

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

FEB 17 2005

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

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA BARBARA

THE PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff,

vs.

MICHAEL JACKSON,

Defendant.

Case No.: 1133603

Order for Release of Redacted Documents

[Opposition to District Attorney's Motion to
Exclude Reference by Defense Counsel to
[Redacted]]

The redacted form of the Defendant's Opposition to District Attorney's Motion to Exclude Reference by Defense Counsel to [Redacted] attached to this order shall be released and placed in the public file. The court finds that there is more material in the motion that should be redacted than that contained in the proposed redacted version. The unredacted originals shall be maintained conditionally under seal pending the hearing.

Dated: February 17, 2005

Rodney S. Melville
RODNEY S. MELVILLE
Judge of the Superior Court

1 COLLINS, MESEREAU, REDDOCK & YU
Thomas A. Mesereau, Jr., State Bar Number 091182
2 Susan C. Yu, State Bar Number 195640
1875 Century Park East, 7th Floor
3 Los Angeles, CA 90067
Tel.: (310) 284-3120, Fax: (310) 284-3133

4 SANGER & SWYSEN
5 Robert M. Sanger, State Bar Number 058214
233 East Carrillo Street, Suite C
6 Santa Barbara, CA 93101
Tel.: (805) 962-4887, Fax: (805) 963-7311

7 OXMAN & JAROSCAK
8 Brian Oxman, State Bar Number 072172
14126 East Rosecrans
9 Santa Fe Springs, CA 90670
Tel.: (562) 921-5058, Fax: (562) 921-2298

10 Attorneys for Defendant
11 MICHAEL JOSEPH JACKSON

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION
14

REDACTED

15 THE PEOPLE OF THE STATE OF
16 CALIFORNIA,

17 Plaintiffs,

18 vs.

19 MICHAEL JOSEPH JACKSON,

20 Defendant.

) Case No. 1133603

) OPPOSITION TO DISTRICT
) ATTORNEY'S MOTION TO EXCLUDE
) REFERENCE BY DEFENSE COUNSEL TO

) ~~UNDER SEAL~~

) Honorable Rodney S. Melville

) Date: ~~February 10, 2005~~

) Time: ~~9:30 a.m.~~

) Dept.: 8

23
24 MEMORANDUM OF POINTS AND AUTHORITIES

25 INTRODUCTION

26 The prosecution can rest assured that defense counsel will follow the Evidence Code

27
28 OPPOSITION TO DISTRICT ATTORNEY'S MOTION TO EXCLUDE REFERENCE BY DEFENSE COUNSEL
[REDACTED]

1 when cross-examining Jane Doe. [REDACTED]
2 [REDACTED] While
3 the District Attorney concedes that defense counsel "may inquire whether [REDACTED]
4 [REDACTED]
5 [REDACTED] (Motion, page 3.) The District Attorney argues, however,
6 that defense counsel "may not properly expand that inquiry to ask [REDACTED]
7 [REDACTED]
8 [REDACTED] (Ibid.) Defense counsel
9 will comply with the Evidence Code and this Court's rulings while cross-examining Jane Doe.
10 However, [REDACTED], is relevant to the current
11 proceedings based on her testimony to the grand jury and based on the anticipated testimony of
12 witnesses in this case.

13 The exclusion of such relevant evidence threatens to deprive Mr. Jackson of his federal
14 and state constitutional rights to a fair trial, due process of law, the right to confront and cross-
15 examine witnesses against him, and equal protection pursuant to the Fifth, Sixth, and Fourteenth
16 Amendments to the United States Constitution and Article 1, Sections 7, 15 and 24 of the
17 California Constitution.

