

UNDISCLOSED: The State v. Jonathan Irons
Episode 4 : Win With Justice
June 29, 2020

Colin Miller: There's a famous scene in the basketball movie [White Men Can't Jump](#) in which a character played by Rosie Perez describes her unconventional philosophy to her boyfriend Billy:

Rosie Perez:

You know what Billy, I got a different set of rules of my own. You wanna hear them? Here they come. Sometimes when you win, you really lose. And sometimes when you lose, you really win. And sometimes when you win or lose you actually tie. And sometimes when you tie, you actually win or lose.

And, at the end of the movie, her character does more than just talk the talk. After her boyfriend ignores her threat that she'll leave if he plays one more basketball game for money, she walks the walk, turning his thrilling victory in that game into an agonizing defeat. The final chapter in Jonathan Irons's story has been heavily influenced by a basketball player who made the opposite decision -- to walk away from the game at the height of her powers. It was a decision made not just to help Jonathan, but also to redefine what it means to win and lose in the criminal justice system.

While the final chapter in Jonathan's story hasn't yet been completed, it's close. Hopefully, very close. And, at the end of this episode, we'll let you know how you can help set Jonathan free - possibly in the next week or two.

Rabia Chaudry: Hi and welcome to [Undisclosed: The State v. Jonathan Irons](#). This is the fourth and final episode in a four episode series about Jonathan Irons, who was arrested at age 16 for a burglary and shooting at the home of Stanley Stotler in O'Fallon, Missouri in 1997. My name is Rabia Chaudry. I'm an attorney and author of the New York Times bestseller *Adnan's Story*. And as always, I'm here with my colleagues Susan Simpson and Colin Miller.

Susan Simpson: Hi, this is Susan Simpson. I'm an attorney in Washington D.C. and I blog at [The View From LL2](#).

Colin Miller: Hi, this is Colin Miller. I'm an associate dean and professor at the University of South Carolina School of Law and I blog at [EvidenceProf Blog](#).

[2:18] Susan Simpson: If you've watched TV shows like [Law & Order](#) or [Homicide: Life on the Streets](#), you've probably heard the phrase "Take him to juvie," with the word "juvie" standing for juvenile detention, a center where minors are typically taken. But, after he was arrested, sixteen year-old Jonathan Irons was thrown into gen pop with grown men:

Colin Miller:

What are those few nights and weeks and months like when you're there in jail awaiting your trial?

Jonathan Irons:

Terrifying and confusing. They didn't throw me in with juveniles, they threw me in with grown men. And... you hear stories about what happens in jail. And I'm used to... I've been in fights before and I'm used to dealing with people my age or around my age, you know, people that I can get away with. I... ended up defeating this guy in a robbery, I had his gun, so I had a little sense of security and it was like a trophy to me. But none of that was there. It was just me and these people, and the COs there, or jailers, didn't seem to care. And there were several attempts just to take things from me. And I had to defend myself against grown men, repeatedly. And I think it was because of my age and the greenness of my conversation, 'cause they would say things and I didn't understand what they were saying and the people would laugh around me. Like, oh he didn't get the joke or he must be green, he must be ready. Or, we can take somethin' from him, we can get somethin' from him! Because people were always on the takin', and I feel like I was constantly in a mindset of just defend, defend, defend, defend. And I found myself backing myself in corners and sittin' there and just not trusting anyone.

Luckily for Jonathan, after he was convicted, he was able to find a mentor of sorts:

Jonathan Irons:

You know, not everybody in prison is a monster. There are really good men in here. And there are men in here that guided me through this. And I remember this one guy telling me, he said, "Hey man, the key to your freedom is in them books. Don't get caught up playing happy ball and other things in prison. Don't get caught up in the prison madness." The happy ball is the basketball. "Don't get caught up in the prison madness, you need to bury yourself in these books and find your freedom if you didn't do this. Other than that, I don't know what to tell you. I'm not going to do it for you." And he handed me a book and I opened it up to a case, it was Schlup vs. Delo, I don't know if I'm pronouncing it right, Sloop or Slup, (Colin: "Mhm, yeah."). I remember trying to read it and I just could not understand it. I fell asleep, I woke up with drool on my shirt and on the pages of the book - it was just too much. Like man what is going- I don't get it. And I was too ashamed to ask questions.

