

ELLEN REASONOVER was convicted in 1983 of a murder committed in a St. Louis, Missouri suburb. Her conviction was based on the testimony of two jailhouse informants who made secret deals for their testimony with prosecutor (now St. Louis County Circuit Court Judge) Steven Goldman. Released in 1999, Reasonover filed a federal civil rights lawsuit in 2003 that named many defendants. In 2004 she settled with Dellwood Police Captain Dan Chapman for \$7.5 million. The district court judge, however, granted summary judgment to the other defendants, and dismissed Reasonover's suit. Reasonover appealed to the 8th Circuit Court of Appeals. Excerpts of that court's affirmation of the district court's decision follows.



Reasonover v. St. Louis County, Missouri

447 F.3d 569 (8th Cir. 05/08/2006)

[1] United States Court of Appeals For The Eighth Circuit

[3] 447 F.3d 569, 2006.C08.0000744 <www.versuslaw.com>

[5] Ellen Maria Reasonover; Charmelle Bufford, Plaintiffs/ Appellants, v. St. Louis County, Missouri, et. al., Defendant/Appellee

[10] I. BACKGROUND

[11] On January 2, 1983, [James] Buckley was shot to death at the Vickers gas station in Dellwood, Missouri, a northwest suburb of St. Louis. The City of Dellwood requested the assistance of the St. Louis Major Case Squad (MCS), ... and then appointed as commander Dellwood Police Department Captain Dan Chapman...

[12] ... On January 3, 1983, Reasonover, ... contacted the police claiming she had been at the Vickers station around the time of the murder. The next day Reasonover spoke to Captain Chapman. Reasonover told him she had seen a car leaving the station. ...

[13] The police ... discovered Reasonover had recently complained to the police about an ex-boyfriend, Stanley White ...

[15] On January 6, the police arrested White. ... White stated he was with the Weston family the night Buckley was killed. Police officer Robert Pruettt ... interviewed the Westons, and wrote a report stating the Westons said they had not seen White for more than a week before the murder. Later, during Reasonover's habeas proceedings, two of the Westons stated Officer Pruettt's report was incorrect.

[16] On January 7, the police arrested Reasonover. ...

[17] The police placed Reasonover in a cell next to White in the Dellwood jail. Reasonover and White could hear but not see each other. Reasonover and White engaged in what they thought was a fifty-six-minute private conversation, but the police had planted a recording device in the area between their cells. The taped conversation (Reasonover-White Tape), as Reasonover accurately states in her brief, "reflected that Reasonover and White were bewildered by their arrests, knew nothing about the crime, and were confident they would soon be released because police would realize they had made a mistake."

[18] The Reasonover-White Tape was not transcribed, logged, or made the subject of any police report, and no officer has admitted making the recording or accepted responsibility for the tape. The state's prosecutor, Steve Gold-

man, later admitted ... he did not disclose the tape to Reasonover's counsel ... The tape was finally found in an envelope ... and the tape was released in 1996 during Reasonover's habeas proceedings.

[19] Later on the evening of January 7, the police took Reasonover to the Jennings jail, where they placed her in a cell with two women, Marquita Butler Hinton and Rose Jolliff. In the morning, the police, including Detective Eichelberger, Detective Tillman, and Officer Richard Needham, took a statement from Jolliff, who stated Reasonover confessed to Jolliff ... that she committed the murder with White and Robert McIntosh. ...

[20] Police released Reasonover on January 8, 1983. ... At some point Jolliff spoke with Goldman and agreed to testify against Reasonover as part of a plea bargain.

[21] On February 8, the police arrested Reasonover ... [and] placed Reasonover in a cell in the St. Louis County jail with several women, including Mary Ellen Lyner. ... Goldman alone interviewed Lyner, ... Lyner stated to Goldman that Reasonover confessed to her. It was later discovered Lyner made a deal for leniency in an earlier case, even though she denied doing so during Reasonover's trial.

[22] Reasonover was charged with the capital murder of Buckley. The evidence against Reasonover was based almost entirely on Reasonover's supposed confessions to Jolliff and Lyner. ...

