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February 12, 2020

Eric S. Schmitt, Attorney General
P.O. Box 899
Jefferson City, MO 65102

Re: *Dimetrious Woods v. Missouri Department of Corrections*, No. SC97633

Dear Mr. Schmitt:

My firm, along with attorney Daniel Hunt of Jefferson City, represent Dimetrious Woods in the above-captioned case currently pending before the Missouri Supreme Court. The issue in this appeal and in the companion case of *Mitchell v. Phillips*, SC97631, is whether the 2017 repeal of the no parole provisions of the prior drug offender law applies retroactively to these two men and approximately 120 other non-violent drug offenders currently in Missouri's prisons.

Last week, the Missouri Supreme Court issued opinions in *Woods* and *Mitchell* finding that this repeal legislation is not retroactive. Although we intend to file rehearing motions in both cases, I am asking you in your capacity as the Chief Law Enforcement Officer for the State of Missouri, in the interest of justice, to consider filing a voluntary dismissal of the State's appeal in the *Woods* case based upon the following considerations.

Mr. Woods received a twenty-five year sentence without parole out of Clay County for a non-violent drug offense. Approximately two years ago, after he had served approximately eleven years in prison, Judge Daniel Green ordered that Mr. Woods be considered for parole by granting Mr. Woods' declaratory judgment motion that is the subject of the State's current appeal. Based upon his exemplary prison record, Mr. Woods was paroled approximately two years ago and, by all accounts, has been a model parolee. Mr. Woods has been reunited with his family and has started a thriving business in Columbia with one of his sons and has become a mentor for troubled youth.

If and when the opinion of the Supreme Court becomes final, Mr. Woods will be returned to prison and will be required to serve at least another decade behind bars before he is again eligible

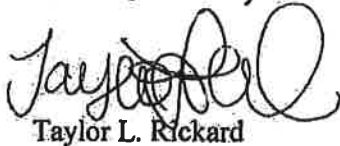
to be released. Returning him to prison would be inhumane, cruel, and fundamentally unjust. We, therefore, urge you in the interest of justice to direct your criminal division to file a voluntary dismissal of this appeal. If this is done, the Court will vacate its opinion and allow Judge Green's order to stand, which will allow Mr. Woods to serve the remainder of his sentence on parole and continue to be a productive and prosperous citizen rather than an unnecessary financial burden on the taxpayers of Missouri.

As you are well aware, both Missouri's ethical rules and ABA Guidelines set forth the special responsibilities of prosecutors as ministers of justice. In light of a prosecutor's solemn duty to do justice, we believe that it is not a close call that justice dictates the dismissal of this appeal. This action will not disturb the published decision in the *Mitchell* case, nor will it impact the fate of the other 120 men and women in Missouri who have similar sentences.

On behalf of Mr. Woods and his loved ones, we urge you to give this matter your immediate and thoughtful attention. We would be happy to meet with you or any of your representatives in person to provide you with further information before you make such an important decision.

Very Truly Yours,


Kent Gipson


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Daniel Hunt

Attorneys for Dimetrious Woods

Cc: Dimetrious Woods

Enclosures