

Filed MAR 28 2009
ROSA JUNQUEIRO, CLERK

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SAN JOAQUIN

Rosenda Cruz
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The People of the State of California,)
)
) Plaintiff,)
)
) v.)
) MICHAEL LUTHER SCHUMACHER)
) KELLY LAYNE LAU)
) CAREN RAMIREZ)
) ANTHONY VINCENT WAITERS)
)
) Defendant(s).)

D.A. No. 2517
INDICTMENT
CR No. TP08-11100
SF 111345 A, B, C, D

The Grand Jury of the county of San Joaquin, State of California, accuses the Defendant(s) of committing, in the County of San Joaquin, State of California, before the finding of this Indictment, the following crime(s):

COUNT ONE: On or about JANUARY 1, 2008 THROUGH DECEMBER 1, 2008 the crime of TORTURE, in violation of Section 206 of the Penal Code, a FELONY, was committed by MICHAEL LUTHER SCHUMACHER, KELLY LAYNE LAU, CAREN RAMIREZ, AND ANTHONY VINCENT WAITERS, who at the time and place last aforesaid did willfully and unlawfully and with the intent to cause cruel and extreme pain and suffering for the purpose of revenge, extortion, persuasion or for a sadistic purpose, inflict great bodily injury, as defined in Penal Code section 12022.7 upon "KYLE DOE"; (DOB: 09.15.92).

COUNT TWO: On or about OCTOBER 1, 2008 THROUGH DECEMBER 1, 2008 the crime of AGGRAVATED MAYHEM, in violation of Section 205 of the Penal Code, a FELONY, was committed by MICHAEL LUTHER SCHUMACHER, KELLY LAYNE LAU, CAREN RAMIREZ, AND ANTHONY VINCENT WAITERS, who at the time and place last aforesaid, did willfully, unlawfully, and under circumstances manifesting extreme indifference to the physical and psychological well being of another, intentionally cause permanent disability or disfigurement or deprivation of a limb, organ and body member of "KYLE DOE"; (DOB: 09.15.92).

COUNT THREE: On or about OCTOBER 1, 2008 THROUGH DECEMBER 1, 2008 the crime of AGGRAVATED MAYHEM, in violation of Section 205 of the Penal Code, a FELONY, was committed by, KELLY LAYNE LAU AND CAREN RAMIREZ, who at the time and place last aforesaid, did willfully, unlawfully, and under circumstances manifesting extreme indifference to the physical and psychological well being of another, intentionally cause permanent disability or disfigurement or deprivation of a limb, organ and body member of "KYLE DOE"; (DOB: 09.15.92).

1 **COUNT FOUR:** On or about JULY 1, 2008 THROUGH DECEMBER 1, 2008 the
2 crime of AGGRAVATED MAYHEM, in violation of Section 205 of the
3 Penal Code, a FELONY, was committed by, KELLY LAYNE LAU, CAREN
4 RAMIREZ AND ANTHONY WAITERS, who at the time and place last
5 aforesaid, did willfully, unlawfully, and under circumstances
6 manifesting extreme indifference to the physical and psychological
7 well being of another, intentionally cause permanent disability or
8 disfigurement or deprivation of a limb, organ and body member of
9 "KYLE DOE"; (DOB: 09.15.92).

6 **COUNT FIVE:** On or about DECEMBER 1, 2008 the crime of AGGRAVATED
7 MAYHEM, in violation of Section 205 of the Penal Code, a FELONY,
8 was committed by, CAREN RAMIREZ, who at the time and place last
9 aforesaid, did willfully, unlawfully, and under circumstances
10 manifesting extreme indifference to the physical and psychological
11 well being of another, intentionally cause permanent disability or
12 disfigurement or deprivation of a limb, organ and body member of
13 "KYLE DOE"; (DOB: 09.15.92).

