

AUG 31 2018

Darrel E. Perkor, Executive Officer
BY *D. E. Perkor*
D. E. Perkor, Deputy Clerk

THE SUPERIOR COURT, STATE OF CALIFORNIA
For the County of Santa Barbara
Lompoc Division.

THE PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff,

vs.

SHAQUILLE AHMED LINDSEY

DOB: 08/29/1993

Defendant.

DA No. 18-08-428531

Court No. **18CR08422**

FELONY COMPLAINT

AB109 INELIGIBLE

The undersigned is informed and believes that:

COUNT 1

On or about August 28, 2016, in the County of Santa Barbara, the crime of GROSS VEHICULAR MANSLAUGHTER WHILE INTOXICATED, in violation of PENAL CODE SECTION 191.5(a), a Felony, was committed by SHAQUILLE AHMED LINDSEY, who did unlawfully kill RUBEN BETANCOURT, a human being, without malice aforethought, in the driving of a vehicle in violation of Vehicle Code Sections 23140, 23152 and 23153 and the killing was proximate result of the commission of an unlawful act, not amounting to a felony and with gross negligence and/or proximate result of the commission of a lawful act which might produce death, in an unlawful manner, and with gross negligence and/or proximate result of the commission of an unlawful act, not amounting to a felony, and with gross negligence and the proximate result of the commission of lawful act which might produce death, in an unlawful manner, and with gross negligence.

It is further alleged that the above offense is a serious felony within the meaning of Penal Code Section 1192.7(c) (8).

SPECIAL ALLEG - GREAT BODILY INJURY

It is further alleged that in the commission of the above offense the said defendant, SHAQUILLE AHMED LINDSEY, personally inflicted great bodily injury on JUAN BETANCOURT, not an accomplice to the above offense, within the meaning of Penal Code Section 12022.7(a) and also causing the above offense to become a serious felony within the meaning of Penal Code Section 1192.7(c)(8).

It is further alleged that the above offense is a violent felony within the meaning of Penal Code Section 667.5(c)(8).

SPEC ALLEG - FELONY EXCLUDED FROM LOCAL CUSTODY

It is further alleged as to Counts 1 through 3 that the above offense is an offense for which the defendant SHAQUILLE AHMED LINDSEY, is excluded from a state prison sentence to be served in the county jail pursuant to Penal Code section 1170(h).

"NOTICE: Pursuant to Penal Code section 1170(f), notwithstanding any other provisions of this section, for purposes of subdivision (h) of section 1170, any allegation that a defendant is ineligible for a state prison sentence to be served in the county jail due to a prior or current conviction, or sentence enhancement, or because he or she is required to register as a sex offender, or because the legislature specifically excluded the offense, shall not be subject to dismissal pursuant to §1385 PC".

COUNT 2

On or about August 28, 2016, in the County of Santa Barbara, the crime of GROSS VEHICULAR MANSLAUGHTER WHILE INTOXICATED, in violation of PENAL CODE SECTION 191.5(a), a Felony, was committed by SHAQUILLE AHMED LINDSEY, who did unlawfully kill BERTHA BETANCOURT, a human being, without malice aforethought, in the driving of a vehicle in violation of Vehicle Code Sections 23140, 23152 and 23153 and the killing was proximate result of the commission of an unlawful act, not amounting to a felony and with gross negligence and/or proximate result of the commission of a lawful act which might produce death, in an unlawful manner, and with gross negligence and/or proximate result of the commission of an unlawful act, not amounting to a felony, and with gross negligence and the proximate result of the commission of lawful act which might produce death, in an unlawful manner, and with gross negligence.

It is further alleged that the above offense is a serious felony within the meaning of Penal Code Section 1192.7(c) (8).

SPECIAL ALLEG - GREAT BODILY INJURY

It is further alleged that in the commission of the above offense the said defendant, SHAQUILLE AHMED LINDSEY, personally inflicted great bodily injury on JUAN BETANCOURT, not an accomplice to the above offense, within the meaning of Penal Code Section 12022.7(a) and also causing the above offense to become a serious felony within the meaning of Penal Code Section 1192.7(c)(8).

It is further alleged that the above offense is a violent felony within the meaning of Penal Code Section 667.5(c)(8).

COUNT 3

On or about August 28, 2016, in the County of Santa Barbara, the crime of DRIVING UNDER THE COMBINED INFLUENCE OF ANY ALCOHOLIC BEVERAGE AND DRUG CAUSING INJURY, in violation of VEHICLE CODE SECTION 23153(g), a Felony, was committed by SHAQUILLE AHMED LINDSEY, who did unlawfully, while under the combined influence of any alcoholic beverage and drug drive a vehicle and in so driving, concurrently did an act forbidden by law, and neglected a duty imposed by law, to wit: a violation of Vehicle Code Section 22350; 21650; 21460; 23123; and 23123.5 which proximately caused bodily injury to JUAN BETANCOURT; BERTHA BETANCOURT; and RUBEN BETANCOURT.

"NOTICE: If convicted of this offense the court must suspend your driving privileges if you are under the age of 21 years. Vehicle Code Section 13202.5".

"NOTICE: Pursuant to CVC Section 23195 you are notified that the District Attorney will request impoundment of your vehicle, at your expense, in the event of a conviction of this offense."

SPECIAL ALLEG - GREAT BODILY INJURY

It is further alleged that in the commission of the above offense the said defendant, SHAQUILLE AHMED LINDSEY, personally inflicted great bodily injury on JUAN BETANCOURT, not an accomplice to the above offense, within the meaning of **Penal Code Section 12022.7(a)** and also causing the above offense to become a serious felony within the meaning of Penal Code Section 1192.7(c)(8).

It is further alleged that the above offense is a violent felony within the meaning of **Penal Code Section 667.5(c)(8)**.

SPECIAL ALLEG - GREAT BODILY INJURY

It is further alleged that in the commission of the above offense the said defendant, SHAQUILLE AHMED LINDSEY, personally inflicted great bodily injury on BERTHA BETANCOURT, not an accomplice to the above offense, within the meaning of **Penal Code Section 12022.7(a)** and also causing the above offense to become a serious felony within the meaning of Penal Code Section 1192.7(c)(8).

It is further alleged that the above offense is a violent felony within the meaning of **Penal Code Section 667.5(c)(8)**.

SPECIAL ALLEG - GREAT BODILY INJURY

It is further alleged that in the commission of the above offense the said defendant, SHAQUILLE AHMED LINDSEY, personally inflicted great bodily injury on RUBEN BETANCOURT, not an accomplice to the above offense, within the meaning of **Penal Code Section 12022.7(a)** and also causing the above offense to become a serious felony within the meaning of Penal Code Section 1192.7(c)(8).

It is further alleged that the above offense is a violent felony within the meaning of **Penal Code Section 667.5(c)(8)**.

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.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT CONSISTS OF 3 COUNT(S).

Executed at Santa Maria, California, on August 30, 2018.



MAGNICOLO
CHIEF DEPUTY DISTRICT ATTORNEY

Agency: VAFB

<u>DEFENDANT NAME</u>	<u>SEX</u>	<u>RACE</u>	<u>HGT</u>	<u>WGT</u>	<u>EYES</u>	<u>HAIR</u>	<u>DRIVER'S LICENSE</u>	<u>STS</u>	<u>COURT DATE</u>
Shaquille Ahmed Lindsey	M							LR	09/18/2018

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