

1 Thomas A. Mesereau, Jr. (SBN 91182)
Susan C. Yu (SBN 195640)
2 COLLINS, MESEREAU, REDDOCK & YU, LLP
1875 Century Park East, 7TH Floor
3 Los Angeles, California 90067
Tel: (310) 284-3120; Fax: (310) 284-3133

4 Steve Cochran (SBN 105541)
5 Stacey McKee Knight (SBN 181027)
KATTEN MUCHIN ZAVIS ROSENMAN
6 2029 Century Park East, Suite 2600
Los Angeles, California 90067
7 Tel: (310) 788-4400; Fax: (310) 712-8455

8 Robert M. Sanger (SBN 58214)
SANGER & SWYSEN
9 233 E. Carrillo St., Suite C
Santa Barbara, CA 93101
10 Tel: (805) 962-4887; Fax: (805) 963-7311

11 Brian Oxman (SBN 072172)
OXMAN & JAROSCAK
12 14126 East Rosecrans
Santa Fe Springs, California 90670
13 Tel: (562) 921-5058; Fax: (562) 921-2298

14 Attorneys for Defendant
MICHAEL JOE JACKSON

15
16 SUPERIOR COURT OF THE STATE OF CALIFORNIA
17 FOR THE COUNTY OF SANTA BARBARA
18 SANTA MARIA DIVISION

19 THE PEOPLE OF THE STATE OF
CALIFORNIA,

20 Plaintiff,

21 vs.

22 MICHAEL JOE JACKSON

23 Defendant.

) CASE NO. 1133603

) OBJECTION AND RESPONSE TO NOTICE
) OF MOTION AND MOTION OF JIM
) ANDERSON FOR AUTHORIZATION TO
) RELEASE ATTORNEY GENERAL'S
) CONCLUSIONS REGARDING
) INVESTIGATION INTO DEFENDANT'S
) ALLEGATIONS OF MISTREATMENT AT
) THE SANTA BARBARA COUNTY JAIL

) FILED UNDER SEAL

) HEARING:

) DATE: AUGUST 19, 2004

) TIME: 8:30 A.M.

) Place: Dept. SM-2

) 1-

28 OBJECTION AND RESPONSE TO NOTICE OF MOTION AND MOTION OF JIM ANDERSON FOR AUTHORIZATION TO
RELEASE ATTORNEY GENERAL'S CONCLUSIONS REGARDING INVESTIGATION INTO DEFENDANT'S
ALLEGATIONS OF MISTREATMENT AT THE SANTA BARBARA COUNTY JAIL

FILED
AUG 19 2004
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

GARY M. BLAIR, Executive Officer
BY: *[Signature]*
CAROL E. WAGNER, Deputy Clerk

Unread per Order, dated 9/28/04

1 Michael J. Jackson ("Mr. Jackson"), by and through his counsel, Thomas A.
2 Mesereau, Jr., objects and responds to the above-entitled Motion as follows:

3 The attempt by the prosecution to release a purported report and conclusion by the
4 State of California, Department of Justice, is nothing but a ploy to poison the local jury
5 pool against Mr. Jackson. The prosecution knows that Mr. Jackson was not permitted to
6 speak to representatives of the Attorney General's Office regarding this matter due to the
7 on-going criminal case. Mr. Jackson's counsel would not permit such an interview. As
8 such, this purported investigation was flawed from the outset. Release of this document
9 would be prejudicial to Mr. Jackson's right to a fair trial and should not be permitted.

10 Furthermore, Mr. Jackson never filed a formal complaint with any agency regarding
11 this issue. Mr. Jackson made statements critical of the way he was treated prior to the
12 Court's imposition of a Protective Order. In response, the prosecution and its agents in the
13 Santa Barbara Sheriff's Department went on television and denied these allegations. They
14 not only denied these allegations, but they also threatened further prosecution of Mr.
15 Jackson for making a false report. These statements by the prosecution were designed to
16 effect the jury pool.

