

TULARE COUNTY SUPERIOR COURT DISTRICT
TULARE COUNTY SUPERIOR COURT DIVISION, STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff,

vs.

JOSE MANUEL MARTINEZ DOB:06/13/1962
AKA: MANUEL MARTINEZ DOB:06/13/1962
AKA: JOSE JUAN MARTINEZ DOB:06/13/1962
AKA: MANUEL MARTINEZ DOB:07/13/1961
AKA: JOSE JUAN MARTINEZ DOB:02/13/1961

Defendant(s).

DA No. 13-012343

Court No.

FELONY COMPLAINT

The undersigned is informed and believes that:

COUNT 1

On or about February 5, 2011, in the County of Tulare, the crime of MURDER, in violation of PENAL CODE SECTION 187(a), a FELONY, was committed by **JOSE MANUEL MARTINEZ**, who did unlawfully, and with malice aforethought murder GONZALO URQUIETA, a human being.

“NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)(1)”.

SPECIAL CIRCUMSTANCE-MURDER FOR FINANCIAL GAIN

It is further alleged, as to the above counts, that the murder of GONZALO URQUIETA, was intentional and was CARRIED OUT by the DEFENDANT for financial gain, within the meaning of Penal Code section 190.2(a)(1).

SPECIAL CIRCUMSTANCE-MURDER BY LYING IN WAIT

It is further alleged, as to the above count, that the murder of GONZALO URQUIETA, was COMMITTED by DEFENDANT and that the DEFENDANT intentionally killed the victim while lying in wait, within the meaning of Penal Code section 190.2(a)(15).

SPECIAL CIRCUMSTANCE-MULTIPLE MURDER

It is further alleged, as to the above count, that the offenses charged in counts ONE, TWO, THREE, FOUR, FIVE, SIX, SEVEN, EIGHT AND NINE are a special circumstance within the meaning of Penal Code section 190.2(a)(3).

**SPECIAL ALLEGATIONS - PERSONAL AND INTENTIONAL
DISCHARGE OF A FIREARM, GBI**

It is further alleged, as to the above count, that said DEFENDANT personally and intentionally discharged a firearm, a HANDGUN, which proximately caused great bodily injury and death to GONZALO URQUIETA, within the meaning of Penal Code Sections 12022.53(d) also causing the above offense to become a serious felony pursuant to Penal Code section 1192.7(c)(8) and a violent felony within the meaning of Penal Code section 667.5(c)(8).

SPECIAL ALLEGATION-PRIOR-ANY FELONY

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

COURT CASE NO.	CODE/ STATUTE	CONVICTION DATE	COUNTY	STATE	COURT TYPE
VCF134927	HS11377	10/29/04	TULARE	CA	SUPERIOR
VCF136673	HS11377	11/16/04	TULARE	CA	SUPERIOR
PCF141069	HS11377	02/17/05	TULARE	CA	SUPERIOR
PCF141069	PC487(a)	02/17/05	TULARE	CA	SUPERIOR

and that a term was served as described in Penal Code section 667.5 for said offense(s), and that the DEFENDANT 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.

SPECIAL ALLEGATION

It is further alleged, as to the above count, that said DEFENDANT, was convicted of the following felonies, within the meaning of Penal Code section 1203(e)(4):

COURT CASE NO.	CODE/ STATUTE	CONVICTION DATE	COUNTY	STATE	COURT TYPE
CRF03-113437	HS11377	09/05/03	TULARE	CA	SUPERIOR
VCF134927	HS11377	10/29/04	TULARE	CA	SUPERIOR
VCF136673	HS11377	11/16/04	TULARE	CA	SUPERIOR
PCF141069	HS11377	02/17/05	TULARE	CA	SUPERIOR
PCF141069	PC487(a)	02/17/05	TULARE	CA	SUPERIOR
PCF232216	PC496(a)	03/16/10	TULARE	CA	SUPERIOR

COUNT 2

On or about September 27, 2009, in the County of Tulare, the crime of MURDER, in violation of PENAL CODE SECTION 187(a), a FELONY, was committed by **JOSE MANUEL MARTINEZ**, who did unlawfully, and with malice aforethought murder JOAQUIN BARAGAN, a human being.

“NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)(1)”.

SPECIAL CIRCUMSTANCE-MURDER FOR FINANCIAL GAIN

It is further alleged, as to the above counts, that the murder of JOAQUIN BARAGAN, was intentional and was CARRIED OUT by the DEFENDANT for financial gain, within the meaning of Penal Code section 190.2(a)(1).

