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12 IN THE SUPERIOR COURT, STATE OF CALIFORNIA
13 COUNTY OF SAN DIEGO
14 GRAND JURY INVESTIGATION
15

16 PEOPLE OF THE STATE OF CALIFORNIA,
17 Plaintiff,

18 v.

CASE NO. SCD193847

AMENDED INDICTMENT

19 PATRICK RALPH PONCE (DOB 8/5/65)
20 MARCO ARAUJO (DOB 6/22/55)
RICHARD BUCHANAN
21 aka RICHARD GARCIA (DOB 9/28/54)
JUAN CORDERO (DOB 4/12/78)
22 RAUL ANTONIO CRUZ, JR. (DOB 11/20/76)
JOSE ESPINOZA (DOB 3/11/84)
23 ANTHONY EDWARD FAVELA (5/23/72)
JUAN ANTONIO HORNBACK (DOB 6/28/78)
24 JUDY ANN HUERTA (12/6/70)
ARMANDO SALVADOR LEON (10/28/60)
25 DAVID PAEZ MARTINEZ (DOB 5/20/77)
RAUL VEGA MEJIA (DOB 10/30/72)
26 RUBY FLORES MENDEZ (DOB 6/6/74)
JORGE CUEVAS MENDOZA (DOB 9/24/84)
27 LUIS HECTOR MUNOZ, JR. (DOB 1/3/80)
VICTORIANO ORTIZ (DOB 9/21/79)
28 ANTONIO PADILLA (DOB 11/9/75)

1 JAIME ALEJANDRO PEREZ (DOB 9/4/83)
MAX PONCE, JR. (DOB 6/22/56)
2 EDEN MACIAS PORTUGAL (DOB 7/26/75)
GERARDO ROBLES (DOB 7/4/80)
3 EZEQUIEL ERNESTO RODRIGUEZ (DOB 11/9/70)
VICTOR RUBY (DOB 12/14/71)
4 REFUGIO CASTELLANOS SERVIN (DOB 7/20/66)
BRIAN MARK SMITH (DOB 1/15/76)
5 MARICELA SMITH (DOB 6/12/61)
MANUEL ESTRADA SOLAREZ (DOB 10/19/55)
6 JOSE ALBERTO TAMAYO (DOB 1/5/74)
ANTHONY GABRIEL VALLES (DOB 4/15/62)
7 MARC ANTHONY VILLASENOR (DOB 12/28/78)
JOSE MANUEL ZEPEDA (DOB 6/3/78)

8 Defendants.
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10 The Grand Jury of the County of San Diego, State of California, hereby accuses the
11 Defendant(s) of committing, in the counties of San Diego and Imperial, State of California,
12 the following crime(s):

13 **COUNT 1 (Pen. Code, § 182, subd. (a)(1))**

14 **CONSPIRACY TO COMMIT A CRIME**

15 On or about and between November 2005 and July 19, 2007, MARCO ARAUJO,
16 RICHARD BUCHANAN aka "RITCHIE", JUAN CORDERO aka "POLLO", RAUL ANTONIO
17 CRUZ, JR., JOSE ESPINOZA aka "CHUCK", ANTHONY EDWARD FAVELA aka
18 "SHADOW", JUAN ANTONIO HORNBACK aka "DUKE", JUDY ANN HUERTA, ARMANDO
19 SALVADOR LEON aka "FOOKSIE", DAVID PAEZ MARTINEZ aka "DEEBO", RAUL VEGA
20 MEJIA aka "POLLO", RUBY FLORES MENDEZ, JORGE CUEVAS MENDOZA aka
21 "TWINX", LUIS HECTOR MUNOZ JR. aka "CLEPTO", ANTONIO PADILLA aka "CASPER",
22 JAIME PEREZ aka "BEEF", MAX PONCE JR., PATRICK RALPH PONCE aka "PATO" aka
23 "DONALD", EDEN MACIAS PORTUGAL aka "FLACA", GERARDO ROBLES, EZEQUIEL
24 ERNESTO RODRIGUEZ aka "NETO", VICTOR RUBY aka "OUTLAW", REFUGIO
25 CASTELLANOS SERVIN, BRIAN MARK SMITH aka "DUSTY", MARICELA SMITH,
26 MANUEL SOLAREZ aka "CHILE", JOSE TAMAYO aka "DRAK", ANTHONY GABRIEL
27 VALLES aka "GUERO", VICTORIANO ORTIZ aka "CYCO", MARC ANTHONY
28

1 VILLASENOR aka "JOKER", and JOSE ZEPEDA, did unlawfully conspire together and with
2 another person and persons whose identity is unknown to commit ongoing crimes of
3 EXTORTION (Pen. Code, § 520) and TRANSPORTING/SELLING/FURNISHING
4 CONTROLLED SUBSTANCES (Health & Saf. Code, §§ 11352, subd. (a), and 11379,
5 subd. (a)), in violation of PENAL CODE SECTION 182, subdivision (a)(1).

6 The object of the conspiracy was to profit from the ongoing collection of monies
7 extorted from individuals and the sale of narcotics. The conspiracy was committed at the
8 direction of, in association with, and for the benefit of the criminal street gang known as the
9 "Mexican Mafia."

10 Thereafter, in the counties of San Diego and Imperial, State of California, pursuant
11 to the above conspiracy and in furtherance of the objects thereof, the following overt acts
12 were committed:

13 **OVERT ACT NO. 1**

14 In November 2005, Patrick Ponce told a confidential source he had obtained
15 authority from Richard Buchanan in San Diego to represent the Mexican Mafia in the
16 Imperial County.

17 **OVERT ACT NO. 2**

18 On or about January 19, 2006, a meeting was held where Patrick Ponce discussed
19 his authority to conduct extortion activities on behalf of the Mexican Mafia and that the
20 monies collected would be sent to San Diego.

21 **OVERT ACT NO. 3**

22 On or about January 21, 2006, a meeting was held where Patrick Ponce instructed
23 those in attendance if any problems arose in collecting taxes, he would send individuals
24 from outside the area to act as "enforcers."

25 **OVERT ACT NO. 4**

26 On February 4, 2006, Brian Smith and Anthony Favela traveled from San Diego to
27 El Centro for a meeting with Patrick Ponce, Max Ponce Jr., Gabriel Valles, Ezequiel
28 Rodriguez, Jose Tamayo and others at Gomez Park and Ezequiel Rodriguez's residence

1 to validate that Patrick Ponce had authority to conduct activities on behalf of the Mexican
2 Mafia in the Imperial County.

3 **OVERT ACT NO. 5**

4 On February 11, 2006, Patrick Ponce conducted meetings at residences in Heber
5 and Calexico where he reiterated his authority to act on behalf of the Mexican Mafia.

6 **OVERT ACT NO. 6**

7 On or about February 11, 2006, Patrick Ponce advised a confidential source that he
8 retains copies of the money orders he sends to San Diego as proof he is paying his dues
9 to Richard Buchanan/San Diego Mexican Mafia members.

10 **OVERT ACT NO. 7**

11 On or about February 27, 2006, Patrick Ponce conducted a meeting at City Cab
12 where tax amounts were discussed.

13 **OVERT ACT NO. 8**

14 On or about March 2, 2006, Patrick Ponce offered to sell heroin to a confidential
15 source for \$600 an ounce.

16 **OVERT ACT NO. 9**

17 On or about March 2, 2006, Patrick Ponce told a confidential source that he was
18 providing Brian Smith with pound quantities of methamphetamine to support Mexican Mafia
19 narcotics distribution in San Diego.

20 **OVERT ACT NO. 10**

21 On or about March 2, 2006, Patrick Ponce sent a warning to others not to discuss
22 "business" over their cellular telephones.

23 **OVERT ACT NO. 11**

24 On March 13, 2006, Patrick Ponce and Ezequiel Rodriguez went to Calexico to
25 collect taxes from several individuals.

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28 **OVERT ACT NO. 12**

1 On March 13, 2006, Patrick Ponce, while in El Centro, attempted to find Jessie
2 Zepeda Nunez Jr. aka "Little Chino" who he had instructed to murder another individual.

3 **OVERT ACT NO. 13**

4 On March 15, 2006, Patrick Ponce made arrangements to sell methamphetamine
5 that evening.

6 **OVERT ACT NO. 14**

7 On March 16, 2006, Jorge Mendoza called Patrick Ponce from the Imperial County
8 jail and they discussed how Jorge Mendoza had control over taxation at the jail.

9 **OVERT ACT NO. 15**

10 On December 22, 2005, March 17, 2006, May 7, 2006, and June 10, 2007, Maricela
11 Smith deposited money into Richard Buchanan's account at the San Diego County jail.

12 **OVERT ACT NO. 16**

13 On or about June 1, 2006, Patrick Ponce had a meeting at City Cab with Raul Vega
14 Mejia and others where he demanded they start taxing bigger targets, such as major drug
15 traffickers and alien smugglers.

16 **OVERT ACT NO. 17**

17 On June 4, 2006, September 10 and 30, 2006, December 3 and 25, 2006,
18 January 28, 2007, March 18, 2007, and June 3 and 24, 2007, Eden Macias Portugal visited
19 Richard Buchanan at the San Diego County jail.

20 **OVERT ACT NO.18**

21 On June 4, 2006, December 25, 2006, January 28, 2007, March 18, 2007, and June
22 24, 2007, Eden Macias Portugal deposited money into Richard Buchanan's account at the
23 San Diego County jail.

24 **OVERT ACT NO. 19**

25 On June 4 and 26, 2006, September 2, 2006, November 12 and 29 2006,
26 January 29, 2007, March 19 and 28, 2007, and May 21, 2007, Maricela Smith visited
27 Richard Buchanan at the San Diego County jail.

28 **OVERT ACT NO. 20**

1 On or about June 13, 2006 Refugio Servin wrote a letter to Patrick Ponce reporting
2 the failure of an attempt to smuggle drugs into the jail and listing various inmates in the jail.

3 **OVERT ACT NO. 21**

4 On July 9, 2006, Gabriel Valles visited Refugio Servin in the Imperial County Jail to
5 relay messages from Patrick Ponce.

6 **OVERT ACT NO. 22**

7 On July 19, 2006, Patrick Ponce made arrangements for Gerardo Robles to deliver
8 heroin to a confidential source.

9 **OVERT ACT NO. 23**

10 On or about July 26, 2006, Refugio Servin told Juan Roman that Patrick Ponce gave
11 instructions that Roman was to take the blame for the firearms found by police during a
12 traffic stop on July 23, 2006, where Raul Vega Mejia fled the scene.

13 **OVERT ACT NO. 24**

14 On or about August 30, 2006, Patrick Ponce gave permission to Raul Antonio Cruz
15 Jr. to commit kidnapping for ransom of narcotic traffickers who were failing to pay taxes.

16 **OVERT ACT NO. 25**

17 On September 11, 2006, Patrick Ponce visited Richard Buchanan at the San Diego
18 County jail.

19 **OVERT ACT NO. 26**

20 On September 12, 2006, per Patrick Ponce's instructions, Marc Villasenor met with
21 a confidential source to discuss the distribution of narcotics.

22 **OVERT ACT NO. 27**

23 On September 12, 2006, Patrick Ponce advised a confidential source that during his
24 visit with Richard Buchanan on September 11, 2006, Richard Buchanan told him that
25 everything he had was Patrick Ponce's because he had done a lot for him in San Diego.
26 Patrick Ponce further stated that Richard Buchanan said no one could override his orders
27 because Patrick Ponce was working for a man high in the hierarchy.

28 **OVERT ACT NO. 28**

1 On September 21, 2006, Patrick Ponce, Marc Villasenor, and a confidential source
2 met to discuss the sale of heroin and delivery of same the following day by Marc Villasenor
3 and Juan Hornback.

4 **OVERT ACT NO. 29**

5 On October 28, 2006, during a telephone call between Patrick Ponce and Marc
6 Villasenor, Patrick Ponce instructed Marc Villasenor to go to Brawley and threaten
7 individuals who had not been paying taxes.

8 **OVERT ACT NO. 30**

9 On October 28, 2006, during three telephone calls, Patrick Ponce and Marc
10 Villasenor discussed the collection of taxes.

11 **OVERT ACT NO. 31**

12 On October 29, 2006, during a telephone call, Patrick Ponce and Marc Villasenor
13 discussed the collection of taxes.

14 **OVERT ACT NO. 32**

15 On October 31, 2006, during a telephone call, Patrick Ponce and Marc Villasenor
16 discussed the collection of taxes and doing it "for The Cause."

17 **OVERT ACT NO. 33**

18 On November 10, 2006, during three telephone calls, Luis Munoz and Marc
19 Villasenor discussed taking the "keys" to Holtville from Antonio Padilla and giving them to
20 Luis Munoz.

