

PETITION FOR EXECUTIVE CLEMENCY RELIEF

This Petition for Executive Clemency is submitted to the Prisoner Review Board and the Illinois Governor's Office on behalf of Demetrius Johnson, by and through his counsel, Josh Tepfer, and law student Arzu Singh. Johnson respectfully requests that Governor Pritzker grant him clemency on his 2006 Unlawful Use of a Weapon (UUWF) conviction (possession of a gun) and permission to expunge the conviction from his record.

The gun possession conviction—which is currently the single criminal blemish on Johnson's record—was only a crime at all because of Johnson's prior felony murder conviction from a 1991 shooting. In 2019-21, however, irrefutable evidence surfaced that Johnson, just 15 years old at the time, was innocent of that murder and a victim of notorious former Chicago police detective Reynaldo Guevara. In short order, Johnson was certified innocent of that murder by Illinois courts. With that predicate murder conviction vacated, Johnson turned to the courts seeking to vacate this gun possession case. After a long battle in three different levels of Illinois courts, culminating in the Illinois Supreme Court dismissing his appeal after oral arguments because it was divided 3-3, Johnson's conviction remains (Ex. 1), so he turns to this executive body seeking a pardon and expungement.

Background

Demetrius Johnson is a Chicagoan who spent thirteen years—including most of his teens and twenties—in prison for a murder he did not commit. At age fifteen, Demetrius was falsely arrested and framed by former homicide Detective Reynaldo Guevara, one of the most notorious and corrupt police officers in Chicago history. As a result of Guevara's perjury and fabrication of evidence, Johnson—an innocent child at the time—was sentenced to twenty-five years in prison. Twenty-eight years later, in 2019, documentary evidence surfaced proving that Guevara hid a police report showing an alternative suspect as the true and sole killer of Johnson's alleged murder victim.¹ By the defense bar and prosecution alike, Guevara is now universally regarded as a corrupt police officer.²

After this evidence was brought to light, Demetrius Johnson's conviction was vacated in record time: two months after Johnson filed a petition to vacate his conviction, the Cook County State's Attorney's Office agreed, and just one month later, the State dropped all charges. Cook County State's Attorney Kim Foxx herself has called Johnson's conviction "false" and touted Johnson's endorsement in her re-election campaign to show her dedication to "overturning wrongful convictions." (Exs. 2). Additionally, Presiding Cook County Judge Erica L. Reddick granted Johnson's certificate of innocence in April 2021, finding that Johnson proved that he was innocent of the Fred murder by a preponderance of the evidence. (Ex. 3)). He's been widely accepted as an innocent man from everywhere from the National Registry of Exonerations³ to the

¹ *Chicago Tribune*: "Prosecutors drop case against man who said Chicago police detective framed him for 1991 murder." <https://www.chicagotribune.com/news/ct-demetrius-johnson-reynaldo-guevara-chicago-20191220-fzqlq5oninepfcy7e6kqmqzmq4-story.html>

² Cook County State's Attorney Kim Foxx announced that Guevara is a "significant stain on the justice system that we can no longer afford to ignore" and her office "no longer believes in the validity of [his] convictions or the credibility of the evidence." <https://news.wttw.com/2022/08/09/8-murder-convictions-tied-disgraced-ex-chicago-detective-vacated-tuesday>

³ Demetrius Johnson's page in the National Registry of Exonerations. <https://www.law.umich.edu/special/exoneration/Pages/casedetail.aspx?caseid=5658>

National Basketball Association's Chicago Bulls, who welcomed him as a special guest after his exoneration. (Ex. 4).

Today, Demetrius Johnson is a devoted father, passionate basketball coach, and engaged community member. He lives in Chicago with his two sons, Shane and Eliot, and runs his own barbershop and sprint truck moving business. He has volunteered as a youth basketball coach for the past several years and is currently coaching a youth team for Chicago Bulls Joakim Noah's One City Basketball League, a tournament designed to unify the city's youth and reduce violence.

