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13
14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 FOR THE COUNTY OF SANTA BARBARA, SANTA MARIA DIVISION

16 THE PEOPLE OF THE STATE OF
17 CALIFORNIA,

18 Plaintiff,

19 vs.

20 MICHAEL JOE JACKSON

21 Defendant.

) CASE NO. 1133603

) ~~PROPOSED REDACTED~~

) STATUS REPORT RE DISCOVERY

) HEARING

) DATE: NOVEMBER 5, 2004

) TIME: 8:30 A.M.

) Place: Dept. SM-2

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24 FILED UNDER SEAL & BY FAX
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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA BARBARA

NOV 5 2004

GARY M. SLAIN, Clerk of Court

Gary M. Slain
Clerk of Court

1 In accordance with the Court's July 27, 2004 Order, the parties met and conferred
2 on October 26, 2004 regarding pending discovery issues. Appearing for the defense were
3 Thomas A. Mesereau, Jr., Robert M. Sanger, Brian Oxman and Susan C. Yu. Appearing for
4 the prosecution were Thomas Sneddon, Gerald Franklin and Gordon Auchincloss. Mr.
5 Mesereau, Mr. Oxman and Ms. Yu participated by phone,¹ and Mr. Sanger was physically
6 present at the District Attorneys' office.

7 The parties went over, item by item, the defense discovery requests set forth in Mr.
8 Mesereau's July 22, 2004 letter (hereafter "Defense Request") and the prosecution's
9 responses set forth in Mr. Sneddon's August 12, 2004 letter (hereafter "Prosecution's
10 Response"). (Copies of these letters were previously filed with the Court as exhibits to a
11 Motion to Compel Discovery for the October 14, 2004 hearing. For the Court's
12 convenience, the same copies are attached hereto as Exhibit A (July 22, 2004 Letter) and
13 Exhibit B (August 12, 2004 letter). The result of the meet and confer on the referenced
14 Defense Request is as follows:

15 I. Meet and Confer re Defense Request Nos. 2, 3, 4, 10, 11, 14, 15, 16, 17, 29, 32, 33,
16 36, 38, 39, 43, 44, 46, 47, 48, 50, 52a, b, c, d, g, m, r, s, t, aa, and bb

17 The prosecution represented that it has produced all documents responsive to
18 Defense Request numbers 2, 3, 4, 10, 11, 14, 15, 16, 17, 29, 32, 33, 36, 38, 39, 43, 44, 46,
19 47, 48, 50, 52a, b, c, d, g, m, r, s, t, aa, and bb. The defense pointed out that it has not
20 received documents responsive to number 10. Number 10 requests:

21 Please provide us with all officer or investigator notes and note books,
22 chronological records and logs, audio and/or video tapes, and police reports
23 generated by the Santa Barbara Sheriff's Department, the Santa Barbara District
24 Attorneys Office, or any other social, law enforcement or criminal justice entity,
involved in the pre arrest and or post arrest investigation of Michael Jackson.

25 ¹ On October 25, 2004, Mr. Sneddon and Ms. Yu discussed the logistics of meeting and
26 conferring in person. Mr. Sneddon invited all members of the defense to his office in Santa
27 Barbara, while Ms. Yu invited all members of the prosecution to lead counsel Mr. Mesereau's
28 office in Los Angeles. Mr. Sneddon and Ms. Yu ultimately reached an agreement that Mr. Sanger
would be present at Mr. Sneddon's office and that Mr. Mesereau, Mr. Oxman and Ms. Yu would
participate by phone.

1 The prosecution replied that: (1) all of the handwritten notes of officers and
2 investigators were destroyed; (2) the prosecution's work product will not be produced (the
3 defense does not seek district attorneys' work product); and (3) under the law, the defense
4 is not entitled to reports generated by "social" agencies, such as the Department of Child
5 and Family Services ("DCFS") in Los Angeles and the Child Protective Services ("CPS") in
6 Santa Barbara, that it did not have an obligation to seek and obtain such documents from
7 these agencies, and that thereby the prosecution will not produce them.

8 The defense pointed out that chronologies prepared by those other than the district
9 attorneys were important because the dates regarding the alleged molestation in the
10 original complaint were different from those in the Indictment.

11 The dates are different because the Doe family apparently provided different dates
12 in their interviews before the criminal complaint was filed and then changed the dates for
13 the grand jury proceedings.

