

## Office of the Kane County State's Attorney



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### **JUDGE REJECTS MARK DOWNS LATEST BID FOR NEW TRIAL CONVICTED IN 2009 OF KILLING 6-YEAR-OLD NICO CONTRERAS**

March 16, 2020

A Kane County judge today denied **Mark A. Downs'** motion for a new trial in the 1996 murder of 6-year-old Nicolas Contreras of Aurora.

A Kane County jury in April 2009 convicted Downs, now 43, of first-degree murder in Contreras' Nov. 10, 1996 murder. A judge later sentenced Downs to 70 years' of imprisonment in the Illinois Department of Corrections.

Downs' co-defendant, **Elias Diaz**, also was convicted of first-degree murder in the case and sentenced to 60 years of imprisonment.

Downs since has challenged numerous aspects of his conviction and sentence.

Late in 2019 Downs asked the court for a new trial claiming that that his attorney was ineffective during his 2009 jury trial. Kane County Circuit Judge Donald M. Tegeler, Jr., heard testimony on three separate dates and issued his ruling today, denying Downs' request.

On Nov. 10, 1996, Diaz was the driver of the vehicle that also contained Downs that drove to a residence on Aurora's near-east side where Diaz believed the target of his retaliation, Nico Contreras' uncle, was sleeping. The residence was the home of Nico Contreras' grandmother. Downs exited the vehicle, crept to the back of the house and fired shots from a handgun through a window where he believed his victim was asleep. However, Nico Contreras was asleep on the bed. Nico was struck in the back with two bullets and killed.

#### **Kane County State's Attorney Joe McMahon said:**

"This office was committed to justice for Nico Contreras, his family and the people of Aurora when Mark Downs and Elias Diaz shot and killed him in 1996 and it maintains that commitment today. Mr. Downs is murderous gang member who continues to try to escape responsibility for his outrageous conduct. I've said many times that gang membership is for losers. Mark Downs and his conduct is another example."

**Mark A. Downs:** Age 43 (d.o.b. 8-11-1976), of the 1800 block of Mulberry Drive, Montgomery, Illinois. Case No. 07CF2986.