

JAN 26 2005

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

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

THE PEOPLE OF THE STATE OF
CALIFORNIA,

 Plaintiff,

vs.

MICHAEL JACKSON,

 Defendant.

) Case No.: 1133603
) Order for Release of Redacted Documents
) [Plaintiff's Response to Defendant's In Limine
) Motion for an Order Excluding Reference to
) His Collection of Sexually Explicit Material]

The redacted form of Plaintiff's Response to Defendant's In Limine Motion for an Order Excluding Reference to His Collection of Sexually Explicit Material attached to this order shall be released and placed in the public file. The court finds that there is more material in the motion that should be redacted than that contained in the proposed redacted version. The unredacted originals shall be maintained conditionally under seal pending the hearing on January 28, 2005.

Dated: January 26, 2005

Rodney S. Melville
RODNEY S. MELVILLE
Judge of the Superior Court

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
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 7

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 ██████████ 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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PROOF OF SERVICE

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STATE OF CALIFORNIA
COUNTY OF SANTA BARBARA } SS

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

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

I declare under penalty of perjury that the foregoing is true and correct.
Executed at Santa Barbara, California on this 24th day of January, 2005.


Gerald McC. Franklin

SERVICE LIST

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THOMAS A. MESEREAU, JR.
Collins, Mesereau, Reddock & Yu, LLP
1875 Century Park East, No. 700
Los Angeles, CA 90067
FAX: [CONFIDENTIAL]

Attorney for Defendant Michael Jackson

ROBERT SANGER, ESQ.
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233 E. Carrillo Street, Suite C
Santa Barbara, CA 93001
FAX: (805) 963-7311

Co-counsel for Defendant

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

Co-counsel for Defendant

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 ORDER FOR RELEASE OF REDACTED DOCUMENTS (PLAINTIFF'S RESPONSE TO DEFENDANT'S IN LIMINE MOTION FOR AN ORDER EXCLUDING REFERENCE TO HIS COLLECTION OF SEXUALLY EXPLICIT MATERIAL) 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(f), 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