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Legal Update

Re: *Mumia Abu-Jamal v. Martin Horn, Pennsylvania Director of Corrections*
U.S. Court of Appeals Nos. 01-9014, 02-9001 (death penalty)

Dear Friends:

Today notification was received that oral argument in the case of my client, Mumia Abu-Jamal, is scheduled on Thursday, May 17, 9:30 am, in the U.S. Court of Appeals for the Third Circuit, Ceremonial Courtroom, 1st Floor, U.S. Courthouse, 6th and Market Streets, Philadelphia. The NAACP Legal Defense and Educational Fund, Inc., and the National Lawyers Guild, which have filed *amicus curiae* (friend of the court) briefs, are also participating.

This case concerns Mr. Abu-Jamal's right to a fair trial, the struggle against the death penalty, and the political repression of an outspoken journalist. Racism and politics are threads that have run through this case since his 1981 arrest. The complex issues under consideration, which are of great constitutional significance, include:

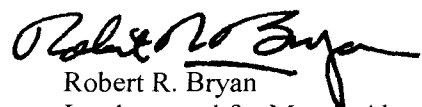
- Whether Mr. Abu-Jamal was denied the right to due process of law and a fair trial under the Fifth, Sixth and Fourteenth Amendments because of the prosecutor's "appeal-after-appeal" argument which encouraged the jury to disregard the presumption of innocence and reasonable doubt, and err on the side of guilt.
- Whether the prosecution's use of peremptory challenges to exclude African Americans from sitting on the jury violated Mr. Abu-Jamal's rights to due process and equal protection of the law under the Sixth and Fourteenth Amendments, and contravened *Batson v. Kentucky*, 476 U.S. 79 (1986).
- Whether the jury instructions and verdict form that resulted in the death penalty deprived Mr. Abu-Jamal of rights guaranteed by the Eight and Fourteenth Amendments to due process of law, equal protection of the law, and not to be subjected to cruel and unusual punishment, and violated *Mills v. Maryland*, 486 U.S. 367 (1988), since the judge precluded the jurors from considering any mitigating evidence unless they all agreed on the existence of a particular circumstance.
- Whether Mr. Abu-Jamal was denied due process and equal protection of the law under the Sixth and Fourteenth Amendments during post-conviction hearings as the result of the bias and racism of Judge Albert F. Sabo which included the comment that he was "going to help'em fry the nigger".

Recently the Philadelphia District Attorney's Office sent a letter to the court suggesting that the entire Third Circuit should disqualify itself from deciding the case of my client. We filed a reply strongly objecting to this absurd request, explaining that the position of opposing counsel was "utterly unfounded and should be rejected." On March 10 the court rebuked the prosecution, advising that it had failed to follow proper procedure and thus no action would be taken.

Professor Judith L. Ritter, associate counsel, and I are in this case to win a new and fair trial for Mr. Abu-Jamal. The goal is for our client to be free. Nevertheless, he remains in great danger. If all is lost, he will be executed.

Your interest in this struggle for human rights and against the death penalty is appreciated.

Yours very truly,



Robert R. Bryan
Lead counsel for Mumia Abu-Jamal