

COURT OF COMMON PLEAS
DAUPHIN COUNTY, PENNSYLVANIA

Commonwealth of Pennsylvania,	:	
	:	
Respondent,	:	Docket Number
	:	CP-22-CR-1544-1996
v.	:	
	:	Honorable Todd A. Hoover
Lorenzo Johnson,	:	
	:	
Petitioner.	:	

**THIRD SUPPLEMENT TO
PETITION FOR RELIEF UNDER THE PENNSYLVANIA
POST-CONVICTION RELIEF ACT, 42 PA. C. S. § 9541 ET SEQ.**

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Counsel for Petitioner
Lorenzo Johnson

Dated: November 12, 2014
Swarthmore, Pennsylvania

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PRELIMINARY STATEMENT AND RELEVANT PROCEDURAL HISTORY

1. Pending before the Court is Lorenzo Johnson's *Petition* under the Pennsylvania Post-Conviction Relief Act, filed on August 5, 2013. The *Petition* presents facts supporting Mr. Johnson's actual innocence and a variety of *Brady* violations and legal error that have permeated these proceedings. Petitioner supplemented the *Petition* on March 3, 2014¹ and again on August 7, 2014.²

2. In connection with the Office of Attorney General's on-going review of this case, on September 12, 2014 the Commonwealth provided a previously undisclosed ten-page, single-spaced and typed statement taken from Carla Brown on March 27, 1996 by Detectives Duffin and Dillard – about four months after the shooting in December. A copy of the Brown-Statement is attached as Exhibit A.

3. The Brown-Statement was neither in the files inherited by counsel in 2006-2007, nor was it in trial counsel's possession. Petitioner can demonstrate that the Brown-Statement was not in trial counsel's possession: trial counsel wrote to Petitioner on March 20, 2006, in answer to his request for documents. In response

¹The March 3, 2014 *Supplement* set forth a *Brady* claim based on the previously undisclosed relationship between the assigned detective (Duffin), and Commonwealth witness, Victoria Doubs.

²The August 7, 2014 *Second Supplement* presented a number of *Brady* claims related to the disclosure by the Commonwealth of eight pages of Harrisburg Police Department records.

to his specific request for any statements made by Carla Brown, counsel wrote: “Carla Brown did not make a written statement prior to trial.”³ Trial counsel’s letter to Mr. Johnson proves that she did not have the Carla Brown statement in her file, and it was thus never provided to the defense by the prosecution. The Court can feel even more confident that the Brown-Statement was not previously disclosed because it was not used by trial counsel despite its highly exculpatory value. In other words, any reasonable lawyer who had the statement would have used it at trial to demonstrate one or more of the exculpatory points set forth below.

4. The Brown-Statement is unquestionably material, even standing alone. In combination with the previously pled *Brady* violations, including in particular the undisclosed relationship between Duffin and Doubs, set forth in the Petitioner’s *Supplement* (filed March 3, 2014), as well as the points raised in *Petitioner’s Second Supplement* (filed August 7, 2014) – including in particular that Brown was considered as a suspect in the killing – there can be no question but that Petitioner is entitled to a vacation of his convictions.

³A copy of counsel’s March 20, 2006 letter to Mr. Johnson was previously attached as Exhibit D to the *Second Supplement*. It is attached here as Exhibit B.

SUPPLEMENT TO PREVIOUSLY PLED *BRADY* VIOLATIONS

5. As *Brady* violations must be assessed cumulatively,⁴ Petitioner incorporates all previously pled *Brady*-related claims, as well as the related legal discussed previously provided to the Court.⁵ Added to these previously pled *Brady* claims, is the Brown-Statement. As shown, the Brown-Statement is replete with exculpatory information that, had it been disclosed, would have led to the powerful impeachment of this central trial witness.

