

1 THOMAS W. SNEDDON, JR., DISTRICT ATTORNEY  
County of Santa Barbara  
2 By: RONALD J. ZONEN (State Bar No. 85094)  
Senior Deputy District Attorney  
3 GORDON AUCHINCLOSS (State Bar No. 150251)  
Senior Deputy District Attorney  
4 GERALD McC. FRANKLIN (State Bar No. 40171)  
Senior Deputy District Attorney  
5 1105 Santa Barbara Street  
Santa Barbara, CA 93101  
6 Telephone: (805) 568-2300  
FAX: (805) 568-2398

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

MAY 27 2004

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

7  
8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
9 **IN AND FOR THE COUNTY OF SANTA BARBARA**  
10 **SANTA MARIA DIVISION**

11  
12  
13 THE PEOPLE OF THE STATE OF CALIFORNIA.

14 Plaintiff,

15 vs.

16 MICHAEL JOE JACKSON,

17 Defendant.  
18  
19

No. 1133603  
PEOPLE'S REQUEST TO  
LODGE ADDITIONAL  
CORRESPONDENCE  
REGARDING DISCOVERY

Date: May 28, 2004  
Time: 8:30 AM  
Dept.: 9 (Melville)

20 Because defendant attached to his motion to compel discovery only a portion of  
21 the correspondence between the parties dealing with this subject, the People hereby  
22 request to lodge with the court additional correspondence in the form of the attached  
23 seven letters and two e-mails so that the Court may have a more complete understanding  
24 of the dialogue between the parties on this topic.  
25  
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28

/// /

/// /

1 DATED: May 27, 2004

2 Respectfully submitted,

3 THOMAS W. SNEDDON, JR., DISTRICT ATTORNEY

4 BY:

5   
6 GORDON AUCHINCLOSS  
7 Senior Deputy District Attorney

1  
2  
3 **PROOF OF SERVICE**  
4

5  
6  
7 STATE OF CALIFORNIA )  
8 COUNTY OF SANTA BARBARA ) SS  
9

10 I am a citizen of the United States and a resident of the County aforesaid; I am over the  
11 age of eighteen years and I am not a party to the within-entitled action. My business address is:  
12 District Attorney's Office; Courthouse; 1105 Santa Barbara Street, Santa Barbara, California  
13 93101.  
14

15 On May 27, 2004, I served the within REQUEST TO LODGE ADDITIONAL  
16 CORRESPONDENCE ON DISCOVERY on Defendant, by THOMAS A. MESEREAU, JR.,  
17 STEVE COCHRAN, and ROBERT SANGER, by faxing a true copy to counsel at the facsimile  
18 number shown with the address of each on the attached Service List, and then by causing to be  
19 mailed a true copy to each counsel at that address.  
20

21 I declare under penalty of perjury that the foregoing is true and correct.  
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23 Executed at Santa Barbara, California on this 27th day of May, 2004.  
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**SERVICE LIST**

THOMAS A. MESEREAU, JR.  
Collins, Mesereau, Reddock & Yu, LLP  
1875 Century Park East, No. 700  
Los Angeles, CA 90067  
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Attorney for Defendant Michael Jackson

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Co-counsel for Defendant

ROBERT SANGER, ESQ.  
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FAX: (805) 963-7311

Co-counsel for Defendant



AS W. SNEDDON, JR.  
District Attorney  
ARNIE B. PINSKER  
Assistant Director



PATRICK J. McKINLEY  
Assistant District Attorney  
CHRISTIE SCHULTZ  
Assistant District Attorney

COUNTY OF SANTA BARBARA  
DISTRICT ATTORNEY

January 29, 2004

Mark John Geragos, Esq.  
Geragos & Geragos, Lawyers  
350 S. Grand Avenue, Suite 3900  
Los Angeles, CA 90072-3480

**Re: Discovery**

Dear Mr. Geragos:

For a number of reasons we did not get to discuss discovery during our most recent court appearance. The judge's directive to provide you with disc discovery by noon further complicated the situation. As you may have noticed, the disc copies of reports are without officer's initials or signatures. I did not learn about the situation until a few days before the January 16<sup>th</sup> hearing. When I asked the Sheriff's Department why there were no signatures on the reports, they indicated that the reports had been prepared on the computer, downloaded directly to the discs and that the automation system would not accommodate signature or initials. I was assured by them that all reports had been in fact read, reviewed and signed off by the appropriate officers and supervisors before being downloaded to the discs. I had erroneously assumed that the reports would be scanned after initialing and signing as the discovery process was done in Stanislaus County.

