

FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA BARBARA

SEP 07 2004

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FILED UNDER SEAL

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

\* unsealed  
pursuant to  
Bellows Court  
order

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

MICHAEL JOE JACKSON,

Defendant.

No. 1133603

PEOPLE'S SUPPLEMENTAL  
RESPONSE IN OPPOSITION TO  
DEFENSE MOTION TO SUPPRESS

DATE: September 17, 2004  
TIME: 8:20 a.m.  
DEPT.: SM 2 (Melville)

1

INTRODUCTION

There were 150 items seized pursuant to the November 18, 2003, execution of the Search Warrant on Neverland Valley Ranch. Of that number, 38 are not the subject of the Defense's motion. (These consist of 36 items taken from the Main Residence, 1 item from the Arcade (Item No. 517) and 1 item from the Security Building's Upstairs Video Library (Item No. 646).)

Of the remaining 112 items, the court has indicated its tentative view that 38 items were lawfully seized. The court expressly requested further argument concerning an additional 8 items, all taken from the Main Residence.

1 This Memorandum discusses the remaining 66 items, 8 of which were taken from  
2 the Main Residence ("300 Series"), 12 from the Arcade ("500 Series"), 36 from the Security  
3 Office ("600 Series"), and 10 from the Office within the Security Building ("1000 Series").

4 For purposes of this response, the Security Building is described as the structure  
5 photographically depicted in Exhibit 39b. References to the "security office" refer to the office  
6 at the far left end of the structure. The office referred to as "Michael Jackson's Office" means  
7 those areas at the right end of the structure, including the museum area. The upstairs area of  
8 the Security Building will be called the Upstairs Apartment or Video Library.

9 Of these items, all but one of the 36 "600 Series" documents are the security  
10 personnel's daily logs or incident reports documenting visitors' presence on the ranch (Item  
11 Nos. 601-602; 610-642). Except for Item No. 610, all of these items either document the  
12 presence of one or more of the Doe Family, a suspected co-conspirator, or another individual  
13 prominently mentioned in the investigation. Six of the nine items taken from Michael  
14 Jackson's office in the Security Building are a series of photographs of a semi-nude male (Item  
15 Nos. 1003-1008).

16 **Items Not Being Contested.**

17 The People are not contesting the court's tentative ruling as to the following 12  
18 items: Item Nos. 319, 330, 331, 501, 502, 503, 504, 506, 507, 513, 610, and 643.

19 **Items Contested But Returnable.**

20 There are an additional eight items (Nos. 1003-1008, the photographic series of a  
21 semi-nude male; No. 348, the camera, and No. 354, the 2002 calendar), as well as two of the  
22 three tapes found in the safe (packaged together by the seizing officer as Item No. 368, and  
23 particularly identified as 368a, 368b and 368c), that the People believe were justifiably seized  
24 pursuant to the search warrant. Since they lack evidentiary value, we are willing to return them  
25 to the Defense.

26 **Attorney-Client Privilege Items.**

27 Lastly, Item Nos. 312 and 318 were lodged with the court pursuant to the Defense  
28 claim of attorney-client privilege. Those items were among the items concerning which the

1 court requested further argument. Without viewing the items, it is impossible for the People to  
2 address the court's concern or articulate why these items were appropriately seized pursuant to  
3 the search warrant.

## 4 II

### 5 APPLICABLE LAW

#### 6 A. Introduction

7 Except as indicated above under the heading "Items Not Contested," we  
8 respectfully submit that the items concerning which the court requested has argument and  
9 numerous items that the court tentatively ruled would be suppressed were lawfully seized.

10 To assist the Court in its evaluation of the nature and content of the items to be  
11 discussed in light of the proffered justification, a notebook with a photocopy of each Exhibit,  
12 identified by its Item number, accompanies this Response. The People believe the Court will  
13 see that many items it tentatively decided to suppress are indeed items within the ambit of the  
14 search warrant's authorization. As to other items not specifically authorized by the search  
15 warrant itself, the People will assert that the "in plain view doctrine" justified their seizure.

#### 16 B. "Plain View"

17 The searching officers had a right to be in each of the locations searched (i.e., "the  
18 buildings described as the arcade building, the main residence and the security headquarters,  
19 the locations of which are depicted on the aerial photograph attached as Attachment 'A-1' or  
20 (in the case of the security headquarters) in the photograph attached as 'A-2'") and to be  
21 searching in the areas within those buildings where these items were found in "plain view."

