

LATE

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FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA BARBARA

DEC 13 2004

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10 Attorneys for Defendant  
11 MICHAEL JOE JACKSON

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

14 THE PEOPLE OF THE STATE OF  
15 CALIFORNIA,

) CASE NO. 1133603

16 Plaintiff,

) ~~PROPOSED~~ REDACTED

17 vs.

) NOTICE OF MOTION AND MOTION TO  
COMPEL DISCOVERY; DELCARATION OF  
SUSAN C. YU AND EXHIBITS IN  
SUPPORT THEREOF

18 MICHAEL JOE JACKSON

19 Defendant.

) HEARING

) DATE: DECEMBER 21, 2004

) TIME: 8:30 A.M.

) Place: Dept. SM-2

22  
23 ~~FILED UNDER SEAL & BY FAX~~

1 TO THE HONORABLE RODNEY S. MELVILLE AND TO THE DISTRICT  
2 ATTORNEY OF THE COUNTY OF SANTA BARBARA, TOM SNEDDON, AND DEPUTY  
3 DISTRICT ATTORNEYS GERALD FRANKLIN, RON ZONEN AND GORDON  
4 AUCHINCLOSS:

5 Please take notice that on December 21, 2004, at 8:30 a.m., or as soon thereafter as  
6 the matter may be heard, before the Honorable Rodney S. Melville, defendant Michael  
7 Joseph Jackson ("Mr. Jackson") will move and hereby does move the Court for an Order  
8 compelling the Prosecution to provide all discovery subject to Penal Code Section 1054.1  
9 to the Defense.

10 This Motion is based on the accompanying memorandum of points and authorities,  
11 the declaration of Susan C. Yu and attached exhibits, the Court's files and records in this  
12 action, such other matters as may be considered by way of judicial notice and such further  
13 oral or documentary evidence as the Court may permit at the time of the hearing.

14 DATED: December 10, 2004

Respectfully submitted,

15  
16 Thomas A. Mesereau, Jr.  
Susan C. Yu  
COLLINS, MESEREAU, REDDOCK & YU

17  
18 Robert M. Sanger  
SANGER & SWYSEN

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20 Brian Oxman  
OXMAN & JAROSCAK

21  
22 By: 

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

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I.

3 FACTS

4 On November 5, 2004, the Court ordered the Defense to comply with Penal Code  
5 Section 1054.3 and set December 21, 2004 for a hearing on discovery compliance, if  
6 necessary. (A true and correct copy of the Court's Minute Order dated November 5, 2004  
7 is attached to the Yu Declaration as Exhibit A.)

8 On November 8, 2004, the Court imposed the same order on the Prosecution, i.e., to  
9 comply with Penal Code Section 1054.1. (A true and correct copy of the Court's Minute  
10 Order dated November 8, 2004 is attached to the Yu Declaration as Exhibit B.) At the  
11 November 8, 2004 hearing, counsel Yu specifically requested that the Prosecution provide  
12 the Defense with the names and addresses of the witnesses they intended to call at trial.  
13 Mr. Sneddon asked the Court whether the Prosecution must provide a witness list. The  
14 Court answered in the affirmative, that the Prosecution must comply with Penal Code  
15 Section 1054.1. (A true and correct copy of the relevant pages of the November 8, 2004  
16 hearing, i.e., [REDACTED], is attached to the Yu Declaration as Exhibit C.)

17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 attached to the Yu Declaration as Exhibit D. [REDACTED]  
25 [REDACTED]  
26 [REDACTED]  
27 [REDACTED]  
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[REDACTED]  
[REDACTED]  
[REDACTED] attached to the Yu Declaration  
as Exhibit E.) The Prosecution produced more discovery on December 8, 2004  
[REDACTED] and on December 9, 2004 [REDACTED]  
[REDACTED]

The Defense has checked the first 20,069 pages of the Prosecution discovery for missing pages. (A list of missing pages is attached to the Yu Declaration as Exhibit F.)<sup>1</sup>

The Defense has not yet been able to complete its inspection of the Prosecution's audio cassettes, CDs and DVDs. The Defense will request the Prosecution to cure any of the defects contained in these items as soon as the inspection is completed.

