

Judge: Dinius to stand trial for fatal 2006 boating crash

Contributed by Harold LaBonte

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LAKEPORT ‐ A judge has ruled that a Carmichael man will stand trial for manslaughter for a fatal April 2006 boating collision.

At the end of a preliminary hearing that wrapped up Wednesday, Judge Richard Martin ruled there was enough evidence to try Bismarck Dinius, 39, for vehicle manslaughter involving a vessel and boating under the influence of alcohol.

On the night of April 29, 2006, Dinius was steering the Beats Workin' II, a 27-foot sailboat owned by Willows resident Mark Weber, when the sailboat was hit by a 24-foot-long speedboat driven by Russell Perdock, a chief deputy with the Lake County Sheriff's Office.

Weber's fiancée, 51-year-old Lynn Thornton of Willows, was fatally injured and died days later.

The prosecution has alleged that the sailboat was under way without lights, which was reportedly a reason for charging Dinius with manslaughter.

The decision to try Dinius was based on evidence presented during a four-day preliminary hearing, which ran May 20 through May 22, and then was continued Wednesday.

During the May portion of the hearing, Dinius' attorney, Victor Haltom, presented experts who testified that the lights had been on, and who further alleged that Perdock was operating his speedboat at around 60 miles per hour.

Perdock was not charged in connection with the crash, resulting in considerable outrage in the sailing community, members of which have contacted Lake County News from around the globe to express their concerns about the case.

During the May 22 portion of the hearing, Perdock was on the stand for several minutes before proceedings were continued due to other business scheduled to take place in court that day.

On Wednesday defense attorney Victor Haltom of Sacramento picked up where he left off in his line of questioning, asking Perdock about his contact with sheriff's Sgt. James Beland on the night of the collision.

Last month, Beland had testified he transported Perdock to Redbud Community Hospital for a blood draw and later drove around with him for some time, but he couldn't remember where they went.

Haltom questioned Perdock on what they spoke about, with Perdock responding that he could not recall specific details, but adding he didn't believe it was about the crash.

Perdock also contradicted testimony given last month by Lt. Charles Slabaugh of the Sacramento County Sheriff's Office, who was called in to lead the investigation because of Perdock's position within the local sheriff's office.

Slabaugh had testified that Perdock said his tachometer and speedometer were in a 12 o'clock position, which the defense had calculated put the boat's speed in the range of about 60 miles per hour.

Perdock suggested Slabaugh's memory was confused, saying he had made no such statements about the gauges' readings, which were closer to 9 o'clock positioning. He said the discrepancy might be explained by a simple typographical error in the report.

He also answered defense questions regarding his knowledge of the rules and regulations of Harbor and Navigation Regulations.

Regarding his speed, Perdock testified that while he could see two miles across the open water he was only able to see 10 feet directly in front of his boat. When asked if he felt he would have been able to stop his boat in such a short distance while going at the speed he claimed he was traveling, he responded, "No";

Shortly afterward, Perdock concluded his testimony, and the defense moved on to call boat and marine service business owner Doug Jones and boat builder Malcolm Davey of Kelseyville.

Haltom also recalled Sheriff's Boat Patrol Sgt. Dennis Ostini, who testified to the location of where and how both boats had been stored soon after the incident.

In his closing statements, Deputy District Attorney John Langan argued that Dinius should be held for trial based on the specifics of law; he also said that Dinius had a previous DUI conviction within a seven-year period.

Dinius, an experienced sailor, should have been aware of the possible outcome of operating a vessel at night without required navigational lights, said Langan.

In his response to Langan's argument, Haltom asserted that Dinius was not the person ultimately at fault in the crash, and that "gross negligence belongs on the shoulders of Chief Deputy Russ Perdock";

Pointing to Dinius, Haltom said, "The wrong man is sitting at this table";

In handing down his decision to send Dinius to trial, Judge Martin agreed with Langan's argument that, based on his boating experience, Dinius was negligent in operating the boat without the lights off.

He also found the past DUI conviction relevant, because Dinius, he said, went boating after drinking "excessively"; Dinius allegedly had a blood alcohol level of 0.12 the night of the crash.

"I'm disappointed obviously," Haltom said afterward. "We will let the evidence speak for itself at the trial. I think that at trial Bismarck will be acquitted and the jury will do the right thing";

Dinius said he was very surprised that the case had led to this point, but he was prepared to move forward with the

worst-case scenario of going to trial.

Martin scheduled Dinius to return to court for arraignment on the morning of July 28 in front of Judge Arthur Mann. At that point, a trial date may be set, possibly for the fall.

Elizabeth Larson contributed to this report.

E-mail Harold LaBonte at hlabonte@lakeconews.com.

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