

My name is Korian Dunkley. I was convicted in 1998 and I'm serving a 35-year sentence in Florida for crimes I am not only actually innocent of, but that Sedrick Johnson has sworn under oath he committed with my two co-defendants who were acquitted.

A cruel twist of fate changed my life forever

I was 17-years-old when on December 26, 1996 I found myself "In the wrong place at he wrong time!"

At about 8 am I was waiting for the bus at the corner of 68th and Oakland Park Blvd. in Sunrise, Florida (west of Fort Lauderdale). Two older acquaintances, Shawn Berry, 25, and Patrick Atkinson, 22, stopped in a car driven by Shawn. I accepted a ride with them when Shawn agreed to drop me off where I needed to be. I was soon to learn that getting into that car was the biggest mistake of my life.

A few minutes into the ride the car was pulled over by the Sunrise Police Dept. I became aware there were guns inside the car when Patrick, who was riding in the rear seat, attempted to conceal them in the back panel of the front passenger seat where I sat. I instantly burst into tears, thinking of the fact I was only 14 days removed from a ten month juvenile sentence and I was on probation. I was aware that if those firearms were somehow discovered in a car search I would be held in violation of my probation for being in the proximity of firearms, and subject to a four to six year youthful offender prison sentence.

I had that in mind, along with the thought of being away from my four-month-old daughter Katrina, when Shawn stopped the car. I saw the officers had their weapons drawn. I carefully opened the passenger door and after I stepped out I took off running.

I was apprehended after a short foot chase by two officers. I ended up needing medical treatment after being punched and kicked in the stomach and rib area by an officer, creating a respiratory issue.

While I was in handcuffs and being treated by a paramedic, the officers had an alleged victim/witness waiting to make a show-up identification to determine whether I was a participant in a crime that had recently occurred—which explained the purpose of the traffic stop.

I was led directly from the paramedic's

Imprisoned For Crimes Sedrick Johnson Has Confessed To Committing – The Korian Dunkley Story

By Korian Dunkley

care, in handcuffs and disheveled, to the road. A police cruiser drove by, purportedly with the alleged victim/witness in its back seat. The police said he made a positive identification of me as being one of the perpetrators in a store robbery attempt. I was arrested and taken to the Sunrise Police Station. When I was interrogated I said I accepted a ride from Shawn and Patrick only minutes before the traffic stop. I was charged even though I didn't match the witness' description of the perpetrator he gave to the first officer to arrive at the scene of the attempted robbery. He said the perpetrator was about **5'10", 170 pounds**, and he was wearing **dark clothing**. In contrast, I was **5'4", 140 pounds**, and I was wearing an **off white, sleeveless Nike T-shirt** with the Nike name and symbol on the front, **beige cargo style pants**, and **white Nike shoes** – none of which matched the description by the victim/witness.

In November 1997 a hearing was held for my violation of probation. My mother was standing in the vestibule area of the courtroom when she observed the prosecuting attorney gesturing through a window that showed the inside of the courtroom. He was indicating to the witness who I was and what I had on, in preparation for his testimony.

My mother informed me as to what she had seen and heard, and I in turn informed my attorney. My attorney filed a motion requesting suppression of the witness' in-and-out of court identification of me and dismissal of all charges. The judge held a hearing during which my mother, testified about what she saw, and when the prosecuting attorney testified he denied anything improper occurred. The judge denied the motion in ruling the witness identified me on the day of the crime, therefore any act of the prosecutor, improper or not, was harmless.

I was convicted while my two codefendants were acquitted

On November 30, 1998 a joint jury trial commenced for me and my two co-defendants (Shawn Berry and Patrick Atkinson). During the four day trial the only person who made an in-court identification of any of us three defendants was the wit-

ness who identified me at the traffic stop. He testified I was one of the perpetrators who attempted to rob the store.

On December 4 the jury returned a verdict acquitting both Shawn and Patrick of all charges. However, I was found guilty of armed burglary of a structure; aggravated assault with a firearm; and three misdemeanors – two counts of improper exhibition of a firearm and resisting arrest without violence. To this moment it is beyond me how the two people it was alleged I attempted to rob a store with were acquitted of all charges, yet I was convicted. It is evident the initial suggestive show-up identification and the prosecutor subsequently instructing the witness whom to identify played a major role in the jury's determination.



Korian Dunkley
(Florida DOC)

The judge sentenced me to life imprisonment on January 22, 1999. The judge didn't consider my age at the time of my arrest, and relied on the conviction for which I was on probation to declare I was a habitual violent felony offender.

My lawyer filed a motion on February 4, 1999 to mitigate my life sentence. The judge granted the motion and entered an order mitigating my sentence to 35 years as a habitual felony offender—one tier below a violent offender.

My direct appeal challenging my convictions and sentence was denied in January 2000 by the Fourth District Court of Appeal.

My mother retained an attorney who filed a post-conviction motion in February 2001 requesting a new trial on the basis my trial counsel was ineffective for failing to object to the prosecutor's pretextual use of a peremptory challenge to remove an African-American juror from the panel for reasons equally applicable to two similarly situated white jurors who were not challenged. The trial court denied the motion, and the Fourth District Court of Appeal affirmed the ruling.

