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David A. Greene, State Bar No. 160107
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FIRST AMENDMENT PROJECT
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Oakland, CA 94612
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5 Attorneys for Movant
6 DAVID MORSE

7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE COUNTY OF ALAMEDA

10 IN RE SEARCH WARRANT ISSUED
11 DECEMBER 12, 2009

Warrant No.: 2009-2775

12 **DECLARATION OF STEPHEN**
13 **ROSENBAUM IN SUPPORT OF REPLY**
14 **MEMORANDUM TO QUASH SEARCH**
15 **WARRANT AND RETURN PROPERTY**

16 DATE: June 18, 2010
17 TIME: 2:00 p.m.
18 DEPT: 115

Hon: Yolanda Northridge

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DECLARATION OF STEPHEN ROSENBAUM IN SUPPORT OF REPLY MEMORANDUM TO QUASH SEARCH WARRANT
AND RETURN PROPERTY

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DECLARATION OF STEPHEN ROSENBAUM

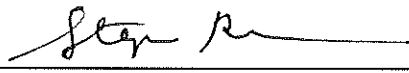
I, STEPHEN ROSENBAUM, declare under penalty of perjury that, unless otherwise indicated, the following is true and correct of my own personal knowledge, and would testify hereto if called at trial:

1. I am an attorney and a Lecturer in Law at the University of California Berkeley, School of Law, where I have worked since 1988. I represent Angela Miller, a UC Berkeley student who was charged with student disciplinary violations in connection with a December 11, 2009 demonstration at UC Berkeley, during which demonstration the UC Berkeley Chancellor's house was vandalized.

2. The University of California ("UC") provided Ms. Miller with a copy of the University of California Police ("UCPD") report detailing the events of December 11, signed by Officer Crista Manchester. A true and correct copy of that report is attached hereto as Exhibit A.

3. Ms. Miller waived confidentiality and authorized me to publicly discuss her case prior to my releasing the police report to counsel for Mr. Morse.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct and executed this 14 day of June, 2010 in Oakland, California.

By: 

Stephen Rosenbaum

EXHIBIT A

UNIVERSITY OF CALIFORNIA, BERKELEY

BERKELEY • DAVIS • IRVINE • LOS ANGELES • MERCED • RIVERSIDE • SAN DIEGO • SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

Police Department

ROOM 1 SPROUL HALL #1199
BERKELEY, CALIFORNIA 94720-1199

REPORT VERIFICATION

09-05768
REPORT NUMBER

Friday, December 11, 2009 at 23:13
DATE/ TIME REPORTED

Friday, December 11, 2009 at 23:13
DATE/ TIME OCCURRED

University House
LOCATION OCCURED

245(c) PC x2, 594(B)(1) PC, 664/459 PC,
664/451 PC, 405 PC, 71 PC and 626.6 PC
COMPLAINT/ INCIDENT TYPE

C. Manchester, #98
REPORTING OFFICER

FACTUAL CIRCUMSTANCES:

Case Number and
Classification(s)

Synopsis

Assigned
Officer(s)

09-05768
245(c) PC x2
594(B)(1) PC
664/459 PC
664/451 PC
405 PC
71 PC
626.6 PC

23:13 -
MILLER, Angela (FW-20- S)
arrested for two counts of assault with a deadly weapon on a police officer, vandalism causing damage greater than \$400, attempted burglary, attempted arson of an inhabited dwelling, participating in a riot, threatening a university official, and excluded from UC property for 14 days, University House. Actual damage to property is approximately \$18,000.
Additional charge of violation of an exclusion order for All TOT Santa Rita Jail. Case closed.

C. Manchester

N/A
INJURIES INVOLVED

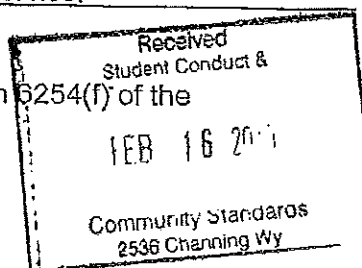
Yes
WEAPONS INVOLVED

Yes - actual damage approximately \$18,000
PROPERTY INVOLVED

G. Voit, #130 2/16/10
RELEASED BY/ DATE

Records Supervisor
TITLE

This information is released as public information in compliance with 6254(f) of the Government Code of California.



CRIME REPORT

UNIVERSITY OF CALIFORNIA POLICE DEPARTMENT BERKELEY CA 0019700

2. CASE NUMBER 09-05768

3. PAGE 1 OF 10

1. [X] ARREST [] TO BPD JAIL [] FIELD CITE [X] TO CO. JAIL [] CONFISCATION [] TO JUV. HALL

4. OFFENSE(S) (IN SEQUENCE OF OCCURRENCE) 594(b)(1) PC, 405 PC, 245(c) PC X 2, 664 PC/459 PC, 664 PC/451(b) PC, 71 PC

[] OUTSIDE ASSIST TO: THEIR CASE#

5. CRIME(S) Vandalism causing damage over \$400.00, Participating in a riot, Assault with a deadly weapon against a police officer, Attempted Burglary, Attempted Arson of an inhabited property, Threatening a University official

6. CLASSIFICATION [X] FELONY [X] PERSON [X] MISD [X] PROPERTY

7. [X] ADULT [] JUVENILE

8. DATE OCCURRED FROM 12-11-09 9.TIME 2306 10.DAY Thurs 11. DATE OCCURRED TO 12-11-09 12.TIME 2314 13. DAY Thurs 14. DATE REPORTED 12-11-09 15.TIME 2313 16. DAY Thurs

