

THE APPELLATE DIVISION OF THE
SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CRUZ

IN RE THE MATTER OF

LINDA LEMASTER,
Petitioner,

On Habeas Corpus

) No. _____
)
) Superior Court No. M55730
)
)
) Honorable John Gallagher
)
)
)
)

OPPOSITION TO PETITIONER'S WRIT OF HABEAS CORPUS AND BRIEF IN
SUPPORT OF OPPOSITION

BOB LEE, DISTRICT ATTORNEY
SARA DABKOWSKI
ASSISTANT DISTRICT ATTORNEY
STATE BAR NUMBER 260907
701 OCEAN STREET, ROOM 200
SANTA CRUZ, CALIFORNIA 95060

ATTORNEY FOR THE PEOPLE

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Introduction

The District Attorney, on behalf of the People of the State of California, the Respondent in the above-entitled matter, hereby files this return to the Petition for Writ of Habeas Corpus and opposes the petition as follows:

I.

Respondent admits that the Petitioner was scheduled for jury trial on September 19, 2011, but affirmatively alleges that she is released on her own recognizance pursuant to a valid law and a validly filed complaint. Thus, the Respondent denies that the Petitioner is unlawfully restrained.

II.

The Respondent admits that the Petitioner is charged with one count of illegal lodging, pursuant to Penal Code section 647(e). The Respondent admits that on March 4, 2011 a demurrer hearing was heard in Department 1 challenging the complaint on its face as overbroad and vague, which the Petitioner subsequently lost. The Respondent admits that the case was thereafter transferred to Department 2. The Respondent admits that on March 11, 2011 Mr. Gettleman entered his appearance and made an oral request to reargue the motion on demurrer, but the request was denied. The Respondent admits that the Petitioner's case was set for trial on September 19, 2011, with a trial readiness conference on September 14, 2011. The Respondent admits that the Petitioner is bringing the Writ of Habeas Corpus to challenge the constitutionality of Penal Code section 647(e). The Respondent denies that the facts of present case are relevant to a Pre-trial Writ of Habeas Corpus, as there has been no trial and thus the facts have not been

established. (*See In re Cox*, (1970) 3 Cal.3d 205, 224; Argument section I below.)

III.

The Respondent denies Petitioner's paragraph V (five) in its entirety.

IV.

The Respondent denies Petitioner's paragraph VI (six) in its entirety.

V.

The Respondent denies Petitioner's paragraph VII (seven) in its entirety.

VI.

The Respondent denies Petitioner's paragraph VIII (eight) in its entirety.

VII.

The Respondent denies Petitioner's paragraph IX (nine) in its entirety.

VIII.

The Respondent admits that on August 10, 2010 at approximately 4:30 A.M., Santa Cruz Sheriff's Deputies handed out flyers to the Petitioner on the courthouse steps. The Respondent admits that the Petitioner correctly states what was printed on the flyer. The Respondent denies the remainder of Petitioner's paragraph X (ten).

IX.

The Respondent admits that the Petitioner was cited for illegal lodging, pursuant to California Penal Code section 647(e). The Respondent denies the remainder of Petitioner's paragraph XI (eleven).

X.

The Respondent denies Petitioner's paragraph XII (twelve) in its entirety.

XI.

The Respondent denies Petitioner's paragraph XIII (thirteen) in its entirety.

XII.

The Respondent admits that a Habeas petition may be brought before trial in order to challenge the constitutionality of a California Penal Code section on its face. The Respondent denies the remainder of Petitioner's paragraph XIV (fourteen), specifically the Petitioner's claim that a pre-trial Writ of Habeas Corpus can challenge the Penal Code section as applied to the facts.

XIII.

The Respondent denies Petitioner's paragraph XVI (sixteen) (the Petitioner skipped number fifteen) in its entirety. The Respondent objects to the Petitioner's request to take judicial notice of the exhibits, since they are irrelevant to a facial challenge of Penal Code section 647(e).

STATEMENT OF THE CASE

The defendant, Linda Ellen Lemaster, was cited for violating Penal Code section 647(e) on August 10, 2010 at the Santa Cruz County Government Center on 701 Ocean Street. On October 7, 2010, the Petitioner was arraigned but did not enter a plea to the charges. On February 22, 2011 the Petitioner filed a demurrer, which was subsequently denied on March 4, 2011.

STATEMENT OF FACTS

On August 10, 2010, at approximately 4:30 A.M., deputies from the Santa Cruz County Sheriff's Office made contact with approximately twenty individuals on the steps of the county government center. (Exhibit 1, p. 1.) All but two of the individuals were lying down in blankets or sleeping bags and were apparently sleeping. (*Ibid.*) As the deputies approached the group a few people left and no further contact was made with them. (*Ibid.*)

At the Government Center, deputies contacted persons who were sleeping on the property and informed them that they were in violation of the law, issuing both verbal and written warnings. (*Ibid.*) These persons were warned to leave otherwise face arrest. (*Ibid.*) The Deputies did not contact persons sitting, standing, walking or otherwise not sleeping. (*Ibid.*) Each unlawful lodger was provided a written notice which read:

You are lodging here without the permission of the owner or the person entitled to control this property. Therefore, you are in violation of California Penal Code Section 647(e), a misdemeanor. If you continue to lodge here, you will be cited and/or arrested for this violation. This action is not intended to interfere with your non-lodging demonstration during business hours. Lodging at any time will not be tolerated.

(Exhibit 1, p. 2) (Exhibit 2.)

The deputies moved away to allow those who wanted to leave to do so and no further contact was made with those that left. (Exhibit 1, p. 1.) After approximately ten minutes the deputies re-contacted those who decided to stay, including the defendant, and were cited for violating Penal Code section 647(e). (*Ibid.*)

ARGUMENT

I. A PRE-TRIAL WRIT OF HABEAS CORPUS CHALLENGING THE CONSTITUTIONALITY OF A LAW MUST BE A FACIAL CHALLENGE, ESPECIALLY WHEN THE FACTS ARE CLEARLY IN DISPUTE.

The Petitioner cites *In re Cox*, 3 Cal.3d 205, for the argument that a pre-trial Writ of Habeas Corpus allows the Petitioner to challenge the law *as applied* to the facts of the case. However, since there has not been a trial in the current case, the facts have not been established. In *In re Cox*, the Petitioner alleged that he and a friend were conversing at a shopping center when they were approached by a security guard and asked to leave. The Petitioner refused to leave, made a purchase and remained on the grounds. The Petitioner was subsequently arrested and then brought a pre-trial writ of habeas corpus. The Petitioner challenged the constitutionality of the statute he was charged with, as well as, the constitutionality of the statute as applied to the facts. The court resolved the facial legal questions, but refused to decide whether the defendant's particular conduct was protected by U.S. Constitution and referred the matter to the trial court for initial decision of this issue.

