



COUNTY OF FRESNO

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District Attorney

NEWS RELEASE

FOR IMMEDIATE RELEASE
December 2, 2016

DISTRICT ATTORNEY DECLINES TO FILE CHARGES AGAINST KENNETH JOHNSON

Yesterday, December 2, 2016, the Fresno County District Attorney's Office declined to file charges against Kenneth Johnson related to the death of 14-month-old Jose Luis Espinosa.

The case was referred back to the Fresno Police Department with a request for additional information from examinations currently being conducted by the Fresno County Coroner's Office.

In reviewing cases for the filing of criminal charges, Prosecutors are required to follow certain ethical considerations. We may only file charges if: (1.) There has been a complete investigation and thorough consideration of all pertinent data, (2.) There is legally sufficient, admissible evidence of a corpus delicti, (3.) There is legally sufficient, admissible evidence of the accused's identity as the perpetrator of the crime, and (4.) The prosecutor has considered the probability of conviction by an objective factfinder hearing the admissible evidence.

What must be considered in all cases, is that while statements of an accused individual may be used against them, **the law requires that there be other evidence of the crime independent of the accused's statement in order to file criminal charges or obtain a conviction.**

The Fresno County District Attorney's Office remains committed to identifying and prosecuting those individuals who commit crimes on the young and vulnerable in our county.

Because this investigation is ongoing, the Fresno County District Attorney's Office will not be making any further comments.

The Media may email FCDAMedia@co.fresno.ca.us or contact Administrative Assistant Leslie Gillespie at (559) 600-4442 with questions.

[Case 2016H32368]

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