

INTERVIEW OF DONALD JOHNSTON
Re: People vs. Tom McMillen

BC: Today's date is Sunday, July 20, 2008. The time is approximately 1:50 p.m. We are in Carlinville, Illinois. And let me have everybody identify themselves. My name is Bill Clutter. I am Director of Investigations for the Downstate Illinois Innocence Project at the University of Illinois at Springfield. And let me introduce my students. Priyanka and Sarah.

PD: My name is Priyanka Deo and I am intern at the Innocence Project, University of Illinois at Springfield.

BC: Go ahead and spell your name.

PD: P-R-I-Y-A-N-K-A. And the last name is D-E-O.

BC: Alright. Sarah.

SW: I'm Sarah Elizabeth Wellard. I am also an intern at the Innocence Project at University of Illinois at Springfield.

BC: Can you spell your last name, please?

SW: W-E-L-L-A-R-D.

BC: Okay. And Donald can you go ahead and identify yourself? Your full name is Donald Johnston, is that correct?

DJ: Yeah, Don Johnston. D-O-N-A-L-D. J-O-H-N-S-T-O-N.

BC: Okay. And Don, can we call you by your nickname, Goose?

DJ: Goose.

BC: Okay. Do we have your permission today to audio and video record this statement today?

DJ: Yes.

BC: Do we have your permission? And can I place you under oath and do you give this statement, do you swear to tell the truth, just as if you were appearing in court and asked to swear before a bailiff?

DJ: Yes, sir.

BC: Okay. And can you, you are the same Donald Johnston who testified in the case of Thomas McMillen in Peoria, Illinois back in 1991?

DJ: Yes sir.

BC: Alright. And I'd like to ask you, were you involved in the murder of Melissa Koontz in any way?

DJ: (Shakes head)

BC: You're shaking your head, can you reply verbally?

DJ: No.

BC: No you didn't. Did Tom McMillen or Gary Eddington have anything to do with the murder of Melissa Koontz?

DJ: Think not.

BC: And let me ask you, how, why do you believe they had nothing to do with the murder of Melissa Koontz?

DJ: They're innocent.

BC: And let me ask you, when you testified in the case, in Tom's case on July 17, 1991, you testified that you were present when Tom pulled the girl out of the car and he stabbed the girl in the arm, Tom did, and Gary was in the girls car. Was that testimony truthful when you gave that testimony on July 17, 1991?

DJ: That was false.

BC: You testified untruthfully at Tom McMillen's trial?

SW: Can you give us a verbal response? Can you say yes or no?

DJ: No.

BC: And did, were you present at all when Melissa Koontz was murdered?

DJ: No.

BC: And I'm going to refresh your memory with the police report.

SW: Can I just clarify....

BC: Yes.

SW:the question before because he nodded but then said no. You said that you testified untruthfully?

BC: I think untruthfully yes.

SW: Untruthfully. I just wanted to clarify with him

BC: Okay. You are being truthful today, is that correct?

DJ: Yes, sir.

BC: And, I am reading from a Macoupin County Sheriff's report, this report was made by Gary Ewin, W-, oh I'm sorry, E-W-I-N, it's dated June 29, 1989 and it's a report of events that occurred on the night of June 28, 1989 at 10:27 p.m. Deputy Ewin responded to a prowler report in Modesto, Illinois late at night and he encountered you walking back in the direction of Carlinville, I believe.

DJ: I was walking towards Modesto.

BC: You were walking towards Modesto?

DJ: Yeah.

BC: Okay. So let's correct that. And according to his report, you looked at a missing person poster of Melissa Koontz in his squad car and thought you had seen her at noon in Carlinville. That she looked like a girl who had seen at the home of Bob Connelly in Carlinville. Do you remember that? Telling him that?

DJ: I remember something about that.

BC: Okay. And you thought that you saw this girl on the poster with another girl by the name of Sissy and they were driving a small black car. Is it possible you could have mistaken the girl on the poster for somebody you had seen earlier that day?

DJ: Well I could've.

BC: Okay.

DJ: I could've.

BC: And at that time, did you have, you had no information about the murder because as you said earlier, you weren't involved in the murder. Is that a fair statement?

DJ: True.

BC: That's true. Can you explain, and I know...

DJ: I got arrested for a Cub Cadet rider mower.

BC: Stealing a riding lawn mower?

DJ: A Cub Cadet.

BC: Okay.

DJ: Then they turn me loose and then the other police officers got me from Springfield.

BC: The detectives. Detective Mitchell and Detective Leonard.

DJ: Yes sir.

BC: And how did they treat you?

