

FELONY I.C. 35-42-3-3

COUNT XX

CRIMINAL CONFINEMENT, CLASS B

FELONY I.C. 35-42-3-3

XXI

CRIMINAL CONFINEMENT, CLASS B

FELONY I.C. 35-42-3-3

COUNT XXII

ROBBERY, CLASS A FELONY I.C.

35-42-5-1

COUNT XXIII

CARRYING A HANDGUN WITHOUT A
LICENSE, CLASS A MISDEMEANOR

I.C. 35-47-2-1

COUNT XXIV

UNLAWFUL POSSESSION OF A
FIREARM BY A SERIOUS VIOLENT
FELON, CLASS B FELONY I.C. 35-
47-4-5

COUNT XXV

BURGLARY, CLASS B FELONY

I.C. 35-43-2-1

On this date, the undersigned came before the Prosecuting Attorney of the Nineteenth Judicial Circuit and, being duly sworn (or having affirmed), stated that in Marion County, Indiana

COUNT I

Desmond Turner and James Stewart, on or about June 1, 2006, did knowingly kill another human being, namely: Alberto Covarrubias (DOB 11/23/49), by shooting a deadly weapon, that is: a handgun and/or a rifle, at and against the person of Alberto Covarrubias (DOB 11/23/49), thereby inflicting mortal injuries upon Alberto Covarrubias (DOB 11/23/49), causing Alberto Covarrubias to die;

COUNT II

Desmond Turner and James Stewart, on or about June 1, 2006, did knowingly kill another human being, namely: Emma Valdez, by shooting a deadly weapon, that is: a handgun and/or a rifle, at and against the person of Emma Valdez, thereby inflicting mortal injuries upon Emma Valdez, causing Emma Valdez to die;

COUNT III

Desmond Turner and James Stewart, on or about June 1, 2006, did knowingly kill another human being, namely: Magno Albarran, by shooting a deadly weapon, that is: a handgun and/or a rifle, at and against the person of Magno Albarran, thereby inflicting mortal injuries upon Magno Albarran, causing Magno Albarran to die;

COUNT IV

Desmond Turner and James Stewart, on or about June 1, 2006, did knowingly kill another human being, namely: Flora Albarran, by shooting a deadly weapon, that is: a handgun and/or a rifle, at and against the person of Flora Albarran, thereby inflicting mortal injuries upon Flora Albarran, causing Flora Albarran to die;

COUNT V

Desmond Turner and James Stewart, on or about June 1, 2006, did knowingly kill another human being, namely: Alberto

Covarrubias (age 11), by shooting a deadly weapon, that is: a handgun and/or a rifle, at and against the person of Alberto Covarrubias (age 11), thereby inflicting mortal injuries upon Alberto Covarrubias (age 11), causing Alberto Covarrubias (age 11) to die;

COUNT VI

Desmond Turner and James Stewart, on or about June 1, 2006, did knowingly kill another human being, namely: David Covarrubias, by shooting a deadly weapon, that is: a handgun and/or a rifle, at and against the person of David Covarrubias, thereby inflicting mortal injuries upon David Covarrubias, causing David Covarrubias to die;

COUNT VII

Desmond Turner and James Stewart, on or about June 1, 2006, did knowingly kill another human being, namely: Luis Albarran, by shooting a deadly weapon, that is: a handgun and/or a rifle, at and against the person of Luis Albarran, thereby inflicting mortal injuries upon Luis Albarran, causing Luis Albarran to die;

COUNT VIII

Desmond Turner and James Stewart, on or about June 1, 2006, while committing or attempting to commit the crime of robbery, which is to knowingly take from the person or presence of Alberto Covarrubias (DOB 11/23/49) property, that is: U.S.

