

PETITION FOR CLEMENCY

**TO THE HONORABLE BOB HOLDEN
GOVERNOR OF THE STATE OF MISSOURI**

**IN RE: JAMES R. JOHNSON
Sentenced to die on January 9, 2002**

Capital punishment . . . fails to live up to our deep conviction that all human life is sacred The antidote to violence is love, not more violence We are asking whether we can teach that killing is wrong by killing those who have been convicted of killing others We cannot overcome crime by simply executing criminals, nor can we restore the lives of the innocent by ending the lives of those convicted of their murders. The death penalty offers the tragic illusion that we can defend life by taking life.

U.S. Catholic Bishops, November 15, 2000

I. INTRODUCTION

On the night of December 9, 1991, in the small central Missouri town of California, Jim Johnson, a National Guard helicopter mechanic and Vietnam veteran with no criminal history, senselessly shot and killed four people – Deputy Leslie Roark, Pam Jones, wife of the county Sheriff, Sheriff Charles Smith, and Deputy Sandra Miller. He has never denied these killings. Prior to this, Mr. Johnson had been a law-abiding, churchgoing, and well liked member of his community. The consensus opinion on the shooting spree among those who knew Mr. Johnson was that he had lost his mind.

Indeed, Mr. Johnson's trial attorneys asserted an insanity defense at trial. Based on Mr. Johnson's combat experience in Vietnam, his attorneys asserted that he was suffering from Post Traumatic Stress Disorder, and was experiencing a disassociative flashback on the night of the killings caused by recent psychological stressors.^[1]

Because law enforcement officers and the wife of a sheriff were the victims, because the crime was so horrific, because issues of insanity are so difficult to explain, it was almost inevitable that a jury would convict Jim and sentence him to die. The jury saw one tragic night in the life of Jim Johnson, a night that makes no sense when compared with what had come before it and what has come since.

We hope to show the Governor in this Petition that there is another Jim Johnson, a Christian Jim, a Jim that is an asset to the Potosi prison spiritual community, a Jim who deserves to live out his natural days in prison.

II. JIM'S BACKGROUND

Jim Raised in California, Missouri

Jim was born James Rodney Barker on April 18, 1949. His natural mother was unmarried, mentally ill, and unable to care for him. She sent Jim and his slightly older brother, Tommy, to the Missouri Baptist Children's Home shortly after Jim's birth. From there they were separately placed in various foster homes.

In 1950, Ward and Mary Johnson became foster parents for Tommy. They lived on a small farm in California, Missouri. Jim, still separated from his brother, was either in the Children's home or with other families until April 1951, when he too went to live with the Johnsons. After awhile, the Johnsons found Tommy too difficult to manage and sent him back to the Children's Home.

Jim, however, continued to live with the Johnsons, and when he was eight years old, they adopted him.

Jim's adoptive parents were loving Christians, and Jim was raised in church and Sunday school. While he knew he was adopted and had been separated from his brother, he had a decent childhood. He enjoyed life on the farm, and came to be a real member of the Johnson family.

Jim graduated from California High School in 1967, during the Vietnam War. For whatever reason, Jim was not immediately drafted. Instead, he married his high school sweetheart, Jean Reed, and took his first steps into adult life.

Drafted to Vietnam

In 1969, Jim's draft number came up, and he was inducted into the army. Jim hoped he would not be sent to Vietnam. The war was on the nightly news, and the thought of it frightened him. After basic training, he was sent to Fort Ord, California, and thought he might avoid combat. That did not happen though. With just less than a year left to serve, he was sent to Vietnam. (Please click for video clip)

Jim becomes emotional when asked about Vietnam. He does not want to talk about it. (Please click for video clip) But through others we know something of what he experienced.

Edward Duffy, a college professor, served with Jim. During Jim's post-conviction hearing, Mr. Duffy testified about the combat Jim experienced. Mr. Duffy recalled a day when the commanders of his company, the captain and first sergeant, set off a mine. Mr. Duffy testified:

And once I heard my radio—I was initially attached to the first battalion—and we sort of double timed back to the company. And once I got back there, I was sort of shocked because all I could hear was moaning and groaning and men hollering for help and they, there were about eight or ten soldiers standing around but nobody was helping them. At that point I started getting guys to help me get the wounded, and I remember specifically Jim was one of the guys to help me bring out eight to ten guys wounded, and Jim Johnson was one of the guys to help and get those guys out and med-evac'd out that night . . .

