

PETITION FOR CLEMENCY FOR EDWARD EARL JOHNSON

TO: HONORABLE WILLIAM A. ALLAIN
GOVERNOR, STATE OF MISSISSIPPI

INTRODUCTION

Edward Earl Johnson was eighteen years old at the time of the capital murder for which he was convicted was committed. He is now twenty-six years old. With the exception of the crime for which he now stands to be executed, Edward Johnson has exhibited unblemished character. He had no prior history of arrests prior to this crime. Edward Earl has been a model prisoner since the time of his incarceration at the Maximum Security Unit in Parchman, Mississippi in 1980. He has committed no disciplinary violations. For the last seven years, he has served in a position of responsibility as a "Hall Man," the equivalent of a trustee on death row.

Clemency for Edward Earl Johnson is highly appropriate. His background and history, as well as his sincere and persistent efforts to rehabilitate himself, all call for mercy.

HISTORY OF EDWARD JOHNSON

Edward Johnson grew up in Leake County, living with his grandparents. His father was earning \$35.00 per week when Edward was born. The premature birth left the Johnsons with a large debt, which was compounded by the severe medical problems Edward Johnson suffered in the first months of his life. The cumulative effect of the family dire financial situation and his father's chronic, lifelong alcohol problem left Edward Earl uncared for and near starvation. Eventually, his grandparents took him to their home in Walnut Grove, where he was brought up.

The trauma of his early childhood left its impression

on Edward Johnson's character. (See affs. generally.) His family and friends know him as a youth who would never leave his grandmother's side: Even when he graduated high school, he would not stay over at his aunt's house, only forty yards away. The only times he ever missed school were to say home and tend for his grandmother. All the money he made from his odd-jobs he gave to his grandmother to help with her expenses. (Aff. Jessie Mae Lewis)

The psychological effects of his early abandonment were worsened by a devastating physiological brain disorder. This manifested itself in Edward Johnson's inability to remember simple facts that his relatives would relate to him and, later on, in organic brain syndrome when he became intoxicated.

Nevertheless, throughout his early life, Edward Earl avoided involvement with the law. He was never arrested for any crime. He substituted his childhood dream of basketball stardom for an ambition to become a police officer. After he left school, he took an aptitude exam for law enforcement. The results did not reach his grandmother until just after his arrest in the tragic death of the Carthage City Marshal.

CIRCUMSTANCES OF THE CRIME AND ARREST OF EDWARD JOHNSON

The prosecution hinged primarily upon a written statement prepared by the sheriff and signed by Edward Johnson after two days of interrogation. The sheriff and a deputy drove Edward Johnson toward Jackson, pulled off on the side of the road, and obtained the confession. According to the officers' testimony, Edward Johnson was informed by law enforcement officials that he could only help himself by talking with them, and that things would go better for him "in Heaven" if he did so (Hab. Tr. 217).

Edward Johnson had been drinking heavily on the night

of the killing. (Aff. Cleve Johnson) He was accused of breaking into the house of Sally Franklin and assaulting her. Sally Franklin was at first unable to identify Edward Johnson as the person who assaulted her, but later changed her mind and did identify him. Edward Earl was unarmed at the time and of the break-in. When a man staying with Ms. Franklin appeared, Edward Johnson fled from the house.

At a short distance from the house Edward Johnson was stopped by Marshal Trest. According to the confession, Mr. Johnson shot the town marshal twice with a small caliber pistol located in his car, and then with the officer's revolver. The town marshal lost consciousness within fifteen seconds.

The crime involved no deliberation. Dr. Timothy Summers, a psychiatrist, and Dr. Gilbert MacVaugh, a psychologist, conclude that at the time of the commission of the crime Edward Earl Johnson suffered from organic brain syndrome, due to his alcohol dependency and brain dysfunction. (Affs. Summers & MacVaugh) According to these experts, Edward Johnson's debilitating psychological state caused him to be unable to control his behavior at the time of the crime. Id.

THE TRIAL

Prior to his capital trial the District Attorney made the determination that life imprisonment would be an appropriate punishment and offered Edward Johnson a life sentence. His attorneys erroneously informed him that if he accepted the life sentence he could not be considered for parole. (Affs. Brown & Alexander). Edward Earl Johnson declined, believing at the age of eighteen that if he pled guilty, he would be required to spend the rest of his life in prison, without the possibility of being considered for parole. (Aff. E.E. Johnson)

Because of a great amount of publicity surrounding the case, Edward Johnson's trial counsel moved for a change of venue. The trial court refused, notwithstanding indications by a majority of jurors that they had heard about the case.

The focus of the guilt or innocence phase of trial was the challenge of the defendant to the confession. The Trial Court ruled the confessions admissible, and Edward Johnson was convicted.

The sentencing phase of the trial was brief, with the defense submitting very limited evidence from three witnesses. Nothing concerning Edward Earl's mental defects or alcohol dependency was presented to the jury. Little positive information from friends and relatives was considered by the jury which determined death to be the appropriate punishment. In contrast, Edward Johnson's attorneys have now secured statements from over thirty potential mitigating witnesses who would have been willing to testify on Edward Earl's behalf. These statements are included as part of this petition for clemency.

During closing argument at the sentencing phase, defense counsel's argument was interrupted a total of thirteen times by objections from the prosecutor. Defense counsel was not allowed to argue that the jury had the power of God to take life or to spare it, that death was an unfair punishment in this case compared to other crimes not punishable by death, and that by returning a sentence of death the jurors would be committing an act equally wrong as Edward Johnson's crime. (Tr. 2052-2069) Further, defense counsel attempted to describe the manner in which Edward Johnson would be executed by gas, but was stopped by an objection from the prosecutor.

Mississippi Supreme Court Justice Armis Hawkins dissented from the affirmance of Edward Johnson's sentence of death based on the above-mentioned curtailment of the defense closing argument.

Edward Johnson has consistently maintained his innocence.

EDWARD JOHNSON'S PRISON HISTORY

Since 1980, Edward Johnson has been incarcerated on death row in Parchman, Mississippi. He has a perfect disciplinary record. He has been the death row equivalent of a trustee for seven years, almost the entire period of his incarceration.

Edward Johnson is currently oblivious to the reality of his impending execution. (Aff. Johnson) He is suffering from schizophrenia and mania, and is engaged in a "flight from reality" regarding his status. Id.

CONCLUSION

Edward Earl Johnson and his family respectfully asks that he be considered for clemency. He cannot redeem the tragic mistake he made in his youth. He can only pray that he be given an opportunity to continue to prove himself worthy of the gift of life.

- A. Affidavit of R. Jess Brown, Trial Counsel.
- B. Affidavit of Fernist J. Alexander, Jr., Trial Counsel.
- C. Affidavit of Edward Earl Johnson.
- D. Affidavit of Dr. Gilbert MacVaugh, Jr.
- E. Affidavit of Dr. Timothy Summers, M.D.
- F. Joint Exhibit of Affidavits of Potential Mitigation Witnesses.
 - (1) Affidavit of Nathaniel Lewis
 - (2) Affidavit of Pastor Lillie Randall
 - (3) Affidavit of Velma Camper
 - (4) Affidavit of Theadora Lelaine Lewis
 - (5) Affidavit of Lizzie Lee Caston
 - (6) Affidavit of William Caples
 - (7) Affidavit of Jessie Stamps
 - (8) Affidavit of Cornelius Lewis
 - (9) Affidavit of Louise Lewis
 - (10) Affidavit of Annie Ruth Fields
 - (11) Affidavit of J.C. Lewis
 - (12) Affidavit of Bettye Lou Johnson
 - (13) Affidavit of Terry Lee Fortune
 - (14) Affidavit of Winson Hudson
 - (15) Affidavit of Williey J. Nollie
 - (16) Affidavit of B.J. Johnson
 - (17) Affidavit of Samuel B. Hoyer
 - (18) Affidavit of H. Glenn Freeny
 - (19) Affidavit of Lula Caples
 - (20) Affidavit of Braxton Kitchings
 - (21) Affidavit of Charles McLaurin
 - (22) Affidavit of Truman L. Brantley
 - (23) Affidavit of Fred Smith
 - (24) Affidavit of Cleve Johnson
 - (25) Affidavit of Thelma Johnson
 - (26) Affidavit of Jessie Mae Lewis
 - (27) Affidavit of Robert P. Hairston
 - (28) Affidavit of Kenneth B. Nunn

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(29) Affidavit of George Field

(30) Affidavit of Gloria Parker Bell

(31) Affidavit of Irven Parker

(32) Affidavit of Patricia Ann Lewis

(33) Affidavit of Raymond Lewis

(34) Affidavit of Ora L. Bouchee

G. Affidavit of Clive A. Stafford Smith.

H. Affidavit of Robert B. McDuff.

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COUNTY OF HINDS
STATE OF MISSISSIPPI

AFFIDAVIT OF R. JESS BROWN

COMES NOW, R. JESS BROWN, being duly sworn, and deposes and states as follows:

1. I am an attorney duly licensed to practice law in the State of Mississippi. I make this affidavit regarding State of Mississippi v. Edward Earl Johnson.

2. Along with Mr. Firnist Alexander, I represented Mr. Johnson in his trial for capital murder back in 1979 and 1980. I have subsequently been counsel on Mr. Johnson's case, through state and federal post-conviction proceedings, to his loss in the Fifth Circuit last year, and the denial of certiorari by the United States Supreme Court some weeks ago.

3. Mr. Johnson was tried for the capital murder of a police officer in Leake County, Mississippi. As I best recall, the evidence adduced at the trial ^{indicated} ~~indicated~~ that when this officer, a City Marshall, was killed, the law enforcement officers went through the county and brought in ^{numerous} ~~several~~ young black males, aged approximately between 18 and 20, for questioning. Mr. Johnson was one of them.

4. Mr. Johnson's case was not easy. He was a black man accused of killing a police officer, whom I am informed was white. I have been practicing law for a period of approximately thirty-three years, and I feel that the chance of a black man found guilty of a similar charge or charges not getting the death penalty are very small, if any. Of the capital cases I recall wherein I have represented the defendant, only one, a capital rape prosecution back in the days when you could get the death penalty for rape, did not result in a death sentence. That was just because the jury could not agree on death.

5. At one point in ^{Edward Earl Johnson's} ~~Edward Earl Johnson's~~ case, the prosecution offered to recommend a life sentence. Whatever I personally believed the true facts to be, at that time I was sure that under

the evidence that would probably be admitted at the trial, Mr. Johnson would receive the death sentence. I am confident that if Mr. Johnson had accepted the offer, he would have received a life

sentence. However, when we told him that we understood that he would not be eligible for parole on a life sentence, he would not accept it. Under the circumstances, it is my opinion that he would have accepted the offer if he had thought he would receive a life sentence where he would at least become eligible for parole.

6. One thing we tried to do was show Mr. Johnson's present incompetence to be tried. It is called a "Suggestion of Insanity". We put some family members on at a hearing, but the judge denied our motion. We never knew in advance that Mr. Johnson was to be sent to Whitfield on the court's order.

7. We did later retain our own expert, Dr. Timothy Summers. He reported to us that Mr. Johnson had some severe organic brain disorder. However, he stated that he did not believe that Mr. Johnson met the standard of right/wrong insanity. We understood this to be the only issue which we could get into at trial, whether any mental disorder impaired Mr. Johnson's ability to judge the difference between right and wrong. It was for this reason that we decided not to use Dr. Summers.

8. As for introducing expert testimony regarding insanity at the penalty phase, we considered the statutory definition of "substantial impairment" of Mr. Johnson's mental faculties to be something equivalent to the right/wrong test. Maybe if he was so intoxicated that he did not know what he was doing, which would not be a defense at guilt innocence, that would also justify the jury finding this mitigating circumstance.

9. To the best of my memory, neither Mr. Alexander nor I had ever handled a capital case where we had to put on a penalty phase under the new bifurcated statute. The statute said that we were limited to the seven mitigating circumstances, and we prepared based on that. From what we knew about Mr. Johnson, not many of the mitigating circumstances fit. We put on a family witness to testify about Mr. Johnson's youth, and some about the

fact that he may have drunk beer on the night of the crime which could have impaired his judgment.

10. Prior to and upon the penalty hearing, we had no idea from reading the statute that we could put on mitigating circumstances which did not appear in the list of seven. Certainly, if we had known we could, there were many members of Mr. Johnson's family and he had many friends who could say relevant things about him.

11. When it came to the trial, the prosecution did not leave many black jurors on the jury when they had used their peremptory challenges.

12. The trial itself was a difficult experience. There was an issue involving a juror, Ms. Leflore, who we heard could not read and write. We held a hearing on that, and the District Attorney put me on the stand as a witness for the prosecution. Then at the end of the hearing, he subpoenaed defense witnesses, as well as Mr. Alexander, to appear before the Grand Jury for some charge apparently against me. In the end nothing came of that, but it was very intimidating to me, and made my job representing Mr. Johnson more difficult.

13. I delivered the final closing argument on Mr. Johnson's behalf. I had originally requested that the trial judge allow us at least ^{approximately} one hour to make our arguments. However, we were only permitted ⁴⁵ forty-five minutes ^{or about}, which Mr. Alexander and I shared. When the trial judge cut me off at the end of my time, I had by no means finished. I had intended to highlight the statutory mitigating circumstances which we had attempted to prove, but because I ran out of time I was unable to do so.

14. In my representation of Mr. Johnson since the time of his trial, I have not had occasion to discuss with him any issue that might arise from my continued representation of him. My understanding is that he simply wants me and those others who represent him to raise every possible issue on his behalf.

15. I have been informed of the issues being raised on his behalf ^{by attorneys or attorneys now representing appellant} in the petition now being filed challenging his conviction and sentence; and ^{in my judgment I am} ~~am~~ certain that he does not understand the legal significance of the facts which are alleged in support of

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the claims, even if he knew some of the facts.

THE ABOVE SIGNED does not give a true and accurate account of what I know about Edward Earl Johnson, and does not exhaust the sum of what I know.


R. JESS BROWN

Sworn to and subscribed to before
me this 11th day of May, 1987.


NOTARY PUBLIC

My commission expires the 27th
day of March, 1991.

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STATE OF MISSISSIPPI

AFFIDAVIT OF FIRNIST J. ALEXANDER, JR.

COMES NOW, FIRNIST J. ALEXANDER, JR., being duly sworn, and deposes and states as follows:

1. I am an attorney duly licensed to practice law in the State of Mississippi. I make this affidavit in reference to the case of State of Mississippi v. Edward Earl Johnson.

2. In 1979 and 1980, along with R. Jess Brown, who was then my law partner, I represented Mr. Johnson in the capital prosecution against him. Mr. Brown had tried some cases where the death penalty had been sought prior to the new bifurcated procedures, but I had tried none. Neither of us was familiar with the intricacies of the way that the new law operated.

3. Mr. Johnson, a black man aged eighteen at the time, was charged with the death of a white city marshall in Leake County. The case was racially polarized from the start. We defense lawyers were black; the prosecution was virtually all white. None of the courtroom personnel in Leake County was black. As we sat in the trial, the prosecution side of the courtroom was almost entirely filled with white people, with the victim's brother in the front row. This was particularly prejudicial, since the brothers were almost twins, and the man sat there in full uniform of a City Marshall, like the ghost of the victim. Since the jury was seated right next to the prosecution table, they had the victim's brother seated right in front of the jury, in full view.

4. Every aspect of the case was touched by racial considerations. For example, we moved to quash the indictment because the county had consistently discriminated regarding who would fill the role of Grand Jury foreperson. The jury which

tried Mr. Johnson had been purged of against his black members by the prosecution's abuse of peremptory challenges.

5. It was an intimidating experience. By the end of the trial, the District Attorney threatened to call me to the Grand Jury as a witness against Mr. Brown on a charge of suborning perjury.

6. I still feel that Mr. Johnson's conviction and his sentence should have been reversed by now. For example, the confession they extracted out of him should have been suppressed, as involuntary, and in violation of his Sixth Amendment right to counsel. We felt that we made the record on this, and it should have won him relief.

7. At one point, prior to the trial, the District Attorney offered a plea to a life sentence. Of course, in a death penalty case, there is no appeal from the grave, so you have to take a life plea offer very seriously whatever the facts. Since he had never been to jail before, and had never even been arrested to my knowledge, he did not know much about what he was facing, and he obviously depended upon us for advice as to what he should do. However, when we told Mr. Johnson that it was life without the possibility of parole, he did not take it.

8. We were commuting from Jackson to Leake County for the case, and there were at least two times that I think we missed court dates. I am not sure what those hearings concerned. If Mr. Johnson was evaluated by a state psychiatric expert after one of those hearings, I did not hear about it prior to the evaluation taking place. Of course, Mr. Brown or I should have gone to talk to the state expert if we had known about the timing of the evaluation.

