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**FILED AND ENTERED/ENDORSED  
SAN FRANCISCO COUNTY  
SUPERIOR COURT  
1/5/2021  
CLERK OF COURT  
DEPUTY CLERK**

DocuSigned by:  
*Gordon Fong*  
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THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
CITY AND COUNTY OF SAN FRANCISCO

THE PEOPLE OF THE STATE OF CALIFORNIA  
Plaintiff,

v.

TROY RAMON MCALISTER  
Defendant.

FELONY COMPLAINT

CASE NUMBER:  
20013856

The Undersigned, being sworn says, on information and belief, that:

COUNT: I

The said defendant, TROY RAMON MCALISTER, did in the City and County of San Francisco, State of California, on or about the 31st day of December, 2020, commit the crime of GROSS VEHICULAR MANSLAUGHTER WHILE INTOXICATED, to wit: Violating Section **191.5(a)** of the Penal Code, a Felony, in that the said defendant did drive a vehicle in violation of sections 21453, 22350 of the Vehicle Code and did willfully, unlawfully and without malice, while engaged in the driving of a vehicle in the commission of an unlawful act not amounting to a felony, with gross negligence, and while in the commission of a lawful act which might produce death in an unlawful manner with gross negligence, kill HANAKO ABE, a human being, the death of said decedent being the proximate result of the driving of said vehicle by the said defendant at the time, place and in the manner as aforesaid.

COUNT: II

The said defendant, TROY RAMON MCALISTER, did in the City and County of San Francisco, State of California, on or about the 31st day of December, 2020, commit the crime of GROSS VEHICULAR MANSLAUGHTER WHILE INTOXICATED, to wit: Violating Section **191.5(a)** of the Penal Code, a Felony, in that the said defendant did drive a vehicle in violation of sections 21453, 22350 of the Vehicle Code and did willfully, unlawfully and without malice, while engaged in the driving of a vehicle in the commission of an unlawful act not amounting to a felony, with gross negligence, and while in the commission of a lawful act which might produce death in an unlawful manner with gross negligence, kill ELIZABETH ANNE PLATT, a human being, the death of said decedent being the proximate result of the driving of said vehicle by the said defendant at the time, place and in the manner as aforesaid.

COUNT: III

The said defendant, TROY RAMON MCALISTER, did in the City and County of San Francisco, State of California, on or about the 31st day of December, 2020, commit the crime of DRIVING UNDER THE COMBINED INFLUENCE OF ALCOHOL AND DRUGS CAUSING INJURY, to wit: Violating Section **23153(g)** of the California Vehicle Code, a Felony, in that the said defendant did willfully and unlawfully while under the combined influence of an alcoholic beverage and a drug drive a vehicle and in so driving did an act forbidden by law, to wit: a violation of California Vehicle Code Section 21453, 22350, and neglected a duty imposed by law and the duty to exercise ordinary care at all times and maintain proper control of a vehicle which proximately caused bodily injury to ELIZABETH ANNE PLATT AND HANAKO ABE.

**ALLEGATION OF GREAT BODILY INJURY PURSUANT TO PENAL CODE SECTION 12022.7(b)**

It is further alleged that in the commission of the above offense the defendant, TROY RAMON MCALISTER, inflicted great bodily injury upon HANAKO ABE, not an accomplice to the above offense, causing said victim to become comatose due to brain injury and to suffer paralysis, within the meaning of Penal Code Section 12022.7(b).

**ALLEGATION OF GREAT BODILY INJURY PURSUANT TO PENAL CODE SECTION 12022.7(b)**

It is further alleged that in the commission of the above offense the defendant, TROY RAMON MCALISTER, inflicted great bodily injury upon ELIZABETH ANNE PLATT, not an accomplice to the above offense, causing said victim to become comatose due to brain injury and to suffer paralysis, within the meaning of Penal Code Section 12022.7(b).

