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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF SAN DIEGO**
10

11	THE PEOPLE OF THE STATE OF	)	CASE NO. CD256609
12	CALIFORNIA,	)	DA NO. ADR991
)	
13	Plaintiff,	)	NOTICE OF DEMURRER AND
		)	DEMURRER TO AMENDED COMPLAINT
14	v.	)	(Pen. Code, §§ 950, 952, 1004)
15	BRANDON DUNCAN,)	
		)	Date:
16	Defendant.	)	Time:
		)	Dept:

17
18 Notice is given that on the above date and time, defendant, Brandon Duncan, by his attorney
19 of record, Brian Watkins, will move this court to order a demurrur to the amended complaint in this
20 action on the grounds that on the face of the information, it fails to to substantially conform to the
21 provisions of Penal Code sections 950, 951, and 952, and the accusations are uncertain and fail to
22 state a criminal cause of action. The amended complaint is uncertain, fails to provide required
23 notice, fails to state a crime, and hinders Duncan's ability to formulate a defense.

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This demurrer is based on this notice, the attached points and authorities, the amended complaint, the court's files and records, and any evidence or argument at the hearing on this demurrer.

Dated: _____

Respectfully submitted,

BRIAN WATKINS
Attorney for Defendant
BRANDON DUNCAN

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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **IN AND FOR THE COUNTY OF SAN DIEGO**

11	THE PEOPLE OF THE STATE OF	)	CASE NO. CD256609
12	CALIFORNIA,	)	DA NO. ADR991
13)	
14	Plaintiff,	)	POINTS AND AUTHORITIES IN
15		)	SUPPORT OF DEMURRER TO
16	v.	)	AMENDED COMPLAINT
17		)	(Pen. Code, §§ 950, 952, 1004)
18	BRANDON DUNCAN,)	
19)	
20	Defendant.)	
21)	

22 Duncan submits these points and authorities in support of the demurrer to the amended
23 complaint.

24 I. PROCEDURAL AND FACTUAL BACKGROUND

25 In a sixteen-count amended complaint filed on June 20, 2014 against fourteen additional
26 defendants, Brandon Duncan was charged with nine counts, as follows:

27 Count Two: Criminal Street Gang Conspiracy (Pen. Code¹, § 182.5) on May 28, 2013, to
28 commit premeditated attempted murder (§§ 664/187/189) and shooting at an inhabited occupied
structure (§ 246) committed on May 28, 2013.

Count Three: Criminal Street Gang Conspiracy (§ 182.5) on May 29, 2013, to commit
premeditated attempted murder (§§ 664/187/189) and shooting at an inhabited occupied structure
(§ 246) committed on May 29, 2013.

¹Further references to sections are to the Penal Code, unless otherwise specified.

1 Count Four: Criminal Street Gang Conspiracy (§ 182.5) on June 4, 2013, to commit
2 premeditated attempted murder (§§ 664/187/189) and shooting at an inhabited occupied structure
3 (§ 246) committed on June 4, 2013.

4 Count Seven: Criminal Street Gang Conspiracy (§ 182.5) on July 5, 2013, to commit
5 premeditated attempted murder (§§ 664/187/189) and shooting at an inhabited occupied vehicle (§
6 246) committed on July 5, 2013.

7 Count Nine: Criminal Street Gang Conspiracy (§ 182.5) on July 27, 2013, to commit
8 premeditated attempted murder (§§ 664/187/189) and shooting at an inhabited occupied structure
9 (§ 246) committed on July 27, 2013.

10 Count Eleven: Criminal Street Gang Conspiracy (§ 182.5) on July 28, 2013, to commit
11 premeditated attempted murder (§§ 664/187/189) and shooting at an inhabited occupied structure
12 (§ 246) committed on July 28, 2013.

13 Count Thirteen: Criminal Street Gang Conspiracy (§ 182.5) on August 4, 2013, to commit
14 premeditated attempted murder (§§ 664/187/189) and shooting at an inhabited occupied vehicle (§
15 246) committed on August 4, 2013.

16 Count Fourteen: Criminal Street Gang Conspiracy (Pen. Code, § 182.5) on September 3,
17 2013, to commit premeditated attempted murder (§§ 664/187/189) and shooting at an inhabited
18 occupied structure (§ 246) committed on September 3, 2013.

