

<http://meetyourprisoners.blogspot.com/2010/07/lorenzo-johnson.html>

<http://lorenzojohnson.blogspot.com/2010/07/introduction.html>

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Lorenzo Johnson 295855

WCI PO Box 351

Waupun , Wi 53963

Hello World! My name is Lorenzo Johnson. I am also truly a victim in every which way imagined. And I am reaching out to you from a demise disposition from an actual innocent and indecent, unjust incarceration out of EMPATHY ! For an overall review of How and why I'm confined please see : <http://lorenzojohnson.blogspot.com>

I wish I could write how much of a model inmate I have been but unfortunately I struggle with accurately following the rules and procedures accordingly. Even though I go for years on end without catching tickets for breaking institutional rules of the D.O.C. , mentally I find it difficult comprehending at times and conducting myself to all the rules of the institution. I don't intend to make excuses but I do have psychological and emotional instabilities that I'm not proud of which limits my understanding and grasp.

People on the outside forget so quickly how racism plays an extreme role in life threatening decisions which race is target and exploited overwhelmingly unfavorable unfair by the Criminal Justice System for arrest and conviction which brings me to the next point. People also fail to understand, realize and acknowledge prisons don't tend to provide real treatment for those of us who suffer from Mental and Emotional instabilities. And with no moral support by family and friends , chances of receiving some type of cognizant programming to induce positive thinking and reduce negative thoughts are seemingly non-existing. The dynamics of this fact are also true for me; disturbing and distraughting which makes it hard to explain. The isolation of abandonment already destroys the Potential Humanity within you but it is ten times worse when you have learning and emotional disabilities. Once upon a time I did have strong family ties, I guess the longer you're incarcerated the less relevant you become to any and everybody.

I remain persistent at getting in any programs where I can receive treatment to improve any mental capabilities. In theory, verbally , and on paper, prisons may claim to provide proper programming and treatment, but there's a lot of politics and favoritism involved for inmates in my position and from experience I basically strive in dire need of restoration from these programs as I attempt to rehabilitate myself with not much valid assistance provided by the institution. Only a minimum amount of inmates are granted and approved to attend cognizant programming and they are those who's soon to be released. This is a maximum security institution design for inmates with astronomical time. Therefore, programs for prisoners who need proper treatment should be accessible equally to provide "Help" for all those in "Need" of it especially for those with bountiful mental emotional problems.

My Inmate Classification Report will reveal previous programs I'd signed up for but was discouraged from attending. Regardless of my learning disabilities I continue to self-educate and rehabilitate myself to the best of my abilities and the best way I Know how even though by-law the State suppose to provide treatment in an institutional setting instead of creating conditions, situations, and an atmosphere dissuading and condemning us through disciplinary segregation as a substitute to mental treatment. In my honest opinion without trying to seem bias within these confined walls The reality of rehabilitation towards a productive release for those of us who follow the rules and take it upon ourselves to self-help-educate and continue to conjure any morals and values it takes to feel Humane is void and replaced by a cycle of calamity designed by the Department of Corrections to persistently break your spirits literally, exploit ones' weakness, uproot any sign of determination, wipe out individual personality that shapes you and makes you unique, human and keeps you sane. All the while innuendo utilizing you as a tool; therefore, unfit for society to be released.

Sincerely from Mr. Lorenzo Johnson



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1. RACINE JOURNAL TIMES (Articles of Lorenzo Johnson)  
(See EXHIBITS-A-B-and-C).
2. Co-Defendant Confession (Please see "Statement of the Case" EXHIBIT-D-).
3. Trail Proceedings of the States "Only Eyewitness"  
(See EXHIBIT-E- p. 9,10,11).
4. Pre-Sentence Investigation (EXHIBIT-F- p.2,3,4).
5. Sentencing of Mr.Lorenzo Johnson (EXHIBIT-G-and-H).
6. A missive (letter) from Co-Defendant Derrick Howard (EXHIBIT-I- p.1,2).

"I ask to testify for you', this is what I was told  
by the D.A. she was mad because I  
Did not want to testify for her ass. Mr.  
Johnson , I'm sorry you and this bullshit  
because of me Derrick Howard." (11-25-15).

### **THE WORLD'S HIGHEST INCARCERATION RATES**

Incarceration rates per 100,00 population

United States: 686  
Cayman Islands: 664  
Russia: 638  
Belarus: 554  
Canada: 102  
Germany: 96  
Finland: 59  
Japan: 48

Incarcerated population on  
the planet... 8,750,000  
Incarcerated population in U.S....  
2,200,000  
THE U.S. WITH 4.5% OF THE WORLD'S  
POPULATION HAS 25% OF THE  
WORLD'S PRISONERS

### **Wisconsin has highest black male incarceration rate in U.S. Half of African American men in their 30s in Milwaukee County have been in state prison.**

The University of Wisconsin-Milwaukee Employment and Training Institute released a study on Wisconsin's Mass incarceration of African American Males: Workforce Challenges for 2013. The report uses two decades of state Department of Corrections and Department of Transportation files to assess employment and training barriers facing African American men with history of DOC offenses and DOT driving violations. See at <http://www4.uwm.edu/eti/2013/BlackImprisonment.pdf>.

The prison population in Wisconsin has more than tripled since 1990, fueled by increased government funding for drug enforcement (rather than treatment) and prison construction, three-strikes rules, mandatory minimum sentence laws, truth-in-sentencing replacing judicial discretion in setting punishments, concentrated policing in minority communities, and state incarceration for minor probation and supervision violations. Particularly impacted were African American males.

# Man convicted of '96 murder

BY JOSEPH A. SCOLARO Journal Times

RACINE A jury Friday found a 20-year-old man guilty of murder in an August 1996 shooting.

