

FILED

SUPERIOR COURT of CALIFORNIA  
COUNTY of SANTA BARBARA

OCT 06 2004

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

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

THE PEOPLE OF THE STATE OF  
CALIFORNIA,

Plaintiff,

vs.

MICHAEL JACKSON,

Defendant.

Case No.: 1133603

Order for Release of Redacted Documents

[Defendant's Motion to Compel]

The redacted form of the Defendant's Motion to Compel attached to this order shall be released and placed in the public file. The court finds that there is more material in the motion that can be released than that contained in the proposed redacted version. The unredacted originals shall be maintained conditionally under seal pending the hearing on October 14, 2004.

OCT 06 2004  
DATED: \_\_\_\_\_

Rodney S. Melville  
RODNEY S. MELVILLE  
Judge of the Superior Court

1 Thomas A. Mesereau, Jr. (SBN 91182)  
Susan C. Yu (SBN 195640)  
2 COLLINS, MESEREAU, REDDOCK & YU  
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3 Los Angeles, CA 90067  
Telephone: 310-284-3120  
4 Facsimile: 310-284-3133

5 Steve Cochran (SBN 105541)  
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6 KATTEN MUCHIN ZAVIS ROSENMAN  
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10 233 E. Carrillo St., Suite C  
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11 Telephone: 805-962-4887  
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12 Brian Oxman (SBN 072172)  
13 OXMAN & JAROSCAK  
14 14126 East Rosecrans  
Santa Fe Springs, California 90670  
Telephone: 562-921-5058  
15 Facsimile: 562-921-2298

16 Attorneys for Defendant  
MICHAEL JOSEPH JACKSON  
17

18 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
19 FOR THE COUNTY OF SANTA BARBARA  
20 SANTA MARIA DIVISION  
21

22 THE PEOPLE OF THE STATE OF  
CALIFORNIA,

23 Plaintiff,

24 vs.

25 MICHAEL JOSEPH JACKSON

26 Defendant.  
27  
28

CASE NO. 1133603

NOTICE OF MOTION AND  
MOTION TO COMPEL  
DISCOVERY; MEMORANDUM OF  
POINTS AND AUTHORITIES;  
DECLARATION OF COUNSEL;  
EXHIBITS

~~FILED UNDER SEAL~~

1 TO THE PEOPLE OF THE STATE OF CALIFORNIA AND THEIR  
2 COUNSEL OF RECORD:

3 PLEASE TAKE NOTICE that on October 14, 2004, at 8:30 a.m., or as soon  
4 thereafter as the matter may be heard, before the Honorable Rodney S. Melville,  
5 defendant Michael J. Jackson through his counsel, hereby requests an order  
6 compelling discovery by the prosecution. The parties have met and conferred to  
7 impasse.

8 This motion is brought pursuant to Penal Code Section 1054.1, Brady v.  
9 Maryland and its progeny. This motion is based upon the attached memorandum,  
10 declaration of counsel, the file on record herein and any other information presented  
11 prior to a ruling hereon.

12 Dated: October 4, 2004

KATTEN MUCHIN ZAVIS ROSENMAN  
Steve Cochran

13 By:

14 Steve Cochran  
Steve Cochran  
15 Attorneys for  
16 MICHAEL JOSEPH JACKSON  
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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I. THE FACTS

3 In July of this year, defense counsel delivered a comprehensive list of  
4 discovery requests. Among other things, the defense seeks information relating to  
5 witnesses, contact by law enforcement with specified persons and communication  
6 among police and prosecutors during the course of the investigation. A copy of the  
7 discovery requests is attached hereto as Exhibit "1". See Declaration Steve Cochran,  
8 ¶ 2.

9 The prosecution responded by letter a couple of weeks later. A copy of that  
10 correspondence is attached hereto as Exhibit "2". In pertinent part, the prosecution  
11 either claims that the requested information has been produced or is beyond the  
12 scope of discovery. See Declaration of Steve Cochran, ¶ 3.

