

FILED
FRESNO COUNTY
SUPERIOR COURT
2017 MAR 15 AM 8:13

1 XAVIER BECERRA
Attorney General of California
2 MAGGY KRELL
Supervising Deputy Attorney General
3 RICHARD J. CUTLER
Deputy Attorney General
4 State Bar No. 146180
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-0027
Fax: (916) 324-2960
7 E-mail: Richard.Cutler@doj.ca.gov
Attorneys for Plaintiff

8
9
10 SUPERIOR COURT OF CALIFORNIA
11 COUNTY OF FRESNO

12
13 THE PEOPLE OF THE STATE OF
14 CALIFORNIA,

Plaintiff,

15 v.

16
17 NOE JIMENEZ, DOB 12/3/67;
18 SUSAN PATRICIA NESBITT, DOB 3/30/66;
19 REE L. BRUCE, DOB 5/27/55;
MARTY CHARLES McCLUE, DOB 8/25/62;
TERRANCE LYNN WARD, DOB 2/8/63;
20 KIRSTEN PAXTON, DOB 8/22/93;
DESIREE ROBLEDO aka LOVE ROBLEDO
21 aka AMBER ROBLEDO, DOB 1/14/88;
WILLIAM STOUTINGBURG JR., DOB
22 5/20/87,

Defendants.

CASE NO. 17 90 1545

COMPLAINT (FELONY)

Arraignment

DATE:

TIME:

DEPT:

1 I, the undersigned, say on information and belief, that in the County of Fresno, State of
2 California:

3 **INTRODUCTION**

4 At all times relevant to this Complaint:

5 The Fresno County Public Administrator's Office ("FCPA") was an arm of the County of
6 Fresno. It's function is to manage estates and make final arrangements for Fresno County
7 residents who die without a will or any known relatives able or willing to act on the decedent's
8 behalf. The FCPA's role was to manage the estate through probate until proper distribution of the
9 proceeds of the estate could be completed.

10 Defendant NOE JIMINEZ ("JIMINEZ") was an employee of the County of Fresno and
11 held the position of Deputy Probate Administrator (DPA) with the FCPA.

12 Defendant SUSAN PATRICIA NESBITT ("NESBITT") was an employee of the County of
13 Fresno and held the position of Senior Probate Administrator (SPA) with the FCPA.

14 Defendant REE L. BRUCE ("BRUCE") was an employee of the County of Fresno and held
15 the position of Estate Property Assistant (EPA) with the FCPA.

16 Defendant MARTY CHARLES McCLUE ("McCLUE") was an employee of the County
17 of Fresno and worked at the Fresno County Public Guardians' Office.

18 Defendant TERRANCE LYNNE WARD ("WARD") was an acquaintance of defendant
19 NESBITT and was an employee of the County of Tulare.

20 Defendant KIRSTEN PAXTON ("PAXTON") was in a relationship with defendant
21 JIMINEZ' son and was hired by defendant JIMINEZ to work for the FCPA and clean up a house
22 of a decedent.

23 Defendant DESIREE ROBLEDO aka LOVE ROBLEDO aka AMBER ROBLEDO
24 ("ROBLEDO") was the niece of defendant JIMINEZ and was occasionally hired by the FCPA to
25 assist in cleaning up the properties of the deceased.

26 Defendant WILLIAM STOUTINBURG JR. was the nephew of defendant NESBITT and
27 was occasionally hired by the FCPA to assist in cleaning up the properties of the deceased and
28 also performed lawn service, repair work, and removed trash and emptied storage units for FCPA.

1 **COUNT ONE**

2 That on or about and between January 1, 2010, through on or about December 31, 2015,
3 defendants NOE JIMINEZ, SUSAN PATRICIA NESBITT, REE L. BRUCE, MARTY
4 CHARLES McCLUE, TERRANCE LYNN WARD, DESIREE ROBLEDO, and WILLIAM
5 STOUTINBURG JR. did commit a FELONY, namely a violation of section 182(a)(1) of the
6 Penal Code, CONSPIRACY TO COMMIT A CRIME, in that said Defendants did unlawfully
7 conspire together and with another person and persons whose identity is unknown to commit the
8 crimes of Perjury, a felony, in violation of section 118(a) of the Penal Code; Receiving Stolen
9 Property Exceeding \$950 in Value, a felony, in violation of section 496(a) of the Penal Code;
10 Embezzlement, a felony, in violation of section 504 of the Penal Code; that pursuant to and for
11 the purpose of carrying out the objectives and purposes of the aforesaid conspiracy, the said
12 defendants committed the following over act and acts and in the County of Fresno:

13 **Overt Act 1**

14 On or about July 18, 2011, defendant BRUCE signed the invoices for the tow of two
15 vehicles – a 1979 Oldsmobile and a 1967 Ford Galaxy - that belonged to the estate of Hanson
16 Bufkin (“Bufkin estate”) and that were towed from the decedent’s address and delivered to the
17 FCPA.

