when she heard the second round of gunshots, supports the conclusion that officers were firing north towards the stadium. Fanta Bility and her older sister, Mamasu Bility, turned to run back into the stadium up the pathway with other spectators as shots were being fired.

Fanta Bility suffered a fatal gunshot wound to her torso entering the area of her back and exiting her chest. Mamasu Bility also suffered a graze wound to her back as she ran up the pathway onto the track. Anaya Kellam suffered a graze wound to the ankle. Alona Ellison-

Acosta also ran back up the pathway with the other spectators and, as she crossed from the track into the grass of the football field, she noticed a tingling sensation that became a "pain" forcing her to hop and prompted her to look down at her foot and realize that she had a bleeding gunshot wound. Officer Procopio and Officer Scanlan heard the "whizzing" or "whooshing" sound of bullets flying past them as they were positioned in an area on the track near the top of the entrance pathway.

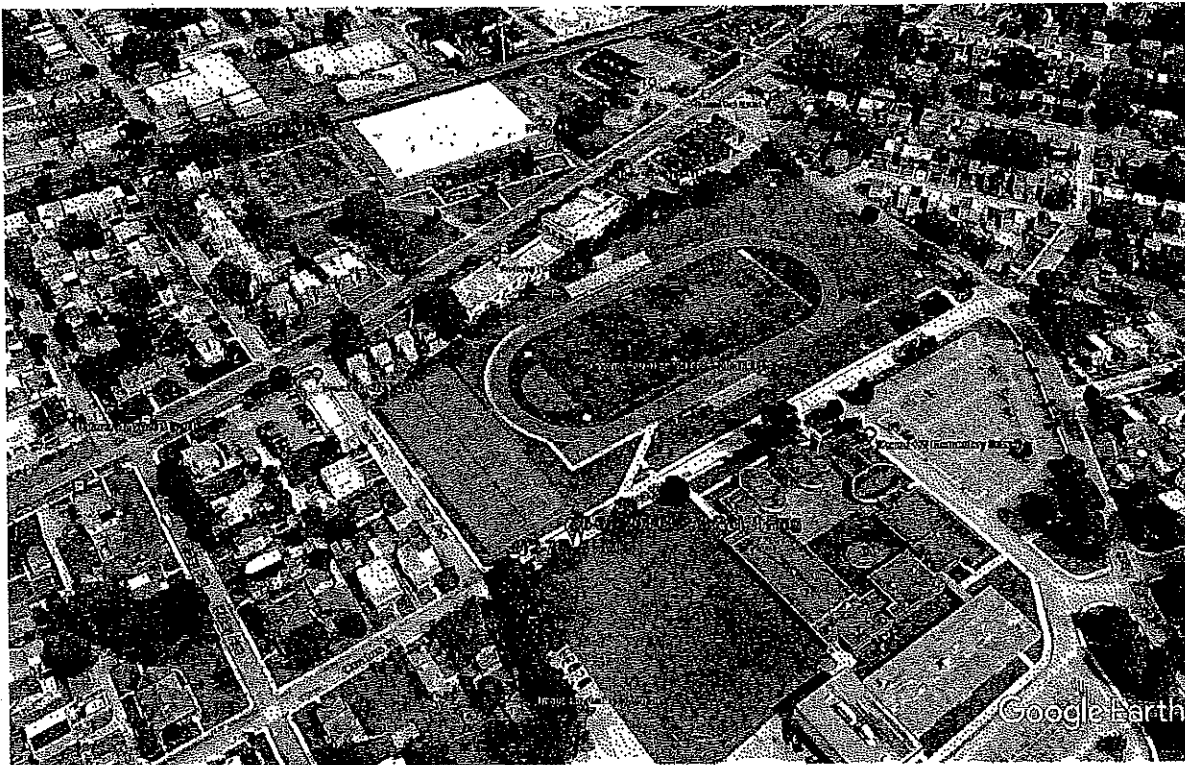


Exhibit #22 with Overlay of Crime Scene Unit #8-31 and #72-76

c. Fanta Bility was Killed by a Police Bullet

The fatal bullet that struck eight-year-old Fanta Bility was fired by a police officer. She was rushed to Mercy Fitzgerald Hospital by police and pronounced deceased at 9:25PM. The Delaware County Medical Examiner determined that cause of death was a gunshot wound to the