It was my intention to talk to you about this issue at the hearing and suggest several options or solutions. Obviously, given the way the hearing ended and the judge's directives, that was not possible. I feel it is extremely important that you and your client be presented with copies of the reports that are both initialed or signed so that there be no misunderstanding during the time of any evidentiary hearing or procedure. Therefore I have directed the Sheriff's Department to print out in hard copy all of those reports that are contained on your disc and to initial or signature them. You will then have the opportunity to compare the initialed or signed versions with the unsigned ones contained

1 Santa Barbara Office  
Courthouse  
1105 Santa Barbara Street  
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☐ Santa Barbara Office  
118 E. Figueroa St.  
Santa Barbara, CA 93101  
(805) 568-2350  
FAX (805) 568-2453

☐ Lompoc Office  
115 Civic Center Plaza  
Lompoc, California 93436  
(805) 737-7760  
FAX (805) 737-7732

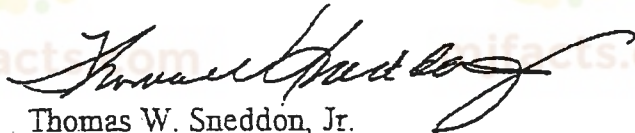
☐ Santa Maria Office  
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Santa Maria, California 93454  
(805) 346-7540  
FAX (805) 346-7588

Mark John Geragos, Esq.  
Geragos & Geragos, Lawyers  
Page Two  
January 29, 2004

on your disc. I am certain, based on representations from the Sheriff's Department you will find them all to be identical.

I am sorry for this misunderstanding, but frankly part of the Sheriff's Department's decision to put them in an unsigned manner on the disc was to expedite the discovery process by eliminating the very time-consuming and labor intensive scanning of the information. In the interim I have received another disc, which I have enclosed. As discovery is provided in the future, it will be done in a fashion that contains signed and initialed copies so that this problem should end now.

Very truly yours,

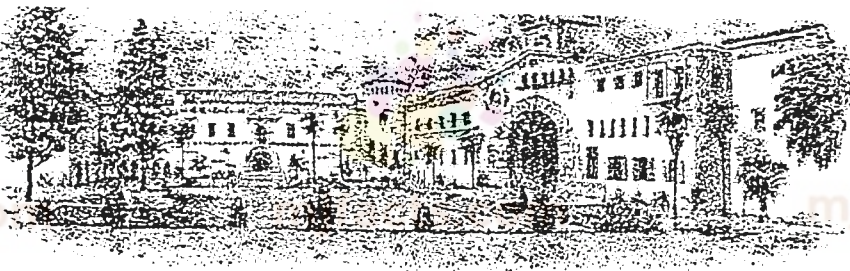


Thomas W. Sneddon, Jr.  
District Attorney

TWS:mm  
Enclosure

THOMAS W. SNEDDON, JR.  
District Attorney

ARNIE B. PINSKER  
Assistant Director



PATRICK J. MCKINLEY  
Assistant District Attorney

CHRISTIE SCHULTZ  
Assistant District Attorney

COUNTY OF SANTA BARBARA  
DISTRICT ATTORNEY

February 10, 2004

Mark John Geragos, Esq.  
Geragos & Geragos, Lawyers  
350 S. Grand Avenue, Suite 3900  
Los Angeles, CA 90071-3480

Re: Further Discovery

Dear Mark:

Please find enclosed pages 0443 to 0844 of additional reports provided to you by way of discovery. As I indicated to you in my earlier letter, I have discontinued the use of discs, because they did not contain the signature signoff on the records. To reiterate, all further discovery will be in hard copy form only.

Very truly yours,

Thomas W. Sneddon, Jr.  
District Attorney

TWS:rm  
Enclosures

cc: Benjamin Brafman, Esq.  
Steve Cochran, Esq.  
Robert Sanger, Esq.

