

# FIRST AMENDMENT PROJECT

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1736 Franklin St., 9th Floor, Oakland, CA 94612 □ phone: 510.208.7744 □ fax: 510.208.4562 □ www.thefirstamendment.org  
David Greene Executive Director/Staff Counsel  
Geoffrey King Staff Attorney  
James Wheaton Senior Counsel

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Contact: David Greene, Geoffrey King, First Amendment Project 510.208.7744  
David Morse

## VETERAN JOURNALIST MOVES TO QUASH SEARCH WARRANT

– **Photographer Was Newsgathering During UC Berkeley Chancellor House Protest**

– **Search Warrants Against Journalistic Work Product Expressly Barred By California Law**

– **Search Warrant Affidavit Filed By Police Under Oath Omits Any Mention of Journalist Status**

Oakland – David Morse, a 42-year-old veteran journalist who has covered hundreds of demonstrations and other events since 2002, moved Friday to quash a search warrant issued for his journalistic work product. Morse was arrested and his camera searched in connection with a protest he was covering at UC Berkeley on December 11, 2009. The charges were dropped at Morse's first court appearance, but not before a search warrant had issued for Morse's unpublished photographs. It is a violation of the Penal Code to secure a search warrant for any items covered by the California journalist's shield law, including unpublished photographs made in a public place.

The court papers allege that Morse was at the scene solely in a newsgathering capacity, identified himself as a journalist *six times* to police prior to issuance of the warrant, possessed a press pass that he showed to the ranking officer on scene, and protested the legality of the search. The search warrant affidavit the UCPD filed with the court entirely omits any mention of these facts.

The details of the incident are included in the attached court papers. A hearing on the motion is scheduled for 9:00 a.m. on May 11, 2010 in Department 115 of the Wiley W. Manuel Courthouse in Oakland.

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