

SUPERIOR COURT OF PENNSYLVANIA
EASTERN DISTRICT

Commonwealth of Pennsylvania,	:	
	:	
Appellee,	:	Docket Number
	:	CP-51-CR-0113571-1982
	:	
v.	:	Superior Court Docket Number
	:	290 EDA 2019
Wesley Cook, aka Mumia Abu-Jamal	:	
	:	
Appellant.	:	

**APPELLANT’S MOTION FOR REMAND TO THE COURT OF COMMON PLEAS TO
CONSIDER NEWLY DISCOVERED EVIDENCE**

Appellant, Mumia Abu-Jamal, through counsel, moves for a remand to the Court of Common Pleas so that he may present newly discovered evidence, which the Commonwealth first disclosed after the Court of Common Pleas issued its ruling on Mr. Abu-Jamal’s pending PCRA petition. In support of this motion, Mr. Abu-Jamal states the following.

1. On December 27, 2018, the Court of Common Pleas (Tucker, J.) granted in part Appellant’s fifth petition for relief under the Post Conviction Relief Act (PCRA). The Court of Common Pleas ruled that Mr. Abu-Jamal’s appellate rights in his previous four PCRA petitions must be reinstated due to the appearance of judicial bias because Justice Ronald Castille participated in deciding the appeals in the Pennsylvania Supreme Court after denying Mr. Abu-Jamal’s motions asking

for his recusal. The Court held that Justice Castille erred by denying Mr. Abu-Jamal's recusal motions because a letter Justice Castille wrote the Governor when he was the Philadelphia District Attorney—a letter withheld by the Commonwealth until these proceedings—demonstrated that Justice Castille had disqualifying bias in capital cases where the victim was a police officer. The Commonwealth has withdrawn its appeal of that ruling.

2. During the course of the proceedings in this PCRA petition, the Court of Common Pleas ordered the Commonwealth to produce its complete case file related to Mr. Abu-Jamal for in camera review, and the Commonwealth represented that it had done so.

3. However, on January 3, 2019, the Commonwealth wrote Judge Tucker a letter, stating that, on December 28, 2018, the District Attorney and members of his staff came across six boxes with the name “Mumia” or “Abu-Jamal” on them. (See Exhibit A.) In its January 3, 2019 letter, the Commonwealth acknowledged: “this means the Commonwealth’s prior representations that it had produced the complete file for this Court’s review in these cases were incorrect.” *Id.*

4. Five of those boxes are labeled 18/29, 21/29, 23/29, 24/29, and 29/29, and the Commonwealth later represented that it has not located the remaining 24 out of 29 boxes in this series.

5. The Commonwealth agreed to defense counsel's request to review the contents of the six boxes. The Commonwealth also assured defense counsel that it would continue to look for any additional boxes, including the 24 out of 29 boxes that appear to be missing.

6. Undersigned counsel's review of the six boxes has revealed highly significant evidence, which the Commonwealth has never previously disclosed, establishing that Mr. Abu-Jamal's trial was tainted by a failure to disclose material evidence in violation of the United States and Pennsylvania Constitutions.

7. *First*, documents in the boxes show, for the first time, that the prosecution promised its most important witness money in exchange for his testimony. Specifically, in a letter postmarked August 6, 1982, the prosecution's principal eyewitness, Robert Chobert, wrote Joseph McGill, the lead trial prosecutor, stating "I have been calling you to find out about the money own (sic) to me. So here is a letter finding out about money." (*See Exhibit B.*)¹ The suppression of evidence that a key witness for the State has been offered payment in connection with his testimony is a classic violation of *Brady v. Maryland*, 373 U.S. 84 (1963). *See, e.g., Banks v. Dretke*, 540 U.S. 668, 675, 678, 702 (2004) (capital penalty proceeding violated due process where State suppressed evidence that key witness

¹ Exhibit B contains a copy of the letter from Mr. Chobert to Mr. McGill and a copy of the envelope in which it came. Pursuant to a request from the Commonwealth, Mr. Chobert's street address has been redacted from the envelope.