Lorenzo Johnson watched as the jury took their seats in the courtroom. Moments later, he listened quietly as Racine County Circuit Judge Emmanuel Vuvunas read the verdict.

Johnson was found guilty of party to first-degree intentional homicide with a dangerous weapon and five counts of first-degree recklessly endangering safety while armed.

Sentencing is scheduled for July 27.

Johnson faces life in prison. Vuvunas will determine when, or if, Johnson will be eligible for parole.

Johnson was convicted in connection with the Aug. 19, 1996, shooting death of Dezrez Pierce, 19.

Pierce's family members sat in the courtroom to hear the verdict.

Afterward, his mother, Rhonda Bogan, said her tears were from relief and joy. She said she was satisfied with how the trial went and felt justice had been served.

"I'm just glad this is behind us," she said.

Johnson's trial started Tuesday, with Assistant District Attorney Elizabeth Blackwood representing the state. Defense attorney Michael Reisterer started presenting Johnson's case Thursday.

Racine police said Pierce was walking with four other individuals between Center Street and Grand Avenue Aug. 19, 1996, when a man jumped out of a car driven by Johnson and began shooting two guns in the direction of the group. Police said Johnson also fired a gun from inside the car. Pierce died from a gunshot wound to the back of his head.

The man who jumped out of the car was Derrick Howard, 21, of Kenosha. Howard is serving 45 years in prison for his role in the shooting.

During the trial, Howard refused to testify. And Reisterer said during the trial that other potential witnesses were not willing to talk.

Other witnesses couldn't be found.

EXHIBIT-A-

# Quiet witnesses a trial for court

BY JEFF WILFORD Journal Times

RACINE How do you make someone testify who doesn't want to? Sometimes, you just can't.

A case in point is Derrick Howard, called to testify Thursday in the first-degree intentional homicide trial of Lorenzo Johnson. Howard has already been convicted of leaping out of a car that prosecutors say Johnson was driving and firing at a group of people, leaving one of them dead.

Only problem is, Howard didn't want to talk. And since he's already serving 45 years in prison for the crime, the threat of three more years for contempt of court may not make much of an impression, Judge Emmanuel Vuvunas acknowledged.

"The court can order you to testify," Vuvunas said. "What's your response going to be?"

"I'm not going to testify," Howard said.

Johnson, 20, is on trial for the Aug. 19, 1996, shooting death of Dezrez Pierce, 19. Johnson is charged with being a party to the crime of first-degree intentional homicide.

Howard was not the only witness, or potential witness, who has been less than forthcoming. Michael Reisterer, Johnson's lawyer, complained that some people flat-out refused to testify. Both prosecutors and Reisterer complained of not being able to find some witnesses.

And of those who have testified, some said they did not volunteer any information to police.

Jamesetta McFarland was at home with her mother when she heard gunfire, she testified. Before the shooting stopped, she went outside and crawled military-style toward a body on the ground.

She testified in court Wednesday about what she saw, even though she admitted she may not remember everything.

But after the shooting, McFarland and her family did not go to police with whatever information they had; they let the police come to them. She said they had decided not to get involved.

"When you live in that type of area, where a lot of the stuff is going on, gang activity, you don't get involved," she explained in court.

Johnson's trial started Tuesday. The defense started presenting its case Thursday, and the trial is expected to wrap up today

EXHIBIT-B-

Transcribed Court testimony of Thomas Avery

THOMAS AVERY APPRISED THE POLICE THAT THE APPELLANT WAS THE DRIVER OF THE CAR (A:142, 143, 144, 145-146), BUT TESTIFIED AT THE APPELLANT'S TRIAL TO THE CONTRARY:

Q: ... DO YOU REMEMBER GIVING THAT TESTIMONY AT A HEARING A FEW MONTHS AFTER THE SHOOTING?

A: YES I DO.

Q: WAS THAT THE TRUTH?

A: BUT SOMEBODY. I DIDN'T SEE HIS FACE, BUT PEOPLE THAT WAS AT THE SCENE, THEY WAS LIKE IT WAS HIM SO LIKE...

Q: AT THE TIME YOU TOLD HIM THAT THE PERSON WHO WAS DRIVING THE CAR WAS NAMED RENO. WHY DID YOU SAY THAT?

A: BECAUSE PEOPLE THAT WAS AT THE SCENE THAT WAS ON THE OTHER SIDE OF THE STREET, THEY WAS SAYING IT WAS HIM.

Q: OKAY.

A: WILLIAMS AND ALL THEM. SO THAT'S WHAT I SAID.

Q: OKAY. BUT YOU NEVER SAW HIM?

A: NO! (EMPHASIS ADDED) (A:158: 11-18: 159:12-21)

UPON CROSS EXAMINATION THOMAS AVERY PERJURED HIMSELF UNDER OATH DENYING THAT HE TOLD POLICE WHO THE SHOOTER WAS. (A: 161: 16-18)

THE ONLY REASON THAT THOMAS AVERY POINTED THE FINGER AT THE APPELLANT WAS BECAUSE HE HAD A PROBLEM WITH THE APPELLANT ON 8/17/96 (A:189: 1-5) THAT DERRICK HOWARD AND THE APPELLANT HAD ROBBED HIM (A:192: 15-18), AND THERE WAS NO EVIDENCE OF A POLICE REPORT OF ANY ROBBERY NOR CORROBORATION OF THE ROBBERY.

