

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA :
 : **CR-1635-2019**
 v. :
 :
 JADE BABCOCK, : **OMNIBUS MOTION**
 Defendant :

OPINION AND ORDER

Jade Babcock (Defendant) was arrested and charged on September 23, 2019, with Criminal Homicide,¹ Abuse of Corpse,² and related offenses. Defendant filed a timely Omnibus Pretrial Motion on July 1, 2020. Defendant, in his pretrial motion, asks to suppress the statements that he made to the state police in his interview on September 17, 2019, to suppress the search of a storage unit rented by Defendant in the City of Philadelphia, the search of the cellular phone along with the pen register and trap trace device be suppressed, a motion in Limine requesting that any 404B information not be permitted to be used at trial, and trial specific issues such as a motion for individual voir dire/jury questionnaire, motion for discovery specifically of any Pa. Rule of Evidence 404(b) information which might be attempted to be used by the Commonwealth along with the use of inmate phone calls, a motion for change of venue or venire, a motion to exclude inflammatory photographs that may be used by the Commonwealth during trial, a motion to extend time for filing a mental infirmity defense and a motion to exclude supporters pins clothing buttons and photos which would be worn when spectators would attend trial. Hearing on the Motion was held by Judge Marc F. Lovecchio³ on September 25, 2020. During the hearing, Defense Counsel also challenged the fact that the Commonwealth presented only hearsay at the preliminary hearing. Judge

¹ 18 Pa. C.S.A. § 2501(a).

² 18 Pa. C.S.A. § 5510.

³ The case was transferred to this Court in March 2021.

Lovecchio directed defense counsel to file a written motion within 30 days.⁴ However, it does not appear that defense counsel filed a written motion.

In addition to the testimony presented by the Commonwealth, the parties were given the opportunity to file briefs. Defense counsel's brief was due on or before December 14, 2020, and the Commonwealth's brief was due on or before January 15, 2021. Due to a conflict that developed, this Court was subsequently assigned to the case. As a result, this Court met with the parties on both March 19, 2021, and April 19, 2021, to clarify any remaining issues that this Court needed to decide after it was reassigned. The Court notes that Defense advised this Court at the April 19, 2021, hearing that the request for extension of time to pursue a mental infirmity defense was withdrawn at the time of the hearing on the omnibus motion before Judge Lovecchio.

Background and Testimony

On March 21, 2013, the sister of Brenda Jacobs contacted the Pennsylvania State Police to report that Ms. Jacobs had not been in contact with the family since sometime in December of 2003. At that point, the state police initiated a missing person's investigation, which included entering her name into NCIC as a missing person. The state police also interviewed her family, spoke with Defendant's grandmother and attempted to make contact with Defendant who, at the time the investigation was initiated, had been incarcerated in a State Correctional Facility in the Commonwealth of Pennsylvania. As the state police gathered the information they believed Ms. Jacobs' family believed that she was dead. At the time when the family lost contact with her, her parents had asked her to leave their residence because she was using drugs and alcohol. She then went to live with Defendant. The last time anyone from the family heard

⁴ See Order dated 9/22/2020 and docketed 9/29/2020.

from her was in December of 2003 when Ms. Jacobs' mother called to wish her a happy birthday.

In the course of their investigations, the state police determined that Defendant had been previously accused of domestic violence and had at least one protection from abuse order (PFA) order entered against him. As a result, they reached out to the Defendant's estranged wife, Courtney Babcock, who told the police that Defendant had never spoken with her about Brenda Jacobs. She was able to confirm that he had been abusive toward her during their marriage. During 2015 and 2016, the state police continued their investigation by interviewing Ms. Jacobs' parents and her siblings and contacting her children to obtain forensic information for testing should her body be located. On May 11, 2019, the Williamsport Bureau of police received a report that a severed human leg was found along the north Bank of the West Branch of the Susquehanna River in the city of Williamsport, Lycoming County Pennsylvania. Upon arrival at the scene, the city police also discovered another leg. The police described both legs as decomposed, mummified, severed below the knee and with each foot having a US polo ankle sock. Despite the city police discovery, the state police continued the investigation. The remains were turned over to the Lycoming County Coroner's office and forwarded to a forensic anthropologist from Mercy Hurst University and a forensic pathologist. Upon examination, the reports showed that the legs belonged to what appeared to be a Caucasian female older than 18 years of age. The experts estimated that the legs would have belonged someone who had been between four feet eleven inches and five feet seven inches tall. Based upon the condition of the legs, it was determined that the legs had been kept away from weather, scavengers, and insects. In addition, the state police submitted samples of the decomposed body parts to the University of North Texas Center for Human Identification, which specializes in identifying human

