

**IN THE
SUPREME COURT OF PENNSYLVANIA
EASTERN DISTRICT**

IN RE: CONFLICT OF INTEREST OF	:	125 EM 2019
THE OFFICE OF THE PHILADELPHIA:	:	
DISTRICT ATTORNEY	:	
	:	
	:	
	:	
PETITION OF MAUREEN FAULKNER	:	
Widow of Deceased Police Officer	:	
Daniel Faulkner	:	

**THE PHILADELPHIA DISTRICT ATTORNEY’S APPLICATION TO
WITHDRAW AN EXHIBIT FROM ITS RESPONSE TO THE KING’S
BENCH PETITION**

TO THE HONORABLE CHIEF JUSTICE AND JUSTICES OF THE SUPREME COURT:

LAWRENCE S. KRASNER, District Attorney of Philadelphia County, by his Assistant, GRADY GERVINO, Assistant District Attorney, respectfully requests permission to withdraw an exhibit from its response to the King’s Bench petition, and in support thereof states:

1. Petitioner Maureen Faulkner is the widow of Officer Daniel Faulkner. In 1982, a jury convicted defendant Wesley Cook, a/k/a Mumia Abu-Jamal, of first-degree murder and possessing an instrument of crime for the killing of Officer Faulkner.
2. On December 27, 2018, the PCRA court entered an order, over the

Commonwealth's opposition, reinstating defendant Cook's right to appeal from prior orders dismissing his first four PCRA petitions. Defendant Cook's *nunc pro tunc* appeal from the denial of his prior PCRA petitions is currently before the Superior Court.

3. On November 12, 2019, Mrs. Faulkner filed a petition asking this Court to exercise its King's Bench jurisdiction and disqualify the Philadelphia District Attorney's Office from the prosecution of defendant Cook. Petitioner claims that removal of the district attorney's office is necessary due to alleged conflicts of interest and because the office is supposedly "refusing to carry out its responsibility to objectively analyze the case and enforce the law" (King's Bench Petition, 2).

4. One of the alleged conflicts of interest involves Paul M. George, Esquire. Petitioner claims that Mr. George is "the current head of the Appellate Unit," or the "Chief of the Appeals Unit" at the Philadelphia District Attorney's Office (*id.* at 2, 19).

5. In its response to the King's Bench petition, the Philadelphia District Attorney's Office pointed out that a review of the District Attorney's Office's public website would have revealed to Petitioner's attorneys that Lawrence J. Goode, Esquire, and not Paul M. George, Esquire, is the head of the Appeals Unit. This is an accurate statement.

6. In support of the above point, the District Attorney's Office attached a

copy of the Law Division webpage from the District Attorney's website (District Attorney's Response to King's Bench Petition, Exhibit C). This exhibit is an accurate depiction of how the webpage looked at the time the assigned attorney viewed the webpage (November 26, 2019) and at the time the District Attorney's Office filed its response to the King's Bench petition.

7. The assigned attorney, however, has realized that the webpage was updated after Petitioner filed her King's Bench petition, although at the time she filed her petition, and prior thereto, it correctly stated, as it does now, that Mr. Goode is the Supervisor of the Appeals Unit.

8. Thus, while the District Attorney's Office's statement that a review of the webpage would have shown Petitioner's attorneys that Mr. Goode, and not Mr. George, is the head of the Appeals Unit is accurate, it realizes it erred in including Exhibit C as part of its response, since that version of the page did not exist at the time Petitioner filed her King's Bench petition.

9. Accordingly, the District Attorney's Office requests this Court's permission to withdraw Exhibit C from its response to the King's Bench petition.

WHEREFORE, the Philadelphia District Attorney's Office respectfully requests permission to withdraw Exhibit C from its response to the King's Bench petition.

Respectfully submitted,

/s/ Grady Gervino

GRADY GERVINO
Assistant District Attorney

IN THE SUPREME COURT OF PENNSYLVANIA

In re: Conflict of Interest of the Office of the Philadelphia District Attorney, : 125 EM 2019
 :
 :
 :
 Petition of Maureen Faulkner, Widow of deceased Police Officer Daniel Faulkner

PROOF OF SERVICE

I hereby certify that this 3rd day of December, 2019, I have served the attached document(s) to the persons on the date(s) and in the manner(s) stated below, which service satisfies the requirements of Pa.R.A.P. 121:

Service

Served: David Paul Heim
Service Method: eService
Email: dheim@bochettoandlentz.com
Service Date: 12/3/2019
Address: Bochetto & Lentz, P.C.
1524 Locust Street
Philadelphia, PA 19102
Phone: 215-735-3900
Representing: Petitioner Maureen Faulkner

Served: G. Alexander Bochetto
Service Method: eService
Email: gbochetto@bochettoandlentz.com
Service Date: 12/3/2019
Address: 1524 Locust Street
Philadelphia, PA 19102
Phone: 215--73-5-3900
Representing: Petitioner Maureen Faulkner

Served: John Anthony O'Connell
Service Method: eService
Email: joconnell@bochettoandlentz.com
Service Date: 12/3/2019
Address: Bochetto & Lentz, P.C.
1524 Locust St
Philadelphia, PA 19102
Phone: 215--73-5-3900
Representing: Petitioner Maureen Faulkner

IN THE SUPREME COURT OF PENNSYLVANIA

PROOF OF SERVICE

(Continued)

Served: Joshua D. Shapiro
Service Method: eService
Email: lsnyder@attorneygeneral.gov
Service Date: 12/3/2019
Address: 1600 Strawberry Square
Harrisburg, PA 17120
Phone: 717--78-7-3391
Representing: Participant Office of Attorney General

/s/ Grady John Gervino

(Signature of Person Serving)

Person Serving: Gervino, Grady John
Attorney Registration No: 074201
Law Firm: Philadelphia District Attorney's Office
Address: Philadelphia Da's Office
3 S Penn Sq
Philadelphia, PA 191073499
Representing: Respondent Philadelphia District Attorneys Office, Three South Penn Square, Phila., PA 19107