



RICHARD A. BROWN
DISTRICT ATTORNEY

**DISTRICT ATTORNEY
QUEENS COUNTY
125-01 QUEENS BOULEVARD
KEW GARDENS, NEW YORK 11415-1568
718-286-6000**

Release # 55-2009
www.queensda.org

**FOR IMMEDIATE RELEASE
THURSDAY, MARCH 12, 2009**

**CONTACT: KEVIN RYAN
HELEN PETERSON
MERIS CAMPBELL
(718) 286-6315**

**QUEENS MAN SENTENCED TO 15 YEARS IN PRISON
FOR ILLEGAL POSSESSION OF ON-DUTY POLICE OFFICER'S SERVICE WEAPON**

Queens District Attorney Richard A. Brown today announced that a 23-year-old Queens man convicted earlier this year of illegal possession of an on-duty police officer's weapon following the officer's brutal beating with a baseball bat and the theft of his service weapon and handcuffs has been sentenced to the maximum term of 15 years in prison.

District Attorney Brown said, "This case is a reminder of the demanding and dangerous challenges that police officers face each day in protecting the public. It is fitting that he received the maximum penalty allowed under the law."

The District Attorney identified the defendant as Danny Fernandez, 23, of 78-18 162nd Street in Flushing. The defendant was found guilty on January 29, 2009, of second-degree criminal possession of a weapon after a two-week jury trial before Acting Queens Supreme Court Justice Robert McGann. The jury was unable to reach a verdict on three other felony charges – aggravated assault upon a police officer, first-degree assault and first-degree robbery. Fernandez, who was sentenced earlier today to a determinate term of 15 years in prison, is awaiting re-trial on those charges. In passing sentence, Judge McGann noted that this was not a "simple possession case."

District Attorney Brown said that, according to trial testimony, Fernandez approached uniformed Police Officer Joseph Cho at the intersection of 39th Avenue and 102nd Street in Jackson Heights at approximately 1:30 a.m. on February 5, 2007, and struck him once from behind with a baseball bat, knocking him to the ground. Seeing that Officer Cho was still moving, Fernandez then struck the officer once more in the head before removing his gun and handcuffs and fleeing on foot.

Police Officer Patrick Lynch, who at the time was only out of the police academy two months and on foot patrol, testified that he observed Fernandez steal Officer Cho's weapon and handcuffs and gave chase. At the time of his apprehension by Officer Lynch, Fernandez was still in possession of Officer Cho's items and the bat was recovered at the scene of the assault.

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

Both Officer Cho and Officer Lynch were assigned to the NYPD's Field Training Unit at the time of the incident.

The investigation was conducted by Detectives Kevin Vega and Richard Pimental of the New York City Police Department's 115th Precinct Detective Squad under the overall supervision of Captain Anthony Motola, Commanding Officer.

Deputy Executive Assistant District Attorney Daniel A. Saunders, of the District Attorney's Major Crimes Division, prosecuted the case under the supervision of Executive Assistant District Attorney for Major Crimes Charles A. Testagrossa.

#

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