

1 JAN SCULLY

2 DISTRICT ATTORNEY

3 901 G STREET

4 SACRAMENTO, CA 95814

5 (916) 874-6218

SPD-11-317812

R. GOLD, DDA

XRef: 1712634

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8 **SUPERIOR COURT OF CALIFORNIA**  
9 **COUNTY OF SACRAMENTO**

10  
11 THE PEOPLE OF THE STATE OF CALIFORNIA,

12 vs.

13  
14 DANIEL MADDEN HORTON,

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16  
17 Defendant(s).

18 The People of the State of California upon oath of the undersigned, upon information and belief  
19 complain against the defendant(s) above named for the crime(s) as follows:  
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21 **COUNT ONE**

22 On or about February 02, 2012, at and in the County of Sacramento, State of California,  
23 defendant(s) DANIEL MADDEN HORTON did commit a misdemeanor namely: a violation of  
24 Section 647.6(a) of the Penal Code of the State of California, in that said defendant, motivated by  
25 an unnatural or abnormal sexual interest in a child, did engage in conduct with an adult, to wit:  
26 ASHLEY DOE, whom he believed to be a child under 18 years of age, which conduct, if directed  
27 toward a child under 18 years of age, would be a violation of this section.  
28

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

31  
32 **COUNT TWO**

33 For a further and separate cause of action, being a different offense of the same class of crimes  
34 and offenses as the charges set forth in Count One hereof: On or about February 02, 2012, at and  
35 in the County of Sacramento, State of California, defendant(s) DANIEL MADDEN HORTON did  
36 commit a misdemeanor namely: a violation of Section 664/288.4(a)(1) of the Penal Code of the  
37 State of California, in that said defendant, motivated by an unnatural or abnormal sexual interest in  
38 a child, attempted to arrange a meeting with a person he believed to be a minor, to wit: ASHLEY  
39 DOE, for the purpose of exposing his genitals or pubic or rectal area, having the person believed  
40 to be a minor expose her genitals or pubic or rectal area or engaging in lewd or lascivious  
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4 behavior.

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6 NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
7 290. Willful failure to register is a crime.  
8

9 **COUNT THREE**

10 For a further and separate cause of action, being a different offense of the same class of crimes  
11 and offenses as the charges set forth in Counts One and Two hereof: On or about February 02,  
12 2012, at and in the County of Sacramento, State of California, defendant(s) DANIEL MADDEN  
13 HORTON did commit a misdemeanor namely: a violation of Section 647.6(a) of the Penal Code  
14 of the State of California, in that said defendant, motivated by an unnatural or abnormal sexual  
15 interest in a child, did engage in conduct with an adult, to wit: AMBER DOE, whom he believed  
16 to be a child under 18 years of age, which conduct, if directed toward a child under 18 years of  
17 age, would be a violation of this section.  
18

19 NOTICE: Conviction of this offense will require you to register pursuant to Penal Code Section  
20 290. Willful failure to register is a crime.  
21

22 That attached hereto and by this reference incorporated herein is a declaration setting forth facts in  
23 support of probable cause for the issuance of a warrant of arrest herein.  
24

25 I declare upon information and belief and under penalty of perjury that the foregoing is true and  
26 correct.  
27

28 Executed at Sacramento County, California, the 15th day of February, 2012.  
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30  
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32 \_\_\_\_\_  
33 Declarant  
34 SACRAMENTO COUNTY DISTRICT ATTORNEY

35  
36 (916) 874-6218  
37 Telephone Number  
38  
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40  
41

THD

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4 **DECLARATION IN SUPPORT OF ARREST WARRANT**

5 (Made under 2015.5 CCP)  
6

7 The undersigned hereby declares:

8 That your declarant is currently employed as a Deputy District Attorney for the County  
9 of Sacramento, State of California.

10 That pursuant to said employment, your declarant has been assigned to investigate  
11 allegations that DANIEL MADDEN HORTON, did commit the crime(s) as set forth in the  
12 attached complaint.

13 That pursuant to said assignment, your declarant has contacted person(s) having  
14 knowledge of said offense(s) and who has/have prepared written reports and/or statements,  
15 and/or has received and read written reports and/or statements prepared by others known by  
16 your declarant to be law enforcement officers, all of which reports and/or statements are  
17 included in a report consisting of 4 page(s) which is attached hereto as Exhibit I and  
18 incorporated by references as though fully set forth.

19 That each of these documents is presently an official record of a law enforcement  
20 agency.

21 WHEREFORE, your declarant prays that a warrant issue for the arrest of the  
22 hereinabove-named defendant(s) and that said defendant(s) be dealt with according to law.

