

EL DORADO COUNTY

Inmate released after DNA site leads to new arrest in murder

By Don Thompson
The Associated Press

PLACERVILLE » California authorities used recently developed DNA techniques to free one man and implicate another for only the second time in the United States, officials said Thursday.

A man who spent about 15 years in prison after being wrongfully convicted in the slaying of his housemate has been exonerated after authorities used extended DNA links developed through publicly available genealogical websites to build a family tree that led to the arrest of a new suspect.

El Dorado County District Attorney Vern Pierson would not go into detail on the newly implicated suspect, who was a juvenile at the time of the slaying and by law must make at least his first appearances in juvenile court even though he is now in his 50s, but said he was one of three young men who had been with the victim's teenage daughter on the night of the slaying.

A county judge on Thursday ordered Ricky Davis released from custody during an emotional court hearing in Placerville. Hours later a smiling Davis walked out of El Dorado County jail surrounded by family and friends.

When asked by reporters to comment on his release he answered "no comment, thank you," and held up a black sweatshirt embroidered with a yellow Innocence Project logo.

Davis, 54, had always maintained his innocence. Pierson said the develop-



RICH PEDRONCELLI — THE ASSOCIATED PRESS

Ricky Davis is questioned by reporters after he was released from custody at the El Dorado County Jail in Placerville. Davis spent about 15 years in prison after being wrongfully convicted of second degree murder.

ments are "two of the most dramatic extremes that you can experience."

"On the one hand, we have the system working in the worst possible way. On the other hand, we have the evolution of technology in terms of genetic genealogy" that led to Davis being freed and a new suspect arrested this week, he said. "It is a surreal thing in a sense."

The same DNA techniques in 2018 identified the suspected Golden State Killer, a former police officer now awaiting trial in 12 homicides and numerous rapes across California in the 1970s and 1980s.

It has since been used to find suspects in nearly 80 cases nationwide, said Anne Marie Schubert, the district attorney in neighboring Sacramento County whose office made the DNA link in both cases. But it's only the second time the new technique exonerated a suspect, the first being last year in Idaho when Christopher Tapp was

cleared of the 1996 murder of Angie Dodge, she said.

"It must be remembered that this is not a tool of conviction, it is a tool of justice," Schubert said.

Jane Hylton, a 54-year-old columnist for the Foothills Times, was found dead — stabbed 29 times and bitten on the shoulder — on July 7, 1985, inside an El Dorado Hills home. She was staying there temporarily with her teenage daughter, Davis and Davis' then-girlfriend Connie Dahl.

The man arrested this week was one of three youths who were in a park that night with the then-13-year-old daughter of the victim.

One of the three boys is now dead and another is cooperating in the investigation, Pierson said. That man is not believed to have participated in the slaying, but may have known about it afterward, he said. The daughter is not a suspect and helped identify the new

suspect, he said.

Davis and Dahl told detectives they had gone to a party the night before and returned home at 3:30 a.m. where they found Hylton's daughter waiting outside. The teenager told them she had gone out with a group of boys that night and was afraid her mother would be upset with her for being out too late, according to an online synopsis of the case by the Innocence Project, which is part of the Santa Clara University School of Law.

"The three entered the house together. Davis saw blood in the hallway outside the master bedroom and found Hylton's body on the bed. Davis and Dahl immediately called 911 to report the crime. All three maintained they were not involved in the murder and did not know who committed the crime," according to the project.

The case went unsolved until detectives reopened it in late 1999.

Dahl changed her story under what Pierson said were the aggressive interrogation techniques in use at the time, implicating Davis as the killer and telling detectives that she bit the victim during the attack. He said the two investigators have since retired.

More sophisticated recent DNA tests found unknown male DNA on the nightgown in the area of the bite mark and the same DNA profile under the victim's fingernails. Those tests excluded Davis, Dahl and Hylton's daughter as the sources of the DNA.

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THE COUNTY

Pension hike rate affirmed by board

The Marin County Employees' Retirement Association board has affirmed a 3.5% cost-of-living adjustment starting April 1.

The 8-0 vote on Wednesday validated a calculation performed by the actuarial consulting firm Cheiron, said retirement administrator Jeff Wickman. The calculation was pegged to a regional Consumer Price Index increase of 3.29% and rounded to the nearest half-percent.

Not all retirees in the system will receive 3.5%. Some are in tiers capping their adjustments at 2% or 3%.

