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22 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
23 FOR THE COUNTY OF SANTA BARBARA  
24 SANTA MARIA DIVISION

25 THE PEOPLE OF THE STATE OF  
26 CALIFORNIA,

27 Plaintiff,

28 vs.

MICHAEL JOE JACKSON

Defendant.

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

MAY 26 2004

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

CASE NO. 1133603

MR. JACKSON'S REPLY BRIEF IN  
SUPPORT OF HIS MOTION FOR  
REDUCTION OF BAIL; SUPPORTING  
DECLARATION OF BRIAN OXMAN

HEARING

DATE: MAY 28, 2004

TIME: 8:30 A.M.

PLACE: DEPT. 9

1 Michael J. Jackson, by and through his counsel, hereby respectfully submits the  
2 attached reply memorandum of points and authorities in support of his motion for  
3 reduction of bail.

4 DATED: May 26, 2004

Respectfully submitted,

5 Thomas A. Mesereau, Jr.  
6 Susan C. Yu  
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## INTRODUCTION

The prosecution originally filed an information and faced a preliminary hearing. At a preliminary hearing, they risked defense cross-examination and impeachment. Suddenly, they changed their mind and chose a secret grand jury where the witnesses could not be cross-examined. No judge or defense lawyer was present in the secret hearing.

Mr. Jackson submits this Reply Brief in support of his Motion for Reduction of Bail. The bail in this case is excessive, and the prosecution has not presented any evidence, testimony, or justification for a bail that is 43 times the amount of the bail schedule. The prosecution fails to respond to the bail standards established by Penal Code sections 1275 and 1289, and the un rebutted facts are that Mr. Jackson's financial circumstances, property holdings in this county, family ties, 30 employees, and 17 years of residence in this community make his flight virtually impossible.<sup>1</sup>

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II.

**THE BAIL SHOULD BE REDUCED BECAUSE MR. JACKSON  
PRESENTS NO RISK OF FLIGHT AND IS NOT A DANGER TO THE COMMUNITY**

**A. Mr. Jackson is Not a Flight Risk.**

The prosecution states:

"[Mr. Jackson], like anyone else in his situation, is a 'flight risk,' and only the prospect of forfeiting significant bail reduces the risk to an acceptable level."

The prosecution makes no showing Mr. Jackson is a flight risk, and the prosecution's speculation and unsworn hearsay is not evidence. Kendall v. Allied Investigations, Inc., 197 Cal. App. 3d 619, 623-24 (1988). More important, the prosecution makes no showing why Mr. Jackson, "like anyone else in his situation," should receive a bail different from "anyone else in his situation." The prosecution fails to submit to this court any evidence, testimony, or documents to show Mr. Jackson's financial condition, likelihood of fleeing, or any of the other assertions it has made in its hearsay, speculative, and conjectural memorandum. Fuller v. Goodyear Tire & Rubber Co., 7 Cal. App. 3d 690, 693 (1970)(unsworn statements lacking person's knowledge and containing speculation are inadmissible in evidence).

Instead, this court has been given nothing by the prosecution. The prosecution's speculation and arbitrary assertions fail to differentiate this case from any other case or to otherwise warrant a bail that is 43 times the normal bail schedule. As the court stated in In re Pipinos, 33 Cal. 3d 187, 201 (1982), it is insufficient for a trial court to merely state conclusions of ultimate fact, and there must be a particularized showing that justifies a bail that is different from "anyone else in his situation."

The prosecution speculates the reason Mr. Jackson has made all his appearances and complied with every court order is because of the excessive bail. (Prosecution's Memo, p. 7, lines 13-15). However, Mr. Jackson voluntarily surrendered on November 20, 2003, with no bail in place, and flight was never a possibility. The fact is Mr. Jackson has



1 provided this court with waivers, documents, and appearances having nothing to do with  
2 bail because of his deep respect for this court and the people of Santa Maria, and he will  
3 not flee because the case against him is a fiction.

4 **B. The \$3 Million Bail is Excessive and Unreasonable.**

5 The Santa Barbara County bail schedule in this proceeding provides that the bail  
6 for this matter is \$70,000. Instead of abiding by that schedule, the People created an  
7 arbitrary \$3 million bail, which is 43 times the amount of the bail schedule. Defendants  
8 who are charged with murder receive lesser bail, and those who have failed to appear in  
9 murder cases received lesser bail. In re Weiner, 32 Cal. App. 4th 441, 445  
10 (1995)(defendant convicted of murder granted bail of \$250,000, and increased to \$2  
11 million when he failed to appear for preliminary hearing). The facts of this case  
12 demonstrate that Michael Jackson is not a flight risk, that he has extensive ties to the  
13 community, he is not a danger to the public, and that if Mr. Jackson were to flee, the  
14 financial consequences to him would be greater than the loss of a \$3 million dollar bail.  
15 (See Declaration of R. Brian Oxman).

16 The prosecution states that it has "calculated" Mr. Jackson's bail according to the  
17 bail schedule to be \$435,000.00. (Prosecution's Memo, p. 4, lines 7-9). However, not only  
18 does the prosecution fail to explain why \$435,000.00 is otherwise an inadequate bail, but  
19 also the prosecution counts the same act multiple times in arriving at its calculations. In  
20 fact, for Count 1 the prosecution multiplies it three (3) times to get a total of \$90,000.00.  
21 Then the prosecution multiplies Counts 2, 3, and 4, three (3) times, despite the fact they  
22 are the same acts, to arrive at \$240,000.00. Then for good measure, the prosecution again  
23 takes the same section 288(a) violation and adds another \$60,000.00 in Count 6.

24 This double and multiple counting of various acts results in an inexplicable  
25 multiplication of the bail schedule which is unknown in any other case in this state. The  
26 prosecution provides this court with no case or statutory authority for it duplicative and  
27 multiplicative addition. There is no showing of a reason for the compounding, nor is  
28 there any showing of particularized evidence to justify the multiplication. The arbitrary

1 and capricious multiplication perpetrated by the prosecution fails to show why Mr.  
2 Jackson is "different from anyone else in his situation." In re Pipinos, 33 Cal. 3d 187, 201  
3 (1982)(bail may not be based on arbitrary or capricious standards and may not be based on  
4 speculation).

5 In the face of the capricious multiplication to \$435,000.00, the prosecution still fails  
6 to show why \$435,000.00 is not adequate bail. There is not one scrap of evidence to  
7 establish why \$435,000.00 would not be sufficient. Three million dollars (\$3,000,000.00)  
8 has no basis in logic, fact, or law, and the prosecution does not even begin to establish a  
9 basis for such bail.

