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Case No. 24CR07427

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SANTA BARBARA

SANTA BARBARA; FIGUEROA DIVISION

DEPARTMENT SB-2

HON. PAULINE MAXWELL, JUDGE

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IN RE @UCSBLIBERATEDZONE and)
@SAYGENOCIDEUCSB,)
META PLATFORMS, INC., and)
UNIVERSITY OF CALIFORNIA SANTA)
BARBARA POLICE DEPARTMENT,)

Real Parties in Interest.) Volume 1 of 1
(Pages 1-7)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Friday, December 20, 2024

APPEARANCES:

For the Petitioner:

STEELE LAW FIRM
BY: RICHARD ADDISON STEELE, II, ESQ.
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For the Respondent:

NYE, STIRLING, HALE, MILLER & SWEET, LLP
BY: JONATHAN D. MILLER, ESQ.
33 West Mission Street, Suite 201
Santa Barbara, California 93101



Reported by:

CHRIS DUNSMORE, CSR #14330
Official Court Reporter
1100 Anacapa Street
Santa Barbara, California 93101

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1 SANTA BARBARA, CALIFORNIA; FRIDAY, DECEMBER 20, 2024

2 A.M. SESSION

3 --o0o--

4
5 THE COURT: UCSB Liberated Zone, 24CR07427.
6 Counsel?

7 MR. STEELE: Addison Steele for John or Jane
8 Doe, person potentially impacted by the warrants.

9 MR. MILLER: Thank you, Your Honor. Jonathan
10 Miller for the Regents of the University of
11 California, including their police department.

12 THE COURT: I've indicated that I'm -- my
13 tentative is to quash the warrant.

14 Would you like to be heard, Mr. Miller?

15 MR. MILLER: Yes, I would. Thank you very
16 much, Your Honor.

17 Your Honor, based on your tentative to quash
18 the warrant, I would just offer that this was
19 petitioner's burden, from the outset, to demonstrate
20 any issues or defects in the warrant. And they needed
21 to do that by showing that there were inaccurate or
22 false --

23 (Reporter's interruption.)

24 MR. MILLER: Pertinent facts. They meet their
25 burden by showing that there were inaccurate or false
26 pertinent facts upon which the warrant was drafted and
27 the basis of probable cause was stated.

28 And what you have before you, in everything

1 that's been filed to date, the oral argument that we
2 had last time, and the supplemental brief that was
3 just filed and delivered to me at 12:19 this morning,
4 after the Court's deadline of the 16th, is argument.
5 There are no facts. There are no declarations. There
6 is no evidence. And no evidence has been proffered.

7 And so I would suggest to this Court that
8 under all the relevant standards of the burden of
9 proof, which the petitioner clearly has under the
10 relevant case law, that they haven't met that burden
11 to demonstrate that the warrant doesn't have
12 sufficient probable cause to go forward, that the
13 accounts identified do not have pertinent or relevant
14 information, and that the warrant is not, on its face,
15 valid, as is the standard, per deference, for a valid
16 warrant. And so, very respectfully, Your Honor, I
17 think that that ruling is not appropriate because,
18 again, that was petitioner's burden to meet, and all
19 we have heard, repeatedly, in all the hearings, is
20 argument and no evidence.

21 And, you know, we, in contrast, have submitted
22 a very long warrant with attached photographs,
23 attached evidence to meet the standards applicable.
24 And that's entitled to deference, and that's entitled
25 to the presumption that it is valid. And I just would
26 suggest to Your Honor that on that basis you might
27 reconsider your ruling because I do not believe the
28 concerns that have been raised have been addressed

1 sufficiently to meet the burden of proof required by
2 the petitioner. Thank you.

3 THE COURT: Well, I believe challenging the
4 facts in the probable cause statement are required for
5 a motion to traverse. But to quash, I think you just
6 have to challenge the probable cause.

7 The issue, here, is that when First Amendment
8 and privacy rights are implicated the State has to
9 show a compelling interest that justifies invading
10 those rights. I do believe that the identity of
11 anyone who posted anything about the events at Girvetz
12 Hall, there is such a compelling interest in the
13 identity of those people.

14 I don't believe there's a compelling interest
15 in an unlimited number -- there's no -- not even a
16 date and time limitation on the warrant. It could
17 expose an unlimited number of people's privacy and
18 First Amendment rights, and I think that is overbroad.

19 And so I want to make clear that I'm quashing
20 it only on the basis that it's overbroad and not on
21 the basis that there is not some relevant material
22 here that should be produced.

23 We do grant the police broad leeway in issuing
24 search warrants. And part of that reason is that
25 there are -- there are protections in place when
26 irrelevant material is produced. But when First
27 Amendment and privacy interests, especially privacy
28 interests in electronic records, are implicated, I --

1 I think that we have to raise the bar and make there
2 be a compelling State interest. And I just don't
3 believe there is a compelling State interest in the
4 identity of everyone who looked at these websites.

5 I think it's similar to the NAACP not being
6 required to disclose its membership lists in White
7 versus Davis. That -- I view the membership lists as
8 akin to everybody who joined this website or looked at
9 it. And the Court said that that was overbroad. So
10 I'm going to go with that, and I'm going to quash the
11 warrant. And obviously, UCSB is free to seek another
12 warrant that is not as broad.

13 MR. MILLER: Thank you, Your Honor.

14 THE COURT: Thank you, Mr. Steele.

15 MR. STEELE: Thank you, Your Honor.

16 That's everything I have in your courtroom
17 today.

18 THE COURT: Yes. Thank you.

19 (Proceedings concluded.)

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
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IN RE @UCSBLIBERATEDZONE and)	
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BARBARA POLICE DEPARTMENT,)	
)	
Real Parties in Interest.)	REPORTER'S
)	CERTIFICATE
)	

I, Chris Dunsmore, CSR No. 14330, Certified Shorthand Reporter of the State of California, for the County of Santa Barbara, do hereby certify that the foregoing pages 3 through 6, inclusive, are a true and correct transcript of the proceedings held on December 20, 2024, in the above-entitled cause.

DATED: Santa Barbara, California,
January 8, 2025.


CHRIS DUNSMORE, CSR 14330
Official Reporter

*Please note: Copies of this transcript are not certified and do not conform with the provisions of Government Code Section 69954(d) unless they bear the original signature of Chris Dunsmore.