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

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO
DEPARTMENT 5

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THE PEOPLE OF THE STATE OF
CALIFORNIA

Plaintiff,

vs.

ELDERJAIROS STOTOMAS BELEN
DOB: 12/22/1989 ID NO. D000390450

Defendant.

COURT CASE NO. 20F-02249
AMENDED INFORMATION

DA CASE NO. 079-642507

Appearance Date: October 3, 2023

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

Count 1

On or between November 26, 2013 to November 26, 2017, in the County of San Luis
Obispo, State of California, the crime of Sex With A Child Under 10 in violation of Penal
Code section 288.7(a), a FELONY, was committed in that being a person 18 years of age
and older, did engage in sexual intercourse with [REDACTED], a child 10 years of age and
younger.

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

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

6 NOTICE: The above offense is a serious felony within the meaning of Penal Code section
7 1192.7(c).

8 NOTICE: Penal Code 1203.065(a) prohibits the grant of probation or suspension of
9 imposition of sentence for this offense.

10 Count 2

11 On or between November 26, 2013 to November 26, 2017, in the County of San Luis
12 Obispo, State of California, the crime of Sexual Penetration With A Child Under 10 in
13 violation of Penal Code section 288.7(b), a FELONY, was committed in that
14 ELDERJAIRUS STOTOMAS BELEN, being a person 18 years of age and older, did
15 engage in sexual penetration, as defined in Penal Code Section 289, with [REDACTED], a
16 child who was 10 years of age and younger.

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

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

22 NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
23 1192.7(c) and a violent felony within the meaning of Penal Code Section 667.5(c)

24 NOTICE: The above offense is a serious felony within the meaning of Penal Code section
25 1192.7(c).

26 NOTICE: Penal Code 1203.065(a) prohibits the grant of probation or suspension of
27 imposition of sentence for this offense.

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Count 3

On or between November 25, 2013 to November 25, 2018, in the County of San Luis Obispo, State of California, the crime of Sexual Penetration With A Child Under 10 in violation of Penal Code section 288.7(b), a FELONY, was committed in that ELDERJAIRUS STOTOMAS BELEN, being a person 18 years of age and older, did engage in sexual penetration, as defined in Penal Code Section 289, with [REDACTED], a child who was 10 years of age and younger.

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

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

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

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

NOTICE: Penal Code 1203.065(a) prohibits the grant of probation or suspension of imposition of sentence for this offense.

Count 4

On or between November 26, 2013 and December 31, 2018, in the County of San Luis Obispo, State of California, the crime of Lewd Act Upon A Child in violation of PC288(a), a Felony, was committed in that ELDERJAIRUS STOTOMAS BELEN did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of [REDACTED], a child under the age of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said defendant, to wit, hand to vagina, 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.

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 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 the court to order you to submit to a blood
8 test for evidence of antibodies to the probable causative agent of Acquired Immune
9 Deficiency Syndrome (AIDS). Penal Code Section 1202.1.

10 Enhancement

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

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

15 Count 5

16 On or between November 26, 2013 and December 31, 2018, in the County of San
17 Luis Obispo, State of California, the crime of Lewd Act Upon A Child in violation of
18 PC288(a), a Felony, was committed in that ELDERJAIRUS STOTOMAS BELEN did
19 willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body
20 and certain parts and members thereof of [REDACTED], a child under the age of fourteen
21 years, with the intent of arousing, appealing to, and gratifying the lust, passions, and
22 sexual desires of the said defendant, to wit: hand to vagina, last time.

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

25 NOTICE: Pursuant to Penal Code Sections 11166 and 11168, a Suspected Child Abuse
26 Report (SCAR) may have been generated in this case. Penal Code Section 11167 and
27 11167.5 limit access to a SCAR. A protective order issued by a court is necessary to
28 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 counts 4-11 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 Count 6

12 On or between November 26, 2013 and December 31, 2018, in the County of San
13 Luis Obispo, State of California, the crime of Lewd Act Upon A Child in violation of
14 PC288(a), a Felony, was committed in that ELDERJAIRUS STOTOMAS BELEN did
15 willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body
16 and certain parts and members thereof of [REDACTED], a child under the age of fourteen
17 years, with the intent of arousing, appealing to, and gratifying the lust, passions, and
18 sexual desires of the said defendant, to wit: hand to penis, first time.