**Evidence as to Mr. Howard's mental state at the time of the alleged offense:** In regard to the events about 10 years ago leading to the current charges, Mr. Howard recalled that at the time he had been assigned to Dodge Correctional Institute which was the beginning of his current period of confinement. He said court officials wanted him to testify against Lorenzo Johnson and he recalled the judge saying that he could not be prosecuted in regard to any testimony he gave. He said during one of efforts to have him testify, he did not have any attorney present with him but instead she talked to him by telephone. He did not believe those reassurances; he thought he might be tricked. Further, he said he wanted to testify on behalf of Mr. Johnson, not against him, as his observation was that Mr. Johnson was not present when his offense occurred. He said court officials thought he was not telling the truth.

transcribed text of affidavit of Derrick Howard

Racine county 96CF938 Affidavit of December 24, 2007 In the morning of August 19, 1996 me and Head pulled up to 12th and Grand some guys begin to shoot in our direction after being fired upon first I seened Head fire back with a gun in his left hand from the drivers side window I got out of the car and begin to run in the opposite direction a guy began to shoot at me and that's when I begin to return fire. After seeing Mr Johnson lawyer in Racine County Jail I tried to talk to him about Head was the one with me whose friend of my brother Head was going to say he was at the movies on the day and morning of August 19, 1996 as his alibi. I and my brother was ready to provide this information to Mr Johnson lawyer.

Respectfully submitted Affiant,

(signature Derrick Howard)

Derrick Howard #261702

Subscribed and sworn to me on the 15th day of January, 2008

Notary public signature



EXHIBIT-C-

STATEMENT OF THE CASE

On 11/01/96, Ladelle Bogan apprised Inv. Mich that Derrick Howard a.k.a Dee, drove westbound on 12th and Grand Ave., while viewing Howard exiting the vehicle, simultaneously discharging ammunition from two guns with his two hands at the direction of several individuals. (A:115). Bogan stated that he did not see anyone discharging any ammunition from the vehicle utilize in the commission of the predicated offense. (A:115). Bogan informed Inv. Mich that he did not see the driver of the car, nor see him driving the car, but had stated that the driver was wearing a mask during the shooting. (A:116).

On 1/15/08, co-defendant, Derrick Howard, executed an affidavit by his own hand exonerating the appellant, Lorenzo Johnson. (A:114). The affidavit of Derrick Howard is quoted with emphasis below:

"In the morning of 8/19/96, me and head (See A:115-116: showcasing that Head is Ladelle Bogan) pulled up to 12th and Grand. Some guys began to shoot in our direction. After being fired upon first, I saw Head fire back with a gun in his left hand from the drivers side window. I got out the car and began to run in the opposite direction. A guy began to shoot at me and that is when I began to return fire. After seeing Mr. Johnson's lawyer in the Racine County Jail, I tried to talk to him about Head was the one with me whose a friend of my brother. Head was going to say that he was at the movies on the day and mourning of 8/19/96, as his alibi. I and my brother was ready to provide this information to Mr. Johnson's lawyer."

It should be noted that in the morning of 1/9/09, while returning from breakfast to the Northwest Cellhall of the Waupun Correctional Institution, Derrick Howard did convey to the writer of this Brief-in-CHIEF, Jeff Voigt, that he personally viewed Ladelle Bogan discharge ammunition from a tech 9mm, designed for the right hand, while using it with his left hand out of the driver's side window. Howard also stated that the appellant was not the driver of the car utilized in the commision of the predicated offense.

Kenneth H. Smail, PHD, from the American Board of Forensic Psychology, issued a report that Mr. Howard said, "He wanted to testify on behave of Mr. Johnson, not against him, as his observation was that Mr. Johnson was not present when the offense occurred." (A:119) A Forensic testing of the 9mm allegedly utilized in the commission of the predicated offense demonstrated that there were no finger print matches on the gun as compared with the fingerprints of Mr. Johnson (A:127:128:13-16).

**EXHIBIT D.**

A review of the trial transcripts show the sole issue presented for the jury's consideration of whether Johnson was responsible for the death of the victim as a party-to-the crime, was identification. Over the past several years many questions have been raised about the reliability of eyewitness identifications. See, State v. Dubose, 285 Wis. 2d. 143.; wherein the Court observed the following:

"Research strongly suggest the conclusion that eyewitness misidentification is now the single greatest source of wrongful convictions in the United States, and responsible for more wrongful convictions than all other causes combined."  
Also see, State v. Hibi, 290 Wis. 2d. 595.

Many of these concerns are present in the case at bar. A review of the trial proceedings show the State presented seven occurrence witnesses or eyewitnesses to the shooting. Of the eyewitnesses, only one, i.e. Avery Thomas, positively identified Johnson, prior to trial, as the driver who shot out of the window of the two door Cutlass. However, at trial Mr. Thomas recanted his previous identification, admitting that the reason behind his first identification was flawed, because it was influenced by the huge crowd that immediately gathered after the incident. The following line of testimony was recorded:

Q: Did you see who was driving the car?

A: No, I really didn't get a good look.

Q: Did you get a good look later?

A: Later?

Q: Did you see the driver at a later time?

A: No, I just, when I was by the side of the car, all I seen was a car coming past like the passenger window raised down, and they was shooting out the window, and I ran

PAGE 1

DESCRIPTION OF OFFENSE: Please refer to the attached Criminal Complaint.

OFFENDER'S VERSION: The above named defendant was interviewed by this agent in the Racine County Jail. In an interview with the defendant Lorenzo Johnson, he stated that he could not talk, explain or comment on this case due to the fact he is appealing the decision and the fact that his lawyer informed him not to make any comment.

This agent then asked Lorenzo Johnson how he felt about the charge and being found guilty. Mr. Johnson stated he was innocent. "People can read what they want to read in papers but that is how society is", he replied. Mr. Johnson also stated he did not understand why there needed to be a Pre-Sentence Investigation when everyone knew what happened. Mr. Johnson went on to state he could not speculate anymore due to the appeal process. The defendant did state that he was upset about being charged with this crime. When asked if he knew the victim, Mr. Johnson stated he did not. When asked how he felt about the victim's family, he replied he was sorry for their loss.

