

5/1/09

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FILED
ALAMEDA COUNTY

APR 29 2009

CLERK OF THE SUPERIOR COURT
By [Signature] Deputy

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 COUNTY OF ALAMEDA

15 THE PEOPLE OF THE STATE OF CALIFORNIA)

16 v.)

17 DEVAUGHNDRE BROUSSARD,)

18 Defendant.)

No. 150038
INDICTMENT

PFN: BGC940 / DQN 366
CEN: 9334694

19 The Grand Jury of the County of Alameda hereby accuses accuses DEVAUGHNDRE
20 BROUSSARD of a felony, to wit: MURDER, a violation of section 187(a) of the Penal Code of
21 California, in that on or about the 2nd day of August, 2007, in the County of Alameda, State of
22 California, said defendant did unlawfully and with malice aforethought, murder CHAUNCEY
23 BAILEY, a human being.

24 PERSONAL DISCHARGE OF A FIREARM, GBI CLAUSE (Penal Code § 12022.53(d))

25 It is further alleged that said defendant personally and intentionally discharged a firearm, and caused
26 great bodily injury and death to CHAUNCEY BAILEY within the meaning of Penal Code sections
27 12022.7(a) and 12022.53(d).

28 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) and 12022.53(g).

04/20/09: cab

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District Attorney
Alameda County
California

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SECOND COUNT

The Grand Jury of the County of Alameda by this second count of this Indictment further accuses DEVAUGHNDRE BROUSSARD of a felony, to wit: POSSESSION OF FIREARM BY A FELON, a violation of section 12021(a)(1) of the Penal Code of California, in that on or about the 2nd day of August, 2007, in the County of Alameda, State of California, said defendant did unlawfully possess and have custody and control of a firearm, the said defendant having theretofore been duly and legally convicted of a felony, to wit:

<u>Offense</u>	<u>Code/Statute</u>	<u>Date</u>	<u>County</u>
ASSAULT ON TRANSIT PERSONNEL	Penal § 245.2	2/24/2006	San Francisco

THIRD COUNT

The Grand Jury of the County of Alameda by this third count of this Indictment further accuses DEVAUGHNDRE BROUSSARD of a felony, to wit: MURDER, a violation of section 187(a) of the Penal Code of California, in that on or about the 8th day of July, 2007, in the County of Alameda, State of California, said defendant did unlawfully and with malice aforethought, murder ODELL ROBERSON, a human being.

"NOTICE: The above offense is a serious felony within the meaning of Penal Code 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."

PERSONAL DISCHARGE OF A FIREARM, GBI CLAUSE (Penal Code § 12022.53(d))

It is further alleged that said defendant personally and intentionally discharged a firearm, and caused great bodily injury and death to ODELL ROBERSON within the meaning of Penal Code sections 12022.7(a) and 12022.53(d).

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) and 12022.53(g).

FOURTH COUNT

The Grand Jury of the County of Alameda by this fourth count of this Indictment further accuses DEVAUGHNDRE BROUSSARD of a felony, to wit: POSSESSION OF FIREARM BY A FELON, a violation of section 12021(a)(1) of the Penal Code of California, in that on or about the 8th day of July, 2007, in the County of Alameda, State of California, said defendant did unlawfully possess and have custody and control of a firearm, the said defendant having theretofore been duly and legally convicted of a felony, to wit:

<u>Offense</u>	<u>Code/Statute</u>	<u>Date</u>	<u>County</u>
ASSAULT ON TRANSIT PERSONNEL	Penal § 245.2	2/24/2006	San Francisco

SPECIAL CIRCUMSTANCE ALLEGATION: MULTIPLE MURDER

It is further alleged that DEVAUGHNDRE BROUSSARD, in this proceeding, has been convicted of more than one offense of murder within the meaning of Penal Code Section 190.2(a)(3).