18 **Overt Act 2**

19 On or about July 19, 2011, defendant JIMINEZ omitted or caused the omission of a vehicle,
20 the 1967 Ford Galaxy, from the trial balance report for the Bufkin estate.

21 **Overt Act 3**

22 On or about August 11, 2011, defendant WARD signed his name to the title for the 1967
23 Ford Galaxy that belonged to the Bufkin estate using defendant NESBITT’S address.

24 **Overt Act 4**

25 On or about March 28, 2014, defendant JIMINEZ caused the 1967 Ford Galaxy to be sold
26 at auction and then deposited the proceeds of the auction sale, \$8,375.00, into his personal bank
27 account.

28 ///

1 **Overt Act 5**

2 On or about September 16, 2011, defendant BRUCE pawned three sterling spoons, three
3 sterling forks, and one sterling cup.

4 **Overt Act 6**

5 On or about December 1, 2011, defendant JIMINEZ caused a check from the estate of
6 Sylvia Welch for \$2,956.73 to be issued to defendant WARD.

7 **Overt Act 7**

8 On or about December 5, 2011, defendant WARD deposited a check from the estate of
9 Sylvia Welch for \$2,956.73 into his personal bank account.

10 **Overt Act 8**

11 On or about April 2, 2012, defendant JIMINEZ signed or caused the signing of Dr. Edmund
12 Kal's signature on the title of Dr. Kal's 2003 Volkswagen which then purported to sell it to
13 defendant JIMINEZ for \$2,000.00.

14 **Overt Act 9**

15 On or about May 15, 2012, defendant JIMINEZ sold valuable coins that belonged to the
16 estate of Dr. Edmund Kal and retained the proceeds.

17 **Overt Act 10**

18 On or about May 21, 2012, defendant NESBITT sold valuable coins that belonged to the
19 estate of Dr. Edmund Kal and retained the proceeds.

20 **Overt Act 11**

21 On or about May 31, 2012, defendant BRUCE sold valuable coins that belonged to the
22 estate of Dr. Edmund Kal and retained the proceeds.

23 **Overt Act 12**

24 On or about June 9, 2012, defendant NESBITT sold valuable coins that belonged to the
25 estate of Dr. Edmund Kal and retained the proceeds.

26 **Overt Act 13**

27 On or about June 15, 2012, defendant McClue received approximately \$2,293.00 from the
28 Fresno Auction Company for items he sold using their services.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Overt Act 14

On or about July 25, 2012, defendant JIMINEZ sold valuable coins that belonged to the estate of Dr. Edmund Kal and retained the proceeds.

Overt Act 15

On or about August 20, 2012, defendant NESBITT sold valuable coins that belonged to the estate of Dr. Edmund Kal and retained the proceeds.

Overt Act 16

On or about November 6, 2012, defendant McCLUE sold 21 silver coins, 104 Cull silver dollars, and one ounce silver round to JEM Coin and Jewelry ("JEM"), a Fresno business that bought and sold coins, jewelry, silver, scrap gold and diamonds, for approximately \$8,637.00.

Overt Act 17

Between on or about November 28, 2012 and on or about December 3, 2012, defendant JIMINEZ sold valuable coins to JEM and was paid \$33,316.00.

Overt Act 18

In December 2012, defendant JIMINEZ took possession of but never invoiced approximately \$5,416.80, diamond rings, and a Mickey Mouse watch that belonged to the estate of Vina Snelgrove.

Overt Act 19

On or about April 17, 2013, defendant JIMINEZ caused a check from the estate of Sylvia Welch for \$5,278.94 to be issued to defendant WARD.

Overt Act 20

On or about April 23, 2013, defendant WARD deposited a check from the estate of Sylvia Welch for \$5,278.94 into his personal bank account.

Overt Act 21

Between on or about September 3, 2009 and on or about June 13, 2013, defendant JIMINEZ claimed the life insurance policy of the decedent Frank Fields.

///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Overt Act 22

On or about June 13, 2013, defendant JIMINEZ caused the FCPA to issue two checks totaling \$44,041.10 of money that belonged to the Fields' estate to defendant PAXTON.

Overt Act 23

On or about June 13, 2013, defendant PAXTON kept \$5,000 of the proceeds of the life insurance of Frank Fields and gave the remaining funds from the original \$44,041.10 to defendant JIMINEZ.

Overt Act 24

On or about July 3, 2013, defendant JIMINEZ signed DMV documents in order to transfer a vehicle that belonged to the estate of Matthew Turck that falsely stated that the FCPA was administering the estate of the decedent Matthew Turck.

Overt Act 25

On or about July 22, 2013, defendant McClue received approximately \$2,782.00 from the Fresno Auction Company for items he sold using their services.

