

MANUFACTURING GUILT -- ILLUSTRATED SCREENPLAY

Written & Produced by Stephen Vittoria & Justin Lebanowski
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[transcribed from the movie by Tara Carreon]

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 rearview 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.

-- Declaration of Mumia Abu-Jamal, 2001



Street Legal Cinema
in association with
Prison Radio
Presents



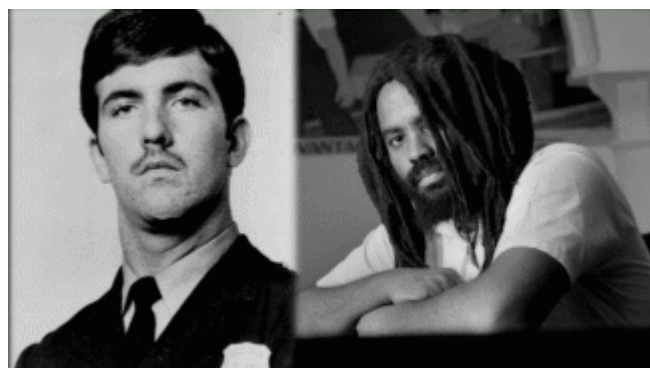
MANUFACTURING GUILT



[Juan Gonzalez, Investigative Journalist, 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 trial in a different fashion.



[Saro Solis, Actor and Voice-Over Artist] In 1982, Philadelphia journalist Mumia Abu-Jamal was convicted of first degree murder in the killing of police officer Daniel Faulkner.



On the July 4th weekend, he was sentenced to death.



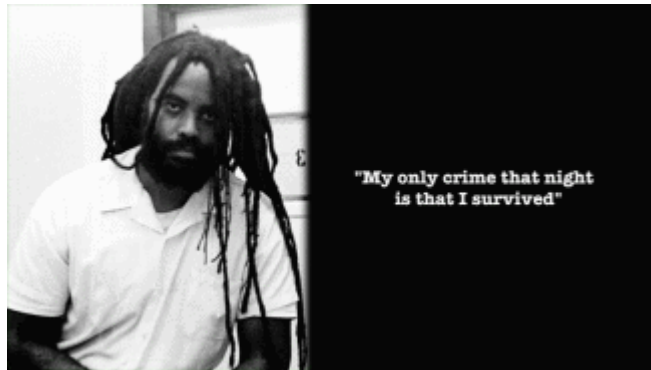
In 2001, Federal Court Judge William Yohn overturned Abu-Jamal's death sentence as illegally imposed and unconstitutional.



Yet Abu-Jamal remained on death row for more than ten years while the Philadelphia District Attorney could continue to pursue his execution.



In 2011, the D.A.'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.



Mumia Abu-Jamal has said numerous times, “My only crime that night is that I survived.” 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 9, 1981.



Abu-Jamal was also critically wounded, shot through the chest, and found near the prone body of Daniel Faulkner.



The evidence that convicted him for 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, Philadelphia trained prosecutors to exclude Blacks from juries.



In Abu-Jamal's case, 11 out of the 15 preemptory strikes were made to bar Blacks from his jury.

The removal of jurors by the prosecution on the grounds of their race remains a common practice. Prosecutors simply give a vaguely plausible non-racial reason for dismissing the juror.

One year after the Batson ruling, the Assistant District Attorney for Philadelphia made a training videotape for the city's prosecutors. On the video, he describes how to select a jury more likely to convict, including the removal of potential black jurors: "Let's face it, the blacks from the low-income areas are less likely to convict. There's a resentment to law enforcement... You don't want those guys on your jury... If you get a white teacher in a black school who's sick of these guys, that may be the one to accept."

The video also instructed the trainee prosecutors on how to hide the racial motivation for the rejection of prospective jurors in order to avoid successful claims of racial discrimination from defence lawyers. The tape did not become public until 1997.

A recent study of Philadelphia found that the likelihood of receiving a death sentence is nearly four times higher if the defendant is black. See *Killing with Prejudice* for more details.

-- A Life in the Balance: The Case of Mumia Abu-Jamal, by Amnesty International



What this short film will document is how countless due process violations began just moments after the shooting 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.



FROM : SA [REDACTED]

SUBJECT: BLACK PANTHER PARTY
RM

RECEIVED



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 ...

This report is being classified ~~CONFIDENTIAL~~ to protect [REDACTED] and [REDACTED] the information from whom if disclosed could reasonably result in identification of sources of continuing value and affect their future effectiveness.

In spite of the subject's age (15 years), Philadelphia feels that his continued participation in BPP activities in the Philadelphia Division, his position in the Philadelphia Branch of the BPP, and his past inclination to appear and speak at public gatherings, the subject should be included on the Security Index. This recommendation will be submitted by separate communication.

INFORMANTS

<u>Source</u>	<u>Location</u>
[REDACTED] is [REDACTED]	

but because of his “inclination to appear and speak at public gatherings.”



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 P.D.'s hostile relationship with the controversial MOVE organization ...





culminating in a year-long police siege of the MOVE house that ended in 1978 with the shooting death of police officer James Ramp.



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 cross-fire.



The MOVE trial concluded just a year and a half before Abu-Jamal and Faulkner were found shot on that fateful night.



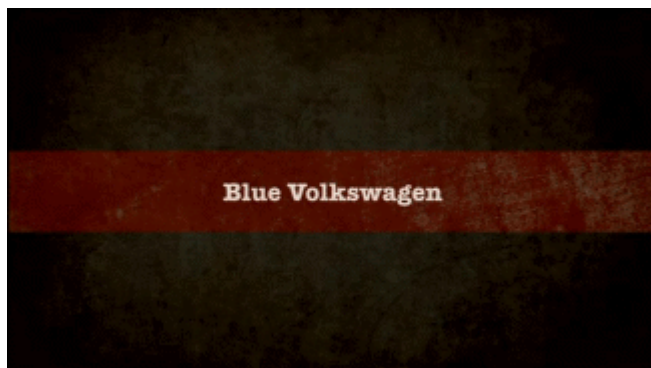
And it was only four months from the Federal trial of MOVE leader John Africa, whose acquittal on gun charges left the police and D.A.'s office infuriated.



[Reggie Schell, Defense Captain, Black Panther Party, Philadelphia] When they saw who they had, this was Number One. I mean, "Wow, look what we done run into."



We got a Panther, and we're going to kill this Panther. We're going to kill this nigger right here."



BLUE VOLKSWAGEN

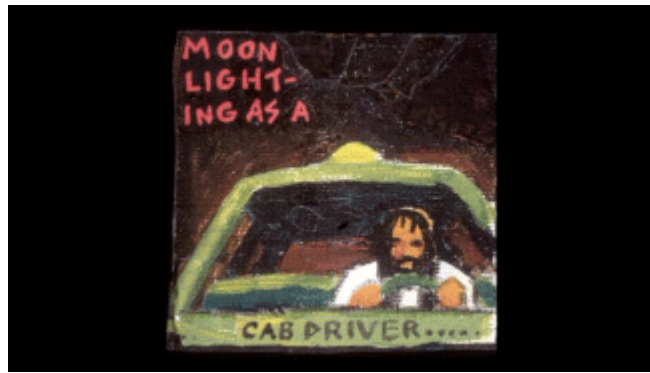


[Saro Solis, Actor and Voice-Over Artist] In the early morning hours of December 9, 1981, police officer Daniel Faulkner pulls over a rundown blue Volkswagen beetle in the bustling red-light district of Philadelphia.



Staff Inspector Goldberg - Staff Headquarters
Inspector - Staff Services Division
RADIO TAPE TRANSMITTAL - CENTRAL D.VISION - 12-9-81
TIME 3:51:08 AM
RPC: 612
Radio: 1234
RPC: I have a car stopped ah 12, 13th and Locust
Radio: Car to back 612, 13th and Locust
RPC: On second thought send me a wagon 1234 Locust
Radio: 601
EPM: Yeah 01 okay, 1234 Locust
RPC: 22 I'll take a ride over
Radio: Okay
TIME 3:52:27 AM

At 3:51 a.m., Faulkner reports over his radio that he has stopped a car at 13th and Locust Street. 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 is moonlighting as a cab driver after his uncompromising approach to reporting began to cost him work as a journalist.