10 C. Mr. Jackson Has Substantial Community and Family Ties,  
11 and No Criminal Record.

12 Because bail has never been set by the court and the bond in this case was  
13 established by the prosecution's capricious unilateral actions, the standards of Penal Code  
14 section 1289 and 1275 require the court to consider (1) the protection of the public, (2) the  
15 seriousness of the offense, (3) injury to victims, (4) threats to victims, (5) use of weapons,  
16 (6) use of controlled substances, (7) defendant's previous record, and (8) probability of  
17 flight. In re Weiner, 32 Cal. App. 4th 441, 445 (1995). The prosecution focuses on Item 8,  
18 yet makes no showing Mr. Jackson is a flight risk. More important, the prosecution  
19 ignores Mr. Jackson's long relationship to this community, his family ties, 17 years of  
20 living here, 30 employees, his lack of criminal record, his lack of threat to victims, and the  
21 non-use of weapons or controlled substances. The prosecution makes no showing of  
22 injury to victims and fails to submit any evidence of (a) Mr. Jackson's financial condition,  
23 (b) his business needs, or (c) what an acceptable level of bail should be.

24 Attached as Exhibit "A" is a list of examples of activities Mr. Jackson has engaged in  
25 to serve his community and benefit people world wide, including cancer organizations,  
26  
27  
28

1 children's hospitals, and humanitarian activities.<sup>2</sup> Exhibits "B-1" and "B-2" show  
2 examples of Mr. Jackson as one of the largest charitable benefactors in the world and has  
3 given to so many charitable organizations that the list has made the Guinness Book of  
4 World Records. Exhibit "C" shows examples of the performances, business activities, and  
5 awards Mr. Jackson has received since 1997. To suggest Mr. Jackson is a flight risk, when  
6 he voluntarily surrendered to post a bail 43 times what any other human being would  
7 have to post, defies logic.

8       Instead of providing this court with real evidence, the prosecution has engaged in  
9 speculation and arbitrary assertions. The prosecution fails to differentiate this case from  
10 any other case or to otherwise establish a justification that warrants a bail that is 43 times  
11 the normal bail schedule. As the court stated in In re Pipinos, 33 Cal. 3d 187, 201 (1982),  
12 it is insufficient for a trial court to merely state conclusions of ultimate fact, and there  
13 must be a particularized showing that justifies a bail that is different from "anyone else in  
14 his situation."

15       In considering a motion to reduce bail, the court should consider the protection of  
16 the public, the seriousness of the offense charged, the defendant's criminal record, or the  
17 portability of the defendant appearing at hearing or trial. In re Weiner, 32 Cal. App. 4th  
18 441, 445 (1995)(defendant convicted of murder granted bail of \$250,000, and increased to  
19 \$2 million when he failed to appear for preliminary hearing). The primary purpose of bail  
20 is assurance of continued attendance at future court proceedings. In re Pipinos, 33 Cal.  
21 3d 180, 199 (1982); In re Mrumback, 46 Cal. 2d 810, 813 (1956). Bail is designed to insure  
22 the defendant's presence in court. People v. Allen, 28 Cal. App. 4th 575, 583 (1994);  
23 People v. Barbarick, 168 Cal. App. 3d 731, 735 (1985).

24       In McDermott v. Superior Court, 6 Cal.3d 693, 695 (1972), the court stated:

25  
26       <sup>2</sup> Mr. Jackson has been required to surrender his passport. This prevents him from earning a  
27 living and contributing to charitable and humane causes as he has done throughout his career.  
28 Mr. Jackson is presumed innocent and has never been convicted of any crime in his life. Mr.  
Jackson's attorney, Mr. Mesereau, would like to discuss the return of this passport at the hearing  
on this motion.



1 "The purpose of bail is to insure the attendance of the defendant in court and his  
2 obedience to the court's orders and judgment, and there should be no suggestion of  
3 revenue to the government or punishment of the defendant or his surety. (In re Mewbern,  
4 55 Cal.2d 500, 504; People v. Wilcox, 53 Cal.2d 651, 656-657.)"

5 The prosecution has not presented any evidence concerning any of these standards,  
6 and its memorandum speculates only about the risk of flight. Mr. Jackson has obeyed all  
7 orders of this court without exception. He voluntarily surrendered himself to the Sheriffs  
8 on November 20, 2003, without difficulty or any expense to the county. He has and will  
9 continue to show this court, the people of Santa Maria, and the State of California the  
10 utmost respect by complying with all orders of this court. This is not a case of a defendant  
11 who can take his money or property and flee because his property is tied to this  
12 community, and there is nowhere in the world that Mr. Jackson could go with or without  
13 his children where he wouldn't be recognized.

14 D. The People's Requested Bail is Arbitrary and Capricious.

15 Mr. Jackson is charged with allegedly conspiring with several other individuals to  
16 threaten, intimidate, molest, and abduct a child. There is no evidence Mr. Jackson had  
17 anything to do with these alleged acts of these other individuals, and the prosecution has  
18 not presented the slightest thread to tie Mr. Jackson to any of their alleged conduct.  
19 Assuming for the sake of argument only that any of these allegedly conspiratorial acts of  
20 these individuals are even remotely true, the seriousness of the charges and the risk of Mr.  
21 Jackson's flight must be viewed in light of the People's refusal to indict or charge these  
22 other individuals.

23 The prosecution's warning of Mr. Jackson absconding cannot be taken seriously  
24 because the other individuals, some of whom are people of great wealth, have the same  
25 motive to flee if the prosecution claims are to be believed. Yet, the prosecution has not  
26 the slightest worry about them fleeing or absconding with their money. Mr. Jackson does  
27 not wish to make light of the seriousness of these charges because he takes this proceeding  
28 with the utmost seriousness and dignity. However, it is apparent these crimes are not



1 serious enough for the People to charge the other alleged unindicted conspirators.

2 Perhaps this is because the prosecution realizes that Mr. Mr. Jackson never conspired with  
3 anyone to commit any crime at any time.

4 The prosecution claims Mr. Jackson might flee, yet the prosecution has not the  
5 remotest concern the alleged unindicted co-conspirators, who were the alleged actors,  
6 might flee.<sup>3</sup>

7 In In re Christie, 92 Cal. App. 4th 1105 (2001), defendant petitioned for a writ of  
8 habeas corpus alleging his bail was excessive. Defendant was the Vice-President of the  
9 Ventura Chapter of Hell's Angels Motorcycle Club and was charged with conspiracy to  
10 distribute controlled substances on or near a high school campus in violation of several  
11 sections of the Penal Code. The charges against defendant, if proven, could have resulted  
12 in a prison sentence of over 25 years. When arrested, defendant's bail was set at \$1  
13 million, which was 10 times in excess of the bail schedule established for the crime  
14 charged. Defendant had no criminal record and resided in the community throughout his  
15 life. Defendant moved to reduce bail to \$100,000 in conformity with the county's bail  
16 schedule. The People argued defendant was a high-level participant in a major drug ring,  
17 that the safety of the community was thereby imperiled, and the court needed to look at  
18 who the defendant was, referring to his position with the Hell's Angels. The trial court  
19 refused the reduction stating it needed to assume the charges against the defendant were  
20 true, and that children were the targets of the defendant's conduct. Id. at 1108. The Court  
21 of Appeals granted the writ finding that because the bail set was 10 times the presumptive  
22 amount specified in the bail schedule, and because the trial court had not made an  
23 adequate record, the court could not determine whether the bail was excessive. Id. at

24  
25 <sup>3</sup> The prosecution claims Mr. Jackson will abscond to a country with no extradition treaty  
26 and live a recluse life in a self-imposed prison that is far worse than anything California would  
27 impose. (Prosecution's Memo, p. 7, lines 5-11). However, not only did Mr. Jackson not do that  
28 when he voluntarily surrendered on November 20, 2003, but also his assets are not mobile. The  
prosecution is not serious when it makes such a claim because it has refused to charge the alleged  
unindicted co-conspirators. Something is very wrong with this case and the court should look  
with grave concern at the prosecution's effort to mislead the court.

