MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI ex rel.
ERIC S. SCHMITT,

RELATOR,

v.

THE HONORABLE DANIEL R. GREEN,
and
DAWNEL DAVIDSON,

RESPONDENTS.

DOCKET NUMBER WD83688
DATE: April 28, 2020

Appellate Judges:

Writ Division: Cynthia L. Martin, Presiding Judge, Gary D. Witt, Judge and Edward R. Ardini, Jr., Judge

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Attorneys:

Patrick J. Logan, Jefferson City, MO, for Relator.
Taylor L. Rickard and Kent E. Gipson, Kansas City, MO, for respondent.

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

STATE OF MISSOURI ex rel. ERIC S. SCHMITT, RELATOR,
v.
THE HONORABLE DANIEL R. GREEN and DAWNEL DAVIDSON, RESPONDENTS.

WD83688 Original Proceeding in Certiorari

Before Writ Division Judges: Cynthia L. Martin, Presiding Judge, Gary D. Witt, Judge and Edward R. Ardini, Jr., Judge

This is an original proceeding in certiorari to review the grant of a writ of habeas corpus by the Cole County Circuit Court. The writ of habeas corpus vacated Jonathan H. Irons's ("Irons") convictions for first degree assault, armed criminal action, and first degree burglary in *State v. Jonathan Houston Irons*, St. Charles County, CR197-271FX. The Attorney General for the State of Missouri ("State") filed a petition for writ of certiorari following the habeas court's grant of habeas corpus relief which was issued as a matter of right. The Circuit Court of Cole County, Missouri returned the record.

REFUSE TO QUASH THE RECORD OF THE HABEAS COURT.

Writ Division holds:

1. Review of the grant of a writ of habeas corpus is limited to whether the habeas court exceeded or abused its authority, a question of law.

2. Habeas court did not exceed or abuse its authority in finding that the habeas petitioner's procedurally defaulted claim of a *Brady* violation related to an undisclosed latent fingerprint report could be heard pursuant to the cause and prejudice exception.

3. Habeas court did not exceed or abuse its authority in finding that the habeas petitioner established a *Brady* violation warranting a new trial based on the suppression of a latent fingerprint report which established that an indentifiable fingerprint found at the crime scene belonged to an unidentified third party.

Opinion by: Cynthia L. Martin, Judge April 28, 2020

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