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8
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF ALAMEDA
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13 **THE PEOPLE OF THE STATE OF CALIFORNIA,**
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17 **1) HERMINIGILDA NOVEDA MANUEL,**
18 **2) EDGAR BABAEL,**
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People,

v.

Defendants,

Case No. 461883A
**FIRST AMENDED FELONY
COMPLAINT**
PFN: DRY163
CEN: 5301796
[AG Docket No. SA2013113491]

21 The People of the State of California hereby allege that in the County of Alameda, State of
22 California, and before the making or filing of this complaint, the above-named defendants
23 HERMINIGILDA NOVEDA MANUEL (hereafter "MANUEL") (d.o.b. 04/13/1956) and
24 EDGAR BABAEL (hereafter "BABAEL") (d.o.b. 02/08/1969) committed the following
25 different criminal offenses all connected together in their commission, and being two or more
26 different offenses of the same class of crimes or offenses, under separate counts:

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COUNT 1

**Pen. Code, § 368 (b)(1) – Felony
Elder Abuse or Dependent Abuse – 2, 3, or 4 years**

13 From on or about October 18, 2013 through on or about October 24, 2013 in the County of
14 Alameda, defendant MANUEL and defendant BABAEL did, under circumstances and
15 conditions likely to produce great bodily harm and death, knowingly and willfully cause and
16 permit the victim Helen D., age 69 (d.o.b. 5/21/1944), an elder, to suffer and inflicted thereon,
17 unjustifiable physical pain and mental suffering and, having the care and custody of said victim,
18 willfully caused and permitted her to be placed in a situation in which her health was
19 endangered, and reasonably knew and reasonably should have known that said person, Helen D.,
20 was an elder, in violation of section 368, subdivision (b)(1) of the California Penal Code, a
21 felony.

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COUNT 2

**Pen. Code, § 368 (b)(1) – Felony
Elder Abuse or Dependent Abuse – 2, 3, or 4 years**

24 From on or about October 18, 2013 through on or about October 24, 2013 in the County of
25 Alameda, defendant MANUEL and defendant BABAEL did, under circumstances and
26 conditions likely to produce great bodily harm and death, knowingly and willfully cause and
27 permit the victim John H., age 78 (d.o.b. 3/16/1935), an elder, to suffer and inflicted thereon,
28 unjustifiable physical pain and mental suffering and, having the care and custody of said victim,
willfully caused and permitted him to be placed in a situation in which his health was
endangered, and reasonably knew and reasonably should have known that said person, John H.,
was an elder, in violation of section 368, subdivision (b)(1) of the California Penal Code, a
felony.

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COUNT 3

**Pen. Code, § 368 (b)(1) – Felony
Elder Abuse or Dependent Abuse – 2, 3, or 4 years**

31 From on or about October 18, 2013 through on or about October 24, 2013 in the County of
32 Alameda, defendant MANUEL and defendant BABAEL did, under circumstances and
33 conditions likely to produce great bodily harm and death, knowingly and willfully cause and
34 permit the victim William S., age 81 (d.o.b. 8/23/1932), an elder, to suffer and inflicted thereon,

1 unjustifiable physical pain and mental suffering and, having the care and custody of said victim,
2 willfully caused and permitted him to be placed in a situation in which his health was
3 endangered, and reasonably knew and reasonably should have known that said person, William
4 S., was an elder, in violation of section 368, subdivision (b)(1) of the California Penal Code, a
5 felony.

6 **COUNT 4**
7 **Pen. Code, § 368 (b)(1) – Felony**
8 **Elder Abuse or Dependent Abuse – 2, 3, or 4 years**

9 From on or about October 18, 2013 through on or about October 24, 2013 in the County of
10 Alameda, defendant MANUEL and defendant BABAEL did, under circumstances and
11 conditions likely to produce great bodily harm and death, knowingly and willfully cause and
12 permit the victim Richard V., age 68 (d.o.b. 7/6/1945), an elder, to suffer and inflicted thereon,
13 unjustifiable physical pain and mental suffering and, having the care and custody of said victim,
14 willfully caused and permitted him to be placed in a situation in which his health was
15 endangered, and reasonably knew and reasonably should have known that said person, Richard
16 V., was an elder, in violation of section 368, subdivision (b)(1) of the California Penal Code, a
17 felony.

18 **COUNT 5**
19 **Pen. Code, § 368 (b)(1) – Felony**
20 **Elder Abuse or Dependent Abuse – 2, 3, or 4 years**

21 From on or about October 18, 2013 through on or about October 24, 2013 in the County of
22 Alameda, defendant MANUEL and defendant BABAEL did, under circumstances and
23 conditions likely to produce great bodily harm and death, knowingly and willfully cause and
24 permit the victim Rolando S., age 69 (d.o.b. 4/8/1944), an elder, to suffer and inflicted thereon,
25 unjustifiable physical pain and mental suffering and, having the care and custody of said victim,
26 willfully caused and permitted him to be placed in a situation in which his health was
27 endangered, and reasonably knew and reasonably should have known that said person, Rolando
28 S., was an elder, in violation of section 368, subdivision (b)(1) of the California Penal Code, a
29 felony.

