

**IN THE COURT OF COMMON PLEAS
OF PHILADELPHIA COUNTY, PENNSYLVANIA**

COMMONWEALTH OF PENNSYLVANIA,	:	
	:	
Respondent,	:	CP-51-CR-0113571-1982
	:	
v.	:	Nos. 1357-1359 (1981)
	:	
	:	
MUMIA ABU-JAMAL,	:	
	:	
Petitioner.	:	

**PETITION FOR
HABEAS CORPUS RELIEF
PURSUANT TO ARTICLE I, SECTION 14 OF THE
PENNSYLVANIA CONSTITUTION
AND
STATUTORY POST-CONVICTION RELIEF UNDER
42 Pa.C.S. § 9542 et seq.
AND
CONSOLIDATED MEMORANDUM OF LAW**

Petitioner, Mumia Abu-Jamal, through counsel, hereby petitions for habeas corpus and post-conviction relief pursuant to Article I, Section 14 of the Pennsylvania Constitution and 42 Pa.C.S. § 9542 et seq. Mr. Abu-Jamal is also filing a motion for discovery on this date.

RELEVANT PROCEDURAL HISTORY

1. Mumia Abu-Jamal is serving a mandatory life sentence without the possibility of parole, in the State Correctional Institution at Mahanoy pursuant to his murder conviction for the December 9, 1981 shooting of Philadelphia Police Officer, Daniel Faulkner. Following a jury trial, he was sentenced to death on May 23, 1983. The direct appeal was denied by the Pennsylvania Supreme Court. *Commonwealth v. Abu-Jamal*, 521 Pa. 188, (1989), *reh'g denied*, 524 Pa 106 (1990). A petition for writ of *certiorari* was denied by the United States Supreme Court. *Abu-Jamal v Pennsylvania*, 498 U.S. 881, *reh g denied*, 498 US 993 (1990).

2. A petition under the Pennsylvania Post-Conviction Relief Act was filed on June 5, 1995. The matter was referred to the original trial judge, Albert Sabo. The petition was denied on September 15, 1996. *Pennsylvania v Abu-Jamal*, 30 Phila 1, 1995 Phila Cty Rptr LEXIS 38 (1995). Mr. Abu-Jamal appealed the denial of post-conviction relief to the Pennsylvania Supreme Court. Mr. Abu-Jamal also moved to have Pennsylvania Supreme Court Justice Castille recused from consideration of that appeal on the grounds that Justice Castille had a conflict of interest in that he was an Assistant District Attorney for Philadelphia County during Mr. Abu-Jamal's capital trial and was the District Attorney for Philadelphia during the pendency of Mr. Abu-Jamal's direct appeal. Justice Castille denied Mr. Abu-Jamal's motion for his recusal. *Commonwealth v. Abu-Jamal*, 720 A.2d 121 (Pa. 1998). The Supreme Court of Pennsylvania affirmed the denial of the petition for post-conviction relief. *Commonwealth v Mumia Abu-Jamal* 720 A.2d 79 (Pa 1998). A Petition for Certiorari to the Supreme Court of the United States was denied on October 4, 1999.

3. A federal habeas corpus petition was granted with regard to the death sentence, but

denied with regard to the conviction itself. *See Abu-Jamal v. Horn*, 2001 WL 1609690 (E.D. Pa. 2001).¹ This was affirmed by the Third Circuit. *See Abu-Jamal v. Horn*, 520 F.3d 272 (3d Cir. 2008). The United States Supreme Court denied Mr. Abu-Jamal's request for certiorari review. *See Abu-Jamal v. Beard*, 556 U.S. 1168 (2009). The Supreme Court granted the Commonwealth's petition for certiorari, vacated the circuit court's decision affirming the district court's grant of sentencing relief, and remanded the case to the Third Circuit for further review in light of an intervening decision. *See Beard v. Abu-Jamal*, 558 U.S. 1143 (2010). In 2011, the Third Circuit again declared Mr. Abu-Jamal's death sentence unconstitutional and the United States Supreme Court denied the Commonwealth's request for certiorari review. *See Abu-Jamal v. Secretary*, 643 F.3d. 370 (3d Cir. 2011); *Wetzel v. Abu-Jamal*, 132 S.Ct. 400 (2011). In December of 2011 the Philadelphia District Attorney announced at a press conference that he would no longer seek the death penalty for Mr. Abu-Jamal. On August 13, 2012, the Court of Common Pleas resentenced Mr. Abu-Jamal to a life sentence without the possibility of parole. On October 1, 2012, Mr. Abu-Jamal's Motion for Post-Sentence Relief was denied by the Court of Common Pleas, and that denial was affirmed by the Superior Court of Pennsylvania on July 9, 2013. *Commonwealth v. Abu-Jamal*, 2013 WL 11257188.

