

TULARE COUNTY SUPERIOR COURT DISTRICT
TULARE COUNTY SUPERIOR COURT DIVISION, STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff,

vs.

JOSE PASTOR MAGANA DOB:10/24/1980
MANUEL RODRIGUEZ MUNOZ DOB:03/03/1970
JUAN JOSE URIARTE PARRA DOB:12/22/1984
ERWIN MICHAEL ALVA DOB:10/22/1992
ROSEMARY ALVAREZ DOB:07/16/1985
ERNESTO ALONSO CARRILLO DOB:09/17/1986
CHRISTOPHER DEMELIO PELLEGRIN DOB:01/29/1994
ANA MARIA VALERO DOB:01/06/1981

Defendant(s).

DA No. 14-004462

Court No. VCF296103A-H

**SECOND AMENDED
FELONY COMPLAINT
DEPT: 4**

The undersigned is informed and believes that:

COUNT 1

On or about and between January 30, 2014 and March 4, 2014, in the County of Tulare, the crime of CONSPIRACY TO COMMIT A CRIME, in violation of PENAL CODE SECTION 182(a)(1), a FELONY, was committed by **JOSE PASTOR MAGANA, MANUEL RODRIGUEZ MUNOZ, JUAN JOSE URIARTE PARRA, ROSEMARY ALVAREZ and ERNESTO ALONSO CARRILLO**, who did unlawfully conspire together and with another person and persons whose identity is unknown to commit the crime of TRANSPORTATION OF METHAMPHETAMINE, in violation of Section 11379, of the HEALTH AND SAFETY Code, a Felony and that pursuant to and for the purpose of carrying out the objects and purposes of the aforesaid conspiracy, the said DEFENDANT committed the following overt act and acts at and in the County of TULARE:

1. PLACED AND RECEIVED PHONE CALL
2. DEFENDANTS ARRANGED FOR TRANSPORTATION OF METHAMPHETAMINE
3. CO-CONSPIRATORS TRANSPORTED METHAMPHETAMINE

COUNT 2

On or about March 4, 2014, in the County of Tulare, the crime of POSSESSION FOR SALE OF A CONTROLLED SUBSTANCE , in violation of Health and Safety Code section 11351, a FELONY, was committed by **JOSE PASTOR MAGANA, ERWIN MICHAEL ALVA, ROSEMARY ALVAREZ, ERNESTO ALONSO CARRILLO and CHRISTOPHER DEMELIO PELLEGRIN**, who did unlawfully possess for sale and purchase for sale a controlled substance, to wit, COCAINE.

“NOTICE: Conviction of this offense will require you to register pursuant to Health and Safety Code section 11590. Failure to do so is a crime pursuant to Health and Safety Code section 11594.”

SPECIAL ALLEGATION-PUNISHMENT BY QUANTITY

JOSE PASTOR MAGANA, ERWIN MICHAEL ALVA, ROSEMARY ALVAREZ, ERNESTO ALONSO CARRILLO and CHRISTOPHER DEMELIO PELLEGRIN

It is further alleged that the substance in the above charged offense exceeded 4 KILOGRAMS by weight within the meaning of Health and Safety Code section 11370.4(a) 2.

COUNT 3

On or about March 4, 2014, in the County of Tulare, the crime of POSSESSION FOR SALE OF A CONTROLLED SUBSTANCE, in violation of Health and Safety Code section 11378, a FELONY, was committed by **JOSE PASTOR MAGANA, MANUEL RODRIGUEZ MUNOZ, JUAN JOSE URIARTE PARRA, ROSEMARY ALVAREZ and ERNESTO ALONSO CARRILLO**, who did unlawfully possess for purpose of sale a controlled substance, to wit, METHAMPHETAMINE.

“NOTICE: Conviction of this offense will require you to register pursuant to Health and Safety Code section 11590. Failure to do so is a crime pursuant to Health and safety Code section 11594.”

SPECIAL ALLEGATION-PUNISHMENT BY QUANTITY-EXCEEDS 25 GALS. OR 10 LBS.

JOSE PASTOR MAGANA, MANUEL RODRIGUEZ MUNOZ, JUAN JOSE URIARTE PARRA, ROSEMARY ALVAREZ and ERNESTO ALONSO CARRILLO

It is further alleged, as to the above count, that the substance containing METHAMPHETAMINE exceeded 25 gallons of liquid by volume and 10 pounds of solid substances by weight within the meaning of Health and Safety Code section 11379.8(a)(3).

