

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

FILED
SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA

MAY 30 2018

Darrel E. [Signature], Executive Officer
BY [Signature]
S. Gavazos, Deputy Clerk

THE PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff,

vs.

KENNETH ROBBIE WHALEN

DOB: 01/26/1988
Defendant.

DA No. 18-05-423017

Court No. **18CR05267**

FELONY COMPLAINT

AB109 INELIGIBLE

The undersigned is informed and believes that:

COUNT 1

On or about April 3, 2018, in the County of Santa Barbara, the crime of MURDER, in violation of **PENAL CODE SECTION 187(a)**, a Felony, was committed by KENNETH ROBBIE WHALEN, who did unlawfully, and with malice aforethought murder THEOPHEUS LEE BENNETT, 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 within the meaning of **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, KNIFE, said use not being an element of the above offense, within the meaning of Penal Code Section 12022(b) and causing the above offense to be a serious felony within the meaning of Penal Code section 1192.7(c) (23).

SPEC ALLEG – SERIOUS/VIOLENT/REGISTERABLE SEX OFFENSE FELONY

It is further alleged that the above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and/or a violent felony described in subdivision(s) of Penal Code section 667.5 and/or an offense requiring registration under the provisions Penal Code sections 290 et seq, pursuant to Penal Code section 1170(h), that the defendant is ineligible for a state prison sentence to be served in the county jail.

“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.”

* * * * *

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 1 COUNT(S).

Executed at Lompoc, California, on May 30, 2018.



STEPHEN P. FOLEY
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>
Kenneth Robbie Whalen	M	W	509	150	BLU	BRO	E2316166	IC	05/29/2018

bp