14 The chronologies are crucial to the defense because they will reveal not only the
15 inconsistent dates of the alleged molestation, but also of the inconsistent facts and dates
16 regarding other alleged acts in the Indictment. The defense requests that the prosecution
17 produce all such chronologies (handwritten and typed).²

18 It should be noted that Defense Request No. 10 calls for prosecution team's
19 investigative notes, documents, chronological records and logs, audio and/or video tapes,
20 and police reports concerning or relating to this case. These documents constitute
21 exculpatory and impeachment material. They are exculpatory because they contain
22 inconsistent statements by the Doe family (and possibly other witnesses as well) which
23 will demonstrate that Mr. Jackson is completely innocent. They are impeachment
24 material because they will show that the charging allegations by the Doe family and their
25 cohorts against Mr. Jackson in the Indictment are entirely false, fabricated or both.

26
27 ² One version of the chronology was presented as an exhibit to the grand jury.

1 The defense is entitled to such exculpatory evidence under Penal Code Section
2 1054.1 and Brady.³

3 Subsection 1054.1(e) mandates the prosecution to produce "any exculpatory
4 evidence." Under this Section alone, the prosecution must produce.

5 Subsection 1054.1(f) mandates the prosecution to produce:

6 Relevant written or recorded statements of witnesses or reports of the statements of
7 witnesses whom the prosecutor intends to call at the trial, including any reports or
8 statements of experts made in conjunction with the case, including the results of
9 physical or mental examinations, scientific tests, experiments, or comparisons
10 which the prosecutor intends to offer in evidence at the trial.

11 Section 1054.1(f), too, compels the prosecution to produce all documents which
12 may contain, among other things, statements, reports, notes, audio/video tapes of the Doe
13 family, who is the cornerstone of the prosecution's case, as well s other witnesses who
14 may provide exculpatory evidence.

15 Independent of, and apart from, the statutory duty under Section 1054.1, the
16 prosecution has the constitutional duty, under Brady, to disclose exculpatory evidence.
17 People v. Bohannon, 98 Cal.Rptr.2d 488, 82 Cal.App.4th 798 (2000).

18 The Brady duty is broad in scope. Some of the Brady requirements imposed on the
19 prosecution by case law which are germane to this report are as follows:

- 20 (1) The Brady disclosure obligation encompasses both impeachment and
21 exculpatory evidence, and exists regardless of whether the defendant makes
22 a specific request for the information. People v. Gutierrez, 6 Cal.Rptr.3d 138,
23 112 Cal.App.4th 1463 (2003), *review denied*.
- 24 (2) The prosecution has a duty to search for and disclose exculpatory evidence if
25 the evidence is possessed by a person or agency that has been used by the
26 prosecutor or the investigating agency to assist the prosecution or the
27 investigating agency in its work; important determinant is whether the

28 ³ The defense will bring a formal motion to compel in the event these issues are not resolved.

1 person or agency has been acting on the government's behalf or assisting the
2 government's case. People v. Superior Court, 96 Cal.Rptr.2d 264, 80
3 Cal.App.4th 1305 (2000).

4 (3) Responsibility for Brady compliance lies exclusively with the prosecution,
5 including the duty to learn of any favorable evidence known to the others
6 acting on the government's behalf in the case. Walters v. Superior Court, 95
7 Cal.Rptr.2d 880, 80 Cal.App.4th 1074 (2000).

8 (4) The "prosecution team," subject to duty under Brady to disclose material
9 exculpatory evidence, includes both investigative and prosecutorial agencies
10 and personnel. People v. Superior Court, 96 Cal.Rptr.2d 264, 80 Cal.App.4th
11 1305 (2000).

12 The prosecution repeatedly says it has complied. The investigation of this case
13 began in February of 2003, approximately 20 months ago. The prosecution has in its
14 custody, possession, control and/or access the chronologies, yet not a single chronology
15 has been produced. The defense respectfully requests that the prosecution be ordered to
16 produce all items encompassed in the law, as set forth above, including chronologies.

17 **II. Meet and Confer re Defense Request Nos. 5, 6, 7, and 8**

18 The prosecution represented that they will produce documents responsive to
19 Defense Request Nos. 5, 6, 7, and 8.

20 **III. Meet and Confer re the Current whereabouts of the Prosecution's Informants.**

21 The prosecution stated that it will not disclose the current whereabouts of Mr. Doe
22 because the defense has already subpoenaed Mr. Doe to appear for trial. The defense
23 pointed out that Mr. Doe may relocate, and the prosecution stated that the defense needed
24 to obtain an order from this Court.

25 Though this Court granted the Informant Motion, compelling the prosecution to
26 disclose the addresses of informants, the defense is mindful of the fact that Mr. Doe and
27 Mrs. Doe reside together and that the Court has granted, during the examination of Mrs.
28 Doe, the prosecution's request to keep Mrs. Doe's address confidential. However, Mr. and

1 Mrs. Doe may relocate. If they do, the defense will not be able to serve a subpoena on (1)
2 Mr. Doe for pre-trial evidentiary hearings (if one ever takes place) and (2) Mrs. Doe for her
3 to appear at trial.

