

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

Dated & Entered: JANUARY 12, 2005	Time: 9:40 A.M.	F	
Honorable RODNEY S. MELVILLE		CC	
Deputy Clerk: L FREY	Dept. SM TWO	CA	
Deputy Sheriff : L. AVILA		AC	
Court Reporter: M. MC NEIL	Case No. 1133603	SR	
Plaintiff: THE PEOPLE OF THE STATE OF CALIFORNIA		ST	
vs.		DOC	X
Defendant(s): MICHAEL JOE JACKSON			
District Attorney: THOMAS W. SNEDDON, JR.			
Defense Counsel: THOMAS A. MESEREAU, JR.			
Probation Officer:	Interpreter:		

NATURE OF PROCEEDINGS: MOTION FOR ADMISSION OF EVIDENCE OF DEFENDANT'S PRIOR SEXUAL OFFENSES; MOTION TO COMPEL DISCOVERY; MOTION TO SEAL OPPOSITION TO MOTION FOR ADMISSION OF EVIDENCE OF ALLEGED PRIOR OFFENSES AND REPLY THERETO; MOTION TO SEAL SEARCH WARRANT NO. 5135 AND RELATED DOCUMENTS

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) P.C.

The Court made orders re: Motion for Admission of Evidence of Defendant's Prior Sexual Offenses and 402 Hearings; Motion to Compel Discovery; Jury Questionnaire; Date of Hearing of Motion for Order Allowing Use of Expert Testimony on the Subject of Child Abuse Trauma; Date for Hearing of Motions In Limine; Computer Hard Drive Issues; Motion to Compel re: Subpoenaed Records; Date for Discussion re: Jury Selection; Defendant to be Present Commencing January 31, 2005; Motion to Seal Defense Opposition to Motion for Admission of Evidence of Alleged Prior Offenses and People's Reply Granted; Motion to Seal Search Warrant No. 5135 and Related Documents Granted; Search Warrant 5135 as to Item 1818; Date for Hearing on Search Warrant 5135 as to Item 1811; DVD Production of Exhibits 40, 46 and 49; Subpoenaed Records Released; Court Reporter's E-Mail re: Transcripts; Visual Exhibits

At 9:40 A.M. with Court, Counsel and Research Attorneys Jed Beebe and Tracy Splitgerber present, hearing proceeded.

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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. and Robert M. Sanger.

Counsel present for the Media is Theodore Boutrous.

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

Attorneys Mesereau, Sneddon and Boutrous addressed the Court re: the Motion for Admission of Evidence of Defendant's Prior Sexual Offenses. The Court shall not entertain arguments or hold a hearing on said motion until after the Jury selection. The Court will hold 402 hearings after the Jury selection has concluded. The Court finds that under section 1108 that all alleged incidents are admissible subject only to inadmissibility pursuant to Evidence Code 352; that the Court would have to hear the witnesses' testimony and objections before ruling. The Court invites both sides to address the procedural aspects of holding the hearings in open Court.

Attorneys Sneddon and Sanger addressed the Court re: Motion to Compel Discovery. The Court finds that each side has a set of papers that are not numbered the same. The Court orders that the District Attorney shall rectify the problem by providing Defense Counsel with a properly numbered set of documents. Counsel shall discuss the problem during the Court's morning break today.

Attorneys Sanger and Sneddon addressed the Court re: the Jury Questionnaire. The Court advised Counsel that the Court shall use the proposed questionnaire as a model; that Counsel for the Defendant shall send the questionnaire on a disc to the Court; that the Court shall review the questionnaire and further discussion shall be held regarding the questionnaire on January 21, 2005 at 9:30 A.M.

The Court further orders that the District Attorney's Motion for Order Allowing Use of Expert Testimony on the Subject of Child Abuse Trauma shall be set for January 21, 2005 at 9:30 A.M.

The Court further orders that Motions In Limine that are submitted to the Court by January 13, 2005 shall be heard on January 21, 2005 at 9:30 A.M.; that further Motions In Limine shall be heard on January 27, 2005 at 9:30 A.M. and shall continue on January 28, 2005 if necessary.

The Court further orders that the Computer Hard Drive Discs shall be turned over to Counsel for the Defendant today in open Court; that the Defense Counsel shall review said discs and make claims of privileged documents; that said claims shall be submitted to the Court's Special Master, Stan Roden, to review and the Court shall make the final decision as the privilege claims; that the District Attorney shall be given the information that is not privileged; that the material the Defendant has already reviewed shall be turned over to the District Attorney promptly; that a written status report shall be submitted to the Court by January 19, 2005, not under seal; that the Computer Hard Drive issue shall be continued to January 21, 2004, 9:30 A.M. for further discussion.

