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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 NICOLE MILLER IN  
14 SUPPORT OF OPPOSITION BY  
15 RESPONDENT THE REGENTS OF THE  
UNIVERSITY OF CALIFORNIA TO  
16 MOTION BY DAVID MORSE TO QUASH  
SEARCH WARRANT AND RETURN  
PROPERTY

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

20 **EXEMPT FROM FEES PURSUANT TO**  
21 **GOV. CODE §6103**  
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## DECLARATION OF NICOLE MILLER

I, Detective Nicole Miller, declare:

1. That I am a Detective 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 as a witness, could and would competently testify thereto under oath.
3. Other officers and I at approximately 0400 on December 12, 2009 determined that we needed a search warrant to view the contents of the digital camera and discs seized from David Morse.
4. Judge Morris, the weekend on call judge, reviewed and signed the search warrant at approximately 1840 hours on December 12, 2009.
5. The photographs on the camera depicted people with their faces covered marching down Euclid Avenue and Hearst Avenue as well as garbage cans and newspaper stands blocking sidewalks and Hearst Avenue. There are also photographs of people marching with torches and the vandalism that occurred at University House.
6. The photographs have helped us identify individuals responsible for the vandalism and depict people that we continue to try to identify.
7. On December 22, 2009 I met with Professor Daniel Perlstein in his office at Tolman Hall. He showed me the east facing window in his office. From the window I could see the western portion of the University House service road, the ground floor of the west side of the University House and the pathway leading from Tolman Hall to the University House service road with clarity. Perlstein stated that on December 11, 2009 he heard someone on a bullhorn say

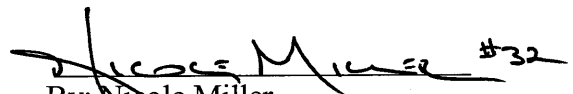
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“that’s the Chancellor’s house.”

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

Dated: June 3, 2010

Nicole Miller



By: Nicole Miller  
Detective, University of California Berkeley  
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 NICOLE  
9 MILLER IN SUPPORT OF OPPOSITION BY RESPONDENT THE REGENTS OF THE  
10 UNIVERSITY OF CALIFORNIA TO MOTION BY DAVID MORSE TO QUASH SEARCH  
11 WARRANT AND RETURN PROPERTY

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

13 David A. Greene 14 Email: <a href="mailto:dgreene@thefirstamendment.org">dgreene@thefirstamendment.org</a>	15 Geoffrey King 16 <a href="mailto:gking@thefirstamendment.org">gking@thefirstamendment.org</a>
17 Judge Yolanda Neill Northridge 18 Email: <a href="mailto:dept.115@alameda.courts.ca.gov">dept.115@alameda.courts.ca.gov</a>	

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.

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GLORIA SAMSON

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