

**EIDESSTATTLICHE UND UNBEEIDETE  
ERKLÄRUNGEN ZUGUNSTEN VON  
MUMIA ABU-JAMAL**

**INHALTSVERZEICHNIS**

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**VORBEMERKUNG**

Die vorliegenden Eidesstattlichen und unbeeideten Erklärungen wurden unterschiedlichen Quellen im Internet entnommen und werden nur im englischen Original angeführt.

**DECLARATION OF DONALD HERSING**

Donald Hersing, being duly sworn, deposes and says:

1. My name is Donald Hersing. From May 1981 through November 1982 I was employed as a confidential source of information (CSI) for the Federal Bureau of Investigation (FBI), within an investigation relative to the Philadelphia, Pennsylvania Police Department, which involved among other things police extortion of payoffs for the purpose of allowing prostitution and other vice-related activities to take place in Philadelphia's Center City area.

2. In February 1983, based largely on my testimony consequent to my work as a CSI, the Federal Grand Jury indicted former Central Division inspector John DeBenedetto and six other, former officers; John Smith, Abe Schwartz, Vincent McBride, and Larry Molloy, on charges relating to conspiracy, bribery and the extortion of money, and other considerations, to protect prostitution and vice activities. James Carlini, the former Headquarters Inspector in charge of the homicide division, was named as an "unindicted co-conspirator." In May 1983 the five indicted men were tried and I was a central prosecution witness against them. All five were convicted. The investigation in which I participated led to further, additional corruption indictments and to the convictions of about two dozen other Philadelphia police officers, including former Deputy Commissioner John Martin, and former Inspector Alphonso Giordano, for corruption during the early 1980s.

3. Before assisting the FBI in Philadelphia in the police corruption investigation, I previously had worked as a private investigator, and had served in an investigative and CSI capacity for law enforcement agencies in other areas, and relative to other matters. I also worked with sophisticated police equipment and was very familiar with sophisticated eavesdropping and countermeasures (de-bugging) equipment. For many years I sold sophisticated eavesdropping and countermeasures equipment to governments in the Caribbean region and in Latin America.

4. In the time frame from 1981 through 1982 I was involved with the FBI in the operation of "modeling studios" at 1245 Vine Street and 2209 Walnut Street in Philadelphia, which were in reality houses of prostitution. I was also involved in the operation of an after-hours club called the "Morning Glory" on 1437 Vine Street in Philadelphia. During the course of the investigation, the FBI set up cameras outside the Morning Glory in order to video all those who entered the club. Central Division police, including Inspector DeBenedetto, his Lieutenant John Smith, vice officers and uniformed officers received monetary payments and other considerations from me for protection of these activities and operations. Central Division police officers also sought and received free sexual favors from the prostitutes. It was known to me that Central Division police collected similar payoffs and received similar considerations throughout the Center City from prostitutes, pimps, and owners of heterosexual and homosexual clubs and bars.

5. In May 1981 I offered to provide services as a CSI to the FBI, with regard to payoffs to Philadelphia police personnel. I began working as an FBI CSI, under the direction of the United States Attorneys Office. Working for the FBI from June 1981 to July 1982, I provided monetary payments and other considerations to various Philadelphia police officers in order to protect the prostitution and other vice activities at the "studios" and after-hours club I operated. With my cooperation, the FBI made audio and video recordings of conversations between myself and corrupt police officers, documenting payoffs which I made to the corrupt police officers. I also provided source information and was debriefed on a frequent and regular basis by FBI agents concerning all aspects of my contacts and communications with

Philadelphia police personnel. The primary FBI agents I reported to were Mike Thompson and Andy Lash. Other FBI agents also worked on the case including George Sherwood.

6. During this time frame I further became aware that there were also, at minimum, two other ongoing investigations of Philadelphia police personnel concurrent to the investigation I was involved in, one of which focused on police extortion of payoffs from homosexual, "gay" bars in Philadelphia's Center City area. The other investigation focused on police extortion of payoffs from video gambling machines in bars and clubs.

7. Inspector John DeBenedetto took over as Commanding Officer of the Central Division of the Philadelphia Police Department on about June 1, 1981. I first met DeBenedetto in August 1981. At that meeting DeBenedetto personally told me that when he took over the Central Division in June he had gathered his officers together and informed them that from that point on all payoff money was to be passed up to him (DeBenedetto) whereupon he would return to each vice squad member a sum of money, about \$50. During this conversation, DeBenedetto asked me if I had been making payments to any of his officers. When I informed him that I had been paying \$500 a month to a vice officer, George Woods, DeBenedetto became outraged because Woods had not been delivering that money to him (DeBenedetto), and DeBenedetto said he would "take care of" Woods because he (Woods) had been disloyal. A few days later DeBenedetto told me he had demoted Woods to the status of a uniformed officer and had transferred him to another district. I continued making payments to DeBenedetto during the fall of 1981 and the spring of 1982 via his Lieutenant, John Smith. The payments stopped on July 27, 1982 when Lt. Smith came to my apartment and told me that the police personnel would not be doing business with me any more.

8. I was introduced to DeBenedetto through an East Division detective named Abe Schwartz and through the headquarters inspector in charge of the homicide division (and other divisions), James Carlini. I had met Schwartz independently of the FBI investigation, through my personal accountant. I became friendly with Schwartz and provided him with favors of various types, and had the manager of my Vine Street "modeling studio" arrange a private party with prostitutes for Schwartz and his friends, including Carlini. It was Inspector Carlini who vouched for me to DeBenedetto and helped me form my relationship with DeBenedetto.

9. In the course of running my business and my direct contact with Inspector DeBenedetto, I learned that the individual street prostitutes were also run and controlled by the police who demanded money, sexual favors and information from them in order for them to continue to work the streets with less frequent arrests. I heard about a prostitute called Cynthia White, known as Lucky, who worked the street and also went into a rival studio run by a woman named Tracy.

10. Prior to meeting DeBenedetto, during the summer of 1981, I had been making payments of \$500 or more per month to a Central Division vice officer named George Woods. Despite my payments to George Woods, he demanded that I allow vice officers to make periodic arrests at the Vine Street studio in order to keep up the appearance of law enforcement. Woods would provide me advance warning of the planned arrests. I would offer a prostitute up to be arrested. Woods further demanded a payment of \$75 to speed up the booking of the prostitutes, telling me he would use this money to bribe the booking officer and court personnel to expedite the process and shorten the time the prostitute would spend in jail.

11. Although Philadelphia prosecutors rarely prosecuted prostitutes seriously, the mere fact of the arrest and booking procedure was a serious harassment for the prostitute because it interfered with the prostitute's ability to make money, having been removed from the

opportunity to do so for a period of time. I made payments to the police to speed up the booking process. While the owners of the brothels provided cash protection payments, the individual girls were expected not only to have sex but to provide information about individuals. If individual girls didn't pay up, they would be run into jail. These women had to pay and when the police needed a human sacrifice for a particular club, they got a human sacrifice.

12. In addition to these regular payments to high-ranking Central Division officials and the vice officers, we also made payments of \$75 per week to uniformed Central Division police officers to let the Morning Glory continue serving alcohol after 3:00 a.m., which was the mandatory termination time for the sale of alcohol by state law. Uniformed officers would perform routine "club checks" at the Morning Glory and other after-hours clubs to count the number of people at the clubs. The purpose of collecting this information was to help them determine how much of a payoff they should demand. Officers would also park outside of my Vine Street "modeling studio" to count the number of customers entering the establishment, so they could determine whether business was good or bad. On occasion when I complained to DeBenedetto and other Central Division officers that my business was slow, they informed me that they knew this was not true, because they were surveilling my businesses.