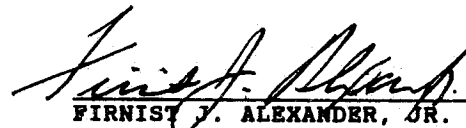
9. I remember that we were seriously considering some psychiatric evidence. The family had said that they thought there was something wrong with Mr. Johnson, and we put some of them on at a hearing on a suggestion of insanity. We also retained Dr. Timothy Summers, and he evaluated Mr. Johnson. After he made his diagnosis, while there was apparently evidence of some serious mental disorders, we did not think that we could

meet the right/wrong test of insanity. Consequently we did not use Dr. Summers at trial. We considered the statutory mitigating circumstance of "substantial impairment" to be another way of stating that Mr. Johnson's mental illness must make him unable properly to distinguish between right and wrong, or maybe be so intoxicated that he just would not know the difference. If we had known that Dr. Summers' testimony could be relevant to mitigation, we would have called him as a witness.

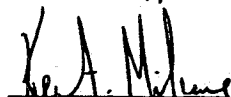
10. I remember at trial we offered a requested instruction on mitigating circumstances. We listed all the seven statutory circumstances in there. Since that was what the statute contained, we definitely felt constrained by that limitation. When we were preparing prior to trial, we were quite certain that we would not be able to go beyond the scope of those circumstances.

11. When it came to the penalty phase, therefore, we could not think of many things that could help. A couple of people had mentioned that Mr. Johnson may have had a beer in his hand on the night it was alleged that he did the crime, so we put them on to show that his judgment might be impaired. Then we thought we could use Mr. Johnson's age as a mitigating circumstance, so we put his grandmother on to talk about how young he was in many ways. Certainly, if we had felt that we could get into anything about his character or about the nature of the crime, we would have put many more witnesses on. Mr. Johnson had a lot of family and friends who could have said good things about him.

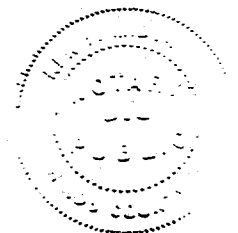
THE AFOREGOING constitutes a true and accurate account of what I know about Edward Earl Johnson, and does not exhaust the sum of what I know.


FIRNIST J. ALEXANDER, JR.

Sworn to and subscribed to before
me this 11 day of May, 1987.


NOTARY PUBLIC

My commission expires the 22nd
day of April, 1991.



STATE OF MISSISSIPPI

AFFIDAVIT OF EDWARD EARL JOHNSON

COMES NOW, EDWARD EARL JOHNSON, being duly sworn, and deposes and states as follows:

1. I make this affidavit in support of my challenge to my conviction and sentence of death.

2. Very recently, Mr. Robert McDuff and Mr. Clive Stafford Smith agreed to take over my case. Before that, my lawyer ever since I was first tried in Leake County has been Mr. R. Jess Brown. At trial, there was another lawyer, Mr. Alexander. Later on, Mr. Powell was with Mr. Brown.

3. Since I came to Parchman, I have not seen any lawyer very often. I do not understand much about the law. I have assumed that Mr. Brown and anyone else helping him have been using every possible issue that could help me. That is what I wanted them to do.

4. Neither Mr. Brown nor anyone else has ever advised me that there might be a reason why Mr. Brown could not raise every issue on my behalf. If anyone had told me that, at any stage, I would have wanted another attorney.

5. I did not talk to my attorneys, Mr. Brown and Mr. Alexander, very much before my trial. Weeks used to go by without my ever getting to see them. I just trusted that they were doing everything that should be done.

6. They had me go to see a psychiatrist one time. I never was told what the doctor said to them after I had been to see him.

7. I did once talk to my attorneys about an offer of a life sentence that the prosecutor had made. Mr. Brown told me that, me being a black person charged with the murder of a police

...there was a good chance that I would get the death penalty. Whatever actually happened in the case, he said, I might be better off pleading guilty and taking life.

8. I thought about it. The thing that stopped me from accepting it was Mr. Brown and Mr. Alexander said that I would get life without the possibility of ever being paroled. That was the one thing I could not face, not being eligible for parole. If they had told me that I would one day have been eligible for parole, I would have told them to go ahead and accept the offer.

THE AFOREGOING constitutes a true and accurate account of what I know about the matter, and does not exhaust the sum of what I know.

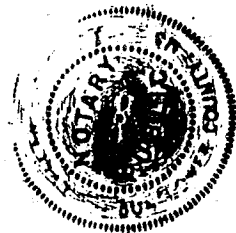
Edward Earl Johnson
EDWARD EARL JOHNSON

Sworn to and subscribed to before
me this 11th Day of May, 1987.

Evelyn Humphreys
NOTARY PUBLIC
My commission expires the 31st
day of December, 1987.



Jessie Mae Lewis
with her grandson,
Edward Earl Johnson



Edward Earl Johnson

COUNTY OF WASHINGTON

STATE OF MISSISSIPPI

AFFIDAVIT OF DR. GILBERT S. MACVAUGH, JR.

COMES NOW, DR. GILBERT MACVAUGH, JR., being duly sworn, and deposes and states as follows:

1. I am a clinical psychologist duly licensed to practice in the State of Mississippi. I have extensive experience evaluating criminal defendants in capital cases.

2. I have been requested by attorneys for Edward Earl Johnson to give my opinion concerning mitigating circumstances which might have been adduced on his behalf at trial, and his current competence to be executed.

3. In preparation for giving my opinion, I have been provided with the following materials: an affidavit of Dr. Timothy Summers, M.D. (5/8/87); the entire records of the Mississippi State Hospital from the time of his trial; many statements of those who have known Mr. Johnson all of his life; and other matters divulged to me by counsel.

4. On May 11, 1987, I travelled to Parchman, Mississippi, in order to conduct a psychological evaluation of Mr. Johnson. I spent over five hours in the Maximum Security Unit with Mr. Johnson, did a full status evaluation, and administered various psychological tests upon him. On the basis of this information, I am able to draw certain conclusions concerning Mr. Johnson.

Mitigating Circumstances

5. It is my belief that at the time of the crime, Mr. Johnson suffered an alcohol dependency problem that was beyond his voluntary control. His dependency problem caused his thinking at times to be grossly disorganized. He has an extensive personal and family history of alcohol abuse. There is a high probability that as a result of intake of alcohol that Edward Johnson had an alcohol-related organic brain condition at the

able to control his behavior, and appreciate the consequences of his acts.

Current Incompetence to be Executed

6. My evaluation of Mr. Johnson demonstrates a flight into unreality insofar as his acceptance of his impending execution. He appears oblivious to the fact of his approaching execution. He does not believe nor does he accept the notion that he can be executed, which does not comport with the reality of his situation.

7. Mr. Johnson suffers from an emotional block based on a strong irrational defense mechanism which involves massive denial. He appears to be too calm and too much in control for someone about to be executed. He does not appreciate the gravity of his situation.

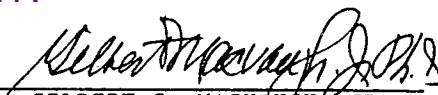
8. Reliable test data suggest that Edward Johnson manifests indications of manic and schizophrenic characteristics which he apparently successfully hides from the lay observer.

9. Mr. Johnson's present condition may severely impair his ability to discuss his case sensibly with his attorneys, and offer them useful information concerning evidence which might show his conviction or sentence of death to be unjust or unfair.

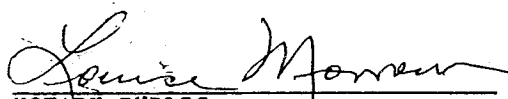
10. Edward Johnson is unable to relate any punishment through execution to his own conduct, or the conduct alleged against him. He does not understand why he is being singled out, and does not have the proper mental framework to come to grips with his own conscience. It is quite clear that this is the product of mental disease or defect.

THE AFOREGOING constitutes a true and accurate account of what I know about Mr. Johnson, and does not exhaust the sum of what I know.

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DR. GILBERT S. MACVAUGH, JR.

Sworn to and subscribed to before
me this 11th Day of May, 1987.


NOTARY PUBLIC

My Commission Expires September 11, 1990

AFFIDAVIT OF DR. TIMOTHY SUMMERS

STATE OF MISSISSIPPI

COUNTY OF HINDS

DR. TIMOTHY SUMMERS, being duly sworn, deposes and says:

1. I am a psychiatrist. My office address is 485 West Northside Dr., Jackson, Ms. 39205. I have extensive experience in forensic psychiatry, and have been appointed on behalf of the state and defendants in many capital murder cases to determine competency to stand trial, insanity at the time of the crime, and the psychological history of the defendants.

2. In 1979 I conducted an evaluation of Edward Earl Johnson prior to his trial for capital murder. Mr. Johnson was eighteen at the time of the crime, and nineteen when I evaluated him. His history included abandonment by his mother who didn't want him when he was a baby. He was raised by his grandmother to whom he became very attached. He had an alchohol dependency, and at times suffered from alchoholic blackouts and episodes of amnesia.

3. My evaluation revealed substantial mental defects and my preliminary diagnosis was that he suffered from brain dysfunction. In my opinion he had some brain damage from birth.

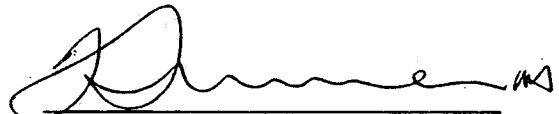
4. The brain dysfunction was exacerbated by alchoholic intake. Drinking in combination with his preexisting mental defect would cause a significant change in his personality and detrimentally affect his judgment. At those times he suffered from organic brain syndrome. The effect of this condition would

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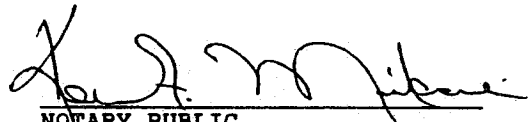
substantially lessen his ability to control his behavior.

5. I believe that his mental problems were severe. This information would have presented the jury at his capital sentencing trial with mitigating circumstances of a substantial nature, and given the jury a sympathetic picture of Edward Johnson's background and history.

4. I informed Edward Earl Johnson's attorneys of my above findings and opinion and recommended further tests be conducted. I was not asked to conduct further tests. I was not asked to testify at Edward Earl Johnson's trial, but would have been willing to testify to the above facts and opinion.

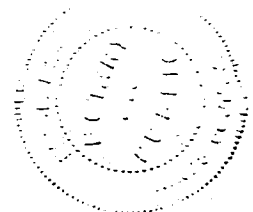

DR. TIMOTHY SUMMERS

Sworn to and subscribed before me, this the 8th
day of May, 1987.


NOTARY PUBLIC

My Commission Expires April 22, 1991

My Commission Expires _____



COUNTY OF COOK

STATE OF ILLINOIS

AFFIDAVIT OF NATHANIEL LEWIS

COMES NOW, the undersigned NATHANIEL LEWIS, being duly sworn, and deposes and states as follows:

1. I make this affidavit on behalf of my nephew, Edward Earl Johnson. He is the son of my sister, Betty.

2. I currently reside at 215 S. 8th Avenue, Maywood, Illinois 60153.

3. I was born in Leake County, just north of Walnut Grove, on November 8, 1942. There were five children. Betty was the oldest, then me, followed by Annie Ruth, Raymond, and Thelma Mae. Betty now lives in New York, as does Annie Ruth. Raymond lives here in Maywood, Illinois, and Thelma Mae still lives in Walnut Grove.

4. My father was a farmer who worked on halves. That meant that he would contract to work someone else's farm. The owner would get fifty percent of the money taken in at harvest. From our half, my father would have to pay for the next year's seed, and pay any other expenses. Along with many others in Leake County, it was a struggle for him and my mother to make ends meet. We never had any money, and I would only get to go to school after November or early December, when the harvest was in. Then I would have to quit again in March, when the winter was over and it was time to get back out to the fields. My father was still hard at work up until the time he died, on March 7, 1982.

5. Back when I was growing up, Leake County had a lot of racial problems. In the next county over is Philadelphia, where the three Freedom Riders were killed, around about the time that Edward Earl was born. With integration, a few things changed on

the surface, but nothing changed down deep. There was not much difference between the times when I was coming up and when Edward Earl was.

6. Edward Earl looked to me pretty much like I was his father. He lived with my mother and father -- his grandparents -- after he was about three months old, and I was in the house when he was young. Even after I moved out, I used to be in and out of the house all the time, and I saw a lot of him.

7. I married my wife, Harvest Jean Lewis, on September 15, 1962. We now have six children. Theadora is the oldest, and she is now studying child psychology in college. Phillis is also in college, studying to be a bookkeeper. The others -- Nathaniel Jr., Donna Jean, Gloria and Natalie -- and still in school.

8. We left Mississippi and came to live in Illinois. I worked a few years with the Pioneer Screw Company, and later as a cab driver, but then I got into the business which I now own. I run Lewis Trucktire Service, and have had the company ten years. We have six employees.

9. I did not lose touch with Edward Earl and the rest of the family, however. Edward Earl came to visit us on several occasions, and once spent the entire summer staying with us. He was about fourteen at the time, and got himself a job selling icecream at the place where I fixed tires. He was saving most of the money he made, so that in the long run he would be able to buy himself a car.

10. Edward Earl got on very well with my family. He was particularly good with little Gloria, who was only about a year old at that time. When my wife and I would go out, Edward Earl would stay with her to babysit.

11. In fact, throughout his life, I have known nothing bad about Edward Earl. When he was young he never got into trouble. At that time, he wanted to be a professional basketball player, and he was pretty good in school. However, he decided he did not want to be a sportman. He did quite well in school, especially

in arithmetic, chemistry and, taking after his granddaddy, in agricultural science.

12. When he graduated high school, though, he decided he wanted to be a police officer. Indeed, I remember him studying for it, and he even took a test. He passed, but his grandmother did not receive the results until just after he was arrested.

13. It is very difficult for me to believe that Edward Earl could be executed for the death of a police officer. There is too much goodness in him, as you can see by the good record he has had while he has been in prison. I cannot say what it would do to his family and to me. I go down to see him once or twice a month, and others come with me when they can. Those visits mean so much to me.

14. Edward Earl's attorneys never contacted me prior to his trial. I knew that the trial was about to take place, but I did not know that anything I could say would ever be relevant or helpful. Had I known I could have helped him, I would certainly have come, whether the court had paid my costs or not. Indeed, there are many people who live near me who know Edward Earl well, and who would have wanted to help him out. I feel sure that I could have got between 25 and 40 of his friends and relatives to come and testify for him, now that I know that they could have been helpful. We would have driven them all down, and they would have stayed with the family.

15. Had Edward Earl's attorneys contacted me prior to the trial I would have put them in touch with other people who could put in a good word for him. My mother would have been the best contact for other people from Mississippi, but I could certainly have given all the names and addresses that I include below.

16. For example, from the area of Illinois around me I could have told the lawyer about the following people -- his cousins, aunts, uncles, friends and ministers -- who could have helped Edward Earl: Harvest Jean Lewis, Theadora Lewis, Phil-lis Lewis, Nathaniel Lewis Jr., Donna Jean Lewis, Gloria Lewis,

Nathaniel Lewis, Pastor W. Randall, Minister J. Stamts, Minister B. Capers, Fontaine Caples, Lizzy Caston, George Caples, Ora Bouchee, William Caples, Levester Caples, Benie Caples, Reggie Caples, Ernest Randall, Minister I. Peoples, Minister G. Branch, Oda King, Bennie Harper, Germarish Johnson, Chiquita Bouchee, Opal Tate, James Tiggs, Bennie Lee Bloodsaw, Willie B. Bloodsaw, Vera Washington, Andrew Caples, Willis Bolder, George Bolder, Justin Tiggs, Vera Fortune, Brenda Fortune, Willie Joe Jones, Hubert Jones, Cornelius Lewis, Louise Lewis, Donnie Lewis, Irvin Parker, Gloria Field, George Field, Raymond Lewis, Patricia Ann Lewis.

17. In New York, there is his mother, Betty Lyles, his aunt, Annie Ruth Field, and Betty Jones, a close friend of the family. In Mississippi, counsel could certainly contact Albert Laymond, Ollie Joe Alexander, Charles Timms, Billie Wayne Bloodsaw, Annie Lois Buckley, Henretta Richmond, Thelma Mae Lewis, Grace Richmond, Alton Crosby, Lula Caples and G. Caples, Edward Earl's great uncle, who is a bishop. My mother could certainly name many more.

The foregoing is a true and accurate account of what I know about Edward Earl Johnson, and does not exhaust the sum of what I know.

