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District Attorney

NEWS RELEASE

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District Attorney's Conviction Integrity Unit Will Move to Dismiss Robbery Conviction

VENTURA, California –District Attorney Gregory D. Totten announced today that following review by the Conviction Integrity Unit, his office will seek to dismiss a robbery conviction involving Jose Perez.

On March 4, 2011, a male juvenile was robbed of his cell phone by a teenage suspect who threatened the victim with a small, aluminum baseball bat. Several months later, Jose Perez was identified as the culprit via photo line-up. Perez was at the time already facing charges pertaining to a separate, gang-related assault with a deadly weapon.

On June 5, 2012, Perez pled guilty to the robbery charge (Pen. Code § 211) with a gang enhancement (Pen. Code § 186.22) in case number 2011036340, as well as two counts of assault with a deadly weapon (Pen. Code § 245(a)(1)) plus a gang enhancement (Pen. Code § 186.22) in the unrelated case (case no. 2011032647.) He was placed on probation and released from custody.

Following a subsequent violation of probation, Perez was sentenced on March 26, 2019, to serve 13 years in state prison. During the pendency of the violation of probation, Perez' family asked the Ventura County District Attorney's Office Conviction Integrity Unit to review Perez' robbery conviction. Perez subsequently confirmed the request, though he did not contest guilt of the unrelated assault convictions.

Investigation conducted by the District Attorney's Conviction Integrity Unit and Bureau of Investigation found new evidence that casts doubt upon Perez' guilt of the robbery charge. While the evidence does not conclusively establish that Perez did not commit the robbery, the District Attorney's Office cannot determine whether Perez in fact committed the robbery.

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 District Attorney established a conviction integrity process in 2012 to review claims of factual innocence. At the present time, the conviction integrity process has not concluded that Perez is factually innocent. However, the state of the evidence casts sufficient doubt upon the conviction to warrant vacating the guilty plea.

Today, the District Attorney's Office filed a motion in the Ventura County Superior Court to have Perez returned to Ventura County so that his sentence can be recalled and defense counsel can be appointed. Once Perez is transported to Ventura County, the District Attorney's Office intends to move to dismiss the robbery conviction against Perez, though the assault with a deadly weapon convictions will remain.

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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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