



## Justice Center for the Protection of People With Special Needs

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### **Brooklyn Caregiver Pleads Guilty to Felony for Attempting to Burn Man with Lighter** *Case Investigated and Prosecuted by the Justice Center*

Brooklyn, NY – NYS Justice Center for the Protection of People with Special Needs Special Prosecutor Patricia E. Gunning announced the guilty plea of a former aide at Heartshare Human Services of New York for attempting to burn a man receiving services with a cigarette lighter.

Nicholas Aviles of Brooklyn (DOB 01/26/83) pled guilty to Endangering the Welfare of an Incompetent or Physically Disabled Person in the 1st Degree, a class E felony and the top count of the indictment in Kings County State Supreme Court before the Honorable Dineen Riviezzo. The defendant admitted in court that he repeatedly ignited the lighter and placed the open flame on the service recipient's exposed skin. The Court promised Aviles a sentence of 60 days in jail and five years probation when he is sentenced on June 20. He also agreed to waive his right to appeal any administrative finding made by the Justice Center.

"One can only imagine the terror this victim, who is unable to hear sounds and is non-vocal felt at the hands of his so-called caregiver," said Special Prosecutor Gunning. "This conviction should serve as a reminder to staff who knowingly abuse vulnerable people that they will be held accountable for their conduct."

Justice Center Assistant Special Prosecutor David Kim prosecuted the case which was investigated by the Justice Center.

The Justice Center and its statewide hotline and incident reporting system began operations on June 30, 2013. It is staffed 24-hours a day, seven days a week by trained professionals who receive reports of allegations of abuse and neglect of people with special needs. Once a report is received by its Vulnerable Persons Central Register (VPCR) Hotline, it is logged and assessed. Serious cases of abuse or neglect are assigned to the Justice Center's investigation team or, when appropriate, to a local law enforcement agency for follow-up. Through the services provided by the Justice Center's Individual and Family Support Unit – victims, their families, personal representatives and guardians receive guidance and information about the reporting and investigation process and support during criminal cases and court proceedings.

The Justice Center also maintains a statewide registry of all persons who have been found to be responsible for serious or repeated acts of abuse and neglect. Once placed on the registry, known as the "Staff Exclusion List" or SEL, they are prohibited by law from ever working again with people with disabilities or special needs.

Heartshare Human Services of New York is licensed by the Office for People With Developmental Disabilities (OPWDD). OPWDD is one of six state agencies under the jurisdiction of the Justice Center. The Justice Center also oversees certain facilities or programs that are operated, licensed or certified by the Office of Children and Family Services (OCFS), the Office of Mental Health (OMH), the Department of Health (DOH), the Office of Alcoholism and Substance Abuse Services (OASAS), and the State Education Department (SED).

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Nicholas Aviles (DOB 01/26/83)