Nathaniel Lewis
NATHANIEL LEWIS

Sworn to and subscribed to before
me this 8th day of May, 1987.

Shirley Savannah
NOTARY PUBLIC
My commission expires the 1st
day of July 1990.



AFFIDAVIT OF PASTOR LILLIE RANDALL

Comes now, the undersigned Lillie Randall, being duly sworn, and deposes and states as follows:

1. My name is Lillie Randall. I live in Chicago, Illinois, and am a pastor in the Free Holiness Church in Chicago, Illinois. My father, George Caples, is a clergyman and bishop in Forest, Mississippi.

2. I make this affidavit on behalf of Edward Earl Johnson, who is my third cousin.

3. I am presently 48 years old. The first nine years of my life were spent growing up in Walnut Grove, Mississippi, and at the age of 9, my family moved to Chicago. During my years in Chicago, my family would come home to Mississippi about twice a year. It was during those visits that I spent time with my third cousin, Edward Earl Johnson, who was growing up in Mississippi.

4. When growing up, Edward Earl was a very nice person. In fact, I was shocked to hear about his involvement in this case, because as a child he was such a quiet person, and seemed like a homely type. He was never a violent person during the time I was around him. He had very good manners, and treated his elders with respect.

5. When Edward Earl was born, his mother was very young, and really was not in a position to provide him with a stable upbringing or with the things that are important in raising children. He had a hard life growing up, and I think a lot of the problem came from the fact that he was not really raised by his mother. Instead, his grandmother took care of him, and he lived with his grandmother.

6. At the time of his trial, I knew about the trial, but no one contacted me or asked me to come to Mississippi to testify on Edward Earl's behalf. I would have been able to testify, and so would a number of other people I know -- friends and members of his family -- who could have said good things about him to the jury in an effort to spare his life. Had his attorneys contacted

me and told me I could help him, I would have traveled to Mississippi for the trial at my own expense. I would have told the jury about his difficult upbringing, about the fact that he was a good and mannerly child, and I would have told the jury that I love him and do not want to see him executed. Several people would have told the jury the same thing if they had been called. He means a lot to me and to other members of our family, and to his friends. We do not want to see him die.

The foregoing is a true and accurate account of what I know about Edward Earl Johnson, and does not exhaust the sum of what I know.

Lillie Randall
LILLIE RANDALL

Sworn to and Subscribed to before me this 7 day of May, 1987.

Mary E. Jackson
NOTARY PUBLIC

My Commission Expires:

2/6/88

COUNTY OF COOK
STATE OF ILLINOIS

AFFIDAVIT OF VELMA CAMPER

1. My name is Velma Camper. I am the third cousin of Edward Earl Johnson. I live in Chicago, Illinois, and submit this affidavit on behalf of Edward Earl Johnson.

2. I am 40 years old, and have a Bachelors Degree in Communications from Columbia College in Chicago, Illinois. My husband is a pastor with the South Deering Community Church, and I am also an ordained minister in the church. I have five children, including three grown sons -- one is a minister, another is an electrician, and another is an auto mechanic. I do a lot of counseling with young people here in Chicago.

3. All during the time Edward Earl Johnson was growing up, I would see him about twice a year because my family would visit our relatives in Mississippi twice a year. During those visits, I spent a lot of time with Edward Earl. When I heard about the fact that he was accused in this case, I could not believe it because when he was a child, he was respectful, kind, considerate and sharing. He never was trouble to anyone, and was never mean or violent.

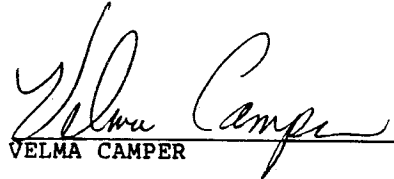
4. When Edward Earl was born, his mother was only a teenager. She was unmarried, and the pregnancy was something of a scandal in the area. This psychological effect seemed too much for her to bear, and shortly after he was born, she moved to New York City. He was raised by his grandparents. Although he was a good child, it was clear that the absence of a mother and a father had a psychological effect on him, and made his time growing up much more difficult than it is for most children who live with their parents.

5. At the time of his trial, no one contacted me to tell that my testimony could be helpful. Had his attorneys contacted me, I would have come to Mississippi at my own expense to testify in his behalf. I would have told the jury that he was a wonderful child, that his upbringing had been somewhat difficult because of the absence of his parents, and I would have told the

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jury that I love him and do not want him to die. Several other people -- family and friends -- would be willing to testify to the same thing, because he was a nice young man growing up. We love him and do not want to see him executed.

The foregoing is a true and accurate account of what I know about Edward Earl Johnson, and does not exhaust the sum of what I know.


VELMA CAMPER

Sworn to and Subscribed to before me this ____ day of May, 1987.


NOTARY PUBLIC

My Commission Expires:

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COUNTY OF COOK

STATE OF ILLINOIS

AFFIDAVIT OF THEADORA LELAINE LEWIS

COMES NOW, the undersigned THEADORA LELAINE LEWIS, being duly sworn, and deposes and states as follows:

1. I am the oldest daughter of Nathaniel and Harvest Jean Lewis. I currently live with them in Maywood, Illinois.

2. I make this affidavit on behalf of Edward Earl Johnson, who is my first cousin. His mother is my father's sister.

3. I was born on July 10, 1965, and I will soon be twenty-two. I am currently a junior at Triton College, where I am studying Child Psychology, for a B.A. When I was young, I always wanted to be a basketball player, or something like that, because I was quite a tom girl then. That was probably partly because I could not play those sorts of sports. I have a disability in my right leg, as a result of cerebral palsy. Since they call that a handicap, I have been in special schools much of my life. When I got over wanting to be a sports player, then, I decided to go into child psychology, so I could help other children with their problems.

4. For the first part of my life, my family lived in Jackson, Mississippi. Much of the family was in Walnut Grove, or elsewhere in Leake County, and we saw them all often. Edward Earl we always called "Squeekie", which was a pet name given to him by my grandmother. He was five years older than me, but since I had only one younger brother and three other younger sisters, he was always like a big brother to me.

5. Later, we moved to Illinois, and that is where I have lived ever since. Edward Earl came to visit us, and we would go down to Mississippi to see him and the family as often as we

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could. I remember one time, when I was about nine, when he came to stay with us for the whole summer. He just loved my little sister, Gloria, and would fuss over her all the time. All summer he babysat her for my parents.

6. Edward Earl is a well-rounded person. I never knew him get into any trouble, and I never once had an argument with him. He made friends easily, and had two close friends here in Illinois, Larry and Terry, from the time he stayed with us. He and his friends spent the summer getting themselves odd jobs -- he would be washing cars or mowing lawns, that sort of thing.

7. At the time of his trial, I had recently recovered from an operation on the hamstring in my right leg. I knew about the trial, and certainly would have gone to Mississippi to testify on Edward Earl's behalf. However, I did not know that I could say anything to help him, as I did not realize that anything I knew could be relevant. Had his attorneys contacted me and told me that I could help him, I would have come with my father, whether the court had paid for the trip or not. My father even now goes all the way down to Parchman to visit Edward Earl at least once a month, and I go as often as my school schedule will allow.

8. I would have begged the jury not to sentence Edward Earl to death. I know how much he means to me, and I know how much he means to the other members of our family. It would be a terrible thing if he was put to death.

The foregoing is a true and accurate account of what I know about Edward Earl Johnson, and does not exhaust the sum of what I know.

Theadora Lewis
THEADORA LELAINE LEWIS

Sworn to and subscribed to before
me this 8th day of May, 1987.

Shirley Sarannah
NOTARY PUBLIC
My commission expires the 1st
day of Jan 1990.

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_{STATE OF ILLINOIS}

AFFIDAVIT OF LIZZIE LEE CASTON

1. My name is Lizzie Lee Caston. I make this affidavit on behalf of Edward Earl Johnson. He is my second cousin.

2. I currently reside at 7621 South Exchange Street, Chicago, Illinois, 60649.

3. I am a homemaker for my seven children. I have lived in Chicago for most of my life.

4. When I was growing up, we called Edward Earl "Squeekie". We took at least two yearly trips to Walnut Grove. These trips would last at least a week. We would stay with Squeekie at his grandparents' house.

5. Squeekie was an illegitimate child. His mother, who is my cousin, was not often talked about. I don't know who Squeekie's father was. When his mother had him, she left. I don't think Squeekie and his mother got along. I think Squeekie was hurt by the fact that he was illegitimate.

6. Squeekie was very lonely and shy as a child. He never talked much. He was very well-behaved, obedient, and a hard worker, but he was somewhat of a loner.

7. I think Squeekie had a lot of restrictions on him and his experiences were very limited. You could tell he was raised by older people. My Uncle (his grandfather) was a very religious man and Squeekie had a strict upbringing. He never had a chance to do some of the things other kids do.

8. If I knew I could have testified for Squeekie, I would have done so. I would like to do something for him now, if I could. I don't care if I would have to pay my own way to Mississippi.

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The foregoing is a true and correct statement of what I know about Edward Earl Johnson and does not exhaust the sum of what I know.

Lizzie Lee Caston
LIZZIE LEE CASTON

Sworn to and Subscribed to before me this 8th day of May, 1987.

George H. Caples
NOTARY PUBLIC

My Commission Expires:

COUNTY OF COOK
STATE OF ILLINOIS

AFFIDAVIT OF WILLIAM CAPLES

1. My name is William Caples. Edward Earl Johnson is my cousin. I make this affidavit on his behalf. Edward Earl's maternal grandfather is my mother's brother.
2. I presently reside at 7621 Exchange Street, Chicago, Illinois 60649.
3. I am employed by the Standard Parking Corp. at the Sheraton Plaza Hotel, 150 E. Huron, Chicago, Illinois. I am also a musician. I play the organ, guitar and drums. I teach music, mostly gospel, to young children.
4. My father was a preacher. He is a Bishop in the Free Holiness Church of God in Christ. He has one church in Mississippi and one in Chicago.
5. From as early as I could remember, we would always go down to Walnut Grove at least twice a year, sometimes three times.
6. Quite often we would stay with the Lewises (Edward Earl's grandparents) on our trips to Walnut Grove.
7. During the entire time that I was around him, Edward Earl was a quiet and very obedient child. I can't figure out he would could be involved in something like this.
8. Being from the city, I always thought that I was a little faster then some of my cousins in the south. I always thought Edward Earl was a nice kid. He always said "yes sir" and no sir" whenever he spoke to me, and I was not even an adult. I know he was polite to older people.
9. I remember taking Edward Earl to the skating rink in Canton. It was the first time he had ever went. The skating rinks in that part of the country had been segregated up until recently and my cousins had never gone. I had been to skating rinks up north, so I thought I would take them to show them how. I remember I thought that the kids would act wild or something. They were all really well behaved. All the kids, including Edward Earl, really took orders well.

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10. Edward Earl's attorneys never contacted me prior to his trial. I would have done anything possible to help him. I would have been willing to pay my own way south to testify at his trial. If you're right, your right, and if you're wrong, you're wrong. But I would have done anything to help Edward Earl in either case.

The foregoing is a true and correct statement of what I know about Edward Earl Johnson and does not exhaust the sum of what I know.

William Caples
WILLIAM CAPLES

Sworn and Subscribed to before me this 8 day of May, 1987.

Henry J. Caples
NOTARY PUBLIC

My Commission Expires:

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COUNTY OF COOK
STATE OF ILLINOIS

AFFIDAVIT OF JESSIE STAMPS

Comes now the undersigned Jessie Stamps and being duly sworn, and deposes and states as follows:

1. My name is Jessie Stamps. I live in Chicago, Illinois. I am the third cousin of Edward Earl Johnson, and I submit this affidavit on his behalf.

2. My address is 7059 South Wolcott, Chicago, Illinois. I am 38 years old. I have two sons. My husband is a minister, and I also am an ordained minister. I grew up in Chicago.

3. When I was growing up, we would visit Mississippi and our family there approximately twice a year. During those visits, I spent a lot of time around Edward Earl, who was about 10 or 11 years younger than me. Even after I was a grown woman, we would continue to visit in Mississippi and I saw him frequently during those visits.

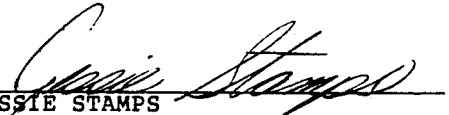
4. Edward Earl was always a very nice young man. He was very quiet, and listened to people. He was a good listener and treated family and friends and elders with respect.

5. Edward Earl was born prematurely, and his family never thought he would be a healthy young man. His mother was a teenager at the time, and was unmarried. Not long after he was born, she left and moved to New York, and Edward Earl was raised by his grandparents. Although he was a good child, it appeared that the absence of a mother contributed to making his childhood difficult.

6. Because he was such a well mannered and thoughtful child, I was very surprised to hear he had been arrested. No one contacted me to testify at his trial. Had his attorneys contacted me and told me I could testify, I would have come to Mississippi at my own expense and testified for him. I would have told the jury that he was a good child, that he had some difficulty when he was brought up because of the absence of his mother, and that I love him do not want to see him executed. I know a number of other family members and friends who would have

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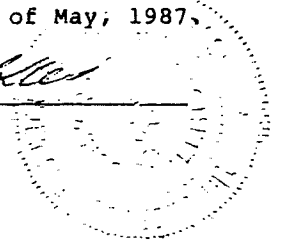
been willing to testify to the same thing. We do not want to see him die. The foregoing is a true and accurate account of what I know about Edward Earl Johnson, and does not exhaust the sum of what I know.


JESSIE STAMPS

Sworn to and Subscribed to before me this ___ day of May, 1987.


NOTARY PUBLIC

My Commission Expires:



COUNTY OF COOK

STATE OF ILLINOIS

AFFIDAVIT OF CORNELIUS LEWIS

1. My name is Cornelius Lewis. I submit this affidavit on behalf of my great-nephew, Edward Earl Johnson.

2. I am 63 years old, and live in Chicago, Illinois. I was raised in Walnut Grove, Mississippi, and at the age of 29 I moved to Chicago with my wife, Louise Lewis. Not long after I arrived in Chicago, I went to work for Paschen Construction Company, where I worked for nearly 32 years. I retired last year. My wife and I have six children, 21 grandchildren, and 7 great-grandchildren.

3. When Edward Earl Johnson was growing up, I would see him at least twice a year because we would visit our family in Mississippi that often. Then, when he was 16 or 17, he came to Chicago two summers in a row, and stayed at my house with my family and I. Each summer, I got him a job working with me at Paschen Construction Company. This is the same place where my sons would work during the summers. Edward Earl was a hard worker. In the construction business, if you don't produce, you don't work. Edward Earl produced, and did so well that the Company hired him back the second summer after his first summer working construction.

4. When Edward Earl stayed at our house those two summers, when he was 16 or 17, he was very good. He was like one of our own kids, and I still feel that way about him. He would pitch in and help around the house, and carried his weight with things that needed to be done. He never was any kind of behavior problem. He never went out a lot at night. Of course, after working a full day at construction, a person

-2-

wouldn't really feel like going out a lot. He would mostly stay around the family. He did see his cousins and uncles in Chicago a lot of the time. He never would sulk or get aggravated or withdrawn, like some teenagers do. He was always very open, and friendly. Also, my children, who were older than Edward Earl, like him a lot, and he never gave them any trouble. If he had been doing bad things, I would have heard about it from my children, and they never told me about any problems. That was because he simply was not a problem, at all.

5. When he was growing up in Mississippi, he also was a good kid. We knew him well, and he never was a problem. He was not hostile, and did not fight with the other kids. We had a big family, and he got along well with everyone.

6. Even though Edward Earl was like one of my own children, his attorneys never contacted me to testify at his trial. If I had been told that I could testify for him, I would have been happy to come to Mississippi for the trial and testify, even if I had to pay my own expenses. I would have told the jury about how close he was to me and my wife and kids, how we felt like he was our own son. I would have told the jury that he always was a good kid, and I would have described how it was living and working with him. I would have told the jury how much we love him and do not want him to die. I would have told them about his character, and about all of the things I have described in this statement.

The foregoing is a true and accurate account of what I know about Edward Earl Johnson, and does not exhaust the sum of what I know.

Cornelius Lewis
CORNELIUS LEWIS

Sworn to and subscribed before me this 7 day of May, 1987.

Mary E. Rubin
NOTARY PUBLIC

My Commission Expires: 2-6-88

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COUNTY OF COOK

STATE OF ILLINOIS

AFFIDAVIT OF LOUISE LEWIS

1. My name is Louise Lewis. I submit this affidavit on behalf of Edward Earl Johnson, who is my husband's great-nephew, and who spent two summers living with us in Chicago. Because of the time he spent with us, he is like one of my own children.

