

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

THE PEOPLE OF THE STATE OF CALIFORNIA,	)	
	)	
Plaintiff	)	
	)	
vs.	)	FELONY COMPLAINT
	)	
Christopher Lee Smart	)	
	)	
	)	DA CASE NO 2022-00-0028088
	)	
Defendant	)	
	)	
	)	
	)	
	)	

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The undersigned is informed and believes that:

COUNT 1

On or about January 01, 2014 through October 03, 2014, in the above-named judicial district, the crime of RAPE OF A PERSON INCAPABLE OF GIVING CONSENT, in violation of PENAL CODE SECTION 261(a)(1), a felony, was committed by Smart Lee Christopher, who did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, Jane Doe, not his/her spouse, where said person was incapable of giving legal consent because of a mental disorder and because of a developmental and physical disability, and said defendant knew and reasonably should have known of such condition.

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

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.

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COUNT 2

On or about April 01, 2016 through August 01, 2016, in the above-named judicial district, the crime of RAPE OF A PERSON INCAPABLE OF GIVING CONSENT, in violation of PENAL CODE SECTION 261(a)(1), a felony, was committed by Smart Lee Christopher, who did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, Jane Doe, not his/her spouse, where said person was incapable of giving legal consent because of a mental disorder and because of a developmental and physical disability, and said defendant knew and reasonably should have known of such condition.

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

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COUNT 3

On or about April 01, 2016 through August 01, 2016, in the above-named judicial district, the crime of ORAL COPULATION OF AN INCOMPETENT PERSON, in violation of PENAL CODE SECTION 287(g), a felony, was committed by Smart Lee Christopher, who did unlawfully commit an act of oral copulation with Jane Doe, who at the time was incapable, because of mental disorder or developmental or physical disability, of giving legal consent to said act, and said defendant knew and reasonably should have known of such condition.

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: 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.

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COUNT 4

On or about January 03, 2015 through April 15, 2016, in the above-named judicial district, the crime of RAPE OF A PERSON INCAPABLE OF GIVING CONSENT, in violation of PENAL CODE SECTION 261(a)(1), a felony, was committed by Smart Lee Christopher, who did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, Jane Doe, not his/her spouse, where said person was incapable of giving legal consent because of a mental disorder and because of a developmental and physical disability, and said defendant(s) knew and reasonably should have known of such condition.

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

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.

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COUNT 5

On or about April 01, 2015 through August 23, 2016, in the above-named judicial district, the crime of ORAL COPULATION OF AN INCOMPETENT PERSON, in violation of PENAL CODE SECTION 287(g), a felony, was committed by Smart Lee Christopher, who did unlawfully commit an act of oral copulation with Jane Doe, who at the time was incapable, because of mental disorder

or developmental or physical disability, of giving legal consent to said act, and said defendant(s) knew and reasonably should have known of such condition.

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: 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.

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#### COUNT 6

On or about April 01, 2015 through August 23, 2016, in the above-named judicial district, the crime of SEXUAL PENETRATION OF AN INCOMPETENT PERSON, in violation of PENAL CODE SECTION 289(b), a felony, was committed by Smart Lee Christopher, who committed an act of sexual penetration against Jane Doe who was incapable, because of a mental disorder and developmental and physical disability, of giving legal consent, this being known, and reasonably should have been known, by the defendant(s) .

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.

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#### COUNT 7

On or about August 01, 2017 through August 31, 2017, in the above-named judicial district, the crime of RAPE OF A PERSON INCAPABLE OF GIVING CONSENT, in violation of PENAL CODE SECTION 261(a)(1), a felony, was committed by Smart Lee Christopher, who did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, Jane Doe, not his/her spouse, where said person was incapable of giving legal consent because of a mental disorder and because

of a developmental and physical disability, and said defendant(s) knew and reasonably should have known of such condition.

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

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#### COUNT 8

On or about January 01, 2018 through December 31, 2018, in the above-named judicial district, the crime of SEXUAL BATTERY ON INSTITUTIONALIZED VICTIM, in violation of PENAL CODE SECTION 243.4(b), a felony, was committed by Smart Lee Christopher, who did willfully and unlawfully touch an intimate part of Jane Doe, while said person was institutionalized for medical treatment and was seriously disabled and medically incapacitated, against the will of said person and for the purpose of sexual arousal, sexual gratification, and sexual abuse.

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

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.

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#### COUNT 9

On or about July 01, 2017 through August 31, 2018, in the above-named judicial district, the crime of RAPE OF A PERSON INCAPABLE OF GIVING CONSENT, in violation of PENAL CODE SECTION 261(a)(1), a felony, was committed by Smart Lee Christopher, who did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, Jane Doe, not his/her spouse, where said person was incapable of giving legal consent because of a mental disorder and because

of a developmental and physical disability, and said defendant(s) knew and reasonably should have known of such condition.

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

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.

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It is further alleged as to each count, pursuant to Penal Code section 1170, subdivision (b)(2), that the following circumstances may apply in this case:

1. The crime involved great violence, great bodily harm, threat of great bodily harm, or other acts disclosing a high degree of cruelty, viciousness, or callousness;
2. The defendant was armed with or used a weapon at the time of the commission of the crime;
3. The victim was particularly vulnerable;
4. The defendant induced others to participate in the commission of the crime or occupied a position of leadership or dominance of other participants in its commission;
5. The defendant induced a minor to commit or assist in the commission of the crime;
6. The defendant threatened witnesses, unlawfully prevented or dissuaded witnesses from testifying, suborned perjury, or in any other way illegally interfered with the judicial process;
7. The defendant was convicted of other crimes for which consecutive sentences could have been imposed but for which concurrent sentences are being imposed;
8. The manner in which the crime was carried out indicates planning, sophistication, or professionalism;
9. The crime involved an attempted or actual taking or damage of great monetary value;
10. The crime involved a large quantity of contraband;
11. The defendant took advantage of a position of trust or confidence to commit the offense.

12. The crime constitutes a hate crime under section 422.55;
13. The defendant has engaged in violent conduct that indicates a serious danger to society;
14. The defendant's prior convictions as an adult or sustained petitions in juvenile delinquency proceedings are numerous or of increasing seriousness;
15. The defendant has served a prior term in prison or county jail under section 1170(h);
16. The defendant was on probation, mandatory supervision, postrelease community supervision, or parole when the crime was committed; and
17. The defendant's prior performance on probation, mandatory supervision, postrelease community supervision, or parole was unsatisfactory; and
18. And any other aggravating factors that may be permitted by law.

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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.

**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 9 COUNT(S).

Executed at San Bernardino, California, on July 06, 2022

David Rabb

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David Rabb

DECLARANT AND COMPLAINANT

Agency: Patton State Hospital

Prelim Est.

Defendant  
Smart Lee Christopher

Birth Date  
1958-10-01

Booking No

CII No.

NCIC