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7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES
10

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

Case No. BA255379

FELONY COMPLAINT

13
14 v.

15 **01 SANTOS SAENZ (6/27/1968)**
aka SANTOS SAENZ AMAYA
16 **02 DANA ROBERT SCHWARTZ (3/9/1959)**
03 JOSE CLARO DELUNA (9/21/1960)
aka BALTAZAR ALVAREZ GALINDO
17 aka JOSE CLARO DELUNA LUJON
04 JOSE FREDDY DELUNA (1/12/1980)

18 Defendants.
19

20 The undersigned is informed and believes that:
21

22 **COUNT 1**

23 On and between March 1, 2003 and March 1, 2006, in the County of Los Angeles, the crime
24 of CONSPIRACY TO COMMIT A CRIME, in violation of PENAL CODE SECTION
25 182(a)(1), a Felony, was committed by **SANTOS SAENZ, DANA ROBERT SCHWARTZ,**
26 **JOSE CLARO DELUNA, and JOSE FREDDY DELUNA,** who did unlawfully conspire
27 together and with another person and persons whose identity is unknown to commit the crime of
28 conspiracy, a felony that pursuant to and for the purpose of carrying out the objects and purposes

1 of aforesaid conspiracy, the said defendants committed the following overt act and acts at and in
2 the County of Los Angeles:

3
4 **COUNT 2**

5 On and between March 1, 2003 and March 1, 2006, in the County of Los Angeles, the crime
6 of GRAND THEFT OF PERSONAL PROPERTY, in violation of Penal Code section 487(a), a
7 Felony was committed by **SANTOS SAENZ, DANA ROBERT SCHWARTZ, JOSE CLARO**
8 **DELUNA, and JOSE FREDDY DELUNA**, who did unlawfully take money and personal
9 property of a value exceeding Four Hundred Dollars (\$400), to wit: the property of the State of
10 California.

11
12 **COUNT 3**

13 On and between March 1, 2003 and March 1, 2006, in the County of Los Angeles, the crime
14 of UNLAWFUL RECYCLING, in violation of PUBLIC RESOURCES CODE SECTION
15 14591(b)(1)(d), a felony, was committed by **SANTOS SAENZ, DANA ROBERT**
16 **SCHWARTZ, JOSE CLARO DELUNA, and JOSE FREDDY DELUNA**, who with the
17 intent to defraud the State of California did redeem out-of state containers, rejected containers,
18 line breakage and containers that have already been redeemed.

19
20 **COUNT 4**

21 On and between March 1, 2003 and March 1, 2006, in the County of Los Angeles, the crime
22 of UNLAWFUL RECYCLING, in violation of PUBLIC RESOURCES CODE SECTION
23 14591(b)(1)(f), a felony, was committed by **SANTOS SAENZ, DANA ROBERT**
24 **SCHWARTZ, JOSE CLARO DELUNA, and JOSE FREDDY DELUNA**, who with the
25 intent to defraud the State of California did bring out-of state containers, rejected containers, line
26 breakage to the market place for redemption.

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28 It is further alleged as to counts 1 and 2 that the above offense is a theft of over \$100,000,

1 within the meaning of Penal Code section 1203.045(a)

2
3 It is further alleged that in the commission of the above offenses the said defendants,
4 **SANTOS SAENZ, DANA ROBERT SCHWARTZ, JOSE CLARO DELUNA, and JOSE**
5 **FREDDY DELUNA**, with the intent to do so, took, damaged, and destroyed property of a value
6 exceeding \$2.5 million, within the meaning of Penal Code section 12022.6(a)(4).

7
8 I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND
9 CORRECT AND THAT THIS COMPLAINT, CASE NUMBER BA , CONSISTS OF 4
10 COUNTS.

11
12 Executed at LOS ANGELES, County of Los Angeles, on February 23, 2006.

13
14 _____
15 John Lay
16 DECLARANT AND COMPLAINANT

17
18 BILL LOCKYER, ATTORNEY GENERAL

19 BY: _____
20 DIANA L. CALLAGHAN,
21 DEPUTY ATTORNEY GENERAL

22 AGENCY: CALIFORNIA BUREAU
23 OF INVESTIGATION

24 PRELIM. TIME. EST.: ONE WEEK
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<u>DEFENDANT</u>	<u>CII</u>	<u>DOB</u>	<u>BOOKING NO.</u>	<u>BAIL RECOM'D</u>	<u>CUSTODY RTN DATE</u>
SANTOS SAENZ		6/27/1968		\$5,000,000	
DANA ROBERT SCHWARTZ		3/9/1959		\$5,000,000	
JOSE CLARO DELUNA		9/21/1960		\$5,000,000	
JOSE FREDDY DELUNA		1/12/1980		\$5,000,000	

Pursuant to Penal Code section 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.

