

Court: Evidence To Free Mumia, To Be Continued...

Rachel Wolkenstein, lawyer for Mumia, reports on the August 30th hearing, 2018

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District Attorney Larry Krasner Opposes Mumia Abu-Jamal's Petition for New Rights of Appeal – Despite Clear Evidence of Ronald Castille's Bias and Conflict of Interest When He Participated As a PA Supreme Court Justice Denying Abu-Jamal's Post-Conviction Appeals from 1998-2012

Next Court Date: October 29, 2018

September 1—Additional demands for discovery made by Mumia's lawyers at the August 30 court proceeding led to Judge Tucker granting a 60-day continuance. The new date for oral argument that Mumia's appeal denial should be vacated and new appeal rights granted is now scheduled for October 29, 2018.

Two weeks ago, Mumia's lawyers were told by the DA's office that they discovered close to 200 boxes of capital case files that had not been reviewed. A half-dozen were still not found. Last Monday, just days before the scheduled final arguments, a May 25, 1988 letter from DA Castille's office to PA State Senator Fisher (a virulent proponent of expediting executions) naming Mumia Abu-Jamal and 8 other capital defendants was turned over to the defense.

Krasner's assistant DA Tracey Kavanaugh said the letter was meaningless and opposed the postponement, insisting there is no evidence that Castille had anything to do with Mumia's appeals. Mumia's lawyers argued that finding the background to this communication would likely support their central argument that DA Ronald Castille actively and personally was developing policy to speed up executions, and that he was particularly focused on convicted "police killers." Mumia Abu-Jamal was unquestionably the capital prisoner who was most zealously targeted for execution by the Fraternal Order of Police.

Judge Tucker agreed with Mumia's lawyers that a search is needed to establish whether Castille was personally involved in this communication. Additional discovery was ordered with Judge Tucker's rhetorical question, "What else hasn't been disclosed?" But the Judge narrowed the required search to particulars around the May 25, 1988 letter.

Not brought out in court is the fact that Mumia's appeal of his trial conviction and death sentence was still pending in May 1988. The PA Supreme Court didn't issue its denial of this first appeal of Mumia until March 1989. This makes any reference of Mumia's case as a subject of an execution warrant highly suspect and extraordinary, because his death sentence was not "final" unless and until the PA Supreme Court affirmed. [The lawyers have not publicly released a copy of the May 25, 1988 letter, so analysis is limited.]

Mumia's lawyers said they would discuss discovery issues with the prosecution and might file a further amended petition with the intention of proceeding to oral argument on the next court date, October 29.

On Judge Tucker—He is the chief administrative judge overseeing post-conviction proceedings. On August 30 and previously on April 30 opened his courtroom early to for Maureen Faulkner and the Fraternal Order of Police to occupy half of the small courtroom. Not surprising, no consideration was given to Mumia's family including his brother Keith Cook, international supporters from France and the dozens of other supporters who had lined up before 8AM to get into the courtroom. Even press reps suggested that the press be given seats in the jury box to open up space for even lawyers working with Mumia. Even that small consideration was rejected by Judge Tucker.

A more in-depth piece on DA Larry Krasner's opposition to Mumia's petition will be sent out soon. In the meantime, go to: www.RachelWolkenstein.net.