21 **OVERT ACT NO. 34**

22 On November 13, 2006, during two telephone calls, Patrick Ponce and Marc
23 Villasenor ordered Victor Ruby to assault Rudy Ferrel in the Imperial County jail.

24 **OVERT ACT NO. 35**

25 On December 12, 2006, Jose Espinoza possessed an assault rifle and shotgun.

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28 **OVERT ACT NO. 36**

1 On December 14, 2006, Richard Buchanan called and spoke with Patrick Ponce
2 from the San Diego County Central Jail.

3 **OVERT ACT NO. 37**

4 On December 27, 2006, during a telephone call, Patrick Ponce and Marco Araujo
5 made arrangements for delivery of heroin to City Cab.

6 **OVERT ACT NO. 38**

7 On December 28, 2006, Patrick Ponce ordered Armando Leon to assault Willie
8 Thomas.

9 **OVERT ACT NO. 39**

10 On January 8, 2007, during a telephone call, Patrick Ponce told Marc Villasenor to
11 tell Jose Zepeda to handle extortion activities in Calipatria and Niland.

12 **OVERT ACT NO. 40**

13 On January 24, 2007, during a telephone call, Patrick Ponce and Ruby Mendez
14 discussed visiting Richard Buchanan.

15 **OVERT ACT NO. 41**

16 On January 25, 2007, during a telephone call, Patrick Ponce and Maricela Smith
17 discussed an e-mail she was attempting to send to Eden Macias Portugal's e-mail address.

18 **OVERT ACT NO. 42**

19 On April 26, 2007, Jaime Perez extorted money and a car from an individual for
20 taxes owed.

21 **OVERT ACT NO. 43**

22 On May 28, 2007, Ruby Mendez visited Richard Buchanan at the San Diego County
23 jail.

24 **OVERT ACT NO. 44**

25 On July 19, 2007, Raul Antonio Cruz Jr. supplied a confidential source with a nine-
26 millimeter handgun.

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28 **SPECIAL ALLEGATION**

1 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
2 the above offense was committed for the benefit of, at the direction of, and in association
3 with, a criminal street gang with the specific intent to promote, further and assist in criminal
4 conduct by gang members.

5 NOTICE: Conviction of this offense will require you to register pursuant to Penal
6 Code section 186.30, subdivision (a). Willful failure to register is a crime.

7 NOTICE: The above offense is a serious felony within the meaning of Penal Code
8 section 1192.7, subdivision (c).

9 **COUNT 2 (Pen. Code, § 206)**

10 **TORTURE**

11 On or about January 31, 2006, in the State of California, in violation of SECTION
12 206, of the PENAL CODE, a Felony, was committed by RICHARD BUCHANAN,
13 ANTHONY EDWARD FAVELA, JORGE CUEVAS MENDOZA, MAX PONCE JR.,
14 PATRICK RALPH PONCE, EZEQUIEL ERNESTO RODRIGUEZ, BRIAN MARK SMITH,
15 MARICELA SMITH, MANUEL SOLAREZ, JOSE TAMAYO, GABRIEL ANTHONY VALLES
16 and VICTORIANO ORTIZ, did unlawfully and with the intent to cause cruel and extreme
17 pain and suffering for the purpose of revenge, extortion, persuasion and for a sadistic
18 purpose, inflict great bodily injury, as defined in Penal Code section 12022.7, upon TOMMY
19 FLORES.

20 NOTICE: Conviction of this offense will require you to provide specimens and
21 samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and
22 samples is a crime.

23 **SPECIAL ALLEGATION**

24 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
25 the above offense was committed for the benefit of, at the direction of, and in association
26 with a criminal street gang with the specific intent to promote, further and assist in criminal
27 conduct by gang members.

28 NOTICE: Conviction of this offense will require you to register pursuant to Penal

1 Code section 186.30, subdivision (a). Willful failure to register is a crime.

2 **COUNT 3 (Pen. Code, § 245, subd. (a)(1))**

3 **ASSAULT BY MEANS LIKELY TO PRODUCE GREAT BODILY INJURY**

4 On or about January 31, 2006, in the State of California, in violation of SECTION
5 245, subdivision (a)(1), of the PENAL CODE, a Felony, was committed by RICHARD
6 BUCHANAN, ANTHONY EDWARD FAVELA, JORGE CUEVAS MENDOZA, MAX PONCE
7 JR., PATRICK RALPH PONCE, EZEQUIEL ERNESTO RODRIGUEZ, BRIAN MARK
8 SMITH, MARICELA SMITH, MANUEL SOLAREZ, JOSE TAMAYO, GABRIEL ANTHONY
9 VALLES and VICTORIANO ORTIZ, who did willfully and unlawfully commit an assault upon
10 TOMMY FLORES by means of force likely to produce great bodily injury.

11 NOTICE: Conviction of this offense will require you to provide specimens and
12 samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and
13 samples is a crime.

14 NOTICE: The above offense is a serious felony within the meaning of Penal Code
15 section 1192.7, subdivision (c).

16 **SPECIAL ALLEGATIONS**

17 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
18 the above offense was committed for the benefit of, at the direction of, and in association
19 with a criminal street gang with the specific intent to promote, further and assist in criminal
20 conduct by gang members.

21 NOTICE: Conviction of this offense will require you to register pursuant to Penal
22 Code section 186.30, subdivision (a). Willful failure to register is a crime.

23 It is further alleged that in the commission of the above offense said VICTORIANO
24 ORTIZ, personally inflicted great bodily injury upon TOMMY FLORES, not an accomplice
25 to the above offense, within the meaning of Penal Code Section 12022.7, subdivision (a),
26 and also causing the above offense to become a serious felony within the meaning of Penal
27 Code Section 1192.7, subdivision (c)(8).

28 NOTICE: This offense is a serious felony and a violent felony within the meaning

1 of Penal Code sections 1192.7, subdivision(c)(8), and 667.5, subdivision (c)(8).

2 **COUNT 4 (Pen. Code, § 245, subd. (a)(1))**

3 **ASSAULT WITH A DEADLY WEAPON AND**

4 **BY MEANS LIKELY TO PRODUCE GREAT BODILY INJURY**

5 On or about March 1, 2006, in the State of California, in violation of SECTION 245,
6 subdivision (a)(1), of the PENAL CODE, a Felony, was committed by RICHARD
7 BUCHANAN, ANTHONY EDWARD FAVELA, JORGE CUEVAS MENDOZA, MAX PONCE
8 JR., PATRICK RALPH PONCE, EZEQUIEL ERNESTO RODRIGUEZ, BRIAN MARK
9 SMITH, MARICELA SMITH, MANUEL SOLAREZ, JOSE TAMAYO, GABRIEL ANTHONY
10 VALLES and VICTORIANO ORTIZ who did willfully and unlawfully commit an assault upon
11 JOSE TAMAYO with a deadly weapon, to wit: a knife, and by means of force likely to
12 produce great bodily injury.

13 NOTICE: The above offense is a serious felony within the meaning of Penal Code
14 section 1192.7, subdivision (c).

15 NOTICE: Conviction of this offense will require you to provide specimens and
16 samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and
17 samples is a crime.

18 **SPECIAL ALLEGATION**

19 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
20 the above offense was committed for the benefit of, at the direction of, and in association
21 with a criminal street gang with the specific intent to promote, further and assist in criminal
22 conduct by gang members.

23 NOTICE: Conviction of this offense will require you to register pursuant to Penal
24 Code section 186.30, subdivision (a). Willful failure to register is a crime.

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28 **COUNT 5 (Health & Saf. Code, § 11352, subd. (a))**

1 **SELL/TRANSPORTATION/OFFER TO SELL CONTROLLED SUBSTANCE**

2 On or about March 2, 2006, in the State of California, in violation of SECTION
3 11352, subdivision (a), of the HEALTH and SAFETY CODE, a Felony, was committed by
4 MARCO ARAUJO, RICHARD BUCHANAN, ANTHONY EDWARD FAVELA, JORGE
5 CUEVAS MENDOZA, MAX PONCE JR., PATRICK RALPH PONCE, EZEQUIEL
6 ERNESTO RODRIGUEZ, BRIAN MARK SMITH, MARICELA SMITH, MANUEL SOLAREZ,
7 JOSE TAMAYO, GABRIEL ANTHONY VALLES and VICTORIANO ORTIZ who did
8 unlawfully transport, import into the State of California, sell, furnish, administer, and give
9 away, and offer to transport, import into the State of California, sell, furnish, administer, and
10 give away, and attempt to import into the State of California and transport a controlled
11 substance, to wit: heroin.

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

15 **SPECIAL ALLEGATION**

16 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
17 the above offense was committed for the benefit of, at the direction of, and in association
18 with a criminal street gang with the specific intent to promote, further and assist in criminal
19 conduct by gang members.

20 NOTICE: Conviction of this offense will require you to register pursuant to Penal
21 Code section 186.30, subdivision (a). Willful failure to register is a crime.

22 **COUNT 6 (Pen. Code, § 520)**

23 **EXTORTION**

24 On or about March 13, 2006, in the State of California, in violation of SECTION 520
25 of the PENAL CODE, a Felony, was committed by MARCO ARAUJO, RICHARD
26 BUCHANAN, ANTHONY EDWARD FAVELA, JORGE CUEVAS MENDOZA, MAX PONCE
27 JR., PATRICK RALPH PONCE, GERARDO ROBLES, EZEQUIEL ERNESTO
28 RODRIGUEZ, BRIAN MARK SMITH, MARICELA SMITH, MANUEL SOLAREZ, JOSE

1 TAMAYO, GABRIEL ANTHONY VALLES and VICTORIANO ORTIZ, who willfully and
2 unlawfully extorted money and other property from MATEO LNU, by means of force and
3 threat such as is mentioned in Penal Code section 519.

4 **SPECIAL ALLEGATIONS**

5 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
6 the above offense was committed for the benefit of, at the direction of, and in association
7 with a criminal street gang with the specific intent to promote, further and assist in criminal
8 conduct by gang members.

9 NOTICE: Conviction of this offense will require you to register pursuant to Penal
10 Code section 186.30, subdivision (a). Willful failure to register is a crime.

11 It is further alleged that the offense(s) charged in Count 6 cause the sentencing to
12 be pursuant to Penal Code section 186.22, subdivision (b)(4)(C).

13 NOTICE: Conviction of this offense will require you to register pursuant to Penal
14 Code section 186.30, subdivision (a). Willful failure to register is a crime.

15 It is further alleged that in the commission of the above offense EZEQUIEL
16 ERNESTO RODRIGUEZ carried a firearm on the person and in a vehicle within the
17 meaning of Penal Code section 12021.5, subdivision (a).

18 **COUNT 7 (Pen. Code, § 520)**

19 **EXTORTION**

20 On or about March 13, 2006, in the State of California, in violation of SECTION 520
21 of the PENAL CODE, a Felony, was committed by MARCO ARAUJO, RICHARD
22 BUCHANAN, ANTHONY EDWARD FAVELA, JORGE CUEVAS MENDOZA, MAX PONCE
23 JR., PATRICK RALPH PONCE, GERARDO ROBLES, EZEQUIEL ERNESTO
24 RODRIGUEZ, BRIAN MARK SMITH, MARICELA SMITH, MANUEL SOLAREZ, JOSE
25 TAMAYO, GABRIEL ANTHONY VALLES and VICTORIANO ORTIZ, who willfully and
26 unlawfully extorted money and other property from JULIO LNU, by means of force and
27 threat such as is mentioned in Penal Code section 519.

28 **SPECIAL ALLEGATIONS**

1 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
2 the above offense was committed for the benefit of, at the direction of, and in association
3 with a criminal street gang with the specific intent to promote, further and assist in criminal
4 conduct by gang members.

5 NOTICE: Conviction of this offense will require you to register pursuant to Penal
6 Code section 186.30, subdivision (a). Willful failure to register is a crime.

7 It is further alleged that the offense(s) charged in Count 7 cause the sentencing to
8 be pursuant to Penal Code section 186.22, subdivision (b)(4)(C).

9 NOTICE: Conviction of this offense will require you to register pursuant to Penal
10 Code section 186.30, subdivision (a). Willful failure to register is a crime.

11 It is further alleged that in the commission of the above offense EZEQUIEL
12 ERNESTO RODRIGUEZ carried a firearm on the person and in a vehicle within the
13 meaning of Penal Code section 12021.5, subdivision (a).

14 **COUNT 8 (Pen. Code, § 520)**

15 **EXTORTION**

16 On or about March 13, 2006, in the State of California, in violation of SECTION 520
17 of the PENAL CODE, a Felony, was committed by MARCO ARAUJO, RICHARD
18 BUCHANAN, ANTHONY EDWARD FAVELA, JORGE CUEVAS MENDOZA, MAX PONCE
19 JR., PATRICK RALPH PONCE, GERARDO ROBLES, EZEQUIEL ERNESTO
20 RODRIGUEZ, BRIAN MARK SMITH, MARICELA SMITH, MANUEL SOLAREZ, JOSE
21 TAMAYO, GABRIEL ANTHONY VALLES and VICTORIANO ORTIZ, who willfully and
22 unlawfully extorted money and other property from FRANCISCO JAVIER RIOS aka
23 "CHAMUCO", by means of force and threat such as is mentioned in Penal Code section
24 519.