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

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

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 counts 4-11 within the meaning of Penal Code sections
7 667.61(j)(2) and (e), that the victim in the above offense was a child under 14 years of age
8 and that the following circumstance applies: multiple victims.

9 Count 7

10 On or between November 26, 2013 and December 31, 2018, in the County of San
11 Luis Obispo, State of California, the crime of Lewd Act Upon A Child in violation of
12 PC288(a), a Felony, was committed in that ELDERJAIRUS STOTOMAS BELEN did
13 willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body
14 and certain parts and members thereof of [REDACTED], a child under the age of fourteen
15 years, with the intent of arousing, appealing to, and gratifying the lust, passions, and
16 sexual desires of the said defendant; to wit: hand to vagina, last time.

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

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

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

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

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Enhancement

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

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

Count 8

On or between November 25, 2013 and December 31, 2018, in the County of San Luis Obispo, State of California, the crime of Lewd Act Upon A Child in violation of PC288(a), a Felony, was committed in that ELDERJAIRUS STOTOMAS BELEN did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of [REDACTED], a child under the age of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said defendant, to wit: hand to vagina, 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: Pursuant to Penal Code Sections 11166 and 11168, a Suspected Child Abuse Report (SCAR) may have been generated in this case. Penal Code Section 11167 and 11167.5 limit access to a SCAR. A protective order issued by a court is necessary to obtain a copy of the report.

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

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

Enhancement

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

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

4 Count 9

5 On or between November 25, 2013 and December 31, 2018, in the County of San
6 Luis Obispo, State of California, the crime of Lewd Act Upon A Child in violation of
7 PC288(a), a Felony, was committed in that ELDERJAIRUS STOTOMAS BELEN did
8 willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body
9 and certain parts and members thereof of [REDACTED], a child under the age of fourteen
10 years, with the intent of arousing, appealing to, and gratifying the lust, passions, and
11 sexual desires of the said defendant, to wit: hand to vagina, last time.

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

14 NOTICE: Pursuant to Penal Code Sections 11166 and 11168, a Suspected Child Abuse
15 Report (SCAR) may have been generated in this case. Penal Code Section 11167 and
16 11167.5 limit access to a SCAR. A protective order issued by a court is necessary to
17 obtain a copy of the report.

18 NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
19 1192.7(c) and a violent felony within the meaning of Penal Code Section 667.5(c)

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

23 Enhancement

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

25 It is further alleged, as to counts 4-11 within the meaning of Penal Code sections
26 667.61(j)(2) and (e), that the victim in the above offense was a child under 14 years of age
27 and that the following circumstance applies: multiple victims.

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Count 10

On or between November 25, 2013 and December 31, 2018, in the County of San Luis Obispo, State of California, the crime of Lewd Act Upon A Child in violation of PC288(a), a Felony, was committed in that ELDERJAIRUS STOTOMAS BELEN did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of [REDACTED], a child under the age of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said defendant, to wit: hand to penis, 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: Pursuant to Penal Code Sections 11166 and 11168, a Suspected Child Abuse Report (SCAR) may have been generated in this case. Penal Code Section 11167 and 11167.5 limit access to a SCAR. A protective order issued by a court is necessary to obtain a copy of the report.

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

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

Enhancement

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

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

Count 11

On or between November 25, 2013 and December 31, 2018, in the County of San Luis Obispo, State of California, the crime of Lewd Act Upon A Child With Bodily Injury in violation of PC288(a), a Felony, was committed in that ELDERJAIRUS STOTOMAS

1 BELEN did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with
2 the body and certain parts and members thereof of [REDACTED], a child under the age of
3 fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions,
4 and sexual desires of the said defendant, to wit: hand to penis, last time.

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: The above offense is a serious felony within the meaning of Penal Code Section
12 1192.7(c) and a violent felony within the meaning of Penal Code Section 667.5(c)

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

16 Enhancement

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

18 It is further alleged, as to counts 4-11 within the meaning of Penal Code sections
19 667.61(j)(2) and (e), that the victim in the above offense was a child under 14 years of age
20 and that the following circumstance applies: multiple victims.

