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FILED
SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA

DEC 21 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 COOK STREET DIVISION

** unsealed
pursuant to
6/16/05 Court
order*

12 PEOPLE OF THE STATE OF CALIFORNIA,)
13 Plaintiff,)
14 vs.)
15 MICHAEL JOE JACKSON,)
16 Defendant.)

Case No. 1133603

REQUEST FOR ATTENDANCE
OF OUT-OF-STATE WITNESS,
MARTIN BASHIR

FILED UNDER SEAL

17
18 TO THE SUPERIOR COURT OF SANTA BARBARA, COUNTY OF SANTA BARBARA,
19 STATE OF CALIFORNIA:

20 The undersigned, Assistant District Attorney for the County of Santa Barbara, State of
21 California, hereby states and certifies as follows:

22 1. That there is now pending in this court, the above-entitled criminal prosecution by the
23 State of California against the above entitled defendant wherein he stands accused of 1 Count of
24 Penal Code section 182 (Conspiracy to Commit Extortion, False Imprisonment and Child
25 Abduction), 4 Counts of Penal Code section 288a (Child Molestation) and 1 Count of Penal Code
26 section 664/288a (Attempted Child Molestation), and 4 Counts of Penal Code section 222 (
27 Furnishing An Intoxicant for Purposes of Committing a Felony.)

28 2. That the said defendant's trial is set to begin January 31, 2005, in the above-named

1 court. It is expected that the witness would be required to testify on or about March 1, 2005 or on
2 any subsequent adjourn date that his testimony shall be adjourned or continued to.

3 3. The witness is presently employed by ABC as a reporter for the news show "20/20".

4 4. That the said Martin Bashir, now residing at New York County, New York, is a
5 necessary and material witness for the People of the State of California. The witness is material on
6 the issue of the production, editing and displaying of the video documentary "Living with Michael
7 Jackson."

8 5. Martin Bashir is a reporter who lived and traveled with Michael Jackson for about
9 seven months for the purpose of producing a documentary about his life. The documentary, titled
10 "Living with Michael Jackson", aired in England and in the United States in February 2003.

11 Bashir narrated the documentary and frequently commented on Mr. Jackson's
12 relationship with children. He found particularly worrisome Jackson's practice of sleeping in the
13 same room with children, often in the same bed.

14 The documentary also contained scenes featuring the 13 year old victim of the Santa
15 Barbara County case. In one scene the victim is seated next to the defendant resting his head on
16 Jackson's shoulder and holding Jackson's hand. The victim is identified by his true first name.
17 They talk about the victim and his younger brother sleeping in the same room with Michael
18 Jackson. Conversations with the Defendant concerning his sleeping arrangement with children,
19 and particularly with the victim of the current case, are clearly material, relevant and necessary to
20 the prosecution in Santa Barbara County.

21 It is believed that Mr. Bashir had numerous conversations with Mr. Jackson about
22 his relationship with young boys and with the victim in particular. The documentary "Living with
23 Michael Jackson" as presented is less than two hours in length meaning seven months of interviews
24 and film were substantially edited. Mr. Bashir is a necessary witness to establishing the foundation
25 for the admissibility of the documentary. He will also clarify the extent to which the documentary
26 was edited and whether or not the statements were presented out of context.

1 6. That if the said witness, as such witness, comes into the State of California in obedience
2 to a summons directing to attend and testify at said jury trial, the laws of the State of California, and
3 of any other state through which said witness may be required to pass by the ordinary course of travel
4 to attend such jury trial, give protection from arrest or the service of process, either civil or criminal,
5 in connection with matters which arose before entrance into said state pursuant to said summons.

6 WHEREFORE, it is requested for and on behalf of the State of California that your
7 Honor certify to the above and foregoing by the issuance of a certificate thereto under the seal of the
8 said Superior Court of the County of Santa Barbara, State of California, so that it may be presented to
9 a judge of the court of record in the State of New York, in a proceeding to compel the attendance of
10 said Martin Bashir, as a witness at said proceeding at the time and date above set forth and pursuant

11 to law.

12 Executed under penalty of perjury this 15th day of December 2004, in the County of
13 Santa Barbara, State of California.

14 Respectfully submitted,

15 THOMAS W. SNEDDON, JR.
16 DISTRICT ATTORNEY

17 By: 

18 PATRICK J. MCKINLEY
19 ASSISTANT DISTRICT ATTORNEY