17. LOCATION OF OFFENSE University House (UC Berkeley)

18. V 19. NAME/FIRM NAME (LAST, FIRST, MIDDLE) The Regents of the University of California 20. RACE 21. SEX 22. DOB

23. RESIDENCE ADDRESS, CITY, STATE, ZIP 24. [] STUDENT [] EMPLOYEE [] OTHER 25. RESIDENCE PHONE () -

26. BUSINESS/SCHOOL ADDRESS, CITY, STATE, ZIP 27. BUSINESS PHONE () -

28. OCCUPATION 29. WORK HOURS 30. DL NUMBER/STATE 31. EMAIL ADDRESS

32. VICTIM'S ACTIVITY AT TIME OF OFFENSE 33. VICTIM'S PHYSICAL CONDITION

34. V'S VEHICLE LIC. NO/STATE 35. VICTIM'S VEHICLE YEAR, MAKE, MODEL, BODY STYLE 36. TOP COLOR 37. BOTTOM COLOR

38. CODE V 39. NAME/FIRM NAME (LAST, FIRST, MIDDLE) 40. RACE 41. SEX 42. DOB

43. RESIDENCE ADDRESS, CITY, STATE, ZIP 44. [] STUDENT [X] EMPLOYEE [] OTHER 45. RESIDENCE PHONE () -

46. BUSINESS/SCHOOL ADDRESS, CITY, STATE, ZIP 47. BUSINESS PHONE () -

48. OCCUPATION 49. WORK HOURS 50. DL NUMBER/STATE 51. EMAIL ADDRESS

52. S-1 53. NAME/FIRM NAME (LAST, FIRST, MIDDLE) 54. RACE 55. SEX 56. HT 57. WT 58. HAIR 59. EYES 60. DOB

61. RESIDENCE ADDRESS, CITY, STATE, ZIP 62. PFN NUMBER 63. [X] STUDENT [] EMPLOYEE [] OTHER

64. S-2 65. NAME/FIRM NAME (LAST, FIRST, MIDDLE) 66. RACE 67. SEX 68. HT 69. WT 70. HAIR 71. EYES 72. DOB

73. RESIDENCE ADDRESS, CITY, STATE, ZIP 74. PFN NUMBER 75. [] STUDENT [] EMPLOYEE [X] OTHER

76. HAIR LENGTH 77. HAIR TEXTURE 78. HAIR STYLE 79. FACIAL HAIR 80. COMPLEXION 81. TATTOOS/SCARS & TYPE 82. GENERAL APPEARANCE 83. Demeanor 84. SPEECH 85. BUILD 86. FACE 87. GLASSES 88. RIGHT/LEFT HANDED 89. FRAME COLOR

90. SUSPECT 1 CLOTHING DESCRIPTION 91. SUSPECT 2 CLOTHING DESCRIPTION 92. WEAPON TYPE

93. OTHER REPORTS [X] ARREST [] ACCIDENT [X] PROPERTY [] VEHICLE [] CONTAIN A [] ADDITIONAL [] TO [] PATROL [] APPROXIMATE SUPERVISOR [] DATE 12-11-09 / 0425 hrs.

94. COPIES [X] DETECTIVES [X] DISTRICT ATTY. [] CII [] OTHER [] 95. REPORTING OFFICER C. Manchester #98 96. DATE AND TIME 12-11-09 / 0425 hrs. 97. APPROXIMATE SUPERVISOR [] DATE 12/11/09 98. DATE 12/11/09 99. THIS CASE IS: [X] ALCOHOL RELATED [] DRUG RELATED [] GANG RELATED [] HATE INCIDENT [] WEAPONS RELATED [] DOMESTIC VIOLENCE [] DATE CRIME [] LANGUAGE OR THE ABOVE [] CLEARANCE STATUS [] CLEARED BY ARREST [] EXCEPTIONAL CLEARANCE [] UNFOUNDED

ROUTED TO ROUTED BY

ADDITIONAL NAMES

- 1. INCIDENT REPORT
- CRIME REPORT
- ARREST REPORT

**UNIVERSITY OF CALIFORNIA
POLICE DEPARTMENT
BERKELEY
CA 0019700**

2. CASE NUMBER
09-05768

3. PAGE 2 OF 10

4. CODE S	5. NAME/FIRM NAME (LAST, FIRST, MIDDLE)	6. RACE	7. SEX	8. HT	9. WT	10. HAIR	11. EYES	12. DOB	
13. RESIDENCE ADDRESS, CITY, STATE, ZIP						14. <input type="checkbox"/> STUDENT <input type="checkbox"/> EMPLOYEE <input checked="" type="checkbox"/> OTHER		15. RESIDENCE PHONE	
16. BUSINESS/SCHOOL ADDRESS, CITY, STATE, ZIP						17. BUSINESS PHONE			
18. OCCUPATION			19. WORK HOURS		20. DL NUMBER/STATE		21. EMAIL ADDRESS		
22. CODE S	23. NAME/FIRM NAME (LAST, FIRST, MIDDLE)	24. RACE	25. SEX	26. HT	27. WT	28. HAIR	29. EYES	30. DOB	
31. RESIDENCE ADDRESS, CITY, STATE, ZIP						32. <input type="checkbox"/> STUDENT <input type="checkbox"/> EMPLOYEE <input checked="" type="checkbox"/> OTHER		33. RESIDENCE PHONE	
34. BUSINESS/SCHOOL ADDRESS, CITY, STATE, ZIP						35. BUSINESS PHONE			
36. OCCUPATION			37. WORK HOURS		38. DL NUMBER/STATE		39. EMAIL ADDRESS		
40. CODE S	41. NAME/FIRM NAME (LAST, FIRST, MIDDLE)	42. RACE	43. SEX	44. HT	45. WT	46. HAIR	47. EYES	48. DOB	
49. RESIDENCE ADDRESS, CITY, STATE, ZIP						50. <input checked="" type="checkbox"/> STUDENT <input type="checkbox"/> EMPLOYEE <input type="checkbox"/> OTHER		51. RESIDENCE PHONE	
52. BUSINESS/SCHOOL ADDRESS, CITY, STATE, ZIP						53. BUSINESS PHONE			
54. OCCUPATION			55. WORK HOURS		56. DL NUMBER/STATE		57. EMAIL ADDRESS		
58. CODE S	59. NAME/FIRM NAME (LAST, FIRST, MIDDLE)	60. RACE	61. SEX	62. HT	63. WT	64. HAIR	65. EYES	66. DOB	
67. RESIDENCE ADDRESS, CITY, STATE, ZIP						68. <input checked="" type="checkbox"/> STUDENT <input type="checkbox"/> EMPLOYEE <input type="checkbox"/> OTHER		69. RESIDENCE PHONE	
70. BUSINESS/SCHOOL ADDRESS, CITY, STATE, ZIP						71. BUSINESS PHONE			
72. OCCUPATION			73. WORK HOURS		74. DL NUMBER/STATE		75. EMAIL ADDRESS		
78. CODE S	77. NAME/FIRM NAME (LAST, FIRST, MIDDLE)	78. RACE	79. SEX	80. HT	81. WT	82. HAIR	83. EYES	84. DOB	
85. RESIDENCE ADDRESS, CITY, STATE, ZIP						86. <input type="checkbox"/> STUDENT <input type="checkbox"/> EMPLOYEE <input checked="" type="checkbox"/> OTHER		87. RESIDENCE PHONE	
88. BUSINESS/SCHOOL ADDRESS, CITY, STATE, ZIP						89. BUSINESS PHONE			
90. OCCUPATION			91. WORK HOURS		92. DL NUMBER/STATE		93. EMAIL ADDRESS		
94. CODE S	95. NAME/FIRM NAME (LAST, FIRST, MIDDLE)	96. RACE	97. SEX	98. HT	99. WT	100. HAIR	101. EYES	102. DOB	
103. RESIDENCE ADDRESS, CITY, STATE, ZIP						104. <input checked="" type="checkbox"/> STUDENT <input type="checkbox"/> EMPLOYEE <input type="checkbox"/> OTHER		105. RESIDENCE PHONE	
106. BUSINESS/SCHOOL ADDRESS, CITY, STATE, ZIP						107. BUSINESS PHONE			
108. OCCUPATION			109. WORK HOURS		110. DL NUMBER/STATE		111. EMAIL ADDRESS		
112. OTHER REPORTS ATTACHED:		<input checked="" type="checkbox"/> CONTINUATION	<input type="checkbox"/> VEHICLE	113. COPIES TO:		<input checked="" type="checkbox"/> DETECTIVES	<input checked="" type="checkbox"/> DISTRICT ATTY.	<input type="checkbox"/> E.H&S	<input type="checkbox"/> CPU
114. REPORTING OFFICER Manchester #98		115. DATE AND TIME 12-12-09 / 1423 hrs.		116. APPROVING SUPERVISOR <i>[Signature]</i>			117. DATE 12/12/09		

