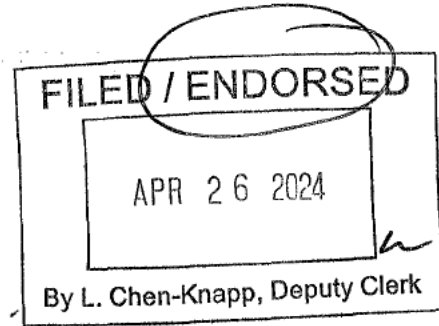


1 ROB BONTA
Attorney General of California
2 BRETT J. MORRIS
Supervising Deputy Attorney General
3 MAGGY KRELL
Deputy Attorney General
4 State Bar No. 226675
ROBYN K. RIEDEL
5 Deputy Attorney General
State Bar No. 297526
6 1300 I Street, Suite 125
P.O. Box 944255
7 Sacramento, CA 94244-2550
Telephone: (916) 210-7550
8 Fax: (916) 322-2368
E-mail: Maggy.Krell@doj.ca.gov
9 E-mail: Robyn.Riedel@doj.ca.gov
Attorneys for the People of the State of California



10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SACRAMENTO

14 **THE PEOPLE OF THE STATE OF CALIFORNIA,**

15 Plaintiff,

16 v.

18 **EDWIN FERNAND**
[REDACTED]

19 Defendant.

Case No. 24GJ0001

FELONY INDICTMENT

21
22 The Grand Jury of the County of Sacramento, State of California, accuses the Defendant,
23 EDWIN FERNAND, of committing the following crimes:
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COUNT I

**CONSPIRACY TO BRING A DEADLY WEAPON INTO A STATE PENAL
INSTITUTION**

On or about or between June 1, 2021 and September 14, 2021, in the counties of Solano and Sacramento, the crime of CONSPIRACY in violation of PENAL CODE SECTION 182(a)(1), a Felony, was committed by EDWIN FERNAND who did willfully and unlawfully conspire together with another person or persons to commit the crime of: BRINING A DEADLY WEAPON INTO PENAL INSTITUTION, a Felony, in violation of PENAL CODE SECTION 4574 subsection (a), that pursuant to and carrying out the objectives of the aforesaid conspiracy the following overt acts were committed:

OVERT ACT 1

Defendant, while employed as a Correctional Officer at Solano State Prison, communicated with an inmate co-conspirator to coordinate the smuggling of contraband to the inmate.

OVERT ACT 2

On August 30, 2021, the incarcerated co-conspirator exchanged text messages with an out-of-custody co-conspirator. The messages included a website called "Oso Grande Knives" and photographs depicting plastic stabbing weapons from the online retailer "Oso Grande Knives".

OVERT ACT 3

The out of custody co-conspirator purchased the weapons and shipped them to Defendant with the expectation that the Defendant would bring the weapons into Solano State Prison for the incarcerated co-conspirator.

OVERT ACT 4

Defendant received monetary compensation from the out-of-custody co-conspirator.

OVERT ACT 5

On September 14, 2021, Defendant was in possession of packaged plastic stabbing weapons at his home in Sacramento County, matching the plastic knives depicted on the Oso Grande website.

///

1 **Special Allegation 1**

2 It is further alleged that as to defendant EDWIN FERNAND, pursuant to California Rules
3 of Court 4.421(a)(8) the manner in which the crime was carried out indicates planning,
4 sophistication, and professionalism.

5 **Special Allegation 2**

6 It is further alleged that as to defendant EDWIN FERNAND, pursuant to California Rules
7 of Court 4.421(a)(11), The defendant took advantage of a position of trust or confidence to
8 commit the offense.