II.  
**THE PROSECUTION MUST BE COMPELLED**  
**TO COMPLY WITH PENAL CODE SECTION 1054.1**

The Court should compel the Prosecution to cure its failure to comply with Penal Code Section 1054.1 and this Court's November 8, 2004 Order, as follows:

**A. The Prosecution's Witness List**

Penal Code Section 1054.1 requires the Prosecution to provide the Defense with the names and addresses of its witnesses. The Court reminded the Prosecution of this requirement at the November 8, 2004 hearing. (See Exhibit C to the Yu Declaration.) The Prosecution's witness list, however, is defective and thus must be cured as follows:

1. The Prosecution must provide addresses of all of its individual and entity witnesses.

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<sup>1</sup> [REDACTED]

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2. The Prosecution must disclose the identities of following individuals who the Defense cannot ascertain:

[REDACTED]

3. To avoid confusion, the Prosecution must provide the correct spelling and/or names of the following witnesses:

[REDACTED]

4. [REDACTED]

**B. Missing Pages from the Prosecution's First 20,069 pages of Discovery**

The Prosecution must provide the Defense with the missing pages from the Prosecution's first 20,069 pages of discovery, as inventoried in Exhibit F.

**C. Expert Reports**

The Prosecution must provide the Defense with reports of all of its experts. None has been provided to date.

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D. [REDACTED]

[REDACTED]

E. This Court's November 8, 2004 Discovery Order

The Court ordered to Prosecution to provide the Defense with the discovery set forth in its Minute Order. (See Exhibit B.) None of the items listed in the Minute Order has been produced. The Prosecution must be compelled to do so.

F. Other Discovery

[REDACTED]

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V.

CONCLUSION

For all of the foregoing reasons, this Motion should be granted.


DATED: December 10, 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

DECLARATION OF SUSAN C. YU

I, Susan C. Yu, declare as follows:

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 Collins, Mesereau, Reddock & Yu, and co-counsel for Mr. Michael Jackson in this criminal proceeding. I have personal knowledge of the facts set forth herein and, if called and sworn as a witness, I could and would competently testify thereto under oath.

2. On November 5, 2004, the Court ordered the Defense to comply with Penal Code Section 1054.3 and set December 21, 2004 for a hearing on discovery compliance, if necessary. (A true and correct copy of the Court's Minute Order dated November 5, 2004 is attached hereto as Exhibit A.)

3. On November 8, 2004, the Court imposed the same order on the Prosecution, i.e., to comply with Penal Code Section 1054.1. (A true and correct copy of the Court's Minute Order dated November 8, 2004 is attached hereto as Exhibit B.)

4. At the November 8, 2004 hearing, counsel Yu specifically requested that the Prosecution provide the Defense with the names and addresses of the witnesses they intended to call at trial. Mr. Sneddon asked the Court whether the Prosecution must provide a witness list. The Court answered in the affirmative, that the Prosecution must comply with Penal Code Section 1054.1. (A true and correct copy of the relevant pages of the November 8, 2004 hearing, i.e., [REDACTED], is attached hereto as Exhibit C.)

5. [REDACTED]




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attached hereto as Exhibit D. [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED] attached hereto as Exhibit E.

7. The Prosecution produced more discovery on December 8, 2004  
[REDACTED] and on December 9, 2004 [REDACTED]  
[REDACTED]

8. The Defense has checked the first 20,069 pages of the Prosecution discovery  
for missing pages. (A list of missing pages is attached hereto as Exhibit F.)

I declare under penalty of perjury under the laws of the State of California that the  
foregoing is true and correct and that this declaration was executed on this 10<sup>th</sup> day of  
December 2004, at Los Angeles, California.

  
\_\_\_\_\_  
SUSAN C. YU

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, 7<sup>th</sup>  
Floor, Los Angeles, CA 90067. On December 13, 2004, I served the following document:

5 **[PROPOSED] REDACTED NOTICE OF MOTION AND MOTION TO COMPEL  
6 DISCOVERY; DELCARATION OF SUSAN C. YU AND EXHIBITS IN SUPPORT THEREOF**

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 December 13, 2004, at Los Angeles, California.

22   
23 \_\_\_\_\_  
Susan C. Yu

**EXHIBIT A**

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

|                              |                                       |          |           |  |    |     |   |
|------------------------------|---------------------------------------|----------|-----------|--|----|-----|---|
| Dated & Entered:             | NOVEMBER 5, 2004                      | Time:    | 8:30 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:** MOTION TO SUPPRESS AND RETURN MATERIALS SEIZED PURSUANT TO SW NO. 5135; COURT ORDERED CONFERENCE RE: STATUS OF DISCOVERY; DA'S MOTION FOR DISCOVERY; MOTION TO SEAL DOCUMENT ENTITLED "STIPULATION OF PARTIES REGARDING ITEMS SEIZED AT NEVERLAND RANCH"; DISTRICT ATTORNEY MEMO RE: FURTHER SANCHEZ VIOLATION