Overt Act 26

On or about September 11, 2013, defendant NESBITT left a \$480 check for defendant STOUTINBURG issued from the estate of Steven Combs and told him, via text, to keep \$80 of the \$480 check.

Overt Act 27

On or about September 11, 2013, defendant STOUTINGBURG accepted a check for \$480 from the estate of Steven Combs.

Overt Act 28

On or about December 13, 2013, defendant ROBLEDO received a check from the FCPA office for \$4,195.13 for distribution of funds from the estate of Steven Trinnich

Overt Act 29

On or about December 17, 2013, defendant ROBLEDO wrote a check to defendant JIMINEZ for \$2,098.00.

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Overt Act 30

On or about May 14, 2014, defendant NESBITT texted defendant STOUTINBURG that she left him two checks from the estate of Leroy Howard for \$575 and \$595.

Overt Act 31

On or about May 14, 2014, defendant STOUTINBURG accepted two checks from the estate of Leroy Howard for \$575 and \$595.

COUNT TWO

For a further and separate cause of action, being a different offense from, but connected in its commission with the charges set forth in Count One, complainant says:

That on or about and between January 1, 2013, through December 31, 2013, defendant NOE JIMENEZ, did commit a FELONY, namely, a violation of section 424, subdivision (a)(1), of the Penal Code, PUBLIC OFFICER CRIME. Defendant, being a person described in Penal Code section 424 charged with the receipt, safekeeping, transfer, and distribution of public moneys, did in a manner not incidental and minimal, without authority of law, appropriate funds paid from proceeds of insurance policies of decedent, Frank Fields, to his use and the use of another, defendant PAXTON.

COUNT THREE

For a further and separate cause of action, being a different offense from, but connected in its commission with the charges set forth in Counts One through Two, complainant says:

That on or about and between January 1, 2013, through December 31, 2013, defendant NOE JIMENEZ, did commit a FELONY, namely, a violation of section 504 of the Penal Code, EMBEZZLEMENT EXCEEDING \$950 IN VALUE. Defendant did unlawfully and fraudulently appropriate to a use or purpose not in the due and lawful execution of his trust, property which he had in his possession or under his control by virtue of his trust and/or did unlawfully secrete the property with a fraudulent intent to appropriate it to a use and purpose contrary to Penal Code section 487, subdivision (a): to wit, proceeds from insurance policies, in excess of \$44,000, which were property of the estate of decedent, Frank Fields.

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COUNT FOUR

For a further and separate cause of action, being a different offense from, but connected in its commission with the charges set forth in Counts One through Three, complainant says:

That on or about and between January 1, 2013, through December 31, 2013, defendant KIRSTEN PAXTON, did commit a FELONY, namely, a violation of section 496, subdivision (a), of the Penal Code, RECEIVING STOLEN PROPERTY EXCEEDING \$950 IN VALUE. Defendant did unlawfully receive money and personal property that was stolen, knowing the property to be stolen or obtained in a manner constituting theft: to wit, proceeds from insurance policies, in excess of \$44,000, which were property of the estate of decedent, Frank Fields.

COUNT FIVE

For a further and separate cause of action, being a different offense from, but connected in its commission with the charges set forth in Counts One through Four, complainant says:

That on or about April 11, 2013, defendant NOE JIMENEZ, did commit a FELONY, namely, a violation of section 118, subdivision (a), of the Penal Code, PERJURY BY DECLARATION. Defendant did unlawfully declare as true material matters known to be false, to wit: a declaration submitted to the insurer declaring under penalty of perjury under the laws of this State that the Public Administrator's Office had buried Frank Fields, and that there were no identified heirs to the estate of decedent, Frank Fields.

COUNT SIX

For a further and separate cause of action, being a different offense from, but connected in its commission with the charges set forth in Counts One through Five, complainant says:

That on or about and between January 1, 2012, through December 31, 2012, defendants NOE JIMENEZ, SUSAN PATRICIA NESBITT, and REE L. BRUCE, did commit a FELONY, namely, a violation of section 424, subdivision (a)(1), of the Penal Code, PUBLIC OFFICER CRIME. Defendants, being persons described in Penal Code section 424 charged with the receipt, safekeeping, transfer, and distribution of public moneys did, in a manner not incidental

///

1 and minimal, appropriate without authority of law, valuable coins belonging to the estate of
2 decedent, Dr. Edmund Kal, to their own use or to the use of another.