had been paid approximately \$200); *Thomas v. Westbrook*, 849 F.3d 659, 665 (6th Cir. 2017) (new trial required where State did not disclose a payment made to its key witness, because it deprived the defendant of his “right to impeach the State’s witnesses against him on the grounds of pecuniary bias in the case”) (citations omitted); *Schofield v. Palmer*, 621 S.E.2d 726, 731 (Ga. 2005) (new trial required because prosecution’s suppression that key witness was paid prevented the defendant “from impeaching that witness with ‘an age-old, logical, pecuniary argument that [he] had a motive to lie,’” and further recognizing that “the State must have also believed that knowledge of the payment would have affected its case against [the defendant] because it went to such great lengths to conceal it”).

8. *Second*, material in the boxes reveals, for the first time, handwritten notes indicating that the lead trial prosecutor in Mr. Abu-Jamal’s case was actively tracking the races of prospective jurors during juror selection, using the letters “B” or “N” to refer to Black jurors. *See* Exhibit C.² This was not previously disclosed and is strongly probative of a *Batson* violation. *See, e.g., Foster v. Chatman*, 136 S. Ct. 1737, 1744, 1748 (2016) (relying on notes showing that the prosecution was tracking the race of jurors in finding a *Batson* violation); *Diggs v. Vaughn*, No. 90-2083, 1991 WL 46319, at *1 (E.D. Pa. Mar. 27, 1991) (in finding a *Batson* violation,

² Exhibit C contains a copy of handwritten notes, apparently made by the trial prosecutor, during jury selection. Pursuant to the Commonwealth’s request, the names of the venirepersons have been redacted. Each name has been replaced with a label that says, “Named Prospective Juror.”

relying in part on notes showing that the prosecutor was tracking the race of prospective jurors, which indicated that race “featured very prominently in the thought processes of the trial prosecutor”).

9. *Third*, the boxes contained at least eleven different memoranda and letters which disclose that after Mr. Abu-Jamal’s trial, the District Attorney’s Office, at its higher levels, made significant efforts to monitor and direct the outstanding prostitution charges against Cynthia White. (*See* Exhibit D.) Ms. White was the only witness at Mr. Abu-Jamal’s trial other than Mr. Chobert who testified that she saw Mr. Abu-Jamal shoot Officer Faulkner. At the time of the trial, she had been working as a prostitute for a long time, was serving a prison sentence in Massachusetts, had as many as 38 prior arrests, and had 4-5 open criminal cases pending against her. (Tr. 6/21/82 at 80; Tr. 6/22/82 at 26.) Before and at Mr. Abu-Jamal’s trial, the Commonwealth did not disclose that Ms. White had been offered any incentives to testify or that any promises were made to her concerning leniency in her outstanding cases. Material in the recently disclosed files suggest that incentives and promises were given. Memoranda in these files indicate that members of the District Attorney’s Office paid special attention to Ms. White’s upcoming prostitution cases, and each of these memoranda instructed the trial prosecutor to contact Joe McGill (lead prosecutor in Mr. Abu-Jamal’s case) prior to trial. They also seek to facilitate her release from custody after her return to

Pennsylvania from Massachusetts. There can be no reason for a senior homicide prosecutor like Joe McGill to be involved in prosecuting prostitution charges in Municipal Court, other than to have a say over the handling of the cases, at least three of which were eventually dismissed. (*See Exhibit D.*)

10. A memorandum of particular concern was written from the Chief of the D.A.'s Municipal Court Unit to an Assistant D.A. in that Unit. (*See Memorandum to Michael Weisberg from Andre Washington dated 12-6-82, Exhibit D.*) The memorandum, written five months after the conclusion of Mr. Abu-Jamal's trial, instructs the trial D.A. that he has been assigned to Ms. White's prostitution cases and that she had been a witness in "the recent police shooting case tried by Joe McGill." The memo asserts that there were no specific deals worked out for her testimony, "so these [prostitution] cases should be vigorously prosecuted." Yet despite this protestation, the memo concludes by instructing the trial D.A. that, "before proceeding to trial please see A.D.A. Joseph McGill, in the Homicide Unit, and discuss this case." And, "if possible, arrange for an earlier date for trial." It concludes by telling the Municipal Court A.D.A to "keep me informed of your progress."

