

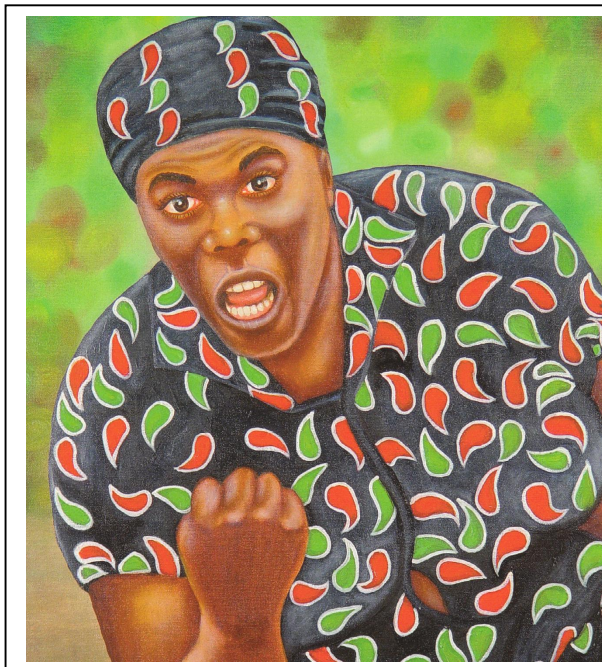
No Death Penalty for Zolo Agona Azania!

The Indiana courts have set a new date for a trial before a jury on the sole issue of a sentence for Zolo Azania, which could be the death penalty, on October 20, 2008.

Since 1981, for more than 25 years, he has been imprisoned by the state of Indiana. Zolo did not receive a fair trial and has always maintained his total innocence of any involvement in the crime for which he is imprisoned.



Zolo is a prolific writer and an accomplished artist whose work has been exhibited in many places around the country. His writing and his art reflect who he is: A man who lives his political convictions. At the time of his arrest for the shooting death of a policeman, Zolo was a well known activist in his hometown of Gary, Indiana. He was an ex-con who had grown up in extreme poverty, but he was also the valedictorian of his CETA federal job training class and had received a scholarship to Purdue University just prior to his arrest. He was involved in the campaign to make Martin Luther King's birthday a national holiday and had designed a button used by campaigners in Gary. Since his arrest Zolo has fought the charges against him from his prison cell, often on death row. His tireless efforts have exposed the unfair and racist way his case has been handled by the authorities. He has defended his own rights and the rights of other



prisoners winning the respect of fellow prisoners and jailers alike. His victories, overturning his death sentence twice, have set precedents cited by other prisoners.

As Indiana Circuit Court Judge Steve David wrote in a May, 2005 decision: "fundamental principles of fairness, due process, and speedy justice" were violated in Zolo's case. Judge David also pointed out that "the State bears most of the responsibility for the

delay between the defendant's 1982 conviction and the currently pending penalty proceeding." In 1993, the Indiana Supreme Court overturned Zolo's original death sentence because the prosecution had failed to turn over a gunshot residue test. In 2002, the Indiana Supreme Court overturned Zolo's second death sentence because "the jury pool selection process was fundamentally flawed," including the unconstitutional exclusion of Blacks.

Judge Steve David ruled that prosecutors could no longer seek the death penalty because Zolo's constitutional rights to a speedy trial and due process would be violated. But prosecutors appealed and two years later, the court ruled that "neither the delay nor any prejudice that Azania may suffer from it violates his constitutional rights...the State may continue to seek the death penalty. The Court then appointed Marion Superior Court Judge Robert Altice as special judge to preside over Zolo's new penalty phase, because Judge Steven David was called to active military duty.

Now the Indiana courts have set a new date for a trial before a jury on the sole issue of Zolo's sentence on October 20, 2008. The proceeding will probably be in Fort Wayne, however Zolo and his lawyers, Jesse A. Cook of Terre Haute, Indiana and Michael E. Deutsch of the National Lawyers Guild and the People's Law Office in Chicago are fighting for a change of venue to Gary, Indiana or Indianapolis, both cities with a more diverse jury pool. Zolo hopes that progressive activists will again pack the courtroom to show their opposition to the death penalty as they have in the past.

The Indiana courts have also held that Zolo's new sentencing proceeding will be conducted pursuant to the current Indiana death penalty statute enacted in 2002, which means that when the trial court judge receives a sentencing recommendation from the jury,

the judge is to sentence the defendant “accordingly” – whether the jury recommends the death penalty, or a term of years.

The jury will thus be presented with the stark choice of the death penalty or Zolo’s release within a short time, and the danger is that the jurors will chose the death penalty because they may succumb to media hysteria and believe that a person convicted of killing a police officer is too dangerous to let out of prison. The Indiana Supreme Court has written that “In Azania’s case, the specter of an unconstitutional sentence particularly arises where the jury might consider Azania’s future dangerousness. We held that future dangerousness was not a concern in Azania’s re-sentencing, because the trial judge would have the final say in applying the death penalty and because the

jury system requires that we trust juries to follow the law in their deliberations. With the trial judge’s sentencing discretion limited by the 2002 death penalty statute amendment, we emphasize again...that a trial judge is not expected, and indeed not permitted, to enter a sentence where the sentence, or the manner of arriving at it, is illegal.”

The stakes are high for this next step in Zolo’s more than a quarter century of fighting for justice, for his freedom and for his very life. Those who oppose the death penalty need to continue to get the word out that Zolo is a wonderful person who contributed much to the lives of others and still has much to contribute, and that the government should not be allowed to put him to death.

You can support Zolo by:

- **Writing a letter to Lake County Prosecutor Bernard A. Carter** asserting that plans for a third death penalty trial for Zolo be dropped—it is inhumane and wasteful of Indiana’s resources. The address is: Prosecutor Bernard A. Carter
Building ‘B’ 1st Floor
2239 Main St.
Crown Point, IN 46307

- **Attending Zolo’s sentencing trial which is scheduled for October 20th, 2008**

- **Writing a letter to an Indiana newspaper or your local paper about Zolo’s case**

<i>Gary Post-Tribune</i> 1433 East 83rd Avenue Merrillville, IN 46410-6307 Email: editor@post-trib.com	<i>Indianapolis Star</i> P.O. Box 145 307 N. Pennsylvania St. Indianapolis, IN 46206-0145	<i>Fort-Wayne Journal Gazette</i> P.O. Box 100 600 W. Main St. Fort Wayne, IN 4680-0088
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- **Setting up a discussion about Zolo’s case at your church, home, civic organization**

- **Writing to Zolo:** Zolo Agona Azania, #4969
Indiana State Prison
P.O. Box 41
Michigan City, Indiana 46361-0041

- **Joining the NO DEATH PENALTY FOR ZOLO Committee**
P.O. Box 478314
Chicago IL 60647
www.zoloazania.org
Email: zoloazania@gmail.com
Phone: 773-318-3079

- **Sending a donation to the NO DEATH PENALTY FOR ZOLO Committee**

For more info see: <http://www.zoloazania.org/>
http://www.prairiefire.org/Zolo/Zolo_0505_judge_orderB.pdf
<http://www.in.gov/judiciary/opinions/pdf/05100701fsj.pdf>
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<http://www.in.gov/judiciary/center/pubs/caseclips/2007/cc31.html#azania>