

CASH BOND

RECOMMENDED: \$2,000,000.00

In Custody: **4.28.2021**

Potential Life Sentence

MICHAEL A. HESTRIN
DISTRICT ATTORNEY

AGENCY#: MB211130001/RSOH

FILED

Superior Court of California
County of Riverside

04/28/2021

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
(Indio)

INF2100662

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

FABIAN HECTOR HERRERA
AKA: FABIAN HECTOR VARGAS
DOB: 2.24.1985
BOOKING#: 202116223

Defendant.

D.A.# 403409

CASE NO.
FELONY COMPLAINT

COUNT 1

The undersigned, under penalty of perjury upon information and belief, declares: That the above named defendant FABIAN HECTOR HERRERA committed a violation of Penal Code section 187, subdivision (a), a felony, in that on or about 4/23/2021, in the County of Riverside, State of California, the defendant did willfully and unlawfully murder David S., a human being. [25-L/L/D]

It is further alleged that in the commission and attempted commission of the above offense the defendant personally and intentionally discharged a firearm and proximately caused great bodily injury and death to another person, not an accomplice, within the meaning of Penal Code sections 12022.53, subdivision (d) and 1192.7, subdivision (c)(8). [25-L]

It is further alleged that probation may not be granted, nor shall execution and imposition of sentence be suspended pursuant to Penal Code section 12022.53 subdivision (g).

It is further alleged that in the commission of the above offense the said defendant, FABIAN HECTOR HERRERA, personally inflicted great bodily injury upon David S., not an accomplice to the above offense, within the meaning of Penal Code sections 12022.7, subdivision (a), and 1192.7, subdivision (c)(8). [3yr. prison]

COUNT 2

That the above named defendant FABIAN HECTOR HERRERA committed a violation of Penal Code section 29800, subdivision (a)(1) a felony, in that on or about 4/23/2021, in the County of Riverside, State of California, the defendant did willfully and unlawfully own and have in their possession and under their custody and control a certain firearm, to wit, a

firearm, said defendant having been addicted to the use of any narcotic drug and having been previously convicted of a felony and an offense enumerated in Penal Code section 23515, to wit, a conviction and juvenile adjudication on 12/8/2011 in the Court of the State of California, in and for the County of Riverside (RIF10004147) of a violation of section 245, subdivision (a), subsection (1), of the Penal Code. [16/2/3 prison]

COUNT 3

That the above named defendant FABIAN HECTOR HERRERA committed a violation of Penal Code section 30305, subdivision (a), a felony, in that on or about 4/23/2021, in the County of Riverside, State of California, the defendant did willfully and unlawfully, being a person prohibited from owning and possessing a firearm under Penal Code sections 29800 through 29905, and Welfare and Institution Code sections 8100 and 8103, own, possess, and have under their custody and control ammunition and reloaded ammunition. [16/2/3 prison]

COUNT 4

That the above named defendant FABIAN HECTOR HERRERA committed a violation of Penal Code section 31360, subdivision (a), a felony, in that on or about 4/23/2021, in the County of Riverside, State of California, the defendant did willfully and unlawfully purchase, own, and possess body armor, having been previously convicted of a violent felony, to wit the crime of ASSAULT WITH DEADLY WEAPON on 12/8/2011 in the Court of the State of California, in and for the County of Riverside (RIF10004147) in violation of section 245, subdivision (a), subsection (1), of the Penal Code. [16/2/3 prison]

STRIKE PRIOR – 667(C) & (E)(1) AND 1170.12(C)(1)

It is further alleged that the defendant, FABIAN HECTOR HERRERA, was on or about 1/27/2009 in the Superior Court of the State of California, for the County of Los Angeles, convicted of the crime of ASSAULT WITH DEADLY WEAPON, a serious and violent felony, in violation of section 245, subdivision (a), subsection (1), of the Penal Code, within the meaning of Penal Code sections 667, subdivisions (c) and (e)(1), and 1170.12, subdivision (c)(1).

It is further alleged that probation shall not be granted nor shall the execution and imposition of any sentence be suspended pursuant to Penal Code section 667 subdivision (c)(2).

STRIKE PRIOR – 667(C) & (E)(1) AND 1170.12(C)(1)

It is further alleged that the defendant, FABIAN HECTOR HERRERA, was on or about 12/8/2011 in the Superior Court of the State of California, for the County of Riverside (RIF10004147), convicted of the crime of ASSAULT WITH DEADLY WEAPON, a serious and violent felony, in violation of section 245, subdivision (a), subsection (1), of the Penal Code, within the meaning of Penal Code sections 667, subdivisions (c) and (e)(1), and 1170.12, subdivision (c)(1).

It is further alleged that probation shall not be granted nor shall the execution and imposition of any sentence be suspended pursuant to Penal Code section 667 subdivision (c)(2).

MARSY'S LAW

Information contained in the reports being distributed as discovery in this case may contain confidential information protected by Marsy's Law and the amendments to the California Constitution Section 28. Any victim(s) in any above referenced charge(s) is entitled to be free from intimidation, harassment, and abuse. It is unlawful for defendant(s), defense counsel, and any other person acting on behalf of the defendant(s) to use any information contained in the reports to locate or harass any victim(s) or the victim(s)'s family or to disclose any information that is otherwise privileged and confidential by law. Additionally, it is a misdemeanor violation of California Penal Code § 1054.2a(3) to disclose the address and telephone number of a victim or witness to a defendant, defendant's family member or anyone else. Note exceptions in California Penal Code § 1054.2a(a) and (2).

DISCOVERY REQUEST

Pursuant to Penal Code section 1054.5, subdivision (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 upon information and belief under the laws of the State of California that the foregoing is true and correct.

Michael A. Hestrin
District Attorney

Dated: April 28, 2021

By: Robert A. Hightower
Deputy District Attorney

bjc