In other words, Jonathan ended up facing some of the same roadblocks that led him to drop out of high school. But this time, when he hit the wall, he kept pounding until it fell down:

Jonathan Irons:

I went to the library every chance I got. I even sneaked to the library, you know some people would sneak to recreation to get extra recreational period, but I used to sneak to

the law library. I would literally stay in the law library from 8:00 in the morning 'til 8 pm at night, and the librarian finally one day came up to me and said, "Hey, uh, you spend all this time escapin' in this library, like, yeah I know." I looked at her with this shocked look on my face like aw man, I'm in trouble. She said, "Yeah I know what you've been doin'. I see you. So why don't you just get a job up here? You want a job?" I was like, yeah! And I got a job and I was in the library from like 7:00 sometimes 'til 10 at night just poring through books and reading cases and going to the leisure library and reading literature, just improving my ability to read and write and type and use computers. And Maya's godfather, godmother was able to, years later, they bought an education course for me, a Blackstone Career Institute paralegal course and I finished that with distinction. I just kept building onto it. And I started helping other prisoners with their cases. Gettin' some relief for some of 'em.

But while Jonathan was helping some of his fellow inmates win their appeals, he kept losing his:

[7:04] Colin Miller:

And so, again yeah you're doing this work, you're helping other people in the prison, you're being commended by people at law schools, and yet for years your own appeals are not successful. Is there a point at which you fall into despair? Or are you just consistently fighting, knowing one day I'm going to get out?

Yeah, I just continued to keep fighting because I knew what the law said. And I knew at some point... I know that everybody in the criminal justice system, police officers and prosecutors included, are not evil and bad and bent on violating people's rights. So I knew at some point, I just had faith, God kept encouraging me that my case was gonna get in front of somebody and I'm gonna have the help that I need and I'm gonna be home. It may not be today, it may not be tomorrow, but it may be in the future. And then other people would come along and encourage me just to keep going, not to give up. I'd see a case that was promising, or I find out about something that was under review that was promising, and that just continued to go. But don't get me wrong, after every appeal, I felt like a python was around my throat. And every time I lost an appeal his grip got tighter on me to the point where I felt like man, this here, this is my last hope. I'ma try it, this is my last hope. It hurt, every appeal that I lost hurt. And I... I was depressed for a period of time after each one because I put so much hope and stock into each one and I planned and lived my life with the mindset of *when* I get out, not *if* I get out, but when I get out and go home. But each one was a setback and just rather than living in the defeat I managed to get myself back up and keep going. But there's been days where I just, after losing or something like that happened, where I wouldn't come out of my cell for a couple of days. I just would cry, like man, where do I go now? Just from all of the emotions poured into doing legal work and knowing what the law says, like questioning, how is it the law says this but they completely ignore what the law says and write what they wanna write? This is just ridiculous! But you know what, I knew though. I knew at some point somebody was gonna say, "You're right. Go home, man. This was wrong."

[13:17] Susan Simpson: Luckily, Jonathan didn't have to go it alone. Like the law librarian, Cherilyn and Reggie Williams, whom we introduced last episode, saw something in him - something that would lead to them fighting to prove his innocence for over a decade:

Colin Miller:

So Cherilyn, I'll start with you, what is it about Jonathan as a person, his case, that both drew you into work on it initially and then kept you over all these years fighting to prove his innocence?

Cherilyn Williams:

First of all, we have three sons and the fact that you could, as a parent... you know Jonathan was picked up and interrogated without a guardian being present. He was smart enough to ask for an attorney and they didn't provide one for him. Just the thought that that could have been one of our kids, to think that you could be at home and your child could be in a police station being interrogated, it just was a very eye-opening thing for me. But also more importantly, Jonathan's character and his personality, I mean, with us being parents of boys, even though Jonathan was 25 when we met him, when we began to get to know him we could just see his heart, that he was very intelligent and he just needed nurturing and love. He had a lot of potential there that we could see. He just needed love and his personality, he's the kind of person, he's very caring and thoughtful of others. Totally different than what most people would imagine getting to know someone in his situation, you wouldn't expect him to be a gracious and caring and giving type person but that's what he is. And so once we got to know him and he became family to us, we wanted to do everything we could to help him.

And, as Cherilyn notes, it was the same indomitable spirit Jonathan recognized in himself that allowed her husband and her to push through defeat after defeat:

Cherilyn Williams:

There were a lot of times over those 14 years or so that we were just exhausted of the process because it's so discouraging sometimes when you get denial after denial. It was really Jonathan's persistence - he would bounce back. We'd be devastated as a result of something we submitted in court, we'd just be devastated. And Jonathan would have a few days where he'd be down and then he'd encourage us and his attitude was just, encourage us to keep going. Honestly, it would become exhausting and very disappointing at times. But because of Jonathan we kept going.

