



Department of Justice

United States Attorney David E. Nahmias
Northern District of Georgia

FOR IMMEDIATE RELEASE

06/19/09

<http://www.usdoj.gov/usao/gan/>

CONTACT: Patrick Crosby

(404)581-6016

FAX (404)581-6160

FORMER ATLANTA POLICE SERGEANT SENTENCED TO FEDERAL PRISON FOR WARRANTLESS BREAK-IN OF PRIVATE HOME

Defendant was Sergeant Over Narcotics Team Involved in Kathryn Johnston Shooting

Atlanta, GA - WILBERT STALLINGS, 45, of Conyers, Georgia, was sentenced to prison today by United States District Judge Julie E. Carnes on the charge of conspiring to violate civil rights by breaking into a private residence to search for drugs without a warrant.

United States Attorney David E. Nahmias said, "Breaking into a private residence without a warrant or provocation is the ultimate violation of our constitutional right to be secure in our homes. Indeed, it is the very definition of lawlessness. Thankfully, the vast majority of police officers understand that their badges and guns do not grant them authority to ignore the Bill of Rights. For those few who still don't get it, today's sentence should send a message that police officers are sworn not just to enforce the law but, like all citizens, to obey it. Officers who violate the law risk their careers and, again like all citizens, their liberty. Sergeant Stallings should feel fortunate that the resident in this case was not home and not armed, or this civil-rights conspiracy could have had the same tragic end as the one that took the life of Kathryn Johnston the following year."

STALLINGS was sentenced to 18 months in prison to be followed by 2 years of supervised release, and was ordered to perform 80 hours of community service. STALLINGS pleaded guilty to the civil-rights conspiracy charge on March 24, 2008.

According to United States Attorney Nahmias and the information presented in court: In October 2005, STALLINGS, a sergeant in the narcotics unit and a 23-year veteran of the Atlanta Police Department, joined several other APD officers in executing a search warrant at an apartment located at 1058 Dill Avenue in Atlanta. At the time, Gregg Junnier, one of the officers who would later be convicted for his involvement in the Kathryn Johnston shooting, was a member of the narcotics team under STALLINGS' command. Junnier had obtained a search warrant for the apartment at 1058 Dill Avenue. The apartment was part of a duplex, and the adjacent apartment was 1056 Dill Avenue. No search warrant had been obtained for 1056 Dill Avenue.

The officers executed the warrant at 1058 Dill Avenue and recovered some marijuana in bushes behind the apartment, but found no drugs inside the apartment. Having not found what they expected at 1058 Dill Avenue, STALLINGS and Junnier discussed and illegally agreed to make a forced entry, without a search warrant, into the adjoining apartment at 1056 Dill Avenue. The officers under STALLINGS' command then broke into the apartment. STALLINGS, Junnier, and other officers on the narcotics team then entered the apartment. No one was home, and the officers found no evidence of any illegal activity. STALLINGS then instructed his team to leave the apartment and shut the door. He made a statement to the effect of: "Just shut the door. They'll just think it was a break-in." This violation of the civil rights of the apartment's resident was uncovered and investigated only after the Kathryn Johnston shooting, when Junnier began cooperating with the FBI in identifying other police misconduct.

This crime was part of a larger pattern of misconduct by STALLINGS and his team. Specifically, (1) STALLINGS permitted his team to work so-called "extra jobs" through which they were paid by business owners to provide services on duty that should have been free for all citizens -- and STALLINGS himself shared in the profits from that enterprise; (2) he knew and allowed his officers to "trade" search warrants with each other, by which one officer would swear in an affidavit to have witnessed events he never actually saw; (3) he let his officers use unregistered drug informants as sources for information, but allowed the officers to identify such informants falsely as "confidential and reliable" for the purposes of procuring search warrants; and (4) he knowingly permitted his officers to inflate or "pad" payment vouchers for informants so that the officers could use the extra money for their own purposes.

This case was investigated by Special Agents of the Federal Bureau of Investigation.

Assistant United States Attorneys Jon-Peter Kelly and Kurt Erskine prosecuted the case.

For further information please contact David E. Nahmias (pronounced NAH-me-us), United States Attorney, or Charysse L. Alexander, Executive Assistant United States Attorney, through Patrick Crosby, Public Affairs Officer, U.S. Attorney's Office, at (404) 581-6016. The Internet address for the HomePage for the U.S. Attorney's Office for the Northern District of Georgia is www.usdoj.gov/usao/gan.