

SUPERIOR COURT OF CALIFORNIA COUNTY OF SAN BERNARDINO **FILED**

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
VICTORVILLE DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff

vs.

Pedro Martinez (FVI19000218)

Defendant

COURT CASE NUMBER
FVI19000218

JUN 06 2023

SECOND AMENDED
INFORMATION

BY Rosa A. Pedregon
ROSA PEDREGON, DEPUTY

Arraignment Date: 6/9/2023
Department: V-3

DA CASE NO 2019-00-0004629

I N F O R M A T I O N
S U M M A R Y

Ct. No.	Charge	Charge Range	Defendant	Allegation	Effect
1	PC288.7(a)	25 - Life State Prison	Pedro Martinez	1170(h)	PSP
2	PC288.7(a)	25 - Life State Prison	Pedro Martinez	1170(h)	PSP
3	PC288.7(b)	15 Yrs.-Life State Prison	Pedro Martinez	1170(h)	PSP
4	PC288.7(b)	15 Yrs.-Life State Prison	Pedro Martinez	1170(h)	PSP
5	PC288.7(b)	15 Yrs.-Life State Prison	Pedro Martinez	1170(h)	PSP
6	PC288.7(b)	15 Yrs.-Life State Prison	Pedro Martinez	1170(h)	PSP
7	PC288(a)	3-6-8 Yrs. State Prison	Pedro Martinez	1170(h) 667.61(j)(2)	PSP 25 to Life State Prison
8	PC288(a)	3-6-8 Yrs. State Prison	Pedro Martinez	1170(h) 667.61(j)(2)	PSP 25 to Life State Prison
9	PC288(a)	3-6-8 Yrs. State Prison	Pedro Martinez	1170(h) 667.61(j)(2)	PSP 25 to Life State Prison
10	PC288(a)	3-6-8 Yrs. State Prison	Pedro Martinez	1170(h)	PSP

667.61(j)(2)

25 to Life
State Prison

11 PC288.2(a)(2) 0-365+\$0- Pedro Martinez
1000/16-2-3 Pris

The District Attorney of the County of San Bernardino, by this Information alleges that:

COUNT 1

On or about December 01, 2018 through January 19, 2019, in the above-named judicial district, the crime of SEXUAL INTERCOURSE OR SODOMY WITH CHILD 10 YEARS OLD OR YOUNGER, in violation of PENAL CODE SECTION 288.7(a), a felony, was committed by Pedro Martinez, who being a person 18 years of age and older, did engage in sexual intercourse and sodomy with Xzavier B, 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.

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: 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).

It is further alleged that pursuant to Penal Code section 1170(h)(3) defendant(s) Pedro Martinez is eligible for imprisonment in the state prison due to:

the current charge is a serious or violent felony;

defendant(s) Pedro Martinez has a prior serious or violent felony conviction;

defendant(s) Pedro Martinez has been convicted of a crime with a Penal Code section 186.11 enhancement;

the crime is not punishable pursuant to Penal Code section 1170(h)(3).

COUNT 2

On or about December 01, 2018 through January 19, 2019, in the above-named judicial district, the crime of SEXUAL INTERCOURSE OR SODOMY WITH CHILD 10 YEARS OLD OR YOUNGER, in violation of PENAL CODE SECTION 288.7(a), a felony, was committed by Pedro Martinez, who being a person 18 years of age and older, did engage in sexual intercourse and sodomy with Xzavier B, 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.

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: 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).

It is further alleged that pursuant to Penal Code section 1170(h)(3) defendant(s) Pedro Martinez is eligible for imprisonment in the state prison due to:

- the current charge is a serious or violent felony;
- defendant(s) Pedro Martinez has a prior serious or violent felony conviction;
- defendant(s) Pedro Martinez has been convicted of a crime with a Penal Code section 186.11 enhancement;
- the crime is not punishable pursuant to Penal Code section 1170(h)(3).

