Overview
(November 12, 2020, Washington, DC) — Steptoe helped secure a victory for a Pennsylvania death row inmate in a case involving prosecutorial misconduct. On October 29, 2020, Pennsylvania Berks County Judge Eleni Geishauser dismissed charges against Steptoe pro bono client, Roderick Johnson, on state double jeopardy grounds. The court’s order bars the commonwealth of Pennsylvania from re-trying Mr. Johnson, who has been in prison for 23 years, on first-degree murder charges.

In 1997, Mr. Johnson was convicted and sentenced to death for first-degree murder in two separate trials (based on two separate incidents). In both cases, the key witness was an informant whose past criminal misconduct was not disclosed to the defense. In 2013, after years of habeas litigation headed by the Philadelphia Federal Community Defender Office, a Berks County judge overturned both of Mr. Johnson’s convictions and granted him new trials based on the government’s knowing failure to disclose to the defense its key witness’s criminal past. Steptoe began working on the case in 2019 after the remand for new trials, through the firm’s relationship with the Philadelphia Federal Community Defender Office.

The defense team filed a motion to dismiss both indictments on the grounds that Pennsylvania’s double jeopardy clause bars retrial where the basis for reversal of the initial conviction (here, the government’s multiple Brady violations) is based on intentional prosecutorial misconduct. Specifically, the motion argued that the prosecution purposefully withheld key impeachment evidence that undermined the credibility of the prosecution’s key witness. After a hearing at which the court heard testimony from the lead prosecutor and numerous police officers assigned to both cases, the court agreed, finding that the prosecution engaged in “conscious” and “egregious” misconduct, and that the commonwealth was therefore barred by Pennsylvania’s double jeopardy clause from trying Mr. Johnson a second time.

Following the ruling, Mr. Johnson, who has spent 23 years in total confinement, nine of those years on death row, is expected to be released from prison.

The Steptoe team was led by partner Patrick Linehan, with associates Reem Sadik, Caitlin Conroy, Dan Aldrich and Patt Cannaday. The team worked with co-counsel Jay Nigrini of Reading, Pennsylvania.

The work on this case highlights not only Steptoe’s commitment to pro bono service, but the firm’s continued commitment to aggressively defending clients against prosecutorial misconduct and overreach. This decision comes on the heels of the firm’s victory in United States v. Sadr, in which Judge Nathan in the US District Court for the Southern District of New York dismissed all charges against Steptoe’s client based on the post-trial uncovering of multiple Brady violations by the prosecutors in that case.

About Steptoe
In more than 100 years of practice, Steptoe has earned an international reputation for vigorous representation of clients before governmental agencies, successful advocacy in litigation and arbitration, and creative and practical advice in structuring business transactions. Steptoe has more than 500 lawyers and other professional staff across offices in Beijing, Brussels, Chicago, Hong Kong, London, Los Angeles, New York, San Francisco, and Washington. For more information, visit www.steptoe.com.