

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

Dated & Entered: SEPTEMBER 16, 2004	Time: 8:30 A.M.	<b>F</b>	
Honorable RODNEY S. MELVILLE		<b>CC</b>	
Deputy Clerk: L. FREY	Dept. SM TWO	<b>CA</b>	
Deputy Sheriff : L. AVILA		<b>AC</b>	
Court Reporter: M. MC NEIL	Case No. 1133603	<b>SR</b>	
Plaintiff: THE PEOPLE OF THE STATE OF CALIFORNIA		<b>ST</b>	
vs.		<b>DOC</b>	<b>X</b>
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); CONTINUED HEARING ON MOTION TO SUPPRESS EVIDENCE (1538.5 P.C.)(PART 2); MOTION REQUESTING CONTEMPORANEOUS ACCESS TO VIDEOTAPES PLAYED IN OPEN COURT, ETC.; MOTION TO COMPEL DISCOVERY; DISCUSSION OF DEFENSE REPORT RE: FAILURE TO PRODUCE AND REQUEST FOR SANCTIONS AND PEOPLE'S RESPONSE THERETO; MOTIONS TO SEAL OPPOSITION TO MOTION TO SUPPRESS EVIDENCE AND REPLY (1538.5 P.C.)(PART 2); MOTION TO SEAL SEARCH WARRANTS 4998, 5032 AND 5110-5128; MOTION TO SEAL PRIVILEGE LOG FOR EVIDENCE ITEMS 824, 825 AND 826; MOTION TO SEAL PEOPLE'S STATUS REPORT ON PLAINTIFF'S DISCOVERY TO DEFENDANT; MOTION TO SEAL MR. JACKSON'S REQUEST TO MAKE PUBLIC STATEMENT; MOTION TO SEAL DEFENDANT'S REPORT RE: PROSECUTION'S FAILURE TO PRODUCE DISCOVERY AND REQUEST FOR SANCTIONS; MOTION TO SEAL MOTION TO COMPEL DISCOVERY; MOTION TO SEAL REPLY TO THE MOTION TO QUASH CERTAIN SUBPOENAS

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: Sealing of Exhibits, Motions to Seal, Redacted Copies, Motion to Compel Discovery Continued, Production of Forensic Tests and Reports, Failure to Produce Motion, Time Limits on Closing Arguments, Motion to Reconsider Bail Reduction Set for Next Hearing, Boutrous' Request for Redacted Copies, Attorney General's Report, 1538.5 P.C. Motions Continued**

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At 8:30 A.M. with Court, Counsel and Research Attorneys Jed Beebe and Tracy Splitgerber present, hearing continued.

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

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

Counsel present for the Media is Theodore Boutrous.

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. continued.

Counsel presented a stipulation to the Court removing certain seized items from Defendant's motion to suppress for purposes of the Court's consideration of the merits of the pending motion. The Court approves said stipulation.

Steve Moeller sworn and examined as a witness on behalf of the Defendant.

Attorney Cochran examined the witness.

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

49 DVD Sheriff's Department Item #647.

Lisa Susan Roote Hemman sworn and examined as a witness on behalf of the Defendant.

Attorney Cochran examined the witness.

Karen Shepherd sworn and examined as a witness on behalf of the Defendant.

Attorneys Cochran and Auchincloss examined the witness.

Ross Ruth recalled for further examination as a witness on behalf of the Defendant.

Attorney Sanger examined the witness.

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

- 50 Page of Photos Printed from a Disc of Photos Provided by the Los Angeles Police Department
- 50-A Page of Photos Printed from a Disc of Photos Provided by the Los Angeles Police Department.

A portion of Exhibit 40 was played for the Court and the witness. Counsel stipulate that the Court Reporter is not required to take down the audio portion of said exhibit. Counsel shall provide the Court with a transcript of the audio portion of the DVD at a later time.

The Court heard argument by Attorneys Boutrous, Sanger and Auchincloss regarding the Motion Requesting Contemporaneous Access to Videotapes Played in Open Court and Motion to Seal Exhibits Admitted into Evidence. The Court orders that everything that can be shown will be shown on the screen in open Court. However, some items may be sealed. The Court further orders that the Court exhibits shall remain under conditional seal; that Counsel shall identify those exhibits that shall remain sealed and those that may be redacted; that Counsel shall provide a proposed redacted list; that the Court shall continue the motion to seal exhibits to the next hearing date.

Attorneys Sanger and Boutrous addressed the Court re: a document that was sent to Attorney Boutrous by Attorney Sanger's office in error. Attorney Sanger asked the Court to clarify if Attorney Boutrous has an obligation to return documents that were sent to him in error and not release them to the news media. The Court finds that Attorney Boutrous knows his duties and the Court shall not make any clarifying remarks.

Attorney Boutrous addressed the Court re: the Motions to Seal the District Attorney's Opposition to Motion to Suppress Evidence and the Defense's Reply Thereto. The Court further orders that said motions shall be granted; that the Court will issue written findings and an order.

The Court further orders that the Motions to Seal Search Warrants 4998, 5032 and 5110-5128 shall be granted; that proposed redacted versions shall be supplied and released as soon as possible. The Court will issue written findings and an order.

