

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 pursuant to Penal Code section 186.22(b)(1)(A) as to count(s) 1 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 pursuant to Penal Code section 186.22(b)(1)(A) as to count(s) 1 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 pursuant to Penal Code section 186.22(b)(1)(A) as to count(s) 1 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."

COUNT 2

On or about August 26, 2011, in the above named judicial district, the crime of POSSESSION FOR SALE OF A CONTROLLED SUBSTANCE, in violation of HEALTH AND SAFETY CODE SECTION 11378, a felony, was committed by Eric Cortez, who did unlawfully possess for purpose of sale a controlled substance, to wit, Methamphetamine.

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

COUNT 3

On or about August 26, 2011, in the above named judicial district, the crime of RECEIVING STOLEN PROPERTY, in violation of PENAL CODE SECTION 496(a), a felony, was committed by Stephen Kinzey, who did unlawfully buy, receive, conceal, sell, withhold, and aid in concealing, selling, and withholding property, to wit, Rifle, which had been stolen and obtained by extortion, knowing that said property had been stolen and obtained by extortion.

COUNT 4

On or about August 26, 2011, in the above named judicial district, the crime of STREET TERRORISM, in violation of PENAL CODE SECTION 186.22(a), a felony, was committed by Stephen Kinzey, who did unlawfully and actively participate in a criminal street gang with

knowledge that its members engage in or have engaged in a pattern of criminal gang activity and did promote, further or assist in felony criminal conduct by gang members.

COUNT 5

On or about August 26, 2011, in the above named judicial district, the crime of CONSPIRACY TO COMMIT A CRIME, in violation of PENAL CODE SECTION 182(a)(1), a felony, was committed by Stephen Kinzey, Holly Vandegrift Robinson, Eric Cortez, Edward Freer, Chelsa Marie Johnson, Hans Robert Preszler, Elaine Linda Flores, Wendi Lee Witherell, Christopher Allen Rikerd, Stephanie Danielle Padilla and Jeremy Disney, who did unlawfully conspire together and with another person and persons whose identity is unknown to commit the crime of Possession for Sale of Methamphetamine, in violation of Section HS 11378 of the H&S Code, a felony; that pursuant to and for the purpose of carrying out the objects and purposes of the aforesaid conspiracy, the said defendant(s) committed the following overt act and acts at and in the County of San Bernardino:

1. On August 6, 2011 at 1329 hours Cortez spoke by phone with Stephanie Padilla. Padilla Tells Cortez she has some money and wants to meet somewhere. Cortez asks how much she has and Padilla says, "One oh Five" and explains she is looking to get a teener. Cortez reminds her that Padilla still owes him \$130 from past narcotics transactions and says he can get it for her.
2. On August 7, 2011 at 1455 hours Cortez calls and speaks with Elaine Flores and asks if she needs more. Flores tells Cortez she does and Cortez tells er he needs to get some things going and he'll be right there.
3. On August 7, 2011 at 2050 hours Elaine Flores asks Cortez during a phone call to come back to her house. She tells him she wants the same thing and he does not even need to stop, she will just throw money in his car as he drives by. Cortez says he does not have a scale with him and Flores says that she does. Cortez responds by saying he will be at her home after he meets someone at the dairy.

4. Elaine Flores resides at 904 Calhoun Street, Redlands CA . Cortez was seen leaving that address on 8/16/11.
5. On August 7, 2011 at 2308 hours Kinzy sends a text message to Cortez saying, "Yo bro r u nearby? Lets set a time right now no bullshit and plan on doing the renatl car early 2mrw." He further asks Cortez to come by asap so they can set it up face an dbring whatever cabbage u got for my soup cuz ingredients are low.
6. On August 8, 2011 at 0656 hours Kinzy sends a text message to Cortez saying, "just woke up gotcha message let me know what time you wanna go for the car rental place."
7. On August 8, 2011 at 1014 hours Kinzy sends a text message to Cortez saying,"you still awake?"
8. On August 8, 2011 at 1015 hours Cortez sends a text message to Kinzy saying, "Yup I was just in my way to your house right now."
9. On August 8, 2011 at 1021 hours Kinzy sends a text message to Cortez saying,"Cool no problem c'mon."
10. On August 8, 2011 at 1034 hours GPS showed cell phones belonging to Kinzy and Cortez at 7145 Pleasant View Lane, Highland CA. This address is where Kinzy resides.
11. On August 8, 2011 at 1440 hours GPS shows cell phones belonging to Kinzy and Cortez at 1615 W Redlands Blvd, Redlands CA. This is the address to Avis Car Rental.
12. On August 9, 2011 at 1515 hours Kinzy sends a text message to Cortez saying, "What's your plan... I need to know if and when u r coming and load size. Need to get it handled before 6pm."
13. On August 9, 2011 Cortez sends a text message to Kinzy saying, "bro what's up try tget a hold of you. need to see you pretty quick."