DJ: Like crap.

BC: Did they threaten you with arrest?

DJ: They took me out of Sangamon and tried to feed me some Kentucky Fried Chicken.

BC: And did they accuse you of the murder of Melissa Koontz....

DJ: Yeah.

BC: ...based on statements you had made while you were intoxicated in Carlinville?

DJ: Yeah, they was arguing with me.

BC: What was the argument about?

DJ: He goes you committed murder.

BC: Pointing to you, you committed....

DJ: Yeah.

BC: ...the murder.

DJ: Yeah, yeah them two.

BC: How did that make you feel?

DJ: Pretty, pretty mad about the deal.

BC: Okay. And you, what did they do or say that convinced you to testify against Tom McMillen in his trial?

DJ: Them two cops told me, you need to testify (ia) and uh, (ia). I can't think of the other guys name up there that lawyer had Pete (ia), that's his name, he (ia) couple of (ia). Pete (ia) up there at the deal. I just told him (ia) do what you go to do, lock me up or kill me.

BC: Did you...

DJ: I'll get out eventually.

BC: Did you plead guilty to a crime you didn't commit?

DJ: Yeah, I admit guilty to the crime.

BC: Why would you do that?

DJ: (ia)

BC: Why did you do that?

DJ: Them officers said you're guilty, you're guilty. And I admit guilty to it.

BC: Donald,

DJ: With the rest of the boys.

BC: Goose, can you describe, it's been said that you, you are a little slow. Can you describe, are you currently receiving any type of social security disability?

DJ: (shakes head affirmative)

BC: You're shaking your head yes. Can you respond verbally?

DJ: Yes.

BC: And what is the diagnosis for the reason that you receive SSI?

DJ: I get SSI and Social Security.

BC: Right. How long have you been receiving SSI?

DJ: I can't remember.

BC: Has it been a long time?

DJ: A long time.

BC: Which your disability?

DJ: I get, I get some cramps in, cramps in my legs and stuff.

BC: Okay.

DJ: And that and back problems.

BC: Have you had any type of psychiatric problems as well?

DJ: What's he talking about?

SW: In your mind.

DJ: Yeah.

BC: Okay. Well can you describe that?

DJ: I get a notion in my mind. I get up in the morning time, my mind is (ia) and do some work, you know, go do some work. I always got to have alcohol, mostly like alcoholic, and that you know. I got to have a beer first thing in the morning. and then I'm the road at I forget where I'm at half the time.

BC: Do you black out?

DJ: I don't black out.

BC: Okay.

DJ: I forget where I'm at.

BC: But you forget where...

DJ: ...if I'm over here or over here is the shop see I own a shop over here, I own a shop over there and over here and then I forget where I'm going half the time.

BC: Is this, was the same true back in 1989 when Detective Mitchell and Detective Leonard interviewed you?

DJ: Yeah, they interviewed me.

BC: As a matter of fact they reflected in their first interview, I believe on July 11th 1989, that you were so intoxicated by the time they drove to Carlinville, that they had to wait for you to sober up. You probably don't remember that.

DJ: No, that's no there. That's a lie there.

BC: Oh.

DJ: Because I was in the county when they picked me up.

BC: In Macoupin County.

DJ: Macoupin County when they picked me up.

BC: And where did they take you after they picked you up?

DJ: They picked up from there and they took me over here by Modesto, other town where, I can't think of that little town.

PD: Palmyra.

BC: Waverly.

DJ: Yeah, Waverly, some where to a tavern.

BC: They took you to a tavern. Why did they take you to a tavern?

DJ: Showed me, the bartender said I don't know this guy. He's never been in here before.

BC: Was that a tavern called The Still?

DJ: Yep. The Still.

BC: And they took you after they, after they picked you up in Macoupin County, the jail, they drove you around different places?

DJ: Yeah.

BC: And they took you to a tavern.

DJ: Yeah.

BC: And they showed a bartender, they took the tavern and brought up to the bartender and asked the bartender if he'd ever seen you before?

DJ: Yeah, woman bartender.

BC: And what did the bartender say?

DJ: She said, no I've never seen this guy in this tavern.

BC: Okay. And what did they, where did they take you after that?

DJ: Then they took me down the road to, down the road from that tavern and said something about a cornfield or something, a cornfield.

BC: Did you know what they were talking about?

DJ: I said I don't remember nothing about no cornfield. I've never been over in this county.

BC: And you're talking about Sangamon County.

DJ: Yeah. I said I've never been in this county.

BC: During that time period that they were asking you about.

DJ: Yeah.

BC: You've been to Springfield before.

