

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY**

STATE OF MISSOURI,	)	
	)	
	)	
vs.	)	
	)	
RICKY L. KIDD	)	CASE NO. 16CR9602137A
	)	DIVISION 1
	)	
DEFENDANT.	)	

Memorandum of Dismissal¹

After a review of the current evidence, as set forth more fully herein, the State hereby dismisses this matter.²

The February 6, 1996 Double Murder and 1997 Trial

On February 6, 1996, our community and two families lost George Bryant and Oscar Bridges. These men were fathers, husbands and sons. They were both brutally murdered. Their losses must not be forgotten, irrespective of the current posture of this matter. When police arrived at George Bryant's home, they found that both men were shot in the back of the head. George Bryant was found in the front yard of his home. Oscar Bridges was found in Bryant's basement with his ankles, hands, and mouth secured with duct tape.

¹ This matter is currently before the Court following the issuance of a Writ of Habeas Corpus.

² The information in this memorandum can be found in the publicly available State and Federal Orders concerning this case and exhibits filed by the Defense in *In re Ricky K. Kidd v. Ken Conlee*, Jackson County Case No. 1516-CV05073 and *State of Missouri ex rel Ricky L. Kidd v. Sherie Korneman*, Dekalb County Case No. 18DK-CC00017. Additionally, in keeping with our obligations under section 595.209, RSMo, this office has been in contact with the victims' families and notified them of our decision prior this filing.

Ricky Kidd and Marcus Merrill were charged with these murders. The State's belief was that Kidd, Merrill, and a man named Gary Goodspeed Jr., killed Bryant and Bridges during a robbery for drugs and money. The State's case rested primarily on identifications of Kidd by Bryant's young daughter and Richard Harris. There is no dispute that Bryant's daughter was inside the home at the time of the murders and no dispute that Harris, a neighbor of Bryant, walked past Bryant's home as Bryant was shot and killed outside of his garage.

While Bryant's daughter was unable to identify Kidd in the courtroom during her trial testimony, Detective Jay Thompson testified that Bryant's daughter identified Kidd in an out-of-court videotaped lineup. According to Detective Thompson, Bryant's daughter—who was four years old at the time—immediately stated “that's him,” became nervous and grabbed for her mother tightly while shaking upon initially seeing Kidd on screen during the videotaped lineup. Detective Thompson further stated that Bryant's daughter clung to him in fear as he brought her closer to the screen where she once again confirmed her identification of Kidd. Additionally, Harris testified at trial that he saw Kidd fire the final shots at Bryant outside the home.

At trial, Kidd took the stand in his own defense and testified that he had not been associated with Goodspeed Jr., Gary Goodspeed Sr., Merrill, or Bryant for months before February 1996. However, that testimony was contradicted by other witnesses who saw Kidd with Merrill or the Goodspeeds in the days surrounding the murder. Additionally, Kidd argued that he had an alibi that made it impossible for him to have participated in the murders.

On March 24, 1997, the jury convicted co-defendants Kidd and Merrill of the murders after hearing the testimony and judging the credibility and the demeanor of the witnesses, including Bryant's daughter, Harris, Kidd, and Kidd's alibi witnesses. Kidd's conviction was upheld on the direct appeal³ and in his initial post-conviction proceeding⁴ by the Western District of the Missouri Court of Appeals. His conviction was also upheld on Federal Habeas review by the U.S. District Court for the Western District of Missouri which specifically rejected Kidd's claim of actual innocence.⁵ Following those results, Kidd filed a Missouri State Habeas petition.

The Dekalb County Habeas Corpus Proceeding⁶

The Dekalb County Court identified multiple issues that it believed warranted a new trial.⁷ *First*, the Dekalb Court noted that the State did not disclose (i) depositions of the Goodspeeds, taken by Merrill's attorney on the Friday prior to trial and (ii) that Mr. Harris was allegedly believed to be in danger from the Goodspeeds and that actions were taken to protect him, including surveillance and placing him in a hotel before trial.⁸ The Dekalb

³ *State v. Kidd*, 990 S.W.2d 175 (Mo. App. W.D. 1999).

⁴ *State v. Kidd*, 75 S.W.3d 804 (Mo. App. W.D. 2002).