He had recently started carrying a registered 38 Charter Arms revolver during his late-night cab runs after having recently been robbed at gunpoint.

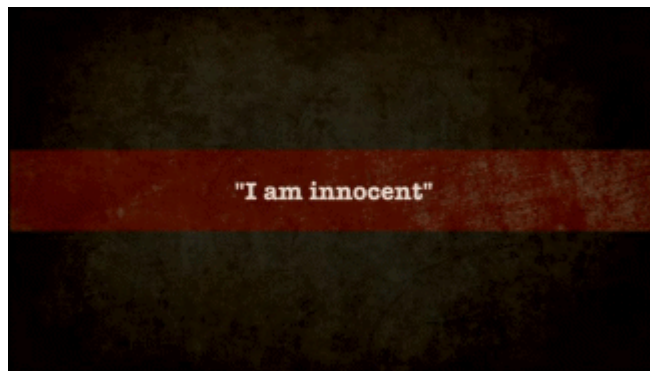


From the D.A.'s office, to Abu-Jamal's most ardent defenders, all agree that Abu-Jamal's brother, Billy Cook, who ran a street vendor stall nearby, exited his Volkswagen and had an exchange with

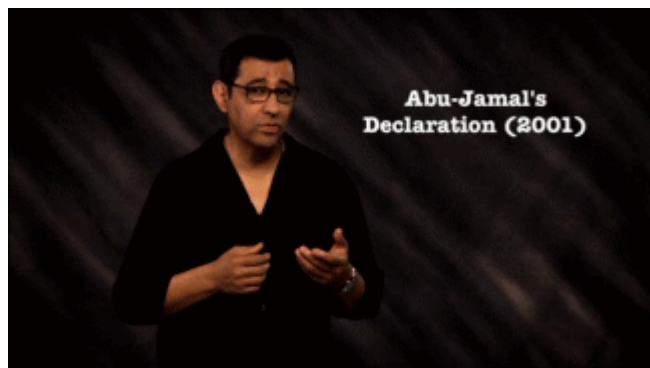
Faulkner. But what happened next has been the subject of heated debate ever since.



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”



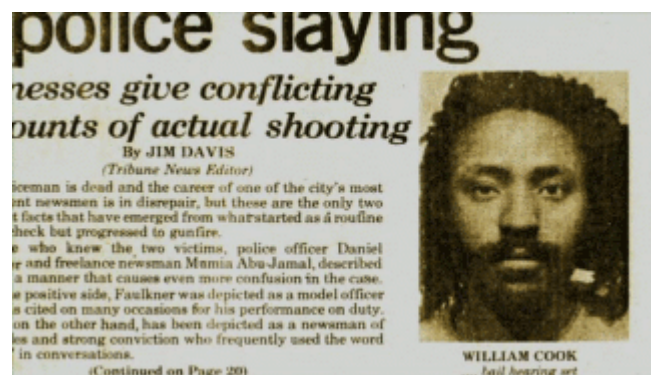
After being denied his constitutional right to defend himself at his original trial, and after heeding legal advice not to testify at his appeals hearing in 1995, Abu-Jamal released a declaration in 2001 in which he details the events of that night.



[Eric Davis, reading Abu-Jamal] 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 rearview 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.**



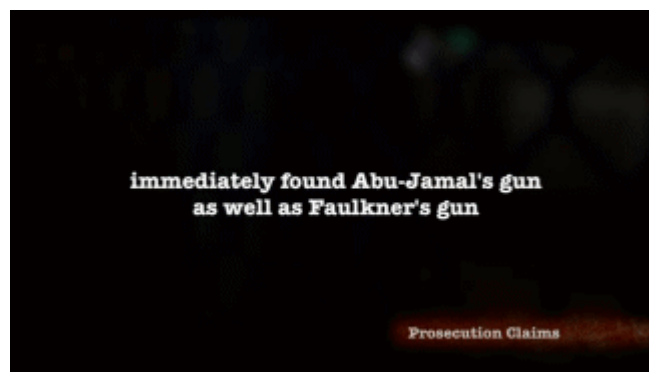
PROSECUTION CLAIMS



[Saro Solis, Actor and Voice-Over Artist] Now the prosecution claimed that Abu-Jamal's brother, Billy Cook, was alone in the Volkswagen.

NAME	P/O James FORBES #9811 SO	AGE	29	RACE
ADDRESS	660 E Erie Ave MU6 3288	APARTMENT NO.		
NAME OF EMPLOYMENT/SCHOOL	3 squad Group B no vacation			
ADDRESS OF EMPLOYMENT/SCHOOL				
PLACE OF INTERVIEW	PAB - Homicide			
BROUGHT IN BY				
WE ARE QUESTIONING YOU CONCERNING	Shooting of P/O Faulkner at 1232 Locust St.			
WARNINGS GIVEN BY				

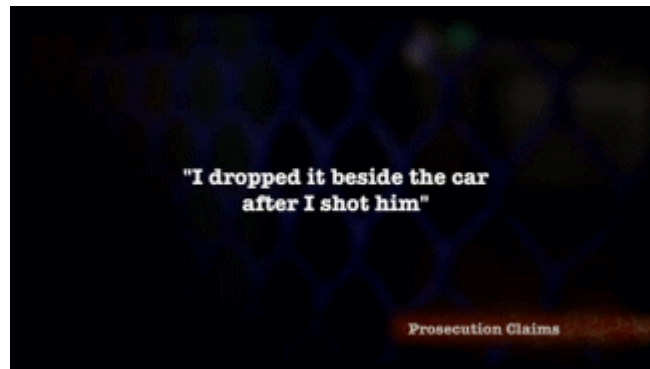
12 - Homicide	12-09-81 5: 25am
BROUGHT IN BY	DATE AND TIME
WE ARE QUESTIONING YOU CONCERNING	
Shooting of P/O Faulkner at 1232 Locust Street	
WARNINGS GIVEN BY	DATE AND TIME
TEST	(1) (2) (3) (4) (5) (6) (7)
On Wednesday, 12-09-81, I was assigned to S-105 with P/O Robert SHOEMAKER #4669, 12 x 8 tour.	
At approximately 3:50am, my partner and I were at 12th & Chestnut when I heard officer put a car stop over the air at 1200 Blk of Locust Street. A backup unit was assigned by radio. I then heard officer call for a wagon.	
My partner drove south on 12th St to Locust, then made a right turn, west onto Locust St. I heard a cab driver, United Cab, State St. turn on to Locust, then turn on to Locust St. I heard a cab driver, United Cab, State St. turn on to Locust, then turn on to Locust St. I heard a cab driver, United Cab, State St. turn on to Locust, then turn on to Locust St.	



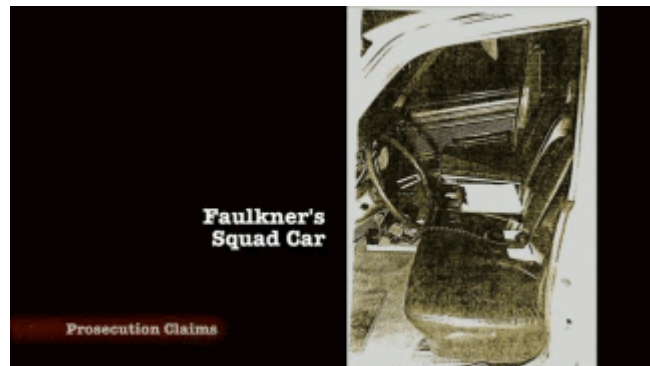
Officers James Forbes and Robert Shoemaker testified at the '82 trial that they were the first officers to arrive on the scene, and that they immediately found Abu-Jamal's gun, as well as Faulkner's gun.



Inspector Alfonzo Giordano would arrive three minutes later and take control of the scene as the ranking officer.



At pretrial 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."



Cab driver Robert Chobert testified he was parked just behind Faulkner's squad car, witnessed the shooting, and identified Abu-Jamal as the shooter.



Prostitute Cynthia White also testified that she saw the shooting. Her testimony matched that of Robert Chobert's. All of these claims, most of which formed 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 "On second thought, send me a wagon."



