

Judge denies reduced bail for woman in baby's death
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MAYS LANDING — The Ventnor woman accused in the death of her newborn son denied she was pregnant throughout the nine months that she carried the baby and continued the deception even after he was found in a trash can outside her boyfriend's house, First Assistant Prosecutor Murray Talasnik said Thurs-day.

His remarks came during a motion to lower Ashley Ray Eberson's \$500,000 bail.

Defense attorney Steven Rosenfeld argued that his client would not flee if bail were lowered and that her parents would let her stay at their house. He said Eberson, 23, who has no prior criminal record, is a lifelong Ventnor resident and should be with her family for support while awaiting trial.

"I would refer you to some people in the courtroom who can't believe this young lady is involved in such an offense," Rosenfeld said. "She will never run away from this. I suggest she should have the lowest end of the bail. Her parents would help her."

Sometime before 2:30 p.m. July 4, authorities said, Eberson gave birth to a live 7-pound, 19-inch boy at a South Texas Avenue home in Atlantic City.

If convicted of the highest charge, Eberson could face 30 years in prison. Talasnik urged the judge not to lower the bail, saying the possible sentence creates "an incentive to leave." Authorities charged Eberson, who worked as a waitress but was unemployed at the time of her arrest July 30, with aggravated manslaughter, unlawful disposition of human remains and tampering with evidence.

In addition to allegations that the baby died from a lack of oxygen, the medical examiner found a soft-tissue hemorrhage in the lower neck, a fracture of the right clavicle, contusions on the scalp and hemorrhaging on the brain.

Authorities said the umbilical cord was torn after the baby was born alive. The baby was then put in a plastic bag and placed in a trash can behind the house. Police said when the boyfriend's mother came home to find the woman drenched in blood, she called 911. Eberson was then taken by ambulance to AtlantiCare Regional Medical Center, City Campus in Atlantic City. Police have not named the boyfriend.

At 5:30 p.m., police went to the house after a nurse examining Eberson at the hospital discovered she had a placenta inside her body.

There, police said, an officer noticed blood-soaked towels in a trash can outside and then saw the baby in a nearby container. The child was still warm and the umbilical cord was still attached, they said. The officer checked for a pulse, but authorities will not say if the baby was alive. The baby was pronounced dead two hours later.

It took weeks for prosecutors to charge Eberson because the medical examiner needed to first consult with a pathologist and a neuropathologist to determine that the baby died of oxygen deprivation.

Since her arrest, police said, Eberson has maintained that she did not have a baby. Talasnik called her words nothing more than "deliberate and practiced deception."

"A full-term live baby was allowed to die. This is a reasonably intelligent woman who says all the time she is not pregnant and 'What baby?' This is a woman who, following delivery, had so much bleeding and when the owner of the house called 911 Eberson said, 'I didn't have a baby.'"

Judge Michael Donio said if the state's case is true it is a heinous, unimaginable crime. It would mean Eberson left her baby to die. He said he believes that if the evidence is true, the woman should get a mental health evaluation and medication if necessary. He denied the bail motion.

“It boggles the mind how someone could do that,” Donio said. “Allegations are you have a 23-year-old who wouldn't acknowledge she was pregnant. I have no doubt in my mind that she gave birth to this baby boy. Whether there is justification for this ... I don't even want to go there.”

Eberson, a tan, statuesque woman with blond-streaked hair, viewed the hearing via video from the Atlantic County jail. She is in protective custody because authorities fear other inmates may harm her due to the charges, Rosenfeld told the court.

Both sides of the courtroom aisle were packed with the young woman's family and friends. Her parents, Charles and Rubye Eberson, sat in the front row. At times, Rubye rubbed her husband's back. Other times she wept. Two young girls wept in the back of the room.

“I am more than satisfied that because of the horrendous manner in which this innocent newborn came into this life and left within two to three hours ... I will keep the bail,” Donio said, causing her mother to burst into tears.

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