

STATEMENT OF FACTS

Rene Trigueros Hernandez DOB: 01/15/1963 and Rene Aaron Hernandezsantos DOB:
06/29/2002

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, Victim Arely Doe, passed away. The location given by the reporting party was 1094 S 2nd Street, which was a church. Fire/Medical personnel arrived on scene and located the victim on the floor of the church. They began lifesaving measures, and the victim was subsequently transported to Valley Medical Center, where she was pronounced deceased at 8:59 p.m.

The Santa Clara County Medical Examiner determined that Victim Arely Doe's death was a homicide; the cause of death was asphyxia due to suffocation, due to mechanical asphyxia and smothering. The victim had visible injuries, including extensive diffuse petechia changes across the face and neck with increased density around the eyes, multiple injuries to her tongue and mouth, multiple linear abrasions on the face and neck, patterned injuries on the neck with numerous bruises to the neck and clavicle region, marked cerebral edema, and multiple blunt force injuries across the chest, back, and extremities. The victim also had internal bleeding to the heart, aorta, pancreas, as well as small and large bowels.

Patrol officers located the victim's mother, Claudia Hernandez (herein referred to as Defendant 1), the victim's uncle, Rene Hernandez Jr. (herein referred to as Defendant 2), and the victim's maternal grandfather, Rene Hernandez Sr. (hereinafter referred to as Defendant 3) on scene.

All three parties were separated, and initial statements were taken. Patrol officers learned the Defendants believed the child was possessed by a demon and they were at the church praying for her. Defendant 1 provided a statement to a patrol officer that 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 1 pushed down on the victim's throat with her hand. Defendant 1 described the victim sustaining bruising around her eyes, throat/neck, and chest.

Sgt. Vallejo and Detective Harrington interviewed Defendant 1 two separate times on September 25, 2021. The following is a synopsis of both interviews. Defendant 1 explained that on September 23, 2021, she began to believe the victim was possessed, because the victim would wake up and scream or cry periodically. Defendant 1 and Defendant 2 prayed for the victim while in the bedroom at Defendant 1's home in Mountain View. On September 24, 2021, at approximately 06:30 a.m., Defendant 1 and Defendant 2 drove the victim to the Church located at 1094 S 2nd St, in San Jose. Defendant 1 said she still believed the victim to be possessed. Defendant 1 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 1 attempted to open the victim's mouth with her hands. At some point, Defendant 3 arrived at the church to assist them in prayer. After that, Defendant 1, Defendant 2, and Defendant 3 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 1 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 1 believed the victim died sometime between 6:00 p.m. and 6:30 p.m. on September 24, 2021. Defendant 1 did not immediately contact 911. She dialed 911 one to two hours later at approximately 8:12 p.m. The defendants did not perform lifesaving measures to help the victim. The victim last ate on Thursday September 23, 2021 around 9:00 p.m. The victim was only provided about 6 oz of water from Thursday up until the time of her death.

Defendant 1 has been charged with a felony violation of Penal Code section 273ab(a) (Child Abuse Causing Death) in Docket C2201138.

Patrol officers also interviewed Defendant 2 when they arrived on scene on September 24, 2021. Defendant 2 told patrol officers he placed pressure on the victim's body, including her neck, during prayer.

Sgt. Vallejo and Det. Harrington interviewed Defendant 2 on two separate occasions on September 25, 2021. The following is a synopsis of both interviews. Defendant 2 stated that the night of September 23, 2021 he believed the victim was possessed, as she would cry and scream, and he believed she was in pain. At one point during the night, while the victim was standing, he placed his hands on the chest and back of the victim and applied pressure. In the early morning hours of September 24, 2021, he and Defendant 1 took the victim to the Church located at 1094 S 2nd St. While at Church, the victim was placed on the ground in front of the altar. In the afternoon, Defendant 3 arrived. All three continued praying. During prayer, the victim would be picked up and held by each of the three Defendants. At times, the victim would be held perpendicular to the ground (above the ground). One person would hold the victim's feet, one person would hold around the upper torso, and another person would hold the head area. Around 7:00 p.m., Defendant 2 knelt down beside the victim who was lying on the floor, and he placed one hand on the victim's chest and one hand on her back. He applied pressure to the victim and maintained pressure for approximately 10 minutes. He stated the victim was alive at the beginning of this and he closed his eyes to pray. Upon opening his eyes, he believed the victim had died. They continued to pray and did not perform any lifesaving measures for the victim.

During the second interview with Sgt. Vallejo and Det. Harrington, Defendant 2 re-enacted the moment in which he believed the victim had died. He was given a doll to use. He placed a hand on the doll's chest and one hand on the doll's back. He explained he applied pressure to both the chest and back (applying pressure in the direction as if to place his hands together). He held this pressure for approximately 10 minutes. He stated after he opened his eyes, he believed the victim had died. He also explained how the victim's body became limp while lying next to him.

In a subsequent interview, Defendant 2 substantially revised his previous statements. He stated he never placed his hands on the chest and back of the victim and applied pressure. He also explained that after they believed the victim had died, he attempted breath to breath (mouth to mouth) with the victim. Defendant 2. explained that he did not tell detectives this because he was scared and felt that detectives would not believe him.

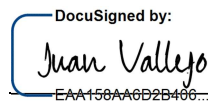
Defendant 2 was last interviewed on May 11, 2022. In this statement he admitted that at one point he held Victim by the stomach, off the ground facing downward, while Defendant 1 held her by the neck. He stated this lasted for 25 minutes. Defendant 2 again admitted he knelt down beside the victim, who was lying on the floor, placed one hand on the victim's chest and one hand on her back, and applied pressure to the victim and maintained pressure for 10 minutes.

Defendant 3 was identified as the leader of the Church and stated he was a certified pastor. Defendant 3 was previously interviewed by patrol officers on September 24, 2021 and Sgt. Vallejo and Det. Harrington on September 25, 2021. During those interviews, he stated he was called by Defendant 1, and she asked him to come to the church on September 24, 2021. He arrived at 12:30pm. He stood over the victim and prayed over her while she cried. Defendant 3 remembered Victim vomiting, and said it occurred about 4:30pm. Defendant 3 said he moved victim's body to the south end of the church around 7:00pm, and she was not moving or breathing. He previously stated that he held Victim gently to comfort her twice during the time he was present at the church.

Defendant 3 was interviewed again by Sgt. Vallejo on May 11, 2022. During this interview he stated he arrived at the church around 12:10pm on September 24, 2021. Defendant 1 then told Defendant 3 the Victim was possessed by a demon. He described two "prayer sessions" they conducted on the Victim. The first prayer session lasted about an hour and a half, and he described holding victim tightly by her torso while Defendant 1 held her arms and Defendant 2 held her feet. He stated Victim was fighting back and this required him to hold her very tightly. Defendant 3 said Victim then fell asleep. During the second prayer session, Defendant 3 held Victim around her torso with her back against his stomach. Defendant 3 said the victim had unusual strength and attempted to bite his arms. Defendant 3 again described holding her tightly. Defendant 1 again restrained her by her head and Defendant 2 restrained her feet. Defendant 3 said this was when Victim vomited. Defendant 3 stated he then walked outside of the room to take a phone call and when he returned, the Victim was dead. Defendant 3 did not perform any life saving measures on the Victim.

Based on the above facts and circumstances, I believe that Defendant 2 and Defendant 3 are guilty of assault on a child under their 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.

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 #3810
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Date: May 13, 2022

Sergeant JJ Vallejo

San Jose Police Department