3 **COUNT SEVEN**

4 For a further and separate cause of action, being a different offense from, but connected in
5 its commission with the charges set forth in Counts One through Six, complainant says:

6 That on or about and between January 1, 2012, through December 31, 2012, defendants
7 NOE JIMENEZ, SUSAN PATRICIA NESBITT, and REE L. BRUCE, did commit a FELONY,
8 namely, a violation of section 504 of the Penal Code, EMBEZZLEMENT EXCEEDING \$950 IN
9 VALUE. Defendants did unlawfully and fraudulently appropriate to a use or purpose not in the
10 due and lawful execution of his trust, which they had in their possession or under their control by
11 virtue of trust and/or did unlawfully secrete the property with a fraudulent intent to appropriate
12 that property to a use and purpose contrary to Penal Code section 487, subdivision (a): to wit,
13 valuable coins belonging to the estate of decedent, Dr. Edmund Kal.

14 **COUNT EIGHT**

15 For a further and separate cause of action, being a different offense from, but connected in
16 its commission with the charges set forth in Counts One through Seven, complainant says:

17 That on or about and between January 1, 2012, through December 31, 2015, defendant
18 NOE JIMENEZ, did commit a FELONY, namely, a violation of section 424, subdivision (a)(1),
19 of the Penal Code, PUBLIC OFFICER CRIME. Defendant, being a person described in Penal
20 Code section 424 charged with the receipt, safekeeping, transfer, and distribution of public
21 moneys, did in a manner not incidental and minimal, appropriate without authority of law, a 2003
22 Volkswagen Passat belonging to the estate of decedent, Dr. Edmund Kal, to his own use or to the
23 use of another.

24 **COUNT NINE**

25 For a further and separate cause of action, being a different offense from, but connected in
26 its commission with the charges set forth in Counts One through Eight, complainant says:

27 That on or about and between January 1, 2012, through December 31, 2015, defendant
28 NOE JIMENEZ, did commit a FELONY, namely, a violation of section 504 of the Penal Code,

1 EMBEZZLEMENT EXCEEDING \$950 IN VALUE. Defendant did unlawfully and fraudulently
2 appropriate to a use or purpose not in the due and lawful execution of his trust, property which he
3 had in his possession or under his control by virtue of his trust and/or did unlawfully secrete the
4 property with a fraudulent intent to appropriate it to a use and purpose contrary to Penal Code
5 section 487, subdivision (a): to wit, a 2003 Volkswagen Passat belonging to the estate of
6 decedent, Dr. Edmund Kal.

7 **COUNT TEN**

8 For a further and separate cause of action, being a different offense from, but connected in
9 its commission with the charges set forth in Counts One through Nine, complainant says:

10 That on or about and between May 9, 2012 and September 30, 2013, defendant NOE
11 JIMENEZ, did commit a FELONY, namely, a violation of section 118, subdivision (a), of the
12 Penal Code, PERJURY BY DECLARATION. Defendant did unlawfully, under penalty of
13 perjury, declare as true a material matter that was known to be false, to wit: defendant signed the
14 accounting for the estate of decedent, Dr. Edmund Kal, filed with the Fresno County Superior
15 Court, knowing the accounting to be false.

16 **COUNT ELEVEN**

17 For a further and separate cause of action, being a different offense from, but connected in
18 its commission with the charges set forth in Counts One through Ten, complainant says:

19 That on or about and between May 9, 2012 and September 30, 2013, defendant NOE
20 JIMENEZ, did commit a FELONY, namely, a violation of section 134 of the Penal Code,
21 PREPARING FALSE DOCUMENTARY EVIDENCE. Defendant did unlawfully prepare a false
22 and/or ante-dated book, paper, record, instrument in writing, and other matter and thing, with
23 intent to produce it, and to allow it to be produced for a fraudulent and deceitful purpose, as
24 genuine and true, upon a trial, proceeding, and inquiry whatever, authorized by law, to wit:
25 Defendant prepared a false accounting and record of the assets of the estate of decedent, Dr.
26 Edmund Kal, with the intent that the accounting be produced as true in a court proceeding.

27 ///

28 ///

1 **COUNT TWELVE**

2 For a further and separate cause of action, being a different offense from, but connected in
3 its commission with the charges set forth in Counts One through Eleven, complainant says:

4 That on or about and between January 1, 2011, through December 31, 2011, defendant
5 SUSAN NESBITT did commit a FELONY, namely, a violation of section 504 of the Penal Code,
6 EMBEZZLEMENT EXCEEDING \$950 IN VALUE. Defendant did unlawfully and fraudulently
7 appropriate to a use or purpose not in the due and lawful execution of her trust, which she had in
8 her possession or under their control by virtue of trust and/or did unlawfully secrete the property
9 with a fraudulent intent to appropriate that property to a use and purpose contrary to Penal Code
10 section 487, subdivision (a) and exceeding Nine Hundred Fifty Dollars (\$950), to wit: funds
11 belonging to the estate of decedent, Sylvia Welch, in excess of \$8,000.

