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

14 *REDACTED*

16 THE PEOPLE OF THE STATE OF CALIFORNIA,

17 Plaintiffs,

18 vs.

19 MICHAEL JOSEPH JACKSON,

20 Defendant.

) Case No. 1133603


)
) REPLY TO OPPOSITION TO MOTION
) FOR AN ORDER EXCLUDING
) FOURTEEN ITEMS OF IRRELEVANT
) EVIDENCE

) ~~UNDER SEAL~~

) Honorable Rodney S. Melville
) Date: TBA
) Time: 9:30 am
) Dept: SM 8

21 MEMORANDUM OF POINTS AND AUTHORITIES

22 INTRODUCTION

23 The District Attorney states that he will not make reference to 

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28 REPLY TO OPPOSITION TO MOTION FOR AN ORDER EXCLUDING FOURTEEN ITEMS OF
IRRELEVANT EVIDENCE

1 [REDACTED]
2 [REDACTED]
3 [REDACTED]

4 [REDACTED] unless the items somehow become relevant. (Opposition, 2-4.) With regard to
5 these items, the Court should note that the prosecution has not demonstrated that they are
6 relevant and should grant the motion to exclude reference to each of the items at trial.
7 Alternately, the Court should require that the prosecution seek leave before mentioning any of the
8 items in front of the jury.

9 I.

10 THE THREE CONTESTED ITEMS SHOULD BE EXCLUDED

11 A. [REDACTED]
12 [REDACTED]

13 The prosecution seeks to introduce [REDACTED]
14 [REDACTED] (Opposition, page 3.) These
15 events, and the [REDACTED] however, have nothing to do with the allegations that
16 Mr. Jackson committed acts of child molestation or that he participated in a conspiracy.

17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]

21 B. [REDACTED]

22 The District Attorney's search of Mr. Jackson's person on December 3, 2004 failed to

23 _____
24 [REDACTED]
25 [REDACTED]
26 [REDACTED]
27 [REDACTED]

1 return any relevant evidence. [REDACTED]

2 [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED] This "evidence" should be excluded.

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C. [REDACTED]

This is a child molestation and conspiracy case.² The evidence seized by the prosecution is irrelevant to either of those charges. However, the prosecution is seeking to introduce

[REDACTED]

Furthermore, evidence of [REDACTED]

[REDACTED]

It should be noted that the prosecution does not support their theory with a declaration or any legitimate scientific information. In fact, it would be impossible to lay the foundation that they boldly assert. We have not been provided with any forensic reports that supports their theory.

[REDACTED]

1 II.

2 CONCLUSION

3 Based on the reasons set forth in the Motion and in the Reply, above, this court should
4 exclude any reference to each of the fourteen irrelevant items. The introduction of such evidence
5 will deprive Mr. Jackson of his federal and state constitutional rights to a fair trial, due process of
6 law, and equal protection pursuant to the Fifth, Sixth, and Fourteenth Amendments to the United
7 States Constitution and Article 1, Sections 7, 15 and 24 of the California Constitution.

8 Dated: February 8, 2005

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