

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO  
VICTORVILLE DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,	)	
	)	
Plaintiff	)	
	)	
vs.	)	
	)	
David Roy Kanady	)	FELONY COMPLAINT
	)	
	)	
Defendant	)	DA CASE NO 2020-00-0043543

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The undersigned is informed and believes that:

COUNT 1

On or about February 1, 2019 through September 18, 2020, in the above named judicial district, the crime of ORAL COPULATION OR SEXUAL PENETRATION WITH CHILD 10 YEARS OLD OR YOUNGER, in violation of PENAL CODE SECTION 288.7(b), a felony, was committed by David Roy Kanady, who being a person 18 years of age and older, did engage in oral copulation and sexual penetration, as defined in Penal Code Section 289, with Kylie W. (DOB: 12/04/2009), a child who was 10 years of age and younger.

"NOTICE: Conviction of this offense will require the court to order you to submit to a blood test for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency Syndrome (AIDS). Penal Code section 1202.1."

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code section 290. Willful failure to register is a crime."

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

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

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COUNT 2

On or about February 1, 2019 through September 18, 2020, in the above named judicial district, the crime of ORAL COPULATION OR SEXUAL PENETRATION WITH CHILD 10 YEARS OLD OR YOUNGER, in violation of PENAL CODE SECTION 288.7(b), a felony, was committed by David Roy Kanady, who being a person 18 years of age and older, did engage in oral copulation and sexual penetration, as defined in Penal Code Section 289, with Kylie W. (DOB: 12/04/2009), a child who was 10 years of age and younger.

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"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

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

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COUNT 3

On or about February 1, 2019 through September 18, 2020, in the above named judicial district, the crime of ORAL COPULATION OR SEXUAL PENETRATION WITH CHILD 10 YEARS OLD OR YOUNGER, in violation of PENAL CODE SECTION 288.7(b), a felony, was committed by David Roy Kanady, who being a person 18 years of age and older, did engage in oral copulation and sexual penetration, as defined in Penal Code Section 289, with Kylie W. (DOB: 12/04/2009), a child who was 10 years of age and younger.

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"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

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

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#### COUNT 4

On or about February 1, 2019 through September 18, 2020, in the above named judicial district, the crime of LEWD ACT UPON A CHILD UNDER AGE 14, in violation of PENAL CODE SECTION 288(a), a felony, was committed by David Roy Kanady, who did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of Kylie W. (DOB: 12/04/2009), a child under the age of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said defendant(s) and the said child.

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code section 290. Willful failure to register is a crime."

"NOTICE: Pursuant to Penal Code Section 11166 and 11168, a Suspected Child Abuse Report (SCAR) may have been generated in this case. Penal Code Section 11167 and 11167.5 limit access to a SCAR. A protective order issued by a court is necessary to obtain a copy of the report."

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

"NOTICE: Conviction of this offense will require the court to order you to submit to a blood test for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency Syndrome (AIDS). Penal Code section 1202.1."

It is further alleged, within the meaning of Penal Code section 667.61(b) and (e), as to defendant David Roy Kanady, as to count(s) 4, 5, 6, 7, 8, 9, 10, 11 that the following circumstances apply: multiple victims.

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COUNT 5

On or about February 1, 2019 through September 18, 2020, in the above named judicial district, the crime of LEWD ACT UPON A CHILD UNDER AGE 14, in violation of PENAL CODE SECTION 288(a), a felony, was committed by David Roy Kanady, who did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of Kylie W. (DOB: 12/04/2009), a child under the age of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said defendant(s) and the said child.

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code section 290. Willful failure to register is a crime."

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"NOTICE: Conviction of this offense will require the court to order you to submit to a blood test for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency Syndrome (AIDS). Penal Code section 1202.1."

It is further alleged, within the meaning of Penal Code section 667.61(b) and (e), as to defendant David Roy Kanady, as to count(s) 4, 5, 6, 7, 8, 9, 10, 11 that the following circumstances apply: multiple victims.

