

Woman indicted in infant's death

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SANTA CRUZ — The grand jury has indicted a foster care provider of involuntary manslaughter for the death of an 11-day-old baby left in a van for more than four hours.

Laura Herrero, 21, will be arraigned in Superior Court this morning, said District Attorney Art Danner.

She will enter an innocent plea to the charge, according to her attorney Stephen LaBerge.

LaBerge on Thursday said he was surprised about the indictment.

"I think as more information comes to light it will become clear to the District Attorney's Office

and everyone involved that although it is an unfortunate tragedy it's not a criminal event and Ms. Herrero should not accept criminal responsibility," he said.

According to LaBerge, Herrero has been in counseling over the death of baby Cedric Blan.

"She's been emotionally devastated by the death of the child and heartbroken over the death and the pain and suffering it caused the family," he said.

Herrero has been "open" about the investigation and has cooperated with authorities, he said.

A conviction on an involuntary manslaughter charge carries a maximum penalty of four years in

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state prison.

Danner called the case "extremely difficult" to evaluate.

"At one end of the spectrum, inattention coupled with wrong or false assumptions can produce negligence and tragic results, such as death, that are not criminal. This can happen to any person or parent," he said.

"At the other end of the spectrum, gross or criminal negligence requires conduct that is more aggravated or reckless, which is a departure from the conduct of an ordinarily careful person under the same circumstances, which finally amounts to not having a proper regard for human life."

The grand jury found that Herrero's conduct was beyond that of a prudent person and fell into the criminal end of the spectrum, said grand jury forewoman Linda Gilcrest.

"Because of the time of the child in the car and the time the child had not been checked on, it was a point of time beyond that of a prudent person," she said.

"It was a difficult case, but her conduct fell within the definition of the law to return an involuntary manslaughter indictment," Gilcrest said. "We on the grand jury tried to put emotion and reactions aside and look at the evidence and the definitions of the law."

According to investigators, the

baby died Aug. 2 of heat exhaustion after being left in a van for more than four hours in front of the Felton home of Jim and Winona Sherrick.

Herrero, the Sherrick's daughter and an employee of the foster home, was caring for the infant at the time, said investigators. She reportedly thought her brother had taken the baby from the van to the house.

It is alleged that Blan was left in the vehicle from the time Herrero arrived at her parents' home at 1 p.m. until 5:40 p.m., Danner said.

During that period, temperatures inside the van may have reached as high as 120 degrees, he said.

The grand jury's decision was a rare use of its powers. Normally, the District Attorney's Office determines what charges are filed in a case and then grand jurors may be asked to review whether the evidence is sufficient to issue a criminal indictment.

According to Danner, the grand jury's function in this case was that of a charging body and the standard of proof is lower than what is required at a trial.

At a trial, prosecutors will be called on to prove the charge beyond a reasonable doubt, he said.

"What we need to do now between the charging stage and trial stage is collect additional evidence and determine whether the case can be proven beyond a reasonable doubt," Danner said.