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28 **SPECIAL ALLEGATIONS**

1 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
2 the above offense was committed for the benefit of, at the direction of, and in association
3 with a criminal street gang with the specific intent to promote, further and assist in criminal
4 conduct by gang members.

5 NOTICE: Conviction of this offense will require you to register pursuant to Penal
6 Code section 186.30, subdivision (a). Willful failure to register is a crime.

7 It is further alleged that the offense(s) charged in Count 8 cause the sentencing to
8 be pursuant to Penal Code section 186.22, subdivision (b)(4)(C).

9 NOTICE: Conviction of this offense will require you to register pursuant to Penal
10 Code section 186.30, subdivision (a). Willful failure to register is a crime.

11 It is further alleged that in the commission of the above offense EZEQUIEL
12 ERNESTO RODRIGUEZ carried a firearm on the person and in a vehicle within the
13 meaning of Penal Code section 12021.5, subdivision (a).

14 **COUNT 9 (Pen. Code, § 520)**

15 **EXTORTION**

16 On or about March 13, 2006, in the State of California, in violation of SECTION 520
17 of the PENAL CODE, a Felony, was committed by MARCO ARAUJO, RICHARD
18 BUCHANAN, ANTHONY EDWARD FAVELA, JORGE CUEVAS MENDOZA, MAX PONCE
19 JR., PATRICK RALPH PONCE, GERARDO ROBLES, EZEQUIEL ERNESTO
20 RODRIGUEZ, BRIAN MARK SMITH, MARICELA SMITH, MANUEL SOLAREZ, JOSE
21 TAMAYO, GABRIEL ANTHONY VALLES and VICTORIANO ORTIZ, who willfully and
22 unlawfully extorted money and other property from JOSEPH MICHAEL SPENCE aka
23 "SPENCE", by means of force and threat such as is mentioned in Penal Code section 519.

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28 **SPECIAL ALLEGATIONS**

1 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
2 the above offense was committed for the benefit of, at the direction of, and in association
3 with a criminal street gang with the specific intent to promote, further and assist in criminal
4 conduct by gang members.

5 NOTICE: Conviction of this offense will require you to register pursuant to Penal
6 Code section 186.30, subdivision (a). Willful failure to register is a crime.

7 It is further alleged that the offense(s) charged in Count 9 cause the sentencing to
8 be pursuant to Penal Code section 186.22, subdivision (b)(4)(C).

9 NOTICE: Conviction of this offense will require you to register pursuant to Penal
10 Code section 186.30, subdivision (a). Willful failure to register is a crime.

11 It is further alleged that in the commission of the above offense EZEQUIEL
12 ERNESTO RODRIGUEZ carried a firearm on the person and in a vehicle within the
13 meaning of Penal Code section 12021.5, subdivision (a).

14 **COUNT 10 (Pen. Code, § 520)**

15 **EXTORTION**

16 On or about March 13, 2006, in the State of California, in violation of SECTION 520
17 of the PENAL CODE, a Felony, was committed by MARCO ARAUJO, RICHARD
18 BUCHANAN, ANTHONY EDWARD FAVELA, JORGE CUEVAS MENDOZA, MAX PONCE
19 JR., PATRICK RALPH PONCE, GERARDO ROBLES, EZEQUIEL ERNESTO
20 RODRIGUEZ, BRIAN MARK SMITH, MARICELA SMITH, MANUEL SOLAREZ, JOSE
21 TAMAYO, GABRIEL ANTHONY VALLES and VICTORIANO ORTIZ, who willfully and
22 unlawfully extorted money and other property from MAXIMILIANO AGUILERA aka "LITTLE
23 ONE", by means of force and threat such as is mentioned in Penal Code section 519.

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28 **SPECIAL ALLEGATIONS**

1 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
2 the above offense was committed for the benefit of, at the direction of, and in association
3 with a criminal street gang with the specific intent to promote, further and assist in criminal
4 conduct by gang members.

5 NOTICE: Conviction of this offense will require you to register pursuant to Penal
6 Code section 186.30, subdivision (a). Willful failure to register is a crime.

7 It is further alleged that the offense(s) charged in Count 10 cause the sentencing to
8 be pursuant to Penal Code section 186.22, subdivision (b)(4)(C).

9 NOTICE: Conviction of this offense will require you to register pursuant to Penal
10 Code section 186.30, subdivision (a). Willful failure to register is a crime.

11 It is further alleged that in the commission of the above offense EZEQUIEL
12 ERNESTO RODRIGUEZ carried a firearm on the person and in a vehicle within the
13 meaning of Penal Code section 12021.5, subdivision (a).

14 **COUNT 11 (Pen. Code, § 12021, subd. (a)(1))**

15 **POSSESSION OF FIREARM BY A FELON**

16 On or about March 13, 2006, in the State of California, in violation of SECTION
17 12021, subdivision (a)(1), of the PENAL CODE, a Felony, was committed by MARCO
18 ARAUJO, RICHARD BUCHANAN, ANTHONY EDWARD FAVELA, JORGE CUEVAS
19 MENDOZA, MAX PONCE JR., PATRICK RALPH PONCE, GERARDO ROBLES,
20 EZEQUIEL ERNESTO RODRIGUEZ, BRIAN MARK SMITH, MARICELA SMITH, MANUEL
21 SOLAREZ, JOSE TAMAYO, GABRIEL ANTHONY VALLES and VICTORIANO ORTIZ,
22 who did unlawfully own, possess, purchase, receive, and have custody and control of a
23 firearm, to wit: a handgun, defendant EZEQUIEL ERNESTO RODRIGUEZ having
24 theretofore been duly and legally convicted of a felony or felonies, to wit:

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<u>Court Case</u>	<u>Code/Statute</u>	<u>Conviction Date</u>	<u>County</u>	<u>State</u>	<u>Court Type</u>
15106	PC 136.1(c)	10/13/93	Imperial	CA	Superior
CF10717	PC 273.5(a)	11/08/02	Imperial	CA	Superior

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28 **SPECIAL ALLEGATION**

1 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
2 the above offense was committed for the benefit of, at the direction of, and in association
3 with a criminal street gang with the specific intent to promote, further and assist in criminal
4 conduct by gang members.

5 NOTICE: Conviction of this offense will require you to register pursuant to Penal
6 Code section 186.30, subdivision (a). Willful failure to register is a crime.

7 **COUNT 12 (Health & Saf. Code, § 11379, subd. (a))**

8 **TRANSPORT/SALE OF A CONTROLLED SUBSTANCE**

9 On or about March 15, 2006, in the State of California, in violation of SECTION
10 11379, subdivision (a), of the HEALTH and SAFETY CODE, a Felony, was committed by
11 MARCO ARAUJO, RICHARD BUCHANAN, ANTHONY EDWARD FAVELA, JORGE
12 CUEVAS MENDOZA, MAX PONCE JR., PATRICK RALPH PONCE, GERARDO ROBLES,
13 EZEQUIEL ERNESTO RODRIGUEZ, BRIAN MARK SMITH, MARICELA SMITH, MANUEL
14 SOLAREZ, JOSE TAMAYO, GABRIEL ANTHONY VALLES and VICTORIANO ORTIZ,
15 who did unlawfully transport, import into the State of California, sell, furnish, administer, and
16 give away, and offer to transport, import into the State of California, sell, furnish, administer,
17 and give away, and attempt to import into the State of California and transport a controlled
18 substance, to wit: methamphetamine.

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

22 **SPECIAL ALLEGATION**

23 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
24 the above offense was committed for the benefit of, at the direction of, and in association
25 with a criminal street gang with the specific intent to promote, further and assist in criminal
26 conduct by gang members.

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28 NOTICE: Conviction of this offense will require you to register pursuant to Penal

1 Code section 186.30, subdivision (a). Willful failure to register is a crime.

2 **COUNT 13 (Pen. Code, § 245, subd. (a)(1))**

3 **ASSAULT WITH A DEADLY WEAPON AND**

4 **BY MEANS LIKELY TO PRODUCE GREAT BODILY INJURY**

5 On or about March 28, 2006, in the State of California, in violation of SECTION 245,
6 subdivision (a)(1), of the PENAL CODE, a Felony, was committed by MARCO ARAUJO,
7 RICHARD BUCHANAN, ANTHONY EDWARD FAVELA, JORGE CUEVAS MENDOZA,
8 MAX PONCE JR., PATRICK RALPH PONCE, GERARDO ROBLES, EZEQUIEL
9 ERNESTO RODRIGUEZ, BRIAN MARK SMITH, MARICELA SMITH, MANUEL SOLAREZ,
10 JOSE TAMAYO, GABRIEL ANTHONY VALLES and VICTORIANO ORTIZ, who did willfully
11 and unlawfully commit an assault upon ANDRES VASQUEZ with a deadly weapon, to wit:
12 a wooden stick, and by means of force likely to produce great bodily injury.

13 NOTICE: The above offense is a serious felony within the meaning of Penal Code
14 section 1192.7, subdivision (c).

15 NOTICE: Conviction of this offense will require you to provide specimens and
16 samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and
17 samples is a crime.

18 **SPECIAL ALLEGATIONS**

19 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
20 the above offense was committed for the benefit of, at the direction of, and in association
21 with a criminal street gang with the specific intent to promote, further and assist in criminal
22 conduct by gang members.

23 NOTICE: Conviction of this offense will require you to register pursuant to Penal
24 Code section 186.30, subdivision (a). Willful failure to register is a crime.

25 It is further alleged that in the commission of the above offense ANTHONY
26 GABRIEL VALLES carried a firearm on the person and in a vehicle within the meaning of
27 Penal Code section 12021.5, subdivision (a).

28 **COUNT 14 (Pen. Code, § 245, subd. (a)(1))**

1 **ASSAULT BY MEANS LIKELY TO PRODUCE GREAT BODILY INJURY**

2 On or about April 13, 2006, in the State of California, in violation of SECTION 245,
3 subdivision (a)(1), of the PENAL CODE, a Felony, was committed by MARCO ARAUJO,
4 RICHARD BUCHANAN, ANTHONY EDWARD FAVELA, JORGE CUEVAS MENDOZA,
5 MAX PONCE JR., PATRICK RALPH PONCE, GERARDO ROBLES, EZEQUIEL
6 ERNESTO RODRIGUEZ, BRIAN MARK SMITH, MARICELA SMITH, MANUEL SOLAREZ,
7 JOSE TAMAYO, GABRIEL ANTHONY VALLES and VICTORIANO ORTIZ, who did willfully
8 and unlawfully commit an assault upon LUIS HARO JR. aka "PECAS" by means of force
9 likely to produce great bodily injury.

10 NOTICE: Conviction of this offense will require you to provide specimens and
11 samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and
12 samples is a crime.

13 NOTICE: The above offense is a serious felony within the meaning of Penal Code
14 section 1192.7, subdivision (c).

15 **SPECIAL ALLEGATION**

16 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
17 the above offense was committed for the benefit of, at the direction of, and in association
18 with a criminal street gang with the specific intent to promote, further and assist in criminal
19 conduct by gang members.

20 NOTICE: Conviction of this offense will require you to register pursuant to Penal
21 Code section 186.30, subdivision (a). Willful failure to register is a crime.

22 **COUNT 15 (Pen. Code, § 520)**

23 **EXTORTION**

24 On or about May 15, 2006, in the State of California, in violation of SECTION 520
25 of the PENAL CODE, a Felony, was committed by MARCO ARAUJO, RICHARD
26 BUCHANAN, RAUL ANTONIO CRUZ JR., ANTHONY EDWARD FAVELA, RAUL VEGA
27 MEJIA, JORGE CUEVAS MENDOZA, MAX PONCE, JR., PATRICK RALPH PONCE
28 GERARDO ROBLES, EZEQUIEL ERNESTO RODRIGUEZ, BRIAN MARK SMITH,

1 MARICELA SMITH, MANUEL SOLAREZ, JOSE TAMAYO, GABRIEL ANTHONY VALLES
2 and VICTORIANO ORTIZ, who willfully and unlawfully extorted money and other property
3 from JOSE MORALES aka "CHITO", by means of force and threat such as is mentioned
4 in Penal Code section 519.

5 **SPECIAL ALLEGATIONS**

6 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
7 the above offense was committed for the benefit of, at the direction of, and in association
8 with a criminal street gang with the specific intent to promote, further and assist in criminal
9 conduct by gang members.

10 NOTICE: Conviction of this offense will require you to register pursuant to Penal
11 Code section 186.30, subdivision (a). Willful failure to register is a crime.

