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2 DISTRICT ATTORNEY
3 STATE BAR # 237986
4 COUNTY OF SAN LUIS OBISPO
5 COURTHOUSE ANNEX, 4TH FLOOR
6 SAN LUIS OBISPO, CA 93408
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<input checked="" type="checkbox"/>	Court copy
<input type="checkbox"/>	DA copy
<input type="checkbox"/>	Probation copy
<input type="checkbox"/>	Defendant copy
<input type="checkbox"/>	Restitution
<input type="checkbox"/>	Sub Fel/Iss Misd

FILED
JUL 12 2019
SAN LUIS OBISPO SUPERIOR COURT
BY Stacie Pudas
Stacie Pudas, Deputy Clerk

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SAN LUIS OBISPO
10 DEPARTMENT 3

11 THE PEOPLE OF THE STATE OF
12 CALIFORNIA
13 Plaintiff,

14 vs.

15 **RICHARD VINCENT ORCUTT**
16 DOB: 10/15/1956 ID NO. D000061907
17 AKA RICHARD ORCUTT
18 Defendant.

COURT CASE NO. **19F-05075**
COMPLAINT

DA CASE NO. 079-641488

Appearance Date: July 15, 2019

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

21 Count 1

22 On or about May 30, 2019, in the County of San Luis Obispo, State of California, the crime
23 of Criminal Threats in violation of PC422(a), a Felony, was committed in that RICHARD
24 VINCENT ORCUTT did willfully and unlawfully threaten to commit a crime which would
25 result in death or great bodily injury to Derek Mark Banducci, with the specific intent that
26 the statement be taken as a threat. It is further alleged that the threatened crime, on its
27 face and under the circumstances in which it was made, was so unequivocal,
28 unconditional, immediate and specific as to convey to Derek Mark Banducci a gravity of

JUL 12 2019

1 purpose and an immediate prospect of execution. It is further alleged that the said Derek
2 Mark Banducci was reasonably in sustained fear of his safety or the safety of his
3 immediate family.

4 NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
5 1192.7(c).

6 Count 2

7 On or about May 30, 2019, in the County of San Luis Obispo, State of California, the crime
8 of Criminal Threats in violation of PC422(a), a Felony, was committed in that RICHARD
9 VINCENT ORCUTT did willfully and unlawfully threaten to commit a crime which would
10 result in death or great bodily injury to Christopher Ryan Strand, with the specific intent
11 that the statement be taken as a threat. It is further alleged that the threatened crime, on
12 its face and under the circumstances in which it was made, was so unequivocal,
13 unconditional, immediate and specific as to convey to Christopher Ryan Strand a gravity of
14 purpose and an immediate prospect of execution. It is further alleged that the said
15 Christopher Ryan Strand was reasonably in sustained fear of his safety or the safety of his
16 immediate family.

17 NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
18 1192.7(c).

19 Count 3

20 On or about May 30, 2019, in the County of San Luis Obispo, State of California, the crime
21 of Criminal Threats in violation of PC422(a), a Felony, was committed in that RICHARD
22 VINCENT ORCUTT did willfully and unlawfully threaten to commit a crime which would
23 result in death or great bodily injury to Jerry Wayne McLaughlin, with the specific intent
24 that the statement be taken as a threat. It is further alleged that the threatened crime, on
25 its face and under the circumstances in which it was made, was so unequivocal,
26 unconditional, immediate and specific as to convey to Jerry Wayne McLaughlin a gravity of
27 purpose and an immediate prospect of execution. It is further alleged that the said Jerry
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1 Wayne McLaughlin was reasonably in sustained fear of his safety or the safety of his
2 immediate family.

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

5 Count 4

6 On or about May 30, 2019, in the County of San Luis Obispo, State of California, the crime
7 of PC664/PC422 Attempted Criminal Threat in violation of PC664/PC422, a Felony, was
8 committed in that RICHARD VINCENT ORCUTT did willfully and unlawfully threaten to
9 commit a crime which would result in death or great bodily injury to Gordon Matthew
10 Gullage, with the specific intent that the statement be taken as a threat. It is further
11 alleged that the threatened crime, on its face and under the circumstances in which it was
12 made, was so unequivocal, unconditional, immediate and specific as to convey to Gordon
13 Matthew Gullage a gravity of purpose and an immediate prospect of execution.

14 NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
15 1192.7(c).

16 Count 5

17 On or about May 30, 2019, in the County of San Luis Obispo, State of California, the crime
18 of Criminal Threats in violation of PC422(a), a Felony, was committed in that RICHARD
19 VINCENT ORCUTT did willfully and unlawfully threaten to commit a crime which would
20 result in death or great bodily injury to Jacky An, with the specific intent that the statement
21 be taken as a threat. It is further alleged that the threatened crime, on its face and under
22 the circumstances in which it was made, was so unequivocal, unconditional, immediate
23 and specific as to convey to Jacky An a gravity of purpose and an immediate prospect of
24 execution. It is further alleged that the said Jacky An was reasonably in sustained fear of
25 his safety or the safety of his immediate family.

26 NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
27 1192.7(c).

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Enhancement |

PC422.75(a): Spec Alleg-Hate Crime

It is further alleged as to Count 5 that the defendant, RICHARD VINCENT ORCUTT committed the above offense in violation of Penal Code section 422.75(a).

