

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

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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

**PLAINTIFF'S MOTION TO
EXCLUDE TESTIMONY OF
DEFENSE WITNESS JAMES
NEWTON PURSUANT TO
EVIDENCE CODE § § 352**

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

20
21 **INTRODUCTION**

22 The defense has stated they intend to call James Newton to testify in this matter.
23 The only discovery reports provided by the defense as to this witness is a September 22, 1994,
24 Los Angeles Times news article detailing the "wrapping-up" of the first child molestation
25 investigation against this defendant. Numerous quotes from then Los Angeles District
26 Attorney Gil Garcetti, District Attorney Thomas Sneddon, Johnnie Cochran, and others
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1 involved with the civil case and criminal investigation are included within the news article.
2 Included at the end of the article is a "chronology" of events as they purportedly occurred
3 during the child molest investigation of 1993 – 1994. A total of four individuals working for
4 the Los Angeles Times contributed to both the article and the chronology.

5 None of the contents of the news article, including statements reportedly made by
6 the various persons quoted within that article are admissible. The reasons the criminal
7 investigation was concluded are irrelevant and hearsay without exception. The opinions of
8 Johnnie Cochran, Larry Feldman, Gloria Allred, members of the Los Angeles Police
9 Department or Los Angeles Child Protective Services are irrelevant and hearsay without
10 exception. The chronology of events during the criminal investigation is without foundation, is
11 irrelevant, and hearsay without exception.

12 There being no value of this witness' proposed testimony with respect to any issue
13 before this court and pursuant to Evidence Code section 352, the testimony of this witness
14 should be excluded.

15 DATED: May 18, 2005

16 Respectfully submitted,

17 THOMAS W. SNEDDON, JR., DISTRICT ATTORNEY

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19 By: _____

20 Mag Nicola
21 Senior Deputy District Attorney

22 Attorneys for Plaintiff
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PROOF OF SERVICE

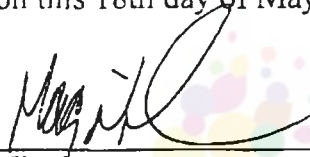
STATE OF CALIFORNIA
COUNTY OF SANTA BARBARA } SS

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 May 18, 2005, I served the within **PLAINTIFF'S MOTION TO EXCLUDE TESTIMONY OF DEFENSE WITNESS JAMES NEWTON PURSUANT TO EVIDENCE CODE § 352** on Defendant, by THOMAS A. MESEREAU, JR., and ROBERT SANGER by personally delivering a true copy thereof to Mr. Sanger.

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

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



Mag Nicola

SERVICE LIST

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