

FEB 26 2010

1 SUPERIOR COURT OF CALIFORNIA
2 COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

ALAN CARLSON, Clerk of the Court

BY M. Johnson DEPUTY

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6 THE PEOPLE OF THE STATE OF CALIFORNIA,) FELONY COMPLAINT
7) WARRANT
8 Plaintiff,) AMENDMENT 1
9)
10 vs.) No. 09CF2191
11 JAMES ROBERTS III 05/27/76) OCSO 08-250088
12 B3350168) DOMESTIC VIOLENCE
13 Defendant(s))

14 The Orange County District Attorney charges that in Orange
15 County, California, the law was violated as follows:

16 COUNT 1: On or about July 03, 2007, in violation of Section
17 273.5(a) of the Penal Code (DOMESTIC BATTERY WITH CORPORAL
18 INJURY), a FELONY, JAMES ROBERTS III did willfully and
19 unlawfully inflict corporal injury resulting in a traumatic
condition upon JANE DOE #1, who was the spouse of the defendant.

20 COUNT 2: On or about July 22, 2007, in violation of Section 594
21 (a)/(b)(1) of the Penal Code (VANDALISM - DAMAGE \$400 OR MORE),
22 a FELONY, JAMES ROBERTS III did maliciously and unlawfully
23 deface with graffiti and other inscribed material, damage, and
24 destroy FURNITURE AND FURNISHINGS, real and personal property
belonging to JANE DOE #1, in the amount of four hundred dollars
(\$400) and more.

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1 COUNT 3: On or about July 22, 2007, in violation of Section 422
2 of the Penal Code (CRIMINAL THREATS), a FELONY, JAMES ROBERTS
3 III did willfully and unlawfully threaten JANE DOE #1 to commit
4 a crime which would result in death and great bodily injury to
5 JANE DOE #1, with the specific intent that the statement be
6 taken as a threat, and the statement was so unequivocal,
7 unconditional, immediate, and specific as to convey to the
8 person threatened a gravity of purpose and an immediate prospect
9 of execution of the threat, causing JANE DOE #1 to reasonably be
10 in sustained fear for his/her safety and the safety of his/her
11 immediate family.

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13 COUNT 4: On or about July 22, 2007, in violation of Section
14 236/237(a) of the Penal Code (FALSE IMPRISONMENT BY VIOLENCE /
15 DECEIT), a FELONY, JAMES ROBERTS III did unlawfully violate the
16 personal liberty of JANE DOE #2 by violence, menace, fraud, and
17 deceit.

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19 COUNT 5: On or about and between March 01, 2007 and July 22,
20 2007, in violation of Section 236/237(a) of the Penal Code
21 (FALSE IMPRISONMENT BY VIOLENCE / DECEIT), a FELONY, JAMES
22 ROBERTS III did unlawfully violate the personal liberty of JANE
23 DOE #2 by violence, menace, fraud, and deceit.

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25 COUNT 6: On or about October 31, 2007, in violation of Section
26 273.5(a) of the Penal Code (DOMESTIC BATTERY WITH CORPORAL
27 INJURY), a FELONY, JAMES ROBERTS III did willfully and
28 unlawfully inflict corporal injury resulting in a traumatic
condition upon JANE DOE #1, who was the spouse of the defendant.

COUNT 7: On or about October 31, 2007, in violation of Section
245(a)(1) of the Penal Code (AGGRAVATED ASSAULT), a FELONY,
JAMES ROBERTS III did willfully and unlawfully commit an
assault upon the person of JANE DOE #1 by means of force likely
to produce great bodily INJURY.

COUNT 8: On or about October 31, 2007, in violation of Section
236/237(a) of the Penal Code (FALSE IMPRISONMENT BY VIOLENCE /
DECEIT), a FELONY, JAMES ROBERTS III did unlawfully violate the
personal liberty of JANE DOE #1 by violence, menace, fraud, and
deceit.

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1 COUNT 9: On or about November 22, 2007, in violation of Section
2 422 of the Penal Code (CRIMINAL THREATS), a FELONY, JAMES
3 ROBERTS III did willfully and unlawfully threaten JANE DOE #1
4 to commit a crime which would result in death and great bodily
5 injury to JANE DOE #1, with the specific intent that the
6 statement be taken as a threat, and the statement was so
7 unequivocal, unconditional, immediate, and specific as to convey
8 to the person threatened a gravity of purpose and an immediate
9 prospect of execution of the threat, causing JANE DOE #1 to
10 reasonably be in sustained fear for his/her safety and the
11 safety of his/her immediate family.

9 COUNT 10: On or about November 22, 2007, in violation of Section
10 136.1(c)(1) of the Penal Code (DISSUADE WITNESS BY FORCE OR
11 THREAT), a FELONY, JAMES ROBERTS III did knowingly, maliciously,
12 and unlawfully prevent and dissuade and attempt to prevent and
13 dissuade JANE DOE #1, a victim and a witness, from arresting,
14 causing, and seeking an arrest in connection with that
15 victimization, by force and by an express and implied threat of
16 force and violence upon the person and property of JANE DOE #1.

