

1 DAN DOW
DISTRICT ATTORNEY
2 STATE BAR # 237986
COUNTY OF SAN LUIS OBISPO
3 COURTHOUSE ANNEX, 4TH FLOOR
SAN LUIS OBISPO, CA 93408
4 TELEPHONE: (805) 781-5800

FILED

SEP 02 2020

SAN LUIS OBISPO SUPERIOR COURT

BY *Sandra Cardwell*
Sandra Cardwell, Deputy Clerk

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SAN LUIS OBISPO
DEPARTMENT 8

11 THE PEOPLE OF THE STATE OF
CALIFORNIA
12 Plaintiff,

COURT CASE NO. 18F-04077

THIRD AMENDED INFORMATION

13 vs.

14 **JESS DRUE BRASUELL, III**
DOB: 03/07/1961 ID NO. D000180150
15 AKA JESS BRASUEL, DANNY BRASUELL,
JESS DRUE BRASUELL, JESS DRUE
16 BARSUEL, JESS DREW BRASUELL, DAN
BRASUELL

DA CASE NO. 079-625861

18 Defendant.

Appearance Date: September 2,
2020

20 The District Attorney of the San Luis Obispo County, California, hereby accuses the
21 above named defendant of the following criminal offenses:

22 Count 1

23 On or between June 1, 2014 - January 31, 2015, in the County of San Luis Obispo, State
24 of California, the crime of Adult Using Minor in violation of HS11380(a), a Felony, was
25 committed in that did, while age 18 and older, violate a provision of Chapter 6 of the Health
26 and Safety Code involving methamphetamine by the use of a minor as agent, to wit, Lena
27 DOE DOB 03-08-1997, who solicited, induced, encouraged and intimidated a minor with
28

1 the intent that the minor should violate a provision of article 6 involving the aforementioned
2 controlled substance and did unlawfully furnish, offer to furnish and attempt to furnish said
3 controlled substance to a minor.

4 NOTICE: Conviction of this offense will require you to register pursuant to Health and
5 Safety Code section 11590. Failure to do so is a crime pursuant to Health and Safety Code
6 section 11594."

7 Count 2

8 On or between June 1, 2014 - January 31, 2015, in the County of San Luis Obispo, State
9 of California, the crime of Oral Copulation Of A Person Under 18 in violation of
10 PC288A(b)(1), a Felony, was committed in that JESS DRUE BRASUELL III did unlawfully
11 participate in an act of oral copulation with Lena DOE DOB 03-08-1997, a person under
12 the age of eighteen years.

13 NOTICE: Conviction of this offense will require the court to order you to submit to a blood
14 test for evidence of antibodies to the probable causative agent of Acquired Immune
15 Deficiency Syndrome (AIDS). Penal Code Section 1202.1.

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

18 NOTICE: Being charged with this criminal offense can result in mandatory pre-conviction
19 HIV/AIDS testing and disclosure of the results to a victim and the Chief Medical Officer of
20 the jail or prison facility where you are incarcerated pursuant to Penal Code Section
21 1524.1 and Health and Safety Code section 121055 following a probable cause hearing
22 resulting in a court order.

23 Count 3

24 On or between June 1, 2014 - January 31, 2015, in the County of San Luis Obispo, State
25 of California, the crime of Contact With Minor For Sexual Offense in violation of
26 PC288.3(a), a Felony, was committed in that JESS DRUE BRASUELL III did unlawfully
27 contact and communicate with a minor Lena DOE DOB 03-08-1997, knowing that Lena
28 DOE was a minor, with the intent to commit an offense specified in Penal Code Section

1 207, 209, 261, 264.1, 273a, 286, 288, 288a, 288.2, 289, 311.1, 311.2, 311.4, and 311.11
2 involving Lena DOE.

