

FILED

SUPERIOR COURT OF THE STATE OF CALIFORNIA

AUG 28 2009

IN AND FOR THE COUNTY OF EL DORADO

EL DORADO CO. SUPERIOR COURT
BY (DEPUTY)

THE PEOPLE OF THE STATE OF CALIFORNIA,

DKT#: **P09CRF0378**

DA #: 09-08-005699

Plaintiff,

AGENCY/ NO.

vs.

EDSO EG9111491

PHILLIP GREG GARRIDO,
NANCY GARRIDO,

DEPARTMENT 7

Defendant.

CRIMINAL COMPLAINT

The District Attorney of El Dorado County, based upon information and belief, hereby alleges:

COUNT I

On or between the 10th day of June, 1991, and the 3rd day of May, 1994, in the County of El Dorado, the crime of KIDNAPPING SOMEONE UNDER 14 YEARS OF AGE, in violation of PENAL CODE SECTION 207(A), a Felony, was committed by PHILLIP GREG GARRIDO and NANCY GARRIDO, who did unlawfully, forcibly and by instilling fear, steal, take, hold, detain and arrest Jane Doe in El Dorado County, California, and did take the said Jane Doe into another country, state, county and another part of Contra Costa County, said Jane Doe being under 14 years of age.

COUNT II

On or between the 10th day of June, 1991, and the 26th day of August, 2009, in the Counties of Contra Costa and El Dorado, the crime of KIDNAPPING FOR SEXUAL PURPOSES, in violation of PENAL CODE SECTION 208(D), a Felony, was committed by PHILLIP GREG GARRIDO and NANCY GARRIDO, who did unlawfully, forcibly and by instilling fear, steal, take, hold, detain and arrest Jane Doe in El Dorado County, California, and did take the said Jane Doe into another country, state, county and another part of Contra Costa County, with the intent to commit Rape.

COUNT III

On or between the 10th day of June, 1991, and the 10th day of July, 1991, in the County of Contra Costa, the crime of FORCIBLE RAPE, in violation of PENAL CODE SECTION 261(a)(2), a Felony, was committed by PHILLIP GREG GARRIDO, who did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, Jane Doe, not his/her spouse, against said person's will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on said person and another.

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 290. Willful failure to register is a crime."

"NOTICE: Pursuant to the provisions of PC Section 293.5 the use of pseudonym "Jane or John Doe", if it appears in the complaint or information, is for purposes of protecting the privacy of the alleged victim."

COUNT IV

On or between the 10th day of June, 1991, and the 10th day of July, 1991, in the County of Contra Costa, the crime of FORCIBLE RAPE, in violation of **PENAL CODE SECTION 261(a)(2)**, a Felony, was committed by NANCY GARRIDO, who did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, Jane Doe, not his/her spouse, against said person's will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on said person and another.

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 290. Willful failure to register is a crime."

"NOTICE: Pursuant to the provisions of PC Section 293.5 the use of pseudonym "Jane or John Doe", if it appears in the complaint or information, is for purposes of protecting the privacy of the alleged victim."

COUNT V

On or between the 10th day of June, 1991, and the 10th day of July, 1991, in the County of Contra Costa, the crime of FORCIBLE RAPE, in violation of **PENAL CODE SECTION 261(a)(2)**, a Felony, was committed by PHILLIP GREG GARRIDO, who did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, Jane Doe, not his/her spouse, against said person's will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on said person and another.

"NOTICE: This is separate and distinct count from that alleged in Count III.

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 290. Willful failure to register is a crime."

"NOTICE: Pursuant to the provisions of PC Section 293.5 the use of pseudonym "Jane or John Doe", if it appears in the complaint or information, is for purposes of protecting the privacy of the alleged victim."

COUNT VI

On or between the 10th day of June, 1991, and the 10th day of July, 1991, in the County of Contra Costa, the crime of FORCIBLE RAPE, in violation of **PENAL CODE SECTION 261(a)(2)**, a Felony, was committed by NANCY GARRIDO, who did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, Jane Doe, not his/her spouse, against said person's will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on said person and another.

"NOTICE: This is separate and distinct count from that alleged in Count IV.

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 290. Willful failure to register is a crime."

"NOTICE: Pursuant to the provisions of PC Section 293.5 the use of pseudonym "Jane or John Doe", if it appears in the complaint or information, is for purposes of protecting the privacy of the alleged victim."

