

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
CENTRAL DIVISION**

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

v.

JASON M BERLIN,
dob ██████;

JONAS ISSAC DICK,
dob ██████,
aka JONAS I. DICK;

ALEXANDER MARKHAM SMITH,
dob ██████, *Booking No. 14707395A*,
aka ALEXANDER M. SMITH;

Defendants

CT No. CD261086
DA No. ADV767

COMPLAINT-FELONY

INFORMATION
Date: _____

PC296 DNA TEST STATUS SUMMARY

Defendant	DNA Testing Requirements
BERLIN, JASON M	DNA sample required upon conviction
DICK, JONAS ISAAC	DNA sample has been previously provided
SMITH, ALEXANDER MARKHAM	DNA sample required upon conviction

CHARGE SUMMARY

Count	Charge	Issue Type	Sentence Range	Special Allegations	Allegation Effect
1	PC261(a)(3) BERLIN, JASON M DICK, JONAS ISAAC SMITH, ALEXANDER MARKHAM	Felony	3-6-8		
2	PC261(a)(4) BERLIN, JASON M DICK, JONAS ISAAC	Felony	3-6-8		

CHARGE SUMMARY (cont'd)

<u>Count</u>	<u>Charge</u>	<u>Issue Type</u>	<u>Sentence Range</u>	<u>Special Allegations</u>	<u>Allegation Effect</u>
2	PC261(a)(4) SMITH, ALEXANDER MARKHAM	Felony	3-6-8		
	PC1054.3			INFORMAL REQUEST FOR DISCOVERY	

The undersigned, certifying upon information and belief, complains that in the County of San Diego, State of California, the Defendant(s) did commit the following crime(s):

CHARGES

COUNT 1 - RAPE OF INTOXICATED PERSON

On or about and between October 13, 2013 and October 14, 2013, JASON M BERLIN, JONAS ISSAC DICK, and ALEXANDER MARKHAM SMITH did unlawfully have and accomplish an act of sexual intercourse with [REDACTED], a person not his/her spouse, when said person was prevented from resisting by an intoxicating and anesthetic substance and a controlled substance, and this condition was known and reasonably should have been known by the defendant, in violation of PENAL CODE SECTION 261(a)(3).

COUNT 2 - RAPE OF UNCONSCIOUS PERSON

On or about and between October 13, 2013 and October 14, 2013, JASON M BERLIN, JONAS ISSAC DICK, and ALEXANDER MARKHAM SMITH did unlawfully have and accomplish an act of sexual intercourse with [REDACTED], a person not his/her spouse, when said person was at the time unconscious of the nature of the act, said unconsciousness being known to said defendants, in violation of PENAL CODE SECTION 261(a)(4).

NOTICE: Any defendant named on this complaint who is on criminal probation in San Diego County is, by receiving this complaint, on notice that the evidence presented to the court at the preliminary hearing on this complaint is presented for a dual purpose: the People are seeking a holding order on the charges pursuant to Penal Code Section 872 and simultaneously, the People are seeking a revocation of the defendant's probation, on any and all such probation grants, utilizing the same evidence, at the preliminary hearing. Defenses to either or both procedures should be considered and presented as appropriate at the preliminary hearing.

NOTICE: Any defendant named on this complaint who is on Mandatory Supervision in San Diego County is, by receiving this complaint, on notice that the evidence presented to the court at the preliminary hearing on this complaint is presented for a dual purpose: the People are seeking a holding order on the charges pursuant to Penal Code Section 872 and simultaneously, the People are seeking a revocation of the defendant's Mandatory Supervision pursuant to Penal Code Sections 1170(h)(5)(B) and 1203.2, on any and all such grants, utilizing the same evidence, at the preliminary hearing. Defense to either or both procedures should be considered and presented as appropriate at the preliminary hearing.

Pursuant to PENAL CODE SECTION 1054.5(b), the People are hereby informally requesting that defendant's counsel provide discovery to the People as required by PENAL CODE SECTION 1054.3.

Sheriff's records indicate that as of the booking date one or more defendants have not yet provided a DNA sample to the DOJ database. Pursuant to Penal Code Section 296(e), the court shall order collection of DNA from the defendant(s) if advised by the prosecuting attorney that a sample is required but has not been provided by the defendant. Pursuant to Penal Code sections 296/296.1, if not already required from a past conviction, any defendants who have not done so will be required to provide a sample upon conviction of this felony offense.

MANDATORY STATE PRISON INCARCERATION: An executed sentence for a felony shall be served by defendant ALEXANDER MARKHAM SMITH in state prison pursuant to PENAL CODE SECTIONS 1170(f) and (h)(3).

MANDATORY STATE PRISON INCARCERATION: An executed sentence for a felony shall be served by defendant JASON M BERLIN in state prison pursuant to PENAL CODE SECTIONS 1170(f) and (h)(3).

MANDATORY STATE PRISON INCARCERATION: An executed sentence for a felony shall be served by defendant JONAS ISSAC DICK in state prison pursuant to PENAL CODE SECTIONS 1170(f) and (h)(3).

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT, CASE NUMBER CD261086, CONSISTS OF 2 COUNTS.

Executed at City of San Diego, County of San Diego, State of California, on October 20, 2015.

COMPLAINANT

INFORMATION

BONNIE M. DUMANIS
District Attorney
County of San Diego
State of California
by:

Date

Deputy District Attorney