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17 Attorneys for Defendant
18 **MICHAEL JOSEPH JACKSON**

19 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
20 **FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION**

21 THE PEOPLE OF THE STATE OF
22 CALIFORNIA,

23 Plaintiffs,

24 vs.

25 MICHAEL JOSEPH JACKSON,

26 Defendant.

) Case No. 1133603

)
) REPLY TO DISTRICT ATTORNEY'S
) OPPOSITION TO DEFENDANT'S
) REQUEST THAT PLAINTIFF BE
) REQUIRED TO PRESENT THE HEARSAY
) EVIDENCE OF DEFENDANT'S
) RESPONSE TO "LIVING WITH MICHAEL
) JACKSON" AS PART OF ITS CASE IN
) CHIEF

) ~~UNDER SEAL~~

) Honorable Rodney S. Melville

) Date: TBA

) Time: 9:30 a.m.

) Dept.: 8

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28 **REPLY TO DISTRICT ATTORNEY'S OPPOSITION TO DEFENDANT'S REQUEST THAT PLAINTIFF BE
REQUIRED TO PRESENT THE HEARSAY EVIDENCE OF DEFENDANT'S RESPONSE TO "LIVING WITH
MICHAEL JACKSON" AS PART OF ITS CASE IN CHIEF**

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 ARGUMENT

3 I.

4 THE REQUEST TO PLAY "THE MICHAEL JACKSON INTERVIEW: THE FOOTAGE
5 YOU WERE NEVER MEANT TO SEE," IN THE PROSECUTION'S CASE IN CHIEF,
6 IS WITHDRAWN

7 The prosecution asks this Court to order that the District Attorney is not required to
8 present "The Michael Jackson Interview: The Footage You Were Never Meant To See,"
9 following its presentation of "Living with Michael Jackson." (Motion, page 2.)

10 In opposition to Plaintiff's original motion the defense lodged with the court both the
11 Hamid Moslehi outtakes and "The Footage You Were Never Meant to See." The "Footage You
12 Were Never Meant to See" was offered to offset the prejudicial nature of the Bashir program,
13 "Living with Michael Jackson." Under Evidence Code section 352 the Bashir program would be
14 more prejudicial than probative if offered in its entirety simply to prove that an adverse television
15 show was aired. The "footage" program simply sought to balance the prejudice so that the jury
16 could listen to the actual facts of the case.

17 It appears from the Opposition of the District Attorney that the government does not
18 oppose the playing of the Hamid Moslehi outtakes videos at the time of the playing of the Bashir
19 production. In light of that, the defense will withdraw its request that the "Footage You Were
20 Never Meant to See" be played immediately following the Bashir production. The defense
21 reserves the right to offer said video at another time and will agree to advise the Court and
22 counsel in advance to allow for an in limine ruling on the subject.

23 //

24 ///

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28 REPLY TO DISTRICT ATTORNEY'S OPPOSITION TO DEFENDANT'S REQUEST THAT PLAINTIFF BE
REQUIRED TO PRESENT THE HEARSAY EVIDENCE OF DEFENDANT'S RESPONSE TO "LIVING WITH
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II.

CONCLUSION

For the above stated reasons, the request to play "The Footage You Were Never Meant to See," in the prosecution's case in chief, is withdrawn.

Dated: February 15, 2005

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

SANGER & SWYSEN
Robert M. Sanger

OXMAN & JAROSCAK
Brian Oxman

By: 

Robert M. Sanger
Attorneys for Defendant
MICHAEL JOSEPH JACKSON

REPLY TO DISTRICT ATTORNEY'S OPPOSITION TO DEFENDANT'S REQUEST THAT PLAINTIFF BE
REQUIRED TO PRESENT THE HEARSAY EVIDENCE OF DEFENDANT'S RESPONSE TO "LIVING WITH
MICHAEL JACKSON" AS PART OF ITS CASE IN CHIEF

PROOF OF SERVICE

I, the undersigned declare:

I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 301 East Cook Street, Suite A, Santa Maria, California 93454.

On February 15, 2005, I served the foregoing document: ^{Reply} ~~RESPONSE~~ TO DISTRICT ATTORNEY'S OPPOSITION TO DEFENDANT'S REQUEST THAT PLAINTIFF BE REQUIRED TO PRESENT THE HEARSAY EVIDENCE OF DEFENDANT'S RESPONSE TO "LIVING WITH MICHAEL JACKSON" AS PART OF ITS CASE IN CHIEF on the interested parties in this action by depositing a true copy thereof as follows:

Tom Sneddon
Gerald Franklin
Ron Zonen
Gordon Auchincloss
District Attorney
1112 Santa Barbara Street
Santa Barbara, CA 93101
805-568-2398

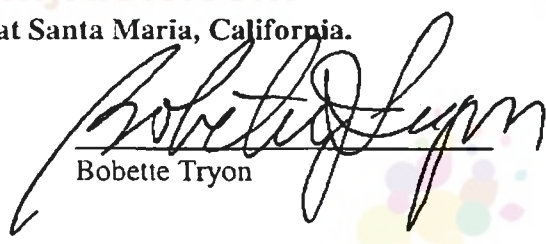
 BY U.S. MAIL - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid and deposited during the ordinary course of business. Service made pursuant to this paragraph, upon motion of a party, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit.

 X BY FACSIMILE -I caused the above-referenced document(s) to be transmitted via facsimile to the interested parties at the above-referenced number.

 BY HAND - I caused the document to be hand delivered to the interested parties at the address above.

 X STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed February 15, 2005, at Santa Maria, California.


Bobette Tryon