

1 Todd K. Davis
2 State Bar Number 169654
3 FARLING, HECHT & DAVIS, LLP
4 96 North Third Street, #660
5 San Jose, CA 95112
6 (408) 295-6100

5 Andrew G. Watters
6 State Bar Number 237990
7 118 South Blvd.
8 San Mateo, CA 94402
9 (415) 261-8527

8 Attorneys for Plaintiff, Weichiao Ku and Pi-Lien Kuo

10 SUPERIOR COURT OF CALIFORNIA

11 COUNTY OF SANTA CLARA

12 (Unlimited Jurisdiction)

13 WEICHIAO KU and PI-LIEN KUO;) Case number: 21-CV-376210
14)
15 Plaintiff,) DECLARATION OF LI TSUNG SU
16)
17 v.)
18 HARALD HERCHEN; and DOES 1) Date: December 8, 2022
19 through 40, inclusive;) Time: 9:00 a.m.
20) Dept: 20
21 Defendants.) Honorable Socrates Manoukian
22)
23 _____)

19 I, Li Tsung Su declare:

20 1. I am a Special Investigator for The Criminal Investigation
21 Bureau, Taiwan's National Police Agency. I have been employed by the
22 Criminal Investigation Bureau for seventeen (17) years and have been
23 a police officer for twenty-four (24) years. The facts contained
24 within this declaration are true and of my own personal knowledge
25 except those statements made pursuant to my information and belief
26 and as to those statements, I believe them to be true.
27

1
2 2. I am the lead investigator for the Alice Ku case (case number
3 109 037278). This matter is being investigated as a homicide as we
4 believe, based on our review of the evidence, that Alice Ku is dead
5 and is the victim of a homicide. A warrant for the arrest of Alice
6 Ku's husband, Harald Herchen, has been issued in Taiwan in
7 connection with the disappearance and purported homicide of Alice
8 Ku. I am writing this declaration at the request of Alice Ku's
9 family who have informed me that they have filed a related civil
10 lawsuit in California.

11 3. Attached as Exhibit "A" is a true and correct copy of the Wanted
12 Warrant number 006126 (in English) for Harald Herchen, the husband
13 of Alice Ku, in connection with the disappearance and presumed
14 homicide of Alice Ku. Attached as Exhibit "B" is a true and correct
15 copy of the Wanted Warrant of Harald Herchen in Mandarin. This
16 warrant was issued on December 28, 2020 and Mr. Herchen has failed
17 to present himself to us in response to this warrant. Following our
18 initial contact with Mr. Herchen in the early stages of the Alice
19 Ku investigation, Mr. Herchen has refused to personally interact
20 with us and our only communication has been through his attorney.
21 As Taiwan does not have an extradition agreement with the United
22 States, we are unable to request extradition. Should Mr. Herchen
23 return to Taiwan, he will be detained on this warrant.

24 4. Our investigation into the homicide of Alice Ku has revealed the
25 following information: Alice Ku came to Taiwan with her husband
26 Harald Herchen on November 24, 2019. Harald Herchen returned to the
27 United States, alone, on December 1, 2019. Harald Herchen informed

1 Alice Ku's family that he personally delivered Alice Ku to the
2 Hualien train station on November 29, 2019 so that Alice could take
3 a train to visit her parents and he has not seen Alice Ku since that
4 date. He later repeated that information when he testified under
5 oath during a deposition. Through our investigation we discovered
6 that Alice Ku's mobile telephone was not at the Hualien train
7 station on November 29, 2019. Our investigation also confirmed the
8 last IP login into Alice Ku's account was on November 29, 2019 at
9 the Hualien Hotel where Mr. Herchen testified he was then staying
10 alone. Our investigation uncovered that Mr. Herchen had possession
11 of the cellular telephone that Alice Ku used during the Taiwan trip
12 up through the last day of the trip. This means that Alice would not
13 have brought a cellular telephone with her if she had left to visit
14 her parents at their home as Mr. Herchen claims. It is highly
15 unusual for foreign nationals who visit Taiwan, particularly
16 Americans, to travel without a cellular telephone.

