

1 LARRY D. MORSE II
Merced County District Attorney
2 2222 "M" Street
Merced, CA 95340
3 (209) 385-7381
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8 THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF MERCED

10 THE PEOPLE OF THE STATE OF CALIFORNIA

Case Number _____

11 Plaintiff,

v.

12 INDICTMENT

13 LAMONT LAVELL ANDREWS, 3/7/1974;
MICHAEL BUDDY BARRET, JR., 8/12/1977;
ERIC DEVON BEAVERS, 6/18/1985;
14 ANTOINE LEE BRIGGS, 2/9/1982;
JARAY JULIUS JASO, 4/25/1979;
15 SUDI DUMAKA JOHNSON, 7/4/1985;
JOSE ASCENCIO MAGANA, 3/7/1985;
16 FREDERICK MAYS, 5/20/1987;
PATRICK MCMURRAY, 1/1/1987;
17 LUTRICIA MARIE MOORE, 9/8/1975;
DAMIEN RICARDO PERRY, 12/14/1982;
18 DENICIO TAYLOR RAMOS, 4/15/1987;
MCKINLEY JABREE SIMS III, 1/6/1977;
19 LESTER ARCHIE TURNER, 8/26/1984;
RANDY LEE TYLER, JR., 10/4/1985;

20 Defendants.
21

22 **COUNT ONE**

23 The Grand Jury of the County of Merced, State of California hereby accuses LAMONT
24 LAVELL ANDREWS, 3/7/1974; MICHAEL BUDDY BARRETT, JR., 8/12/1977; ERIC DEVON
25 BEAVERS, 6/18/1985; ANTOINE LEE BRIGGS, 2/9/1982; SUDI DUMAKA JOHNSON,

1 7/4/1985; JOSE ASCENCIO MAGANA; 3/7/1985; FREDERICK MAYS, 5/20/1987; PATRICK
2 MCMURRAY, 1/1/1987; LUTRICIA MARIE MOORE, 9/8/1975; DAMIEN RICARDO PERRY,
3 12/14/1982; DENICIO TAYLOR RAMOS, 4/15/1987; MCKINLEY JABREE SIMS III, 1/6/1977;
4 LESTER ARCHIE TURNER, 8/26/1984; RANDY LEE TYLER, JR., 10/4/1985; of a felony, to wit:
5 a violation of Penal Code section 182, subdivision (a) (1), Conspiracy to Commit a Crime, to wit: the
6 felony offense of Sale of Cocaine Base, a violation of Health and Safety Code section 11352 in that
7 on or about January 1, 2009 through May 1, 2009 in the County of Merced, State of California,
8 defendants, and each of them, did willfully and unlawfully conspire together and / or with other
9 unnamed co-conspirators to sell the aforementioned controlled substances.

10 OVERT ACTS

11 It is further alleged that the following Overt Acts in furtherance of the above - alleged
12 Conspiracy were done in the State of California:

13 *OVERT ACT #1*

14 Defendants did obtain Cocaine Hydrochloride and Cocaine Base

15 *OVERT ACT #2*

16 Defendants did transport Cocaine Hydrochloride and Cocaine Base.

17 *OVERT ACT #3*

18 Defendants did sell Cocaine Hydrochloride and Cocaine Base.

19 *OVERT ACT #4*

20 Defendants did make phone calls to facilitate the sale of Cocaine Hydrochloride and Cocaine Base.

21 *OVERT ACT #5*

22 Defendants did possess weapons to facilitate the sale of Cocaine Hydrochloride and Cocaine Base.

23 ENHANCEMENT 1

24 It is further alleged that the crime alleged in Count One was committed at the direction of, in
25 association with, or for the benefit of a criminal street gang, to wit: Merced Gangster Crips (MGC),
within the meaning of Penal Code section 186.22, subdivision (b) (1) (A).