12 **COUNT THIRTEEN**

13 For a further and separate cause of action, being a different offense from, but connected in
14 its commission with the charges set forth in Counts One through Twelve, complainant says:

15 That on or about and between January 1, 2011, through December 31, 2011, defendant
16 TERRANCE LYNN WARD, did commit a FELONY, namely, a violation of section 496,
17 subdivision (a) of the Penal Code, RECEIVING STOLEN PROPERTY EXCEEDING \$950 IN
18 VALUE. Defendant did unlawfully receive money and personal property that was stolen,
19 knowing the property to be stolen or obtained in a manner constituting theft: to wit, funds
20 belonging to the estate of decedent, Sylvia Welch, in excess of \$8,000.

21 **COUNT FOURTEEN**

22 For a further and separate cause of action, being a different offense from, but connected in
23 its commission with the charges set forth in Counts One through Thirteen, complainant says:

24 That on or about and between January 1, 2010, through December 31, 2010, defendant
25 SUSAN NESBITT did commit a FELONY, namely, a violation of section 504 of the Penal Code,
26 EMBEZZLEMENT EXCEEDING \$950 IN VALUE. Defendant did unlawfully and fraudulently
27 appropriate to a use or purpose not in the due and lawful execution of her trust, which she had in
28 her possession or under their control by virtue of trust and/or did unlawfully secrete the property

1 with a fraudulent intent to appropriate that property to a use and purpose contrary to Penal Code
2 section 487, subdivision (a) and exceeding Nine Hundred Fifty Dollars (\$950): to wit, funds
3 belonging to the estate of decedent, David Blevins, in the amount of \$4,135.12.

4 **COUNT FIFTEEN**

5 For a further and separate cause of action, being a different offense from, but connected in
6 its commission with the charges set forth in Counts One through Fourteen, complainant says:

7 That on or about and between January 1, 2010, through December 31, 2010, defendant
8 TERRANCE LYNN WARD, did commit a FELONY, namely, a violation of section 496,
9 subdivision (a) of the Penal Code, RECEIVING STOLEN PROPERTY EXCEEDING \$950 IN
10 VALUE. Defendant did unlawfully receive money and personal property that was stolen,
11 knowing the property to be stolen or obtained in a manner constituting theft: to wit, funds
12 belonging to the estate of decedent, David Blevins, in the amount of \$4,135.12.

13 **COUNT SIXTEEN**

14 For a further and separate cause of action, being a different offense from, but connected in
15 its commission with the charges set forth in Counts One through Fifteen, complainant says:

16 That on or about and between January 1, 2010, through December 31, 2015, defendants
17 NOE JIMENEZ and SUSAN PATRICIA NESBITT, did commit a FELONY, namely, a violation
18 of section 424, subdivision (a)(1), of the Penal Code, PUBLIC OFFICER CRIME. Defendants,
19 being persons described in Penal Code section 424 charged with the receipt, safekeeping, transfer,
20 and distribution of public moneys, did in a manner not incidental and minimal, appropriate
21 without authority of law, appropriate a 2001 Chevrolet truck belonging to the estate of decedent,
22 Juanita McLaughlin, to their own use or to the use of another.

23 **COUNT SEVENTEEN**

24 For a further and separate cause of action, being a different offense from, but connected in
25 its commission with the charges set forth in Counts One through Sixteen, complainant says:

26 That on or about and between January 1, 2010, through December 31, 2015, defendants
27 NOE JIMENEZ and SUSAN PATRICIA NESBITT, did commit a FELONY, namely, a violation
28 of section 504 of the Penal Code, EMBEZZLEMENT EXCEEDING \$950 IN VALUE.

1 Defendants did unlawfully and fraudulently appropriate to a use or purpose not in the due and
2 lawful execution of their trust, property which they had in their possession or under their control
3 by virtue of their trust and/or did unlawfully secrete the property with a fraudulent intent to
4 appropriate it to a use and purpose contrary to Penal Code section 487, subdivision (a): to wit, a
5 2001 Chevrolet truck belonging to the estate of decedent, Juanita McLaughlin.

6 **COUNT EIGHTEEN**

7 For a further and separate cause of action, being a different offense from, but connected in
8 its commission with the charges set forth in Counts One through Seventeen, complainant says:

9 That on or about October 19, 2010, defendant SUSAN PATRICIA NESBITT, did commit a
10 FELONY, namely, a violation of section 424, subdivision (a)(1), of the Penal Code, PUBLIC
11 OFFICER CRIME. Defendant, being a person described in Penal Code section 424 charged with
12 the receipt, safekeeping, transfer, and distribution of public moneys, did in a manner not
13 incidental and minimal, appropriate without authority of law, appropriate funds from the estate of
14 decedent, MacKenzie Murdock, for her own use or the use of another, Jaslin Jones.

