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MICHAEL JOE JACKSON  
17

18 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
19 FOR THE COUNTY OF SANTA BARBARA  
20 SANTA MARIA DIVISION

21 THE PEOPLE OF THE STATE OF CALIFORNIA,  
22  
23 Plaintiff,  
24 vs.  
25 MICHAEL JOE JACKSON  
26 Defendant.

) CASE NO. 1133603  
)  
) SUPPLEMENTAL REQUEST BY MR.  
) JACKSON FOR CLARIFICATION OF THE  
) COURT'S PROTECTIVE ORDER;  
) DELCARATION OF THOMAS A.  
) MESEREAU, JR. IN SUPPORT THEREOF  
)  
) (FILED BY FACSIMILE)  
) HEARING  
)  
) DATE: AUGUST 16, 2004  
) TIME: 8:30 A.M.  
) Place: Dept. SM-2

FILED  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF SANTA BARBARA

JUL 29 2004

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

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1 Michael J. Jackson ("Mr. Jackson"), by and through his counsel, hereby respectfully  
2 submits this supplemental request for clarification of the Court's January 23, 2004  
3 Protective Order ("Protective Order").

4 On July 26, 2004, Mr. Jackson's counsel filed with the Court and served on the  
5 prosecution a Request for Clarification of the Court's Protective Order concerning Mr.  
6 Sneddon's comments about this case at the National District Attorneys Association  
7 summer conference in Vancouver, Canada on July 20, 2004 ("Initial Request for  
8 Clarification"). After this filing, Mr. Jackson's counsel learned of a Santa Barbara Press  
9 News article, published on Saturday, July 24, 2004, in which Senior Deputy District  
10 Attorney Ron Zonen is reported as stating the following:

11 Senior Deputy District Attorney Ron Zonen, who is co-counsel on the  
12 Jackson prosecution team, told the News-Press that the comment quoted in  
The Globe and Mail was either "a misquote or a lie."

13 Mr. Zonen insisted that the District Attorney's [sic] Office sent letters only  
14 to witnesses.

15 "We were notifying the witnesses of the presence of the protective order and  
16 that to comment on the case could put them in violation of the order," Mr.  
17 Zonen said. "There was no one we sent a letter to who we did not call as a  
18 witness. And the way you notify witnesses of the existence of a protective  
19 order is by mail."

20 Mr. Zonen said there was no specific discussion about the Jackson case, only  
21 talk about how to handle high-profile cases.

22 "(Mr. Sneddon) was also assured that there was no press present," Mr. Zonen  
23 said. "And he told everyone he would be answering no questions about  
24 Michael Jackson.

25 "Someone snuck in and then misquoted him. He never said that. We never  
26 did that. He did not discuss Michael Jackson. And he did not violate the gag  
27 order."

28 (A true and correct copy of the July 24, 2004 article, retrieved from The Santa Barbara  
New Press website on the Internet, is attached as Exhibit A to the Declaration of Thomas  
A. Mesereau, Jr.)

Mr. Jackson respectfully requests the Court for clarification as to whether the

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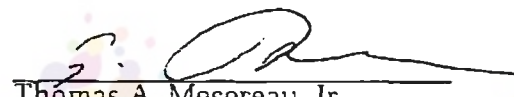
1 foregoing reported statements by Mr. Zonen violated the Protective Order.

2  
3 DATED: July 29, 2004

Respectfully submitted,

4  
5 Thomas A. Mesereau, Jr.  
6 Susau C. Yu  
7 COLLINS, MESEREAU, REDDOCK & YU  
8 Steve Cochran  
9 Stacey McGee Knight  
10 KATTEN MUCHIN ZAVIS ROSENMAN  
11 Robert M. Sanger  
12 SANGER & SWYSEN

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By:

  
Thomas A. Mesereau, Jr.  
Attorneys for Mr. MICHAEL J. JACKSON

1 DECLARATION OF THOMAS A. MESEREAU, JR.

2 I, Thomas A. Mesereau, Jr., declare as follows:

3 1. I am an attorney at law, duly licensed to practice before all of the Courts of  
4 the State of California. I am a member of the California Bar and am the lead defense  
5 counsel to Mr. Michael J. Jackson in this criminal proceeding entitled The People of the  
6 State of California v. Michael J. Jackson, et al., Santa Barbara County Superior Court,  
7 Santa Maria Division, Case No. 1133603. I have personal knowledge of the facts set forth  
8 herein and, if called and sworn as a witness, I could and would competently testify thereto  
9 under oath.

10 2. Attached hereto as Exhibit A is a true and correct copy of the July 24, 2004  
11 article, which my law partner and co-counsel Susan C. Yu retrieved from The Santa  
12 Barbara New Press website on the Internet on July 29, 2004.

13 I declare under penalty of perjury under the laws of the State of California that the  
14 foregoing is true and correct and that this declaration was executed on this 29<sup>th</sup> day of July  
15 2004, at Los Angeles, California.

16  
17   
18 THOMAS A. MESEREAU, JR.



July 24, 2004

photo gallery ▶

## Sneddon says comments taken out of context

By DAWN HOBBS and SCOTT HADLY  
NEWS-PRESS STAFF WRITERS

At a training seminar in Vancouver this week, Santa Barbara District Attorney Tom Sneddon tried to warn fellow prosecutors about the pitfalls of handling high-profile criminal cases. In the process, he wound up falling into a pit himself.

Mr. Sneddon and fellow prosecutors handling the child molestation case against pop star Michael Jackson scrambled Friday to correct news reports he thought mischaracterized what he said.