1 1109. The trial court was required to state its reasons with particularity, and more than a  
2 mere finding of ultimate fact or a recitation of the relevant criteria for release on bail. Id.  
3 at 1107. Here, the trial court's statement did not clearly articulate the basis for the court's  
4 utilization of any criteria. Id., citing In re Pipinos, 33 Cal. 3d 189, 193 (1982). The  
5 presumption the defendant committed the crime was not the correct standard. Rather, it  
6 was the severity of the sentence the defendant faced. Id. It was incumbent upon the court  
7 to set forth the proper considerations of setting bail in excess of the bail schedule, and to  
8 set bail that reflected neither arbitrary nor capricious standards. Id. at 1109. The court  
9 remanded the case for further consideration.

10 The financial loss Mr. Jackson faces should he flee is so severe that the jail sentence  
11 involved is not the paramount concern he faces. The bail here is far in excess of the bail  
12 schedule and without justification.

13 Apparently, this crime is not severe enough for the People to charge alleged co-  
14 conspirators. It is obviously perfectly safe and appropriate to permit the alleged co-  
15 conspirators who are California residents to range free in the community despite their  
16 alleged conspiracy. The failure to have any fear these people would flee is not only an  
17 indictment about the nature of this proceeding, but also the reason why Mr. Jackson will  
18 be present at every hearing in this matter to demonstrate the improper nature of the  
19 charges in this case.

20 E. The Evidence in this Case Does Not Support a \$3 Million Bail.

21 No evidence warrants the excessive \$3 million bail in this proceeding. Mr.  
22 Jackson's financial resources work in the opposite manner than that claimed by the People  
23 because he cannot afford to allow his business interests to go unattended by fleeing, nor  
24 can he take his significant real property with him should he flee. Mr. Jackson's finances  
25 mandate he remain and fight these charges, and the People's claims his wealth will make  
26 him flee are not only speculation, but also work against the People.

27 Conclusory equivalents of ultimate fact, such as the defendant is likely to skip, are  
28 insufficient to establish the criteria necessary to set bail. In re Pipinos, 33 Cal. 3d 189, 202

1 (1982). Bail should be reasonable under the constitutional standards of Article I, section 6  
2 of the California Constitution. In re Burnette, 35 Cal. App. 2d 358, 359 (1939). The  
3 discretion conferred upon the trial court to determine a bail reduction may not be  
4 arbitrarily exercised. In re Torres, 80 Cal. App. 2d 579, 581 (1947).

5 Here, the People have requested a bail without any consideration of Mr. Jackson's  
6 financial condition. It is arbitrary and capricious because the People can only assume  
7 what the defendant's condition might be, and they have made not the slightest effort to  
8 determine Mr. Jackson's financial circumstances. The fact is Mr. Jackson's finances, ties  
9 to the community, family, and personal circumstances are so closely associated with this  
10 community that flight becomes an impossibility and would constitute a loss more  
11 catastrophic than any bail the People have requested.

12 In In re Pantages, 209 Cal. 535, 536 (1930), the court said in referring to bail that  
13 "the laws of the state should be administered in a humane manner and it is for that reason  
14 that the power to grant bail in a proper case is conferred upon courts and judges." It is  
15 neither humane nor rational for the People to seek a bail of \$3 million when they know  
16 full well Mr. Jackson cannot possibly flee, nor does he want to flee.

17 In determining the likelihood of defendant's appearance at trial, the court should  
18 consider the defendant's ties to the community, including his employment, the duration of  
19 his residence, his family attachment, and his property holdings. In re Pipinos, 33 Cal. 3d  
20 189, 199 (1982). The court should also consider the defendant's record of appearance at  
21 past court hearings or flight to avoid prosecution. The severity of the sentence defendant  
22 faces should also be considered. In re Podesto, 15 Cal. 3d 921, 934-35 (1976). These  
23 standards correspond to the factors employed in determining the likelihood of flight in  
24 federal cases under the Bail Reform Act of 1966, 18 U.S.C. sec. 3146(b); Harris v. United  
25 States, 404 U.S. 1232 (1971).

26 In considering sentence severity, the court may not consider it in isolation or only  
27 as to the amount of time the defendant faces in prison. Rather, the court is required to  
28 weigh it against other factors including community ties, employment, and record of



1 appearance. The likelihood of fleeing must be based on real and substantial criteria, not  
2 mere speculation. In re Pipinos, 33 Cal. 3d 189, 199-200 (1982).

3 Here there is no evidence Mr. Jackson can or would flee. There is no evidence he  
4 poses any danger to the community. Certainly, the alleged co-conspirators who allegedly  
5 committed the over acts in this case are apparently not deemed dangerous flight risks nor  
6 worthy of being charged. This paradox is not explainable by the People. More important,  
7 Mr. Jackson has complied with every order and proceeding in this court, and because he  
8 honors this court and this community with every ounce of his being, he will continue to  
9 do so.

10 F. The Prosecution Seeks to Engage in Invidious Discrimination.

11 1. The prosecution has one standard for the rich and another for the poor.

12 The prosecution states:

13 "Plainly, the 'monetary incentive' necessary to secure an accused's faithful  
14 attendance at pretrial, trial and sentencing proceedings can only be calculated by  
15 reference to the relative wealth of the accused and the likely strength of his desire to avoid  
16 the consequences of a conviction on the charges alleged against him." (Prosecution's  
17 Memo, p. 5, line 26 to p. 6, line 1).

18 However, not only does the prosecution fail to present any evidence of Mr.  
19 Jackson's wealth, but also it fail to cite a single authority that "relative wealth" has  
20 anything to do with setting bail.<sup>4</sup> Such a rule would create one standard for the wealthy  
21

22 <sup>4</sup> The People cite People v. Surety Ins. Co., 77 Cal. App. 3d 533 (1978), for the proposition  
23 bail should be set by considering the defendant's monetary incentives "to return." (Prosecution's  
24 Memo, p. 5, lines 23-26). However, in Surety Ins the court ordered bail forfeited when a defendant  
25 failed to appear and the surety company claimed the court had concealed from it the nature of the  
26 charges against the defendant thereby fraudulently inducing the company to give the bond. The  
27 Court of Appeals said that in agreeing to file the bond the court did not fraudulently induce the  
28 bond company to do anything because bail is only a relative gauge of the estimate of the monetary  
incentive "to secure said defendant's return." Id. at 537. The "monetary incentive" was the  
incentive to the bond company, not the defendant. It was not to secure defendant's appearance,  
but rather to induce the bond company to securer the defendant's "return" after skipping. The  
prosecution's citation to this case is knowingly incorrect.