[23] Reasonover was convicted in December 1983 and sentenced to life in prison without the possibility of parole for fifty years. Reasonover appealed her conviction ... The state refused to release the tape, claiming it was not exculpatory under *Brady v. Maryland*, 373 U.S. 83 (1963). The Missouri Court of Appeals affirmed Reasonover's conviction in part because of a lack of record evidence of the tape's content. *State v. Reasonover*, 714 S.W.2d 706, 713 (Mo. Ct. App. 1986).

[24] Reasonover began habeas proceedings in 1996. The [federal] district court held a hearing on her various claims. The district court

ultimately found the case against Reasonover was based almost entirely on testimony of Jolliff and Lyner, and their testimony was discredited by the contents of the Reasonover-White Tape and the Reasonover-Jolliff Tape. *Reasonover v. Washington*, 60 F. Supp. 2d 937, at 943, 954-57, 963 (E.D. Mo.1999). Having listened to the tapes, the district court concluded, based primarily on the two tapes, Jolliff's secret deal, and Lyner's false denial about her previous deal, it was "more likely than not that no reasonable juror would have found [Reasonover] guilty beyond a reasonable doubt," and the state's suppression of the evidence deprived Reasonover of due process. ... After serving over sixteen years in prison, Reasonover was released.

[25] In 2001, Reasonover and [her daughter Charmelle] Bufford filed the present lawsuit. ...

[26] ... the district court on November 25, 2003. ... granted all of the remaining defendants' respective motions for summary judgment except for that of Captain Chapman... Reasonover and Captain Chapman later settled. [JD Note: Reasonover settled with Chapman for \$7.5 million in September 2004.] Reasonover now appeals the district court's orders granting summary judgment to the various defendants.

[27] II. DISCUSSION

[29] A. Officer Pruettt

[30] Reasonover argues the district court abused its discretion in granting Officer Pruettt's motion for summary judgment without allowing Reasonover sufficient time to respond. ...

[31] Reasonover's arguments fail. District courts have broad discretion to set filing deadlines and enforce local rules. ... With Reasonover failing to file a timely response, the district court did not abuse its discretion in deeming facts set forth in Officer Pruettt's motion admitted. ...

[32] ... Officer Pruettt's factual statements are deemed admitted to by Reasonover. Reasonover has therefore failed to show Officer Pruettt's conduct deprived her

Summary judgment was granted to Dellwood Police Officer Robert Pruettt on the basis that Reasonover's attorneys filed late her answer to Pruettt's motion for summary judgment. Consequently, his version of events (denying he violated her constitutional rights, and therefore he had no civil liability under 42 U.S.C. §1983) was accepted as factually true.

Reasonover cont. on p. 15

Reasonover cont. from p. 14

of a constitutional right. ... Thus, we affirm the district court's order granting Officer Pruett's motion for summary judgment.

[33] B. Prosecutor Goldman

[34] The district court concluded Goldman was entitled to absolute immunity from liability under 42 U.S.C. § 1983. ...

[35] A prosecutor enjoys absolute immunity for acts performed "in initiating a prosecution and in presenting the State's case." *Imbler v. Pachtman*, 424 U.S. 409, 431 (1976). "[F]unctions[] 'intimately associated with the judicial phase of the criminal process[]' as opposed to investigative 'police work' or administrative duties [are] absolutely shielded" from liability under section 1983 claims. ... Immunity is not defeated by allegations of malice, vindictiveness, or self-interest. ...

[36] All of Goldman's acts complained of by Reasonover were prosecutorial functions and therefore are protected. ... Even if Goldman knowingly presented false, misleading, or perjured testimony, or even if he withheld or suppressed exculpatory evidence, he is absolutely immune from suit. ...

[37] Finally, a prosecutor is absolutely immune from a civil conspiracy charge when his alleged participation in the conspiracy consists of otherwise immune acts. ... Because Goldman is absolutely immune from liability for prosecuting Reasonover, he cannot be held liable for conspiring to violate Reasonover's constitutional rights by prosecuting her.

[38] C. Detective Eichelberger, Officer Banaszek, and Detective Tillman

[39] Reasonover argues the district court erred in finding Detective Eichelberger, Officer Banaszek, and Detective Tillman were not responsible for suppressing the Reasonover-White Tape, feeding information to Jolliff, falsely arresting Reasonover, or conspiring to convict Reasonover wrongfully. ...

