

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

FILED
OCT 19 2021

SAN LUIS OBISPO SUPERIOR COURT
BY K. Phillips
K. Phillips, Deputy Clerk

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. 19F-07233

SECOND AMENDED INFORMATION

13 vs.

14 **MICHAEL ANTHONY BRIANS**
15 DOB: 11/23/1960 ID NO. D000149954
16 AKA MICHAEL A. BRIANS

DA CASE NO. 079-644660

17 Defendant.

Appearance Date: October 19, 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 between August 10, 1992 and August 9, 2000, in the County of San Luis Obispo,
23 State of California, the crime of Lewd Act Upon A Child in violation of PC288(a), a Felony,
24 was committed in that MICHAEL ANTHONY BRIANS did willfully, unlawfully, and lewdly
25 commit a lewd and lascivious act upon and with the body and certain parts and members
26 thereof of [REDACTED] a child under the age of fourteen years, with the intent of arousing,
27 appealing to, and gratifying the lust, passions, and sexual desires of the said defendant
28 and the said child, to wit: hand to vagina.

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

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

10 Enhancement

11 PC667.61(b) and (e): Spec Alleg-Sex Crimes - Aggravated Circumstances

12 It is further alleged, within the meaning of Penal Code section 667.61(b)and (e), as to
13 defendant, MICHAEL ANTHONY BRIANS, as to count 1, 2, 3, 4, 5, 6, 7, 8 and 9 that the
14 following circumstances apply: **multiple victims**.

15 Enhancement

16 PC1203.066(a)(8): Spec Alleg-**Substantial Sexual Conduct**-288, 288.5

17 It is further alleged pursuant to Penal Code section 1203.066(a)(8) as to count 1 that the
18 victim, [REDACTED], in the above offense was under the age of 14 years and the
19 defendant, MICHAEL ANTHONY BRIANS had substantial sexual conduct with [REDACTED]

20 [REDACTED]
21 Enhancement

22 PC803(f): Spec Alleg-**Statute Of Limitations**-Minor

23 It is further alleged, pursuant to Penal Code section 803(f), as to count 1 that the victim in
24 the above offense is under 18 years of age when the offense occurred and reported the
25 offense to a responsible adult and agency on 09-19-2019.

1 **Count 2**

2 On or between August 10, 1992 and August 9, 2000, in the County of San Luis Obispo,
3 State of California, the crime of Lewd Act Upon A Child in violation of PC288(a), a Felony,
4 was committed in that MICHAEL ANTHONY BRIANS did willfully, unlawfully, and lewdly
5 commit a lewd and lascivious act upon and with the body and certain parts and members
6 thereof of [REDACTED], a child under the age of fourteen years, with the intent of arousing,
7 appealing to, and gratifying the lust, passions, and sexual desires of the said defendant
8 and the said child, to wit: mouth to vagina.

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10 NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
11 1192.7(c).

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

14 NOTICE: Being charged with this criminal offense can result in mandatory pre-conviction
15 HIV/AIDS testing and disclosure of the results to a victim and the Chief Medical Officer of
16 the jail or prison facility where you are incarcerated pursuant to Penal Code Section
17 1524.1 and Health and Safety Code section 121055 following a probable cause hearing
18 resulting in a court order.

19 **Enhancement**

20 PC667.61(b) and (e): Spec Alleg-Sex Crimes - Aggravated Circumstances

21 It is further alleged, within the meaning of Penal Code section 667.61(b)and (e), as to
22 defendant, MICHAEL ANTHONY BRIANS, as to count 1, 2, 3, 4, 5, 6, 7, 8 and 9 that the
23 following circumstances apply: **multiple victims**.

24 **Enhancement**

25 PC1203.066(a)(8): Spec Alleg-**Substantial Sexual Conduct**-288, 288.5

26 It is further alleged pursuant to Penal Code section 1203.066(a)(8) as to count 2 that the
27 victim, [REDACTED], in the above offense was under the age of 14 years and the
28

1 defendant, MICHAEL ANTHONY BRIANS had substantial sexual conduct with [REDACTED]

2 [REDACTED]

3 Enhancement

4 PC803(f): Spec Alleg-**Statute Of Limitations**-Minor

5 It is further alleged, pursuant to Penal Code section 803(f), as to count 2 that the victim in
6 the above offense is under 18 years of age at the time the offense occurred and reported
7 the offense to a responsible adult and agency on 09-19-2019.