9 **COUNT II**

10 **CONSPIRACY TO BRING ALCOHOL INTO A STATE PENAL INSTITUTION**

11 On or about or between August 1, 2021 and September 14, 2021, in the counties of Solano
12 and Sacramento, the crime of CONSPIRACY in violation of PENAL CODE SECTION
13 182(a)(1), a Felony, was committed by EDWIN FERNAND who did willfully and unlawfully
14 conspire together with another person or persons to commit the crimes of: BRINING ALCOHOL
15 INTO PENAL INSTITUTION, a Felony, in violation of PENAL CODE SECTION 4573.5, that
16 pursuant to and carrying out the objectives of the aforesaid conspiracy the following overt acts
17 were committed:

18 **OVERT ACT 1**

19 On or about August 2, 2021, the Defendant, while employed as a Correctional Officer at
20 Solano State Prison, sent text messages to an incarcerated co-conspirator, planning and
21 coordinating to bring contraband into the Prison the following day.

22 **OVERT ACT 2**

23 On or about August 2, 2021, the Defendant sent a text message to the incarcerated co-
24 conspirator sharing information about the "A Yard" being locked down, in anticipation of
25 coordinating a drop of contraband the following day.

26 ///

27 ///

28 ///

1 **OVERT ACT 3**

2 On or about August 3, 2021, the Defendant received a text message from the incarcerated
3 co-conspirator indicating that the incarcerated co-conspirator was on his way to pick up the items.
4 Defendant communicated via text message that the items were "...in the old spot."

5 **OVERT ACT 4**

6 On or about August 7, 2021, the Defendant sent a text message to the incarcerated co-
7 conspirator acknowledging that he missed a package FedEx was trying to deliver to his home in
8 Sacramento County.

9 **OVERT ACT 5**

10 On or about August 8, 2021, the Defendant exchanged text messages with the incarcerated
11 co-conspirator to coordinate another "drop" of contraband on Monday or Tuesday and then a
12 second "drop" on either Wednesday or Thursday.

13 **OVERT ACT 6**

14 On or about August 8, 2021, Defendant sent the incarcerated co-conspirator a text message
15 clarifying how much money Defendant will receive in exchange for smuggling "brown," "green,"
16 and "patron" into the prison.

17 **OVERT ACT 7**

18 On or about August 9, 2021, Defendant received \$3,000 from the out-of-custody co-
19 conspirator in anticipation of bringing in "3 brown, 7 units and the chargers and cords" the next
20 day.

21 **OVERT ACT 8**

22 On or about August 10, 2021, Defendant exchanged text messages with the incarcerated co-
23 conspirator to confirm the "drop" in the "old spot."

24 **OVERT ACT 9**

25 On or about August 11, 2021, Defendant asked the incarcerated co-conspirator, via text
26 message, "what we doing for tomorrow. Just what's left?" referring to the remainder of the
27 contraband he was planning to bring into the Solano State Prison.

28 ///

1 **OVERT ACT 10**

2 On or about August 11, 2021, defendant sent the incarcerated co-conspirator a text
3 message: “can you shoot an extra hundred for the 3 bottles of Patron. That stuff isn’t cheap”
4 referring to Tequila that the Defendant was smuggling into Solano State Prison.

5 **OVERT ACT 11**

6 On or about August 12, 2021, Defendant sent the incarcerated co-conspirator a text
7 message indicating that he was bringing a “full load” including “sweats and a shirt. 4 bottles.
8 Tech and brown. Way loaded.”

9 **OVERT ACT 12**

10 On or about August 18, 2021 Defendant sends the incarcerated co-conspirator a text
11 confirming that he is bringing “4 bottles. 5 units. 3 brown. Lots of clothes”. Defendant then asks
12 about getting paid.

13 **OVERT ACT 13**

14 On or about September 14, the Defendant was in possession of items that could be
15 used for smuggling alcohol into a correctional facility, such as plastic water bottles and a false
16 Pepsi can, at his home in Sacramento County.

17 **Special Allegation 1**

18 It is further alleged that as to defendant EDWIN FERNAND, pursuant to California Rules
19 of Court 4.421(a)(8) the manner in which the crime was carried out indicates planning,
20 sophistication, and professionalism.

21 **Special Allegation 2**

22 It is further alleged that as to defendant EDWIN FERNAND, pursuant to California Rules
23 of Court 4.421(a)(11), The defendant took advantage of a position of trust or confidence to
24 commit the offense.

