

HUMBOLDT COUNTY SHERIFF'S DEPARTMENT

INFORMATION BULLETIN



SUBJECT

FOUND BODY 82-4387

DATE

9-7-82

PREPARED BY

Capt. Sentic

The body of a white female adult in her 30's was found by an acquaintance at approximately 8:30 A.M., this date at a secluded campsite off of Sprowel Creek Road., Garberville. The deceedent, who has been camped out at the scene for the past several weeks had been seen alive within the last several days. The cause of death is unknown at this time, pending autopsy.

The name of the deceedent is being withheld pending notification of the next of kin by the Coroner's Office.

The case is being investigated by Sheriff's Detectives.



DISTRICT ATTORNEY

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NEWS RELEASE

FOR IMMEDIATE RELEASE

EUREKA, CA., December 1, 1983 -- Murder charges against Ernest Joseph Stokes, 35, have been dismissed following a court ruling which suppressed critical prosecution evidence, the District Attorney's Office announced today.

Stokes, a transient had been charged with the murder of Lydia Bereshnyi, 31, whose body was found September 7, 1982 on the bank of the Eel River at Sprowel Creek near Garberville. On November 17, 1983, Superior Court Judge William Ferroggiaro ruled to suppress from evidence an alleged confession which Stokes had given to Dean Kennedy, a fellow inmate in the Humboldt County Jail.

Prosecutors said this statement was essential to the case against Stokes.

"Following an examination of the remaining evidence which could be presented to a jury, the District Attorney and staff assigned to the case determined that insufficient evidence remained to obtain a conviction," a spokesman said.

A motion to dismiss the case was entered by prosecutors last Monday and subsequently approved by the court.

The case against Stokes developed after he had been located near the scene of the murder and after Sheriff Detectives' investigations determined that he had been with the victim the evening before the body was found. Stokes denied any knowledge of the circumstances leading to Ms. Bereshnyi's death.

Stokes was subsequently arrested as a potential parole violator and held in custody for 49 days before murder charges were filed against him. During this period Kennedy was housed with Stokes and he told law enforcement officials that Stokes had admitted to him that he had killed Ms. Bereshnyi.

In suppressing the use of Kennedy's statement against Stokes, Judge Ferroggiaro ruled that the statement was illegally obtained because the defendant was held without charges for an impermissible length of time. The ruling further held that the inmate, Kennedy, was a police informant placed in the cell with Stokes for the purpose of obtaining a statement and that this violated applicable rules relating to permissible law enforcement conduct in obtaining such statements.

The Court further ruled that the former District Attorney improperly granted immunity to Kennedy for his testimony which thereby interfered with the ability of defense to conduct a proper cross-examination.

"While it is unfortunate for such a serious charge to be dismissed, the District Attorney feels an obligation not to waste public resources on an unwinnable case," the spokesman said.