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October 23, 2019

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Elected Prosecutors Rally Behind Circuit Attorney Kim Gardner’s Efforts to Correct Unjust Convictions

ST. LOUIS – Today 34 elected prosecutors from across the country filed an [amicus curiae brief](#) urging the Court of Appeals for the Eastern District of Missouri to overturn a trial court’s denial of St. Louis Circuit Attorney Kim Gardner’s motion for a new trial in the case of *Missouri v. Lamar Johnson* – a request based on serious concerns that misconduct resulted in Johnson’s wrongful conviction. *Amici* argue that by denying the motion for a new trial, the lower court has barred CA Gardner from fulfilling her duty to do justice, which includes ensuring convictions are sound, and when found to be otherwise, taking steps to remedy that injustice. Furthermore, they argue that by appointing Missouri State Attorney General Eric Schmitt as an additional representative of the State, the court has intruded upon the discretionary power of CA Gardner to investigate and remedy wrongful convictions and has diluted the voice of voters who elected her to oversee the administration of justice in her community.

“Prosecutors are ministers of justice who have an obligation to pursue justice prospectively, as well as in past cases,” said **Miriam Krinsky**, Executive Director of [Fair and Just Prosecution](#). “The trial court’s ruling prevents the faithful execution of CA Gardner’s duty to do justice, undermines the discretion granted to local prosecutors by the people who elect them, and is directly at odds with the well-established consensus that conviction integrity units are a best practice. If allowed to stand, this unprecedented decision would hinder other conviction review efforts across the state, and more importantly, essentially extinguish the opportunity for a remedy in cases where individuals have been wrongfully convicted.”

The ruling by the trial court was made after CA Gardner filed a motion for a new trial in *Missouri v. Lamar Johnson* based on new evidence of Johnson’s actual innocence uncovered by her office’s Conviction Integrity Unit (“CIU”), as well as evidence of troubling police and prosecutorial misconduct including suppression of exculpatory evidence and perjured testimony. Johnson has been in custody for over 20 years and remains behind bars pending the court’s decision, and the trial court’s ruling makes it unlikely that he will receive relief or be released from custody in the near future.

“This decision creates a barrier to justice not only for Lamar Johnson, but for any person in Missouri who has been wrongfully convicted and is currently behind bars,” said **Barry Scheck**, Co-Founder of the [Innocence Project](#). “The trial court simply got this wrong, and letting this ruling stand obstructs the moral and ethical obligations that prosecutors have to seek out the truth and pursue justice.”

In the brief, *amici* also underscored that if the trial court’s ruling is upheld, 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 – leaving potentially innocent people, like Lamar Johnson, behind bars and without any realistic avenue for relief.

“Denying relief in a case where there are credible claims of innocence and serious concerns about prosecutorial and law enforcement misconduct undermines the integrity of the system of justice we are sworn to uphold as prosecutors,” said **John Chisholm**, Milwaukee County, WI District Attorney. “It is imperative that the appellate court recognize the deeply concerning implications of this ruling – not only for Lamar Johnson, who remains wrongfully incarcerated, but for every prosecutor in the state of Missouri who might seek to correct future injustices.”

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.

Read the brief [here](#) and see below for a full list of signatories.

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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](#).

List of Signatories

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Wesley Bell, Prosecuting Attorney, St. Louis County, Missouri
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Darcel Clark, District Attorney, Bronx County, New York
Scott Colom, District Attorney, Sixteenth Judicial District, Mississippi
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