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11 *The Washington Post*

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

JUL 13 2004

GARY M. BLAIR, Executive Officer:

BY: Carrie L. Wagner
CARRIE L. WAGNER, Deputy Clerk

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

NOTICE OF APPEAL

Place: Department SM-2,
Judge Rodney S. Melville

[VIA FACSIMILE]

1 TO THE COURT AND TO THE PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that the Access Proponents, a group of media organizations,¹
3 hereby appeal to the Court of Appeal of the State of California, Second Appellate District, Sixth
4 Division, from all orders and rulings of the Court that were adverse to them, including, without
5 limitation, the Court's "Order Re: Motion to Seal 995 P.C. Motion," made pursuant to the Court's
6 July 9, 2004 Minute Order, in which the Court refused to release redacted portions of the Motion to
7 Set Aside the Indictment, as well the Court's oral orders to the same effect, and the continued sealing
8 of court records pursuant thereto.

9 The Access Proponents further appeal the Court's "Order that Reply to Plaintiff's Opposition
10 to Motion to Suppress Pursuant to Penal Code § 1538.5 and Non-Statutory Grounds (Part 1);
11 Memorandum of Points and Authorities in Support Thereof and Accompanying Documents Be Filed
12 Under Seal," filed on July 6, 2004, and the continued sealing of court records pursuant thereto.

13 The Access Proponents further appeal the Court's "Findings and Order Re Sealing Search
14 Warrants Nos. 5047-5068 and 5070-5071," filed on July 1, 2004, and the continued sealing of court
15 records pursuant thereto.

16 The Access Proponents further appeal the Court's "Order That the [Notice of] Motion and
17 Motion to Set Aside the Indictment (Penal Code § 995); Memorandum of Points and Authorities be
18 Filed Under Seal," filed on July 1, 2004, and the continued sealing of court records pursuant thereto.

19 The Access Proponents further appeal the Court's "Findings and Order Re Sealing Search
20 Warrants Nos. 5005-5008, 5015-5031, and 5035," filed on July 1, 2004, and the continued sealing of
21 court records pursuant thereto.

22 The Access Proponents further appeal the Court's "Order Directing That Plaintiff's
23 Opposition to Defendant's Motion to Suppress on Statutory and Non-Statutory Grounds Be Placed
24 Under Conditional Seal Pending Further Order of Court," filed on June 30, 2004, and the continued
25 sealing of court records pursuant thereto.

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

1 The Access Proponents further appeal the Court's "Findings and Order Re Sealing Search
2 Warrant No. 4976," filed on June 25, 2004, and the continued sealing of court records pursuant
3 thereto.

4 The Access Proponents further appeal the Court's "Order Granting Motion to Seal Plaintiff's
5 Motion for Release of Certain Evidence Currently in the Possession of the Court," made pursuant to
6 the Court's June 25, 2004 Minute Order, and the continued sealing of court records pursuant thereto.

7 The Access Proponents further appeal the Court's "Order that Defendant's 1538.5 P.C.
8 Motion (Part 1) shall be filed under seal; that Plaintiff's Response shall be filed under seal, and
9 Defendant's Reply shall be filed under seal." made pursuant to the Court's June 25, 2004 Minute
10 Order, and the continued sealing of court records pursuant thereto.

11 The Access Proponents further appeal the Court's "Findings and Order Re Sealing Request
12 for OSC Re Contempt," filed on June 17, 2004, and the continued sealing of court records pursuant
13 thereto.

14 The Access Proponents further appeal the Court's "Findings and Order Re: Sealing Portions
15 of Indictment," filed on June 8, 2004, and the continued sealing of court records pursuant thereto.

16 The Access Proponents further appeal the Court's "Order Directing that Search Warrants Nos.
17 SW 4977 and 4977A, the Supporting Affidavits and the Returns Thereon Be Maintained Under
18 Seal," filed on May 20, 2004, and the continued sealing of court records pursuant thereto.

