

## MANUFACTURING GUILT - CASE CITATIONS

### Editorial Note:

The transcript of **Manufacturing Guilt** is annotated below with citations from the transcripts of the 1982 trial and 1995-97 Post Conviction Appeals Procedure (PCRA) hearings (designated as N.T. for “notes of testimony”), as well as police investigation reports (designated IIR for “Investigative Interview Record”), trial exhibits, declarations and affidavits filed in Pennsylvania or federal courts and pertinent news reports and journals.  
—Rachel Wolkenstein, Attorney

JUAN GONZALEZ (Investigative Reporter, New York Daily News)

People really don't understand what the climate was in Philadelphia in the years before Mumia was arrested. Because if they did, they would look at his arrest and his trial in a different fashion.

### NARRATOR

In 1982, Philadelphia journalist Mumia Abu-Jamal was convicted of first-degree murder in the killing of Police Officer Daniel Faulkner. On the July Fourth weekend, he was sentenced to death. In 2001, federal court judge William Yohn overturned Abu-Jamal's death sentence as illegally imposed and unconstitutional [**Abu-Jamal v. Horn, 2001 U.S. Dist. LEXIS (E.D. Pa. Dec. 18, 2001)**] - yet Abu-Jamal remained on Death Row for more than 10 years while the Philadelphia District Attorney continued to pursue his execution. [**Abu-Jamal v. Sec'y, Pa. Dep't of Corr., 643 F.3d 370 (3<sup>rd</sup> Cir. 2011), Wetzels v. Abu-Jamal, 132 S. Ct. 400 (2001)**] In 2011, the DA's office conceded defeat... and after 30 years on Death Row, Abu-Jamal was transferred from solitary confinement and joined the general prison population where he continues his appeals. [**Philadelphia District Attorney Press Release, “Decision on Mumia Abu-Jamal Sentence,” December 7, 2011**]

Mumia Abu-Jamal has said numerous times, “my only crime that night is that I survived.” [**Abu-Jamal, “A Christmas Cage,” Community News, February 1982**] In fact, the effort to legally execute Abu-Jamal has only recently ended. But the first attempt to kill him may have been made on that fateful night of December 9th, 1981. Abu-Jamal was also critically wounded - shot through the chest and found near the prone body of Daniel Faulkner. And the evidence that convicted him of the murder? Well, it doesn't exist.

### CONCEAL HIS INNOCENCE

It's been well established over the years that Abu-Jamal's trial was patently unjust - for instance, the Philadelphia DA trained prosecutors to exclude blacks from juries; [**“Under Siege, Philadelphia Criminal Justice System Suffers Another Blow,” New York Times, April 10, 1987; Baldus, “The Use of Preemptory Challenges in Capital Murder Cases,” University of Pennsylvania Journal of Constitutional Law, Vol 3:1 (Feb. 2007)**] in Abu-Jamal's case 11 out of the 15 preemptory strikes were made to bar blacks from his jury [**Anthony Jackson Affidavit, N.T. 8/3/95:256-60, 8/11/95:52-53**]. What this short film will document is how countless due process violations began just moments after the shootings of Daniel Faulkner and Mumia Abu-Jamal, when members of the Philadelphia Police Department began to manufacture Abu-Jamal's guilt and, perhaps more importantly, conceal his innocence.

## COINTELPRO

In the culture wars that have punted “Mumia the effigy” back and forth across ideological fields of politics, race, and class... the attempt has been made to diminish the relevance of Abu-Jamal as a journalist in 1981. But this man who was elected president of the Philadelphia Chapter of the National Association of Black Journalists was already well known throughout the city as a fiercely independent up-and-coming journalist. **[“81People to Watch in 1981,” Philadelphia Magazine, January 1981]** In fact, by the age of 15, the FBI was tracking the young writer for the Black Panther Party through their Draconian and illegal program known as COINTELPRO — not for violent behavior, but because of his (quote) “inclination to appear and speak at public gatherings.” **[FBI report, October 24, 1969, Cooperstein Affidavit, PCRA Exhibit 12]**

## MOVE

Also in 1981, he was well known to the Philadelphia Police Department as an outspoken journalist who reported on police corruption and brutality – in particular with regard to the Philly PD's hostile relationship with the controversial MOVE organization, culminating in a yearlong police siege of the MOVE house that ended in 1978 that ended with the shooting death of police officer James Ramp. **[Rizzo Press Conference, August 8, 1978]**