ADDITIONAL NAMES

1. INCIDENT REPORT

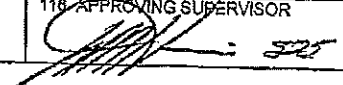
CRIME REPORT

ARREST REPORT

**UNIVERSITY OF CALIFORNIA
POLICE DEPARTMENT
BERKELEY
CA 0019700**

2. CASE NUMBER
09-05768

3. PAGE **3** OF **10**

4. CODE V	5. NAME/FIRM NAME (LAST, FIRST, MIDDLE)	6. RACE	7. SEX	8. HT	9. WT	10. HAIR	11. EYES	12. DOB	
13. RESIDENCE ADDRESS, CITY, STATE, ZIP						14. <input type="checkbox"/> STUDENT <input type="checkbox"/> EMPLOYEE <input checked="" type="checkbox"/> OTHER		15. RESIDENCE PHONE () -	
16. BUSINESS/SCHOOL ADDRESS, CITY, STATE, ZIP									
18. OCCUPATION			19. WORK HOURS		20. DL NUMBER/STATE		21. EMAIL ADDRESS		
22. CODE	23. NAME/FIRM NAME (LAST, FIRST, MIDDLE)	24. RACE	25. SEX	26. HT	27. WT	28. HAIR	29. EYES	30. DOB	
31. RESIDENCE ADDRESS, CITY, STATE, ZIP						32. <input type="checkbox"/> STUDENT <input type="checkbox"/> EMPLOYEE <input type="checkbox"/> OTHER		33. RESIDENCE PHONE () -	
34. BUSINESS/SCHOOL ADDRESS, CITY, STATE, ZIP									
36. OCCUPATION			37. WORK HOURS		38. DL NUMBER/STATE		39. EMAIL ADDRESS		
40. CODE	41. NAME/FIRM NAME (LAST, FIRST, MIDDLE)	42. RACE	43. SEX	44. HT	45. WT	46. HAIR	47. EYES	48. DOB	
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52. BUSINESS/SCHOOL ADDRESS, CITY, STATE, ZIP									
54. OCCUPATION			55. WORK HOURS		56. DL NUMBER/STATE		57. EMAIL ADDRESS		
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88. BUSINESS/SCHOOL ADDRESS, CITY, STATE, ZIP									
90. OCCUPATION			91. WORK HOURS		92. DL NUMBER/STATE		93. EMAIL ADDRESS		
94. CODE	95. NAME/FIRM NAME (LAST, FIRST, MIDDLE)	96. RACE	97. SEX	98. HT	99. WT	100. HAIR	101. EYES	102. DOB	
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106. BUSINESS/SCHOOL ADDRESS, CITY, STATE, ZIP									
108. OCCUPATION			109. WORK HOURS		110. DL NUMBER/STATE		111. EMAIL ADDRESS		
112. OTHER REPORTS ATTACHED:		<input checked="" type="checkbox"/> CONTINUATION <input type="checkbox"/> ADDITIONAL NAMES		<input type="checkbox"/> VEHICLE		113. COPIES TO:		<input checked="" type="checkbox"/> DETECTIVES <input type="checkbox"/> PATROL	
114. REPORTING OFFICER C. Manchester #98		115. DATE AND TIME 12-12-0- / 1427 hrs.		116. APPROVING SUPERVISOR 		117. DATE 12/12/09		<input checked="" type="checkbox"/> DISTRICT ATTY. <input type="checkbox"/> RISK MGT. <input type="checkbox"/> E/H&S <input type="checkbox"/> CPU <input type="checkbox"/> OTHER	

CONTINUATION REPORT

UNIVERSITY OF CALIFORNIA
POLICE DEPARTMENT
BERKELEY
CA 0019700

2. CASE NUMBER
09-05768

INCIDENT REPORT
 CRIME REPORT
 ARREST REPORT

3. PAGE 4 OF 10

4. \$ LOSS

5. PROPERTY TYPE
(Check no more than three)

- NONE
- A. SMALL APPLIANCES
- B. MAJOR APPLIANCES
- C. STEREO/RADIO/TAPE
- D. DRUGS/MEDICAL
- E. JEWELRY
- F. CURRENCY
- G. PURSE/WALLET
- H. TV/VIDEO
- I. TOOLS
- J. COMPUTERS
- K. OTHER OFFICE
- L. ART ITEMS
- M. FOOD
- N. FURNITURE
- O. FIREARM/KNIFE
- P. PHOTO EQUIPMENT
- Q. PERSONAL ID.
- R. PROPERTY DAMAGE
- S. OTHER

