



OFFICE OF THE CITY PROSECUTOR  
Long Beach, California

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To: Any Occupant of 1101 Long Beach Boulevard

It has come to the attention of the Office of the City Prosecutor that since October 2018, multiple people have been lawfully evicted from 1101 Long Beach Boulevard, Long Beach, CA 90813 ("the Premises"). After the eviction was complete and the Los Angeles Superior Court "awarded possession of the premises" to Leeward Capital of Long Beach LLC, those evicted and some of their associates moved back into the premises.

It has been represented to the Office of the City Prosecutor that no person currently occupying the Premises is doing so under the authority of a lease or any color of law. Accordingly, any person who remains at the Premises after being told to leave by law enforcement or the designated agent of Leeward Capital of Long Beach LLC is guilty of a misdemeanor and subject to arrest, citation, and criminal prosecution.

Specifically, California Penal Code section 602(o) provides any person may be criminally prosecuted for the crime of trespass if the person is:

"Refusing or failing to leave land, real property, or structures belonging to or lawfully occupied by another and not open to the general public, upon being requested to leave by (1) a peace officer at the request of the owner, the owner's agent, or the person in lawful possession, and upon being informed by the peace officer that he or she is acting at the request of the owner, the owner's agent, or the person in lawful possession, or (2) the owner, the owner's agent, or the person in lawful possession..."

Additionally, Penal Code section 602.5 provides:

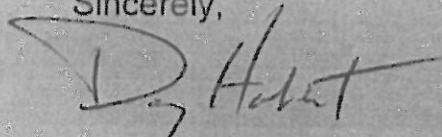
- a) Every person other than a public officer or employee acting within the course and scope of his or her employment in performance of a duty imposed by law, who enters or remains in any noncommercial dwelling house, apartment, or other residential place without consent of the owner, his or her agent, or the person in lawful possession thereof, is guilty of a misdemeanor.

- b) Every person other than a public officer or an employee acting within the course and scope of his employment in performance of a duty imposed by law, who, without the consent of the owner, his or her agent, or the person in lawful possession thereof, enters or remains in any noncommercial dwelling house, apartment, or other residential place while a resident, or another person authorized to be in the dwelling, is present at any time during the course of the incident is guilty of aggravated trespass punishable by imprisonment in a county jail for not more than one year or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment.
- c) If the court grants probation, it may order a person convicted of a misdemeanor under subdivision (b) to up to three years of supervised probation. It shall be a condition of probation that the person participate in counseling, as designated by the court.
- d) If a person is convicted of a misdemeanor under subdivision (b), the sentencing court shall also consider issuing an order restraining the defendant from any contact with the victim, that may be valid for up to three years, as determined by the court. In determining the length of the restraining order, the court shall consider, among other factors, the seriousness of the facts before the court, the probability of future violations, and the safety of the victim and his or her immediate family.
- e) Nothing in this section shall preclude prosecution under Section 459 or any other provision of law.

This letter was drafted as a courtesy to you. It is being provided to the Long Beach Police Department and Leeward Capital of Long Beach LLC with the intent that it be distributed to all persons who are unlawfully trespassing at the Premises, prior to the taking of any action that would result in criminal prosecution.

If you believe you have a lawful right to occupy any part of the Premises, you are strongly encouraged to provide documentation or other evidence of such right to [Prosecutor@longbeach.gov](mailto:Prosecutor@longbeach.gov), or fax it to my attention at (562) 570-7140 immediately, and no later than 24 hours of receipt. You are strongly encouraged to contact an attorney who can advise you as to the criminal consequences of any violation of state or local law.

Sincerely,



Douglas P. Haubert  
Long Beach City Prosecutor