

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

<b>Dated &amp; Entered:</b> OCTOBER 14, 2004	<b>Time:</b> 8:35 A.M.	F	
<b>Honorable RODNEY S. MELVILLE</b>		CC	
<b>Deputy Clerk:</b> L. FREY	<b>Dept.</b> SM TWO	CA	
<b>Deputy Sheriff :</b> L. AVILA		AC	
<b>Court Reporter:</b> M. MC NEIL	<b>Case No.</b> 1133603	SR	
<b>Plaintiff:</b> THE PEOPLE OF THE STATE OF CALIFORNIA		ST	
vs.		DOC	X
<b>Defendant(s):</b> MICHAEL JOE JACKSON			
<b>District Attorney:</b> THOMAS W. SNEDDON, JR.			
<b>Defense Counsel:</b> THOMAS A. MESEREAU, JR.			
<b>Probation Officer:</b>	<b>Interpreter:</b>		

**NATURE OF PROCEEDINGS:** MOTION TO CONTINUE HEARING OF DEFENDANT'S MOTION TO RECUSE THE DISTRICT ATTORNEY'S OFFICE; MOTION FOR RECUSAL OF SANTA BARBARA COUNTY DISTRICT ATTORNEY'S OFFICE; MOTION COMPELLING DISCLOSURE OF INFORMANT'S INDENTITY OR IN THE ALTERNATIVE, DISMISSING THE ACCUSATORY PLEADING; MOTION TO COMPEL DISCOVERY, STATUS OF ISSUES OF PRIVILEGE; MOTION FOR ORDER DIRECTING DEFENDANT TO LODGE INCULPATORY EVIDENCE WITH THE COURT (SANCHEZ MOTION); MOTION TO SUPPRESS AND RETURN MATERIALS SEIZED PURSUANT TO SW NO. 5135; MOTION TO RECONSIDER BAIL; CONSIDERATION OF REDACTION OF EXHIBITS ADMITTED AT 1538.5 P.C. HEARING; MOTION TO SEAL MOTION TO RECONSIDER BAIL; MOTION TO SEAL PLAINTIFF'S MEMORANDUM RE: AN APPROPRIATE TIME LIMIT TO CROSS-EXAMINE WITNESS AND MR. JACKSON'S RESPONSE THERETO; MOTION TO SEAL DEFENDANT'S SUPPLEMENTAL BRIEF IN SUPPORT OF MOTION TO TRAVERSE AFFIDAVITS, ETC. AND D.A.'S REPLY THERETO; MOTION TO SEAL DEFENDANT'S REPLY TO THE D.A.'S SUPPLEMENTAL RESPONSE; MOTION TO SEAL PRIVILEGE LOG FOR EVIDENCE ITEMS 824, 825 AND 826; MOTION TO SEAL STIPULATION OF PLAINTIFF AND DEFENDANT THAT CERTAIN SEIZED ITEMS MAY BE REMOVED FROM DEFENDANT'S MOTION TO SUPPRESS, ETC.; MOTION TO SEAL DOCUMENT ENTITLED "STIPULATION OF PARTIES REGARDING ITEMS SEIZED AT NEVERLAND RANCH"; MOTION TO SEAL SW 5141-5152 (AND RELATED AFFIDAVITS AND RETURNS); MOTION TO SEAL STIP. AND ORDER FOR RELEASE OF GRAND JURY EXHIBITS; MOTION TO SEAL THOMAS A. MESEREAU, JR.'S REQUEST TO MAKE A PUBLIC STATEMENT; MOTION TO SEAL EMERGENCY APPLICATION FOR AN ORDER DIRECTING THAT MATERIALS SEIZED FROM SW NO. 5135 BE SEALED ETC.; MOTION TO SEAL MOTION TO SUPPRESS AND RETURN MATERIALS SEIZED PURSUANT TO SW NO. 5135 AND THE OPPOSITION AND REPLY THERETO; MOTION TO SEAL PRIVILEGE LOG FOR ITEMS SEIZED PURSUANT TO SW NO. 5135; MOTION TO SEAL MOTION TO COMPEL DISCOVERY AND PEOPLE'S RESPONSE THERETO; MOTION TO SEAL MOTION FOR RECUSAL OF SANTA BARBARA COUNTY DISTRICT ATTORNEY'S OFFICE; MOTION TO SEAL MOTION COMPELLING DISCLOSURE OF INFORMANT'S IDENTITY OR, IN THE ALTERNATIVE, DISMISSING THE ACCUSATORY

