

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA
HAYWARD HALL OF JUSTICE

Dep. No.
ENDORSED
FILED
ALAMEDA COUNTY
JUL 24 2015

CLERK OF THE SUPERIOR COURT
BY Phillip Walten, Deputy

PEOPLE OF THE STATE OF CALIFORNIA

NO.
COMPLAINT

v.

MARK ANTHONY ESTRADA

PFN: BKR492 CEN: 5321104

IN CUSTODY

Defendant(s).

RESTITUTION

The Undersigned, being sworn says, on information and belief, that MARK ANTHONY ESTRADA did, in the County of Alameda, State of California, on or about July 22, 2015, 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 SERGEANT S LUNGER, 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."

**PERSONAL AND INTENTIONAL DISCHARGE OF A FIREARM, GBI CLAUSE AS TO
DEFENDANT MARK ESTRADA**

It is further alleged as to the above count that said defendant MARK ANTHONY ESTRADA personally and intentionally discharged a firearm, and caused great bodily injury and death to SERGEANT SCOTT LUNGER within the meaning of Penal Code sections 12022.7(a) and 12022.53(d). It is further alleged that said defendant personally inflicted great bodily injury on another person within the meaning of Penal Code section 12022. It is further alleged that said defendant personally and intentionally discharged a firearm within the meaning of Penal Code section 12022.53(c). It is further alleged that said defendant personally used a firearm within the meaning of Penal Code sections 12022.5(a) and 12022.53(b) and 12022.53(g).

**SPECIAL CIRCUMSTANCE - MURDER OF PEACE OFFICER ENGAGED IN DUTIES CLAUSE AS
TO DEFENDANT MARK ESTRADA**

It is further alleged, as to count one, that the murder of SERGEANT S LUNGER was committed by defendant MARK ANTHONY ESTRADA and that SERGEANT SCOTT LUNGER was a peace officer who was intentionally killed while engaged in the performance of his/her duties, and that said defendant knew and reasonably should have known that SERGEANT SCOTT LUNGER was a peace officer engaged in the performance of his/her duties, within the meaning of Penal Code Section 190.2(a)(7).

**SPECIAL CIRCUMSTANCE - MURDER BY LYING IN WAIT CLAUSE AS TO DEFENDANT
MARK ESTRADA**

It is further alleged as to count one, that the murder of SERGEANT SCOTT LUNGER was committed by defendant MARK ANTHONY ESTRADA and that the defendant intentionally killed the victim by means of lying in wait, within the meaning of Penal Code Section 190.2(a)(15).

**SPECIAL CIRCUMSTANCE - "DRIVE-BY" MURDER CLAUSE AS TO DEFENDANT MARK
ESTRADA**

It is further alleged within the meaning of Penal Code section 190.2(a)(21) as to count one, that the murder was intentional and perpetrated by means of discharging a firearm from a motor vehicle, intentionally at another person and persons outside the vehicle with the intent to inflict death.

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,
Friday, July 24, 2015

/s/ Hayward PD-2015-58051

MARK A. MELTON
Deputy District Attorney
State Bar #104701 te
Alameda County, California



DAILY
DECLARATION AND DETERMINATION
Probable Cause for Warrantless Arrest



Arrestee/Suspect MARK ESTRADA		DOB 07/18/1994	CDL F2131468 CA	PFN	Agency Report # 2015-58051
Arresting Agency HAYWARD PD (CA0010600)		Declarant Robert Purnell		Agency Phone (510) 293-7000	Agency Fax (510) 293-7183
Arrest Date 07/22/2015	Arrest Time 15:51:00	Arrest Location 1411 E 31ST ST OAKLAND CA			
Holds		Arrestee Home Address 10714 BEVERLY AV OAKLAND CA			
Charges/Violations PC 187 F(1 Counts)					

On 7-22-15 shortly before 0314 hrs, Hayward Police Sgt. Scott Lunger advised that he was making a vehicle stop on what would be described as a white Chevrolet Silverado, CA Lic #7F22603. Sgt. Lunger noted the vehicle was swerving and almost struck parked cars. After what was described as a failure to yield, the suspect vehicle stopped at Lion and Kiwanis. Sgt. Lunger approached the suspect vehicle on the drivers side, as his Cover Officer took up a position to the rear of the suspect vehicle. The Cover Officer heard some brief verbal contact from Sgt. Lunger, before a boom, and Sgt. Lunger collapsed to the ground. The suspect vehicle attempted to flee as the Cover Officer returned fire, shooting multiple rounds at it. The suspect vehicle was struck multiple times; however was able to flee out of the area. The Cover Officer broadcast the shooting and attended to Sgt. Lunger, who was unresponsive. Other officers, Hayward Fire personnel, and Paramedics Plus personnel provided medical treatment until Sgt. Lunger arrived at Eden Hospital. Sgt. Lunger was pronounced deceased at 0348 hrs by Dr. Elyssa Feinberg.

At 0405 hrs, Oakland Police Department received a call that the suspect vehicle was at 98th and Edes, where it was later impounded as evidence. Shortly after, San Leandro Police Department received a call from San Leandro Hospital that (S) Mark Estrada had walked in suffering from a gunshot wound to the left lower flank above the waistline. Estrada returned as the registered owner of the suspect vehicle and was contacted by SLPD officers and ACSO deputies. During contact with a physician, Estrada admitted he was shot in the drivers seat of his vehicle while near A St in Hayward but would not answer when asked who had shot him.

During a search near the vehicle stop/crime scene, officers located a 9mm handgun, unexpended rounds, and associated magazine. During a search warrant of Estradas residence, detectives located 9mm ammunition, 9mm casings, and surveillance video which showed three people arriving back at the house at 0448 hrs, one of which is limping. During a search warrant of the suspect vehicle, detectives noted bullet holes on the drivers side consistent with the bullets fired by the Cover Officer at the suspect vehicle. Detectives further noted the presence of blood on the drivers seat and entrance/exit holes from a bullet through the seat which seems consistent with the location of the injury sustained by Estrada, along with two expended 9mm casings on the floorboard.

On 7-23-15, an autopsy conducted by Dr. Iocco with the Alameda County Coroners Bureau on Sgt. Lunger noted the cause of death was a gunshot wound sustained to his head. Multiple items of physical evidence have been submitted for DNA or ballistic comparisons with associated labs.

I declare under penalty of perjury that the above information was obtained through official police channels and is contained in the above-mentioned police report. Executed in the County of Alameda, State of California. Identity and signature of declarant verified by CRIMS.

Date: 07/23/2015 18:14:24

Declarant: Robert Purnell

Badge: 326

Reviewed and approved.

Date: 07/23/2015 18:14:52

Supervisor: Robert Purnell

Badge: 326