This request for a backup clearly indicates that there was 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 – again, strong evidence that there was more than one person in Billy Cook's Volkswagen.

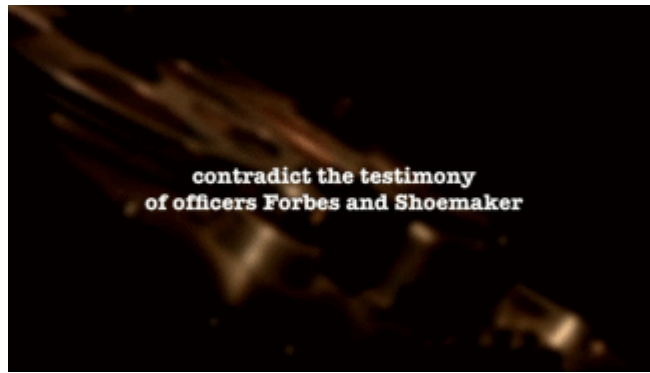


In 1982, the police and prosecution illegally kept this evidence from Abu-Jamal and his defense attorney. Why were they suppressing this evidence of other potential suspects in the shooting of Daniel Faulkner?



RECOVERY OF THE WEAPONS

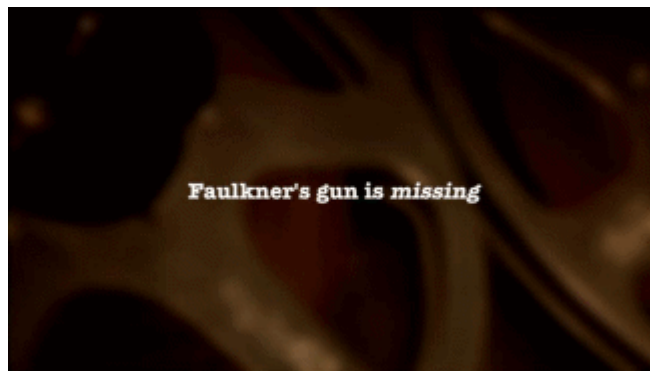
Now, what about the immediate recovery of the weapons?



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 14 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.



Prior to the arrival of the police mobile forensics unit, freelance photographer Pedro Polakoff arrived, moving freely through the crime scene, and snapping off more than two dozen photos.

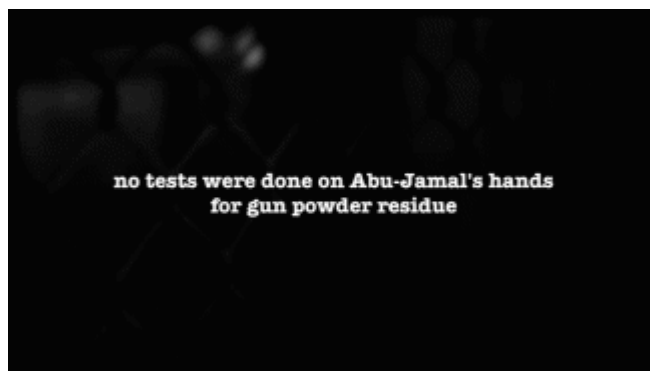


These photos show that contrary to police regulations, the area was not properly secured to preserve evidence.



Photographs also show Officer Forbes walking around carrying both guns in his bare hand. 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.



No tests were done on Abu-Jamal's hands for gunpowder residue.



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.

1961 at 1:26 P. M.
PROPERTY NO. 454923.

Removed from body of Police Officer FAULKNER by Medical Examiner's Office.

One (1) BULLET SPICULUM, marked 81A56813 for identification, uncoated lead hollow base; caliber .38/.357, bearing a portion of smooth, conical, weighing 138.7 grains; nose area and circumference surface extremely mutilated and distorted, gouged, bearing some foreign markings, destroying the major portion of the rifling markings; base edge distorted and mutilated.

GENERAL RIFLING CHARACTERISTICS: Indeterminable with a right direction of twist.

NOTES:

Microscopic comparative examination of evidence bullet specimen against test fired bullet specimens fired from evidence revolver.

1961 at 1:26 P. M.
PROPERTY NO. 454923.

Removed from body of Police Officer FAULKNER by Medical Examiner's Office.

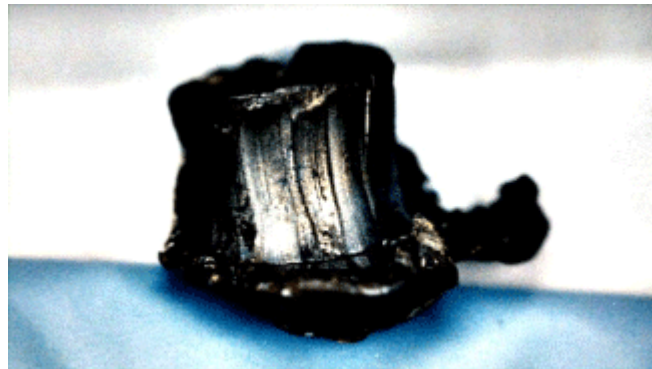
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RIFLING CHARACTERISTICS:
GENERAL RIFLING CHARACTERISTICS: Indeterminable with a right direction of twist.

CONCLUSIONS:

1. Microscopic comparative examination of evidence bullet specimen against test fired bullet specimens fired from evidence revolver has shown insufficient characteristic markings to permit a positive comparison, however, the rifling characteristics are consistent with characteristics of Remington-Union Revolvers.

Later, police falsely describe 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 ...



but photographs of the bullet clearly show the identifying characteristics, its twists, the number of lines and grooves, and the relative widths.



Instead, the prosecution claimed that the bullet was “consistent” with one fired from Abu-Jamal’s Charter Arms 38 revolver ...



although police ballistics expert, Anthony Paul, admitted this is true of “multiple millions” of guns.



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 ...



and then later by Federal Court Judge William Yohn.



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, to only be let go after she signed updated witness statements. Each time the story changed to make a stronger case against Abu-Jamal.

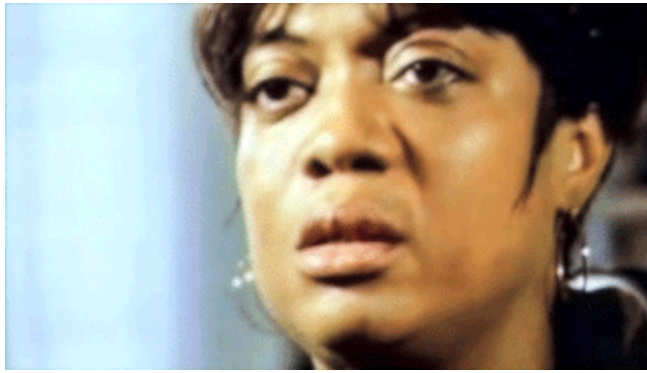


By the time the case went to trial, her statement fit perfectly into the prosecution's case.



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.





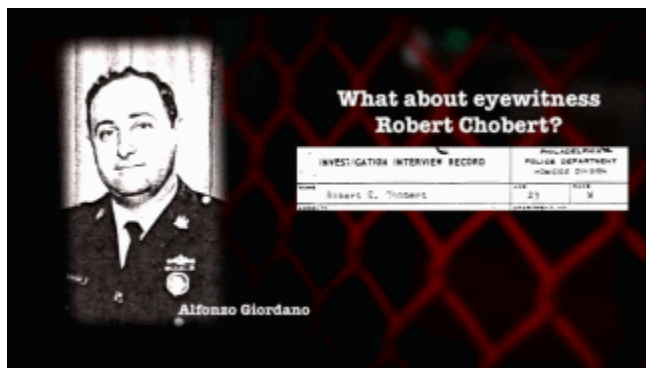
Witness Veronica Jones blurted out on the witness stand at the 1982 trial that the police told her Cynthia White was given a deal to say that Abu-Jamal was the shooter.



