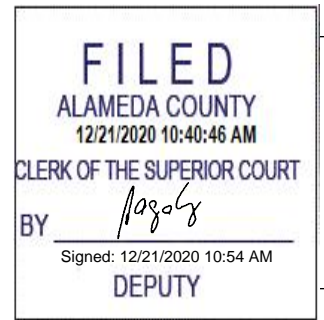


SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

PEOPLE OF THE STATE OF CALIFORNIA
v.
DAVID EMERY MISCH

Defendant(s)

NO. **20-CR-016382**
COMPLAINT
PFN:AMU732 CEN:0515094



The undersigned, being sworn says, on information and belief, that DAVID EMERY MISCH did, in the County of Alameda, on or about **November 19, 1988**, 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 MICHAELA GARECHT, 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."

SPECIAL CIRCUMSTANCE - FELONY MURDER IN THE COURSE OF KIDNAPPING AS TO DEFENDANT DAVID EMERY MISCH

It is further alleged that the murder of MICHAELA GARECHT was committed by DAVID EMERY MISCH while the said defendant was/were engaged in the commission of the crime of KIDNAPPING, within the meaning of Penal Code section 190.2(a)(17)(B). [Enumerated as section 190.2(a)(17)(ii) at the time of the offense.]

SPECIAL CIRCUMSTANCE - MURDER WITH PRIOR MURDER CONVICTION AS TO DEFENDANT DAVID EMERY MISCH

It is further alleged that the murder of MICHAELA GARECHT was committed by the DAVID EMERY MISCH who, in addition to such murder, was convicted previously of second degree murder on and about August 28, 1990, in the Superior Court of the State of California in and for the County of Alameda, in violation of Section 187 of the Penal Code, within the meaning, of Penal Code Section 190.2(a)(2).

FIRST PRIOR CONVICTION AS TO DEFENDANT DAVID EMERY MISCH

The undersigned further alleges that before the commission of the offense specified above, said defendant DAVID EMERY MISCH, on or about July 09, 1982, was convicted in the Superior Court of the State of California, in and for the COUNTY of ALAMEDA, of the crime of a Felony, to wit: ASSAULT WITH DEADLY WEAPON, a violation of section 245(a)(1) of the PENAL CODE of California, and received a Prison term therefor.

**SECOND PRIOR CONVICTION AS TO
DEFENDANT DAVID EMERY MISCH**

The undersigned further alleges that before the commission of the offense specified above, said defendant DAVID EMERY MISCH, on or about August 05, 1988, was convicted in the Superior Court of the State of California, in and for the COUNTY of ALAMEDA, of the crime of a Felony, to wit: SECOND DEGREE BURGLARY, a violation of section 459 of the PENAL CODE of California, and received a Probation term therefor.

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,
Monday, December 21, 2020

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



JOSEPH EICHHORN
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State Bar #126705
Alameda County, California

HPD 1988-002127