15 COUNT 11: On or about November 22, 2007, in violation of Section
16 236/237(a) of the Penal Code (FALSE IMPRISONMENT BY VIOLENCE /
17 DECEIT), a FELONY, JAMES ROBERTS III did unlawfully violate the
18 personal liberty of JANE DOE #1 by violence, menace, fraud, and
19 deceit.

19 COUNT 12: On or about March 22, 2008, in violation of Section
20 236/237(a) of the Penal Code (FALSE IMPRISONMENT BY VIOLENCE /
21 DECEIT), a FELONY, JAMES ROBERTS III did unlawfully violate the
22 personal liberty of JANE DOE #1 by violence, menace, fraud, and
23 deceit.

23 COUNT 13: On or about and between May 01, 2008 and May 31,
24 2008, in violation of Section 245(a)(1) of the Penal Code
25 (AGGRAVATED ASSAULT), a FELONY, JAMES ROBERTS III did willfully
26 and unlawfully commit an assault upon the person of JANE DOE #2
27 by means of force likely to produce great bodily INJURY.

27 COUNT 14: On or about and between May 01, 2008 and May 31,
28 2008, in violation of Section 236/237(a) of the Penal Code
(FALSE IMPRISONMENT BY VIOLENCE / DECEIT), a FELONY, JAMES
ROBERTS III did unlawfully violate the personal liberty of JANE
DOE #2 by violence, menace, fraud, and deceit.

1 COUNT 15: On or about May 11, 2008, in violation of Section
2 236/237(a) of the Penal Code (FALSE IMPRISONMENT BY VIOLENCE /
3 DECEIT), a FELONY, JAMES ROBERTS III did unlawfully violate the
4 personal liberty of JANE DOE #1 by violence, menace, fraud, and
deceit.

5 COUNT 16: On or about May 11, 2008, in violation of Section
6 236/237(a) of the Penal Code (FALSE IMPRISONMENT BY VIOLENCE /
7 DECEIT), a FELONY, JAMES ROBERTS III did unlawfully violate the
8 personal liberty of CHILD DOE by violence, menace, fraud, and
deceit.

9 COUNT 17: On or about December 10, 2008, in violation of Section
10 422 of the Penal Code (CRIMINAL THREATS), a FELONY, JAMES
11 ROBERTS III did willfully and unlawfully threaten BRAD DRUDE to
12 commit a crime which would result in death and great bodily
13 injury to BRAD DRUDE, with the specific intent that the
14 statement be taken as a threat, and the statement was so
15 unequivocal, unconditional, immediate, and specific as to convey
16 to the person threatened a gravity of purpose and an immediate
prospect of execution of the threat, causing BRAD DRUDE to
reasonably be in sustained fear for his/her safety and the
safety of his/her immediate family.

17 COUNT 18: On or about October 31, 2007, in violation of Section
18 262(a)(1) of the Penal Code (SPOUSAL RAPE BY FORCE), a FELONY,
19 JAMES ROBERTS III did unlawfully commit an act of sexual
20 intercourse with JANE DOE #1, who was the spouse of the
21 defendant, accomplished against the will of JANE DOE #1 by means
of force, violence, duress, menace, and fear of immediate and
unlawful bodily injury to JANE DOE #1.

22 COUNT 19: On or about July 22, 2007, in violation of Section 286
23 (c)(2) of the Penal Code (SODOMY BY FORCE), a FELONY, JAMES
24 ROBERTS III did unlawfully commit an act of sodomy upon JANE
25 DOE #2, accomplished against the will of JANE DOE #2 by means of
26 force, violence, duress, menace, and threat of immediate and
unlawful bodily injury to JANE DOE #2.

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COUNT 20: On or about and between May 01, 2008 and May 31, 2008, in violation of Section 261(a)(2) of the Penal Code (FORCIBLE RAPE), a FELONY, JAMES ROBERTS III did unlawfully commit an act of sexual intercourse with JANE DOE #2, who was not the spouse of the defendant, accomplished against the will of JANE DOE #2 by means of force, violence, duress, menace, and fear of immediate and unlawful bodily injury to JANE DOE #2.

I declare under penalty of perjury, on information and belief, that the foregoing is true and correct.

Dated 02-25-2010 at Orange County, California.
CY/IM 09F15072

TONY RACKAUCKAS, DISTRICT ATTORNEY

by: 

Deputy District Attorney

RESTITUTION CLAIMED

☐ None

☐ \$ _____

☒ To be determined

NOTICES:

The People request that defendant and counsel disclose, within 15 days, all of the materials and information described in Penal Code section 1054.3, and continue to provide any later-acquired materials and information subject to disclosure, and without further request or order.

Pursuant to Penal Code Section 296.1, defendant, JAMES ROBERTS III, is required to provide DNA samples and thumb and palm prints.

