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**ASTORIA MAN CHARGED WITH ASSAULT FOR PEPPER SPRAY ATTACK ON MOTHER
AND BABY ON SUBWAY TRAIN**

Defendant Allegedly Sprayed Woman After She Ignored Defendant's Request to Borrow Phone

Queens District Attorney Melinda Katz announced today that Edward Vargas was charged with assault, reckless endangerment and endangering the welfare of a child for allegedly pepper spraying a mother and her 11-month-old daughter on an M train in Long Island City.

District Attorney Katz said: "It is particularly outrageous when our children are attacked. As alleged, the defendant chose to retaliate against the victims with pepper spray because he did not get what he wanted. Families have every right to use the subway safely without fear of random violence."

Vargas, 34, of 12th Street in Astoria, was arraigned last night on charges of assault in the second and third degrees, reckless endangerment in the second degree and endangering the welfare of a child.

Judge Glenda Hernandez ordered Vargas to return to court July 1. If convicted, he faces up to seven years in prison.

District Attorney Katz said that, according to the charges, on June 20, at approximately 10:50 a.m., Vargas approached a woman who was with her baby on the platform of the 36th Street M and R subway station and asked to use her cell phone to make a call. The woman ignored him.

The mother boarded the train and Vargas followed her, sitting across from her. He allegedly pulled out a can of pepper spray and sprayed her and her baby causing a burning sensation to the woman's eyes, difficulty breathing and redness to her face. The baby started crying and had redness to her face and arm.

The mother and child were taken to a local hospital for treatment.

Assistant District Attorney Chrystina S. Lopera of the District Attorney's Special Victims Bureau is prosecuting the case under the supervision of Assistant District Attorneys Eric Rosenbaum, Bureau Chief, Brian Hughes, Deputy Bureau Chief, and under the overall supervision of Executive Assistant District Attorney for Special Prosecutions Joyce Smith.

Criminal complaints and indictments are accusations. A defendant is presumed innocent until proven guilty.

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