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COUNT 6
Pen. Code, § 368 (b)(1) – Felony
Elder Abuse or Dependent Abuse – 2, 3, or 4 years

From on or about October 18, 2013 through on or about October 24, 2013 in the County of Alameda, defendant MANUEL and defendant BABAEEL did, under circumstances and conditions likely to produce great bodily harm and death, knowingly and willfully cause and permit the victim Estel T., age 79 (d.o.b. 1/7/1934), an elder, to suffer and inflicted thereon, unjustifiable physical pain and mental suffering and, having the care and custody of said victim, willfully caused and permitted her to be placed in a situation in which her health was endangered, and reasonably knew and reasonably should have known that said person, Estel T., was an elder, in violation of section 368, subdivision (b)(1) of the California Penal Code, a felony.

COUNT 7
Pen. Code, § 368 (b)(1) – Felony
Elder Abuse or Dependent Abuse – 2, 3, or 4 years

From on or about October 18, 2013 through on or about October 24, 2013 in the County of Alameda, defendant MANUEL and defendant BABAEEL did, under circumstances and conditions likely to produce great bodily harm and death, knowingly and willfully cause and permit the victim Eddie N., age 81 (d.o.b. 10/9/1932), an elder, to suffer and inflicted thereon, unjustifiable physical pain and mental suffering and, having the care and custody of said victim, willfully caused and permitted him to be placed in a situation in which his health was endangered, and reasonably knew and reasonably should have known that said person, Eddie N., was an elder, in violation of section 368, subdivision (b)(1) of the California Penal Code, a felony.

COUNT 8
Pen. Code, § 368 (b)(1) – Felony
Elder Abuse or Dependent Abuse – 2, 3, or 4 years

From on or about October 18, 2013 through on or about October 24, 2013 in the County of Alameda, defendant MANUEL and defendant BABAEEL did, under circumstances and conditions likely to produce great bodily harm and death, knowingly and willfully cause and permit the victim Vernetta N., age 85 (d.o.b. 1/26/1928), an elder, to suffer and inflicted thereon,

1 unjustifiable physical pain and mental suffering and, having the care and custody of said victim,
2 willfully caused and permitted her to be placed in a situation in which her health was
3 endangered, and reasonably knew and reasonably should have known that said person, Vernetta
4 N., was an elder, in violation of section 368, subdivision (b)(1) of the California Penal Code, a
5 felony.

6 **COUNT 9**
7 **Pen. Code, § 368 (b)(1) – Felony**
8 **Elder Abuse or Dependent Abuse – 2, 3, or 4 years**

9 From on or about October 18, 2013 through on or about October 24, 2013 in the County of
10 Alameda, defendant MANUEL and defendant BABAEL did, under circumstances and
11 conditions likely to produce great bodily harm and death, knowingly and willfully cause and
12 permit the victim Charles C., age 68 (d.o.b. 1/15/1945), an elder, to suffer and inflicted thereon,
13 unjustifiable physical pain and mental suffering and, having the care and custody of said victim,
14 willfully caused and permitted him to be placed in a situation in which his health was
15 endangered, and reasonably knew and reasonably should have known that said person, Charles
16 C., was an elder, in violation of section 368, subdivision (b)(1) of the California Penal Code, a
17 felony.

18 **COUNT 10**
19 **Pen. Code, § 368 (b)(1) – Felony**
20 **Elder Abuse or Dependent Abuse – 2, 3, or 4 years**

21 From on or about October 18, 2013 through on or about October 24, 2013 in the County of
22 Alameda, defendant MANUEL and defendant BABAEL did, under circumstances and
23 conditions likely to produce great bodily harm and death, knowingly and willfully cause and
24 permit the victim Stanley P., age 81 (d.o.b. 5/31/1932), an elder, to suffer and inflicted thereon,
25 unjustifiable physical pain and mental suffering and, having the care and custody of said victim,
26 willfully caused and permitted him to be placed in a situation in which his health was
27 endangered, and reasonably knew and reasonably should have known that said person, Stanley
28 P., was an elder, in violation of section 368, subdivision (b)(1) of the California Penal Code, a
felony.

