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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

JAN 31 2005

GARY M. BLAIR, Executive Officer
Gary M. Blair
CARRIE L. WILSON, Deputy Clerk

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SANTA BARBARA
10 SANTA MARIA DIVISION

11 ~~PROPOSED~~ REDACTED VERSION

12 THE PEOPLE OF THE STATE OF CALIFORNIA,)

13 Plaintiff,)

14 v.)

16 MICHAEL JOE JACKSON,)

17 Defendant.)

No. 1133603

PLAINTIFF'S MOTION TO
LIMIT INTRODUCTION OF
EVIDENCE OF PRIOR
LITIGATION INVOLVING THE
DOE FAMILY

DATE: February 10, 2005
TIME: 9:30 a.m.
DEPT: TBA (Melville)

~~UNDER SEAL~~

19
20 TO: THE CLERK OF THE SUPERIOR COURT AND TO DEFENDANT AND HIS
21 COUNSEL:

22 PLEASE TAKE NOTICE that on February 10, 2005, Plaintiff will move the court
23 for its order limiting introduction of evidence of prior litigation involving the Doe family.

24 The motion will be based on this notice and the accompanying Memorandum of
25 Points and Authorities.

26 ////


27 ////

28 ////

1 DATED: January 31, 2005

2 Respectfully submitted,

3 THOMAS W. SNEDDON, JR.
4 District Attorney

5 By: 
6 Gerald McC. Franklin, Senior Deputy

7 Attorneys for Plaintiff
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1 MEMORANDUM OF POINTS AND AUTHORITIES

2 A. Evidence Code Section 402 Prescribes The Procedure
3 To Determine the Existence or Non-Existence Of A
4 Preliminary Fact That Is In Dispute

5 Evidence Code section 402 provides:

6 (a) When the existence of a preliminary fact is disputed, its existence or
7 nonexistence shall be determined as provide in this article.

8 (b) The court may hear and determine the question of the admissibility of
9 evidence out of the presence or hearing of the jury; but in a criminal action,
10 the court shall hear and determine the question of the admissibility of a
11 confession or admission of the defendant out of the presence and hearing
12 of the jury if any party so requests.

13 (c) A ruling on the admissibility of evidence implies whatever finding of
14 fact is prerequisite thereto; a separate or formal finding is unnecessary
15 unless required by statute/

16 B. Background Facts:

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

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[REDACTED]

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3 **PROOF OF SERVICE**

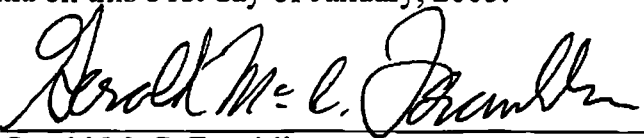
4 STATE OF CALIFORNIA
5 COUNTY OF SANTA BARBARA } SS

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 31, 2005, I personally served the within **REDACTED VERSION OF**
11 **PLAINTIFF'S RESPONSE TO DEFENDANT'S IN LIMINE MOTION FOR AN ORDER**
12 **EXCLUDING "FOURTEEN (14) ITEMS OF IRRELEVANT EVIDENCE"** on Defendant, by
13 **THOMAS A. MESEREAU, JR., ROBERT SANGER and BRIAN OXMAN** in open court

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

15 Executed at Santa Maria, California on this 31st day of January, 2005.

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17 _____
18 Gerald McC. Franklin

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SERVICE LIST

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Attorney for Defendant Michael Jackson

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Co-counsel for Defendant

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Santa Fe Springs, CA 90670

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