

1 **COLLINS, MESEREAU, REDDOCK & YU**  
2 Thomas A. Mesereau, Jr., State Bar Number 091182  
3 Susan C. Yu, State Bar Number 195640  
4 1875 Century Park East, 7<sup>th</sup> Floor  
5 Los Angeles, CA 90067  
6 Tel.: (310) 284-3120, Fax: (310) 284-3133

7 **SANGER & SWYSEN**  
8 Robert M. Sanger, State Bar Number 058214  
9 233 East Carrillo Street, Suite C  
10 Santa Barbara, CA 93101  
11 Tel.: (805) 962-4887, Fax: (805) 963-7311

12 **OXMAN & JAROSCAK**  
13 Brian Oxman, State Bar Number 072172  
14 14126 East Rosecrans  
15 Santa Fe Springs, CA 90670  
16 Tel.: (562) 921-5058, Fax: (562) 921-2298

17 Attorneys for Defendant  
18 **MICHAEL JOSEPH JACKSON**

19 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
20 FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION

21 THE PEOPLE OF THE STATE OF  
22 CALIFORNIA,

23 Plaintiffs,

24 vs.

25 MICHAEL JOSEPH JACKSON,

26 Defendant.

REDACTED

) Case No. 1133603

) OPPOSITION TO DISTRICT  
) ATTORNEY'S IN LIMINE MOTION TO  
) RESTRICT MENTION OF [CERTAIN  
) ISSUES RE JANE DOE AND OTHERS]

) ~~UNDER SEAL~~

) Honorable Rodney S. McIlvile

) Date: TBA

) Time: 9:30 a.m.

) Dept.: 8

27  
28 OPPOSITION TO DISTRICT ATTORNEY'S IN LIMINE MOTION TO RESTRICT MENTION OF [CERTAIN  
ISSUES RE JANE DOE AND OTHERS]

FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA BARBARA

FEB 24 2005

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

MEMORANDUM OF POINTS AND AUTHORITIES

ARGUMENT

I.

THE FACT THAT JANE DOE

Just days after her settlement with J.C. Penney,

This evidence tends to show Jane Doe committed and is admissible as misdemeanor conduct pursuant to People v. Wheeler (1992) 4 Cal. 4th 284. "Misconduct involving moral turpitude may suggest a willingness to lie and this inference is not limited to conduct which resulted in a felony conviction." (Id. at 295-296.)

This evidence is also relevant because it is inconsistent with Jane Doe's

II.

DEFENSE COUNSEL WILL NOT MENTION OR HIS UNLESS IT BECOMES RELEVANT, AND WILL THEN DO SO ONLY AFTER FILING A MOTION WITH THE COURT

Defense counsel does not plan to mention

OPPOSITION TO DISTRICT ATTORNEY'S IN LIMINE MOTION TO RESTRICT MENTION OF [CERTAIN ISSUES RE JANE DOE AND OTHERS]

1 [REDACTED] If, however, this evidence becomes relevant at some point during  
2 the trial, defense counsel will file a motion seeking to make reference to these facts.

3 III.

4 CONCLUSION

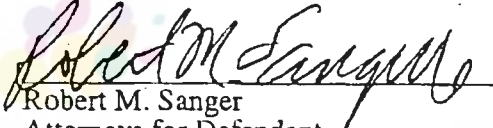
5 For the above stated reasons, the Court should deny the prosecution's motion.

6 Dated: February 24, 2005

7 COLLINS, MESEREAU, REDDOCK & YU  
8 Thomas A. Mesereau, Jr.  
9 Susan C. Yu

10 SANGER & SWYSEN  
11 Robert M. Sanger

12 OXMAN & JAROSCAK  
13 Brian Oxman

14 By:   
15 Robert M. Sanger  
16 Attorneys for Defendant  
17 MICHAEL JOSEPH JACKSON

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28 OPPOSITION TO DISTRICT ATTORNEY'S IN LIMINE MOTION TO RESTRICT MENTION OF [CERTAIN  
ISSUES RE JANE DOE AND OTHERS]

PROOF OF SERVICE

I, the undersigned declare:

I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 301 East Cook Street, Suite A, Santa Maria, California 93454.

On February 24, 2005, I served the foregoing document: EXPARTE APPLICATION TO SEAL OPPOSITION TO DA IN LIMINE TO RESTRICT CERTAIN ISSUES BE FILED UNDER SEAL; DA IN LIMINE TO RESTRICT MENTION OF CERTAIN ISSUES; REDACTED VERSION on the interested parties in this action by depositing a true copy thereof as follows:

Tom Sneddon  
Gerald Franklin  
Ron Zonen  
Gordon Auchincloss  
District Attorney  
1112 Santa Barbara Street  
Santa Barbara, CA 93101  
805-568-2398

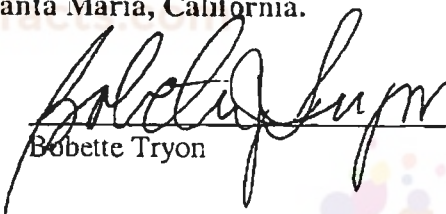
       BY U.S. MAIL - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid and deposited during the ordinary course of business. Service made pursuant to this paragraph, upon motion of a party, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit.

  X   BY FACSIMILE - I caused the above-referenced document(s) to be transmitted via facsimile to the interested parties at the above-referenced number.

       BY HAND - I caused the document to be hand delivered to the interested parties at the address above.

  -X   STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed February 24, 2005, at Santa Maria, California.

  
Bobette Tryon