

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA BARBARA</b> STREET ADDRESS: 312-C East Cook Street MAILING ADDRESS: P.O. Box 5369 CITY AND ZIP CODE: Santa Maria, CA 93456-5369 BRANCH NAME: Cook Division	FOR COURT USE ONLY <b>FILED</b> SUPERIOR COURT OF CALIFORNIA COUNTY OF SANTA BARBARA <b>JUN 15 2005</b>
People of the State of California v. Michael Joe Jackson	GARY M. BLAIR, Executive Officer BY <i>Carrie L. Wagner</i> CARRIE L. WAGNER, COURT CLERK
<b>Findings and Order re Sealing Transcript of June 9, 2005 In Camera Hearing</b>	CASE NUMBER: 1133603

On June 9, 2005, the court held an in camera hearing outside the presence of the jury and the public. At the conclusion of the proceeding, the court ordered that transcript be sealed.

The Court makes the following findings in support of sealing the transcript:

The discussions held outside the public's presence concerned jury management. No rulings or orders were made during the chambers conference. Conducting the discussions in the presence of the public and the media would have inhibited the frankness of the exchange and signaled a greater concern than actually existed. In the high profile circumstances of this case, such public discussion may come to the attention of the jurors, potentially impacting the fair trial right of the litigants. For the same reasons, release of a transcript at this time would be inappropriate.

In this case, protection of the Defendant's right to a fair trial overcomes the right of public access to the record. A substantial probability exists that those interests will be prejudiced if the record is not sealed. The intensity of the media coverage in this case has been unprecedented. Each court hearing has been thoroughly reported and exhaustively analyzed by the media. The Court has consistently held that because of the pervasive media coverage in this case, the Defendant's right to a fair trial outweighs public access. Those findings are relevant here and incorporated by reference. [See Findings and Order re: Motion for Protective Order, filed January 23, 2004 and Findings and Order re: Sealing of Search Warrant Materials, filed January 23, 2004] There are no less restrictive means to protect those interests.

The Court acknowledges that its order must be narrowly tailored to accommodate the maximum public disclosure. Nevertheless, release of a redacted version of the transcript does not appear to be possible. Unsealing of the transcript will be considered at the hearing set for June 16, 2005 at 8:30 AM.

Dated:         JUN 15 2005        

*Robey S. McElwee*  
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 Judge of the Superior Court  
 ROBEY S. McELWEE

PROOF OF SERVICE  
1013A(1)(3), 1013(c) CCP

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA:

I am a citizen of the United States of America and a resident of the county aforesaid. I am employed by the County of Santa Barbara, State of California. I am over the age of 18 and not a party to the within action. My business address is 312-H East Cook Street, Santa Maria, California.

On June 15, 2005, 2005, I served a copy of the attached FINDINGS AND ORDER RE SEALING TRANSCRIPT OF JUNE 9, 2005 IN CAMERA HEARING addressed as follows:

THOMAS A. MESEREAU, JR.  
COLLINS, MESEREAU, REDDOCK & YU, LLP  
1875 CENTURY PARK EAST, 7<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90067

THOMAS W. SNEDDON, JR.  
DISTRICT ATTORNEY'S OFFICE  
1112 SANTA BARBARA STREET  
SANTA BARBARA, CA 93101

FAX

By faxing true copies thereof to the receiving fax numbers of: (805) 456-0699 (Thomas Mesereau, Jr.); (805) 568-2398 (Thomas Sneddon). Said transmission was reported complete and without error. Pursuant to California Rules of Court 2005(i), a transmission report was properly issued by the transmitting facsimile machine and is attached hereto.

MAIL

By placing true copies thereof enclosed in a sealed envelope with postage fully prepaid, in the United States Postal Service mail box in the City of Santa Maria, County of Santa Barbara, addressed as above. That there is delivery service by the United States Postal Service at the place so addressed or that there is a regular communication by mail between the place of mailing and the place so addressed.

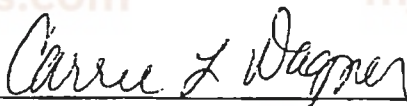
PERSONAL SERVICE

By leaving a true copy thereof at their office with the person having charge thereof or by hand delivery to the above mentioned parties.

EXPRESS MAIL

By depositing such envelope in a post office, mailbox, sub-post office, substation, mail chute, or other like facility regularly maintained by the United States Postal Service for receipt of Express Mail, in a sealed envelope, with express mail postage paid.

I certify under penalty of perjury that the foregoing is true and correct. Executed this 15<sup>TH</sup> day of JUNE, 2005, at Santa Maria, California.

  
CARRIE L. WAGNER