

## Introduction

Lorenzo Johnson's saga of having his conviction overturned and released after 16 years in prison, only to have his conviction reinstated by the U.S. Supreme Court and taken back into custody demonstrates once again that it is easier to climb Mount Everest than for a person with evidence of their innocence to overturn their conviction in the United States.

On May 29, 2012 the U.S. Supreme Court reinstated Lorenzo Johnson's convictions of being an accomplice and co-conspirator in the 1995 murder of Taraja Williams in Harrisburg, Pennsylvania. The Court reversed the Third Circuit Court of Appeals' ruling that there was insufficient evidence of Johnson's guilt.

Johnson and his acquaintance Corey Walker were charged with murder and conspiracy to commit murder and jointly tried in 1997.

The prosecution claimed that Walker and Williams argued and got into an altercation at the Midnight Special Bar in Harrisburg on the night of December 14-15, 1995. The argument was apparently over money that Williams owed Walker, and shortly after midnight a doorman told them to leave. The prosecution's scenario was Johnson followed them outside and he remained on the sidewalk while Walker and Williams went into an alley next to the bar. A loud boom was heard coming from the alley, where Williams was found dead from a shotgun blast. A shotgun without a barrel was found near the murder scene.

Carla Brown was the prosecution's star witness. She testified that she was a drug addict and on the night of the shooting she was drinking alcohol and had consumed a large quantity of crack cocaine. She also admitted that when first questioned by the police she told them she didn't know anything about the shooting. Nevertheless, she testified that she was in the bar when Walker and Williams were arguing and that when they were told to leave Johnson followed them. Brown said she left the bar trailing them and Johnson did not follow Walker and Williams into the alley. She ran away when she heard a loud boom come from the alley.

The other witness who placed Johnson in the area of the bar at the time of the shooting

# U.S. Supreme Court Reinstates Lorenzo Johnson's Convictions -- He Resumes Serving Life Sentence In Spite Of Evidence He Is Innocent

By Hans Sherrer

was Brian Ramsey. He testified that he saw Williams walk into the alley with three people -- two men and a woman -- who he couldn't identify because of the darkness. After he heard a "boom" he saw Johnson and Walker standing in a crowd that had gathered in front of the bar. (Ramsey later provided Johnson with a post-conviction Affidavit that he falsely testified to seeing Johnson outside the bar that night, and that he only saw Walker in the crowd -- "I actually never saw Mr. Johnson." (See, [Johnson v. Mechling](#), No. 08-2477 (3rd Cir., 10-4-2011), *Op Cit.* 12.)

Johnson's alibi defense was that he was in New York City 170 miles from Harrisburg at the time of the murder. Suquan Ripply testified that he, Johnson, and several other people left Harrisburg for New York at about 4 p.m. on December 14 and that they returned the morning of December 15, and that is what he told the police when he was first questioned. On cross-examination by the prosecution he acknowledged it was possible they actually left for New York on the afternoon of December 15. However, that wasn't possible and the prosecution shot itself in the foot with that testimony because Johnson was arrested early in the afternoon on the 15th -- about 12 hours after the murder. Consequently, Ripply and Johnson could only have left Harrisburg on the afternoon of December 14 and returned from New York on the morning of the 15th after Williams' murder.

Defense witness Victoria "Doubs testified that sometime after Williams' murder she ran into Carla Brown and that the two of them got high together. Doubs testified that while they were smoking crack together, Brown stated that Walker had given her a couple of crack rocks to take Williams into the alley on the night of the murder." (See, [Johnson v. Mechling](#), No. 08-2477 (3rd Cir., 10-4-2011), *Op Cit.* 8.) That confirmed Ramsey's account that he saw a woman go into the alley with Williams. Although Doubs and Ramsey's testimony supports that Brown was used as bait to lure Williams to his death no charges were filed against her.

During Johnson's three-day trial no direct evidence was introduced -- even assuming *arguendo* he was in Harrisburg and at the bar -- that he knew Walker was going to murder Williams in the alley and that they had an agreement he would do so.