DJ: Yeah, they took me to Sangamon County Jail, that was in the old jail.

BC: Okay.

DJ: The old jail. And then took me by for some chicken, Kentucky Fried Chicken.

BC: Okay.

DJ: That's when he said you're innocent and for that we got to lock you up.

BC: They told you were innocent and they have to lock you up?

DJ: Yeah. I said I know nothing about what you are talking about. I said, you get me, I come out of one jail, get out of one jail, and then you take me to another jail. Take me to a bar. Said I don't remember nothing about this bar. And the woman told them, said I don't know this guy, bartender. I don't know this guy, he's never been in this county over here.

BC: At some point you were arrested right a way. You were arrested and charged for the murder of Melissa Koontz shortly after Detective Leonard and Detective Mitchell first interviewed you on July 11, 1989. Is that correct?

DJ: Yes. I come out of the jail up here.

BC: From Carlinville to Sangamon County.

DJ: Sangamon County and then arrested me right there.

BC: Okay.

DJ: And charged me for it.

BC: And they didn't charge Tom McMillen for about maybe almost a year later, not quite a year.

DJ: Him, Gary.

BC: Him and Gary in May of 1990, I believe.

DJ: I think it was something around there.

BC: Sometime around there.

SW: May 14...

BC: May 14, 1990. And in the meantime...

DJ: Didn't know they arrest Mary.

BC: ...do you remember after you were first arrested, calling your mother and crying and telling her that you didn't, you're being arrested for something you didn't do?

DJ: Yes sir.

BC: You told her that.

DJ: And my sister.

BC: You told your sister.

DJ: Suzy.

BC: They also arrested Mary Pocklington. They wanted her to testify at Tom McMillen's trial and she refused to testify to what she was, she was charged with

obstruction of justice because police believe she was lying when she said, when she corroborated Tom McMillen's alibi. Do you remember that?

DJ: No I don't remember that part about Mary being arrested.

BC: Okay. But remember she got into some trouble.

DJ: I remember, I remember something there. She was going, was going to testify against Gary, not Gary, Tom. She backed out. Then she was going to testify again, uh, uh, Gary Eddington. She was going to testify against him.

BC: Okay.

DJ: And she was in the Sangamon County Jail too.

SW: Did she ever testify against either, Tom or Gary?

DJ: No.

SW: Neither one.

DJ: No.

SW: Okay.

DJ: She didn't testify.

BC: And she was placed in the Sangamon County Jail?

DJ: She was placed in the Sangamon County Jail and she got transferred from there to I guess Dwight or something, Dwight or something, Dwight or something and Danny got placed in the juvenile place. I don't where, where it, where it, that place is at, juvenile.

BC: So Danny got charged and he got to sent to juvenile DOC.

DJ: Yeah.

BC: Department of Corrections.

DJ: Yeah. I don't know where at.

BC: So you went to prison, Mary Pocklington went to prison, Danny went to prison.

DJ: Right.

BC: Tom McMillen is still in prison.

DJ: Brian, where did I get Brian, Danny went to juvenile place. I don't know how long he stayed there Danny Pocklington. I spent 7 _ years over in Graham. My mom died April the 20th, I was in Sheridan started in Sheridan first and then went I went to (ia) and that's when they brought Tom and Gary in over there at Graham. They transferred me out of there, took me out there to (ia), stayed there about a week (ia), leave (ia), then I go to Dixon, come back April the 20th, that's when my mom died on her sister's birthday. I come back April the 20th, for her funeral and then I got transferred back to Graham, Graham, I finished the rest of my bit out over there, at Graham.

SW: Did you have anything to do with the murder of Melissa Koontz?

DJ: No, ma'am.

SW: Did Danny Pocklington?

DJ: No.

SW: Did uh, Mary Pocklington?

DJ: No.

SW: Did Tom McMillen?

DJ: No.

PD: Gary Eddington?

DJ: No.

SW: None of those people that we just listed had anything to do with the murder?

DJ: No.

BC: How do you, how are you so certain that they had nothing to do with it?

DJ: Yeah, they could've run out and killed a dog or a rabbit or something.

SW: But you know that they didn't do it?

DJ: I think their innocent.

BC: Okay. Let's talk a little bit about your dealings with Detective Mitchell and Detective Leonard. How did they make you feel when they were talking to you?

DJ: (ia) They were kind of bogus (sp), you know. They started asking all kinds of questions, you know. Silly questions and I always tell them, they say, you're innocent, you're innocent, you know. I said I gotta find a judge to find out what the deal is, you know.