12 It is further alleged that the offense(s) charged in Count 15 cause the sentencing to
13 be pursuant to Penal Code section 186.22, subdivision (b)(4)(C).

14 NOTICE: Conviction of this offense will require you to register pursuant to Penal
15 Code section 186.30, subdivision (a). Willful failure to register is a crime.

16 **COUNT 16 (Pen. Code, § 653f, subd. (b))**

17 **SOLICITATION OF MURDER**

18 On or about June 2, 2006, in the State of California, in violation of SECTION 653f,
19 subdivision (b) of the PENAL CODE, a Felony, was committed by MARCO ARAUJO,
20 RICHARD BUCHANAN, RAUL ANTONIO CRUZ JR., ANTHONY EDWARD FAVELA,
21 RAUL VEGA MEJIA, JORGE CUEVAS MENDOZA, MAX PONCE JR., PATRICK RALPH
22 PONCE, GERARDO ROBLES, EZEQUIEL ERNESTO RODRIGUEZ, BRIAN MARK
23 SMITH, MARICELA SMITH, MANUEL SOLAREZ, JOSE TAMAYO, GABRIEL ANTHONY
24 VALLES and VICTORIANO ORTIZ, who did unlawfully and with the intent that the crime
25 be committed, solicit another, to wit: FRANCISCO RODRIGUEZ, to commit and join in the
26 commission of the murder of RICHARD OROS, a human being.

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28 **SPECIAL ALLEGATION**

1 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
2 the above offense was committed for the benefit of, at the direction of, and in association
3 with a criminal street gang with the specific intent to promote, further and assist in criminal
4 conduct by gang members.

5 NOTICE: Conviction of this offense will require you to register pursuant to Penal
6 Code section 186.30, subdivision (a). Willful failure to register is a crime.

7 **COUNT 17 (Pen. Code, § 524)**

8 **ATTEMPTED EXTORTION**

9 On or about June 16, 2006, in the State of California, in violation of SECTION 524
10 of the PENAL CODE, a Felony, was committed by MARCO ARAUJO, RICHARD
11 BUCHANAN, RAUL ANTONIO CRUZ JR., ANTHONY EDWARD FAVELA, DAVID PAEZ
12 MARTINEZ, RAUL VEGA MEJIA, JORGE CUEVAS MENDOZA, MAX PONCE JR.,
13 PATRICK RALPH PONCE, EDEN MACIAS PORTUGAL, GERARDO ROBLES, EZEQUIEL
14 ERNESTO RODRIGUEZ, REFUGIO CASTELLANO SERVIN, BRIAN MARK SMITH,
15 MARICELA SMITH, MANUEL SOLAREZ, JOSE TAMAYO, GABRIEL ANTHONY VALLES
16 and VICTORIANO ORTIZ, who willfully and unlawfully attempted, by means of a threat
17 such as is specified in Penal Code section 519, to extort money and other property from
18 MARTIN CORTEZ.

19 **SPECIAL ALLEGATIONS**

20 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
21 the above offense was committed for the benefit of, at the direction of, and in association
22 with, a criminal street gang with the specific intent to promote, further and assist in criminal
23 conduct by gang members.

24 NOTICE: Conviction of this offense will require you to register pursuant to Penal
25 Code section 186.30, subdivision (a). Willful failure to register is a crime.

26 NOTICE: The above offense is a serious felony within the meaning of Penal Code
27 section 1192.7, subdivision (c).

28 It is further alleged that in the commission of the above offense RAUL ANTONIO

1 CRUZ JR., AND DAVID PAEZ MARTINEZ carried a firearm on the person and in a vehicle
2 within the meaning of Penal Code section 12021.5, subdivision (a).

3 **COUNT 18 (Pen. Code, § 245, subd. (a)(2))**

4 **ASSAULT WITH A FIREARM**

5 On or about June 16, 2006, in the State of California, in violation of SECTION 245,
6 subdivision (a)(2) of the PENAL CODE, a Felony, was committed by MARCO ARAUJO,
7 RICHARD BUCHANAN, RAUL ANTONIO CRUZ JR., ANTHONY EDWARD FAVELA,
8 DAVID PAEZ MARTINEZ, RAUL VEGA MEJIA, JORGE CUEVAS MENDOZA, MAX
9 PONCE JR., PATRICK RALPH PONCE, EDEN MACIAS PORTUGAL, GERARDO
10 ROBLES, EZEQUIEL ERNESTO RODRIGUEZ, REFUGIO CASTELLANO SERVIN,
11 BRIAN MARK SMITH, MARICELA SMITH, MANUEL SOLAREZ, JOSE TAMAYO,
12 GABRIEL ANTHONY VALLES and VICTORIANO ORTIZ, who did willfully and unlawfully
13 commit an assault on MARTIN CORTEZ with a firearm.

14 NOTICE: Conviction of this offense will require you to provide specimens and
15 samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and
16 samples is a crime.

17 It is further alleged that, pursuant to Penal Code section 1203.095, there is a
18 presumptive minimal jail time required if you are convicted of this charge.

19 **SPECIAL ALLEGATIONS**

20 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
21 the above offense was committed for the benefit of, at the direction of, and in association
22 with a criminal street gang with the specific intent to promote, further and assist in criminal
23 conduct by gang members.

24 NOTICE: Conviction of this offense will require you to register pursuant to Penal
25 Code section 186.30, subdivision (a). Willful failure to register is a crime.

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28 It is further alleged that in the commission of the above offense RAUL ANTONIO

1 CRUZ JR. carried a firearm on the person and in a vehicle within the meaning of Penal
2 Code 12021.5, subdivision (a).

3 It is further alleged that RAUL ANTONIO CRUZ JR. personally used a firearm, to wit:
4 a handgun, within the meaning of Penal Code sections 12022.5, 1192.7, subdivision (c)
5 and 667.5, subdivision (c).

6 **COUNT 19 (Pen. Code, § 245, subd. (a)(2))**

7 **ASSAULT WITH A FIREARM**

8 On or about June 16, 2006, in the State of California, in violation of SECTION 245,
9 subdivision (a)(2) of the PENAL CODE, a Felony, was committed by MARCO ARAUJO,
10 RICHARD BUCHANAN, RAUL ANTONIO CRUZ JR., ANTHONY EDWARD FAVELA,
11 DAVID PAEZ MARTINEZ, RAUL VEGA MEJIA, JORGE CUEVAS MENDOZA, MAX
12 PONCE JR., PATRICK RALPH PONCE, EDEN MACIAS PORTUGAL, GERARDO
13 ROBLES, EZEQUIEL ERNESTO RODRIGUEZ, REFUGIO CASTELLANO SERVIN,
14 BRIAN MARK SMITH, MARICELA SMITH, MANUEL SOLAREZ, JOSE TAMAYO,
15 GABRIEL ANTHONY VALLES and VICTORIANO ORTIZ, who did willfully and unlawfully
16 commit an assault on MARTIN CORTEZ with a firearm.

17 NOTICE: Conviction of this offense will require you to provide specimens and
18 samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and
19 samples is a crime.

20 It is further alleged that, pursuant to Penal Code section 1203.095, there is a
21 presumptive minimal jail time required if you are convicted of this charge.

22 **SPECIAL ALLEGATIONS**

23 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
24 the above offense was committed for the benefit of, at the direction of, and in association
25 with a criminal street gang with the specific intent to promote, further and assist in criminal
26 conduct by gang members.

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28 NOTICE: Conviction of this offense will require you to register pursuant to Penal

1 Code section 186.30, subdivision (a). Willful failure to register is a crime.

2 It is further alleged that in the commission of the above offense DAVID PAEZ
3 MARTINEZ carried a firearm on the person and in a vehicle within the meaning of Penal
4 Code 12021.5, subdivision (a).

5 It is further alleged that DAVID PAEZ MARTINEZ personally used a firearm, to wit:
6 a handgun within the meaning of Penal Code sections 12022.5, 1192.7, subdivision (c) and
7 667.5, subdivision (c).

8 **COUNT 20 (Pen. Code, § 207, subd. (a))**

9 **KIDNAPPING**

10 On or about June 16, 2006, in the State of California, in violation of SECTION 207,
11 subdivision (a) of the PENAL CODE, a Felony, was committed by MARCO ARAUJO,
12 RICHARD BUCHANAN, RAUL ANTONIO CRUZ JR., ANTHONY EDWARD FAVELA,
13 DAVID PAEZ MARTINEZ, RAUL VEGA MEJIA, JORGE CUEVAS MENDOZA, MAX
14 PONCE JR., PATRICK RALPH PONCE, EDEN MACIAS PORTUGAL, GERARDO
15 ROBLES, EZEQUIEL ERNESTO RODRIGUEZ, REFUGIO CASTELLANO SERVIN,
16 BRIAN MARK SMITH, MARICELA SMITH, MANUEL SOLAREZ, JOSE TAMAYO,
17 GABRIEL ANTHONY VALLES and VICTORIANO ORTIZ, did unlawfully, forcibly and by
18 instilling fear, steal, take, hold, detain and arrest MARTIN CORTEZ in Imperial County,
19 California, and did take the said MARTIN CORTEZ into another part of Imperial County.

20 NOTICE: The above offense is a serious felony within the meaning of Penal Code
21 Section 1192.7, subdivision (c) and a violent felony within the meaning of Penal Code
22 667.5, subdivision (c).

23 NOTICE: Conviction of this offense will require you to provide specimens and
24 samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and
25 samples is a crime.

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28 **SPECIAL ALLEGATIONS**

1 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
2 the above offense was committed for the benefit of, at the direction of, and in association
3 with a criminal street gang with the specific intent to promote, further and assist in criminal
4 conduct by gang members.

5 NOTICE: Conviction of this offense will require you to register pursuant to Penal
6 Code section 186.30, subdivision (a). Willful failure to register is a crime.

7 It is further alleged that in the commission of the above offense RAUL ANTONIO
8 CRUZ JR., and DAVID PAEZ MARTINEZ carried a firearm on the person and in a vehicle
9 within the meaning of Penal Code 12021.5, subdivision (a).

10 It is further alleged that RAUL ANTONIO CRUZ JR., and DAVID PAEZ MARTINEZ
11 personally used a firearm, a handgun, within the meaning of Penal Code sections 12022.5,
12 subdivision (a)(1), and 12022.53, subdivision (b).

13 NOTICE: This offense is a serious felony and a violent felony within the meaning
14 of Penal Code sections 1192.7, subdivision (c)(8) and 667.5, subdivision (c)(8).

15 **COUNT 21 (Pen. Code, § 12021, subd. (a)(1))**

16 **POSSESSION OF FIREARM BY A FELON**

17 On or about June 16, 2006, in the State of California, in violation of SECTION
18 12021, subdivision (a)(1), of the PENAL CODE, a Felony, was committed by MARCO
19 ARAUJO, RICHARD BUCHANAN, RAUL ANTONIO CRUZ JR., ANTHONY EDWARD
20 FAVELA, DAVID PAEZ MARTINEZ, RAUL VEGA MEJIA, JORGE CUEVAS MENDOZA,
21 MAX PONCE JR., PATRICK RALPH PONCE, EDEN MACIAS PORTUGAL, GERARDO
22 ROBLES, EZEQUIEL ERNESTO RODRIGUEZ, REFUGIO CASTELLANO SERVIN,
23 BRIAN MARK SMITH, MARICELA SMITH, MANUEL SOLAREZ, JOSE TAMAYO,
24 GABRIEL ANTHONY VALLES and VICTORIANO ORTIZ, who did unlawfully own,
25 possess, purchase, receive, and have custody and control of a firearm, to wit: a handgun,
26 defendant DAVID PAEZ MARTINEZ having theretofore been duly and legally convicted of
27 a felony or felonies, to wit:

<u>Court Case</u>	<u>Code/Statute</u>	<u>Conviction Date</u>	<u>County</u>	<u>State</u>	<u>Court Type</u>
JCF13858	PC 496(a)	6/9/04	Imperial	CA	Superior
JCF19248	PC 594(a)	4/2/07	Imperial	CA	Superior

SPECIAL ALLEGATION

It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that the above offense was committed for the benefit of, at the direction of, and in association with a criminal street gang with the specific intent to promote, further and assist in criminal conduct by gang members.

NOTICE: Conviction of this offense will require you to register pursuant to Penal Code section 186.30, subdivision (a). Willful failure to register is a crime.

COUNT 22 (Pen. Code, § 520)

EXTORTION

On or about June 26, 2006, in the State of California, in violation of SECTION 520 of the PENAL CODE, a Felony, was committed by MARCO ARAUJO, RICHARD BUCHANAN, RAUL ANTONIO CRUZ JR., ANTHONY EDWARD FAVELA, DAVID PAEZ MARTINEZ, RAUL VEGA MEJIA, JORGE CUEVAS MENDOZA, MAX PONCE JR., PATRICK RALPH PONCE, EDEN MACIAS PORTUGAL, GERARDO ROBLES, EZEQUIEL ERNESTO RODRIGUEZ, REFUGIO CASTELLANOS SERVIN, BRIAN MARK SMITH, MARICELA SMITH, MANUEL SOLAREZ, JOSE TAMAYO, GABRIEL ANTHONY VALLES and VICTORIANO ORTIZ, who willfully and unlawfully extorted money and other property from JOSE MORALES, by means of force and threat such as is mentioned in Penal Code section 519.