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

5 Count 4

6 On or between June 1, 2014 - January 31, 2015, in the County of San Luis Obispo, State
7 of California, the crime of Contact With Minor For Sexual Offense in violation of
8 PC288.3(a), a Felony, was committed in that JESS DRUE BRASUELL III did unlawfully
9 contact and communicate with a minor Lena Doe, knowing that Lena Doe was a minor,
10 with the intent to commit an offense specified in Penal Code Section 207, 209, 261, 264.1,
11 273a, 286, 288, 288a, 288.2, 289, 311.1, 311.2, 311.4, and 311.11 involving Lena DOE,
12 DOB 03-08-1997.

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

15 Count 5

16 On or between January 1, 2015 and August 31, 2015, in the County of San Luis Obispo,
17 State of California, the crime of Adult Using Minor in violation of HS11380(a), a Felony,
18 was committed in that did, while age 18 and older, violate a provision of Chapter 6 of the
19 Health and Safety Code involving Oxycodone and Norco by the use of a minor as agent,
20 who solicited, induced, encouraged and intimidated a minor with the intent that the minor
21 should violate a provision of article 6 involving the aforementioned controlled substance
22 and did unlawfully furnish, offer to furnish and attempt to furnish said controlled substance
23 to a minor.

24 NOTICE: Conviction of this offense will require you to register pursuant to Health and
25 Safety Code section 11590. Failure to do so is a crime pursuant to Health and Safety Code
26 section 11594."

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Count 6

On or between January 1, 2015 and August 31, 2015, in the County of San Luis Obispo, State of California, the crime of Possession Of Matter Depicting Minor Engaging In Sexual Conduct in violation of PC311.11(a), a Felony, was committed in that JESS DRUE BRASUELL III did knowingly and unlawfully possess and control matter, to wit: Child Pornography the production of which involved the use of a person under the age of 18 years, said defendant knowing that the matter depicted a person under the age of 18 years, personally engaging in and simulating sexual conduct as defined in Penal Code Section 311.4(d).

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

Count 7

On or between January 1, 2015 and August 31, 2015, in the County of San Luis Obispo, State of California, the crime of Rape By Use Of Drugs in violation of PC261(a)(3), a Felony, was committed in that JESS DRUE BRASUELL III did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, Courtney DOE DOB 01-15-1998, not his/her spouse, where said person was prevented from resisting by an intoxicating, anesthetic, and controlled substance, and this condition was known, and reasonably should have been known by the defendant.

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 the court to order you to submit to a blood test for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency Syndrome (AIDS). Penal Code Section 1202.1.

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

NOTICE: Being charged with this criminal offense can result in mandatory pre-conviction HIV/AIDS testing and disclosure of the results to a victim and the Chief Medical Officer of

1 the jail or prison facility where you are incarcerated pursuant to Penal Code Section
2 1524.1 and Health and Safety Code section 121055 following a probable cause hearing
3 resulting in a court order.

4 Count 8

5 On or about August 3, 2015, in the County of San Luis Obispo, State of California, the
6 crime of Forcible Oral Copulation in violation of PC288A(c)(2)(A), a Felony, was committed
7 in that JESS DRUE BRASUELL III did unlawfully participate in an act of oral copulation
8 with Courtney DOE DOB 01-15-1998 and did accomplish said act against said victim's will
9 by force, violence, duress, menace, and fear of immediate and unlawful bodily injury to
10 said victim and to another.

11 NOTICE: Conviction of this offense will require the court to order you to submit to a blood
12 test for evidence of antibodies to the probable causative agent of Acquired Immune
13 Deficiency Syndrome (AIDS). Penal Code Section 1202.1.

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

16 NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
17 1192.7(c) and a violent felony within the meaning of Penal Code Section 667.5(c)

18 Count 9

19 On or between January 1, 2016 and February 29, 2016, in the County of San Luis Obispo,
20 State of California, the crime of Adult Using Minor in violation of HS11380(a), a Felony,
21 was committed in that did, while age 18 and older, violate a provision of Chapter 6 of the
22 Health and Safety Code involving Oxycodone and Norco, by the use of a minor as agent,
23 who solicited, induced, encouraged and intimidated a minor, to wit Talia DOE DOB 08-23-
24 2000, with the intent that the minor should violate a provision of article 6 involving the
25 aforementioned controlled substance and did unlawfully furnish, offer to furnish and
26 attempt to furnish said controlled substance to a minor.