Exculpatory Point One

6. Page 7 of the Brown-Statement contains her description of the **jacket** that was worn by Walker on the night of the shooting: “Remek had on like a white shirt, jeans, sneakers, and **the bulky jacket black, with a big black hood, bubble feather down . . .**” Brown also says on page 7 of her Statement:

Q. Did you actually see Remek with a weapon?

A. I seen him carry something under the left arm.

⁴The materiality of a *Brady* violation turns on the cumulative impact on the trial of all evidence that should have been provided to the defense, but was not. *Kyles v. Whitley*, 514 U.S. 419, 421 (1995) (“we follow the established rule that the state's obligation under *Brady* . . . to disclose evidence favorable to the defense, turns on the **cumulative effect** of all such evidence suppressed by the government. . .”).

⁵See *PCRA Petition*, Claim II, and related factual allegations; *First Supplement* (undisclosed relationship between Doubs and Duffin); and *Second Supplement* ¶¶ 3-8 (undisclosed police report showing that Brown was deemed a suspect).

Q. Was it bulky?

A. Yeah, and with the bulky **black jacket**.

7. This portion of the Brown-Statement conflicts with her testimony at Mr. Johnson's preliminary hearing, *see* NT 5/20/96, 34 (Q. You say [Walker] had something underneath, what, his coat? A. Uh-huh. I – That's right. He a [sic] long coat on. That's what it was.") and contradicts her trial testimony. *See* NT 124. (Walker was wearing a "long black leather" coat.)

8. This is a critical point because other witnesses at trial identified the person who entered the alley as walking with a limp. Thus, the prosecution's theory, as argued to the jury and based on its characterization of Carla Brown's testimony, was that this man had to have been Walker, who had the shotgun hidden under his long black leather coat and therefore appeared to be limping as he left the bar. *See* NT 391-392 (prosecutor's closing argument "Now, we talk about somebody walking with a limp, and I thought it was necessary that you hear from these witnesses that, as Carla told you, as Corey Walker walked down that street up to the alley, he was walking with a limp, like he had something in his coat. That stuck out in her mind.")

9. In reversing the Third Circuit's grant of relief to Mr. Johnson, the United States Supreme Court made the following observation: "Walker was wearing a long leather coat, walking as if he had something concealed underneath it." *Coleman v. Johnson*, 132 S.Ct. 2060, 2063 (2014). This observation was of course consistent

with the trial prosecutor's argument at trial, but entirely **inconsistent** with Carla Brown's 3/27/96 statement to the police. Thus, this portion of Brown's Statement would have provided significant impeachment of Brown, as well as the Commonwealth's entire trial theory.

Exculpatory Point Two

10. On page 2 of her statement, Brown said the following in describing her alleged observations of co-defendant Walker, the victim, and Mr. Johnson, as they left the bar just before the shooting:

They walked down 14th St., I'm still behind them, they make a left up Market, I'm still behind them. **Tarajah walks into the alley, besides Nassau's, okay, they didn't force him in there, he went on his own that I know of, I didn't see nothing like that.** In the meantime when he went that way Remek was in the front, he was in the middle and Lorenzo was in the back, blocking, like standing guard, that's how it looked.

11. Because Mr. Johnson was tried as an accomplice, whether the victim was "forced" into the alley was an important fact related to whether the jury's verdict was supported by sufficient evidence. *See Johnson v. Mechling*, 541 F. Supp.2d 651, 674 (M.D. Pa. 2008) ("A jury could also rationally infer that Johnson aided or attempted to aid Walker in killing Williams from the evidence showing that Johnson forced Williams into the alley"); *id.* ("Johnson's [insufficiency argument] completely ignores . . . Ramsey's testimony that Williams was forced into the alley."); *Coleman v. Johnson*, 132 S.Ct. 2060, 2063-2064 (2012) (twice relying on Ramsey's testimony

that Mr. Johnson “forced” the victim into the alley in rejecting the insufficiency claim).

12. Carla Brown’s Statement directly contradicts the suggestion that Walker forced Williams into the alley. It therefore cuts directly against even the small bit of evidence that, if Mr. Johnson was present, he had any reason to believe Walker intended to harm, let alone kill, Williams.

