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Attorneys for Defendant
MICHAEL JOSEPH JACKSON

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

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiffs,

vs.

MICHAEL JOSEPH JACKSON,

Defendant.

Case No. 1133603

DEFENDANT'S PROPOSED JURY INSTRUCTIONS REGARDING PRIOR OFFENSE EVIDENCE

Honorable Rodney S. Melville

Date: TBD
Time: 8:30 a.m.
Dept.: 8

FILED
SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA

APR 01 2005

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

ORIGINAL

1 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

2 Mr. Jackson requests that the jury be pre-instructed, prior to the introduction of the prior offense
3 evidence, with the attached modified version of CALJIC 2.50 regarding Evidence Code Section 1101(b)
4 evidence and the attached special jury instruction regarding Evidence Code Section 1108 evidence.

5 Dated: April 1, 2005

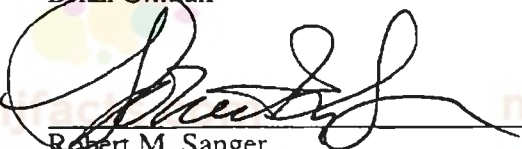
6 Respectfully submitted,

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

9 SANGER & SWYSEN
10 Robert M. Sanger

11 OXMAN & JAROSCAK
12 Brian Oxman

13 By:


14 Robert M. Sanger
15 Attorneys for Defendant
16 MICHAEL JOSEPH JACKSON

1 EVIDENCE OF OTHER CRIMES (CALJIC 2.50 MODIFIED)

2 This evidence, if believed, may not be considered by you to prove that Mr. Jackson is a person of
3 bad character or that he has a disposition to commit crimes. It may be considered by you only for the
4 limited purpose of determining if it tends to show:

5 A characteristic method, plan or scheme in the commission of criminal acts similar to the
6 method, plan or scheme used in the commission of the offense in this case which would
7 further tend to show the existence of the intent which is a necessary element of the crime
8 or a motive for the commission of the crime charged.

9 For the limited purpose for which you may consider such evidence, you must weigh it in the
10 same manner as you do all other evidence in this case. You are not permitted to consider such evidence
11 for any other purpose.

1 SPECIAL JURY INSTRUCTION REGARDING PRIOR OFFENSE EVIDENCE

2 You are going to hear people testifying regarding what they allegedly saw or heard in 1993 or
3 before. This testimony is being offered by the government. I will refer to those as 'uncharged offenses'
4 because they are not charged in this case. Before you can consider evidence of any alleged uncharged
5 offense, you must be satisfied by a preponderance of the evidence that the defendant committed that
6 offense. If you are not satisfied by a preponderance of the evidence, you may not use that evidence for
7 any purpose, and must disregard it entirely.

8 If you conclude the defendant committed an uncharged offense, you may consider that evidence
9 and weigh it together with any other evidence received during the trial to help you determine whether the
10 defendant is guilty of the charged crime. The weight and significance of the evidence are for you to
11 decide. However, if you find the defendant committed any or all of the uncharged offenses, that is not
12 sufficient, by itself, to prove he committed the charged crime. You may not find the defendant guilty
13 unless you are satisfied that each element of the charged crime has been proven beyond a reasonable
14 doubt.

15 (See *People v. James* (2000) 81 Cal.App.4th 1343, 1357 at FN. 8.)

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 233 East Carrillo Street, Suite C, Santa Barbara, California, 93101.

On April 1, 2005, I served the foregoing document DEFENDANT'S PROPOSED JURY INSTRUCTIONS REGARDING PRIOR OFFENSE EVIDENCE on the interested parties in this action by depositing a true copy thereof as follows:

Tom Sneddon
District Attorney
312 East Cook Street
Santa Maria, CA 93454

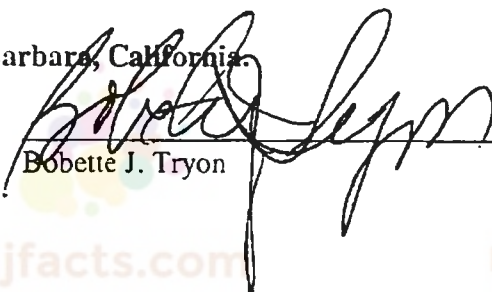
 BY U.S. MAIL - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid 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 [SEE ABOVE]

 X **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 April 1, 2005 at Santa Barbara, California.


Bobette J. Tryon