

IN CUSTODY

1 DAN DOW
 2 DISTRICT ATTORNEY
 3 STATE BAR # 237986
 4 COUNTY OF SAN LUIS OBISPO
 5 COURTHOUSE ANNEX, 4TH FLOOR
 6 SAN LUIS OBISPO, CA 93408
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<input checked="" type="checkbox"/>	Court copy
<input type="checkbox"/>	DA copy
<input type="checkbox"/>	Probation copy
<input type="checkbox"/>	Defendant copy
<input type="checkbox"/>	Restitution
<input type="checkbox"/>	Sub Fel/Iss Misd
<input type="checkbox"/>	Strike Case
<input type="checkbox"/>	DV Case
<input type="checkbox"/>	BOOKING REQ

FILED

AUG 19 2019

SAN LUIS OBISPO SUPERIOR COURT
 BY: *M. Wood*
 M. Wood, Deputy Clerk

8 SUPERIOR COURT OF CALIFORNIA
 9 COUNTY OF SAN LUIS OBISPO
 10 DEPARTMENT 3

11 THE PEOPLE OF THE STATE OF
 12 CALIFORNIA
 13
 14 Plaintiff,

13 vs.

14 **ROBERT JOSEPH GARAY**
 15 DOB: 07/20/1991 ID NO. D000314962

16 **GABRIEL LUIS GARAY**
 17 DOB: 07/04/1998 ID NO. D000413493

18
 19 **NATHANIEL ALEXANDER JARA**
 20 DOB: 12/21/1997 ID NO. D000421007

22 Defendants.

COURT CASE NO.

COMPLAINT

19F-060152

DA CASE NO. 079-643376 - *A*

DA CASE NO. 079-643377 - *B*

DA CASE NO. 079-643378 - *C*

Appearance Date: August 20, 2019

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 25 The District Attorney of San Luis Obispo County, California, hereby accuses the
 26 above named defendants of the following criminal offenses:
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 28

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Count 1

On or about April 2, 2019, in the County of San Luis Obispo, State of California, the crime of Willful, Deliberate, and Premeditated Murder in violation of PC187(a), a Felony, was committed in that ROBERT JOSEPH GARAY AND GABRIEL LUIS GARAY AND NATHANIEL ALEXANDER JARA did unlawfully and with malice aforethought murder Daniel Fuentes, a human being. It is further alleged that the aforesaid murder was committed willfully, deliberately and with premeditation within the meaning of Penal Code section 189 and is a serious felony pursuant to Penal Code section 1192.7(c).

Enhancement

PC12022.53(d): Special Allegation - Principal's Intentional Discharge Of A Firearm, Great Bodily Injury

It is further alleged as to count 1 that ROBERT JOSEPH GARAY, a principal, personally and intentionally discharged a .25 caliber firearm, causing death to Daniel Fuentes within the meaning of Penal Code section 12022.53(d) and (e)(1). It is further alleged as to count 1 that ROBERT JOSEPH GARAY, a principal, personally and intentionally discharged a .25 caliber firearm within the meaning of Penal Code sections 12022.53(b), and 12022.53(c) and 12022.53(e).

Enhancement

PC186.22(b)(1)(C): Special Allegation - Street Terrorism - Violent Felony

It is further alleged pursuant to Penal Code section 186.22(b)(1)(C) as to count 1 that ROBERT JOSEPH GARAY AND GABRIEL LUIS GARAY AND NATHANIEL ALEXANDER JARA, committed the above offense for the benefit of, at the direction of, and in association with a criminal street gang, to wit, Oceano 13, with the specific intent to promote, further or assist in criminal conduct by gang members. Said act also caused the above offense to become a serious felony pursuant to Penal Code section 1192.7(c)(28).

1 NOTICE: Conviction of this offense will require you to register pursuant to Penal Code
2 section 186.30(a). Willful failure to register is a crime.

