



**Gregory D. Totten**  
**District Attorney**

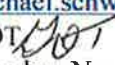
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**David M. Livingstone**  
**Chief of Police**

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## NEWS RELEASE

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Approved: GDT   
Date: Monday, November 20, 2017  
Release No.: 17-102

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*Ventura, California* – Ventura County District Attorney Gregory D. Totten and Simi Valley Police Chief David M. Livingstone announced today that they are supporting the clemency petition of Craig Richard Coley, aged 70. In the attached letter, the District Attorney and Police Chief jointly recommend that the Governor issue a pardon to immediately release Mr. Coley from prison.

On the morning of November 11, 1978, 24-year-old Rhonda Wicht and her 4-year-old son, Donald Wicht, were found dead in her apartment in Simi Valley. Rhonda had been strangled, apparently with a macramé rope. Donald had been suffocated. Coley, with whom Rhonda had recently broken up, was arrested the same day and charged with the murders.

At the conclusion of the first trial on April 12, 1979, the jury hung 10-2 in favor of guilt. Coley was retried and on January 3, 1980, the jury found him guilty. On February 26, 1980, he was sentenced to life without the possibility of parole. The conviction was affirmed on appeal by the Court of Appeal, and several habeas corpus petitions seeking his release were denied.

Simi Valley Police Chief Livingstone renewed an investigation into the case after consultation with retired Simi Police Detective Mike Bender, who had expressed concerns about Mr. Coley's guilt. In October 2016, Simi Police began an investigation into the case, working together with the District Attorney's Bureau of Investigation and Conviction Integrity Unit. Biological samples that had previously been thought to be lost or destroyed were found in the possession of a private laboratory, and advanced forensic analysis was conducted that was not available at the time of the trial. A key piece of evidence used to convict defendant was found to not contain his DNA, but to instead contain the DNA of other individuals. The investigation included review of thousands of pages of documents and interviews of numerous individuals, with interviews continuing as late as last week.

Reviewing the case in light of the new evidence, we no longer have confidence in the weight of the evidence used to convict Mr. Coley. We also believe that the evidence, as we now know it, would meet the legal standard for a finding of factual innocence.

As the United States Supreme Court recognized in *Berger v. United States*, the twofold aim of the prosecutor "is that guilt shall not escape nor innocence suffer." To that end, the Ventura County District Attorney's Office established a Conviction Integrity process in 2012 to review claims of factual innocence.

This case is tragic. An innocent woman and small child were murdered. Craig Coley has spent 39 years in custody for a crime he likely did not commit. The real murderer or murderers have not been brought to justice. Investigation is continuing to determine if it can be established that other(s) committed the murders.

Chief Livingstone, District Attorney Totten and members of their offices involved in this conviction integrity investigation will be available for in-person comment at the Simi Valley Police Department today from 2:00 to 5:00 p.m.

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The Ventura County District Attorney's Office is the public prosecutor for the county's 850,000 residents. The office employs approximately 280 employees including attorneys, investigators, victim advocates, and other professional support staff who strive to seek justice, ensure public safety, and protect the rights of crime victims.

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**Gregory D. Totten**  
District Attorney



**David M. Livingstone**  
Chief of Police

November 20, 2017

The Honorable Edmund G. Brown, Jr.  
Governor  
State Capitol, First Floor  
Sacramento, CA 95814

Re: Craig Coley Clemency Petition: COM-382-10  
Ventura County Superior Court Case Number: CR14322

Dear Governor Brown:

As your office is aware, for the past year the Simi Valley Police Department and the Ventura County District Attorney's Office have been actively investigating the integrity of the conviction in the Craig Coley case. The investigation was begun at the initiative of the Simi Valley Police Department.

Specifically, biological evidence previously thought to have been lost or destroyed was located and analyzed, using advanced DNA techniques not available at the time of the trial. A key piece of evidence used to convict Mr. Coley was found to not contain his DNA, but to instead contain the DNA of other individuals. Significant follow-up has now been conducted and numerous witnesses interviewed, some as recently as last week.

One of the challenges in this investigation was locating records and evidence from the case. At the conclusion of the trial and appellate proceedings, the trial court ordered the evidence destroyed. We were able to reconstruct a file based upon documents retained by Mr. Coley's family and other sources. Our investigation has not established that any evidence was destroyed improperly.


Reviewing the case in light of the new evidence, we no longer have confidence in the weight of the evidence used to convict Mr. Coley. We also believe that the evidence, as we now know it, would meet the legal standard for a finding of factual innocence (Penal Code § 851.8.) Accordingly, the Ventura County District Attorney's Office, along with the Simi Valley Police Department, support the petition for clemency in this matter. In taking this position, we do not adopt the specific grounds for clemency as stated in Mr. Coley's application.


The Honorable Edmund G. Brown Jr.  
November 20, 2017  
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Members of our staff have spoken with the victims' remaining immediate family members, and have informed them of our intention to support Mr. Coley's petition for clemency.

If you have questions or require further information, please contact the manager of the District Attorney's Conviction Integrity Unit, Michael Schwartz, Special Assistant District Attorney, at 805-654-2719.

Very truly yours,

  
GREGORY D. TOTTEN  
District Attorney, County of Ventura

  
DAVID M. LIVINGSTONE  
Chief of Police, City of Simi Valley

GDT:elb

cc: Senior Investigator Tamara Jones  
Board of Parole Hearings