4. Mr. Abu-Jamal's subsequent petitions for post-conviction relief were denied by the Court of Common Pleas, and each of those decisions were affirmed by the Pennsylvania Supreme Court, with Justice Castille participating in the consideration and deciding of each one. *See Commonwealth v. Abu-Jamal*, 574 Pa. 724 (2003), *cert denied* 124 S.Ct. 2173 (2004);

¹ One of Petitioner's claims in his federal habeas corpus petition was that his right to due process guaranteed by the Fifth and Fourteenth Amendment to the Constitution had been denied by Justice Castille's denial of his recusal motion. *See Abu-Jamal v. Horn*, WL 1609690 at n. 4.

Commonwealth v. Abu-Jamal, 596 Pa. 219 (2008) *cert. denied* 129 S. Ct. 271 (2008);

Commonwealth v. Abu-Jamal, 615 Pa. 81 (2012).

5. The current petition raises a due process claim for relief based upon the United States Supreme Court's recent decision in *Williams v. Pennsylvania*, 136 S. Ct. 1899 (June 9, 2016). In *Williams*, an appeal after from the denial of a successor post-conviction challenge, the Supreme Court ruled that due process was violated where Pennsylvania Supreme Court Chief Justice, Ronald Castille, participated in the Pennsylvania Supreme Court's consideration of an appeal in a capital post-conviction case where Castille, in his previous position as District Attorney of Philadelphia, had approved the decision to seek the death penalty. *Williams*, 136 S. Ct. 1899, 1903. Declaring that Chief Justice Castille's participation "constitute[d] structural error even [though] the judge in question did not cast the deciding vote," the Supreme Court vacated the Pennsylvania Supreme Court's decision affirming Mr. Williams's death sentence and remanded the case for *de novo* appellate review without the participation of Justice Castille. *Id.* at 1909-10.

JURISDICTION

6. Section 9545(b) of 42 Pa.S.C. states:

(b) Time for filing petition.--

(1) Any petition under this subchapter, including a second or subsequent petition, shall be filed within one year of the date the judgment becomes final, unless the petition alleges and the petitioner proves that:

(i) the failure to raise the claim previously was the result of interference by government officials with the presentation of the claim in violation of the Constitution or laws of this Commonwealth or the Constitution or laws of the United States;

(ii) the facts upon which the claim is predicated were unknown to the petitioner and could not have been ascertained by

the exercise of due diligence; or

(iii) the right asserted is a constitutional right that was recognized by the Supreme Court of the United States or the Supreme Court of Pennsylvania after the time period provided in this section and has been held by that court to apply retroactively.

(2) Any petition invoking an exception provided in paragraph (1) shall be filed within 60 days of the date the claim could have been presented.

7. Mr. Abu-Jamal's conviction became final in 1990, when his direct appeal proceedings were completed. Because the instant Petition is not being filed within one year of that date, Mr. Abu-Jamal must show that he meets one of the three exceptions to the one year limitation period.

8. This petition meets the requirements of 42 Pa. C.S. § 9545(b)(1)(i) & (ii) because Mr. Abu-Jamal's previous failure to raise the instant claim was the direct result of the non-disclosure by government officials: specifically, Justice Castille and the Philadelphia District Attorney's Office, of evidence of Justice Castille's personal involvement in Mr. Abu-Jamal's case while he was Philadelphia's District Attorney. *Williams* illuminates facts demonstrating that the District Attorney's Office and Justice Castille made misleading statements which minimized District Attorney Castille's role in Philadelphia capital prosecutions and that they failed to disclose documents and information that accurately depict District Attorney Castille's true role in capital cases. The high profile and political sensitivity of Mr. Abu-Jamal's case, increases the likelihood that Justice Castille's minimization of his involvement in the case was not credible. *See* 42 Pa. C.S. § 9545(b)(1)(i). Because of those non-disclosures and mischaracterizations, and because the Supreme Court only recently ruled that similar mischaracterizations are not credible, the facts

upon which this claim is predicated could not have been ascertained earlier by the exercise of due diligence. *See* 42 Pa. C.S. § 9545(b)(1)(ii).

