

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA BARBARA**

Dated & Entered: APRIL 2, 2004	Time: 8:30 A.M.	F	
Honorable RODNEY S. MELVILLE		CC	
Deputy Clerk: L. FREY/P. BLAYLOCK	Dept.: SM TWO	CA	
Deputy Sheriff : A. MORENO		AC	
Court Reporter: M. MC NEIL	Case No.: 1133603	SR	
Plaintiff: THE PEOPLE OF THE STATE OF CALIFORNIA		ST	
vs.		DOC	X
Defendant(s): MICHAEL JOE JACKSON			
District Attorney: THOMAS W. SNEDDON, JR., ET AL			
Defense Counsel: MARK J. GERAGOS, ET AL			
Probation Officer:	Interpreter:		

NATURE OF PROCEEDINGS: PRELIMINARY HEARING SETTING, HEARING RE: RECONSIDERATION OF CLAIM OF WORK PRODUCT PRIVILEGE; HEARING RE: STATUS ON SEALED WARRANTS; HEARING RE: "SAFE HARBOR" PROPOSALS AMENDING THE PROTECTIVE ORDER

Felony Complaint Filed December 18, 2003 charging the Defendant with Counts 1 thru 7: 288(a) P.C. a Felony, Counts 8 and 9: 222 P.C. a Felony, Enhancements on Counts 1 through 7: 1192.7(c)(6) P.C. and 1203.066(a)(8) P.C.

The Court made orders re: Reconsideration of Claim of Work Product Privilege, Sealed Search Warrants, Modification of Safe Harbor Order, Continuance for Preliminary Hearing Setting

Counsel present for the People is: Gerald Mc C. Franklin.

Counsel present for the Defendant are: Mark J. Geragos, Benjamin Brafman, Robert Sanger, Steve Cochran and Shepard S. Kopp.

Counsel present for the Media is: Theodore Boutrous, Jr.

At 8:30 A.M. with Court and Counsel present, in the absence of the Defendant, hearing proceeded.

A 977 Waiver is on file and the Defendant's presence is excused for this hearing.

The Court held an In Camera hearing on the issue of reconsideration of work product privilege with Court, Defendant's Counsel, Mark Geragos and Benjamin Brafman, and the research attorneys, Jed Beebe and Tracy Splitgerber, present.

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The Court orders that the transcript of said In Camera hearing shall be sealed and not prepared without order of the Court.

With Court and Counsel present, hearing continued.

The Court heard arguments for the reconsideration of claim of work product privilege. The Court orders that Counsel shall not use names in their arguments.

The Court shall listen to and review tape number 818 again and issue a ruling regarding said tape; that the Court's ruling shall be stayed for 15 days after it is made.

The Court orders that a modification to the safe harbor order shall be that an ex parte hearing must be calendared, whether the parties agree or disagree on the content of any responsive statement that either side wishes to make to some information that's out in the public sector; that the proposed written statement would be lodged with the Court for an In Camera review by the Court and then returned to the parties with either a denial, not allowing them to use that statement, or permission to use the statement, the understanding of the permission to be clearly stated in any release; that the Court is only making a finding that they're not in violation of the gag order by releasing that statement, not that it approves or disapproves the content of the statement; that if it became a lot of trips to the Courthouse, the Court would reconsider a different way of handling it; that this shall be the final order, completing the gag order.

The Court further orders that any filings by either side containing names of potential witnesses shall be filed under seal; that the return of Search Warrants and Affidavits that contain names of witnesses shall be filed under seal.

Counsel for the Media, Theodore Boutrous, Jr. addressed the Court re: the gag order.

Attorney Mark Geragos addressed the Court re: conflicting orders by Judges Anderson and Melville.

The Court does not find a conflict in the orders made by Judge Anderson and Judge Melville.

The Court further orders that the joint request for an order directing the Sheriff to lodge certain items of property seized pursuant to warrant for search of Bradley Miller's office and Neverland Ranch shall be approved and signed by the Court.

The Court further orders that a privileged log shall be submitted to the Court for items on the computer hard drive.

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The Court further orders that the setting of a Preliminary Hearing date shall be continued to April 30, 2004, 8:30 A.M., SM Two; that the time waiver shall be extended for an additional 60 days and a notarized written time waiver shall be submitted to the Court by Defendant's Counsel by April 30, 2004; that said waiver may be submitted to the Court in advance or brought to Court on April 30, 2004.

Attorney Benjamin Brafman addressed the Court re: un-redacted copies of the Search Warrants being immediately turned over to Counsel for the Defendant.

The Court orders that the un-redacted copies of the Search Warrants shall be released to Defendant's counsel as previously ordered on March 26, 2004 with the exception of one Search Warrant that shall not be released. The District Attorney shall be sure that he has a list of the Jackson Search Warrant numbers.

Attorney Brafman also advised the Court that a volume containing the Johnson materials will be provided to the District Attorney and to the Court under seal; that 20 notebooks will be given to the district Attorney's office today for use with the Grand Jury.

Defendant's subpoenaed witness, James La Chance, addressed the Court re: medical and psychological records, depositions, school records, accuser's mother's employment records.

The Court further orders that the copied records of non-sensitive material shall be produced to the District Attorney and Attorney Geragos today; that said materials shall be released with a gag order; that the sensitive material shall be copied and released to the District Attorney and the Defendant's Attorney; that Mr. La Chance shall prepare a formal written order re: the release of the documents and submit it to the Court for signature and filing.

The Court further orders that any subpoenaed documents delivered to the Court shall not be opened without the Court's consent.

Counsel for the media, Theodore Boutrous, Jr. addressed the Court re: the sealed OSC.

The Court orders that the protective order shall remain in effect; that the District Attorney shall file a request that the OSC shall be filed under seal; that the District Attorney shall submit a proposed redacted copy of said OSC that the Court can release.

Attorney Sanger asked the Court that he and Attorney Cochran be placed on the Court service list.

The Court denied said request and ordered that they shall obtain copies from the office of Attorney Geragos.

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At 9:40 A.M. Court adjourned.

CLERK OF THE SUPERIOR COURT

BY

Lorna Frey

LORNA FREY, DEPUTY CLERK