FIRST PRIOR CONVICTION

The Grand Jury of the County of Alameda further charges that before the commission of the offenses specified above, said defendant DEVAUGHNDRE BROUSSARD, on or about the 24th day of February, 2006 was convicted in the Superior Court of the State of California, in and for the County of San Francisco, of the crime of a felony, to wit: ASSAULT ON TRANSIT PERSONNEL, a violation of section 245.2 of the Penal Code of California, and was sentenced to prison therefore.

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.

A TRUE BILL.

Denette M Bell

DENETTE M. BELL

5/6/09

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ALAMEDA COUNTY

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CLERK OF THE SUPERIOR COURT
By *[Signature]* Deputy

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF ALAMEDA

11 THE PEOPLE OF THE STATE OF CALIFORNIA)
12)
13 v.)
14 YUSUF ALI BEY IV,)
15 and)
16 ANTOINE A. MACKEY, /)
17 Defendants)

No. 100989B -
INDICTMENT
PFN: BEU186
CEN:
PFN: BGC563 / JDN371
CEN: 9334699

17 The Grand Jury of the County of Alameda hereby accuses YUSUF ALI BEY IV and ANTOINE A.
18 MACKEY of a felony, to wit: MURDER, a violation of section 187(a) of the Penal Code of
19 California, in that on or about the 2nd day of August, 2007, in the County of Alameda, State of
20 California, said defendants did unlawfully and with malice aforethought, murder CHAUNCEY
21 BAILEY, a human being.

22 ARMED WITH FIREARM CLAUSE (Penal Code § 12022(a)(1))
23 AS TO DEFENDANT YUSUF ALI BEY IV

24 It is further alleged as against defendant YUSUF ALI BEY IV that in the commission and attempted
25 commission of the above offense, a principal in said offense was armed with a firearm, said arming
26 not being an element of the above offense, within the meaning of Penal Code section 12022(a)(1).

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**ARMED WITH FIREARM CLAUSE (Penal Code § 12022(a)(1))
AS TO DEFENDANT ANTOINE A. MACKEY**

It is further alleged as against defendant ANTOINE A. MACKEY 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).

SECOND COUNT

The Grand Jury of the County of Alameda by this second count of this Indictment further accuses YUSUF ALI BEY IV and ANTOINE A. MACKEY of a felony, to wit: MURDER, a violation of section 187(a) of the Penal Code of California, in that on or about the 12th day of July, 2007, in the County of Alameda, State of California, said defendants did unlawfully and with malice aforethought, murder MICHAEL WILLS, a human being.

**ARMED WITH FIREARM CLAUSE (Penal Code § 12022(a)(1))
AS TO DEFENDANT YUSUF ALI BEY IV**

It is further alleged as against defendant YUSUF ALI BEY IV 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).

**PERSONAL DISCHARGE OF A FIREARM, GBI CLAUSE (Penal Code § 12022.53(d))
AS TO DEFENDANT ANTOINE A. MACKEY**

It is further alleged as to defendant ANTOINE A. MACKEY that said defendant personally and intentionally discharged a firearm, and caused great bodily injury and death to ~~ODELL ROBERSON~~ *Michael Wills* within the meaning of Penal Code sections 12022.7(a) and 12022.53(d). *dr*

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) and 12022.53(g).

1
2 **THIRD COUNT**

3 The Grand Jury of the County of Alameda by this third count of this Indictment further accuses
4 ANTOINE A. MACKEY of a felony, to wit: POSSESSION OF FIREARM BY A FELON, a
5 violation of section 12021(a)(1) of the Penal Code of California, in that on or about the 12th day of
6 July, 2007, in the County of Alameda, State of California, said defendant did unlawfully possess and
7 have custody and control of a firearm, the said defendant having theretofore been duly and legally
8 convicted of a felony or felonies, to wit:

<u>Offense</u>	<u>Code/Statute</u>	<u>Date</u>	<u>County</u>
9 SALE OF CONTROLLED SUBSTANCE	Hlth&Sfty § 11352	6/5/2006	San Francisco

10
11 **FOURTH COUNT**

12 The Grand Jury of the County of Alameda by this fourth count of this Indictment further accuses
13 YUSUF ALI BEY IV and ANTOINE A. MACKEY of a felony, to wit: MURDER, a violation of
14 section 187(a) of the Penal Code of California, in that on or about the 8th day of July, 2007, in the
15 County of Alameda, State of California, said defendants did unlawfully and with malice
16 aforethought, murder ODELL ROBERSON, a human being.