13. Throughout my work as a CSI, the officers who were receiving payoffs expressed concern about possible FBI wiretaps and surveillance regarding their activities. It was clear they suspected that FBI investigations were being conducted. The officers were sometimes reluctant to physically enter my apartment or to discuss the payoffs and related business there, and often insisted on meeting in restaurants or in their own cars in order to conceal their activities. Once, during a meeting with George Woods in June 1981, I mentioned that I had been to a bar called the Waiting Room and Woods got very upset and told me that the "Feds" had the Waiting Room "so f-cking wired it ain't funny." Woods told me to stay away from that bar. The police often accused me of talking about their taking of payoff money and other favors. At a meeting with DeBenedetto in March 1982 he accused me of mentioning his name in three city bars and stated I had a "big mouth." In this same discussion he told me that he was not going to leave messages on my answering machine. On several occasions when the FBI wanted me to wear a recording device (a "wire") to meetings with Central Division police, I did not do so because I was afraid I would be searched. In fact, I was searched on one occasion by vice Officer Larry Molloy prior to a meeting with Lt. John Smith in March 1982. Present during this meeting also were John Smith and DeBenedetto, and I was physically searched by Smith prior to this March 1982 meeting. It was clear to me I would be in serious physical danger, possibly even killed, if my role as an FBI CSI was revealed.

14. At the beginning of December 1981 the FBI agents instructed me to stop making my monthly payment to the Central Division police. They wanted to step up the investigation to get more evidence directly linking John DeBenedetto to the corruption and were frustrated that DeBenedetto was using a middleman, Lt. John Smith, to pick up the payments. The agents thought that if I stopped making payments it would lure DeBenedetto into approaching me directly and incriminating himself. I was also upset that despite my payments the morals squad had actually made arrests at my "studio."

15. On about January 13, 1982, Abe Schwartz told me that the problems of the recent arrests stemmed from a recent murder in the center city area. On approximately January 29, 1982, Schwartz told me that he was concerned that the FBI was "tapping" (placing listening devices on) public phones. He told me that two FBI agents had been spotted by police in the vicinity of 19th and Market Streets. Schwartz told me that "everyone" was worried about the federal officers and their investigations.

16. Schwartz asked me to help him conduct a “sweep” (a countermeasure or “debugging” inspection) of the East Division for “bugs.” I went to the East Division headquarters and while there saw a police Inspector named Alphonso Giordano. I knew Giordano personally because he often went to the Morning Glory after-hours club. He was part of a group of police officers who were “all dirty”—engaged in corruption activities. When Giordano saw me at the East Division, he became upset and told Schwartz that he (Schwartz) shouldn’t have brought me there, that “he [I] probably works for the f-cking FBI.”

14. I began making payments to the police again the spring of 1982 after a meeting with DeBenedetto, in which he made very incriminating statements, which the FBI agents and I recorded. In July 1982, Lt. John Smith told me the police wanted to stop doing business with me and I stopped making the payments.

15. I reported all my conversations and activities with Philadelphia police officers during this period of time to the FBI agents who ran the investigation.

(signed)  
DONALD HERSING  
MAY 10, 1999

**DECLARATION OF KENNETH PATE**

I, KENNETH PATE, DECLARE:

1. I am related to Priscilla Durham, now known as Priscilla Ahmed, through marriage: My father, Perry Abner, married Priscilla's mother, Dolores Durham, about 20-25 years ago.
2. Sometime around the end of 1983 or the beginning of 1984 I had a telephone conversation with Priscilla Durham in which the subject of Mumia Abu-Jamal came up.
3. I asked Priscilla how she was and she asked me how I was. I was kind of teasing her about her job as a security guard at the hospital, saying "why would a woman need to carry a big old gun like that?"
4. Priscilla began to complain about the way she was treated on the job, about her back hurting, and them "treating her like that" after all she did for them they laid her off.
5. Then Priscilla started talking about Mumia Abu-Jamal. She said that when the police brought him in that night she was working at the hospital. Mumia was all bloody and the police were interfering with his treatment, saying "let him die."
6. Priscilla said that the police told her that she was part of the "brotherhood" of police since she was a security guard and that she had to stick with them and say that she heard Mumia say that he killed the police officer, when they brought Mumia in on a stretcher.
7. I asked Priscilla: "Did you hear him say that?" Priscilla said: "All I heard him say was: 'Get off me, get off me, they're trying to kill me.'"
8. Priscilla also said there was a lot of chaos and confusion going on when the police brought Mumia in and when they were talking to her.
9. I am presently imprisoned at SCI Greene where I have been for about 3 years. At the time of my telephone conversation with Priscilla Durham, described above, I was imprisoned at SCI Graterford.
10. Back in 1982-1984 Priscilla and I had many telephone conversations when I was at SCI Graterford. I would call her house to talk to her or her daughter Sharon. Since then Priscilla and I have written each other many times.
11. Sometime in 1984, after I was transferred to SCI Huntington, I read a newspaper article about the Mumia Abu-Jamal case. It said Priscilla Durham had testified at Mumia's trial that when she was working as a security guard at the hospital she heard Mumia say that he had killed the police officer. When I read this I realized it was a different story from what she had told me.
12. Mumia was also imprisoned at SCI Huntington at that time. I wrote a note to him about Priscilla and gave it to another inmate who was a "tier worker" to pass it on to him.
13. Sometime between December of last year (2002) and February of this year (2003) I was out in the prison yard at the same time Mumia was. I remember that the weather was still cold. We were a couple of cages away from each other. I mentioned to him about the telephone conversation I had with Priscilla back in 1983 or 1984 and that she said she did --

not-- hear Mumia say anything about killing the police officer. I told him that I thought she was still scared about telling the truth about what happened but maybe she would.

14. My nickname or street name is "Kenny Stax." That is how I am known by Mumia and other inmates.

15. I am willing to take a lie detector test to prove I am telling the truth about my conversation with Priscilla Durham.

This declaration is made subject to the penalties provided for in 18 Pa. Cons. Stats. Sec. 4904 for unsworn false statements to authorities. I declare under penalty of perjury under the laws of the United States of America that this declaration is true and correct and was signed by me on

April 18, 2003, at Waynesburg, PA.

KENNETH PATE  
(signed)

**DECLARATION OF LINN WASHINGTON**

I, LINN WASHINGTON, declare:

1. This is an account of events that transpired on the morning of December 9, 1981. This account is my true and accurate recollection of these events.
2. I submit the following account understanding the federal and state laws pertaining to perjury and submission of false information.
3. This account principally examines two areas: (1) the unusual of police presence at the 13th and Locust Sts. crime scene site of the shooting of Officer Daniel Faulkner and (2) events at Thomas Jefferson Hospital, where Officer Faulkner and Mr. Abu-Jamal were taken for treatment.
4. My name is Linn Washington. I am currently a columnist for The Philadelphia Tribune newspaper. Further, I am a freelance journalist for publications nationwide. I write extensively on matters involving the criminal justice system and racism. Additionally, I am an Assistant Professor in the Journalism Department at Temple University in Philadelphia. I hold a Master Degree from the Yale Law School and a B.S. in Communications from Temple University.
5. At the time of the events detailed below, I was working as a reporter for the Philadelphia Daily News. My assignment for the Daily News then was a municipal beat reporter assigned to cover the 17-member City Council in Philadelphia. I was assigned to the City Hall Bureau of the Daily News. I had worked as a full time newspaper reporter in the city of Philadelphia since October 1975. As a reporter, I covered a variety of assignments including police beat/crime reporting and investigative reporting. By December of 1981, I had received awards for some of my journalistic coverage.
6. On December 9, 1981, I knew Mr. Abu-Jamal professionally and personally. I knew Mr. Abu-Jamal as a fellow journalist whom I had worked closely covering a variety of assignments including news events involving allegations of abusive misconduct by members of the Philadelphia Police Department. Additionally, I knew Mr. Abu-Jamal as a friend, having first met him nearly seven years earlier at WRTI-FM, the radio station for Temple University, the college where I completed my undergraduate studies.
7. On the morning of December 9, 1981, when I awoke, I turned on Philadelphia's all-news KYW radio station. Tuning into KYW when I awoke was my reportorial practice at the time. I did this to become acquainted with the major news of the respective day.
8. The lead story on December 9 when I turned on KYW sometime after 6AM was the shooting of Officer Faulkner.
9. This news item immediately caught my attention for two reasons beyond the tragic shooting of a police officer.
10. First, the KYW report declared that police had apprehended journalist Mumia Abu-Jamal at the scene. I knew Abu-Jamal, as stated above.
11. Second, the KYW report declared that when the first officers responded to reports of a shooting at 13th and Locust, they found one man „spread eagle%o on a building wall and another man slumped on the curb.