COUNT VII

On or between the 10th day of June, 1991, and the 10th day of July, 1991, in the County of Contra Costa, the crime of **FORCIBLE LEWD ACT UPON A CHILD**, in violation of **PENAL CODE SECTION 288(b)(1)**, a Felony, was committed by **PHILLIP GREG GARRIDO**, who did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of Jane Doe, a child under the age of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said defendant and the said child, by use of force, violence, duress, menace, and threat of great bodily harm.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c)."

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 290. Willful failure to register is a crime."

"NOTICE: Pursuant to the provisions of PC Section 293.5 the use of pseudonym "Jane or John Doe", if it appears in the complaint or information, is for purposes of protecting the privacy of the alleged victim."

SPECIAL ALLEGATION - KIDNAPPING FOR SEX, VICTIM UNDER 14

It is further alleged as to Count VII that, for the purpose of committing the above offense, the Defendant kidnapped the victim, Jane Doe, who was under the age of 14 years in violation of Penal Code section 667.8(b).

COUNT VIII

On or between the 10th day of June, 1991, and the 10th day of July, 1991, in the County of Contra Costa, the crime of **FORCIBLE LEWD ACT UPON A CHILD**, in violation of **PENAL CODE SECTION 288(b)(1)**, a Felony, was committed by **NANCY GARRIDO**, who did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of Jane Doe, a child under the age of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said defendant and the said child, by use of force, violence, duress, menace, and threat of great bodily harm.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c)."

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 290. Willful failure to register is a crime."

"NOTICE: Pursuant to the provisions of PC Section 293.5 the use of pseudonym "Jane or John Doe", if it appears in the complaint or information, is for purposes of protecting the privacy of the alleged victim."

SPECIAL ALLEGATION - KIDNAPPING FOR SEX, VICTIM UNDER 14

It is further alleged as to Count VIII that, for the purpose of committing the above offense, the Defendant kidnapped the victim, Jane Doe, who was under the age of 14 years in violation of Penal Code section 667.8(b).

COUNT IX

On or between the 11th day of July, 1991, and the 31st day of December, 1991, in the County of Contra Costa, the crime of **FORCIBLE LEWD ACT UPON A CHILD**, in violation of **PENAL CODE SECTION 288(b)(1)**, a Felony, was committed by **PHILLIP GREG GARRIDO**, who did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of Jane Doe, a child under the age of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said defendant and the said child, by use of force, violence, duress, menace, and threat of great bodily harm.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c)."

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 290. Willful failure to register is a crime."

"NOTICE: Pursuant to the provisions of PC Section 293.5 the use of pseudonym "Jane or John Doe", if it appears in the complaint or information, is for purposes of protecting the privacy of the alleged victim."

SPECIAL ALLEGATION - KIDNAPPING FOR SEX, VICTIM UNDER 14

It is further alleged as to Count IX that, for the purpose of committing the above offense, the Defendant kidnapped the victim, Jane Doe, who was under the age of 14 years in violation of Penal Code section 667.8(b).

COUNT X

On or between the 11th day of July, 1991, and the 31st day of December, 1991, in the County of Contra Costa, the crime of **FORCIBLE LEWD ACT UPON A CHILD**, in violation of **PENAL CODE SECTION 288(b)(1)**, a Felony, was committed by **NANCY GARRIDO**, who did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of Jane Doe, a child under the age of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said defendant and the said child, by use of force, violence, duress, menace, and threat of great bodily harm.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c)."

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"NOTICE: Pursuant to the provisions of PC Section 293.5 the use of pseudonym "Jane or John Doe", if it appears in the complaint or information, is for purposes of protecting the privacy of the alleged victim."

SPECIAL ALLEGATION - KIDNAPPING FOR SEX, VICTIM UNDER 14

It is further alleged as to Count X that, for the purpose of committing the above offense, the Defendant kidnapped the victim, Jane Doe, who was under the age of 14 years in violation of Penal Code section 667.8(b).

COUNT XI

On or between the 1st day of January, 1992, and the 30th day of June, 1992, in the County of Contra Costa, the crime of **FORCIBLE LEWD ACT UPON A CHILD**, in violation of **PENAL CODE SECTION 288(b)(1)**, a Felony, was committed by **PHILLIP GREG GARRIDO**, who did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of Jane Doe, a child under the age of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said defendant and the said child, by use of force, violence, duress, menace, and threat of great bodily harm.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c)."