15 **COUNT NINETEEN**

16 For a further and separate cause of action, being a different offense from, but connected in
17 its commission with the charges set forth in Counts One through Eighteen, complainant says:

18 That on or about October 19, 2010, defendant SUSAN PATRICIA NESBITT, did commit a
19 FELONY, namely, a violation of section 504 of the Penal Code, EMBEZZLEMENT
20 EXCEEDING \$950 IN VALUE. Defendant did unlawfully and fraudulently appropriate to a use
21 or purpose not in the due and lawful execution of her trust, property which she had in her
22 possession or under her control by virtue of her trust and/or did unlawfully secrete the property
23 with a fraudulent intent to appropriate it to a use and purpose contrary to Penal Code section 487,
24 subdivision (a); to wit, directing that funds from the estate of decedent, MacKenzie Murdock, be
25 issued to Jaslin Jones in the amount of \$1,850.86.

26 **COUNT TWENTY**

27 For a further and separate cause of action, being a different offense from, but connected in
28 its commission with the charges set forth in Counts One through Nineteen, complainant says:

1 That on or about and between December 1, 2013, through December 31, 2013, defendant
2 NOE JIMENEZ, did commit a FELONY, namely, a violation of section 424, subdivision (a)(1),
3 of the Penal Code, PUBLIC OFFICER CRIME. Defendant, being a person described in Penal
4 Code section 424 charged with the receipt, safekeeping, transfer, and distribution of public
5 moneys, did in a manner not incidental and minimal, appropriate without authority of law, funds
6 from the estate of decedent, Steven Trinnich, for his own use or the use of another, defendant
7 DESIREE ROBLEDO.

8 **COUNT TWENTY-ONE**

9 For a further and separate cause of action, being a different offense from, but connected in
10 its commission with the charges set forth in Counts One through Twenty, complainant says:

11 That on or about and between December 1, 2013, through December 31, 2013, defendant
12 NOE JIMENEZ, did commit a FELONY, namely, a violation of section 504 of the Penal Code,
13 EMBEZZLEMENT EXCEEDING \$950 IN VALUE. Defendant did unlawfully and fraudulently
14 appropriate to a use or purpose not in the due and lawful execution of his trust, property which he
15 had in his possession or under his control by virtue of his trust and/or did unlawfully secrete the
16 property with a fraudulent intent to appropriate it to a use and purpose contrary to Penal Code
17 section 487, subdivision (a): to wit, funds from the estate of decedent, Steven Trinnich, in the
18 amount of \$4,195.13 paid to defendant DESIREE ROBLEDO.

19 **COUNT TWENTY-TWO**

20 For a further and separate cause of action, being a different offense from, but connected in
21 its commission with the charges set forth in Counts One through Twenty-One, complainant says:

22 That on or about and between December 1, 2013, through December 31, 2013, defendant
23 DESIREE ROBLEDO aka LOVE ROBLEDO aka AMBER ROBLEDO, did commit a FELONY,
24 namely, a violation of section 496, subdivision (a) of the Penal Code, RECEIVING STOLEN
25 PROPERTY EXCEEDING \$950 IN VALUE. Defendant did unlawfully receive money and
26 personal property that was stolen, knowing the property to be stolen or obtained in a manner
27 constituting theft: to wit, funds from the estate of decedent, Steven Trinnich in the amount of
28 \$4,195.13.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COUNT TWENTY-THREE

For a further and separate cause of action, being a different offense from, but connected in its commission with the charges set forth in Counts One through Twenty-Two, complainant says:

That on or about and between March 1, 2013, through December 31, 2013, defendant NOE JIMENEZ, did commit a FELONY, namely, a violation of section 424, subdivision (a)(1), of the Penal Code, PUBLIC OFFICER CRIME. Defendant, being a person described in Penal Code section 424 charged with the receipt, safekeeping, transfer, and distribution of public moneys, did in a manner not incidental and minimal, appropriate without authority of law, funds from the estate of decedent, Vina Snelgrove, for his own use or the use of another.

COUNT TWENTY-FOUR

For a further and separate cause of action, being a different offense from, but connected in its commission with the charges set forth in Counts One through Twenty-Three, complainant says:

That on or about and between March 1, 2013, through December 31, 2013, defendant NOE JIMENEZ, did commit a FELONY, namely, a violation of section 504 of the Penal Code, EMBEZZLEMENT EXCEEDING \$950 IN VALUE. Defendant did unlawfully and fraudulently appropriate to a use or purpose not in the due and lawful execution of his trust, property which he had in his possession or under his control by virtue of his trust and/or did unlawfully secrete the property with a fraudulent intent to appropriate it to a use and purpose contrary to Penal Code section 487, subdivision (a): to wit, \$5,416.80 cash received by defendant belonging to the estate of decedent, Vina Snelgrove.

