



Written by [Warren Mass](#) on June 22, 2017

California Court Dismisses Charges Against David Daleiden, Who Exposed Planned Parenthood

Judge Christopher Hite of the San Francisco Superior Court on June 21 dismissed 14 of 15 criminal counts filed against Center for Medical Progress (CMP) founder David Daleiden and his associate Sandra Merritt by California Attorney General Xavier Becerra back on March 28.

Becerra alleged that Daleiden and Merritt had invaded the privacy of staff personnel at Planned Parenthood by filming undercover videos of themselves trying to buy fetal tissue from the abortion provider. He said in a statement released with the charges:



The right to privacy is a cornerstone of California's Constitution, and a right that is foundational in a free democratic society. We will not tolerate the criminal recording of confidential conversations.

Hite ruled that counts 1-14 — pertaining to 14 separate interviews that Daleiden and Merritt conducted — were legally insufficient. However, the court dismissed the charges with “leave to amend,” which means Becerra could present new or more specific evidence and simply refile his accusations.

The court will still consider the remaining 15th charge, against Merritt alone, for conspiring to invade privacy.

In a statement to LifeNews, attorney Mat Staver of Liberty Counsel, representing Merritt, said, “This is a huge victory to have 14 criminal counts dismissed.”

“We will now turn our attention to dismissing the final count. Sandra Merritt did nothing wrong. The complaint by the California Attorney General is unprecedented and frankly will threaten every journalist who provides valuable information to the public. This final count will also fall,” said Staver.

Liberty Counsel was founded in 1989 by Staver and his wife, Anita L. Staver, who is also an attorney and president of the Christian-oriented law firm that offers pro-bono litigation on topics that fall within its pro-life, pro-family mission. Liberty Counsel has ties with Liberty University Law School, which was founded by the Reverend Jerry Falwell.

Horatio Mihet, Liberty Counsel's vice president of legal affairs and chief litigation counsel, who appeared with Merritt in court on June 21 was quoted by Life News: “Today we asked the San Francisco Superior Court to dismiss these outrageous and baseless charges against Sandra Merritt, and the court agreed to dismiss 14 of the 15 counts. Sandra did not break any law and the criminal complaint against her is legally deficient, vague and full of inconsistencies. No other citizen journalist or organization has ever been charged with a crime for undercover recordings.”

As we noted in [our article for March 29](#), written the day after Becerra brought his charges against the CMP's leaders, of the 15 charges brought against Daleiden and Merritt, 14 involved eavesdropping and recording “confidential communication between themselves and” various unnamed “Does” by means of



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“an electronic amplifying and recording device.”

The 15th charge alleged that Daleiden and Merritt, under the business name of Biomax Procurement Services, signed an exhibitor agreement and paid a \$3,225 registration fee to apply for exhibit space at the San Francisco NAF (National Abortion Federation) conference.

As we noted in our previous article, one would think that paying that hefty registration fee would grant them free access to participate in the conference as they saw fit, but Becerra thought otherwise.

Apparently, Daleiden and Merritt committed an unspeakable “crime” and “secretly recorded conference speakers, vendors, and attendees.”

They also, charged the complaint, “set up and secretly video recorded private meetings with health care professionals” in four California cities.

It was not the first time that charges have been brought against Daleiden and Merritt. As [we reported in our article last June 15](#), a Harris County, Texas, grand jury, which was called to evaluate charges against Planned Parenthood, inexplicably turned on Daleiden and Merritt and indicted them, instead.

However, on June 13, a Houston judge dismissed a misdemeanor charge of attempting to buy human organs against Daleiden, who had secretly videotaped Planned Parenthood officials in Houston.

National Review, in a June 21 report, cited a statement made that day by an official with Liberty Counsel who said that his colleagues are optimistic about having the 15th charge dropped, as well. The counselor also pointed out that Becerra received thousands of dollars in campaign donations from both Planned Parenthood and NARAL during his time as a Democratic congressman.

That report noted that there is still a civil lawsuit pending against the CMP in California, brought by Planned Parenthood and the National Abortion Federation. Unlike the criminal charges, however, that suit does not carry the threat of jail time.

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