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Release #102-2008
www.queensda.org

FOR IMMEDIATE RELEASE
THURSDAY, JULY 17, 2008

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**D.A. BROWN: EAST ELMHURST FATHER CHARGED WITH ASSAULTING
FIVE-MONTH-OLD DAUGHTER IN HOMELESS SHELTER**

Child Diagnosed With Shaken Baby Syndrome; Defendant Faces Up to 25 Years In Prison

Queens District Attorney Richard A. Brown announced today that an East Elmhurst man has been charged with first-degree assault and endangering the welfare of a child for allegedly violently shaking his infant daughter repeatedly so that she would stop crying, and thereby causing her to suffer severe brain damage consistent with Shaken Baby Syndrome/Abusive Head Trauma. The assault took place at the LaGuardia Family Shelter where the defendant was living with his daughter.

District Attorney Brown said, "The charges are very troublesome. The defendant should have been protecting and nurturing this helpless, innocent child, but instead he allegedly tragically assaulted her. The case will be vigorously prosecuted."

The District Attorney identified the defendant as Joseph Aguilar, 19, of 102-10 Ditmars Boulevard in East Elmhurst. The building is a former motel converted into a shelter for homeless families. Aguilar was arraigned yesterday by Queens Criminal Court Judge Toko Serita on charges of first-degree assault and endangering the welfare of a child. The defendant was ordered held on \$300,000 bond or \$150,000 cash bail and faces up to 25 years in prison if convicted. He was ordered to return to court on July 28, 2008.

District Attorney Brown said that, according to the charges, Aguilar admitted shaking his daughter, Jaidlyn Aguilar, while alone with her on July 2, 2008. He told investigators that he shook her in order to make her stop crying and that she then became unresponsive, limp and vomited. He then allegedly called 911 and the baby was taken to Elmhurst General Hospital where she was treated and released the same day. A few days later, according to the charges, Jaidlyn was taken to Wyckoff Hospital because her eyes were rolling back in her head. After being examined, she was transferred to New York Presbyterian Hospital/Weill Medical College where testing revealed that she suffered bleeding in the brain, bleeding in the eyes and permanent brain damage as a result of oxygen deprivation. Jaidlyn's injuries are alleged to be consistent with Shaken Baby Syndrome/Abusive Head Trauma, which occurs when a baby is repeatedly and violently shaken.

The defendant allegedly told investigators in a videotaped confession that he shook his daughter on at least four occasions between June 1, 2008 and July 2, 2008.

The investigation was conducted by Detective Carlos Almonte of the New York City Police Department's Queens Special Victims Squad located at the Queens Child Advocacy Center under the supervision of Lieutenant Arthur Hall, Squad Commander, and Sergeants Kesha Johnson and Robert Garrity.

Assistant District Attorney P. Leigh Bishop, of the District Attorney's Special Victims Bureau, is

prosecuting the case under the supervision of Marjory D. Fisher, Bureau Chief, and Kenneth M. Appelbaum and Lucinda C. Suarez, Deputy Bureau Chiefs, and the overall supervision of Executive Assistant District Attorney for Major Crimes Charles A. Testagrossa and Deputy Executive Assistant District Attorney for Major Crimes Daniel A. Saunders.

It should be noted that criminal charges are merely an accusation and that a defendant is presumed innocent until proven guilty.

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Note to Editors: E-version of this press release posted at www.queensda.org.