
INDICTMENT

Clerk's No. _____

FULTON SUPERIOR COURT

THE STATE OF GEORGIA

V.

GREGG JUNNIER, Cts 1-3, 6, 10, 12-16

JASON R. SMITH, Cts 1-5, 8, 9, 12-17
(also known as "J.R.")

ARTHUR TESLER Cts 1-3, 7, 11, 13-16

1 FELONY MURDER O.C.G.A. §16-5-1
2 FELONY MURDER O.C.G.A. §16-5-1
3 FELONY MURDER O.C.G.A. §16-5-1
4 FELONY MURDER O.C.G.A. §16-5-1
5 VIOLATION OF OATH BY PUBLIC OFFICER
O.C.G.A. §16-10-1
6 VIOLATION OF OATH BY PUBLIC OFFICER
O.C.G.A. §16-10-1
7 VIOLATION OF OATH BY PUBLIC OFFICER
O.C.G.A. §16-10-1
8 FALSE STATEMENTS O.C.G.A. §16-10-20
9 FALSE STATEMENTS O.C.G.A. §16-10-20
10 FALSE STATEMENTS O.C.G.A. §16-10-20
11 FALSE STATEMENTS O.C.G.A. §16-10-20
12 CRIMINAL SOLICITATION
O.C.G.A. §16-4-7
13 BURGLARY O.C.G.A. §16-7-1
14 BURGLARY O.C.G.A. §16-7-1
15 AGGRAVATED ASSAULT WITH A
DEADLY WEAPON O.C.G.A. §16-5-21
16 FALSE IMPRISONMENT O.C.G.A. §16-5-42
17 PERJURY O.C.G.A. § 16-10-70

_____ BILL

_____, 20____

Grand Jury Foreperson

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PAUL L. HOWARD, JR., District Attorney
Special Presentment

The Defendant waives copy
of indictment, list of
witnesses, formal
arraignment and pleads
_____ Guilty

The Defendant waives copy
of indictment, list of
witnesses, formal
arraignment and pleads
_____ Guilty

The Defendant waives copy
of indictment, list of
witnesses, formal
arraignment and pleads
_____ Guilty

Defendant

Defendant

Defendant

Attorney for Defendant

Attorney for Defendant

Attorney for Defendant

Assistant District Attorney

Assistant District Attorney

Assistant District Attorney

This ___ day
of _____,

This ___ day
of _____,

This ___ day
of _____,

***List of Witnesses appears on the last page.**

STATE of GEORGIA, COUNTY OF FULTON

IN THE SUPERIOR COURT OF SAID COUNTY

THE GRAND JURORS selected, chosen and sworn for the County of Fulton, to wit:

in the name and behalf of the citizens of Georgia, charge and accuse **GREGG JUNNIER, JASON R. SMITH (aka "J.R.") and ARTHUR TESLER** with the offense of **FELONY MURDER, O.C.G.A. §16-5-1**, for the said accused, in the County of Fulton and State of Georgia, on the 21st day of November, 2006, **DID UNLAWFULLY DURING THE COMMISSION OF A FELONY, TO WIT: BURGLARY, CAUSE THE DEATH OF KATHRYN JOHNSTON, A HUMAN BEING, BY SHOOTING HER WITH A FIREARM**; contrary to the laws of said State, the good order, peace and dignity thereof;

COUNT 2 of 17

and The Grand Jurors aforesaid in the name and behalf of the citizens of Georgia, charge and accuse **GREGG JUNNIER, JASON R. SMITH (aka "J.R.") and ARTHUR TESLER** with the offense of **FELONY MURDER, O.C.G.A. §16-5-1**, for the said accused, in the County of Fulton and State of Georgia, on the 21st day of November, 2006, **DID UNLAWFULLY DURING THE COMMISSION OF A FELONY, TO WIT: AGGRAVATED ASSAULT, CAUSE THE DEATH OF KATHRYN JOHNSTON, A HUMAN BEING, BY SHOOTING HER WITH A FIREARM**; contrary to the laws of said State, the good order, peace and dignity thereof;

