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7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF YOLO

10
11 THE PEOPLE OF THE STATE OF
CALIFORNIA,

12
13 Plaintiff,

14 vs.

15 ALAMAR CYRIL HOUSTON

16 Defendant.

Dept. 4 Case No. 15-3694

SECOND AMENDED COMPLAINT

17
18 I, the undersigned, say, on information and belief, that in
19 the County of Yolo, State of California:

20
21 **Cyclist #1 (D.D.)**

22
23 Count 1 : On or about June 30, 2015, ALAMAR CYRIL HOUSTON
24 did commit a FELONY, namely, a violation of Sections 21a, 664(a)
25 and 187(a) of the California Penal Code, ATTEMPTED MURDER, in
26 that ALAMAR CYRIL HOUSTON did willfully, unlawfully and with
27 malice aforethought attempt to murder D.D., a human being.

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1 Count Enhancement 1a : It is further alleged that the
2 attempted murder alleged above was willful, deliberate and
3 premeditated within the meaning of California Penal Code
4 Sections 664(a) and 189, ENHANCEMENT FOR WILLFUL, DELIBERATE AND
5 PREMEDITATED ATTEMPTED MURDER.

6 Count Enhancement 1b : It is further alleged that during
7 the commission or attempted commission of the felony charged
8 above, ALAMAR CYRIL HOUSTON did willfully, unlawfully, and
9 personally use a deadly or dangerous weapon, within the meaning
10 of Section 12022(b)(1) of the California Penal Code, USE OF
11 DEADLY WEAPON.

12
13 Count 2 : On or about June 30, 2015, ALAMAR CYRIL HOUSTON
14 did commit a FELONY, namely, a violation of Section 245(a)(1) of
15 the California Penal Code, ASSAULT WITH A DEADLY WEAPON, in that
16 ALAMAR CYRIL HOUSTON did willfully and unlawfully commit an
17 assault upon D.D. with a deadly weapon or instrument other than
18 a firearm, to wit, a 2105 Hyundai Tucson.

19
20 Count 3 : On or about June 30, 2015, ALAMAR CYRIL HOUSTON
21 did commit a FELONY, namely, a violation of Section
22 20001(a)(b)(1) of the California Vehicle Code, HIT AND RUN WITH
23 INJURY, in that ALAMAR CYRIL HOUSTON did willfully, unlawfully
24 and knowingly, drive a vehicle and become involved in an
25 accident resulting in injury to any person, other than ALAMAR
26 CYRIL HOUSTON, and ALAMAR CYRIL HOUSTON did not immediately stop
27 the vehicle at the scene of the accident and fulfill the

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1 requirements of Sections 20003 and 20004 of the California
2 Vehicle Code.

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4 **Cyclist #2 (T.J.)**

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6 Count 4 : On or about June 30, 2015, ALAMAR CYRIL HOUSTON
7 did commit a FELONY, namely, a violation of Sections 21a, 664(a)
8 and 187(a) of the California Penal Code, ATTEMPTED MURDER, in
9 that ALAMAR CYRIL HOUSTON did willfully, unlawfully and with
10 malice aforethought attempt to murder T.J., a human being.

11 Count Enhancement 4a : It is further alleged that the
12 attempted murder alleged above was willful, deliberate and
13 premeditated within the meaning of California Penal Code
14 Sections 664(a) and 189, ENHANCEMENT FOR WILLFUL, DELIBERATE AND
15 PREMEDITATED ATTEMPTED MURDER.

16 Count Enhancement 4b : It is further alleged that during
17 the commission or attempted commission of the felony charged
18 above, ALAMAR CYRIL HOUSTON did willfully, unlawfully, and
19 personally use a deadly or dangerous weapon, within the meaning
20 of Section 12022(b)(1) of the California Penal Code, USE OF
21 DEADLY WEAPON.