remains. A few months later on September 16, 2019, PSP-Philadelphia contacted the Montoursville barracks to report that they believe they had information that the remainder of Brenda Jacobs' body was in a storage unit within the city of Philadelphia. By this point, Defendant had relocated to Philadelphia after he was released from state prison. PSP-Philadelphia notified Montoursville investigators that BJ, the estranged girlfriend of Defendant, reported to them that she saw the body of Brenda Jacobs in a coal bin in Montoursville. She further relayed to them that Defendant removed the body from that coal bin, placed it into a wooden box, and moved the box into a storage unit in Philadelphia. Defendant apparently needed to move the body out of the coal bin since the property on which it was located was being sold. PSP-Philadelphia was able to obtain a search warrant for the storage unit and recovered her mummified remains and turned those over to the Philadelphia medical examiner's office.

On September 17, 2019, Defendant was arrested by PSP-Philadelphia and taken to the state police barracks there. Defendant was interviewed by Troopers Martin and Tray at which time the Defendant agreed to speak. At the point where the troopers concluded their interview, they were aware that PSP Montoursville investigators were coming to Philadelphia to interview Defendant as well. Trooper Follmer and Corporal Akers began interviewing Defendant at approximately 3:16 PM. In that interview, Defendant described to the troopers the death of Brenda Jacobs, characterized it as an accident and it grew out of an argument while both of them were really drunk. *See* Commonwealth Exhibit #8, at 6, 31. He further described that he kept the body in the living room closet of 322 Jordan Ave in Montoursville for several months and then later moved her body to the coal bin in the barn. *Id.* at 10, 12. The house was sold in 2018, at which time Defendant told the troopers that he severed her legs to place her in a

wooden box that he moved to a local storage facility. *Id.* at 13. In the process of moving to Philadelphia, Defendant threw the severed legs into the river and took the box with him to the storage unit in Philadelphia. *Id.* at 17. Defendant was ultimately charged and arraigned before a judge in Philadelphia and was committed to a Correctional Facility within the city based on the Philadelphia offenses of abuse of corpse and related offenses. Once the homicide charges were filed against the Defendant, the Philadelphia charges were withdrawn, and he was arraigned in Lycoming County and committed to the county prison beginning on September 24th, 2019. The Defendant's preliminary hearing was held before the Magisterial District Judge Gary Whiteman at which time all charges were held for court.

At the hearing on the motion to suppress before Judge Lovecchio, Trooper Martin (Martin) from PSP Philadelphia and Trooper Follmer (Follmer) and Cpl. Akers (Akers) from PSP Montoursville testified. The Commonwealth also introduced and/or presented testimony regarding eight exhibits: Commonwealth's Exhibit #1, a handwritten note that BJ, the informant, wrote when she met with Tpr. Martin; Commonwealth Exhibit #2, the search warrant for Defendant's storage unit in Philadelphia; Commonwealth Exhibit #3 the Pen Register/Trap and Trace order for Defendant's cellular phone; Commonwealth's Exhibit #4, the *Miranda* rights warning form used by PSP-Philadelphia; Commonwealth's Exhibit #5, a report authored by Martin; Commonwealth Exhibit #6, the search warrant for Defendant's cellular phone; Commonwealth's Exhibit #7, the DVD containing the recording of Defendant's interview by Akers and Follmer; and Commonwealth's Exhibit #8, a transcript of the video prepared for the District Attorney's Office.

Motion to suppress search warrant for the Philadelphia storage unit.

Defense counsel argues that the search warrant for the storage unit in Philadelphia was defective. Defendant alleges that the warrant was materially defective in that it failed to include the relationship between the source of the information (BJ) regarding the contents of the storage unit and the Defendant's relationship to them. Defense believes that their former relationship was required to be included in the search warrant's affidavit of probable cause to enable the issuing authority to determine the veracity of the source of the information. The Commonwealth argues that even if that information would have been included in the warrant, it would not have changed the issuing authority's determination of probable cause.