19 Count Sixteen: Criminal Street Gang Conspiracy (Pen. Code, § 182.5) on February 12, 2014,
20 to commit attempted murder (§§ 664/187) committed on February 12, 2014.

21 Duncan was arraigned on the amended complaint on or about June 20, 2014. The
22 preliminary examination is set for November 4, 2014.

23 Count One includes allegations of nine overt acts, all telephone calls, between April 27 and
24 April 28, 2013 in furtherance of the conspiracies charged in counts one through seven. Seven calls
25 consist of defendants discussing borrowing firearms (Overt Acts Nos. 1 through 6, and 8.) The two
26 remaining calls are of one the defendants advising that he is “trying to bust a move,” (Overt Act No.
27 7), and of the defendants saying that police are nearby and they are “stuck on the block” (Overt Act
28 No. 9.)

1 Count Eight includes allegations of six overt acts on July 12, 2013. These overt acts
2 involved certain defendants of obtaining loaded firearms, ski masks, and batting gloves, driving to
3 and parking in front of a Lincoln Park member's home, and putting on the ski masks.

4 Duncan is not mentioned in any of the fifteen overt acts. The prosecution's Opposition to
5 Defense Demurrer (filed by defendant King) filed October 17, 2014, sets forth a detailed summary
6 of the overt acts and shootings set out in the amended complaint. The only act attributed to Duncan
7 is his Facebook comment, posted sometime after defendants Stripling and Crisp were arrested, "Free
8 Lil Hawg and Tae Dip." (Opp. to Demurrer, p. 18.)

9 II PURSUANT TO SECTION 1004(2), A DEFENDANT MAY DEMURRER TO AN
10 ACCUSATORY PLEADING WHEN, ON THE FACE OF THE PLEADING, IT
11 APPEARS THAT IT DOES NOT SUBSTANTIALLY CONFORM TO THE
12 REQUIREMENTS OF SECTIONS 950, 951, AND 952

12 "The function of criminal pleadings under California law is to give an accused notice of the
13 offense with which he is charged but not to provide him with notice of the particular circumstances
14 of the charge, for such circumstances are furnished him in a transcript of the testimony on which the
15 indictment or information is founded." (*People v. Jackson* (1978) 88 Cal.App.3d 490, 500.)

16 However, bare literal compliance with section 952 does not obviate a demurrer, where that
17 compliance fails to give the accused constitutionally adequate notice. (*People v. Jordan* (1971) 19
18 Cal.App.3d 362, 369.) "When the particulars of an offense, or if in this case the particular results
19 of the defendant's actions were not stated with sufficient clarity to satisfy the defendant or to enable
20 him to more ably present his defense, it was his duty to demur thereto as provided by section 1004
21 of the Penal Code, or if more than one offense was charged, it was such duty." (*People v. Jordan*,
22 *supra*, at p. 371, quoting *People v. McPheeley* (1949) 92 Cal.App.2d 589, 592.)

23 Here, Duncan is not involved in any of the overt acts, and the language of the statutes
24 themselves is insufficient to put Duncan on notice of the prosecution's factual theory. He is unable
25 to determine in what way he allegedly committed a criminal act.

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1 II. PURSUANT TO SECTION 1004(3), A DEFENDANT MAY DEMURRER TO AN
2 ACCUSATORY PLEADING WHEN, ON THE FACE OF THE PLEADING, IT
3 APPEARS THAT MORE THAN ONE OFFENSE IS CHARGED

4 “[W]hen a single agreement to commit one or more substantive crimes is evidenced by an
5 overt act, ... the precise nature and extent of the conspiracy must be determined by reference to the
6 agreement which embraces and defines its objects.” (*People v. Johnson* (2013) 57 Cal.4th 250, 266,
7 quoting *Braverman v. United States* (1942) 317 U.S. 49, 53.) “A single agreement to commit
8 several crimes constitutes one conspiracy.” (*People v. Johnson, supra*, at p. 266, quoting *United*
9 *States v. Broce* (1989) 488 U.S. 563, 570-571.) “One agreement gives rise to only a single offense,
10 despite any multiplicity of objects.” (*People v. Johnson, supra*, at p. 266, quoting *People v. Lopez*
11 (1994) 21 Cal.App.4th 1551, 1557.)