11. This new evidence, which the Commonwealth has suppressed for well over three decades, shows that Mr. Abu-Jamal's capital trial was fundamentally unfair and tainted by serious constitutional violations. Mr. Abu-Jamal respectfully

requests that this Court remand the case to the Court of Common Pleas so that Mr. Abu-Jamal may litigate the claims arising from this new evidence.

12. A remand at this juncture would prevent inefficiency and the wasting of judicial resources, particularly because the newly discovered evidence relates to claims currently pending in these appeals, i.e., a *Batson* claim, and *Brady* claims related to Mr. Chobert and Ms. White. It will be far more efficient for the parties and the Court for these claims to be adjudicated based on a fully developed record and in a single appeal to this Court (if necessary) rather than in a piecemeal fashion.

13. Counsel for the Commonwealth has informed undersigned counsel that the Commonwealth will decide its position on this motion after reviewing the motion.

WHEREFORE, Appellant requests that this Court remand this case so that the Court of Common Pleas may consider the evidence first disclosed by the Commonwealth after the ruling of the Court of Common Pleas reinstating Mr. Abu-Jamal's PCRA appeals.

Respectfully Submitted,

/s/ Judith Ritter

JUDITH L. RITTER
Pennsylvania Attorney ID# 73429
Widener University-Delaware Law School
4601 Concord Pike

Wilmington, Delaware 19801
Telephone: (302) 477-2121
Facsimile: (302) 477-2227
E-mail: JLRitter@widener.edu

SAMUEL SPITAL
Admitted Pro Hoc Vice
NAACP Legal Defense & Educational Fund, Inc.
40 Rector Street, 5th floor
New York, New York 10006
Telephone: (212) 965-2200
E-mail: sspital@naacpldf.org

Counsel for Appellant,
Mumia Abu-Jamal

Dated: September 3, 2019

CERTIFICATE OF COMPLIANCE

I certify that this filing complies with the provisions of the ‘Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts’ that require filing confidential information and documents differently than non-confidential information and documents.

/s/ Judith Ritter

Judith Ritter

CERTIFICATE OF SERVICE

I, Judith Ritter, hereby certify that on this 3rd day of September 2019, I served a copy of the foregoing upon the following persons:

Office of the Philadelphia District Attorney
Three South Penn Square
Philadelphia, PA 19107
By: PACFile

/s/ Judith Ritter

Judith Ritter

Exhibit A



DISTRICT ATTORNEY'S OFFICE
THREE SOUTH PENN SQUARE
PHILADELPHIA, PENNSYLVANIA 19107-3499
(215) 686-8000

LAWRENCE S KRASNER
DISTRICT ATTORNEY

January 3, 2019

The Honorable Leon W. Tucker
Supervising Judge - Criminal
Suite 1201, Criminal Justice Center
1301 Filbert Street
Philadelphia, Pa. 19107

Re: Commonwealth v. Mumia Abu-Jamal, aka Wesley Cook
CP-51-CR-9113571-1982 PCRA

Dear Judge Tucker,

I write to inform the Court of a development in this case.

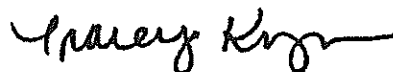
On December 28, 2018, the D.A. and members of his staff went to a remote and largely inaccessible room of the District Attorney's Office marked "Storage," looking for office furniture. While there, they came across six file boxes, five of which were marked with the name "McCann." Edward McCann was a high-level supervisor in prior administrations. He left the Philadelphia District Attorney's Office in 2015. The boxes were also marked with the name "Mumia" or "Abu-Jamal" and one of the boxes was marked with the full name "Mumia Abu-Jamal." Five of the boxes contained one of the following designations: 18/29, 21/29, 23/29, 24/29, 29/29. The sixth had no numbering.

