

FILED

MAR 08 2021

SAN LUIS OBISPO SUPERIOR COURT

BY *D. Roberts*
D. Roberts, Deputy Clerk

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

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SAN LUIS OBISPO
10 DEPARTMENT 1

11 THE PEOPLE OF THE STATE OF
12 CALIFORNIA

Plaintiff,

COURT CASE NO. 18F-00491

THIRD AMENDED INFORMATION

13 vs.

14 **ALFONSO ALARCONNUNEZ**
15 DOB: 04/22/1978 ID NO. D000427636
16 AKA BRUSH BAT, BRUNO DIAZ, ALFONSO
17 NUNEZ

DA CASE NO. 079-621349

Defendant.

Appearance Date: March 5, 2021

18
19 The District Attorney of the San Luis Obispo County, California, hereby accuses the
20 above named defendant of the following criminal offenses:

21 Count 1

22 On or about and in between December 17, 2017 and December 18, 2017, in the County of
23 San Luis Obispo, State of California, the crime of Assault To Commit A Felony During The
24 Commission Of A First Degree Burglary in violation of PC220(b), a Felony, was committed
25 in that ALFONSO ALARCONNUNEZ did during the commission of a first degree burglary
26 assault [REDACTED] Doe, with the intent to commit rape, sodomy, oral copulation and a
27 violation of sections 264.1, 288, and 289.
28

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

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

4 NOTICE: Being charged with this criminal offense can result in mandatory pre-conviction
5 HIV/AIDS testing and disclosure of the results to a victim and the Chief Medical Officer of
6 the jail or prison facility where you are incarcerated pursuant to Penal Code Section
7 1524.1 and Health and Safety Code section 121055 following a probable cause hearing
8 resulting in a court order.

9 Count 2

10 On or between December 17, 2017 and December 18, 2017, in the County of San Luis
11 Obispo, State of California, the crime of Rape By Use Of Drugs in violation of PC261(a)(3),
12 a Felony, was committed in that ALFONSO ALARCONNUNEZ did unlawfully have and
13 accomplish an act of sexual intercourse with a person, to wit, [REDACTED] Doe, not his/her
14 spouse, where said person was prevented from resisting by an intoxicating, anesthetic,
15 and controlled substance, and this condition was known, and reasonably should have
16 been known by the defendant.

17 NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
18 1192.7(c).

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

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

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

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Count 3

On or between December 17, 2017 and December 18, 2017, in the County of San Luis Obispo, State of California, the crime of First Degree Burglary, Person Present in violation of PC459, a Felony, was committed in that ALFONSO ALARCONNUNEZ did enter an inhabited dwelling house and trailer coach and inhabited portion of a building occupied by ██████████ Doe, with the intent to commit larceny and any felony.

It is further alleged that the above offense is a violation of Penal Code Section 462(a). It is further alleged that the above offense is a violent felony within the meaning of Penal Code 667.5(c) in that another person, other than an accomplice, was present in the residence during the commission of the above offense.

NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c).

Count 4

On or about and in between December 17, 2017 and December 18, 2017, in the County of San Luis Obispo, State of California, the crime of Assault To Commit A Felony During The Commission Of A First Degree Burglary in violation of PC220(b), a Felony, was committed in that ALFONSO ALARCONNUNEZ did during the commission of a first degree burglary assault ██████████ Doe, with the intent to commit rape, sodomy, oral copulation and a violation of sections 264.1, 288, and 289.

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

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

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 5

On or between December 17, 2017 and December 18, 2017, in the County of San Luis Obispo, State of California, the crime of Oral Copulation By Anesthesia Or Controlled Substance in violation of PC288A(i), a Felony, was committed in that ALFONSO ALARCONNUNEZ did unlawfully commit an act of oral copulation upon [REDACTED] Doe who 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: 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 6

On or about January 14, 2018, in the County of San Luis Obispo, State of California, the crime of Forcible Rape in violation of PC261(a)(2), a Felony, was committed in that ALFONSO ALARCONNUNEZ did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, [REDACTED] Doe, not his/her spouse, against said person's will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on said person and another.

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.

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

3 NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
4 1192.7(c) and a violent felony within the meaning of Penal Code Section 667.5(c)

5 Enhancement -

6 PC667.61(a) and (d): Spec Alleg-Sex Crimes - Aggravated Circumstances

7 It is further alleged, within the meaning of Penal Code sections 667.61(a) and (d), as to
8 defendant, ALFONSO ALARCONNUNEZ, as to count 5 that the following circumstances
9 apply: Residential burglary with sex intent.