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2
3 **COUNT TWO**

4 The Grand Jury of the County of Merced, State of California hereby accuses LAMONT
5 LAVELL ANDREWS, 3/7/1974; MICHAEL BUDDY BARRETT, JR., 8/12/1977; ERIC DEVON
6 BEAVERS, 6/18/1985; ANTOINE LEE BRIGGS, 2/9/1982; SUDI DUMAKA JOHNSON,
7 7/4/1985; JOSE ASCENCIO MAGANA; 3/7/1985; FREDERICK MAYS, 5/20/1987; PATRICK
8 MCMURRAY, 1/1/1987; LUTRICIA MARIE MOORE, 9/8/1975; DAMIEN RICARDO PERRY,
9 12/14/1982; DENICIO TAYLOR RAMOS, 4/15/1987; MCKINLEY JABREE SIMS III, 1/6/1977;
10 LESTER ARCHIE TURNER, 8/26/1984; RANDY LEE TYLER, JR., 10/4/1985; of a felony, to wit:
11 a violation of Penal Code section 182, subdivision (a) (1), Conspiracy to Commit a Crime, to wit: the
12 felony offense of Sale of MDMA (ecstasy), a violation of Health and Safety Code section 11379, in
13 that on or about January 1, 2009 through May 1, 2009 in the County of Merced, State of California,
14 defendants, and each of them, did willfully and unlawfully conspire together and / or with other
15 unnamed co-conspirators to sell the aforementioned controlled substances.

16 **OVERT ACTS**

17 It is further alleged that the following Overt Acts in furtherance of the above - alleged
18 Conspiracy were done in the State of California:

19 *OVERT ACT #1*

20 Defendants did obtain MDMA.

21 *OVERT ACT #2*

22 Defendants did transport MDMA.

23 *OVERT ACT #3*

24 Defendants did sell MDMA.

25 *OVERT ACT #4*

Defendants did make phone calls to facilitate the sale of MDMA.

OVERT ACT #5

1 Defendants did possess weapons to facilitate the sale of MDMA.

2 ENHANCEMENT 1

3 It is further alleged that the crime alleged in Count One was committed at the direction of, in
4 association with, or for the benefit of a criminal street gang, to wit: Merced Gangster Crips (MGC),
5 within the meaning of Penal Code section 186.22, subdivision (b) (1) (A).

6 COUNT THREE

7 The Grand Jury of the County of Merced, State of California hereby accuses LAMONT
8 LAVELL ANDREWS, 3/7/1974; MICHAEL BUDDY BARRETT, JR., 8/12/1977; ERIC DEVON
9 BEAVERS, 6/18/1985; ANTOINE LEE BRIGGS, 2/9/1982; SUDI DUMAKA JOHNSON,
10 7/4/1985; JOSE ASCENCIO MAGANA; 3/7/1985; FREDERICK MAYS, 5/20/1987; PATRICK
11 MCMURRAY, 1/1/1987; LUTRICIA MARIE MOORE, 9/8/1975; DAMIEN RICARDO PERRY,
12 12/14/1982; DENICIO TAYLOR RAMOS, 4/15/1987; MCKINLEY JABREE SIMS III, 1/6/1977;
13 LESTER ARCHIE TURNER, 8/26/1984; RANDY LEE TYLER, JR., 10/4/1985; of a felony, to wit:
14 a violation of Penal Code section 182, subdivision (a) (1), Conspiracy to Commit a Crime, to wit: the
15 felony offense of Sale of Marijuana in violation of Health and Safety Code section 11360 in that on
16 or about January 1, 2009 through May 1, 2009 in the County of Merced, State of California,
17 defendants, and each of them, did willfully and unlawfully conspire together and / or with other
18 unnamed co-conspirators to sell the aforementioned controlled substances.

19 OVERT ACTS

20 It is further alleged that the following Overt Acts in furtherance of the above - alleged
21 Conspiracy were done in the State of California:

22 *OVERT ACT #1*

23 Defendants did obtain Marijuana.

24 *OVERT ACT #2*

25 Defendants did transport Marijuana.

1 *OVERT ACT #3*

2 Defendants did sell Marijuana.

3 *OVERT ACT #4*

4 Defendants did make phone calls to facilitate the transportation and sale Marijuana.

5 *OVERT ACT #5*

6 Defendants did possess weapons to facilitate the sale of Marijuana.

7 ENHANCEMENT 1

8 It is further alleged that the crime alleged in Count One was committed at the direction of, in
9 association with, or for the benefit of a criminal street gang, to wit: Merced Gangster Crips (MGC),
10 within the meaning of Penal Code section 186.22, subdivision (b) (1) (A).

11 **COUNT FOUR**

12 The Grand Jury of the County of Merced, State of California hereby accuses LAMONT
13 LAVELL ANDREWS of a felony, to wit: Sale of a Controlled Substance, in that on or about March
14 17, 2009, in the County of Merced, said defendant did willfully and unlawfully sell Cocaine Base, a
15 violation of Health and Safety Code section 11352.