25 **COUNT III**

26 **ATTEMPT TO BRING A DEADLY WEAPON INTO A STATE PENAL INSTITUTION**

27 On or about September 14, 2021, in the counties of Solano and Sacramento, State of
28 California, Defendant EDWIN FERNAND, did unlawfully and knowingly attempt to bring a

1 deadly weapon to wit: knife, into the Solano State prison, in violation of Penal Code sections 664
2 and 4574 subsection (a).

3 **Special Allegation 1**

4 It is further alleged that as to defendant EDWIN FERNAND, pursuant to California Rules
5 of Court 4.421(a)(8) the manner in which the crime was carried out indicates planning,
6 sophistication, and professionalism.

7 **Special Allegation 2**

8 It is further alleged that as to defendant EDWIN FERNAND, pursuant to California Rules
9 of Court 4.421(a)(11), The defendant took advantage of a position of trust or confidence to
10 commit the offense.

11 **COUNT IV**

12 **ACCEPTING A BRIBE**

13 On or about or between February 27, 2020 and August 14, 2021, in the counties of Solano
14 and Sacramento, State of California, Defendant EDWIN FERNAND, did unlawfully and
15 knowingly asked for, received, and agreed to receive of and from Inmate Brian Brown and, or co-
16 conspirator Belinda Guerrero a bribe, to wit, monetary payments for the purpose of influencing
17 the action of said defendant and upon an agreement and understanding that the action of said
18 defendant in his official capacity, to wit, Correctional Officer with the California Department of
19 Corrections and Rehabilitation, should be influenced thereby, said defendant being then and there
20 a Ministerial Officer, employee, and appointee of the State of California, in violation of section
21 68 of the California Penal Code.

22 **Special Allegation 1**

23 It is further alleged that as to defendant EDWIN FERNAND, pursuant to California Rules
24 of Court 4.421(a)(8) the manner in which the crime was carried out indicates planning,
25 sophistication, and professionalism.

26 ///

27 ///

28 ///

1 **Special Allegation 2**

2 It is further alleged that as to defendant EDWIN FERNAND, pursuant to California Rules
3 of Court 4.421(a)(11), The defendant took advantage of a position of trust or confidence to
4 commit the offense.

5 **TOLLING OF THE STATUTE OF LIMITATIONS**
6 **STATUTE OF LIMITATIONS – DISCOVERY WITHIN FOUR YEARS (PENAL CODE,**
7 **§§ 801.5, 803(C))**

8 IT IS FURTHER ALLEGED, as described in Penal Code section 803 subsection (c), that
9 the crime charged in count IV was not discovered until August 27, 2021 when an Investigative
10 Services Unit Correctional Sergeant received a text message identifying EDWIN FERNAND as
11 being involved in a smuggling scheme where he was paid to smuggle contraband into the
12 correctional facility. No victims of said violations and no law enforcement agency chargeable
13 with the investigation and prosecution of bribery had actual or constructive knowledge prior to
14 August 2021, at the earliest. Defendant concealed his crimes by concealing the contraband,
15 planning deliveries around security information, and utilizing inmates to avoid detection.

16 A TRUE BILL satisfying the requirements of Penal Code section 940 is hereby entered.

17 

18 **Foreperson of the Grand Jury**

19 **Dated:** 4/26/24
20

21
22 **List of Testifying Witnesses (Pen. Code, § 944)**

- 23 1. Angela Lujan
24 2. Justin Diesslin
25 3. B.G.
26 4. Brian Farnsworth
27 5. Ricky Brown
28 6. Angela Pappas

1 Dated: April ²⁶~~22~~, 2024

Respectfully submitted,

2 ROB BONTA
3 Attorney General of California
4 BRETT J. MORRIS
5 Supervising Deputy Attorney General

6 *Maggy Krell*

7 MAGGY KRELL
8 Deputy Attorney General
9 *Attorney for the People of the State of*
10 *California*

11 SA2023303485
12 38029782.docx

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28