

## Innocent Man 'Elated' To Be Free

### Vows He Won't 'Dwell On The Negative' Of 13 Years In Prison

By Tim Bryant  
Of the Post-Dispatch Staff

Soon after his release from prison Tuesday, Steven L. Toney pulled into a truck stop in Kingdom City, Mo., and had a strawberry milkshake. Then he had another.

There was reason to indulge. Toney was released after DNA testing proved him innocent of a 1983 rape for which he had served 13 years.

After the milkshakes, Toney headed for his lawyer's office in St. Louis and a reunion with his family.

Toney, 49, formerly of Brentwood, had been in prison since May 1983, when he was given two consecutive life sentences on charges he raped and sodomized a 21-year-old woman the previous year in Richmond Heights.

Toney has steadfastly maintained he was innocent. But it was DNA testing, developed about five years after he was imprisoned, that proved to be his ticket to freedom. Tests this spring showed that someone else was the rapist.

Toney, smiling and holding hands with his lawyer and the head of a prisoner advocacy group, said he was trying to swallow any bitterness over his wrongful imprisonment.

"I'm not going to dwell on the



Steven L. Toney (center) celebrates his release from 13 years in prison with his lawyer, Rebecca Stith, and James McCloskey, who heads a prisoner advocacy group. Toney was released from custody Tuesday after DNA tests showed he did not rape a woman in Richmond Heights in 1982.

negative," he said in St. Louis. "I'm just out. I knew all along I hadn't done anything. I never gave up. All I had to do was stay my course."

Toney said he hoped to continue paralegal training, which he began in the state medium-security prison in Moberly, Mo. Toney's lawyer, Rebecca Stith, and James McCloskey,

executive director of Centurion Ministries Inc., picked him up at the prison after a state court judge granted an order allowing Toney's release.

"I'm elated; I'm numb," he said. "Right now I want to be reintegrated with my family."

He said his mother, brother, grandmother and other relatives

lived here. It was the grandmother who had said that he had been at her home asleep when the victim was raped outside her apartment on Sept. 30, 1982. The victim identified Toney at his trial as the rapist.

Toney's appeals did him little good until this spring, when a federal ap-  
See RELEASE, Page 6

## Release

From page one

peals court panel ruled that he served the chance to have his DNA tested to prove whether he was guilty. Within weeks, Cellmark Diagnostics of Germantown, Md., used DNA tests to exclude Toney as source of sperm recovered from victim's panties.

McCloskey's group, based in Princeton, N.J., paid for the DNA testing.

"He would not be out now except for the miracle of science," McCloskey said. "Now everybody knows he is innocent."

Toney's aunt, Helen Toney, said Tuesday that her nephew remained the same lively person he was before going to jail.

"He had a great sense of humor the aunt said. "He just kept us laughing all the time. He hasn't changed."

Helen Toney said her nephew graduated from Brentwood High School and went on to take some classes at the University of Missouri at St. Louis. She remembered that before he was imprisoned, Toney was working part-time with his grandfather's landscaping company and going to school.

Toney was dating a woman when he went to jail in 1983, the aunt said, and they have stayed together throughout his incarceration.

"Everybody's on cloud nine," Helen Toney said, adding that the family's faith never faltered. "It's just miraculous."

Toney's freedom means that the rapist is yet to be charged in the case, Stith said she suspects the rapist ready is in prison for other crimes new state law requiring blood tests for all convicted sexual offenders could help authorities find the rapist she said.

Before the rape, Toney had a previous conviction for kidnapping, a second-degree robbery and forgery, Stith Kniest, a spokesman for the Missouri Department of Corrections. Stith and McCloskey said state officials began cooperating once Cellmark's work showed that Toney was not guilty of the rape. Stith said prosecutors even helped her draft court order that produced her nephew's freedom.

Toney said prison officials had a final message as he walked out: "Good luck," they said.