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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF YOLO

10
11 THE PEOPLE OF THE STATE OF
CALIFORNIA,

12
13 Plaintiff,

14 vs.

15 HEATH AUSTIN NUNES

16 Defendant

Dept. 1 Case No. 14-4223

First Amended COMPLAINT

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18 I, the undersigned, say, on information and belief, that in
19 the County of Yolo, State of California:

20 Count 1: On or about August 18, 2014, HEATH AUSTIN NUNES
21 did commit a FELONY, namely, a violation of Section 245(d)(2) of
22 the California Penal Code, ASSAULT WITH A SEMIAUTOMATIC FIREARM
23 UPON A PEACE OFFICER, in that HEATH AUSTIN NUNES did willfully
24 and unlawfully commit an assault with a semiautomatic firearm
25 upon the person of a peace officer, to wit, California Highway
26 Patrol Officer Garcia, when said officer was engaged in the
27 performance of the officer's duties and HEATH AUSTIN NUNES knew
28 and reasonably should have known that the victim was a peace

1 officer engaged in the performance of the victim's duties.

2 Count Enhancement 1a: It is further alleged that during the
3 commission or attempted commission of the felony charged above,
4 HEATH AUSTIN NUNES did willfully, unlawfully, and personally use
5 a firearm, within the meaning of Section 12022.53(b) of the
6 California Penal Code, PERSONAL USE OF FIREARM.

7 Count Enhancement 1b: It is further alleged that at the
8 time of the commission of offense charged in this count, HEATH
9 AUSTIN NUNES committed the above felony for the benefit of, at
10 the direction of, or in association with any criminal street
11 gang, with the specific intent to promote, further, or assist in
12 any criminal conduct by gang members, and is subject to the
13 enhancement within the meaning of Section 186.22(b)(1) of the
14 California Penal Code, ENHANCEMENT FOR CRIMINAL STREET GANG
15 ACTIVITY.

16 Count 2: On or about August 18, 2014, HEATH AUSTIN NUNES
17 did commit a FELONY, namely, a violation of Section 245(d)(2) of
18 the California Penal Code, ASSAULT WITH A SEMIAUTOMATIC FIREARM
19 UPON A PEACE OFFICER, in that HEATH AUSTIN NUNES did willfully
20 and unlawfully commit an assault with a semiautomatic firearm
21 upon the person of a peace officer, to wit, California Highway
22 Patrol Officer Lal, when said officer was engaged in the
23 performance of the officer's duties and HEATH AUSTIN NUNES knew
24 and reasonably should have known that the victim was a peace
25 officer engaged in the performance of the victim's duties.

26 Count Enhancement 2a: It is further alleged that during the
27 commission or attempted commission of the felony charged above,
28 HEATH AUSTIN NUNES did willfully, unlawfully, and personally use

1 a firearm, within the meaning of Section 12022.53(b) of the
2 California Penal Code, PERSONAL USE OF FIREARM.

3 Count Enhancement 2b: It is further alleged that at the
4 time of the commission of offense charged in this count, HEATH
5 AUSTIN NUNES committed the above felony for the benefit of, at
6 the direction of, or in association with any criminal street
7 gang, with the specific intent to promote, further, or assist in
8 any criminal conduct by gang members, and is subject to the
9 enhancement within the meaning of Section 186.22(b)(1) of the
10 California Penal Code, ENHANCEMENT FOR CRIMINAL STREET GANG
11 ACTIVITY.

12 Count 3: On or about August 18, 2014, HEATH AUSTIN NUNES
13 did commit a FELONY, namely, a violation of Section 245(d)(2) of
14 the California Penal Code, ASSAULT WITH A SEMIAUTOMATIC FIREARM
15 UPON A PEACE OFFICER, in that HEATH AUSTIN NUNES did willfully
16 and unlawfully commit an assault with a semiautomatic firearm
17 upon the person of a peace officer, to wit, California Highway
18 Patrol Officer Langford, when said officer was engaged in the
19 performance of the officer's duties and HEATH AUSTIN NUNES knew
20 and reasonably should have known that the victim was a peace
21 officer engaged in the performance of the victim's duties.

