

1 JEFF W. REISIG  
DISTRICT ATTORNEY OF YOLO COUNTY  
2 By: Ryan J. Couzens SBN/215818  
Deputy District Attorney  
3 301 Second Street  
Woodland, California 95695  
4 Telephone: (530) 666-8180  
Attorney for People  
5  
6  
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF YOLO  
9

10 THE PEOPLE OF THE STATE OF  
11 CALIFORNIA,

12 Plaintiff,

13 vs.

14 Frank Talliesen Rees,

15 Defendant(s)

Dept. 13 Case No. 17-0998

MOTION FOR LEAVE TO AMEND COMPLAINT

Date: April 12, 2017  
Time: 8:30 a.m.

16  
17 TO THE DEFENDANTS HEREINABOVE AND TO COUNSEL:

18 **I. NOTICE**

19 At the above date and time and in the above department, the  
20 People will move the Court for leave to file the attached Proposed  
21 Amended Pleading. Said motion is based upon this Notice, the  
22 documents on file in this action, and the proposed pleading.

23 **II. FACTS**

24 The Proposed First Amended Complaint adds a count for violation  
25 of Health and Safety Code Section 11379(a), which makes it a crime for  
26 "any person [to] ... administer" methamphetamine. The People allege  
27 that, on February 23, 2015, Frank Rees administered methamphetamine to  
28 a second person, Monica Combs, while both were in a parked car on the

1 side of a County Road, which administration both Mr. Rees and  
2 Ms. Combs confirmed in police interviews.

3 **III. ARGUMENT**


4 **A. THE PEOPLE ARE ALLOWED BY LAW TO AMEND THE COMPLAINT**  
5 **AT VIRTUALLY ANY STAGE IN THE PROCEEDINGS**

6 A complaint or information may be amended under Penal Code  
7 section 1009 after the defendant has entered a plea to the original  
8 pleading. Section 1009 permits amendment "*for any defect or*  
9 *insufficiency.*" This encompasses amendments to substance as well as  
10 form. (*People v. O'Moore* (1948) 83 Cal.App.2d 586, 591.) Permitted  
11 amendments may be made to add additional charges or penalty  
12 enhancement allegations. (*See, e.g., People v. Flowers* (1971) 14  
13 Cal.App.3d 1017.)

14 **IV. CONCLUSION**

15 For the foregoing reasons, the People request that leave be  
16 granted to file the attached [Proposed] First Amended Complaint.

17 Dated: March 30, 2017 Respectfully submitted,

18  
19 By:   
20 Ryan J. Couzens  
21 Deputy District Attorney

DECLARATION

I, Ryan J. Couzens, hereby declare on the basis of information and belief as follows:

1. That I am a Deputy District Attorney for the County of Yolo, California and am assigned to this case.
2. That the People have good faith belief that the evidence will support the charges reflected on the attached proposed First Amended Complaint.

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

Dated this 30<sup>th</sup> day in March, in Woodland, California.



\_\_\_\_\_  
Ryan J. Couzens  
Deputy District Attorney

1 JEFF W. REISIG  
DISTRICT ATTORNEY OF YOLO COUNTY  
2 By: Ryan Couzens/215818  
Deputy District Attorney  
3 301 Second Street  
Woodland, California 95695  
4 Telephone: (530) 666-8180  
Entry No.: 236729  
5 Attorney for People

6  
7  
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF YOLO

10  
11 THE PEOPLE OF THE STATE OF  
CALIFORNIA,

Dept. 13 Case No. 17-0998

12  
13 Plaintiff,

FIRST AMENDED COMPLAINT

14 vs.

15 FRANK TALLIESEN REES

16 Defendant(s)

17  
18 I, the undersigned, say, on information and belief, that in  
19 the County of Yolo, State of California:

20 Count 1 : On or about February 23, 2015, FRANK TALLIESEN  
21 REES did commit a FELONY, namely, a violation of Section 192(b)  
22 of the California Penal Code, INVOLUNTARY MANSLAUGHTER, in that  
23 FRANK TALLIESEN REES did willfully and unlawfully kill a human  
24 being, to wit, J.R., date of birth February 9, 2015, without  
25 malice, in the commission of an unlawful act, not amounting to a  
26 felony, and in the commission of a lawful act which might  
27 produce death, in an unlawful manner, or without due caution and  
28 circumspection.

1           Count 2 : On or about February 23, 2015, FRANK TALLIESEN  
2 REES did commit a FELONY, namely, a violation of Section 273a(a)  
3 of the California Penal Code, ABUSING OR ENDANGERING HEALTH OF A  
4 CHILD, in that FRANK TALLIESEN REES did willfully and  
5 unlawfully, under circumstances and conditions likely to produce  
6 great bodily harm and death, cause and permit a child to suffer,  
7 and FRANK TALLIESEN REES did inflict thereon unjustifiable  
8 physical pain and mental suffering, and having the care or  
9 custody of said child FRANK TALLIESEN REES did willfully cause  
10 and permit the person and health of said child to be injured,  
11 and FRANK TALLIESEN REES did willfully cause and permit said  
12 child to be placed in such a situation that the child's person  
13 and health was endangered.

14  
15           Count 3 : On or about February 23, 2015, FRANK TALLIESEN  
16 REES did commit a FELONY, namely, a violation of Section  
17 11379(a) of the California Health and Safety Code, ADMINISTERING  
18 CONTROLLED SUBSTANCE, in that FRANK TALLIESEN REES did willfully  
19 and unlawfully administer, to S.G., a controlled substance, to  
20 wit, methamphetamine.

21 //  
22 //  
23 //  
24 //  
25 //  
26 //  
27 //  
28 //

1           Count 4 : On or about February 23, 2015, FRANK TALLIESEN  
2 REES did commit a FELONY, namely, a violation of Section  
3 11379(a) of the California Health and Safety Code, ADMINISTERING  
4 CONTROLLED SUBSTANCE, in that FRANK TALLIESEN REES did willfully  
5 and unlawfully administer, to M.C., a controlled substance, to  
6 wit, methamphetamine.

7           I declare under penalty of perjury that the foregoing is  
8 correct.

9           Executed on March 30, 2017, at Woodland, California.

10  
11 

12           \_\_\_\_\_  
13 Ryan Couzens, 215818  
14 Deputy District Attorney  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

SUPERIOR COURT No. 17-0998

PROOF OF SERVICE

I, OLGA TAPIA, declare:

I am a citizen of the United States and a resident of the county of Yolo; I am over the age of eighteen years and not a party to the within entitled action; my business address is 301 Second Street, Woodland, California 95695. On March 30, 2017, I served the within document: **MOTION FOR LEAVE TO AMEND COMPLAINT**

by placing a true copy of the above document in a sealed envelope and deposited the same in the United States mail at Woodland, California, addressed as follows:

RODNEY BEEDE  
ATTORNEY AT LAW  
177A LINCOLN AVE.  
WOODLAND, CA 95695

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

Executed on March 30, 2017, at Woodland, California.

  
\_\_\_\_\_  
OLGA TAPIA