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"NOTICE: Pursuant to the provisions of PC Section 293.5 the use of pseudonym "Jane or John Doe", if it appears in the complaint or information, is for purposes of protecting the privacy of the alleged victim."

SPECIAL ALLEGATION - KIDNAPPING FOR SEX, VICTIM UNDER 14

It is further alleged as to Count XI that, for the purpose of committing the above offense, the Defendant kidnapped the victim, Jane Doe, who was under the age of 14 years in violation of Penal Code section 667.8(b).

COUNT XII

On or between the 1st day of January, 1992, and the 30th day of June, 1992, in the County of Contra Costa, the crime of **FORCIBLE LEWD ACT UPON A CHILD**, in violation of **PENAL CODE SECTION 288(b)(1)**, a Felony, was committed by **NANCY GARRIDO**, who did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of Jane Doe, a child under the age of fourteen years, with the intent of

arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said defendant and the said child, by use of force, violence, duress, menace, and threat of great bodily harm.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c)."

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 290. Willful failure to register is a crime."

"NOTICE: Pursuant to the provisions of PC Section 293.5 the use of pseudonym "Jane or John Doe", if it appears in the complaint or information, is for purposes of protecting the privacy of the alleged victim."

SPECIAL ALLEGATION - KIDNAPPING FOR SEX, VICTIM UNDER 14

It is further alleged to Count XII that, for the purpose of committing the above offense, the Defendant kidnapped the victim, Jane Doe, who was under the age of 14 years in violation of Penal Code section 667.8(b).

COUNT XIII

On or between the 1st day of July, 1992, and the 31st day of December, 1992, in the County of Contra Costa, the crime of **FORCIBLE LEWD ACT UPON A CHILD**, in violation of **PENAL CODE SECTION 288(b)(1)**, a Felony, was committed by **PHILLIP GREG GARRIDO**, who did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of Jane Doe, a child under the age of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said defendant and the said child, by use of force, violence, duress, menace, and threat of great bodily harm.

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SPECIAL ALLEGATION - KIDNAPPING FOR SEX, VICTIM UNDER 14

It is further alleged as to Count XIII that, for the purpose of committing the above offense, the Defendant kidnapped the victim, Jane Doe, who was under the age of 14 years in violation of Penal Code section 667.8(b).

COUNT XIV

On or between the 1st day of July, 1992, and the 31st day of December, 1992, in the County of Contra Costa, the crime of **FORCIBLE LEWD ACT UPON A CHILD**, in violation of **PENAL**

CODE SECTION 288(b)(1), a Felony, was committed by NANCY GARRIDO, who did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of Jane Doe, a child under the age of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said defendant and the said child, by use of force, violence, duress, menace, and threat of great bodily harm.

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SPECIAL ALLEGATION - KIDNAPPING FOR SEX, VICTIM UNDER 14

It is further alleged as to Count XIV that, for the purpose of committing the above offense, the Defendant kidnapped the victim, Jane Doe, who was under the age of 14 years in violation of Penal Code section 667.8(b).

COUNT XV

On or between the 1st day of January, 1993, and the 30th day of June, 1993, in the County of Contra Costa, the crime of **FORCIBLE LEWD ACT UPON A CHILD**, in violation of **PENAL CODE SECTION 288(b)(1)**, a Felony, was committed by PHILLIP GREG GARRIDO, who did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of Jane Doe, a child under the age of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said defendant and the said child, by use of force, violence, duress, menace, and threat of great bodily harm.

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SPECIAL ALLEGATION - KIDNAPPING FOR SEX, VICTIM UNDER 14

It is further alleged as to Count XV that, for the purpose of committing the above offense, the Defendant kidnapped the victim, Jane Doe, who was under the age of 14 years in violation of Penal Code section 667.8(b).

COUNT XVI

On or between the 1st day of January, 1993, and the 30th day of June, 1993, in the County of Contra Costa, the crime of **FORCIBLE LEWD ACT UPON A CHILD**, in violation of **PENAL CODE SECTION 288(b)(1)**, a Felony, was committed by **NANCY GARRIDO**, who did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of Jane Doe, a child under the age of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said defendant and the said child, by use of force, violence, duress, menace, and threat of great bodily harm.