SPECIAL CIRCUMSTANCE-MURDER BY LYING IN WAIT

It is further alleged, as to the above count, that the murder of JOAQUIN BARAGAN, was COMMITTED by DEFENDANT and that the DEFENDANT intentionally killed the victim while lying in wait, within the meaning of Penal Code section 190.2(a)(15).

SPECIAL CIRCUMSTANCE-MULTIPLE MURDER

It is further alleged, as to the above count, that the offenses charged in counts ONE, TWO, THREE, FOUR, FIVE, SIX, SEVEN, EIGHT AND NINE are a special circumstance within the meaning of Penal Code section 190.2(a)(3).

**SPECIAL ALLEGATIONS - PERSONAL AND INTENTIONAL
DISCHARGE OF A FIREARM, GBI**

It is further alleged, as to the above count, that said DEFENDANT personally and intentionally discharged a firearm, a HANDGUN, which proximately caused great bodily injury and death to JOAQUIN BARAGAN, within the meaning of Penal Code Sections 12022.53(d) also causing the above offense to become a serious felony pursuant to Penal Code section 1192.7(c)(8) and a violent felony within the meaning of Penal Code section 667.5(c)(8).

SPECIAL ALLEGATION-PRIOR-ANY FELONY

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

COURT CASE NO.	CODE/ STATUTE	CONVICTION DATE	COUNTY	STATE	COURT TYPE
VCF134927	HS11377	10/29/04	TULARE	CA	SUPERIOR
VCF136673	HS11377	11/16/04	TULARE	CA	SUPERIOR
PCF141069	HS11377	02/17/05	TULARE	CA	SUPERIOR
PCF141069	PC487(a)	02/17/05	TULARE	CA	SUPERIOR

and that a term was served as described in Penal Code section 667.5 for said offense(s), and that the DEFENDANT 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.

SPECIAL ALLEGATION

It is further alleged, as to the above count, that said DEFENDANT, was convicted of the following felonies, within the meaning of Penal Code section 1203(e)(4):

COURT CASE NO.	CODE/ STATUTE	CONVICTION DATE	COUNTY	STATE	COURT TYPE
CRF03-113437	HS11377	09/05/03	TULARE	CA	SUPERIOR
VCF134927	HS11377	10/29/04	TULARE	CA	SUPERIOR
VCF136673	HS11377	11/16/04	TULARE	CA	SUPERIOR
PCF141069	HS11377	02/17/05	TULARE	CA	SUPERIOR
PCF141069	PC487(a)	02/17/05	TULARE	CA	SUPERIOR

COUNT 3

On or about February 14, 2000, in the County of Tulare, the crime of MURDER, in violation of PENAL CODE SECTION 187(a), a FELONY, was committed by **JOSE MANUEL MARTINEZ**, who did unlawfully, and with malice aforethought murder SANTIAGO PEREZ, a human being.

“NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)(1)”.

SPECIAL CIRCUMSTANCE-MURDER BY LYING IN WAIT

It is further alleged, as to the above count, that the murder of SANTIAGO PEREZ, was COMMITTED by DEFENDANT and that the DEFENDANT intentionally killed the victim while lying in wait, within the meaning of Penal Code section 190.2(a)(15).

SPECIAL CIRCUMSTANCE-MULTIPLE MURDER

It is further alleged, as to the above count, that the offenses charged in counts ONE, TWO, THREE, FOUR, FIVE, SIX, SEVEN, EIGHT AND NINE are a special circumstance within the meaning of Penal Code section 190.2(a)(3).

**SPECIAL ALLEGATIONS - PERSONAL AND INTENTIONAL
DISCHARGE OF A FIREARM, GBI**

It is further alleged, as to the above count, that said DEFENDANT personally and intentionally discharged a firearm, a HANDGUN, which proximately caused great bodily injury and death to SANTIAGO PEREZ, within the meaning of Penal Code Sections 12022.53(d) also causing the above offense to become a serious felony pursuant to Penal Code section 1192.7(c)(8) and a violent felony within the meaning of Penal Code section 667.5(c)(8).

COUNT 4

On or about April 8, 1995, in the County of Tulare, the crime of MURDER, in violation of PENAL CODE SECTION 187(a), a FELONY, was committed by **JOSE MANUEL MARTINEZ**, who did unlawfully, and with malice aforethought murder DOMINGO PEREZ, a human being.

“NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)(1)”.

SPECIAL CIRCUMSTANCE-MURDER BY LYING IN WAIT

It is further alleged, as to the above count, that the murder of DOMINGO PEREZ, was COMMITTED by DEFENDANT and that the DEFENDANT intentionally killed the victim while lying in wait, within the meaning of Penal Code section 190.2(a)(15).

SPECIAL CIRCUMSTANCE-MULTIPLE MURDER

It is further alleged, as to the above count, that the offenses charged in counts ONE, TWO, THREE, FOUR, FIVE, SIX, SEVEN, EIGHT AND NINE are a special circumstance within the meaning of Penal Code section 190.2(a)(3).

SPECIAL ALLEGATION-USE OF FIREARM

It is further alleged that in the commission and attempted commission of the above offense, the said defendant, personally used a firearm(s), within the meaning of Penal Code sections 1203.06(a)(1) and 12022.5(a)(1) also causing the above offense to become a serious felony pursuant to Penal Code section 1192.7(c)(8) and a violent felony within the meaning of Penal Code section 667.5(c)(8).

COUNT 5

On or about October 19, 1982, in the County of Tulare, the crime of MURDER, in violation of PENAL CODE SECTION 187(a), a FELONY, was committed by **JOSE MANUEL MARTINEZ**, who did unlawfully, and with malice aforethought murder RAUL GONZALEZ, a human being.

“NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)(1)”.

SPECIAL CIRCUMSTANCE-MURDER BY LYING IN WAIT

It is further alleged, as to the above count, that the murder of RAUL GONZALEZ, was COMMITTED by DEFENDANT and that the DEFENDANT intentionally killed the victim while lying in wait, within the meaning of Penal Code section 190.2(a)(15).

SPECIAL CIRCUMSTANCE-MULTIPLE MURDER

It is further alleged, as to the above count, that the offenses charged in counts ONE, TWO, THREE, FOUR, FIVE, SIX, SEVEN, EIGHT AND NINE are a special circumstance within the meaning of Penal Code section 190.2(a)(3).

SPECIAL ALLEGATION-USE OF FIREARM

It is further alleged that in the commission and attempted commission of the above offense, the said defendant, personally used a firearm(s), within the meaning of Penal Code sections 1203.06(a)(1) and 12022.5(a)(1) also causing the above offense to become a serious felony pursuant to Penal Code section 1192.7(c)(8) and a violent felony within the meaning of Penal Code section 667.5(c)(8).

COUNT 6

On or about October 21, 1980, in the County of Tulare, the crime of MURDER, in violation of PENAL CODE SECTION 187(a), a FELONY, was committed by **JOSE MANUEL MARTINEZ**, who did unlawfully, and with malice aforethought murder DAVID BEDOLLA, a human being.

“NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)(1)”.

SPECIAL CIRCUMSTANCE-MURDER FOR FINANCIAL GAIN

It is further alleged, as to the above counts, that the murder of DAVID BEDOLLA, was intentional and was COMMITTED by the DEFENDANT for financial gain, within the meaning of Penal Code section 190.2(a)(1).

SPECIAL CIRCUMSTANCE-MURDER BY LYING IN WAIT

It is further alleged, as to the above count, that the murder of DAVID BEDOLLA, was COMMITTED by DEFENDANT and that the DEFENDANT intentionally killed the victim while lying in wait, within the meaning of Penal Code section 190.2(a)(15).

SPECIAL CIRCUMSTANCE-MULTIPLE MURDER

It is further alleged, as to the above count, that the offenses charged in counts ONE, TWO, THREE, FOUR, FIVE, SIX, SEVEN, EIGHT AND NINE are a special circumstance within the meaning of Penal Code section 190.2(a)(3).

SPECIAL ALLEGATION-USE OF FIREARM

It is further alleged that in the commission and attempted commission of the above offense, the said defendant, personally used a firearm(s), within the meaning of Penal Code sections 1203.06(a)(1) and 12022.5(a)(1) also causing the above offense to become a serious felony pursuant to Penal Code section 1192.7(c)(8) and a violent felony within the meaning of Penal Code section 667.5(c)(8).

COUNT 7

On or about March 23, 2009, in the County of Kern, filed in Tulare County pursuant to Penal Code Sections 781 and 790, the crime of MURDER, in violation of PENAL CODE SECTION 187(a), a FELONY, was committed by **JOSE MANUEL MARTINEZ**, who did unlawfully, and with malice aforethought murder JUAN BAUTISTA MORENO, a human being.

“NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)(1)”.

SPECIAL CIRCUMSTANCE-MURDER FOR FINANCIAL GAIN

It is further alleged, as to the above counts, that the murder of JUAN BAUTISTA MORENO, was intentional and was CARRIED OUT by the DEFENDANT for financial gain, within the meaning of Penal Code section 190.2(a)(1).

SPECIAL CIRCUMSTANCE-MURDER BY LYING IN WAIT

It is further alleged, as to the above count, that the murder of JUAN BAUTISTA MORENO, was COMMITTED by DEFENDANT and that the DEFENDANT intentionally killed the victim while lying in wait, within the meaning of Penal Code section 190.2(a)(15).

SPECIAL CIRCUMSTANCE-MULTIPLE MURDER

It is further alleged, as to the above count, that the offenses charged in counts ONE, TWO, THREE, FOUR, FIVE, SIX, SEVEN, EIGHT AND NINE are a special circumstance within the meaning of Penal Code section 190.2(a)(3).

**SPECIAL ALLEGATIONS - PERSONAL AND INTENTIONAL
DISCHARGE OF A FIREARM, GBI**

It is further alleged, as to the above count, that said DEFENDANT personally and intentionally discharged a firearm, a HANDGUN, which proximately caused great bodily injury and death to JUAN BAUTISTA MORENO, within the meaning of Penal Code Sections 12022.53(d) also causing the above offense to become a serious felony pursuant to Penal Code section 1192.7(c)(8) and a violent felony within the meaning of Penal Code section 667.5(c)(8).

SPECIAL ALLEGATION-PRIOR-ANY FELONY

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

COURT CASE NO.	CODE/ STATUTE	CONVICTION DATE	COUNTY	STATE	COURT TYPE
VCF134927	HS11377	10/29/04	TULARE	CA	SUPERIOR
VCF136673	HS11377	11/16/04	TULARE	CA	SUPERIOR
PCF141069	HS11377	02/17/05	TULARE	CA	SUPERIOR
PCF141069	PC487(a)	02/17/05	TULARE	CA	SUPERIOR

and that a term was served as described in Penal Code section 667.5 for said offense(s), and that the DEFENDANT 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.

SPECIAL ALLEGATION

It is further alleged, as to the above count, that said DEFENDANT, was convicted of the following felonies, within the meaning of Penal Code section 1203(e)(4):

COURT CASE NO.	CODE/ STATUTE	CONVICTION DATE	COUNTY	STATE	COURT TYPE
CRF03-113437	HS11377	09/05/03	TULARE	CA	SUPERIOR
VCF134927	HS11377	10/29/04	TULARE	CA	SUPERIOR
VCF136673	HS11377	11/16/04	TULARE	CA	SUPERIOR
PCF141069	HS11377	02/17/05	TULARE	CA	SUPERIOR
PCF141069	PC487(a)	02/17/05	TULARE	CA	SUPERIOR

SPECIAL CIRCUMSTANCE-- MURDER - KIDNAPPING

It is further alleged, as to the above count, that the murder of JUAN BAUTISTA MORENO was COMMITTED, by DEFENDANT while the said DEFENDANT was/were ENGAGED IN THE COMMISSION OF the crime of kidnapping in violation of Penal Code Section 211 and 212.5.

COUNT 8

On or about February 15, 2007, in the County of Kern, filed in Tulare County pursuant to Penal Code Sections 781 and 790, the crime of MURDER, in violation of PENAL CODE SECTION 187(a), a FELONY, was committed by **JOSE MANUEL MARTINEZ**, who did unlawfully, and with malice aforethought murder JOSE ALVARADO, a human being.

“NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)(1)”.

SPECIAL CIRCUMSTANCE-MULTIPLE MURDER

It is further alleged, as to the above count, that the offenses charged in counts ONE, TWO, THREE, FOUR, FIVE, SIX, SEVEN, EIGHT AND NINE are a special circumstance within the meaning of Penal Code section 190.2(a)(3).

**SPECIAL ALLEGATIONS - PERSONAL AND INTENTIONAL
DISCHARGE OF A FIREARM, GBI**

It is further alleged, as to the above count, that said DEFENDANT personally and intentionally discharged a firearm, a HANDGUN, which proximately caused great bodily injury and death to JOSE ALVARADO, within the meaning of Penal Code Sections 12022.53(d) also causing the above offense to become a serious felony pursuant to Penal Code section 1192.7(c)(8) and a violent felony within the meaning of Penal Code section 667.5(c)(8).