11 **COUNT SIX:** On or about JANUARY 1, 2008 THROUGH DECEMBER 1, 2008
12 the crime of CORPORAL INJURY TO CHILD, in violation of Section
13 273d(a) of the Penal Code, a FELONY, was committed by MICHAEL
14 LUTHER SCHUMACHER, KELLY LAYNE LAU, CAREN RAMIREZ, AND ANTHONY
15 VINCENT WAITERS, who at the time and place last aforesaid did
16 willfully and unlawfully inflict cruel and inhuman corporal
17 punishment and injury, resulting in a traumatic condition upon a
18 child, to wit: "KYLE DOE"; (DOB: 09.15.92).

15 It is further alleged that in the commission or attempted
16 commission of the above offense, the defendant MICHAEL LUTHER
17 SCHUMACHER, did personally use a BELT within the meaning of Penal
18 Code Section 12022(b)(1).

18 It is further alleged that in the commission of the above offense
19 the said defendant(s) MICHAEL LUTHER SCHUMACHER, personally
20 inflicted great bodily injury upon "KYLE DOE"; (DOB: 09.15.92)
21 not an accomplice to the above offense, within the meaning of Penal
22 Code Section 12022.7 and also causing the above offense to be a
23 serious felony within the meaning of Penal Code Section
24 1192.7(c)(8).

22 It is further alleged that in the commission or attempted
23 commission of the above offense, the defendant KELLY LAYNE LAU, did
24 personally use a BELT within the meaning of Penal Code Section
25 12022(b)(1).

24 It is further alleged that in the commission of the above offense
25 the said defendant(s) KELLY LAYNE LAU, personally inflicted great
26 bodily injury upon "KYLE DOE"; (DOB: 09.15.92) not an accomplice to
27 the above offense, within the meaning of Penal Code Section 12022.7
28 and also causing the above offense to be a serious felony within
the meaning of Penal Code Section 1192.7(c)(8).

1 It is further alleged that in the commission or attempted
2 commission of the above offense, the defendant CAREN RAMIREZ, did
3 personally use a BELT within the meaning of Penal Code Section
4 12022(b)(1).

5 It is further alleged that in the commission of the above offense
6 the said defendant(s) CAREN RAMIREZ, personally inflicted great
7 bodily injury upon "KYLE DOE"; (DOB: 09.15.92) not an accomplice to
8 the above offense, within the meaning of Penal Code Section 12022.7
9 and also causing the above offense to be a serious felony within
10 the meaning of Penal Code Section 1192.7(c)(8).

11 It is further alleged that in the commission or attempted
12 commission of the above offense, the defendant ANTHONY VINCENT
13 WAITERS, did personally use a BELT within the meaning of Penal Code
14 Section 12022(b)(1).

15 It is further alleged that in the commission of the above offense
16 the said defendant(s) ANTHONY VINCENT WAITERS, personally inflicted
17 great bodily injury upon "KYLE DOE"; (DOB: 09.15.92) not an
18 accomplice to the above offense, within the meaning of Penal Code
19 Section 12022.7 and also causing the above offense to be a serious
20 felony within the meaning of Penal Code Section 1192.7(c)(8).

21 **COUNT SEVEN:** On or about JANUARY 1, 2008 THROUGH DECEMBER 1, 2008
22 the crime of CORPORAL INJURY TO CHILD, in violation of Section
23 273d(a) of the Penal Code, a FELONY, was committed by MICHAEL
24 LUTHER SCHUMACHER, KELLY LAYNE LAU, CAREN RAMIREZ, AND ANTHONY
25 VINCENT WAITERS, who at the time and place last aforesaid did
26 willfully and unlawfully inflict cruel and inhuman corporal
27 punishment and injury, resulting in a traumatic condition upon a
28 child, to wit: "KYLE DOE"; (DOB: 09.15.92).

It is further alleged that in the commission or attempted
commission of the above offense, the defendant MICHAEL LUTHER
SCHUMACHER, did personally use a BASEBALL BAT, within the meaning
of Penal Code Section 12022(b)(1).