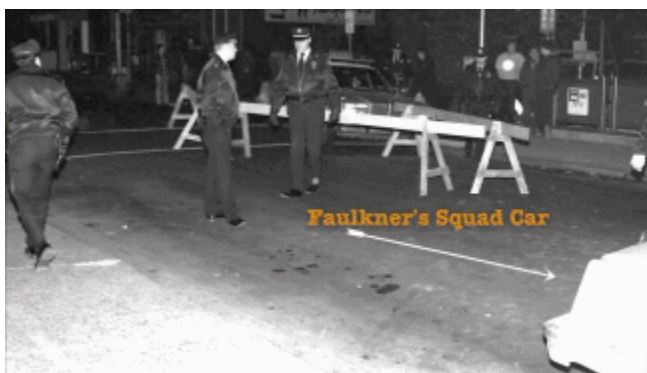
Jones testified that the police threatened her to I.D. Jamal as well.



What's more, all of 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.



And what about eyewitness Robert Chobert? His testimony was arranged most likely by Inspector Alfonzo Giordano.



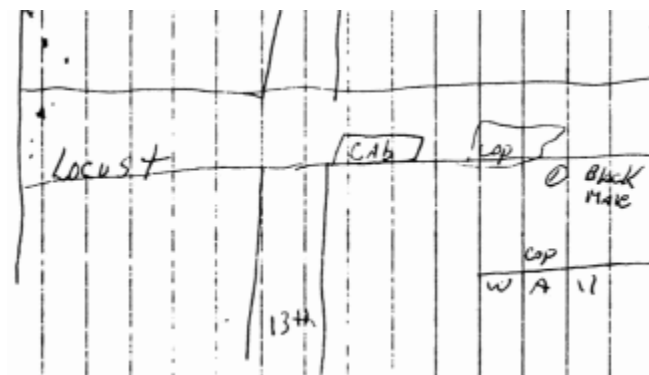
The official police photos, as well as Polakoff's photos, show Chobert's cab was not parked behind Faulkner's squad car as claimed by Chobert and the prosecution.



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.

Robert C Chobert
7/12/41

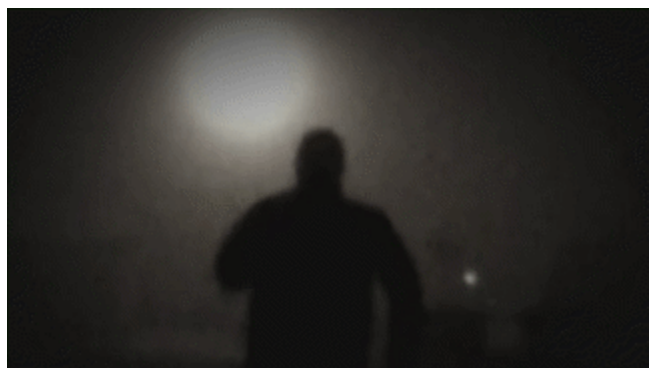
During appeals, Chobert admitted that in exchange for his testimony, the prosecution said they would assist with his probation.



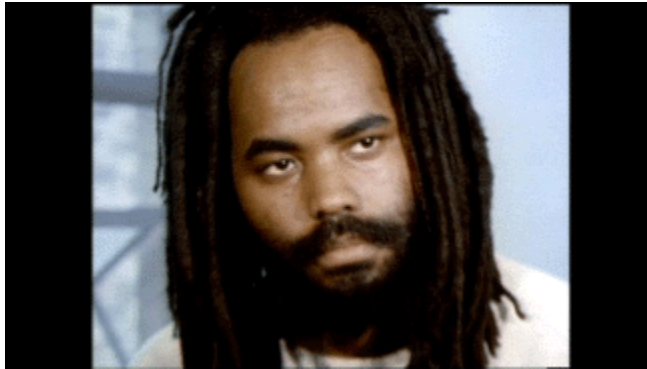
What's more, Chobert later admitted that he was parked elsewhere, and that his testimony was false.



The prosecution offered two more eyewitnesses: Michael Scanlan and Albert Magilton. Both men said that they did not see the shooting.



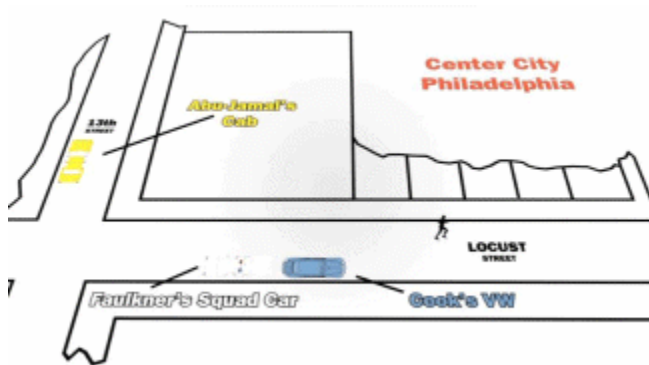
Magilton only saw a man run across Locust Street.



Scanlan explicitly described the man he saw as having an afro hairstyle, and not dreadlocks.



There are yet more troubling questions about what happened that night, questions that continually underscore the innocence of Abu-Jamal, as well as the effort to frame him. Six witnesses, including Robert Chobert, made statements that one or more people fled the scene.



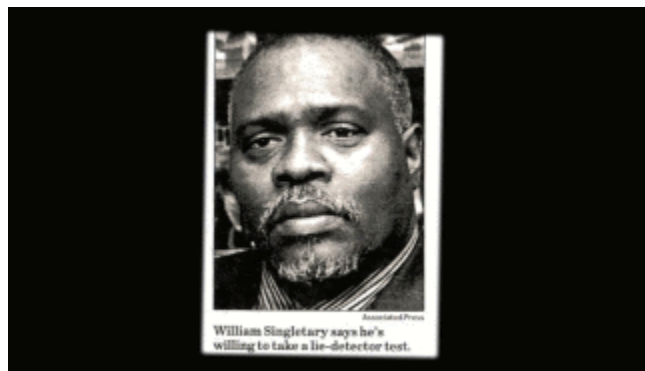
There is no evidence that investigators ever pursued this person or persons and, according to these witnesses, they were subjected to police threats, coercion, or offered favors by the prosecution.



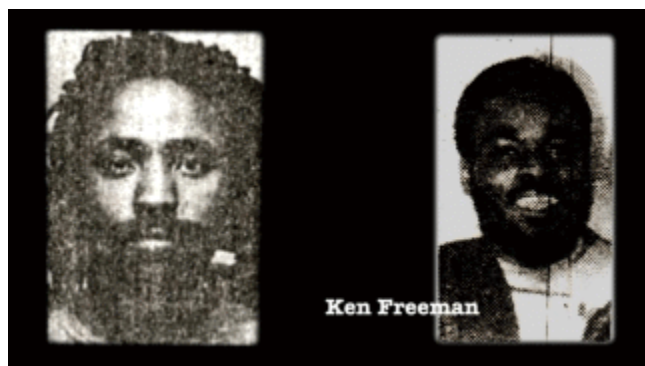
WITNESS: ABU-JAMAL DIDN'T SHOOT FAULKNER



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. 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.



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.

As explained in a recent interview, O'Connor argues that the actual shooter was a man named Kenneth Freeman, who was Billy Cook's business partner and who O'Connor argues was a passenger in Cook's car when it was pulled over by Officer Daniel Faulkner the morning of Dec. 9, 1981. Freeman was mysteriously found dead in a Northeast lot (reportedly naked, gagged, hand-cuffed, and with a drug needle in his arm) the day after the infamous May 13, 1985 police bombing of MOVE, leading O'Connor to conclude that "the timing and modus operandi of the abduction and killing alone suggest an extreme act of police vengeance."

"They arrested me for assaulting him, but I never laid a hand on him. I was only trying to protect myself," says Cook, who also reports that before he was beaten bloody with the police flashlight, Faulkner "was kind of vulgar and nasty. And if I remember correctly he threw a slur in... 'Nigger' get back in the car."

-- Mumia Abu-Jamal Faces US Supreme Court as New Book and Film Expose Injustice,
by Hans Bennett



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.



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.

(The piece of yellow plastic could have come from the broken cigarette lighter in the shirt pocket received on PR #854920).

Item #7 is one blue button. This button is similar to buttons on Police Uniform Shirts.