13 Trial is set for January 31, 2005. The defense has received discovery in piece-  
14 meal fashion since Mr. Jackson was arraigned on the complaint in January of this  
15 year. See Declaration of Steve Cochran, ¶ 4.

16 II. THE PROSECUTION MUST BE COMPELLED TO PRODUCE THE  
17 DISCOVERY REQUESTED

18 The material requested by defense counsel is within the scope of discovery  
19 required by Penal Code Section 1054 and Brady v. Maryland. Information relating  
20 to witnesses, informants and police communications is relevant and exculpatory.

21 Discovery by the prosecution remains incomplete. Timely production of the  
22 requested information is necessary to ensure a fair trial. Accordingly, this motion  
23 should be granted.

24 Dated: October 4, 2004

KATTEN MUCHIN ZAVIS ROSENMAN  
Steve Cochran

25  
26  
27 By:

Steve Cochran  
Steve Cochran

Attorneys for  
MICHAEL JOSEPH JACKSON

### DECLARATION



1                                    DECLARATION OF STEVE COCHRAN

2            Please prepare a declaration that tracks the statement of facts.

3            1.     I am an attorney duly authorized to practice before the courts of  
4 California and one of the attorneys for Michael J. Jackson. I submit this declaration  
5 in support of a motion to compel discovery.

6            2.     In July of this year, defense counsel delivered a comprehensive list of  
7 discovery requests. Among other things, the defense seeks information relating to  
8 witnesses, contact with specified persons and communication among police and  
9 prosecutors during the course of the investigation. A copy of the discovery requests  
10 is attached hereto as Exhibit "1".

11           3.     The prosecution responded by letter a couple of weeks later. A copy of  
12 that correspondence is attached hereto as Exhibit "2". In pertinent part, the  
13 prosecution claims that the requested information has been produced or is beyond the  
14 scope of discovery.

15           4.     Trial is set for January 31, 2005. The defense has received discovery in  
16 piece-meal fashion since Mr. Jackson was arraigned on the complaint in January of  
17 this year.

18           I declare under penalty of perjury under the laws of the State of California that  
19 the foregoing is true and correct.

20           Executed this 4th day of October, 2004 at Los Angeles, California.

21  
22                                    Steve Cochran  
23                                    Steve Cochran

EXHIBIT 1

# CMRY

COLLINS, MESEREAU, REDDON & TU

A LIMITED LIABILITY PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS  
ATTORNEYS AT LAW

1875 CENTURY PARK EAST, 7th FLOOR  
LOS ANGELES, CALIFORNIA 90067

TELEPHONE: (310) 284-3120 FACSIMILE: (310) 284-3  
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THOMAS MESEREAU, JR.  
A PROFESSIONAL LAW CORPORATION  
SPECIALIZING IN CRIMINAL DEFENSE

July 22, 2004

VIA FACSIMILE (805) 568-2398

Thomas Sneddon, Esq.  
District Attorney  
District Attorney's Office  
1105 Santa Barbara Street  
Santa Barbara, CA 93108

Re: People v. Jackson, SBSC Case No. 1133603

Dear Mr. Sneddon:

Because of the complexity of this matter and the involvement of so many individuals and entities, we request that you provide us with a Bates-stamped copy of all discovery provided to date, and that all discovery provided to us in the future be Bates-stamped consecutively as well.

Additionally, in your discovery to date, you have neglected to include the following materials. These materials are critical to our trial preparation. Please consider this a continuing request for discovery pursuant to Penal Code Sections 1054 and 1054.5(b):

1. Please provide us with all clues that were called in, e-mailed and or sent via mail, in the matter involving Michael Jackson;
2. All crime reports prepared in relation to the investigation and prosecution of this case including Grand Theft, Child Abduction and False Imprisonment crime reports;
3. In the event the alleged crimes occurred in other jurisdictions, please identify the jurisdiction and the personnel from that jurisdiction;
4. All bail enhancement requests and documents;
5. All photographs, jail video and audio tapes, logs, and reports generated prior to, during and after Mr. Jackson was booked;



