

EL DORADO CO. SUPERIOR CT.

FILED SEP 21 2010

BY Carol Sanders

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF EL DORADO

THE PEOPLE OF THE STATE OF CALIFORNIA,

DKT#: **P10CRF0364**

Plaintiff,

vs.

INDICTMENT

PHILLIP CRAIG GARRIDO, and
NANCY GARRIDO,

Defendants.

The Grand Jury of El Dorado County, accuses PHILLIP CRAIG GARRIDO and NANCY GARRIDO as follows:

COUNT I

On or between the 10th day of June, 1991, and the 26th day of August, 2009, in the County of El Dorado and Contra Costa, the crime of KIDNAPPING, in violation of PENAL CODE SECTION 207(A), a Felony, was committed by PHILLIP CRAIG GARRIDO and NANCY GARRIDO, who did unlawfully, forcibly and by instilling fear, steal, take, hold, detain and arrest Jane Doe in El Dorado County, California, and did take the said Jane Doe into another county.

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COUNT II

On or between the 10th day of June, 1991, and the 2nd day of May, 1994, in the County of El Dorado and Contra Costa, the crime of KIDNAPPING SOMEONE UNDER 14 YEARS OF AGE, in violation of PENAL CODE SECTION 208(B), a Felony, was committed by PHILLIP CRAIG GARRIDO and NANCY GARRIDO, who did unlawfully, forcibly and by instilling fear, steal, take hold, detain and arrest Jane Doe, in El Dorado County, California, and did take the said Jane Doe into another county, said Jane Doe being under 14 years of age.

COUNT III

On or between the 10th day of June, 1991, and the 26th day of August, 2009, in the Counties of El Dorado and Contra Costa, the crime of KIDNAPPING FOR SEXUAL PURPOSES, in violation of PENAL CODE SECTION 208(D), a Felony, was committed by PHILLIP CRAIG GARRIDO and NANCY GARRIDO, who did unlawfully, forcibly and by instilling fear, steal, take, hold, detain and arrest Jane Doe in El Dorado County, California, and did take the said Jane Doe into another county, with the intent to commit Rape.

COUNT IV

On or between the 10th day of June, 1991, and the 10th day of July, 1991, in the County of Contra Costa, the crime of FORCIBLE RAPE, in violation of PENAL CODE SECTION 261(a)(2), a Felony, was committed by PHILLIP CRAIG GARRIDO and NANCY GARRIDO, who did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, Jane Doe, not his/her spouse, against said person's will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on said person and another.

COUNT V

On or between the 10th day of June, 1991, and the 10th day of July, 1991, in the County of Contra Costa, the crime of FORCIBLE RAPE, in violation of PENAL CODE SECTION 261(a)(2), a Felony, was committed by PHILLIP CRAIG GARRIDO and NANCY GARRIDO,

1 who did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, Jane
2 Doe, not his/her spouse, against said person's will, by means of force, violence, duress, menace and
3 fear of immediate and unlawful bodily injury on said person and another.

4 "NOTICE: This is separate and distinct count from that alleged in Count IV.

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6 **COUNT VI**

7 On or between the 10th day of June, 1991, and the 10th day of July, 1991, in the County of
8 Contra Costa, the crime of FORCIBLE LEWD ACT UPON A CHILD, in violation of **PENAL**
9 **CODE SECTION 288(b)(1)**, a Felony, was committed by PHILLIP CRAIG GARRIDO and
10 NANCY GARRIDO, who did willfully, unlawfully, and lewdly commit a lewd and lascivious act
11 upon and with the body and certain parts and members thereof of Jane Doe, a child under the age of
12 fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual
13 desires of the said defendant and the said child, by use of force, violence, duress, menace, and threat
14 of great bodily harm, to wit: including, but not limited to, sexual penetration, oral copulation,
15 sodomy, mutual masturbation and additional acts of substantial sexual conduct depicted on video
16 produced/created by defendant PHILLIP CRAIG GARRIDO.