4 In this context, Mr. Mesereau asked Mr. Sneddon whether the prosecution would
5 accept service of the trial subpoena on behalf of Mrs. Doe and file the proof of service. Mr.
6 Sneddon stipulated that the prosecution would so accept the subpoena, serve it on Mrs.
7 Doe and file the proof of service with the court.

8 The parties, however, did not discuss whether the prosecution would accept pre-
9 trial evidentiary hearing subpoenas (if one is ever issued) on behalf of Mr. Doe.

10 Accordingly, the defense hereby requests the prosecution to accept service of such
11 subpoenas on behalf of Mr. Doe, by delivering them to Mr. Doe and filing the proof of
12 service with the court.

13 If the prosecution refuses to accept service on behalf of Mr. Doe, the defense
14 respectfully requests that the Court: (1) issue an Order finding that the service on the
15 prosecution of a subpoena for Mr. Doe to appear for a pre-trial evidentiary hearing is
16 deemed service on Mr. Doe; or (2) compel the prosecution to disclose the current
17 whereabouts of Mr. Doe, i.e., the prosecution's informant, not only immediately, but also
18 later when Mr. Doe relocates to a place the defense cannot find him.

19 As to the other two informants, i.e., [REDACTED] and [REDACTED], the
20 prosecution represented that it has produced documents referencing the current
21 whereabouts of said informants.

22 **IV. Meet and Confer re Defense Request Nos. 9, 12, 13, 35, 37, 52 e, f, u, v, w, x, z, cc,**
23 **dd, gg**

24 On October 14, 2004, the Court tentatively ruled that Defense Request Nos. 9, 12,
25 and 13 were not discoverable to the extent that they concerned communications internal
26 to the Sheriff or District Attorney. Based on this tentative ruling, the prosecution
27 represented that it would not produce documents responsive to Nos. 9, 12, and 13.

1 If internal communications between or among the Sheriff and/or the District
2 Attorney have nothing to do with this investigation, the defense submits that Nos. 9, 12
3 and 13 are not discoverable. However, to the extent that these communications reveal
4 (directly or indirectly or expressly or impliedly) investigation of this case, including
5 witness statements, the defense respectfully submits that such communications are
6 material and exculpatory evidence which must be disclosed.

7 Evidence favorable to the accused is material, for purposes of determining if
8 prosecutor has obligation to disclose such evidence, if there is a "reasonable probability"
9 that, had evidence been disclosed to the defense, the result of the proceeding would have
10 been different; "reasonable probability" is probability sufficient to undermine confidence
11 in outcome. People v. Kasim, 66 Cal.Rptr.2d 494, 56 Cal.App.4th 1360, *rehearing denied*
12 (1997).

13 The communications between or among the Sheriff and District Attorney may very
14 well contain exculpatory statements by witnesses in this case, including the Doe family
15 and the two individuals referenced in Defense Request No. 13 (i.e., [REDACTED] and [REDACTED]
16 [REDACTED], who testified at the Grand Jury). The communications sought by the defense
17 includes statements by these witnesses which are critical to the defense.

18 The defense respectfully requests that the Court reconsider its tentative ruling and
19 compel the prosecution to produce all communications concerning this investigation, as
20 set forth above.⁴

21 As to Defense Request Nos. 35, 37, 52 e, f, u, v, w, x, z, cc, dd, gg, the prosecution
22 had the following to say:

23 1. No. 35: "All notes made by prospective witnesses relating to matters to be
24 covered in their testimony at trial."

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27 ⁴ This case presents a unique situation in which Mr. Sneddon directly interviewed
28 witnesses, including Mrs. Doe, her attorney [REDACTED] and others.

1 The prosecution initially stated that the documents requested in No. 35 were not
2 Brady materials. It later changed its position and stated that it would produce the
3 documents if the documents were in its possession.

4 It should be noted, *again*, that, as mentioned above, the prosecution has a duty to
5 search for and disclose exculpatory evidence if the evidence is possessed by a person or
6 agency that has been used by the prosecutor or the investigating agency to assist the
7 prosecution or the investigating agency in its work. People v. Superior Court, 96
8 Cal.Rptr.2d 264, 80 Cal.App.4th 1305 (2000).

9 The prosecution cannot say that its duty to disclose is limited to documents that are
10 only in its physical possession. It must affirmatively check with the people and agencies
11 it has utilized to investigate this case and produce all witness notes.

12 2. No. 37: "The contents of all statements made to the prosecution in
13 interviews, testimony or by any person who claims to have information regarding the
14 above-entitled action."