PROPERTY RECEIPT #854920
Received from Det. Sobolusky, #748, CDD, 12/9/81, 12:30 PM
The following items were taken from **Muhammad Abu Jamal**:

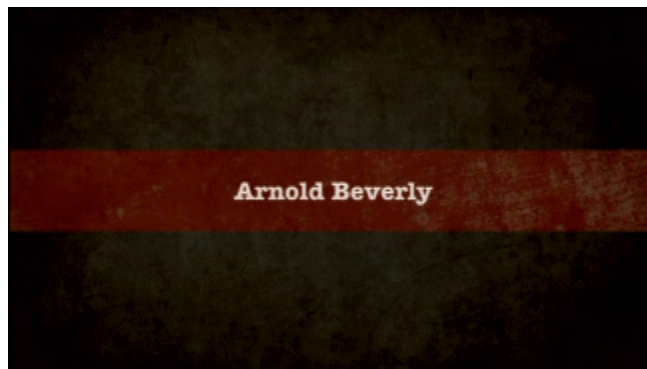
Item #1 is a **red and blue quilt waist-length jacket** with zipper-up front stained with human blood. There is a hole at the right chest area above the right pocket. Tests for nitrites were negative. Tests for lead indicate the presence of primer lead. Comparisons of this primer lead pattern with patterns from the test firings of Pol. Faulkner's firearms indicate a muzzle-to-jacket distance of approximately twelve (12) inches.

Item #2 is a pair of tan desert boots stained with human blood.

Item #3 is a pair of red, white and blue sweat socks stained with human type "A" blood.

Item #4 is a blue polo shirt stained with human type "A" blood.

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.



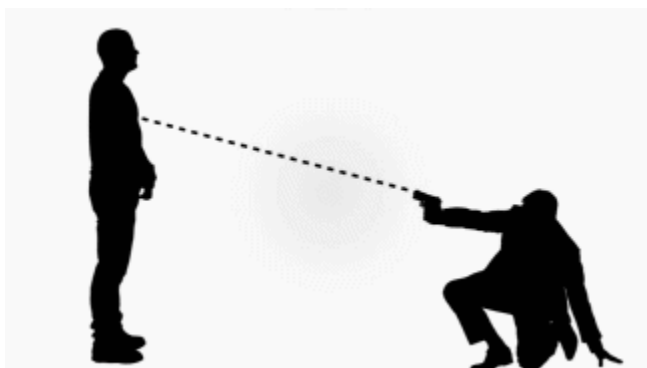
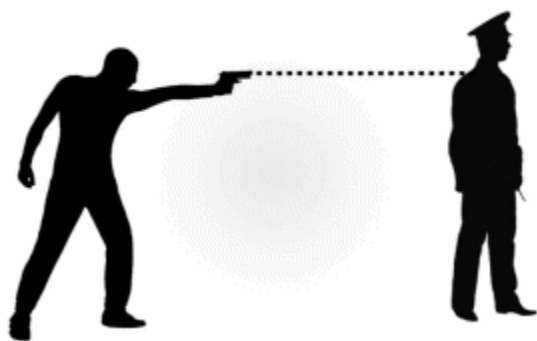
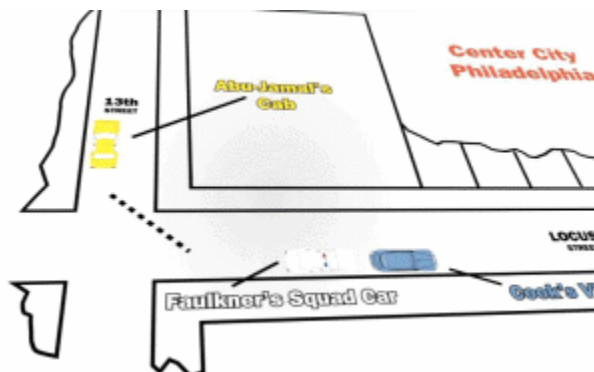
ARNOLD BEVERLY



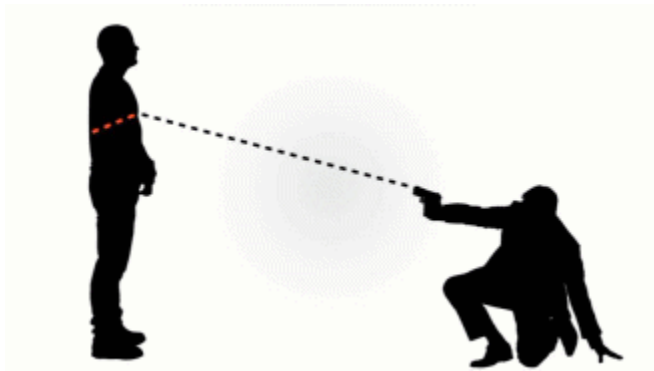
In 1999, a career criminal and self-described hitman, Arnold Beverly, confessed he shot Faulkner in the head, and that Abu-Jamal arrived after Faulkner was shot and had nothing to do with the shooting.



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. Now, while the prosecution supposedly had four witnesses to the shooting, none of their witnesses ever said they saw Abu-Jamal get shot.



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.



THOMAS JEFFERSON UNIVERSITY HOSPITAL

NARRATIVE SUMMARY

SUMMARIZE:	ADMISSION DATE	PERTINENT FACTS
	DISCHARGE DATE	SIGNIFICANT LABS
	PRINCIPAL COMPLAINTS	TREATMENT RENDERED
		CONSIDERATIONS

Admitted: 12-9-81

FINAL DIAGNOSIS: 1. Gunshot
Liver, I

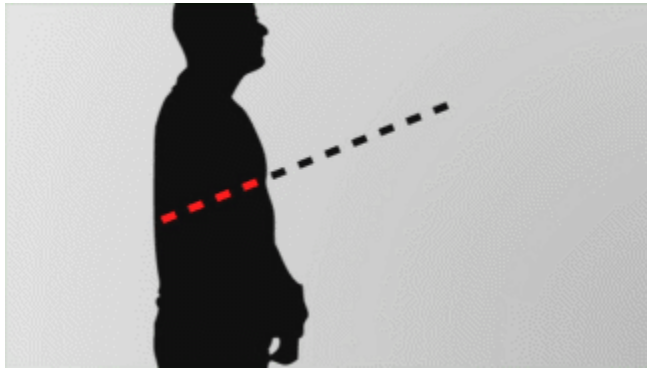
SECONDARY DIAGNOSIS: Injury to
Swelling

History: This is a 27-year-old
a gunshot wound to the right of

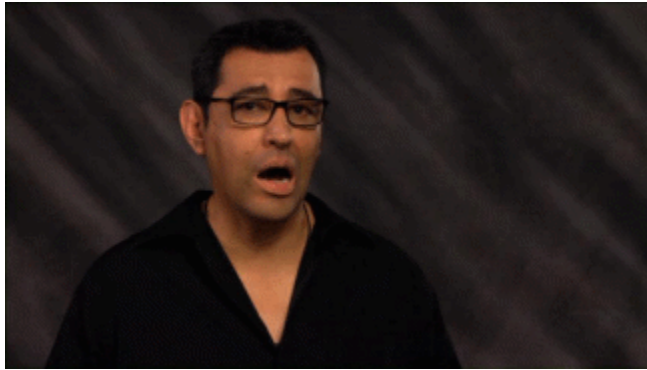
CONSIDERATIONS OF FUTURE MANAGEMENT

Discharge

- 1. Gunshot Wound of the Right
Liver, Lung and Kidney.
- : Injury to Right Forehead
Swelling Over the Left S



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.



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.



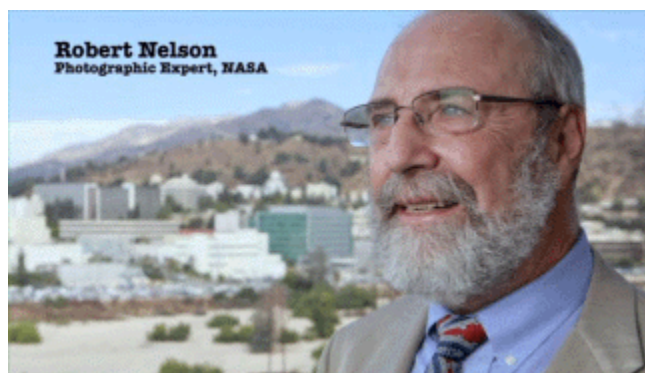
Now, what this claim actually shows is the clear intent by members of the Philadelphia Police Department, and the District Attorney's office, to frame Mumia Abu-Jamal for a crime he did not commit.