6. OBJECT OF ATTACK
NON RESIDENTIAL
STRUCTURE
(CHECK ONE)

- A. RENTAL BOOKSTORE
- B. RECREATIONAL/ENTERTAINMENT
- C. OFFICES
- D. LIBRARY
- E. INSTRUCTIONAL
- F. BAR/QUANTAL
- G. FOOD SERVICE BAR
- H. MEDICAL/VETERINARY
- I. STORAGE/DOCK
- J. GYM/LOCKER ROOM
- K. PARKING FACILITY
- L. SPOUL PLAZA
- M. PED/LES PARK
- N. OTHER

7. SPECIAL CONSIDERATION

- O. UNIVERSITY PROPERTY
- P. PERSONAL PROPERTY
- Q. DOMESTIC VIOLENCE
- R. CHILD ABUSE
- S. GANG RELATED
- T. ALCOHOL RELATED
- U. WEAPONS RELATED

8. OBJECT OF ATTACK
RESIDENTIAL STRUCTURE
(CHECK ONE)

- A. BURT I
- B. BURT II
- C. BURT III
- D. CKG
- E. THEME HOUSE
- F. HOUSE
- G. SMYTHS-FERNWALD
- H. ALBANY VILLAGE
- I. OTHER

9. VICTIM SUSPECT
RELATION

- A. UNKNOWN
- B. SPOUSE
- C. RELATIVE
- D. ROOMMATE
- E. BOY/GIRL FRIEND
- F. ACQUAINTANCE
- G. TEACHER/STUDENT
- H. STRANGER
- I. EMPLOYER
- J. STUDENT
- K. OTHER

10. POINT OF ENTRY
(CHECK NO MORE THAN 2)

- A. UNKNOWN
- B. FRONT
- C. REAR
- D. SIDE
- E. GROUND LEVEL
- F. UPPER LEVEL
- G. DOOR
- H. WINDOW
- I. SLIDING DOOR
- J. DUCT OR VENT
- K. ADJ. BUILDING
- L. ROOF
- M. FLOOR
- N. WALL
- O. GARAGE
- P. BASEMENT
- Q. WING WINDOW
- R. WINDOW MOLDING
- S. SIDE WINDOW
- T. WINDSHIELD
- U. TRUNK
- V. OTHER

10. STRUCTURE

- A. N/A
- B. YES
- C. NO
- D. ACTIVATION

12. METHOD OF ENTRY
(CHECK NO MORE THAN 2)

- A. UNKNOWN
- B. ATTEMPT ONLY
- C. BODILY FORCE
- D. BOLT CUTTER
- E. BRICK/ROCK
- F. CHANNEL LOCK
- G. UNLOCKED DOOR/WINDOW
- H. HND IN BUILDING
- I. KEY
- J. NO FORCE
- K. PIPE WRENCH
- L. Pliers
- M. PRY BAR
- N. PUNCH
- O. SAW/URNDRILL
- P. SCREWDRIVER
- Q. TAPE WIRE
- R. LOCK CHEAT
- S. WINDOW SMASHED
- T. WINDOWING
- U. OTHER

13. SUSPECT'S ACTIONS
(CHECK NO MORE THAN 2)

- NONE
- A. MULTIPLE SUSPECTS
- B. ARMED
- C. MADE THREATS
- D. FAMILIAR W/LOCATION
- E. LIES IN WAIT
- F. TECH SKILL USED
- G. DISABLES PHONE
- H. KNEW V'S NAME
- I. SMOKED ON PREMISES
- J. ATE/DROOK ON PREMISES
- K. DEFECATE/URINATES
- L. UNUSUAL BODY ORGR
- M. HAD BEEN DRINKING
- N. INFLUENCE OF DRUGS
- O. VEHICLE USED
- P. RANSACK FROWL
- Q. SELECTIVE FROWL
- R. LEAVES OTHER VALUABLES
- S. USES NOTE

14. PROPERTY CODES

S-STOLEN R-RECOVERED L-LOST F-FOUND S/R-STOLEN/RECOVERED O-OBSERVED E-EVIDENCE X-MISCELLANEOUS

CODE	ITEM	QTY	KIND OF ARTICLE	BRAND NAME	MODEL NAME/NO.	DESCRIPTION/COLOR	SERIAL NO.	VALUE
------	------	-----	-----------------	------------	----------------	-------------------	------------	-------

15. WRITTEN STATEMENTS ATTACHED NEIGHBORHOOD CHECKS VICT OF VIOLENT CRIME FORM RESOURCE PAMPHLET GIVEN

ID WORK/PHOTOS TECH NO. 116 DIAGRAMS LAB TEST REQUESTED PROPERTY/PERSONS ENTERED BY _____

16. REPORTING OFFICER
C. Manchester #98

17. DATE AND TIME
12-12-09 / 1756 hrs.

18. APPROVING SUPERVISOR
[Signature] 525

19. DATE
12/12/09

CONTINUATION REPORT

**UNIVERSITY OF CALIFORNIA
POLICE DEPARTMENT
BERKELEY
CA 0019700**

2. CASE NUMBER
09-05768

1. INCIDENT REPORT
 CRIME REPORT
 ARREST REPORT

3. PAGE **5** OF 10

4. TYPE REPORT <input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> SUPPLEMENT	5. CODE SECTION/DESCRIPTION 594(b)(1) PC, 405 PC, 245(c) PC X 2, 664 PC/459 PC, 664 PC/451(b) PC, 71 PC	6. CRIME Vandalism causing damage over \$400.00 , Participating in a riot, Assault with a deadly weapon against a police officer, Attempted Burglary, Attempted Arson of an Inhabited property, Threatening a University official
--	---	---

7. INCIDENT DATE 12-11-09 TIME 2306	8. INCIDENT LOCATION University House (UC Berkeley)	9. ADDL. NAMES ATTACHED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
--	---	---

10. NARRATIVE

SCENE:
The crimes took place at the University House which is a University owned and maintained residence that is occupied by the Chancellor of the University of California Berkeley. The University is a multi story home that is located on the far north end of the UC Berkeley campus. The front of the University House is located on the south side of the home. At that location, there is a flight of stairs that goes up to the home from the driveway. On both sides of the flight of stairs there are large light posts with large bulbous light fixtures on them. Some of those light fixtures were broken during the riot. At the top of the stairs, there is a flat area that has concrete in the middle and grass on either side of the concrete. This area is bounded by shrubs that make kind of a natural wall around the front yard of the home. The concrete section leads up to another flight of stairs which take you to the front door of the home. It is at this location, the majority of the damage took place. There are four large windows on the first floor level of the home. Two of which were shattered. It appeared that the suspects attempted to break the other two windows, but failed. This incident took place during the hours of darkness. The University House is the property of the Regents of the University of California.

