



Office of the District Attorney Stanislaus County

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PRESS RELEASE

For Immediate Release

Date: July 2, 2021
Re: Bryan Keith Ferreira
Murder Charges Dismissed

For More Information Contact:

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Modesto, California - Stanislaus County District Attorney Birgit Fladager announced today that murder charges pending against Bryan Keith Ferreira, of Modesto, have been dismissed due to Ferreira being severely mentally ill and therefore incompetent to stand trial. Deputy District Attorney Erin Schwartz prosecuted the case for the People.

In January of 2019, Modesto Police officers were called to Ferreira's house where he lived with his father, Wayne. At the time, Ferreira had been making threats to kill his father. He was placed in a mental health facility on a 3-day hold to determine whether he was a danger to himself or others.

Modesto Police officers were once again summoned to the home on February 26, 2019 where they found Ferreira's father dead on the floor with obvious signs of trauma and pen markings on his stomach and lower calf. Bryan Ferreira was also found in the home with dried blood on his hands.

Ferreira was arrested and charged with second degree murder. On March 11, 2019, Stanislaus Superior Court Judge Dawna Frenchie Reeves declared a doubt as to defendant's competency to stand trial, suspended criminal proceedings and ordered he be examined by a doctor. The resulting medical report showed that Ferreira suffered from acute schizophrenia and was incompetent to stand trial. Ferreira was committed to the California Department of State Hospitals for competency restoration. One year later, in May of 2020, doctors at the state hospital indicated the defendant was still incompetent to stand trial and diagnosed him as having schizoaffective disorder, bipolar type, as well as severe cannabis, amphetamine and cocaine use disorders.

In October 2020, the case was submitted to a Stanislaus County Grand Jury which returned an indictment, which is a probable cause finding, against the defendant for the charge of murder. Shortly thereafter, Ferreira was returned from the state hospital. Doctors there had determined that Ferreira remained incompetent to stand trial and that there was "no substantial likelihood that the defendant will regain mental competence in the foreseeable future."

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The District Attorney's Office requested that County Counsel and the Public Guardian begin an investigation to determine whether the defendant would be suitable for a "Murphy's Conservatorship," which requires a probable cause determination (i.e. a criminal Indictment) as well as a finding that the defendant represents a substantial danger of physical harm to others. Under a Murphy's Conservatorship, the murder charge would have remained pending should the defendant regain competency.

A psychiatrist who evaluated Ferriera did not find him to represent a substantial danger of physical harm to others, making him ineligible for the Murphy's Conservatorship. That doctor's report is confidential and the defense refused to consent to its release to the District Attorney's Office. Upon review, Judge Reeves found that the County Counsel/Public Guardian did not abuse their discretion in finding the defendant unsuitable for a Murphy's Conservatorship.

Instead, the County Counsel/Public Guardian initiated a different sort of conservatorship proceeding pursuant to the Lanterman-Petris-Short (LPS) Act. This requires a finding that the defendant is gravely disabled as a result of a mental disease and/or disorder and is therefore unable to provide for his basic personal needs for food, clothing or shelter. Due to the fact that Ferriera was charged with murder, finding a suitable facility was difficult.

This week, on June 29, 2021, a suitable locked facility was found. Before Ferriera could be transported there, the law required that the murder indictment and criminal case be dismissed.

The LPS Conservatorship must be reviewed yearly and will remain in place upon a continued finding that the defendant remains gravely disabled. If, in the future, Ferriera is not found to be gravely disabled, criminal charges may be refiled, as there is no statute of limitations for murder.

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