Currency, by putting Alberto Covarrubias (DOB 11/23/49) in fear or by using or threatening the use of force on Alberto Covarrubias which resulted in serious bodily injury, that is: multiple gunshot wounds, to Alberto Covarrubias (DOB 11/23/49), did kill another human being, namely: Alberto Covarrubias (DOB 11/23/49);

COUNT IX

Desmond Turner and James Stewart, on or about June 1, 2006, while committing or attempting to commit the crime of robbery, which is to knowingly take from the person or presence of another person, that is: Emma Valdez, property, that is: U.S. Currency, by putting Emma Valdez in fear or by using or threatening the use of force on Emma Valdez which resulted in serious bodily injury, that is: multiple gunshot wounds to Emma Valdez, did kill another human being, namely: Emma Valdez;

COUNT X

Desmond Turner and James Stewart, on or about June 1, 2006, while committing or attempting to commit the crime of robbery, which is to knowingly take from the person or presence of Magno Albarran property, that is: U.S. Currency, by putting Magno Albarran in fear or by using or threatening the use of force on Magno Albarran which resulted in serious bodily injury, that is: multiple gunshot wounds, to Magno Albarran, did kill another human being, namely: Magno Albarran;

COUNT XI

Desmond Turner and James Stewart, on or about June 1, 2006, while committing or attempting to commit the crime of robbery, which is to knowingly take from the person or presence of another person, that is: Flora Albarran, property, that is: U.S. Currency, by putting Flora Albarran in fear or by using or threatening the use of force on another person which resulted in serious bodily injury, that is: multiple gunshot wounds, to Flora Albarran, did kill another human being, namely: Flora Albarran;

COUNT XII

Desmond Turner and James Stewart, on or about June 1, 2006, while committing or attempting to commit the crime of robbery, which is to knowingly take from the person or presence of another person, property, that is: U.S. Currency, by putting Alberto Covarrubias (age 11) in fear or by using or threatening the use of force on Alberto Covarrubias which resulted in serious bodily injury, that is: multiple gunshot wounds, to Alberto Covarrubias (age 11), did kill another human being, namely: Alberto Covarrubias (age 11);

COUNT XIII

Desmond Turner and James Stewart, on or about June 1, 2006, while committing or attempting to commit the crime of robbery, which is to knowingly take from the person or presence of

another person, namely: property, that is: U.S. Currency, by putting David Covarrubias in fear or by using or threatening the use of force on David Covarrubias which resulted in serious bodily injury, that is: multiple gunshot wounds, to David Covarrubias, did kill another human being, namely: David Covarrubias;

COUNT XIV

Desmond Turner and James Stewart, on or about June 1, 2006, while committing or attempting to commit the crime of robbery, which is to knowingly take from the person or presence of another person, property, that is: U.S. Currency, by putting Luis Albarran in fear or by using or threatening the use of force on Alberto Albarran which resulted in serious bodily injury, that is: multiple gunshot wounds, to Luis Albarran, did kill another human being, namely: Luis Albarran;

COUNT XV

Desmond Turner and James Stewart, on or about June 1, 2006, did knowingly, while armed with a deadly weapon, that is: a handgun and/or a rifle, confine Alberto Covarrubias (11/23/49), without the consent of Alberto Covarrubias (11/23/49), by making Alberto Covarrubias (11/23/49) lie on the floor, face down;

COUNT XVI

Desmond Turner and James Stewart, on or about June 1, 2006, did knowingly, while armed with a deadly weapon, that is:

a handgun and/or a rifle, confine Emma Valdez, without the consent of Emma Valdez, by making Emma Valdez lie on the floor, face down;

COUNT XVII

Desmond Turner and James Stewart, on or about June 1, 2006, did knowingly, while armed with a deadly weapon, that is: a handgun and/or a rifle, confine Magno Albarran, without the consent of Magno Albarran, by holding Magno Albarran at gunpoint inside the residence at 560 North Hamilton Street;

COUNT XVIII

Desmond Turner and James Stewart, on or about June 1, 2006, did knowingly, while armed with a deadly weapon, that is: a handgun and/or a rifle, confine Flora Albarran, without the consent of Flora Albarran, by making Flora Albarran remain in the residence at 560 North Hamilton Street;

COUNT XIX

Desmond Turner and James Stewart, on or about June 1, 2006, did knowingly, while armed with a deadly weapon, that is: a handgun and/or a rifle, confine Alberto Covarrubias (age 11), without the consent of Alberto Covarrubias (age 11), by making Alberto Covarrubias (age 11) lie on a bed and/or remain in the residence at 560 North Hamilton Street;

