

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO
VICTORVILLE DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,)	COURT CASE NO
)	
Plaintiff)	
)	
vs.)	
)	
Diego Jose Cruz , Nathally Marceley Cruz)	FELONY COMPLAINT
)	
Defendant)	DA CASE NO 2008-00-0072593

The undersigned is informed and believes that:

COUNT 1

On or about December 18, 2008, in the above named judicial district, the crime of MURDER, in violation of PENAL CODE SECTION 187(a), a felony, was committed by Diego Jose Cruz and Nathally Marceley Cruz, who did unlawfully, and with malice aforethought murder Edgar Palma , a human being.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

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

It is further alleged, pursuant to subdivision (d)(2)(a) of section 707 of the Welfare and Institutions code, that the defendant was a minor who was at least 14 years of age at the time of the commission of the above offenses.

It is further alleged as to count(s) 1 that in the commission and attempted commission of the above offense, the said defendant(s) Diego Jose Cruz, personally used a deadly and dangerous weapon(s), to wit, Machete, said use not being an element of the above offense, within

the meaning of Penal Code Section 12022(b)(1) and causing the above offense to be a serious felony within the meaning of Penal Code section 1192.7(c)(23).

It is further alleged as to count(s) 1 that in the commission and attempted commission of the above offense, the said defendant(s) Nathally Marcely Cruz, personally used a deadly and dangerous weapon(s), to wit, Knife, said use not being an element of the above offense, within the meaning of Penal Code Section 12022(b)(1) and causing the above offense to be a serious felony within the meaning of Penal Code section 1192.7(c)(23).

* * * * *

NOTICE TO DEFENDANT AND DEFENDANT'S ATTORNEY

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

NOTICE TO ATTORNEY

The materials accompanying this notice may include information about witnesses. If so, these materials are disclosed to you pursuant to Penal Code section 1054.2 which provides: "No attorney may disclose or permit to be disclosed to a defendant the address or telephone number of a victim or witness whose name is disclosed to the attorney pursuant to subdivision (a) of Section 1054.1 unless specifically permitted to do so by the court after a hearing and a showing of good cause."

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT CONSISTS OF 1 COUNT(S).

Executed at Victorville, California, on December 26, 2008.

DECLARANT AND COMPLAINANT

Agency: Apple Valley Police Department

Prelim Est. 00:00

Defendant	Birth Date	Booking No.	CII No.	NCIC
Diego Jose Cruz	01/17/1990	0812301464		
Nathally Marcely Cruz	10/27/1994			