

## **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