UUWF Conviction

In August 2006, after Johnson was released from custody on the wrongful murder conviction but before the evidence of Guevara's corruption surfaced and Johnson's wrongful conviction had been vacated, Johnson was arrested and convicted for being a felon in possession of a firearm. The only predicate felony for this unlawful use of a weapon by a felon (UUWF) conviction was the since-vacated wrongful murder conviction. This UUWF conviction remains the single conviction—felony or misdemeanor—on Johnson's record. It is for this conviction that Johnson seeks the Governor's pardon.

In January 2020, shortly after the murder charges were dismissed, Johnson filed a section 2-1401 petition as swiftly as possible, seeking to vacate the UUWF conviction. The State filed a written motion to dismiss, and in July 2020, the court granted the State's motion in an oral ruling. The appellate court affirmed, relying on *People v. McFadden*, 2016 IL 117424, which held that a strict reading of the Illinois statute meant that a defendant's "felon status" at the time of arrest was all that mattered. With this precedent against him, Johnson waged a long battle in the courts, ultimately appealing his case all the way to the Supreme Court of Illinois. The Supreme Court of Illinois, despite the clearly established legal precedent against Johnson, was still ultimately split 3-3. Ex. 1; *see also* Ex. 6; or *People v. Johnson*, No. 127443, oral argument audio, available at <https://www.illinoiscourts.gov/courts/supreme-court/oral-argument-audio-and-video/>. Regardless, the lower court's decision—that Johnson's UUWF charge cannot be vacated—still stands.

Having availed himself of all other forums for relief, Demetrius Johnson's only remaining opportunity for relief and justice is through executive clemency. Thus, Johnson respectfully requests the expungement of a conviction that, resting on a predicate felony that no longer exists, should have been removed from his record long ago. Presently, Johnson's UUWF conviction continues to unjustly criminalize him for the egregious misconduct of the Chicago Police Department against an innocent 15-year-old boy. By correcting Johnson's criminal record, the Governor's pardon will enable Johnson to move forward from his painful past and rebuild his life with access to the unabridged rights and privileges of citizenship he deserves.

Required Information

Name: Demetrius Johnson
Address: 4949 W. St. Paul Avenue, Chicago, IL 60639
Telephone: 312-687-5478
Date of Birth: August 1, 1975
Place of Birth: Chicago, IL
Social Security Number: 357-64-9962
Aliases: None
Prior Military Service: None
Clemencies: None
Request for Public Hearing: Yes

Conviction for Which Expungement is Sought:

Offense: Unlawful use of weapon by a felon
Case Number: 06CR-18368
Date of Arrest: August 11, 2006
County of Conviction: Cook
Type of Conviction: Guilty plea
Sentencing Judge: James M. Schreier
Date Sentenced: September 12, 2006
Sentence: 3.5 years incarceration
Time Served: 3.5 years
Date of Discharge:

Account of Offense

On August 11, 2006, a few years after Demetrius Johnson was released from custody on the wrongful murder conviction, but before his wrongful conviction had been vacated, he was arrested for unlawful use of a weapon by a felon in violation of 720 ILCS 5/24-1.1(a). He was on his way home from his job as a driver for Nav-Tech, a navigation IT company. According to the police report, he was found with a weapon during a stop for a traffic violation, and he told police that he kept the gun for protection. Since being released, Johnson had been worried about violence and retaliation related to his previous wrongful conviction; he had received numerous threats to his and his family's safety. Struggling to navigate the community after spending his teens and twenties incarcerated, Johnson briefly possessed a gun for the purpose of protecting himself and his family. Given his 1992 wrongful murder conviction, Johnson knew he had no viable option other than to plead guilty to the UUWF charge, and he was sentenced to 3.5 years.

Criminal History

Demetrius Johnson has no other criminal convictions. On November 12, 2019, Demetrius' murder conviction from 1992 was vacated, and he obtained a certificate of innocence shortly thereafter, in April 2021. (Exs. 2-3). To this day, Demetrius has never been convicted of any other offense—an especially impressive accomplishment, given his formative teen and early adult years were spent in prison alongside inmates with extensive criminal histories.

