

It is further alleged as to count(s) 1 that said defendant(s) Javier Hernandez personally used a firearm, a handgun, within the meaning of Penal Code section 12022.53(b).

It is further alleged as to count(s) 1 that in the commission and attempted commission of the above offense, the said defendant(s) Javier Hernandez, personally used a firearm(s), to wit: handgun, within the meaning of Penal Code sections 1203.06(a)(1) and 12022.5(a) 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).

It is further alleged as to count(s) 1 that in the commission and attempted commission of the above offense a principal in said offense was armed with a firearm(s), to wit, Handgun, said arming not being an element of the above offense, within the meaning of Penal Code section 12022(a)(1).

COUNT 2

On or about January 14, 2021, in the above named judicial district, the crime of EVADING AN OFFICER, WILLFUL DISREGARD, in violation of VEHICLE CODE SECTION 2800.2(a), a felony, was committed by Marco Antonio Chaires, who did willfully and unlawfully, while operating a motor vehicle and with the intent to evade, flee and otherwise attempt to elude a pursuing peace officer's motor vehicle while all of the following conditions existed: the peace officer's motor vehicle exhibited at least one lighted red lamp visible from the front and the defendant(s) saw and reasonably should have seen the lamp, the peace officer's motor vehicle was sounding its siren as was reasonably necessary, the peace officer's motor vehicle was distinctively marked, the peace officer's motor vehicle was operated by a peace officer. It is further alleged that the defendant(s) drove with a willful or wanton disregard for the safety of persons and property.

COUNT 3

On or about January 14, 2021, in the above named judicial district, the crime of POSSESSION OF FIREARM BY A FELON, in violation of PENAL CODE SECTION 29800(a)(1), a felony, was committed by Javier Hernandez, who did unlawfully own, purchase, receive, possess, and have custody and control of a firearm, to wit, Handgun, the said defendant(s) having been

convicted of a felony under the laws of the United States, the state of California and any other state, government and county:

| Court Case | Code/Statute | Conv Date | County | State | Court Type |
|---------------|--------------|------------|-------------|-------|------------|
| LACBA45116401 | VC10851 | 01/19/2017 | Los Angeles | CA | Municipal |

COUNT 4

On or about January 14, 2021, in the above named judicial district, the crime of POSSESSION OF BURGLAR'S TOOLS, in violation of PENAL CODE SECTION 466, a misdemeanor, was committed by Marco Antonio Chaires and Javier Hernandez, who did unlawfully have in his/her possession a picklock, crow, keybit, crowbar, screwdriver, vice grip pliers, water-pump pliers, slidehammer, slim jim, tension bar, lockpick gun, tubular lock pick, bump key, floor safe door puller, master key, ceramic and porcelain spark plug chips and pieces, and other instrument and tool with intent feloniously to break and enter a building, railroad car, aircraft, vessel, trailer coach, and vehicle.

COUNT 5

On or about January 14, 2021, in the above named judicial district, the crime of POSSESSING A CONTROLLED SUBSTANCE, in violation of HEALTH AND SAFETY CODE SECTION 11377(a), a misdemeanor, was committed by Javier Hernandez, who did possess, Methamphetamine, a controlled substance.

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NOTICE TO DEFENDANT AND DEFENDANT'S ATTORNEY

Pursuant to Penal Code Sections 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.

NOTICE TO ATTORNEY

The materials accompanying this notice may include information about witnesses. If so, these materials are disclosed to you pursuant to Penal Code section 1054.2 which provides: "No attorney may disclose or permit to be disclosed to a defendant the address or telephone number of

a victim or witness whose name is disclosed to the attorney pursuant to subdivision (a) of Section 1054.1 unless specifically permitted to do so by the court after a hearing and a showing of good cause."

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT CONSISTS OF 5 COUNT(S).

Executed at San Bernardino, California, on January 19, 2021.

BHouser

BHouser
DECLARANT AND COMPLAINANT

Agency: San Bernardino CHP

Prelim Est. 00:00

| Defendant | Birth Date | Booking No. | CII No. | NCIC |
|-----------------------|------------|-------------|-----------|------|
| Marco Antonio Chaires | 10/19/1992 | 2101341027 | A32331111 | |
| Javier Hernandez | 11/22/1996 | 2101341028 | A30711140 | |