

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

PEOPLE OF THE STATE OF CALIFORNIA

v.

PAUL PRUDENCIO PAEZ

DONTE HOLLOWAY

Defendant(s)

NO. **18-CR-013887A**

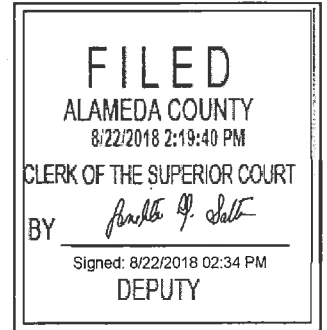
COMPLAINT

PFN: BAS536

CEN: 8403960

PFN: BBH391

CEN: 8403995



The undersigned, being sworn says, on information and belief, that PAUL PRUDENCIO PAEZ, DONTE HOLLOWAY did, in the County of Alameda, State of California, on or about April 6, 2018, 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 Cindy Le, 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 - MURDER BY LYING IN WAIT AS TO DEFENDANT PAUL PRUDENCIO PAEZ, DONTE HOLLOWAY

It is further alleged that the murder of was committed by PAUL PRUDENCIO PAEZ, DONTE HOLLOWAY and that the defendant(s) intentionally killed the victim by means of lying in wait, within the meaning of Penal Code Section 190.2(a)(15).

SPECIAL CIRCUMSTANCE - FELONY MURDER IN THE COURSE OF ROBBERY AS TO DEFENDANT PAUL PRUDENCIO PAEZ, DONTE HOLLOWAY

It is further alleged that the murder of was committed by PAUL PRUDENCIO PAEZ, DONTE HOLLOWAY while the said defendant(s) was/were engaged in the attempted commission of the crime of ROBBERY, within the meaning of Penal Code section 190.2(a)(17)(A).

NOTICE PROVISION-RE STATE PRISON ELIGIBILITY- VIOLENT FELONY AS TO DEFENDANT PAUL PRUDENCIO PAEZ, DONTE HOLLOWAY

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-USE OF DEADLY WEAPON AS TO DEFENDANT DONTE HOLLOWAY

It is further alleged that in the commission and attempted commission of the above offense, the said DONTE HOLLOWAY, personally used a deadly and dangerous weapon(s), to wit: METAL PIPE, said use not being an element of the above offense, within the meaning of Penal Code Section 12022(b)(1) and causing the above offense to be a serious felony within the meaning of Penal Code section 1192.7(c)(23).

SECOND COUNT

The undersigned further deposes and says on information and belief, that said PAUL PRUDENCIO PAEZ, DONTE HOLLOWAY did, in the County of Alameda, State of California, on or about April 6, 2018, commit a FELONY, to wit: ATTEMPTED SECOND DEGREE ROBBERY, a violation of section 211 of the PENAL CODE of California, in that said defendant(s) did unlawfully, and by means of force and fear take personal property from the person, possession, and immediate presence of Cindy Le.

"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)."

SPECIAL ALLEGATION-USE OF DEADLY WEAPON AS TO DEFENDANT DONTE HOLLOWAY

It is further alleged that in the commission and attempted commission of the above offense, the said DONTE HOLLOWAY, personally used a deadly and dangerous weapon(s), to wit: METAL PIPE, said use not being an element of the above offense, within the meaning of Penal Code Section 12022(b)(1) and causing the above offense to be a serious felony within the meaning of Penal Code section 1192.7(c)(23).

**NOTICE PROVISION-RE STATE PRISON ELIGIBILITY- VIOLENT FELONY AS TO
DEFENDANT PAUL PRUDENCIO PAEZ, DONTE HOLLOWAY**

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.

THIRD COUNT

The undersigned further deposes and says on information and belief, that said DONTE HOLLOWAY did, in the County of Alameda, State of California, on or about April 6, 2018, commit a FELONY, to wit: ASSAULT BY MEANS LIKELY TO PRODUCE GREAT BODILY INJURY, a violation of section 245(a)(1) of the PENAL CODE of California, in that said defendant(s) did willfully and unlawfully commit an assault on Robinson Nguyen 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-GREAT BODILY INJURY AS TO DEFENDANT DONTE HOLLOWAY

It is further alleged that in the commission of the above offense the said DONTE HOLLOWAY, personally inflicted great bodily injury upon Robinson Nguyen, 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)."

**NOTICE PROVISION-RE STATE PRISON ELIGIBILITY- VIOLENT FELONY AS TO
DEFENDANT DONTE HOLLOWAY**

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.

FIRST PRIOR CONVICTION AS TO DEFENDANT PAUL PRUDENCIO PAEZ

The undersigned further alleges that before the commission of the offense specified above, said defendant PAUL PRUDENCIO PAEZ, on or about March 21, 2000, was convicted in the Court of the State of California, in and for the County of ALAMEDA, of the crime of a Felony, to wit: SECOND DEGREE ROBBERY, a violation of section 211 of the PENAL CODE of California, and received a Prison term therefor.

**NOTICE PROVISION-RE STATE PRISON - VIOLENT/SERIOUS FELONY PRIOR AS TO
DEFENDANT PAUL PRUDENCIO PAEZ**

The defendant is hereby notified that the above felony conviction is for a violent felony within the meaning of Penal Code section 667.5(c) and a serious felony within the meaning of Penal Code section 1192.7(c). Accordingly, an executed sentence for the present felony charges shall be served in the state prison pursuant to Penal Code section 1170(h)(3).

