



**THE THIRD DAUPHIN COUNTY
INVESTIGATING GRAND JURY**

IN RE: : IN THE COURT OF COMMON PLEAS OF
: DAUPHIN COUNTY, PENNSYLVANIA
THE THIRD DAUPHIN COUNTY :
INVESTIGATING GRAND JURY : NO. 487 M.D. 2004
: :
: **NOTICE NUMBER: 03-2004-22**

TO THE HONORABLE LAWRENCE F. CLARK, JR., SUPERVISING JUDGE:

PRESENTMENT NO. 4

We, the Third Dauphin County Investigating Grand Jury, duly charged to inquire into offenses against the criminal laws of the Commonwealth, have obtained knowledge of such matters from witnesses sworn by the Court and testifying before us. We find reasonable grounds to believe that a violation of the criminal laws has occurred. So finding with not fewer than twelve concurring, we do hereby make this presentment to the Court.

James J. Clancy
Foreperson - Third Dauphin
County Investigating Grand Jury

DATED: NOVEMBER 8, 2005

DAUPHIN COUNTY
2005 NOV 29 AM 10:56

OFFICE OF
CLERK OF COURT

INTRODUCTION

We, the members of the Third Dauphin County Investigating Grand Jury, having received evidence pertaining to a possible violation of the Pennsylvania Crimes Code, pursuant to Notice of Submission of Investigation 03-2004-22, do hereby make the following findings of fact and recommendation of charge.

FINDINGS OF FACT

On June 22, 2005, Yara Rodriguez, mother of John Luis Castillo (1 year 10 months) and John Carlos Castillo (2 months) was admitted to the hospital for emergency care. Ms. Rodriguez left her children in the sole custody of their father Juan Castillo. When Ms. Rodriguez went to the hospital she did not notice any visible injuries to John Carlos, specifically he did not have any bruising to his face nor tenderness to his ribcage area. Juan Castillo maintained sole custody of John Carlos and John Luis, no one came into the home and Juan Castillo did not take the boys anywhere from June 22, 2005 until June 23, 2005.

On June 23, 2005, Juan Castillo used 13 bags of heroin. He left John Carlos and John Luis alone in his bedroom on his bed that did not have any safety features or rails, for approximately four to five hours as he passed out in the living room. The bed is approximately 16 inches off the floor. Juan Castillo did not wake until his neighbor knocked on the door. She came into the home and found John Carlos on the floor on the bedroom and called 911.

Initially, John Carlos presented with 4 possible rib fractures, bruising and swelling to his left eye, injury to his upper lip and possible broken blood vessels around his nose. On July 8, 2005, John Carlos underwent a skeletal survey. X-rays revealed 30 fractures, 19 involving the right ribs and 11 involving the left ribs, all likely to have occurred at or around the same time and all likely to have occurred around June 20, 2005 to June 23, 2005. Position of fractures indicative of shaking or being squeezed, not falling off a bed or being stepped on by a two year old.

Based on the evidence, the Grand Jury concludes that Juan Castillo was the sole care provider for John Luis (1 year 10 months) and John Carlos (2 months) and that while watching the children he used 13 bags of heroin and passed out for 4-5 hours leaving the children unattended. The children were left on an adult bed without guardrails. Also, during this time period Juan Castillo while high on heroin did grab John Carlos causing the 30 rib fractures.

RECOMMENDATION OF CHARGES

Based upon the evidence we have obtained and considered, which establishes a prima facie case, we, the members of the Third Dauphin County Investigating Grand Jury, recommend that the District Attorney or his designee, institute criminal proceedings against Juan Castillo and charge him with violating sections 2702(a)(1) (relating to aggravated assault), 4304(a) (1 count for John Carlos and 1 count for John Luis) (relating to endangering the welfare of children), 2705 (1 count for John Carlos and 1 count for John Luis) (relating to recklessly endangering another person).