

Free Mumia!



April 27
All,

First, attached is a copy of an article I wrote in February for the newspaper of my union, N.Y. Metro Local 10, APWU, on Mumia Abu-Jamal's health crisis and the state's stonewalling non-response. Good news since then is that the state finally gave up and Mumia began receiving the current medical standard treatment on 6 April. This is a big victory both for Mumia and for 5000-7000 other prisoners in Pennsylvania alone who also are sick with hepatitis C. His case can now be cited as a precedent in a class action suit covering all of them, in addition to actions filed by individual prisoners. However, this good news is soiled by the fact that during the years that the state failed to treat him, Mumia suffered permanent liver damage (cirrhosis). As a result, his lawyers are asking for damages.

Second, on 24 April Mumia's legal team argued in the Philadelphia Court of Common Pleas for an overturn of all the decisions the Pennsylvania Supreme Court made rejecting the appeals of his conviction beginning in 1998. The basis of this new appeal is the *Williams* decision of the U.S. Supreme Court last year reversing a decision of the Pennsylvania Supreme Court. At the time *Williams* was tried, Ronald Castille was the DA of Philadelphia County and he oversaw the prosecution of Mr. Williams that resulted in him being convicted and sentenced to death. Later, Williams appealed the verdict to the Pennsylvania Supreme Court, and by that time, Castille sat on that court as Chief Justice. Williams' lawyers moved for Castille to recuse himself on the

grounds of conflict of interest. However, Castille refused, and that began the process leading to the U.S. Supreme Court decision.

The relevance of this to Mumia is that he had the same experience. Castille was DA and as such oversaw the state's opposition to Mumia's first set of appeals to the Pennsylvania Supreme Court in the late '80's. Later, when Mumia's lawyers made a second set of appeals in 1997-8, Castille was sitting on the Pennsylvania Supreme Court and, as in *Williams*, refused to recuse himself. The court denied Mumia's petition.

At the 24 April hearing, it appeared to me that the judge was receptive to Mumia's lawyer's arguments. However, those who have followed the case for years have had similar experiences only to be disappointed later. The judge took the arguments under advisement. It's not known when he will issue a decision. Whatever it is, it will be appealed.

Also, on the 24th I was interviewed by RTV. An edited version appears in the link below.

<https://mail.google.com/mail/u/0/?ui=2&ik=60b4b74620&view=att&th=15bb30a8496bf44a&attid=0.1&disp=safe&zw>

<https://www.youtube.com/watch?v=KwrhMzF-f7Y>

Bill

First Legal Step Won in Mumia's New Challenge to his Conviction!

May 1

All,

The judge made a decision that for Mumia and the Philadelphia courts is a breakthrough and victory. Of course the state will appeal it. I've copied below a summary by Rachel Wolkenstein, who has served as one of Mumia's lawyers.

Peace,
Bill

“Just days after the DA’s office argued Mumia’s new legal challenge should be dismissed for not being “timely” and that the precedent setting case of *Williams v Pennsylvania*, that it is a violation of due process for a judge to rule in a case that he had previously had a significant personal involvement in a critical prosecutorial decision, does not apply to Mumia’s case, Judge Leon Tucker ruled in favor of Mumia’s demand for discovery of the DA’s files.

On April 24, Mumia’s 63rd birthday, the courtroom was filled with Mumia’s supporters and demonstrators rallied outside and all day and into the evening demanding Mumia’s freedom. The DA’s office argued there was no evidence that PA Supreme Court Justice Ronald Castille, who ruled on all of Mumia’s appeals from 1998-2008, had been involved in Mumia’s case while he was the District Attorney from 1986-1991 or as a senior district attorney during Mumia’s 1982 trial. Mumia’s attorney, Christina Swarns of the NAACP Legal Defense Fund (LDF) spoke to the exceptional circumstances of Mumia’s case and that the Motion for Discovery should be granted to determine the particulars of Castille’s personal involvement in Mumia’s prosecution, including his appeals.

Judge Tucker did not rule for the prosecution and dismiss Mumia’s petition. He granted discovery and ordered the DA’s office to produce and turn over all records and memos regarding Castille’s involvement in Mumia’s case; pre-trial, trial, post-trial and direct appeal proceedings; communications between Castille and his staff and any public statements Castille made about Mumia’s case during or after his tenure as District Attorney of Philadelphia. These records are to be turned over to Mumia’s attorneys within 30 days, by May 30, 2017, and Mumia has fifteen days to file amendments to his post-conviction petition.

This is an unquestionable win for Mumia in the PA courts. It opens the prosecution files on Mumia’s case to him, for the first time, ever. The DA’s office will likely stall and appeal and we should be prepared for protestations that the records do not exist. This new legal proceeding is a path towards Mumia’s freedom; we can win Mumia’s freedom with mass international protest and publicity.”

--Rachel

May 1

Seems very significant indeed, especially given the solid history of stonewalling up till now that your previous articles have documented so well.

CH
