



County of Alameda
DAILY
DECLARATION AND DETERMINATION
Probable Cause for Warrantless Arrest



Arrestee/Suspect DAVID MISCH		DOB 02/19/1961	Sex M	PFN AMU732	
Race WHITE		CDL N7607374 CA		Agency Report # UNKNOWN	
Arresting Agency HAYWARD PD (CA0010600)		Declarant Robert Purnell		Agency Phone (510) 293-7000	Agency Fax (510) 293-7183
Arrest Date 12/21/2020	Arrest Time 08:00:00	Arrest Location 5325 BRODER BL DUBLIN CA			
Holds		Arrestee Home Address 409 CEDAR ST MIDDLETON ID			
Charges/Violations PC 187(A) F(1 Counts)					

Case #1988-112127

On 11-19-1988 shortly before 1023 hrs, Hayward Police Dispatch received a report of a kidnapping that just happened at 32575 Mission Blvd, the Rainbow Market in Hayward. Officers responded and contacted the 9-year-old witness who reported that her 9-year-old friend (the victim) had been kidnapped. The witness told officers that the two girls had ridden scooters to the store and left them parked together just outside the door. Several minutes later, after going inside and purchasing some snacks, they came back out and noticed that one of the scooters had been moved some distance into the parking lot and placed behind the suspect vehicle. When the victim went to retrieve the scooter, she was grabbed around the waist by the suspect and pulled into the car while she violently screamed. The vehicle fled out of the parking lot, travelling southbound on Mission Blvd. The witness described the suspect as a White Male, 20-28 years, 6'0", slender build, blue eyes, and long dirty blond hair. Other witnesses in the parking lot and store gave similar descriptions of the suspect seen before or after the kidnapping with variations including that he had a mustache. No witnesses described the presence of other suspects in the suspect vehicle. The moved scooter was processed for latent prints and lifts were taken from the handlebars and fork of the scooter. The victim has never been seen again.

Over the next 32 years, prints from many possible suspects were compared to the latent lifts from the scooter. None matched the lifts from the scooter. In 2018, the Hayward Police Department's in-house fingerprint examiner was provided a list of several possible suspects, which included David Misch, and asked to determine whether fingerprints from any of them were a match to prints from the scooter. Misch was determined in 2020 to be a match to multiple lifts from the scooter. In addition, two eyewitnesses identified Misch as being at the scene of the crime, having seen him in a car in the parking lot just before the kidnapping took place. Each chose his picture from a double-blind photo lineup. Based on booking photos and various police reports from that time, Misch was a White Male, 27 years old, 6'0", a slim muscular build, shoulder length blond/brown hair, and blue eyes. Misch was already in custody for a murder he committed in December 1989 in Alameda County, has been serving time in State Prison for that murder since then, and is currently awaiting trial on a double murder committed in Fremont in 1986.

Detectives attempted to interview Misch on 12-2-2020. Misch refused to talk to detectives without his attorney. Detectives attempted to serve him a lawfully issued search warrant for his fingerprints and a buccal swab. Despite being informed that this was a court order, and that he had no legal right to counsel for the taking of these samples, he continued to refuse. Misch was further informed that detectives were investigating the kidnap and murder of the victim, who was named, and again he refused to comply with the warrant, even when told that providing the prints and his DNA could possibly exonerate him.

I believe that physical evidence shows that Misch kidnapped the victim on 11-19-1988. By December 1989, Misch was in custody for murder and has remained incarcerated since. Even if he kept her alive for a brief time, the risks of discovery involved in keeping the victim captive for any length of time would have been too great. At 9 years old, the victim would have been capable of describing and identifying Misch as her abductor and assailant had he let her live. Further, given Misch's criminal history, which includes sexual assault and murder, he would have known that penalties for child abduction and assault were serious and that allowing her to live would expose him to serious consequences. I believe that it is reasonable to conclude that having violently abducted the victim, a 9-year-old girl, who hasn't been seen in 32 yrs., and whose remains have never been found, that Misch murdered the victim, disposed of her remains, and has successfully kept her remains hidden from authorities.

Misch was placed under arrest at Santa Rita Jail for the murder of the victim.