These men were in critical condition. At least three or four of them—the captain basically, from my understanding, had sat on the mine and his legs and part of his genitals had been blown off, and the first sergeant was ripped open, and the radio man basically his leg was blown off. It was a mess, I'll have you know, the worst I had ever seen, that many men down at one time while I was there, and it was a very difficult situation . . . Basically most of the command structure was out. And I think that's what created a lot of turmoil. Nobody there to really give orders in terms of what to do. And it was a very gruesome sight, and Jim was one of the persons that helped us get those people out of there. Most of the people was very concerned about going in there, that it would set off more mines, but somebody has to go in there and get them, because you couldn't wait until daylight, they would have been all dead.

(29.15 TR. 65-66)

Coming Home

[redacted]. Her condition was severe enough that Jim was granted emergency leave and a

hardship discharge so that he could come home and take care of her.

Jim and Jean lived with Jim's parents while Jim got on his feet. Jim worked as a sales clerk and auto mechanic at an auto sales business, and then at a pool table manufacturing company. Jim and Jean purchased a small house in their home town of California.

Unfortunately, Jean never felt the same about her marriage to Jim after her hospitalization and his return from Vietnam. She felt like Jim was a stranger to her, and they grew distant. They were divorced in 1974.

Job in the Feed Business

Jim got a good job as a livestock feed salesman for Biozyme, Inc. in 1974. Jim sold feed to farmers and veterinarians throughout central Missouri, and parts of Oklahoma, Arkansas, and Illinois. (Please click here for video clip) He was a good worker and well-liked by his customers. He worked for Biozyme for over eight years.

National Guard

Jim joined the Missouri National Guard in 1977. (Please click here for video clip) His main interest was helicopters, and he trained as a mechanic. In 1982, tired of the constant travel that his job as a feed salesman required, he went to work for the National Guard full time as a helicopter mechanic. (Please click here for video clip)

Jim prospered in his job at the National Guard. He became a fine mechanic and earned the reputation of being a conscientious and reliable worker. (Please click here for video clip) He made good friends there and was known as someone pleasant to be around.

Marriages

Jim married twice after the break up of his marriage to Jean. In 1975, he married Brenda Sommers. That marriage lasted until 1978. And in 1990, he married Jerri Weed.

Reunited with Brother

In 1979, Jim was reunited with his brother, Tommy. By this time Tommy was [redacted], named after his adoptive father. [redacted] and Jim became good friends, and [redacted] was even the best man at Jim's marriage. (Please click here for video clip) [redacted] has always known Jim

as a good Christian man. (Please click here for video clip)

California Still Home

Throughout this time Jim continued to live in California, Missouri. He was an active member of the Salem Baptist Church there. He sang in the choir. He helped enlist new church members. He was a well-thought-of member of the community.

An Ordinary Missourian

In many ways Jim Johnson seemed an ordinary Missourian. He lived in the same small town in which he was raised. He served his country in the army, and continued that service in the National Guard. He worked and was married. He went to church. He had friends. He was a law abiding, productive citizen.

Of course, all of that ended on December 9, 1991. And no one will ever be able to adequately explain why. (Please click here for video clip)

III. JIM'S LIFE IN PRISION

Jim's faith in God has become only stronger since entering prison. He is active in the prison ministry program earning the respect of volunteers, inmates and prison staff. People who have worked with Jim in the ministry program can best explain this.

Jim an Asset to the Prison

[redacted], a construction project manager, (please click for video clip) volunteers at the prison weekly. He helps conduct a religious service, and has come to know Jim through that effort. (Please click for video clip) [redacted] describes Jim as a strong supporter of the prison ministry (please click for video clip) and a positive influence (please click for video clip). [redacted] describes Jim as a leader and morale builder. (Please click for video clip)

Reverend [redacted], a retired minister, (please click for video clip) also volunteers at the

prison. Jim participates in prayer meetings with Reverend [redacted]. (Please click for video clip) At the close of the meetings, Reverend [redacted] asks Jim to lead the participants in song. (Please click for video clip) Like [redacted], Reverend [redacted] sees something special in Jim. (Please click for video clip)

Reverend [redacted] was the official Chaplain at Potosi between 1989 and 1999. (Please click for video clip) In that position he got to know Jim. Jim served as his clerk. (Please click for video clip) Reverend [redacted] saw Jim as an asset to the chapel and Christian community at Potosi. (Please click for video clip) And he was aware that volunteers at the prison saw him the same way. (Please click for video clip) Reverend [redacted] recognized Jim as a good prisoner, who had a strength about him. (Please click for video clip)

[redacted], another volunteer in the prison ministry, has also gotten to know Jim. He writes passionately about him in a letter to the Governor, which is attached as Exhibit 4. (Please click here for letter)

