

Statement of Facts -San Jose Police Case #21-267-0957

Sergeant JJ Vallejo #3810 / Detective Mike Harrington #4365

On September 24, 2021, at approximately 8:12 p.m., the San Jose Police Department was notified of a child death after the female reporting party stated her 3-year-old daughter passed away. The location given by the reporting party was 1094 S 2<sup>nd</sup> Street which was a church. Fire/Medical personnel arrived on scene and located the victim on the floor of the church. They began life saving measures and the victim was subsequently transported to Valley Medical Center. The victim was pronounced deceased at Valley Medical Center at 8:59 p.m. The death was later preliminarily determined to be a homicide with a cause of death of asphyxia due to suffocation due to mechanical asphyxia and smothering, with the final autopsy report pending.

Patrol officers located the victim's mother, Claudia Hernandez (herein referred to as Defendant), the victim's uncle, and the victim's maternal grandfather on scene.

All three parties were separated, and initial statements were taken. Patrol officers learned the suspects believed the child was possessed by a demon and they were at the church praying for her. Defendant provided a statement to a patrol officer stating the victim was possessed by an evil spirit. Defendant stated she attempted to stick her finger down the victim's throat and squeezed the victim's neck to induce vomiting. The victim fell asleep several times while Defendant pushed down on the victim's throat with her hand. Defendant described the victim sustaining bruising around her eyes, throat/neck, and chest. Defendant stated after the victim died, they did not perform any medical assistance and they did not call 911. They called police one to two hours after the victim's death. Victim's grandfather was identified as the leader of the Church and claimed he was a certified pastor. The victim had multiple injuries around her eyes, face, neck and chest consistent with what the Defendant stated.

Sgt. Vallejo and Detective Harrington interviewed Defendant two separate times on 09/25/2021. The following is a synopsis of both interviews. Defendant explained that the night before (09/23/2021) she began to believe the victim was possessed because the victim would wake up and scream or cry periodically. Defendant and victim's uncle prayed for victim while inside of a bedroom. On 9/24/2021, at approximately 06:30 a.m., Defendant and victim's uncle drove the victim to the Church located at 1094 S 2<sup>nd</sup> St, in San Jose. Defendant still believed the victim to be possessed. Defendant stated she held the victim around her waist and neck to help her throw up, which she believed would help her get the spirit out. At times Defendant attempted to open the victim's mouth with her hands. At some point, Victim's Grandfather arrived at the church to assist them in prayer. After that, Defendant, victim's uncle, and victim's grandfather were all holding victim attempting to cause her to vomit. One individual was holding victim by the neck, while one held her around her abdomen, and the last held her around her legs. Defendant described that the three parties would switch where they held the victim while trying to induce vomiting. Eventually, the victim vomited a clear/purple liquid. Defendant believed the victim died sometime between 6:00 p.m. and 6:30 p.m. Defendant did not immediately contact 911 and was finally advised by family members to call police. She dialed 911 at approximately 8:12 p.m. No lifesaving measures

were performed to help the victim. The victim last ate on Thursday 9/23 around 9:00 p.m. The victim was only provided about 6 oz of water from Thursday up until the time of her death.

Based on the above facts and circumstances, I believe that Defendant is guilty of assault on a child under her custody and care that to a reasonable person would be likely to produce great bodily injury or death, resulting in a child's death in violation of Penal Code section 273ab(a).

I declare that the forgoing is true and correct to the best of my knowledge under the penalty of perjury of the laws of the State of California.

DocuSigned by:  
  
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Date: February 1, 2022

Sergeant JJ Vallejo

San Jose Police Department