“COMPLETELY SMOOTH”



Bullets from a 38 caliber weapon hitting the sidewalk would, without any doubt, leave divots as they tore into the concrete.





in the water -- and new evidence is on the table thereby for the coaching, coercion and manipulation of witnesses."

to look for bullet marks and asks: "completely smooth."

seen lying on the sidewalk," asking Nelson to try and "spot any divots in the area, such as one would certainly see if someone were firing high-velocity bullets from just a few feet above the cement directly into the ground."

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, "completely smooth."

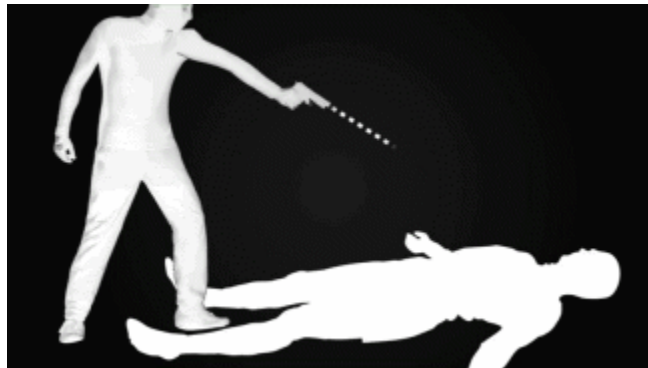


This photograph shows that White and Chobert could not have seen, as they claimed at trial, anyone stand over Faulkner and fire.





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.

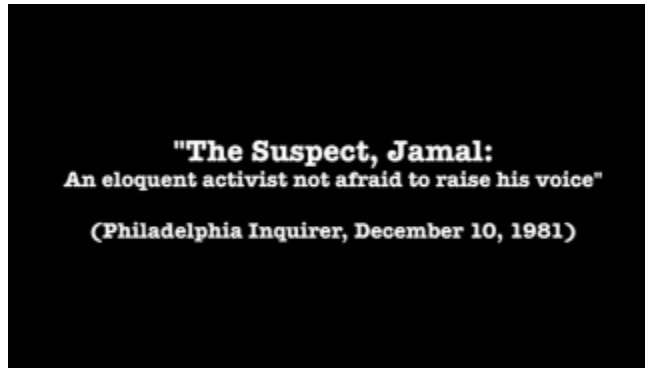


This execution-style account invented by the police and prosecution was a key part of their concerted effort not only to get a guilty verdict, but the death penalty.



ACTED ON HIS INNOCENCE

Mumia 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. He knew the real shooter or shooters must have fled the scene.





Jamal Asks Court to Pay For Experts

[JAMAL ASKS COURT TO PAY FOR EXPERTS]

But the court denied his requests for a line-up, just as they would deny his request for funds that would pay for defense investigations, as well as expert ballistics witnesses.



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.

INVESTIGATION INTERVIEW RECORD		PHILADELPHIA POLICE DEPARTMENT HOMICIDE DIVISION		CASE NO. <u>H81-366</u>	
NAME <u>DR. ANTHONY COLETTA</u>		DATE	TIME	INTERVIEWED BY <u>DET. MORTON #933</u>	
ADDRESS <u>JEFFERSON HOSPITAL</u>		DEPARTMENT NO.		PHONE	
NAME OF EMPLOYER/SCHOOL		AGE		SEC. SEC. NO.	
ADDRESS OF EMPLOYER/SCHOOL		PROB.		DATE AND TIME	
PLACE OF INTERVIEW <u>JEFFERSON HOSPITAL OUTSIDE RM 7324</u>		DATE AND TIME		DATE AND TIME	
RE: <u>SHOOTING DEATH OF POLICEMAN DANIEL FAULKNER</u>		DATE AND TIME		DATE AND TIME	
REMARKS GIVEN BY <u>DR. COLETTA</u>		DATE AND TIME		DATE AND TIME	
<p>DR. COLETTA WAS INTERVIEWED BY DET. MORTON INSIDE JEFFERSON HOSPITAL REGARDING THE INJURIES TO SUSPECT</p>					

AL LOBE OF LIVER AND WOUND
IN THE SKIN TO THE RIGHT OF THE
THE BACK.

DR. COLETTA FURTHER STATED:
A 4 CM. LACERATION OF FOREHEAD
SWELLING OVER LEFT EYE,
THE LOWER LIP, SOFT TISSUE
SWELLING OF RIGHT SIDE OF HIS NECK AND

[DR. ANTHONY COLETTA, JEFFERSON HOSPITAL, OUTSIDE ROOM 7324, RE SHOOTING
DEATH OF POLICEMAN DANIEL FAULKNER ON 12-9-81 AT 1234 LOCUST.
DR. COLETTA WAS INTERVIEWED BY DET. MORTON INSIDE JEFFERSON HOSPITAL
REGARDING THE INJURIES TO SUSPECT ...]

AL LOBE OF LIVER AND WOUND
TO THE RIGHT OF THE SPINE

COLETTA FURTHER STATED THAT MUMIA
LACERATION OF FOREHEAD, SOFT
SWELLING OVER LEFT EYE, LACERATION
OF LOWER LIP, SOFT TISSUE SWELLING
OF RIGHT SIDE OF HIS NECK AND JAW.

[DR. COLETTA FURTHER STATED THAT MUMIA HAD. A 4 CM. LACERATION OF
FOREHEAD, SOFT TISSUE SWELLING OVER LEFT EYE, LACERATION OF THE LOWER LIP,
SOFT TISSUE SWELLING OF RIGHT SIDE OF HIS NECK AND JAW.]

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.

Police beat suspect 4 times, complaint to Solomon claims

By RANDOLPH SMITH
Of The Bulletin Staff

A complaint filed with the Philadelphia police commissioner alleges that police beat Mumia Abu-Jamal four times and assaulted him inside a hospital intensive-care unit following his arrest for the murder of Officer Daniel Faulkner.

The complaint, a copy of which was obtained by The Bulletin, was received by Police Commissioner Merion B. Solomon and turned over to the police internal affairs bureau for investigation, said police spokesman Don Fair.

being removed from the wagon.

• "After entering the Jefferson Hospital, in the presence of hospital staff members, Mr. Jamal was again beaten after one of the officers noted that Mr. Jamal had a shoulder holster."

The complaint also alleges that a policeman assaulted Abu-Jamal on the night of Dec. 10 or the early morning of Dec. 11 while he was asleep and recovering in the hospital's surgical intensive-care unit.

• "Mr. Jamal was subjected to a policeman kicking his bed ... and was also painfully awoken (sic) and observed a policeman step-

and weapons offenses.

The complaint does not identify any witnesses or police officers.

Inspector Frank Goldberg, of the police internal affairs bureau, confirmed that his office received the complaint on Monday and is allowed up to 45 days to complete its investigation.

Inspector Paul Frankenfield, of the internal affairs bureau, said last night that police could not comment on the complainant's allegations because they are under investigation.

Abu-Jamal, 27, of the 6600 block of N. 17th st., was a part-time reporter for radio station WDAS and former

[POLICE BEAT SUSPECT 4 TIMES, COMPLAINT TO SOLOMON CLAIMS

BY RANDOLPH SMITH OF THE BULLETIN STAFF

A COMPLAINT FILED WITH THE PHILADELPHIA POLICE COMMISSIONER ALLEGES THAT POLICE BEAT MUMIA ABU-JAMAL FOUR TIMES AND ASSAULTED HIM INSIDE A HOSPITAL INTENSIVE-CARE UNIT FOLLOWING HIS ARREST FOR THE MURDER OF OFFICER DANIEL FAULKNER.

