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FIVE YEARS AFTER GANG MURDER OF AURORA 15-YEAR-OLD, JOSHUA CAVAZOS GETS 80-YEAR PRISON SENTENCE CO-DEFENDANT - BROTHER JUSTIN CAVAZOS - TO BE SENTENCED FEB. 15

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Nearly five years to the day after they murdered a 15-year-old boy they falsely believed was a rival street gang member, one of two Naperville brothers has been sentenced to prison for the 2007 shooting death of a 15-year-old Aurora youth.

Joshua A. Cavazos, 22 (d.o.b. 3-31-1989), of the 3300 block of Lapp Lane, Naperville, was sentenced today by Circuit Judge Timothy Q. Sheldon to 80 years in the Illinois Department of Corrections.

On Dec. 5, 2011, Joshua 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. In addition, Joshua Cavazos was found to have personally discharged the handgun that caused the death of the victim, 15-year-old Oscar Rodriguez of Aurora.

On Dec. 6, 2011, Joshua Cavazos' brother, Justin A. Cavazos, 21 (d.o.b. 11-3-1990), also of the 3300 block of Lapp Lane, Naperville, 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.

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

Justin Cavazos is scheduled to be sentenced beginning at 9 a.m. Feb. 15, 2012, in Courtroom 319 in front of Judge Sheldon. On the first-degree murder conviction, Justin Cavazos faces a sentence of between 35 and 75 years in prison.

The afternoon of Jan. 20, 2007, Joshua Cavazos and Justin Cavazos were in a stolen Chevrolet Trailblazer SUV 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 car. 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. Rodriguez's girlfriend was struck with a bullet but was not seriously injured.

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 Feb. 9, 2012, in Courtroom 217 in front of Associate Judge Marmarie Kostelny. 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 connection with Rodriguez's murder.

Joshua Cavazos' sentence breaks down as 25 years for the murder conviction plus a mandatory 25-year enhancement because he personally discharged the firearm that caused Rodriguez's death, 10 years for the attempted murder plus a mandatory 20-year enhancement because he personally discharged the firearm. The terms are to be served consecutively. In addition, Cavazos was sentenced to three years on the stolen vehicle charge. That term is to be served concurrent to the other terms.

In issuing his sentence, Judge Sheldon cited Cavazos' criminal history and his unwavering allegiance to his street gang. "You chose a (street gang) tattoo over your freedom," Judge Sheldon scolded.

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 919 days served in the Kane County jail.

Joshua Cavazos had been held in the Kane County jail in lieu of \$5 million bail, and Justin Cavazos had been held in Kane County jail in lieu of \$2.1 million bail. Bond for both was revoked upon conviction.

"I hope this sentence can bring some sense of peace to Oscar Rodriguez's family. His death was senseless," Kane County State's Attorney Joe McMahon said. "The outcome of this case should be viewed as another example that joining a street gang is a trip down a dead-end road. Our young adults can do better. Our community has repeatedly said that we will not cower under the threat of gang violence, and this office is committed to keeping this community safe from gangs. This prosecution and sentence demonstrates our commitment.

“Thanks 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.