It is further alleged that in the commission of the above offense
the said defendant(s) MICHAEL LUTHER SCHUMACHER, personally
inflicted great bodily injury upon "KYLE DOE"; (DOB: 09.15.92) not
an accomplice to the above offense, within the meaning of Penal
Code Section 12022.7 and also causing the above offense to be a
serious felony within the meaning of Penal Code Section
1192.7(c)(8).

It is further alleged that in the commission or attempted
commission of the above offense, the defendant KELLY LAYNE LAU,
did personally use a BASEBALL BAT, within the meaning of Penal Code
Section 12022(b)(1).

It is further alleged that in the commission of the above offense
the said defendant(s) KELLY LAYNE LAU, personally inflicted great

1 bodily injury upon "KYLE DOE"; (DOB: 09.15.92) not an accomplice to
2 the above offense, within the meaning of Penal Code Section 12022.7
3 and also causing the above offense to be a serious felony within
4 the meaning of Penal Code Section 1192.7(c) (8).

5 It is further alleged that in the commission or attempted
6 commission of the above offense, the defendant CAREN RAMIREZ, did
7 personally use a BASEBALL BAT, within the meaning of Penal Code
8 Section 12022(b) (1).

9 It is further alleged that in the commission of the above offense
10 the said defendant(s) CAREN RAMIREZ, personally inflicted great
11 bodily injury upon "KYLE DOE"; (DOB: 09.15.92) not an accomplice to
12 the above offense, within the meaning of Penal Code Section 12022.7
13 and also causing the above offense to be a serious felony within
14 the meaning of Penal Code Section 1192.7(c) (8).

15 It is further alleged that in the commission or attempted
16 commission of the above offense, the defendant ANTHONY VINCENT
17 WAITERS, did personally use a BASEBALL BAT, within the meaning of
18 Penal Code Section 12022(b) (1).

19 It is further alleged that in the commission of the above offense
20 the said defendant(s) ANTHONY VINCENT WAITERS, personally inflicted
21 great bodily injury upon "KYLE DOE"; (DOB: 09.15.92) not an
22 accomplice to the above offense, within the meaning of Penal Code
23 Section 12022.7 and also causing the above offense to be a serious
24 felony within the meaning of Penal Code Section 1192.7(c) (8).

25 **COUNT EIGHT:** On or about JANUARY 1, 2008 THROUGH DECEMBER 1, 2008
26 the crime of CORPORAL INJURY TO CHILD, in violation of Section
27 273d(a) of the Penal Code, a FELONY, was committed by MICHAEL
28 LUTHER SCHUMACHER, KELLY LAYNE LAU, CAREN RAMIREZ, AND ANTHONY
VINCENT WAITERS, who at the time and place last aforesaid did
willfully and unlawfully inflict cruel and inhuman corporal
punishment and injury, resulting in a traumatic condition upon a
child, to wit: "KYLE DOE"; (DOB: 09.15.92).

It is further alleged that in the commission of the above offense
the said defendant(s) MICHAEL LUTHER SCHUMACHER, personally
inflicted great bodily injury upon "KYLE DOE"; (DOB: 09.15.92) not
an accomplice to the above offense, within the meaning of Penal
Code Section 12022.7 and also causing the above offense to be a
serious felony within the meaning of Penal Code Section
1192.7(c) (8).

It is further alleged that in the commission of the above offense
the said defendant(s) KELLY LAYNE LAU, personally inflicted great
bodily injury upon "KYLE DOE"; (DOB: 09.15.92) not an accomplice to
the above offense, within the meaning of Penal Code Section 12022.7
and also causing the above offense to be a serious felony within
the meaning of Penal Code Section 1192.7(c) (8).

