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APR 09 2024

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

SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN LUIS OBISPO DEPARTMENT

10 COURT CASE NO. 23F-06414 THE PEOPLE OF THE STATE OF 11 CALIFORNIA AMENDED COMPLAINT 12 Plaintiff. 13 VS. 14 JOSHUA LEE ARNOLD DA CASE NO. 079-692142 DOB: 04/11/1982 ID NO. D000458610 15 CII: A11673260 16 17 Defendant. Appearance Date: 18

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

Count 1

On or about August 17, 2023, in the County of San Luis Obispo, State of California, the crime of Willful, Deliberate, And Premeditated Attempted Murder in violation of PC664/PC187(a), a Felony, was committed in that JOSHUA LEE ARNOLD did unlawfully and with malice aforethought attempt to murder M.V., a human being. It is further alleged that the aforesaid attempted murder was committed willfully, deliberately and with

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Enhancement 3

PC12022.5(a): Spec Alleg-Use Of Firearm

It is further alleged as to count 1 that in the commission and attempted commission of the above offense, the said defendant, JOSHUA LEE ARNOLD, personally used a firearm(s), to wit: Handgun, within the meaning of Penal Code section 12022.5(a) also causing the above offense to become a serious felony pursuant to Penal Code section 1192.7(c)(8) and a violent felony within the meaning of Penal Code section 667.5(c)(8).

Count 2

On or about August 17, 2023, in the County of San Luis Obispo, State of California, the crime of Willful, Deliberate, And Premeditated Attempted Murder in violation of PC664/PC187(a), a Felony, was committed in that JOSHUA LEE ARNOLD did unlawfully and with malice aforethought attempt to murder B.M., a human being. It is further alleged that the aforesaid attempted murder was committed willfully, deliberately and with premeditation within the meaning of Penal Code section 189 and is a serious felony pursuant to Penal Code section 1192.7(c).

Enhancement 4

PC12022.53(d): Spec Alleg-Personal And Intentional Discharge Of A Firearm, Gbi It is further alleged as to count 2 that said defendant, JOSHUA LEE ARNOLD personally and intentionally discharged a firearm, a handgun, which caused great bodily injury and death to B.M. within the meaning of Penal Code Section 12022.53(d) also causing the above offense to become a serious felony pursuant to Penal Code section 1192.7(c)(8) and a violent felony within the meaning of Penal Code section 667.6(c)(8). It is further alleged as to count 2 that said defendant, JOSHUA LEE ARNOLD personally and intentionally discharged a firearm, a handgun, within the meaning of Penal Code Section 12022.53(c) also causing the above offense to become a serious felony pursuant to Penal Code section 1192.7(c)(8) and a violent felony within the meaning of Penal Code section 667.5(c)(8).

Enhancement

PC12022.53(c): Spec Alleg-Personal And Intentional Discharge Of A Firearm It is further alleged as to count 3 that said defendant, JOSHUA LEE ARNOLD personally and intentionally discharged a firearm, a handgun, within the meaning of Penal Code Section 12022.53(c) also causing the above offense to become a serious felony pursuant to Penal Code section 1192.7(c)(8) and a violent felony within the meaning of Penal Code section 667.5(c)(8).

It is further alleged as to count 3 that said defendant, JOSHUA LEE ARNOLD personally used a firearm, a handgun, within the meaning of Penal Code Section 12022.53(b) also causing the above offense to become a serious felony pursuant to Penal Code section 1192.7(c)(8) and a violent felony within the meaning of Penal Code section 667.5(c)(8).

Enhancement



PC12022.5(a): Spec Alleg-Use Of Firearm

It is further alleged as to count 3 that in the commission and attempted commission of the above offense, the said defendant, JOSHUA LEE ARNOLD, personally used a firearm(s), to wit: Handgun, within the meaning of Penal Code section 12022.5(a) also causing the above offense to become a serious felony pursuant to Penal Code section 1192.7(c)(8) and a violent felony within the meaning of Penal Code section 667.5(c)(8).

Count 4

On or about August 17, 2023, in the County of San Luis Obispo, State of California, the crime of Attempted Second Degree Robbery in violation of PC664/PC211, a Felony, was committed in that JOSHUA LEE ARNOLD attempted to unlawfully, and by means of force and fear take personal property from the person, possession, and immediate presence of M.V..

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

Enhancement

PC12022.53(d): Spec Alleg-Personal And Intentional Discharge Of A Firearm, Gbi It is further alleged as to Count 4 that said defendant, JOSHUA LEE ARNOLD personally and intentionally discharged a firearm, a handgun, which caused great bodily injury and death to M.V. within the meaning of Penal Code Section 12022.53(d) also causing the above offense to become a serious felony pursuant to Penal Code section 1192.7(c)(8) and a violent felony within the meaning of Penal Code section 667.6(c)(8).

It is further alleged as to Count 4 that said defendant, JOSHUA LEE ARNOLD personally and intentionally discharged a firearm, a handgun, within the meaning of Penal Code Section 12022.53(c) also causing the above offense to become a serious felony pursuant to Penal Code section 1192.7(c)(8) and a violent felony within the meaning of Penal Code section 667.5(c)(8).

