

TULARE COUNTY SUPERIOR COURT DISTRICT  
PORTERVILLE DIVISION, STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff,

DA No. 24-0035454

vs.

Court No.

FABIAN RENE GAMEZ DOB: 03/11/1994  
AKA: FABIAN GAMEZ DOB: 04/11/2004

**FELONY COMPLAINT**

Defendant(s).

The undersigned is informed and believes that:

**COUNT 1**

On or about October 24, 2024, in the County of Tulare, the crime of MURDER, in violation of PENAL CODE SECTION 187(A), a Felony, was committed by FABIAN RENE GAMEZ, who did unlawfully, and with malice aforethought murder RJG, 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)."

**SPEC ALLEG-MULTIPLE MURDER**

It is further alleged as to count(s) 1-2 that the offenses charged in counts 1-2 are a special circumstance within the meaning of Penal Code Section 190.2(a)(3).

**SPEC ALLEG-FELONY MURDER - BURGLARY**

It is further alleged as to count(s) 1-2 that the murder of RJG was committed by defendant(s) FABIAN RENE GAMEZ while the said defendant(s) FABIAN RENE GAMEZ was/were engaged in the commission of the crime of burglary in the first and second degree in violation of Section 460, within the meaning of Penal Code Section 190.2(a)(17).

**SPEC ALLEG-USE OF DEADLY WEAPON**

It is further alleged as to count(s) 13 that in the commission and attempted commission of the above offense, the said defendant(s) FABIAN RENE GAMEZ, personally used a deadly and dangerous weapon(s), to wit, Knife, said use not being an element of the above offense, within the meaning of Penal Code Section 12022(b)(1) and causing the above offense to be a serious felony within the meaning of Penal Code section 1192.7(c)(23).

**SPEC ALLEG - GREAT BODILY INJURY**

It is further alleged that the crimes alleged in count(s) 1-3 involved great violence, great bodily harm, threat of great bodily harm, or other acts disclosing a high degree of cruelty, viciousness, or callousness within the meaning of California Rules of Court Rule 4.421(a)(1).

**SPEC ALLEG - USE OF WEAPON**

It is further alleged as to count(s) 1-2 that the defendant(s) FABIAN RENE GAMEZ was armed with or used a weapon, to wit Knife, at the time of the commission of the crime within the meaning of California Rules of Court Rule 4.421(a)(2).

**SPEC ALLEG - VULNERABLE VICTIM**

It is further alleged as to count(s) 1-2 that RJG was particularly vulnerable within the meaning of California Rules of Court Rule 4.421(a)(3).

**SPEC ALLEG - PLANNING, SOPHISTICATION, PROFESSIONALISM**

It is further alleged that the manner in which the defendant(s) FABIAN RENE GAMEZ carried out the crime(s) alleged in count(s) 1-3 indicate(s) planning, sophistication, and professionalism within the meaning of California Rules of Court Rule 4.421(a)(8).

**SPEC ALLEG - VIOLENT CONDUCT**

It is further alleged that the defendant(s) FABIAN RENE GAMEZ engaged in violent conduct, to wit: Murder that indicates a serious danger to society within the meaning of California Rules of Court Rule 4.421(b)(1).

**SPEC ALLEG - INCREASING SERIOUSNESS OF PRIORS/SUSTAINED PETITIONS**

It is further alleged that pursuant to California Rules of Court Rule 4.421(b)(2) that the defendant(s) FABIAN RENE GAMEZ has prior convictions as an adult and sustained petitions in juvenile delinquency proceedings that are numerous and of increasing seriousness, to wit:

COURT CASE NO.	CODE/ STATUTE	CONVICTION DATE	COUNTY	STATE	COURT TYPE
PCM359413	VC23152(B)	01/22/18	Tulare	California	Superior

**COUNT 2**

On or about October 24, 2024, in the County of Tulare, the crime of MURDER, in violation of PENAL CODE SECTION 187(A), a Felony, was committed by FABIAN RENE GAMEZ, who did unlawfully, and with malice aforethought murder MDQ, 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)."

**SPEC ALLEG-MULTIPLE MURDER**

It is further alleged as to count(s) 1-2 that the offenses charged in counts 1-2 are a special circumstance within the meaning of Penal Code Section 190.2(a)(3).

**SPEC ALLEG-FELONY MURDER - BURGLARY**

It is further alleged as to count(s) 1-2 that the murder of MDQ was committed by defendant(s) FABIAN RENE GAMEZ while the said defendant(s) FABIAN RENE GAMEZ was/were engaged in the commission of the crime of burglary in the first and second degree in violation of Section 460, within the meaning of Penal Code Section 190.2(a)(17).

**SPEC ALLEG-USE OF DEADLY WEAPON**

It is further alleged as to count(s) 13 that in the commission and attempted commission of the above offense, the said defendant(s) FABIAN RENE GAMEZ, personally used a deadly and dangerous weapon(s), to wit, Knife, said use not being an element of the above offense, within the meaning of Penal Code Section 12022(b)(1) and causing the above offense to be a serious felony within the meaning of Penal Code section 1192.7(c)(23).

**SPEC ALLEG - GREAT BODILY INJURY**

It is further alleged that the crimes alleged in count(s) 1-3 involved great violence, great bodily harm, threat of great bodily harm, or other acts disclosing a high degree of cruelty, viciousness, or callousness within the meaning of California Rules of Court Rule 4.421(a)(1).