10 Count 7

11 On or about January 14, 2018, in the County of San Luis Obispo, State of California, the
12 crime of Rape By Use Of Drugs in violation of PC261(a)(3), a Felony, was committed in
13 that ALFONSO ALARCONNUNEZ did unlawfully have and accomplish an act of sexual
14 intercourse with a person, to wit, [REDACTED] Doe, not his/her spouse, where said person was
15 prevented from resisting by an intoxicating, anesthetic, and controlled substance, and this
16 condition was known, and reasonably should have been known by the defendant.

17 NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
18 1192.7(c).

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

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

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

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Count 8

On or about January 14, 2018, in the County of San Luis Obispo, State of California, the crime of First Degree Burglary, Person Present in violation of PC459, a Felony, was committed in that ALFONSO ALARCONNUNEZ did enter an inhabited dwelling house and trailer coach and inhabited portion of a building occupied by [REDACTED] Doe, with the intent to commit larceny and any felony.

NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c). It is further alleged that the above offense is a violation of Penal Code Section 462(a). It is further alleged that the above offense is a violent felony within the meaning of Penal Code 667.5(c) in that another person, other than an accomplice, was present in the residence during the commission of the above offense.

Count 9

On or between January 14, 2018, in the County of San Luis Obispo, State of California, the crime of Grand Theft Of Personal Property in violation of PC487(a), a Felony, was committed in that ALFONSO ALARCONNUNEZ did unlawfully take money and personal property of a value exceeding Nine Hundred Fifty Dollars (\$950), to wit personal the property of [REDACTED] Doe.

Count 10

On or about January 5, 2018, in the County of San Luis Obispo, State of California, the crime of First Degree Burglary, Person Present in violation of PC459, a Felony, was committed in that ALFONSO ALARCONNUNEZ did enter an inhabited dwelling house and trailer coach and inhabited portion of a building occupied by [REDACTED] Doe, with the intent to commit larceny and any felony.

NOTICE: The above offense is a serious felony within the meaning of Penal Code Section 1192.7(c). It is further alleged that the above offense is a violation of Penal Code Section 462(a). It is further alleged that the above offense is a violent felony within the meaning of Penal Code 667.5(c) in that another person, other than an accomplice, was present in the residence during the commission of the above offense.

Count 11

On or about January 5, 2018, in the County of San Luis Obispo, State of California, the crime of Assault To Commit A Felony During The Commission Of A First Degree Burglary in violation of PC220(b), a Felony, was committed in that ALFONSO ALARCONNUNEZ did during the commission of a first degree burglary assault [REDACTED] Doe, with the intent to commit rape, sodomy, oral copulation and a violation of sections 264.1, 288, and 289.

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

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

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 12

On or between July 15, 2017 and July 16, 2017, in the County of Santa Barbara, State of California, the crime of Assault With Intent To Commit A Felony in violation of PC220(a)(1), a Felony, was committed in that ALFONSO ALARCONNUNEZ did unlawfully assault [REDACTED] Doe, with the intent to commit rape, sodomy, oral copulation and a violation of sections 264.1, 288 and 289.

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

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

Count 13

On or between July 15, 2017 and July 16, 2017, in the County of San Luis Obispo, State of California, the crime of First Degree Residential Burglary in violation of PC459, a Felony, was committed in that ALFONSO ALARCONNUNEZ did enter an inhabited dwelling house

1 and trailer coach and inhabited portion of a building occupied by [REDACTED] Doe, with the intent
2 to commit larceny and any felony.

3 NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
4 1192.7(c). It is further alleged that the above offense is a violation of Penal Code Section
5 462(a).

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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: March 3, 2021

4 DAN DOW
5 DISTRICT ATTORNEY

6
7 *Mel Chabra*

8 By:
9 MELISSA CHABRA
10 DEPUTY DISTRICT ATTORNEY

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SUMMARY PAGE

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Cnt	Charge	Range	Defendant(s)	Special Allegation	Effect
1	PC220(b)	LIFE State Prison	Alfonso Alarconnunez		
2	PC261(a)(3)	3-6-8 State Prison	Alfonso Alarconnunez		
3	PC459	2-4-6 PSP State Prison	Alfonso Alarconnunez		
4	PC220(b)	LIFE State Prison	Alfonso Alarconnunez		
5	PC288A(i)	3-6-8 State Prison	Alfonso Alarconnunez		
6	PC261(a)(2)	3-6-8* State Prison	Alfonso Alarconnunez		
7	PC667.61(a) and (d) PC261(a)(3)	3-6-8 State Prison	Alfonso Alarconnunez		
8	PC459	2-4-6 PSP State Prison	Alfonso Alarconnunez		
9	PC487(a)	16-2-3	Alfonso Alarconnunez		
10	PC459	2-4-6 PSP State Prison	Alfonso Alarconnunez		
11	PC220(b)	LIFE State Prison	Alfonso Alarconnunez		
12	PC220(a)(1)	2-4-6 State Prison	Alfonso Alarconnunez		
13	PC459	2-4-6 PSP State Prison	Alfonso Alarconnunez		