

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA,
HAYWARD HALL OF JUSTICE

PEOPLE OF THE STATE OF CALIFORNIA

v.

GARRICK DEMOND HUSBANDS

Defendant(s).

NO. 401232

SECOND AMENDED COMPLAINT

PFN: AVT079

FILED
ALAMEDA COUNTY
CEN: 228883
MAY 22 2008
CLERK OF THE SUPERIOR COURT
By
T/A 5/23/08; 9:00AM; DEPT 502; PTH
Deputy

The Undersigned, being sworn says, on Information and belief, that GARRICK DEMOND HUSBANDS did, in the County of Alameda, State of California, on or about April 7, 2007, commit a Felony, to wit: SODOMY BY USE OF FORCE, a violation of section 286(c)(2) of the PENAL CODE of California, in that said defendant(s) did unlawfully participate in an act of sodomy with JANE DOE, and did accomplish said act against said victim's will by force, violence, duress, menace and fear of immediate and unlawful bodily injury to said victim and to another.

"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: 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 provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

NOTICE: It is further alleged that said defendant(s) is/are ineligible for probation or suspension of sentence pursuant to Penal Code section 1203.065(a).

**SPECIAL ALLEGATION - SEX OFFENSES-SEPARATE OCCASIONS CLAUSE AS TO
DEFENDANT HUSBANDS**

It is further alleged that the said defendant comes within the purview of Penal Code Section 667.6(d) and 667.6(c) because the above offense is one of several/many involving the same victim on separate occasions.

SECOND COUNT

The Undersigned further deposes and says on Information and belief, that said GARRICK DEMOND HUSBANDS did, in the County of Alameda, State of California, on or about April 9, 2007, commit a Felony, to wit: SODOMY BY USE OF FORCE, a violation of section 286(c)(2) of the PENAL CODE of California, in that said defendant(s) did unlawfully participate in an act of sodomy with JANE DOE, and did accomplish said act against said victim's will by force, violence, duress, menace and fear of immediate and unlawful bodily injury to said victim and to another.

"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: 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 provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

NOTICE: It is further alleged that said defendant(s) is/are ineligible for probation or suspension of sentence pursuant to Penal Code section 1203.065(a).

SPECIAL ALLEGATION - SEX OFFENSES-SEPARATE OCCASIONS CLAUSE AS TO DEFENDANT HUSBANDS

It is further alleged that the said defendant comes within the purview of Penal Code Section 667.6(d) and 667.6(c) because the above offense is one of several/many involving the same victim on separate occasions.

THIRD COUNT

The Undersigned further deposes and says on Information and belief, that said GARRICK DEMOND HUSBANDS did, in the County of Alameda, State of California, between March 15, 2007 and March 25, 2007, commit a Felony, to wit: CORPORAL INJURY TO SPOUSE/COHABITANT/CHILD'S PARENT, a violation of section 273.5(a) of the PENAL CODE of California, in that said defendant(s) did willfully and unlawfully inflict corporal injury resulting in a traumatic condition upon JANE DOE, who was cohabitant.

"NOTICE: Conviction of this offense will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

FOURTH COUNT

The Undersigned further deposes and says on Information and belief, that said GARRICK DEMOND HUSBANDS did, in the County of Alameda, State of California, on or about March 31, 2007, commit a Felony, to wit: CORPORAL INJURY TO SPOUSE/COHABITANT/CHILD'S PARENT, a violation of section 273.5(a) of the PENAL CODE of California, in that said defendant(s) did willfully and unlawfully inflict corporal injury resulting in a traumatic condition upon JANE DOE, who was cohabitant.

"NOTICE: Conviction of this offense will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

GBI - DOMESTIC VIOLENCE CLAUSE AS TO DEFENDANT HUSBANDS

It is further alleged, within the meaning of Penal Code section 12022.7(e), as to count four, that, in the commission of the above offense, the said defendant GARRICK DEMOND HUSBANDS, personally inflicted great bodily injury upon JANE DOE, under circumstances involving domestic violence.

"NOTICE: This offense is a serious felony and a violent felony within the meaning of Penal Code sections 1192.7(c)(8) and 667.5(c)(8)."

FIFTH COUNT

The Undersigned further deposes and says on Information and belief, that said GARRICK DEMOND HUSBANDS did, in the County of Alameda, State of California, on or about April 1, 2007, commit a Felony, to wit: CORPORAL INJURY TO SPOUSE/COHABITANT/CHILD'S PARENT, a violation of section 273.5(a) of the PENAL CODE of California, in that said defendant(s) did willfully and unlawfully inflict corporal injury resulting in a traumatic condition upon JANE DOE, who was cohabitant.

"NOTICE: Conviction of this offense will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

SIXTH COUNT

The Undersigned further deposes and says on Information and belief, that said GARRICK DEMOND HUSBANDS did, in the County of Alameda, State of California, on or about April 6, 2007, commit a Felony, to wit: CORPORAL INJURY TO SPOUSE/COHABITANT/CHILD'S PARENT, a violation of section 273.5(a) of the PENAL CODE of California, in that said defendant(s) did willfully and unlawfully inflict corporal injury resulting in a traumatic condition upon JANE DOE, who was cohabitant.