The association's membership includes current and former employees of the county, the city of San Rafael, Marin Superior Court, the Marin Local Agency Formation Commission, the Marin/Sonoma Mosquito & Vector Control District, the Marin City Community Services District, the Novato Fire Protection District, the Southern Marin Fire Protection District and the Tamalpais Community Services District.

MILL VALLEY

Planning reviews set for 4 projects

The city zoning administrator will review three residential projects and a commercial project at its meeting next week.

A proposal for 41 Nelson Ave. calls for a home remodeling and expansion, a new 417-square-foot apartment and the removal of five trees. An application for 84 Hillside Ave. seeks a 568-square-foot pool, a 286-square-foot trellis, a patio and new retaining walls.

The other applications seek the removal

of a heritage redwood at 15 Heuters Lane and five trees along Camino Alto at 590 E. Blithedale Ave.

The meeting is scheduled to begin at 5 p.m. Wednesday in the council chambers at City Hall.

SAN RAFAEL

Police link suspect to vehicle burglary

A Novato man was arrested after an alleged vehicle burglary in downtown San Rafael.

A 911 caller reported witnessing a man at 8:23 a.m. Wednesday reach through a broken window of a car. The suspect made eye contact with the witness and fled, jumping over a fence on Fifth Avenue near A Street, police said.

An officer located the suspect, who was identified as Joseph Douglas Jones, 25. He had a tool used to shatter windows and property from the car, police said.

Jones was booked into Marin County Jail. He remained in jail Thursday in lieu of \$50,000 bail.

City set to launch cannabis tax board

The City Council is poised to make its first appointments to the new Cannabis Industry Tax Oversight Committee.

A council subcommittee interviewed six applicants and recommended five panelists. They are up for confirmation at the council meeting on Tuesday.

If approved, Abi Scheier Rivas, Erik Rivai and Stephen Roth would be appointed to four-year terms. Jennifer Dye and Drew Bulfer would be appointed to two-year terms.

The committee is being formed to oversee revenues from Measure G, which voters approved in 2018.

LA TRAFFIC STOP

Conviction tossed in killing of officer

The Associated Press

LOS ANGELES » The California Supreme Court decided unanimously Thursday to overturn a man's conviction in the killing of a Los Angeles Police Department officer 37 years ago during a traffic stop, according to a newspaper report.

Citing extensive evidence that the defense lawyer for Kenneth Earl Gay was incompetent, the state high court reversed the conviction that sent Gay to death row in Officer Paul Verna's killing in 1983, the Los Angeles Times reported. Gay is now 60.

The court overturned Gay's death sentence years ago on the grounds he had an inadequate lawyer, and a new trial was held on whether he should be con-

demned to death. Another jury recommended death, but the second death sentence also was overturned.

Gay then argued that his lawyer, Daye Shinn, also botched the guilty phase of his trial. Shinn, who was later disbarred and has since died, lied to get Gay's case, according to evidence. The lawyer also counseled the defendant to admit to incriminating evidence and failed to introduce evidence that might have persuaded a jury to acquit him or spare his life, the newspaper said.

Both Gay and a co-defendant, Raynard Cummings, were passengers in the stolen car stopped by motorcycle officer Verna. Witnesses disagreed about which man shot Verna. Both were convicted and sentenced to death.

"We cannot say Gay's murder conviction was the product of a trustworthy adversarial process," Justice Leonora R. Kruger wrote for the court. "Defense counsel obtained appointment to represent Gay through fraud, counseled him to make damaging confessions to the prosecution ... and failed to conduct a timely investigation into available testimony from eyewitnesses who would have exculpated Gay and peace officers who would have inculpated Gay's co-defendant."

Verna, who was 35 when he was fatally shot, won a medal of valor for trying to rescue children from a burning building. Two sons, Bryce and Ryan, later became police officers and joined the Los Angeles Police Department.

Cummings fired the first shot at Verna, prosecutors argued, before passing the gun to Gay, who fired five bullets. During his retrial, witnesses testified that Gay had previously robbed and beaten them, and a former girlfriend told the court he firebombed her family's home. Los Angeles prosecutors will now decide whether to retry Gay.

While on death row, Gay wrote a screenplay, "A Children's Story," which won an American Film Institute contest in 1994, the Times reported. Actor Ed Asner, a judge for the contest, testified on behalf of Gay during his retrial.