1 NOTICE: Conviction of this offense will require you to register pursuant to Health and
2 Safety Code section 11590. Failure to do so is a crime pursuant to Health and Safety Code
3 section 11594."

4 Count 10

5 On or between January 1, 2016 and February 29, 2016, in the County of San Luis Obispo,
6 State of California, the crime of Assault With Intent To Commit A Felony-Victim Under 18
7 in violation of PC220(a)(2), a Felony, was committed in that JESS DRUE BRASUELL III
8 did unlawfully assault Talia DOE DOB 08-23-2000, who was under the age of 18, with the
9 intent to commit rape, sodomy, oral copulation and a violation of sections 288.

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

12 NOTICE: The above offense is a violent felony within the meaning of Penal Code 667.5(c).

13 Count 11

14 On or between January 1, 2016 and February 29, 2016, in the County of San Luis Obispo,
15 State of California, the crime of Lewd Act Upon A Child in violation of PC288(c)(1), a
16 Felony, was committed in that JESS DRUE BRASUELL III did willfully, unlawfully and
17 lewdly commit a lewd and lascivious act upon and with the body of Talia DOE DOB 08-23-
18 2000, who was 15 years old, with the intent of arousing, appealing to, and gratifying the
19 lust, passions, and sexual desires of the defendant, who was at least 10 years older than
20 Talia DOE.

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

23 NOTICE: Being charged with this criminal offense can result in mandatory pre-conviction
24 HIV/AIDS testing and disclosure of the results to a victim and the Chief Medical Officer of
25 the jail or prison facility where you are incarcerated pursuant to Penal Code Section
26 1524.1 and Health and Safety Code section 121055 following a probable cause hearing
27 resulting in a court order.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Count 12

On or between May 1, 2017 - October 31, 2017, in the County of San Luis Obispo, State of California, the crime of Adult Using Minor in violation of HS11380(a), a Felony, was committed in that did, while age 18 and older, violate a provision of Chapter 6 of the Health and Safety Code involving Oxycodone and Norco by the use of a minor as agent, who solicited, induced, encouraged and intimidated a minor, to wit, Ariana DOE DOB 03-25-2001, with the intent that the minor should violate a provision of article 6 involving the aforementioned controlled substance and did unlawfully furnish, offer to furnish and attempt to furnish said controlled substance to a minor.

NOTICE: Conviction of this offense will require you to register pursuant to Health and Safety Code section 11590. Failure to do so is a crime pursuant to Health and Safety Code section 11594."

Count 13

On or between May 1, 2017 - October 31, 2017, in the County of San Luis Obispo, State of California, the crime of Meeting Minor For Lewd Purposes in violation of PC288.4(b), a Felony, was committed in that JESS DRUE BRASUELL III did unlawfully and motivated by an unnatural and abnormal sexual interest in children, arrange a meeting with Ariana DOE DOB 03-25-2001, a minor and a person defendant believed to be a minor, for the purpose of exposing the genitals and pubic and rectal area of Ariana DOE DOB 03-25-2001 and defendant, and to engage in lewd and lascivious behavior, and did go to the arranged meeting place at and about the arranged time. To wit, the first time.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Count 14

On or between May 1, 2017 - October 31, 2017, in the County of San Luis Obispo, State of California, the crime of Oral Copulation Of A Person Under 18 in violation of PC288A(b)(1), a Felony, was committed in that JESS DRUE BRASUELL III did unlawfully participate in an act of oral copulation with Ariana DOE DOB 03-25-2001, a person under the age of eighteen years. To wit, the first time.