12. The man on the wall, KYW reported, was William „Billy%o Cook, the brother of Abu-Jamal. I thought it was unusual that Cook was spread eagle on the wall before being ordered to do so by arriving police.

13. I knew William Cook as Abu-Jamal,s brother. I also knew that Cook was a street vendor in downtown Philadelphia. During the late 1970s and early 1980s, Philadelphia Police frequently harassed Black Street vendors, incidents that I had reported on as a journalist. I first met [illegible] close friend of Cook,s, Kenneth Freeman. Cook and Freeman were constantly together, leading me to initially think that they were relatives.

14. I met Kenneth Freeman in the mid-1970s when he came to the offices of The Philadelphia Tribune after receiving an alleged beating at the hands of Philadelphia police. I then worked as a reporter for the Tribune.

15. Throughout the 1 970s, Philadelphia police frequently beat Black men in general and Black street vendors in particular, as amply documented in numerous official reports during that era conducted by federal authorities and local monitoring agencies.

16. After hearing that KYW report when I awoke on December 9, 1981, I called the City Desk at the Daily News to see if the editors had a specific assignment for me regarding this story. I was given a typical generic assignment of getting Cwhatever information you can, and report that information to editors on a periodic basis.

17. When I left home sometime around 7:30 AM, in route to downtown Philadelphia, I decided to visit the [illegible] Jefferson Hospital. Jefferson, as stated above, was the medical facility where Officer Faulkner and Mr. Abu-Jamal were taken.

18. When I arrived at the 13th and Locust crime scene, the first thing that struck me was the absolute absence of any police. When I arrived at the [illegible] scene around 8:30 AM, there were no police officers in sight. There were no uniformed officers, no detectives, no special detail officers (like crime scene investigators) at the location of the shooting.

19. I found this total lack of police presence at a crime scene to be highly unusual.

20. As a veteran of much police beat reporting then, I knew it was generally standard practice to at least assign a uniformed officer to guard the crime scene. I found it highly unusual that no police were maintaining the integrity of this crime scene, particularly since this incident involved the shooting of a police officer. I had covered previous shootings, including some non-fatal shootings of police officers, where police kept the crime scene cordoned off from the public for days.

21. However, while the lack of police presence was unusual, it was not unprecedented. I had observed Philadelphia police do unusual things with crime scenes in a few prior instances. Most notable was the police destruction of a crime scene on August 8, 1978 a few short hours after the shoot-out between members of the MOVE organization and Philadelphia police that resulted in the death of Officer James Ramp.

22. Police razed the compound that MOVE members occupied during the shoot-out within three hours after the last MOVE member surrendered. During the surrender, MOVE members climbed out of the compound,s basement that had been flooded with water and tear gas by police to force their surrender.

23. It is my belief that police destroyed this MOVE crime scene before the passage of sufficient time to conduct a reasonably thorough investigation. Police personnel were in the darkened (no electricity) ramshackle MOVE compound for less than two hours before a demolition crane leveled the property.
24. Questions about the sufficiency of the police investigation of the August 1978 crime scene arose repeatedly during the contentious trial involving the MOVE members charged with Officer Ramp,s death. During this era, questions frequently arose about the adequacy of police investigations into incidents of alleged abuse by police. I feared that the lack of police presence at the December 1981 13th and Locust Sts. crime scene would have an adverse effect on the sufficiency of the police investigation involving the charges against Mr. Abu-Jamal.
25. At 13th and Locust Sts. on the morning of December 9, 1981, I visually inspected the crime scene. I wanted to familiarize myself with the scene, gathering as much visual data as I could. Yet I wasn,t looking for anything in particular because details of events regarding the shooting were sketchy at best then.
26. Billy Cook,s VW was still at the crime scene. The car was unlocked. I opened the passenger side door and looked inside the parked VW. It is my recollection that I saw a few drops of blood on the floor in the back behind the driver,s seat.
27. My inspection of the VW was brief. However, during the time that I remained at the crime scene, no police arrived.
28. From the unguarded 13th and Locust Sts. crime scene, I traveled to Jefferson Hospital. I think this was shortly before 9:00 AM.
29. I proceeded to the Emergency Room at Jefferson. Philadelphia police and hospital security blocked access to the Emergency Room from inside the hospital. Other reporters were milling around the hallways outside the Emergency Room. My recollection is that police/security were denying access to the Emergency Room even to some hospital personnel, presumably those not specifically assigned ER tasks at that particular time.
30. I then tried to gain access to the Emergency Room from the outside entrance but that too was blocked, by a bevy of Philadelphia police. This police cordon prevented even walking up to the ER,s outside door to look inside.
31. Sometime after arriving at Jefferson, I have a recollection of seeing a hospital worker who knew me as a reporter and this person said that police were beating Mr. Abu-Jamal in the ER. I had no way of confirming this allegation, being denied access to the ER and the unavailability of police or hospital spokespersons. However, that allegation of assault did not surprise me given the pattern and practice of abusive acts by Philadelphia police repeatedly documented by federal government and local media investigators at that time.
32. While at Jefferson, I eventually made my way to an atrium type area, where food was served. While getting food, I saw two other reporters that I knew.
33. It is my recollection that during a conversation with them one stated that he had talked with a person he knew in the hospital who told him of having seen police assault Mr. Abu-Jamal in the ER. This account was consistent with the account I had received from the hospital worker who approached me with information about a beating.

34. I remember staying in Jefferson for another hour, awaiting reports from hospital press information spokespersons. I don,t remember receiving any reports from hospital spokespersons.

35. While in contact with my editors at the Daily News from the Hospital, they told me to return to my office in the City hall press room. I left Jefferson Hospital sometime after noon on December 9, 1981. I declare under penalty of perjury under the laws of the United States of America that the above is true and correct and was executed by me on May 3, 2001, at Pittsburgh, Pennsylvania.

(signed)

LINN WASHINGTON

**DECLARATION OF TERRI MAURER-CARTER**

I, Terri Maurer-Carter declare:

1. From approximately February 1982 through September 1986 and in 1998 I was employed as an official court stenographer in the Court of Common Pleas in and for the County of Philadelphia, First Judicial District of Pennsylvania. In April 1997 I first became a Registered Professional Reporter. Thereafter I obtained a Certificate of Merit. In approximately 1978 I became a Federally Certified Court Reporter. I have "grand jury clearance." I have received Awards of Excellence from the States of Virginia and Maryland.

2. In 1982, a few months after I started working at the Court of Common Pleas, I was sent to a courtroom different than that I usually worked in because the judge I was assigned to was going to be doing "VOP" (Violation of Probation) and post-verdict motion hearings there that day. I went through the anteroom on my way to that courtroom where Judge Sabo and another person were engaged in conversation.

3. Judge Sabo was discussing the case of Mumia Abu-Jamal. During the course of that conversation, I heard Judge Sabo say, "Yeah, and I m going to help them fry the nigger." There were three people present when Judge Sabo made that remark, including myself.

The foregoing is stated subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities and is executed by me on August 21, 2001 at Philadelphia, Pennsylvania.