12 “[T]he government cannot split up one conspiracy into different indictments, and prosecute
13 all of them, but that prosecution for any part of a single crime bars any further prosecution based
14 upon the whole or a part of the same crime.” (*People v. Lopez, supra*, at p. 1557, quoting *People*
15 *v. Nichols* (1927) 82 Cal.App.73, 79 [internal citation omitted].) “Where two or more persons agree
16 to commit a number of criminal acts, the test of whether a single conspiracy has been formed is
17 whether the acts ‘were tied together as stages in the formation of a larger all-inclusive combination,
18 all directed to achieving a single unlawful end or result.’” (*People v. Morocco* (1987) 191
19 Cal.App.3d 1449, 1453.) “The test is whether there was one overall agreement among the various
20 parties to perform various functions in order to carry out the objectives of the conspiracy. If so,
21 there is but one conspiracy.” (*People v. Lopez, supra*, at p. 1558, quoting *People v. Skelton* (1980)
22 109 Cal.App.3rd 691, 718, disapproved on other grounds in *People v. Figueroa* (1986) 41 Cal.3d
23 714, 731-732.)

24 Section 182.5 codifies the offense of “conspir[acy] to actively participate in a criminal street
25 gang.” (*People v. Johnson, supra*, at p. 255.) “The conspiracy is the crime, and that is one,
26 however diverse its objects.” (*Braverman vs. United States, supra*, at p 53.) It is the number of
27 agreements, not the number of victims or statutes violated, that determine the number of
28 conspiracies. (*People v. Meneses* (2008) 165 Cal.App.4th 1648, 1669.)

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1 Here, the prosecution's theory is that the underlying offenses of attempted murder and
2 shooting at occupied houses or vehicles alleged in the various counts of conspiracy were the product
3 of the single overall scheme or objective to retaliate against rival gangs. Accordingly, Duncan can
4 only be charged with a single violation of section 182.5, conspiracy to actively participate in a
5 criminal street gang.

6 III. PURSUANT TO SECTION 1004(4), A DEFENDANT MAY DEMURRER TO AN
7 ACCUSATORY PLEADING WHEN, ON THE FACE OF THE PLEADING, IT
8 APPEARS THAT THE FACTS STATED DO NOT CONSTITUTE A PUBLIC
9 OFFENSE

10 First, as to the allegations that attempted murder was the target offense of the conspiracy,
11 there is no crime of conspiracy to commit attempted murder. (*People v. Iniguez* (2002) 96
12 Cal.App.4th 75, 79; *People v. Johnson, supra*, at p. 264 [“one cannot conspire to *try* to commit a
13 crime”].)

14 Secondly, the amended complaint fails to set forth facts relative to Duncan that constitute
15 a public offense.

16 Penal Code section 182.5 provides:

17 “Notwithstanding subdivisions (a) or (b) of Section 182, any person who
18 actively participates in any criminal street gang, as defined in subdivision (f) of
19 Section 186.22, with knowledge that its members engage in or have engaged in a
20 pattern of criminal gang activity, as defined in subdivision (e) of Section 186.22, and
21 who willfully promotes, furthers, assists, or benefits from any felonious criminal
22 conduct by members of that gang is guilty of conspiracy to commit that felony and
23 may be punished as specified in subdivision (a) of Section 182.”

24 To sustain a conviction under this section, the prosecution must prove the following
25 elements:

- 26 1) The defendant was an **active participant** in a criminal street gang;
- 27 2) The defendant had **knowledge** that its members engage in or have engaged in a pattern
28 of criminal activity;
- 29 3) The defendant **willfully** promoted, furthered, assisted, or **benefitted** from felonious
30 criminal conduct by members of the gang.

31 The amended complaint fails to set forth any conduct by Duncan that makes him criminally
32 responsible for the acts of his co-defendants.

1 Section 182.5 requires that the that defendant “willfully promote[d], further[ed], assist[ed],
2 or benefit[ted] from” the commission of the charged felonies. (*People v. Rodriguez* (2012) 55
3 Cal.4th 1125,1130 [elements of section 186.22, subd. (a)]; *People v. Johnson* (2013) 57 Cal.4th 250,
4 259.)

5 Because the amended complaint contains no allegation directly linking defendant to any of
6 the target offenses, he anticipates the prosecution’s theory of culpability is that he **benefitted** from
7 the felonious conduct of members of the gang. This theory will undoubtedly be based on a gang
8 detective’s generic and often repeated testimony that any crime committed by a gang member
9 benefits the entire gang by increasing the gang’s stature and reputation in the community for
10 intimidation and violence. However, a violation of section 182.5 requires more than some
11 ambiguous, amorphous benefit in the form of the gang’s increased stature based on the community’s
12 increased fear of the gang.