15 The prosecution stated that, other than statements by fans of Mr. Jackson or by
16 those favoring the prosecution, it will produce documents responsive to No. 37.

17 3. No. 52e: "Pitchess discovery."

18 The prosecution stated that it will not produce documents that are within *Pitchess*
19 discovery, that the defense should bring a motion. The defense will do so.

20 4. No. 52f: "Manuals re criminal investigations (rules-procedures)."

21 The prosecution stated that if the defense provides a list of specific manuals, it
22 would produce them. The defense has agreed to do so.

23 5. No. 52u: "Prior crime reports involving suspects or witnesses."

24 The prosecution stated that it will produce documents relating to moral turpitude
25 crimes of its witnesses once it finalizes its witness list.

26 6. Nos. 52w, x, z, cc, dd and gg: The following documents pertaining to
27 investigation of this case;

28 w. Press appearances by investigators/personnel & their agents;

- 1 x. Newspaper articles;
2 z. Intra departmental correspondence from all involved;
3 cc. Names of prosecutors who reviewed reports;
4 dd. Prosecutors charge evaluation sheets;
5 gg. Correspondence to other agencies; and

6 The prosecution stated that these were not Brady materials and thus will not
7 produce. The defense respectfully disagrees. These documents/information may contain,
8 and may very well lead to other, admissible exculpatory evidence. The Court should
9 order the prosecution to produce such documents/information.

10 **V. Meet and Confer re Nos. 1, 28, 30, 31, 40, 41, 42, 45, 52h, i, o, p, q, ff:**

11 The parties met and conferred about whether these requests were vague and
12 overbroad. The defense agreed to modify these requests. The prosecution noted that: (1)
13 it will not produce the prosecution's work product as may be called for by Nos. 52 h and i
14 (activity reports and control logs); and (2) it will provide names and curriculum vitae of
15 experts (as called for by Nos. 40 and 42) 30 days before trial.

16 **VI. Meet and Confer re Nos. 18-27**

17 The prosecution acknowledged its on-going duty to provide the defense with
18 information and documents pertaining to its informants and represented that it will so
19 comply with its obligations.

20 The defense pointed out that it has not received felony convictions of informants
21 (as called for by No. 19). The prosecution stated that it will not produce such records if
22 the informants will not be called as witnesses. The defense respectfully disagrees. First,
23 felony conviction records must be produced because they are impeachment evidence.
24 Second, though the prosecution may not call the informants as their witnesses, the
25 defense may. Accordingly, these felony records should be produced.

1 **VII. Meet and Confer re '93 Materials**

2 The parties met and conferred about the incomplete production of the '93 materials.
3 The prosecution represented that it will provide the defense with additional '93 materials
4 forthwith.

5 It should be noted that the defense has received approximately 18,168 document as
6 of the date of this status report. Of these, approximately 13,383 documents were
7 produced in the last three weeks. Approximately 9,000 of these documents relate to the
8 '93 case, which the prosecution had in its possession for over 10 years. Additionally
9 produced within this short time period are over 30 audio tapes and 40 CDs/DVDs.

10 Due to the overwhelming number of discovery received just recently, it is virtually
11 impossible to effectively litigate, investigate and prepare this case for trial, which is only
12 three months away. In this regard, the defense may be forced to seek a trial continuance.

13 **VIII. Meet and Confer re Outstanding Search Warrants**

14 The parties met and conferred about the incomplete production of the search
15 warrants, search warrant affidavits and supporting returns. The prosecution stated that if
16 the defense furnishes the prosecution with a list of incomplete production, it will so
17 produce. The defense will do so.

18 **IX. Meet and Confer re Prosecution's Request for Discovery**

19 1. The parties met and conferred about the prosecution's notice of motion for
20 discovery. The defense stated that it will be filing an opposition to the motion.

21 2. Mr. Sanger advised the prosecution that, consistent with his representation
22 in open court, the defense would provide the prosecution with copies of two tapes.⁵ Mr.
23 Auchincloss then began grilling Mr. Sanger on the law of *Sanchez*. Mr. Mesereau
24 interjected and stated that the *Sanchez* motion was denied, that the Court said it had
25 confidence in all parties to act in an ethical manner and that, as such, the defense will do

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27 ⁵ Following the conference call, the defense delivered the two tapes to the
28 prosecution.