16 ENHANCEMENT 1

17 It is further alleged that the crime alleged in Count One was committed at the direction of, in
18 association with, or for the benefit of a criminal street gang, to wit: Merced Gangster Crips (MGC),
19 within the meaning of Penal Code section 186.22, subdivision (b) (1) (A).

20 **COUNT FIVE**

21 The Grand Jury of the County of Merced, State of California hereby accuses MICHAEL
22 BUDDY BARRETT, JR. of a felony, to wit: Felon in Possession of a Firearm, in that on or about
23 March 25, 2009, in the County of Merced, said defendant did knowingly, willfully and unlawfully
24 possess a firearm, to wit: a .45 Caliber Handgun, after having been duly convicted of a felony, to wit:
25 Possession for Sale of a Controlled Substance, a violation of Health and Safety code section 11351,
on or about August 14, 1998 in the Superior Court of California, County of Merced, case number
SUF 22467, in violation of Penal Code section 12021 (a) (1).

1 ENHANCEMENT 1

2 It is further alleged that the crime alleged in Count One was committed at the direction of, in
3 association with, or for the benefit of a criminal street gang, to wit: Merced Gangster Crips (MGC),
4 within the meaning of Penal Code section 186.22, subdivision (b) (1) (A).
5

6 COUNT SIX

7 The Grand Jury of the County of Merced, State of California, hereby accuses ERIC DEVON
8 BEAVERS, of a felony, to wit: Sale of a Controlled Substance, in that on or about March 18, 2009, in
9 the County of Merced, said defendant did willfully and unlawfully sell cocaine base, a violation of
10 Health and Safety Code section 11352.

11 ENHANCEMENT 1

12 It is further alleged that the crime alleged in Count One was committed at the direction of, in
13 association with, or for the benefit of a criminal street gang, to wit: Merced Gangster Crips (MGC),
14 within the meaning of Penal Code section 186.22, subdivision (b) (1) (A).

15 ENHANCEMENT 2

16 It is further alleged that defendant ERIC DEVON BEAVERS was previously convicted of a
17 violation of Health and Safety Code section 11351 on or about March 5, 2004, case number
18 MF36670B, in the Superior Court of the State of California, in and for the County of Merced, in
19 violation of Health and Safety Code section 11370.2.

20 ENHANCEMENT 3

21 It is further alleged that at the time of the offense the defendant ERIC DEVON BEAVERS
22 was previously convicted of the felony offense of Possession for Sale of a Controlled Substance, in
23 violation of Health and Safety Code section 11351, on or about March 5, 2004, in the County of
24 Merced, and served a separate term in prison, and that he has not remained free of both prison
25 custody and the commission of an offense which results in a felony conviction, within the meaning of
Penal Code section 667.5, subdivision (b).

COUNT SEVEN

1 The Grand Jury of the County of Merced, State of California hereby accuses ANTOINE LEE
2 BRIGGS of a felony, to wit: Sale of Marijuana, in that on or about March 4, 2009, in the County of
3 Merced, said defendant did willfully and unlawfully sell marijuana, a violation of Health and Safety
4 Code section 11360.

5 ENHANCEMENT 1

6 It is further alleged that the crime alleged in Count One was committed at the direction of, in
7 association with, or for the benefit of a criminal street gang, to wit: Merced Gangster Crips (MGC),
8 within the meaning of Penal Code section 186.22, subdivision (b) (1) (A).

9 ENHANCEMENT 2

10 It is further alleged that at the time of the offense the defendant ANTOINE LEE BRIGGS was
11 previously convicted of the felony offense of Evading Arrest, in violation of Vehicle Code section
12 2800.2, on or about April 23, 2004 in the County of Alameda, and served a separate term in prison,
13 and that he has not remained free of both prison custody and the commission of an offense which
14 results in a felony conviction, within the meaning of Penal Code section 667.5, subdivision (b).

15 COUNT EIGHT

16 The Grand Jury of the County of Merced, State of California hereby accuses JARAY JULIUS
17 JASO of a felony, to wit: Possession for Sale of a Controlled Substance, in that on or about February
18 11, 2009, in the County of Merced, said defendant did willfully and unlawfully possess Cocaine Base
19 for Sale, a violation of Health and Safety Code section 11351.5.

