

1 James R. Wheaton, State Bar No. 115230
2 David A. Greene, State Bar No. 160107
3 Geoffrey W. King, State Bar No. 267438
4 **FIRST AMENDMENT PROJECT**
5 1736 Franklin Street, 9th Floor
6 Oakland, CA 94612
7 Telephone: (510) 208-7744
8 Facsimile: (510) 208-4562

9 Attorneys for Movant
10 DAVID MORSE

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

13 IN RE SEARCH WARRANT ISSUED
14 DECEMBER 12, 2009

15 Warrant No. 2009-2775

16 **NOTICE OF ENTRY OF ORDER**

17 DATE: June 18, 2010

18 TIME: 2:00 PM

19 DEPT: 115

20 Hon. Yolanda Northridge

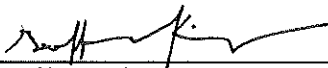
1 Please take NOTICE that on June 18, 2010, the Alameda County Superior Court entered the
2 following Order:

3 **ORDER TO QUASH SEARCH WARRANT AND RETURN PROPERTY**

4 A copy of which is attached hereto as Exhibit A.

5
6 Date: June 25, 2010

FIRST AMENDMENT PROJECT

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9 By: 
10 Geoffrey King
11 Attorneys for David Morse
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2 **PROOF OF SERVICE**

3 I, Nicole Feliciano, hereby declare:

4 I am over the age of 18 years and am not a party to this action. I am employed in the
5 county of Alameda. My business address is First Amendment Project, 1736 Franklin Street,
6 Ninth Floor, Oakland, CA 94612.

7 On June 25, 2010, I caused to be served the attached:

8 **NOTICE OF ENTRY OF ORDER**

9 X **BY MAIL** I caused the above identified document(s) addressed to the party(ies) listed
10 below to be deposited for collection at the Public Interest Law Offices or a certified United States
Postal Service box following the regular practice for collection and processing of correspondence
for mailing with the United States Postal Service. In the ordinary course of business.

11 Michael R. Smith University of California Police Department,
12 Chief Campus Counsel and Associate Berkeley
13 General Counsel Attn: Detective Isaac Koh
14 UC Berkeley 1 Sproul Hall
Office of Legal Affairs Berkeley, CA 94720-1199
15 200 California Hall, #1500 Phone: 510 642-6760
Berkeley, CA 94720-1500 Fax: 510 643-4655
16 Phone: (510) 642-7122
Fax: (510) 643-5980

17 Nancy E. O' Malley, District
18 Attorney Alameda County District
Attorney's Office
19 1225 Fallon St. Suite 900
Oakland, Ca 94612
Phone: (510) 272-6222
20 Fax: (510) 271-5156

21
22
23 I declare under penalty of perjury, under the laws of the State of California, that the
24 foregoing is true and correct, and that this Declaration was executed at Oakland, California on
25 June 25, 2010.


26 
27 _____
28 Nicole Feliciano
DECLARANT

EXHIBIT A

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

CLERKS DOCKET AND MINUTES

1. DOCKET NAME _____ DEPT. 115 CRT. DATE/TIME 6/18/10 2:00pm

2. EVENT NAME In re Search Warrant Issued 12-1209 RPT. NO. _____ DOCK NO. 2009-277
MORSE, David - morant

3. PROC. _____ CEN. _____ PFN. _____ A DAY _____ SJ DATE _____

4. CHARGES _____

5. BAIL _____ STAT. _____ BOND DT. _____ BOND CO. _____ DOB _____

BAIL _____ STAT. _____ BOND DT. _____ BOND CO. _____ BAC _____

6. FINE/REST. _____ DATE PAID _____ REC. NO. _____ TIME WAIVED _____

PROCEEDING

7. JUDGE Yolanda Northridge DEP. D.A. Michael Goldstein
8. DEP. CLERK Berissa Santos DEF. ATTY. DAVID GREENE Not Present
9. REPORTER _____ OTHERS _____

Defendant (Def): Present In Custody Pro Per Not Present Excused PC977 on file Failed to Appear

Interpreter: _____ present Certified Sworn Language Interpreted: _____

Deft duly arraigned Deft advised as to constitutional rights Advisement of Rights Filed Deft waives formal arraignment

Defendant served: Information / Indictment / Complaint / Petition

Protective Order (PC136.2): Issued Modified Terminated Served Stay away from _____ Do not harass _____
 At least _____ yards

Referred to Public Defender (PubDef) PubDef files conflict Financially ineligible PubDef Appointed Private Atty apptd

Waiver of Rights and Plea form filed Plea Withdrawn Change of Plea

Plea Entered: Not Guilty / Guilty / No Contest Found Guilty as to count(s) _____

Plea to a lesser included/reasonably related offense: Guilty No Contest of Count _____ to the charge of _____

Clauses: Dismissed _____ Admitted _____ Denied Sentencing Purposes Only

Priors: Stricken _____ Admitted _____ Denied Sentencing Purposes Only

Time waived for: Preliminary Exam 10 / 60 days Trial Sentence Time not waived Time waiver withdrawn

Probation: Conditional Sentence: Granted for _____ years / months See attached conditions Denied

Probation Violation: Deft Denies Violation Hrg Waived Matter Submitted Deft Admits/Found Not Found in Violation

Revoked Restored Modified Extended to _____ Continue same terms & conditions Terminated

Petition / Motion by Deft's for MOTION TO CANCEL Granted Denied Withdrawn

Referred to: Probation Dept. Financial Hearing Officer Search Warrant and Return Property

Bail: Forfeited in Open Court While Court was in Session Forfeiture Set Aside Reinstated Exonerated

Summary Judgment Entered Warrant: Bench Warrant Issued Bail Set at \$ _____ Bench Warrant Recalled

Bench Warrant Withheld Bench Warrant Withdrawn No Cite Release Night Svc Deft OR'd Deft Remanded

Cont: Date: _____ Time: _____ Dept. _____ Proc.: _____ Date: _____ Time: _____ Dept. _____ Proc.: _____

CORPUS Codes: _____

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10 DAVID MORSE

FILED
ALAMEDA COUNTY

JUN 18 2010

CLERK OF THE SUPERIOR COURT

By _____ Deputy

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

13 IN RE SEARCH WARRANT ISSUED
14 DECEMBER 12, 2009

Case No.: *2009-2775*

**[PROPOSED] ORDER TO QUASH
SEARCH WARRANT AND RETURN
PROPERTY**

DATE: *06/18/10*

TIME: *2:00 PM*

DEPT: *115*

Hon. *Yolonda Northridge*
Judge

15 **[PROPOSED] ORDER**

16 **Good cause appearing,**

17 The Court grants the Motion to Quash Search Warrant and Return Property as to Movant
18 DAVID MORSE. The Court ORDERS that the search warrant issued on December 12, 2009 be
19 quashed as it pertains to the Sony Digital Camera, Model MVC-CD500, serial number 36459; two
20 Memorex CD-R discs, 210 MB each; and all unpublished photographs; all belonging to DAVID
21 MORSE. The Court further ORDERS the return of the aforementioned items and all copies of
22 unpublished photographs by DAVID MORSE seized pursuant to the warrant. *U.C. is to provide*
23 *a declaration to court on or before 6-22-10 listing persons or entities to whom*
24 *IT IS SO ORDERED. it provided copies of the photographs.*

25 *June 18, 2010*

26 *Yolonda Northridge*
27 Judge of the Superior Court
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