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County of Santa Barbara  
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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 IN AND FOR THE COUNTY OF SANTA BARBARA  
10 SANTA MARIA DIVISION

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12  
13 THE PEOPLE OF THE STATE OF CALIFORNIA,  
14 Plaintiff,  
15 vs.  
16 MICHAEL JOE JACKSON,  
17 Defendant.

No. 1133603

PEOPLE'S RESPONSE TO  
DEFENDANT'S MOTION TO  
COMPEL DISCOVERY

UNDER SEAL

DATE: September 17, 2004  
TIME: 8:30 AM  
DEPT.: SM2 (Melville)

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21 The People and the Santa Barbara Sheriff's Office are diligently investigating every  
22 possible lead that could result in the discovery of relevant evidence in this case. The scope of  
23 this investigation combined with limited resources make this task extremely complex and  
24 demanding of time.

25 Defendant expresses concern that continuing discovery generated from this ongoing  
26 investigation may persist up to and beyond the beginning of trial. This possibility is one of the  
27 realities of all criminal trials. In the case of *People v. Tillis* (1998) 18 Cal.4th 284, the  
28 California Supreme Court recognized this fact in acknowledging that Penal Code Section

1 1054 et seq. do not limit the prosecution from continuing to provide discovery on new  
2 developments in a case, even during trial:

3  
4 Section 1054, subdivision (e), precludes us from broadening the scope of  
5 discovery beyond that provided in the chapter or other express statutory provisions,  
6 or as mandated by the federal Constitution. Thus, if none of those authorities  
7 requires disclosure of a particular item of evidence, we are not at liberty to create a  
8 rule imposing such a duty. (18 Cal. 4th 284, at 294.)

9 It is certain that both sides will be committing considerable investigative resources  
10 to this case up to and during trial. It is also clear that either side would be remiss in their  
11 obligations to their respective clients if they failed in this duty.

12 The Court has expressed a concern that ongoing discovery may cause a delay in  
13 trial. The People share the Court's concern and will make every effort to provide prompt  
14 discovery pursuant to Penal Code Section 1054.1 in order to minimize any delay.

15 Upon further consideration, the People do not oppose defendant's request for  
16 discovery of police reports concerning what has been referred to as "the 1993 case." In  
17 addition, the People will canvas all involved agencies for completed forensic reports and  
18 will obtain and discover such reports on or before October 8, 2004. On that same date,  
19 the People will provide defendant and the court with a status report on all forensic  
20 investigations that have yet to be completed and the expected date such reports will be  
21 completed and discovered to the defense.

22 DATED: September 17, 2004

23 Respectfully submitted,

24 THOMAS W. SNEDDON, JR., DISTRICT ATTORNEY

25 BY: 

26 GORDON AUCHINCLOSS  
27 Deputy District Attorney

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**PROOF OF SERVICE**

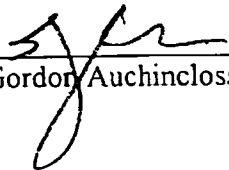
STATE OF CALIFORNIA            )  
  ) SS  
COUNTY OF SANTA BARBARA )

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years and I am not a party to the within-entitled action. My business address is: District Attorney's Office; Courthouse; 1105 Santa Barbara Street, Santa Barbara, California 93101.

On September 17, 2004 I served the within; RESPONSE TO MOTION TO COMPEL DISCOVERY on Defendant, by THOMAS A. MESEREAU, JR., STEVE COCHRAN, AND ROBERT SANGER , by personal service in open court.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Santa Maria, California on this 17th day of September, 2004.

  
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Gordon Auchincloss