1 just that. Mr. Sneddon asked Mr. Mesereau whether the defense will not hide anything,
2 and Mr. Mesereau replied that the defense never has and never will hide anything. Mr.
3 Sneddon said that was acceptable. However, Mr. Auchincloss began grilling Mr.
4 Mesereau on the law of *Sanchez*. Mr. Mesereau reminded Mr. Auchincloss that the
5 *Sanchez* motion had been denied, that the meet and confer was not for a discussion on
6 *Sanchez*, and that the defense will not submit to his deposition and interrogation. Mr.
7 Sneddon jokingly stated that Mr. Auchincloss' line was questioning was akin to the
8 examination of [REDACTED] at the grand jury proceedings. Mr. Auchincloss did not stop.
9 He persisted in a rude tone of voice that the *Sanchez* motion was not denied and
10 attempted to cross-examine Mr. Mesereau on the law. Mr. Mesereau then said the meeting
11 was productive, thanked everyone for their participation in a very productive meeting,
12 and with no other items to discuss, terminated the meeting.

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DATED: October 29, 2004

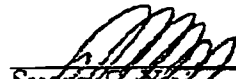
Respectfully submitted,

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

Robert M. Sanger
SANGER & SWYSEN

Brian Oxman
OXMAN & JAROSCAK

By:



Susan C. Yu
Attorneys for Mr. MICHAEL J. JACKSON

1 PROOF OF SERVICE

2 I, the undersigned, declare:

3 I am a citizen of the United States of America, am over the age of eighteen (18)
4 years, and not a party to the within action. I am employed at 1875 Century Park East, 7th
5 Floor, Los Angeles, CA 90067. On October 29, 2004, I served the following document:

6 **STATUS REPORT RE DISCOVERY**

7 on the interested parties addressed as follows:

8 Thomas Sneddon, Esq., District Attorney
9 Gerald Franklin, Esq.
10 Ronald Zonen, Esq.
11 Gordon Auchincloss, Esq.
12 District Attorney's Office
13 1105 Santa Barbara Street
14 Santa Barbara, CA 93108
15 FAX: (805) 568-2398

16 BY MAIL: I placed each envelope, containing the foregoing document, with postage
17 fully prepaid, in the United States mail at Los Angeles, California. I am readily familiar
18 with the business practice for collection and processing of mail in this office; that in the
19 ordinary course of business said document would be deposited with the US Postal Service
20 in Los Angeles on that same day.

21 X BY FACSIMILE: I served a copy of the within document on the above-interested
22 parties, by way of a facsimile, at the facsimile numbers listed above.

23 BY MESSENGER/ATTORNEY SERVICE: I caused _____ to personally serve the
24 within document on the above interested parties.

25 X (State) I declare under penalty of perjury under the laws of the State of California
26 that the foregoing is true and correct.

27 (Federal) I declare that I am employed in the office of a member of the bar of this
28 court at whose direction the service was made.

Executed on October 29, 2004, at Los Angeles, California.

29 
30 _____
31 Susan C. Yu

EXHIBIT A

CMRY

A LIMITED LIABILITY PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS
ATTORNEYS AT LAW

THOMAS MESEREAU, JR.
A PROFESSIONAL LAW CORPORATION
SPECIALIZING IN CRIMINAL DEFENSE

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July 22, 2004

VIA FACSIMILE (805) 568-2398

Thomas Sneddon, Esq.
District Attorney
District Attorney's Office
1105 Santa Barbara Street
Santa Barbara, CA 93108

Re: People v. Jackson, SBSC Case No. 1133603

Dear Mr. Sneddon:

Because of the complexity of this matter and the involvement of so many individuals and entities, we request that you provide us with a Bates-stamped copy of all discovery provided to date, and that all discovery provided to us in the future be Bates-stamped consecutively as well.

Additionally, in your discovery to date, you have neglected to include the following materials. These materials are critical to our trial preparation. Please consider this a continuing request for discovery pursuant to Penal Code Sections 1054 and 1054.5(b):

1. Please provide us with all clues that were called in, e-mailed and or sent via mail, in the matter involving Michael Jackson;
2. All crime reports prepared in relation to the investigation and prosecution of this case including Grand Theft, Child Abduction and False Imprisonment crime reports;
3. In the event the alleged crimes occurred in other jurisdictions, please identify the jurisdiction and the personnel from that jurisdiction;
4. All bail enhancement requests and documents;
5. All photographs, jail video and audio tapes, logs, and reports generated prior to, during and after Mr. Jackson was booked;

Thomas Sneddon, Esq.

