

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO
VICTORVILLE DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,)	
)	
Plaintiff)	SECOND AMENDED
)	
vs.)	FELONY COMPLAINT
)	
Dustin Shanon Buchanan (FVI20000715),)	
Vivian Ann Stewart ,)	
aka Vivian Stewart,)	DA CASE NO. 2020-00-0013182
aka Vivian A Stewart)	
)	
Defendant)	

The undersigned is informed and believes that:

COUNT 1

On or about February 28, 2020, in the above named judicial district, the crime of MURDER OF HUMAN FETUS, in violation of PENAL CODE SECTION 187(a), a felony, was committed by Dustin Shanon Buchanan and Vivian Ann Stewart, who did unlawfully, and with malice aforethought murder a human fetus.

"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 you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

COUNT 2

On or about February 28, 2020, in the above named judicial district, the crime of ARSON OF AN INHABITED STRUCTURE OR PROPERTY, in violation of PENAL CODE SECTION 451(b), a felony, was committed by Dustin Shanon Buchanan, who did willfully, unlawfully, and maliciously set fire to and burn and cause to be burned an inhabited structure and inhabited property located at 544 E. Fredricks Street, Barstow, CA.

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

COUNT 3

On or about February 28, 2020, in the above named judicial district, the crime of MAYHEM, in violation of PENAL CODE SECTION 203, a felony, was committed by Dustin Shanon Buchanan, who did unlawfully and maliciously deprive Vivian Ann Stewart of a member of the body and did disable, disfigure and render it useless and did cut and disable the tongue, and put out an eye and slit the nose, ear and lip of said person.

"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)."

COUNT 4

On or about February 28, 2020, in the above named judicial district, the crime of MANUFACTURING A CONTROLLED SUBSTANCE OTHER THAN PCP, in violation of HEALTH AND SAFETY CODE SECTION 11379.6(a), a felony, was committed by Dustin Shanon Buchanan,

who did unlawfully manufacture, compound, convert, produce, derive, process and prepare a controlled substance, to wit: Marijuana.

It is further alleged as to count(s) 4 that said offense is in violation of Penal Code Section 1203.073(b)(3).

It is further alleged as to count(s) 4, 5 that prison custody time for the above offense is to be served in state prison.

It is further alleged, pursuant to Health and Safety Code section 11379.7(a), that the above offense occurred in a structure where a child under the age of 16 years was present.

It is further alleged, pursuant to Health and Safety Code section 11379.7(b), that the commission of the above offense caused a child under the age of 16 years to suffer great bodily injury.

COUNT 5

On or about February 28, 2020, in the above named judicial district, the crime of CHILD ABUSE UNDER CIRCUMSTANCES OR CONDITIONS LIKELY TO CAUSE GBI OR DEATH, in violation of PENAL CODE SECTION 273a(a), a felony, was committed by Dustin Shanon Buchanan and Vivian Ann Stewart, who did willfully and unlawfully, under circumstances and conditions likely to produce great bodily harm and death, injure, cause, and permit a child, Colt B, to suffer and to be inflicted with unjustifiable physical pain and mental suffering, and, having the care and custody of said child, injure, cause, and permit the person and health of said child to be

injured and did willfully cause and permit said child to be placed in such situation that his/her person and health was/were endangered.

It is further alleged as to count(s) 5 that in the commission of the above offense the said defendant(s) Dustin Shanon Buchanan, personally inflicted great bodily injury upon Colt B, not an accomplice to the above offense, within the meaning of Penal Code Section 12022.7(a) and also causing the above offense to become a serious felony within the meaning of Penal Code Section 1192.7(c)(8).

"NOTICE: This offense is a serious felony and a violent felony within the meaning of Penal Code sections 1192.7(c)(8) and 667.5(c)(8)."

It is further alleged as to count(s) 4, 5 that prison custody time for the above offense is to be served in state prison.

COUNT 6

On or about February 28, 2020, in the above named judicial district, the crime of CHILD ABUSE UNDER CIRCUMSTANCES OR CONDITIONS LIKELY TO CAUSE GBI OR DEATH, in violation of PENAL CODE SECTION 273a(a), a felony, was committed by Dustin Shanon Buchanan and Vivian Ann Stewart, who did willfully and unlawfully, under circumstances and conditions likely to produce great bodily harm and death, injure, cause, and permit a child, Dustin B, to suffer and to be inflicted with unjustifiable physical pain and mental suffering, and, having the care and custody of said child, injure, cause, and permit the person and health of said child to be injured and did willfully cause and permit said child to be placed in such situation that his/her person and health was/were endangered.

COUNT 7

On or about February 28, 2020, in the above named judicial district, the crime of CHILD ABUSE UNDER CIRCUMSTANCES OR CONDITIONS LIKELY TO CAUSE GBI OR DEATH, in violation of PENAL CODE SECTION 273a(a), a felony, was committed by Dustin Shanon Buchanan and Vivian Ann Stewart, who did willfully and unlawfully, under circumstances and conditions likely to produce great bodily harm and death, injure, cause, and permit a child, Linda B, to suffer and to be inflicted with unjustifiable physical pain and mental suffering, and, having the care and custody of said child, injure, cause, and permit the person and health of said child to be injured and did willfully cause and permit said child to be placed in such situation that his/her person and health was/were endangered.

* * * * *

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.

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 7 COUNT(S).

Executed at Victorville, California, on October 19, 2020.

Jamie J. Cimino

Jamie J. Cimino
DECLARANT AND COMPLAINANT

Agency: Barstow Police Department

Prelim Est. 00:00

Defendant	Birth Date	Booking No.	CII No.	NCIC
Dustin Shanon Buchanan	10/18/1992	2003370395	A36617016	
Vivian Ann Stewart	09/01/1993			