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3 San Joaquin County
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FILED
SUPERIOR COURT - STOCKTON
2019 MAR 14 AM 11:20
ROSA JUNQUEIRO, CLERK

BY *[Signature]*
DEPUTY DISTRICT ATTORNEY

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7 Attorneys for Plaintiff

STK-CR-FE-2019-3551

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

9 Stockton Branch

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

No. SP19-02402
SPD CASE
DA Case: CR-2019-4193934

12 v.

COMPLAINT

14 OTONIEL CORNEJO

3rd STRIKE CASE

18 Defendant(s).

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

22 **COUNT 1: ATTEMPTED MURDER PC.664/187(A)**

23 On or about January 17, 2019, in the County of San Joaquin,
24 California, OTONIEL CORNEJO, did commit the crime of ATTEMPTED
25 MURDER, in violation of Section 664/187(a) of the Penal Code, a
26 FELONY, who at the time and place last aforesaid, did attempt to
27

ILC
3/14/19

1 willfully and unlawfully and intentionally and with malice
2 aforethought murder CDC PAROLE AGENT WILLIAMS MILES, a human being.
3 It is further alleged that the above offense is a serious felony
4 within the meaning of Penal Code Section 1192.7(c)(1).
5

6 **PERSONAL USE OF A FIREARM (10 YEARS) PC.12022.53(B)**

7 It is further alleged that in the commission of the foregoing
8 offense, the defendant OTONIEL CORNEJO personally used a firearm,
9 within the meaning of Section 12022.53(b) of the Penal Code.
10

11
12 **PRIOR SERIOUS FELONY PC.1170.12(B)/667(D)**

13 It is further alleged that said defendant OTONIEL CORNEJO was on
14 and about 02/04/2013 in the SUPERIOR Court for the County of SANTA
15 CLARA State of CALIFORNIA convicted of the crime of FIRST DEGREE
16 BURGLARY in violation of Section 212.5 of the PENAL Code, within
17 the meaning of Penal Code Sections 1170.12(b) and 667(d) COURT
18 CASE# C1242887.
19

20 **PRIOR SERIOUS FELONY PC.1170.12(B)/667(D)**

21 It is further alleged that said defendant OTONIEL CORNEJO was on
22 and about 11/22/2013 in the SUPERIOR Court for the County of SANTA
23 CLARA State of CALIFORNIA convicted of the crime of BURGLARY in
24 violation of Section 459 of the PENAL Code, within the meaning of
25 Penal Code Sections 1170.12(b) and 667(d) COURT CASE# C1366264.
26
27
28

1 **CONVICTION OF PRIOR SERIOUS FELONY OFFENSE PC.667(A)**

2 It is further alleged that said defendant(s), OTONIEL CORNEJO , was
3 on and about 02/04/2013 in the SUPERIOR Court of the State of
4 CALIFORNIA for the County of SANTA CLARA convicted of a serious
5 felony, to-wit: FIRST DEGREE BURGLARY , in violation of Section(s)
6 212.5 of the PENAL Code, COURT CASE# C1242887 , within the meaning
7 of Penal Code Section 667(a).
8

9
10 **PRIOR PRISON TERM PC.667.5(B)**

11 It is further alleged that defendant(s) OTONIEL CORNEJO was on and
12 about 02/04/2013 in the SUPERIOR Court of the State of CALIFORNIA
13 for the County of SANTA CLARA convicted of the crime of FIRST
14 DEGREE BURGLARY in violation of Section(s) 212.5 of the PENAL Code,
15 and that said defendant served a separate term in state prison for
16 said offense, and that said defendant did not remain free of prison
17 custody, and did not remain free of committing an offense resulting
18 in a felony conviction during a period of five years subsequent to
19 the conclusion of said term, within the meaning of Penal Code
20 Section 667.5(b) COURT CASE# C1242887
21

22
23 **PRIOR PRISON TERM PC.667.5(B)**

24 It is further alleged that defendant(s) OTONIEL CORNEJO was on and
25 about 11/22/2013 in the SUPERIOR Court of the State of CALIFORNIA
26 for the County of SANTA CLARA convicted of the crime of BURGLARY in
27 violation of Section(s) 459 of the PENAL Code, and that said
28

1 defendant served a separate term in state prison for said offense,
2 and that said defendant did not remain free of prison custody, and
3 did not remain free of committing an offense resulting in a felony
4 conviction during a period of five years subsequent to the
5 conclusion of said term, within the meaning of Penal Code Section
6 667.5(b) COURT CASE# C1366264.

