

**FILED**  
SUPERIOR COURT of CALIFORNIA  
COUNTY of SANTA BARBARA

JAN 24 2005

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

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*X unsealed pursuant  
to 6/16/05 court  
order*

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 MICHAEL JOE JACKSON,  
16

17 Defendant.  
18

No. 1133603

PLAINTIFF'S RESPONSE TO  
DEFENDANT'S IN LIMINE  
MOTION FOR AN ORDER  
EXCLUDING REFERENCE TO  
HIS COLLECTION OF SEXUALLY  
EXPLICIT MATERIALS

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

UNDER SEAL

19  
20 A. Introduction

21 In his "Motion in Limine to Exclude Reference to Books, Magazines, Photographs,  
22 and Computer Images of Disrobed Individuals" (how delicately put!), Defendant moves for an  
23 order (1) "prohibiting the attorneys for plaintiff from offering any references in the presence of  
24 jurors or prospective jurors of any books, magazines, photographs, computer content, or other  
25 depictions of suggestive or sexually explicit content or disrobed individuals seized from any  
26 location outside of Neverland Ranch . . ." and (2) prohibiting any such references to material  
27 found at Neverland Ranch. (Motion 1:5-15.)

28 Defendant argues that "the fact that business associates had sexually oriented, yet

1 perfectly legal materials, in their possession is not a basis to make any claims or inferences  
2 regarding the character of these individuals, nor any of the issues involved in this case.”

3 (Motion 2:7-15.)

4 Defendant then addresses what he refers to as “inside” seized materials – salacious  
5 computer, print and photographic material seized from Neverland Ranch. “However, these  
6 items also had no connection to Michael Jackson, and plaintiff will not be able to establish any  
7 foundation for their presentation in this case. These photographs and images do not depict any  
8 crime, let alone the alleged crime in this case, nor do they establish the participation of any  
9 person in any of the acts alleged to be part of this proceeding.” (Motion 2:18-21.)

10 B. Response

11 Defendant’s concern that the People will seek to use pornography found in the  
12 possession of his business associates against him. He needn’t worry on that score: Only the  
13 material found at Neverland will figure in his prosecution.

14 Plaintiff believes we anticipated and have addressed the issue of the relevance and  
15 admissibility of the salacious material seized from Neverland in our motion captioned  
16 “Plaintiff’s Request to Admit Seized Evidence of Erotic Materials to Demonstrate Defendant’s  
17 Intent, Plan, Scheme and Motive,” filed and served on January 18, 2004. Defendant will want  
18 to acquaint himself with that argument, and with *People v. Memro* (1995) 11 Cal.4th 786, 864-  
19 865, cited and discussed in that submission.

20 DATED: January 24, 2005

21 Respectfully submitted,

22 THOMAS W. SNEDDON, JR.  
23 District Attorney

24 By:   
25 Gerald McC. Franklin, Senior Deputy

26 Attorneys for Plaintiff  
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2  
3 **PROOF OF SERVICE**


4 STATE OF CALIFORNIA                                 }  
5 COUNTY OF SANTA BARBARA                        } SS

6 I am a citizen of the United States and a resident of the County aforesaid; I am over  
7 the age of eighteen years and I am not a party to the within-entitled action. My business  
8 address is: District Attorney's Office; Courthouse; 1112 Santa Barbara Street, Santa Barbara,  
9 California 93101.

10 On January 24, 2005, I served the within PLAINTIFF'S RESPONSE TO  
11 DEFENDANT'S IN LIMINE MOTION FOR AN ORDER EXCLUDING REFERENCE TO  
12 HIS COLLECTION OF SEXUALLY EXPLICIT MATERIALS on Defendant, by THOMAS  
13 A. MESEREAU, JR., ROBERT SANGER and BRIAN OXMAN, by delivering a true copy to  
14 Attorney Sanger's officer and causing a true copy to be transmitted to Mr. Mesereau at the  
15 facsimile number given us by counsel, and then causing that copy to be mailed to Mr. Mesereau  
16 at the address shown on the Service List.

17 I declare under penalty of perjury that the foregoing is true and correct.

18 Executed at Santa Barbara, California on this 24th day of January, 2005.

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21 Gerald McC. Franklin  
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**SERVICE LIST**

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