

1 ROB BONTA
Attorney General of California
2 JENNIFER EULER
Chief Assistant Attorney General
3 RANDY MAILMAN
Senior Assistant Attorney General
4 TANJA TITRE
Supervising Deputy Attorney General
5 MARK J. SWENSSON
Deputy Attorney General
6 State Bar No. 311791
500 North State College Boulevard, Ste. 730
7 Orange, CA 92868-6619
Phone: [REDACTED]
8 E-mail: [REDACTED]

9 *Attorneys for the People of the State of California*

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF ORANGE

12
13 THE PEOPLE OF THE STATE OF
14 CALIFORNIA,

15 Plaintiff,

16 v.

17 BREANNE LANAE LUNDY

18 [DOB: [REDACTED]]

19 Defendant.

Case No. 25HF0117

FELONY COMPLAINT

20 The Attorney General of the State of California, by this Felony Complaint, accuses
21 Defendant BREANNE LANAE LUNDY of the following felonies, which are connected in their
22 commission:

23 COUNT 1
24 Theft from Dependent Adult
Penal Code Section 368(d)

25 From on or about October 18, 2018, to on or about January 31, 2021, in the County of
26 Orange, Defendant BREANNE LANAE LUNDY did unlawfully commit theft, embezzlement,
27 forgery, fraud, and identity theft with respect to the property and personal identifying information
28 of an elder and dependent adult, said property, money, labor, goods, and services taken and

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF ORANGE
HARBOR JUSTICE CENTER

JAN 13 2025

DAVID H. YAMASAKI, Clerk of the Court

BY: B. URHER, DEPUTY

1 obtained having a value exceeding \$950, and knew and reasonably should have known that said
2 person, MELISSA B [REDACTED], was an elder and dependent adult, in violation of Penal Code
3 section 368, subdivision (d), a felony.

4 **COUNT 2**
5 **Theft by Embezzlement**
6 **Penal Code Section 503**

7 From on or about October 18, 2018, to on or about January 31, 2021, in the County of
8 Orange, Defendant BREANNE LANAE LUNDY fraudulently appropriated to her own use
9 monthly per capita income from the Pechanga Tribe entitled to MELISSA B [REDACTED] and/or
10 secreted it with a fraudulent intent to appropriate it. That property had a value exceeding nine
11 hundred fifty dollars (\$950), in violation of Penal Code section 503, a felony.

12 **COUNT 3**
13 **Grand Theft**
14 **Penal Code Section 487(a)**

15 From on or about October 18, 2018, to on or about January 31, 2021, in the County of
16 Orange, Defendant BREANNE LANAE LUNDY did unlawfully and fraudulently appropriate
17 property which had been entrusted to him/her by MELISSA B [REDACTED], to wit monthly per
18 capita income from the Pechanga Tribe, which had a value exceeding nine hundred fifty dollars
19 (\$950), in violation of Penal Code section 487, subdivision (a), a felony.

20 **Factors in Aggravation**
21 **Penal Code Section 1170**

22 As to Counts 1, 2, and 3 it is further alleged, pursuant to Penal Code section 1170,
23 subdivision (b), that the victim Melissa B. was particularly vulnerable, within the meaning of
24 California Rules of Court, rule 4.421(a)(3).

25 As to Counts 1, 2, and 3 it is further alleged, pursuant to Penal Code section 1170,
26 subdivision (b), that the manner in which this crime was committed by BREANNE LANAE
27 LUNDY involved an actual taking of great monetary value, within the meaning of California
28 Rules of Court, rule 4.421(a)(9).

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1 As to Counts 1, 2, and 3 it is further alleged, pursuant to Penal Code section 1170,
2 subdivision (b), that BREANNE LANAE LUNDY took advantage of a position of trust or
3 confidence to commit the offense, within the meaning of California Rules of Court, rule
4 4.421(a)(11).