In my continued quest for justice of some sort, in February 2003 I filed a *pro se* motion to correct my sentence as a habitual felony offender that I argued violated Florida Statute 775.084(5). On August 13, 2003, the trial

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Dunkley cont. from p. 3

court denied my motion, which the Fourth District Court of Appeal affirmed in ruling the issue was procedurally barred because it should have been raised in my direct appeal.

A few years later, in April 2009, I filed another *pro se* motion to correct my sentence. It was based on a 2007 Florida Supreme Court ruling which allowed a defendant to challenge the legality of his/her sentence, where a discrepancy exists between the sentence the judge orally pronounced and that which was written. That was the situation in my case. My motion was denied, which the appeals court affirmed in 2010.

Sedrick Johnson confesses I was convicted in his “stead”

I was facing serving my 35 year sentence without hope for justice when something miraculous happened on August 10, 2012: The perpetrator the eyewitness had mistaken me for discovered I was imprisoned at Union Correctional Institution, where he was imprisoned for crimes he committed in 2001. That man, Sedrick Johnson, was a born again Christian who was remorseful and wanted to make amends for remaining silent as I was prosecuted, convicted, and imprisoned for his crimes.

On December 3, 2012 Sedrick Johnson signed under penalties of perjury a notarized four-page Affidavit. Johnson confesses to his involvement in the attempted robbery of the Uptons store and that I was mistakenly convicted in his “stead.” He also provides intimate details only a participant could know about the planning and commission of the attempted robbery he carried out with Shawn Berry and Patrick Atkinson – my two codefendants the jury acquitted! He also provides the information a fourth man was involved – the store’s head security person named “Paul” – who came up with the idea for the robbery, provided inside information of the store’s operation, and whose role was to turn off the store’s surveillance cameras. Johnson also confirms that Shawn and Patrick’s getaway route was east on Oakland Park Blvd., which is where I was waiting for the bus about a mile east of the Uptons store when they picked me up.

Given the facts of my dissimilarity to the perpetrator described by victim/witness at the crime scene and that it is now positively known I wasn’t involved in the attempted robbery, it seems unlikely I would have been charged or convicted if the police

hadn’t conducted the initial show-up identification by the road. It was unduly suggestive and improper for the police to only show me to the witness while I was handcuffed in a setting that made me look guilty.



Based on the new evidence of Johnson’s Affidavit in 2013 I filed a petition for a new trial. That petition is now pending. My case is in Broward County Superior Court, Case No. 96-24511CF10C. I can written at:

Korian Dunkley L04493
Union CI
7819 N.W. 228th St
Raiford, FL 32026-4000

Since a prisoner can be moved at any time, you can check my current location by looking up my name – Korian Dunkley – on the Florida Department of Corrections Inmate Search webpage at, www.dc.state.fl.us/activeinmates/

Sedrick Johnson’s Affidavit follows:

GENERAL AFFIDAVIT

STATE OF FLORIDA
COUNTY OF BRADFORD

I, Sedrick Johnson, do hereby swear that the following statement is true and correct and made of my own free will, from my own personal knowledge.

“My closet had been filled w/quite a few skeletons – some were worst than others. However, I had found myself plagued by the one(s) that had remain outstanding. Becoming a born again Christian, ministering & sharing the word of God is my passion. In the process of salvation I’ve learned that it’s better to enter into Heaven maim than to allow any of my members to cause me to sin. (Matt 5:29-30) Also, in asking for forgiveness, I’ve learned that I must first reconcile w/any brother/sister I may’ve slighted before offering my gifts at the altar. (Matt 5:23-24) To my dismay, I realize that some skeletons are physically impossible to remove due to my occupation in time & space for that cause guilt relentlessly at my heart. However, God in his infinite wisdom began paving a redemptive path that would lift the cancerous affects/effects of guilt – un-

beknownst to me.

Between the days of Dec. 25th-26th 1996, I was spending the Holidays at Patrick’s house. At around 11 pm Patrick received a visitor whose name I later learnt was Paul – who was said to be the head security personnel at the Uptons Dept. Store that was located on the corner of University Dr. & Oakland Park Blvd. Paul confided that over the holidays the store would have large sum of money perhaps totaling \$400,000. Paul also suggest that we rob the store & the ideal time to do it would be Thursday the 26th – when the manager arrive to open the store up. He assured us that we needn’t worry about the security cameras because he had switched them off personally.

On the morning of Dec. 26th 1996, we armed ourselves w/two (2) hand guns & a miniature machete. We decided to take two separate cars. Patrick & I rode in a blue Honda Accord, while Shawn followed in a red Nissan. After a short drive we traverse the parking lot of the Uptons Plaza & went to the rear of the store. Shawn parked behind a dumpster & came to the Honda & took the driver’s seat so Patrick & I can get ready, as Shawn drove us to the front of the store & parked. We were late, because we made it around in time to see the manager letting two (2) employees (male & female) into the store – we had missed our chance. However, opportunity reared when another employee arrived gesturing to be let in. At that moment Patrick & I jumped out of the car w/guns in hand flanking either side of the door. The manager opened the door, so we took off in a sprint to catch it before it was closed. At gun point we forced the employee & manage into the store & closed the door behind us.

