David Levack (left) sits with his attorney, Daniel Jaspen, during his homicide trial in Iron County Trial Court. Levack was charged in October 2011 for the murder of Joyce Johnson of Stambaugh Township.

CRYSTAL FALLS—Testimony continues this week in the David Levack trial in Iron County Trial Court here.

Levack, 45, of Kingsford was charged in October 2011 for the murder of Joyce Johnson, 81, of Stambaugh Township, who was scheduled to testify against him in a stolen property case on Sept. 27, 2011.

Levack is charged with open murder, felony murder, first degree home invasion and witness intimidation.

If convicted of felony murder or first degree murder, Levack could face life in prison without the possibility of parole.

A second degree murder conviction could see a term of life or any term of years up to life, with the possibility of parole.

On the home invasion charges, he faces up to 20 years, and on witness intimidation, up to 15 years.

Mrs. Johnson was the victim of a 2008 larceny and was scheduled to testify against Levack. Johnson's failure to appear at the Sept. 27 court proceeding led law enforcement to her home, where they found her body.

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Jury selection took place in Iron County Trial Court on Monday, April 23, taking just over eight hours. Eight women and six men were selected--12 jurors and two alternates. Later in the week, on Friday, one of the jurors was dismissed for medical reasons.

Iron County Prosecuting Attorney Melissa Powell is trying the case against Levack, who is represented by Iron Mountain attorney Dan Jaspen.

Testimony began Tuesday, April 24, with opening statements from Powell and Jaspen, followed by witnesses for the prosecution.

Shari Branham, daughter of the victim, testified, as did Iron County Undersheriff Tom Courchaine and Iron County Sheriff's Deputies Leonard Brezek, Adam Schiavo, Brent Benson and Ryan Boemke.

According to Boemke's testimony, he was the first on the scene after being dispatched to complete a well-being check on. Johnson.

Brezek stated that Mrs. Johnson's failure to show up at the trial on Sept. 27 was "very unusual," recalling her commitment to follow up on the case.

Boemke reported that upon arrival at the Johnson home, he found a Fed Ex claim ticket, dated Sept. 26, hanging from a garage light as well as an upstairs window screen that appeared to be

cut.

When she didn't answer the door, and he could not gain entry to the home, Boehmke contacted Sheriff Mark Valesano, who, along with Courchaine, went to the home to assist.

The sheriff and undersheriff were able to gain entry to the home and were inside before Boemke, according to the deputy.

Mrs. Johnson was found dead in her bathroom and, according to Boemke, he then contacted Sgt. Wade Cross to get a medical examiner and an evidence tech on the scene before canvassing the area.

During that time he encountered two young women picking apples near the Johnson home. The two, identified as Jenna Dobson and Cami Fittante, said that they had not seen anything suspicious occur.

Benson told the jury that while he was at the Johnson home, he had found a hand gun on the living room couch and that he also took part in canvassing the area.

Boemke testified that he took part in Mrs. Johnson's autopsy in Marquette on Sept. 28, which, he said, found the cause of death to be not of natural causes.

A March 10 incident at the Motel 6 in Iron Mountain was also brought up in Boemke's testimony, when he said that he was part of the team that took Levack into protective custody after he threatened his own life and two questioning detectives.

Communication from Levack included informing officers that he had a handcuff key taped to his wrist. Boemke found it on the defendant's wrist under a bandage.

During a mental health evaluation at Northstar Health System, Levack asked the deputy why officers hadn't shot and killed him during the motel incident. At this time he also spoke of reincarnation, cried some and then appeared normal.

Eyewitnesses who correctly identified a car belonging to Levack in the vicinity of Mrs. Johnson's home were also brought up, and there was testimony about the considerable amount of items found in the car.

Items in the car included several flashlights, numerous tools, two pair of binoculars, a scale, a window screen replacement (size 36-by-84 inches) and a screen tool, along with a Walmart receipt for the screen and tool dated Sept. 17, 2011.

On Wednesday, several witnesses took the stand, placing Levack near the home of Mrs. Johnson in the days preceding the Sept. 27, 2011, discovery of her body.

One witness encountered Levack on his property on the morning of Sept. 25. Levack, the witness testified, was looking north, towards Johnson's home, through a pair of binoculars

Levack's excuse for trespassing was that he had a bet with a friend named Jack that he could get a picture of a woodpecker before his friend could.

An acquaintance of Levack's, named Jack, later testified that he had no such bet with the defendant. The witness' description of the trespasser's car matched Levack's car.

Later that same morning, another witness, who lives on Pentoga Road, also testified to seeing the unoccupied car parked on Kalla Walla Trail, near Pentoga Road.

Another resident of the area witnessed the same car driving south on Kalla Walla Trail on the morning of Monday, Sept. 26. He said it was a rare occurrence for the time of day and the direction the car was headed.

Mrs. Johnson's late husband's former home health worker, Victoria Bourassa, also testified.

She told the jury that she became close to Mrs. Johnson while employed to take care of her husband. She said they had kept in contact after his death in 2009.

Bourassa said she last spoke to Mrs. Johnson on Monday, Sept. 26, at around 6 p.m. At that

time, she said she called to let Mrs. Johnson know that, due to a death in her family, she would not be able to drive her to a stolen property trial the following day.

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