torso. The autopsy for Fanta Bility concluded that the fatal bullet exited her body and investigators were able to recover the bullet from the track surrounding the field in the area where the entrance/exit pathway meets the track. The projectile was submitted for DNA and ballistics analyses. According to Detective Scarpato, the DNA analysis of the projectile recovered from the track matched the deceased, Fanta Bility. Moreover, the ballistics analysis confirmed that the brand and class characteristics of the fatal projectile were consistent with being fired from an officers' service weapon. Due to the condition of the projectile, the Firearms Examiner was not able to match the fatal projectile to any one specific service weapon to the exclusion of the others. The Firearms Examiner confirmed that the fatal projectile was consistent with the Federal brand ammunition used by the discharging police officers and the polygonal rifling was consistent with being fired from the discharging police officers' model Glock 17 service weapons.

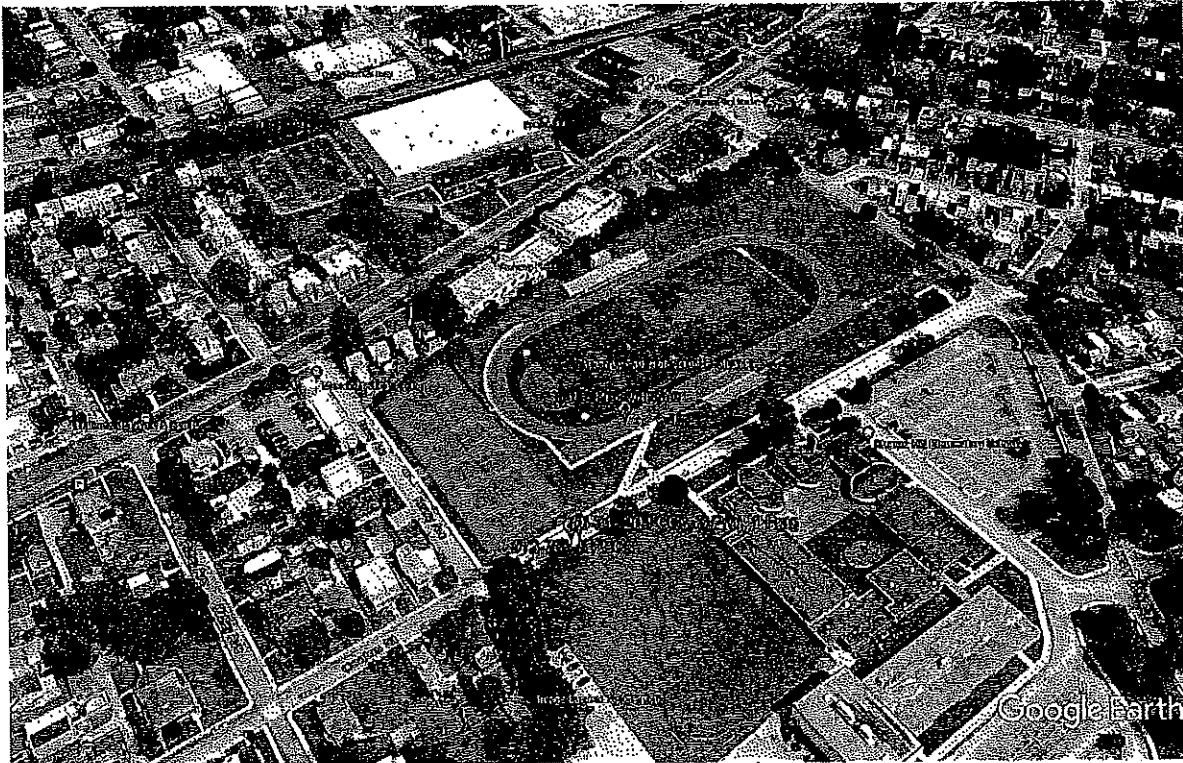


Exhibit #22 with Overlay of Crime Scene Unit #8-31, #72-76 and #48.