1 and another for the poor. This kind of arbitrary wealth discrimination is contrary to Penal  
2 Code section 1275.

3 The rights of a criminal defendant may not be conditioned on the defendant's  
4 wealth because distinctions based on the defendant's wealth violate due process of law.  
5 Douglas v. California, 372 U.S. 353, 356-58 (1963). A criminal defendant's constitutional  
6 rights may not be conditioned on a man's wealth, and distinctions based on wealth violate  
7 due process and equal protection. Griffin v. Ollinois, 351 U.S. 12, 18 (1956).  
8 Fundamental constitutional rights may not be conditioned on a person's wealth. Bodie v.  
9 Connecticut, 401 U.S. 371, (1971); Payne v. Superior Court, 17 Cal. 908, 921-22 (1976)  
10 (discrimination based on a criminal defendant's wealth or the size of a person's savings  
11 account violate fundamental fairness and due process of law).

12 The prosecution urges this court to adopt different standards of bail based on the  
13 wealth of an individual. Discriminations based on wealth in the criminal justice system  
14 are unlawful and violate due process of law. There is no excuse for the blatant  
15 unconstitutional standard the prosecution urges.

16 2. The prosecutions speculation based on wealth is without merit.

17 The prosecution fails to submit to this court one scrap of evidence concerning Mr.  
18 Jackson's financial condition, yet it wants a discrimination based on wealth. Instead, the  
19 prosecution divines through no evidence whatsoever that "By all accounts, defendant is  
20 well-to-do." (Prosecution's Memo, p. 6, line 2). Instead of evidence, the prosecution  
21 provides this court with speculation and conjecture that can only result in an arbitrary  
22 decision which is condemned by the courts. In re Pipinos, 33 Cal. 3d 189, 202 (1982).

23 To the contrary, the nature of Mr. Jackson's wealth is an absolute guarantee he will  
24 be present for trial and vigorously resist the charges against him. Mr. Jackson is a property  
25 holder in this county, and his continued presence to manage his property and to pay the  
26 mortgage on his house mean he is not a flight risk. Mr. Jackson's financial condition and  
27 continued livelihood is dependent on him fighting the charges in this court, and he cannot  
28 flee because it would mean financial disaster for him to do so.

1 The prosecution points to an undocumented, hearsay, and blatantly inadmissible  
2 example of Andrew Luster who fled a one million dollar bail. (Prosecution's Memo, p. 6,  
3 n. 1 lines 27-28). This kind of hearsay in a prosecution memorandum is an  
4 embarrassment and demonstrates the lack of merit to the prosecutions claims. In re  
5 Christie, 92 Cal. App. 4th 1105, 1109 (2001)(bail determinations may not be based on  
6 speculation or arbitrary factors). Andrew Luster, located and "returned" by his  
7 bondsman, was a "trust fund" baby with mobile assets, where Mr. Jackson is a self-made,  
8 hard working entrepreneur and entertainer who cannot readily liquidate his stationary  
9 real property and must continually generate income to maintain his Santa Barbara  
10 property.

11 The discrimination perpetrated by the prosecution based on rank speculation about  
12 wealth is a violation of Mr. Jackson's fundamental rights to due process of law and bail.  
13 The prosecution seeks to create an invidious discrimination based on wealth where rich  
14 people have one bail schedule and poor people have another. The prosecution has lost all  
15 sight of reason.

16 **G. Mr. Jackson Does Not Pose a Danger to the Community.**

17 Mr. Jackson has already posted a \$3 million bond, and the issue here is not whether  
18 he will pose a danger to the community because he is already free on bail. Further the  
19 prosecution makes no such claim. More important, he is not a danger to the community  
20 because he is surrounded by his family. These charges arose in March, 2003, and between  
21 that time and November, 2003, the People make no claim of injury to any other person,  
22 and since being admitted to bail Mr. Jackson's conduct has been exemplary.

23 In determining whether the defendant poses a danger to the community if released  
24 on bail requires a finding of the defendant is likely to engage in criminal conduct and  
25 must be based on an assessment of defendant's character. It may not be a speculative  
26 judicial second-guessing. In re Pipinos, 33 Cal. 3d 189, 200 (1983). The court may  
27 consider the assessment of professionals and other evidence of defendant's character and  
28 conduct. Id.



1 The prosecution cites In re Grimes, 99 Cal. App. 10 (1929), for the proposition that  
2 after indictment is returned the court should assume the defendant is guilty of the offense  
3 with which he is charged. (Prosecution's Memo, p. 5, lines 15-17). However, this 1929  
4 standard violates the modern standards regarding bail established in Penal Code section  
5 1275. In re Pipinos, 33 Cal. 3d 187, 201 (1982). Also it predates the 1979, 1986, and  
6 1988, 1990, and 1997 amendments to Penal Code Sections 1289 and 1275. (For section  
7 1289: Stats 1979, ch. 873 sec. 8; Stats 1986, ch. 47, sec. 95. For section 1270: Stats. 1877,  
8 ch. 644, sec 2; Stats 1988, ch. 272, sec. 1; Stats. 1988, ch. 547, soc.2; Stats 1990, ch. 726,  
9 sec. 1). See Cummiskey v. Superior Court, 3 Cal. 4th 1018, 1028 (1992); Clark v. Superior  
10 Court, 11 Cal. App. 4th 456, 459 (1992). An indictment does not create a greater or lesser  
11 presumption for release on bail, just as a finding after a preliminary hearing binding a  
12 defendant over for trial does not alter the rules regarding release on bail. See also Penal  
13 Code section 1270.5 (the finding of an indictment does not alter the presumptions for bail  
14 in capital cases).

15 The \$3 million bail is excessive and without evidentiary support. It is the product  
16 of an arbitrary and capricious claim that Mr. Jackson could somehow flee, when the  
17 overwhelming evidence is just the opposite. This is an appropriate case to reduce bail in  
18 line with the county's bail schedule.

19 **H. The Prosecution's Miscellaneous Arguments are Gross Speculation.**

20 The prosecution states:

21 "The defendant here is 'Michael Jackson, international celebrity,' a man  
22 whose life-style to date would not have prepared him to adapt readily to a prison  
23 environment and routine, and whose physical stature will present its own problems for  
24 him in making the necessary adjustments." (Prosecution's Memo, p. 6, lines 18-20).

