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**QUEENS MAN PLEADS GUILTY TO ASSAULTING ON-DUTY POLICE OFFICER**  
*Defendant Also Admits to Robbing Officer of Gun and Lying In Pre-trial Hearing*

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 pleaded guilty to assaulting the officer, robbing him of his weapon, and then committing perjury when testifying about the incident in a pre-trial hearing.

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. This defendant's decision to assault an on-duty, uniformed police officer is evidence of his callous disregard for the law. His guilty plea is a measure of justice for the police officer and society."

The District Attorney identified the defendant as Danny Fernandez, 23, of 78-18 162<sup>nd</sup> Street in Flushing. Fernandez 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 C. McGann, who thereafter sentenced him to a determinate term of 15 years in prison.

The jury, however, 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 was retried on those charges with the jury once again unable to reach a verdict. He was facing a second retrial when he pleaded guilty yesterday to first-degree aggravated assault on a police officer and first-degree robbery. Justice McGann immediately sentenced him to 16 years in prison on each of the charges and a one-year term for a guilty plea to perjury. The sentences are to run concurrent to the 15 year term he is presently serving on the gun charge.

District Attorney Brown said that, according to trial testimony, Fernandez approached uniformed Police Officer Joseph Cho at the intersection of 39<sup>th</sup> Avenue and 102<sup>nd</sup> 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 saw the defendant standing over Officer Cho and then gave chase. At the time of his apprehension by Officer Lynch, Fernandez was in possession of Officer Cho's items and the bat was recovered at the scene of the assault.

Officer Cho, who like Officer Lynch was assigned to the NYPD's Field Training Unit, had been on patrol for just six weeks at the time of the assault. He was transported to a local Queens hospital where he was admitted in serious condition and treated for a fractured skull and concussion.

The investigation was conducted by Detectives Kevin Vega and Richard Pimental of the New York City Police Department's 115<sup>th</sup> 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.

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