

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO
SAN BERNARDINO JUSTICE CENTER DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,)	
)	
Plaintiff)	
)	
vs.)	
)	
Ismael Saldivar , aka Ismael Jr Saldivar, aka Ismael Junior Saldival)	FELONY COMPLAINT
)	
)	
Defendant)	DA CASE NO 2020-00-0042127
)	

The undersigned is informed and believes that:

COUNT 1

On or about September 4, 2020, in the above named judicial district, the crime of ATTEMPTED MURDER, in violation of PENAL CODE SECTION 664/187(a), a felony, was committed by Ismael Saldivar, who did unlawfully, and with malice aforethought attempt to murder Michael Hall , 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)."

It is further alleged as to count(s) 1, 2, 3 that said defendant(s) Ismael Saldivar personally and intentionally discharged a firearm, a handgun, within the meaning of Penal Code section 12022.53(c).

It is further alleged as to count(s) 1, 2, 3 that said defendant(s) Ismael Saldivar personally used a firearm, a handgun, within the meaning of Penal Code section 12022.53(b).

It is further alleged as to count(s) 1, 2, 3, 4, 5 that at the time of the commission of the above offense, the defendant(s) Ismael Saldivar, was released from custody on bail or Own Recognizance in Case Number FWV1303783 within the meaning of Penal Code section 12022.1(b).

COUNT 2

On or about September 4, 2020, in the above named judicial district, the crime of ASSAULT WITH A FIREARM, in violation of PENAL CODE SECTION 245(a)(2), a felony, was committed by Ismael Saldivar, who did willfully and unlawfully commit an assault on Michael Hall with a firearm.

"NOTICE: It is further alleged that, pursuant to Penal Code section 1203.095, there is a presumptive minimal jail time required if you are convicted of this charge."

"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."

It is further alleged as to count(s) 1, 2, 3 that said defendant(s) Ismael Saldivar personally and intentionally discharged a firearm, a handgun, within the meaning of Penal Code section 12022.53(c).

It is further alleged as to count(s) 1, 2, 3 that said defendant(s) Ismael Saldivar personally used a firearm, a handgun, within the meaning of Penal Code section 12022.53(b).

It is further alleged as to count(s) 1, 2, 3, 4, 5 that at the time of the commission of the above offense, the defendant(s) Ismael Saldivar, was released from custody on bail or Own Recognizance in Case Number FWV1303783 within the meaning of Penal Code section 12022.1(b).

COUNT 3

On or about September 4, 2020, in the above named judicial district, the crime of ASSAULT UPON PEACE OFFICER OR FIREFIGHTER, in violation of PENAL CODE SECTION 245(c), a felony, was committed by Ismael Saldivar, who did willfully and unlawfully commit an assault with a deadly weapon and instrument and by force likely to produce great bodily injury upon the person of

Michael Hall when said defendant(s) Ismael Saldivar knew and should have known that said person was a peace officer then and there engaged in the performance of his/her duties .

"NOTICE: The above offense is a serious felony within the meaning of Penal Code section 1192.7(c)."

It is further alleged as to count(s) 1, 2, 3 that said defendant(s) Ismael Saldivar personally and intentionally discharged a firearm, a handgun, within the meaning of Penal Code section 12022.53(c).

It is further alleged as to count(s) 1, 2, 3 that said defendant(s) Ismael Saldivar personally used a firearm, a handgun, within the meaning of Penal Code section 12022.53(b).

It is further alleged as to count(s) 1, 2, 3, 4, 5 that at the time of the commission of the above offense, the defendant(s) Ismael Saldivar, was released from custody on bail or Own Recognizance in Case Number FWV1303783 within the meaning of Penal Code section 12022.1(b).

COUNT 4

On or about September 4, 2020, in the above named judicial district, the crime of POSSESSION OF FIREARM BY A FELON, in violation of PENAL CODE SECTION 29800(a)(1), a felony, was committed by Ismael Saldivar, who did unlawfully own, purchase, receive, possess, and have custody and control of a firearm, to wit, Handgun, the said defendant(s) having been convicted of a felony under the laws of the United States, the state of California and any other state, government and county:

Court Case	Code/Statute	Conv Date	County	State	Court Type
FWV1303783-2	PC 459 1st	04/14/2014	San Bernardino	CA	Superior

It is further alleged as to count(s) 1, 2, 3, 4, 5 that at the time of the commission of the above offense, the defendant(s) Ismael Saldivar, was released from custody on bail or Own

Recognizance in Case Number FWV1303783 within the meaning of Penal Code section 12022.1(b).

COUNT 5

On or about September 4, 2020, in the above named judicial district, the crime of EVADING AN OFFICER, WILLFUL DISREGARD, in violation of VEHICLE CODE SECTION 2800.2(a), a felony, was committed by Ismael Saldivar, who did willfully and unlawfully, while operating a motor vehicle and with the intent to evade, flee and otherwise attempt to elude a pursuing peace officer's motor vehicle while all of the following conditions existed: the peace officer's motor vehicle exhibited at least one lighted red lamp visible from the front and the defendant(s) saw and reasonably should have seen the lamp, the peace officer's motor vehicle was sounding its siren as was reasonably necessary, the peace officer's motor vehicle was distinctively marked, the peace officer's motor vehicle was operated by a peace officer. It is further alleged that the defendant(s) drove with a willful or wanton disregard for the safety of persons and property.

It is further alleged as to count(s) 1, 2, 3, 4, 5 that at the time of the commission of the above offense, the defendant(s) Ismael Saldivar, was released from custody on bail or Own Recognizance in Case Number FWV1303783 within the meaning of Penal Code section 12022.1(b).

It is further alleged pursuant to Penal Code sections 1170.12(a) through (d) and 667(b) through (i) as to count(s) 1, 2, 3, 4, 5 that said defendant(s) Ismael Saldivar, has suffered the following prior conviction of a serious or violent felony or juvenile adjudication:

Court Case	Code/Statute	Conv Date	County	State	Court Type
FWV1303783-2	PC 459 1st	04/14/2014	San Bernardino	CA	Superior

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NOTICE TO DEFENDANT AND DEFENDANT'S ATTORNEY

Pursuant to Penal Code Sections 1054.5.(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.

NOTICE TO ATTORNEY

The materials accompanying this notice may include information about witnesses. If so, these materials are disclosed to you pursuant to Penal Code section 1054.2 which provides: "No attorney may disclose or permit to be disclosed to a defendant the address or telephone number of a victim or witness whose name is disclosed to the attorney pursuant to subdivision (a) of Section 1054.1 unless specifically permitted to do so by the court after a hearing and a showing of good cause."

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT CONSISTS OF 5 COUNT(S).

Executed at San Bernardino, California, on September 10, 2020.

BHouser

BHouser
DECLARANT AND COMPLAINANT

Agency: San Bernardino Police Department

Prelim Est. 00:00

Defendant	Birth Date	Booking No.	CII No.	NCIC
Ismael Saldivar	09/11/1992		A29984414	