

1 VERN R. PIERSON
2 El Dorado County District Attorney
3 State Bar #152268
4 778 Pacific Street
5 Placerville, CA 95667
6 Phone: (530) 621-6472
7 Fax: (530) 621-1280

8 Attorney for Plaintiff

EL DORADO CO. SUPERIOR CT.

FILED DEC 09 2021

BY  Deputy

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 IN AND FOR THE COUNTY OF EL DORADO

11 THE PEOPLE OF THE
12 STATE OF CALIFORNIA,

13 Plaintiff,

14 -vs-

15 TRAVIS SHANE SMITH AND
16 DAVID SCOTT SMITH,

17 Defendants.
18 _____ /

DOCKET #: 21CR0284
DA #: 0245847

CRIMINAL COMPLAINT

AGENCY REPORT #:
USDA FS 21-05-MBGZ0F1

19 The District Attorney of El Dorado County, based upon information and belief, hereby alleges:
20

21 **COUNT 1: PC 452(a) (Felony)**

22 On or about August 14, 2021, in the County of El Dorado, State of California, the crime
23 of Recklessly Causing A Fire With Great Bodily Injury in violation of PC 452(a), a Felony, was
24 committed in that TRAVIS SHANE SMITH AND DAVID SCOTT SMITH did unlawfully and
25 recklessly set fire to and burn and cause to be burned a structure, forest land, or personal
26 property and did cause great bodily injury to Richard G., Brian T., and Shaogui Z. (2,4,6)
27

1 **COUNT 2: PC 452(b) (Felony)**

2 On or about August 14, 2021, in the County of El Dorado, State of California, the crime
3 of Recklessly Causing Fire To Inhabited Structure in violation of PC 452(b), a Felony, was
4 committed in that TRAVIS SHANE SMITH AND DAVID SCOTT SMITH did unlawfully and
5 recklessly set fire to and burn and cause to be burned an inhabited structure and inhabited
6 property located within unincorporated El Dorado County. (2,3,4)

7 **COUNT 3: PC 452(c) (Felony)**

8 On or about August 14, 2021, in the County of El Dorado, State of California, the crime
9 of Recklessly Causing A Fire Of A Structure Or Forest Land in violation of PC 452(c), a Felony,
10 was committed in that TRAVIS SHANE SMITH AND DAVID SCOTT SMITH did unlawfully
11 and recklessly set fire to and burn and cause to be burned a structure and forest land located
12 within unincorporated El Dorado County. (16,2,3)

13 **ENHANCEMENT 1**

14 PC 452.1(a)(2): Special Allegation - Aggravating Factors

15 As to Counts 1-3, it is further alleged, pursuant to Penal Code section 452.1(a)(2), that a
16 firefighter, peace officer, or other emergency personnel suffered great bodily injury as a result of
17 the offense. (1,2,3)

18 **ENHANCEMENT 2**

19 PC 452.1(a)(3): Special Allegation - Aggravating Factors

20 As to Counts 1-3, it is further alleged, pursuant to Penal Code section 452.1(a)(3), that
21 the defendants proximately caused great bodily injury to more than one victim in a single
22 violation of PC 452. (1,2,3)

23 **ENHANCEMENT 3**

24 PC 452.1(a)(4): Special Allegation - Aggravating Factors

25 As to Counts 1-3, it is further alleged, pursuant to Penal Code section 452.1(a)(4), that
26 the defendants proximately caused multiple structures to burn in a single violation of PC 452.
27 (1,2,3)

28 **ENHANCEMENT 4**

PC 454(a)(2): Special Allegation - State of Emergency

As to Counts 1-3, it is further alleged, pursuant to Penal Code section PC 454(a)(2), that

1 the above offense was committed during and within an area proclaimed by the Governor to be a
2 state of emergency pursuant to Section 8625 of the Government Code within the meaning of
3 Penal Code Section 454(a)(2), to wit: 5/10/2021 proclamation of state of emergency due to
4 drought conditions in El Dorado County.

5 **COUNT 4: PC 32625(b) (Felony)**

6 On or about and between August 9, 2021 and August 14, 2021, in the County of
7 Sacramento, State of California, the crime of Machine Gun Conversion in violation of PC
8 32625(b), a Felony, was committed in that TRAVIS SHANE SMITH did unlawfully and
9 intentionally convert a firearm into a machine gun or knowingly manufacture a machine gun.
10 (4,6,8) It is further alleged that El Dorado County has jurisdiction of the above offense
11 pursuant to Penal Code section 781.

12 **COUNT 5: PC 33410 (Felony)**

13 On or about and between August 11, 2021 and September 23, 2021 in the County of El
14 Dorado, State of California, the crime of Possession of a Silencer in violation of PC 33410, a
15 Felony, was committed in that TRAVIS SHANE SMITH AND DAVID SCOTT SMITH did
16 unlawfully possess a silencer for firearms. (16,2,3)

17 It is further alleged that probation shall not be granted except in an unusual case where
18 the interests of justice would best be served (Penal Code section 1203(e)(11).)

19 Based upon information and belief, the undersigned certifies in his/her official capacity
20 and under penalty of perjury under the laws of the State of California that the foregoing is true
21 and correct and that this declaration was executed on the date stated below.

22 VERN R. PIERSON
23 District Attorney

24
25 Dated: December 9, 2021

26 By: Nora Hall
27 Nora Hall
28 Deputy District Attorney

1 **LOCATION OF CRIME: UNINCORPORATED**

2 **MARSY'S LAW**

3 Information contained in the reports being distributed as discovery in this case may contain
4 confidential information protected by Marsy's Law and the amendments to the State of California
5 Constitution Section 28. Any victim(s) in any above referenced charge(s) is entitled to be safe and
6 free from intimidation, harassment, and abuse. The defendant(s), defense counsel, and any other
7 person acting on behalf of the defendant(s) is admonished not to use any information contained in
8 the reports to locate or harass any victim or the victim's family and not to disclose any information
9 that is otherwise privileged and confidential by law. Additionally, it is a misdemeanor violation of
10 Penal Code Section 1054.2(a)(3) to disclose the address or telephone number of a victim or witness
11 to a defendant, defendant's family member, or anyone else. Note exceptions provided in Penal Code
§ 1054.2(a)(1) and (a)(2).

12 **PENAL CODE SECTION 1054 NOTICE**

13 **Pursuant to Penal Code §1054.5(b)**, the People are hereby informally requesting that
14 defense counsel provide discovery to the People as required by Penal Code § 1054.3 and pursuant to
15 the provisions of Penal Code § 1054.7.

16 **WARNING: Penal Code § 1054.2** makes it a Misdemeanor Criminal Offense for an
17 attorney receiving discovery to disclose certain confidential information regarding victims and
18 witnesses to defendants and others. Attorneys should review this code section carefully before
19 sharing reports received in discovery with anyone.

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
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18 **ENHANCEMENT 2**

19 PC 452.1(a)(3): Special Allegation - Aggravating Factors

20 As to Counts 1-3, it is further alleged, pursuant to Penal Code section 452.1(a)(3), that
21 the defendants proximately caused great bodily injury to more than one victim in a single
22 violation of PC 452. (1,2,3)

23 **ENHANCEMENT 3**

24 PC 452.1(a)(4): Special Allegation - Aggravating Factors

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22 VERN R. PIERSON
District Attorney

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25 Dated: December 9, 2021

26 By: Nora Hall
Nora Hall
Deputy District Attorney

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