22 Count Enhancement 3a: It is further alleged that during the
23 commission or attempted commission of the felony charged above,
24 HEATH AUSTIN NUNES did willfully, unlawfully, and personally use
25 a firearm, within the meaning of Section 12022.53(b) of the
26 California Penal Code, PERSONAL USE OF FIREARM.

27 Count Enhancement 3b: It is further alleged that at the
28 time of the commission of offense charged in this count, HEATH

1 AUSTIN NUNES committed the above felony for the benefit of, at
2 the direction of, or in association with any criminal street
3 gang, with the specific intent to promote, further, or assist in
4 any criminal conduct by gang members, and is subject to the
5 enhancement within the meaning of Section 186.22(b)(1) of the
6 California Penal Code, ENHANCEMENT FOR CRIMINAL STREET GANG
7 ACTIVITY.

8 Count 4: On or about August 18, 2014, HEATH AUSTIN NUNES
9 did commit a FELONY, namely, a violation of Section 245(d)(2) of
10 the California Penal Code, ASSAULT WITH A SEMIAUTOMATIC FIREARM
11 UPON A PEACE OFFICER, in that HEATH AUSTIN NUNES did willfully
12 and unlawfully commit an assault with a semiautomatic firearm
13 upon the person of a peace officer, to wit, California Highway
14 Patrol Officer Poole, when said officer was engaged in the
15 performance of the officer's duties and HEATH AUSTIN NUNES knew
16 and reasonably should have known that the victim was a peace
17 officer engaged in the performance of the victim's duties.

18 Count Enhancement 4a: It is further alleged that during the
19 commission or attempted commission of the felony charged above,
20 HEATH AUSTIN NUNES did willfully, unlawfully, and personally use
21 a firearm, within the meaning of Section 12022.53(b) of the
22 California Penal Code, PERSONAL USE OF FIREARM.

23 Count Enhancement 4b: It is further alleged that at the
24 time of the commission of offense charged in this count, HEATH
25 AUSTIN NUNES committed the above felony for the benefit of, at
26 the direction of, or in association with any criminal street
27 gang, with the specific intent to promote, further, or assist in
28 any criminal conduct by gang members, and is subject to the

1 enhancement within the meaning of Section 186.22(b)(1) of the
2 California Penal Code, ENHANCEMENT FOR CRIMINAL STREET GANG
3 ACTIVITY.

4 Count 5: On or about August 18, 2014, HEATH AUSTIN NUNES
5 did commit a FELONY, namely, a violation of Section 245(d)(2) of
6 the California Penal Code, ASSAULT WITH A SEMIAUTOMATIC FIREARM
7 UPON A PEACE OFFICER, in that HEATH AUSTIN NUNES did willfully
8 and unlawfully commit an assault with a semiautomatic firearm
9 upon the person of a peace officer, to wit, California Highway
10 Patrol Officer Tatum, when said officer was engaged in the
11 performance of the officer's duties and HEATH AUSTIN NUNES knew
12 and reasonably should have known that the victim was a peace
13 officer engaged in the performance of the victim's duties.

14 Count Enhancement 5a: It is further alleged that during the
15 commission or attempted commission of the felony charged above,
16 HEATH AUSTIN NUNES did willfully, unlawfully, and personally use
17 a firearm, within the meaning of Section 12022.53(b) of the
18 California Penal Code, PERSONAL USE OF FIREARM.

19 Count Enhancement 5b: It is further alleged that at the
20 time of the commission of offense charged in this count, HEATH
21 AUSTIN NUNES committed the above felony for the benefit of, at
22 the direction of, or in association with any criminal street
23 gang, with the specific intent to promote, further, or assist in
24 any criminal conduct by gang members, and is subject to the
25 enhancement within the meaning of Section 186.22(b)(1) of the
26 California Penal Code, ENHANCEMENT FOR CRIMINAL STREET GANG
27 ACTIVITY.