FELONY COMPLAINT – ORDER HOLDING TO ANSWER– P.C. SECTION 872

IT APPEARING TO ME FROM THE EVIDENCE PRESENTED THAT THE FOLLOWING
OFFENSE(S) HAS/HAVE BEEN COMMITTED AND THAT THERE IS SUFFICIENT
CAUSE TO BELIEVE THAT THE FOLLOWING DEFENDANTS GUILTY THEREOF, TO
WIT:

(*STRIKE OUT OR ADD AS APPLICABLE*)

SANTOS SAENZ

Count	Charge	Charge	Special	Alleg.
<u>No.</u>	<u>Charge</u>	<u>Range</u>	<u>Allegation</u>	<u>Effect</u>
1	PC 182	16-2-3	PC 1203.045(a) PC 12022.6(a)(4)	PSP +4 Yrs
2	PC 487(a)	16-2-3	PC 1203.045(a) PC 12022.6(a)(4)	PSP +4 Yrs
3	PR 14591(b)(1)(d)	16-2-3		
4	PR 14591(b)(1)(f)	16-2-3		

DANA ROBERT SCHWARTZ

Count	Charge	Charge	Special	Alleg.
<u>No.</u>	<u>Charge</u>	<u>Range</u>	<u>Allegation</u>	<u>Effect</u>
1	PC 182	16-2-3	PC 1203.045(a) PC 12022.6(a)(4)	PSP +4 Yrs
2	PC 487(a)	16-2-3	PC 1203.045(a) PC 12022.6(a)(4)	PSP +4 Yrs
3	PR 14591(b)(1)(d)	16-2-3		
4	PR 14591(b)(1)(f)	16-2-3		

JOSE CLARO DELUNA

1	Count		Charge	Special	Alleg.
2	<u>No.</u>	<u>Charge</u>	<u>Range</u>	<u>Allegation</u>	<u>Effect</u>
3	1	PC 182	16-2-3	PC 1203.045(a)	PSP
4				PC 12022.6(a)(4)	+4 Yrs
5	2	PC 487(a)	16-2-3	PC 1203.045(a)	PSP
6				PC 12022.6(a)(4)	+4 Yrs
7	3	PR 14591(b)(1)(d)	16-2-3		
8	4	PR 14591(b)(1)(f)	16-2-3		

JOSE FREDDY DELUNA

9	Count		Charge	Special	Alleg.
10	<u>No.</u>	<u>Charge</u>	<u>Range</u>	<u>Allegation</u>	<u>Effect</u>
11	1	PC 182	16-2-3	PC 1203.045(a)	PSP
12				PC 12022.6(a)(4)	+4 Yrs
13	2	PC 487(a)	16-2-3	PC 1203.045(a)	PSP
14				PC 12022.6(a)(4)	+4 Yrs
15	3	PR 14591(b)(1)(d)	16-2-3		
16	4	PR 14591(b)(1)(f)	16-2-3		

I order that the defendant(s) be held to answer therefor and be admitted to bail in the sum of:

1 SANTOS SAENZ _____ DOLLARS
2 DANA ROBERT SCHWARTZ _____ DOLLARS
3 JOSE CLARO DELUNA _____ DOLLARS
4 JOSE FREDDY DELUNA _____ DOLLARS

5

6 and be committed to the custody of the Sheriff of Los Angeles County until such bail is given.
7 Date of arraignment is Superior Court will be:

8 SANTOS SAENZ _____ in Dept _____
9 DANA ROBERT SCHWARTZ _____ in Dept _____
10 JOSE CLARO DELUNA _____ in Dept _____
11 JOSE FREDDY DELUNA _____ in Dept _____

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13 at: _____ A.M.

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17 Date _____

Committing Magistrate

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OVERT ACTS

I

On or about September 10, 2003, in the County of Los Angeles, Santos Saenz drove in tandem with a Peterbuilt truck away from Alameda Metals Recycling.

II

On or about December 18, 2003, in the County of Los Angeles, Santos Saenz drove to the Alameda Petroleum truck scales where he met with the driver of a Peterbuilt truck.

III

On or about April 4, 2004, in the County of Los Angeles, glass was being moved by unknown persons within the lot at Alameda Metals.

IV

On or about April 26, 2004, Jose Claro Deluna left Alameda Metals driving a J.C. transport truck.

V

On or about April 26, 2004, Jose Claro Deluna met Santos Saenz at the Alameda truck scales.