July 22, 2004

Page 2

6. List of all sworn and civilian employees who were present when Mr. Jackson was booked;
7. List of all suspects who were being held in holding tank(s) when Mr. Jackson was being booked;
8. All supervisor and watch commander logs that were generated and reflect issues concerning Mr. Jackson's arrest and or investigation;
9. All inter or intra departmental communications referencing Mr. Jackson's arrest, investigation and or inquiry;
10. Please provide us with all officer or investigator notes and note books, chronological records and logs, audio and/or video tapes, and police reports generated by the Santa Barbara Sheriff's Department, the Santa Barbara District Attorneys Office, or any other social, law enforcement or criminal justice entity, involved in the pre arrest and or post arrest investigation of Michael Jackson;
11. Please provide us with all audio and video tapes, transcripts of every tape, and please identify by name, address and phone number all participants and/or witnesses (including law enforcement officers, whether or not the individual is audible and/or visible on the recording), in each situation, transaction and/or occurrence recorded;
12. Please provide us with all e-mail communications (relevant to the Michael Jackson investigation) involving law enforcement, their agents and sworn and or civilian witnesses. This request pertains to all known investigations and or inquiries, regardless of time;
13. Please provide us with all notes, records, reports, phone conversations, statements (whether telephonic, in person, verbal, written, signed or unsigned), recordings (audio, video and/or transcripts), involving District Attorney Tom Sneddon's contacts with, but not limited to, Diane Diamond, Gloria Allred, Larry Feldman, Dr. Stanley Katz and Carole Lieberman. This request is limited to issues concerning Michael Jackson's arrest, past and present investigations and or inquiries conducted and or directed by Mr. Sneddon on behalf of the Santa Barbara District Attorney's Office and or by the current and former Sheriff of Santa Barbara County;
14. Any books, papers, documents, letters, photographs or tangible objects relevant to this case, particularly including the evidence which the prosecution intends to produce at trial, including, but not limited to any physical evidence obtained from or belonging to the defendants, or taken during searches involved in this matter. Any and all photographs, contact sheets, motion pictures or sound recordings, or transcripts of such sound recordings, which relate in any way to the issues involved

in this case, whether taken or made at, prior to or subsequent to the time of commission of the alleged offense, and whether or not intended to be used by the prosecution at the time of the trial;

15. All reports relating to the investigation, including but not limited to the results of any electronic surveillance (including wire tapping) of conversations to which defendant was a party, and, if so, any and all recorded conversations, electronic, mechanical, stenographic or otherwise, between the defendant and any other persons, whether or not acting on behalf of the prosecution, which are relevant to the subject matter charged, and which are in the custody and control of the prosecution, whether or not intended to be used as evidence by the prosecution;
16. The results of any polygraph examination performed on any witness or potential witness in this case;
17. Any evidence of any understanding or agreement as to any future prosecution or punishment of any potential witnesses;
18. Any and all informants (sworn or civilian) in this case;
19. The records of all misdemeanor and felony convictions and/or rap sheets, including the existence of all pending charges and/or cases against any informant(s) involved in this matter;
20. The records of all payments and/or deals given to any informant used in this case;
21. All information, in any form, of any inducements, promises, representations or assurances, whether or not reduced to writing, given to any informant(s) involved in this matter, related to this matter, including, but not limited to plea agreements, dismissals of charges, and agreements not to prosecute, related to either the informant or any third party beneficiary;
22. Police reports of any cases pending against the informant(s) at the time when the information in the instant case was given;
23. The physical description and photographs (if any) of any confidential informant;
24. The name and address of any informant's employment, if employed;
25. Any relevant material or information which has been provided by an informant;
26. The prosecution shall provide all information which qualifies their informant as reliable, including, but not limited to, defendant's name and case number for all cases in which the informant gave information, what the specific information

provided was, and what was subsequently discovered;

27. All notes or memoranda, handwritten or typed, concerning conversations with informants;
28. All statements taken from or made by any person, including witnesses in relation to this case, taped, written or unwritten, signed or unsigned, including any oral conversations, and all notes, memoranda, or recordings or documentation thereof with any member of any law enforcement agency, their agents, employees, representatives or investigators, or any person in any way relevant to the allegations charged herein whether or not the prosecution intends to call them at any hearings or trial;
29. The names, addresses and telephone numbers of all persons whom the prosecution may call as witnesses;
30. The following information concerning each witness the prosecution intends to call; date of birth, place of birth and physical descriptions; all aliases, aka's or pseudonyms; occupation and employment address; any charges pending against them, including the name of the court, case number, status of case, charges, investigating agency and witnesses thereto; any immunity agreements, whether written or unwritten, formal or informal;
31. The records of all arrests and convictions (i.e., "rap sheets"), both domestic and foreign, of any prospective witnesses;
32. The contents of all statements made to the potential witnesses and/or informants in order to induce potential witnesses and/or informants to cooperate with the investigation, preparation and/or prosecution of the above-entitled action;
33. All crime reports (including, but not limited to, follow up reports, property reports, scientific investigation reports, activity reports, coroner reports, etc.) prepared in relation to the investigation and prosecution of this case. This includes the notes of all police officers of their activities and observations during the period of the investigation of this case;
34. All notes made by police officers regarding their conversations with witnesses;
35. All notes made by prospective witnesses relating to matters to be covered in their testimony at the trial;
36. Documents used by witnesses to refresh their memory for the trial;

