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2 COUNTY OF ORANGE, STATE OF CALIFORNIA  
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**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF ORANGE, CENTRAL JUSTICE CENTER**

THE PEOPLE OF THE STATE OF CALIFORNIA, )  
Plaintiff, ) Case No.: 30-2024-01403673-CU-JR-  
CJC  
vs. ) PEOPLE'S RESPONSE TO  
DEMURRER  
CODY JAY BROWNSTEIN, ) Date: August 2, 2024  
Dept. C-65  
Time: 8:30 AM  
Respondent. )

## **People's Response**

A demurrer permits a party to challenge a complaint. (See Code of Civ. Proc. § 430.10; Pen. Code, § 1004.) Despite admitting, “there’s no complaint filed in this action,” respondent nonetheless attempts to demur. This he cannot do. Accordingly, his “demurrer” should be summarily dismissed or overruled.

This matter arises under Penal Code section 26206, subdivision (a) and (d)(1). That section permits a party whose Carry Concealed Weapon license application has been denied to request a hearing in the superior court to review the denial. (Pen. Code, § 26206, subd. (a).) If denied, the applicant may file a “Request for Hearing to Challenge Disqualified Person Determination.” At the hearing, the People are designated as the plaintiff and “bear the burden

1 of showing by a preponderance of the evidence that the applicant is a disqualified person in  
2 accordance with Section 26202.” (Pen. Code, § 26206, subd. (e).)

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7 Here, on June 4, 2024, respondent filed a "Request for a Hearing," and on June 6, 2024,  
the Court set a hearing for August 2, 2024. No accusatory pleading or complaint has been filed  
or will be filed. Respondent requested this hearing, and the People will be prepared to proceed  
with the hearing as set forth in Penal Code section 26206.

8       Defendant's demurrer is misplaced and should be summarily denied. In the event the  
9 court entertains respondent's demurrer, the People ask for a brief continuance to address the  
0 demurrer on its merits through supplemental briefing.  
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3 | Dated: July 30, 2024

TODD SPITZER, DISTRICT ATTORNEY  
COUNTY OF ORANGE, STATE OF CALIFORNIA

By:

Ray Gennaway

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Deputy District Attorney