SPECIAL ALLEGATIONS

It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that the above offense was committed for the benefit of, at the direction of, and in association with a criminal street gang with the specific intent to promote, further and assist in criminal conduct by gang members.

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1 NOTICE: Conviction of this offense will require you to register pursuant to Penal
2 Code section 186.30, subdivision (a). Willful failure to register is a crime.

3 It is further alleged that the offense(s) charged in Count 22 cause the sentencing to
4 be pursuant to Penal Code section 186.22, subdivision (b)(4)(C).

5 NOTICE: Conviction of this offense will require you to register pursuant to Penal
6 Code section 186.30, subdivision (a). Willful failure to register is a crime

7 **COUNT 23 (Pen. Code, § 524)**

8 **ATTEMPTED EXTORTION**

9 On or about June 30, 2006, in the State of California, in violation of SECTION 524
10 of the PENAL CODE, a Felony, was committed by MARCO ARAUJO, RICHARD
11 BUCHANAN, RAUL ANTONIO CRUZ JR., ANTHONY EDWARD FAVELA, DAVID PAEZ
12 MARTINEZ, RAUL VEGA MEJIA, JORGE CUEVAS MENDOZA, MAX PONCE JR.,
13 PATRICK RALPH PONCE, EDEN MACIAS PORTUGAL, GERARDO ROBLES, EZEQUIEL
14 ERNESTO RODRIGUEZ, REFUGIO CASTELLANO SERVIN, BRIAN MARK SMITH,
15 MARICELA SMITH, MANUEL SOLAREZ, JOSE TAMAYO, GABRIEL ANTHONY VALLES
16 and VICTORIANO ORTIZ, who willfully and unlawfully attempted, by means
17 of a threat such as is specified in Penal Code section 519, to extort money and other
18 property from RICARDO ALVARADO CALDERON.

19 **SPECIAL ALLEGATIONS**

20 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
21 the above offense was committed for the benefit of, at the direction of, and in association
22 with a criminal street gang with the specific intent to promote, further and assist in criminal
23 conduct by gang members.

24 NOTICE: Conviction of this offense will require you to register pursuant to Penal
25 Code section 186.30, subdivision (a). Willful failure to register is a crime.

26 It is further alleged that in the commission of the above offense RAUL ANTONIO
27 CRUZ JR. carried a firearm on the person and in a vehicle within the meaning of Penal
28 Code section 12021.5, subdivision (a).

1 **COUNT 24 (Pen. Code, § 524)**

2 **ATTEMPTED EXTORTION**

3 On or about June 30, 2006, in the State of California, in violation of SECTION 524
4 of the PENAL CODE, a Felony, was committed by MARCO ARAUJO, RICHARD
5 BUCHANAN, RAUL ANTONIO CRUZ JR., ANTHONY EDWARD FAVELA, DAVID PAEZ
6 MARTINEZ, RAUL VEGA MEJIA, JORGE CUEVAS MENDOZA, MAX PONCE JR.,
7 PATRICK RALPH PONCE, EDEN MACIAS PORTUGAL, GERARDO ROBLES, EZEQUIEL
8 ERNESTO RODRIGUEZ, REFUGIO CASTELLANO SERVIN, BRIAN MARK SMITH,
9 MARICELA SMITH, MANUEL SOLAREZ, JOSE TAMAYO, GABRIEL ANTHONY VALLES
10 and VICTORIANO ORTIZ, who willfully and unlawfully attempted, by means of a threat
11 such as is specified in Penal Code section 519, to extort money and other property from
12 MARTIN CORTEZ.

13 **SPECIAL ALLEGATIONS**

14 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
15 the above offense was committed for the benefit of, at the direction of, and in association
16 with a criminal street gang with the specific intent to promote, further and assist in criminal
17 conduct by gang members.

18 NOTICE: Conviction of this offense will require you to register pursuant to Penal
19 Code section 186.30, subdivision (a). Willful failure to register is a crime.

20 It is further alleged that in the commission of the above offense RAUL ANTONIO
21 CRUZ JR. carried a firearm on the person and in a vehicle within the meaning of Penal
22 Code 12021.5, subdivision (a).

23 **COUNT 25 (Pen. Code, §§ 664/187)**

24 **ATTEMPTED MURDER**

25 On or about June 30, 2006, in the State of California, in violation of SECTIONS
26 187/664 of the PENAL CODE, a Felony, was committed by MARCO ARAUJO, RICHARD
27 BUCHANAN, RAUL ANTONIO CRUZ JR., ANTHONY EDWARD FAVELA, DAVID PAEZ
28 MARTINEZ, RAUL VEGA MEJIA, JORGE CUEVAS MENDOZA, MAX PONCE JR.,

1 PATRICK RALPH PONCE, EDEN MACIAS PORTUGAL, GERARDO ROBLES, EZEQUIEL
2 ERNESTO RODRIGUEZ, REFUGIO CASTELLANO SERVIN, BRIAN MARK SMITH,
3 MARICELA SMITH, MANUEL SOLAREZ, JOSE TAMAYO, GABRIEL ANTHONY VALLES
4 and VICTORIANO ORTIZ, who did unlawfully, and with malice aforethought attempt to
5 murder MARTIN CORTEZ, a human being.

6 NOTICE: The above offense is a serious felony within the meaning of Penal Code
7 section 1192.7, subdivision (c).

8 NOTICE: Conviction of this offense will require you to provide specimens and
9 samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and
10 samples is a crime.

11 **SPECIAL ALLEGATIONS**

12 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
13 the above offense was committed for the benefit of, at the direction of, and in association
14 with a criminal street gang with the specific intent to promote, further and assist in criminal
15 conduct by gang members.

16 NOTICE: Conviction of this offense will require you to register pursuant to Penal
17 Code section 186.30, subdivision (a). Willful failure to register is a crime.

18 It is further alleged that in the commission of the above offense RAUL ANTONIO
19 CRUZ JR. carried a firearm on the person and in a vehicle within the meaning of Penal
20 Code 12021.5, subdivision (a).

21 It is further alleged that RAUL ANTONIO CRUZ JR. personally used a firearm, a
22 handgun, within the meaning of Penal Code sections 12022.5, subdivision (a)(1), and
23 12022.53, subdivision (b).

24 It is further alleged that RAUL ANTONIO CRUZ JR. personally and intentionally
25 discharged a firearm, a handgun within the meaning of Penal Code section 12022.53,
26 subdivision (c).

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1 It is further alleged that said RAUL ANTONIO CRUZ JR. personally and intentionally
2 discharged a firearm, a handgun, which proximately caused great bodily injury to MARTIN
3 CORTEZ within the meaning of Penal Code section 12022.53, subdivision (d).

4 It is further alleged that in the commission of the above offense said RAUL
5 ANTONIO CRUZ JR. personally inflicted great bodily injury upon MARTIN CORTEZ, not
6 an accomplice to the above offense, within the meaning of Penal Code Section 12022.7,
7 subdivision (a) and also causing the above offense to become a serious felony within the
8 meaning of Penal Code Section 1192.7, subdivision (c)(8).

9 NOTICE: This offense is a serious felony and a violent felony within the meaning
10 of Penal Code sections 1192.7, subdivision (c)(8) and 667.5, subdivision (c)(8).

11 **COUNT 26 (Pen. Code, § 245, subd. (a)(2))**

12 **ASSAULT WITH A FIREARM**

13 On or about June 30, 2006, in the State of California, in violation of SECTION 245,
14 subdivision (a)(2) of the PENAL CODE, a Felony, was committed by MARCO ARAUJO,
15 RICHARD BUCHANAN, RAUL ANTONIO CRUZ JR., ANTHONY EDWARD FAVELA,
16 DAVID PAEZ MARTINEZ, RAUL VEGA MEJIA, JORGE CUEVAS MENDOZA, MAX
17 PONCE JR., PATRICK RALPH PONCE, EDEN MACIAS PORTUGAL, GERARDO
18 ROBLES, EZEQUIEL ERNESTO RODRIGUEZ, REFUGIO CASTELLANO SERVIN,
19 BRIAN MARK SMITH, MARICELA SMITH, MANUEL SOLAREZ, JOSE TAMAYO,
20 GABRIEL ANTHONY VALLES and VICTORIANO ORTIZ, who did willfully and unlawfully
21 commit an assault on MARTIN CORTEZ with a firearm.

22 NOTICE: Conviction of this offense will require you to provide specimens and
23 samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and
24 samples is a crime.

25 It is further alleged that, pursuant to Penal Code section 1203.095, there is a
26 presumptive minimal jail time required if you are convicted of this charge.

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1 **SPECIAL ALLEGATIONS**

2 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
3 the above offense was committed for the benefit of, at the direction of, and in association
4 with a criminal street gang with the specific intent to promote, further and assist in criminal
5 conduct by gang members.

6 NOTICE: Conviction of this offense will require you to register pursuant to Penal
7 Code section 186.30, subdivision (a). Willful failure to register is a crime.

8 It is further alleged that in the commission of the above offense RAUL ANTONIO
9 CRUZ JR. carried a firearm on the person and in a vehicle within the meaning of Penal
10 Code section 12021.5, subdivision (a).

11 It is further alleged that RAUL ANTONIO CRUZ JR. personally used a firearm, to wit:
12 a handgun within the meaning of Penal Code sections 12022.5, 1192.7, subdivision (c) and
13 667.5, subdivision (c).

14 It is further alleged that in the commission of the above offense RAUL ANTONIO
15 CRUZ JR., personally inflicted great bodily injury upon MARTIN CORTEZ, not an
16 accomplice to the above offense, within the meaning of Penal Code section 12022.7,
17 subdivision (a), and also causing the above offense to become a serious felony within the
18 meaning of Penal Code Section 1192.7, subdivision (c)(8).

19 NOTICE: This offense is a serious felony and a violent felony within the meaning
20 of Penal Code sections 1192.7, subdivision (c)(8), and 667.5, subdivision (c)(8).

21 **COUNT 27 (Health & Saf. Code, § 11352, subd. (a))**

22 **SELL/TRANSPORT/OFFER TO SELL CONTROLLED SUBSTANCE**

23 On or about July 19, 2006, in the State of California, in violation of SECTION 11352,
24 subdivision (a), of the HEALTH and SAFETY CODE, a Felony, was committed by MARCO
25 ARAUJO, RICHARD BUCHANAN, RAUL ANTONIO CRUZ JR., ANTHONY EDWARD
26 FAVELA, DAVID PAEZ MARTINEZ, RAUL VEGA MEJIA, JORGE CUEVAS MENDOZA,
27 MAX PONCE JR., PATRICK RALPH PONCE, EDEN MACIAS PORTUGAL, GERARDO
28 ROBLES, EZEQUIEL ERNESTO RODRIGUEZ, REFUGIO CASTELLANO SERVIN,

1 BRIAN MARK SMITH, MARICELA SMITH, MANUEL SOLAREZ, JOSE TAMAYO,
2 GABRIEL ANTHONY VALLES and VICTORIANO ORTIZ, who did unlawfully transport,
3 import into the State of California, sell, furnish, administer, and give away, and offer to
4 transport, import into the State of California, sell, furnish, administer, and give away, and
5 attempt to import into the State of California and transport a controlled substance, to wit:
6 heroin.

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

10 **SPECIAL ALLEGATIONS**

11 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
12 the above offense was committed for the benefit of, at the direction of, and in association
13 with a criminal street gang with the specific intent to promote, further and assist in criminal
14 conduct by gang members.

15 NOTICE: Conviction of this offense will require you to register pursuant to Penal
16 Code section 186.30, subdivision (a). Willful failure to register is a crime.

17 It is further alleged that in the commission of the above offense, MARCO ARAUJO,
18 RICHARD BUCHANAN, RAUL ANTONIO CRUZ JR., ANTHONY EDWARD FAVELA,
19 DAVID PAEZ MARTINEZ, RAUL VEGA MEJIA, JORGE CUEVAS MENDOZA, MAX
20 PONCE JR., PATRICK RALPH PONCE, EDEN MACIAS PORTUGAL, GERARDO
21 ROBLES, EZEQUIEL ERNESTO RODRIGUEZ, REFUGIO CASTELLANO SERVIN,
22 BRIAN MARK SMITH, MARICELA SMITH, MANUEL SOLAREZ, JOSE TAMAYO,
23 GABRIEL ANTHONY VALLES and VICTORIANO ORTIZ, sold or offered for sale 14.25
24 grams and more of a substance containing heroin, within the meaning of Penal Code
25 section 1203.07, subdivision (a)(2), and Health and Safety Code section 11352.5,
26 subdivision (2).