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"NOTICE: Pursuant to the provisions of PC Section 293.5 the use of pseudonym "Jane or John Doe", if it appears in the complaint or information, is for purposes of protecting the privacy of the alleged victim."

SPECIAL ALLEGATION - KIDNAPPING FOR SEX, VICTIM UNDER 14

It is further alleged as to Count XVI that, for the purpose of committing the above offense, the Defendant kidnapped the victim, Jane Doe, who was under the age of 14 years in violation of Penal Code section 667.8(b).

COUNT XVII

On or between the 1st day of July, 1993, and the 31st day of December, 1993, in the County of Contra Costa, the crime of **FORCIBLE LEWD ACT UPON A CHILD**, in violation of **PENAL CODE SECTION 288(b)(1)**, a Felony, was committed by **PHILLIP GREG GARRIDO**, who did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of Jane Doe, a child under the age of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said defendant and the said child, by use of force, violence, duress, menace, and threat of great bodily harm.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c)."

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"NOTICE: Pursuant to the provisions of PC Section 293.5 the use of pseudonym "Jane or John Doe", if it appears in the complaint or information, is for purposes of protecting the privacy of the alleged victim."

SPECIAL ALLEGATION - KIDNAPPING FOR SEX, VICTIM UNDER 14

It is further alleged as to Count XVII that, for the purpose of committing the above offense, the Defendant kidnapped the victim, Jane Doe, who was under the age of 14 years in violation of Penal Code section 667.8(b).

COUNT XVIII

On or between the 1st day of July, 1993, and the 31st day of December, 1993, in the County of Contra Costa, the crime of **FORCIBLE LEWD ACT UPON A CHILD**, in violation of **PENAL CODE SECTION 288(b)(1)**, a Felony, was committed by **NANCY GARRIDO**, who did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of Jane Doe, a child under the age of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said defendant and the said child, by use of force, violence, duress, menace, and threat of great bodily harm.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c)."

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"NOTICE: Pursuant to the provisions of PC Section 293.5 the use of pseudonym "Jane or John Doe", if it appears in the complaint or information, is for purposes of protecting the privacy of the alleged victim."

SPECIAL ALLEGATION - KIDNAPPING FOR SEX, VICTIM UNDER 14

It is further alleged to Count XVIII that, for the purpose of committing the above offense, the Defendant kidnapped the victim, Jane Doe, who was under the age of 14 years in violation of Penal Code section 667.8(b).

COUNT XIX

On or between the 1st day of January, 1994, and the 3rd day of May, 1994, in the County of Contra Costa, the crime of **FORCIBLE LEWD ACT UPON A CHILD**, in violation of **PENAL CODE SECTION 288(b)(1)**, a Felony, was committed by **PHILLIP GREG GARRIDO**, who did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of Jane Doe, a child under the age of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said defendant and the said child, by use of force, violence, duress, menace, and threat of great bodily harm.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c)."

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 290. Willful failure to register is a crime."

"NOTICE: Pursuant to the provisions of PC Section 293.5 the use of pseudonym "Jane or John Doe", if it appears in the complaint or information, is for purposes of protecting the privacy of the alleged victim."

SPECIAL ALLEGATION - KIDNAPPING FOR SEX, VICTIM UNDER 14

It is further alleged as to Count XIX that, for the purpose of committing the above offense, the Defendant kidnapped the victim, Jane Doe, who was under the age of 14 years in violation of Penal Code section 667.8(b).

COUNT XX

On or between the 1st day of January, 1994, and the 3rd day of May, 1994, in the County of Contra Costa, the crime of **FORCIBLE LEWD ACT UPON A CHILD**, in violation of **PENAL CODE SECTION 288(b)(1)**, a Felony, was committed by NANCY GARRIDO, who did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of Jane Doe, a child under the age of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said defendant and the said child, by use of force, violence, duress, menace, and threat of great bodily harm.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c)."

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 290. Willful failure to register is a crime."

"NOTICE: Pursuant to the provisions of PC Section 293.5 the use of pseudonym "Jane or John Doe", if it appears in the complaint or information, is for purposes of protecting the privacy of the alleged victim."

SPECIAL ALLEGATION - KIDNAPPING FOR SEX, VICTIM UNDER 14

It is further alleged as to Count XX that, for the purpose of committing the above offense, the Defendant kidnapped the victim, Jane Doe, who was under the age of 14 years in violation of Penal Code section 667.8(b).

