

From the Desk of Prison Radio

WHEN WE LOVE, WE WIN!

October 15, 2024

Dear Friend,

“Law is politics, by other means.”

— Temple Law Professor David Kairys

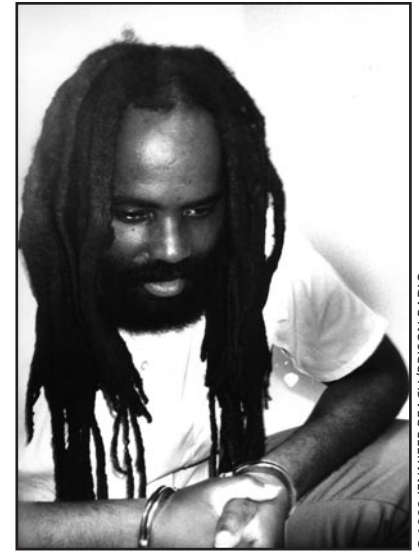
We are on the path to freedom. We are gaining ground. We are accumulating wisdom. As Joy James notes, being an abolitionist alchemist requires the ability to carry the weight of loss as we resist and grow stronger.

Superior Court Rejects Mumia Abu-Jamal's appeal

Mumia Abu-Jamal's petition to hear crucial suppressed evidence was rejected by the PA Superior Court on September 10th 2024. For an in depth summary please visit www.prisonradio.org/MAJAppeal2024

In response Bret Grote, Legal Director Abolitionist Law Center, Judith Ritter (Widener Law Professor), and Sam Spital (Legal Defense Fund), will file an appeal to the Pennsylvania Supreme Court.

The three judge Superior Court panel; President Judge Jack Panella (Democrat), Victor Stabile (Republican), and President Judge Emeritus John Bender issued a 23 page ruling upholding Philadelphia Common Pleas Judge Lucretia Clemons' refusal to grant an evidentiary hearing. The court affirmed Clemons' opinion that the court lacked jurisdiction to consider the claims due to procedural bars. The two issues were constitutional violations in jury selection (a Batson claim) and suppression of evidence favorable to the accused (a Brady claim). To quote the court *“the [suppressed] letter was not impeachment material or exculpatory” and the voir dire notes “do not show improper motivations to strike jurors.”*



Mumia Abu-Jamal at Huntingdon State Prison

The **Brady** claim was based on the discovery of a letter written by an eye-witness (Robert Chobert) in which he asked the sole prosecutor at trial (Joseph McGill, Esq.) about money he was "owed." The letter was postmarked on August 6, 1982, about one month after the trial had concluded. It reads in its entirety as follows:

Mr. McGill, I have been calling you to find out about the money ow[ed] to me. So here is a letter, finding out about money. Do you need me to sign anything[?] How long will it take to get it[?] How was your week off good I hope.

PCRA Petition, 12/23/2021, Exhibit B.

Chobert's "Where is My Money": The problem with that argument is that Chobert was demanding money post-trial from the prosecutor: it is a smoking gun. The PCRA court and the Superior court are required to at minimum hold a hearing to ask Chobert under oath. The Superior court called this document *“not exculpatory.”* In lay terms that means not favorable to the defendant. The letter in question asking to be paid from key witness Robert Chobert was sent to the ADA McGill a month after the trial ended.

Striking Blacks From the Jury: The U.S. Supreme Court's ruling in Batson states that even if one juror was removed it is considered improper. It is a violation of the defendant's constitutional rights and requires a new trial. The recently revealed evidence suggests that ADA McGill in fact did use race as a factor in jury selection. Because this evidence was suppressed for 34 years, these notes have never been reviewed in a hearing. The Superior Court just ruled that suppressing these notes — and the questions they raise — did not harm Mumia. We know that is a lie. Those notes deserve a fair review.

J-598001-24

While McGill's notations should have been disclosed earlier, they do not evidence any improper motivations on his part, much less a violation of the Equal Protection Clause. Noting the race of prospective jurors was an obvious, even necessary, action for McGill to take after defense counsel announced that the race of the jurors would be a factor at the outset of voir dire. Thus, we uphold the PCRA's dismissal of the claim without a hearing, as Petitioner failed to carry his burden of raising a question of fact as to whether a **Batson** violation occurred.

Order affirmed.



PRISON RADIO

A project of the Redwood Justice Fund

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What was NOT IN THE RECORD before the Court: ie previously ruled not material or procedurally barred “I am going to help them fry the n---word”. Original trial court Judge Albert Sabo said this in front of court clerk Terri Maurer Carter and fellow Common Pleas Court judge Richard Kline during the first week of Mumia’s 1982 trial.

Photos from the Philadelphia Bulletin that prove **Robert “I was on probation, did not have a license to drive a cab, and threw a Molotov cocktail into a school for pay” Chobert** was not parked at the scene of the shooting as he claimed to be. The Pedro Polakoff photos

Philadelphia District Attorney **McMahon training tapes** made the policy clear in 1986. This is what they said mattered: **“getting, a competent, fair and impartial jury. Well, that”’s ridiculous... you do not want jurors that are going to actually think about reasonable doubt.”**

For a through overview of Mumia’s case we suggest you watch “Overcoming Death by Incarceration: The Case of Mumia Abu-Jamal, 8-6-24 abolitionistlawcenter.org

Many of you know that Mumia Abu-Jamal has been in prison for 42 years and spent 29 years on death row. Amnesty International has said his trial was unjust, and he was wrongly convicted for the shooting death of a Philadelphia Police officer December 1981.

