

1 GIBSON, DUNN & CRUTCHER LLP
2 THEODORE J. BOUTROUS, JR., SBN 132099
3 MICHAEL H. DORE, SBN 227442
4 333 South Grand Avenue,
Los Angeles, CA 90071-3197
Telephone: (213) 229-7000
Facsimile: (213) 229-7520

5 Attorneys for NBC Universal, Inc.; CBS
6 Broadcasting Inc.; Fox News Network L.L.C.;
7 ABC, Inc.; Cable News Network LP, LLLP;
8 The Associated Press; *Los Angeles Times*; The
9 New York Times Company; The Washington
10 Post; and *USA Today*

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

JUN 06 2005

GARY M. BLAIR, Executive Officer

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

11
12 SUPERIOR COURT, STATE OF CALIFORNIA
13 FOR THE COUNTY OF SANTA BARBARA

14 THE PEOPLE OF THE STATE OF
15 CALIFORNIA,

16 Plaintiff,
17 vs.

18 MICHAEL JOE JACKSON,
19 Defendant.

Case No.: 1133603

**ACCESS PROPONENTS' REQUEST FOR
IMMEDIATE PUBLIC ACCESS TO
WRITTEN QUESTIONS FROM THE JURY
AND TO ANY PROCEEDINGS RELATED
TO THE JURY'S WRITTEN OR ORAL
QUESTIONS**

Date: Not set
Time: Not set
Place: Department SM-8,
Judge Rodney S. Melville

[VIA FACSIMILE]

20 Access Proponents¹ seek immediate access to written questions posed by the jury in
21 connection with their deliberations and to any judicial proceedings related to the jury's written or oral
22 questions posed to the Court. These judicial records and proceedings are subject to the presumption
23 of public access afforded by the First Amendment, the California Constitution, Rule 243.1 of the
24 California Rules of Court, and the common law. *NBC Subsidiary (KNBC-TV), Inc. v. Superior*

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27 ¹ NBC Universal, Inc.; CBS Broadcasting Inc.; Fox News Network L.L.C.; ABC, Inc.; Cable News
28 Network LP, LLLP; The Associated Press; *Los Angeles Times*; The New York Times Company;
The Washington Post; and *USA Today*.

1 Court, 20 Cal. 4th 1178 (1999). They are as much a part of the court proceedings as the trial
2 testimony and closing arguments, and therefore the same strict standards safeguarding openness in
3 criminal trials, including an opportunity to be heard *before* any closure, apply. *See id.* at 1200 “[A]
4 presumption of openness inheres in the very nature of a criminal trial under our system of justice.”
5 (quotation omitted); *cf. People v. Thompson*, 50 Cal. 3d 134, 173 (1990) (“Any private
6 communication between judge and jury is improper.”).

7 For the foregoing reasons, Access Proponents respectfully ask the Court to allow public
8 access to any questions submitted by the jury in connection with their deliberations and to any
9 judicial proceedings related thereto.

10 DATED: June 6, 2005

Respectfully submitted,

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12 GIBSON, DUNN & CRUTCHER LLP
Theodore J. Boutros, Jr.
Michael H. Dore

13
14 By: *Theodore J. Boutros, Jr. /MD*
Theodore J. Boutros, Jr.

15 Attorneys for NBC Universal, Inc.; CBS
16 Broadcasting Inc.; Fox News Network
L.L.C.; ABC, Inc.; Cable News Network
17 LP, LLLP; The Associated Press;
Los Angeles Times; The New York Times
18 Company; The Washington Post; and
USA Today

**CERTIFICATE OF SERVICE
BY FAX AND REGULAR MAIL**

I, **Jess Fernandez**, hereby certify as follows:

I am employed in the County of Los Angeles, State of California; I am over the age of eighteen years and am not a party to this action; my business address is Gibson, Dunn & Crutcher LLP, 333 South Grand Avenue, Los Angeles, California 90071, in said County and State; I am employed in the office of Michael H. Dore, a member of the bar of this Court, and on June 6, 2005, I served the following:

ACCESS PROPONENTS' REQUEST FOR IMMEDIATE PUBLIC ACCESS TO WRITTEN QUESTIONS FROM THE JURY AND TO ANY PROCEEDINGS RELATED TO THE JURY'S WRITTEN OR ORAL QUESTIONS

on the interested parties in this action, by the following means of service:

BY MAIL: I placed a true copy in a sealed envelope addressed as indicated below, on the above-mentioned date. I am familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

Thomas W. Sneddon District Attorney Santa Barbara County 1105 Santa Barbara Street Santa Barbara, CA 93101-2007 Attorneys for Plaintiffs	Tel.: (805) 568-2300 Fax: (805) 568-2398
Thomas A. Mesereau, Jr. Collins, Mesereau, Reddock & Yu LLP 1875 Century Park East, 7th Floor Los Angeles, CA 90067 Attorneys for Defendant Michael Jackson	Tel.: (310) 284-3120 Fax:
Robert Sanger Sanger & Swysen, Lawyers 233 E. Carrillo Street, Suite C Santa Barbara, CA 93101 Co-Counsel for Defendant Michael Jackson	Tel.: (805) 962-4887 Fax: (805) 963-7311

1 **BY FACSIMILE:** From facsimile number (213) 229-7520, I caused each such document to be
2 transmitted by facsimile machine, to the parties and numbers indicated below, pursuant to
3 Rule 2008. The facsimile machine I used complied with Rule 2003(3) and no error was reported
4 by the machine. Pursuant to Rule 2008(e)(4), I caused the machine to print a transmission record
of the transmission, a copy of which is attached to the original of this declaration.

5 Thomas W. Sneddon 6 District Attorney 7 Santa Barbara County 8 1105 Santa Barbara Street 9 Santa Barbara, CA 93101-2007 10 Attorneys for Plaintiffs	Tel.: (805) 568-2300 Fax: (805) 568-2398
11 Thomas A. Mesereau, Jr. 12 Collins, Mesereau, Reddock & Yu LLP 13 1875 Century Park East, 7th Floor. 14 Los Angeles, CA 90067 15 Attorneys for Defendant Michael Jackson	Tel.: (310) 284-3120 Fax:
16 Robert Sanger 17 Sanger & Swysen, Lawyers 18 233 E. Carrillo Street, Suite C 19 Santa Barbara, CA 93101 20 Co-Counsel for Defendant Michael 21 Jackson	Tel.: (805) 962-4887 Fax: (805) 963-7311

22 I certify under penalty of perjury under the laws of the State of California that the foregoing is
23 true and correct, that the foregoing document(s), and all copies made from same, were printed on
24 recycled paper, and that this Certificate of Service was executed by me on June 6, 2005, at
25 Los Angeles, California.
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27
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Jess Fernandez

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