

APR 21 2015

MICHAEL D. PLANET,
Executive Officer and Clerk

BY: _____, Deputy

GREGORY D. TOTTEN
District Attorney
MICHAEL D. SCHWARTZ
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Attorney for Plaintiff

SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

MICHAEL RAY HANLINE,

Defendant.

COURT NO. CR14566

MOTION TO DISMISS
(Pen. Code, § 1385)

Date: April 22, 2015
Time: 1:30 p.m.
Courtroom: 13

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

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

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

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1 Our motion is based upon the following facts and circumstances:

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

8 2. The information contained in several police reports reviewed during in camera
9 hearings was potentially helpful to the defense but was not disclosed to the defense. Although
10 the Court of Appeal determined that these reports were not material under *Brady v. Maryland*
11 (1963) 373 U.S. 83, subsequent information, including information obtained at an evidentiary
12 hearing in federal court, and information obtained after the federal challenge was concluded,
13 establishes additional materiality of the undisclosed information.

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

17 4. A number of trial witnesses and potential trial witnesses are now deceased.

18 The People have not concluded that the defendant is factually innocent. We are not
19 confident based upon the evidence obtained at this time that he either did or did not commit the
20 murder or have a role in the murder. It is our position that the case against the defendant is still
21 supported by probable cause, but cannot be proven beyond a reasonable doubt.

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1 WHEREFORE, the People request:


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

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8 Respectfully submitted,

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

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11 DATED: April 21, 2015

12 By


13 MICHAEL D. SCHWARTZ
14 Special Assistant District Attorney
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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)

- ☒ (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

- ☒ (BY ELECTRONIC MAIL) to:

Alexander Simpson <ajs@cswsl.edu>

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


CYNTHIA KLANTE