Exculpatory Point Three

13. Page 5 of the Brown-Statement contains the following questions and answers:

Q. How could you tell that they were arguing?

A. When the argument started to get loud, but I could tell that they didn’t like his response.

Q. Did they **flail their arms**, threaten themselves with weapons, how could you tell they were arguing?

A. Only way I knew they was arguing was because they got loud, there was **no movements by no hands** and by that time Gary and Joe escorted them out.

14. When Brown testified at trial, she said that she could not hear the argument, but she acted out hand gestures on the witness stand, which the prosecutor indicated showed that there were “a lot of arm movements going on.” NT 3/13/1997, 105-106 (Q: You couldn’t hear it [the argument]? From what you gesture on the witness stand, a lot of arm movements going on? A: Yes.). Unquestionably, had trial

counsel been in possession of Brown's statement, she would have impeached Brown's "arm movements" with her statement in which she indicated that there were no such movements.

Exculpatory Point Four

15. On page 8 of her Statement, Carla Brown says she heard two shots. ("I heard the one boom and that's when I ran. As I was running thru I heard another one. It was two shots that I heard.") At trial, Brown says she only heard one shot. The coroner reported that Williams sustained only one gunshot wound, and other witnesses – including a police officer near the scene – heard only one shot. This discrepancy again makes it clear that Brown, at best, was a highly unreliable witness, and at worst, she simply made up this story in order to deflect attention from herself. Thus, it appears she changed various "facts" to comport with other evidence the prosecution intended to introduce.

Exculpatory Point Five

16. Page 9 of the Brown-Statement indicates that she said the following about the advice given to her by her father:

Q. What role does your father, Carl Clark play in this?

A. He told me to shut up. **When Curtis came the last time, well the first time, the first time**, and when I got back from talking to Curtis, I called my dad. He told me if they had something, you'd be in jail, they don't know nothing, you don't know nothing, you ain't seen nothing, and ain't heard nothing and mind my damn

business.

17. This passage strongly suggests two important points: 1) that she believed she was a suspect, which is of course consistent with the designation of her as a suspect on page 1 of the Harrisburg Police Reports, that were received from the Commonwealth and which are discussed in Petitioner's *Second Supplement*; and 2) that she was previously interviewed by Detective Curtis. This is consistent with the previously provided declaration provided by Detective Dillard (attached as an Exhibit to Petitioner's PCRA Petition): **"From what I recall, we officers had to work on her over the course of a few months to get her to tell the truth about what happened to Tarajay."** Thus, Brown's Statement could have been used to achieve impeachment on each of these points. It also confirms her trial testimony that she was questioned by Detective Curtis in prior interviews that were either not memorialized, or not turned over to defense counsel.

COGNIZABILITY OF THE SUPPLEMENTAL GROUNDS FOR RELIEF

18. The Brown-Statement can and must be reviewed under the exceptions to the PCRA time bar. The Statement was obviously in the Commonwealth's file, and was not disclosed at the time of trial as the law required. Thus, Petitioner meets the government interference exception (42 Pa. C.S. § 9545(b)(1)(i)), under which a *Brady* claim is reviewed in PCRA, and which does not contain a diligence requirement.

19. This claim also is cognizable under the after-discovered evidence-

exception to the PCRA time bar (42 Pa. C.S. § 9545(b)(1)(ii)). This exception contains a diligence requirement, which Petitioner has met. *See Commonwealth v. Medina*, 92 A.3d 1210, 1216 (Pa. Super Ct. 2014) (the (b)(1)(ii) exception “demands that the petitioner take **reasonable steps** to protect his own interests.”)). The Brown-Statement should have been disclosed at the time of trial, as required by Pennsylvania Rule of Criminal Procedure 573, and the due process provisions of the state and federal constitutions.

20. Petitioner has been seeking discovery in this case since before the filing of the instant PCRA, and was only provided with the Brown-Statement within the last sixty-days.⁶ Accordingly, Mr. Johnson and his counsel have been diligent, as required by this exception to the time bar.

21. Finally, the evidence at hand far surpasses the quantum needed to show a reasonable probability that the suppressed evidence would have made a difference in the outcome of the trial and thus merits relief. Taken together with the very weak evidence of his guilt presented at trial, Petitioner submits that no reasonable jury would have convicted Mr. Johnson.⁷

⁶While it is doubtful that a supplemental claim added to a pending PCRA petition must meet the PCRA’s sixty-day time limit, Petitioner has complied with that ostensible requirement out of abundance of caution.