COUNT XXI

On or between the 1st day of December, 1994, and the 30th day of December, 1994, in the County of Contra Costa, the crime of **FORCIBLE RAPE**, in violation of **PENAL CODE SECTION 261(a)(2)**, a Felony, was committed by PHILLIP GREG GARRIDO, who did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, Jane Doe, not his/her spouse, against said person's will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on said person and another.

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 290. Willful failure to register is a crime."

"NOTICE: Pursuant to the provisions of PC Section 293.5 the use of pseudonym "Jane or John Doe", if it appears in the complaint or information, is for purposes of protecting the privacy of the alleged victim."

SPECIAL ALLEGATION -SEX - ONE STRIKE TIER TWO

It is further alleged as to Count XXI, within the meaning of PC667.61(d)(2)), that in the commission or attempted commission of the above offense that: the defendant PHILLIP GREG GARRIDO kidnapped the victim of the present offense, substantially increasing the risk of harm to the victim over and above that level of risk necessarily inherent in the underlying offense in subdivision (c) of Penal Code Section 667.61

COUNT XXII

On or between the 1st day of December, 1994, and the 30th day of December, 1994, in the County of Contra Costa, the crime of FORCIBLE RAPE, in violation of **PENAL CODE SECTION 261(a)(2)**, a Felony, was committed by NANCY GARRIDO, who did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, Jane Doe, not his/her spouse, against said person's will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on said person and another.

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 290. Willful failure to register is a crime."

"NOTICE: Pursuant to the provisions of PC Section 293.5 the use of pseudonym "Jane or John Doe", if it appears in the complaint or information, is for purposes of protecting the privacy of the alleged victim."

SPECIAL ALLEGATION SEX ONE STRIKE TIER TWO

It is further alleged as to Count XXII, within the meaning of PC667.61(d)(2), that in the commission or attempted commission of the above offense that: the defendant NANCY GARRIDO kidnapped the victim of the present offense, substantially increasing the risk of harm to the victim over and above that level of risk necessarily inherent in the underlying offense in subdivision (c) of Penal Code Section 667.61.

COUNT XXIII

On or between the 1st day of January, 1995, and the 30th day of December, 1995, in the County of Contra Costa, the crime of FORCIBLE RAPE, in violation of **PENAL CODE SECTION 261(a)(2)**, a Felony, was committed by PHILLIP GREG GARRIDO, who did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, Jane Doe, not his/her spouse, against said person's will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on said person and another.

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 290. Willful failure to register is a crime."

"NOTICE: Pursuant to the provisions of PC Section 293.5 the use of pseudonym "Jane or John Doe", if it appears in the complaint or information, is for purposes of protecting the privacy of the alleged victim."

SPECIAL ALLEGATION-SEX - ONE STRIKE TIER TWO

It is further alleged as to Count XXIII, within the meaning of PC667.61(d)(2), that in the commission or attempted commission of the above offense that: the defendant PHILLIP GREG GARRIDO kidnapped the victim of the present offense, substantially increasing the risk of harm to the victim over and above that level of risk necessarily inherent in the underlying offense in subdivision (c) of Penal Code Section 667.61

COUNT XXIV

On or between the 1st day of January, 1995, and the 30th day of December, 1995, in the County of Contra Costa, the crime of FORCIBLE RAPE, in violation of **PENAL CODE SECTION 261(a)(2)**, a Felony, was committed by NANCY GARRIDO, who did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, Jane Doe, not his/her spouse, against said person's will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on said person and another.

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 290. Willful failure to register is a crime."

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SPECIAL ALLEGATION-SEX-ONE STRIKE TIER TWO

It is further alleged as to Count XXIV, within the meaning of PC667.61(d)(2), that in the commission or attempted commission of the above offense that: the defendant kidnapped the victim of the present offense, substantially increasing the risk of harm to the victim over and above that level of risk necessarily inherent in the underlying offense in subdivision (c) of Penal Code Section 667.61.

COUNT XXV

On or between the 1st day of January, 1996, and the 30th day of December, 1996, in the County of Contra Costa, the crime of FORCIBLE RAPE, in violation of **PENAL CODE SECTION 261(a)(2)**, a Felony, was committed by PHILLIP GREG GARRIDO, who did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, Jane Doe, not his/her spouse, against said person's will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on said person and another.