13 1. Section 182.5 Requires that Any Receipt of a Benefit Must be Willful

14 Significantly, the statute only criminalizes the conduct of an active gang participant who
15 “willfully promotes, furthers, assists, or benefits from” the specified felonious conduct alleged. The
16 statute would not survive constitutional challenges if it failed to include an element of mens rea and
17 willful conduct. (*People v. Gardeley* (1996) 14 Cal.4th 605, 623; *Lanzetta v. New Jersey* (1939)
18 306 U.S. 451, 458 [59 S.Ct. 618, 83 L.Ed. 888] [New Jersey gang statute criminalizing mere gang
19 membership violated due process].) “Mere active and knowing participation in a criminal street
20 gang is not a crime.” (*People v. Rodriguez, supra*, 55 Cal.4th 1125, 1130.) Due process requires
21 that criminal liability rest on personal guilt, therefore a person convicted for active membership in
22 a criminal organization must entertain "guilty knowledge and intent" of the organization's criminal
23 purposes. (*Scales v. U.S.* (1961) 367 U.S. 203, 228.) In *Scales*, which concerned Communist Party
24 members, the Court wrote:

25 "In our jurisprudence guilt is personal, and when the imposition of punishment on
26 a status or on conduct can only be justified by reference to the relationship of that
27 status or conduct to other concededly [sic] criminal activity (here advocacy of violent
28 overthrow), that relationship must be sufficiently substantial to satisfy the concept
of personal guilt in order to withstand attack under the Due Process Clause of the
Fifth Amendment."

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1 (Scales, supra, 367 U.S. at pp. 224-225.) This standard is "duly met," the Court said,

2 "when the statute is found to reach only 'active' members having also a guilty
3 knowledge and intent, and which therefore prevents a conviction on what otherwise
4 might be regarded as merely an expression of sympathy with the alleged criminal
enterprise, unaccompanied by any significant action in its support or any
commitment to undertake such action."

5 (*Id.* at p. 228.)

6 "The word 'willfully,' when applied to the intent with which an act is done or omitted,
7 implies simply a purpose or willingness to commit the act, or make the omission referred to. It does
8 not require any intent to violate law, or to injure another, or to acquire any advantage." (Pen. Code,
9 § 7, subd. 1.)

10 "Thus, '[t]he the word "willfully" as used in criminal statutes implies a purpose or
11 willingness to commit the act [citation], and ..., it implies that the person knows what
12 he is doing[,] intends to do what he is doing and is a free agent.' [Citation.] We
13 noted in *In re Stonewall F.* (1989) 208 Cal. App. 3d 1054, 1066 [], that '[t]he section
14 7 definition is entirely dependent upon the act to which "willful" is appended. The
required intent is an intent to do just that to which the term wilful is applied. Its
significance therefore is wholly dependent upon the grammar of the specific offense
in which the term is employed."

15 (*People v. Honig* (1996) 48 Cal.App.4th 289, 334.) Accordingly, in order to willfully benefit from
16 felonious gang activity, one must at least know of the benefit and intend to benefit from that activity.

17 "Acts committed by conspirators subsequent to the completion of the crime which is the
18 primary object of a conspiracy cannot be deemed to be overt acts in furtherance of that conspiracy."

19 (*People v. Zamora* (1976) 8 Cal.3d 538, 560; *People v. Brown* (1991) 226 Cal.App.3d 1361, 1368.)

20 Here, there is no allegation Duncan was involved in the target offenses or in any overt acts.
21 In fact, the prosecution's theory is that he is liable as a conspirator under section 182.5 because he
22 posted a comment on his Facebook page, "Free Lil' Hawg and Tae Dip," *after* they were arrested.

23 There is also no allegation that Duncan willfully benefitted or intended to benefit in any way,
24 tangible or otherwise, from the charged offenses.

25 In the simplest of terms, he is a documented gang member who had **no** involvement in and
26 **no** knowledge of the shootings prior to or at the time they occurred, and never knowingly or
27 intentionally received any benefit from the charged offenses. He cannot be criminally liable without
28 some willful criminal conduct, and, as apparent on the face of the amended complaint, the

1 prosecution has not alleged any. This principle is reflected in CALCRIM No. 1400 on the elements
2 of active participation in a criminal street gang (§ 186.22, subd. (a)): "... the fact that a person is
3 present at the scene of a crime or fails to prevent the crime does not, by itself, make him or her an
4 aider and abettor." (See also, *People v. Boyd* (1990) 222 Cal.App.3d 541, 556-557.)

