

Path to Mumia's Freedom

by Rachel Wolkenstein

EXCERPT: A new legal action filed by Mumia Abu-Jamal in the Pennsylvania Court of Common Pleas on August 7, 2016 provides a path in the courts to overturn Mumia's conviction and win his freedom. The legal underpinning is the recent precedent-setting U.S. Supreme Court decision *Williams v. Pennsylvania*, 136 S.Ct. 1989 (2016), which holds *it is a violation of the due process right to an impartial tribunal free of judicial bias if a judge participating in a criminal appeal had "a significant personal involvement as a prosecutor in a critical decision" in a defendant's case.*

Ronald D. Castille was a senior Assistant District Attorney during Mumia's 1982 trial and the Philadelphia District Attorney during Mumia's direct appeal of conviction and death sentence. Ronald D. Castille was a Justice of the Pennsylvania Supreme Court during the entire period of Mumia's appeals of his post-conviction proceedings from 1995-2008.

Castille's role as both prosecutor and judge in Mumia's case, in light of the *Williams* decision, opens the door to a court decision vacating (overturning and dismissing) all Pennsylvania Supreme Court denials of Mumia's post-conviction petitions. If this new legal action succeeds Mumia would get "do-overs" to the legal challenges he made to the racist frame-up conviction, for which he has now spent close to 35 years in prison, almost thirty in solitary confinement on death row.

This includes all the state's unconstitutional racial, political and class biased procedures and state misconduct that resulted in Mumia's frame-up conviction before the pro-cop and racist judge Albert Sabo who declared before trial, "I'm going to help them fry the n----r." Also: Ineffective assistance of trial counsel; The prosecution's

intentional exclusion of African-Americans from his jury; the Prosecution's summation argument that Mumia would have "appeal after appeal" depriving Mumia of the constitutional standard of guilt beyond a reasonable doubt and the importance of the jury decision in determining guilt and a death sentence; Denying Mumia the right to self-representation and to be in the courtroom during his trial; Police and prosecutorial fabrication of evidence of guilt—false hospital confession, phony ballistics evidence, lying witnesses Cynthia White, Priscilla Durham, Robert Chobert—and suppression of evidence of Mumia's innocence—Veronica Jones, Dessie Hightower, William Singletary, Ken Freeman, Arnold Howard and the confession of Arnold Beverly.

If the new appeal wins, Mumia will get a new trial, if not dismissal on grounds of gross state misconduct in prosecuting Mumia. And should a new trial be ordered, the prosecution has no evidence to present against Mumia. The three legs of the case--eyewitnesses, confession and ballistics--have been proven to be manufactured by the police.

This is what should happen under the U.S. Supreme Court holding in *Williams*.

But Mumia's case isn't any case. There is no other case in the United States that has faced as much orchestrated hostility from the Fraternal Order of Police and both parties of U.S. capitalism as that of Mumia Abu-Jamal.

Mumia's case embodies the police terror and shootings on the streets, the false and frame-up prosecutions in the courts, the dehumanization and warehousing of mass incarceration, and the ultimate act of "legal" lynching in the racist death penalty.

The combined forces of the capitalist state, its police, courts, and politicians in both parties of capitalism are united in keeping Mumia locked in prison.

The legal and political caveats for a winning strategy to free Mumia: Legal action that underscores Mumia is innocent and framed in a political and racist prosecution that denied every aspect of due process and a fair trial; and an intensified international campaign of publicity and protest demanding Mumia's freedom now!

Now is the time for a renewed international campaign to free Mumia! Winning Mumia's freedom is a blow against the class and race biased American criminal injustice system, a win for all those in imprisoned nation and for us all.

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