SPECIAL ALLEGATION-PRIOR-ANY FELONY

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

COURT CASE NO.	CODE/ STATUTE	CONVICTION DATE	COUNTY	STATE	COURT TYPE
VCF134927	HS11377	10/29/04	TULARE	CA	SUPERIOR
VCF136673	HS11377	11/16/04	TULARE	CA	SUPERIOR
PCF141069	HS11377	02/17/05	TULARE	CA	SUPERIOR
PCF141069	PC487(a)	02/17/05	TULARE	CA	SUPERIOR

and that a term was served as described in Penal Code section 667.5 for said offense(s), and that the DEFENDANT 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.

SPECIAL ALLEGATION

It is further alleged, as to the above count, that said DEFENDANT, was convicted of the following felonies, within the meaning of Penal Code section 1203(e)(4):

COURT CASE NO.	CODE/ STATUTE	CONVICTION DATE	COUNTY	STATE	COURT TYPE
CRF03-113437	HS11377	09/05/03	TULARE	CA	SUPERIOR
VCF134927	HS11377	10/29/04	TULARE	CA	SUPERIOR
VCF136673	HS11377	11/16/04	TULARE	CA	SUPERIOR
PCF141069	HS11377	02/17/05	TULARE	CA	SUPERIOR
PCF141069	PC487(a)	02/17/05	TULARE	CA	SUPERIOR

COUNT 9

On or about October 1, 1982, in the County of Santa Barbara, filed in Tulare County pursuant to Penal Code Sections 781 and 790, the crime of MURDER, in violation of PENAL CODE SECTION 187(a), a FELONY, was committed by **JOSE MANUEL MARTINEZ**, who did unlawfully, and with malice aforethought murder SYLVETRE AYON, a human being.

“NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)(1)”.

SPECIAL CIRCUMSTANCE-MURDER FOR FINANCIAL GAIN

It is further alleged, as to the above counts, that the murder of SYLVETRE AYON, was intentional and was CARRIED OUT by the DEFENDANT for financial gain, within the meaning of Penal Code section 190.2(a)(1).

SPECIAL CIRCUMSTANCE-MULTIPLE MURDER

It is further alleged, as to the above count, that the offenses charged in counts ONE, TWO, THREE, FOUR, FIVE, SIX, SEVEN, EIGHT AND NINE are a special circumstance within the meaning of Penal Code section 190.2(a)(3).

SPECIAL ALLEGATION-USE OF FIREARM

It is further alleged that in the commission and attempted commission of the above offense, the said defendant, personally used a firearm(s), within the meaning of Penal Code sections 1203.06(a)(1) and 12022.5(a)(1) also causing the above offense to become a serious felony pursuant to Penal Code section 1192.7(c)(8) and a violent felony within the meaning of Penal Code section 667.5(c)(8).

COUNT 10

On or about October 1, 1982, in the County of Santa Barbara, filed in Tulare County pursuant to Penal Code Sections 781, the crime of ATTEMPTED MURDER, in violation of PENAL CODE SECTION 664/187(a), a FELONY, was committed by **JOSE MANUEL MARTINEZ**, who did unlawfully and with malice aforethought attempt to murder G.G., 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).

SPECIAL ALLEGATION-USE OF FIREARM

It is further alleged that in the commission and attempted commission of the above offense, the said defendant, personally used a firearm(s), within the meaning of Penal Code sections 1203.06(a)(1) and 12022.5(a)(1) also causing the above offense to become a serious felony pursuant to Penal Code section 1192.7(c)(8) and a violent felony within the meaning of Penal Code section 667.5(c)(8).

* * * * *

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.

Pursuant to People v. Cunningham, the People hereby put the defendant on notice that the aggravated sentence may be sought in this case.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT CONSISTS OF 10 COUNT(S).

Executed at VISALIA DIVISION, California, on April 3, 2014.

DAVID L ALAVEZOS
DEPUTY DISTRICT ATTORNEY

Agency: TCSO

<u>DEFENDANT NAME</u>	<u>SEX</u>	<u>RACE</u>	<u>HGT</u>	<u>WGT</u>	<u>EYES</u>	<u>HAIR</u>	<u>COURT DATE</u>	<u>INTAKE STATUS</u>
JOSE MANUEL MARTINEZ	M	H	509	175	BRO	BRO		WA

COMPLAINT PROCESSED BY: jd