

CASH BOND
RECOMMENDED \$ DEF#1: 8,000.00
ROD PACHECO DEF#2: 800,000.00
DISTRICT ATTORNEY

EXTRADITION
APPROVED/DISAPPROVED
DDA: _____
AGENCY#: R508112001/RSDE

44
DEC 17 2008

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
(Riverside)

DEC 16 2008
RIF 147289
DWS

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

FRANCIS RICHARD KESSLER
DOB: 09/23/1932

SUZANNE KESSLER
DOB: 01/04/1950
AKA: SUZANNE RAMS
AKA: SUZANNE KANDEL

Defendant.

D.A.# 243569
CASE NO.
FELONY COMPLAINT
OTHER - SPS

COUNT 1

The undersigned, under penalty of perjury upon information and belief, declares: That the above named defendants, FRANCIS RICHARD KESSLER and SUZANNE KESSLER, committed a violation of Penal Code section 504, a felony, in that on and between March 17, 2008 and April 2, 2008, in the County of Riverside, State of California, and while employed as a City Council Member with the City of Canyon Lake, they did unlawfully and fraudulently appropriate to a use and purpose not in the due and lawful execution of his trust, property which he had in his possession and under his control by virtue of his trust and did unlawfully secrete said property with a fraudulent intent to appropriate it to such a use and purpose contrary to Penal Code section 487(a), said property being of a value exceeding Four Hundred Dollars (\$400).

It is further alleged that the said embezzlement and defalcation was of the public funds of the City of Canyon Lake within the meaning of Penal Code Section 514.

COUNT 2

That the above named defendants FRANCIS RICHARD KESSLER and SUZANNE KESSLER, committed a violation of Penal Code section 424(a)(1), a felony, in that on or between March 17, 2008, and April 2, 2008, in the County of Riverside, State of California, they being a person described in section 424 charged with the receipt, safekeeping, transfer, and distribution of public moneys, did without authority of law, appropriate the same, and a portion thereof, to personal use and the use of another.

COUNT 3

That the above named defendant SUZANNE KESSLER committed a violation of Penal Code section 487, subdivision (a), a Felony, in that on or about November 1, 2005, in the County of Riverside, State of California, she did wilfully and unlawfully take money and personal property of a value exceeding Four Hundred Dollars (\$400.00), to wit, Money, the property of Robert Hart.

COUNT 4

That the above named defendant SUZANNE KESSLER committed a violation of Penal Code section 487, subdivision (a), a Felony, in that on or about September 12, 2006, in the County of Riverside, State of California, she did wilfully and unlawfully take money and personal property of a value exceeding Four Hundred Dollars (\$400.00), to wit, Money, the property of Robert Hart.

COUNT 5

That the above named defendant SUZANNE KESSLER committed a violation of Penal Code section 487, subdivision (a), a Felony, in that on and between October 1, 2007, and October 6, 2007, in the County of Riverside, State of California, she did wilfully and unlawfully take money and personal property of a value exceeding Four Hundred Dollars (\$400.00), to wit, Money, the property of Robert Hart.

COUNT 6

That the above named defendant SUZANNE KESSLER committed a violation of Penal Code section 487, subdivision (a), a Felony, in that on and between February 9, 2008 and February 11, 2008, in the County of Riverside, State of California, she did wilfully and unlawfully take money and personal property of a value exceeding Four Hundred Dollars (\$400.00), to wit, Money, the property of Robert Hart.

COUNT 7

That the above named defendant SUZANNE KESSLER committed a violation of Penal Code section 487, subdivision (a), a Felony, in that on or about June 5, 2008, in the County of Riverside, State of California, she did wilfully and unlawfully take money and personal property of a value exceeding Four Hundred Dollars (\$400.00), to wit, Money, the property of Robert Hart.

