

**News**

## **BCLP TRIAL TEAM WINS EXONERATION OF MISSOURI MAN AFTER 29 YEARS IN PRISON FOR MURDER**

**FIRST-EVER PROSECUTION-LED WRONGFUL CONVICTION CASE IN ST. LOUIS HISTORY**

Feb 14, 2023

In a resounding win, two attorneys from Bryan Cave Leighton Paisner have exonerated a Missouri man who spent the last 29 years in prison for a murder he did not commit.

BCLP litigation Partners Charles Weiss and Jonathan Potts served as special prosecutors appointed by St. Louis Circuit Attorney Kim Gardner. Together, Weiss and Potts filed and won the first-ever wrongful conviction case brought by a local prosecutor in St. Louis history.

Beginning in 2021, the BCLP lawyers conducted a fresh investigation into Lamar Johnson's 1995 conviction for first-degree murder. After the BCLP lawyers concluded that Johnson was innocent, the Circuit Attorney's Office asked Circuit Judge David Mason to overturn Johnson's sentence. The BCLP team served as special prosecutors and lead counsel during a week-long trial to prove Johnson's innocence.

On Feb. 14, Judge Mason granted the circuit attorney's motion and set aside the decades-old conviction, releasing Johnson from custody.

"Lamar Johnson's case is an example of how our imperfect justice system too often convicts innocent persons," Weiss said. "Lamar's case is fraught with the kind of mistakes we see too frequently by the police and prosecution, including pressuring eye witnesses to identify the perpetrator, even though such eye witness identification is highly questionable and improbable, paying witnesses to testify under the guise of witness protection and then failing to disclose such payments to the defense and presenting unreliable jail house informant's testimony. On the other hand, Lamar's case is also an example of how our system can correct such mistakes and free an innocent person."

### **Background on the Johnson case**

Johnson was convicted of first-degree murder in the shooting death of Marcus Boyd in 1995. He was sentenced to life without parole. Since 1995, two men have confessed to the homicide, and the

star eyewitness came forward to claim that he was coerced into identifying Johnson as the culprit. The Circuit Attorney's Office admitted not handing over evidence to the defense, and a detective assigned to the case acknowledged that he did not investigate any other suspects.

The BCLP team conducted a year-long investigation of the case. Based on that investigation, they determined that Johnson was innocent, that his original trial was unconstitutional, and filed a motion asking the court to overturn his conviction.

"I've been living with this – I wish I could change time," said the witness, James Elking, during the intense week-long trial, which included a courtroom murder confession. As Weiss noted, "It was a very dramatic week, including the fact that the trial judge took the rare step of allowing a live feed of all of the proceedings."

This groundbreaking victory is the first-ever wrongful conviction case filed by a prosecutor in St. Louis history. Before 2022, only criminal defendants could ask a court to overturn their convictions. Under a new Missouri law, local prosecutors such as Gardner may now approach the court.

Previously, Weiss and Potts successfully represented innocent defendants. In 2020, they won the exoneration of *pro bono* client Donald Nash, who was wrongfully convicted of capital murder in 2009. In 2018, they won the exoneration of *pro bono* client David Robinson, who was wrongfully convicted of murder in 2001.

Based on the BCLP team's success in those cases, Gardner appointed the BCLP attorneys as special prosecutors within the Circuit Attorney's Office. The two BCLP lawyers have been working *pro bono* since 2021.

## MEET THE TEAM



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