This means the Commonwealth's prior representations that it had produced the complete file for this Court's review in this case were incorrect, although those representations were based upon a diligent search and were accurate to the best of the Commonwealth's knowledge at the time. The Commonwealth had delivered to this Court 32 boxes for review, each marked in sequential order (1 of 32, 2 of 32, 3 of 32, etc.). According to the District Attorney's Office's database, these 32 boxes were the complete file for Mr. Abu-Jamal's case. Nothing in the Commonwealth's

database showed the existence of these six additional boxes. All entries in the database pre-date this administration.

We are in the process of reviewing these boxes. We regret this development. Should this Court wish to review the contents of these six boxes, we will provide them.

Respectfully submitted:



Tracey Kavanagh
Assistant District Attorney
Supervisor, PCRA Unit
215-686-5707

cc: Judy Ritter, Esquire
Samuel Spital, Esquire

Exhibit B

Mr. McGill

I have been calling you to find out about the money own to me. —

So here is a letter, finding out about money, Do you need me to sign anything How long will it take to get it. —

How was your week off god I hope.

Set me know soon, write me back

Robert Chobert

Robert Chobert

Phila PA

2/2

Exhibit C

369

NAMED PROSPECTIVE JUROR

" > C u/F

- ① J. J.
- ② J. J.
- ③ J. J.
- ④ J. J.

27C

NAMED PROSPECTIVE JUROR

u/F

- ① S/W J. J.
- ② Powell & Bellamy - ? J. J.
- ③ J. J. Collyer - ? J. J.
- ④ J. J. & J. J.
- ⑤ J. J. CLS
- ⑥ J. J. (5/3/7) J. J.
- ⑦ H →

~~89~~

NAMED PROSPECTIVE JUROR

89

*

① J/M - Okla. - 7 (1969)

② Dist. court
- trial

③

④

★ ⑤ Comm. Laborer

⑥ Husband →

⑦ Club of Jesus Christ

⑧

~~_____~~

NAMED PROSPECTIVE JUROR

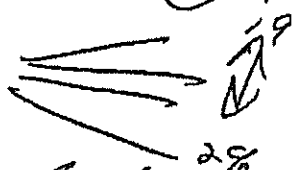
496 4/11

19134A

- 1 Port
- 2 Paul
- 3
- 4

NAMED PROSPECTIVE JUROR

19143

- 1 Carlier
- 2 Indling
- 3 G.J.
- 4 School Bd. 105
- 5 H. White Chaslat
- 6 4 m 
- 7 Public School

- 1 Arthur
- 2 James
- 3

Elaine Leverhol

- 19148
- 1 Sgt. Paul
 - 2 Sgt. Paul
 - 3 Iron Chief

NAMED PROSPECTIVE JUROR

W/F

① X/F (11/195) →

②

③ Ad → 227.

④

gd & Indly →

⑤

(166) →

⑥

NAMED PROSPECTIVE JUROR

W/F

① Prof 204

②

③

~~_____~~
~~_____~~
~~_____~~

17/1/68

1 Mr. - [unclear]

2 W. Chiles - (1968)

3 [unclear]

4 [unclear]

5 White Road

- Gray's Inn [unclear]



6 No Club
 Only Club member

7 Further [unclear] - ? [unclear]

8 all public schools

9 [unclear]

10 [unclear]

NAMED PROSPECTIVE JUROR

[Handwritten scribble]

[Handwritten scribble]

Jur.

NAMED PROSPECTIVE JUROR

[Handwritten scribble]

[Handwritten scribble]

- ① West Oak Lane 20yr - Juror
- ② Stork Lane
- ③ - Philadelp + return 19yr
- ④ H - merged →
 2000 ex parte of O.E. - retired
- ⑤ 4 children - 2nd step adv.
 - Juror
- ⑥ ex parte - Bell
 - Calver

⑦ Student First State
 Carl Doyler

⑧ → Jindan → ...

