

MAR 24 2004

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 JOE JACKSON,

Defendant.

Case No.: 1133603

CALENDAR SETTINGS RE  
APRIL 2, 2004 AND ORDERS

The Court has received a request to reconsider its decision with regard to the applicability of work product protection to an interview taped by a defense investigator. The Court will consider that request at the April 2, 2004 hearing.

The attorneys are to be prepared to comment on the following possible line of analysis. Prior to the passage of Proposition 115, the California Supreme Court held that the work product doctrine applied to criminal cases and protects the work product of defense investigators. [See *People v. Collie* (1981) 30 C3d 43, 59]. Penal Code § 1054.6 and the Supreme Court's observation at *Izazaga v. Sup. Ct.* (1991) 54 C3d 356, 382, fn. 19, have specific reference to issues in criminal discovery. Does, then, the broader protection for qualified work product privilege have application before a criminal defendant has been held to answer or indicted?

1 The Court denies the request submitted by the People for an Order to Show Cause  
2 re Contempt and hereby conditionally seals the application itself on the basis that it relates  
3 to the identity of potential witnesses. On April 2, 2004, the Court will consider objections,  
4 if any, to an order sealing the document for this reason.

5  
6 The Court further finds that subsequent search warrants have issued, which  
7 pursuant to Penal Code § 1523 would in the usual course have become public, but which  
8 summarize the contents of prior warrants, affidavits and returns that have been sealed and  
9 which further reveal the names of persons whose identity has thus far been protected. The  
10 Court, therefore, has ordered that those search warrants be conditionally sealed. Redacted  
11 copies of these warrants shall be made public and defense counsel shall be immediately  
12 entitled to unredacted copies of these warrants. The status of these warrants shall be  
13 considered as well at the April 2, 2004 hearing.

14  
15 The Court will also consider the "safe harbor" proposals for amending the protective  
16 order at the April 2, 2004 hearing

17 The Court will also consider the scheduling for a preliminary hearing on April 2,  
18 2004.

19  
20 DATED: March 24, 2004

  
21 \_\_\_\_\_  
22 RODNEY S. MELVILLE  
23 Judge of the Superior Court

## 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 MARCH 24, I served a copy of the attached CALENDAR SETTINGS RE: APRIL 2, 2004 AND ORDERS addressed as follows:

THOMAS W. SNEDDON, DISTRICT ATTORNEY  
DISTRICT ATTORNEY'S OFFICE  
1105 SANTA BARBARA STREET  
SANTA BARBARA, CA 93101

MARK GERAGOS, ESQ.  
350 S. GRAND AVENUE, 39<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90071-3480

GIBSON, DUNN & CRUTCHER  
c/o THEODORE J. BOUTROUS, ESQ.  
333 SOUTH GRAND AVENUE  
LOS ANGELES, CA 90071

FAX

By faxing true copies thereof to the receiving fax numbers of: 805-568-2398 (DISTRICT ATTORNEY); 213-625-1600 (MARK GERAGOS, ESQ.); 213-229-7520 (GIBSON, DUNN & CRUTCHER). 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 their clerk therein or the person having charge thereof.

EXPRESS MAIL

By depositing such envelope in a post office, mailbox, subpost 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 24<sup>TH</sup> day of MARCH, 2004, at Santa Maria, California.

*Carrie L. Wagner*  
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CARRIE L. WAGNER