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)

**The Court made orders re: Media Motions to Unseal; Motion to Seal Document Entitled "Stipulation of Parties Regarding Items Seized at Neverland Ranch" granted; Special Master Appointed to Review the Computer's Memory for Privileged Information; List of Items Seized Pursuant to Search Warrant No. 5135 shall be Conditionally Sealed with a Motion to Seal to Follow; Motion to Suppress and Return Materials Seized Pursuant to Search Warrant No. 5135 Taken Under Submission; Dates for Setting Motions; Continuance of Court Ordered Conference re: Status of Discovery Continued.**

At 8:00 A.M. out of the presence of the Court, Counsel were present to pull out the privileged documents and to go over the items needed for the Search Warrant No. 5135 Motion.

At 11:15 A.M. with Court, Counsel and Research Attorneys Jed Beebe and Tracy Splitgerber present, hearing proceeded.

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

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

Counsel present for the Media is Theodore J. Boutrous, Jr.

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

Attorney Boutrous addressed the Court regarding shortening time on motions to seal oppositions and replies. Upon Attorney Boutrous' request, the Court will give Attorney Boutrous additional time on specific issues to file his motions. Attorney Boutrous will submit his motions without appearance, and he will notice the Court if he plans to appear on any specific motions. The Court orders therefore, that motions to seal, oppositions and replies may be calendared for hearing on the same day as the motion to seal the underlying motion.

The Court orders that the Motion to Seal Document Entitled "Stipulation of Parties Regarding Items Seized at Neverland Ranch" shall be granted. The Court's findings and order shall follow.

Attorneys Sanger and Sneddon addressed the Court re: the Motion to Suppress and Return Materials Seized Pursuant to Search Warrant No. 5135. Counsel requested that a Special Master be appointed to resolve claims of Attorney Client privilege with respect to the seized computers. Upon stipulation of Counsel, the Court orders that Stan Roden shall be appointed as the Special Master for the purpose of reviewing and resolving those claims. The Court shall contact Mr. Roden re: his appointment.

Attorney Sanger addressed the Court re: the Defendant's position as to the list of items seized pursuant to Search Warrant No. 5135.

The following People's Exhibit Marked for Identification:

- 2 List of Items Seized Pursuant to Search Warrant No. 5135.

The Court orders that the list of items seized pursuant to Search Warrant No. 5135 shall be placed under conditional seal pending the District Attorney filing a Motion to Seal.

At 12:05 P.M. Court in recess until 1:30 P.M.

At 1:30 P.M. with Court and Counsel present, trial continued.

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Attorneys Sanger and Zonen further addressed the Court re the Motion to Suppress and Return Materials Seized Pursuant to Search Warrant No. 5135.

Lt. Jeff Klapakis sworn and examined as a witness on behalf of the Defendant.

Attorneys Sanger and Zonen examined the witness.

Det. Paul Zelis sworn and examined as a witness on behalf of the Defendant.

Attorneys Sanger and Zonen examined the witness.

The following Defendant's Exhibit Marked for Identification:

- 3 Property Form for Execution of search Warrant No. 5135.

Det. Craig Bonner sworn and examined as a witness on behalf of the Defendant.

Attorneys Sanger and Zonen examined the witness.

The following Defendant's Exhibit Marked for Identification:

- 4 Sheriff's Evidence Item #1818 Pursuant to Search Warrant No. 5135.
- 5 Numerous Papers Withdrawn from Sheriff's Evidence Item #1810, Marked as Item #1810A Pursuant to Search Warrant No. 5135
- 6 Numerous Papers Withdrawn from Sheriff's Evidence Item #1811, Marked as Item #1811A Pursuant to Search Warrant No. 5135
- 7 Numerous Papers Withdrawn from Sheriff's Evidence Item #1822, Marked as Item #1822A Pursuant to Search Warrant No. 5135.

Upon stipulation of Attorneys Sanger and Zonen the Court finds: this morning the District Attorney and Sheriff's Deputies met with Counsel for the Defendant and brought items seized pursuant to Search Warrant No. 5135; that Attorney Sanger went through the seized documents at the direction of The Sheriff's Deputies, opened the items that seemed to be attorney-client privilege and they are now marked as Exhibit No. 5 which was withdrawn from Item 1810, Exhibit No. 6 which was withdrawn from Item 1811 and Exhibit No. 7 which was withdrawn from Item 1822.

The following Defendant's Exhibits Received into Evidence:

- 3 thru 7.