Meanwhile, Reggie echoes Cherilyn with a similar sentiment:

Reggie Williams:

For me it was all about, if this could happen to him this could probably happen to anybody. But as I got to know him as a person, it just made it even stronger that I was going to do everything that I could do to help him out.

[16:23] Rabia Chaudry: And those years of help finally paid off. One of the biggest losses for Jonathan at his trial was a statement he made during booking. Last episode, we noted that Detective Hanlen bypassed booking Jonathan for a one-on-one interview that he claimed produced a confession... a confession that Jonathan vehemently denies making.

But, after this interview, Jonathan was booked, and he doesn't deny making a statement that the booking officer, Detective Stringer says he made. Detective Stringer would testify as follows at trial:

Q: What did he ask you?

A: First he said, can I ask you a question and I said what, and he said, did they find any of my fingerprints in that guy's house. I said I didn't know and I wasn't handling that portion of the investigation.

Q. (By Mr. Gregory) What did he ask you?

A. First he said, can I ask you a question and I said what, and he said, did they find any of my fingerprints in that guy's house. I said I didn't know and I wasn't handling that portion of the investigation.

Now, you might guess about how the prosecution used this statement at trial, right? You might think that the prosecutor used this statement as evidence that Jonathan knew he had been in Stanley Stotler's house and could have left behind fingerprints. And so, he was asking Detective Stringer whether they had found any of his fingerprints in Stotler's house, because that would have meant the jig was up.

Except, that's not what happened. It's weirder than that. You'll recall from Episode 1 that the burglar broke into Stanley Stotler's basement after smashing a window, and there's no way that window could have been a point of exit. Indeed, the police ruled out every point of exit except the front storm door, which they were 100% convinced was the point of exit for the burglar. The O'Fallon police were able to lift three latent fingerprints from the interior storm door, right around the handle you would use to open the door.

During discovery, the State would turn over a police report that made it look like all three prints were matches for Stanley Stotler, and the Deputy Sheriff who lifted the prints would testify as follows at trial:

Q: Were you able to get any, what we call usable prints?

A: Yes, sir, there were identifiable prints obtained from the residence.

Q: And who were they identified as being the prints of?

A: As the prints of the victim.

Q: Were you able to get any other usable prints out of that building?

A: No, sir, we were not.

Q. Were you able to get any, what we call usable prints?

A. Yes, sir, there were identifiable prints obtained from the residence.

Q. And who were they identified as being the prints of?

A. As the prints of the victim.

Q. Were you able to get any other usable prints out of that building?

A. No, sir, we were not.

So, how did the State get around the fact that Jonathan Irons's prints were not on the burglar's obvious point of exit from Stotler's house? Well, with regard to the lack of Jonathan's fingerprints on the storm door, the prosecutor would argue as follows during closing:

Ms. Sullivan asked you to take that as evidence that he is not guilty. Again, reiterate, it doesn't take a rocket scientist to figure out you can wear two gloves. You are not going to find fingerprints. Remember Bill Stringer up here, can I ask you something when he is booking him. Did you get any of my fingerprints in there? He knows about fingerprints. Did they get my fingerprints out of there?

Ms. Sullivan asked you to take that as evidence that he is not guilty. Again, reiterate, it doesn't take a rocket scientist to figure you can wear two gloves. You are not going to find fingerprints. Remember Bill Stringer up here, can I ask you something when he is booking him. Did you get any of my fingerprints in there? He knows about fingerprints. Did they get my fingerprints out of there? I

Yes, that's right. The prosecutor's argument was not that Jonathan Irons was worried that he'd left behind fingerprints at Stotler's house but that he'd had the foresight to wear gloves, knew he hadn't left any fingerprints behind, and was mocking the booking officer. Jonathan, of course, characterizes his comment very differently:

[19:21] Colin Miller:

Back to the day of your arrest, after you speak to Hanlen, you're being processed and there's sort of this disputed issue at trial, where you're asking about the fingerprints, and they sort of portray it in a certain way, and you say "I didn't mean it that way." What do you recall about the comment you made about whether your fingerprints might be in Stotler's house?

