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**DISTRICT ATTORNEY SAYS NO CHARGES TO BE FILED  
IN DEATH OF SEVEN MONTH OLD**

No criminal charges will be filed in the case of Michael Burell, who was arrested following the death of his seven month old son, Jacob, on September 8, 2011, Merced County District Attorney Larry D. Morse II announced Tuesday.

“When a child dies under suspicious circumstances, we rely on doctors to advise us whether the death was accidental or intentional. In speaking with the doctors in Jacob’s case, they are unable to make a conclusive determination of the cause of his death. As a result, we cannot meet our ethical obligation as prosecutors, which requires we file a case only if we believe we have a reasonable likelihood of obtaining a conviction,” Morse said.

According to Merced Police reports, Burell said that Jacob suffered a head injury when he fell onto a hard plastic toy in the living room of the apartment where he lived. Two doctors, a pathologist and a pediatrician, who were consulted in the investigation, are unable to rule out the possibility that such a fall could have resulted in the brain injury that led to Jacob’s death, Morse said.

Burell was released from custody in November while prosecutors continued to review the case.

Morse noted that earlier this month a Merced County jury found Armando Oseguera, 27, guilty of child abuse homicide in connection with the July 2007 death of 16-month old Landon Skinner. In that case, Morse said, three doctors testified that the injuries that caused Landon’s death could not have been caused by the explanation ultimately supplied by Oseguera years after Landon’s death. “In the case of Jacob’s death, no such conclusion could be made,” Morse said.

“Any case involving the death of a child is extremely tragic and our thoughts and prayers are with those family members who loved and lost Jacob,” Morse said.