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COUNT 11
Pen. Code, § 368 (b)(1) – Felony
Elder Abuse or Dependent Abuse – 2, 3, or 4 years

From on or about October 18, 2013 through on or about October 24, 2013 in the County of Alameda, defendant MANUEL and defendant BABAEEL did, under circumstances and conditions likely to produce great bodily harm and death, knowingly and willfully cause and permit the victim Dimitry L., age 69 (d.o.b. 5/14/1944), an elder, to suffer and inflicted thereon, unjustifiable physical pain and mental suffering and, having the care and custody of said victim, willfully caused and permitted him to be placed in a situation in which his health was endangered, and reasonably knew and reasonably should have known that said person, Dimitry L., was an elder, in violation of section 368, subdivision (b)(1) of the California Penal Code, a felony.

COUNT 12
Pen. Code, § 368 (b)(1) – Felony
Elder Abuse or Dependent Abuse – 2, 3, or 4 years

From on or about October 18, 2013 through on or about October 24, 2013 in the County of Alameda, defendant MANUEL and defendant BABAEEL did, under circumstances and conditions likely to produce great bodily harm and death, knowingly and willfully cause and permit the victim John C., age 59 (d.o.b. 8/3/1954), a dependent adult, to suffer and inflicted thereon, unjustifiable physical pain and mental suffering and, having the care and custody of said victim, willfully caused and permitted him to be placed in a situation in which his health was endangered, and reasonably knew and reasonably should have known that said person, John C., was a dependent adult, in violation of section 368, subdivision (b)(1) of the California Penal Code, a felony.

COUNT 13
Pen. Code, § 368 (b)(1) – Felony
Elder Abuse or Dependent Abuse – 2, 3, or 4 years

From on or about October 18, 2013 through on or about October 24, 2013 in the County of Alameda, defendant MANUEL and defendant BABAEEL did, under circumstances and conditions likely to produce great bodily harm and death, knowingly and willfully cause and permit the victim Javier C., age 55 (d.o.b. 6/10/1958), a dependent adult, to suffer and inflicted

1 thereon, unjustifiable physical pain and mental suffering and, having the care and custody of said
2 victim, willfully caused and permitted him to be placed in a situation in which his health was
3 endangered, and reasonably knew and reasonably should have known that said person, Javier C.,
4 was a dependent adult, in violation of section 368, subdivision (b)(1) of the California Penal
5 Code, a felony.

6 **COUNT 14**

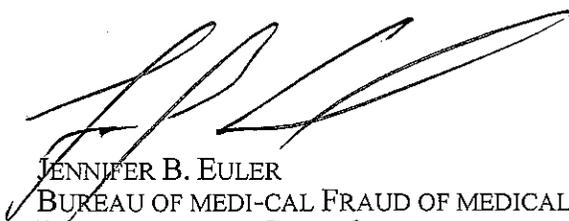
7 **Pen. Code, § 368 (b)(1) – Felony**
8 **Elder Abuse or Dependent Abuse – 2, 3, or 4 years**

9 From on or about October 18, 2013 through on or about October 24, 2013 in the County of
10 Alameda, defendant MANUEL and defendant BABAEEL did, under circumstances and
11 conditions likely to produce great bodily harm and death, knowingly and willfully cause and
12 permit the victim Charles G., age 59 (d.o.b. 9/25/1954), a dependent adult, to suffer and inflicted
13 thereon, unjustifiable physical pain and mental suffering and, having the care and custody of said
14 victim, willfully caused and permitted him to be placed in a situation in which his health was
15 endangered, and reasonably knew and reasonably should have known that said person, Charles
16 G., was a dependent adult, in violation of section 368, subdivision (b)(1) of the California Penal
17 Code, a felony.

18 Dated: March 2, 2015

18 Respectfully Submitted,

19 KAMALA D. HARRIS
20 Attorney General of California

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22 JENNIFER B. EULER
23 BUREAU OF MEDI-CAL FRAUD OF MEDICAL
24 Deputy Attorney General
25 *Attorneys for People of the State of California*

26 SA2013113491

REQUEST FOR DISCOVERY

Pursuant to Penal Code section 1054.5, subdivision (b), the People request from defendant and defense counsel all materials and information required to be disclosed to the prosecution by the defense under the authority of Penal Code section 1054.3, including the following:

1. The names and addresses of persons, other than the defendant, whom the defendant intends to call as witnesses at trial. [Pen. Code, § 1054.3, subd. (a).]
2. Any relevant written or recorded statements of persons whom the defendant intends to call as witnesses at trial. [Pen. Code, § 1054.3, subd. (a).]
3. Any reports of the statements of persons whom the defendant intends to call as witnesses at trial. [Pen. Code, § 1054.3, subd. (a).]
4. Any reports or statements of experts made in connection with the case. [Pen. Code, § 1054.3, subd. (a).]
5. Any results of physical or mental examinations, scientific tests, experiments or comparisons which the defendants intend to offer in evidence at the trial. [Pen. Code, § 1054.3, subd. (a).]
6. The opportunity to view any real evidence which the defendants intend to offer in evidence at the trial." [Pen. Code, § 1054.3, subd. (b).]

