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JAN SCULLY

DISTRICT ATTORNEY

901 G STREET

R. NORGAARD, DDA

SACRAMENTO, CA 95814

(916) 874-6218

TEAM: (MC)

10/28/2014 (IC)

XRef: 4968599

XRef: 4968600

SUPERIOR COURT OF CALIFORNIA COUNTY OF SACRAMENTO

THE PEOPLE OF THE STATE OF CALIFORNIA,

No. 14F07390

FELONY COMPLAINT

VS.

MARCELO MARQUEZ (09840600-01), JANELLE MARQUEZ MONROY (09840601-01),

Defendants.

The People of the State of California upon oath of the undersigned, upon information and belief complain against the defendants above named for the crimes as follows:

COUNT ONE

On or about October 24, 2014, at and in the County of Sacramento, State of California, the defendant, MARCELO MARQUEZ, did commit a felony, namely: a <u>violation of Section 187(a)</u> of the Penal Code of the State of California, in that said defendant did unlawfully, and with malice aforethought murder SACRAMENTO COUNTY SHERIFF'S DEPUTY DANIEL OLIVER, a human being.

"NOTICE: The above offense is a serious and violent felony within the meaning of Penal Code Sections 1192.7(c)(1) and 667.5(c)(1)."

It is further alleged that pursuant to subdivisions (b), (c) and (d) of Penal Code Section 12022.53, and in the commission and attempted commission of the above offense, the defendant, MARCELO MARQUEZ, used, and intentionally and personally discharged a firearm, to wit, .9mm handgun, and thereby proximately caused great bodily injury or death to SACRAMENTO COUNTY SHERIFF'S DEPUTY DANIEL OLIVER, who was not an accomplice of the defendant, within the meaning of Penal Code Section 12022.53(d).

COUNT TWO

For a further and separate cause of action, being a different offense of the same class of crimes and offenses and connected in its commission with the charges set forth in Count One hereof: On or about October 24, 2014, at and in the County of Placer, State of California, the defendants, MARCELO MARQUEZ and JANELLE MARQUEZ MONROY, did commit a felony, namely: a violation of Section 187(a) of the Penal Code of the State of California, in that said defendants did unlawfully, and with malice aforethought murder PLACER COUNTY SHERIFF'S DETECTIVE MICHAEL DAVIS, a human being.

"NOTICE: The above offense is a serious and violent felony within the meaning of Penal Code Sections 1192.7(c)(1) and 667.5(c)(1)."

It is further alleged that, pursuant to subdivisions (b), (c) and (d) of Penal Code Section 12022.53, and in the commission and attempted commission of the above offense(s), the defendant, MARCELO MARQUEZ, used, and intentionally and personally discharged a firearm, to wit, Colt AR-15 assault rifle, and thereby proximately caused great bodily injury or death to PLACER COUNTY SHERIFF'S DETECTIVE MICHAEL DAVIS, who was not an accomplice of the defendant, within the meaning of Penal Code Section 12022.53(d).

It is further alleged, that in the commission and attempted commission of the above offense, the defendant, JANELLE MARQUEZ MONROY, was a principal in said offense, and another principal was armed with a firearm, to wit, Colt AR-15 assault rifle, said arming not being an element of the above offense, within the meaning of Penal Code Section 12022(a)(1).

SPECIAL CIRCUMSTANCE

1.

It is further alleged, as to Count One, that the murder of SACRAMENTO COUNTY SHERIFF'S DEPUTY DANIEL OLIVER was committed by the defendant, MARCELO MARQUEZ, and that SACRAMENTO COUNTY SHERIFF'S DEPUTY DANIEL OLIVER was a peace officer who was intentionally killed while engaged in the performance of his duties, and that said defendant MARCELO MARQUEZ, knew and reasonably should have known that SACRAMENTO COUNTY SHERIFF'S DEPUTY DANIEL OLIVER was a peace officer engaged in the performance of his duties, within the meaning of Penal Code Section 190.2(a)(7).

SPECIAL CIRCUMSTANCE

2.

It is further alleged that the murder of PLACER COUNTY SHERIFF'S DETECTIVE MICHAEL DAVIS, was committed by the defendant, MARCELO MARQUEZ, and that Placer County Sheriff's Detective MICHAEL DAVIS, was a peace officer who was intentionally killed while engaged in the performance of his duties, and that said defendant MARCELO MARQUEZ knew and reasonably should have known that PLACER COUNTY SHERIFF'S DETECTIVE MICHAEL DAVIS was a peace officer engaged in the performance of his duties, within the meaning of Penal Code Section 190.2(a)(7).

