

1 THOMAS W. SNEDDON, JR., DISTRICT ATTORNEY
County of Santa Barbara
2 By: RONALD J. ZONEN (State Bar No. 85094)
Senior Deputy District Attorney
3 GORDON AUCHINCLOSS (State Bar No. 150251)
Senior Deputy District Attorney
4 GERALD McC. FRANKLIN (State Bar No. 40171)
Senior Deputy District Attorney
5 1112 Santa Barbara Street
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FILED
SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA

OCT 08 2004

GARY M. BLAIR, Executive Officer

By *Carrie L. Wagner*
CARRIE L. WAGNER, Deputy Clerk

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

11
12 THE PEOPLE OF THE STATE OF CALIFORNIA,

13 Plaintiff,

14 v.

15
16 MICHAEL JOE JACKSON,

17 Defendant.

) No. 1133603

) ~~PROPOSED REDACTED~~

) PEOPLE'S RESPONSE TO COURT

) ORDERED DISCOVERY

) COMPLIANCE AND STATUS

) REPORT

) DATE: October 14, 2004

) TIME: 8:30 a.m.

) DEPT.: SM 2 (Melville)

) ~~UNDER SEAL~~

21 On September 16, 2004, the court ordered that the People discover or account for all of
22 the forensic evidence and evaluations done by the Department of Justice by October 8, 2004.
23 In addition, on September 17, the People voluntarily agreed to provide discovery to the
24 Defense of the 1993-94 child molestation investigation of the defendant.

25 This status report is a response to the court's order and other discovery issues.

26 1. September 27, 2004, the Defense was given the Affidavit of Probable Cause and
27 Inventory Return on Search Warrant #5135 [REDACTED] Bates stamped 004771-004735. (Exhibit
28 1.)

1 2. On September 28, 2004, the Defense was given Department of Justice Bureau of
2 Forensic Services and DNA reports and notes, Bates stamped 003816-004770, and an
3 additional page stamped 004577A, as well as two discs designated as item #1739. (Exhibit 2-
4 2A.)

5 3. On October 7, 2004, the Defense was given numerous memoranda and
6 documents accumulated during the course of the investigation, but not directly related to the
7 defendant's case, including incidents or information investigators determined to be unfounded
8 and/or miscellaneous or anonymous information accumulated by investigators, many of which
9 for reasons that are self-explanatory did not require any further action or were determined not
10 to be related to the current investigation. These materials were Bates stamped 0011208 to
11 0011333. (Exhibit 3-3A.)

12 4. On October 8, 2004, the Defense was given 19 reports and 5 discs related to the
13 disclosure of various phone records. Additionally, the Defense was provided with the Search
14 Warrants and Affidavit of Probable Cause for warrants #5141-5152. The materials are Bates
15 stamped 011334 to 011922. (Exhibit 4-4A.)

16 5. On October 8, 2004, the Defense was given reports, photographs and numerous
17 tapes (see Exhibit 5-5A), complying with the discovery request for the 1993-94 investigation
18 into child molestation allegations against the defendant. Written materials are Bates stamped
19 004786 to 011207 (with 7 pages numbered 00777A, 00778A, 00780A, 00781A, 00783A). The
20 Bates stamped material was downloaded onto 6 discs and provided to the Defense. (Exhibit 5-
21 5A.)

22 6. On October 8, 2004, the Defense was provided forensic reports and discs
23 corresponding to all of the computers seized in the investigation.¹ The information consist of
24 Det. McCammon's reports documenting the forensic examination of each of the computers and
25 a disc containing any information or images downloaded from those computers. The reports
26
27

28 ¹ The reports and discs of the forensic information were obtained from all of the computers seized in this investigation with
the exception of two computers [REDACTED] and [REDACTED]. The [REDACTED] and [REDACTED] computers are currently under seal by the
court.

1 are Bates stamped 011923 to 012118. In addition 16 discs were provided to the Defense.
2 (Exhibit 6-6A.)

3 7. The Defense has been provided with forensic or EnCase² copies of all of the
4 computer hard drives obtained in this investigation with the exception of 29 hard drives.³ On
5 October 4, 2004, Sgt. Robel contacted Bobette Tryon, a paralegal for Attorney Sanger, to ask if
6 she preferred forensic or EnCase copies of the remaining hard drives. Ms. Tryon requested
7 that the computer hard drives be downloaded onto DVD. Sgt. Robel informed Ms. Tryon it
8 would take a technician over two weeks to complete this process where it would take a
9 technician only two days to provide forensic or EnCase copies.⁴

10 8. On or before October 14, 2004, the Defense will be given approximately 40
11 reports, most of which deal with records accumulated in response to various returns on search
12 warrants issued by the court.

13 9. On September 29, 2004, the court signed an order authorizing the release of Item
14 #317, a Grand Jury Exhibit, to the Sheriff's Department. Due to a shortage of permanent
15 forensic employees, a retired Sheriff's forensic expert has been hired to forensically examine
16 the contents of Item #317. An examination of the front (outside and inside) page and the back
17 (inside and outside) page of the seven magazines will be completed and the report given to the
18 Defense prior to the October 14 hearing.

