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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO
DEPARTMENT 9

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11 THE PEOPLE OF THE STATE OF
CALIFORNIA
12 Plaintiff,

COURT CASE NO. 22F-00572
AMENDED INFORMATION

13 vs.

14 **ANDREA RUTH BOWENGARDNER**
DOB: 10/05/1970
15 ID NO. D000435107
AKA ANDREA RUTH BOWEN, ANDREA
16 RUTH BOWEN GARDNER

DA CASE NO. 079-645789

17

Defendant.

Appearance Date: September 20,
2023

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

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Count 1

23 On and between February 2, 2018, and June 30, 2019, in the County of San Luis Obispo,
24 State of California, the crime of Embezzlement in violation of PC503, a Felony, was
25 committed in that ANDREA RUTH BOWENGARDNER did willfully and unlawfully
26 fraudulently misappropriate property belonging to consignors, said property having been
27 entrusted to said defendant. It is further alleged the aggregate value of the property
28 embezzled exceeded Nine Hundred Fifty Dollars (\$950).

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Count 2

In or about May, 2019, in the County of San Luis Obispo, State of California, the crime of Embezzlement in violation of PC503, a Felony, was committed in that ANDREA RUTH BOWENGARDNER did willfully and unlawfully fraudulently misappropriate property belonging to William Araujo, said property having been entrusted to said defendant. It is further alleged the value of the property embezzled exceeded Nine Hundred Fifty Dollars (\$950).

Count 3

In or about May, 2019, in the County of San Luis Obispo, State of California, the crime of Embezzlement in violation of PC503, a Felony, was committed in that ANDREA RUTH BOWENGARDNER did willfully and unlawfully fraudulently misappropriate property belonging to Christine Burkett, said property having been entrusted to said defendant. It is further alleged the value of the property embezzled exceeded Nine Hundred Fifty Dollars (\$950).

Count 4

On or between February 2, 2018, and June 30, 2019, in the County of San Luis Obispo, State of California, the crime of Embezzlement in violation of PC503, a Felony, was committed in that ANDREA RUTH BOWENGARDNER did willfully and unlawfully fraudulently misappropriate property belonging to Teena Colebrook, said property having been entrusted to said defendant. It is further alleged the value of the property embezzled exceeded Nine Hundred Fifty Dollars (\$950).

Count 5

On or between February 2, 2018, and June 30, 2019, in the County of San Luis Obispo, State of California, the crime of Embezzlement in violation of PC503, a Felony, was committed in that ANDREA RUTH BOWENGARDNER did willfully and unlawfully fraudulently misappropriate property belonging to Colleen Craig, said property having been entrusted to said defendant. It is further alleged the value of the property embezzled exceeded Nine Hundred Fifty Dollars (\$950).

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Count 6

From approximately December, 2017, to June, 2018, in the County of San Luis Obispo, State of California, the crime of Embezzlement in violation of PC503, a Felony, was committed in that ANDREA RUTH BOWENGARDNER did willfully and unlawfully fraudulently misappropriate funds given to her by Janice Engle for the sole purpose of ordering furniture for Janice Engle, said funds having been entrusted to said defendant for that purpose. It is further alleged the value of the property embezzled exceeded Nine Hundred Fifty Dollars (\$950).

PC803(c): Spec Alleg-Statute Of Limitations-Late Discovery (Zamora Allegation)

It is further alleged as to count 6, an offense described in Penal Code section 803(c), that the above violation was not discovered until approximately June, 2018, by Janice Engle. It is alleged that the defendant had up until that time concealed from Janice Engle that furniture had not been purchased, and that neither said victim nor any law enforcement agency chargeable with the investigation and prosecution of said violation, had actual and constructive knowledge of said violation prior to said date, within the meaning of Penal Code section 803(c).

Count 7

In or about April, 2019, in the County of San Luis Obispo, State of California, the crime of Embezzlement in violation of PC503, a Felony, was committed in that ANDREA RUTH BOWENGARDNER did willfully and unlawfully fraudulently misappropriate property belonging to Michelle Fleming, said property having been entrusted to said defendant. It is further alleged the value of the property embezzled exceeded Nine Hundred Fifty Dollars (\$950).

Count 8

On and between February 2, 2018, and June 30, 2019, in the County of San Luis Obispo, State of California, the crime of Embezzlement in violation of PC503, a Felony, was committed in that ANDREA RUTH BOWENGARDNER did willfully and unlawfully fraudulently misappropriate property belonging to David Hannings, said property having

1 been entrusted to said defendant. It is further alleged the value of the property embezzled
2 exceeded Nine Hundred Fifty Dollars (\$950).

