

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

Dated & Entered:	JANUARY 21, 2005	Time:	9:35 A.M.	F	
Honorable RODNEY S. MELVILLE				CC	
Deputy Clerk:	L FREY	Dept:	SM TWO	CA	
Deputy Sheriff :	L. AVILA			AC	
Court Reporter:	M. MC NEIL	Case No.	1133603	SR	
Plaintiff:	THE PEOPLE OF THE STATE OF CALIFORNIA			ST	
vs.				DOC	X
Defendant(s):	MICHAEL JOE JACKSON				
District Attorney:	THOMAS W. SNEDDON, JR.				
Defense Counsel:	THOMAS A. MESEREAU, JR.				
Probation Officer:	Interpreter:				

NATURE OF PROCEEDINGS: MOTION FOR ORDER ALLOWING USE OF EXPERT TESTIMONY ON THE SUBJECT OF CHILD ABUSE TRAUMA; RULING ON ATTORNEY-CLIENT PRIVILEGE (ITEM 1811 SEIZED PURSUANT TO SEARCH WARRANT 5135; SETTLEMENT OF JURY QUESTIONNAIRE AND PROCEDURES FOR USE; DISCUSSION RE: PROCEDURES FOR JURY SELECTION; MOTION TO SEAL MOTION FOR ORDER ALLOWING USE OF EXPERT TESTIMONY ON THE SUBJECT OF CHILD ABUSE TRAUMA (AND OPPOSITION AND REPLY THERETO, IF SEALING ORDER SOUGHT); MOTION TO SEAL EX PARTE APPLICATION FOR AN ORDER TO CONTINUE THE HEARING ON THE DISTRICT ATTORNEY'S MOTION FOR ORDER ALLOWING USE OF EXPERT TESTIMONY ON THE SUBJECT OF CHILD ABUSE TRAUMA; MOTION TO SEAL JURY QUESTIONNAIRE; MOTIONS TO SEAL PEOPLE'S RESPONSE TO THE DEFENSE MOTION TO COMPEL AND THE DECLARATION OF SUSAN YU IN REPLY; MOTION TO SEAL THOMAS A. MESEREAU JR.'S REQUEST TO MAKE A PUBLIC STATEMENT

Felony Complaint Filed December 18, 2003 charging the Defendant with Counts 1 thru 7: 288(a) P.C., a Felony, Counts 8 and 9: 222 P.C., a Felony, Enhancements on Counts 1 through 7: 1192.7(c)(6) P.C. and 1203.066(a)(8) P.C.

Indictment filed April 21, 2004 charging the Defendant with Count 1: 182 P.C., a Felony, Counts 2 through 5: 288(a) P.C., Felonics, Count 6: 664/288(a) P.C., a Felony, Counts 7 through 10: 222 P.C., Felonics, Special Allegations on Counts 2 through 5: 1192.7(c)(6) P.C. and 1203.066(a)(8) P.C.

The Court made orders re: Motion for Order Allowing Use of Expert Testimony on the Subject of Child Abuse Trauma Granted; Ruling on Attorney-Client Privilege (Item 1811 Seized Pursuant to Search Warrant 5135); Motion to Seal Motion for Order Allowing Use of Expert Testimony on the Subject of Child Abuse Trauma and Opposition and Reply Thereto Granted; Motion to Seal Ex Parte Application for an Order to Continue the Hearing on the District Attorney's Motion for Order Allowing Use of Expert Testimony on the Subject of Child Abuse Trauma Granted; Motion to Seal Jury Questionnaire Granted; Motions to Seal People's Response to the Defense Motion to Compel and the Declaration of

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Susan Yu in Reply Granted; Motion to Seal Thomas A. Mesereau Jr.'s Request to Make a Public Statement Granted; Media's Motion for a Protective Order re: Bashir continued to January 28, 2005; Hearing to Discuss 402 Hearings Procedures set for January 28, 2005; 1108 Hearing Schedule; Viewing of DVDs of Exhibits 40, 46 and 49; Addressing Expert re: Privilege Logs; Admittance of Attorneys Filing Motion to Quash Subpoenas; Trial Schedule; Jury Questionnaire

At 9:35 A.M. with Court, Counsel and Research Attorney Tracy Splitgerber present, hearing proceeded.