1 It is further alleged that in the commission of the above offense
2 the said defendant(s) CAREN RAMIREZ, personally inflicted great
3 bodily injury upon "KYLE DOE"; (DOB: 09.15.92) not an accomplice to
4 the above offense, within the meaning of Penal Code Section 12022.7
5 and also causing the above offense to be a serious felony within
6 the meaning of Penal Code Section 1192.7(c) (8).

7 It is further alleged that in the commission of the above offense
8 the said defendant(s) ANTHONY VINCENT WAITERS, personally inflicted
9 great bodily injury upon "KYLE DOE"; (DOB: 09.15.92) not an
10 accomplice to the above offense, within the meaning of Penal Code
11 Section 12022.7 and also causing the above offense to be a serious
12 felony within the meaning of Penal Code Section 1192.7(c) (8).

13 **COUNT NINE:** On or about JANUARY 1, 2008 THROUGH DECEMBER 1, 2008
14 the crime of CHILD ABUSE/ENDANGERMENT, in violation of Section
15 273a(a) of the Penal Code, a FELONY, was committed by MICHAEL
16 LUTHER SCHUMACHER, KELLY LAYNE LAU, CAREN RAMIREZ, AND ANTHONY
17 VINCENT WAITERS, who at the time and place last aforesaid, did
18 willfully and unlawfully, under circumstances likely to produce
19 great bodily harm and death, injure, cause, and permit a child,
20 "KYLE DOE" date of birth 09.15.92, to suffer and to be inflicted
21 with unjustifiable physical pain and mental suffering, and having
22 the care and custody of said child, injure, cause and permit the
23 person and health of said child to be injured and did willfully
24 cause and permit said child to be placed in such situation that
25 his/her person and health was endangered.

26 **COUNT TEN:** On or about JULY 1, 2008 THROUGH DECEMBER 1, 2008 the
27 crime of FALSE IMPRISONMENT BY VIOLENCE, in violation of Section
28 236 of the Penal Code, a FELONY, was committed by MICHAEL LUTHER
SCHUMACHER, KELLY LAYNE LAU, CAREN RAMIREZ, AND ANTHONY VINCENT
WAITERS, who at the time and place last aforesaid, did willfully
and unlawfully violate the personal liberty of "KYLE DOE"; (DOB:
09.15.92) said violation being effected by violence, menace, fraud,
or deceit.

COUNT ELEVEN: On or about JANUARY 1, 2008 THROUGH DECEMBER 1, 2008
the crime of CRIMINAL THREATS, in violation of Section 422 of the
Penal Code, a FELONY, was committed by MICHAEL LUTHER SCHUMACHER,
KELLY LAYNE LAU, CAREN RAMIREZ, AND ANTHONY VINCENT WAITERS, who at
the time and place last aforesaid, did willfully and unlawfully
threaten to commit a crime which would result in death or great
bodily injury to another, to-wit: "KYLE DOE" date of birth 09.15.92
with the specific intent that the statement be taken as a threat.
It is further alleged that the threatened crime, on its face and
under the circumstances in which it was made, was so unequivocal,
unconditional, immediate and specific as to convey to said victim a
gravity of purpose and an immediate prospect of execution. It is
further alleged that the said victim was reasonably in sustained
fear of his or her safety and the safety of his or her immediate
family.

1 **COUNT TWELVE:** On or about NOVEMBER 27, 2008 THROUGH DECEMBER 1,
2 2008 the crime of ASSAULT WITH CAUSTIC CHEMICALS, in violation of
3 Section 244 of the Penal Code, a FELONY, was committed by MICHAEL
4 LUTHER SCHUMACHER, KELLY LAYNE LAU, CAREN RAMIREZ, AND ANTHONY
5 VINCENT WAITERS, who at the time and place last aforesaid, did
6 willfully, unlawfully, and maliciously place and throw upon the
7 person of "KYLE DOE" date of birth 09.15.92 vitriol, corrosive
8 acid, flammable substance, and caustic chemical with the intent to
9 injure the flesh and disfigure the body of the said victim.