⁷Petitioner incorporates his prior legal argument regarding the materiality of prior *Brady* evidence. *See, PCRA Petition*, ¶¶ 116-120; *First Supplement*, pages 5-8.

CONCLUSION

For all of the reasons and based on all factual allegations and legal arguments contained in the *Petition, First Supplement, Second Supplement*, and herein, Petitioner requests that the Court vacate Petitioner's convictions and sentences, and provide the attendant relief requested in the *Petition*.

Respectfully Submitted,



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Counsel for Petitioner
Lorenzo Johnson

Dated: Swarthmore, PA
November 12, 2014

Certificate of Service

I, Michael Wiseman, hereby certify that on this 12th day of November, 2014 I served a copy of the foregoing upon the following person in the manner indicated:

William R. Stoycos, Esq.
Senior Deputy Attorney General
Office of the Attorney General
Appeals and Legal Services Section
16th Floor, Strawberry Square
Harrisburg, PA 17120
Email: wstoycos@attorneygeneral.gov



Michael Wiseman

Exhibit A
Statement of Carla Brown
Dated March 27, 1996

HARRISBURG BUREAU OF POLICE
CRIMINAL INVESTIGATION DIVISION

VOLUNTARY STATEMENT

Incident No. 95-12-5915

Name: Carla Brown
Address: 45 N. 19th St., Hbg., Pa.
Phone: 233-0675
R/S/A: B/F/27 DOB 1/15/69
Date: 3/27/96
Time: 6:17PM
Location: Criminal Investigation Division
Adult Offender Section

DO YOU UNDERSTAND THAT WE ARE TALKING ABOUT THE FOLLOWING INCIDENT?

Type: Murder
Date: Dec. 15, 1995
Time: 0055 hours
Location: 1422 Market St., Hbg., Pa.

A. Yes

Q. Are you willing to provide a statement regarding this incident?

A. Yes

Q. If necessary, will you testify in court?

A. Yes

Q. What was the last grade you completed in school?

A. 11th

Q. Can you read and write the English Language?

C.B.

A. Yes

Q. What is your occupation, who is your employer?

A. Unemployed

Q. Tell us, in your own words, what happened.

A. I seen Tarajah, Universal, ah, Carl and a short black male standing on the side of Vanity's. When I seen them it was about 9:30 10'o'clock. Tarajah had a nice big leather jacket on and I asked him what's up and he threw his hands up at me, he didn't want to be bothered. Well, he goes into the bar, which is Midnight Special, I watched him sneakily, knowing he had a lot of drugs, I was following him and he didn't know until I got in the bar and he seen that I was still there.

He's standing over by the juke box, I'm sitting as soon as you come in the bar on the right hand side at the bar. He's over there arguing with two black males, Remek, and Lorenzo. Okay, Gary Miller and Joseph Proctor told them they had to take it outside of the bar. They walk outside the bar Remek in the front, Tarajah in the middle and Lorenzo in the back. I was like, I'd say about, not even 5 feet behind them, they was off the step and I was like down to the second step walking slowly behind.

They walked down 14th St., I'm still behind them, they make a left up Market, I'm still behind them. Tarajah walks into the alley, besides Nassau's, okay, they didn't force him in there, he went on his own that I know of, I didn't see nothing like that. In the meantime when he went that way Remek was in the front, he was in the middle and Lorenzo was in the back, blocking, like standing guard, that's how it looked.

At that point I stopped, Tarajah turned around and says, sur, go ahead, walk slowly not even 2 or 3 seconds later I hear a shot gun. I ran never looked back, never did nothing, just ran all the way thru the alley until I ended up at LC's, sitting up on his garage. Then at that point, I did what I do, walked all the way up the alley till I got to 16th and Regina St., made a right at 17th and Regina, walked all the way down to 17th and Market where Carl was standing at the rooming house and asked me for \$2.00, he would get me anything that I want. He has a lot of drugs and no money and he's hungry.

