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17 Attorneys for Defendant
18 **MICHAEL JOSEPH JACKSON**

19 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
20 **FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION**

21 **THE PEOPLE OF THE STATE OF**
22 **CALIFORNIA,**

23 Plaintiffs,

24 vs.

25 **MICHAEL JOSEPH JACKSON,**

26 Defendant.

) Case No. 1133603

) STATUS REPORT ON COMPUTER
) DISKS: 5135 AND BRAD MILLER
) SEARCHES

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

JAN 19 2005

GARY M. BLAIR, Executive Officer

By *Carrie L. Wagner*
CARRIE L. WAGNER, Deputy Clerk

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STATUS REPORT ON COMPUTER DISKS: 5135 AND BRAD MILLER SEARCHES

1 TO THE CLERK OF THE ABOVE ENTITLED COURT AND TO THE DISTRICT
2 ATTORNEY OF THE COUNTY OF SANTA BARBARA, TOM SNEDDON, AND DEPUTY
3 DISTRICT ATTORNEYS RON ZONEN, GERALD FRANKLIN AND GORDON
4 AUCHINCLOSS:

5 The Honorable Rodney S. Melville delivered 10 disks to Counsel for Mr. Jackson in open
6 court. These were disks analyzed by the Court's computer expert, Keith Aiken, who, in turn, will
7 be reporting to the Special Master, Stan Roden. The Judge ordered defense counsel to evaluate them
8 and report back to the court. Counsel for the defense has done a preliminary review of each of the
9 disks.

- 10 1. Aiken has used a program called "AccessData Forensic Toolkit." The results are to
11 segregate data on the disks in a fashion which does not appear particularly helpful.
12 There is a significant number of files which are simply not accessible. It is also
13 cumbersome for a layperson to open and review the many files which are accessible.
14 It is therefore necessary for defense counsel to have the Aiken disks analyzed by Mr.
15 Jackson's computer expert.
- 16 2. It appears that most of what Aiken uncovered was on the disks that defense counsel
17 reviewed originally. Counsel for the defendant went through the hard drives seized
18 in the 5135 and Miller searches and did privilege logs. It is difficult to determine
19 what, if anything on the Aiken disks, are newly accessible.
- 20 3. An analysis of the Miller drives found that all of the material fell into one of three
21 categories. It was either (a) attorney-client privileged, (b) irrelevant material of a
22 personal, private nature, or (c) irrelevant material related to other sensitive legal
23 cases. The undersigned understands that Brad Miller is not being represented by Mr.
24 Nixon any longer and, of course, he and his lawyers voluntarily delivered the
25 computers to the defense.
- 26 4. A preliminary analysis of the Aiken disks containing material retrieved from the
27 Miller drives suggests that there are some new document fragments which pertain to
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STATUS REPORT ON COMPUTER DISKS: 5135 AND BRAD MILLER SEARCHES

1 Mr. Miller's work on this case. It will take approximately 7 to 10 more days to
2 determine what else needs to be added to the privilege log. In the mean time, there
3 is no reason why the court cannot forward the privilege log and attached materials
4 previously submitted by defense counsel to the special master.

5 5. Counsel for the defendant found that the material on the 5135 drives was either
6 privileged or not relevant to this case. The materials on the Alken disks recovered
7 from the 5135 drives appears to fall under the latter category. Nevertheless, it will
8 take at least another 7 to 10 days to be certain that there is no need to augment the
9 5135 material privileged log. Additionally, there may be other privacy issues that
10 Ms. T. may want to assert through her own counsel. she might want to avoid
11 embarrassment over some of the personal matters she (or someone) downloaded.

12 6. As with the Miller disks, there is no reason why the original privilege log and
13 attached materials could not be submitted to the special master for immediate review.
14

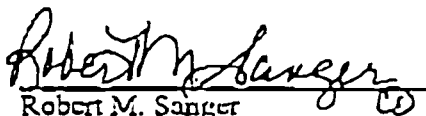
15 Dated: January 19, 2005

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18 OXMAN & JAROSCAK
19 Brian Oxman

20
21 By:



22 Robert M. Sanger
23 Attorneys for Defendant
24 MICHAEL JOSEPH JACKSON
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STATUS REPORT ON COMPUTER DISKS: 5135 AND BRAD MILLER SEARCHES

PROOF OF SERVICE

I, the undersigned declare:

I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 233 East Carrillo Street, Suite C, Santa Barbara, California, 93101.

On January 19, 2005 foregoing documents on the interested parties in this action by depositing a true copy thereof as follows: **STATUS REPORT ON COMPUTER DISKS; 5135 AND BRAD MILLER SEARCHES**

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Gerald Franklin
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Gordon Auchincloss
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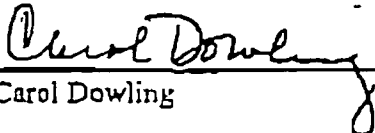
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 BY U.S. MAIL - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid and deposited during the ordinary course of business. Service made pursuant to this paragraph, upon motion of a party, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit.

 X **BY FACSIMILE** - I caused the above-referenced document(s) to be transmitted via facsimile to the interested parties

 X **STATE** - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed January 19, 2005, Santa Barbara, California.



Carol Dowling