

JUN 22 2005

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SANTA BARBARA
10 SANTA MARIA DIVISION

11
12 THE PEOPLE OF THE STATE OF CALIFORNIA,

13 Plaintiff,

14 v.

15
16 MICHAEL JOE JACKSON,

17 Defendant.

No. 1133603

PLAINTIFF'S RESPONSE TO
DEFENDANT'S MOTION FOR
AN ORDER "THAT PROPERTY
BE RETURNED"

DATE: TBA a.m.
TIME: TBA
DEPT: SM-2

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19
20 A. Introduction:

21 Defendant has moved the court for an order "regarding the return of property that
22 was seized and subpoenaed pursuant to the investigations of Mr. Jackson." He points out that
23 "this case is over and that the owners of seized and subpoenaed property, including Mr.
24 Jackson, are entitled to the return of their property." (Motion 1:26 - 2:4.)

25 That language appears to recognize that the property to be returned must have been
26 "owned" by the person from whom it was seized.

27 The proposed order blurs that assumed premise: It calls for the return of "all
28 property seized from Neverland Ranch and all evidence seized from the person of Michael

1 Jackson, including all photographs, videotapes, and/or evidence preserved in any other fashion
2” (Motion 5:1-4.)

3 B. Discussion:

4 1. Description of Property in Question

5 Defendant has a list of every item of property and evidence seized or generated in
6 the investigation of his conduct, both in the early 1990s and in 2003. Certain of the property
7 seized from Neverland is contraband. Certain of that property may not belong to Mr. Jackson.
8 Other items of property may have relevance in the event of another investigation. Rather than
9 describing the property in general terms, defendant should provide the Court and opposing
10 counsel with a list of each specific item of property he wants to have returned to him. That
11 will enable the People to respond intelligently and with particularity to the motion.

12 2. “Photographs” and “videotapes”

13 Defendant is careful not to say so in as many words in his moving papers, but if the
14 order were signed as proposed, one just knows that defendant’s counsel would assert that the
15 order covers photographs taken of Mr. Jackson’s person in 1994, in connection with the
16 investigation of his reported molestation of Jordan Chandler.

17 The photographs taken by investigators of Mr. Jackson’s person in 1994, and
18 photographs and videotapes they took of Neverland Ranch and various items of property
19 observed and, in some cases, seized from Neverland Ranch in 1994 and again in 2003 are not
20 Mr. Jackson’s property. He does not “own” them. He may not demand that they be “returned”
21 to him.

22 In 1994, defendant moved the court for its order directing the “return” of the
23 photographs taken in the warranted search of Mr. Jackson’s person, complaining that they
24 would inevitably find their way into the popular press if not returned to him. That motion was
25 denied. Instead, the court ordered that the photographs and negatives be placed in a safety
26 deposit box, access to which would require signatures of two of three named, responsible
27 public officers, and then only with judicial authorization. There they have remained, hidden
28 from the world, to this day. And there they should remain.

1 The People will promptly respond to a particularized demand for return of property
2 seized or generated in the investigations of Mr. Jackson over the years.

3 DATED: June 22, 2005

4 Respectfully submitted,

5 THOMAS W. SNEDDON, JR.
6 District Attorney

7 By: 
8 Gerald McC. Franklin, Senior Deputy

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF SANTA BARBARA

} SS

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years and I am not a party to the within-entitled action. My business address is: District Attorney's Office; Courthouse; 1112 Santa Barbara Street, Santa Barbara, California 93101.

On June 22, 2005, I served the within PLAINTIFF'S RESPONSE TO DEFENDANT'S MOTION FOR AN ORDER "THAT PROPERTY BE RETURNED" on Defendant, by THOMAS A. MESEREAU, JR. and ROBERT SANGER by personally delivering a true copy thereof to Mr. Sanger's office in Santa Barbara and by transmitting a facsimile copy thereof to Attorney Mesereau at his office in Los Angeles, the addresses of which are shown on the attached Service List.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Santa Barbara, California on this 22th day of June, 2005.

Gerald McC. Franklin
Gerald McC. Franklin

SERVICE LIST

1
2
3 THOMAS A. MESEREAU, JR.
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6 FAX: (805) 456-0699

7 Attorney for Defendant Michael Jackson

8 ROBERT SANGER, ESQ.
9 Sanger & Swyscn, Lawyers
10 233 E. Carrillo Street, Suite C
11 Santa Barbara, CA 93001
12 FAX: (805) 963-7311

13 Co-counsel for Defendant

PROOF OF SERVICE

I, the undersigned declare:

I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 233 East Carrillo Street, Suite C, Santa Barbara, California, 93101.

On June 22, 2005, I served the foregoing documents on the interested parties in this action by depositing a true copy thereof as follows: **MOTION FOR AN ORDER THAT PROPERTY BE RETURNED; DECLARATION OF COUNSEL** on the interested parties in this action by depositing a true copy thereof as follows:

Santa Barbara County District Attorney
1112 Santa Barbara Street
Santa Barbara, CA 93101
568-2398

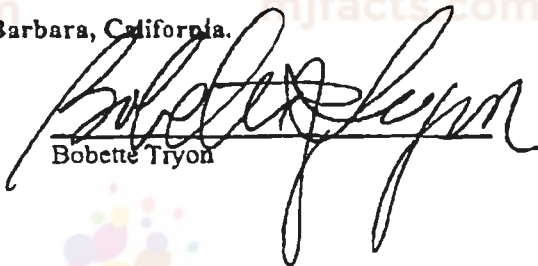
 BY U.S. MAIL - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid and deposited during the ordinary course of business. Service made pursuant to this paragraph, upon motion of a party, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit.

 X **BY FACSIMILE** - I caused the above-referenced document(s) to be transmitted via facsimile to the interested parties

 BY HAND - I caused the document to be hand delivered to the interested parties at the address above.

 X **STATE** - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed June 22, 2005, at Santa Barbara, California.



Bobette Tryon