It is further alleged as to Count 4 that said defendant, JOSHUA LEE ARNOLD personally used a firearm, a handgun, within the meaning of Penal Code Section 12022.53(b) also causing the above offense to become a serious felony pursuant to Penal Code section 1192.7(c)(8) and a violent felony within the meaning of Penal Code section 667.5(c)(8).

Enhancement / 0

PC12022.7(a): Spec Alleg-Great Bodily Injury

It is further alleged as to Count 4 that in the commission of the above offense the said defendant, JOSHUA LEE ARNOLD, personally inflicted great bodily injury upon M.V., not an accomplice to the above offense, within the meaning of Penal Code Section 12022.7(a) and also causing the above offense to become a serious felony within the meaning of Penal Code Section 1192.7(c)(8).NOTICE: This offense is a serious felony and a violent felony within the meaning of Penal Code sections 1192.7(c)(8) and 667.5(c)(8)

Count 5

On or about August 17, 2023, in the County of San Luis Obispo, State of California, the crime of Dissuading A Witness By Force Or Threat in violation of PC136.1(c)(1), a Felony,

1	NOTICE: The above offense is a serious felony within the meaning of Penal Code Section						
2	1192.7(c).						
3	Enhancement 13						
4	PC12022.5(a): Spec Alleg-Use Of Firearm						
5	It is further alleged as to Count 6 that in the commission and attempted commission of the						
6	above offense, the said defendant, JOSHUA LEE ARNOLD, personally used a firearm(s),						
7	to wit: 9mm handgun, within the meaning of Penal Code section 12022.5(a) also causing						
8	the above offense to become a serious felony pursuant to Penal Code section 1192.7(c)(8						
9	and a violent felony within the meaning of Penal Code section 667.5(c)(8).						
10	Count 7						
11	On or about August 17, 2023, in the County of San Luis Obispo, State of California, the						
12	crime of Attempted Carjacking in violation of PC664/PC215(a), a Felony, was committed in						
13	that JOSHUA LEE ARNOLD did unlawfully attempt to take a motor vehicle in the						
14	possession of F.R. from his or her person and immediate presence and from the person						
15	and immediate presence of a passenger of said motor vehicle, against the will and with the						
16	intent to permanently and temporarily deprive the person in possession of the motor						
17	vehicle of the possession and accomplished by means of force and fear.						
18	NOTICE: The above offense is a violent felony within the meaning of Penal Code 667.5(c).						
19	NOTICE: The above offense is a serious felony within the meaning of Penal Code Section						
20	1192.7(c).						
21	Enhancement 14						
22	PC12022.53(d): Spec Alleg-Personal And Intentional Discharge Of A Firearm, Gbi						
23	It is further alleged as to Count 7 that said defendant, JOSHUA LEE ARNOLD personally						
24	and intentionally discharged a firearm, a handgun, which caused great bodily injury and						
25	death to B.M. within the meaning of Penal Code Section 12022.53(d) also causing the						
26	above offense to become a serious felony pursuant to Penal Code section 1192.7(c)(8)						
27	and a violent felony within the meaning of Penal Code section 667.6(c)(8).						

417(c) mandates imprisonment for at least six months if probation is granted or the execution or imposition of sentence is suspended.

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

Enhancement 14

PC12022.53(d): Spec Alleg-Personal And Intentional Discharge Of A Firearm, Gbi It is further alleged as to Count 8 that said defendant, JOSHUA LEE ARNOLD personally and intentionally discharged a firearm, a handgun, which caused great bodily injury and death to B.M. within the meaning of Penal Code Section 12022.53(d) also causing the above offense to become a serious felony pursuant to Penal Code section 1192.7(c)(8) and a violent felony within the meaning of Penal Code section 667.6(c)(8).

Enhancement (

PC12022.7(a): Spec Alleg-Great Bodily Injury

It is further alleged as to Count 8 that in the commission of the above offense the said defendant, JOSHUA LEE ARNOLD, personally inflicted great bodily injury upon B.M., not an accomplice to the above offense, within the meaning of Penal Code Section 12022.7(a) and also causing the above offense to become a serious felony within the meaning of Penal Code Section 1192.7(c)(8).NOTICE: This offense is a serious felony and a violent felony within the meaning of Penal Code sections 1192.7(c)(8) and 667.5(c)(8)

Count 9

On or about August 17, 2023, in the County of San Luis Obispo, State of California, the crime of Possession Of Firearm By A Felon - Prior(S) in violation of PC29800(a)(1), a Felony, was committed in that JOSHUA LEE ARNOLD did unlawfully own, possess, purchase, receive, and have custody and control of a firearm, to wit, handgun, the said defendant having theretofore been duly and legally convicted of a felony or felonies, to wit:

	Charge	s	Off. Date	Disp. Date	Sent. Date	Court #	Jurisdiction
ш	Penal Code Section 273.5 / 12022.7 Domestic Violence with	F		02-17- 2016	02-17- 2016	PCF330019	Tulare