The People intend to proceed pursuant to Evidence Code sections 1101(b), 1107, 1109, and 1370.

Next Document

**SUPERIOR COURT OF THE STATE OF CALIFORNIA,
COUNTY OF ORANGE
DOCKET REPORT**

Case : 09CF2191 F A

Name : Roberts, James III

Date of Action	Seq Nbr	Code	Text
02/26/10	1	FLACT	First Amended Complaint filed by Orange County District Attorney on 02/26/2010.
	2	FLCNT	FELONY charge of 273.5(a) PC filed as count 1. Date of violation: 07/03/2007.
	3	FLCNT	FELONY charge of 594(a)/(b)(1) PC filed as count 2. Date of violation: 07/22/2007.
	4	FLCNT	FELONY charge of 422 PC filed as count 3. Date of violation: 07/22/2007.
	5	FLCNT	FELONY charge of 236-237(a) PC filed as count 4. Date of violation: 07/22/2007.
	6	FLCNT	FELONY charge of 236-237(a) PC filed as count 5. Date of violation: 03/01/2007.
	7	FLCNT	FELONY charge of 273.5(a) PC filed as count 6. Date of violation: 10/31/2007.
	8	FLCNT	FELONY charge of 245(a)(1) PC filed as count 7. Date of violation: 10/31/2007.
	9	FLCNT	FELONY charge of 236-237(a) PC filed as count 8. Date of violation: 10/31/2007.
	10	FLCNT	FELONY charge of 422 PC filed as count 9. Date of violation: 11/22/2007.
	11	FLCNT	FELONY charge of 136.1(c)(1) PC filed as count 10. Date of violation: 11/22/2007.
	12	FLCNT	FELONY charge of 236-237(a) PC filed as count 11. Date of violation: 11/22/2007.
	13	FLCNT	FELONY charge of 236-237(a) PC filed as count 12. Date of violation: 03/22/2008.
	14	FLCNT	FELONY charge of 245(a)(1) PC filed as count 13. Date of violation: 05/01/2008.
	15	FLCNT	FELONY charge of 236-237(a) PC filed as count 14. Date of violation: 05/01/2008.
	16	FLCNT	FELONY charge of 236-237(a) PC filed as count 15. Date of violation: 05/11/2008.
	17	FLCNT	FELONY charge of 236-237(a) PC filed as count 16. Date of violation: 05/11/2008.
	18	FLCNT	FELONY charge of 422 PC filed as count 17. Date of violation: 12/10/2008.
	19	FLCNT	FELONY charge of 262(a)(1) PC filed as count 18. Date of violation: 10/31/2007.
	20	FLCNT	FELONY charge of 286(c)(2) PC filed as count 19. Date of violation: 07/22/2007.
	21	FLCNT	FELONY charge of 261(a)(2) PC filed as count 20. Date of violation: 05/01/2008.
	22	HHELD	Hearing held on 02/26/2010 at 08:30:00 AM in Department C55 for Pre Trial.
	23	OFJUD	Officiating Judge: Vickie Hix, Commissioner
	24	OFJA	Clerk: C. Simoni
	25	OFBAL	Bailiff.: Present

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Name : Roberts, James III

Date of Action	Seq Nbr	Code	Text
02/26/10	26	OFREP	Court Reporter: Monica Ramirez
	27	APDDA	People represented by Cyril Yu, Deputy District Attorney, present.
	28	APDWRA	Defendant present in Court with counsel Barnett, John D., Retained Attorney.
	29	CPCDD	Copy of First Amended Complaint given to defendant.
	30	WVRAA	Defendant waives reading and advisement of the First Amended Complaint.
	31	PLNGA	To the First Amended Complaint defendant pleads NOT GUILTY to all counts.
	32	PLCJN	Counsel joins in waivers and plea.
	33	ADLCR	Defendant advised of legal and constitutional rights.
	34	WVTPH	Court finds the defendant understandingly, knowingly, and voluntarily waives the right to a Preliminary Hearing within 10 court days/60 calendar days of arraignment.
	35	PLCJN	Counsel joins in waivers.
	36	CLCON	Pre Trial continued to 04/22/2010 at 08:30 AM in Department C55 at request of Defense.
	37	CLSET	Preliminary Hearing set on 04/28/2010 at 08:30 AM in Department C55.
	38	DFOTR	Defendant ordered to appear.
	39	FIDVO	Protective Order signed, served on the defendant, and filed.
	40	DOCTO	Comply with all terms of Protective Order.
	41	DOPOS	Court orders the protective order sealed pursuant to Penal Code section 293.
	42	FXRLST	Release status of defendant entered in error. Correct release status should reflect: Released on Bond.
	43	BLPBS	Present bail deemed sufficient and continued.
	44	OFMEC	Minutes entered by M. Johnson.
	45	DOPOF	Protective Order faxed to Protective Order Registry.
	46	DOORG	Protective Order modified in the Protective Order Registry.