

2015 WL 1289424 (Cal.Super.) (Trial Pleading)
Superior Court of California.
Alameda County

THE PEOPLE OF THE STATE OF CALIFORNIA, People,

v.

1) Herminigilda Noveda MANUEL, 2) Edgar Babael, Defendants.

No. 461883.
March 2, 2015.

First Amended Felony Complaint

Kamala D. Harris, Attorney General of California, Vincent Dicarlo, Supervising Deputy Attorney General, Jennifer B.euler, Deputy Attorney General, State Bar No. 232378, Bureau of Medi-Cal Fraud and Elder Abuse, 1425 River Park Drive Suite 300, Sacramento, CA 95815-4524, Telephone: (916) 274-2970, Fax: (916) 263-0426, E-mail: jennifer.euler@doj.ca.gov, for The People of the State of California,

The People of the State of California hereby allege that in the County of Alameda, State of California, and before the making or filing of this complaint, the above-named defendants HERMINIGILDA NOVEDA MANUEL (hereafter "MANUEL") (d.o.b. XX/XX/1956) and EDGAR BABAEL (hereafter "BABAEL") (d.o.b. XX/XX/1969) committed the following different criminal offenses all connected together in their commission, and being two or more different offenses of the same class of crimes or offenses, under separate counts:

COUNT 1 Pen. Code, § 368 (b)(1) - Felony Elder Abuse or Dependent Abuse -2, 3, or 4 years

From on or about October 18, 2013 through on or about October 24, 2013 in the County of Alameda, defendant MANUEL and defendant BABAEL did, under circumstances and conditions likely to produce great bodily harm and death, knowingly and willfully cause and permit the victim Helen D., age 69 (d.o.b. XX/XX/1944), an elder, to suffer and inflicted thereon, unjustifiable physical pain and mental suffering and, having the care and custody of said victim, willfully caused and permitted her to be placed in a situation in which her health was endangered, and reasonably knew and reasonably should have known that said person, Helen D., was an elder, in violation of section 368, subdivision (b)(1) of the California Penal Code, a felony.

Pen. Code, § 368 (b)(1) - Felony Elder Abuse or Dependent Abuse -2, 3, or 4 years

From on or about October 18, 2013 through on or about October 24, 2013 in the County of Alameda, defendant MANUEL and defendant BABAEL did, under circumstances and conditions likely to produce great bodily harm and death, knowingly and willfully cause and permit the victim John H., age 78 (d.o.b. XX/XX/1935), an elder, to suffer and inflicted thereon, unjustifiable physical pain and mental suffering and, having the care and custody of said victim, willfully caused and permitted him to be placed in a situation in which his health was endangered, and reasonably knew and reasonably should have known that said person, John H., was an elder, in violation of section 368, subdivision (b)(1) of the California Penal Code, a felony.

COUNT 3 Pen. Code, § 368 (b)(1) - Felony Elder Abuse or Dependent Abuse -2, 3, or 4 years

From on or about October 18, 2013 through on or about October 24, 2013 in the County of Alameda, defendant MANUEL and defendant BABAEL did, under circumstances and conditions likely to produce great bodily harm and death, knowingly

and willfully cause and permit the victim William S., age 81 (d.o.b. XX/XX/1932), an **elder**, to suffer and inflicted thereon, unjustifiable physical pain and mental suffering and, having the care and custody of said victim, willfully caused and permitted him to be placed in a situation in which his health was endangered, and reasonably knew and reasonably should have known that said person, William S., was an **elder**, in violation of [section 368, subdivision \(b\)\(1\) of the California Penal Code](#), a felony.

COUNT 4 Pen. Code, § 368 (b)(1) - Felony Elder Abuse or Dependent Abuse -2, 3, or 4 years

From on or about October 18, 2013 through on or about October 24, 2013 in the County of Alameda, defendant MANUEL and defendant BABAEL did, under circumstances and conditions likely to produce great bodily harm and death, knowingly and willfully cause and permit the victim Richard V., age 68 (d.o.b. XX/XX/1945), an **elder**, to suffer and inflicted thereon, unjustifiable physical pain and mental suffering and, having the care and custody of said victim, willfully caused and permitted him to be placed in a situation in which his health was endangered, and reasonably knew and reasonably should have known that said person, Richard V., was an **elder**, in violation of [section 368, subdivision \(b\)\(1\) of the California Penal Code](#), a felony.