**SPECIAL ALLEGATION- 2 STRIKES (ONE PRIOR) AS TO DEFENDANT PAUL PRUDENCIO
PAEZ**

It is further alleged as to all charged counts that, having suffered the above prior conviction, defendant must be sentenced pursuant to Penal Code sections 1170.12(c)(1) and 667(e)(1). It is further alleged that defendant is ineligible for probation pursuant to Penal Code sections 1170.12(a) and 667(c).

**SPECIAL ALLEGATION-CAL PRIOR-SERIOUS FELONY AS TO DEFENDANT PAUL
PRUDENCIO PAEZ**

It is further alleged that the above prior conviction is within the purview of Penal Code section 667(a)(1).

FIRST PRIOR CONVICTION AS TO DEFENDANT DONTE HOLLOWAY

The undersigned further alleges that before the commission of the offense specified above, said defendant DONTE HOLLOWAY, on or about March 21, 2000, was convicted in the Court of the State of California, in and for the County of ALAMEDA, of the crime of a Felony, to wit: SECOND DEGREE ROBBERY, a violation of section 211 of the PENAL CODE of California, and received a Prison term therefor.

NOTICE PROVISION-RE STATE PRISON - VIOLENT/SERIOUS FELONY PRIOR AS TO DEFENDANT DONTE HOLLOWAY

The defendant is hereby notified that the above felony conviction is for a violent felony within the meaning of Penal Code section 667.5(c) and a serious felony within the meaning of Penal Code section 1192.7(c). Accordingly, an executed sentence for the present felony charges shall be served in the state prison pursuant to Penal Code section 1170(h)(3).

SPECIAL ALLEGATION- 2 STRIKES (ONE PRIOR) AS TO DEFENDANT DONTE HOLLOWAY

It is further alleged as to all charged counts that, having suffered the above prior conviction, defendant must be sentenced pursuant to Penal Code sections 1170.12(c)(1) and 667(e)(1). It is further alleged that defendant is ineligible for probation pursuant to Penal Code sections 1170.12(a) and 667(c).

SPECIAL ALLEGATION-CAL PRIOR-SERIOUS FELONY AS TO DEFENDANT DONTE HOLLOWAY

It is further alleged that the above prior conviction is within the purview of Penal Code section 667(a)(1).

SECOND PRIOR CONVICTION AS TO DEFENDANT DONTE HOLLOWAY

The undersigned further alleges that before the commission of the offense specified above, said defendant DONTE HOLLOWAY, on or about March 30, 2011, was convicted in the Court of the State of California, in and for the County of ALAMEDA, of the crime of a Felony, to wit: ACCESSORY AFTER THE FACT-(KNOWLEDGE OF CRIME), a violation of section 32 of the PENAL CODE of California, and received a Probation term therefor.

THIRD PRIOR CONVICTION AS TO DEFENDANT DONTE HOLLOWAY

The undersigned further alleges that before the commission of the offense specified above, said defendant DONTE HOLLOWAY, on or about September 11, 2012, was convicted in the Court of the State of California, in and for the County of ALAMEDA, of the crime of a Felony, to wit: SECOND DEGREE ROBBERY, a violation of section 211 of the PENAL CODE of California, and received a Prison term therefor.

**NOTICE PROVISION-RE STATE PRISON - VIOLENT/SERIOUS FELONY PRIOR AS TO
DEFENDANT DONTE HOLLOWAY**

The defendant is hereby notified that the above felony conviction is for a violent felony within the meaning of Penal Code section 667.5(c) and a serious felony within the meaning of Penal Code section 1192.7(c). Accordingly, an executed sentence for the present felony charges shall be served in the state prison pursuant to Penal Code section 1170(h)(3).

**SPECIAL ALLEGATION-3 STRIKES (TWO OR MORE PRIORS) AS TO DEFENDANT DONTE
HOLLOWAY**

It is further alleged as to all charged counts that, having suffered the above prior conviction, defendant must be sentenced pursuant to Penal Code sections 1170.12(c)(2) and 667(e)(2). It is further alleged that defendant is ineligible for probation pursuant to Penal Code sections 1170.12(a) and 667(c).

**SPECIAL ALLEGATION-CAL PRIOR-SERIOUS FELONY AS TO DEFENDANT DONTE
HOLLOWAY**

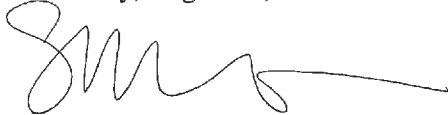
It is further alleged that the above prior conviction is within the purview of Penal Code section 667(a)(1).

**SPECIAL ALLEGATION-PRIOR SEPARATE PRISON TERM (PC 667.5(B)) AS TO DEFENDANT
DONTE HOLLOWAY**

It is further alleged that the above prior conviction is within the purview of Penal Code section 667.5(b) and that a separate term of imprisonment was served therefor as described in Penal Code section 667.5 for said offense, and that the defendant did not remain free of prison custody for, and did commit an offense resulting in a felony conviction during, a period of five years subsequent to the conclusion of said term.

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,
Wednesday, August 22, 2018



SUSAN TORRENCE
Senior Deputy District Attorney
State Bar #132585
Alameda County, California

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

ALA 18-01830 / ic