Terri Maurer-Carter

**DECLARATION OF YVETTE WILLIAMS**

I, YVETTE WILLIAMS, declare:

1. If called as a witness in this case I would truthfully and accurately testify to the following from my own personal knowledge.
2. I was in jail with Cynthia White in December of 1981 after Police Officer Daniel Faulkner was shot and killed. Cynthia White told me the police were making her lie and say she saw Mr. Jamal shoot Officer Faulkner when she really did not see who did it. She said she knew Mumia from seeing him drive a cab.
3. I was in jail with Cynthia White and knew she was a prostitute in center city Philadelphia around 13th Street. She used a lot of different names besides "Cynthia White" one of them was "Lucky" which is what I called her. She liked to wear a lot of different wigs. The word on the street was that she was a snitch for the police. Cynthia and I met due to being in jail for not wanting to testify in homicides.
4. In December of 1981, Lucky (Cynthia White) was locked up in "PC" (protective custody) in the "hole" for women, "G" Rear. I was in jail because the cops thought that I knew something about a homicide — I didn't — but they wanted to get information out of me.
5. Our cells were directly across from each other. Sometimes the inmates would use me as a "runner" passing contraband between inmates in the hole and inmates in population, and I would stop and talk with Lucky when I went to her cell. I had been involved in violent crime and was interested in what prostitution was all about so I was asking Lucky about it, considering it as an occupation. She was nervous and frightened and glad to have someone to talk to. She was always crying and sad. She told me she was scared for her life. I asked her, "Scared of who?" she stated, "The guards and vice."
6. When Lucky told me she didn't even see who shot Officer Faulkner, I asked her why she was "lying on that man" (Mumia Abu-Jamal). She told me it was because for the police and vice threatened her life. Additionally, the police were giving her money for tricks. "The way she talked, we were talking "G's" (\$1,000.00). She also said she was terrified of what the police would do to her if she didn't say that Mumia shot Officer Faulkner. According to Lucky, the police told her they would consolidate all her cases and send her "up" (Muncy), a women's prison, for a long time if she didn't testify to what they told her to say. Lucky told me she had a lot of open cases and out-of-state warrants and was scared of going to Muncy. She was scared that her pimp "would get pissed off" at all the money he was losing when she was locked up, and off the street. She was afraid that when she got out he would beat her up or kill her.
7. Lucky was worried the police would kill her if she didn't say what they wanted. She was scared of what the MOVE people would do to her after she testified against Mumia, but MOVE never threatened Lucky while incarcerated. She was scared when she told me all of this plus she was crying and shaking. Whenever she talked about testifying against Mumia Abu-Jamal, and how the police were making her lie, she was nervous and very excited and I could tell how scared she was from the way she was talking and crying.
8. Lucky told me that what really happened that night was that she was "on the stroll" (looking for and serving customers) in the area of 13th and Locust when Officer Faulkner got shot, but she definitely did not see who did it. She also told me that she had a drug habit and

was high on drugs when it happened. She tried to run away after the shooting, but the cops grabbed her and wouldn't let her go. They took her in the car first and told her that she saw Mumia shoot Officer Faulkner.

9. While Lucky and I were locked up in the "hole", the detectives would come to the jail a lot and get her out to talk to her. When she came back she always had things they wouldn't let us have in there, like cigarettes and candy and even hoagies, syringes and white powders. They would let her out for two (2) hours recreation time during times the women's jail was on lock down for count.

10. I feel like I've almost had a nervous breakdown over keeping quiet about this all these years. I didn't say anything because I was afraid. I was afraid of the police. They're dangerous. They can hurt you and get away with it. I know, I've been trouble with the law and they know me. I'm still afraid of what they could do, but when Mr. Jamal's case was on TV and in "The Daily News", in the middle of December of last year, I couldn't get it out of my mind, I kept thinking that man could die because of all the lies that Lucky told on that witness stand and Mrs. Faulkner would never know the truth.

11. I read in the papers that Mr. Jamal's lawyer was in California, but I didn't have long distance service. When I saw that Mr. Jamal had a lawyer in Philadelphia named J. Michael Farrell, I looked him up in the phone book yellow pages and called his office on December 18 or 19, 2001. I talked to one of Mr. Farrell's assistants and told him I had information about how Cynthia white lied at Mumia's trial. He took my number and told me someone would call me back.

12. Two or three days later, I got a call from Mr. Mike Newman, who told me he was a private investigator for Mumia Abu-Jamal's attorneys. I gave him the same basic information that is in this declaration. He called me back a couple of times with more questions, asking for more details.

13. Before calling attorney Farrell's office on December 18 or 19, 2001, I never had any contact of any kind with any of Mumia Abu-Jamal's attorneys, past or present. Before talking to Mr. Newman, as explained above, I never had any contact with any of the investigators, assistants or other agents of Mumia Abu-Jamal's attorneys. I do not know Mr. Mumia Abu-Jamal. I never met him, spoke to him, or had any contact with him.

14. I have carefully read this declaration before signing it to be sure that it is truthful and accurate.

This declaration is made subject to the penalties provided for in Pa. Cons. Stats. Sec. C.IS.A. 4904 for unsworn false statements to the authorities.

I declare under penalty of perjury under the law of the United states of America that the foregoing declaration is true and correct and was executed by me on 01-28-02, 2002, at Philadelphia, Pennsylvania.

(signature here)

YVETTE WILLIAMS

**AFFIDAVIT OF GEORGE MICHAEL NEWMAN****IN SUPPORT OF PETITIONER'S MEMORANDUM OF LAW ON THE COURT'S JURISDICTION TO ENTERTAIN HIS POST-CONVICTION PETITION AND FOR EVIDENTIARY HEARING AND DISCOVERY**

I, George Michael Newman, declare as follows:

1. If called upon to testify in this matter I could and would attest to the following facts, of which I have personal knowledge:

2. My primary vocation is that of private legal investigator and security professional. My business address is Tactical Investigative Services, 110 West "C" St., Suite 707, San Diego, CA 92101-3909. As an avocation, I write educational articles for both government and private sector investigators, which are routinely published in national and local professional association's periodicals. My curriculum vitae is attached hereto and incorporated herein by reference as EXHIBIT "A". The statements in my curriculum vitae are true and correct.

3. In mid-1995 during the course of planning a personal trip to the Washington, DC, area I was first apprised of the case involving Mumia Abu-Jamal. Owing to extensive experience in such or similar cases, I was asked about locating witnesses by a person to whom the case had an interest. I was advised that then-current case-related needs dictated individuals to be located. Contacted by counsel Leonard Weinglass, I offered to do some initial basic searches and research pro bono on my firm's relatively extensive databases to attempt to find certain percipient individuals. I also retained the services of a local investigator.

4. Statements were made by Weinglass about the extended length of time since the instant offense and his inability to find an investigator who could locate individuals from events of so many years before. That, and the fact that my firm recently had investigated other "old" cases, caused me to take an interest in terms of authoring a piece on the difficulties of investigating aged cases.

5. Among those deemed necessary to locate was Robert Chobert. William "Billy" Cook was not.

6. Upon identifying potential whereabouts for several of these individuals I tendered that information to attorney Weinglass. I also advised Weinglass that I was coming toward the East Coast, and asked that I be able to conduct interviews relative to the incident. I subsequently interviewed Robert Chobert at his residence.

7. In discussing Chobert's statements with Weinglass it became apparent that Chobert's statements to me were in conflict with earlier reports of his observations. I later telephoned Chobert in an attempt to clarify details. During the course of that telephone conversation, Mr. Chobert recanted the key points of his testimony at the trial of Mumia Abu-Jamal. Chobert told me that on December 9, 1981, he had actually been parked, in his taxi, on 13th Street, north of Locust. (This contradicted his trial testimony that he was parked behind Officer Faulkner's police car on Locust St., east of 13th Street.) Chobert told me that he did not see anyone standing over a prone Officer Faulkner, firing shots at the officer. Chobert said that what actually happened was that he was sitting in his taxi when he heard gunfire.

He exited the taxi and saw a Black male standing next to a police car that was parked on Locust, east of 13th Street. The Black male slumped down. Chobert walked toward that area and when he got closer saw a police officer sprawled on his back on the sidewalk and a Black

male sitting nearby.