Jonathan Irons:

Well, the guy was processing my fingerprints, and I'm sittin' there thinking the whole time, this has got to be a mistake or some type of joke. There's just no way that I could have done this, and I'm sitting there racking my brain, like "Did I do this? Was I high or drunk?" I said hold on, no...and so I looked at this guy doing my fingerprints and I'm like "Man, you are wasting your time". That's what I'm thinkin' in my mind. And I say sarcastically, "Hey!" He said, "What's up?" I said, "Did you find my fingerprints at the guy's house?" And he says, "I don't know, my job is just to, ya know, take your fingerprints, bag and tag ya, and put you in the cell." I was like "Oh, ok, whatever." And that just added to the sarcasm. Because it was just ridiculous.

But, for the prosecutor, the ridiculous became the sublime as he pushed his theory that the cover-up was worse than the crime. The prosecutor would end his closing argument with his theory of Jonathan Irons as a criminal mastermind and use it to argue for a 70 year sentence..

Years later, it would turn out that there was a cover-up, but it wasn't by Jonathan Irons. It was by the State. I talked with Reggie Williams about a discovery he made in the case:

Colin Miller:

And if you can take me through how you were able to discover that fingerprint report and what your reaction was when you found it?

Reggie Williams:

Well, by the time that came around, we had a pro bono lawyer, and we, Cherie and I, had gathered enough money to hire an investigator, and we also had the help of a law student, and so we got permission, because we wanted to see the - I really wanted to see the evidence. I had read the transcript, I had read every piece of paper that was in his file, and for me I needed to see what was out there. And so the lawyer got us permission through the governor's office to go to the police station and have the opportunity to look at the evidence that was in their custody at the time.

And one of those pieces of evidence related to the fingerprints that were at the heart of the State's case against Jonathan Irons:

Colin Miller:

And when you see this fingerprint report, what jumps out to you about this fingerprint report versus other versions that you had seen previously?

Reggie Williams:

You know, it was kind of interesting, because we'd asked to see the files, and when we got there they would not let us see the files. You know, they let me see some particular evidence like what he was wearing that day, and the bag that they collected, and all that, but when it came to the files, they weren't gonna let us do that. But I think, I forgot what her name was, but she was the record keeper. She brought me a blue manilla envelope, a folder, and she said she made copies of what they had, and she gave it to me. And so I started looking through it, and by that time I was familiar with everything he had in the public defender's box. And so as I looked through it, a lot of the stuff I had seen before. And then I came across the latent fingerprint, and as soon as I saw it, I was like, "I have never seen this before, this is different." And so I went over to the law student and kind of said, "Hey, I saw something different in here." But I didn't want to say it while we were there, so I just closed the folder and I said "We need to take this back and show it to the lawyers."

This new fingerprint report that had never been disclosed to the defense had a difference from the report disclosed at trial. A key difference:

Colin Miller:

And the big difference you saw is what the defense was shown at trial, and what the jurors were told is the storm door almost certainly is the point of exit for the burglar, and they were led to believe any fingerprints recovered belonged to the homeowner, Stanley Stotler, whereas this new fingerprint report that you found said what?

Reggie Williams:

It was very similar to the one that I had seen in the public defender's box, except it had an extra box where one of the fingerprints was considered identifiable to the victim. And that was not what I saw in her box, and that is not what I saw that was entered into evidence during the trial.

Breaking that down, both the fingerprint report and the testimony presented at trial to the jurors made it look like all three fingerprints lifted from the storm door were a match for homeowner Stanley Stotler. But, what this different version of the fingerprint report with the new box revealed was that only two of the three fingerprints were a match for Stanley Stotler. The third fingerprint was not a match for Stanley Stotler or Jonathan Irons. Instead, it almost certainly came from the burglar, especially given that Stanley Stotler lived alone.

Colin Miller:

You know at trial, the evidence is presented: we know the perpetrator left through this storm door, we recovered these fingerprints, and it's construed to the jury to say all the fingerprints belonged to Stotler, who of course lives in the house. What do you recall when you first learned about this other version of the fingerprint report that turned out that this story wasn't true.

Jonathan Irons:

I was in disbelief. You're talking about when we got the new forms, right?

Colin Miller:

When you got the forms saying, right, that there were these unidentified fingerprints that didn't belong to you or Stotler.