6 It is further alleged that in the commission of the above offense
7 the said defendant(s) ANTHONY VINCENT WAITERS, personally inflicted
8 great bodily injury upon "KYLE DOE"; (DOB: 09.15.92) not an
9 accomplice to the above offense, within the meaning of Penal Code
10 Section 12022.7 and also causing the above offense to be a serious
11 felony within the meaning of Penal Code Section 1192.7(c)(8).

10 **COUNT THIRTEEN:** On or about MAY 2007 THROUGH DECEMBER 1, 2008 the
11 crime of CHILD ABDUCTION, in violation of Section 278 of the Penal
12 Code, a FELONY, was committed by CAREN RAMIREZ, who at the time and
13 place last aforesaid, did willfully, unlawfully, maliciously, and
14 not having a right of custody, take, entice away, detain and
15 conceal a minor child, to wit: "KYLE DOE" date of birth 09.15.92
16 with intent then and there to detain and conceal such minor child
17 from a lawful custodian.

14 **COUNT FOURTEEN:** On or about JANUARY 1, 2008 THROUGH DECEMBER 1,
15 2008 the crime of CHILD ABUSE/ENDANGERMENT, in violation of Section
16 273a(a) of the Penal Code, a FELONY, was committed by MICHAEL
17 LUTHER SCHUMACHER AND KELLY LAYNE LAU, who at the time and place
18 last aforesaid, did willfully and unlawfully, under circumstances
19 likely to produce great bodily harm and death, injure, cause, and
20 permit a child, "MICHAEL DOE" date of birth 03.16.07, to suffer and
21 to be inflicted with unjustifiable physical pain and mental
22 suffering, and having the care and custody of said child, injure,
23 cause and permit the person and health of said child to be injured
24 and did willfully cause and permit said child to be placed in such
25 situation that his/her person and health was endangered.

20 **COUNT FIFTEEN:** On or about JANUARY 1, 2008 THROUGH DECEMBER 1,
21 2008 the crime of CHILD ABUSE, in violation of Section 273a(b) of
22 the Penal Code, a MISDEMEANOR, was committed by MICHAEL LUTHER
23 SCHUMACHER AND KELLY LAYNE LAU, who at the time and place last
24 aforesaid did, under circumstances and conditions other than those
25 likely to produce great bodily harm and death, willfully and
26 unlawfully inflict on "SHAYNA DOE" date of birth 08.21.99,
27 unjustifiable physical pain or mental suffering and injure, cause,
28 or permit said child to suffer.

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COUNT SIXTEEN: On or about JANUARY 1, 2008 THROUGH DECEMBER 1, 2008 the crime of CHILD ABUSE, in violation of Section 273a(b) of the Penal Code, a MISDEMEANOR, was committed by MICHAEL LUTHER SCHUMACHER AND KELLY LAYNE LAU, who at the time and place last aforesaid did, under circumstances and conditions and place last likely to produce great bodily harm and death, willfully and unlawfully inflict on "SAVANNAH DOE" date of birth 10.21.03, unjustifiable physical pain or mental suffering and injure, cause, or permit said child to suffer.

COUNT SEVENTEEN: On or about JANUARY 1, 2008 THROUGH DECEMBER 1, 2008 the crime of CHILD ABUSE, in violation of Section 273a(b) of the Penal Code, a MISDEMEANOR, was committed by MICHAEL LUTHER SCHUMACHER AND KELLY LAYNE LAU, who at the time and place last aforesaid did, under circumstances and conditions other than those likely to produce great bodily harm and death, willfully and unlawfully inflict on "DAMON DOE" date of birth 01.25.06, unjustifiable physical pain or mental suffering and injure, cause, or permit said child to suffer.

"A TRUE BILL"

James P. Willett
District Attorney
County of San Joaquin
State of California

Joseph L. Becchi
FOREMAN OF THE GRAND JURY

[Signature]
Deputy District Attorney

DATE: 3-23-09

DATE: 3-23-09