7
8
9 For a further and separate cause of complaint, being a different
10 offense from but connected in its commission with the charge(s)
11 above, complainant further complains and says:

12
13 **COUNT 2: ATTEMPTED MURDER PC.664/187(A)**

14 On or about January 17, 2019, in the County of San Joaquin,
15 California, OTONIEL CORNEJO, did commit the crime of ATTEMPTED
16 MURDER, in violation of Section 664/187(a) of the Penal Code, a
17 FELONY, who at the time and place last aforesaid, did attempt to
18 willfully and unlawfully and intentionally and with malice
19 aforethought murder CDC PAROLE LT. PRENTICE a human being. It is
20 further alleged that the above offense is a serious felony within
21 the meaning of Penal Code Section 1192.7(c)(1).

22
23 **PERSONAL USE OF A FIREARM (10 YEARS) PC.12022.53(B)**

24 It is further alleged that in the commission of the foregoing
25 offense, the defendant OTONIEL CORNEJO personally used a firearm,
26 within the meaning of Section 12022.53(b) of the Penal Code.
27

1 **PRIOR SERIOUS FELONY PC.1170.12(B)/667(D)**

2 It is further alleged that said defendant OTONIEL CORNEJO was on
3 and about 02/04/2013 in the SUPERIOR Court for the County of SANTA
4 CLARA State of CALIFORNIA convicted of the crime of FIRST DEGREE
5 BURGLARY in violation of Section 212.5 of the PENAL Code, within
6 the meaning of Penal Code Sections 1170.12(b) and 667(d) COURT
7 CASE# C1242887.
8
9

10 **PRIOR SERIOUS FELONY PC.1170.12(B)/667(D)**

11 It is further alleged that said defendant OTONIEL CORNEJO was on
12 and about 11/22/2013 in the SUPERIOR Court for the County of SANTA
13 CLARA State of CALIFORNIA convicted of the crime of BURGLARY in
14 violation of Section 459 of the PENAL Code, within the meaning of
15 Penal Code Sections 1170.12(b) and 667(d) COURT CASE# C1366264.
16

17 **CONVICTION OF PRIOR SERIOUS FELONY OFFENSE PC.667(A)**

18 It is further alleged that said defendant(s), OTONIEL CORNEJO , was
19 on and about 02/04/2013 in the SUPERIOR Court of the State of
20 CALIFORNIA for the County of SANTA CLARA convicted of a serious
21 felony, to-wit: FIRST DEGREE BURGLARY , in violation of Section(s)
22 212.5 of the PENAL Code, COURT CASE# C1242887 , within the meaning
23 of Penal Code Section 667(a).
24
25

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1 **PRIOR PRISON TERM PC.667.5(B)**

2 It is further alleged that defendant(s) OTONIEL CORNEJO was on and
3 about 02/04/2013 in the SUPERIOR Court of the State of CALIFORNIA
4 for the County of SANTA CLARA convicted of the crime of FIRST
5 DEGREE BURGLARY in violation of Section(s) 212.5 of the PENAL Code,
6 and that said defendant served a separate term in state prison for
7 said offense, and that said defendant did not remain free of prison
8 custody, and did not remain free of committing an offense resulting
9 in a felony conviction during a period of five years subsequent to
10 the conclusion of said term, within the meaning of Penal Code
11 Section 667.5(b) COURT CASE# C1242887
12

13
14 **PRIOR PRISON TERM PC.667.5(B)**

15 It is further alleged that defendant(s) OTONIEL CORNEJO was on and
16 about 11/22/2013 in the SUPERIOR Court of the State of CALIFORNIA
17 for the County of SANTA CLARA convicted of the crime of BURGLARY in
18 violation of Section(s) 459 of the PENAL Code, and that said
19 defendant served a separate term in state prison for said offense,
20 and that said defendant did not remain free of prison custody, and
21 did not remain free of committing an offense resulting in a felony
22 conviction during a period of five years subsequent to the
23 conclusion of said term, within the meaning of Penal Code Section
24 667.5(b) COURT CASE# C1366264.
25