NOTICE: Conviction of this offense will require the court to order you to submit to a blood test for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency Syndrome (AIDS). Penal Code Section 1202.1.

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

NOTICE: Being charged with this criminal offense can result in mandatory pre-conviction HIV/AIDS testing and disclosure of the results to a victim and the Chief Medical Officer of the jail or prison facility where you are incarcerated pursuant to Penal Code Section 1524.1 and Health and Safety Code section 121055 following a probable cause hearing resulting in a court order.

Count 15

On or between May 1, 2017 - October 31, 2017, in the County of San Luis Obispo, State of California, the crime of Meeting Minor For Lewd Purposes in violation of PC288.4(b), a Felony, was committed in that JESS DRUE BRASUELL III did unlawfully and motivated by an unnatural and abnormal sexual interest in children, arrange a meeting with Ariana DOE DOB 03-25-2001, a minor and a person defendant believed to be a minor, for the purpose of exposing the genitals and pubic and rectal area of Ariana DOE DOB 03-25-2001 and defendant, and to engage in lewd and lascivious behavior, and did go to the arranged meeting place at and about the arranged time. To wit, the second time.

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Count 16

On or between May 1, 2017 - October 31, 2017, in the County of San Luis Obispo, State of California, the crime of Oral Copulation Of A Person Under 18 in violation of PC288A(b)(1), a Felony, was committed in that JESS DRUE BRASUELL III did unlawfully participate in an act of oral copulation with Ariana DOE DOB 03-25-2001, a person under the age of eighteen years. To wit, the second time.

NOTICE: Conviction of this offense will require the court to order you to submit to a blood test for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency Syndrome (AIDS). Penal Code Section 1202.1.

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

NOTICE: Being charged with this criminal offense can result in mandatory pre-conviction HIV/AIDS testing and disclosure of the results to a victim and the Chief Medical Officer of the jail or prison facility where you are incarcerated pursuant to Penal Code Section 1524.1 and Health and Safety Code section 121055 following a probable cause hearing resulting in a court order.

Count 17

On or between May 1, 2017 - October 31, 2017, in the County of San Luis Obispo, State of California, the crime of Unlawful Sexual Intercourse in violation of PC261.5(c), a Felony, was committed in that engaged in an act of unlawful sexual intercourse with Ariana DOE DOB 03-25-2001, a minor, not the spouse of the defendant, the minor being more than three years younger than the defendant. To wit, the first time.

NOTICE: Being charged with this criminal offense can result in mandatory pre-conviction HIV/AIDS testing and disclosure of the results to a victim and the Chief Medical Officer of the jail or prison facility where you are incarcerated pursuant to Penal Code Section 1524.1 and Health and Safety Code section 121055 following a probable cause hearing resulting in a court order.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Count 18

On or between May 1, 2017 - October 31, 2017, in the County of San Luis Obispo, State of California, the crime of Unlawful Sexual Intercourse in violation of PC261.5(c), a Felony, was committed in that engaged in an act of unlawful sexual intercourse with Ariana DOE DOB 03-25-2001, a minor, not the spouse of the defendant, the minor being more than three years younger than the defendant. To wit, the second time.

NOTICE: Being charged with this criminal offense can result in mandatory pre-conviction HIV/AIDS testing and disclosure of the results to a victim and the Chief Medical Officer of the jail or prison facility where you are incarcerated pursuant to Penal Code Section 1524.1 and Health and Safety Code section 121055 following a probable cause hearing resulting in a court order.

Count 19

On or between May 1, 2017 - October 31, 2017, in the County of San Luis Obispo, State of California, the crime of Sexual Penetration By Foreign Object in violation of PC289(h), a Felony, was committed in that JESS DRUE BRASUELL III committed an act of sexual penetration against Ariana DOE DOB 03-25-2001 who was under the age of 18 years. To wit, with fingers.