SPECIAL CIRCUMSTANCE

3.

It is further alleged, that the offenses charged in Counts One and Two are a special circumstance, in that the defendant, MARCELO MARQUEZ, committed multiple murders, within the meaning of Penal Code Section 190.2(a)(3).

SPECIAL CIRCUMSTANCE

4.

It is further alleged, as to Counts One and Two, that the murder of PLACER COUNTY SHERIFF'S DETECTIVE MICHAEL DAVIS, was committed by the defendant, MARCELO MARQUEZ, for the purpose of avoiding and preventing a lawful arrest, within the meaning of Penal Code Section 190.2(a)(5).

SPECIAL CIRCUMSTANCE

5.

It is further alleged, as to Counts One and Two, that the murder of PLACER COUNTY SHERIFF'S DETECTIVE MICHAEL DAVIS, was committed by the defendant, MARCELO MARQUEZ, while the said defendant was engaged in the commission of the crimes of carjacking and attempted carjacking within the meaning of Penal Code Section 190.2(a)(17).

COUNT THREE

For a further and separate cause of action, being a different offense of the same class of crimes and offenses and connected in its commission with the charges set forth in Counts One and Two hereof: On or about October 24, 2014, at and in the County of Sacramento, State of California, the defendants, MARCELO MARQUEZ and JANELLE MARQUEZ MONROY, did commit a felony, namely: a violation of Section 664/187(a) of the Penal Code of the State of California, in that said defendants did unlawfully, and with malice aforethought attempt to murder ANTHONY HOLMES, a human being.

It is further alleged that the aforesaid attempted murder was committed willfully, deliberately and with premeditation within the meaning of Penal Code Section 664(a) and is a serious felony pursuant to Penal Code Section 1192.7(c).

It is further alleged that, pursuant to subdivisions (b), (c) and (d) of Penal Code Section 12022.53, and in the commission and attempted commission of the above offense(s), the defendant, MARCELO MARQUEZ, used, and intentionally and personally discharged a firearm, to wit, a .9mm handgun, and thereby proximately caused great bodily injury or death to ANTHONY HOLMES, who was not an accomplice of the defendant, within the meaning of Penal Code Section 12022.53(d).

It is further alleged that in the commission and attempted commission of the above offense, the defendant, JANELLE MARQUEZ MONROY, a principal in said offense, was armed with a firearm, to wit, a .9mm handgun, said arming not being an element of the above offense, within the meaning of Penal Code Section 12022(a)(1).

It is further alleged that in the commission of the above offense(s) the said defendant, MARCELO MARQUEZ, personally inflicted great bodily injury upon ANTHONY HOLMES, not an accomplice to the above offense, within the meaning of Penal Code Section 12022.7(a) and also causing the above offense to become a serious felony within the meaning of Penal Code Section 1192.7(c)(8).

"NOTICE: This offense is a serious felony and a violent felony within the meaning of Penal Code Sections 1192.7(c)(8) and 667.5(c)(8)."

COUNT FOUR

For a further and separate cause of action, being a different offense of the same class of crimes and offenses and connected in its commission with the charges set forth in Counts One and Two hereof: On or about October 24, 2014, at and in the County of Sacramento, State of California, the defendants, MARCELO MARQUEZ and JANELLE MARQUEZ MONROY, did commit a felony, namely: a violation of Section 664/215(a) of the Penal Code of the State of California, in that said defendants did unlawfully attempt to take a motor vehicle in the possession of ANTHONY HOLMES, from his/her person and immediate presence and from the person and immediate presence of a passenger of said motor vehicle, against the will and with the intent to permanently and temporarily deprive the person in possession of the motor vehicle of the possession and accomplished by means of force and fear.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)."

It is further alleged that, pursuant to subdivisions (b), (c) and (d) of Penal Code Section 12022.53, and in the commission and attempted commission of the above offense(s), the defendant, MARCELO MARQUEZ, used, and intentionally and personally discharged a firearm, to wit, a .9mm handgun, and thereby proximately caused great bodily injury or death to ANTHONY HOLMES, who was not an accomplice of the defendant, within the meaning of Penal Code Section 12022.53(d).

It is further alleged that in the commission and attempted commission of the above offense, the defendant, JANELLE MARQUEZ MONROY, a principal in said offense, was armed with a firearm, to wit, a .9mm handgun, said arming not being an element of the above offense, within the meaning of Penal Code Section 12022(a)(1).