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SPECIAL ALLEGATION-SEX- ONE STRIKE TIER TWO

It is further alleged as to Count XXV, within the meaning of PC667.61(d)(2), that in the commission or attempted commission of the above offense that: PHILLIP GREG GARRIDO, the defendant kidnapped the victim of the present offense, substantially increasing the risk of harm to the victim over and above that level of risk necessarily inherent in the underlying offense in subdivision (c) of Penal Code Section 667.61

COUNT XXVI

On or between the 1st day of January, 1996, and the 30th day of December, 1996, in the County of Contra Costa, the crime of FORCIBLE RAPE, in violation of **PENAL CODE SECTION 261(a)(2)**, a Felony, was committed by NANCY GARRIDO, who did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, Jane Doe, not his/her spouse, against said person's will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on said person and another.

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 290. Willful failure to register is a crime."

"NOTICE: Pursuant to the provisions of PC Section 293.5 the use of pseudonym "Jane or John Doe", if it appears in the complaint or information, is for purposes of protecting the privacy of the alleged victim."

SPECIAL ALLEGATION-SEX- ONE STRIKE TIER TWO

It is further alleged to Count XXVI, within the meaning of PC667.61(d)(2), that in the commission or attempted commission of the above offense that: the defendant NANCY GARRIDO kidnapped the victim of the present offense, not substantially increasing the risk of harm to the victim over and above that level of risk necessarily inherent in the underlying offense in subdivision (c) of Penal Code Section 667.61.

COUNT XXVII

On or between the 1st day of January, 1997, and the 1st day of December, 1997, in the County of Contra Costa, the crime of FORCIBLE RAPE, in violation of **PENAL CODE SECTION 261(a)(2)**, a Felony, was committed by PHILLIP GREG GARRIDO, who did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, Jane Doe, not his/her spouse, against said person's will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on said person and another.

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 290. Willful failure to register is a crime."

"NOTICE: Pursuant to the provisions of PC Section 293.5 the use of pseudonym "Jane or John Doe", if it appears in the complaint or information, is for purposes of protecting the privacy of the alleged victim."

SPECIAL ALLEGATION-SEX- ONE STRIKE TIER TWO

It is further alleged as to Count XXVII, within the meaning of PC667.61(d)(2) , that in the commission or attempted commission of the above offense that: the defendant, PHILLIP GREG GARRIDO, kidnapped the victim of the present offense, not substantially increasing the risk of harm to the victim over and above that level of risk necessarily inherent in the underlying offense in subdivision (c) of Penal Code Section 667.61.

COUNT XXVIII

On or between the 1st day of January, 1997, and the 1st day of December, 1997, in the County of Contra Costa, the crime of FORCIBLE RAPE, in violation of **PENAL CODE SECTION 261(a)(2)**, a Felony, was committed by NANCY GARRIDO, who did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, Jane Doe, not his/her spouse, against said person's will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on said person and another.

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 290. Willful failure to register is a crime."

"NOTICE: Pursuant to the provisions of PC Section 293.5 the use of pseudonym "Jane or John Doe", if it appears in the complaint or information, is for purposes of protecting the privacy of the alleged victim."

SPECIAL ALLEGATION-SEX- ONE STRIKE TIER TWO

It is further alleged in Count XXVIII, within the meaning of PC667.61(c), that in the commission or attempted commission of the above offense that: the defendant NANCY GARRIDO, kidnapped the victim of the present offense, not substantially increasing the risk of harm to the victim over and above that level of risk necessarily inherent in the underlying offense in subdivision (c) of Penal Code Section 667.61.

COUNT XXIX

On or between the 10th day of June, 1991, and the 26th day of August, 2009, in the County of Contra Costa, the crime of FALSE IMPRISONMENT BY VIOLENCE, in violation of **PENAL CODE SECTION 236**, a Felony, was committed by PHILLIP GREG GARRIDO and NANCY GARRIDO, who did unlawfully violate the personal liberty of Jane Doe, said violation being effected by violence, menace, fraud, and deceit.