37. The contents of all statements made to the prosecution in interviews, testimony or by any person who claims to have information regarding the above-entitled action;
38. All experts who were in any way contacted by or involved in the investigation of witnesses;
39. Identities, including names, addresses, phone numbers, badge numbers, occupation titles, and present assignments of all experts who prepared reports concerning their analysis or examinations upon any physical evidence, whether or not the prosecution intends to call them at the trial;
40. A current summary and itemization of the course of instruction or other training given to persons who are expected to testify as experts on any issue connected to this case, including, but not limited to a course summary, a list of all prior similar cases in which the "expert" has conducted an investigation and/or has testified, and a list of instructors and their qualifications;
41. Any and all writings or publications used in any way by the experts in forming opinions, or in obtaining a basis for forming an opinion, including teaching manuals, journals, treatises, textbooks, bulletins and other records of classes in the expert's field of expertise, or otherwise;
42. A list of all suspects, witnesses and defense counsel to whom the expert has spoken, who have provided information used in any way by the expert as a basis for forming any opinion;
43. All physical evidence including but not limited to, all documents, computers, papers, books, records, photographs, phone records, which may be introduced at the trial;
44. All other physical evidence which is now in the possession of the prosecutors or law enforcement officers or which has been examined and which is in any way relevant to this proceeding;
45. For each piece of physical evidence set forth in this letter, the present location and the name, address and phone number of the present custodian of said evidence;
46. Any reports or raw notes describing any of the physical evidence set forth in this communication;
47. The name, address, and phone number of each person to whom any of the physical evidence in this case was submitted for analysis including, but not limited to all criminalists, handwriting experts, psychologists, et al.;

48. All reports of scientific tests and examination relative to this case which have been conducted by the prosecution and/or their agents;
49. The date and raw notes which were made in connection with the scientific tests in this case;
50. The content and nature of any finding or scientific or expert opinion which has been communicated to the prosecution but which has not been reduced to writing or a report;
51. All reports and scientific analyses performed at the request of the prosecution upon any physical evidence relating to this case, including, but not limited to, all computer reports, handwritten notes, transcriptions, charts, graphs, diagrams, sketches, raw scientific and analytical data, memoranda and laboratory worksheets or recordings of any kind used in the preparation and construction of final reports;
52. The following reports, forms, and evidence pertaining to the investigation of this case:
 - a. Follow-up investigation reports;
 - b. Supplemental reports;
 - c. Incident reports;
 - d. Chain of custody records;
 - e. Pitchess discovery;
 - f. Manuals re criminal investigations (rules-procedures);
 - g. Property reports;
 - h. Activity reports (Daily, Weekly, Monthly);
 - i. Control logs, dockets;
 - j. Investigators/officers raw notes, logs, chronologies;
 - k. Tape recordings-video of witness statements and transcripts;
 - l. Criminal history concerning victims and witnesses;
 - m. All potentially exculpatory investigative leads;

- n. All investigators present during interviews/interrogations;
- o. Notifications;
- p. Teletypes (DMV checks, record checks, criminal checks, date-times);
- q. Disclosure statements;
- r. Investigators final reports;
- s. Chronological logs;
- t. Six Pack (photo) comparisons;
- u. Prior crime reports involving suspects or witnesses;
- v. Press releases;
- w. Press appearances by investigators/personnel & their agents;
- x. Newspaper articles;
- y. Analyzed evidence reports;
- z. Intra departmental correspondence from all involved;
- aa. Field activity reports;
- bb. Names of supervisors who approved reports;
- cc. Names of prosecutors who reviewed reports;
- dd. Prosecutors charge evaluation sheets;
- ee. List of people interviewed but not intended to be called as witnesses;
- ff. Communication tapes;
- gg. Correspondence to other agencies; and
- hh. Scientific analysis reports.

Thomas Sneddon, Esq.

July 22, 2004

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The prosecution must inform defense counsel of any and all evidence and/or information from any source that it has which is or may be favorable to the defense in that it tends to exonerate the defendant or constitutes information that the defense might use to impeach or contradict prosecution witnesses, including all information which may lead to such information.

The items requested herein must be made available to defense counsel forthwith, thus enabling counsel to utilize the requested items in the preparation of motions and the trial in this matter.

This is a continuing request and requires the prosecution to inform counsel for the defendants forthwith of any information covered by this request which comes to the attention of police or prosecution after this request is made.

Sincerely,



Thomas A. Mesereau, Jr.

