FOR COURT USE ONLY SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA BARBARA FILED STREET ADDRESS: 312-C East Cook Street SUPERIOR COURT OF CALIFORNIA COUNTY OF SANTA BARBARA MAILING ADDRESS: P.O. Box 5369 Santa Maria, CA 93458-5369 CITY AND ZIP CODE: Cook Division BRANCH NAME: DEC - 2 2004 People of the State of California v. Michael Joe Jackson GARY M. BLAIR, Executive Officer BY Carrie & Wagner CASE NUMBER: 1133603 FINDINGS AND ORDER RE SEALING RESPONSE TO PROSECUTION'S SUPPLEMENT TO PEOPLE'S REPLY TO DEFENDANT'S MOTION TO COMPEL DISCOVERY

On November 2, 2004, the Defendant filed his Response to Prosecution's Supplement to People's Reply to Defendant's Motion to Compel Discovery. A redacted version was released on November 3, 2004. On November 29, 2004, the court granted the motion to seal the document.

The Court makes the following findings:

The document contains description of evidence that may attack the credibility of the complaining witness's mother, the admissibility of which has yet to be determined.

In this case, protection of the Defendant's right to a fair trial and protection of the identity of the minor complaining witness and his family overcomes the right of public access to the record. A substantial probability exists that those interests will be prejudiced if the record is not sealed as requested. The intensity of the media coverage in this case is unprecedented. Each court hearing is thoroughly reported and exhaustively analyzed by the media. It is substantially probable that if the evidence expected to be given at trial were to be released pretrial, it would be similarly reported and analyzed. The sealing order is necessary to maintain the integrity of the available jury pool by limiting its exposure to the expected evidence and testimony pretrial and to prevent exposure to inadmissible items of evidence. The Court has consistently held that because of the pervasive media coverage in this case, the Defendant's right to a fair trial outweighs public access. Those findings are relevant here and incorporated by reference. [See Findings and Order re: Motion for Protective Order, filed January 23, 2004 and Findings and Order re: Sealing of Search Warrant Materials, filed January 23, 2004]

There are no less restrictive means to protect those interests. The extraordinary circumstances present in this case overcome the presumption that cautionary admonitions and instructions to the jury pool would have a curative effect. It is far more desirable to avoid the prejudice in the first instance than to hope to identify unaffected jurors later.

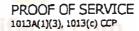
The Court acknowledges that its order must be narrowly tailored to accommodate the maximum public disclosure. A redacted version of this document was released as noted above.

Dated:

DEC 0 2 2004

Judge of the Superior Court

RODNEY S. MELVILLE



## 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 <u>DECEMBER 2.</u> 20 04, I served a copy of the attached <u>FINDINGS AND ORDER RE SEALING</u>
RESPONSE TO PROSECUTION'S SUPPLEMENT TO PEOPLE'S REPLY TO DEFENDANT'S MOTION TO COMPEL <u>DISCOVERY</u> addressed as follows:

THOMAS A. MESEREAU, JR. COLLINS, MESEREAU, REDDOCK & YU, LLP 1875 CENTURY PARK EAST. 7<sup>TH</sup> FLOOR LOS ANGELES, CA 90067

DECEMBER 20 04, at Santa Maria, California.

THOMAS W. SNEDDON, JR.
DISTRICT ATTORNEY'S OFFICE
1112 SANTA BARBARA STREET
SANTA BARBARA, CA 93101

X FAX
By faxing true copies thereof to the receiving fax numbers of: (310) 861-1007 (Thomas Mesereau, Ir.): (805) 568-2398 (Thomas Sneddon) . 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
acsimile machine and is attached hereto.
- MAÎL
By placing true copies thereof enclosed in a sealed envelope with postage fully prepaid, in the United
States Postal Service mall 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 malling 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
LAPICES PIAL
By depositing such envelope in a post office, mallbox, sub-post office, substation, mail chute, or other
ike facility regularly maintained by the United States Postal Service for receipt of Express Mall, In a sealed
envelope, with express mail postage paid.

I certify under penalty of perjury that the foregoing is true and correct. Executed this 2" day of

CARRIE L. WAGNER

