



## NEWS RELEASE

**GREGORY D. TOTTEN**  
District Attorney

For Immediate Release

Approved By: MDS *mtd*

Contact: Michael D. Schwartz  
*Special Assistant District Attorney*

Tuesday, April 21, 2015

Telephone: (805) 654-2719

Release No. 15-022

*VENTURA, California* – District Attorney Gregory D. Totten announced today that the case against Michael Ray Hanline will be dismissed. The motion to dismiss will be heard on April 22, 2015, at 1:30 p.m. in courtroom 13.

Hanline was convicted by jury of the 1978 murder of J. T. McGarry, aka Mike Mathers. He was sentenced to life imprisonment without the possibility of parole.

Investigations conducted by the District Attorney's Conviction Integrity Unit and Bureau of Investigation, and by the California Innocence Project, found new evidence that cast doubt upon the correctness of the jury's verdict. At the initiative of the District Attorney's Office, DNA analysis was conducted on evidence collected at the crime scene. In addition, the District Attorney's Office concluded that certain reports would have been helpful to the defense and should have been disclosed to defense counsel at the time of trial.

On November 13, 2014, with the agreement of the District Attorney, the superior court issued a writ of habeas corpus setting aside the conviction and releasing the defendant from custody. After a months' long investigation to determine whether Hanline should be retried, the District Attorney has now concluded that the case cannot be proven beyond a reasonable doubt, and has made a motion to dismiss the case. However, given the current state of the evidence, the District Attorney would oppose any motion seeking a finding of factual innocence. It is the position of the District Attorney's Office that the

case against the defendant is still supported by probable cause, but cannot be proven beyond a reasonable doubt.

A copy of the District Attorney's motion to dismiss is attached.

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APR 21 2015

MICHAEL D. PLANET,  
Executive Officer and Clerk  
BY: \_\_\_\_\_, Deputy

1 GREGORY D. TOTTEN  
District Attorney  
2 MICHAEL D. SCHWARTZ  
Special Assistant District Attorney  
3 800 South Victoria Avenue  
4 Ventura, CA 93009

5 Telephone (805) 654-2719  
6 Attorney for Plaintiff  
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8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA  
9

10	THE PEOPLE OF THE STATE OF CALIFORNIA,	)	COURT NO. CR14566
11	Plaintiff,	)	MOTION TO DISMISS
12		)	(Pen. Code, § 1385)
13	v.	)	
14	MICHAEL RAY HANLINE,	)	
15	Defendant.	)	Date: April 22, 2015
16		)	Time: 1:30 p.m.
		)	Courtroom: 13

17 TO THE HONORABLE JEFFREY BENNETT, JUDGE OF THE SUPERIOR COURT;  
18 DEFENDANT, MICHAEL RAY HANLINE; AND HIS ATTORNEYS, CALIFORNIA  
INNOCENCE PROJECT AND ALEXANDER SIMPSON;

19 The People move that the case be dismissed in the interest of justice pursuant to Penal  
20 Code section 1385 on the grounds that the case cannot be proven beyond a reasonable doubt.

21 On November 24, 2014, without objection by the People, this court granted a petition  
22 for writ of habeas corpus, vacated the conviction, and ordered a retrial. Since that time, we  
23 have continued to investigate. Based upon an evaluation of the evidence in the case and the  
24 information obtained through subsequent investigation, it is our conclusion that the case cannot  
25 be proven beyond a reasonable doubt.

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Our motion is based upon the following facts and circumstances:

1. At the initiative of the prosecution, DNA testing of evidence from the crime scene was conducted. The defendant, and his purported accomplice, Dennis "Bo" Messer, were specifically excluded as the source of DNA on key items on which DNA was found. DNA on other items was too degraded for identification. While this evidence does not conclusively prove defendant's innocence, it does not support the prosecution's theory at trial that defendant and Messer committed the murder.

2. The information contained in several police reports reviewed during in camera hearings was potentially helpful to the defense but was not disclosed to the defense. Although the Court of Appeal determined that these reports were not material under *Brady v. Maryland* (1963) 373 U.S. 83, subsequent information, including information obtained at an evidentiary hearing in federal court, and information obtained after the federal challenge was concluded, establishes additional materiality of the undisclosed information.

3. Interviews of potential witnesses in recent months have included statements inconsistent with courtroom testimony. Interviews have also supported the theory that persons other than defendant had motives and means to commit the crime.

4. A number of trial witnesses and potential trial witnesses are now deceased. The People have not concluded that the defendant is factually innocent. We are not confident based upon the evidence obtained at this time that he either did or did not commit the murder or have a role in the murder. It is our position that the case against the defendant is still supported by probable cause, but cannot be proven beyond a reasonable doubt.

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WHEREFORE, the People request:

1. That the case be dismissed pursuant to Penal Code section 1385 in the interest of justice on the grounds that it cannot be proven beyond a reasonable doubt.
2. That bail be exonerated.
3. That the order for electronic monitoring be vacated.
4. That defendant be discharged.

Respectfully submitted,

GREGORY D. TOTTEN, District Attorney  
County of Ventura, State of California

DATED: April 21, 2015

By   
MICHAEL D. SCHWARTZ  
Special Assistant District Attorney

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF VENTURA

I am employed in the County of Ventura, State of California. I am over the age of eighteen (18) and not a party to this action; my business address is Office of the District Attorney, 800 South Victoria Avenue, Ventura, California 93009.

On April 21, 2015, I served the following document(s) described as:

MOTION TO DISMISS (Pen. Code, § 1385)

[ x ] (BY MAIL) by placing a true copy thereof enclosed in a sealed envelope addressed as follows, and causing such envelope with postage thereon fully prepaid to be placed in the United States Mail at Ventura, California:

Alexander Simpson  
Associate Director  
California Innocence Project  
225 Cedar St.  
San Diego, CA 92101

[ x ] (BY ELECTRONIC MAIL) to:

Alexander Simpson <ajs@cwsl.edu>

[ X ] (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

  
CYNTHIA KLANTE