

1 THOMAS W. SNEDDON, JR., DISTRICT ATTORNEY
County of Santa Barbara
2 By: RONALD J. ZONEN (State Bar No. 85094)
Senior Deputy District Attorney
3 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

FILED
SUPERIOR COURT of CALIFORNIA
COUNTY OF SANTA BARBARA

FEB 22 2005

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

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

11 THE PEOPLE OF THE STATE OF CALIFORNIA,

12 Plaintiff,

13 vs.

14 MICHAEL JOE JACKSON,

15 Defendant.

No. 1133603

16 PEOPLE'S REPLY TO
17 DEFENDANT'S OPPOSITION
18 TO PEOPLE'S MOTION TO
19 EXCLUDE TESTIMONY OF
20 WITNESSES
(Evidence Code §702)

DATE: TBA
TIME: 9:30 AM
DEPT.: SM2 (Melville)

UNDER SEAL

21
22 Defense counsel have agreed that they will comply with the law under Evidence
23 Code section 702 (*Defendant's Reply* 2:10-15.) That is good to know because this fact was not
24 evident in light of the fact that defendant has failed to provide reports of any kind for almost
25 400 witnesses that are named on their witness list. Defendant makes several excuses for this
26 neglect while attacking the prosecution for defendant's own failing. None of this is germane to
27 the issue.

28 / / / /

1 As stated in the People's motion Evidence Code section 702 expressly provides:
2 "(A)gainst the objection of a party such personal knowledge must be shown before the witness
3 may testify concerning the matter." (Emphasis added.) The People have made their objection
4 under 702 and the burden is now on defendant to show personal knowledge for each of their
5 witnesses or accept the fact that they are incompetent to testify and should be excluded at trial.
6

7 DATED: February 18, 2005

8 Respectfully submitted,

9 THOMAS W. SNEDDON, JR., DISTRICT ATTORNEY

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11 By: 

12 GORDON AUCHINCLOSS
13 Senior Deputy District Attorney

14 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 18, 2005, I served the within PEOPLE'S REPLY TO DEFENDANT'S OPPOSITION TO PEOPLE'S MOTION TO EXCLUDE TESTIMONY OF WITNESSES on Defendant, by THOMAS A. MESEREAU, JR., ROBERT SANGER, and BRIAN OXMAN transmitting a facsimile copy thereof to Attorney Mescreau, at his confidential fax number.

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

Executed at Santa Barbara, California on this 18th day of February, 2005.


Gordon Auchincloss