

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

Dated & Entered:	AUGUST 20, 2004	Time:	8:45 A.M.		F		
Honorable RODNEY S. MELVILLE					CC		
Deputy Clerk:	L. FREY	Dept.	SM TWO		CA		
Deputy Sheriff :	L. AVILA				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:** CONTINUED HEARING ON MOTION TO SUPPRESS EVIDENCE (1538.5 P.C., PART 1); MOTION TO SUPPRESS EVIDENCE (1538.5 P.C., PART 2); MOTION FOR CLARIFICATION OF COURT'S ORDER; MOTION TO SEAL OPPOSITION TO MOTION TO QUASH CERTAIN SUBPOENAS; MOTION TO SEAL REPLY TO MOTION TO QUASH CERTAIN SUBPOENAS; MOTION TO SEAL REPLY TO MOTION TO CONTINUE TRIAL; MOTION TO SEAL DEFENDANT'S STATUS REPORT

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: Written and Oral Stipulation, Press Conferences and Statements, Use of Judge's Name, Copying of Subpoenaed Documents, September Date for Further Hearing, Continuance**

At 8:45 A.M. with Court, Counsel and Research Attorney Jed Beebe present, in the absence of the Defendant, hearing proceeded.

Counsel present for the People are Thomas W. Sneddon, Jr., Gerald M. Franklin, Ronald Zonen and Gordon Auchincloss.

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

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Investigating Officer for the District Attorney, Steve Robel, is present in Court.

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

Further Hearing on the Motion to Suppress Evidence pursuant to 1538.5 P.C. (Part 2) continued.

The following Defendant's Exhibit Received into Evidence:

40.

Attorney Auchincloss objects to witnesses Joe Marcus and Violet Silva as witnesses since discovery has not been provided to the People. Attorney Cochran advised the Court that he has no discovery to provide for either person.

Examination of Paul Zelis as a witness on behalf of the Defendant continued.

Attorneys Cochran and Zonen examined the witness.

The following Defendant's Exhibit Received into Evidence:

43.

Attorney Cochran advised the Court that the exhibit identified as Exhibit B is now marked as Exhibit 43; that Exhibit C is now marked as Exhibit 42.

The following Defendant's Exhibit Marked for Identification and Received into Evidence:

44 General Interview Questions.

Joseph Marcus sworn and examined as a witness on behalf of the Defendant.

Attorneys Cochran and Auchincloss examined the witness.

The following Defendant's Exhibit Marked for Identification:

45 Copy of Search Warrant Given to Joseph Marcus.

Violet Silva sworn and examined as a witness on behalf of the Defendant.

Attorneys Cochran and Auchincloss examined the witness.

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At 11:45 A.M. the Court ordered a recess until 1:30 P.M.

At 1:45 P.M. with Court, Counsel and Research Attorney Jed Beebe present, in the absence of the Defendant, hearing continued.

Attorneys Sanger and Zonen advised the Court that they have reached a written stipulation. Counsel may agree to withdraw any items on the list at a later time. The question of whether officers were justified in taking the items still remains, as do the general objections to the warrants and searches.

Counsel further stipulate orally that a definition of plain view will be proposed by stipulation or by the Court resolving the issue and that at the top of page 5 of the written stipulation, items seized from the upstairs library room refers to the library room in the arcade building.

The written stipulation is in part as follows:

Counsel for the plaintiff and the defendant hereby stipulate for the purposes of the pre-trial proceedings under 1538.5 of the Penal Code that, if the following witnesses were called to testify, they would each competently testify under oath that each was present at the search of Neverland Ranch on November 18, 2003, and at such time each was a peace officer employed by the Santa Barbara County Sheriff's Department. Furthermore, each officer would testify that she or he seized the items generally described below following her or his name and that said items were located in the portion of the property indicated. Each said officer would testify that said items were booked into evidence at the Santa Barbara County Sheriff's Office under the evidence booking number indicated. Said officers would testify that she or he took such actions pursuant to the direction of Lt. Klapakis and Sgt. Robel as well as other Sheriff's officers and agents of the Office of the Santa Barbara County District Attorney.

Without limitation, based on any other evidence adduced at the hearing on this motion, the following generally described items were seized from the location and by the officers so indicated and were booked under the SBSO Evidence number listed:

(Officers and items seized are listed on the stipulation.)

The Court approves the written and oral stipulations.

The Court orders that the written stipulation shall be filed under seal. Copies were given to the Judge, Research Attorney Jed Beebe and Attorneys Sneddon, Zonen, Auchincloss, Franklin, Mesereau, Sanger, Cochran and Yu.

