

2A Sunday, July 23, 2000, COLUMBIA DAILY TRIBUNE, Columbia, Mo.

Freedom finally rings in immigration case

Freedom is a wooden bench outside a Kroger's in Warrenton.

That was Ann Hoban's view just after noon Friday, and she soaked up every minute of it.

"If I had been free already, I would have been annoyed sitting on a bench outside a grocery store," Hoban said. "But I loved it. I could get up and walk down the street to the dollar store. I watched everybody go by. I was free."

It was a long road to freedom and one that had a sudden end, with the Immigration and Naturalization Service simply opening the prison doors

and letting the Columbia woman walk away.

Hoban, some readers will recall, is the 46-year-old woman of Irish descent who has spent the past 2½ years in prison — most of it in Vandalia Correctional Center — for stealing a couple of checks from family members in 1997. There's no question she did the crime. And there's no question she's lived a rocky existence, fighting drug addiction and more than once being on the wrong side of the law.

She also fled to avoid prosecution at one point. Oh, yeah. And now she has AIDS.

But the redhead's toughest battle resulted from being on the wrong side of a law she had nothing to do with: a 1996 federal immigration law that made deportation automatic for

noncitizens who committed any one of numerous felonies — including forgery.

Luckily for Ann, she has friends who know how to fight.

And it starts and ends with her diminutive 67-year-old mother, Monica, who ignored her own health battles to wage a scrappy fight with foes who towered over her. But like a brawling Irish bare-fisted boxer, she outlasted them all.

The prosecutor. The attorney general. Judges. Defense lawyers with no guts. Immigration officials. Congressmen.

All stood in her way at one time or another.

All failed. This morning, Hoban woke up free in her mother's south Columbia home.

"It's indescribable," she says. "Nothing short of a miracle."

The miracle is actually an unexpected legal victory for two brothers, Tim and Dan Wichmer, who took up the Hoban fight after Monica wouldn't let Tim say no.

In a last-ditch effort to stop Hoban's deportation to a country she hadn't seen since age 6, Tim Wichmer filed for a habeas corpus hearing — claiming Hoban's convictions were invalid because she had never been told of the deportation consequences of her crime. Such arguments rarely win, and Wichmer, at the time, was cautious. But the brothers were victorious, and early last week an appeals court in Missouri upheld an Audrain County judge's decision.

By midweek, Wichmer was still hedging his bets. "This case has had such a charmed life," he told me Wednesday. "Every time I thought we were going to lose, we won. Now I'm scared because I think we're going to win."

Even after the court's decision, there were some anxious waiting moments. Hoban was still being held by the INS. The attorney general was considering another appeal. And then there was Boone County prosecutor Kevin Crane's office.

With the convictions erased, Crane

would have to decide whether or not to re prosecute a woman who already served 2½ years.

Friday, attorney general spokesman Scott Holste said his office was done with the case. Two losses were enough.

And Crane spoke the magic words: "At this point, it would be unlikely we would re prosecute her," he said. "In the grand scheme of things, she did do time in the penitentiary. And the AIDS is a consideration. I don't know that justice would be served by seeking another sentence."

Then came freedom. Hoban said that when the warden called her in, she expected yet another transfer for some legal hearing or another. But instead, he told her she was going home. He opened the prison gates and said goodbye.

"When I left Warrenton, I didn't even know if my family was going to be there," Hoban said. "I just walked to the grocery store and sat down and waited."

A fellow inmate took care of the rest. "Wendy" called and left mes-

sages for Monica and Ann's twin, Margaret Jones, for more than an hour. They were there by 2:30 in the afternoon.

"It was a moment to remember," Jones said.

"I was ecstatic," Monica recalled. "They had to scrape me off the ceiling."

Now, the reality of freedom hits. While shopping this weekend, Monica said Ann would constantly stop, as though waiting for somebody to tell her what to do, where to go.

And with freedom comes responsibility. "I'm going to stay on the right side of the law," Hoban said. "Now I've got to go get a job."

For Mom, it's been an amazing ride.

"I'm so relieved," she said. "She's changed. She's not the same Ann."

No, Monica, she's not. Now she's free.

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Clipped By:
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Dec 11, 2025