25 This statement is patently a violation of Mr. Jackson's constitutional rights to equal  
26 protection of the law. It is obvious from the prosecution's invidious comments that this  
27 case is not about proceedings in a court of law, but instead it is about a prosecution that is  
28 blinded by Hollywood lights and consumed by fantasy visions of wealth and "physical

1 stature." Mr. Jackson asks only that he be treated as any other person in our criminal  
2 justice system, and for the prosecution to make these kinds of gratuitous statements  
3 without presenting one scrap of evidence to this court demonstrates a prosecution out of  
4 control.

5 III.

6 CONCLUSION

7 For the foregoing reasons, Mr. Michael Jackson requests his Motion for Reduction of  
8 Bail be granted.

9 DATED: May 26, 2004

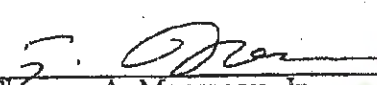
Respectfully submitted,

10 Thomas A. Mesereau, Jr.  
11 Susan C. Yu  
12 COLLINS, MESEREAU, REDDOCK & YU

13 Steve Cochran  
14 KATTEN MUCHIN ZAVIS ROSENMAN

15 Robert M. Sanger  
16 SANGER & SWYSEN

17 By:

18   
19 Thomas A. Mesereau, Jr.  
20 Attorneys for Defendant  
21 Mr. MICHAEL J. JACKSON

DECLARATION OF BRIAN OXMAN

I, Brian Oxman, declare and say:

1. I am an attorney at law admitted to practice law before all the courts of the State of California, and I am a personal attorney for Michael Jackson. I submit this declaration in support of Mr. Jackson's Motion for Reduction of Bail.

2. I have been an attorney for members of Mr. Jackson's family for almost 15 years. During the course of that time I have represented Jackie Jackson, Jermaine Jackson, Tito Jackson, La Toya Jackson, and Randy Jackson in their marital proceedings. I have represented Tito Jackson's sons, Taj, Taryll, and T.J. Jackson in their wrongful death suit against the individual who killed their mother, and I assisted the Los Angeles County District Attorney in prosecuting that individual who was given a \$1 million bail despite murder charges being brought against him where he was ultimately convicted. I have assisted Jackie's children, Siggy and Brandi in various matters, and I have been invited to gathering when many of the brother's children were born and the funerals when their ex-spouses, Delores Jackson and Enid Jackson, were buried. I have represented the entire family, including parents Katherine and Joe Jackson, in major litigation involving disputes over their various performances, to minor litigation involving traffic accidents and contract disputes. I have worked on business projects that involved the Jackson Family.

3. I first met Michael Jackson almost 15 years ago. I have had the pleasure of being with his children, watching Michael perform with his brothers, cry with he and his nephews when their mother, Delores Jackson was killed, laugh with brothers backstage after a performance, and deal with his family in what I can only describe as a kind and gentle manner that makes me wish to copy and emulate his manner. The day after Michael and his brothers performed in Madison Square Garden, I was in Los Angeles on the telephone with Randy Jackson, who was in a room at the Plaza Hotel in New York with his family, when I heard Michael scream in the background that an airplane had just struck the World Trade Center Tower in New York on September 11, 2001. I heard



1 Michael over the telephone sobbing with his brothers as I turned on the television and  
2 watched the events of that day unfold.

3 4. Michael Jackson is a 17 year resident of Los Olives where he owns a 2,000  
4 acre ranch that he loves more than words can describe. He employs more than 30  
5 employees at that ranch, and he has utilized its premises to bring thousands of  
6 underprivileged, sick, and handicapped children to its facilities to play and have a  
7 wonderful day in the sun. I have received telephone calls from people all over the world  
8 wanting the chance to go to Neverland Ranch to be with Michael Jackson, and Mr. Jackson  
9 has been gracious in trying to accommodate as many of those requests as possible.

10 5. Mr. Jackson is a father, a brother, and a member of a family that loves him  
11 with all of their hearts. He gives to charities, helps people in need, and visits with  
12 children in hospitals where no one except the doctors, nurses, and sick children know  
13 about his activities. There is nowhere in the world that Mr. Jackson goes that people do  
14 not know him, and I have watched as he has been placed under enormous stress by  
15 crowds that rush to touch him, only to see Mr. Jackson respond with compassion and  
16 kindness.

17 6. Mr. Jackson is not a flight risk from these charges. Under no conditions  
18 would he run from these charges because it is contrary to his nature and his soul. It is not  
19 a matter of his personal choice because the people who surround him, his friends, family,  
20 and children, and uncounted people from around the world would never permit such a  
21 thing. More important, Mr. Jackson would never consent to such a thing because under  
22 no conditions would he create such a situation where he ran away from what are fictitious  
23 allegations.

24 7. Mr. Jackson voluntarily surrendered on November 20, 2003, to the Santa  
25 Barbara Sheriff because he believes in and respects our system of justice and knows he  
26 will be vindicated and exonerated any wrongdoing. He never had any thought of fleeing,  
27 and the amount of bail in this case has no rational relationship to whether or not Mr.  
28 Jackson will appear and fight these allegations. He has been falsely accused, and with

1 every ounce of fiber, strength, and honesty in his body he will fight these charges until he  
2 has proven them wrong.

3 8. Whenever I have represented members of this family in a court of law, I have  
4 always asked that they be treated just like everyone else in our justice system. We ask for  
5 no favors nor special burdens. Mr. Jackson is a human being who is kind, decent, and  
6 honest, and he and I both request he be accorded the same equal treatment that any other  
7 person brought into a courtroom would receive.

8 9. Mr. Jackson has and will continue to accord this court, the people of Santa  
9 Maria, and all involved in this case the greatest respect and deference. He has made every  
10 appearance in this case and he has complied with every order without exception. Mr.  
11 Jackson has provided this court with waivers, documents, and appearances having  
12 nothing to do with bail because of his deep respect for this court and the people of Santa  
13 Barbara, and he will not flee because the case against him is a fiction.

14 10. Mr. Jackson has extensive ties to this community that make his flight an  
15 impossibility. He must continue to do his business and perform because his business  
16 obligations require he maintain his property, manage his affairs, and finance his  
17 obligations. If Mr. Jackson were to flee, the financial consequences to him would be  
18 greater than the loss of a \$3 million dollar bail because he would no longer be able to  
19 make payments on the mortgage on his house, and he would lose 2,000 acres in  
20 foreclosure. That loss would amount to more than \$70,000,000 and it makes the size of a  
21 bail bond pail in comparison.

22 11. Mr. Jackson's assets are not mobile, and he cannot take them with him in  
23 what as been claimed to be a possible flight to a Middle Eastern country with no  
24 extradition treaty. This kind of fantasizing by those with no knowledge of the truth is  
25 demonstrated false because Mr. Jackson cannot take his ranch with him, nor the millions  
26 of dollars of art works, memorabilia, and improvements that he has made to his real  
27 property. Such an exile would be a self-imposed prison far worse than the worst of  
28

1 prisons I have visited across the State of California in 27 years of practice as an attorney,  
2 and Mr. Jackson would not do it.