3 **Count 9**

4 In or about January, 2019, in the County of San Luis Obispo, State of California, the crime
5 of Embezzlement in violation of PC503, a Felony, was committed in that ANDREA RUTH
6 BOWENGARDNER did willfully and unlawfully fraudulently misappropriate property
7 belonging to Stephen Jerrick, said property having been entrusted to said defendant. It is
8 further alleged the value of the property embezzled exceeded Nine Hundred Fifty Dollars
9 (\$950).

10 **Count 10**

11 In or about May, 2019, in the County of San Luis Obispo, State of California, the crime of
12 Embezzlement in violation of PC503, a Felony, was committed in that ANDREA RUTH
13 BOWENGARDNER did willfully and unlawfully fraudulently misappropriate property
14 belonging to Sheila Johnson, said property having been entrusted to said defendant. It is
15 further alleged the value of the property embezzled exceeded Nine Hundred Fifty Dollars
16 (\$950).

17 **Count 11**

18 On and between February 2, 2018, and June 30, 2019, in the County of San Luis Obispo,
19 State of California, the crime of Embezzlement in violation of PC503, a Felony, was
20 committed in that ANDREA RUTH BOWENGARDNER did willfully and unlawfully
21 fraudulently misappropriate property belonging to Bruce Loeffler, said property having
22 been entrusted to said defendant. It is further alleged the value of the property embezzled
23 exceeded Nine Hundred Fifty Dollars (\$950).

24 **Count 12**

25 In or about May, 2019, in the County of San Luis Obispo, State of California, the crime of
26 Embezzlement in violation of PC503, a Felony, was committed in that ANDREA RUTH
27 BOWENGARDNER did willfully and unlawfully fraudulently misappropriate property
28 belonging to Judy Mulready, said property having been entrusted to said defendant. It is

1 further alleged the value of the property embezzled exceeded Nine Hundred Fifty Dollars
2 (\$950).

3 **Count 13**

4 In or about May, 2019, in the County of San Luis Obispo, State of California, the crime of
5 Embezzlement in violation of PC503, a Felony, was committed in that ANDREA RUTH
6 BOWENGARDNER did willfully and unlawfully fraudulently misappropriate property
7 belonging to Bill and Marti Rice, said property having been entrusted to said defendant. It
8 is further alleged the value of the property embezzled exceeded Nine Hundred Fifty Dollars
9 (\$950).

10 **Count 14**

11 On and between March 1, 2019, and June 30, 2019, in the County of San Luis Obispo,
12 State of California, the crime of Embezzlement in violation of PC503, a Felony, was
13 committed in that ANDREA RUTH BOWENGARDNER did willfully and unlawfully
14 fraudulently misappropriate property belonging to Ken Roush, said property having been
15 entrusted to said defendant. It is further alleged the value of the property embezzled
16 exceeded Nine Hundred Fifty Dollars (\$950).

17 **Count 15**

18 In or about May, 2019, in the County of San Luis Obispo, State of California, the crime of
19 Embezzlement in violation of PC503, a Felony, was committed in that ANDREA RUTH
20 BOWENGARDNER did willfully and unlawfully fraudulently misappropriate property
21 belonging to Brian Somodi, said property having been entrusted to said defendant. It is
22 further alleged the value of the property embezzled exceeded Nine Hundred Fifty Dollars
23 (\$950).

24 **Count 16**

25 In or about May, 2019, in the County of San Luis Obispo, State of California, the crime of
26 Embezzlement in violation of PC503, a Felony, was committed in that ANDREA RUTH
27 BOWENGARDNER did willfully and unlawfully fraudulently misappropriate property
28 belonging to Dr. John Steen, said property having been entrusted to said defendant. It is

1 further alleged the value of the property embezzled exceeded Nine Hundred Fifty Dollars
2 (\$950).

3 **Count 17**

4 In or about April, 2019, in the County of San Luis Obispo, State of California, the crime of
5 Embezzlement in violation of PC503, a Felony, was committed in that ANDREA RUTH
6 BOWENGARDNER did willfully and unlawfully fraudulently misappropriate property
7 belonging to Bonnie Thompson, said property having been entrusted to said defendant. It
8 is further alleged the value of the property embezzled exceeded Nine Hundred Fifty Dollars
9 (\$950).

10 **Count 18**

11 On and between March 1, 2019, and June 30, 2019, in the County of San Luis Obispo,
12 State of California, the crime of Embezzlement in violation of PC503, a Felony, was
13 committed in that ANDREA RUTH BOWENGARDNER did willfully and unlawfully
14 fraudulently misappropriate property belonging to Pam Vegher, said property having been
15 entrusted to said defendant. It is further alleged the value of the property embezzled
16 exceeded Nine Hundred Fifty Dollars (\$950).