"NOTICE: Conviction of this offense will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

SEVENTH COUNT

The Undersigned further deposes and says on Information and belief, that said GARRICK DEMOND HUSBANDS did, in the County of Alameda, State of California, on or about April 7, 2007, commit a Felony, to wit: CORPORAL INJURY TO SPOUSE/COHABITANT/CHILD'S PARENT, a violation of section 273.5(a) of the PENAL CODE of California, in that said defendant(s) did willfully and unlawfully inflict corporal injury resulting in a traumatic condition upon JANE DOE, who was cohabitant.

"NOTICE: Conviction of this offense will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

GBI - DOMESTIC VIOLENCE CLAUSE AS TO DEFENDANT HUSBANDS

It is further alleged, within the meaning of Penal Code section 12022.7(e), as to count seven, that, in the commission of the above offense, the said defendant GARRICK DEMOND HUSBANDS, personally inflicted great bodily injury upon JANE DOE, under circumstances involving domestic violence.

"NOTICE: This offense is a serious felony and a violent felony within the meaning of Penal Code sections 1192.7(c)(8) and 667.5(c)(8)."

EIGHTH COUNT

The Undersigned further deposes and says on Information and belief, that said GARRICK DEMOND HUSBANDS did, in the County of Alameda, State of California, on or about April 9, 2007, commit a Felony, to wit: CORPORAL INJURY TO SPOUSE/COHABITANT/CHILD'S PARENT, a violation of section 273.5(a) of the PENAL CODE of California, in that said defendant(s) did willfully and unlawfully inflict corporal injury resulting in a traumatic condition upon JANE DOE, who was cohabitant.

"NOTICE: Conviction of this offense will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

GBI - DOMESTIC VIOLENCE CLAUSE AS TO DEFENDANT HUSBANDS

It is further alleged, within the meaning of Penal Code section 12022.7(e), as to count eight, that, in the commission of the above offense, the said defendant GARRICK DEMOND HUSBANDS, personally inflicted great bodily injury upon JANE DOE, under circumstances involving domestic violence.

"NOTICE: This offense is a serious felony and a violent felony within the meaning of Penal Code sections 1192.7(c)(8) and 667.5(c)(8)."

NINTH COUNT

The Undersigned further deposes and says on Information and belief, that said GARRICK DEMOND HUSBANDS did, in the County of Alameda, State of California, on or about April 9, 2007, commit a Felony, to wit: CRIMINAL THREATS, a violation of section 422 of the PENAL CODE of California, in that said defendant(s) did willfully and unlawfully threaten to commit a crime which would result in death and great bodily injury to JANE DOE, with the specific intent that the statement be taken as a threat.

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

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 DIEDRA MCGHEE a gravity of purpose and an immediate prospect of execution.

It is further alleged that the said DIEDRA MCGHEE was reasonably in sustained fear of his/her safety and the safety of his/her immediate family.

TENTH COUNT

The Undersigned further deposes and says on Information and belief, that said GARRICK DEMOND HUSBANDS did, in the County of Alameda, State of California, between March 15, 2007 and April 9, 2007, commit a Felony, to wit: DISSUADING A WITNESS FROM REPORTING A CRIME, a violation of section 136.1(b)(1) of the PENAL CODE of California, in that said defendant(s) did unlawfully attempt to prevent and dissuade JANE DOE, a victim and witness of a crime from making a report of such victimization to a peace officer, state and local law enforcement officer, probation, parole, and correctional officer, prosecuting agency, and judge.

ELEVENTH COUNT

The Undersigned further deposes and says on Information and belief, that said GARRICK DEMOND HUSBANDS did, in the County of Alameda, State of California, on or about April 9, 2007, commit a Felony, to wit: POSSESSION OF FIREARM BY A FELON - PRIOR(S), a violation of section 12021(a)(1) of the PENAL CODE of California, in that said defendant(s) did unlawfully own, purchase, receive, possess and have custody and control of a firearm, the said defendant(s) having theretofore been duly and legally convicted of a felony or felonies, to wit:

Case Number	Offense	Conviction Date	County	State
115382	11352(a)	3/16/1993	ALAMEDA	CA

TWELFTH COUNT

The Undersigned further deposes and says on Information and belief, that said GARRICK DEMOND HUSBANDS did, in the County of Alameda, State of California, between April 9, 2007 and April 9, 2007, commit a Felony, to wit: VANDALISM OVER \$400 DAMAGE, a violation of section 594(a) of the PENAL CODE of California, in that said defendant(s) did unlawfully and maliciously deface with graffiti and other inscribed material and otherwise damage and destroy real and personal property, to wit: CLOTHING, not his or her own, belonging to JANE DOE, the amount of said damage being over \$400.00.

FIRST PRIOR CONVICTION AS TO DEFENDANT HUSBANDS

The undersigned further alleges that before the commission of the offense specified above, said defendant GARRICK DEMOND HUSBANDS, on or about March 16, 1993, was convicted in the Superior Court of the State of California, in and for the County of ALAMEDA, of the crime of a Felony, to wit: SALE/TRANSPORTATION/OFFER TO SELL CONTROLLED SUBSTANCE, a violation of section 11352(a) of the HEALTH AND SAFETY CODE of California, and received a sentence of probation therefor.

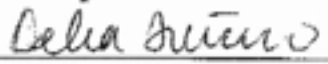
Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defendant's counsel provide discovery to the People as required by Penal Code Section 1054.3.

Complainant therefore prays that a warrant issue and that said defendant(s) be dealt with according to law.

Subscribed and sworn to before me,
Thursday, May 22, 2008



/s/ Sheriff's Department-07-7433



DELIA TREVINO
Deputy District Attorney
State Bar #191638 msl
Alameda County, California