



# Office of the District Attorney Stanislaus County

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## **PRESS RELEASE**

### **For Immediate Release**

Date: July 28, 2022  
Re: Impact of Recent Law Changes  
in Juvenile Murder Cases

### **For More Information Contact:**

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Modesto, California - Stanislaus County District Attorney Birgit Fladager announced today that a 13-year-old juvenile has been “adjudicated” (convicted) in the February 16, 2021 murder of 67-year-old Rafael Rodriguez. Deputy District Attorney Jon Appleby prosecuted the case in juvenile court on behalf of the People. After recent law changes, the matter is now set for possible final disposition on August 24, 2022.

On February 16, 2021 at approximately 8:13 p.m., “R.K.,” a minor who was 13 at the time, walked up to the “Dona Sole Comida Mexicana” food truck which was parked near the intersection of Monterey Avenue and Thrasher Avenue in Modesto, California. Within seconds, R.K. pulled out a handgun and shot Rafael Rodriguez in the face before running from the scene. Rodriguez, the 67-year-old owner/operator of the food truck, died from his injuries. Shortly after midnight on February 17, 2021, Modesto Police detectives arrested R.K. and booked him into Juvenile Hall.

Since he was only 13 at the time of the killing, R.K. could not be prosecuted as an adult under current California Law. A petition was filed in Juvenile Court alleging R.K. had committed first degree premeditated murder along with an enhancement for personally using a firearm.

On April 14, 2022, after a lengthy “jurisdictional” hearing (trial) before Judge Ruben Villalobos, the judge found that R.K. had committed first degree murder and had personally used a firearm in murdering Rodriguez. During a “dispositional” (sentencing) hearing on June 29, 2022, victim impact statements from the Rodriguez family were presented to the court. At that time, the options for the minor’s “disposition” (sentencing) were placement in a non-locked group home, a specified period of time in Juvenile Hall or a commitment to “Secure Track.” The maximum period of time that R.K. could have been committed to Juvenile Hall or Secure Track would have been only until his 25<sup>th</sup> birthday in 2032. The case was then continued to August 24, 2022 for further hearing.

“Murder” is the first crime listed under Welfare and Institutions § 707(b), the law that prescribes specific violent crimes for which a minor may be sent to a more secure facility with a greater array of services and programs for rehabilitation. Prior to July 1, 2021, minors who committed a W&I § 707(b) offense such as murder could be committed to the state-run California Youth Authority (CYA) which, in more recent years, was renamed the Division of Juvenile Justice (DJJ).

As of July 1, 2021, however, the State of California suspended receiving any new juvenile commitments to DJJ, proposing instead to completely shut down the state’s DJJ facilities by June 30, 2023. In its place, counties must establish their own local Secure Youth Treatment Facilities (SYTF) to replace DJJ for these minors. In Stanislaus County, the SYTF is referred to as “Secure Track.”

However, the Legislature and Governor were not done with making radical changes in how the application of juvenile justice would be handled in California.

Prior to July 1, 2022, R.K. could have been dispositioned to serve time in the Stanislaus County “Secure Track” program under Welfare and Institutions Code §875 which allowed minors 14 years and older to be committed to that program. However, on June 30, 2022, Governor Newsom signed the state budget document which included a provision to amend the law so that now, as of July 1, 2022, only juveniles who were 14 years old or older at the time they committed their W&I § 707(b) crime could be dispositioned to Secure Track. In the midst of the sentencing process for R.K., the law changed with no notice or opportunity to vet the new law.

Rafael Rodriguez’s juvenile killer is now 15 years old. Due to the law changes made by the Legislature and Governor Newsom, since R.K. was 13 at the time of the murder, he can no longer be committed to Secure Track for his rehabilitation. The only options for his disposition are placement in a non-locked group home or a length of time in the Stanislaus County Juvenile Hall with a guarantee of release from custody by his 25th birthday.

Since the California Supreme Court issued a ruling upholding the change in California Law brought about by SB1391 and Proposition 57 that juveniles under 16 may not be prosecuted as adults for committing violent crimes, this murder will not qualify under California’s “Three Strikes” law as a prior conviction in the event R.K. reoffends and is convicted of a new felony crime after he is released from Juvenile Hall. If it did qualify, it could be used to increase his punishment on any future adult felony convictions.

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