Nine members of MOVE were charged with the murder and during his coverage of the trial, Abu-Jamal strongly criticized the actions of the police and the prosecution, including the implication that the officer was most likely killed by police crossfire. **[Abu-Jamal, “Justice is Blind When It Comes to Blacks,” Philadelphia New Observer, August 13, 1981]** The MOVE trial concluded just a year and a half before Abu-Jamal and Faulkner were found shot on that fateful night. And it was only four months from the federal trial of MOVE leader John Africa, whose acquittal on gun charges left the police and DA's office infuriated. **[Id. John Africa acquitted, July 22, 1981]**

REGGIE SCHELL (Former Chair of Philadelphia Black Panther Party)

When they saw who they had, this was number one. “Wow, look what we done ran into.” We got a Panther and we're going to kill this Panther. We're going to kill this nigger here, right here.

NARRATOR

In the early morning hours of December 9th 1981 police officer Daniel Faulkner pulls over a rundown blue Volkswagen Beetle in the bustling red light district of Philadelphia. At 3:51am, Faulkner reports over his radio that he has stopped a car at 13<sup>th</sup> and Locust Street. **[Police Radio Transmissions transcript, 1982 Trial Exhibit C-20]** At the same time, Mumia Abu-Jamal is parked in his cab just around the corner. He fills out his log, anticipating a new fare just as the clubs are closing. He's moonlighting as a cab driver after his uncompromising approach to reporting began to cost him work as a journalist. **[Mumia Abu-Jamal Declaration, May 3, 2001]** He had recently started carrying a registered .38 Charter Arms revolver **[N.T. 6/21/82:35]** during his late night cab runs after having recently been robbed at gunpoint.

From the DA's office to Abu-Jamal's most ardent defenders, all agree that Abu-Jamal's brother Billy Cook, who ran a street vendor stall nearby, exited his Volkswagen and had an exchange with Faulkner. But what happened next has been the subject of heated debate ever since. What is certain is that the version put forth by the prosecution in conjunction with the Philadelphia Police Department at Abu-Jamal's 1982 trial is a complete fabrication... and a willful fabrication at that.

### "I AM INNOCENT"

After being denied his constitutional right to defend himself at his original trial, and after heeding legal advice not to testify at his appeals hearing in 1995, Abu-Jamal released a declaration in 2001 in which he details the events of that night: "I did not shoot Police Officer Daniel Faulkner. I had nothing to do with the killing of Officer Faulkner. I am innocent... I was filling out my log when I heard some shouting. I glanced in my rear view mirror and saw a flashing dome light of a police cruiser. This wasn't unusual. I continued to fill out my trip sheet when I heard what sounded like gunshots. I looked again into my rear view mirror and saw people running up and down Locust. I recognized my brother standing in the street staggering and dizzy. I immediately exited the cab and ran to his scream. As I came across the street I saw a uniformed cop turn toward me, gun in hand, saw a flash and went down to my knees." **[Mumia Abu-Jamal Declaration, May 3, 2001]**

### PROSECUTION CLAIMS

Now, the prosecution claimed that Abu-Jamal's brother, Billy Cook, was alone in the Volkswagen. **[N.T. 6/19/82:3.10-12; Commonwealth v. Jamal, 555 A2d 846, 848 (1989)]** Officers James Forbes and Robert Shoemaker testified at the '82 trial they were the first officers to arrive on the scene and that they immediately found Abu-Jamal's gun as well as Faulkner's gun. **[Shoemaker N.T. 6/19/82:3.116-7; Forbes N.T. 6/19/82:3.152-54]** Inspector Alfonzo Giordano would arrive three minutes later and take control of the scene as the ranking officer. **[IIR 12/9/81]**

At pre-trial hearings, Giordano testified that Abu-Jamal confessed to the murder when Giordano asked him where his gun was and Abu-Jamal replied, "I dropped it beside the car after I shot him." **[N.T. 1/8/82:90-99; 1/11/82:71-78; 6/1/82:67-98]** Cab driver Robert Chobert testified he was parked just behind Faulkner's squad car, witnessed the shooting and identified Abu-Jamal as the shooter. **[IIR 12/9/81; N.T. 6/19/82:210-213]** Prostitute Cynthia White also testified that she saw the shooting. Her testimony matched that of Robert Chobert's. **[N.T. 6/21/82:93-94]**

All of these claims, most of which form the foundation of the prosecution's case, were manufactured.