5 **FIRST SPECIAL ALLEGATION**
6 **Loss Exceeding \$100,000**
7 **Penal Code Section 186.11(a)(1)**

8 Furthermore, the offenses alleged are related felonies, a material element of which is fraud
9 and embezzlement, which involved a pattern of related felony conduct, and the pattern of related
10 felony conduct involved the taking of, and resulted in the loss of more than one hundred thousand
11 dollars (\$100,000), thus subjecting Defendant to the additional punishment provided for in Penal
12 Code section 186.11(a)(1).

13 **SECOND SPECIAL ALLEGATION**
14 **Statute of Limitations and Tolling**
15 **Penal Code Sections 801.5 & 803 & 803(c)(5)**

16 Pursuant to Penal Code sections 801.5 and 803, subdivision (c), as to Counts 1, 2, and 3, it
17 is alleged that the crimes committed are theft-related offenses, have as material element Fraud, or
18 are enumerated offenses as described in section 803, subdivision (c)(5).

19 Pursuant to section 801.5, as to Counts 1, 2, and 3, it is alleged that the prosecution was
20 commenced within four (4) years of the completion of the crimes on or about January 31, 2021,
21 when the fraud period ended.

22 Pursuant to Penal Code section 803, subdivision (c)(5), as to Counts 1, 2, and 3, it is
23 further alleged that the crime was not discovered until on or about August 2021 when the case
24 was referred to the Department of Justice by the Pechanga Band of Indians and it was discovered
25 that Defendant had unlawfully embezzled funds belonging to dependent adult tribal member
26 Melissa B.

27 **NOTICE:** Pursuant to Evidence Code section 1101, subdivision (b), the People hereby
28 give notice that they intend to use what is known as 1101, subdivision (b) evidence to show
“motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake or

1 accident,” and/or to attack the credibility of any witness. Evidence Code section 1101,
2 subdivision (b).

3 **NOTICE:** Conviction of one or more of these offenses will require the defendant to
4 provide a DNA sample and print impressions pursuant to Penal Code sections 296 and 296.1.
5 Willful refusal to provide these samples and impressions is a crime.

6 **NOTICE:** The People of the State of California intend to present evidence and to seek
7 jury findings regarding any and all applicable factors in aggravation, pursuant to Penal Code
8 section 1170, subdivision (b) and *Cunningham v. California* (2007) 549 U.S. 270.

9 **NON-DISCLOSURE OF DISCOVERY**

10 Any and all investigation reports, attachments, records, documents, audio and video
11 recordings, photographs, diagrams, evidence, and other materials, provided in discovery in this
12 case may contain personal identifying information of victims or witnesses. Pursuant to Penal
13 Code section 1054.2, “no attorney shall disclose or permit to be disclosed to a defendant,
14 members of the defendant's family, or anyone else, the personal identifying information of a
15 victim or witness whose name is disclosed to the attorney” pursuant to section 1054.1,
16 subdivision (a), other than the name of the victim or witness, unless specifically permitted to do
17 so by the court after a hearing and a showing of good cause.

18 **REQUEST FOR DISCOVERY**

19 Pursuant to Penal Code section 1054.5, subdivision (b), the People informally request
20 from defense counsel all materials and information whose disclosure is required by Penal Code
21 section 1054.3.

22 **BAIL RECOMMENDATION**

23 Pursuant to the Orange County Uniform Bail Schedule, the People request bail be set at
24 \$440,000.

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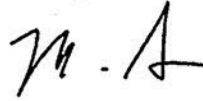
DECLARATION

I verify under information and belief, pursuant to Penal Code section 806, the foregoing is true and correct.

Dated: January 13, 2025

Respectfully Submitted,

ROB BONTA
Attorney General of California

A handwritten signature in black ink, appearing to read 'M. J. Swensson', written in a cursive style.

MARK J. SWENSSON
Deputy Attorney General

*Attorneys for the People of the
State of California*