



Department of Justice

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THREE FORMER ATLANTA POLICE OFFICERS SENTENCED TO FEDERAL PRISON IN FATAL SHOOTING OF ELDERLY ATLANTA WOMAN

Defendants Pleaded Guilty to Conspiracy to Violate Civil Rights Resulting in the Death of 92-Year Old Atlanta Resident Kathryn Johnston

Atlanta, GA - David E. Nahmias, United States Attorney for the Northern District of Georgia; Loretta King, Acting Assistant Attorney General, Civil Rights Division, U.S. Department of Justice; and Gregory Jones, Special Agent in Charge, Federal Bureau of Investigation, announced that three former Atlanta Police Department (APD) officers were sentenced to prison today by Chief United States District Judge Julie E. Carnes on a charge of conspiracy to violate civil rights resulting in death, arising from the fatal police shooting of Kathryn Johnston, a 92-year old Atlanta woman, at her home during the execution of a search warrant obtained by the defendants based upon false information on November 21, 2006.

JASON R. SMITH, 36, of Oxford, Georgia, was sentenced to 10 years in federal prison. GREGG JUNNIER, 42, of Woodstock, Georgia, was sentenced to 6 years in federal prison. ARTHUR TESLER, 42, of Acworth, Georgia was sentenced to 5 years in federal prison. There is no parole in the federal system. Each defendant was also sentenced to serve 3 years on supervised release following his prison term, and collectively to pay \$8,180 in restitution for the costs of Ms. Johnston's funeral and burial.

In a brief news conference after the sentencing hearings, United States Attorney David E. Nahmias said in part, "As Atlanta police narcotics officers, these three defendants repeatedly failed to follow proper procedures and then lied under oath to obtain search warrants. Their routine violations of the Fourth Amendment led to the death of an innocent citizen. The death of Kathryn Johnston in a police shooting was a terrible tragedy for a law-abiding elderly woman, her family, and friends and our entire community. But as her family and others hoped, from this tragedy have come two positive results. First, it has led the Atlanta Police Department to implement useful reforms in training and supervision and to entirely revamp its Narcotics Unit, reducing the possibility of a similar tragedy in the future. Second, the significant prison sentences imposed by the Court today should send a strong message to other law enforcement officers who may be tempted to lie under oath or

otherwise violate the law. Officers who think, as these defendants once did, that the ends justify the means or that 'taking shortcuts' and telling lies will not be discovered and punished should realize that they are risking their careers and their liberty. And officers who try to obstruct justice when their misconduct faces exposure, rather than cooperating in the investigation, should realize that they will face even more severe punishment.”

In Washington D.C. Acting Assistant Attorney General Loretta King said, “The Justice Department is committed to vigorously prosecuting law enforcement officers who willfully disregard the Constitution and abuse their authority to violate the rights of others. This sort of unlawful behavior, resulting in Ms. Johnston's tragic death, undermines the efforts of law enforcement officers who honorably perform their duties.”

Gregory Jones, Special Agent in Charge, FBI Atlanta, said, “This is a sad day in the law enforcement community. Few crimes are as reprehensible as those committed by police officers who violate the very laws they have sworn to uphold. Our thoughts and prayers are with the Johnston family, and we hope today's sentencing helps bring closure to this tragedy. Further, we want the public to know the FBI will continue to pursue and bring to justice those who violate their oaths of office and the civil rights of others.”

JUNNIER AND SMITH pleaded guilty to the federal civil rights conspiracy charge, as well as voluntary manslaughter and related state charges in Fulton County (Georgia) Superior Court, on April 26, 2007. Pursuant to their plea agreements, they are scheduled to be sentenced in state court on March 5, 2009, to the same sentence imposed in federal court, with the sentences to be served concurrently. TESLER initially declined to plead guilty and was indicted in state court on charges of violation of oath of office by a public officer, false imprisonment and false statements. In 2008, TESLER was convicted at trial in state court on the false statement charges, but that conviction has been reversed on appeal. Following the state trial, federal authorities re-evaluated TESLER’S case, conducted further investigation, and determined that federal prosecution of TESLER was appropriate. TESLER pleaded guilty to the federal charge on October 30, 2008.

JUNNIER began cooperating truthfully with authorities shortly after the federal investigation began and provided valuable assistance in the investigation and prosecution of SMITH and TESLER. Additionally, JUNNIER’S cooperation led to guilty pleas to federal charges by two additional APD officers, including a separate civil rights offense committed by the sergeant who commanded the narcotics team involved in the shooting. SMITH cooperated to a more limited extent. Both former officers provided information relevant to a broader FBI investigation of misconduct by APD narcotics and other officers, which culminated in a report provided by the FBI to APD Chief Richard Pennington in October 2008 for consideration of potential administrative discipline against other APD officers. As a result of their cooperation, the Court reduced JUNNIER’S sentence by 40% and SMITH’S sentence by 20%. TESLER did not provide substantial assistance in the investigation and received no sentence reduction on that ground, although his sentence was reduced based on

his lesser role in the conspiracy.

The facts and other details regarding the case are set forth in the Government's Sentencing Memorandum attached to this release. (NEWS MEDIA NOTE: additional copies of the Sentencing Memorandum are available upon request.)

This case was investigated by Special Agents of the Federal Bureau of Investigation.

Assistant United States Attorney Jon-Peter Kelly, United States Attorney David E. Nahmias, and Department of Justice Civil Rights Division Special Litigation Counsel Paige M. Fitzgerald prosecuted the case.

For further information please contact 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.