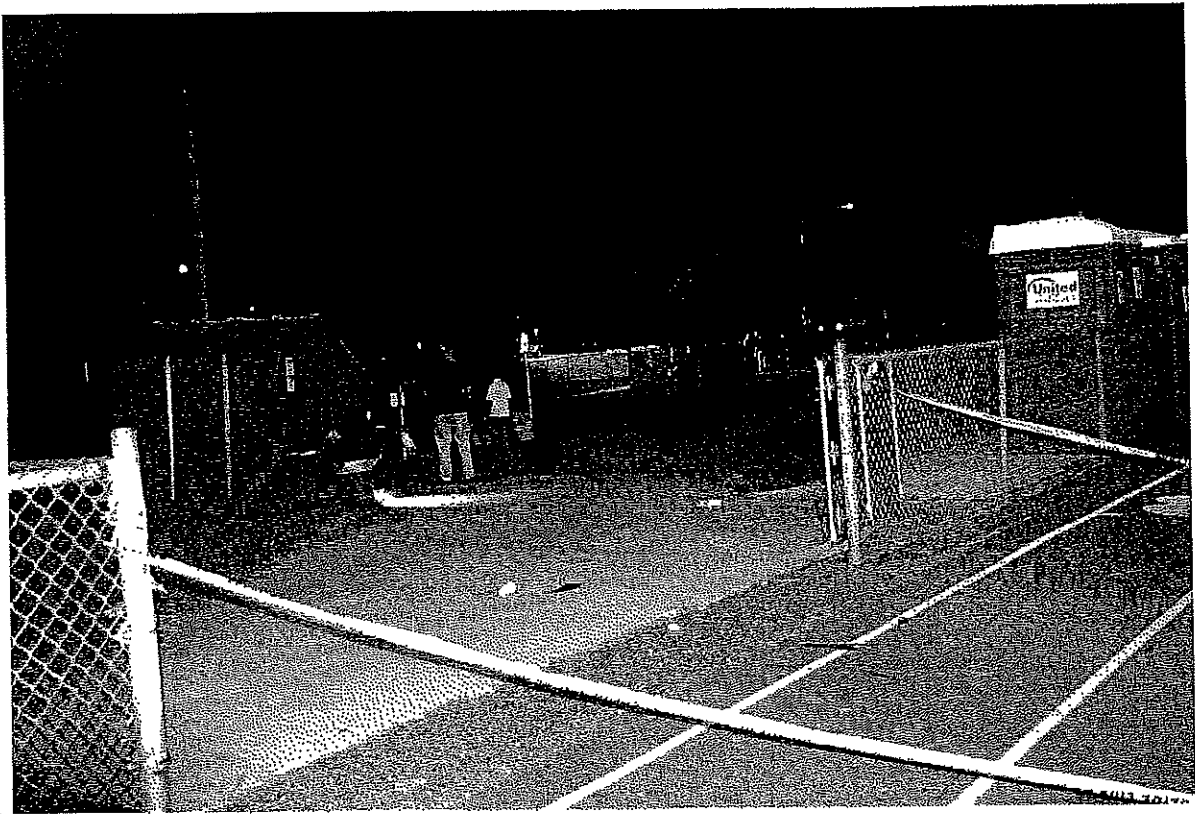


Exhibit #14, Crime Scene Unit Photograph # 211

III. Applicable Statutes

We, the members of the Delaware County Investigating Grand Jury XII, find the following three (3) criminal statutes applicable to the findings of fact, conclusions, and recommendation of charges:

1) Voluntary Manslaughter, 18 Pa.C.S. § 2503

(a) General rule.—A person who kills an individual without lawful justification commits voluntary manslaughter if at the time of the killing he is acting under a sudden and intense passion resulting from serious provocation by:

- (1) the individual killed; or
- (2) another whom the actor endeavors to kill, but he negligently or accidentally causes the death of the individual killed.