When considering the adequacy of a search warrant, we must bear in mind the following:

Before an issuing authority may issue a constitutionally valid search warrant, he or she must be furnished with information sufficient to persuade a reasonable person that probable cause exists to conduct a search. The standard for evaluating a search warrant is a "totality of the circumstances" test as set forth in *Illinois v. Gates*, 462 U.S. 213 [103 S.Ct. 2317, 76 L.Ed.2d 527] (1983) and adopted in *Commonwealth v. Gray* [509 Pa. 476], 503 A.2d 921 (1985). A magistrate is to make a "practical, common sense decision whether, given all the circumstances set forth in the affidavit before him, including the 'veracity' and 'basis of knowledge' of persons supplying hearsay information, there is a fair probability that contraband or evidence of a crime will be found in a particular place." The information offered to establish probable cause must be viewed in a common sense, nontechnical manner.

Commonwealth v. Carey, 2021 PA Super 74, 249 A.3d 1217, 1223–24 (2021), *appeal denied*, No. 263 MAL 2021, 2021 WL 5576691 (Pa. Nov. 30, 2021). "[I]nformation received from an informant whose reliability is not established may be sufficient to create probable cause where there is some independent corroboration by police of the informant's information." *Commonwealth v. Manuel*, 194 A.3d 1076, 1083. Evidence which tends to show that an informant's information is untrue or that he had a reason to falsify the information or mislead

the police would be highly relevant in assessing credibility and reliability. *Commonwealth v. Baker*, 532 Pa. 121, 129, 615 A.2d 23, 26 (1992).

Here, Defendant argues that because the trooper failed to include in his affidavit of probable cause the past relationship between Defendant and the informant (BJ), such omission could be considered material directly affecting the issuing authority's determination of probable cause.

Evidence which tends to show that an informant's information is untrue or that he had a reason to falsify the information or mislead the police would be highly relevant in assessing credibility and reliability, because these are still relevant considerations in the totality-of-the-circumstances analysis... where it can be established that evidence was withheld showing that an informant had a reason to falsify his information, it would follow that the magistrate's determination of probable cause was neither neutral nor detached.

Commonwealth v. Baker, 615 A.2d 23, 26 (Pa. 1992).

The Court does not agree with the characterization of the information omitted by the Philadelphia troopers as a material misstatement. Although Martin did not include the specific evidence regarding the past relationship between Defendant and BJ, its addition does not necessarily lead an issuing authority to determine that BJ had any improper motives in coming forward with the information. The Court finds that even if the information would have been included in the affidavit of probable cause it does not necessarily mean that the warrant would not have issued. The Philadelphia issuing authority could also have believed that the information provided by BJ was made more reliable because of her past relationship with Defendant and his propensity to violence. If the affidavit would have included that BJ reported that Defendant would have physically assaulted her it could be consistent and bolstered her credibility with the Defendant's alleged violent behavior here resulting in the death of Brenda Jacobs. Finally, the fact that BJ advised the PSP that she had witnessed the removal and abuse of a corpse along with allegedly assisting the Defendant in the transportation of the corpse,

implicates herself in a crime. It is to be noted that where an informant implicates himself as a participant in a crime, his admission against his penal interest is accorded some indication of reliability. *Commonwealth v. Chumley*, 482 Pa. 626, 394 A.2d 497 (1978); *Commonwealth v. Matthews*, 446 Pa. 65, 285 A.2d 510 (1971). The Court finds that the issuing authority would have found probable cause even if that information had been included in the affidavit. Therefore, the affidavit is not defective.

Motion to suppress interview of September 17, 2019

Defendant contends any statements he made should be suppressed as his waiver of Miranda was not knowing, intelligent, and voluntary. As a result, any statements that he made to the state police were not voluntarily made. Defendant supports his position asserting his history of mental health diagnoses and controlled substance use would have interfered with his ability to make a knowing, intelligent, and voluntary waiver. The Commonwealth asserts that the Defendant's waiver was voluntary and that his statements were voluntary.

When an individual is subject to a custodial interrogation, he must be informed of his right to remain silent, that anything he says can be used against him in a court of law, that he has the right to an attorney, and that if he cannot afford an attorney one will be appointed at no cost to him. *Miranda v. Arizona*, 384 U.S. at 478–79. It is clear to the Court and an undisputed fact that the Defendant was in custody at the time that he was interviewed by the troopers from both PSP Philadelphia and Montoursville.