**SPEC ALLEG - USE OF WEAPON**

It is further alleged as to count(s) 1-2 that the defendant(s) FABIAN RENE GAMEZ was armed with or used a weapon, to wit Knife, at the time of the commission of the crime within the meaning of California Rules of Court Rule 4.421(a)(2).

**SPEC ALLEG - VULNERABLE VICTIM**

It is further alleged as to count(s) 1-2 that MDQ was particularly vulnerable within the meaning of California Rules of Court Rule 4.421(a)(3).

**SPEC ALLEG - PLANNING, SOPHISTICATION, PROFESSIONALISM**

It is further alleged that the manner in which the defendant(s) FABIAN RENE GAMEZ carried out the crime(s) alleged in count(s) 1-3 indicate(s) planning, sophistication, and professionalism within the meaning of California Rules of Court Rule 4.421(a)(8).

**SPEC ALLEG - VIOLENT CONDUCT**

It is further alleged that the defendant(s) FABIAN RENE GAMEZ engaged in violent conduct, to wit: Murder that indicates a serious danger to society within the meaning of California Rules of Court Rule 4.421(b)(1).

**SPEC ALLEG - INCREASING SERIOUSNESS OF PRIORS/SUSTAINED PETITIONS**

It is further alleged that pursuant to California Rules of Court Rule 4.421(b)(2) that the defendant(s) FABIAN RENE GAMEZ has prior convictions as an adult and sustained petitions in juvenile delinquency proceedings that are numerous and of increasing seriousness, to wit:

COURT CASE NO.	CODE/ STATUTE	CONVICTION DATE	COUNTY	STATE	COURT TYPE
PCM359413	VC23152(B)	01/22/18	Tulare	California	Superior

**COUNT 3**

On or about October 24, 2024, in the County of Tulare, the crime of FIRST DEGREE RESIDENTIAL BURGLARY WITH PERSON PRESENT, in violation of PENAL CODE SECTION 459, a Felony, was committed by FABIAN RENE GAMEZ, who did enter an inhabited dwelling house and trailer coach and inhabited portion of a building occupied by CLG, with the intent to commit larceny and any felony. It is further that the defendant(s) FABIAN RENE GAMEZ are ineligible for probation pursuant to Penal Code section 462(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)."

**SPEC ALLEG-USE OF DEADLY WEAPON**

It is further alleged as to count(s) 13 that in the commission and attempted commission of the above offense, the said defendant(s) FABIAN RENE GAMEZ, personally used a deadly and dangerous weapon(s), to wit, Knife, said use not being an element of the above offense, within the meaning of Penal Code Section 12022(b)(1) and causing the above offense to be a serious felony within the meaning of Penal Code section 1192.7(c)(23).

**SPEC ALLEG - GREAT BODILY INJURY**

It is further alleged that the crimes alleged in count(s) 1-3 involved great violence, great bodily harm, threat of great bodily harm, or other acts disclosing a high degree of cruelty, viciousness, or callousness within the meaning of California Rules of Court Rule 4.421(a)(1).

**SPEC ALLEG - USE OF WEAPON**

It is further alleged as to count(s) 1-2 that the defendant(s) FABIAN RENE GAMEZ was armed with or used a weapon, to wit Knife, at the time of the commission of the crime within the meaning of California Rules of Court Rule 4.421(a)(2).

**SPEC ALLEG - VULNERABLE VICTIM**

It is further alleged as to count(s) 1-3 that CLG was particularly vulnerable within the meaning of California Rules of Court Rule 4.421(a)(3).

**SPEC ALLEG - PLANNING, SOPHISTICATION, PROFESSIONALISM**

It is further alleged that the manner in which the defendant(s) FABIAN RENE GAMEZ carried out the crime(s) alleged in count(s) 1-3 indicate(s) planning, sophistication, and professionalism within the meaning of California Rules of Court Rule 4.421(a)(8).

**SPEC ALLEG - VIOLENT CONDUCT**

It is further alleged that the defendant(s) FABIAN RENE GAMEZ engaged in violent conduct, to wit: Murder that indicates a serious danger to society within the meaning of California Rules of Court Rule 4.421(b)(1).

**SPEC ALLEG - INCREASING SERIOUSNESS OF PRIORS/SUSTAINED PETITIONS**

It is further alleged that pursuant to California Rules of Court Rule 4.421(b)(2) that the defendant(s) FABIAN RENE GAMEZ has prior convictions as an adult and sustained petitions in juvenile delinquency proceedings that are numerous and of increasing seriousness, to wit:

COURT CASE NO.	CODE/ STATUTE	CONVICTION DATE	COUNTY	STATE	COURT TYPE
PCM359413	VC23152(B)	01/22/18	Tulare	California	Superior

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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.

Pursuant to People v. Cunningham, the People hereby put the defendant on notice that the aggravated sentence may be sought in this case.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT CONSISTS OF 3 COUNT(S).

Executed at PORTERVILLE DIVISION, California, on 10/29/2024.

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KIRK D DAVIS  
DEPUTY DISTRICT ATTORNEY

Agency: TULARE POLICE DEPARTMENT

<u>DEFENDANT NAME</u>	<u>SEX</u>	<u>RACE</u>	<u>HGT</u>	<u>WGT</u>	<u>EYES</u>	<u>HAIR</u>	<u>COURT DATE</u>	<u>INTAKE STATUS</u>
Fabian Rene Gamez	M	H	5'10	24	Brown	Brown	10/29/24	IC

COMPLAINT PROCESSED BY: AC