

1 COLLINS, MESEREAU, REDDOCK & YU
Thomas A. Mesereau, Jr., State Bar Number 091182
2 Susan C. Yu, State Bar Number 195640
1875 Century Park East, 7th Floor
3 Los Angeles, CA 90067
Tel.: (310) 284-3120, Fax: (310) 284-3133

4 SANGER & SWYSEN
5 Robert M. Sanger, State Bar Number 058214
Stephen K. Dunkle, State Bar Number 227136
6 233 East Carrillo Street, Suite C
Santa Barbara, CA 93101
7 Tel.: (805) 962-4887, Fax: (805) 963-7311

8 Attorneys for Defendant
MICHAEL JOSEPH JACKSON

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

13 THE PEOPLE OF THE STATE OF CALIFORNIA,

14 Plaintiffs,

15 vs.

17 MICHAEL JOSEPH JACKSON,

18 Defendant.

Case No. 1133603

BRIEF REGARDING MOSLEHI
OUTTAKES BEING ADMITTED FOR
TRUTH

Honorable Rodney S. Melville

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

22 Pursuant to Evidence Code Section 356, the portions of the Moslehi outtakes that are related to
23 the same subject matter as the admissions are admissible. Evidence Code 356 states that, "[w]here part
24 of an act, declaration, conversation, or writing is given in evidence by one party, the whole on the same
25 subject may be inquired into by an adverse party . . ."

26 The Court of Appeal, in *People v. Douglas* (1991) 234 Cal.App.3d 273, 285, held that Evidence
27 Code Section 356 "applies even if the omitted portions of the conversation are self-serving." The Court
28 of Appeal stated that, "[t]he fact that declarations made by the accused were self-serving does not

FILED
SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA

JUN - 1 2005

GARY M. BLAIR, Executive Officer

BY Carrie L. Wagner
CARRIE L. WAGNER, Deputy Clerk

1 preclude their introduction in evidence as a part of his whole statement, provided they are relevant to,
2 and were made on the same occasion as the statements introduced by, the prosecution. [citations
3 omitted]" (*People v. Douglas*, supra, 234 Cal.App.3d 273, 285.)

4 Dated: June 1, 2005

5 Respectfully submitted,

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

9 SANGER & SWYSEN
10 Robert M. Sanger
11 Stephen K. Dunkle

12 For By: 

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