Troopers from PSP-Philadelphia initially arrested defendant on September 17, 2019, at approximately 11:30 AM. Notes of Testimony, 9/25/2020, at 26. His location was assisted by the Trap/Trace-Pen Register order that Martin had requested, although Defendant was found on the street and taken into custody without incident. *Id.* at 35. This order was requested by Martin

out of concern that once Defendant discovered they had been in the storage unit and that BJ would have made statements to the police, she was in danger, so time was of the essence in finding him for her safety. *Id.* See also Commonwealth's Exhibit #3. Once the Defendant was in the custody of Trps. Martin and Tray, he was advised of his Miranda warnings by Martin at approximately 12:40 PM on September 17th. *Id.* at 28. Martin testified at the hearing that Defendant was advised of his Miranda warnings but would not sign the waiver form. *Id.* Defendant did agree to a recorded interview but due to an equipment malfunction, there was no recording of Defendant's interview created. Defendant agreed to speak with the troopers and appeared to be following along and understanding his rights. *Id.* Martin testified that he saw nothing that would have indicated that the Defendant was suffering from any type of mental illness or was under the influence of any controlled substance. *Id.* Although the recording showed the interview there was no sound, Defendant spoke to the troopers. Martin characterized Defendant's demeanor as "easy to talk to....pleasant given the circumstances." *Id.* at 32. Defendant was given crackers and a granola bar to eat and bottles of water and a can of soda to drink during his interview. *Id.* at 31. While Defendant was in their custody, he surrendered a white Apple iPhone and Martin obtained a warrant for the contents on September 24, 2019. *Id.* at 34; See also Commonwealth's Exhibit #6. Martin testified that although they had received permission from the Trap/Trace order to receive cellular phone data, they never used the information provided by the cellular phone company. *Id.* at 51. Martin testified that he knew the Montoursville troopers were on their way so his purpose for speaking to Defendant was to "feel him out" but not to "attain a confession." *Id.* at 44.

At about 3:15-3:30 PM the troopers from Montoursville took custody of Defendant and interviewed him about the homicide allegations within Lycoming County. Akers testified that

he also advised Defendant of his *Miranda* warnings and Defendant again refused to sign the waiver form. Defendant alleges that due to his history of mental health issues and substance use, he could not offer a voluntary, knowing, and intelligent waiver of his *Miranda* rights.

Statements made during custodial interrogation are presumptively involuntary unless given *Miranda* warnings prior. *Commonwealth v. Williams*, 941 A.2d 14, 30 (Pa. Super. 2008). An individual must be informed of the following rights prior to interrogation: his right to an attorney; that one will be appointed if he cannot afford one; if he desires an attorney, interrogation will cease until one can be consulted; he has the right to remain silent; and if he does choose to speak, anything he says can and will be used against him in court. *Miranda v. Arizona*, 384 U.S. 436, 471-74 (1966). A defendant's waiver of his *Miranda* warnings must be "voluntary, in the sense that [the] defendant's choice was not the end result of governmental pressure [and] knowing and intelligent, in the sense that it was made with full comprehension of both the nature of the right being abandoned and the consequence of that choice." *Commonwealth v. Pruitt*, 951 A.2d 307, 318 (Pa. 2008). "It is the Commonwealth's burden to establish that a defendant knowingly and voluntarily waived his *Miranda* rights [and] [a] defendant must explicitly waive his *Miranda* rights by making an outward manifestation of that waiver." *Commonwealth v. Lukach*, 163 A.3d 1003, 1011 (Pa. Super. 2017) (internal citations omitted). The validity of a waiver is dependent upon whether the waiver was voluntary, in the sense that defendant's choice was not the end result of governmental pressure, and whether the waiver was knowing and intelligent, in the sense that it was made with full comprehension of both the nature of the right being abandoned and the consequence of that choice. *Commonwealth v. Mitchell*, 902 A.2d 430, 451 (Pa. 2006). If the totality of the circumstances shows an uncoerced choice accompanied by the requisite level of comprehension, the waiver is

