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APPELLATE COURT UPHOLDS ELGIN MAN'S 10-YEAR SENTENCE FOR RENEGING ON AGREEMENT, REFUSING TO TESTIFY AT MURDER TRIAL

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An Illinois Appellate Court has affirmed a Kane County Circuit Court decision to imprison an Elgin man for renegeing on his promise to testify at a murder trial.

The Illinois Appellate Court Second District, in a unanimous decision dated June 26, 2014, upheld Circuit Judge James C. Hallock's 10-year prison sentence for Raul Perez-Gonzalez after Perez-Gonzalez refused to testify in a scheduled 2011 murder trial. That trial had to be moved to 2012 because of Perez-Gonzalez's refusal to testify.

In August 2010, Perez-Gonzalez 23 (d.o.b. 10-22-1990), of the 900 block of Jefferson Avenue, Elgin, agreed with the state's attorney's office to a sentence of 35 years in the Illinois Department of Corrections in exchange for a guilty plea to first-degree murder for his role in the 2009 murder of 22-year-old Paola Rodriguez, of Rochelle. As part of the plea arrangement, Perez-Gonzalez agreed to testify in the murder trial of co-defendant Tony Rosalez, 23 (d.o.b. 8-7-1990), of the 400 block of Sherman Avenue, Elgin, that Rosalez fired the handgun that killed Rodriguez. After he completed his part of the agreement by testifying, the 35-year prison sentence would be reduced to 20 years.

However, in October 2011, days before Rosalez's trial was scheduled to begin, Perez-Gonzalez renegeed on his part of the agreement and was held in contempt of court.

In June 2012, Judge Hallock sentenced Perez-Gonzalez to 10 years in prison for criminal contempt of court. The original 35-year term of Perez-Gonzalez's plea remained intact.

Perez-Gonzalez appealed Judge Hallock's rulings citing several reasons, claiming that his refusal to testify was not punishable as contempt and that the sentence was excessive.

However, in the unanimous opinion written by Justice Mary S. Schostok, the appellate court ruled that Judge Hallock's contempt finding was proper. Further, Justice Schostok, citing previous cases, wrote, "The public is entitled to any man's evidence concerning criminal acts committed by another."

Justice Schostok went on to write that the severity of the sentence given to Perez-Gonzalez “properly deters future witnesses from refusing to testify and obstructing the administration of justice in serious criminal matters.”

Kane County State’s Attorney Joe McMahon said, “This was a murder case, and Raul Perez-Gonzalez knew who committed the murder. But he acted in his own self-interest instead of in the interest of justice and of Paola Rodriguez. His decision was worthy of an additional prison sentence. We appreciate that the appellate court agrees.”

Perez-Gonzalez’s 10-year term is being served consecutive to the 35-year murder sentence he is already serving.

Background

Rosalez was convicted Feb. 29, 2012, by a Kane County jury, of first-degree murder, and sentenced April 18, 2012, to 35 years in prison.

Paola Rodriguez was killed Jan. 30, 2009. Just before 10 p.m., Rosalez was a passenger in a Ford Expedition driven by Perez-Gonzalez. Three others were in the vehicle. The men stopped at a convenience store in the 500 block of Bluff City Boulevard, Elgin, to purchase beer. Across the street was a group of men from a rival street gang, in a Dodge Durango, along with the Rodriguez and her friend, who were in a Pontiac Grand Prix. The men in Rosalez’s group drove across the street and flashed gang signs with their hands at the rivals. The rivals flashed gang signs back, which angered the Rosalez group. A car chase ensued, with the men in the Durango and the two women in the Grand Prix being chased by the Expedition west on Bluff City Boulevard and then north onto Raymond Street. Rosalez fired a single shot that struck the Grand Prix driver, Rodriguez, and killed her.