

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

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

APR 21 2017

Barrel E. Parker, Executive Officer  
BY ~~Tina Hernandez~~  
Tina Hernandez, Deputy Clerk

THE PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff,

vs.

**JORGE TOVAR FERNANDEZ**  
AKA: JORGE FERNANDEZ TOVAR  
AKA: JORGE TOVAR

DOB: 07/30/1990  
07/30/1990  
Defendant.

DA No. 17-04-401104

Court No. **17CR03720**

**FELONY COMPLAINT**

**AB109 INELIGIBLE**

The undersigned is informed and believes that:

COUNT 1

On or about April 16, 2017, in the County of Santa Barbara, the crime of MURDER, in violation of **PENAL CODE SECTION 187(a)**, a Felony, was committed by JORGE TOVAR FERNANDEZ, who did unlawfully, and with malice aforethought, and by lying in wait, and was willful, deliberate, and premeditated, murder Elyse Marie Erwin, 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 pursuant to **Penal Code Section 667.5(c)(1)**.

**SPECIAL CIRCUMSTANCE  
MURDER BY LYING IN WAIT**

LWOP/DEATH

It is further alleged that the murder of Elyse Marie Erwin was committed, aided and abetted, counseled, commanded, induced, solicited, requested, and/or assisted by defendant(s), and that the defendant(s) intentionally killed the victim while lying in wait, within the meaning of **PENAL CODE SECTION 190.2(a)(15)**.

**SPEC ALLEG-PERSONAL AND INTENTIONAL DISCHARGE OF A FIREARM, GBI**

It is further alleged that in the commission of the foregoing offense, the defendant JORGE TOVAR FERNANDEZ, intentionally and personally discharged a firearm, to wit: a short-barreled rifle, and proximately caused great bodily injury, as defined in Penal Code Section 12022.7, to a person other than an accomplice, to wit: Elyse Marie Erwin, within the meaning of Section 12022.53(d) of the Penal Code.

**SPEC ALLEG-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).

**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.”

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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 Santa Maria, California, on April 21, 2017.

*Joyce E. Dudley*  
*Karapetian*  
JENNIFER KARAPETIAN  
DEPUTY DISTRICT ATTORNEY

RECEIVED  
2017 APR 21 AM 9 21  
SUPERIOR COURT  
SANTA BARBARA COUNTY  
MILLER DEPT. CLERK

Agency: SBSO

<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>
Jorge Tovar Fernandez	M	H	510	150	BRO	BLK	D8571541	IC	04/21/2017