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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 FOR AN  
) ORDER THAT RESPONSE TO  
) PROSECUTION'S MEMORANDUM  
) REGARDING DEFENDANT'S  
) OBLIGATION PURSUANT TO *PEOPLE V.*  
) *SANCHEZ* BE FILED UNDER SEAL

22 ) Honorable Rodney S. Melville

23 ) Date: November 4, 2004  
24 ) Time: 8:30 am  
) Dept: SM 8

25 TO THE CLERK OF THE ABOVE ENTITLED COURT:

26 Defendant requests that the Court issue an order that Mr. Jackson's pleading entitled

27  
28 EX PARTE APPLICATION FOR AN ORDER THAT  
RESPONSE TO PROSECUTIONS MEMORANDUM REGARDING DEFENDANT'S OBLIGATION  
PURSUANT TO *PEOPLE V. SANCHEZ* BE FILED UNDER SEAL

**FILED**  
SUPERIOR COURT of CALIFORNIA  
COUNTY of SANTA BARBARA

NOV 01 2004

GARY M. BLAIR, Executive Officer  
by Carrie L. Wagner  
CARRIE L. WAGNER, Deputy Clerk

1 RESPONSE TO PROSECUTION'S MEMORANDUM REGARDING DEFENDANT'S  
2 OBLIGATION PURSUANT TO *PEOPLE V. SANCHEZ* and accompanying documents be filed  
3 under seal and for such other such further relief as the Court may deem just and proper. This request  
4 is based on the overriding interests of Mr. Jackson's rights to due process and a fair trial under the  
5 Fifth, Sixth and Fourteenth Amendments to the United States Constitution and Article I, Sections  
6 1, 7, and 15 of the California Constitution.

7 Dated: November 1, 2004

8 Respectfully submitted,

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

11 SANGER & SWYSEN  
12 Robert M. Sanger

13 OXMAN & JAROSCAK  
14 Brian Oxman

15 By: 

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

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EX PARTE APPLICATION FOR AN ORDER THAT  
RESPONSE TO PROSECUTIONS MEMORANDUM REGARDING DEFENDANT'S OBLIGATION  
PURSUANT TO *PEOPLE V. SANCHEZ* BE FILED 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 exhibits will reveal that they disclose the testimony of witnesses or  
23 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 exhibits are not filed under seal. A person accused of a crime is entitled to

27  
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1 due process and a fair trial under the Fifth, Sixth and Fourteenth Amendments to the United  
2 States Constitution and Article I, Sections 1, 7, and 15 of the California Constitution. Material  
3 contained the exhibits pertains to evidence and the testimony of witnesses that, if made public,  
4 would compromise Mr. Jackson's these rights and would result in prejudice to Mr. Jackson. In  
5 order to protect these overriding interests, it is necessary that the exhibits be filed under seal.

6 **CONCLUSION**

7 For the reasons stated above, Mr. Jackson requests that the Court issue an order that Mr.  
8 Jackson's previously filed pleading entitled RESPONSE TO PROSECUTION'S  
9 MEMORANDUM REGARDING DEFENDANT'S OBLIGATION PURSUANT TO *PEOPLE*  
10 *V. SANCHEZ* and accompanying documents be filed under seal.

11 Dated: November 1, 2004

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

14 SANGER & SWYSEN  
15 Robert M. Sanger

16 OXMAN & JAROSCAK  
17 Brian Oxman

18 By: 

19 Robert M. Sanger  
20 Attorneys for  
MICHAEL JOSEPH JACKSON

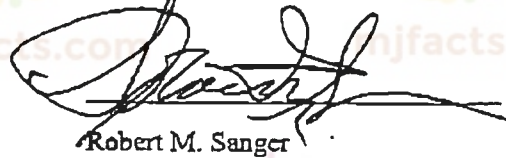
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1 **DECLARATION OF ROBERT M. SANGER**

2 I, Robert Sanger, declare:

- 3 1. I am an attorney at law duly licensed to practice law in the courts of the State of  
4 California, a partner in the law firm of Sanger & Swysen, and co-counsel for Michael  
5 Jackson.
- 6 2. It is necessary that Mr. Jackson's pleading entitled RESPONSE TO PROSECUTION'S  
7 MEMORANDUM REGARDING DEFENDANT'S OBLIGATION PURSUANT TO  
8 PEOPLE V. SANCHEZ, and accompanying documents, be filed under seal in order to  
9 protect the overriding interests of Mr. Jackson's rights to due process and a fair trial, as  
10 well as to prevent the disclosure of witnesses, potential witnesses and potential evidence.

11 I declare under penalty of perjury that the foregoing is true and correct and that this  
12 declaration was executed this 1<sup>st</sup> day of November, 2004 at Santa Barbara, California.

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15 Robert M. Sanger