

1 CHARLES F. ROBINSON #113197
charles.robinson@ucop.edu
2 ERIC K. BEHRENS #79440
eric.behrens@ucop.edu
3 MICHAEL R. GOLDSTEIN # 129848
Michael.goldstein@ucop.edu
4 University of California
Office of the General Counsel
5 1111 Franklin Street, 8th Floor
Oakland, CA 94607-5200
6 Telephone: 510-987-9800
Facsimile: 510-987-9757
7

8 Attorneys for Respondent
THE REGENTS OF THE UNIVERSITY OF
CALIFORNIA
9

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA

11 IN RE SEARCH WARRANT ISSUED
12 DECEMBER 12, 2009,

CASE NO. 2009-2775

13 DECLARATION OF CRISTA
MANCHESTER IN SUPPORT OF
14 OPPOSITION BY RESPONDENT THE
REGENTS OF THE UNIVERSITY OF
15 CALIFORNIA TO MOTION BY DAVID
MORSE TO QUASH SEARCH WARRANT
AND RETURN PROPERTY;
16

17 Hearing: June 18, 2010
Time: 2:00 p.m.
18 Dept. 115

19
20 **EXEMPT FROM FEES PURSUANT TO
GOV. CODE §6103**
21
22
23
24
25
26
27
28

DECLARATION OF CRISTA MANCHESTER

I, Crista Manchester, declare:

1. I am an officer with the University of California Berkeley Police department.

2. Except as qualified, I have personal and firsthand knowledge of the facts set forth in this declaration and, if called a witness, could and would competently testify thereto under oath.

3. On December 11, 2009 I was one of the officers who responded to the call regarding a large group of people (approximately 75 to 100) walking westbound on Hearst Avenue near Euclid Avenue.

4. Officer Wyckoff and I turned on our vehicle's overhead emergency lights and activated our sirens as we drove up the driveway to the Chancellor's house in an attempt to stop the group from continuing to break into the Chancellor's house.

5. As we were driving up the driveway, we could see a large group of people in front of the house. There were also groups of people on the driveway level, on or near the south steps leading to the house, and at or near the front door of the house. When we got closer, we could see all of the groups start to disperse. Some of the people in the group that were near the door ran down the stairs to the driveway level and some ran westbound through the garage area.

6. As we pulled up to the front of the house, we could see that some of the people had items in their hands that were burning. Some of the people in the group ran towards us and threw the burning items at our police vehicle. Some of the embers from the burning items came into our vehicle.

7. Once we felt it safe to do so, we exited the vehicle and saw a male suspect coming down the steps of the Chancellor's house. Officer Wyckoff detained the suspect for suspicion of

1 participating in a riot and trespassing. He was identified via his valid California Driver's License
2 as David Morse. Morse had a camera in his hand which we seized as evidence to a crime. Morse
3 claimed that he was a member of the press and that he had a press pass. Officer Wyckoff placed
4 him into handcuffs and checked them for tightness. We then conducted a quick search of his
5 person for any weapons and placed him into our police vehicle.
6

7 8. We obtained his press pass and noticed that it had expired as of December 2008.

8 9. I walked up to the University House from the south steps. I could see that
9 numerous light fixtures that lined the stairs going up to the University House had been broken.
10 There was glass from the large bulbous glass light fixtures all over the ground. Once I got to the
11 top of the steps, I could see a large terracotta flower pot on the base of the second flight of stairs
12 that lead up to the front door of the University House. I could see a large blue garbage can with
13 what appeared to be recyclables in and around it and it was lying on its side in front of the front
14 door (Main entrance) of the University House. This garbage can may have been used to ram the
15 front doors. One terracotta flower pot near the front door was broken to pieces and the other
16 appeared to be mostly intact. The latter pot was on the ground directly beneath a window. This
17 window was shattered and had major damage to it. The window was hit so hard with what
18 appeared to be the terracotta flower pot that it broke the wooden window frame on the inside of
19 the house. This caused part of the frame to dislodge and fall to the floor inside of the house. The
20 window just to the east of the shattered window had been hit with a glass bottle but the window
21 itself did not shatter.
22
23