17 This purported investigation was conducted by the prosecution – no one else. The
18 Office of the Attorney General supervises and controls all District Attorneys' Offices
19 throughout California. Both organizations are part of the same branch of government.
20 The investigation was nothing less than a "stacked deck" designed to help the prosecution
21 poison the jury pool. With Mr. Jackson unable to participate in the investigation, there is
22 no conceivable way it could be deemed complete or accurate. In fact, it has been
23 documented and proven that Mr. Jackson had bruises on his body and complained about
24 the handcuffs. It has also been proven that he was placed in a filthy, smelly cell during
25 this process. Mr. Jackson is a vegetarian who does not eat fish, meat or fowl. He is very
26 thin and frail and bruises easily. His chiropractor has documented injuries to his
27 shoulders.

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2 The purported investigation and conclusions of the Attorney General constitute
3 witness statements which the Court has ordered not be released. If the prosecution is
4 permitted to release this propaganda, the defense should be entitled to release its own
5 witness statements and reports on this and related issues. The defense has conducted its
6 own investigations into this issue and reached conclusions that might shock the
7 prosecution.

8 Of course, none of this behavior would be consistent with the letter and spirit of the
9 Court's Protective Order. None of it would assist the Court in preserving the fairness and
10 objectivity of this proceeding. The prosecution's goals are patently transparent, and the
11 defense hopes that the Court will view them for what they are.

12 There are other issues that affect the integrity of this alleged investigation and
13 report. These concern, but are not limited to, the reality that Mr. Jackson did not file a
14 formal complaint or lawsuit and that personnel investigations like this are often deemed
15 confidential. The prosecution has made every effort to violate its own internal procedures
16 to affect the jury pool. The defense, as can be expected, has been investigating various
17 issues relating to prosecution dishonesty; disrespect for the Court's Protective Order;
18 misrepresentations to the Court about discovery; intimidation of witnesses and
19 obstruction of justice; false statements to the Court; and related misbehavior. May the
20 defense appropriately release the results of its own investigations into these areas? Of
21 course, this is exactly what the Court does not want.

22 Attorney General Bill Lockyer is known to make extra-judicial statements regarding
23 cases being prosecuted around the country. He has a tendency to make such statements
24 for political purposes. His support for the prosecution in this instance is widely known.
25 It would not be appropriate to force the defense to respond to this alleged investigation

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1 and conclusion. The Protective Order should remain in place.

2 DATED: August 13, 2004

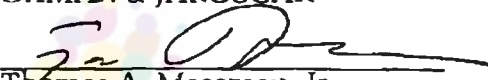
Respectfully submitted,

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4 Thomas A. Mesereau, Jr.
Susan C. Yu
COLLINS, MESEREAU, REDDOCK & YU

5
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SANGER & SWYSEN

9
10 Brian Oxman
OXMAN & JAROSCAK

11 By: 
12 Thomas A. Mesereau, Jr.
Attorneys for Mr. MICHAEL J. JACKSON

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1 PROOF OF SERVICE

2 I, the undersigned, declare:

3 I am a citizen of the United States of America, am over the age of eighteen (18)
4 years, and not a party to the within action. I am employed at 1875 Century Park East, 7th
5 Floor, Los Angeles, CA 90067. On August 13, 2004, I served the following document:

6 **OBJECTION AND RESPONSE TO NOTICE OF MOTION AND MOTION OF JIM
7 ANDERSON FOR AUTHORIZATION TO RELEASE ATTORNEY GENERAL'S
8 CONCLUSIONS REGARDING INVESTIGATION INTO DEFENDANT'S ALLEGATIONS
9 OF MISTREATMENT AT THE SANTA BARBARA COUNTY JAIL**

10 on the interested parties addressed as follows:

11 Thomas Sneddon, Esq., District Attorney
12 Gerald Franklin, Esq.
13 Ronald Zonen, Esq.
14 Gordon Auchincloss, Esq.
15 District Attorney's Office
16 1105 Santa Barbara Street
17 Santa Barbara, CA 93108
18 FAX: (805) 568-2398

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


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

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

28 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 August 13, 2004, at Los Angeles, California.

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24 _____
Susan Z. Yu