

FILED

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SAN LUIS OBISPO SUPERIOR COURT
BY Frances O'Donnell
Frances O'Donnell, Deputy Clerk

DAN DOW
DISTRICT ATTORNEY
STATE BAR # 237986
COUNTY OF SAN LUIS OBISPO
COURTHOUSE ANNEX, 4TH FLOOR
SAN LUIS OBISPO, CA 93408
TELEPHONE: (805) 781-5800

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO
DEPARTMENT 5

THE PEOPLE OF THE STATE OF
CALIFORNIA

Plaintiff,

vs.

MARCO ANTONIO NAVABARRERA
DOB: 10/25/1975 ID NO. D000440096

Defendant.

COURT CASE NO. 20F-01317
AMENDED INFORMATION

DA CASE NO. 079-650261

Appearance Date: February 8, 2023

The District Attorney of San Luis Obispo County, California, hereby accuses the
above named defendant of the following criminal offenses:

Count 1

On or about January 16, 2017 to February 25, 2019, in the County of San Luis Obispo
and/or Santa Clara County, State of California, the crime of Oral Copulation or Sexual
Penetration With A Child Under 10 in violation of PC288.7(b), a Felony, was committed in
that MARCO ANTONIO NAVABARRERA, being a person 18 years of age and older, did
engage in oral copulation or sexual penetration, as defined in Penal Code Section 289,
with [REDACTED], a child who was 10 years of age and younger.

1 NOTICE: Conviction of this offense will require the court to order you to submit to a blood
2 test for evidence of antibodies to the probable causative agent of Acquired Immune
3 Deficiency Syndrome (AIDS). Penal Code Section 1202.1.

4 NOTICE: Conviction of this offense will require you to register pursuant to Penal Code
5 section 290. Willful failure to register is a crime.

6 NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
7 1192.7(c) and a violent felony within the meaning of Penal Code Section 667.5(c)

8 NOTICE: The above offense is a serious felony within the meaning of Penal Code section
9 1192.7(c).

10 Count 2

11 On or about January 16, 2017 to February 25, 2019, in the County of San Luis Obispo
12 and/or Santa Clara County, State of California, the crime of Lewd Act Upon A Child in
13 violation of PC288(a), a Felony, was committed in that MARCO ANTONIO

14 NAVABARRERA did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon
15 and with the body and certain parts and members thereof of [REDACTED], a child under the age of
16 fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions,
17 and sexual desires of the said defendant and the said child, to wit: hand to vagina.

18 NOTICE: Conviction of this offense will require you to register pursuant to Penal Code
19 section 290. Willful failure to register is a crime.

20 NOTICE: Pursuant to Penal Code Sections 11166 and 11168, a Suspected Child Abuse
21 Report (SCAR) may have been generated in this case. Penal Code Section 11167 and
22 11167.5 limit access to a SCAR. A protective order issued by a court is necessary to
23 obtain a copy of the report.

24
25 NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
26 1192.7(c) and a violent felony within the meaning of Penal Code Section 667.5(c)

1 NOTICE: Conviction of this offense will require the court to order you to submit to a blood
2 test for evidence of antibodies to the probable causative agent of Acquired Immune
3 Deficiency Syndrome (AIDS). Penal Code Section 1202.1.

4 Enhancement

5 PC667.61(j)(2): Spec Alleg-Sex Crimes Aggravating Circumstances

6 It is further alleged, as to count 2 within the meaning of Penal Code sections 667.61(j)(2)
7 and (e), that the victim in the above offense was a child under 14 years of age and that the
8 following circumstance applies : multiple victims.

9 Enhancement

10 PC1203.066(a)(8): Spec Alleg-Substantial Sexual Conduct-288, 288.5

11 It is further alleged pursuant to Penal Code section 1203.066(a)(8) as to count 2 that the
12 victim, [REDACTED], in the above offense was under the age of 14 years and the defendant,
13 MARCO ANTONIO NAVABARRERA had substantial sexual conduct with [REDACTED]

14 Count 3

15 On or about January 16, 2019 to February 25, 2019, in the County of San Luis Obispo
16 and/or Santa Clara County, State of California, the crime of Lewd Act Upon A Child in
17 violation of PC288(a), a Felony, was committed in that MARCO ANTONIO
18 NAVABARRERA did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon
19 and with the body and certain parts and members thereof of [REDACTED] a child under the age of
20 fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions,
21 and sexual desires of the said defendant and the said child, to wit: hand to buttocks.

