



ATTORNEY GENERAL OF MISSOURI

ERIC SCHMITT

March 31, 2020

Kimberly M. Gardner, Circuit Attorney
gardnerk@stlouiscao.org

Dear Circuit Attorney Gardner:

As the State's chief legal officer, I am charged with protecting the safety of all Missourians. In addition, I am charged with enforcing the State's Sunshine Law, and promoting the policy of public transparency in government that it embodies.

In both these capacities, I am deeply concerned by public reports that persons charged with violent felonies are being released into our communities out of concerns relating to COVID-19, without any public transparency. According to these reports, the criminal defendants released include persons charged with violent and dangerous crimes such as child molestation, armed robbery, and assault. Particularly troubling is the report that the Circuit Attorney's Office has announced that it will seek the release of dozens of charged offenders because of COVID-19, yet refuses to provide the public with such basic information as the identities of the persons released, their current charges, or their criminal histories. Despite that refusal, I have come to learn that the criminal defendants released include:

- Deangelo Johnson, Case No. 1922-CR01803: According to public records, Mr. Johnson was charged with Burglary Second Degree, Unlawful Possession of a Firearm by a Felon, and Tampering with a Victim. The Court originally denied a bond because Mr. Johnson was deemed a danger to the victim. In the probable cause statement, Mr. Johnson's criminal history was described as "extensive," and includes multiple burglaries, escape from custody, damage to jail property, and possession of a controlled substance. Mr. Johnson was granted a personal recognizance bond on March 18 without any hearing and without any documentation of notice to the victim.
- Anthony Green, Case No. 2022-CR00150: Mr. Green was charged with Robbery First Degree, and Armed Criminal Action. According to the charges, he robbed a restaurant and pointed a firearm at a restaurant employee. Originally, Mr. Green was denied a bond. His bond was then reduced several

times, until he was released on March 25 with a \$5000 bond, 10% secured, and GPS monitoring. He has prior convictions for Stealing, Forgery and Robbery. There is no indication in the case file that the victim was notified of Mr. Green's release. A more recent docket entry shows that Mr. Green failed to show for GPS monitoring, a violation of his bond conditions.

- Dominick Anderson, Case No. 1922-CR02843: Mr. Anderson was charged with Assault First Degree and Armed Criminal Action. According to charging documents, he shot his victim in the street. His bond originally was set at \$150,000, but he was released on March 26 with no bond and no hearing, and apparently without notice to the victim. The casefile reveals that Mr. Anderson failed to show for GPS monitoring.
- Anthony Cromwell, Case No. 1922-CR03160: Mr. Cromwell was charged with Leaving the Scene of an Accident that resulted in the death of a female victim. His prior convictions include Felony Drug Possession, Misdemeanor Drug Possession, and Domestic Assault Third Degree. Mr. Cromwell originally was denied a bond, then was released on his personal recognizance. There is no indication the victim's family was notified of his release.
- Domingo Antonio, Case No. 2022-CR00956: Mr. Antonio was charged with Domestic Assault Fourth Degree, and according to the probable cause statement, the assault occurred when the victim's child accused him of sexual contact. Mr. Antonio previously was convicted of Statutory Rape First Degree in Case No. 0911-CR00443. He was released without bond and there is no indication the victim was notified.
- Dariel Smith, Case No. 1922-CR00790: Mr. Smith was charged with Robbery First Degree and Armed Criminal Action. According to the charging documents, he pointed a pistol at a cab driver, robbed him, and discharged the pistol. He has a separate pending charge for Drug Distribution, and has prior convictions for Drug Trafficking Second Degree and Possession of a Controlled Substance. He originally was denied bond, then was released without bond.
- Byron Lee Brown, Case No. 2022-CR00844: Mr. Brown was charged with Burglary First Degree, Property Damage First Degree, and Abuse or Neglect of a Child. According to the probable cause statement, he broke out the windows of his victim's car, and she later found him inside her home. He has prior convictions for Tampering First Degree, Resisting Arrest, Property Damage First Degree, Attempted Robbery First Degree, and Trespassing First Degree. Mr. Brown was released on a \$15,000 bond, 10% secured.

- Keith Brown, Case No. 1922-CR03078: Mr. Brown was charged with Burglary First Degree, Stealing, and Fraudulent Use of a Credit Device. According to the probable cause statement, he burglarized the victim's home, stole in excess of \$750 of her belongings, and used her credit card at stores. He has two prior convictions for Burglary Second Degree, as well as Possession of Burglary Tools, Stealing, Property Damage Second Degree, and Trespassing First Degree. Mr. Brown was released on a recognizance bond.
- Damion Stevenson, Case No. 2022-CR00850: Mr. Stevenson was charged with Unlawful Possession of a Firearm. The charges state that police responded to a call for help and found Mr. Stevenson in possession of three firearms, including a pistol. Witnesses stated that he had just been involved in a shooting. He has prior convictions for Burglary First Degree and Felony Possession of a Controlled Substance on two separate occasions. Mr. Stevenson was released on his own recognizance.
- Joshua Davis, Case No. 2022-CR00752: According to the charging documents, Mr. Davis had multiple warrants for his arrest, and was arrested in a stolen vehicle in possession of a firearm and drugs. He was charged with Unlawful Possession of a Firearm and multiple counts of Possession of a Controlled Substance. He has prior convictions for Unlawful Possession of a Firearm, Robbery Second Degree, Burglary Second Degree, Stealing and Property Damage.

The spread of COVID-19 presents profound challenges to institutions across our society, and our criminal justice system is no exception. But it is imperative that our response to COVID-19 should not increase dangers to public safety. In this time of crisis, many Missourians are already suffering profound stress and anxiety from health threats, isolation, and economic dislocation. Many are separated from loved ones and struggling desperately to make ends meet. Government should not add to their burdens by creating either the perception or the reality that violent offenders are being released unmonitored into their communities--especially not with the overt or tacit complicity of our elected prosecutors.

To that end, I respectfully request that your office immediately release--and continuously update--a comprehensive list of every person charged with any felony crime who has been released from custody due to COVID-19 concerns. The list should include the identity of the person charged, the case number(s), the nature of the charges, and the criminal history of the person charged. Victims and witnesses in the charged cases should also be promptly notified of any such releases.

Missouri law recognizes a strong public policy in favor of openness and transparency in matters of government. See 610.011, RSMo. This policy has particular urgency in these difficult times, especially on matters that relate to

public safety and public trust. Given the public's anxiety, this is no time to quietly negotiate the release of dangerous criminals. Please notify me promptly whether you will agree to release lists of every individual charged or convicted with a felony crime who has secured release from custody due to COVID-19 concerns.

Sincerely,

A handwritten signature in blue ink that reads "Eric S. Schmitt". The signature is fluid and cursive, with the first name "Eric" and last name "Schmitt" clearly legible.

ERIC S. SCHMITT
Attorney General of Missouri