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COUNT 6

On or about February 1, 2019 through September 18, 2020, in the above named judicial district, the crime of LEWD ACT UPON A CHILD UNDER AGE 14, in violation of PENAL CODE SECTION 288(a), a felony, was committed by David Roy Kanady, who did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of Kylie W. (DOB: 12/04/2009), a child under the age of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said defendant(s) and the said child.

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code section 290. Willful failure to register is a crime."

"NOTICE: Pursuant to Penal Code Section 11166 and 11168, a Suspected Child Abuse Report (SCAR) may have been generated in this case. Penal Code Section 11167 and 11167.5 limit access to a SCAR. A protective order issued by a court is necessary to obtain a copy of the report."

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

"NOTICE: Conviction of this offense will require the court to order you to submit to a blood test for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency Syndrome (AIDS). Penal Code section 1202.1."

It is further alleged, within the meaning of Penal Code section 667.61(b) and (e), as to defendant David Roy Kanady, as to count(s) 4, 5, 6, 7, 8, 9, 10, 11 that the following circumstances apply: multiple victims.

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#### COUNT 7

On or about February 1, 2019 through September 18, 2020, in the above named judicial district, the crime of LEWD ACT UPON A CHILD UNDER AGE 14, in violation of PENAL CODE SECTION 288(a), a felony, was committed by David Roy Kanady, who did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of Kylie W. (DOB: 12/04/2009), a child under the age of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said defendant(s) and the said child.

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code section 290. Willful failure to register is a crime."

"NOTICE: Pursuant to Penal Code Section 11166 and 11168, a Suspected Child Abuse Report (SCAR) may have been generated in this case. Penal Code Section 11167 and 11167.5 limit access to a SCAR. A protective order issued by a court is necessary to obtain a copy of the report."

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

"NOTICE: Conviction of this offense will require the court to order you to submit to a blood test for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency Syndrome (AIDS). Penal Code section 1202.1."

It is further alleged, within the meaning of Penal Code section 667.61(b) and (e), as to defendant David Roy Kanady, as to count(s) 4, 5, 6, 7, 8, 9, 10, 11 that the following circumstances apply: multiple victims.

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#### COUNT 8

On or about February 1, 2019 through September 18, 2020, in the above named judicial district, the crime of SEXUAL PENETRATION BY USE OF FORCE OF VICTIM UNDER 14, in violation of PENAL CODE SECTION 289(a)(1)(B), a felony, was committed by David Roy Kanady, who committed an act of sexual penetration against the will of Noah W. (DOB: 03/24/2008), who was under the age of 14 years, by means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on Noah W and another person.

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code section 290. Willful failure to register is a crime."

"NOTICE: Being charged with this criminal offense can result in mandatory pre-conviction HIV/AIDS testing and disclosure of the results to a victim and the Chief Medical Officer of the jail or prison facility where you are incarcerated pursuant to Penal Code Section 1524.1 and Health and Safety Code section 121055 following a probable cause hearing resulting in a court order."

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

It is further alleged, within the meaning of Penal Code section 667.61(b) and (e), as to defendant David Roy Kanady, as to count(s) 4, 5, 6, 7, 8, 9, 10, 11 that the following circumstances apply: multiple victims.

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#### COUNT 9

On or about February 1, 2019 through September 18, 2020, in the above named judicial district, the crime of LEWD ACT UPON A CHILD UNDER AGE 14, in violation of PENAL CODE

SECTION 288(a), a felony, was committed by David Roy Kanady, who did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of Noah W. (DOB: 03/24/2008), a child under the age of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said defendant(s) and the said child.

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code section 290. Willful failure to register is a crime."

"NOTICE: Pursuant to Penal Code Section 11166 and 11168, a Suspected Child Abuse Report (SCAR) may have been generated in this case. Penal Code Section 11167 and 11167.5 limit access to a SCAR. A protective order issued by a court is necessary to obtain a copy of the report."

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

"NOTICE: Conviction of this offense will require the court to order you to submit to a blood test for evidence of antibodies to the probable causative agent of Acquired Immune Deficiency Syndrome (AIDS). Penal Code section 1202.1."

