

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

) [Opposition to Plaintiff's Motion for an Order
) Directing that the Testimony of Child
) Witnesses be Closed to the Public]

The redacted form of the Opposition to Plaintiff's Motion for an Order Directing that the Testimony of Child Witnesses be Closed to the Public 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

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11 MICHAEL JOE JACKSON

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 FOR THE COUNTY OF SANTA BARBARA, SANTA MARIA DIVISION

14 THE PEOPLE OF THE STATE OF
15 CALIFORNIA,
16 Plaintiff,
17 vs.
18 MICHAEL JOE JACKSON
19 Defendant.

) CASE NO. 1133603
) ~~[PROPOSED]~~ REDACTED
) OPPOSITION TO PROSECUTION'S
) MOTION TO CLOSE FROM THE PUBLIC
) THE TESTIMONY OF CHILD WITNESSES
) HEARING:
) DATE: JANUARY 28, 2005
) TIME: 9:30 A.M.
) Place: Dept. SM-2

22 FILED UNDER SEAL & BY FAX

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I.

3 ARGUMENT

4 Mr. Jackson vigorously opposes this Motion for the following reasons.

5 First, the Prosecution seeks to deny Mr. Jackson of his right to a public trial in which
6 he is entitled to confront his accusers through lawful cross-examination. This is wrong.

7 These accusers are not little children. They are in their mid teens. They have
8 testified previously on more than one occasion. Not only did they testify before the Grand
9 Jury, but also testified under oath in depositions during [REDACTED]. In that [REDACTED]

10 case, the older teenage accuser, i.e., John Doe, [REDACTED].
11 After being [REDACTED], [REDACTED] falsely alleged that [REDACTED] was [REDACTED]
12 [REDACTED]. John Doe testified under oath that seeing [REDACTED] was worse
13 than his [REDACTED].

14 These two teenage accusers have received [REDACTED]
15 [REDACTED]. They are not the "innocent little lambs" the Prosecution portrays
16 them to be.

17 Second, other teenagers will come before this Court and testify [REDACTED]
18 [REDACTED]. Their testimony will demonstrate that these
19 teenage accusers are neither fragile nor sensitive, but that, rather, [REDACTED].
20 [REDACTED] With all of the teenagers who will be testifying before this Court, the act of
21 singling out these accusers with their sorted background for special treatment is unfair.

22 Third, Mr. Jackson not only seeks an acquittal in this case, but also vindication in a
23 public trial. Our federal and state Constitutions guarantee the accused of his due process
24 right to a fair trial before the public.

25 The recent "leak" of the Grand Jury transcripts is evidence of this unfortunate
26 reality. The Prosecution says that "the international media attention focused upon this
27 case will reach historic proportions" and that this case may be "the most reported criminal
28

1 trial to occur in our lifetimes." This proclamation is instructive. The "leak" has
2 unquestionably inflamed the international community and poisoned the jury pool.

3 The vast majority of the people in our local and international communities still does
4 not know how the grand jury proceeding in this case took place. They do not know that
5 the Prosecution, *in essence*, had a "field day," in that they were able to do whatever they
6 wanted. There was no defense lawyer or judge. No independent body was present to
7 monitor and control any irregularities in the proceeding. It was a purely one-sided and
8 unfair proceeding in which Mr. Jackson was not able to confront and cross-examine his
9 accusers.

10 With the power of the Prosecution, the power of the Police and the power of those
11 affiliated with and operating under these governmental bodies, one must ask himself or
12 herself whether Mr. Jackson can ever obtain a fair trial.

13 Fourth, the *real victim* in this case is Mr. Jackson.

14 Over the years, Mr. Jackson has had to suffer and endure the pain of being falsely
15 accused of the crimes he did not commit. He has had to bear treacherous accusations and
16 undergo the horror of the Government's invasion of his privacy, dignity, and integrity. No
17 one will ever understand and appreciate the gravity of the harm the Government has
18 inflicted upon Mr. Jackson unless and until he, *too*, has been a victim of the Government's
19 domination, brutality and abuse of power.