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PLEADING, THE D.A.'S RESPONSE THERETO AND THE REPLY; MOTION TO SEAL MOTION FOR ORDER DIRECTING DEFENDANT TO LODGE INCULPATORY EVIDENCE WITH COURT (SANCHEZ MOTION) AND OPPOSITION THERETO; MOTION TO SEAL PEOPLE'S RESPONSE TO COURT ORDERED DISCOVERY COMPLIANCE AND STATUS REPORT; MOTION TO SEAL PEOPLE'S STATUS REPORT ON PLAINTIFF'S DISCOVERY TO DEFENDANT; MOTION TO SEAL THE REPLY TO 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: Motion to Recuse District Attorney Continued to Nov. 4, 2004; Motion to Compel Disclosure of Informants Granted; Motion to Compel Discovery and Privilege Log to be Provided; Motion for Order Directing Defendant to Lodge Inculpatory Evidence with the Court (Sanchez Motion) Denied; Motion to Suppress and Return Materials Seized Pursuant to Search Warrant No. 5135 Continued to Nov. 5, 2004 and Privilege Log to be Provided; Motion to Reconsider Bail Continued to Nov. 5, 2004; Consideration of Redaction of Exhibits Admitted at the 1538.5 P.C. Hearing Taken Under Advisement; All Motions to Seal Granted Except Motion to Seal People's Status Report on Plaintiff's Discovery to Defendant, Motion to Seal the Reply to Motion to Quash Certain Subpoenas and Motion to Seal Document Entitled "Stipulation of Parties Regarding Items Seized at Neverland Ranch" are Continued to November 5, 2004 and the District Attorney is Ordered to File said Motions; 995 Motion; and 1538.5 P.C. Parts 1 and 2.**

At 8:35 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, Gordon Auchincloss and Gerald M. Franklin.

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

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Investigating Officer Craig Bonner present in Court.

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

Attorneys Mesereau and Sneddon addressed the Court re: the Motion to Continue Hearing of Defendant's Motion to Recuse the District Attorney's Office. The Court orders that said motion shall be granted. The Motion for Recusal of Santa Barbara District Attorney's Office shall be heard on November 4, 2004 at 8:30 A.M. The District Attorney waives notice of the continuance. Counsel for the Defendant shall serve the Attorney General in a timely manner.

Attorneys Yu and Sneddon addressed the Court re: Motion Compelling Disclosure of Informant's Identity or in the Alternative, Dismissing the Accusatory Pleading. The Court further orders that said Motion to Compel Disclosure of Informants shall be granted. Attorney Sneddon clarified his response to the motion and the Court accepts, without further evidence, that the District Attorney has complied with the disclosure.

Attorneys Cochran and Sneddon addressed the Court re: Motion to Compel Discovery. Attorney Sneddon shall contact companies that have outstanding warrants to determine when they will comply with the warrant. Attorney Sneddon shall provide the Court with a report on said compliance on or before November 4, 2004. The Court finds that the Defense motion was not specific enough to permit relief at present. The Court directed the parties to meet and confer on the issues raised and to provide the Court with further briefing if necessary for November 5<sup>th</sup>. The Court tentatively indicated that it did not believe categories 9, 12 and 13 in the July 22<sup>nd</sup> request so far as they concerned communications internal to the Sheriff or District Attorney were discoverable.

The Court further orders that a privilege log for computer records shall be completed by November 4, 2004; that the description shall be sufficient for the Court to be able to make a determination; that if the description can't be provided, the Court will arrange to view the items.

Attorneys Auchincloss and Sanger addressed the Court re: the Motion for Order Directing Defendant to Lodge Inculpatory Evidence with the Court (Sanchez Motion). The Court further orders that said motion shall be denied, expressing confidence that all counsel understand and will fulfill any ethical or legal obligations they may have.

Attorneys Sanger and Zonen addressed the Court re: Motion to Suppress and Return Materials Seized Pursuant to Search Warrant No. 5135.