22 Count Enhancement 4c : It is further alleged that during
23 the commission of the felony charged above, ALAMAR CYRIL HOUSTON
24 did willfully, unlawfully, and personally inflict great bodily
25 injury upon any person other than an accomplice and that said
26 injury did cause the victim to become comatose due to brain
27 injury or suffer paralysis of a permanent nature, within the

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1 meaning of Section 12022.7(b) of the California Penal Code,
2 INFLICTION OF GREAT BODILY INJURY.

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4 Count 5 : On or about June 30, 2015, ALAMAR CYRIL HOUSTON
5 did commit a FELONY, namely, a violation of Section 245(a)(1) of
6 the California Penal Code, ASSAULT WITH A DEADLY WEAPON, in that
7 ALAMAR CYRIL HOUSTON did willfully and unlawfully commit an
8 assault upon T.J. with a deadly weapon or instrument other than
9 a firearm, to wit, a 2105 Hyundai Tucson.

10 Count Enhancement 5a : It is further alleged that during
11 the commission of the felony charged above, ALAMAR CYRIL HOUSTON
12 did willfully, unlawfully, and personally inflict great bodily
13 injury upon any person other than an accomplice and that said
14 injury did cause the victim to become comatose due to brain
15 injury or suffer paralysis of a permanent nature, within the
16 meaning of Section 12022.7(b) of the California Penal Code,
17 INFLICTION OF GREAT BODILY INJURY.

18
19 Count 6 : On or about June 30, 2015, ALAMAR CYRIL HOUSTON
20 did commit a FELONY, namely, a violation of Section
21 20001(a)(b)(2) of the California Vehicle Code, HIT AND RUN WITH
22 DEATH OR PERMANENT SERIOUS INJURY, in that ALAMAR CYRIL HOUSTON
23 did willfully, unlawfully and knowingly, drive a vehicle and
24 become involved in an accident resulting in a death and
25 permanent serious injury to any person, other than ALAMAR CYRIL
26 HOUSTON, and ALAMAR CYRIL HOUSTON did not immediately stop the
27 vehicle at the scene of the accident and fulfill the

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1 requirements of Sections 20003 and 20004 of the California
2 Vehicle Code.

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4 **Cyclist #3 (J.J.)**

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6 Count 7 : On or about June 30, 2015, ALAMAR CYRIL HOUSTON
7 did commit a FELONY, namely, a violation of Sections 21a, 664(a)
8 and 187(a) of the California Penal Code, ATTEMPTED MURDER, in
9 that ALAMAR CYRIL HOUSTON did willfully, unlawfully and with
10 malice aforethought attempt to murder J.J., a human being.

11 Count Enhancement 7a : It is further alleged that the
12 attempted murder alleged above was willful, deliberate and
13 premeditated within the meaning of California Penal Code
14 Sections 664(a) and 189, ENHANCEMENT FOR WILLFUL, DELIBERATE AND
15 PREMEDITATED ATTEMPTED MURDER.

16 Count Enhancement 7b : It is further alleged that during
17 the commission or attempted commission of the felony charged
18 above, ALAMAR CYRIL HOUSTON did willfully, unlawfully, and
19 personally use a deadly or dangerous weapon, within the meaning
20 of Section 12022(b)(1) of the California Penal Code, USE OF
21 DEADLY WEAPON.

22 Count Enhancement 7c : It is further alleged that during
23 the commission of the felony charged above, ALAMAR CYRIL HOUSTON
24 did willfully, unlawfully, and personally inflict great bodily
25 injury upon any person, other than an accomplice, within the
26 meaning of Section 12022.7(a) of the California Penal Code,
27 INFLECTION OF GREAT BODILY INJURY.

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1 Count 8 : On or about June 30, 2015, ALAMAR CYRIL HOUSTON
2 did commit a FELONY, namely, a violation of Section 245(a)(1) of
3 the California Penal Code, ASSAULT WITH A DEADLY WEAPON, in that
4 ALAMAR CYRIL HOUSTON did willfully and unlawfully commit an
5 assault upon J.J. with a deadly weapon or instrument other than
6 a firearm, to wit, a 2105 Hyundai Tucson.

