

1 DAN DOW  
DISTRICT ATTORNEY  
2 STATE BAR #237986  
COUNTY OF SAN LUIS OBISPO  
3 COURTHOUSE ANNEX, 4TH FLOOR  
SAN LUIS OBISPO, CA 93408  
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ELECTRONICALLY  
FILED  
10/19/2023 11:37 AM

SAN LUIS OBISPO SUPERIOR COURT  
By: C. Perez,  
Deputy Clerk

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

10  
11 THE PEOPLE OF THE STATE OF  
CALIFORNIA

Plaintiff,

12  
13 vs.

14 **JAMES CLAYTON MCCURDY, JR**  
DOB: 02/10/1985  
15 ID NO. D000457700  
16 CII: A26415937

17  
18 Defendant.

COURT CASE NO. 23F-04969  
INFORMATION

**DA CASE NO. 079-689861**

19  
20 Appearance Date: October 31, 2023

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 January 13, 2023, in the County of San Luis Obispo, State of California, the  
25 crime of Criminal Threats in violation of PC422(a), a Felony, was committed in that JAMES  
26 CLAYTON MCCURDY JR did willfully and unlawfully threaten to commit a crime which  
27 would result in death or great bodily injury to [REDACTED], with the specific intent that the  
28 statement be taken as a threat. It is further alleged that the threatened crime, on its face  
and under the circumstances in which it was made, was so unequivocal, unconditional,

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INFORMATION

1 immediate and specific as to convey to [REDACTED] a gravity of purpose and an immediate  
2 prospect of execution. It is further alleged that the said [REDACTED] was reasonably in  
3 sustained fear of her safety or the safety of her immediate family.

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

6 Prior

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

Charge	S	Off. Date	Disp. Date	Sent. Date	Court #	Jurisdiction
PC 211/213 Attempted Second Degree Robbery	F		09-24-2008		CR141822	CASC Napa

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

16 4.421(a)(1) The crime involved great violence, great bodily harm, threat of great bodily  
17 harm, and other acts disclosing a high degree of cruelty, viciousness and callousness.

18 4.421(a)(2) The defendant was armed with or used a weapon at the time of the  
19 commission of the crime.

20 4.421(a)(3) The victim was particularly vulnerable.

21 4.421(a)(4) The defendant induced others to participate in the commission of the crime  
22 and occupied a position of leadership and dominance of other participants in its  
23 commission.

24 4.421(a)(5) The defendant induced a minor to commit and assist in the commission of the  
25 crime.  
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28

- 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 19, 2023

4 DAN DOW  
5 DISTRICT ATTORNEY

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8 By: \_\_\_\_\_  
9 GREGORY J. DEVITT  
10 DEPUTY DISTRICT ATTORNEY

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SUMMARY PAGE

Cnt	Charge	Range	Defendant(s)	Special Allegation	Effect
1	PC422(a)		James Clayton McCurdy Jr		
	PC1170.12		James Clayton McCurdy Jr		