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**FILED**  
SUPERIOR COURT of CALIFORNIA  
COUNTY of SANTA BARBARA

JAN 20 2005

GARY M. BLAIR, Executive Officer  
BY *Carrie L. Wagner*  
CARRIE L. WAGNER, Deputy Clerk

\* Unsealed pursuant  
to 6/11/05 Court  
order

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF SANTA BARBARA  
10 SANTA MARIA DIVISION

11  
12 THE PEOPLE OF THE STATE OF CALIFORNIA,

13 Plaintiff,

14 v.

15  
16 MICHAEL JOE JACKSON,

17 Defendant.

No. 1133603

18 PLAINTIFF'S REPLY TO  
DEFENDANT'S OPPOSITION  
TO MOTION TO ADMIT EXPERT  
EVIDENCE OF CHILD ABUSE  
TRAUMA SYNDROME

19 DATE: January 21, 2005  
20 TIME: 9:30 a.m.  
21 DEPT: TBA (Melville)

**FILED UNDER SEAL**

22 The People have moved the Court for leave to introduce evidence of Child Abuse  
23 Trauma expert testimony.

24 Defendant argues that the People should not be allowed to present evidence of Child  
25 Abuse Trauma to disabuse jurors of myths associated with perceived behavior of child abuse  
26 victims because the victims in this case are not victims, just liars.

27 The same argument was raised in multiple, unsuccessful, motions to dismiss. The  
28 Court has continued to rule that it is for the jury to decide issues of credibility.

Defendant also argues that the true motivation for the introduction of this evidence  
is to show the defendant to be a pedophile. In *People v. McAlpin* (1991) 53 Cal.3d 1289 the

1 Supreme Court held that the prosecution had the right to introduce evidence that child  
2 molesters do not fit in clearly defined packages. Some work in the community and do good  
3 deeds. Some do not. To the extent that defendant represents himself as one who loves kids,  
4 would never harm a child, engages in acts of kindness and gives to many charities, we intend to  
5 introduce testimony of Mr. Lanning to dispel the myth that such character traits have anything  
6 to do with whether or not someone molests children. In fact, child molesters often place  
7 themselves in jobs where they can have contact with children.

8 We have stated in our moving papers that the evidence of child abuse trauma is to  
9 counter commonly-held misconceptions about how children behave when victimized. That is  
10 what we intend to do. We will be submitting appropriate instructions to carefully guide the  
11 jury in its consideration of that evidence. We will confine our evidence to the stated purpose.

12  
13 DATED: January 20, 2005

14 THOMAS W. SNEDDON, JR.  
15 District Attorney

16 By: Ronald J. Zonen by Gerald Franklin  
17 Ronald J. Zonen, Senior Deputy  
18 Attorneys for Plaintiff

1 **PROOF OF SERVICE**

2  
3 STATE OF CALIFORNIA }  
4 COUNTY OF SANTA BARBARA } SS

5  
6 I am a citizen of the United States and a resident of the County aforesaid; I am over  
7 the age of eighteen years and I am not a party to the within-entitled action. My business  
8 address is: District Attorney's Office; Courthouse; 1112 Santa Barbara Street, Santa Barbara,  
9 California 93101.

10 On January 20, 2005, I served the within PLAINTIFF'S REPLY TO  
11 DEFENDANT'S OPPOSITION TO THE ADMISSION OF "CHILD ABUSE TRAUMA  
12 SYNDROME" EVIDENCE on Defendant, by THOMAS A. MESEREAU, JR., ROBERT  
13 SANGER and BRIAN OXMAN, by delivering a true copy to Attorney Sanger's officer and  
14 causing a true copy to be transmitted to Mr. Mesereau at the facsimile number given us by  
15 counsel, and then causing that copy to be mailed to Mr. Mesereau at the address shown on the  
16 Service List.

17 I declare under penalty of perjury that the foregoing is true and correct.

18 Executed at Santa Barbara, California on this 20th day of January, 2005.

19  
20   
21 Gerald McC. Franklin

SERVICE LIST

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