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8 Attorneys for Defendant
9 **JOHANNES MEHSERLE**

**ENDORSED
FILED
ALAMEDA COUNTY**

SEP 11 2009

CLERK OF THE SUPERIOR COURT
By Yelanda Phuang, Deputy

IN THE SUPERIOR COURT OF CALIFORNIA

COUNTY OF ALAMEDA

WILEY M. MANUEL COURTHOUSE

12 **THE PEOPLE OF THE STATE**
13 **OF CALIFORNIA**

14 Plaintiff,

15 v.

16 **JOHANNES MEHSERLE**

17 Defendant.

Case Number: 547353-7 **161210**

**NOTICE OF MOTION AND MOTION FOR
CHANGE OF VENUE PURSUANT TO THE
6TH AND 14TH AMENDMENTS TO THE
UNITED STATES CONSTITUTION,
ARTICLE I, §16 OF THE CALIFORNIA
CONSTITUTION, AND PENAL CODE §1033**

Date: October 2, 2009

Time: 2:00p.m.

Dept: 11

20 **TO: TOM ORLOFF, DISTRICT ATTORNEY, AND DAVID STEIN, DEPUTY
21 DISTRICT ATTORNEY:**

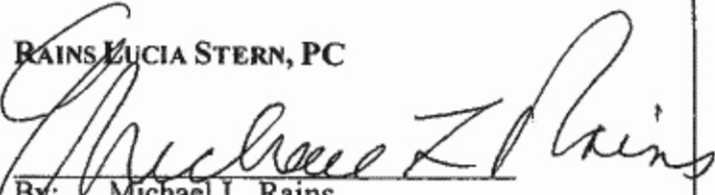
22 PLEASE TAKE NOTICE that on the date and time specified above, or as soon
23 thereafter as may be heard, in Department 11 of the above-entitled court, Defendant Johannes
24 Mehserle will move the Court pursuant to Penal Code §1033 and California Rules of Court
25 4.150 et seq., as well as the Sixth and Fourteenth Amendments to the United States
26 Constitution and Article I, §16 of the California Constitution, to issue its order changing the
27 venue of this trial to a county other than Alameda county.
28

1 The motion is based upon this notice of motion and motion, the attached memorandum
2 of points and authorities, Declaration of Michael Rains, accompanying exhibits, and such
3 further evidence and argument as may be presented at the hearing on the motion, and on the
4 complete court file in the above captioned case. Unless the Court grants the motion on the
5 papers, defendant hereby moves for an evidentiary hearing at which factual disputes between
6 the parties may be resolved.

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8 Respectfully submitted,

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10 Dated: September 10, 2009

RAINS LUCIA STERN, PC

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12 By: Michael L. Rains
13 Attorneys for Defendant Johannes Mehserle
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