

SEP 15 2004

GARY M. BLAIR, Clerk  
BY: [Signature]  
Clerk of Court

1 **COLLINS, MESEREAU, REDDOCK & YU**  
Thomas A. Mesereau, Jr., State Bar Number 091182  
2 Susan C. Yu, State Bar Number 195640  
1875 Century Park East, 7<sup>th</sup> Floor  
3 Los Angeles, CA 90067  
Tel.: (310) 284-3120, Fax: (310) 284-3133

4 **KATTEN MUCHIN ZAVIS ROSENMAN**  
5 Steve Cochran, State Bar Number 105541  
Stacey McKee Knight, State Bar Number 181027  
6 2029 Century Park East, Suite 2600  
Los Angeles, California 90067-3012  
7 Tel.: (310) 788-4455, Fax: (310) 712-8455

8 **SANGER & SWYSEN**  
9 Robert M. Sanger, State Bar Number 058214  
233 East Carrillo Street, Suite C  
Santa Barbara, CA 93101  
10 Tel.: (805) 962-4887, Fax: (805) 963-7311

11 **OXMAN & JAROSCAK**  
12 Brian Oxman, State Bar Number 072172  
14126 East Rosecrans  
Santa Fe Springs, CA 90670  
13 Tel.: (562) 921-5058, Fax: (562) 921-2298

14 Attorneys for Defendant  
MICHAEL JOSEPH JACKSON

*Redacted Version*

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

) MR. JACKSON'S RESPONSE TO  
) PLAINTIFF'S MEMORANDUM RE: A  
) LIMIT TO CROSS-EXAMINATION OF JANE  
) DOE

) ~~UNDER SEAL~~

) Honorable Rodney Melville

) Date: September 16, 2004

) Time: 8:30 am.

) Dept: SM 8

1 INTRODUCTION

2 The District Attorney's memorandum regarding "an appropriate limit to cross-  
3 examination" fails to seek specific relief and instead is a rambling apology for the behavior of the  
4 District Attorney and the police officers at issue before the Court in the 1538.5 (Part 1) hearing.<sup>1</sup>  
5 As discussed below, ██████████ knew that Bradley Miller worked for Mark Geragos, and it is  
6 implausible that she did not communicate that information to law enforcement or the District  
7 Attorney. The government's knowledge of Mr. Miller's association with Mr. Jackson's attorney  
8 prior to the search of his office is a critical issue in this case and Mr. Jackson's counsel must be  
9 allowed to examine ██████████ regarding that issue.

10 I.

11 WHAT ██████████ SAID TO LAW ENFORCEMENT REGARDING WHETHER  
12 OR NOT BRADLEY MILLER WAS WORKING FOR A LAWYER IS A CRITICAL  
13 ISSUE AND MR. JACKSON IS ENTITLED TO CROSS-EXAMINATION REGARDING  
14 THIS ISSUE

15 As argued in Mr. Jackson's 1538.5 (Part 1) moving papers, the search of defense  
16 investigator Bradley Miller's office constituted an invasion of the defense camp and the fruits of  
17 that search must be suppressed. At issue in the hearing on this issue is what the government  
18 knew, or reasonably should have known, about Mr. Miller's relationship with Mr. Geragos and  
19 when they knew it.

20 ██████████ communications with law enforcement regarding Mr. Miller is a critical  
21 issue in the hearings before this Court. She met with Mr. Miller and later provided an account of  
22 those meetings to the government. The prosecution concedes that ██████████ was expressly  
23 informed that Mr. Miller worked for Mr. Geragos. (Plaintiff's Memorandum, page 2:13-14.) As  
24 discussed below, ██████████ not only met with law enforcement, she also met with Tom

25  
26 <sup>1</sup> Once again, the prosecution's remarks such as "with a glance to the press corps in the  
27 audience" (Plaintiff's Memorandum, 3:22) are unfounded, sarcastic and do not assist the Court in  
28 resolving the issue before the Court.

1 Sneddon personally and had a conversation with him that was not recorded.

2 The District Attorney claims that "[d]efense attorneys should not be allowed to  
3 aggressively cross-examine a witness on entirely collateral matters under any circumstance."  
4 (Plaintiff's Memorandum, 3:13-15.) Pursuant to Evidence Code Section 780, however, it is  
5 entirely proper for defense counsel to cross-examine [REDACTED] regarding "any matter that has  
6 any tendency in reason to prove or disprove truthfulness of [her] testimony at the hearing." The  
7 statute specifically lists factors the Court may consider including "character for honesty or  
8 veracity or their opposites," "the existence or nonexistence of a bias, interest or other motive," "a  
9 statement made by [her] that is inconsistent with any part of [her] testimony at the hearing," and  
10 "[her] admission of untruthfulness." (Evidence Code Section 780 (e), (f), (h), (k).) The listed  
11 factors are not "entirely collateral" matters and are relevant to cross-examination. Furthermore,  
12 under *People v. Wheeler* (1992) 4 Cal.4th 284, misdemeanor conduct that has a logical bearing  
13 on the veracity of a witness is valid as impeachment material.

