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16 MICHAEL JOSEPH JACKSON

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

19 THE PEOPLE OF THE STATE OF
20 CALIFORNIA,

21 Plaintiffs,

22 vs.

23 MICHAEL JOSEPH JACKSON,

24 Defendant.

) Case No. 1133603

) EX PARTE APPLICATION TO FILE UNDER
) SEAL

) Honorable Rodney S. Melville

) Date: July 9, 2004

) Time: 8:30 am.

) Dept: SM 2

25 TO THE CLERK OF THE ABOVE ENTITLED COURT:

26 Defendant requests that the Court issue an order that the accompanying REPLY TO
27 PLAINTIFF'S OPPOSITION TO MOTION TO SUPPRESS PURSUANT TO PENAL CODE
28 SECTION 1538.5 AND NON-STATUTORY GROUNDS (PART 1); MEMORANDUM OF
POINTS AND AUTHORITIES IN SUPPORT THEREOF and accompanying documents, be filed

EX PARTE APPLICATION TO FILE UNDER SEAL

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

JUL 06 2004

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

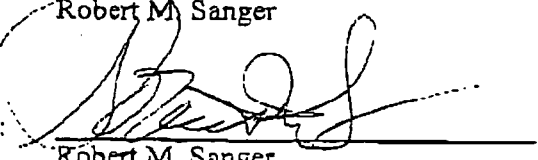
1 under seal and for such other such further relief as the Court may deem just and proper. This request
2 is based on the overriding interests of Mr. Jackson's rights to due process and a fair trial under the
3 Fifth, Sixth and Fourteenth Amendments to the United States Constitution and Article I, Sections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

5 Dated: July 6, 2004

6 Respectfully submitted,

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

10 SANGER & SWYSEN
11 Robert M. Sanger

12 By: 

13 Robert M. Sanger
14 Attorneys for Defendant
15 MICHAEL JOSEPH JACKSON

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 I.

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

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

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

14 (California Rule of Court 243.1(d).)

15 II.

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

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

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

25 The overriding interests of Mr. Jackson's rights to a fair trial and due process would be
26 compromised if the accompanying document is not filed under seal. A person accused of a crime
27 is entitled to due process and a fair trial under the Fifth, Sixth and Fourteenth Amendments to the
28

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

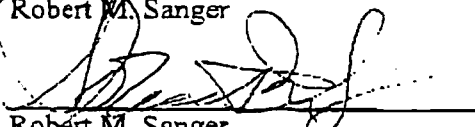
7 For the reasons stated above, Mr. Jackson requests that the Court issue an order that the
8 accompanying REPLY TO PLAINTIFF'S OPPOSITION TO MOTION TO SUPPRESS
9 PURSUANT TO PENAL CODE SECTION 1538.5 AND NON-STATUTORY GROUNDS
10 (PART 1); MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF and
11 accompanying documents, be filed under seal.

12 Dated: July 6, 2004

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

15 SANGER & SWYSEN
16 Robert M. Sanger

17 By:


18 Robert M. Sanger
19 Attorneys for
20 MICHAEL JOSEPH JACKSON
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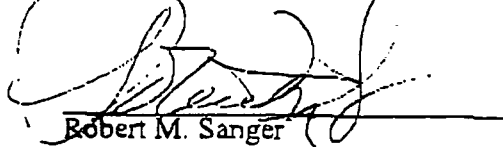
EX PARTE APPLICATION TO FILE UNDER SEAL

1 DECLARATION OF ROBERT M. SANGER

2 I, Robert Sanger, declare:

- 3 1. I am an attorney at law duly licensed to practice law in the courts of the State of
4 California, a partner in the law firm of Sanger & Swysen, and co-counsel for Michael
5 Jackson.
- 6 2. It is necessary that the accompanying REPLY TO PLAINTIFF'S OPPOSITION TO
7 MOTION TO SUPPRESS PURSUANT TO PENAL CODE SECTION 1538.5 AND
8 NON-STATUTORY GROUNDS (PART 1); MEMORANDUM OF POINTS AND
9 AUTHORITIES IN SUPPORT THEREOF and accompanying documents, be filed under
10 seal in order to protect the overriding interests of Mr. Jackson's rights to due process and
11 a fair trial, as well as to prevent the disclosure of witnesses, potential witnesses and
12 potential evidence.

13 I declare under penalty of perjury that the foregoing is true and correct and that this
14 declaration was executed this 6th day of July, 2004 at Santa Barbara, California.

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16 Robert M. Sanger
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