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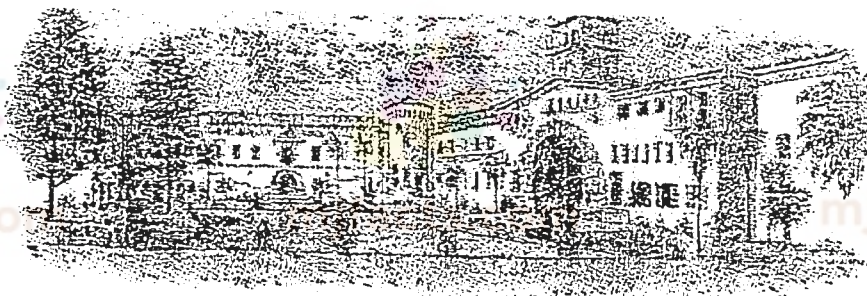
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MAS W. SNEDDON, JR.  
District Attorney

ARNIE B. PINSKER  
Assistant Director



PATRICK J. MCKINLEY  
Assistant District Attorney

CHRISTIE SCHULTZ  
Assistant District Attorney

COUNTY OF SANTA BARBARA  
DISTRICT ATTORNEY

March 12, 2004

Via Facsimile (213) 625-1600  
Original Mailed Under Separate Cover

Mark John Geragos, Esq.  
Geragos & Geragos, Lawyers  
350 S. Grand Avenue, Suite 3900  
Los Angeles, CA 90071-3480

Re: Further Discovery

Dear Mark:

Please find enclosed, reports numbered 0856 through 1124. In addition, please note that there are several additions and corrections that need to be made with regard to several items that are already in your possession. First, with regard to the first three items listed on your table of contents for disc 1, they are actually a duplication of those items listed on page 2 under the report dated 11-20-03 at 2105 hours. These are found at pages 294 and 295 of the materials previously discovered to you. The disc printout lists this report as 2105 hours. The actual hour was 1205. There is also a page missing from this report, which I have included as 295A.

Among materials found on disc 2 is a report dated 11-25-03 at 0900 hours, which has a series of numbers as 0342BOC. The correct BOC number is 0341. This was a typographical error. Additionally, I provided pages 0845 to 0855. These encompass a series of pages and attachments which were omitted from the main documents previously provided, or missing reports I thought to be provided. There are instructions on the various documents. This should make it easier for you to figure out where these materials belong.

I have also notified Bob Sanger that we have 51 cassette tapes, two video tapes and one disc of the evidence photos discussed Wednesday, for pick up. Bob is aware that we normally charge for discovery and to this point I have not. There will, however, be a cost of \$10.00 each for the tapes and \$25.00 each for the videos and disc. Bob can pick them up from my secretary at his convenience.

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Courthouse  
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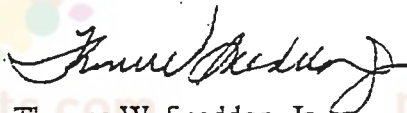
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Mark John Geragos, Esq.  
Geragos & Geragos, Lawyers  
• Page 2  
March 12, 2004

Lastly, let me add an item of concern. It has come to my attention that your client has launched a website. (See attachment.) His reported statements made at its launching appear to be clear violations of the current "Protective Order." I have also seen the tape of a Geraldo Rivera program where he purports to have just got off the phone with your client and quotes his comments which also violate the "Protective Order." It is not my desire to elevate the publicity in this case or embarrass or harass your client, so I am hoping that you will deal with this internally so I need not schedule a contempt hearing.

Very truly yours,



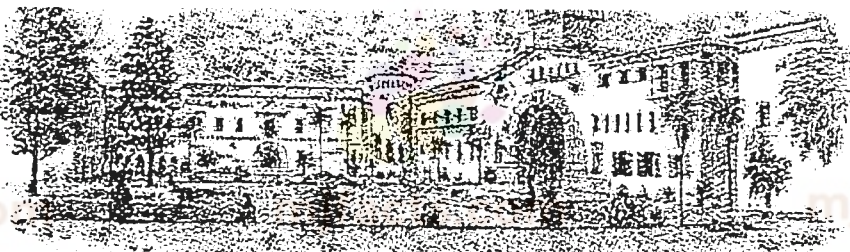
Thomas W. Sneddon, Jr.  
District Attorney