COUNT 3 of 17

and The Grand Jurors aforesaid in the name and behalf of the citizens of Georgia, charge and accuse **GREGG JUNNIER, JASON R. SMITH (aka "J.R.") and ARTHUR TESLER** with the offense of **FELONY MURDER, O.C.G.A. §16-5-1**, for the said accused, in the County of Fulton and State of Georgia, on the 21ST day of November, 2006, **DID UNLAWFULLY DURING THE COMMISSION OF A FELONY, TO WIT: FALSE IMPRISONMENT UNDER COLOR OF LEGAL PROCESS, CAUSE THE DEATH OF KATHRYN JOHNSTON, A HUMAN BEING, BY SHOOTING HER WITH A FIREARM;** contrary to the laws of said State, the good order, peace and dignity thereof;

COUNT 4 of 17

and The Grand Jurors aforesaid in the name and behalf of the citizens of Georgia, charge and accuse **JASON R. SMITH (aka "J.R.")** with the offense of **FELONY MURDER, O.C.G.A. §16-5-1**, for the said accused, in the County of Fulton and State of Georgia, on the 21ST day of November, 2006, **DID UNLAWFULLY DURING THE COMMISSION OF A FELONY, TO WIT: PERJURY, CAUSE THE DEATH OF KATHRYN JOHNSTON, A HUMAN BEING, BY SHOOTING HER WITH A FIREARM;** contrary to the laws of said State, the good order, peace and dignity thereof;

COUNT 5 of 17

and The Grand Jurors aforesaid in the name and behalf of the citizens of Georgia, charge and accuse **JASON R. SMITH (aka "J.R.")** with the offense of **VIOLATION OF OATH BY PUBLIC OFFICER, O.C.G.A. §16-10-1**, for the said accused, in the County of Fulton and State of Georgia, on the 21ST day of November, 2006, **HAVING TAKEN AND SUBSCRIBED TO THE OATH OF OFFICE PRESCRIBED BY LAW FOR THE OFFICE OF CITY OF ATLANTA POLICE OFFICER, WHICH OATH STATES IN PART, "I, JASON R. SMITH, DO PROMISE AND SWEAR THAT I SHALL PERFORM THE DUTIES OF THE POSITION TO WHICH I HAVE BEEN APPOINTED AND OF ANY OTHER POSITION TO WHICH I MAY HEREAFTER BE APPOINTED OR ELECTED IN THE GOVERNMENT OF THE CITY OF ATLANTA TO THE BEST OF MY ABILITY. I SHALL UPHOLD AND DEFEND THE CONSTITUTION AND LAWS OF THE UNITED STATES, THE STATE OF GEORGIA, AND THE CHARTER AND ORDINANCES OF THE CITY OF ATLANTA TO THE BEST OF MY ABILITY"** DID UNLAWFULLY AND INTENTIONALLY VIOLATE THE TERMS OF SAID OATH BY COMMITTING THE OFFENSE OF PERJURY, AS ALLEGED IN COUNT FOURTEEN OF THIS INDICTMENT AND INCORPORATED BY REFERENCE HEREIN ; contrary to the laws of said State, the good order, peace and dignity thereof;

COUNT 6 of 17

and The Grand Jurors aforesaid in the name and behalf of the citizens of Georgia, charge and accuse **GREGG JUNNIER** with the offense of **VIOLATION OF OATH BY PUBLIC OFFICER, O.C.G.A. §16-10-1**, for the said accused, in the County of Fulton and State of Georgia, on the 22ND day of November, 2006, **HAVING TAKEN AND SUBSCRIBED TO THE OATH OF OFFICE PRESCRIBED BY LAW FOR THE OFFICE OF CITY OF ATLANTA POLICE OFFICER, WHICH OATH STATES IN PART, "I, GREGG JUNNIER, DO PROMISE AND SWEAR THAT I SHALL PEFORM THE DUTIES OF THE POSITION TO WHICH I HAVE BEEN APPOINTED AND OF ANY OTHER POSITION TO WHICH I MAY HEREAFTER BE APPOINTED OR ELECTED IN THE GOVERNMENT OF THE CITY OF ATLANTA TO THE BEST OF MY ABILITY. I SHALL UPHOLD AND DEFEND THE CONSTITUTION AND LAWS OF THE UNITED STATES, THE STATE OF GEORGIA, AND THE CHARTER AND ORDINANCES OF THE CITY OF ATLANTA TO THE BEST OF MY ABILITY"** DID UNLAWFULLY AND INTENTIONALLY VIOLATE THE TERMS OF SAID OATH BY COMMITTING THE OFFENSE OF FALSE STATEMENTS AS ALLEGED IN COUNT NINE OF THIS INDICTMENT AND INCORPORATED BY REFERENCE HEREIN ; contrary to the laws of said State, the good order, peace and dignity thereof;

