

18-year-old in 1989 Kitsap murder, now 50, granted forgiveness and early release

Andrew Binion Kitsap Sun

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In 1989, when Melvin Stohs stood before a judge in Kitsap County Superior Court and was sentenced to life in prison, he was barely 18.

Stohs received the longest sentence because he had been convicted of the most serious crime, aggravated first-degree murder, for his part in a fatal 1989 robbery of a pot dealer by four teenagers. Stohs' part was pulling the trigger.

On Monday, now 50 and standing before a judge in the same courthouse, Stohs faced deliverance from his hopeless sentence.

"It's an honor to be here," Stohs told Judge Melissa Hemstreet, who would sign the paperwork allowing Stohs to walk free about an hour later. "I'm grateful and blessed to be here."

Stohs had been a candidate for clemency, and his bid received approval from the board that reviews requests for mercy from inmates. But in 2018, Gov. Jay Inslee denied him.

Stohs' attorney, Laura Shaver, persisted.

"It was always going to be an uphill battle," Shaver said Monday.

The breakthrough, the reconsideration of Stohs' lifelong sentence, came after Shaver lobbied Kitsap County Prosecutor Chad Enright with the same information that had persuaded the clemency board.

To get Enright's attention, she emailed him a photo of Stohs every day until she got a response.

In his petition for clemency, Shaver wrote that Stohs showed remarkable progress during his nearly 32 years in prison. He overcame a troubled youth when, facing death between four walls, there was no reason for him to even try.

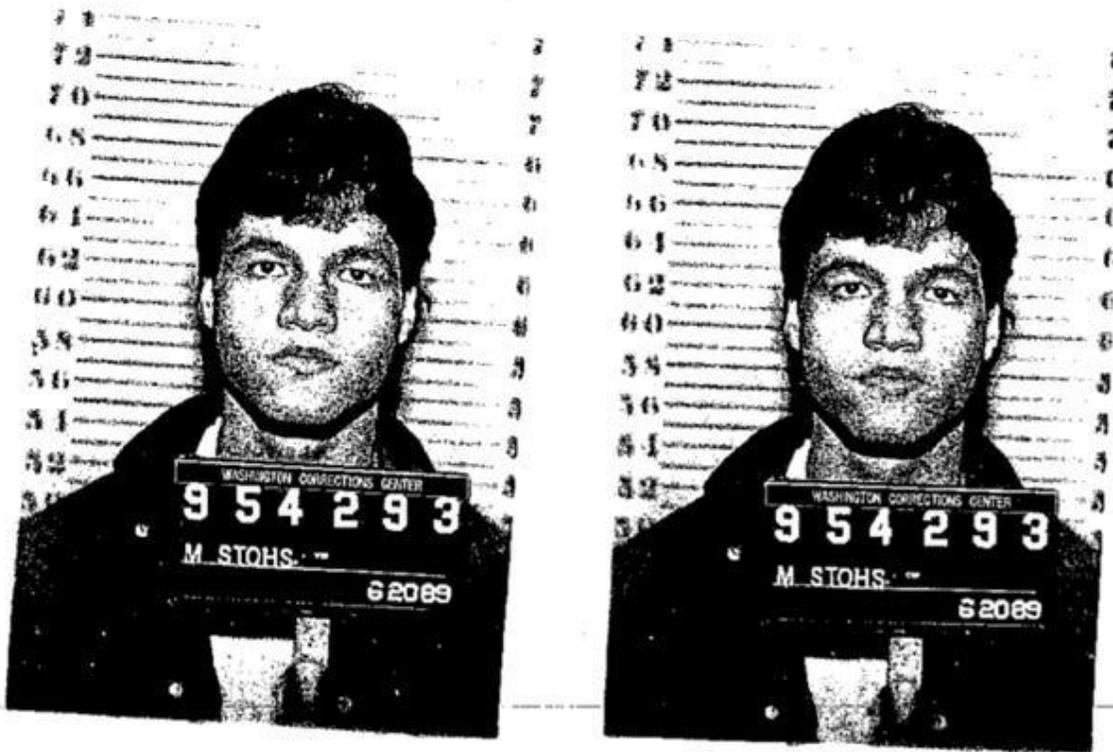
Perhaps most important, the family members of his victim wanted Stohs to have a second chance, saying they needed that for their own healing.

That was key for Enright.

“They thought this was an injustice,” said Enright, who was personally in court Monday to handle the hearing in front of Hemstreet. “That caused me to take an extra look at it.”

The ex-wife of Stohs victim, James Toney, 52, said she forgave Stohs. In forgiving him, that gave her peace of mind and she wanted him afforded that same grace.

