

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO
JOSHUA TREE DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,)	
)	
Plaintiff)	
)	
vs.)	FELONY COMPLAINT
)	
Rudy Garcia Jr)	
)	
)	DA CASE NO 2024-00-0021202
Defendant)	
)	
)	
)	

The undersigned is informed and believes that:

COUNT 1

On or about May 20, 2024, in the above-named judicial district, the crime of MURDER, in violation of PENAL CODE SECTION 187(a), a felony, was committed by Rudy Garcia Jr, who did unlawfully, and with malice aforethought murder Robert McDonald, a human being.

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

It is further alleged as to count(s) 1, 2, 3 that said defendant(s) Rudy Garcia Jr personally and intentionally discharged a firearm, a handgun, which proximately caused great bodily injury and death to Robert McDonald within the meaning of Penal Code section 12022.53(d). It is further alleged as to count(s) 1, 2, 3 that said defendant(s) Rudy Garcia Jr personally and intentionally discharged a firearm, a handgun, within the meaning of Penal Code section 12022.53(c). It is further alleged as to count(s) 1, 2, 3 that said defendant(s) Rudy Garcia Jr personally used a firearm, a handgun, within the meaning of Penal Code section 12022.53(b).

COUNT 2

On or about May 20, 2024, in the above-named judicial district, the crime of ATTEMPTED CARJACKING, in violation of PENAL CODE SECTION 664/215(a), a felony, was committed by Rudy Garcia Jr, who did unlawfully and by means of force and fear attempt to take a motor vehicle in the possession of Robert McDonald, 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 Robert McDonald of possession of said motor vehicle.

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

It is further alleged as to count(s) 1, 2, 3 that said defendant(s) Rudy Garcia Jr personally and intentionally discharged a firearm, a handgun, which proximately caused great bodily injury and death to Robert McDonald within the meaning of Penal Code section 12022.53(d). It is further alleged as to count(s) 1, 2, 3 that said defendant(s) Rudy Garcia Jr personally and intentionally discharged a firearm, a handgun, within the meaning of Penal Code section 12022.53(c). It is further alleged as to count(s) 1, 2, 3 that said defendant(s) Rudy Garcia Jr personally used a firearm, a handgun, within the meaning of Penal Code section 12022.53(b).

COUNT 3

On or about May 20, 2024, in the above-named judicial district, the crime of ATTEMPTED SECOND DEGREE ROBBERY, in violation of PENAL CODE SECTION 664/211, a felony, was committed by Rudy Garcia Jr, who did unlawfully, and by means of force and fear attempt to take personal property from the person, possession, and immediate presence of Robert McDonald.

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

It is further alleged as to count(s) 1, 2, 3 that said defendant(s) Rudy Garcia Jr personally and intentionally discharged a firearm, a handgun, which proximately caused great bodily injury and death to Robert McDonald within the meaning of Penal Code section 12022.53(d). It is further alleged as to count(s) 1, 2, 3 that said defendant(s) Rudy Garcia Jr personally and intentionally discharged a firearm, a handgun, within the meaning of Penal Code section 12022.53(c). It is

further alleged as to count(s) 1, 2, 3 that said defendant(s) Rudy Garcia Jr personally used a firearm, a handgun, within the meaning of Penal Code section 12022.53(b).

COUNT 4

On or about May 20, 2024, in the above-named judicial district, the crime of WILLFUL, DELIBERATE, AND PREMEDITATED ATTEMPTED MURDER, in violation of PENAL CODE SECTION 664/187(a), a felony, was committed by Rudy Garcia Jr, who did unlawfully and with malice aforethought attempt to murder Dennis Delgado Morales, 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).

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

It is further alleged as to count(s) 4, 5 that said defendant(s) Rudy Garcia Jr personally and intentionally discharged a firearm, a handgun, within the meaning of Penal Code section 12022.53(c). It is further alleged as to count(s) 4, 5 that said defendant(s) Rudy Garcia Jr personally used a firearm, a handgun, within the meaning of Penal Code section 12022.53(b).

