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NEWS RELEASE

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**Two Men Charged with Capital Murder
in Montebello Drive-By Shooting**

Two men were charged today with capital murder for a drive-by shooting in Montebello that left one man dead, the Los Angeles County District Attorney's Office announced.

Bernardo Martinez (dob 2/10/97) and Nicholas Rodriguez (dob 1/28/91) are expected to be arraigned this afternoon on charges including one count of murder with the special circumstance allegation that the crime was committed during a drive-by shooting with the intent to kill, making them eligible for the death penalty.

The defendants additionally are charged with two counts of premeditated attempted murder and one count of shooting from a motor vehicle. Rodriguez also faces one count of fleeing a pursuing peace officer's vehicle while driving recklessly.

The charges include gun and gang allegations for both defendants.

Arraignment for case BA471647 is scheduled in Department 30 of the Foltz Criminal Justice Center. Prosecutors are requesting that bail be denied.

In the early hours of Sept. 22, Martinez and Rodriguez allegedly opened fire from a vehicle on a group of people in the 600 block of North Garfield Avenue, prosecutors said.

Montebello police officers responded to a call of shots fired around 1:40 a.m., and found shooting victim Rudy Elguezabal. He was taken by paramedics to a local hospital where he died. Two other people were with Elguezabal during the shooting but were uninjured.

Witnesses provided a description of the shooting suspects' vehicle, which officers with the Monterey Park Police Department spotted soon after. The officers pursued the vehicle and arrested the defendants.

The defendants face the death penalty or life in state prison without the possibility of parole if convicted as charged. A decision on whether to seek capital punishment will be made at a later date.

The case remains under investigation by the Montebello Police Department.

[About the Los Angeles County District Attorney's Office](#)

Los Angeles County District Attorney Jackie Lacey leads the largest local prosecutorial office in the nation. Her staff of nearly 1,000 attorneys, 300 investigators and 800 support staff members is dedicated to protecting our community through the fair and ethical pursuit of justice and the safeguarding of crime victims' rights.