I then went around to Michael Johnson's did not let him in, gave him \$2.00 and shut the door, that's where I was for 5 days afterwards.

Q. Can you tell us who Universal, Carl and the short black male was? C.B.

~~C.B.~~

- A. I can point them out but I can't give no names. Carl's my father and his name is Carl Douglas Clark, Universal is a hustler in an attic, he's short, about 5-7, black male, where's scarf's, if not his hair is braided all back, always on a bike and always on the block. The little black male I don't know, I've never seen him before in my life.
- Q. When you saw them at this time, what were they doing?
- A. Tarajah was smoking coke, ah, Universal was begging for one, my dad was running around, no where far, and the little black guy was smoking too.
- Q. Did they say anything to you?
- A. No ah, I said something to them and not them to Tarajah. And what I said was what's up. and he threw his hands up at me, meaning nothing.
- Q. How long did they stay outside?
- A. They was out there, just as I say I played around for a while, I would say they was out there for a while, it had to be about 11, 11:30 that they was on that corner. They might have been there for about a half an hour before, Tarajah went into the bar, alone and I followed.
- Q. Are you sure about that time frame?
- A. It had to have been because, like I say, when I found out, when I heard the running and shooting and all that stuff going on the bar was closed. It was about 1 o'clock.
- Q. When did you see him in the bar?
- A. About a half an hour after he threw his hands up at me, but at the whole time I already had seen him go into the bar and that's when, you know, I had my eye on him because I was on him and he was trying to ditch everybody.
- Q. Why did you have your eye on him?
- A. Drugs, I knew he had something when I seen him with the new jacket. So I knew he had something he done did something. And I also knew who the jacket belonged to on sight, but I didn't go there. I know he has one because it's the only one in Harrisburg with that jacket.
- Q. What makes you say that about the jacket?
- A. Because they don't sell them up here and the way that the jacket it, was made. C.B.

Q. Describe the jacket.

A. Like an off white leather jacket with fur, real fur around the collar, gold like buckles on two of them on the front. It was a waist jacket, and it was real bulky, it was a down coat, down feather.

Q. Who's coat was it?

A. Remek's

Q. How do you know it was Remek's coat?

A. Cause I seen him with it on.

Q. How long have you known Remek?

A. I first met him, I don't know him that well, we're not to kind of each other, but I met him on 13th St. in between Chestnut and Market.

Q. How many times had you seen Remek prior to the shooting?

A. Numerous times, he's always there.

Q. You know Remek?

A. I know Remek.

Q. I showed you a picture of Cory Walker aka Remek, photo 406295, is this the Remek that you are talking about that took Tarajah in the walk way?

A. Yes

Q. Now Remek calls an individual by the name of Lorenzo Johnson, his brother. I showed you a picture of Lorenzo Johnson, photo 405945, is this photo Lorenzo Johnson?

A. Yes

Q. Is this the individual that was with Remek on the morning of the shooting in the walk way?

A. Yes

Q. Have you ever seen Lorenzo before?

A. Yes

Q. Prior to the shooting, roughly how many times did you see Lorenzo? C.B.

- A. Numerous
- Q. So you knew Lorenzo to see him on the street?
- A. Yes
- Q. Where, to the best of your knowledge, is Remek and Lorenzo from?
- A. New York
- Q. Let's go back to when you seen Remek, Lorenzo, and Tarajah in the bar, can you tell us what happened then?
- A. Tarajah was standing by the jukebox, Remek and Lorenzo walks over to him, they said a few words, which I didn't hear, I was far away. Tarajah responded and they started arguing.
- Q. Did you know what the argument was about?
- A. I knew that, that jacket wasn't Tarajah's jacket, so I just put one and one together.
- Q. How far away were you from the discussion?
- A. About 15 feet, and not diagonal, straight ahead.
- Q. Was the music playing?
- A. Yup, in the back.
- Q. How could you tell that they were arguing?
- A. When the argument started to get loud, but I could tell that they didn't like his response.
- Q. Did they flail their arms, threaten themselves with weapons, how could you tell they were arguing?
- A. Only way I knew they was arguing was because they got loud, there was no movements by no hands and by that time Gary and Joe escorted them out.
- Q. Did you hear Gary or Joe say anything to them?
- A. Yeah, get that shit outa here.
- Q. Did they say anything else?
- A. Nope, by that time every door man was there and half the bar. C. B.