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18 **COUNT VII**

19 On or between the 11th day of July, 1991, and the 31st day of December, 1991, in the
20 County of Contra Costa, the crime of FORCIBLE LEWD ACT UPON A CHILD, in violation of
21 **PENAL CODE SECTION 288(b)(1)**, a Felony, was committed by PHILLIP CRAIG GARRIDO
22 and NANCY GARRIDO, who did willfully, unlawfully, and lewdly commit a lewd and lascivious
23 act upon and with the body and certain parts and members thereof of Jane Doe, a child under the
24 age of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and
25 sexual desires of the said defendant and the said child, by use of force, violence, duress, menace,
26 and threat of great bodily harm to wit: including, but not limited to, sexual intercourse, sexual
27 penetration, oral copulation, sodomy, mutual masturbation and additional acts of substantial sexual
28 conduct depicted on video produced/created by defendant PHILLIP CRAIG GARRIDO. .

1 NANCY GARRIDO, who did willfully, unlawfully, and lewdly commit a lewd and lascivious act
2 upon and with the body and certain parts and members thereof of Jane Doe, a child under the age of
3 fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual
4 desires of the said defendant and the said child, by use of force, violence, duress, menace, and threat
5 of great bodily harm, to wit: including, but not limited to, sexual intercourse, sexual penetration
6 oral copulation, sodomy, mutual masturbation and additional acts of substantial sexual conduct
7 depicted on video produced/created by defendant PHILLIP CRAIG GARRIDO.

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COUNT XI

On or between the 1st day of July, 1993, and the 31st day of December, 1993, in the County
of Contra Costa, the crime of FORCIBLE LEWD ACT UPON A CHILD, in violation of **PENAL**
CODE SECTION 288(b)(1), a Felony, was committed by PHILLIP CRAIG GARRIDO and
NANCY GARRIDO, who did willfully, unlawfully, and lewdly commit a lewd and lascivious act
upon and with the body and certain parts and members thereof of Jane Doe, 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 and the said child, by use of force, violence, duress, menace, and threat
of great bodily harm, to wit: including, but not limited to, sexual intercourse, sexual penetration,
oral copulation, sodomy, mutual masturbation and additional acts of substantial sexual conduct
depicted on video produced/created by defendant PHILLIP CRAIG GARRIDO.

COUNT XII

On or between the 1st day of January, 1994, and the 2nd day of May, 1994, in the County of
Contra Costa, the crime of FORCIBLE LEWD ACT UPON A CHILD, in violation of **PENAL**
CODE SECTION 288(b)(1), a Felony, was committed by PHILLIP CRAIG GARRIDO and
NANCY GARRIDO, who did willfully, unlawfully, and lewdly commit a lewd and lascivious act
upon and with the body and certain parts and members thereof of Jane Doe, 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 and the said child, by use of force, violence, duress, menace, and threat

1 of great bodily harm, to wit: including, but not limited to, sexual intercourse, sexual penetration,
2 oral copulation, sodomy, mutual masturbation and additional acts of substantial sexual conduct
3 depicted on video produced/created by defendant PHILLIP CRAIG GARRIDO.

4 COUNT XIII

5 On or between the 1st day of December, 1994, and the 31st day of December, 1994, in the
6 County of Contra Costa, the crime of FORCIBLE RAPE, in violation of **PENAL CODE**
7 **SECTION 261(a)(2)**, a Felony, was committed by PHILLIP CRAIG GARRIDO and NANCY
8 GARRIDO, who did unlawfully have and accomplish an act of sexual intercourse with a person, to
9 wit, Jane Doe, not his/her spouse, against said person's will, by means of force, violence, duress,
10 menace and fear of immediate and unlawful bodily injury on said person and another.