1 For a further and separate cause of complaint, being a different
2 offense from but connected in its commission with the charge(s)
3 above, complainant further complains and says:
4

5 **COUNT 3: ATTEMPTED MURDER PC.664/187(A)**

6 On or about January 17, 2019, in the County of San Joaquin,
7 California, OTONIEL CORNEJO, did commit the crime of ATTEMPTED
8 MURDER, in violation of Section 664/187(a) of the Penal Code, a
9 FELONY, who at the time and place last aforesaid, did attempt to
10 willfully and unlawfully and intentionally and with malice
11 aforethought murder CDC PAROLE AGENT CHRISTOPHER RODRIGUEZ, a human
12 being. It is further alleged that the above offense is a serious
13 felony within the meaning of Penal Code Section 1192.7(c)(1).
14
15

16 **PERSONAL USE OF A FIREARM (10 YEARS) PC.12022.53(B)**

17 It is further alleged that in the commission of the foregoing
18 offense, the defendant OTONIEL CORNEJO personally used a firearm,
19 within the meaning of Section 12022.53(b) of the Penal Code.
20

21 **PRIOR SERIOUS FELONY PC.1170.12(B)/667(D)**

22 It is further alleged that said defendant OTONIEL CORNEJO was on
23 and about 02/04/2013 in the SUPERIOR Court for the County of SANTA
24 CLARA State of CALIFORNIA convicted of the crime of FIRST DEGREE
25 BURGLARY in violation of Section 212.5 of the PENAL Code, within
26
27
28

1 the meaning of Penal Code Sections 1170.12(b) and 667(d) COURT
2 CASE# C1242887.

3
4 **PRIOR SERIOUS FELONY PC.1170.12(B)/667(D)**

5 It is further alleged that said defendant OTONIEL CORNEJO was on
6 and about 11/22/2013 in the SUPERIOR Court for the County of SANTA
7 CLARA State of CALIFORNIA convicted of the crime of BURGLARY in
8 violation of Section 459 of the PENAL Code, within the meaning of
9 Penal Code Sections 1170.12(b) and 667(d) COURT CASE# C1366264.
10

11
12 **CONVICTION OF PRIOR SERIOUS FELONY OFFENSE PC.667(A)**

13 It is further alleged that said defendant(s), OTONIEL CORNEJO , was
14 on and about 02/04/2013 in the SUPERIOR Court of the State of
15 CALIFORNIA for the County of SANTA CLARA convicted of a serious
16 felony, to-wit: FIRST DEGREE BURGLARY , in violation of Section(s)
17 212.5 of the PENAL Code, COURT CASE# C1242887 , within the meaning
18 of Penal Code Section 667(a).
19

20 **PRIOR PRISON TERM PC.667.5(B)**

21 It is further alleged that defendant(s) OTONIEL CORNEJO was on and
22 about 02/04/2013 in the SUPERIOR Court of the State of CALIFORNIA
23 for the County of SANTA CLARA convicted of the crime of FIRST
24 DEGREE BURGLARY in violation of Section(s) 212.5 of the PENAL Code,
25 and that said defendant served a separate term in state prison for
26 said offense, and that said defendant did not remain free of prison
27

1 custody, and did not remain free of committing an offense resulting
2 in a felony conviction during a period of five years subsequent to
3 the conclusion of said term, within the meaning of Penal Code
4 Section 667.5(b) COURT CASE# C1242887

5
6 **PRIOR PRISON TERM PC.667.5(B)**

7 It is further alleged that defendant(s) OTONIEL CORNEJO was on and
8 about 11/22/2013 in the SUPERIOR Court of the State of CALIFORNIA
9 for the County of SANTA CLARA convicted of the crime of BURGLARY in
10 violation of Section(s) 459 of the PENAL Code, and that said
11 defendant served a separate term in state prison for said offense,
12 and that said defendant did not remain free of prison custody, and
13 did not remain free of committing an offense resulting in a felony
14 conviction during a period of five years subsequent to the
15 conclusion of said term, within the meaning of Penal Code Section
16 667.5(b) COURT CASE# C1366264.
17

