

November 2011 - New Times - San Luis Obispo, California

The wrong man

A flawed investigation nearly sent a man to jail

BY ROBERT A. MCDONALD

It seemed like an open and shut case.

A 50-year-old man was arrested for stalking two teenage girls at a deli in Templeton, and the District Attorney's Office was going in for the kill.

The Sheriff's Department said the man was a convicted child molester, so the district attorney could boost the stalking charges from a misdemeanor to a felony. If convicted, the man could be put away for six years.

The Sheriff's Department had been watching the man for a long time. When the girls told their mother that they had been stared at and stalked, the authorities thought they finally had a child rapist dead to rights.

"He's a piece of shit," the investigating sheriff's deputy told the victims' father. The girls would be the central witnesses for the prosecution. He told the father deputies were going to ride him "until he snaps." The deputy told the victims' father the man was crazy, a child rapist, and a kidnapper. He needed to be dealt with.

But there was a problem with what the deputy said and, in fact, what most of the prosecution claimed in the trial: little of it was true.

They had the wrong man.

The accused man, Billy Mannon, was a sex offender, but he had committed a crime against an adult 25 years before and was not a kidnapper. Nor was he the man at the deli; he didn't even fit the description witnesses gave of the man seen there.

Investigators neglected to talk to some witnesses who saw the whole incident and were willing to testify that the accused was not the man who bothered the girls. Oddest of all, sheriff's deputies never looked at the video footage captured by seven video cameras at the deli that day.

Not only did the jury declare him not guilty, the trial judge certified Mannon as "factually innocent," a status rarely given to defendants who have been taken to trial. A declaration of "factually innocent" means that not only was Mannon declared not guilty by a jury but that the evidence proved he was in no way involved with the crime.

Now, the repercussions from the flawed investigation are beginning to emerge. The Sheriff's Department's Internal Affairs unit has investigated and found fault with a deputy's behavior.

Knock, knock

Mannon heard a loud knock on his door late in the evening of March 19, 2010. He opened the door to find Deputy Matthew Danielson, who was there to arrest him in connection with staring at and following two girls at a deli in Templeton.

Mannon was shocked. He had no idea what the deputy was talking about, but he had a sinking feeling that he was in trouble. He'd been in trouble before.

He was convicted of a forced sex act on a 34-year-old woman in 1985. He makes no excuses about what he did and willingly will tell anyone that he regrets what happened. It's disconcerting just how willing Mannon is to talk about his conviction; he offers to let nearly anyone read the records from his first trial. But the reason he does this is simple: No one believes his conviction had to do with an adult and not a child.

When he was released from prison in 1987, Mannon fell into a clerical rabbit hole that affected the course of his life and precipitated the events that led to his trial in 2010. When he registered as a sex offender, Mannon's conviction was labeled under penal code 288a(c)(2), a California statute that reads "Oral copulation with person under 14/or by force."

Due to a vaguely worded code, the state roped rapists and child molesters in one description. Mannon's crime belonged to the "by force" part of the statute.

For many people, the difference is irrelevant. For Mannon, the difference has been catastrophic.

There is nothing worse in society, and certainly among law enforcement, than a child molester. When police and neighbors looked up Mannon's records, they only saw "oral copulation with a 14-year-old or younger" and treated him accordingly, sometimes stepping outside the bounds of legal behavior to convey their disdain.

In the first few years after Mannon was released, the indistinct statute wasn't much of a problem for him. This was before the advent of lightning-quick computerized communications, and the code snafu wasn't much of an issue. Things changed when he left Los Angeles and came to San Luis Obispo County. Mannon moved in with his mother in 2008 and immediately realized things were going to be different here.

He was subject to regular visits by deputies. Law enforcement agents are entitled to check that sex offenders are living where they're supposed to be and ensure they're behaving themselves. Police usually pay more attention to sex offenders (290s, in police parlance) who are either regarded as high risk or child molesters.

It was obvious that Mannon was given extra attention because they thought he was a child rapist.

Time after time, Mannon tried to explain to the officers that he was not a child molester, but he said they didn't seem to care. The deputies visited his house when he wasn't home and convinced his mother to let them search his room and the family computer for child pornography. This upset Mannon so much, he wrote a letter to the FBI asking them to investigate the Sheriff's Department for violating his civil rights.

Though his letter to the FBI wouldn't bring in the feds, it would arouse the ire of sheriff's deputies, as police recordings would later reveal.

