

The GOARC Gazette

Project II Takes Up The Battle Cry: "We've Got to Get Together and Get Johnny Out of Jail"

Johnny Wilson is a 24 year old man with mental retardation who is sitting in a Missouri prison. Accused of murder, he was sentenced to life in prison without a trial based on his guilty plea.

Since October, 1990 Project II has been following the case and has begun advocating for Johnny's release.

The following is a report from Robert Perske on Johnny Lee Wilson:

Aurora, Missouri. For all of his 20 years, shy, mild-mannered Johnny Wilson lived a reasonably stable, sheltered life with his mother and grandmother in this 6340-populated, Southwest Missouri town. His father left before Wilson was born. The Aurora Public Schools adjusted to his "organic brain damage and mental retardation," provided him special education classes and helped him follow his own rate of development for 12 full years. A principal and teacher said he had been "quiet, reserved, respectful--never a discipline problem." After graduation, Wilson did sporadic lawn-mowing with his mother driving him to the jobs. Even investigators of the murder of 79-year-old Pauline Martz found him likable. Missouri Highway Patrol Sgt. J.J. Bickers said "He was a nice kid. He was polite--yes sir, no sir. He was easy to talk to. The only problem is he killed her."

Sunday, April 13, 1986. According to the family, Wilson, his mother and grandmother attended morning services at First Presbyte-

rian Church. At noon, a friend came over and stayed until Wilson was driven to a lawn job by his mother. She picked him up a couple of hours later. Wilson's friend returned. The grandmother watched a Disney program on TV with the boys, then they taped songs until supper time. After supper, Wilson and his mother drove to the post office and Ramey's Supermarket. Leaving Ramey's, they heard sirens and followed the fire trucks to the home of Pauline Martz. The twosome went home to let the grandmother know what was happening since Martz was one of her card-playing friends. Then they returned to the fire.

Monday, April 14. Joplin Police Lt. Dick Schurman called local officers and told them about Chris Allen Brownfield, an escapee from an Oklahoma prison. Schurman said the Joplin native "has been known to tie up and beat old ladies and is more than capable of murder."

Tuesday, April 15. Officers questioned Wilson in his home. Earlier, they had received a tip from Gary Wall, a former special education classmate of Wilson's. Wall claimed that Wilson said he killed Martz. The police background check on Wall revealed his reputation as a chronic liar and troublemaker--one who had often used tall tales as an attention-getting device.

Friday, April 18. Wilson was watching a movie in the Princess Theater when officers came for

him and took him to the police station. He was interrogated from 9:30 pm until midnight.

Saturday, April 19. By 1:00 a.m., a confession for the murder of Martz has been signed by Wilson. According to an audiotape made of the police interview, Wilson denied involvement at first. Later he admitted committing the crime. He said he did it because he felt threatened by the police who "grabbed my face and turned it toward them." He told Connie Chung (CBS Saturday Night With Connie Chung, 5-12-90) "a cop said, 'Well, if you confess, you know, or 'tell us you did it,' or something, 'we can all go home.'" Excerpts from the officer's audiotape:

Deputy Seneker: "We have the fact that you're the one who started the story about the lady being tied up and in there and gagged before we even knew it, before we'd even found the body! We didn't even know she was in there when you knew it!"

Wilson: "And I didn't know it."

Deputy Seneker: "Oh yes, you did! And we can prove it!"

Later, Seneker asked about the color of the victim's blouse.

Wilson: "I'll say it was white, kind of white or bluish blouse."

Deputy Seneker: "Okay, how about bluish? I'll go for that."

Wilson: "Yeah."

Deputy Seneker: "How about bluish-green, maybe?"

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Johnny Wilson, continued from page 1.

Wilson: "Yeah."

Still later, Seneker asked what besides a rope, was around the victim's ankles.

Wilson: "I'm thinking."

Deputy Seneker: "What are some things that could be used?"

Wilson: "Handcuffs, I think."

Deputy Seneker: "No. No Wrong guess."

[It was duct tape.]

April 15, 1987. A competency hearing was held. Psychologist Daniel Foster and Psychiatrist William Logan, of the Menninger Foundation and representing the defense, claimed he was not competent to stand trial because of brain damage, mental retardation and dependent personality disorder. Fulton State Hospital psychiatrist Mahinda Jayaratna said in a written report that Wilson was competent. The judge ruled in favor of the prosecution.

April 30, 1987. Wilson pled guilty to first-degree murder and was sentenced to life with no parole. New defender Swift claims Wilson was led repeatedly by the judge. One example [from the hearing record]:

Judge Elliston: "...you understand that the State has a strong case and that you could very possibly get the death penalty imposed upon you if you had a trial in this case. Now, what's your understanding of why you're here this afternoon?"

Wilson: "Plead guilty."