2. I am 61 years old and live in Chicago, Illinois. I was raised in Walnut Grove, Mississippi, and there I married Cornelius Lewis. We moved to Chicago when we were in our late twenties, and have lived there ever since. I am retired now, but I have worked most of my life. In Chicago, I worked for several years in a nursing home, and also worked in a factory making lampshades. My husband and I have 6 children, 21 grandchildren, and 7 great-grandchildren.

3. When Edward Earl was 16 or 17, he came for two summers and lived with us. Each summer, he worked construction with my husband at Paschen Construction Company, just like my own boys had done. We already knew Edward Earl well because of our visits every year -- at least twice a year -- to Mississippi to see family. He was a good kid, and when he stayed with us in Chicago, he was very nice. He went to church every Sunday with us. He was religious and liked the church. He had a nice personality towards grown people, and always was respectful. He never gave us any trouble, and was not like a lot of kids who are sometimes hostile to their elders. He got along well with our children, too, and they liked him very much. He was like one of our own.

4. When he was growing up in Mississippi, and we would visit, he also was a good boy. The whole family, all of the cousins and uncles and aunts, like him. He always would speak to us, and was always excited to see us

5. When I heard he was in trouble, I was very surprised because he had always been such a good boy. I went down to see him in jail in Mississippi. He was very excited to see me. He always liked me, and I liked him, and we were very close. It was like he was one of my own children.

6. His attorneys never contacted me or suggested I come to Mississippi to testify at his trial. If I would have been told I could testify and be helpful, I would have come to Mississippi right away and even paid my own expense. I would have told the jury about his good character, and mentioned all of the things in this statement. I would have told them about his going to church. And I would have told them that he was like a son to me, that we love him, and do not want to see him die.

The foregoing is a true and accurate account of what I know about Edward Earl Johnson, and does not exhaust the sum of what I know.

Louise Luis
LOUISE LEWIS

Sworn to and subscribed before me this 7 day of May, 1987.

Mary E. Baker
NOTARY PUBLIC

My Commission Expires: 2/6/88

AFFIDAVIT OF ANNIE RUTH FIELDS

1. My name is Annie Ruth Fields. I make this affidavit on the behalf of my nephew, Edward Earl Johnson.

2. I presently reside at 442 Beach 43rd Street, Edgemere, New York, 11691. I am married and I have one daughter, who is 12 and attends elementary school.

3. I am employed at the Jade East Hotel in Jamaica, Queens, New York. I also do volunteer work for the Civilian Patrol of the Queens, New York Police Department.

4. Edward Earl is my sister's son. I have known him from birth. I was responsible along with along with my parents for raising Edward Earl. Edward Earl was at least ten or eleven when I left Mississippi.

5. Edward Earl wa very outgoing as a child . He was quiet, but he got along with all the kids in the neighborhood. The neighborhood kids were over our house playing all of the time. Edward Earl shared everything he had with them. Some of the kids were poor and did not have much. Edward Earl would share his food, toys, whatever. For example, Edward Earl had a bicycle that all of us had chipped in to buy him. He would let the other kids ride it all the time. He was just that kind of child, always sharing. He was very free-hearted, loving, and caring.

6. When he got older, he was very loving to small children. He did not meet his half-sister until he was twelve. She was six at the time. His mother brought her down to Mississippi for a visit. Edward Earl was so caring. They acted like they were brother and sister from the time they met.

7. Edward Earl used to call me at least twice a month. He told me how happy he was to be buying a car. He had always talked about having a car and he was so proud that he was buying it himself. He was very good about taking care of himself and

helping others too. He always gave his grandmother half of his check when he got paid. He would see to it that she was taken care of before he did anything. For instance, he would take her where she had to go before he would go anywhere.

8. He went to church regularly. He was religious, he was raised that way, but I don't think his whole life revolved around the church. He loved animals and always treated them humanely.

9. I was never asked to testify for Edward Earl, although I certainly would have done so. I only spoke briefly with a lawyer he had in Memphis, but I wasn't ever contacted after that. I desperately want the life of my nephew to be spared. If my testimony would help him, I am prepared to testify now. To have to pay my own way to Mississippi is nothing.

The foregoing is a true and correct statement of what I know about Edward Earl Johnson and does not exhaust the sum of what I know.


ANNIE RUTH FIELDS

Sworn to and subscribed to before me this 9 day of May, 1987.


NOTARY PUBLIC

My Commission Expires:

PAUL LANDES
Notary Public, State of NY
No. 01-LA478981
Qualified in Suffolk County
Commission Expires Nov. 30, 88

COUNTY OF LOS ANGELES
STATE OF CALIFORNIA
AFFIDAVIT OF J.C. LEWIS

1. My name is J.C. Lewis. Edward Earl Johnson is my second cousin. I make this affidavit on his behalf.

2. I reside at 1121 East 32nd Street, Long Beach, California 90807.

3. I am currently employed by Advanced Technologies as a Senior Logistics Analyst.

4. I was born in Walnut Grove, Mississippi and lived there until I was 11 or 12 and I moved to Chicago. I joined the Navy when I was 18. I served three tours in Viet Nam and I retired as a Senior Chief Petty Officer, E-8. I have five children. I am presently divorced.

5. Until I left for the Navy, I went down to Mississippi every summer. I remember Edward Earl as a regular, normal kid. He was what I would call "country." He was semi-quiet and never in any kind of trouble. I know that Edward Earl used to get in fights, but this was no more than other kids his age would. He seemed perfectly happy to me.

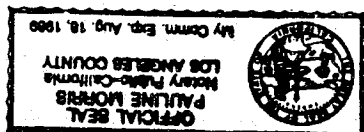
6. Edward Earl used to like sports. I distinctly remember him playing a lot of softball. He always wanted to bat. I don't think he was an especially gifted athlete, he just enjoyed playing.

7. I had heard that Edward Earl was standing trial. I was not contacted by his lawyers to testify on his behalf. I certainly would have gone to testify for him if it would have helped him. I would have paid my own way down there to testify.

The foregoing is a true and correct account of what I know about Edward Earl Johnson and does not exhaust the sum of what I know.

J.C. Lewis
J.C. LEWIS

Sworn to and subscribed to before me this 8th day of May, 1987.



Pauline Morris
NOTARY PUBLIC

My Commission Expires: Aug. 18, 1989

AFFIDAVIT OF BETTYE LOU JOHNSON

COMES NOW, the undersigned BETTYE LOU JOHNSON, being duly sworn, and deposes and states as follows:

1. I am an adult female resident of the State of New York and I reside at, 2263 Nameoke Street, Far Rockway, New York 11691.

2. I am Edward Earl Johnson's mother and make this statement on his behalf.

3. I was born and raised in Walnut Grove, Mississippi, which is located in Leake County. My parents are Mr. Phinas Lewis (now deceased) and Mrs. Jessie Mae Lewis.

4. I attended elementary and secondary school in Walnut Grove and graduated from Leake County Attendance High School.

5. On May 5, 1958, I married J.B. Johnson, Edward Earl's father. We were married in a ceremony at home, presided over by the Reverend Slaughter of the Walnut Grove Missionary Baptist Church.

6. At the time of my marriage, I was 18 years of age and my husband was 20 years of age.

7. Prior to my marriage to J.B. Johnson, I had never seen him get drunk, although I knew that he did drink.

8. Early in the marriage, J.B. began to drink heavily and would frequently come home drunk. It was at this time that I began to understand that heavy drinking ran in his family, because, he spent a great deal of time drinking with several of his uncles, all of whom were heavy drinkers.

9. About this time we decided to move from Walnut Grove. I felt that the move was a good idea, since it would take J.B. away from the influence of his uncles and that things might improve, as far as our marriage was concerned.

10. We left Walnut Grove and moved in, temporarily with J.B.'s mother in Gluckstadt, Mississippi. We stayed with her for awhile, approximately two or three months and we then moved to Jackson and got our own apartment. It was during this time that I became pregnant with Edward Earl.

11. When we moved to Jackson, J.B. got a job with the Independent Linen Company. I did some domestic work and I also worked at a poultry company on Farish Street in what was known as the North End of Jackson.

12. During my pregnancy, J.B. continued his drinking and staying out late at night, frequently for days at a time. His excessive drinking always led to arguments between us, especially when he would have spent all of his money and would come and demand money from me to buy more liquor.

13. One night, early morning, it was a Saturday night, J.B. came home around 3:00 a.m., drunk and loud. I was approximately seven months pregnant. He came in and woke me up demanding that I fix him something to eat. I got up and prepared him some eggs, toast and coffee. He wouldn't eat the food and then he began shouting and demanding that I give him some money. I refused to give him any money. I told him that I needed to hold on to what little I had set aside, because the baby would be coming soon. He got extremely angry and shouting and cursing, he kicked me in my abdomen. I fell to the floor in pain and he got up and stormed out of the apartment and he didn't show up of three days.

14. Edward Earl was approximately six weeks premature. He was born June 22, 1960. His full term delivery date should have been approximately August 6, 1960. The fight during which Edward Earl's father kicked me occurred about two, no more than three weeks before Edward Earl's premature delivery. Edward Earl's father did not show up at the hospital until three days after Edward Earl had been delivered and he had been drinking when he showed up.

15. Edward Earl was born at University Medical Center in Jackson, Mississippi. Because of his low birth weight, he

was approximately three pounds and five ounces at birth, however, he dropped slightly below three pounds and had to remain at the hospital in an incubator for four weeks. He was discharged with a weight of five pounds and two ounces.

16. Shortly after Edward Earl came home from the hospital, I returned to work. I was paying for a babysitter. She took care of another child beside Edward Earl. While I was at work one day, my mother and father, came down from Walnut Grove, to see how I was doing and how the baby was doing. They became very upset when they found that the babysitter was not properly caring for Edward Earl. Food and formula that I left with her for Edward Earl was being used for the other baby. My parents found him crying out of hunger and in very soiled clothing.

17. My mother and father decided at that point, that it was best for Edward Earl to return to Walnut Grove with them. They told me that I couldn't work full time and adequately care for the baby. I returned to Walnut Grove with Edward Earl and my parents. I stayed in Walnut Grove about a week and then returned to Jackson and my husband. The purpose of returning to Jackson was to straighten up my affairs. At this point my marriage was a hopeless situation. Edward Earl's father continued his drinking and his abuse of me. I have, to this day, a scar above my left eye, which he inflicted, while drunk and during one of our arguments over money. He got mad and struck me with the back of his hand. The cut was caused by a class ring which he was wearing on his hand at the time.

18. During the time that I spent in Jackson and prior to my departure from Mississippi to New York, I went home to Walnut Grove, almost every week-end to see Edward Earl.

19. Within two months after Edward Earl went to live with my parents in Walnut Grove, he developed a serious ear infection. My mother always attributed it to the fact that he had been deprived proper nourishment by the babysitter. My mother took Edward Earl to Dr. Bowens in Cathage.

20. In August of 1961, I left Mississippi for New York

City. I was supplied a bus ticket by an agency that placed women in sleep-in domestic jobs. These were primarily black Southern women. My first job was with a family in Hempstead, Long Island, New York, where I stayed for about a year. My next job which I stayed on for approximately two years, was with a family in Great Neck, Long Island. During that time I took some adult education courses at a local high school.

21. In 1964, I came home to Walnut Grove to visit with my son and my parents. I wanted to take Edward Earl back to New York with me, but, I yielded to my mother's position that Edward Earl would be better off staying with them in Walnut Grove. I believed as they did that he would benefit from having two parents to raise him. Also Edward Earl had become very attached to my father and mother, especially my mother, during the first four years of his life and he seemed reluctant to leave "Mamma" as he called his grandmother, to go with me to live in New York.

22. I have always wanted to have Edward Earl with me and I regret now that I just didn't take him, despite my mother and father's concerns. But, I just convinced myself that I was doing what was best for Edward Earl.

The foregoing is a true and accurate account of what I know concerning this matter, and, does not exhaust the sum of what I know.



BETTYE LOU JOHNSON

Bettye Lou Johnson

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AFFIDAVIT OF TERRY LEE FORTUNE

COMES NOW, the undersigned TERRY LEE FORTUNE, being duly sworn, and deposes and states as follows:

1. I am an adult male resident of the State of Mississippi and I reside at Route 2, Box , Walnut Grove, Mississippi, which is located in Leake County.
2. I have lived in Walnut Grove my entire life. I have been employed at the Greenacres Poultry Company in Sebastpool, Mississippi since 1978 and I am presently a Supervisor with that company. I am married and have one child.
3. I make this state on behalf of Edward Earl Johnson, whom I have known personally for 27 years.
4. Edward Earl Johnson and I grew up together in the Standing Pine Community of Walnut Grove. We attended elementary school and high school together. I was one year ahead of Edward Earl in school. My relationship with Edward Earl was closer to being brothers than just friends. When you saw one of us you usually saw the other. We went to school on the bus together and came home in the afternoons together. We played together, we "hung out" together. And if he wasn't over at my family's house, I was over at his.
5. Edward Earl, all of his family and friends called him "Squeaky." He got that nickname from his grandmother, Mrs. Jessie Mae Lewis, because he was so small as a baby. Edward Earl was well liked by everybody, both young people as well as grown ups. He was the type of boy that if he had something he wouldn't hesitate to share it with you. He wasn't a selfish person.
6. Edward Earl loved his family very much. He was especially close to his grandmother, he used to call her "Momma." He was an obedient boy. His grandmother was the

type of lady who got respect from her children and any children who were friends of her children.

7. Edward Earl and I worked on three jobs together, after he graduated from high school. I got him on at R&R Milling Company in Carthage. We left there together and went to work for McCarty State Pride in Forest. We were both hired at the same time at Greenacres Poultry Company, in Sebastopol. Edward Earl was working at Greenacres up until the time of his arrest in 1979.

8. Edward Earl attended church regularly and if he didn't go on a particular Sunday, it was usually because he grandmother, who's health was not that good, was feeling poorly and he would stay home to look after her, while the rest of the family went to church.

9. After we both had finished school and were working full time, we would go out together on week-ends. Shortly before he was arrested, we both were dating girls in Philadelphia, Mississippi. In fact the Saturday before he was arrested we went out together to visit our girlfriends in Philadelphia.

10. Edward Earl drank. I would say that he began drinking, mostly beer, after he had finished high school. I have never seen Edward Earl drunk, however, because I don't drink myself and because he always liked to drive when we went out together, I would never let him consume more than a couple of beers. I would always tell him he had, had enough and to remember that he wanted to drive. So when he was with me he never had more than two or three, tops four beers. I was not the only person that Edward Earl hung out with. There were others that he hung around with who drank and who Edward Earl felt more comfortable drinking with. For example, Eli Bolden and Wilson Stokes. So when he was with them he drank more heavily than he did when he was with me. As I stated previously, Edward Earl and I were very close, close as brothers and he knew when I was serious about something. He respected our friendship to the extent that he

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The foregoing is a true and accurate account of what I know concerning this matter, and, does not exhaust the sum of what I know.

TERRY LEE FORTUNE



Terry Fortune

STATE OF MISSISSIPPI

COUNTY OF LEAKE

AFFIDAVIT OF WINSON HUDSON

COMES NOW, the undersigned WINSON HUDSON, being duly sworn, and deposes and states as follows:

1. I am an adult female resident of the State of Mississippi.

2. I reside at Route 3, Box 289, Carthage, which is located in Leake County, Mississippi.

3. I make this affidavit on behalf of Edward Earl Johnson, whom I have known almost all of his life.

4. I have been very active in the affairs of Leake County for over 30 years. I am presently the Co-Chairman of the Democratic Party for Leake County. I am the first black woman to hold that position. I also serve on the State Executive Committee of the Democratic Party. During that time I worked to intergrate the party here in Mississippi. For the past 26 years, I have been President of the Leake County Chapter of the NAACP. I was also the principal organizer to bring about the first Headstart center in Leake County back in 1964.

5. I have known Mr. Phinas Lewis (now deceased) and Mrs. Jessie Mae Lewis, the grandparents of Edward Earl Johnson for many years.

6. Back in 1964, I helped to organize the first Headstart Center in Leake County. It was very hard back then to get a program such as Headstart off the ground. There was opposition to the program on the part of the white residents of the community. Also many of the black residents, whose children stood to be the principal beneficiaries of the program, were afraid to become involved. Back up in

communities like Walnut Grove, it was very scary. By that mean that the people up in that community, the black people were scared to get involved. So getting the center started was very hard.

7. Well when the center was opened, Edward Earl Johnson was one of the first students to participate in the program. He was in the center from the age of three years until he was six years old.

8. I remember Edward Earl as a very quiet boy. A humble boy. If any of the other children would bother him or start a fight with him, as little children will do to a shy child, Edward Earl wouldn't protect himself. He'd let the other children run right over him.

