

# Save May 11 to Save the 11 !

## “Dismiss the Charges” Hearing for Two

Attorneys for photojournalists Alex Darocy and Bradley Allen move to dismiss all charges **8:30 AM Friday May 11<sup>th</sup> before Judge Paul Burdick in Department 6**. The hearing, originally schedule for May 8<sup>th</sup>, was postponed at the request of **D.A. Rebekah Young** because the **Northern California American Civil Liberties Union** filed an unusual friend-of-the-court brief, almost never done at the trial level, prompting her to ask for more time to respond. That brief will also be heard on May 11<sup>th</sup>.

The **defendants are whistle-blowers, reporters, activists, and observers on trial for being peacefully present** at the occupation of a long-vacant Wells Fargo Bank building (now surrounded by a barbed wire fence) at 75 River St. Under Young's peculiar conspiracy theory, the defendants **face two felonies and two misdemeanors** each for “aiding and abetting” a “conspiracy” to “trespass and vandalize” with no evidence that any of those charged individually met the necessary elements of those crimes. Many activists in the community believe this prosecution is **part of a national effort to crush the Occupy movement**.

**At the Friday hearing, Burdick will hear motions arguing selective enforcement and total lack of evidence.** The One selective enforcement motion points out that other reporters also in the building at 75 River St. (such as the Sentinel photographer) were known and identified but not charged, showing a discriminatory bias against alternative media. A 2<sup>nd</sup> more extensive motion goes through Young's “evidence” & argument point-by-point & demands dismissal as there is **no evidence of trespass conspiracy, or vandalism**, Young presented a tortured theory of 'no evidence' trespass since there was no showing the two actually were warned & wouldn't leave. .

Young's “no evidence' theory (accepted at an earlier preliminary hearing by the credulous Judge Steven Sillman) was that there was “reasonable suspicion” to forward the trespass charges to trial because **their reporting and photographing “aided and abetted” “the Conspiracy”** and so made them indirectly “trespassers”. Sillman upheld the broader “conspiracy to trespass” charge for trial on similar “sympathetic reporting” grounds, even though there was evidence or any prior agreement shown. Such a finding of course, shoots the First Amendment in the head—and clearly threatens future reporters if they have viewpoint that might be construed as giving sympathetic publicity.\*

**On Friday May 11<sup>th</sup>, 3-6 PM internationally famous chef Joseph Schultz will again host a benefit for the SC-11 at 418 Front St.**

Celebrate our victories! Get updates, Joe's great cake, Sizzling Speakers! Munch & Mingle! No-host drinks, dinner.

**\$11.00 requested (sliding scale down to \$1.00 for unemployed/students). Occu-art, music, & much more.**

*\*The opinions throughout are those of Robert Norse. They don't necessarily represent the position of any others in the Santa Cruz Eleven trial or the working group of Occupy Santa Cruz supporting them. Actually all statements in this flier are his perspective.*

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