20 COUNT NINE

21 The Grand Jury of the County of Merced, State of California hereby accuses JARAY JULIUS
22 JASO of a felony, in that on or about February 11, 2009, in the County of Merced, in that said
23 defendant did willfully and unlawfully possess Marijuana for Sale, a violation of Health and Safety
24 Code section 11359.

25 COUNT TEN

1 The Grand Jury of the County of Merced, State of California hereby accuses JARAY JULIUS
2 JASO of a felony, to wit: Possession for Sale of Concentrated Cannabis, in that on or about February
3 11, 2009, in the County of Merced, said defendant did willfully and unlawfully possess Concentrated
4 Cannabis for Sale, a violation of Health and Safety Code section 11359.

5
6 **COUNT ELEVEN**

7 The Grand Jury of the County of Merced, State of California hereby accuses JARAY JULIUS
8 JASO of a felony, to wit: Possession of Stolen Property, in that on or about February 11, 2009, in the
9 County of Merced, said defendant did willfully, unlawfully and knowingly buy, receive, possess or
10 conceal stolen property, to wit: a Glock Pistol, the property of another, a violation of Penal Code
section 496.

11 **COUNT TWELVE**

12 The Grand Jury of the County of Merced, State of California hereby accuses SUDI
13 DUMAKA JOHNSON of a felony, to wit: Sale of a Controlled Substance, in that on or about March
14 11, 2009, in the County of Merced, said defendant did willfully and unlawfully sell MDMA or an
analog thereof, a violation of Health and Safety Code section 11379.

15 **ENHANCEMENT 1**

16 It is further alleged that the crime alleged in Count One was committed at the direction of, in
17 association with, or for the benefit of a criminal street gang, to wit: Merced Gangster Crips (MGC),
18 within the meaning of Penal Code section 186.22, subdivision (b) (1) (A).

19 **COUNT THIRTEEN**

20 The Grand Jury of the County of Merced, State of California hereby accuses SUDI
21 DUMAKA JOHNSON of a felony, to wit: Sale of a Controlled Substance, in that on or about March
22 26, 2009, in the County of Merced, said defendant did willfully and unlawfully sell MDMA or an
analog thereof, a violation of Health and Safety Code section 11379.

23 **ENHANCEMENT 1**

1 It is further alleged that the crime alleged in Count One was committed at the direction of, in
2 association with, or for the benefit of a criminal street gang, to wit: Merced Gangster Crips (MGC),
3 within the meaning of Penal Code section 186.22, subdivision (b) (1) (A).
4

5 **COUNT FOURTEEN**

6 The Grand Jury of the County of Merced, State of California hereby accuses JOSE
7 ASCENCIO MAGANA of a felony, to wit: Sale of a Controlled Substance, in that on or about
8 February 26, 2009, in the County of Merced, said defendant did willfully and unlawfully sell cocaine,
9 a violation of Health and Safety Code section 11352.

10 **ENHANCEMENT 1**

11 It is further alleged that the crime alleged in Count One was committed at the direction of, in
12 association with, or for the benefit of a criminal street gang, to wit: Merced Gangster Crips (MGC),
13 within the meaning of Penal Code section 186.22, subdivision (b) (1) (A).

14 **COUNT FIFTEEN**

15 The Grand Jury of the County of Merced, State of California hereby accuses JOSE
16 ASCENCIO MAGANA of a felony, to wit: Sale of in Lieu of a Controlled Substance, in that on or
17 about March 25, 2009, in the County of Merced, in that said defendant did willfully and unlawfully
18 agree, consent and offer to sell a controlled substance, to wit: cocaine, and did then sell a substance or
19 material in lieu of said controlled substance, a violation of Health and Safety Code section 11355.

20 **ENHANCEMENT 1**

21 It is further alleged that the crime alleged in Count One was committed at the direction of, in
22 association with, or for the benefit of a criminal street gang, to wit: Merced Gangster Crips (MGC),
23 within the meaning of Penal Code section 186.22, subdivision (b) (1) (A).
24

25 **COUNT SIXTEEN**

The Grand Jury of the County of Merced, State of California hereby accuses FREDERICK
MAYS of a felony, to wit: Sale of a Controlled Substance, in that on or about March 10, 2009, in the
County of Merced, said defendant did willfully and unlawfully sell MDMA or an analog thereof, a
violation of Health and Safety Code section 11379.

