

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

PEOPLE OF THE STATE OF CALIFORNIA

v.

DAVID XU

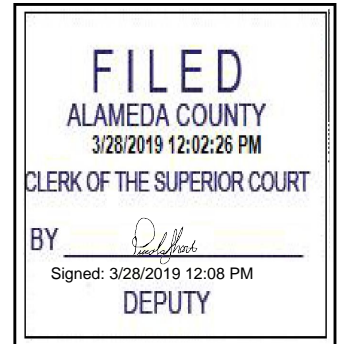
Defendant(s)

NO. 19-CR-004967

WARRANT

PFN: BMF951

CEN: 9391526



The undersigned, being sworn says, on information and belief, that DAVID XU did, in the County of Alameda, State of California, on or about **October 9, 2017 through March 4, 2019**, commit a FELONY, to wit: WILLFUL, DELIBERATE, PREMEDITATED ATTEMPTED MURDER, a violation of section 187(a)/664(a) of the PENAL CODE of California, in that said defendant(s) did unlawfully and with malice aforethought, attempt to murder Rong Yuan, a human being. It is further alleged that the aforesaid attempted murder was committed willfully, deliberately and with premeditation within the meaning of Penal Code section 664(a) and is a serious felony pursuant to Penal Code section 1192.7(c).

"NOTICE: Conviction of this offense will require you to provide specimens and samples pursuant to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

SPECIAL ALLEGATION-GREAT BODILY INJURY AS TO DEFENDANT DAVID XU

It is further alleged that in the commission of the above offense the said DAVID XU, personally inflicted great bodily injury upon Rong Yuan, not an accomplice to the above offense, within the meaning of Penal Code Section 12022.7(a) and also causing the above offense to become a serious felony within the meaning of Penal Code Section 1192.7(c)(8).

"NOTICE: This offense is a serious felony and a violent felony within the meaning of Penal Code sections 1192.7(c)(8) and 667.5(c)(8)."

NOTICE PROVISION-RE STATE PRISON ELIGIBILITY- VIOLENT FELONY AS TO DEFENDANT DAVID XU

It is further alleged that the above offense is a violent felony within the meaning of Penal Code section 667.5(c) and that pursuant to Penal Code section 1170(h)(3) an executed sentence for the offenses herein charged shall be served in the state prison.

SECOND COUNT

The undersigned further deposes and says on information and belief, that said DAVID XU did, in the County of Alameda, State of California, on or about November 29, 2018, commit a FELONY, to wit: POISONING WITH ENHANCEMENT, a violation of section 347(a) of the PENAL CODE of California, in that said defendant(s) willfully and unlawfully mingled a poison and harmful substance with food, drink, medicine, and pharmaceutical product and placed a poison and harmful substance in a spring, well, reservoir and public water supply knowing and reasonably should have known that the same would be taken by a human being to that person's injury. It is further alleged, pursuant to this section, that the above violation involved the use of a poison and harmful substance which may have caused death and which did cause the infliction of great bodily injury on a person.

THIRD COUNT

The undersigned further deposes and says on information and belief, that said DAVID XU did, in the County of Alameda, State of California, on or about December 13, 2018, commit a FELONY, to wit: POISONING WITH ENHANCEMENT, a violation of section 347(a) of the PENAL CODE of California, in that said defendant(s) willfully and unlawfully mingled a poison and harmful substance with food, drink, medicine, and pharmaceutical product and placed a poison and harmful substance in a spring, well, reservoir and public water supply knowing and reasonably should have known that the same would be taken by a human being to that person's injury. It is further alleged, pursuant to this section, that the above violation involved the use of a poison and harmful substance which may have caused death and which did cause the infliction of great bodily injury on a person.

Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defendant's counsel provide discovery to the People as required by Penal Code Section 1054.3.

Subscribed and sworn to before me,
Thursday, March 28, 2019

This document was filed electronically in
compliance with Penal Code section 959.1



PAUL PINNEY
Deputy District Attorney
State Bar #146351
Alameda County, California

BPD 19-11652 / yt