

FILED
SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA

APR 22 2005

GARY M. BLAIR, Executive Officer
BY *Carrie L. Wagner*
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19 SUPERIOR COURT OF THE STATE OF CALIFORNIA
20 FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION

21 THE PEOPLE OF THE STATE OF CALIFORNIA,

22 Plaintiffs,

23 vs.

24 MICHAEL JOSEPH JACKSON,

25 Defendant.

) Case No. 1133603

) [PROPOSED] JURY INSTRUCTION
) REGARDING CHRISTOPHER CARTER'S
) ASSERTION OF HIS FIFTH AMENDMENT
) RIGHTS

) DATE: TBA
) TIME: TBA
) DEPT: SM-8

26 "The witness, Christopher Carter, has made a claim of privilege under the Fifth Amendment
27 of the United States Constitution with regard to any questions pertaining directly or indirectly to
28 charges pending against him in the United States District Court and the state courts of Nevada:

1. Mr. Carter has recently been indicted in federal court on two counts of armed bank robbery

[PROPOSED] JURY INSTRUCTION REGARDING CHRISTOPHER CARTER'S ASSERTION OF HIS FIFTH AMENDMENT RIGHTS

1 and two counts of brandishing a firearm during and in relation to a crime of violence, for
2 robbing the Citibank at 3990 South Maryland Parkway on May 18, 2004, and the Bank of
3 Commerce at 5295 Decatur Avenue on January 31, 2005. Mr. Carter is charged with robbing
4 both banks by force, violence and intimidation using a Smith and Wesson 9 millimeter
5 semi-automatic pistol.

6 2. Mr. Carter has recently been indicted in Nevada state court on 15 felony counts, including
7 first-degree kidnapping, burglary, robbery, coercion and possession of a firearm by an
8 ex-felon.

9 The charges in both cases are still pending. Although Mr. Sneddon has made no offers to
10 assist Mr. Carter with regard to those prosecutions, Mr. Carter or his lawyers may attempt to gain
11 benefit in those cases by claiming cooperation with the government in this unrelated case against Mr.
12 Jackson.


13 However, since Mr. Carter has asserted his Fifth Amendment rights and is refusing to answer
14 any question directly or indirectly related to these charges, this Court has ordered both parties in this
15 case to refrain from any questioning in these areas. Nevertheless, you may draw a negative inference
16 from Mr. Carter's claim of privilege with regard to the believability of Mr. Carter's testimony." (See
17 *People v. Hecker* (1990) 219 Cal.App. 1238.)

18 Dated: April 22, 2005

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