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**D.A. BROWN: QUEENS GRAND JURY CHARGES FATHER
IN BEATING DEATH OF SEVEN-YEAR-OLD DAUGHTER**

District Attorney Calls for Tougher Laws and Stronger Penalties When Victims are Children

Queens District Attorney Richard A. Brown today announced that a Rockaway man has been indicted by a Queens Grand Jury in the brutal beating death of his seven-year-old daughter Sierra Roberts in their home three months ago.

District Attorney Brown said, "For weeks the emotional issue of child abuse has dominated the news and has clearly highlighted the need to update our criminal laws to give law enforcement the ability to effectively prosecute crimes against children who suffer neglect, mistreatment or abuse. Tragedies like the death of Sierra Roberts occur too often. It is clear that tough new laws are necessary to respond to such tragedies. But beyond that, strong measures must also be taken to protect children at the very first indication that they are being mistreated."

District Attorney Brown added, "Unfortunately, current law makes it difficult for prosecutors to take action to protect children before they suffer serious injury or death. Prosecutors often see cases in which minor injuries are inflicted upon a child, sometimes over and over again for months or years with horrible cruelty. Under existing law, however, if the injuries inflicted do not meet the narrow legal definition of 'serious physical injury' those who inflict such torment may only face misdemeanor charges. We need felony sanctions for such patterns of abuse and cruel maltreatment to punish and deter such conduct and provide our children with the opportunity to grow into adulthood and not become another grim statistic. A felony child endangerment statute, long supported by prosecutors across the state, needs to be enacted without delay. Our children deserve nothing less."

The District Attorney continued, "Additionally, we need laws to address the reckless killing of a child. While a small percentage of abusers intentionally kill children, the vast majority of child deaths resulting from abuse are caused by reckless acts of caregivers, such as sudden violent beatings and shakings visited upon children in fits of frustration and anger. Yet, existing law does not allow prosecutors to bring sufficiently serious felony charges for purely reckless child homicides, no matter how horrific the death. Moreover, those who kill children as a result of their reckless, as opposed to intentional, acts are eligible for probation under existing law. The law should be changed and an appropriate felony should be enacted mandating that when a person recklessly ends a child's life he or she goes to prison."

"Combating child abuse," District Attorney Brown said, "is a battle to be fought on multiple fronts. Changing the law and increasing penalties is part of the solution; but without adequate resources these changes will be ineffective. The Mayor has allocated millions in new funding and provided substantial additional resources to the Administration for Children's Services. Prosecutors, who are also charged with the critically important responsibility of detecting patterns of abuse in thousands of child abuse reports that prosecutors receive each year, have an equally urgent need for additional resources to fulfill their mandate to protect our children."

District Attorney Brown identified the defendant in today's case as Russell Roberts, 43, of 72-21 Hillmeyer Avenue in Rockaway, Queens, formerly employed as a stock person. The defendant has been charged in an indictment filed in Queens Supreme Court with Manslaughter in the First and Second Degrees and Endangering the Welfare of a Child. If convicted, he faces up to 25 years in prison.

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District Attorney Brown said, “The defendant is accused of causing the death of his 7-year-old daughter by severely beating her on two occasions and thereafter failing to seek medical attention for her. The defendant – the child’s natural father – was awarded custody of her when she was three years old. She had previously been living with foster parents who had raised her since birth. The defendant’s alleged attack on his innocent and vulnerable daughter was both heartless and heartbreaking and will be prosecuted to the full extent of the law.”

The District Attorney said that the indictment charges that on the evening of October 23, 2005 at his residence, the defendant repeatedly slammed his knee into his daughter’s abdomen. It is further alleged that the following evening, the defendant bent his daughter over a bed, placing her abdomen against the edge of the bed, and then repeatedly and forcefully beat her buttocks with a belt.

According to the District Attorney, the indictment also charged that after slamming his knee into his daughter’s abdomen, he observed her to be visibly in pain and that he failed to get medical attention for her. Finally, on the morning of October 25, 2005, Sierra was transported by ambulance to a local Queens hospital as a result of a 911 call and was pronounced dead within minutes of her arrival.

The investigation was conducted by Detective Charles Rizzuto of the New York City Police Department’s 100 Precinct Detective Squad under the supervision of Sergeant Bronco Yurisak and Detective Edward Wilkowski of the NYPD’s Queens Homicide Squad under the supervision of Sergeant Oscar Ferrufino.

Assistant District Attorney Marjory D. Fisher, Bureau Chief of the District Attorney’s Special Victims Bureau is prosecuting the case under 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 an indictment is merely an accusation and that a defendant is presumed innocent until proven guilty.

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