COUNT 7 of 17

and The Grand Jurors aforesaid in the name and behalf of the citizens of Georgia, charge and accuse **ARTHUR TESLER** with the offense of **VIOLATION OF OATH BY PUBLIC OFFICER, O.C.G.A. §16-10-1**, for the said accused, in the County of Fulton and State of Georgia, on the 7th day of December, 2006, **HAVING TAKEN AND SUBSCRIBED TO THE OATH OF OFFICE PRESCRIBED BY LAW FOR THE OFFICE OF CITY OF ATLANTA POLICE OFFICER, WHICH OATH STATES IN PART, "I, ARTHUR TESLER, DO PROMISE AND SWEAR THAT I SHALL PEFORM THE DUTIES OF THE POSITION TO WHICH I HAVE BEEN APPOINTED AND OF ANY OTHER POSITION TO WHICH I MAY HEREAFTER BE APPOINTED OR ELECTED IN THE GOVERNMENT OF THE CITY OF ATLANTA TO THE BEST OF MY ABILITY. I SHALL UPHOLD AND DEFEND THE CONSTITUTION AND LAWS OF THE UNITED STATES, THE STATE OF GEORGIA, AND THE CHARTER AND ORDINANCES OF THE CITY OF ATLANTA TO THE BEST OF MY ABILITY"** DID UNLAWFULLY AND INTENTIONALLY VIOLATE THE TERMS OF SAID OATH BY COMMITTING THE OFFENSE OF FALSE STATEMENTS AS ALLEGED IN COUNT TEN OF THIS INDICTMENT AND INCORPORATED BY REFERENCE HEREIN ; contrary to the laws of said State, the good order, peace and dignity thereof;

COUNT 8 of 17

and The Grand Jurors aforesaid in the name and behalf of the citizens of Georgia, charge and accuse **JASON R. SMITH** with the offense of **FALSE STATEMENTS, O.C.G.A. §16-10-20**, for the said accused in the County of Fulton and State of Georgia, on the **22nd day of November, 2006, DID KNOWINGLY AND WILLFULLY FALSIFY BY TRICK, SCHEME OR DEVISE AS MORE PARTICULARY DESCRIBED HEREIN, A MATERIAL FACT, TO WIT: TOLD HOMICIDE DETECTIVES THAT HE HAD DIRECTED A CONFIDENTIAL RELIABLE INFORMANT TO MAKE A CONTROLLED BUY OF NARCOTICS FROM 933 NEAL STREET ON 11/21/06, IN AN OFFICIAL INVESTIGATION WITHIN THE JURISDICTION OF FULTON COUNTY;** contrary to the laws of said State, the good order, peace and dignity thereof;

COUNT 9 of 17

and The Grand Jurors aforesaid in the name and behalf of the citizens of Georgia, charge and accuse **JASON R. SMITH** with the offense of **FALSE STATEMENTS, O.C.G.A. §16-10-20**, for the said accused in the County of Fulton and State of Georgia, on the **20th day of December, 2006, DID KNOWINGLY AND WILLFULLY FALSIFY BY TRICK, SCHEME OR DEVISE AS MORE PARTICULARY DESCRIBED HEREIN, A MATERIAL FACT, TO WIT: TOLD FBI AGENTS THAT HE HAD DIRECTED A CONFIDENTIAL RELIABLE INFORMANT TO MAKE A CONTROLLED BUY OF NARCOTICS FROM 933 NEAL STREET ON 11/21/06, IN AN OFFICIAL INVESTIGATION WITHIN THE JURISDICTION OF FULTON COUNTY;** contrary to the laws of said State, the good order, peace and dignity thereof;

