

SENATE REMONSTRANCE NO. 1

Whereas, St. Louis Circuit Attorney Kim Gardner assumed office on January 6, 2017; and

Whereas, since Gardner took office, the Circuit Attorney's office has experienced a turnover rate of more than 100% in staff; and

Whereas, over 65 assistant circuit attorneys with a combined experience of over 460 years have left the Circuit Attorney's office under Gardner, as reported by the St. Louis Post-Dispatch in September 2019; and

Whereas, Kim Gardner's office charges defendants under direct complaint and then uses the grand jury process to delay the preliminary hearing, with an average wait time of 344 days as of March 2021; and

Whereas, the Missouri Supreme Court changed the rules on preliminary hearings effective March 1, 2021, so that "courts must hold preliminary hearings within 30 days of felony complaints being filed if a defendant is in jail, and within 60 days if not", and Kim Gardner has continued to use the grand jury process to circumvent the Supreme Court's attempt at reform; and

Whereas, the Missouri Chief Disciplinary Counsel found probable cause that, during the prosecution of former Governor Eric Greitens, Gardner committed professional misconduct and she was later fined by the Missouri Supreme Court for this offense; and

Whereas, in 2019, Gardner admitted to repeated campaign finance violations dating back to her time as a Missouri state legislator, which included using campaign donations to pay for a private apartment and she later reached a

settlement with the Missouri Ethics Commission to pay a fine of \$6,314 in lieu of a \$63,009 fine; and

Whereas, St. Louis Circuit Attorney Kim Gardner was removed from prosecuting two Missouri citizens after a circuit court judge and the Missouri Eastern District Court of Appeals both ruled that she used her role in the case to raise money for her 2020 campaign; and

Whereas, St. Louis Circuit Attorney Kim Gardner filed a lawsuit against the St. Louis Police Officers' Association, alleging that the Association violated the federal Ku Klux Klan Act of 1871, and such lawsuit was dismissed by a federal judge who wrote that Gardner's lawsuit "can be described as a conglomeration of unrelated claims and conclusion statements supported by very few facts, which do not plead any recognizable cause of action"; and

Whereas, in 2019, Gardner's office prosecuted just 1,641 of the 7,045 felony charges sought by the St. Louis Police Department; and

Whereas, according to one study, crime in the City of St. Louis has caused city residents nearly \$2.8 billion dollars or \$9,334 dollars per citizen, the highest in the nation; and

Whereas, St. Louis Circuit Attorney Kim Gardner continued to demonstrate her inability to run her office when three St. Louis murder cases were dismissed in one week starting on July 20, 2021, when the Circuit Attorney's office dropped the case against a man who was on trial for murder, and again when the Circuit Attorney's office dropped the case against a man who was accused of killing his alleged accomplice during a 2018 break-in, and again when the Circuit Attorney's office dropped the case against a third individual charged with a 2020 murder; and

Whereas, on July 16, 2021, charges in a murder case were dropped due to the prosecutor not showing up to multiple hearings in the case, and the judge in the case stated that Gardner's office "essentially abandoned its duty to prosecute those it charges with crimes"; and

Whereas, in 2020, Gardner oversaw a fifty-year-high murder rate of 87 murders per 100,000 residents; and

Whereas, in 2020, St. Louis was ranked to be the No. 1 most dangerous place to live for offenses regarding rape, murder, non-negligent manslaughter, armed robbery, and aggravated assault with a deadly weapon and, according to an analysis of the FBI reported crime data, the chances of becoming a victim of one of these crimes in St. Louis is one in fifty; and

Whereas, Ms. Janae Edmondson, age 17, was in St. Louis for a volleyball tournament and her and her family were walking back to their hotel in downtown St. Louis when she suffered severe injuries after a 21 year old driver, who had his driver's license revoked was out on bond for a 2020 robbery, failed to yield and collided with another vehicle. Court officials were unaware that the driver had violated his bond at least fifty times because the Circuit Attorney's office did not file a motion to revoke the bond; and

Whereas, Circuit Attorney Kimberly M. Gardner has been criticized by a number of fellow St. Louis City elected officials, including elected Democrat Mayor Tishaura O. Jones who stated that "She really needs to do some soul-searching as to whether she wants to continue as circuit attorney because she's lost the trust of the people", Democrat Alderman Mike Gras who stated "the dysfunction cannot continue. For the good of our city, I am calling on Circuit Attorney Gardner to resign", Democrat Alderman Joe

Vollmer who stated "I can't see how she can defend herself. This is a calamity. If she cared about the City of St. Louis, she would resign. There's no ownership. I can't believe she's in office, but she's been elected", along with multiple additional statements from members of her own political party calling for Circuit Attorney Kimberly Gardner to resign; and

Whereas, business leaders in St. Louis have called the "failures" of St. Louis Circuit Attorney Kimberly M. Gardner's office "unforgivable" after the incident, highlighting the lingering issues that have gone unaddressed for far too long:

Now Therefore Be It Resolved that the members of the Missouri Senate, One Hundred and Second General Assembly, First Regular Session, hereby remonstrate against the St. Louis City Circuit Attorney Kimberly Gardner for her blatant failure to uphold her oath of office in honoring the Constitutional rights of both Missouri residents and visitors to the City of St. Louis; and

Be It Further Resolved that the Missouri Senate hereby expresses its deep concern regarding the loss of trust in the Circuit Attorney's Office under Kimberly Gardner's "leadership"; and

Be It Further Resolved that the Missouri Senate calls for the Missouri Chief Disciplinary Counsel to thoroughly investigate the allegations of professional misconduct committed by Kimberly Gardner while in the office of the Circuit Attorney;

Be It Further Resolved that the Missouri Senate condemns the continued misuse of the office of the Circuit Attorney under Kimberly Gardner's leadership for political gain; and

Be It Further Resolved that the Missouri Senate hereby strongly recommends that Circuit Attorney Kimberly Gardner resign her position immediately; and

Be it further resolved, that the Senate urges the Circuit Attorney's office to enforce the law and take swift and appropriate action to prevent incidents like the one that severely injured Janae Edmondson from happening again; and

Be it further resolved, that the Missouri Senate is deeply concerned for the victims of crime and calls for all stakeholders to come together and develop a regional strategy to reduce crime and strengthen public safety; and

Be It Further Resolved that the Secretary of the Senate be instructed to send a copy of this remonstrance to the Governor, to each member of the St. Louis City Board of Aldermen and to the office of St. Louis Circuit Attorney Kimberly Gardner.