9. This petition meets both requirements of 42 Pa. C.S. § 9545(b)(1)(iii) as well.

10. First, it is based upon *Williams*, a new United States Supreme Court case that, for the first time, established a standard for evaluating a constitutional claim – due process in the context of judicial recusal – on a landscape that previously set forth no specific test. *See Williams* at 1905. According to *Williams*, “under the Due Process Clause there is an impermissible risk of actual bias when a judge earlier had significant, personal involvement as a prosecutor in a critical decision regarding the defendant's case.” *Id.* In addition, “a due process violation arising from the participation of an interested judge is a defect ‘not amenable’ to harmless-error review, regardless of whether the judge's vote was dispositive.” *Id.* at 1909 (citations omitted). In other words, the Supreme Court has now declared that a due process violation arising from a judge’s having “significant, personal involvement as a prosecutor in a critical decision regarding the defendant’s case” is a structural error and it does not matter whether or not the biased jurist cast the deciding vote. *See id.* This portion of the *Williams* decision overrules Pennsylvania Supreme Court precedent that applied harmless error analysis to such errors. *See Goodheart v. Casey*, 565 A.2d 757, 762 (Pa. 1989) (relying on *Aetna v. Lavoie*, 106 S.Ct. 1580 (1986), a case in which the United States Supreme Court decided that a judgment involving the improper participation of one or more judges need not be vacated unless the judge(s) in question cast the deciding vote(s)).

11. Secondly, this petition satisfies the second requirement of Section 9545(b)(1)(iii) because *Williams* is retroactive on its face. Not only has the United States Supreme Court held that the due process rule of impartial adjudication applies retroactively, *see, e.g., Witherspoon v.*

Illinois, 391 U.S. 510, 523 n.22 (1968), the Supreme Court retroactively applied its *Williams* holding to Mr. Williams himself, notwithstanding the fact that his claim arose in a successive PCRA proceeding. And even assuming, arguendo, that *Williams* does not apply retroactively as a matter of federal law, the Pennsylvania courts should nonetheless apply it to Mr. Abu-Jamal's case pursuant to its "authority to grant relief for violations of new rules of constitutional law when reviewing [their] own State's convictions." See *Commonwealth v. Cunningham*, 622 Pa. 543, 555 (2013) (holding that the, "high Court has determined that *Teague* does not limit the authority of state courts to provide remedies for violations deemed non-retroactive under *Teague*) (citing *Danforth v. Minnesota*, 552 U.S. 264, 282 (2008)).

12. This petition is being filed within 60 days of the *Williams* decision.

13. This Court also has jurisdiction under Pennsylvania's constitutional guarantee of habeas corpus. To the extent this claim is not cognizable under the PCRA, Mr. Abu-Jamal has a remedy under Pennsylvania's habeas corpus statute, 42 Pa. C.S. § 6501 *et seq.* See *Commonwealth v. Judge*, 916 A.2d 511, 521 (Pa. 2007). This Court also has jurisdiction over Mr. Abu-Jamal's claim and the authority to grant relief under Mr. Abu-Jamal's state constitutional right to life and liberty (Art. I, § 1); his right of access to open courts for review of those claims (Art. I, § 11); his rights to due process and to effective assistance of counsel (Art. I, § 9); and his state constitutional right to habeas corpus (Art. I, § 14). See *Commonwealth v. Peterkin*, 722 A.2d 638, 640 (Pa. 1998) ("the writ [of habeas corpus under Article I, Section 14] continues to exist...in cases in which there is no remedy under the PCRA").

FACTUAL ALLEGATIONS UNDERLYING THIS PETITION

14. Mumia Abu-Jamal was arrested on December 9, 1981 in Philadelphia,

Pennsylvania. From the outset, his case attracted an extraordinary amount of media attention.

There were a number of reasons for this:

- a. Mr. Abu-Jamal is African-American and the victim was a white Philadelphia police officer.
- b. Two years before the shooting, the United States Justice Department sued Philadelphia, alleging police brutality.
- c. At the time of Officer Faulkner's death, the United States Attorney's Office in Philadelphia was in the midst of a corruption investigation involving Officer Faulkner's precinct.²
- d. Prior to his arrest, Mr. Abu-Jamal was a journalist, reporting mostly on radio, about issues of concern to the African-American community, including its relations with police.
- e. Mr. Abu-Jamal had been affiliated with the Black Panther Party in Philadelphia.
- f. Mr. Abu-Jamal was known to have an interest in the group MOVE, which he covered for the media.