Bad place to make a phone call

Mannon had been arrested on suspicion of possession of less than a gram of methamphetamine a week before Deputy Danielson knocked on his door. Sheriff's deputies said Mannon had stopped his truck in the middle of a small rural road just outside of Templeton and was "acting strangely" and possibly smoking an illegal substance. It turned out, according to a police report, that Mannon was making a phone call and smoking a cigarette. Evidence photos later showed that Mannon was actually parked at the side of the road.

Sheriff deputies searched the truck and found two sets of binoculars, a box of pornographic magazines, and some pornographic images on his phone. The deputies spent hours canvassing the magazines and images, searching for child pornography. After extensive analysis, the images were determined to be of adult mainstream porn actresses.

Mannon said he had recently returned from a camping trip—the tags from the campsite were in the truck—and he uses the binoculars for watching birds.

There was something else in Mannon's truck that only warranted a brief mention in the police report: documents protesting the behavior of the sheriff's deputies. Evidence photographs showed that the forms were on the passenger seat of the truck.

A few days after Mannon's arrest, the Sheriff's Department issued a public notification flier with Mannon's picture on it, warning that he was a dangerous sex offender who had been arrested on a drug charge on a street where Templeton High School's track team runs.

Some of the information on the flier was inaccurate. The license plate was wrong, but more significantly, the statute listed for Mannon's conviction indicates he is a child molester, not a conventional sex offender. Law enforcement is generally not supposed to issue public notification fliers for offenders who aren't considered high risk.

Sheriff's Department Detective Ronald Waltman wrote a memo to the District Attorney's Office, apologizing for the mistakes on the flier.

"I could tell you how I was in a rush as the SRO was at my desk waiting to take the flier to the girls' running team in Templeton before they broke at 3 p.m. but that would only be a lame excuse," Waltman wrote. "Please accept my apologies for any angst this may cause you. I'll deal with it directly on the stand if it gets that far."

Waltman added: "He [Mannon] is dangerous and needs to be addressed."

Mannon was sentenced to attend drug rehabilitation courses for the possession charge.

A Sheriff's Department deputy visited Mannon twice in days after the arrest, and he recorded both conversations.

Most of the conversations consist of the deputy carefully probing Mannon, trying to get him to

say something about his supposed affinity for children. Mannon spends much of the recording trying to convince the deputy he is attracted to adult women, not underage girls.

“What kind of sex do you like, Billy?” asked Deputy Jonathan Franklin. “Do you like vagina, Billy? Pussy? Do you like having sex with teenagers, Billy?”

Franklin questioned Mannon about a female friend of his and asked if she was underage. Franklin said in his report that he already knew she was 27.

Franklin tells Mannon he is delusional and that he doesn't believe Mannon is not a child molester.

“Maybe that's some of that paranoia kind of coming in,” Franklin said. “Go to the doctor. Get straightened out.”

Mannon told Franklin he “would never have any sexual contact with any underage person.” Franklin noted this in his report, but adds, “he always referred to a child as a possible two-year-old”—words Mannon never actually said in the conversation.

Franklin told Mannon he didn't believe him because of the porn magazines found in Mannon's truck, which Franklin said contained pictures of girls that look between the ages of 13 and 18. But in his report, Franklin wrote that he thoroughly examined the photos and discovered they were all of age and from nationally published sources.

The deli

Danielson's arrest report details the incident that took place at the deli, the one law enforcement tried desperately to pin on Mannon.

The two girls, who are sisters, said they were hanging out outside of the deli when they saw a man staring at them from inside the restaurant. After an hour and a half, one of the girls—labeled Victim 1 in police reports—went into the restaurant and confronted the man and asked why he had been staring at her.

“I am not staring at them, I'm staring at you because you are so pretty ... do you want to go?” the girl reported him saying. The girl left, and, according to the sisters and their friends, the man followed them for a time in a “beat up white car.”

Victim 2, as Danielson's report puts it, saw the Sheriff's Department's flier that had Mannon's picture and had been distributed to high school students. She said Mannon was the man from the deli. She showed the flier to her sister, Victim 1. She agreed with her sister that Mannon was the man who had harassed them. The sisters told their mother, who called the police. They didn't mention the incident until the day after it happened and they saw the flier.