Counsel present for the People are Thomas W. Sneddon, Jr. and Ronald Zonen.

Counsel present for the Defendant are Thomas A. Mesereau, Jr., Robert M. Sangcr, Susan Yu and Brian Oxman.

Defendant's Investigator Jesus Castillo present.

A 977 Waiver is on file and the Defendant's presence is excused for this hearing.

The Court advised Counsel that one Investigator shall be allowed in the Courtroom for each side and that Investigator shall not be interchangeable.

The Court further advised Counsel that the law enforcement officers who will be witnesses in the trial shall not be allowed to enter and exit the Courtroom at will during hearings and the trial.

Attorneys Zonen and Mesereau addressed the Court re: the Motion for Order Allowing Use of Expert Testimony on the Subject of Child Abuse Trauma. The Court orders that the motion shall be granted with strict limitations imposed by the Court which shall be further addressed by the Court prior to the witness being called; that Counsel shall keep in mind the various cases regarding this issue and CALJC 10.64 Jury Instruction.

Attorney Sangcr addressed the Court re: the Ruling on Attorney-Client Privilege (Item 1811 Seized Pursuant to Search Warrant 5135.) The Court finds that many of the documents do not fall within the parameters of the search warrant or plain view and some of the documents are privileged. The Court further orders that six or seven documents are within the search warrant or plain view and shall be released to the District Attorney; that the suppressed documents shall be returned to the Defendant; that the Defense Counsel shall arrange with the District Attorney for copies of the responsive documents.

The Court further orders that the Motion to Seal Motion for Order Allowing Use of Expert Testimony on the Subject of Child Abuse Trauma and Opposition and Reply Thereto shall be granted. The District Attorney's motion was filed under seal on January 10, 2005. The proposed redacted version was released on the same day. The Opposition was filed under seal on January 18, 2005. The proposed redacted version was released on

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January 20, 2005. The Reply was filed on January 20, 2005. The proposed redacted version was released that same day. Findings and Order will follow.

The Court further orders that the Motion to Seal Ex Parte Application for an Order to Continue the Hearing on the District Attorney's Motion for Order Allowing Use of Expert Testimony on the Subject of Child Abuse Trauma shall be granted. The Application was filed on January 10, 2005 and conditionally sealed on January 11, 2005. The redacted version was released on January 11, 2005. Findings and Order will follow.

The Court further orders that the Motion to Seal Jury Questionnaire shall be granted. The joint submission of the Jury Questionnaire was filed under seal on January 11, 2005. No proposed redacted version has been released. Findings and order will follow.

The Court further orders that the Motions to Seal People's Response to the Defense Motion to Compel and the Declaration of Susan Yu in Reply shall be granted. The People's Response to the Defense Motion to Compel was filed on January 7, 2005 under conditional seal. The Court's redacted version was released on January 11, 2005. The Declaration of Susan Yu was filed under conditional seal on January 13, 2005. A redacted version was released the same day. Findings and Order will follow.

The Court further orders that the Motion to Seal Thomas A. Mesereau Jr.'s Request to Make a Public Statement shall be granted. The Defense filed its request to make a public statement under seal on January 13, 2005. A redacted version was released the same day. Findings and Order will follow.

The Court further orders that the Media's Motion for a Protective Order re: Bashir that is set for hearing on January 27, 2005 shall be continued to January 28, 2005 at 9:30 A.M.

The Court further orders that a discussion re: procedures set by the Court for 402 hearings shall be held on January 28, 2005.

Attorneys Sneddon, Sanger and Mesereau addressed the Court re: 1108 hearing. The Court further orders that the 1108 Hearing will be heard after opening statements and after the Court has heard substantially what the District Attorney's case is re: molestation charges.

The Court finds that the Defense has provided DVDs to the Court of Exhibits 40, 46 and 49. Said DVDs will be available for the media and the public to view following today's hearing. That said Exhibits are for viewing only.

Attorney Sanger addressed the Court re: the Defense's request for an additional 7-10 days to ascertain whether the privilege logs previously submitted need to be supplemented. The Court further orders that any questions shall not be addressed directly with the expert; that if there are any questions, they shall be addressed through

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the Court's Research Attorney; that the Court's Research Attorney shall be an intermediary between Counsel and the expert; that Defense Counsel shall make a report to the Court on January 28, 2005.