19 ///

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28 ² EnCase is a computer program that allows evidence files to be extracted from computer hard drives.

³ The remaining 29 computer hard drives were obtained from the following searches: [REDACTED]

⁴ Once the Defense provides Sgt. Robel with blank hard drives he will copy the remaining 29 hard drives.

1 It is estimated that it will take an additional six weeks to complete the entire
2 examination of all of the pages and all of the materials contained in Item #317. Reports will be
3 provided as individual items within Item #317 are processed and completed.
4

5
6
7 Dated: October 8, 2004

8 Respectfully submitted,
9

10 /s/ Gerald M. Franklin For
11 Thomas W. Sneddon, Jr., District Attorney
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EXHIBIT "1"

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

ERICA A. HANSON
Chief Trial Deputy

COUNTY OF SANTA BARBARA
DISTRICT ATTORNEY
September 27, 2004

Robert Sanger, Esq.
Sanger & Swysen, Lawyers
233 East Carrillo Street, Suite C
Santa Barbara, CA 93101

Hand Delivered

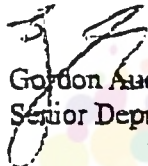
Re: *The People of the State of California vs. Michael Joe Jackson*
Superior Court Case No. 1133603

Dear Mr. Sanger:

Enclosed please find the following discovery item (pages 04771-004785)

- 1) [REDACTED] Search Warrant (#5135), Statement of Probable Cause, and Inventory Return

Very truly yours,


Gordon Auchincloss
Senior Deputy District Attorney

Robert Sanger, Esq. is in receipt of the discovery items listed above and an additional copy of bates stamp 004771-004785

Date: 9/27/04 Robert M. Sanger

By: Genevieve L. Jones
Genevieve I. Jones

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1112 Santa Barbara Street
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District Attorney

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DAVID M. SAUNDERS
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PATRICK J. MCKINLEY
Assistant District Attorney

CHRISTIE STANLEY
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ERICA A. HANSON
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COUNTY OF SANTA BARBARA
DISTRICT ATTORNEY

September 28, 2004

Robert Sanger, Esq.
Sanger & Swysen, Lawyers
233 East Carrillo Street, Suite C
Santa Barbara, CA 93101

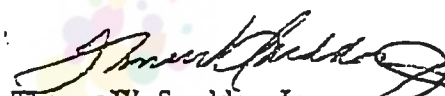
Re: *The People of the State of California vs. Michael Joe Jackson*
Superior Court Case No. 1133603

Dear Mr. Sanger:

Enclosed please find the following discovery items (Bates stamp #003816-004770, one page is labeled page 004577A):

- 1) Department of Justice Bureau of Forensic Services- DNA Reports and Notes
- 2) Item #1739 (2 CD-R discs) from the Department of Justice.

Very truly yours,


Thomas W. Sneddon, Jr.
District Attorney

TWS: cl

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1112 Santa Barbara Street
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Robert Sanger, Esq. is in receipt of the discovery items listed above, Bates stamp #003816-004770, with one page labeled 004577A.

Date: _____ Robert M. Sanger

9/28/04

By: _____

STEPHEN DUNKLE

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PATRICK J. MCKINLEY
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CHRISTIE STANLEY
Assistant District Attorney

ERIC A. HANSON
Chief Trial Deputy

COUNTY OF SANTA BARBARA
DISTRICT ATTORNEY

October 7, 2004

Robert Sanger, Esq.
Sanger & Swyser, Lawyers
233 East Carrillo Street, Suite C
Santa Barbara, CA 93101

Hand Delivered

Re: *The People of the State of California vs. Michael Joe Jackson*
Superior Court Case No. 1133603

Dear Mr. Sanger:

Enclosed please find the following discovery item (pages 0011208- 0011333)

1) Numerous memorandums and documents accumulated during the course of the investigation, but not directly related to the defendant's case, incidents or information investigators determined not to be related to the current investigation.

Very truly yours,

Thomas W. Sneddon, Jr.
District Attorney

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10/07/04

Robert Sanger, Esq. is in receipt of the discovery items listed above (Bates stamp # 0011208-0011333).

Date: 10/7/04 Robert M. Sanger

By: Genevieve I. Jones
Genevieve I. Jones

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. HANSON
Chief Trial Deputy

COUNTY OF SANTA BARBARA
DISTRICT ATTORNEY

October 8, 2004

Robert Sanger, Esq.
Sanger & Swysen, Lawyers
233 East Camillo Street, Suite C
Santa Barbara, CA 93101

Hand Delivered

Re: *The People of the State of California vs. Michael Joe Jackson*
Superior Court Case No. 1133603

Dear Mr. Sanger:

Enclosed please find the following discovery items (Bates Stamp pages 011334-011922).