6. List of all sworn and civilian employees who were present when Mr. Jackson was booked;
7. List of all suspects who were being held in holding tank(s) when Mr. Jackson was being booked;
8. All supervisor and watch commander logs that were generated and reflect issues concerning Mr. Jackson's arrest and or investigation;
9. All inter or intra departmental communications referencing Mr. Jackson's arrest, investigation and or inquiry;
10. Please provide us with all officer or investigator notes and note books, chronological records and logs, audio and/or video tapes, and police reports generated by the Santa Barbara Sheriff's Department, the Santa Barbara District Attorneys Office, or any other social, law enforcement or criminal justice entity, involved in the pre arrest and or post arrest investigation of Michael Jackson;
11. Please provide us with all audio and video tapes, transcripts of every tape, and please identify by name, address and phone number all participants and/or witnesses (including law enforcement officers, whether or not the individual is audible and/or visible on the recording), in each situation, transaction and/or occurrence recorded;
12. Please provide us with all e-mail communications (relevant to the Michael Jackson investigation) involving law enforcement, their agents and sworn and or civilian witnesses. This request pertains to all known investigations and or inquiries, regardless of time;
13. Please provide us with all notes, records, reports, phone conversations, statements (whether telephonic, in person, verbal, written, signed or unsigned), recordings (audio, video and/or transcripts), involving District Attorney Tom Sneddon's contacts with, but not limited to, Diane Diamond, Gloria Allred, Larry Feldman, Dr. Stanley Katz and Carole Lieberman. This request is limited to issues concerning Michael Jackson's arrest, past and present investigations and or inquiries conducted and or directed by Mr. Sneddon on behalf of the Santa Barbara District Attorney's Office and or by the current and former Sheriff of Santa Barbara County;
14. Any books, papers, documents, letters, photographs or tangible objects relevant to this case, particularly including the evidence which the prosecution intends to produce at trial, including, but not limited to any physical evidence obtained from or belonging to the defendants, or taken during searches involved in this matter. Any and all photographs, contact sheets, motion pictures or sound recordings, or transcripts of such sound recordings, which relate in any way to the issues involved

in this case, whether taken or made at, prior to or subsequent to the time of commission of the alleged offense, and whether or not intended to be used by the prosecution at the time of the trial;

15. All reports relating to the investigation, including but not limited to the results of any electronic surveillance (including wire tapping) of conversations to which defendant was a party, and, if so, any and all recorded conversations, electronic, mechanical, stenographic or otherwise, between the defendant and any other persons, whether or not acting on behalf of the prosecution, which are relevant to the subject matter charged, and which are in the custody and control of the prosecution, whether or not intended to be used as evidence by the prosecution;
16. The results of any polygraph examination performed on any witness or potential witness in this case;
17. Any evidence of any understanding or agreement as to any future prosecution or punishment of any potential witnesses;
18. Any and all informants (sworn or civilian) in this case;
19. The records of all misdemeanor and felony convictions and/or rap sheets, including the existence of all pending charges and/or cases against any informant(s) involved in this matter;
20. The records of all payments and /or deals given to any informant used in this case;
21. All information, in any form, of any inducements, promises, representations or assurances, whether or not reduced to writing, given to any informant(s) involved in this matter, related to this matter, including, but not limited to plea agreements, dismissals of charges, and agreements not to prosecute, related to either the informant or any third party beneficiary;
22. Police reports of any cases pending against the informant(s) at the time when the information in the instant case was given;
23. The physical description and photographs (if any) of any confidential informant;
24. The name and address of any informant's employment, if employed;
25. Any relevant material or information which has been provided by an informant;
26. The prosecution shall provide all information which qualifies their informant as reliable, including, but not limited to, defendant's name and case number for all cases in which the informant gave information, what the specific information

provided was, and what was subsequently discovered;