1 the benefit of, at the direction of or in association with a criminal street gang, to wit: Merced
2 Gangster Crips (MGC), within the meaning of Penal Code section 186.22, subdivision (d).

3 ENHANCEMENT 1

4 It is further alleged that the crime alleged in Count One was committed at the direction of, in
5 association with, or for the benefit of a criminal street gang, to wit: Merced Gangster Crips (MGC),
6 within the meaning of Penal Code section 186.22, subdivision (b) (1) (A).

7 COUNT TWENTY

8 The Grand Jury of the County of Merced, State of California hereby accuses DAMIEN
9 RICARDO PERRY of a felony, to wit: Sale of a Controlled Substance, in that on or about February
10 19, 2009, in the County of Merced, said defendant did willfully and unlawfully sell MDMA or an
11 analog thereof, a violation of Health and Safety Code section 11379.

12 ENHANCEMENT 1

13 It is further alleged that the crime alleged in Count One was committed at the direction of, in
14 association with, or for the benefit of a criminal street gang, to wit: Merced Gangster Crips (MGC),
15 within the meaning of Penal Code section 186.22, subdivision (b) (1) (A).

16 COUNT TWENTY ONE

17 The Grand Jury of the County of Merced, State of California, hereby accuses DAMIEN
18 RICARDO PERRY of a felony, to wit: Sale of a Controlled Substance, in that on or about February
19 25, 2009, in the County of Merced, said defendant did willfully and unlawfully sell MDMA or an
20 analog thereof, a violation of Health and Safety Code section 11379.

21 ENHANCEMENT 1

22 It is further alleged that the crime alleged in Count One was committed at the direction of, in
23 association with, or for the benefit of a criminal street gang, to wit: Merced Gangster Crips (MGC),
24 within the meaning of Penal Code section 186.22, subdivision (b) (1) (A).

25 COUNT TWENTY TWO

The Grand Jury of the County of Merced, State of California, hereby accuses DENICIO
TAYLOR RAMOS of a felony, to wit: Sale of Marijuana, in that on or about February 19, 2009, in

1 the County of Merced, in that said defendant did willfully and unlawfully sell marijuana, a violation
2 of Health and Safety Code section 11360.

3 ENHANCEMENT 1

4 It is further alleged that the crime alleged in Count One was committed at the direction of, in
5 association with, or for the benefit of a criminal street gang, to wit: Merced Gangster Crips (MGC),
6 within the meaning of Penal Code section 186.22, subdivision (b) (1) (A).

7 COUNT TWENTY THREE

8 The Grand Jury of the County of Merced, State of California, hereby accuses DENICIO
9 TAYLOR RAMOS of a felony, to wit: Felon in Possession of a Firearm, in that on or about February
10 19, 2009, in the County of Merced, said defendant did knowingly, willfully and unlawfully possess a
11 firearm, to wit: a .357 handgun, after having been duly convicted of a felony, to wit: Burglary, in
12 violation of Penal Code section 459, on or about March 27, 2006 in the Superior Court of California,
13 County of Merced, case number MF42809, a violation of Penal Code section 12021 (a) (1).

14 ENHANCEMENT 1

15 It is further alleged that the crime alleged in Count One was committed at the direction of, in
16 association with, or for the benefit of a criminal street gang, to wit: Merced Gangster Crips (MGC),
17 within the meaning of Penal Code section 186.22, subdivision (b) (1) (A).

18 COUNT TWENTY FOUR

19 The Grand Jury of the County of Merced, State of California, hereby accuses DENICIO
20 TAYLOR RAMOS of a felony, to wit: Possession for Sale of Marijuana, in that on or about February
21 24, 2009, in the County of Merced, in that said defendant did willfully and unlawfully possess
22 marijuana for sale, a violation of Health and Safety Code section 11359.

23 ENHANCEMENT 1

24 It is further alleged that the crime alleged in Count One was committed at the direction of, in
25 association with, or for the benefit of a criminal street gang, to wit: Merced Gangster Crips (MGC),
within the meaning of Penal Code section 186.22, subdivision (b) (1) (A).

