

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

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| THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, v. 01 DA XIONG PAN (DOB: 09/11/1960), aka DAVID PAN, and 02 PANDA INTERNATIONAL TRADING CO., INC. Defendants. |
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CASE NO. BA446120

***FELONY COMPLAINT
FOR ARREST WARRANT***

The undersigned is informed and believes that:

COUNT 1

On or about June 4, 2013, in the County of Los Angeles, the crime of STORAGE OF HAZARDOUS WASTE, in violation of HEALTH AND SAFETY CODE SECTION 25189.5(D), a Felony, was committed by DA XIONG PAN and PANDA INTERNATIONAL TRADING CO., INC., who did knowingly treat and store hazardous waste to wit: Copper, Lead, Zinc, Cadmium, at a facility which did not have a permit from the Department of Toxic Substances Control issued pursuant to Chapter 6.5 of Division 20 of the Health and Safety Code, and at a point which was not authorized according to Chapter 6.5 of Division 20 of the Health and Safety Code.

* * * * *

COUNT 2

On or about June 4, 2013, in the County of Los Angeles, the crime of DEPOSITING HAZARDOUS WASTE, in violation of PENAL CODE SECTION 374.8(B), a Felony, was committed by DA XIONG PAN and PANDA INTERNATIONAL TRADING CO., INC., who knowingly caused hazardous substances to be deposited into or upon any road, street, highway, alley, railroad right-of-way, upon the land of another or into the waters of this state.

* * * * *

COUNT 3

On or about November 20, 2013, in the County of Los Angeles, the crime of KNOWINGLY DISPOSE HAZARDOUS WASTE AT SITE HAVING NO PERMIT, in violation of HEALTH AND SAFETY CODE SECTION 25189.5(B), a Felony, was committed by DA XIONG PAN and PANDA INTERNATIONAL TRADING CO., INC., who did knowingly dispose and cause the disposal, and reasonably should have known that they were disposing and causing the disposal of hazardous waste, to wit: Copper, Lead, Zinc, Cadmium, Nickel, Chromium, at a facility which did not have a permit from the Department of Toxic Substances Control issued pursuant to Chapter 6.5 of Division 20 of the Health and Safety Code, and at a point which was not authorized according to Chapter 6.5 of Division 20 of the Health and Safety Code.

* * * * *

COUNT 4

On or about November 20, 2013, in the County of Los Angeles, the crime of STORAGE OF HAZARDOUS WASTE, in violation of HEALTH AND SAFETY CODE SECTION 25189.5(D), a Felony, was committed by DA XIONG PAN and PANDA INTERNATIONAL TRADING CO., INC., who did knowingly treat and store hazardous waste to wit: Copper, Lead, Zinc, Cadmium, Nickel, Chromium, at a facility which did not have a permit from the Department of Toxic Substances Control issued pursuant to Chapter 6.5 of Division 20 of the Health and Safety Code, and at a point which was not authorized according to Chapter 6.5 of Division 20 of the Health and Safety Code.

* * * * *

COUNT 5

On or about November 20, 2013, in the County of Los Angeles, the crime of DEPOSITING HAZARDOUS WASTE, in violation of PENAL CODE SECTION 374.8(B), a Felony, was committed by DA XIONG PAN and PANDA INTERNATIONAL TRADING CO., INC., who knowingly caused hazardous substances to be deposited into or upon any road, street, highway, alley, railroad right-of-way, upon the land of another or into the waters of the state of California.

* * * * *

NOTICE: Conviction of this offense will require the defendant to provide DNA samples and print impressions pursuant to Penal Code sections 296 and 296.1. Willful refusal to provide the samples and impressions is a crime.

NOTICE: The People of the State of California intend to present evidence and seek jury findings regarding all applicable circumstances in aggravation, pursuant to Penal Code section 1170(b) and *Cunningham v. California* (2007) 549 U.S. 270.

NOTICE: A Suspected Child Abuse Report (SCAR) may have been generated within the meaning of Penal Code §§ 11166 and 11168 involving the charges alleged in this complaint. Dissemination of a SCAR is limited by Penal Code §§ 11167 and 11167.5 and a court order is required for full disclosure of the contents of a SCAR.

