

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
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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

MAY 18 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
12 THE PEOPLE OF THE STATE OF CALIFORNIA,
13 Plaintiff.

14 vs.

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18 MICHAEL JOE JACKSON,
19 Defendant.

No. 1133603

MEMORANDUM IN
SUPPORT OF REQUEST
FOR HEARING TO
DETERMINE
ADMISSIBILITY OF
TESTIMONY OF DEFENSE
WITNESS MARY MINOW

DATE: TBA
TIME: 8:30 AM
DEPT.: SM2 (Melville)

20
21 INTRODUCTION

22
23 Defendant has indicated his intent to present a librarian, Mary Minow, to testify to
24 the following:

- 25 1. An analysis of Defendant's entire library (estimated by Mr. Mesereau in his opening
26 statement to be in excess of one million books).
27 2. An analysis of the artistic merit of the books admitted into evidence in this case.
28

1 3. A commentary on different books admitted into evidence as being available through a
2 variety of sources and in libraries across the country.

3 There is no legitimate reason to allow a witness to comment on the nature of Defendant's
4 library. Whether or not he has copies of Dickens or Tom Clancy in his library has nothing to
5 do with the question of whether or not he molested Gavin Arvizo. Also, virtually all of the
6 books admitted into evidence were found in his bedroom or in boxes on the floor in a small
7 library on the second floor of the arcade. None were recovered from his main library. Witness
8 Minow should not be allowed to testify to the nature of his general book collection.

9 As to the books specifically admitted into evidence each contains sexually explicit photos.
10 It is irrelevant that the books can be purchased through conventional sources since almost
11 anything in this country can be purchased through conventional sources, including Defendant's
12 copy of "Double Dicking Caroline". The relevance of such testimony is questionable. It is
13 apparently for purposes of showing that Defendant's possession of such materials is for artistic
14 appeal and not sexual. This witness ought not be allowed to testify to defendant's motivations
15 or interests without opening the door to rebuttal testimony to the contrary.

16 Should this witness be allowed to testify then the People will request that former FBI
17 Special Agent Ken Lanning be allowed to testify as well. Agent Lanning has 30 years of
18 experience in the FBI, most of which in the behavioral sciences department. His specialty is
19 child sexual abuse. He has authored numerous publications on a variety of issues dealing with
20 child sex offenders including the manual used by law enforcement across the country. He is
21 particularly knowledgeable on issues of why child molesters possess certain types of sexually
22 graphic material, most of which is legal and easily obtainable. This material is clearly
23 possessed by child molesters because it excites them.

24 Agent Lanning will testify that the materials admitted into evidence are publications
25 frequently found in the homes of child sex offenders. He will testify that his conversations
26 with child molesters and with those who interview child molesters confirm that these types of
27 materials are possessed because they sexually excite them. He will also testify that the same
28

1 types of books are commonly used as grooming materials for young male victims.

2 The People request a hearing to determine whether witness Minow should be allowed to
3 testify and if so whether Agent Lanning may testify in rebuttal.

4
5 DATED: May 18, 2005

6 Respectfully submitted,

7 THOMAS W. SNEDDON, JR., DISTRICT ATTORNEY

8
9 By: 

10 Ronald Zonen
11 Senior Deputy District Attorney

12 Attorneys for Plaintiff

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3 **PROOF OF SERVICE**

4 STATE OF CALIFORNIA }
5 COUNTY OF SANTA BARBARA } SS

6 I am a citizen of the United States and a resident of the County aforesaid; I am over
7 the age of eighteen years and I am not a party to the within-entitled action. My business
8 address is: District Attorney's Office; Courthouse; 1112 Santa Barbara Street, Santa Barbara.
9 California 93101.

10 On May 18, 2005, I served the within **MEMORANDUM IN SUPPORT OF**
11 **REQUEST FOR HEARING TO DETERMINE ADMISSIBILITY OF TESTIMONY OF**
12 **DEFENSE WITNESS MARY MINOW** on Defendant, by THOMAS A. MESEREAU, JR.,
13 and ROBERT SANGER, by personally delivering a true copy thereof to Mr. Sanger.

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

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

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18 _____
19 Ron Zonen

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THOMAS A. MESEREAU, JR., ESQ.
Collins, Mesereau, Reddock & Yu, LLP
1875 Century Park East, No. 700
Los Angeles, CA 90067
FAX: [Confidential]
Attorney for Defendant Michael Jackson



mjfacts.com

ROBERT SANGER, ESQ.
Sanger & Swysen, Lawyers
233 E. Carrillo Street, Suite C
Santa Barbara, CA 93001
FAX: (805) 963-7311
Co-counsel for Defendant



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