

Foster mom won't be charged in death

Settlements reported in civil lawsuits

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SANTA CRUZ — District Attorney Art Danner said Monday that his office will not appeal a judge's decision to throw out involuntary manslaughter charges against 21-year-old foster care provider Laura Herrero.

Superior Court Judge William Kelsay ruled March 23 that there was insufficient evidence to charge Herrero.

She was indicted by the county grand jury in August after 11-day-old Cedric Blan was left for several hours in a hot van outside a county foster home in Felton on Aug. 2. The infant died after he was overcome by the heat.

Danner said Monday that he will not appeal Kelsay's decision, especially since Herrero has agreed to a stipulation that prohibits her from caring for children at any state-licensed care facility.

The agreement, Danner said, "will prevent her in any way from being in a situation where she is responsible for caring for children. On balance, we think that this is a good resolution of the matter and that the case should end here. . . .

"Knowing the fact that this baby died as a result of her neglect will be with her for the rest of her life."

The District Attorney expressed doubts that a jury could find enough evidence to convict Herrero. "Depending on how one viewed the facts in this case, two reasonable persons could come to different conclusions."

Herrero's attorney, Stephen LaBerge, called the ruling and Danner's decision not to appeal "bittersweet. . . . In some ways there is a sense of relief that the case is finally dismissed, but it's hard to ever say that you could feel happy about the results."

Herrero, said LaBerge, "was crushed over the death and nothing will ever make up in her mind for the loss of that child. And then to be accused of being a criminal . . .

The woman has carried "a great emotional and psychological burden," said LaBerge, "and never should have been charged in the first place."

"I'm extremely unhappy with the way that the grand jury handled this matter. My review of the evidence shows absolutely no basis to indict," said LaBerge.

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District Attorney

"The judge, upon review of the same information, said loud and clear that the grand jury did not have a basis to indict."

LaBerge said Herrero "would like to get on with her life and future plans. . . . She has a young child and she is focusing on taking care of herself and her immediate family."

In addition to the criminal case, civil matters have also been resolved, according to Danner.

Attorney Gordon Salisbury, who represented the infant's mother, Sylvia Blan, confirmed that an insurance company that covered Herrero did settle with the baby's parents.

"Everyone was satisfied," he said. "Both parents received substantial compensation."

But as part of the agreement, Salisbury said he could not reveal the insurance company nor the amount of the settlement. He said he was not even allowed to talk about the settlement until Monday when others came forward with the news of the resolution.

According to Salisbury, the insurance company agreed to settle the case and, in exchange, civil lawsuits against county agencies and other individuals would not be pursued.

No funds from county coffers were used, he said.

In recent days, a resolution between the individuals most affected by the case also seems to have taken place.

Two weekends ago, the Blans held a memorial service for the infant and invited Herrero and her parents, who attended the ceremony, Salisbury said.

Sentinel staff writer Donna Kimura contributed to this report.