23 I declare under penalty of perjury that the foregoing is true and correct.

24 Executed on the 15th day of February, 2012, Sacramento, California.  
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26  
27

28 \_\_\_\_\_  
29 Declarant  
30 901 G Street,  
31 Sacramento, California 95814  
32 Sacramento County District Attorney  
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# DISTRICT ATTORNEY'S COVER SHEET

Sacramento Police Department	647.6 PC 664 / 288.4 PC	11-317812
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SUBMITTING AGENCY

OFFENSE TYPE

REPORT NUMBER

( X ) WARRANT REQUEST ( ) IN CUSTODY

ATTN: **Rob Gold**

DATE/TIME OF OFFENSE	02-02-12 1215 hrs	DATE/TIME ARREST	
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VICTIM' (S) #1 Ashley Doe  
#2 Amber Doe

<u>SUSPECT' (S)</u>	<u>AGE</u>	<u>CHARGE</u>	<u>CII NUMBER</u>	<u>ENC ORD NONE</u>
#1 Daniel Madden Horton	47	647.6 – 664/288.4	( ) ( ) ( )	

**CASE SUMMARY:** (Briefly establish the factual basis of the offense and defendant's guilt, including dates, times and identify of principal witnesses).

## Case Summary:

On 11-07-2011, I, Det. Bergquist #0301, was assigned to the Sacramento Police Department Special Assaults and Child Abuse (SACA) Detective Unit, and was requested to conduct follow-up investigation on SPD case #11-317812. I have been a sworn police officer since December 1999 and have worked as a Detective since 2002. It is my primary responsibility to investigate a variety of crimes to include, but not limited to rape, sexual assault, child abuse, child molestation, child endangerment, indecent exposure, and other miscellaneous crimes.

According to information contained in SPD #11-317812 and statements made during an interview with Jane Doe (uncharged victim due to the Statute of Limitations), in November or December, 2010 Jane Doe was working at a tanning salon in the City and County of Sacramento. A male white adult, later identified as S-Daniel Madden Horton, entered the tanning salon, told Jane Doe he was a modeling agent, and asked Jane Doe about tanning packages for his models. S-Horton told Jane Doe that she could earn \$600 for a photo shoot with him but it was more of a nudist modeling job. The tanning salon sells bathing suits. S-Horton asked Jane Doe to model a bathing suit for him as an audition to be one of his models. Jane Doe told S-Horton she is only 17 years old. S-Horton advised that is a detail that could be worked out later. Jane Doe put on a bathing suit and S-Horton commented on her breasts and asked to see her bare breasts to determine their true size. Jane Doe permitted this. S-Horton then asked to see her "lips". Jane Doe froze at this request but S-Horton approached Jane Doe and, without permission, physically pulled down her bathing suit bottom to expose Jane Doe's bare vagina as her knees were shaking. S-Horton then began asking Jane Doe if she would be alright modeling with female on female, male on female, or masturbating for the camera. Jane Doe told S-Horton that she was not alright with any of that and asked if she could put her clothes on. S-Horton left the room where Jane Doe was, then called her into the next room where he had his pants down and was masturbating. S-Horton asked Jane Doe if seeing this made her "wet". Jane Doe advised her boss of the incident. Jane Doe's boss was familiar with S-Horton based upon prior contact however she did not know his name.

A person who worked in the vicinity of the tanning salon was also informed about the incident and a description of the suspect. On 11-02-11, a friend told Jane Doe that she had seen the suspect again in the vicinity and provided Jane Doe a license plate number for a vehicle associated with the suspect and this caused her to make a report to law enforcement. Thereafter, Jane Doe first reported the above incident to the Sacramento

Police Department on 11-05-2011. The license plate provided by the friend to Jane Doe matched the license plate of a vehicle registered to S-Horton according to California Department of Motor Vehicle records. DMV records listed the registered owner as Daniel Madden Horton, DOB: 11-04-64, white male, brown / brown, 6'0" tall, and 160 pounds.

On 11-10-2011 Jane Doe positively identified S-Daniel Madden Horton from a DMV computer generated photo lineup as the subject from the mentioned tanning salon incident.

During the investigation it was determined that S-Horton frequented area tanning salons and used similar modeling agent stories to engage staff members in conversation.

On 02-02-2012, an operation incorporating two female decoys was coordinated in the County of Sacramento to determine if S-Horton engaged in similar conduct. Decoy Amber was a 20 year old female white, long blonde hair, hazel eyes, 5'5", and 98 pounds. Decoy Ashley was an 18 year old female white, shoulder length blonde hair, green eyes, 5'2", and 135 pounds. Both decoys by appearance could pass as juveniles. The decoys were equipped with concealed audio monitoring. Decoy Ashley was also equipped with a video recording device. The decoys were individually deployed in the path of S-Horton as he left his place of employment. The decoys were instructed to state their age to S-Horton as 17 years old. In my opinion, age 17 years old was consistent with their look at the time of deployment. S-Horton and the decoys were kept under constant visual observation utilizing a variety of surveillance techniques.