The jury convicted Walker of first-degree murder and conspiracy to commit murder while Johnson was convicted of being his accomplice and co-conspirator in the murder. Both men were sentenced to mandatory terms of life in prison for their murder convictions, and five to ten years in prison for their conspiracy convictions.



Lorenzo Johnson at the party on February 24, 2012 celebrating his release. (Lorenzo Johnson, Facebook.com)

Johnson argued in his direct appeal that the evidence against him was insufficient to sustain his guilty verdicts. His convictions were affirmed with one [judge dissenting](#), "I believe that there is no direct evidence, nor can any be inferred, linking defendant Johnson to the death of Taraja Williams nor any agreement with defendant Walker which resulted in William's death." (*Commonwealth v. Johnson*, 726 A.2d 1079 (Pa. Super. Ct. 1998).)

Johnson then filed his state post-conviction petition that raised several issues, including the insufficiency of the evidence. After his petition was denied by the Pennsylvania Supreme Court, Johnson filed a federal habeas petition that made the claim: "the evidence presented at trial was insufficient to support the guilty verdicts, thereby violating his rights to due process under *Jackson v. Virginia*, 443 U.S. 307 (1979)."

The U.S. Supreme Court ruled in *Jackson v. Virginia* that evidence is sufficient to support a conviction if, "after viewing the evidence in the light most favorable to the prosecution, any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." (443 U.S., at 319.) A federal court can only overturn a conviction based on insufficiency of the evidence if the state court's rationale for upholding the conviction was "objectively unreasonable."

The district court denied Johnson's petition, but he was granted a certificate of appealability on the issue of whether the evidence

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against him was sufficient to prove every essential element of his convicted crimes beyond a reasonable doubt. In October 2011 the Third Circuit Court of Appeals reversed the district court's order and granted his petition. In [\*Johnson v. Mechling\*](#), No. 08-2477 (3rd Cir., 10-4-2011) the appeals court ruled:

“We find the record lacking in sufficient evidence to support the necessary conclusion that Johnson shared Walker's intent to murder Williams and that Johnson acted in a manner that encouraged or facilitated the murder. Viewing, as we must, the evidence in the light most favorable to the Commonwealth, such evidence does not permit any reasonable fact finder to reasonably infer Johnson's specific intent to kill Williams.”

...  
The Pennsylvania Superior Court's decision affirming Johnson's conviction was an unreasonable application of the Constitutional requirement that the Commonwealth present evidence sufficient to prove every element of a crime beyond a reasonable doubt. 28 U.S.C. 2254(d)(1); *In re Winship*, 397 U.S. 358, 365-68 (1970); *Jackson*, 443 U.S. at 319.” (*Op. Cit.*, at 19, 20.)

The appeals court specifically noted the state courts did not conduct any analysis during Johnson's direct appeal or post-conviction proceedings to determine whether the prosecution had introduced evidence proving each essential element of his convicted crimes beyond a reasonable doubt as required by *Jackson*. The state courts simply stated the evidence was sufficient. (*Id.*, at 11.)

The appeals court also found that the absence of evidence meant Johnson's guilty verdicts were based on the jury's speculative assumptions and unreasonable inferences, which “is Constitutionally insufficient to support a conviction.” (*Id.*, at 20.)

Johnson subsequently filed a motion for his release that the State Attorney General's Office opposed. During a hearing four guards from the state prison in Mahanoy testified Johnson was a model prisoner who never demonstrated any attitude, aggression or dishonesty toward them. The judge granted the motion and after more than 16

years of incarceration Johnson [was released](#) on his own recognizance on January 18, 2012. Johnson's [Facebook page](#) shows him with friends at a party on February 24, 2012 celebrating his release.