The court stated “[i]n view of our above delineation of the scope of the First Amendment, we cannot determine on pretrial habeas corpus, in the absence of the established facts, whether petitioner’s conduct is protected by the First Amendment.” (*In re Cox*, 3 Cal.3d at 224.) The court came to this conclusion because “[a]t this stage of the proceedings [pretrial] the facts of the case have not been established.” (*Ibid.* at 223-24.) The court stated, “without the facts, an appellate court cannot successfully ascertain on

pre-trial habeas corpus whether petitioner's conduct deserves protection from criminal prosecution." (*Ibid.* at 224 n. 23.)

In *In re Berry* (1968) 68 Cal.2d 137, the court was willing to hear the constitutional challenge to the penal code as applied to the facts of the case. However, the distinguishing factor was that in *In re Berry* the facts were not in dispute and thus there was no need for a jury to determine the facts. (*Ibid.* at 141.) Here, the facts are in dispute and have not been established. Specifically, the Petitioner's conduct leading to the citation is in dispute, and the manner and method in which the deputies enforced the code section is also in dispute. Until these facts are resolved at trial, an "as applied" determination cannot be made.

For example, the Petitioner skirts around the issue of whether she was sleeping, saying repeatedly that she did not intend to sleep. (Pet. Exhibit 2, p. 1, n 25.) But, the fact of the matter is, she was sleeping. (Exhibit 1 and 3.) She admits that she was sleeping in the blog post she wrote regarding the incident, saying, "And I couldn't think of any other way to safeguard this man's physical health, so I slept on the cement...." (Exhibit 3, p. 3.) The facts at trial will establish that she was spending the night at the courthouse when cited, which is a determination that needs to be made before the court can rule on whether there was a Constitutional violation in this case.

Moreover, the Petitioner does not claim that she was engaged in First Amendment conduct at the time of the violation. (See Pet. Exhibit 2.) She was present to watch over Mr. Doyon and to sleep. Nowhere in her declaration does she claim that she was participating in the protest at time that she was observed lodging. She only indicates that

she remained at the courthouse overnight to participate in the protest and to make sure that Mr. Doyon did not need to be hospitalized. (Pet. Exhibit 2, p. 1, lns 24-28.) However, she does not address what she was doing at the time of the lodging. The fact of the matter is, it was 4:30 A.M., and she was sleeping. The logical inference is that she was tired and fell asleep. Without proving that she was even engaged in expressive conduct, Petitioner cannot make a First Amendment claim. Until these factual issues are resolved, an as applied challenge cannot be resolved. Therefore, the court here can address the facial challenges the Petitioner brings, but cannot address the factual or “as applied” challenges.

II. STATUTES ARE PRESUMED TO BE CONSTITUTIONAL

“ [T]he burden of establishing the unconstitutionality of a statute rests on [the party] who assails it’ [Citation.]” (*Brown v. Superior Court* (1971) 5 Cal.3d 509, 520.) It is well established that courts should exercise judicial restraint when passing on the constitutionality of legislation. Courts must indulge every presumption in favor of a statute’s constitutionality. A statute must be upheld unless its unconstitutionality is clearly, positively and unmistakably demonstrated. Any mere doubt must be resolved in favor of the statute. (*Voters for Responsible Retirement v. Board of Supervisors* (1994) 8 Cal.4th 765, 780; *Calfarm Insurance Co. v. Deukmejian* (1989) 48 Cal.3d 805, 814; *In re Ricky H.* (1970) 2 Cal.3d 513, 519; *In re Elizabeth T.* (1992) 9 Cal.App.4th 636, 640.) Moreover, if there is a question as to how a statute will be read, it is the courts’ duty to construe the statute so as to uphold its constitutionality. (*Pryor v. Municipal Court* (1979) 25 Cal.3d 238, 253; *Braxton v. Municipal Court* (1973) 10 Cal.3d 138, 145; *Ombudsman Services of Northern California v. Superior* (2007) 154 Cal.App.4th 1233, 1248.)

III. PENAL CODE SECTION 647(e) DOES NOT VIOLATE THE PETITIONER'S FIRST AMENDMENT RIGHTS ON ITS FACE.

Simply because a person does an act for an expressive or symbolic purpose does not make it constitutionally protected conduct. In this case, even assuming that Petitioner was engaged in a protest, the fact that the Petitioner violated Penal Code section 647(e) as part of a demonstration does not make the statute unconstitutional. As such, the Petitioner's First Amendment rights have not been violated.

The United States Supreme Court was faced with a similar circumstance in *Clark v. Community For Creative Non-Violence* (1998) 468 U.S. 288. In *Clark*, the National Park Service allowed a demonstration in Lafayette Park and the Mall in Washington D.C., however, they would not allow the demonstrators to sleep in the park, which was prohibited by regulation. (*Ibid.*, at 290.) The Court assumed that sleeping was expressive conduct protected by the First Amendment, however, it did not make a specific finding about sleeping during a demonstration. (*Ibid.*, at 293.) Being expressive conduct, it was still "subject to reasonable time, place, or manner restrictions." (*Ibid.*) The court also noted that restrictions of this kind are "valid provided they are justified without reference to the content of the regulated speech, that they are narrowly tailored to serve a significant governmental interest, and that they leave open ample alternative channels for communication of the information." (*Ibid.*) The Court found that clearly the regulation was content neutral, it was narrowly tailored to a substantial governmental interest in maintaining parks, and left plenty of other ways to communicate the message meant to be

delivered. (*Ibid.*, at 295.) The Court also found that there was a significant governmental interest in maintaining parks. (*Ibid.*, at 296) In overturning the Court of Appeals, the Supreme Court concluded with an observation of Judge Edward that "[t]o insist upon a judicial resolution of this case, given the facts and record at hand, arguably suggests a lack of common sense [citation omitted]." (*Ibid.*, at 299 fn 9.)

Curiously, Petitioner failed to address the issue of time, place, and manner restrictions, which is central to the case at hand. Petitioner also did not discuss the fact that Penal Code section 647(e) is content-neutral.