14. On August 9, 2011 at 1857 hours Kinzy sends a text message to Cortez saying, "Bring as much paper as possible rental car was a big bill. It was 980."
15. On August 9, 2011 at 1919 hours Det. Martinez observed a greenish colored ford focus hatchback, CA license 6SGY026 pull into the driveway of Kinzy's house. Cortez exited the car and walked into the residence.
16. On August 9, 2011 license plate 6SGY026 was ran and registered to PV Holding Corp which is utilized by Avis Car Rental.
17. On August 9, 2011 at 2004 hours Cortez is seen exiting the residence and driving away in the ford focus.
18. On August 12, 2011 at 1300 hours police observation was made at Cortez' residence at 2213 Smokewood Street, Colton CA for narcotic activity. A green ford focus was parked in the driveway and a white Toyota Tundra was parked curbside.
19. On August 12, 2011 at 1350 hours Det. Kelly observed a white female walk out of the residence pushing a stroller with a child and enter a tan toyota camry license 5AJK642. Police followed her car as she drive away.
20. On August 12, 2011 at 1359 hours Det Kelly observed 2 white females exit Cortez' residence and get into the green ford focus and drive away.
21. On August 12, 2011 at 1407 hours Det Kelly follows the car to Target on E street in San Bernardino. The females exit and walk into the store. Det Kelly ID's the driver as Chelsa Johnson.
22. On August 12, 2011 at 1400 hours Deputy Cornett traffic stopped car 5AJK642. Registered owner is Valerie Collins. Police dogs were used for possible narcotics activity.

23. On August 12, 2011 at 1437 hours Chelsa called Cortez and told him to put everything away now. Chelsa told Cortez that Valerie was just pulled over and police searched with a drug dog. Cortez said ok and hung up. As he hung up you can hear Cortez say, " Put everything away, its bad."

24. On August 12, 2011 at 1458 hours Cortez calls Wendi and asks if anything happened to her when she left his house. He asked if she got fucked with or pulled over or anything. She said no. Cortez then told her that someone who just left his house was pulled over by the police. Wendi responded by saying, "I hide that shit before I leave. Know what I mean? They aint finding shit on me." She is later ID'd as Wendi Withrell

25. On August 16, 2011 at 1649 hours police make observations at 904 Calhoun Street, Redlands. Elaine Flores resides there. Det Kelly saw the green ford focus parked in the alleyway near the residence.

26. On August 16, 2011 at 1756 Det Kelly observed a white male enter the passenger side of the car and drive away to a condominium complex.

27. On August 16, 2011 at 1800 hours Det Kelly observed Cortez' car parked at Tamarisk and Matthew Court in Redllands. He further saw Cortez and his passenger walk between the condminium units.

28. On August 16, 2011 at 1803 Det Kelly saw them walk towards condo #87 where they walked out of view.

29. On August 16, 2011 at 1823 hours Det Martinez observed Cortez' passenger walk between the condominium units toward the green ford focus that was still parked on Tamarisk. After reaching the drivers side door he opened the door and reached in. He then stood up and appeared to be holding a white square object. He then closed the door and walked back toward #87.