TWS:mm

cc: Benjamin Brafman, Esq.  
Steve Cochran, Esq.  
Robert Sanger, Esq.

bcc: Gordon Auchincloss  
Gerald Franklin  
Ron Zonen

THOMAS W. SNEDDON, JR.  
District Attorney  
LARNIE B. PINSKER  
Assistant Director



PATRICK J. MCKINLEY  
Assistant District Attorney  
CHRISTIE SCHULTZ  
Assistant District Attorney

COUNTY OF SANTA BARBARA  
DISTRICT ATTORNEY

April 30, 2004

Thomas A. Mesereau, Jr.  
Collins, Mesereau, Reddock, & Yu, LLP  
1875 Century Park East, 7<sup>th</sup> Floor  
Los Angeles, CA 90067

Re: *People v. Jackson*; Case No. 1133603

Dear Mr. Mesereau, Jr.:

Enclosed is further discovery, pages 01125 through 01594.

Very truly yours,

Thomas W. Sneddon, Jr.  
District Attorney

TWS:rm

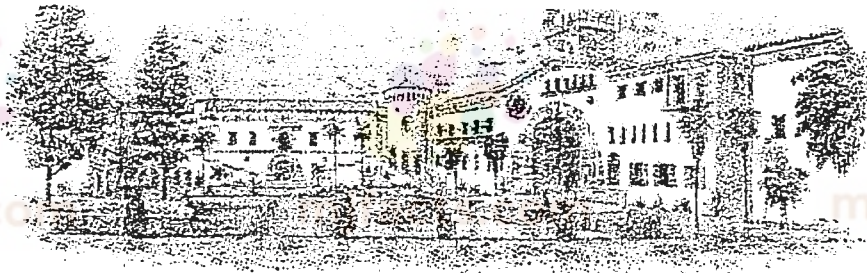
— Santa Barbara Office —  
Courthouse  
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ARNIE B. PINSKER  
Assistant Director



PATRICK J. MCKINLEY  
Assistant District Attorney  
CHRISTIE SCHULTZ  
Assistant District Attorney

COUNTY OF SANTA BARBARA  
DISTRICT ATTORNEY

May 25, 2004

Robert Sanger, Esq.  
Sanger & Swysen, Lawyers  
233 East Carrillo Street, Suite C  
Santa Barbara, CA 93001

Re: *The People of the State of California vs. Michael Joe Jackson*  
Superior Court Case No. 1133603

Dear Mr. Sanger:

Enclosed is further discovery, pages 01595 through 02202.

Very truly yours,

GORDON AUCHINCLOSS  
Senior Deputy District Attorney

GA:mm  
Enclosures

Received by Robert Sanger, Esq., discovery pages 01595 through 02202.

Date: 5/25/2004

ROBERT W. SANGER

By:

Jason Nielsen, Runner for  
Sanger & Swysen, Lawyers

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COUNTY OF SANTA BARBARA  
DISTRICT ATTORNEY

May 26, 2004

VIA FACSIMILE NO. (310) 712-8455

Mr. Steve Cochran  
Attorney at Law  
KATTEN MUCHIN ZAVIS ROSENMAN  
2029 Century Park East, Suite 2600  
Los Angeles, CA 90067

Re: People v. Michael Joe Jackson; Discovery

Dear Steve,

Pursuant to your request made during our phone conversation on May 18, 2004, I am addressing all correspondence concerning discovery to you.

Thank you for your attention and comments during our conference call with you and your colleagues on March 21, 2004. During that call I explained to you the reason for any time lag between investigation and the discovery to the defense of a final report. I addressed every concern you had regarding the discovery process and there appeared to be complete accord on discovery issues with the exception of your request that custody of physical exhibits be turned over to you during the viewing. I assured you that we will continue to provide discovery in a timely fashion and I gave you a timetable for the production of known reports that are currently in the process of final review and preparation. I am pleased to report that we are ahead of that timetable. On May 25, 2004 we provided discovery of an additional 596 pages of discovery and the remaining interview audio tapes will be available tomorrow. I am informed by Lieutenant Klepakis that approximately 10 more reports are in the process of final preparation and will be available next week. At that time you should then have complete discovery of all finalized reports.