(This contradicted Chobert's trial testimony that he saw Mumia Abu-Jamal standing over a prone Officer Faulkner and firing shots at him.) I promptly reported Chobert's recantation to Leonard Weinglass.

8. Weinglass wanted to hire me/my firm to investigate case issues, and I initially declined, focused as I was on my existing cases and my desire to write about the case. I was therefore subpoenaed by Weinglass to testify at the PCRA hearing, August 15, 1995. I later learned that I was mis-characterized during the hearing as a "defense investigator," which I had not been.

9. Because of apparent glaring miscarriages of what I knew to be standards of investigation and trial practices and procedures, I soon shelved the article and agreed to provide my firm's services in California, and to counsel and coordinate Jamal's defense team investigators in the Philadelphia area. During the course of my sporadic involvement in this matter I routinely retained the services of local investigators and utilized the team's onboard investigators.

10. I was present in the courthouse at the PCRA hearing, prepared to testify about Chobert's recantation of his trial testimony. However, Weinglass did not call me as a witness and later told me my testimony had been unnecessary because, "We got everything we needed," from Chobert's testimony. It was not until recently, when I reviewed the transcript of Chobert's PCRA testimony provided to me by Mr. Jamal's new attorneys, that I discovered that Weinglass had not questioned Chobert at the PCRA hearing about Chobert's recantation to me of his trial testimony.

11. Before and after the PCRA hearing, I requested of Leonard Weinglass the opportunity to interview "Billy" Cook. I was initially advised he had been interviewed and Weinglass was in communication with him and did not want me talking to him. It had been my understanding that he was to testify, and was under subpoena. I asked after the hearing as to why he was not presented, and was told that he had "disappeared."

12. I offered to try and find Cook, which was declined. I later asked about locating and interviewing Cook, and compelling him to testify, which was quashed by Weinglass.

13. During early reading of documentation regarding the Abu-Jamal case, I learned of the potential role of Kenneth Freeman. Weinglass, in our earliest contacts, advised me he had been threatened by Freeman's relative(s). Weinglass stated that he did not want me contacting people to ask about Freeman as a result of the alleged threat, and indicated he was made fearful by the threat. In spite of the fact that I routinely advised that Freeman be actively investigated respecting his potential role in the death of Officer Faulkner, Weinglass maintained that the threat he had received posed a risk he was unwilling to take.

The foregoing is stated subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities, is further stated underpenalty of perjury under the laws of the State of California, and is executed by me on September 25, 2001, at San Diego, California.

[SIGNED]

GEORGE MICHAEL NEWMAN

**DECLARATION OF ARNOLD R. BEVERLY**

I, ARNOLD R. BEVERLY, state that the following facts are true and correct: I was present when police officer Daniel Faulkner was shot and killed in the early morning hours of December 9, 1981 near the corner of Locust and 13th Streets. I have personal knowledge that Mumia Abu-Jamal did not shoot police officer Faulkner.

I was hired, along with another guy, and paid to shoot and kill Faulkner. I had heard that Faulkner was a problem for the mob and corrupt policemen because he interfered with the graft and payoffs made to allow illegal activity including prostitution, gambling, drugs without prosecution in the center city area.

Faulkner was shot in the back and then in the face before Jamal came on the scene. Jamal had nothing to do with the shooting.

Before the shooting, I was shown a picture of Faulkner and told that Faulkner was supposed to check something at Johnny Ds (at 13th and Locust) sometime in the early morning hours of December 9.

Two of us were hired for the shooting so that either of us could take the opportunity to make the hit, get the job done, and leave. The other guy gave me a .38 caliber policeman's special and I was also carrying my own .22 caliber revolver.

I waited at the speedline entrance at the north east of corner of Locust and 13th at the parking lot, I was wearing a green (camouflage) army jacket. The other guy waited on the south side of Locust street east of 13th Street towards Camac Street.

While I was waiting at the speedline entrance for Faulkner to arrive at the location, I saw police officers in the area. Two undercover policemen were standing on the west side of 13th north of Locust. Also a uniformed police officer was sitting in a car in the corner of the parking lot. They were there while the shooting of Faulkner took place. I was not worried about the police being there since I believed that since I was hired by the mob to shoot and kill Faulkner, any police Officers on the scene would be there to help me.

After a while I saw Faulkner get out of a small police car parked behind a VW parked on Locust Street, east of 13th St. Faulkner was alone. He got out of the police car and went up to the VW.

I heard a shot ring out coming from east on Locust Street, Faulkner fell on his knee on the sidewalk next to the VW. I heard another shot and it must have grazed my left shoulder. I felt something hard on my left shoulder. I grabbed at my shoulder and got blood on my hand.

I ran across Locust Street and stood over Faulkner, who had fallen backwards on the sidewalk, I shot Faulkner in the face at close range. Jamal was shot shortly after that by a uniformed police officer who arrived on the scene.

Cop cars came from all directions. Foot patrol also arrived. I saw a white shirt getting out of a car in the middle of the 13th & Locust intersection just as I was going down to the speedline steps.

I left the area underground through the speedline system and by pre-arrangement met a police officer who assisted me when I exited the speedline underground about three blocks away. A car was waiting for me and I left the center city area.

The foregoing is stated subject to the penalties of 18 Pa.C.S. Section 4904 relating to unsworn falsification to authorities.

(signed)

ARNOLD R. BEVERLY 6-8-99

**DECLARATION OF WILLIAM COOK**

I, William Cook, declare:

1. If called to testify as a witness in. this matter I would competently testify to the following from my own personal knowledge:
2. On the night of December 9, 1981 I was with my partner Kenneth Freeman, my friend from childhood.
3. Mumia had stopped by at my stand that night. He would do that periodically. Mumia had been robbed about a week before.
4. I left my gun locked up at my stand that night, but Poppi always carried his gun. It was a 38.
5. I probably was wearing a black knit cap, I had dreds and always tucked them in.
6. We had closed up late at night.
7. Kenny (Poppi) and I had hit a few bars. We were just unwinding. We used to do that all the time after we closed up the vending stand for the night.
8. We were headed along Locust.
9. Poppi had got some beer and gotten back in the car.
10. At Locust at about Juniper I saw flashing lights of a police car. He followed me for about a half a block and I pulled over behind another car in the first empty spot on the south side of Locust.
11. I had wooden bumpers on my car and they were supposed to be metal. I had been stopped for that but he never said anything about that or gave any reason to have stopped me. I never hit him.
12. I had never seen him before. I knew the cops that worked in the district where my stand Locust and 13th is an adjacent district but I didn't ever see him before.
13. I got out my car. Poppi stayed in the car in the passenger seat. I let him (the cop) know I was not happy.
14. After that we went back and forth verbal confrontation. He pulls out a stick or some kind of object and slaps me in the head three times. By that time he had me on the side of the car, I started bleeding profusely. So I go back to my car to get my paperwork.
15. I never raised my hand to the policeman. I may have gone to block him when he was hitting me. That's all. I am not that stupid. I never hit a cop. He hit me with a flashlight and I was bleeding but then he let me go back in my car.
16. After that I got in the car. I was in the front seat looking in the back seat.
17. There were people on the street, There always were in that area. The bars were supposed to close by two o'clock but the clubs stayed open later. Some until 5 o'clock, They served drinks anyway.

18. I can't say I recall where other people were and I can't describe anyone was, but there were people milling about. I never saw a taxi that they later claimed was there. I don't really know how many people were on the street. But there were always people out there it didn't matter what time. It could be five in the morning and there would be people.

19. When I heard the first shot I was in the drivers seat facing toward the back of the car looking for something in the back seat to give to the cop like an owners card. I am not the organized type and I didn't keep papers in the glove compartment. The back seat had a lot papers and things from the stand, teddy bears, stuffed animals. We sold all that kind of stuff. Like special stuff for the holidays like on Valentine's day we'd have Valentines and we sold novelty items and artificial flowers.