15. At the time of Mr. Abu-Jamal's trial, Justice Castille was an Assistant District Attorney in the Philadelphia County District Attorney's Office.

16. This was an atypical trial. At times, Mr. Abu-Jamal represented himself and, at other times, he was excluded from the courtroom. He and the trial judge clashed on numerous occasions.

17. Justice Castille became the elected District Attorney for Philadelphia County on January 6, 1986. He successfully ran for re-election in 1989. He occupied this office until March

² A few years later, indictments were handed down and more than thirty officers were convicted.

12, 1991, when he made the decision to run for the office of Mayor of the city of Philadelphia.

18. All of the briefing for Mr. Abu-Jamal's direct appeal of his conviction occurred during Justice Castille's tenure as the elected Philadelphia District Attorney. Justice Castille's name was on the signature block on each brief filed by the Commonwealth in the Pennsylvania Supreme Court defending Mr. Abu-Jamal's conviction and death sentence. The oral argument on Mr. Abu-Jamal's appeal took place on January 19, 1988. The Pennsylvania Supreme Court denied Mr. Abu-Jamal's appeal on March 6, 1989.

19. Mr. Abu-Jamal then filed a Petition for re-argument, which the Commonwealth opposed. Justice Castille's name was, again, on the signature block on the Commonwealth's response brief. Re-argument was denied by the Pennsylvania Supreme Court in January 1990.

20. Mr. Abu-Jamal filed a Petition for a Writ of Certiorari with the United States Supreme Court. The Commonwealth opposed the Petition. Justice Castille's name is on the signature block on the Commonwealth's Brief in Opposition to Mr. Abu-Jamal's cert. petition. The cert petition was denied on October 1, 1990. *Abu-Jamal v. Pennsylvania*, 498 U.S. 881 (1990). A petition for rehearing of the cert denial was denied on November 26, 1990. *Abu-Jamal v. Pennsylvania*, 498 U.S. 993 (1990).

21. Justice Castille became an Associate Justice on the Pennsylvania Supreme Court on January 3, 1994.³

22. Mr. Abu-Jamal filed his first request for relief under Pennsylvania's Post-Conviction Relief Act (PCRA) on June 5, 1995. The matter was referred to the original trial

³ Justice Castille became Chief Justice of the Supreme Court in 2008 and remained in that position until his retirement at the end of 2014.

judge, Albert Sabo. The PCRA petition was denied on September 15, 1996. *Pennsylvania v Abu-Jamal*, 30 Phila 1, 1995 Phila Cty Rptr LEXIS 38 (1995).

23. Mr. Abu-Jamal appealed the PCRA denial to the Pennsylvania Supreme Court. At the same time, Mr. Abu-Jamal filed a motion to recuse Justice Castille from consideration of his appeal on the grounds that Justice Castille had a conflict of interest because he was an Assistant District Attorney for Philadelphia County during Mr. Abu-Jamal's capital trial and was the elected District Attorney for Philadelphia during the pendency of Mr. Abu-Jamal's direct appeal. Justice Castille denied Mr. Abu-Jamal's motion for his recusal.⁴ *Commonwealth v. Abu-Jamal*, 720 A.2d 121 (Pa. 1998). On the same day, and with Justice Castille participating, the Court affirmed the denial of Mr. Abu-Jamal's PCRA petition. *Commonwealth v Abu-Jamal* 720 A.2d 79 (Pa 1998).

24. The case against Mumia Abu-Jamal has attracted world-wide attention. Over many years, the Philadelphia District Attorney's Office and the Fraternal Order of Police in Philadelphia have vocally advocated in support of Mr. Abu-Jamal's conviction and execution. Thus, the journey of this case, perhaps more than any other criminal case in Philadelphia, was one about which all members of the District Attorney's Office, and the District Attorney himself would certainly be informed and engaged.

25. Justice Castille's roles as ADA and elected-DA during Mr. Abu-Jamal's highly publicized trial and direct appeal obligated him to recuse himself from consideration of Mr. Abu-

⁴ Justice Castille explained the procedure for ruling on motions to recuse as follows: "Under the existing practice of this Court, recusal has always been a matter of individual discretion or conscience and only the jurist being asked to recuse himself or herself may properly respond to such a request." *Commonwealth v. Abu-Jamal*, 720 A.2d 121, 122 (1998).

Jamal's PCRA appeal.