⁵ *Kidd v. McCondichie*, 03-0079-CV-W-SOW (W.D. Mo. Dec. 8, 2009). The United States Court of Appeals for the Eighth Circuit affirmed denial of habeas corpus relief in *Kidd v. Norman*, 651 F.3d 947 (8th Cir. 2011). The United States Supreme Court denied certiorari in *Kidd v. Norman*, 568 U.S. 838 (2012).

⁶ At the time of this filing, Kidd was incarcerated at a facility in Dekalb County. Accordingly, under Missouri law, it was this Court that had jurisdiction over Kidd's Habeas proceeding.

⁷ Findings of Fact, Conclusions of Law, and Judgment Granting Writ of Habeas Corpus, Dated August 14, 2019 in *State of Missouri ex rel Ricky L. Kidd v. Sherie Korneman*, Dekalb County Case No. 18DK-CC00017.

⁸ This Office acknowledges the Findings and rulings of the Dekalb Court regarding the issue of disclosures. Through training and efforts to implement new and more efficient

Court believed that these disclosures would allow Kidd to defend himself against the murder charges while asserting that the Goodspeeds were in fact the men responsible for the murders.

Second, the Dekalb Court found that those disclosures, when added to Harris’s 2019 testimony-in which he noted that he might be mistaken as to his identification of Mr. Kidd-undermines confidence in Kidd’s conviction. *Third*, the Court also accepted the Defense’s expert testimony that the process used to obtain the out-of-court identification from Bryant’s then-four-year-old daughter could have caused a misidentification of Mr. Kidd. *Fourth*, the Court accepted the same alibi evidence that was offered and rejected by the jury and determined that the cumulative weight of all these items not only supported the granting of a new trial but also the conclusion that there is clear and convincing evidence supporting Kidd’s claim of actual innocence.

Standard for Filing and Maintaining Criminal Charges

A Prosecuting Attorney has the responsibilities of a minister of justice. Mo. Sup. Ct. R. 4-3.8 Cmt. 1. These obligations go beyond advocacy for the State’s case, and include protecting the integrity of the criminal justice system and any defendant’s rights within it. Specifically, the State of Missouri charges prosecutors with upholding procedural justice and ensuring “that guilt is decided upon the basis of sufficient evidence.” *Id.*

procedures this office will continue to strive to meet all of its disclosure obligations under *Brady v. Maryland*, 373 U.S. 83, 87 (1963) and *Giglio v. United States*, 405 U.S. 150, 154 (1972) and their respective progeny so as to ensure that the rights of Defendants and Victims are fully and fairly adjudicated.

“A prosecutor should seek or file criminal charges only if the prosecutor reasonably believes that the charges are supported by probable cause, that admissible evidence will be sufficient to support conviction beyond a reasonable doubt, and that the decision to charge is in the interests of justice.” ABA Standards for Prosecution Function, 3-4.3(a) (2018); *See also* Mo. Sup. Ct. R. 4-3.8 Cmt. 1. However, a prosecutor’s duty to analyze the evidence does not end with the filing of a criminal charge. Rather, prosecutors have a duty to continue to vet the evidence and should only continue with a criminal case if “the prosecutor continues to reasonably believe that probable cause exists and that admissible evidence will be sufficient to support conviction beyond a reasonable doubt.” ABA Standards for Prosecution Function, 3-4.3(b) (2018). When there are concerns about the “quality” or “sufficiency of the evidence” and those concerns cause significant doubt regarding whether a jury is likely to find the accused guilty beyond a reasonable doubt, a prosecutor should not proceed to trial. ABA Standards for Prosecution Function, 3-4.3(c) (2018).

These are our standards, and they guide our analysis here.

The Current Status of Evidence

The quality and quantity of the current evidence is not likely to result in a jury finding Ricky Kidd guilty for the murders of George Bryant and Oscar Bridges.

It is believed that George Bryant was involved in the illegal drug trade at the time of the murders though he was also a loving father of three children, husband and son. Bryant’s involvement in the drug trade, however, made him a soft target for robbery. The State’s

evidence demonstrates that two men lost their lives in a brutal, planned robbery which resulted in their deaths.