18
19 For a further and separate cause of complaint, being a different
20 offense from but connected in its commission with the charge(s)
21 above, complainant further complains and says:
22

23 **COUNT 4: ATTEMPTED MURDER PC.664/187(A)**

24 On or about January 17, 2019, in the County of San Joaquin,
25 California, OTONIEL CORNEJO, did commit the crime of ATTEMPTED
26 MURDER, in violation of Section 664/187(a) of the Penal Code, a
27

1 FELONY, who at the time and place last aforesaid, did attempt to
2 willfully and unlawfully and intentionally and with malice
3 aforethought murder SPD OFFICER MIKE RODRIGUEZ a human being. It is
4 further alleged that the above offense is a serious felony within
5 the meaning of Penal Code Section 1192.7(c)(1).
6

7 **PERSONAL USE OF A FIREARM (10 YEARS) PC.12022.53(B)**

8 It is further alleged that in the commission of the foregoing
9 offense, the defendant OTONIEL CORNEJO personally used a firearm,
10 within the meaning of Section 12022.53(b) of the Penal Code.
11

12
13 **PRIOR SERIOUS FELONY PC.1170.12(B)/667(D)**

14 It is further alleged that said defendant OTONIEL CORNEJO was on
15 and about 02/04/2013 in the SUPERIOR Court for the County of SANTA
16 CLARA State of CALIFORNIA convicted of the crime of FIRST DEGREE
17 BURGLARY in violation of Section 212.5 of the PENAL Code, within
18 the meaning of Penal Code Sections 1170.12(b) and 667(d) COURT
19 CASE# C1242887.
20

21 **PRIOR SERIOUS FELONY PC.1170.12(B)/667(D)**

22 It is further alleged that said defendant OTONIEL CORNEJO was on
23 and about 11/22/2013 in the SUPERIOR Court for the County of SANTA
24 CLARA State of CALIFORNIA convicted of the crime of BURGLARY in
25 violation of Section 459 of the PENAL Code, within the meaning of
26 Penal Code Sections 1170.12(b) and 667(d) COURT CASE# C1366264.
27

1 **CONVICTION OF PRIOR SERIOUS FELONY OFFENSE PC.667(A)**

2 It is further alleged that said defendant(s), OTONIEL CORNEJO , was
3 on and about 02/04/2013 in the SUPERIOR Court of the State of
4 CALIFORNIA for the County of SANTA CLARA convicted of a serious
5 felony, to-wit: FIRST DEGREE BURGLARY , in violation of Section(s)
6 212.5 of the PENAL Code, COURT CASE# C1242887 , within the meaning
7 of Penal Code Section 667(a).
8
9

10 **PRIOR PRISON TERM PC.667.5(B)**

11 It is further alleged that defendant(s) OTONIEL CORNEJO was on and
12 about 02/04/2013 in the SUPERIOR Court of the State of CALIFORNIA
13 for the County of SANTA CLARA convicted of the crime of FIRST
14 DEGREE BURGLARY in violation of Section(s) 212.5 of the PENAL Code,
15 and that said defendant served a separate term in state prison for
16 said offense, and that said defendant did not remain free of prison
17 custody, and did not remain free of committing an offense resulting
18 in a felony conviction during a period of five years subsequent to
19 the conclusion of said term, within the meaning of Penal Code
20 Section 667.5(b) COURT CASE# C1242887
21
22

23 **PRIOR PRISON TERM PC.667.5(B)**

24 It is further alleged that defendant(s) OTONIEL CORNEJO was on and
25 about 11/22/2013 in the SUPERIOR Court of the State of CALIFORNIA
26 for the County of SANTA CLARA convicted of the crime of BURGLARY in
27 violation of Section(s) 459 of the PENAL Code, and that said
28

1 defendant served a separate term in state prison for said offense,
2 and that said defendant did not remain free of prison custody, and
3 did not remain free of committing an offense resulting in a felony
4 conviction during a period of five years subsequent to the
5 conclusion of said term, within the meaning of Penal Code Section
6 667.5(b) COURT CASE# C1366264.

