

FILED
SUPERIOR COURT-MANTECA

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BY *Mayfair Duayne*
DEPUTY

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8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

9 Manteca Branch

10 The People of the State of California,
11 Plaintiff,

12 v.

13 SAMUEL ANDRES NUNEZ
14 CR-2021-0005297

15 Defendant(s).

No. MP21-13083
MPD CASE
DA Case: CR-2021-4248327

16 1ST AMENDED COMPLAINT

17 CASA

18 2ND STRIKE CASE

19 STATE PRISON ELIGIBLE

20 I, the undersigned, say, on information and belief, that in the
21 County of SAN JOAQUIN, State of California:

22
23 **COUNT 1: LEWD ACTS UPON A CHILD PC.288(A)**

24 On or about January 2, 2001 - January 1, 2002, "FIRST DESCRIBED
25 OCCURRENCE", in the County of San Joaquin, California, SAMUEL ANDRES
26 NUNEZ, did commit the crime of LEWD ACT UPON A CHILD, in violation
27 of Section 288(a) of the Penal Code, a FELONY, who at the time and
28

1 place last aforesaid, did willfully, unlawfully, and lewdly commit a
2 lewd and lascivious act upon and with the body and certain parts and
3 members thereof of "JANE DOE", a child under the age of fourteen
4 years, with the intent of arousing, appealing to, and gratifying the
5 lust, passions, and sexual desires of the said defendant(s) and the
6 said child. It is further alleged that the above offense is a
7 serious felony within the meaning of Penal Code Section
8 1192.7(c)(6). NOTICE: Conviction of this offense will require you to
9 register pursuant to Penal Code Section 290. Willful failure to
10 register is a crime.
11

12
13 **PRIOR SERIOUS FELONY PC.1170.12(B)**

14 It is further alleged that said defendant SAMUEL ANDRES NUNEZ was on
15 or about 10/13/1994 in the SUPERIOR Court for the County of SANTA
16 CLARA, State of CALIFORNIA, convicted of the crime of SHOOTING AT
17 INHABITIED DWELLING/VEHICLE/ETC, in violation of Section 246 of the
18 PENAL Code, within the meaning of Penal Code Sections 1170.12(b) and
19 667(d) COURT CASE # 170944.
20

21
22 **PRIOR: REPEAT OFFENDER PC.667(A)(1)**

23 It is further alleged that SAMUEL ANDRES NUNEZ was on and about
24 10/13/1994 in the SUPERIOR Court of the State of California, County
25 of SANTA CLARA convicted of a serious felony, to-wit: SHOOTING AT
26 INHABITIED DWELLING/VEHICLE/ETC, in violation of Section 246 of the
27
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1 PENAL Code, within the meaning of Penal Code Section 667(a)(1).

2
3 For a further and separate cause of complaint, being a different
4 offense from but connected in its commission with the charge(s)
5 above, complainant further complains and says:
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7
8 **COUNT 2: CONTINUOUS SEXUAL ABUSE OF CHILD PC.288.5(A)**

9 On or about January 1, 2002 - December 31, 2004, in the County of
10 San Joaquin, California, SAMUEL ANDRES NUNEZ, did commit the crime
11 of CONTINUAL SEXUAL ABUSE OF A MINOR UNDER 14 YEARS, in violation of
12 Section 288.5(a) of the Penal Code, a FELONY, who at the time and
13 place last aforesaid, while residing in the same home as, or having
14 recurring access to, a child under the age of 14 years, to-wit:
15 "JANE DOE", AGE 9 - 11, for a period of time, not less than three
16 months in duration, engaged in three or more acts of lewd or
17 lascivious conduct and three and more acts of substantial sexual
18 conduct with said minor child, as defined in Penal Code Sections 288
19 and 1203.066. It is further alleged that the above offense is a
20 serious FELONY within the meaning of Penal Code Section
21 1192.7(c)(6).
22