9. He was such a humble boy, that his grandfather would ride on the pick-up truck with him everyday back and forth to the center. Like I said previously, things were so hard back then that we had to transport the children to and from the center by any means we could find.

10. Edward Earl's grandmother, Mrs. Jessie Mae Lewis, is a very quiet woman, she was not the type of woman to get involved in many things outside of her family, home and church.

11. Her husband, Edward Earl's grandfather, on the other hand was a very outspoken man. He worked with us a lot. He was with us with regard to the NAACP and he would attend meetings.

12. Many of the black people in the area would be willing to contribute money to the NAACP, but, they were afraid and they would tell you that they didn't want their names on any list or did they want to sign anything.

13. Edward Earl's aunt, Thelma Johnson is a very outspoken person, like her father. She was an active Headstart parent. She had four or five children and they all

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attended the center.

14. After Edward left Headstart, I guess I would see him maybe four or five times a year. I have personally never heard anything negative about him in the community. You know in small community like this, if a boy like Edward Earl was acting up and getting into trouble, I would have been one of the first people to hear about it.

15. I never heard anything bad about him, until they said he shot that Marshall in Walnut Grove.

16. When I first heard about the incident, it just didn't fit. It didn't with what I knew about Edward Earl and his family and his background in general.

17. All the while that Edward Earl was in jail in Carthage, he was in the jail there for almost a year, I would go to see him regularly. When I would visit with him we would talk about that was happening. Edward Earl was afraid to say what actually happened. He was afraid not only for himself but he was also afraid that something bad would happen to his grandfather and his grandmother, if he tried to help himself. They were really the only parents Edward Earl had known.

18. Folks around here were so concerned and felt so sorry for him and his family that they scraped and scrimped their pennies and took up collections from their friend and neighbors and church members. We were able to give the family about eight hundred dollars (\$800.00) to help with the expenses for Edward Earl's lawyers.

19. When they held Edward Earl's trial, I mobilized people in the community to show their support for him and his family and we filled the court room everyday.

20. At the time of Edward Earl's trial, I certainly would have testified on his behalf. However, I did not know

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that I could say anything relevant to help him. If his attorneys had contacted me and told me that I could have helped Edward Earl, I would have.

21. I would have begged the jury not to sentence Edward Earl to death. I know how much he means to his family and how terribly hard they would take his death if he were executed.

The foregoing is a true and accurate account of what I know about Edward Earl Johnson, and does not exhaust the sum of what I know.

WINSON HUDSON

Sworn to and subscribed to before
me this _____ day of May, 1987.

NOTARY PUBLIC

My commission expires the _____
day of _____ 19____.

STATE OF MISSISSIPPI

COUNTY OF LEAKE

AFFIDAVIT OF WILLIEY J. NOLLIE

COMES NOW, the undersigned WILLIEY J. NOLLIE, being duly sworn, and deposes and states as follows:

1. I make this affidavit on behalf of my cousin, Edward Earl Johnson. His grandfather and my father were brothers.
2. I currently reside in Carthage, Mississippi.
3. I was born and reared in the Walnut Grove Community in Leake County. I attended and graduated from Alcorn State University in Lorman, Mississippi. I earned a Masters degree from the University of Illinois and the equivalent of a PhD degree from Texas Women's University.
4. I taught school for forty one years and now I am retired.
5. I have known Edward Earl Johnson's grandfather, Mr. Phinous Lewis, all my life. We were reared in a community near each other. Mr. Lewis would come over to see one of his sisters who lived near me. I took care of his sister for about four of five months before she died.
6. Edward Earl's grandfather was a regular church goer. When we were growing up we would laugh at the way he would say his prayers out loud in church, but he would pray those prayers.
7. Edward Earl was raised from a baby by his grandparents.
8. In all of the years when Edward Earl was growing up in Walnut Grove, I never heard anything bad said about him. I never heard any stories about him getting into any trouble or giving anybody any problems. Edward Earl didn't do

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a lot of running around or rasing cain with other boys.

9. I would say that being raised by his grandfather, that Edward Earl was brought up kind of "old fashioned."

10. Edward Earl was not a lazy boy, he liked to work. Every chance he would get to do things, especially work with his hands he would do it. That probably came from his grandfather. He didn't have any formal education and he grew up learning to do things on the farm and Edward Earl being around him so much and being so close to him, he followed after him in that way.

11. When Edward Earl was in jail here in Carthage, his grandfather would go to see him everyday. He would carry him food everyday. His grandfather would hitchhike about 12 or 14 miles everyday coming from Tricum to Carthage to see about him. And if he didn't have any money on him and he saw someone he knew, he would stop them and ask them if they had a piece of money, so he could buy his grandson something to eat. Sometimes I would see Edward Earl's grandfather and give him a couple of dollars to get Edward Earl some Kentucky Fried Chicken. Many times I would see him walking back home or hitching a ride after he had visited with Edward Earl and I would give him a ride home or at least take him as far as Walnut Grove.

12. I was never contacted by Edward Earls Johnson's attorneys prior to his trial. If I had been contacted by them, I would have testified and I would have asked the jury to spare his life.

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The foregoing is a true and accurate account of what I know about Edward Earl Johnson, and does not exhaust the sum of what I know.

(MRS.) WILLIEY J. NOLLIE

Sworn to and subscribed to before
me this _____ day of May, 1987.

NOTARY PUBLIC

My commission expires the _____
day of _____ 19____.

COUNTY OF HINDS

STATE OF MISSISSIPPI

AFFIDAVIT B. J. JOHNSON

COMES NOW, B.J. JOHNSON, being duly sworn, and deposes and states as follows:

1. I make this affidavit on behalf of my son, Edward Earl Johnson. I currently reside at 2529 Emmett Avenue, Jackson, Mississippi. My mother -- Edward Earl's grandmother -- lives with me there.

2. I was born in Walnut Grove, on the day after Christmas in 1938. I stayed there in Walnut Grove until after I graduated from Murphy High in 1959.

3. On May 5, 1958, I married Edward Earl's mother, Betty. We were married in the yard at her mother's house, by the Reverend Isaih Slaughter.

4. There was very little that I could have done in Walnut Grove at that time. It was a very closed community to a black man who wanted to make something of himself. The schools were not desegregated for years after I left. The only jobs you could hope to get would be on a farm or odd jobs. In fact, when I was young, I used to have some odd jobs around Leake County. People would pay you a little, and give you some food out under a tree, but in those days a black man could not go inside to eat the food. One night I had gone with a friend to Carthage, and we were about to drive back to Walnut Grove, when the police pulled us over, saying my friend was speeding, which was not true. They took him off to jail, and he did not get out until the next day. They told me to walk home -- that was about twelve miles. That was the way it was in the county.

5. Betty and I soon moved to live with my mother in Madison County, between Canton and Ridgeland. We stayed there less than

a year before we moved to Jackson. That was where we were living when Edward Earl was born.

6. At the time he was born, I was working with the Independent Linen Service, making \$35.00 per week. Betty worked at Primos, making \$27.50 if I remember correctly. Edward Earl was two months premature, and weighed only about four pounds and three ounces when he was born. He had to stay in the hospital in the incubator for quite a while.

7. Because of what we were making at the time, I remember that the bill we got from the hospital was \$506.00. That was a lot of money in those days. And then, Edward Earl got an ear infection when he was right out of hospital. Betty took him to the doctor a couple of times for that. In those days there was no medicare or medicaid that we could get, and we were just about at our wits' end as to what we could do for the baby.

8. It was at that time that Betty's mother offered to take Edward Earl. So he went to live with his grandparents for a while. Then Betty and I separated -- she wanted to go to New York to get a job with the Job Corps. So what had been temporary became permanent. Maybe it was not the way that I had wanted it, seeing that Edward Earl is my only son, but I got on well with my mother-in-law, and I visited him when I could, getting him Christmas presents and clothes and that sort of thing.

9. Edward Earl was affected by this. He was pretty much afraid of everyone. He would be shy even with me. When we would all go to the True Light Missionary Baptist Church, I would have some money for Edward Earl to give to the collection, but he would take it from me hiding behind his graddaddy's legs.

10. He was pretty slow in school. We said that you could ask him something one moment and the next he would have forgotten it again. But he tried to do what he could.

11. When he was about to be tried, the attorneys never contacted me. I did not see that I could help, since I lived in Jackson, and did not know anything about the crime that they

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charged him with. If I had known that I could have helped, of course I would have gone there to do whatever I could.

12. For him to be executed would be the end of me. I was up to see him last Sunday, and the visits mean a great deal to me. I haven't had a good night's sleep ever since they put this death sentence on him.

13. It would be even worse on my mother, his grandmother. She has been about to have a nervous breakdown about it. Right now, I need to get her to see a doctor about it.

THE AFOREGOING constitutes a true and accurate account of what I know about Edward Earl Johnson, and does not exhaust the sum of what I know.

B. J. JOHNSON

Sworn to and subscribed to before
me this ____ day of May, 1987.

NOTARY PUBLIC
My commission expires the ____
day of ____ 19__.



Betty Lou and B.J. Johnson

STATE OF MISSISSIPPI

COUNTY OF LEAKE

AFFIDAVIT OF SAMUEL E. HOYE

COMES NOW, the undersigned SAMUEL E. HOYE, being duly sworn, and deposes and states as follows:

1. I am an adult male resident of the State of Mississippi.

2. I am the Principal of the South Leake High School located in Walnut Grove, Mississippi.

3. I make this affidavit on behalf of Edward Earl Johnson.

4. I have lived in Leake County all of my life and completed elementary and secondary school in Walnut Grove.

5. I have known Edward Earl Johnson for over 20 years, both as a student and as a member of the Walnut Grove community.

6. I have known Edward Earl's Grandmother, who raised him, for almost 25 years. She was a fine example of a simple country woman. She wasn't a loud person in the community. She believed in her family, her home, God and church.

7. Edward Earl's Grandmother wasn't well educated as a child growing up in nineteen twenty's, but she made sure all of her children went to school and got their diploma.

8. Edward Earl was an average student in school. He enjoyed the Building Trades Shop probably more than any other course he took in school. He was good with his hands and the shop didn't require him to apply himself mathematically or scientifically. He learned brick masonry and cabinet making. Really he was prepared for a job in brick masonry and could have made a good living, if work had been available in that trade, in Walnut Grove.

9. While he was a student here, he played a little varsity football and a little varsity basketball. He was an average basketball player, wasn't the greatest we've ever had, but he let you know that he was out there whenever he was on the court.

10. Edward Earl had a good relationship with his peers. He was a well liked young man, in fact he was probably one of the most liked students we had here at South Leake. He is one on those boys that people remember the good things that he did.

11. He was not a young man to cause any kind of disturbances and in fact he didn't cause any disturbances on campus. Edward Earl was an obedient well mannered person.

12. As far as Edward Earl's moral values and sense of right and wrong, he got these from his Grandmother. She was the type of woman who did not believe in sparing the rod and spoiling the child. She believed that they were never too old to take a switch to them as long as they lived under her roof. Edward Earl feared his Grandmother, but, it was a fear born out of respect and he would never do anything knowingly that he felt she would disapprove of.

13. After Edward Earl graduated from high school in 1978, he took part-time jobs working on local farms and he had even gotten a job working at the Greenacres Poultry Company in Sebastpool, Mississippi.

14. At the time of Edward Earl's trial, I was not contacted by his attorneys. Had I been contacted and asked to testify on his behalf, I would have done so, and asked the jury to spare his life.

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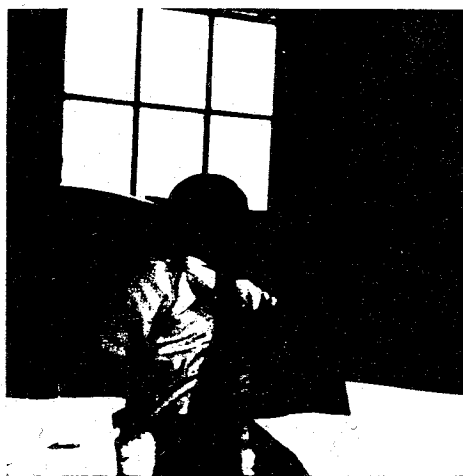
The foregoing is a true and accurate account of what I know about Edward Earl Johnson, and does not exhaust the sum of what I know.

SAMUEL E. HOYE

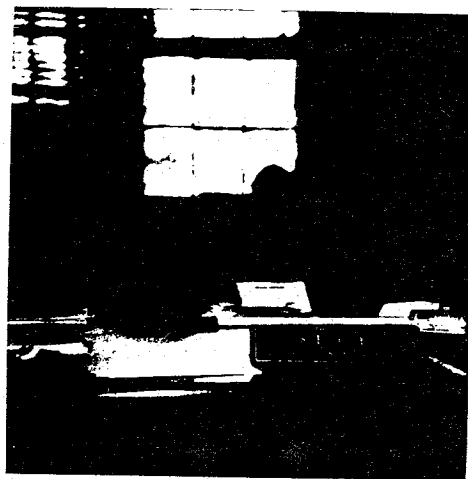
Sworn to and subscribed before
me this ____ day of May, 1987.

NOTARY PUBLIC

My commission expires _____.



Samuel E. Hoyer



Samuel E. Hoyer

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STATE OF MISSISSIPPI

COUNTY OF LEAKE

AFFIDAVIT OF H. GLENN FREENY

COMES NOW, the undersigned H. GLENN FREENY, being duly sworn, and deposes and states follows:

1. I am an adult male resident of the State of Mississippi.

2. I reside at Route 1, Carthage, Mississippi.

3. I make this affidavit on behalf of Edward Earl Johnson.

4. I have known Mr. and Mrs. Phinas Lewis, the grandparents of Edward Earl Johnson for many years. They lived of land owned by my uncle at one time.

5. I have known Edward Earl Johnson almost all of his life.

6. Edward Earl started doing odd jobs for me when he about 9 years old. He would help me haul hay, fix fences, build barns and do *other things that a farms up kept would call for.

7. Edward Earl was a good worker. He never gave me a moment of trouble. He never sassed. He was always a respectful person.

8. Until the trouble in 1979, I had never heard anyone say a bad thing about him. I never had any knowledge of him giving anyone in the community or his family any trouble or problems.

9. I was not contacted by Edward Earl Johnson's attorneys prior to his trial and if I had been, I would have testified and would have asked the jury to spare Edward Earl Johnson's life.

This document is housed in the Capital Punishment Clemency Petitions (APAP-214) collection in the M.E. Grenander Department of Special Collections and Archives, University Libraries, University at Albany, SUNY.

The foregoing is a true and accurate account of what I know about Edward Earl Johnson, and does not exhaust the sum of what I know.

H G Freeny
H. GLENN FREENY

Sworn to and subscribed to before
me this 13 day of May, 1987.

Elizabeth D. Chabot
NOTARY PUBLIC

My commission expires the 15th
day of July 1990.

STATE OF MISSISSIPPI

COUNTY OF LEAKE

AFFIDAVIT OF LULA CAPLES

COMES NOW, the undersigned LULA CAPLES, being duly sworn, and deposes and states as follows:

1. I am an adult female resident of the State of Mississippi.

2. I reside at 969 E. First St, Forest, Mississippi.

3. I make this affidavit on behalf of Edward Earl Johnson, who is my brother's grandson.

4. I was born and raised in Walnut Grove, Mississippi, and moved to Forest when Edward Earl was 12 years old.

5. Edward Earl was a quite and obedient boy. I have never heard of my brother having any trouble out of him.

6. Edward Earl mostly stayed at home with his Grandparents. He truly loved them.

7. My brother raised him to be a hard and good worker. He started working at the various farms around Walnut Grove when he was about 8 years old. He would help fix barns, haul hay and feed the live stock. He didn't get much pay, but he always would work. If he wasn't asked to help to something he would go and seek out work.

8. Edward Earl would give my brother most if not all of the money he earned at the various jobs he did.

9. I have never heard of Edward Earl getting in to any trouble. I never heard of him drinking or hanging out with bad boys. He didn't bother anyone. He was the quiet type.

10. I was not contacted by Edward Earl's attorneys prior to his trial. I didn't know that they could use any information that

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I could have proved. If I have been contacted to testify on Edward Earl's behave, I would have. I would have begged the jury to spare his life.

The foregoing is a true and accurate account of what I know about Edward Earl Johnson, and does not exhaust the sum of what I know.

LULA CAPLES

Sworn to and subscribed to before
me this _____ day of May, 1987.

NOTARY PUBLIC

My commission expires the _____
day of _____ 19____.