### PERSONAL HISTORY

PAGE 2 EDUCATION/EMPLOYMENT/FINANCIAL: Mr. Johnson reported he is not a high school graduate. He reported that he was attending the 10<sup>th</sup> grade here at Park High School, but dropped out due to emotional and mental difficulties. He stated he only remembers being in the 7<sup>th</sup> grade and that he had good attendance. Mr. Johnson stated he had no problems up to the 7<sup>th</sup> grade.

Mr. Johnson stated he never worked at any type of employment to this day. When asked how he obtained money to buy things, he reported, "I hustled. I did anything to make a buck."

### IMPRESSIONS AND RECOMMENDATIONS

PAGE 3 AGENT'S IMPRESSIONS: Mr. Johnson is a 20 year old male with some criminal history, before the court convicted of Party to a Crime, 1<sup>st</sup> Degree Intentional Homicide While Armed. He reported he has never worked before or obtained a high school diploma. He appears to have some difficulty in talking about his life history and this case. There also appears to be some inconsistencies with him reporting information to this agent and his writing the information down on forms. He was very agitated in the beginning of this interview. It appears to this agent that Mr. Johnson does not appear to understand the severity of this crime. He did mention he felt sorry for the family's loss. Mr. Johnson did state he has been in jail for a long time and it appears to this agent he fears the worst.

PAGE 4

INTENSIVE SANCTIONS: The Intensive Sanctions Program is not currently accepting referrals.

AGENT'S RECOMMENDATIONS: To this agent, Mr. Johnson appears to be a troubled young man trying to cope with this crime. He continues to state he is innocent and was aware of the evidence against him. He does have some involvement with the legal system based on his criminal record. Although Mr. Johnson states he is innocent and not certain of the events or cannot comment on them, he was still found guilty by a jury of these crimes.

It is, therefore, respectfully recommended that the defendant, Lorenzo Johnson be sentenced to the Wisconsin State Penal System for a lengthy period of time.



SENTENCING OF MR. LORENZO JOHNSON

24 DEFENDANT: Yeah, I want to say something. I  
25 want to say something to the victim family, you know.

1 I'm sorry your son is gone, but I didn't have nothing to  
2 do with shooting your son. You should ask the people  
3 that were with him. You point the finger at me, you say  
4 I do not have remorse. You never had a conversation, so  
5 how do you know. Only thing you know is what he say  
6 about me. Therefore she can't get to me. I want to say  
7 something to her. And your Honor, you going to go --

8 THE COURT: I'm sorry, could you speak up?

9 DEFENDANT: You are going to do what you're  
10 going to do anyway, you know. I've been down here for  
11 two years incarcerated. I know how you all work. I  
12 know everybody down here work with each other. The only  
13 way I could of justice is I had a paid lawyer, you know.  
14 I mean, he only do what he can do, you know, and he do  
15 whatever to make you all happy, you know. That's what I  
16 see, and that's the way it is around here. Things are  
17 fucked up around here. That's all I got to say, sir.

EXHIBIT-G-

**SENTENCING**

Current Location: Waupun Correctional Institution UNK - UNK

ICCR204 Wisconsin Department of Corrections Bureau of Classification and Movement	<b>INMATE CLASSIFICATION REPORT</b> Re-Classification	PAGE 1
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<b>Name</b> JOHNSON, LORENZO		<b>DOC #</b> 295855	<b>DOB</b> 12/12/1977	<b>Age</b> 35	<b>Sex</b> M	<b>Agent</b> 21122	<b>Hearing Date</b> 10/24/2013
<b>Supv Loc</b> Waupun Correctional Institution	<b>Phys Loc</b> Waupun Correctional Institution	<b>Cls. Admit Type</b> New JOC/Court Order	<b>Admit Date</b> 08/12/1998	<b>PED Date</b> 07/27/2040	<b>Parole Act</b>	<b>Rel Date</b> Life	<b>Disch Date</b> Life

**CURRENT OFFENSE(S)**

#	Statute		Sentence	CIP	ERP	CJT Credit	REL
1	940.01 [02]	HOMICIDE 1ST DEG INTENT	Life Sentence	S	S	628	XX to /
2	941.30(1) [01]	1st-Degree Recklessly Endangering Safety	9Y 0M 0D	S	S	0	CC to BA/001
3	941.30(1) [01]	1st-Degree Recklessly Endangering Safety	9Y 0M 0D	S	S	0	CS to BA/002
4	941.30(1) [01]	1st-Degree Recklessly Endangering Safety	9Y 0M 0D	S	S	0	CS to BA/003
5	941.30(1) [01]	1st-Degree Recklessly Endangering Safety	9Y 0M 0D	S	S	0	CS to BA/004
6	940.01(1) [99]	HOMICIDE 1ST DEG INTENT - CONVERSION					

**Current Offense/Field Supervision Violations**

**Racine Co. Case #96CF940** (1st Deg Int. Homicide while Armed, 4 Cts. PTAC of 1st Deg Recklessly Endanger Safety).

On 7/27/98, subject was sentenced to LIFE w/Parole Eligible 7/27/40; 36 yrs CC for Recklessly End Safety, PTAC, w/Dang Weapon.

**Offense Dynamics:** On 8/19/96, subject was the driver in a shooting that left one victim dead. The victim was on a bicycle and a car drove up to an intersection and one person jumped out of the car and started shooting at 4 individuals. The driver (subject) was also shooting at the victims from the driver's side of the car. The victim was shot in the back of his head and died.

This is the subject's 1st period of incarceration.

*Inmate's attitude, remorse: When he was interviewed after his arrest, he stated he did not commit the crime and was innocent. He also said he was sorry for the family of the victim. He did not know the victim.*

*Inmate continues to be appealing his case.*

TimeStamp: 24 September 2013 13:41:27 --- User: L. Hopp, SW/WCI

**Violations:**

No supervision violations.

