

SUPERIOR COURT OF CALIFORNIA, COUNTY OF HUMBOLDT
HUMBOLDT SUPERIOR COURT DISTRICT

FILED

SEP 15 2016 Y.N

SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

THE PEOPLE OF THE STATE OF CALIFORNIA,)
)
) Plaintiff)
)
) vs.)
)
) Marcia Maelinda Kitchen ,)
) aka Marcia Maelinda Stephens)
)
)
)
)
) Defendant)

COURT CASE NO

CR1604145

FELONY COMPLAINT

DA CASE NO 2016-00-0006871

The undersigned is informed and believes that:

COUNT 1

On or about July 12, 2016, in the above named judicial district, the crime of VEHICULAR MANSLAUGHTER WITHOUT GROSS NEGLIGENCE, in violation of Penal Code SECTION 191.5(b), a felony, was committed by Marcia Maelinda Kitchen, who did unlawfully and without gross negligence kill Jane Doe #1 (DOB: 05/26/2002), a human being, while driving a vehicle in violation of Vehicle Code Sections 23152 and 23153 and in the commissions of an unlawful act, not amounting to a felony, to wit: a violation of Vehicle Code Section 22350 and in the commission of a lawful act which might produce death, in an unlawful manner.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code Sections 1192.7(c) and 1192.8(a)."

SPECIAL ALLEGATION

It is further alleged, pursuant to Vehicle Code section 20001(c), that, after committing the above offense, the defendant fled the scene of the crime.

SPECIAL ALLEGATION

It is further alleged that the defendant, in violation of Vehicle Code section 23558, proximately caused bodily injury or death to Jane Doe #2 (DOB: 05/01/2002).

COUNT 2

On or about July 12, 2016, in the above named judicial district, the crime of DRIVING UNDER THE INFLUENCE OF AN ALCOHOLIC BEVERAGE CAUSING INJURY, in violation of Vehicle Code SECTION 23153(a), a felony, was committed by Marcia Maelinda Kitchen, who while under the influence of an alcoholic beverage, drove a vehicle and concurrently did an act forbidden by law, and/or neglected a duty imposed by law, and in the commissions of an unlawful act, not amounting to a felony, to wit: a violation of Vehicle Code Section 22350, in driving the vehicle, which act and/or neglect proximately caused bodily injury to Jane Doe #1 (DOB: 05/26/2002) and Jane Doe #2 (DOB: 05/01/2002).

SPECIAL ALLEGATION

It is further alleged pursuant to Penal Code section 12022.7(b) that in the commission of the above offense the said defendant, Marcia Maelinda Kitchen, personally inflicted great bodily injury upon Jane Doe #1 (DOB: 05/26/2002), not an accomplice, or that said injury caused Jane Doe #1 (DOB: 05/26/2002) to become comatose due to brain injury and to suffer paralysis.

SPECIAL ALLEGATION

It is further alleged that the defendant, in violation of Vehicle Code section 23558, proximately caused bodily injury or death to Jane Doe #2 (DOB: 05/01/2002).

SPECIAL ALLEGATION

It is further alleged, pursuant to Vehicle Code section 20001(c), that, after committing the above offense, the defendant fled the scene of the crime.

* * * * *

REQUEST FOR DISCOVERY

Pursuant to Penal Code Sections 1054.3 and 1054.4(b), the People of the State of California are informally requesting the following desired materials and information:

- (a) The names and address of persons, other than the defendant, you intend to call as witnesses at trial, together with any relevant written or recorded statements of those persons, or reports of the statements of experts made in connection with the case, and including the results of physical or mental examinations, scientific tests, experiments or comparisons which the defendant intends to offer in evidence at the trial;
- (b) Any real evidence which the defendant intends to offer in evidence at the trial.

* * * * *

NOTICE TO ATTORNEY

The materials accompanying this notice may include information about witnesses. If so, these materials are disclosed to you pursuant to Penal Code section 1054.2 which provides: "No attorney may disclose or permit to be disclosed to a defendant the address or telephone number of a victim or witness whose name is disclosed to the attorney pursuant to subdivision (a) of Section 1054.1 unless specifically permitted to do so by the court after a hearing and a showing of good cause."

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT CONSISTS OF 2 COUNT(S).

Executed at Eureka, California, on September 15, 2016.

Stacey Eads

DECLARANT AND COMPLAINANT

2016-00-0006871

Marcia Maelinda Kitchen: 444956

IDs: 000509411 / A8930172 CA / 349941XF0 / A33802743

Incident: BW16375 / 1600007538

Charges: 01: PC191.5(b) [ABCLFFE]

02: VC23153(a) [ABCLFFC]

X: PC192(c)(1) [ABCLFFD]

X: VC20001(b)(2) [ABCLFFB]

X: VC22350 [ABCLFFJ]