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SC197429

ATTORNEYS FOR THE PLAINTIFF

SUPERIOR COURT OF CALIFORNIA

COUNTY OF MARIN

THE PEOPLE OF THE STATE OF CALIFORNIA,)	NO. SC197429
)	
PLAINTIFF,)	AGENCY CASE NO(S) .
)	SO16002754
v.)	
)	COMPLAINT
JUAN CARLOS MARTINEZ HENRIQUEZ,)	
EDWIN GUEVARA,)	
ELMER FERNANDO MACHADO-RIVERA,)	
)	
DEFENDANT(S) .)	

I, THE UNDERSIGNED, SAY, ON INFORMATION AND BELIEF, THAT IN
THE COUNTY OF MARIN, STATE OF CALIFORNIA:

COUNT 001: On or about May 25, 2016, the crime of MURDER, in
violation of Section 187(a) of the Penal Code, a felony, was
committed by JUAN CARLOS MARTINEZ HENRIQUEZ AND EDWIN GUEVARA,
who, at the time and place last aforesaid, did willfully,
unlawfully, and with malice aforethought murder Edwin Josue
Ramirez Guerra, a human being.

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NOTICE: THEORIES OF FIRST DEGREE MURDER: The said defendant(s), JUAN CARLOS MARTINEZ HENRIQUEZ, is hereby notified that in proving Count 1, the People of the State of California intend to proceed under two theories of first degree murder: 1) willful, deliberate, and premeditated murder, and 2) lying in wait, within the meaning of Penal Code Section 189.

NOTICE: THEORIES OF FIRST DEGREE MURDER: The said defendant(s), EDWIN GUEVARA, is hereby notified that in proving Count 1, the People of the State of California intend to proceed under two theories of first degree murder: 1) willful, deliberate, and premeditated murder, and 2) lying in wait, within the meaning of Penal Code Section 189.

IT IS FURTHER ALLEGED, as to Count 1, that the above offense(s), committed by the said defendant(s), JUAN CARLOS MARTINEZ HENRIQUEZ, is a violent felony, within the meaning of Penal Code Section 667.5(c)(1).

IT IS FURTHER ALLEGED, as to Count 1, that the above offense committed by the said defendant(s), JUAN CARLOS MARTINEZ HENRIQUEZ, is a serious felony, within the meaning of Penal Code Section 1192.7(c)(1).

IT IS FURTHER ALLEGED, as to Count 1, that the above offense(s), committed by the said defendant(s), EDWIN GUEVARA, is a violent felony, within the meaning of Penal Code Section 667.5(c)(1).

IT IS FURTHER ALLEGED, as to Count 1, that the above offense committed by the said defendant(s), EDWIN GUEVARA, is a serious felony, within the meaning of Penal Code Section 1192.7(c)(1).

IT IS FURTHER ALLEGED, as to Count 1, that in the commission of the above offense, the murder of the victim Edwin Josue Ramirez Guerra, was committed, by the said defendant(s), JUAN CARLOS MARTINEZ HENRIQUEZ, and that the said defendant(s) intentionally killed the victim by means of lying in wait, within the meaning of Penal Code Section 190.2(a)(15).

IT IS FURTHER ALLEGED, as to Count 1, that in the commission of the above offense, the murder of the victim Edwin Josue Ramirez Guerra, was aided and abetted, by the said defendant(s), EDWIN GUEVARA, and that the said defendant(s) intentionally killed the victim by means of lying in wait, within the meaning of Penal Code Section 190.2(a)(15).

IT IS FURTHER ALLEGED, as to Count 1, that in the commission or attempted commission of the above offense, the said defendant(s), JUAN CARLOS MARTINEZ HENRIQUEZ, intentionally and

personally discharged a firearm, to wit: handgun, within the meaning of Penal Code Sections 12022.53(c) and 12022.53(g).

IT IS FURTHER ALLEGED, as to Count 1, that in the commission and attempted commission of the above offense, a principal in said offense, the said defendant(s), EDWIN GUEVARA, was armed with a firearm(s), said arming not being an element of the above offense within the meaning of Penal Code Section 12022(a)(1).