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9 **Count 3**

10 On or between August 10, 1992 and August 9, 2000, in the County of San Luis
11 Obispo, State of California, the crime of Lewd Act Upon A Child in violation of PC288(a), a
12 Felony, was committed in that MICHAEL ANTHONY BRIANS did willfully, unlawfully, and
13 lewdly commit a lewd and lascivious act upon and with the body and certain parts and
14 members thereof of [REDACTED] [REDACTED], a child under the age of fourteen years, with the intent of
15 arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said
16 defendant and the said child, to wit: mouth to penis.

17
18 NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
19 1192.7(c).

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

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

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Enhancement

PC667.61(b) and (e): Spec Alleg-Sex Crimes - Aggravated Circumstances

It is further alleged, within the meaning of Penal Code section 667.61(b)and (e), as to defendant, MICHAEL ANTHONY BRIANS, as to count 1, 2, 3, 4, 5, 6, 7, 8 and 9 that the following circumstances apply: **multiple victims**.

Enhancement

PC1203.066(a)(8): Spec Alleg-Substantial Sexual Conduct-288, 288.5

It is further alleged pursuant to Penal Code section 1203.066(a)(8) as to count 3 that the victim, [REDACTED] in the above offense was under the age of 14 years and the defendant, MICHAEL ANTHONY BRIANS had substantial sexual conduct with [REDACTED]

Enhancement

PC803(f): Spec Alleg-Statute Of Limitations-Minor

It is further alleged, pursuant to Penal Code section 803(f), as to count 3 that the victim in the above offense is under 18 years of age at the time the offense occurred and reported the offense to a responsible adult and agency on 09-19-2019.

Count 4

On or between August 10, 1992 and August 9, 2000, in the County of San Luis Obispo, State of California, the crime of Lewd Act Upon A Child in violation of PC288(a), a Felony, was committed in that MICHAEL ANTHONY BRIANS did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of [REDACTED], a child under the age of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said defendant and the said child, to wit: penis to vagina.

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

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

10 Enhancement

11 PC667.61(b) and (e): Spec Alleg-Sex Crimes - Aggravated Circumstances

12 It is further alleged, within the meaning of Penal Code section 667.61(b)and (e), as to
13 defendant, MICHAEL ANTHONY BRIANS, as to count 1, 2, 3, 4, 5, 6, 7, 8 and 9 that the
14 following circumstances apply: **multiple victims**.

15 Enhancement

16 PC1203.066(a)(8): Spec Alleg-**Substantial Sexual Conduct**-288, 288.5

17 It is further alleged pursuant to Penal Code section 1203.066(a)(8) as to count 4 that the
18 victim, [REDACTED] in the above offense was under the age of 14 years and the
19 defendant, MICHAEL ANTHONY BRIANS had substantial sexual conduct with [REDACTED]

20 [REDACTED]

21 Enhancement

22 PC803(f): Spec Alleg-**Statute Of Limitations**-Minor

23 It is further alleged, pursuant to Penal Code section 803(f), as to count 4 that the victim in
24 the above offense was under 18 years of age at the time of the offense and reported the
25 offense to a responsible adult and agency on 09-19-2019.

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Count 5

On or between August 10, 1992 and August 9, 2000, in the County of San Luis Obispo, State of California, the crime of Sexual Penetration By Foreign Object in violation of PC289(j), a Felony, was committed in that MICHAEL ANTHONY BRIANS committed an act of sexual penetration against [REDACTED] who was under the age of 14 years and more than 10 years younger than 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 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.

Enhancement

PC667.61(b) and (e): Spec Alleg-Sex Crimes - Aggravated Circumstances

It is further alleged, within the meaning of Penal Code section 667.61(b)and (e), as to defendant, MICHAEL ANTHONY BRIANS, as to count 1, 2, 3, 4, 5, 6, 7, 8, 9 that the following circumstances apply: **multiple victims**.

Enhancement

PC1203.066(a)(8): Spec Alleg-**Substantial Sexual Conduct**-288, 288.5

It is further alleged pursuant to Penal Code section 1203.066(a)(8) as to count 5 that the victim, [REDACTED], in the above offense was under the age of 14 years and the defendant, MICHAEL ANTHONY BRIANS had substantial sexual conduct with [REDACTED]

Enhancement

PC803(f): Spec Alleg-**Statute Of Limitations**-Minor

1 It is further alleged, pursuant to Penal Code section 803(f), as to count 5 that the victim in
2 the above offense was under 18 years of age at the time of the offense and reported the
3 offense to a responsible adult and agency on 09-19-2019.