20. When I had gotten in my car Faulkner was in front of the car by the hood where he had stopped me and frisked me. When I was in the car looking in the back, I heard gun shots and saw sparks but I didn't see him shot. I saw flashes of a gun out of the side of my eye. He was standing in front of the car but I didn't see him shot. I was facing the back of the car.

21. Out of my peripheral vision I knew, I could feel other people around but I can't say where they were. His car was behind mine and the policeman was standing on the street between my car and whatever car was parked in front of me.

22. When I first saw my brother, he was running. He was feet away from me. We hadn't made any plans to meet that night or anything like that and I didn't even realize that he came around that area there to pick up fares. He had nothing in his hands. I heard a shot and I saw him stumble. I didn't see who shot him. He was stumbling forward.

23. It is strange people told me later everything happened in a few seconds but I could never see it that way. It seemed like everything was happening at once, but it took a long time. I have tried over the years but I can't see it as a few seconds. It seems to me as if it was 45 seconds not three. 24. When I was looking in the back seat Poppi was still there and then I looked and Poppi's door was open. He had been in the passenger seat and I don't know which way he had gone. He left the area right after this happened.

25. Later Poppi talked about a plan to kill Faulkner. He told me that he was armed on that night and participated in the shooting. He was connected and knew all kinds of people. I used to ask him about it but he talked but never said much. He wasn't a talker. I didn't see Poppi for a while after that.

26. Poppi had been in Germany in the army, That night he was wearing his green army jacket. You know just a regulation army jacket. The jacket he always wore, He had been discharged. I don't know for what.

27. I got out. I wanted to run maybe I could have gotten away. I even started to run. I did. But I couldn't run because of my brother. Not after I saw my brother down on the ground.

28. I spoke to him. I told him, "I'm here for you." I don't remember his answering, but I remember his groan.

29. I saw a gun on the street. It was in the gutter. I kicked it under my car. Before the cops came.

30. If they asked me something, I don't remember. I didn't answer them anything. I sure don't remember them reading me my rights. I knew Shoemaker. He used to stop by my stand and sit there and smoke weed. His wife used come to my stand with him.

31. I think they took me away before they took Mumia or the cop. I remember them pushing me. But I can't remember whether I was in a paddy wagon or a squad car or whether I was sitting up or not. My mind was just not to talk.

32. When they had me in the police station they threatened to kill me and throw me in the river.

33. I have been afraid for my life since that night. I have been afraid to tell anything about what happened. Wouldn't you be?

34. They took me in a room. There were two officers black and white. I was saying things to give them something to chew on.

35. I finally came to my senses. I didn't like the whole idea of making a statement. They wanted me to sign a statement but I just wouldn't do it, I told them I wanted to see my lawyer. I didn't like it. So I just wouldn't sign.

36. I think I was in jail a day or two then they let me out on bail.

37. I had been living in center city, but I couldn't stay there after it happened, I got help and moved out of my apartment in the middle of the night. And moved back in with my Mother.

38. I remember Jackson coming to my house several times. My Mother and sister were there. I don't remember him ever interviewing me. I just remember him trying to calm us.

39. I don't remember meeting with him anywhere else except at my Mother's house. He never asked me to testify. Alva advised me not to testify. My lawyer implied to me that if I came to court I would also be charged with murder. I had to pay him \$1,000.

40. Alva was Freeman's lawyer too

41. If they (Jackson) had said they wanted me to testify I would have done it but they never did.

42. At PCRA, I was expecting to testify. Leonard and Rachel were giving me cross signals, Rachel wanted me to testify but Leonard didn't. So I didn't testify. In 1999 I was asked to testify again and I said I would.

43. I will testify now.

44. Mumia was not holding a gun. Mumia never intervened in anything between me and the cop.

45. I had nothing to do with the shooting or killing of the police officer. My brother Mumia Abu-Jamal, had nothing do with shooting or killing the policeman.

I declare under penalty of perjury, under the laws of the State of Pennsylvania and the laws of the United States of America, that the above is true and correct and was executed by me on 4-29-01 at Philadelphia, Pennsylvania.

(signed)  
WILLIAM COOK

**DECLARATION OF MUMIA ABU-JAMAL**

I, MUMIA ABU-JAMAL, declare:

1. I am the Petitioner in this action. If called as a witness I could and would testify to the following from my own personal knowledge:
2. I did not shoot Police Officer Daniel Faulkner. I had nothing to do with the killing of Officer Faulkner. I am innocent.
3. At my trial I was denied the right to defend myself I had no confidence in my court-appointed attorney, who never even asked me what happened the night I was shot and the police officer was killed; and I was excluded from at least half the trial.
4. Since I was denied all my rights at my trial I did not testify. I would not be used to make it look like I had a fair trial.
5. I did not testify in the post-conviction proceedings in 1995 on the advice of my attorney, Leonard Weinglass, who specifically told me not to testify.
6. Now for the first time I have been given an opportunity to tell what happened to me in the early morning hours of December 9, 1981. This is what happened:
7. As a cabbie I often chose 13th and Locust Street because it was a popular club area with a lot of foot traffic.
8. I worked out of United Cab on the night of 12/9/81.
9. I believe I had recently returned from dropping off a fare in West Philly.
10. I was filling out my log when I heard some shouting.
11. I glanced in my rear view mirror and saw a flashing dome light of a police cruiser. This wasn't unusual.
12. I continued to fill out my log/trip sheet when I heard what sounded like gun shots.
13. I looked again into my rear view mirror and saw people running up and down Locust.
14. As I scanned I recognized my brother standing in the street staggering and dizzy.
15. I immediately exited the cab and ran to his scream.
16. 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.
17. I closed my eyes and sat still trying to breath.
18. The next thing that I remember I felt myself being kicked, hit and being brought out of a stupor.
19. When I opened my eyes, I saw cops all around me.

20. They were hollering and cursing, grabbing and pulling on me. I felt faint finding it hard to talk.

21. As I looked through this cop crowd all around me, I saw my brother, blood running down his neck and a cop lying on his back on the pavement.

22. I was pulled to my feet and then rammed into a telephone pole beaten where I fell and thrown into a paddy wagon.

23. I think I slept until I heard the door open and a white cop in a white shirt came in cursing and hit me in the forehead.

24. I don't remember what he said much except a lot of "n--ers", "black mother-f-ers" and what not.

25. I believe he left and I slept. I don't remember the wagon moving for a while and when it did for sometime.

26. I awoke to hear the driver speaking over the radio about his prisoner.

27. I was informed by the anonymous crackle on the radio that I was en route to the police administration building a few blocks away.

28. Then, it sounded like "I.D.'d" as "M-I" came on the radio band telling the driver to go to Jefferson Hospital.

29. Upon arrival I was thrown from the wagon to the ground and beaten.

30. I was beaten again at the doors of Jefferson.

31. Because of the blood in my lungs it was difficult to speak, and impossible to holler.

32. I never confessed to anything because I had nothing to confess to.

33. I never said I shot the policeman. I did not shoot the policeman.

34. I never said I hoped he died. I would never say something like that.

I declare under penalty of perjury under the laws of the United States that the above is true and correct and was executed by me on 3 May, 2001, at Waynesburg, Pennsylvania.

(signed)

MUMIA ABU-JAMAL

**AFFIDAVIT OF EUGENE P. ERICKSEN**

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF PENNSYLVANIA

MUMIA ABU-JAMAL,  
Case No. 99 Civ 5089 (YOHN)  
Petitioner,

-vs-

MARTIN HORN, Commissioner of the  
Pennsylvania Department of Corrections,  
and CONNOR BLAINE, Superintendent  
of the State Correctional Institution at Greene,  
Respondents.