26. Justice Castille's role as the elected District Attorney for Philadelphia during Mr. Abu-Jamal's direct appeal, created a conflict of interest and the strong appearance of a conflict of interest. Justice Castille had the ultimate responsibility for all advocacy engaged in by his office. And, during that time, the District Attorney's Office aggressively fought Mr. Abu-Jamal's direct appeal. Indeed, Castille approved, and had his name affixed to, the series of briefs submitted to the Pennsylvania Supreme Court by the District Attorney's Office opposing Mr. Abu-Jamal's appellate claims for relief. The stakes in this appeal were especially high given the strong public opinion on both sides of the case and the passionate call for Mr. Abu-Jamal's execution by the Fraternal Order of Police and the decedent's widow. As District Attorney, Justice Castille was undoubtedly familiar with the sentiments of the FOP, and notably, he received the FOP's Lodge #5 Man of the Year award in 1986. Ultimately, during Justice Castille's tenure as District Attorney, the District Attorney's Office prevailed in the direct appeal. There is little doubt that this was considered an important victory for the office.

27. Notwithstanding these facts, in denying Mr. Abu-Jamal's recusal motion, Justice Castille claimed that his Office handled an extraordinarily large number of cases during his tenure and, as a result, it was, "virtually impossible for any duly-elected District Attorney administering such a caseload to be personally familiar with the details of each and every criminal case and appellate proceeding prosecuted by the over 225 Assistant District Attorneys, Chiefs, or Deputy District Attorneys employed in that office." *Commonwealth v. Abu-Jamal*, 553 Pa. at 573-74. This is undeniable. However, Mr. Abu-Jamal's case was hardly a run-of-the-mill trial or appeal. To the contrary, it was likely the most high profile case being prosecuted by the Philadelphia

District Attorney's Office during Castille's tenure. Thus, regardless of how many cases the DA's Office handled, Mr. Abu-Jamal's case unquestionably stood out in the crowd. The claim that the popularly elected District Attorney was wholly uninvolved in the decisions around the response to Mr. Abu-Jamal's first appeal as of right, is simply not credible.

28. Justice Castille's own statements provide further evidence of his likely involvement in Mr. Abu-Jamal's direct appeal. During his election campaign for the Supreme Court, Justice Castille touted his crime-fighting record as District Attorney, and, indeed, bragged about prosecuting *some of the city's most notorious criminals* in recent years. See Martin Pflieger, *Ex-Philadelphia District Attorney Touts Crime-Fighting Record in Judgeship Bid*, THE MORNING CALL, Mar. 20, 1993, http://articles.mcall.com/1993-03-20/news/2896830_1_judges-district-attorney-death-row. Likewise, as the Supreme Court noted in *Williams*, during the Chief Justice's election campaign, multiple news outlets reported his statement that he "sent 45 people to death rows" as district attorney. See *Williams*, at 1907.

29. As an Assistant District Attorney during Mr. Abu-Jamal's trial, Justice Castille, who was a senior lawyer in the office at that time, may not have made decisions about the litigation on his own. Nevertheless, given the notoriety and press coverage, it is difficult to imagine that he was not fully informed about his office's view of the evidence, the case and the perceived importance of winning a conviction and death sentence. This was not just another case in the office. Mr. Abu-Jamal should be granted discovery in order to learn about Justice Castille's responsibilities at the time of the trial and his participation in meetings amongst senior members of the office during which the Abu-Jamal case was discussed.

30. These facts make clear that Justice Castille had an obligation to recuse himself *sua*

*sponte*⁵ from Mr. Abu-Jamal's PCRA appeal or at the very least, to grant Mr. Abu-Jamal's recusal motion. The same is true with regard to Mr. Abu-Jamal's appeals of the denial of his successor PCRA petitions, all of which were decided with Justice Castille's participation.⁶ After presiding over the Philadelphia District Attorney's Office during its litigation of Mr. Abu-Jamal's direct appeal, Justice Castille found himself on the court which was to decide whether or not Mr. Abu-Jamal was entitled to PCRA relief on both his conviction and his death sentence. The appeal before Justice Castille and the rest of the Court involved several of the same issues raised and opposed by Justice Castille's District Attorney's Office during direct appeal. (Two examples are the exclusion of Mr. Abu-Jamal from the courtroom during the trial and ineffective assistance of trial counsel).

