

TULARE COUNTY SUPERIOR COURT DISTRICT
VISALIA DIVISION, STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff,

vs.

ANTHONY EDWARD SANTUA DOB: 05/18/1980
AKA: ANTHONY EDWARD SANTUA DOB: 05/08/1980
AKA: ANTHONY EDWARD SANTUA DOB: 05/19/1990
AKA: ANTHONY SANTUA DOB: 05/18/1980
AKA: ANTHONY EDWARD SANTURA DOB: 05/18/1980
AKA: ANTHONY SANTUA DOB: 05/19/1989
AKA: ANTHONY EDWARD SANYUA DOB: 05/18/1980

DONALD LEE FRANKLIN DOB: 10/16/1986
AKA: DONNALD LEE FRANKLIN DOB: 10/16/1986

Defendant(s).

DA No. 22-0000092

Court No.

**FELONY COMPLAINT
TWO STRIKES (SANTUA)
THREE STRIKES (FRANKLIN)**

The undersigned is informed and believes that:

COUNT 1

On or about December 30, 2021, in the County of Tulare, the crime of FIRST-DEGREE RESIDENTIAL BURGLARY, in violation of PENAL CODE SECTION 459, a Felony, was committed by ANTHONY EDWARD SANTUA & DONALD LEE FRANKLIN, JR., who did enter an inhabited dwelling house and trailer coach and inhabited portion of a building occupied by N.B, with the intent to commit larceny and any felony.

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

It is further alleged that the above offense is a violation of Penal Code Section 462(a).

SPEC ALLEG-OFFENSE WHILE ON BAIL OR O.R.

It is further alleged as to count(s) 1-2 that at the time of the commission of the above offense, the defendant(s) ANTHONY EDWARD SANTUA, was released from custody on bail or Own Recognizance in Case Number VCF416678C within the meaning of Penal Code section 12022.1.

**2ND STRIKE: ONE OR MORE SERIOUS OR VIOLENT FELONY CONVICTIONS AND
CURRENT CHARGE IS ANY FELONY**

It is further alleged that prior to the commission of that offense or offenses alleged in Count 1-2, the defendant ANTHONY EDWARD SANTUA had been convicted of the following serious and/or violent felony as defined in Penal Code section 667(d) and Penal Code section 1170.12(b) and is thus subject to sentencing pursuant to the provisions of Penal Code section 667(b)-(j) and Penal Code section 1170.12:

COURT CASE NO.	CODE/ STATUTE	CONVICTION DATE	COUNTY	STATE	COURT TYPE
F000483871	PC245(c)	02/26/13	San Luis Obispo	California	Superior

**SPEC ALLEG-TWO OR MORE PRIOR FELONY CONVICTIONS-ELIGIBILITY FOR
PROBATION**

It is further alleged as to count(s) 1-2 that said defendant(s) ANTHONY EDWARD SANTUA, was convicted of the following felonies, within the meaning of Penal Code section 1203(e)(4):

COURT CASE NO.	CODE/ STATUTE	CONVICTION DATE	COUNTY	STATE	COURT TYPE
VCF121121C	VC2800.2(A)	02/10/04	Tulare	California	Superior
VCF120256	PC496(A)	02/10/04	Tulare	California	Superior
VCF211387	PC496D(A)	10/23/08	Tulare	California	Superior
VCF254779	VC10851(A)	02/01/12	Tulare	California	Superior
VCF247760B	PC459	03/16/12	Tulare	California	Superior
VCF264985	PC496D(A)	03/16/12	Tulare	California	Superior
F000483871	VC10851(a)	02/26/13	San Luis Obispo	California	Superior
F000483871	PC245(c)	02/26/13	San Luis Obispo	California	Superior

**3RD STRIKE: TWO OR MORE SERIOUS OR VIOLENT FELONY CONVICTIONS AND
CURRENT CHARGE IS SPECIFIED FELONY**

It is further alleged, that prior to the commission of the offense or offenses alleged in Count 1 the defendant DONALD LEE FRANKLIN, JR. had been convicted of the following two or more serious and/or violent felonies, as defined in Penal Code section 667(d) and Penal Code section 1170.12(b):

COURT CASE NO.	CODE/ STATUTE	CONVICTION DATE	COUNTY	STATE	COURT TYPE
VCF322518	PC459	07/26/18	Tulare	California	Superior
VCF144075	PC211	08/30/05	Tulare	California	Superior

Furthermore, Count(s) 1 is a serious and/or violent felony, thus subjecting the defendant to sentencing pursuant to the provisions of Penal Code section 667(b)-(j) and Penal Code section 1170.12.