sufficient. A proper waiver of one's *Miranda* rights satisfies both the Fifth and Sixth Amendments of the United States Constitution. *Commonwealth v. Woodard*, 129 A.3d 480, 500-02 (Pa. 2015). When evaluating the voluntariness of a defendant's statements a court must take into consideration "the duration and means of the interrogation; the defendant's physical and psychological state; the conditions attendant to the detention; the attitude exhibited by the police during the interrogation; and all other factors that could drain a person's ability to resist suggestion and coercion." *Commonwealth v. Yandamuri*, 159 A.3d 503, 525 (Pa. 2017). Additional factors for the court's consideration include: the individual's age and level of education; his previous experience with law enforcement; whether the individual was advised of his rights; and whether he was abused or threatened with abuse. *Id.* Intellectual disabilities and cognitive shortcomings do not per se make a defendant's waiver of *Miranda* rights involuntary or unintelligent. *Commonwealth v. Keaton*, 45 A.3d 1050, 1068-69 (Pa. 2012). A court may take into consideration "a defendant's mental age and condition, low IQ, limited education, and general condition" in evaluating whether a waiver was voluntary, knowing, and intelligent. *Commonwealth v. Sepulveda*, 55 A.3d 1108, 1137 (Pa. 2012). If a court finds a "mental defect at the time of his confession that was or should have been obvious to police," or "the evidence suggest[s] that [the defendant's] alleged mental health issues interfered with his waiver" then the confession may be suppressed. *Id.* However, regardless of the [defendant's] mental illness, the circumstances surrounding his confession may show that the waiver was "the product of a free, unconstrained, and rational choice of its maker." *Commonwealth v Logan*, 549 A.2d 531, 537 (Pa. 1988).

Based on the totality of the circumstances, the Court finds that Defendant voluntarily, knowingly, and intelligently waived his *Miranda* rights. Defendant was not handcuffed during

the actual interview, and both sets of troopers were in plain clothes. *See* Commonwealth's Exhibit #7. It is clear from Akers' testimony and the recording of the interview that there was not "a mental defect at the time of his confession that was or should have been obvious to police." *Sepulveda*, 55 A.3d at 1137. Akers testified that based on his observations, Defendant throughout the interview seemed to comprehend the questioning and was aware of what was going on. Defendant had been arrested prior and was familiar with the process, and more specifically with being interviewed and waiving his *Miranda* rights in connection with those charges. *Hughes*, 555 A.2d at 1274-75. Martin also testified that he was familiar with individuals under the influence of drugs or alcohol and that Defendant did not appear to be at the time of questioning. N.T., 9/25/2020, at 29, 32. Martin testified that based on his observations, Defendant appeared to comprehend the entire interview. *Id.* at 31-32. Nothing in what Defendant said or did made Martin think that he was under the influence of any type of controlled substances. *Id.* At the outset of the interview with Follmer and Akers, Follmer again advised Defendant of his rights under *Miranda* and Defendant said that he knew why they wanted to talk to him; it was "about the remains of Brenda Jacobs in my storage unit." *See* Commonwealth's Exhibit #8 at 2-4 Although Defendant contends he has a history of mental health issues, he appeared to answer Akers and Follmer directly. He spoke frankly about his love for the deceased, and his original concern that if he reported it he might go to jail for the rest of his life. *Id.* at 8-10. He continued to express his concern that he still might go to jail for the rest of his life, evidencing his understanding of not only the consequences of his actions at the time but of what he is doing by speaking to the police. Defendant even reassures the police that even though he has been using drugs and not eating much he is "fine" to talk with them. *Id.* at 51. He never told the Montoursville troopers of his history of mental health issues or that he

had used crack before the interview. N.T., 9/25/2020, at 46, 56-57. Based upon all of the evidence presented, the Court finds that the statements made by Defendant were the product of a free, unconstrained, and rational choice of Defendant at the time he made them. Therefore, the Court finds Defendant voluntarily, knowingly, and intelligently waived his Miranda rights.

Motion to suppress the search of the Defendant's cellular phone

Defendant also alleges that the search of his cellular phone was improper as the Commonwealth failed to show that the contents of the phone would contain evidence of a crime. Commonwealth argues that the issue is moot in that it does not intend to use at trial any of the information obtained from the search of the phone.

When the PSP-Philadelphia troopers arrested Defendant on the charges of abuse of a corpse and tampering and obstruction of evidence, they seized his cellular phone and obtained a search warrant for its contents. *See* Commonwealth's Exhibit #6. The only facts in support of the troopers' position that there would be information contained on the iPhone was that the body was located in a Kensington storage unit, Defendant was arrested with the iPhone on him and the inference that he may have discussed moving of the body with someone, presumably the informant. *Id.* Nevertheless, the Philadelphia issuing authority approved the search warrant.