22 "The plain-view doctrine permits, in the course of a search authorized by a search  
23 warrant, the seizure of an item not listed in the warrant, if the police lawfully are in a position  
24 from which they view the item, if its incriminating character is immediately apparent, and if  
25 the officers have a lawful right of access to the object. (*Horton v. California* (1990) 496 U.S.  
26 128, 135-137 [110 S.Ct. 2301, 2307-2308]; *Texas v. Brown* (1983) 460 U.S. 730, 739 [103  
27 S.Ct. 1535, 1541-1542, 75 L.Ed.2d 502] (plur. opn.); see *Minnesota v. Dickerson* (1993) 508  
28 U.S. 366, 374-375 [113 S.Ct. 2130, 3136-2137, 124 L.Ed.2d 334].)"

1 An item's incriminating character is "immediately apparent" if its evidentiary  
2 significance is apparent "without conducting some further search of the object" beyond that  
3 required to identify the object to begin with." (*Minnesota v. Dickerson* (1993) 508 U.S. 366,  
4 374-375 [113 S.Ct. 2130, 3136-2137, 124 L.Ed.2d 334].)

5 As articulated in *Warden v. Hayden* (1967) 387 U.S. 294 [87 S.Ct. 1642, 18  
6 L.Ed.2d 782], a "nexus" must be established between the item to be seized and the criminal  
7 behavior. "Thus in the case of 'mere evidence,' probable cause must be examined in terms of  
8 cause to believe that the evidence sought will aid in a particular apprehension or conviction."  
9 (*Id.*, 387 U.S. at p. 307.) In *Texas v. Brown* (1983) 460 U.S. 730 [103 S.Ct. 1535, 75 L.Ed.2d  
10 502], the Supreme Court noted that

11 probable cause is a flexible, common-sense standard. It merely requires  
12 that the facts available to the officer would "warrant a man of  
13 reasonable caution" in the belief that certain items may be contraband or  
14 stolen property or useful as evidence of a crime: it does not demand any  
15 showing that such a belief be correct or more likely true than false. A  
16 "practical, nontechnical" probability that incriminating evidence is  
17 involved is all that is required. [Citation.] (*Id.*, 460 U.S. at 742.)

### 18 III 19 DISCUSSION

#### 20 A. Search of Main House – "300 Series" Items

##### 21 1. Item No. 329a

22 Item No. 329 is described as an Apple Laptop PowerBook G-4 Projector and  
23 Computer Case, located by Det. McGillivray in a closet under the main entrance to the  
24 stairwell. The Court indicated in its tentative ruling that Item 329 was lawfully seized.  
25 Item 329a is described as several DVD-R and CD-R digital computer storage disks. These  
26 items were found inside of the case containing Item 329. They were discovered at the Santa  
27 Barbara Sheriff's Department after Item 329 had already been seized and booked into  
28 evidence. Their subsequent identification and designation as separate items was proper



1 because they are the type of evidence specifically authorized for seizure under paragraph 6,  
2 Attachment B, to the search warrant for Neverland Ranch.

3 **2. Item Nos. 333a and 334a**

4 Items 333 and 334 are cases containing laptop computers. Both items were found  
5 in one of the children's bedrooms in the main residence pursuant to the search warrant,  
6 removed from the premises and booked into the Santa Barbara Sheriff's Evidence Room.  
7 Items 333a and 334a were found later by Det. Bonner at the Sheriff's Department when the  
8 laptops were removed from the cases for examination. In the cord storage pocket of each  
9 computer case (Items 333 and 334) a piece of paper with names and phone numbers was  
10 found. These pieces of paper (given alpha numbers 333a and 334a, to identify them as relating  
11 to the cases in which they were found) came into plain view in the search of the lawfully-  
12 seized cases. Item 334a appears to be a Uganda identification document in the name of Grace  
13 Rwaramba. Both Items 333a and 334a were booked as evidence.

14 **3. Item No. 340**

15 Item No. 340 is a VHS tape cassette found in a cabinet located in one of the  
16 children's rooms. Although the cassette itself bore no visible identifying information, several  
17 different paragraphs in the search warrant authorize seizure of videotapes. It should be noted  
18 that almost every building searched contained countless numbers of videos. Most had  
19 commercially produced labels or other identifying information. Given the large number of  
20 videotapes not seized, the searching officers obviously were very discreet in selecting the type  
21 and number of videos to seize. The lack of any label on the cassettes in question gave the  
22 seizing officer reason to believe they contained depictions of the types authorized for seizure.