- Q. Was ah, Carl Clark there and Universal?
- A. No, not in the bar, and not even when we walked down the street and up Market.
- Q. How about the short black guy that you couldn't name?
- A. Nope
- Q. Did Gary and Joe escort Tarajah and Remek and Lorenzo out of the bar?
- A. All together, they threw them out and shut the door.
- Q. Where were you when this happened?
- A. Right there, I opened the door as soon as they shut it behind them.
- Q. What made you follow them?
- A. Drugs, I was following Tarajah, plus that's my friend and I knew something was wrong.
- Q. Did Tarajah still have that coat on?
- A. Yes
- Q. When they're outside of the bar, did you overhear any conversation?
- A. Nope, like I said Tarajah when he walked out of the bar he was just walking and smoking.
- Q. So that I can understand, what do you mean by smoking?
- A. Hitting the pipe.
- Q. Did Remek and Lorenzo have anything?
- A. I don't think they had no drugs, I think Tarajah still had it in his pocket.
- Q. Okay, they're walking along, which direction do they go?
- A> East up Market.
- Q. Can you describe how they were walking?
- A. Slightly like fast, Tarajah was and they was walking, you know, up on him. When they went into the alley, that's how close they were, that C.B.

Remek could end up in there first and you know, Lorenzo was right there.

Q. So they were walking close together

A. Remek was first, Tarajah was in the middle and Lorenzo was last. Tarajah goes into the alleyway, followed by Remek. And Lorenzo was blocking the alleyway as a look out.

Q. Exactly where were you at when this was going on?

A. I was half way thru those steps about to jump over to the other side and that's when he said sur, and I stood there like, getting ready to just stand there and wait on him. He told me to go ahead to walk slow and before you know it there was the gun shot and I ran never looking back.

Q. Did you look at Tarajah when he told you to walk slow?

A. Out the side of my eye were I could see him looking directly at me telling me to go ahead, meaning it, you know, and I had my hood on, I still don't think that they knew it was me.

Q. Did you actually see Remek with a weapon?

A. I seen him carry something under the left arm.

Q. Was it bulky?

A. Yeah, and with the bulky black jacket.

Q. When was it that you noticed that Remek had something under his left arm?

A. Well it looked funny in the bar but I really noticed it when I walked behind him.

Q. Did Lorenzo have anything?

A. No, not to my knowledge, but with a long black leather who's to tell.

Q. Okay, let's take a moment and describe what everyone was wearing.

A. Remek had on like a white shirt, jeans, sneakers, and the bulky jacket black, with a big black hood, bubble feather down with the buttons come across under your nose and you just see that part (face eyes).

Q. What was Lorenzo wearing? C.P.

- A. A long leather black ah, I guess I would say a coat, a coat, it was not buttoned, and he had on jeans and sneakers.
- Q. What was Tarajah wearing?
- A. An off white big leather waist jacket with fur around the neck and gold buttons and sneakers and jeans.
- Q. What were you wearing?
- A. All I could say is, I know I had on boots, cause it was cold and I know I had on a starter jacket, either Red Skin or Cowboys.
- Q. Have you seen Remek wearing that jacket since the shooting of Tarajah?
- A. No, I haven't seen the jacket since. Since the shooting and I seen Remek, umpteen times, he haven't had no coat on, he's been in a car. He was in different cars, none of them are fiend cars, they were rental cars, one was a red Cherokee jeep, if it's not Cherokee it's Suzuki, the one with the big windows.
- Q. How long after the time Tarajah, Remek, and Lorenzo did the shooting occurred as they walked into the alley?
- A. Like 2 to 3 seconds, they weren't in there long.
- Q. Did you see anybody else in between that walk way besides Tarajah, Remek and Lorenzo?
- A. No body was back in the walkway and nobody else was out.
- Q. How many shots did you hear?
- A. I heard the one boom and that's when I ran. As I was running thru I heard another one. It was two shots that I heard.
- Q. Where was your dad, Carl Clark and Universal when this happened?
- A. I don't know.
- Q. When's the next time you saw your dad, Carl Clark?
- A. After Tarajah was already killed, the yellow tape was still all around I went to 17th and Regina, and that's when I seen dad at the house.
- Q. 17th and Regina or 17th and Market?
- A. 17th and Market the rooming house. C.D.

