

JAN 18 2005

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

1 **COLLINS, MESEREAU, REDDOCK & YU**
2 Thomas A. Mesereau, Jr., State Bar Number 091182
3 Susan C. Yu, State Bar Number 195640
4 1875 Century Park East, 7th Floor
5 Los Angeles, CA 90067
6 Tel.: (310) 284-3120, Fax: (310) 284-3133

7 **SANGER & SWYSEN**
8 Attorneys at Law
9 Robert M. Sanger, State Bar No. 058214
10 233 East Carrillo Street, Suite C
11 Santa Barbara, CA 93101
12 Tel.: (805) 962-4887, Fax: (805) 963-7311

13 **OXMAN & JAROSCAK**
14 Brian Oxman, State Bar No. 072172
15 14126 East Rosecrans
16 Santa Fe Springs, CA 90670
17 Tel.: (562) 921-5058, Fax: (562) 921-2298

18 Attorneys for Defendant
19 **MICHAEL JOSEPH JACKSON**

** unsealed
pursuant to
the 116105 court order*

FILED UNDER SEAL

20 SUPERIOR COURT OF THE STATE OF CALIFORNIA
21 FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION

22 THE PEOPLE OF THE STATE OF
23 CALIFORNIA,

24 Plaintiffs,

25 vs.

26 MICHAEL JOSEPH JACKSON,

27 Defendant.

) Case No. 1133603

) EX PARTE APPLICATION FOR AN
) ORDER THAT MR. JACKSON BE
) ALLOWED TO MAKE A PUBLIC
) STATEMENT REGARDING
) INFORMATION LEAKED TO THE
) MEDIA; PROPOSED STATEMENT

) Honorable Rodney S. Mcville

) Date: TBA
) Time: TBA
) Dept: SM 8

28 TO THE CLERK OF THE ABOVE ENTITLED COURT:

29 Defendant requests that the Court issue an order allowing Mr. Jackson to make a public
30 statement regarding information that has recently been leaked to the press regarding the details of

31 EX PARTE APPLICATION FOR AN ORDER THAT MR. JACKSON BE ALLOWED TO MAKE A PUBLIC
32 STATEMENT REGARDING INFORMATION LEAKED TO THE MEDIA

1 the prosecution's case. This request is based on the overriding interests of Mr. Jackson's rights to
2 due process and a fair trial under the Fifth, Sixth and Fourteenth Amendments to the United States
3 Constitution and Article I, Sections 1, 7, and 15 of the California Constitution.

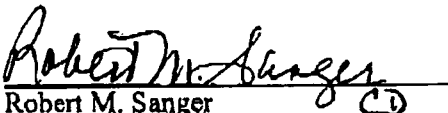
4 Dated: January 18, 2005

5 Respectfully submitted,

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

8 SANGER & SWYSEN
9 Robert M. Sanger

10 OXMAN & JAROSCAK
11 Brian Oxman

12 By: 
13 Robert M. Sanger
14 Attorneys for Defendant
15 MICHAEL JOSEPH JACKSON
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 I.

3 **MR. JACKSON SHOULD BE ALLOWED TO MAKE A PUBLIC STATEMENT**
4 **REGARDING THE INFORMATION THAT WAS RECENTLY LEAKED TO THE**
5 **MEDIA**

6 The content of the grand jury transcripts, as well as investigative reports, have been
7 leaked to the media. ABC Television's Primetime Live recently aired portions of the grand jury
8 transcripts and www.thesmokinggun.com recently published an account of the prosecution's
9 case, based on police reports and grand jury transcripts, under the heading "The Predator." The
10 disclosure of these prejudicial materials on the eve of trial threaten to deprive Mr. Jackson of his
11 rights to due process and a fair trial under the Fifth, Sixth and Fourteenth Amendments to the
12 United States Constitution and Article I, Sections 1, 7, and 15 of the California Constitution. As
13 such, Mr. Jackson respectfully requests that he be allowed to make a public statement. A copy of
14 the proposed statement is attached.

15
16
17
18
19
20
21 ///

22
23 ///

24
25 ///

26
27
28 **EX PARTE APPLICATION FOR AN ORDER THAT MR. JACKSON BE ALLOWED TO MAKE A PUBLIC
STATEMENT REGARDING INFORMATION LEAKED TO THE MEDIA**

1 **CONCLUSION**

2 For the reasons stated above, Mr. Jackson requests that the Court issue an order allowing
3 him to make the attached proposed public statement.

4 Dated: January 18, 2005

5 COLLINS, MESEREAU, REDDOCK & YU
6 Thomas A. Mcscreau, Jr.
Susan C. Yu

7 SANGER & SWYSEN
8 Robert M. Sanger

9 OXMAN & JAROSCAK
10 Brian Oxman

11 By: Robert M. Sanger
12 Robert M. Sanger
13 Attorneys for
14 MICHAEL JOSEPH JACKSON

STATEMENT OF MICHAEL JACKSON

In the last two weeks, a large amount of ugly, malicious information has been released into the media about me. Apparently, this information was leaked through transcripts in a grand jury proceeding where neither my lawyers nor I ever appeared. The information is disgusting and false.

Years ago, I allowed a family to visit and live at Neverland. Neverland is my home. I allowed this family into my home because they told me their son was ill with cancer and needed my help. Through the years, I have helped thousands of children who were ill or in distress.

~~_____~~ These events have caused a nightmare for my family, my children and me. I never intend to place myself in so vulnerable a position again.

I love my community and I have great faith in our justice system. Please keep an open mind and let me have my day in court. I deserve a fair trial like every American citizen. ~~Therefore that~~ I will be acquitted and vindicated when the truth is told.

PROOF OF SERVICE

I, the undersigned declare:


I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 233 East Carrillo Street, Suite C, Santa Barbara, California, 93101.

On January 18, 2005, I served the foregoing document: **EX PARTE APPLICATION FOR AN ORDER THAT MR. JACKSON BE ALLOWED TO MAKE A PUBLIC STATEMENT REGARDING INFORMATION LEAKED TO THE MEDIA** on the interested parties in this action by depositing a true copy thereof as follows:

Tom Sneddon
Gerald Franklin
Ron Zonen
Gordon Auchincloss
District Attorney
1112 Santa Barbara Street
Santa Barbara, CA 93101
805-568-2398

- BY U.S. MAIL** - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid and deposited during the ordinary course of business. Service made pursuant to this paragraph, upon motion of a party, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit.
- BY FACSIMILE** - I caused the above-referenced document(s) to be transmitted via facsimile to the interested parties at
- BY HAND** - I caused the document to be hand delivered to the interested parties at the address above.
- STATE** - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed January 18, 2005 at Santa Barbara, California.



Carol Dowling