




**GREGORY D. TOTTEN**  
**District Attorney**

**NEWS RELEASE**

<http://www.vcdistrictattorney.com>

Twitter: @VenturaDAOoffice

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Approved: JLM   
Date: November 29, 2017  
Release No.: 17-105

**Court declares Craig Coley factually innocent**

*VENTURA, California* – District Attorney Gregory D. Totten announced today that the Ventura County Superior Court has vacated Craig Coley’s convictions for murder, and has made a finding that he is factually innocent.

Mr. Coley was found guilty of the 1978 murders of Rhonda Wicht and her 4-year-old son Donald. He served over 38 years in custody for the crimes. New evidence obtained during an investigation by the Simi Valley Police Department and Ventura County District Attorney’s Office, including DNA evidence, determined that Mr. Coley had not committed the murders. On November 22, 2017, with support by District Attorney Gregory Totten and Police Chief David Livingstone, Governor Jerry Brown issued a full and unconditional pardon, concluding that “Mr. Coley did not commit these crimes.” Mr. Coley was released from prison the same day.

The Ventura County Public Defender, on behalf of Mr. Coley, filed a motion to vacate the conviction and for a judicial finding of factual innocence. The District Attorney joined in the motions. In a brief hearing today, the Ventura County Superior Court, the Honorable Ryan J. Wright, Judge presiding, granted both motions. Mr. Coley was not present but was represented by the Public Defender’s Office.

Today’s rulings are a judicial determination of innocence and bring the court records in line with the Governor’s determination in the pardon. The rulings also ensure that Mr. Coley will receive monetary compensation from the California Victim Compensation Board.

Mr. Coley suffered a profound injustice in this case. The District Attorney remains committed to reexamination of cases in which claims of factual innocence are made and the use of modern scientific techniques that were not available when the cases were tried.

###

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.

Follow the Ventura County District Attorney's Office on Twitter @VenturaDAOoffice

1 Todd Howeth, Public Defender  
2 William Quest, Deputy Public Defender SBN 191461  
3 County of Ventura  
4 800 South Victoria Avenue  
5 Ventura, California 93009  
6 Email: William.Quest@Ventura.org  
7 (805) 654-3032  
8 Attorney for Defendant

VENTURA  
SUPERIOR COURT  
**FILED**

NOV 29 2017

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

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **COUNTY OF VENTURA**

11  
12 PEOPLE OF THE STATE OF  
13 CALIFORNIA,  
14 Plaintiff,  
15 vs.  
16 CRAIG RICHARD COLEY  
17 Defendant,

Case No.: CR14322  
**ORDER TO VACATE A CONVICTION  
(PENAL CODE §1473.7)**  
Date: November 29, 2017  
Time: 8:30 a.m.  
Place: Courtroom 45

18  
19  
20 **TO: THE CLERK OF THE SUPERIOR COURT, COUNTY OF VENTURA**

21 Pursuant to California Penal Code section 1473.7, the court vacates the  
22 convictions of two counts of murder with special circumstances of the defendant,  
23 CRAIG RICHARD COLEY, in the above-entitled action.

24 The court grants the motion to vacate the conviction on the grounds that  
25 that Mr. Coley has established, by a preponderance of the evidence, the existence of  
26 newly discovered evidence of actual innocence as set forth in Penal Code section  
27 1473.7, subdivision (a)(2).  
28

ORDER TO VACATE A CONVICTION (PENAL CODE §1473.7)

1 This order is based on the following:

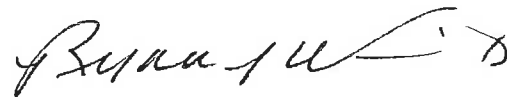
2 1. The District Attorney does not contest the factual allegations  
3 underlying the grounds for granting Mr. Foley's motion to vacate.

