

1 Michael L. Rains (SBN 091013)  
2 **RAINS LUCIA STERN, PC**  
3 2300 Contra Costa Blvd., Suite 230  
4 Pleasant Hill, CA 94523  
5 Tel: (925) 609-1699  
6 Fax: (925) 609-1690  
7 Email: [mrains@rlslawyers.com](mailto:mrains@rlslawyers.com)

8 Attorneys for Defendant  
9 **JOHANNES MEHSERLE**

ENDORSED  
FILED  
ALAMEDA COUNTY

SEP 24 2009

CLERK OF THE SUPERIOR COURT

By *C. Chacón*

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IN THE SUPERIOR COURT OF CALIFORNIA  
COUNTY OF ALAMEDA

<b>THE PEOPLE OF THE STATE</b>	)	Case Number: 547353-7
<b>OF CALIFORNIA</b>	)	
	)	<b>NOTICE OF MOTION AND</b>
Plaintiff,	)	<b>MOTION TO CONTINUE</b>
	)	<b>HEARING FOR CHANGE OF</b>
v.	)	<b>VENUE PURSUANT TO 6<sup>TH</sup> AND</b>
	)	<b>14<sup>TH</sup> AMENDMENTS TO THE</b>
<b>JOHANNES MEHSERLE</b>	)	<b>UNITED STATES</b>
	)	<b>CONSTITUTION, ARTICLE I,</b>
Defendant.	)	<b>SECTION 16 OF THE</b>
	)	<b>CALIFORNIA CONSTITUTION,</b>
	)	<b>AND PENAL CODE SECTION</b>
	)	<b>1033</b>
	)	
	)	Date: September 25, 2009
	)	Time: 9:30 am
	)	Dept: 11
	)	

To the Court and to Nancy O'Malley, District Attorney of Alameda County, and to Deputy District Attorney David Stein and Michael O'Connor:

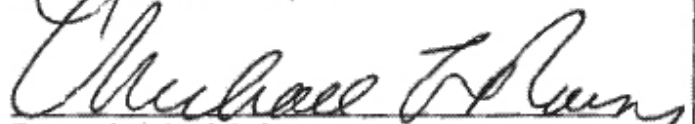
PLEASE TAKE NOTICE that on the above date and time, Defendant Johannes Mehserle will, by and through counsel, move to continue the hearing on the defendant's motion for change of venue pursuant to the 6<sup>th</sup> and 14<sup>th</sup> Amendments to the United States Constitution, Article I, Section 16 of the California Constitution, and Penal Code Section 1033.

1 The hearing of this motion must be continued because the District Attorney has  
2 indicated his desire to cross-examine Dr. Edward Bronson, whose 35-page declaration is  
3 submitted and made a part of this motion, and Dr. Bronson has just undergone heart bypass  
4 surgery and his doctors will not release him to return to work until the week beginning  
5 November 16, 2009. Dr. Bronson's testimony will concern his analysis of the nature and extent  
6 of publicity and its import on the defendant's ability to receive a trial by a fair and impartial  
7 jury in Alameda County. Additionally, Dr. Bronson prepared survey questions which were  
8 asked of 397 prospective Alameda County jurors, and has analyzed answers provided to survey  
9 questions.

10 This motion is based upon this notice, the Declaration of Michael L. Rains attached  
11 hereto, the Change of Venue Motion on file in this matter, and the Declaration of Dr. Edward J.  
12 Bronson (35 pages with attachments A-D), upon other records, papers and documents in this  
13 case, and upon such argument and information that will be presented at the hearing of this  
14 matter.

15  
16 Dated: September 29, 2009

Respectfully submitted,  
RAINS LUCIA STERN, PC



By: Michael Rains  
Attorney for Defendant  
JOHANNES MEHSERLE