### MANUFACTURED CLAIMS

Let's first look at the claim that Billy Cook was alone in the Volkswagen. After Faulkner radioed that he stopped a car, he followed with (quote), "On second thought send me a wagon." **[Police Radio Transmissions transcript, Trial Exhibit C-20]** This request for backup indicates that there is more than one person in the car. Then in 1995, Captain Edward D'Amato admitted that a driver's license permit for a man named Arnold Howard, a business partner of Cook's, was found on Faulkner. **[N.T. 8/11/95:167]** Again, strong evidence that

there was more than one person in Billy Cook's Volkswagen. In 1982, the police and prosecution illegally kept this evidence from Abu-Jamal and his defense attorney.

Why were they suppressing this evidence of other potential suspects in the shooting of Daniel Faulkner?

## RECOVERY OF THE WEAPONS

Now, what about the immediate recovery of the weapons? Radio transmissions from the scene to Central Command over the next 15 minutes contradict the testimony of officers Forbes and Shoemaker. No officer reports immediately finding any weapons. In fact, nearly five minutes later officers on the scene report that Faulkner's gun is missing. It was fourteen minutes before it was reported that the suspect's gun was recovered and that they had "the doer" in custody. There is no report that Abu-Jamal confessed. There is no report that a witness or witnesses identified anyone as the shooter. **[Police Radio Transmissions transcript, Trial Exhibit C-20]**

Prior to the arrival of the police mobile forensics unit, freelance photographer Pedro Polakoff arrives, moving freely through the crime scene and snapping off more than two-dozen photos. These photos show - contrary to police regulations - that the area was not properly secured to preserve evidence. The photographs also show Officer James Forbes walking around carrying both guns in his bare hand. **["Many Problems with the Ballistics Evidence Used to Convict Mumia Abu-Jamal," Journalists for Mumia Abu-Jamal (2009)]** This lack of regard for forensic evidence looks more like willful intent to manipulate a crime scene when you consider the following:

Police reported no fingerprints on the guns. **[N.T. 6/23/82:40-41]** No tests were done on Abu-Jamal's hands for gunpowder residue. **[N.T. 6/26/82: 53-55, 94]** Contrary to police regulations, Officer Forbes failed to immediately turn over the weapons to the Mobile Crime Unit...in fact, the weapons were not turned over for two hours. **[N.T. 6/19/82:169-70]**

Later, the police falsely described the bullet from Faulkner's head-wound as too damaged and deteriorated to do a comparison ballistics test with a bullet fired from Abu-Jamal's gun. **[Firearms Identification Unit, FIU No. 81846, 1/5/82; N.T. 6/23/82:108,167]** But photographs of the bullet clearly show the identifying characteristics -- its twist... the number of lands and grooves... and the relative widths. **[Photograph taken by Defense Ballistics Expert, August 2, 1995]**

Instead the prosecution claimed that the bullet was (quote) "consistent" with one fired from Abu-Jamal's Charter Arms .38 revolver, **[N.T. 6/23/82:109]** although police ballistics expert Anthony Paul admitted this is true of (quote) "multiple millions" of guns. **[N.T. 6/23/82:168-9]** During appeals, when Abu-Jamal and his legal team demanded independent testing to determine if the bullet was fired from Abu-Jamal's gun, their request was denied, first by Judge Albert Sabo **[N.T. 8/11/95:41-43; 8/18/95:45]** and then later by federal court judge William Yohn. **[Abu-Jamal v. Horn, 2001WL 160969011 (E.D. PA /December 18, 2001)]**

What all of this clearly illustrates is that, in fact, there is no physical evidence that Abu-Jamal shot Faulkner or that his gun was the murder weapon.



## EYEWITNESS TESTIMONY

But what about eyewitness testimony? What about Cynthia White, the prostitute whose testimony was the lynchpin to the prosecution's case? Several times after the shooting, she was arrested – only to be let go after she signed updated witness statements. **[IIR 12/9/81, 12/12/81, 12/17/81, 12/24/81, N.T. 6/21/82:132]** Each time the story changed to make a stronger case against Abu-Jamal. **[N.T.6/21/82:159-90]** By the time the case went to trial, her statement fit perfectly into the prosecution's case.

