

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WILLIAM JOHNSON,	:	
<i>Petitioner,</i>	:	CIVIL ACTION
	:	No. 12-5156
v.	:	
	:	
BOBBI JO SALAMON, et al.,	:	
<i>Respondents.</i>	:	

ORDER

Petitioner William Johnson and the government have submitted a joint motion and stipulation in this case. The government concedes “that Mr. Johnson’s right to confrontation of witnesses was violated and that the error was not harmless under governing habeas standards.” Joint Stip. (ECF No. 35-1) at 2. It further admits that it “concealed from this Court and the Third Circuit critical evidence on the Confrontation Clause violation, in particular evidence that was essential to a fair determination of the prejudice caused by this violation,” Joint Motion (ECF No. 35) at 3, and that those “misrepresentations . . . present extraordinary circumstances to undermine the integrity of this Court’s proceedings and raise[] a significant risk of injustice,” Joint Stip. (ECF No. 35-1) at 5. Accordingly, the parties now agree that Mr. Johnson’s Rule 60 motion and habeas corpus petition should both be granted. After careful review of the parties’ submissions, I agree.

AND NOW, this 13th day of March, 2023, upon consideration of the parties’ Joint Motion For Relief on Claim II of Habeas Petition (ECF No. 35) and Stipulation to Habeas Corpus Relief (ECF No. 35-1), it is **ORDERED** that:

- (1) The parties’ stipulation is **ACCEPTED** by the court;
- (2) Mr. Johnson’s Motion for Relief from Final Order and Judgment Pursuant to Federal Rule of Civil Procedure 60 (ECF No. 28) is **GRANTED**;

- (3) The court's Order (ECF No. 16) is **VACATED** to the extent that it denied relief under 28 U.S.C. § 2254. Mr. Johnson's Petition for Writ of Habeas Corpus (ECF No. 1) is **GRANTED** as to Claim II; and
- (4) Mr. Johnson must be released from custody or retried within 60 days unless extended by the court.

s/ANITA B. BRODY, J.

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