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DEC 04 2007

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN DIEGO

THE PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff,

v.

No:

COMPLAINT

00210415

TERRANCE TREMOIN MALONE (11/9/75),
VAREE DANIELLE HAYES-MALONE (11/9/75)
Defendants

COUNT 1

The Attorney General of the State of California, by this complaint, accuses that defendant(s) **Varee Hayes-Malone and Terrance Malone** did, in the County of San Diego, on or about and between **3/15/2004 and 4/29/07**, did commit a Felony, to wit, **CONSPIRACY TO COMMIT SECOND DEGREE COMMERCIAL BURGLARY**, a violation of **Section 182/459** of the Penal Code of the State of California, in that defendant(s) did unlawfully conspire together and with another person or persons whose identities are known and unknown to commit the crime of Second Degree Commercial Burglary, a felony.

It is further alleged that pursuant to and for the purpose of carrying out the objects of this conspiracy, the defendants and other conspirators committed the following overt act and acts in San Diego County:

Overt Act Number 1:

On 6/4/2004 at 6:21:00 PM, Varee Hayes returned merchandise with a retail value of \$169 at Pottery Barn in UNIVERSITY TOWN CENTER

Overt Act Number 2:

On 6/5/2004 at 4:51:00 PM, Varee Hayes returned merchandise with a retail value of \$249.94 at William Sonoma in SAN DIEGO/FASHION VALLEY

Overt Act Number 3:

On 6/5/2004 at 5:04:00 PM, Varee Hayes returned merchandise with a retail value of \$308 at Pottery Barn in SAN DIEGO/FASHION VLY MALL

Overt Act Number 4:

On 1/14/2005 at 11:33:00 AM, Varee Malone returned merchandise with a retail value of \$487 at Pottery Barn in SAN DIEGO/FASHION VLY MALL

Overt Act Number 5:

On 1/14/2005 at 2:23:00 PM, Varee Malone returned merchandise with a retail value of \$428 at Pottery Barn in UNIVERSITY TOWN CENTER

Overt Act Number 6:

On 1/14/2005 at 2:54:00 PM, Varee Malone returned merchandise with a retail value of \$245 at William Sonoma in UNIVERSITY TOWN CENTER

Overt Act Number 7:

On 5/25/2005 at 7:37:00 PM, Varee Hayes returned merchandise with a retail value of \$864 at Pottery Barn in UNIVERSITY TOWN CENTER

Overt Act Number 8:

On 5/25/2005 at 8:01:00 PM, Varee Hayes returned merchandise with a retail value of \$129.99 at Pottery Barn Kids in UNIVERSITY TOWN CENTER

Overt Act Number 9:

On 5/25/2005 at 8:44:00 PM, Terrance Malone returned merchandise with a retail value of \$252 at William Sonoma in SAN DIEGO/FASHION VALLEY

Overt Act Number 10:

On 5/25/2005 at 8:53:00 PM, Varee Hayes returned merchandise with a retail value of \$428 at Pottery Barn in SAN DIEGO/FASHION VLY MALL

Overt Act Number 11:

On 12/4/2005 at 1:57:00 PM, Varee Malone returned merchandise with a retail value of \$149.99 at William Sonoma in SAN DIEGO/FASHION VALLEY

Overt Act Number 12:

On 12/4/2005 at 2:10:00 PM, Varee Malone returned merchandise with a retail value of

1 \$656 at Pottery Barn in FASHION VALLEY MALL

2 **Overt Act Number 13:**

3 On 12/4/2005 at 3:10:00 PM, Varee Malone returned merchandise with a retail value of
4 \$577 at Pottery Barn in UNIVERSITY TOWN CENTER

5 **Overt Act Number 14:**

6 On 12/4/2005 at 4:04:00 PM, Varee Malone returned merchandise with a retail value of
7 \$219.94 at William Sonoma in UNIVERSITY TOWN CENTER

8 **COUNT 2**

9 The Attorney General of the State of California, by this information, accuses that
10 defendant(s) **Varee Hayes-Malone and Terrance Malone** did, in the County of San Diego, on
11 or about **6/4/2004 at 6:21:00 PM**, commit a Felony, to wit, **SECOND DEGREE**
12 **COMMERCIAL BURGLARY**, a violation of **Section 459** of the Penal Code of the State of
13 California, in that defendant(s) did unlawfully enter a commercial building, Pottery Barn in
14 UNIVERSITY TOWN CENTER, with the intent to commit larceny and a felony.