COUNT TWENTY FIVE

1 The Grand Jury of the County of Merced, State of California, hereby accuses DENICIO
2 TAYLOR RAMOS of a felony, to wit: Felon in Possession of a Firearm, in that on or about February
3 24, 2009, in the County of Merced, said defendant did knowingly, willfully and unlawfully possess a
4 firearm, to wit: three handguns (a Bryco 9mm pistol; a Beretta .22 pistol; and a Sig Sauer .380 pistol),
5 after having been duly convicted of a felony, to wit: Burglary, a violation of Penal Code section 459,
6 on or about March 27, 2006 in the Superior Court of California, County of Merced, case number
7 MF42809, a violation of Penal Code section 12021 (a) (1).

8 ENHANCEMENT 1

9 It is further alleged that the crime alleged in Count One was committed at the direction of, in
10 association with, or for the benefit of a criminal street gang, to wit: Merced Gangster Crips (MGC),
11 within the meaning of Penal Code section 186.22, subdivision (b) (1) (A).

12 COUNT TWENTY SIX

13 The Grand Jury of the County of Merced, State of California, hereby accuses DENICIO
14 TAYLOR RAMOS of a felony, to wit: Felon in Possession of a Firearm, in that on or about April 3,
15 2009, in the County of Merced, said defendant did knowingly, willfully and unlawfully possess a
16 firearm, to wit: a .38 Caliber Handgun, after having been duly convicted of a felony, to wit: Burglary,
17 a violation of Penal Code section 459, on or about March 27, 2006 in the Superior Court of
18 California, County of Merced, case number MF42809, a violation of Penal Code section 12021 (a)
19 (1).

20 ENHANCEMENT 1

21 It is further alleged that the crime alleged in Count One was committed at the direction of, in
22 association with, or for the benefit of a criminal street gang, to wit: Merced Gangster Crips (MGC),
23 within the meaning of Penal Code section 186.22, subdivision (b) (1) (A).

24 COUNT TWENTY SEVEN

25 The Grand Jury of the County of Merced, State of California, hereby accuses MCKINLEY
JABREE SIMS III of a felony, to wit: Sale of a Controlled Substance, in that on or about March 11,

1 2009, in the County of Merced, said defendant did willfully and unlawfully sell MDMA or an analog
2 thereof, a violation of Health and Safety Code section 11379.

3 ENHANCEMENT 1

4 It is further alleged that the crime alleged in Count One was committed at the direction of, in
5 association with, or for the benefit of a criminal street gang, to wit: Merced Gangster Crips (MGC),
6 within the meaning of Penal Code section 186.22, subdivision (b) (1) (A).

7
8 COUNT TWENTY EIGHT

9 The Grand Jury of the County of Merced, State of California, hereby accuses LESTER
10 ARCHIE TURNER III of a felony, to wit: Sale of Marijuana, in that on or about March 4, 2009, in
11 the County of Merced, said defendant did willfully and unlawfully sell marijuana, a violation of
12 Health and Safety Code section 11360.

13 ENHANCEMENT 1

14 It is further alleged that the crime alleged in Count One was committed at the direction of, in
15 association with, or for the benefit of a criminal street gang, to wit: Merced Gangster Crips (MGC),
16 within the meaning of Penal Code section 186.22, subdivision (b) (1) (A).

17 COUNT TWENTY NINE

18 The Grand Jury of the County of Merced, State of California, hereby accuses RANDY LEE
19 TYLER, JR., of a felony, to wit: Sale of a Controlled Substance, in that on or about February 18,
20 2009, in the County of Merced, said defendant did willfully and unlawfully sell cocaine base, a
21 violation of Health and Safety Code section 11352.

22 ENHANCEMENT 1

23 It is further alleged that the crime alleged in Count One was committed at the direction of, in
24 association with, or for the benefit of a criminal street gang, to wit: Merced Gangster Crips (MGC),
25 within the meaning of Penal Code section 186.22, subdivision (b) (1) (A).

ENHANCEMENT 2

1 It is further alleged that defendant RANDY LEE TYLER, JR. was previously convicted of a
2 violation of Health and Safety Code section 11351 on or about July 27, 2005, case number MF39418,
3 in the Superior Court of the State of California, in and for the County of Merced, in violation of
4 Health and Safety Code section 11370.2.