The U.S. Supreme Court, however, granted the State of Pennsylvania's writ of *certiorari* to review the appeals court's decision. On May 29, 2012, based only on the briefs and without oral arguments, the Supreme Court reversed the appeals court's decision and reinstated Johnson's convictions. The Court ruled in [\*Coleman v. Johnson\*](#), 566 U.S. \_\_\_\_ (2012) (*per curiam*): “The evidence was sufficient to convict Johnson as an accomplice and a co-conspirator in the murder of Taraja Williams.” (*Op. Cit.*, at 7.) The Supreme Court's *per curiam* opinion was unsigned, and the Supreme Court's website does not have any information about which justices voted to reinstate Johnson's conviction.

The Court's ruling emphasized the importance of giving deference to the decisions by the jury and the state courts that the evidence was sufficient: “This deferential standard does not permit the type of fine-grained factual parsing in which the Court of Appeals engaged.” (*Id.*, at 6.) However, the Supreme Court made no mention of the disputed facts, the evidence Johnson was in

New York at the time of the crime, and the key observation by the court of appeals that the state courts did not conduct an analysis of whether the prosecution had in fact introduced evidence proving each and every essential element beyond a reasonable doubt as required by *Jackson*, and the jury couldn't have done so because they had to have violated Johnson's federal right to due process by relying on speculative assumptions and inferences to find him guilty.

The Court's ruling in *Coleman v. Johnson* doesn't break any new ground while reiterating its precedent in *Jackson*. Instead it gives guidance to federal district courts and courts of appeal that in determining if the prosecution's evidence fell “below the threshold of bare rationality” extreme deference should be given to the jury's verdict and the state court rulings that found the evidence was sufficient. (The Supreme Court essentially made that same point last year in [\*Cavazos v. Smith\*](#), 565 U.S. 1 (2011) (*per curiam*); and in 2010 in [\*Renico v. Lett\*](#), 559 U.S. \_\_\_\_ (2010).)

The difference between the rulings in Johnson's case by the Supreme Court and the appeals court was the weight they respectively gave to the disputed facts. That difference of opinion resulted in the Supreme Court condemning a possibly innocent man to life in prison.

Days after the Supreme Court's ruling the Pennsylvania Attorney General's office filed a motion for Johnson to be taken into custody. The motion was granted. Johnson, 38, was taken back into custody on June 14, 2012 to resume serving his life sentence.

On July 23, 2012 the U.S. Supreme Court denied Johnson's petition for rehearing and issued its final judgment.

The Pennsylvania Department of Corrections' website reports that Johnson is now imprisoned at SCI Mahanoy. His mailing address as of early August 2012 is:

Lorenzo Johnson DF-1036  
SCI Mahanoy  
301 Morea Road  
Frackville, PA 17932

Lorenzo Johnson has a [Facebook page](#), [www.facebook.com/JohnsonLorenzo](http://www.facebook.com/JohnsonLorenzo). That page has pictures of his welcome home party in February 2012.

[Click here to read](#) the Supreme Court's ruling in *Coleman v. Johnson*, 566 U.S. \_\_\_\_ (2012) (*per curiam*).

Information about Johnson's case is on the Innocent in Prison Project International website — [www.iippi.org](http://www.iippi.org) — that can be read [by clicking here](#).

Sources:

[\*Coleman v. Johnson\*](#), No 11-1053 (USSC 5-29-2012)

[\*Johnson v. Mechling\*](#), No. 08-2477 (3rd Cir., 10-4-2011)

[Appeals court orders](#) release of Harrisburg man convicted in killing after 16 years in prison, *The Patriot-News* (Harrisburg, PA), January 17, 2012  
[Pennsylvania Attorney General's](#) Office wants to appeal release of Lorenzo Johnson, *The Patriot-News*, March 2, 2012

[Former Harrisburg man](#) released after murder conviction set aside may be heading back to jail, By John Beauge (staff), *The Patriot-News* (Harrisburg, PA), May 29, 2012

Innocent in Prison Project International, <http://www.iippi.org>, [Lorenzo Johnson web-page](#)

*Coleman v. Johnson*, No. 11-1053, [USSC docket](#), Judgment Issue on July 23, 2012.



Poster promoting the February 24, 2012 party celebrating Lorenzo Johnson's release. (Lorenzo Johnson, Facebook.com)