COUNT 3

On or about December 01, 2018 through January 19, 2019, in the above-named judicial district, the crime of ORAL COPULATION OR SEXUAL PENETRATION WITH CHILD 10 YEARS OLD OR YOUNGER, in violation of PENAL CODE SECTION 288.7(b), a felony, was committed by Pedro Martinez, who being a person 18 years of age and older, did engage in oral copulation and sexual penetration, as defined in Penal Code Section 289, with Xzavier B, 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).

It is further alleged that pursuant to Penal Code section 1170(h)(3) defendant(s) Pedro Martinez is eligible for imprisonment in the state prison due to:

the current charge is a serious or violent felony;

defendant(s) Pedro Martinez has a prior serious or violent felony conviction;

defendant(s) Pedro Martinez has been convicted of a crime with a Penal Code section 186.11 enhancement;

the crime is not punishable pursuant to Penal Code section 1170(h)(3).

COUNT 4

On or about December 01, 2018 through January 19, 2019, in the above-named judicial district, the crime of ORAL COPULATION OR SEXUAL PENETRATION WITH CHILD 10 YEARS OLD OR YOUNGER, in violation of PENAL CODE SECTION 288.7(b), a felony, was committed by Pedro Martinez, who being a person 18 years of age and older, did engage in oral copulation and sexual penetration, as defined in Penal Code Section 289, with Xzavier B, 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).

It is further alleged that pursuant to Penal Code section 1170(h)(3) defendant(s) Pedro Martinez is eligible for imprisonment in the state prison due to:

the current charge is a serious or violent felony;

defendant(s) Pedro Martinez has a prior serious or violent felony conviction;

defendant(s) Pedro Martinez has been convicted of a crime with a Penal Code section 186.11 enhancement;

the crime is not punishable pursuant to Penal Code section 1170(h)(3).

COUNT 5

On or about December 01, 2018 through January 19, 2019, in the above-named judicial district, the crime of ORAL COPULATION OR SEXUAL PENETRATION WITH CHILD 10 YEARS OLD OR YOUNGER, in violation of PENAL CODE SECTION 288.7(b), a felony, was committed by Pedro Martinez, who being a person 18 years of age and older, did engage in oral copulation and sexual penetration, as defined in Penal Code Section 289, with Xzavier B, 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).

It is further alleged that pursuant to Penal Code section 1170(h)(3) defendant(s) Pedro Martinez is eligible for imprisonment in the state prison due to:

the current charge is a serious or violent felony;

defendant(s) Pedro Martinez has a prior serious or violent felony conviction;

defendant(s) Pedro Martinez has been convicted of a crime with a Penal Code section 186.11 enhancement;

the crime is not punishable pursuant to Penal Code section 1170(h)(3).

COUNT 6

On or about December 01, 2018 through January 19, 2019, in the above-named judicial district, the crime of ORAL COPULATION OR SEXUAL PENETRATION WITH CHILD 10 YEARS OLD OR YOUNGER, in violation of PENAL CODE SECTION 288.7(b), a felony, was committed by Pedro Martinez, who being a person 18 years of age and older, did engage in oral copulation and sexual penetration, as defined in Penal Code Section 289, with Xzavier B, 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).

It is further alleged that pursuant to Penal Code section 1170(h)(3) defendant(s) Pedro Martinez is eligible for imprisonment in the state prison due to:

- the current charge is a serious or violent felony;
- defendant(s) Pedro Martinez has a prior serious or violent felony conviction;
- defendant(s) Pedro Martinez has been convicted of a crime with a Penal Code section 186.11 enhancement;
- the crime is not punishable pursuant to Penal Code section 1170(h)(3).

COUNT 7

On or about December 01, 2018 through January 19, 2019, in the above-named judicial district, the crime of LEWD ACT UPON A CHILD UNDER AGE 14, in violation of PENAL CODE SECTION 288(a), a felony, was committed by Pedro Martinez, who did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of Xzavier B, 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(s) and the said child.

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 Section 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.

