



ROBERT T. JOHNSON
 DISTRICT ATTORNEY, BRONX COUNTY

PRESS RELEASE



(L to R: Hemphill

[Department of Correction]; David Pacheco Jr. [courtesy family]

2006 EASTER SUNDAY MURDER OF TODDLER ENDS WITH MURDER VERDICT FOR SHOOTER

(Bronx, NY – December 7, 2015) – DARRYL HEMPHILL wanted to settle a score. No matter it was Easter Sunday afternoon in 2006, and no matter that it was a busy street corner in Morris Heights where he'd earlier been on the losing end of a fistfight. He came back and shot at the people with whom he'd fought. HEMPHILL missed them, but one of his bullets hit the minivan a mom was driving, and killed two-year-old toddler David Pacheco, Jr.

Today, announces Bronx County District Attorney Robert Johnson, the 37-year-old HEMPHILL of Cary, North Carolina, was convicted of **one count of Murder in the 2nd Degree, Class A-1 felony**. The verdict came in following a 10-week-long trial during which a rare jury visit was made to the crime scene, and the jury deliberated for two full days.

When he is sentenced on January 4, 2016 by Supreme Court Justice Steven Barrett, HEMPHILL faces a prison sentence of 25 years-to life.

District Attorney Robert Johnson commented on the difficulties and complexities of the case: *"This case, perhaps more than any other, represents how seriously we take our mission here at the Bronx District Attorney's Office. When it is necessary and appropriate, we stand up and acknowledge that we have charged the wrong person. And then, seven years later, after painstaking efforts by two trial assistants, we brought to justice the person responsible for the death of David Pacheco, Jr."*



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"We did this for the family of young David and for the safety of all of the people of the Bronx. I especially applaud the diligence of the late Daniel McCarthy and Adam Oustatcher in bringing about this result."

An associate of Hemphill's was originally arrested and charged with the crime, but was cleared of the murder charges, although he pled guilty to weapons charges for his role in the incident.

It was a bright blue sweater – and DNA – that would be DARRYL HEMPHILL's downfall. That Easter Sunday afternoon, a fistfight broke out between two groups of men at the very busy and wide intersection of Harrison and West Tremont Avenues. HEMPHILL and his cousin were on the losing end of the fight. And HEMPHILL returned just 15 minutes later to even the score, and then some – with a 9MM firearm.

DARRYL HEMPHILL opened fire at least five times – five shell casings were recovered from the scene. One of the bullets tore through the side of a minivan and directly into little David Pacheco, Jr.'s body. As HEMPHILL ran from the scene, the toddler's frantic mother screamed for help. An off-duty EMT heard her cries and jumped to their aid, performing CPR on the little boy and bundling mother and child into a taxicab to race to a hospital. Initially unresponsive, little David sat straight up while in the cab, looked at his mother and called her name. And then he died.

Witnesses described the shooter as having tattooed arms and wearing a bright blue sweater.

In the meantime, DARRYL HEMPHILL fled from his home in the Bronx to Brooklyn, then later that day down south, where he eventually settled in North Carolina. But before he left the Bronx, he ripped off that sweater and left it in the closet at his cousin's apartment, where it was eventually recovered and tested for DNA.

It was a match.

The case against DARRYL HEMPHILL was prosecuted by Assistant District Attorneys Suzanne Carmody and Adam Oustatcher, the Director of DNA Prosecutions, , following the work of the late Assistant D.A. Daniel McCarthy, the Bronx D.A. Detective Investigators, the Bronx D.A. Gangs/Major Case Bureau and Bureau Chief Edward Talty, the NYPD Bronx Homicide Task Force, and the 46th Precinct Detective Squad.

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