22 NOTICE: Conviction of this offense will require you to register pursuant to Penal Code
23 section 290. Willful failure to register is a crime.

24 NOTICE: Pursuant to Penal Code Sections 11166 and 11168, a Suspected Child Abuse
25 Report (SCAR) may have been generated in this case. Penal Code Section 11167 and
26 11167.5 limit access to a SCAR. A protective order issued by a court is necessary to
27 obtain a copy of the report.

1 NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
2 1192.7(c) and a violent felony within the meaning of Penal Code Section 667.5(c)

3 NOTICE: Conviction of this offense will require the court to order you to submit to a blood
4 test for evidence of antibodies to the probable causative agent of Acquired Immune
5 Deficiency Syndrome (AIDS). Penal Code Section 1202.1.

6 Enhancement

7 PC667.61(j)(2): Spec Alleg-Sex Crimes Aggravating Circumstances

8 It is further alleged, as to count 3 within the meaning of Penal Code sections 667.61(j)(2)
9 and (e), that the victim in the above offense was a child under 14 years of age and that the
10 following circumstance applies : multiple victims.

11 Enhancement

12 PC1203.066(a)(8): Spec Alleg-Substantial Sexual Conduct-288, 288.5

13 It is further alleged pursuant to Penal Code section 1203.066(a)(8) as to count 3 that the
14 victim, [REDACTED] in the above offense was under the age of 14 years and the defendant,
15 MARCO ANTONIO NAVABARRERA had substantial sexual conduct with [REDACTED]

16 Count 4

17 On or about January 24, 2015 to January 23, 2018, in the County of San Luis Obispo
18 and/or Santa Clara County, State of California, the crime of Forcible Lewd Act Upon Child
19 in violation of PC288(b)(1), a Felony, was committed in that MARCO ANTONIO
20 NAVABARRERA did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon
21 and with the body and certain parts and members thereof of [REDACTED], a child under the age of
22 fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions,
23 and sexual desires of the said defendant and the said child, by use of force, violence,
24 duress, menace, and threat of great bodily harm, to wit: sexual intercourse first time.

25 NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
26 1192.7(c) and a violent felony within the meaning of Penal Code Section 667.5(c)

27 NOTICE: Conviction of this offense will require you to register pursuant to Penal Code
28 section 290. Willful failure to register is a crime.

1 NOTICE: Pursuant to Penal Code Sections 11166 and 11168, a Suspected Child Abuse
2 Report (SCAR) may have been generated in this case. Penal Code Section 11167 and
3 11167.5 limit access to a SCAR. A protective order issued by a court is necessary to
4 obtain a copy of the report.

5
6 NOTICE: Conviction of this offense will require the court to order you to submit to a blood
7 test for evidence of antibodies to the probable causative agent of Acquired Immune
8 Deficiency Syndrome (AIDS). Penal Code Section 1202.1.

9 Enhancement

10 PC667.61(j)(2): Spec Alleg-Sex Crimes Aggravating Circumstances

11 It is further alleged, as to count 4 within the meaning of Penal Code sections 667.61(j)(2)
12 and (e), that the victim in the above offense was a child under 14 years of age and that the
13 following circumstance applies : multiple victims.

14 Enhancement

15 PC1203.066(a)(8): Spec Alleg-Substantial Sexual Conduct-288, 288.5

16 It is further alleged pursuant to Penal Code section 1203.066(a)(8) as to count 4 that the
17 victim [REDACTED], in the above offense was under the age of 14 years and the defendant,
18 MARCO ANTONIO NAVABARRERA had substantial sexual conduct with [REDACTED],

19 Count 5

20 On or about January 24, 2015 to January 23, 2018, in the County of San Luis Obispo
21 and/or Santa Clara County, State of California, the crime of Forcible Lewd Act Upon Child
22 in violation of PC288(b)(1), a Felony, was committed in that MARCO ANTONIO
23 NAVABARRERA did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon
24 and with the body and certain parts and members thereof of [REDACTED] a child under the age of
25 fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions,
26 and sexual desires of the said defendant and the said child, by use of force, violence,
27 duress, menace, and threat of great bodily harm, to wit: sexual intercourse last time.

