

**NEW AFRIKAN MILLENNIUM
12 FEBRUARY 2005**

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FROM: "The Talking Drum Collective Newsletter" <the_black_thought@yahoo.com>

REPORT ON DR. MUTULU SHAKUR PAROLE HEARING UPDATE

BROTHERS AND SISTERS:

Attached is a report from Terri Thompson, one of the attorneys for Dr. Mutulu Shakur. Attorney Thompson states that Dr. Shakur thanks us for the support received to achieve parole. In 2002, Mutulu went up for parole and, while he can come up for a hearing every two years, the parole commission will not give him serious consideration until 2017. His lawyers submitted a petition challenging that date based upon he should have been first had a hearing in 1996, rather than 2002. The parole official there agreed with Dr. Shakur's legal team and recommend that he has a hearing date for 2011, rather than 2017.

For more thorough information read Attorney Thompson's report. For more information email the Atlanta Chapter of the Malcolm X Grassroots Movement at mxgrm_atl@yahoo.com.

FTL
Free 'em ALL!!!

February 9, 2005

TO: Friends and Supporters of Dr. Mutulu Shakur
FROM: Teri Thompson, Attorney
RE: Parole Hearing of Dr. Mutulu Shakur

On behalf of Dr. Shakur, we are eternally grateful for both your support and your spirit as we engaged in the ongoing battle to secure his release. Below is a synopsis of the history of the legal struggle and a summary of the recent parole proceedings.

HISTORY OF THE CASE

Dr. Shakur was convicted in 1986 to prison term of sixty (60) years in the Southern District of New York of Conspiracy under the Racketeer Influenced and Corrupt Organization (RICO) Act and bank robbery. The United States Parole Commission scheduled a parole hearing in 2002. At the hearing, Hearing Examiner Sam Shoquist denied Dr. Shakur parole, and continued him to a fifteen (15) year reconsideration hearing. Therefore, Dr. Shakur would not even be considered for parole until 2017.

It is significant to note that per 18 U.S.C. § 4206(a), a federal prisoner is eligible for release on parole after serving ten (10) years of a sentence over thirty (30) years. In 1996, therefore, Dr. Shakur was eligible and fought to have a parole hearing. The same was denied.

In the meantime, Dr. Shakur's legal defense team (Teri Thompson and Michael Tarif Warren) filed a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 in the United States District Court for the Northern District of Georgia wherein we alleged, inter alia, that the Parole Commission and the National Appeals Board failed to grant Dr. Shakur nunc pro tunc application of his parole proceedings to 1996. Under the nunc pro tunc doctrine, a court can give relief retroactively to correct an issue. Interestingly, the federal court denied our petition just a few days prior to the February 8, 2005 interim parole hearing. We will appeal.

PAROLE HEARING

As many of you know, the statutory interim parole hearing for Dr. Shakur was held on Tuesday, February 8, 2005, at the United States Penitentiary-Atlanta. The hearing examiner was Rob Haworth. Present in support of Dr. Shakur were the following persons: Sekiywa Shakur, daughter; Watani Tyehimba, Paralegal; Richard Searcy, representative for Congresswoman Cynthia McKinney; and, Teri Thompson, Attorney.

While federal statute allows an interim hearing every two (2) years, generally the parole commission will not grant any reconsideration to the fifteen (15) year set-off unless new information is raised. We argued nonetheless that the parole commission violated federal law and the rules promulgated by the commission when it failed to grant Dr. Shakur nunc pro tunc application to 1996. We also raised other legal issues that were included in our petition filed in federal court.

Hearing Examiner Haworth noted Dr. Shakur's exemplary institutional record, as well as the community support that continues to rally behind him. The hearing examiner agreed that the parole commission should consider granting Dr. Shakur nunc pro tunc application to 1996. In fact, Mr. Haworth stated that he would support and recommend that the parole commission take such action. Therefore, instead of the 2017 parole date, Dr. Shakur may be considered for parole in 2011.

While Mr. Haworth's position is promising, we will continue our struggle. As noted previously, we are preparing to file an appeal of the federal court's denial of our §2241 Petition.

In closing, Dr. Shakur wishes to thank all of those who have supported him as reflected by the numerous letters of support and the well wishes from around the world. We will continue to update you as decisions are reached. If you have any questions, please do not hesitate to contact me through the Atlanta chapter of the Malcolm X Grassroots Movement at mxgrm_atl@yahoo.com.

Teri Thompson