COUNT 10 of 17

and The Grand Jurors aforesaid in the name and behalf of the citizens of Georgia, charge and accuse **GREGG JUNNIER** with the offense of **FALSE STATEMENTS, O.C.G.A. §16-10-20**, for the said accused in the County of Fulton and State of Georgia, on the **22nd day of November, 2006, DID KNOWINGLY AND WILLFULLY FALSIFY BY TRICK, SCHEME OR DEVISE AS MORE PARTICULARY DESCRIBED HEREIN, A MATERIAL FACT, TO WIT: TOLD HOMICIDE DETECTIVES THAT INV. TESLER AND INV. J.R. SMITH MET AN INFORMANT TO COMPLETE A CONTROLLED BUY OF NARCOTICS FROM 933 NEAL STREET ON 11/21/06, IN AN OFFICIAL INVESTIGATION WITHIN THE JURISDICTION OF FULTON COUNTY;** contrary to the laws of said State, the good order, peace and dignity thereof;

COUNT 11 of 17

and The Grand Jurors aforesaid in the name and behalf of the citizens of Georgia, charge and accuse **ARTHUR TESLER** with the offense of **FALSE STATEMENTS, O.C.G.A. §16-10-20**, for the said accused in the County of Fulton and State of Georgia, on the 7th day of December, 2006, **DID KNOWINGLY AND WILLFULLY FALSIFY BY TRICK, SCHEME OR DEVISE AS MORE PARTICULARY DESCRIBED HEREIN, A MATERIAL FACT, TO WIT: TOLD FBI AGENTS THAT HE HAD OBSERVED A CONTROLLED BUY OF NARCOTICS FROM 933 NEAL STREET ON 11/21/06, IN AN OFFICIAL INVESTIGATION WITHIN THE JURISDICTION OF FULTON COUNTY;** contrary to the laws of said State, the good order, peace and dignity thereof;

COUNT 12 of 17

and The Grand Jurors aforesaid in the name and behalf of the citizens of Georgia, charge and accuse **GREGG JUNNIER and JASON R. SMITH (aka "J.R.")** with the offense of **CRIMINAL SOLICITATION, O.C.G.A. §16-4-7**, for the said accused, in the County of Fulton and State of Georgia, between the 21st day of November, 2006 and the 30th day of November, 2006, **DID UNLAWFULLY SOLICIT, REQUEST AND OTHERWISE ATTEMPT TO CAUSE ALEX WHITE TO ENGAGE IN CONDUCT CONSTITUTING A FELONY, TO WIT: FALSE STATEMENTS, IN VIOLATION OF THE O.C.G.A § 16-10-20;** - contrary to the laws of said State, the good order, peace and dignity thereof;

COUNT 13 of 17

and The Grand Jurors aforesaid in the name and behalf of the citizens of Georgia, charge and accuse **GREGG JUNNIER, JASON R. SMITH (aka "J.R.") and ARTHUR TESLER** with the offense of **BURGLARY, O.C.G.A. §16-7-1**, for the said accused, in the County of Fulton and State of Georgia, on the 21st day of November, 2006, **DID WITHOUT AUTHORITY AND WITH THE INTENT TO COMMIT A FELONY THEREIN, TO WIT: FALSE IMPRISONMENT UNDER COLOR OF LEGAL PROCESS PURSUANT TO O.C.G.A. §16-5-42 , ENTERED THE DWELLING HOUSE OF ANOTHER, TO WIT: KATHRYN JOHNSTON;** contrary to the laws of said State, the good order, peace and dignity thereof;

