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JOHNNY LEE WILSON DID NOT KILL ANYBODY

Robert Perske

For his first 20 years, Johnny Lee Wilson lived a warm and well-protected life in Aurora – until a fateful day in 1986. Before that day, almost everyone in this southwestern Missouri town of 6,340 knew this shy, unathletic young man with the contagious smile. They knew how his mother, Susan Wilson, and his grandmother, Nellie Maples, took his mental disabilities in stride and shared in his parenting.

The Aurora public schools adjusted to Johnny's "organic brain damage and mental retardation," provided him with special education classes, and helped him follow his own rate of development for 12 full years. His teachers described him as "quiet, reserved, respectful" and "never a discipline problem." After graduation, Wilson had sporadic lawn-mowing jobs to which his mother transported him.

Even investigators of the murder of 79-year-old Pauline Martz found Wilson likable. According to the June 25, 1989, *Springfield News-Leader*, Sergeant J. J. Bickers said, "He was a nice kid. He was polite – yes sir, no sir. He was easy to talk to. The only problem is, he killed her."

Wilson will soon begin his seventh year in the penitentiary at Jefferson City. He is doing life without parole because law officials believe that for one day – *just one day in his life* – he became an overpowering savage. They believe he methodically ripped up every room in the Martz home looking for valuables to steal. They believe he tied up Mrs. Martz and set the house on fire.

It is interesting that no physical evidence has ever connected Wilson to the murder. The whole case is based on a confession the police bullied him into making. Some prosecutors, however, see a confession as the *queen* of the case. They feel that if they have that, nothing else is needed.

As a writer with a lifetime interest in people with mental retardation and after following over 100 vulnerable people who have "confessed" to crimes that they did not commit, I believe Wilson is innocent. Here is the sequence of events that led to this belief:

Sunday, April 13, 1986: Wilson, his mother, and his grandmother attended morning services at First Presbyterian Church. At noon a friend came over and stayed until Wilson was driven by his mother to a lawn-mowing job. Afterward, Wilson, his friend, and the grandmother watched a Disney TV program. After the show, the boys taped songs until supper time. Upon finishing supper, Wilson and his mother drove to the post office and Ramey's Supermarket. As they were leaving Ramey's, they heard sirens and followed the fire trucks to the home of Pauline Martz.

Monday, April 14: Joplin Police Lieutenant Dick Schurman called local officers and told them about Chris Brownfield, a Joplin native who had escaped from an Oklahoma prison. Schurman said that Brownfield "has been known to tie up and beat old ladies and is more than capable of murder."

Tuesday, April 15: After receiving a tip from one of Wilson's former special education classmates who claimed that Wilson had said he killed Martz, officers questioned Wilson in his

home. The boy's former teacher described the informer as one who often told lies to get attention.

Friday, April 18: Wilson was taken to the police station and interrogated from 7:30 p.m. until after midnight. The police were rough ("Murder is what you're in on. Murder! Premeditated, willful, malicious, burning up an old lady in her house! That's what you're in on, Wilson. Ain't no sense kidding around about it"). Wilson denied the allegation ("I wasn't near that house though"), but the officer continued his pressure ("I think it's despicable!"). Around 1:00 a.m. the next morning, Wilson signed a confession.

Anyone listening to the audiotapes of that interrogation can hear a ludicrous set of interchanges as an officer jockeyed Wilson around until he came up with the correct color of the victim's blouse. The same thing happened when Wilson was asked what he used to bind the victim's ankles. "I'm thinking . . . Handcuffs, I think," Wilson said. "No. No. Wrong guess," responded the officer. Mrs. Martz's ankles had been bound with duct tape.

On the May 12, 1990, broadcast of CBS/TV's "Saturday Night With Connie Chung," Wilson told Chung he became frightened when the officers "grabbed my face and turned it toward them. A cop said, 'Well if you confess . . . we can all go home.' At that point I thought he meant me too."

April 15, 1987: A competency hearing was held before Jasper County Circuit Judge L. Thomas Elliston in Joplin. Psychologist Daniel Foster and psychiatrist William Logan, representing the defense, testified that Wilson was not competent to stand trial because of brain damage, mental retardation, and a dependent personality disorder. Fulton State Hospital psychiatrist Mahinda Jayaratna stated in a written report for the prosecution that Wilson was competent. Judge Elliston ruled in favor of the prosecution.