The Court further orders that attorneys representing subpoenaed witnesses shall contact Darrell Parker or the Judge's Secretary, Carrie Wagner, for credentials for admittance into the Courtroom.

Attorneys Meserchau and Sanger addressed the Court re: the Trial Schedule. After discussion was held, the Court further orders that the trial shall be held from 8:30 A.M. until 2:30 P.M.; that there shall be three ten minute recesses and no lunch break each day; that on January 31, 2005 at 9:30 A.M. and 1:30 P.M., 150 Prospective Jurors for each session will be brought to the Courtroom; that on February 1, 2005 at 9:30 A.M. and 1:30 P.M. an additional 150 Prospective Jurors for each session will be brought to the Courtroom and on February 2, 2005 at 9:30 A.M. another additional 150 Prospective Jurors shall be brought to the Courtroom. The Court will consider hardship excuses and direct the Prospective Jurors back to the Jury Assembly room to fill out their Juror Questionnaire; that said Questionnaires shall not be removed from the jury assembly room. Counsel shall have until February 7, 2005 to review the Questionnaires. Counsel shall meet with the Court on February 7, 2005 to discuss the Questionnaire and any stipulations to excuse a Prospective Juror. If there are any excused Jurors, the Jury Commissioner shall call the excused persons to advise them of said excusal. The remaining Prospective Jurors shall be ordered to return on February 8, 2005 to commence voir dire.

The Court further orders that each Juror will be assigned a number and not referenced by name.

The Court further advised Counsel re: a new sound system for the Courtroom and installation of the Elmo system from the ceiling.

The Court further orders that when the trial commences, an attorney-client room shall be designated for the use of the Defendant and the Defense Counsel.

Discussion was held re: the Jury Questionnaire. The Court shall allow Counsel to conduct voir dire and the Court shall also conduct voir dire in open Court except in certain cases where a Prospective Juror asks for privacy.

The Court further orders that each side shall be handed a copy of the Court's proposed Jury Questionnaire; that Counsel shall review said Questionnaire during a morning break; that the Questionnaire shall be confidential and not shown to or handed to anyone until after the Jury has been sworn.

Attorney Sanger addressed the Court re: the delay in receiving Grand Jury materials and if there is a problem with said Grand Jury materials, the Defendant will file a motion, possibly even after the trial has commenced.

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At 10:40 A.M. the Court ordered a recess for an In Camera Hearing.

At 10:45 A.M. an In Camera Hearing was held re: a press release and subpoenas, with the Court, Research Attorneys Jed Beebe and Tracy Splitgerber, and Attorneys Sneddon, Mescreau and Sanger present.

The Court further orders that the Reporter's transcript of the in camera hearing shall be sealed pursuant to the protective order and findings previously made by the Court and shall not be transcribed without further order of the Court.

At 11:15 A.M. with Court, Research Attorneys Jed Beebe and Tracy Splitgerber and Counsel present, hearing continued.

Further discussion was held re: the Jury Questionnaire.

At 11:25 A.M. Court adjourned.

CLERK OF THE SUPERIOR COURT

BY Lorna Frey
LORNA FREY, DEPUTY CLERK

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 JANUARY 27, 2005, I served a copy of the attached MINUTE ORDER, DATED 1/21/05 addressed as follows:

THOMAS A. MESEREAU, JR.
COLLINS, MESEREAU, REDDOCK & YU, LLP
1875 CENTURY PARK EAST, 7TH FLOOR
LOS ANGELES, CA 90067

THOMAS W. SNEDDON, JR.
DISTRICT ATTORNEY'S OFFICE
1112 SANTA BARBARA STREET
SANTA BARBARA, CA 93101

FAX

By faxing true copies thereof to the receiving fax numbers of: (805) 456-0699 (Thomas Mesereau, Jr.); (805) 568-2398 (Thomas Sneddon), Said transmission was reported complete and without error. Pursuant to California Rules of Court 2005(1), 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 the person having charge thereof or by hand delivery to the above mentioned parties.

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 27TH day of JANUARY, 2005, at Santa Maria, California.


CARRIE L. WAGNER