24 10. I also saw that there was a dirty footprint on the window just west of the front
25 door. It appeared that an unknown person had kicked the window in an attempt to break it. The
26 window that was just west of it was shattered. Because all of these windows are made with
27 shatter-proof glass it would have taken a large amount of force to break them.
28

1 11. I also saw a makeshift torch on the ground near the front door and near the
2 shattered window just east of the front door. It appeared that the torch had been thrown at the
3 house due to the fact the makeshift wick had broken off the tip of the torch. Based on the
4 evidence, it appeared to me that the lit torch was thrown at the house but nothing caught on fire
5 due to the area being saturated by rain.
6

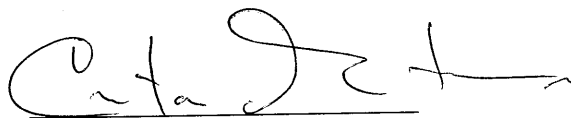
7 12. I went into the house and spoke with the Chancellor's wife, Mary Catherine
8 Birgeneau. She told me that she heard chanting and noticed that it sounded close to the house. She
9 said that she looked out the window and saw a large group of people outside. Then she heard loud
10 banging towards the front of the house. She went downstairs to investigate. Once downstairs, she
11 believed that the large group of people was attempting to break into the house. So she and the
12 Chancellor retreated to a safe location and called the UCBPD. She expressed to me that it was a
13 very scary situation for both of them and that they were in fear for their personal safety.
14

15 13. The two cameras I had seized were placed into Detective Miller's secured locker
16 in a secured office. Detectives Miller and Reich were given custody of the camera that I seized
17 from Morse along with four CDs that I recovered from Morse's backpack.
18

19 I declare under penalty of perjury under the laws of the State of California that the foregoing is
20 true and correct.
21

22
23 Dated: June 03, 2010

Crista Manchester

24
25 

26 By: Crista Manchester
27 Police Officer, University of California Berkeley
28 Police Department

1 **Case Name:** In Re Search Warrant Issued December 12, **Case No.** 2009-2775
2 2009

3 **PROOF OF SERVICE**

4 I, the undersigned, say: I am over 18 years of age, employed in Alameda County, California, in
5 which county the within-mentioned transmission occurred, and not a party to the subject cause. My
6 business address is Office of the General Counsel, 1111 Franklin Street, 8th Floor, Oakland, California
7 94607-5200.

8 On June 8, 2010, I caused to be served the following document: DECLARATION OF CRISTA
9 MANCHESTER IN SUPPORT OF OPPOSITION BY RESPONDENT THE REGENTS OF
10 THE UNIVERSITY OF CALIFORNIA TO MOTION BY DAVID MORSE TO QUASH
11 SEARCH WARRANT AND RETURN PROPERTY

12 on the interested party(ies) in this action addressed as follows:

13 David A. Greene 14 Email: dgreene@thefirstamendment.org	15 Geoffrey King 16 gking@thefirstamendment.org
17 Judge Yolanda Neill Northridge 18 Email: dept.115@alameda.courts.ca.gov	

19 (By **E-MAIL OR ELECTRONIC TRANSMISSION**) Based on a court order or an agreement
20 of the parties to accept service by e-mail or electronic transmission, I caused the documents to be
21 sent to the person(s) at the e-mail address listed above. I did not receive, within a reasonable time
22 after the transmission, any electronic message or other indication that the transmission was
23 unsuccessful.

24 (State) I declare under penalty of perjury under the laws of the State of California that the
25 foregoing is true and correct.

26 (Federal) I declare that I am employed by the office of a member of the bar of this court at whose
27 direction the service was made.

28 Executed on June 8, 2010, at Oakland, California.

GLORIA SAMSON

201318.2