

COUNT 2

On or about September 30, 2023 through October 01, 2023, in the above-named judicial district, the crime of ASSAULT ON A CHILD CAUSING DEATH, in violation of PENAL CODE SECTION 273ab(a), a felony, was committed by Sergio Mena, who did unlawfully, having care and custody of John Doe, a child under the age of 8 years, assault that child by means of force that to a reasonable person would be likely to produce bodily injury, resulting in the child's death.

NOTICE: Pursuant to Penal Code Section 11166 and 11168, a Suspected Child Abuse Report (SCAR) may have been generated in this case. Penal Code Section 11167 and 11167.5 limit access to a SCAR. A protective order issued by a court is necessary to obtain a copy of the report.

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).

COUNT 3

On or about May 01, 2023 through September 29, 2023, in the above-named judicial district, the crime of CHILD ABUSE UNDER CIRCUMSTANCES OR CONDITIONS LIKELY TO CAUSE GBI OR DEATH, in violation of PENAL CODE SECTION 273a(a), a felony, was committed by Sergio Mena, who did willfully and unlawfully, under circumstances and conditions likely to produce great bodily harm and death, injure, cause, and permit a child, John Doe, to suffer and to be inflicted with unjustifiable physical pain and mental suffering, and, having the care and custody of said child, injure, cause, and permit the person and health of said child to be injured and did willfully cause and permit said child to be placed in such situation that his/her person and health was/were endangered.

It is further alleged, within the meaning of Penal Code section 12022.7(d), as to count(s) 3 that defendant personally inflicted great bodily injury on John Doe who was under the age of five years.

COUNT 4

On or about May 01, 2023 through September 29, 2023, in the above-named judicial district, the crime of CHILD ABUSE UNDER CIRCUMSTANCES OR CONDITIONS LIKELY TO CAUSE GBI OR DEATH, in violation of PENAL CODE SECTION 273a(a), a felony, was committed by Samantha V Garver, who did willfully and unlawfully, under circumstances and conditions likely to produce great bodily harm and death, injure, cause, and permit a child, John Doe, to suffer and to be inflicted with unjustifiable physical pain and mental suffering, and, having the care and custody of said child, injure, cause, and permit the person and health of said child to be injured and did willfully cause and permit said child to be placed in such situation that his/her person and health was/were endangered.

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It is further alleged as to each count, pursuant to Penal Code section 1170, subdivision (b)(2), that the following circumstances may apply in this case:

1. The crime involved great violence, great bodily harm, threat of great bodily harm, or other acts disclosing a high degree of cruelty, viciousness, or callousness;
2. The defendant was armed with or used a weapon at the time of the commission of the crime;
3. The victim was particularly vulnerable;
4. The defendant induced others to participate in the commission of the crime or occupied a position of leadership or dominance of other participants in its commission;
5. The defendant induced a minor to commit or assist in the commission of the crime;
6. The defendant threatened witnesses, unlawfully prevented or dissuaded witnesses from testifying, suborned perjury, or in any other way illegally interfered with the judicial process;
7. The defendant was convicted of other crimes for which consecutive sentences could have been imposed but for which concurrent sentences are being imposed;
8. The manner in which the crime was carried out indicates planning, sophistication, or professionalism;
9. The crime involved an attempted or actual taking or damage of great monetary value;
10. The crime involved a large quantity of contraband;
11. The defendant took advantage of a position of trust or confidence to commit the offense.
12. The crime constitutes a hate crime under section 422.55;
13. The defendant has engaged in violent conduct that indicates a serious danger to society;
14. The defendant's prior convictions as an adult or sustained petitions in juvenile delinquency proceedings are numerous or of increasing seriousness;
15. The defendant has served a prior term in prison or county jail under section 1170(h);
16. The defendant was on probation, mandatory supervision, postrelease community supervision, or parole when the crime was committed; and

- 17. The defendant's prior performance on probation, mandatory supervision, postrelease community supervision, or parole was unsatisfactory; and
- 18. And any other aggravating factors that may be permitted by law.

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NOTICE TO DEFENDANT AND DEFENDANT’S ATTORNEY

Pursuant to Penal Code Sections 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.

NOTICE TO ATTORNEY

The materials accompanying this notice may include information about witnesses. If so, these materials are disclosed to you pursuant to Penal Code section 1054.2 which provides: "No attorney may disclose or permit to be disclosed to a defendant the address or telephone number of a victim or witness whose name is disclosed to the attorney pursuant to subdivision (a) of Section 1054.1 unless specifically permitted to do so by the court after a hearing and a showing of good cause."

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT CONSISTS OF 4 COUNT(S).

Executed at San Bernardino, California, on October 04, 2023

Melissa Monrreal
 Melissa Monrreal
 DECLARANT AND COMPLAINANT

Agency: Big Bear Sheriff Station

Prelim Est.

Defendant	Birth Date	Booking No	CII No.	NCIC
Sergio Mena	1991-08-07	2310300049	A30094111	
Samantha V Garver	1990-03-31	2310300048	A33469829	