COUNT 4

On or about and between January 30, 2014 and March 4, 2014, in the County of Tulare, the crime of SALE/TRANSPORTATION/OFFER TO SELL CONTROLLED SUBSTANCE, in violation of Health and Safety Code section 11352(a), a FELONY, was committed by **JOSE PASTOR MAGANA, ERWIN MICHAEL ALVA, ROSEMARY ALVAREZ, ERNESTO ALONSO CARRILLO and CHRISTOPHER DEMELIO PELLEGRIN**, who did unlawfully transport, import into the State of California, sell, furnish, administer, or give away, or attempt to import into the State of California or transport a controlled substance, to wit: COCAINE.

“NOTICE: Conviction of this offense will require you to register pursuant to Health and Safety Code section 11590. Failure to do so is a crime pursuant to Health and Safety Code section 11594.”

SPECIAL ALLEGATION-PUNISHMENT BY QUANTITY

JOSE PASTOR MAGANA, ERWIN MICHAEL ALVA, ROSEMARY ALVAREZ, ERNESTO ALONSO CARRILLO and CHRISTOPHER DEMELIO PELLEGRIN

It is further alleged that the substance in the above charged offense exceeded 4 KILOGRAMS by weight within the meaning of Health and Safety Code section 11370.4(a) 2.

COUNT 5

On or about and between January 30, 2014 and March 4, 2014, in the County of Tulare, the crime of POSSESSION FOR SALE OF COCAINE BASE, in violation of HEALTH & SAFETY CODE SECTION 11351.5, a FELONY, was committed by **JOSE PASTOR MAGANA**, who did willfully and unlawfully possess for sale and purchase for purposes of sale cocaine base.

“NOTICE: If convicted of this offense the court must suspend your driving privileges if you are under the age of 21 years. Vehicle Code Section 13202.5”.

COUNT 6

On or about March 4, 2014, in the County of Tulare, the crime of SALE OF A CONTROLLED SUBSTANCE, in violation of Health and Safety Code section 11379(a), a FELONY, was committed by **JOSE PASTOR MAGANA, MANUEL RODRIGUEZ MUNOZ, JUAN JOSE URIARTE PARRA, ROSEMARY ALVAREZ and ERNESTO ALONSO CARRILLO**, did unlawfully transport, import into the State of California, sell, furnish, administer, and give away, and offer to transport, import into the State of California, sell, furnish, administer, and give away, and attempt to import into the State of California and transport a controlled substance, to wit, METHAMPHETAMINE.

“NOTICE: Conviction of this offense will require you to register pursuant to Health and Safety Code section 11590. Failure to do so is a crime pursuant to Health and safety Code section 11594.”

SPECIAL ALLEGATION-PUNISHMENT BY QUANTITY-EXCEEDS 25 GALS. OR 10 LBS.

**JOSE PASTOR MAGANA, MANUEL RODRIGUEZ MUNOZ, JUAN JOSE URIARTE PARRA,
ROSEMARY ALVAREZ and ERNESTO ALONSO CARRILLO**

It is further alleged, as to the above count, that the substance containing METHAMPHETAMINE exceeded 25 gallons of liquid by volume and 10 pounds of solid substances by weight within the meaning of Health and Safety Code section 11379.8(a)(3).

COUNT 7

On or about and between January 30, 2014 and March 4, 2014, in the County of Tulare, the crime of CONSPIRACY TO COMMIT A CRIME, in violation of PENAL CODE SECTION 182(a)(1), a FELONY, was committed by **JOSE PASTOR MAGANA, ERWIN MICHAEL ALVA, ROSEMARY ALVAREZ, ERNESTO ALONSO CARRILLO and CHRISTOPHER DEMELIO PELLEGRIN**, who did unlawfully conspire together and with another person and persons whose identity is unknown to commit the crime of TRANSPORTATION OF COCAINE, in violation of Section 11352, of the HEALTH AND SAFETY Code, a Felony and that pursuant to and for the purpose of carrying out the objects and purposes of the aforesaid conspiracy, the said DEFENDANT committed the following overt act and acts at and in the County of TULARE:

1. PLACED AND RECEIVED PHONE CALL
2. DEFENDANTS ARRANGED FOR TRANSPORTATION OF COCAINE
3. CO-CONSPIRATORS TRANSPORTED COCAINE

