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Demand buried evidence in Mumia's case be heard

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Philadelphia, Oct. 26. SLL photo: Gary Wilson

Protesters rallied in Philadelphia at a Pennsylvania court on Oct. 26, demanding the release of political prisoner Mumia Abu-Jamal. Protesters inside the court supported his lawyers, Judith Ritter and Samuel Spital.

The lawyers argued that six boxes, discovered in a storage room in the Philadelphia district attorney's office in December 2018, and disclosed to his lawyers the following month, contained evidence that their client's conviction was tainted. The discovery of this fresh "undisclosed evidence" provides the basis for a retrial.

The evidence buried in the Philadelphia district attorney's office since the original

trial in 1982 documented that key witnesses were receiving promises of money for their testimony and evidence of favorable treatment in pending criminal cases. The lawyers also documented the abhorrent and unconstitutional practice of striking Black jurors during Mumia's original trial.

In the Common Pleas Court, Judge Lucretia Clemons proposed an order denying Mumia Abu-Jamal's constitutional claims of jury bias and suppressed evidence. Clemons adopted the prosecution's position that the defense had the opportunity to receive these notes by merely asking the district attorney for the files in prior court proceedings. This is a deliberate misreading of the record because Mumia's defense did not know about the evidence until December 2018. The DA had not previously revealed the presence of the documents to his lawyers.

In Judge Lucretia Clemons's oral statements from the bench, she adopted the Philadelphia District Attorney's positions meant to preserve Mumia's conviction. These arguments prevent the defense from putting on the record evidence of discrimination because the PCRA (Post Conviction Relief Act) allows the dismissal of critical evidence through procedural rules such as time bar, due diligence, waiver, and previously litigated, all to avoid a judicial review of the merits.

Mumia's lawyers have 20 days to reply, and the prosecution was given ten additional days to respond before the court's order dismissing Mumia's request for a new trial becomes final and appealable.

All out on Dec. 16

The new court date for Mumia's case is Dec. 16. The Oct. 26 protests for Mumia took place from coast to coast, in Mexico City and abroad. Speakers at the rally on Oct. 26 said it was urgent now for supporters to spread the word and build a powerful response for the Dec. 16 court date. Demands for Mumia's freedom in the courtroom and on the street will bring to light the conduct of the court and DA.

Undisclosed evidence

Mumia was a young award-winning Black Panther journalist at the time of his incarceration. He was framed for the death of Philadelphia police officer Daniel Faulkner on Dec. 9, 1981. At age 68, he has spent 42 years in prison, now struggling with life-threatening health problems.

At around 4 a.m. on Dec. 9, 1981, Mumia's younger brother, William Cook, was stopped in his car by the Philadelphia police. Mumia, then working as a taxi driver, coincidentally passed them and came to his brother's assistance. Shots were fired. Mumia was shot in the stomach, and Faulkner was killed.

Mumia Abu-Jamal was put on trial in 1982, found guilty, and sentenced to death. Outrageous flaws and inconsistencies in the prosecution's case were revealed. His case came to represent the blatant racist injustice in the U.S. courts and prisons. The case generated an international movement. Protests grew in cities around the world. In the Port of Oakland, members of the International Longshore and Warehouse Workers union shut down the port to save his life. After years of appeals and delays, Mumia was finally moved off death row in 2011. Since then, he has been held on life without parole.

Worldwide concern over his prolonged imprisonment led Amnesty International to investigate the case in 2000. They concluded that "numerous aspects of this case clearly failed to meet minimum international standards."

The Oct. 26 court petition was prompted by six filing boxes marked with Mumia's name found in a storage room in the Philadelphia district attorney's office in December 2018. The most egregious parts of the evidence in the boxes presented to the judge were the following:

— A handwritten letter sent from the state's star witness at trial, Robert Chobert, to the prosecutor, Joseph McGill. "I have been calling you to find out about the money own [sic] to me," Chobert writes. "Do you need me to sign anything. How long will it take to get it."

Chobert was one of only two witnesses at the trial who claimed to have seen Abu-Jamal shoot the police officer. No other evidence directly connected Mumia to the killing.

Mumia's lawyers argue that the letter indicates that Chobert "understood there to be some prior agreement or understanding between himself and the prosecution, such that the prosecution 'owed' him money for his testimony."

— The second witness who testified she had seen Mumia shoot Faulkner was Cynthia White, a prostitute with 38 previous arrests on her record. She was in prison in Massachusetts at the time of the trial and had five current criminal cases pending against her.

Among the documents in the boxes were letters from the DA's office to prosecutors involved in the five pending criminal cases against White. Mumia's lawyers argue that the letters "reveal a concerted effort by Mr. McGill and several Philadelphia DA unit chiefs to bring Ms. White back from Massachusetts, secure an early trial date in order to expedite her release, and ultimately allow her cases to be dismissed for lack of prosecution."

Such favorable treatment, they said, was designed to make "life easier for her in exchange for her testimony against Abu-Jamal."

— The issue of jury selection most clearly reveals the racism of the court. It is an issue that dominates the U.S. system of injustice. In Mumia's case, it couldn't be more obvious. In the boxes were the handwritten notes that the prosecutor, Joseph

McGill, kept as he filtered out possible jurors for the trial during jury selection.

The notes show that the prosecutor placed a large letter "B" next to any prospective juror who was black. During jury selection, McGill struck 15 people from the pool - 10 were Black.

The prosecutor blocked 71% of all potential Black jurors from sitting on the final jury. It is a violation of federal law to strike potential members from the jury on the grounds of race. His reasons for seating some white jurors and not seating nonwhite jurors were not on the record; they were in his notes.

'Voice of the Voiceless'

Mumia joined the Black liberation movement when he was a teen, in the late 1960s, after he came across the Black Panther party's newspaper. "A sister gave me a copy of the Black Panther newspaper, and I was dazzled. I made up my mind to become one of them," he told the [Guardian](#) in 2018.

"As part of his work with the Panthers, he was one of the first to visit the house in Chicago in December 1969, shortly after one of the movement's leaders, Fred Hampton, was shot and killed by police as he was sleeping in bed. 'We saw the bullet holes, which raked the walls. We saw the mattress swollen with Fred's blood. I was 15,' he told the [Guardian](#)."

Young Mumia was soon a leading Black journalist in Philadelphia. He was a prominent supporter of the Black liberation group MOVE. His courageous reports on the police persecution of MOVE are now historical. It is not a long stretch to imagine why his case has been so viciously targeted by the Philadelphia Fraternal Order of Police over the years.

The widow of Philadelphia Police officer Daniel Faulkner became a spokesperson for FOP's campaign against Mumia. Read the "[Open Letter to Maureen Faulkner](#)" from

Julia Wright.

During his years in prison, Mumia Abu-Jamal has been outspoken on the side of other political prisoners like Leonard Peltier. He often realizes the needs of his oppressed sisters and brothers in and out of prison by writing and broadcasting their truths. Mumia has come to be known for speaking for “the voiceless.” When he was dangerously ill with hepatitis, he insisted that all the ill prisoners be treated with the life-saving medication they were denied before he was. You can listen to his brilliant commentaries and podcasts at PrisonRadio.org.

“Mumia Abu-Jamal is a broadcast journalist and internationally recognized author. Mr. Abu-Jamal is serving a life sentence at SCI Mahanoy in Pennsylvania. He is the author of 13 books, holds a Master’s degree in Comparative Literature, and is currently working on the requirements to complete a Ph.D. in the History of Consciousness Department at the University of California Santa Cruz,” Prison Radio, Oct 27, 2022.