April 30, 1987: In a plea hearing, Judge Elliston repeatedly reminded Wilson that if he went on trial, he could receive the death penalty. In one of many interchanges, the judge asked, "Do you want the death penalty?"

"No," said Wilson.

"Do you want to avoid the death penalty?"

"Yes."

"Are you admitting that you committed this murder?"

"Yes," Wilson said, even though he told the judge at one point that he did not know exactly why he was pleading guilty.

February 1988: Chris Brownfield confessed to murdering Martz. He made the confession from inside the Kansas State Penitentiary, where he is now serving a life sentence for murdering an elderly woman in Pittsburg, Kansas, 60 miles northwest of Aurora, just 16 days after Martz was killed. He also described a stun gun he and his accomplice lost in the Martz home – which the police found but never made public. The fire had been set to destroy fingerprints on the gun.

September 12, 1990: In Springfield, Public Defender William J. Swift gave the Missouri Court of Appeals seven reasons for vacating Wilson's guilty plea: his impaired development, his activities on the day of the crime, a faulty police investigation, the competency hearing and Judge Elliston's conduct, Brownfield's admission of responsibility, Wilson's responses at the plea hearing, and his inability to consult with plea attorneys in a meaningful fashion.

Assistant Attorney General Elizabeth Ziegler argued that it was too late for new evidence to be introduced. According to her, the court should only decide whether the legal

procedures had been conducted in accordance with the laws of the state – no more and no less. Two months after the hearing, the court sided with Ziegler.

November 11, 1990: The Martz case was aired on NBC's *Unsolved Mysteries*. After watching the program, Auroran Lucille Childress, age 74, contacted the *Marionville New Press*. She said that she had seen Wilson and his mother at Ramey's Supermarket on the night of the crime. "I came out right behind them," she said. Then she reported that when the sirens sounded she overheard the mother and son deciding to "go see where the fire is." Her earlier silence stemmed from a fear that her relatives would be harmed.

May 9, 1991: Public Defender Swift brought the case before the Missouri Supreme Court in Jefferson City. This time, however, his efforts were supported by a "friend of the court" brief submitted by the American Association on Mental Retardation (AAMR) and signed by four attorneys: James W. Ellis, Barbara E. Bergman, Charles W. German, and M. Elizabeth Kirkland.

One hour before the hearing, Swift submitted a transcript to the justices of an audiotape conversation between Brownfield and his alleged accomplice in the Martz killing. It had been delivered to the AAMR attorneys and Swift by former Kansas Attorney General Vern Miller. Miller, now in private practice in Wichita, arranged for Brownfield to make the telephone contact. The tape convinced Miller that Brownfield and the accomplice had murdered Martz and that Wilson was innocent.

In the recorded conversation, the alleged accomplice confronted Brownfield immediately for "talking too much for my likes, brother." Brownfield said he could not "Leave the kid laying in there like that," and he described how officials needed the accomplice's name before releasing Wilson. "After about an hour, I finally said, well _ _ _ _ was with me." To that the accomplice responded, "Well thanks, God damn. It took you a whole hour to cop me out."

This surprise submission stimulated questions from the justices about whether they could indeed consider this new evidence or whether it could only be placed in the hands of the governor. Ziegler again argued that it was too late for new evidence to be admitted. Later, the court agreed with Ziegler. Wilson lives in prison because of a confession he made with no physical evidence to back it up. Doug Seneker, one of Wilson's interrogators, believes the incarceration is just. In the September 9, 1990, edition of the *Springfield News-Leader*, he stated, "There is a principle in interrogation. A person will not admit to something they haven't done, short of torture or extreme duress. No matter how long you're grilled, no matter how much you're yelled at, you're not going to admit to something you haven't done."

I disagree. The courts of the land are beginning to see that many individuals with mental retardation and similar disabilities survive in the community by trusting certain authority figures, by looking to them for guidance, and by trying to please them. Wilson tended to function that way, and it amounted to a good life for him – until he was brought into a police interrogation room. Then the officers used this survival skill against him. They pressured him. They shaped his words. They solved the case.

The only problem: They convicted the wrong man.

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Editor's Note. Between the time that this article was accepted for publication in the *Perspectives* section and its publication in this issue, a revised version was printed in the *Kansas City Star* as a guest editorial under

the title "Johnny Shouldn't Be in Jail" (Sunday, February 20, 1994). The vast majority of readers of the *Kansas City Star* do not read *MR* and vice versa. Bob Perske seems to have something important to say to both audiences. -SJT