

IN CUSTODY

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
CENTRAL DIVISION**

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

v.

DAVID ALAN WESTERFIELD,
dob 02/25/52, Booking No. 02109697A;
Defendant

CT No. CD165805
DA No. AAQ731

COMPLAINT-FELONY

INFORMATION

Date: _____

CHARGE SUMMARY

<u>Count</u>	<u>Charge</u>	<u>Issue Type</u>	<u>Sentence Range</u>	<u>Special Allegations</u>	<u>Allegation Effect</u>
1	PC187(a) WESTERFIELD, DAVID ALAN	Felony	25 Yrs-Life	PC190.2(a)(17)	Life\Death
2	PC207\208(b) WESTERFIELD, DAVID ALAN	Felony	5-8-11		
3	PC311.11(a) WESTERFIELD, DAVID ALAN	Misdemeanor	1 Yr\Fine		

PC1054.3

INFORMAL REQUEST FOR DISCOVERY

The undersigned, certifying upon information and belief, complains that in the County of San Diego, State of California, the Defendant(s) did commit the following crime(s):

CHARGES

COUNT 1 - MURDER

On or about and between February 1, 2002 and February 22, 2002, DAVID ALAN WESTERFIELD did unlawfully murder DANIELLE VAN DAM, a human being, in violation of PENAL CODE SECTION 187(a).

SPECIAL CIRCUMSTANCE

And it is further alleged that the murder of DANIELLE VAN DAM was committed by defendant DAVID ALAN WESTERFIELD while the said defendant was engaged in the commission and attempted commission of the crime of Kidnapping, in violation of Penal Code Sections 207, 209, or 209.5, within the meaning of PENAL CODE SECTION 190.2(a)(17).

COUNT 2 - KIDNAPPING CHILD UNDER AGE OF FOURTEEN

On or about and between February 1, 2002 and February 22, 2002, DAVID ALAN WESTERFIELD did forcibly and by other means of instilling fear, unlawfully steal, take, hold, detain and arrest DANIELLE VAN DAM, a child under the age of fourteen years, and did take said DANIELLE VAN DAM to another place, in violation of PENAL CODE SECTION 207\208(b).

COUNT 3 - POSSESS MATTER DEPICTING PERSON UNDER 18 IN SEXUAL CONDUCT

On or about February 2, 2002, DAVID ALAN WESTERFIELD did unlawfully, knowing the matter depicts a person under the age of 18 years personally engaging in and simulating sexual conduct as defined in Penal Code section 311.4(d), knowingly possess and control the matter, production of which involved the use of a person under the age of 18 years, in violation of PENAL CODE SECTION 311.11(a).



NOTICE: If any of the above-named defendant(s) are presently on probation in San Diego County, any evidence presented at a Preliminary Examination in the instant case will be used not only for a basis for a holding in this case but also as a circumstance for a violation of probation and, at any formal hearing at that violation of probation. The People will move the transcript of the Preliminary Examination into evidence as a basis for the violation and for sentencing purposes.

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.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT, CASE NUMBER CD165805, CONSISTS OF 3 COUNTS.

Executed at San Diego, County of San Diego, State of California, on February 26, 2002.

COMPLAINANT

INFORMATION

PAUL J. PFINGST
District Attorney
County of San Diego
State of California
by:

Date

Deputy District Attorney