“I hope Melvin can forgive himself, so he can also have peace of mind,” Ruthann Toney wrote in a 2017 letter supporting Stohs’ release.



Melvin Stohs, age 18, in 1989, shown in his first prison mugshot the day after he was sentenced in Kitsap County Superior Court to life in prison without the possibility of early release. *Washington State Department Of Corrections*

The crime

On Jan. 6, 1989, Stohs was 72 days past his 18th birthday when he waited inside an East Bremerton residence and shot and killed Toney, a friend's stepfather. According to accounts, the boys who plotted the crime found the rifle under a bed after breaking into the house. Stohs fired as soon as Toney, hot dog and soda in hand, walked through the door. One shot to the heart killed him.

In court Monday, Enright told Hemstreet he took notice of a statement Stohs made to detectives after his arrest.

Quoting Stohs, Enright said: "I wish I would have done something different, like put the gun down. I wasted his life."

"This is significant," Enright told Hemstreet, that Stohs took full responsibility. Enright said Stohs will carry more than the burden of a murder conviction on his record.

"He carries with him the burden of Mr. Toney's life," Enright told Hemstreet.

Choreography for the fatal robbery is attributed to Toney's stepson, William Aaron Jones, then 14. He had grown resentful of Toney, who, after breaking up with his mother, enlisted the boy and another youth to sell pot for him. In one incident alleged in Stohs' court documents, Toney choked Jones because the boy hadn't brought home enough cash from selling marijuana. It was Jones who is alleged to have given the ammunition to Stohs.

With Toney dead on the ground, Jones was alleged to have kicked over his body to take his wallet, keys and some marijuana.

Stohs and the three other teens made away with \$1,500 in cash. Within days they were in custody. Stohs confessed upon his arrest.

Prosecutor wanted life in prison

Charged as an adult, Jones got 24 years and served 16. Since then he has had multiple run-ins with police, including in 2006 when he was shot out of a tree by a Kitsap County sheriff's deputy who mistook her gun for a Taser. Most recently, in September, he was charged with possession of meth after being found slumped over in an East Bremerton parking lot.

Another teen got 13 years and Stohs' late brother, Dennis Stohs, who was involved as well, got 11 years.

Stohs, the oldest of the four teens, took the most heat. Stohs' late trial attorney, Ron Ness, offered to have Stohs plead guilty in exchange for a 30-year sentence, but former Prosecutor Danny Clem rejected any proposal that didn't result in Stohs going away for life, according to documents.

After being found guilty at trial, five months after Toney's murder, the state Department of Corrections took possession of Stohs.

The life sentence for such a young man did not sit well with the lead detective on the case or Toney's family. Not that they didn't want Stohs to go to prison, but to leave him without an opportunity of release did not seem fair.

For the detective, the crime stood out as though hatched by children.

Former Detective Smed Wagner, who retired in 1996 from the sheriff's office, wrote in a letter of support that Stohs deserved an opportunity to get out of prison.

"I believed this when Danny Clem charged him and I still feel this way," Wagner wrote.

"Without investigating this case again, by far this was the most un-sophisticated murder that I have been involved in," Wagner added in his letter. "Four kids started with an idea of stealing some pot and then over hours came up with the decision to commit a murder and the 'mastermind' being a 16-year-old boy." (Reports say Jones was 14 at the time).

For one of Toney's survivors, her and Stohs' freedom are intertwined. "The last thing I need to heal from my dad's death is to see Melvin released from prison and reunited with his father," Luretha Ann Little, daughter of Toney, wrote in a letter supporting Stohs. "It would give me no greater joy than to see Melvin and his father spend his father's last days together."

Stohs' father, Marvin Stohs, 80, survived a recent bout with cancer. He was in court Monday and greeted his son upon his release.

He described his feelings as "total elation."



A recent prison mugshot of Melvin Stohs
Washington State Department Of Corrections

“It’s been a long time coming,” Marvin Stohs said.

Ruthann Toney, James Toney’s ex-wife, wrote that justice would be for Stohs to have a second chance.

“It just does not seem fair to us,” she wrote of Stohs’ sentence. “None of this is fair. There is nothing anyone can do to change the past. Looking forward it is my belief that all four of these boys are equally responsible for what happened to Jim. It seems to me that Melvin should get the opportunity for release from a life sentence.”

Back in court

Before he was granted his freedom on Monday, Stohs listed all the people who deserved his gratitude and said he was humbled by the forgiveness of Toney’s family.

“I don’t know if somebody would have taken my dad if I would have forgiven,” he said, holding back tears.

Though many deserved his appreciation, Stohs told Hemstreet that in making the list of who to thank first he overlooked the reason he was standing in front of her: He murdered James Toney.