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Attorney Mesereau addressed the Court re: Subpoenaed Records. The Court orders that Attorney Mesereau may file a Motion to Compel Subpoenaed Records for January 21, 2005 or no later than January 27, 2005.

The Court further ordered that the Jury Selection process shall be discussed on January 21, 2005 at 9:30 A.M.

The Court further ordered that the Defendant shall be present for trial commencing January 31, 2005.

The Court further ordered that the Motion to Seal Defense Opposition to Motion for Admission of Evidence of Alleged Prior Offenses and People's Reply shall be granted. The Defense opposition to said motion was filed under conditional seal January 4, 2005. The proposed redacted version was released on the same day. The People's reply was filed under conditional seal on January 10, 2005. The proposed redacted version was released on January 11, 2005. Findings and Order shall follow.

The Court further ordered that the Motion to Seal Search Warrant No. 5135 and Related Documents shall be granted. The Warrant was issued on September 9, 2004 under conditional seal. The Warrant and related affidavit was offered as Exhibit 1 at the Motion to Suppress Evidence Hearing held on October 7, 2004. The return was dated September 15, 2004 and was offered as Exhibit 2 at the same hearing. The District Attorney filed a motion to seal these documents on December 29, 2004. Findings and Order shall follow.

The Court makes the following orders with respect to the attorney-client privilege asserted against items seized pursuant to Search Warrant 5135: As to Item 1818, there is one handwritten yellow piece of paper that shall be suppressed and the remainder of Item 1818 shall be released; that in Item 1810A the cover sheet on each FAX sheet shall not be released and shall be suppressed. The Court shall rule on Item 1811 on January 21, 2005 at 9:30 A.M.

The Court further finds that on November 29, 2004 the Defense was ordered to produce DVDs to the Court of Exhibits 40, 46 and 49 that were shown publicly. On December 20, 2004 the Court observed that said exhibits had not yet been provided and ordered that they be provided to the Court by January 10, 2005. Said DVDs still have not been provided to the Court. The Court further orders that the said DVDs shall be received by the Court no later than January 18, 2005 or else the Court shall assess sanctions against the Defendant for failure to comply with the Court's order.

Attorney Sneddon further addressed the Court regarding the Motion to Compel and advised the Court that it is the District Attorney's understanding that the items on the Motion to Compel other than the numbering issues have all been resolved. The Court further orders that Attorneys Sneddon and Sanger shall work out any problems remaining on the Motion to Compel.

At 10:35 A.M. Court in recess.

At 10:55 A.M. an In Camera hearing was held.

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The Court further 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 order of the Court.

At 11:05 A.M. the In Camera hearing concluded.

At 11:10 A.M. with Court, Counsel and Research Attorneys Jed Beebe and Tracy Splitgerber present, hearing continued.

Attorney Sanger addressed the Court re: further discovery issues. Attorney Sanger advised the Court that the bench notes on forensics have been received; that the District Attorney has advised Counsel for the Defendant that the video tapes are not in the possession of the District Attorney; that statements of witnesses from later interviews are forthcoming; that Attorneys Yu and Sneddon will discuss the Bates stamp issue.


Attorney Auchincloss addressed the Court re: certain District Attorney subpoenaed records. Upon stipulation of Counsel the Court orders that the NBC VHS Video, 12 Banker Boxes of Records from Powell, O'Donnell & Shaeffer, United Airlines Records, Finsilven Records and the Lani Wolfson Records shall be released to the District Attorney for copying; that the District Attorney shall copy the video and submit said copy to the Defense within 24 hours of receiving said Video and return said Video to the Court.

The Court further orders that the e-mail the Court Reporter sent to all Counsel re: transcripts shall be answered by January 14, 2005 so that the Court Reporter can make the necessary plans and arrangements.

Attorney Mesereau addressed the Court re: preservation of the District Attorney's visual exhibits after being shown at the trial for use by defense counsel during cross-examination. The Court finds that there is no disagreement and said visual exhibits shall be preserved by the District Attorney.

At 11:20 A.M. Court adjourned.

CLERK OF THE SUPERIOR COURT

BY 
LORNA FREY, DEPUTY CLERK

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 JANUARY 19, 2005, I served a copy of the attached MINUTE ORDER, DATED 1/12/05 addressed as follows:

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

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

FAX

By faxing true copies thereof to the receiving fax numbers of: (805) 456-0699 (Thomas Mesereau, Jr.); (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 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 19TH day of JANUARY, 20 05, at Santa Maria, California.


CARRIE L. WAGNER