

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

PEOPLE OF THE STATE OF CALIFORNIA

v.

YAHYA MUSLIM

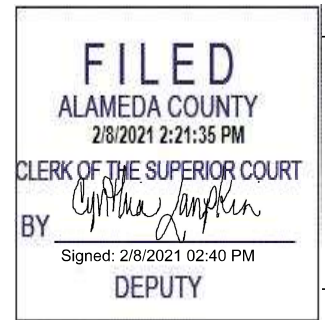
Defendant(s)

NO. 21-CR-001811

COMPLAINT

PFN:BIX091

CEN:1365388



The undersigned, being sworn says, on information and belief, that YAHYA MUSLIM did, in the County of Alameda, on or about **January 31, 2021**, commit a FELONY, to wit: ASSAULT WITH FORCE 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 LINH HUYNH 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."

**SPECIAL ALLEGATION-OFFENSE WHILE ON BAIL OR O.R. AS TO
DEFENDANT YAHYA MUSLIM**

It is further alleged that at the time of the commission of the above offense, the YAHYA MUSLIM, was released from custody on bail or Own Recognizance in Case Number 20-cr-011514 within the meaning of Penal Code section 12022.1.

**NOTICE PROVISION-RE STATE PRISON ELIGIBILITY- VIOLENT FELONY AS TO
DEFENDANT YAHYA MUSLIM**

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.

**SPECIAL ALLEGATION-GREAT BODILY INJURY AS TO
DEFENDANT YAHYA MUSLIM**

It is further alleged that in the commission of the above offense the said , personally inflicted great bodily injury upon LINH HUYNH, 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)."

SECOND COUNT

The undersigned further deposes and says on information and belief, that said YAHYA MUSLIM did, in the County of Alameda, on or about **January 31, 2021**, commit a FELONY, to wit: ASSAULT WITH FORCE 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 KEN WONG 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."

**SPECIAL ALLEGATION-OFFENSE WHILE ON BAIL OR O.R. AS TO
DEFENDANT YAHYA MUSLIM**

It is further alleged that at the time of the commission of the above offense, the YAHYA MUSLIM, was released from custody on bail or Own Recognizance in Case Number 20-cr-011514 within the meaning of Penal Code section 12022.1.

**NOTICE PROVISION-RE STATE PRISON ELIGIBILITY AS TO
DEFENDANT YAHYA MUSLIM**

The defendant is hereby notified that the above felony offense is not governed by Penal Code section 1170(h) and that an executed sentence for the offenses herein charged shall be served in the state prison pursuant to Penal Code section 1170.1(a).

THIRD COUNT

The undersigned further deposes and says on information and belief, that said YAHYA MUSLIM did, in the County of Alameda, on or about **January 31, 2021**, commit a FELONY, to wit: ASSAULT WITH FORCE 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 GILBERT DIAZ 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."

**SPECIAL ALLEGATION-OFFENSE WHILE ON BAIL OR O.R. AS TO
DEFENDANT YAHYA MUSLIM**

It is further alleged that at the time of the commission of the above offense, the YAHYA MUSLIM, was released from custody on bail or Own Recognizance in Case Number 20-cr-011514 within the meaning of Penal Code section 12022.1.

**NOTICE PROVISION-RE STATE PRISON ELIGIBILITY AS TO
DEFENDANT YAHYA MUSLIM**

The defendant is hereby notified that the above felony offense is not governed by Penal Code section 1170(h) and that an executed sentence for the offenses herein charged shall be served in the state prison pursuant to Penal Code section 1170.1(a).

**SPECIAL ALLEGATION-VIOLENT CRIME ON THE VULNERABLE AS TO
DEFENDANT YAHYA MUSLIM**

It is further alleged that the YAHYA MUSLIM, is in violation of Penal Code section 667.9(a) in that the victim in the above offense, GILBERT DIAZ, was 91 years old and said disability and condition was known and reasonably should have been known to the defendant.

FOURTH COUNT

The undersigned further deposes and says on information and belief, that said YAHYA MUSLIM did, in the County of Alameda, on or about **January 31, 2021**, commit a FELONY, to wit: ELDER OR DEPENDENT ADULT ABUSE, a violation of section 368(b)(1) of the PENAL CODE of California, in that said defendant(s) did, under circumstances and conditions likely to produce great bodily harm and death, knowingly and willfully cause and permit GILBERT DIAZ, an elder and dependent adult, to suffer, and inflicted thereon, unjustifiable physical pain and mental suffering and, having the care and custody of said person, willfully caused and permitted him to be placed in a situation in which his health was endangered.

**NOTICE PROVISION-RE STATE PRISON ELIGIBILITY AS TO
DEFENDANT YAHYA MUSLIM**

The defendant is hereby notified that the above felony offense is not governed by Penal Code section 1170(h) and that an executed sentence for the offenses herein charged shall be served in the state prison pursuant to Penal Code section 1170.1(a).

SPECIAL ALLEGATION-OFFENSE WHILE ON BAIL OR O.R. AS TO
DEFENDANT YAHYA MUSLIM

It is further alleged that at the time of the commission of the above offense, the YAHYA MUSLIM, was released from custody on bail or Own Recognizance in Case Number 20-cr-011514 within the meaning of Penal Code section 12022.1.

FIRST PRIOR CONVICTION AS TO
DEFENDANT YAHYA MUSLIM

The undersigned further alleges that before the commission of the offense specified above, said defendant YAHYA MUSLIM, on or about October 14, 2020, 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 FORCE LIKELY TO PRODUCE GREAT BODILY INJURY, a violation of section 245(a)(4) of the PENAL CODE of California, and received a Unsented term therefor.

SECOND PRIOR CONVICTION AS TO
DEFENDANT YAHYA MUSLIM

The undersigned further alleges that before the commission of the offense specified above, said defendant YAHYA MUSLIM, on or about September 30, 2015, 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 FORCE LIKELY TO PRODUCE GREAT BODILY INJURY, a violation of section 245(a)(4) 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, February 8, 2021

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



TERESA ORTEGA
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State Bar #169556
Alameda County, California

OPD 21-004862; OPD 21-005072