EXHIBIT B

THOMAS W. SNEDDON, JR.
District Attorney

MARNIE B. PINSKER
Assistant Director

DAVID M. SAUNDERS
Chief Investigator



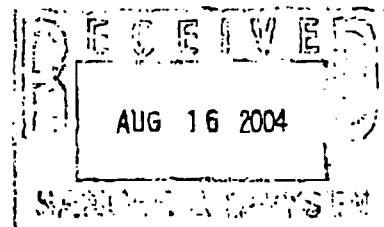
PATRICK J. MCKINLEY
Assistant District Attorney

CHRISTIE STANLEY
Assistant District Attorney

ERIC A. HANSON
Chief Trial Deputy

COUNTY OF SANTA BARBARA
DISTRICT ATTORNEY

August 12, 2004



Thomas A. Mesereau, Jr., Esq.
Collins, Mesereau, Reddock, & Yu, LLP
1875 Century Park East, 7th Floor
Los Angeles, CA 90067

Dear Mr. Mesereau:

After reviewing your July 22nd Discovery Request and reviewing the relevant code provisions set forth in Penal Code §1054 et seq. governing discovery, the following response is provided. While some of the requests are standard requests covered by Penal Code §1054.1, others are not. To facilitate closure on the former and guidance as to the latter, I have divided your requests into groups. As to several requests that were prefaced with the word "all" our answers are predicated upon the assumption your use of the word "all" is meant to apply to the current investigation involving the charges alleged in the indictment. If that was not your intention, then we believe the request to be overbroad. Additionally, we acknowledge, as we did during the Grand Jury Hearing, our continuing obligation to produce, without request on your part, any exculpatory evidence as defined under *Brady v. Maryland* and those cases amplifying Penal Code section 1054.1's discovery and due process requirements.

1. Pursuant to Penal Code §1054.1, we believe we are in complete compliance with regard to the following requests:

#2 However, we believe the words "grand theft" were mistakenly substituted for word "extortion."

#3

#4 Please see the arrest warrant.

#10 However, as the vagueness created by inclusion of the term "social" agency. If this applies to reports investigators obtain from this type of agency then it will be produced, but if it refers reports they may have that we are not aware of and do not possess then we do not agree.

#11 Except as to the requirement that we transcribe materials. Even though not required, we have provided copies of transcribed materials.

#14

Santa Barbara Office
1112 Santa Barbara Street
Santa Barbara, CA 93101
(805) 568-2500
FAX (805) 568-2453

Lompoc Office
115 Civic Center Plaza
Lompoc, CA 93436
(805) 737-7760
FAX (805) 737-7732

Santa Maria Office
312-D East Cook Street
Santa Maria, CA 93454
(805) 346-7540
FAX (805) 346-7588

#15
#16
#17
#29
#32
#33
#36
#38
#39
#43
#44
#46
#47
#48
#50
#52a,b,c,d,g,m,r,s,t,aa,bb

2. Jackson Jail Booking Information

We agree that the items requested in paragraph 5 through 8 are within the scope of 1054.1. We will immediately initiate steps to get the Attorney General's investigation materials and supplement those materials if necessary.

3. Informant(s)

As to the Confidential Reliable Informants request contained in paragraph 26, the only individual given that description was [REDACTED]. He is the CRI referenced in the original search warrant affidavit.

As to the remaining paragraphs 18-27, we agree that information, if it exists, is within 1054.1's scope, subject to the provisions of 1054.7.

4. The following items are duplicated elsewhere in your request:

#34
#49
#51
#52 j, k, l, y, ee, hh

5. The following items are beyond the scope of *Brady* and Penal Code §1054.1.

#9
#12

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#13

#37 However, we are compliant to the extent that statements relevant to this investigation have been reduced to written reports.

#35

#52 c, f, u, v, w, x, z, cc, dd, gg

6. The following items are either overbroad or vague. If you wish to refine your request for these items and resubmit them to us we will be happy to evaluate whether they conform to our discovery obligations.

#1

#28 However, we are compliant to the extent that statements relevant to this investigation have been reduced to written reports.

#30

#31 However, we will comply with our obligation to provide the defense with information concerning moral turpitude crimes committed by material witnesses.

#40 However we will be provide available CVs on expert witnesses.

#41

#42

#45

#52 h, i, o, p, q, ff

7. #52n. We believe the current discovery complies with the request. However, in order to prevent any problems, all officers writing a report will be contacted to ensure full and accurate compliance with the request.

I believe that further discussions could result in a satisfactory agreement on some of these requests. Please feel free to contact us to discuss these requests.

Very truly yours,



Thomas W. Sneddon, Jr.
District Attorney

TWS:ma

cc: Steve Cochran, Esq.
R. Brian Orman, Esq.
Robert Sanger, Esq.
Susan C. Yu, Esq.