Personal History

A. Early Life

Demetrius Johnson was born in Chicago in 1975 to Glenda Johnson and Willie Caldwell. He grew up on the west side of the city, raised primarily by his mother and grandmother. Johnson's childhood was spent alongside his four siblings; together, they played basketball and football in the park, taught themselves tumbling and karate, and played video games. As a child and teenager, Johnson loved school. He never missed school—in fact, he often motivated his friends to attend, too—and his mother encouraged his enthusiasm for learning. Johnson attended Roberto Clemente High School for his freshman year. As a natural athlete, Johnson aspired to join the football team as a running back for his sophomore year. He, however, never had the chance to—he was snatched away by the Chicago Police Department at 15, before his sophomore year had even begun.

B. Conviction and Incarceration

A child at the time of his arrest and trial, Demetrius Johnson was unable to fully grasp what was happening to him; he was, after all, being framed for a murder he knew nothing about. Because of his alleged crime, he was put in a special unit within the juvenile detention center for those who had been charged with the most violent crimes. There, he was subject to bullying and violence: one day while watching TV, another juvenile struck him over the head with a chair, resulting in severe wounds on his scalp that required stitches.

While Johnson was detailed at the juvenile center, but before his trial, his mother passed away. She died, Johnson maintains, “from a broken heart.” Johnson was not even allowed to attend his mother's funeral and had to cope with his grief while navigating the constant danger and violence of his environment. Johnson was also expecting a child at the time and dealing with the tremendous stress of how he would support his child and the child's mother.

At 17, Johnson was transferred to Cook County Prison, where he was housed among adults and witnessed constant violence such as riots, fights, and stabbings. One year later, after being found “guilty” at 18, Johnson was transferred to a maximum-security prison, which Johnson describes as “walking into hell,” where “it felt like at any moment you could die.” Although only a teenager, Johnson was exposed to tremendous danger and violence: he witnessed several inmates get stabbed and a man commit suicide by swallowing a razor blade.

Despite the chaos and violence of his environment, Johnson stayed committed to his own personal growth and physical and mental health. He stayed physically active and regularly worked out. He also maintained his love for school inside the walls of prison: he completed his GED and began taking classes for his Associate's degree. He excelled in his coursework and discovered new talents like public speaking. He completed three different vocational certifications: “Building Maintenance,” which includes skills like plumbing and electrical work, “Commercial Custodian,” which includes skills like painting and chemical cleaning, and “Food Safety and Sanitation.”

Throughout his incarceration, Johnson stayed in close touch with his family and friends. After his mother passed away, his grandmother began visiting him regularly. Johnson's father also frequently visited him, and various friends and family brought Johnson's son to see him. Over time, Johnson was transferred to prisons that were increasingly further away from Chicago, which made it more difficult for his family to visit him. Nonetheless, Johnson did his best to stay in touch with as many phone calls as his family could afford.

C. Post-Incarceration

After his first release from prison but before the UUWF conviction, Johnson began to build back the life that was stolen from him by CPD. Although his criminal record made it difficult to obtain traditional employment, he managed to secure odd jobs through his connections. Soon, he was working two jobs: one as a driver for Nav-Tech, a navigation IT company, and one a midnight worker for Old Navy, unloading merchandise from trucks. Although he was barred from a traditional career and struggling with PTSD from his time in prison, Johnson was fiercely committed to establishing a law-abiding, independent life. With his family's support, love, and guidance, Johnson started to lay the foundation of his free life. This process, however, was suddenly interrupted by his 2006 UUWF conviction, for which Johnson spent an additional 3.5 years in prison.