5 Under no stretch of the law can defendant's conduct, or lack thereof, constitute liability as
6 a conspirator.

7 2. Where the Defendant is not an Aider and Abettor, the Benefit Willfully Received Cannot be
8 Intangible

9 With regard to the prosecution's anticipated theory that defendant benefitted from the crimes
10 and is therefore guilty of conspiracy, it is common for gang detectives to testify generically about
11 the benefits bestowed on a gang by virtue of its criminality inasmuch as the commission of violent
12 crimes increases the community's fear of a gang and in so doing, enhances a gang's reputation and
13 stature. Significantly, however, this testimony appears in decisions addressing the sufficiency of
14 the evidence for a gang enhancement alleged under section 186.22, subdivision (b), which imposes
15 additional punishment if a crime is committed "for the benefit of, at the direction of, or in
16 association with any criminal street gang, with the specific intent to promote, further, or assist in any
17 criminal conduct by gang members..." (See, e.g., *People v. Olguin* (1994) 31 Cal.App.4th 1355;
18 *People v. Ramon* (2009) 175 Cal.App.4th 843 [expert's testimony was insufficient to establish auto
19 theft was for the benefit of the gang]; *In re Frank S.* (2006) 141 Cal.App.4th 1192 [expert's
20 testimony was insufficient to establish knife was possessed for the benefit of the gang]; *People v.*
21 *Killebrew* (2002) 103 Cal.App.4th 644 [expert's testimony that all gang members would know there
22 was a gun in one of the cars insufficient to establish the gun was possessed for the benefit of the
23 gang].) In these cases, however, the defendant was also charged with a substantive offense, i.e., auto
24 theft, or possession of a knife or gun, and the substantive offense had to have been done with the
25 intent to benefit for the section 186.22, subdivision (b) enhancement to apply.

26 "Membership in a gang cannot serve as proof of intent, or of the facilitation, advice, aid,
27 promotion, encouragement or instigation needed to establish aiding and abetting. To hold otherwise
28 would invite absurd results. Any gang member could be held liable for any other gang member's

1 act at any time so long as the act was predicated on the ‘common purpose of “fighting the enemy.”’”
2 (*Mitchell v. Purty* (9th Cir. 1997) 107 F.3d 1337, 1342.)

3 In other words, mere association with a group cannot be punished unless there is proof that
4 the defendant knows of and intends to further its illegal aims. Accordingly, a gang member cannot
5 be criminally liable as a conspirator for the felonious acts of other gang members, in the absence of
6 any agreement, or willful conduct, i.e., willful receipt of benefits stemming from those felonious
7 acts. Liability cannot be predicated merely on the “common purpose of fighting the enemy” or, as
8 here, common benefit to the gang in its reputation and control, without violating due process under
9 the Fifth and Fourteenth Amendments.

10 The California Supreme Court recently discussed section 182.5 in *People v. Johnson*, 57
11 Cal.4th 250, where the three defendants, all of whom were involved in a retaliatory shooting, argued
12 that conspiracy to actively participate in a criminal street gang was not a crime. In rejecting this
13 contention, the court compared the elements of conspiracy (§ 182) with the elements of section
14 182.5. Although *Johnson* noted that a violation of section 182.5 can be based on a defendant’s
15 receipt of a benefit (*Johnson, supra*, at p. 262), it did not consider whether that benefit could be
16 intangible, as in the prosecution’s theory here, despite the absence of any criminal intent or conduct
17 by defendant, or if such a defendant could only willfully benefit by accepting a tangible item, e.g.,
18 money, weapons, or drugs. Moreover, in *Johnson*, the defendants were all actors in the shootings
19 at the gang’s perceived rivals; none of them were unconnected to the charged offenses in any way,
20 as defendant here.

21 It is difficult to imagine a scenario where, as here, the defendant was not an actor or
22 participant or aider and abetter of the underlying felony, yet could have willfully benefitted from the
23 gang’s increased reputation in the community. Defendant submits that such an intangible benefit
24 cannot flow to him.

