



Rape charges dropped against Bel Marin Keys man

By Tim Omarzu
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Felony rape charges were dropped against a Novato man after text messages indicated that he and his alleged victim engaged in consensual sex.

Novato police arrested John Ryan Dillingham at his residence in the 900 block of Bel Marin Keys Boulevard on Dec. 10, charging him with sexually assaulting a 26-year-old Novato woman at Novato's Inn Marin hotel on the night of Dec. 5 or the morning of Dec. 6.

The charges included rape by force, sodomy by force, false imprisonment and sexual battery.

But the Marin County District Attorney's Office dismissed the charges on Jan. 2 after Chief Deputy Public Defender David Brown, who represented Dillingham, introduced text messages sent before and after the alleged rape.

"The content of them was, I would describe it as fatal to the question of whether ... this was nonconsensual sex," said Kathryn Mitchell, Chief Deputy District Attorney, who was the prosecutor in the case. "We moved to dismiss the charges."

Brown said, "There was strong evidence of consent in the case, and it was the right thing that it was dismissed.

"They knew each other from work, they went drinking, they got a room together ... and then these allegations (were made) close to three days later," he said.

Dillingham, a painter, spent more than three weeks in jail; his bail was set at \$150,000.

“He didn’t bail out. He didn’t have the funds to bail out,” Brown said. “It was a very traumatic experience for my client. I’m glad for him that it’s over.”

Brown added, “These kinds of charges are easy to make, but very hard for the defendant to disprove.”

Due to rape shield laws, police and prosecutors won’t release the woman’s name and initially didn’t disclose such information as whether she and Dillingham knew one another.

Asked whether the woman would be prosecuted, Mitchell said that Dillingham could ask the Novato Police Department to investigate.

“A request could be made to the NPD to do an investigation as to whether or not she made false statements,” Mitchell said.

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