21
22 It is further alleged pursuant to Penal Code Section 1170(b)(2) that one or more of the
23 following factors in aggravation listed in California Rule of Court 4.421 may apply to the
24 defendant(s) or to conduct of the defendant(s):

25 4.421(a)(1) The crime involved great violence, great bodily harm, threat of great bodily
26 harm, and other acts disclosing a high degree of cruelty, viciousness and callousness.

27 4.421(a)(2) The defendant was armed with or used a weapon at the time of the
28 commission of the crime.

- 1 4.421(a)(3) The victim was particularly vulnerable.
- 2 4.421(a)(4) The defendant induced others to participate in the commission of the crime
3 and occupied a position of leadership and dominance of other participants in its
4 commission.
- 5 4.421(a)(5) The defendant induced a minor to commit and assist in the commission of the
6 crime.
- 7 4.421(a)(6) The defendant threatened witnesses, unlawfully prevented and dissuaded
8 witnesses from testifying, suborned perjury, and in any other way illegally interfered with
9 the judicial process.
- 10 4.421(a)(7) The defendant is charged with other crimes for which consecutive sentences
11 can be imposed but for which concurrent sentences shall be imposed.
- 12 4.421(a)(8) The manner in which the crime was carried out indicates planning,
13 sophistication, and professionalism.
- 14 4.421(a)(9) The crime involved an attempted or actual taking or damage of great monetary
15 value.
- 16 4.421(a)(10) The crime involved a large quantity of contraband.
- 17 4.421(a)(11) The defendant took advantage of a position of trust and confidence to commit
18 the offense.
- 19 4.421(a)(12) The crime constitutes a hate crime under section 422.55 of the Penal Code
20 and no hate crime enhancements under section 422.75 of the Penal Code shall be
21 imposed and the crime is not subject to sentencing under section 1170.8 of the Penal
22 Code.
- 23 4.421(b)(1) The defendant has engaged in violent conduct that indicates a serious danger
24 to society.
- 25 4.421(b)(2) The defendant's prior convictions as an adult and sustained petitions in
26 juvenile delinquency proceedings are numerous and of increasing seriousness.
- 27 4.421(b)(3) The defendant has served a prior term in prison and county jail under section
28 1170(h).

1 4.421(b)(4) The defendant was on probation, mandatory supervision, post release
2 community supervision, and parole when the crime was committed.

3 4.421(b)(5) The defendant's prior performance on probation, mandatory supervision, post
4 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: October 3, 2023

4 DAN DOW
5 DISTRICT ATTORNEY

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KIMBERLY DITTRICH
DEPUTY DISTRICT ATTORNEY

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SUMMARY PAGE					
Cnt	Charge	Range	Defendant(s)	Special Allegation	Effect
1	PC288.7(a)	25 - Life State Prison	Elderjairus Stotomas Belen		
2	PC288.7(b)	15 Yrs. - Life State Prison	Elderjairus Stotomas Belen		
3	PC288.7(b)	15 Yrs. - Life State Prison	Elderjairus Stotomas Belen		
4	PC288(a) PC667.61(j)(2)	3-6-8 State Prison	Elderjairus Stotomas Belen		
5	PC288(a) PC667.61(j)(2)	3-6-8 State Prison	Elderjairus Stotomas Belen		
6	PC288(a) PC667.61(j)(2)	3-6-8 State Prison	Elderjairus Stotomas Belen		
7	PC288(a) PC667.61(j)(2)	3-6-8 State Prison	Elderjairus Stotomas Belen		
8	PC288(a) PC667.61(j)(2)	3-6-8 State Prison	Elderjairus Stotomas Belen		
9	PC288(a) PC667.61(j)(2)	3-6-8 State Prison	Elderjairus Stotomas Belen		
10	PC288(a) PC667.61(j)(2)	3-6-8 State Prison	Elderjairus Stotomas Belen		
11	PC288(a) PC667.61(j)(2)	LIFE State Prison	Elderjairus Stotomas Belen		