

THE SUPERIOR COURT, STATE OF CALIFORNIA  
For the County of Santa Barbara  
Lompoc Division

**FILED**  
SUPERIOR COURT of CALIFORNIA  
COUNTY of SANTA BARBARA

SEP 23 2019

Darrel E. Parker, Executive Officer  
BY Judy A. Kilns  
Judy A. Kilns, Deputy Clerk

THE PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff,

vs.

**FRANCISCO GUTIERREZORTEGA**  
AKA: FRANCISCO GUTIERREZ ORTEGA

**DOB: 05/15/1995**  
05/15/1995  
Defendant.

DA No. 19-09-449114

Court No. 19CR08880

**FELONY COMPLAINT**

**AB109 INELIGIBLE**

The undersigned is informed and believes that:

COUNT 1

On or about September 8, 2019, in the County of Santa Barbara, the crime of MURDER, in violation of **PENAL CODE SECTION 187(a)**, a Felony, was committed by FRANCISCO GUTIERREZORTEGA, who did unlawfully, and with malice aforethought murder MARLON WARDELL BRUMFIELD, a human being.

It is further alleged that the above offense is a serious felony within the meaning of **Penal Code Section 1192.7(c)(1)**.

It is further alleged that the above offense is a violent felony within the meaning of **Penal Code Section 667.5(c)(1)**.

**SPECIAL ALLEGATION – STREET TERRORISM**

It is further alleged pursuant to **Penal Code Section 186.22(b)(1)**, that the above offense was committed by FRANCISCO GUTIERREZORTEGA for the benefit of or at the direction of or in association with a criminal street gang, to wit: VARRIO LAMPARAS PRIMERA with the specific intent to promote, or further, or assist in criminal conduct by gang members.

"NOTICE: The above offense is a serious felony within the meaning of **Penal Code Section 1192.7(c) (28)**."

**SPEC ALLEG – SERIOUS/VIOLENT/REGISTERABLE SEX OFFENSE FELONY**

It is further alleged that the above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and/or a violent felony described in subdivision(s) of Penal Code section 667.5 and/or an offense requiring registration under the provisions Penal Code sections 290 et seq, pursuant to Penal Code section 1170(h), that the defendant is ineligible for a state prison sentence to be served in the county jail.

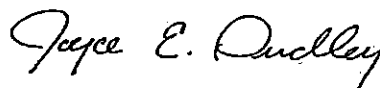
"NOTICE: Pursuant to Penal Code section 1170(f), notwithstanding any other provisions of this section, for purposes of subdivision (h) of section 1170, any allegation that a defendant is ineligible for a state prison sentence to be served in the county jail due to a prior or current conviction, or sentence enhancement, or because he or she is required to register as a sex offender, or because the legislature specifically excluded the offense, shall not be subject to dismissal pursuant to §1385 PC."

\*\*\*\*\*

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.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT CONSISTS OF 1 COUNT(S).

Executed at Lompoc, California, on September 23, 2019.



SCOTT DONAHUE  
DEPUTY DISTRICT ATTORNEY

Agency: LOPD

<u>DEFENDANT NAME</u>	<u>SEX</u>	<u>RACE</u>	<u>HGT</u>	<u>WGT</u>	<u>EYES</u>	<u>HAIR</u>	<u>DRIVER'S LICENSE</u>	<u>STS</u>	<u>COURT DATE</u>
Francisco Gutierrezortega	M	H	504	130	BRO	BRO	F5485929	IC	09/23/2019

vd