

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA BARBARA**

Dated & Entered: JULY 9, 2004	Time: 8:30 A.M.	F	
Honorable RODNEY S. MELVILLE		CC	
Deputy Clerk: L. FREY	Dept. SM TWO	CA	
Deputy Sheriff : L. AVILA		AC	
Court Reporter: M. MC NEIL	Case No. 1133603	SR	
Plaintiff: THE PEOPLE OF THE STATE OF CALIFORNIA		ST	
vs.		DOC	X
Defendant(s): MICHAEL JOE JACKSON			
District Attorney: THOMAS W. SNEDDON, JR.			
Defense Counsel: THOMAS A. MESEREAU, JR.			
Probation Officer:	Interpreter:		

NATURE OF PROCEEDINGS: MOTION TO UN-SEAL GRAND JURY TRANSCRIPT; MOTION TO SEAL LODGED EXHIBIT; MOTION FOR PRIOR COUNSEL TO TURN OVER ANY FILES AND WORK PRODUCT TO COUNSEL FOR THE DEFENSE; HEARING ON 1538.5 P.C. MOTION (PART 1); SETTING HEARING DATES, CONSIDERATION RE: PRESENCE OF DEFENDANT; MOTION TO SEAL MOTION TO SET ASIDE INDICTMENT (PENAL CODE SEC. 995); 995 P.C. MOTION TO SET ASIDE THE INDICTMENT; PLAINTIFF'S REQUEST FOR CLARIFICATION RE: COURT'S PROTECTIVE ORDER

Felony Complaint Filed December 18, 2003 charging the Defendant with Counts 1 thru 7: 288(a) P.C. a Felony, Counts 8 and 9: 222 P.C. a Felony, Enhancements on Counts 1 through 7: 1192.7(c)(6) P.C. and 1203.066(a)(8) P.C.

Indictment filed April 21, 2004 charging the Defendant with Count 1: 182 P.C., a Felony, Counts 2 through 5: 288(a) P.C., Felonies, Count 6: 664/288(a) P.C., a Felony, Counts 7 through 10: 222 P.C., Felonies, Special Allegations on Counts 2 through 5: 1192.7(c)(6) P.C. and 1203.066(a)(8)

The Court made orders re: Motion to Un-Seal Grand Jury Transcript Continued, Motion to Seal Lodged Exhibit Granted, Hearing for 1538.5 P.C. (Part 1) Continued, Defendant's Presence Waived for the 1538.5 P.C. Motion, Motion to Seal 995 P.C. Motion Granted, Motion to Set Aside the 995 P.C. Continued, Clarification of the Court's Protective Order, Subpoenaed Records, Copying of DVDs, Return of Subpoenaed Witnesses

At 8:30 A.M. with Court, Counsel and Research Attorneys Jed Beebe and Tracy Splitgerber present, hearing proceeded.

Counsel present for the People are Thomas W. Sneddon, Jr., Gerald M. Franklin, Ronald Zonen and Gordon Auchincloss.

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Counsel present for the Defendant are Thomas A. Mesereau, Jr., Robert M. Sanger, Steve Cochran, Susan Yu and Brian Oxman.

Counsel present for the Media: Theodore Boutrous.

A 977 Waiver is on file and the Defendant's presence is excused for this hearing.

The Court orders that the Motion to Un-Seal the Grand Jury Transcript shall be continued to July 27, 2004, 8:30 A.M.

The Court further orders that the Motion to Seal the Lodged Exhibit filed June 25, 2004 shall be granted; that the Court will issue the Court's findings and an order to seal said exhibit.

The Court further orders that there being no motion filed for prior counsel to turn over files and work product to Counsel for the Defense, the matter shall be off calendar.

The Court reminded Counsel that only one attorney from each side may address the Court on any one motion.

Attorneys Sneddon and Sanger addressed the Court regarding the hearing on the 1538.5 P.C. Motion (Part 1).

Attorney Sanger requested a continuance of the hearing on the 1538.5 P.C. Motion (Part 1).

The Court admonished Counsel that the proper motion and order shall be filed if a continuance is requested and that the Court shall be advised when live testimony is requested.

The Court further orders that the hearing on the 1538.5 P.C. Motion (Part 1) shall be continued to July 27, 2004 at 8:30 A.M.; that Counsel shall submit their time estimates for the hearing to the Court by July 23, 2004.

The Court further orders that the subpoenaed witnesses Detective Forney, Sgt. Robel, Det. Caldwell, Beverly Hills Police Officer Tinkler and the District Attorney Investigator Tonello shall appear on July 27, 2004 at 8:30 A.M. District Attorney Tom Sneddon, also under subpoena, agreed that he would be present on July 27, 2004, if necessary

Attorneys Cochran and Sneddon advised the Court regarding the lack of necessity for the Defendant's personal appearance at the hearing on the 1538.5 P.C. Motion.

