

Carmichael man charged in boating accident

Contributed by Elizabeth Larson

Friday, 08 June 2007

Last Updated Wednesday, 10 June 2009

LAKE COUNTY – More than a year after a boating accident resulted in the death of a Willows woman, charges are being brought against a Carmichael man who was operating the sailboat on which she was a passenger.

District Attorney Jon Hopkins announced Thursday that he was charging Bismarck Dinius, 39, with felony vehicular manslaughter involving a vessel and misdemeanor boating under the influence of alcohol.

Dinius is scheduled for arraignment in Department 2 in Lakeport at 9 a.m. Friday.

Hopkins said Dinius was at the tiller of a 27-foot sailboat owned by Willows resident Mark Weber after 9 p.m. on April 29, 2006.

While sailing near Konocti Bay, the sailboat – which included three other passengers besides Dinius and Weber – was hit by a 24-foot Baja motorboat driven by Clearlake Park resident Russell Perdock, who is a chief deputy at the Lake County Sheriff's Office.

In the collision, one of the sailboat's passengers, Willows resident Lynn Thornton, was seriously injured. Days later, she died at U.C. Davis Medical Center, according to the original statement by Sheriff Rod Mitchell.

Hopkins reported that after the accident Mitchell called on the District Attorney's Office to participate in the investigation in order to avoid “any appearance of impropriety” because of Perdock's involvement.

A sergeant and a deputy from the Sacramento County Sheriff's Office Marine Services who are experienced in investigating boating accidents also took part in the investigation, said Hopkins.

Before moving forward with prosecuting the case, Hopkins said he referred the case to the California Attorney General's office. In doing so, Hopkins again cited the desire to avoid the appearance of impropriety.

He said he asked the Attorney General for an independent opinion on who should be charged in the case and if his office should be recused because of its close working relationship with the Lake County Sheriff's Office.

After a complete review of the case, Hopkins said the Attorney General's Office found no reason for the District Attorney to step down.

In charging Dinius, Hopkins alleged that he was operating without running lights and was under the influence of alcohol. An original report of Dinius' blood alcohol level reported it was 0.12, which is above the legal limit of 0.08.

Hopkins said no charges were filed against Perdock or Weber. Hopkins added that Weber was allegedly under the influence of alcohol at the time of the accident.

Deputy District Attorney David McKillop, whose position is funded by the new Office of Traffic Safety grant for prosecuting driving under the influence cases, is prosecuting the case, said Hopkins. Tom Clements, who recently retired from his position as a lieutenant with the Clearlake Police Department, is assisting McKillop as a part-time investigator, which the grant also funding Clements' position.

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