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1 Count 6: On or about August 18, 2014, HEATH AUSTIN NUNES
2 did commit a FELONY, namely, a violation of Section 69 of the
3 California Penal Code, RESISTING EXECUTIVE OFFICER BY MEANS OF
4 THREATS, FORCE OR VIOLENCE, in that HEATH AUSTIN NUNES did
5 willfully and unlawfully attempt, by means of threats and
6 violence, to deter or prevent California Highway Patrol Officer
7 Garcia, an executive officer, from performing a duty imposed
8 upon such officer by law and did willfully, unlawfully, and
9 knowingly resist, by the use of force or violence, such officer,
10 in the performance of said officer's duty.

11 Count Enhancement 6a: It is further alleged that during the
12 commission or attempted commission of the felony charged above,
13 HEATH AUSTIN NUNES did willfully and unlawfully personally use a
14 firearm, within the meaning of Section 12022.5(a) of the
15 California Penal Code, USE OF FIREARM DURING COMMISSION OF
16 FELONY.

17 Count Enhancement 6b: It is further alleged that at the
18 time of the commission of offense charged in this count, HEATH
19 AUSTIN NUNES committed the above felony for the benefit of, at
20 the direction of, or in association with any criminal street
21 gang, with the specific intent to promote, further, or assist in
22 any criminal conduct by gang members, and is subject to the
23 enhancement within the meaning of Section 186.22(b)(1) of the
24 California Penal Code, ENHANCEMENT FOR CRIMINAL STREET GANG
25 ACTIVITY.

26 Count 7: On or about August 18, 2014, HEATH AUSTIN NUNES
27 did commit a FELONY, namely, a violation of Section 69 of the
28 California Penal Code, RESISTING EXECUTIVE OFFICER BY MEANS OF

1 THREATS, FORCE OR VIOLENCE, in that HEATH AUSTIN NUNES did
2 willfully and unlawfully attempt, by means of threats and
3 violence, to deter or prevent California Highway Patrol Officer
4 Lal, an executive officer, from performing a duty imposed upon
5 such officer by law and did willfully, unlawfully, and knowingly
6 resist, by the use of force or violence, such officer, in the
7 performance of said officer's duty.

8 Count Enhancement 7a: It is further alleged that during the
9 commission or attempted commission of the felony charged above,
10 HEATH AUSTIN NUNES did willfully and unlawfully personally use a
11 firearm, within the meaning of Section 12022.5(a) of the
12 California Penal Code, USE OF FIREARM DURING COMMISSION OF
13 FELONY.

14 Count Enhancement 7b: It is further alleged that at the
15 time of the commission of offense charged in this count, HEATH
16 AUSTIN NUNES committed the above felony for the benefit of, at
17 the direction of, or in association with any criminal street
18 gang, with the specific intent to promote, further, or assist in
19 any criminal conduct by gang members, and is subject to the
20 enhancement within the meaning of Section 186.22(b)(1) of the
21 California Penal Code, ENHANCEMENT FOR CRIMINAL STREET GANG
22 ACTIVITY.

23 Count 8: On or about August 18, 2014, HEATH AUSTIN NUNES
24 did commit a FELONY, namely, a violation of Section 69 of the
25 California Penal Code, RESISTING EXECUTIVE OFFICER BY MEANS OF
26 THREATS, FORCE OR VIOLENCE, in that HEATH AUSTIN NUNES did
27 willfully and unlawfully attempt, by means of threats and
28 violence, to deter or prevent California Highway Patrol Officer

1 Langford, an executive officer, from performing a duty imposed
2 upon such officer by law and did willfully, unlawfully, and
3 knowingly resist, by the use of force or violence, such officer,
4 in the performance of said officer's duty.

5 Count Enhancement 8a: It is further alleged that during the
6 commission or attempted commission of the felony charged above,
7 HEATH AUSTIN NUNES did willfully and unlawfully personally use a
8 firearm, within the meaning of Section 12022.5(a) of the
9 California Penal Code, USE OF FIREARM DURING COMMISSION OF
10 FELONY.

11 Count Enhancement 8b: It is further alleged that at the
12 time of the commission of offense charged in this count, HEATH
13 AUSTIN NUNES committed the above felony for the benefit of, at
14 the direction of, or in association with any criminal street
15 gang, with the specific intent to promote, further, or assist in
16 any criminal conduct by gang members, and is subject to the
17 enhancement within the meaning of Section 186.22(b)(1) of the
18 California Penal Code, ENHANCEMENT FOR CRIMINAL STREET GANG
19 ACTIVITY.