**SPEC ALLEG-TWO OR MORE PRIOR FELONY CONVICTIONS-ELIGIBILITY FOR
PROBATION**

It is further alleged as to count(s) 1-3 that said defendant(s) DONALD LEE FRANKLIN, JR., was convicted of the following felonies, within the meaning of Penal Code section 1203(e)(4):

COURT CASE NO.	CODE/ STATUTE	CONVICTION DATE	COUNTY	STATE	COURT TYPE
VCF260630A	PC148(A)(1)	05/19/14	Tulare	California	Superior
VCF283026	VC10851(A)	05/19/14	Tulare	California	Superior
VCF322518	PC459	07/26/18	Tulare	California	Superior
VCF144075	PC211	08/30/05	Tulare	California	Superior

COUNT 2

On or about December 30, 2021, in the County of Tulare, the crime of SECOND-DEGREE BURGLARY, in violation of PENAL CODE SECTION 459, a Felony, was committed by ANTHONY EDWARD SANTUA & DONALD LEE FRANKLIN, JR., who did enter a POOL HOUSE with the intent to commit larceny and any felony.

SPEC ALLEG-OFFENSE WHILE ON BAIL OR O.R.

It is further alleged as to count(s) 1-2 that at the time of the commission of the above offense, the defendant(s) ANTHONY EDWARD SANTUA, was released from custody on bail or Own Recognizance in Case Number VCF416678C within the meaning of Penal Code section 12022.1.

2ND STRIKE: ONE OR MORE SERIOUS OR VIOLENT FELONY CONVICTIONS AND CURRENT CHARGE IS ANY FELONY

It is further alleged that prior to the commission of that offense or offenses alleged in Count 1-2, the defendant ANTHONY EDWARD SANTUA had been convicted of the following serious and/or violent felony as defined in Penal Code section 667(d) and Penal Code section 1170.12(b) and is thus subject to sentencing pursuant to the provisions of Penal Code section 667(b)-(j) and Penal Code section 1170.12:

COURT CASE NO.	CODE/ STATUTE	CONVICTION DATE	COUNTY	STATE	COURT TYPE
F000483871	PC245(c)	02/26/13	San Luis Obispo	California	Superior

SPEC ALLEG-TWO OR MORE PRIOR FELONY CONVICTIONS-ELIGIBILITY FOR PROBATION

It is further alleged as to count(s) 1-2 that said defendant(s) ANTHONY EDWARD SANTUA, was convicted of the following felonies, within the meaning of Penal Code section 1203(e)(4):

COURT CASE NO.	CODE/ STATUTE	CONVICTION DATE	COUNTY	STATE	COURT TYPE
VCF121121C	VC2800.2(A)	02/10/04	Tulare	California	Superior
VCF120256	PC496(A)	02/10/04	Tulare	California	Superior
VCF211387	PC496D(A)	10/23/08	Tulare	California	Superior
VCF254779	VC10851(A)	02/01/12	Tulare	California	Superior
VCF247760B	PC459	03/16/12	Tulare	California	Superior
VCF264985	PC496D(A)	03/16/12	Tulare	California	Superior
F000483871	VC10851(a)	02/26/13	San Luis Obispo	California	Superior
F000483871	PC245(c)	02/26/13	San Luis Obispo	California	Superior

**2ND STRIKE: ONE OR MORE SERIOUS OR VIOLENT FELONY CONVICTIONS AND
CURRENT CHARGE IS ANY FELONY**

It is further alleged that prior to the commission of that offense or offenses alleged in Counts 2-3 the defendant DONALD LEE FRANKLIN, JR. had been convicted of the following serious and/or violent felon as defined in Penal Code section 667(d) and Penal Code section 1170.12(b), and is thus subject to sentencing pursuant to the provisions of Penal Code section 667(b)-(j) and Penal Code section 1170.12:

<u>COURT CASE NO.</u>	<u>CODE/ STATUTE</u>	<u>CONVICTION DATE</u>	<u>COUNTY</u>	<u>STATE</u>	<u>COURT TYPE</u>
VCF322518	PC459	07/26/18	Tulare	California	Superior
VCF144075	PC211	08/30/05	Tulare	California	Superior

**SPEC ALLEG-TWO OR MORE PRIOR FELONY CONVICTIONS-ELIGIBILITY FOR
PROBATION**

It is further alleged as to count(s) 1-3 that said defendant(s) DONALD LEE FRANKLIN, JR., was convicted of the following felonies, within the meaning of Penal Code section 1203(e)(4):

<u>COURT CASE NO.</u>	<u>CODE/ STATUTE</u>	<u>CONVICTION DATE</u>	<u>COUNTY</u>	<u>STATE</u>	<u>COURT TYPE</u>
VCF260630A	PC148(A)(1)	05/19/14	Tulare	California	Superior
VCF283026	VC10851(A)	05/19/14	Tulare	California	Superior
VCF322518	PC459	07/26/18	Tulare	California	Superior
VCF144075	PC211	08/30/05	Tulare	California	Superior

COUNT 3

On or about December 30, 2021, in the County of Tulare, the crime of RECEIVING A STOLEN VEHICLE, TRAILER, CONSTRUCTION EQUIPMENT, OR VESSEL, in violation of PENAL CODE SECTION 496D, a Felony, was committed by DONALD LEE FRANKLIN, JR., who did unlawfully buy and receive a motor vehicle specifically, TOYOTA RAV4, that had been stolen and that had been obtained in a manner constituting theft and extortion, knowing the property to be so stolen and obtained.

2ND STRIKE: ONE OR MORE SERIOUS OR VIOLENT FELONY CONVICTIONS AND CURRENT CHARGE IS ANY FELONY

It is further alleged that prior to the commission of that offense or offenses alleged in Counts 2-3 the defendant DONALD LEE FRANKLIN, JR. had been convicted of the following serious and/or violent felon as defined in Penal Code section 667(d) and Penal Code section 1170.12(b), and is thus subject to sentencing pursuant to the provisions of Penal Code section 667(b)-(j) and Penal Code section 1170.12:

<u>COURT CASE NO.</u>	<u>CODE/ STATUTE</u>	<u>CONVICTION DATE</u>	<u>COUNTY</u>	<u>STATE</u>	<u>COURT TYPE</u>
VCF322518	PC459	07/26/18	Tulare	California	Superior
VCF144075	PC211	08/30/05	Tulare	California	Superior

SPEC ALLEG-TWO OR MORE PRIOR FELONY CONVICTIONS-ELIGIBILITY FOR PROBATION

It is further alleged as to count(s) 1-3 that said defendant(s) DONALD LEE FRANKLIN, JR., was convicted of the following felonies, within the meaning of Penal Code section 1203(e)(4):

<u>COURT CASE NO.</u>	<u>CODE/ STATUTE</u>	<u>CONVICTION DATE</u>	<u>COUNTY</u>	<u>STATE</u>	<u>COURT TYPE</u>
VCF260630A	PC148(A)(1)	05/19/14	Tulare	California	Superior
VCF283026	VC10851(A)	05/19/14	Tulare	California	Superior
VCF322518	PC459	07/26/18	Tulare	California	Superior
VCF144075	PC211	08/30/05	Tulare	California	Superior

SPEC ALLEG - PRIOR AUTO THEFT CONVICTION

It is further alleged pursuant to Penal Code Section 666.5 as to count(s) 3 that the defendant(s) DONALD LEE FRANKLIN, JR. was previously convicted of the crime(s) listed below:

<u>COURT CASE NO.</u>	<u>CODE/ STATUTE</u>	<u>CONVICTION DATE</u>	<u>COUNTY</u>	<u>STATE</u>	<u>COURT TYPE</u>
VCF283026	VC10851(A)	05/19/14	Tulare	California	Superior

COUNT 4

On or about December 30, 2021, in the County of Tulare, the crime of DAMAGING OR TAMPERING WITH A VEHICLE OR ITS CONTENTS, in violation of VEHICLE CODE SECTION 10852, a Misdemeanor, was committed by ANTHONY EDWARD SANTUA & DONALD LEE FRANKLIN, JR., who did willfully tamper with the contents of a vehicle, 2011 LEXUS, without the consent of the owner, N.B.

