



FOR IMMEDIATE RELEASE

August 15, 2019

MEDIA CONTACT

Miriam Krinsky

E: krinskym@krinsky.la

C: 818-416-5218

Kacey Bonner

E: kbonner@fairandjustprosecution.org

C: 310-402-3013

Over 40 Elected Prosecutors Push Back Against Attempt to Strip Circuit Attorney Kim Gardner of Ability to Correct Unjust Convictions

Amicus Curiae Brief Urges Missouri Court to Recognize Conviction Integrity Units as Well-established Best Practice and Uphold the Discretion of Local Prosecutors to Remedy Past Injustices

ST. LOUIS – Today 43 elected prosecutors from across the country filed an [amicus curiae brief](#) urging the Circuit Court for the City of St. Louis to respect the discretionary powers of St. Louis City Circuit Attorney Kim Gardner to investigate and remedy past cases where wrongful convictions have occurred. The brief is in response to the court’s apparent decision to appoint Missouri State Attorney General Eric Schmidt as the State’s co-representative in *Missouri v. Lamar Johnson*. The ruling was made after CA Gardner filed a motion for a new trial in the case based on new evidence uncovered by her office’s Conviction Integrity Unit (“CIU”) of Johnson’s actual innocence, as well as evidence of troubling police and prosecutorial misconduct, including suppression of exculpatory evidence and perjured testimony. The court’s ruling has cast doubt on the ability of Johnson – who has been in custody for over 20 years – to receive relief or be released from custody any time soon.

Amici observe that prosecutors have an ethical obligation to pursue justice, which requires the ability to revisit past cases where injustice has occurred. They also argue that the appointment of AG Schmidt is an improper intrusion on CA Gardner’s duty to represent the citizens of St Louis and that the existence of past prosecutorial misconduct cannot give rise to a “conflict” precluding CA Gardner and her CIU from addressing these concerning facts and seeking to remedy this injustice.

“As ministers of justice, prosecutors have a duty to protect the integrity of the justice system and proactively address present and past miscarriages of justice,” said **Miriam Krinsky, Executive Director of Fair and Just Prosecution**. “With over 45 CIUs across the country, this process for reviewing past concerning cases is a well-established legal best practice that facilitates the prosecutor’s duty to pursue justice at all times. Bringing the state Attorney General in is an unprecedented move that not only hinders CA Gardner’s ability to remedy injustice, but also casts doubt on other efforts across the state to establish and maintain a process of conviction review.”

The brief was authored by Charles Weiss and Jonathan Potts at [Bryan Cave Leighton Paisner LLP](#), with the assistance and coordination of [Fair and Just Prosecution](#), a non-profit organization dedicated to promoting a justice system grounded in fairness, equity, compassion, and fiscal responsibility.

“We have an ethical obligation to pursue justice that does not stop at the point of conviction. Where previous prosecutors have committed misconduct, it is the duty of current prosecutors to repair the resulting harm,” said **St. Louis County Prosecuting Attorney Wesley Bell**. “When injustice occurs it not only degrades the integrity

of the entire justice system, but it also erodes the trust of the community that they will be treated fairly. In a place where bonds of trust with the community are on shaky ground, CA Gardner is appropriately meeting her duty as an elected prosecutor to protect the integrity of the system, which begins with correcting injustices such as those revealed by the investigation into Mr. Johnson’s case.”

Amici underscored that if the court rules against CA Gardner’s motion, CIUs will be prevented from fulfilling their intended function in the state of Missouri. Further, elected prosecutors across the state would be discouraged from using their power to revisit many past cases, thereby leaving potentially innocent people, like Lamar Johnson, behind bars and without any practical avenue for relief.

“Having the ability to revisit past cases where injustice may have occurred – especially when prosecutors were at the center of the injustice – is necessary not only to the execution of our duty as prosecutors, but to the function of the criminal justice system as a whole,” said **Jeff Rosen, the District Attorney in Santa Clara County** where the nation’s first CIU was established in 2003. “Leaving innocent people behind bars is not only immoral, it is also unethical and antithetical to the job prosecutors have a sworn duty to execute. Letting this ruling stand ultimately erodes our ability to create a fair and just system that people can trust.”

