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10 Attorneys for Defendant
11 MICHAEL JOSEPH JACKSON

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

) MICHAEL JACKSON'S APPLICATION
) FOR AN ORDER TO SHOW CAUSE RE
) CONTEMPT AND/OR OTHER
) SANCTIONS AGAINST MARTIN BASHIR
) FOR VIOLATIONS OF THIS COURT'S
) PROTECTIVE ORDER; DECLARATION
) OF COUNSEL; EXHIBITS

) Honorable Rodney S. Melville

) Date: ~~February 16, 2005~~

) Time: ~~8:30 a.m.~~

) Dept.: 8

23
24 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

25 Defendant Michael J. Jackson, through his counsel, hereby applies for an order to show cause re
26 contempt and/or other sanctions against Martin Bashir for violations of this Court's protective order.

27 The Court specifically clarified that Mr. Bashir is subject to the protective order, when it ruled on Mr.

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MICHAEL JACKSON'S APPLICATION FOR AN ORDER TO SHOW CAUSE RE CONTEMPT AND/OR OTHER
SANCTIONS AGAINST MARTIN BASHIR FOR VIOLATIONS OF THIS COURT'S PROTECTIVE ORDER

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

FEB 15 2005

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

1 Bashir's motion on January 28, 2005. Following this Court's ruling, Mr. Bashir participated in a
2 television program, which aired on Friday, February 11, 2005, in which he made statements for public
3 dissemination regarding this case. At the conclusion of that program, Mr. Bashir stated that he plans to
4 air a 2-hour program, entitled "Michael Jackson's Secret World," that will constitute a further violation
5 of this Court's protective order.

6 This application is based upon the attached declaration of Robert M. Sanger, exhibits, the file and
7 record herein and any other information presented prior to a ruling hereon.

8 Dated: February 15, 2005


Respectfully submitted,

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

11 SANGER & SWYSEN
12 Robert M. Sanger

13 OXMAN & JAROSCAK
14 Brian Oxman

15 By:


16 Robert M. Sanger
17 Attorneys for Defendant
18 MICHAEL JOSEPH JACKSON
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DECLARATION OF ROBERT M. SANGER

I, Robert M. Sanger, declare:

1. I am an attorney at law duly licensed to practice law in the courts of the State of California, a partner in the law firm of Sanger & Swysen, and co-counsel for Michael Jackson. I submit this declaration in support of an order to show cause re contempt and/or other sanctions for violation of this Court's protective order.

2. The prosecution filed a complaint against Mr. Jackson on December 18, 2003. Arraignment ensued on January 16, 2004. The same day, this Court issued a protective order that prevents the parties, their counsel, agents and witnesses from public commentary concerning this case.

3. Martin Bashir is a witness in this case who is listed on both the prosecution and defense witness lists. The District Attorney issued a subpoena and a copy of the Court's protective order to Martin Bashir on January 18, 2005. On that same day, Mr. Bashir, through his counsel Theodore Boutrous, filed a "Motion for Order Precluding Martin Bashir from Being Required to Testify and for Clarification that the "Gag" Order Does Not Apply to Martin Bashir."

4. On January 28, 2005, a hearing was held before this Court on Mr. Bashir's motion. The Court denied the protective order re: the Bashir subpoena. The Court ruled that the intent of the protective order is that Mr. Bashir, along with other witnesses, would not identify the minors involved and would not disclose through the media evidence on the charges known to him by personal observation, and, ordered that so long as the order remains in effect, Mr. Bashir is bound by these restrictions. The Court further ordered that Mr. Bashir is not prevented from reporting or giving commentary to the same extent that a non-witness journalist could.

5. On February 11, 2005, the "20/20" television program aired on ABC television, including locally in Santa Barbara County, in which Mr. Bashir interviewed Corey Feldman, a witness who was recently subpoenaed by the prosecution. During this interview Mr. Bashir made comments for public dissemination, based on his personal observations, regarding the allegations against Mr. Jackson. An article published on ABC's website regarding the interview is attached as Exhibit A.

