

1 James P. Willett  
District Attorney  
2 State Bar Membership No. 88837  
San Joaquin County  
3 By: Thomas J. Testa  
Deputy District Attorney  
4 Courthouse  
Stockton, CA 95202  
5 mb

FILED  
SUPERIOR COURT-STOCKTON  
09 AUG 13 AM 9:02  
ROSA JUNQUEIRO, CLERK  
AMBER TACHIQUIN  
BY \_\_\_\_\_ DEPUTY

6 Phone: (209) 468-2400

7 Attorneys for Plaintiff

8 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN  
9 STOCKTON BRANCH

10	The People of the State of California,	)	No. SF112495(A)
		)	
11	Plaintiff,	)	MOTION TO DISMISS
		)	COMPLAINT #SF111539(A)
12	v.	)	PER PENAL CODE §1387(C)
		)	
13		)	
		)	
14		)	
15	MELISSA HUCKABY	)	DATE: 08/17/09
		)	TIME: 1:00 pm
16	Defendant(s).	)	DEPT: 35

17 The Indictment Supercedes the Complaint

18  
19 The People filed Complaint # SF111539(A) April 14, 2009. The  
20 matter was continued for Preliminary Hearing September 24, 2009. On  
21 July 20, 21, 23, 24, 27, 28, 30 and 31, 2009, the People presented  
22 to the Grand Jury evidence of the allegations in the complaint. On  
23 July 31, 2009, the Grand Jury presented an indictment per P.C. 944  
24 against the defendant (Indictment # SF112495 A) on all charges and  
25 added one additional count. Because the indictment was returned  
26 before commencement of the preliminary hearing and is based upon the  
27 same subject matter as charged in the second amended complaint, the  
28

1 court should dismiss the complaint (#SF111539 A) pursuant to Penal  
2 Code §1387(C).

3 Dated: 08/10/2009

4 Respectfully submitted,

5 James P. Willett  
6 District Attorney

7  
8 Thomas J. Testa  
9 Deputy District Attorney

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28