His conviction was upheld and his death sentence was overturned in 2011 by the Federal U.S. District Court of Appeals. He is serving a Death by Incarceration Life without possibility of parole sentence at SCI Mahanoy in Frackville PA.

He is suffering from a number of life threatening conditions, including the lack of adequate follow up care for his double bypass cardiac surgery. He turned 70 on April 24th, 2024. Prison Radio is pleased to be the midwife to his latest and 14th book *Beneath The Mountain* (City Lights 2024). Keeping Mumia going is the work he is doing on his dissertation, for his Phd at University of California Santa Cruz.

Please consider making a generous gift of \$35, \$50, \$75 or \$125.

Please stand with Prison Radio today, as we listen, heal, and resolve to abolish mass incarceration. The first step is freedom. The next step is abolition.

*When We Fight, We Win!
We Survive, We Win!
We Love We Win!*

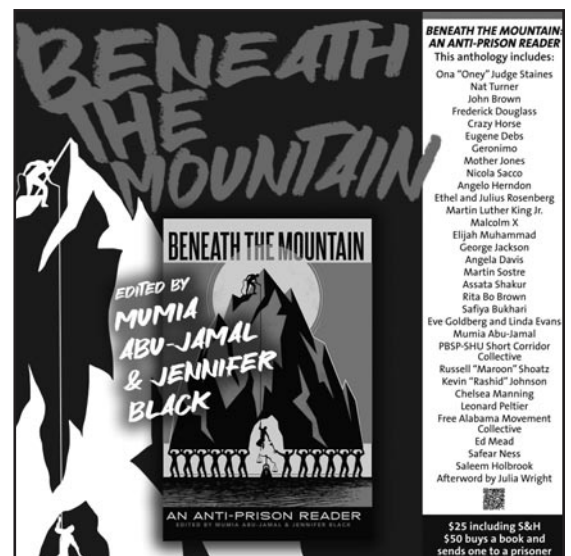


*Noelle Hanrahan, P.I., J.D. & Jennifer Beach
Co-directors Prison Radio*

P.S. Your support makes it possible to continue reporting from inside prisons.



Mumia resilience is notable & beautiful. 9-22-24 SCI Mahanoy Visiting Room.



BENEATH THE MOUNTAIN: AN ANTI-PRISON READER
This anthology includes:

- Ona "Ony" Judge Staines
- Nat Turner
- John Brown
- Frederick Douglass
- Crazy Horse
- Eugene Debs
- Genosimo
- Mother Jones
- Nicola Sacco
- Angelo Herndon
- Ethel and Julius Rosenberg
- Martin Luther King Jr.
- Malcolm X
- Elijah Muhammad
- George Jackson
- Angela Davis
- Martin Sostre
- Assata Shakur
- Rita Be Brown
- Safiya Bukhari
- Eve Goldberg and Linda Evans
- Mumia Abu-Jamal
- PBSP-SHU Short Corridor Collective
- Russell "Maroon" Shoatz
- Kevin "Rashid" Johnson
- Chelsea Manning
- Leonard Peltier
- Free Alabama Movement Collective
- Ed Mead
- Safar Noss
- Saleem Holbrook
- Afterword by Julia Wright

**\$25 including S&H
\$50 buys a book and sends one to a prisoner**

Give here



Please take a moment to support Prison Radio’s critical initiatives that continue. 90+ volunteers, 6 summer full time interns. 47 Prison Correspondents. Promotion and distribution of *Beneath The Mountain: An Anti Prison Reader* edited by Jennifer Black and Mumia Abu-Jamal (City Lights), released 7-19-24 already in its second printing. Visiting Mumia 3–4 times a month at SCI Mahanoy. Working on his health care & prison conditions. Migrating and maintaining our archives to the website. Building out our Philadelphia Frankford Studio.

✓ **Yes Noelle**, I believe that people living in prison deserve to be heard!

\$35

\$75

\$125 Receive *Beneath the Mountain: Anti Prison Reader*
(City Lights 2024) Edited by Mumia Abu-Jamal & Jennifer Black

\$1,000 **Prison Radio Freedom Circle** (Receive Box Set of Books by Mumia 14 total)

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This donation is in honor or memory of _____

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Prison Radio/Redwood Justice Fund, a California 501c3 non profit #68-0334309.

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For more information on planned giving contact Noelle Hanrahan, Esq. at 415-793-7958.

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Thank you for amplifying prisoners' voices

*Paul
John Hirsch* ♥

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**Mumia Abu-Jamal
Superior Court Decision
Details Inside!**



Prison Radio Board at City Lights in San Francisco!

In the rational world of unabated loss and terror, it is only natural that the liberator (abolitionist) would be a magical thinker and a radical doer...the spiritual and political drive of activists; their labors suggest a force of nature that calls upon the ancestral in order to design a future beyond captivity.

—Joy James, *In Pursuit of Revolutionary Love* (Divided Publishing)



PRISON RADIO/THE REDWOOD JUSTICE FUND

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Prison Radio/The Redwood Justice Fund CA. 501c3 ID no. 680334309.

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- I am considering making a gift by will, please contact me.

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Noelle Hanrahan, Esq. Board President of Redwood Justice Fund & Mumia Abu-Jamal. 32 years of accompaniment: Noelle first visited Mumia on death row with Jennifer Beach on 7/14/1992

Thank you to Judi Bari, Earth First! Activist and visionary environmentalist and founder of the Redwood Justice Fund. She left us part of the proceeds of her civil right lawsuit. We won Bari v. USA! against all odds. Judi helped insure our future and so can you!