

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO
BARSTOW DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,)	COURT CASE NO. FBA1100585
)	
Plaintiff)	THIRD AMENDED
)	
vs.)	FELONY COMPLAINT
)	
Marcus Mazio Razario ,)	
Ruth Ruffalo)	
)	DA CASE NO. 2011-00-0048020
)	
Defendant)	

The undersigned is informed and believes that:

COUNT 1

On or about September 18, 2011, in the above named judicial district, the crime of MURDER, in violation of PENAL CODE SECTION 187(a), a felony, was committed by Marcus Mazio Razario, who did unlawfully, and with malice aforethought murder Michael Samuel Ruffalo , 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."

COUNT 2

On or about September 18, 2011, in the above named judicial district, the crime of TORTURE, in violation of PENAL CODE SECTION 206, a felony, was committed by Marcus Mazio Razario, who did unlawfully and with the intent to cause cruel and extreme pain and suffering for the purpose of revenge, extortion, persuasion and for a sadistic purpose, inflict great bodily injury, as defined in Penal Code section 12022.7, upon Michael Samuel Ruffalo .

"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."

COUNT 3

On or about September 18, 2011, in the above named judicial district, the crime of ELDER OR DEPENDENT ADULT ABUSE, in violation of PENAL CODE SECTION 368(b)(1), a felony, was committed by Marcus Mazio Razario, who did, under circumstances and conditions likely to produce great bodily harm and death, knowingly and willfully cause and permit Michael Samuel Ruffalo , an elder and dependent adult to suffer, and inflicted thereon, unjustifiable physical pain and mental suffering and, having the care and custody of said person, willfully caused and permitted him

to be placed in a situation in which his health was endangered, and knew and reasonably should have known that said person, Michael Samuel Ruffalo , was an elder and dependent adult.

It is further alleged pursuant to Penal Code section 12022.7(c) as to count(s) 3, 4 that in the commission of the above offense the said defendant(s) Marcus Mazio Razario, personally inflicted great bodily injury upon Michael Samuel Ruffalo , not an accomplice, who was 70 years of age and older.

COUNT 4

On or about September 18, 2011, in the above named judicial district, the crime of FALSE IMPRISONMENT - ELDER, DEPENDENT ADULT, in violation of PENAL CODE SECTION 368(f), a felony, was committed by Marcus Mazio Razario, who did commit false imprisonment of Michael Samuel Ruffalo , an elder and dependent adult, by use of violence, menace, fraud and deceit.

It is further alleged pursuant to Penal Code section 12022.7(c) as to count(s) 3, 4 that in the commission of the above offense the said defendant(s) Marcus Mazio Razario, personally inflicted great bodily injury upon Michael Samuel Ruffalo , not an accomplice, who was 70 years of age and older.

COUNT 5

On or about September 18, 2011, in the above named judicial district, the crime of ACCESSORY AFTER THE FACT-(KNOWLEDGE OF CRIME), in violation of PENAL CODE SECTION 32, a felony, was committed by Ruth Ruffalo, who unlawfully, having knowledge that the crime of Torture, Elder Abuse, a felony, in violation of Section 206, 368 of the Penal Code of the State of California had been committed by Marcus Razario, did harbor, conceal, and aid said Marcus Razario, with the intent that he/she might avoid and escape from arrest, trial, conviction, and punishment for said felony.

* * * * *

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 5 COUNT(S).

Executed at Barstow, California, on September 30, 2011.

Sean Daugherty

Sean Daugherty
DECLARANT AND COMPLAINANT

Agency: Barstow Sheriff Station

Prelim Est. 00:00

Defendant	Birth Date	Booking No.	CII No.	NCIC
Marcus Mazio Razario	11/08/1960	1109342236	A06788987	
Ruth Ruffalo	10/10/1929			