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17 Attorneys for Defendant  
18 **MICHAEL JOSEPH JACKSON**

19 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
20 **FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION**

21 **THE PEOPLE OF THE STATE OF**  
22 **CALIFORNIA,**

23 Plaintiffs,

24 vs.

25 **MICHAEL JOE JACKSON,**

26 Defendant.

Case No. 1133603

**SUPPLEMENTAL BRIEF IN SUPPORT OF  
MOTION TO CONTINUE TRIAL;  
DECLARATION OF ROBERT M. SANGER**

Honorable Rodney Melville

Date: December 20, 2004

Time: 8:30 am.

Dept: SM 8

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**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA BARBARA

DEC 17 2004

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

*\* Unsealed pursuant  
to 6/16/05 court order*

**FILED UNDER SEAL**





1 Sanger.)

2 II.

3 **A CONTINUANCE OF 3 MONTHS IS NECESSARY SO THAT DEFENSE COUNSEL**  
4 **CAN PREPARE TO DEFEND AGAINST HE SUPPOSED SECTION 1108 EVIDENCE**

5 Defense counsel has an obligation to defend against each allegation as if it was a separate  
6 case. Mr. Jackson is entitled to put on a defense case for each allegation. (*People v. Callahan*  
7 (1999) Cal.App. 4<sup>th</sup> 356.) Given the late production of the 1993-1994 materials, the fact that  
8 many of the reports from that time period are in draft form, the late identification of Section 1108  
9 witnesses, and the fact that Section 1108 witness reports have been provided as recently as  
10 December 13, 2004, a 3 month continuance is necessary so that Mr. Jackson can defend against  
11 the alleged evidence. (Declaration of Robert M. Sanger.)

12 III.

13 **THE LATE AND INCOMPLETE PRODUCTION OF SECTION 1108 MATERIALS**  
14 **MUST BE TAKEN IN THE CONTEXT OF THE ISSUES RAISED IN THE MOTION TO**  
15 **CONTINUE TRIAL**

16 The Court should consider the belated Section 1108 disclosures in light of: (1) the  
17 tremendous amount of discovery that the prosecution has provided to defense counsel in the last  
18 two months; (2) the fact that much of that discovery could have provided months, if not years  
19 earlier; (3) the prosecution's newly announced battered women's syndrome defense of Jane Doe;  
20 (4) the District Attorney's refusal to heed the Court's warnings and stop requesting new search  
21 warrants; (5) the fact that defense counsel must not go through more than 25 boxes of materials  
22 related to the *Abdool v. Jackson* civil case; and (6) the fact that there is significant prosecution  
23 discovery still outstanding, and in particular, materials related to the Section 1108 evidence and  
24 the prosecution's expert witnesses.

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IV.

CONCLUSION

Therefore, respectfully submits that the trial should be continued for 3 months.

Dated: December 17, 2004

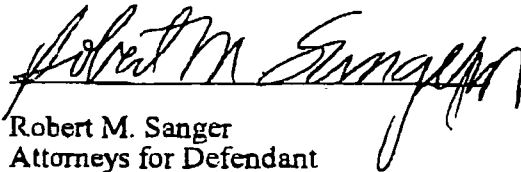
Respectfully submitted,

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

SANGER & SWYSEN  
Robert M. Sanger

OXMAN & JAROSCAK  
Brian Oxman

By:



Robert M. Sanger  
Attorneys for Defendant  
MICHAEL JOSEPH JACKSON

**PROOF OF SERVICE**

I, the undersigned declare:

I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 233 East Carrillo Street, Suite C, Santa Barbara, California, 93101.

On December 17, 2004, I served the foregoing documents on the interested parties in this action by depositing a true copy thereof as follows: **SUPPLEMENTAL BRIEF IN SUPPORT PF MOTION TO CONTINUE TRIAL**

Tom Sneddon

Gerald Franklin

Ron Zonen

Gordon Auchincloss

District Attorney

1112 Santa Barbara Street

Santa Barbara, CA 93101

805-568-2398

       **BY U.S. MAIL** - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid and deposited during the ordinary course of business. Service made pursuant to this paragraph, upon motion of a party, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit.

  **X**   **BY FACSIMILE** - I caused the above-referenced document(s) to be transmitted via facsimile to the interested parties

  **X**   **STATE** - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed December 17, 2004, at Santa Barbara, California.

  
Bobette J. Tryon