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**D.A. BROWN: FLUSHING MAN INDICTED ON ATTEMPTED MURDER CHARGES**  
**IN BAT ATTACK ON UNIFORMED POLICE OFFICER**

*Allegedly Struck On-Duty Police Officer In Head With Baseball Bat and Stole His Gun and Handcuffs;  
Faces Up to Life in Prison*

Queens District Attorney Richard A. Brown announced today that a Flushing college student has been indicted on attempted aggravated murder, robbery, assault and other charges stemming from a violent attack on an on-duty New York City police officer last month in which the officer who was on uniform foot patrol in Jackson Heights was ambushed and brutally beaten with a baseball bat before being robbed of his gun and handcuffs.

District Attorney Brown said, "The crimes of which the defendant is accused represent a brutal attack on not just an individual but on the victim's police uniform itself – a symbol of the law and society as a whole. As outlined in the indictment, the defendant is charged in engaging in a vicious, brutal and premeditated attack on a uniformed New York City police officer for the apparent purpose of stealing his weapon so that he might use it to commit future armed robberies. It is a miracle that the officer survived. This case underscores yet again the dangers faced by New York City police officers in the performance of their duty."

The District Attorney said that a Queens grand jury has returned a ten-count indictment charging Danny Fernandez, 21, of 78-18 162<sup>nd</sup> Street in Flushing, with one count of first-degree attempted murder, one count of attempted aggravated murder, two counts of first-degree robbery, one count of aggravated assault upon a police officer, one count of first-degree assault one count of second-degree criminal possession of a weapon, one count of fourth-degree criminal possession of a weapon, one count of fourth-degree criminal possession of stolen property and one-count of fifth-degree criminal possession of a stolen property. If convicted, he faces up to 25 years in prison to life in prison.

District Attorney Brown said that the indictment charges that at approximately 1:30 a.m. on February 5, 2007, the defendant approached uniformed Police Officer Joseph Cho, 30, at the intersection of 39<sup>th</sup> Avenue and 102<sup>nd</sup> Street in Jackson Heights and struck him once from behind with a metal baseball bat, knocking him to the ground. Seeing that Officer Cho was still moving, it is alleged that the defendant struck the officer once more in the head before removing his gun and handcuffs and fleeing on foot.

The District Attorney said it is further alleged that Police Officer Patrick Lynch, 22, who is assigned to the NYPD's Field Training Unit, was on foot patrol and, having observed defendant Fernandez stealing Officer Cho's weapon and handcuffs, chased the fleeing defendant and apprehended him. The defendant was allegedly still in possession of Officer Cho's items and the bat was recovered at the scene of the assault. It

(more)

is further alleged that Fernandez claimed to be \$16,000 in debt, which he hoped to pay off by committing robberies with the police officer's gun and cuffs. Fernandez allegedly admitted that he began looking for a police officer who was alone at approximately 9:30 p.m. last night and encountered Officer Cho sometime after 1:00 a.m. He then allegedly followed the officer around, waiting for an opportunity to attack him.

Officer Cho, who is also assigned to the NYPD's Field Training Unit, was transported to a local Queens hospital, where he was treated for a fractured skull and concussion.

District Attorney Brown said that the defendant, who has been held without bail since his arrest on February 5, 2007, is scheduled to be arraigned on the indictment in Queens County Supreme Court later this month.

District Attorney Brown said, "I commend the arresting officer, Police Officer Lynch, who is only out of the police academy three months, and who acted quickly and professionally in removing from our streets the defendant – an allegedly dangerous predator who was intent upon committing additional robberies across our City."

Assistant District Attorney Jeneen M. Wunder of the District Attorney's Homicide Investigations Bureau is prosecuting the case under the supervision of Assistant District Attorneys Peter T. Reese, Bureau Chief, Peter J. McCormack III, Deputy Bureau Chief, and Richard B. Schaeffer, Senior Trial Attorney, 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 an indictment is merely an accusation and that a defendant is presumed innocent until proven guilty.

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