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1 **COUNT 28 (Pen. Code, § 12025, subd. (a))**

2 **CARRYING FIREARM CONCEALED IN VEHICLE**

3 On or about July 23, 2006, in the State of California, in violation of SECTION 12025,
4 subdivision (a), of the PENAL CODE, a Felony, was committed by MARCO ARAUJO,
5 RICHARD BUCHANAN, RAUL ANTONIO CRUZ JR., ANTHONY EDWARD FAVELA,
6 DAVID PAEZ MARTINEZ, RAUL VEGA MEJIA, JORGE CUEVAS MENDOZA, MAX
7 PONCE JR., PATRICK RALPH PONCE, EDEN MACIAS PORTUGAL, GERARDO
8 ROBLES, EZEQUIEL ERNESTO RODRIGUEZ, REFUGIO CASTELLANO SERVIN,
9 BRIAN MARK SMITH, MARICELA SMITH, MANUEL SOLAREZ, JOSE TAMAYO,
10 GABRIEL ANTHONY VALLES and VICTORIANO ORTIZ, who did unlawfully carry
11 concealed within a vehicle which was then and there under his/her control and direction a
12 certain firearm, to wit: a Smith and Wesson handgun, capable of being concealed upon the
13 person.

14 **SPECIAL ALLEGATIONS**

15 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
16 the above offense was committed for the benefit of, at the direction of, and in association
17 with a criminal street gang with the specific intent to promote, further and assist in criminal
18 conduct by gang members.

19 NOTICE: Conviction of this offense will require you to register pursuant to Penal
20 Code section 186.30, subdivision (a). Willful failure to register is a crime.

21 It is further alleged that in the commission of the above offense RAUL VEGA MEJIA
22 carried a firearm on the person and in a vehicle within the meaning of Penal Code 12021.5,
23 subdivision (a).

24 It is further alleged pursuant to Penal Code section 12025, subdivision (b)(1), that
25 RAUL VEGA MEJIA had theretofore been duly and legally convicted of a felony.

26 It is further alleged pursuant to Penal Code section 12025, subdivision (b)(2), that
27 the above mentioned firearm was stolen and RAUL VEGA MEJIA knew and reasonably
28 should have known that it was stolen.

1 **COUNT 29 (Pen. Code, § 12021, subd. (a)(1))**

2 **POSSESSION OF FIREARM BY A FELON**

3 On or about July 23, 2006, in the State of California, in violation of SECTION 12021,
4 subdivision (a)(1), of the PENAL CODE, a Felony, was committed by MARCO ARAUJO,
5 RICHARD BUCHANAN, RAUL ANTONIO CRUZ JR., ANTHONY EDWARD FAVELA,
6 DAVID PAEZ MARTINEZ, RAUL VEGA MEJIA, JORGE CUEVAS MENDOZA, MAX
7 PONCE JR., PATRICK RALPH PONCE, EDEN MACIAS PORTUGAL, GERARDO
8 ROBLES, EZEQUIEL ERNESTO RODRIGUEZ, REFUGIO CASTELLANO SERVIN,
9 BRIAN MARK SMITH, MARICELA SMITH, MANUEL SOLAREZ, JOSE TAMAYO,
10 GABRIEL ANTHONY VALLES and VICTORIANO ORTIZ, who did unlawfully own,
11 possess, purchase, receive, and have custody and control of a firearm, to wit: a handgun,
12 RAUL VEGA MEJIA having theretofore been duly and legally convicted of a felony or
13 felonies, to wit:

14 Court Case Code/Statute Conviction Date County State Court Type
15 SCE196368 H&S 11360(a) 8/28/03 San Diego CA Superior

16 **SPECIAL ALLEGATION**

17 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
18 the above offense was committed for the benefit of, at the direction of, and in association
19 with a criminal street gang with the specific intent to promote, further and assist in criminal
20 conduct by gang members.

21 NOTICE: Conviction of this offense will require you to register pursuant to Penal
22 Code section 186.30, subdivision (a). Willful failure to register is a crime.

23 **COUNT 30 (Health & Saf. Code, § 11352, subd. (a))**

24 **SELL/TRANSPORT/OFFER TO SELL CONTROLLED SUBSTANCE**

25 On or about September 21, 2006, in the State of California, in violation of SECTION
26 11352, subdivision (a), of the HEALTH and SAFETY CODE, a Felony, was committed by
27 MARCO ARAUJO, RICHARD BUCHANAN, RAUL ANTONIO CRUZ JR., ANTHONY
28 EDWARD FAVELA, JUAN ANTONIO HORNBACK, DAVID PAEZ MARTINEZ, RAUL

1 VEGA MEJIA, JORGE CUEVAS MENDOZA, MAX PONCE JR., PATRICK RALPH
2 PONCE, EDEN MACIAS PORTUGAL, GERARDO ROBLES, EZEQUIEL ERNESTO
3 RODRIGUEZ, REFUGIO CASTELLANO SERVIN, BRIAN MARK SMITH, MARICELA
4 SMITH, MANUEL SOLAREZ, JOSE TAMAYO, ANTHONY GABRIEL VALLES,
5 VICTORIANO ORTIZ and MARC ANTHONY VILLASENOR, who did unlawfully transport,
6 import into the State of California, sell, furnish, administer, and give away, and offer to
7 transport, import into the State of California, sell, furnish, administer, and give away, and
8 attempt to import into the State of California and transport a controlled substance, to wit:
9 heroin.

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

13 **SPECIAL ALLEGATION**

14 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
15 the above offense was committed for the benefit of, at the direction of, and in association
16 with a criminal street gang with the specific intent to promote, further and assist in criminal
17 conduct by gang members.

18 NOTICE: Conviction of this offense will require you to register pursuant to Penal
19 Code section 186.30, subdivision (a). Willful failure to register is a crime.

20 **COUNT 31 (Health & Saf. Code, § 11352, subd. (a))**

21 **SELL/TRANSPORT/OFFER TO SELL CONTROLLED SUBSTANCE**

22 On or about September 22, 2006, in the State of California, in violation of SECTION
23 11352, subdivision (a), of the HEALTH and SAFETY CODE, a Felony, was committed by
24 MARCO ARAUJO, RICHARD BUCHANAN, RAUL ANTONIO CRUZ JR., ANTHONY
25 EDWARD FAVELA, JUAN ANTONIO HORNBACK, DAVID PAEZ MARTINEZ, RAUL
26 VEGA MEJIA, JORGE CUEVAS MENDOZA, MAX PONCE JR., PATRICK RALPH
27 PONCE, EDEN MACIAS PORTUGAL, GERARDO ROBLES, EZEQUIEL ERNESTO
28 RODRIGUEZ, REFUGIO CASTELLANO SERVIN, BRIAN MARK SMITH, MARICELA

1 SMITH, MANUEL SOLAREZ, JOSE TAMAYO, GABRIEL ANTHONY VALLES,
2 VICTORIANO ORTIZ and MARC ANTHONY VILLASENOR, did unlawfully transport, import
3 into the State of California, sell, furnish, administer, and give away, and offer to transport,
4 import into the State of California, sell, furnish, administer, and give away, and attempt to
5 import into the State of California and transport a controlled substance, to wit: heroin.

6 Notice: Conviction of this offense will require you to register pursuant to Health and
7 Safety Code section 11590. Failure to do so is a crime pursuant to Health and Safety Code
8 section 11594.

9 **SPECIAL ALLEGATIONS**

10 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
11 the above offense was committed for the benefit of, at the direction of, and in association
12 with a criminal street gang with the specific intent to promote, further and assist in criminal
13 conduct by gang members.

14 NOTICE: Conviction of this offense will require you to register pursuant to Penal
15 Code section 186.30, subdivision (a). Willful failure to register is a crime.

16 It is further alleged that in the commission of the above offense the Defendants
17 possessed for sale 14.25 grams and more of a substance containing heroin, within the
18 meaning of Penal Code section 1203.07, subdivision (a)(2), and Health and Safety Code
19 section 11352.5, subdivision (2).

20 **COUNT 32 (Pen. Code, § 520)**

21 **EXTORTION**

22 On or about November 7, 2006, in the State of California, in violation of SECTION
23 520 of the PENAL CODE, a Felony, was committed by MARCO ARAUJO, RICHARD
24 BUCHANAN, RAUL ANTONIO CRUZ JR., ANTHONY EDWARD FAVELA, JUAN
25 ANTONIO HORNBACK, DAVID PAEZ MARTINEZ, RAUL VEGA MEJIA, JORGE CUEVAS
26 MENDOZA, MAX PONCE JR., PATRICK RALPH PONCE, EDEN MACIAS PORTUGAL,
27 GERARDO ROBLES, EZEQUIEL ERNESTO RODRIGUEZ, VICTOR RUBY, REFUGIO
28 CASTELLANO SERVIN, BRIAN MARK SMITH, MARICELA SMITH, MANUEL SOLAREZ,

1 JOSE TAMAYO, GABRIEL ANTHONY VALLES, VICTORIANO ORTIZ and MARC
2 ANTHONY VILLASENOR, who willfully and unlawfully extorted money and other property
3 from LAMONT TYRONE GENTRY by means of force and threat such as is mentioned in
4 Penal Code section 519.

5 **SPECIAL ALLEGATIONS**

6 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
7 the above offense was committed for the benefit of, at the direction of, and in association
8 with a criminal street gang with the specific intent to promote, further and assist in criminal
9 conduct by gang members.

10 NOTICE: Conviction of this offense will require you to register pursuant to Penal
11 Code section 186.30, subdivision (a). Willful failure to register is a crime.

12 It is further alleged that the offense(s) charged in Count 32 cause the sentencing to
13 be pursuant to Penal Code section 186.22, subdivision (b)(4)(C).

14 NOTICE: Conviction of this offense will require you to register pursuant to Penal
15 Code section 186.30, subdivision (a). Willful failure to register is a crime

16 **COUNT 33 (Health & Saf. Code, § 11352, subd. (a))**

17 **SELL/TRANSPORT/OFFER TO SELL CONTROLLED SUBSTANCE**

18 On or about November 10, 2006, in the State of California, in violation of SECTION
19 11352, subdivision (a), of the HEALTH and SAFETY CODE, a Felony, was committed by
20 MARCO ARAUJO, RICHARD BUCHANAN, RAUL ANTONIO CRUZ JR., ANTHONY
21 EDWARD FAVELA, JUAN ANTONIO HORNBACK, DAVID PAEZ MARTINEZ, RAUL
22 VEGA MEJIA, JORGE CUEVAS MENDOZA, LUIS HECTOR MUNOZ JR., ANTONIO
23 PADILLA, MAX PONCE JR., PATRICK RALPH PONCE, EDEN MACIAS PORTUGAL,
24 GERARDO ROBLES, EZEQUIEL ERNESTO RODRIGUEZ, VICTOR RUBY, REFUGIO
25 CASTELLANO SERVIN, BRIAN MARK SMITH, MARICELA SMITH, MANUEL SOLAREZ,
26 JOSE TAMAYO, GABRIEL ANTHONY VALLES, VICTORIANO ORTIZ and MARC
27 ANTHONY VILLASENOR, who did unlawfully transport, import into the State of California,
28 sell, furnish, administer, and give away, and offer to transport, import into the State of

1 California, sell, furnish, administer, and give away, and attempt to import into the State of
2 California and transport a controlled substance, to wit: heroin.

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

6 **SPECIAL ALLEGATION**

7 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
8 the above offense was committed for the benefit of, at the direction of, and in association
9 with a criminal street gang with the specific intent to promote, further and assist in criminal
10 conduct by gang members.

11 NOTICE: Conviction of this offense will require you to register pursuant to Penal
12 Code section 186.30, subdivision (a). Willful failure to register is a crime.

13 **COUNT 34 (Pen. Code, § 245, subd. (a)(1))**

14 **ASSAULT BY MEANS LIKELY TO PRODUCE GREAT BODILY INJURY**

15 On or about November 14, 2006, in the State of California, in violation of SECTION
16 245, subdivision (a)(1) of the PENAL CODE, a Felony, was committed by MARCO
17 ARAUJO, RICHARD BUCHANAN, RAUL ANTONIO CRUZ JR., ANTHONY EDWARD
18 FAVELA, JUAN ANTONIO HORNBACK, DAVID PAEZ MARTINEZ, RAUL VEGA MEJIA,
19 JORGE CUEVAS MENDOZA, LUIS HECTOR MUNOZ JR., ANTONIO PADILLA, MAX
20 PONCE JR., PATRICK RALPH PONCE, EDEN MACIAS PORTUGAL, GERARDO
21 ROBLES, EZEQUIEL ERNESTO RODRIGUEZ, VICTOR RUBY, REFUGIO CASTELLANO
22 SERVIN, BRIAN MARK SMITH, MARICELA SMITH, MANUEL SOLAREZ, JOSE
23 TAMAYO, GABRIEL ANTHONY VALLES, VICTORIANO ORTIZ and MARC ANTHONY
24 VILLASENOR, did willfully and unlawfully commit an assault upon RUDY FERREL by
25 means of force likely to produce great bodily injury.

