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— PRESS RELEASE —



**50 YEARS IN PRISON FOR GANGBANGER
TWICE CONVICTED IN SHOOTING THAT KILLED LITTLE
GIRL, PARALYZED A BYSTANDER**

***Edgar "Puebla" Morales Re-Tried, Re-Convicted; Initial Conviction
Under Anti-Terror Law Had Been Overturned***

(Bronx, NY – February 20, 2015) – Bronx District Attorney Robert Johnson announces 32-year-old EDGAR "Puebla" MORALES has been sentenced to 50 years in prison for the August 18, 2002 shooting at a christening party that took the life of a little 10-year-old, MELANEY MENDEZ, and paralyzed a bystander, JAVIER TOCHIMANI.

After a six-week-long re-trial in October, 2014 before Justice Peter Benitez, MORALES was convicted of:

Attempted Murder in the 2nd Degree (Class B Felony)
Manslaughter in the 1st Degree (Class B Felony)
Gang Assault in the 1st Degree (Class B Felony)
Criminal Possession of a Weapon in the 2nd Degree (Class C Felony)
Conspiracy in the 4th Degree (Class E Felony)



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MORALES was originally tried and convicted in late 2007 in the first-ever use of the New York State Anti-Terrorism Statute against an organized gang, the St. James Boys (SJB), which sought to dominate the neighborhood around St. James Park in the Parkchester section of the Bronx. That conviction was overturned by the New York State Court of Appeals in late 2012, which ruled that (in spite of language in the statute describing terrorism as acts “intended to intimidate or coerce a civilian population”) that law did not apply to the illegal acts of gang members committed in order to coerce or intimidate adversaries.

The crimes took place when gunfire erupted outside the St. Paul's Lutheran Church Hall at 1891 McGraw Avenue. Innocent bystander MELANEY MENDEZ was shot once in the head by a stray bullet during an altercation that began when MORALES and other SJG members invaded a baptism party being held there. Confronting a man whom they believed to be a rival gang member, words were exchanged and the target and his friend, JAVIER TOCHIMANI, attempted to leave. MORALES and several other SJG members followed them outside, where they assaulted the two men and opened fire, killing the little girl and leaving the second victim permanently paralyzed.

Prior to sentencing, emotional victim impact statements were presented by MELANEY MENDEZ' best friend, and by JAVIER TOCHIMANI, speaking from the wheelchair to which he is permanently confined [his written statement in Spanish delivered by a Court interpreter and paraphrased here] – *“He [MORALES] has deprived me of my freedom...for the last 12 years my children have grown up without a father who can simply be with them...my wife is abandoned without my support. My beloved mother, every day since this horrible tragedy wakes up hoping that her son may one day walk. My family has been completely destroyed by these bad people.”*

TOCHIMANI is not only confined to the wheelchair, but has also lived in an institution since the day he was shot.

Says District Attorney Johnson, *“The state's highest court may have found that these acts cannot be prosecuted using the state terrorism statute, but the terror perpetrated by organized gangs will not be tolerated, and we will bring members of these gangs to justice using the full force of the law.”*

After MORALES finishes his sentence he will have five years post-release supervision and will be subject

The case against EDGAR “Puebla” MORALES was prosecuted by Gangs/Major Case Senior Trial Assistant Christine Scaccia and Counsel Edward Friedenthal.

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