**ALLEGATION OF BODILY INJURY TO MORE THAN ONE VICTIM PURSUANT TO VEHICLE CODE SECTION 23558**

It is further alleged that the said defendant, TROY RAMON MCALISTER, proximately caused bodily injury and death to more than one victim in violation of California Vehicle Code Section 23558.

COUNT: IV

The said defendant, TROY RAMON MCALISTER, did in the City and County of San Francisco, State of California, on or about the 31st day of December, 2020, commit the crime of LEAVING THE SCENE OF AN ACCIDENT, to wit: Violating Section **20001(a)** of the California Vehicle Code, a Felony, in that the said defendant who then and there being the driver of a certain vehicle and being involved in an accident resulting in injury to a certain person, to wit: ELIZABETH ANNE PLATT AND HANAKO ABE, did then and there willfully, unlawfully and feloniously fail immediately to stop said vehicle at the scene of said accident, to give his name, address, the registration number of his/her vehicle and the name of the owner thereof, to exhibit upon request, his operator's and chauffeur's license to the person so struck and to render to the person injured in said accident reasonable assistance, including the carrying and making arrangements for the carrying of said person to a physician, surgeon and hospital for medical and surgical treatment, it being apparent that such treatment was necessary and said carrying being then and there requested by the injured person, and perform the duties specified in Vehicle Code Sections 20003 and 20004.

**ALLEGATION OF FLEEING THE SCENE OF THE CRIME PURSUANT TO VEHICLE CODE SECTION 20001(c)**

It is further alleged that the said defendant, TROY RAMON MCALISTER, fled the scene of the crime after committing the above offense, within the meaning of Vehicle Code Section 20001(c).

COUNT: V

The said defendant, TROY RAMON MCALISTER, did in the City and County of San Francisco, State of California, on or about the 31st day of December, 2020, commit the crime of POSSESSION OF FIREARM WITH PRIOR CONVICTION, to wit: Violating Section **29900(a)(1)** of the Penal Code, a Felony, in that the said defendant did willfully and unlawfully own or possess or have custody and control of a firearm, to wit: a .40-CALIBER SMITH & WESSON SEMI-AUTOMATIC HANDGUN; said defendant having previously been convicted of a violent offense.

1. The said defendant, TROY RAMON MCALISTER, previously convicted of the crime of SECOND DEGREE ROBBERY, violating section 211 of the Penal Code, a Felony, on or about the 10th day of April, 2020, in the Superior Court of California, County of San Francisco.

2. The said defendant, TROY RAMON MCALISTER, previously convicted of the crime of SECOND DEGREE ROBBERY, violating section 211 of the Penal Code, a Felony, on or about the 29th day of March, 2010, in the Superior Court of California, County of San Francisco.

3. The said defendant, TROY RAMON MCALISTER, previously convicted of the crime of ATTEMPTED CARJACKING, violating section 664/215(a) of the Penal Code, a Felony, on or about the 19th day of May, 2006, in the Superior Court of California, County of San Francisco.

4. The said defendant, TROY RAMON MCALISTER, previously convicted of the crime of SECOND DEGREE ROBBERY, violating section 211 of the Penal Code, a Felony, on or about the 21st day of April, 1995, in the Superior Court of California, County of San Francisco.

COUNT: VI

The said defendant, TROY RAMON MCALISTER, did in the City and County of San Francisco, State of California, on or about the 31st day of December, 2020, commit the crime of TRANSPORTATION, SALE AND GIVING AWAY OF A CONTROLLED SUBSTANCE, to wit: Violating Section **11379(a)** of the Health and Safety Code, a Felony, in that the said defendant did willfully and unlawfully transport, import into the State of California, sell, furnish, administer and give away, and offer to transport, import into the State of California, and attempt to import into the State of California and transport a controlled substance, to wit: METHAMPHETAMINE.