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

NOTICE: Being charged with this criminal offense can result in mandatory pre-conviction HIV/AIDS testing and disclosure of the results to a victim and the Chief Medical Officer of the jail or prison facility where you are incarcerated pursuant to Penal Code Section 1524.1 and Health and Safety Code section 121055 following a probable cause hearing resulting in a court order.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Count 20

On or between May 1, 2017 - October 31, 2017, in the County of San Luis Obispo, State of California, the crime of Sexual Penetration By Foreign Object in violation of PC289(h), a Felony, was committed in that JESS DRUE BRASUELL III committed an act of sexual penetration against Ariana DOE DOB 03-25-2001, who was under the age of 18 years. To wit, with vibrator.

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

NOTICE: Being charged with this criminal offense can result in mandatory pre-conviction HIV/AIDS testing and disclosure of the results to a victim and the Chief Medical Officer of the jail or prison facility where you are incarcerated pursuant to Penal Code Section 1524.1 and Health and Safety Code section 121055 following a probable cause hearing resulting in a court order.

Count 21

On or between May 1, 2017 - October 31, 2017, in the County of San Luis Obispo, State of California, the crime of Using Minor For Sex Acts in violation of PC311.4(c), a Felony, was committed in that JESS DRUE BRASUELL III did unlawfully and in possession of facts on the basis of which the defendant should reasonably have known that Ariana Doe DOB 3-25-2001 was a minor under 18 years, promote, employ, use persuade, induce and coerce the minor to engage in and assist others to engage in: posing and modeling alone and with others for purposes of preparing a film, photograph, negative and slide.

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

1 Contrary to the form, force and effect of that statute in such cases made and
2 provided and against the peace and dignity of the people of the State of California.

3 Dated: July 30, 2018

4 DAN DOW
5 DISTRICT ATTORNEY

6 By: 
7 CHRISTOPHER B WHITE
8 DEPUTY DISTRICT ATTORNEY

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SUMMARY PAGE

Cnt	Charge	Range	Defendant(s)	Special Allegation	Effect
1	HS11380(a)	3-6-9 State Prison	Jess Drue Brasuell III		
2	PC288A(b)(1)	16-2-3 State Prison	Jess Drue Brasuell III		
3	PC288.3(a)	Check Code State Prison	Jess Drue Brasuell III		
4	PC288.3(a)	Check Code State Prison	Jess Drue Brasuell III		
5	HS11380(a)	3-6-9 State Prison	Jess Drue Brasuell III		
6	PC311.11(a)	16-2-3 State Prison	Jess Drue Brasuell III		
7	PC261(a)(3)	3-6-8 State Prison	Jess Drue Brasuell III		
8	PC288A(c)(2)(A)	3-6-8 State Prison	Jess Drue Brasuell III		
9	HS11380(a)	3-6-9 State Prison	Jess Drue Brasuell III		
10	PC220(a)(2)	5-7-9 State Prison	Jess Drue Brasuell III		
11	PC288(c)(1)	1-2-3 State Prison	Jess Drue Brasuell III		
12	HS11380(a)	3-6-9 State Prison	Jess Drue Brasuell III		
13	PC288.4(b)	2-3-4 Yrs. State Prison	Jess Drue Brasuell III		
14	PC288A(b)(1)	16-2-3 State Prison	Jess Drue Brasuell III		
15	PC288.4(b)	2-3-4 Yrs. State Prison	Jess Drue Brasuell III		
16	PC288A(b)(1)	16-2-3 State Prison	Jess Drue Brasuell III		
17	PC261.5(c)	16-2-3 County Jail	Jess Drue Brasuell III		
18	PC261.5(c)	16-2-3 County Jail	Jess Drue Brasuell III		
19	PC289(h)	16-2-3 State Prison	Jess Drue Brasuell III		
20	PC289(h)	16-2-3 State Prison	Jess Drue Brasuell III		
21	PC311.4(c)	16-2-3* State Prison	Jess Drue Brasuell III		