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FOR IMMEDIATE RELEASE

Approved by 

Kern County District Attorney Lisa Green announced the Kern County District Attorney's Office will not re-try Vicente Benavides on a murder charge stemming from the 1991 death of 21-month-old Consuelo Verdugo. The California Supreme Court opinion and the remaining evidence make it clear there is no theory under which a first-degree murder case could be prosecuted.

After a careful review and analysis of the Supreme Court opinion, Mrs. Green concluded that re-trying Mr. Benavides on a charge of second-degree murder would be extremely difficult, if not impossible. The change in opinion of the majority of medical personnel involved in the case would greatly undermine their testimony in any re-trial regarding the physical abuse the victim suffered. Therefore, our professional and ethical standards require us to decline to re-try the case when, upon an objective review of the facts, there is insufficient evidence to establish guilt beyond a reasonable doubt.

Beyond the difficulty of re-trying a 1991 case, Mrs. Green stated the only degree of homicide of which Mr. Benavides could be convicted would be second-degree murder. The maximum sentence for second degree murder is 15 to life. Mr. Benavides is a 68-year-old man and has served 27 years in custody. Had Mr. Benavides originally been convicted of second-degree murder, he would have been eligible for parole after serving fifteen years. The question of whether Mr. Benavides would have been granted parole cannot be answered. However the advent of elder parole in 2015, which allows an inmate who reaches the age of 60 to be considered for early release by virtue of their age, increases the likelihood that an aging inmate will be paroled. When assessing the factors on which the parole board relies; his disciplinary record while in custody, the inmate's age, and the number of years spent in custody, Mrs. Green concluded that even if Mr. Benavides was re-tried and convicted of second-degree murder, he would immediately be entitled to a parole hearing and likely released.

Given all of the above, the Kern County District Attorney's Office will not re-try Vicente Benavides. He will be released from custody upon his return to Kern County.