

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

Mar 11 2026 09:22AM
Clerk of the Court
BY: Paloma Ciardella

Deputy Clerk

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7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8
9 CITY AND COUNTY OF SAN FRANCISCO

10 PEOPLE OF THE STATE OF CALIFORNIA,

Case Nos. 26005377

11
12 Plaintiff,

13 vs.

**NOTICE OF MOTION AND MOTION TO
DETAIN**

14
15 WINSTON MCDONALD

Date: 3/12/2026

Time: 1:30 PM

Dept.: TBD

16 Defendant(s).
17

18
19 PLEASE TAKE NOTICE that the District Attorney hereby moves the Court to detain
20 Defendant. The motion will be based on the records of this Court, the authorities and declaration
21 below, and upon such other evidence as may be presented at the time of the hearing.

22 Date: 03/11/2026

BROOKE JENKINS
District Attorney

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24 *Rebecca J. Warren*

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26 Assistant District Attorney
Attorneys for the People

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **STATEMENT OF THE CASE**

3 The charging document alleges that the Defendant committed the following offenses:
4 ASSAULT WITH A SEMIAUTOMATIC FIREARM (PENAL CODE, § 245(b)) and USE OF A
5 FIREARM CLAUSE (PENAL CODE, § 12022.5(a)) and GREAT BODILY INJURY CLAUSE
6 (PENAL CODE, § 12022.7(a)), ASSAULT WITH A SEMIAUTOMATIC FIREARM (PENAL
7 CODE, § 245(b)) and USE OF A FIREARM CLAUSE (PENAL CODE, § 12022.5(a)) and
8 GREAT BODILY INJURY CLAUSE (PENAL CODE, § 12022.7(a)), ASSAULT WITH A
9 SEMIAUTOMATIC FIREARM (PENAL CODE, § 245(b)) and USE OF A FIREARM CLAUSE
10 (PENAL CODE, § 12022.5(a)), ASSAULT WITH A SEMIAUTOMATIC FIREARM (PENAL
11 CODE, § 245(b)) and USE OF A FIREARM CLAUSE (PENAL CODE, § 12022.5(a)),
12 POSSESSION OF FIREARM WITH PRIOR VIOLENT CONVICTION (PENAL CODE, §
13 29900(a)(1)), POSSESSION OF FIREARM BY A FELON (PENAL CODE, § 29800(a)(1)),
14 CONVICTED PERSON CARRYING LOADED FIREARM (PENAL CODE, § 25850(a)),
15 POSSESSION OF AMMUNITION (PENAL CODE, § 30305(a)(1)). Defendant does have prior
16 failure(s) to appear. Defendant has sustained the following prior convictions: Felony: HS 11352(a)
17 2009, HS 11352(a) 2009, HS 11378 2011, PC 459 2nd 2013, HS 11352(a) 2013, HS 11379(a)
18 2014, VC 10851(a) 2015, PC 459 1st 2017, PC 459 1st 2020, PC 459 2nd 2020, PC 245(a)(2) 2021.
19 At the time of this incident, the defendant was out of custody in two pending felony cases- CT
20 #22011484 and CT #22011445.

21 **STATEMENT OF THE FACTS**

22 On 3/7/2026 at 5 AM, SFPD Officers responded to a shooting at Turk and Taylor St. and
23 located two gunshot victims suffering from multiple gunshot wounds. They were transported to the
24 hospital. Defendant was in the area and he took out a semi-automatic pistol and fired multiple shots
25 towards victim 3, who was standing across the street. Defendant McDonald fired repeatedly on a
26 crowded public street and victim 3 ducked behind victim 4, who was sitting in a wheelchair. Victim
27 3 returned fire with a semi-automatic pistol as the defendant ran away. After the shooting,
28 defendant fled in a BMW. SFPD Officers located multiple spent .40 and 9mm shell casings on
scene. The following day, officers located defendant driving the BMW and officers arrested him. At
the time of this incident, the defendant was out of custody in 2 pending felony cases- CT
#22011484 (residential burglary case) and CT #22011445 (firearm case). Defendant has an

1 extensive criminal history, including 11 prior felony convictions, and the defendant has prior
2 convictions for residential burglary and assault with a firearm. The defendant fired multiple rounds
3 in a crowded public area, causing serious injuries to multiple victims. As a result, victim 3 returned
4 fire escalating the exchange of gunfire while numerous bystanders were present, including victim 4
5 who was in a wheelchair and used as a human shield. The defendant's actions demonstrate an
6 extreme disregard for human life. By initiating a shootout in a crowded public street and firing
7 multiple rounds, defendant created a risk of death or serious injuries to numerous bystanders. Two
8 victims were in fact struck by gunfire. Defendant's criminal history, including pending cases further
9 demonstrates that he continues to engage in dangerous conduct.

10 The Statement of Facts, above, is based upon the following documents and/or evidence,
11 which the People ask that the Court consider in ruling on this motion. (*In re Harris* (2024) 16
12 Cal.5th 292, 318-319 [trial court may consider a proffer based on reliable evidence].) These
13 documents and/or evidence have been provided in discovery to the defense and are either in the
14 possession of the Court or will be provided to the Court for its consideration:

15	Incident Report Number (date & number of pages): 260129559
16	Chronological of Investigation (number of pages & date of last entry): 260129559
17	Rap Sheet(s): CII
18	Photo(s)/Video(s) (date/time & number of photos or video length):
19	
20	Other (describe):
21	

22 ARGUMENT

23 I. The Court Should Detain Defendant Pending Trial on the Following Grounds:

24 Without bail under Article I, section 12 of the California Constitution because: (1) the
25 facts are evident and the presumption great that Defendant committed one of the enumerated
26 offenses listed in section 12; AND
27


1 (2) clear and convincing evidence shows that (a) there is a substantial likelihood that
2 Defendant's release would result in either great bodily injury to others; and/or (b) Defendant
3 threatened others with great bodily injury and there is a substantial likelihood that Defendant would
4 carry out the threat if released (*In re White* (2020) 9 Cal.5th 455); AND

5 By clear and convincing evidence, less restrictive conditions of release cannot reasonably
6 satisfy the compelling government interests of protecting public and victim safety or ensuring
7 Defendant's appearance in court. (*In re Harris* (2021) 71 Cal.App.5th 1085, rev. granted Mar. 9,
8 2022, S272632.)

9 Under *In re Humphrey* (2021) 11 Cal.5th 135 because the facts are evident and clear and
10 convincing evidence shows a substantial likelihood that Defendant's release on less restrictive
11 conditions cannot reasonably satisfy the compelling government interests of protecting public and
12 victim safety and/or ensuring Defendant's appearance in court.

13 For Defendant's felony probation matter, find by clear and convincing evidence that the
14 particular circumstances of the case require the Court to impose an order to detain in order to
15 reasonably protect public safety and/or reasonably assure Defendant's future appearance in court.
16 (See Pen. Code, §§ 1272.1, 1203.25.)

17 Pending a parole/PRCS revocation petition. (Pen. Code, §§ 3000 et seq., 3000.08, 2053.)

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20 Assistant District Attorney
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