COUNT 5 Pen. Code, § 368 (b)(1) - Felony Elder Abuse or Dependent Abuse -2, 3, or 4 years

From on or about October 18, 2013 through on or about October 24, 2013 in the County of Alameda, defendant MANUEL and defendant BABAEL did, under circumstances and conditions likely to produce great bodily harm and death, knowingly and willfully cause and permit the victim Rolando S., age 69 (d.o.b. XX/XX/1944), an **elder**, to suffer and inflicted thereon, unjustifiable physical pain and mental suffering and, having the care and custody of said victim, willfully caused and permitted him to be placed in a situation in which his health was endangered, and reasonably knew and reasonably should have known that said person, Rolando S., was an **elder**, in violation of [section 368, subdivision \(b\)\(1\) of the California Penal Code](#), a felony.

COUNT 6 Pen. Code, § 368 (b)(1) - Felony Elder Abuse or Dependent Abuse -2, 3, or 4 years

From on or about October 18, 2013 through on or about October 24, 2013 in the County of Alameda, defendant MANUEL and defendant BABAEL did, under circumstances and conditions likely to produce great bodily harm and death, knowingly and willfully cause and permit the victim Estel T., age 79 (d.o.b. XX/XX/1934), an **elder**, to suffer and inflicted thereon, unjustifiable physical pain and mental suffering and, having the care and custody of said victim, willfully caused and permitted her to be placed in a situation in which her health was endangered, and reasonably knew and reasonably should have known that said person, Estel T., was an **elder**, in violation of [section 368, subdivision \(b\)\(1\) of the California Penal Code](#), a felony.

COUNT 7 Pen. Code, § 368 (b)(1) - Felony Elder Abuse or Dependent Abuse - 2, 3, or 4 years

From on or about October 18, 2013 through on or about October 24, 2013 in the County of Alameda, defendant MANUEL and defendant BABAEL did, under circumstances and conditions likely to produce great bodily harm and death, knowingly and willfully cause and permit the victim Eddie N., age 81 (d.o.b. XX/XX/1932), an **elder**, to suffer and inflicted thereon, unjustifiable physical pain and mental suffering and, having the care and custody of said victim, willfully caused and permitted him to be placed in a situation in which his health was endangered, and reasonably knew and reasonably should have known that said person, Eddie N., was an **elder**, in violation of [section 368, subdivision \(b\)\(1\) of the California Penal Code](#), a felony.

COUNT 8 Pen. Code, § 368 (b)(1) - Felony Elder Abuse or Dependent Abuse - 2, 3, or 4 years

From on or about October 18, 2013 through on or about October 24, 2013 in the County of Alameda, defendant MANUEL and defendant BABAEL did, under circumstances and conditions likely to produce great bodily harm and death, knowingly and willfully cause and permit the victim Vernetta N., age 85 (d.o.b. XX/XX/1928), an **elder**, to suffer and inflicted thereon, unjustifiable physical pain and mental suffering and, having the care and custody of said victim, willfully caused and permitted

her to be placed in a situation in which her health was endangered, and reasonably knew and reasonably should have known that said person, Vemetta N., was an **elder**, in violation of [section 368, subdivision \(b\)\(1\) of the California Penal Code](#), a felony.

COUNT 9 Pen. Code, § 368 (b)(1) - Felony Elder Abuse or Dependent Abuse - 2, 3, or 4 years

From on or about October 18, 2013 through on or about October 24, 2013 in the County of Alameda, defendant MANUEL and defendant BABAEL did, under circumstances and conditions likely to produce great bodily harm and death, knowingly and willfully cause and permit the victim Charles C., age 68 (d.o.b. XX/XX/1945), an **elder**, to suffer and inflicted thereon, unjustifiable physical pain and mental suffering and, having the care and custody of said victim, willfully caused and permitted him to be placed in a situation in which his health was endangered, and reasonably knew and reasonably should have known that said person, Charles C., was an **elder**, in violation of [section 368, subdivision \(b\)\(1\) of the California Penal Code](#), a felony.

