

FILED  
SUPERIOR COURT of CALIFORNIA  
COUNTY of SANTA BARBARA

JAN 26 2005

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

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

THE PEOPLE OF THE STATE OF  
CALIFORNIA,

Plaintiff,

vs.

MICHAEL JACKSON,

Defendant.

) Case No.: 1133603

) Order for Release of Redacted Documents

) [Plaintiff's Opposition to Defendant's Motion  
) for Order Allowing Individual Sequestered  
) Voir Dire of Prospective Jurors]

The redacted form of the Plaintiff's Opposition to Defendant's Motion for Order Allowing Individual Sequestered Voir Dire of Prospective Jurors attached to this order shall be released and placed in the public file. The unredacted originals shall be maintained conditionally under seal pending the hearing on January 28, 2005.

Dated: January 26, 2005

*Rodney S. Melville*  
RODNEY S. MELVILLE  
Judge of the Superior Court

1 THOMAS W. SNEEDDON, JR., DISTRICT ATTORNEY  
County of Santa Barbara  
2 By: RONALD J. ZONEN (State Bar No. 85094)  
Senior Deputy District Attorney  
3 J. GORDON AUCHINCLOSS (State Bar No. 150251)  
Senior Deputy District Attorney  
4 GERALD McC. FRANKLIN (State Bar No. 40171)  
Senior Deputy District Attorney  
5 1112 Santa Barbara Street  
Santa Barbara, CA 93101  
6 Telephone: (805) 568-2300  
FAX: (805) 568-2398

**REDACTED  
COPY**

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF SANTA BARBARA  
10 SANTA MARIA DIVISION

11  
12 THE PEOPLE OF THE STATE OF CALIFORNIA, )  
13 Plaintiff )  
14 )  
15 v. )  
16 MICHAEL JOE JACKSON, )  
17 Defendant )

No. 1133605  
PLAINTIFF'S OPPOSITION TO  
DEFENDANT'S MOTION FOR  
ORDER ALLOWING  
INDIVIDUAL SEQUESTERED  
VOIR DIRE OF PROSPECTIVE  
JURORS

DATE: January 25, 2005  
TIME: 9:30 AM  
DEPT.: SM2 (Santa Maria Division)

RECEIVED  
05 JAN 24 PM 2:57  
SUPERIOR COURT  
SANTA BARBARA COUNTY  
SANTA MARIA DIVISION

22 Introduction:

23 The People have no quarrel with the defendant's citation of the *Ramos* case and its  
24 well-settled rule that whether a trial court conducts a sequestered jury selection process is left  
25 to the discretion of the trial court. (*People v. Ramos* (2004) 34 Cal.4th 494, 513.)

26 Contrary to defendant's suggestion, it does not follow that the only reasonable  
27 alternative available to a trial court is to either grant a sequestered voir dire or a continuance.  
28 (Motion 5:17-19; 6:3-6.)

1  
2 A more thorough reading of *Ramos* reveals otherwise. *Ramos* was a capital case.  
3 The trial court exercised its discretion not to conduct a sequestered jury voir dire. The Supreme  
4 Court affirmed the conviction, approving numerous alternatives employed by the trial court in  
5 lieu of a sequestered jury selection process.

6 Among the alternatives approved in *Ramos* was a jury questionnaire which fully  
7 explored media bias and probed the effect of any media exposure, allowing the defense to  
8 conduct private questioning of a particular juror when that necessity was demonstrated, a trial  
9 court admonition to jurors not to read media accounts and the court's own in-depth questioning  
10 on the death penalty and pre-trial publicity issues presented by that case.

11 This Court has already stated jury admonitions will be given and a joint proposed  
12 jury questionnaire which contains extensive questions about pre-trial publicity has been  
13 submitted to the Court.

14 In addition to the remedies suggested above, this Court has also allowed the defense  
15 to publicly respond to the leak issue. It has been quite gracious in allowing both the defendant  
16 and defense counsel to make separate press releases addressing the issues raised by the  
17 disclosures and highlighting the process by which the leaked information was obtained.

18 In support of their motion, the defense not so subtly implies that the People or  
19 someone with a similar motive to the People leaked the Grand Jury transcript and other  
20 information complained of by the defense. While at first blush the People may seem to be an  
21 easy target to blame for the leaks, a more thoughtful consideration would suggest otherwise.

22 The prosecution has been targeted for criticism by numerous news outlets and media  
23 commentators as being responsible for these leaks. The ostensible purpose of the leaks is to  
24 influence prospective jurors. The effect is quite the opposite. These untruthful and unfounded  
25 media assertions impugning the integrity and the credibility of the prosecution team have the  
26 potential of creating a negative image with the prospective jury panel.