[40] "[G]overnment officials performing discretionary functions generally are shielded from

liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known." ... Here, we ... hold Reasonover fails to show Detective Eichelberger, Officer Banaszek, and Detective Tillman violated Reasonover's constitutional rights. ...

[41] 1. Suppressing the Reasonover-White Tape

[42] Reasonover's evidence that the officers suppressed the Reasonover-White Tape consists of the following: all three officers' names were written on the tape, with Det. Eichelberger's name on the side containing the taped conversation; none of the officers documented the conversation or marked the envelope containing the tape to reflect the Reasonover-White conversation; ...

[43] ... Names and dates on the tape's label, even taken in a light most favorable to Reasonover, do not raise an inference of unlawful suppression of the tape.

[44] 2. Feeding Evidence to Jolliff

[45] Reasonover asserts Detective Eichelberger and Detective Tillman fed Jolliff information before interviewing her and used leading questions to elicit the responses they wanted. ...

[46] ... While we do not commend Detective Eichelberger's use of leading questions as an interview technique under these circumstances, the facts presented by Reasonover do not raise a genuine issue that Detective Eichelberger intentionally fed or planted evidence.

[47] 3. False Arrest

[48] Reasonover's false arrest claim, that an officer in the position of the officers could not have reasonably believed they had probable cause to place Reasonover under arrest for Buckley's murder, is dependent on her allegations that the officers suppressed the Reasonover-White Tape, fed Jolliff information for her interview, and Officer Banaszek created a false report regarding the January 7, 1983, interview with Reasonover. As demonstrated above, the first two allegations lack merit. Regarding

the third allegation, Reasonover only claims the report should have contained her denials of involvement in the murder. Reasonover cites no case law, and we are unaware of any case law, holding it is a violation of a suspect's constitutional rights if a police report does not contain the entirety of a suspect's denials of involvement in the suspected crime. As a result, this claim fails.

[49] 4. Conspiracy

[50] To advance past the summary judgment stage, Reasonover must "allege with particularity and specifically demonstrate material facts that the defendants reached an agreement." ...

The officers may have jointly pursued their investigation based on a belief Reasonover was guilty, but this does not constitute an unlawful conspiracy. ...

...

[55] E. Officer Welling

[56] Reasonover argues Officer Welling's failure to document Reasonover's denials of involvement in Buckley's murder during Reasonover's interview with Officer Welling and Officer Banaszek, and Officer Welling's failure to disclose the Reasonover-White Tape, violated Reasonover's constitutional rights. ... Reasonover has not produced evidence Officer Welling intentionally withheld or destroyed evidence. ...

...

[61] G. Officer Needham

[62] ... Reasonover ... argues Officer Needham acted in concert with Detective Eichelberger and Detective Tillman in feeding Jolliff information for her statement. ... Reasonover has not shown Officer Needham fed Jolliff answers. We therefore affirm the district court's grant of summary judgment to Officer Needham.

...

[68] J. Familial Association Claim

[69] Reasonover argues the defendants violated her right to familial association as a result of her incarceration. ... Neither the Supreme Court nor this court has clearly held wrongful prosecution and incarceration of a

JD Comment:

An unstated undercurrent of the 8th Circuit's decision is they considered Reasonover's \$7.5 million settlement with Dellwood Police Captain Chapman enough compensation for her ordeal.

The three-judge panel's decision assumed an "Immaculate Conception" view of the damning evidence of police and prosecutor wrongdoing. It assumed both jailhouse informants independently contrived similar false testimony without any prosecution assistance. It also assumed there was no nefarious involvement by the prosecution in the mislabeling and incorrect filing of the two exculpatory audio tapes that weren't disclosed to Reasonover's trial counsel.

family member violates a right to familial association.

[95] III. CONCLUSION

[96] In summary, we affirm the district court's orders granting summary judgment in favor of the defendants.



See previous JD articles about Ellen Reasonover's case:

"Good Samaritan Freed 16 Years After One Juror Saved Her From A Death Sentence," *Justice:Denied*, Vol. 1, Issue 8.

"Ellen Reasonover Awarded \$7.5 Million Compensation For 16 Years Wrongful Imprisonment," *Justice:Denied*, Issue 28, Summer 2005, p. 14.

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