COUNT 8

That the above named defendant SUZANNE KESSLER committed a violation of Penal Code section 476a, a Felony, in that on or about November 30, 2007, in the County of Riverside, State of California, she did wilfully, unlawfully and fraudulently make, draw, utter and deliver to Robert Hart, a check and draft for the payment of money in the sum of Seven Thousand Four Hundred Dollars (\$7,400.00) drawn upon a bank, to wit, Arrowhead Credit Union, knowing at the time of such making, drawing, uttering and delivering, that she had not sufficient funds in, or credit with, said bank to meet the said check and draft and all other checks, drafts and orders upon such funds, then outstanding, in full upon its presentation for payment, the said defendant at all of said times having the intent to cheat and defraud.

COUNT 9

That the above named defendant SUZANNE KESSLER committed a violation of Penal Code section 476a, a Felony, in that on or about January 24, 2008, in the County of Riverside, State of California, she did wilfully, unlawfully and fraudulently make, draw, utter and deliver to Arrowhead Credit Union, a check and draft for the payment of money in the sum of Three Thousand Five Hundred Dollars (\$3,500.00) drawn upon a bank, to wit, Fidelity Investments, knowing at the time of such making, drawing, uttering and delivering, that she had not sufficient funds in, or credit with, said bank to meet the said check and draft and all other checks,

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DISTRICT ATTORNEY

drafts and orders upon such funds, then outstanding, in full upon its presentation for payment, the said defendant at all of said times having the intent to cheat and defraud.

COUNT 10

That the above named defendant SUZANNE KESSLER committed a violation of Penal Code section 476a, a Felony, in that on or about February 26, 2008, in the County of Riverside, State of California, she did wilfully, unlawfully and fraudulently make, draw, utter and deliver to Robert Hart, a check and draft for the payment of money in the sum of Ten Thousand Dollars (\$10,000.00) drawn upon a bank, to wit, Arrowhead Credit Union, knowing at the time of such making, drawing, uttering and delivering, that she had not sufficient funds in, or credit with, said bank to meet the said check and draft and all other checks, drafts and orders upon such funds, then outstanding, in full upon its presentation for payment, the said defendant at all of said times having the intent to cheat and defraud.

COUNT 11

That the above named defendant SUZANNE KESSLER committed a violation of Penal Code section 476a, a Felony, in that on or about May 22, 2008, in the County of Riverside, State of California, she did wilfully, unlawfully and fraudulently make, draw, utter and deliver to Bank of America, a check and draft for the payment of money in the sum of Three Thousand Dollars (\$3,000.00) drawn upon a bank, to wit, Fidelity Investments, knowing at the time of such making, drawing, uttering and delivering, that she had not sufficient funds in, or credit with, said bank to meet the said check and draft and all other checks, drafts and orders upon such funds, then outstanding, in full upon its presentation for payment, the said defendant at all of said times having the intent to cheat and defraud.

COUNT 12

That the above named defendant SUZANNE KESSLER committed a violation of Penal Code section 476a, a Felony, in that on or about May 27, 2008, in the County of Riverside, State of California, she did wilfully, unlawfully and fraudulently make, draw, utter and deliver to NCO Financial, a check and draft for the payment of money in the sum of Fourteen Thousand Six Hundred Ninety-five Dollars and Eighty-one Cents (\$14,695.81) drawn upon a bank, to wit, Bank of America, knowing at the time of such making, drawing, uttering and delivering, that she had not sufficient funds in, or credit with, said bank to meet the said check and draft and all other checks, drafts and orders upon such funds, then outstanding, in full upon its presentation for payment, the said defendant at all of said times having the intent to cheat and defraud.

COUNT 13

That the above named defendant SUZANNE KESSLER committed a violation of Penal Code section 476a, a Felony, in that on or about June 30, 2008, in the County of Riverside, State of California, she did wilfully, unlawfully and fraudulently make, draw, utter and deliver to Wachovia Bank, a check and draft for the payment of money in the sum of Four Thousand Ninety-seven Dollars and Fifty-two Cents (\$4097.52) drawn upon a bank, to wit, Fidelity Investments, knowing at the time of such making, drawing, uttering and delivering, that she had not sufficient funds in, or credit with, said bank to meet the said check and draft and all other checks, drafts and orders upon such funds, then outstanding, in full upon its presentation for payment, the said defendant at all of said times having the intent to cheat and defraud.