Jonathan Irons:

Yeah, I was in disbelief, and didn't know what to think of it, and I read it, probably 100 times, just like I just...this guy...even being a criminal defendant you want to believe the police are telling the truth. There's a tendency to automatically assume that "aw, well he said it, it must be the case." Like there was nothing for me to indicate otherwise. But when I saw that, and the more I read it the more I understand it, I just, I was just so overwhelmed that finally, here's the truth, here's the proof that someone else has done this. It's not just me saying "Hey man, my fingerprints weren't there." I get to say now, not only were my fingerprints not there, it's evidence that someone else was there. That's significant. You know, I went to the library and continued to research it, and found

cases that supported the direction that my case has taken today. I was so thankful, and I praised God about it, and I was saying hallelujah, and I was thankful to my people who found it, Reggie Williams was the one who found it. He found it with an investigator and a law student. The investigator was Robert Shropshire, who's passed away, and Rick Kroger who's now a lawyer in Illinois.

[27:18] Rabia Chaudry: But while this discovery was a revelation in terms of proving Jonathan's innocence, his prior appeals had erected another wall that he would need to break through. He rightfully predicted that the State would fight tooth and nail to argue that any new claims were procedurally barred, and so he needed someone to champion his case not only in the court of law but also in the court of public opinion.

And, luckily for Jonathan, he had a literal champion in his corner: Maya Moore. Maya Moore is a two-time NCAA champion at UConn, a two-time gold medalist, and a four-time WNBA champion with the Minnesota Lynx, including winning the title in both 2017 and 2015, the latter due in large part due to a clutch three pointer she hit at the end of Game 3 of the WNBA Finals:

Broadcaster:

Tie game, 1.7 to go in the fourth. Whelan to trigger in. Gets it to Moore. Moore will get it off - the shot is GOOD! Game 3 belongs to Maya Moore, and Minnesota!

Maya Moore is also the goddaughter of Cherilyn and Reggie Williams, who themselves were introduced to the case by Maya's great uncle, an employee at a prison known as "The Walls":

Maya Moore:

My godparents had known Jonathan for a couple of years at that point, before I met him. And my godparents got to know Jonathan because my great-uncle, who was my godmom's dad. My great-uncle, Hugh Flowers, had been doing prison ministry through the choir program for years, at the Missouri State Penitentiary, which is, used to be, called "The Walls," which is where Jonathan went initially, at the age of 18. And then the Jefferson City Correctional Center later opened in 2004, and so my great-uncle was volunteering there, through the choir program, and that's how he met Jonathan, and just saw potential in him. And just took an interest in just kind of mentoring him, and Jonathan wanted to learn, and started to learn, like "Oh, I can sing!", and my great-uncle kind of basically challenged him to become a leader. And so over time Jonathan eventually became a leader, became THE leader of that choir And he just kind of got folded into our family. And so my great-uncle encouraged my godparents to reach out to Jonathan because he had just lost his grandmother around 2005, and so he was in a really low place, not having a lot of family support. And so my godparents reached out to him. They were kind of like, ok, if my great-uncle, who I call Papa, if Papa wants us to reach out, we'll reach out. And so it didn't take long for my godparents to fall in love with Jonathan, and for Jonathan to eventually let them in and trusting them in his life. And

then learning about his case, and getting to know him as a person, just a real familial bond.

It was that familial bond that led to Maya becoming involved in Jonathan's case:

Maya Moore:

My mom and I ended up getting into a routine of coming back every other summer to spend time with my family in Missouri, and on one of those trips back, when I was around age 18, I might have just been turning 18, that's when I had my eyes opened to the reality of what goes on in the criminal justice system. Because my godparents, Reggie and Cherie, had Jonathan's case, and had all these papers spread over the table at the home we were taking a vacation in. And I asked them, "What are all these papers?" and they were explaining to me about Jonathan's situation, and my mind was blown. Because I think in general, growing up, I assumed if someone was in prison, it was because they were supposed to be. And so I was really mind-blown about how this 16 year old, at the time he was 16, just a couple of years younger than I was when I discovered his case, how that could happen to him, and just all the different pieces of evidence, and discrepancies, and things that didn't make sense about how he was put away. I was shocked and I was interested and so I wanted to stay up to date, and I wanted to hear how things were going with him. I just felt bad as a human being hearing about another human being's experience of being wrongfully convicted.

