

Mumia Abu-Jamal Granted New Rights to Appeal

By Rachel Wolkenstein, December 28, 2018

On December 27, 2018, Court of Common Pleas Judge Leon Tucker granted Mumia's petition for new appeal rights, over the opposition of "progressive DA" Larry Krasner.

This is the first Pennsylvania state court decision in Mumia's favor since he was arrested on December 9, 1981.

In his decision Judge Tucker ruled former PA Supreme Court Justice Ronald Castille, who was the District Attorney during Mumia's first appeal of his frame-up conviction and death sentence, "created the appearance of bias and impropriety" in the appeal process when he didn't recuse himself from participating in Mumia's appeals. Judge Tucker relied heavily on Ronald Castille's public statements bragging that he would be a "law and order" judge, that he was responsible for 45 men on death row, that he had the political and financial support of the Fraternal Order of Police, and new evidence of Castille's campaign for death warrants for convicted "police killers." The appearance of bias and lack of "judicial neutrality" exhibited by Castille warranted his recusal.

Judge Tucker's order throws out the PA Supreme Court decisions from 1998-2012 that rubber-stamped Mumia's racially-biased, politically-motivated murder conviction on frame-up charges of the shooting death of police officer Daniel Faulkner.

Judge Tucker's decision means that Mumia Abu-Jamal's post-conviction appeals of his 1982 conviction must be reheard in the PA appeals court. In those appeals Mumia's lawyers proved that Mumia was framed by police and prosecution who manufactured evidence of guilt and suppressed the proof of his innocence. And, he was tried by a racist, pro-prosecution trial judge, Albert Sabo, who declared, "I'm gonna help them fry the n---r" and denied Mumia other due process trial rights.

The new appeals ordered by Judge Tucker open the door to Mumia Abu-Jamal's freedom. Abu-Jamal's legal claims and supporting evidence warrant a dismissal of the frame-up charges that have kept him imprisoned for 37 years, or, at the very least, a new trial.

It is critically important that Mumia can go forward immediately with these appeals. However, DA Larry Krasner has the authority to appeal Judge Tucker's decision. In all Krasner's legal filings and court argument since April 29, 2018, the DA's office has been opposed to granting Mumia's petition. Krasner's spoke recently in an interview on WHY radio and stated there is no evidence of Justice Castille's bias or the appearance of impropriety when he refused to recuse himself in Mumia's PA Supreme Court appeals from 1998-2012.

As of today, "progressive DA" Larry Krasner is reviewing Judge Tucker's decision and deciding whether to challenge it on appeal. If Krasner does appeal, there will be many levels of appeals through the PA court system and possibly into the federal courts before Mumia will be able to proceed with an "unbiased" appeal process.

DA Krasner inherited pending legal actions filed by Mumia and other men challenging the judicial bias and conflict of interest of former PA Supreme Court Justice Ronald Castille. The U.S. Supreme Court in *Williams v. Pennsylvania* (2016) rebuked Justice Castille for judging Terrance Williams' appeal, despite having been the District Attorney who authorized his death sentence, and ordered Williams' appeal to be re-considered.

Yet, once elected, DA Krasner put Ronald Castille on his transition team. When he took office, Krasner met with the widow of police officer Daniel Faulkner and representatives of the Fraternal Order of Police, but refused to meet with Mumia's brother, Keith Cook, and an international delegation of supporters. DA Krasner has responded to Mumia's legal petition hand in glove with the FOP and in sync with the treatment given to Mumia by every prior District Attorney.

If the prosecution appeals, then there will be years of legal proceedings on the validity of Judge Tucker's order before Mumia can begin the new appeal process challenging his conviction. Mumia is now 64 years old. He has cirrhosis of the liver from the years of untreated hepatitis C. He still suffers from continuing itching from the skin ailment which is a secondary symptom of the hep-C. Mumia now has glaucoma and is receiving treatment. Mumia has imprisoned for almost four decades. We want him to walk out of prison a free man.

The international campaign for Mumia Abu-Jamal's freedom has launched a new offensive. At the top of its actions is an emergency call for letters and phone calls to DA Larry Krasner demanding he **not** appeal Judge Tucker's order granting new appeal rights to Mumia Abu-Jamal.

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Tell DA Krasner: Do Not Appeal Judge Tucker's Decision Reinstating Appeal Rights for Mumia Abu-Jamal!