

1 JEFFREY S. ROSELL, DISTRICT ATTORNEY
2 STATE BAR NUMBER: 138433
3 COUNTY OF SANTA CRUZ
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FILED
SUPERIOR COURT
OF CALIFORNIA
CO. OF SANTA CRUZ
TARA ROCHA
2015 JUL 29 AM 10:11

7 ATTORNEYS FOR THE PEOPLE

8
9 SUPERIOR COURT OF CALIFORNIA
10 COUNTY OF SANTA CRUZ

11 THE PEOPLE OF THE STATE OF CALIFORNIA,
12 Plaintiff,

13 -vs-

14 ADRIAN JERRY GONZALEZ,
15 DOB: 10/20/1999

16 Defendant(s).

Case # F28786
DIRECT FILE OF JUVENILE
COMPLAINT - CRIMINAL

Date: 7/30/2015

Time: 8:15 am

Dept:

Event: ARRC

17 JEFFREY S. ROSELL, District Attorney of the County of Santa
18 Cruz, State of California, accuses ADRIAN JERRY GONZALEZ of the
19 following crime(s) committed in the County of Santa Cruz, State of
20 California:

21 **COUNT 1**

22 On or about 07/26/2015, in the above named Judicial District,
23 the crime of **MURDER, in violation of PENAL CODE SECTION 187(a), a**
24 **Felony**, was personally committed by ADRIAN JERRY GONZALEZ, who did
25 unlawfully, and with malice aforethought personally kill and murder
26 Madyson Jordan Middleton, a human being.

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SPEC ALLEG-MURDER BY LYING IN WAIT

It is further alleged that the murder of Madyson Jordan Middleton was committed by the Defendant and that the Defendant intentionally and personally killed the victim while lying in wait, within the meaning of Penal Code Section 190.2(a)(15).

SPEC ALLEG-FELONY MURDER

It is further alleged that the murder of Madyson Jordan Middleton was personally committed by the Defendant while the said Defendant was engaged in the commission and attempted commission of the crimes of kidnapping (in violation of Penal Code section 207 and 209), forcible rape (in violation of Penal Code section 261), lewd or lascivious act upon a child under the age of 14 (in violation of Penal Code section 288(a)), and rape by instrument (in violation of Section 289), within the meaning of Penal Code section 190.2(a)(17).

COUNT 2

On or about 07/26/2015, in the above named Judicial District, the crime of **KIDNAPPING TO COMMIT ANOTHER CRIME, in violation of PENAL CODE SECTION 209(b)(1), a Felony**, was personally committed by **ADRIAN JERRY GONZALEZ**, who did unlawfully kidnap and carry away Madyson Jordan Middleton to commit rape and violations of Penal Code sections 288 and 289.

SPECIAL ALLEGATION-GREAT BODILY INJURY

It is further alleged as to Count 2 that in the commission of the above offense the said Defendant **ADRIAN JERRY GONZALEZ**, personally inflicted great bodily injury upon Madyson Jordan

1 Middleton, not an accomplice to the above offense, within the
2 meaning of Penal Code Section 12022.7(a) and also causing the above
3 offense to become a serious felony within the meaning of Penal Code
4 Section 1192.7(c)(8).

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6 **COUNT 3**

7 On or about July 26, 2015, in the above named Judicial
8 District, the crime of **SEXUAL PENETRATION BY FOREIGN OBJECT-VICTIM**
9 **UNDER 14, in violation of PENAL CODE SECTION 289(A) (1) (B), a Felony,**
10 was personally committed by ADRIAN JERRY GONZALEZ, who committed an
11 act of sexual penetration against the will of Madyson Jordan
12 Middleton, who was under the age of 14 years, by means of force,
13 violence, duress, menace and fear of immediate and unlawful bodily
14 injury on Madyson Jordan Middleton and another person.

15
16 **COUNT 4**

17 On or about July 26, 2015, in the above named Judicial
18 District, the crime of **FORCIBLE LEWD ACT UPON CHILD, in violation of**
19 **PENAL CODE SECTION 288(B) (1), a Felony,** was personally committed by
20 ADRIAN JERRY GONZALEZ, who did willfully, unlawfully, and lewdly
21 commit a lewd and lascivious act upon and with the body and certain
22 parts and members thereof of Madyson Jordan Middleton, a child under
23 the age of fourteen years, with the intent of arousing, appealing
24 to, and gratifying the lust, passions, and sexual desires of the
25 said Defendant and the said child, by use of force, violence,
26 duress, menace, and threat of great bodily harm.

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1 **COUNT 5**

2 On or about July 26, 2015, in the above named Judicial
3 District, the crime of **FORCIBLE RAPE-CHILD VICTIM UNDER 14 YEARS**, in
4 **violation of PENAL CODE SECTION 261(A) (2)**, a **Felony**, was personally
5 committed by ADRIAN JERRY GONZALEZ, who did unlawfully have and
6 accomplish an act of sexual intercourse with a person, to wit,
7 Madyson Jordan Middleton, not his spouse, against said person's
8 will, by means of force, violence, duress, menace and fear of
9 immediate and unlawful bodily injury on said person and another.

