

THE SUPERIOR COURT, STATE OF CALIFORNIA
For the County of Santa Barbara
Figueroa Division

THE PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff,

vs.

CASEY AUGUSTIN TOLIVAR

DOB: 03/10/1992

Defendant.

DA No. 21-07-480063
Court No.

FELONY COMPLAINT

AB109 INELIGIBLE

The undersigned is informed and believes that:

COUNT 1

On or between July 10, 2021 and July 14, 2021, in the County of Santa Barbara, the crime of WILLFUL, DELIBERATE, PREMEDITATED MURDER, in violation of **PENAL CODE SECTION 187(a)**, a Felony, was committed by CASEY AUGUSTIN TOLIVAR, who did unlawfully and with malice aforethought murder BRADLEY TOLIVAR, age 72, a human being.

It is further alleged that the above offense is a serious felony within the meaning of **Penal Code Section 1192.7(c)(1)**.

It is further alleged that the above offense is a violent felony pursuant to **Penal Code Section 667.5(c)(1)**.

SPEC ALLEG-USE OF DEADLY WEAPON

It is further alleged that in the commission and attempted commission of the above offense, the said defendant, personally used a deadly and dangerous weapon(s), to wit: a 33 ½ inch and 2 x 2 STEEL BAR, said use not being an element of the above offense, within the meaning of **Penal Code Section 12022(b) (1)** and causing the above offense to be a serious felony within the meaning of Penal Code section 1192.7(c) (23).

COUNT 2

On or about July 15, 2021, in the County of Santa Barbara, the crime of ATTEMPTED MURDER, in violation of **PENAL CODE SECTION 664/187(a)**, a Felony, was committed by CASEY AUGUSTIN TOLIVAR, who did unlawfully and with malice aforethought attempt to murder a human being, to wit: STEVAN LUBARSKY.

It is further alleged that the above offense is a serious felony within the meaning of Penal Code Section 1192.7(c) (9).

It is further alleged that the above offense is a violent felony within the meaning of Penal Code Section 667.5(c) (12).

It is further alleged that the above offense of attempted murder was willful, deliberate and premeditated within the meaning of Penal Code 664(a).

SPEC ALLEG-USE OF DEADLY WEAPON

It is further alleged that in the commission and attempted commission of the above offense, the said defendant, personally used a deadly and dangerous weapon(s), to wit: a ROCK, said use not being an element of the above offense, within the meaning of **Penal Code Section 12022(b) (1)** and causing the above offense to be a serious felony within the meaning of Penal Code section 1192.7(c) (23).

COUNT 3

On or about July 15, 2021, in the County of Santa Barbara, the crime of ASSAULT WITH PERSONAL USE OF DEADLY WEAPON, in violation of **PENAL CODE SECTION 245(a)(1)**, a Felony, was committed by CASEY AUGUSTIN TOLIVAR, who did willfully, unlawfully and personally commit an assault upon STEVAN LUBARSKY with a deadly and dangerous weapon, a GLASS BOTTLE.

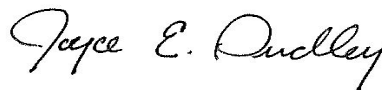
It is further alleged that the above offense is a serious felony within the meaning of Penal Code Section 1192.7(c)(23).

* * * * *

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 Santa Barbara, California, on July 20, 2021.



BENJAMIN LADINIG
SENIOR DEPUTY DISTRICT ATTORNEY

Agency: SBSO

<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>
Casey Augustin Tolivar	M	W	510	125	BRO	BRO	F1962955	IC	07/20/2021

wb