30. On August 16, 2011 at 1824 hours Det Kelly observed the WMA walk to the gate on the south side of condo #87. He walked into the gate out of view.
31. On August 16, 2011 officers found that Chelsa Johnson resides at 87 N Center Street in Redlands. 1999 black honda License 4GSL404 registered to Chelsa.
32. On August 17, 2011 at 0835 hours Kinzy has a phone conversation with Chris Rikerd. During the call Kinzy and Rikerd discuss and arrange a narcotics transaction. Kinzy says, "Its there but I'm just not there." Rickerd wants to know who he has to get at and Kinzy tells him to get at his old lady(Robinson). Kinzy asks Rickerd when he wants to complete the transaction and Rickerd tells him right now. Kinzy tells him he is going to call Robinson and see if she is awake.
33. On August 17, 2011 Kinzy asks Rickerd about a transaction completed on August 16, 2011. Kinzy wants to know if Rickerd took 56 or 28 last night. Rickerd says he took 7. Kinzy then asks is he going to pay it back and Rickerd affirms. Rickerd explains he took 1 "onion" and a quarter of an "onion" and that was it.
34. On August 17, 2011 at 1747 hours police observe at Cortez' residence.
35. On August 17, 2011 at 1844 hours Det Martinez saw a tan Honda Accord (LIC 4FQT602) arrive at the house by a white female. She met a male in the driveway and entered the house.
36. On August 17, 2011 at 1851 hours Det Martinez saw the female get into the honda and leave the location.
37. On August 17, 2011 Det Rosenbaum conducted a records check. The car is registered to Wendi Withrell at 1321 Turquoise Ave #6, Mentone.
38. On August 17, 2011 at 1926 hours Det Martinez located the honda at 1321 Turquoise Ave #6, Mentone.

39. On August 17, 2011 Det Martinez was shown Withrell's DMV photo and ID's her as the driver of the honda accord when it arrived and left from Cortez's residence.

40. On August 18, 2011 at 1851 hours there is text conversation between Cortez and Padilla. Padilla writes, "R u sure u gave me an 8bal?" and Cortez responds by texting 3.7 with the bag.

41. On August 23, 2011 at 2119 hours during a phone call Flores inquires about her debt with Cortez from past narcotic transactions. Cortez says he is not done calculating it yet.

42. On August 25, 2011 at 1613 hours Kinzy and Disney engage in a text conversation. In summary Kinzy ask Disney if he has grade a high quality study materials?(1719) Disney responds by texting I might az well get a degree lol(1721). Kinzy responds by texting that he has a need for some top shelf materials, but that Disney may be pricing him out of the game.(1724). Kinzy wants each unit to be under 7 and he needs about 24.(1853) Disney texts back 685 workable grounds? And iz there a depozit available?

43. On August 23, 2011 at 1905 hours Kinzy texts Disneys and explains that he is on the road which is a problem, but that 6 of them are gone pretty much as soon as u get them to my home office. Another 2 or 4 will be sent outta town and the four will put something down and the 2 will be paid by wednesday(it just takes that long 4 it to happen). That covers 12 and the other 12 will be done w/i a couple days.

44. On August 23, 2011 at 1909 hours Kinzy textst to Disney am in Iowa on my way back. and all my peeps are starvin cuz we been dry since sunday. Dude was supposed to drop last couple days.

45. On August 23, 2011 at 1911 hours Kinzy texts Disney Yep so i got 6 paid for 2nt, and 1/2 on 4 2mrw mid morn... and thats all just the sure things... my local guys are jinesing and they will turn and burn.

46. On August 23, 2011 at 1945 hours Kinzy texts Disney Can u take 2 my main office? She will do rest and i will let u know as pymnt comes.

47. On August 26, 2011 at 0945 hours Police make observations at Kinzy's residence.

48. On August 26, 2011 at 1225 hours Robinson texts , "Guess what I have! ? But I have to run to the bank real quick. Officers observe Robinson walsk from the front of Kinzy's residence toward a black truck parked in the driveway.

49. On August 26, 2011 Cortez, Preszler and Freer arrived at Kinzy's house to purchase an amount of methamphetamine from Robinson.

50. On August 26, 2011, Robinson received several text message from co-conspirators that she was in possession of Meth for sale. Sgt Wynn using Robinsons cell phone responded to the messages that they would have to come to her house if they wanted to complete any transactions.

51. On August 26, 2011 one pound of Meth was found at Kinzy's residence..

It is further alleged pursuant to Penal Code section 186.22(b)(1)(A) as to count(s) 5 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 pursuant to Penal Code section 186.22(b)(1)(A) as to count(s) 5 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 pursuant to Penal Code section 186.22(b)(1)(A) as to count(s) 5 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 pursuant to Penal Code section 186.22(b)(1)(A) as to count(s) 5 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."

