

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

Dated & Entered: DECEMBER 22, 2004	Time: 1:45 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: IN CAMERA 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: Plaintiff's Objection to the Subpoena of Psychiatric Records and Request that Court Limit the Scope of the Records Sought Off Calendar; Subpoenaed Records

At 1:45 P.M. with Court, Research Attorneys Jed Beebe and Tracy Splitgerber present in Chambers, hearing proceeded.

Counsel present for the District Attorney is Ronald Zonen.

Counsel present for the Defendant in Chambers is Robert M. Sanger and present by phone is Brian Oxman.

Discussion was held re: the Plaintiff's Objection to the Subpoena of Psychiatric Records and Request that Court Limit the Scope of the Records Sought. Attorney Zonen requested that this matter be taken off calendar.

Attorney Zonen excused from the remainder of the in camera hearing.

Additional Counsel are present by phone.

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

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Discussion was held re: claims of privilege and business log.

The Court finds that the right for the District Attorney to view the materials at issue is a sufficient waiver, creating a right of the Defendant to view the materials; that there is a waiver and they are not protected; that the privacy interest as to the employment records is outweighed by the Defendant's fair trial interest and that the privileges have been waived.

The Court orders that the Defense and the District Attorney shall be allowed to view the records; that Counsel shall contact the District Attorney to enter a written stipulation that will allow them to view the records individually in their office; that if the Defense and the District Attorney can't reach a stipulation, the records shall be produced by January 10, 2005 to the Court; that a stipulation signed by both the District Attorney and the Defense may be honored even though it may not have the Judge's signature.

Attorney Oxman provided a list of 27 subpoenaed records to the Court. Attorney Oxman advised the Court that notice was given to the individuals involved and no objections were received.

The Court finds that the individuals have received notice.

The Court authorizes the opening and copying of the records on the submitted list that has been received with the exceptions as identified by the Court on the Reporter's record; that the Court shall review in camera the excepted records before authorizing disclosure.

The Court further orders that if there is a claim of privilege or a legal claim that was submitted with the records, the records shall be given to the Court, and Defense Counsel shall not look at the records until authorized by the Court.

Counsel now present for the People are Ronald Zonen and Gordon Auchincloss.

Counsel for the People made a claim of privacy as to certain records. The Court shall review said records in Camera.

The Court further orders that the Reporter's transcript of the in camera hearing shall be sealed pursuant to the protective order and findings previously made by the Court and shall not be transcribed without further order of the Court.

At 2:25 P.M. Court adjourned.

CLERK OF THE SUPERIOR COURT

BY 
LORNA FREY, DEPUTY CLERK

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 30, 2004, I served a copy of the attached MINUTE ORDER, DATED 12/22/04 addressed as follows:

THOMAS A. MESEREAU, JR.
COLLINS, MESEREAU, REDDOCK & YU, LLP
1875 CENTURY PARK EAST, 7TH 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(l), 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 30TH day of DECEMBER, 20 04, at Santa Maria, California.

CARRIE L. WAGNER

CARRIE L. WAGNER