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Lawsuit: Peeper wants his porn back

Gary Klien
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Let no one come between Dennis Saunders and his porn.

Saunders, who recently completed a jail term for secretly videotaping a woman and a teenage girl in San Rafael, asked police to return the massive porn collection they had seized during the investigation. The collection, including some 500 movies and 250 magazines, was not relevant to the criminal case and is otherwise legal material, said Saunders' attorney, Jon Rankin of Tiburon.



But San Rafael police declined to give the porn back to Saunders, who has history of peeping-related arrests dating to 1979. So Saunders has filed a lawsuit against the San Rafael Police Department and the city of San Rafael, demanding the return of his library.

"There's absolutely no legal foundation for them withholding perfectly legal adult-oriented material," Rankin said. "No one had shown me a shred of legal authority that has shown the government can hold on to that stuff."

Thomas Bertrand, an attorney representing San Rafael, said the city merely wants a judge's direction 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 said.

The suit is being heard by Judge James Ritchie, who also presided over Saunders' criminal trial. The district attorney's office, while not a party to the lawsuit, is exploring whether it will try to weigh in, said Chief Deputy District Attorney Kathryn Mitchell.

"We are looking

into our options with regard to what we can legally do in terms of what is basically civil litigation," Mitchell said. "We'll have to see what we can do."

Saunders, a 59-year-old Healdsburg resident, was arrested in 2002 on suspicion of secretly taping two female residents of the Marin Lofts off Smith Ranch Road, where he worked as a site manager. The residents, a 45-year-old woman and a 16-year-old girl who lived in different units, were recorded in their bedrooms and bathrooms.

San Rafael police searched Saunders' residence in Healdsburg and his workshop in Sebastopol, finding hundreds of lewd videotapes, both commercial pornographic movies and homemade videos of nude or partially clad local women. The list of evidence seized by San Rafael investigators is 40 pages long.

A jury convicted Saunders of 48 misdemeanor counts but deadlocked on two felony burglary counts. He received consecutive sentences totaling eight years and eight months in the county jail, but he was released Aug. 25 with credit for good behavior.

Saunders could not be reached for comment on the lawsuit. Rankin said his client is not seeking the homemade videos central to the criminal case, but there is no reason the rest of the material should not be returned.

The 500 videos alone, at roughly \$20 a piece, could be worth \$10,000, he noted.

"Nobody wants to have to go through the courts, but if they leave you no alternative, you either run away like a whipped dog, or you stand up for your rights," Rankin said. "I think it's more of a point of honor at this point. They said we're keeping this stuff and we don't have to give you any reasons why, and we say otherwise."

The next hearing is set for Oct. 30.

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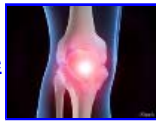
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