

JUN 30 2004

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

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF SANTA BARBARA  
10 SANTA MARIA DIVISION

12 THE PEOPLE OF THE STATE OF CALIFORNIA,  
13 Plaintiff,

14 v.

15 MICHAEL JOE JACKSON,

16 Defendant.

No. 1133603

APPLICATION TO SEAL  
"PLAINTIFF'S OPPOSITION  
TO DEFENDANT'S 'MOTION  
TO SUPPRESS' ON  
STATUTORY AND NON-  
STATUTORY GROUNDS"  
AND TO MAINTAIN THAT  
OPPOSITION UNDER  
CONDITIONAL SEAL UNTIL  
FURTHER ORDER OF COURT;  
DECLARATION OF GERALD  
McC. FRANKLIN;  
MEMORANDUM OF POINTS  
AND AUTHORITIES

(Cal. Rules of Ct., rule 243.1 et  
seq.)


DATE: , 2004  
TIME: 8:30 a.m.  
DEPT: SM 2 (Melville)

25 TO: THE CLERK OF THE COURT, AND TO MICHAEL JOE JACKSON, AND  
26 TO THOMAS A. MESEREAU, JR., STEVE COCHRAN, AND ROBERT SANGER, HIS  
27 ATTORNEYS OF RECORD; AND TO GIBSON, DUNN & CRUTCHER, ATTORNEYS  
28 FOR (COLLECTIVELY) THE MEDIA:

1 Plaintiff requests that the Court maintain under conditional seal the accompanying  
2 "Plaintiff's Opposition to Defendant's 'Motion To Suppress' On Statutory And Non-Statutory  
3 Grounds," etc. This request is based upon the orders of Judge Melville in this case regarding  
4 the need to file motions of a potentially sensitive nature under seal.

5 Dated: June 30, 2004.

6 THOMAS W. SNEDDON, JR.  
7 District Attorney

8 By:   
9 Gerald McC. Frankin, Senior Deputy

10 Attorneys for Plaintiff



1 MEMORANDUM OF POINTS AND AUTHORITIES

2  
3 The procedure for sealing records under California Rules of Court, rule 243.1 et seq.  
4 applies only to records that are deemed public. (*Id.*, rule 243.1(a)(2).)

5 Rule 243.1(d) provides that

6 The court may order that a record be filed under seal only if it  
7 expressly finds facts that establish:

8 (1) There exists an overriding interest that overcomes the right of  
9 public access to the record;

10 (2) The overriding interest supports sealing the record;

11 (3) A substantial probability exists that the overriding interest will  
12 be prejudiced if the record is not sealed;

13 (4) The proposed sealing is narrowly tailored; and

14 (5) No less restrictive means exist to achieve the overriding interest.

15 Rule 243.1(e) provides, in pertinent part:

16 (1) An order sealing the record must (i) specifically set forth the  
17 facts findings that support the findings and (ii) direct the sealing of  
18 only those documents and pages, or, if reasonably practicable,  
19 portions of those documents and pages, that contain the material that  
20 needs to be placed under seal. All other portions of each documents  
21 or page must be included in the public file.

22 Rule 243.2(b) provides, in pertinent part, that "Pending the determination of the  
23 motion [of a party to file a record under seal], the lodged record will be conditionally under  
24 seal."

25 Pursuant to the Court's prior instructions, including instructions reiterated on May  
26 28, 2004, the People are submitting this APPLICATION TO SEAL PLAINTIFF'S MOTION  
27 FOR RELEASE OF CERTAIN EVIDENCE CURRENTLY IN THE POSSESSION OF THE  
28 COURT, etc. As set forth in the accompanying Declaration of the undersigned, the  
29 accompanying motion makes references to statements of witnesses, documents, evidence

1 presented to the grand jury and potential evidence at the trial of this matter, and discusses the  
2 evidentiary significance thereof, that would appear to bring the motion within the pretrial rule  
3 regarding the documents under seal, and that publication of the accompanying motion will  
4 prejudice the right of both sides to a fair trial before an unbiased jury.

5 DATED: June 30, 2004

6 Respectfully submitted,

7 THOMAS W. SNEDDON, JR., DISTRICT ATTORNEY  
8 County of Santa Barbara

9 By: *Gerald McC. Franklin*  
10 Gerald McC. Franklin, Senior Deputy

11 Attorneys for Plaintiff  
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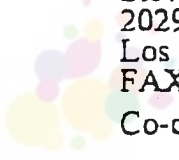
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