Witnesses Pamela Jenkins and Yvette Williams swore that White said she was scared for her life under police threats if she didn't testify as they wanted. **[Jenkins, N.T. 6/26/97:48; Williams Declaration, 1/28/2002]** Witness Veronica Jones blurted out on the witness stand at the 1982 trial that the police told her Cynthia White was given a deal to say that Abu-Jamal was the shooter. **[N.T. 6/29/82: 129, 134-36]**, Jones testified that the police threatened her to ID Abu-Jamal as well. **[N.T. 6/29/82:129; 10/1/96:24, 32-33]**

What's more, all the civilian witnesses, both for the prosecution and the defense, testified that they didn't see Cynthia White on the scene – or only later after the police arrived. **[Chobert: N.T. 6/19/82:234; Scanlon: N.T. 6/25/82:58; Magilton: N.T. 6/25/82:86; Jones: N.T. 6/29/82:129-30; Hightower: N.T. 6/28/82:127 Singletary: 8/31/90 Deposition 25]**

And what about eyewitness Robert Chobert? His testimony was arranged most likely by Inspector Alfonzo Giordano. **[N.T. 6/1/82:70-71]** The official police photos as well as Polakoff's photos show Chobert's cab was not parked behind Faulkner's squad car as claimed by Chobert and the prosecution. **[Police Photos, Polakoff Photos, Chobert IIR 12/9/81, N.T. 6/19/82: 228]** In fact, Chobert was driving illegally that night on a suspended license while on probation after being paid to throw a firebomb into a grade school. **[N.T. 6/19/82:220-22; 8/15/95:5-6]** During appeals, Chobert admitted that in exchange for his testimony the prosecution said they would assist with his probation. **[N.T. 8/15/95:4-10]** What's more, Chobert later admitted that he was parked elsewhere and that his testimony was false. **[G.M. Newman 9/25/01 Affidavit]**

The prosecution offered two more eyewitnesses—Michael Scanlon and Albert Magilton. Both men said they did not see the shooting. Magilton only saw a man run across Locust Street. **[N.T. 6/25/82:100, 106]**. Scanlon explicitly described the man he saw running as having an Afro hairstyle and not dreadlocks. **[IIR 12/9/81; N.T. 6/25:45, 56]**

There are yet more troubling questions about what happened that night, questions that continually present the innocence of Abu-Jamal and the effort to frame him. Six witnesses, including Robert Chobert, made statements that one or more people fled the scene. **[Chobert: IIR 12/9/81; Hightower: N.T. 6/28/82:125-27; Kordansky: IIR 12/9/81; Jones: IIR 12/15/81; N.T. 10/1/96:20-24; Singletary: N.T. 8/11/95:235-36; Cook: Affidavit, May 15, 1999]**

There is no evidence that investigators ever pursued this person or persons. And according to these witnesses, they were subjected to police threats, coercion, or offered favors by the prosecution. And according to these witnesses, they were subjected to police threats, coercion, or offered favors by the prosecution. **[Chobert: N.T. 8/15/95:4-10; Hightower: N.T. 8/3/95: 18-19, 23-24, 103; Jones: N.T. 10/1/96: 20-24; Singletary: NT 8/11/95:212, 216-219; Cook: Affidavit, April 29, 2001]**

#### WITNESS: ABU-JAMAL DIDN'T SHOOT FAULKNER

William Singletary, a local businessman, said he was standing on a nearby street corner and witnessed the shootings. Immediately after, he tried to give his statement to police that Abu-Jamal arrived after Faulkner was already shot. **[N.T. 8/11/95:235-36, 273]** Homicide detectives interrogated and threatened Singletary with bodily harm as well as the trashing of his business if he testified in favor of Abu-Jamal. **[N.T. 8/11/95:216-219]**

And then Abu-Jamal's brother, Billy Cook, later swore that his business partner, Ken Freeman, was in the car with him and participated in the shooting of Faulkner. **[Cook: Affidavits May 15, 1999, April 29, 2001]** Cook said police threatened him with his life and that he too would be charged with Faulkner's murder if he testified for his brother at trial. **[Affidavit, April 29, 2001]**

