



State drops charges against Reynolds

By Eiji Yamashita

eyamashita@HanfordSentinel.com

October 22, 2008

State prosecutors Tuesday dismissed all felony perjury charges against former Hanford City Manager Jan Reynolds, who had been awaiting trial on allegations of lying under oath to the grand jury in 2005. Deputy Attorney General Leslie Westmoreland said in a statement Tuesday that the office had concluded upon reviewing the case that the charges could not be proved beyond a reasonable doubt.

"After an independent evaluation of the entire record in this case, we have concluded that it is not reasonably probable that we would obtain a conviction beyond a reasonable doubt at trial," Westmoreland stated. "The interest of justice, therefore, dictate that the matter be dismissed."

The prosecution's motion to dismiss at Tuesday's hearing was immediately granted by visiting Judge David Allen.

Filed in the Kings County Superior Court, the dismissal brings closure to the 2 1/2-year-old criminal case that could have sent Reynolds to prison if he were convicted. Reynolds has maintained his innocence all along.

Reynolds, 59, faced two counts of felony perjury charges for allegedly lying under oath to the grand jury during its investigation into a \$200,000-plus severance package he negotiated with the city council when he was pressured into retirement in 2005. Grand jury findings led to his prosecution in June 2006.

"I'm very pleased," Reynolds said over the phone shortly after the hearing. "I just want to thank the hundreds of citizens and community leaders who have contacted me over the last two years giving me support and encouragement. It's meant a lot to me and my family.

"All charges were dropped, basically proving my innocence," Reynolds said. "As I've said from the beginning, I looked forward to clearing my name, and that's exactly what we did today."

The case has been marked with controversies.

The case was mired in issues such as the confidentiality of the grand jury proceedings and whether the prosecution has an inherent conflict of interest because of Calhoun's alleged animosity toward Reynolds and Reinhart's involvement in the grand jury interrogation process. It underwent a grueling series of motions, hearings and arguments since last summer.

A first breakthrough for Reynolds came this past July, when the relentless defense by his attorneys Roger Nuttall and Mark Coleman convinced the judge to disqualify the entire Kings County District Attorney's Office from prosecuting Reynolds.

The case was subsequently taken over by the state Attorney General's Office.

Reynolds charges stemmed from grand jury finding implicating that he had lied about the existence of his original 1990 employment agreement to the city council members in order to negotiate a better severance package.

The original contract would have given Reynolds only six months' worth of pay, less than half of what he received under a new contract he signed with the council in 2005.

Reynolds has maintained his innocence, saying that he had given each new city council member a copy of his original employment agreement and that the council still offered him the severance deal.

But during the grand jury investigation, city council members testified they had never received such a copy. However, Reynolds' former subordinates have testified in court that documents suggest city council members were indeed given the copy as part of city council orientation materials when they were first elected.

Reynolds retired in June 2006, after 16 years on the job, but stayed on the payroll to help with the transition for the administration under a new manager.

In November 2006, four months after the prosecution, Reynolds resigned from his transitional post, giving up salary and benefits totaling some \$140,000. Reynolds' move came right after the city council adopted an improved pension system a year before anticipated.

Meanwhile, the case continued to move forward.

"I view this case as an ill-conceived prosecution by the Kings County District Attorney," Nuttall said Tuesday. "It should have never ever been brought against him on clearly unfounded allegations."

Agreeing to a plea bargain was not an option for Reynolds, Nuttall said.

"We've always taken a position that he's not going to plead to anything. The DA did offer him to plead to a misdemeanor, but we rejected it," he said.