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16-YEAR OLD MALE ACCUSED IN THE “OP NIGHTCLUB BEATING” CERTIFIED TO BE CHARGED AS AN ADULT

El Paso County Attorney Jo Anne Bernal confirmed today that a local 16-year-old male accused of Aggravated Assault with a Deadly Weapon will be charged as an adult after a District Court Judge agreed to certify him to stand trial as an adult.

The allegations stem from a May 7 incident in which 22-year-old Lionel Martinez was brutally beaten by a group of men outside the Old Plantation night club in downtown El Paso.

According to the El Paso Police Department “*the victim was outside the club waiting for a ride when a verbal confrontation began between the victim and six others males at 12:20 a.m., Saturday, May 7, 2011. The confrontation became physical with the six males punching, kicking, and eventually using a bat to hit the victim.*”

Mr. Martinez was transported to University Medical Center (UMC) in critical condition but has since then been released.

On Wednesday August 31, 2011, after hearing the facts of the case, 65th District Court Judge Yahara Lisa Gutierrez certified the juvenile to face charges in the adult criminal justice system.

As a consequence of the certification, the juvenile will remain at the Juvenile Probation Department’s (JPD) Detention Facility awaiting trial. The County Attorney's Office has transferred the case to the District Attorney's Office for prosecution, and they are expected to present the case to a grand jury next week.

Adult certification of a juvenile offender is reserved for the most serious criminal cases. In approving the certification the judge considers four factors:

- Whether the alleged offense was against a person or property, with greater weight in favor of transfer given to offenses against the person.
- The sophistication and maturity of the child.
- The record and previous history of the child.
- The prospects of adequate protection of the public and the likelihood of the rehabilitation of the child by use of procedures, services, and facilities currently available to the juvenile court.

In this case, the court weighed all the factors and determined that it was appropriate to certify. The juvenile is now subject to the full range of penalties available in adult criminal system.

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