

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

FILED
ALAMEDA COUNTY
April 14, 2023
CLERK OF THE SUPERIOR COURT
btajonera
aaaaaaaaaaaaaaaaaaaaaaaaaaaa

PEOPLE OF THE STATE OF CALIFORNIA

NO. 23-CR-003436A

v.

FIRST AMENDED COMPLAINT

KRISTO AYALA

PFN:BKS955 CEN:3368894

Also Known As KRISTO AYALA

VALDERRAMA

PFN:BMR253 CEN:3368895

HUMBERTO ANAYA

PFN:BKH639 CEN:3369187

EMMANUEL ALEX SARANGO

Defendant(s)

The undersigned, being sworn says, on information and belief, that KRISTO AYALA, HUMBERTO ANAYA, EMMANUEL ALEX SARANGO did, in the County of Alameda, on or about **April 08, 2023**, commit a FELONY, to wit: ASSAULT WITH A SEMIAUTOMATIC FIREARM, a violation of section 245(b) of the PENAL CODE of California, in that said defendant(s) did willfully and unlawfully commit an assault upon CARLOS GARCIA with a semiautomatic firearm. "NOTICE: The above offense is a serious felony within the meaning of 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."

SECOND COUNT

The undersigned further deposes and says on information and belief, that said KRISTO AYALA, HUMBERTO ANAYA did, in the County of Alameda, on or about **April 08, 2023**, commit a FELONY, to wit: CARRYING CONCEALED FIREARM WITHIN VEHICLE, a violation of section 25400(a)(1) of the PENAL CODE of California, in that said defendant(s) did unlawfully carry concealed within a vehicle under said defendant's control a pistol, revolver and firearm capable of being concealed upon the person.

THIRD COUNT

The undersigned further deposes and says on information and belief, that said KRISTO AYALA, HUMBERTO ANAYA did, in the County of Alameda, on or about **April 08, 2023**, commit a FELONY, to wit: CARRYING A LOADED FIREARM ON ONE'S PERSON IN A CITY, a violation of section 25850(a) of the PENAL CODE of California, in that said defendant(s) did unlawfully carry a loaded firearm upon the person while in a public place and on a public street in an incorporated city, to wit, Fremont, CA.

FOURTH COUNT

The undersigned further deposes and says on information and belief, that said KRISTO AYALA, HUMBERTO ANAYA, EMMANUEL ALEX SARANGO did, in the County of Alameda, on or about **April 08, 2023**, commit a FELONY, to wit: MURDER, a violation of section 187(a) of the PENAL CODE of California, in that said defendant(s) did unlawfully, and with malice aforethought, murder JANE DOE, a human being.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(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."

FIFTH COUNT

The undersigned further deposes and says on information and belief, that said KRISTO AYALA, HUMBERTO ANAYA, EMMANUEL ALEX SARANGO did, in the County of Alameda, on or about **April 08, 2023**, commit a FELONY, to wit: SHOOTING AT OCCUPIED MOTOR VEHICLE, a violation of section 246 of the PENAL CODE of California, in that said defendant(s) did willfully, unlawfully, and maliciously discharge a firearm at an occupied motor vehicle.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

"NOTICE: It is further alleged that, pursuant to Penal Code section 1203.095, there is a presumptive minimal jail time required if you are convicted of this charge."

SIXTH COUNT

The undersigned further deposes and says on information and belief, that said KRISTO AYALA, HUMBERTO ANAYA, EMMANUEL ALEX SARANGO did, in the County of Alameda, on or about **April 08, 2023**, commit a FELONY, to wit: SHOOTING AT OCCUPIED MOTOR VEHICLE, a violation of section 246 of the PENAL CODE of California, in that said defendant(s) did willfully, unlawfully, and maliciously discharge a firearm at an occupied motor vehicle.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

"NOTICE: It is further alleged that, pursuant to Penal Code section 1203.095, there is a presumptive minimal jail time required if you are convicted of this charge."

SEVENTH COUNT

The undersigned further deposes and says on information and belief, that said KRISTO AYALA, HUMBERTO ANAYA, EMMANUEL ALEX SARANGO did, in the County of Alameda, on or about **April 08, 2023**, commit a FELONY, to wit: SHOOTING AT OCCUPIED MOTOR VEHICLE, a violation of section 246 of the PENAL CODE of California, in that said defendant(s) did willfully, unlawfully, and maliciously discharge a firearm at an occupied motor vehicle.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

"NOTICE: It is further alleged that, pursuant to Penal Code section 1203.095, there is a presumptive minimal jail time required if you are convicted of this charge."

EIGHTH COUNT

The undersigned further deposes and says on information and belief, that said KRISTO AYALA, HUMBERTO ANAYA, EMMANUEL ALEX SARANGO did, in the County of Alameda, on or about **April 08, 2023**, commit a FELONY, to wit: SHOOTING AT OCCUPIED MOTOR VEHICLE, a violation of section 246 of the PENAL CODE of California, in that said defendant(s) did willfully, unlawfully, and maliciously discharge a firearm at an occupied motor vehicle.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

"NOTICE: It is further alleged that, pursuant to Penal Code section 1203.095, there is a presumptive minimal jail time required if you are convicted of this charge."

NINTH COUNT

The undersigned further deposes and says on information and belief, that said KRISTO AYALA, HUMBERTO ANAYA, EMMANUEL ALEX SARANGO did, in the County of Alameda, on or about **April 08, 2023**, commit a FELONY, to wit: SHOOTING AT OCCUPIED MOTOR VEHICLE, a violation of section 246 of the PENAL CODE of California, in that said defendant(s) did willfully, unlawfully, and maliciously discharge a firearm at an occupied motor vehicle.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

"NOTICE: It is further alleged that, pursuant to Penal Code section 1203.095, there is a presumptive minimal jail time required if you are convicted of this charge."

TENTH COUNT

The undersigned further deposes and says on information and belief, that said KRISTO AYALA, HUMBERTO ANAYA, EMMANUEL ALEX SARANGO did, in the County of Alameda, on or about **April 08, 2023**, commit a FELONY, to wit: SHOOTING AT OCCUPIED MOTOR VEHICLE, a violation of section 246 of the PENAL CODE of California, in that said defendant(s) did willfully, unlawfully, and maliciously discharge a firearm at an occupied motor vehicle.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

"NOTICE: It is further alleged that, pursuant to Penal Code section 1203.095, there is a presumptive minimal jail time required if you are convicted of this charge."

ELEVENTH COUNT

The undersigned further deposes and says on information and belief, that said KRISTO AYALA, HUMBERTO ANAYA, EMMANUEL ALEX SARANGO did, in the County of Alameda, on or about **April 08, 2023**, commit a FELONY, to wit: SHOOTING AT OCCUPIED MOTOR VEHICLE, a violation of section 246 of the PENAL CODE of California, in that said defendant(s) did willfully, unlawfully, and maliciously discharge a firearm at an occupied motor vehicle.

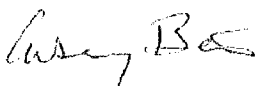
"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c) and a violent felony within the meaning of Penal Code section 667.5(c)."

"NOTICE: It is further alleged that, pursuant to Penal Code section 1203.095, there is a presumptive minimal jail time required if you are convicted of this charge."

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,
Friday, April 14, 2023

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



CASEY BATES
ASSISTANT DISTRICT ATTORNEY
State Bar #172514
Alameda County, California

FPD 230408023; HPI F-462-345-23