“I lost sight of why I am really here,” he told Hemstreet. “I was so self-absorbed and engrossed in how this affected me I forgot the real reason. A life was taken by me.”

Stohs added: “Not a day goes by that I don’t think about Mr. Toney and my senseless act of taking his life.”

'Something clicked'

Though Stohs received what is now the harshest sentence available in Washington state, Shaver said Stohs didn’t act like a lifer. He was never cited for getting in a fight and after adjusting to prison as an 18-year-old among older and more hardened men — racking up his share of prison rule violations — he put his energy toward bettering himself and bettering his fellow inmates.

“Melvin has grown from an unengaged, aimless, addicted 18-year-old into a thoughtful, caring, and compassionate man,” Shaver wrote in Stohs’ clemency petition. “He has changed from a reckless, much-infracted prisoner to a mature man known for his level

head, leadership, quiet nature and strong work ethic. He has transformed himself from an ignorant, delinquent adolescent into a man who values education more than anything. And perhaps most importantly, he has transformed himself from a self-centered boy into a loving and giving son, brother, uncle, nephew and friend.”

Shaver said Stohs was crushed two years ago when she broke the news to him that Inslee had turned down his clemency request. However, she said as a testament to his character, he shook it off and proceeded with teaching a previously scheduled class for 40 fellow inmates.

“I think that is extraordinary,” Shaver told Hemstreet during Monday’s hearing. “It speaks to who he is now.”

Stohs at the time of Toney’s murder was a far different person. He had dropped out of school in 11th grade and was smoking pot, drinking beer and experimenting with cocaine. Though he had no criminal record and had been a good student and a standout athlete before taking a turn, his home life had left him lost.

Adults in his life broke up the relationships with each other that created the stability he craved. He moved constantly in his younger years. He spent periods separated from his siblings, and his mother struggled to raise him as a single parent and fell into addiction. To support her children she turned to prostitution, according to documents.



Melvin Stohs, center, takes his first steps as a free man Monday after being released from the Kitsap County Jail. He was joined by his father, Marvin Stohs, left, and his older brother, Martin Stohs.
Laura Shaver

“Melvin’s childhood and adolescent years were consumed by feelings of abandonment and loss,” Shaver wrote in Stohs’ clemency documents. “Looking back, Melvin believes these feelings triggered a hopelessness that made him susceptible to peer pressure, alcohol and drug use. In this hopelessness and unsupported environment, Melvin lost his passion for athletics and learning.”

Though Stohs had solid friends, whose parents remember him as respectful and thoughtful, distance grew between them as he gravitated toward kids — younger kids — known for troublemaking and drug dealing.

Add to that findings from researchers, which have fundamentally changed how teens are sentenced in court, demonstrating the human brain does not mature and become fully capable of understanding consequences until a person’s mid-20s.

At the time that Stohs went to prison for life, courts did not consider the immaturity of defendants like they do now.

Shaver wrote that the brains of teens and young adults are still developing, particularly the part of the brain responsible for “executive functioning.”

“Executive functions are those that help us to make reasoned rather than impulsive or emotional decisions, to plan, to organize our thoughts, and to connect actions to consequences,” Shaver wrote. “The young brain is simply not equipped, on a sheer physical level, to work like an adult brain.”

Stohs, in a letter he wrote as part of his clemency petition, described his turnaround a few years into his sentence as a kind of epiphany.

“In 1992, something clicked and I wanted to do better,” he wrote. “I kept my head down and did my time.”

Patience with himself

Though Hemstreet approved the deal to set Stohs free, the effort came from the prosecutor. Enright said clemency would be the most appropriate way to deal with Stohs’ case. In light of Inslee’s denial, however, there was another legal mechanism to accomplish the same result, a power given to prosecutors to make such changes to a case “in the interest of justice.”

On Monday, Enright went to court to vacate the original conviction. Stohs then pleaded guilty to first-degree murder and Hemstreet sentenced him to the maximum sentence for that crime, which amounts to time served.

Marvin Stohs said his son was eager to rejoin society on his first day — he wanted to get a driver's license, for one thing — but may have to ease into his new life. The world is vastly different now than it was in 1989.

“He needs to speed up on some things and really slow down on other things,” Marvin Stohs said.

In her final words to Stohs, Hemstreet had a similar message.

“I want you to have patience with yourself,” she said, adding that he would likely encounter hardships and setbacks. “You don't have to be defined by your past.”

He was led out of court in handcuffs but then, about an hour later, walked out of the county jail a free man except for 12 months of Department of Corrections supervision.

The first thing he did was gather with his friends, family and Shaver at a local restaurant and ate a hamburger.