

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

PEOPLE OF THE STATE OF CALIFORNIA

v.

JOHN LEE COWELL

Defendant(s)

NO. 18-CR-012419

FIRST
AMENDED COMPLAINT

PFN: BLB475

CLERK OF THE SUPERIOR COURT
CEN: 8400395

E-FILED

ALAMEDA COUNTY

8/17/2018

THE SUPERIOR COURT

/s/ Defina Wade

The undersigned, being sworn says, on information and belief, that JOHN LEE COWELL did, in the County of Alameda, State of California, on or about July 22, 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 Nia Wilson, 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 ALLEGATION-USE OF DEADLY WEAPON AS TO DEFENDANT JOHN LEE COWELL

It is further alleged that in the commission and attempted commission of the above offense, the said JOHN LEE COWELL, personally used a deadly and dangerous weapon(s), to wit: KNIFE, 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 JOHN LEE COWELL**

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 CIRCUMSTANCE - MURDER BY LYING IN WAIT AS TO DEFENDANT JOHN LEE COWELL

It is further alleged that the murder of Nia Wilson was committed by JOHN LEE COWELL 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).

SECOND COUNT

The undersigned further deposes and says on information and belief, that said JOHN LEE COWELL did, in the County of Alameda, State of California, on or about July 22, 2018, commit a FELONY, to wit: WILLFUL, DELIBERATE, PREMEDITATED ATTEMPTED MURDER, a violation of section 187(a)/664(a) of the PENAL CODE of California, in that said defendant(s) did unlawfully and with malice aforethought, attempt to murder Letifah Wilson, a human being. It is further alleged that the aforesaid attempted murder was committed willfully, deliberately and with premeditation within the meaning of Penal Code section 664(a) and is a serious felony pursuant to Penal Code section 1192.7(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 ALLEGATION-USE OF DEADLY WEAPON AS TO DEFENDANT JOHN LEE COWELL

It is further alleged that in the commission and attempted commission of the above offense, the said JOHN LEE COWELL, personally used a deadly and dangerous weapon(s), to wit: KNIFE, 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 JOHN LEE COWELL

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 JOHN LEE COWELL

It is further alleged that in the commission of the above offense the said JOHN LEE COWELL, personally inflicted great bodily injury upon Letifah Wilson, 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)."

FIRST PRIOR CONVICTION AS TO DEFENDANT JOHN LEE COWELL

The undersigned further alleges that before the commission of the offense specified above, said defendant JOHN LEE COWELL, on or about October 12, 2016, was convicted in the Court of the State of California, in and for the County of CONTRA COSTA, 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.

SPECIAL ALLEGATION-3 STRIKES (TWO OR MORE PRIORS) AS TO DEFENDANT JOHN LEE COWELL

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-PRIOR SEPARATE PRISON TERM (PC 667.5(B)) AS TO DEFENDANT JOHN LEE COWELL

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.

SPECIAL ALLEGATION-CAL PRIOR-SERIOUS FELONY AS TO DEFENDANT JOHN LEE COWELL

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 JOHN LEE COWELL

The undersigned further alleges that before the commission of the offense specified above, said defendant JOHN LEE COWELL, on or about May 25, 2012, was convicted in the Court of the State of California, in and for the County of CONTRA COSTA, of the crime of a Felony, to wit: ASSAULT WITH DEADLY WEAPON, a violation of section 245(a)(1) of the PENAL CODE of California, and received a Probation term therefor.

SPECIAL ALLEGATION-3 STRIKES (TWO OR MORE PRIORS) AS TO DEFENDANT JOHN LEE COWELL

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 JOHN LEE COWELL

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

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,
Friday, August 17, 2018



PATRICK MORIARTY
Deputy District Attorney
State Bar #213185
Alameda County, California

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

BRT 1807-1131 / te



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



Arrestee/Suspect JOHN COWELL		DOB 09/25/1990	Sex M	PFN BLB475	
Race WHITE		CDL E3227367 CA		Agency Report # 1807-1131	
Arresting Agency BART PD (CA0012100)		Declarant Russell Medeiros		Agency Phone (510) 464-7000	Agency Fax (510) 464-7051
Arrest Date 07/23/2018	Arrest Time 17:47:00	Arrest Location (PLEASANT HILL BART)			
Holds		Arrestee Home Address			
Charges/Violations PC 245(A)(1) F(1 Counts), PC 187(A) F(1 Counts)					

On 7/22/18 approximately 2136 hours, a stabbing had occurred at the MacArthur BART station. Two victims had been stabbed in the throat. One victim died on scene and the other was transported to the hospital in critical condition.

Video was obtained from the station and reviewed. The suspect was seen on video stabbing the two victims and then running off. The suspect had discarded a backpack and his sweatshirt in the MacArthur BART parking structure. The backpack was recovered and inside were several items with a name and date of birth.

A file check of the name was conducted and an Alameda County Sheriff's Office booking photo was obtained. I confirmed the booking photo to the person stabbing the two victims at the MacArthur BART station.

A ramey warrant was issued for the above listed person.

On 7/24/18 a citizen who had seen a broadcast of the suspect on the local news called to report that he was on board an Antioch bound BART train and noticed the suspect on board his train. BART PD Officers intercepted the train at the Pleasant Hill BART station and took him in custody off of the ramey warrant.

The suspect was booked into Santa Rita County Jail at the Alameda Sheriffs Office.

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: 07/24/2018 07:51:08

Declarant: Russell Medeiros

Badge: 255

Reviewed and approved.

Date: 07/24/2018 12:11:34

Supervisor: John Power

Badge: #S49