

1 DAN DOW  
DISTRICT ATTORNEY  
2 STATE BAR # 237986  
COUNTY OF SAN LUIS OBISPO  
3 COURTHOUSE ANNEX, 4TH FLOOR  
SAN LUIS OBISPO, CA 93408  
4 TELEPHONE: (805) 781-5800

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7  
8 SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SAN LUIS OBISPO  
9 DEPARTMENT 1

10  
11 THE PEOPLE OF THE STATE OF  
CALIFORNIA

Plaintiff,

12  
13 vs.

14 **NOE ARCE**  
DOB: 08/22/1975  
15 ID NO. D000451124  
CII: A27590845

16  
17 Defendant.

COURT CASE NO. 22F-04419

SECOND AMENDED INFORMATION

**DA CASE NO. 079-675950**

18 Appearance Date: April 19, 2024

19  
20 The District Attorney of San Luis Obispo County, California, hereby accuses the  
21 above named defendant of the following criminal offenses:

22 Count 1

23 On or between August 14, 2019 and April 16, 2022, in the County of San Luis Obispo,  
24 State of California, the crime of Sexual Penetration By Foreign Object in violation of  
25 PC289(j), a Felony, was committed in that NOE ARCE committed an act of sexual  
26 penetration against [REDACTED] Doe who was under the age of 14 years and more than 10  
27 years younger than defendant.

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

3 NOTICE: Being charged with this criminal offense can result in mandatory pre-conviction  
4 HIV/AIDS testing and disclosure of the results to a victim and the Chief Medical Officer of  
5 the jail or prison facility where you are incarcerated pursuant to Penal Code Section  
6 1524.1 and Health and Safety Code section 121055 following a probable cause hearing  
7 resulting in a court order.

8  
9 Enhancement

10 PC1203.066(a)(8): Spec Alleg-Substantial Sexual Conduct-288, 288.5

11 It is further alleged pursuant to Penal Code section 1203.066(a)(8) as to count 1 that the  
12 victim, [REDACTED], in the above offense was under the age of 14 years and the  
13 defendant, NOE ARCE had substantial sexual conduct with [REDACTED] Doe.

14  
15 Count 2

16 On or about April 17, 2022, in the County of San Luis Obispo, State of California, the crime  
17 of Lewd Act Upon A Child in violation of PC288(a), a Felony, was committed in that NOE  
18 ARCE did willfully, unlawfully, and lewdly commit a lewd and lascivious act upon and with  
19 the body and certain parts and members thereof of [REDACTED] Doe, a child under the age of  
20 fourteen years, with the intent of arousing, appealing to, and gratifying the lust, passions,  
21 and sexual desires of the said defendant and the said child.

22  
23 NOTICE: Pursuant to Penal Code Sections 11166 and 11168, a Suspected Child Abuse  
24 Report (SCAR) may have been generated in this case. Penal Code Section 11167 and  
25 11167.5 limit access to a SCAR. A protective order issued by a court is necessary to  
26 obtain a copy of the report.

27 NOTICE: The above offense is a serious felony within the meaning of Penal Code Section  
28 1192.7(c) and a violent felony within the meaning of Penal Code Section 667.5(c)

1 NOTICE: Conviction of this offense will require the court to order you to submit to a blood  
2 test for evidence of antibodies to the probable causative agent of Acquired Immune  
3 Deficiency Syndrome (AIDS). Penal Code Section 1202.1.

4  
5 Count 3

6 On or between August 14, 2019 and April 16, 2022, in the County of San Bernardino, State  
7 of California, the crime of Lewd Act Upon A Child in violation of PC288(a), a Felony, was  
8 committed in that NOE ARCE did willfully, unlawfully, and lewdly commit a lewd and  
9 lascivious act upon and with the body and certain parts and members thereof of [REDACTED]  
10 Doe, a child under the age of fourteen years, with the intent of arousing, appealing to, and  
11 gratifying the lust, passions, and sexual desires of the said defendant and the said child.

12  
13 NOTICE: Conviction of this offense will require you to register pursuant to Penal Code  
14 section 290. Willful failure to register is a crime.

15 NOTICE: Pursuant to Penal Code Sections 11166 and 11168, a Suspected Child Abuse  
16 Report (SCAR) may have been generated in this case. Penal Code Section 11167 and  
17 11167.5 limit access to a SCAR. A protective order issued by a court is necessary to  
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22 test for evidence of antibodies to the probable causative agent of Acquired Immune  
23 Deficiency Syndrome (AIDS). Penal Code Section 1202.1.

