

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

Dated & Entered:	JANUARY 16, 2004	Time:	8:30 A.M.		F	
Honorable RODNEY S. MELVILLE					CC	
Deputy Clerk:	L. FREY AND P. BLAYLOCK	Dept.	SM TWO		CA	
Deputy Sheriff :	A. MORENO				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., ET AL					
Defense Counsel:	MARK J. GERAGOS, ET AL					
Probation Officer:				Interpreter:		

NATURE OF PROCEEDINGS: ARRAIGNMENT ON THE COMPLAINT; MOTION: PLNTF'S REQUEST FOR PROTECTIVE ORDER BINDING BOTH PARTIES RE: PUBLIC STATEMENTS; MOTION: SEEKING TO UNSEAL CERTAIN COURT RECORDS RELATED TO SEARCH WARRANT NO. 884686

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.

The Court made orders re: Arraignment, Waiver of Time for Preliminary Hearing, Continuance to Set Preliminary Hearing, 977 Waiver, Pro Hac Vice Application Granted, Motion to Unseal Certain Court Records Related to Search Warrant, Protective Order Granted, In-Camera Hearing

Counsel present for the People are: Thomas W. Sneddon, Jr., Ronald J. Zonen and Gerald Mc C. Franklin.

Counsel present for the Defendant are: Mark J. Geragos, Benjamin Brafman, Robert Sanger, Steve Cochran and Pat Harris

Counsel present for the Media: Theodore Boutrous, Jr. and Julian W. Poon

At 8:50 A.M. with Court, Counsel and Defendant present, hearing proceeded.

The Court admonished the Defendant and advised him that he shall be on time for future Court hearings.

The Defendant was advised of his constitutional rights and was arraigned on the Complaint filed December 18, 2003. The Defendant entered pleas of not guilty as to all nine counts.

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Defendant further advised of his constitutional rights and signed a waiver of time for the preliminary hearing to be held on or before March 13, 2004.

The Court orders that the matter shall be continued to February 13, 2004, 8:30 A.M., in Dept. Nine, to set the preliminary hearing date and to hear further motions that may be set.

The Defendant was further advised of his constitutional rights to be personally present at all stages of the proceedings and signed a 977 P.C. waiver of his personal presence.

The Court further ordered that if there is a hearing scheduled that the District Attorney is requesting the Defendant's presence, the District attorney shall stipulate with Defendant's Counsel that the Defendant will appear; that if a stipulation is not reached, the District Attorney may address the Court to request the Defendant's presence.

The Court further advised the Defendant that he shall be present in Court at the instruction of his Counsel and the Defendant agreed.

The Court further ordered that the application of Benjamin Brafman to appear Pro Hac Vice as counsel for the Defendant shall be granted; that the hearing date for said application of February 13, 2004 shall be vacated.

The Court heard arguments by Attorneys Boutrous and Brafman regarding the Motion to Unseal Certain Court Records Related to Search Warrant #884686.

The Court shall issue a written decision as to said motion with the Court's findings; that the warrant shall remain sealed until a final written order is issued; that the warrant may be used by the Defendant's counsel for their discovery; that portions of the search warrant may be released upon written findings by the Court.

The Court further orders that the District Attorney shall provide the discovery to the Defendant's Counsel on CDs prior to noon today; that Attorney Geragos or his representative shall pick up the discovery at the District Attorney's office in Santa Barbara prior to noon today.

The Court heard arguments by Attorneys Sneddon, Geragos and Boutrous regarding the People's request for a protective order binding both parties regarding public statements concerning this case.

The Court further orders that a protective order shall issue; that the Court shall further consider the safe harbor issue; that the Court shall issue a written decision regarding the safe harbor issue; that any of the three attorneys may submit a proposed safe harbor order for the Court's consideration by FAX to the Court and opposing counsel by Tuesday, January 20, 2004 at 10:00 A.M.; that pending the crafting of the order the Court orders the following:

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It is the Order of this Court that no attorney connected with this case as Prosecutor or Defense Counsel, nor any other attorney working in or with the offices of either of them, nor their agents, staff, or experts, nor any judicial officer or court employee, nor any law enforcement employee of any agency involved in this case, nor any persons subpoenaed or expected to testify in this matter, shall do any of the following:

1. Release or authorize the release for public dissemination of any purported extrajudicial statement of either the defendant or witnesses relating to this case;
2. Release or authorize the release of any documents, exhibits, photographs, or any evidence, the admissibility of which may have to be determined by the Court;
3. Make any statement for public dissemination as to the existence or possible existence of any document, exhibit, photograph or any other evidence, the admissibility of which may have to be determined by the Court;
4. Express outside of Court an opinion or make any comment for public dissemination as to the weight, value, or effect of any evidence as tending to establish guilt or innocence;
5. Make any statement outside of Court as to the content, nature, substance, or effect of any statements or testimony that have been given or is expected to be given in any proceeding in or relating to this matter;
6. Issue any statement as to the identity of any prospective witness, or the witness's probable testimony, or the effect thereof;
7. Make any out-of-court statement as to the nature, source, or effect of any purported evidence alleged to have been accumulated as a result of the investigation of this matter.

This Court order does not include any of the following:

1. Factual statements of the accused person's name, age, residence, occupation and family status.
2. The time and place of arrest, the identity of the arresting and investigating officers and agencies, and the length of the investigation.
3. The nature, substance, and text of the charge, including a brief description of the offenses charged.
4. Quotations from, or any reference without comment to, public records of the Court in the case.
5. The scheduling and result of any stage of the judicial proceedings held in open court in an open or public session.

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6. A request for assistance in obtaining evidence or the names of possible witnesses.
7. Any witness may discuss any matter with any Prosecution or Defense Attorney in this action, or any agent thereof, and if represented may discuss any matter with his or her own attorney.

Any violation of this order will result in a contempt action for any offender within the jurisdiction of this Court. A copy of this Order shall be provided to any prospective witness that a party intends to call for any proceeding in this action.

The Clerk of the Court, Gary Blair, shall serve a copy of the Protective Order on employees, judges, staff of the Court, including all Bailiffs that service the Santa Barbara Superior Court.

Counsel for the Defendant requests an in-camera hearing regarding appointment of a special master for certain materials that may be considered Attorney-Client privilege. Upon stipulation of Counsel for respective parties the Court orders that the materials shall be lodged with the Court and sealed; that the in-camera hearing shall be heard on February 13, 2004; Attorney Franklin shall prepare a proposed order regarding the items to be lodged and sealed which shall be agreed upon by Counsel for the Plaintiff and the Defendant; that all motions regarding said materials shall be filed under seal; that certain property to be agreed upon by Counsel, presently in custody of the Sheriff, shall be delivered to and lodged with the Clerk of the Court.

The Court further ordered that the Court rule re: redaction shall be followed.

At 10:45 A.M. Court adjourned.

Defendant released on bail previously posted.

CLERK OF THE SUPERIOR COURT

BY 
LORNA FREY, DEPUTY CLERK