In *Stone v. Agnos* (9th Cir. 1992) 960 F.2d 893, the court was faced with a constitutional challenge to Penal Code section 647(i) (the predecessor of 647(e)) based on a claimed First Amendment violation. In *Stone*, the plaintiff was arrested for violating Penal Code section 647(i), illegal lodging, when he refused to leave the Civic Center Plaza in San Francisco after the sleeping people in the plaza were told to leave or be arrested. (*Ibid.* at 894.) The court found that the city did have an interest in maintaining its parks and enforcing the statute. (*Ibid.* at 895.) The court then denied any constitutional violations. (*Ibid.*)

Just because a crime is committed at the location of the protest does not mean that the person engaged in the crime is immune from prosecution. If that were true, then people committing political assassinations could claim that they cannot be prosecuted because they were engaged in expressive conduct. In this case, there are simply limits placed on lodging where a person does not have permission, regardless of why they are lodging. This is a reasonable limitation on conduct that may impact the First Amendment

if the lodging happens to be done as expressive conduct, because it is content neutral, is aimed at a significant governmental interest, and leaves open plenty of other ways in which to protest. There is a significant government interest to protect property owner's rights in not allowing people to lodge without their permission. Similar to *Clark* and *Stone*, the government has a significant interest in maintaining public and private areas and preventing people from lodging there without permission. Additionally, Petitioner's core arguments seem more like a claim of a violation of Petitioner's First Amendment rights *as applied*, which the Court cannot determine here until the factual issues are resolved at trial.

Perhaps Justice Burger said it best in his concurring opinion.

It trivializes the First Amendment to seek to use it as a shield in the manner asserted here. And it tells us something about why many people must wait for their "day in court" when the time of the courts is pre-empted by frivolous proceedings that delay the causes of litigants who have legitimate, nonfrivolous claims.

(*Ibid.* at 301, Justice Burger concurring.)

Thus, because Penal Code section 647(e) is a reasonable time, place, and manner restriction that is content neutral, it does not violate the Petitioner's rights.

IV. PENAL CODE SECTION 647(e) IS NOT UNCONSTITUTIONALLY VAGUE, AS THE PENAL CODE SECTION PROVIDES FAIR NOTICE AND SUFFICIENTLY DEFINES STANDARDS OF ENFORCEMENT TO PREVENT ARBITRARY AND DISCRIMINATORY ENFORCEMENT.

The statute that the Petitioner is charged with violating is not unconstitutionally vague. The statute does not implicate constitutionally protected conduct and is not vague in all of its applications, therefore, it is not unconstitutionally vague.

A statute cannot be held void for uncertainty if any reasonable and practical construction can be given to its language. (*Lockheed Aircraft Corp. v. Superior Court*, *supra*, 28 Cal.2d at p. 484.) The courts are obligated to preserve a statute by giving meaning to any uncertain terms by reference to other definable sources or to the common human experience. (*People v. Heitzman* (1994) 9 Cal.4th 189, 209; *People v. Mitchell*, *supra*, 30 Cal.App.4th at p. 799.)

In *Joyce v. The City and County of San Francisco* (N.D. Cal 1994) 846 F.Supp. 843, the United States District Court was faced with a similar challenge to then Penal Code section 647(i) which provides:

Every person who commits any of the following acts is guilty of disorderly conduct ... Who lodges in any building, structure, vehicle, or place, whether public or private, without the permission of the owner or person entitled to the possession or in control thereof.

This section is virtually identical to the current Penal Code section 647(e). The court was presented with a request for a preliminary injunction against the enforcement of Penal Code section 647(i) and San Francisco Park Code section 3.12. (*Ibid.* at 846-47.) The court denied the requested injunction finding that both claims were unlikely to succeed. (*Ibid.* at 862.) Specifically, the court stated that "the challenged Penal Code section cannot be concluded by the Court at this time to be unconstitutionally vague." (*Ibid.*) In making that finding, the court noted that "it seems readily apparent the measure is not 'impermissibly vague in all of its applications...'[citation omitted]" (*Ibid.*)

In *People v. Scott* (1993) 20 Cal.App.4th Supp. 5, the court was faced with a similar city ordinance that banned camping in the parks. The Appellate Department of the

Superior Court, in deciding the case pointed out the two basic requirements for a statute to survive a facial vagueness challenge. "First, a statute must be sufficiently definite to provide adequate notice of the conduct proscribed ... [¶] Second, a statute must provide sufficiently definite guidelines for the police in order to prevent arbitrary and discriminatory enforcement." (*Ibid.* at 11, citing *People v. Superior Court(Caswell)*(1988) 46 Cal.3d 381, 389-390.) The court found that the definition provided in the statute made defeated the vagueness claim, but noted that even without the definition, "[w]e all have a common-sense understanding of what camping is' [citations omitted]." (*Ibid.*) Of note was also the fact that each defendant had been warned prior to being cited. (*Ibid.* at 12, fn 7.) Thus, case law clearly indicates that the language of this statute is not unconstitutionally vague.

The term "lodge" is not impermissibly vague. According to Merriam-Webster online dictionary, to lodge (transitive verb) means "a(1): to provide temporary quarters for (2): to rent lodgings to; b: to establish or settle in a place."; to lodge (intransitive verb) means "a: to occupy a place temporarily: sleep; b(1): to have a residence: dwell; (2): to be a lodger."

These common definitions provide adequate notice of what is prohibited from the statute, especially considering that the law requires that the lodging must be done without the permission of the owner or owner's agent. This particular restriction provides additional notice to would-be violators, because they know what they do or do not have permission to do. Furthermore, when the police are citing individuals at the request of the owner, as they were in this case, the police are also on sufficient notice that the activity is

without the permission of the owner. Thus, these definitions provide law enforcement sufficiently definite standards of application. Additionally, the Petitioner was provided with a verbal and written warning that she was in violation of the statute. The statute is also definite enough to prevent police officers from using it arbitrarily and discriminatory. This is further evidenced by the deputies handing out notices to each person warning them about the violation and providing them an opportunity to leave without being cited.

Petitioner seems to be arguing that she and others asked the deputies for a definition of lodging and that because they refused to provide one, she is somehow not responsible for her crime. However, the statute puts the Petitioner on notice as to what the proscribed conduct is. It is not up to police officers to give their own subjective definitions of what a given word in a statute means. Thus, focusing on the fact that the deputies would not give their own subjective definitions is a red herring.

Petitioner's focus on the jury instructions given in two other trials is also irrelevant. First, jury instructions always define terms and words in the charges, even when the charging statute does not. The instructions explain what the required intent is, or what alcohol means, or what driving is. The fact that the court gave an instruction to aid the jury does not mean that Penal Code section is vague or overly broad. Second, the court was required to take judicial notice of the common definitions of lodging, because under Evidence Code section 451, "Judicial notice shall be taken of the following: ... (e) The true signification of all English words and phrases and of all legal expressions." Similarly, in *Golden Security Thrift & Loan v. First American Tile* (1997) 53 Cal.App.4th

250, 256, the Court took judicial notice of various dictionary definitions of "dimensions." It is an appropriate procedure and should not be used to argue for vagueness. The statute provides sufficient notice of the proscribed conduct, regardless of whether the jury is given specific definitions of words in the charged offense.