**AFFIDAVIT OF PROFESSOR EUGENE P. ERICKSEN IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS**

I, PROFESSOR EUGENE P. ERICKSEN, declare:

**INTRODUCTION**

1. I am a Professor of Sociology and Statistics at Temple University where I have taught since 1971. I received my Ph.D. in Sociology with a concentration in Population Studies from the University of Michigan in 1971. I am a Fellow of the American Statistical Association. I have over 30 years experience as a survey statistician. I have served on various expert panels of the National Academy of Sciences and have testified in the federal courts on numerous occasions as an expert witness in the area of statistics. I have testified before committees of the United States Congress on numerous occasions, most frequently with regard to the United States Census. From 1989-1991, I was Co-Chair of the Commerce Department's Special Advisory Panel on the 1990 Census. A copy of my curriculum vitae is attached hereto as EXHIBIT "A". The statements in my curriculum vitae are true.

2. I have been requested by the attorneys for Petitioner Mumia Abu-Jamal to evaluate the use of peremptory challenges by the prosecution in the trial of Petitioner Jamal to determine whether it was "race-neutral" or "race-related." Based upon my experience and training as a statistician, the information I have been provided, and the assumptions I have made, it is my opinion that it is highly improbable that the prosecution's use of peremptory challenges was "race-neutral." It is my opinion that it is highly probable that the prosecution's use of peremptory challenges was race-related. It is specifically my opinion that it is highly improbable that the prosecution's use of peremptory challenges to excuse Black venirepersons from Petitioner Jamal's jury was unrelated to their race. It is specifically my opinion that it is highly probable that the prosecution's use of peremptory challenges to excuse Black venirepersons from Petitioner Jamal's jury was related to their race.

3. The details of my qualifications, additional opinions, and the specific basis for my opinions is set forth in the remainder of this declaration:

**QUALIFICATIONS**

4. I received a Bachelor of Science Degree in Mathematics from the University of Chicago in 1963 and a Master of Science Degree in Mathematical Statistics from the University of

Michigan in 1965. I earned a Ph.D. in Sociology with a concentration in Population Studies from the University of Michigan in 1971. In my doctoral dissertation, I developed a method for estimating the size and characteristics of state and county populations for years where census data were unavailable.

5. I have taught at Temple University since 1971. My courses are concentrated in the areas of Statistical Methodology, Research Design, and Sociological and Demographic Methods. I also teach regularly in the Department of Statistics. In recent years I have taught a graduate seminar in the Theory of Sampling and courses in Survey Research Methods. I was promoted to the rank of Professor in 1988. I became a Special Consultant to National Economic Research Associates in 1986 and was elected a Fellow of the American Statistical Association in 1991.

6. I have over 30 years experience as a survey statistician specializing in the construction of samples, the estimation of sampling and non-sampling errors arising from the collection of sampling data, and the evaluation of such data. Beginning in 1964, I was a graduate student trainee at the Survey Research Center at the University of Michigan. From 1970 through 1981, I was SAMpling Statistician at the Institute for Survey Research at Temple University, and from 1981 through 1984, I held a similar position at Mathematica Policy Research in Princeton, New Jersey. Since then I have continued to engage in numerous sampling projects both for scientific research and litigation.

7. I have authored numerous scholarly publications in the field of statistics, which are listed in my curriculum vitae attached to this declaration. I have served on various expert panels of the National Academy of Sciences, including one whose purpose was to evaluate the methods used by the Bureau of the Census to estimate post-censal population changes. From 1989-1991, I was Co-Chair of the Commerce Department's Special Advisory Panel on the 1990 Census. This panel was appointed by Secretary of Commerce Robert Mosbacher to advise him on whether or not the 1990 Census should be adjusted for the differential undercounting of minority populations. I have testified before congressional committees on many occasions, most often on subjects concerning the United States Census.

8. I have testified many times in Federal Court as an expert in the field of statistics, particularly with regard to the United States Census. I have been accepted as an expert witness in the field of statistics by the United States District Courts for the Southern and Eastern Districts of New York, the Eastern District of Pennsylvania, the Eastern District of California, the District of Massachusetts, and the Northern District of Georgia.

#### OPINIONS AND THEIR BASIS

9. I have been advised that 43 venirepersons went through the jury selection process until the jury was chosen for Petitioner Jamal's trial. Thus, the prosecution had the opportunity to accept or, by use of its peremptory challenges, reject 43 potential jurors, of whom 15, or 35%, were Black. I have also been advised that the prosecution used its peremptory challenges to reject 15 potential jurors, thereby accepting the remaining 28. If the prosecution's rejections and acceptances were "race-neutral," it would be expected that 35% of their rejections (5 potential jurors) would be Black and 35% of their acceptances (10 people) would also be Black. However, I have been advised that 4 of the potential jurors rejected by the prosecution were White while 11 of the potential jurors rejected by the prosecution were Black.

10. I have calculated the probability that this could have happened by chance, using standard statistical procedures. It has long been the accepted methodology among statisticians to use

the "hypergeometric distribution" to calculate the probabilities of different numbers of Whites or Blacks being among such a sample as that of the 15 potential jurors peremptorily challenged by the prosecution in Petitioner Jamal's trial. That is the method I have used to make the calculations which are the basis for my opinions in this case.

11. If the prosecution's striking of potential jurors were "race-neutral," i.e. done without reference to the person's race, the probability that 11 or more of the challenged jurors would be Black is extremely small. I have calculated that probability to be 0.0194% or 1 out of 5,155.

12. If it is assumed that 10 of the potential jurors who were peremptorily challenged by the prosecution were Black, and 5 White, it is extremely improbable that 10 or more of the challenged jurors would be Black. I have calculated that probability to be 0.2108%, or 1 out of 474.

13. If it is assumed that 9 of the potential jurors who were peremptorily challenged by the prosecution were Black, and 6 White, it is extremely improbable that 9 or more of the challenged jurors would be Black. I have calculated that probability to be 1.4712% or 1 out of 68.

14. Making the different assumptions in Paragraphs 12 and 13 does not change my opinions expressed in Paragraph 2, above.

15. I have rechecked my calculations by repeating them using a computer simulation program. This yielded the same results, thereby confirming the validity of the original calculations. Had the prosecution's exercise of peremptory challenges in the selection of the jury for Petitioner Jamal's trial been "race-neutral" it is extremely improbable that only 4 (or even 5 or 6) of the potential jurors rejected would have been White.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct and was executed by me on, 2001, at Philadelphia, Pennsylvania.

EUGENE P. ERICKSEN, Ph.D.  
Professor of Sociology and Statistics  
Temple University

**AFFIDAVIT OF RONALD L. SINGER**

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF PENNSYLVANIA

MUMIA ABU-JAMAL,  
Case No. 99 Civ 5089 (YOHN)  
Petitioner,

-vs-

MARTIN HORN, Commissioner of the  
Pennsylvania Department of Corrections,  
and CONNOR BLAINE, Superintendent  
of the State Correctional Institution at Greene,  
Respondents.

AFFIDAVIT OF RONALD L. SINGER IN SUPPORT OF PETITIONER'S REQUEST TO  
FILE REDRAFTED AND AMENDED PETITION FOR HABEAS CORPUS AND FOR  
DISCOVERY AND EVIDENTIARY HEARING.

STATE OF TEXAS  
COUNTY OF TARRANT

Before me, the undersigned authority, came and appeared RONALD L. SINGER, who, after  
being sworn, deposed and said:

1. My name is Ronald L. Singer, I am over 18 years of age, of sound mind, capable of making this Affidavit, and personally acquainted with the facts herein stated. I am Crime Laboratory Director of the Tarrant County Medical Examiner's Office in Fort Worth, Texas, which is a full service, ASCLD/LAB accredited laboratory. From 1972 until 1988 I was employed by the Jefferson Parish Sheriff's Office Crime Laboratory in Metairie, Louisiana, as a Criminalist and as the Laboratory Director. I am experienced in the scientific testing, evaluation, and proper handling of physical evidence. By way of Background, I am a Fellow of the Criminalistics Section of the American Academy of Forensic Sciences; a Distinguished Member, and Past President of the Association of Firearm and Toolmark Examiners; and an Emeritus Member of the American Society of Crime Laboratory Directors. A copy of my complete resume is attached as EXHIBIT "A" hereto. The statements in my resume are true. I have been qualified as a forensic science expert and given expert testimony in Federal, State and Local courts in Texas, Louisiana, Mississippi, Oklahoma, Colorado, Missouri and Kansas.

