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2 STATE BAR #237986
COUNTY OF SAN LUIS OBISPO
3 COURTHOUSE ANNEX, 4TH FLOOR
SAN LUIS OBISPO, CA 93408
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5 DEPUTY DISTRICT ATTORNEY
STATE BAR #254259

SAN LUIS OBISPO SUPERIOR COURT
By: M. Goossens,
Deputy Clerk

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10 SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN LUIS OBISPO
DEPARTMENT 6

11
12 THE PEOPLE OF THE STATE OF
13 CALIFORNIA

Plaintiff,

COURT CASE NO. 23F-00265
INFORMATION

14 vs.

15 **NATHAN DANIEL ABATE**
16 DOB: 06/23/1988
ID NO. D000354884
17 CII: A30438590
AKA NATHAN DANIEL ABATE

DA CASE NO. 079-684006

18
19 Defendant.

Appearance Date: September 7,
2023

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

23 Count 1

24 On or between June 1, 2012 and August 31, 2012, in the County of San Luis Obispo,
25 State of California, the crime of Forcible Rape in violation of Penal Code section 261(a)(2),
26 a FELONY was committed in that NATHAN DANIEL ABATE did unlawfully have and
27 accomplish an act of sexual intercourse with a person, to wit, Jane Doe #1, not his/her
28

1 spouse, against said person's will, by means of force, violence, duress, menace and fear
2 of immediate and unlawful bodily injury on said person and another.

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

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

8 NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
9 1192.7(c) and a violent felony within the meaning of Penal Code Section 667.5(c)

10 NOTICE: Penal Code 1203.065(a) prohibits the grant of probation or suspension of
11 imposition of sentence for this offense.

12 **Count 2**

13 On or between January 1, 2009 and December 21, 2010, in the County of San Luis
14 Obispo, State of California, the crime of Forcible Rape in violation of Penal Code section
15 261(a)(2), a FELONY, was committed in that NATHAN DANIEL ABATE did unlawfully
16 have and accomplish an act of sexual intercourse with a person, to wit, Jane Doe #2, not
17 his/her spouse, against said person's will, by means of force, violence, duress, menace
18 and fear of immediate and unlawful bodily injury on said person and another.

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

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

24 NOTICE: The above offense is a serious felony within the meaning of Penal Code Section
25 1192.7(c) and a violent felony within the meaning of Penal Code Section 667.5(c)

26 NOTICE: Penal Code 1203.065(a) prohibits the grant of probation or suspension of
27 imposition of sentence for this offense.

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Count 3

On or between January 1, 2009 and December 31, 2010, in the County of San Luis Obispo, State of California, the crime of Rape By Use Of Drugs in violation of Penal Code section 261(a)(3), a FELONY, was committed in that NATHAN DANIEL ABATE did unlawfully have and accomplish an act of sexual intercourse with a person, to wit, Jane Doe #2, not his/her spouse, where said person was prevented from resisting by an intoxicating, anesthetic, and controlled substance, and this condition was known, and reasonably should have been known by the defendant.

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.

NOTICE: Penal Code 1203.065(a) prohibits the grant of probation or suspension of imposition of sentence for this offense.

Count 4

On or between August 16, 2008 and June 30, 2009, in the County of San Luis Obispo, State of California, the crime of Oral Copulation Of A Person Under 18 in violation of Penal Code section 288a(b)(1), a FELONY, was committed in that NATHAN DANIEL ABATE did unlawfully participate in an act of oral copulation with Jane Doe #3, a person under the age of eighteen years.

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

6 NOTICE: Being charged with this criminal offense can result in mandatory pre-conviction
7 HIV/AIDS testing and disclosure of the results to a victim and the Chief Medical Officer of
8 the jail or prison facility where you are incarcerated pursuant to Penal Code Section
9 1524.1 and Health and Safety Code section 121055 following a probable cause hearing
10 resulting in a court order.

11
12 The People hereby give notice of the People's intent to admit evidence of prior sexual acts
13 pursuant to Evidence Code section 1108. These incidents include the prior incident(s)
14 described in the police report, chronological report, and/or tapes already provided, and
15 other alleged incidents of abuse, which will be provided as they are obtained by the
16 prosecution.

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

21 4.421(a)(1) The crime involved great violence, great bodily harm, threat of great bodily
22 harm, and other acts disclosing a high degree of cruelty, viciousness and callousness.

23 4.421(a)(2) The defendant was armed with or used a weapon at the time of the
24 commission of the crime.

25 4.421(a)(3) The victim was particularly vulnerable.

26 4.421(a)(4) The defendant induced others to participate in the commission of the crime
27 and occupied a position of leadership and dominance of other participants in its
28 commission.

1 4.421(a)(5) The defendant induced a minor to commit and assist in the commission of the
2 crime.

3 4.421(a)(6) The defendant threatened witnesses, unlawfully prevented and dissuaded
4 witnesses from testifying, suborned perjury, and in any other way illegally interfered with
5 the judicial process.

6 4.421(a)(7) The defendant is charged with other crimes for which consecutive sentences
7 can be imposed but for which concurrent sentences shall be imposed.

8 4.421(a)(8) The manner in which the crime was carried out indicates planning,
9 sophistication, and professionalism.

10 4.421(a)(9) The crime involved an attempted or actual taking or damage of great monetary
11 value.

12 4.421(a)(10) The crime involved a large quantity of contraband.

13 4.421(a)(11) The defendant took advantage of a position of trust and confidence to commit
14 the offense.

15 4.421(a)(12) The crime constitutes a hate crime under section 422.55 of the Penal Code
16 and no hate crime enhancements under section 422.75 of the Penal Code shall be
17 imposed and the crime is not subject to sentencing under section 1170.8 of the Penal
18 Code.

19 4.421(b)(1) The defendant has engaged in violent conduct that indicates a serious danger
20 to society.

21 4.421(b)(2) The defendant's prior convictions as an adult and sustained petitions in
22 juvenile delinquency proceedings are numerous and of increasing seriousness.

23 4.421(b)(3) The defendant has served a prior term in prison and county jail under section
24 1170(h).

25 4.421(b)(4) The defendant was on probation, mandatory supervision, post release
26 community supervision, and parole when the crime was committed.

27 4.421(b)(5) The defendant's prior performance on probation, mandatory supervision, post
28 release community supervision, and parole was unsatisfactory.

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: August 31, 2023

4 DAN DOW
5 DISTRICT ATTORNEY

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10 KIMBERLY DITTRICH
11 DEPUTY DISTRICT ATTORNEY

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SUMMARY PAGE

Cnt	Charge	Range	Defendant(s)	Special Allegation	Effect
1	PC261(a)(2)		Nathan Daniel Abate		
2	PC261(a)(2)		Nathan Daniel Abate		
3	PC261(a)(3)		Nathan Daniel Abate		
4	PC288A(b)(1)		Nathan Daniel Abate		