



Peeping Tom Sues City to Get Porn Back

Lawyers Say City Will Probably Have to Return Hundreds of Pornographic Videos, Mags

By SCOTT MICHELS

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A convicted peeping Tom is suing a California city to force the police to return his collection of more than 700 pornographic videos and magazines seized during a criminal investigation.

Dennis Saunders, who was jailed in 2002 for secretly videotaping a woman and a 17-year-old woman, sued the city of San Rafael in March after the police refused to return the porn, which his lawyer said was unrelated to Saunders' criminal case.

"There's no legal authority for them to withhold this material," said Saunders' attorney, Jon Rankin. "There's nothing dangerous about this stuff. You can buy it at any corner video store."

Saunders was convicted in 2002 of more than 40 misdemeanors for secretly taping a 45-year-old woman and 17-year-old woman in their bedrooms and bathrooms inside their San Rafael apartment complex.

He was sentenced to more than eight years in jail, but released in August after time off for good behavior, Rankin said. Saunders has a long history of prior peeping Tom convictions.

During their investigation, police seized Saunders' extensive porn collection of about 500 videos and about 250 magazines, which Rankin said were worth more than \$10,000. The city has since refused to return the material, prompting Saunders' lawsuit, which is also asking for punitive damages.

Saunders is not asking for the tapes of the victims back. Rankin said all the pornographic material was legal to own.

Thomas Bertrand, the lawyer who is representing San Rafael, did not return calls for comment Tuesday. Bertrand told the Marin Independent Journal that the city was seeking guidance from a judge on whether it would be "lawful or appropriate" to return the material to Saunders.

"If the court orders us to give it back to him, we will give it back to him," Bertrand told the paper.

Several criminal lawyers in California told ABC News that Saunders probably has the right to have his porn back.

As long as the videos and magazines are legal to possess and are not evidence in a pending case, the city will have to return it, the lawyers said.

"It seems like a no-brainer," said Jeremy Blank, a criminal defense lawyer in San Francisco. "It's as if they seized his copy of 'Tropic of Cancer' [Henry Miller's once controversial novel]. It's not illegal, it's