

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,)	COURT CASE NO. FSB032026
)	
Plaintiff)	FIRST AMENDED
)	
vs.)	FELONY COMPLAINT
)	
Froylan Chiprez)	
)	
Defendant)	DA CASE NO. 2001-00-0031012

The undersigned is informed and believes that:

COUNT 1

On or about July 9, 2000, in the above named judicial district, the crime of MURDER, in violation of PENAL CODE SECTION 187(a), a felony, was committed by Froylan Chiprez, who did unlawfully, and with malice aforethought murder Gilbert Agudo , 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 Penal Code section 186.22(b)(1) as to count(s) 1, 2, 3, 4, 5, 6 that the above offense was committed for the benefit of, at the direction of, or in association with a criminal street gang with the specific intent to promote, further or assist in criminal conduct by gang members.

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

It is further alleged as to count(s) 1, 2, 3, 4, 5, 6 that a principal personally and intentionally discharged a firearm, a handgun, which proximately caused great bodily injury and death to Gilbert Agudo within the meaning of Penal Code sections 12022.53(d) and (e)(1).

It is further alleged as to count(s) 1, 2, 3, 4, 5, 6 that a principal personally and intentionally discharged a firearm, a handgun, within the meaning of Penal Code sections 12022.53(c) and (e)(1).

It is further alleged as to count(s) 1, 2, 3, 4, 5, 6 that a principal personally used a firearm, a handgun, within the meaning of Penal Code sections 12022.53(b) and (e)(1).

It is further alleged as to count(s) 1, 2, 3, 4 that the offenses charged in counts Counts 1,2,3,4 are a special circumstance within the meaning of Penal Code Section 190.2(a)(3).

It is further alleged, pursuant to Penal Code section 190.2(a)(22), that the defendant intentionally killed Gilbert Agudo , Johnny Agudo , Anthony Luna and Marcelino Luna while the defendant was an active participant in a criminal street gang and the murder was carried out to further the activities of the criminal street gang.

COUNT 2

On or about July 9, 2000, in the above named judicial district, the crime of MURDER, in violation of PENAL CODE SECTION 187(a), a felony, was committed by Froylan Chiprez, who did unlawfully, and with malice aforethought murder Johnny Agudo , 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 Penal Code section 186.22(b)(1) as to count(s) 1, 2, 3, 4, 5, 6 that the above offense was committed for the benefit of, at the direction of, or in association with a criminal street gang with the specific intent to promote, further or assist in criminal conduct by gang members.

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

It is further alleged as to count(s) 1, 2, 3, 4, 5, 6 that a principal personally and intentionally discharged a firearm, a handgun, which proximately caused great bodily injury and death to Johnny Agudo within the meaning of Penal Code sections 12022.53(d) and (e)(1).

It is further alleged as to count(s) 1, 2, 3, 4, 5, 6 that a principal personally and intentionally discharged a firearm, a handgun, within the meaning of Penal Code sections 12022.53(c) and (e)(1).

It is further alleged as to count(s) 1, 2, 3, 4, 5, 6 that a principal personally used a firearm, a handgun, within the meaning of Penal Code sections 12022.53(b) and (e)(1).

It is further alleged as to count(s) 1, 2, 3, 4 that the offenses charged in counts Counts 1,2,3,4 are a special circumstance within the meaning of Penal Code Section 190.2(a)(3).

It is further alleged, pursuant to Penal Code section 190.2(a)(22), that the defendant intentionally killed Gilbert Agudo , Johnny Agudo , Anthony Luna and Marcelino Luna while the defendant was an active participant in a criminal street gang and the murder was carried out to further the activities of the criminal street gang.

COUNT 3

On or about July 9, 2000, in the above named judicial district, the crime of MURDER, in violation of PENAL CODE SECTION 187(a), a felony, was committed by Froylan Chiprez, who did unlawfully, and with malice aforethought murder Anthony Luna , 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 Penal Code section 186.22(b)(1) as to count(s) 1, 2, 3, 4, 5, 6 that the above offense was committed for the benefit of, at the direction of, or in association with a criminal street gang with the specific intent to promote, further or assist in criminal conduct by gang members.

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

It is further alleged as to count(s) 1, 2, 3, 4, 5, 6 that a principal personally and intentionally discharged a firearm, a handgun, which proximately caused great bodily injury and death to Anthony Luna within the meaning of Penal Code sections 12022.53(d) and (e)(1).

It is further alleged as to count(s) 1, 2, 3, 4, 5, 6 that a principal personally and intentionally discharged a firearm, a handgun, within the meaning of Penal Code sections 12022.53(c) and (e)(1).

It is further alleged as to count(s) 1, 2, 3, 4, 5, 6 that a principal personally used a firearm, a handgun, within the meaning of Penal Code sections 12022.53(b) and (e)(1).

It is further alleged as to count(s) 1, 2, 3, 4 that the offenses charged in counts Counts 1,2,3,4 are a special circumstance within the meaning of Penal Code Section 190.2(a)(3).

