

**Victim Impact Statement of Sylvia Guerrero**  
**January 27, 2006**

Your honor:

My name is Sylvia Guerrero and these men are being sentenced because of their involvement in my daughter's murder. As a judge, I'm sure you can imagine how hard it has been for me to sit through two trials explaining in gruesome detail my daughter's final hours. I appreciate how much work it was for you and your court staff to insure that both of those trials happened in an orderly and fair manner. I thank all of you for your efforts.

I do not have the words to express what I am feeling today. When the first trial began in 2004, I had hoped that I would feel some satisfaction that justice had been done when I finally got in front of you. Instead, I just feel sick.

Nothing anyone does is going to bring Gwen back to me, I know that. I've always known that. I guess I just hoped that knowing that these men, who so callously ended her life, were going to pay for their actions would ease the pain. But it doesn't. I'm not sure anything ever will.

Your honor, Gwen deserved the right to live her life. To grow up into a woman, to love, to succeed, to fail, and to get back up again just like all of the rest of us. It makes no sense to me that these three men and their friends thought that because she was different from them they had the right to murder her.

I had the right to watch my daughter grow up. To see her mature and realize her potential. Her sister had the right to share secrets with her and ask her to baby-sit her nieces and nephews. Her brothers had the right to tease her and to ask her to help them get out of trouble. Her aunts and uncles had the right have her at Christmas dinners and to help plan birthdays for her. And her grandmothers had the right to see themselves in her – even if she was the last place they may have expected it.

Because of these men, none of us will get to do those things. Instead, we've each been given a lifetime sentence of loss and sadness. Each of us, in our own way, will learn to live with those emotions, of course. But I don't think anything will ever completely take them away.

I realize that it is impossible in a case like this for the truth to come out clearly. I do not think that each of these four men were equally at fault for Gwen's murder. And while any one of them could have stopped this from happening, none of them did. I know that two of them regret those decisions very much. Both Jaron Neighbors and Jose Merrill told us so in court. I applaud their bravery for coming forward in different ways and at different times. That is what real men do. They take responsibility for their actions – no matter how imperfect.

Michael Magidson and Jason Cazares, as far as I know, have yet to express even the smallest amount of remorse for what happened to Gwen. Michael and his attorney told you that he didn't mean to kill my daughter. If that were true, wouldn't he have said to me or my family how sorry he was? Jason said he isn't a violent person. If that were true, why did he buy brass knuckles at a local liquor store the day Gwen was murdered?

At the end of the day, both of these young men will have to come to grips with their own denial. If they don't, I would guess that no punishment we can hand out will be as harsh as the nagging guilt they will never be able to get rid of.

However, we do have to punish these men. You have the power to help make sure that Michael is never able to hurt another person the way he did Gwen. I realize that your ability to do so with Jason is limited by his plea bargain, but I hope you tell him clearly that he should be ashamed of himself and that nothing he did that night is worthy of admiration.

My family and I owe a great deal to people in the community who have helped us through this time. People from the families of two of the men found guilty in Gwen's death have taken the time to speak with us and express their sympathy. To them, we are deeply, deeply grateful. We never wanted this trial to be about our family versus anyone else. We have all suffered deeply because of this tragedy and we all have a role to play in making sure that no other families go through what our families have these past three years.

Your honor, on a very personal level, I feel as if the last three years were stolen from me. I have not been myself since Gwen's body was first found. I do not think I'll ever get back to being the person I was. My sons have been most impacted by this. It hurts me that their mommy hasn't been there for them as much as I should have. If I haven't been sick or depressed or busy with the trial, I've been too tired to be much fun.

I haven't worked since the murder either. Before the murder, I was a legal secretary for 16 years. Now, I'm lucky if two days out of three are ones where I can work at all.

I know that putting these men in jail for a long time won't change any of these things. But if they miss birthdays, anniversaries, holidays. If they miss their children growing up, maybe, they'll better understand what they have taken from us. And even if they are celebrating these events in prison or watching the world from their cell, at least they are able to celebrate and watch. Gwen isn't.