This is a continuing request for the above information. If the information becomes available at a future time, the prosecution, by this request, asks that it be immediately disclosed to the prosecution.

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HOLDING ORDER

Defendant HERMINIGILDA NOVEDA MANUEL

Based on the experience presented at the preliminary hearing, it appears that the following offenses charged in the above Complaint have been committed and there is sufficient cause to believe Defendant HERMINIGILDA NOVEDA MANUEL is guilty of these offenses.

Defendant has waived preliminary hearing of the offenses charged in the above complaint.

Exceptions/Additions/Conditions:

IT IS ORDERED, pursuant to Penal Code sections 872 and 875, that Defendant is held to answer in Superior Court to the following offenses:

<u>Count</u>	<u>Charge</u>	<u>Charge Range</u>
1	Penal Code section 368, subd. (b)(1) Elder or Dependent Adult Abuse	2, 3 or 4 years
2	Penal Code section 368, subd. (b)(1) Elder or Dependent Adult Abuse	2, 3 or 4 years
3	Penal Code section 368, subd. (b)(1) Elder or Dependent Adult Abuse	2, 3 or 4 years
4	Penal Code section 368, subd. (b)(1) Elder or Dependent Adult Abuse	2, 3 or 4 years
5	Penal Code section 368, subd. (b)(1) Elder or Dependent Adult Abuse	2, 3 or 4 years
6	Penal Code section 368, subd. (b)(1) Elder or Dependent Adult Abuse	2, 3 or 4 years
7	Penal Code section 368, subd. (b)(1) Elder or Dependent Adult Abuse	2, 3 or 4 years
8	Penal Code section 368, subd. (b)(1) Elder or Dependent Adult Abuse	2, 3 or 4 years
9	Penal Code section 368, subd. (b)(1) Elder or Dependent Adult Abuse	2, 3 or 4 years
10	Penal Code section 368, subd. (b)(1) Elder or Dependent Adult Abuse	2, 3 or 4 years
11	Penal Code section 368, subd. (b)(1) Elder or Dependent Adult Abuse	2, 3 or 4 years
12	Penal Code section 368, subd. (b)(1) Elder or Dependent Adult Abuse	2, 3 or 4 years
13	Penal Code section 368, subd. (b)(1)	2, 3 or 4 years

HOLDING ORDER

Defendant EDGAR BABAEL

Based on the experience presented at the preliminary hearing, it appears that the following offenses charged in the above Complaint have been committed and there is sufficient cause to believe Defendant EDGAR BABAEL is guilty of these offenses.

Defendant has waived preliminary hearing of the offenses charged in the above complaint.

Exceptions/Additions/Conditions: _____

IT IS ORDERED, pursuant to Penal Code sections 872 and 875, that Defendant is held to answer in Superior Court to the following offenses:

<u>Count</u>	<u>Charge</u>	<u>Charge Range</u>
1	Penal Code section 368, subd. (b)(1) Elder or Dependent Adult Abuse	2, 3 or 4 years
2	Penal Code section 368, subd. (b)(1) Elder or Dependent Adult Abuse	2, 3 or 4 years
3	Penal Code section 368, subd. (b)(1) Elder or Dependent Adult Abuse	2, 3 or 4 years
4	Penal Code section 368, subd. (b)(1) Elder or Dependent Adult Abuse	2, 3 or 4 years
5	Penal Code section 368, subd. (b)(1) Elder or Dependent Adult Abuse	2, 3 or 4 years
6	Penal Code section 368, subd. (b)(1) Elder or Dependent Adult Abuse	2, 3 or 4 years
7	Penal Code section 368, subd. (b)(1) Elder or Dependent Adult Abuse	2, 3 or 4 years
8	Penal Code section 368, subd. (b)(1) Elder or Dependent Adult Abuse	2, 3 or 4 years
9	Penal Code section 368, subd. (b)(1) Elder or Dependent Adult Abuse	2, 3 or 4 years
10	Penal Code section 368, subd. (b)(1) Elder or Dependent Adult Abuse	2, 3 or 4 years
11	Penal Code section 368, subd. (b)(1) Elder or Dependent Adult Abuse	2, 3 or 4 years
12	Penal Code section 368, subd. (b)(1) Elder or Dependent Adult Abuse	2, 3 or 4 years
13	Penal Code section 368, subd. (b)(1)	2, 3 or 4 years

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Elder or Dependent Adult Abuse

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Penal Code section 368, subd. (b)(1)
Elder or Dependent Adult Abuse

2, 3 or 4 years