The following People's Exhibit Marked for Identification:

1 Certified Copy of Search Warrant No. 5135.

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The Court further orders that the Motion to Suppress and Return Materials Seized Pursuant to Search Warrant No. 5135 shall be continued to November 5, 2004 at 8:30 A.M.; that a more detailed privilege log shall be provided to the Court by October 25, 2004. The Court acknowledged that thorough analysis re: the plain view portion of the search will be needed, and directed that after the Court makes a preliminary examination of the items prior to November 4, 2004, the Court will allow all Counsel to view the items, but shall not do so until the privilege log is provided; that when the items are viewed, the documents shall be kept in the same order as received.

Attorneys Mesereau and Zonen addressed the Court re: Motion to Reconsider Bail. The Court further orders that said motion shall be continued to November 5, 2004 at 8:30 A.M.; that the District Attorney shall respond to the motion, specifically to Attorney Mesereau's points and authorities, by October 26, 2004; that the Defense Attorney shall have five days to reply.

Attorney Sanger addressed the Court re: Consideration of Redaction of Exhibits Admitted at the 1538.5 P.C. Hearing. Counsel for the Defendant stipulates that the redactions made by the District Attorney are o.k. with the Defense. The Court accepts that Counsel for the Defendant will not submit a proposed redaction; that the Court shall take matter under advisement and make a finding.

The Court further orders that the Motion to Seal Motion to Reconsider Bail shall be granted. The Court finds that the redacted version was released on September 10, 2004. The Court shall issue written findings and an order.

The Court further orders that the Motion to Seal Plaintiff's Memorandum re: an Appropriate Time Limit to Cross-Examine Witness and Mr. Jackson's Response Thereto shall be granted. The Court finds that the redacted versions were released on September 16, 2004 and September 15, 2004. The Court shall issue written findings and an order.

The Court further orders that the Motion to Seal Defendant's Supplemental Brief in Support of Motion to Traverse Affidavits, etc. and District Attorney's Reply Thereto shall be granted. The Court finds that the redacted versions were released on September 13, 2004 and September 21, 2004. The Court shall issue written findings and an order.

The Court further orders that the Motion to Seal Defendant's Reply to the District Attorney's Supplemental Response shall be granted. The Court finds that the redacted version was released September 13, 2004. The Court shall issue written findings and an order.

The Court further orders that the Motion to Seal Privilege Log for Evidence Items 824, 825 and 826 shall be granted. The Court finds that the redacted version was released on August 17, 2004. The Court shall issue written findings and an order.

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The Court further orders that the Motion to Seal Stipulation of Plaintiff and Defendant that Certain Seized Items May be Removed from Defendant's Motion to Suppress, etc. shall be granted. The Court finds that the redacted version was released on September 16, 2004. The Court shall issue written findings and an order.

The Court further orders that the Motion to Seal Search Warrants 5141 through 5152 (and Related Affidavits and Returns) shall be granted. The Court finds that the redacted version was released on September 30, 2004 and the returns are not yet available or released. The Court shall issue written findings and an order.

The Court further orders that the Motion to Seal Stipulation and Order for Release of Grand Jury Exhibits shall be granted. The Court finds that the redacted versions of each were released on September 29, 2004. The Court shall issue written findings and an order.

The Court further orders that the Motion to Seal Thomas A. Mesereau Jr.'s Request to Make a Public Statement shall be granted. The Court finds that the redacted version was released on September 21, 2004. The Court shall issue written findings and an order.

The Court further orders that the Motion to Seal Emergency Application for an Order Directing that Materials Seized from Search Warrant No. 5135 Re Sealed, etc. shall be granted. The Court finds that the redacted version was released on September 16, 2004. The Court shall issue written findings and an order.

The Court further orders that the Motion to Seal Motion to Suppress and Return Materials Seized Pursuant to Search Warrant No. 5135 and the Opposition and Reply Thereto shall be granted. The Court finds that the redacted versions were released on October 1, 2004, October 8, 2004 and October 13, 2004. The Court shall issue written findings and an order.

The Court further orders that the Motion to Seal Privilege Log for Items Seized Pursuant to Search Warrant No. 5135 shall be granted. The Court finds that the redacted version was released October 1, 2004. The Court shall issue written findings and an order.

