

THE SUPERIOR COURT, STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA BARBARA
SANTA BARBARA DIVISION

MAY 23 2025

Darrel E. Parker, Executive Officer
BY  Deputy Clerk

THE PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff,

VS

DA No. 25-007716

Court No. 25CR03949

RUSSELL MAXWELL PHAY
AKA:RUSSELL PHAY
AKA:JACOB MICHAEL PHAY
AKA:RUSSELL M PHAY

DOB: 

FELONY COMPLAINT

Defendant(s)

The undersigned is informed and believes that

COUNT 1

On or about the 21st day of May, 2025, in the County of Santa Barbara, the crime of ATTEMPTED MURDER, in violation of PENAL CODE SECTION 664/187(a), a Felony, was committed by **RUSSELL MAXWELL PHAY**, who did unlawfully and with malice aforethought attempt to murder a human being, to wit **L. MALEK-ASLANIAN**

It is further alleged that the above offense is a serious felony within the meaning of Penal Code Section 1192 7(c) (9)

It is further alleged that the above offense is a violent felony within the meaning of Penal Code Section 667 5(c) (12)

It is further alleged that the above offense of attempted murder was willful, deliberate and premeditated within the meaning of Penal Code 664(a)

COUNT 2

On or about the 21st day of May, 2025, in the County of Santa Barbara, the crime of FIRST DEGREE RESIDENTIAL BURGLARY, PERSON PRESENT, in violation of PENAL CODE SECTION 459, a Felony, was committed by **RUSSELL MAXWELL PHAY**, did enter an inhabited dwelling house and trailer coach and inhabited portion of a building occupied by **T. WARNER & L. MALEK-ASLANIAN**, with the intent to commit larceny and any felony

It is further alleged that the above offense is a serious felony within the meaning of Penal Code Section 1192 7(c) (18).

It is further alleged that the above offense is a violation of Penal Code Section 462(a)

It is further alleged that the above offense is a violent felony within the meaning of Penal Code 667 5(c) in that another person, other than an accomplice, was present in the residence during the commission of the above offense

COUNT 3

On or about the 21st day of May, 2025, in the County of Santa Barbara, the crime of KIDNAPPING, in violation of PENAL CODE SECTION 207(a), a Felony, was committed by **RUSSELL MAXWELL PHAY**, who did forcibly or by any other means of instilling fear, steal, take, hold, detain, or arrest **L. MALEK-ASLANIAN** in Santa Barbara County, California, and did take the said victim into another country, state, county or another part of Santa Barbara County

It is further alleged that the above offense is a serious felony within the meaning of Penal Code Section 1192 7(c)

It is further alleged that the above offense is a violent felony within the meaning of Penal Code Section 667 5(c)(14)

COUNT 4

On or about the 21st day of May, 2025, in the County of Santa Barbara, the crime of ASSAULT BY MEANS OF FORCE LIKELY TO PRODUCE GREAT BODILY INJURY, in violation of PENAL CODE SECTION 245(a)(4), a Felony, was committed by **RUSSELL MAXWELL PHAY**, who did willfully and unlawfully commit an assault on **L. MALEK-ASLANIAN** by means of force likely to produce great bodily injury

SPECIAL ALLEG – GREAT BODILY INJURY RESULTING IN COMA

It is further alleged as to COUNTS 1, 3 & 4, within the meaning of Penal Code section 12022 7(b), that in the commission of the above offense, the said defendant personally inflicted great bodily injury upon **L. MALEK-ASLANIAN**, causing the victim to become comatose due to brain injury

It is further alleged that the above offense is a serious felony within the meaning of Penal Code section 1192 7(c)(8) "

It is further alleged that the above offense is a violent felony within the meaning of Penal Code Section 667 5(c)(8).

SPEC ALLEG – SERIOUS/VIOLENT/REGISTERABLE SEX OFFENSE FELONY

It is further alleged as to COUNTS 1-4 that the above offense is a serious felony within the meaning of Penal Code section 1192 7(c) and/or a violent felony described in subdivision(s) of Penal Code section 667.5 and/or an offense requiring registration under the provisions Penal Code sections 290 et seq, pursuant to Penal Code section 1170(h), that the defendant is ineligible for a state prison sentence to be served in the county jail "NOTICE Pursuant to Penal Code section 1170(f), notwithstanding any other provisions of this section, for purposes of subdivision (h) of section 1170, any allegation that a defendant is ineligible for a state prison sentence to be served in the county jail due to a prior or current conviction, or sentence enhancement, or because he or she is required to register as a sex offender, or because the legislature specifically excluded the offense, shall not be subject to dismissal pursuant to §1385 PC "

COUNT 5

On or about the 21st day of May, 2025, in the County of Santa Barbara, the crime of RESIST, OBSTRUCT, DELAY OF PEACE OFFICER OR EMT, in violation of PENAL CODE SECTION 148(a)(1), a Misdemeanor, was committed by **RUSSELL MAXWELL PHAY**, who did willfully and unlawfully resist, delay or obstruct **SBSO DEPUTIES**, attempting to and discharging the duty of his/her office and employment.

SPECIAL ALLEGATION: AGGRAVATING FACTORS

It is further alleged as to defendant **RUSSELL MAXWELL PHAY**, as to Count(s) **1-4**, that the People will seek findings from the jury on factors in aggravation pursuant to California Rules of Court, Rule 4 421 that Pursuant to California Rules of Court, Rule 4 421(a):

- (a)(1) The crime involved great violence, great bodily harm, threat of great bodily harm, or other acts disclosing a high degree of cruelty, viciousness, or callousness;
- (a)(3) The victim was particularly vulnerable,
- (a)(7) The defendant was convicted of other crimes for which consecutive sentences could have been imposed but for which concurrent sentences are being imposed,

Pursuant to California Rules of Court, Rule 4 421(b).


- (b)(1) The defendant has engaged in violent conduct that indicates a serious danger to society;
- (b)(2) The defendant's prior convictions as an adult or sustained petitions in juvenile delinquency proceedings are numerous or of increasing seriousness,
- (b)(3) The defendant has served a prior term in prison or county jail under section 1170(h),
- (b)(5) The defendant's prior performance on probation, mandatory supervision, post-release community supervision, or parole was unsatisfactory

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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.


I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT CONSISTS OF 5 COUNT(S)

Executed at Santa Barbara, California, on 05/23/2025.



JOHN T. SAVRNOCH
DISTRICT ATTORNEY

Agency SBSO
Agency Case No 25-5157

<u>DEFENDANT NAME</u>	<u>SEX</u>	<u>RACE</u>	<u>HGT</u>	<u>WGT</u>	<u>EYES</u>	<u>HAIR</u>	<u>DRIVER'S LICENSE</u>	<u>STS</u>	<u>COURT DATE</u>
RUSSELL MAXWELL PHAY	M	Caucasian	6'3	250	Blue	Brown		IC	05/23/2025

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