

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

OCT 01 2004

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

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Attorneys for Defendant  
**MICHAEL JOSEPH JACKSON**

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

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiffs,

vs.

MICHAEL JOSEPH JACKSON,

Defendant.

Case No. 1133603

~~PROPOSED~~ ORDER THAT THE NOTICE OF MOTION AND MOTION TO SUPPRESS MATERIALS SEIZED PURSUANT TO SEARCH WARRANT NUMBER 5135 PURSUANT TO PENAL CODE SECTION 1538.5 AND NON-STATUTORY GROUNDS AND ACCOMPANYING DOCUMENTS BE FILED UNDER SEAL

Honorable Rodney S. Melville

Date: October 14, 2004  
Time: 8:30 am  
Dept: SM 8

~~PROPOSED~~ ORDER THAT THE NOTICE OF MOTION AND MOTION TO SUPPRESS MATERIALS SEIZED PURSUANT TO SEARCH WARRANT NUMBER 5135 PURSUANT TO PENAL CODE SECTION 1538.5 AND NON-STATUTORY GROUNDS AND ACCOMPANYING DOCUMENTS BE FILED UNDER SEAL

1 **GOOD CAUSE APPEARING**, it is hereby ordered that the NOTICE OF MOTION AND  
2 MOTION TO SUPPRESS MATERIALS SEIZED PURSUANT TO SEARCH WARRANT  
3 NUMBER 5135 PURSUANT TO PENAL CODE SECTION 1538.5 AND NON-STATUTORY  
4 GROUNDS, and accompanying documents, be filed under seal.

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6 DATED: 001 0 1 2004

*Audrey S. Meiler*  
Judge of the Superior Court

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28 ORDER THAT NOTICE OF MOTION AND MOTION TO SUPPRESS MATERIALS SEIZED PURSUANT TO  
SEARCH WARRANT NUMBER 5135 PURSUANT TO PENAL CODE SECTION 1538.5 AND NON-  
STATUTORY GROUNDS AND ACCOMPANYING DOCUMENTS BE FILED UNDER SEAL

**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 233 East Carrillo Street, Suite C, Santa Barbara, California, 93101.

On September 29, 2004, I served the foregoing document :EX PARTE APPLICATION FOR AN ORDER THAT THE NOTICE OF MOTION AND MOTION TO SUPPRESS MATERIALS SEIZED PURSUANT TO SEARCH WARRANT NUMBER 5135 PURSUANT TO PENAL CODE SECTION 1538.5 AND NON-STATUTORY GROUNDS BE FILED UNDER SEAL on the interested parties in this action by depositing a true copy thereof as follows:

Tom Sneddon  
District Attorney  
1105 Santa Barbara Street  
Santa Barbara, CA 93101  
805-568-2398

Theodore Boutrous  
William Thomson  
Gibson Dunn & Crutcher  
333 South Grand Avenue  
Los Angeles, CA 90071  
213-229-7520

       **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 [SEE ABOVE]

       **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 September 29, 2004 at Santa Barbara, California.

  
Boberte J. Tryon

PROOF OF SERVICE  
1013A(1)(3), 1013(c) CCP

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA:

I am a citizen of the United States of America and a resident of the county aforesaid. I am employed by the County of Santa Barbara, State of California. I am over the age of 18 and not a party to the within action. My business address is 312-H East Cook Street, Santa Maria, California.

On OCTOBER 1, 20 04, I served a copy of the attached ORDER THAT THE NOTICE OF MOTION AND MOTION TO SUPPRESS MATERIALS SEIZED PURSUANT TO SEARCH WARRANT NUMBER 5135 PURSUANT TO PENAL CODE SECTION 1538.5 AND NON-STATUTORY GROUNDS AND ACCOMPANYING DOCUMENTS BE FILED UNDER SEAL addressed as follows:

THOMAS W. SNEDDON, DISTRICT ATTORNEY  
DISTRICT ATTORNEY'S OFFICE  
1105 SANTA BARBARA STREET  
SANTA BARBARA, CA 93101

THOMAS A. MESEREAU, JR.  
COLLINS, MESEREAU, REDDOCK & YU, LLP  
1875 CENTURY PARK EAST, 7<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90067

X FAX

By faxing true copies thereof to the receiving fax numbers of: 805-568-2398 (DISTRICT ATTORNEY); 310-861-1007 (THOMAS A. MESEREAU, JR). Said transmission was reported complete and without error. Pursuant to California Rules of Court 2005(i), a transmission report was properly issued by the transmitting facsimile machine and is attached hereto.

\_\_\_ MAIL

By placing true copies thereof enclosed in a sealed envelope with postage fully prepaid, in the United States Postal Service mail box in the City of Santa Maria, County of Santa Barbara, addressed as above. That there is delivery service by the United States Postal Service at the place so addressed or that there is a regular communication by mail between the place of mailing and the place so addressed.

\_\_\_ PERSONAL SERVICE

By leaving a true copy thereof at their office with their clerk therein or the person having charge thereof.

\_\_\_ EXPRESS MAIL

By depositing such envelope in a post office, mailbox, sub-post office, substation, mail chute, or other like facility regularly maintained by the United States Postal Service for receipt of Express Mail, in a sealed envelope, with express mail postage paid.

I certify under penalty of perjury that the foregoing is true and correct. Executed this 1<sup>ST</sup> day of OCTOBER, 2004, at Santa Maria, California.

  
CARRIE L. WAGNER