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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:

Our opening brief on behalf of Mumia Abu-Jamal is due to be filed in the United States Court of Appeals for the Third Circuit, Philadelphia, on July 13, 2006. The prosecution's initial brief, which dealt with the death penalty, was filed March 16, 2006. In December the court issued the most important decision affecting my client since his 1981 arrest, for it was the first time there was a ruling that could lead to a new trial and his freedom.

The brief will address issues of great significance concerning Mr. Abu-Jamal's right to a fair trial, due process of law, not to be subjected to cruel and unusual punishment, and equal protection of the law, guaranteed by the Fifth, Sixth, Eighth and Fourteenth Amendments to the United States Constitution. The issues the court will hear are:

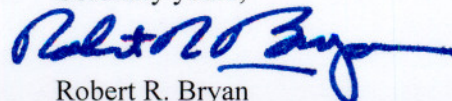
- Claim 14 Whether Mr. Abu-Jamal was denied the right to due process of law and a fair trial under the Fifth, Sixth and Fourteenth Amendments because of the prosecutor's "appeal-after-appeal" argument which encouraged the jury to disregard the presumption of innocence and reasonable doubt, and err on the side of guilt?
- Claim 16 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)?
- Claim 25 Whether the verdict form and jury instructions 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?
- Claim 29 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"?

The National Lawyers Guild, and, the NAACP Legal Defense and Educational Fund, Inc., will be filing separate *amicus curiae* (friend of the court) briefs. This strengthens our quest to protect the constitutional rights of Mr. Abu-Jamal and see justice done.

Professor Judith L. Ritter, associate counsel, and I are in this case to win a new and fair trial. The goal is for Mr. Abu-Jamal to be free. Yet, we must bear in mind that he is still in great danger. If we lose, he will be executed.

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

Cordially yours,



Robert R. Bryan
Lead counsel for Mumia Abu-Jamal