STATE OF MISSISSIPPI
COUNTY OF LEAKE

AFFIDAVIT OF BRAXTON KITCHINGS

COMES NOW, the undersigned BRAXTON KITCHINGS, being duly sworn, and depose and states as follows;

1. I am an adult male resident of the State of Mississippi
2. I am the Building Trades Teacher at South Leake High School located in Walnut Grove, Mississippi.
3. I make this affidavit of the behalf of Edward Earl Johnson.
4. Edward Earl Johnson was a student in my Building Trades class, from 1974 through 1978, when he graduated from South Leake High School. I had Edward Earl in class each school day for 3 hours during that four year period.
5. Edward Earl was a good student.
6. He displayed an aptitude for the various projects which we undertook in the shop. He did exceptionally well in the area of brick work and masonry. I would venture to say that had there been employment opportunities available in the Walnut Groove area that Edward Earl would have had no trouble getting work as a apprentice brick worker and masonry worker.
7. During the four years that Edward Earl was a student of mine I found him to be an interesting student,
8. He was well liked by his classmates and teachers as well.
9. He was a respectful boy and took directions and orders without causing any trouble. He was concerned about his work and always strived to complete his projects on time and in a good fashion.
10. Edward Earl was just your typical boy in class, though

in some respects he was better than others. In all the years that I had known him I had never heard of him causing any trouble in school.

11. After he had graduated, he used to come by the school to visit with me and let me know how he was doing. He seemed real enthusiastic about the job he had Greenacres Poultry company in Sebastpool, Mississippi.

12. I was not contacted by Edward Earl Johnson's attorneys prior to his trail and if I had been, I would have testified and would have asked the jury to spare Edward Earl Johnson's life.

The foregoing is a true and accurate account of what I know about Edward Earl Johnson, and does not exhaust the sum of what I know.

BRAXTON KITCHINGS

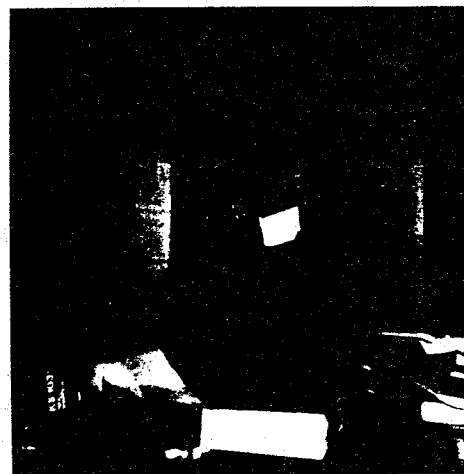
Sworn to and subscribed before me, the undersigned authority, this _____ day of May, 1987

NOTARY PUBLIC

MY commission expires the _____ day of _____ 19____



Braxton Kitchings



Braxton Kitchings

STATE OF MISSISSIPPI

COUNTY OF LEAKE

AFFIDAVIT OF CHARLES McLAURIN

COMES NOW, the undersigned CHARLES McLAURIN, being duly sworn, and deposes and states as follows;

1. I am an adult male resident of the State of Mississippi.

2. I am a science teacher at South Leake High School located in Walnut Groove, Mississippi.

3. I make this affidavit on behalf of Edward Earl Johnson.

4. Edward Earl Johnson was a student in my General Biology class, when he attended South Leake High School.

5. Edward Earl was a average student scholastically speaking.

6. His behavior in class and his general school conduct and attitude were good. While I only had Edward Earl for the one class in Biology, as small as a school like South Leake is, it is easy for a teacher to know many students, even though they do not have classes under that teacher. I have never heard anything negative said about Edward Earl when he was a student here at South Leake.

7. To my knowlegde he was will liked by his peers and teachers as well.

8. My overall impression of Edward Earl Johnson was that he was a solid average student.

9. He was not a troublemaker. You could tell that he came from a home where he was being properly raised.

10. At the time of Edward Earl's trail, I was not contacted by his attorneys. Had I been contacted and asked to testify on his behalf, I would have done so, and asked the jury to spare his life.

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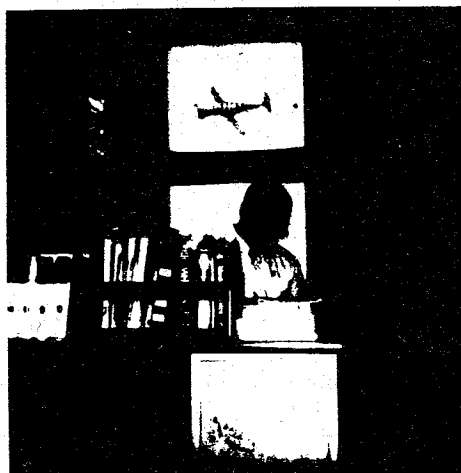
The foregoing is a true and accurate account of what I know about Edward Earl Johnson, and does not exhaust the sum of what I know.

CHARLES McLAURIN

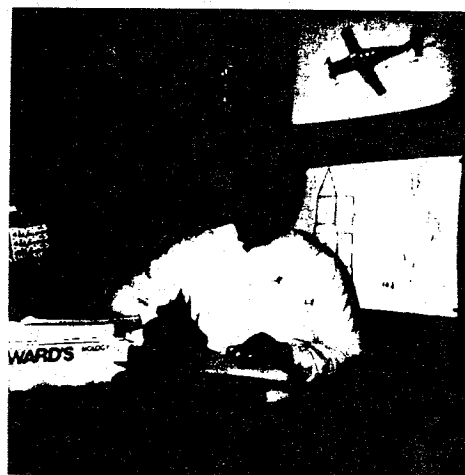
Sworn to and subscribed before me, the undersigned authority, this _____ day of May, 1987.

NOTARY PUBLIC

My commission expires the _____ day of _____ 19____.



Charles McLaurin



Charles McLaurin

STATE OF MISSISSIPPI

COUNTY OF LEAKE

AFFIDAVIT OF TRUMAN L. BRANTLEY

COMES NOW, the undersigned TRUMAN L. BRANTLEY, being duly sworn, and deposes and states as follows:

1. I am an adult male resident of the State of Mississippi.

2. I reside at Route 1, Carthage, Mississippi.

3. I make this affidavit on behalf of Edward Earl Johnson.

4. I have known Mr. and Mrs. Phinas Lewis, the grandparents of Edward Earl Johnson, for approximately 25 years. At one time they rented land from me.

5. I have known Edward Earl Johnson all of his life. To my knowledge he was an obedient boy and loved and respected his grandparents.

6. When Edward Earl was a very young boy about 8 or 9 years of age, he would do odd jobs for me after school and on the weekends. He would help me feed my chickens and clean out the chicken houses. He also helped me bail hay for my livestock.

7. Edward Earl was a good and willing worker. He was not a lazy boy and anytime that i would have work for him to do , he was ready, willing and able.

8. To my knowledge, I never heard anyone in the community have anything bad to say about him. Until the trouble in 1979, I had never heard of him being in any trouble with the law.

9. At the time of Edward Earl's trial, I was not contacted by his attorneys. Had I been contacted and asked to testify on his behave, I would have done so, and asked the jury to spare his life.

This document is housed in the Capital Punishment Clemency Petitions (APAP-214) collection in the M.E. Grenander Department of Special Collections and Archives, University Libraries, University at Albany, SUNY.

The foregoing is a true and accurate account of what I know about Edward Earl Johnson, and does not exhaust the sum of what I know.

Truman L. Brantley
TRUMAN L. BRANTLEY

Sworn to and subscribed to before
me this 13 day of May, 1987.

Elizabeth D. Crabtree
NOTARY PUBLIC
My commission expires the 15
day of July 1996.

STATE OF MISSISSIPPI
COUNTY OF LEAKE

AFFIDAVIT OF FREDRICK SMITH

COMES NOW, the undersigned, FREDRICK SMITH, being duly sworn, deposes and states as follows:

1. I am an adult male resident of the State of Mississippi and I reside at Route 2, Box 210, Walnut Grove, Mississippi 39189, which is located in Leake County.

2. I make this statement on behalf of Edward Earl Johnson.

3. I have known Edward Earl Johnson about all of his life. Edward Earl and I attended elementary and high school together. Edward Earl was a year behind me in school.

4. We rode back and forth to school together each day. Edward Earl, myself and another friend, Terry Lee Fortune, played together after school and on the week-ends.

5. Edward Earl and I used to work odd jobs after school and during the summer for local farmers like, Mr. Glenn Freeny, Mr. Truman Brantley and Mr. Travis Brantley. We would haul hay, feed chickens and clean chicken houses. Edward Earl who was very good with hands, would sometimes help some of the farmers with carpentry work. I remember he helped Mr. Glenn Freeny build a barn.

6. Edward Earl was a very friendly kid growing up. People liked him and he got along well with people. He like to help people out when he could and he would share with you what he had. If Edward Earl had a dollar he would share fifty cents of it with you, if you needed it.

7. Edward Earl liked sports. He liked football and basketball. We would shoot baskets together often after school. He liked to watch basketball games and softball games, when local teams played. He went out for the high school football team and the basketball team and was a pretty fair player.

8. After all of were finished high school, I had gotten

a job working at Greenacres Poultry Company in Sebastopol, Mississippi. Edward Earl and Terry Lee Fortune were working at McCarty State Pride in Forest and I told them that they were hiring at Greenacres. They both applied and were hired. We all worked together at Greenacres, until Edward Earl was arrested in 1979.

9. Edward Earl and I didn't go out that much together, like on dates. He and Terry Lee had girlfriends in Philadelphia and I was traveling in another direction. Sometimes we would run into each other in local clubs.

10. After Edward Earl was out of school and working full time, I noticed that he had started to drink, mostly beer. This was usually when he would go out to local clubs or over to Philadelphia or when a group of us got together to play cards. I personally, have never seen Edward Earl drunk. You know, to the point where he didn't know where he was or what he was doing. I have seen him get high from drinking beer.

11. Edward Earl had begun to drink kind of regularly. If he would get off from work around 4:00 or 4:30 p.m. he and another fellow who he used to hang around with, Eli Bolden, would stop and pick up two or three six-packs and sit under a tree and drink the beer. Because Edward Earl's grandfather didn't like drinking to much, if Edward Earl got high he would go home and go straight to his room and go to bed until it was time to get up to go to work the next day.

12. One day at work, Edward Earl got teased by some guys on the job, because he had gotten so drunk the night before, that he had stopped to use a phone booth to call his girlfriend in Philadelphia and then passed out in his car.

13. Another time they gave him a hard time at work for having gotten drunk and then not being able to get out of his car, so that he threw-up all over the front of his car.

14. Whenever I saw Edward Earl high, he was friendly and joking, he had a good sense of humor, and usually he would just head off to home and quietly go to his room and go to sleep. He never gave anybody any trouble, that I knew about.

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The foregoing is a true and accurate account of what I know of this matter and does not exhaust the sum of what I know.

FREDRICK SMITH



Fredrick Smith

COUNTY OF LEAKE

AFFIDAVIT OF CLEEVE JOHNSON

COMES NOW, the undersigned, CLEEVE JOHNSON, being duly sworn, deposes and states as follows:

1. I am an adult male resident of the State of Mississippi and I reside at Route 2, Box 208, Walnut Grove, Mississippi 39189, which is located in Leake County.

2. I make this statement on behalf of Edward Earl Johnson. My relationship to Edward Earl Johnson is that of Uncle. I am married to Edward Earl's maternal aunt, Thelma Lewis Johnson.

3. I have known Edward Earl Johnson all of his life growing up in Walnut Grove. My wife and I live next door to Edward Earl's grandparents, the late Mr. Phinas Lewis and Mrs. Jessie Mae Lewis.

4. Edward Earl, all of the family and his friends called him by the nickname his grandmother gave him Squeaky, was a quiet, obedient boy growing up. He was very attached to his grandparents, especially his grandmother. He was very protective about his grandmother. My wife and I live about 100 feet from Edward Earl's grandparents. Edward Earl would always be over at our house, playing with or watching after our children. I have four daughters and one son. However, Edward Earl would never spend the night with us. He would always say that he had to go home and look after Momma, which is what he called his grandmother.

5. Edward Earl was very fond of my children and they of him. When he got older, he would babysit with them or take them with him if he went to the store or something. He would also take them to the movies and he would play with them. They looked upon him more as a big brother rather than a cousin.

6. Edward Earl was a hard working boy. Whenever somebody had some work to be done they would come and look for Edward Earl, because he was willing to work and he wouldn't give them any trouble. When he wasn't picking-up odd jobs with local farmers, he would sometimes help me around my house or help me work on my car. Anything that involved working with his hands, he enjoyed doing.

7. Edward Earl was a good student in school. I never heard of any bad reports about him concerning his school work or his conduct. He was very proud when he graduated from high school in 1978.

8. Edward Earl couldn't wait to get a full time job when he finished high school. Right after graduation he started working at R&R Milling Company. Then he got a job with McCarty State Pride and then his friend Fredrick Smith got he and his other friend, Terry Lee Fortune hired at the Greenacres Poultry Company in Sebastopol, Mississippi.

9. After he started working at Greenacres, his grandfather helped him get his first car and he regularly made his car payments from his salary. He would also give his grandmother money for the house and sometimes he would just go and shop for groceries and bring them home with him from work.

10. After he graduated from high school, Edward Earl started going out. He used to go out a lot with his friend Terry Lee Fortune. They both had girlfriends that lived in Philadelphia. No matter what would happen Edward Earl would always make it point to get home. He never stayed out all night.

11. Around this time Edward Earl began to drink. He liked beer. When some of us would get together and play cards, which we would do almost every week-end, he would bring some six packs with him. I have never seen Edward Earl drunk. You know, to where he couldn't take care of himself or know what he was doing. My mother-in-law and father-in-law didn't hold too much with drinking, so if Edward Earl had had a little too much, he would just go straight home and go

This document is housed in the Capital Punishment Clemency Petitions (APAP-214) collection in the M.E. Grenander Department of Special Collections and Archives, University Libraries, ^{to his room and go to bed.} University at Albany, SUNY.

12. I remember on the night the Town Marshall was killed, a bunch of us had gotten together to play cards. Edward Earl came by after the card game had started. He had this big wooden chest that was lined with plastic, that he got from the Job. He had filled it with crushed ice from the Job. Before he came to the card game, he picked-up some beer. When he came in he had about seven or eight quarts of Miller Beer and three or four six packs all packed in the crushed ice. Most of us who were playing shared the six pack cans between us. Edward Earl drank the quarts. By the time Edward Earl had left the card game, the rest of us had finished the six packs. Edward Earl took the remaining quarts with him. I never saw them again.

13. Edward Earl left the card game when he had to move his car to let one of his uncles out who had to go pick-up his wife. Edward Earl took the beer chest with him and he didn't come back to the game.

The foregoing is a true and accurate account of what I know and does not exhaust the sum of what I know.

CLEEVE Johnson
CLEEVE JOHNSON

Sworn to and subscribed before me,
this the 13th day of May, 1987

Elizabeth D. Chalkley
NOTARY PUBLIC

My Commission Expires: 7-15-90

This document is housed in the Capital Punishment Clemency Petitions (APAP-214) collection in the M.E. Grenander Department of Special Collections and Archives, University Libraries, University at Albany, SUNY.



Cleeve Johnson

STATE OF MISSISSIPPI
COUNTY OF LEAKE

AFFIDAVIT OF THELMA JOHNSON

COMES NOW, the undersigned, THELMA JOHNSON, being duly sworn, deposes and states as follows:

1. I am an adult female resident of the State of Mississippi and I reside at Route 2, Box 208, Walnut Grove, Mississippi 39189, which is located in Leake County.

2. I make this statement on behalf of Edward Earl Johnson, who is my nephew.

3. I have known Edward Earl, the family called him Squeaky, all of his life, with the exception of his first two months, before he came to live with my mother and father, Mr. Phinas Lewis (now deceased) and Mrs. Jessie Mae Lewis, in Walnut Grove.

4. Edward Earl is the son of my sister, Bettie Lou Johnson, who lives in New York.

5. Edward Earl was a small, quiet and shy child when he was very young. He clung closely to my mother. This closeness developed into a devotion for my mother, whom he called Momma, to the point that he felt that no one else could look after her but him. He was so protective of her that he wouldn't even spend the night at my home, even though it was but a mere 100 feet away from his grandmother and grandfather's house.

6. As an infant Edward Earl was very sick with a serious ear infection, which my mother had treated by her doctor, Dr. Bowens, then of Carthage. After that illness, my mother never took Edward Earl to the doctor when he was ill, she would treat him herself, using home remedies.

7. When Edward Earl was three years old he was enrolled in the Hominy Center Headstart Program in Walnut Grove. He was so shy and quiet that my father used to ride on the truck

Edward Earl stayed in the Headstart program until he was six years old when he started elementary school.