14 II.

15 **THE WEIGHT OF THE EVIDENCE WITH OR WITHOUT THE TESTIMONY OF**  
16 **[REDACTED] IS THAT TOM SNEDDON KNEW OR REASONABLY SHOULD**  
17 **HAVE KNOWN THAT BRADLEY MILLER WAS WORKED FOR MARK GERAGOS**

18 The evidence before the Court is that the District Attorney knew or should have known  
19 that Bradley Miller worked for Mark Geragos. Investigator Tonello stated that he expected that a  
20 private investigator such as Brad Miller would be working for an attorney. The correspondence  
21 between Mark Geragos and William Dickerman, which was delivered to the sheriff, clearly  
22 indicated that Bradley Miller was employed by Mark Geragos. Furthermore, Tom Sneddon  
23 admitted that he told Mr. Jackson's defense counsel that he knew that Mr. Miller worked for Mr.  
24 Geragos during a telephone conference.

25  
26  
27 ///

1 III.

2 CONTRARY TO THE DISTRICT ATTORNEY'S ASSERTION, ALL  
3 CONVERSATIONS WITH [REDACTED] WERE NOT RECORDED

4 Despite the claim that all interviews between [REDACTED] and law enforcement were  
5 recorded (Plaintiff's Memorandum, 3:6-7), the prosecution fails to mention in its memorandum  
6 that Tom Sneddon conducted a private interview of [REDACTED] at the Federal Building in Los  
7 Angeles where he specifically showed her a photo of Bradley Miller. It is implausible that he  
8 didn't question [REDACTED] about who Mr. Miller was, and who he worked for, during that  
9 interview. Furthermore, the recorded interviews with [REDACTED] make it clear that not all  
10 conversations between law enforcement and [REDACTED] were recorded. Mr. Jackson is allowed  
11 to inquire vigorously regarding that interview and all other contacts between [REDACTED] and  
12 law enforcement.

13 IV.

14 [REDACTED] KNEW THAT BRADLEY MILLER WORKED FOR MARK  
15 GERAGOS

16 There is no doubt that [REDACTED] knew that Bradley Miller worked for Mark Geragos.  
17 The District Attorney asserts that "[i]t is anticipated that Jane Doe will say she did not know who  
18 employed Brad Miller, nor did she care." (Plaintiff's Memorandum, 1:24-25.) However, the  
19 District Attorney concedes that an audiotape of an interview conducted by Mr. Miller with the  
20 [REDACTED] family contains a statement by Mr. Miller to [REDACTED] that "he is a private investigator  
21 and works for the law firm of Geragos and Geragos, specifically Mark Geragos, attorney for  
22 Michael Jackson." (Plaintiff's Memorandum, page 2:13-14.) It is not reasonable to now claim  
23 that she didn't actually know Mr. Miller worked for Mr. Geragos.

24 Contrary to the government's claim that Mr. Miller disclosed his relationship with Mr.  
25 Geragos during the first 30 seconds of the interview, and then never again, there is actually a  
26 second mention of his employment with Mr. Geragos later in the interview. Far from the  
27 government's claim that Mr. Miller's introduction was brief and unmemorable, the recorded  
28

1 interview gives the impression that Bradley Miller has previously explained that he works for  
2 Mr. Geragos to [REDACTED]

3 V.

4 CONCLUSION

5 For the reasons stated above, the Court must allow Mr. Jackson's counsel to vigorously  
6 examine [REDACTED]

7 Dated: September 14, 2004

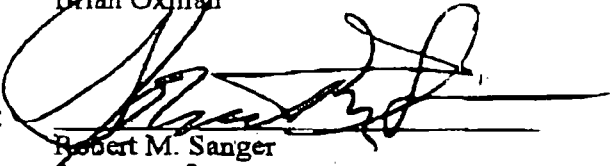
8 Respectfully submitted,

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

11 KATTEN MUCHIN ZAVIS ROSENMAN  
12 Steve Cochran  
Stacey McKee Knight

13 SANGER & SWYSEN  
14 Robert M. Sanger

15 OXMAN & JAROSCAK  
16 Brian Oxman

17 By: 

18 Robert M. Sanger  
19 Attorneys for  
20 MICHAEL JOSEPH JACKSON