SUMMARY:
On 12-11-09, I arrested _____ and _____
_____ 594(b)(1) PC (Vandalism causing damage over \$400.00), 405 PC (Participating in a riot), 245(c) PC X 2 (Assault with a deadly weapon against a police officer), 664 PC/459 PC (Attempted Burglary), 664PC/451(b) PC (Attempted Arson of an inhabited property), and 71 PC (Threatening a University Official). All eight subjects were transported to the Santa Rita Jail for booking. Officer Wyckoff issued all of the non student affiliates a Notice of Immediate Exclusion From The University of California Berkeley pursuant to section 626.6 of the California Penal Code. This stay away order is good for 7 calendar days. The suspects that were students were issued a Notice of Immediate Exclusion From The University of California Berkeley pursuant to section 626.4 of the California Penal Code. This stay away order is good for 14 calendar days.

I estimated that there was approximately \$5,000 to \$10,000 worth of property damage to the University House and property/items outside of the house. We will be requesting an estimate of the cost of repairs to the house and the replacement/repairs of the damaged items out side of the house from our Physical Plant Campus Services (PPCS).

Officer Wyckoff transported all of the prisoner property to UCPD where it was later searched and then placed into the prisoner property area at UCPD.

One camera and four CD's were seized as evidence from _____, and one media card was seized as evidence from _____. _____ one camera was seized as evidence from _____. Detectives Miller #32 and Reich #83 were given custody of those items and they are working on obtaining a search warrant so they can view the photos and videos that those items may contain.

All other evidence items regarding this case were collected by Officer Torres #43 and SPO Parsley #116. They are in the process of processing and packaging the majority of the evidence items that they collected. Those items were locked and secured in the UCPD crime lab. The photos and the video footage that they took were downloaded on to a CD and book into evidence locker #10 at UCPD.

1. COPIES

TO: DETECTIVES PATROL DISTRICT ATTY. RISK MGT. E.H&S OTHER OTHER

2. REPORTING OFFICER: **Manchester #98** 13. DATE AND TIME: **12-12-09 / 2127 hrs.** 14. APPROVING SUPERVISOR: *[Signature]* 15. DATE: **12/12/09**

CONTINUATION REPORT

**UNIVERSITY OF CALIFORNIA
POLICE DEPARTMENT
BERKELEY
CA 0019700**

2. CASE NUMBER
09-05768

1. INCIDENT REPORT
 CRIME REPORT
 ARREST REPORT

3. PAGE 6 OF 10

4. TYPE REPORT <input checked="" type="checkbox"/> ORIGINAL <input type="checkbox"/> SUPPLEMENT	5. CODE SECTION/DESCRIPTION 594(b)(1) PC, 405 PC, 245(c) PC X 2, 664 PC/459 PC, 664 PC/451(b) PC, 71 PC	6. CRIME Vandalism causing damage over \$400.00 , Participating in a riot, Assault with a deadly weapon against a police officer, Attempted Burglary, Attempted Arson of an inhabited property, Threatening a University official
7. INCIDENT DATE <u>12-11-09</u> TIME <u>2306</u>	8. INCIDENT LOCATION University House (UC Berkeley)	9. ADDL. NAMES ATTACHED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

10. NARRATIVE

NARRATIVE:

On 12-11-09, about 2306 hours, Officer Wyckoff and I, along with numerous other officers responded from the station to a report of a large group of people (Approximately 75 to 100) walking westbound on Hearst Avenue near Euclid Avenue. Some of the people in the group were reportedly wearing ski masks and throwing trash cans at cars near Euclid Avenue and Ridge Road. UCPD dispatch reported the call to BPD due to the fact that it was happening on the Berkeley city streets. At about 2311 hours, the call was updated to a report of a large group rioting in the area of Euclid Avenue and Ridge Road. It was also reported that the group was now breaking windows, knocking over items, and damaging cars. Sgt. Tucker #S13 and some other officers responded to the central campus on area on foot and Sgt. Tucker reported that he could hear the group near the northwest area of campus. At 2313 hours, UCPD dispatch reported that the group was headed to the Chancellors house. It was at that point that Officer Wyckoff and I responded to the CX from the west crescent (West end of campus). UCDP dispatch also reported at 2313 hours that the group was now attempting to break into the Chancellors house. In an attempt to stop the group from continuing to break into the Chancellors house, Officer Wyckoff and I turned on our vehicles overhead emergency lights and we activated our siren as we drove up the driveway to the Chancellors house.

As we were driving up the driveway, we could see a large group of people in front of the house. There were groups of people on the driveway level, on or near the south steps leading up 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 up near the door ran down the stairs to the driveway level and some ran west bound towards the garage area. The group that was on the driveway level started running west and northbound away from the house. 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. I put out over the police radio that we were taking fire bombs. Due to the fact that our windows were down, some of the embers of the burning objects were coming into our vehicle. We had to roll up our windows to prevent ourselves from being burned. At this point, Officer Wyckoff and I were in fear for our safety. I parked the police vehicle in front of the Chancellor's house on the south side. We watch as more people threw burning objects towards the Chancellors backyard into the foliage. I also saw an unknown subject throw a burning object into a tree on the southwest portion of the property. The burning object stayed in the tree burning for about 30 seconds and then it fell down to the ground. From all indications, the crowd was rioting.