#### GREEN ARMY JACKET

Also factor in that eight people, including two officers and two prosecution witnesses identified the shooter or persons near Faulkner as wearing a green army jacket. **[Forbes: IIR 12/9/81, 12/16/81; Trombetta: IIR 12/9/81; Scanlon: N.T. 6/25/82:26 and IIR 12/11/81; Pigford: IIR 12/9/81; Singletary: N.T. 8/11/95: 235-36; Magilton: GM Newman 7/19/95 interview; Cook: Affidavit May 15, 1999; Beverly: Affidavit June 8, 1999]** But Billy Cook was wearing a blue Nehru style jacket and Abu-Jamal was wearing a blue quilted ski jacket with wide red zigzag stripes on both sides. **[Trial Exhibit C-55, Criminalist Unit Report, 1/7/82]**

#### ARNOLD BEVERLY

In 1999, a career criminal and self-described hit-man, Arnold Beverly, confessed he shot Faulkner in the head and that Abu-Jamal arrived after Faulkner was shot and had nothing to do with the shooting. **[Beverly Affidavit, June 9, 1999]** Without providing any reason, except that the confession was "too late," the Pennsylvania and federal courts have refused to even admit this confession into evidence. **[Commonwealth v. Abu-Jamal, 833 A2d 719 (PA 2003); Abu-Jamal v. Horn, 2001WL827468 (E.D. PA July 20, 2001)]**

Now, while the prosecution supposedly had four witnesses to the shooting, none of their witnesses ever said they saw Abu-Jamal get shot. **[Chobert: N.T. 6/19/82:267; White: N.T. 6/21/82:104; Scanlon: N.T. 6/25/82:47; Magilton: N.T. 6/25/82:88-89]**

The prosecution argued that as Abu-Jamal came across Locust Street he shot Faulkner in the back and, as Faulkner turned and was falling down, he pulled his gun and shot Abu-Jamal – an upward shot through his chest. While the prosecution tried to explain the clear downward trajectory of the bullet as a ricochet off his ribcage, medical evidence is clear that the bullet moved cleanly into Abu-Jamal's chest, through his lung and lodged near his liver in an uninterrupted downward line. **[Jefferson University Hospital Narrative Summary, Mumia Abu-Jamal #502690, 1/13/83; N.T. 6/28/82:66-67; N.T. 8/4/95:16-19. 21-22]** The prosecution's rendition of how Abu-Jamal was shot is physically impossible.

#### EXECUTION-STYLE

But perhaps the most striking fabrication of the case presented to jurors in 1982, a falsehood that formed the emotional foundation of the prosecution's case – and its success in securing a death sentence – is the testimony of Cynthia White and Robert Chobert that Abu-Jamal shot Faulkner, execution-style, standing directly over him and unloading four rounds, somehow three miss and only one strikes Faulkner in the face. **[Chobert: N.T. 6/19/82:210; White: N.T. 6/21/82:93-94, 103]** Now what this claim actually shows is the clear intent by members of the Philadelphia Police Department and the District Attorney's office to frame Mumia Abu-Jamal for a crime he did not commit.

#### “COMPLETELY SMOOTH”

Bullets from a .38 caliber weapon hitting the sidewalk would, without any doubt, leave divots in the sidewalk as they tore into the concrete. As shown by this photo, analyzed by Robert Nelson, an expert in photo enhancement and analysis at NASA's Jet Propulsion Laboratory, the concrete was, as Nelson determined (quote), “completely smooth.” **[Police crime scene photo 12/9/81, Trial Exhibit C-10; “Many Problems with the Ballistics Evidence Used to Convict Mumia Abu-Jamal,” Journalists for Mumia Abu-Jamal (2009)]** This photograph proves that White and Chobert could not have seen – as they claimed at trial – anyone stand over Officer Faulkner and fire.

This clearly supports, along with the other evidence of police intimidation, that their testimony was arranged to support a patently false, physically impossible rendition of the crime. This execution-style account invented by the police and prosecution was a key part of their concerted effort not only to get a guilty verdict but the death penalty.