On 02-02-2012 at approximately 1215 Hours Amber Doe (Decoy) was deployed to the front of La Riviera Family Pizza in Sacramento County. Her instructions were to stand in front of the business and remain in the area until contacted or bypassed by S-Horton. She was instructed to allow S-Horton to initiate contact/conversation. Amber Doe remained in front of the business (approx. 15' east of the entrance door) for approximately 34 minutes before the suspect exited the restaurant and contacted Amber Doe. S-Horton asked Amber Doe if she knew where a place called "Girelli's" was. S-Horton then had a conversation with Amber Doe about where she was from. They talked briefly about knowledge of the Sacramento area. S-Horton asked Amber Doe what she was doing and she advised him she was waiting for friends to get out of school. S-Horton told Amber Doe that she looked familiar to him and asked if she had done modeling before. S-Horton then asked Amber Doe her age and she told him she was 17 years old. S-Horton asked when she turned 18 years old and she gave him a birth date. S-Horton asked Amber Doe what she was currently doing and she stated that she was a new college student. S-Horton returned to the modeling question and asked Amber Doe if she had gone to an audition. Amber Doe told S-Horton that she was contacted by John Robert Powers. S-Horton told Amber Doe that Powers, John Casablanca, Barbizon are all people that want money up front. Amber Doe agreed saying she tried the modeling with Powers, but it was too much money and they told her she was too short for "runway". S-Horton asked Amber Doe what her goals were for college. Amber Doe told S-Horton her goal was to go to a beauty school. S-Horton returned to the modeling question inquiring why Amber Doe had never really put much energy into modeling. Amber Doe indicated that it was too much money. S-Horton then said to Amber Doe "I will just be honest with you, what do you think about nudity?" Amber Doe stated "that's not really for me." S-Horton told Amber Doe that he really needs to find the place he was looking for because he was supposed to audition two girls there. Amber Doe asked S-Horton what he does and he said he was an agent for OUI magazine (Adult Nudity Magazine). S-Horton said "It's nude, I mean if it's not your thing, don't even think about it." Amber Doe said that she has really not given nude modeling much thought. S-Horton then told her that if she has to think about it, then don't do it, stating that is his perspective. S-Horton indicated that the "money is good", but you have to be comfortable doing it. S-Horton then told Amber Doe it is not something she can do until she is 18 years old. S-Horton returned to the nude modeling again stating "but that's just never something you've thought about?". Amber Doe said "I mean it never really came across to me". S-Horton said "it doesn't sound like something you'd be into, you got to want to do that, girls are like exhibitionists, you know they like being out there." Amber Doe said "that's not really my style." S-Horton told Amber Doe "good luck" and she said "thank you" and they parted ways.

On 02-02-2012 at approximately 1420 Hours Ashley Doe (Decoy) was deployed at the corner of Folsom Blvd and Bradshaw in Sacramento County. Her instructions were to walk along Folsom Blvd and remain in the area until contacted or bypassed by S-Horton. She was instructed to allow S-Horton to initiate contact/conversation. Ashley Doe walked out to northwest corner of Folsom Blvd and Bradshaw as though she was going to cross at the crosswalk. Before the traffic light changed for her to cross, S-Horton drove up next to her, stopped in the