CONCLUSION

For the reasons stated above, the Respondent respectfully requests that this Court follow the case law as decided in *Clark*, *Stone*, and *Joyce*, and find that Penal Code section 647(e) is neither overbroad nor vague and does not infringe on First Amendment rights. The Respondent respectfully requests that this Court deny Petitioner's Writ of Habeas Corpus.

Dated: January 3, 2012

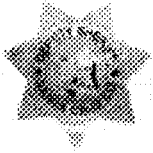
Respectfully submitted,

Bob Lee
DISTRICT ATTORNEY


Sara Dabkowski
Assistant District Attorney

Prepared In Part By: Ryan Gould
Certified Law Clerk

Exhibit 1
(police reports)



**County of Santa Cruz
Sheriffs Office
INCIDENT REPORT**

1007916
REPORT NUMBER

NARRATIVE

REPORTED BY 01181 HURLEY, GRETCHEN

REPORT FILED

On Tuesday, 8-10-10, myself and several deputies participated in an enforcement contact of numerous persons violating 647(e) PC in front of the County Courthouse.

All deputies were in full uniform. Deputies who were involved were:

Sgt. B. Gazza - supervisor

Sgt. J. Verinsky - only present for a few minutes before being called away.

Deputy C. Joyce

Deputy T. Doyle

Deputy D. Fenster - responsible for any found or property taken for safe keeping. None was.

Deputy F. Murphy

Deputy T. Huntsman - taking photos/video of contact

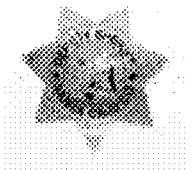
Deputy C. Hankes

Deputy R. York

Our first contact was made at approximate 0430 hours. There were approximately twenty individuals present. All but two were lying down in blankets or sleeping bags and apparently sleeping. Two individuals were standing up. As soon as the two who were standing saw us approaching the group they went around to those who were sleeping, woke them up and told them to get up. Several individuals did get up, collect their property and left the area. We did not have any contact with these persons.

The ones who remained were contacted and verbally warned of their violation. They were also given a written notice of their violations. We moved away to allow those who wanted to leave to do so. No further contact was made with those who left the area. We re-contacted a few who were still lying down and still maintaining their sleeping areas. Five were cited for violation of 647(e) PC. All cooperated with the citation process. All but two began collecting their property to move out of the area. The two that remained were asked if they intended to stay and were advised they would be arrested if it was their choice to stay. Christopher Doyon and Alfonso Martinez advised they were not going to leave and were arrested without incident.

Robert Norris and Becky Johnson were present during the arrest and both Doyon and Martinez took Norris up on his offer to maintain their property for them while they were incarcerated.



**County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT**

1007916
REPORT NUMBER

NARRATIVE

SUPPLEMENT DATE 08/10/2010
APPROVAL DATE 08/10/2010

OFFICER 12040 JOYCE, CHRISTOPHER
OFFICER 04847 GAZZA, WILLIAM

NARRATIVE:

On 08/10/10, at approximately 0430 hrs, I (Deputy Joyce) and several other Deputies contacted several people sleeping on the steps of the Santa Cruz County courthouse. Upon first contact, Deputies advised those people who were sleeping, that they were doing so in violation of penal code section 647 (e). I was dressed in full uniform as unit 1-7.

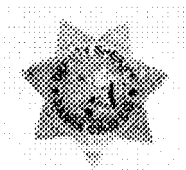
Along with the other Deputies, I handed out flyers to those who were sleeping. Please refer to the original report for details on the above mentioned flyer. After waking the people who were sleeping and handing out the flyers, I asked several people if they intended on staying, or leaving the courthouse.

After approximately ten minutes, two people, identified as Linda Lemaster, and Alfonso Martinez, were still laying in their respective sleeping bags. They both notified me that they intended on staying at the courthouse. I issued the listed citation numbers for both, for violation of penal code 647(e).

Lemaster signed her citation (#S-145430), and agreed to leave the courthouse steps. Martinez also signed his citation (#S-135431), but said he would not leave the courthouse steps. I told Martinez that he would have to be booked into County Jail. Martinez still said he would not leave the property, and stayed laying down in his sleeping bag. I asked Martinez to stand up and place his hands behind his back. I handcuffed Martinez without incident. Deputy Doyle walked with Martinez to the patrol car, where Martinez sat down. Deputy York then transported Martinez to County Jail, where he was booked on the listed charges.

CONCLUSIONS:

Refer to original report.



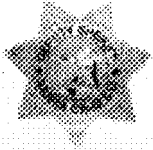
**County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT**

1007916
REPORT NUMBER

NAMES - 08/10/2010 by 12040 JOYCE, CHRISTOPHER

CR REFERENCE # 1	SYSTEM # 1	INVOLVEMENT <input type="checkbox"/> Juvenile A Arrestee	<input type="checkbox"/> Non-Disclosure TYPE Individual
NAME LEMASTER, LINDA ELLEN			
ADDRESS 115 CANFIELD AVE #B CALIFORNIA, CA			PHONE (577) 000-4255
ALT. ADDRESS			PHONE
DOB 04/13/1949	AGE	SSN 213-58-8325	PHONE
DL NO N3792403 CA		FBI ID	
LOCAL ID S-061634		STATE ID	
DESCRIPTION SEX F RACE W HAIR BRO EYES BLU		HEIGHT 510	WEIGHT 180
CAUTION		POB	
EMPLOYER	ADDRESS		PHONE (831)
OCCUPATION			RES.STATUS R
COMMENTS			
ADDITIONAL INFO			

CR REFERENCE # 2	SYSTEM # 2	INVOLVEMENT <input type="checkbox"/> Juvenile A Arrestee	<input type="checkbox"/> Non-Disclosure TYPE Individual
NAME MARTINEZ, ALFONSO JOEL			
ADDRESS 112 LAUREL ST SANTA CRUZ, CA 95060			PHONE (831)
ALT. ADDRESS			PHONE
DOB 11/25/1977	AGE	SSN 540-04-9883	PHONE
DL NO		FBI ID	
LOCAL ID		STATE ID	
DESCRIPTION SEX M RACE H HAIR BRO EYES BRO		HEIGHT 601	WEIGHT 175 ETHNICITY H
CAUTION		POB	
EMPLOYER	ADDRESS		PHONE (831)
OCCUPATION			RES.STATUS R
COMMENTS			
ADDITIONAL INFO			



**County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT**

1007916

REPORT NUMBER

NARRATIVE

SUPPLEMENT DATE 08/10/2010
APPROVAL DATE 08/10/2010

OFFICER 11940 HANKES, CHRISTOPHER
OFFICER 04847 GAZZA, WILLIAM

On 08/10/10, at approximately 0430 hrs, I (Deputy Hankes) and several other Deputies contacted several people sleeping on the steps of the Santa Cruz County courthouse. Upon first contact, Deputies advised those people who were sleeping, that they were doing so in violation of penal code section 647(e). I was dressed in full uniform as unit 1-2.

