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THREE ATLANTA POLICE OFFICERS CHARGED
IN CONNECTION WITH THE FATAL SHOOTING OF
AN ELDERLY ATLANTA WOMAN

***Officers Junnier and Smith Plead Guilty in State and Federal Court
and Will Cooperate in Ongoing Investigation of Police Misconduct***

Atlanta, GA - Paul L. Howard, Jr., Fulton County District Attorney; David E. Nahmias, United States Attorney for the Northern District of Georgia; Wan Kim, Assistant Attorney General, Civil Rights Division, U.S. Department Justice; Gregory Jones, Special Agent in Charge, Federal Bureau of Investigation; and Vernon Keenan, Director, Georgia Bureau of Investigation announced that three Atlanta Police Department (APD) officers have been charged in connection with the fatal police shooting of Kathryn Johnson, a 92-year old woman, at her home in Atlanta during the execution of a search warrant on November 21, 2006. Two of the officers pleaded guilty today in Fulton County Superior Court and Federal District Court and are cooperating in the prosecution of the third officer and the ongoing FBI-led investigation of other misconduct by Atlanta police officers. Copies of the charging documents and plea agreements, including statements of facts, are available.

GREGG JUNNIER, 40, of Woodstock, Georgia, and JASON R. SMITH, 35, of Oxford, Georgia, pleaded guilty to voluntary manslaughter, violation of oath by a public officer, criminal solicitation and false statements in state court and to civil rights conspiracy resulting in death in federal court. SMITH also pleaded guilty to a perjury count in state court. Both officers were charged in separate indictments by a Fulton County grand jury yesterday and charged together by criminal information in federal court today. JUNNIER resigned from APD in December 2006, and SMITH resigned this week.

The third officer, ARTHUR TESLER, 40, of Acworth, Georgia, was indicted by a Fulton County grand jury yesterday on charges of violation of oath of office by a public officer, false statements, and false imprisonment under color or legal process. TESLER is on paid administrative leave from APD.

Fulton County District Attorney Paul Howard called the shooting of Mrs. Johnston “one of the most horrific tragedies to occur in our community. Moreover, our investigation showed that many of the practices that led to her death were common occurrences in this unit of the Atlanta Police Department. Cooperation between federal, state, county and local authorities has resulted in an unprecedented and swift dispensation of justice. When this terrible crime occurred—and that’s what it was, a crime—we promised the Johnston family and our community that we would get to the bottom of this and let the chips fall where they may. These charges and sentences represent a fulfillment of that pledge. And we will continue to keep this commitment to all of our citizens.”

“Any act of police misconduct threatens to undermine public trust in the worthy goals of law enforcement,” said Attorney General Alberto R. Gonzales in Washington D.C. “The overwhelming majority of law enforcement officials – men and women of strong integrity who risk their lives to protect ours – perform their essential duties with dignity and professionalism. We cannot allow misconduct of this nature to undermine the good work of so many others,” Gonzales said. “I commend the dedicated efforts of the U.S. Attorney’s Office and the Civil Rights Division for working collaboratively with the District Attorney’s Office to prosecute these egregious wrongs, and the excellent investigative work done by the FBI, the Georgia Bureau of Investigation and investigators of the Fulton County District Attorney’s Office.”

“The killing of Kathryn Johnston by Atlanta police officers was a horrible and unnecessary tragedy, said United States Attorney David E. Nahmias. “While the police officers involved were attempting to rid the streets of drug dealers, their means toward that end violated their oath, the Constitution, and the civil rights of the citizens they are sworn to protect, and it was inevitable that one day someone would get seriously hurt. This conduct demands accountability. Beyond holding the officers responsible for their crimes, however, Ms. Johnston’s family has made clear that they want some good to come out of her death. We are committed to working with the FBI to find out just how wide the culture of misconduct that led to this tragedy extends within APD and to bring any other officers who have violated the law to justice.”

FBI Special Agent in Charge Gregory Jones said, “A few days following the police shooting and death of Kathryn Johnston, we promised to conduct a thorough and swift investigation. The conduct of these police officers is both troubling and deplorable. As law enforcement officers we take an oath to uphold the law and to protect the innocent. These officers chose to break the law and in doing so, they took the life of an innocent elderly woman. Although the Kathryn Johnston homicide is essentially solved, the FBI will continue to pursue additional allegations of corruption and violations of civil rights as we have learned through this investigation that other Atlanta Police officers may have engaged in similar misconduct.” Jones also commended Atlanta Police Chief Richard Pennington for “having the courage to refer this case outside of his department

and for being committed to implement changes to police training and procedures as direct result of this investigation.”

Vernon Kennan, Director, Georgia Bureau of Investigation, said, “Investigations into police use of force are priority cases for the Georgia Bureau of Investigation. The community deserves a full accounting of the actions of police that result in serious injury or death.”

According to the indictments and the criminal information filed in this case and documents and information presented in court: On November 21, 2006, APD officers JUNNIER and SMITH participated along with other Narcotics Team officers in the execution of a search warrant at 933 Neal Street. During the execution of the warrant, the 92-year old owner of the home, Kathryn Johnston, who apparently believed her home was being invaded by criminals, fired her revolver once at those entering her home as the front door was being breached. Her shot did not hit anyone. Six officers, including JUNNIER and SMITH, returned fire. Ms. Johnston was hit by multiple shots and killed.