But eventually, being updated on Jonathan's case was not enough. In February 2019, Maya Moore issued a statement through Lynx coach and general manager Cheryl Reeve that she would be taking a sabbatical from the Lynx in 2019. In part, the statement said, "As she recently shared, Maya has expressed a need to shift her attention more fully to family and ministry dreams in a way that she has been unable to as a professional basketball player." Maya's decision was initially reported in local news stations like KARE 11:

Reporter 1:

And this is different than an injury. This is different than rumors about wanting to play something else. This is something that is unique to Maya Moore and as much a part of her as anything, and most would argue this is the central key to her, is her faith. [Reporter 2: Absolutely] She is saying, I have to put that in the driver's seat. I've never seen anything like it in professional athletics.

Reporter 2:

It's pretty outstanding. Knowing Maya, in just the small scope that I do, I think that she will be an absolute champion in this as well. She is golden in everything she touches...

And soon, as it became clear that one of the big projects Maya was working on during her sabbatical was to clear the name of Jonathan Irons, that news became national, such as this piece on NBC Nightly News:

Reporter:

There's no stopping Maya Moore. For WNBA titles. Two Olympic golds. Dubbed The greatest winner in the history of the women's game.

Maya Moore:

My urge is to go find the ball...

Reporter:

But now, she's putting down the ball indefinitely, stepping away to answer another call. Was it hard to walk away?

Maya Moore:

It's hard, but when your convictions are moving you to a place that you know is right, it makes it a little less hard.

Reporter:

That new place: fighting what she calls wrongful convictions.

Operator:

This call is from a correctional facility....

Reporter:

On the line, Jonathan Irons. Arrested at 16, he was sentenced to 50 years for a non-fatal shooting. He is entering year 23.

Jonathan Irons:

I am not guilty of this.

Reporter:

The more Maya investigated his case, the more she agreed.

Maya Moore:

There was no physical evidence, no DNA, footprint, fingerprint, that began a journey for me of having my eyes opened to: Oh my god, there are people in prison who shouldn't be there.

Reporter:

So Mya shifted her game. Now focusing on things that matter most to her, like freeing Jonathan.

Jonathan Irons:

She's at the top of the mountain, and taking a break to help me. That's so encouraging.

Maya Moore:

We're almost at 40,000 signatures. [Jonathan: What?!]

When I give Jonathan a voice, so many other people get a voice.

This philosophy espoused by Maya is consistent with a statement that Maya herself released about her sabbatical. It was about redefining what it means to win. In pertinent part, that statement read:

Susan Simpson reads:

There are different ways to measure success.

The success that I've been a part of in basketball truly blows my mind every time I think about it. But the main way I measure success in life is something I don't often get to emphasize explicitly through pro ball.

I measure success by asking, "Am I living out my purpose?"

And for Maya, part of her purpose was proving Jonathan's innocence. To achieve that purpose, she's worked on his case, promoted it in the media, and helped to pay for a legal team that could overcome the procedural bars that could prevent him from proving his innocence.

[35:28] Susan Simpson: One of those procedural bars takes us full circle to the very first case that Jonathan read. Many of Jonathan's best claims related to ineffective assistance of counsel based on the failure of his trial attorney to do things like contact and call Amber Boeckmann as an alibi witness and object to admission of the "Informant Gun." But those claims were barred by prior appeals...except for the fact that there is that case that Jonathan randomly flipped to at the start of his legal journey:

Jonathan Irons:

I remember this one guy came to me, he said to me, the key to your freedom is in those books. And he handed me a book. And I opened it up to a case, and I opened it up, it was Schlup vs. Delo, and I remember trying to read it and I just could not understand it. I fell asleep, I woke up with drool on my shirt and on the pages of the book - it was just too much. Like what is going... I don't get it.

But while Jonathan didn't get it at the time, his mentor was right: That book, and that specific case to which Jonathan had flipped, quite possibly held the key to his freedom. Schlup v. Delo states that claims that are procedurally barred because they could have been raised earlier can be bootstrapped to evidence of actual innocence to get back into court. And so, this was the case his attorneys would rely on to use the undisclosed fingerprint report to get all of Jonathan's claims to an evidentiary hearing last October. Here's reporting on that hearing from local TV station KOMU:

Reporter:

We just spoke to Maya Moore about 30 minutes ago, here at the Cole County Courthouse. She's here at the Cole County Courthouse in hopes of helping Jonathan Irons. He says he was wrongfully convicted of his crimes back in 1997. Today the judge decided fingerprinting evidence from the case needs to be reevaluated. Five different witnesses spoke in court today, including Irons himself. Petitioners fighting for his release argued a lack of physical evidence and even police misconduct.

