

PRESS ALERT September 21. 2017

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JUDGE TUCKER BACKPEDALS – NEW ORDER ASK DA TO RELEASE ONLY SOME FILES – DOCUMENTS THAT COULD FREE MUMIA KEPT HIDDEN

Philadelphia Common Pleas Judge Leon Tucker has backed off on his order that the DA's office produce the entire case file in Abu-Jamal's criminal conviction, a process that could possibly have led to Mumia's freedom.

"There is no public information as to the why the Judge changed his order. However there is no question that this action is further proof of the state's frame-up of Mumia and the continuing cover-up by all elements of the criminal injustice system -- police, prosecution and judiciary," said activist attorney Rachel Wolkenstein.

On Sept. 7 Tucker ordered the DA to turn over all 31 plus boxes of prosecution files for his review by Sept. 21. Abu-Jamal supporters saw Tucker's ruling as an important step forward but his amended order on Sep 14 significantly weakened the chances for Mumia's freedom.

It now states the DA must produce the *court file*, "Com v Mumia Abu-Jamal CP 51-CR0113571-1982." This file contains the *publicly available* material on Mumia's case. This means that the internal files that exist in the possession of the District Attorney's office are NOT required to be turned over.

This procedure puts the review of the DA's court-constrained files solely within the Judge's control and determination and does not allow Mumia's attorney's any direct review of the files.

It is very unlikely there will be anything in this public file indicating Castille's personal involvement, except for his name on the legal filings as the District Attorney of Philadelphia.

On Sep 20, Abu-Jamal's attorneys Samuel Spital of the NAACP Legal Defense & Education Fund, Inc and Judith L Ritter of the Widener University Delaware Law School filed a response on behalf of Abu-Jamal to Tucker's amended order. It asserts *"Much of any written evidence of former District Attorney Castille's personal involvement would likely be found outside of the official case or litigation file...Any restrictions of production to the case file would undoubtedly miss significant evidence of Castille's involvement. We trust that Your Honor's Amended Order was not designed to restrict the production directive in this manner."*

Pam Africa, Minister of Confrontation of the uncompromising International Concerned Family and Friends of Mumia Abu-Jamal, said *"This is a continuation of the 36-years-long cover-up by the DA's office. And this shows once again the court is complicit. We demand all the files be totally released to the public. Mumia needs to be released from prison now."*

Due process denied

On April 24, 2017, in a breakthrough in the struggle to free Abu-Jamal, an appeal to overturn his 35-year-old wrongful conviction in the death of a Philadelphia police officer was brought before Tucker's court. NAACP Legal Defense Fund Attorneys Judith Ritter and Christina Swarns argued that Mumia was denied due process because, as a Pennsylvania Supreme Court Justice, Ronald Castille refused to step down from hearing state appeals cases he was involved in prosecuting.

The challenge to Castille is based on a 2016 U.S. Supreme Court decision, *Williams v. Pennsylvania*. SCOTUS found that the constitutional right to due process is violated when a judge presides over a case in which they had prior significant or personal involvement.

The next breakthrough for Abu-Jamal came on April 28 when Tucker ordered the DA's Office to produce all documents relevant to former District Attorney Ronald Castille's role as a top prosecutor during Mumia's initial appeal process. On May 30, in response to Tucker's order, the DA's office released photo copies of a meager 50 pages of public record.

On June 22, Tucker again ordered the DA to comply, giving them a July 7 deadline and specific guidelines on what was sought. To coincide with this deadline, Abu-Jamal's supporters rallied outside the Philly DA's office. They called on the DA's office to "open up your books" and brought poster-size copies of Tucker's order to that people passing by could see the DA cover-up for themselves. Their action also exposed the history of cover-ups and corruption rampant in the Philadelphia DA's office.

Continuing their outrageous cover-up, the DA's office responded to Tucker's second ruling with requests for extensions until finally producing "new files" that were substantially the same old files.

In addition to Abu-Jamal's appeal based on this ruling, 13 other cases involving Castille were heard by Tucker on April 24. He also responded in four of these cases with the same order that the DA turn over its case files for his review. In one case, an evidentiary hearing is set for Sept. 22.

Following months of prosecutorial delays, Abu-Jamal's attorneys filed a request for an evidentiary hearing that would allow them to question prosecutors involved in the case. Unfortunately Tucker's Sept. 7 order denied this. It also does not allow his attorneys any direct review of the files.

However in ordering the entire file for "in camera" review in his chambers, Tucker is clearly acknowledging that what has been produced by the DA's office to date under court orders has been severely lacking.

On Sept. 12, activist attorney Rachel Wolkenstein, updating the case for supporters, stated "*While it is positive that the Judge has not accepted the DA's position--that the prosecution's records contain no evidence of Castille's involvement in Mumia's case—we are dependent on the Judge's review and evaluation of what he finds in the files.*"

Johanna Fernandez, Professor of History at Baruch College (CUNY), noted "*There is every reason to assert that Castille was personally involved in Mumia's prosecution -- from the interest of the Fraternal Order of Police in his death sentence and conviction, to the constitutional issues raised in his appeals, including the racially biased jury selection.*"

Tiffany Robbins of Chester, PA said, "*We have no reason to rely on the supposed impartiality of the courts. The judicial record of review of Mumia's case in state and federal courts, including to the U.S. Supreme Court over five times, left him facing execution for almost 30 years and has him now on the slow death row of life imprisonment. Now more than ever, we need to make ourselves heard demanding Mumia's freedom.*"

Mobilization to Free Mumia Abu-Jamal; International Concerned Family and Friends of Mumia Abu-Jamal; International Action Center; Free Mumia Abu-Jamal Coalition (NYC); Campaign to Bring Mumia Home; Educators for Mumia Abu-Jamal

More information can be found through Mobilization4Mumia on facebook or by contacting mobilization4Mumia@gmail.com.