THE COMPLAINT, A COPY OF WHICH WAS OBTAINED BY THE BULLETIN, WAS RECEIVED BY POLICE COMMISSIONER MORTON B. SOLOMON AND TURNED OVER TO THE POLICE INTERNAL AFFAIRS BUREAU FOR INVESTIGATION, SAID POLICE SPOKESMAN DON FAIR.

BEING REMOVED FROM THE WAGON

* "AFTER ENTERING THE JEFFERSON HOSPITAL, IN THE PRESENCE OF HOSPITAL STAFF MEMBERS, MR. JAMAL WAS AGAIN BEATEN AFTER ONE OF THE OFFICERS NOTED THAT MR. JAMAL HAD A SHOULDER HOLSTER."

THE COMPLAINT ALSO ALLEGES THAT A POLICEMAN ASSAULTED ABU-JAMAL ON THE NIGHT OF DEC. 10 OR THE EARLY MORNING OF DEC. 11 WHILE HE WAS ASLEEP AND RECOVERING IN THE HOSPITAL'S SURGICAL INTENSIVE-CARE UNIT.

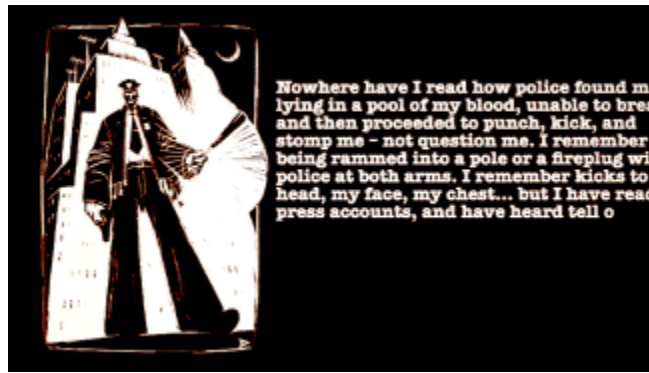
* "MR. JAMAL WAS SUBJECTED TO A POLICEMAN KICKING HIS BED ... AND WAS ALSO PAINFULLY AWAKEN (SIC) AND OBSERVED A POLICEMAN STEPPING ... AND WEAPONS OFFENSES.

THE COMPLAINT DOES NOT IDENTIFY ANY WITNESSES OR POLICE OFFICERS. INSPECTOR FRANK GOLDBERG, OF THE POLICE INTERNAL AFFAIRS BUREAU, CONFIRMED THAT HIS OFFICE RECEIVED THE COMPLAINT ON MONDAY AND IS ALLOWED UP TO 45 DAYS TO COMPLETE ITS INVESTIGATION.

INSPECTOR PAUL FRANKENFIELD, OF THE INTERNAL AFFAIRS BUREAU, SAID LAST NIGHT THAT POLICE COULD NOT COMMENT ON THE COMPLAINANT'S ALLEGATIONS BECAUSE THEY ARE UNDER INVESTIGATION.

ABU-JAMAL, 27, OF THE 6600 BLOCK OF N. 17TH ST., WAS A PART-TIME REPORTER FOR RADIO STATION WDAS AND FORMER

...]



[NOWHERE HAVE I READ HOW POLICE FOUND ME LYING IN A POOL OF MY BLOOD, UNABLE TO BREATHE, AND THEN PROCEEDED TO PUNCH, KICK, AND STOMP ME -- NOT QUESTION ME. I REMEMBER BEING RAMMED INTO A POLE OR A FIREPLUG WITH POLICE AT BOTH ARMS. I REMEMBER KICKS TO MY HEAD, MY FACE, MY CHEST ... BUT I HAVE READ NO PRESS ACCOUNTS, AND HAVE HEARD TELL OF NO ...]



Supported by civilian witness statements, Abu-Jamal himself recounts being punched, kicked and rammed head-first 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.





A former commander of the Philadelphia Police Department stakeout cops, Giordano was in charge of the raids on the offices of the Philadelphia chapter of the Black Panther Party in the late 1960's, when Abu-Jamal was a prominent member.



Giordano was also in charge of the year-long 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 Nine. **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 pretrial hearings, and his account of Abu-Jamal's confession was a cornerstone. 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.



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.



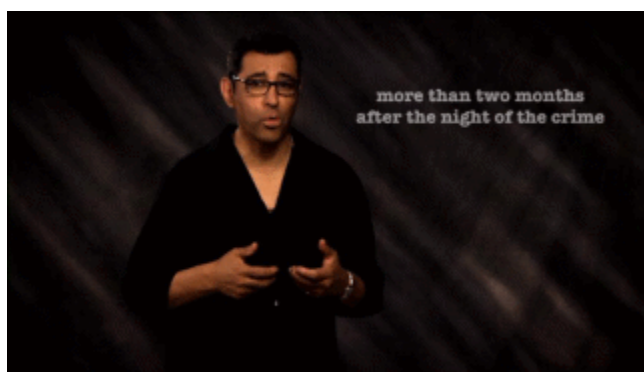
Giordano resigned from the police force at full retirement pay the first working day after Abu-Jamal's conviction.



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 D.A.'s office convened a round table meeting, and asked police witnesses: "Did anyone hear his statement?"



Officers Garry Bell and Gary Wakshul, along with Jefferson Hospital Security Guard Priscilla Durham, suddenly report a second confession by Abu-Jamal.



At this point, this dramatic second confession is being remembered and reported more than two months after the night of the crime.

INVESTIGATION INTERVIEW RECORD	
NAME	P/O GARY WAKSHUL #7363
ADDRESS	6th District 3 Squad Group C-no vac
NAME OF EMPLOYMENT/SCHOOL	
ADDRESS OF EMPLOYMENT/SCHOOL	
PLACE OF INTERVIEW	

PHILADELPHIA POLICE DEPARTMENT HOMICIDE DIVISION/PAB	
BOUGHT IN BY	
WE ARE QUESTIONING YOU CONCERNING	the shooting of P/O Faulkner
WARNINGS GIVEN BY	
ANSWERS	(1) (2) (3) (4)
Q. Officer, would you tell me in your own words	
that occurred tonight?	
A. I was assigned to EPW601 with P/O Steven	

INVESTIGATION INTERVIEW RECORD		PHILADELPHIA POLICE DEPARTMENT HOMICIDE DIVISION	
NAME	Off. Garry Bell #1217	AGE	28
ADDRESS	6th District, #3 Platoon	RACE	W
NAME OF EMPLOYMENT/SCHOOL		APARTMENT NO.	
ADDRESS OF EMPLOYMENT/SCHOOL			
PLACE OF INTERVIEW	IAB, 323 Race St.		
BOUGHT IN BY	Self		
WE ARE QUESTIONING YOU CONCERNING	allegations initiated by Am		

Officer Wakshul, assigned to Abu-Jamal from the crime scene through his admittance to the hospital, along with Officer Bell and Security Guard Durham, reportedly heard Abu-Jamal say ...

INVESTIGATION INTERVIEW RECORD		POL
CONTINUATION SHEET		
NAME	FRISCILLA DURHAM	
QUESTION #6		
A. ONLY IN ANSWER TO WHAT COOK		
Q. WHAT DID COOK SAY TO THE POLICE		
A. I SHOT THAT MOTHERFUCKER. A		
THE MOTHERFUCKER DIES.		
Q. HOW MANY TIMES DID HE SAY TO		
A. HE MAY HAVE SAID IT TWICE.		
OF THINGS BUT WHEN HE SAID		

"I shot the motherfucker, and I hope he dies." But less than two hours after supposedly hearing this confession, Wakshul completed his report to homicide detectives with the statement that during his entire time guarding Abu-Jamal:

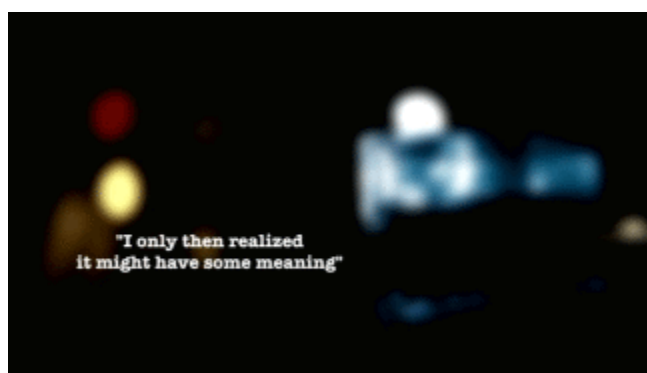
e amended via police radio and]
male treated for any injuries.
During this time, the negro

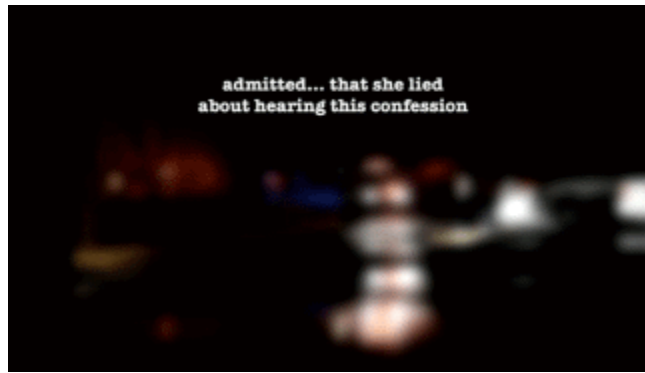
stayed with the male
made no comments.