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The following People's Exhibits Received into Evidence:

1 and 2.

Defendant rests.

Counsel Zonen and Sanger made their arguments to the Court re: the Motion to Suppress and Return Materials Seized Pursuant to Search Warrant No. 5135.

Counsel stipulate that if Detective Bonner were recalled to the stand that he would say that he looked at Exhibit No. 4 and showed it to Sgt. Robel; that they asked Mrs. T and she gave them a first name; that the investigating officer did not know the name and the name was not identified as an investigator.

Counsel further stipulate that E is Eric Mason who is an investigator working for an attorney for Michael Jackson.

Counsel further stipulate that items seized from Search Warrant No. 5135 shall be left with the Court and placed in the Court's evidence locker and that doing so shall not affect the chain of custody; that when the Court is finished with the items, they shall be returned to the Sheriff.

The Court shall take the Motion to Suppress and Return Materials Seized Pursuant to Search Warrant No. 5135 under submission.

The Court further orders that a redacted version of the list of items shall be submitted to the Court by Monday, November 8, 2004

That as to the District Attorney's Motion for Discovery the Court finds that the deadline for the disclosure must be at least 30 days prior to the trial, but that the Court can set an earlier deadline.

Regarding the District Attorney's memo re: further Sanchez issues, the Court finds that the District Attorney's view is overly broad, and that Defense Counsel understand their obligations in this respect.

The Court orders that the Defendant's Counsel shall comply with Penal Code Section 1054 for disclosure by December 6, 2004; that if after the deadline has passed the District Attorney feels that a motion is necessary due to the disclosure or lack thereof, the hearing shall be held on Tuesday, December 21, 2004.

The Court further orders that the District Attorney or Attorney Mescreau may file any further motions to be heard on November 22, November 29, December 13, or December 20, 2004; that the hearing for said motions

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may take additional days; that there shall be no motions heard from December 24, 2004 through January 7, 2005.

Attorney Sneddon addressed the Court re: the Court Ordered Conference re: Status of Discovery, and the Court orders that further hearing re: the discovery issue shall be heard on November 8, 2004 at 2:00 P.M.

At 4:30 P.M. Court adjourned.

CLERK OF THE SUPERIOR COURT

BY *Lorna Frey*  
LORNA FREY, DEPUTY CLERK

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Criminal Minute Order

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p. 17

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**EXHIBIT B**

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

|  |                  |     |   |
|--|------------------|-----|---|
| Dated & Entered: NOVEMBER 8, 2004                | Time: 2:00 P.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: CONFERENCE RE: STATUS OF DISCOVERY**

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)

**The Court made orders re: Discovery Issues and Status Report**

At 2:00 P.M. with Court, Counsel and Research Attorney Jed Beebe present, hearing proceeded.

Counsel present for the People is Thomas W. Sneddon, Jr.

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

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

Attorneys Yu and Sneddon addressed the Court re: discovery issues.

The Court orders that the items in number nine, all inter and intra departmental communications referencing Mr. Jackson's arrest and investigation and or inquiry, are not discoverable under 1054.1 unless they contain information that is discoverable for some other reason, such as exculpatory evidence, Brady material; that the position of the defense that they may lead to Brady material, et cetera, is not the test set out in the code; that the

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District Attorney shall examine the memos to see if they contain material discoverable in some other fashion.

The Court further orders that items in number ten, the notes or notebooks of the investigating officers, are discoverable if they are still in existence; that chronological records and logs as a group are not all discoverable or not discoverable; that the chronological list that was used at the grand jury hearings that was clearly connected to the witnesses is discoverable and has been provided; that there could be other chronological records created by the trial attorneys or their agents in preparation for trial that are not within 1054, because they're not reports or statements that are going to be used by witnesses, et cetera, those would not be discoverable under 1054.1; that the audio and/or videotapes and police reports generated by the Santa Barbara Sheriff's Department or the District Attorney's Office would be discoverable; that any other social law enforcement or criminal justice entity involved in the pre arrest or post arrest investigation of Michael Jackson, to the extent that those items are in the district attorney's possession are discoverable, but if they are not in the district attorney's possession, he is not required to go out and seek those records unless they come within other provisions of 1054.1, such as written or recorded statements of witnesses or reports that they intend to call; that if the District Attorney has the records of the Child Protective Services, they would be discoverable; that if the records are not in their possession, the appropriate statutory procedures for obtaining those records shall be followed.