It is further alleged, pursuant to Penal Code section 190.2(a)(22), that the defendant intentionally killed Gilbert Agudo , Johnny Agudo , Anthony Luna and Marcelino Luna while the defendant was an active participant in a criminal street gang and the murder was carried out to further the activities of the criminal street gang.

COUNT 4

On or about July 9, 2000, in the above named judicial district, the crime of MURDER, in violation of PENAL CODE SECTION 187(a), a felony, was committed by Froylan Chiprez, who did unlawfully, and with malice aforethought murder Marcelino Luna , 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 Penal Code section 186.22(b)(1) as to count(s) 1, 2, 3, 4, 5, 6 that the above offense was committed for the benefit of, at the direction of, or in association with a criminal street gang with the specific intent to promote, further or assist in criminal conduct by gang members.

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

It is further alleged as to count(s) 1, 2, 3, 4, 5, 6 that a principal personally and intentionally discharged a firearm, a handgun, which proximately caused great bodily injury and death to Marcelino Luna within the meaning of Penal Code sections 12022.53(d) and (e)(1).

It is further alleged as to count(s) 1, 2, 3, 4, 5, 6 that a principal personally and intentionally discharged a firearm, a handgun, within the meaning of Penal Code sections 12022.53(c) and (e)(1).

It is further alleged as to count(s) 1, 2, 3, 4, 5, 6 that a principal personally used a firearm, a handgun, within the meaning of Penal Code sections 12022.53(b) and (e)(1).

It is further alleged as to count(s) 1, 2, 3, 4 that the offenses charged in counts Counts 1,2,3,4 are a special circumstance within the meaning of Penal Code Section 190.2(a)(3).

It is further alleged, pursuant to Penal Code section 190.2(a)(22), that the defendant intentionally killed Gilbert Agudo , Johnny Agudo , Anthony Luna and Marcelino Luna while the defendant was an active participant in a criminal street gang and the murder was carried out to further the activities of the criminal street gang.

COUNT 5

On or about July 9, 2000, in the above named judicial district, the crime of ATTEMPTED WILLFUL, DELIBERATE, PREMEDITATED MURDER, in violation of PENAL CODE SECTION 664/187(a), a felony, was committed by Froylan Chiprez, who did unlawfully and with malice aforethought attempt to murder Michael Douglas Velarde , a human being.

It is further alleged that the aforesaid attempted murder was committed willfully, deliberately and with premeditation within the meaning of Penal Code section 664(a) and is a serious felony pursuant to Penal Code section 1192.7(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 Penal Code section 186.22(b)(1) as to count(s) 1, 2, 3, 4, 5, 6 that the above offense was committed for the benefit of, at the direction of, or in association with a criminal street gang with the specific intent to promote, further or assist in criminal conduct by gang members.

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

It is further alleged as to count(s) 1, 2, 3, 4, 5, 6 that a principal personally and intentionally discharged a firearm, a handgun, which proximately caused great bodily injury and death to Michael Douglas Velarde within the meaning of Penal Code sections 12022.53(d) and (e)(1).

It is further alleged as to count(s) 1, 2, 3, 4, 5, 6 that a principal personally and intentionally discharged a firearm, a handgun, within the meaning of Penal Code sections 12022.53(c) and (e)(1).

It is further alleged as to count(s) 1, 2, 3, 4, 5, 6 that a principal personally used a firearm, a handgun, within the meaning of Penal Code sections 12022.53(b) and (e)(1).

COUNT 6

On or about July 9, 2000, in the above named judicial district, the crime of ATTEMPTED WILLFUL, DELIBERATE, PREMEDITATED MURDER, in violation of PENAL CODE SECTION 664/187(a), a felony, was committed by Froylan Chiprez, who did unlawfully and with malice aforethought attempt to murder Armando Villasenor , a human being.

It is further alleged that the aforesaid attempted murder was committed willfully, deliberately and with premeditation within the meaning of Penal Code section 664(a) and is a serious felony pursuant to Penal Code section 1192.7(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 Penal Code section 186.22(b)(1) as to count(s) 1, 2, 3, 4, 5, 6 that the above offense was committed for the benefit of, at the direction of, or in association with a criminal street gang with the specific intent to promote, further or assist in criminal conduct by gang members.

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

It is further alleged as to count(s) 1, 2, 3, 4, 5, 6 that a principal personally and intentionally discharged a firearm, a handgun, which proximately caused great bodily injury and death to Armando Villasenor within the meaning of Penal Code sections 12022.53(d) and (e)(1).

It is further alleged as to count(s) 1, 2, 3, 4, 5, 6 that a principal personally and intentionally discharged a firearm, a handgun, within the meaning of Penal Code sections 12022.53(c) and (e)(1).

It is further alleged as to count(s) 1, 2, 3, 4, 5, 6 that a principal personally used a firearm, a handgun, within the meaning of Penal Code sections 12022.53(b) and (e)(1).

* * * * *

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 6 COUNT(S).

Executed at San Bernardino, California, on September 18, 2008.

Doug Poston
DECLARANT AND COMPLAINANT

Agency: San Bernardino Police Department

Prelim Est. 00:00

Defendant	Birth Date	Booking No.	CII No.	NCIC
Froylan Chiprez	09/11/1974			

Gang