(b) Unreasonable belief killing justifiable.—A person who intentionally or knowingly kills an individual commits voluntary manslaughter if at the time of the killing he believes the circumstances to be such that, if they existed, would justify the killing under Chapter 5 of this title (relating to general principles of justification), but his belief is unreasonable.

(c) Grading.—Voluntary manslaughter is a felony of the first degree.

2) Involuntary Manslaughter, 18 Pa.C.S. § 2504

(a) General rule.—A person is guilty of involuntary manslaughter when as a direct result of the doing of an unlawful act in a reckless or grossly negligent manner, or the doing of a lawful act in a reckless or grossly negligent manner, he causes the death of another person.

(b) Grading.—Involuntary manslaughter is a misdemeanor of the first degree. Where the victim is under 12 years of age and is in the care, custody or control of the person who caused the death, involuntary manslaughter is a felony of the second degree.

3) Recklessly Endangering Another Person, 18 Pa.C.S. § 2705

A person commits a misdemeanor of the second degree if he recklessly engages in conduct which places or may place another person in danger of death or serious bodily injury.

IV. Recommendation of Charges

Based upon the evidence that we have obtained and considered, which establishes a prima facie case, we the members of the Delaware County Investigating Grand Jury XII, recommend that the District Attorney, or his designee, institute criminal proceedings against the individuals listed below:

a. Officer Brian Devaney

- One (1) count for the Voluntary Manslaughter, 18 Pa.C.S. § 2503 (F1) of Fanta Bility
- One (1) count for the Involuntary Manslaughter, 18 Pa.C.S. § 2504 (M1) of Fanta Bility
- Ten (10) counts of Recklessly Endangering Another Person, 18 Pa.C.S. § 2705 (M2), one (1) count each for the following ten (10) individuals:

- 1) Fanta Bility
- 2) Mamasu Bility
- 3) Tenneh Kromah
- 4) Alona Ellison-Acosta
- 5) Anaya Kellam
- 6) Aasiyah Easley
- 7) Yasmeen Mobley
- 8) Officer Vincent Procopio
- 9) Officer John Scanlan
- 10) Officer James Williams

b. Officer Sean Dolan

- One (1) count for the Voluntary Manslaughter, 18 Pa.C.S. § 2503 (F1) of Fanta Bility
- One (1) count for the Involuntary Manslaughter, 18 Pa.C.S. § 2504 (M1) of Fanta Bility
- Ten (10) counts of Recklessly Endangering Another Person, 18 Pa.C.S. § 2705 (M2), one (1) count each for the following ten (10) individuals:

- 1) Fanta Bility

- 2) Mamasu Bility
- 3) Tenneh Kromah
- 4) Alona Ellison-Acosta
- 5) Anaya Kellam
- 6) Aasiyah Easley
- 7) Yasmeen Mobley
- 8) Officer Vincent Procopio
- 9) Officer John Scanlan
- 10) Officer James Williams

c. Officer Devon Smith

- One (1) count for the Voluntary Manslaughter, 18 Pa.C.S. § 2503 (F1) of Fanta Bility
- One (1) count for the Involuntary Manslaughter, 18 Pa.C.S. § 2504 (M1) of Fanta Bility
- Ten (10) counts of Recklessly Endangering Another Person, 18 Pa.C.S. § 2705 (M2), one (1) count each for the following ten (10) individuals:

