

In The Custody of Killers

Written by Gina Silva & Martin Burns | MyFoxLa.com
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"A father just ax murdered his son."

This email appeared in my inbox last February. The email's author had been warning me about judges in custody cases. She said they refused to listen to parents and children – even when they had evidence they were in danger. Sometimes, she said, the judges were even taking kids away from moms – just for trying to protecting their kids.

Unbelievable? I thought so , too. She said if I didn't do something, more kids would die. Then 9-year-old Matthew Hernandez was murdered. Yes, with an axe. While he slept on the couch. His father is charged with the murder.

"I told you," my email friend wrote. "Why don't you believe me? "

By then, I did believe her. I had read the clippings she sent, particularly the ones about the murder of Baby Wyatt. That father had posted his death threats all over the internet.

The mother warned judge, who did nothing. The father later shot Wyatt. Then himself.

I read about case after case in Family Court: Judges warned. Mother's desperate pleas – ignored. Children murdered. Two fathers are on trial right now for murdering their kids in these kind of cases.

So when I heard about the funeral for the ax-murdered boy – 9-year-old Matthew Hernandez -- I got in my car and headed north. When I arrived, gospel music filled the large, empty Sacramento church. Matthew's grandmother was draped over Matthew's casket, sobbing right next to his Teddy bear. Soon hundreds of friends, relatives and community members filled the

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pews. It was standing room only. Matthew's young mother, Jessica, looked shattered. She says she warned the judge her ex was dangerous. But he didn't listen. The family says he didn't even investigate. Matthew paid the price.

I was so moved by Matthew's funeral, I wanted to find out how many other judges were warned before they handed over children to dangerous men. I talked to several moms. Many were too devastated to come on television. But not Andrea Gallegos.

Andrea was brave enough to sit in front of our cameras and re-live the horror of having her 2-year-old son, Isaac, murdered. She pleaded with the judge, John M. Pacheco, to look at the photos of Isaac's bruised body – proof that the father was abusing him.

The family says the Pacheco just tossed them aside. Then turned to her, according to court transcripts, and told her she was "over reacting." Then they say, he threatened to take her son away from her if she kept it up. It must be confusing be a judge. Especially in these emotional custody cases. But threatening to take away the son of a 23-year-old mother who is begging for help?

"That's what we do," Judge Pacheco said, according to the court transcript.

In context, it seems he meant that courts give the child to the parent who is most willing to cooperate with the court. The next time little Isaac came home with bruises from his dad, the family told me they didn't know what to do – or who to turn to for help.

That's what this judge did. Silenced a family. And a child died. I hope Judge Pacheco listens to Andrea this time. I hope all Family Court judges listen.

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