COUNT: VII

The said defendant, TROY RAMON MCALISTER, did in the City and County of San Francisco, State of California, on or about the 31st day of December, 2020, commit the crime of UNLAWFUL DRIVING OR TAKING OF A VEHICLE, to wit: Violating Section **10851(a)** of the California Vehicle Code, a Felony, in that the said defendant did willfully and unlawfully drive and take a certain vehicle not his own, to wit: 2017 HONDA HRV, CA PLATE 7XZJ611, VIN 3CZRU5H31HG700540, without the consent of KRYZHTIANN VISCARRA, the owner thereof, and with the intent then and there to deprive said owner of his title to and possession of said vehicle.

COUNT: VIII

The said defendant, TROY RAMON MCALISTER, did in the City and County of San Francisco, State of California, on or about the 31st day of December, 2020, commit the crime of SECOND DEGREE BURGLARY - COMMERCIAL, to wit: Violating Section **459** of the Penal Code, a Felony, in that said defendant did unlawfully enter a commercial building occupied by THE HAPPY VEGAN SUPERFOOD BAKERY & CAFE, located at 246 RITCH STREET, SAN FRANCISCO, with the intent to commit larceny and any felony of property valued at Nine Hundred Fifty Dollars (\$950) or more.

COUNT: IX

The said defendant, TROY RAMON MCALISTER, did in the City and County of San Francisco, State of California, on or about the 31st day of December, 2020, commit the crime of RECEIVING OR BUYING STOLEN PROPERTY, to wit: Violating Section **496(a)** of the Penal Code, a Misdemeanor, in that the defendant did willfully and unlawfully buy, sell, receive, conceal, withhold, and aid in concealing, selling, and withholding property, to wit: CASH REGISTER, LAPTOP, belonging to THE HAPPY VEGAN SUPERFOOD BAKERY & CAFE, which had been stolen and obtained by extortion, and that value of said property was Nine Hundred and Fifty Dollars (\$950) or more.

COUNT: X

The said defendant, TROY RAMON MCALISTER, did in the City and County of San Francisco, State of California, on or about the 31st day of December, 2020, commit the crime of VANDALISM MORE THAN \$400, to wit: Violating Section **594(b)(1)** of the California Penal Code, a Felony, in that the said defendant did unlawfully and maliciously deface with graffiti and other inscribed material and otherwise damage and destroy real and personal property, to wit: DAMAGED MULTIPLE DOORS AND BUILDING PROPERTY LOCATED AT 101 SECOND STREET, SAN FRANCISCO, not his own, belonging to another, said damage being more than \$400.

**ALLEGATION OF INELIGIBILITY FOR PROBATION PURSUANT TO PENAL CODE SECTION 1203(e)(4)**

It is further alleged that said defendant, TROY RAMON MCALISTER, was previously convicted twice of a felony, within the meaning of Penal Code section 1203(e)(4).

1. The said defendant, TROY RAMON MCALISTER, previously convicted of the crime of SECOND DEGREE ROBBERY, violating section 211 of the Penal Code, a Felony, on or about the 10th day of April, 2020, in the Superior Court of California, County of San Francisco.

2. The said defendant, TROY RAMON MCALISTER, previously convicted of the crime of SECOND DEGREE ROBBERY, violating section 211 of the Penal Code, a Felony, on or about the 29th day of March, 2010, in the Superior Court of California, County of San Francisco.

3. The said defendant, TROY RAMON MCALISTER, previously convicted of the crime of SALE AND OFFER TO SELL A CONTROLLED SUBSTANCE, violating section 11352(a) of the Health & Safety Code, a Felony, on or about the 8th day of October, 2008, in the Superior Court of California, County of San Francisco.

4. The said defendant, TROY RAMON MCALISTER, previously convicted of the crime of GRAND THEFT PERSON, violating section 487(c) of the Penal Code, a Felony, on or about the 27th day of March, 2007, in the Superior Court of California, County of San Francisco.

5. The said defendant, TROY RAMON MCALISTER, previously convicted of the crime of ATTEMPTED CARJACKING, violating section 664/215(a) of the Penal Code, a Felony, on or about the 19th day of May, 2006, in the Superior Court of California, County of San Francisco.