8. As a child in school, Edward Earl was slow, not to the point that he couldn't learn, but rather that it took him longer to grasp the material than other children. In fact somewhere between the fifth and eighth grade he lost a year because of his grades. However, he made up the subjects and he did graduate from high school just before he turned 18 years old.

9. Growing up Edward Earl had communication with his mother, my sister, Bettie Lou Johnson. She came home to Walnut Grove to visit several times and he and my mother went to visit her in New York on two occasions that I can remember. Both times my sister wanted Edward Earl to remain with her in New York, but, he would tell her that he would like to, but, he had to go back with Momma so he could look after her. He and his mother continued to maintain communication through phone calls and letters.

10. Edward Earl didn't have much of a relationship with his father, J.B. Johnson. On the rare occasions that he saw him, he was respectful toward him, but, it was obvious that he didn't take to him too much.

11. When Edward Earl was about eight or nine, he began to do odd jobs after school for local farmers. They would always come by to see if he was available to work and he would go off with them and help them on their farms. He would help feed chickens, or clean out the chicken houses and as he got older, he would help haul hay and he even helped Mr. Truman Brantley build a barn. He liked working with his hands. One of his favorite classes in school was the Building Trades Shop, which he took all through high school. If the work had been available he could have gotten a job as an apprentice doing brick masonry work.

12. When he would work for the local farmers, they would pay him at the end of the day and he would always bring

his money home to my mother. When he was in high school and would work during the summer he would save that portion of his money that he had left after giving my mother money toward the house, so he could buy himself clothes for the school year.

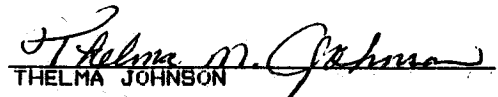
13. Edward Earl was very close to my children. I have five children, four daughters and one son. He was more like an older brother to them, than a cousin. He would play with them and babysit with them. When he would go somewhere, like to the store, he would take them along. He regularly took them to the movies. He was very close to them and they to him.

14. When Edward Earl started working full time after he had graduated from high school he wanted to get his own car. My mother was not too keen on the idea, however, my father decided to help get his first car, with the understanding that he would faithfully make the payments from his paycheck, which he did.

15. I have never known anyone, black or white who had an unkind word to say about Edward Earl. Because of his habit of working odd jobs for local farmers, many of the white residents in Walnut Grove knew him. None that I know ever had a bad word to say about him. He was always a good hard worker and he never gave them any sass or trouble.

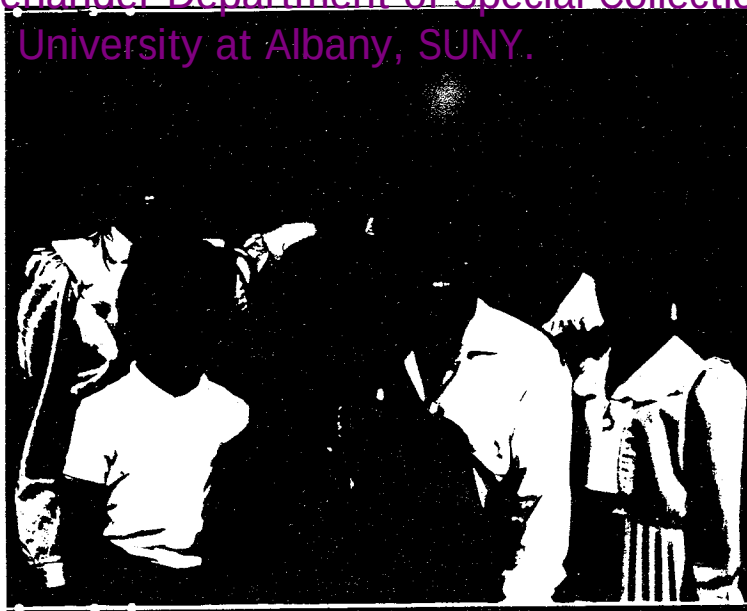
16. When the trouble came in 1979, no one that I knew could believe that Edward Earl could have done what he was charged with doing. Even the brother of the Town Marshall who was killed said to me and my father that "Edward Earl couldn't have killed my brother."

the foregoing is a true and accurate account of what I know and does not exhaust the sum of what I know.


THELMA JOHNSON

Sworn to and Subscribed
before me, this 13th day of
MAY 1987
 
NOTARY PUBLIC
MY COMMISSION EXPIRES:
7-15-90

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Cleve and Thelma Johnson and their family



Thelma Mae Lewis (Johnson)
with Edward Earl Johnson



Thelma Johnson with
Edward Earl Johnson's
great-uncle

STATE OF MISSISSIPPI
COUNTY OF LEAKE

AFFIDAVIT OF JESSIE MAE LEWIS

COMES NOW, the undersigned, JESSIE MAE LEWIS, being duly sworn, deposes and states as follow:

1. I am an adult female resident of the State of Mississippi. I reside at Route 2, Box 208, Walnut Grove, which is located in Leake County.

2. I make this statement on behalf of Edward Earl Johnson. My relationship to Edward Earl Johnson is his maternal grandmother.

3. I was born in Walnut Grove, Mississippi in 1910 and I married my deceased husband, Mr. Phinas Lewis in 1933.

4. We were very poor and had to share crop in order to support ourselves. I would take in laundry, clean houses and baby sit to help out.

5. I was 23 years old, when the oldest of my five children was born. That child was my daughter, Bettie Lou Johnson (nee Lewis), who is Edward Earl's mother.

6. Because we were so poor the children would have to work on the farm and when they got a chance they would attend school. However, they all managed somehow to finish high school.

7. After my daughter, Bettie Lou finished high school she married B.J. Johnson, who was from Walnut Grove. That was in 1958. From that marriage, my grandson, Edward Earl was born.

8. My husband and I and the children all attended church here in Walnut Grove, the True Light Missionary Baptist Church. My husband later changed to the New Friendship Baptist Church.

9. My husband, Phinas was a member of the Leake County Chapter of the NAACP. This was during a time when race relations were pretty bad around here, there was a lot of

tension. You know, everything was separate, blacks were not allowed to shop in the white stores and so on.

10. Edward Earl's mother was born in 1940. She was spoiled a lot when she was a baby, but, she was a good child.

11. Edward Earl was a little more than a month old when my daughter agreed to leave him with my husband and me to raise. It was too hard for her to care for him right, what with her working all the time and leaving him with a babysitter.

12. The babysitter that Bettie Lou would leave Edward Earl with wasn't taking care of him properly. She wasn't feeding him right or nothing.

13. When Edward Earl came to live with us, he was sick and weesey. He had been a premature baby when he was born. He was about six or seven weeks premature and he stayed in the hospital for almost four weeks before he was big enough for them to let him go home.

14. I took Edward Earl to see Dr. Bowens shortly after he came to stay with me. Besides everything else, he had a terrible ear infection. The doctor said it was because he hadn't been getting the right milk. After that time I never took Edward Earl to the doctor again. When he would get sick, I would do the doctoring on him.

15. Edward Earl was three years old when his mother left Mississippi to go to New York. She left because her marriage had gone bad and she felt that she could find better work for herself if she left the State. She had always planned to take Edward Earl to live with her after she had gotten herself settled.

16. When Edward Earl was four, he and I went to visit his mother in New York. She wanted him to stay with her, but, he didn't want to. I remember when I was packing my things to return to Mississippi, I had my stuff laid out on the bed. The next thing I knew, Edward Earl was laying his things out on the bed with mine. I asked what was he doing and he said that he was packing to go home with me. When his

mother asked if he wasn't going to stay with her he said that he had to go home to take care of Momma, that's what he called me.

17. When he was a very little boy going to the Headstart Center, he asked me to be his Momma.

18. Edward Earl grew up with my daughter Thelma and her children.

19. When he was going to school as a little boy, I would help him with his home work. He was a slow child to learn. He had a very short span of attention. He was also very forgetful. If you told him to do something, he would have forgotten it a few minutes after you told him. It was not that he was disobedient or nothing, he was just forgetful.

20. As a child he couldn't keep still for long. He just couldn't sit for long. He had to be playing or doing something.

21. As a child he used to hear voices. He'd be in his room and he'd hear these voices (female voices) and he'd come running to me and ask me if I had called him. I didn't think much of it and just told him he was hearing things. Sometimes as a child he would sit and stare off into space and you'd have to call him several times to get his attention.

22. Edward Earl had trouble sleeping as a child. Many nights he would stay up all night in his room and the next day he'd be so tired that the teacher would think he was daydreaming when he was in class. I didn't think too much of that either, I figured he'd out grow it and so I never took him to see the doctor about it.

23. Edward Earl didn't have much to do with his father B.J., because he didn't see him that much and I suspect that he didn't like him too much. He was so attached to my husband that he used to call him daddy and my husband would refer to

him as his son or his boy.
24. Even when Edward Earl was older, he still would be very forgetful. He would forget something someone told him the day before.

25. When other children would ask him if he wanted to come over to their house, he would tell them to ask Momma. When I would ask him if he wanted to go with them, he would say, I just can't go, I can't leave you. He was in elementary school at that time. But, that was something that carried over to when he was grown. He would never stay away from our house. He wouldn't even spend the night with his auntie, Thelma and she lived right next door.

26. He was very close to his grandfather. He'd help him on the farm. He'd go everywhere with his grandfather. He'd go fishing with him. He never wanted to be left alone from us. When I would go visit my neighbors he would go along with me and he would stay there no matter what.

27. He was about seven when he started working odd jobs. He started working with the chickens. He thought of himself as the "boss of the chickens." He used to work for Mr. Truman Brantly. I would let him work in the morning before school. But after school he would be glad to go back to work, but, I made him do his homework. When he got a little older, I would let him do some work after school. He would work in the summertime. He would get paid about a dollar a day. That wasn't bad considering, no one, even grown-ups was getting much at that time. I would keep some of his money to teach him the respect for saving money.

28. He did most of his odd job work for Mr. Glenn Freeny. He'd haul hay and care for the chickens and he helped Mr. Freeny build a barn.

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29. I've never seen Edward Earl drink any kind of alcoholic drink. That's because my husband didn't drink and I don't drink either. And Edward Earl knew how we felt about drinking. If he did drink he kept it from me.

The foregoing is a true and accurate account of what I know and does not exhaust the sum of what I know.

Jessie M Lewis
JESSIE MAE LEWIS

Sworn to and subscribed
before me this 13th day
of May 1987

Elizabeth P. Gabriel
NOTARY PUBLIC

My Commission Expires:
7-15-90

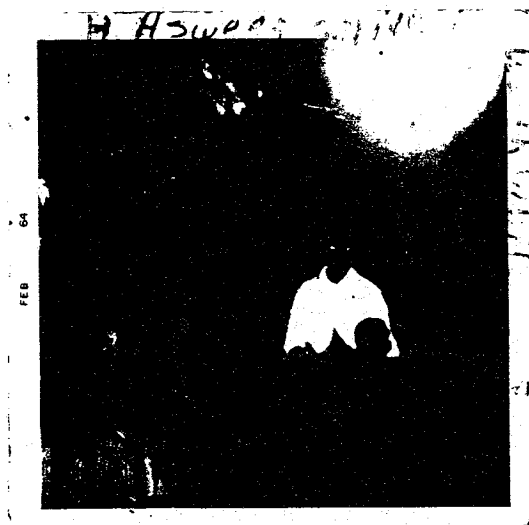


Jessie Mae Lewis

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Jessie Mae and Phinous Lewis



Jessie Mae Lewis
with
Edward Earl Johnson

COUNTY OF HINDS

AFFIDAVIT OF ROBERT P. HAIRSTON, JR.

COMES NOW, the undersigned, ROBERT P. HAIRSTON, JR.,
being duly sworn, and deposes and states as follows:

1. I am an adult male resident of the State of Mississippi and I reside at 3547 West Capitol Street, Jackson, Mississippi 39209, which is located in Hinds County.
2. I have volunteered my assistance to the attorneys representing Edward Earl Johnson, in this matter.
3. I personally interviewed, took and transcribed the statements of the following persons whose unnotorized affidavits are attached herewith:

- a. Bettye Lou Johnson
- b. Terry Lee Fortune
- c. Fred Smith
- d. Braxton Kitchens
- e. Samuel E. Hoyer
- f. Charles McLaurin
- g. Willeye J. Nollie
- h. Winson Hudson
- i. Thelma Johnson
- j. Truman Brantley
- k. Gleen Freeny
- l. Cleeve Johnson
- m. Jessie Mae Lewis
- n. Lula Caples

4. That because of the constraints of time, logistics and the unavailability of a local notary, the statements of the aforgoing persons were not notorized. These statements

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will be signed and notarized as soon as possible.

The foregoing is a true and accurate account of what I know concerning this matter.

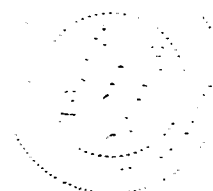
Robert P. Hairston, Jr.
ROBERT P. HAIRSTON, JR.

Sworn and subscribed to before me, this day of May, 1987.

John J. Milane
NOTARY

My commission expires:

My Commission Expires April 22, 1991



THE DISTRICT OF COLUMBIA

AFFIDAVIT OF KENNETH B. NUNN

1. My name is Kenneth B. Nunn. I am a member, in good-standing, of the bar of the State of California.

2. I am currently engaged in the practice of law at 1400 'Eye' Street, N.W., Washington, D.C. 20005.

3. I first became involved in the case of Edward Earl Johnson on May 1, 1987 at the request Robert McDuff, Esquire. I had no prior knowledge of the facts or circumstances of this case.

4. Between May 4, 1987 and May 8th I contacted, by telephone, J.C. Lewis, Annie Ruth Fields, William Caples, Lizzie Lee Caston, George Fields, Gloria Parker Bell, Irven Parker, Patricia Ann Lewis, Raymond Lewis, and Ora L. Bouchee, all of whom are relatives of Edward Earl Johnson.

5. The above-mentioned relatives of Edward Earl Johnson each related to me certain information which I caused to be set forth in the form of affidavits.

6. While each affidavit was written by counsel, I faithfully set forth the facts and opinions that were reported to me, and the affidavits are full of the affiants' own language.

7. Once produced, the affidavits for J.C. Lewis and Annie Ruth Fields were forwarded by Federal Express to the affiant, along with a pre-paid Federal Express package addressed for return of the affidavits to Ken Rose, 1008 North West Street, Jackson, Mississippi, 39202. The remaining affidavits were forwarded to Nathaniel Lewis, with the same arrangements for return, for his conveyance to the particular affiants.

8. In the event that the signed affidavits are not received in Mississippi in time to be filed with the court, I have attached copies of the affidavits of the aforementioned relatives of Edward Earl Johnson to this affidavit. The affidavit copies attached hereto are true and correct copies of the documents forwarded to Edward Earl Johnson's relatives for signature.

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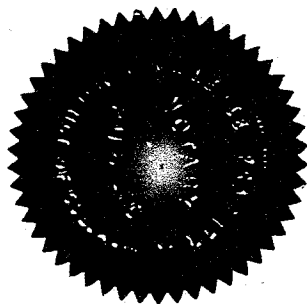
The foregoing is a true and correct statement of the facts based on my own personal knowledge.

Kenneth B. Nunn
KENNETH B. NUNN

Sworn to and subscribed to before me this 11th day of May, 1987.

Valerie Luther
NOTARY PUBLIC

My Commission Expires: *March 31, 1989*

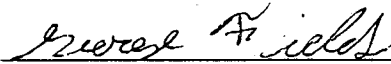


AFFIDAVIT OF GEORGE FIELD

1. My name is George Field. I make this affidavit on behalf of my third cousin, Edward Earl Johnson.
2. I currently reside at 7133 South Indiana in Chicago, Illinois with my mother.
3. I am 27 years old. I work at a garage on 71st and Wabash Streets fixing truck tires.
4. I was born in Chicago. I moved to Walnut Grove, Mississippi in 1981 where I lived with my grandfather, Irving Parker. I lived there for three years. During that time I became very close to my cousin Edward Earl, who we called "Squeekie".
5. Squeekie was a hard worker. He worked every day. He had a job in a chicken processing plant. Although he was a regular worker, he still liked to go out and party. I don't think he was overly religious. He had a lot of girlfriends. Squeekie liked sports a lot. He played pool, basketball, and softball. We shared secrets, loaned each other money and spent a lot of time together. He was almost like a brother to me.
6. I believe that Squeekie was in the wrong place, but I really don't believe he had anything to do with this charge. He was an easygoing guy. He never had fights or nothing. I was shocked when I found out about this incident.
7. I was available to testify for Squeekie, but I was not asked to by his lawyers. I would testify now if I could. I would pay my own way to this trial, if that would help Squeekie. I have gone to Parchman several times to visit Squeekie. I would do anything to help him.

