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Man acquitted of murder charge

BY DAN HORN

The Cincinnati Enquirer

A man who faced life in prison on a murder charge is free today after a jury concluded he acted in self-defense during a shooting last year in Over-the-Rhine.

The jury's verdict Wednesday acquitted Lester Johnson Jr. of all charges connected to the shooting death of 26-year-old Clint Gardner on Nov. 15, 1998.

Prosecutors had argued that Mr. Johnson, 36, murdered Mr. Gardner while arguing with him in a Main Street apartment.

Mr. Johnson's attorney, Bill Rapp, said his client fired the fatal shot only because his own life was in

danger.

"We never contested that he shot him," Mr. Rapp said. "Our contention all along was that he was in fear for his life."

The verdict came after a weeklong trial in Hamilton County Common Pleas Court. The 12-member jury deliberated about two hours before reaching the unanimous decision.

Judge Melba Marsh then freed Mr. Johnson.

"He's extremely relieved," Mr. Rapp said. "He placed his trust with the jury, and it worked out."

Mr. Johnson, of South Fairmount, had turned down a deal with prosecutors before his trial, that would have required him to

plead guilty to lesser charges of voluntary manslaughter.

If he had accepted the deal, he could have been sentenced to about 10 years in prison.

The murder charge carried a possible penalty of 20 years to life.

Prosecutors accused Mr. Johnson of shooting Mr. Gardner, a single father in Over-the-Rhine, after he arrived at Mr. Gardner's girlfriend's apartment on Main Street.

Mr. Rapp argued that an angry Mr. Gardner started a fight with Mr. Johnson. He said the shot was fired as the men struggled. Mr. Gardner was shot in the chest.

Man freed after nixing plea bargain

By Kimball Perry

Post staff reporter

Accused killer Lester Johnson took his chances before a jury and snubbed a prosecutor's plea bargain offer several months ago.

The gamble paid off Wednesday, when a jury believed that Johnson, of South Fairmont, fatally shot another man in self-defense. Within two hours of getting the case, the Hamilton County Common Pleas jury set Johnson free.

In September, Johnson stood before a judge facing a 13-year sentence after pleading guilty to voluntary manslaughter for shooting Clint Gardner. Then he changed his mind.

Johnson told Judge Melba Marsh Sept. 21 that he would rather withdraw his guilty plea and face a murder trial — and a potential life sentence.

She reluctantly agreed.

Wednesday, Johnson strolled out of the courtroom a free man after convincing jurors during a weeklong trial that he acted in self-defense, said his attorney, William Rapp.

Johnson told jurors that he was forced to shoot Gardner, 26, to protect himself in a fight over a woman. A murder conviction could have meant 15 years to life.

Johnson, of the 1800 block of Knox Street, and his brother, Damien, were at a Main Street apartment in Over-the-Rhine Nov. 15, 1998, visiting Gardner's girlfriend when the shooting took place.