

**IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY  
CRIMINAL TRIAL DIVISION**

<b>COMMONWEALTH OF PENNSYLVANIA</b>	:	
	:	
<b>V.</b>	:	<b>No: CP-51-CR-0113571-1982</b>
	:	
<b>MUMIA ABU-JAMAL</b>	:	
	:	

**DEFENDANT’S *PRO SE* MOTION FOR POST SENTENCE RELIEF  
AND/OR MOTION TO RECONSIDER SENTENCE**

NOW COMES, the Defendant, Mumia Abu-Jamal, *pro se*, and pursuant to Rule 720 of the Pennsylvania Rules of Criminal Procedure moves this Court for post sentence relief and/or reconsideration of sentence, and in support thereof states as follows:

1. On December 9, 1981, the Defendant was arrested and charged with murder in the first degree, and related offenses.
2. On June 17, 1982 a jury trial commenced before Judge Albert Sabo and, on July 2, 1982 the jury returned a verdict of guilty of murder in the first degree.
3. On May 25, 1983, the Court sentenced the Defendant to death.
4. On December 18, 2001, after the exhaustion of direct appeal and state post-conviction relief act petitions, Judge William Yohn of the United States District Court for the Eastern District of Pennsylvania on federal habeas corpus vacated said death sentence.
5. On December 6, 2011, after the U.S. Court Appeals for the Third Circuit filed an opinion April 26, 2011 affirming that order; and the District Attorney’s petition for certiorari,

docketed at the U.S. Supreme Court #11-49 having been denied by the United States Supreme Court; and the order and mandate of the U.S. Court of Appeals for the Third Circuit filed October 19, 2011; Judge Yohn ordered that the Commonwealth of Pennsylvania may conduct a new sentencing hearing within 180 days of this order, during which period the execution of the writ of habeas corpus will be stayed, or shall sentence the petitioner to life imprisonment.

6. After the December 6, 2011 order, which gave the Philadelphia District Attorney's Office an opportunity to retry the Defendant on the issue of penalty, the Philadelphia District Attorney's Office publicly announced that it would not seek death in a penalty retrial.

7. On August 13, 2012, Judge Pamela Pryor Dembe of this Court entered an Order imposing a sentence of life without parole.

8. Pursuant to Rule 720 of the Pennsylvania Rules of Criminal Procedure, the Defendant requests post sentence relief and raises the following issues:

#### **Issues**

(1) The imposition of the sentence of life without parole on August 13, 2012 was in violation of the fundamental requirements that must be adhered to under Pennsylvania state law and the United States Constitution and as such was illegal and should be considered null and void.

(2) The sentence of life without parole for defendant following almost thirty years in solitary confinement on death row under an illegal and unconstitutionally-imposed death sentence violates due process, is inhumane and cruel and unusual punishment, inconsistent with America's evolving standards of decency and violates the Eighth

Amendment of the United States Constitution and the analogous provisions of the Pennsylvania Constitutions.

(3) The sentence of life without parole is inhumane and cruel and unusual punishment, inconsistent with America's evolving standards of decency and violates the Eighth Amendment of the United States Constitution and the analogous provisions of the Pennsylvania Constitutions. It is also violative of similar provisions of international law as promulgated in the Convention Against Torture (CAT).

(4) The practice and policy of the Commonwealth isolating those under death sentences in solitary confinement is violative of the Eighth Amendment's proscriptions against cruel and unusual punishment, analogous provisions of the Pennsylvania Constitution and various international law conventions, among them the Convention Against Torture (CAT), as the same constitutes torture.

(5) The conditions noted at §(4), *supra*, are hereby referenced as if here restated fully, and as such, are violative of the official opinion of the Attorney General, Pennsylvania, and codified at 1971 Op. Atty. Gen. Pa. 1, applied, "provides no legal authority for holding prisoners" in such solitary conditions as aforesaid. *Id.*

9. This motion does not waive any issues of arguable merit of innocence or any governmental misconduct conducted in the underlying case.

10. Defendant reserves the right to file a brief in support of the instant Motion within sixty (60) days, more fully setting forth the issues as well as requests for discovery and an evidentiary hearing.

WHEREFORE, for the foregoing reasons, the Defendant requests post sentence relief and/or modification of sentence.

Respectfully submitted,

Dated: August 23, 2012

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MUMIA ABU-JAMAL, *pro se*  
Inmate #AM 8335  
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