It is further alleged that in the commission of the above offense(s) the said defendant, MARCELO MARQUEZ, personally inflicted great bodily injury upon ANTHONY HOLMES, not an accomplice to the above offense, within the meaning of Penal Code Section 12022.7(a) and also causing the above offense to become a serious felony within the meaning of Penal Code Section 1192.7(c)(8).

"NOTICE: This offense is a serious felony and a violent felony within the meaning of Penal Code Sections 1192.7(c)(8) and 667.5(c)(8)."

COUNT FIVE

For a further and separate cause of action, being a different offense of the same class of crimes and offenses and connected in its commission with the charges set forth in Counts One through Four hereof: On or about October 24, 2014, at and in the County of Sacramento, State of California, the defendants, MARCELO MARQUEZ and JANELLE MARQUEZ MONROY, did commit a felony, namely: a violation of Section 215(a) of the Penal Code of the State of California, in that said defendants did unlawfully take a motor vehicle in the possession of CHANTAL ROBINSON, from his/her person and immediate presence and from the person and immediate presence of a passenger of said motor vehicle, against the will and with the intent to permanently and temporarily deprive the person in possession of the motor vehicle of the possession and accomplished by means of force and fear.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)."

It is further alleged that in the commission and attempted commission of the above offense, the defendant, MARCELO MARQUEZ, personally used a firearm, to wit, a .9mm handgun, within the meaning of Penal Code Section 12022.53(b).

It is further alleged that in the commission and attempted commission of the above offense, the defendant, JANELLE MARQUEZ MONROY, a principal in said offense, was armed with a firearm, to wit, a .9mm handgun, said arming not being an element of the above offense, within the meaning of Penal Code Section 12022(a)(1).

COUNT SIX

For a further and separate cause of action, being a different offense of the same class of crimes and offenses and connected in its commission with the charges set forth in Counts One through Five hereof: On or about October 24, 2014, at and in the County of Sacramento, State of California, the defendants, MARCELO MARQUEZ and JANELLE MARQUEZ MONROY, did commit a felony, namely: a violation of Section 215(a) of the Penal Code of the State of California, in that said defendants did unlawfully take a motor vehicle in the possession of JOSE CRUZ SALAS, from his/her person and immediate presence and from the person and immediate presence of a passenger of said motor vehicle, against the will and with the intent to permanently and temporarily deprive the person in possession of the motor vehicle of the possession and accomplished by means of force and fear.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)."

It is further alleged that in the commission and attempted commission of the above offense, the defendant, MARCELO MARQUEZ, personally used a firearm, to wit, a .9mm handgun, within the meaning of Penal Code Section 12022.53(b).

It is further alleged that in the commission and attempted commission of the above offense, the defendant, JANELLE MARQUEZ MONROY, a principal in said offense, was armed with a firearm, to wit, a .9mm handgun, said arming not being an element of the above offense, within the meaning of Penal Code Section 12022(a)(1).

COUNT SEVEN

For a further and separate cause of action, being a different offense of the same class of crimes and offenses and connected in its commission with the charges set forth in Counts One through Six hereof: On or about October 24, 2014, at and in the County of Placer, State of California, the defendants, MARCELO MARQUEZ and JANELLE MARQUEZ MONROY, did commit a felony, namely: a violation of Section 664/215(a) of the Penal Code of the State of California, in that said defendants did unlawfully attempt to take a motor vehicle in the possession of JOHN MAXWELL, from his person and immediate presence and from the person and immediate presence of a passenger of said motor vehicle, against the will and with the intent to permanently and temporarily deprive the person in possession of the motor vehicle of the possession and accomplished by means of force and fear.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)."

It is further alleged that in the commission and attempted commission of the above offense, the defendant, MARCELO MARQUEZ, personally used a firearm, to wit, an unknown caliber handgun, within the meaning of Penal Code Section 12022.53(b).

It is further alleged that in the commission and attempted commission of the above offense, the defendant, JANELLE MARQUEZ MONROY, a principal in said offense, was armed with a firearm, to wit, an unknown caliber handgun, said arming not being an element of the above offense, within the meaning of Penal Code Section 12022(a)(1).

COUNT EIGHT

For a further and separate cause of action, being a different offense of the same class of crimes and offenses and connected in its commission with the charges set forth in Counts One through Seven hereof: On or about October 24, 2014, at and in the County of Placer, State of California, the defendants, MARCELO MARQUEZ and JANELLE MARQUEZ MONROY, did commit a felony, namely: a violation of Section 664/187(a) of the Penal Code of the State of California, in that said defendants did unlawfully, and with malice aforethought attempt to murder PLACER COUNTY SHERIFF DEPUTY CHARLES BARDO, a human being.