The Court further orders that the Motion to Seal Motion to Compel discovery and People's Response Thereto shall be granted. The Court finds that the redacted version was released on October 7, 2004. The Court shall issue written findings and an order.

The Court further orders that the Motion to Seal Motion for Recusal of Santa Barbara County District Attorney's Office shall be granted. The Court finds that the redacted version was released on October 7, 2004. The Court shall issue written findings and an order.

The Court further orders that the Motion to Seal Motion Compelling Disclosure of Informant's Identity or in the Alternative, Dismissing the Accusatory Pleading, the District Attorney's Response Thereto and the Reply shall be granted. The Court finds that the redacted versions were released on October 8, 2004, October 12, 2004 and October 13, 2004. The Court shall issue written findings and an order.

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The Court further orders that the Motion to Seal Motion for Order Directing Defendant to Lodge Inculpatory Evidence with Court (Sanchez Motion) and Opposition Thereto shall be granted. The Court finds that the redacted versions were released on October 7, 2004 and October 12, 2004. The Court shall issue written findings and an order.

The Court further orders that the Motion to Seal People's Response to Court Ordered Discovery Compliance and Status Report shall be granted. The Court finds that the redacted version was released on October 12, 2004. The Court shall issue written findings and an order.

The Court further orders that the Motion to Seal People's Status Report on Plaintiff's Discovery to Defendant shall be continued to November 5, 2004 at 8:30 A.M. The Court finds that no redacted version has been filed. The Court further orders that the District Attorney shall file the Motion to Seal by October 19, 2004.

The Court further orders that the Motion to Seal the Reply to Motion to Quash Certain Subpoenas shall be continued to November 5, 2004 at 8:30 A.M. The Court finds that no motion has been filed. The Court further orders that the District Attorney shall file the Motion to Seal by October 19, 2004.

The Court further orders that the Motion to Seal Document Entitled "Stipulation of Parties Regarding Items Seized at Neverland Ranch" shall be continued to November 5, 2004 at 8:30 A.M. The Court finds that no motion has been filed. The Court further orders that the District Attorney shall file the Motion to Seal by October 19, 2004.

The Court further orders that the 995 Motion shall be denied.

The Court further orders that the 1538.5 P.C., Parts 1 and 2, Motion shall be denied other than those few items which do not appear to fall within the plain view doctrine; that except items 319, 330, 333a, 340, 348, 368, 501, 502, 503, 504, 505, 506, 507, 513, 610 and 643, the motion to suppress is denied; that Counsel for the Defendant shall provide the Court with a privilege log as to items 312, 318 and 331 in order to permit the Court to determine both the Fourth Amendment and attorney-client privilege claims made.

The Court issued the written findings and orders of the 995 Motion and 1538.5 P.C. Motions, redacted and unredacted versions, to Counsel.

At 11:55 A.M. Court adjourned.

An in-camera hearing was held in Chambers with the Court, Attorneys Mesereau, Sanger, Cochran and Oxman and the Research Attorney Jed Beebe present.

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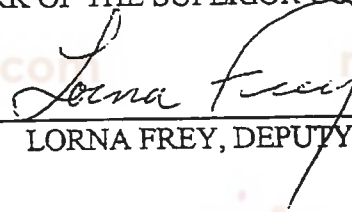
The Court orders that the Reporter's transcript of the in-camera hearing shall be sealed pursuant to the protective order and findings previously made by the Court and shall not be transcribed without further orders of the Court.

Attorney Steve Cochran and Attorney Stacey Knight have withdrawn as Counsel for an indefinite period of time.

At 12:05 P.M. Court adjourned.

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 OCTOBER 18, 20 04, I served a copy of the attached MINUTE ORDER, DATED 10/14/04 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's Office); (310) 861-1007 (Thomas 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.

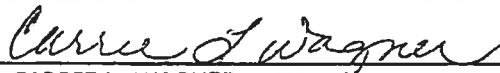
PERSONAL SERVICE

By leaving a true copy thereof at their office with the person having charge thereof or by hand delivery to the above mentioned parties.

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 18<sup>TH</sup> day of OCTOBER, 20 04, at Santa Maria, California.

  
CARRIE L. WAGNER