Once most of the crowd had dispersed, we exited the vehicle and we saw a male subject coming down the steps of the Chancellors house. Officer Wyckoff detained the suspect for suspicion of participating in a riot and trespassing. At that moment, we did not know the extent of the damage to the Chancellors house. The subject we detained was identified via his valid California Driver's License to be [redacted] had a camera in his hand and we seized it as evidence to a crime. [redacted] claimed that he was a member of the press and that he had a press pass. He also said that he had a right to be here and that he was not doing anything wrong. Officer Wyckoff placed him into handcuffs, checked the cuffs for tightness, and then doubled locked him. We then conducted a quick search of his person for any weapons and then we placed him into our police vehicle. We obtained his press pass and we noticed that it had expired as of December 2008.

Due to the fire concerns, Officer Wyckoff got the fire extinguisher out of our vehicle and extinguished all of the flaming objects which turned out to be large torches that had homemade wicks that were soaked with and unknown accelerant.

11. COPIES

TO: DETECTIVES PATROL DISTRICT ATTY. RISK MGT. E.H&S OTHER OTHER

12. REPORTING OFFICER 13. DATE AND TIME 14. APPROVING SUPERVISOR 15. DATE

J. MANCHESTER #98 12-12-09 / 2127 hrs. [Signature] 325 12/12/09

CONTINUATION REPORT

**UNIVERSITY OF CALIFORNIA
POLICE DEPARTMENT
BERKELEY
CA 0019700**

2. CASE NUMBER
09-05768

1. INCIDENT REPORT
 CRIME REPORT
 ARREST REPORT

3. PAGE **7** OF **10**

4. TYPE REPORT

ORIGINAL SUPPLEMENT

5. CODE SECTION/DESCRIPTION

**594(b)(1) PC, 405 PC,
245(c) PC X 2, 664
PC/459 PC, 664
PC/451(b) PC, 71 PC**

6. CRIME

**Vandalism causing damage over \$400.00 ,
Participating In a riot, Assault with a deadly
weapon against a police officer, Attempted
Burglary, Attempted Arson of an Inhabited
property, Threatening a University official**

7. INCIDENT

DATE **12-11-09** TIME **2306**

8. INCIDENT LOCATION

University House (UC Berkeley)

9. ADDL. NAMES ATTACHED

YES
 NO

10. NARRATIVE

Other officer's responded to the area both on foot and in vehicles. We also informed BPD of the incident and we requested that they saturate the area for splinter groups. BFD was also notified and they responded to make sure that all of the fires were extinguished at or near the University House.

Sgt Tucker #S13 and Officer's Wong #88, Syto #41, and Odyniec #79 arrived on scene and they started to conduct an area check of the University House and the surrounding areas for any of the fleeing suspects. During the area check, Officer's Wong and Syto, located some suspects hiding in the creek area southeast of the University House. Officer's Wong and Syto stopped and detained three subjects who were later identified to be, I

), and . Officer Odyniec saw a subject whom attempted to flee from him near the area that Officer's Wong and syto had located their three suspects. Officer Odyniec was able to pursue the fleeing suspect and detained him. The suspect was later identified to be . Officer's Wong, Syto, and Odyniec walked all four suspects over to the south side of the University House where the police vehicles were located.

Corporal Zuniga #73 arrived on scene and made contact with . at the front door of the University House. Corporal Zuniga confirmed that : and his wife were safe and unharmed. The Chancellor and his wife were very frightened and they were in fear for their personal safety.

Sgt Tucker located and detained two suspects hiding near the garage of the University House. Officer Choo #71 responded to that location to assist with the stop. The two suspects were identified to be) and . Sgt Tucker talked to while Officer Choo talked with .

Per Officer Choo's attached supplemental report, Sgt. Tucker requested that Officer Choo interview I . At the time of the interview, neither subject was handcuffed. In summary, told Officer Choo that on 12-11-09, between 1700 and 1900 hours, she and drove in from UC Davis to attend the "Boots Riley" concert that was originally scheduled to take place at Wheeler Hall at 1930 hours. She said that she was aware that UCPD had cleared and secured Wheeler Hall, but her friend had told her to meet at the south steps of the building because the concert was going to still take place, but at an alternate location. said that her and her friends joined a large group on the south exterior of Wheeler Hall and they later marched to Casa Zimbabwe (A UC Berkeley student co-op house located north of campus at 2422 Ridge Road) It was there that the "Boots Riley" concert took place. After the concert, she accompanied 40 to 50 attendees of Casa Zimbabwe on a march back onto UC campus with flaming torches "For Ilght". They arrived at the University House and shortly thereafter, the situation became volatile. She said that members of the group started "Running everywhere" and "Breaking things." She saw UCPD vehicles approaching and panicked. She said that she first attempted to run westbound and out onto Hearst Avenue, but then she realized that she would not make it. She then turned back and hid in the bushes just west of the backyard access gate on the north side of the University House where she was later discovered by the police.

After conferring with Sgt. Tucker, Officer Choo was instructed to place under arrest and he did. He placed her in handcuffs, checked the cuffs for tightness, and then doubled locked them. After interviewing Sgt. Tucker placed her under arrest. He placed her in handcuffs, checked the cuffs for tightness, and then doubled locked them. Sgt. Tucker and Officer Choo walked and over to the south side of the University House where they were subsequently searched and placed into a transport vehicle. During the search incident to arrest Officer Choo located a camera on . I seized the camera as possible evidence to this crime.