31. *Williams* establishes that due process requires recusal when the "likelihood of bias on the part of the judge" is too high to be constitutionally tolerable." *Williams* at 1903 (citations omitted). It is constitutionally intolerable if a judge had a prior, significant, personal involvement as a prosecutor in a critical decision regarding the defendant's case. *Id.* at 1905. In *Williams*, Justice Castille, as the elected District Attorney, signed off on the decision to seek the death penalty. *Id.* at 1907. The Supreme Court found DA Castille's action sufficient to constitute "significant personal involvement" notwithstanding the Commonwealth's characterization of it as

⁵ This was required by Pennsylvania's Code of Judicial Conduct which disqualified judges from any proceeding in which "they served as a lawyer in the matter in controversy, or a lawyer with whom they previously practiced law served during such association as a lawyer concerning the matter." See *Williams*, at 1908 (quoting Pa. Code of Judicial Conduct, Canon 3C (1974, as amended)).

⁶ Mr. Abu-Jamal only moved for Justice Castille's recusal for the appeal of his first PCRA. It would have been futile for Mr. Abu-Jamal to file additional recusal motions that would also be decided by Justice Castille alone.

“a brief administrative act.” *See id.* As explained above, Justice Castille’s prosecutorial role in Mr. Abu-Jamal’s capital case was significant, just like it was in the Williams prosecution.

32. Simultaneous to the instant pleading, Mr. Abu-Jamal is filing a Motion for Discovery. If the Discovery Motion is granted, Mr. Abu-Jamal believes it will uncover additional evidence of Justice Castille’s personal involvement in Mr. Abu-Jamal’s direct appeal and trial, such as participations in meetings, briefing sessions, and the issuance of press releases.

**CLAIMS FOR RELIEF
AND REQUEST FOR EVIDENTIARY HEARING**

33. In light of the Supreme Court’s recent holdings in *Williams*, his right to due process under both federal and Pennsylvania constitutions and his right under the Pennsylvania Constitution to have judges adjudicating his case “not violate any canon of legal or judicial ethics prescribed by the Supreme Court” (Art. V, § 17), Mr. Abu-Jamal requests vacatur of the Pennsylvania Supreme Court’s decisions denying Mr. Abu-Jamal’s four PCRA petitions, full restoration of his appellate rights, and de novo review of his appellate claims.

WHEREFORE, based on the foregoing, Mr. Abu-Jamal respectfully requests that this Court:

- a. vacate the Pennsylvania Supreme Court’s decisions in the appeals of the denial of Mr. Abu-Jamals PCRA petitions;
- b. restore Mr. Abu-Jamal’s appellate rights;
- c. order Discovery and an evidentiary hearing;
- d. permit Mr. Abu-Jamal to amend this Petition as may become necessary; and
- e. order such further relief as may be appropriate.

Respectfully Submitted,

/s/ Judith L. Ritter

JUDITH L. RITTER
Pennsylvania Attorney ID# 73429
Widener University-Delaware Law School
P.O. Box 7474
4601 Concord Pike
Wilmington, Delaware 19801
Telephone: (302) 477-2121
Facsimile: (302) 477-2227
E-mail: JLRitter@widener.edu

CHRISTINA SWARNS
Pennsylvania Attorney ID# 83616
NAACP Legal Defense & Education Fund,
Inc.
40 Rector Street, 5th floor
New York, New York 10006
Telephone: (212) 965-2200
E-mail: cswarns@naacpldf.org
Counsel for Mumia Abu-Jamal

VERIFICATION

I, JUDITH L. RITTER, verify that the statements made in this document are true and correct to the best of my knowledge. I understand that false statements herein are made subject to penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

DATE: Aug. 7, 2016

/s/ Judith L. Ritter

**JUDITH L. RITTER, ESQUIRE
WIDENER UNIVERSITY-DELAWARE LAW SCHOOL
PENNSYLVANIA CRIMINAL DEFENSE CLINIC
4601 Concord Pike, P.O. Box 7474
Wilmington, DE 19803
(302) 477-2096
Attorney for Defendant**

CERTIFICATE OF SERVICE

I, JUDITH L. RITTER, ESQ, certify that on August 7, 2016, I served a copy of this Petition upon the Office of the District Attorney, Philadelphia County by electronically filing said Petition with the Philadelphia Courts E-Filing System.

DATE: Aug. 7, 2016

/s/ Judith L. Ritter

**JUDITH L. RITTER, ESQUIRE
WIDENER UNIVERSITY-DELAWARE LAW SCHOOL
PENNSYLVANIA CRIMINAL DEFENSE CLINIC
4601 Concord Pike, P.O. Box 7474
Wilmington, DE 19803
(302) 477-2096
Attorney for Defendant**