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### **Guilty verdict in bus killing**

#### **Mental illness makes sentencing difficult**

By Julie Bykowicz

Sun Reporter

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A Baltimore man with two previous murder convictions and almost two decades of documented psychiatric illnesses was found guilty but not criminally responsible yesterday in the killing of a fellow inmate aboard a prison bus - and state officials aren't sure what to do with him.

Kevin G. Johns Jr., who had faced a possible death penalty, suffered from mental disorders that prevented him from being able to obey the law when he strangled another prisoner, a judge ruled. After a prosecutor said Johns, 25, might be too dangerous for the state's maximum-security psychiatric hospital, Harford Circuit Judge Emory A. Plitt Jr. gave attorneys for the state prison system and health department two weeks to sort out where he should be sent.

The verdict came after a two-hour commentary from Plitt on what he called "a preventable tragedy." The judge placed some of the blame for the Feb. 2, 2005, murder of Philip E. Parker Jr. on a prison system that had "ample warnings" about Johns' deteriorating mental health and his propensity for violence.

The judge questioned why prison doctors had stopped giving Johns medication and why correctional officers did not more closely guard him during the nighttime bus ride from Hagerstown to Supermax in Baltimore. After Parker's murder, three correctional officers on the bus were fired, and the prison system revamped its transportation policy, eliminating all nighttime bus trips.

"Based on the undisputed evidence presented to me during the trial," Plitt said, "it seems to me that the death of Mr. Parker could have been avoided."

The judge gave an exhaustive recitation of Johns' history of mental illness, which began at age 9, spanned 5,000 pages of evaluations and included a dozen diagnoses over the years, including fetal alcohol syndrome, lead poisoning, and schizo-affective disorder.

In 2002, Johns killed an uncle in Baltimore whom he had accused of physically and sexually abusing



him. And in January 2004, while serving his 35-year sentence at a prison in Hagerstown, Johns strangled his 16-year-old cellmate.

As he was being sentenced to life in prison without the possibility of parole in that killing, Johns said that he would "do it again." A day later, he strangled Parker.

Plitt punctuated many of his remarks with the phrase "another cloud in the gathering storm," borrowing from defense attorney Harry J. Trainor Jr.'s description of Parker's murder as "a perfect storm."

The case was moved from Baltimore County and heard by a judge rather than a jury at the request of defense attorneys. The eight-day trial ended May 20, and Plitt, a former attorney for the prison system, said he had been poring over evidence and researching legal issues ever since.

As Plitt reached the end of his comments and announced his finding that Johns was not criminally responsible, Parker's family, dressed all in black, stood and left the courtroom. Parker, 20, was serving a 3 1/2 year sentence for a robbery with a pellet gun. Years earlier, Parker and Johns had lived together in a residential treatment center for troubled teens.

Parker's mother, Melissa Rodriguez, said that her son "will never have justice," and that " Maryland should be ashamed of itself for taking that away from us."

Like several psychiatrists who testified for the state, Parker's family believed Johns was feigning mental illness. Susan Romero, who said she was Parker's aunt, said Johns "has had years to improve his art," eventually convincing enough people that he was sick.

First prescribed psychotropic medicines at age 9, Johns has spent almost all of his life in institutions and prisons. He went off medication about the time of Parker's killing after a prison psychologist - overruling a prison psychiatrist - determined he was malingering.

Johns has not been on medication during the trial. Yesterday, he smiled as he entered the courtroom and his head lolled from side to side during the proceeding.

Trainor said his client was "clearly in need of mental health treatment" and that delays in getting him help constitute "cruel and unusual punishment."

The judge's ruling committed Johns to the Department of Health and Mental Hygiene. Typically, defendants deemed not criminally responsible are housed at the 250-bed Clifton T. Perkins Hospital Center in Jessup. They can be released once a team of doctors determines they can safely return to society.

But Johns' case is more complex.

Because he is also committed to the Department of Public Safety and Correctional Services for the first two murders, Johns would return to prison if he is ever released from Perkins.

Baltimore County Assistant State's Attorney S. Ann Brobst said there are other issues to consider. She said it is unclear which commitment - to the prison system or to the mental health department - trumps the other. And she said Perkins, though it is considered a maximum security prison, has never handled a patient who has killed two people while in custody.

"I can't imagine a more dangerous person in the state," Brobst said after court. Throughout the trial,

Johns was shackled at the ankles, and his wrists were handcuffed to a waist chain. At times, his hands were encased in black, steel-lined mitts.

Brobst requested more time for attorneys from those state agencies to figure out what to do, adding that one option might be to house Johns at Supermax prison in Baltimore while state mental health administer his treatment there.

Trainor said he would object to sending Johns anywhere other than Perkins.

"He has spent his entire life on psychotropic medicine," Trainor said after court. "He needs it. He'll be a much safer human being. It's the best thing for Kevin. It's the best thing for society. It should happen right away."

Plitt gave the state until June 23 to prepare a plan.

DHMH Secretary John M. Colmers and prison spokesman Rick Binetti said their agencies have been working together on the issue for weeks and were continuing to research their options. Binetti said his agency has never before dealt with a situation like Johns'.

[julie.bykowicz@baltsun.com](mailto:julie.bykowicz@baltsun.com)

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