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12

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

15
16 THE PEOPLE OF THE STATE OF CALIFORNIA,

17 Plaintiffs,

18 vs.

19 MICHAEL JOSEPH JACKSON,

20 Defendant.
21

) Case No. 1133603

) EX PARTE APPLICATION THAT
) MOTION FOR AN ORDER ALLOWING
) INDIVIDUAL SEQUESTERED VOIR DIRE
) OF PROSPECTIVE JURORS ~~WITNESSES~~
) ~~AND NOT THE "VICTIMS"~~ BE FILED
) UNDER SEAL

) Honorable Rodney S. Melville

) Date: January 28, 2005

) Time: 9:30 am

) Dept: SM 8
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24 TO THE CLERK OF THE ABOVE ENTITLED COURT:

25 Defendant requests that the Court determine whether it is appropriate to issue an order that
26 the accompanying MOTION FOR AN ORDER ALLOWING INDIVIDUAL SEQUESTERED
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28 EX PARTE APPLICATION THAT MOTION FOR AN ORDER ALLOWING INDIVIDUAL SEQUESTERED
VOIR DIRE OF PROSPECTIVE JURORS" BE FILED UNDER SEAL
1

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

JAN 14 2005

GARY M. BLAIR, Executive Officer
BY CAROL D. WAGNER
CAROL D. WAGNER, Deputy Clerk

1 VOIR DIRE OF PROSPECTIVE JURORS and accompanying documents be filed under seal. This
2 request is based on the Orders of Judge Melville in this case.

3 Dated: January 14, 2005

4 Respectfully submitted,

5 COLLINS, MESEREAU, REDDOCK & YU
6 Thomas A. Mesereau, Jr.
Susan C. Yu

7 SANGER & SWYSEN
8 Robert M. Sanger

9 OXMAN & JAROSCAK
Brian Oxman

10
11 By: Robert M. Sanger
12 Robert M. Sanger
13 Attorneys for Defendant
MICHAEL JOSEPH JACKSON

1 MEMORANDUM OF POINTS AND AUTHORITIES

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

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

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

12 Pursuant to the Court's prior instructions, including instructions reiterated on May 23,
13 2004, we are submitting MOTION FOR AN ORDER ALLOWING INDIVIDUAL
14 SEQUESTERED VOIR DIRE OF PROSPECTIVE JURORS out of an abundance of caution so
15 that the Court may determine whether or not it may be filed under seal. It does not appear that
16 this particular document makes references to statements of witnesses, documents, exhibits,
17 photographs or other evidence that may be subject to the pretrial rule regarding the filing of
18 documents under seal. (Exhibit 1, Declaration of Robert M. Sanger.)

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1 CONCLUSION

2 For the reasons stated above, Mr. Jackson submits the matter for the Court's
3 determination as to whether it should be ordered that the accompanying MOTION FOR AN
4 ORDER ALLOWING INDIVIDUAL SEQUESTERED VOIR DIRE OF PROSPECTIVE
5 JURORS and accompanying documents be filed under seal.

6 Dated: January 14, 2005

7 COLLINS, MESEREAU, REDDOCK & YU
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