23 **4. Item No. 348**

24 Item No. 348 is a digital camera. The camera was not operative at the time of its  
25 seizure. The camera was taken because the officer reasonably suspected it might contain  
26 photographs of individuals or images of the type specified in Attachment B, paragraph 1  
27 ("Photographs, films, negative slides . . ."), paragraph 2 ("any photographs, negatives, slides  
28 . . .") and paragraph 4 ("any photograph, including but not limited to still photos . . .").

1 While it could be argued that a simple on-site check of the camera would have sufficed, the  
2 fact of access, whether on-site or later at the Sheriff's Department, would constitute a search.  
3 Since the camera was not in operating order when it was seized, and because it is easy to erase  
4 or compromise electronic media, the camera was removed and examined later by SBSO  
5 technical experts. Although lawfully seized, the People are willing to keep the images and  
6 return the camera.

7 **5. Items Nos. 350, 351 and 352**

8 Items Nos. 350, 351 and 352 all relate to the identity of the nanny "Grace." The  
9 affidavit in support of the search warrant sets forth the details of a July 6, 2003, interview with  
10 Jane Doe. Among the individuals traveling on the private jet from Miami, Florida, to  
11 Neverland Ranch in early February of 2003, she named "... his [Michael Jackson's] children's  
12 nannies ..." (See Affid. 22:4.) James Doe also mentioned the presence of the nannies on the  
13 flight and supplied investigators with the names "Grace" and "Patti." (See Affid. 48:6.)  
14 It was for that reason that Exhibit 35, the Santa Barbara County Sheriff's Department  
15 Operational Plan distributed to all individuals searching the premises, listed a "• Grace,  
16 nanny" as a "Named Individual."

17 Item No. 350 is described as "Miscellaneous Paperwork." It was found by Det.  
18 Janet Williams in one of the children's bedrooms. The item is a FedEx envelope addressed to  
19 a "Grace Quest" at the Mandarin Oriental Hotel in Miami. The envelope also bore the name  
20 "Katie Bernard" and a telephone number.

21 Item No. 351, also described as "Miscellaneous Paperwork." That item was located  
22 within the nightstand in one of the children's bedrooms by Det. Williams. The item is actually  
23 a bill or receipt for an advertisement placed for a job as "Governess/Tutor" by a "Grace  
24 Smith," giving the address of "[REDACTED] California" and a  
25 telephone number. "[REDACTED]"

26 Item No. 352, described as "Miscellaneous Paperwork," was found by Det.  
27 Dallenbach inside a suitcase in one of the children's bedrooms. The suitcase contained  
28 numerous papers displaying the name "Grace Rwaramba" and identifying her residence as

1 [REDACTED] California. Other documents in the suitcase  
2 indicated Rwaramba's profession as "nanny."

3 These items were seized because they contained information potentially identifying  
4 the full name of the nanny "Grace" who was on the flight from Miami to Neverland Ranch.  
5 The paperwork contained information directly linking her to Michael Jackson and contained  
6 address and contact information that would facilitate the investigators' efforts to find and  
7 interview her. The address information for "Grace Smith" (Item 351) and "Grace Rwaramba"  
8 (Item 352) is identical, suggesting she uses multiple last names.

9 6. Item No 353

10 Item No. 353 is an invitation from Lisa Minelli to Evelyn Tavasci.

11 Evelyn Tavasci's name appears twice in the affidavit supporting the warrant for the  
12 search of Neverland Ranch. In both instances, she is described as Michael Jackson's "personal  
13 assistant." (See Affid. 21:9-10; 59:13-15.) The affidavit relates her involvement in putting  
14 James Doe in contact with Michael Jackson for the Martin Bashir filming at Neverland Ranch  
15 in the Fall of 2002, and the possibility she was the custodian of items of property (a laptop  
16 computer and a Bronco SUV) Michael Jackson had given to the Doe family and which were  
17 returned to him with her assistance. For these reasons her name is one of those shown on the  
18 "Named Individuals" list (p. 003505), part of Exhibit 35.