COUNT 14

That the above named defendant SUZANNE KESSLER committed a violation of Penal Code section 476a, a Felony, in that on or about June 30, 2008, in the County of Riverside, State of California, she did wilfully, unlawfully and fraudulently make, draw, utter and deliver to Francis Kessler, a check and draft for the payment of money in the sum of One Thousand Six Hundred Dollars (\$1600.00) drawn upon a bank, to wit, Fidelity Investments, knowing at the time of such making, drawing, uttering and delivering, that she had not sufficient funds in, or credit with, said bank to meet the said check and draft and all other checks, drafts and orders upon such funds, then outstanding, in full upon its presentation for payment, the said defendant at all of said times having the intent to cheat and defraud.

COUNT 15

That the above named defendant SUZANNE KESSLER committed a violation of Penal Code section 476a, a Felony, in that on or about July 11, 2008, in the County of Riverside, State of California, she did wilfully, unlawfully and fraudulently make, draw, utter and deliver to Bank of America, a check and draft for the payment of money in the sum of One Thousand Two Hundred Dollars (\$1,200.00) drawn upon a bank, to wit, Fidelity Investments, knowing at the time of such making, drawing, uttering and delivering, that she had not sufficient funds in, or credit with, said bank to meet the said check and draft and all other checks, drafts and orders upon such funds, then outstanding, in full upon its presentation for payment, the said defendant at all of said times having the intent to cheat and defraud.

COUNT 16

That the above named defendant SUZANNE KESSLER committed a violation of Penal Code section 476a, a Felony, in that on or about July 30, 2008, in the County of Riverside, State of California, she did wilfully, unlawfully and fraudulently make, draw, utter and deliver to Wachovia Bank, a check and draft for the payment of money in the sum of Three Thousand Nine Hundred Twelve Dollars and Thirteen Cents (\$3,912.13) drawn upon a bank, to wit, Fidelity Investments, knowing at the time of such making, drawing, uttering and delivering, that she had not sufficient funds in, or credit with, said bank to meet the said check and draft and all other checks, drafts and orders upon such funds, then outstanding, in full upon its presentation for payment, the said defendant at all of said times having the intent to cheat and defraud.

COUNT 17

That the above named defendant SUZANNE KESSLER committed a violation of Penal Code section 476a, a Felony, in that on or about August 4, 2008, in the County of Riverside, State of California, she did wilfully, unlawfully and fraudulently make, draw, utter and deliver to Lenore Stockton, a check and draft for the payment of money in the sum of Twenty-three Thousand Dollars (\$23,000.00) drawn upon a bank, to wit, Fidelity Investments, knowing at the time of such making, drawing, uttering and delivering, that she had not sufficient funds in, or credit with, said bank to meet the said check and draft and all other checks, drafts and orders upon such funds, then outstanding, in full upon its presentation for payment, the said defendant at all of said times having the intent to cheat and defraud.

COUNT 18

That the above named defendant SUZANNE KESSLER committed a violation of Penal Code section 476a, a Felony, in that on or about August 5, 2008, in the County of Riverside, State of California, she did

wilfully, unlawfully and fraudulently make, draw, utter and deliver to Gordon Hanshaw, a check and draft for the payment of money in the sum of Fifteen Thousand Dollars (\$15,000.00) drawn upon a bank, to wit, Fidelity Investments, knowing at the time of such making, drawing, uttering and delivering, that she had not sufficient funds in, or credit with, said bank to meet the said check and draft and all other checks, drafts and orders upon such funds, then outstanding, in full upon its presentation for payment, the said defendant at all of said times having the intent to cheat and defraud.

