

THE SUPERIOR COURT, STATE OF CALIFORNIA
For the County of Santa Barbara
Santa Maria Division - Lompoc Region

08/16/2021
Darrel E. Parker, Executive Officer
BY Villa, Stacey
Deputy Clerk

THE PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff,

vs.

KEVIN JOSUE ALVARADO-VELASQUEZ

DOB: 02/15/1997

Defendant.

DA No. 21-08-481493

Court No. **21CR05223**

FELONY COMPLAINT

**Blood Test Pending:
AB109 INELIGIBLE**

The undersigned is informed and believes that:

COUNT 1

On or about August 12, 2021, in the County of Santa Barbara, the crime of GROSS VEHICULAR MANSLAUGHTER WHILE INTOXICATED, in violation of **PENAL CODE SECTION 191.5(a)**, a Felony, was committed by KEVIN JOSUE ALVARADO-VELASQUEZ, who did unlawfully kill JOHN DOE, a human being, without malice aforethought, in the driving of a vehicle in violation of Vehicle Code Sections 23140, 23152 and 23153 and the killing was proximate result of the commission of an unlawful act, not amounting to a felony and with gross negligence and/or proximate result of the commission of a lawful act which might produce death, in an unlawful manner, and with gross negligence and/or proximate result of the commission of an unlawful act, not amounting to a felony, and with gross negligence and the proximate result of the commission of lawful act which might produce death, in an unlawful manner, and with gross negligence.

It is further alleged that the above offense is a serious felony within the meaning of Penal Code Section 1192.7(c) (8).

It is further alleged as to counts 1 – 3, that the victim is defined in Family Code section 6211 and Penal Code section 1203.097(a)

SPEC ALLEG – FELONY EXCLUDED FROM LOCAL CUSTODY

It is further alleged that AS TO COUNTS 1 THROUGH 3 the above offense is an offense for which the defendant KEVIN JOSUE ALVARADO-VELASQUEZ, is excluded from a state prison sentence to be served in the county jail pursuant to **Penal Code section 1170(h)**.

“NOTICE: Pursuant to **Penal Code section 1170(f)**, notwithstanding any other provisions of this section, for purposes of subdivision (h) of section 1170, any allegation that a defendant is ineligible for a state prison sentence to be served in the county jail due to a prior or current conviction, or sentence enhancement, or because he or she is required to register as a sex offender, or because the legislature specifically excluded the offense, shall not be subject to dismissal pursuant to §1385 PC”.

COUNT 2

On or about August 12, 2021, in the County of Santa Barbara, the crime of CHILD ABUSE RESULTING IN DEATH, in violation of **PENAL CODE SECTION 273a(a)**, a Felony, was committed by KEVIN JOSUE ALVARADO-VELASQUEZ, who did willfully and unlawfully, under circumstances and conditions likely to produce great bodily harm and death, injure, cause, and permit a child, JOHN DOE, to suffer and to be inflicted with unjustifiable physical pain and mental suffering, and, having the care and custody of said child, injure, cause, and permit the person and health of said child to be injured and did willfully cause and permit said child to be placed in such situation that his/her person and health was/were endangered.

SPEC ALLEG-WILLFUL HARM OR INJURY RESULTING IN DEATH

It is further alleged AS TO COUNT 2 pursuant to section 12022.95 that the defendant, under circumstances and conditions likely to produce great bodily harm and death, willfully caused and permitted a child to suffer, and inflicted thereon unjustifiable physical pain and injury that resulted in death, and having the care and custody of a child, under circumstances likely to produce great bodily harm and death, willfully caused and permitted that child to be injured and harmed and that injury and harm resulted in death.

COUNT 3

On or about August 12, 2021, in the County of Santa Barbara, the crime of DRIVING UNDER THE INFLUENCE OF ALCOHOL CAUSING INJURY, in violation of **VEHICLE CODE SECTION 23153(a)**, a Felony, was committed by KEVIN JOSUE ALVARADO-VELASQUEZ, who did unlawfully, while under the influence of an alcoholic beverage drive a vehicle and in so driving, concurrently did an act forbidden by law and neglected a duty imposed by law, to wit: a violation of Vehicle Code Section VC 22350 AND VC 22107, which proximately caused bodily injury to JOHN DOE.

"NOTICE: If convicted of this offense the court must suspend your driving privileges if you are under the age of 21 years. Vehicle Code Section 13202.5".

SPEC ALLEG-GREAT BODILY INJURY ON MINOR UNDER 5 YEARS OLD

It is further alleged AS TO COUNT 3 pursuant to **Penal Code section 12022.7(d)**, that in the commission of the above offense the said defendant, KEVIN JOSUE ALVARADO-VELASQUEZ, personally inflicted great bodily injury on JOHN DOE, not an accomplice, who was under the age of five years, and also causing the above offense to become a serious felony within the meaning of Penal Code Section 1192.7(c)(8).

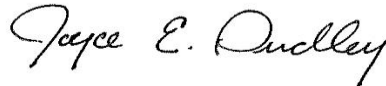
It is further alleged that the above offense is a violent felony within the meaning of **Penal Code section 667.5(c)(8)**.

* * * * *

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.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT CONSISTS OF 3 COUNT(S).

Executed at Lompoc, California, on August 16, 2021.



STEPHANIE D. SCHOENBURG
SENIOR DEPUTY DISTRICT ATTORNEY

Agency: LOPD

<u>DEFENDANT NAME</u>	<u>SEX</u>	<u>RACE</u>	<u>HGT</u>	<u>WGT</u>	<u>EYES</u>	<u>HAIR</u>	<u>DRIVER'S LICENSE</u>	<u>STS</u>	<u>COURT DATE</u>
Kevin Josue Alvarado-Velasquez	M	H	504	160	BRO	BLK	Y5008064	IC	08/16/2021