Q. The walkway that you saw Tarajah, Remek and Lorenzo in, have you ever know Tarajah to go in that alley way other times?

A. Yup

Q. To the best of your knowledge, did Tarajah run drugs for anybody?

A. Nope, he didn't do that.

Q. If Tarajah ever wanted to speak with anybody on Market St. in private or smoke the pipe, is there any particular place he would go?

A. In that alley, right on them little steps.

Q. For the purposes of the statement, we keep describing the walk way that Tarajah was found in as an alleyway, but it's actually a walk way, is that correct?

A. Yes, it's a walkway and an entrance to another apt.

Q. Can you describe anything about this walk way?

A. You can't get out there's a big board there.

Q. And that's where Tarajah generally does what he does?

A. He'll go back there and sit for hours.

Q. After this shooting incident, did you come back to where Tarajah was shot?

A. No, I still ain't been in that alley.

Q. Since this incident, have you talked with Remek or Lorenzo?

A. No. I haven't talked to them but I seen them.

Q. What role does your father, Carl Clark play in this?

A. He told me to shut up. When Curtis came the last time, well the first time, the first time, and when I got back from talking to Curtis, I called my dad. He told me if they had something, you'd be in jail, they don't know nothing, you don't know nothing, you ain't seen nothing, and ain't heard nothing and mind my damn business.

Q. So you told your dad, Carl Clark how the incident transpired?

A. Yeah C.D.

Q. Are you presently under the influence of drugs or alcohol?

A. Not no more.

Q. Have any threats or promises been made to you to give this statement?

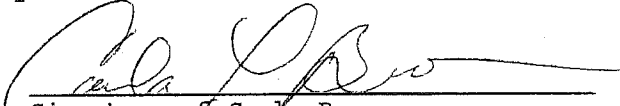
A. No

Q. Is there anything additional that you wish to add to this statement, that wasn't asked?

A. No

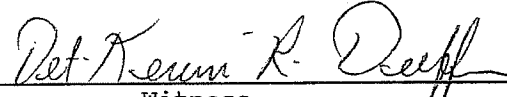
Q. Are there any corrections that you wish to make in this statement?

A. NO - C.D.

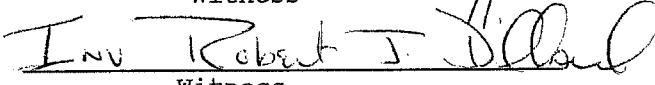


Signature of Carla Brown

Date and Time 3/27/96 7:31 p.m.



Witness



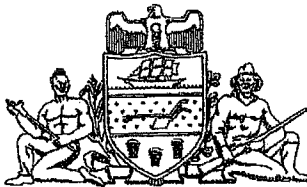
Witness

Exhibit B
March 20, 2006 Letter from
Trial Counsel to Petitioner

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Chief Public Defender

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Dauphin County Administration Building
Two South Second Street
Harrisburg, Pennsylvania 17101

FILE COPY

March 20, 2006

Lorenzo Johnson
#DF-1036
SCI- Fayette
Box 999
LaBelle, PA 15450-0999

Dear Mr. Johnson:

I am in receipt of your letter dated January 29, 2006. Enclosed are the photographs that you requested. After reviewing my file, I do not have the first eight (8) pages of the police report that you refer to. Also, Carla Brown did not make a written statement prior to trial.

Should you have any further questions, please do not hesitate to contact me.

Very truly yours,

Deanna A. Muller
Assistant Public Defender

DAM:rlf

Enclosures