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13 Attorneys for Defendant  
14 **MICHAEL JOSEPH JACKSON**

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA BARBARA

JUN 22 2005

GARY M. BLAIR, Executive Officer  
BY *Carrie L. Wagner*  
CARRIE L. WAGNER, Deputy Clerk

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

13 THE PEOPLE OF THE STATE OF  
14 CALIFORNIA,

15 Plaintiffs,

16 vs.

17 MICHAEL JOSEPH JACKSON,

18 Defendant.

) Case No. 1133603

) MOTION FOR AN ORDER THAT  
) PROPERTY BE RETURNED;  
) DECLARATION OF COUNSEL;  
) ~~PROPOSED ORDER~~

) Honorable Rodney S. Melville  
) Date: TBD  
) Time: TBD  
) Dept: SM 2

21  
22 TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO THE DISTRICT  
23 ATTORNEY OF THE COUNTY OF SANTA BARBARA, TOM SNEDDON, AND DEPUTY  
24 DISTRICT ATTORNEYS GERALD FRANKLIN, RON ZONEN, GORDON AUCHINCLOSS  
25 AND MAG NICOLA:

26 Please take notice that the Defendant does hereby move and will further move on a date  
27 determined by the Court, at 8:30 a.m., or as soon thereafter as counsel may be heard in

28 MOTION FOR AN ORDER THAT PROPERTY BE RETURNED

1 Department 8 of the above entitled court, the Court issue the attached order regarding the return  
2 of property that was seized and subpoenaed pursuant to the investigations of Mr. Jackson. This  
3 motion is based on the grounds that this case is over and that the owners of seized and  
4 subpoenaed property, including Mr. Jackson, are entitled to the return of their property.

5 On June 16, 2005 counsel for Mr. Jackson offered in open court to provide the court staff  
6 with assistance to return subpoenaed items to those who sent them. This could be accomplished  
7 at the Court's direction.

8 This motion is based on the proposed order attached hereto, the declaration of counsel  
9 attached hereto, the papers, records and files in this case, and such other matters as may be  
10 received by the Court at or after the hearing scheduled on this motion.


11 Dated: June 22, 2005

12 Respectfully submitted,

13 COLLINS, MESEREAU, REDDOCK & YU  
14 Thomas A. Mesereau, Jr.  
Susan C. Yu

15 SANGER & SWYSEN  
16 Robert M. Sanger  
Stephen K. Dunkle

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18 By:

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20 Stephen K. Dunkle  
21 Attorneys for Defendant  
22 MICHAEL JOSEPH JACKSON  
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MOTION FOR AN ORDER THAT PROPERTY BE RETURNED

DECLARATION OF STEPHEN K. DUNKLE

1. I am an attorney at law duly licensed to practice law in the courts of the State of California, an associate in the law firm of Sanger & Swysen, and co-counsel for Michael Jackson.
2. I appeared with Robert M. Sanger before the Court on June 16, 2005. At that hearing, we presented Deputy District Attorney Plumer with a proposed stipulation regarding the return of property. Mr. Plumer initially signed the stipulation, however, he eventually withdrew his stipulation and stated that the stipulation needed to be reviewed by the prosecutors who were assigned to the case.
3. On June 17, 2005, Mr. Sanger spoke individually with Gordon Auchincloss and Mag Nicola regarding the proposed stipulation. Both prosecutors informed Mr. Sanger that he should speak to either Mr. Sneddon or Mr. Zonen regarding the stipulation.
4. I faxed a cover letter and an updated draft of the stipulation to Ron Zonen on June 16, 2005. On the same day, I left a voicemail message for Mr. Zonen alerting him that I had faxed the stipulation and asking him to call us to discuss.
5. As of today, I have not heard from Mr. Zonen regarding the stipulation.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct this 22<sup>nd</sup> day of June, 2005, at Santa Barbara, California.



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Stephen K. Dunkle