17 5. We have searched extensively for Alice Ku since December 2019 and
18 we have determined that Alice Ku has not been seen alive in Taiwan
19 by a credible witness since November 29, 2019; has not communicated
20 with a family member since November 27, 2019; has not communicated
21 with anyone electronically since November 29, 2019; has not made a
22 traceable financial transaction or purchase since before November
23 29, 2019 and has not left Taiwan since arriving on November 24,
24 2019. Taiwan CIB has confirmed with Taiwan customs that Alice Ku's
25 United States passport has not left Taiwan since she arrived on
26 November 24, 2019 and we have also confirmed that passport has not
27

1 alerted anywhere else in the world. Taiwan CIB confirmed that Alice
2 Ku's Taiwan passport expired on February 28, 2017, was never renewed
3 and was not used to enter or exit Taiwan since it expired. We were
4 able to confirm with Taiwan Customs and Immigration that there is
5 no record of Alice Ku leaving Taiwan after her November 24, 2019
6 arrival.

7 6. The Alice Ku case is proceeding through the Taiwan Taoyuan
8 Prosecutor's Office. The Taiwan Criminal Investigation Bureau and
9 the Prosecutor's Office have been reviewing information and
10 collecting evidence including the Google data, the login IP address
11 and other electronic information that tracks Alice Ku's physical
12 location at and before the time she disappeared.

13 7. We are continuing to investigate the Alice Ku homicide. Harald
14 Herchen is the primary suspect due to his suspicious behavior,
15 failure to cooperate and the conflicting information he conveyed to
16 the Ku Family.

17 I declare under the penalty of perjury pursuant to the laws of
18 the State of California that the foregoing declaration is true and
19 correct. If called as a witness I could and would testify
20 competently thereto.

21
22 Executed on November 22, 2022 at Taipei, Taiwan.

23
24
25 Su Li Tsung
26 Li Tsung Su
27 declarant

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit "A"



CRIMINAL INVESTIGATION BUREAU
NATIONAL POLICE AGENCY
No. 551, Sec.4, Chung Hsiao East Road, Taipei, Taiwan
Republic of China

NATIONAL POLICE AGENCY, MINISTRY OF THE INTERIOR IS REQUESTED TO HELP ISSUING THE WANTED CIRCULAR TO TRACE AND ARREST THE SUBJECT FOR JUSTICE. THE FOLLOWING IS A TRANSLATED COPY OF THE WARRANT TO CONFIRM THAT THE SUBJECT HAS BEEN WANTED BY THE AUTHORITIES.

TAIWAN TAIPEI DISTRICT PROSECUTORS OFFICE

WANTED WARRANT

DATE: December 28, 2020

FILE NO: TAO CHIEN CHUN JHEN SU HI ()-006126

.....
WANTED PARTY : HARALD HERCHEN
ID CARD NO. :
PASSPORT NO. : HM486960
SEX : MALE
DATE OF BIRTH : 1959/FEB/08

.....
WANTED CASE: OFFENSE OF HOMICIDE
SUMMARY OF THE FACT:

Defendant Harald Herchen, the spouse of KU, Ya Fang (a.k.a Alice KU), lived together in the United States. In order to visit parents, Alice KU and Harald Herchen took flight and came to Taiwan together. They arrived at Taiwan on 2019/11/24. They stayed at the SOL Hotel in Hsinchu city and left afterwards. During November 24 to 26, the victim Alice KU ever contacted her sisters, KU, Yi Feng, via messages. Her family have not received any message since November 27, 2019. The deposition hearing hold in the United States, the defendant Harald Herchen stated that they stayed in the Queena Plaza Hotel at Tainan city on November 25, in the Brio Hotel at Kaohsiung city on November 26, in the Hong Bing hotel on November 27 in Pingtung county, and stayed in the Les Champs hotel at Hualien city on November 28. Because Alice KU would like to see her parents, Alice requested him to change the air flight to December 8. Then defendant Harald Herchen took Alice to the train station by driving and he took high speed train to Taoyuan city. He stayed in Novotel on November 30 and took air flight back to United States on December 1. However, after police collected the hotel check-in records, CCTV footage, the cellphone communication records, email login records, and internet surfing records, police found that statement of defendant Harald Herchen could not match the

real situation. It's highly believe that defendant Harald Herchen was involved in homicide and in violation of Article 271 of our Criminal code.