27. All notes or memoranda, handwritten or typed, concerning conversations with informants;
28. All statements taken from or made by any person, including witnesses in relation to this case, taped, written or unwritten, signed or unsigned, including any oral conversations, and all notes, memoranda, or recordings or documentation thereof with any member of any law enforcement agency, their agents, employees, representatives or investigators, or any person in any way relevant to the allegations charged herein whether or not the prosecution intends to call them at any hearings or trial;
29. The names, addresses and telephone numbers of all persons whom the prosecution may call as witnesses;
30. The following information concerning each witness the prosecution intends to call; date of birth, place of birth and physical descriptions; all aliases, aka's or pseudonyms; occupation and employment address; any charges pending against them, including the name of the court, case number, status of case, charges, investigating agency and witnesses thereto; any immunity agreements, whether written or unwritten, formal or informal;
31. The records of all arrests and convictions (i.e., "rap sheets"), both domestic and foreign, of any prospective witnesses;
32. The contents of all statements made to the potential witnesses and/or informants in order to induce potential witnesses and/or informants to cooperate with the investigation, preparation and/or prosecution of the above-entitled action;
33. All crime reports (including, but not limited to, follow up reports, property reports, scientific investigation reports, activity reports, coroner reports, etc.) prepared in relation to the investigation and prosecution of this case. This includes the notes of all police officers of their activities and observations during the period of the investigation of this case;
34. All notes made by police officers regarding their conversations with witnesses;
35. All notes made by prospective witnesses relating to matters to be covered in their testimony at the trial;
36. Documents used by witnesses to refresh their memory for the trial;

37. The contents of all statements made to the prosecution in interviews, testimony or by any person who claims to have information regarding the above-entitled action;
38. All experts who were in any way contacted by or involved in the investigation of witnesses;
39. Identities, including names, addresses, phone numbers, badge numbers, occupation titles, and present assignments of all experts who prepared reports concerning their analysis or examinations upon any physical evidence, whether or not the prosecution intends to call them at the trial;
40. A current summary and itemization of the course of instruction or other training given to persons who are expected to testify as experts on any issue connected to this case, including, but not limited to a course summary, a list of all prior similar cases in which the "expert" has conducted an investigation and/or has testified, and a list of instructors and their qualifications;
41. Any and all writings or publications used in any way by the experts in forming opinions, or in obtaining a basis for forming an opinion, including teaching manuals, journals, treatises, textbooks, bulletins and other records of classes in the expert's field of expertise, or otherwise;
42. A list of all suspects, witnesses and defense counsel to whom the expert has spoken, who have provided information used in any way by the expert as a basis for forming any opinion;
43. All physical evidence including but not limited to, all documents, computers, papers, books, records, photographs, phone records, which may be introduced at the trial;
44. All other physical evidence which is now in the possession of the prosecutors or law enforcement officers or which has been examined and which is in any way relevant to this proceeding;
45. For each piece of physical evidence set forth in this letter, the present location and the name, address and phone number of the present custodian of said evidence;
46. Any reports or raw notes describing any of the physical evidence set forth in this communication;
47. The name, address, and phone number of each person to whom any of the physical evidence in this case was submitted for analysis including, but not limited to all criminalists, handwriting experts, psychologists, et al.;



48. All reports of scientific tests and examination relative to this case which have been conducted by the prosecution and/or their agents;
49. The date and raw notes which were made in connection with the scientific tests in this case;
50. The content and nature of any finding or scientific or expert opinion which has been communicated to the prosecution but which has not been reduced to writing or a report;
51. All reports and scientific analyses performed at the request of the prosecution upon any physical evidence relating to this case, including, but not limited to, all computer reports, handwritten notes, transcriptions, charts, graphs, diagrams, sketches, raw scientific and analytical data, memoranda and laboratory worksheets or recordings of any kind used in the preparation and construction of final reports;
52. The following reports, forms, and evidence pertaining to the investigation of this case:
  - a. Follow-up investigation reports;
  - b. Supplemental reports;
  - c. Incident reports;
  - d. Chain of custody records;
  - e. Pitchess discovery;
  - f. Manuals re criminal investigations (rules-procedures);
  - g. Property reports;
  - h. Activity reports (Daily, Weekly, Monthly);
  - i. Control logs, dockets;
  - j. Investigators/officers raw notes, logs, chronologies;
  - k. Tape recordings-video of witness statements and transcripts;
  - l. Criminal history concerning victims and witnesses;
  - m. All potentially exculpatory investigative leads;



