

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

Dated & Entered: AUGUST 23, 2004	Time: 8:30 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: Motions to Seal and Opposition Thereto, Court's Protective Order, Examination of Exhibits, Documents from Previous Searches, Continuance

At 10:00 A.M. with Court, Counsel and Research Attorney Jed Beebe present, hearing proceeded.

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

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

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

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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.

Jalaine Hogue sworn and examined as a witness on behalf of the People.

Attorneys Auchincloss and Cochran examined the witness.

Russell Birchim 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:

48 Official Santa Barbara Sheriff's Dept. Photo #66 of 1993 Search.

Upon stipulation of Counsel for respective parties the Court orders that the original of Exhibit No. 48 may be removed from the courtroom for purposes of making copies and that said exhibit shall then be returned to the Court.

Court and Counsel discussed the handling of exhibits.

The Court further orders that the Motions 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 and Motion to Seal Defendant's Status Report shall be granted; that the Media's motion to unseal said documents shall be denied; that redacted copies of said documents were issued; that the Court will issue written findings.

The Court heard arguments on the Defendant's Motion for Clarification of the Court's Protective Order.

Attorneys Mesereau and Auchincloss addressed the Court re: Attorney Sneddon's remarks.

The Court outlined what the protective order requires.

The Court finds that the statements made by Attorneys Sneddon and Zonen do not violate the Court's protective order.

At 12:10 P.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.

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Counsel stipulate to the Court's proposal that the Court will indicate which material was authorized or was in plain view; that the Court set the date for Counsel to file objections under seal to any of the specified evidence by September 3, 2004 and reply by September 10, 2004. The Court shall allow Counsel to argue re: the exhibits on September 17, 2004. It was further ordered that the taking of witness testimony shall resume on September 16, 2004 at 8:30 A.M. with the exception of the testimony of witness Jane Doe, which shall be heard on September 17, 2004 at 8:30 A.M.

The Court's tentative authorized items are:

308, 322, 325, 326, 328, 329, 332, 333, 333-A, 334, 334-A, 335, 337, 341, 342, 343, 344, 345, 346, 347, 349, 362, 367, 369, 505, 508, 509, 510, 511, 512, 603, 604, 605, 606, 607, 608, 609, 644, 645, 1009.

The items that the Court would like Counsel to provide further argument on are:

312, 318, 331, 333-A, 334-A, 348, 352, 368.

The Court advised Counsel that without argument by Counsel the Court intends to suppress the above referenced items that the Court is concerned about.

Upon stipulation of Counsel for respective parties the Court further orders that Counsel shall meet in the Jury Room to go over exhibits; that any exhibits that Counsel want to view may be opened and then resealed after viewing.

The Court further orders that Attorney Sneddon shall contact Attorney Sanger by September 27, 2004 re: the availability of the Los Angeles Police Department's possession of search warrants, photos, videos and reports from searches 1, 2 and 3.

At 2:05 P.M. the Court ordered a recess until September 16, 2004, 8:30 A.M.

Following the hearing, off the record, the parties continued to examine the seized items jointly. At approximately 3:30 P.M. the parties requested an opportunity to meet with the Court to resolve an issue that had arisen. The request was made in writing and the Court responded in writing only. The request and response were as follows:

To Judge Melville:

"With regard to items #312, #318, #328 which are in the Court's possession, the defense claims we should not be entitled to view these items because they are covered by the attorney-client privilege.

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“Without some ruling or opportunity to view the items we can not address the Court’s request to justify the seizure of these items by September 3 or September 16th. It is for this reason we requested to reconvene.”

To the D.A. and Defense:

“Please address your claim of attorney-client privilege in your Sept. 3, submissions.

“The D.A. may give any reasons for the seizure. The defense should prepare a privilege log.

“The Court will then decide the procedure to follow at the hearing on the 16th.”

Signed: Rodney S. Melville

CLERK OF THE SUPERIOR COURT

BY



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 8/23/04) 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, 7TH FLOOR
LOS ANGELES, CA 90067

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.

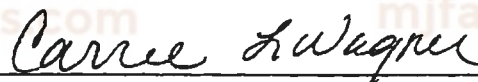
PERSONAL SERVICE

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 27TH day of AUGUST, 20 04, at Santa Maria, California.



CARRIE L. WAGNER