Deputy Attorney General David F. Glassman, who represented the prosecution in the case, declined comment to the newspaper.

Suicide

FROM PAGE 1

For example, the report says, 27 people jumped to their deaths in 2018 and another 187 were stopped through intervention. But the report focused on suicides by Marin residents.

According to the report, between 2014 and 2018, men 50 and older accounted for nearly half the suicides among county residents, and men of all ages accounted for approximately three-quarters. This adds up to 143 deaths by suicide for men between 2014 and 2018. Forty-nine women died by suicide during that same period.

Maya Gladstern, a member of the county's mental health board, said she was surprised to learn "that the community considered most at risk is men aged 25 to 59."

"We don't usually hear about that," Gladstern said. "Hopefully, this project will help them."

Linda Jackson, a member of the Aging Action Initiative, said, "This study and the initial research showed that the largest group of people in Marin County who commit suicide is older men. I really appreciate the fact that that is recognized in the report."

Jackson said she had a cousin who died by suicide at age 50.

"He left behind a family who loved him dearly and misses him still," she said.

The report found that white residents accounted for a slightly higher percentage of all deaths by suicide relative to the overall population, whereas Latino, African-American and Asian-Pacific Islander residents accounted for slightly lower percentages of suicide deaths. Furthermore, the report states that between 2014 and 2018, 23% of Marin male residents who died by suicide were veterans.

"In 2018 we had four veterans commit suicide this would equate to 12% of those who died by suicide in Marin. In 2019 we had six veterans die by suicide out of a total of 32 people who died by suicide," Sean Stephens, Marin's veterans services officer, wrote in an email.

Despite these numbers, the report states that "a suicide prevention strategic plan that only focuses on trends in death by suicide can potentially overlook other populations at heightened risk for suicidal behavior."

For example, it states that between 2016 and 2017, women and girls accounted for 71% of county residents who were hospitalized or visited emergency services for "suicidal self-directed violence."

It also states that a community survey done prior to

writing the strategic plan indicates that African-American and Latino respondents had attempted suicide at higher rates than the overall survey population. Only 18 percent of the 1,307 survey respondents were male.

The effort to create the strategic plan was launched after three Marin high school students died by suicide within the same month in December 2017. In 2018, Monica Whooley, the mother of one of the students, Gabriel Whooley, made an impassioned plea to supervisors to take action.

"These are three suicides, not the first by far in Marin County, not the last by far," Whooley said at the time. "This is a public health crisis."

On Tuesday, Kate Ruehle, whose son Warren, a senior at Novato High School, died by suicide on Feb. 8, 2019, said, "This gives me so much hope that we will be able to save lives. I just wish we'd had it sooner, and I knew how to recognize the signs, especially with someone like my son who suffered in silence."

The plan outlines seven strategies for addressing suicide in Marin: establish leadership, oversight and accountability for the strategic plan; develop a coordinated system of care; launch a public campaign to raise awareness on warning signs and available resources; pro-

vide training and education to Marin residents; provide outreach to residents, including targeted outreach to groups who are disproportionately affected; foster safe and healthy environments on school campuses; and reduce access to lethal means for those at risk.

Presumably to reach the target group of older men and veterans, it offers a detailed strategy for increasing awareness of resources in community settings "such as barbershops, rotary clubs, bars, the Veterans of Foreign Affairs and the American Legion."

It also suggests developing partnerships with community leaders to organize programs that promote protective factors among middle-aged and older men with common risk factors, "such as unemployment or substance use."

Implementation of lethal means reduction calls for raising awareness of suicide prevention in the firearms community, and building relationships with local gun retailers, firing ranges and sporting clubs to promote safe storage practices among gun owners.

"I'm not underestimating the challenge of doing this work," Supervisor Kate Sears said. "The peer-to-peer piece, whether it is youth or folks over 60, is a daunting task that is going to require a great deal of nuance."

Budget

FROM PAGE 3

"Through a variety of situations and reasons, there is nobody left holding the broom on that one," McGill said. "Hopefully we have a better solution but somebody has got to do this for now."

The council adopted

budget amendments to reflect actions that already took place, such as the \$284,060 severance payment to former city manager Regan Candelario and a cost savings of \$80,891 for eliminating a second assistant city manager position.

The city also paid a \$631,218 settlement in litigation involving the construction of the city administrative building.

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