The descriptions of what happened at Mannon's arrest differ. Danielson said Mannon was evasive when asked if he was staring at some girls that day at the market. The recording of the incident reveals that Mannon emphatically denied staring at anyone and said he had bought a sandwich and left. Only the beginning of the interview was recorded. The rest of the interview was too muffled to understand. Danielson states in his report that Mannon is a 290 registrant with

“a primary offense of pc288, child molest.”

Mannon said he had no idea why he was being arrested. He had gone to the deli at 2:30 or 3 in the afternoon and bought a sandwich as he had done two or three times a week for years.

Mannon asked Danielson one question during the arrest: “Did you check the tapes?” The café where the incident occurred had seven cameras, and Mannon said he knew that they could save him.

‘Just crap’

Danielson had interviewed the two victims and their father earlier that day. The conversation was recorded.

Danielson speaks briefly to Victim 2 and asks what happened. She tells what she saw and gives the names of her other friends who were at the deli. After she describes what happened, Danielson goes to another room with her father and closes a door. He lowers his voice.

“He’s not a nice guy, he’s a really bad person,” Danielson says, describing Mannon. “He forced copulation on a 14-year-old and kidnapped someone a while back.”

Mannon was convicted of a crime against an adult and had never kidnapped anyone.

“He’s a piece of shit,” Danielson continues. “He’s made complaints against us, you know for violating his rights. Just crap.”

The sheriff’s deputy tells the father Mannon lives with his mother and that his mother’s Volvo is the car that was used to stalk the girls.

The father corrects Danielson, saying that the car was a beater. The girls had told them the car was an older, off-white car.

Danielson corrects the father, telling him the car Mannon used was a newer Volvo.

Danielson says he’s going to “work up a criminal charge” against Mannon of molesting/annoying, a charge that wouldn’t require physical contact.

“If I get from her she was nervous, ‘I felt funny, he made me feel bad, he gave me the creeps,’” Danielson says, again in lowered tones to the father, “that’s the stuff I’m going to take and make this ... [inaudible] because this is fucked up. We’re going to see if we can catch him doing something again. We’re going to ride this guy.”

He tells the father it’s important to get Mannon now because the District Attorney’s Office is weak on sex offenders.

The father interrupts him, saying he would like to “hoist his ass up and duct tape him” Danielson says the only problem with doing that is that the way things are “he’ll just claim his rights are violated.”

Danielson outlines his strategy for Mannon to the father.

“If we throw him in on this, every little thing we can get him on, if he’s picking his nose in public, if he’s farting out loud, whatever we can do. Just keep piling up and piling up. To make one of two things happen. Either he is going to snap on us, which is the hope. So he’s going to snap on us, and then the fight’s on, whatever. And we just take it that way. Or he gets to the point where he hates it and he leaves. Yeah, it solves it for us, but I don’t like him just going away. I’d rather have him snap on us.”

The father interrupts momentarily with laughter.

“You understand when most people fight us it’s not much of a fight,” Danielson says. “You know, they get tackled, they go to the ground, they get wrapped up, and we take them to jail. You know, unless you’re by yourself. Then you fight for a couple of minutes until somebody shows up. It’s fun.”

Danielson showed the two girls what is called a six-pack, a grouping of six photographs of the suspect and five other random offenders that serves as a suspect lineup. The picture of Mannon was the same mug shot used in the flier, the very same picture the girls had seen from the flier. The use of a previously seen mug shot to pick out a suspect is a major no-no with law enforcement organizations.

The two girls pointed to Mannon’s picture.

Oops

There were problems with the prosecutor’s case even before the trial. The DA charged Mannon with a felony because they too read the penal code incorrectly and thought he was a convicted child molester. They only informed the judge of the mistake on the day of the preliminary hearing.

Since Mannon didn’t have a child-related sex crime on his record, the charge had to be kicked down to a misdemeanor.

As the trial began, the prosecution’s case began to unravel. Though the children identified Mannon as the man, the children’s initial description of the man didn’t match up with Mannon. Most of the children described the man in the café as older with longer hair and a belly. Billy is 50, trim, and with short, cropped hair. Mannon’s lawyer brought in Mannon’s barber, who testified that he wore his hair short, and that he got it cut every three weeks.

They described the car as an off-white, dirty, older-model car, possibly a Toyota or Honda. The only car Mannon had access to was his mother’s, and that was a newer-model Volvo.

Mannon also had an alibi. He presented receipts for tires he had bought and had installed after he had bought his sandwich and at the same time the man was accused of leering at the girls.