COUNT TWENTY-FIVE

For a further and separate cause of action, being a different offense from, but connected in its commission with the charges set forth in Counts One through Twenty-Four, complainant says:

That on or about and between January 1, 2011, through December 31, 2014, defendant NOE JIMENEZ, did commit a FELONY, namely, a violation of section 424, subdivision (a)(1), of the Penal Code, PUBLIC OFFICER CRIME. Defendant, being a person described in Penal Code section 424 charged with the receipt, safekeeping, transfer, and distribution of public

1 moneys, did in a manner not incidental and minimal, appropriate without authority of law, a 1987
2 Ford Galaxy belonging to the estate of decedent, Hanson Bufkin, for his own use or the use of
3 another.

4 **COUNT TWENTY-SIX**

5 For a further and separate cause of action, being a different offense from, but connected in
6 its commission with the charges set forth in Counts One through Twenty-Five, complainant says:

7 That on or about and between January 1, 2011, through December 31, 2014, defendant
8 NOE JIMENEZ, did commit a FELONY, namely, a violation of section 504 of the Penal Code,
9 EMBEZZLEMENT EXCEEDING \$950 IN VALUE. Defendant did unlawfully and fraudulently
10 appropriate to a use or purpose not in the due and lawful execution of his trust, property which he
11 had in his possession or under his control by virtue of his trust and/or did unlawfully secrete said
12 property with a fraudulent intent to appropriate it to a use and purpose contrary to Penal Code
13 section 487, subdivision (a): to wit, a 1987 Ford Galaxy belonging to the estate of decedent,
14 Hanson Bufkin.

15 **COUNT TWENTY-SEVEN**

16 For a further and separate cause of action, being a different offense from, but connected in
17 its commission with the charges set forth in Counts One through Twenty-Six, complainant says:

18 That on or about and between July 15, 2011 and December 31, 2012, defendant NOE
19 JIMENEZ, did commit a FELONY, namely, a violation of section 118, subdivision (a), of the
20 Penal Code, PERJURY BY DECLARATION. Defendant did unlawfully, under penalty of
21 perjury, declare as true a material matter that was known to be false, to wit: defendant signed the
22 accounting for the estate of decedent, Hanson Bufkin, filed with the Fresno County Superior
23 Court, knowing the accounting to be false.

24 **COUNT TWENTY-EIGHT**

25 For a further and separate cause of action, being a different offense from, but connected in
26 its commission with the charges set forth in Counts One through Twenty-Seven, complainant
27 says:
28

1 That on or about and between July 15, 2011 and December 31, 2012, defendant NOE
2 JIMENEZ, did commit a FELONY, namely, a violation of section 134 of the Penal Code,
3 PREPARING FALSE DOCUMENTARY EVIDENCE. Defendant did unlawfully prepare a false
4 and ante-dated book, paper, record, instrument in writing, and other matter and thing, with intent
5 to produce it, and to allow it to be produced for a fraudulent and deceitful purpose, as genuine and
6 true, upon a trial, proceeding, and inquiry whatever, authorized by law, to wit: Defendant
7 prepared a false accounting and record of the assets of the estate of decedent, Hanson Bufkin,
8 with the intent that the accounting be produced as true in a court proceeding.

9
COUNT TWENTY-NINE

10 For a further and separate cause of action, being a different offense from, but connected in
11 its commission with the charges set forth in Counts One through Twenty-Eight, complainant says:

12 That on or about and between January 1, 2013 and December 31, 2013, defendant NOE
13 JIMENEZ, did commit a FELONY, namely, a violation of section 118, subdivision (a), of the
14 Penal Code, PERJURY BY DECLARATION. Defendant did unlawfully, under penalty of
15 perjury, declare as true a material matter that was known to be false, to wit: defendant signed
16 documents presented to the California Department of Motor Vehicles asserting the Public
17 Administrator's Office held title to vehicles on behalf of the estate of decedent, Matthew Turck,
18 knowing the statement to be false.

19
COUNT THIRTY

20 For a further and separate cause of action, being a different offense from, but connected in
21 its commission with the charges set forth in Counts One through Twenty-Nine, complainant says:

22 That on or about and between January 1, 2012, through December 31, 2015, defendant REE
23 L. BRUCE did commit a FELONY, namely, a violation of section 424, subdivision (a)(1) of the
24 Penal Code, PUBLIC OFFICER CRIME. Defendant, being a person described in Penal Code
25 section 424 charged with the receipt, safekeeping, transfer, and distribution of public moneys did,
26 in a manner not incidental and minimal, without authority of law, appropriate property belonging
27 to estates of decedents, including Edmund Kal and Hanson Bufkin, and sold the property for his
28 own benefit.

1 **COUNT THIRTY-ONE**

2 For a further and separate cause of action, being a different offense from, but connected in
3 its commission with the charges set forth in Counts One through Thirty hereof, complainant says:

4 That on or about and between January 1, 2012, through December 31, 2015, defendant
5 MARTY McCLUE did commit a FELONY, namely, a violation of section 424, subdivision (a)(1)
6 of the Penal Code, PUBLIC OFFICER CRIME. Defendant, being a person described in Penal
7 Code section 424 charged with the receipt, safekeeping, transfer, and distribution of public
8 moneys did, in a manner not incidental and minimal, without authority of law, appropriate
9 property belonging to estates of decedents, and sold the property for his own benefit.

