

**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SANTA BARBARA**

Dated & Entered: NOVEMBER 29, 2004	Time: 10:00 A.M.	F	
Honorable RODNEY S. MELVILLE		CC	
Deputy Clerk: L FREY	Dept. SM TWO	CA	
Deputy Sheriff : L. AVILA		AC	
Court Reporter: M. MC NEIL	Case No. 1133603	SR	
Plaintiff: THE PEOPLE OF THE STATE OF CALIFORNIA		ST	
vs.		DOC	X
Defendant(s): MICHAEL JOE JACKSON			
District Attorney: THOMAS W. SNEDDON, JR.			
Defense Counsel: THOMAS A. MESEREAU, JR.			
Probation Officer:	Interpreter:		

**NATURE OF PROCEEDINGS:** PLAINTIFF'S REQUEST THAT COURT MODIFY ITS TEAL ORDER, ETC.; MOTION FOR MENTAL EXAMINATION; MOTION FOR AN ORDER THAT THE DISTRICT ATTORNEY PROVIDE DEFENSE WITH WRITTEN COMMUNICATIONS BETWEEN THE GRAND JURORS AND THE DISTRICT ATTORNEY; MOTION TO RELEASE TRANSCRIPTS OF THE GRAND JURY SELECTION PROCESS; MOTION TO SEAL MOTION TO MODIFY TEAL ORDER AND OXMAN'S DECLARATION IN OPPOSITION; MOTION TO SEAL MOTION FOR MENTAL EXAMINATION (AND OPPOSITION THERETO); MOTION TO SEAL PRIVILEGE LOG FOR COMPUTER RECORDS; MOTION TO SEAL DEFENDANT'S STATUS REPORT RE: DISCOVERY; MOTION TO SEAL DISTRICT ATTORNEY'S MEMORANDUM REGARDING DEFENDANT'S OBLIGATION PURSUANT TO PEOPLE V. SANCHEZ, DEFENSE RESPONSE THERETO AND SANGER'S DECLARATION; MOTION TO SEAL RESPONSE TO PROSECUTION'S SUPPLEMENT TO PEOPLE'S REPLY TO DEFENDANT'S MOTION TO COMPEL DISCOVERY; MOTION TO SEAL PLAINTIFF'S SUMMARY OF ITEMS SEIZED PURSUANT TO SEARCH WARRANT 5135; MOTION TO SEAL RESPONSE TO COURT'S INQUIRY REGARDING COMPUTER EXPERT; MOTION TO SEAL NOTICE OF HEARING

Felony Complaint Filed December 18, 2003 charging the Defendant with Counts 1 thru 7: 288(a) P.C.. a Felony, Counts 8 and 9: 222 P.C., a Felony, Enhancements on Counts 1 through 7: 1192.7(c)(6) P.C. and 1203.066(a)(8) P.C.

Indictment filed April 21, 2004 charging the Defendant with Count 1: 182 P.C., a Felony, Counts 2 through 5: 288(a) P.C., Felonies, Count 6: 664/288(a) P.C., a Felony, Counts 7 through 10: 222 P.C.. Felonies, Special Allegations on Counts 2 through 5: 1192.7(c)(6) P.C. and 1203.066(a)(8) P.C.

**The Court made orders re: Motion to Modify Teal Order, Motion for Mental Exam Denied, Motion for Order that the District Attorney Provide Defense with Written Communications Between the Grand Jurors and the District Attorney Granted, Motion to Release Transcripts of the Grand Jury Selection Process Granted, Motions to Seal Granted**

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At 10:15 A.M. with Court, Counsel and Research Attorney Jed Beebe present, hearing proceeded.

Counsel present for the People are Thomas W. Sneddon, Jr., Ronald Zonen and Gerald M. Franklin.

Counsel present for the Defendant are Thomas A. Mesereau, Jr., Robert M. Sanger, Susan Yu and Brian Oxman.

Investigating Officer, Steve Robel, present.

A 977 Waiver is on file and the Defendant's presence is excused for this hearing.

Attorneys Zonen and Sanger addressed the Court re: Plaintiff's Request that the Court Modify It's Teal Order. The Court briefly took the Modification of the Teal Order Request under submission.

The Court orders that the Motion for Mental Examination shall be denied as to each individual.

Attorneys Sneddon and Sanger addressed the Court re: the Motion for An Order That the District Attorney Provide Defense with Written Communications Between the Grand Jurors and the District Attorney. Attorney Sneddon advised the Court that said communications were lodged with the Court.

The Court further orders that said communication shall be copied for each side and given to each side subject to the same sealing order as the Grand Jury transcript sealing order.

The Court further orders that the Motion to Release Transcripts of the Grand Jury Selection Process shall be granted as to the Grand Jury selection process; that the names shall remain confidential and be redacted.

Attorneys Sneddon and Sanger addressed the Court re: an in camera conference call today.

The Court further orders that said in camera conference call shall be held at 3:00 P.M. today.

The Court advised Counsel that the Declaration of Attorney Oxman was not adequately redacted and that there was not a good faith effort to provide a redacted copy to the Court. The Court put everyone on notice to comply with the redaction order by providing the Court with adequate redacted copies or the Court will consider sanctions in the future.

The Court further orders that 3:00 P.M. shall be the deadline for filing documents the day they are due which includes that all FAXes shall be completed by 3:00 P.M.

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The Court further orders that Counsel for the Defendant shall provide the Court with copies of exhibits 40, 46 and 49 from the 1538.5 P.C. hearing which shall contain only those portions shown publicly.

The Court further orders that a sealing order for Exhibits 1 thru 7 from the November 5, 2004 hearing shall be provided to the Court; that the party who marked said exhibit shall prepare said sealing order; that the exhibits shall remain under conditional seal.

