



Preliminary Report	Fatality	3/30/2020
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- 1. Victim:** Emilio Smith – 2-year-old male
- 2. Date of notification to DCS:** 1/5/20
- 3. Date of fatality:** 1/11/20
- 4. Date of determination that the fatality was the result of abuse or neglect*:** 1/9/20
- 5. County and general location of the residence of the victim:** Cochise County – Douglas, AZ
- 6. Alleged perpetrator(s) name, age and city, town or general location:**

Mario Toscano Jr. – age 21 – Douglas, AZ

7. Circumstances of the fatality that indicate it was the result of abuse or neglect:

On January 5, 2020, the Department of Child Safety received a report regarding 2-year-old Emilio Smith who was taken to the hospital after being found unresponsive at home. Emilio was observed to have indications of physical trauma with multiple bruises in various stages of healing. Emilio was pronounced brain dead on January 7, 2020 and was kept on life support until his passing on January 11, 2020. Emilio had been in the care of his mother’s significant other, Mario Toscano Jr. who was indicted on charges of child abuse, aggravated assault and second degree murder on January 9, 2020.

8. Whether DCS has received any reports or past cases, of child abuse, abandonment or neglect involving the child or the current alleged perpetrator(s):**

DCS has received the following prior reports involving Mario Toscano Jr. and/or Emilio Smith:

On June 29, 2018, a report was received alleging neglect to Emilio Smith by his mother. The allegation was substantiated. The investigation assessed Emilio as safe in the care of the other parent and the case was closed.

On August 18, 2018, a report was received alleging neglect by Mario Toscano Jr. to his minor siblings. The investigation assessed the children as safe and the allegations were unsubstantiated. The family was provided with information on community resources and the case was closed.

9. Actions taken by DCS in response to the fatality:

A joint investigation is being conducted with the Cochise County Sheriff’s Department.

10. Actions taken regarding the child and/or other children in the home:

Following an assessment of child safety, a sibling was removed and placed in a licensed foster home.

11. Whether the agency is or intends to provide direct services or service referrals to the family:

The Department is providing services to the family.



ARIZONA
DEPARTMENT
of CHILD SAFETY

Mike Faust, Director
Douglas A. Ducey, Governor

*The determination that a fatality or near fatality is the result of abuse, abandonment or neglect is based one or more of the following criteria: (1) The perpetrator(s) arrest related to the incident, (2) Substantiated finding(s) linking the alleged perpetrator(s) action(s) to the fatality or near fatality and/or (3) Results of the Medical Examiner's report.

** Information released after July 3, 2015 provides reports, or any current or past cases, of abuse, abandonment or neglect involving the child or the alleged perpetrator pursuant to A.R.S. § 8-807.01(A)(1)(e).
Posted information may be updated as new information becomes available.