27 Such a hypothesis also ignores the fact that it was the defense team, not the  
28 prosecution, who wanted the Grand Jury transcripts released months ago. It was the People

1 who sought the "Protective Order" at the very earliest stages of these proceedings: Not  
2 unexpectedly, the defense has used the leaks to again insinuate that the only real solution to the  
3 problem is a continuance. Why in the world would the People jeopardize the start of the trial  
4 and provide the defense with even the slightest excuse to again renew their request to postpone  
5 this trial; a request they have so ardently and repeatedly sought since these charges were filed.  
6 The People have made it clear throughout these proceedings that they are not interested in a  
7 continuance.

8           Revelation of this information at this particular time does not benefit the People. It  
9 would have been disclosed during the course of the trial. The net potential effect of the leaks  
10 could be to shrink the number of prospective, qualified jurors. This does not help the  
11 prosecution.

12 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]  
19 [REDACTED]  
20 [REDACTED]  
21 [REDACTED]  
22 [REDACTED]  
23 [REDACTED]  
24 [REDACTED]

25 **CONCLUSION**

26           The People oppose the defense request for a sequestered jury selection process and  
27 oppose their request for a continuance. Numerous alternatives are available to offset the  
28 impacts of these leaks. For all of the above reasons, the People request that the court deny the

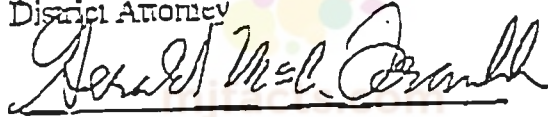


1 motion in its entirety.

2  
3 DATED: January 24, 2005

4 Respectfully submitted,

5 THOMAS W. SNEDDON, JR.  
6 District Attorney

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8 Attorneys for Plaintiff



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PROOF OF SERVICE

STATE OF CALIFORNIA  
COUNTY OF SANTA BARBARA

} SS

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years and I am not a party to the within-entitled action. My business address is: District Attorney's Office; Courthouse; 1112 Santa Barbara Street, Santa Barbara, California 93101.

On January 24, 2005, I served the within PLAINTIFF'S OPPOSITION TO MOTION FOR AN ORDER ALLOWING INDIVIDUAL SEQUESTERED VOIR DIRE on Defendant by THOMAS A. MESEREAU, JR., ROBERT SANGER and BRIAN OXMAN, by personally delivering a true copy to Mr. Sanger's office and a true copy to be transmitted to Mr. Mesereau at the confidential facsimile number given us for their Santa Maria branch office, and then causing that copy to be mailed to Mr. Mesereau at the address shown on the Service List.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Santa Barbara, California on this 24th day of January, 2005.



Gerald McC. Franklin

SERVICE LIST

THOMAS A. MESEREAU, JR.  
Collins, Mesereau, Reddock & Yu, LLP  
1875 Century Park East No. 700  
Los Angeles, CA 90067  
FAX: [CONFIDENTIAL]

Attorney for Defendant Michael Jackson

ROBERT SANGER, ESQ.  
Sanger & Swyzen, Lawyers  
255 E. Camillo Street, Suite C  
Santa Barbara, CA 93001  
FAX: (805) 965-7311

Co-counsel for Defendant

BRIAN OXMAN, ESQ.  
Oxman & Jaroscek, Lawyers  
14126 E. Rosecrans Blvd.,  
Santa Fe Springs, CA 90670

Co-counsel for Defendant

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 JANUARY 27, 2005, I served a copy of the attached ORDER FOR RELEASE OF REDACTED DOCUMENTS (PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION FOR ORDER ALLOWING INDIVIDUAL SEQUESTERED VOIR DIRE OF PROSPECTIVE JURORS) addressed as follows:

THOMAS A. MESEREAU, JR.  
COLLINS, MESEREAU, REDDOCK & YU, LLP  
1875 CENTURY PARK EAST, 7<sup>TH</sup> 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: (805) 456-0699 (Thomas Mesereau, Jr.); (805) 568-2398 (Thomas Sneddon), Said transmission was reported complete and without error. Pursuant to California Rules of Court 2005(1), 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.

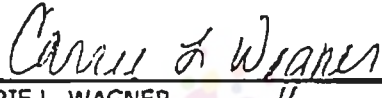
PERSONAL SERVICE

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 27<sup>th</sup> day of JANUARY, 2005, at Santa Maria, California.

  
CARRIE L. WAGNER