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SPD-12-352411
S. GRIPPI, DDA
TEAM: (MC)
XRef: 2424138
XRef: 4842069
XRef: 4594128

3 STRIKES (FOWLER-SCHOLZ)

10
11 **SUPERIOR COURT OF CALIFORNIA**
12 **COUNTY OF SACRAMENTO**

13
14 THE PEOPLE OF THE STATE OF CALIFORNIA,

15 vs.

16 CHARLES WESLEY FOWLER-SCHOLZ,
17 CARLITO MONTOYA,
18 AMBER SCHOLZ,

19
20 Defendant(s).

21 The People of the State of California upon oath of the undersigned, upon information and belief
22 complain against the defendant(s) above named for the crime(s) as follows:

23
24 **COUNT ONE**

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26 On or about December 31, 2012, at and in the County of Sacramento, State of California,
27 defendant(s) CARLITO MONTOYA did commit a felony namely: a violation of Section 187(a) of
28 the Penal Code of the State of California, in that said defendant did unlawfully, and with malice
29 aforethought murder DANIEL FERRIER, a human being.

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32 "NOTICE: The above offense is a serious and violent felony within the meaning of Penal Code
33 Sections 1192.7(c)(1) and 667.5(c)(1)."
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5 It is further alleged, pursuant to subdivisions (b), (c) and (d) of Penal Code Section 12022.53, that in
6 the commission and attempted commission of the above offense(s), the defendant(s), CARLITO
7 MONTOYA, used, and intentionally and personally discharged a firearm, to wit, an unknown
8 caliber handgun, and thereby proximately caused great bodily injury or death to DANIEL
9 FERRIER, who was not an accomplice of the defendant, within the meaning of Penal Code Section
10 12022.53(d).
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14 **COUNT TWO**

15 For a further and separate cause of action, being a different offense of the same class of crimes
16 and offenses and connected in its commission with the charges set forth in Count One hereof: On
17 or about December 31, 2012, at and in the County of Sacramento, State of California,
18 defendant(s) CARLITO MONTOYA did commit a felony namely: a violation of Section 187(a) of
19 the Penal Code of the State of California, in that said defendant did unlawfully, and with malice
20 aforethought murder GABRIEL CORDOVA, a human being.
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24 "NOTICE: The above offense is a serious and violent felony within the meaning of Penal Code
25 Sections 1192.7(c)(1) and 667.5(c)(1)."
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28 It is further alleged, pursuant to subdivisions (b), (c) and (d) of Penal Code Section 12022.53, that in
29 the commission and attempted commission of the above offense(s), the defendant(s), CARLITO
30 MONTOYA, used, and intentionally and personally discharged a firearm, to wit, an unknown
31 caliber handgun, and thereby proximately caused great bodily injury or death to GABRIEL
32 CORDOVA, who was not an accomplice of the defendant, within the meaning of Penal Code
33 Section 12022.53(d).
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5 **SPECIAL CIRCUMSTANCE**

6 It is further alleged that the offenses charged in Counts One and Two are a special circumstance,
7 in that the defendant(s), CARLITO MONTOYA, committed multiple murders, within the
8 meaning of Penal Code Section 190.2(a)(3).
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11 **COUNT THREE**

12 For a further and separate cause of action, being a different offense of the same class of crimes
13 and offenses and connected in its commission with the charges set forth in Counts One and Two
14 hereof: On or about December 31, 2012, at and in the County of Sacramento, State of California,
15 defendant(s) CARLITO MONTOYA did commit a felony namely: a violation of Section
16 664/187(a) of the Penal Code of the State of California, in that said defendant did unlawfully, and
17 with malice aforethought, attempt to murder STEPHEN WALTON, a human being, by an assault
18 by means of force likely to produce great bodily injury, and with a deadly weapon.
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23 It is further alleged that the above offense is a serious felony pursuant to Penal Code Section
24 1192.7(c).
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27 It is further alleged, pursuant to subdivisions (b), (c) and (d) of Penal Code Section 12022.53, that in
28 the commission and attempted commission of the above offense(s), the defendant(s), CARLITO
29 MONTOYA, used, and intentionally and personally discharged a firearm, to wit, an unknown
30 caliber handgun, and thereby proximately caused great bodily injury or death to STEPHEN
31 WALTON, who was not an accomplice of the defendant, within the meaning of Penal Code Section
32 12022.53(d).
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5 **COUNT FOUR**

6 For a further and separate cause of action, being a different offense of the same class of crimes
7 and offenses and connected in its commission with the charges set forth in Counts One through
8 Three hereof: On or about December 31, 2012, at and in the County of Sacramento, State of
9 California, defendant(s) CARLITO MONTOYA did commit a felony namely: a violation of
10 Section 245(a)(2) of the Penal Code of the State of California, in that said defendant did willfully
11 and unlawfully commit an assault on CHRISTINA CORDOVA, with a firearm.
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15 It is further alleged that, pursuant to Penal Code Section 1203.095, there is a presumptive minimal
16 jail time required if you are convicted of this charge.
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19 It is further alleged that in the commission and attempted commission of the above offense, the said
20 defendant(s), CARLITO MONTOYA, personally used a firearm(s), to wit, an unknown caliber
21 handgun, within the meaning of Penal Code Section 12022.5(a)(1) also causing the above offense to
22 become a serious felony pursuant to Penal Code Section 1192.7(c)(8) and a violent felony within the
23 meaning of Penal Code Section 667.5(c)(8).
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27 **COUNT FIVE**

