

STANISLAUS COUNTY SUPERIOR COURT  
STATE OF CALIFORNIA

FILED

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CLERK OF THE SUPERIOR COURT  
COUNTY OF STANISLAUS

BY \_\_\_\_\_ DEPUTY

THE PEOPLE OF THE STATE OF CALIFORNIA, )  
 )  
 vs. )  
 )  
 DON ROSHEL LACEY III )  
 (DOB: 03/01/1984) )  
 (IN CUSTODY) )  
 Booking No. 1423095 )  
 )  
 DEFENDANT )  
 )  
 No. 4005717 )

COMPLAINT - CRIMINAL

MPD MP17116116

State of California )  
County of Stanislaus ) ss.

DEFENDANT IS SUBJECT TO  
THE PROVISIONS OF AB 971,  
AND AS SUCH, IS SUBJECT TO  
DOUBLE THE TRIAD  
FOR THE CRIME ALLEGED  
AND INELIGIBLE FOR SENTENCING IN COUNTY JAIL

JEFF MANGAR, OF THE STANISLAUS COUNTY DISTRICT ATTORNEY'S OFFICE, complains and alleges, upon information and belief that said defendant did commit the following crimes in the County of Stanislaus, State of California.

On or about November 10, 2017, defendant did commit a felony, MURDER, violation of Section 187(a) of the California Penal Code, in that the defendant did willfully, unlawfully, and feloniously and with malice aforethought murder Karl Whitehead, a human being.

ENHANCEMENT: It is further alleged that the defendant acted intentionally, deliberately and with premeditation.

ENHANCEMENT: During the commission of the above offense, defendant did personally inflict great bodily injury upon Karl Whitehead (DOB: 02/04/1947), a person who was 70 years of age or older, in violation of Section 12022.7(c) of the California Penal Code.

PRIOR: [PC §667(d)] It is further alleged that said defendant was on or about the 21st day of December, 2010, in the Superior Court, County of Stanislaus, State of California, convicted of a serious felony within the meaning of Penal Code Section 1192.7(c) and Penal Code Section 667(d), to wit, BURGLARY IN THE FIRST DEGREE, violation of Section 459(1) of the California Penal Code. (Docket No. 1426638)

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PRIOR: [PC §667(a)] That before the commission of the serious felony offense hereinbefore set forth, said defendant was in the Superior Court, County of Stanislaus, State of California, convicted of the crime of Violation of Section 459(1) of the California Penal Code, a serious felony pursuant to Section 1192.7(c) of the California Penal Code, and the judgment of said court against said defendant in said connection was, on or about the 21st day of December, 2010, pronounced and rendered. (Docket No. 1426638)

PRIOR: [PC §667.5(b)] That before the commission of the offense hereinbefore set forth, said defendant was in the Superior Court, County of Stanislaus, State of California, convicted of the crime of Violation of Section 459(1) of the California Penal Code, a felony, and the judgment of said court against said defendant in said connection was, on or about the 21st day of December, 2010, pronounced and rendered, and said defendant served a term of imprisonment therefor in the state prison of the State of California, the defendant having not remained free of both prison custody or the commission of an offense that resulted in a felony conviction for more than five years. (Docket No. 1426638)

PRIOR: [PC §667.5(b)] That before the commission of the offense hereinbefore set forth, said defendant was in the Superior Court, County of Kern, State of California, convicted of the crime of Violation of Section 496d(a) of the California Penal Code, a felony, and the judgment of said court against said defendant in said connection was, on or about the 6th day of January, 2014, pronounced and rendered, and said defendant served a term of imprisonment therefor in the state prison of the State of California, the defendant having not remained free of both prison custody or the commission of an offense that resulted in a felony conviction for more than five years. (Docket No. SF017418B)

NOTICE: It is further alleged, pursuant to Penal Code Section 1170(h)(3) and 1170(f) that the defendant is not eligible to be sentenced to a term of imprisonment in the county jail on an executed sentence. This allegation is not subject to dismissal pursuant to Penal Code Section 1385.

JM/mgc

All of which is contrary to law in such cases made and provided, and against the peace and dignity of the People of the State of California.

I certify under penalty of perjury, at Modesto, California, that the foregoing is true and correct.

Dated: 11/13/17

JM Meyer  
Complainant