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**FOR IMMEDIATE RELEASE**  
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**FORMER OWNER OF FOREST HILLS DAY CARE CENTER PLEADS GUILTY  
TO RECKLESS ENDANGERMENT IN DEATH OF 7-MONTH-OLD INFANT**  
*Permanently Banned From Caring for Children*

Queens District Attorney Richard A. Brown, joined by New York City Commissioner of Investigation Rose Gill Hearn and Department of Health and Mental Hygiene Commissioner Thomas R. Frieden, today announced that the former owner of Devlin Day Care in Forest Hills has pleaded guilty to reckless endangering the life of a 7-month-old infant boy entrusted to her care by leaving him and two 3-year-olds unattended. The child, identified as Matthew Perilli, later died as the result of suffocation after the two toddlers piled toys in the infant's crib.

District Attorney Brown identified the defendant as Heather Zlotshewer, 35, presently of 33-10 Chippendale Avenue in Philadelphia, Pennsylvania. The defendant pleaded guilty to Reckless Endangerment in the Second Degree before Queens Criminal Court Judge Gene R. Lopez who sentenced the defendant to a conditional discharge subject to the following conditions: 1) she must perform 1,250 hours of community service; 2) she is permanently barred from seeking or accepting employment relating to the care of children; and 3) she is also barred from ever applying for a license or permit to operate a child care facility.

District Attorney Brown said, "The defendant has admitted that she recklessly endangered the infant by leaving him unattended. That decision set off a chain of events that ultimately led to the senseless and tragic death of seven-month-old Matthew Perrilli. As a caregiver entrusted with the lives of young children, the defendant should have known better than to leave a child alone. And while it may be of little comfort to young Matthew's parents at this time, his legacy will be one that helps other children and families be spared the suffering caused by actions such as those engaged in by the defendant."

DOI Commissioner Gill Hearn said, "Matthew Perilli died while in the care of this defendant, who ignored critical New York State and City regulations designed to protect the well-being of children enrolled in a day care facility. To protect other children from this type of reckless behavior, in which an infant was left unattended, it is important that this defendant be barred from being permitted to operate a daycare."

District Attorney Brown said that the defendant had obtained a Group Family Day Care License for Devlin Day Care located at 109-19 72 Avenue, Apartment 3C, in Forest Hills. The group license entitled her to operate a day care facility and care for no more than 10 children -- ages 6 weeks to 12 years and two additional school-aged children -- or 12 children -- ages 2 to 12 years and 2 additional school-aged children.

The District Attorney said that, according to the complaint filed in the case, on July 28, 2004, the defendant was cited by inspectors from the City's Department of Health and Mental Hygiene Bureau of Day Care for three violations:

- operating an unlicensed facility (Devlin Day Care was allegedly being painted at the time and the defendant had moved the children across the street to a facility where the license was pending.);

- caring for six more children than allowed by her group license (the defendant and two staff members allegedly were present with 16 children: 7 under two years of age.); and
- employing two assistants who had not yet been approved by the Department of Public Health to work at a Group Family Day Care Center.

The complaint further charged that when inspectors returned five days later – at 2:15 p.m. on August 11, 2004 – the defendant was present on the first floor of Devlin Day Care where the inspectors observed eight infants on the first floor and a parent picking up and leaving with another child. At the time 7-month old Matthew Perilli was napping on the second floor, unattended by the defendant or any other staff member in violation of Section 416.87 of the City Health Code which states, in part, that: “Care-givers must have direct visual contact with the children at all times.”

When the defendant produced a valid license for the facility, the inspectors questioned her about noise coming from above, the defendant told the inspectors about the two 3-year-old toddlers playing on the second floor. At the time the inspectors had arrived, and in violation of the regulations, the defendant was the sole staff member on the premises. However, while the inspectors were still present, she summoned another staff member back to the location.

Between 3:30 and 3:45 p.m., the defendant went upstairs to attend to the two toddlers and discovered Matthew Perilli in a playpen, not breathing and covered in toys. She then removed the infant from the playpen and administered CPR while running to Parkway Hospital with the infant in her arms. The infant was pronounced dead after resuscitation efforts proved unsuccessful. According to the Office of the Chief Medical Examiner, the cause of death was compression of the body by foreign objects, toys.

The defendant has been a licensed day care provider since June 1, 1999. On August 12, 2005, Devlin Day Care was shut down. The defendant is not presently operating any day care program.

District Attorney Brown thanked DOI Commissioner Gill Hearn and Department of Health and Mental Hygiene Commissioner Frieden and their staffs for their cooperation and assistance in the investigation, as well as for their written recommendations and concern regarding sentencing and barring this defendant from caring for children in the future.

The investigation was conducted by Assistant District Attorney Nathalie Bell under the supervision of Peter T. Reese, Bureau Chief of the District Attorney’s Homicide Investigations Bureau, and Executive Assistant District Attorney for Major Crimes Charles A. Testagrossa, assisted by DOI Chief of Staff Robert Roach, Inspector General for Department of Health and Mental Hygiene Sam Amorese and members of his staff, including Deputy Inspector General Stephen Zander, and NYPD Detective Sean Roche of the 112<sup>th</sup> Precinct.

Assistant District Attorney Lucinda c. Suarez, Deputy Chief of the District Attorney’s Special Victims Bureau, prosecuted the case under the supervision of Marjory D. Fisher, Bureau Chief, and the overall supervision of Executive Assistant District Attorney for Major Crimes Charles A. Testagrossa and Deputy Executive Assistant District Attorney for Major Crimes Daniel A. Saunders.

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**Note to Editors: Press release e-version posted at [www.queensda.org](http://www.queensda.org).**