

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

FEB 06 2018

Darrel E. Parker, Executive Officer
BY Greta Romero
Greta Romero, Deputy Clerk

THE PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff,

vs.

FERNANDO NAVARRO

DOB: 10/20/1998

Defendant.

DA No. 18-02-417066

Court No.

18 CR 01135

FELONY COMPLAINT

AB109 INELIGIBLE

The undersigned is informed and believes that:

COUNT 1

On or about February 3, 2018, in the County of Santa Barbara, the crime of INVOLUNTARY MANSLAUGHTER, in violation of **PENAL CODE SECTION 192(b)**, a Felony, was committed by FERNANDO NAVARRO, did unlawfully, and without malice, kill LEONARDO NAVARRO, a human being, in the commission of an unlawful act, not amounting to a felony; and in the commission of a lawful act which might have produced death, in an unlawful manner, and without due caution and circumspection.

SPEC ALLEG – SERIOUS/VIOLENT/REGISTERABLE SEX OFFENSE FELONY

It is further alleged as to counts 1 and 2 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.”

SPEC ALLEG-USE OF FIREARM

It is further alleged that in the commission and attempted commission of the above offense, the said defendant, personally used a firearm(s), within the meaning of Penal Code sections 1203.06(a)(1) and 12022.5(a)(1) also causing the above offense to become a serious felony pursuant to Penal Code section 1192.7(c)(8) and a violent felony within the meaning of Penal Code section 667.5(c)(8).

COUNT 2

On or about February 3, 2018, in the County of Santa Barbara, the crime of DISCHARGE OF FIREARM WITH GROSS NEGLIGENCE, in violation of **PENAL CODE SECTION 246.3**, a Felony, was committed by FERNANDO NAVARRO, who did willfully and unlawfully discharge a firearm in a grossly negligent manner which could result in injury and death to a person.

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

SPECIAL ALLEG - GREAT BODILY INJURY

It is further alleged that in the commission of the above offense the said defendant, FERNANDO NAVARRO, personally inflicted great bodily injury on LEONARDO NAVARRO not an accomplice to the above offense, within the meaning of **Penal Code Section 12022.7(a)** 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)**.

COUNT 3

On or about February 3, 2018, in the County of Santa Barbara, the crime of UNLAWFUL FIREARM ACTIVITY, in violation of **PENAL CODE SECTION 29815(a)**, a Felony, was committed by FERNANDO NAVARRO, who did unlawfully own, possess and have custody and control of a firearm, while in violation of an express condition of probation prohibiting such activity.

SPEC ALLEG - FELONY EXCLUDED FROM LOCAL CUSTODY

It is further alleged that the above offense is an offense for which the defendant FERNANDO NAVARRO, 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”.

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 Maria, California, on February 6, 2018.

Joyce E. Dudley
Mai Trieu

MAI TRIEU
DEPUTY DISTRICT ATTORNEY

Agency: SMPD

<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>
Fernando Navarro	M	H	505	120	BRO	BLK		IC	02/06/2018

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SUPERIOR COURT
SANTA BARBARA COUNTY
MILLER DIVISION