It is further alleged that the defendants, MARCELO MARQUEZ and JANELLE MARQUEZ MONROY, committed the charged crime upon a peace officer and the defendants knew or reasonably should have known the victim was a peace officer engaged in the performance of his duties, within the meaning of Penal Code Section 664(e).

It is further alleged that the aforesaid attempted murder was committed willfully, deliberately and with premeditation within the meaning of Penal Code Section 664(a) and is a serious felony pursuant to Penal Code Section 1192.7(c).

It is further alleged that in the commission and attempted commission of the above offense, the defendant, MARCELO MARQUEZ, personally used and discharged a firearm, to wit, a Colt AR-15 assault rifle, within the meaning of Penal Code Section 12022.53(b) and (c).

It is further alleged that in the commission and attempted commission of the above offense, the defendant, JANELLE MARQUEZ MONROY, a principal in said offense, was armed with a firearm, to wit, a Colt AR-15 assault rifle, said arming not being an element of the above offense, within the meaning of Penal Code Section 12022(a)(1).

COUNT NINE

For a further and separate cause of action, being a different offense of the same class of crimes and offenses and connected in its commission with the charges set forth in Counts One through Eight hereof: On or about October 24, 2014, at and in the County of Placer, State of California, the defendants, MARCELO MARQUEZ and JANELLE MARQUEZ MONROY, did commit a felony, namely: a violation of Section 664/187(a) of the Penal Code of the State of California, in that said defendants did unlawfully, and with malice aforethought attempt to murder PLACER COUNTY SHERIFF'S DEPUTY JOSEPH ROSELI, a human being.

It is further alleged that the defendants, MARCELO MARQUEZ and JANELLE MARQUEZ MONROY, committed the charged crime upon a peace officer and the defendants knew or reasonably should have known the victim was a peace officer engaged in the performance of his/her duties, within the meaning of Penal Code Section 664(e).

It is further alleged that the aforesaid attempted murder was committed willfully, deliberately and with premeditation within the meaning of Penal Code Section 664(a) and is a serious felony pursuant to Penal Code Section 1192.7(c).

It is further alleged that in the commission and attempted commission of the above offense, the defendant, MARCELO MARQUEZ, personally used and discharged a firearm, to wit, a Colt AR-15 assault rifle, within the meaning of Penal Code Section 12022.53(b) and (c).

It is further alleged that in the commission and attempted commission of the above offense, the defendant, JANELLE MARQUEZ MONROY, a principal in said offense, was armed with a firearm, to wit, a Colt AR-15 assault rifle, said arming not being an element of the above offense, within the meaning of Penal Code Section 12022(a)(1).

COUNT TEN

For a further and separate cause of action, being a different offense from but connected in its commission as the charges set forth in Counts One through Nine hereof: On or about October 24, 2014, at and in the County of Placer, State of California, the defendant, MARCELO MARQUEZ, did commit a felony, namely: a violation of Section 10851(b) of the Vehicle Code of the State of California, in that said defendant did unlawfully drive and take a certain vehicle, to wit, Placer County Sheriff's patrol vehicle, then and there the personal property of Placer County Sheriff's Department, without the consent of and with intent, either permanently or temporarily, to deprive the said owner of title to and possession of said vehicle, in violation of subdivision (b), subsection (2).

COUNT ELEVEN

For a further and separate cause of action, being a different offense from but connected in its commission of the charges set forth in Counts One through Ten hereof: On or about October 24, 2014, at and in the County of Placer, State of California, the defendant, MARCELO MARQUEZ, did commit a felony, namely: a violation of Section 487(d) of the Penal Code of the State of California, in that said defendant did unlawfully take a firearm, to wit, a .12 gauge shotgun, belonging to the Placer County Sheriff's Department.

COUNT TWELVE

For a further and separate cause of action, being a different offense of the same class of crimes and offenses and connected in its commission with the charges set forth in Counts One through Eleven hereof: On or about October 24, 2014, at and in the County of Placer, State of California, the defendants, MARCELO MARQUEZ and JANELLE MARQUEZ MONROY, did commit a felony, namely: a violation of Section 664/187(a) of the Penal Code of the State of California, in that said defendants did unlawfully, and with malice aforethought attempt to murder PLACER COUNTY SHERIFF'S DEPUTY JEFFREY DAVIS, a human being.