⑩ → J. J. Johnson

not the ⑪ → John → Sen. Sub.

NAMED PROSPECTIVE JUROR

- ① Fay Chase 77 yr.
- ② G. Philo
- ③ Winter
- ④ Mr. Lehigh → Robb.
- ⑤ Mr. [unclear]

NAMED PROSPECTIVE JUROR

B/M

- ① 19133
- ② 30 yr.
- ③ [unclear] 37 yr → US Army
- ④ [unclear]
- ⑤ [unclear]
- ⑥ [unclear]
- ⑦ H/W
- ⑧ [unclear]
- ⑨ [unclear]

I accept
 the [unclear]
 [unclear]

X30 RGF

NAMED PROSPECTIVE JUROR

Paul White

→

NAMED PROSPECTIVE JUROR

B/ F

H= 7

① Inm
② Mick Inman
→ 30 yr

③ engaged → Asst Budget Analyst

④ Fed Govt - 8 yr. 22 yr

⑤ H → Pub Edmt → 15 yr

⑥ NTA → RTV

⑦ → State
(1991?)

⑧ A. C. S. T.

⑨ Bus Adm. - school

⑩ born in South Carolina

NAMED PROSPECTIVE JUROR

W/M →

- ① burton - police officer - 7257
- ② Lee J. Phillips
- ③ Adney
- ④ Carl Boyette
- ⑤ Asa Phillips
- ⑥ W. ...
- ⑦ ...
- ⑧ ...
- ⑨ ...

NAMED PROSPECTIVE JUROR

Lee J. Phillips
 P. 19148

③
 ④
 ⑤

NAMED PROSPECTIVE JUROR

7. C. [unclear]

6. [unclear]

~~Str~~

NAMED PROSPECTIVE JUROR

1. [unclear]

- 2. [unclear]
- 3. [unclear]
- 4. [unclear]
- 5. [unclear]
- 6. [unclear]

~~10/14~~

Mr. Joyce - affir w/f

NAMED PROSPECTIVE JUROR

(2) S/W

(3) Ray - 4/1/8 - (Veri-)

(4) Crest 2 year

(5) Lynn Crest Rd.

(6) State the Clp.

(7) Crest and Cott.

(8) Foster & Son + sister

(9) 19143

(10) Jones

(11)

(12) John Barlow

(13)

NAMED PROSPECTIVE JUROR

JK

①

per

NAMED PROSPECTIVE JUROR

J w/12

① *North - 307.*

② *clerical*

③ *teaching.*

④ *foundry then - police
another found - police*

⑤ *poor white
+ black. 1 P.P.*

323

NAMED PROSPECTIVE JUROR

PH

- 1 Robert (1951)
- 2 get ready →
- 3 Lyd
- 4 Ch. Henry (20yr)
- 5 TV sales by film
- 6 get
- 7 Thumment (30yr)

John J. [Signature]

NAMED PROSPECTIVE JUROR

- 1 N/T = 20yr
- 2 general analyst
- 3
- 4 MTA school fund
- 5
- 6 117
- 7 111
- 8 Public school
- 9

NAMED PROSPECTIVE JUROR

~~_____~~
~~_____~~
2/2/21

~~_____~~

① K/P

② Tacey

③

④
⑤

NAMED PROSPECTIVE JUROR

W/P

NAMED PROSPECTIVE JUROR

NAMED PROSPECTIVE JUROR

① W/P

② 33 W/P

③ Alpha Co

④ Bell 14 1/2 y

⑤ Juri

⑥ Joster: electrical work

⑦

NAMED PROSPECTIVE JUROR

Best cover

→ use as just

~~340~~

NAMED PROSPECTIVE JUROR

~~(1) [unclear]~~

~~76~~

NAMED PROSPECTIVE JUROR

v/p →

(1) [unclear]