10 It is further alleged that the victim was a child, under 14
11 years of age.

12

13 **COUNT 6**

14 On or about July 26, 2015, in the above named Judicial
15 District, the crime of **FORCIBLE LEWD ACT UPON CHILD**, in violation of
16 **PENAL CODE SECTION 288(B) (1)**, a **Felony**, was personally committed by
17 ADRIAN JERRY GONZALEZ, who did willfully, unlawfully, and lewdly
18 commit a lewd and lascivious act upon and with the body and certain
19 parts and members thereof of Madyson Jordan Middleton, a child under
20 the age of fourteen years, with the intent of arousing, appealing
21 to, and gratifying the lust, passions, and sexual desires of the
22 said Defendant and the said child, by use of force, violence,
23 duress, menace, and threat of great bodily harm.

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SPEC ALLEG- SEX CRIMES

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AGGRAVATED CIRCUMSTANCES

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It is further alleged, as to Counts 3, 4, 5 and 6, within the
meaning of Penal Code sections 667.61(a), (b), (d)(2) and (e)(1),

1 that the following circumstances apply: the Defendant kidnapped the
2 victim (in violation of Penal Code sections 207 and 209) and the
3 movement of the victim substantially increased the risk of harm over
4 and above that level of risk necessarily inherent in the underlying
5 offense.

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7 **SPECIAL ALLEGATION - SEX CRIMES**

8 **AGGRAVATED CIRCUMSTANCES - GBI**

9 It is further alleged, as to Counts 3, 4, 5, and 6, that said
10 Defendant, ADRIAN JERRY GONZALEZ, personally inflicted great bodily
11 injury on the victim in the commission of the above offense in
12 violation of Penal Code section 12022.53 or 12022.7 or 12022.8,
13 within the meaning of Penal Code section 667.61(a) and (d)(6).

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15 **SPEC ALLEG- SEX CRIMES**

16 **AGGRAVATED CIRCUMSTANCES**

17 It is further alleged, as to Counts 3, 4, 5, and 6, within the
18 meaning of Penal Code sections 667.61(a) and (d)(7), that the
19 following circumstances apply: the Defendant personally inflicted
20 bodily harm on the victim who was under 14 years of age.

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22 **SPECIAL ALLEGATION - SEX CRIMES**

23 **AGGRAVATED CIRCUMSTANCES - USE OF DEADLY WEAPON**

24 It is further alleged, as to Counts 1, 2, 3, 4, 5, and 6, that
25 said Defendant, ADRIAN JERRY GONZALEZ, personally used a dangerous
26 or deadly weapon in the commission of the above offense in violation
27 of Penal Code section 12022 or 12022.3, within the meaning of Penal
28 Code section 667.61(a), (b), and (e)(3).

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SPEC ALLEG- SEX CRIMES

AGGRAVATED CIRCUMSTANCES

It is further alleged, as to Counts 3, 4, 5, and 6, within the meaning of Penal Code sections 667.61(a), (b) and (e)(5), that the following circumstances apply: the Defendant engaged in tying or binding of the victim in the commission of the present offense.

SPEC ALLEG- SEX CRIMES

AGGRAVATING CIRCUMSTANCES

It is further alleged, as to Counts 3, 4, 5, and 6, within the meaning of Penal Code sections 667.16(j)(2), (e)(1), (e)(5), and (e)(5), that the victim in the above offense was a child under 14 years of age and that the following circumstances apply: the Defendant kidnapped the victim (in violation of Penal Code sections 207 and 209); the Defendant personally used a dangerous or deadly weapon in the commission of the above offense in violation of Penal Code section 12022 or 12022.3; the Defendant engaged in tying or binding of the victim in the commission of the present offense.

SPEC-ALLEG MURDER AGE 14 OR OLDER KILLED

UNDER SPEC CIRCUMSTANCE

It is further alleged, pursuant to subdivision (b) of Welfare and Institutions Code section 602, that the Defendant was 14 years of age and older when the Defendant personally killed the victim, and that a special circumstance enumerated in subdivision (a) of Penal section 190.2 is applicable.

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**SPEC-ALLEG SEXUAL ASSAULT BY MINOR 14 OR
OLDER WITH SPECIAL CIRCUMSTANCE**

It is further alleged, pursuant to subdivision (b) of Welfare and Institutions Code section 602, that the Defendant was 14 years of age and older at the time the Defendant personally committed Counts 3, 4, 5, and 6, and that a circumstance enumerated in subdivisions (d) and (e) of Section 667.61 of the Penal Code is applicable.

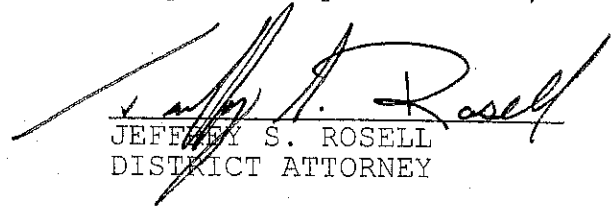
**SPECIAL ALLEGATION - 14 YR OLD MINOR DEATH
OR LIFE CURRENT CRIME**

It is further alleged as to Counts 1, 2, 3, 4, 5, and 6, pursuant to subdivision (d)(2)(a) of section 707 of the Welfare and Institutions code, that the Defendant was a minor who was at least 14 years of age at the time of the commission of the above offenses.

Therefore, complainant declares under penalty of perjury that the foregoing is true and correct.

Executed on, July 29, 2015 at Santa Cruz, California.

Respectfully submitted,


JEFFREY S. ROSELL
DISTRICT ATTORNEY

Agency #: SCPD 15S-06475
DA Log #: 15-07-176481-1