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SECOND NAPERVILLE MAN GETS PRISON TERM IN 2007 GANG MURDER OF AURORA 15-YEAR-OLD

JUSTIN CAVAZOS SENTENCED TO 60 YEARS; BROTHER WAS GIVEN 75 YEARS

February 15, 2012

The second of two Naperville brothers convicted of murdering a 15-year-old Aurora youth they falsely believed was a rival street gang member has been sent to prison, Justin A. Cavazos, 21 (d.o.b. 11-3-1990), of the 3300 block of Lapp Lane, Naperville, was sentenced today by Circuit Judge Timothy Q. Sheldon to 60 years in the Illinois Department of Corrections for the January 2007 murder of Oscar Rodriguez of Aurora.

On Dec. 6, 2011, Justin Cavazos was convicted by a Kane County jury of two counts of first-degree murder, one count of attempted first-degree murder, a Class X felony, one count of aggravated discharge of a firearm, a Class 1 felony, and one count of unlawful possession of a stolen motor vehicle, a Class 2 felony.

On Dec. 5, 2011, Justin Cavazos' brother, Joshua A. Cavazos was convicted by a separate Kane County jury of two counts of first-degree murder, one count of attempted first-degree murder, a Class X felony, one count of aggravated discharge of a firearm, a Class 1 felony, and one count of unlawful possession of a stolen motor vehicle, a Class 2 felony. In addition, Joshua Cavazos was found to have personally discharged the handgun that caused Oscar Rodriguez's death.

Joshua Cavazos was sentenced by Judge Sheldon to 75 years in prison.

The men were tried in the same courtroom, at the same time, by separate juries with separate defense lawyers.

The afternoon of Jan. 20, 2007, the Cavazos brothers were in a stolen Chevrolet Trailblazer driven by co-defendant Jaime E. Barragan, 22 (d.o.b. 1-18-1990). A fourth co-defendant, David S. Hernandez, 22 (d.o.b. 6-27-1989), was riding in the back seat of the SUV. The men, all gang members, were driving through rival gang territory looking to shoot any member of a rival gang.

At about 2 p.m., as they were near High and Grove streets, they spotted 15-year-old Oscar Rodriguez of Aurora walking with his girlfriend. Someone in the SUV flashed a

gang sign at Oscar Rodriguez to determine his gang affiliation, if any. Justin Cavazos handed a 40-caliber handgun to Hernandez, who was seated next to him in the back seat of the SUV. Hernandez was to shoot Oscar Rodriguez, but decided he couldn't do it. The gun was handed to Joshua Cavazos, who fired four shots through the front passenger window. Three shots struck Rodriguez, who died after being transported to a Chicago hospital. Although Rodriguez's girlfriend was struck with a bullet, she survived.

Barragan's case is pending. He is charged with two counts of first-degree murder, one count of attempted first-degree murder, a Class X felony, one count of aggravated discharge of a firearm, a Class 1 felony, and one count of unlawful possession of a stolen motor vehicle, a Class 2 felony. His next court appearance is scheduled for March 23, 2012, in Courtroom 319 in front of Judge Sheldon. He remains in the Kane County jail in lieu of \$201,000 bail.

On Jan. 10, 2012, Hernandez agreed with the Kane County State's Attorney to a sentence of five years in prison in exchange for a guilty plea to one count of unlawful possession of a stolen motor vehicle, a Class 2 felony, in this case.

Justin Cavazos' sentence was 20 years for the murder conviction plus a mandatory 15-year enhancement because a firearm was used in the commission of the crime, 10 years for the attempted murder plus a mandatory 15-year enhancement because a firearm was used in the commission of the crime. The terms are to be served consecutively. In addition, Cavazos was sentenced to five years on the stolen vehicle charge. That term is to be served concurrent to the other terms.

According to Illinois law, Cavazos must serve 100 percent of the murder sentence and at least 85 percent of the attempted murder sentence. He was given credit for at least 1,173 days served in the Kane County jail.

Justin Cavazos had been held in Kane County jail in lieu of \$2.1 million bail. Bond was revoked upon conviction.

"It took more than five years to bring the Cavazos brothers to justice in this case, so I am pleased that the families of these two victims can finally begin to feel a sense of relief. Likewise, I am pleased that the hard work of so many people has finally paid off," Kane County State's Attorney Joe McMahon said.

"The Cavazos brothers were sentenced to a combined 135 years in prison for terrorizing our community. I hope others understand from these sentences that street gang membership is not heroic or fruitful, not glamorous and not cool. This office remains committed to keeping this community safe from gangs. This sentence demonstrates our commitment.

"Thanks again to Aurora Police Detectives Joe Accardi, Angel Nieves and Guillermo Trujillo, and to Kane County Assistant State's Attorneys Alice Tracy, Bill Engerman and Brian Erwin for their hard work in this case."

The charges against Barragan are not proof of guilt. Barragan is presumed innocent and is entitled to a fair trial in which it is the state's burden to prove guilt beyond a reasonable doubt.