



Administrative Office of the Courts

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Supreme Court upholds man's child abuse conviction in the death of a two-year-old in Las Cruces

SANTA FE – The state Supreme Court today affirmed the conviction of a Doña Ana County man for intentional child abuse resulting in the death of a two-year-old girl in 2018.

In a unanimous decision, the Court rejected arguments by Lalo Anthony Castrillo IV that there was not enough evidence for the jury to find that he caused the death of Faviola Rodriguez and that he was wrongly denied a new trial.

The child died while Castrillo was babysitting the toddler overnight when the mother, his girlfriend, was working. An autopsy showed acute head and brain injuries inflicted about the time of the child's death, including bruises on the scalp that indicated multiple impact sites. A doctor with the Office of the Medical Investigator, Dr. Lindsay Smith, testified at the trial that the child's death was caused by a combination of "blunt injuries to her head," including some the girl had previously suffered and were healing.

"Here, the State presented medical evidence such that a reasonable juror could find that the acute blunt force injuries Victim suffered were inflicted while she was in Defendant's exclusive care and that the injuries were not accidental," the Court stated in the decision written by Justice Briana H. Zamora. "Two witnesses testified that on the day she was injured, Victim had no visible bruises or other signs of injury before she was left alone with Defendant."

Additionally, the Court noted, there was evidence that Castrillo delayed calling 911 for more than hour after finding the child in distress. During part of that time, he searched online for medical information, including on "how to get blood pu[m]ping w[hen] child in shock."

Castrillo requested that the district court grant him a new trial based on newly discovered evidence — a photo the child's mother posted on social media after the trial. The photo showed the child with a bruise on her head. At a hearing on the request, the justices noted, "the State presented undisputed evidence that the photo in question was taken six months before Victim's death."

"Because the photo was taken months before both Victim's death and the two earlier injuries Defendant claims caused her death, we conclude that the evidence was not material and therefore

that the district court did not abuse its discretion in denying Defendant's motion for a new trial," the Court wrote.

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To read the decision in *State v. Castrillo*, No. S-1-SC-40801, please visit the New Mexico Compilation Commission's website using the following link:

<https://nmonesource.com/nmos/nmsc/en/item/538209/index.do>