3 12. Mr. Jackson receives royalties from songs and performances that are not  
4 mobile. A simple court order would stop the payment of such royalties and prevent their  
5 facilitating Mr. Jackson's flight. The concept of flight by Mr. Jackson is impossible  
6 because there is nowhere in the world where he could run

7 13. Mr. Jackson cares for his mother, Katherine, who is 74 years old, and his  
8 father Joseph, who is 75 years old. He provides both of them with a home, support, and  
9 company. The thought of fleeing his parents would be contrary to a lifetime of loving his  
10 parents in a manner that all of us should wish we should do with our parents.

11 14. Attached as Exhibit "A" is a list of examples of community and business  
12 activities Mr. Jackson has engaged in to serve his community and benefit people world  
13 wide, including cancer organizations, children's hospitals, and humanitarian activities.  
14 Mr. Jackson is not about to give up by fleeing false allegations a lifetime of work for people  
15 who his past history demonstrates beyond question he loves and adores. Exhibits "B-1"  
16 and "B-2" show examples of Mr. Jackson is one of the largest charitable benefactors in the  
17 world, and has given to so many charitable organizations that the list has made the  
18 Guinness Book of World Records. Exhibit "C" shows examples of the awards from around  
19 the world Mr. Jackson has received since 1997. To suggest Mr. Jackson is a flight risk,  
20 when he voluntarily surrendered to post a bail 43 times what any other human being  
21 would have to post, defies logic.

22 15. A bail reduction is important to Mr. Jackson because it frees his property to  
23 permit financing of his business activities. The burden of an excessive bail bond impacts  
24 his ability to conduct normal business. It is an effort by his accusers to tie up money  
25 which no other person in his situation has ever had to experience.

26 16. As the trial date approaches in this case, the urge to fight these allegations is  
27 growing more and more firm in Mr. Jackson. Wishful thinking by those who have created  
28 these false allegation that Mr. Jackson would flee will not change the fact that when this



1 case comes to court it will be proven false. Mr. Jackson, his family, and his friends are  
2 working toward that day because they know the truth will expose an abominable injustice  
3 against Mr. Jackson.

4 17. Mr. Jackson's financial resources work in the opposite manner from the  
5 suggestion by his accusers that he would flee because he is wealthy. Because of his  
6 business activities, he cannot afford to allow his business interests to go unattended by  
7 fleeing. It is an injustice against him to speculate that because Mr. Jackson is a wealthy  
8 person he would flee, where a poor person would not. The suggestion that his "physical  
9 stature" is such that he would be forced to flee is a sanctimonious abomination contrary to  
10 the truth made by persons who are irresponsible. Mr. Jackson's will fight these false  
11 charges and win.

12 I declare under penalty of perjury under the laws of the State of California that the  
13 foregoing is true and correct.

14 Executed this 26th day of May, 2004, at Los Olivos, California.

15   
16 R. Brian Oxman  
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28

EXHIBIT "A"

**EXAMPLES OF MICHAEL JACKSON'S  
WORLD WIDE COMMUNITY AND BUSINESS ACTIVITIES**

(2001 to 2003)

**2001**

**March 6**

Michael Jackson made his lecture at the Oxford Union on child care.

**March 19**

Michael Jackson is inducted into the Rock and Roll Hall of Fame at the sixteenth annual induction dinner. N'Sync are his presenters.

**June 28**

Michael Jackson appears with Jay-Z at the "Hot 97 Summer Jam 2001"

**July 30**

"You Rock My World," the premiere single from Michael Jackson's forthcoming album 'Invincible,' is debuted.

**August 30**

Michael opens the Nasdaq stock market.

**September 6**

Michael makes a surprise appearance at the MTV VMA's with N'Sync.

**September 7 & 10**

Michael celebrated 30 years in the music business as a solo artist with a party/concert in New York City's Madison Square Garden that included his brothers and many performers.

**September 20**

You Rock My World entered "Billboard" at #10. A massive feat for a single based on airplay alone.

**October 15**

Special Editions of Michael's solo albums Off The Wall, Thriller, Bad, and Dangerous are released.

**October 20**

Men In Black II Released with Will Smith and Tommy Lee Jones. Michael Jackson appeared as himself.

**October 21**

Michael performs "Man In The Mirror" and "What More Can I Give" at the 'United We Stand' concert in Washington, D.C. to benefit the 9/11 attack victims.

**October 29**

"Invincible" is released in Europe.

1 **October 30**

"Invincible" is released in U.S.

2 **November 8**

3 First ever autograph signing at Virgin Megastore, Times Square, New York. The crowd was  
4 massive enough to shut down traffic.

5 **November 11**

"Invincible" has sold 4 million copies in 2 weeks.

6 **November 13**

7 Michael's 30th Anniversary concert special draws a record 25.7 million American viewers  
8 on CBS.

9 **December 21**

Michael makes an appearance and the Kiss FM Jingle Ball, receiving the "Lifetime  
Achievement Award".

10 **2002**

11 **January 10**

12 Michael receives the "Artist of the Century" award at the American Music Awards.

13 **February 23**

14 Michael Jackson wins 3 out of 6 nominations at the NAACP Image Awards.

15 **March 16**

Michael is best man at the wedding of Liza Minelli and David Gest.

16 **April 21**

Michael performs "Dangerous" at the American Bandstand 50th anniversary.

17 **April 24**

18 Michael performs "Dangerous", "Black or White" and "Heal The World" at the Democratic  
National Committee's "Every Vote Counts" event at the Apollo Theatre in Harlem.

19 **June**

20 Michael is inducted into the Songwriters Hall of Fame.

21 **June**

Attended to German victims of flooding in Berlin, German

22 **June 15**

23 Michael Jackson appears at a demonstration against Sony in London and later at the MJNI  
organized fan party, "The Thriller Killer Party".

24 **August 23**

25 The story broke that Michael Jackson had become a father for the 3rd time.

26 **November 21**

Michael received the "Artist of the Millenium Award" at the Bambi Awards in Germany.

27 **December 9**

28 Michael received a special award for the sales of "Thriller" at the annual Billboard Awards.  
The award was presented by Chris Tucker. -23-

MR. JACKSON'S REPLY BRIEF IN SUPPORT OF HIS MOTION FOR  
REDUCTION OF BAIL; SUPPORTING DECLARATION OF BRIAN OXMAN



**2003**

**February 3**

"Living with Michael Jackson" was aired in the UK. Filming took place in Germany and U.S.

**February 20**

Michael strikes back at Martin Bashir with his own version of the interview, called "The Interview You Were Never Meant To See" - nicknamed "Take 2" shown on Fox.

**April 6**

Michael attends the Palm Beach International Film Festival.

**April 24**

'Private Home Movies' airs on Fox.

**June 9**

Michael attends the National Cable Telecommunications Association conference in Chicago (USA) on Monday June 9, 2003. He was there along with Chris Tucker to support MBC, a black cable start-up company.