24  
25 Count 4

26 On or between March 1, 2020 and December 31, 2020, in the County of Santa Barbara,  
27 State of California, the crime of Lewd Act Upon A Child in violation of PC288(a), a Felony,  
28 was committed in that NOE ARCE did willfully, unlawfully, and lewdly commit a lewd and

1 lascivious act upon and with the body and certain parts and members thereof of [REDACTED]  
2 Doe, a child under the age of fourteen years, with the intent of arousing, appealing to, and  
3 gratifying the lust, passions, and sexual desires of the said defendant and the said child.  
4

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

7 NOTICE: Pursuant to Penal Code Sections 11166 and 11168, a Suspected Child Abuse  
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15 Deficiency Syndrome (AIDS). Penal Code Section 1202.1.  
16

17 The People hereby give notice of the People's intent to admit evidence of prior sexual acts  
18 pursuant to Evidence Code section 1108. These incidents include the prior incident(s)  
19 described in the police report, chronological report, and/or tapes already provided, and  
20 other alleged incidents of abuse, which will be provided as they are obtained by the  
21 prosecution.  
22

23 It is further alleged pursuant to Penal Code Section 1170(b)(2) that one or more of the  
24 following factors in aggravation listed in California Rule of Court 4.421 may apply to the  
25 defendant(s) or to conduct of the defendant(s):

26 4.421(a)(1) The crime involved great violence, great bodily harm, threat of great bodily  
27 harm, and other acts disclosing a high degree of cruelty, viciousness and callousness.  
28

- 1 4.421(a)(2) The defendant was armed with or used a weapon at the time of the
- 2 commission of the crime.
- 3 4.421(a)(3) The victim was particularly vulnerable.
- 4 4.421(a)(4) The defendant induced others to participate in the commission of the crime
- 5 and occupied a position of leadership and dominance of other participants in its
- 6 commission.
- 7 4.421(a)(5) The defendant induced a minor to commit and assist in the commission of the
- 8 crime.
- 9 4.421(a)(6) The defendant threatened witnesses, unlawfully prevented and dissuaded
- 10 witnesses from testifying, suborned perjury, and in any other way illegally interfered with
- 11 the judicial process.
- 12 4.421(a)(7) The defendant is charged with other crimes for which consecutive sentences
- 13 can be imposed but for which concurrent sentences shall be imposed.
- 14 4.421(a)(8) The manner in which the crime was carried out indicates planning,
- 15 sophistication, and professionalism.
- 16 4.421(a)(9) The crime involved an attempted or actual taking or damage of great monetary
- 17 value.
- 18 4.421(a)(10) The crime involved a large quantity of contraband.
- 19 4.421(a)(11) The defendant took advantage of a position of trust and confidence to commit
- 20 the offense.
- 21 4.421(a)(12) The crime constitutes a hate crime under section 422.55 of the Penal Code
- 22 and no hate crime enhancements under section 422.75 of the Penal Code shall be
- 23 imposed and the crime is not subject to sentencing under section 1170.8 of the Penal
- 24 Code.
- 25 4.421(b)(1) The defendant has engaged in violent conduct that indicates a serious danger
- 26 to society.
- 27 4.421(b)(2) The defendant's prior convictions as an adult and sustained petitions in
- 28 juvenile delinquency proceedings are numerous and of increasing seriousness.

1 4.421(b)(3) The defendant has served a prior term in prison and county jail under section  
2 1170(h).

3 4.421(b)(4) The defendant was on probation, mandatory supervision, post release  
4 community supervision, and parole when the crime was committed.

5 4.421(b)(5) The defendant's prior performance on probation, mandatory supervision, post  
6 release community supervision, and parole was unsatisfactory.

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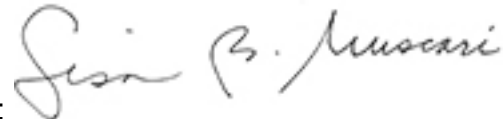
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1 Contrary to the form, force and effect of that statute in such cases made and  
2 provided and against the peace and dignity of the people of the State of California.

3 Dated: April 17, 2024

4 DAN DOW  
5 DISTRICT ATTORNEY

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8 By: \_\_\_\_\_  
9 LISA B MUSCARI  
10 CHIEF DEPUTY DISTRICT ATTORNEY

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SUMMARY PAGE					
Cnt	Charge	Range	Defendant(s)	Special Allegation	Effect
1	PC289(j) PC1203.066(a)(8)	3-6-8 State Prison	Noe Arce		
2	PC288(a)	3-6-8 State Prison	Noe Arce		
3	PC288(a)	3-6-8 State Prison	Noe Arce		
4	PC288(a)	3-6-8 State Prison	Noe Arce		
6	EC1108	Not Applicable	Noe Arce		