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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF LOS ANGELES

12 PEOPLE OF THE STATE OF
13 CALIFORNIA,

) NO. SA068002
)
) MOTION TO DISMISS
) INFORMATION; POINTS
) AND AUTHORITIES and
) DECLARATION IN SUPPORT
) THEREOF [995 Penal Code and
) nonstatutory due process]
)
)

14 Plaintiff,

15 vs.

16 MICHAEL GARGIULO,

17 Defendant.
18

19 TO THE ABOVE-NAMED PLAINTIFF AND TO JACKIE LACEY, DISTRICT
20 ATTORNEY FOR THE COUNTY OF LOS ANGELES:

21 PLEASE TAKE NOTICE that MICHAEL GARGIULO (hereinafter defendant)
22 will move the court, through his counsel, for an order dismissing the information because
23 defendant was not legally committed by a magistrate and that defendant was committed in
24 violation of his due process rights.

25 This motion will be made pursuant to the *United States Constitution*, Amendments
26 V, VI, VIII and XIV; the *California Constitution* Article 1, sections 7, 15 and 30 (b); *Penal*
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