

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO
FONTANA DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,)	COURT CASE NO
)	
Plaintiff)	
)	
vs.)	
)	
Fernando Manual Salgado ,)	FELONY COMPLAINT
Emmanuel De La Rosa)	
)	
Defendant)	DA CASE NO 2012-00-0030782

The undersigned is informed and believes that:

COUNT 1

On or about May 1, 2012 through June 21, 2012, in the above named judicial district, the crime of CHILD ABUSE, in violation of PENAL CODE SECTION 273a(a), a felony, was committed by Emmanuel De La Rosa, who did willfully and unlawfully, under circumstances likely to produce great bodily harm and death, injure, cause, and permit a child, John Doe #1, to suffer and to be inflicted with unjustifiable physical pain and mental suffering, and, having the care and custody of said child, injure, cause, and permit the person and health of said child to be injured and did willfully cause and permit said child to be placed in such situation that his/her person and health was/were endangered.

"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."

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

defendant(s) Emmanuel De La Rosa is required to register as a sex offender pursuant to Penal Code section 290;

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

COUNT 2

On or about June 21, 2012, in the above named judicial district, the crime of ATTEMPTED SEXUAL PENETRATION BY FOREIGN OBJECT-MINOR VICTIM OVER 14, in violation of PENAL CODE SECTION 664/289(a)(1)(C), a felony, was committed by Fernando Manual Salgado and Emmanuel De La Rosa, who committed an act of sexual penetration against the will of John Doe #1, who was a minor over the age of 14 years, by means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on John Doe #1 and another person.

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code section 290. Willful failure to register is a crime."

"NOTICE: Being charged with this criminal offense can result in mandatory pre-conviction HIV/AIDS testing and disclosure of the results to a victim and the Chief Medical Officer of the jail or prison facility where you are incarcerated pursuant to Penal Code Section 1524.1 and Health and Safety Code section 121055 following a probable cause hearing resulting in a court order."

"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) Fernando Manual Salgado and Emmanuel De La Rosa are eligible for imprisonment in the state prison due to:

the current charge is a serious or violent felony;

defendant(s) Fernando Manual Salgado and Emmanuel De La Rosa are required to register as a sex offender pursuant to Penal Code section 290;

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

COUNT 3

On or about June 14, 2012, in the above named judicial district, the crime of ATTEMPTED SEXUAL PENETRATION BY FOREIGN OBJECT, in violation of PENAL CODE SECTION 664/289(a)(1)(A), a felony, was committed by Fernando Manual Salgado and Emmanuel De La Rosa, who committed an act of sexual penetration against the will of John Doe #2 by means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on John Doe #2 and another person.

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code section 290. Willful failure to register is a crime."

"NOTICE: Being charged with this criminal offense can result in mandatory pre-conviction HIV/AIDS testing and disclosure of the results to a victim and the Chief Medical Officer of the jail or prison facility where you are incarcerated pursuant to Penal Code Section 1524.1 and Health and Safety Code section 121055 following a probable cause hearing resulting in a court order."

"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) Fernando Manual Salgado and Emmanuel De La Rosa are eligible for imprisonment in the state prison due to:

the current charge is a serious or violent felony;

defendant(s) Fernando Manual Salgado and Emmanuel De La Rosa are required to register as a sex offender pursuant to Penal Code section 290;

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

COUNT 4

On or about June 21, 2012, in the above named judicial district, the crime of FALSE IMPRISONMENT BY VIOLENCE, in violation of PENAL CODE SECTION 236, a felony, was committed by Fernando Manual Salgado and Emmanuel De La Rosa, who did unlawfully violate the personal liberty of John Doe #1, said violation being effected by violence, menace, fraud, and deceit.

COUNT 5

On or about June 14, 2012, in the above named judicial district, the crime of FALSE IMPRISONMENT BY VIOLENCE, in violation of PENAL CODE SECTION 236, a felony, was committed by Fernando Manual Salgado and Emmanuel De La Rosa, who did unlawfully violate the personal liberty of John Doe #2, said violation being effected by violence, menace, fraud, and deceit.

COUNT 6

On or about June 21, 2012, in the above named judicial district, the crime of FAILURE TO REPORT SUSPECTED CHILD ABUSE, in violation of PENAL CODE SECTION 11166, a misdemeanor, was committed by Emmanuel De La Rosa, who did unlawfully fail to report an instance of suspected child abuse to a child protective agency, said defendant(s) Emmanuel De La Rosa, a teacher, having knowledge of an incident of suspected child abuse involving John Doe #1, with a date of birth of August, 26, 1997.

* * * * *

NOTICE TO DEFENDANT AND DEFENDANT'S ATTORNEY

Pursuant to Penal Code Sections 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.

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 6 COUNT(S).

Executed at Fontana, California, on June 26, 2012.

M. Cardoza

M. Cardoza
DECLARANT AND COMPLAINANT

Agency: Fontana Police Department

Prelim Est. 00:00

Defendant	Birth Date	Booking No.	CII No.	NCIC
Fernando Manual Salgado	01/22/1994	1206342789	A32884429	
Emmanuel De La Rosa	07/23/1984	1206342770	A23355913	