TimeStamp: 24 September 2013 13:41:43 --- User: L. Hopp, SW/WCI

**Detainer**

No

**Pending Charges**

No pending charges.

TimeStamp: 24 September 2013 13:42:01 --- User: L. Hopp, SW/WCI

**Offense History**

**Juvenile Hx:**

The offenses listed under "Adult Hx" were originally charged as a juvenile, but the subject was later waived into adult court.

**Adult Hx:**

10-16-94 Racine Co. Criminal Trespass to Dwelling Racine 18 months probation

1 A The day they came, the day of trial.

2 Q The day of trial? It wasn't the lady who just  
3 testified? *you can keep this*

4 A Nope.

5 Q Was her name Jennifer Bias?

6 A I don't remember her name.

7 Q Okay. Had you ever met this person before? *"I ask to testify*

8 A Nope, only the day of trial. *for you", this what*

9 Q Okay. What do you remember this person telling you *he was told by*  
10 about your options? *the D.A. she was*

11 A I remember her telling me if--if I--if I testify and *mad because he don't*

12 they think I'm--I'm lying that they every time they *went to testify for*

13 think I'm lying, they will charge me with perj--perjury *her ask me Johnson*

14 or something like that. *I'm sorry you and*

15 Q Do you know what perjury means? *this Bull shit because*

16 A Nope. *of me Derrick Howard*

17 Q But you know they told you that if they thought you *X 11-25-15*  
18 were lying, then they would charge you with it?

19 A Yeah.

20 Q And you know it's a crime, that they would charge you  
21 with another crime?

22 A Yeah.

23 Q Okay. Now were you--were you planning on lying?

24 A Nope.

25 Q So then why were you worried about it?

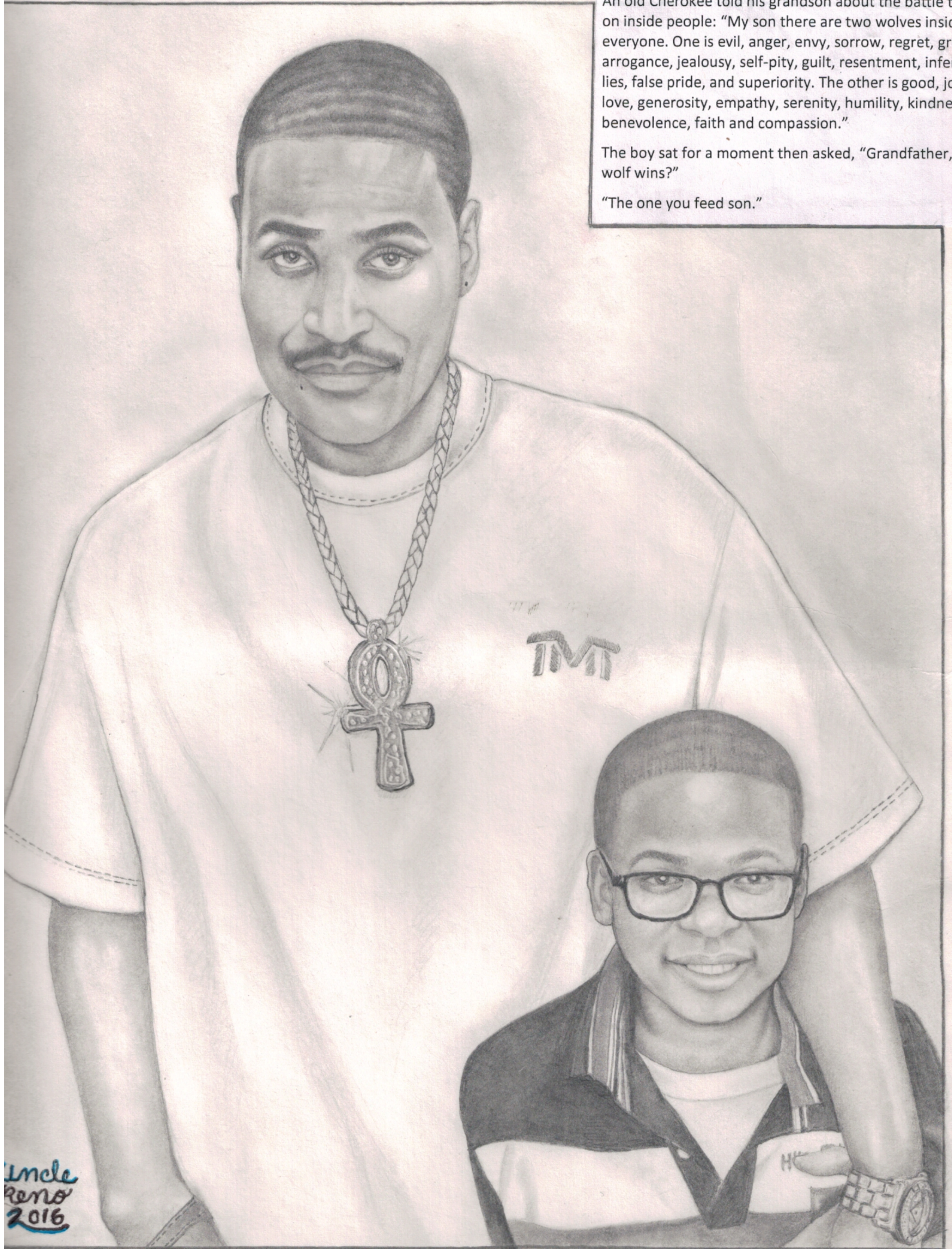
**EXHIBIT-I-**

## The Wisdom of Two Wolves

An old Cherokee told his grandson about the battle that goes on inside people: "My son there are two wolves inside everyone. One is evil, anger, envy, sorrow, regret, greed, arrogance, jealousy, self-pity, guilt, resentment, inferiority, lies, false pride, and superiority. The other is good, joy, peace, love, generosity, empathy, serenity, humility, kindness, benevolence, faith and compassion."

