

Documents reveal details in Johnston slaying, cover-up

Three former Atlanta police officers will be sentenced in court for the botched raid

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Jason Smith was losing it. "I [screwed] up; I think I killed this woman," the Atlanta narcotics cop told partner Arthur Tesler in the yard behind a small brick bungalow on Neal Street. "You guys got to help me."

Inside, a 92-year-old woman lay dead, killed by a fusillade of police bullets. Officer Gregg Junnier, his face grazed by a bullet and bleeding, stalked through the home looking for suspects and contraband.

HOW WE GOT THE STORY

This account of the police cover-up involving the 2006 death of Kathryn Johnston is drawn from court testimony, documents produced by the U.S. Attorney's Office and a sentencing memorandum written by federal prosecutors based on their two-year investigation. The broad outlines of the cover-up by former officers Gregg Junnier, Jason Smith and Arthur Tesler are contained in the memorandum. The officers' conversations, as well as other details of their plot, are drawn from the testimony of Junnier and Tesler in Tesler's trial in Fulton County Superior Court in May. Reporters Bill Torpy and Bill Rankin also interviewed lawyers involved in the case.

But there were no dealers, no kilo of cocaine. The tip that brought police to 933 Neal St. was as bogus as the story they used to sell a judge on the raid.

Desperation and self-preservation kicked in. Smith remembered the marijuana seized earlier that day. Better make it look like a drug house, he reckoned. He pulled baggies of pot from his sleeve, nodded to Tesler, and planted them in the basement.

The Nov. 21, 2006, killing of Kathryn Johnston, two days before Thanksgiving, outraged residents of the northwest neighborhood, shocked the nation and rocked Atlanta's police force. It laid bare the corruption of an out-of-control narcotics squad that lied to get search warrants and planted drugs on suspects.

This time, Smith had authored the trumped-up affidavit. For all three, it was business as usual.

On Monday, the three former officers will be together again in federal court to be sentenced for conspiring to violate Johnston's civil rights. A sentencing memo from

prosecutors to the judge, along with prior testimony and other court records, reveals how the officers concocted a sophisticated cover-up that fell apart when Junnier, the squad veteran and the son of a cop, turned on his colleagues. He crossed the “blue line.”

Getting the story straight

Two hours after the shootout, Junnier lay in a hospital bed with flesh wounds to his cheek and thigh. Smith and Tesler sidled up to him, waiting for his room at Grady Memorial Hospital to clear.

Junnier was irritated; Smith seemed more concerned about getting their story straight than how he was doing. Smith was mad because Junnier hadn't answered his cellphone at the hospital.

The three officers were members of a squad with free rein to operate in a netherworld of drugs, criminals and danger. The rules and truth were measured on a sliding, situational scale. They had to depend on each other. But they weren't friends. And now trust was in short supply.

But they were in this together. They began to construct what federal prosecutors would call “a diligent and devious effort” to deflect their complicity.

Their sergeant and lieutenant had already questioned Smith and Tesler. Now the two told Junnier the story they were going with: that they got the warrant for the raid after Alex White, a reliable snitch they often used, purchased crack cocaine at the Neal Street home. They'd told their superiors they drove White to the house in a patrol car.

Junnier was incredulous.

“Take an informant to make a buy in a patrol car?” he asked. “You're going to have to come up with something better than that.”

At 40, Junnier had 18 years on the force, eight in narcotics. He'd followed his father into the brotherhood of blue. His wife was a nurse, and Junnier worked second jobs to send her to school. He skipped lunch with his partners so he could clock out quickly and go home to their son and daughter.

But part of his side income came from “security jobs” prosecutors say he ran while on duty, jobs in which the cops, for weekly cash payments, provided extra surveillance for businesses in high-crime areas. Authorities suggest Junnier and others cut corners not only to more easily catch criminals but to save time to work their crooked jobs.

Now the job was to get White, the informant, on board with their story. Later that night, Smith called Junnier to say things were set with White.

“He's cool with everything,” he told his anxious colleague.

Feeling the heat

The tragic string of events had started at 4 p.m. Nov. 21, 2006, when Tesler roughed up and arrested small-time dope slinger Fabian Sheats and threatened him with prison unless he gave up someone bigger. The nervous suspect eventually picked out Johnston's home — apparently at random — where he said he saw a dealer named “Sam” with a kilo of cocaine just an hour before. The officers were pumped. A kilo was a huge score for cops used to seizures measured in grams.

But Sheats was unreliable, so they called White at 5:05 p.m. to come make a buy to prove a dealer lived there. White couldn't come. But for this squad, it didn't matter. They'd just invent the facts they needed.

The officers were at the Fulton County jail a half hour later to get a warrant from a magistrate. Smith told the judge they had watched “Sam” greet their informant, go inside and sell him drugs. At 5:53 p.m., they had their “no-knock” warrant. It would allow them to batter down the door and catch the criminals inside by surprise.