The Court further orders that the Motion to Seal the Motion to Modify Teal Order and Oxman's Declaration filed in Opposition shall be granted. The motion was filed on November 18, 2004 under conditional seal. A redacted version was released on November 19, 2004. Attorney Oxman's Declaration was filed on November 23, 2004 and the Court's redacted version of his declaration was released on November 24, 2004. Findings and Order shall follow.

The Court further orders that the Motion to Seal Motion for Mental Examination and Opposition Thereto shall be granted. The District Attorney's proposed redacted version was released on November 24, 2004. The opposition was filed on November 24, 2004. The proposed redacted version was released the same day. Findings and Order shall follow.

The Court further orders that the Motion to Seal Privilege Log for Computer Records shall be granted. The Defendant filed his Privilege Log for Computer Records of Bradley Miller on November 3, 2004. No redacted version was offered or contemplated. The Court conditionally sealed the Log. Findings and Order shall follow.

The Court further orders that the Motion to Seal Defendant's Status Report re: Discovery shall be granted. The Defendant's Status Report was filed November 1, 2004 under conditional seal; that the redacted version was released the same day. Findings and Order shall follow.

The Court further orders that the Motion to Seal the District Attorney's Memorandum Regarding Defendant's Obligation Pursuant to People vs. Sanchez, Defense Response Thereto and Sanger Declaration shall be granted. The District Attorney's memorandum was filed on November 11, 2004. A redacted version was released that same day. The Defendant's Response was filed on November 1, 2004 and a redacted version was released that same day. Findings and Order shall follow.

The Court further orders that the Motion to Seal Response to Prosecution's Supplement to People's Reply to Defendant's Motion to Compel Discovery shall be granted. The Defendant's Response was filed under conditional seal on November 2, 2004. The redacted version was prepared by the Court and released on November 3, 2004. Findings and Order shall follow.

The Court further orders that the Motion to Seal Plaintiff's Summary of Items Seized Pursuant to Search Warrant 5135 shall be granted. Summary of Items filed on November 5, 2004 under conditional seal. A redacted version was released on November 10, 2004. Findings and Order shall follow.

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The Court further orders that the Motion to Seal Response to Court's Inquiry Regarding Computer Expert shall be granted. The Response was filed on November 19, 2004. The proposed redacted version was released the same day. Findings and Order shall follow.

The Court further orders that the Motion to Seal Notice of Hearing shall be granted. The Notice of Hearing was filed on November 23, 2004. The proposed redaction was released on November 24, 2004. Findings and Order shall follow.

The Court advised Counsel that the Special Master, Stan Roden, shall be available as the Special Master and shall commence his procedure on December 1, 2004.

The Court further orders that a document regarding the Plaintiff's proposed protocol for the computer hard drives shall be reviewed by Counsel.

At 11:30 A.M. the Court ordered a recess for Counsel to review the said proposed protocol.

At 11:30 A.M. with Court, Counsel and Research Attorney Jed Beebe present, hearing continued.

Counsel presented the Plaintiff's proposed protocol for Expert's Examination of EnCase computer hard drives to the Court.

The Court orders that said protocol shall be for the EnCase specialist, not the Special Master. Counsel for the Defendant shall submit a redacted copy to the Court this afternoon.

The Court was advised that Mrs. Doe's former husband was given notice of the 1:30 P.M. in camera hearing today. The Court will monitor the phones today at 1:30 P.M. and advised the party to call again at 3:00 P.M.

The Court further orders that the present order that prohibits disclosure to the prosecution of the Defendant's subpoenas shall remain in effect per the Teal order; that the Court shall modify the order in that when the Defense serves a subpoena, they shall give notice by personal service to the person whose records are being subpoenaed; that the person noticed shall have five court days to file an objection with the Court; that the Defense shall compute the days and notify the served person of the exact date of the deadline to object; that upon receiving an objection, the Court shall set a hearing and the records shall remain unreleased until further order of the Court; that if the Defense believes that they don't have to give notice to a specific individual, they may apply ex-parte to the Court; that said notice shall be given on all subpoenaed records retroactive as to all records the Defense has not received.

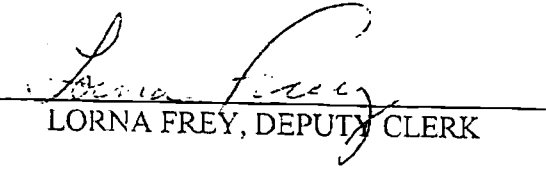
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At 12 Noon the Court ordered a recess until 2:30 P.M. for an In Camera hearing involving only the Defense; that the prosecution is excused from said in camera hearing, but shall remain available by phone.

At 12 Noon the Court was in recess.

CLERK OF THE SUPERIOR COURT

BY

  
LORNA FREY, DEPUTY CLERK

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 DECEMBER 3, 20 04, I served a copy of the attached MINUTE ORDER, DATE 11/29/04 addressed as follows:

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

THOMAS W. SNEDDON, JR.  
DISTRICT ATTORNEY'S OFFICE  
1112 SANTA BARBARA STREET  
SANTA BARBARA, CA 93101

FAX

By faxing true copies thereof to the receiving fax numbers of: (310) 861-1007 (Thomas Mesereau, Jr.); (805) 568-2398 (Thomas Sneddon). 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.

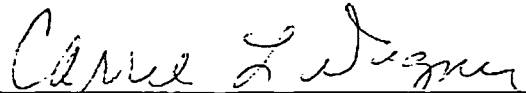
PERSONAL SERVICE

By leaving a true copy thereof at their office with the person having charge thereof or by hand delivery to the above mentioned parties.

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 3<sup>RD</sup> day of DECEMBER, 20 04, at Santa Maria, California.



CARRIE L. WAGNER