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**FILED**  
SUPERIOR COURT of CALIFORNIA  
COUNTY of SANTA BARBARA

FEB - 4 2005

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

\* unsealed pursuant  
to 6/16/05 court order

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13 FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION

15 THE PEOPLE OF THE STATE OF  
16 CALIFORNIA,

17 Plaintiffs,

18 vs.

19 MICHAEL JOSEPH JACKSON,

20 Defendant.

) Case No. 1133603

)  
) OPPOSITION TO DISTRICT  
) ATTORNEY'S MOTION TO EXCLUDE  
) ANY REFERENCE BY DEFENSE  
) COUNSEL TO ANY ALLEGED EXTRA-  
) MARITAL SEXUAL CONDUCT BY JANE  
) DOE

) ~~UNDER SEAL~~

) Honorable Rodney S. Melville  
) Date: February 10, 2005  
) Time: 9:30 a.m.  
) Dept.: 8

24 MEMORANDUM OF POINTS AND AUTHORITIES

25 INTRODUCTION

26 The prosecution asks this Court to issue an order "forbidding counsel to inquire about or  
27

28 OPPOSITION TO DISTRICT ATTORNEY'S MOTION TO EXCLUDE ANY REFERENCE BY DEFENSE  
COUNSEL TO ANY ALLEGED EXTRA-MARITAL SEXUAL CONDUCT BY JANE DOE

1 comment on Jane Doe's alleged 'extra-marital' sexual conduct during her prior marriage."  
2 (Motion, page 1.) Defense counsel will follow the Evidence Code. Defense counsel will limit its  
3 inquiries regarding Jane Doe's sexual relationships to areas that are relevant to this case and will  
4 not question her regarding sexual relationships that are not relevant. An order forbidding defense  
5 counsel from any inquiry into Ms. Doe's extra-marital relationships with a number of men,  
6 regardless of whether they were or were not sexual, would be improper.

7 The exclusion of such relevant evidence threatens to deprive Mr. Jackson of his federal  
8 and state constitutional rights to a fair trial, due process of law, and equal protection pursuant to  
9 the Fifth, Sixth, and Fourteenth Amendments to the United States Constitution and Article 1,  
10 Sections 7, 15 and 24 of the California Constitution.

## 11 ARGUMENT

### 12 I.

#### 13 JANE DOE'S ROMANTIC AFFAIRS ARE RELEVANT TO HER FRAUDULENT 14 ACTIVITIES

15 During the exact time period in which she now claims to have been held hostage, Jane  
16 Doe was engaged in a romantic relationship with Jay Jackson. Despite her claims to the contrary  
17 in the videotape recorded by Hamid Moslehi, and under penalty of perjury in an application for  
18 welfare, Jay Jackson supported Ms. Doe and her family financially. During the relevant time  
19 period, Ms. Doe did not want to jeopardize this financial arrangement, but, at the same time,  
20 wanted to set up a similar, but more lucrative, arrangement with Michael Jackson or one of the  
21 men around him. While attempting to secure such an arrangement, Ms. Doe had a telephone  
22 conversation with Jay Jackson that caused him to become concerned. While talking to Jay  
23 Jackson, Ms. Doe said, "[s]omebody is coming," and hung up the phone. (RT 857:11-15.) This  
24 caused Jay Jackson to call the police department. While the District Attorney will almost  
25 certainly claim that this event demonstrates that Ms. Doe was under duress while at Neverland,  
26 there is a more likely scenario. Ms. Doe did not want certain people at Neverland to believe that

1 she was in a committed relationship with Jay Jackson, because she wanted to be seen as available  
2 so that she could pursue a similarly profitable romantic relationship.

3 In fact, during the very evening that Jay Jackson felt she would not talk to him she was in  
4 town, unattended by anyone, seeking beauty treatments.

5 This information is relevant because it explains Jane Doe's behavior during the relevant  
6 time period. The District Attorney plans to argue that her conduct is consistent with being held  
7 captive. The evidence supports a very different interpretation of her behavior and defense  
8 counsel may properly argue such an interpretation.

9 There is also evidence that Janet was having a relationship with an LAPD officer before,  
10 during and after the time periods she now claims she was detained by Mr. Jackson's employees.

11 Furthermore, a police report dated February 23, 2004, contains a statement that Jane Doe  
12 "made passes" at Vincent Amen. If, in fact, Ms. Doe was actively seeking a sexual relationship  
13 with Mr. Amen, during the relevant time period in which she claims she was being imprisoned,  
14 such information would be probative. In addition, there are witnesses who state that she flirted  
15 hourly with two of the men at the Ranch during February of 2003. According to Ms. Doe, Mr.  
16 Amen was one of the people who was closely watching and preventing her from reporting the  
17 allegation that she was being held against her will. Testimony that she was flirting with him and  
18 enjoying her time in his company would tend to demonstrate that she was not being held hostage.

19  
20 Finally, she is on tape telling Frank Cascio that she loves him. Her voice and  
21 conversation indicate a close relationship.

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II.

CONCLUSION

For the above stated reasons, the Court should deny the District Attorney's motion.

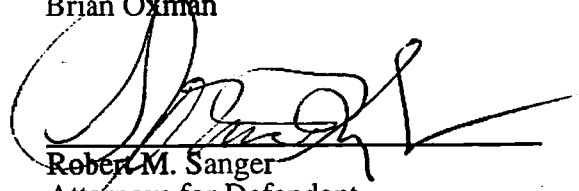
Dated: February 4, 2005

COLLINS, MESEREAU, REDDOCK & YU  
Thomas A. Mesereau, Jr.  
Susan C. Yu

SANGER & SWYSEN  
Robert M. Sanger

OXMAN & JAROSCAK  
Brian Oxman

By:



Robert M. Sanger  
Attorneys for Defendant  
MICHAEL JOSEPH JACKSON

## PROOF OF SERVICE

I, the undersigned declare:

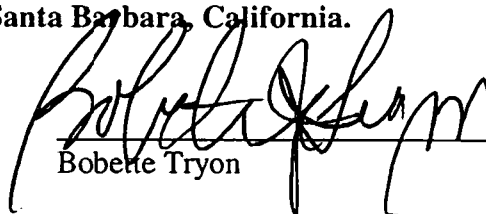
I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 233 East Carrillo Street, Suite C, Santa Barbara, California, 93101.

On February 4, 2005, I served the foregoing document: OPPOSITION TO DISTRICT ATTORNEY'S MOTION TO EXCLUDE ANY REFERENCE BY DEFENSE COUNSEL TO ANY ALLEGED EXTRAMARITAL SEXUAL CONDUCT BY JANE DOE on the interested parties in this action by depositing a true copy thereof as follows:

Tom Sneddon  
Gerald Franklin  
Ron Zonen  
Gordon Auchincloss  
District Attorney  
1112 Santa Barbara Street  
Santa Barbara, CA 93101  
805-568-2398

- 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.
- BY FACSIMILE** - I caused the above-referenced document(s) to be transmitted via facsimile to the interested parties at
- BY HAND** - I caused the document to be hand delivered to the interested parties at the address above.
- STATE** - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed February 4, 2005 at Santa Barbara, California.

  
Bobette Tryon