After being released for a second time, Johnson began volunteering as a youth advocate with the Humboldt Park District and Cease Fire, an organization working to end violence in the community. In this role, Johnson used his influence to keep local youth out of trouble, setting up safe gatherings with basketball, barbeque, and music throughout the most dangerous neighborhoods in the city. Eventually, Johnson was hired for a full-time position as a youth advocate by the Alliance of Local Service Organizations. Through this role, he got involved in local politics, helping Kim Foxx with her re-election campaign and attending an event with Governor Pritzker.

Johnson has also built a career as a well-known and respected youth basketball coach. He began coaching when his Church asked him to coach his son's basketball team. Since then, he has continued to coach youth teams all over the city, was invited to the Junior NBA Summit, and is currently coaching a team for Joakim Noah's 2023 One City Basketball League tournament. In 2021, he was invited by the Chicago Bulls as a special guest after his exoneration. (Ex. 4).

Today, Johnson lives on the west side with his two sons, Shane and Elliot, and runs his own barbershop, Kut Close Barbershop. Johnson's commitment to his community, however, still trumps his own personal business interests. Johnson offers free haircuts for the students who attend the two high schools right across from the shop, and he is currently collecting clothes, supplies, and toys for the South American immigrants who are moving to the area. He recently started providing moving services with his own sprint truck, and he is motivated and excited to grow this new business.

Reasons for Clemency

First, had Demetrius Johnson not been falsely arrested and convicted due to the Chicago Police Department's egregious misconduct, he would not have had the requisite criminal history for a UUWF conviction. In other words, Johnson's UUWF conviction rests solely on his wrongful murder conviction. With Johnson's innocence established, it's evident he was *not*, in fact, a felon at the time he was found with a gun; he was an innocent man who had been framed by a corrupt state officer. By maintaining Johnson's UUWF conviction, the injustice already inflicted on Johnson is perpetuated.

Second, executive clemency is the only remaining forum for Johnson to obtain the requested relief. Having diligently pursued and fully exhausted all other forums for relief, Johnson now turns to executive clemency as his last opportunity to have his record restored and his justice delivered.

Third, Johnson's UUWF conviction is the *only* offense on his record subjecting him to severe collateral consequences and barring him from building his personal and professional

future. Johnson's pristine record is a testament to his impeccable integrity and character: despite having effectively grown up inside the Illinois correctional system, an environment known to promote recidivism and criminal activity, Johnson has lived an unblemished, law-abiding life. Nonetheless, this UUWF felony conviction subjects him to over 700 collateral consequences in the state of Illinois alone. If federal consequences are included, that number balloons to 1,136 consequences, and local policies often enact even more expansive restrictions on top of state and federal restrictions. According to the National Inventory of Collateral Consequences of Conviction, these consequences span nearly all aspects of life: eligibility for housing, employment, government benefits of all kinds, professional and business licensing, loans, political participation, second amendment rights, and much more.⁴ Johnson's aspirations to grow his moving truck business are severely limited by his UUWF felony, as he is unable to secure contracts with large companies once they run a background check; Johnson's most recent application for a contract with Amazon, for example, was denied for this reason.

Given Johnson's complete factual innocence, in addition to his thirteen years wrongly incarcerated, these lifetime consequences are profoundly unjust and unjustifiable. Clemency on his UUWF conviction will make an immediate, material difference in Johnson's quality of life; without clemency, Johnson will continue to be excluded from opportunities afforded to all other law-abiding—opportunities critical to full participation in the social, economic, and civic life of his community.

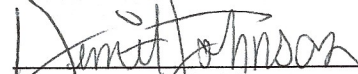
Type of Clemency Requested

To move forward from the injustices of his past and achieve his professional and personal goals, Demetrius Johnson seeks clemency from the Governor on his 2006 UUWF conviction, as well as permission to thereafter expunge the conviction from his record. Johnson requests a public hearing on the matter and will participate in any hearing set at the Board's discretion.

Certification and Personal Oath

I declare under penalty of perjury that all of the assertions made in this petition are complete, truthful and accurate.

Respectfully submitted this 24th day of 7, 2023



Signature of Petitioner

⁴ <https://niccc.nationalreentryresourcecenter.org/>