19 In the course of searching for items listed in the search warrant, officers observed  
20 Item 353 in Michael Jackson's master bedroom. The invitation contains address information  
21 that would assist investigators in contacting Evelyn Tavasci, as well as corroborating the Doe  
22 family's accounts of events they described to detectives. The document links her to Michael  
23 Jackson. The item provides detectives with a lead which might corroborate the Doe family's  
24 assertion that the defendant gave them gifts. An interview of Ms. Tavasci might reveal  
25 whether she was the recipient of and possibly the custodian of the laptop computer and the  
26 Bronco SUV, or had knowledge of the whereabouts of those items of property.

27 The invitation is dated "December 5, 2002." This date falls between Martin Bashir  
28 filming at Neverland Ranch in late 2002 that Ms. Tavasci helped arrange and the airing in



February, 2003 of Bashir's film ("Living With Michael Jackson") containing some of that footage shot at Neverland Ranch. The invitation's date would reasonably suggest to the seizing officer that it contained information that was current, potentially useful and contemporaneous with events connected with the investigation.

7. Item No. 354

Item No. 354 is a November, 2003 calendar. The calendar contains information about Michael Jackson's itinerary and whereabouts that month. The calendar contains information about Michael Jackson's plan for a trip to Capetown, South Africa, in the latter part of November. At the time the warrant was prepared, Mr. Jackson's whereabouts were unknown. On November 17, 2003, a Santa Barbara County Superior Court judge issued the search warrant for Neverland Ranch and an arrest warrant for Mr. Jackson, with bail set at \$3 million and, as a condition to bail, that his passport be surrendered.

Item 354 was in plain view and seized by officers to facilitate locating and arresting Michael Jackson. His travel schedule for the days immediately following execution of the search warrant could have proved very useful in that endeavor. The fact that the itinerary showed defendant was planning to leave the country before the end of the month was important information with regard to his potential departure date and would have been useful in apprehending the defendant or facilitating the assistance of other agencies, including U.S. Customs. Although defendant subsequently posted bail and surrendered his passport, making use of the information unnecessary, certainly at the time of the search warrant's execution, the importance of this item was obvious and its seizure reasonable.

Although the People believe that the item was lawfully seized, it has no present evidentiary value. The People therefore agree voluntarily to return this item to the defense.

8. Item No. 368

Item No. 368 consists of three tapes taken from the safe inside Michael Jackson's master bathroom by Sgt. Ben Ruth. One tape is a surveillance video with "Larry. Security Tape" written on the outside of the tape. The second has "MJJ Rehearsals and Poppers" written on the outside. A third tape had no identifying information and was found to be blank.



1 The search warrant specifically authorized the seizure of tapes and video. In light  
2 of the Affidavit's references to Jackson's surveillance and monitoring activities, Sgt. Ruth had  
3 probable cause to believe the tape might contain evidence connected to the investigation and  
4 was also evidence in itself that the defendant engaged in such conduct. The fact that the tapes  
5 were stored in a safe was evidence of the significance defendant attached to them.

6 The first tape may have evidentiary value in the ongoing investigation and  
7 prosecution. The other two tapes lack evidentiary value, and the People are willing to return  
8 those to the defense.

9 **B. Search of Arcade – "500 Series" Items**

10 **1. Item No. 510a**

11 Item No. 510a is simply a portion of the underwear found in Item No. 510 and  
12 repackaged at the Sheriff's Department as a separate item following the seizure of Item 510  
13 and an examination of its contents.. Item 510 is listed in the court's tentative ruling as lawfully  
14 seized. The items repackaged as 510a were sent to the DOJ lab for evaluation. The ruling as  
15 to Item 510 should apply equally to Item 510a.

16 **2. Item Nos. 514 and 516.**

17 Item No. 514, a vial, was found locked in the upstairs office in the Arcade Building  
18 and seized by Sgt. Conn Abel.

19 Seizing officers were aware that the room belonged to Michael Jackson from  
20 representations made by Violet Silva, who opened the locked room at the officers' request. In  
21 addition to the vial, numerous prescription drug containers in at least four different names,  
22 including that of Co-Conspirator No.3, were seized. The officer also seized the bottles  
23 displaying the name of Co-Conspirator No.3 bottles (Item No. 515) and prescription  
24 information (Item No. 518). (See discussion below.)

25 In the opinion of Sgt. Abel, a former narcotics detective who will be called to testify  
26 on September 16th, Item 514 is the kind of container used for tightly controlled injectable  
27 substances. There was a small amount of liquid remaining in the bottom. The label on the vial  
28 had been torn off. It is illegal to dispense prescription medication without a label (Bus. & Prof.