Along with the other Deputies, I handed out flyers to those who were sleeping. Please refer to the original report for details on the above mentioned flyer. After waking the people who were sleeping and handing out and explaining the flyers, I asked several people if they intended on staying, or leaving the courthouse.

Several people decided to collect the items they had used to fashion places to sleep and left.

I spoke with two individuals sitting next to a makeshift campsite to include bedding laid out on the cement nearby (i.e. blankets, pillows, etc.) and they identified themselves as (A1) Michael Leibeck and Adi Balogh.

Leibeck identified himself with his California Driver License.

Balogh identified herself with her Santa Cruz County Jail Inmate Identification Card.

Leibeck and Balogh told me the items they were sitting next to were theirs. I asked both subjects if they planned to collect their items and leave. Both subjects said they were not going to collect their items and were not going to leave.

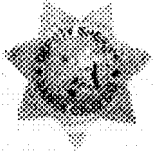
I asked both subjects if they were going to cooperate with a citation. Both subjects told me they were going to cooperate.

I issued citation #S-159677 to Leibeck, and citation #S-159678 to Balogh for violating section 647(e) of the California Penal Code. I explained that they would both need to visit the Santa Cruz County Jail to be booked before their court date of 9/30/2010 at 0815 A.M.

Both subjects told me they understood they had a court date of 9/30/2010 at 0815 A.M.

Neither Leibeck or Balogh had any further questions, so I released them and they collected their possessions before leaving the area.

End of report.



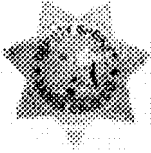
**County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT**

1007916
REPORT NUMBER

NAMES - 08/10/2010 by 11940 HANKES, CHRISTOPHER

CR REFERENCE # 1	SYSTEM # 3	INVOLVEMENT	<input type="checkbox"/> Juvenile <input checked="" type="checkbox"/> Arrestee	<input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Individual
NAME LEIBECK, MICHAEL CHARLES				
ADDRESS 7413 PO BOX SANTA CRUZ, CA 95060				PHONE PHONE PHONE
ALT. ADDRESS				
DOB 04/25/1964	AGE 46	SSN 143-66-2229		
DL NO B3828580 CA		FBI ID 508129AA0		
LOCAL ID S-174802		STATE ID A11131585		
DESCRIPTION SEX M RACE W HAIR BRO EYES BRO		HEIGHT 511	WEIGHT 170	ETHNICITY N
CAUTION		POB		
EMPLOYER				PHONE (831)
ADDRESS				RES.STATUS R
OCCUPATION				
COMMENTS				
ADDITIONAL INFO				
Hair Brown				
Hair Type Wavy/Curly				
Complexion Medium				
Facial Hair Unshaven				
Build Medium				
Hair Style Unknown/Other				
Appearance Unkept/Dirty				
ARREST		AGENCY SCSO		
ARREST DATE 08/10/10 04:37		OFFICER 11940		
LOCATION 701 OCEAN STREET				
BOOKED		WARRANT		
DEPT DISPO. CITE		CUSTODY STATUS	RELEASED	
TEST		SUBSTANCE		
CHARGES 647(e)PC	647(e)PC			DISORDERLY CONDUCT;ILLEGAL LOGGING

CR REFERENCE # 2	SYSTEM # 4	INVOLVEMENT	<input type="checkbox"/> Juvenile <input checked="" type="checkbox"/> Arrestee	<input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Individual
NAME BALOGH, ADI				
ADDRESS 7413 PO BOX Apt. 6 SANTA CRUZ, CA 95061				PHONE (122) 831-4234 PHONE PHONE
ALT. ADDRESS				
DOB 11/28/1958	AGE	SSN 293-50-2803		
DL NO C0034010 CA		FBI ID 504333R1		
LOCAL ID S-208683		STATE ID 09024678		
DESCRIPTION SEX F RACE W HAIR RED EYES BRO		HEIGHT 502	WEIGHT 125	
CAUTION		POB		
EMPLOYER				PHONE (831)
ADDRESS				RES.STATUS R
OCCUPATION				
COMMENTS				
ADDITIONAL INFO				
Hair Brown				
Hair Type Straight				
Facial Hair Clean Shaven				
Build Small				
Hair Style Unknown/Other				
Appearance Unkept/Dirty				
ARREST		AGENCY SCSO		
ARREST DATE 08/10/10 05:04		OFFICER 11940		
LOCATION 701 OCEAN STREET				
BOOKED		WARRANT		
DEPT DISPO. CITE		CUSTODY STATUS	RELEASED	
TEST		SUBSTANCE		
CHARGES 647(e)PC	647(e)PC			DISORDERLY CONDUCT;ILLEGAL LOGGING



**County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT**

1007916
REPORT NUMBER

NARRATIVE

SUPPLEMENT DATE 08/10/2010
APPROVAL DATE 08/11/2010

OFFICER 06210 MURPHY, FREDERICK
OFFICER 06642 VERINSKY, JEREMY

On 08/10/2010, I was assisting Sheriff's Deputies with enforcement regarding illegal lodging and disorderly conduct at 701 Ocean St. on the steps of the court house.

During the enforcement action Deputy Hankes issued a person named Christopher Doyon a citation charging him with illegal lodging. Doyon signed the citation agreeing to appear in court.

After signing the citation Doyon and I had a brief conversation where I explained to him that he would be arrested if he continued to stay on the steps of the courthouse. Doyon informed me he wished to stay on the steps of the courthouse and stated he would comply with being arrested. He had already boxed up his belongings and handed them to Robert Norris Kahn. Doyon explained to me that he would get his belongings back from Robert Norris Kahn and continue to stay on the steps until which time he was arrested.

I confirmed with Doyon that he had no intentions of leaving the courthouse and that he was intending to continue lodging although he had already been warned and subsequently cited for doing so. He again told me he was going to stay on the courthouse steps.

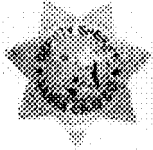
I took Doyon into custody for 647(e)PC.