COUNT 19

That the above named defendant SUZANNE KESSLER committed a violation of Penal Code section 476a, a Felony, in that on or about August 5, 2008, in the County of Riverside, State of California, she did wilfully, unlawfully and fraudulently make, draw, utter and deliver to Ron Deckert, a check and draft for the payment of money in the sum of Eleven Thousand Dollars (\$11,000.00) drawn upon a bank, to wit, Fidelity Investments, knowing at the time of such making, drawing, uttering and delivering, that she had not sufficient funds in, or credit with, said bank to meet the said check and draft and all other checks, drafts and orders upon such funds, then outstanding, in full upon its presentation for payment, the said defendant at all of said times having the intent to cheat and defraud.

COUNT 20

That the above named defendant SUZANNE KESSLER committed a violation of Penal Code section 476a, a Felony, in that on or about August 8, 2008, in the County of Riverside, State of California, she did wilfully, unlawfully and fraudulently make, draw, utter and deliver to Lynn McCain, a check and draft for the payment of money in the sum of Two Thousand Five Hundred Dollars (\$2,500.00) drawn upon a bank, to wit, Fidelity Investments, knowing at the time of such making, drawing, uttering and delivering, that she had not sufficient funds in, or credit with, said bank to meet the said check and draft and all other checks, drafts and orders upon such funds, then outstanding, in full upon its presentation for payment, the said defendant at all of said times having the intent to cheat and defraud.

COUNT 21

That the above named defendant SUZANNE KESSLER committed a violation of Penal Code section 476a, a Felony, in that on or about August 9, 2008, in the County of Riverside, State of California, she did wilfully, unlawfully and fraudulently make, draw, utter and deliver to San Diego County Credit Union, a check and draft for the payment of money in the sum of Ten Thousand Dollars (\$10,000.00) drawn upon a bank, to wit, Fidelity Investments, knowing at the time of such making, drawing, uttering and delivering, that she had not sufficient funds in, or credit with, said bank to meet the said check and draft and all other checks, drafts and orders upon such funds, then outstanding, in full upon its presentation for payment, the said defendant at all of said times having the intent to cheat and defraud.

COUNT 22

That the above named defendant SUZANNE KESSLER committed a violation of Penal Code section 459, a Felony, in that on or about August 9, 2008, in the County of Riverside, State of California, she did wilfully and unlawfully enter a certain building located at 25165 Madison Avenue, Murrieta Ca., with intent to commit theft and a felony.

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COUNT 23

That the above named defendant SUZANNE KESSLER committed a violation of Penal Code section 476a, a Felony, in that on or about August 27, 2008, in the County of Riverside, State of California, she did wilfully, unlawfully and fraudulently make, draw, utter and deliver to Arrowhead Credit Union, a check and draft for the payment of money in the sum of Eight Thousand Four Hundred Dollars (\$8,400.00) drawn upon a bank, to wit, Fidelity Investments, knowing at the time of such making, drawing, uttering and delivering, that she had not sufficient funds in, or credit with, said bank to meet the said check and draft and all other checks, drafts and orders upon such funds, then outstanding, in full upon its presentation for payment, the said defendant at all of said times having the intent to cheat and defraud.

It is further alleged that in the commission and attempted commission of the above offense the said defendant, SUZANNE KESSLER with the intent so to do, took, damaged and destroyed property of a value exceeding \$200,000.00 within the meaning of Penal Code section 12022.6, subdivision (a), subsection (2).

It is further alleged that the said defendant, SUZANNE KESSLER, committed two or more related felonies, a material element of which was fraud or embezzlement, which involved a pattern of related felony conduct, and this pattern of related felony conduct involved the taking of more than five hundred thousand dollars (\$500,000.00) within the meaning of Penal Code section 186.11, subdivision (a), subsection (2).

It is further alleged that defendant FRANCIS RICHARD KESSLER is ineligible for probation pursuant to Penal Code section 1203(e)(7).

I declare under penalty of perjury upon information and belief under the laws of the State of California that the foregoing is true and correct.

Dated: December 15, 2008

MJC:jsg



Complainant