By 7 p.m. Johnston lay dead, shot five or six times. Believing intruders were at her door, she'd fired her revolver once. The entry team responded with 39 shots.

The next day, a worried Tesler approached Junnier, who'd been released from the hospital. He told him their supervisor suspected they were lying. Still, the sergeant had told him, “You need to get your story together and stick to it.”

To that end, Tesler wrote a police report to match the false affidavit and cover story.

A stocky, well-built New York native, Tesler, 40, had joined the Army at 24 to get experience as a military policeman so he could become a cop. He joined the Atlanta force in 1999.

As the rookie on the narcotics squad, Tesler recalls being told to “listen and learn.” He apparently did. Prosecutors say 19 of the 20 search warrants he authored contained false statements.

Over the next few days, Tesler, Junnier and Smith continued to fine-tune their story. They also called White repeatedly, offering him cash to get on board.

After Thanksgiving, the officers met at My Cousin Vinny's, a Marietta pizza joint. Smith, a lean and boyish 34-year-old, walked in carrying a pile of papers.

A former officer with the Georgia Army National Guard who served in Bosnia and Iraq, Smith was known as meticulous and detail-oriented. In his hand was a typed summary of their version of events, a script for all to study.

They had junked their story about driving White to the Neal Street house in a patrol car. Now they rehearsed how they had gotten there in White's car — “recalling” it smelled of mildew. They agreed they'd seen the informant walk down the driveway to meet the suspected drug dealer.

Layers of details would make their stories believable. But they were just more lies to keep straight.

The men got touchy as the days wore on. They worried about phone taps. They tracked who was talking to whom.

Their paranoia was realized the next week when informant White went to a television station and spilled his story: After the shooting, he said, two narcotics cops told him “you need to cover our [rear].”

Police Chief Richard Pennington held a news conference with federal and state law enforcement officials to discuss White's shocking allegation.

Feeling the heat, the three officers called another meeting. This time they drove the route they claimed to have traveled with White to absorb small details, such as the carwash parking lot where they'd “met” him. Smith even drew a diagram showing the direction White's car had faced.

The story unravels

On Dec. 7, Tesler went to speak with FBI agents now wary of the officers' tale. Junnier's attorney already had approached the agents and mentioned it was possible Junnier would corroborate White.

But Tesler knew nothing of this.

As a patrolman, Tesler has said, he reported another cop for using racist language and turning situations on the street volatile. But instead of being supported by the department, he said, he was demoted to duty at the airport. Worse, he became known as a “rat.”

He didn't want to live through that again. He stuck with their fabricated story.

Afterward, Tesler called Junnier and asked him to meet in the parking lot of a Mexican restaurant in Cobb County.

Junnier could see Tesler was agitated.

“He was worried I was breaking away from them,” Junnier recalled. “He told me I needed to stick with them.”

On Dec. 11, in his first interview with the FBI, Junnier broke ranks. He admitted it was all a lie.

The officer says his decision came after consulting his wife and pastor. But Junnier knew what the criminals he busted knew: First one in gets the best deal.

On Dec. 21, agents rattled Tesler, confronting him with details they'd learned from Junnier. Tesler asked whether he could return after the holidays with his attorney.

Around Christmas, Junnier got a panicked call from Smith: Tesler hadn't called after his second FBI meeting, he said. Smith figured Tesler was cooperating.

Then Junnier got a call from Tesler. He wanted to meet again at the Mexican restaurant. He thought Tesler sounded strange, so he brought a gun.

What happened at that meeting depends on who is telling the story. Junnier claims Tesler told him they needed to stick together.

Tesler says he was frightened by his two more senior officers, who kept dragging him deeper into the plot. He recalls telling Junnier that his wife was pregnant with their fourth child. He wanted out.

Paying the price

On Jan. 4, 2007, Tesler told FBI agents he had lied. A week later, Smith caved.

In the end, they all implicated each other.

The revelations eroded public trust in the Atlanta Police Department, which disbanded and later rebuilt the narcotics department. Fulton County prosecutors were forced to review scores of pending cases and ultimately dismissed or reduced the charges in 69, meaning several likely criminals went free.

“It has harmed the community, the many honest members of the police force that protect the community, the integrity of the justice system and, indeed, the very rule of law,” federal prosecutors wrote in their sentencing memorandum.

All three officers have pleaded guilty. Prosecutors are seeking more than 12 years imprisonment for Smith, with up to a 20 percent reduction for his cooperation. The recommendation for Tesler is 10 years.

But authorities want a “substantial reduction” to Junnier’s 10-year sentence because of “his almost unprecedented decision” to cross the “blue line.” His early cooperation allowed the case to be solved in weeks, “rather than months or years” had authorities been forced to use circumstantial evidence and drug-dealing snitches.

Prosecutors say the three ex-cops should be equally responsible for one thing: They must pay Johnston's estate \$8,180 — the cost of burying her.



Kathryn Johnston, 92, died in a drug raid