street, rolled down is passenger side window and asked Ashley Doe if she knew where "Girelli's" is. Ashley Doe asked S-Horton what Girelli's is and he indicated that it was a "club". Ashley Doe asked if it was a dancing club and S-Horton responded that it was "a bit more complicated than that." Ashley Doe stated that her mom just dropped her off and she was waiting for a friend to pick her up. S-Horton then told Ashley Doe that he was going to pull out of the way. (S-Horton pulled into the parking lot on the northwest corner of Folsom Blvd and Bradshaw. He exited his vehicle and walked up to Ashley Doe.) The conversation returned to S-Horton looking for Girelli's. Ashley Doe told S-Horton that she really doesn't know much about the clubs because she was only 17 years old. S-Horton says "Oh, only 17". Ashley Doe said "Yeah. I'll be 18 on August 20<sup>th</sup>". S-Horton said "this is a pretty cool club". S-Horton went on to tell Ashley Doe that the club was a "lifestyles" club, which he explained to her as "lifestyles is where you, like people who don't want to have outright sex together, they masturbate together." Ashley Doe responded with "that's interesting." The conversation led to where Ashley Doe was from. S-Horton then returned to the masturbation club and stated "sorry, I didn't mean to freak you out, it's probably not your thing but..." Ashley Doe said "Well I don't know, I guess it's some people's thing". The conversation returned to why Ashley Doe was in the area. Ashley Doe stated that she worked at Ulta in Natomas and that she was into makeup and fashion. S-Horton said "Yeah, well that's what I'm. I'm also an agent with a magazine." Ashley Doe asked what magazine and S-Horton states "OUI, it's adult". Ashley Doe asked what that was and S-Horton said "nude, naked, you know, OUI, O.U.I." S-Horton went on to tell Ashley Doe that he was an agent for them and he finds the girls for the modeling, but someone else takes the photos. Ashley Doe told S-Horton that she did a modeling thing called Fashion Bug when she was younger. S-Horton asked if she had a portfolio of any kind. They talked about modeling at 16 years old, but that you have to be 18 years old to do nude modeling. S-Horton asked Ashley Doe "is that something you're interested in" and she says "yeah". S-Horton says "you're 17 right now" and said "you turn 18 in August?" S-Horton asked Ashley Doe if she had any nude photos. S-Horton began talking about how the audition worked. S-Horton told Ashley Doe he does the auditions and if he thinks the girl is good then he recommends them for modeling and then they fly the girl to San Diego to make the video. S-Horton told Ashley Doe his name was "David". S-Horton went on to tell Ashley that in the videos they do, the girls strip down and masturbate. S-Horton stated the girls make a lot of money doing that, \$3000 for a 7-8 minute video. Ashley Doe stated that was a lot of money. S-Horton says "it's masturbating, pulling their panties down you know." S-Horton suggested that he could take Ashley Doe to the Girelli club if they could find it for an audition or they could do the audition in an alley or in the car. S-Horton told Ashley Doe "it's a very personal thing." S-Horton said "it'd just be a girl by herself, kind of dress up sexy, put on whatever you like, whatever surroundings and masturbate". S-Horton said "but it's got to be real, you've got to really cum and not everybody can do that." S-Horton then asked Ashley Doe "Have you ever masturbated with someone before?", then goes on to ask if anyone filmed it. Ashley Doe began asking S-Horton for a phone number to contact him to make an appointment. S-Horton would not provide a phone number and said "I just deal with finding the right person if they look good, if they have the look that we're looking for." There was more talk about finding the club to do the audition in, and S-Horton said that if he could find the club, then he could get her in. Then S-Horton told Ashley Doe if he did not find the club to do the audition then he was headed back to San Diego. S-Horton told Ashley Doe that if they could find an audition spot it would only take about 5 minutes. At one point he suggested driving down the street to find an alley, but Ashley Doe demurred, asking if she went into an alley, could something happen to her. The conversation continued about Ashley Doe's size and tattoos. S-Horton asked Ashley Doe "Do you shave down there?" Ashley Doe said "In my vagina?" S-Horton said "yeah" then asked if she had a "rash". S-Horton asked "Do you have big lips?" Ashley Doe said "My vagina lips?" S-Horton said "Do you shave bald?" and once again asked about a "rash". The conversation continued on and Ashley Doe asked S-Horton for a phone number again. Ashley Doe told him that she would just enter it in her phone and S-Horton provided the number 815-525-1794. Ashley Doe confirmed that his name was "David" then told him her name was "Claire". S-Horton said "Pretty name". They said good bye and parted ways.

The surveillance team continued to follow S-Horton after he left Ashley Doe. S-Horton went back to Folsom Blvd and continued west bound from Bradshaw. S-Horton drove around the area in and out of parking lots. S-Horton then contacted two Rancho Cordova Motor Officers (Officer James #507 and Officer Aubuchon #1407) who were parked at Mills Station and Mather Field Dr. S-Horton advised the Officers that he worked in Juvenile Courts. S-Horton told them that there was a young, short, blonde haired female at Bradshaw and Folsom Blvd that he had spoken to. S-Horton told the Officers that he felt that she was a prostitute and asked if they would go check her out. S-Horton advised the Officers that another girl in the area had told him that there is some

guy in the area contacting young females and offering them \$600 to photograph them nude. S-Horton was in fear that the female he spoke to may fall victim to the guy.

I am respectfully requesting a misdemeanor arrest warrant be issued for the arrest of S-Horton for (2) counts of 647.6 PC - Annoying or molesting any adult whom he believes to be a child under 18 years old and (1) count of 664/288.4(a)(1) PC - Every person who, motivated by an unnatural or abnormal sexual interest in children, arranges a meeting with a minor or a person he believes to be a minor for the purpose of exposing his or her genitals or pubic or rectal area, having the child expose his or her genitals or pubic or rectal area, or engaging in lewd or lascivious behavior.

( x ) Check here if further investigation is pending and describe briefly.

Horton needs to be interviewed if he is willing to talk.

**COMMENTS:** *(Use for description and identification of all suspects for warrant requests and for additional victim's and or/defendants).*

[Daniel Horton, male White adult, DOB 11-04-1964, brown/brown, 6'0",  
160, Xref# 1712634,

Submitting Det.[Bergquist 0301 ] Unit [SACA-Child ]

Reviewing Supervisor: Sgt. Lassen #3058

Date: 02-15-2012