

# Prosecution intends to take bigamy case to trial

[Florida Freedom Newspapers](#)

**Wednesday August 1st, 2007**

[Comment on this Story](#) | [Read Comments](#)

Circuit Judge Glenn Hess ruled Tuesday that accused bigamist George Dumstorf's tape-recorded conversation is inadmissible because his right to privacy was violated.

Dumstorf, 68, is accused of participating in two marriages simultaneously with Stephanie Dumstorf in Melbourne and Martha Dumstorf in Hernando County. Police said Dumstorf married Martha Dumstorf in Bay County in 2004 while still married to his first wife.

Martha Dumstorf told authorities her husband said he worked for the federal government to explain his extended time away from home. She also said that George Dumstorf told her he divorced Stephanie Dumstorf and that she died in Haiti while working for a church organization.

George Dumstorf was charged here because the second marriage license was issued in Bay County.

Bigamy is a third-degree felony and George Dumstorf faces up to five years in prison if convicted as charged.

On Tuesday, Hess found that a tape recording Martha Dumstorf made of a conversation she had with her husband on a rural road was inadmissible as evidence.

"Martha testified that she recorded her conversation with the defendant because he told her that no one would believe her, a divorce lawyer," Hess said. Martha Dumstorf is a lawyer.

Hess said recording a private conversation is illegal unless all parties agree. There are exceptions to that law such as when the recording is done by court order, the conversation is held in an apartment building courtyard or by walkie-talkie.

Prosecutor Rob Sale argued that George Dumstorf had no expectation of privacy because the area where the recording was made is "crawling with equestrians, all of whom might have overheard the defendant's statements," Hess wrote in his ruling.

Dumstorf's lawyer, Jonathan Dingus, supplied aerial photos of the area to bolster his motion to have the tape suppressed.

"The photos tell the tale," Hess wrote. "This is a rural area. It is not a condo courtyard, nor are there cops or crack dealers. There are cows, horses and an occasional cowboy passing by.

“Mr. Dumstorf’s asserted expectation of privacy in a conversation made on an unpaved country road adjacent to an 80-acre farm in the middle of horse country is one that a reasonable person would recognize.”

Despite Hess’ ruling, the prosecution still intends to take George Dumstorf’s case to trial.