Ricky Kidd knew Bryant, and in the mid-1990s, Kidd sold drugs with Goodspeed Jr., Goodspeed Sr., Merrill and Bryant.⁹ Despite his initial false statement to police, Kidd admits that he owed Bryant \$500.00 as a result of a drug transaction in and around the time of the murders. Likewise, there is evidence that Kidd was in contact with Merrill and the Goodspeeds in the days leading up to the murders, and he was aware of a plan by the Goodspeeds and Merrill to rob Bryant. In fact, during his 2009 Federal Habeas proceeding, Kidd testified under oath that he was asked by Goodspeed Sr. if he was interested in “knocking off” Bryant with him on the day before the murders. While Kidd maintains that he told Goodspeed Sr., that he would not kill Bryant, there is also evidence that Kidd met with the Goodspeeds on the day after the murders and before the Goodspeeds left Kansas City. At that meeting, Kidd testified that Goodspeed Sr. said “it was a shame what happened to George Bryant” and, in response, Kidd admitted that he chuckled.¹⁰

There is also evidence that suggests that there were additional contacts between the Goodspeeds and Kidd in and around the time of the murders, although Mr. Kidd has yet to

⁹ At some point, in late 1995, Merrill and the Goodspeeds moved to Georgia. Per witnesses and airline, rental car, and hotel records, Merrill and the Goodspeeds had returned to Kansas City by early February 1996.

¹⁰ *Kidd v. McCondichie*, 03-0079-CV-W-SOW (W.D. Mo. Dec. 8, 2009). The Goodspeeds were suspects during the 1996 investigation and they were referred to at trial as participants in the murders. The statements from Goodspeed, Sr. to Kidd before and after the murders was obviously known and available to Kidd prior to his 1997 trial. Nonetheless, while testifying in his defense, Kidd consciously decided to forego providing that information to the jury and instead denied meeting the Goodspeeds when they were in Kansas City.

acknowledge these contacts.¹¹ Kidd's admissions about his contacts with the Goodspeeds and Merrill stand in stark contrast to the strategic choice he made during his 1997 trial testimony, where he falsely attempted to show that his last contact with Bryant, Merrill, or the Goodspeeds was in 1995, months before the murders. However, while this false testimony may be properly viewed as consciousness of guilt, the State, through admissible evidence, must still establish Kidd's role as one of the men at Bryant's home on February 6, 1996. During the 1997 trial, that evidence came in part from Harris.

Harris testified under oath multiple times about these murders and his identification of Kidd. He was impeached for providing inconsistent details, having a criminal history, and minimizing details to police to avoid being implicated in the murders. Additionally, Harris's demeanor while testifying drew scrutiny and negative commentary from various courts, including the trial court and, most recently, from the Dekalb Court.

Until 2019, Harris maintained that he saw Kidd kill Bryant on February 6, 1996. But then just before the Dekalb County proceedings, Speedy Ramsey, a neighbor of Harris and Bryant, informed Harris for the first time that Kidd was not present for the shootings.¹² Additionally, the Defense showed Harris Merrill's testimony from Kidd's Federal Habeas

¹¹ One such contact was the eye witness account of an employee at Alamo Rental Car. This employee identified Goodspeed, Sr., Goodspeed, Jr., and Kidd as being present at the business. On that same day, Valuejet's Airline records show that Goodspeed, Sr., and Goodspeed, Jr., returned to Georgia.

¹² Ramsey is now deceased and, as such, the State cannot vet his knowledge of the murders or the circumstances of his statements to Harris. Other than Harris, the only remaining evidence of Ramsey's statement as to Kidd is a member of the Defense's legal team who apparently also communicated with Ramsey.

proceedings, in which Merrill testified that he and the Goodspeeds committed the murders.¹³ The combination of Merrill's testimony and Ramsey's statement, led Harris to testify in 2019 that he may have been mistaken about Kidd's involvement in the murders.

As such, and because Mr. Harris now questions the accuracy of his identification, the State can no longer rely on his testimony that Mr. Kidd was the shooter. Without Harris, the only identification evidence that places Kidd at the scene of the murders is the out-of-court identification of Kidd by Bryant's daughter.

