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**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA BARBARA

JUL 08 2004

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

9 **SANGER & SWYSEN**  
10 Attorneys at Law  
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12 233 East Carrillo Street, Suite C  
13 Santa Barbara, CA 93101  
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13 Attorneys for Defendant MICHAEL JOSEPH JACKSON

15  
16 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
17 FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION

18 THE PEOPLE OF THE STATE OF  
19 CALIFORNIA,

20 Plaintiffs,

21 vs.

22 MICHAEL JOSEPH JACKSON,

23 Defendant.

) Case No. 1133603

)  
) EX PARTE APPLICATION FOR  
) CONTINUANCE OF HEARING ON  
) MOTION TO SET ASIDE INDICTMENT;  
) DECLARATION OF ROBERT M.  
) SANGER; MEMORANDUM OF POINTS  
) AND AUTHORITIES; AND [PROPOSED]  
) ORDER THEREOF

) Honorable Rodney S. Melville

) Date: July 9, 2004

) Time: 8:30 am.

) Dept: SM 2

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28 EX PARTE APPLICATION FOR CONTINUANCE OF HEARING ON MOTION TO SET ASIDE  
INDICTMENT; DECLARATION OF ROBERT M. SANGER; MEMORANDUM OF POINTS AND  
AUTHORITIES; AND [PROPOSED] ORDER THEREOF

1 TO THE CLERK OF THE ABOVE ENTITLED COURT AND TO THE DISTRICT  
2 ATTORNEY OF THE COUNTY OF SANTA BARBARA, TOM SNEDDON, AND DEPUTY  
3 DISTRICT ATTORNEYS GERALD FRANKLIN, RON ZONEN, AND GORDON  
4 AUCHINCLOSS:

5 Defendant, Michael Jackson, respectfully applies to this Court ex parte<sup>1</sup> for an order  
6 continuing the hearing on the Motion To Set Aside Indictment Pursuant To Penal Code Section 995  
7 to July 27, 2004, at 8:30 am. or as soon thereafter as counsel may be heard in the above entitled  
8 courtroom before the Honorable Rodney Melville. This application is made on the grounds that  
9 there was an abbreviated briefing schedule on this matter in order to attempt to have it heard on July  
10 9, 2004, said briefing schedule to require the prosecution to file and serve their opposition no later  
11 than 12:00 pm. on July 6, 2004; that said opposition was filed and served in part in the evening of  
12 July 6, 2004, and that the substantial remainder of said opposition, was not filed or served on defense  
13 counsel until the afternoon of July 7, 2004; and that it is impossible for defense counsel, consistent  
14 with its obligations under the sixth amendment to the United States Constitution to adequately  
15 represent their client, to prepare and serve a reply by the previously scheduled deadline of July 8,  
16 2004 at 12:00 pm.

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25 <sup>1</sup>On July 7, 2004, this Honorable Court directed Counsel for Mr. Jackson to submit in writing its  
26 application for continuance of the hearing currently set on July 9, 2004, on the Motion To Set  
27 Aside Indictment Pursuant to Penal Code Section 995, to set forth the reasons therefor and to  
28 submit a proposed order thereon.

1 This application is based upon this Ex Parte Application, the Declaration of Robert M.  
2 Sanger and Memorandum of Points and Authorities attached hereto, representations of counsel  
3 before the court, and all pleadings, records and files herein.

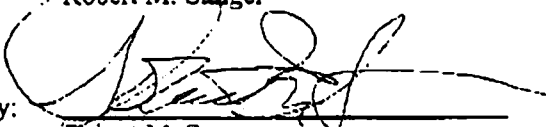
4 Dated: July 7, 2004

5 Respectfully submitted

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

9 KATTEN MUCHIN ZAVIS ROSENMAN  
10 Steve Cochran  
11 Stacey McKee Knight

12 SANGER & SWYSEN  
13 Robert M. Sanger

14 By: 

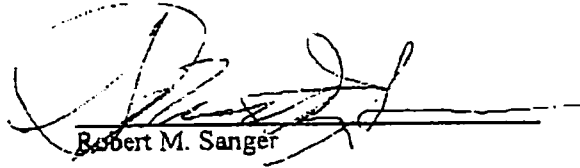
15 Robert M. Sanger  
16 Attorneys for Defendant  
17 MICHAEL JOSEPH JACKSON



1 It is not possible for counsel for Mr. Jackson to adequately represent their client and to  
2 properly prepare an appropriate for the benefit of this court in less than one day.

3 I declare under the penalty of perjury that the foregoing is true and correct and that this  
4 declaration is executed this 7<sup>th</sup> day of July, 2004, at Santa Barbara, California.

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Robert M. Sanger

EX PARTE APPLICATION FOR CONTINUANCE OF HEARING ON MOTION TO SET ASIDE  
INDICTMENT; DECLARATION OF ROBERT M. SANGER; MEMORANDUM OF POINTS AND  
AUTHORITIES; AND (PROPOSED) ORDER THEREOF

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**MEMORANDUM OF POINTS AND AUTHORITIES**

**A CONTINUANCE MAY BE GRANTED FOR THE PERIOD OF  
TIME SHOWN TO BE NECESSARY BY THE EVIDENCE CONSIDERED  
AT THE HEARING ON THE MOTION.**

Penal Code § 1050.

Under the Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution and relevant provisions of the California Constitution a defendant is entitled to due process, equal protection, and the effective assistance of counsel which includes a reasonable time to adequately prepare a defense. *People v. Courts* (1985) 37 Cal.3d 784 at p. 791[210 Cal. Rptr. 193].)

Without assigning blame, it is simply impossible for the defense to file a competent reply either in discharge of its duties to Mr. Jackson or to its duties to the Court in time to have a meaningful hearing on July 9, 2004. (See Declaration of Robert M. Sanger)

**CONCLUSION**

Therefore, we respectfully request this Court continue the hearing on The Motion To Set Aside The Indictment until July 27, 2004, at 8:30 am. and that the defense be permitted to file its reply on Monday, July 12, 2004, by 12:00 pm.

Dated: July 7, 2004

Respectfully submitted,

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

KATTEN MUCHIN ZAVIS ROSENMAN  
Steve Cochran  
Stacey McKee Knight

SANGER & SWYSEN  
Robert M. Sanger

By: 

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EX PARTE APPLICATION FOR CONTINUANCE OF HEARING ON MOTION TO SET ASIDE  
INDICTMENT; DECLARATION OF ROBERT M. SANGER; MEMORANDUM OF POINTS AND  
AUTHORITIES; AND [PROPOSED] ORDER THEREOF