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7 Attorneys for Plaintiff

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

9 The People of the State of California,  
10 Plaintiff,

11 v.

12 ROBERT ALSTON SOMERVILLE  
13 CR-2022-0001128

14 Defendant(s).

DA Case: CR-2022-4264289

INFORMATION  
SPE

15  
16 The said defendant(s) is/are accused by the District Attorney of the  
17 County of SAN JOAQUIN of the State of California, by this  
18 Information, of the following crime(s):  
19

20 **COUNT 1: MURDER PC.187(A)**

21 On or about January 31, 2022, in the County of San Joaquin,  
22 California, ROBERT ALSTON SOMERVILLE, did commit the crime of  
23 MURDER, in violation of Section 187(a) of the Penal Code, a FELONY,  
24 who at the time and place last aforesaid, did willfully and  
25 unlawfully and intentionally and with malice aforethought murder,  
26 MAX VIDAL FORTUNA, a human being. It is further alleged that the  
27  
28

1 above offense is a serious felony within the meaning of Penal Code  
2 Section 1192.7(c) (1).

3  
4 **RULE OF COURT 4.421(A) (1) AND PENAL CODE 1170(B)**

5 **ROC. 4.421(a) (1)/1170(b)**

6 NOTICE: It is further alleged that said defendant, ROBERT ALSTON  
7 SOMERVILLE, committed the above offense with great violence, great  
8 bodily harm, threat of great bodily harm, and/or other acts  
9 disclosing a high degree of cruelty, viciousness, or callousness, as  
10 set forth Rule of Court 4.421(a) (1) and Penal Code section 1170(b).  
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12  
13 **RULE OF COURT 4.421(A) (2) AND PENAL CODE SECTION 1170(B)**

14 **ROC. 4.421(a) (2)/1170(b)**

15 NOTICE: It is further alleged that said defendant, ROBERT ALSTON  
16 SOMERVILLE, committed the above offense while armed with and/or used  
17 a weapon, as set forth in Rule of Court 4.421(a) (2) and Penal Code  
18 section 1170(b).  
19

20  
21 **RULE OF COURT 4.421(A) (3) AND PENAL CODE 1170(B)**

22 **ROC. 4.421(a) (3)/1170(b)**

23 NOTICE: It is further alleged that said defendant, ROBERT ALSTON  
24 SOMERVILLE, committed the above offense upon a victim that was  
25 particularly vulnerable, as set forth in Rule of Court 4.421(a) (3)  
26 and Penal Code section 1170(b).  
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1 **RULE OF COURT 4.421(B) (1) AND PENAL CODE 1170 (B)**

2 **ROC. 4.421 (b) (1) /1170 (b)**

3 NOTICE: It is further alleged that said defendant, ROBERT ALSTON  
4 SOMERVILLE, in the commission of the above offense has engaged in  
5 violent conduct that indicates a serious danger to society, as set  
6 forth in Rule of Court 4.421(b) (1) and Penal Code section 1170(b).  
7

8 **INTENTIONAL DISCHARGE OF A FIREARM GBI/DEATH PC.12022.53 (D)**

9  
10 It is further alleged that ROBERT ALSTON SOMERVILLE personally and  
11 intentionally discharged a firearm, which proximately caused great  
12 bodily injury and death to MAX VIDAL FORTUNA within the meaning of  
13 Penal Code Section 12022.53(D).  
14

15 Pursuant to Penal Code 1054.5(b), the People hereby informally  
16 request that the defendant and his/her attorney disclose to the  
17 People all information and materials described in Penal Code Section  
18 1054.3.  
19

20 Dated: June 29, 2022

21 TORI VERBER SALAZAR  
22 DISTRICT ATTORNEY

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24 ELTON GRAU  
25 DEPUTY DISTRICT ATTORNEY

26 rds  
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