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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

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*

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

**SUPPLEMENT TO ACCESS
PROPOSERS' 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]

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21 Access Proponents¹ understand that this morning the Court conducted a hearing to address a
22 question posed by the jury during their deliberations. The Court barred the public from the
23 courtroom during these proceedings without holding a hearing or making express findings that would
24 justify this restriction on public access. Access Proponents respectfully submit that this procedure is

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

1 improper, and request that the Court immediately release a full or redacted version of the transcript of
2 these proceedings. See *NBC Subsidiary (KNBC-TV), Inc. v. Superior Court*, 20 Cal. 4th 1178, 1211,
3 1219 (emphasizing right to “contemporaneous access,” and rejecting argument that delayed release of
4 transcripts could remedy improper closure of hearings); see also *Phoenix Newspapers, Inc. v. United*
5 *States District Court*, 156 F.3d 940, 943 (9th Cir. 1998) (holding that district court erred by denying
6 access to “transcripts of hearings conducted during jury deliberations in a criminal trial” “without
7 complying with the procedural and substantive requirements for sealing the record from the public”).

8 These judicial proceedings are subject to the presumption of public access afforded by the
9 First Amendment, the California Constitution, Rule 243.1 of the California Rules of Court, and the
10 common law, and therefore Access Proponents respectfully request that the Court immediately
11 release a full transcript of the proceedings held this morning, or a redacted version to the extent that is
12 necessary.

13 DATED: June 6, 2005

Respectfully submitted,

14 GIBSON, DUNN & CRUTCHER LLP
15 Theodore J. Boutros, Jr.
16 Michael H. Dore

17 By: 
Theodore J. Boutros, Jr.

18 Attorneys for NBC Universal, Inc.; CBS
19 Broadcasting Inc.; Fox News Network
20 L.L.C.; ABC, Inc.; Cable News Network
21 LP, LLLP; The Associated Press;
22 *Los Angeles Times*; The New York Times
23 Company; The Washington Post; and
24 *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:

SUPPLEMENT TO 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
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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
5 of the transmission, a copy of which is attached to the original of this declaration.

6 Thomas W. Sneddon 7 District Attorney 8 Santa Barbara County 9 1105 Santa Barbara Street 10 Santa Barbara, CA 93101-2007 11 Attorneys for Plaintiffs	Tel.: (805) 568-2300 Fax: (805) 568-2398
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23 I certify under penalty of perjury under the laws of the State of California that the foregoing is
24 true and correct, that the foregoing document(s), and all copies made from same, were printed on
25 recycled paper, and that this Certificate of Service was executed by me on June 6, 2005, at
26 Los Angeles, California.
27
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Jess Fernandez

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