25 Section 182.5 can be compared to Federal RICO statutes (18 USC § 1961, et seq) in their
26 goals to prosecute anyone in a criminal enterprise who willfully benefits from the activities of the
27 enterprise. However, RICO statutes generally prohibit the activities of those who “receive[] income
28 from a pattern of racketeering activity or through collection of an unlawful debt in which such

1 person has participated as a principal.” (18 USC § 1962, subd. (a).) In this regard, there is a
2 tangible benefit – money – from the criminal activities of other actors in the criminal enterprise, that
3 is paid to those higher up in the organization. The same limitation must apply to section 182.5,
4 which seeks to make all gang members who willfully benefit from gang crime equally culpable as
5 conspirators. IV. CONCLUSION

6 For the reasons set forth above, the language in Counts 2, 3, 4, 7, 9, 11, 13, 14, and 16 makes
7 it apparent that the complaint fails to put Duncan on notice of what criminal conduct he is alleged
8 to have committed, that the amended complaint may only properly charge a single conspiracy, and
9 that the amended complaint fails to state a public offense. Accordingly, the demurrer must be
10 sustained.

11 Dated: _____

Respectfully submitted,

12
13 Brian E. Watkins
14 BRIAN E. WATKINS & ASSOCIATES
15 Attorney for Defendant
16 BRANDON DUNCAN
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CASE NO. CD256609
DA NO. ADR991
EX PARTE REQUEST FOR LEAVE
TO FILE DEMURRER TO AMENDED
COMPLAINT

17 Defendant BRANDON DUNCAN, through his attorney of record, Brian E. Watkins, hereby
18 moves this court for leave to file his Demurrer to the Amended Complaint filed on June 20, 2014.

19 Penal Code section 1003 authorizes this court to permit Duncan withdrawn his plea in order
20 to demur to the charges. At the time of Duncan's arraignment on the complaint and the entry of his
21 plea, he was not represented by his present retained counsel, therefore counsel did not have the
22 opportunity to review the complaint or research issues related to the filing of this demurrer.

23 This case also raises important issues, which appear to be of first impression, regarding
24 application of Penal Code 182.5. Due process and the interests of judicial economy would be served
25 by raising these issues at the earliest possible opportunity, by way of demurrer.

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Accordingly, Duncan asks this court to grant him leave to file his demurrer.

Dated: October ___, 2014

Respectfully submitted,

Brian E. Watkins
BRIAN E. WATKINS & ASSOCIATES
Attorney for Defendant
BRANDON DUNCAN

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17 I, Brian E. Watkins, declare:

18 1. I am an attorney licensed to practice in all courts of the State of California.

19 2. On June 25, 2014, I was retained to represent defendant Brandon Duncan.

20 3. Prior to retaining me, Duncan was represented by a certified student law clerk with the
21 Office of the Public Defender.

22 4. Since I was not Duncan's counsel at the time of his arraignment and plea, I was unable
23 to review the complaint for grounds for a demurrer.

24 5. At a status conference on June 26, 2014, I, along with eleven or so counsel for co-
25 defendants, was provided with the amended complaint; we arraigned our clients on the amended
26 complaint, without an opportunity to research grounds for a demurrer.

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6. I now believe this case presents important issues, which have yet to be addressed in a published opinion, related to application of section 182.5, and that these issues should be raised by demurrer. To protect Duncan’s Sixth Amendment right to counsel, it is necessary to permit the filing of the demurrer and to litigate it on the merits.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October ____, 2014.

Brian E. Watkins
Declarant

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Brian E. Watkins, SBN 190599
BRIAN E. WATKINS & ASSOCIATES
925 B Street, Ste. 402
San Diego, CA 92101
Tel: 619.255.5930
Fax: 619.255.5369
Cel: 619.813.7080

Attorney for Defendant BRANDON DUNCAN

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN DIEGO**

THE PEOPLE OF THE STATE OF	)	CASE NO. CD256609
CALIFORNIA,	)	DA NO. ADR991
)	
Plaintiff,	)	ORDER GRANTING REQUEST
	)	FOR LEAVE TO FILE DEMURRER
v.)	
)	
BRANDON DUNCAN,)	
)	
Defendant.)	

GOOD CAUSE APPEARING, it is hereby ordered that defendant Duncan's Request for Leave to file Demurrer to Amended Complaint is GRANTED.

Dated: _____ JUDGE OF THE SUPERIOR COURT