The Court further finds that a sealing motion was not presented to the Court for the Motion to Seal the Privilege Log for Evidence Items 824, 825 and 826. The Court further orders that a sealing motion shall be provided to the Court by Counsel for the Defendant for said motion.

The Court further finds that a sealing motion was not presented to the Court for the Motion to Seal People's Status Report On Plaintiff's Discovery to Defendant. The Court further orders that a sealing motion shall be provided to the Court by Counsel for the People for said motion.

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The Court further orders that the Motion to Seal Mr. Jackson's Request to Make Public Statement shall be granted; that the Court will issue written findings and an order.

The Court further orders that the Motion to Seal Defendant's Report re: Prosecution's Failure to Produce Discovery and Request for Sanctions shall be granted; that the Court will issue written findings and an order.

The Court further orders that the Motion to Seal Motion to Compel Discovery shall be granted; that the Court will issue written findings and an order.

The Court further finds that at the August 23, 2004 hearing the Court indicated that the Motion to Seal Reply to the Motion to Quash Certain Subpoenas was granted. This was an error as no motion to seal was ever filed. On September 3, 2004 the District Attorney was directed to file said motion and to this date there has been no motion filed. The Court orders that the District Attorney shall file a Motion to Seal Reply to the Motion to Quash Certain Subpoenas.

The Court addressed the issue of failure to file redacted copies. The Court issued a warning to Counsel that any future violations may result in sanctions. The Court advised Counsel to file their redacted copies with the motions, but in exceptional cases, proposed redacted copies may be submitted two days after submitting the motion to the Court.

The Court addressed the issue that Access Proponents have sent communications to the Court informally via letter. The Court advised Attorney Boutrous that all requests shall be in a legal form and there shall be no ex parte communication with the Court.

The Court further orders that the Motion to Seal Document Entitled "Items to Be Suppressed" shall be granted. The Court will issue written findings and an order.

No sealing motion was submitted re: Stipulation of Parties Regarding Items Seized at Neverland Ranch. The Court orders the District Attorney to prepare an order to seal said motion.

The Court reiterated to Counsel that only sensitive documents need to be filed under seal; that if Counsel are in doubt, they shall file their documents under seal.

The Court further orders that the Motion to Seal People's Supplemental Response in Opposition to Defense Motion to Suppress shall be granted. The Court will issue written findings and an order.

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Attorneys Mesereau and Sneddon addressed the Court re: the Motion to Seal Application for OSC re: Contempt. Attorney Mesereau advised the Court that he will release the approved statement tomorrow. The Court denied the motion to seal these documents and orders that the OSC will be released and transcripts of the hearings related thereto will be available following Attorney Mesereau's statement with some name redactions.

Attorneys Cochran and Sneddon addressed the Court re: the Motion to Compel Discovery. The Court further orders that the District Attorney shall reply by tomorrow and further hearing will be held tomorrow on said motion.

The Court further orders that all Forensic Tests and Materials shall be given to the Defense Counsel by October 8, 2004; that the District Attorney shall advise the lab to provide their work forthwith.

Attorneys Cochran and Sneddon addressed the Court re: materials seized pursuant to a Search Warrant. Attorney Sneddon advised the Court that all material shall be given to the Defense Counsel immediately upon receipt.

Attorneys Cochran and Auchincloss addressed the Court re: the Defense Report re: Failure to Produce and Request for Sanctions and People's Response Thereto. The Court declines to take any action as there is no evidence that the District Attorney made any misrepresentations and the document was produced in time for the 1538.5 P.C. motions.

The Court further advised Counsel that the time limitations for the closing arguments for the 1538.5 P.C. (Part 1) shall be limited to 15 minutes for each side and for the closing arguments for the 1538.5 P.C. (Part 2) shall be limited to 30 minutes for each side; that there shall be only one attorney for each side presenting the arguments.

The Court further orders that the Motion to Reconsider the Bail Reduction shall be heard at the next hearing.

The Court further orders that Attorney Boutros' verbal request to be provided with a redacted copy of the sealing motions re: exhibits shall be granted after the Court has reviewed the parties' submissions.

Attorney Franklin addressed the Court re: the Attorney General's Report. The Court orders that the Court will not seal the document.

At 12 Noon the Court ordered a recess until September 17, 2004 at 8:30 A.M.

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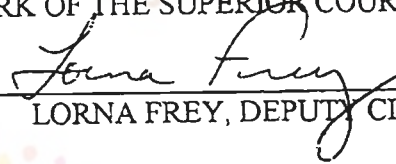
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Defendant shall remain on bail previously posted.

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 SEPTEMBER 27, 20 04, I served a copy of the attached MINUTE ORDER, DATED 9/16/04 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

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.

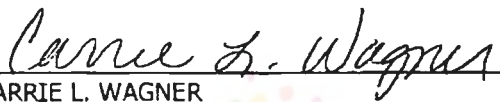
PERSONAL SERVICE

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, sub-post 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 SEPTEMBER, 20 04, at Santa Maria, California.

  
CARRIE L. WAGNER