

After Baby's Death in Hot Car, Fundraiser Aims to Bolster Mother's Defense

Zoraida Magali Conde Hernandez faces felony child neglect charge in Arlington jury trial later this month.

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Zoraida Magali Conde Hernandez and two of her children. Nathan, the infant on the right, is the child who died in July. Submitted photo

News this past summer that [an 8-month-old baby boy died after being left in a hot car](#) in Arlington provoked a wide range of reactions — horror, sorrow, anger and, among other feelings, confusion: How can a mother forget her child?

Tom and Crystal O'Neill reacted with sympathy and compassion.

"After having a baby, I became much more sensitive and worried about it happening to us. Because it really can happen to anybody," Crystal O'Neill told Patch. "I'm a busy working mom with a very demanding life. And I can just see that happening. When Tom shared the news, it was heartbreaking. I was heartbroken for her. Because this

happens to loving, caring parents."

Zoraida Magali Conde Hernandez, 32, faces a felony child neglect charge stemming from the incident, which happened July 5 in the 200 block of North Glebe Road in Arlington. The infant, Nathan, had been in her car for about six hours while she was at work.

Conde Hernandez told police she thought she had dropped the little boy off at his Head Start program before going to work. She realized he was still in the car that afternoon after picking up her 2-year-old daughter from daycare. Nathan was unresponsive and, [according to a Washington Post account of a November court hearing](#), he was purple. She rushed the baby to Inova Alexandria Hospital, where he was pronounced dead. Nathan's temperature was 108 degrees.

Tom O'Neill knew Conde Hernandez through the Catholic Diocese of Arlington, where they both worked. He and his wife [are trying to raise \\$50,000 to help cover Conde Hernandez's legal costs](#). Such cases can cost as much as twice that, but Conde Hernandez's attorney, [Rebecca Wade](#), has worked to hold fees down.

"We made a commitment to help her, so that's the most important thing," Wade told Patch.

"These fights are tough," Crystal O'Neill said. "Not only are you having to go through it while you're dealing with the devastation of this loss, and your family's dealing with it, the financial cost is insurmountable."

They've got a long way to go. After several months, they've raised about \$4,000. The fundraising website is www.aidzoraida.com.

There, they share an excerpt from [Gene Weingarten's Pulitzer prize-winning 2009 feature in the Washington Post](#), "Fatal Distraction," which attempts to answer how people can forget their own children.

"What kind of person forgets a baby?," Weingarten asked. "The wealthy do, it turns out. And the poor, and the middle class. Parents of all ages and ethnicities do it. Mothers are just as likely to do it as fathers. It happens to the chronically absent-minded and to the fanatically organized, to the college-educated and to the marginally literate. In the last 10 years, it has happened to a dentist. A postal clerk. A social worker. A police officer. ... A Protestant clergyman. ... An assistant principal. It happened to a mental health counselor, a college professor and a pizza chef. It happened to a pediatrician. It happened to a rocket scientist."

Nationwide, 43 children died from heat stroke in a vehicle in 2013, making it tied as the third-worst year for such deaths since 2000, [according to KidsandCars.org](#), which tracks child non-traffic fatalities.

Conde Hernandez was indicted in November. Her three-day jury trial begins at 9:30 a.m. on Jan. 27 in Arlington County Circuit Court. [Under Virginia law](#), the state must prove that Conde Hernandez harmed her child "by willful act or omission or refusal to provide any necessary care for the child's health..."

If she is found guilty, the law [mandates a punishment](#) of between two and 10 years in prison and a fine of up to \$100,000.

"The case law in my opinion seems to state that a willful act is something that's not accidental. That's why we feel we have a good case — because we feel this was accidental, not willful. The issue for the jury is whether it was a willful act or omission," Wade told Patch.

"...Our hope is that the jurors are able to put aside their emotional reaction to what happened and look at what the law requires, and the law requires willfulness."

Deputy Commonwealth's Attorney Molly Newton, who is prosecuting the case, did not return a call seeking comment. Part of the money Tom and Crystal O'Neill hope to raise is to bring in expert witnesses for the defense, including experts on memory.

"These experts really have an understanding of why and how this kind of tragedy can occur," Crystal O'Neill said.

"Because a lot of people have trouble wrapping their heads around how you can forget a child. But the truth of it is it's not that they've forgotten a child. It's far more complicated than that."

In July, an Arlington judge set a \$25,000 bond for Conde Hernandez and [ordered her not to have unsupervised contact with her four other children](#). Alexandria Child Protective Services later deemed that was unnecessary and asked the court to lift that order, Wade said.

And so, Conde Hernandez is home in Alexandria, raising those four children with the help of her boyfriend and mother.

The O'Neills, an Alexandria couple expecting their second child, are hopeful that people in the greater Washington region will share their sympathy for what Conde Hernandez is going through.

"People are going to react in different ways," Tom O'Neill said. "A lot of people are going to be very sympathetic to her.

Some won't. Probably a lot of people will react sort of like Crystal and I did — that this was clearly an accident. You've got a family that was traumatized by this, and here comes the state, not trying to help her, but to punish her further. I think a lot of people will want to support her in this time of need."

To learn more or make a donation, visit www.aidzoraida.com. Any extra funds will be donated to charity, Tom O'Neill said.

http://arlington-va.patch.com/groups/around-town/p/couple-raising-funds-for-woman-accused-of-leaving-infant-in-hot-car?a_dgi=aolshare_facebook