15 **COUNT 3**

16 The Attorney General of the State of California, by this information, accuses that
17 defendant(s) **Varee Hayes-Malone and Terrance Malone** did, in the County of San Diego, on
18 or about **6/5/2004 at 5:04:00 PM**, commit a Felony, to wit, **SECOND DEGREE**
19 **COMMERCIAL BURGLARY**, a violation of **Section 459** of the Penal Code of the State of
20 California, in that defendant(s) did unlawfully enter a commercial building, Pottery Barn in SAN
21 DIEGO/FASHION VLY MALL, with the intent to commit larceny and a felony.

22 **COUNT 4**

23 The Attorney General of the State of California, by this information, accuses that
24 defendant(s) **Varee Hayes-Malone and Terrance Malone** did, in the County of San Diego, on
25 or about **1/14/2005 at 11:33:00 AM**, commit a Felony, to wit, **SECOND DEGREE**
26 **COMMERCIAL BURGLARY**, a violation of **Section 459** of the Penal Code of the State of
27 California, in that defendant(s) did unlawfully enter a commercial building, Pottery Barn in SAN
28 DIEGO/FASHION VLY MALL, with the intent to commit larceny and a felony.

COUNT 5

The Attorney General of the State of California, by this information, accuses that
defendant(s) **Varee Hayes-Malone and Terrance Malone** did, in the County of San Diego, on
or about **1/14/2005 at 2:23:00 PM**, commit a Felony, to wit, **SECOND DEGREE**
COMMERCIAL BURGLARY, a violation of **Section 459** of the Penal Code of the State of
California, in that defendant(s) did unlawfully enter a commercial building, Pottery Barn in
UNIVERSITY TOWN CENTER, with the intent to commit larceny and a felony.

COUNT 6

The Attorney General of the State of California, by this information, accuses that
defendant(s) **Varee Hayes-Malone and Terrance Malone** did, in the County of San Diego, on
or about **5/25/2005 at 7:37:00 PM**, commit a Felony, to wit, **SECOND DEGREE**

1 **COMMERCIAL BURGLARY**, a violation of **Section 459** of the Penal Code of the State of
2 California, in that defendant(s) did unlawfully enter a commercial building, Pottery Barn in
UNIVERSITY TOWN CENTER, with the intent to commit larceny and a felony.

3 **COUNT 7**

4 The Attorney General of the State of California, by this information, accuses that
5 defendant(s) **Varee Hayes-Malone and Terrance Malone** did, in the County of San Diego, on
or about **5/25/2005 at 8:53:00 PM**, commit a Felony, to wit, **SECOND DEGREE**
6 **COMMERCIAL BURGLARY**, a violation of **Section 459** of the Penal Code of the State of
California, in that defendant(s) did unlawfully enter a commercial building, Pottery Barn in SAN
DIEGO/FASHION VLY MALL, with the intent to commit larceny and a felony.

7 **COUNT 8**

8 The Attorney General of the State of California, by this information, accuses that
9 defendant(s) **Varee Hayes-Malone and Terrance Malone** did, in the County of San Diego, on
or about **12/4/2005 at 2:10:00 PM**, commit a Felony, to wit, **SECOND DEGREE**
10 **COMMERCIAL BURGLARY**, a violation of **Section 459** of the Penal Code of the State of
11 California, in that defendant(s) did unlawfully enter a commercial building, Pottery Barn in
FASHION VALLEY MALL, with the intent to commit larceny and a felony.

12 **COUNT 9**

13 The Attorney General of the State of California, by this information, accuses that
14 defendant(s) **Varee Hayes-Malone and Terrance Malone** did, in the County of San Diego, on
or about **12/4/2005 at 3:10:00 PM**, commit a Felony, to wit, **SECOND DEGREE**
15 **COMMERCIAL BURGLARY**, a violation of **Section 459** of the Penal Code of the State of
16 California, in that defendant(s) did unlawfully enter a commercial building, Pottery Barn in
UNIVERSITY TOWN CENTER, with the intent to commit larceny and a felony.

