

Missouri attorney general wants charges dropped against the McCloskeys

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JEFFERSON CITY, Mo. — Missouri Attorney General Eric Schmitt filed a brief in the case of Mark and Patricia McCloskey supporting the Castle Doctrine law and seeking dismissal of the charges filed against the couple Monday evening.

The couple made national headlines after photos and videos showed them brandishing guns outside of their Central West End home at protesters who were on their way to St. Louis Mayor Lyda Krewson's house.

St. Louis Circuit Attorney Kim Gardner filed charges earlier on Monday against the couple who confronted protesters with guns back in June. Mark and Patricia McCloskey were charged with one count of unlawful use of a weapon.

“The right to keep and bear arms is given the highest level of protection in our constitution and our laws, including the Castle Doctrine. This provides broad rights to Missourians who are protecting their property and lives from those who wish to do them harm,” said Attorney General Schmitt. “Despite this, Circuit Attorney Gardner filed charges against the McCloskeys, who, according to published reports, were defending their property and safety. As Missouri’s Chief law enforcement officer, I won’t stand by while Missouri law is being ignored - that’s why I entered this case to seek its dismissal, to protect the rights of Missourians to defend their property under Missouri’s Castle Doctrine.”

The brief supporting dismissal reads, “The right to use firearms to defend one’s person, family, home, and property has deep roots in Missouri law. Self-defense is the central component of the right to keep and bear arms, which receives the highest level of protection from the Missouri Constitution. Missouri’s statutes specifically authorize Missouri citizens to use firearms to deter assailants and protect themselves, their families, and homes from threatening or violent intruders. A highly publicized criminal prosecution of Missouri citizens for exercising these fundamental freedoms threatens to intimidate and deter law-abiding Missouri citizens from exercising their constitutional right of self-defense.”

The brief finishes with, “On behalf of all Missourians who wish to exercise their right to keep and bear arms in self-defense of their persons, homes, families, and property, the Attorney General respectfully requests that the Court dismiss this case at the earliest possible opportunity.”

The unlawful use of a weapon charge is a class E felony, which can carry a sentence of up to four years in prison and a fine of \$10,000.

According to the probable cause statement, Mark McCloskey screamed at protesters

as he was armed with a semi-automatic rifle. Court documents said he lowered the rifle and pointed it at the group of protesters walking through the gate and onto the street and sidewalk of Portland Place.

The probable cause statement said Patricia McCloskey was armed with what was later determined to be a semi-automatic handgun. Court documents said she began yelling at the protesters to “go” while pointing the gun with her finger on the trigger at protesters.

The probable cause statement also said since June 28, the McCloskeys have made public statements describing the incident – it also said Mark McCloskey has repeatedly acknowledged he and his wife brandished the weapons.

Statement from St. Louis Circuit Attorney Kim Gardner on the charges filed

“Today my office filed charges against Mark and Patricia McCloskey following an incident involving peaceful, unarmed protesters on June 28th. It is illegal to wave weapons in a threatening manner at those participating in nonviolent protest, and while we are fortunate this situation did not escalate into deadly force, this type of conduct is unacceptable in St. Louis.

"The decision to issue charges was made after a thorough investigation with the St. Louis Metropolitan Police Department.

"I am open to recommending the McCloskey's participate in one of my office's diversion programs that are designed to reduce unnecessary involvement with the courts. I believe this would serve as a fair resolution to this matter.

"We must protect the right to peacefully protest, and any attempt to chill it through intimidation will not be tolerated. As I mentioned in my initial statement on June 29th about protecting the rights of protestors, this was not the only disturbing incident that occurred the same weekend. I issued charges against an individual who assaulted peaceful demonstrators at the King Louis IX statue on June 27th. I am open to recommending diversion in this case as well.

"The people of St. Louis have elected me to pursue equal justice under the law fairly and impartially, and that is what I intend to do."

Rich Finneran, who is a Democratic candidate in the Missouri Attorney General race, gave this statement about Schmitt, who is a Republican running for reelection in 2020:

"Eric Schmitt's decision to inject himself into this case is yet another political ploy, not a genuine effort to seek justice. He asks the court to dismiss a criminal case based upon "published reports" when he did not investigate the case and has not seen all the evidence. Yet again, he has put his partisan political agenda before the judicial process. It's the latest in a long string of derelictions of his duty as the state's chief law enforcement officer."

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