First reported in Canada's Globe and Mail, and rereported in dozens of news accounts by television and wire services, Mr. Sneddon's remark led to criticism that he overstepped his power as a prosecutor and tried to stifle comments about the Jackson case under false pretenses — specifically, by naming people as witnesses whom he had no intent of calling to testify so they would fall under the gag order.

Globe and Mail reporter Robert Matas told the News-Press on Friday that Mr. Sneddon was describing how the 24-hour news cycle creates fierce competition on high-profile cases and that he recommends gag orders. Then Mr. Sneddon said: "We sent letters to some people saying we intended to call them as witnesses in order to keep them off TV."

Mr. Sneddon told The Associated Press on Friday that the comment was taken out of context and misinterpreted.

But the way it was used in news accounts seemed to support Mr. Sneddon's harsh critique of media coverage of high-profile criminal cases in this age of 24-hour news and obsession with celebrity.

"It was a panel discussion on the subject of what to anticipate if one of these cases hits your jurisdiction," Mr. Sneddon said. "I was assigned the topic of how you preserve a fair trial for both sides and prevent a change of venue."

He acknowledged that he had cautioned prosecutors attending the National District Attorneys Association summer conference not to expect the press to be fair, and other panelists agreed with him.

"Everybody said it's the impact of cable TV and when they come to town it's a feeding frenzy," Mr. Sneddon said.

In response to the uproar over the remark, Mr. Matas said: "He just said what I quoted him as saying. I didn't ask him to elaborate. And he didn't elaborate. It's just what he said and however that is interpreted I guess is up to someone else."

Also on the Vancouver panel were James Brazelton, the district attorney in Modesto who handled the Laci Peterson case, and Robert F. Horan, the commonwealth's attorney from Fairfax, Va., who prosecuted East Coast sniper Lee Boyd Malvo. Neither official returned News-Press phone calls Friday.



NEWS-PRESS FILE PHOTO  
Tom Sneddon's controversial comment was made during the National District Attorneys Association conference.



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It's unclear whether Mr. Sneddon's panel discussion violated Superior Court Judge Rodney Melville's gag order in the Jackson case, or whether he had to get approval from the judge before responding Friday to the articles.

When asked whether the Jackson defense team would take any action regarding Mr. Sneddon's participation on the panel, lead lawyer Thomas Mesereau declined to comment, citing the gag order.

Senior Deputy District Attorney Ron Zonen, who is co-counsel on the Jackson prosecution team, told the News-Press that the comment quoted in The Globe and Mail was either "a misquote or a lie."

Mr. Zonen insisted that the District Attorney's Office sent letters only to witnesses.

"We were notifying the witnesses of the presence of the protective order and that to comment on the case could put them in violation of the order," Mr. Zonen said. "There was no one we sent a letter to who we did not call as a witness. And the way you notify witnesses of the existence of a protective order is by mail."

Mr. Zonen said there was no specific discussion about the Jackson case, only talk about how to handle high-profile cases.

"(Mr. Sneddon) was also assured that there was no press present," Mr. Zonen said. "And he told everyone he would be answering no questions about Michael Jackson."

Someone snuck in and then misquoted him. He never said that. We never did that. He did not discuss Michael Jackson. And he did not violate the gag order."

Mr. Matas, the Globe and Mail reporter, said he had attended the seminar the day before to cover a presentation by a Washington official.

"We were supposed to leave for the rest of the time," Mr. Matas said. "But I came back and the door was open and I walked in. I just sat in the back of the room and took notes."

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1 PROOF OF SERVICE

2 I, the undersigned, declare:

3 I am a citizen of the United States of America, am over the age of eighteen (18)  
4 years, and not a party to the within action. I am employed at 1875 Century Park East, 7<sup>th</sup>  
5 Floor, Los Angeles, CA 90067. On July 29, 2004, I served the following document:

6 **SUPPLEMENTAL REQUEST BY MR. JACKSON FOR CLARIFICATION OF THE COURT'S  
7 PROTECTIVE ORDER; DELCARATION OF THOMAS A. MESEREAU, JR. IN SUPPORT  
8 THEREOF**

9 on the interested parties addressed as follows:

10 Thomas Sneddon, Esq., District Attorney  
11 Gerald Franklin, Esq.  
12 Ronald Zonen, Esq.  
13 Gordon Auchincloss, Esq.  
14 District Attorney's Office  
15 1105 Santa Barbara Street  
16 Santa Barbara, CA 93108  
17 FAX: (805) 568-2398

18 BY MAIL: I placed each envelope, containing the foregoing document, with postage  
19 fully prepaid, in the United States mail at Los Angeles, California. I am readily familiar  
20 with the business practice for collection and processing of mail in this office; that in the  
21 ordinary course of business said document would be deposited with the US Postal Service  
22 in Los Angeles on that same day.

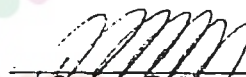
23 X BY FACSIMILE: I served a copy of the within document on the above-interested  
24 parties, by way of a facsimile, at the facsimile numbers listed above.

25 BY MESSENGER/ATTORNEY SERVICE: I caused \_\_\_\_\_ to personally serve the  
26 within document on the above interested parties.

27 X (State) I declare under penalty of perjury under the laws of the State of California  
28 that the foregoing is true and correct.

\_\_\_\_\_ (Federal) I declare that I am employed in the office of a member of the bar of this  
court at whose direction the service was made.

Executed on July 29, 2004, at Los Angeles, California.

23   
24 Susan C. Yu