20 Count 9: On or about August 18, 2014, HEATH AUSTIN NUNES
21 did commit a FELONY, namely, a violation of Section 69 of the
22 California Penal Code, RESISTING EXECUTIVE OFFICER BY MEANS OF
23 THREATS, FORCE OR VIOLENCE, in that HEATH AUSTIN NUNES did
24 willfully and unlawfully attempt, by means of threats and
25 violence, to deter or prevent California Highway Patrol Officer
26 Poole, an executive officer, from performing a duty imposed upon
27 such officer by law and did willfully, unlawfully, and knowingly
28 resist, by the use of force or violence, such officer, in the

1 performance of said officer's duty.

2 Count Enhancement 9a: It is further alleged that during the
3 commission or attempted commission of the felony charged above,
4 HEATH AUSTIN NUNES did willfully and unlawfully personally use a
5 firearm, within the meaning of Section 12022.5(a) of the
6 California Penal Code, USE OF FIREARM DURING COMMISSION OF
7 FELONY.

8 Count Enhancement 9b: It is further alleged that at the
9 time of the commission of offense charged in this count, HEATH
10 AUSTIN NUNES committed the above felony for the benefit of, at
11 the direction of, or in association with any criminal street
12 gang, with the specific intent to promote, further, or assist in
13 any criminal conduct by gang members, and is subject to the
14 enhancement within the meaning of Section 186.22(b)(1) of the
15 California Penal Code, ENHANCEMENT FOR CRIMINAL STREET GANG
16 ACTIVITY.

17 Count 10: On or about August 18, 2014, HEATH AUSTIN NUNES
18 did commit a FELONY, namely, a violation of Section 69 of the
19 California Penal Code, RESISTING EXECUTIVE OFFICER BY MEANS OF
20 THREATS, FORCE OR VIOLENCE, in that HEATH AUSTIN NUNES did
21 willfully and unlawfully attempt, by means of threats and
22 violence, to deter or prevent California Highway Patrol Officer
23 Tatum, an executive officer, from performing a duty imposed upon
24 such officer by law and did willfully, unlawfully, and knowingly
25 resist, by the use of force or violence, such officer, in the
26 performance of said officer's duty.

27 Count Enhancement 10a: It is further alleged that during
28 the commission or attempted commission of the felony charged

1 above, HEATH AUSTIN NUNES did willfully and unlawfully
2 personally use a firearm, within the meaning of Section
3 12022.5(a) of the California Penal Code, USE OF FIREARM DURING
4 COMMISSION OF FELONY.

5 Count Enhancement 10b: It is further alleged that at the
6 time of the commission of offense charged in this count, HEATH
7 AUSTIN NUNES committed the above felony for the benefit of, at
8 the direction of, or in association with any criminal street
9 gang, with the specific intent to promote, further, or assist in
10 any criminal conduct by gang members, and is subject to the
11 enhancement within the meaning of Section 186.22(b)(1) of the
12 California Penal Code, ENHANCEMENT FOR CRIMINAL STREET GANG
13 ACTIVITY.

14 Count 11: On or about August 18, 2014, HEATH AUSTIN NUNES
15 did commit a FELONY, namely, a violation of Section 417.8 of the
16 California Penal Code, EXHIBITING WEAPON AGAINST PEACE OFFICER
17 WITH INTENT TO RESIST ARREST, in that HEATH AUSTIN NUNES did
18 willfully and unlawfully draw and exhibit any firearm, whether
19 loaded or unloaded, and other deadly weapon with the intent to
20 resist and prevent the arrest and detention of HEATH AUSTIN
21 NUNES and another person by a peace officer.

