

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

PEOPLE OF THE STATE OF CALIFORNIA

v.

**MARLON JULIUS KING**

**KEMANDRE JACOBY KING**

**JOSHUA HAYLES**

Defendant(s)

NO. **21-CR-013660B**

COMPLAINT

PFN:BLC798/DTI897 CEN:1392058

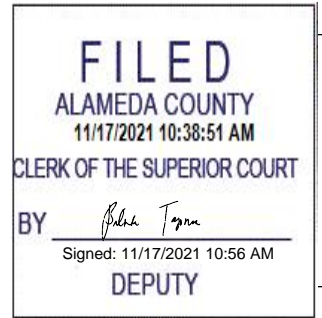
WARRANT

PFN:BMK264/DTI899 CEN:1392060

WARRANT

PFN:DTI900 CEN:1392061

WARRANT



The undersigned, being sworn says, on information and belief, that MARLON JULIUS KING, KEMANDRE JACOBY KING, JOSHUA HAYLES did, in the County of Alameda, on or about **October 21, 2021**, 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 DESONI GARDNER, 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."

**SPEC ALLEG-PERSONAL AND INTENTIONAL DISCHARGE OF A FIREARM, GBI AS TO DEFENDANT MARLON JULIUS KING**

It is further alleged as to the above count that said MARLON JULIUS KING personally and intentionally discharged a firearm, and caused great bodily injury and death to ERSIE JOYNER within the meaning of Penal Code sections 12022.7(a) and 12022.53(d). It is further alleged that defendant personally inflicted great bodily injury on another person within the meaning of Penal Code section 12022.7. It is further alleged that said defendant personally and intentionally discharged a firearm within the meaning of Penal Code section 12022.53(c). It is further alleged that said defendant personally used a firearm within the meaning of Penal Code sections 12022.5(a) and 12022.53(b). It is further alleged that probation shall not be granted to said defendant pursuant to Penal Code section 1203.06(a) and 12022.53(g).

**SPEC ALLEG-PERSONAL USE OF A FIREARM AS TO DEFENDANT KEMANDRE JACOBY KING**

It is further alleged that said KEMANDRE JACOBY KING personally used a firearm within the meaning of Penal Code sections 12022.5(a) and 12022.53(b), and that probation shall not be granted to said defendant pursuant to Penal Code section 1203.06(a) and 12022.53(g).

**SPECIAL ALLEGATION-ARMED WITH FIREARM AS TO DEFENDANT MARLON JULIUS KING, KEMANDRE JACOBY KING, JOSHUA HAYLES**

It is further alleged as against MARLON JULIUS KING, KEMANDRE JACOBY KING, JOSHUA HAYLES that in the commission and attempted commission of the above offense a principal in said offense was armed with a firearm, said arming not being an element of the above offense, within the meaning of Penal Code section 12022(a)(1).

**NOTICE PROVISION-RE STATE PRISON ELIGIBILITY- VIOLENT FELONY AS TO  
DEFENDANT MARLON JULIUS KING, KEMANDRE JACOBY KING, JOSHUA HAYLES**

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.

**NOTICE PROVISION-RE STATE PRISON ELIGIBILITY- SERIOUS FELONY AS TO  
DEFENDANT MARLON JULIUS KING, KEMANDRE JACOBY KING, JOSHUA HAYLES**

It is further alleged that the above offense is a serious felony within the meaning of Penal Code section 1192.7(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**

The undersigned further deposes and says on information and belief, that said MARLON JULIUS KING did, in the County of Alameda, on or about **October 21, 2021**, 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 ERSIE JOYNER, 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."

**SPEC ALLEG-PERSONAL AND INTENTIONAL DISCHARGE OF A FIREARM, GBI AS TO  
DEFENDANT MARLON JULIUS KING**

It is further alleged as to the above count that said MARLON JULIUS KING personally and intentionally discharged a firearm, and caused great bodily injury and death to ERSIE JOYNER within the meaning of Penal Code sections 12022.7(a) and 12022.53(d). It is further alleged that defendant personally inflicted great bodily injury on another person within the meaning of Penal Code section 12022.7. It is further alleged that said defendant personally and intentionally discharged a firearm within the meaning of Penal Code section 12022.53(c). It is further alleged that said defendant personally used a firearm within the meaning of Penal Code sections 12022.5(a) and 12022.53(b). It is further alleged that probation shall not be granted to said defendant pursuant to Penal Code section 1203.06(a) and 12022.53(g).

**NOTICE PROVISION-RE STATE PRISON ELIGIBILITY- VIOLENT FELONY AS TO  
DEFENDANT MARLON JULIUS KING**

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.