(2) [unclear] - [unclear] 1977

(3)

(4)

(5) Catholic Church

(6) [unclear]

(7)

~~[Large scribbled-out area]~~

①

- ① ~~Account~~
AK+burg address
- ② ~~Address (in different words)~~
inquire
- ③ ~~What the person~~
was doing
when they were

1 or 2 times whom

✓

10

5

~~scribble~~

7/20

NAMED PROSPECTIVE JUROR

11/8/11

- ① Full -
- ② 19132
- ③ ref. egypt content
- ④
- ⑤
- ⑥
- ⑦
- ⑧
- ⑨
- ⑩ → (A)
- ⑪ upll

NAMED PROSPECTIVE JUROR

- ① Sound
- ②
- ③ live alone
- ④
- ⑤ accountant - 4 yr. exp.
- ⑥
- ⑦ → Test & Survey
- ⑧ Health Care
- ⑨ 4 yr
- ⑩ every student
- ⑪ Lead

(10)

(17)

NAMED PROSPECTIVE JUROR

~~1 B/12~~

~~Adriana~~

NAMED PROSPECTIVE JUROR

~~J~~

NAMED PROSPECTIVE JUROR

~~John~~

NAMED PROSPECTIVE JUROR

- ① Jim
- ② Stan & John
- ③
- ④

NAMED PROSPECTIVE JUROR

- ① S/W
- ② Army station engineer
- ③ (12 yrs)
- ④ married - not employed
- ⑤ Tanker Reg school
- ⑥ Amer Leg.
- ⑦ DAB
- ⑧ In the presence of 18 mo

199 →

NAMED PROSPECTIVE JUROR

NAMED PROSPECTIVE JUROR

23 W/M

① Sheriff Peter Hill (5)
②

by
M/E

3 99 →

NAMED PROSPECTIVE JUROR

① what a cop and he died
②

0107 → 11/27 - u - r

NAMED PROSPECTIVE JUROR

- ① 19124
- ② 177
- ③ [unclear]
- ④ Casey [unclear]
- ⑤ [unclear]
- ⑥ [unclear]
- ⑦ [unclear]

8900

NAMED PROSPECTIVE JUROR

1/6 hr
I feel the same

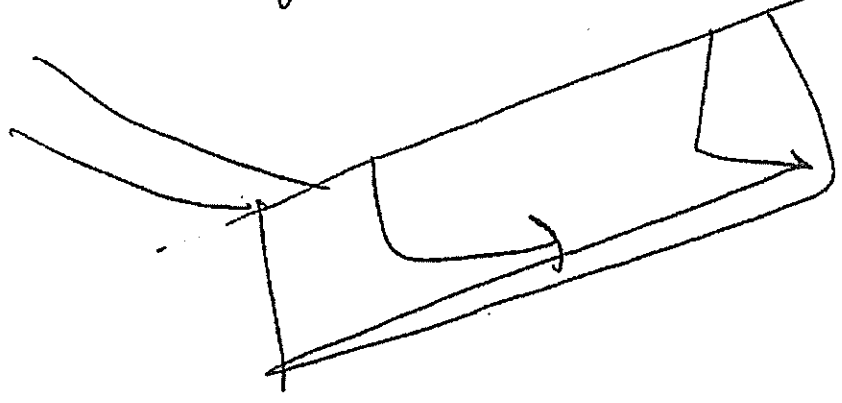
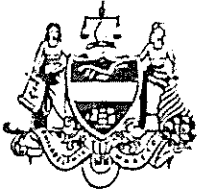


Exhibit D



DISTRICT ATTORNEY'S OFFICE

1300 CHESTNUT STREET
PHILADELPHIA PENNSYLVANIA 19107

EDWARD G. RENDELL
DISTRICT ATTORNEY

September 17, 1982

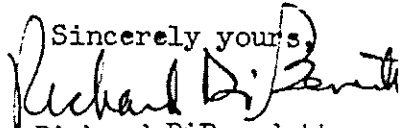
Massachusetts State Parole Board
c/o Thadine Johnson
Institutional Parole Officer
Massachusetts Correctional Institution
Framingham, Massachusetts 01701