6. At the conclusion of the "20/20" program, it was announced that ABC television's "Primetime

1 Live" plans to air a 2-hour program entitled "Michael Jackson's Secret World," using footage gathered
2 by Mr. Bashir during the time he previously spent filming Michael Jackson. ABC has stated that, on this
3 program, Mr. Bashir will reveal "details and allegations about Jackson's friendship with boys." A
4 printout from ABC's Primetime Live website is attached as Exhibit B.

5 7. ABC is currently airing a commercial for "Michael Jackson's Secret World," in which Mr. Bashir
6 states that when he "spent time with Michael Jackson for that first documentary," he "thought [he] was
7 prepared", but that he "had no idea." Defense counsel will seek leave of court to play a recording of that
8 commercial. We will lodge a recording of this commercial with the Court.

9 8. Mr. Bashir's conduct is an insult to this Court. Mr. Boutrous specifically asked this Court to
10 exempt Mr. Bashir from the protective order and the Court denied that request. The Court made it clear
11 that Mr. Bashir is bound by the protective order. Mr. Boutrous, who has been continuously present
12 during the proceedings in this case, and his client, Mr. Bashir, should know better.

13 9. In addition to violating the Court's order, himself, Mr. Bashir has induced at least one other
14 witness, Corey Feldman, into violating the protective order.

15 10. Michael Jackson is an entertainer who makes his living in the public eye. The Court's protective
16 order has restricted his ability to make public appearances, and, more importantly to communicate with
17 his fans. Nevertheless, Mr. Jackson has respected this Court's orders because he understands that the
18 Court issued the protective order to ensure a fair trial. At the same time, witnesses such as Martin
19 Bashir, and other anonymous witnesses have blatantly disregarded the orders of this Court. Other
20 witnesses should show this Court the same respect by following its orders.

21 11. The Court has previously clarified that the protective order applies to Mr. Bashir. Accordingly,
22 an Order to Show Cause should issue why sanctions should not be imposed against Mr. Bashir.

23 I declare under the penalty of perjury under the laws of the State of California that the foregoing
24 is true and correct this 15th day of February, 2005, at Santa Barbara, California.

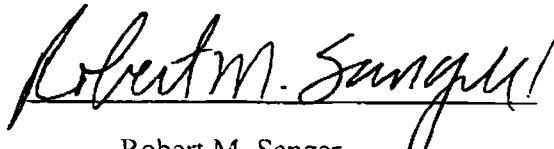
25
26 
27 Robert M. Sanger

EXHIBIT A



Corey Feldman Speaks Out Against Jackson

Prosecutors Want Former Child Star to Testify Against 'King of Pop'

Feb. 11, 2005 - Former child star Corey Feldman has been subpoenaed to testify against Michael Jackson in his child molestation trial, ABC News has learned.

With jury selection under way in Jackson's molestation trial, "20/20's" Martin Bashir interviewed actor Corey Feldman, who spoke about his relationship with "The King of Pop" during his youth.

Feldman said, "I started looking at each piece of information, and with that came this sickening realization that there have been many occurrences in my life and in my relationship to Michael that have created a question of doubt."

Jackson, 46, is accused of molesting a now-15-year-old boy who spent time at his Neverland ranch and is believed to be a cancer survivor who appeared in Bashir's 2003 British documentary "Living With Michael Jackson." The pop star has pleaded not guilty to 10 charges that include felony conspiracy with 28 overt acts involving child abduction, false imprisonment and extortion.

Bashir joined ABC News' "20/20" in September 2004.

As a teen, Feldman -- known for his roles in movies such as "Gremlins," "The Goonies" and "Stand by Me" and who appeared in the first season of the celebrity reality show "The Surreal Life" -- became good friends with Jackson. They were often seen together, dressed in similar outfits. Their friendship waned and finally ended in 2001. Feldman later released "Megalo-Man," a highly critical song about Jackson on his CD, "Former Child Star," released in 2002.

Why Speak Out?

However, in an exclusive interview, Feldman, now 33, speaks out with surprising new claims about his relationship with Jackson. Until now, the actor has stood by Jackson, and he tells Bashir why he is now coming forward with allegations about their friendship.