Prison Officials Say Good Things

[redacted] knows that the prison staff respects Jim. He has heard officials speak well of Jim. (Please click for video clip) Reverend [redacted] has heard the same thing. (Please click for video clip) Jim's brother [redacted] has also heard good things about Jim from the guards. (Please click here for video clip)

Jim Tries to Serve the Lord

Jim knows the pain he has caused (please click for video clip), and he feels that God has a plan for him in prison. (Please click for video clip) He has a strong devotion to God. (Please click for video clip). He tries to help inmates come to know God. (Please click for video clip)

Jim's Brother's Prison Visits

Jim's brother [redacted] visits Jim in prison. He is not surprised that Jim is active in the prison ministry. He says that this is the way Jim always was. (Please click here for video clip) [redacted] loves his brother, and Jim's execution will have a deep emotional impact on him.

(Please click here for video clip)

IV. JIM'S REMORSE

Jim is very sorry for the killings. (Please click for video clip) He knows he has caused many families horrible pain, and the killing of Pam Jones especially haunts him. (Please click for video clip) He knew Mrs. Jones and her husband Sheriff Kenney Jones, and he cannot understand how this happened. (Please click for video clip) He hopes that the families of the victims can somehow find peace. (Please click for video clip)

V. THE GOVERNOR SHOULD SPARE JIM'S LIFE

Those who know of Jim's life in prison believe that his life should be spared. Reverend [redacted] wishes he knew the words to persuade the Governor. (Please click for video clip) Reverend [redacted] believes Jim's death a waste and asks that the Governor allow Jim to live. (Please click for video clip)

[redacted] will mourn Jim's loss like the loss of a brother. (Please click for video clip) He believes Jim's death will be a loss to society. (Please click for video clip)

Jim himself wants to live. He wants to continue his work in the prison ministry, but he is ready for God's will. (Please click for video clip)

VI. CONCLUSION

Jim Johnson was a valuable member of society before December 9, 1991. He continues to be a valuable member of society after December 9. In some ways he has become more valuable. He has brought religion and spiritual healing to men sorely in need of it. He has been an example to his fellow inmates and to the volunteers and staff alike.

What happened December 9 was something that is at the limits of our ability to comprehend. But what we do know, by Jim's life before and by Jim's life after, is that it was a horrible anomaly. We don't need psychiatrists and psychologists to tell us that. Our common sense tells us that.

If our State is in the business of revenge and retribution, the Governor's decision is not a

difficult one. He can ignore Jim Johnson's life and service and allow him to be executed. Rather, if our State stands for hope, if it recognizes that Jim's life in prison has meaning and that he is in fact an asset, if this State believes in redemption and forgiveness, the Governor's decision is more difficult.

The right decision is the difficult decision because there are people who are blind to redemption and forgiveness. There are people who cannot understand even what common sense should tell them. And there are forces that take advantage of that blindness and lack of understanding and channel it into political hate and demagoguery. It has already been done to block a judicial career from advancing. If the Governor makes the right decision he too will face this hate, and it will be difficult for him.

But he can find solace in the knowledge that the antidote for hate is love.

Wherefore, we respectfully request that the Governor commute Jim Johnson's sentence of death to life with no possibility of parole.

Respectfully Submitted,

Charles W. Gordon, Jr., MO Bar #32985
Hubbell Sawyer Peak O'Neal & Napier
106 W. 14th Street, Suite 1200
Kansas City, Missouri 64105-1914
Telephone (816) 221-5666
Facsimile (816) 221-5259

AND

Patrick J. Berrigan
Watson & Dameron, L.L.P.
2500 Holmes
Kansas City, Missouri 64108
Telephone (816) 474-3350

Facsimile (816) 221-1636

ATTORNEYS FOR PETITIONER

21066651\V-

1

[\[1\]](#) [redacted], PhD, a Sedalia, Missouri psychologist who examined Jim just two months after the killings, firmly believes that Jim was clinically insane at the time of the crime. While her testimony was never presented in Jim's case, she has addressed this issue in a letter to the Governor attached as Exhibit 1. (Please click for Exhibit 1) Unfortunately, explaining the insanity defense in Jim's case only became more difficult when Jim's trial lawyers made a tremendous mistake and presented what turned out to be false evidence relating to the insanity issue. This mistake is explained in Exhibit 2. (Please click for Exhibit 2) The trial lawyers' mistake was the basis for Missouri Supreme Court Judge Ronnie White's controversial dissent in Jim's case, which was used unfairly to deny him an appointment to the federal bench. The Supreme Court opinion with Judge White's dissent is attached as Exhibit 3. (Please click for Judge White's dissent)