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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

OCT 08 2004

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

10 SUPERIOR COURT OF CALIFORNIA
11 COUNTY OF SANTA BARBARA
12 SANTA MARIA DIVISION
13

14 THE PEOPLE OF THE STATE OF CALIFORNIA,

15 Plaintiff,

16 v.

17 MICHAEL JOE JACKSON,

18 Defendant.

Case No. 1133603

**NOTICE OF IMPROPER
SERVICE OF MOTION TO
RECUSE OFFICE OF
PROSECUTOR**

~~FILED UNDER SEAL~~

FILED VIA FACSIMILE

Date: October 14, 2004

Time: 8:30 a.m.

Dept: 9

22 TO THE SUPERIOR COURT OF THE STATE OF CALIFORNIA IN AND FOR THE
23 COUNTY OF SANTA BARBARA:

24 The Attorney General of the State of California received notice that a motion to recuse the
25 District Attorney's Office for the County of Santa Barbara has been set for October 14, 2004. The
26 Attorney General was served with the notice of motion on October 7, 2004. This notice is improper
27 pursuant to Penal Code section 1424, subdivision (a)(1), which states in pertinent part:
28

1 Notice of a motion to disqualify a district attorney from performing an authorized
2 duty *shall* be served on the district attorney and the Attorney General *at least 10 court*
3 *days before the motion is heard.*

4 (Emphasis added.)

5 Accordingly, the Attorney General respectfully requests that this Court set defendant's
6 recusal motion for a date such that the mandatory provisions of section 1424 are satisfied, and afford
7 appropriate and adequate notice of the new date to the Attorney General's Office.

8 Dated: October 8, 2004

9 Respectfully submitted,

10 BILL LOCKYER
Attorney General of the State of California

11 ROBERT R. ANDERSON
Chief Assistant Attorney General

12 PAMELA C. HAMANAKA
Senior Assistant Attorney General

13 ROBERT M. SNIDER
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16 STEVEN D. MATTHEWS
17 Supervising Deputy Attorney General
18 Attorneys for the Attorney General

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21 SDM:mol
22 LA2004RE0012
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DECLARATION OF SERVICE

Case Name: *People v. Michael Joe Jackson*

Case No.: 1133603

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the Bar of this Court at which member's direction this service is made. I am 18 years of age or older and not a party to the within entitled cause; I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business. My facsimile number is (213) 897-2806.

On October 8, 2004, I served the attached

NOTICE OF IMPROPER SERVICE OF MOTION TO RECUSE OFFICE OF PROSECUTOR

by transmitting a true copy by facsimile machine, pursuant to California Rules of Court, rule 2008. The facsimile machine I used complied with Rule 2003, and no error was reported by the machine. Pursuant to rule 2008(e)(4), I caused the machine to print a record of the transmission, a copy of which is attached to this declaration. In addition, I placed a true copy thereof in the internal mail collection system at the Office of the Attorney General, 300 S. Spring Street, Los Angeles, California, 90013, for deposit in the United States Postal Service that same day in the ordinary course of business, in a sealed envelope, postage thereon fully prepaid, addressed as follows:

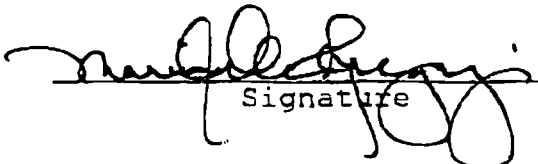
STEVE COCHRAN
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THOMAS W. SNEDDON, JR.
DISTRICT ATTORNEY OF SANTA BARBARA
ATTN.: RONALD ZONEN,
DEPUTY DISTRICT ATTORNEY
1105 SANTA BARBARA STREET
SANTA BARBARA, CA 93101
Fax No. (805) 568-2398

I certify that the document was produced on paper purchased as recycled paper.

I declare under penalty of perjury the foregoing is true and correct and that this declaration was executed on October 8, 2004, at Los Angeles, California.

M.O. LEGASPI


Signature

SDM:mol
LA2004RE0012