NOTICE: Any allegation making a defendant ineligible to serve a state prison sentence in the county jail shall not be subject to dismissal pursuant to Penal Code § 1385.

Further, attached hereto and incorporated herein are official reports and documents of a law enforcement agency which the undersigned believes establish probable cause for the arrest of defendants DA XIONG PAN and PANDA INTERNATIONAL TRADING CO., INC for the above-listed crimes. Wherefore, a warrant of arrest is requested for DA XIONG PAN.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT, CASE NUMBER BA446120, CONSISTS OF 5 COUNTS.

Executed at LOS ANGELES, County of Los Angeles, on April 28, 2016.


GLORIA GAMINO
DECLARANT AND COMPLAINANT

.....
JACKIE LACEY, DISTRICT ATTORNEY

BY: 
RICHARD MAGLEBY
DEPUTY DISTRICT ATTORNEY

AGENCY: CALIF DEPT OF TOXIC SUBSTANCES CONTROL I/O: GLORIA GAMINO ID NO.: PHONE : (714) 484-5391

DR NO.: OPERATOR: ESM PRELIM. TIME EST.: 6 HOURS

| <u>DEFENDANT</u> | <u>CHI NO.</u> | <u>DOB</u> | <u>BOOKING NO.</u> | <u>BAIL RECOM'D</u> | <u>CUSTODY R'TN DATE</u> |
|------------------|----------------|------------|--------------------|---------------------|--------------------------|
| PAN, DA XIONG | A09624228 | 9/11/1960 | | \$40,000 | 05/27/2016 |

It appearing to the Court that probable cause exists for the issuance of a warrant of arrest for the above-named defendant, the warrant is so ordered.

DA PAN

BAIL: \$ _____

DATE: _____

Judge of the Above Entitled Court

NON-WARRANT DEFENDANTS:

| <u>DEFENDANT</u> | <u>CII NO.</u> | <u>DOB</u> | <u>BOOKING NO.</u> | <u>BAIL RECOM'D</u> | <u>CUSTODY R'TN DATE</u> |
|--|----------------|------------|------------------------|-------------------------|------------------------------|
| PANDA INTERNATIONAL TRADING CO., INC. | | 1/1/2001 | | \$0 | |

FELONY COMPLAINT -- ORDER HOLDING TO ANSWER -- P.C. SECTION 872

It appearing to me from the evidence presented that the following offense(s) has/have been committed and that there is sufficient cause to believe that the following defendants guilty thereof, to wit:

(Strike out or add as applicable)

DA XIONG PAN

| <u>Ct.</u> | <u>Charge</u> | <u>Charge Range</u> | <u>Allegation</u> | <u>Alleg. Effect</u> |
|------------|---------------|---------------------|-------------------|----------------------|
| 1 | HS 25189.5(D) | 16-2-3 County Jail | | |
| 2 | PC 374.8(B) | 16-2-3 County Jail | | |
| 3 | HS 25189.5(B) | 16-2-3 County Jail | | |
| 4 | HS 25189.5(D) | 16-2-3 County Jail | | |
| 5 | PC 374.8(B) | 16-2-3 County Jail | | |

PANDA INTERNATIONAL TRADING CO., INC.

| <u>Ct.</u> | <u>Charge</u> | <u>Charge Range</u> | <u>Allegation</u> | <u>Alleg. Effect</u> |
|------------|---------------|---------------------|-------------------|----------------------|
| 1 | HS 25189.5(D) | 16-2-3 County Jail | | |
| 2 | PC 374.8(B) | 16-2-3 County Jail | | |
| 3 | HS 25189.5(B) | 16-2-3 County Jail | | |
| 4 | HS 25189.5(D) | 16-2-3 County Jail | | |
| 5 | PC 374.8(B) | 16-2-3 County Jail | | |

I order that the defendants be held to answer therefore and be admitted to bail in the sum of:

DA XIONG PAN _____ Dollars

PANDA INTERNATIONAL TRADING CO., INC. _____ Dollars

and be committed to the custody of the Sheriff of Los Angeles County until such bail is given. Date of arraignment in Superior Court will be:

DA XIONG PAN _____ in Dept _____

PANDA INTERNATIONAL TRADING CO., INC. _____ in Dept _____

at: _____ A.M.

Date: _____
_____ *Committing Magistrate*