#### ACTED ON HIS INNOCENCE

Abu-Jamal's arrest for this murder was shocking to all who knew him or knew his work. The headline of the Philadelphia Inquirer the next day was unusually sympathetic, stating: “The Suspect, Jamal: An eloquent activist not afraid to raise his voice.” **(Philadelphia Inquirer, December 10, 1981)**

Arrested and charged with murdering a police officer, Abu-Jamal from the very outset acted on his innocence, twice requesting a police line-up, a direct challenge to prosecution witnesses to identify him. **[Jamal Motions, Exhibit D-3; N.T. 1/5/82:16, 1/11/82:34]** He knew the real shooter, or shooters, must have fled the scene. But the court denied his requests for a line-up **[N.T. 2/22/82:2, 3/18/82:3, 4/1/82, “Judge Rejects Lineup for Mumia,” Philadelphia Daily News, April 2, 1982]**, just as they would deny his request for funds that would pay for defense investigations and expert ballistics witnesses. **[“Jamal Asks Court to Pay For Experts,” Philadelphia Daily News, January 21, 1982; N.T. 5/13/82:16-18; 5/29/82:10-11]**

#### ABU-JAMAL BEATEN BY COPS

What’s been presented here is evidence of a concentrated effort to frame a man who had been the object of hatred among members of the Philadelphia Police Department for more than a decade. Though it was denied by police, the admitting doctor at Jefferson Hospital, where both Abu-Jamal and Faulkner were admitted, noted injuries indicating that Abu-Jamal took a serious beating in addition to his critical gunshot wound. **[Anthony Colletta, MD: IIR 12/9/81; Jefferson University Hospital Narrative Summary, Mumia Abu-Jamal #502690, 1/13/83; N.T. 6/28/82: 58.64,]**

Supported by civilian witness statements, **[White: N.T. 6/21/82:149-50: Hightower N.T. 6/28/82:130; Sharon Smith: NT 8/9/95:115; Singletary: N.T. 8/11/95: 238]** Abu-Jamal himself recounts being punched, kicked and rammed headfirst into a pole by officers arriving on the scene. After being thrown into a police van, Inspector Alfonzo Giordano assaults Abu-Jamal in the head with a police radio while hurling racial slurs. **[“Police Beat Suspect 4 Times, Complaint to Solomon Claims,” Bulletin, January 6, 1982; Mumia Abu-Jamal Declaration, May 3, 2001]**

A former commander of the Philadelphia Police Department’s stakeout cops, Giordano was in charge of the raids on the offices of the Philadelphia chapter of the Black Panther Party in the late 60s when Abu-Jamal was a prominent member. Giordano was also in charge of the yearlong police siege of MOVE in 1978, which typified racial tensions in the city at the time and resulted in the subsequent trial of the MOVE 9. **[Philadelphia Police Department Service Records, Giordano #64648; Philadelphia Daily News, March 17, 1998]** When Giordano arrived on the crime scene to find the wounded journalist Abu-Jamal, he knew exactly who he was and, from that moment on, all police attention was directed to producing evidence of Abu-Jamal’s guilt — and nothing else.

#### GIORDANO: HOUSE OF CARDS

As the prosecution built their case, Giordano was the prime police witness during pre-trial hearings and his account of Abu-Jamal’s confession was a cornerstone. **[N.T. 1/8/82:90-99; 1/11/82:71-78; 6/1/82:67-98; “Jamal Denies Confessing,” Philadelphia Daily News, February 23, 1982]** But without explanation he was pulled from the case and did not even testify at trial.



Unknown to Abu-Jamal and his defense, Giordano, as well as the commander and deputy commander of the Center City area, along with the head of the Homicide Division – in fact the entire chain of command in Abu-Jamal’s prosecution – were all under FBI investigation for corruption at the time of Faulkner’s murder. **[“Corruption Probes Against Philadelphia Police Have a Long History,” Philadelphia Inquirer, March 1, 1983; “Chronology of Events in FBI’s Investigation of Police Corruption,” Philadelphia Inquirer, February 23, 1985; “Ex-Inspector tells of Police Cheating, Roofers Payoffs,” Philadelphia Inquirer, May 22, 1986; Donald Hersing Affidavit, May 10, 1999]**

Giordano was removed from his post as a Command Inspector and relegated to desk duty after the FBI and the Justice Department apparently informed Philadelphia District Attorney Ed Rendell that Giordano was under investigation for corruption and his testimony at Abu-Jamal’s trial would undermine their case. Giordano resigned from the police force, at full retirement pay, the first working day after Abu-Jamal’s conviction. **[Philadelphia Police Department Service Records, Giordano #64648]** His previously publicized report that Abu-Jamal confessed to shooting Faulkner was not even introduced at trial.

