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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

JAN 18 2005

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11 Attorneys for Defendant
MICHAEL JOSEPH JACKSON

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
17 CALIFORNIA,

18 Plaintiffs,

19 vs.

20 MICHAEL JOSEPH JACKSON,

21 Defendant.

) Case No. 1133603
)
) EX PARTE APPLICATION FOR AN
) ORDER THAT EX PARTE APPLICATION
) FOR AN ORDER THAT MR. JACKSON BE
) ALLOWED TO MAKE A PUBLIC
) STATEMENT REGARDING
) INFORMATION LEAKED TO THE MEDIA
) BE FILED UNDER SEAL.
)
) Honorable Rodney S. Melville
)
) Date: TBA
) Time: TBA
) Dept: SM 8
)

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25 TO THE CLERK OF THE ABOVE ENTITLED COURT:

26 Defendant requests that the Court issue an order that Mr. Jackson's pleading entitled EX

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28 EX PARTE APPLICATION FOR AN ORDER THAT EX PARTE APPLICATION FOR AN ORDER THAT MR.
JACKSON BE ALLOWED TO MAKE A PUBLIC STATEMENT REGARDING INFORMATION LEAKED TO
THE MEDIA BE FILED UNDER SEAL

1 PARTE APPLICATION FOR AN ORDER THAT MR. JACKSON BE ALLOWED TO MAKE A
2 PUBLIC STATEMENT REGARDING INFORMATION LEAKED TO THE MEDIA and
3 accompanying documents be filed under seal and for such other such further relief as the Court may
4 deem just and proper. This request is based on the overriding interests of Mr. Jackson's rights to
5 due process and a fair trial under the Fifth, Sixth and Fourteenth Amendments to the United States
6 Constitution and Article I, Sections 1, 7, and 15 of the California Constitution.

7 Dated: January 18, 2005

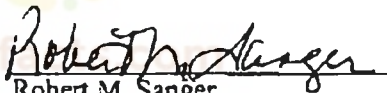
8 Respectfully submitted,

9 COLLINS, MESEREAU, REDDOCK & YU
10 Thomas A. Mesereau, Jr.
Susan C. Yu

11 SANGER & SWYSEN
12 Robert M. Sanger

13 OXMAN & JAROSCAK
14 Brian Oxman

15 By:


16 Robert M. Sanger
17 Attorneys for Defendant
18 MICHAEL JOSEPH JACKSON
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THE MEDIA BE FILED UNDER SEAL

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 I.

3 **THE COURT HAS THE AUTHORITY TO ORDER THAT**
4 **A RECORD BE FILED UNDER SEAL**

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

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

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

15 II.

16 **OVERRIDING INTERESTS EXIST THAT MEETS THE ABOVE CRITERIA FOR**
17 **SEALING A RECORD**

18 It is necessary to seal the record pursuant to California Rule of Court 243.1(d) based on
19 the overriding interests of Mr. Jackson's rights to due process and a fair trial under the Fifth,
20 Sixth and Fourteenth Amendments to the United States Constitution and Article I, Sections 1, 7,
21 and 15 of the California Constitution.

22 An inspection of the exhibits will reveal that they disclose the testimony of witnesses or
23 potential witnesses and disclose possible evidence, the admissibility of which, is yet to be
24 determined.

25 The overriding interests of Mr. Jackson's rights to a fair trial and due process would be
26 compromised if the exhibits are not filed under seal. A person accused of a crime is entitled to

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1 duc process and a fair trial under the Fifth, Sixth and Fourteenth Amendments to the United
2 States Constitution and Article I, Sections 1, 7, and 15 of the California Constitution. Material
3 contained the exhibits pertains to evidence and the testimony of witnesses that, if made public,
4 would compromise Mr. Jackson's these rights and would result in prejudice to Mr. Jackson. In
5 order to protect these overriding interests, it is necessary that the exhibits be filed under seal.

6 **CONCLUSION**

7 For the reasons stated above, Mr. Jackson requests that the Court issue an order that EX
8 PARTE APPLICATION FOR AN ORDER THAT MR. JACKSON BE ALLOWED TO MAKE
9 A PUBLIC STATEMENT REGARDING INFORMATION LEAKED TO THE MEDIA and
10 accompanying documents be filed under seal.

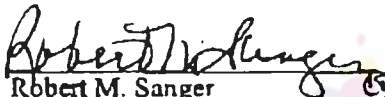
11 Dated: January 18, 2005

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20 Robert M. Sanger
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22 MICHAEL JOSEPH JACKSON

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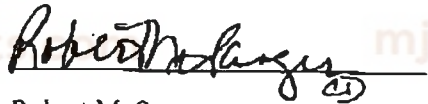
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DECLARATION OF ROBERT M. SANGER

I, Robert Sanger, declare:

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 Sanger & Swysen, and co-counsel for Michael Jackson.
2. It is necessary that Mr. Jackson's pleading entitled EX PARTE APPLICATION FOR AN ORDER THAT MR. JACKSON BE ALLOWED TO MAKE A PUBLIC STATEMENT REGARDING INFORMATION LEAKED TO THE MEDIA and accompanying documents, be filed under seal in order to protect the overriding interests of Mr. Jackson's rights to due process and a fair trial, as well as to prevent the disclosure of witnesses, potential witnesses and potential evidence.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 18th day of January, 2005 at Santa Barbara, California.


Robert M. Sanger