

1 **ALEXIS WILSON BRIGGS, SBN #251688**  
2 **506 Broadway**  
3 **San Francisco, CA 94133**  
4 **Telephone: 415-986-5591**  
5 **alexis@pier5law.com**

6 Attorney for Defendant  
7 CAMERON LAURENDEAU

8 **SUPERIOR COURT OF CALIFORNIA**

9 **COUNTY OF SANTA CRUZ**

|   |  |
|---|--|
| 10 PEOPLE OF THE STATE OF CALIFORNIA,<br>11 Plaintiff,<br>12 vs.<br>13 CAMERON LAURENDEAU,<br>14 Defendant. | Case No. F22698<br><br><b>DEFENDANT LAURENDEAU'S REPLY<br/>TO PEOPLE'S RESPONSE TO MOTION<br/>TO SET ASIDE INFORMATION<br/>(Cal. Pen. Code §995)</b><br><br>Date: March 11, 2013<br>Time: 1:30 p.m.<br>Dept: 3 |
|---|--|

15 Defense's response on these issues will be brief, in light of the equally brief statements in  
16 the government's filing relating to Mr. Laurendeau. In sum, the government asserts that the  
17 court's order holding Mr. Laurendeau to answer relied upon reasonable inferences, based upon  
18 some evidence to support the elements of the alleged crimes. However, defense counsel has  
19 alleged that the court's concluding remarks indicated a misunderstanding of the evidence before  
20 him, not merely an inference based upon circumstantial evidence. Moreover, the government  
21 therefore concedes that there was no direct evidence presented that Mr. Laurendeau heard or saw  
22 the required notice and failed to leave the premises. In fact, the evidence does not support a  
23 finding that Mr. Laurendeau actually heard or saw the notice required by Penal Code section  
24 602(o).

25 The photograph mentioned by the government consists of a corner of a building, which is  
26 unidentified, with a bright blue sky in the background. The photograph was never authenticated  
27 as to date and time, per Officer Hedley. (RT2 57:2-26 – 58:1-26.) Regardless, it is clear that  
28 wherever and whenever the photograph was taken, it was still daylight outside. Therefore, if it  
was indeed taken on November 30, it does not provide any evidence that Mr. Laurendeau was

1 still present when law enforcement made a verbal announcement later that night. Indeed, per  
2 defense counsel's moving paper on this motion, Mr. Laurendeau was clocked into work prior to  
3 that announcement.

4 No evidence was presented that showed that any of the written notices were still present  
5 on December 2, 2012, when Mr. Laurendeau is alleged to have returned to the building. Indeed,  
6 the video evidence makes plain that Mr. Laurendeau's presence preceded the posting that day,  
7 confirmed there were no remaining flyers on any of the doors used to enter or exit the building,  
8 and that as soon as he observed the posting he exited the building and did not re-enter. Defense  
9 submitted evidence, not considered by the court before issuing its order, that Mr. Laurendeau  
10 began his shift at work within 15 minutes of that video.

11 The law for Penal Code section 602(o) requires more than circumstantial indications that  
12 the defendant "was not welcome." Under a prior formulation of 602(o), it was sufficient to prove  
13 that "the surrounding circumstances are such as to indicate to a reasonable man that such person  
14 has no apparent lawful business to pursue; is guilty of a misdemeanor." Cal Pen. Code §602  
15 (1983 Amendment); see also In re Bacon (Cal. App. 1<sup>st</sup> Dist., 1955) 240 Cal.App.2d 34, 48. This  
16 is not the current law, however, which is purposefully specific regarding the content of the  
17 notice. If it was merely required that it be clear that the defendant was "not welcome," then the  
18 old formulation would be sufficient. Clearly, congress amended the subsection for the purpose of  
19 requiring more particularized notice.

20 As to the felony vandalism allegations, the government apparently concedes in its filings  
21 that if there is not probable cause to hold Mr. Laurendeau to answer on the target offense, i.e.  
22 trespass, then he cannot be held liable as an aider and abetter of felony vandalism under a natural  
23 and probable consequence theory. Defense does not disagree. However, even if Mr.  
24 Laurendeau's misdemeanor trespass charge were not set aside, defense counsel joins in co-  
25 defendants' counsels' arguments regarding the lack of proof that vandalism is the natural and  
26 foreseeable consequence of temporary trespass under this statute, that Mr. Laurendeau knew the  
27 vandals's criminal intent, that his trespass aided that offense, or that there is any evidence before  
28 the court relating to the state of the building prior to the alleged trespass such that these  
defendants may be held to answer for those alleged offenses.

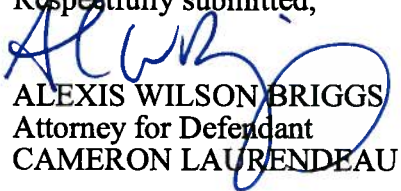
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

CONCLUSION

For the foregoing reasons, defendant requests an order setting aside the information and dismissing the remaining charges against Mr. Laurendeau.

Dated: March 5, 2013

Respectfully submitted,

  
ALEXIS WILSON BRIGGS  
Attorney for Defendant  
CAMERON LAURENDEAU



PROOF OF SERVICE

The undersigned declares:

I am a citizen of the United States. My business address is 506 Broadway, San Francisco, California 94133. I am over the age of eighteen years and not a party to the within action.

On the date set forth below, I caused a true copy of the within: DEFENDANT LAURENDEAU'S REPLY TO PEOPLE'S RESPONSE TO MOTION TO SET ASIDE INFORMATION (Cal. Pen. Code §995)

to be served on the following parties in the following manner:

Mail  Fax  Personal Service  Overnight Courier

Rebekah Webb Young  
Santa Cruz District Attorney  
701 Ocean Street, Room 200  
Santa Cruz, CA 95060  
831-454-2227

to be served on the following parties in the following manner:

e-Mail  Fax  Personal Service  Overnight Courier

Lisa McCamey  
Attorney at Law  
lisa.mccamey@sbcglobal.net

Bryan Hackett  
Attorney at Law  
bhackettesq@gmail.com

Jesse Ruben  
Attorney at Law  
jruben@psdlaw.com

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration is executed on March 5, 2013, at San Francisco, California.

  
ALEXIS WILSON BRIGGS