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FILED
SUPERIOR COURT-MANTECA
2019 JAN -4 AM 11:26
ROSA JUNQUERO, CLERK
BY ~~_____~~
DEPUTY

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

9 Manteca Branch MAN-CR-FE-2019- 173

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

12 v.

14 DANIEL JOSEPH HERRING

18 Defendant(s).

SO19-00076 & SO19-00115
SO CASE
DA Case: CR-2019-4186911

COMPLAINT

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

22 **COUNT 1: ADW NOT A FIREARM ON PEACE OFFICER/FIREFIGHTER LIKELY TO**
23 **PRODUCE GBI PC.245(C)**

24 On or about January 1, 2019, in the County of San Joaquin,
25 California, DANIEL JOSEPH HERRING, did commit the crime of ASSAULT
26 WITH A DEADLY WEAPON UPON A PEACE OFFICER OR FIREFIGHTER, in

1/c
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1 violation of Section 245(c) of the Penal Code, a FELONY, who at the
2 time and place last aforesaid did willfully and unlawfully commit
3 an assault with a deadly weapon and instrument to-wit: VEHICLE,
4 upon the person of SAN JOAQUIN COUNTY SHERIFF DEPUTY ONTIVEROS,
5 when said defendant(s) knew and should have known that the person
6 was a peace officer or firefighter.

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

9
10 It is further alleged that defendant(s) DANIEL JOSEPH HERRING, was
11 on and about 12/20/2017, in the STOCKTON SUPERIOR Court of the
12 State of CALIFORNIA, for the County of SAN JOAQUIN, convicted of
13 the crime of FELON/ADDICT POSSESS ETC FIREARM, in violation of
14 Section(s) 29800 of the PENAL Code, and that said defendant served
15 a separate term in state prison for said offense, and that said
16 defendant did not remain free of prison custody, and did not remain
17 free of committing an offense resulting in a felony conviction
18 during a period of five years subsequent to the conclusion of said
19 term, within the meaning of Penal Code Section 667.5(b) COURT CASE
20 #CR-2017-16552.

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

26 ///

1 **COUNT 2: FELON/ADDICT POSSESS/ETC FIREARM PC.29800(a)(1)**

2 On or about January 1, 2019, in the County of San Joaquin,
3 California, DANIEL JOSEPH HERRING, did commit the crime of
4 FELON/ADDICT POSSESS/ETC FIREARM, in violation of Section
5 29800(a)(1) of the Penal Code, a FELONY, who at the time and place
6 last aforesaid, did willfully and unlawfully own, purchase, receive
7 or have in his/her possession or under his/her custody or control a
8 firearm, to-wit: .22 SEMI-AUTO, and said defendant having
9 theretofore been duly and legally convicted of a felony or
10 felonies, to-wit: the crime of FELON/ADDICT POSSESS/ETC FIREARM, in
11 violation of Section 29800 of the PENAL Code on 12/20/2017, by and
12 before the STOCKTON SUPERIOR Court, County of SAN JOAQUIN, State of
13 CALIFORNIA, COURT CASE #CR-2017-16552.

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15
16 **PRIOR PRISON TERM PC.667.5(B)**

17 It is further alleged that defendant(s) DANIEL JOSEPH HERRING, was
18 on and about 12/20/2017, in the STOCKTON SUPERIOR Court of the
19 State of CALIFORNIA, for the County of SAN JOAQUIN, convicted of
20 the crime of FELON/ADDICT POSSESS ETC FIREARM, in violation of
21 Section(s) 29800 of the PENAL Code, and that said defendant served
22 a separate term in state prison for said offense, and that said
23 defendant did not remain free of prison custody, and did not remain
24 free of committing an offense resulting in a felony conviction
25 during a period of five years subsequent to the conclusion of said
26

1 term, within the meaning of Penal Code Section 667.5(b) COURT CASE
2 #CR-2017-16552.

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

7
8 **COUNT 3: POSSESSION OF AMMUNITION PC.30305(a) (1)**

9 On or about January 1, 2019, in the County of San Joaquin,
10 California, DANIEL JOSEPH HERRING, did commit the crime of
11 POSSESSION OF AMMUNITION, in violation of Section 30305(a) (1) of
12 the Penal Code, a FELONY, who at the time and place last aforesaid,
13 did unlawfully sell, own, possess and have under control ammunition
14 and reloaded ammunition. It is further alleged that the defendant
15 is prohibited from owning or possessing a firearm pursuant to
16 sections 29800 et. seq. and 29900 et. seq. of the Penal Code and
17 sections 8100 and 8103 of the Welfare and Institutions Code, having
18 been previously convicted of the following offense(s): FELON/ADDICT
19 POSSESS/ETC FIREARM, in violation of Section 29800 of the PENAL
20 Code on 12/20/2017, by and before the STOCKTON SUPERIOR Court,
21 County of SAN JOAQUIN, Court Case # CR-2017-16552.