According to the information presented in court today, in some but not all cases, while working as APD narcotics officers, JUNNIER, SMITH, and other officers made false statements in sworn affidavits to state magistrate judges in order to procure search warrants for residences and other locations where the officers believed illegal drugs would be found. These false statements included representations that Confidential Reliable Informants (“CRIs”) had made drug purchases that never actually took place; that information was provided to officers by CRIs when the information was actually provided by unreliable informants, sometimes after officers threatened to falsely attribute illegal drugs to such informants; that the officers had personally observed a purchase by a CRI when they had not in fact observed the events described in the affidavit; that CRIs were searched before and after drug purchases when the CRIs were not searched; and that the occupants of the residence to be searched had surveillance cameras, were armed with firearms, or were dangerous in other ways in order to obtain “no-knock” warrants.

JUNNIER, SMITH, and other officers would execute the search warrants, and if contraband were found, the occupants would be arrested and charged. If asked about the search executed under fraudulently procured warrants, JUNNIER, SMITH and other officers would make statements consistent with the false statements made to procure the warrant. JUNNIER, SMITH, and other officers falsified affidavits for search warrants to be considered productive officers and to meet APD’s performance targets. They believed that these ends justified their falsifying search warrant affidavits.

On the afternoon of November 21, 2006, SMITH, JUNNIER, and TESLER arrested an individual for drug possession. That individual told the officers that he had purchased crack cocaine from a man named “Sam” at a house that he later identified as 933 Neal Street and claimed that he had seen a kilogram of cocaine in that house earlier

that day. JUNNIER contacted a CRI to have the CRI attempt to make a purchase from 933 Neal Street, but the CRI did not have transportation. The officers did nothing else to corroborate or verify the information the person they had arrested provided.

SMITH, JUNNIER, and TESLER then obtained a search warrant for 933 Neal Street after SMITH submitted a sworn affidavit to a magistrate judge falsely stating that SMITH and TESLER had directed a CRI make a purchase of cocaine from 933 Neal Street; that the CRI was searched before the purchase; that the CRI purchased \$50 of crack from a man named "Sam"; and that a no knock warrant should be issued because the CRI stated that "Sam" had electronic surveillance equipment in the house, which "Sam" carefully monitored.

At about 6:40 p.m., JUNNIER, SMITH, TESLER, and other narcotics officers attempted to execute the search warrant. (TESLER was assigned to guard the back door.) As officers rammed open the front door of 933 Neal Street, Kathryn Johnson, an elderly woman who was the owner and only resident of the house, fired a single shot from a .38 caliber revolver through the door, which hit no one. JUNNIER, SMITH, and four other officers returned fire, hitting Ms. Johnston with five or six shots, one of which was fatal. Ballistics and other forensic analysis are unable to establish which of the officers fired the fatal shot or the other shots. Three officers, including JUNNIER, were injured by shots fired by other officers, or resulting shrapnel or debris, but all were released from the hospital by the following morning.

No other occupants or drugs were found at 933 Neal Street. After the shooting, SMITH planted three baggies of marijuana, which the officers had seized somewhere else earlier that day, in the basement of the house. TESLER filed a false APD incident report stating that a purchase of crack had been made at 933 Neal Street earlier that day, and SMITH submitted two bags containing crack that falsely indicated the drugs were bought by an informant at 933 Neal Street. On November 22, 2006, SMITH and another officer disposed of the remainder of the marijuana from which SMITH had taken the planted marijuana, by throwing it down a sewer drain. SMITH, JUNNIER and TESLER also met to fabricate a story that would explain the events leading to the shooting of Kathryn Johnston. SMITH, JUNNIER and TESLER then recounted the fabricated story to APD homicide investigators.

After Atlanta Police Chief Richard Pennington turned the investigation of the Kathryn Johnston case over to the FBI to lead, JUNNIER was interviewed by FBI agents and admitted the facts about the conspiracy rather than giving the false cover story. SMITH continued to cover up the conspiracy in his first interview with federal agents, but subsequently admitted to the conspiracy.

The FBI is leading an active, ongoing investigation to identify the breadth and scope of other misconduct, including other potential civil rights violations, by Atlanta

police officers. The plea agreements require JUNNIER and SMITH to cooperate fully and truthfully in that investigation.

This case is being investigated by Special Agents of the Federal Bureau of Investigation and the Georgia Bureau of Investigation and Investigators from the Fulton County District Attorney's Office.

Assistant District Attorneys Sheila Ross, Shukura L. Ingram and Peter Johnson; Assistant United States Attorneys Yonette Buchanan and Jon-Peter Kelly; and Department of Justice Civil Rights Division Special Litigation Counsel Paige M. Fitzgerald, are prosecuting the case.

For further information please contact the Fulton County District Attorneys Office through Lyn Vaughn, at (404) 730-6860, or David E. Nahmias (pronounced NAH-me-us), United States Attorney, or Charysse L. Alexander, Executive Assistant United States Attorney, through Patrick Crosby, Public Affairs Officer, U.S. Attorney's Office, at (404) 581-6016. The Internet address for the HomePage for the U.S. Attorney's Office for the Northern District of Georgia is www.usdoj.gov/usao/gan.