

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

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

v.

01 AKIRA KEYSHELL SMITH (DOB: 09/24/1985),
aka AKIRA RASHAWN SMITH

Defendant(s).

CASE NO. BA489312

FELONY COMPLAINT

The undersigned is informed and believes that:

COUNT 1

On or about August 11, 2020, in the County of Los Angeles, the crime of MURDER, in violation of PENAL CODE SECTION 187(a), a Felony, was committed by AKIRA KEYSHELL SMITH, who did unlawfully, and with malice aforethought murder ETERNITY S., 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)."

* * * * *

COUNT 2

On or about August 11, 2020, in the County of Los Angeles, the crime of ASSAULT ON A CHILD CAUSING DEATH, in violation of PENAL CODE SECTION 273ab(a), a Felony, was committed by AKIRA KEYSHELL SMITH, who did unlawfully, having care and custody of ETERNITY S., a child under the age of 8 years, assault that child by means of force that to a reasonable person would be likely to produce bodily injury, resulting in the child's death.

"NOTICE: Pursuant to Penal Code Sections 11166 and 11168, a Suspected Child Abuse Report (SCAR) may have been generated in this case. Penal Code Sections 11167 and 11167.5 limit access to a SCAR. A protective order issued by a court is necessary to obtain a copy of the report."

"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)."

* * * * *

COUNT 3

On or between August 10, 2020 and August 11, 2020, in the County of Los Angeles, the crime of TORTURE, in violation of PENAL CODE SECTION 206, a Felony, was committed by AKIRA KEYSHELL SMITH, who did unlawfully and with the intent to cause cruel and extreme pain and suffering for the purpose of revenge, extortion, persuasion and for a sadistic purpose, inflict great bodily injury, as defined in Penal Code section 12022.7, upon ETERNITY S..

"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)."

It is further alleged as to count(s) 1 and 3 that the above offense is a serious felony pursuant to Penal Code section 1192.7(c).

* * * * *

Pursuant to Penal Code section 1170(h), it is further alleged that an executed sentence as to count(s) 1, 2 and 3 shall be served in state prison pursuant to Penal Code section 1170(h)(3) in that the defendant(s), AKIRA KEYSHELL SMITH, has suffered the following prior conviction(s) of a serious felony described in Penal Code section 1192.7 or a violent felony described in Penal Code section 667.5(c) or is required to register as a sex offender pursuant to Chapter 5.5 (commencing with Penal Code section 290) of Title 9 of Part 1:

<u>Case No.</u>	<u>Charge Code/Statute</u>	<u>Conv. Date</u>	<u>County of Court</u>	<u>State</u>	<u>Court Type</u>
BA421056	PC 273.5(A)	03/11/2014	LOS ANGELES	CA	SUPERIOR
BA449679	PC 245(A)(1)	09/13/2016	LOS ANGELES	CA	SUPERIOR

It is further alleged that prior to the commission of that offense or offenses alleged in Counts 1, 2, and 3, the defendant, AKIRA KEYSHELL SMITH had been convicted of the following serious and/or violent felony, as defined in Penal Code section 667(d) and Penal Code section 1170.12(b), and is thus subject to sentencing pursuant to the provisions of Penal Code section 667(b)-(j) and Penal Code section 1170.12:

<u>Case No.</u>	<u>Charge Code/Statute</u>	<u>Conv. Date</u>	<u>County of Court</u>	<u>State</u>	<u>Court Type</u>
BA449679	PC 245(A)(1)	09/13/2016	LOS ANGELES	CA	SUPERIOR

It is further alleged as to count(s) 1 and 3 pursuant to Penal Code section 667(a)(1) that the defendant(s), AKIRA KEYSHELL SMITH, has suffered the following prior conviction(s) of a serious felony:

<u>Case No.</u>	<u>Charge Code/Statute</u>	<u>Conv. Date</u>	<u>County of Court</u>	<u>State</u>	<u>Court Type</u>
BA449679	PC 245(A)(1)	09/13/2016	LOS ANGELES	CA	SUPERIOR

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.

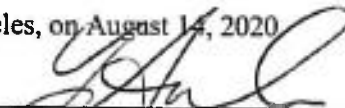
NOTICE: A Suspected Child Abuse Report (SCAR) may have been generated within the meaning of Penal Code §§ 11166 and 11168 involving the charges alleged in this complaint. Dissemination of a SCAR is limited by Penal Code §§ 11167 and 11167.5 and a court order is required for full disclosure of the contents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

NOTICE: Conviction of this offense prohibits you from owning, purchasing, receiving, possessing, or having under your custody and control any firearms, and effective January 1, 2018, will require you to complete a Prohibited Persons Relinquishment Form ("PPR") pursuant to Penal Code § 29810.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT, CASE NUMBER BA489312, CONSISTS OF 3 COUNT(S).

Executed at LOS ANGELES, County of Los Angeles, on August 14, 2020



YESENIA AVALOS
DECLARANT AND COMPLAINANT

.....
JACKIE LACEY, DISTRICT ATTORNEY

BY: 

JON HATAMI, DEPUTY

AGENCY: LAPD - JUVENILE
DR NO.: 20121836

I/O: YESENIA AVALOS
OPERATOR: DR

ID NO.: 38485 PHONE: (213) 484-6700
PRELIM. TIME EST.: 2 DAY(S)

<u>DEFENDANT</u>	<u>CH NO.</u>	<u>DOB</u>	<u>BOOKING NO.</u>	<u>BAIL RECOM'D</u>	<u>CUSTODY R'TN DATE</u>
SMITH, AKIRA KEYSHELL	025101613	9/24/1985	5990215	\$3,050,000	08/14/2020

Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the People as required by Penal Code Section 1054.3.

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 defendant(s) guilty thereof, to wit:

(Strike out or add as applicable)

AKIRA KEYSHELL SMITH

<u>Ct.</u>	<u>Charge</u>	<u>Charge Range</u>	<u>Allegation</u>	<u>Alleg. Effect</u>
1	PC 187(a)	Check Code State Prison	PC 1192.7(c)	Check Code State Prison
2	PC 273ab(a)	25 to Life State Prison		
3	PC 206	Life State Prison	PC 1192.7(c) PC 1170(h) PC 1170.12 PC 667(a)(1)	Check Code State Prison SP/MSP x 2 +5 Yrs. State Prison

I order that the defendant(s) be held to answer therefore and be admitted to bail in the sum of:

AKIRA KEYSHELL SMITH _____ 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:

AKIRA KEYSHELL SMITH _____ in Dept _____

at: _____ A.M.

Date: _____

Committing Magistrate