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5 **Count 6**

6 On or between July 24, 1997 and July 23, 2001, in the County of San Luis Obispo,
7 State of California, the crime of Lewd Act Upon A Child in violation of PC288(a), a Felony,
8 was committed in that MICHAEL ANTHONY BRIANS did willfully, unlawfully, and lewdly
9 commit a lewd and lascivious act upon and with the body and certain parts and members
10 thereof of [REDACTED], a child under the age of fourteen years, with the intent of
11 arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said
12 defendant and the said child, to wit: hand to vagina.

13
14 NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
15 1192.7(c).

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 **Enhancement**

24 PC667.61(b) and (e): Spec Alleg-Sex Crimes - Aggravated Circumstances

25 It is further alleged, within the meaning of Penal Code section 667.61(b)and (e), as to
26 defendant, MICHAEL ANTHONY BRIANS, as to count 1, 2, 3, 4, 5, 6, 7, 8 and 9 that the
27 following circumstances apply: **multiple victims**.

28 **Enhancement**

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AMENDED INFORMATION

1 PC1203.066(a)(8): Spec Alleg-**Substantial Sexual Conduct**-288, 288.5

2 It is further alleged pursuant to Penal Code section 1203.066(a)(8) as to count 6 that the
3 victim, [REDACTED], in the above offense was under the age of 14 years and the
4 defendant, MICHAEL ANTHONY BRIANS had substantial sexual conduct with [REDACTED]
5 [REDACTED]

6 Enhancement

7 PC803(f): Spec Alleg-**Statute Of Limitations**-Minor

8 It is further alleged, pursuant to Penal Code section 803(f), as to count 6 that the victim in
9 the above offense was under 18 years of age at the time of the offense and reported the
10 offense to a responsible adult and agency on 09-19-2019.

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Count 7

14 On or between July 24, 1997 and July 23, 2001, in the County of San Luis Obispo, State of
15 California, the crime of Lewd Act Upon A Child in violation of PC288(a), a Felony, was
16 committed in that MICHAEL ANTHONY BRIANS did willfully, unlawfully, and lewdly
17 commit a lewd and lascivious act upon and with the body and certain parts and members
18 thereof of [REDACTED], a child under the age of fourteen years, with the intent of
19 arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said
20 defendant and the said child, to wit: hand to vagina.

21 NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
22 1192.7(c).

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

25 NOTICE: Being charged with this criminal offense can result in mandatory pre-conviction
26 HIV/AIDS testing and disclosure of the results to a victim and the Chief Medical Officer of
27 the jail or prison facility where you are incarcerated pursuant to Penal Code Section
28

1 1524.1 and Health and Safety Code section 121055 following a probable cause hearing
2 resulting in a court order.

3 Enhancement

4 PC667.61(b) and (e): Spec Alleg-Sex Crimes - Aggravated Circumstances

5 It is further alleged, within the meaning of Penal Code section 667.61(b)and (e), as to
6 defendant, MICHAEL ANTHONY BRIANS, as to count 1, 2, 3, 4, 5, 6, 7, 8 and 9 that the
7 following circumstances apply: **multiple victims.**

8 Enhancement

9 PC1203.066(a)(8): Spec Alleg-**Substantial Sexual Conduct**-288, 288.5

10 It is further alleged pursuant to Penal Code section 1203.066(a)(8) as to count 7 that the
11 victim, [REDACTED], in the above offense was under the age of 14 years and the
12 defendant, MICHAEL ANTHONY BRIANS had substantial sexual conduct with [REDACTED]

14 Enhancement

15 PC803(f): Spec Alleg-**Statute Of Limitations**-Minor

16 It is further alleged, pursuant to Penal Code section 803(f), as to count 7 that the victim in
17 the above offense was under 18 years of age at the time of the offense and reported the
18 offense to a responsible adult and agency on 09-19-2019.

21 **Count 8**

22 On or between September 23, 2012 and September 22, 2016, in the County of San Luis
23 Obispo, State of California, the crime of Lewd Act Upon A Child in violation of PC288(a), a
24 Felony, was committed in that MICHAEL ANTHONY BRIANS did willfully, unlawfully, and
25 lewdly commit a lewd and lascivious act upon and with the body and certain parts and
26 members thereof of [REDACTED], a child under the age of fourteen years, with the intent of
27 arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said
28 defendant and the said child, to wit, hand to body.

