

Execution of Kevin Johnson goes forward after US and Missouri Supreme Courts deny stay

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30 November 2022

Missouri executed Kevin Johnson, 37, Tuesday evening at the Bonne Terre state prison. The execution went ahead after the US Supreme Court denied Johnson's request for a last-minute stay.

The high court's decision followed the 5-2 decision of the Missouri Supreme Court Monday night to deny a stay. Missouri Governor Mike Parson also refused to grant Johnson clemency. Johnson was the second person in the state and the 17th in the US to be executed so far this year.

Johnson received a lethal injection and was pronounced dead at 7:50 p.m., according to a Missouri Department of Corrections spokesperson.

In a separate proceeding in federal court, Johnson's daughter, Khorry Ramey, 19, was denied her request to stop her father's execution if she was not able to witness the proceeding. Missouri regulations require witnesses to an execution to have a minimum age of 21.

Johnson was sentenced to death for the 2005 murder of William McEntee, 43, a Kirkwood, Missouri police sergeant. Both Johnson and a special prosecutor appointed in the case argued that Johnson's execution be stayed so that claims of racial prejudice in his case could be heard by the St. Louis County Circuit Court. Johnson was black and his victim was white.

McEntee was sent to Johnson's home on July 5, 2005, to serve an arrest warrant for Johnson's arrest. Johnson was on probation for assaulting his girlfriend and police believed he had violated his probation.

When Johnson saw police arrive, he awoke his brother, Joseph "Bam Bam" Long, 12, who ran to a house next door. The boy, who suffered from a congenital heart defect, collapsed and began having a seizure after arriving at the house. Johnson testified at

trial that his mother was stopped by police from entering the house. The boy died later at the hospital.

McEntee returned to the neighborhood that evening to check on reports of fireworks being set off. According to a court filing by the Missouri attorney general's office, McEntee was in his car questioning three children when Johnson fired into the car, striking the cop and wounding him. Johnson entered the car and took McEntee's gun.

Johnson then walked down the street, according to the filing, and told his mother that McEntee "let my brother die" and "needs to see what it feels like to die." He then returned to the patrol car, shooting McEntee in the back and head as he kneeled outside the vehicle, killing him.

"I want to say that I have great remorse for shooting and killing that police officer," Johnson said in an interview with Truthout. He said that he was in a "daze" after the death of his brother. In an interview with St. Louis Public Radio, he said that he didn't "even know why the shooting happened. I still to this day think about it."

Johnson and his attorneys have not denied that he killed McEntee but have focused their appeals on racial prejudice in his case. In October, St. Louis Circuit Judge Mary Elizabeth Ott appointed a special prosecutor, E.E. Keenan, to review the case. Keenan filed a motion earlier this month to vacate Johnson's death sentence, stating that race played a "decisive factor" in the death sentence. Ott declined to set aside the death penalty.

Before the state Supreme Court, both Keenan and Johnson argued that former St. Louis County Prosecutor Bob McCulloch's office handled five cases

involving the deaths of police officers during his 28 years in office.

McCulloch sought the death penalty in the four cases involving black defendants but did not seek a death sentence in the one case in which the defendant was white. In the case of the white defendant, McCulloch allowed him to present mitigating evidence to avoid a death sentence.

Johnson's first trial ended with a hung jury. Keenan said McCulloch intentionally eliminated black jurors at his second trial.

In its ruling Monday denying a stay, the state Supreme Court said, "There simply is nothing here that Johnson has not raised (and that this court has not rejected) before and, and even if there were, Johnson offers no basis for raising any new or re-packaged versions of these oft-rejected claims at this late date."

Johnson attorney Shawn Nolan, denouncing the court's ruling as a "complete disregard for the law," said in a statement:

"The Prosecutor in this case had requested that the Court stop the execution based on the compelling evidence he uncovered this past month establishing that Mr. Johnson was sentenced to death because he is Black. The Missouri Supreme Court unconscionably refused to simply pause Mr. Johnson's execution date so that the Prosecutor could present this evidence to the lower court, who refused to consider it in the first instance given the press of time."

Rejecting Johnson's request for clemency, Governor Parson, a Republican, stated:

"Mr. Johnson has received every protection afforded by the Missouri and United States Constitutions, and Mr. Johnson's conviction and sentence remain for his horrendous and callous crime. The State of Missouri will carry out Mr. Johnson's sentence according to the Court's order and deliver justice."

Earlier this month, a petition with more than 20,000 signatures had been delivered to Parson's office asking him to grant clemency.

Johnson's lawyers had previously also asked the courts to intervene based on their client's history of mental illness, poverty as a child, and his age, which was 19 at the time of the killing.

According to a video prepared for his clemency hearing, Johnson's mother struggled with addiction and his father was incarcerated for part of his childhood. He

said he and his siblings often had to fend for themselves, living in a converted garage, with nothing to eat at times. He was later physically and sexually abused.

Interviewed recently on the *Democracy Now!* program, Johnson said:

"When I was 17, my daughter Khorry was born. And I didn't have anything, you know, no money, no real way—place to live. I was in a group home. But I just knew I wanted to be her dad and stuff. ... Her mother, Dana, Dana was younger. Dana was 14. Neither one of us had anything, so...

"In September 2007, Dana, Khorry's mother, was murdered. She was 18 years old, and Khorry was 4 years old. And I remember when I got to have the contact visit in the county jail, I remember the first thing out of her mouth was like, "'My mama dead.' ... You know, that's when I felt a true obligation to her."

Johnson's daughter Khorry Ramey is herself only 19, with an infant son. She visited her father regularly in prison. Speaking of him, she told the same *Democracy Now!* program:

"He's like a normal parent who wants the kid to succeed. Probably once or twice a week I talk to my dad. Yeah, he always tells me to do my best, and just regular stuff that, like, fathers and daughters talk about, just what's going on in my life, with how he's feeling, how I'm feeling, what steps am I taking to do more in my life."

Their relationship was snuffed out with Kevin Johnson's execution Tuesday.

Since the US Supreme Court reinstated the death penalty in 1976, Missouri has executed 93 people and 1,557 have been put to death across the US, including 17 women. According to the Death Penalty Information Center, as of April 1 there were 2,414 people on death rows across the country, including 690 in California, 323 in Florida, 199 in Texas, 166 in Alabama, 138 in North Carolina, 134 in Ohio, 128 in Pennsylvania and 116 in Arizona.



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