1 NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
2 1192.7(c) and a violent felony within the meaning of Penal Code Section 667.5(c)

3 NOTICE: Conviction of this offense will require you to register pursuant to Penal Code
4 section 290. Willful failure to register is a crime.

5 NOTICE: Pursuant to Penal Code Sections 11166 and 11168, a Suspected Child Abuse
6 Report (SCAR) may have been generated in this case. Penal Code Section 11167 and
7 11167.5 limit access to a SCAR. A protective order issued by a court is necessary to
8 obtain a copy of the report.

9 NOTICE: Conviction of this offense will require the court to order you to submit to a blood
10 test for evidence of antibodies to the probable causative agent of Acquired Immune
11 Deficiency Syndrome (AIDS). Penal Code Section 1202.1.

12 Enhancement

13 PC667.61(j)(2): Spec Alleg-Sex Crimes Aggravating Circumstances

14 It is further alleged, as to count 5 within the meaning of Penal Code sections 667.61(j)(2)
15 and (e), that the victim in the above offense was a child under 14 years of age and that the
16 following circumstance applies : multiple victims.

17 Enhancement

18 PC1203.066(a)(8): Spec Alleg-Substantial Sexual Conduct-288, 288.5

19 It is further alleged pursuant to Penal Code section 1203.066(a)(8) as to count 5 that the
20 victim, [REDACTED] in the above offense was under the age of 14 years and the defendant,
21 MARCO ANTONIO NAVABARRERA had substantial sexual conduct with [REDACTED]

22 Count 6

23 On or about January 24, 2015 to January 23, 2018, in the County of San Luis Obispo and/
24 or Santa Clara County, State of California, the crime of Forcible Lewd Act Upon Child in
25 violation of PC288(b)(1), a Felony, was committed in that MARCO ANTONIO
26 NAVABARRERA did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon
27 and with the body and certain parts and members thereof of [REDACTED] a child under the age of
28 fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions,

1 and sexual desires of the said defendant and the said child, by use of force, violence,
2 duress, menace, and threat of great bodily harm, to wit: penis to buttocks, first time.

3 NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
4 1192.7(c) and a violent felony within the meaning of Penal Code Section 667.5(c)

5 NOTICE: Conviction of this offense will require you to register pursuant to Penal Code
6 section 290. Willful failure to register is a crime.

7 NOTICE: Pursuant to Penal Code Sections 11166 and 11168, a Suspected Child Abuse
8 Report (SCAR) may have been generated in this case. Penal Code Section 11167 and
9 11167.5 limit access to a SCAR. A protective order issued by a court is necessary to
10 obtain a copy of the report.

11 NOTICE: Conviction of this offense will require the court to order you to submit to a blood
12 test for evidence of antibodies to the probable causative agent of Acquired Immune
13 Deficiency Syndrome (AIDS). Penal Code Section 1202.1.

14 Enhancement

15 PC667.61(j)(2): Spec Alleg-Sex Crimes Aggravating Circumstances

16 It is further alleged, as to count 6 within the meaning of Penal Code sections 667.61(j)(2)
17 and (e), that the victim in the above offense was a child under 14 years of age and that the
18 following circumstance applies : multiple victims.

19 Enhancement

20 PC1203.066(a)(8): Spec Alleg-Substantial Sexual Conduct-288, 288.5

21 It is further alleged pursuant to Penal Code section 1203.066(a)(8) as to count 6 that the
22 victim, [REDACTED] in the above offense was under the age of 14 years and the defendant,
23 MARCO ANTONIO NAVABARRERA had substantial sexual conduct with [REDACTED]

24 Count 7

25 On or about January 24, 2015 to January 23, 2018, in the County of San Luis Obispo and/
26 or Santa Clara County, State of California, the crime of Forcible Lewd Act Upon Child in
27 violation of PC288(b)(1), a Felony, was committed in that MARCO ANTONIO
28 NAVABARRERA did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon

1 and with the body and certain parts and members thereof of [REDACTED] a child under the age of
2 fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions,
3 and sexual desires of the said defendant and the said child, by use of force, violence,
4 duress, menace, and threat of great bodily harm, to wit: penis to buttocks, last time.

