

The Law Office of Walter B. Batt

— A LAW FIRM —

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November 18, 2009

Michael McCann
Deputy District Attorney
Office of the District Attorney, County of San Diego
330 W Broadway
San Diego, CA 92101

RE: People v. Chivatchev
Case Number: SCD223206
DA Number: ACP30301
Notice of Video Footage Copyright

Dear Mr. McCann:

I am attorney for Mr. Darren Chaker. (“Client”) Mr. Chaker was present when the police responded to the above matter that resulted in the filing of the felony charges against Mr. Chivatchev. Mr. Chaker happened to have a camera on his person at the time and as the police responded; my Client entered the apartment building with the responding officer. As the officer response occurred, Mr. Chaker was able to audio and video record the events he was witnessing in the public spaces of the apartment complex. It is my understanding you have a copy of this video provided as evidence in the pending case. (hereinafter, “Video”)

Mr. Chaker has asked me to contact you, the PD and the Investigator in this matter in regard to the Video. Mr. Chaker has copyrighted the video. He was narrating what he saw in the public areas of the building as he observed the events. It is his intent to shed light on the lack of response by the residents of the apartment complex to the chilling events that occurred. Only Mr. Chaker responded when he heard the cries for help despite the fact that the apartment complex had many residents within close proximity to the crime scene. This societal commentary was the impetus behind Mr. Chaker’s copyright of his video. He intends to share his story and to develop further ancillary projects based on his copyrighted video concerning the public’s indifference to those in need and the pervasive feeling that not getting involved is now the default non-response of the public. Mr. Chaker is sharing his story from a personal perspective about why he felt compelled to help the responding officer find the crime scene and the subsequent documentary Mr. Chaker filmed and narrated as the events unfolded.

Although I am certain your use of the video Mr. Chaker created would be limited to its evidentiary value in the criminal matter, it is Mr. Chaker’s request that the Video not be shown or disseminated to the public for any purpose.

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Page 2

I appreciate your efforts in respecting Mr. Chaker's rights while not limiting the proper uses of the Video in your prosecution of Mr. Chivatchev in the criminal matter.

If you have any questions or concerns, please let me know.

Best regards,

Walter B. Batt
Attorney-at-law

Cc: Mr. Darren Chaker

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NOTICE OF COPYRIGHTED VIDEO