17 **Count 19**

18 On and between March 1, 2019, and June 30, 2019, in the County of San Luis Obispo,
19 State of California, the crime of Embezzlement in violation of PC503, a Felony, was
20 committed in that ANDREA RUTH BOWENGARDNER did willfully and unlawfully
21 fraudulently misappropriate property belonging to Jean Weeks, said property having been
22 entrusted to said defendant. It is further alleged the value of the property embezzled
23 exceeded Nine Hundred Fifty Dollars (\$950).

24 **Count 20**

25 In or about May, 2019, in the County of San Luis Obispo, State of California, the crime of
26 Embezzlement in violation of PC503, a Felony, was committed in that ANDREA RUTH
27 BOWENGARDNER did willfully and unlawfully fraudulently misappropriate property
28 belonging to Stephan Worth, said property having been entrusted to said defendant. It is

1 further alleged the value of the property embezzled exceeded Nine Hundred Fifty Dollars
2 (\$950).

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

7 4.421(a)(1) The crime involved great violence, great bodily harm, threat of great bodily
8 harm, and other acts disclosing a high degree of cruelty, viciousness and callousness.

9 4.421(a)(2) The defendant was armed with or used a weapon at the time of the
10 commission of the crime.

11 4.421(a)(3) The victim was particularly vulnerable.

12 4.421(a)(4) The defendant induced others to participate in the commission of the crime
13 and occupied a position of leadership and dominance of other participants in its
14 commission.

15 4.421(a)(5) The defendant induced a minor to commit and assist in the commission of the
16 crime.

17 4.421(a)(6) The defendant threatened witnesses, unlawfully prevented and dissuaded
18 witnesses from testifying, suborned perjury, and in any other way illegally interfered with
19 the judicial process.

20 4.421(a)(7) The defendant is charged with other crimes for which consecutive sentences
21 can be imposed but for which concurrent sentences shall be imposed.

22 4.421(a)(8) The manner in which the crime was carried out indicates planning,
23 sophistication, and professionalism.

24 4.421(a)(9) The crime involved an attempted or actual taking or damage of great monetary
25 value.

26 4.421(a)(10) The crime involved a large quantity of contraband.

27 4.421(a)(11) The defendant took advantage of a position of trust and confidence to commit
28 the offense.

1 4.421(a)(12) The crime constitutes a hate crime under section 422.55 of the Penal Code
2 and no hate crime enhancements under section 422.75 of the Penal Code shall be
3 imposed and the crime is not subject to sentencing under section 1170.8 of the Penal
4 Code.

5 4.421(b)(1) The defendant has engaged in violent conduct that indicates a serious danger
6 to society.

7 4.421(b)(2) The defendant's prior convictions as an adult and sustained petitions in
8 juvenile delinquency proceedings are numerous and of increasing seriousness.

9 4.421(b)(3) The defendant has served a prior term in prison and county jail under section
10 1170(h).

11 4.421(b)(4) The defendant was on probation, mandatory supervision, post release
12 community supervision, and parole when the crime was committed.

13 4.421(b)(5) The defendant's prior performance on probation, mandatory supervision, post
14 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: September 12, 2023

4 DAN DOW
5 DISTRICT ATTORNEY

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8 By: _____
9 BEN G BLUMENTHAL
10 DEPUTY DISTRICT ATTORNEY
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SUMMARY PAGE					
Cnt	Charge	Range	Defendant(s)	Special Allegation	Effect
1	PC503	Check Code	Andrea Ruth Bowengardner		
2	PC503	Check Code	Andrea Ruth Bowengardner		
3	PC503	Check Code	Andrea Ruth Bowengardner		
4	PC503	Check Code	Andrea Ruth Bowengardner		
5	PC503	Check Code	Andrea Ruth Bowengardner		
6	PC503	Check Code	Andrea Ruth Bowengardner		
7	PC503	Check Code	Andrea Ruth Bowengardner		
8	PC503	Check Code	Andrea Ruth Bowengardner		
9	PC803(c)				
10	PC503	Check Code	Andrea Ruth Bowengardner		
11	PC503	Check Code	Andrea Ruth Bowengardner		
12	PC503	Check Code	Andrea Ruth Bowengardner		
13	PC503	Check Code	Andrea Ruth Bowengardner		
14	PC503	Check Code	Andrea Ruth Bowengardner		
15	PC503	Check Code	Andrea Ruth Bowengardner		
16	PC503	Check Code	Andrea Ruth Bowengardner		
17	PC503	Check Code	Andrea Ruth Bowengardner		
18	PC503	Check Code	Andrea Ruth Bowengardner		
19	PC503	Check Code	Andrea Ruth Bowengardner		
20	PC503	Check Code	Andrea Ruth Bowengardner		