

Sitter cleared in slay

By MAUREEN FAN

Daily News Staff Writer

A jury has acquitted a Brooklyn baby-sitter accused of crushing to death a 3-year-old foster child who suffered massive chest injuries, two collapsed lungs and liver damage.

Jurors deliberated about two hours before clearing Pamela Carter, 34, of murder and manslaughter charges Tuesday night. They convicted her of criminal mischief, a misdemeanor, for punching her hand through a two-way mirror at the police station.

Police said Carter's own 11-year-old son told them his

mother beat Demetria Melvin because the girl wouldn't sit still to have her hair braided. They also said Carter gave conflicting accounts of how the baby suffered her injuries.

The death occurred in June 1995.

Carter's attorney, Jeffrey Schwartz, said a neighbor testified during the trial that she heard a loud thump, looked into Carter's apartment window immediately across from her own, and saw or heard her run into the next room shouting, "What happened, what happened!"

The neighbor told jurors she heard Carter's son Virgil respond, "Mommy, I hurt her,"

or words to that effect.

This apparently gave jurors reasonable doubt of Carter's guilt, Schwartz said.

"All along, she was trying to cover for her son Virgil because she believed that he had hurt the baby, so she lied to protect him. Her sons were roughhousing, they were playing wild, and the baby ended up falling off the bunk bed and getting hurt," Schwartz said. "I don't know who killed her. Her injuries did, but Pam didn't cause those injuries."

Schwartz said his gratified client had the support of many residents in the Albany Ave. apartment building where both she and the child's foster

mother live. The foster mother, Maria Mallison, is moving out.

Demetria was born to a crack-addicted mother she never knew, law enforcement officials said. But that woman plans to file a \$25 million civil lawsuit against Carter, said lawyer Mark Linder who has filed a notice of claim.

Carter is free pending sentencing May 7 for the misdemeanor, which is punishable by up to one year in jail and/or a \$1,000 fine.

It is unlikely she will go to jail because she has already served more than nine months from the time of her arrest until Tuesday, Schwartz said.