17 **COUNT 10**

18 The Attorney General of the State of California, by this information, accuses that
19 defendant(s) **Varee Hayes-Malone and Terrance Malone** did, in the County of San Diego, on
or about **5/25/2005 at 8:01:00 PM**, commit a Felony, to wit, **SECOND DEGREE**
20 **COMMERCIAL BURGLARY**, a violation of **Section 459** of the Penal Code of the State of
21 California, in that defendant(s) did unlawfully enter a commercial building, Pottery Barn Kids in
UNIVERSITY TOWN CENTER, with the intent to commit larceny and a felony.

22 **COUNT 11**

23 The Attorney General of the State of California, by this information, accuses that
24 defendant(s) **Varee Hayes-Malone and Terrance Malone** did, in the County of San Diego, on
or about **12/4/2005 at 3:53:00 PM**, commit a Felony, to wit, **SECOND DEGREE**
25 **COMMERCIAL BURGLARY**, a violation of **Section 459** of the Penal Code of the State of
26 California, in that defendant(s) did unlawfully enter a commercial building, Pottery Barn Kids in
UNIVERSITY TOWN CENTER, with the intent to commit larceny and a felony.

27 **COUNT 12**

28 The Attorney General of the State of California, by this information, accuses that

1 defendant(s) **Varee Hayes-Malone and Terrance Malone** did, in the County of San Diego, on
2 or about **6/4/2004 at 6:50:00 PM**, commit a Felony, to wit, **SECOND DEGREE**
3 **COMMERCIAL BURGLARY**, a violation of **Section 459** of the Penal Code of the State of
California, in that defendant(s) did unlawfully enter a commercial building, William Sonoma in
UNIVERSITY TOWN CENTER, with the intent to commit larceny and a felony.

4 **COUNT 13**

5 The Attorney General of the State of California, by this information, accuses that
6 defendant(s) **Varee Hayes-Malone and Terrance Malone** did, in the County of San Diego, on
or about **6/5/2004 at 4:51:00 PM**, commit a Felony, to wit, **SECOND DEGREE**
7 **COMMERCIAL BURGLARY**, a violation of **Section 459** of the Penal Code of the State of
California, in that defendant(s) did unlawfully enter a commercial building, William Sonoma in
8 SAN DIEGO/FASHION VALLEY, with the intent to commit larceny and a felony.

9 **COUNT 14**

10 The Attorney General of the State of California, by this information, accuses that
defendant(s) **Varee Hayes-Malone and Terrance Malone** did, in the County of San Diego, on
11 or about **1/14/2005 at 11:24:00 AM**, commit a Felony, to wit, **SECOND DEGREE**
12 **COMMERCIAL BURGLARY**, a violation of **Section 459** of the Penal Code of the State of
California, in that defendant(s) did unlawfully enter a commercial building, William Sonoma in
SAN DIEGO/FASHION VALLEY, with the intent to commit larceny and a felony.

13 **COUNT 15**

14 The Attorney General of the State of California, by this information, accuses that
15 defendant(s) **Varee Hayes-Malone and Terrance Malone** did, in the County of San Diego, on
or about **1/14/2005 at 2:54:00 PM**, commit a Felony, to wit, **SECOND DEGREE**
16 **COMMERCIAL BURGLARY**, a violation of **Section 459** of the Penal Code of the State of
California, in that defendant(s) did unlawfully enter a commercial building, William Sonoma in
17 UNIVERSITY TOWN CENTER, with the intent to commit larceny and a felony.

18 **COUNT 16**

19 The Attorney General of the State of California, by this information, accuses that
20 defendant(s) **Varee Hayes-Malone and Terrance Malone** did, in the County of San Diego, on
or about **5/25/2005 at 8:13:00 PM**, commit a Felony, to wit, **SECOND DEGREE**
21 **COMMERCIAL BURGLARY**, a violation of **Section 459** of the Penal Code of the State of
California, in that defendant(s) did unlawfully enter a commercial building, William Sonoma in
22 UNIVERSITY TOWN CENTER, with the intent to commit larceny and a felony.