That misconduct was not just the misconduct by Detective Michael Hanlen that we discussed last episode. It was misconduct in connection with the fingerprint report. Jonathan's team alleged not just that the State accidentally failed to turn over the exculpatory version of the fingerprint report; they claimed it was a cover-up. And they weren't alone. The State -- the respondent at the hearing -- agreed that there was bad faith and quite possibly a literal cover-up.

Judge Daniel Green, who presided over the hearing would issue an opinion this March. With regard to the fingerprint report, Judge Green observed that:

Colin Miller reads:

As agreed upon at the October hearing by petitioner's counsel, witnesses, and respondent, these two reports (*i.e.*, the one shown at trial and the one found later by Reggie Williams) have *identical* markings and undoubtedly originated from the same document.

It was suggested by both petitioner's counsel and respondent that someone intentionally covered up the exculpatory box, as well as the missing signature line, at the bottom of the report with paper before making a copy of this document.

It was clear that [the trial exhibit] had been altered to omit the information on the original report that was exculpatory.

At the October 9, 2019 hearing, respondent conceded that the document had been clearly altered. The existence of this doctored report strongly suggests that the original

report was altered by someone involved in the prosecution or investigation before it was disclosed to the defense in the discovery process.

This then led to an easy finding by Judge Green: Because the fingerprints were at the heart of the case against Jonathan Irons, and because this new report strongly suggested that someone else shot Stanley Stotler, the State had committed a *Brady* violation. In other words, the State had failed to disclose material exculpatory evidence that undermined any confidence the judge could have in the jury's verdict.

And, because of this threshold finding, Judge Green could also consider the other evidence that we've discussed in this series.

[39:40] Colin Miller: First, Judge Green found that the combination of the fingerprint report and the uncovered evidence of Detective Hanlen's egregious misconduct "removes any doubt that the verdict in this case is not worthy of confidence." Second, with regard to the biased photo array, Stanley Stotler's initial inability to identify Jonathan, and Stotler's subsequent identification after being left with the police reports, Judge Green held that:

Dr. Lampinen's testimony highlighted many of the problems with the identification procedures in this case, and, in the Court's mind, has raised significant doubts whether petitioner was mistakenly identified due to the suggestive procedures utilized in this case during the photo lineup and the unusual series of events that culminated in the positive identifications of petitioner by Mr. Stotler in later court proceedings.

Third, Judge Green held that "the case against [Irons] would have been significantly weaker if it had been established at trial that the gun introduced into evidence had no connection either to the offense or [Irons] and probably should not have been admitted into evidence under settled case law."

Fourth and finally, the court found that the statement by Amber Boeckman, the Bible study alibi witness, "indicate[s] that it would have been logistically difficult if not impossible for [Irons] to have committed this crime given the timeline provided and the distances involved between the Boeckman house and Mr. Stotler's home."

In other words, there was now no confidence in the evidence pointing to Jonathan Irons's guilt and significant confidence in evidence pointing to his innocence. And so, Judge Green granted Jonathan a *conditional* writ of habeas corpus and vacated his convictions, with Maya Moore sharing her bird's eye view of the day on her website [Win With Justice](#):

Recording:

Jonathan Irons:

They overturned it! Judge Green did it!

[mixed voices, laughter, 'celebrate']

Judge Green:

I have had a chance to review the pleadings and all the evidence taken in the case. This court will issue a judgement granting petitioner a conditional writ of habeas corpus and order that his convictions be vacated and the petitioner be discharged from custody.

[clapping]

Maya Moore:

I've just witnessed Jonathan Irons' conviction being overturned by judge green in the Cole County Courthouse in Jefferson City, Missouri.

Jonathan Irons:

After 23 years!

Maya Moore:

23 years!

Jonathan Irons:

After 23 years of lies, I'm free.

Maya Moore:

Thank you everybody who signed the change.org petition. It's just an amazing day here and hopefully really really soon we can see Jonathan walk out of those doors.

Jonathan Irons:

[singing] Praise the lord, hallelujah, I'm free! Hallelujah!

As Judge Green noted, however, his grant of relief to Jonathan was *conditional*, and this takes us full circle to the beginning of the episode as well as the goal of Maya's organization, Win With Justice. Specifically, Win With Justice is a social action campaign that asks everyone, and specifically prosecutors, to redefine how we look at wins and losses in the criminal justice system.

