

TULARE COUNTY SUPERIOR COURT DISTRICT
TULARE COUNTY SUPERIOR COURT DIVISION, STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff,

vs.

DA No. 08-023639

Court No. VCF223788

NICKEY DUANE STANE

DOB: 05-07-1967

**SECOND AMENDED
FELONY COMPLAINT**

AKA NICK DUANE STANE
AKA JOHN DOE
AKA DNA PROFILE:

STR BLUE PCR PROFILE RESULTS
D3S1358 vWA FGA D16S539
14,18 16,16 20,23 13,13

STR GREEN II PCR PROFILE RESULTS
AMELOGENIN D8S1179 D21S11 D18S51
XY 14,14 31,33.2 13,17

STR GREEN 1 PCR PROFILE RESULTS
AMELOGENIN THO1 TPOX CSF1PO
XY 6,9.3 8,11 10,10

STR YELLOW PCR PROFILE RESULTS
D5S818 D13S317 D7S820
11,11 11,12 9,10

Defendant(s).

The undersigned is informed and believes that:

COUNT 1

On or about July 30, 1999, in the County of Tulare, the crime of SEXUAL BATTERY BY RESTRAINT, in violation of PENAL CODE SECTION 243.4(a), a FELONY, was committed by **NICKEY DUANE STANE**, who did willfully and unlawfully touch an intimate part of S.T., while said person was unlawfully restrained by said DEFENDANT, and an accomplice, against the will of said person and for the purpose of sexual arousal, sexual gratification, and sexual abuse.

“NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 290. Willful failure to do so is a crime.”

SPECIAL ALLEGATION-USE OF FIREARM

It is further alleged, as to the above count, that in the commission and attempted commission of the offense, the said DEFENDANT, personally used a firearm , to wit: HANDGUN, within the meaning of Penal Code section 1203.06(a)(1) and 12022.5(a)(1) 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 September 26, 1999, in the County of Tulare, the crime of KIDNAPPING TO COMMIT ANOTHER CRIME, in violation of PENAL CODE SECTION 209(b)(1), a FELONY, was committed by **NICKEY DUANE STANE**, who did unlawfully kidnap and carry away A.G. to commit FORCIBLE ORAL COPULATION, A VIOLATION OF SECTION 288A(c)(2).

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

"NOTICE: Adjudication as ward of the court for this offense and a disposition to he California Youth Authority will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

SPECIAL ALLEGATION-PERSONAL USE OF A FIREARM

It is further alleged, as to the above count, that said DEFENDANT personally used a firearm, a HANDGUN, within the meaning of Penal Code Sections 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).

COUNT 3

On or about September 26, 1999, in the County of Tulare, the crime of ATTEMPTED FORCIBLE ORAL COPULATION, in violation of PENAL CODE SECTION 664/288A(c)(2), a FELONY, was committed by **NICKEY DUANE STANE**, did unlawfully attempt to participate in an act of oral copulation with A.G. and did attempt to accomplish said act against said victim's will by force, violence, duress, menace, and fear of immediate and unlawful bodily injury to said victim and to another.

“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 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 664/1202.1.”

“NOTICE: Conviction of this offense will require you to register pursuant to Penal Code SECTION 664/290. Willful failure to register is a crime.”

“NOTICE: Adjudication as a ward of the court for this offense and a disposition to the California Youth Authority will require you to provide specimens and samples pursuant to Penal Code SECTION 664/296. Willful refusal to provide the specimens and samples is a crime.”

SPECIAL ALLEGATION-PERSONAL USE OF A FIREARM

It is further alleged, as to the above count, that said DEFENDANT personally used a firearm, a HANDGUN, within the meaning of Penal Code Sections 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).

COUNT 4

On or about September 26, 1999, in the County of Tulare, the crime of SEXUAL BATTERY BY RESTRAINT, in violation of PENAL CODE SECTION 243.4(a), a FELONY, was committed by **NICKEY DUANE STANE**, who did willfully and unlawfully touch an intimate part of A.G., while said person was unlawfully restrained by said DEFENDANT, and an accomplice, against the will of said person and for the purpose of sexual arousal, sexual gratification, and sexual abuse.

“NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 290. Willful failure to do so is a crime.”

SPECIAL ALLEGATION-USE OF FIREARM

It is further alleged, as to the above count, that in the commission and attempted commission of the offense, the said DEFENDANT, personally used a firearm , to wit: HANDGUN, within the meaning of Penal Code section 1203.06(a)(1) and 12022.5(a)(1) 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 5

On or about September 26, 1999, in the County of Tulare, the crime of SEXUAL BATTERY BY RESTRAINT, in violation of PENAL CODE SECTION 243.4(a), a FELONY, was committed by **NICKEY DUANE STANE**, who did willfully and unlawfully touch an intimate part of A.G., while said person was unlawfully restrained by said DEFENDANT, and an accomplice, against the will of said person and for the purpose of sexual arousal, sexual gratification, and sexual abuse.

“NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 290. Willful failure to do so is a crime.”

SPECIAL ALLEGATION-USE OF FIREARM

It is further alleged, as to the above count, that in the commission and attempted commission of the offense, the said DEFENDANT, personally used a firearm , to wit: HANDGUN, within the meaning of Penal Code section 1203.06(a)(1) and 12022.5(a)(1) 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 6

On or about October 26, 2001, in the County of Tulare, the crime of KIDNAPPING TO COMMIT ANOTHER CRIME, in violation of PENAL CODE SECTION 209(b)(1), a FELONY, was committed by **NICKEY DUANE STANE**, who did unlawfully kidnap and carry away M.R. to commit FORCIBLE ORAL COPULATION, A VIOLATION OF SECTION 288A(c)(2).

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

“NOTICE: Adjudication as ward of the court for this offense and a disposition to he California Youth Authority will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime.”

SPECIAL ALLEGATION-PERSONAL USE OF A FIREARM

It is further alleged, as to the above count, that said DEFENDANT personally used a firearm, a HANDGUN, within the meaning of Penal Code Sections 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).

COUNT 7

On or about October 26, 2001, in the County of Tulare, the crime of FORCIBLE ORAL COPULATION, in violation of PENAL CODE SECTION 288A(c)(2), a FELONY, was committed by **NICKEY DUANE STANE**, did unlawfully participate in an act of oral copulation with M.R. and did accomplish said act against said victim's will by force, violence, duress, menace, and fear of immediate and unlawful bodily injury to said victim and to another.

“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 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: Adjudication as a ward of the court for this offense and a disposition to the California Youth Authority will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime.”

SPECIAL ALLEGATION-PERSONAL USE OF A FIREARM

It is further alleged, as to the above count, that said DEFENDANT personally used a firearm, a HANDGUN, within the meaning of Penal Code Sections 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).

SPECIAL ALLEGATION-SEX CRIMES-AGGRAVATED CIRCUMSTANCES

It is further alleged, within the meaning of Penal Code sections 667.61(a) and (d), as to DEFENDANT, as to the above count that the following circumstances apply: KIDNAP.

SPECIAL ALLEGATION-SEX CRIMES-AGGRAVATED CIRCUMSTANCES

It is further alleged, within the meaning of Penal Code sections 667.61(a), (b) and (e), as to DEFENDANT, as to the above count that the following circumstances apply: KIDNAP.

SPEC ALLEG - USE OF DEADLY WEAPON

It is further alleged the defendant personally used a deadly weapon in violation of Penal Code section 12022.3 in the commission of the present offense within the meaning of Penal Code section 667.61(b)(e)(4).

COUNT 8

On or about January 4, 2002, in the County of Tulare, the crime of SEXUAL BATTERY BY RESTRAINT, in violation of PENAL CODE SECTION 243.4(a), a FELONY, was committed by **NICKEY DUANE STANE**, who did willfully and unlawfully touch an intimate part of M.S., while said person was unlawfully restrained by said DEFENDANT, and an accomplice, against the will of said person and for the purpose of sexual arousal, sexual gratification, and sexual abuse.

“NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section 290. Willful failure to do so is a crime.”

SPECIAL ALLEGATION-USE OF FIREARM

It is further alleged, as to the above count, that in the commission and attempted commission of the offense, the said DEFENDANT, personally used a firearm , to wit: HANDGUN, within the meaning of Penal Code section 1203.06(a)(1) and 12022.5(a)(1) 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 9

On or about and between August 1, 2019 and October 2, 2019, in the County of Tulare, the crime of PEEKING, in violation of PENAL CODE SECTION 647(j)(1), a MISDEMEANOR, was committed by **NICKEY DUANE STANE**, who did unlawfully look through a hole or opening into the interior of a bathroom with the intent to invade the privacy of a person or persons inside, to wit, A.R..

* * * * *

Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.

Pursuant to People v. Cunningham, the People hereby put the defendant on notice that the aggravated sentence may be sought in this case.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT CONSISTS OF 9 COUNT(S).

Executed at VISALIA DIVISION, California, on October 4, 2019.

MIKKI VERISSIMO
DEPUTY DISTRICT ATTORNEY

Agency: VPD

<u>DEFENDANT NAME</u>	<u>SEX</u>	<u>RACE</u>	<u>HGT</u>	<u>WGT</u>	<u>EYES</u>	<u>HAIR</u>	<u>COURT DATE</u>	<u>INTAKE STATUS</u>
NICKEY DUANE STANE	M	W	507	160	BLU	BLN	10/04/2019	ARR

COMPLAINT PROCESSED BY: JLD