

1 NANCY E. O'MALLEY
2 District Attorney
3 900 Courthouse
4 1225 Fallon Street
5 Oakland, CA 94612
6 (510) 272-6222

7 ROBERT L. WARREN
8 Assistant District Attorney
9 State Bar # 166828

10 AMILCAR FORD
11 Deputy District Attorney
12 State Bar # 204113

**ENDORSED
FILED
ALAMEDA COUNTY**

OCT 10 2018

**CLERK OF THE SUPERIOR COURT
By: ANTHONY J. MIRANDE, Deputy**

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **COUNTY OF ALAMEDA**

15 THE PEOPLE OF THE STATE OF CALIFORNIA)

16 v.)

17 JOHN LEE COWELL,)

18 Defendant)

No. 18-CR-016431
INDICTMENT

PFN BLB475 / DST 920
CEN

8410430

19 The Grand Jury of the County of Alameda hereby accuses JOHN LEE COWELL of a felony, to wit:
20 MURDER, a violation of section 187(a) of the Penal Code of California, in that on or about the 22nd
21 day of July, 2018, in the County of Alameda, State of California, said defendant did unlawfully and
22 with malice aforethought murder NIA WILSON, a human being.

23 "NOTICE: This offense is a serious felony within the meaning of Penal Code sections 1192.7(c)
24 and a violent felony within the meaning of Penal Code section 667.5(c)."

25 "NOTICE: Conviction of this offense will require you to provide specimens and samples pursuant
26 to Penal Code section 296. Willful refusal to provide the specimens and samples is a crime."

27 **SPECIAL ALLEGATION – USE OF A DEADLY WEAPON**

28 **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
10/04/2018:cab

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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).

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).

NOTICE PROVISION RE STATE PRISON ELIGIBILITY – VIOLENT FELONY CLAUSE
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.

SECOND COUNT

AS TO DEFENDANT JOHN LEE COWELL

The Grand Jury of the County of Alameda by this second count of this indictment further accuses JOHN LEE COWELL, of 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 on or about the 22nd day of July, 2018, in the County of Alameda, State of California, said defendant 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.”

///

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SPECIAL ALLEGATION – USE OF A 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).

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).”

NOTICE PROVISION RE STATE PRISON ELIGIBILITY – VIOLENT FELONY CLAUSE

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.

FIRST PRIOR CONVICTION

AS TO DEFENDANT JOHN LEE COWELL

The Grand Jury of the County of Alameda further charges that before the commission of the offense(s) specified above, said defendant JOHN LEE COWELL on or about the 12th day of October, 2016, was convicted in the Superior 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 therefore.

///

1 **SPECIAL ALLEGATION – 3 STRIKES (TWO OR MORE PRIORS)**

2 **AS TO DEFENDANT JOHN LEE COWELL**

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

7 **SPECIAL ALLEGATION – PRIOR SEPARATE PRISON TERM (PC 667.5(B))**

8 **AS TO DEFENDANT JOHN LEE COWELL**

9 It is further alleged that the above prior conviction is within the purview of Penal Code section
10 667.5(b) and that a separate term of imprisonment was served therefor as described in Penal Code
11 section 667.5 for said offense, and that the defendant did not remain free of prison custody for, and
12 did commit an offense resulting in a felony conviction during, a period of five years subsequent to
13 the conclusion of said term.

14 **SPECIAL ALLEGATION – CAL PRIOR – SERIOUS FELONY**

15 **AS TO DEFENDANT JOHN LEE COWELL**

16 It is further alleged that the above prior conviction is within the purview of Penal Code section
17 667(a)(1).

18 **SECOND PRIOR CONVICTION**

19 **AS TO DEFENDANT JOHN LEE COWELL**

20 The Grand Jury of the County of Alameda further charges that before the commission of the
21 offense(s) specified above, said defendant JOHN LEE COWELL on or about the 25th day of May,
22 2012, was convicted in the Superior Court of the State of California, in and for the County of
23 CONTRA COSTA, of the crime of a felony, to wit: ASSAULT WITH A DEADLY WEAPON, a
24 violation of section 245(a)(1) of the Penal Code of California, and received a probation term
25 therefore.

26 **SPECIAL ALLEGATION – 3 STRIKES (TWO OR MORE PRIORS)**

27 **AS TO DEFENDANT JOHN LEE COWELL**

28 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).


1
2 **SPECIAL ALLEGATION – CAL PRIOR – SERIOUS FELONY**

3 **AS TO DEFENDANT JOHN LEE COWELL**

4 It is further alleged that the above prior conviction is within the purview of Penal Code section
5 667(a)(1).

6 Pursuant to Penal Code section 1054.5(b), the People are hereby informally requesting that
7 defendant's counsel provide discovery to the People as required by Penal Code section 1054.3.

8 **A TRUE BILL.**

9
10 
11 PRISCILLA YUNG
12 Foreman of the Grand Jury
13 County of Alameda, State of California

14 NANCY E. O'MALLEY
15 District Attorney
16 County of Alameda, State of California

17 by: 
18 KEVIN E. DUNLEAVY
19 Chief Assistant District Attorney
20
21
22
23
24
25
26