COUNT 14 of 17

and The Grand Jurors aforesaid in the name and behalf of the citizens of Georgia, charge and accuse **GREGG JUNNIER, JASON R. SMITH (aka "J.R.") and ARTHUR TESLER** with the offense of **BURGLARY, O.C.G.A. §16-7-1**, for the said accused, in the County of Fulton and State of Georgia, on the 21st day of November, 2006, **DID WITHOUT AUTHORITY AND WITH THE INTENT TO COMMIT A FELONY THEREIN, TO WIT: CRIMINAL DAMAGE TO PROPERTY IN THE FIRST DEGREE PURSUANT TO O.C.G.A. § 16-7-22(a)(1), ENTERED THE DWELLING HOUSE OF ANOTHER, TO WIT: KATHRYN JOHNSTON;** contrary to the laws of said State, the good order, peace and dignity thereof;

COUNT 15 of 17

and The Grand Jurors aforesaid in the name and behalf of the citizens of Georgia, charge and accuse **GREGG JUNNIER, JASON R. SMITH (aka "J.R.") and ARTHUR TESLER** with the offense of **AGGRAVATED ASSAULT, O.C.G.A. §16-5-21**, for the said accused, in the County of Fulton and State of Georgia, on the 21st day of November, 2006, **DID UNLAWFULLY COMMIT AN ASSAULT UPON THE PERSON OF KATHRYN JOHNSTON, A PERSON 65 YEARS OR OLDER, BY SHOOTING AT, TOWARDS AND IN THE DIRECTION OF KATHRYN JOHNSTON WITH A PISTOL, SAID WEAPON BEING A DEADLY WEAPON; THEREBY PLACING KATHRYN JOHNSTON IN REASONABLE APPREHENSION OF IMMEDIATELY RECEIVING SERIOUS BODILY INJURY;** contrary to the laws of said State, the good order, peace and dignity thereof;

COUNT 16 of 17

and The Grand Jurors aforesaid in the name and behalf of the citizens of Georgia, charge and accuse **GREGG JUNNIER, JASON R. SMITH (aka "J.R.") and ARTHUR TESLER** with the offense of **FALSE IMPRISONMENT UNDER COLOR OR LEGAL PROCESS, O.C.G.A. §16-5-42**, for the said accused, in the County of Fulton and State of Georgia, on the 21st day of November, 2006, **BEING AN OFFICER AUTHORIZED TO ARREST, DID, IN VIOLATION OF THE PERSONAL LIBERTY OF KATHRYN JOHNSTON, KNOWINGLY AND MALICIOUSLY DETAIN AND CONFINE SAID KATHRYN JOHNSTON BY KNOWINGLY AND MALICIOUSLY EXECUTING SAID PROCESS WHICH WAS MANIFESTLY ILLEGAL;** contrary to the laws of said State, the good order, peace and dignity thereof;

COUNT 17 of 17

and The Grand Jurors aforesaid in the name and behalf of the citizens of Georgia, charge and accuse **JASON R. SMITH (aka "J.R.")** with the offense of **PERJURY, O.C.G.A. §16-10-70**, for the said accused, in the County of Fulton and State of Georgia, on the 21st day of November, 2008, **AFTER HAVING BEEN ADMINISTERED A LAWFUL OATH, TO WIT: JASON R. SMITH DID SWEAR AND AFFIRM ALL THE INFORMATION HE GAVE TO THE MAGISTRATE WAS TRUE AND CORRECT TO THE BEST OF HIS KNOWLEDGE, DID, IN A JUDICIAL PROCEEDING, TO WIT: APPLICATION FOR A SEARCH WARRANT, KNOWINGLY AND WILLFULLY MAKE A FALSE STATEMENT MATERIAL TO THE ISSUE, TO WIT: FALSELY CLAIMED THAT A CONFIDENTIAL RELIABLE INFORMANT GAVE HIM INFORMATION THAT WITHIN 933 NEAL STREET THERE POSED A THREAT OF DANGER THAT AUTHORIZED THE USE OF A FORCED AND UNANNOUNCED ENTRY;** contrary to the laws of said State, the good order, peace and dignity thereof;

PAUL L. HOWARD, JR., District Attorney