11. COPIES

TO: DETECTIVES PATROL DISTRICT ATTY. RISK MGT. E.H&S OTHER
12. REPORTING OFFICER 13. DATE AND TIME 14. APPROVING SUPERVISOR 15. DATE

1. MANCHESTER #98 12-12-09 / (212) hrs [Signature] 525 12/12/09

CONTINUATION REPORT

**UNIVERSITY OF CALIFORNIA
POLICE DEPARTMENT
BERKELEY
CA 0019700**

2. CASE NUMBER
09-05768

1. INCIDENT REPORT
 CRIME REPORT
 ARREST REPORT

3. PAGE **8** OF **10**

4. TYPE REPORT

ORIGINAL
SUPPLEMENT

5. CODE SECTION/DESCRIPTION

**594(b)(1) PC, 405 PC,
245(c) PC X 2, 664
PC/459 PC, 664
PC/451(b) PC, 71 PC**

8. CRIME

**Vandallism causing damage over \$400.00 ,
Participating in a riot, Assault with a deadly
weapon against a police officer, Attempted
Burglary, Attempted Arson of an inhabited
property, Threatening a University official**

7. INCIDENT

DATE **12-11-09** TIME **2306**

8. INCIDENT LOCATION

University House (UC Berkeley)

9. ADDL. NAMES ATTACHED

YES
 NO

10. NARRATIVE

Per Officer Garlick's attached supplemental report, she approached the scene from the west on Hearst Avenue (Going eastbound on Hearst Avenue). As she approached the area, she saw several individuals slowly scattering westbound on Hearst Avenue adjacent to the north side of the University House. She stopped her car and identified herself as a Police Officer and ordered the individuals to stop by shouting, "Police Officer - Stop." The individuals kept walking and scattered in a westbound direction down Hearst Avenue. One of the suspects was wearing a black floppy felt hat that covered part of this face. He had a dark colored bandana pulled up around his nose, which was covering the bottom half of his face between his eyes and his collar. She recognized that the method he used to cover his face was similar to the methods she has seen people use to evade identification in a protest related situation involving criminal activity. As this subject tried to pass her, she placed her hand in the center of his chest and said "Stop!" He asked her if he was being detained and she advised him that he was. She placed him in handcuffs to prevent him from fleeing. She pat searched the suspect for weapons and secured him in the backseat of her police vehicle. She identified the suspect via his California Driver's License to be [redacted]. Per UCPD dispatch, [redacted] was arrested in the earlier incident at Wheeler Hall for trespassing. He was not only arrested at Wheeler Hall, he was issued a stay away from UC campus pursuant to 626.6 PC; which he had just violated. While [redacted] was sitting in the backseat of the patrol vehicle, he asked her if he could talk to her about it. She told him that she would talk to him at a later time. A few minutes later, [redacted] spontaneously stated, "I was walking with a group of people. They were chanting "Whose streets-our streets!" [redacted] said that the people in the group were also throwing things into the street and he was picking up after them. Per Sgt. Tucker's order, Officer Garlick advised [redacted] that he was being arrested. She transported him to the south side of the University House with the rest of the arrestees.

I walked up to the University House from the south steps. I could see that numerous light fixtures that lined the stairs going up to the University House had been broken. There was glass from the large bulbous glass light fixtures all over the ground. Once I got to the top of the steps, I could see a large terracotta flower pot on the base of the second flight of stairs that lead up to the front door of the University House. I also saw that a large terracotta flower pot had been knocked over on the lawn area just east of the first flight of stairs. From there, I could see a large blue garbage can with what appeared to be recyclables in and around it. The garbage can was lying on its side in front of the front door (Main entrance) of the University House. This garbage can may have been used to ram the front door. I also saw two large terracotta flower pots on the ground near the front door. One was broken into pieces and the other appeared to be mostly intact. The plants that were inside those pots were now on the lying on the ground. The large terracotta pot that was mostly intact was on the ground directly beneath the window just east of the front door. That window was shattered and it had major damage to it. The window was hit so hard with what appears to be the terracotta flower pot that it busted the wooden window frame on the inside of the house causing part of the frame to dislodge and fall to the floor inside of the house. The window just to the east of the shattered window had been hit with a glass bottle but the window itself did not shatter. There was broken glass from the glass bottle on and around the window seal.

I also saw that there was a dirty footprint on the window just west of the front door. It appeared that an unknown person kicked the window in an attempt to break it. The window that was just west of the window with the footprint on it was shattered. It is unknown what caused that window to shatter. That window was hit so hard that it caused glass to spray about five feet inside of the house all over some furniture. All of these windows are made with shatter proof glass so it would have to take a large amount of force to break these windows.

1. COPIES

TO: DETECTIVES PATROL DISTRICT ATTY. RISK MGT. E.H&S OTHER OTHER

2. REPORTING OFFICER

13. DATE AND TIME

14. APPROVING SUPERVISOR

15. DATE

MANCHESTER #98 **12-12-09 / 2127 hrs.** **[Signature]** **525** **12/12/09**

CONTINUATION REPORT

1. INCIDENT REPORT
 CRIME REPORT
 ARREST REPORT

**UNIVERSITY OF CALIFORNIA
POLICE DEPARTMENT
BERKELEY
CA 0019700**

2. CASE NUMBER
09-05768

3. PAGE **9** OF 10

4. TYPE REPORT
 ORIGINAL SUPPLEMENT

5. CODE SECTION/DESCRIPTION
594(b)(1) PC, 405 PC, 245(c) PC X 2, 664 PC/459 PC, 664 PC/451(b) PC, 71 PC

6. CRIME
Vandalism causing damage over \$400.00, Participating in a riot, Assault with a deadly weapon against a police officer, Attempted Burglary, Attempted Arson of an inhabited property, Threatening a University official

7. INCIDENT
DATE **12-11-09** TIME **2306**

8. INCIDENT LOCATION
University House (UC Berkeley)

9. ADDL NAMES ATTACHED
 YES
 NO

10. NARRATIVE

I also saw that there was a make shift torch on the ground near the front door and near the shattered window that was just east of the front door. It appeared that the torch had been thrown at the house due to the fact the makeshift wick had broken off the tip of the torch. The burnt wick portion was on the ground in front of the shattered window just east of the door. The handle portion of the torch was in front of the door. Based on the evidence, it appears to me that the lit torch was thrown at the house but nothing caught on fire due to the area being saturated by rain. It is most likely that the results of throwing a lit torch at the house would have been very different if the area was dry.

Due to the amount of the damage and the violent actions that took place during the riot, it is my opinion that the mob was attempting to gain entry into the Chancellor's home so that they could further threaten and intimidate him.

After viewing all of the damage to the University House and the property that was damaged or destroyed outside of the house, it is my opinion that it will cost approximately \$5,000 to \$10,000 to fix and or repair. We will be requesting an estimate of the cost of repairs to the house and the replacement of the damaged items from our Physical Plant Services department.