The boy sat for a moment then asked, "Grandfather, which wolf wins?"

"The one you feed son."



Uncle  
Reno  
2016

(87:174-175). Mr. Thomas tried to explain why he gave such testimony previously.

Q: Do you remember giving that testimony at a hearing a few months after the shooting?

A: Yes, I do.

Q: Was that the truth?

A: But somebody had, I didn't see his face, but people that was at the scene they was like it was him, so like (87:176).

Q: Did you see him shooting out the car?

A: I just seen somebody shooting out of the car. I couldn't tell, I didn't see no face, but I seen somebody shooting (87:176).

Q: Mr. Thomas, why did you decide today for the very first time to say you didn't see the face of the driver of the car?

A: Because I didn't see it. I was just going by what the other people that was there that day saw, him, at first I was like, I said it was him because they said they say him and that's the only person I knew that we had got into, you know, that incident at, so I was figuring it was him. I knew for a fact I seen Derrick. (87:178)

On cross examination, Mr. Thomas further clarified that he did not see the face of the driver and that the only reason he said it was Johnson was because that is what his friends said.

Q: At the time, you told him that the person who was driving the car was name Reno . (Mr. Johnson), why did you say that?

A: Because people that was at the scene that was on the other side of the street, they was saying it was him

Q: Okay.

A: Mr. William and all them. So that's what I said

Q: Okay. But you never say him?

A: No.



Q: And the only reason you told the officers this was because you talked to some people after and everybody said it must have been him because you guys had a problem with him a couple of days ago?

A: Yes.

Q: That's the only reason you pointed the finger at him was because you had a problem with him a couple days ago?

A: Yes, and I had seen Derrick, though

Mr. Howard has now come forward with his identification of the person who was actually with him as the driver of the vehicle when he shot and killed the victim, and has averred that Johnson was not involved (Appx. 114). This information is also corroborated by information provided in a psychiatric examination ordered by the Court stemming from the contempt charge when Mr. Howard refused to testify at Johnson's trial (Appx. 117). The jury did not have the benefit of this testimony because Mr. Howard refused to testify during Johnson's trial on the advice of his Counsel, which resulted in a contempt charge. Such testimony completely exonerates Johnson and undermines the jury verdict. The Circuit Court was made aware of the of the affidavit of Mr. Howard, but refused to grant a new trial concluding that:

"Mr. Johnson's codefendant was Derrick Howard. The State attempted to call Mr. Howard was a witness, but [he] refused to testify. On or about February 24, 2007, Mr. Howard executed an affidavit exonerating Mr. Johnson. This Affidavit was prepared almost nine years after trial. [T]he affidavit is not sufficient to overturn the determination of the jury. And while Mr. Howard did not testify, that was the decision made by the State. The Court does not find that this is a basis for overturning the jury's decision." (Appx. 102).

However, as evident from the evidence, Mr. Howard has a diminished mental capacity.

Q: And the only reason you told the officers this was because you talked to some people after and everybody said it must have been him because you guys had a problem with him a couple of days ago?

A: Yes.

Q: That's the only reason you pointed the finger at him was because you had a problem with him a couple days ago?

A: Yes, and I had seen Derrick, though

Mr. Howard has now come forward with his identification of the person who was actually with him as the driver of the vehicle when he shot and killed the victim, and has averred that Johnson was not involved (Appx. 114). This information is also corroborated by information provided in a psychiatric examination ordered by the Court stemming from the contempt charge when Mr. Howard refused to testify at Johnson's trial (Appx. 117). The jury did not have the benefit of this testimony because Mr. Howard refused to testify during Johnson's trial on the advice of his Counsel, which resulted in a contempt charge. Such testimony completely exonerates Johnson and undermines the jury verdict. The Circuit Court was made aware of the of the affidavit of Mr. Howard, but refused to grant a new trial concluding that:

"Mr. Johnson's codefendant was Derrick Howard. The State attempted to call Mr. Howard was a witness, but [he] refused to testify. On or about February 24, 2007, Mr. Howard executed an affidavit exonerating Mr. Johnson. This Affidavit was prepared almost nine years after trial. [T]he affidavit is not sufficient to overturn the determination of the jury. And while Mr. Howard did not testify, that was the decision made by the State. The Court does not find that this is a basis for overturning the jury's decision." (Appx. 102).

However, as evident from the evidence, Mr. Howard has a diminished mental capacity.

MISSIVE (letter) PAGE 1.

FROM CO-DEFENDANT DERRICK HOWARD

11-25-15

Reno

Peace & Blessing

The courts made a Decision on your case off the D.A. lies from what that Sharon Riek said about me when she lied on me when I was going to court back and 2009 for that one case I sent you a page out of them Transcript Page 117 when my Attorney testify it was never agreed to testify for the state on you I entered into a plea agreement and under that agreement the state amended the count of first-degree intentional homicide while armed to first-degree recklessly endangering safety while using a Dangerous weapon as part of the agreement the state recommend the maximum Prison sentence on each count which was 45. Not to come to court on you like the D.A. said one why your motion was dismiss because he said Howard's statements that petitioner was not involved in the shooting would be easily impeached by his previous agreement to testify against petitioner and his subsequent refusal to testify at all