While in the store Patrick led the manager toward the back of the store where his office was. I covered the employees & had them lay down on the ground so I could watch them. A few minutes later, I hear knocking at the front door. When I looked, I seen it was Shawn gesturing to be let in – I did. At the time he seemed anxious about something. He asked me for the gun, which I gave to him & told me to go to the car & keep the engine running. At that moment a female employee said something that startled Shawn. He pointed the gun at her as if ready to shoot. On that note I took my leave.

Once outside I jogged to the car. The keys were in the ignition, so I started the

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William Coleman Is In 6th Year Of Hunger Strike Protesting His Innocence Of Rape Conviction

William "Bill" Coleman began a hunger strike in September 2007 to protest his innocence after the Connecticut Court of Appeals affirmed his 2005 convictions for sexual assaulting his estranged wife and related charges. Coleman's hunger strike is believed to be the longest in U.S. history by a prisoner.

Coleman and his wife entered the United States in the late 1980s as British citizens. She became a U.S. citizen and he was in the country on a green card. They married in

1994. Coleman was then able to legally remain in the U.S. because of his wife's U.S. citizenship.

The couple separated and got back together several times. After Coleman's wife became involved with another man, in the fall of 2002 he told her he was going to file for sole custody of their two children and return to England. At the time Coleman's children were living with him full-time. Coleman filed the custody papers in Waterbury County, Connecticut in late September 2002.

Four days after Coleman filed the custody papers his wife went to the police, filed a complaint, and he was arrested and charged with Trespass (living in the family home), Larceny (using his wife's ATM card) and

Threatening Behavior (for protesting his arrest). After Coleman was released on bail his wife complained to the police for the first time that he had raped her shortly before he filed for custody. No medical examination of her was conducted and there was no police investigation into her allegation. Coleman's subsequent charge of sexual assault in a spousal relationship was based solely on his wife's accusation. Coleman claimed his wife fabricated the rape claim as a lever to ensure she would get custody of their children.

The Coleman's were divorced in August 2004. To help resolve the contested child custody a family relations counselor investigated the Coleman's for 15 months. Her

Coleman cont. on p. 6

Dunkley cont. from p. 5

car & pulled up along the side of the store w/the engine running. Moments later I seen Shawn & Patrick speed walking. They both hopped in, & I proceeded to the back of the store so we can get Shawn's car. Once there, they both got out. Patrick told me to take the second getaway route while they take the first, & to meet back at the house. I left going south on University Bld while Shawn & Patrick went east on Oakland.

Back at the house, I waited about two & a half hours for Shawn & Patrick to arrive. They never did. Later I learned that Patrick & Shawn were caught along w/ a friend of theirs whose name I learnt years later as Korian Dunkley.

On the morning of Aug. 10th 2012, God proved to be mighty & faithful in allowing all things to work together for the good to those that love him & are called according to his purpose (Rom 8:28). On said date there was a mass shake down on the wing in which I was housed. I was jarred out of my morning prayer & meditation when I heard the

name Korian Dunkley. In all thy ways acknowledge God & he shall direct they path (Prov. 3:6) Hearing this prisoner name, I quickly infer that God presented me this long awaited opportunity to life this prodigious burden.

I immediately wrote my family & had them look up Korian Dunkley to find out whether there was others that went by the same name. I was blessed to find that the name was unique. The next dilemma I faced was how do I approach a man that has spent sixteen years of his life innocently serving time vicariously for some one he never knew? The answer came when I consulted the law clerks & legal services that offer help & answer legal questions for pro-se litigants.

With the joy of the Lord, I wrote this Affidavit Confession, got it notarized at the institution & had it sent to Korian Dunkley. He doesn't know me, & I doubt he was aware that there was a third party that he was charged, tried & sentenced for in that crime. Being cohorts of Patrick & Shawn I attended the trial. AT that time I thought it was a blessing when Patrick & Shawn was

acquitted & Korian found guilty in my stead. "For what is a man profited if he shall gain the whole world and lose his soul? Or what shall a man give in exchange for his soul?" (Matt. 16-26) I will give NOTHING in exchange – because that burden has been lifted & I feel truly blessed!

It is my most ardent prayer & hope that this confession aid Korian in procuring his freedom. "Who the Lord has made free, he's free indeed." (Jn 8:36)

Under penalties of perjury, I declare that I have read the foregoing Affidavit and the facts stated herein are true and correct in accordance with §92.525 Florida Statutes (2011)

By: Sedrick Johnson, 12/3/2012

Sedrick Johnson's signature was notarized by Florida notary Randall R. Chism.

Shawn Berry and Patrick Atkinson fled the Up-ton's store at the intersection of University Dr. & Oakland Park Blvd. (Green bubble on left) and drove east for a mile where they picked Korian Dunkley at a bus stop (Green bubble on right).