1 Code, § 4076). There would be no reason for anyone to remove the label if he lawfully  
2 possessed the controlled drug to begin with. At least one jurisdiction has held that probable  
3 cause may be based, in part, upon the defendant's possession of a prescription pill bottle which  
4 bore no label, suggesting no current medical use. (*Mavin v. Commonwealth* (1999) 31  
5 Va.App. 161, 164 [521 S.E.2d 784, 786].) Det. Abel had good reason to seize Item 514 as  
6 contraband.

7 Item No 516 contains numerous pieces of paper, but the one of most interest to the  
8 seizing officer was the paper with the notations about "Buprenex" and its reference to being a  
9 substitute for Demerol. The seizing officer was aware that Demerol is dispensed in vials  
10 identical to that found in Item 514, which is further evidence of the fact that Item 514 may  
11 have contained a controlled substance.

12 **3. Item Nos. 515 and 518**

13 Item No. 515 contains four prescription bottles. One bottle bears the name of Co-  
14 Conspirator No. 3, who is directly related to this investigation. The labeling designates the  
15 prescribing doctor as Dr. Arnold Kline, with an address of [REDACTED]  
16 [REDACTED] California, and the date of May 25, 2002. The prescription is for 1-milligram tablets of  
17 alprazolam.

18 Item No. 518 contains prescription paperwork in the names of Manuel Rivera and  
19 Co-Conspirator No 3. One sheet shows the prescription to be from Star Drug Company  
20 located at 3576 Madera Street, Santa Ynez, California, with a telephone number of (805) 688-  
21 6998. The prescription is to Co-Conspirator No. 3 for alprazolam, with the prescribing  
22 physician being Dr. William VanValin, with the prescription date of March 26, 2003. The  
23 information sheet provided the mailing address for Co-Conspirator No. 3 as [REDACTED]  
24 [REDACTED] California.

25 The second sheet pertained to a prescription from Long's Drugs located at 218 East  
26 Hwy 246, Building 3, Buellton, California, with a telephone number of (805) 693-1132. The  
27 prescription information is in the name of Manuel Rivera. The prescription gives an address of  
28 [REDACTED] California. The prescription is for Xanax, which is the

1 trade name for alprazolam, a prescription medication for the treatment of panic disorders. The  
2 prescribing physician is Dr. William VanValin. The prescription date is June 19, 2002.

3 Initially, it should be noted that the prescription bottle found in Item 515 and the  
4 prescription paperwork found in Item 518 in the name of Co-Conspirator No. 3 are not the  
5 same prescription. While they are prescriptions for the same drug, alprazolam, they were  
6 issued on different dates. The name of Co-Conspirator No. 3 appears prominently in the  
7 affidavit in support of the search warrant as one of Michael Jackson's associates and a major  
8 figure in numerous events that occurred between early February 2003 and March 2003. The  
9 prescription paperwork found in Item 518 is particularly noteworthy because the prescription  
10 was issued at a local pharmacy on February 26, 2003, therefore physically placing Co-  
11 Conspirator No. 3 at the Ranch during significant events related by the Doe family and  
12 described in the affidavit. Both the prescription bottle and the paperwork provide direct links  
13 to Michael Jackson and corroborate the Does' assertion that Co-Conspirator No. 3 was one of  
14 Michael Jackson's associates and present at Neverland Ranch during many events charged in  
15 the indictment.

16 The vials collected in Item 515 and the paperwork contained in Item 518 were were  
17 found in the Arcade Building's upstairs library. That room was represented to the seizing  
18 officer as Michael Jackson's personal office. The searching officer had reason to believe that  
19 the numerous prescriptions in different names, some of which were for the same substance,  
20 may have been obtained under a false name and so constituted evidence of a possible violation  
21 of Health and Safety Code section 11173 and 11174.

22 **C. Search of the Security Office in Security Building – "600 Series" Items**

23 **1. Item Nos. 601, 602 and 611 through 642**

24 Item No. 601 is a two-page document dated February 8, 2003. It consists of a  
25 Neverland Valley Medical Report Log and an Emergency Medical Report documenting a  
26 motor scooter accident involving James Doe on that date. The date of the report verifies the  
27 presence of James Doe during events set forth in the affidavit supporting the search warrant.

