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April 2, 2007

Marcia M. Waldron, Clerk
United States Court of Appeals for the Third Circuit
22614 United States Courthouse
601 Market Street
Philadelphia, Pennsylvania 19106-1790

Re: *Abu-Jamal v. Horn* [death penalty]
No. 01-9014 (Commonwealth's appeal)
No. 02-9001 (Cross-appeal of Mumia Abu-Jamal)

Notice of Supplemental Authority, pursuant to Fed. R. Appellate P. 28(j)

Dear Ms. Waldron:

This notice of supplemental authority is submitted on behalf of Mumia Abu-Jamal, Appellee and Cross-Appellant in the above-referenced matter, pursuant to Fed. R. Appellate P. 28(j). The Court's attention is respectfully directed to *Albrecht v. Horn*, 471 F.3d 435 2006 (3d Cir. 2006), which was decided after the most recent brief was filed on behalf of my client. It is relevant to the habeas corpus claim which the district court found meritorious, that the sentencing jury instructions violated *Mills v. Maryland*, 486 U.S. 367 (1988). See *Albrecht v. Horn*, 471 F.3d at 443-49. A copy of *Albrecht* is attached.

Your courtesy is appreciated.

Respectfully submitted,



Robert R. Bryan
Lead counsel for Appellee and Cross-Appellant, Mumia Abu-Jamal

RRB/bm

Enclosure: *Albrecht v. Horn*, 471 F.3d 435 2006 (3d Cir. 2006)

cc: Hugh J. Burns, Jr., Esq.
Chief, Appeals Unit, District Attorney's Office
Judith L. Ritter, Esq.

CERTIFICATE OF SERVICE

I hereby certify that on this date I caused a true and correct copy of the foregoing letter was duly served by United States Mail, first class postage prepaid, upon the following:

Hugh J. Burns, Jr., Esq.
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I declare under penalty of perjury that the foregoing is true and correct.

Executed on this the 2nd day of April, 2007, at San Francisco, California.



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