



1 Please take notice that the Defendant does hereby move and will further move on a date to  
2 be determined by the Court, at 8:30 a.m., or as soon thereafter as counsel may be heard in  
3 Department 8 of the above entitled court, to have the jury view Neverland Ranch, the place in which  
4 offenses are charged to have been committed. This motion is based on: (1) Penal Code Section  
5 1119; and (2) Mr. Jackson's state and federal constitutional rights to a fair trial, due process of law,  
6 to affirmatively present evidence in one's defense, and the effective assistance of counsel pursuant  
7 to the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and Article I,  
8 Sections 7, 15, and 24 of the California Constitution.

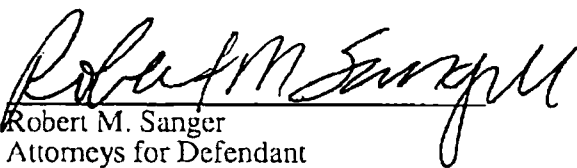
9 This motion is based on this Notice of Motion, and the Memorandum of Points and  
10 Authorities attached hereto, the papers, records and files in this case and such other matters as may  
11 be received by the Court at or after the hearing scheduled on this motion.

12 Dated: February 24, 2005

13 Respectfully submitted,  
14 COLLINS, MESEREAU, REDDOCK & YU  
15 Thomas A. Mesereau, Jr.  
Susan C. Yu

16 SANGER & SWYSEN  
17 Robert M. Sanger

18 OXMAN & JAROSCAK  
19 Brian Oxman

20 By:   
21 Robert M. Sanger  
22 Attorneys for Defendant  
MICHAEL JOSEPH JACKSON

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I.

3 THE JURY SHOULD HAVE AN OPPORTUNITY TO VIEW THE PLACE IN WHICH  
4 THE OFFENSES CHARGED WERE ALLEGEDLY COMMITTED

5 The prosecution has made much out of the nature of Mr. Jackson's residence, Neverland  
6 Ranch (hereinafter Neverland). The prosecution has stated that Neverland was designed as a  
7 "Pleasure Island" for young boys and that Neverland's security features were installed to prevent  
8 the exposure of criminal activity. The prosecution has made it clear that they will argue that the  
9 nature of the entire residence, including Mr. Jackson's private quarters, is relevant to the charges  
10 against Mr. Jackson.

11 There is a specific allegation that James Doe, the brother of John Doe, witnessed acts of  
12 molestation while standing on the stairs that lead to Mr. Jackson's sleeping area. The notes from  
13 the grand jurors to the prosecution reveal that the grand jurors were very interested in viewing  
14 this area of Neverland for themselves. The prosecution has made it clear that this issue is  
15 relevant to the case and that they intend to present the jury with a CAD presentation regarding the  
16 view from the stairs.<sup>1</sup>

17 Based on the fact that the prosecution will make an issue of the nature of Neverland, and  
18 that an issue before the jury will be whether or not James Doe could have seen what he said he  
19 saw, from where he said he was standing, it is proper that the jury be allowed to view Neverland.

20 The trial court has discretion to order that the jury view the scene at issue. (See, e.g.,  
21 *People v. Keltie* (1983) 148 Cal.App.3d 773, 782.) "When, in the opinion of the court, it is  
22 proper that the jury should view the place in which the offense is charged to have been  
23 committed, or in which any other material fact occurred, or any personal property which has been  
24 referred to in evidence and cannot conveniently be brought into the courtroom, it may order the  
25 jury to be conducted in a body, in the custody of the sheriff or marshal, as the case may be, to the

26 \_\_\_\_\_  
27 <sup>1</sup> At the time of filing, the prosecution has not provided defense counsel with a copy of  
28 their CAD presentation through discovery.

1 place, or to the property, which must be shown to them by a person appointed by the court for  
2 that purpose; and the officer must be sworn to suffer no person to speak or communicate with the  
3 jury, nor to do so himself or herself, on any subject connected with the trial, and to return them  
4 into court without unnecessary delay, or at a specified time.” (Penal Code Section 1119.)

5 A jury view will assist the trier of fact in making determinations regarding the  
6 prosecution’s claims that Neverland was designed for a nefarious purpose and that James Doe  
7 would have been able to witness acts of molestation based on where he claims he was standing.

8 II.

9 CONCLUSION

10 Therefore, based on the reasons set forth above, Mr. Jackson requests a jury view of  
11 Neverland.


12 Dated: February 24, 2005

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

14 SANGER & SWYSEN  
Robert M. Sanger

16 OXMAN & JAROSCAK  
Brian Oxman

18 By:

  
Robert M. Sanger  
Attorneys for Defendant  
MICHAEL JOSEPH JACKSON

**PROOF OF SERVICE**

I, the undersigned declare:

I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 301 East Cook Street, Suite A, Santa Maria, California 93454.

On February 24, 2005, I served the foregoing document: EXPARTE APPLICATION TO SEAL MOTION FOR JURY VIEW; NOTICE OF MOTION AND MOTION FOR JURY VIEW; REDACTED VERSION on the interested parties in this action by depositing a true copy thereof as follows:

Tom Sneddon  
Gerald Franklin  
Ron Zonen  
Gordon Auchincloss  
District Attorney  
1112 Santa Barbara Street  
Santa Barbara, CA 93101  
805-568-2398

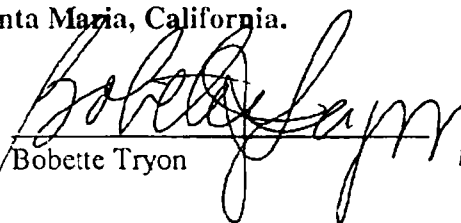
       **BY U.S. MAIL** - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid and deposited during the ordinary course of business. Service made pursuant to this paragraph, upon motion of a party, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit.

  X   **BY FACSIMILE** - I caused the above-referenced document(s) to be transmitted via facsimile to the interested parties at the above-referenced number.

       **BY HAND** - I caused the document to be hand delivered to the interested parties at the address above.

  X   **STATE** - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed February 24, 2005, at Santa Maria, California.

  
\_\_\_\_\_  
Bobette Tryon