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

25 It is further alleged that defendant(s) DANIEL JOSEPH HERRING, was
26 on and about 12/20/2017, in the STOCKTON SUPERIOR Court of the
27

1 State of CALIFORNIA, for the County of SAN JOAQUIN, convicted of
2 the crime of FELON/ADDICT POSSESS ETC FIREARM, in violation of
3 Section(s) 29800 of the PENAL Code, and that said defendant served
4 a separate term in state prison for said offense, and that said
5 defendant did not remain free of prison custody, and did not remain
6 free of committing an offense resulting in a felony conviction
7 during a period of five years subsequent to the conclusion of said
8 term, within the meaning of Penal Code Section 667.5(b) COURT CASE
9 #CR-2017-16552.
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11
12 For a further and separate cause of complaint, being a different
13 offense from but connected in its commission with the charge(s)
14 above, complainant further complains and says:

15
16 **COUNT 4: TAKE VEHICLE W/O CONSENT VC.10851(A)**

17 On or about January 1, 2019, in the County of San Joaquin,
18 California, DANIEL JOSEPH HERRING, did commit the crime of UNLAWFUL
19 DRIVING OR TAKING OF A VEHICLE, in violation of Section 10851(a) of
20 the Vehicle Code, a FELONY, who at the time and place last
21 aforesaid, did willfully and unlawfully drive and take a certain
22 vehicle, to-wit: FORD RANGER BELONGING TO DEBBIE SWINT, then and
23 there the personal property of another.

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

2 It is further alleged that defendant(s) DANIEL JOSEPH HERRING, was
3 on and about 12/20/2017, in the STOCKTON SUPERIOR Court of the
4 State of CALIFORNIA, for the County of SAN JOAQUIN, convicted of
5 the crime of FELON/ADDICT POSSESS ETC FIREARM, in violation of
6 Section(s) 29800 of the PENAL Code, and that said defendant served
7 a separate term in state prison for said offense, and that said
8 defendant did not remain free of prison custody, and did not remain
9 free of committing an offense resulting in a felony conviction
10 during a period of five years subsequent to the conclusion of said
11 term, within the meaning of Penal Code Section 667.5(b) COURT CASE
12 #CR-2017-16552.
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14
15 **AUTO THEFT W/PRIOR PC.666.5(a)**

16 It is further alleged as to Count Number 4, that the said defendant
17 DANIEL JOSEPH HERRING was on and about 02/09/2017, in the STOCKTON
18 SUPERIOR Court of the State of California for the County of SAN
19 JOAQUIN, case number CR-2017-1392, convicted of the crime of TAKE
20 VEHICLE W/OUT CONSENT, in violation of Section 10851 of the VEHICLE
21 Code.
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24 For a further and separate cause of complaint, being a different
25 offense from but connected in its commission with the charge(s)
26 above, complainant further complains and says:
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1 **COUNT 5: RECEIVING STOLEN PROPERTY, MOTOR VEHICLE PC.496D(A)**

2 On or about January 1, 2019, in the County of San Joaquin,
3 California, DANIEL JOSEPH HERRING, did commit the crime of
4 RECEIVING STOLEN PROPERTY, MOTOR VEHICLE, in violation of Section
5 496d(a) of the Penal Code, a FELONY, who at the time and place last
6 aforesaid, did unlawfully buy and receive FORD RANGER BELONGING TO
7 DEBBIE SWINT, that was stolen and had been obtained in a manner
8 constituting theft and extortion, knowing the property to be stolen
9 and obtained, and did conceal, sell, withhold, and aid in
10 concealing, selling and withholding said property.
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13 **PRIOR PRISON TERM PC.667.5(B)**

14 It is further alleged that defendant(s) DANIEL JOSEPH HERRING, was
15 on and about 12/20/2017, in the STOCKTON SUPERIOR Court of the
16 State of CALIFORNIA, for the County of SAN JOAQUIN, convicted of
17 the crime of FELON/ADDICT POSSESS ETC FIREARM, in violation of
18 Section(s) 29800 of the PENAL Code, and that said defendant served
19 a separate term in state prison for said offense, and that said
20 defendant did not remain free of prison custody, and did not remain
21 free of committing an offense resulting in a felony conviction
22 during a period of five years subsequent to the conclusion of said
23 term, within the meaning of Penal Code Section 667.5(b) COURT CASE
24 #CR-2017-16552.
25

26 ///

1 **AUTO THEFT W/PRIOR PC.666.5(a)**

2 It is further alleged as to Count Number 5, that the said defendant
3 DANIEL JOSEPH HERRING was on and about 02/09/2017, in the STOCKTON
4 SUPERIOR Court of the State of California for the County of SAN
5 JOAQUIN, case number CR-2017-1392, convicted of the crime of TAKE
6 VEHICLE W/OUT CONSENT, in violation of Section 10851 of the VEHICLE
7 Code.

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

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18 Pursuant to Penal Code Section 1054.5(b), the People hereby
19 informally request that the defendant and his/her attorney disclose

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1 to the People all information and materials described in Penal Code
2 Section 1054.3.