**NOTICE PROVISION-RE STATE PRISON ELIGIBILITY- SERIOUS FELONY AS TO  
DEFENDANT MARLON JULIUS KING**

It is further alleged that the above offense is a serious felony within the meaning of Penal Code section 1192.7(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 MARLON JULIUS KING, KEMANDRE JACOBY KING did, in the County of Alameda, on or about **October 21, 2021**, commit a FELONY, to wit: ASSAULT WITH A SEMIAUTOMATIC FIREARM, a violation of section 245(b) of the PENAL CODE of California, in that said defendant(s) did willfully and unlawfully commit an assault upon ERSIE JOYNER with a semiautomatic firearm. "NOTICE: The above offense is a serious felony within the meaning of 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 FIREARM (12022.5) AS TO  
DEFENDANT MARLON JULIUS KING, KEMANDRE JACOBY KING**

It is further alleged that in the commission and attempted commission of the above offense, the said MARLON JULIUS KING, KEMANDRE JACOBY KING, personally used a firearm within the meaning of Penal Code section 12022.5(a) also causing the above offense to become a serious felony pursuant to Penal Code section 1192.7(c)(8) and a violent felony within the meaning of Penal Code section 667.5(c)(8).

**SPECIAL ALLEGATION-GREAT BODILY INJURY AS TO  
DEFENDANT MARLON JULIUS KING**

It is further alleged that in the commission of the above offense the said MARLON JULIUS KING, personally inflicted great bodily injury upon ERSIE JOYNER, 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 MARLON JULIUS KING, KEMANDRE JACOBY KING**

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.

**NOTICE PROVISION-RE STATE PRISON ELIGIBILITY- SERIOUS FELONY AS TO  
DEFENDANT MARLON JULIUS KING, KEMANDRE JACOBY KING**

It is further alleged that the above offense is a serious felony within the meaning of Penal Code section 1192.7(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.

**FOURTH COUNT**

The undersigned further deposes and says on information and belief, that said MARLON JULIUS KING, KEMANDRE JACOBY KING, JOSHUA HAYLES did, in the County of Alameda, on or about **October 21, 2021**, commit a FELONY, to wit: 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 ERSIE JOYNER.

"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)."

**SPEC ALLEG-PERSONAL AND INTENTIONAL DISCHARGE OF A FIREARM, GBI AS TO  
DEFENDANT MARLON JULIUS KING**

It is further alleged as to the above count that said MARLON JULIUS KING personally and intentionally discharged a firearm, and caused great bodily injury and death to ERSIE JOYNER within the meaning of Penal Code sections 12022.7(a) and 12022.53(d). It is further alleged that defendant personally inflicted great bodily injury on another person within the meaning of Penal Code section 12022.7. It is further alleged that said defendant personally and intentionally discharged a firearm within the meaning of Penal Code section 12022.53(c). It is further alleged that said personally used a firearm within the meaning of Penal Code sections 12022.5(a) and 12022.53(b). It is further alleged that probation shall not be granted to said defendant pursuant to Penal Code section 1203.06(a) and 12022.53(g).

**SPEC ALLEG-PERSONAL USE OF A FIREARM AS TO  
DEFENDANT KEMANDRE JACOBY KING**

It is further alleged that said KEMANDRE JACOBY KING personally used a firearm within the meaning of Penal Code sections 12022.5(a) and 12022.53(b), and that probation shall not be granted to said defendant pursuant to Penal Code section 1203.06(a) and 12022.53(g).

**SPECIAL ALLEGATION-ARMED WITH FIREARM AS TO  
DEFENDANT MARLON JULIUS KING, KEMANDRE JACOBY KING, JOSHUA HAYLES**

It is further alleged as against MARLON JULIUS KING, KEMANDRE JACOBY KING, JOSHUA HAYLES that in the commission and attempted commission of the above offense a principal in said offense was armed with a firearm, said arming not being an element of the above offense, within the meaning of Penal Code section 12022(a)(1).

**NOTICE PROVISION-RE STATE PRISON ELIGIBILITY- VIOLENT FELONY AS TO  
DEFENDANT MARLON JULIUS KING, KEMANDRE JACOBY KING, JOSHUA HAYLES**

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.

**NOTICE PROVISION-RE STATE PRISON ELIGIBILITY- SERIOUS FELONY AS TO  
DEFENDANT MARLON JULIUS KING, KEMANDRE JACOBY KING, JOSHUA HAYLES**

It is further alleged that the above offense is a serious felony within the meaning of Penal Code section 1192.7(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.

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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, November 17, 2021

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



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OPD 21-049455