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27 ///

28 NOTICE: Conviction of this offense will require you to provide specimens and

1 samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and
2 samples is a crime.

3 NOTICE: The above offense is a serious felony within the meaning of Penal Code
4 section 1192.7(c).

5 **SPECIAL ALLEGATION**

6 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
7 the above offense was committed for the benefit of, at the direction of, and in association
8 with a criminal street gang with the specific intent to promote, further and assist in criminal
9 conduct by gang members.

10 NOTICE: Conviction of this offense will require you to register pursuant to Penal
11 Code section 186.30, subdivision (a). Willful failure to register is a crime.

12 **COUNT 35 (Pen. Code, § 12021, subd. (a)(1))**

13 **POSSESSION OF FIREARM BY A FELON**

14 On or about November 14, 2006, in the State of California, in violation of SECTION
15 12021, subdivision (a)(1), of the PENAL CODE, a Felony, was committed by MARCO
16 ARAUJO, RICHARD BUCHANAN, RAUL ANTONIO CRUZ JR., ANTHONY EDWARD
17 FAVELA, JUAN ANTONIO HORNBACK, DAVID PAEZ MARTINEZ, RAUL VEGA MEJIA,
18 JORGE CUEVAS MENDOZA, LUIS HECTOR MUNOZ JR., ANTONIO PADILLA, MAX
19 PONCE JR., PATRICK RALPH PONCE, EDEN MACIAS PORTUGAL, GERARDO
20 ROBLES, EZEQUIEL ERNESTO RODRIGUEZ, VICTOR RUBY, REFUGIO CASTELLANO
21 SERVIN, BRIAN MARK SMITH, MARICELA SMITH, MANUEL SOLAREZ, JOSE
22 TAMAYO, GABRIEL ANTHONY VALLES, VICTORIANO ORTIZ and MARC ANTHONY
23 VILLASENOR, who did unlawfully own, possess, purchase, receive, and have custody and
24 control of a firearm, to wit: a shotgun, MARC ANTHONY VILLASENOR having theretofore
25 been duly and legally convicted of a felony or felonies, to wit:

<u>Court Case</u>	<u>Code/Statute</u>	<u>Conviction Date</u>	<u>County</u>	<u>State</u>	<u>Court Type</u>
CF6816	PC 211	8/27/99	Imperial	CA	Superior

1 **SPECIAL ALLEGATION**

2 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
3 the above offense was committed for the benefit of, at the direction of, and in association
4 with a criminal street gang with the specific intent to promote, further and assist in criminal
5 conduct by gang members.

6 NOTICE: Conviction of this offense will require you to register pursuant to Penal
7 Code section 186.30, subdivision (a). Willful failure to register is a crime.

8 **COUNT 36 (Pen. Code, § 12072, subd. (a)(1))**

9 **KNOWINGLY SELLING/SUPPLYING FIREARM TO FELON**

10 On or about November 16, 2006, in the State of California, in violation of SECTION
11 12072, subdivision (a)(1), of the PENAL CODE, a Felony, was committed by MARCO
12 ARAUJO, RICHARD BUCHANAN, RAUL ANTONIO CRUZ JR., ANTHONY EDWARD
13 FAVELA, JUAN ANTONIO HORNBACK, DAVID PAEZ MARTINEZ, RAUL VEGA MEJIA,
14 JORGE CUEVAS MENDOZA, LUIS HECTOR MUNOZ JR., ANTONIO PADILLA, MAX
15 PONCE JR., PATRICK RALPH PONCE, EDEN MACIAS PORTUGAL, GERARDO
16 ROBLES, EZEQUIEL ERNESTO RODRIGUEZ, VICTOR RUBY, REFUGIO CASTELLANO
17 SERVIN, BRIAN MARK SMITH, MARICELA SMITH, MANUEL SOLAREZ, JOSE
18 TAMAYO, GABRIEL ANTHONY VALLES, VICTORIANO ORTIZ and MARC ANTHONY
19 VILLASENOR, who did knowingly supply, deliver, sell or give possession or control of a
20 firearm, to wit: a shotgun to a felon, to wit: FRANCISCO RODRIGUEZ.

21 **SPECIAL ALLEGATION**

22 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
23 the above offense was committed for the benefit of, at the direction of, and in association
24 with a criminal street gang with the specific intent to promote, further and assist in criminal
25 conduct by gang members.

26 NOTICE: Conviction of this offense will require you to register pursuant to Penal
27 Code section 186.30, subdivision (a). Willful failure to register is a crime.

28 ///

1 **COUNT 37 (Pen. Code, § 496)**

2 **RECEIVING STOLEN PROPERTY**

3 On or about November 25, 2006, in the State of California, in violation of SECTION
4 496 of the PENAL CODE, a Felony, was committed by MARCO ARAUJO, RICHARD
5 BUCHANAN, RAUL ANTONIO CRUZ JR., JOSE LUIS ESPINOZA, ANTHONY EDWARD
6 FAVELA, JUAN ANTONIO HORNBACK, DAVID PAEZ MARTINEZ, RAUL VEGA MEJIA,
7 JORGE CUEVAS MENDOZA, LUIS HECTOR MUNOZ JR., ANTONIO PADILLA, MAX
8 PONCE JR., PATRICK RALPH PONCE, EDEN MACIAS PORTUGAL, GERARDO
9 ROBLES, EZEQUIEL ERNESTO RODRIGUEZ, VICTOR RUBY, REFUGIO CASTELLANO
10 SERVIN, BRIAN MARK SMITH, MARICELA SMITH, MANUEL SOLAREZ, JOSE
11 TAMAYO, GABRIEL ANTHONY VALLES, VICTORIANO ORTIZ and MARC ANTHONY
12 VILLASENOR, who did unlawfully buy, receive, conceal, sell, withhold, and aid
13 in concealing, selling, and withholding property, to wit: a United States Marshal's badge,
14 which had been stolen, knowing that said property had been stolen.

15 **SPECIAL ALLEGATION**

16 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
17 the above offense was committed for the benefit of, at the direction of, and in association
18 with a criminal street gang with the specific intent to promote, further and assist in criminal
19 conduct by gang members.

20 NOTICE: Conviction of this offense will require you to register pursuant to Penal
21 Code section 186.30, subdivision (a). Willful failure to register is a crime.

22 **COUNT 38 (Pen. Code, § 12280, subd. (b))**

23 **POSSESSION OF ASSAULT WEAPON**

24 On or about December 12, 2006, in the State of California, in violation of SECTION
25 12280, subdivision (b), of the PENAL CODE, a Felony, was committed by MARCO
26 ARAUJO, RICHARD BUCHANAN, JUAN CORDERO, RAUL ANTONIO CRUZ JR., JOSE
27 LUIS ESPINOZA, ANTHONY EDWARD FAVELA, JUAN ANTONIO HORNBACK, DAVID
28 PAEZ MARTINEZ, RAUL VEGA MEJIA, JORGE CUEVAS MENDOZA, LUIS HECTOR

1 MUNOZ JR., ANTONIO PADILLA, MAX PONCE JR., PATRICK RALPH PONCE, EDEN
2 MACIAS PORTUGAL, GERARDO ROBLES, EZEQUIEL ERNESTO RODRIGUEZ,
3 VICTOR RUBY, REFUGIO CASTELLANO SERVIN, BRIAN MARK SMITH, MARICELA
4 SMITH, MANUEL SOLAREZ, JOSE TAMAYO, GABRIEL ANTHONY VALLES,
5 VICTORIANO ORTIZ and MARC ANTHONY VILLASENOR, who did unlawfully possess
6 an assault weapon, to wit: an assault rifle.

7 **SPECIAL ALLEGATION**

8 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
9 the above offense was committed for the benefit of, at the direction of, and in association
10 with a criminal street gang with the specific intent to promote, further and assist in criminal
11 conduct by gang members.

12 NOTICE: Conviction of this offense will require you to register pursuant to Penal
13 Code section 186.30, subdivision (a). Willful failure to register is a crime.

14 **COUNT 39 (Pen. Code, § 245, subd. (a)(1))**

15 **ASSAULT WITH A DEADLY WEAPON AND**

16 **BY MEANS LIKELY TO PRODUCE GREAT BODILY INJURY**

17 On or about December 28, 2006, in the State of California, in violation of SECTION
18 245, subdivision (a)(1), of the PENAL CODE, a Felony, was committed by MARCO
19 ARAUJO, RICHARD BUCHANAN, JUAN CORDERO, RAUL ANTONIO CRUZ JR., JOSE
20 LUIS ESPINOZA, ANTHONY EDWARD FAVELA, JUAN ANTONIO HORNBACK, JUDY
21 ANN HUERTA, ARMANDO SALVADOR LEON, DAVID PAEZ MARTINEZ, RAUL VEGA
22 MEJIA, RUBY FLORES MENDEZ, JORGE CUEVAS MENDOZA, LUIS HECTOR MUNOZ
23 JR., ANTONIO PADILLA, MAX PONCE JR., PATRICK RALPH PONCE, EDEN MACIAS
24 PORTUGAL, GERARDO ROBLES, EZEQUIEL ERNESTO RODRIGUEZ, VICTOR RUBY,
25 REFUGIO CASTELLANO SERVIN, BRIAN MARK SMITH, MARICELA SMITH, MANUEL
26 SOLAREZ, JOSE TAMAYO, GABRIEL ANTHONY VALLES, VICTORIANO ORTIZ and
27 MARC ANTHONY VILLASENOR, who did willfully and unlawfully commit an assault upon

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1 WILLIE THOMAS with a deadly weapon, to wit: a lead pipe, and by means of force likely
2 to produce great bodily injury.

3 NOTICE: The above offense is a serious felony within the meaning of Penal Code
4 section 1192.7, subdivision (c).

5 NOTICE: Conviction of this offense will require you to provide specimens and
6 samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and
7 samples is a crime.

8 **SPECIAL ALLEGATION**

9 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
10 the above offense was committed for the benefit of, at the direction of, and in association
11 with a criminal street gang with the specific intent to promote, further and assist in criminal
12 conduct by gang members.

13 NOTICE: Conviction of this offense will require you to register pursuant to Penal
14 Code section 186.30, subdivision (a). Willful failure to register is a crime.

15 **COUNT 40 (Pen. Code, § 524)**

16 **ATTEMPTED EXTORTION**

17 On or about April 26, 2007, in the State of California, in violation of SECTION 524
18 of the PENAL CODE, a Felony, was committed by MARCO ARAUJO, RICHARD
19 BUCHANAN, JUAN CORDERO, RAUL ANTONIO CRUZ JR., JOSE LUIS ESPINOZA,
20 ANTHONY EDWARD FAVELA, JUAN ANTONIO HORNBACK, JUDY ANN HUERTA,
21 ARMANDO SALVADOR LEON, DAVID PAEZ MARTINEZ, RAUL VEGA MEJIA, RUBY
22 FLORES MENDEZ, JORGE CUEVAS MENDOZA, LUIS HECTOR MUNOZ JR., ANTONIO
23 PADILLA, JAIME PEREZ, MAX PONCE JR., PATRICK RALPH PONCE, EDEN MACIAS
24 PORTUGAL, GERARDO ROBLES, EZEQUIEL ERNESTO RODRIGUEZ, VICTOR RUBY,
25 REFUGIO CASTELLANO SERVIN, BRIAN MARK SMITH, MARICELA SMITH, MANUEL
26 SOLAREZ, JOSE TAMAYO, GABRIEL ANTHONY VALLES, VICTORIANO ORTIZ, MARC
27 ANTHONY VILLASENOR and JOSE ZEPEDA, who willfully and unlawfully attempted, by

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1 means of a threat such as is specified in Penal Code section 519, to extort money and
2 other property from HECTOR PEREZ JR.

3 **SPECIAL ALLEGATION**

4 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
5 the above offense was committed for the benefit of, at the direction of, and in association
6 with a criminal street gang with the specific intent to promote, further and assist in criminal
7 conduct by gang members.

8 NOTICE: Conviction of this offense will require you to register pursuant to Penal
9 Code section 186.30, subdivision (a). Willful failure to register is a crime.

