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11 Attorneys for Defendant
12 **MICHAEL JOSEPH JACKSON**

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

14 **FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION**

16 **THE PEOPLE OF THE STATE OF**
17 **CALIFORNIA,**

18 Plaintiffs,

19 vs.

20 **MICHAEL JOSEPH JACKSON,**

21 Defendant.

) Case No. 1133603

) **EX PARTE APPLICATION TO FILE UNDER**
22 **SEAL**

) Honorable Rodney S. Melville
23 Date: September 17, 2004
24 Time: 8:20 am.
25 Dept: SM 8

25 **TO THE CLERK OF THE ABOVE ENTITLED COURT:**

26 Defendant requests that the Court issue an order that the accompanying **DEFENDANT'S**
27 **REPLY TO THE DISTRICT ATTORNEY'S SUPPLEMENTAL RESPONSE IN OPPOSITION TO**

28 **EX PARTE APPLICATION TO FILE UNDER SEAL**

1 DEFENSE MOTION TO SUPPRESS and accompanying documents, be filed under seal and for
2 such other such further relief as the Court may deem just and proper. This request is based on the
3 overriding interests of Mr. Jackson's rights to due process and a fair trial under the Fifth, Sixth and
4 Fourteenth Amendments to the United States Constitution and Article I, Sections 1, 7, and 15 of the
5 California Constitution.

6 Dated: September 10, 2004

7 Respectfully submitted,

8 COLLINS, MESEREAU, REDDOCK & YU
9 Thomas A. Mesereau, Jr.
Susan C. Yu

10 SANGER & SWYSEN
11 Robert M. Sanger

12 OXMAN & JAROSCAK
13 Brian Oxman

14 By:


15 Robert M. Sanger
16 Attorneys for Defendant
17 MICHAEL JOSEPH JACKSON

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EX PARTE APPLICATION TO FILE UNDER SEAL

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I.**

3 **THE COURT HAS THE AUTHORITY TO ORDER THAT**
4 **A RECORD BE FILED UNDER SEAL**

5 Pursuant to California Rule of Court 243.1(d), the Court has the authority to order a
6 record be filed under seal if it expressly finds that:

- 7 1. There exists an overriding interest that overcomes the right of public access to the
8 record;
- 9 2. The overriding interest supports sealing the record;
- 10 3. A substantial probability exists that the overriding interest will be prejudiced if the
11 record is not sealed;
- 12 4. The proposed sealing is narrowly tailored; and
- 13 5. No less restrictive means exist to achieve the overriding interest.

14 (California Rule of Court 243.1(d).)

15 **II.**

16 **OVERRIDING INTERESTS EXIST THAT MEETS THE ABOVE CRITERIA FOR**
17 **SEALING A RECORD**

18 It is necessary to seal the record pursuant to California Rule of Court 243.1(d) based on
19 the overriding interests of Mr. Jackson's rights to due process and a fair trial under the Fifth,
20 Sixth and Fourteenth Amendments to the United States Constitution and Article I, Sections 1, 7,
21 and 15 of the California Constitution.

22 An inspection of the documents will reveal that they disclose the testimony of witnesses
23 or potential witnesses and disclose possible evidence, the admissibility of which, is yet to be
24 determined.

25 The overriding interests of Mr. Jackson's rights to a fair trial and due process would be
26 compromised if the accompanying document is not filed under seal. A person accused of a crime
27 is entitled to due process and a fair trial under the Fifth, Sixth and Fourteenth Amendments to the

28 **EX PARTE APPLICATION TO FILE UNDER SEAL**

1 United States Constitution and Article I, Sections 1, 7, and 15 of the California Constitution.
2 Material contained the accompanying document pertains to evidence and the testimony of
3 witnesses that, if made public, would compromise Mr. Jackson's these rights and would result in
4 prejudice to Mr. Jackson. In order to protect these overriding interests, it is necessary that the
5 accompanying document be filed under seal.

6 **CONCLUSION**

7 For the reasons stated above, Mr. Jackson requests that the Court issue an order that the
8 accompanying DEFENDANT'S REPLY TO THE DISTRICT ATTORNEY'S
9 SUPPLEMENTAL RESPONSE IN OPPOSITION TO DEFENSE MOTION TO SUPPRESS
10 and accompanying documents, be filed under seal.

11 Dated: September 10, 2004

12 COLLINS, MESEREAU, REDDOCK & YU
13 Thomas A. Mesereau, Jr.
Susan C. Yu

14 SANGER & SWYSEN
15 Robert M. Sanger

16 OYMAN & JAROSCAK
17 Brian Oyman

18 By: 

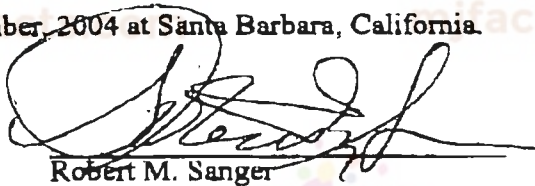
19 Robert M. Sanger
20 Attorneys for
MICHAEL JOSEPH JACKSON

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2 **DECLARATION OF ROBERT M. SANGER**

3 I, Robert Sanger, declare:

- 4 1. I am an attorney at law duly licensed to practice law in the courts of the State of
5 California, a partner in the law firm of Sanger & Swysen, and co-counsel for Michael
6 Jackson.
- 7 2. It is necessary that the accompanying **DEFENDANT'S REPLY TO THE DISTRICT**
8 **ATTORNEY'S SUPPLEMENTAL RESPONSE IN OPPOSITION TO DEFENSE**
9 **MOTION TO SUPPRESS** and accompanying documents, be filed under seal in order to
10 protect the overriding interests of Mr. Jackson's rights to due process and a fair trial, as
11 well as to prevent the disclosure of witnesses, potential witnesses and potential evidence.
12 I declare under penalty of perjury that the foregoing is true and correct and that this

13 declaration was executed this 10th day of September, 2004 at Santa Barbara, California.

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15 
16 Robert M. Sanger