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10 **DAVID MORSE**

**ENDORSED
FILED
ALAMEDA COUNTY**

JUN 2 11 11 AM '10

CLERK OF THE SUPERIOR COURT
By _____ Deputy

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12
13 IN AND FOR THE COUNTY OF ALAMEDA
14

15 IN RE SEARCH WARRANT ISSUED
16 DECEMBER 12, 2009

Warrant No. 2009-2775

**DECLARATION OF DAVID MORSE IN
OPPOSITION TO UNIVERSITY OF
CALIFORNIA'S MOTION TO CONTINUE
HEARING ON MOTION TO QUASH
SEARCH WARRANT AND RETURN
PROPERTY**

Date: June 4, 2010
Time: 2:00 p.m.
Dept: 115

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HEARING ON MOTION TO QUASH SEARCH WARRANT AND RETURN PROPERTY**

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DECLARATION OF DAVID MORSE

I, DAVID MORSE, declare under penalty of perjury that, unless otherwise indicated, the following is true and correct of my own personal knowledge, and I would testify hereto if called at trial:

1. I am a 42-year old photojournalist and media professional. I began my journalism career with a monthly column in a music magazine in 1991. Since late 2002, I have focused my work on the documentation of social and political movements, which has led me to photograph, video record, audio record, and otherwise report on hundreds of demonstrations, rallies, conferences, public meetings and court hearings, encompassing a wide variety of causes. My work often requires me to attend contentious protests that feature large police presences.

2. On December 12, 2009, the University of California Police (“UCPD”) secured and executed a search warrant for unpublished photographs I made while covering a demonstration at UC Berkeley in my capacity as a journalist for the online news organization *Indybay*. The search warrant affidavit made no mention of my protestations that I was a journalist who was newsgathering, nor the fact that I presented my *Indybay* press pass to numerous officers, including a sergeant. A more comprehensive recitation of the facts of the incident can be found in my motion to quash the search warrant and return property and supporting declarations filed in Alameda County Superior Court as *In Re Search Warrant issued December 12, 2009 (Warrant No. 2009-2775)* on April 16, 2010.

3. I asked the UCPD to return my unpublished photographs in December 2009. They refused my requests. My photographs still have not been returned to me. Nor have any copies been furnished to me.

4. The UCPD’s continued possession of my unpublished photographs and the possibility that those photographs may be used to prosecute people continues to harm me. I have been unable to publish my own photographs for nearly six months now. I am also impeded from covering newsworthy events because the subjects of my reportage cannot be sure of my independence from the police. Even my current status as an unwilling supplier of information to police has undermined my relationship with those I cover, and thus access to stories. Since the search warrant issued I have

1 been asked by subjects of my work whether I willingly handed my photographs over to the police,
2 further complicating my reportage. The longer I am forced to wait before I can vindicate these
3 rights, the more likely it is that the harm to my perceived independence will become permanently
4 entrenched.

5 I declare under penalty of perjury of the laws of the State of California that the foregoing is
6 true and correct and executed this 2nd day of June, 2010 in San Francisco, California.

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9 By: 

10 David Morse
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