2. In July, 2001, I received the following items of evidence in the case of Mumia Abu Jamal:

- (a) Trial transcript excerpts of Dr. Anthony Coletta (June 4 and 28, 1982), Dr. Regina Cudemo (June 4 and 29, 1982) and Dr. Paul Hoyer (June 25, 1982)
- (b) PCRA Transcript excerpts of Dr. Hayes (August 4, 1995), Dr. Ian Hood (August 11, 1995), Dr. Paul Hoyer (August 9, 1995) and Mr. George Fassnacht (August 2, 1995)
- (c) Investigation Interview Record: Carol Young, RN
- (d) Follow up interview with Anthony Paul (January 9, 1996)
- (e) Findings of the Medical Examiner
- (f) Laboratory reports from the Philadelphia Police Department Firearms Unit and Criminalistics Unit
- (g) Hospital records pertaining to Daniel Faulkner and Mumia Abu Jamal

- (h) Police witness statements
- (i) Civilian witness statements
- (j) Petition for Post-Conviction Relief and/or Writ of Habeas Corpus (Corrected Copy)

3. After reviewing the above listed materials, it is my opinion that there are serious questions regarding the evaluation of the physical evidence collected at the scene as well as the reconstruction of the crime scene itself, which, had they been properly addressed, could have lead to a different outcome at the subsequent trial of Mumia Abu Jamal. It is essential that certain items of physical evidence be reexamined in light of (a) the errors in the conclusions originally reached and (b) the many advances that have occurred in the areas of biological testing, gunshot residue analyses, firearms analyses and crime scene reconstruction over the last twenty years.

4. Blood was identified on numerous items throughout the original shooting scene. While some of this blood was associated with areas of the crime scene that would be expected, i.e., the clothing and area around Officer Faulkner and Mr. Jamal's clothing, blood was also found in areas not associated with the immediate crime scene. None of this blood was tested beyond the most basic level, that of ABO typing. The two types reportedly found on evidence collected, type "A" and type "O", together account for over eighty per cent of the population. Based on these analyses, there is no way of knowing how many individuals contributed the samples collected from the scene. Testing was available at the time which had the potential of being much more discriminating, but it was apparently never attempted. Today, DNA testing would make it possible to determine with all certainty whether or not others besides Officer Faulkner, Mr. Jamal, and perhaps William Cook bled at the scene. Knowing whose blood is where at the scene will also enable a much more accurate reconstruction of the events that occurred on the night of December 9, 1981.

5. There is considerable confusion regarding the firearms evidence; in one part of the laboratory report, bullets are described as having rifling characteristics which are "indeterminable"; yet in other parts of the report the same bullets are described as having "rifling characteristics ... consistent with characteristics of CHARTER ARMS REVOLVER (sic)". Furthermore, there are bullet fragments reported as being collected and bullet holes described from locations which are inconsistent with the State's theory of how the shooting occurred. In addition, the trajectory of the bullet which entered Mr. Jamal is inconsistent with his being shot while standing over Officer Faulkner, but is much more likely the result of his being shot while both he and the shooter were standing upright. A reexamination of the firearms evidence in this case, given better microscopes and more scientifically trained analysts is necessary to establish (a) whether the various shots came from the Charter Arms revolver, the Smith & Wesson revolver, or other firearms that may have been discharged at the scene, and (b) a more accurate estimation of the positions of Officer Faulkner when he was shot and Mr. Jamal when he was shot.

6. The estimate of the muzzle to target distances for the shot to the back of Officer Faulkner's patrol jacket and the shot to the chest area of Mr. Jamal's jacket are based on an evaluation of the "primer lead" around the holes. The laboratory report indicates that no nitrates or nitrites were found to be present, and there is no indication that any visible gunpowder or gunshot residues were noted on either garment. In my opinion, the lack of visible gunpowder and gunshot residues and the absence of nitrates and nitrites on these garments is inconsistent with a muzzle to target distance as close as has been described in the criminalistics laboratory report of January 7, 1982, and is, in fact, indicative of a much greater distance. Assuming that the garments still exist and that they have not been handled too roughly, it may still be

possible to conduct a proper evaluation of these garments and arrive at a much more accurate estimate of the distances involved in these shootings.

Signature: RONALD L. SINGER

SWORN AND SUBSCRIBED before me on this \_\_\_\_\_ day of September, 2001,  
at Forth Worth, Texas.

My commission expires:

Notary Public's Signature, State of Texas

Notary Public's printed name:

**DECLARATION OF ROBERT H. KIRSCHNER, M.D.**

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF PENNSYLVANIA

MUMIA ABU-JAMAL,  
Case No. 99 Civ 5089 (YOHN)  
Petitioner,

-vs-

MARTIN HORN, Commissioner of the  
Pennsylvania Department of Corrections,  
and CONNOR BLAINE, Superintendent  
of the State Correctional Institution at Greene,  
Respondents.

DECLARATION OF ROBERT H. KIRSCHNER, M.D., IN SUPPORT OF PETITIONER'S  
REQUEST FOR DISCOVERY AND EVIDENTIARY HEARING.

I, ROBERT H. KIRSCHNER, M.D., declare:

1. I am a physician licensed to practice medicine in all its branches in the State of Illinois. I am certified by the American Board of Pathology in anatomic pathology and forensic pathology, and have practiced forensic pathology for more than 20 years, 17 of which at the Office of the Medical Examiner, Cook County Illinois. I have performed more than 8000 autopsies, including approximately 1500 autopsies on victims of gun shot wounds. A copy of my curriculum vitae is attached hereto as Exhibit "A" and is incorporated herein by reference. The statements in my curriculum vitae are true and correct.
2. I am familiar with the forensic and medical issues involved in this case. At the request of the attorneys of record for Petitioner in this action I have reviewed the autopsy report of Police Officer Daniel Faulkner, autopsy photographs, police reports and medical records of Jefferson Hospital pertaining to both Officer Faulkner and Mmia Abu-Jamal. I have also reviewed Crime Laboratory ballistics reports and firearm residue reports pertaining to the recovered projectiles, weapons, and clothing of both Officer Faulkner and Abu-Jamal.
3. Based on my review of the above materials it is my opinion that the following steps are necessary in order to complete an independent analysis of the forensic evidence pertaining to the wounds received by Officer Faulkner and by Mumia Abu-Jamal:
4. With respect to the autopsy, it was standard practice in medical examiner offices in 1981 to take x-rays of all gun shot wound cases. Those x-rays should be produced for examination and comparison of the x-ray image of bullet fragments within the body with those that were recovered at autopsy.
5. Also with respect to the autopsy, the few photographs that I reviewed are far less than I would expect to see in a homicide, particularly the killing of a police officer. In particular, the photographs of the wound to Officer Faulkner's back are taken at an oblique angle. It is imperative to request that any other photographs pertaining to the autopsy be produced for examination.
6. All ballistics evidence should be re-examined by an independent ballistics laboratory. It was reported that the bullet removed from Abu-Jamal had been fired from Officer Faulkner's

weapon. This conclusion should be evaluated by an independent ballistics expert. Newer technology may provide evidence as to the class or individual characteristics of the bullet specimen recovered from Officer Faulkner permitting a determination of whether or not it was fired from the recovered Charter Arms revolver.

7. The clothing of both Officer Faulkner and Mumia Abu Jamal should be re-examined with respect to range of fire determinations previously made by the Philadelphia Crime Laboratory. Newer technology and independent review may provide different, and more accurate, results.

8. The above opinions are offered with a reasonable degree of scientific and forensic certainty.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and was executed by me on , 2001, at Chicago, Illinois.

ROBERT H. KIRSCHNER, M.D.