

State v. Thomas Johnson

Julie Longmire pushed a cart full of groceries out of Walmart. When she got to her car she opened her pocketbook to get her keys to open the trunk. She did not notice a young man running towards her until he was right on her and sticking a pistol in her face. The man ordered her to get in the car and hit her in the face with the gun. She screamed as the man pushed her into her car. He grabbed her keys and started the car. He took off through the parking lot. Julie managed to open the passenger door and jumped out. She fell on the parking lot and got up to run. The man got out of the car, ran to the other side, and shot her three times. One shot hit her in the head and two hit her in the back.

The man jumped back in the car and drove off.

The car was found abandoned across town.

Video from Walmart showed everything that happened, and the man was identified as Thomas Johnson.

Johnson's prints were in the car.

A video at another store showed Johnson using one of Julie's credit cards.

Johnson waived his rights and confessed. He planned to kidnap the lady and drop her off somewhere so he could take the car and her pocketbook. He told the police it surprised him when she jumped out of the car, and that is why he shot her.

Julie was a wife and mother of two children, a boy age 6 and a girl age 2. She was a history teacher at the local high school. She was white.

Thomas Johnson is a black male age 20. His mom was using crack cocaine and drinking while pregnant with him. She died when Thomas was age 6 of a drug overdose. Thomas never knew or saw his father. He and his half-brother John were raised by his maternal grandmother. His grandmother ran a liquor house where she raised the boys. She was murdered when Thomas was age 14. Before his grandmother died, Thomas passed his grades at school but was below average. After she died, his grades dropped. He stole a car when he was 15 and quit school. He made money selling drugs and lived with friends.

When he stole the car at age 15, he was seen by a court Psychologist. His IQ was 72. He was diagnosed as anti-social and a crack addict.

He robbed a drug dealer at gunpoint when he was 17 and served 3 years in prison. He had been released 5 days when the murder happened. He was on an ankle monitor, and the monitor tracked him to Walmart at the time of the shooting.

John, his half-brother, is 18 years old. He is currently in prison for selling drugs. His mental health records indicate he is bipolar and suffers from Fetal Alcohol Syndrome. His IQ is 81.

Thomas denied everything until confronted with the evidence. He then admitted he panicked and shot the lady. He will take 10 years, but the state will not even offer LWOP. They want the death penalty.

Your mental health expert says your client is bipolar, ADHD, and is Intellectually disabled (ID). The IQ test given by the expert showed an IQ of 73. The expert believes your client had diminished capacity. The expert also found Fetal Alcohol Syndrome.

Your client agrees to offer LWOP, but the state rejects the offer. Thomas agrees to allow you to admit his actions and to try to save his life.

At the pre-trial hearing on the ID claim, the judge denies the motion to drop the death penalty.

Your plan is to plead not guilty, admit your client did this, and argue it is second degree murder and not premeditated because of diminished capacity. You plan to front-load the mitigation and ask the jury to find ID which bars the death penalty.