11 COUNT XIV

12 On or between the 1st day of January, 1995, and the 31st day of December, 1995, in the
13 County of Contra Costa, the crime of FORCIBLE RAPE, in violation of **PENAL CODE**
14 **SECTION 261(a)(2)**, a Felony, was committed by PHILLIP CRAIG GARRIDO and NANCY
15 GARRIDO, who did unlawfully have and accomplish an act of sexual intercourse with a person, to
16 wit, Jane Doe, not his/her spouse, against said person's will, by means of force, violence, duress,
17 menace and fear of immediate and unlawful bodily injury on said person and another.

18 COUNT XV

19 On or between the 1st day of January, 1996, and the 31st day of December, 1996, in the
20 County of Contra Costa, the crime of FORCIBLE RAPE, in violation of **PENAL CODE**
21 **SECTION 261(a)(2)**, a Felony, was committed by PHILLIP CRAIG GARRIDO and NANCY
22 GARRIDO, who did unlawfully have and accomplish an act of sexual intercourse with a person, to
23 wit, Jane Doe, not his/her spouse, against said person's will, by means of force, violence, duress,
24 menace and fear of immediate and unlawful bodily injury on said person and another.

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COUNT XVI

On or between the 1st day of January, 1997, and the 13th day of November, 1997, in the County of Contra Costa, the crime of FORCIBLE RAPE, in violation of **PENAL CODE SECTION 261(a)(2)**, a Felony, was committed by PHILLIP CRAIG GARRIDO and NANCY GARRIDO, who did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, Jane Doe, not his/her spouse, against said person's will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on said person and another.

COUNT XVII

On or between the 10th day of June, 1991, and the 26th day of August, 2009, in the County of Contra Costa, the crime of FALSE IMPRISONMENT BY VIOLENCE, in violation of **PENAL CODE SECTION 236**, a Felony, was committed by PHILLIP CRAIG GARRIDO and NANCY GARRIDO, who did unlawfully violate the personal liberty of Jane Doe, said violation being effected by violence, menace, fraud, and deceit.

COUNT XVIII

On or about the 26th day of August, 2009, in the County of Contra Costa, the crime of POSSESSION OR CONTROL OF CHILD PORNOGRAPHY, in violation of **PENAL CODE SECTION 311.11(A)**, a Felony, was committed by PHILLIP CRAIG GARRIDO and NANCY GARRIDO, who did unlawfully and knowingly possess and control matter depicting a person under the age of 18 years personally engaging in and simulating sexual conduct as defined in Penal Code Section 311.4(d)

SPECIAL ALLEGATION - 2/3 STRIKES (TWO PRIORS)

It is further alleged as to Counts XII, XIII, XIV, XV, XVI and XVIII pursuant to Penal Code section(s) 667(b) through (i) and Penal Code 1170.12(a) - (d) that the Defendant, PHILLIP CRAIG GARRIDO has suffered the following prior conviction(s) of a serious or violent felony:

<u>Docket #</u>	<u>Code/Statute</u>	<u>Conv.Date</u>	<u>County</u>	<u>State</u>	<u>Court Type</u>
318964NRS	200.363 Forcible Rape	03/09/77	Washoe	NV	Superior
R-76-88-BRT	Title 18 USC Section 1201(a)(1) Kidnapping	03/11/77	Nevada	NV	US District

1 **SPECIAL ALLEGATION - SEX - ONE STRIKE**

2 It is further alleged as to Counts XIII, XIV, XV and XVI, within the meaning of Penal Code
3 Section 667.61(d)(2), that in the commission or attempted commission of the above offense that:
4 the defendant PHILLIP CRAIG GARRIDO and NANCY GARRIDO kidnapped the victim of the
5 present offense, substantially increasing the risk of harm to the victim over and above that level of
6 risk necessarily inherent in the underlying offense in subdivision (c) of Penal Code Section 667.61.