RE: Mildred Saunders; aka: Cynthia White

Dear Sir:

The above-named inmate is presently pending trial in Philadelphia on three charges of Prostitution. We have lodged detainers against her and intend to have her transferred to Philadelphia pursuant to the Interstate Agreement on Detainers Act for prosecution on these charges. It is my understanding that she may be coming up for parole in the near future. If the inmate is granted parole, we would still like to take custody pursuant to the Detainers Act, as I believe that she could be paroled to our detainers prior to the actual parole date. If the defendant is in our custody when her parole is granted she would be released from our custody, assuming that she posts bail on our charges. In any event, it appears that this is the fastest method to have her returned to our custody. Would you please let me know if the defendant can be paroled while in our custody?

Thank you for your assistance in this matter.

Sincerely yours,

Richard DiBenedetto
Deputy
Intergovernment
Affairs
215-875-6422



September 15, 1981

Ms. Christine Hillman
Records Officer
Massachusetts Correctional Institution
Framingham, Massachusetts 01701

Re: Cynthia White, aka Mildred Saunders
Our: MC8112 1285, Chg. Prostitution
MC8110 0600, Chg. Prostitution
MC8111 3925, Chg. Prostitution

Dear Ms. Hillman:

We had previously lodged copies of our Bench Warrants to act as Detainers against the above-named inmate who is presently serving a sentence at your Institution. As you are aware the inmate is presently in our custody in Philadelphia having been sent her pursuant to the Interstate Rendition of Witnesses Act. We expect to have her returned to your custody on or about September 20th, 1982. Since Miss White is in Philadelphia pursuant to the Interstate Rendition of Witnesses Act, we cannot prosecute her on the outstanding charges while she is here as a witness. However, I am enclosing a copy of our Form 5 Request for Temporary Custody under the Interstate Agreement on Detainers Act as we would like to have her returned to our custody for prosecution on these charges.

Would you please advise the inmate immediately upon receipt of this request for custody and determine whether she will waive the waiting period. I believe she will as she has indicated this to me. Once she waives the waiting period you will, of course, have to send me an offer to deliver custody and we will set up a date to have the inmate transferred to Philadelphia. If she is granted parole within the next two months we would be willing to take custody of her before her parole date and she can be paroled on her Massachusetts sentence while she is in our custody. Could you please speak with the parole authorities in your jurisdiction and determine whether they will agree to this. If you have any further questions with regard to this matter, please do not hesitate to contact me.

Sincerely,
Richard Di Benedetto
RICHARD DI BENEDETTO
Deputy, Intergovernmental
Affairs

RDIB:cb

MEMORANDUM

CITY OF PHILADELPHIA

TO : Michael Weisberg, ADA, Municipal Court Unit

FROM : Andre Washington, Chief, Municipal Court Unit *AW*

SUBJECT: COMMONWEALTH V. CYNTHIA WHITE,
MC 81-11-3925, 81-10-600, 81-12-1285,
LISTED: JANUARY 14, 1983, COURTROOM 275

DATE 12-5-82

You are specially assigned to prosecute the above-captioned cases at the Municipal Court Trial level. The defendant is charged with three separate counts of Prostitution and related offenses. The Public Defender represents the defendant.