COUNT 10 Pen. Code, § 368 (b)(1) - Felony Elder Abuse or Dependent Abuse - 2, 3, or 4 years

From on or about October 18, 2013 through on or about October 24, 2013 in the County of Alameda, defendant MANUEL and defendant BABAEL did, under circumstances and conditions likely to produce great bodily harm and death, knowingly and willfully cause and permit the victim Stanley P., age 81 (d.o.b. XX/XX/1932), an **elder**, to suffer and inflicted thereon, unjustifiable physical pain and mental suffering and, having the care and custody of said victim, willfully caused and permitted him to be placed in a situation in which his health was endangered, and reasonably knew and reasonably should have known that said person, Stanley P., was an **elder**, in violation of [section 368, subdivision \(b\)\(1\) of the California Penal Code](#), a felony.

COUNT 11 Pen. Code, § 368 (b)(1) - Felony Elder Abuse or Dependent Abuse - 2, 3, or 4 years

From on or about October 18, 2013 through on or about October 24, 2013 in the County of Alameda, defendant MANUEL and defendant BABAEL did, under circumstances and conditions likely to produce great bodily harm and death, knowingly and willfully cause and permit the victim Dimitry L., age 69 (d.o.b. XX/XX/1944), an **elder**, to suffer and inflicted thereon, unjustifiable physical pain and mental suffering and, having the care and custody of said victim, willfully caused and permitted him to be placed in a situation in which his health was endangered, and reasonably knew and reasonably should have known that said person, Dimitry L., was an **elder**, in violation of [section 368, subdivision \(b\)\(1\) of the California Penal Code](#), a felony.

COUNT 12 Pen. Code, § 368 (b)(1) - Felony Elder Abuse or Dependent Abuse - 2, 3, or 4 years

From on or about October 18, 2013 through on or about October 24, 2013 in the County of Alameda, defendant MANUEL and defendant BABAEL did, under circumstances and conditions likely to produce great bodily harm and death, knowingly and willfully cause and permit the victim John C., age 59 (d.o.b. XX/XX/1954), a dependent adult, to suffer and inflicted thereon, unjustifiable physical pain and mental suffering and, having the care and custody of said victim, willfully caused and permitted him to be placed in a situation in which his health was endangered, and reasonably knew and reasonably should have known that said person, John C., was a dependent adult, in violation of [section 368, subdivision \(b\)\(1\) of the California Penal Code](#), a felony.

COUNT 13 Pen. Code, § 368 (b)(1) - Felony Elder Abuse or Dependent Abuse - 2, 3, or 4 years

From on or about October 18, 2013 through on or about October 24, 2013 in the County of Alameda, defendant MANUEL and defendant BABAEL did, under circumstances and conditions likely to produce great bodily harm and death, knowingly and willfully cause and permit the victim Javier C., age 55 (d.o.b. XX/XX/1958), a dependent adult, to suffer and inflicted 6 thereon, unjustifiable physical pain and mental suffering and, having the care and custody of said victim, willfully caused and permitted him to be placed in a situation in which his health was endangered, and reasonably knew and reasonably should

have known that said person, Javier C., was a dependent adult, in violation of [section 368, subdivision \(b\)\(1\) of the California Penal Code](#), a felony.

COUNT 14 [Pen. Code, § 368 \(b\)\(1\)](#) - Felony **Elder Abuse or Dependent **Abuse** - 2, 3, or 4 years**

From on or about October 18, 2013 through on or about October 24, 2013 in the County of Alameda, defendant MANUEL and defendant BABAEEL did, under circumstances and conditions likely to produce great bodily harm and death, knowingly and willfully cause and permit the victim Charles G., age 59 (d.o.b. XX/XX/1954), a dependent adult, to suffer and inflicted thereon, unjustifiable physical pain and mental suffering and, having the care and custody of said victim, willfully caused and permitted him to be placed in a situation in which his health was endangered, and reasonably knew and reasonably should have known that said person, Charles G., was a dependent adult, in violation of [section 368, subdivision \(b\)\(1\) of the California Penal Code](#), a felony.

Dated: March 2, 2015

Respectfully Submitted,

KAMALA D. HARRIS

Attorney General of California

JENNIFER B. EULER

BUREAU OF MEDI-CAL FRAUD OF MEDICAL

Deputy Attorney General

Attorneys for People of the State of California

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