Following Doyon's arrest i searched his outer clothing for contraband which would be prohibited from the County Jail. Doyon had 4.1 grams of marijuana, a marijuana pipe and 2.75 vicodin pills. Doyon Stated he did not have a medical marijuana card nor did he have a prescription for the vicodin. He further stated he thinks he has pneumonia which is why he was in possession of the vicodin.

The marijuana, the pipe and the vicodin pills were placed into Sheriff's Property as evidence.

Christopher Doyon was transported and booked into the county jail charged with 647(e) PC.

Case forwarded to the District Attorney's Office for prosecution of Doyon for 647(e)PC and review for the possible additional filing of charges of 11350 H&S and 11357(b) H&S.

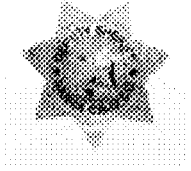


**County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT**

1007916
REPORT NUMBER

NAMES - 08/10/2010 by 06210 MURPHY, FREDERICK

CR REFERENCE # 01	SYSTEM # 6	INVOLVEMENT <input type="checkbox"/> Juvenile A Arrestee	<input type="checkbox"/> Non-Disclosure TYPE Individual
NAME DOYON, CHRISTOPHER MARK			
ADDRESS 115 CORAL ST SANTA CRUZ, CA 95060			PHONE PHONE PHONE
ALT. ADDRESS			
DOB 08/18/1964	AGE 45	SSN 004-54-8287	
DL NO		FBI ID 00454828	
LOCAL ID S-138679		STATE ID A08528441	
DESCRIPTION SEX M RACE X HAIR RED EYES BRO		HEIGHT 511 WEIGHT 140	
CAUTION		POB	PHONE (831)
EMPLOYER	ADDRESS		RES.STATUS R
OCCUPATION			
COMMENTS			
ADDITIONAL INFO			



**County of Santa Cruz
Sheriffs Office
SUPPLEMENTAL INCIDENT REPORT**

1007916
REPORT NUMBER

PROPERTY - 08/10/2010 by 06210 MURPHY, FREDERICK

CR REFERENCE # 01	INVOLVEMENT	<input checked="" type="checkbox"/> Submitted to Property	<input type="checkbox"/> Evidence	<input checked="" type="checkbox"/> In Custody
TYPE D DRUGS	E Evidence	SYSTEM # 2	PROP.ROOM #	
QUANTITY 1	NCIC CODE	COLOR	MODEL	
BRAND N/A	DATE	OAN	AGENCY	
SERIAL	DATE	AGENCY	BY	
LOSS VALUE \$00	DATE	DRUG Marijuana		
RECOVERED VALUE \$00	DATE			
**NARCOTICS 4.1 Gram				
COMMENTS 4.1 GRAMS OF MARIJUANA, 2.75 VICODIN PILLS AND A MARIJUANA PIPE.				
	DA WILL REVIEW FOR POSSIBLE CHRGES FOR POSSESSION OF THE ABOVE LITED ITEMS.			
	<input type="checkbox"/> Disposed	DATE	DISPOSITION	
	<input type="checkbox"/> Hold	DATE	BY	
TAG	BAR CODE 1.1007916-002	CUSTODY DATE 08/11/2010		
LOCATION DR				

Exhibit 2
(flyer)

YOU ARE LODGING HERE WITHOUT THE
PERMISSION OF THE OWNER OR THE PERSON
ENTITLED TO CONTROL THIS PROPERTY.
THEREFORE, YOU ARE IN VIOLATION OF
CALIFORNIA PENAL CODE SECTION 647(e), A
MISDEMEANOR. IF YOU CONTINUE TO LODGE
HERE, YOU WILL BE CITED AND/OR ARRESTED
FOR THIS VIOLATION. THIS ACTION IS NOT
INTENDED TO INTERFERE WITH YOUR NON-
LODGING DEMONSTRATION DURING BUSINESS
HOURS. LODGING AT ANY TIME WILL NOT BE
TOLERATED.

Exhibit 3
(Blog Post)

Share Report Abuse Next Blog»

Create Blog Sign In

Peace Camp 2010

PEACE CAMP 2010--a protest camp from July 4th 2010 to October 2nd 2010 where homeless people slept in the City of Santa Cruz on the courthouse steps or at City Hall to protest the Sleeping and Blanket Bans. Currently Peace Camp 2010 is in the judicial phase. Our goal is education, survival and change regarding the City's anti-homeless Sleeping Ban. We demand City Council repeal or suspend this law and grant an amnesty for all sleeping and camping tickets issued.

TUESDAY, AUGUST 17, 2010

Peace Camp 2010 : My Reverie after a Night on Cement

A WET AND WILD NIGHT ON THE TOWN
by Linda Lemaster

This note is simply a place-holder message. I haven't been home enough to write anything myself worthy of sharing. I have been spending whatever time I could during the past week at PeaceCamp2010.

I have been involved with what I'm calling the Movement to End Homelessness in our Country, since Scott Creek struggles in the late 1970s; since before the word "homelessness" was indulged by news reporters and memorialized by Paul Simon in song. When I started paying attention to this stuff, in my then-hometown, City of Santa Cruz, people were still fretting about the overuse of the word "vagrant" and calling gatherings of displaced people UTEs, which stands for Unidentified Transient Elements. It was dehumanizing, said some. So they stopped using it in print. Then began "homeless" and homelessness".

For decades I've been a nag: "Don't use it as a noun," I'd lament. It is a descriptive, an adjective. It demeans people further when used as a subject or noun. Homeless PEOPLE. At least in the first entry in a story, whether to a bureaucrat or to a news person, I've pushed this one little concern, perhaps in vain. People who are clearly committed to humane values continue to say, The Homeless! I believe this cluelessness (by most folks who do it) is not intended to help dehumanize the displace folks, but it does so. It makes it much easier to get that "them or us" hostility going. It has been a tool to push folks into this caste-system-like status.

So I say again, for the gazillionth time it feels like, "HOMELESS" is an adjective. In the past year, many more people have become supportive of making 'homelessness' a status crime, in light of the pattern, nationwide, of random and vicious attacks against visibly homeless sleepers. Most of us can't do much about such a big and urgent social "problem." But we can retrain ourselves to use more appropriate words in our

PEACE CAMP 2010 CONTACT INFO

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Becky.Johnson95060@gmail.com

Telephone: 831-675-6096

Twitter: SCPeaceCamp2010

Photos:

<http://www.photobucket.com/home/PeaceCamp2010>

MySpace:

<http://www.myspace.com/PeaceCamp2010>

YouTube:

<http://www.youtube.com/PeaceCamp2010>

Sign The Petition:

http://homelessness.change.org/petitions/view/peace_camp_2010

Regular Radio Coverage:

Thursdays 6-8 PM, Sundays 9:30 AM -1 PM on Free Radio Santa Cruz streaming at www.freakradio.org, broadcasting at 101.1 FM; shows archived at <http://www.huffsantacruz.org/brb.html> & described at <http://www.huffsantacruz.org/>

everyday speech, can't we?