7 Count Enhancement 8a : It is further alleged that during
8 the commission of the felony charged above, ALAMAR CYRIL HOUSTON
9 did willfully, unlawfully, and personally inflict great bodily
10 injury upon any person, other than an accomplice, within the
11 meaning of Section 12022.7(a) of the California Penal Code,
12 INFLICTION OF GREAT BODILY INJURY.

13
14 Count 9 : On or about June 30, 2015, ALAMAR CYRIL HOUSTON
15 did commit a FELONY, namely, a violation of Section
16 20001(a)(b)(1) of the California Vehicle Code, HIT AND RUN WITH
17 INJURY, in that ALAMAR CYRIL HOUSTON did willfully, unlawfully
18 and knowingly, drive a vehicle and become involved in an
19 accident resulting in injury to any person, other than ALAMAR
20 CYRIL HOUSTON, and ALAMAR CYRIL HOUSTON did not immediately stop
21 the vehicle at the scene of the accident and fulfill the
22 requirements of Sections 20003 and 20004 of the California
23 Vehicle Code.

24
25 **All cyclists (D.D., T.J., J.J.)**

26
27 Count 10 : On or about June 30, 2015, ALAMAR CYRIL HOUSTON
28 did commit a FELONY, namely, a violation of Section 23153(a) of

1 the California Vehicle Code, DRIVING UNDER THE INFLUENCE OF
2 DRUGS CAUSING INJURY, in that ALAMAR CYRIL HOUSTON did willfully
3 and unlawfully drive a vehicle while under the influence of any
4 drug, and concurrently did any act forbidden by law and neglect
5 a duty imposed by law in driving the vehicle, which act or
6 neglect did proximately cause bodily injury to any person other
7 than ALAMAR CYRIL HOUSTON.

8 Count Enhancement 10a : It is further alleged that during
9 the commission of the felony charged above, ALAMAR CYRIL HOUSTON
10 did willfully, unlawfully, and personally inflict great bodily
11 injury upon any person, other than an accomplice, within the
12 meaning of Section 12022.7(a) of the California Penal Code,
13 INFLECTION OF GREAT BODILY INJURY.

14 Count Enhancement 10b : It is further alleged that during
15 the commission of the felony charged above, ALAMAR CYRIL HOUSTON
16 did willfully, unlawfully, and personally inflict great bodily
17 injury upon any person other than an accomplice and that said
18 injury did cause the victim to become comatose due to brain
19 injury or suffer paralysis of a permanent nature, within the
20 meaning of Section 12022.7(b) of the California Penal Code,
21 INFLECTION OF GREAT BODILY INJURY.

22 Count Enhancement 10c : It is further alleged that during
23 the commission of the felony charged in Count 10 ALAMAR CYRIL
24 HOUSTON did proximately cause bodily injury to more than one
25 victim, to wit, D.D., within the meaning of Section 23558 of
26 the California Vehicle Code, ENHANCEMENT FOR MULTIPLE VICTIMS
27 WHEN SECTION 23153 OF THE VEHICLE CODE OR SECTION 191.5 OR
28 193(c)(3) OF THE PENAL CODE IS CHARGED.

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2 **Civilian #1 (P.K.)**
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4 Count 11 : On or about June 30, 2015, ALAMAR CYRIL HOUSTON
5 did commit a FELONY, namely, a violation of Sections 211 and
6 212.5(c) of the California Penal Code, SECOND DEGREE ROBBERY, in
7 that ALAMAR CYRIL HOUSTON did willfully and unlawfully take
8 personal property in the possession of another person, to wit,
9 P.K., from the person and immediate presence of said person and
10 the taking was against such person's will, accomplished by means
11 of force and fear.

