

MIDWEST INNOCENCE PROJECT

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Judge Orders MIP Client Olin “Pete” Coones Released

Midwest Innocence Project client freed after serving over 12 years in prison for a crime he did not commit

Kansas City, Kansas (November 5, 2020) – The [Midwest Innocence Project](#) (MIP), a not-for-profit corporation dedicated to the investigation, litigation and exoneration of wrongfully convicted people in five states, and the [Morgan Pilate](#) law firm announce today that District Court Judge Bill Klapper overturned the conviction of client Olin “Pete” Coones, finding he satisfied the actual-innocence exception and that his trial was unconstitutionally marred by prosecutorial misconduct. The Wyandotte County District Attorney’s Office has dismissed all charges, freeing Coones after serving over 12 years for a crime he did not commit.

Coones was wrongfully convicted in 2009 of murdering Kathleen Schroll in Kansas City, Kansas. Kathleen Schroll and her husband had been shot and killed in their home in what is now known to have been a murder-suicide. A revolver, later identified to belong to Schroll, was found near her left hand. DNA testing confirmed the presence of Schroll’s DNA on the trigger of the gun. There was no sign of a struggle or forced entry, or that anyone else had been in the home. But law enforcement and prosecutors focused on Coones because of a phone call made by Kathleen Schroll, shortly before her death, where she claimed Coones was in her house, threatening to kill her, and that he had stolen a lawn mower.

But Coones had an alibi for the crime: he was at home with family. Family members saw him come out of his room and spoke with him in the hours before the crime. And his car was boxed in his driveway, meaning he could not have driven to the crime scene. Nonetheless, the State focused solely on Coones, ignoring and concealing evidence that revealed this was not a double-homicide, but in fact a murder-suicide staged to frame Coones.

“This was a classic case of tunnel vision,” says Branden Bell, an attorney for Morgan Pilate who represented Coones in conjunction with the Midwest Innocence Project. “Even though Pete denied committing the crime and forensic testing showed Pete had never been in the house, the police refused to consider the possibility that he was innocent. Instead, the investigation into how the Schrolls died lasted less than three hours before the police decided Pete was their sole suspect and they never looked any further.”

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A new investigation begun by the Wyandotte County District Attorney's Office Conviction Integrity Unit unearthed significant evidence that the deaths were the result of a murder-suicide and that Ms. Schroll had fabricated evidence to pin the deaths on Coones. The Court heard new evidence that Ms. Schroll had forged checks from Olin Coones, Sr.'s, account and that she was facing potential criminal charges for embezzling over \$11,000 from a bank where she was also employed. None of that evidence had previously been disclosed to Coones or his defense counsel. Additional investigation by CIU Investigator Colin Brown also revealed gunshot residue on Ms. Schroll's hand and a previously unrecovered 4th bullet. When presented with the 4th bullet, the State's medical examiner changed the manner of death from homicide to murder-suicide.

"Justice was delayed, but we are thrilled Pete will return to his family today," says Lindsay Runnels, an attorney with Morgan Pilate who also represented Coones. "We are thankful to the CIU for its thorough investigation that revealed previously unknown State misconduct. CIUs are an important part of correcting injustices like this one. Our justice system is a little more fair today."

Further, Coones' team presented evidence of State misconduct regarding the use of a jailhouse informant. In granting Coones' motion, the Court found the State withheld evidence the informant was unreliable, may have had mental health issues, and wanted a deal to testify. The State also did not disclose the informant's full criminal history, all of the letters the informant had written, the number of interactions it had with the informant, or that it had threatened Rupert with jail time if did not testify.

According to a report by [the National Registry of Exonerations](#), prosecutorial or police misconduct played a role in more than half of all convictions of innocent people who were later exonerated. The report stated that concealing exculpatory evidence, like what occurred in Pete's case, occurred in 44% of exonerations.

"A prosecutor's job is to do justice, which includes not only turning over exculpatory evidence, but ensuring that the evidence used to convict someone is reliable," says Tricia Rojo Bushnell, counsel for Coones and MIP Executive & Legal Director. "Jailhouse informants are some of the least reliable evidence, and Pete's case underscores the need for Kansas to join a growing number of states that have passed laws to prevent false jailhouse informant testimony." Last year, [HB2544](#) was introduced by the Kansas House Judiciary Committee, which would create a statewide system for racking the use of jailhouse informants and clarify the types of evidence that must be disclosed about these types of witnesses.

In addition to Bell, Runnels, and Rojo Bushnell, Coones was also previously represented by the KU School of Law's Paul E. Wilson's Project for Innocence and Postconviction Remedies. The team was assisted by investigators Blair Johnson and Mike Bussell, paralegal Maci Morgan, and attorney Kylie Mank.

For those interested in supporting the MIP, please donate at www.themip.org.

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