5 NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
6 1192.7(c) and a violent felony within the meaning of Penal Code Section 667.5(c)

7 NOTICE: Conviction of this offense will require you to register pursuant to Penal Code
8 section 290. Willful failure to register is a crime.

9 NOTICE: Pursuant to Penal Code Sections 11166 and 11168, a Suspected Child Abuse
10 Report (SCAR) may have been generated in this case. Penal Code Section 11167 and
11 11167.5 limit access to a SCAR. A protective order issued by a court is necessary to
12 obtain a copy of the report.

13
14 NOTICE: Conviction of this offense will require the court to order you to submit to a blood
15 test for evidence of antibodies to the probable causative agent of Acquired Immune
16 Deficiency Syndrome (AIDS). Penal Code Section 1202.1.

17 Enhancement

18 PC667.61(j)(2): Spec Alleg-Sex Crimes Aggravating Circumstances

19 It is further alleged, as to count 7 within the meaning of Penal Code sections 667.61(j)(2)
20 and (e), that the victim in the above offense was a child under 14 years of age and that the
21 following circumstance applies: multiple victims.

22 Enhancement

23 PC1203.066(a)(8): Spec Alleg-Substantial Sexual Conduct-288, 288.5

24 It is further alleged pursuant to Penal Code section 1203.066(a)(8) as to count 7 that the
25 victim, [REDACTED] in the above offense was under the age of 14 years and the defendant,
26 MARCO ANTONIO NAVABARRERA had substantial sexual conduct with [REDACTED]

Count 8

On or about January 24, 2018 to February 25, 2019, in the County of San Luis Obispo and/ or Santa Clara County, State of California, the crime of Lewd Act Upon A Child in violation of PC288(c)(1), a Felony, was committed in that MARCO ANTONIO NAVABARRERA did willfully, unlawfully and lewdly commit a lewd and lascivious act upon and with the body of [REDACTED], who was 14 and 15 years old, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the defendant, who was at least 10 years older than [REDACTED] to wit: first time.

NOTICE: Conviction of this offense will require you to register pursuant to Penal Code section 290. Willful failure to register is a crime.

NOTICE: Being charged with this criminal offense can result in mandatory pre-conviction HIV/AIDS testing and disclosure of the results to a victim and the Chief Medical Officer of the jail or prison facility where you are incarcerated pursuant to Penal Code Section 1524.1 and Health and Safety Code section 121055 following a probable cause hearing resulting in a court order.

Count 9

On or about January 24, 2018 to February 25, 2019, in the County of San Luis Obispo and/ or Santa Clara County, State of California, the crime of Lewd Act Upon A Child in violation of PC288(c)(1), a Felony, was committed in that MARCO ANTONIO NAVABARRERA did willfully, unlawfully and lewdly commit a lewd and lascivious act upon and with the body of [REDACTED], who was 14 and 15 years old, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the defendant, who was at least 10 years older than [REDACTED], to wit: last time.

NOTICE: Conviction of this offense will require you to register pursuant to Penal Code section 290. Willful failure to register is a crime.

NOTICE: Being charged with this criminal offense can result in mandatory pre-conviction HIV/AIDS testing and disclosure of the results to a victim and the Chief Medical Officer of

1 the jail or prison facility where you are incarcerated pursuant to Penal Code Section
2 1524.1 and Health and Safety Code section 121055 following a probable cause hearing
3 resulting in a court order.

4
5 The People hereby give notice of the People's intent to admit evidence of prior sexual acts
6 pursuant to Evidence Code section 1108. These incidents include the prior incident(s)
7 described in the police report, chronological report, and/or tapes already provided, and
8 other alleged incidents of abuse, which will be provided as they are obtained by the
9 prosecution.