7
8
9 For a further and separate cause of complaint, being a different
10 offense from but connected in its commission with the charge(s)
11 above, complainant further complains and says:

12
13 **COUNT 5: ATTEMPTED MURDER PC.664/187(A)**

14 On or about January 17, 2019, in the County of San Joaquin,
15 California, OTONIEL CORNEJO, did commit the crime of ATTEMPTED
16 MURDER, in violation of Section 664/187(a) of the Penal Code, a
17 FELONY, who at the time and place last aforesaid, did attempt to
18 willfully and unlawfully and intentionally and with malice
19 aforethought murder SPD OFFICE SEAN ROSS a human being. It is
20 further alleged that the above offense is a serious felony within
21 the meaning of Penal Code Section 1192.7(c)(1).

22
23 **PERSONAL USE OF A FIREARM (10 YEARS) PC.12022.53(B)**

24 It is further alleged that in the commission of the foregoing
25 offense, the defendant OTONIEL CORNEJO personally used a firearm,
26 within the meaning of Section 12022.53(b) of the Penal Code.
27

1
2 **PRIOR SERIOUS FELONY PC.1170.12 (B)/667 (D)**

3 It is further alleged that said defendant OTONIEL CORNEJO was on
4 and about 02/04/2013 in the SUPERIOR Court for the County of SANTA
5 CLARA State of CALIFORNIA convicted of the crime of FIRST DEGREE
6 BURGLARY in violation of Section 212.5 of the PENAL Code, within
7 the meaning of Penal Code Sections 1170.12(b) and 667(d) COURT
8 CASE# C1242887.
9

10
11 **PRIOR SERIOUS FELONY PC.1170.12 (B)/667 (D)**

12 It is further alleged that said defendant OTONIEL CORNEJO was on
13 and about 11/22/2013 in the SUPERIOR Court for the County of SANTA
14 CLARA State of CALIFORNIA convicted of the crime of BURGLARY in
15 violation of Section 459 of the PENAL Code, within the meaning of
16 Penal Code Sections 1170.12(b) and 667(d) COURT CASE# C1366264.
17

18 **CONVICTION OF PRIOR SERIOUS FELONY OFFENSE PC.667 (A)**

19 It is further alleged that said defendant(s), OTONIEL CORNEJO , was
20 on and about 02/04/2013 in the SUPERIOR Court of the State of
21 CALIFORNIA for the County of SANTA CLARA convicted of a serious
22 felony, to-wit: FIRST DEGREE BURGLARY , in violation of Section(s)
23 212.5 of the PENAL Code, COURT CASE# C1242887 , within the meaning
24 of Penal Code Section 667(a).
25

26
27 //

1 **PRIOR PRISON TERM PC.667.5(B)**

2 It is further alleged that defendant(s) OTONIEL CORNEJO was on and
3 about 02/04/2013 in the SUPERIOR Court of the State of CALIFORNIA
4 for the County of SANTA CLARA convicted of the crime of FIRST
5 DEGREE BURGLARY in violation of Section(s) 212.5 of the PENAL Code,
6 and that said defendant served a separate term in state prison for
7 said offense, and that said defendant did not remain free of prison
8 custody, and did not remain free of committing an offense resulting
9 in a felony conviction during a period of five years subsequent to
10 the conclusion of said term, within the meaning of Penal Code
11 Section 667.5(b) COURT CASE# C1242887
12

13
14 **PRIOR PRISON TERM PC.667.5(B)**

15 It is further alleged that defendant(s) OTONIEL CORNEJO was on and
16 about 11/22/2013 in the SUPERIOR Court of the State of CALIFORNIA
17 for the County of SANTA CLARA convicted of the crime of BURGLARY in
18 violation of Section(s) 459 of the PENAL Code, and that said
19 defendant served a separate term in state prison for said offense,
20 and that said defendant did not remain free of prison custody, and
21 did not remain free of committing an offense resulting in a felony
22 conviction during a period of five years subsequent to the
23 conclusion of said term, within the meaning of Penal Code Section
24 667.5(b) COURT CASE# C1366264.
25

1 For a further and separate cause of complaint, being a different
2 offense from but connected in its commission with the charge(s)
3 above, complainant further complains and says:
4