23 **COUNT 17**

24 The Attorney General of the State of California, by this information, accuses that
25 defendant(s) **Varee Hayes-Malone and Terrance Malone** did, in the County of San Diego, on
or about **5/25/2005 at 8:44:00 PM**, commit a Felony, to wit, **SECOND DEGREE**
26 **COMMERCIAL BURGLARY**, a violation of **Section 459** of the Penal Code of the State of
California, in that defendant(s) did unlawfully enter a commercial building, William Sonoma in
27 SAN DIEGO/FASHION VALLEY, with the intent to commit larceny and a felony.

28 **COUNT 18**

1 The Attorney General of the State of California, by this information, accuses that
2 defendant(s) **Varee Hayes-Malone and Terrance Malone** did, in the County of San Diego, on
3 or about **12/4/2005 at 1:57:00 PM**, commit a Felony, to wit, **SECOND DEGREE**
4 **COMMERCIAL BURGLARY**, a violation of **Section 459** of the Penal Code of the State of
California, in that defendant(s) did unlawfully enter a commercial building, William Sonoma in
SAN DIEGO/FASHION VALLEY, with the intent to commit larceny and a felony.

5 **COUNT 19**

6 The Attorney General of the State of California, by this information, accuses that
7 defendant(s) **Varee Hayes-Malone and Terrance Malone** did, in the County of San Diego, on
8 or about **12/4/2005 at 4:04:00 PM**, commit a Felony, to wit, **SECOND DEGREE**
9 **COMMERCIAL BURGLARY**, a violation of **Section 459** of the Penal Code of the State of
California, in that defendant(s) did unlawfully enter a commercial building, William Sonoma in
UNIVERSITY TOWN CENTER, with the intent to commit larceny and a felony.

10 **COUNT 20**

11 The Attorney General of the State of California, by this information, accuses that
12 defendant(s) **Varee Hayes-Malone and Terrance Malone** did, in the County of San Diego, on
13 or about **4/27/2007 at 1:29:00 PM**, commit a Felony, to wit, **SECOND DEGREE**
14 **COMMERCIAL BURGLARY**, a violation of **Section 459** of the Penal Code of the State of
California, in that defendant(s) did unlawfully enter a commercial building, William Sonoma in
UNIVERSITY TOWN CENTER, with the intent to commit larceny and a felony.

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16 **COUNT 21**

17 The Attorney General of the State of California, by this information, accuses that
18 defendant(s) **Varee Hayes-Malone and Terrance Malone** did, pursuant to Penal Code section
19 781, committed the offenses in part in the Counties of San Diego and Orange on or about and
20 between 3/19/2004 and 4/27/2007, commit a Felony, to wit, **SECOND DEGREE**
21 **COMMERCIAL BURGLARY**, a violation of **Section 459** of the Penal Code of the State of
California, in that defendant(s) did unlawfully enter a commercial buildings occupied by Pottery
Barn, Pottery Barn Kids, and William Sonoma, with the intent to commit larceny and a felony.

22 **COUNT 22**

23 The Attorney General of the State of California, by this information, accuses that
24 defendant(s) **Varee Hayes-Malone and Terrance Malone** did, pursuant to Penal Code section
25 781, committed the offenses in part in the Counties of San Diego and Santa Clara on or about
26 and between 3/17/2004 and 12/13/2005, commit a Felony, to wit, **SECOND DEGREE**
COMMERCIAL BURGLARY, a violation of **Section 459** of the Penal Code of the State of
California, in that defendant(s) did unlawfully enter a commercial buildings occupied by Pottery
Barn, Pottery Barn Kids, and William Sonoma, with the intent to commit larceny and a felony.

27 **COUNT 23**

28 The Attorney General of the State of California, by this information, accuses that

1 defendant(s) **Varee Hayes-Malone and Terrance Malone** did, pursuant to Penal Code section
2 781, committed the offenses in part in the Counties of San Diego and Alameda on or about and
3 between 3/18/2004 and 12/22/2004, commit a Felony, to wit, **SECOND DEGREE**
4 **COMMERCIAL BURGLARY**, a violation of **Section 459** of the Penal Code of the State of
5 California, in that defendant(s) did unlawfully enter a commercial buildings occupied by Pottery
6 Barn, Pottery Barn Kids, and William Sonoma, with the intent to commit larceny and a felony.