It is further alleged, within the meaning of Penal Code section 667.61(b) and (e), as to defendant David Roy Kanady, as to count(s) 4, 5, 6, 7, 8, 9, 10, 11 that the following circumstances apply: multiple victims.

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#### COUNT 10

On or about February 1, 2019 through September 18, 2020, in the above named judicial district, the crime of LEWD ACT UPON A CHILD UNDER AGE 14, in violation of PENAL CODE SECTION 288(a), a felony, was committed by David Roy Kanady, who did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of Noah W. (DOB: 03/24/2008), a child under the age of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said defendant(s) and the said child.

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code section 290. Willful failure to register is a crime."

"NOTICE: Pursuant to Penal Code Section 11166 and 11168, a Suspected Child Abuse Report (SCAR) may have been generated in this case. Penal Code Section 11167 and 11167.5 limit access to a SCAR. A protective order issued by a court is necessary to obtain a copy of the report."

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It is further alleged, within the meaning of Penal Code section 667.61(b) and (e), as to defendant David Roy Kanady, as to count(s) 4, 5, 6, 7, 8, 9, 10, 11 that the following circumstances apply: multiple victims.

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#### COUNT 11

On or about February 1, 2019 through September 18, 2020, in the above named judicial district, the crime of LEWD ACT UPON A CHILD UNDER AGE 14, in violation of PENAL CODE SECTION 288(a), a felony, was committed by David Roy Kanady, who did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with the body and certain parts and members thereof of Noah W. (DOB: 03/24/2008), a child under the age of fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions, and sexual desires of the said defendant(s) and the said child.

"NOTICE: Conviction of this offense will require you to register pursuant to Penal Code section 290. Willful failure to register is a crime."

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It is further alleged, within the meaning of Penal Code section 667.61(b) and (e), as to defendant David Roy Kanady, as to count(s) 4, 5, 6, 7, 8, 9, 10, 11 that the following circumstances apply: multiple victims.

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#### COUNT 12

On or about February 1, 2019 through September 18, 2020, in the above named judicial district, the crime of POSSESSION OF CHILD OR YOUTH PORNOGRAPHY, in violation of PENAL CODE SECTION 311.11(a), a felony, was committed by David Roy Kanady, who knowingly possessed or controlled matter, the production of which involved the use of a person under 18 years of age, knowing that the matter depicted a person under 18 years of age personally engaging in or simulating sexual conduct.

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#### COUNT 13

On or about February 1, 2019 through September 18, 2020, in the above named judicial district, the crime of USING MINOR FOR SEX ACTS, in violation of PENAL CODE SECTION 311.4(a), a felony, was committed by David Roy Kanady, who did unlawfully and in possession of facts on the basis of which the defendant(s) should reasonably have known that Kylie W was a minor, hire, employ and use the minor to do and assist in doing an act described in Penal Code Section 311.2, to wit: engaging in sexual conduct.

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#### NOTICE TO DEFENDANT AND DEFENDANT'S ATTORNEY

Pursuant to Penal Code Sections 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 Evidence Code Section 1108 and 1109, the People will move to admit evidence consistent with the defendant's rap sheet and law enforcement reports.

#### NOTICE TO ATTORNEY

The materials accompanying this notice may include information about witnesses. If so, these materials are disclosed to you pursuant to Penal Code section 1054.2 which provides: "No

attorney may disclose or permit to be disclosed to a defendant the address or telephone number of a victim or witness whose name is disclosed to the attorney pursuant to subdivision (a) of Section 1054.1 unless specifically permitted to do so by the court after a hearing and a showing of good cause."

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT CONSISTS OF 13 COUNT(S).

Executed at Victorville, California, on September 21, 2020.

Jennifer Roth

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Jennifer Roth

DECLARANT AND COMPLAINANT

Agency: SB Sheriff CAC Division

Prelim Est. 00:00

Defendant	Birth Date	Booking No.	CII No.	NCIC
David Roy Kanady	02/24/1983	2009370611	A39363602	