But the prosecution would still get their confession. The DA’s office convened a “roundtable meeting” and asked police witnesses, “did anybody hear his statement?” **[N.T. 8/1/95:78-79, 91]** Officers Garry Bell and Gary Wakshul, along with Jefferson Hospital security guard Priscilla Durham, suddenly report a second confession by Abu-Jamal more than two months after December 9<sup>th</sup>. **[Durham: IIR 2/9/82; Wakshul: IIR 2/11/82; Bell: IIR 2/25/82;]** At this point, this dramatic second confession is being remembered and reported more than two months after the night of the crime. Officer Wakshul, assigned to Abu-Jamal from the crime scene through his admittance to the hospital, reportedly heard Abu-Jamal say, “I shot the motherfucker and I hope he dies!” **[IIR 2/11/82]**

But less than two hours after supposedly hearing this raving confession, Wakshul completed his report to Homicide Detectives with the statement that during his entire time guarding Abu-Jamal, (quote) “the negro male made no comments.” **[IIR 12/9/81; N.T. 8/1/95:38]**

When Wakshul was questioned during appeals why it took more than two months to report this supposed confession, he explained (quote), “I only then realized it might have some meaning.” **[N.T. 8/1/95:65]**

Security guard Priscilla Durham, who had aspirations to become a police officer herself, later admitted to her stepbrother that she lied in her report of this confession. **[Kenneth Pate affidavit, April 18, 2003]**

And what about Dr. Anthony Colletta, who was with Abu-Jamal from the time he arrived in the Emergency Room until he went into surgery and stated that he did not hear, nor hear of any confession made by Abu-Jamal in the hospital. **[N.T. 6/28/82:69; 1995 Interview, “A Case of Reasonable Doubt?”]**

## ON VACATION

When Abu-Jamal attempted to call Wakshul to the stand during the '82 trial to counter the report of his confession he was told by the prosecution that the officer was on vacation and was denied even a phone call by Judge Sabo to see if the officer could be reached. **[N.T. 7/1/82:38, 51; 8/1/95:38, 101-02, 142]** When Abu-Jamal protested this blatantly unreasonable and unjust denial, Judge Sabo's response was, "Your attorney and you goofed." **[N.T. 7/1/82:51]**

A comment of such staggering cruelty is no surprise given the obvious bias and racism of Judge Sabo, who promised to a fellow judge in the presence of court reporter Terri Maurer-Carter, that, (quote) "I'm going to help them fry the nigger." **[Mauer-Carter Declaration, August 21, 2001]**

But while Judge Sabo was infamous for his hostile behavior to defendants and actually nicknamed the "prosecutor in robes," it was a corrupt Philadelphia police force, empowered by the DA, that clearly manufactured Abu-Jamal's guilt and suppressed evidence of his innocence beginning in those early morning hours of December 9<sup>th</sup>, 1981.

### "I REMAIN INNOCENT"

In 1998, from the bowels of Death Row, Mumia Abu-Jamal made this statement -- a statement that reaches back into Philadelphia's unquestionably racist history and shines a bright light into the darkness: "Even after their legal legerdemain, I remain innocent. A court cannot make an innocent man guilty. Any ruling founded on injustice is not justice. The righteous fight for life, liberty, and for justice... can only continue."

**[A Statement from Death Row by Mumia Abu-Jamal: "I Remain Innocent," October 31, 1998]**

### **Editorial Post-Script:**

The documentation that Abu-Jamal's guilt was manufactured and innocence suppressed by the police and prosecution has been presented to both the Pennsylvania state courts and the federal courts in multiple legal filings. This evidence has been alternatively rejected as "unbelievable" and/or "irrelevant" - or "too late." Federal district court Judge Yohn's denial to hold even an evidentiary hearing was couched in terms of the restrictions created by the Clinton administration's 1996 Anti-Terrorism and Effective Death Penalty Act (AEDPA), a law used by the U.S. Supreme Court increasingly to eviscerate habeas corpus. It became law on April 24, 1996--Mumia's birthday.

- Rachel Wolkenstein