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Albert Algarin

On August 1, 1984, the mother of a four-year-old girl at a Bronx day care center told the Bronx County District Attorney's office that she had taken her child to a doctor who said the girl had been raped.

Detectives quickly began to question other parents of children at the Praca Day Care Center, operated by the Puerto Rican Association for Community Affairs. They heard complaints from a total of 10 children about being abused as many as five separate times. Some of the assaults allegedly took place in closets, others in view of other children and staff and some away from the three-story brick building that housed the center where 150 students and 21 teachers and aides were present daily.

The following day, police descended on the center and arrested Albert Algarin, 21, Herminia Albo, 60, and Jesus Torres, 29. Algarin, a teacher's aide was charged with rape. Albo and Torres, both teachers, were charged with sexual abuse.

By the following week, 60 children had been interviewed and authorities said 18 of them reported being abused—all by the same defendants. The case was one of a wave of allegations of child sex abuse at day care centers across the nation that ultimately were shown to be the product of unreliable testimony from children produced by manipulative interviewing techniques by child welfare workers, therapists and law enforcement.

On September 20, Bronx County District Attorney Mario Merola announced the indictments of Torres, Algarin, and Franklin Beauchamp, 27, a teacher at the center, on more than 100 charges of rape, sodomy and sex abuse of children. The grand jury declined to indict Albo after she took and passed a polygraph examination at

the request of her attorney and testified before the grand jury.

They were tried separately in 1985 and 1986.

Algarin went on trial in October 1985 and the girl who sparked the investigation testified via closed-circuit television that he had raped her. He was convicted of 23 counts of the rape and sexual abuse of five children. On January 15, 1986, he was sentenced to 25 to 50 years in prison.

Torres was convicted in 1986 of three counts of sodomy involving two boys and was sentenced to 25 to 40 years in prison.

Beauchamp was convicted in 1986 of nine counts of rape, sodomy and sexual abuse involving two boys and a girl. He was sentenced to 25 to 75 years in prison.

On appeal, Beauchamp contended the testimony of the children was false and had been produced by improper interviewing techniques.

On May 9, 1989, the New York Court of Appeals set aside Beauchamp's conviction. The court said that the indictment against Beauchamp was so vague, it was virtually impossible to prepare a defense.

"Thus defendant's motion to dismiss should have been granted because the charges...were duplicitous," the court said. The charges were then dismissed and he was released from prison.

In 1990, Torres conviction was set aside by the trial court based on the decision in Beauchamp's case, the charges were dismissed, and he was released.

Algarin's conviction was overturned in 1990 on the same basis and the charges were dismissed and he was released.

In 1994, an investigation of sex abuse cases in New York City by CBS news raised questions about whether any of the abuse had happened and whether the allegations were the result of coercive and suggestive questioning the authorities. The CBS investigation revealed that each of the children had been questioned more than 80 times before trial. At one point, one of the children identified the trial judge as his molester.

– *Maurice Possley*

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State:	New York
County:	Bronx
Most Serious Crime:	Child Sex Abuse
Additional Convictions:	Sexual Assault
Reported Crime Date:	1984
Convicted:	1985
Exonerated:	1990
Sentence:	25 to 50 years
Race:	Hispanic
Sex:	Male
Age:	21
Contributing Factors:	Perjury or False Accusation
Did DNA evidence contribute to the exoneration?:	No

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About the Registry

The National Registry of Exonerations is a joint project of the University of the Michigan Law School and the Center on Wrongful Convictions at Northwestern University School of Law.

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Jesus Torres

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County: Bronx

Most Serious Crime: Child Sex Abuse

Additional Convictions:

Reported Crime Date: 1984

Convicted: 1986

Exonerated: 1990

Sentence: 25 to 40 years

Race: Hispanic

Sex: Male

Age: 29

Contributing Factors: Perjury or False Accusation

Did DNA evidence contribute to the exoneration?
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