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Attorney Zonen asked the Court to determine if there are reports to turn over to the District Attorney as to Joseph Marcus and Violet Silva.

The Court further orders that if there are reports of said witnesses, they do not need to be turned over to the District Attorney for this pre-trial motion.

Steve Robel recalled for further examination as a witness on behalf of the Defendant.

Attorneys Sanger and Zonen examined the witness.

Jeff Klapakis recalled for further examination as a witness on behalf of the Defendant.

Attorneys Sanger and Zonen examined the witness.

The following Defendant's Exhibit Marked for Identification and Received into Evidence:

46 DVD – Sheriff's Dept. Item No. 519.

Ross Ruth sworn and examined as a witness on behalf of the People.

Attorneys Zonen and Sanger examined the witness.

The following Defendant's Exhibit Marked for Identification:

47 Photo of Sheriff's Dept. Item No. 367, Cassette Recorder.

Attorney Sanger asked the Court to order that immediate production of the 1993 investigation reports, photos, videos and any other items relevant to this case be provided.

Attorney Sneddon advised the Court that the above requested documents are not in the possession of the Santa Barbara County District Attorney or Sheriff's Department. Attorney Sneddon agrees to give the Defense any photos or videos that he has in his possession. Attorney Sneddon will call the Los Angeles Police Department to determine if they have any exhibits from the 1993 investigation.

Attorney Sneddon handed the Court a letter from Mrs. Doe's physician. The Court selects September 17, 2004 for Mrs. Doe to be present and testify. The District Attorney shall contact Mrs. Doe and report back to the Court on Monday regarding the September 17, 2004 date.

Attorney Mesereau addressed the Court re: a press conference regarding the Attorney General's report.

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The Court further orders that the District Attorney or Sheriff shall not go beyond the relief requested for the report and the accompanying statement.

The Court further discussed a statement made by the Defendant. The Court further orders that no one shall use the Judge's name attached to any statements so as to suggest that the Court vouches for the content of the statement.

The Court further orders that arguments for the 1538.5 P.C. (Parts 1 and 2) Motion shall be given on September 17, 2004.

The Court further orders that a representative for the Defendant is authorized to open and copy subpoenaed records in the Superior Court Clerk's office next week in the presence of a Court representative.

At 4:30 P.M. the Court ordered a recess until August 23, 2004, 10:00 A.M.

CLERK OF THE SUPERIOR COURT

BY *Lorna Frey*  
LORNA FREY, DEPUTY CLERK

PROOF OF SERVICE

1013A(1)(3), 1013(c) CCP

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA:

I am a citizen of the United States of America and a resident of the county aforesaid. I am employed by the County of Santa Barbara, State of California. I am over the age of 18 and not a party to the within action. My business address is 312-H East Cook Street, Santa Maria, California.

On AUGUST 27, 20 04, I served a copy of the attached MINUTE ORDER (DATED 8/20/04) addressed as follows:

THOMAS W. SNEDDON, DISTRICT ATTORNEY  
DISTRICT ATTORNEY'S OFFICE  
1105 SANTA BARBARA STREET  
SANTA BARBARA, CA 93101

THOMAS A. MESEREAU, JR.  
COLLINS, MESEREAU, REDDOCK & YU, LLP  
1875 CENTURY PARK EAST, 7<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90067

X  FAX

By faxing true copies thereof to the receiving fax numbers of: 805-568-2398 (DISTRICT ATTORNEY); 310-861-1007 (THOMAS A. MESEREAU, JR). Said transmission was reported complete and without error. Pursuant to California Rules of Court 2005(i), a transmission report was properly issued by the transmitting facsimile machine and is attached hereto.

    MAIL

By placing true copies thereof enclosed in a sealed envelope with postage fully prepaid, in the United States Postal Service mail box in the City of Santa Maria, County of Santa Barbara, addressed as above. That there is delivery service by the United States Postal Service at the place so addressed or that there is a regular communication by mail between the place of mailing and the place so addressed.

    PERSONAL SERVICE

By leaving a true copy thereof at their office with their clerk therein or the person having charge thereof.

    EXPRESS MAIL

By depositing such envelope in a post office, mailbox, subpost office, substation, mail chute, or other like facility regularly maintained by the United States Postal Service for receipt of Express Mail, in a sealed envelope, with express mail postage paid.

I certify under penalty of perjury that the foregoing is true and correct. Executed this 27<sup>TH</sup> day of AUGUST, 20 04, at Santa Maria, California.

Carrie L. Wagner  
CARRIE L. WAGNER