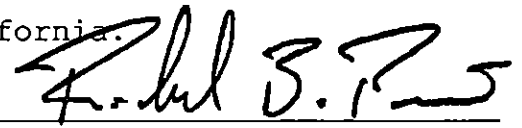
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4 I declare under penalty of perjury that the foregoing is true and
5 correct except for those things stated on information and belief
6 and those I believe to be true.

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9 Executed on 1/4/2019, at Stockton, California.



A handwritten signature in black ink, appearing to read "Robert B. Jones", is written over a horizontal line.

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12 cfk

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FELONY ABSTRACT OF JUDGMENT—DETERMINATE
 (NOT VALID WITHOUT COMPLETED PAGE TWO OF CR-290 ATTACHED)

CR-290

SUPERIOR COURT OF CALIFORNIA, COUNTY OF: SAN JOAQUIN, MANTECA BRANCH		SUPERIOR COURT - 11 AM 11.04	
PEOPLE OF THE STATE OF CALIFORNIA vs. DEFENDANT: DANIEL JOSEPH HERRING	DOB: 07/09/1993	MAN-CR-2019-173	FEB 26 AM 11:46
AKA:			JANUARIO, CLEMY
CII NO.: 31400307			<i>[Signature]</i> DEPUTY
BOOKING NO.: 1900082	<input type="checkbox"/> NOT PRESENT		
FELONY ABSTRACT OF JUDGMENT <input checked="" type="checkbox"/> PRISON COMMITMENT <input type="checkbox"/> COUNTY JAIL COMMITMENT		<input checked="" type="checkbox"/> AMENDED ABSTRACT	-D
DATE OF HEARING 02/22/2019	DEPT. NO. M1	JUDGE BOB MCNATT	
CLERK J.S.	REPORTER LAURA FOWLER	PROBATION NO. OR PROBATION OFFICER WAIVED	<input checked="" type="checkbox"/> IMMEDIATE SENTENCING
COUNSEL FOR PEOPLE RICHARD PRICE, DDA		COUNSEL FOR DEFENDANT JONATHAN FATTARSI, DPD	<input checked="" type="checkbox"/> APPOINTED

1. Defendant was convicted of the commission of the following felonies:

Additional counts are listed on attachment
 _____ (number of pages attached)

COUNT	CODE	SECTION NO.	CRIME	YEAR CRIME COMMITTED	DATE OF CONVICTION (MO./DATE/YR.)	CONVICTED BY			TERM (L, M, U)	CONCURRENT	13 CONSECUTIVE	CONSECUTIVE FULL TERM	INCOMPLETE SENTENCE (REFER TO ITEM 5)	654 STAY	SERIOUS FELONY	VIOLENT FELONY	PRINCIPAL OR CONSECUTIVE TIME IMPOSED		
						JURY	COURT	PLEA									YRS.	MO.	
2	PC	29800(A)(1)	Felon/Addict/Poss/Etc Firea	2019	02 / 22 / 19			X	U									3	0
4	VC	10851(A)	Vehicle Theft	2019	02 / 22 / 19			X	U	X								(3)	(0)
					/ /														
					/ /														
					/ /														

2. ENHANCEMENTS charged and found to be true TIED TO SPECIFIC COUNTS (mainly in the PC 12022 series). List each count enhancement horizontally. Enter time imposed, "S" for stayed, or "PS" for punishment struck. DO NOT LIST ENHANCEMENTS FULLY STRICKEN by the court.

COUNT	ENHANCEMENT	TIME IMPOSED, "S," or "PS"	ENHANCEMENT	TIME IMPOSED, "S," or "PS"	ENHANCEMENT	TIME IMPOSED, "S," or "PS"	TOTAL

3. ENHANCEMENTS charged and found to be true for PRIOR CONVICTIONS OR PRISON TERMS (mainly in the PC 667 series). List all enhancements horizontally. Enter time imposed, "S" for stayed, or "PS" for punishment struck. DO NOT LIST ENHANCEMENTS FULLY STRICKEN by the court.

ENHANCEMENT	TIME IMPOSED, "S," or "PS"	ENHANCEMENT	TIME IMPOSED, "S," or "PS"	ENHANCEMENT	TIME IMPOSED, "S," or "PS"	TOTAL

4. Defendant sentenced to county jail per 1170(h)(1) or (2)
 to prison per 1170(a), 1170.1(a) or 1170(h)(3) due to current or prior serious or violent felony PC 290 or PC 186.11 enhancement
 per PC 667(b)-(i) or PC 1170.12 (strike prior)
 per PC 1170(a)(3). Preconfinement credits equal or exceed time imposed. Defendant ordered to report to local parole or probation office.

5. INCOMPLETE SENTENCE(S) CONSECUTIVE

COUNTY	CASE NUMBER

6. TOTAL TIME ON ATTACHED PAGES: _____

7. Additional indeterminate term (see CR-292).

8. TOTAL TIME: 3 0

Attachments may be used but must be referred to in this document.

