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**SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN BERNARDINO**

**GRAND JURY 2009**

**The 30th Day of November, 2009**

<b>THE PEOPLE OF THE STATE OF CALIFORNIA )</b>	<b>COURT CASE NO FSB904563</b>
<b>Plaintiff )</b>	<b>GRAND JURY</b>
<b>Rickie Lee Fowler )</b>	<b><u>FIRST AMENDED</u></b>
<b>Defendant )</b>	<b><u>INDICTMENT</u></b>
<b>)</b>	<b>DA CASE NO 2009-00-0044648</b>

THE GRAND JURY OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, CHARGES:

**COUNT 1**

On or about October 25, 2003, in the above named judicial district, the crime of MURDER, in violation of PENAL CODE SECTION 187(a), a felony, was committed by Rickie Lee Fowler, who did unlawfully, and with malice aforethought murder Charles Howard Cunningham , 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

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

3 It is further alleged as to count(s) 1, 2, 3, 4, 5 that the offenses charged in  
4 counts 1, 2, 3, 4, 5, 6 are a special circumstance within the meaning of Penal Code  
5 Section 190.2(a)(3).

6  
7 It is further alleged as to count(s) 1, 2, 3, 4, 5 that the murder of Charles  
8 Howard Cunningham was committed by defendant(s) Rickie Lee Fowler while the  
9 said defendant(s) was/were engaged in the commission of the crime of arson in  
10 violation of subdivision (b) of Penal Code Section 451.

11  
12 It is further alleged as to count(s) 1, 2, 3, 4, 5 that as to the murder of Charles  
13 Howard Cunningham, defendant Rickie Lee Fowler, though not the actual killer, acted  
14 with reckless indifference to human life and as a major participant, aided, abetted,  
15 counseled, commanded, induced, solicited, requested, or assisted in the commission  
16 of the crime alleged as to count(s) 1, 2, 3, 4, 5, namely, Arson, which resulted in the  
17 death of Charles Howard Cunningham.

18  
19 \*\*\*\*\*

20 COUNT 2

21 On or about October 25, 2003, in the above named judicial district, the crime of  
22 MURDER, in violation of PENAL CODE SECTION 187(a), a felony, was committed by  
23 Rickie Lee Fowler, who did unlawfully, and with malice aforethought murder James  
24 William McDermith, a human being.

25  
26 "NOTICE: The above offense is a serious felony within the meaning of Penal  
27 Code section 1192.7(c) and a violent felony within the meaning of Penal Code section  
28 667.5(c)."

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"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 as to count(s) 1, 2, 3, 4, 5 that the offenses charged in counts 1, 2, 3, 4, 5, 6 are a special circumstance within the meaning of Penal Code Section 190.2(a)(3).

It is further alleged as to count(s) 1, 2, 3, 4, 5 that the murder of James William McDermith was committed by defendant(s) Rickie Lee Fowler while the said defendant(s) was/were engaged in the commission of the crime of arson in violation of subdivision (b) of Penal Code Section 451.

It is further alleged as to count(s) 1, 2, 3, 4, 5 that as to the murder of James William McDermith, defendant Rickie Lee Fowler, though not the actual killer, acted with reckless indifference to human life and as a major participant, aided, abetted, counseled, commanded, induced, solicited, requested, or assisted in the commission of the crime alleged as to count(s) 1, 2, 3, 4, 5, namely, Arson, which resulted in the death of James William McDermith.

\*\*\*\*\*

COUNT 3

On or about October 25, 2003, in the above named judicial district, the crime of MURDER, in violation of PENAL CODE SECTION 187(a), a felony, was committed by Rickie Lee Fowler, who did unlawfully, and with malice aforethought murder Chad Leo Williams, a human being.

"NOTICE: The above offense is a serious felony within the meaning of Penal

1 Code section 1192.7(c) and a violent felony within the meaning of Penal Code section  
2 667.5(c)."

3  
4 "NOTICE: Conviction of this offense will require you to provide specimens and  
5 samples pursuant to Penal Code section 296. Willful refusal to provide the specimens  
6 and samples is a crime."

7 It is further alleged as to count(s) 1, 2, 3, 4, 5 that the offenses charged in  
8 counts 1, 2, 3, 4, 5, 6 are a special circumstance within the meaning of Penal Code  
9 Section 190.2(a)(3).

10  
11 It is further alleged as to count(s) 1, 2, 3, 4, 5 that the murder of Chad Leo  
12 Williams was committed by defendant(s) Rickie Lee Fowler while the said  
13 defendant(s) was/were engaged in the commission of the crime of arson in violation of  
14 subdivision (b) of Penal Code Section 451.

15  
16 It is further alleged as to count(s) 1, 2, 3, 4, 5 that as to the murder of Chad Leo  
17 Williams , defendant Rickie Lee Fowler, though not the actual killer, acted with  
18 reckless indifference to human life and as a major participant, aided, abetted,  
19 counseled, commanded, induced, solicited, requested, or assisted in the commission  
20 of the crime alleged as to count(s) 1, 2, 3, 4, 5 , namely, Arson, which resulted in the  
21 death of Chad Leo Williams .

