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9 SUPERIOR COURT OF CALIFORNIA
10 COUNTY OF SAN LUIS OBISPO
11 DEPARTMENT 10

12 THE PEOPLE OF THE STATE OF CALIFORNIA

CASE NO. 18F-08854

13 Plaintiff,

STATEMENT IN AGGRAVATION

14 vs.

15 CHRIS LYNN BERDOLL

16 Defendant.

Date: December 16, 2021
Time: 1:30 pm
Dept. 10

17
18 **STATEMENT OF THE CASE**

19 On October 26, 2021, Defendant entered a No Contest Plea to all 25 Felony Counts of
20 the Information. The Court indicated, absent a change in circumstances, Defendant would serve
21 3 years prison with the understanding Defendant would be sentenced to the upper term of Count
22 1 and all other counts would be run concurrently. The People objected to the Court's indicated
23 sentence.

24 **FACTUAL SUMMARY**

25 On August 30, 2018, Officer Rodriguez spoke with one victim, a student at Atascadero
26 Fine Arts Academy, witnessed her teacher, Mr. Berdoll, (hereinafter Defendant) surreptitiously
27 video under the skirt of a minor student using his iPad. She had dropped her pencil and when
28 she bent down to retrieve it, she could see Defendant's iPad on, and recording the underwear

1 and crotch of a classmate. Defendant was a teacher at the school for many years and had taught
2 4th, 5th and 6th graders.

3 Other students of Defendant were interviewed, and described Defendant holding his
4 phone or iPad in video mode, underneath the desk, near minor students' legs and underneath
5 their skirts. Victims also described how Defendant had assigned seating in his classroom and
6 would seat them closest to him.

7 At Back-to-School night, held the evening of August 30, 2018, Officer Segovia watched
8 Defendant's residence while Detective Ryan Sloan authored a search warrant for Defendant's
9 house and electronic devices. Officer Segovia observed Defendant leave his home and stopped
10 him after Defendant failed to stop at a stop sign. Upon contacting Defendant, officers collected
11 Defendant's cellphone and smart watch. Officers subsequently executed the search warrant at
12 Defendant's residence of [REDACTED], Atascadero, CA. Numerous computers and hard drives
13 were seized and turned over to be forensically analyzed.

14 The forensic search of Defendant's electronics revealed surreptitious photos and
15 recordings of 16 girls from 2016 to August 20, 2018. Many of the girls were identified as
16 Defendant's students and were as young as nine years old. Videos showed young female
17 students reaching up hanging items up for him, laying on tables, Defendant assisting students
18 while secretly recording underneath the desk, capturing video footage of young female students'
19 crotches and in some instances their underwear. Other videos captured footage up the shirts of
20 young female students.

21 In addition to the videos taken, Defendant would take screenshots of the videos and
22 superimpose nude prepubescent body parts on his female students, effectively creating child
23 pornography. Defendant would also superimpose nude images of himself engaging in sex acts
24 with his young female students. In one instance Defendant digitally put his erect penis into the
25 mouth of one of his students, whose clothing he digitally removed and superimposed
26 prepubescent breasts on. There were also discovered a variety of child pornography videos and
27 photos not related to his students.

1 **GENERAL PRINCIPLES OF LAW**

2 The California Constitution, Article I, section 28(a) sets forth the principles to be used in
3 determining the appropriate sentence. It states:

4 "The rights of victims pervade the criminal justice system,
5 encompassing not only the right to restitution from the wrongdoers
6 for financial losses suffered as a result of criminal acts, but also the
7 more basic expectation that persons who commit felonious acts
8 causing injury to innocent victims will be appropriately detained in
9 custody, tried by the courts, and sufficiently punished so that the
10 public safety is protected and encouraged as a goal of highest
11 importance."

9 The California Rules of Court in Rule 4.410 sets out of the objectives to obtain by
10 sentencing:

- 11 (a) Protecting society.
- 12 (b) Punishing the defendant.
- 13 (c) Encouraging the defendant to lead a law-abiding life in the future and deterring
14 him from future offenses.
- 15 (d) Deterring others from criminal conduct by demonstrating its consequences.
- 16 (e) Preventing the defendant from committing new crimes by isolating him for the
17 period of incarceration.
- 18 (f) Securing restitution for the victims of crime.
- 19 (g) Achieving uniformity in sentencing.

20 "Before determining whether to impose either concurrent or consecutive sentences on all
21 counts on which the defendant was convicted, the court must determine whether the proscription
22 in section 654 against multiple punishments for the same act or omission requires a stay of
23 execution of the sentence imposed on some of the counts." Rule 4.424.

24 When considering whether to impose a consecutive sentence rather than a concurrent
25 one, the court considers the crimes and whether their objectives were predominately
26 independent of each other, the crimes involved separate acts of violence or threats of violence,
27 and whether the crimes were committed at different times or separate place. Rule 4.425(a)(1)

1 through (a)(3).

2 "The trial court is required to determine whether a sentence shall be consecutive or
3 concurrent but is not required to presume in favor of concurrent sentencing." People v. Reeder
4 (1984) 152 Cal.App.3d 900, 923.

5 The court may consider "[a]ny other factors statutorily declared to be circumstances in
6 aggravation." Rule 4.421(c). A statement by the victim is a factor the court may consider when
7 determining what sentence to impose. Penal Code § 1170(b).

8 **FACTORS IN AGGRAVATION**

9 **A. Facts Relating to the Crime and Defendant**

10 An examination of the facts presently of record establishes that there are certain facts
11 relating to the crimes charged and the Defendant that should be considered circumstances in
12 aggravation pursuant to California Rules of Court Rule 4.421(a) and (b). Those facts are as
13 follows:

14 ***RULE 4.421(a)(3): The victim was particularly vulnerable.**

15 The victims in this case were all particularly vulnerable due to their young age.
16 Additionally, the victims were Defendant's students, so they didn't have a choice
17 in spending time and being left alone with him while in class.