**June 11**

Michael returns to Gary, Indiana and receives the key to the city at City Hall from Mayor Scott L. King. Michael then made the short journey to his childhood home at 2300 Jackson Street. Michael receives an honorary high school diploma at Roosevelt High School in Gary.

**June 24**

Michael Jackson presents James Brown with a special lifetime achievement award at The Third Annual BET (Black Entertainment Television) Awards in Los Angeles.

**August 30**

Michael attends the "Celebration of Love" 45th birthday party held in his honor at the Orpheum Theater in Los Angeles, California.

**September 13**

Charitable gathering at Neverland Ranch. Beneficiaries were Make a Wish Foundation, Liliclaire Foundation, Living Your Dream, Music for Giving, and others. Attendees traveled from throughout the world.

**October 27**

Michael receives the Radio Music Awards' first Humanitarian Award.

**November 18**

'Number Ones' is released.

EXHIBIT "B-1"

EXAMPLES OF MICHAEL JACKSON'S CHARITABLE ACTIVITY SINCE 1997

January 25, 1997: Michael waved his personal fee for his Bombay appearance and donated \$1.1 million to a local charity helping to educate children living in slums.

April 4, 1997: British magazine "OK!" is publishing exclusive photos of Michael's son Prince. The magazine pays about 1 million pounds for the photos. Michael donates the money to charity.

June 18, 1997: Michael signed the "Children in Need" book auctioned by the charity UNESCO.

September 1998: Michael meets 5 year old Aza Woods, who suffers from cancer, at the Hilton Hotel in Las Vegas. Michael introduces Aza to the attraction "Star Trek: The Experience" and spends the rest of the afternoon with the little boy. Finally Michael invites Aza to spend some time with him at his Neverland Ranch.

November 16, 1998: Michael arrives in Harare, Zimbabwe. He is a member of the American Delegation invited by the Minister of Defense. The delegation thanks the government of Zimbabwe for helping to keep the peace in this area.

September 4, 1999: Michael presented Nelson Mandela with a check for 1,000,000 South African rand for the "Nelson Mandela Children's Fund."

January 22, 2000: During Christmas last year a violent storm ravaged the park of the Chateau de Versailles and destroyed 10,000 trees in the park. The estimated cost for rebuilding the park is around \$20 million. Some celebrities are supporting the restoration of the park. French officials are reporting that Michael Jackson is one of them. He was one of the first people to donate money to this cause.

October 28, 2000: Michael painted a plate to be auctioned for the "Carousel of Hope Ball" benefiting childhood diabetes research.

March 6, 2001: Michael donated a black hat, a birthday phone-call and a jacket worn at the Monaco Music Awards in 2000 to the Movie Action for Children auction, an event being given by UNICEF with all proceeds will going to UNICEF's efforts to prevent mother-to-child HIV transmission in Africa.

March 26, 2001: Michael handed out books to young people at a Newark, NJ theater. The event, which helped to launch the Michael Jackson International Book Club, part of his new Heal the Kids charity, aims to promote childhood reading and encourage parents to return to reading bedtime stories.

September 15, 2002: Michael donated 16 exclusively autographed items consisting of CD's, videos and 2 cotton napkins to aid in the support of the victims of a severe flood in Germany. These items were auctioned off for charity and managed to raise 3935 Euro (US\$ 3,814).

October 12, 2002: Michael Jackson invited more than 200 Team Vandenberg members, who recently returned from overseas deployments, and their families to his Neverland

1 Ranch. This was to show his appreciation for the sacrifices the military in his community  
2 make.

3 **November 19-29, 2002:** Michael donated an autographed teddy bear dressed in his  
4 likeness to Siegfried & Roy's celebrity teddy bear auction. This auction benefits  
5 Opportunity Village which is a non-profit organization based in Las Vegas (USA) that  
6 enhances the lives of individuals with intellectual disabilities and their families. Michael's  
7 autographed teddy bear raised \$5,000 for the charity.

8 **November 21, 2002:** Michael donated a jacket to the The Bambi Charity Event in Berlin  
9 which raised \$16,000.

10 **April 25, 2002:** Michael Jackson performed at a fundraiser for the Democratic National  
11 Committee at the Apollo Theater in Harlem helping to raise nearly \$3 million dollars  
12 towards voter registration.

13 **June 2003:** The Wolf family, who experienced serious damages to their belongings during  
14 the flood in Saxony, Germany last August, was invited to Berlin by Michael Jackson when  
15 he was at the Bambi Awards. On that occasion Michael invited them to Neverland. In  
16 June, they spent three days at Neverland, meeting Michael and his children.



EXHIBIT "B-2"

EXAMPLES OF MICHAEL JACKSON'S CHARITABLE GIFT RECIPIENTS

The Millennium-Issue of the "Guinness Book Of Records" names Michael as the Pop Star who supports the most charity organizations. The following projects are supported by Michael Jackson:

AIDS Project L.A.  
American Cancer Society  
Angel Food  
Big Brothers of Greater Los Angeles  
BMI Foundation  
Brotherhood Crusade  
Brothman Burn Center  
Camp Ronald McDonald  
Childhelp U.S.A.  
Children's Institute International  
Cities and Schools Scholarship Fund  
Community Youth Sports & Arts Foundation  
Congressional Black Caucus  
Dakar Foundation  
Dreamstreet Kids  
Dreams Come True Charity  
Elizabeth Taylor Aids Foundation  
Heal The World Foundation  
Juvenile Diabetes Foundation  
Love Match  
Make A Wish Foundation  
Minority Aids Project  
Motown Museum  
NAACP  
National Rainbow Coalition  
Rotary Club of Australia  
Society of Singers  
Starlight Foundation  
The Carter Center's Atlanta Project  
The Sickle Cell Research Foundation  
Transafrica  
United Negro College Fund  
United Negro College Fund Ladder's of Hope  
Volunteers of America  
Watts Summer Festival  
Wish Granting  
YMCA - 20th Street/Crenshaw

EXHIBIT "C"

EXAMPLES OF MICHAEL JACKSON'S AWARDS

(1997 to 2003)

1997

**Bob Fosse Award**  
Best Choreography in a Music Video - "Ghosts"

**Bravo Magazine Awards**

Silver Otto Award  
Best Album, "HIStory"  
Best Show  
3rd Best Looking Singer

**Brazilian TVZ Video Awards**

Best International Video of the Year - "Blood On The Dance Floor"

**Dutch Music Factory Awards**

Best Male Singer  
Best Live Act

**Live! Magazine (Readers' Poll)**

Most Memorable Male Performer  
Legend of Live Entertainment

**Popcorn Magazine Awards**

Favorite Male Vocalist

**Rock and Roll Hall of Fame**

Jackson 5 inducted into the Rock and Roll Hall

**Soul Train Music Awards:**

Renamed the video award in Michael's honor to "Michael Jackson Award For Best R&B/Soul Or Rap Music Video"