20 Remarkably, the Prosecution now says the two teenage accusers must be "protected"
21 from the public. The assumption is that these two accusers are "vulnerable," "delicate"
22 and "sensitive." The irony of this plea, however, is that the two accusers are, *in fact*,

23 [REDACTED]
24 [REDACTED] lying.

25 More interestingly, the plea is coupled with a suggestion that the public and media
26 may hear the testimony of these accusers through an audio feed. One must only conclude
27 that such a request is, *at best*, disingenuous. How is it possible to "protect" these

1 teenage accusers from the public when the public will hear everything they will say? The
2 Motion is utterly unmeritorious.

3 Mr. Jackson is entitled to a public trial under the United States Constitution and
4 California Constitution. He is entitled to confront and cross-examine his accusers,
5 teenagers and adults alike, as well as to be vindicated in a public trial. Anything to the
6 contrary will result in a total miscarriage of justice.

7 Mr. Jackson respectfully requests that the Court deny the Motion and Order the
8 testimony of these two teenage accusers take place in a public trial.

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DATED: January 21, 2005

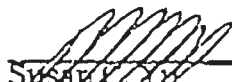
Respectfully submitted,

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

Robert M. Sanger
SANGER & SWYSEN

Brian Oxman
OXMAN & JAROSCAK

By:



Attorneys for Mr. MICHAEL J. JACKSON

1 PROOF OF SERVICE

2 I, the undersigned, declare:

3 I am a citizen of the United States of America, am over the age of eighteen (18)
4 years, and not a party to the within action. I am employed at 1875 Century Park East, 7th
5 Floor, Los Angeles, CA 90067. On January 21, 2005, I served the following document:

6 **[PROPOSED] REDACTED OPPOSITION TO PROSECUTION'S MOTION TO CLOSE
7 FROM THE PUBLIC THE TESTIMONY OF CHILD WITNESSES**

8 on the interested parties addressed as follows:

9 Thomas Sneddon, Esq., District Attorney
10 Gerald Franklin, Esq.
11 Ronald Zonen, Esq.
12 Gordon Auchincloss, Esq.
13 District Attorney's Office
14 1105 Santa Barbara Street
15 Santa Barbara, CA 93108
16 FAX: (805) 568-2398

17 BY MAIL: I placed each envelope, containing the foregoing document, with postage
18 fully prepaid, in the United States mail at Los Angeles, California. I am readily familiar
19 with the business practice for collection and processing of mail in this office; that in the
20 ordinary course of business said document would be deposited with the US Postal Service
21 in Los Angeles on that same day.

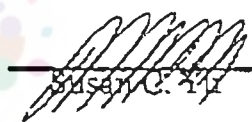
22 X BY FACSIMILE: I served a copy of the within document on the above-interested
23 parties, by way of a facsimile, at the facsimile numbers listed above.

24 BY MESSENGER/ATTORNEY SERVICE: I caused to personally serve the
25 within document on the above interested parties.

26 X (State) I declare under penalty of perjury under the laws of the State of California
27 that the foregoing is true and correct.

28 (Federal) I declare that I am employed in the office of a member of the bar of this
court at whose direction the service was made.

Executed on January 21, 2005, at Los Angeles, California.

22 
23 _____
Susan C. Yi

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 (OPPOSITION TO PLAINTIFF'S MOTION FOR AN ORDER DIRECTING THAT THE TESTIMONY OF CHILD WITNESSES BE CLOSED TO THE PUBLIC) 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: (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.

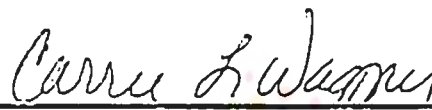
PERSONAL SERVICE

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 27TH day of JANUARY, 2005, at Santa Maria, California.


CARRIE L. WAGNER