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: Pursuant to Penal Code Sections 11166 and 11168, a Suspected Child Abuse
4 Report (SCAR) may have been generated in this case. Penal Code Section 11167 and
5 11167.5 limit access to a SCAR. A protective order issued by a court is necessary to
6 obtain a copy of the report.

7 NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
8 1192.7(c) and a violent felony within the meaning of Penal Code Section 667.5(c)

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

12
13 **Enhancement**

14 **PC667.61(b) and (e): Spec Alleg-Sex Crimes - Aggravated Circumstances**

15 It is further alleged, within the meaning of Penal Code section 667.61(b)and (e), as to
16 defendant, MICHAEL ANTHONY BRIANS, as to count 1, 2, 3, 4, 5, 6, 7, 8 and 9 that the
17 following circumstances apply: **multiple victims**.

18
19 **Count 9**

20 On or between September 23, 2012 and September 22, 2016, in the County of San Luis
21 Obispo, State of California, the crime of Lewd Act Upon A Child in violation of PC288(a), a
22 Felony, was committed in that MICHAEL ANTHONY BRIANS did willfully, unlawfully, and
23 lewdly commit a lewd and lascivious act upon and with the body and certain parts and
24 members thereof of [REDACTED], a child under the age of fourteen years, with the intent of
25 arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said
26 defendant and the said child, to wit: mouth to body.

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

1 NOTICE: Pursuant to Penal Code Sections 11166 and 11168, a Suspected Child Abuse
2 Report (SCAR) may have been generated in this case. Penal Code Section 11167 and
3 11167.5 limit access to a SCAR. A protective order issued by a court is necessary to
4 obtain a copy of the report.

5 NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
6 1192.7(c) and a violent felony within the meaning of Penal Code Section 667.5(c).

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

10
11 Enhancement

12 PC667.61(b) and (e): Spec Alleg-Sex Crimes - Aggravated Circumstances

13 It is further alleged, within the meaning of Penal Code section 667.61(b)and (e), as to
14 defendant, MICHAEL ANTHONY BRIANS, as to counts 1, 2, 3, 4, 5, 6, 7, 8 and 9 that the
15 following circumstances apply: **multiple victims**.

16
17 The People hereby give notice of the People's intent to admit evidence of prior sexual acts
18 pursuant to Evidence Code section 1108. These incidents include the prior incident(s)
19 described in the police report, chronological report, and/or tapes already provided, and
20 other alleged incidents of abuse, which will be provided as they are obtained by the
21 prosecution.

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 15, 2021

4 DAN DOW
5 DISTRICT ATTORNEY

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8 By: _____
9 DANIELLE E BAKER
10 DEPUTY DISTRICT ATTORNEY

SUMMARY PAGE

Cnt	Charge	Range	Defendant(s)	Special Allegation	Effect
1	PC288(a) PC667.61(b) and (e), PC1203.066(a)(8), PC803(f)	3-6-8 State Prison	Michael Anthony Brians		
2	PC288(a) PC667.61(b) and (e), PC1203.066(a)(8), PC803(f)	3-6-8 State Prison	Michael Anthony Brians		
3	PC288(a) PC667.61(b) and (e), PC1203.066(a)(8), PC803(f)	3-6-8 State Prison	Michael Anthony Brians		
4	PC288(a) PC667.61(b) and (e), PC1203.066(a)(8), PC803(f)	3-6-8 State Prison	Michael Anthony Brians		
5	PC289(a)(1) PC667.61(b) and (e), PC1203.066(a)(8), PC803(f)	3-6-8* State Prison	Michael Anthony Brians		
6	PC288(a) PC667.61(b) and (e), PC1203.066(a)(8) PC803(f)	3-6-8 State Prison	Michael Anthony Brians		
7	PC288(a) PC667.61(b) and (e), PC1203.066(a)(8) PC803(f)	3-6-8 State Prison	Michael Anthony Brians		
8	PC288(a) PC667.61(b) and (e)	3-6-8 State Prison	Michael Anthony Brians		
9	PC288(a)	3-6-8 State Prison	Michael Anthony Brians		

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	PC667.61(b) and (e)				
10	EC1108	Not Applicable	Michael Anthony Brians		