10 **COUNT THIRTY-TWO**

11 For a further and separate cause of action, being a different offense from, but connected in
12 its commission with the charges set forth in Counts One through Thirty-One, complainant says:

13 That on or about and between January 1, 2012, through December 31, 2015, defendants
14 SUSAN PATRICIA NESBITT and WILLIAM STOUTINGBURG JR., did commit a FELONY,
15 namely, a violation of section 504 of the Penal Code, EMBEZZLEMENT EXCEEDING \$950 IN
16 VALUE. Defendants did unlawfully and fraudulently appropriate to a use or purpose not in the
17 due and lawful execution of the Public Administrator's trust, property which defendant NESBITT
18 he had in her possession or under her control by virtue of her trust and/or did unlawfully secrete
19 the property with a fraudulent intent to appropriate it to a use and purpose contrary to Penal Code
20 section 487, subdivision (a): to wit, funds belonging to estates of decedents not individually
21 named above, which were being administered by the Fresno County Public Administrator's
22 Office.

23 **COUNT THIRTY-THREE**

24 For a further and separate cause of action, being a different offense from, but connected in
25 its commission with the charges set forth in Counts One through Thirty-Two hereof, complainant
26 says:

27 That on or about and between January 1, 2010, through December 31, 2014, defendant
28 NOE JIMENEZ, did commit a FELONY, namely, a violation of section 424, subdivision (a)(3),

1 of the Penal Code, PUBLIC OFFICER CRIME. Defendant, being a person described in Penal
2 Code section 424 charged with the receipt, safekeeping, transfer, and distribution of public
3 moneys, directed and authorized false and incomplete entries in the records of decedents' estates
4 being administered by the Public Administrator's Office, and failed to record property belonging
5 to estates in the accounting and inventory of the estates.

6 **COUNT THIRTY-FOUR**

7 For a further and separate cause of action, being a different offense from, but connected in
8 its commission with the charges set forth in Counts One through Thirty-Three hereof,
9 complainant says:

10 That on or about and between January 1, 2010, through December 31, 2014, defendant
11 SUSAN PATRICIA NESBITT, did commit a FELONY, namely, a violation of section 424,
12 subdivision (a)(3), of the Penal Code, PUBLIC OFFICER. Defendant, being a person described
13 in Penal Code section 424 charged with the receipt, safekeeping, transfer, and distribution of
14 public moneys, directed and authorized false and incomplete entries in the records of decedents'
15 estates being administered by the Public Administrator's Office, and failed to record property
16 belonging to estates in the accounting and inventory of the estates.

17 **SPECIAL ALLEGATION-EXCESSIVE LOSS OVER \$65,000**

18 It is further alleged as to Counts check 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 16, 17, 20, 21, 23, 24,
19 25, 26, 27, 28, 29, and 33, that in the commission of the above offenses, defendant, NOE
20 JIMENEZ, with the intent to do so, took, damaged, and destroyed property of a value exceeding
21 sixty-five thousand dollars (\$65,000), within the meaning of Penal Code section 12022.6,
22 subdivision (a)(1).

23 **SPECIAL ALLEGATION-STATUTE OF LIMITATIONS-**
24 **LATE DISCOVERY (ZAMORA ALLEGATION)**

25 It is further alleged as to all counts, offenses described in Penal Code section 803,
26 subdivision (c), that the above violations were not discovered until April 17, 2015, when Fresno
27 County investigators discovered evidence of the theft and fraudulent conduct of defendants NOE
28 JIMENEZ, SUSAN PATRICIA NESBITT, REE L. BRUCE, MARTY CHARLES McCLUE,

1 KIRSTEN PAXTON, TERRANCE LYNN WARD, and DESIREE ROBLEDO, and WILLIAM
2 STOUTINBURG JR., by examining records maintained by the Public Administrator's Office,
3 shortly after management and control of the office was transferred from the former
4 Coroner/Public Administrator to the District Attorney/Public Administrator, and that no victim of
5 said violation and no law enforcement agency chargeable with the investigation and prosecution
6 of any violation had actual and constructive knowledge of the violation prior to the discovery date
7 because no audit or examination of the records had been undertaken by the Coroner, within the
8 meaning of Penal Code section 803, subdivision (c).

9 I declare under penalty of perjury that the foregoing is true and correct.

10 Dated: March 8, 2017

Respectfully Submitted,

11 XAVIER BECERRA
12 Attorney General of California

13 

14 RICHARD A. CUTLER
15 Deputy Attorney General
16 *Attorneys for People of the State of*
17 *California*

18
19
20
21
22
23
24
25
26 SA2016302431
27 12565376
28