I went in to the house and spoke with _____ wife. She told me that she heard the chanting and noticed that it sounded close to the house. She said that she looked out the window and she saw a large group of people outside. She then heard loud banging towards the front of the house. She woke up _____ and told him what was going on and then she went down stairs to investigate. Once downstairs, she felt that the large group of people were attempting to break into the house, so she went back upstairs and told _____ what was happening and they retreated to a safe location in the home. Once they were in a safe location, they called UCPD to report what was happening. She expressed to me that it was a very scary situation for the both of them and they were in fear for their personal safety.

I gave Officer Lachler #38 my camera and had her take some photos of the damage to the south side of the University House. While she was doing that, the battery died. She was able to get some photos taken prior to the camera dying. Officer Lachler then requested an additional camera to be brought to the crime scene. Once a second camera arrived she took some additional photos. Officer Wyckoff also took the camera to the jail and took photos of suspects. Officer Wyckoff printed copies of the photos taken with both cameras (See attached photos). Officer Wyckoff then downloaded the unaltered digital photos from both cameras onto a CD and booked then CD into evidence.

Officer Torres #43 and Security Patrol Officer (SPO) Parsley #116 processed the crime scene. They took video evidence as well as digital photo evidence of the crime scene. Then they collected all of the physical evidence that was scattered around the area. There ended up being a total of seven torches that were recovered from the crime scene. There were other evidence items that were recovered from the scene (See SPO Parsley's attached supplemental report and evidence page).

The two cameras that I seized were placed into a secured locker in the detective's office. Detectives Miller #32 and Reich were given custody of the two cameras that I seized from _____ and _____ along with four CD's that I recovered from _____'s backpack and a memory card that I recovered from _____'s backpack

COPIES TO: DETECTIVES PATROL DISTRICT ATTY. RISK MGT. E.H&S OTHER

REPORTING OFFICER: **MANCHESTER #98** 13. DATE AND TIME: **12-12-09 / 2127 hrs.** 14. APPROVING SUPERVISOR: *[Signature]* 16. DATE: **12/12/09**

CONTINUATION REPORT

UNIVERSITY OF CALIFORNIA
POLICE DEPARTMENT
BERKELEY
CA 0019700

2. CASE NUMBER
09-05768

1. INCIDENT REPORT
 CRIME REPORT
 ARREST REPORT

3. PAGE 10 OF 10

4. TYPE REPORT
 ORIGINAL
SUPPLEMENT

5. CODE SECTION/DESCRIPTION
594(b)(1) PC, 405 PC,
245(c) PC X 2, 664
PC/459 PC, 664
PC/451(b) PC, 71 PC

6. CRIME
Vandalism causing damage over \$400.00 ,
Participating in a riot, Assault with a deadly
weapon against a police officer, Attempted
Burglary, Attempted Arson of an inhabited
property, Threatening a University official

7. INCIDENT
DATE 12-11-09 TIME 2306

8. INCIDENT LOCATION
University House (UC Berkeley)

9. ADDL. NAMES ATTACHED
 YES
 NO

10. NARRATIVE
All of the prisoner property was brought to UCPD where it was searched for evidence and then placed into the prisoner property holding area for safe keeping

All eight of the suspects that were detained in relation to this incident were placed under arrest for 594(b)(1) PC (Vandalism causing damage over \$400.00), 405 PC (Participating in a riot), 245(c) PC X 2 (Assault with a deadly weapon against a police officer), 664 PC/459 PC (Attempted Burglary), 664PC/451(b) PC (Attempted Arson of an inhabited property), and 71 PC (Threatening a University Official). Due to the fact that [redacted] had been issued a 626.6 PC stay away order earlier in the day and he violated the order by participating in this event, he was also charge with the violation of 626.6 PC. He was the only suspect that had this additional charge. All eight subjects were transported to the Santa Rita Jail for booking. All of the male suspects were transported by BPD in a transport van. The remaining female suspects were transported in two UCPD patrol vehicle that were driven by Officer's Wyckoff and Odynlec.

Officers Wyckoff and Odynlec assisted the Alameda County Sheriffs Deputies with the booking of all eight prisoners. Per Officer Wyckoff's attached supplemental report, he read all of the suspects the Miranda Admonishment and all but [redacted] refused to talk to Officer Wyckoff about their involvement in the incident. [redacted] agreed to talk to Officer Wyckoff about the event. In summary, [redacted] said he came to Berkeley to attend the concert at Casa Zimbabwe; that was originally supposed to be at the UC Wheeler Hall. He said he arrived on 12-11-09 at about 2300 hours, and the concert was already over. He said he saw what he thought was a political march forming, so he decided to follow it and document it as a journalist. He repeatedly said he didn't know where the group was marching to or what their intentions were. [redacted] denied being involved in any criminal activity during the incident. Officer Wyckoff questioned [redacted] regarding what he thought the group was going to do and he ([redacted]) denied any knowledge. When Officer Wyckoff asked [redacted] about when the group lit their torches, he ([redacted]) got uncomfortable and said he did not think he should answer that. Officer Wyckoff reminded [redacted] that if he were being honest and did nothing wrong, he should have no reason not to answer. [redacted] continued to get uncomfortable every time Officer Wyckoff tried to ascertain when the group became hostile.

While Officer Wyckoff was interviewing [redacted] he was writing down ' [redacted] story in the form of a written statement. When [redacted] was finished talking, Officer Wyckoff showed him what he had written and asked him to review and sign it as his written statement. [redacted] refused and said, "I didn't say I would give a written statement." Officer Wyckoff destroyed the paper statement and told [redacted] that would still document in his police report what he said.

Officer Wyckoff issued all of the non student affiliates a Notice of Immediate Exclusion From The University of California Berkeley pursuant to section 626.6 of the California Penal Code. This stay away order is good for 7 calendar days. Per Sgt. Tucker's order, the suspects that were students were Issued a Notice of Immediate Exclusion From The University of California Berkeley pursuant to section 626.4 of the California Penal Code. This stay away order is good for 14 calendar days.

would like to request that all subjects (Student and none students) that were involved in this case be issued a permanent stay away order from all University of California property.
Nothing further.

COPIES
TO: DETECTIVES PATROL DISTRICT ATTY. RISK MGT. E.H&S OTHER OTHER
REPORTING OFFICER 13. DATE AND TIME 14. APPROVING SUPERVISOR 15. DATE
MANCHESTER #98 12-12-09 / 2127 hrs. [Signature] 525 12/12/09