COUNT 002: For a further and separate cause of complaint, being an offense connected together in its commission with and of the same class of crimes as the charge set forth in Count 001, complainant further complains and says: On or about May 25, 2016, the crime of ATTEMPTED MURDER, in violation of Section 664/187(a) of the Penal Code, a felony, was committed by JUAN CARLOS MARTINEZ HENRIQUEZ AND EDWIN GUEVARA, who, at the time and place last aforesaid, did unlawfully and with malice aforethought, attempt to murder Loefferson Diaz, a human being.

IT IS FURTHER ALLEGED, as to Counts 1 and 2, that the above offense(s), committed by the said defendant(s), EDWIN GUEVARA, is a violent felony and/or serious felony, within the meaning of Penal Code Sections 1170.12(a), (b), and (c).

NOTICE: Conviction of this offense(s), as to Counts 1 and 2, will require the said defendant(s), EDWIN GUEVARA, to provide

specimens and samples pursuant to Penal Code Section 296.
Willful refusal to provide the specimens and samples is a crime.

NOTICE: MANDATORY STATE PRISON INCARCERATION: The said defendant(s), EDWIN GUEVARA, is hereby notified, as to Counts 1 and 2, that the above offense(s) is a violent felony within the meaning of Penal Code Section 667.5(c), and that pursuant to Penal Code Sections 1170(h)(3) and 1170(f), an executed sentence for the offense(s) herein charged against said defendant(s) shall be served in the state prison.

NOTICE: MANDATORY STATE PRISON INCARCERATION: The said defendant(s), EDWIN GUEVARA, is hereby notified, as to Counts 1 and 2, that the above offense(s) is a serious felony within the meaning of Penal Code Section 1192.7(c), and that pursuant to Penal Code Sections 1170(h)(3) and 1170(f), an executed sentence for the offense(s) herein charged against said defendant(s) shall be served in the state prison.

IT IS FURTHER ALLEGED, as to Count 2, that the above offense committed by the said defendant(s), JUAN CARLOS MARTINEZ HENRIQUEZ, is a serious felony within the meaning of Penal Code Section 1192.7(c)(9).

IT IS FURTHER ALLEGED, as to Count 2, that the above offense committed by the said defendant(s), JUAN CARLOS MARTINEZ

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HENRIQUEZ, is a violent felony, within the meaning of Penal Code Section 667.5(c)(12).

IT IS FURTHER ALLEGED, as to Count 2, that the above offense committed by the said defendant(s), EDWIN GUEVARA, is a serious felony within the meaning of Penal Code Section 1192.7(c)(9).

IT IS FURTHER ALLEGED, as to Count 2, that the above offense committed by the said defendant(s), EDWIN GUEVARA, is a violent felony, within the meaning of Penal Code Section 667.5(c)(12).

IT IS FURTHER ALLEGED, as to Count 2, that in the commission or attempted commission of the above offense, the said defendant(s), JUAN CARLOS MARTINEZ HENRIQUEZ, intentionally and personally discharged and personally used a firearm, to wit: a handgun, which proximately caused great bodily injury, as defined in Penal Code Section 12022.7, and death to a person other than an accomplice, to wit: Loefferson Diaz, within the meaning of Penal Code Sections 12022.53(d) and 12022.53(g).

IT IS FURTHER ALLEGED, as to Count 2, that in the commission and attempted commission of the above offense, a principal in said offense, the said defendant(s), EDWIN GUEVARA, was armed with a firearm(s), said arming not being an element of the above offense within the meaning of Penal Code Section 12022(a)(1).

COUNT 003: For a further and separate cause of complaint, being an offense connected together in its commission with and of the same class of crimes as the charge set forth in Count 002, complainant further complains and says: On or about May 25, 2016, the crime of AGGRAVATED MAYHEM, in violation of Section 205 of the Penal Code, a felony, was committed by JUAN CARLOS MARTINEZ HENRIQUEZ, who, at the time and place last aforesaid, did willfully, unlawfully, and under circumstances manifesting extreme indifference to the physical and psychological well-being of another, intentionally cause permanent disability and disfigurement and deprivation of a limb, organ, and body member of Edwin Josue Ramirez Guerra.

IT IS FURTHER ALLEGED, as to Counts 1, 2, and 3, that the above offense(s), committed by the said defendant(s), JUAN CARLOS MARTINEZ HENRIQUEZ, is a violent felony and/or serious felony, within the meaning of Penal Code Sections 1170.12(a), (b), and (c).

