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### **Father Gains Custody of Accused Child Killer's Baby**

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By MEGAN O'MATZ, Staff Writer

As accused child murderer Yusimil Herrera rested at Jackson Memorial Hospital on Tuesday after delivering her third daughter, a judge awarded custody of the newborn to Herrera's husband and forbade Herrera to see the baby.

"I don't want there to be any contact whatsoever. Clear?" Miami-Dade Juvenile Court Judge Ellen Sue Venzer told child welfare officials; the baby's father, Tomas Medrano Jr.; and his lawyers.

In a separate courtroom earlier in the day, prosecutors filed second-degree murder charges against Herrera for the May 16 beating of her middle child, Angel Hope. A former foster child who was horribly abused herself, Herrera allegedly told police she slapped Angel, causing her to slam into a wall. She faces up to life in prison.

Medrano, who is not Angel's father and was serving in the Army in Korea at the time of the girl's death, feared that Florida's Department of Children & Families would stand in the way of his raising his daughter, Estefany Angela Medrano, born Monday.

DCF, however, did not object after scrutinizing Medrano's home and background. Department attorney Donna Johnson said the state's only worry was that Herrera may one day reunite with Medrano if she's released from jail.

"What is the status of their relationship?" Venzer demanded.

"Legally married," Brian H. Bieber, Medrano's lawyer, replied. When the judge pressed Bieber on Medrano's intentions regarding the pair's future, Bieber quickly acknowledged "With respect to the marriage, he has not made a filing in domestic court yet but his intentions are not to be married to the mother."

Herrera's defense attorney, Mark Eigarsh, said Herrera was unaware that Medrano plans to divorce her. When told, she "understood completely why he said what he said" Eigarsh explained. "She knows that at this time he had to make a decision in order to get custody of this child."

Medrano was in the delivery room with Herrera on Monday and held her hand throughout, Bieber said. That night, the new parents spent an hour together, under guard, with the baby.

In court appearances in the past few weeks, the couple has looked tenderly at each other across the room, blown kisses and mouthed the words "I love you."

Outside the courthouse Tuesday, Bieber said Medrano determined, after discussions with close family members in recent days, that a divorce "would be in the best interest of this baby."

"She's still the mother of his child. He still cares for her deeply, but... his focus is on his daughter," Bieber said.

In agreeing to award Medrano custody of his daughter, Venzer required him to inform DCF of any change in his address and to secure an inspection of his home when the Army assigns him to a new post outside South Florida, as expected. DCF indicated it will move quickly to sever Herrera's legal rights to the newborn.

At the hospital this week, Herrera ordered pictures of Estefany, whom she may never see again.

Herrera's first child, the product of a rape, was taken from her and adopted when she was still a foster child.

Medrano, who says he never saw Herrera hurt Angel, emerged from the courthouse Tuesday hugging his mother, Maria Alcantara, who moved from New York to help him care for the baby. He was smiling. Beaming even.

"Look at my face," he said when asked how he felt about the ruling.