5 **COUNT 6: FELON/ADDICT POSSESS/ETC FIREARM PC.29800 (a) (1)**

6 On or about January 17, 2019, in the County of San Joaquin,
7 California, OTONIEL CORNEJO, did commit the crime of FELON/ADDICT
8 POSSESS/ETC FIREARM, in violation of Section 29800(a)(1) of the
9 Penal Code, a FELONY, who at the time and place last aforesaid, did
10 willfully and unlawfully own, purchase, receive or have in his/her
11 possession or under his/her custody or control a firearm, and said
12 defendant having theretofore been duly and legally convicted of a
13 felony or felonies, to-wit: the crime of FIRST DEGREE BURGLARY AND
14 BURGLARY in violation of Section 212.5 AND 459 of the PENAL Code on
15 02/04/2013 AND 11/22/2013 by and before the SUPERIOR Court, County
16 of SANTA CLARA State of CALIFORNIA. COURT CASE# C1242887 AND COURT
17 CASE# C1366264
18

19
20 **PRIOR SERIOUS FELONY PC.1170.12 (B) /667 (D)**

21 It is further alleged that said defendant OTONIEL CORNEJO was on
22 and about 02/04/2013 in the SUPERIOR Court for the County of SANTA
23 CLARA State of CALIFORNIA convicted of the crime of FIRST DEGREE
24 BURGLARY in violation of Section 212.5 of the PENAL Code, within
25 the meaning of Penal Code Sections 1170.12(b) and 667(d) COURT
26 CASE# C1242887.
27

1 **PRIOR SERIOUS FELONY PC.1170.12 (B) /667 (D)**

2 It is further alleged that said defendant OTONIEL CORNEJO was on
3 and about 11/22/2013 in the SUPERIOR Court for the County of SANTA
4 CLARA State of CALIFORNIA convicted of the crime of BURGLARY in
5 violation of Section 459 of the PENAL Code, within the meaning of
6 Penal Code Sections 1170.12(b) and 667(d) COURT CASE# C1366264.
7

8 **PRIOR PRISON TERM PC.667.5 (B)**

9
10 It is further alleged that defendant(s) OTONIEL CORNEJO was on and
11 about 02/04/2013 in the SUPERIOR Court of the State of CALIFORNIA
12 for the County of SANTA CLARA convicted of the crime of FIRST
13 DEGREE BURGLARY in violation of Section(s) 212.5 of the PENAL Code,
14 and that said defendant served a separate term in state prison for
15 said offense, and that said defendant did not remain free of prison
16 custody, and did not remain free of committing an offense resulting
17 in a felony conviction during a period of five years subsequent to
18 the conclusion of said term, within the meaning of Penal Code
19 Section 667.5(b) COURT CASE# C1242887
20

21 **PRIOR PRISON TERM PC.667.5 (B)**

22
23 It is further alleged that defendant(s) OTONIEL CORNEJO was on and
24 about 11/22/2013 in the SUPERIOR Court of the State of CALIFORNIA
25 for the County of SANTA CLARA convicted of the crime of BURGLARY in
26 violation of Section(s) 459 of the PENAL Code, and that said
27 defendant served a separate term in state prison for said offense,
28

1 and that said defendant did not remain free of prison custody, and
2 did not remain free of committing an offense resulting in a felony
3 conviction during a period of five years subsequent to the
4 conclusion of said term, within the meaning of Penal Code Section
5 667.5(b) COURT CASE# C1366264.

6
7
8 If the above-named defendant(s) is/are presently on probation in
9 San Joaquin County, any evidence presented at a preliminary hearing
10 in the instant case will be used not only as a basis for a holding
11 order in this case but also as evidence of a violation of probation
12 and, at any formal hearing on that violation of probation, the
13 People will move the transcript of the preliminary hearing into
14 evidence as a basis for the violation.

15
16 Pursuant to Penal Code Section 1054.5(b), the People hereby
17 informally request that the defendant and his/her attorney disclose
18 to the People all information and materials described in Penal Code
19 Section 1054.3.

20
21 I declare under penalty of perjury that the foregoing is true and
22 correct except for those things stated on information and belief
23 and those I believe to be true.
24

25
26 Executed on 3/14/2019, at Stockton, California.

27 dcr