As discussed above, before an issuing authority may issue a constitutionally valid search warrant, he or she must be furnished with information sufficient to persuade a reasonable person that probable cause exists to conduct a search. *Commonwealth v. Baker*, 532 Pa. 121, 126, 615 A.2d 23, 25 (1992), citing *Commonwealth v. Davis*, 466 Pa. 102, 351 A.2d 642 (1976). While the Commonwealth agrees not to use at trial the information obtained pursuant to the warrant, its possession by the Commonwealth is nevertheless a violation of Defendant's constitutional rights. Brenda Jacobs was reported missing in 2013 after having not

been heard from for approximately ten (10) years. According to the informant, BJ, Defendant transported the body down to the Philadelphia area when Defendant moved there with her in January 2019. N.T., 9/25/2020 at 38. At some point after the move and after the body had been placed into storage, Defendant obtained a cellular phone with a Philadelphia area code, 267. BJ told police on September 16, 2019, that she “was terrified for months.” *See* Commonwealth’s Exhibit #1. This Court can find no evidence that the crimes of abuse of corpse, tampering with evidence or obstruction would be contained in the iPhone. Therefore, the warrant was not supported by probable cause and the evidence obtained from Defendant’s cellular phone shall be suppressed.

Conclusion

After review of the affidavit of probable cause in support of the search of Defendant’s storage space, the omission of the specific information from the affidavit of probable cause was not material and did not invalidate the warrant. Defendant’s reactions, body language and responses indicated that he was aware of what was happening to him at the time he spoke with the PSP and therefore his waiver of *Miranda* was knowing intelligent and voluntary, and the statements made to the PSP shall not be suppressed. The search warrant obtained by the Commonwealth for Defendant’s iPhone seized from him at the time of his arrest did not contain sufficient probable cause and any evidence seized shall be suppressed.

ORDER

AND NOW, this 25th day of January 2022, based upon the foregoing Opinion, Defendant's Omnibus Pretrial Motion is **GRANTED** in part and **DENIED** in part. The Court **DENIES** the motions to suppress the search of the storage unit and Defendant's statements. The Court **GRANTS** the motion to suppress the search of Defendant's cellular phone.

Addressing the remaining portions of Defendant's Omnibus Pretrial Motion the Court finds as follows:

1. With respect to Count IV and a portion of Count VI, the Court directs the Commonwealth to notify defense counsel and the Court at least 30 days before jury selection of any 404(b) information including but not limited to prior PFAs, assaults or convictions of Defendant that the Commonwealth intends to introduce at trial so that the Court can schedule a hearing and argument on the admissibility of such evidence.
2. With respect to the motion for individual voir dire/jury questionnaire contained in Count V, the Court directs the parties to submit any proposed jury questionnaire to the Court at least 30 days prior to jury selection. Within 7 days thereafter, an opposing party must file any objections to the proposed questionnaire and provide a copy of the objections to the Court. The Court will defer ruling on the request for individual voir dire and the motion for change of venue or venire contained in Count VII until the time of jury selection.
3. With respect to the portion of Count VI related to inmate calls and visits, the Commonwealth shall provide to defense counsel within 30 days any calls or visits within its possession. The Commonwealth has a continuing duty to disclose this

information within a reasonable time after it comes into possession of any additional calls or visits. At least 14 days prior to trial, the Commonwealth shall notify defense counsel of the calls and/or visits it intends to utilize at trial.

4. With respect to the motion to exclude inflammatory photographs contained in Count VIII and the portion of Count X related to photographs of the victim, the Court directs the Commonwealth to provide to defense counsel and the Court at least 30 days prior to jury selection copies of the photographs it intends to use at trial. Within 7 days thereafter, defense counsel shall notify the court of any objections to the photographs.
5. Defense counsel withdrew the motion to extend time for filing mental infirmity defense contained in Count IX.
6. The Court **GRANTS** the motion to exclude supporters' pins, clothing, buttons or other similar items.

By the Court,

Nancy L. Butts, President Judge

cc: Martin Wade, Esq.
Nicole J. Spring, Esq.
April McDonald, Deputy Court Administrator