This defendant was the witness in the recent police shooting case tried by Joe McGill. There were no specific deals worked out for her testimony, so these cases should be vigorously prosecuted. Please note that there is an outstanding Rule 6013 Petition which will have to be litigated before trial. This defendant was previously incarcerated in Massachusetts and was transported originally to Philadelphia under the Inter-State Agreement as to witnesses. However, that Agreement indicates that the defendant cannot be tried for any outstanding cases in the jurisdiction to which she is being transported. Therefore, the defendant is considered to be unavailable. Consequently, the defendant was transported back to Massachusetts after the completion of her testimony and then we had to proceed under the Inter-State Agreement on detainers to have her transported back to Philadelphia. *WNY*

For the purpose of the Rule 6013 Petition, you will probably need Rich DiBenedetto to testify to his efforts in producing the defendant as well as having a copy of the Inter-State Agreement for witnesses available to provide the judge. Please ensure that all necessary witnesses are subpoenaed for January 14, 1983. However, please note that each case is an individual incident. Therefore, all three cases cannot proceed unless there is a plea which can be worked out. There is no objection to a plea being agreed upon for these three cases. However, if the cases go to trial, then the defendant will have to have separate trial dates. You should try the earliest case first.

Before proceeding to trial please see A.D.A. Joseph McGill, in the Homicide Unit, and discuss this case. If possible, arrange for an earlier date for trial. In order to do that, you will have to contact Steve Jaffe.

Please keep me informed of your progress.

AW:cl

MEMORANDUM

CITY OF PHILADELPH

TO : Ed Wilbraham, Municipal Court Unit
FROM : Rich DiBenedetto, Extraditions
SUBJECT: Cynthia White

DATE

11/1/82

MC 8111-3925
MC 8110-0600
MC 8112-1285
MC 8112-0810

This defendant was given a bench warrant hearing today and the above cases were relisted to January 14, 1983 in courtroom 275. Brad Richman had previously filed 6013 petitions and wanted to get an early trial date when the defendant was returned. Since the trial commissioner listed the cases for January 14th, you may want to consider getting them re-listed to an earlier trial date if that is possible. Please have the assigned ADA contact Joe McGill prior to trial.

Putnam Co.
Jail
Palatka, PA

MEMORANDUM

CITY OF PHILADELPHIA

TO : Edward Wilbraham, Chief, Municipal Court Unit

FROM : Alfred T. Little, Trial Services Director

SUBJECT: Commonwealth v. Cynthia White
Case No. MC 8110-0600
Listed 1/14/83 Courtroom 275
Witness: Thomas W. Lawson

DATE 11/22/82

Witness Thomas Lawson has informed our office by return subpoena mailer post card that he has come down twice and was told by the bailiff that there is no need for him to come back.

This file is currently signed out to A.D.A. Joseph McGill of the Homicide Unit.

Please let us know if there is anything further we should do.

js

MEMORANDUM

CITY OF PHILADELPHIA

TO : _____
FROM : Sgt. Keaveny, Cell Room.
SUBJECT: Rich DiBenedetto, D.A.'s Office

DATE

10/1/82

Quinn White
aka: Mildred Saunders

This defendant will be granted parole from the Massachusetts Correctional Facility in Framingham on October 29th. Please pick her up at the institution on that day.

NOTE

Try to get an
early listing date once
def. has been returned per Brad

8/31/82

To: Joe Mc Bell
From: Rich D. Benedetto

Re: Cyathia White

This witness was transported to our prison system today. Lt. Matten has been advised to hold her in security.

Fr: ADA WEISBERG

Sub: CHRISTIA WHITE PROSTITUTION CASES

On 4/28/83 in room 275, three
lynchin white prostitution cases were
discharged by Judge Coppolino for
lack of prosecution.

8110-0600 was discharged after
the civilian witness failed to appear.
The witness was properly served.

8112-1285 was discharged due
to the arresting officer having left
the police force. The judge would not
give the Commonwealth another
opportunity to contact the officer.

8111-3995 was discharged by
Judge Coppolino on the motion
of the Public Defender, who argued
that although the defendant had
failed to appear, judicial economy
dictated that no more time or
money be expended on capturing
this defendant on such a minor
charge.

As to all three cases, I am
on record as to the amount of money
and time expended upon extradition; court
notices to police officers for this listing
and service on the civilian for this
listing.

- Mike Keil

on 4/28/83
C. White
arrived