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10/6/2022 3:55 PM

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

SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

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8 SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO
9 DEPARTMENT 5

10
11 THE PEOPLE OF THE STATE OF
CALIFORNIA

Plaintiff,

COURT CASE NO. 21F-08772

INFORMATION

12
13 vs.

14 **MARCO ANTONIO COTA, JR**

DOB: 08/27/1979

15 ID NO. D000238674

CII: A20061548

16 AKA MARCO A MARTINEZ, MARCOS
ANTONIO MARTINEZ, MARCO ANTONIO
17 COTTA, MARCO COTA MARTINEZ, MARCO
COTA

DA CASE NO. 079-671676

18
19 Defendant.

Appearance Date: October 17, 2022

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

23 Count 1

24 On or about November 20, 2021, in the County of San Luis Obispo, State of California, the
25 crime of Murder in violation of Penal Code Section 187(a), a Felony, was committed in that
26 MARCO ANTONIO COTA JR did unlawfully, and with malice aforethought murder Rick F.,
27 a human being.
28

1 NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
2 1192.7(c) and a violent felony within the meaning of Penal Code Section 667.5(c)

3 Count 2

4 On or about November 20, 2021, in the County of San Luis Obispo, State of California, the
5 crime of Mutilation, Sexual Contact With Human Remains in violation of Health and Safety
6 Code Section 7052(a), a Felony, was committed in that MARCO ANTONIO COTA JR did
7 willfully and unlawfully mutilate and commit an act of sexual penetration on remains known
8 to be human, without authority of law.

9 Prior

10 It is further alleged, pursuant to Penal Code section 667(a), that defendant MARCO
11 ANTONIO COTA JR has suffered the following prior conviction of a serious felony:

Charge	S	Off. Date	Disp. Date	Sent. Date	Court #	Jurisdiction
Penal Code Section 211	F	10-20-1998		02-05-1999	VF41710C	CASC Tulare

14 Prior

15 It is further alleged, pursuant to Penal Code section 667(a), that defendant MARCO
16 ANTONIO COTA JR has suffered the following prior conviction of a serious felony:

Charge	S	Off. Date	Disp. Date	Sent. Date	Court #	Jurisdiction
Penal Code Section 422	F	03-09-2014		07-08-2014	14C- 05534	CASC San Luis Obispo

19 Prior

20 It is further alleged, pursuant to Penal Code section 667(a), that defendant MARCO
21 ANTONIO COTA JR has suffered the following prior conviction of a serious felony:

Charge	S	Off. Date	Disp. Date	Sent. Date	Court #	Jurisdiction
Penal Code Section 245(a)	F	11-13-2016		09-18-2017	16F-11043	CASC San Luis Obispo

24 Prior

25 It is further alleged, pursuant to Penal Code sections 667(d) and (e), and Penal Code
26 sections 1170.12(b) and (c), that defendant MARCO ANTONIO COTA JR has suffered the
27 following prior conviction of a serious and/or violent felony:

Charge	S	Off. Date	Disp. Date	Sent. Date	Court #	Jurisdiction
Penal Code Section 211	F	10-20-1998		02-05-1999	VF41710C	CASC Tulare

Prior

It is further alleged, pursuant to Penal Code sections 667(d) and (e), and Penal Code sections 1170.12(b) and (c), that defendant MARCO ANTONIO COTA JR has suffered the following prior conviction of a serious and/or violent felony:

Charge	S	Off. Date	Disp. Date	Sent. Date	Court #	Jurisdiction
Penal Code Section 422	F	03-09-2014		07-08-2014	14C-05534	CASC San Luis Obispo

Prior

It is further alleged, pursuant to Penal Code sections 667(d) and (e), and Penal Code sections 1170.12(b) and (c), that defendant MARCO ANTONIO COTA JR has suffered the following prior conviction of a serious and/or violent felony:

Charge	S	Off. Date	Disp. Date	Sent. Date	Court #	Jurisdiction
Penal Code Section 245(a)	F	11-13-2016		09-18-2017	16F-11043	CASC San Luis Obispo

It is further alleged pursuant to Penal Code Section 1170(b)(2) that one or more of the following factors in aggravation listed in California Rule of Court 4.421 may apply to the defendant(s) or to conduct of the defendant(s):

4.421(a)(1) The crime involved great violence, great bodily harm, threat of great bodily harm, and other acts disclosing a high degree of cruelty, viciousness and callousness.

4.421(a)(2) The defendant was armed with or used a weapon at the time of the commission of the crime.

4.421(a)(3) The victim was particularly vulnerable.

4.421(a)(4) The defendant induced others to participate in the commission of the crime and occupied a position of leadership and dominance of other participants in its commission.

4.421(a)(5) The defendant induced a minor to commit and assist in the commission of the crime.

- 1 4.421(a)(6) The defendant threatened witnesses, unlawfully prevented and dissuaded
- 2 witnesses from testifying, suborned perjury, and in any other way illegally interfered with
- 3 the judicial process.
- 4 4.421(a)(7) The defendant is charged with other crimes for which consecutive sentences
- 5 can be imposed but for which concurrent sentences shall be imposed.
- 6 4.421(a)(8) The manner in which the crime was carried out indicates planning,
- 7 sophistication, and professionalism.
- 8 4.421(a)(9) The crime involved an attempted or actual taking or damage of great monetary
- 9 value.
- 10 4.421(a)(10) The crime involved a large quantity of contraband.
- 11 4.421(a)(11) The defendant took advantage of a position of trust and confidence to commit
- 12 the offense.
- 13 4.421(a)(12) The crime constitutes a hate crime under section 422.55 of the Penal Code
- 14 and no hate crime enhancements under section 422.75 of the Penal Code shall be
- 15 imposed and the crime is not subject to sentencing under section 1170.8 of the Penal
- 16 Code.
- 17 4.421(b)(1) The defendant has engaged in violent conduct that indicates a serious danger
- 18 to society.
- 19 4.421(b)(2) The defendant's prior convictions as an adult and sustained petitions in
- 20 juvenile delinquency proceedings are numerous and of increasing seriousness.
- 21 4.421(b)(3) The defendant has served a prior term in prison and county jail under section
- 22 1170(h).
- 23 4.421(b)(4) The defendant was on probation, mandatory supervision, post release
- 24 community supervision, and parole when the crime was committed.
- 25 4.421(b)(5) The defendant's prior performance on probation, mandatory supervision, post
- 26 release community supervision, and parole was unsatisfactory.

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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: October 6, 2022

4 DAN DOW
5 DISTRICT ATTORNEY

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8 By: _____
9 MELISSA CHABRA
10 DEPUTY DISTRICT ATTORNEY

SUMMARY PAGE

Cnt	Charge	Range	Defendant(s)	Special Allegation	Effect
1	PC187(a)		Marco Antonio Cota Jr		
2	HS7052(a)		Marco Antonio Cota Jr		
3	PC667(a)		Marco Antonio Cota Jr		
4	PC667(a)		Marco Antonio Cota Jr		
5	PC667(a)		Marco Antonio Cota Jr		
6	PC1170.12		Marco Antonio Cota Jr		

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7	PC1170.12		Marco Antonio Cota Jr		
8	PC1170.12		Marco Antonio Cota Jr		