



OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF TULARE

Tim Ward, *District Attorney*

PRESS RELEASE

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CONVICTED EXETER MURDERER SENTENCED TO DEATH

Today in Department 5 of the Tulare County Superior Court in Visalia, Judge Joseph Kalashian sentenced Christopher Cheary, age 25, of Exeter, to death for the 2011 sexual assault, torture, and murder of three-year-old girl Sophia Acosta.

On November 14, 2016, a jury of six men and six women found Cheary guilty of murder with the special circumstances of sexual penetration and torture. On November 30, 2016, the same jury recommended a death sentence. Jury selection for the trial began on August 22, 2016.

On May 7, 2011, 911 was called to an apartment in Exeter for a non-breathing child. When police and EMT's arrived, Cheary was present with three-year-old Sophia Acosta, as well as Ericka Smith, Sophia's mother. Sophia was taken to Kaweah Delta Hospital where it was discovered that she was bleeding profusely from her anus in addition to a severe head injury. Sophia was transported to Valley Children's Hospital within a couple of hours where doctors diagnosed her as suffering from extreme sexual and physical child abuse. Sophia was pronounced brain dead on May 11, 2011.

Several doctors testified regarding the injuries they observed: bilateral retinal hemorrhages, a type only known to be caused by child abuse involving severe head injuries; significant bleeding above and under the skull; abdominal hemorrhages, consistent with a hard punch or stomp; anal tearing in three locations; and bruising which covered her head, torso and buttocks. The cause of death was found to be non-accidental blunt force trauma to the head.

Cheary was interviewed on multiple occasions. The story he eventually settled on was the following: He and Ericka had been living together since December 2010. No other adults live in the apartment with them. Ericka had two daughters, Sophia and a 14-month-old infant.

Cheary took care of both girls. On the week in question the only adults with the children were Cheary and Ericka. On May 7th, Ericka went to Visalia to buy heroin to use with Cheary. Ericka was gone from 11 am until 2 pm. Cheary took care of the Sophia and her sister while Ericka was gone. When Ericka returned, he smoked heroin with her. Cheary claimed to have heard a noise, and checked on the girls twice without seeing any problems. He went up a third time where he claimed to have found Sophia on the floor not breathing. Cheary stated he took Sophia's clothes off and put her in the tub to revive her. Ericka called 911 who responded to the scene. Ericka testified to substantially the same information.

During the penalty phase of the trial, the prosecution presented evidence of various crimes of violence and threatened violence on the part of the defendant such as robbery, assaults and batteries, threats of violence and sexual assault; and, Cheary's numerous violations of custodial rules pending and during trial, which included his possession of a large needle that was alleged to be a deadly weapon discovered in his cell after he returned from court on the first day of the penalty phase of the trial.

The prosecution also presented evidence from Sophia's family as to how Cheary's actions has and will continue to haunt their lives; the missed birthdays, holidays and life events.

"Every time a murder takes place the effect is like a pebble being thrown into a pond of still water, the ripples are the effects that cover the entire surface of the water – the lives of those who knew Sophia and those who were affected by her death even though they personally may not have met her," said Assistant District Attorney David Alavezos. "Murder tears apart the fabric of our society, affecting many - from each juror that had to review graphic evidence that people should not be forced to see, to the witnesses who have to relive their experiences once again in the courtroom. For certain crimes the only just punishment is the ultimate punishment."

The case was prosecuted by Assistant District Attorney David Alavezos and investigated by Detective Daniel Green of the Exeter Police Department, with assistance from the Tulare County Sheriff's Office.

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