

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SANTA BARBARA**

Dated & Entered: JULY 23, 2004	Time: 1:30 P.M.	F	
Honorable RODNEY S. MELVILLE		CC	
Deputy Clerk: R. ROBLES	Dept. SM TWO	CA	
Deputy Sheriff :		AC	
Court Reporter: M. MC NEIL	Case No. 1133603	SR	
Plaintiff: THE PEOPLE OF THE STATE OF CALIFORNIA		ST	
vs.		DOC	X
Defendant(s): MICHAEL JOE JACKSON			
District Attorney: THOMAS W. SNEDDON, JR.			
Defense Counsel: THOMAS A. MESEREAU, JR.			
Probation Officer:		Interpreter:	

NATURE OF PROCEEDINGS: EX-PARTE HEARING RE: CONDUCT OF ARGUMENT ON THE 995 MOTION

Felony Complaint Filed December 18, 2003 charging the Defendant with Counts 1 thru 7: 288(a) P.C. a Felony, Counts 8 and 9: 222 P.C. a Felony, Enhancements on Counts 1 through 7: 1192.7(c)(6) P.C. and 1203.066(a)(8) P.C.

Indictment filed April 21, 2004 charging the Defendant with Count 1: 182 P.C., a Felony, Counts 2 through 5: 288(a) P.C., Felonies, Count 6: 664/288(a) P.C., a Felony, Counts 7 through 10: 222 P.C., Felonies, Special Allegations on Counts 2 through 5: 1192.7(c)(6) P.C. and 1203.066(a)(8)

The Court made orders re: 995 Motion Hearing

At 1:35 P.M. with Court, Research Attorneys Jed Beebe and Tracy Splitgerber present in Chambers, hearing proceeded.

Counsel present by phone for the People are Gerald M. Franklin, Ronald Zonen and Gordon Auchincloss.

Counsel present by phone for the Defendant are Thomas A. Mesereau, Jr., Robert M. Sanger, Steve Cochran, Susan Yu, Stacey Knight and Brian Oxman.

A 977 Waiver is on file and the Defendant's presence is excused for this hearing.

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PEOPLE VS MICHAEL JOE JACKSON

JULY 7, 2004

PAGE TWO

The Court confirmed that Defense Counsel has received a copy of the Motion to Quash filed by the People and ordered that the matter will be heard on July 27, 2004. Defense Counsel will have until Monday July 26, 2004 at noon to file an opposition to the Motion to Quash. The Court further orders that the three named subpoenaed witnesses are now excused from the hearing on July 27, 2004 on condition each agrees to appear on August 16, 2004. Deputy District Attorney Ronald Zonen will take the responsibility to notify subpoenaed witnesses of the Court's order.

As to the 995 Motion it is the Order of the Court that oral testimony will be limited only to the knowledge of the District Attorney's office at the time that it got the search warrant.

The Court admonishes Counsel with regard to using the names of witnesses and further advised that if there should be any release of names in public by counsel the Court will impose sanctions. The Court further orders that all of the Does in the District Attorney's Indictment will be referred to by their Doe names. This rule does not apply to the names of Mr. Miller or Mr. Geragos but applies to witnesses who have not to date been identified and will apply to arguments on the 995 Motion.

The Court will allow forty-five minutes for each side to argue the 995 motion including fifteen minutes for Rebuttal by the Defense.

The Court denies Deputy District Attorney Ronald Zonen's request to show Grand Jury exhibits during argument, stating that Counsel may provide the exhibit number, the page number of the transcript and lines when referring to an exhibit.

Defense Counsel Robert Sanger requests an order from the Court to be allowed to photocopy the Grand Jury Exhibits. Deputy District Attorney Ronald Zonen offers to prepare the order for Defense to photocopy the exhibits and in the absence of Judge Melville this evening have Judge Eskin sign the order. Once the order is signed it will then be faxed to the court here to conform and return to Deputy District Attorney Ronald Zonen.

The Court further orders that the Reporter's transcript shall be sealed pursuant to the protective order and findings previously made by the Court and shall not be transcribed without further order of the Court.

The Motion to Set Aside the Indictment pursuant to 995 P.C. remains as previously set for July 27, 2004 at 8:30 A.M.

At 2:20 P.M. Court adjourned.

CLERK OF THE SUPERIOR COURT

BY 
ROSE ROBLES, DEPUTY CLERK