18 ARGUMENT

19 I.

20 [REDACTED] IS

21 RELEVANT TO THE CASE AT BAR

22 The District Attorney states that he anticipates that [REDACTED]
23 [REDACTED] (Motion, page 3.) Jane Doe is
24 the prosecution's star witness regarding the conspiracy allegations. [REDACTED]
25 [REDACTED]

26 [REDACTED] Ms. Doe's ability to perceive and recollect the alleged events that constituted a criminal
27 [REDACTED]

28 OPPOSITION TO DISTRICT ATTORNEY'S MOTION TO EXCLUDE REFERENCE BY DEFENSE COUNSEL
[REDACTED]

1 conspiracy, however, are highly relevant to the case at bar. [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 A recently disclosed law enforcement interview of [REDACTED], who provided the

5 [REDACTED] with financial support, shows that people who met [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED] Any restriction on Mr. Jackson's

11 ability to confront and cross-examine [REDACTED] threatens to deprive him of his rights pursuant to

12 the Sixth Amendment to the United States Constitution.¹

13 [REDACTED]

14 [REDACTED]

15 ///

16 [REDACTED]

17 //

18 [REDACTED]

19 ///

20 [REDACTED]

21 ///

22 [REDACTED]

23 ///

24 [REDACTED]

25 [REDACTED]

26 [REDACTED]

27 [REDACTED]

28 OPPOSITION TO DISTRICT ATTORNEY'S MOTION TO EXCLUDE REFERENCE BY DEFENSE COUNSEL

[REDACTED]

1 II.

2 CONCLUSION

3 For the above stated reasons, the Court should deny the District Attorney's motion.

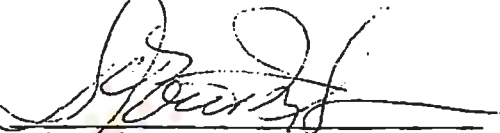
4 Dated: February 4, 2005

5 COLLINS, MESEREAU, REDDOCK & YU
6 Thomas A. Mesereau, Jr.
7 Susan C. Yu

8 SANGER & SWYSEN
9 Robert M. Sanger

10 OXMAN & JAROSCAK
11 Brian Oxman

12 By:

13 
14 Robert M. Sanger
15 Attorneys for Defendant
16 MICHAEL JOSEPH JACKSON

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OPPOSITION TO DISTRICT ATTORNEY'S MOTION TO EXCLUDE REFERENCE BY DEFENSE COUNSEL


PROOF OF SERVICE
1013A(1)(3), 1013(c) CCP

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA:

I am a citizen of the United States of America and a resident of the county aforesaid. I am employed by the County of Santa Barbara, State of California. I am over the age of 18 and not a party to the within action. My business address is 312-H East Cook Street, Santa Maria, California.

On FEBRUARY 17, 2005, I served a copy of the attached ORDER FOR RELEASE OF REDACTED DOCUMENTS (OPPOSITION TO DISTRICT ATTORNEY'S MOTION TO EXCLUDE REFERENCE BY DEFENSE COUNSEL TO [REDACTED]) addressed as follows:

THOMAS A. MESEREAU, JR.
COLLINS, MESEREAU, REDDOCK & YU, LLP
1875 CENTURY PARK EAST, 7TH FLOOR
LOS ANGELES, CA 90067

THOMAS W. SNEDDON, JR.
DISTRICT ATTORNEY'S OFFICE
1112 SANTA BARBARA STREET
SANTA BARBARA, CA 93101

X FAX

By faxing true copies thereof to the receiving fax numbers of: (805) 456-0699 (Thomas Mesereau, Jr.); (805) 568-2398 (Thomas Sneddon). Said transmission was reported complete and without error. Pursuant to California Rules of Court 2005(i), a transmission report was properly issued by the transmitting facsimile machine and is attached hereto.

___ MAIL

By placing true copies thereof enclosed in a sealed envelope with postage fully prepaid, in the United States Postal Service mail box in the City of Santa Maria, County of Santa Barbara, addressed as above. That there is delivery service by the United States Postal Service at the place so addressed or that there is a regular communication by mail between the place of mailing and the place so addressed.

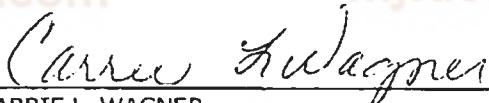
___ PERSONAL SERVICE

By leaving a true copy thereof at their office with the person having charge thereof or by hand delivery to the above mentioned parties.

___ EXPRESS MAIL

By depositing such envelope in a post office, mailbox, sub-post office, substation, mail chute, or other like facility regularly maintained by the United States Postal Service for receipt of Express Mail, in a sealed envelope, with express mail postage paid.

I certify under penalty of perjury that the foregoing is true and correct. Executed this 17TH day of FEBRUARY, 2005, at Santa Maria, California.


CARRIE L. WAGNER