

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA,  
WILEY W. MANUEL COURTHOUSE

2013 NOV 7 PM 12 20

PEOPLE OF THE STATE OF CALIFORNIA

NO. 591670-4  
COMPLAINT

ENDORSED  
FILED  
ALAMEDA COUNTY

v.

RICHARD THOMAS

PFN: BJV325

CEN: 3362423

NOV 07 2013

CLERK OF THE SUPERIOR COURT  
DIRECT FILE by Carla Wilson

Defendant(s).

RESTITUTION

The Undersigned, being sworn says, on information and belief, that RICHARD THOMAS did, in the County of Alameda, State of California, on or about November 4, 2013, commit a Felony, to wit: AGGRAVATED MAYHEM, a violation of section 205 of the PENAL CODE of California, in that said defendant(s) did unlawfully and under circumstances manifesting extreme indifference to the physical and psychological well being of another, intentionally cause permanent disability and disfigurement and deprivation of a limb, organ and body member of LUKE FLEISCHMAN.

"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."

**SPEC ALLEG - NOTICE OF STATE PRISON ELIGIBILITY- VIOLENT FELONY CLAUSE AS TO  
DEFENDANT RICHARD THOMAS**

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.

**SPEC ALLEG 16 YEARS OLD MINOR - 707(d) CLAUSE AS TO DEFENDANT RICHARD THOMAS**

It is further alleged, pursuant to subdivision (d)(1) of Section 707 of the Welfare and Institutions code, that the defendant was a minor who was at least 16 years of age the time of the commission of the above offenses.

**SPEC ALLEG 14 YR OLD MINOR DEATH OR LIFE CURRENT CRIME CLAUSE AS TO  
DEFENDANT RICHARD THOMAS**

It is further alleged, pursuant to subdivision (d)(2)(a) of section 707 of the Welfare and Institutions code, that the defendant was a minor who was at least 14 years of age at the time of the commission of the above offenses.

**HATE CRIME CLAUSE AS TO DEFENDANT RICHARD THOMAS**

It is further alleged that the defendant RICHARD THOMAS committed the above offense in violation of Penal Code section 422.75(a), in that said offense was a hate crime as defined in Penal Code section 422.55.

## **SECOND COUNT**

The Undersigned further deposes and says on Information and belief, that said RICHARD THOMAS did, in the County of Alameda, State of California, on or about November 4, 2013, commit a Felony, to wit: ASSAULT BY MEANS LIKELY TO PRODUCE GREAT BODILY INJURY, a violation of section 245(a)(4) of the PENAL CODE of California, in that said defendant(s) did willfully and unlawfully commit an assault on LUKE FLEISCHMAN by means of force likely to produce great bodily injury.

"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."

### **GREAT BODILY INJURY CLAUSE AS TO DEFENDANT RICHARD THOMAS**

It is further alleged as to count two, that in the commission of the above offense the said defendant RICHARD THOMAS, personally inflicted great bodily injury upon LUKE FLEISCHMAN, 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)."

### **HATE CRIME CLAUSE AS TO DEFENDANT RICHARD THOMAS**

It is further alleged that the defendant RICHARD THOMAS committed the above offense in violation of Penal Code section 422.75(a), in that said offense was a hate crime as defined in Penal Code section 422.55.

### **SPEC ALLEG - NOTICE OF STATE PRISON ELIGIBILITY- VIOLENT FELONY CLAUSE AS TO DEFENDANT RICHARD THOMAS**

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.

### **SPEC ALLEG 16 YEARS OLD MINOR - 707(d) CLAUSE AS TO DEFENDANT RICHARD THOMAS**

It is further alleged, pursuant to subdivision (d)(1) of Section 707 of the Welfare and Institutions code, that the defendant was a minor who was at least 16 years of age the time of the commission of the above offenses.

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.

Complainant therefore prays that a warrant issue and that said defendant(s) be dealt with according to law.

Subscribed and sworn to before me,  
Thursday, November 7, 2013

\_\_\_\_\_  
/s/ Oakland PD-13-056564

\_\_\_\_\_  
NORBERT CHU  
Assistant District Attorney  
State Bar #99477 NC/cmm  
Alameda County, California

Defendant's Name: THOMAS, RICHAN

PFN: BSV325

CEN: 3362423

REPORT #: 13-056564

## DECLARATION IN SUPPORT OF PROBABLE CAUSE

### THE UNDERSIGNED HEREBY DECLARES:

1. That he/she is a PEACE OFFICER of the OAKLAND P.D.
2. That the contents of this declaration provides probable cause to believe the above-name defendant committed the following offenses:

a.) 205 PC

c.) 422.75(a) ENHANCEMENT

b.) 245(a)(4) PC

d.) \_\_\_\_\_

3. I declare under information and belief that the foregoing is true and correct:

SUBS SET FREE TO A PEACE VICTIM WHILE HE  
SLEPT ON THE BUS. DURING SUSP INTERVIEW, THE  
SUSP STATED HE DID IT BECAUSE HE WAS HOMOPHOBIC

Dated: 7 NOV 13 at Oakland, California

  
\_\_\_\_\_  
Officer's Signature

ANAWN JONES  
\_\_\_\_\_  
Officer's Name

### CERTIFICATE OF PROBABLE CAUSE

The Court, upon the review of this declaration, hereby

\_\_\_\_\_ Finds \_\_\_\_\_ Does not Find

good cause to detain the above-named individual.

Date: \_\_\_\_\_

Time: \_\_\_\_\_

\_\_\_\_\_  
Magistrate of the Superior Court