PAGE one

(PRINT OVER)



if your attorney would had come to talk  
 to me when I was asking he to do  
 I would have told him about Head but  
 he was lying to me telling me he'll Be Back  
 to talk to me but he never came Back to  
 talk to me and I would had testify for  
 you Mr Johnson I don't know why your attorney  
 didn't come back like he said he was  
 and this why I didn't testify the DA  
 was mad because I told them I would  
 testify for me Johnson the D.A  
 she was so mad said every time they  
 think I'm lying they would charge me with  
 Perj Perjury that's what I would have  
 told your attorney if he at the time would  
 had come to see me or talk to me here  
 is one page of that transcript and send  
 me back 117 From my transcript and send  
 this one back I don't know when but  
 I'll be back down to WPC and I'll be  
 getting my HSEO and about 16 weeks or  
 sooner

here is them Blow up articles  
 Regular size

DERRICK HOWARD (envelope)

DERRICK HOWARD (envelope)

Derrick Howard

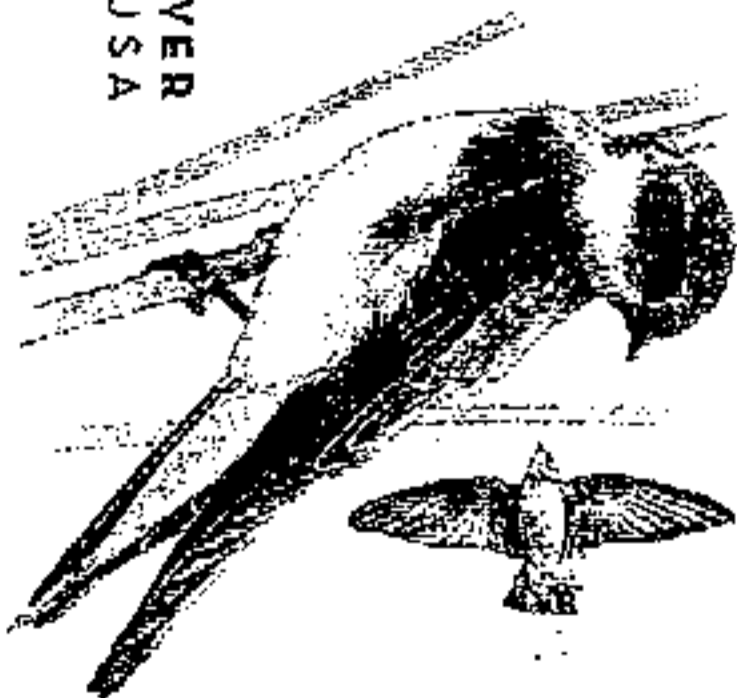
2008 0220358645

KEITILE MORAINNE CORRECTIONAL INSTITUTION  
W 9071 FOREST DRIVE  
P.O. BOX 282  
PLYMOUTH, WI 53073-0282

DEC 03 2015

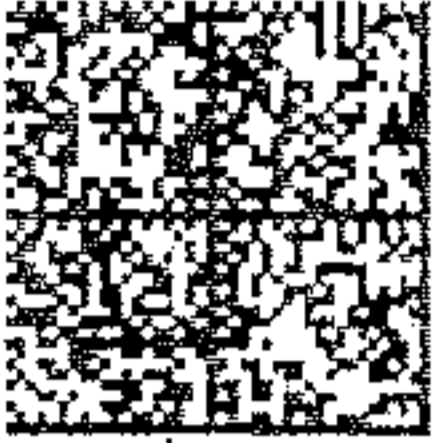
FOREVER  
USA

Bank Swallow



LORRENZO TOLLSON #295852  
W.R.C. P.O. Box 280  
WINNEBAGO, WI 54985

UNITED STATES POSTAGE  
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ST. MORICE

DERRICK HOWARD (envelope)

"SOME THINGS THEY SAY ABOUT ME".. (see I., II., III.)

"SOME THINGS I SAY ABOUT SOME OF THEM".. (see IV.)

THEY SAY ABOUT ME... I.

DEPARTMENT OF CORRECTIONS  
Division of Adult Institutions  
DOC-780 (Rev. 2/2007)

OFFENDER PERFORMANCE EVALUATION

WISCONSIN  
Administrative Code  
Chapter DOC 302

HOUSING UNIT     WORK     SCHOOL  
 OFFENDER NAME: Johnson, Lorenzo    DOC NUMBER: 295855    EVALUATION DATE: August 28, 2014    PROBATION:  YES  NO  
 HOUSING UNIT: SCH G-45    ASSIGNMENT: SS-A  
 FULL TIME     PART TIME    HOURS: 10:00 - 10:50 A.M.    P.M.    START DATE: 5-6-13

**INSTRUCTION:** Each aspect of this offender's performance is to be rated. Completion of this form should be done in accordance with institution policy, but is required by division policy every 6 months. Use the following scale to rate each item.

Always	3	Infrequently	1
Usually	2	Never	0

**ATTITUDE AND PERFORMANCE**

- Works in a cooperative manner with staff and other offenders. 3
- Follows verbal and written directions given by staff. 3
- Work / school assignments are satisfactorily completed. 3
- Accepts supervision when needed. 3
- Is reliable and ready for work / school on time. 3
- Displays responsible behavior at work or school. 3

**INITIATIVE**

- Willing to learn and apply new skills. 3
- Performs with minimal supervision. 3
- Shows an interest in work and offers relevant suggestions in order to improve job quality. / Takes initiative to set own academic goals. 3
- Completes assignments in a timely manner. 3
- Uses down / study time constructively. 3

**SUBTOTAL** 33

Less number of work/school-related conduct reports (disposition results) since last evaluation.

# Minor x 3

+ # Major x 5 =

Scores	Above Average	27 to 33
Satisfactory	Unsatisfactory	0 to 18

**TOTAL SCORE**

**STAFF COMMENTS**  
Mr. Johnson exhibits a strong motivation to learn. He takes responsibility for his learning and is not satisfied with good enough. In class, he is focussed and works on his skills for the entire time. An excellent student.

**STAFF RECOMMENDATION: (Unsatisfactory Only)**  
(Per Policy and Procedure)

TERMINATE FROM JOB ASSIGNMENT

EXTEND OR PLACE ON PROBATION

OFFENDER COMMENTS

THEY SAY ABOUT ME... I.

