

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**

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

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiffs,

vs.

MICHAEL JOSEPH JACKSON,

Defendant.

) Case No. 1133603

) EX PARTE APPLICATION TO FILE UNDER SEAL

) Honorable Rodney S. Melville

) Date: January 28, 2005

) Time: 8:30 a.m.

) Dept: SM 2

TO THE CLERK OF THE ABOVE ENTITLED COURT:

Defendant requests that the Court issue an order that the accompanying Mr. Jackson's Reply in Support of Motion in Limine to Limit Uncharged Conspirator Hearsay and accompanying

EX PARTE APPLICATION TO FILE UNDER SEAL

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

JAN 28 2005

GARY M. BLAIR, Executive Officer
BY *Garry M. Blair*
GARRIE L. ANDERSON, Deputy Clerk

1 documents to be filed under seal and for such other such further relief as the Court may deem just
2 and proper. This request is based on the overriding interests of Mr. Jackson's rights to due process
3 and a fair trial under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution
4 and Article I, Sections 1, 7, and 15 of the California Constitution.

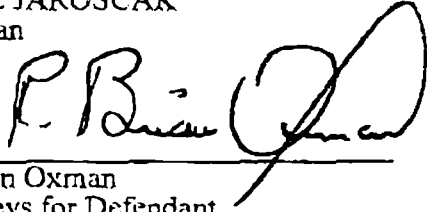
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6 Dated: January 26, 2005

7 Respectfully submitted,

8 COLLINS, MESEREAU, REDDOCK & YU
9 Thomas A. Mesereau, Jr.
Susan C. Yu

10 SANGER & SWYSEN
11 Robert M. Sanger

12 OXMAN & JAROSCAK
13 Brian Oxman

14 By: 
15 R. Brian Oxman
16 Attorneys for Defendant
17 Mr. Michael Jackson

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EX PARTE APPLICATION TO FILE UNDER SEAL

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MEMORANDUM OF POINTS AND AUTHORITIES

I.

**THE COURT HAS THE AUTHORITY TO ORDER THAT
A RECORD BE FILED UNDER SEAL**

Pursuant to California Rule of Court 243.1(d), the Court has the authority to order a record be filed under seal if it expressly finds that:

1. There exists an overriding interest that overcomes the right of public access to the record;
2. The overriding interest supports sealing the record;
3. A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed;
4. The proposed sealing is narrowly tailored; and
5. No less restrictive means exist to achieve the overriding interest.

(California Rule of Court 243.1(d).)

II.

**OVERRIDING INTERESTS EXIST THAT MEETS THE ABOVE CRITERIA FOR
SEALING A RECORD**

It is necessary to seal the record pursuant to California Rule of Court 243.1(d) based on the overriding interests of Mr. Jackson's rights to due process and a fair trial under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and Article I, Sections 1, 7, and 15 of the California Constitution.

An inspection of the documents will reveal that they disclose the testimony of witnesses or potential witnesses and disclose possible evidence, the admissibility of which, is yet to be determined.

The overriding interests of Mr. Jackson's rights to a fair trial and due process would be compromised if the accompanying document is not filed under seal. A person accused of a crime is entitled to due process and a fair trial under the Fifth, Sixth and Fourteenth Amendments to the

EX PARTE APPLICATION TO FILE UNDER SEAL

1 United States Constitution and Article I, Sections 1, 7, and 15 of the California Constitution.
2 Material contained the accompanying document pertains to evidence and the testimony of
3 witnesses that, if made public, would compromise Mr. Jackson's these rights and would result in
4 prejudice to Mr. Jackson. In order to protect these overriding interests, it is necessary that the
5 accompanying document be filed under seal.

6 CONCLUSION

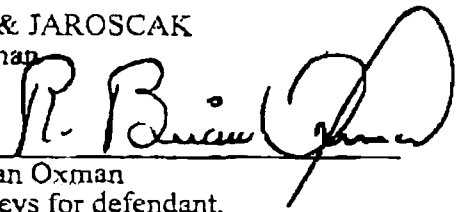
7 For the foregoing reasons, Mr. Michael Jackson requests his Reply in Support of Motion
8 in Limine to Limit Uncharged Conspirator Hearsay and accompanying documents be filed under
9 seal.

10 Dated: January 26, 2005

11 COLLINS, MESEREAU, REDDOCK & YU
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16 Brian Oxman

17 By: 
18 R. Brian Oxman
Attorneys for defendant,
Mr. Michael Jackson

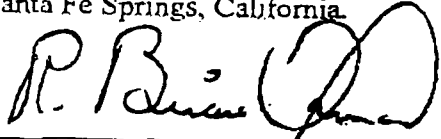
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EX PARTE APPLICATION TO FILE UNDER SEAL

DECLARATION OF BRIAN OXMAN

I, Brian Oxman, declare:

1. I am an attorney at law duly licensed to practice law in the courts of the State of California, and an attorney for Michael Jackson.
2. It is necessary that the accompanying Reply in Support of Motion in Limine to Limit Uncharged Conspirator Hearsay and accompanying documents be filed under seal in order to protect the overriding interests of Mr. Jackson's rights to due process and a fair trial, as well as to prevent the disclosure of witnesses, potential witnesses and potential evidence.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 26th day of January, 2005 at Santa Fe Springs, California.



R. Brian Oxman

EX PARTE APPLICATION TO FILE UNDER SEAL