SPECIAL ALLEGATION - 2/3 STRIKES (TWO PRIORS)

It is further alleged pursuant to Penal Code section(s) 667(b) through (i) that the Defendant, PHILLIP GREG GARRIDO has suffered the following prior conviction(s) of a serious or violent felony or juvenile adjudication:

<u>Docket #</u>	<u>Code/Statute</u>	<u>Conv.Date</u>	<u>CountyState</u>	<u>Court Type</u>
318964	NRS 200.363	04/05/77	Washoe/NV	Superior
77-1692	Forcible Rape Title 18 USC Section 1201(a)(1) Kidnapping	02/11/77	Nevada	US District

SPECIAL ALLEGATION VIOLENT SEX OFFENSES

It is further alleged as to all Counts listed above that the defendants PHILLIP GREG GARRIDO and NANCY GARRIDO, are ineligible for probation or suspension of sentence pursuant to Penal Code section 1203.065(a).

SPECIAL ALLEGATION USE OF FORCE-288, 288.5

It is further alleged as to Count VII through Count XX that the PHILLIP GREG GARRIDO and NANCY GARRIDO committed the above offense by the use of force, violence, duress, menace and fear of immediate and unlawful bodily injury on victim, Jane Doe and another, within the meaning of Penal Code Section 1203.066(a)(1).

SPECIAL ALLEGATION VICTIM IS STRANGER-288, 288.5

It is further alleged as to Counts VII through Count XX that at the time of the commission of the above offenses said defendants, PHILLIP GREG GARRIDO and NANCY GARRIDO were strangers to said child victim, within the meaning of Penal Code section 1203.066(a)(3).

SPECIAL ALLEGATION PRIOR SEX OFFENSE & PRESENT 288, 288.5

It is further alleged as to Count VII through Count XX that said PHILLIP GREG GARRIDO and NANCY GARRIDO, was on and about April 5, 1977, in the Superior Court of the State of Nevada, for the County of Washoe, convicted of violating Forcible Rape, Section NRS 200.363, within the meaning of Penal Code Section 1203.066(a)(5).

SPECIAL ALLEGATION SUBSTANTIAL SEXUAL CONDUCT-288, 288.5

It is further alleged as to Count VII through Count XX pursuant to Penal Code section 1203.066(a)(8) that the victim, Jane Doe, in the above offense was under the age of 14 years and the defendants PHILLIP GREG GARRIDO and NANCY GARRIDO had substantial sexual conduct with Jane Doe.

It is further alleged that the offenses alleged in Counts III, IV, V, VI, XXI, XXII, XXIII, XXIV, XXV, XXVI, XXVII, and XXVIII come within the meaning of Penal Code Section 803(f)(1) in that:

- (a) The victim was under 18 when the crime was committed.
- (b) The victim made the report to law enforcement on August 26, 2009 and the criminal complaint was filed within one year of that report.
- (c) The statute of limitations of six years has expired.
- (d) The crime of Penal Code Section 261(a)(2) as alleged involves substantial sexual conduct in that the victim describes acts of sexual intercourse.
- (e) There is clear and convincing corroboration including, but not limited to statements of the defendants.

It is further alleged that the offenses alleged in Counts VII, VIII, IX, X, XI, XII, XIII, XIV, XV, XVI, XVII, XVIII, XIX and XX, come within the meaning of Penal Code Section 803(f)(1) in that:

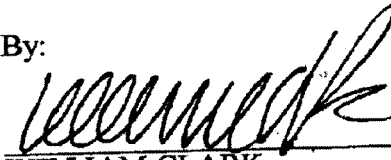
- (a) The victim was under 18 when the crime was committed.
- (b) The victim made the report to law enforcement on August 26, 2009 and the criminal complaint was filed within one year of that report.
- (c) The statute of limitations of six years has expired.
- (d) The crime of Penal Code Section 288(b) as alleged involves substantial sexual conduct in that the victim describes acts of sexual intercourse.
- (e) There is clear and convincing corroboration including, but not limited to statements of the defendants.

It is further alleged as to Counts II through XXIX, that jurisdiction resides in El Dorado County pursuant to Penal Code Section 781.

Based upon information and belief, the undersigned certifies in his/her official capacity and under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on the date stated below at El Dorado County, California.

VERN R. PIERSON
District Attorney

By:



WILLIAM CLARK
Chief Assistant District Attorney

Dated: August 28, 2009

Pursuant to Penal Code §1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code §1054.3 and pursuant to the provisions of Penal Code §1054.7.

WARNING: Penal Code Section 1054.2 makes it a Misdemeanor Criminal Offense for an attorney receiving discovery to disclose certain confidential information regarding victims and witnesses to defendants and others. Attorneys should review this code section carefully before sharing reports received in discovery with anyone.