COUNT XX

Desmond Turner and James Stewart, on or about June 1, 2006, did knowingly, while armed with a deadly weapon, that is: a handgun and/or a rifle, confine David Covarrubias, without the consent of David Covarrubias, by making David Covarrubias lie on a bed and/or remain in the residence at 560 North Hamilton Street;

COUNT XXI

Desmond Turner and James Stewart, on or about June 1, 2006, did knowingly, while armed with a deadly weapon, that is: a handgun and/or a rifle, confine Luis Albarran, without the consent of Luis Albarran, by making Luis Albarran lie on a bed and/or remain in the residence at 560 North Hamilton Street;

COUNT XXII

Desmond Turner and James Stewart, on or about June 1, 2006, did knowingly take from the person or presence of Magno Albarran property, that is: a wallet and its contents and/or U.S. Currency, by putting Magno Albarran in fear or by using or threatening the use of force on Magno Albarran which resulted in serious bodily injury, that is: multiple gunshot wounds, to Magno Albarran;

COUNT XXIII

James Stewart, on or about June 1, 2006, did, in a place not his dwelling, property, or fixed place of business, carry a

handgun on or about his person or in a vehicle without a license therefor;

COUNT XXIV

James Stewart, being a serious violent felon, that is: having been convicted of Dealing in Cocaine, a class B felony in Marion County Superior Court, Criminal Division Room Superior Court 20 under cause number 49G209603CF036514 on August 14, 1996, did on or about June 1, 2006, knowingly or intentionally possess a firearm, that is: a handgun;

COUNT XXV

Desmond Turner and James Stewart, on or about June 1, 2006, did knowingly, while armed with a deadly weapon, that is: a handgun and/or a rifle, break and enter the building or structure, that is: the upstairs apartment located at 560 North Hamilton, of another person, namely: Magna Albarran, with the intent to commit the felony of theft, therein, which is to knowing exert unauthorized control over property of another, with the intent to deprive the other person of any part of its value or use;

all of which is contrary to statute and against the peace and dignity of the State of Indiana.

I swear or affirm under penalty of perjury as specified by IC. 35-44-2-1 that the foregoing representations are true.

L. Vanbuskirk
Affiant

6/6/2006
Date

CARL J. BRIZZI
Marion County Prosecutor
19th Judicial Circuit

Robert. Carl Couch
Deputy Prosecuting Attorney

State's Witnesses:

| | | |
|-------------------------|-------|--------|
| L. VANBUSKIRK | V9625 | IPD |
| T. LEHN | X0650 | IPD |
| J. WAGER | W2470 | IPD |
| D. LABANAUSKAS | | IPD |
| M. KERMON | 20104 | IPD |
| J. BARKER | 20400 | IPD |
| J. WAILES | 20420 | IPD |
| T. FOREHAND | 20879 | IPD |
| R. CLAYTON | C5101 | IPD |
| M. FAGAN | F6885 | IPD |
| S. STALETOVICH | S8739 | IPD |
| V. HARPER | H8652 | IPD |
| M. SPALDING | 20886 | IPD |
| R. BRADBURN | B2314 | IPD |
| J. FISCUS | F0051 | IPD |
| D. REECE | 20418 | IPD |
| C. KING | 20202 | IPD |
| K. DULEY | D7034 | IPD |
| S. MAY | M9851 | IPD |
| M. RICE | R5517 | IPD |
| J. WAILES | 20420 | IPD |
| R. S. WEST | | IPD |
| M. TAYLOR | | IMCFSA |
| M. SCHALER | | IMCFSA |
| H. LIGGETT | | IMCFSA |
| M. SMILKO | | IMCFSA |
| STEPHEN RADENTZ, M.D. | | |
| JENNIFER SCHWARTZ, M.D. | | |
| SAMANTHA LAWRENCE | | |
| ROBERT A. SWARTZ | | |
| HARROL COUCH | | |

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