It is further alleged that the defendants, MARCELO MARQUEZ and JANELLE MARQUEZ MONROY, committed the charged crime upon a peace officer and the defendants knew or reasonably should have known the victim was a peace officer engaged in the performance of his duties, within the meaning of Penal Code Section 664(e).

It is further alleged that the aforesaid attempted murder was committed willfully, deliberately and with premeditation within the meaning of Penal Code Section 664(a) and is a serious felony pursuant to Penal Code Section 1192.7(c).

It is further alleged that in the commission and attempted commission of the above offense, the defendant, MARCELO MARQUEZ, personally used and discharged a firearm, to wit, a Colt AR-15 assault rifle, within the meaning of Penal Code Section 12022.53(b) and (c).

It is further alleged that in the commission and attempted commission of the above offense, the defendant, JANELLE MARQUEZ MONROY, a principal in said offense, was armed with a firearm, to wit, a .9mm handgun, said arming not being an element of the above offense, within the meaning of Penal Code Section 12022(a)(1).

It is further alleged that in the commission of the above offense(s) the said defendant, MARCELO MARQUEZ, personally inflicted great bodily injury upon PLACER COUNTY SHERIFF'S DEPUTY JEFFREY DAVIS, not an accomplice to the above offense, within the meaning of Penal Code Section 12022.7(a) and also causing the above offense to become a serious felony within the meaning of Penal Code Section 1192.7(c)(8).

"NOTICE: This offense is a serious felony and a violent felony within the meaning of Penal Code Sections 1192.7(c)(8) and 667.5(c)(8)."

COUNT THIRTEEN

For a further and separate cause of action, being a different offense of the same class of crimes and offenses and connected in its commission with the charges set forth in Counts One through Twelve hereof: On or about October 24, 2014, at and in the Counties of Sacramento and Placer, State of California, the defendant, MARCELO MARQUEZ, did commit a felony, namely: a violation of Section 29800(a)(1) of the Penal Code of the State of California, in that said defendant did willfully and unlawfully own, possess and have custody and control of firearms, to wit, a .9mm handgun, a .380 handgun, a Colt AR-15 assault rifle, and a 12 gauge shotgun, the said defendant having therefore been duly and legally convicted of a felony, to wit, the crime of sale of a narcotic substance, in violation of Section 13-3408 of the Arizona Revised Statute, on or about January 23, 1997, by and before the Superior Court of the State of Arizona for the County of Maricopa.

COUNT FOURTEEN

For a further and separate cause of action, being a different offense of the same class of crimes and offenses and connected in its commission with the charges set forth in Counts One through Thirteen hereof: On or about October 24, 2014, at and in the Counties of Sacramento and Placer, State of California, the defendants, MARCELO MARQUEZ and JANELLE MARQUEZ MONROY, did commit a felony, namely: a violation of Section 30605(a) of the Penal Code of the State of California, in that said defendants did willfully and unlawfully possess an assault weapon as defined in Penal Code Sections 30510 and 30515, to wit, a Colt AR-15 assault rifle.

It is further alleged, as to Counts One through Fourteen, that in the commission and attempted commission of the above offenses including Murder as alleged in Count One and Count Two that the said defendants did commit public offenses in part in one jurisdictional territory namely, Sacramento County, and in part in another jurisdictional territory namely, Placer County, or the act or effects thereof constituting or requisite to the consummation of the offense occur in two or more jurisdictional territories, the jurisdiction of such offense is in any competent court within either jurisdictional territory, within the meaning of Penal Code Sections 781 and 790.

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

Executed at Sacramento County, California, the 27th day of October, 2014.



ROD NORGAARD SACRAMENTO COUNTY DISTRICT ATTORNEY (916) 874-6218 Telephone Number

D. TELLMAN
PLACER COUNTY DISTRICT ATTORNEY

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HOLDING ORDER

and that there is sufficient cause to is guilty thereof,	e(s) in the within complaint has/have been committed, to believe that the defendant, MARCELO MARQUEZ, eQUEZ, having waived preliminary hearing to the int,		
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:			
J	udge of the Superior Court Sitting as Magistrate		

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HOLDING ORDER

It appearing to me that the offense(s) in the within complaint has/have been and that there is sufficient cause to believe that the defendant, JANELLE M MONROY, is guilty thereof, The defendant, JANELLE MARQUEZ MONROY, having waived preliming the offense(s) set forth in this complaint,	IARQUEZ
Exceptions/Additions/Conditions:	
I order that the defendant be held to answer to same. In my capacity as Judge of the Court, I deem the within complaint to be an Information and order it filed in the Su	-
Date: Dept:	•
Judge of the Superior Court Sitting as Mag	istrate