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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

AUG 22 2005

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
12 THE PEOPLE OF THE STATE OF CALIFORNIA,)

13 Plaintiff,

14 v.

15
16 MICHAEL JOE JACKSON,

17 Defendant.
18

No. 1133603

19 PROPOSED WAIVER OF
20 LIABILITY CONCERNING
21 RECEIPT OF CERTAIN
22 PROPERTY TREATED WITH
23 TOXIC SUBSTANCES IN
24 THE COURSE OF THE
25 INVESTIGATION

26
27 The Court and counsel for Plaintiff and Defendant have previously discussed the
28 return of evidence seized from Defendant in the course of the investigation underlying the
charges upon which Defendant was indicted. Plaintiff's counsel noted that some of the
property had been treated with one or more substances in an effort to reveal fingerprint, and
that the residue of that or those chemicals on a given item of property might well be toxic and
pose a danger to the health of anyone handling the property without taking adequate
precautions. Plaintiff's counsel suggested that the Court consider conditioning release of the
contaminated property to Defendant upon the execution by him or his authorized representative


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of a release and hold-harmless agreement and assuming the risk of harm attributable to handling any property so treated with toxic substances.

Attached for consideration by the Court and Counsel is a draft of a "Waiver, Release and Assumption of Risk Agreement" prepared by the County Council's Office.

DATED: August 22, 2005

Respectfully submitted,


THOMAS W. SNEDDON, JR.
District Attorney

PROOF OF SERVICE


STATE OF CALIFORNIA }
COUNTY OF SANTA BARBARA } SS

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years and I am not a party to the within-entitled action. My business address is: District Attorney's Office; Courthouse; 1112 Santa Barbara Street, Santa Barbara, California 93101.

On August 22, 2005, I served the within PROPOSED WAIVER OF LIABILITY CONCERNING RECEIPT OF CERTAIN PROPERTY TREATED WITH TOXIC SUBSTANCES IN THE COURSE OF THE INVESTIGATION on Defendant, by THOMAS A. MESEREAU, JR. and ROBERT SANGER by personally delivering a true copy thereof to Mr. Sanger's office in Santa Barbara, by transmitting a facsimile copy thereof to Attorney Mesereau, and by causing a true copy thereof to be mailed to Mr. Mesereau, first class postage prepaid, at the addresses shown on the attached Service List.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Santa Barbara, California on this 22 day of August, 2005.


Gerald McC. Franklin

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SERVICE LIST

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