28 For a further and separate cause of action, being a different offense of the same class of crimes
29 and offenses and connected in its commission with the charges set forth in Counts One through
30 Four hereof: On or about December 31, 2012, at and in the County of Sacramento, State of
31 California, defendant(s) CHARLES WESLEY FOWLER-SCHOLZ did commit a felony namely:
32 a violation of Section 245(a)(1) of the Penal Code of the State of California, in that said defendant
33 did willfully and unlawfully commit an assault upon GABRIEL CORDOVA, with a deadly
34 weapon, to wit, a beer bottle.
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4 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
5 1192.7(c)(23) in that the defendant(s) personally used a dangerous and deadly weapon."
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9 **PRIOR CONVICTION (CASE)**

10 **1.**

11 It is further alleged that the said defendant(s), CHARLES WESLEY FOWLER-SCHOLZ, was on
12 July 25, 1996, in the Superior Court of the State of California, for the County of Sacramento,
13 convicted of the following serious and violent felony: the crime of Robbery in violation of Section
14 211 of the Penal Code, and is eligible for a three strikes life sentence within the meaning of Penal
15 Code Sections 667(e)(2)(C) and 1170.12(c)(2)(C).
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19 **PRIOR CONVICTION (CASE)**

20 **2.**

21 It is further alleged that the said defendant(s), CHARLES WESLEY FOWLER-SCHOLZ, was on
22 July 25, 1996, in the Superior Court of the State of California, for the County of Sacramento,
23 convicted of the following serious and violent felony: the crime of Robbery in violation of Section
24 211 of the Penal Code, and is eligible for a three strikes life sentence within the meaning of Penal
25 Code Sections 667(e)(2)(C) and 1170.12(c)(2)(C).
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5 **COUNT SIX**

6 For a further and separate cause of action, being a different offense of the same class of crimes
7 and offenses and connected in its commission with the charges set forth in Counts One through
8 Five hereof: On or about December 31, 2012, at and in the County of Sacramento, State of
9 California, defendant(s) AMBER SCHOLZ did commit a felony namely: a violation of Section
10 245(a)(1) of the Penal Code of the State of California, in that said defendant did willfully and
11 unlawfully commit an assault upon GABRIEL CORDOVA, with a deadly weapon.
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15 "NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
16 1192.7(c)(23) in that the defendant(s) personally used a dangerous and deadly weapon."
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19 That attached hereto and by this reference incorporated herein is a declaration setting forth facts in
20 support of probable cause for the issuance of a warrant of arrest herein.
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22
23 I declare upon information and belief and under penalty of perjury that the foregoing is true and
24 correct.
25

26 Executed at Sacramento County, California, the 4th day of January, 2013.
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30 _____
31 Declarant
32 SACRAMENTO COUNTY DISTRICT ATTORNEY

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34 (916) 874-6218
35 Telephone Number
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HOLDING ORDER – DEFENDANT CHARLES WESLEY FOWLER-SCHOLZ

_____ It appearing to me that the offense(s) in the within complaint has/have been committed, and that there is sufficient cause to believe that the defendant, CHARLES WESLEY FOWLER-SCHOLZ, is guilty thereof,

_____ The defendant, CHARLES WESLEY FOWLER-SCHOLZ, having waived preliminary hearing to the offense(s) set forth in this complaint,

Exceptions/Additions/Conditions: _____

I order that the defendant be held to answer to same. In my capacity as Judge of the Superior Court, I deem the within complaint to be an Information and order it filed in the Superior Court.

Date: _____ Dept. _____

Judge of the Superior Court Sitting as Magistrate

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HOLDING ORDER – DEFENDANT CARLITO MONTOYA

_____ It appearing to me that the offense(s) in the within complaint has/have been committed, and that there is sufficient cause to believe that the defendant, CARLITO MONTOYA, is guilty thereof,

_____ The defendant, CARLITO MONTOYA, having waived preliminary hearing to the offense(s) set forth in this complaint,

Exceptions/Additions/Conditions: _____

I order that the defendant be held to answer to same. In my capacity as Judge of the Superior Court, I deem the within complaint to be an Information and order it filed in the Superior Court.

Date: _____ Dept. _____

Judge of the Superior Court Sitting as Magistrate

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HOLDING ORDER – DEFENDANT AMBER SCHOLZ

_____ It appearing to me that the offense(s) in the within complaint has/have been committed, and that there is sufficient cause to believe that the defendant, AMBER SCHOLZ, is guilty thereof,

_____ The defendant, AMBER SCHOLZ, having waived preliminary hearing to the offense(s) set forth in this complaint,

Exceptions/Additions/Conditions: _____

I order that the defendant be held to answer to same. In my capacity as Judge of the Superior Court, I deem the within complaint to be an Information and order it filed in the Superior Court.

Date: _____ Dept. _____

Judge of the Superior Court Sitting as Magistrate

DECLARATION IN SUPPORT OF ARREST WARRANT

(Made under 2015.5 CCP)

The undersigned hereby declares:

That your declarant is currently employed as a Deputy District Attorney for the County of Sacramento, State of California.

That pursuant to said employment, your declarant has been assigned to investigate allegations that CHARLES WESLEY FOWLER-SCHOLZ, CARLITO MONTOYA AND AMBER SCHOLZ, did commit the crime(s) as set forth in the attached complaint.

That pursuant to said assignment, your declarant has contacted person(s) having knowledge of said offense(s) and who has/have prepared written reports and/or statements, and/or has received and read written reports and/or statements prepared by others known by your declarant to be law enforcement officers, all of which reports and/or statements are included in a report consisting of 5 page(s) which is attached hereto as Exhibit I and incorporated by references as though fully set forth.

That each of these documents is presently an official record of a law enforcement agency.

WHEREFORE, your declarant prays that a warrant issue for the arrest of the hereinabove-named defendant(s) and that said defendant(s) be dealt with according to law.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on the 4th day of January, 2013, Sacramento, California.

Declarant
 901 G Street,
 Sacramento, California 95814
Sacramento County District Attorney