Feldman said speaking out has finally become a responsibility and a duty. "This child -- if he's telling the truth -- and the other children like him -- if they're telling the truth -- they're small voices, they're weak voices," he said.

Feldman said he hopes the allegations against Jackson are proved false, but said he feels compelled to speak out. "So I'm here to say I hope and I pray that these things never happened, and if they never happened, then there's some real sickness with a lot of people. But if they did happen, then there's a lot of sickness with one person. And that person needs to be punished."

Re-evaluated Friendship

Feldman stressed in his interview with Bashir that Jackson never molested him or touched him

improperly and that there was no sexual contact between them. But he said he has re-evaluated his friendship with Jackson and has concluded that there were things that happened in their relationship that were inappropriate and wrong.

"If you consider it inappropriate for a man to look at a book of naked pictures with a child that's 13 or 14 years old -- then your answer would be yes."

Feldman says he had such an encounter at Jackson's home when he says they stopped there on the way to Disneyland. "We went to his apartment, and I noticed a book that he had out on his coffee table. The book contained pictures of grown men and women naked. And the book was focused on venereal diseases and the genitalia." Feldman said the singer sat down with him and explained the photos to him.

Feldman said, "I was kind of grossed out by it. I didn't think of it as a big deal. And for all these years, I probably never thought twice about it ... But in light of recent evidence ... I have to say that if my son was 14 years old -- 13 years old, and went to a man's apartment that was 35, and I knew that they were sitting down together talking about this, I would probably beat his ass."

In 2001, Feldman and Jackson had a falling out. At the time, Feldman told the press the rift had nothing to do with child abuse allegation that continued to dog Jackson.

Could Feldman's 1993 Statements Help Jackson?

In 1993, when a 12-year-old boy accused the singer of molestation, Feldman defended Jackson publicly and to investigators.

"He never did anything out of line. I mean anything, you know," Feldman said in a 1993 audiotape made by authorities. "I mean, the closest he ever came to touching me was maybe slapping me on the leg once."

Jackson always denied any wrongdoing in that case, and has denied ever harming any child. Santa Barbara County, Calif., prosecutors did not pursue charges against him after they said the alleged victim refused to testify. "The King of Pop" settled a civil suit filed by the boy's family for a reported \$20 million.

Feldman said he defended the singer in 1993 because he thought he was being a loyal friend. "I did what I believed was right as a friend," Feldman said. "I defended him up and down. ... I did so publicly, and I did so behind closed doors with police."

Harvey Levin, executive producer of "Celebrity Justice," came into possession of Feldman's 1993 audiotaped statements to investigators and says they could ultimately help Jackson's defense. Levin says they show authorities were convinced of Jackson's guilt then and could suggest they have a vendetta in the current case against him.

"It might give jurors some pause because it seems like the cops had made up their mind during this interview [with Feldman] that Michael Jackson was a child molester," Levin said.

Since Bashir's interview with Feldman, prosecutors have subpoenaed the actor, and he has been placed under the same gag order imposed on all parties in the case. Feldman, Bashir reports, is expected to appear on the stand as a prosecution witness on March 15. Bashir has also been ordered to testify about his extensive interview with Jackson in "Living With Michael Jackson."

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EXHIBIT B

Feb 17 05 02:12p

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Healer or Charlatan? Healer or Charlatan?

"Primetime Live" takes a closer look at a man who is said to have miraculous healing powers and can supposedly perform surgeries without pain or even anesthesia. His acolytes call him "João de Deus" or "John of God."

VIDEO



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COMING UP ON PRIMETIME LIVE Coming Up on Primetime

ADVERTISEMENT

- Thursday, Feb. 17, 2005
- ABC News' Martin Bashir continues his reporting on Michael Jackson with new interviews, details and allegations about Jackson's friendship with boys in a special two-hour edition of "Primetime Live."
- Thursday, Feb. 24, 2005

<http://abcnews.go.com/Primetime/>

2/14/2005