I have continued to engage in work I feel/felt would lead to undoing homelessness as federal social policy. I have continued to check out the tent cities and encampments and those rare gatherings that would resist growing homelessness. I once put together a great (well reviewed) Civil Rights & Homeless People panel for a Housing California conference, and I helped to organize and execute a wonderfully uplifting and educational "Tent City Convention" which invited folks from all up and down the west coast, including Canada, to spend a long weekend together and share problems and solutions for organizers. Thanks to Thomas Leavitt and his family, we were able to put together a "safe place" (i.e. private property) for that gathering of about 50 folks.

I have continued, as my health has permitted, to be an active participant in our County's Continuum of Care and Homeless Action Partnership, a collaborative who's tasks include helping get state and federal funding for this growing population distributed optimally in Santa Cruz County.

As leader/facilitator for Housing NOW! in Santa Cruz, I have continued to provide organizational and technical support, as well as occasional respite support, to my friends and neighbors here. Recently, I had to dust off my hat as an "expert on homelessness" and again become a court witness for the persecuted and prosecuted homeless population. In short, I have learned there are a LOT of ways we can each and all face this growing "problem". I try to do whatever I can that makes sense and that could stem the tide of wasted American lives, even if only a little bit.

While I believed, years ago, that I'd be able to "do more" once my children were grown, it isn't really happening yet. I bring all this nonsense and knowledge to my involvement when I stand with protesters, demonstrators and individually stranded homeless folk. As a committed pacifist, sometimes, there's no match between demonstrators and what I can share. Sometimes there is.

With the emergence of Peace Camp 2010 (see blog -- same name -- for their contact info and more) I have been enjoying a supportive role in this experiment of "being allowed to be": to be visible, to find each other, to sleep in less fear, and much more. I believe isolation is a killer and a crazy-maker, and homeless people keep becoming isolated, and often die totally alone.

The gatherings of homeless people also gives compassionate folks in our communities the opportunity to make offerings as well; very important engagement. For me, this is so very important.

I have fallen in 'deep like' with many of the "regulars" in Peace Camp! Checking in, for the past month, sleeping in borrowed van nearby, some nites; doing what I can. Sometimes a little tube of 'triple antibiotic ointment', chewable Vitamin C, or a ride to a clinic makes a person's day. Sometimes just a cup of hot tea.

While I have very little (in typical terms), it is so much more than I had when I was homeless with my kids!

I believe this work is my calling, or maybe the reason I was born. It requires me to be of support and to be friendly to "the unfortunate." The Spiritual tradition which I follow requires me to help people who are less fortunate than I am, and I've been very lucky to learn how "easy" this can be when one is willing to be flexible and awake.

[brb-descriptions.html](#)

BLOG ARCHIVE

- ▶ 2011 (7)
- ▼ 2010 (83)
 - ▶ November (1)
 - ▶ October (2)
 - ▶ September (7)
 - ▼ August (41)
 - [Homeless Services Center Board Visit and Muni Code...](#)
 - [Weathering the Police Storm at City Hall](#)
 - [Free Speech Radio News: Protest over homeless rig...](#)
 - [Peace Camp 2010 protesters march to Santa Cruz pol...](#)
 - [5 Citations and New "No Trespassing" Zone Closes C...](#)
 - [Sentinel Misinformation Allows Police to Install ...](#)
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 - [Lights, Camera, Tickets! Klieg Lights at City Hal...](#)
 - [Peace Camp 2010 : My Reverie after a Night on Ceme...](#)
 - [Homeless Settle In As Police Continue Nighttime Ra...](#)
 - [Lies & Distortions in the Latest Sentinel Story](#)
 - [SCPD now enforcing "anti-lodging" law at City Hal...](#)
 - [More tickets issued at Santa Cruz camping demonstr...](#)
 - [Early morning SCPD Raid on Peace Camp 2010 - 1 cit...](#)

Well, the other nite I quite literally fell asleep on the job.

The first night I slept outside with Peace Camp 2010 folks, I got a ticket for "lodging". Bet it will turn out to be an expensive decision/nite. But I was very deeply concerned about just then was one of the men there, who was quite ill, and I felt I needed to keep an eye on his welfare. (It was obviously the most important thing just then, for me.)

Earlier, I had offered "ride to hospital?" but he explained how that would likely create just TWO DAY'S of help, and then set up a greater health emergency, unless there was money for the hospital's release directions. My own hospital experiences match his assessment. And there is NOT real health care access for most homeless people. And I couldn't think of any other way to safeguard this man's physical health, so I slept on the cement with about ten folk who had no other options, alongside one housed girlfriend sharing such concerns, too.

Homelessness kills, and I'm just too tired of knowing some of it's absolute victims.

Linda Lemaster is a long-time Santa Cruz resident and activist. She served as chair of the City's official Homeless Issues Task Force, founded the Welfare Mothers Support Group, and has been deeply involved in the struggle for homeless rights and services throughout her life.

Posted by Becky Johnson at 2:41 PM

Labels: federal policy, homelessness, Linda Lemaster, Peace Camp 2010, UTE

2 comments:



Linda's Hearth said...

Thank you, Peace Camp 2010, for the honor of posting this! There are two typos: see my blog, Linda's Hearth (hearthbylinda.blogspot.com) if yr interested in that one barely whacky sentence typo.

2nd typo is in bio note at the bottom:

I did not found the initial Welfare Mother's Support Group, but you could fairly say that I reprised it, and that I was a founder (among 5) of Wefare Parents Support Group, Inc. For anyone interested: Welfare Mother's Support Group began four years before I become active as a mother depending on aid, and it was housed at Welfare and Education Legal Assistance Center, a CAB, Inc. program. WMSG was about bringing women together as self-defining USA)self-help sessions.

Initially, WMSG did some very helpful and significant advocacy work around getting Food Stamps publicized and untangled for this County, because so many were hungry here. It came back to life after several dormant years when three of us, support group participants, got "politicized" in response to an incident by County Board of Supervisor Marilyn Liddicoat, who criminally overstepped both her job and the head of "welfare" to snoop for dirt to use against Gary Patton and one of his aides. Fortunately for everyone except those whose personal lives were violated, her crime backfired.

I was one of three "welfare mothers" who carried a message, including the W&I code's wording, to the formal Board of Supervisors, after that incident. As far as I know, this political figure suffered no penalty besides getting exposed, and later was appointed by the state Governor into deciding which students would get college loans in the UC system.