17 "NOTICE: The above offense is a serious felony within the meaning of Penal Code 1192.7(c) and a
18 violent felony within the meaning of Penal Code section 667.5(c)."

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

21 **ARMED WITH FIREARM CLAUSE (Penal Code § 12022(a)(1))
AS TO DEFENDANT YUSUF ALI BEY IV**

22 It is further alleged as against defendant YUSUF ALI BEY IV that in the commission and attempted
23 commission of the above offense, a principal in said offense was armed with a firearm, said arming
24 not being an element of the above offense, within the meaning of Penal Code section 12022(a)(1)

25
26 **ARMED WITH FIREARM CLAUSE (Penal Code § 12022(a)(1))
AS TO DEFENDANT ANTOINE A. MACKEY**

27 It is further alleged as against defendant ANTOINE A. MACKEY that in the commission and
28 attempted commission of the above offense, a principal in said offense was armed with a firearm,

1 said arming not being an element of the above offense, within the meaning of Penal Code section
2 12022(a)(1).

3
4 **FIFTH COUNT**

5 The Grand Jury of the County of Alameda by this fifth count of this Indictment further accuses
6 YUSUF ALI BEY IV of a felony, to wit: SHOOTING AT AN UNOCCUPIED VEHICLE, a
7 violation of section 247(b) of the Penal Code of California, in that on or about the 7th day of
8 December, 2006, in the County of Alameda, State of California, said defendant did willfully and
9 unlawfully discharge a firearm at an unoccupied motor vehicle belonging to Cameron Cook without
10 the permission of the owner.

11 "NOTICE: The above offense is a serious felony within the meaning of Penal Code section
12 1192.7(c)."

13 **ARMED WITH FIREARM CLAUSE (Penal Code § 12022(a)(1))
AS TO DEFENDANT YUSUF ALI BEY IV**

14 It is further alleged as against defendant YUSUF ALI BEY IV that in the commission and attempted
15 commission of the above offense, a principal in said offense was armed with a firearm, said arming
16 not being an element of the above offense, within the meaning of Penal Code section 12022(a)(1).

17 **SPECIAL CIRCUMSTANCE ALLEGATION: MULTIPLE MURDER**

18 It is further alleged that YUSUF ALI BEY IV and ANTOINE A. MACKEY, in this proceeding,
19 have each been convicted of more than one offense of murder within the meaning of Penal Code
20 Section 190.2(a)(3).

21 **FIRST PRIOR CONVICTION AS TO DEFENDANT MACKEY**

22 The Grand Jury of the County of Alameda further charges that before the commission of the offenses
23 specified above, said defendant ANTOINE A. MACKEY, on or about the 5th day of June, 2006,
24 was convicted in the Superior Court of the State of California, in and for the County of San
25 Francisco, of the crime of a felony, to wit: SALE/TRANSPORTATION/OFFER TO SELL A
26 CONTROLLED SUBSTANCE, a violation of section 11352 of the Health and Safety Code of
California, and was sentenced to probation.

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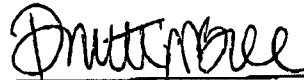
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2 **SECOND PRIOR CONVICTION AS TO DEFENDANT MACKEY**

3 The Grand Jury of the County of Alameda further charges that before the commission of the offenses
4 specified above, said defendant ANTOINE A. MACKEY, on or about the 22nd day of December,
5 Francisco, of the crime of a felony, to wit: ACCESSORY TO A FELONY, a violation of section 32
6 of the Penal Code of California, and and was sentenced to probation.

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

10 A TRUE BILL.

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13 DENETTE M. BELL
14 Foreman of the Grand Jury
15 County of Alameda
16 State of California

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18 THOMAS J. ORLOFF
19 District Attorney
20 County of Alameda
21 State of California