

USA (Missouri) James R. Johnson, white, aged 52

Jim Johnson is scheduled to be executed in Missouri on 9 January 2002. He was sentenced to death in 1993 for the murder of three police officers and the wife of another officer in December 1991.

Moniteau County Deputy Sheriff Les Roark was shot at Jim Johnson's home after he arrived to investigate a domestic disturbance. Johnson then drove to the home of the Sheriff where a Christmas party was in progress. He opened fire, killing the Sheriff's wife, Pam Jones. He drove to the home of Deputy Sheriff Russell Borts and shot him through the window. Deputy Borts survived. Johnson then went to the Sheriff's Office, where there were officers from a number of jurisdictions. Cooper County Sheriff Charles Smith was shot dead as he came out of the building. Miller County Deputy Sandra Wilson was shot and killed a few moments later.

At his trial, Jim Johnson pleaded "not guilty by reason of mental disease or defect". The defence position was that he suffered Post-Traumatic Stress Disorder (PTSD) as a result of his wartime experiences in Vietnam, and that he had experienced Vietnam-related flashbacks on the night of the murders which made him believe that he was confronted by the enemy and rendered him incapable of appreciating the wrongfulness of his conduct.

In his opening statement, the defence lawyer drew attention to a perimeter of rope and tin cans set up around Johnson's property, a foil wrapper in the garage, and the flattened tires on his car. He theorized that Johnson, as in wartime, had set up the tin-can-rope perimeter to warn him of anyone approaching, that he ate a baked potato which had been cooked in foil while preparing to go out on a military mission, and that he had disabled his vehicle by slashing the tires in order that the enemy could not use it.

This defence quickly unravelled, and the lawyer's lack of preparation was revealed, when the state called witnesses who said that police officers, while waiting for Johnson to return from the shootings, had set up the rope perimeter, left the foil, and flattened the tires of the car to prevent Johnson from using it. The prosecution capitalized on the defence lawyer's error by asserting that it was just one illustration of the defendant's lies behind his PTSD defence. Three experts testified for the defence that Johnson suffered from PTSD, but the jury convicted him on four counts of first-degree murder and sentenced him to death on all four counts.

In 1998, the Missouri Supreme Court upheld the conviction and death sentence, rejecting the claim that inadequate legal representation had undermined the fairness of the trial and the reliability of its outcome. One of the five judges dissented saying that Johnson should receive a new trial. Judge Ronnie White wrote: "Defense counsel's unprofessional failure to interview [the prosecution witnesses] led the defense to make demonstrably false claims in its opening statement, claims that utterly destroyed the credibility of the PTSD theory before the defense even presented any evidence... I find it reasonably likely that a jury that had not seen the defense destroy its own credibility on this issue would have been sufficiently receptive to the expert diagnosis of a mental disease or defect to permit a reasonable likelihood of a different result... While Mr Johnson may not, as the jury found, have met the legal definition of insanity, whatever drove Mr Johnson to go from being a law-abiding citizen

to being a multiple killer was certainly something akin to madness. I am not convinced that the performance of his counsel did not rob Mr Johnson of any opportunity he might have had to convince the jury that he was not responsible for his actions".

Jim Johnson is reported to be a model inmate who is respected by staff and inmates and serves as a Christian spiritual leader in the prison.

BACKGROUND INFORMATION

Amnesty International opposes the death penalty unreservedly, and believes that it can make no constructive contribution to efforts to combat violent crime. More than 100 countries are abolitionist in law or practice. Since the USA resumed executions in 1977, 749 people have been put to death, 53 of them in Missouri. There have been 66 executions in 2001.

International standards require that capital defendants have "adequate legal assistance at all stages of proceedings". The UN Commission on Human Rights has adopted resolutions urging retentionist countries "not to impose the death penalty on a person suffering from any form of mental disorder or to execute any such person".

In 1999, Judge Ronnie White, the dissenting judge in Johnson's unsuccessful appeal, was nominated by President Clinton to be a federal judge. The US Senate voted to reject the nomination. A Republican Party campaign against the nomination was led by Missouri Senator John Ashcroft. He depicted White, the first African-American judge to sit on the Missouri Supreme Court, as "pro-criminal" in part because of his perceived reluctance to support death sentences. Yet Judge White had affirmed the death sentence in 41 out of 59 capital cases that had come before him, and in 10 out the 18 cases in which he voted against the death sentence, he was in the company of a unanimous court. Judge White remains on the Missouri Supreme Court. John Ashcroft has since become US Attorney General.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English or your own language, in your own words:

- expressing sympathy for the family and friends of the four murder victims in this case, and stressing that you do not seek to excuse the violent manner of their deaths;
- expressing concern that the errors of Jim Johnson's lawyer dealt a severe blow to his defence of mental illness, raising doubts as to the reliability of the outcome of the case;
- noting the dissenting opinion of Judge Ronnie White that Jim Johnson has been denied adequate legal representation, citing international standards;
- noting that Jim Johnson has been a model prisoner, respected by staff and inmates;
- calling on the governor to commute this death sentence and to support a moratorium in his state.

APPEALS TO:

The Honourable Bob Holden
 Governor of Missouri
 Missouri Capitol Building, Room 216
 PO Box 720 , Jefferson City, MO 65102-0720, USA
Fax: + 1 573 751 1495

Email: constituentaffairs@mail.gov.state.mo.us

Salutation:Dear Governor

COPIES TO: diplomatic representatives of the USA accredited to your country.

You may also write (not more than 250 words) to *Letters to the Editor* at:

News Tribune, 210 Monroe St, Jefferson City, MO 65101, USA

Fax:+ 1 573 636 7035. E-mail: editor@newstribune.com

PLEASE SEND APPEALS IMMEDIATELY.