



Statement of Angela B. Corey, State Attorney,
Fourth Judicial Circuit of Florida, regarding the
State of Florida vs. Cristian Fernandez

“We are blessed in the 4th circuit to have a great working relationship with Matt Shirk and his Assistant Public Defenders. At no time has that working relationship been more important than on this most unique case, the case of Cristian Fernandez. From the time we learned that a 12 year old committed a murder, our very experienced homicide Assistant State Attorney, Mark Caliel, has been working daily with defense counsel to steer this case in the right direction.”

“Decisions such as this are never easy, but what has made this decision tolerable is a desire on both sides to do the right thing and to do so for all involved: for our victims and for Cristian Fernandez. Mark began working with Assistant Public Defenders Deb Billard and Rob Mason from day one and with the agreement of all involved, the filing decision was delayed until we could gather as much information as possible. After almost three months of intensive study and deliberation, we made the decision to direct file Cristian into adult court to give us the widest range of sentencing options.”

“In a rare move, Mark and I met with Deb and Rob the day before we took this case to the Grand Jury and explained our reason for seeking an Indictment on CF. Of course, their preference was to keep him in juvenile but after considering all of the juvenile options, we had to direct file. The juvenile system is simply inadequate to deal with the multitude of complicated issues presented by this case. Remember, when the juvenile laws were first enacted, no one could have dreamed that kids so young could commit such heinous crimes.”

“There is another aspect that was heavily weighed: The juvenile system is limited to 18 months to possibly 3 years confinement followed by aftercare until the age of 21. The juvenile period of confinement is inadequate for these very serious charges and as to aftercare, this young man literally has no family to which he can be returned to help facilitate rehabilitation.”

“One concern that has been mentioned by several people is ‘Why isn’t the mother responsible?’ We are vigorously prosecuting Cristian Fernandez’s mother who will be held accountable for the lion’s share of this blame. Even considering all of the mitigation, Cristian Fernandez too must be held accountable. Children are taught at an early age not to bite, scratch, or kick ~ surely basic concepts understood even by those who grow up in difficult environments. However, though that does not excuse crime it does mitigate punishment in some cases. This is the reason we have been working so hard towards a solution that will both punish and rehabilitate this young man.

“The misinformation being circulated, primarily by persons who do not live in Florida, who do not understand our laws, and who do not know all of the facts, is rampant and I hope to correct those misimpressions now by issuing this statement.”

“From the day of the Indictment we asked the public not to focus on the charging decision but on the collaborative efforts being made on this case. We asked for prayers for our two year old victim, David, and for Cristian Fernandez. We asked that people bear with us as we did our jobs within the bounds of the Constitution and the laws of the great State of Florida in handling this very difficult and very delicate case. Since the inception of this case, we have never wavered in our determination to accomplish three purposes:

- Seek justice for our tiny 2 year old victim, David
- Protect our community from a person, who, though 12 and though from a troubled background, committed the most serious of offenses: MURDER
- Do our best to structure a sentence that would protect our community yet properly punish and rehabilitate Cristian

We never, ever, demonstrated any intention to seek a life sentence on Cristian Fernandez, nor even a lengthy prison sentence. We also never said this was a premeditated murder, even though Florida law allows for indicting on that theory, but proceeding solely on a felony murder theory. This case is based on just what we charged and can prove beyond a reasonable doubt: a murder that occurred during the Aggravated Child Abuse of a defenseless 37 lb, 2 year old toddler by a 140 lb, 12 year old. This is a classic felony murder under Florida law.”

“Throughout this case, Cristian Fernandez has been in the hands of Matt Shirk’s excellent trial team and in the hands of juvenile forensic psychiatric experts that both the State and Defense agree will give us the best guidance as to how to structure a proper sentence for Cristian Fernandez. We are grateful for Florida laws which allow us to structure a sentence somewhere in between juvenile and adult sanctions that will serve justice in this case.”

“Matt and I, and our lawyers, are committed to continuing to work daily to structure just such a sentence and Judge Mallory Cooper has graciously consented to give us more time to make sure we are armed with all of the knowledge we need to resolve this case. After all, this is one of the most unique and serious cases any of us have ever seen.”

“Due to our rules of ethics, I am not at liberty to discuss the details of Cristian’s background nor am I at liberty to discuss another extremely important aspect of this case that has yet to be made public. Therefore, I cannot publicly correct some of the blatant mistruths being perpetuated across the internet. However, I believe at the conclusion of this case, much of this will be clarified and citizens will see that all of us involved in this case are doing the utmost to handle this unique case appropriately and within the bounds of the law.”