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FILED
SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA

DEC 13 2004

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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **FOR THE COUNTY OF SANTA BARBARA**
10 **SANTA MARIA DIVISION**

*unsealed pursuant
* to 6/16/05
Court order*

12 THE PEOPLE OF THE STATE OF CALIFORNIA,

No. 1133603

13 Plaintiff,

PLAINTIFF'S REQUEST FOR
ORDER TO SHOW CAUSE RE:
CONTEMPT OF COURT'S
PROTECTIVE ORDER BY
A PERSON SUBJECT TO THAT
ORDER; DECLARATION OF
GORDON AUCHINCLOSS

14 v.

16 MICHAEL JOE JACKSON,

17 Defendant.

~~FILED UNDER SEAL~~

19 **INTRODUCTION**

21 On January 23, 2004 the court issued a protective order in this case prohibiting
22 attorneys for either side from, among other things: "3. Mak[ing] any statement for public
23 dissemination as to the existence or possible existence of any document, exhibit, photograph or
24 any other evidence, the admissibility of which may have to be determined by the Court"; "4.
25 Express[ing] outside of court an opinion or mak[ing] any comment for public dissemination as
26 to the weight, value, or effect of any evidence as tending to establish guilt or innocence"; and
27 "7. Mak[ing] any out-of court statement as to the nature, source, or effect of any purported
28 evidence alleged to have been accumulated as a result of the investigation of this matter."

1 On December 4, 2004 the People obtained a DNA sample from defendant pursuant
2 to a court ordered search warrant. That very same day, the New York Post published a story
3 quoting Brian Oxman, one of defendant's attorneys, revealing previously confidential
4 evidence; commenting upon the purpose of the search warrant and offering exculpatory
5 opinions regarding the evidence. (See Exhibit "A.") The People now ask the Court for an
6 order to show cause why Brian Oxman should not be held in contempt.

7
8 **ATTORNEY BRIAN OXMAN IS IN DIRECT VIOLATION**
9 **OF THE COURT'S PROTECTIVE ORDER**

10
11 On December 4, 2004, the New York Post published an article concerning the DNA
12 search of Michael Jackson in which attorney for defendant, Brian Oxman is quoted as saying
13 that: "the deputies were looking for DNA evidence that would link Jackson to the young
14 cancer patient he is accused of sexually abusing" The article continued, "Oxman said
15 investigators had found traces of DNA evidence from three males other than Jackson in the
16 star's Neverland bedroom – but none from his accuser. Asked to explain the DNA that was
17 found, Oxman said: "Kids crash where they crash. They play in his room, and that's where
18 they crashed."

19 It appears from the foregoing that Attorney Oxman has disseminated evidence in
20 this case and provided exculpatory commentary thereon to the national press. He should be
21 ordered to explain why he should not be held in contempt for this seemingly deliberate
22 violation of the Court's protective order.

23 A proposed Order to Show Cause for Brian Oxman with a proposed hearing date on
24 one of the dates currently scheduled for the next appearances in this matter is attached.

25 ////
26 ////
27 ////
28 ////

1 DATED: December 13, 2004

2 mjfacts.com

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5 Respectfully submitted,

6 THOMAS W. SNEDDON, JR., DISTRICT ATTORNEY

7 BY:

8 

9 GORDON AUCHINCLOSS
10 Senior Deputy District Attorney

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1 DECLARATION OF GORDON AUCHINCLOSS

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3 I, Gordon Auchincloss, say:

4 1. I am a Senior Deputy District Attorney for the County of Santa Barbara. I am
5 one of the attorneys assigned to the prosecution of *The People of the State of California v.*
6 *Michael .Joe Jackson*, Santa Barbara Superior Court Case No. 1133603.

7 2. On December 13, 2004, I conducted an Internet search of the World Wide Web
8 and downloaded Exhibit "A" from Internet site indicated on the Exhibit. I am informed and
9 believe that the statements attributed to Attorney Oxman's in the *New York Post* article were
10 published and widely disseminated in the international media.

11 3. I believe the statements, if made by Attorney Oxman, constitute a violation of
12 the court's protective order in this case issued on January 23, 2004.

13 I declare under penalty of perjury that the foregoing is true and correct except for
14 those statements made on information and belief and as to those statements, I believe them to
15 be true. I make this Declaration on December 13, 2004 at Santa Barbara, California.

16
17 
18 _____
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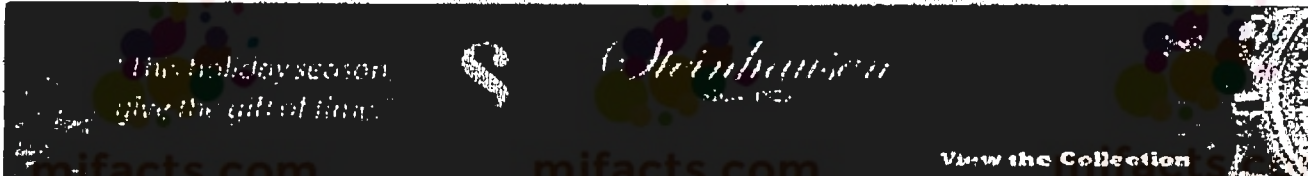
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EXHIBIT "A"

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JACKO JOINT RAIDED

By **DAVID K. LI** *In Los Olivos, Calif.* and **MARSHA KRANES** *In New York*

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December 4, 2004 – Santa Barbara sheriff's deputies armed with a search warrant yesterday raided Michael Jackson's Neverland Ranch apparently in search of DNA evidence they believe will lock up their child-molestation case against the disgraced King of Pop.

The raid came just over a year after more than 60 investigators descended on the pop star's storybook spread and hauled off truckloads of his personal effects.

Jackson lawyer Brian Oxman said he believed the deputies yesterday were looking for DNA evidence that would link Jackson to the young cancer patient he is accused of sexually abusing during overnight visits in February and March 2003.

The moon-walking megastar is charged with seven counts of committing lewd acts on the boy, who was 12 at the time, and two counts of using alcohol to seduce him.

Oxman said investigators had found traces of DNA from three males other than Jackson in the star's Neverland bedroom — but none from his accuser.

Asked to explain the DNA that was found, Oxman said: "Kids crash where they crash. They play in his room, and that's where they crash."

Santa Barbara officials confirmed they had searched Jackson's estate, but would not reveal what they were seeking — or what they had seized.

A caravan of unmarked Santa Barbara County sheriff's department vans — with lead investigator Lt. Jeff Klapakis at the head of the procession — departed Neverland after the eight-hour search.

Sources close to the boy's family said the deputies were acting on information provided by videographer Marc Schaffel, an unindicted co-conspirator in the molestation case.

They said Schaffel is now cooperating with authorities.

Schaffel, a gay-porn filmmaker, last month against Jackson seeking \$3 million in unproducing fees.

One of the fees owed him, Schaffel claims,

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producing a TV show to rebut the "shocker British reporter Martin Bashir, which shows holding hands with a young boy he admitted his bed.

As part of the Jackson investigation, deput Schaffel's home last year and removed videotapes, photos and documents relating

Jackson, free on \$3 million bail, was leaving acre ranch when the deputies arrived at 9 p

Oxman said the star is staying elsewhere in

Asked how Jackson, 46, reacted to the raid "He's strong. He feels OK."

Jackson's trial is scheduled to begin Jan. 31. If convicted, he faces up to 20 years in prison.

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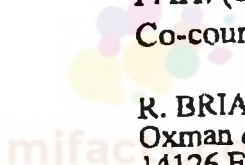
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