

1 **COLLINS, MESEREAU, REDDOCK & YU**
Thomas A. Mesereau, Jr., State Bar Number 091182
2 Susan C. Yu, State Bar Number 195640
1875 Century Park East, 7th Floor
3 Los Angeles, CA 90067
Tel.: (310) 284-3120, Fax: (310) 284-3133

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

NOV 19 2004

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

4 **SANGER & SWYSEN**
5 Attorneys at Law
Robert M. Sanger, State Bar No. 058214
6 233 East Carrillo Street, Suite C
Santa Barbara, CA 93101
7 Tel.: (805) 962-4887, Fax: (805) 963-7311

8 **OXMAN & JAROSCAK**
9 Brian Oxman, State Bar No. 072172
14126 East Rosecrans
10 Santa Fe Springs, CA 90670
Tel.: (562) 921-5058, Fax: (562) 921-2298

11 Attorneys for Defendant
12 **MICHAEL JOSEPH JACKSON**

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

16 THE PEOPLE OF THE STATE OF
17 CALIFORNIA,

18 Plaintiffs,

19 vs.

20 **MICHAEL JOSEPH JACKSON,**

21 Defendant.

) Case No. 1133603

) EX PARTE APPLICATION FOR AN
) ORDER THAT THE RESPONSE TO THE
) COURT'S INQUIRY REGARDING
) COMPUTER EXPERT BE FILED UNDER
) SEAL

) Honorable Rodney S. Melville

) Date: November 19, 2004

) Time: 8:30 am

) ~~Dept. SM-8~~

24
25 TO THE CLERK OF THE ABOVE ENTITLED COURT:

26 Defendant requests that the Court issue an order that Mr. Jackson's pleading entitled

27
28 EX PARTE APPLICATION FOR AN ORDER THAT
RESPONSE TO THE COURT'S INQUIRY REGARDING COMPUTER EXPERT BE FILED UNDER SEAL

1 RESPONSE TO THE COURT'S INQUIRY REGARDING COMPUTER EXPERT and
2 accompanying documents be filed under seal and for such other such further relief as the Court may
3 deem just and proper. This request is based on the overriding interests of Mr. Jackson's rights to
4 due process and a fair trial under the Fifth, Sixth and Fourteenth Amendments to the United States
5 Constitution and Article I, Sections 1, 7, and 15 of the California Constitution.

6 Dated: November 18, 2004

7 Respectfully submitted,

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

10 SANGER & SWYSEN
11 Robert M. Sanger

12 OXMAN & JAROSCAK
13 Brian Oxman

14 By: 

15 Robert M. Sanger
16 Attorneys for Defendant
17 MICHAEL JOSEPH JACKSON
18
19
20
21
22
23
24
25
26
27

28 EX PARTE APPLICATION FOR AN ORDER THAT
RESPONSE TO THE COURT'S INQUIRY REGARDING COMPUTER EXPERT BE FILED UNDER SEAL

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 I.

3 **THE COURT HAS THE AUTHORITY TO ORDER THAT**
4 **A RECORD BE FILED UNDER SEAL**

5 Pursuant to California Rule of Court 243.1(d), the Court has the authority to order a
6 record be filed under seal if it expressly finds that:

- 7 1. There exists an overriding interest that overcomes the right of public access to the
8 record;
- 9 2. The overriding interest supports sealing the record;
- 10 3. A substantial probability exists that the overriding interest will be prejudiced if the
11 record is not sealed;
- 12 4. The proposed sealing is narrowly tailored; and
- 13 5. No less restrictive means exist to achieve the overriding interest.

14 (California Rule of Court 243.1(d).)

15 II.

16 **OVERRIDING INTERESTS EXIST THAT MEETS THE ABOVE CRITERIA FOR**
17 **SEALING A RECORD**

18 It is necessary to seal the record pursuant to California Rule of Court 243.1(d) based on
19 the overriding interests of Mr. Jackson's rights to due process and a fair trial under the Fifth,
20 Sixth and Fourteenth Amendments to the United States Constitution and Article I, Sections 1, 7,
21 and 15 of the California Constitution.

22 An inspection of the exhibits will reveal that they disclose the testimony of witnesses or
23 potential witnesses and disclose possible evidence, the admissibility of which, is yet to be
24 determined.

25 The overriding interests of Mr. Jackson's rights to a fair trial and due process would be
26 compromised if the exhibits are not filed under seal. A person accused of a crime is entitled to
27 due process and a fair trial under the Fifth, Sixth and Fourteenth Amendments to the United

28

**EX PARTE APPLICATION FOR AN ORDER THAT
RESPONSE TO THE COURT'S INQUIRY REGARDING COMPUTER EXPERT BE FILED UNDER SEAL**

1 States Constitution and Article I, Sections 1, 7, and 15 of the California Constitution, Material
2 contained the exhibits pertains to evidence and the testimony of witnesses that, if made public,
3 would compromise Mr. Jackson's these rights and would result in prejudice to Mr. Jackson. In
4 order to protect these overriding interests, it is necessary that the exhibits be filed under seal.

5 **CONCLUSION**

6 For the reasons stated above, Mr. Jackson requests that the Court issue an order that
7 **RESPONSE TO THE COURT'S INQUIRY REGARDING COMPUTER EXPERT** and
8 accompanying documents be filed under seal.

9 Dated: November 18, 2004

10 COLLINS, MESHEREAU, REDDOCK & YU
11 Thomas A. Mesereau, Jr.
Susan C. Yu

12 SANGER & SWYSEN
13 Robert M. Sanger

14 OXMAN & JAROSCAK
15 Brian Oxman

16 By: 

17 Robert M. Sanger
18 Attorneys for
19 MICHAEL JOSEPH JACKSON
20
21
22
23
24
25
26
27

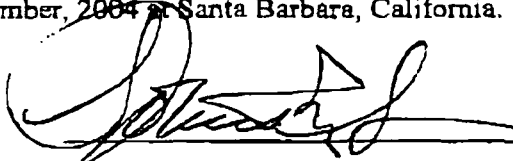
28 **EX PARTE APPLICATION FOR AN ORDER THAT
RESPONSE TO THE COURT'S INQUIRY REGARDING COMPUTER EXPERT BE FILED UNDER SEAL**

DECLARATION OF ROBERT M. SANGER

I, Robert Sanger, declare:

1. I am an attorney at law duly licensed to practice law in the courts of the State of California, a partner in the law firm of Sanger & Swysen, and co-counsel for Michael Jackson.
2. It is necessary that Mr. Jackson's pleading entitled RESPONSE TO THE COURT'S INQUIRY REGARDING COMPUTER EXPERT, and accompanying documents, be filed under seal in order to protect the overriding interests of Mr. Jackson's rights to due process and a fair trial, as well as to prevent the disclosure of witnesses, potential witnesses and potential evidence.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 18th day of November, 2004 at Santa Barbara, California.



Robert M. Sanger