Q. "Why are pleading guilty, Johnny?"

A. "I don't know."

Q. "Pardon?"

A. "I don't know."

Q. "You don't know why you're pleading guilty?"

A. "Just for first degree murder."

Q. "Well, that's what you're pleading guilty to, but why are you wanting to enter the plea?"

A. "I don't know."

Q. "Do you want to enter a plea of guilty?"

A. (No response)

Q. "You can go ahead and talk to me."

A. "I don't know."

Q. "Do you know that the death penalty is a possibility in this case?"

A. "Yes."

Q. "Do you want the death penalty?"

A. "No."

Q. "Do you want to avoid the death penalty?"

A. "Yes."

Q. "Are you admitting that you committed this murder?"

A. "Yes."

[Wilson v. Missouri, Case #16559-2, April 30, 1987]

February 1988. Kansas State Penitentiary prisoner Donald Waymire wrote to Missouri officials stating that fellow inmate Chris Brownfield killed Martz. Brownfield, now serving a life sentence for robbing and murdering an elderly woman--in Pittsburg, Kansas, 60 miles northwest of Aurora, just 16 days after Martz was killed--stated later that he told Waymire to write the letter so he could get a reward. When it didn't happen, Brownfield said he couldn't let a person with retardation take a rap for him. Brownfield said a stun gun had been lost in the violent room-to-room ransacking of the Martz home and the fire was set to destroy the fingerprints on it. (A stun gun was found in the ashes. When Wilson was asked about it, he thought they were talking about an electric shaver.)

April 26, 1989. Wilson appeared in the county circuit court and said he didn't commit the crime. June 27 was set for a

hearing on the motion. When Brownfield offered to appear, it was reset for July 27. Brownfield then refused to appear when Missouri failed to promise a life sentence instead of the death penalty. At the hearing, the prosecution attacked the credibility of Brownfield's admissions and the judge overruled the motion for a trial. Swift claims that the prosecution withheld evidence consistent with Brownfield's admissions that would have cleared Wilson.

The Hearing in the Missouri Court of Appeals - September 12, 1990. Swift did seek to vacate the guilty plea [meaning Wilson would receive a trial] because of 1) Wilson's impaired development, 2) his activities on the day of the crime, 3) the police investigation, 4) the competency hearing and Judge Elliston's conduct therein, 5) Chris Brownfield's admission of responsibility, 6) Wilson's responses at the plea hearing and 7) his inability to consult with plea attorneys in a meaningful fashion. Swift's conclusion:

"Unquestionably Ms. Martz was the victim of a terrible crime. There is, however, another victim, a mentally retarded young man, whose only mistake was his handicap which caused him to confess to a crime for which there is substantial evidence it was committed by Brownfield."

(This report was reprinted with permission from R. Perske. Bob included credits to Maria Patrick, a CBS News producer for *Saturday Night with Connie Chung* and *Face to Face with Connie Chung* for discussion of the case and her

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leads.)

UPDATE ON JOHNNY WILSON

Public Defender William F. Swift continues to represent Johnny Wilson.

The September, 1990 appeal was heard before 3 state judges and the ruling was not expected for several months. At the time of this printing a ruling still had not been passed down.

PROJECT II'S INVOLVEMENT

Members of Omaha's self-advocacy group, Project II, feel that an injustice is taking place and want to help. They want to address the issues as they relate to Nebraska, as well as assist Johnny in returning home.

Project II's number one concern is that THEY could be accused of a crime and, as quickly, be in the same position as Johnny Wilson.

They believe that very few members would know what to do if they were arrested.

Members developed four goals they want to accomplish:

- 1) To educate Project II members on their rights and what to do if arrested.
- 2) Educate judges, the state attorney, public defenders, and others involved in the justice system in Nebraska on defendants with retardation.
- 3) Let other self-advocacy groups, across Nebraska, know about the issues and their rights.
- 4) Help get Johnny out of jail and home with his mom and grandmother.

Project II doesn't want to have more situations like Johnny's. People need to LEARN THEIR

RIGHTS and USE THEM if they get arrested.

Project II needs your assistance. The members identified a petition as one avenue to help Johnny. The petitions gathered in Omaha will be sent to Governor John Ashcroft of Missouri. Enclosed is the petition statement to Governor Ashcroft. Project II asks that if you agree with that statement to sign and return the form to GOARC where it will be included with other petitions. Project II's goal is 400 signatures. They want to let Governor Ashcroft know that this is a serious issue and one that needs to be addressed promptly.

Project II thanks you in advance

for your support and signature. FOR YOUR INFORMATION.....

We All Want Johnny Home is a song written and recorded by Linda Powers. The taped song is being sold for \$5.00 each. The money goes to defend Johnny. Project II has a copy of the song, if you would like to hear it or you would like to order a copy for yourself, contact Dena at 346-5220.

ALSO....

Tune in your TV on January 25 on CBS--Face To Face With Connie Chung. Ms. Chung will interview Adlebert Ward. Mr. Ward, who has a disability, has also been accused of murder.

WE DON'T BELIEVE HE DID IT AND WE ALL WANT JOHNNY HOME

FREE JOHNNY WILSON

TO: The Honorable John Ashcroft, Governor, The State of Missouri

We the undersigned strongly encourage you and your office to review the facts in the case of Johnny Wilson and grant an immediate pardon.

SIGNATURE

DATE

Return to Project II, C/O GOARC, 3610 Dodge St., #101, Omaha, NE 68131
Readers are encouraged to reproduce and distribute this petition.