Count 6

On or about May 30, 2019, in the County of San Luis Obispo, State of California, the crime of Criminal Threats in violation of PC422(a), a Felony, was committed in that RICHARD VINCENT ORCUTT did willfully and unlawfully threaten to commit a crime which would result in death or great bodily injury to Alexander Dieguez, with the specific intent that the statement be taken as a threat. It is further alleged that the threatened crime, on its face and under the circumstances in which it was made, was so unequivocal, unconditional, immediate and specific as to convey to Alexander Dieguez a gravity of purpose and an immediate prospect of execution. It is further alleged that the said Alexander Dieguez was reasonably in sustained fear of his safety or the safety of his immediate family.

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

Enhancement 2

PC422.75(a): Spec Alleg-Hate Crime

It is further alleged as to Count 6 that the defendant, RICHARD VINCENT ORCUTT committed the above offense in violation of Penal Code section 422.75(a).

Count 7

On or about May 30, 2019, in the County of San Luis Obispo, State of California, the crime of Criminal Threats in violation of PC422(a), a Felony, was committed in that RICHARD VINCENT ORCUTT did willfully and unlawfully threaten to commit a crime which would result in death or great bodily injury to Philip Giesub Kim, with the specific intent that the statement be taken as a threat. It is further alleged that the threatened crime, on its face and under the circumstances in which it was made, was so unequivocal, unconditional,

1 immediate and specific as to convey to Philip Giesub Kim a gravity of purpose and an
2 immediate prospect of execution. It is further alleged that the said Philip Giesub Kim was
3 reasonably in sustained fear of his safety or the safety of his immediate family.

4 NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
5 1192.7(c).

6 Enhancement 3

7 PC422.75(a): Spec Alleg-Hate Crime

8 It is further alleged as to Count 7 that the defendant, RICHARD VINCENT ORCUTT
9 committed the above offense in violation of Penal Code section 422.75(a).

10 Count 8

11 On or about May 30, 2019, in the County of San Luis Obispo, State of California, the crime
12 of Criminal Threats in violation of PC422(a), a Felony, was committed in that RICHARD
13 VINCENT ORCUTT did willfully and unlawfully threaten to commit a crime which would
14 result in death or great bodily injury to JiaYing Liu, with the specific intent that the
15 statement be taken as a threat. It is further alleged that the threatened crime, on its face
16 and under the circumstances in which it was made, was so unequivocal, unconditional,
17 immediate and specific as to convey to JiaYing Liu a gravity of purpose and an immediate
18 prospect of execution. It is further alleged that the said JiaYing Liu was reasonably in
19 sustained fear of her safety or the safety of her immediate family.

20 NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
21 1192.7(c).

22 Enhancement 4

23 PC422.75(a): Spec Alleg-Hate Crime

24 It is further alleged as to Count 8 that the defendant, RICHARD VINCENT ORCUTT
25 committed the above offense in violation of Penal Code section 422.75(a).

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Count 9

On or about June 30, 2019, in the County of San Luis Obispo, State of California, the crime of Possession Of An Assault Weapon in violation of PC30605(a), a Felony, was committed in that RICHARD VINCENT ORCUTT did unlawfully possess an assault weapon, to wit: SGM Stag Arms Stag 15.

Count 10

On or about June 30, 2019, in the County of San Luis Obispo, State of California, the crime of Possession Of An Assault Weapon in violation of PC30605(a), a Felony, was committed in that RICHARD VINCENT ORCUTT did unlawfully possess an assault weapon, to wit: SGM Stag Arms Stag 15.

1 All of which is contrary to the statute in such cases made and provided, and against
2 the peace and dignity of the People of the State of California.

3 I declare that an investigation has been conducted to determine if said Defendant(s)
4 did commit the stated crime, which reports are attached hereto and incorporated herein by
5 reference, and that the facts therein show probable cause that the said Defendant(s) did
6 commit the crime. Your declarant requests the issuance of a Warrant of Arrest either if
7 said Defendant(s) do not appear voluntarily in response to an appearance letter, or if no
8 appearance letter was issued.

9 **Discovery Request:** Pursuant to Penal Code Section 1054.5(b), the People are
10 hereby informally requesting that defense counsel provide discovery to the people as
11 required by Penal Code Section 1054.3.

12 On this day July 11, 2019, in the County of San Luis Obispo, I certify and declare
13 under penalty of perjury that the foregoing is true and correct.

14 Dated: July 11, 2019

15 DAN DOW
16 DISTRICT ATTORNEY

17 By: 
18 GREGORY J. DEVITT
19 DEPUTY DISTRICT ATTORNEY

20 Upon review of the reports attached and incorporated herein by reference, I find sufficient
21 probable cause to warrant the defendant(s) continued detention.

22 Dated: _____
23 _____
24 Judge of the Superior Court

SUMMARY PAGE

Cnt	Charge	Range	Defendant(s)	Special Allegation	Effect
1	PC422(a)		Richard Vincent Orcutt		
2	PC422(a)		Richard Vincent Orcutt		
3	PC422(a)		Richard Vincent Orcutt		
4	PC664/PC422		Richard Vincent Orcutt		
5	PC422(a)		Richard Vincent Orcutt		
6	PC422.75(a)		Richard Vincent Orcutt		
7	PC422(a)		Richard Vincent Orcutt		
8	PC422.75(a)		Richard Vincent Orcutt		
9	PC422(a)		Richard Vincent Orcutt		
10	PC422.75(a)		Richard Vincent Orcutt		
11	PC422(a)		Richard Vincent Orcutt		
12	PC422.75(a)		Richard Vincent Orcutt		
13	PC422(a)		Richard Vincent Orcutt		
14	PC422.75(a)		Richard Vincent Orcutt		
15	PC30605(a)		Richard Vincent Orcutt		
16	PC30605(a)		Richard Vincent Orcutt		