5 ENHANCEMENT 3

6 It is further alleged that at the time of the offense the defendant RANDY LEE TYLER, JR
7 was previously convicted of the felony offense of Possession for Sale of a Controlled Substance, in
8 violation of Health and Safety Code section 11351, on or about July 27, 2005, in the County of
9 Merced, and served a separate term in prison, and that he has not remained free of both prison
10 custody and the commission of an offense which results in a felony conviction, within the meaning of
11 Penal Code section 667.5, subdivision (b).

12 COUNT THIRTY

13 The Grand Jury of the County of Merced, State of California, hereby accuses RANDY LEE
14 TYLER, JR., of a felony, to wit: Sale of a Controlled Substance, in that on or about February 25,
15 2009, in the County of Merced, said defendant did willfully and unlawfully sell cocaine base, a
16 violation of Health and Safety Code section 11352.

17 ENHANCEMENT 1

18 It is further alleged that the crime alleged in Count One was committed at the direction of, in
19 association with, or for the benefit of a criminal street gang, to wit: Merced Gangster Crips (MGC),
20 within the meaning of Penal Code section 186.22, subdivision (b) (1) (A).

21 ENHANCEMENT 2

22 It is further alleged that defendant RANDY LEE TYLER, JR. was previously convicted of a
23 violation of Health and Safety Code section 11351 on or about July 27, 2005, case number MF39418,
24 in the Superior Court of the State of California, in and for the County of Merced, in violation of
25 Health and Safety Code section 11370.2.

ENHANCEMENT 3

It is further alleged that at the time of the offense the defendant RANDY LEE TYLER, JR
was previously convicted of the felony offense of Possession for Sale of a Controlled Substance, in

1 violation of Health and Safety Code section 11351, on or about July 27, 2005, in the County of
2 Merced, and served a separate term in prison, and that he has not remained free of both prison
3 custody and the commission of an offense which results in a felony conviction, within the meaning of
4 Penal Code section 667.5, subdivision (b).

5 **COUNT THIRTY ONE**

6 The Grand Jury of the County of Merced, State of California hereby accuses LAMONT
7 LAVELL ANDREWS, 3/7/1974; MICHAEL BUDDY BARRET, JR., 8/12/1977; ERIC DEVON
8 BEAVERS, 6/18/1985; ANTOINE LEE BRIGGS, 2/9/1982; SUDI DUMAKA JOHNSON,
9 7/4/1985; JOSE ASCENCIO MAGANA; 3/7/1985; FREDERICK MAYS, 5/20/1987; PATRICK
10 MCMURRAY, 1/1/1987; LUTRICIA MARIE MOORE, 9/8/1975; DAMIEN RICARDO PERRY,
11 12/14/1982; DENICIO TAYLOR RAMOS, 4/15/1987; MCKINLEY JABREE SIMS III, 1/6/1977;
12 LESTER ARCHIE TURNER, 8/26/1984; RANDY LEE TYLER, JR., 10/4/1985; of a felony, to wit:
13 Active Participation in a Criminal Street Gang, to wit: Merced Gangster Crips (MGC), in that on or
14 about February 2009 through the present, in the County of Merced, State of California, defendants
15 and each of them did willfully and unlawfully commit a violation of Penal Code section 186.22,
16 subdivision (a), Active Participation in a Criminal Street Gang.

17 LARRY D. MORSE II,
18 DISTRICT ATTORNEY

19 By _____
20 Mark V. Bacciarini, Deputy District Attorney

21 "A TRUE BILL"

22 _____
23 Foreperson of the Grand Jury

24 Dated: May _____, 2009

1 Pursuant to Penal Code section 1054.5, subdivision (b) the People are hereby informally
2 requesting that defendant and his or her attorney provide to the People the discovery required by
3 Penal Code section 1054.3. This is a continuing request pursuant to the provisions of Penal Code
4 section 1054.7.

5 WITNESSES EXAMINED BEFORE THE GRAND JURY:

6 Detective Brian Bubar, San Pablo Police Department

7 Agent Mark Jenkins, Merced Multi Agency Gang Task Force

8 Confidential Witness 1

9 Agent Ryan Pontecorvo, California DOJ, Bureau of Narcotics Enforcement

10 Criminalist John Styer, California Department of Justice, Ripon Crime Lab

11 Agent Lorin Mann, Merced Multi Agency Gang Task Force

12 Agent Jose Pacheco, Merced Multi Agency Gang Task Force

13 Agent Shane Kensey, Merced Multi Agency Gang Task Force