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Count 10

Court #

VCF253131Tulare

Jurisdiction

On or about August 17, 2023, in the County of San Luis Obispo, State of California, the crime of Possession Of Ammunition in violation of PC30305(a)(1), a Felony, was committed in that JOSHUA LEE ARNOLD did unlawfully own, possess and have under control ammunition and reloaded ammunition. It is further alleged that the defendant is prohibited from owning or possessing a firearm pursuant to Chapter 2 and 3 of Division 9 and sections 8100 and 8103 of the Welfare and Institutions Code, having been previously convicted of the following offense(s):

Charge	s	Off. Date	Disp. Date	Sent. Date	Court #	Jurisdiction
Penal Code Section 273.5 / 12022.7 Domestic Violence with Great Bodily Injury	F			02-17- 2016	PCF330019	Tulare
Penal Code Section 459-2nd	F		06-06- 2011	06-06- 2011	VCF253131	Tulare

Count 11

On or about August 17, 2023, in the County of San Luis Obispo, State of California, the crime of Shoplifting in violation of PC459.5(A), a Misdemeanor, was committed in that JOSHUA LEE ARNOLD did willfully and unlawfully enter a commercial establishment, to wit, Kachi Smoke Shop, with intent to commit larceny, said establishment having been open during regular business hours.

Count 12

On or about August 17, 2023, in the County of San Luis Obispo, State of California, the crime of Assault With A Semiautomatic Firearm in violation of PC245(b), a Felony, was committed in that JOSHUA LEE ARNOLD did willfully and unlawfully commit an assault upon J.B. with a semiautomatic firearm.

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AMENDED COMPLAINT DA CASE NO. 079-692142

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1	4.421(a)(4) The defendant induced others to participate in the commission of the crime
2	and occupied a position of leadership and dominance of other participants in its
3	commission.
4	4.421(a)(5) The defendant induced a minor to commit and assist in the commission of the
5	crime.
6	4.421(a)(6) The defendant threatened witnesses, unlawfully prevented and dissuaded
7	witnesses from testifying, suborned perjury, and in any other way illegally interfered with
8	the judicial process.
9	4.421(a)(7) The defendant is charged with other crimes for which consecutive sentences
10	can be imposed but for which concurrent sentences shall be imposed.
11	4.421(a)(8) The manner in which the crime was carried out indicates planning,
12	sophistication, and professionalism.
13	4.421(a)(9) The crime involved an attempted or actual taking or damage of great monetary
14	value.
15	4.421(a)(10) The crime involved a large quantity of contraband.
16	4.421(a)(11) The defendant took advantage of a position of trust and confidence to commit
17	the offense.
18	4.421(a)(12) The crime constitutes a hate crime under section 422.55 of the Penal Code
19	and no hate crime enhancements under section 422.75 of the Penal Code shall be
20	imposed and the crime is not subject to sentencing under section 1170.8 of the Penal
21	Code.
22	4.421(b)(1) The defendant has engaged in violent conduct that indicates a serious danger
23	to society.
24	4.421(b)(2) The defendant's prior convictions as an adult and sustained petitions in
25	juvenile delinquency proceedings are numerous and of increasing seriousness.
26	4.421(b)(3) The defendant has served a prior term in prison and county jail under section
27	1170(h).
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1	4.421(b)(4) The defendant was on probation, mandatory supervision, post release						
2	community supervision, and parole when the crime was committed.						
3	4.421(b)(5) The defendant's prior performance on probation, mandatory supervision, post						
4	release community supervision, and parole was unsatisfactory.						
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1	SUMMARY PAGE							
2	Cnt	Charge	Range	Defendant(s)				
3	1	PC664/PC187(a)		Joshua Lee Arnold				
4		PC12022.53(d), PC12022.7(a),						
5		PC12022.5(a)	ļ					
6	2	PC664/PC187(a)		Joshua Lee Arnold				
7		PC12022.53(d), PC12022.7(a), PC12022.5(a)						
8	3	PC664/PC187(a)		Joshua Lee Arnold				
9		PC12022.53(c), PC12022.5(a)						
10	4	PC664/PC211		Joshua Lee Arnold				
11		PC12022.53(d), PC12022.7(a)						
12	5	PC136.1(c)(1)	1	Joshua Lee Arnold				
13		PC12022.5(a), PC12022.7(a)						
14	6	PC245(b)		Joshua Lee Arnold				
15		PC12022.5(a)						
16	7	PC664/PC215(a)	-	Joshua Lee Arnold				
17		PC12022.53(d), PC12022.7(a)						
18	8	PC246		Joshua Lee Arnold				
19		PC12022.53(d), PC12022.7(a)						
20	9	PC29800(a)(1)		Joshua Lee Arnold				
21	10	PC30305(a)(1)		Joshua Lee Arnold				
22	11	PC459.5(A)		Joshua Lee Arnold				
23	12	PC245(b)		Joshua Lee Arnold				
24	13	PC1170.12		Joshua Lee Arnold				
25	14	PC667(a)		Joshua Lee Arnold				
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27								
28			PA	GE - 16 -				

Special Allegation

Effect

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