

JAN 19 2005

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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
14 SANTA MARIA DIVISION

15 THE PEOPLE OF THE STATE OF
16 CALIFORNIA,

17 Plaintiff,

18 vs.

19 MICHAEL JOE JACKSON

20 Defendant.

) CASE NO. 1133603

) EX PARTE APPLICATION TO FILE UNDER
) SEAL; (1) REQUEST FOR ATTENDANCE
) OF OUT-OF-STATE WITNESS (PEN. CODE
) § 1334); AND (2) CERTIFICATE OF
) REQUESTING STATE FOR ATTENDANCE
) OF WITNESS LOCATED OUTSIDE:
) [PROPOSED] ORDER

) HEARING: NOT REQUIRED

) DATE: N/A

) TIME: N/A

) Place: Dept. SM-2

~~FILED UNDER SEAL & BY FAX~~

EX PARTE APPLICATION TO FILE UNDER SEAL: (1) REQUEST FOR ATTENDANCE OF
OUT-OF-STATE WITNESS (PEN. CODE § 1334); AND (2) CERTIFICATE OF REQUESTING STATE FOR
ATTENDANCE OF WITNESS LOCATED OUTSIDE; [PROPOSED] ORDER

1 Michael J. Jackson ("Mr. Jackson"), through his counsel, hereby applies *ex parte* for
2 leave to file under seal application to file under seal: (1) request for attendance of out-of-
3 state witness (Pen. Code § 1334) ("Request"); and (2) certificate of requesting state for
4 attendance of witness located outside ("Certificate"). Filing these documents under seal is
5 necessary because the content of the Request and Certificate may include references to
6 matters that are subject to this Court's Protective Order.

7 Further, to preserve his constitutional rights to a fair trial, due process of law, a fair
8 an impartial jury, the effective assistance of counsel, and to equal protection of the laws
9 and the privileges and immunities guaranteed by the 4th, 5th, 6th and 14th Amendments
10 to the United States Constitutions and Article I of the California Constitution, Mr. Jackson
11 respectfully requests that the Court not release the Redacted version of the Request and
12 the Certificate until the witness is served.

13 This application is based upon the attached declaration of Susan C. Yu, the files
14 and record in this case and any other information presented prior to a ruling hereon.

15 Dated: January 18, 2005

Respectfully submitted,

17 COLLINS, MESEREAU, REDDOCK & YU
18 Thomas A. Mesereau, Jr.
Susan C. Yu

19 SANGER & SWYSEN
20 Robert M. Sanger

21 OXMAN & JAROSCAK
22 Brian Oxman

23 By:


24 Susan C. Yu
Attorneys for MICHAEL JOE JACKSON

1 DECLARATION OF SUSAN C. YU

2 I, Susan C. Yu declare:

3 1. I am an attorney at law duly licensed to practice law in the courts of the
4 State of California, a partner in the law firm of Collins, Mesereau, Reddock & Yu, and co-
5 counsel for Mr. Michael Jackson in this criminal proceeding. I submit this declaration in
6 support of an *ex parte* application for leave to file under seal (1) Mr. Jackson's request for
7 attendance of out-of-state witness (Pen. Code § 1334) ("Request"); and (2) the
8 accompanying certificate of requesting state for attendance of witness located outside
9 ("Certificate").

10 2. The Request and the Certificate may contain materials that are subject to this
11 Court's Protective Order. Therefore, in accordance with the directives by this Court, leave
12 is sought to file the Request and the Certificate under seal.

13 3. Further, to preserve Mr. Jackson's constitutional rights to a fair trial, due
14 process of law, a fair an impartial jury, the effective assistance of counsel, and to equal
15 protection of the laws and the privileges and immunities guaranteed by the 4th, 5th, 6th
16 and 14th Amendments to the United States Constiltions and Article I of the California
17 Constitution, the defense respectfully requests that the Court not release the Redacted
18 version of the Request and the Certificate until the witness is served.

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

21
22 
23 Susan C. Yu