12 Count 12 : On or about June 30, 2015, ALAMAR CYRIL HOUSTON
13 did commit a FELONY, namely, a violation of Section 245(a)(4) of
14 the California Penal Code, ASSAULT BY MEANS OF FORCE LIKELY TO
15 PRODUCE GREAT BODILY INJURY, in that ALAMAR CYRIL HOUSTON did
16 willfully and unlawfully commit an assault upon the person of
17 another by means of force likely to produce great bodily injury.
18

19 **Civilian #2 (J.G.)**
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21 Count 13 : On or about June 30, 2015, ALAMAR CYRIL HOUSTON
22 did commit a FELONY, namely, a violation of Section 245(a)(1) of
23 the California Penal Code, ASSAULT WITH A DEADLY WEAPON, in that
24 ALAMAR CYRIL HOUSTON did willfully and unlawfully commit an
25 assault upon J.G. with a deadly weapon or instrument other than
26 a firearm, to wit, a 2015 Hyundai Tucson.

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1 **Other Acts**

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3 Count 14 : On or about June 30, 2015, ALAMAR CYRIL HOUSTON
4 did commit a FELONY, namely, a violation of Section 10851(a) of
5 the California Vehicle Code, THEFT OR UNAUTHORIZED USE OF
6 VEHICLE, in that ALAMAR CYRIL HOUSTON did willfully and
7 unlawfully drive and take a vehicle, to wit, 2105 Hyundai
8 Tuscon, not ALAMAR CYRIL HOUSTON's own, without the consent of
9 the owner thereof, and with intent either permanently or
10 temporarily to deprive the owner thereof of title to or
11 possession of said vehicle and ALAMAR CYRIL HOUSTON is a party
12 or accessory to or an accomplice in the driving or unauthorized
13 taking or stealing of said vehicle.

14 Count 15 : On or about June 30, 2015, ALAMAR CYRIL HOUSTON
15 did commit a FELONY, namely, a violation of Section 10851(a) of
16 the California Vehicle Code, THEFT OR UNAUTHORIZED USE OF
17 VEHICLE, in that ALAMAR CYRIL HOUSTON did willfully and
18 unlawfully drive and take a vehicle, to wit, green Dodge pickup
19 truck, not ALAMAR CYRIL HOUSTON's own, without the consent of
20 the owner thereof, and with intent either permanently or
21 temporarily to deprive the owner thereof of title to or
22 possession of said vehicle and ALAMAR CYRIL HOUSTON is a party
23 or accessory to or an accomplice in the driving or unauthorized
24 taking or stealing of said vehicle.

25 Count 16 : On or about June 30, 2015, ALAMAR CYRIL HOUSTON
26 did commit a FELONY, namely, a violation of Section 2800.2 of
27 the California Vehicle Code, EVADING A PEACE OFFICER WITH
28 RECKLESS DRIVING, in that ALAMAR CYRIL HOUSTON did willfully and

1 unlawfully operate a motor vehicle in a willful and wanton
2 disregard for the safety of persons and property and with the
3 intent to evade and did willfully flee and otherwise attempt to
4 elude a pursuing peace officer's motor vehicle when the
5 following conditions existed:

6 (a) The peace officer's motor vehicle was exhibiting at
7 least one lighted red lamp visible from the front and ALAMAR
8 CYRIL HOUSTON either saw and reasonably should have seen the
9 lamp;

10 (b) The peace officer's motor vehicle was sounding a siren
11 as may be reasonably necessary;

12 (c) The peace officer's motor vehicle was distinctively
13 marked; and

14 (d) The peace officer's motor vehicle was operated by a
15 peace officer as defined in Chapter 4.5 of the Penal Code, and
16 that peace officer was wearing a distinctive uniform.