Maya Moore:

The more I dug into the culture of prosecutors' offices, and again, every prosecutor isn't corrupt. Every conviction isn't a wrongful conviction. But it happens more than we want to talk about, and the mindset...I get it, as a competitor, the mindset of a prosecutor can come into a situation can, there's a sense of pride, and kind of competitiveness, and there's political elements that are there that can compete with the true story of what the heart of the prosecutor is supposed to be about. And so making sure we are really looking honestly at the culture, and the language, and the way we look at convictions and how well a prosecutor is doing, and how we are measuring that. By simply looking at how many convictions they have, I think we're doing ourselves a disservice, as a

nation, as a state, as a community. Because convictions don't necessarily reflect justice. We need to actually look at what is the right thing in each case. When you're looking at people as human beings - someone's daughter, someone's son, someone's dad, someone's uncle, and what is the proper move. Because prosecutors, I have learned, really are the most powerful actors in our justice system. They set the charges, they are basically responsible for how we move through someone's trial, and so to make sure that we are judging success in our prosecutor's offices by more than just convictions, I think is huge. And I have learned over the last 3 or 4 years as I've had my eyes opened to what's going on, there are prosecutors all over the country who are doing this well, and who are changing things, and who are actually, they look at a situation, and it's messy, and it's hard, and you have to have wisdom, and you have to have, you know, balance and fairness and try to look at all the angles, and it's hard work, but people are doing it and they're making a difference and families are restored and not destroyed.

[45:08] Rabia Chaudry: Unfortunately, this type of progressive prosecution hasn't been seen in Jonathan's case. As we noted, the State itself concluded that the fingerprint that largely exonerated Jonathan had been clearly altered by someone who worked for the State. And so, the state Attorney General's Office could have, and should have, dropped any appeals of Judge Green's ruling, especially in light of COVID-19 spreading like wildfire in Jonathan's prison. Instead, at every stage of possible appeal, the AG's office has delayed until the last day before submitting a filing to keep its appeal alive, an appeal not rooted in facts but instead in the same procedural red tape Jonathan's team cut through with the undisclosed fingerprint report.

But the AG's office is almost out of appeals, and that could mean that Jonathan will become a free man after spending almost 60% of his life behind bars:

Colin Miller:

And if, God willing, everything holds up and the state does not take this to trial again and you're released, what are your plans, goals, hopes, aspirations, for what you want to do and who you want to be after you're released?

Jonathan Irons:

I want to be an encourager, whatever that looks like. I want to help people that are similarly situated, and I want to help people in the fight for criminal justice reform, and I want to do ministry. I want to share my story and my faith and how I made it through these circumstances, with other people, and whatever else God puts in my arms. I want to live life, you know, not in the way to try to make up for the time that was wrongfully taken from me, but in the way - I've still got a lot of life left. I'm going to enjoy life. I want to be there for the people who have been there for me through all of this. I want to speak. I want to travel. I want to get married, I want to have kids. I want to live, I want to live!

And, as we noted at the top of the episode, there's a way you can hopefully help Jonathan achieve his dreams. This episode is premiering on June 29, 2020. The Supreme Court of Missouri is scheduled to rule on whether to hear the state Attorney General's final appeal on July 1st. There are no guarantees, but we feel pretty good that the court will decline to take up the case.

If that happens, St. Charles Prosecutor [Tim Lohmar](#) will then have 10 days to decide whether to force Jonathan and his family to endure another trial or drop the case for good. We want to front end things and make sure that Tim Lohmar hears all of your voices. Tim Lohmar's phone number is 636-949-7355, and his e-mail address is pa@sccmo.org. With the blessing of Jonathan's legal team, we are asking you to call and e-mail Tim Lohmar to respectfully let him know that there is no integrity in the case against Jonathan Irons and that a "win" would be dropping the case against Jonathan Irons based upon shrinking evidence of his guilt and the growing evidence of his innocence.

Thanks for listening to this episode of *Undisclosed*. I'd like to thank the following people: Rebecca Lavoie for audio production, Christie Williams for website management, Mital Telhan, our executive producer. As always I'd like to thank your sponsors. You can support us at patreon.com/undisclosedpod, and you can follow us on Facebook, Twitter, and Instagram using the handle @UndisclosedPod.

Transcription by Skylar Park, Erica Fladell, Dawn Loges, and Brita Bliss