- n. All investigators present during interviews/interrogations;
- o. Notifications;
- p. Teletypes (DMV checks, record checks, criminal checks, date-times);
- q. Disclosure statements;
- r. Investigators final reports;
- s. Chronological logs;
- t. Six Pack (photo) comparisons;
- u. Prior crime reports involving suspects or witnesses;
- v. Press releases;
- w. Press appearances by investigators/personnel & their agents;
- x. Newspaper articles;
- y. Analyzed evidence reports;
- z. Intra departmental correspondence from all involved;
- aa. Field activity reports;
- bb. Names of supervisors who approved reports;
- cc. Names of prosecutors who reviewed reports;
- dd. Prosecutors charge evaluation sheets;
- ee. List of people interviewed but not intended to be called as witnesses;
- ff. Communication tapes;
- gg. Correspondence to other agencies; and
- hh. Scientific analysis reports.

The prosecution must inform defense counsel of any and all evidence and/or information from any source that it has which is or may be favorable to the defense in that it tends to exonerate the defendant or constitutes information that the defense might use to impeach or contradict prosecution witnesses, including all information which may lead to such information.

The items requested herein must be made available to defense counsel forthwith, thus enabling counsel to utilize the requested items in the preparation of motions and the trial in this matter.

This is a continuing request and requires the prosecution to inform counsel for the defendants forthwith of any information covered by this request which comes to the attention of police or prosecution after this request is made.

Sincerely,



Thomas A. Mesereau, Jr.

EXHIBIT 2

THOMAS W. SNEDDON, JR.  
District Attorney

MARNIE B. PINSKER  
Assistant Director

DAVID M. SAUNDERS  
Chief Investigator



PATRICK J. MCKINLEY  
Assistant District Attorney

CHRISTIE STANLEY  
Assistant District Attorney

ERIC A. RANSON  
Chief Trial Deputy

COUNTY OF SANTA BARBARA  
DISTRICT ATTORNEY

August 12, 2004

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

Dear Mr. Mesereau:

After reviewing your July 22<sup>nd</sup> Discovery Request and reviewing the relevant code provisions set forth in Penal Code §1054 et seq. governing discovery, the following response is provided. While some of the requests are standard requests covered by Penal Code §1054.1, others are not. To facilitate closure on the former and guidance as to the later, I have divided your requests into groups. As to several requests that were prefaced with the word "all" our answers are predicated upon the assumption your use of the word "all" is meant to apply to the current investigation involving the charges alleged in the indictment. If that was not your intention, then we believe the request to be overbroad. Additionally, we acknowledge, as we did during the Grand Jury Hearing, our continuing obligation to produce, without request on your part, any exculpatory evidence as defined under *Brady v. Maryland* and those cases amplifying Penal Code section 1054.1's discovery and due process requirements.

1. Pursuant to Penal Code §1054.1, we believe we are in complete compliance with regard to the following requests:

- #2 However, we believe the words "grand theft" were mistakenly substituted for word "extortion."
- #3
- #4 Please see the arrest warrant.
- #10 However, as the vagueness created by inclusion of the term "social" agency. If this applies to reports investigators obtain from this type of agency then it will be produced, but if it refers reports they may have that we are not aware and do not possess then we do not agree.
- #11 Except as to the requirement that we transcribe materials. Even though not required, we have provided copies of transcribed materials.
- #14

☐ Santa Barbara Office  
1112 Santa Barbara Street  
Santa Barbara, CA 93101  
(805) 568-2300  
FAX (805) 568-2453

☐ Lompoc Office  
115 Civic Center Plaza  
Lompoc, CA 93436  
(805) 737-7750  
FAX (805) 737-7732

☐ Santa Maria Office  
312-D East Cook Street  
Santa Maria, CA 93454  
(805) 346-7540  
FAX (805) 346-7588

Thomas A. Mesereau, Jr., Esq.