When police responded to Bryant's home just before noon on February 6, 1996, they found a crying four year old standing by an open garage mere feet away from her murdered father. She was holding a phone and talking to police dispatch. That four year old was Bryant's daughter. The State finds her out-of-court identification to be credible.¹⁴ Moreover, both Bryant's daughter and Harris identified the man at Bryant's house-who they originally believed was Kidd as having hoop-style earrings. After the murders, a Polaroid was recovered from Kidd's vehicle in which he was wearing hoop-

¹³ At the time of Kidd's Federal Habeas proceedings, Merrill had exhausted all avenues for appeal in his case. Accordingly, he had nothing to lose. During his 2009 testimony he clarified that his intent was to testify against the Goodspeeds in exchange for a reduction in his sentence. Moreover, during his testimony, he minimized his actions by describing his shooting of Bryant as accidental rather than purposeful. Likewise, he was confronted with letters he wrote to Kidd and Kidd's responses to him in which the two men discussed helping each other get out of prison. Included in those letters is a statement from Kidd telling Merrill that his lawyer can help Merrill get out of prison if Merrill testifies on Kidd's behalf. Unlike the Dekalb proceedings, the Federal Court observed Merrill's live testimony and in denying Kidd's Habeas claims, including claims of actual innocence, the Federal Court concluded that Merrill was not reliable.

¹⁴ In addition to not identifying Kidd in the courtroom at trial, the State acknowledges that Bryant's Daughter also did not identify Kidd during an initial interview where she was shown his picture.

style earrings.

It is clear that the State can show both connections between Kidd and the other suspects involved in and around the time of murders, and discrepancies between Mr. Kidd's original trial testimony and his most recent testimony. But, to move forward to trial, the State must be ready to present direct evidence that proves that Kidd was involved in the murders beyond a reasonable doubt. The evidence of Kidd's guilt is not frozen in time. Because Harris now indicates he may be mistaken as to Kidd's involvement, the State no longer has direct evidence identifying Kidd as the shooter. Rather, the only evidence tying Kidd to scene of the murders is the 1996 out-of-court identification of Kidd by Bryant's daughter, who was four years old at the time of the identification.

In evaluating whether to re-try Kidd for the murders, this office weighed multiple factors. Consideration was given to the judgment of the jury, who weighed the credibility of the witnesses and evidence before it, and to the Dekalb Court's Findings of Fact, Conclusions of Law, and Judgment Granting Writ of Habeas Corpus. Similarly, we must consider each of the victims' families who have endured the trauma of sudden loss and are yet again confronted with the public unveiling of their deep and personal wounds. George Bryant's death left a lasting void in the lives of his family and loved ones that cannot be filled. The same is true for Oscar Bridges who was a married father of three, and happened to be in the proverbial "wrong place at the wrong time" when his life was cruelly and suddenly taken.

Lastly, Mr. Kidd has served over two decades in prison for this crime and we must ensure that fairness and due process are afforded to Kidd, who has maintained his innocence

since his initial arrest and throughout this process. The balancing of these respective interests and positions is the responsibility and duty of a prosecutor.

This office must remain faithful to its standard to proceed to trial only when the projected admissible evidence will be sufficient to support a conviction beyond a reasonable doubt. This office does not proceed to trial based on feelings or personal beliefs, rather, our decisions and judgment are solely based on the law and evidence and our sworn responsibility to be a minister of justice. There is evidence connecting Kidd to the murders, specifically his knowledge of the Goodspeeds's and Merrill's plan to rob and murder Bryant, his statements, both then and more recently, about his contacts with these men in the days before and after the murders, and the out-of-court identification by Bryant's daughter. However, the passage of time and the loss of additional corroborating evidence to support the out-of-court identification limits the State's ability to present a complete case, beyond a reasonable doubt, as to what, if any, involvement Kidd had in the murders. As such, the current evidence against Kidd falls short of this office's standard to place a Defendant in jeopardy of conviction.

Given the state of the evidence, we cannot sanction Mr. Kidd's continued prosecution for this crime. Accordingly, we hereby dismiss.

JEAN PETERS BAKER

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by,

/s/ Dion Sankar

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was transmitted electronically through the Missouri e-Filing System on 9/13/2019 to all attorneys of record.

/s/ Dion Sankar

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