As We See It: Snooze, you lose

Peace Camp 2010 Relocates from County Courthouse t...

A Challenge to Sentinel Editor Don Miller

Santa Cruz homeless activists take their fight to ...

Homeless camping protest plans to 'sprout like mag...

Santa Cruz homeless protest relocated to City Hall...

More Arrests for Santa Cruz Homeless Camp -- KION

Santa Cruz Deputies Bust Up Homeless Camp

Archived Stories of the Sleeping Ban Struggle in 1...

31 Misdemeanor Trials Pending--And Still PeaceCamp...

All Quiet Up to 1 AM at PeaceCamp2010 8-10

Monday Morning Update

Deputies arrest five, cite 17 at homeless camp at ...

Arrests made, citations issued at Peace Camp 2010 ...

5 Arrests, Over a dozen misdemeanor citations -- 1...

No Shelter--Why Won't the Homeless Services Center...

Peace Camp demonstration ready to 'bring on the ba...

Santa Cruz Homeless Protest Concerns

Santa Cruz Sleep-Out: 19 Days and Counting

Sleep Deprivation--Threat or Menace?

Second Midnight Roust Prompts Angry Response

After that, the WMSG grew and grew and became a County-wide, accessible, self-help and mutual-helping organization, in effect blazing a path for (or at least creating a viable and versatile model for)) making personal change even when overextended or stressed, in our fast-changing social and bureaucratically run world. We had many successes, including teams of women with very divergent beliefs working together on projects; and including a viable town-n-gown dynamic.

This, like so much of women's history through the '70s and '80s (and ever?), is virtually hidden. A single reference in the Sentinel to the first WMSG women, who included Pat Grey, and a ref in the Pajaronian of that moment before the Bd of Supes.

August 18, 2010 1:21 PM

Anonymous said...

Please pack up your trash and leave! Thanks so much!

August 19, 2010 3:19 PM

Post a Comment

Thank-you for taking the time to express your point of view. The editor reserves the right to delete libelous or offensive comments. Please stay on topic and avoid personal attacks.

Comment as:

[Supportive Letter Printed in Santa Cruz Sentinel W...](#)

[Attorney, Ed Frey tells Supes "Stay out of it!"](#)

[Sheriffs Deputies pay visit to Peace Camp 2010 in ...](#)

[Deputies Stage Midnight Roust at PeaceCamp2010; Wa...](#)

[An Open Letter to Mayor Mike Rotkin and Vice-Mayor...](#)

► July (32)

BECKY JOHNSON, EDITOR



Becky Johnson
Santa Cruz,
California,

United States

Longtime Santa Cruz homeless advocate, Becky Johnson has written for Street Spirit, produced "Bathrobespierre's Broadides: Civil Rights for the Poor" and has lobbied for homeless civil rights with HUFF, Homeless United for Friendship & Freedom, and produced her own television show "Club Cruz" which covered local and poverty issues. Currently Ms. Johnson is one of the founders of Peace Camp 2010 located on the courthouse steps until the City of Santa Cruz repeals the Sleeping Ban.

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LABELS

- ["Curbhugger" Chris Doyon \(17\)](#)
- [6.36.010 section a \(1\)](#)

- 647 (e) (3)
- Alia Wilson (1)
- Anthony Patanjo (1)
- anti-lodging law (2)
- Azenith Smith (2)
- Becky Johnson (12)
- Bill Lovejoy (1)
- Blanket Ban (5)
- Board of Supervisors (1)
- Camping Ban (1)
- Central Coast News (1)
- Christine Nibheolain (1)
- city council (1)
- City Hall (2)
- City of Santa Cruz (15)
- Code of behavior (1)
- Collette Connally (4)
- County Counsel (2)
- courthouse (1)
- cyber-attack (1)
- Dina Phillips (1)
- Dinah Phillips (1)
- Don Lane (4)
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- federal policy (1)
- Fred Plageman (1)
- Free Radio Santa Cruz (1)
- Free Speech Radio (1)
- Gary Johnson (3)
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- Homies for the Homeless (1)
- HUFF (7)
- J.M. Brown (1)
- Jennifer Squires (3)
- Joe Schultz (1)
- John Barisone (3)
- John Gallagher (3)
- John Leopold (1)
- Judith Scherr (1)
- Kawika (1)
- Kevin Vogel (4)
- Kimberly White (2)
- KION (3)
- KSBW (3)
- Linda Lemaster (3)

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- Lt. Gretchen Hurley (1)
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- Mia Duquette (1)
- Mike Rotkin (14)
- Monica Martinez (3)
- Orbit (1)
- Paul Brindel (1)
- Peace Camp 2010 (39)
- President Barack Obama (2)
- Red (1)
- Resource Center for Nonviolence (1)
- Robert "Blindbear" Facer (2)
- Robert Norse (6)
- Ryan Coonerty (9)
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- Santa Cruz City Hall (3)
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- Santa Cruz County Courthouse (1)
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- Scott Kennedy (1)
- SCPD Deputy Police Chief Rick Martinez (1)
- SENTINEL (8)
- Sgt. Dan Campos (2)
- Shannon Hogan (1)
- Sheriff Phil Wowak (1)
- Skidmark Bob (1)
- Sleeping Ban (56)
- smoking ban (1)
- Susanne Brunner (1)
- Tina Schull (1)
- Todd Hill (1)
- UTE (1)
- Zach Friend (2)

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1 (Proof of Service by Mail - 1013a, 2015.5 C.C.P.)

2
3 PROOF OF SERVICE

4
5
6 STATE OF CALIFORNIA)
7 COUNTY OF SANTA CRUZ) SS.

8
9 I am a citizen of the United States and a resident of the County
10 aforesaid. I am over the age of eighteen years and not a party to the
11 within-entitled action. My business address is 701 Ocean Street, Room
12 200, Santa Cruz County Governmental Center, Santa Cruz, California,
13 95060. On January 3, 2012, I served a copy of the within


14 OPPOSITION TO PETITIONER'S WRIT OF HABEAS CORPUS

15 AND BRIEF IN SUPPORT OF OPPOSITION

16 on the interested party(ies) in said action by placing a true copy
17 thereof fully prepaid in the United States mail at Santa Cruz,
18 California and addressed as follows:

19 JONATHAN GETTLEMAN
20 ATTORNEY AT LAW
21 223 RIVER STREET
22 SANTA CRUZ, CA 95060

23 I, ANGIE MADRIGAL, certify under penalty of perjury that the
24 foregoing is true and correct.

25 
26 ANGIE MADRIGAL
27
28