It is further alleged that pursuant to Penal Code section 1170(h)(3) defendant(s) Pedro Martinez is eligible for imprisonment in the state prison due to:

the current charge is a serious or violent felony;

defendant(s) Pedro Martinez has a prior serious or violent felony conviction;

defendant(s) Pedro Martinez has been convicted of a crime with a Penal Code section 186.11 enhancement;

the crime is not punishable pursuant to Penal Code section 1170(h)(3).

It is further alleged, as to counts 7, 8, 9, 10 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 about December 01, 2018 through January 19, 2019, in the above-named judicial district, the crime of LEWD ACT UPON A CHILD UNDER AGE 14, in violation of PENAL CODE SECTION 288(a), a felony, was committed by Pedro Martinez, who did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of Xzavier B, 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(s) and the said child.

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 Section 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.

It is further alleged that pursuant to Penal Code section 1170(h)(3) defendant(s) Pedro Martinez is eligible for imprisonment in the state prison due to:

the current charge is a serious or violent felony;

defendant(s) Pedro Martinez has a prior serious or violent felony conviction;

defendant(s) Pedro Martinez has been convicted of a crime with a Penal Code section 186.11 enhancement;

the crime is not punishable pursuant to Penal Code section 1170(h)(3).

It is further alleged, as to counts 7, 8, 9, 10 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 9

On or about September 01, 2018 through January 18, 2019, in the above-named judicial district, the crime of LEWD ACT UPON A CHILD UNDER AGE 14, in violation of PENAL CODE SECTION 288(a), a felony, was committed by Pedro Martinez, who did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of Ismael R, 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(s) and the said child.

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 Section 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.

It is further alleged that pursuant to Penal Code section 1170(h)(3) defendant(s) Pedro Martinez is eligible for imprisonment in the state prison due to:

the current charge is a serious or violent felony;

defendant(s) Pedro Martinez has a prior serious or violent felony conviction;

defendant(s) Pedro Martinez has been convicted of a crime with a Penal Code section 186.11 enhancement;

the crime is not punishable pursuant to Penal Code section 1170(h)(3).

It is further alleged, as to count(s) 7, 8, 9, 10 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 10

On or about September 01, 2018 through January 18, 2019, in the above-named judicial district, the crime of LEWD ACT UPON A CHILD UNDER AGE 14, in violation of PENAL CODE SECTION 288(a), a felony, was committed by Pedro Martinez, who did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of Ismael R, 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(s) and the said child.

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 Section 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.

It is further alleged that pursuant to Penal Code section 1170(h)(3) defendant(s) Pedro Martinez is eligible for imprisonment in the state prison due to:

the current charge is a serious or violent felony;

defendant(s) Pedro Martinez has a prior serious or violent felony conviction;

defendant(s) Pedro Martinez has been convicted of a crime with a Penal Code section 186.11 enhancement;

the crime is not punishable pursuant to Penal Code section 1170(h)(3).

It is further alleged, as to count(s) 7, 8, 9, 10 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 about September 01, 2018 through January 18, 2019, in the above-named judicial district, the crime of DISTRIBUTING OR SHOWING PORNOGRAPHY TO A MINOR, in violation of PENAL CODE SECTION 288.2(a)(2), a felony, was committed by Pedro Martinez, who knew, should have known, or believed that another person was a minor, and knowingly exhibited harmful matter to that person with the intent of arousing, appealing to, or gratifying the lust or passions or sexual desires of the defendant or of the minor, and with the intent that either person touch an intimate body part of the other.

* * * * *

It is further alleged as to each count, pursuant to Penal Code section 1170, subdivision (b)(2), that the following circumstances may apply in this case:

1. The crime involved great violence, great bodily harm, threat of great bodily harm, or other acts disclosing a high degree of cruelty, viciousness, or callousness;
2. The victim was particularly vulnerable;
3. The manner in which the crime was carried out indicates planning, sophistication, or professionalism;
4. The defendant took advantage of a position of trust or confidence to commit the offense.

* * * * *

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

THIS INFORMATION CONSISTS OF 11 COUNT(S).

Jason Anderson
County of San Bernardino
State of California

By: Deena Pribble
Deena Pribble
Deputy District Attorney

Filed in Superior Court,
County of San Bernardino

Dated: _____