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Mr. Steve Cochran  
Attorney at Law  
May 26, 2004  
Page Two

Regarding the viewing of physical evidence in the possession of the Santa Barbara Sheriff's Department, we have scheduled the necessary personnel to be at your disposal on Tuesday, Wednesday and Thursday of next week. Pursuant to the plan you proposed, you will send your investigator(s) to photo, copy and record all items of interest and will later request a second date during which you and colleagues will view those items that are deemed important. I have spoken to Lieutenant Klapakis about this arrangement and we are in agreement that this is a fair and efficient method to provide you with access to this evidence. Please be advised that you will need to bring your own equipment to duplicate documents, VHS tapes, compact discs and DVD discs.

Lastly, I would like to address the issue of the duty of defense to disclose information to the prosecution under Penal Code Section 1054.3. As you are aware, an informal demand for defense discovery was made at the time the original complaint was filed on December 18, 2003. To date we have received nothing. On May 24, 2004, I e-mailed you a request to call me immediately with a status report on defense discovery. On the afternoon of May 25, 2004, after not receiving a return call from you, I called your office and spoke to your secretary Shirley Appleton and requested you call me. On May 26, 2004 I called your office twice and left messages for you to return my call. Please provide me with the courtesy of a returned call and a report on the status of defense discovery before our court hearing Friday.

Very Truly Yours



Gordon Auchincloss  
Senior Deputy District Attorney

GA/kb



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**LETTER, DATED 5/27/04,**



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**From:** Gordon Auchincloss  
**To:** [REDACTED]  
**Date:** 5/21/04 3:43PM  
**Subject:** Discovery

Steve:

FYI - I spoke with Jeff Klapakis today and he informed me that the number of currently undiscovered interview tapes is more in the neighborhood of 10 rather than 40. Pursuant to our discussions, I will file my response to your motion on Monday.

Have a great weekend.

J. Gordon Auchincloss  
Senior Deputy District Attorney  
1105 Santa Barbara St.  
Santa Barbara, CA 93101

[REDACTED]

~Mail Envelope Properties (40AE8613.813 : 6 : 15671)

• **Subject:** Discovery  
**Creation Date:** 5/21/04 3:43PM  
**From:** Gordon Auchincloss

- **Created By:** [REDACTED]

**Recipients**

kmzr.com  
steve.cochran [REDACTED]

**Action**

Transferred

**Date & Time**

05/21/04 03:44PM

**Post Office**

**Delivered**

**Route**

kmzr.com

**Files**

MESSAGE

**Size**

1082

**Date & Time**

05/21/04 03:43PM

**Options**

**Auto Delete:**

No

**Expiration Date:**

None

**Notify Recipients:**

Yes

**Priority:**

Standard

**Reply Requested:**

No

**Return Notification:**

None

**Concealed Subject:**

No

**Security:**

Standard

**To Be Delivered:**

Immediate

**Status Tracking:**

All Information



From: Gordon Auchincloss  
To: [REDACTED]  
Date: 5/24/04 3:42PM  
Subject: Discovery

Steve:

Jeff Klapakis told me today that you should be in possession of virtually all the outstanding discovery this week. I will notify you when the next batch is ready.

Would you please phone me tomorrow and inform me of the status of defense discovery to the prosecution pursuant to 1054.3?

Thank you.

J. Gordon Auchincloss  
Senior Deputy District Attorney  
1105 Santa Barbara St.  
Santa Barbara, CA 93101  
[REDACTED]

Mail Envelope Properties (40B27A5C.813 : 6 : 15671)

**Subject:** Discovery  
**Creation Date:** 5/24/04 3:42PM  
**From:** Gordon Auchincloss

**Created By:** [REDACTED]

**Recipients**

kmzr.com  
steve.cochran [REDACTED]

**Action**

Transferred

**Date & Time**

05/24/04 03:43PM

**Post Office**

**Delivered**

**Route**

kmzr.com

**Files**

MESSAGE

**Size**

1150

**Date & Time**

05/24/04 03:42PM

**Options**

**Auto Delete:**

No

**Expiration Date:**

None

**Notify Recipients:**

Yes

**Priority:**

Standard

**Reply Requested:**

No

**Return Notification:**

Send Receipt/Notify when Opened

**Concealed Subject:**

No

**Security:**

Standard

**To Be Delivered:**

Immediate

**Status Tracking:**

All Information