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2 COUNTY OF ORANGE, STATE OF CALIFORNIA
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11
12 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **IN AND FOR THE COUNTY OF ORANGE, CENTRAL JUSTICE CENTER**
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|----|--|---|-----------------------------------|
| 15 | THE PEOPLE OF THE STATE OF CALIFORNIA, |) | |
| 16 | |) | Case No.: 30-2024-01403673-CU-JR- |
| 17 | Plaintiff, |) | CJC |
| 18 | |) | |
| 19 | vs. |) | PEOPLE'S RESPONSE TO |
| 20 | |) | DEMURRER |
| 21 | |) | |
| 22 | |) | Date: August 2, 2024 |
| 23 | CODY JAY BROWNSTEIN, |) | Dept. C-65 |
| 24 | |) | Time: 8:30 AM |
| 25 | Respondent. |) | |
| 26 | <hr/> | | |

27 **People's Response**

28 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).)

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

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

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