COUNT 5

On or about May 20, 2024, in the above-named judicial district, the crime of WILLFUL, DELIBERATE, AND PREMEDITATED ATTEMPTED MURDER, in violation of PENAL CODE SECTION 664/187(a), a felony, was committed by Rudy Garcia Jr, who did unlawfully and with malice aforethought attempt to murder Susan M Griffin, 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).

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

It is further alleged as to count(s) 4, 5 that said defendant(s) Rudy Garcia Jr personally and intentionally discharged a firearm, a handgun, within the meaning of Penal Code section 12022.53(c). It is further alleged as to count(s) 4, 5 that said defendant(s) Rudy Garcia Jr personally used a firearm, a handgun, within the meaning of Penal Code section 12022.53(b).

COUNT 6

On or about May 20, 2024, in the above-named judicial district, the crime of ASSAULT WITH A SEMIAUTOMATIC FIREARM-PERSONAL USE OF FIREARM, in violation of PENAL CODE SECTION 245(b), a felony, was committed by Rudy Garcia Jr, who did willfully and unlawfully commit an assault upon Dennis Delgado Morales with a semiautomatic firearm.

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).

It is further alleged that the defendant(s) Rudy Garcia Jr personally used a firearm, to wit, a Semi-Automatic Firearm within the meaning of Penal Code Section 12022.5(a) and (d), 1192.7(c) and 667.5(c)

COUNT 7

On or about May 20, 2024, in the above-named judicial district, the crime of ASSAULT WITH A SEMIAUTOMATIC FIREARM-PERSONAL USE OF FIREARM, in violation of PENAL CODE SECTION 245(b), a felony, was committed by Rudy Garcia Jr, who did willfully and unlawfully commit an assault upon Susan M Griffin with a semiautomatic firearm.

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).

It is further alleged that the defendant(s) Rudy Garcia Jr personally used a firearm, to wit, a Semi-Automatic Firearm within the meaning of Penal Code Section 12022.5(a) and (d), 1192.7(c) and 667.5(c)

* * * * *

It is further alleged as to each count, pursuant to Penal Code section 1170, subdivision (b)(2), that the following circumstances may apply in this case:

1. The crime involved great violence, great bodily harm, threat of great bodily harm, or other acts disclosing a high degree of cruelty, viciousness, or callousness;
2. The defendant was armed with or used a weapon at the time of the commission of the crime;
3. The victim was particularly vulnerable;
4. The defendant induced others to participate in the commission of the crime or occupied a position of leadership or dominance of other participants in its commission;
5. The defendant induced a minor to commit or assist in the commission of the crime;
6. The defendant threatened witnesses, unlawfully prevented or dissuaded witnesses from testifying, suborned perjury, or in any other way illegally interfered with the judicial process;
7. The defendant was convicted of other crimes for which consecutive sentences could have been imposed but for which concurrent sentences are being imposed;
8. The manner in which the crime was carried out indicates planning, sophistication, or professionalism;
9. The crime involved an attempted or actual taking or damage of great monetary value;
10. The crime involved a large quantity of contraband;
11. The defendant took advantage of a position of trust or confidence to commit the offense.
12. The crime constitutes a hate crime under section 422.55;
13. The defendant has engaged in violent conduct that indicates a serious danger to society;
14. The defendant's prior convictions as an adult or sustained petitions in juvenile delinquency proceedings are numerous or of increasing seriousness;
15. The defendant has served a prior term in prison or county jail under section 1170(h);
16. The defendant was on probation, mandatory supervision, postrelease community supervision, or parole when the crime was committed; and
17. The defendant's prior performance on probation, mandatory supervision, postrelease community supervision, or parole was unsatisfactory; and
18. And any other aggravating factors that may be permitted by law.

* * * * *

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 7 COUNT(S).

Executed at Joshua Tree, California, on May 23, 2024

Douglas Poston

Douglas Poston
DECLARANT AND COMPLAINANT

Agency: SBSO Morongo Basin Station

Prelim Est.

Defendant	Birth Date	Booking No	CII No.	NCIC
Rudy Garcia Jr	2006-03-03	2405090080	A42176595	