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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

JAN 24 2005

GARY M. BLAIR, Executive Officer
BY *Carrie L Wagner*
CARRIE L. WAGNER, Deputy Clerk

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SANTA BARBARA
10 SANTA MARIA DIVISION
11 *introduced per
motion dated 1/22/05*

12 THE PEOPLE OF THE STATE OF CALIFORNIA,)

No. 1133603

13 Plaintiff.)

PLAINTIFF'S OPPOSITION TO
DEFENDANT'S MOTION FOR
ORDER ALLOWING
INDIVIDUAL SEQUESTERED
VOIR DIRE OF PROSPECTIVE
JURORS

14 v.

15 MICHAEL JOE JACKSON,
16

17 Defendant.)

DATE: January 28, 2005

TIME: 8:30 AM

DEPT.: SM2 (Melville)

20 UNDER SEAL

21 Introduction:

22 The People have no quarrel with the defendant's citation of the *Ramos* case and its
23 well-settled rule that whether a trial court conducts a sequestered jury selection process is left
24 to the discretion of the trial court. (*People v. Ramos* (2004) 34 Cal.4th 494, 513.)

25 Contrary to defendant's suggestion, it does not follow that the only reasonable
26 alternative available to a trial court is to either grant a sequestered voir dire or a continuance.
27 (Motion 5:17-19; 6:3-6.)
28

PLAINTIFF'S OPPOSITION TO DEFENSE MOTION FOR SEQUESTERED VOIR DIRE

LOCATION: 805 560 1078

RX TIME 01/24 '05 14:42

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2 A more thorough reading of *Ramos* reveals otherwise. *Ramos* was a capital case.
3 The trial court exercised its discretion not to conduct a sequestered jury voir dire. The Supreme
4 Court affirmed the conviction, approving numerous alternatives employed by the trial court in
5 lieu of a sequestered jury selection process.

6 Among the alternatives approved in *Ramos* was a jury questionnaire which fully
7 explored media bias and probed the effect of any media exposure, allowing the defense to
8 conduct private questioning of a particular juror when that necessity was demonstrated, a trial
9 court admonition to jurors not to read media accounts and the court's own in-depth questioning
10 on the death penalty and pre-trial publicity issues presented by that case.

11 This Court has already stated jury admonitions will be given and a joint proposed
12 jury questionnaire which contains extensive questions about pre-trial publicity has been
13 submitted to the Court.

14 In addition to the remedies suggested above, this Court has also allowed the defense
15 to publicly respond to the leak issue. It has been quite gracious in allowing both the defendant
16 and defense counsel to make separate press releases addressing the issues raised by the
17 disclosures and highlighting the process by which the leaked information was obtained.

18 In support of their motion, the defense not so subtly implies that the People or
19 someone with a similar motive to the People leaked the Grand Jury transcript and other
20 information complained of by the defense. While at first blush the People may seem to be an
21 easy target to blame for the leaks, a more thoughtful consideration would suggest otherwise.

22 The prosecution has been targeted for criticism by numerous news outlets and media
23 commentators as being responsible for these leaks. The ostensible purpose of the leaks is to
24 influence prospective jurors. The effect is quite the opposite. These untruthful and unfounded
25 media assertions impugning the integrity and the credibility of the prosecution team have the
26 potential of creating a negative image with the prospective jury panel.


27 Such a hypothesis also ignores the fact that it was the defense team, not the
28 prosecution, who wanted the Grand Jury transcripts released months ago. It was the People

1 motion in its entirety.

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3 DATED: January 24, 2005

4 Respectfully submitted,

5 THOMAS W. SNEDDON, JR.
6 District Attorney

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8 Attorneys for Plaintiff
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PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) SS

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years and I am not a party to the within-entitled action. My business address is: District Attorney's Office; Courthouse: 1112 Santa Barbara Street, Santa Barbara, California 93101.

On January 24, 2005, I served the within PLAINTIFF'S OPPOSITION TO MOTION FOR AN ORDER ALLOWING INDIVIDUAL SEQUESTERED VOIR DIRE on Defendant, by THOMAS A. MESEREAU, JR., ROBERT SANGER and BRIAN OXMAN, by personally delivering a true copy to Mr. Sanger's office and a true copy to be transmitted to Mr. Mesereau at the confidential facsimile number given us for their Santa Maria branch office, and then causing that copy to be mailed to Mr. Mesereau at the address shown on the Service List.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Santa Barbara, California on this 24th day of January, 2005.

Gerald McC. Franklin

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