



## NEWS RELEASE

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### **JUDGE DENIES MOTION TO DISMISS INDICTMENT IN CHILD CRUELTY CASE**

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PATERSON, NEW JERSEY: January 21, 2011

Passaic County Prosecutor Camelia M. Valdes announces that a Motion filed by defendant Yenitza Colichon has been denied by the Honorable Joseph A. Portelli. The *Motion to Dismiss the Indictment* alleged that the arrest of Colichon was unconstitutional. The defendant presented a number of constitutional arguments, including that her conduct was an expression of religious belief and protected by the 1<sup>st</sup> amendment to the United States Constitution.

Judge Portelli disagreed and dismissed the Motion. He ruled that although the Constitution protects religious expression, there are limits to that freedom. In this case there was sufficient evidence presented to the grand jury that defendant's alleged conduct unreasonably endangered her 7 year-old daughter.

In November 2010 a Passaic County Grand Jury returned a six count indictment against Yenitza Colichon of Jamesburg, N.J., and Julio Cano, and Zahira Cano, both of Paterson, N.J. Ms. Colichon was charged with second-degree *Endangering the Welfare of a Child*, while Julio and Zahira Cano were charged with third-degree *Endangering the Welfare of a Child*. All three defendants were charged with fourth degree *Cruelty and Neglect of a Child*.

The defendants had been arrested after the Passaic County Prosecutor's Office Special Victims Unit investigated allegations that a 7 year-old child was alleged to have participated in a religious ritual. As part of the ritual,

believed to have taken place on or about May 15, 2009, the child-- among other things, was cut on her body with a sharp instrument. The ritual ended when the child was exposed to animal sacrifices. All three defendants were arrested on Tuesday, July 7, 2009 after detectives executed a search warrant at 230 Pacific St., Paterson, New Jersey. Detectives seized or documented a number of items that were consistent with the 7 year-old's description. These included dolls, a shrine, religious statues, artifacts, bones, machetes, and bundles of sticks with numbers and names on them. There also was apparent residual blood and animal hair on some of the items.

The Endangering the Welfare of a Child charge against Ms. Colichon carries a maximum sentence of up to ten years in the New Jersey State Prison. The Endangering the Welfare of a Child charges against the Canos each carry a maximum sentence of up to five years in the New Jersey State Prison. The Cruelty and Neglect charges each carry a maximum sentence of up to 18 months in the New Jersey State Prison.

Passaic County Chief Assistant Prosecutor, Joseph A. Del Russo is prosecuting the case against Colichon, Cano and Cano. Mr. Del Russo can be reached at [jdelrusso@passaiccountynj.org](mailto:jdelrusso@passaiccountynj.org) OR 973-837-7636

**A criminal indictment is merely an accusation. Despite this accusation, the defendant is presumed innocent unless and until proven guilty beyond a reasonable doubt.**