1998

**Billboard "Hot 100" Singles Chart**  
Most #1 Hits by Male Artist (13)

**Bravo Magazine Awards**

Silver Otto Award

**Mix (Danish) Magazine readers' (Vote)**

Best Event - Michael Jackson Concert at Parken Stadium  
Best Foreign Male Singer  
2nd Best Dressed Singer  
Best Singer  
3rd Best Foreign Album - "Blood on the Dance Floor"

**Puls Denmark Music TV Program Viewer (Vote)** Best Foreign Male Singer (1997)

Best Show of the Year (1997)

- 1 **VH1 poll**
- 2 **# 1 Greatest Video of All Time - Thriller**
- 3 **1999**
- 4 **80 Classics of the 80's Poll - Dutch Music Channel (TMF)**
- 5 **#1 Song - Thriller**
- 6 **Bollywood Awards**
- 7 **World Humanity Award**
- 8 **CD-First Internet Poll**
- 9 **Greatest Pop Artist of the 90's**
- 10 **CNN Internet Poll**
- 11 **Best Music Video Of All Time - Thriller**
- 12 **Diamond Award**
- 13 **For U.S sales of 10 million for an individual album or single (Michael was the youngest male artist to qualify for the award)**
- 14 **Ebony Magazine**
- 15 **One of the 100 most important black people of the 20th century**
- 16 **Entertainment Weekly**
- 17 **Eighth Greatest Entertainer of the Past 50 years**
- 18 **Entertainment Weekly Poll**
- 19 **Best Solo Artist (Modern) - #1. Michael Jackson (with 25.90% of the votes)**
- 20 **Best Group (Classic) - #2. The Jackson 5 (with 13.57% of the votes)**
- 21 **Most Underrated Artist or Group - #2. Michael Jackson (with 17.125 of the votes)**
- 22 **Best Modern Album - #1. "Thriller" - Michael Jackson (with 23.43% of the votes)**
- 23 **Best Song (Modern) - #2. "Billie Jean" - Michael Jackson (with 16.11% of the votes)**
- 24 **Best Music Video - #1. "Thriller" - Michael Jackson (with 25.11% of the votes)**
- 25 **Internet Worldwide Top 100 Male Stars**
- 26 **# 1 Male Star**
- 27 **Kora All-African Music Awards:**
- 28 **Lifetime Achievement Award**
- 29 **Lifetime Achievement Award**
- 30 **Presented to Michael in South Africa by Namibian Premier Hage Geingob.**
- 31 **The Recording Industry Association of America (RIAA)**
- 32 **Michael's album "HIStory" (released in 1995) has been certified Platinum 7 times in the USA**
- 33 **2000**
- 34 **G&P Foundation Angel Ball:**
- 35 **Angel Of Hope Award (for outstanding contribution to the fight against cancer)**
- 36 **World Music Awards**
- 37 **Best Selling Pop Male Artist of the Millennium**
- 38 **2001**



**KHS-FM:**

Lifetime Achievement Award

**MJ Day 10 Award:**

Presented to Michael Jackson at Adrian Grant's MJ Day 10 on behalf of millions of loving fans all around the world

**Nasdaq:**

Michael Jackson presented with an award by Nasdaq Chief Executive Hardwick Simmons

**Rock & Roll Hall Of Fame Induction:**

Michael Jackson inducted into the Rock & Roll Hall of Fame for his achievements as a solo artist (Michael was already inducted into the Hall of Fame in 1997 as a member of the Jackson 5). (March 19)

**2002**

**American Music Awards:**

Artist Of The Century Award (Jan. 9)

**Bambi Awards (Berlin, Germany)**

Pop Artist of the Millenium

**Billboard Awards:**

Special Billboard Award: Commemorating the 20th anniversary of Thriller.

**Celebrate the Magic Foundation:**

1st Magical Life Award: Michael Jackson honored for making the world a better place, standing up for children and humanity (Inaugural and 1st ever award for Michael Jackson) (Announced March 20, presented May 1)

**Michael Jackson 30th Anniversary Award:**

Michael Jackson was presented with the 30th Anniversary Award by its designer, Nijel, who already designed the Top Selling Artist Of The Decade Award in 1990.

**MTV Video Music Awards:**

Artist Of The Millennium

**NAACP Image Awards:**

Outstanding Music Video: 'You Rock My World'

Outstanding Variety Series/Special: 30th Anniversary Celebration

Outstanding Performance in a Variety Series/Special: 30th Anniversary (Feb. 27)

**NRJ Awards: (Cannes, France)**

Best International Male Singer Award (Jan. 19)

**Songwriters Hall of Fame**

Michael Jackson is inducted into the Songwriters Rock & Roll Hall of Fame for his achievements as a songwriter. (Michael was already inducted into the Hall of Fame in 1997 as a member of the Jackson 5 and in 2001 as a solo artist) (June).

**World Awards (Vienna, Austria)**

World Arts Award 2002 - Michael Jackson was honored for his peace and tolerance efforts around the world.

1 **2003**

2 **Key to the City: Gary, Indiana**  
(June 11)

3 **BMI Urban Awards**

4 **Best song: 'Butterflies'**  
(Miami, Florida) (Marsha Ambrosius, SPZ Music Inc., Michael Jackson, Epic Records)  
5 (Aug. 5)

6 **Key To The City: Gary, Indiana**

Michael Jackson honored with the Key To The City by the mayor of Gary

7 **Key to the City: Las Vegas**

8 Awarded by the Mayor of Las Vegas (Art of Music Store) (Oct. 25)

9 **Power Of Oneness Awards:**  
Lifetime Achievement Award

10 **Radio Music Awards**

11 **Humanitarian Award.** Michael is the first-ever recipient of this award. (Oct. 27)

28

PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States of America, am over the age of eighteen (18) years, and not a party to the within action. I am employed at 1875 Century Park East, 7<sup>th</sup> Floor, Los Angeles, CA 90067. On May 26, 2004, I served the following document:

**MR. JACKSON'S REPLY BRIEF IN SUPPORT OF HIS MOTION FOR  
REDUCTION OF BAIL; SUPPORTING DECLARATION OF BRIAN OXMAN**

on the interested parties addressed as follows:

Thomas Sneddon, Esq., District Attorney  
Gerald Franklin, Esq.  
Ronald Zonen, Esq.  
Gordon Auchincloss, Esq.  
District Attorney's Office  
1105 Santa Barbara Street  
Santa Barbara, CA 93108  
FAX: (805) 568-2398

BY MAIL: I placed each envelope, containing the foregoing document, with postage fully prepaid, in the United States mail at Los Angeles, California. I am readily familiar with the business practice for collection and processing of mail in this office; that in the ordinary course of business said document would be deposited with the US Postal Service in Los Angeles on that same day.

X BY FACSIMILE: I served a copy of the within document on the above-interested parties, by way of a facsimile, at the facsimile numbers listed above.

BY MESSENGER/ATTORNEY SERVICE: I caused \_\_\_\_\_ to personally serve the within document on the above interested parties.

X (State) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

\_\_\_\_\_ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on May 26, 2004, at Los Angeles, California.

  
Susan C. Yu