23
24 **PRIOR SERIOUS FELONY PC.1170.12(B)**

25 It is further alleged that said defendant SAMUEL ANDRES NUNEZ was on
26 or about 10/13/1994 in the SUPERIOR Court for the County of SAN
27 JOAQUIN, State of CALIFORNIA, convicted of the crime of SHOOTING AT
28

1 INHABITED DWELLING/VEHICLE/ETC in violation of Section 246 of the
2 PENAL Code, within the meaning of Penal Code Sections 1170.12(b) and
3 667(d) COURT CASE # 170944.
4

5 **PRIOR: REPEAT OFFENDER PC.667(A) (1)**

6 It is further alleged that SAMUEL ANDRES NUNEZ was on and about
7 10/13/1994 in the SUPERIOR Court of the State of California, County
8 of SANTA CLARA convicted of a serious felony, to-wit: SHOOTING AT
9 INHABITED DWELLING/VEHICLE/ETC, in violation of Section 246 of the
10 PENAL CODE Code, within the meaning of Penal Code Section 667(a) (1).
11
12

13 For a further and separate cause of complaint, being a different
14 offense from but connected in its commission with the charge(s)
15 above, complainant further complains and says:
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18 **COUNT 3: LEWD ACTS UPON A CHILD PC.288(A)**

19 On or about January 2, 2005 - January 1, 2006, "LAST DESCRIBED
20 OCCURRENCE", in the County of San Joaquin, California, SAMUEL ANDRES
21 NUNEZ, did commit the crime of LEWD ACT UPON A CHILD, in violation
22 of Section 288(a) of the Penal Code, a FELONY, who at the time and
23 place last aforesaid, did willfully, unlawfully, and lewdly commit a
24 lewd and lascivious act upon and with the body and certain parts and
25 members thereof of "JANE DOE", a child under the age of fourteen
26 years, with the intent of arousing, appealing to, and gratifying the
27 lust, passions, and sexual desires of the said defendant(s) and the
28

1 said child. It is further alleged that the above offense is a
2 serious felony within the meaning of Penal Code Section
3 1192.7(c)(6). NOTICE: Conviction of this offense will require you to
4 register pursuant to Penal Code Section 290. Willful failure to
5 register is a crime.
6

7
8 **PRIOR SERIOUS FELONY PC.1170.12(B)**

9 It is further alleged that said defendant SAMUEL ANDRES NUNEZ was on
10 or about 10/13/1994 in the SUPERIOR Court for the County of SANTA
11 CLARA, State of CALIFORNIA, convicted of the crime of SHOOTING AT
12 INHABITED DWELLING/VEHICLE/ETC in violation of Section 246 of the
13 PENAL Code, within the meaning of Penal Code Sections 1170.12(b) and
14 667(d) COURT CASE # 170944.
15

16
17 **PRIOR: REPEAT OFFENDER PC.667(A)(1)**

18 It is further alleged that SAMUEL ANDRES NUNEZ was on and about
19 10/13/1994 in the SUPERIOR Court of the State of California, County
20 of SANTA CLARA convicted of a serious felony, to-wit: SHOOTING AT
21 INHABITED DWELLING/VEHICLE/ETC, in violation of Section 246 of the
22 PENAL Code, within the meaning of Penal Code Section 667(a)(1).
23

24 If the above-named defendant(s) is/are presently on probation in San
25 Joaquin County, any evidence presented at a preliminary hearing in
26 the instant case will be used not only as a basis for a holding
27 order in this case but also as evidence of a violation of probation
28

1 and, at any formal hearing on that violation of probation, the
2 People will move the transcript of the preliminary hearing into
3 evidence as a basis for the violation.
4

5 Pursuant to Penal Code Section 1054.5(b), the People hereby
6 informally request that the defendant and his/her attorney disclose
7 to the People all information and materials described in Penal Code
8 Section 1054.3.
9

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11 I declare under penalty of perjury that the foregoing is true and
12 correct except for those things stated on information and belief and
13 those I believe to be true.
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15
16 Executed on 5/25/2021, at Stockton, California.
17

18 Robert Martelli
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20 mav
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