BC: Well, the first time you talked to Detective Mitchell and Detective Leonard, their report says, that you gave a story about hitchhiking and getting a ride from some man you didn't know, who was in a pickup truck, and that he had some woman in his truck with him and that was the first statement that you gave to Detective Leonard and Detective Mitchell. Were you giving them a bogus statement when you told them that?

DJ: Yeah.

SW: That was untrue?

DJ: Untrue.

BC: And that was statement was given, looks like on....

DJ: I don't like bringing this case up, man. (ia) bringing this case up.

BC: And you gave a lot of statements that you gave different statements everyday they talked to you.

DJ: Tried to get out of it. Yeah, tried to get out of the deal.

BC: You were trying to get out of it?

DJ: Right.

BC: Okay. When we talked earlier, you became very emotional. Why did you become so overcome with emotion? Can you explain that to us? Did you feel a sense of relief in finally telling the truth?

DJ: Yes.

BC: Because that's how it appeared to me. Is that what you were feeling?

DJ: Yes.

BC: Can you describe it, just how.

SW: Can you tell us how you feel, telling the truth right now?

DJ: (ia) hit me (points up in the air). Up above, God.

SW: God.

DJ: Just tell, got to I let it out. (ia) going by my heart, you know, I never had to bring it out. (ia) those guys didn't do it.

BC: And you felt, you obviously felt some relief finally telling the truth.

DJ: Yeah get it out of my system. Other than that, you could be the same way. Danny, he'll tell ya the same thing. He'll let it out.

BC: Does it weigh on you the fact that two men are in prison because of the testimony you gave almost 20 years ago?

DJ: (shakes head affirmatively)

BC: And that what you're saying today might be helpful in finally getting to the truth?

DJ: Freedom, freedom.

SW: Because their innocent.

DJ: Yeah.

BC: Goose, we appreciate you doing this today. Is there anything further you want to say?

DJ: (shakes head "no")

SW: That's okay.

BC: Are you of sound mind? Are you under the influence of any drug or alcohol...

DJ: No.

BC: ...today as we speak?

DJ: I'm ready to go drink me some beers after this.

SW: After this.

DJ: At least I (ia)

BC: Okay. Let's talk a little bit about, you, is it fair to say that, are you able to read and write?

DJ: I can write my name.

BC: You can write your name. And have, when you were in school, did you have problems and difficulty in school?

DJ: Yes.

BC: What kind of problems did you have? Were you in special education?

DJ: Yes, sir.

BC: And how far did you get in school?

DJ: (ia), 15 years old.

BC: 15 years old. What high school? Did you go to high school? Which high school?

DJ: Carlinville High.

BC: Okay. And do you have any idea, I mean, if you would have had to describe your function of level or your level of functioning, would you describe yourself as slow? Is that a fair statement?

DJ: Yes, yes.

BC: Do you have any idea what you're, whether you would qualify under the guidelines of, of the criteria for mental retardation? Have you ever been diagnosed as having an IQ that is very low?

DJ: Yeah, the IQ is low.

BC: The IQ is a little low. And what I would like to do after we go off camera, is to get your permission so that we can get some of the records that might show that. Do you have any mind, do you have any problem with us doing that?

DJ: I don't mind.

BC: No, you don't mind I take it.

SW: Is that okay if we look at your records?

DJ: You guys do what you guys want to do.

BC: Okay.

DJ: (ia)

SW: Thank you.

DJ: (ia)

BC: Alright. Well we may...

DJ: What do I gotta do sign a....

BC: Authorization.

DJ: Authorization, yeah.

BC: Right.

DJ: Sign my name.

BC: Right.

SW: Yeah.

DJ: Go (ia) records and check them out.

BC: That's right.

DJ: You guys more than welcome to come back and find me. I live down there to 1338 Northwest.

SW: Okay, thank you.

DJ: Down here north end of town.

BC: Okay.

SW: Thank you.

DJ: Go down north cross the tracks and by uh, um (ia) back there, that's where I live.

BC: Okay.

DJ: I live with Shorty Johnston.

BC: Okay.

DJ: I'm easy to find.

BC: You're easy to find, that's true.

DJ: They got a Johnston Drive.

SW: Oh.

BC: Oh, it is named after your family?

DJ: Yes, Shorty, my brother, works for the township. We got Johnston Drive, you can't miss it when you go down there and cross the tracks, there is a green house on the corner, go back this way, go back that way, and you're found the place.

BC: Okay.

DJ: It would be simple for you.

BC: This is going to end the interview, unless there is anything we need to add.

SW: All set.

BC: The time is 2:16 p.m.