

# “Dismiss the Charges” Hearing for Two

Attorneys for photojournalists Alex Darocy and Bradley Allen move to dismiss all charges **8:15 AM Monday May 14 in Judge Paul Burdick's Department 6**. Burdick postponed the hearing, originally scheduled for May 8<sup>th</sup> at the request of **D.A. Rebekah Young** because the **Northern California American Civil Liberties Union** filed a rare friend-of-the-court brief, prompting her to ask for more time to respond. That brief will also be heard on May 14<sup>th</sup> and is available on-line.

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 Monday hearing, Burdick will hear motions arguing selective enforcement and total lack of evidence.** The selective enforcement motion argues 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 second 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 no evidence of any prior agreement shown. Such a finding of course, shoots the First Amendment in the head—and clearly threatens future reporters if they have viewpoints that might be construed as giving sympathetic publicity.\*

***\*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.***

CHP Editorial: <http://www.cityonahillpress.com/2012/05/10/call-for-justice-for-santa-cruz-11/>  
Linda Lemaster Editorial: <http://www.hearthbylinda.blogspot.com/2012/05/four-of-santa-cruz-eleven-freed-at-pre.html>

Note: Linda Lemaster's special writ to strike down the “illegal lodging” charges against her for sitting on the steps of the courthouse with a sign supporting the PeaceCamp2010 homeless protesters in August 2010 was denied by Judge Paul Marigonda. Her attorney, Jonathan Gettleman, however, has reportedly said he wants to appeal the case. Currently Linda's trial judge John Gallagher's has sentenced at least six SleepCrime defendants including attorney Ed Frey (6 months) and Gary Johnson (2 ½ years). Ed Frey has a contempt hearing before Gallagher **Friday May 18<sup>th</sup> at 1:30 PM in Dept. 2**—likely to be postponed.

**Go to [www.santacruzeleven.org](http://www.santacruzeleven.org) to support the Santa Cruz Eleven !**

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