3
4 Enhancement

5 PC190.2(a)(22): Special Allegation – Criminal Street Gang Murder

6 It is further alleged, pursuant to Penal Code Section 190.2(a)(22), that the defendants
7 intentionally killed Daniel Fuentes while the defendants were active participants in a
8 criminal street gang, to wit, Oceano 13, and the murder was carried out to further the
9 activities of the criminal street gang.

10 Count 2

11 On or about April 2, 2019, in the County of San Luis Obispo, State of California, the crime
12 of Street Terrorism in violation of PC186.22(a), a Felony, was committed in that ROBERT
13 JOSEPH GARAY AND GABRIEL LUIS GARAY AND NATHANIEL ALEXANDER JARA did
14 unlawfully and actively participate in a criminal street gang, to wit, Oceano 13, with
15 knowledge that its members engage in and have engaged in a pattern of criminal gang
16 activity and did promote, further or assist in felony criminal conduct by gang members.

17 NOTICE: Conviction of this offense will require you to register pursuant to Penal Code
18 section 186.30(a). Willful failure to register is a crime.

1 All of which is contrary to the statute in such cases made and provided, and against
2 the peace and dignity of the People of the State of California.

3 I declare that an investigation has been conducted to determine if said Defendant(s)
4 did commit the stated crime, which reports are attached hereto and incorporated herein by
5 reference, and that the facts therein show probable cause that the said Defendant(s) did
6 commit the crime. Your declarant requests the issuance of a Warrant of Arrest either if
7 said Defendant(s) do not appear voluntarily in response to an appearance letter, or if no
8 appearance letter was issued.

9 **Discovery Request:** Pursuant to Penal Code Section 1054.5(b), the People are
10 hereby informally requesting that defense counsel provide discovery to the people as
11 required by Penal Code Section 1054.3.

12 On this day August 19, 2019, in the County of San Luis Obispo, I certify and declare
13 under penalty of perjury that the foregoing is true and correct.

14 Dated: August 19, 2019

15 DAN DOW
16 DISTRICT ATTORNEY

17 By: 
18 ERIC DOBROTH
19 ASSISTANT DISTRICT ATTORNEY

20 Upon review of the reports attached and incorporated herein by reference, I find sufficient
21 probable cause to warrant the defendant(s) continued detention.

22 Dated: _____
23 _____
24 Judge of the Superior Court

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SUMMARY PAGE

Cnt	Charge	Range	Defendant(s)	Special Allegation	Effect
1	PC187(a) PC12022.53(d), PC186.22(b)(1)(C), PC190.2(a)(22)		Robert Joseph Garay and Gabriel Luis Garay and Nathaniel Alexander Jara		
2	PC186.22(a)		Robert Joseph Garay and Gabriel Luis Garay and Nathaniel Alexander Jara		

San Luis Obispo County Sheriff Office

Case No. 1904-02598

STATEMENT OF PROBABLE CAUSE

On April 2, 2019, at approximately 2357 hours, Daniel Fuentes was shot and killed in the area of 22nd and Ocean Street in Oceano, California.

An investigation by the San Luis Obispo County Sheriff's Office revealed that Robert Garay and Gabriel Garay were passengers in a vehicle driven by Nathaniel Jara in the area of 22nd and Ocean Street in Oceano, when the three observed Fuentes riding a bicycle. Jara made a U-turn and stopped the vehicle in the vicinity of Fuentes.

R. Garay, G. Garay and Jara exited the vehicle and ran towards Fuentes. R. Garay shot Fuentes multiple times. Fuentes fled to a near-by residence, where he died from his gunshot wounds.

R. Garay, G. Garay and Jara are confirmed members and/or associates of the Oceano 13 criminal street gang. The Sheriff's investigation has revealed that the murder of Fuentes was "committed for the benefit of, at the direction of, or in association with the [Oceano 13] criminal street gang" as these terms are defined in California Penal Code section 186.22 and "carried out to further the activities of the [Oceano 13] criminal street gang" as described in Penal Code section 190.2(a) (22).