28 ////



1 Item No. 602 is an Accident/Damage Report dated June 21, 2002, bearing the name  
2 of John Doe.

3 Items 601 and 602 were found in a binder in the Security Office. Paragraph 10 of  
4 Attachment B to the search warrant specifically authorized officers to search for "Passports,  
5 Birth Certificates and all other paperwork relating to the Doe Family." (Emphasis added.)  
6 Both items appear to fall squarely within the scope of the search warrant.

7 Items 611 through 642 are Security Daily Logs (hereinafter referred to as SDL),  
8 Security Clearance and Guest Information documents (hereinafter referred to as SCGI and  
9 Business Clearance Forms (hereinafter referred to as BCF). These documents were found in  
10 the security office and covered the time period of May 7, 2002 through December 7, 2002.  
11 Copies of the logs have been attached to this motion as exhibits, using the corresponding Item  
12 Number assigned to each by the seizing officer.

13 The first page of the SDL contains the date of the document and employee work  
14 information. The second page contains information sections. The top section is "Blank/  
15 Routine Authorization for Entries" with columns for the name, the company and the in-and-out  
16 times. Moving down the form, the next area contains "Guest Information" documenting the  
17 name and in-and-out times of any individuals present on the Ranch for that day.

18 The following Security Daily Logs or Security Clearance or Guest Information  
19 Sheets document the presence of one or more members of the Doe family at Neverland Valley  
20 Ranch during the time period noted above: Items 614, 615, 616, 617, 618, 619, 620, 622, 623,  
21 636, 638, 639, 640, 641, and 642.

22 In reviewing the SDLs to determine if they contained information relative to the  
23 Doe family, officers observed in plain view other SDLs documenting the presence of several of  
24 the individuals named in the affidavit supporting the search warrant and as co-conspirators in  
25 the indictment:

26	-- Item 624	12/02/02	Co-Conspirator No.2 and Dr. Farshchian
27	-- Item 625	11/23/02	Co-Conspirator No. 3
28	-- Item 626	11/24/02	Co-Conspirator No. 3

-- Item 627 11/25/02 Co-Conspirator No. 3  
-- Item 628 11/26/02 Co-Conspirator No. 3  
-- Item 629 11/27/02 Co-Conspirator No. 3  
-- Item 635 12/12/02 Co-Conspirator Nos. 1 and 2  
-- Item 637 10/30/02 Co-Conspirator No.2

The remaining nine documents consist of SDLs, BCSs or SCGIs bearing the name of an individual we will refer to as "Mr. HM."

Item 611 5/7/02  
-- Item 612 5/9/02  
-- Item 613 5/13/02  
-- Item 621 6/9/02  
-- Item 630 5/22/02  
-- Item 631 7/30/02  
-- Item 632 8/19/02  
-- Item 633 10/31/02  
-- Item 634 10/13/02

Mr. HM's residence was the subject of a search warrant served contemporaneous with that for Neverland Ranch on November 18, 2003. He was described in the search warrant affidavit as being involved in the production of Michael Jackson's "rebuttal video," together with several individuals believed by investigating officers to have been working in association with Michael Jackson. It was most reasonable for the officers to retain these documents as evidence linking Mr. HM to Michael Jackson, to co-conspirators and to events described by the Doe family in the supporting affidavit. The documents also corroborate statements made to investigators by individuals whose names appear in them about the role of Mr. HM in the production of the rebuttal film. Mr. HM's name also appears on page 003505 of Exhibit 35.

Parenthetically, it should be noted that the defense had mistakenly identified Item 633 as a Daily Entry Log. Actually, it is a 10/31/02 SCGI for Mr. HM.

////

1 D. Search of the Office in the Security Building – “1000 Series” Items

2 1. Item Nos 1001 and 1002.

3 Item No. 1001 is described as an “Anniversary 2002” issue of “Hustler, Barely  
4 Legal” magazine. It is commercially-produced pornography.

5 Item No. 1002 is a December 2002 magazine entitled “Naughty Neighbor.” It is  
6 commercially-produced pornography.

7 Both items were found within the “Michael Jackson office area” of the Security  
8 Building.

9 Both of these magazines fall within the descriptions set forth in Attachment B,  
10 paragraphs 1 and 3 of the Search Warrant, authorizing the seizure of commercially produced  
11 pornography.