10
11 It is further alleged pursuant to Penal Code Section 1170(b)(2) that one or more of the
12 following factors in aggravation listed in California Rule of Court 4.421 may apply to the
13 defendant(s) or to conduct of the defendant(s):

14 4.421(a)(1) The crime involved great violence, great bodily harm, threat of great bodily
15 harm, and other acts disclosing a high degree of cruelty, viciousness and callousness.

16 4.421(a)(2) The defendant was armed with or used a weapon at the time of the
17 commission of the crime.

18 4.421(a)(3) The victim was particularly vulnerable.

19 4.421(a)(4) The defendant induced others to participate in the commission of the crime
20 and occupied a position of leadership and dominance of other participants in its
21 commission.

22 4.421(a)(5) The defendant induced a minor to commit and assist in the commission of the
23 crime.

24 4.421(a)(6) The defendant threatened witnesses, unlawfully prevented and dissuaded
25 witnesses from testifying, suborned perjury, and in any other way illegally interfered with
26 the judicial process.

27 4.421(a)(7) The defendant is charged with other crimes for which consecutive sentences
28 can be imposed but for which concurrent sentences shall be imposed.

1 4.421(a)(8) The manner in which the crime was carried out indicates planning,
2 sophistication, and professionalism.

3 4.421(a)(9) The crime involved an attempted or actual taking or damage of great monetary
4 value.

5 4.421(a)(10) The crime involved a large quantity of contraband.

6 4.421(a)(11) The defendant took advantage of a position of trust and confidence to commit
7 the offense.

8 4.421(a)(12) The crime constitutes a hate crime under section 422.55 of the Penal Code
9 and no hate crime enhancements under section 422.75 of the Penal Code shall be
10 imposed and the crime is not subject to sentencing under section 1170.8 of the Penal
11 Code.

12 4.421(b)(1) The defendant has engaged in violent conduct that indicates a serious danger
13 to society.

14 4.421(b)(2) The defendant's prior convictions as an adult and sustained petitions in
15 juvenile delinquency proceedings are numerous and of increasing seriousness.

16 4.421(b)(3) The defendant has served a prior term in prison and county jail under section
17 1170(h).

18 4.421(b)(4) The defendant was on probation, mandatory supervision, post release
19 community supervision, and parole when the crime was committed.

20 4.421(b)(5) The defendant's prior performance on probation, mandatory supervision, post
21 release community supervision, and parole was unsatisfactory.

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1 Contrary to the form, force and effect of that statute in such cases made and
2 provided and against the peace and dignity of the people of the State of California.

3 Dated: February 5, 2023

4 DAN DOW
5 DISTRICT ATTORNEY

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7
8 By: 
9 KRISTIN L BARNARD
10 DEPUTY DISTRICT ATTORNEY
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SUMMARY PAGE

Cnt	Charge	Range	Defendant(s)	Special Allegation	Effect
1	PC288.7(b)	15 Yrs. - Life State Prison	Marco Antonio Navabarrera		
2	PC288(a) PC667.61(j)(2), PC1203.066(a)(8)	3-6-8 State Prison	Marco Antonio Navabarrera		
3	PC288(a) PC667.61(j)(2), PC1203.066(a)(8)	3-6-8 State Prison	Marco Antonio Navabarrera		
4	PC288(b)(1) PC667.61(j)(2), PC1203.066(a)(8)	5-8-10 State Prison	Marco Antonio Navabarrera		
5	PC288(b)(1) PC667.61(j)(2), PC1203.066(a)(8)	5-8-10 State Prison	Marco Antonio Navabarrera		
6	PC288(b)(1) PC667.61(j)(2), PC1203.066(a)(8)	5-8-10 State Prison	Marco Antonio Navabarrera		
7	PC288(b)(1) PC667.61(j)(2), PC1203.066(a)(8)	5-8-10 State Prison	Marco Antonio Navabarrera		
8	PC288(c)(1)	1-2-3 State Prison	Marco Antonio Navabarrera		
9	PC288(c)(1)	1-2-3 State Prison	Marco Antonio Navabarrera		
10	EC1108	Not Applicable	Marco Antonio Navabarrera		