

# Charles Merritt to go to trial in McStay family disappearance, slayings

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SAN BERNARDINO >> A San Bernardino Superior Court judge on Monday ordered Charles “Chase” Merritt to stand trial for allegedly beating a San Diego County family to death with a sledgehammer, apparently for financial gain, then burying their bodies in the Mojave Desert near Victorville.

Merritt, 58, of Homeland, will return to San Bernardino Superior Court on June 24 for an arraignment, at which time prosecutors may announce if they plan to seek the death penalty against Merritt.

Judge Michael A. Smith rendered his decision following nearly six hours of testimony during Merritt’s preliminary hearing. Investigators presented evidence of suspected check fraud perpetrated by Merritt against his former business associate and alleged victim, Joseph McStay. They also testified that DNA matching Merritt’s was taken from the steering wheel and gearshift handle of McStay’s Isuzu Trooper found abandoned at the Mexican border shortly after the family was last seen alive.

Merritt, 58, of Homeland, stands charged with four counts of murder for the bludgeoning deaths of McStay, 40, his wife, Summer, 43, and their two sons, Gianni, 4, and Joseph Jr., 3, in their Fallbrook home, in San Diego County, on or around Feb. 4, 2010. The family’s remains were discovered in [two shallow graves](#), west of the 15 Freeway and north of Stoddard Wells Roads, on the outskirts of Victorville, in November 2013.

San Bernardino County Sheriff’s Detective Daniel Hanke testified that between Feb. 5, 2010 - the day after the McStay family was last seen alive - and Feb. 8, 2010, checks totaling \$21,858 were written on Joseph McStay’s online QuickBooks business account under the newly created vendor “charlesmerritt.” The checks were then deleted once they were printed, usually within minutes of being written, Hanke said.

On Feb. 5, 2010 alone, five checks totaling \$15,358 were written on McStay’s QuickBooks account and deleted, Hanke said.

On Feb. 8, 2010, a man identifying himself as Joseph McStay but whose phone matched the one Merritt was using at the time, called a QuickBooks account representative to cancel the QuickBooks account, and was adamant that the account be canceled, Hanke said.

Merritt built decorative water fountains for McStay's online business Earth Inspired Products.

From Feb. 9, 2010 through March 2010, Merritt withdrew thousands of dollars in cash from ATM machines at the Pechanga Casino in Temecula, San Manuel Indian Bingo & Casino in Highland, and the Commerce Casino, San Bernardino County sheriff's Detective Ryan Smith said.

Detective Edwards Bachman testified that Merritt's ex-girlfriend and mother to three of his children told him Merritt was often at the casinos, and could spend days there at a time.

Merritt told investigators he last saw Joseph McStay on Feb. 4, 2010, when the two met for lunch at a Chick-fil-A restaurant to discuss future business projects and so McStay could give Merritt some checks, said San Diego County sheriff's Detective Troy Dugal, who along with his partner interviewed Merritt in 2010 at the Rancho Cucamonga apartment complex he was living at the time,

Investigators testified that the McStay family was likely beaten to death with a 3-pound Stanley brand sledgehammer found in one of the graves of the victims. The hammer was rusty and had white paint on the handle that matched paint from the McStays' home, which was being repainted at the time of their disappearance. Blue painters tape was also found in one of the graves wrapped in a towel, according to Monday's testimony.

Autopsied concluded the McStays suffered multiple skull fractures and other broken bones. A large hole was in the back of Joseph McStay's skull and consistent with an injury caused by a sledgehammer. He appeared to have been struck at least four times in the head and also suffered a broken leg and broken ribs, investigators said.

The skeletal remains of Summer McStay indicated she had multiple jaw fractures and other broken bones, and 4-year-old Gianni suffered at least seven blows to the head, sheriff's Detective Edward Bachman said.

The remains of Joseph McStay Sr. were found wrapped in a woven white blanket secured by red tie-down straps. A white extension cord was wrapped around his neck and tied in a knot, Bachman said.

San Diego County sheriff's Detective Troy Dugal testified that the woven blanket that Joseph McStay Sr. was wrapped in matched that of a missing cushion cover from a Futon at the McStay home he noted early on in the investigation.

The remains of 3-year-old Joseph McStay, Jr. were so deteriorated when found in November 2013 that a specific cause of death could not be determined, but skull fractures led the medical examiner to conclude his manner of death was a homicide, Bachman said

Detective Jose Armando Avila testified that two sets of tire tracks were found at the graves where the McStay's remains were discovered. They appeared to have been from two separate vehicles that had backed up to the graves from Gas Line Road.

"They appeared to have been there for some time and were eroded," Avila said of the tire tracks.

Bachman testified that footage from a neighbor's video surveillance camera showed a vehicle leaving the McStay home on Feb. 4, 2010 that matched the pickup truck Merritt was driving at the time, but was subsequently repossessed.

FBI Special Agent Kevin Boles testified that on Feb. 6, 2010, five calls made by Merritt pinged to a cell phone tower in Victorville, near the graves where the McStay family's remains were later found.

Merritt's attorneys have maintained that Merritt had a sister living near Victorville at the time the cell phone tower picked up the signal from his phone. But San Bernardino County sheriff's Detective Ryan Smith said Merritt's sister in question, Juanita Merritt, told investigators she was never visited by her brother at that time, and had not seen him in a while.

Merritt's attorney, Jimmy Mettias, said the outcome of the preliminary hearing was what he expected, and that his team did little cross examination because they want to wait to make their arguments at trial. He said he has strong arguments countering all the prosecution's evidence.

He said the DNA evidence found in the McStay's Isuzu Trooper does not link him to the killings, only the fact that he was in the vehicle.

Mettias also found it eyebrow-raising that the second set of tire tracks found at the graves was glossed over.

"This is the best they got," Mettias said.

The Merritt family issued a statement, which read: "On behalf of the Merritt family, I would like to say that Charles "Chase" Merritt is innocent of the charges against him in the McStay case. We are wholeheartedly supporting Chase, and we know that with the hard work and determination put forth by his defense team, he will be back in the arms of his loving family once again. "

Joseph McStay's mother, Susan Blake, and brother, Michael McStay, also commented following Monday's proceedings.

While Mike McStay said the family can move forward now having some closure, Blake said she still found the subject difficult to talk about.

"It's been a really hard time for me," Blake said.

Michael McStay he was impressed with the evidence presented in court Monday, and with the work of investigators in the case.

“One of the things I didn’t want to see was my parents going to their graves not knowing what happened,” McStay said.

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