7 **COUNT 24**

8 The Attorney General of the State of California, by this information, accuses that
9 defendant(s) **Varee Hayes-Malone and Terrance Malone** did, pursuant to Penal Code section
10 781, committed the offenses in part in the Counties of San Diego and Contra Costa on or about
11 and between 12/23/2004 and 12/28/2006, commit a Felony, to wit, **SECOND DEGREE**
12 **COMMERCIAL BURGLARY**, a violation of **Section 459** of the Penal Code of the State of
13 California, in that defendant(s) did unlawfully enter a commercial buildings occupied by Pottery
14 Barn, Pottery Barn Kids, and William Sonoma, with the intent to commit larceny and a felony.

15 **COUNT 25**

16 The Attorney General of the State of California, by this information, accuses that
17 defendant(s) **Varee Hayes-Malone and Terrance Malone** did, pursuant to Penal Code section
18 781, committed the offenses in part in the Counties of San Diego and Los Angeles on or about
19 and between 3/15/2004 and 4/29/2007, commit a Felony, to wit, **SECOND DEGREE**
20 **COMMERCIAL BURGLARY**, a violation of **Section 459** of the Penal Code of the State of
21 California, in that defendant(s) did unlawfully enter a commercial buildings occupied by Pottery
22 Barn, Pottery Barn Kids, and William Sonoma, with the intent to commit larceny and a felony.

23 **COUNT 26**

24 The Attorney General of the State of California, by this information, accuses that
25 defendant(s) **Varee Hayes-Malone and Terrance Malone** did, pursuant to Penal Code section
26 781, committed the offenses in part in the Counties of San Diego and Marin on or about and
27 between 3/18/2004 and 2/24/2007, commit a Felony, to wit, **SECOND DEGREE**
28 **COMMERCIAL BURGLARY**, a violation of **Section 459** of the Penal Code of the State of
California, in that defendant(s) did unlawfully enter a commercial buildings occupied by Pottery
Barn, Pottery Barn Kids, and William Sonoma, with the intent to commit larceny and a felony.

COUNT 27

The Attorney General of the State of California, by this information, accuses that
defendant(s) **Varee Hayes-Malone and Terrance Malone** did, pursuant to Penal Code section
781, committed the offenses in part in the Counties of San Diego and Placer on or about and
between 5/29/2004 and 2/24/2007, commit a Felony, to wit, **SECOND DEGREE**
COMMERCIAL BURGLARY, a violation of **Section 459** of the Penal Code of the State of
California, in that defendant(s) did unlawfully enter a commercial buildings occupied by Pottery
Barn, Pottery Barn Kids, and William Sonoma, with the intent to commit larceny and a felony.

COUNT 28

The Attorney General of the State of California, by this information, accuses that
defendant(s) **Varee Hayes-Malone and Terrance Malone** did, pursuant to Penal Code section

781, committed the offenses in part in the Counties of San Diego and Riverside on or about and between 12/5/2005 and 12/5/2005, commit a Felony, to wit, **SECOND DEGREE COMMERCIAL BURGLARY**, a violation of **Section 459** of the Penal Code of the State of California, in that defendant(s) did unlawfully enter a commercial buildings occupied by Pottery Barn, Pottery Barn Kids, and William Sonoma, with the intent to commit larceny and a felony.

COUNT 29

The Attorney General of the State of California, by this information, accuses that defendant(s) **Varee Hayes-Malone and Terrance Malone** did, pursuant to Penal Code section 781, committed the offenses in part in the Counties of San Diego and Sacramento on or about and between 7/6/2005 and 2/24/2007, commit a Felony, to wit, **SECOND DEGREE COMMERCIAL BURGLARY**, a violation of **Section 459** of the Penal Code of the State of California, in that defendant(s) did unlawfully enter a commercial buildings occupied by Pottery Barn, Pottery Barn Kids, and William Sonoma, with the intent to commit larceny and a felony.