22 Count Enhancement 11a: It is further alleged that at the
23 time of the commission of offense charged in this count, HEATH
24 AUSTIN NUNES committed the above felony for the benefit of, at
25 the direction of, or in association with any criminal street
26 gang, with the specific intent to promote, further, or assist in
27 any criminal conduct by gang members, and is subject to the
28 enhancement within the meaning of Section 186.22(b)(1) of the

1 California Penal Code, ENHANCEMENT FOR CRIMINAL STREET GANG
2 ACTIVITY.

3 Count 12: On or about August 18, 2014, HEATH AUSTIN NUNES
4 did commit a FELONY, namely, a violation of Section 417.8 of the
5 California Penal Code, EXHIBITING WEAPON AGAINST PEACE OFFICER
6 WITH INTENT TO RESIST ARREST, in that HEATH AUSTIN NUNES did
7 willfully and unlawfully draw and exhibit any firearm, whether
8 loaded or unloaded, and other deadly weapon with the intent to
9 resist and prevent the arrest and detention of HEATH AUSTIN
10 NUNES and another person by a peace officer.

11 Count Enhancement 12a: It is further alleged that at the
12 time of the commission of offense charged in this count, HEATH
13 AUSTIN NUNES committed the above felony for the benefit of, at
14 the direction of, or in association with any criminal street
15 gang, with the specific intent to promote, further, or assist in
16 any criminal conduct by gang members, and is subject to the
17 enhancement within the meaning of Section 186.22(b)(1) of the
18 California Penal Code, ENHANCEMENT FOR CRIMINAL STREET GANG
19 ACTIVITY.

20 Count 13: On or about August 18, 2014, HEATH AUSTIN NUNES
21 did commit a FELONY, namely, a violation of Section 417.8 of the
22 California Penal Code, EXHIBITING WEAPON AGAINST PEACE OFFICER
23 WITH INTENT TO RESIST ARREST, in that HEATH AUSTIN NUNES did
24 willfully and unlawfully draw and exhibit any firearm, whether
25 loaded or unloaded, and other deadly weapon with the intent to
26 resist and prevent the arrest and detention of HEATH AUSTIN
27 NUNES and another person by a peace officer.

28 Count Enhancement 13a: It is further alleged that at the

1 time of the commission of offense charged in this count, HEATH
2 AUSTIN NUNES committed the above felony for the benefit of, at
3 the direction of, or in association with any criminal street
4 gang, with the specific intent to promote, further, or assist in
5 any criminal conduct by gang members, and is subject to the
6 enhancement within the meaning of Section 186.22(b)(1) of the
7 California Penal Code, ENHANCEMENT FOR CRIMINAL STREET GANG
8 ACTIVITY.

9 Count 14: On or about August 18, 2014, HEATH AUSTIN NUNES
10 did commit a FELONY, namely, a violation of Section 417.8 of the
11 California Penal Code, EXHIBITING WEAPON AGAINST PEACE OFFICER
12 WITH INTENT TO RESIST ARREST, in that HEATH AUSTIN NUNES did
13 willfully and unlawfully draw and exhibit any firearm, whether
14 loaded or unloaded, and other deadly weapon with the intent to
15 resist and prevent the arrest and detention of HEATH AUSTIN
16 NUNES and another person by a peace officer.

17 Count Enhancement 14a: It is further alleged that at the
18 time of the commission of offense charged in this count, HEATH
19 AUSTIN NUNES committed the above felony for the benefit of, at
20 the direction of, or in association with any criminal street
21 gang, with the specific intent to promote, further, or assist in
22 any criminal conduct by gang members, and is subject to the
23 enhancement within the meaning of Section 186.22(b)(1) of the
24 California Penal Code, ENHANCEMENT FOR CRIMINAL STREET GANG
25 ACTIVITY.

26 Count 15: On or about August 18, 2014, HEATH AUSTIN NUNES
27 did commit a FELONY, namely, a violation of Section 417.8 of the
28 California Penal Code, EXHIBITING WEAPON AGAINST PEACE OFFICER

1 WITH INTENT TO RESIST ARREST, in that HEATH AUSTIN NUNES did
2 willfully and unlawfully draw and exhibit any firearm, whether
3 loaded or unloaded, and other deadly weapon with the intent to
4 resist and prevent the arrest and detention of HEATH AUSTIN
5 NUNES and another person by a peace officer.