COUNT 8

On or about March 4, 2014, in the County of Tulare, the crime of POSSESSION OF AMMUNITION, in violation of PENAL CODE SECTION 30305(a)(1) a FELONY, was committed by **JOSE PASTOR MAGANA**, who did unlawfully, sell own, possess, and have under control ammunition and reloaded ammunition. It is further alleged that the defendant is prohibited from owning or possessing a firearm pursuant to Chapter 2 and 3 of Division 9 and sections 8100 and 8103 of the Welfare and Institutions Code, having been previously convicted of the following offense(s):

<u>Conv. Date</u>	<u>Case. No.</u>	<u>Crime</u>	<u>Court</u>	<u>Jurisdiction</u>
05-02-01	0112633-255930	US21841(a)(1)	FEDERAL	FRESNO

COUNT 9

On or about November 10, 2013, in the County of Tulare, the crime of SALE OF A CONTROLLED SUBSTANCE, in violation of Health and Safety Code section 11379(a), a FELONY, was committed by **ANA MARIA VALERO**, did unlawfully transport, import into the State of California, sell, furnish, administer, and give away, and offer to transport, import into the State of California, sell, furnish, administer, and give away, and attempt to import into the State of California and transport a controlled substance, to wit, COCAINE.

“NOTICE: Conviction of this offense will require you to register pursuant to Health and Safety Code section 11590. Failure to do so is a crime pursuant to Health and safety Code section 11594.”

SPECIAL ALLEGATION-PUNISHMENT BY QUANTITY

It is further alleged, as to the above count, that the substance containing METHAMPHETAMINE exceeded 25 GALLONS within the meaning of section 11370.4(b)(3) of the Health and Safety Code.

COUNT 10

On or about November 10, 2013, in the County of Tulare, the crime of CONSPIRACY TO COMMIT A CRIME, in violation of PENAL CODE SECTION 182(a)(1), a FELONY, was committed by **ANA MARIA VALERO**, who did unlawfully conspire together and with another person and persons whose identity is unknown to commit the crime of TRANSPORTATION OF A CONTROLLED SUBSTANCE, in violation of Section 11379, of the HEALTH AND SAFETY Code, a Felony and that pursuant to and for the purpose of carrying out the objects and purposes of the aforesaid conspiracy, the said DEFENDANT committed the following overt act and acts at and in the County of TULARE :

- AGREED TO DRIVE CO-CONSPIRATOR MAGA TO PURCHASE METHAMPHETAMINE
- DROVE CO-CONSPIRATOR TO ARRANGED LOCATION TO PURCHASE METHAMPHETAMINE
- FOLLOWED VEHICLE TRANSPORTING METHAMPHETAMINE ALONG WITH CO-CONSPIRATOR MAGANA.

SPECIAL ALLEGATION-PUNISHMENT BY QUANTITY

It is further alleged, as to the above count, that the substance containing METHAMPHETAMINE exceeded 25 GALLONS within the meaning of section 11370.4(b)(3) of the Health and Safety Code.

* * * * *

Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.

Pursuant to People v. Cunningham, the People hereby put the defendant on notice that the aggravated sentence may be sought in this case.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT CONSISTS OF 10 COUNT(S).

Executed at VISALIA DIVISION, California, on March 13, 2014.

ERIC SCOTT
DEPUTY DISTRICT ATTORNEY

Agency: TCSO

<u>DEFENDANT NAME</u>	<u>SEX</u>	<u>RACE</u>	<u>HGT</u>	<u>WGT</u>	<u>EYES</u>	<u>HAIR</u>	<u>COURT DATE</u>	<u>INTAKE STATUS</u>
JOSE PASTOR MAGANA	M	H	511	160	BRO	BLK		PHC
MANUEL RODRIGUEZ MUNOZ	M	H	507	240	BLK	BRO	03/18/2014	PHC
JUAN JOSE URIARTE PARRA	M	H	506	175	BLK	BRO	03/18/2014	PHC
ERWIN MICHAEL ALVA	M	H	600	260	BRO	BLK	03/18/2014	PHC
ROSEMARY ALVAREZ	F	H	501	135	BRO	BRO	03/18/2014	PHC
ERNESTO ALONSO CARRILLO	M	H	506	170	BRO	BLK	03/18/2014	PHC
CHRISTOPHER DEMELIO PELLEGRIN	M	H	603	230	BRO	BLK	03/18/2014	PHC
ANA MARIA VALERO	F	H	504	140	BRO	BLK	03/13/2014	IC

COMPLAINT PROCESSED BY: JLD