COUNT 6

On or about August 26, 2011, in the above named judicial district, the crime of POSSESSION OF A CONTROLLED SUBSTANCE WITH FIREARM, in violation of HEALTH AND SAFETY CODE SECTION 11370.1(a), a felony, was committed by Holly Vandegrift Robinson, who did unlawfully possess Methamphetamine while armed with a loaded, operable firearm, to wit: Shotgun.

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

It is further alleged pursuant to Penal Code section 186.22(b)(1)(A) as to count(s) 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) 5 pursuant to Health and Safety Code section 11370.2(c) that the defendant(s) Edward Freer, was convicted of the following offense(s), to wit:

Court Case	Code/Statute	Conv Date	County	State	Court Type
FVI022681	HS11378	12/15/2005	San Bernardino	CA	Superior

It is further alleged as to count(s) 5 pursuant to Health and Safety Code section 11370.2(c) that the defendant(s) Elaine Linda Flores, was convicted of the following offense(s), to wit:

Court Case	Code/Statute	Conv Date	County	State	Court Type
FSB051941	HS11378	11/17/2005	San Bernardino	CA	Superior

It is further alleged as to count(s) 5 pursuant to Health and Safety Code section 11370.2(c) that the defendant(s) Stephanie Danielle Padilla, was convicted of the following offense(s), to wit:

Court Case	Code/Statute	Conv Date	County	State	Court Type
FSB057576	HS11378	01/31/2008	San Bernardino	CA	Superior

It is further alleged as to count(s) 1 pursuant to Penal Code section 667.5(b) that the defendant(s) Jeremy Disney, has suffered the following prior conviction(s):

Court Case	Code/Statute	Conv Date	County	State	Court Type
RIF090359	PC459	03/13/2000	Riverside	CA	Superior
RIF091952	VC10851	07/09/2001	Riverside	CA	Superior
FSB044386	PC273.5	06/04/2004	San Bernardino	CA	Superior
FSB049635	PC245(A)(2)	06/19/2008	San Bernardino	CA	Superior

and that a term was served as described in Penal Code section 667.5 for said offense(s), and that the defendant(s) did not remain free of prison custody for, and did commit an offense resulting in a felony conviction during, a period of five years subsequent to the conclusion of said term.

It is further alleged pursuant to Penal Code sections 1170.12(a) through (d) and 667(b) through (i) as to count(s) 1 that said defendant(s) Jeremy Disney, 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
FSB049635	PC245(A)(2)	06/19/2008	San Bernardino	CA	Superior

It is further alleged as to count(s) 5 pursuant to Penal Code section 667.5(b) that the defendant(s) Jeremy Disney, has suffered the following prior conviction(s):

Court Case	Code/Statute	Conv Date	County	State	Court Type
RIF090359	PC459	03/13/2000	Riverside	CA	Superior
RIF091952	VC10851	07/09/2001	Riverside	CA	Superior
FSB044386	PC273.5	06/04/2004	San Bernardino	CA	Superior
FSB049635	PC245(A)(2)	06/19/2008	San Bernardino	CA	Superior

and that a term was served as described in Penal Code section 667.5 for said offense(s), and that the defendant(s) did not remain free of prison custody for, and did commit an offense resulting in a felony conviction during, a period of five years subsequent to the conclusion of said term.

* * * * *

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 August 30, 2011.

S Sanchez

S Sanchez
DECLARANT AND COMPLAINANT

Agency: SB Sheriff Specialized Enforcement Div.

Prelim Est. 00:00

Defendant	Birth Date	Booking No.	CII No.	NCIC
Stephen Kinzey	04/03/1966			
Holly Vandegrift Robinson	03/20/1978		A32012896	
Eric Cortez	11/16/1979	1108301593	A28151306	
Edward Freer	03/20/1968	1108301587		
Chelsa Marie Johnson	02/05/1977			
Hans Robert Preszler	12/16/1959			
Elaine Linda Flores	03/30/1976		A25972198	
Wendi Lee Witherell	08/30/1977		A09837201	
Christopher Allen Rikerd	06/10/1974		A10781461	
Stephanie Danielle Padilla	02/15/1978		A23200215	
Jeremy Disney	09/12/1980		A12473463	

Gang