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The foregoing is a true and correct statement of what I know about Edward Earl Johnson and does not exhaust the sum of what I know.



GEORGE FIELD

Sworn and subscribed to before me this ____ day of May, 1987.

NOTARY PUBLIC

My Commission Expires:

30

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COUNTY OF COOK

STATE OF ILLINOIS

AFFIDAVIT OF GLORIA PARKER BELL

1. My name is Gloria Parker Bell. Edward Earl Johnson is my second cousin. His mother's mother is my father's sister.

2. I reside at 7133 South Indiana, Chicago, Illinois, 60619. I have three children: Carolyn Gibbs, George ~~Gibbs~~^{Fields} and LaDonna Willis.

3. I am employed as a Licensed Practical Nurse for the Grasmere Residential Home in Chicago, Illinois.

4. I was born in ~~Walnut Grove~~^{Wazoo City, MS}, Mississippi. I lived there until I was four years old. When I was four, I moved to Chicago. While living in Chicago I would go back to visit my relatives in Mississippi, sometimes as often as two or three times a year.

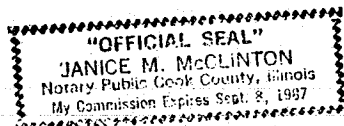
5. I remember Edward Earl as a little skinny kid. I am old enough to be his mother. He was raised by his grandmother. He got a strict upbringing, but I remember him as a happy child. He always seemed to be having fun.

6. I remember that Edward Earl always wanted to drive a car when he was way too young. He would always ask if he could drive somewhere, or play like he was driving. He loved cars quite a bit.

The foregoing is a true and correct statement of what I know about Edward Earl Johnson and it does not exhaust the sum of what I know.

Gloria Parker Bell
GLORIA PARKER BELL

Sworn to and subscribed to before me this 12th day of May, 1987.



Janice M. McClinton
NOTARY PUBLIC

My Commission Expires:

Sept 8, 1987

COUNTY OF COOK
STATE OF ILLINOIS

AFFIDAVIT OF IRVEN PARKER

1. My name is Irven Parker. I am Edward Earl Johnson's second cousin. I make this affidavit on his behalf.

2. I reside at 6751 South Walcott Street in Chicago, Illinois.

3. I am employed by Lifschultz Trucking firm. I have worked there twenty years.

4. I was born in Mississippi and moved to Chicago when I was six. During the time that Edward Earl was a child, I used to go to Mississippi at least four or five times a year. I would stay with my grandfather, Dan Parker, or with Edward Earl's grandparents.

5. We referred to Edward Earl as "Squeekie". He was just an old country boy. He never got into trouble and never did anything. He was an obedient child because his grandmother didn't play. Neither did his grandfather. They were both very strict and that strict upbringing applied to all of us.

6. In the Lewis household right was right and wrong was wrong. If you got caught doing wrong, you were punished. Being my aunt and uncle's grandchild, Squeekie was spoiled. He got a lot of attention. Yet, our family was exceedingly close-knit and every child got spoiled to some degree.

7. Squeekie loved cars. When he first wanted one, no one had the money to buy him one, so he went to work until he had enough money to get his own. After he bought his car he continued to work. He didn't have to, my auntie and uncle would have cared for him.

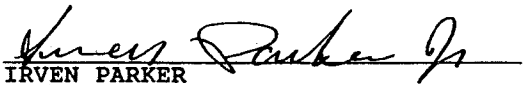
8. Squeekie was not allowed to stay out late at night. When I was little we could just spend the night over at one of our relatives without any problem. Even at the age that this thing happened he was not allowed to stay out all night.

9. Squeekie was a good eater. He liked to eat. I was always racing him to the kitchen to see who would get there first.

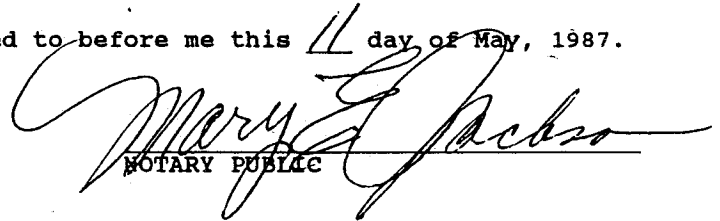
10. There was nothing extraordinary about Squeekie. He never did anything to bring attention to himself. He would be there and be himself.

11. I wasn't asked to go testify for Squeekie. I would have done so and paid my own way.

The foregoing is a true and correct statement of what I know about Edward Earl Johnson and does not exhaust the sum of what I know.


IRVEN PARKER

Sworn to and subscribed to before me this 11 day of May, 1987.


NOTARY PUBLIC

My Commission Expires:

2/6/88

COUNTY OF COOK
STATE OF ILLINOIS

AFFIDAVIT OF PATRICIA ANN LEWIS

1. I am the wife of Raymond Lewis. Edward Earl Johnson is my nephew through marriage. I make this affidavit on his behalf.

2. I currently reside at 1617 St. Charles Road in Maywood, Illinois.

3. I have three children, Jeanette, Elalanda and Raymond Jr., who all live at home and go to the District 89 Public Schools.

4. I first met Edward Earl in 1972 when I traveled to Mississippi to pick up my husband, Raymond. We were dating at the time and I had never been to his home town before.

5. Although I was a stranger to the family, Edward Earl was very friendly toward me. I found him to be quite an outgoing chap.

6. The following year Edward Earl came to Chicago. He stayed with me for part of the time he spent here. We got along very well. We had a lot of fun together and we would just talk. We talked about school and what he would do after high school. He wanted to come up north and get a job. His grandparents needed him to stay down and help them. They were older and had trouble getting around. I think it was real good of him to stay with his grandparents. He would help them out quite a bit.

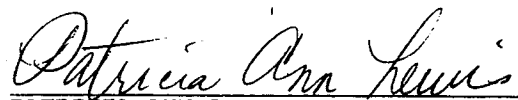
7. Edward Earl had a crush on my sister, Gwen. She was going with another guy so I told him, "no way". It was all very innocent. I just thought he was a normal kid.

8. Edward Earl was very polite. He always wanted to help me out around the house. He would try to cook but I wouldn't let him because he couldn't cook.

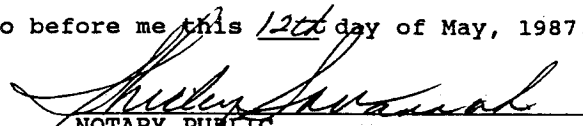
9. I went to Mississippi for his first trial. I was going to testify as a character witness for him, but the first trial was cancelled and when it was rescheduled, they didn't contact me. I would have gone back at my own expense to testify for Edward Earl.

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The foregoing is a true and correct account of what I know about Edward Earl Johnson and does not exhaust the sum of what I know.


PATRICIA ANN LEWIS

Sworn to and Subscribed to before me this 12th day of May, 1987.


NOTARY PUBLIC

My Commission Expires:

2-18-88

COUNTY OF COOK
STATE OF ILLINOIS

AFFIDAVIT OF RAYMOND LEWIS

1. My name is Raymond Lewis. I make this affidavit on behalf of my nephew Edward Earl Johnson. He is my sister's child.
2. I presently reside at 1617 St. Charles Road, Maywood, Illinois.
3. I am self-employed as a welder and a mechanic. I am married with three children.
4. I was born and raised in Walnut Grove, Mississippi. I left in 1968 to serve in Viet Nam. I returned in 1970. In 1972, I moved to the Chicago area.
5. I go to Walnut Grove frequently. I spend at least three months a year there.
6. I have known Edward Earl since birth. He was shy and withdrawn as a kid. He wouldn't hurt a fly. I used to take him rabbit hunting but he would not even shoot a gun.
7. Edward Earl, we called him "Squeekie", was a good student at school. Real good. He was well-behaved.
8. Edward Earl spent a week or so with me in Chicago in 1974. I had no problems with him. He wouldn't even go anywhere to get out and see the town. I would take him places, but he wasn't out looking for trouble.
9. Edward Earl had a nice job working before this took place. He bought himself a car, a 1974 Buick. He was working every day. Maybe on weekends he would go out drinking with the guys, but he was never in any kind of trouble. He was not into drugs.
10. I was thinking if I had done anything like they say Edward Earl did, I would have left town. He didn't run away or anything like that.
11. I was never asked to testify for Edward Earl. I certainly would have done it. I went to his trial at my own expense.

This document is housed in the Capital Punishment Clemency Petitions (APAP-214) collection in the M.E. Grenander Department of Special Collections and Archives, University Libraries, University at Albany, SUNY.

The foregoing is a true and correct statement of what I know about Edward Earl Johnson and does not exhaust the sum of what I know.

x Raymond Lewis
RAYMOND LEWIS

Sworn to and Subscribed to before me this 27th day of May, 1987.

Wesley J. Swannick
NOTARY PUBLIC

My Commission Expires:

2-18-88

STATE OF MISSISSIPPI

AFFIDAVIT OF CLIVE A. STAFFORD SMITH

COMES NOW, CLIVE A. STAFFORD SMITH, being duly sworn, and deposes and states as follows:

1. I am an attorney duly licensed to practice law in the States of Mississippi, Louisiana and Georgia. My office is located in Atlanta, Georgia.

2. On Friday, April 24, 1987, I heard that Edward Earl Johnson was scheduled to be executed on May 20, 1987, and had no lawyer to pursue avenues of post-conviction relief. I therefore agreed to take his case, on the stipulation that I would not be able to commence work on it until Sunday, May 3, 1987, on account of prior commitments.

3. In early May, 1987, Robert B. McDuff agreed also to represent Mr. Johnson, although he likewise could not devote himself either immediately or exclusively to the case.

4. I still do not have a complete copy of the transcript, but have been able to read rapidly through those portions which I do have. Mr. McDuff and I have not as yet been able to contact the many potential mitigation witnesses who could have appeared on Mr. Johnson's behalf, and we have had difficulty gathering the affidavits of those we have contacted. Mr. Johnson has many potential witnesses, ranging from California, to Illinois, to New York, and throughout Mississippi.

5. I was not able to come to Mississippi to investigate the case and begin writing Mr. Johnson's legal papers until Thursday, March 7, 1987. Mr. McDuff arrived the same day. Urgent business requires that Mr. McDuff be back in Washington, D.C., today, and I have to return tomorrow to Georgia for two days. We have therefore prepared Mr. Johnson's challenge to his conviction and sentence of death with no unnecessary delay, planning to file it

at the earliest possible moment, as soon as it is completed.
6. As part of our investigation, on Friday, March 8, 1987, I travelled to the Circuit Courthouse in Carthage, Mississippi. In the Circuit Clerk's office I xeroxed the judgment in the case of State of Mississippi v. Ollie Leflore, Leake County Circuit Court No. 7845. See, Exhibit (1) to this Affidavit.

7. I also checked the records of the Leake County Sheriff's Department for the period from February, 1979, until October, 1980. Mr. Ollie Leflore was admitted to the county jail on a charge of Grand Larceny on February 2, 1980, at 7.20 p.m., and released on bond at 10.15 p.m. that same day. He was adjudicated guilty on the charge of Grand Larceny on May 13, 1980, and sentenced to three years in the State Penitentiary at Parchman. On the same day, May 13, he was readmitted to the county jail, where he remained at least through October 1, 1980.

8. From my review of the jail records, it is apparent that almost everyone who is sentenced to a term of three years or more in the State Penitentiary is sent there immediately upon sentencing. The Leake County Jail has a small capacity.

9. From my review of the records, it is also apparent that Sammie Jamison was frequently incarcerated for brief periods. From August 1, 1979, until August 4, 1979, he was in jail for Driving While Intoxicated and Driving Without a License. From August 9, 1979, until August 22, 1979, he was in jail for Public Drunkenness. This was also the cause of his incarceration from November 1, 1979, until November 11, 1979. From January 19, 1980 until January 25, 1980, Jamison was in jail for trespassing. Then he was in jail for five hours on July 1, 1980, for charges unknown.

10. I have been involved in several dozen capital cases, and have frequently investigated juries which have imposed the death sentence. I have never yet come across a jury where a majority of jurors did not believe (1) that a sentence of life imprisonment will result in release on parole in a very few years and (2) that a sentence of death is very unlikely to ever be carried out. I have also overseen several studies of jury pools

in this state and in Georgia concerning jurors' attitudes concerning parole and the likelihood of a successful appeal of a death sentence. Typical of the results are those achieved in the case of State of Mississippi v. Willie White. There, the median number of years which jurors considered likely to be served prior to parole was five-to-ten. Over two thirds of the randomly-selected sample of the jury pool thought it at least likely that any sentence imposed by a trial jury would be reversed by an appellate court. These results are comparable to those I have found in other similar studies.

11. If provided funds, it is my professional opinion that Mr. Johnson could easily demonstrate that the jury which sentenced him to die, or the jury pool from which the jury was selected, was tainted by the same perceptions concerning the availability of parole and probability of appellate relief to one sentenced to death, as the other studies I have overseen.

THE AFOREGOING constituted a true and accurate account of what I know about the preparation of Mr. Johnson's petition for post-conviction relief, and does not exhaust the sum of what I know.


CLIVE A. STAFFORD SMITH

Sworn to and subscribed to before me
this 11th day of May, 1987.

NOTARY PUBLIC
My commission expires the _____ day
of _____, 19____.

ATTACHMENT (1)

This document is housed in the Capital Punishment Clemency Petitions (APAP-214) collection in the M.E. Grenander Department of Special Collections and Archives, University Libraries, University at Albany, SUNY.

~~IN THE CIRCUIT COURT OF LEAKE COUNTY, MISSISSIPPI~~

APRIL, 1980, TERM

STATE OF MISSISSIPPI

VS.

NO. 7845

OLLIE LEFLORE & JERRY FLOWERS CHARGE: GRAND LARCENY

JUDGMENT OF GUILTY PLEA

This cause came on for hearing before the Court, and the District Attorney, representing the State, announced ready for trial, and came the Defendants, Ollie Leflore and Jerry Flowers, and their attorneys of record, and announced to the Court that the Defendants, Ollie Leflore and Jerry Flowers, desired to be rearraigned. Whereupon, the Defendants waived the reading of the indictment in open Court through their attorneys, and on rearraignment, the Defendants, Ollie Leflore and Jerry Flowers, each entered a plea of guilty as charged.

WHEREUPON, the Court proceeded to impose sentence upon the Defendants, and on recommendation of the District Attorney, sentenced the Defendants as follows:

The Defendant, Ollie Leflore, is sentenced to serve a term of three years in the Mississippi State Penitentiary and is given credit for 1 days jail time. The Defendant, Jerry Flowers, is sentenced to serve a term of three years in the Mississippi State Penitentiary and is given credit for 1 days jail time.

ORDERED AND ADJUDGED by the Circuit Court of Leake County, Mississippi, in open and regular session, this the 13th day of May, 1980.


CIRCUIT JUDGE

13th

AFFIDAVIT OF ROBERT McDUFF

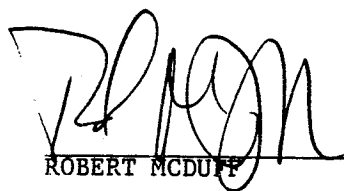
1. My name is Robert McDuff. I am an attorney, am a native of Mississippi, and am licensed to practice law in Mississippi. At the present time, I work out of Washington, D. C.

2. Approximately two weeks prior to the scheduled May 20 execution of Edward Earl Johnson, I began representing Mr. Johnson with respect to claims arising out of his capital murder conviction and death sentence.

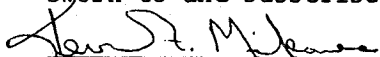
3. Last Saturday I went to Leake County. Someone volunteered to us that one or more of the juror had a son who was in the Leake County Jail at the time of Mr. Johnson's trial.

4. I learned that Juror, Eddie Leflore had a stepson in the Leake County jail at the time of her jury service. His name was Ollie Leflore, and he was in jail on a charge of grand larceny arising from the Circuit Court of Leake County. His stepmother, Ms. Eddie Leflore, meanwhile was sitting on the circuit court jury of Leake County in Mr. Johnson's capital murder case. Ms. Leflore voted with the jury for capital murder and the death sentence. I also learned that Ollie Leflore was sentenced to three years in the state penitentiary for grand larceny prior to Mr. Johnson's trial, yet only had to spend approximately five days at the state penitentiary being processed. In addition, he spent approximately six months of his sentence in the Leake County jail, and another roughly four months in satellite halfway house program in Hattiesburg. He then was released.

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ROBERT MCDUFF

Sworn to and Subscribed before me this 11 day of May, 1987.


NOTARY PUBLIC

My commission expires: My Commission Expires April 22, 1991