18 ***RULE 4.421(a)(8): The manner in which the crime was carried out indicates planning, sophistication, or professionalism.**

19 Defendant chose his particular victims in certain situations to secretly record them,
20 directing them, seating them close to him, opening his class to them. After secretly
21 recording his victims, Defendant would digitally remove their clothing in
22 photographs while nude images of prepubescent body parts on the girls.
23 Defendant would go a step further and superimpose photos of himself engaging in
sex acts with his young female students. For example, Defendant superimposed
himself into a photograph he altered of one victim seated at a desk where he was
inserting his erect penis into her mouth and he'd digitally removed her clothing.

24 ***RULE 4.421(a)(11): The defendant took advantage of a position of trust or confidence to commit the offense.**

25 The Defendant took advantage of a position of trust as a teacher and used that to
26 commit his crimes. He encouraged the victims to engage in certain conduct, like
27 reaching up or laying on tables, to better enable him to secretly record them.
28 Defendant also had an assigned seating chart, seating victims in close proximity
to him, giving him more / easier access to record them.

REQUESTED SENTENCING

Defendant's total exposure is as follows:

Count	Charge	Victim	Triad	1/3 Midterm
1	PC 311.4(c)	[REDACTED]	16-2-3	
2	PC 311.4(c)	[REDACTED]	16-2-3	8 months
3	PC 311.4(c)	[REDACTED]	16-2-3	8 months
4	PC 311.4(c)	[REDACTED]	16-2-3	8 months
5	PC 311.4(c)	[REDACTED]	16-2-3	8 months
6	PC 311.4(c)	[REDACTED]	16-2-3	8 months
7	PC 311.4(c)	[REDACTED]	16-2-3	8 months
8	PC 311.4(c)	[REDACTED]	16-2-3	8 months
9	PC 311.4(c)	[REDACTED]	16-2-3	8 months
10	PC 311.4(c)	[REDACTED]	16-2-3	8 months
11	PC 311.4(c)	[REDACTED]	16-2-3	8 months
12	PC 311.4(c)	[REDACTED]	16-2-3	8 months
13	PC 311.4(c)	[REDACTED]	16-2-3	8 months
14	PC 311.4(c)	[REDACTED]	16-2-3	8 months
15	PC 311.4(c)	[REDACTED]	16-2-3	8 months
16	PC 311.4(c)	[REDACTED]	16-2-3	8 months
17	PC 311.4(c)	[REDACTED]	16-2-3	8 months
18	PC 311.4(c)	[REDACTED]	16-2-3	8 months
19	PC 311.4(c)	[REDACTED]	16-2-3	8 months
20	PC 311.4(c)	[REDACTED]	16-2-3	8 months
21	PC 311.4(c)	[REDACTED]	16-2-3	8 months
22	PC 311.4(c)	[REDACTED]	16-2-3	8 months
23	PC 311.4(c)	[REDACTED]	16-2-3	8 months
24	PC 311.4(c)	[REDACTED]	16-2-3	8 months
25	PC 311.11(a)	N/A	16-2-3	8 months

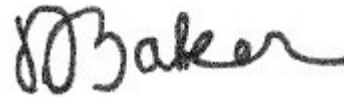
Total Maximum Exposure: 19 years

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1 Based on Defendant's no contest plea to each of the 25 Counts, the People request
2 Defendant be sentenced to the maximum possible sentence for his aggravated conduct, 19
3 years. The Court could sentence Defendant to the upper term of 3 years and run all other
4 charges consecutive at 1/3 the mid-term of 8 months, for a total of 19 years. The charges are
5 not 654 to one another given that the victims are different and even with the charges related to
6 the same victim, a different video is alleged. Defendant in this case engaged in an ongoing
7 pattern of predatory behavior on multiple young girls entrusted in his care. Defendant is
8 deserving of the maximum term allowed by the law.

9
10 Dated: November 12, 2021

Respectfully Submitted,
Dan Dow
District Attorney

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14 By: _____
15 Danielle E Baker
16 Deputy District Attorney
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1 **PROOF OF SERVICE**

2 Code of Civil Procedure §1031a; CRC Rule 2006(d)

3 STATE OF CALIFORNIA, COUNTY OF SAN LUIS OBISPO

4 I am and at all times herein mentioned as a citizen of the United States and a resident of
5 the County of San Luis Obispo over the age of 18 years and not a party to the within entitled
6 action. My business address is Court House Annex, 4th Floor, San Luis Obispo, California 93408.

7 On November 12, 2021, I served the foregoing document(s) described as:

8 **STATEMENT IN AGGRAVATION**

9 *(People v. Chris Lynn Berdoll; Case No. 18F-08854)*

10 on the interested parties in this action:

11 **IIAN M. FUNKE-BILU**
12 **ATTORNEY AT LAW**
13 **1008 WALNUT STREET,**
14 **SAN LUIS OBISPO, CA 93401**

15 [xx] BY EMAIL TRANSMISSION: By use of San Luis Obispo County issued email, I caused
16 such document(s) to be transmitted to the addressee(s) email account(s) noted below. The
17 County issued computer used complies with Rule 2.251 and the transmission was reported as
18 complete without error. Email: bilu1950@live.com, ifb.slolaw@gmail.com

19 I declare under penalty of perjury under the laws of the State of California that the foregoing
20 is true and correct and that this declaration was executed on November 12, 2021, at San Luis
21 Obispo, California.

22 

23 Nathan Nguyen, Legal Clerk