

JAN 24 2005

GARY V. BLAIR, Executive Officer
G. Carrie L. Wagner
CARRIE L. WAGNER, Deputy Clerk

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 J. 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
Santa Barbara, CA 93101
6 Telephone: (805) 568-2300
FAX: (805) 568-2398
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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF SANTA BARBARA**
10 **SANTA MARIA DIVISION**

12 THE PEOPLE OF THE STATE OF CALIFORNIA,

13 Plaintiff,

No. 1133603.

14 PLAINIFF'S REPLY TO
15 DEFENDANT'S OPPOSITION TO
EVIDENCE OF MARTIN BASHIR
DOCUMENTARY, "LIVING
WITH MICHAEL JACKSON"

16 MICHAEL JOE JACKSON,

17 Defendant.

18 DATE: January 28, 2005
TIME: 9:30 a.m.
DEPT: TBA (Melville)

19
20 **A. Introduction**

21 Defendant opposes Plaintiff's motion to admit a duly authenticated copy of ABC
22 "20/20" rebroadcast of Martin Bashir's BBC documentary "Living with Michael Jackson"
23 because it contains "hearsay" and because it is "sensational," "highly inflammatory,"
24 "irrelevant" and "prejudicial."

25 **B. Response**

26 Evidence of the documentary is not offered for the truth of the matters asserted by
27 the persons whose voices are heard. It is offered precisely because it was "sensational,"
28 "highly inflammatory" and "prejudicial" to Michael Jackson's reputation and future when it

1 broke like a thunderclap in February, 2003, and because it was that event that prompted the
2 frenetic activity detailed as overt acts in Count One of the indictment. Evidence of that
3 precipitating event is critical to the jury's understanding of the panic and sense of betrayal
4 Michael Jackson must have felt when he learned what Bashir had wrought and was about to
5 share with the world.


6 "Living with Michael Jackson" is an importantly relevant "operative fact." It is
7 relevant and admissible for precisely the reason the adverse newspaper publicity that attended
8 Professor Zumwalt's unceremonious removal as chair of Fresno State's English department
9 was relevant to his effort to gain reinstatement or a hearing and procedural due process before
10 the State Personnel Board. (See *Zumwalt v. Trustees of Cal. State Colleges* (1973) 33
11 Cal.App.3d 665, 680, n. 13.)

12 For the reasons and upon the authorities discussed at length in Plaintiff's motion for
13 admission of the "20/20" rebroadcast of "Living with Michael Jackson, the People respectfully
14 request that the court grant our motion.

15 Accompanying this motion is a DVD disk of ABC's "20/20" broadcast of "Living
16 with Michael Jackson."

17 DATED: January 24, 2005

18 THOMAS W. SNEDDON, JR.
19 District Attorney

20 By: 
21 Gerald McC. Franklin, Senior Deputy
22 Attorneys for Plaintiff
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27
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1 **SERVICE LIST**

2 THOMAS A. MESEREAU, JR.
3 Collins, Mescreau, Reddock & Yu, LLP
4 1875 Century Park East, No. 700
5 Los Angeles, CA 90067
6 FAX: [CONFIDENTIAL]

7 Attorney for Defendant Michael Jackson

8 ROBERT SANGER, ESQ.
9 Sanger & Swysen, Lawyers
10 233 E. Carrillo Street, Suite C
11 Santa Barbara, CA 93001
12 FAX: (805) 963-7311

13 Co-counsel for Defendant

14 BRIAN OXMAN, ESQ.
15 Oxman & Jaroscak, Lawyers
16 14126 E. Rosecrans Blvd.,
17 Santa Fe Springs, CA 90670

18 Co-counsel for Defendant
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