4 2. The District Attorney's office provided notice to the Attorney  
5 General that they will not contest the factual allegations underlying Mr.  
6 Foley's motion to vacate in accordance with Penal Code section 1485.5,  
7 subdivision (b).  
8

9  
10 This order shall be binding on the Attorney General, the factfinder, and  
11 the California Victim Compensation Board in accordance with Penal Code section  
12 1485.5, subdivisions (a) and (c).

13 The California Victim Compensation Board shall recommend to the  
14 Legislature that an appropriation be made and any claim filed shall be paid to Mr. Foley  
15 in accordance with Penal Code section 1485.55, subdivision (d).  
16

17 Dated: November 29, 2017



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20 HONORABLE RYAN J. WRIGHT  
21 JUDGE OF THE SUPERIOR COURT  
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1 **DECLARATION OF PERSONAL SERVICE**

2  
3 Case Name: *The People of the State of California v. CRAIG RICHARD COLEY*

4 Case No.: *CR14322*

5  
6 On November 29, 2017, I, Anna Twitty, declare:

7  
8 I am over the age of 18 years and not a party to the within action or proceeding. I  
9 am employed in the Office of the Ventura County Public Defender. My business address  
10 is 800 South Victoria Avenue, Ventura, California, 93009.

11 On this date I personally served the following named person(s), at the place  
12 indicated herein, with a full, true and correct copy of the attached document: **ORDER  
TO VACATE A CONVICTION (PENAL CODE §1473.7)**

13 Gregory Totten, District Attorney  
14 County of Ventura  
15 Attn: Mike Schwartz  
16 800 South Victoria Avenue, 3<sup>rd</sup> Floor  
Ventura, CA 93009

17 I declare under penalty of perjury under the laws of the State of California the  
18 foregoing is true and correct and that this declaration was executed on the above date at  
19 San Buenaventura, California.

20 TODD W. HOWETH, Public Defender

21 By: 

22 Anna Twitty,  
23 Legal Processing Assistant III  
24 Public Defender's Office  
25  
26  
27  
28

**DECLARATION OF PERSONAL SERVICE**

1 Todd W. Howeth, Public Defender  
2 William Quest, Deputy Public Defender SBN 191461  
3 County of Ventura  
4 800 South Victoria Avenue  
5 Ventura, California 93009  
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7 (805) 654-3032

8 Attorney for Defendant

VENTURA  
SUPERIOR COURT  
**FILED**  
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9  
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **COUNTY OF VENTURA**

12  
13 PEOPLE OF THE STATE OF  
14 CALIFORNIA,  
15 Plaintiff,  
16 vs.  
17 CRAIG RICHARD COLEY  
18 Defendant,

Case No.: CR14322

**ORDER FOR A FINDING OF  
FACTUAL INNOCENCE (PENAL  
CODE §851.8)**

Date: November 29, 2017  
Time: 8:30 a.m.  
Place: Courtroom 45

19  
20  
21 **TO: THE CLERK OF THE SUPERIOR COURT, COUNTY OF VENTURA**

22  
23 Pursuant to California Penal Code section 851.8, the court finds the  
24 defendant, CRAIG RICHARD COLEY, factually innocent in the above-entitled action.

25 This order is effective forthwith and directs the following:

- 26 1. The law enforcement agency having jurisdiction over the offense,  
27 the Department of Justice, and any law enforcement agency which  
28 arrested or participated in the arrest of Craig Richard Foley for an offense

ORDER FOR A FINDING OF FACTUAL INNOCENCE (PENAL CODE §851.8)

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for which he has been found factually innocent under Penal Code section 851.8, shall seal and destroy their records of the arrest in accordance with Penal Code section 851.8 subdivision (b).

2. The factual findings shall be binding on the Attorney General, the factfinder, and the California Victim Compensation Board in accordance with Penal Code section 4903, subdivision (b).

Dated: November 29, 2017



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HONORABLE RYAN J. WRIGHT  
JUDGE OF THE SUPERIOR COURT