“The negro male made no comments.”

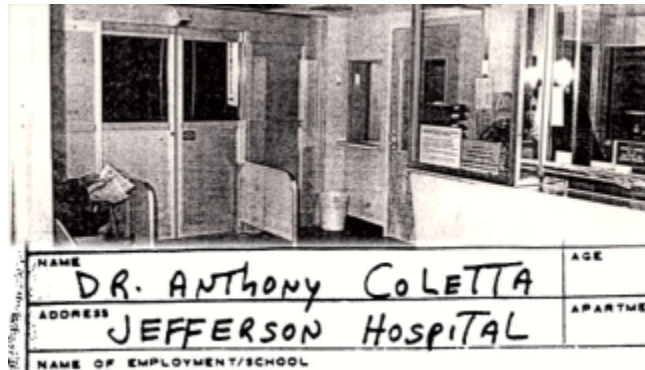


When Wakshul was questioned during appeals why it took more than two months to report this supposed confession, he explained that he was too distressed to remember, and then later claimed:

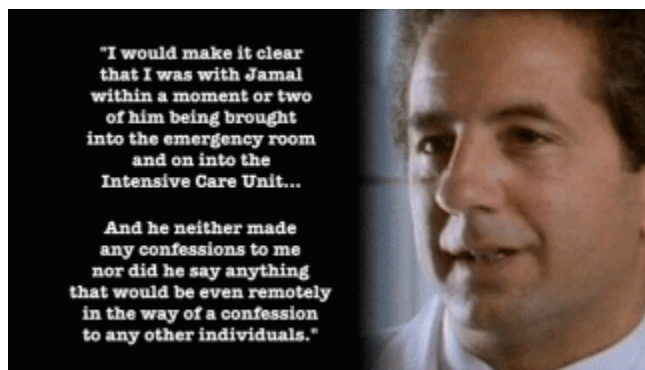




“I only then realized it might have some meaning.” Security Guard Priscilla Durham, who had aspirations to become a police officer herself, later admitted to her step-brother that she lied about hearing this confession.



And what about Dr. Anthony Coletta 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?

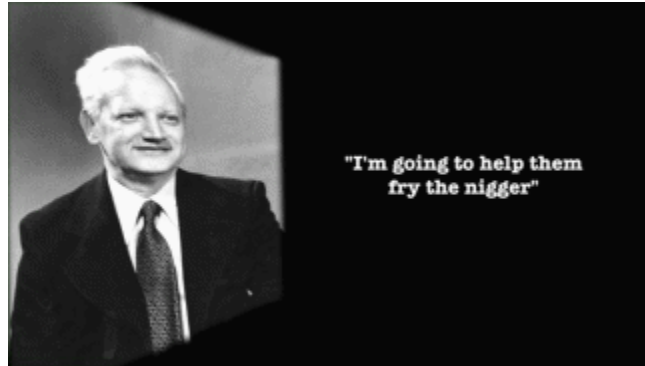


“I would make it clear that I was with Jamal within a moment or two of him being brought into the emergency room and on into the Intensive Care Unit, and he neither made any confessions to me, nor did he say anything that would be even remotely in the way of a confession to any other individuals.” – Dr. Anthony Coletta



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. When Abu-Jamal protested this blatantly unreasonable and unjust denial, Sabo's response was, "Your attorney and you goofed!"

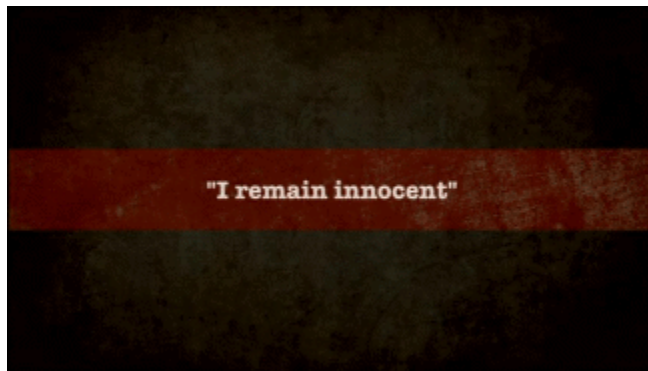


A comment of such cruelty is no surprise given the obvious bias and racism of Judge Sabo, who promised to a fellow judge in the presence of court reporter Terri Maurer Carter that: "I'm going to help them fry the nigger."





But while Sabo was infamous for his hostile behavior with defendants, and was actually nicknamed “The Prosecutor in Robes,” it was a corrupt Philadelphia Police force, empowered by the D.A., that clearly manufactured Abu-Jamal’s guilt, and suppressed evidence of his innocence, beginning in those early morning hours of December 9, 1981.



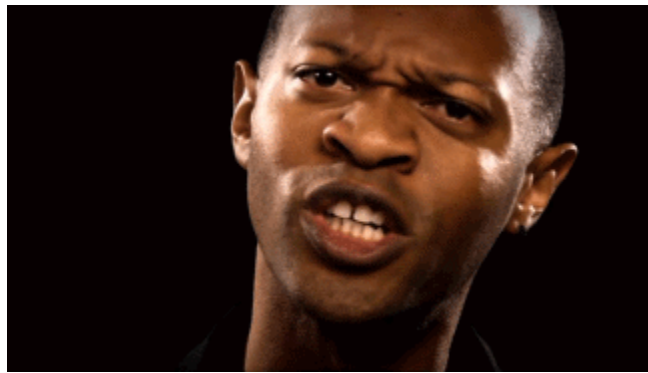
“I REMAIN INNOCENT”



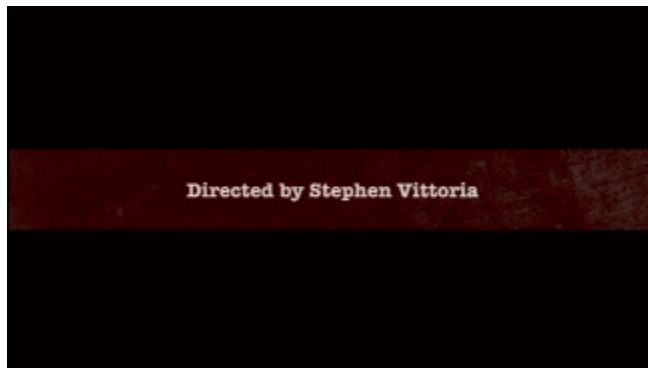
In 1998, from the bowels of death row, Mumia Abu-Jamal made this statement, a statement that reaches back into Philadelphia's unquestionably racist history, and shines a bright light into the darkness.



[Eric Davis, reading Mumia Abu-Jamal] 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.



DIRECTED BY STEPHEN VITTORIA

WRITTEN & PRODUCED BY STEPHEN VITTORIA & JUSTIN LEBANOWSKI

EDITED BY ERIK SORENSEN

PHOTOGRAPHED BY SKYE BORGMAN

CHIEF LEGAL CONSULTANT: RACHEL WOLKENSTEIN

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