Page 2

August 12, 2004

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2. Jackson Jail Booking Information

We agree that the items requested in paragraph 5 through 8 are within the scope of 1054.1. We will immediately initiate steps to get the Attorney General's investigation materials and supplement those materials if necessary.

3. Informant(s)

As to the Confidential Reliable Informants request contained in paragraph 26, the only individual given that description was [REDACTED]. He is the CRI referenced in the original search warrant affidavit.

As to the remaining paragraphs 18-27, we agree that information, if it exists, is within 1054.1's scope, subject to the provisions of 1054.7.

4. The following items are duplicated elsewhere in your request:

#34  
#49  
#51  
#52 j, k, l, y, ee, hh

5. The following items are beyond the scope of *Brady* and Penal Code §1054.1.

#9  
#12



Thomas A. Mesereau, Jr., Esq.

Page 3

August 12, 2004

#13

#37 However, we are compliant to the extent that statements relevant to this investigation have been reduced to written reports.

#35

#52 e, f, u, v, w, x, z, cc, dd, gg

6. The following items are either overbroad or vague. If you wish to refine your request for these items and resubmit them to us we will be happy to evaluate whether they conform to our discovery obligations.

#1

#28 However, we are compliant to the extent that statements relevant to this investigation have been reduced to written reports.

#30

#31 However, we will comply with our obligation to provide the defense with information concerning moral turpitude crimes committed by material witnesses.

#40 However we will be provide available CVs on expert witnesses.

#41

#42

#45

#52 h, i, o, p, q, ff

7. #52n We believe the current discovery complies with the request. However, in order to prevent any problems, all officers writing a report will be contacted to ensure full and accurate compliance with the request.

I believe that further discussions could result in a satisfactory agreement on some of these requests. Please feel free to contact us to discuss these requests.

Very truly yours,



Thomas W. Sneddon, Jr.  
District Attorney

TWS:rm

cc: Steve Cochran, Esq.  
R. Brian Oxman, Esq.  
Robert Singer, Esq.  
Susan C. Yu, Esq.

PROOF OF SERVICE BY MAIL

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen and not a party to the within action, and my business address is Katten Muchin Zavis Rosenman (the "business"), 2029 Century Park East, Suite 2500, Los Angeles, California 90067.

( ) I am readily familiar with the business's practice for collection and processing of correspondence for mailing with the United States Postal Service; such correspondence would be deposited with the United States Postal Service the same day of deposit in the ordinary course of business.

( ) (By Personal Service) I delivered such envelope by hand to the addressee(s) as indicated above.

(X ) By Facsimile Machine, I caused the above-referenced document(s) to be transmitted to the persons listed below:

On October 4, 2004, I served the foregoing documents described as NOTICE OF MOTION AND MOTION TO COMPEL DISCOVERY; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF COUNSEL; EXHIBITS on the interested parties in this action as follows:

Thomas W. Sneddon, Jr.  
District Attorney of Santa Barbara  
1105 Santa Barbara Street  
Santa Barbara, CA 93101

Fax: 805-568-2398

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct

Executed on October 4, 2004, at Los Angeles, California.



Marsha Davis

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 OCTOBER 6, 20 04, I served a copy of the attached ORDER FOR RELEASE OF REDACTED DOCUMENTS (DEFENDANT'S MOTION TO COMPEL) 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, 7<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90067

X 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.

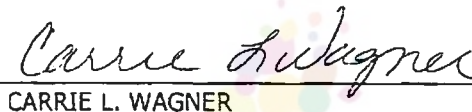
PERSONAL SERVICE

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, sub-post 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 6<sup>TH</sup> day of OCTOBER, 20 04, at Santa Maria, California.

  
CARRIE L. WAGNER