10 **COUNT 41 (Pen. Code, § 520)**

11 **EXTORTION**

12 On or about April 26, 2007, in the State of California, in violation of SECTION 520
13 of the PENAL CODE, a Felony, was committed by MARCO ARAUJO, RICHARD
14 BUCHANAN, JUAN CORDERO, RAUL ANTONIO CRUZ JR., JOSE LUIS ESPINOZA,
15 ANTHONY EDWARD FAVELA, JUAN ANTONIO HORNBACK, JUDY ANN HUERTA,
16 ARMANDO SALVADOR LEON, DAVID PAEZ MARTINEZ, RAUL VEGA MEJIA, RUBY
17 FLORES MENDEZ, JORGE CUEVAS MENDOZA, LUIS HECTOR MUNOZ JR., ANTONIO
18 PADILLA, JAIME PEREZ, MAX PONCE JR., PATRICK RALPH PONCE, EDEN MACIAS
19 PORTUGAL, GERARDO ROBLES, EZEQUIEL ERNESTO RODRIGUEZ, VICTOR RUBY,
20 REFUGIO CASTELLANO SERVIN, BRIAN MARK SMITH, MARICELA SMITH, MANUEL
21 SOLAREZ, JOSE TAMAYO, GABRIEL ANTHONY VALLES, VICTORIANO ORTIZ, MARC
22 ANTHONY VILLASENOR and JOSE ZEPEDA, who willfully and unlawfully extorted money
23 and other property from LUZ PEREZ, by means of force and threat such as is mentioned
24 in Penal Code section 519.

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1 **SPECIAL ALLEGATIONS**

2 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
3 the above offense was committed for the benefit of, at the direction of, and in association
4 with a criminal street gang with the specific intent to promote, further and assist in criminal
5 conduct by gang members.

6 NOTICE: Conviction of this offense will require you to register pursuant to Penal
7 Code section 186.30, subdivision (a). Willful failure to register is a crime.

8 It is further alleged that the offense(s) charged in Count 41 cause the sentencing to
9 be pursuant to Penal Code section 186.22, subdivision (b)(4)(C).

10 NOTICE: Conviction of this offense will require you to register pursuant to Penal
11 Code section 186.30, subdivision (a). Willful failure to register is a crime.

12 **COUNT 42 (Pen. Code, § 12020, subd. (a)(1))**

13 **POSSESSING/OFFERING TO SELL SHORT-BARRELED SHOTGUN**

14 On or about April 30, 2007, in the State of California, in violation of SECTION
15 12020, subdivision (a)(1), of the PENAL CODE, a Felony, was committed by MARCO
16 ARAUJO, RICHARD BUCHANAN, JUAN CORDERO, RAUL ANTONIO CRUZ JR., JOSE
17 LUIS ESPINOZA, ANTHONY EDWARD FAVELA, JUAN ANTONIO HORNBACK, JUDY
18 ANN HUERTA, ARMANDO SALVADOR LEON, DAVID PAEZ MARTINEZ, RAUL VEGA
19 MEJIA, RUBY FLORES MENDEZ, JORGE CUEVAS MENDOZA, LUIS HECTOR MUNOZ
20 JR., ANTONIO PADILLA, JAIME PEREZ, MAX PONCE JR., PATRICK RALPH PONCE,
21 EDEN MACIAS PORTUGAL, GERARDO ROBLES, EZEQUIEL ERNESTO RODRIGUEZ,
22 VICTOR RUBY, REFUGIO CASTELLANO SERVIN, BRIAN MARK SMITH, MARICELA
23 SMITH, MANUEL SOLAREZ, JOSE TAMAYO, GABRIEL ANTHONY VALLES,
24 VICTORIANO ORTIZ, MARC ANTHONY VILLASENOR and JOSE ZEPEDA, did unlawfully
25 manufacture, cause to be manufactured, import into the state, keep for sale, offer and
26 expose for sale, give, lend and possess a short-barreled shotgun.

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1 It is further alleged that probation shall not be granted except in an unusual case
2 where the interests of justice would best be served. Penal Code section 1203, subdivision
3 (e)(11).

4 **SPECIAL ALLEGATION**

5 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
6 the above offense was committed for the benefit of, at the direction of, and in association
7 with a criminal street gang with the specific intent to promote, further and assist in criminal
8 conduct by gang members.

9 NOTICE: Conviction of this offense will require you to register pursuant to Penal
10 Code section 186.30, subdivision (a). Willful failure to register is a crime.

11 **COUNT 43 (Pen. Code, § 12072, subd. (a)(1))**

12 **KNOWINGLY SELLING/SUPPLYING FIREARM TO FELON**

13 On or about April 30, 2007, in the State of California, in violation of SECTION 12072,
14 subdivision (a)(1), of the PENAL CODE, a Felony, was committed by MARCO ARAUJO,
15 RICHARD BUCHANAN, JUAN CORDERO, RAUL ANTONIO CRUZ JR., JOSE LUIS
16 ESPINOZA, ANTHONY EDWARD FAVELA, JUAN ANTONIO HORNBACK, JUDY ANN
17 HUERTA, ARMANDO SALVADOR LEON, DAVID PAEZ MARTINEZ, RAUL VEGA MEJIA,
18 RUBY FLORES MENDEZ, JORGE CUEVAS MENDOZA, LUIS HECTOR MUNOZ JR.,
19 ANTONIO PADILLA, JAIME PEREZ, MAX PONCE JR., PATRICK RALPH PONCE, EDEN
20 MACIAS PORTUGAL, GERARDO ROBLES, EZEQUIEL ERNESTO RODRIGUEZ,
21 VICTOR RUBY, REFUGIO CASTELLANO SERVIN, BRIAN MARK SMITH, MARICELA
22 SMITH, MANUEL SOLAREZ, JOSE TAMAYO, GABRIEL ANTHONY VALLES,
23 VICTORIANO ORTIZ, MARC ANTHONY VILLASENOR and JOSE ZEPEDA, who did
24 knowingly supply, deliver, sell or give possession or control of a firearm, to wit: a short-
25 barreled shotgun to a felon, to wit: FRANCISCO RODRIGUEZ.

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1 **SPECIAL ALLEGATION**

2 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
3 the above offense was committed for the benefit of, at the direction of, and in association
4 with a criminal street gang with the specific intent to promote, further and assist in criminal
5 conduct by gang members.

6 NOTICE: Conviction of this offense will require you to register pursuant to Penal
7 Code section 186.30, subdivision (a). Willful failure to register is a crime.

8 **COUNT 44 (Pen, Code, § 12021, subd. (a)(1))**

9 **POSSESSION OF FIREARM BY A FELON**

10 On or about April 30, 2007, in the State of California, in violation of SECTION 12021,
11 subdivision (a)(1), of the PENAL CODE, a Felony, was committed by MARCO ARAUJO,
12 RICHARD BUCHANAN, JUAN CORDERO, RAUL ANTONIO CRUZ JR., JOSE LUIS
13 ESPINOZA, ANTHONY EDWARD FAVELA, JUAN ANTONIO HORNBACK, JUDY ANN
14 HUERTA, ARMANDO SALVADOR LEON, DAVID PAEZ MARTINEZ, RAUL VEGA MEJIA,
15 RUBY FLORES MENDEZ, JORGE CUEVAS MENDOZA, LUIS HECTOR MUNOZ JR.,
16 ANTONIO PADILLA, JAIME PEREZ, MAX PONCE JR., PATRICK RALPH PONCE, EDEN
17 MACIAS PORTUGAL, GERARDO ROBLES, EZEQUIEL ERNESTO RODRIGUEZ,
18 VICTOR RUBY, REFUGIO CASTELLANO SERVIN, BRIAN MARK SMITH, MARICELA
19 SMITH, MANUEL SOLAREZ, JOSE TAMAYO, GABRIEL ANTHONY VALLES,
20 VICTORIANO ORTIZ, MARC ANTHONY VILLASENOR and JOSE ZEPEDA, who did
21 unlawfully own, possess, purchase, receive, and have custody and control of a firearm, to
22 wit: a short barreled shotgun, RAUL ANTONIO CRUZ JR., having theretofore been duly
23 and legally convicted of a felony or felonies, to wit:

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<u>Court Case</u>	<u>Code/Statute</u>	<u>Conviction Date</u>	<u>County</u>	<u>State</u>	<u>Court Type</u>
01-CR-00936	21USC841(a)(1)	9/4/01	San Diego	CA	Southern District

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1 **SPECIAL ALLEGATION**

2 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
3 the above offense was committed for the benefit of, at the direction of, and in association
4 with a criminal street gang with the specific intent to promote, further and assist in criminal
5 conduct by gang members.

6 NOTICE: Conviction of this offense will require you to register pursuant to Penal
7 Code section 186.30, subdivision (a). Willful failure to register is a crime.

8 **COUNT 45 (Pen. Code, § 12072, subd. (a)(1))**

9 **KNOWINGLY SELLING/SUPPLYING FIREARM TO FELON**

10 On or about July 11, 2007, in the State of California, in violation of SECTION 12072,
11 subdivision (a)(1), of the PENAL CODE, a Felony, was committed by MARCO ARAUJO,
12 RICHARD BUCHANAN, JUAN CORDERO, RAUL ANTONIO CRUZ JR., JOSE LUIS
13 ESPINOZA, ANTHONY EDWARD FAVELA, JUAN ANTONIO HORNBACK, JUDY ANN
14 HUERTA, ARMANDO SALVADOR LEON, DAVID PAEZ MARTINEZ, RAUL VEGA MEJIA,
15 RUBY FLORES MENDEZ, JORGE CUEVAS MENDOZA, LUIS HECTOR MUNOZ JR.,
16 ANTONIO PADILLA, JAIME PEREZ, MAX PONCE JR., PATRICK RALPH PONCE, EDEN
17 MACIAS PORTUGAL, GERARDO ROBLES, EZEQUIEL ERNESTO RODRIGUEZ,
18 VICTOR RUBY, REFUGIO CASTELLANO SERVIN, BRIAN MARK SMITH, MARICELA
19 SMITH, MANUEL SOLAREZ, JOSE TAMAYO, GABRIEL ANTHONY VALLES,
20 VICTORIANO ORTIZ, MARC ANTHONY VILLASENOR and JOSE ZEPEDA, who did
21 knowingly supply, deliver, sell or give possession or control of a firearm, to wit: a handgun
22 to a felon, to wit: FRANCISCO RODRIGUEZ.

23 **SPECIAL ALLEGATION**

24 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
25 the above offense was committed for the benefit of, at the direction of, and in association
26 with a criminal street gang with the specific intent to promote, further and assist in criminal
27 conduct by gang members.

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1 NOTICE: Conviction of this offense will require you to register pursuant to Penal
2 Code section 186.30, subdivision (a). Willful failure to register is a crime.

3 **COUNT 46 (Pen. Code, § 12072, subd. (a)(1))**

4 **KNOWINGLY SELLING/SUPPLYING FIREARM TO FELON**

5 On or about July 19, 2007, in the State of California, in violation of SECTION 12072,
6 subdivision (a)(1), of the PENAL CODE, a Felony, was committed by MARCO ARAUJO,
7 RICHARD BUCHANAN, JUAN CORDERO, RAUL ANTONIO CRUZ JR., JOSE LUIS
8 ESPINOZA, ANTHONY EDWARD FAVELA, JUAN ANTONIO HORNBACK, JUDY ANN
9 HUERTA, ARMANDO SALVADOR LEON, DAVID PAEZ MARTINEZ, RAUL VEGA MEJIA,
10 RUBY FLORES MENDEZ, JORGE CUEVAS MENDOZA, LUIS HECTOR MUNOZ JR.,
11 ANTONIO PADILLA, JAIME PEREZ, MAX PONCE JR., PATRICK RALPH PONCE, EDEN
12 MACIAS PORTUGAL, GERARDO ROBLES, EZEQUIEL ERNESTO RODRIGUEZ,
13 VICTOR RUBY, REFUGIO CASTELLANO SERVIN, BRIAN MARK SMITH, MARICELA
14 SMITH, MANUEL SOLAREZ, JOSE TAMAYO, GABRIEL ANTHONY VALLES,
15 VICTORIANO ORTIZ, MARC ANTHONY VILLASENOR and JOSE ZEPEDA, who did
16 knowingly supply, deliver, sell or give possession or control of a firearm, to wit: a nine-
17 millimeter handgun to a felon, to wit: FRANCISCO RODRIGUEZ.

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1 **SPECIAL ALLEGATION**

2 It is further alleged pursuant to Penal Code section 186.22, subdivision (b)(1), that
3 the above offense was committed for the benefit of, at the direction of, and in association
4 with a criminal street gang with the specific intent to promote, further and assist in criminal
5 conduct by gang members.

6 NOTICE: Conviction of this offense will require you to register pursuant to Penal
7 Code section 186.30, subdivision (a). Willful failure to register is a crime.

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9
10 KARLA DAVIS
11 Deputy Attorney General

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13 CHARLES C. RAGLAND
14 Deputy Attorney General

15 DATED: September 4, 2007

16
17 **“A TRUE BILL”**

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19 N/A
20 GRAND JURY FOREPERSON

21 DATED: N/A
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