6. The said defendant, TROY RAMON MCALISTER, previously convicted of the crime of RECEIVING OR BUYING STOLEN PROPERTY, violating section 496(a) of the Penal Code, a Felony, on or about the 19th day of May, 2006, in the Superior Court of California, County of San Francisco.

7. The said defendant, TROY RAMON MCALISTER, previously convicted of the crime of POSSESSION FOR SALE OF COCAINE BASE, violating section 11351.5 of the Health & Safety Code, a Felony, on or about the 19th day of June, 2001, in the Superior Court of California, County of San Francisco.

8. The said defendant, TROY RAMON MCALISTER, previously convicted of the crime of SECOND DEGREE ROBBERY, violating section 211 of the Penal Code, a Felony, on or about the 21st day of April, 1995, in the Superior Court of California, County of San Francisco.

9. The said defendant, TROY RAMON MCALISTER, previously convicted of the crime of POSSESSION FOR SALE OF COCAINE BASE, violating section 11351.5 of the Health & Safety Code, a Felony, on or about the 6th day of April, 1995, in the Superior Court of California, County of San Francisco.

**ALLEGATION OF PRIOR CONVICTIONS PURSUANT TO PENAL CODE SECTIONS 667(d), 667(e), 1170.12(b), AND 1170.12(c)**

It is further alleged that said defendant, TROY RAMON MCALISTER, prior to the commission of the above offense, did suffer a conviction and juvenile adjudication within the meaning of Penal Code Sections 667(d), 667(e), 1170.12(b), and 1170.12(c).

The said defendant, TROY RAMON MCALISTER, previously convicted of the crime of SECOND DEGREE ROBBERY, violating section 211 of the Penal Code, a Felony, on or about the 10th day of April, 2020, in the Superior Court of California, County of San Francisco.

**ALLEGATION OF PRIOR CONVICTIONS PURSUANT TO PENAL CODE SECTION 667(a)(1)**

It is further alleged that the said defendant, TROY RAMON MCALISTER, was previously convicted of a serious felony within the meaning of Penal Code Section 667(a)(1).

The said defendant, TROY RAMON MCALISTER, previously convicted of the crime of SECOND DEGREE ROBBERY, violating section 211 of the Penal Code, a Felony, on or about the 10th day of April, 2020, in the Superior Court of California, County of San Francisco.

Pursuant to Penal Code sections 1054 through 1054.7, the People request that, within fifteen (15) days, the defendant and/or his/her attorney disclose: (A) the names and addresses of persons, other than the defendant, he/she intends to call as witnesses at trial, together with any relevant written or recorded statements of those persons, or reports of the statements, of those persons including any reports or statements of experts made in connection with the case, and including the results of physical or mental examinations, scientific tests, experiments, or comparisons which the defendant intends to offer in evidence at the trial; (B) Any real evidence which the defendant intends to offer in evidence at the trial. This request is a continuing request, to cover not only all such material currently in existence, but all material which comes into existence to the conclusion of this case.

**MARSY'S LAW**

**Information contained in the reports being distributed as discovery in this case may contain confidential information protected by Marsy's Law and the amendments to the California Constitution Section 28. Any victim(s) in any above referenced charge(s) is entitled to be free from intimidation, harassment, and abuse. It is unlawful for defendant(s), defense counsel, and any other person acting on behalf of the defendant(s) to use any information contained in the reports to locate or harass any victim(s) or the victim(s)'s family or to disclose any information that is otherwise privileged and confidential by law. Additionally, it is a misdemeanor violation of California Penal Code § 1054.2(a)(3) to disclose the address and telephone number of a victim or witness to a defendant, defendant's family member or anyone else. Note exceptions in California Penal Code § 1054.2(a)(2).**

I state, declare, verify and certify under the penalty of perjury that the foregoing is true and correct. Executed in San Francisco, California on January 4, 2021.

DocuSigned by:

OFFICER IRENE MICHAUD

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OFFICER IRENE MICHAUD  
1/4/2021