17 Count 17 : On or about June 30, 2015, ALAMAR CYRIL HOUSTON
18 did commit a FELONY, namely a violation of Section 2800.4 or the
19 California Vehicle Code, EVADING A PEACE OFFICER WHILE DRIVING
20 IN THE OPPOSITE DIRECTION, in that ALAMAR CYRIL HOUSTON did
21 willfully and unlawfully operate a motor vehicle with the intent
22 to evade and did willfully flee and otherwise attempt to elude a
23 pursuing peace officer's motor vehicle and did willfully drive
24 on a highway in a direction opposite to that in which the
25 traffic lawfully moves upon that highway when the following
26 conditions existed:

27 (a) The peace officer's motor vehicle was exhibiting at
28 least one lighted red lamp visible from the front and ALAMAR

1 CYRIL HOUSTON either saw and reasonably should have seen the
2 lamp;

3 (b) The peace officer's motor vehicle was sounding a siren
4 as may be reasonably necessary;

5 (c) The peace officer's motor vehicle was distinctively
6 marked; and

7 (d) The peace officer's motor vehicle was operated by a
8 peace officer as defined in Chapter 4.5 of the Penal Code, and
9 that peace officer was wearing a distinctive uniform.

10 Count 18 : On or about June 30, 2015, ALAMAR CYRIL HOUSTON
11 did commit a MISDEMEANOR, namely, a violation of Section
12 14601.1(a) of the California Vehicle Code, DRIVING WHILE DRIVING
13 PRIVILEGE SUSPENDED OR REVOKED, in that ALAMAR CYRIL HOUSTON did
14 willfully and unlawfully drive a motor vehicle at any time when
15 ALAMAR CYRIL HOUSTON's driving privilege was suspended and
16 revoked and ALAMAR CYRIL HOUSTON knew of the suspension and
17 revocation.

18 Count 19 : On or about June 30, 2015, ALAMAR CYRIL HOUSTON
19 did commit a MISDEMEANOR, namely, a violation of Section 600(a)
20 of the California Penal Code, HARMING, INTERFERING WITH OR
21 OBSTRUCTING A PEACE OFFICER'S HORSE OR DOG RESULTING IN INJURY,
22 in that ALAMAR CYRIL HOUSTON did willfully, unlawfully,
23 maliciously, and with no legal justification strike, beat, kick,
24 cut, stab, shoot with a firearm, administer any poison or other
25 harmful or stupefying substance to, and throw, hurl, or project
26 at, and place any rock, object, or other substance which is used
27 in such a manner as to be capable of producing injury and likely
28 to produce injury, on or in the path of, any horse being used

1 by, or any dog under the supervision of, any peace officer in
2 the discharge or attempted discharge of his or her duties. It
3 is further alleged that an injury was inflicted upon such
4 animal.

5 Count 20 : On or about June 30, 2015, ALAMAR CYRIL HOUSTON
6 did commit a MISDEMEANOR, namely, a violation of Section
7 148(a)(1) of the California Penal Code, RESISTING OR OBSTRUCTING
8 PEACE OFFICER in that ALAMAR CYRIL HOUSTON did willfully and
9 unlawfully resist, delay or obstruct any peace officer in the
10 discharge of and in the attempt to discharge a duty of said
11 person's employment and office.

12 Count 21 : On or about June 30, 2015, ALAMAR CYRIL HOUSTON
13 did commit a MISDEMEANOR, namely, a violation of Section
14 11550(a) of the California Health and Safety Code, UNLAWFUL USE
15 OR INFLUENCE OF A CONTROLLED SUBSTANCE, in that ALAMAR CYRIL
16 HOUSTON did willfully and unlawfully use and be under the
17 influence of a controlled substance, to wit, methamphetamine.