6 Count Enhancement 15a: It is further alleged that at the
7 time of the commission of offense charged in this count, HEATH
8 AUSTIN NUNES committed the above felony for the benefit of, at
9 the direction of, or in association with any criminal street
10 gang, with the specific intent to promote, further, or assist in
11 any criminal conduct by gang members, and is subject to the
12 enhancement within the meaning of Section 186.22(b)(1) of the
13 California Penal Code, ENHANCEMENT FOR CRIMINAL STREET GANG
14 ACTIVITY.

15 Count 16: On or about August 18, 2014, HEATH AUSTIN NUNES
16 did commit a FELONY, namely, a violation of Section
17 25400(a)(1)/(c)(6) of the California Penal Code, CARRYING
18 CONCEALED FIREARM IN VEHICLE WHEN FIREARM IS LOADED AND HEATH
19 AUSTIN NUNES IS NOT THE REGISTERED OWNER, in that HEATH AUSTIN
20 NUNES, in circumstances not coming within an exception provided
21 by law, did willfully and unlawfully carry concealed within a
22 vehicle which is under HEATH AUSTIN NUNES's control and
23 direction a pistol, revolver, and other firearm (Smith and
24 Wesson 38 Special Revolver) capable of being concealed upon the
25 person and said firearm was loaded and HEATH AUSTIN NUNES was
26 not listed as the registered owner of said firearm.

27 Count Enhancement 16a: It is further alleged that at the
28 time of the commission of offense charged in this count, HEATH

1 AUSTIN NUNES committed the above felony for the benefit of, at
2 the direction of, or in association with any criminal street
3 gang, with the specific intent to promote, further, or assist in
4 any criminal conduct by gang members, and is subject to the
5 enhancement within the meaning of Section 186.22(b)(1) of the
6 California Penal Code, ENHANCEMENT FOR CRIMINAL STREET GANG
7 ACTIVITY.

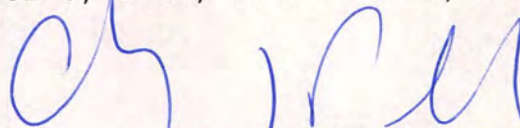
8 Count 17: On or about August 18, 2014, HEATH AUSTIN NUNES
9 did commit a FELONY, namely, a violation of Section
10 25400(a)(1)/(c)(6) of the California Penal Code, CARRYING
11 CONCEALED FIREARM IN VEHICLE WHEN FIREARM IS LOADED AND HEATH
12 AUSTIN NUNES IS NOT THE REGISTERED OWNER, in that HEATH AUSTIN
13 NUNES, in circumstances not coming within an exception provided
14 by law, did willfully and unlawfully carry concealed within a
15 vehicle which is under HEATH AUSTIN NUNES's control and
16 direction a pistol, revolver, and other firearm (North American
17 Arms Guardian .380) capable of being concealed upon the person
18 and said firearm was loaded and HEATH AUSTIN NUNES was not
19 listed as the registered owner of said firearm.

20 Count Enhancement 17a: It is further alleged that at the
21 time of the commission of offense charged in this count, HEATH
22 AUSTIN NUNES committed the above felony for the benefit of, at
23 the direction of, or in association with any criminal street
24 gang, with the specific intent to promote, further, or assist in
25 any criminal conduct by gang members, and is subject to the
26 enhancement within the meaning of Section 186.22(b)(1) of the
27 California Penal Code, ENHANCEMENT FOR CRIMINAL STREET GANG
28 ACTIVITY.

1 Count 18: On or about August 18, 2014, HEATH AUSTIN NUNES
2 did commit a FELONY, namely, a violation of Section 186.22(a) of
3 the California Penal Code, CRIMINAL STREET GANG ACTIVITY, in
4 that HEATH AUSTIN NUNES did willfully and unlawfully actively
5 participate in any criminal street gang with knowledge that the
6 members of that street gang engage in and have engaged in a
7 pattern of street gang activity, and HEATH AUSTIN NUNES did
8 willfully and unlawfully promote, further, and assist in any
9 felonious criminal conduct by members of that gang.

10 I declare under penalty of perjury that the foregoing is
11 correct.

12 Executed on September 5, 2014, at Woodland, California.

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16 Carolyn J. Palumbo/205210
17 Deputy District Attorney
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