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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

JUL 07 2004

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

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

11 THE PEOPLE OF THE STATE OF CALIFORNIA,

12 Plaintiff,

13 v.

14 MICHAEL JOE JACKSON,

15 Defendant.

No. 1133603

PEOPLE'S MOTION FOR
ORDER SEALING
PLAINTIFF'S OPPOSITION
TO DEFENDANT'S MOTION
TO SET ASIDE THE
INDICTMENT
(Pen. Code, § 995.)

Date: July 9, 2004

Time: 8:30 a.m.

Dept.: SM2 (Melville)

16 TO: MICHAEL JOE JACKSON, AND TO THOMAS A. MESFREAU, JR.,
17 STEVE COCHRAN, AND ROBERT SANGER, HIS ATTORNEYS OF RECORD, AND TO
18 GIBSON, DUNN & CRUTCHER, LLP, ATTORNEYS FOR "MEDIA":

19 PLEASE TAKE NOTICE that on July 9, 2004, at 8:30 a.m. or as soon thereafter as
20 the matter may be heard, in Department SM 2, Plaintiff will, and hereby does, move for an

1 order directing that the following records be maintained under conditional seal until further
2 order of court, pursuant to California Rules of Court, rule 243.1 et seq: "PLAINTIFF'S
3 OPPOSITION TO DEFENDANT'S MOTION TO SET ASIDE THE INDICTMENT" filed
4 July 6, 2004.


5 The motion will be made on the ground that the facts, as established by the
6 accompanying declaration of Gerald McC. Franklin, are sufficient to justify sealing the
7 specified records pursuant to California Rules of Court, rule 243.1 et seq.

8 The motion will be based on this notice of motion, on the declaration of
9 Gerald McC. Franklin and the memorandum of points and authorities served and filed
10 herewith, on the records and the file herein, and on such evidence as may be presented at the
11 hearing of the motion.

12 A proposed redacted version of the Request for Order to Show Cause and
13 supporting Declaration is submitted, under seal, with this request for sealing.

14 DATED: July 7, 2004

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16 THOMAS W. SNEDDON, JR.
District Attorney

17 By: 
18 Gerald McC. Franklin, Senior Deputy
19 Attorneys for Plaintiff
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MEMORANDUM OF POINTS AND AUTHORITIES

The procedure for sealing records under California Rules of Court, rule 243.1 et seq. applies only to records that are deemed public. (*Id.*, rule 243.1(a)(2).)

Rule 243.1(d) provides that

The court may order that a record be filed under seal only if it expressly finds facts that establish:

(1) There exists an overriding interest that overcomes the right of public access to the record;

(2) The overriding interest supports sealing the record;

(3) A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed;

(4) The proposed sealing is narrowly tailored; and

(5) No less restrictive means exist to achieve the overriding interest.

Rule 243.1(e) provides, in pertinent part:

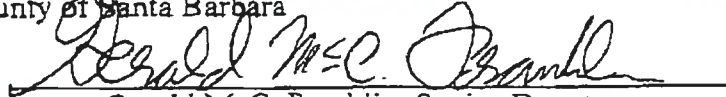
(1) An order sealing the record must (i) specifically set forth the facts findings that support the findings and (ii) direct the sealing of only those documents and pages, or, if reasonably practicable, portions of those documents and pages, that contain the material that needs to be placed under seal. All other portions of each documents or page must be included in the public file.

Rule 243.2(b) provides, in pertinent part, that "Pending the determination of the motion [of a party to file a record under seal], the lodged record will be conditionally under seal."

DATED: July 6, 2004

Respectfully submitted,

THOMAS W. SNEDDON, JR., DISTRICT ATTORNEY
County of Santa Barbara

By: 
Gerald McC. Franklin, Senior Deputy

Attorneys for Plaintiff



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