COUNT 30

The Attorney General of the State of California, by this information, accuses that defendant(s) **Varee Hayes-Malone and Terrance Malone** did, pursuant to Penal Code section 781, committed the offenses in part in the Counties of San Diego and San Bernardino on or about and between 12/23/2005 and 12/23/2005, commit a Felony, to wit, **SECOND DEGREE COMMERCIAL BURGLARY**, a violation of **Section 459** of the Penal Code of the State of California, in that defendant(s) did unlawfully enter a commercial buildings occupied by Pottery Barn, Pottery Barn Kids, and William Sonoma, with the intent to commit larceny and a felony.

COUNT 31

The Attorney General of the State of California, by this information, accuses that defendant(s) **Varee Hayes-Malone and Terrance Malone** did, pursuant to Penal Code section 781, committed the offenses in part in the Counties of San Diego and San Francisco on or about and between 3/18/2004 and 2/24/2007, commit a Felony, to wit, **SECOND DEGREE COMMERCIAL BURGLARY**, a violation of **Section 459** of the Penal Code of the State of California, in that defendant(s) did unlawfully enter a commercial buildings occupied by Pottery Barn, Pottery Barn Kids, and William Sonoma, with the intent to commit larceny and a felony.

COUNT 32

The Attorney General of the State of California, by this information, accuses that defendant(s) **Varee Hayes-Malone and Terrance Malone** did, pursuant to Penal Code section 781, committed the offenses in part in the Counties of San Diego and San Luis Obispo on or about and between 7/8/2005 and 2/25/2007, commit a Felony, to wit, **SECOND DEGREE COMMERCIAL BURGLARY**, a violation of **Section 459** of the Penal Code of the State of California, in that defendant(s) did unlawfully enter a commercial buildings occupied by Pottery Barn, Pottery Barn Kids, and William Sonoma, with the intent to commit larceny and a felony.

COUNT 33

The Attorney General of the State of California, by this information, accuses that defendant(s) **Varee Hayes-Malone and Terrance Malone** did, pursuant to Penal Code section 781, committed the offenses in part in the Counties of San Diego and San Mateo on or about and

1 between 3/17/2004 and 12/29/2006, commit a Felony, to wit, **SECOND DEGREE**
2 **COMMERCIAL BURGLARY**, a violation of **Section 459** of the Penal Code of the State of
3 California, in that defendant(s) did unlawfully enter a commercial buildings occupied by Pottery
4 Barn, Pottery Barn Kids, and William Sonoma, with the intent to commit larceny and a felony.

5 **COUNT 34**

6 The Attorney General of the State of California, by this information, accuses that
7 defendant(s) **Varee Hayes-Malone and Terrance Malone** did, pursuant to Penal Code section
8 781, committed the offenses in part in the Counties of San Diego and Santa Barbara on or about
9 and between 3/16/2004 and 2/25/2007, commit a Felony, to wit, **SECOND DEGREE**
10 **COMMERCIAL BURGLARY**, a violation of **Section 459** of the Penal Code of the State of
11 California, in that defendant(s) did unlawfully enter a commercial buildings occupied by Pottery
12 Barn, Pottery Barn Kids, and William Sonoma, with the intent to commit larceny and a felony.

13 **COUNT 35**

14 The Attorney General of the State of California, by this information, accuses that
15 defendant(s) **Varee Hayes-Malone and Terrance Malone** did, pursuant to Penal Code section
16 781, committed the offenses in part in the Counties of San Diego and Ventura on or about and
17 between 3/19/2004 and 4/28/2007, commit a Felony, to wit, **SECOND DEGREE**
18 **COMMERCIAL BURGLARY**, a violation of **Section 459** of the Penal Code of the State of
19 California, in that defendant(s) did unlawfully enter a commercial buildings occupied by Pottery
20 Barn, Pottery Barn Kids, and William Sonoma, with the intent to commit larceny and a felony.

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22 Respectfully submitted,
23 EDMUND G. BROWN JR.
24 Attorney General of the State of California
25 DANE GILLETTE
26 Chief Assistant Attorney General
27 MARK O. GEIGER
28 Senior Assistant Attorney General

KEITH LYON
Deputy Attorney General
Attorneys for The People