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12 Attorneys for Defendant  
MICHAEL JOSEPH JACKSON

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

OCT 04 2004

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

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
15 FOR THE COUNTY OF SANTA BARBARA  
16 SANTA MARIA DIVISION

18 THE PEOPLE OF THE STATE OF CALIFORNIA,

19 Plaintiff,

20 vs.

21 MICHAEL JOSEPH JACKSON

22 Defendant.

CASE NO. 1133603

**EX PARTE APPLICATION FOR  
LEAVE TO FILE UNDER SEAL  
MR. JACKSON'S MOTION FOR  
RECUSAL OF SANTA BARBARA  
COUNTY DISTRICT  
ATTORNEY'S OFFICE  
PURSUANT TO PENAL CODE  
SECTION 1424; DECLARATION  
OF ROBERT SANGER**

~~FILED UNDER SEAL~~

24  
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26  
27 Defendant Michael J. Jackson, through his counsel, hereby applies ex parte for  
28 leave to file under seal his motion for recusal of Santa Barbara County District


1 Attorney's Office. Filing under seal is necessary because the content of the motion  
2 includes reference to details in under seal material, including discovery materials,  
3 grand jury transcripts, investigative reports, exhibits and the identities of witnesses.

4 This application is based upon the attached declaration of Robert M. Sanger,  
5 the file and record in this case and any other information presented prior to a ruling  
6 hereon.

7 Dated: October 4, 2004

Respectfully submitted,  
Thomas A. Mesereau, Jr.  
Susan Yu  
COLLINS, MESEREAU, REDDOCK & YU

Robert M. Sanger  
SANGER & SWYSEN  
Brian Oxman  
OXMAN & JAROSCAK

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

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1 **DECLARATION OF ROBERT M. SANGER**

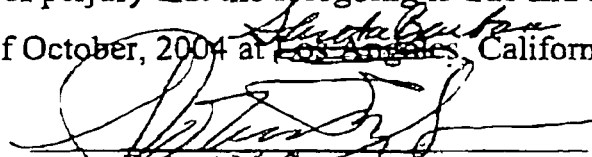
2 I, Robert M. Sanger, declare as follows:

3 1. I am an attorney duly authorized to practice before all courts of the State  
4 of California and co-counsel for Michael J. Jackson. I submit this declaration in  
5 support of an ex parte application for leave to file under seal Mr. Jackson's motion  
6 for recusal of Santa Barbara County District Attorney's Office.

7 2. The motion papers describe materials that have been maintained under  
8 seal by this Court. Details about the investigation, grand jury proceeding and  
9 testimony, investigative reports, exhibits and other discovery are mentioned in the  
10 moving papers. Therefore, in accordance with the practice directed by this Court,  
11 leave is sought to file this motion under seal.

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

13 Executed this 4th day of October, 2004 at <sup>Santa Barbara</sup> Los Angeles, California.

14   
15 Robert M. Sanger