19 The Access Proponents further appeal the Court's "Findings and Order Re: Sealing of Search
20 Warrant Materials and Declaration of Thomas Sneddon [re: warrants 4896-4902 and 4912-4915],"
21 filed on March 1, 2004, and the continued sealing of court records pursuant thereto.

22 The Access Proponents further appeal the Court's "Findings and Order Re: Sealing of Search
23 Warrant Materials [re: warrant 884686]," filed on January 23, 2004, which the Court has relied upon
24 and incorporated by reference into subsequent orders, and the continued sealing of court records
25 pursuant thereto.

26 The Access Proponents further appeal the Court's continuing Protective Order filed
27 January 16, 2004, modified on April 2, 2004, and incorporated by reference or otherwise relied upon
28 and expanded in application in various Orders and applications to seal court records since that time.

1 The Access Proponents further appeal the Court's various oral orders requiring the parties to
2 file virtually all documents "under seal" in the first instance, and the continued sealing of court
3 records pursuant thereto, subject only to potentially being unsealed in whole or in part at some time
4 in the future. See, e.g., May 28, 2004 Minute Order, at 2 ("The Court emphasized the Court's
5 previous order that motions shall be filed under seal with a request for the sealing of any sensitive or
6 protected issues; [and] that the Court will [then] issue further instructions in writing re: the request
7 for sealing issue.").

8 The Access Proponents further appeal any orders of the Court resulting in the holding of non-
9 public hearings without advance public notice and hearing or findings justifying closure, the
10 continued sealing of court records pursuant thereto, and the sealing any transcripts and documents of
11 which no public notice has been given and for which no findings justifying closure have been made.

12 DATED: July 13, 2004

13 GIBSON, DUNN & CRUTCHER LLP

Theodore J. Boutros, Jr.

William E. Thomson

Dominic Lanza

Michael H. Dore

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16
17 By: 
Theodore J. Boutros, Jr.

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

I, Valya Walker, declare 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 333 South Grand Avenue, Los Angeles, California 90071, in said County and State; I am employed by Gibson, Dunn & Crutcher and am currently working with Dominic W. Lanza, a member of the bar of this Court, and at his direction, on July 13, 2004, I served the within:

NOTICE OF APPEAL

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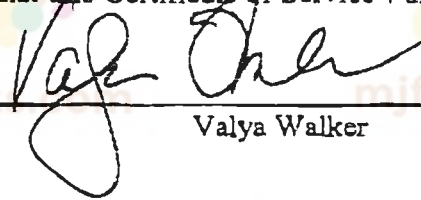
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- 1 **BY MAIL:** I placed a true copy in a sealed envelope addressed as indicated above, on the above-
2 mentioned date. I am "readily familiar" with the firm's practice of collection and processing
3 correspondence for mailing. It is deposited with the U.S. Postal Service on that same day with
4 postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am
5 aware that on motion of party served, service is presumed invalid if postal cancellation date or
6 postage meter date is more than one day after date of deposit for mailing in affidavit.
- 7 **BY PERSONAL SERVICE:** I placed a true copy in a sealed envelope addressed to each
8 person[s] named at the address[es] shown and giving same to a messenger for personal delivery
9 before 5:00 p.m. on the above-mentioned date.
- 10 **BY FACSIMILE:** From facsimile machine telephone number (213) 229-7520, on the above-
11 mentioned date, I served a full and complete copy of the above-referenced document[s] by facsimile
12 transmission to the person[s] at the number[s] indicated.
- 13 **BY NEXT DAY MAIL:** I placed a true copy in a sealed envelope addressed as indicated above,
14 on the above-mentioned date. I am familiar with the firm's practice of collection and processing
15 correspondence for delivery by Next Day Mail. Pursuant to that practice, envelopes placed for
16 collection at designated locations during designated hours with a fully completed airbill, under
17 which all delivery charges are paid by Gibson, Dunn & Crutcher, that same day in the ordinary
18 course of business.

19 I certify under penalty of perjury that the foregoing is true and correct, that the foregoing
20 document(s) were printed on recycled paper, and that this Certificate of Service was executed by me
21 on July 13, 2004, at Los Angeles, California.

22 
23 _____
24 Valya Walker

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