

IN CUSTODY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO  
CENTRAL DIVISION

FILED  
RECORDS  
NOV - 3 PM 12:40  
SUPERIOR COURT  
SAN DIEGO COUNTY, CA

THE PEOPLE OF THE STATE OF CALIFORNIA,  
Plaintiff,  
v.  
JOHN ALBERT GARDNER,  
*dob 04/09/79, Booking No. 10715497A;*  
Defendant

CT No. CD225886  
DA No. ACR576

COMPLAINT-FELONY

INFORMATION  
Date: \_\_\_\_\_

PC296 DNA TEST STATUS SUMMARY

Defendant	DNA Testing Requirements
GARDNER, JOHN ALBERT	DNA sample has been previously provided

CHARGE SUMMARY

Count	Charge	Issue Type	Sentence Range	Special Allegations	Allegation Effect
1	PC187(a) GARDNER, JOHN ALBERT	Felony	25 Yrs-Life	PC190.2(a)(17)	Life
2	PC220(a) GARDNER, JOHN ALBERT	Felony	2-4-6		
	PC1054.3			INFORMAL REQUEST FOR DISCOVERY	
	PC667(b) thru (i) and PC1170.12			"THREE STRIKES LAW"	

The undersigned, certifying upon information and belief, complains that in the County of San Diego, State of California, the Defendant(s) did commit the following crime(s):

## CHARGES

### COUNT 1 - MURDER

On or about February 25, 2010, JOHN ALBERT GARDNER did unlawfully murder Chelsea K., a human being, in violation of PENAL CODE SECTION 187(a).

#### SPECIAL CIRCUMSTANCE

And it is further alleged that the murder of Chelsea K. was committed by defendant JOHN ALBERT GARDNER while the said defendant was engaged in the commission and attempted commission of the crime of Rape, in violation of Penal Code Section 261, within the meaning of PENAL CODE SECTION 190.2(a)(17).

### COUNT 2 - ASSAULT WITH INTENT TO COMMIT A SPECIFIC FELONY

On or about December 27, 2009, JOHN ALBERT GARDNER did unlawfully assault Candice M., with the intent to commit rape, in violation of PENAL CODE SECTION 220(a).

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## PRIORS

### *JOHN ALBERT GARDNER:*

#### FIRST VIOLENT FELONY PRISON PRIOR

And it is further alleged that said defendant, JOHN ALBERT GARDNER, was convicted of the following felony(-ies) and served a separate prison term for such offense(s) and has not remained free of prison custody and free of the commission of an offense(s) resulting in a felony conviction for ten years subsequent to release from prison for the violent felony(s) below, within the meaning of PENAL CODE SECTION 667.5(a).

<u>Charge</u>	<u>Date of Conviction</u>	<u>Court Number</u>	<u>Court</u>	<u>County</u>	<u>State</u>
PC288(a)	05/31/2000	SCD151675	Superior Court	San Diego	CA
PC288(a)	05/31/2000	SCD151675	Superior Court	San Diego	CA

**PRIORS (cont'd)**

*JOHN ALBERT GARDNER:*

**FIRST SERIOUS FELONY PRIOR**

And it is further alleged that said defendant, JOHN ALBERT GARDNER, was convicted of the following serious felony(ies), separately brought and tried, which under California law is punishable by imprisonment in state prison, within the meaning of PENAL CODE SECTIONS 667(a)(1), 668, AND 1192.7(c).

<u>Charge</u>	<u>Date of Conviction</u>	<u>Court Number</u>	<u>Court</u>	<u>County</u>	<u>State</u>
PC288(a)	05/31/2000	SCD151675	Superior Court	San Diego	CA
PC288(a)	05/31/2000	SCD151675	Superior Court	San Diego	CA

**STRIKE PRIOR(S)**

And it is further alleged pursuant to Penal Code sections 667(b) through (i), 1170.12, and 668 that the defendant, JOHN ALBERT GARDNER, has suffered the following prior conviction(s) and juvenile adjudication(s), which are now serious or violent felonies under California law whether committed in California or elsewhere.

<u>Charge</u>	<u>Date of Conviction</u>	<u>Court Number</u>	<u>Court</u>	<u>County</u>	<u>State</u>
PC288(a)	05/31/2000	SCD151675	Superior Court	San Diego	CA
PC288(a)	05/31/2000	SCD151675	Superior Court	San Diego	CA

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NOTICE: Any defendant named on this complaint who is on criminal probation in San Diego County is, by receiving this complaint, on notice that the evidence presented to the court at the preliminary hearing on this complaint is presented for a dual purpose: the People are seeking a holding order on the charges pursuant to Penal Code Section 872 and simultaneously, the People are seeking a revocation of the defendant's probation, on any and all such probation grants, utilizing the same evidence, at the preliminary hearing. Defenses to either or both procedures should be considered and presented as appropriate at the preliminary hearing.

Pursuant to PENAL CODE SECTION 1054.5(b), the People are hereby informally requesting that defendant's counsel provide discovery to the People as required by PENAL CODE SECTION 1054.3.

The People reserve the right to amend the accusatory pleading to further allege any and all facts in aggravation in light of *Cunningham v. California* (2007).

LIMITATION ON LOCAL CUSTODY CREDITS: Defendant JOHN ALBERT GARDNER is subject to limited local custody credits pursuant to PENAL CODE SECTIONS 4019(b)(2) and (c)(2).

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT, CASE NUMBER CD225886, CONSISTS OF 2 COUNTS.

Executed at City of San Diego, County of San Diego, State of California, on March 3, 2010.



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COMPLAINANT

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INFORMATION

BONNIE M. DUMANIS  
District Attorney  
County of San Diego  
State of California  
by:

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Date

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Deputy District Attorney