NOTICE: Conviction of this offense(s), as to Counts 1, 2, and 3, will require the said defendant(s), JUAN CARLOS MARTINEZ HENRIQUEZ, to provide specimens and samples pursuant to Penal Code Section 296. Willful refusal to provide the specimens and samples is a crime.

NOTICE: MANDATORY STATE PRISON INCARCERATION: The said defendant(s), JUAN CARLOS MARTINEZ HENRIQUEZ, is hereby notified, as to Counts 1, 2, and 3, that the above offense(s) is a violent felony within the meaning of Penal Code Section 667.5(c), and that pursuant to Penal Code Sections 1170(h)(3) and 1170(f), an executed sentence for the offense(s) herein charged against said defendant(s) shall be served in the state prison.

NOTICE: MANDATORY STATE PRISON INCARCERATION: The said defendant(s), JUAN CARLOS MARTINEZ HENRIQUEZ, is hereby notified, as to Counts 1, 2, and 3, that the above offense(s) is a serious felony within the meaning of Penal Code Section 1192.7(c), and that pursuant to Penal Code Sections 1170(h)(3) and 1170(f), an executed sentence for the offense(s) herein charged against said defendant(s) shall be served in the state prison.

IT IS FURTHER ALLEGED, as to Count 3, that the above offense(s) committed by the said defendant(s), JUAN CARLOS MARTINEZ HENRIQUEZ, is a serious felony, within the meaning of Penal Code Section 1192.7(c)(2).

IT IS FURTHER ALLEGED, as to Count 3, that the above offense committed by the said defendant(s), JUAN CARLOS MARTINEZ HENRIQUEZ, is a violent felony within the meaning of Penal Code Section 667.5(c)(2).

IT IS FURTHER ALLEGED, as to Count 3, that in the commission of the above offense(s), the said defendant(s), JUAN CARLOS MARTINEZ HENRIQUEZ, is ineligible for probation pursuant to Penal Code Section 1203(e)(3), in that the said defendant(s) willfully inflicted great bodily injury or torture in the perpetration of the crime.

IT IS FURTHER ALLEGED, as to Counts 1, 2, and 3 that within the meaning of Welfare and Institutions Code Section 707(d)(1), the said defendant(s), JUAN CARLOS MARTINEZ HENRIQUEZ, was a person sixteen (16) years of age and older, to wit: 17 years of age, born October 18, 1998, at the time of the commission of the above offense, within the meaning of Welfare and Institutions Code Section 707(b).

IT IS FURTHER ALLEGED, as to Counts 1 and 2, that within the meaning of Welfare and Institutions Code Section 707(d)(1), the said defendant(s), EDWIN GUEVARA, was a person sixteen (16) years of age and older, to wit: 16 years of age, born June 20, 1999, at the time of the commission of the above offense, within the meaning of Welfare and Institutions Code Section 707(b).

COUNT 004: For a further and separate cause of complaint, being a different offense from but connected in its commission with the charge set forth in Count 003, complainant further complains and

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says: On or about May 25, 2016, the crime of ACCESSORY AFTER THE FACT, in violation of Section 32 of the Penal Code, a felony, was committed by ELMER FERNANDO MACHADO-RIVERA, who, at the time and place last aforesaid, did willfully and unlawfully, having knowledge that the crime of murder, a felony, in violation of Section 187 of the Penal Code of the State of California, had been committed by Juan Carlos Martinez Henriquez, and did harbor, conceal, and aid said Juan Carlos Martinez Henriquez, with the intent that said person might avoid and escape from arrest, trial, conviction, and punishment for said felony.

NOTICE: Conviction of this offense(s), as to Count 4, will require the said defendant(s), ELMER FERNANDO MACHADO-RIVERA, to provide specimens and samples pursuant to Penal Code Section 296. Willful refusal to provide the specimens and samples is a crime.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT EXCEPT AS TO THOSE MATTERS STATED ON THE INFORMATION AND BELIEF AND AS TO THOSE MATTERS I BELIEVE THEM TO BE TRUE.

EXECUTED ON 5/31/2016, AT SAN RAFAEL, CALIFORNIA.



DORI K. AHANA
CHIEF DEPUTY DISTRICT ATTORNEY