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

15 THE PEOPLE OF THE STATE OF  
16 CALIFORNIA,

17 Plaintiffs,

18 vs.

19 MICHAEL JOSEPH JACKSON,

20 Defendant.

) Case No. 1133603

) RESPONSE TO DISTRICT ATTORNEY'S  
) IN LIMINE MOTION TO EXCLUDE  
) EVIDENCE OF ALLEGED SEXUAL  
) CONDUCT

) ~~UNDER SEAL~~

) Honorable Rodney S. Melville

) Date: TBA

) Time: ~~9:30~~ a.m.

) Dept.: 8

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28 RESPONSE TO DISTRICT ATTORNEY'S IN LIMINE MOTION TO EXCLUDE EVIDENCE OF ALLEGED  
SEXUAL CONDUCT

**FILED**  
SUPERIOR COURT of CALIFORNIA  
COUNTY of SANTA BARBARA

FEB 15 2005

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

\* Unsealed pursuant  
to 11/16/05 court order

FILED  
FEB 15 2005  
COURT CLERK

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **ARGUMENT**

3 **I.**

4 **IT IS PREMATURE FOR THE COURT TO RULE ON THIS EVIDENCE**

5 The Court and defense counsel will have to hear the District Attorney's evidence. The  
6 prosecution has named certain experts but has not given the defense their statements. At this  
7 point, we anticipate that the prosecution will be contending that John Doe's behavior is  
8 consistent with being molested during the time periods alleged in the Indictment and that his  
9 preoccupation with sex related matters is a result of being molested. If so, we would intend to  
10 show that his preoccupation with sex pre-dated any allegations of molest in this case. At that  
11 time, we will comply with the Evidence Code in seeking to introduce that evidence.

12 **II.**

13 **CONCLUSION**

14 For the above stated reasons, the Court should not rule on this evidence at this time.

15 Dated: February 15, 2005

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

17 SANGER & SWYSEN  
Robert M. Sanger

18 OXMAN & JAROSCAK  
19 Brian Oxman

20  
21 By: 

22 Robert M. Sanger  
23 Attorneys for Defendant  
24 MICHAEL JOSEPH JACKSON

**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: **RESPONSE TO DISTRICT ATTORNEY'S IN LIMINE MOTION TO EXCLUDE EVIDENCE OF ALLEGED SEXUAL CONDUCT** 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.

**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.

**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