7 **SPECIAL ALLEGATION - SEX - ONE STRIKE**

8 It is further alleged as to Counts XIII, XIV, XV and XVI, within the meaning of Penal Code
9 Section 667.61(d)(1), that the Defendant, PHILLIP CRAIG GARRIDO has previously been
10 convicted of Forcible Rape:

<u>Docket #</u>	<u>Code/Statute</u>	<u>Conv.Date</u>	<u>County</u>	<u>State</u>	<u>Court Type</u>
11 318964NRS	200.363 12 Forcible Rape	03/09/77	Washoe	NV	Superior

14 **SPECIAL ALLEGATION - HABITUAL SEXUAL OFFENDER**

15 It is further alleged as to Counts XIII, XIV, XV and XVI, pursuant to Penal Code Section
16 667.71, the Defendant PHILLIP CRAIG GARRIDO, was previously convicted of the crime of
17 Forcible Rape:

<u>Docket #</u>	<u>Code/Statute</u>	<u>Conv.Date</u>	<u>County</u>	<u>State</u>	<u>Court Type</u>
18 318964NRS	200.363 19 Forcible Rape	03/09/77	Washoe	NV	Superior

20 **SPECIAL ALLEGATION - HABITUAL SEXUAL OFFENDER**

21 It is further alleged as to Counts XIII, XIV, XV and XVI, pursuant to Penal Code Section
22 667.71, the Defendant PHILLIP CRAIG GARRIDO, was previously convicted of the crime of
23 Kidnapping :

<u>Docket #</u>	<u>Code/Statute</u>	<u>Conv.Date</u>	<u>County</u>	<u>State</u>	<u>Court Type</u>
24 R-76-88-BRT	25 Title 18 USC 26 Section 1201(a)(1) 27 Kidnapping	03/11/77	Nevada	NV	US District

1 **SPECIAL ALLEGATION - KIDNAPPING FOR SEX, VICTIM UNDER 14**

2 It is further alleged as to Counts VI, VII, VIII, IX, X, XI and XII that, for the purpose of
3 committing the above offenses, the Defendant PHILLIP CRAIG GARRIDO and NANCY
4 GARRIDO kidnapped the victim, Jane Doe, who was under the age of 14 years in violation of
5 Penal Code Section 667.8(b).

6 **SPECIAL ALLEGATION - KIDNAPPING FOR SEXUAL PURPOSES**

7 It is further alleged as to Counts IV and V that the Defendant PHILLIP CRAIG GARRIDO
8 and NANCY GARRIDO, for the purpose of committing the above sexual offense, kidnapped the
9 victim in violation of Penal Code Section 207 within the meaning of Penal Code Section 667.8(a).

10 **SPECIAL ALLEGATION - FULL, SEPARATE, CONSECUTIVE TERM**

11 It is further alleged that the offenses alleged in Counts IV thru XVI are crimes involving the
12 same victim on separate occasions within the meaning of 667.6(d)

13 **SPECIAL ALLEGATION VIOLENT SEX OFFENSES**

14 It is further alleged as to all Counts listed above that the defendants PHILLIP CRAIG
15 GARRIDO and NANCY GARRIDO, are ineligible for probation or suspension of sentence
16 pursuant to Penal Code section 1203.065(a).

17 **SPECIAL ALLEGATION USE OF FORCE-288, 288.5**

18 It is further alleged as to Count VI through Count XXII that the PHILLIP CRAIG
19 GARRIDO and NANCY GARRIDO committed the above offense by the use of force, violence,
20 duress, menace and fear of immediate and unlawful bodily injury on victim, Jane Doe and another,
21 within the meaning of Penal Code Section 1203.066(a)(1).

22 **SPECIAL ALLEGATION VICTIM IS STRANGER-288, 288.5**

23 It is further alleged as to Counts VI through Count XII that at the time of the commission of
24 the above offenses said defendants, PHILLIP CRAIG GARRIDO and NANCY GARRIDO were
25 strangers to said child victim, within the meaning of Penal Code section 1203.066(a)(3).
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1 **SPECIAL ALLEGATION PRIOR SEX OFFENSE & PRESENT 288, 288.5**

2 It is further alleged as to Count VI through Count XI that said PHILLIP CRAIG GARRIDO
3 was on and about April 5, 1977, in the Superior Court of the State of Nevada, for the County of
4 Washoe, convicted of violating Forcible Rape, Section NRS 200.363, within the meaning of Penal
5 Code Section 1203.066(a)(5).