22  
23 \*\*\*\*\*

24 COUNT 4

25 On or about November 1, 2003, in the above named judicial district, the crime  
26 of MURDER, in violation of PENAL CODE SECTION 187(a), a felony, was committed  
27 by Rickie Lee Fowler, who did unlawfully, and with malice aforethought murder Robert  
28 Norman Taylor , a human being.

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"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 as to count(s) 1, 2, 3, 4, 5 that the offenses charged in counts 1, 2, 3, 4, 5, 6 are a special circumstance within the meaning of Penal Code Section 190.2(a)(3).

It is further alleged as to count(s) 1, 2, 3, 4, 5 that the murder of Robert Norman Taylor was committed by defendant(s) Rickie Lee Fowler while the said defendant(s) was/were engaged in the commission of the crime of arson in violation of subdivision (b) of Penal Code Section 451.

It is further alleged as to count(s) 1, 2, 3, 4, 5 that as to the murder of Robert Norman Taylor, defendant Rickie Lee Fowler, though not the actual killer, acted with reckless indifference to human life and as a major participant, aided, abetted, counseled, commanded, induced, solicited, requested, or assisted in the commission of the crime alleged as to count(s) 1, 2, 3, 4, 5, namely, Arson, which resulted in the death of Robert Norman Taylor.

\*\*\*\*\*

COUNT 5

On or about November 2, 2003, in the above named judicial district, the crime of MURDER, in violation of PENAL CODE SECTION 187(a), a felony, was committed

1 by Rickie Lee Fowler, who did unlawfully, and with malice aforethought murder Ralph  
2 Eugene McWilliams , a human being.

3  
4 "NOTICE: The above offense is a serious felony within the meaning of Penal  
5 Code section 1192.7(c) and a violent felony within the meaning of Penal Code section  
6 667.5(c)."

7  
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  
10 and samples is a crime."

11 It is further alleged as to count(s) 1, 2, 3, 4, 5 that the offenses charged in  
12 counts 1, 2, 3, 4, 5, 6 are a special circumstance within the meaning of Penal Code  
13 Section 190.2(a)(3).

14  
15 It is further alleged as to count(s) 1, 2, 3, 4, 5 that the murder of Ralph Eugene  
16 McWilliams was committed by defendant(s) Rickie Lee Fowler while the said  
17 defendant(s) was/were engaged in the commission of the crime of arson in violation of  
18 subdivision (b) of Penal Code Section 451.

19  
20 It is further alleged as to count(s) 1, 2, 3, 4, 5 that as to the murder of Ralph  
21 Eugene McWilliams , defendant Rickie Lee Fowler, though not the actual killer, acted  
22 with reckless indifference to human life and as a major participant, aided, abetted,  
23 counseled, commanded, induced, solicited, requested, or assisted in the commission  
24 of the crime alleged as to count(s) 1, 2, 3, 4, 5 , namely, Arson, which resulted in the  
25 death of Ralph Eugene McWilliams .

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28 COUNT 6

1 On or about October 25, 2003, in the above named judicial district, the crime of  
2 ARSON OF AN INHABITED STRUCTURE OR PROPERTY, in violation of PENAL  
3 CODE SECTION 451(b), a felony, was committed by Rickie Lee Fowler, who did  
4 willfully, unlawfully, and maliciously set fire to and burn and cause to be burned an  
5 inhabited structure and inhabited property located at 1709 Scoville Lane, San  
6 Bernardino, California.

7  
8 "NOTICE: The above offense is a serious felony within the meaning of Penal  
9 Code section 1192.7(c) and a violent felony within the meaning of Penal Code section  
10 667.5(c)."

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

15 \*\*\*\*\*

16 COUNT 7

17 On or about October 25, 2003, in the above named judicial district, the crime of  
18 AGGRAVATED ARSON, in violation of PENAL CODE SECTION 451.5(a), a felony,  
19 was committed by Rickie Lee Fowler, who did willfully, maliciously, deliberately, with  
20 premeditation, with intent to cause injury to another and to cause damage to property  
21 under circumstances likely to produce injury to another and to cause damage to a  
22 structure and inhabited dwelling, set fire to, burn, and caused to be burned, and aided,  
23 counseled and procured the burning of a residence, structure, forest land, and  
24 property with the following aggravating factor: 1. The fire caused property damage  
25 and other losses in excess of five million six hundred fifty thousand dollars  
26 (\$5,650,000).

27  
28 2. The fire caused damage to, or the destruction of, five or more inhabited structures..

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"NOTICE: Penal Code 1203.06(a)(3) prohibits the granting of probation for this charge."

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It is further alleged pursuant to Penal Code sections 1170.12(a) through (d) and 667(b) through (i) as to count(s) 1, 2, 3, 4, 5, 6, 7 that Rickie Lee Fowler, has suffered the following prior conviction of a serious or violent felony or juvenile adjudication:

Court Case	Code/Statute	Conv Date	County	State	Court Type
FSB039209	P.C. 459	05/27/2003	San Bernardino	CA	Superior

Pursuant to Penal Code section 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.

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Victor R. Stull  
Supervising Deputy District Attorney

December 15, 2009