Amici include, among others, **District Attorneys Diana Becton** (Contra Costa County, CA), **Sherry Boston** (DeKalb County, GA), **John Cruetzot** (Dallas County, TX), **Satana Deberry** (Durham County, NC), **Michael Dougherty** (Boulder County, CO), **Mark Dupree** (Wyandotte County, KS), **George Gascón** (City and County of San Francisco, CA), **Joe Gonzales** (Bexar County, TX), **Eric Gonzalez** (Kings County, NY), **Christian Gossett** (Winnebago County, WI), **Beth McCann** (City and County of Denver, CO), **Jeff Rosen** (Santa Clara County, CA), **Cyrus Vance** (New York County, NY), **Sharen Wilson** (Tarrant County, TX); **State’s Attorneys Aramis Ayala** (Orange and Osceola Counties, FL), **Kim Foxx** (Cook County, IL), **Sarah George** (Chittenden County, VT) and **Andrew Warren** (Hillsborough County, FL); **Prosecuting Attorneys Wesley Bell** (St. Louis County, MO), **Dan Satterberg** (King County, WA) and **Carol Siemon** (Ingham County, MI); and **County Attorney John Choi** (Ramsey County, MN).

Read the brief [here](#), and for a full list of the 43 signatories see below. For any questions about the brief or to speak to any of the signatories, please contact Miriam Krinsky at krinskym@krinsky.la or 818-416-5218.

###

Fair and Just Prosecution is a national network of elected prosecutors working towards common-sense, compassionate criminal justice reforms. To learn more about FJP’s work, visit <http://www.fairandjustprosecution.org/> or follow us on Facebook [@FairAndJustProsecution](https://www.facebook.com/FairAndJustProsecution).

List of Signatories

Aramis Ayala
State Attorney, Ninth Judicial Circuit, Florida

Diana Becton
District Attorney, Contra Costa County, California

Wesley Bell
Prosecuting Attorney, St. Louis County, Missouri

Sherry Boston
District Attorney, DeKalb County, Georgia

John T. Chisholm
District Attorney, Milwaukee County, Wisconsin

John Choi
County Attorney, Ramsey County, Minnesota

Darcel Clark
District Attorney, Bronx County, New York

Scott Colom
District Attorney, Sixteenth Judicial District, Mississippi

Paul D. Connick, Jr.
District Attorney, Jefferson Parish, Louisiana

John Creuzot
District Attorney, Dallas County, Texas

Satana Deberry
District Attorney, Durham County, North Carolina

Michael Dougherty
District Attorney, Twentieth Judicial District, Colorado

Mark Dupree
District Attorney, Wyandotte County, Kansas

Kim Foxx
State's Attorney, Cook County, Illinois

George Gascón
District Attorney, City and County of San Francisco, California

Sarah F. George
State's Attorney, Chittenden County, Vermont

Joe Gonzales
District Attorney, Bexar County, Texas

Eric Gonzalez
District Attorney, Kings County, New York

Mark Gonzalez
District Attorney, Nueces County, Texas

Christian Gossett
District Attorney, Winnebago County, Wisconsin

Andrea Harrington
District Attorney, Berkshire County, Massachusetts

Peter S. Holmes
City Attorney, Seattle, Washington

John Hummel
District Attorney, Deschutes County, Oregon

Jackie Lacey
District Attorney, Los Angeles County, California

Beth McCann
District Attorney, Second Judicial District, Colorado

Brian Middleton

District Attorney, Fort Bend County, Texas

Stephanie Morales

Commonwealth's Attorney, Portsmouth, Virginia

Marilyn J. Mosby

State's Attorney, Baltimore City, Maryland

Joseph Platania

Commonwealth's Attorney, City of Charlottesville, Virginia

Jeff Reisig

District Attorney, Yolo County, California

Rachael Rollins

District Attorney, Suffolk County, Massachusetts

Jeff Rosen

District Attorney, Santa Clara County, California

Dan Satterberg

Prosecuting Attorney, King County, Washington

Carol A. Siemon

Prosecuting Attorney, Ingham County, Michigan

Madeline Singas

District Attorney, Nassau County, New York

Timothy D. Sini

District Attorney, Suffolk County, New York

David Soares

District Attorney, Albany County, New York

David Sullivan

District Attorney, Northwestern District, Massachusetts

Raúl Torrez

District Attorney, Bernalillo County, New Mexico

Cyrus R. Vance, Jr.

District Attorney, New York County, New York

Andrew H. Warren

State Attorney, Thirteenth Judicial Circuit, Florida

Lynneice Washington

District Attorney, Jefferson County, Bessemer Division, Alabama

Sharen Wilson

Criminal District Attorney, Tarrant County, Texas