- 1) 19 reports and various phone records
- 2) Search Warrants #5141-5152
- 3) Item # 817 b/c - Enhanced telephone call [REDACTED]
- 4) Item # 148 - Interview with [REDACTED]
- 5) Item # 147 - Nextel records
- 6) Item # 1730 - AT & T records
- 7) Item # 1731 - Verizon, NJ records

Very truly yours,


Gordon Auchincloss
Senior Deputy District Attorney

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10/08/04

Robert Sanger, Esq. is in receipt of the discovery items listed above and Bates stamp pages # 011334-011922.

Date: 10/8/04 Robert M. Sanger

By: 

THOMAS W. SNEDDON, JR.
District Attorney

MARNIE B. PINSKER
Assistant Director

DAVID M. SAUNDERS
Chief Investigator



PATRICK J. MCINLEY
Assistant District Attorney

CHRISTIE STANLEY
Assistant District Attorney

ERIC A. HANSON
Chief Trial Deputy

COUNTY OF SANTA BARBARA
DISTRICT ATTORNEY

October 8, 2004

Robert Sanger, Esq.
Sanger & Swysen, Lawyers
233 East Carrillo Street, Suite C
Santa Barbara, CA 93101

Hand Delivered

Re: *The People of the State of California vs. Michael Joe Jackson*
Superior Court Case No. 1133603

Dear Mr. Sanger:

Enclosed please find the following discovery items (Bates Stamp pages 004786-01120, with 7 pages numbered 0077A, 00778A, 00780A, 00781A, 00783A) downloaded onto 6 CD-R's. 11207

1. Reports and photographs from the 1993-1994 investigation downloaded onto 6 discs. bjs

2. DVD's (11) from 93-94 investigation bjs

- (1) Interview male juvenile from Vancouver
- (2) (a) & (b) interview of [REDACTED] (2 discs)
- (3) Titled [REDACTED] 9-13-93 (the tape was blank)
- (4) (a) & (b) [REDACTED] (2 discs)
- (5) (a) & (b) & (c) [REDACTED] (3 discs)
- (6) Copy of Beta Tape of Neverland
- (7) [REDACTED] Sexual Assault

3. Audio tapes (26) of interviews from 93-94 investigation ad

- (1) [REDACTED]
- (2) [REDACTED]
- (3) [REDACTED]
- (4) [REDACTED]
- (5) [REDACTED] (2 tapes)

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10/8/04

- ✓(6) [REDACTED]
- (7) [REDACTED] (2 tapes)
- (8) [REDACTED]
- (9) [REDACTED]
- (10) [REDACTED]
- (11) [REDACTED]
- (12) [REDACTED]
- (13) [REDACTED]
- (14) [REDACTED]
- (15) [REDACTED] (2 tapes)
- (16) [REDACTED]
- (17) [REDACTED] (2 tapes)
- (18) [REDACTED]
- (19) [REDACTED]
- (20) [REDACTED]
- (21) [REDACTED]
- (22) [REDACTED]

Very truly yours,



Gordon Auchincloss
Senior Deputy District Attorney

Robert Sanger, Esq. is in receipt of the discovery items listed above and Bates stamp pages # 004786-011207.

Date: 10/8/04 Robert M. Sanger

By. 



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EXHIBIT "6" - "6A"

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Assistant District Attorney

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ERICA A. HANSON

Chief Trial Deputy



**COUNTY OF SANTA BARBARA
DISTRICT ATTORNEY**

October 8, 2004

Robert Sanger, Esq.
Sanger & Swysen, Lawyers
233 East Carrillo Street, Suite C
Santa Barbara, CA 93101

Hand Delivered

Re: The People of the State of California vs. Michael Joe Jackson
Superior Court Case No. 1133603

Dear Mr. Sanger:

Enclosed please find the following discovery items (Bates Stamp pages # 011923-012118).

- 1) Forensic reports of the computers seized in the investigation.
- 2) CDR's (16)
 - ✓(1) Item # 333 (c)
 - ✓(2) Item # 334 (c)
 - ✓(3) Item # 344 (c)
 - ✓(4) Item # 607 (c)
 - ✓(5) Item # 909 (b) (4 discs)
 - ✓(6) Item # 909 (c)
 - ✓(7) Item # 1251 (c)
 - ✓(8) Item # 1252 (cc)

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10/8/04

- ✓(9) Item # 1253 (c)
- ✓(10) Item # 1255 (c)
- ✓(11) Item # 1256 (c)
- ✓(12) Item # 1257 (c)
- ✓(13) Item # 1617

Very truly yours,


Gordon Auchincloss
Senior Deputy District Attorney

Robert Sanger, Esq. is in receipt of the discovery items listed above and Bates stamp pages # 011923-012118.

Date: 10/8/04 Robert M. Sanger

By: 

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 12, 20 04, I served a copy of the attached PEOPLE'S RESPONSE TO COURT ORDERED DISCOVERY COMPLIANCE AND STATUS REPORT 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

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 12TH day of OCTOBER, 20 04, at Santa Maria, California.


CARRIE L. WAGNER