

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO
SAN BERNARDINO JUSTICE CENTER DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,)
)
) Plaintiff)
)
) vs.)
)
 James Russell Allen II,)
 aka James Allen,)
 aka James Moxey)
)
) Defendant)

FELONY COMPLAINT

DA CASE NO 2021-00-0013408

The undersigned is informed and believes that:

COUNT 1

On or about January 12, 2015 through January 12, 2016, in the above named judicial district, the crime of SEXUAL PENETRATION BY USE OF FORCE OF MINOR VICTIM OVER 14, in violation of PENAL CODE SECTION 289(a)(1)(C), a felony, was committed by James Russell Allen II, who committed an act of sexual penetration against the will of Makayla T, who was a minor over the age of 14 years, by means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on Makayla T 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 James Russell Allen II, as to count(s) 1, 2, 3, 4, 5, 6 that the following circumstances apply: Multiple Victims per PC 667.61(e)(4).

COUNT 2

On or about January 12, 2015 through January 12, 2016, in the above named judicial district, the crime of FORCIBLE RAPE-CHILD VICTIM OVER 14 YEARS, in violation of PENAL CODE SECTION 261(a)(2), a felony, was committed by James Russell Allen II, who did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, Makayla T, not his/her spouse, against said person's will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on said person and another.

It is further alleged that the victim was a child, 14 years of age and older.

"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)."

It is further alleged, within the meaning of Penal Code section 667.61(b) and (e), as to defendant James Russell Allen II, as to count(s) 1, 2, 3, 4, 5, 6 that the following circumstances apply: Multiple Victims per PC 667.61(e)(4).

COUNT 3

On or about January 12, 2016 through January 12, 2017, in the above named judicial district, the crime of FORCIBLE ORAL COPULATION - MINOR VICTIM OVER 14 YEARS, in violation of PENAL CODE SECTION 287(c)(2)(C), a felony, was committed by James Russell Allen II, who did unlawfully participate in an act of oral copulation with Makayla T, who was a minor over the age of 14 years, and did accomplish said act against said victim's will by force, violence, duress, menace, and fear of immediate and unlawful bodily injury to said victim and to another.

"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)."

It is further alleged, within the meaning of Penal Code section 667.61(b) and (e), as to defendant James Russell Allen II, as to count(s) 1, 2, 3, 4, 5, 6 that the following circumstances apply: Multiple Victims per PC 667.61(e)(4).

COUNT 4

On or about June 1, 2015 through June 30, 2015, in the above named judicial district, the crime of FORCIBLE RAPE-CHILD VICTIM OVER 14 YEARS, in violation of PENAL CODE

SECTION 261(a)(2), a felony, was committed by James Russell Allen II, who did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, Jordan A, not his/her spouse, against said person's will, by means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on said person and another.

It is further alleged that the victim was a child, 14 years of age and older.

"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)."

It is further alleged, within the meaning of Penal Code section 667.61(b) and (e), as to defendant James Russell Allen II, as to count(s) 1, 2, 3, 4, 5, 6 that the following circumstances apply: Multiple Victims per PC 667.61(e)(4).

COUNT 5

On or about December 1, 2015 through December 31, 2015, in the above named judicial district, the crime of FORCIBLE ORAL COPULATION - MINOR VICTIM OVER 14 YEARS, in violation of PENAL CODE SECTION 287(c)(2)(C), a felony, was committed by James Russell Allen II, who did unlawfully participate in an act of oral copulation with Jordan A, who was a minor over the age of 14 years, and did accomplish said act against said victim's will by force, violence, duress, menace, and fear of immediate and unlawful bodily injury to said victim and to another.

"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)."

It is further alleged, within the meaning of Penal Code section 667.61(b) and (e), as to defendant James Russell Allen II, as to count(s) 1, 2, 3, 4, 5, 6 that the following circumstances apply: Multiple Victims per PC 667.61(e)(4).

COUNT 6

On or about September 1, 2016 through September 30, 2016, in the above named judicial district, the crime of SEXUAL PENETRATION BY USE OF FORCE OF MINOR VICTIM OVER 14, in violation of PENAL CODE SECTION 289(a)(1)(C), a felony, was committed by James Russell Allen II, who committed an act of sexual penetration against the will of Jordan A, who was a minor over the age of 14 years, by means of force, violence, duress, menace and fear of immediate and unlawful bodily injury on Jordan A 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 James Russell Allen II, as to count(s) 1, 2, 3, 4, 5, 6 that the following circumstances apply: Multiple Victims per PC 667.61(e)(4).

COUNT 7

On or about September 14, 2020, in the above named judicial district, the crime of CORPORAL INJURY TO SPOUSE/COHABITANT/CHILD'S PARENT, in violation of PENAL CODE SECTION 273.5(a), a misdemeanor, was committed by James Russell Allen II, who did willfully and unlawfully inflict corporal injury resulting in a traumatic condition upon Raven T, who was who is cohabitating with the defendant.

* * * * *

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 San Bernardino, California, on March 29, 2021.

Michelle Ditzhazy
Michelle Ditzhazy
DECLARANT AND COMPLAINANT

Agency: Colton Police Department

Prelim Est. 00:00

Defendant	Birth Date	Booking No.	CII No.	NCIC
James Russell Allen II	11/18/1977		A24335444	