18 Case Enhancement a : It is further alleged that ALAMAR
19 CYRIL HOUSTON was previously convicted of a serious felony
20 within the meaning of Section 667(c) and 667(e)(1) of the
21 California Penal Code, ENHANCEMENT FOR ONE PRIOR FELONY
22 CONVICTION THAT PROHIBITS PROBATION, LIMITS CREDITS, REQUIRES
23 CONSECUTIVE SENTENCING, AND MANDATES PRISON COMMITMENT, in that
24 ALAMAR CYRIL HOUSTON was convicted of a prior felony as defined
25 in Section 667(d) of the California Penal Code, and listed in
26 Sections 667.5(c) and 1192.7(a) of the Penal Code, and Section
27 707(b) of the Welfare and Institutions Code, to wit, a
28 conviction on June 6, 2001 for a violation of Section

1 211/212.5 of the California Penal Code, in the County of
2 Sacramento, Case No. 01F0836.

3 Case Enhancement b : It is further alleged that ALAMAR
4 CYRIL HOUSTON was previously convicted of a serious felony
5 within the meaning of Section 667(a)(1) of the California Penal
6 Code, ENHANCEMENT FOR HABITUAL CRIMINALS, in that ALAMAR CYRIL
7 HOUSTON was convicted of a serious felony listed in Section
8 1192.7 of the Penal Code, to wit, Section 211/212.5 of the
9 California Penal Code, on June 6, 2001 in the County of
10 Sacramento, Case No. 01F0836.

11 Case Enhancement c : It is further alleged that ALAMAR
12 CYRIL HOUSTON was previously convicted of a felony within the
13 meaning of Section 667.5(b) of the California Penal Code,
14 ENHANCEMENT FOR PRIOR PRISON TERM, in that ALAMAR CYRIL HOUSTON
15 was convicted of a felony on February 15, 2006 in the County of
16 Solano, and that ALAMAR CYRIL HOUSTON served a prison term for
17 such conviction and that ALAMAR CYRIL HOUSTON has not remained
18 free of prison custody or free of a felony conviction for five
19 years, within the meaning of Section 667.5 of the Penal Code.

20 Case Enhancement d : It is further alleged that ALAMAR
21 CYRIL HOUSTON was previously convicted of a felony within the
22 meaning of Section 667.5(b) of the California Penal Code,
23 ENHANCEMENT FOR PRIOR PRISON TERM, in that ALAMAR CYRIL HOUSTON
24 was convicted of a felony on April 23, 2003 in the County of San
25 Joaquin, and that ALAMAR CYRIL HOUSTON served a prison term for
26 such conviction and that ALAMAR CYRIL HOUSTON has not remained
27 free of prison custody or free of a felony conviction for five
28 years, within the meaning of Section 667.5 of the Penal Code.

1 Case Enhancement e : It is further alleged that ALAMAR
2 CYRIL HOUSTON was previously convicted of a felony within the
3 meaning of Section 667.5(b) of the California Penal Code,
4 ENHANCEMENT FOR PRIOR PRISON TERM, in that ALAMAR CYRIL HOUSTON
5 was convicted of a felony on June 6, 2001 in the County of
6 Sacramento, and that ALAMAR CYRIL HOUSTON served a prison term
7 for such conviction and that ALAMAR CYRIL HOUSTON has not
8 remained free of prison custody or free of a felony conviction
9 for five years, within the meaning of Section 667.5 of the Penal
10 Code.

11 Case Enhancement f : It is further alleged that ALAMAR
12 CYRIL HOUSTON was previously convicted of a felony within the
13 meaning of Section 667.5(b) of the California Penal Code,
14 ENHANCEMENT FOR PRIOR PRISON TERM, in that ALAMAR CYRIL HOUSTON
15 was convicted of a felony on September 9, 1998 in the County of
16 Sacramento, and that ALAMAR CYRIL HOUSTON served a prison term
17 for such conviction and that ALAMAR CYRIL HOUSTON has not
18 remained free of prison custody or free of a felony conviction
19 for five years, within the meaning of Section 667.5 of the Penal
20 Code.

21 I declare under penalty of perjury that the foregoing is
22 correct.

23 Executed on May 19, 2016, at Woodland, California.

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Matthew De Moura/278075
Deputy District Attorney