Best of all for the defense’s case were two women who had been sitting a few feet from the man and saw the whole thing. Sheila Delisle and Denise Dominguez, both mothers, witnessed the whole incident. Both said the man in the café was much older and definitely not Mannon.

“He was not the gentleman in the deli,” Dominguez told *New Times*. “It wasn’t him. If it wasn’t him, regardless of his record, he was not the guy.”

Somebody is lying

When Mannon was arrested, there’s one thing he told Danielson over and over: Check the tapes.

The business has seven cameras that record much of what happens in the deli. Mannon believed if Danielson would check the tapes, he would see the suspect wasn’t him.

Danielson never checked the tapes.

Danielson said he spoke to Abby Allen, the manager, in the back of the café and that she told him the cameras didn’t work. He said he didn’t record that conversation, nor did he ever take any notes that the conversation ever took place.

Allen then testified that Danielson had never spoken to her about the cameras and that the conversation had never happened.

The cameras in the café store record images for a week, then record over previous material. Neither Danielson nor anyone from the Sheriff’s Department ever bothered to look at the film of the alleged crime.

Delisle had told Danielson that there was another witness—Dominguez—to the incident. Danielson never contacted Dominguez, according to his court testimony.

After less than an hour of deliberation, Mannon was declared not guilty.

The DA’s not done

Mannon thought he was going to get out of jail on the day of his preliminary hearing. He had been in jail for three weeks, and his defense team had found the two adult witnesses who were feet away from the supposed crime.

It was the day the prosecuting attorney told the judge he had made a mistake in charging Mannon with a felony. They had discovered Mannon wasn’t a convicted child molester.

Mannon was overjoyed. He assumed the judge would listen to the two adult witnesses who saw that he wasn’t the man staring at the girls, and he would be set free.

Then the prosecution asked the judge to lower the crime to a misdemeanor, which doesn’t warrant a preliminary hearing. Mannon was headed back to jail. He was going to have to wait until the trial to present his witnesses to the jury.

On top of that blow, Assistant DA Gres Devitt asked the judge to require that Mannon, if let out on bail, stay more than 500 feet away from schools.

This threw Mannon into a rage. Not only was he being sent back to jail for a crime he didn’t commit, he was now labeled a danger to children.

Mannon told *New Times* he felt he was facing a court that was out to get him no matter what the facts were; it felt like an old-fashioned lynching.

Mannon told his lawyer, a little too loud, that he “wished that the rope was around that dude’s neck,” pointing in the general direction of the prosecutor. The judge had Mannon removed from the court.

Now, the District Attorney’s Office has charged Mannon with making criminal threats, a crime that could put him away for years, if he’s convicted.

The District Attorney’s Office has told *New Times* it has no comment in regard to these cases.

The state Attorney General’s office will be prosecuting the threat case because the DA’s office had to recuse itself, as have all the judges in SLO County. The trial will likely cost taxpayers thousands of dollars.

Mannon can’t believe what has happened to him in the last few years, but worries that there may be other people charged with crimes they didn’t commit.

“If this can happen to me, it can happen to anyone,” he said.

Mannon is strangely optimistic. He filed a complaint against Danielson and others involved with the case, never expecting his claims to get a fair hearing from the same organization that had ignored what he had to say for years. Mannon claimed he had been framed and accused sheriff’s deputies of perjury.

Then, in August, he received an early Christmas present from the department.

“An investigation into your complaint regarding the conduct of an employee of the San Luis Obispo County Sheriff’s Office has been completed,” reads a letter from the Sheriff’s Department. “The investigation has passed through several levels of review, including myself, the Professional Standards Unit, and Sheriff [Ian] Parkinson. An allegation against Deputy Danielson has been SUSTAINED. A sustained allegation means that there existed a preponderance of evidence to prove that the deputy committed the alleged act. The law precludes me from providing to you the penalty administrated in this case. Thank you for bringing this to our attention”

The Sheriff’s Department has acknowledged this letter to *New Times*, but would not release the name of the officer due to privacy laws regarding law enforcement personnel. Other than acknowledging that another sheriff’s deputy was under investigation in connection to complaints by Mannon, the department had no comment.

Danielson is still a sheriff’s deputy and has never been charged with a crime by the San Luis Obispo District Attorney’s Office. *New Times* has attempted to contact Danielson through the Sheriff’s Department and left messages for him at his workplace. Mannon’s next court appearance is Dec. 15.

There has never been further investigation to find the man who was at the deli that day.