OFFENDER SIGNATURE: \_\_\_\_\_ DATE SIGNED: 8-29-14

INSTRUCTOR/SUPERVISOR SIGNATURE: Raphael Schluenger DATE SIGNED: 8-28-14

DISTRIBUTION: Original - Social Services; Copy - Supervisor/Instructor; Copy - Offender

**THEY SAY ABOUT ME... (II.)**

Mr. Johnson is working in the 5.09 program to obtain his HSED. This program has been updated with new requirements and a new process. On Friday, Mr. Johnson listened to an explanation of this from the Education Director. Since Mr. Johnson is already enrolled in the program, he will be able to continue working under the current guidelines until June 30, 2016. If he is not finished with the program (excluding civics, health, and job skills) by this date, he will have to transfer over to the new program. The changes for him will include finishing any projects and assignments that he has not completed and taking the assessments in each subject - even the subjects he has completed. If he is not able to pass each assessment, he will need to work on the subject area and retake the assessment until he passes. He is aware of what he needs to do. Mr. Johnson completed job skills and health before coming to WRC. He completed study skills at WRC. He has a large portion of science, writing skills, social studies, and math completed. He is currently working independently on civics, reading, and the history portion of social studies. In order to have a chance of completing the program by the deadline, he will need to attend every scheduled class and spend more time working on assignments and projects outside of class time. The amount of work he does outside of class will have a large impact on whether he finishes by the deadline or will have to continue with the new program guidelines. He will need to set realistic goals to continue in the program.

Since this AVATAR note was posted, Mr. Johnson has requested more work that he can complete independently. He has done the assignments that I have given him, turned them in to be corrected, and asked for additional work. If he continues to do this, he should be able to finish the work needed to complete the current HSED curriculum. He has stated that he is very motivated to complete the program by the June 30 deadline. He does his assigned work carefully and thoughtfully. He has demonstrated throughout his time in this program that his ultimate goal is to obtain his HSED, but just as important to him is to learn through the process. He always asks appropriate questions for clarification and talks about information he already knows about the topics we are discussing. He has been an asset to the 5.09 classes.

**THEY SAY ABOUT ME... (II.)**

Patient Name : JOHNSON, LORENZO  
Episode : 2

Progress Note For : Independent Note  
Note Type : Education Note  
Note Time : 09:03 AM  
Note:

Class name: Civics

Class Description: Civics is an HSED preparation class that teaches students about the historical and current practices of the United States and Wisconsin governments. This class is offered five days a week. Students may enroll 1 to 5 of the days, based on their availability and interest level. This class prepares learners for the Wisconsin HSED exam and is also designed to meet the requirements for students enrolled in the 5.09 HSED program.

Instructor: Jill Jaber

Attendance: Sufficient

Summary: Mr. Johnson has been enrolled in Civics at WRC since August 2015. He is enrolled in the HSED 5.09 program and is working to complete the Civics portion of this program. Mr. Johnson is enthusiastic about earning his Civics certificate. The class is currently on chapter 6 of 15, but Lorenzo has been working ahead with the instructor's approval. He is motivated to get the work done and comes to class with an understanding of the material. He is involved in group discussions and identifies and makes connections with the material he reads and the current news events. He is progressing through the curriculum at a steady pace, and his level of motivation is advancing him through the program quickly.

Note Addresses which TP Problem:

Data Entry By : Jaber, Jill M.  
Data Entry Date: 02/12/2016  
Data Entry Time: 09:03 AM

Mr. Johnson has been working with me on his 5.09HSED for over a year. He is very motivated to complete this program. He has until June 30<sup>th</sup> to complete all the work for this program or would basically have to start over similar to when the GED tests changed a few years ago. I have no doubt that if he remains at WRC he will finish. He has finished many sections of the 5.09HSED program. He is almost finished with the Math portion with me. Even when I was out on medical leave he was the only 5.09HSED student to continue working on his Math with John Macho so he would not fall behind. He would finish the Math portion in the next two weeks. He is working hard to complete the Social Studies portion and has a few History packets to complete. If he leaves WRC and goes to a DOC facility he will most likely not be able to continue as they seem to have stopped doing the old program and are waiting to do the new one. I realize it is hard to keep someone here for education purposes but getting their HSED is very important. Sharon Nesemann are committed to getting the few guys who are so close completed before June 30<sup>th</sup> and Mr. Johnson should finish well before that date. He is one of the more dedicated students that we have right now. If the team has more questions concerning this or his motivation please feel free to contact either Sharon or myself for further explanation.mk

Thao

## I SAY ABOUT SOME OF THEM... IV.

### **My Recovery Journey...**

I have yet to grasp the full understanding and mission of my recovery journey. I'm still in trying phase. I'm personally having problems with it all; just writing anything about it makes my stomach cringe.

To me it's a huge obligational challenge I'm very anxious, nervous, and apprehensive about. Going through the process and the notion of recovery inch by inch, step by step trying to do and achieve my programming and education that others seem to do with ease; unfortunately, it's totally the opposite for me.

"Trying" is the best word to describe my recovery journey which is the size of a mustard seed. And I can pretty much contribute that to my teachers and therapist, Sharon Neemann, Mary Knox, and Sean Carter. Seemingly or believing I'm capable of advancing in any of these areas does burden down a bit my low self-esteem, confidence, and expectations.

Due to certain people is probably the only reason why I'm still around TRYING!

In acknowledging dedicated staff, therapist, etc. including those in recovery, your persistence and patience is helpful in unimaginable ways. Because an amiable and discerning atmosphere is needed.

Provided the opportunity I can only hope to be accepted into things that will push forward My Recovery Journey.

**Lorenzo Johnson**