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Man freed by DNA evidence says, 'I never stopped believing'

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In December 1982, two young men exchanged woes in the St. Louis County Jail.

Each stood accused of sexual attacks. Each believed the other's claim of innocence but knew no one else did. Each was about to be convicted and sent to prison for a long, long time.

The men were Steve Toney and Johnny Briscoe. The former earned his freedom in 1996 when advocates from New Jersey paid for a DNA test that proved his innocence.

When those advocates became interested in Briscoe's case, he believed he would soon be set free.

It took another decade, but Briscoe walked out of a state prison in Charleston, Mo., on Wednesday. He was exonerated by DNA tests on cigarette butts collected at the crime scene. The evidence had been presumed lost but mysteriously resurfaced two years ago.

"I never stopped believing," Briscoe said Thursday, choking back tears.

Briscoe is angry. He was 29 when he went in; he turns 53 in September. He said there was "not enough money in the world" to compensate him for time lost, but he wasn't sure if he would seek damages.

Being wrongly confined for so long felt like being away at war. He has four grandchildren he has never met.

"The way I was treated -" he started to say, then wiped away tears.

In a news conference, James C. McCloskey, who advocated for Briscoe, commended St. Louis County Prosecuting Attorney Bob McCulloch for pushing for Briscoe's freedom. But he blasted the shoddy police work and incompetent legal defense that put Briscoe away for more than half of his life.

McCloskey's organization, Centurion Ministries of Princeton, N.J., advocates for the wrongly convicted and investigates cases it believes can be overturned. It has led the charge to free dozens of U.S. prisoners, including three in the St. Louis area.

Briscoe missed a chance to get out six years earlier because of an error in the St. Louis County Police crime laboratory. In 2000 and in 2001, McCulloch asked the crime lab to dig up the evidence in Briscoe's case and others where DNA could now be applied. The lab told McCulloch that the evidence had been destroyed.

McCloskey recalled Thursday that "the air was knocked out of me" when he heard that and he told McCulloch's office he would stake his life on Briscoe's innocence.

In April 2004, the crime lab found three cigarette butts from Briscoe's case. For reasons that remained unclear on Thursday, the lab still took two years to exonerate Briscoe.

In a statement e-mailed to the Post-Dispatch at 4:45 p.m. Thursday, St. Louis County Police Chief Jerry Lee said that lab workers hadn't realized they had preserved the cigarette butts in a freezer. When power to the freezer failed, lab workers took inventory of items. It wasn't clear from Lee's statement if any match was made to Briscoe's case. The department did not make the chief available for questions.

Lee said police lab employees were taking part in a hearing about DNA issues at St. Louis University in November 2005, and heard about the Briscoe case. As a result, a supervisor ordered a review of the items found in the freezer.

On Nov. 17, the department made the connection between the cigarette butts and the Briscoe case. But no one in the crime lab remembered McCulloch's request in 2001.

It wasn't clear what happened between then and May, when DNA tests were conducted on the cigarette butts. Initial tests did not reveal enough genetic data to compare to the national DNA database, Lee said. Subsequent tests showed the DNA, in fact, matched another man.

Two months later, the cigarette butts were tested by a superior crime lab, according to Lee, which eliminated Briscoe.

Home sweet home

Briscoe's family rejoiced on Thursday to have him home.

Relatives piled into the north St. Louis County home of his niece, Lakeisha Redding. Luther Vandross crooned on the stereo as Redding fried some chicken and made a meat sauce for spaghetti.

This wasn't the homecoming party for her uncle, Redding said.

"We're going to do that up good," she said.

Briscoe relaxed on the sofa, wearing new clothes: a black silk shirt, gray dress pants and white Reeboks. A gift from McCulloch himself.

Today, Briscoe is to lunch with Steve Toney, who said in a phone interview late Thursday that he couldn't wait to greet the man he believed that bleak December.

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