



Justice Center for the Protection of People With Special Needs

FOR IMMEDIATE RELEASE: March 11, 2016
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Brooklyn Caregiver Indicted on Charges He Attempted to Burn a Client with a Cigarette 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 arrest and indictment of a Brooklyn man, on charges he attempted to burn a client, who was receiving care from a Heartshare Human Services of New York facility in Brooklyn, with a lighter.

Nicholas Aviles of Brooklyn (DOB 01/26/83) has been charged with:

- One count of Endangering the Welfare of an Incompetent or Physically Disabled Person in the 1st Degree, a class E felony;
- One count of Criminal Possession of a Weapon in the 4th Degree, a class A misdemeanor;
- One count of Attempted Assault in the 2nd Degree, a class E felony; and
- One count of Attempted Assault in the 3rd Degree, a class B misdemeanor.

Aviles, a direct support professional working for Heartshare, has been suspended from his position. The defendant allegedly placed a lit lighter on the victim's skin, repeatedly igniting the lighter and placing the open flame on the victim's exposed skin. The victim is unable to hear sounds, is non-vocal, and unable to independently care for himself. Heartshare is licensed by the Office for Persons With Developmental Disabilities (OPWDD).

“This defendant was responsible for caring for another person who was unable to care for himself and allegedly attempted to burn the victim with a cigarette lighter,” said Special Prosecutor Gunning. “Our goal is to hold this and other defendants accountable when they abuse innocent individuals who rely on them for care.”

Aviles was arraigned before the Honorable Dineen Riviezzo of Kings County State Supreme Court. Bail was set at \$25,000 bond or \$15,000 cash bail, with a return date of May 2. The investigation was led by Justice Center Investigator Edgar Bourdon and the case has been assigned to Justice Center Assistant Special Prosecutor David Kim.

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.

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. 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.

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 Mental Health (OMH), the Office of Children and Family Services (OCFS), the Department of Health (DOH), the Office of Alcoholism and Substance Abuse Services (OASAS) and the State Education Department (SED).

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Editor's note: In compliance with Disciplinary Rule 7-107A of the Code of Professional Responsibility, you are advised that a charge is an accusation and that a defendant is presumed innocent until and unless proven guilty.



Nicholas Aviles