- 1) Fanta Bility
- 2) Mamasu Bility
- 3) Tenneh Kromah
- 4) Alona Ellison-Acosta
- 5) Anaya Kellam
- 6) Aasiyah Easley
- 7) Yasmeen Mobley
- 8) Officer Vincent Procopio

9) Officer John Scanlan

10) Officer James Williams

COMMONWEALTH OF PENNSYLVANIA
COUNTY OF DELAWARE

Preliminary Hearing Notice

Commonwealth of Pennsylvania
v.
Brian James DevaneyMag. Dist. No: MDJ-32-2-54
MDJ Name: Honorable James Merkins
Address: 56 Powell Road
Springfield, PA 19064
Telephone: 610-690-7668Brian James Devaney
110 Spring St.
Sharon Hill, PA 19079Docket No: MJ-32254-CR-0000001-2022
Case Filed: 1/18/2022
Comp/Cit #: 00138102
OTN/LOTN: R 227911-5/R 227932-5

Your Role: Defendant

Charge(s)	
18 § 2503 §§ A1 (Lead)	Voluntary Mans - Provocation From Ind Killed
18 § 2504 §§ A	Involuntary Manslaughter
18 § 2705	Recklessly Endangering Another Person
	10 counts

A Preliminary Hearing has been scheduled for the above captioned case to be held on/at:

Date: Thursday, January 27, 2022	Place: Magisterial District Court 32-2-54, Springfield 56 Powell Road Springfield, PA 19064 610-690-7668
Time: 9:00 AM	

Notice To Defendant

A complaint has been filed charging you with the offense(s) set forth above and on the attached copy of the complaint. If you fail to appear at the time and place above without cause, you will be deemed to have waived your right to be present at any further proceedings before the Magisterial District Judge and the case will proceed in your absence. If any of the charges against you are held for court, a request for a bench warrant against you will be transmitted to the Court of Common Pleas.

At the preliminary hearing you may:

1. Be represented by counsel;
2. Cross-examine witnesses and inspect physical evidence offered against you;
3. Call witnesses on your behalf other than witnesses to testify to your good reputation only, offer evidence on your behalf and testify;
4. Make written notes of the proceeding, or have your counsel do so, or make a stenographic, mechanical, or electronic record of the proceedings.

If the case is held for court and if you fail to appear without cause at any proceeding for which your presence is required, including trial, your absence may be deemed a waiver of your right to be present, and the proceeding, including the trial, may be conducted in your absence.

If you cannot afford to hire an attorney, one may be appointed to represent you. Please contact the office of the Magisterial District Judge for additional information regarding the appointment of an attorney. If you have any questions, please call the above office immediately.

Should you fail to appear for your preliminary hearing, a warrant will be issued for your arrest.

January 18, 2022

Date

Magisterial District Judge James Merkins



If you are disabled and require a reasonable accommodation to gain access to the Magisterial District Court and its services, please contact the Magisterial District Court at the above address or telephone number. We are unable to provide transportation. You can make case payments online through Pennsylvania's Unified Judicial System web portal. Visit the portal at <https://ujsportal.pacourts.us/epay> to make a payment.





Delaware County CID

EVENT#: 923024174

SID#:

NAME: BRIAN
DEVANEY

ARREST DATE: Jan 18 2022 9:13AM

AGE AT ARREST: 41

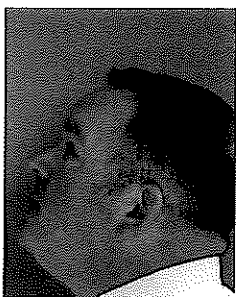
HEIGHT: 508

WEIGHT: 275

HAIR COLOR: BROWN

EYE COLOR: HAZEL

**LOCAL
ARRESTEE DATABASE**



**FOR INVESTIGATION ONLY
NOT FOR IDENTIFICATION
DESTROY AFTER 90 DAYS**

Printed Delaware Co CID: 1/18/2022 9:29