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17 Attorneys for Defendant
18 **MICHAEL JOSEPH JACKSON**

19
20 SUPERIOR COURT OF THE STATE OF CALIFORNIA
21 FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION

22 THE PEOPLE OF THE STATE OF
23 CALIFORNIA,

24 Plaintiffs,

25 vs.

26 MICHAEL JOSEPH JACKSON,

27 Defendant.

28 **REDACTED**

) Case No. 1133603

) OPPOSITION TO DISTRICT
) ATTORNEY'S IN LIMINE MOTION TO
) RESTRICT MENTION OF [CERTAIN
) ISSUES RE JANE DOE AND OTHERS]

) ~~UNDER SEAL~~

) Honorable Rodney S. McIlville

) Date: TBA

) Time: 9:30 a.m.

) Dept.: 8

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OPPOSITION TO DISTRICT ATTORNEY'S IN LIMINE MOTION TO RESTRICT MENTION OF [CERTAIN
ISSUES RE JANE DOE AND OTHERS]

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

FEB 24 2005

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

MEMORANDUM OF POINTS AND AUTHORITIES

ARGUMENT

I.

THE FACT THAT JANE DOE [REDACTED]

Just days after her settlement with J.C. Penney, [REDACTED]

[REDACTED]

This evidence tends to show Jane Doe committed [REDACTED] and is admissible as misdemeanor conduct pursuant to *People v. Wheeler* (1992) 4 Cal. 4th 284. "Misconduct involving moral turpitude may suggest a willingness to lie and this inference is not limited to conduct which resulted in a felony conviction." (*Id.* at 295-296.)

This evidence is also relevant because it is inconsistent with Jane Doe's [REDACTED]

[REDACTED]

II.

DEFENSE COUNSEL WILL NOT MENTION [REDACTED] OR HIS [REDACTED] UNLESS IT BECOMES RELEVANT, AND WILL THEN DO SO ONLY AFTER FILING A MOTION WITH THE COURT

Defense counsel does not plan to mention [REDACTED]

OPPOSITION TO DISTRICT ATTORNEY'S IN LIMINE MOTION TO RESTRICT MENTION OF [CERTAIN ISSUES RE JANE DOE AND OTHERS]

1 [REDACTED] If, however, this evidence becomes relevant at some point during
2 the trial, defense counsel will file a motion seeking to make reference to these facts.

3 III.

4 CONCLUSION

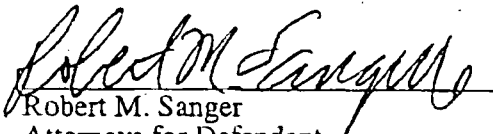
5 For the above stated reasons, the Court should deny the prosecution's motion.

6 Dated: February 24, 2005

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

8 SANGER & SWYSEN
Robert M. Sanger

9 OXMAN & JAROSCAK
10 Brian Oxman

11
12 By: 
13 Robert M. Sanger
Attorneys for Defendant
14 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 OPPOSITION TO DA IN LIMINE TO RESTRICT CERTAIN ISSUES BE FILED UNDER SEAL; DA IN LIMINE TO RESTRICT MENTION OF CERTAIN ISSUES; 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

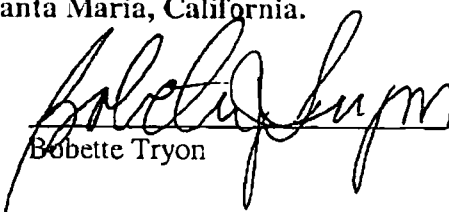
 BY U.S. MAIL - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid 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