The Court further orders re: items in number twelve, regarding e-mail communications, that if it is an interoffice e-mail that doesn't come within the 1054 limitation, then even though it mentions the particular case we're involved with, it is not discoverable, if an e-mail comes within the provisions of 1054.1, it is discoverable and shall be provided.

The Court further orders that items in number thirteen, re: providing all notes, records, reports, phone conversations, statements whether telephonic, in person, verbal, written, signed or unsigned, recordings, audio, video transcripts involving the District Attorney Tom Sneddon's contacts but not limited to the list of potential witnesses in the case are discoverable if they are going to be used as witnesses in the case, and they are in the District Attorney's possession; that it is the subject matter of the items, not the form that they are in that determines if an item is discoverable under 1054.

The Court further orders that items in number 35, re: all notes made by prospective witnesses relating to matters to be covered in their testimony at trial, are discoverable to the extent the District Attorney has them and they come within the meaning of the statute; that the District Attorney shall tell his witnesses that they need to give their notes to him and that they will be produced for the defense.

The Court further orders that items in number 52-W, re: appearances by investigators, personnel and their agents, shall not be an order of the Court.

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The Court further orders that items in number 52-X, re: newspaper articles shall not be ordered by the Court.

The Court further orders that items in number 52-Z, re: intradepartmental correspondence from all involved shall not be ordered as a distinct item; that if the intradepartmental correspondence is within 1054, such as relevant written or recorded statements of witnesses, et cetera, then it has to be disclosed; that the fact that it is an intra office or departmental correspondence, doesn't exclude it, but the Court does not order any other intra departmental correspondence, even though it may mention or be mentioned, or reference the Jackson case.

The Court further orders that items in number GG, re: correspondence to other agencies, shall be discoverable if it falls within the wording of 1054; that the Court shall not expand the order to order the District Attorney to provide all of their correspondence to other agencies involved in the case.

The Court further orders that items in number 52V, re: press releases, shall be provided.

The Court further orders that items in number 52U, re: prior crime reports involving suspects or witnesses, the District Attorney shall provide documentation re: all felonies that come within the code section, misdemeanors and lesser crimes that are of moral turpitude as to all witnesses that are called, and that's without regard to time when the offense occurred, if it falls into that category.

The Court further orders that items in number 52CC, re: providing names of prosecutors that reviewed reports, shall be denied.

The Court further orders that items in number 52DD, re: the prosecutors charge evaluation sheets, shall be denied.

The Court advised Counsel that the Special Master, Stan Roden, has Tuesday and Wednesday available this week to review the hard drives; that a person from the Court's technology department can take the hard drives and put them in a computer so that the hard drives can be read. Then Mr. Roden can review the claimed privileged documents and make a recommendation to the Court. Under the Court's protective order, the documents shall be placed into three categories - privileged, possible privilege and not privileged. Once Mr. Roden designates the claimed privileged documents, said documents shall be separated from the rest of the documents. The privileged documents would then be given to the defense so that they could make their claim, and then the Court would review them. The District Attorney would get the rest of the documents to conduct their search. Mr. Roden would also designate any other documents that appear to be attorney-client privilege in other cases and said documents shall not be shown to either side. Attorneys Sneddon and Sanger shall be designated to work with Peter Sherlock, the designated person from the Court's staff to work out the final details. The same procedure shall be followed as to the Mrs. T. hard drives and the Miller hard drives.

Attorney Sneddon addressed the Court re: the status report.

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The following People's Exhibits Marked for Identification and Received into Evidence:

- 1 11-02-04 Letter from Sneddon to Yu with Three Page Attachment re: Discovery
- 2 11-03-04 Letter from Sneddon to Yu re: Further Response Regarding Discovery
- 3 Detective Bonner's Report
- 4 Fingerprint Memo.

The Court further orders that the District Attorney shall provide Counsel for the Defendant with copies of search warrant returns; that all forensic reports that have been completed shall be turned over to the defense and any new reports within 24 hours of the time they are received.

The Court further orders that the District Attorney shall complete their discovery to the defense by December 6, 2004 under 1054.1; that the 30 days before trial shall be advanced to December 6, 2004; that both sides shall provide their list of witnesses to the other side by December 6, 2004; that the District Attorney shall prepare the proposed written discovery order and submit it to the other side for approval as to form and to the Court for signature and filing; that if there is any dispute over the order, the Court shall resolve the dispute.

At 4:05 P.M. Court adjourned.

The Defendant shall remain on bail previously posted.

CLERK OF THE SUPERIOR COURT

BY *Lorna Frey*  
LORNA FREY, DEPUTY CLERK

**EXHIBITS C THROUGH F OMITTED**