12 2. Item No. 1009a

13 Item No. 1009a is a tape found inside Item No. 1009 (a black case containing  
14 telephone recording equipment) and removed on December 2, 2003 by Det. Bonner from the  
15 recorder and given a separate evidence number.

16 Item No. 1009 appears on the court’s list as tentatively approved. The item was  
17 found in the office area of the Security Building. Also found in the case were numerous  
18 schematics for remote room monitoring and numerous paraphernalia to enable one to  
19 surreptitiously record both telephone and in-person conversations. It also contained a  
20 surveillance-type extended-time recorder, which contained a tape labeled “tape for long-play  
21 recorders.”

22 In light of the information detailed in the search warrant affidavit describing  
23 Michael Jackson’s monitoring of telephone calls, it was reasonable for the officers to retain  
24 and review this item. The ruling as to Item 1009 should apply equally to Item 1009a.

25 3. Item No. 1010

26 This item is an off-white envelope, seized by Deputy Shepherd. Printed on the front  
27 is the name “Mr. Michael Jackson” and a printed picture of a boy sitting on a crescent moon.  
28 Inside the envelope was a telephone message from Co-Conspirator No. 2 and a return



1 telephone number of [REDACTED] A second piece of paper contained a telephone list  
2 of names, including "Evie" with a telephone number of [REDACTED]

3 Paragraphs 10, 11 and 12 of Attachment B to the search warrant authorized officers  
4 to search for several types of paperwork associated with the Doc family. In the course of  
5 lawfully looking for these types of paperwork, searching officers found the two above-  
6 described pieces of paper within Item 1010.

7 Both "Evie's" and Co-Conspirator No. 2's names appear in the supporting affidavit  
8 and in Exhibit 35, the Santa Barbara County Sheriff's Department Operational Plan as "Named  
9 Individuals." Co-Conspirator No. 2 is mentioned prominently by the Doc family members in  
10 connection with the events at Neverland Ranch between February and March, 2003.

11 "Evie's" name is mentioned as a Michael Jackson associate, and she is a potential  
12 witness. It should be noted that other paperwork seized with Evie Tavasci's name on it was  
13 found in other buildings by different officers. Like them, Deputy Shepherd reasonably  
14 believed that the document contained information connecting "Evie" to Michael Jackson and  
15 she had no reason believe it was merely duplicative or cumulative to documents seized  
16 elsewhere in the course of the search.

17 **4. Item Nos. 1103 through 1108**

18 These are a series of sexually provocative photographs of a nearly nude male. They  
19 come within the authorization set forth in paragraphs 1 and 4 of Attachment B to the search  
20 warrant. A determination of whether the male subject in the photographs is an adult cannot be  
21 readily determined from the photo itself.

22 The individual in the photographs has since been identified, and the photographs  
23 have no present evidentiary value to the prosecution. The People are willing to return them to  
24 the defense.

25 ////

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27 ////

28 ////

1 DATED: September 3, 2004

2 Respectfully submitted,

3 THOMAS W. SNEDDON, JR.  
4 DISTRICT ATTORNEY

5 By: R. J. Zonen

6 Ronald J. Zonen, Senior Deputy

7 Attorneys for Plaintiff

PROOF OF SERVICE

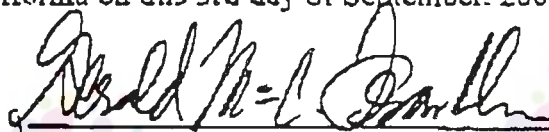
STATE OF CALIFORNIA  
COUNTY OF SANTA BARBARA } SS

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

On September 3, 2004, I served the within PEOPLE'S SUPPLEMENTAL RESPONSE IN OPPOSITION TO DEFENSE MOTION TO SUPPRESS and the associated Notebook of Photographs of Evidence Items on Defendant, by THOMAS A. MESEREAU, JR., STEVE COCHRAN, and ROBERT SANGER, his counsel, by faxing a true copy of the Supplemental Response to Messrs. Mesereau and Cochran at the facsimile number shown with the address of each on the attached Service List, and by causing a copy of the associated Notebook to be shipped by Federal Express to those lawyers for next-day delivery, then by personally delivering a true copy of the Supplemental Opposition and associated Notebook to Robert Sanger at the address shown for him.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Santa Barbara, California on this 3rd day of September, 2004.

  
Gerald McC. Franklin



SERVICE LIST

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Co-counsel for Defendant

Counsel for (collectively) "Media"