CAUSE OF BEING WANTED : ABSCONDING

PLACE TO BE ESCORTED TO TAIWAN TAO
YUAN DISTRICT PROSECUTORS OFFICE,
TAIWAN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Exhibit "B"

查捕逃犯作業通緝案件明細報表

製表時間：111年05月26日 11：50：11

製表單位：刑事警察局國際刑警科

頁次：1

姓名：HARALD HER

▲身分證／護照號：HM486960

通緝日期：109/12/28

通緝機關：桃園地檢

通緝文號：桃檢俊偵 宿緝字第006126號

刑案個案流水號：00001

刑案機關：桃園地檢

刑案案號：109年偵字第037278號

刑案案由：殺人

個案時效屆期：9999999

犯罪日期起：1081127

犯罪日期訖：1081201

犯罪處所：

犯罪事實： 被告HARALD HERCHEN為被害人古雅芳之配偶，雙方前在美國共同生活。緣被害人古雅芳為探望母親，遂與被告一同搭機返臺，於民國108年11月24日抵達臺灣，並一同入住位於新竹市東區文化街10號之迎曦大飯店，隨後並偕同離開該飯店。於同年11月24日至26日期間，被害人均有與家屬古挹芬以簡訊聯繫，惟自同年27日起，即未再有被害人之回訊。被告固於美國聽證會中供稱：伊與被害人分別於同年11月25日、同年11月26日，先後入住桂田酒店(臺南永康區永安一街99號)、比歐緻居(高雄新興區中山一路14至26號)，並於同年11月27日入住鴻賓山莊(屏東縣恆春鎮墾丁路130號)，於同年11月28日入住花蓮麗齊大飯店(花蓮縣花蓮市花崗街2號)，其後於同年11月29日因被害人表示想返家探望家人，請伊將機票改為同年12月8日返美，故於11月29日18時許，伊將被害人載至花蓮火車站後，即於同年11月30日搭乘高鐵北上桃園，並於同年11月30日入住諾富特飯店，同年12月1日退房，並於12月1日出境返回美國。惟經警方調閱上開飯店之入住紀錄、相關監視器畫面及被告、被害人所持手機門號之上網歷程等證據並交叉比對檢視後，顯與被告上開所述有所不符，因認被告涉有刑法第271條第1項殺人罪嫌。

刑案個案流水號：00002

刑案機關：桃園地檢

刑案案號：109年偵字第037446號

刑案案由：殺人

個案時效屆期：9999999

犯罪日期起：1081127

犯罪日期訖：1081201

犯罪處所：

犯罪事實： 被告HARALD HERCHEN為被害人古雅芳之配偶，雙方前在美國共同生活。緣被害人古雅芳為探望母親，遂與被告一同搭機返臺，於民國108年11月24日抵達臺灣，並一同入住位於新竹市東區文化街10號之迎曦大飯店，隨後並偕同離開該飯店。於同年11月24日至26日期間，被害人均有與家屬古挹芬以簡訊聯繫，惟自同年27日起，即未再有被害人之回訊。被告固於美國聽證會中供稱：伊與被害人分別於同年11月25日、同年11月26日，先後入住桂田酒店(臺南永康區永安一街99號)、比歐緻居(高雄新興區中山一路14至26號)，並於同年11月27日入住鴻賓山莊(屏東縣恆春鎮墾丁路130號)，於同年11月28日入住花蓮麗齊大飯店(花蓮縣花蓮市花崗街2號)，其後於同年11月29日因被害人表示想返家探望家人，請伊將機票改為同年12月8日返美，故於11月29日18時許，伊將被害人載至花蓮火車站後，即於同年11月30日搭乘高鐵北上桃園，並於同年11月30日入住諾富特飯店，同年12月1日退房，並於12月1日出境返回美國。惟經警方調閱上開飯店之入住紀錄、相關監視器畫面及被告、被害人所持手機門號之上網歷程等證據並交叉比對檢視後，顯與被告上開所述有所不符，因認被告涉有刑法第271條第1項殺人罪嫌。

承辦人簽章：_____

主管簽章：_____

送檢單位：_____