



Written by [Luis Miguel](#) on December 12, 2020

Justice! Court Disqualifies Soros-backed Prosecutor From McCloskey Case

A judge in St. Louis, Missouri, kicked left-wing circuit attorney Kim Gardner off the prosecution for Mark McCloskey, one half of the couple who made headlines in June when they brandished firearms in self-defense after a mob of Black Lives Matter agitators broke a gate to trespass in their private community and allegedly threatened the husband and wife duo.

Mark and Patricia McCloskey were charged with two felonies, but Gardner is now off at least the husband's prosecution for touting the prosecution in fundraising emails for her reelection campaign.



Kim Gardner (AP Images)

Circuit Judge Thomas Clark II's order [said](#) two fundraising emails sent by Gardner's campaign before and after she charged the couple made it appear that she "initiated a criminal prosecution for political purposes." The campaign emails were a response to attacks from her political opponents.

"Like a needle pulling thread, she links the defendant and his conduct to her critics," Clark wrote. "These emails are tailored to use the June 28 incident to solicit money by positioning her against defendant and her more vocal critics."

The McCloskeys had sought to disqualify Gardner from their case, arguing she exploited it for political gain. Defense lawyer Joel Schwartz said he'll file a motion requesting that Stelzer adopt Clark's ruling in Patricia McCloskey's case.

State law directs the presiding judge to appoint another prosecutor to the case, per the order. Patricia McCloskey's case is assigned to Circuit Judge Michael Stelzer, who will replace Circuit Judge Rex Burlison as St. Louis' presiding judge next year.

In reaction to the news, Gardner tweeted that she would review the court's order and evaluate her "options."

Statement from Circuit Attorney Office, City of St. Louis

Today the media reported on a judge's ruling on the Mark McCloskey case prior to any official notification. We will review the court order and determine our options.

pic.twitter.com/drVK9EjI1

— Circuit Attorney (@stlcao) [December 10, 2020](#)

"This is what we wanted," Schwartz said. "We would like a fair-minded prosecutor to take a look at the alleged crimes and reassess the evidence and see what they come up with because we don't believe any of the evidence supports any of the charges.... As long as that happens, then I think we'll have the right



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outcome and that would hopefully be no charges.”

The *St. Louis Post-Dispatch* reported:

Gardner’s lawyers had pushed back on the McCloskeys’ attempt to remove Gardner, saying she has the right to defend against attacks from Republican political foes from Missouri and elsewhere. The campaign emails, her lawyers have said, contained only generic references to the McCloskeys without mentioning them by name, made no promises to prosecute them in exchange for votes and amounted to constitutionally protected “campaign speech.”...

Gardner’s campaign emails to supporters July 17 and 22 each mentioned the incident outside the McCloskeys’ mansion. The second email said, “In the last 24 hours, there has been a lot of national attention surrounding Kim’s decision to press charges against a couple that brandished guns at a peaceful Black Lives Matter protest. For merely doing her job, Kim has received death threats, been attacked by Donald Trump, and berated by Missouri’s Governor, Senator and Attorney General.”

The email went on to say that “this is what happens when leaders like Kim stand up against a system that elevates the privileged and powerful.”

Gardner had previously called the McCloskey’s accusations “baseless and meritless.”

But Judge Clark concluded that Gardner “identifies her critics, links them to (Mark McCloskey), requests the campaign contribution to fight back and forewarns criminal prosecution by holding defendant ‘accountable.’ To a reasonable person, this language forecasts prosecutorial action.”

As *The New American* has [previously reported](#), the notorious left-wing billionaire George Soros contributed \$116,000 to the Missouri Justice & Public Safety PAC, which worked to reelect Gardner.

The couple maintains that the mob threatened to harm them. “They were going to kill us,” Patricia McCloskey told Fox News’ Sean Hannity. “They were going to come in there. They were going to burn down the house. They were going to be living in our house after I was dead. They pointed to different rooms and said, ‘That’s going to be my bedroom, and that’s going to be the living room, and I’m going to be taking a shower in that room.’... There were so many threats. Then, the dog barked, and they said, ‘I’m going to be killing her, too,’ or ‘It, too.’”

Missouri Attorney General Eric Schmitt sought to intervene in the case by filing a brief supporting a motion for dismissal. Governor Mike Parson, a Republican, has said that if the McCloskeys are convicted, he will pardon them.



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