COUNT 5

On or about December 30, 2021, in the County of Tulare, the crime of RESISTING, DELAYING OR OBSTRUCTING A PUBLIC OFFICER, PEACE OFFICER OR EMERGENCY MEDICAL TECHNICIAN, in violation of PENAL CODE SECTION 148(A)(1), a Misdemeanor, was committed by ANTHONY EDWARD SANTUA & DONALD LEE FRANKLIN, JR., who willfully resisted, delayed, and/or obstructed L. CUNNING, a peace officer in the discharge or attempted discharge of a duty of his/her office or employment.

COUNT 6

On or about December 30, 2021, in the County of Tulare, the crime of RESISTING, DELAYING OR OBSTRUCTING A PUBLIC OFFICER, PEACE OFFICER OR EMERGENCY MEDICAL TECHNICIAN, in violation of PENAL CODE SECTION 148(A)(1), a Misdemeanor, was committed by ANTHONY EDWARD SANTUA & DONALD LEE FRANKLIN, JR., who willfully resisted, delayed, and/or obstructed C. BRANDERHORST, a peace officer in the discharge or attempted discharge of a duty of his/her office or employment.

COUNT 7

On or about December 30, 2021, in the County of Tulare, the crime of POSSESSION OF BURGLAR'S TOOLS, in violation of PENAL CODE SECTION 466, a Misdemeanor, was committed by DONALD LEE FRANKLIN, JR., who did unlawfully have in his possession a picklock, crow, keybit, crowbar, screwdriver, vice grip pliers, water-pump pliers, slidehammer, slim jim, tension bar, lock pick gun, tubular lock pick, bump key, floor safe door puller, master key, ceramic and porcelain spark plug chips and pieces, and other instrument and tool with intent feloniously to break and enter a building, railroad car, aircraft, vessel, trailer coach, and vehicle.

COUNT 8

On or about December 30, 2021, in the County of Tulare, the crime of RECEIVING STOLEN PROPERTY NOT EXCEEDING \$950 IN VALUE, in violation of PENAL CODE SECTION 496(A), a Misdemeanor, was committed by DONALD LEE FRANKLIN, JR., who did unlawfully conceal, sell, withhold, and aid in concealing, selling and withholding property, not exceeding nine hundred fifty dollars (\$950) in value, from the owner specifically, MAIL, knowing the property to be so stolen and obtained.

COUNT 9

On or about December 30, 2021, in the County of Tulare, the crime of RECEIVING STOLEN PROPERTY NOT EXCEEDING \$950 IN VALUE, in violation of PENAL CODE SECTION 496(A), a Misdemeanor, was committed by DONALD LEE FRANKLIN, JR., who did unlawfully conceal, sell, withhold, and aid in concealing, selling and withholding property, not exceeding nine hundred fifty dollars (\$950) in value, from the owner specifically, DRIVER'S LICENSE, knowing the property to be so stolen and obtained.

* * * * *

Pursuant to Penal Code Section 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.

Pursuant to People v. Cunningham, the People hereby put the defendant on notice that the aggravated sentence may be sought in this case.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT CONSISTS OF 9 COUNT(S).

Executed at VISALIA DIVISION, California, on 01/04/2022.

KIMBERLEY CHURCH
DEPUTY DISTRICT ATTORNEY

Agency: VISALIA POLICE DEPARTMENT

<u>DEFENDANT NAME</u>	<u>SEX</u>	<u>RACE</u>	<u>HGT</u>	<u>WGT</u>	<u>EYES</u>	<u>HAIR</u>	<u>COURT DATE</u>	<u>INTAKE STATUS</u>
Anthony Edward Santua	M	H	5'11	200	Brown	Brown	01/04/22	IC
Donald Lee Franklin	M	B	6'02	200	Brown	Black	01/04/22	IC

COMPLAINT PROCESSED BY: JS