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FILED
SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA
FEB 15 2005
GARY M. BLAIR, Executive Officer
BY Carrie L. Wagner
CARRIE L. WAGNER, Deputy Clerk

* Unsealed pursuant to 2/16/05 court order

05 FEB 15 PM 2:30

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiffs, vs. MICHAEL JOSEPH JACKSON, Defendant.	Case No. 1133603 RESPONSE TO DISTRICT ATTORNEY'S IN LIMINE MOTION TO EXCLUDE EVIDENCE OF ALLEGED SEXUAL CONDUCT ~~UNDER SEAL~~ Honorable Rodney S. Melville Date: TBA Time: ~~9:30 a.m.~~ Dept.: 8

MEMORANDUM OF POINTS AND AUTHORITIES

ARGUMENT

I.

IT IS PREMATURE FOR THE COURT TO RULE ON THIS EVIDENCE

The Court and defense counsel will have to hear the District Attorney's evidence. The prosecution has named certain experts but has not given the defense their statements. At this point, we anticipate that the prosecution will be contending that John Doe's behavior is consistent with being molested during the time periods alleged in the Indictment and that his preoccupation with sex related matters is a result of being molested. If so, we would intend to show that his preoccupation with sex pre-dated any allegations of molest in this case. At that time, we will comply with the Evidence Code in seeking to introduce that evidence.

II.

CONCLUSION

For the above stated reasons, the Court should not rule on this evidence at this time.

Dated: February 15, 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 301 East Cook Street, Suite A, Santa Maria, California 93454.

On February 15, 2005, I served the foregoing document: **RESPONSE TO DISTRICT ATTORNEY'S IN LIMINE MOTION TO EXCLUDE EVIDENCE OF ALLEGED SEXUAL CONDUCT** 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.

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

___ **BY HAND** - I caused the document to be hand delivered to the interested parties at the address above.

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

Executed February 15, 2005, at Santa Maria, California.

Bobette Tryon