

1 JEFF W. REISIG
DISTRICT ATTORNEY OF YOLO COUNTY
2 By: Garrett Hamilton/173423
Supervising Deputy District Attorney
3 301 Second Street
Woodland, California 95695
4 Telephone: (530) 666-8180
Entry No.: 217397
5 Attorney for People

FILED
YOLO SUPERIOR COURT
MAY 02 2016
By: *[Signature]*
Deputy

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF YOLO

10
11 THE PEOPLE OF THE STATE OF
CALIFORNIA,

Dept. Case No. 15-5378
INDICTMENT

12
13 Plaintiff,

14 vs.

15 MARTYN ALEX CONTRERAS,
16 JOSEPH GEORGE SANDENO,
17 ZACKARY THOMAS SANDENO,
18 VICTOR MANUEL VERGARA,
19 CARLOS BIVIESCAS,
20 ANTHONY DANIEL RIVERA

21 Defendants

22
23 The Grand Jury of the County of Yolo, State of California,
24 hereby accuses the above-named defendants of the following
25 felonies:

26 Count 1 : On or about September 19, 2015, ANTHONY DANIEL
27 RIVERA and CARLOS BIVIESCAS and JOSEPH GEORGE SANDENO and MARTYN
28 ALEX CONTRERAS and VICTOR MANUEL VERGARA and ZACKARY THOMAS

1 SANDENO did commit a FELONY, namely, a violation of Section
2 187(a) of the California Penal Code, MURDER, in that ANTHONY
3 DANIEL RIVERA and CARLOS BIVIESCAS and JOSEPH GEORGE SANDENO and
4 MARTYN ALEX CONTRERAS and VICTOR MANUEL VERGARA and ZACKARY
5 THOMAS SANDENO did willfully and unlawfully kill a human being,
6 to wit, Peter Gonzales, with malice aforethought.

7 Count Enhancement 1a : It is further alleged as to Victor
8 Manuel Vergara that the Murder alleged in Count One was
9 committed willfully and with premeditation and deliberation
10 within the meaning of Penal Code Section 189.

11 Count Enhancement 1b : It is further alleged that during
12 the commission or attempted commission of the felony charged
13 above, VICTOR MANUEL VERGARA did willfully, unlawfully, and
14 personally use a deadly or dangerous weapon, within the meaning
15 of Section 12022(b)(1) of the California Penal Code, USE OF
16 DEADLY WEAPON.

17 Count Enhancement 1c : It is further alleged that at the
18 time of the commission of offense charged in this count, ANTHONY
19 DANIEL RIVERA and CARLOS BIVIESCAS and JOSEPH GEORGE SANDENO and
20 MARTYN ALEX CONTRERAS and VICTOR MANUEL VERGARA and ZACKARY
21 THOMAS SANDENO committed the above felony for the benefit of, at
22 the direction of, or in association with any criminal street
23 gang, with the specific intent to promote, further, or assist in
24 any criminal conduct by gang members, and is subject to the
25 enhancement within the meaning of Section 186.22(b)(1) of the
26 California Penal Code, ENHANCEMENT FOR CRIMINAL STREET GANG
27 ACTIVITY.

1 Count Enhancement 1d : It is also alleged that VICTOR
2 MANUEL VERGARA is subject to a SPECIAL CIRCUMSTANCE within the
3 meaning of Section 190.2(a)(22) of the California Penal Code in
4 that VICTOR MANUEL VERGARA intentionally killed the victim while
5 VICTOR MANUEL VERGARA was an active participant in a criminal
6 street gang, as defined in subdivision (f) of Section 186.22,
7 and the murder was carried out to further the activities of the
8 criminal street gang.

9 Count 2 : On or about September 19, 2015, CARLOS BIVIESCAS
10 and ANTHONY DANIEL RIVERA and JOSEPH GEORGE SANDENO and MARTYN
11 ALEX CONTRERAS and VICTOR MANUEL VERGARA and ZACKARY THOMAS
12 SANDENO did commit a FELONY, namely, a violation of Section
13 245(a)(1) of the California Penal Code, ASSAULT BY MEANS OF
14 FORCE LIKELY TO PRODUCE GREAT BODILY INJURY, in that ANTHONY
15 DANIEL RIVERA and CARLOS BIVIESCAS and JOSEPH GEORGE SANDENO and
16 MARTYN ALEX CONTRERAS and VICTOR MANUEL VERGARA and ZACKARY
17 THOMAS SANDENO did willfully and unlawfully commit an assault
18 upon the person of another by means of force likely to produce
19 great bodily injury.