The Court further orders that the Defendant's presence shall not be required at the 1538.5 P.C. Motion hearing unless the District Attorney specifically requests his presence.

The Court further orders that the Motion to Set Aside the Indictment pursuant to 995 P.C. shall be continued to July 27, 2004, 8:30 A.M.

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Attorney Boutrous addressed the Court regarding the Motion to Seal the 995 P.C. Motion.

The Court further orders that the Motion to Seal the Motion to Set Aside the Indictment (995 P.C.) shall be granted; that a redacted version was previously issued and no further redacted version will be released; that a redacted version of the District Attorney's response and the Defendant's reply will be issued if possible; that the District Attorney shall provide the Court with a proposed redacted version of their response today.

Attorneys Auchincloss and Mesereau addressed the Court regarding the Plaintiff's request for clarification of the Court's protective order.

The Court noted that the protective order prohibits a witness from discussing evidentiary matters; that Michael Jackson was discussing potential evidence and that Michael Jackson addressed the jury venire and the community directly. The Court advised Counsel that in the future any such statements should be cleared through the Court in order to avoid a violation of the protective order.

The Court further orders that from now on the protective order shall be followed; that a safe harbor was previously developed and shall be followed; that Counsel for Jackson shall contact the Court if there is something that needs a response.

Attorney Mesereau advised the Court that he will follow the Court's protective order.

Attorneys Sneddon and Sanger discussed with the Court the subpoenaed records that were previously received by the Court and are available for both sides to examine with a Court officer present.

The Court further orders that said subpoenaed records shall be released to Counsel for the District Attorney and the Defendant to open and examine with a Court officer present.

The Court advised Counsel that the investigating officer from the Sheriff's Department is willing to copy the DVDs as the Court does not have the equipment to copy said DVDs.

Upon stipulation of Counsel for respective parties the Court orders that Detective Bonner may copy the DVDs with Court staff present during the copying.

At 9:45 A.M. the court ordered a recess for counsel to examine the subpoenaed records.

At 10:05 A.M. with Court, Counsel and Research Attorneys present, hearing continued.

Upon stipulation of Counsel for respective parties the Court finds that the subpoenaed records were properly sealed and presented to the Court pursuant to 1560 E.C. et seq and were opened by Counsel for respective parties.

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Upon further stipulation of Counsel for respective parties the Court further orders that the District Attorney may take possession of the subpoenaed records, make two copies of said records and distribute a copy to Counsel for the Defendant; that after the copies are made, said subpoenaed records shall be returned to the Court; that the Fed Ex box which contained some of the subpoenaed records may be destroyed.

The subpoenaed records include medical and school records.

The Court encouraged Counsel for the Defendant to make alternate arrangements with Attorney Tom Sneddon regarding his testimony for the 1538.5 P.C. (Part 1) hearing.

The Court further orders that if a process other than testimony in open Court is to be used, the proper notice shall be given to Attorney Boutrous.

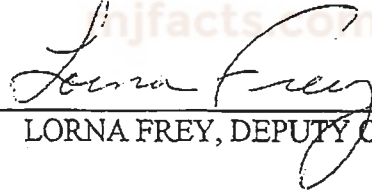
Upon further stipulation of Counsel for respective parties the Court orders that due to the length of time required for copying the DVDs, the Sheriff's Detective may copy the DVDs in Sgt. Ross Ruth's office without a Court officer present.

At 10:15 A.M. Court adjourned.

Defendant shall remain on bail previously posted.

CLERK OF THE SUPERIOR COURT

BY



LORNA FREY, DEPUTY CLERK

PROOF OF SERVICE

1013A(1)(3), 1013(c) CCP

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 JULY 13, 20 04, I served a copy of the attached CRIMINAL MINUTE ORDER, DATED 7/9/04 addressed as follows:

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

THOMAS A. MESEREAU, JR.
COLLINS, MESEREAU, REDDOCK & YU, LLP
1875 CENTURY PARK EAST, 7TH FLOOR
LOS ANGELES, CA 90067

FAX

By faxing true copies thereof to the receiving fax numbers of: 805-568-2398 (DISTRICT ATTORNEY); 310-861-1007 (THOMAS A. MESEREAU, JR). 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.

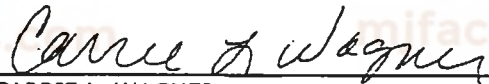
PERSONAL SERVICE

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 13TH day of JULY, 20 04, at Santa Maria, California.


CARRIE L. WAGNER