6 **SPECIAL ALLEGATION SUBSTANTIAL SEXUAL CONDUCT-288, 288.5**

7 It is further alleged as to Count VI through Count XII pursuant to Penal Code section
8 1203.066(a)(8) that the victim, Jane Doe, in the above offense was under the age of 14 years and
9 the defendants PHILLIP CRAIG GARRIDO and NANCY GARRIDO had substantial sexual
10 conduct with Jane Doe.

11 It is further alleged that the offenses alleged in Counts IV, V, XIII, XIV, XV and XVI come
12 within the meaning of Penal Code Section 803(f)(1) in that:

- 13
- 14 (a) The victim was under 18 when the crime was committed.
 - 15 (b) The victim made the report to law enforcement on August 26, 2009 and the
16 criminal complaint was filed within one year of that report, on August 28, 2009.
 - 17 (c) The statute of limitations of six years has expired.
 - 18 (d) The crime of Penal Code Section 261(a)(2) as alleged involves substantial sexual
19 conduct in that the victim describes acts of sexual intercourse.
 - 20 (e) There is clear and convincing corroboration including, but not limited to
21 statements of the defendants, videos produced/created by defendant PHILLIP
22 CRAIG GARRIDO and defendant PHILLIP CRAIG GARRIDO'S prior
23 conviction for Forcible Rape on March 9, 1977, and conviction for Kidnapping
24 on March 11, 1977.

25 It is further alleged that the offenses alleged in Counts VI, VII, VIII, IX, X, XI and XII,
26 come within the meaning of Penal Code Section 803(f)(1) in that:

- 27
- 28 (a) The victim was under 18 when the crime was committed.
 - (b) The victim made the report to law enforcement on August 26, 2009 and the
 criminal complaint was filed within one year of that report on August 28, 2009.
 - (c) The statute of limitations of six years has expired.
 - (d) The crime of Penal Code Section 288(b) as alleged involves substantial sexual
 conduct in that the victim describes acts of sexual intercourse, oral copulation,
 sodomy and mutual masturbation.

1 (e) There is clear and convincing corroboration including, but not limited to
2 statements of the defendants, and videos produced/created by defendant
3 PHILLIP CRAIG GARRIDO, and defendant PHILLIP CRAIG GARRIDO'S
4 prior conviction for Forcible Rape on March 9, 1977, and conviction for
5 Kidnapping on March 11, 1977.

6 It is further alleged as to the offenses listed above that jurisdiction resides in El Dorado
7 County pursuant to Penal Code Section 781. The acts and effects constituting or requisite to the
8 consummation of the offense occurred in El Dorado County and when a public offense is
9 committed in part in one jurisdictional territory and a part in another, the jurisdiction of such
10 offense is within either jurisdictional territory.

11 **"NOTICE:** Conviction of the above offenses will require you to register pursuant to Penal
12 Code Section 290. Wilful failure to register is a crime."

13 **"NOTICE:** Pursuant to the provisions of Penal Code Section 293.5 the use of pseudonym
14 "Jane Doe", if it appears in the indictment, is for purposes of protecting the privacy of the alleged
15 victim."

16 **"NOTICE:** The above offenses are serious felonies within the meaning of Penal Code
17 Section 1192.7(c)."
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1 NAMES OF WITNESSES EXAMINED BY THE GRAND JURY
2 ON THE FINDING OF THE FOREGOING INDICTMENT

- 3
4 1. Jane Doe
5 2. El Dorado County District Attorney's Office Investigator Richard Pesce
6 3. El Dorado County District Attorney's Office Investigator Michael Franzen
7 4. Contra Costa County Sheriff's Office Detective Garrett Schiro
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9 "A True Bill"

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11 Dated: September 21, 2010

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14 FOREPERSON OF THE GRAND JURY
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