20 Count Enhancement 2a : It is further alleged that at the
21 time of the commission of offense charged in this count, ANTHONY
22 DANIEL RIVERA and CARLOS BIVIESCAS and JOSEPH GEORGE SANDENO and
23 MARTYN ALEX CONTRERAS and VICTOR MANUEL VERGARA and ZACKARY
24 THOMAS SANDENO committed the above felony for the benefit of, at
25 the direction of, or in association with any criminal street
26 gang, with the specific intent to promote, further, or assist in
27 any criminal conduct by gang members, and is subject to the
28 enhancement within the meaning of Section 186.22(b)(1) of the

1 California Penal Code, ENHANCEMENT FOR CRIMINAL STREET GANG
2 ACTIVITY.

3 Count 3 : On or about September 19, 2015, ANTHONY DANIEL
4 RIVERA and CARLOS BIVIESCAS and and JOSEPH GEORGE SANDENO and
5 MARTYN ALEX CONTRERAS and VICTOR MANUEL VERGARA and ZACKARY
6 THOMAS SANDENO did commit a FELONY, namely, a violation of
7 Section 186.22(a) of the California Penal Code, CRIMINAL STREET
8 GANG ACTIVITY, in that ANTHONY DANIEL RIVERA and CARLOS
9 BIVIESCAS and JOSEPH GEORGE SANDENO and MARTYN ALEX CONTRERAS
10 and VICTOR MANUEL VERGARA and ZACKARY THOMAS SANDENO did
11 willfully and unlawfully actively participate in any criminal
12 street gang with knowledge that the members of that street gang
13 engage in and have engaged in a pattern of street gang activity,
14 and ANTHONY DANIEL RIVERA and CARLOS BIVIESCAS and JOSEPH GEORGE
15 SANDENO and MARTYN ALEX CONTRERAS and VICTOR MANUEL VERGARA and
16 ZACKARY THOMAS SANDENO did willfully and unlawfully promote,
17 further, and assist in any felonious criminal conduct by members
18 of that gang.

19 Case Enhancement A: It is further alleged as to ANTHONY
20 DANIEL RIVERA that he was previously convicted of a serious
21 felony within the meaning of Section 667© and 667(e)(1) of the
22 California Penal Code, ENHANCEMENT FOR ONE PRIOR FELONY
23 CONVICTION THAT PROHIBITS PROBATION, LIMITS CREDITS, REQUIRES
24 CONSECUTIVE SENTENCING, AND MANDATES PRISON COMMITMENT, in that
25 ANTHONY DANIEL RIVERA was convicted of a prior felony as
26 defined in Section 667(d) of the California Penal Code, and
27 listed in Sections 667.5© and 1192.7(a) of the Penal Code, and
28 Section 707(b) of the Welfare and Institutions Code, to wit: a

1 conviction for PC 245(a)(1) & 186.22(b)(1) [Occurred on October
2 9th, 2008; Conviction on January 6th, 2009], in Solano County
3 Superior Court.

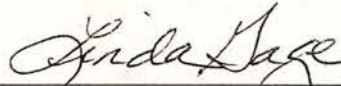
4 Case Enhancement B: It is further alleged as to ANTHONY
5 DANIEL RIVERA that he was previously convicted of a serious
6 felony within the meaning of Section 667(a)(1) of the California
7 Penal Code, ENHANCEMENT FOR HABITUAL CRIMINALS, in that ANTHONY
8 DANIEL RIVERA was convicted of a serious felony listed in
9 Section 1192.7 of the Penal Code, a conviction for PC 245(a)(1)
10 & 186.22(b)(1) [Occurred on October 9th, 2008; Conviction on
11 January 6th, 2009], in Solano County Superior Court.

12 Case Enhancement C: It is further alleged as to CARLOS
13 BIVIESCAS that he was previously convicted of a prior felony and
14 sentenced to state prison within the meaning of Penal Code
15 Section 667.5(b) of the California Penal Code, ENHANCEMENT FOR
16 PRIOR PRISON TERM, in that CARLOS BIVIESCAS was convicted of a
17 felony violation of Health and Safety Code 11378 in Solano
18 Superior Court, and sentenced to state prison on or about May
19 9th, 2014, and has not remained free of prison custody or free of
20 a felony conviction for five years, within the meaning of Penal
21 Code Section 667.5(b)

22 Case Enhancement D: It is further alleged as to CARLOS
23 BIVIESCAS that he was previously convicted of a prior felony and
24 sentenced to state prison within the meaning of Penal Code
25 Section 667.5(b) of the California Penal Code, ENHANCEMENT FOR
26 PRIOR PRISON TERM, in that CARLOS BIVIESCAS was convicted of a
27 felony violation of Penal Code Section 245(a)(1) in Solano
28 Superior Court, and sentenced to state prison on or about April

1 2nd, 2012, and has not remained free of prison custody or free
2 of a felony conviction for five years, within the meaning of
3 Penal Code Section 667.5(b)

4
5
6 A TRUE BILL

7 

8 Foreman of the Grand Jury of the
9 County of Yolo, State of California

10 Presented by the foreman of the Grand Jury in the presence
11 of the Grand Jury in the Superior Court of the County of Yolo,
12 State of California, and filed as recorded of said Court the
13 day of _____, 2016.

14
15 CLERK OF THE SUPERIOR COURT

16
17 By: _____
18 Deputy

19 NAMES OF WITNESSES EXAMINED BY THE GRAND JURY ON THE FINDING OF
20 THE FOREGOING INDICTMENT:

21 Nicholas Doane, Davis Police Department
22 Sean Bellamy, Davis Police Department
23 Janell Bestpitch, Davis Police Department
24 Mario Alfaro, Davis Police Department
25 Erik Watts, Vacaville Police Department
26 Aaron Moe, YCDA Investigator
27 Dr. Ikechi Ogan
28 Craig Fries
Sabrina Gonzales

1 Andre Teixiera
2 Julian Gonzales
3 Brian Wiktorski
4 Earl Colier
5 Zachary Long
6 Oscar Sepulveda
7 Daniel Richardson

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28