

FEB 17 2005

GARY M. BLAIR, Executive Officer

BY Carrie L. Wagner  
CARRIE L. WAGNER, Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SANTA BARBARA

THE PEOPLE OF THE STATE OF  
CALIFORNIA,

Plaintiff,

vs.

MICHAEL JACKSON,

Defendant.

) Case No.: 1133603

) Order for Release of Redacted Documents

) [Opposition to District Attorney's Motion to  
) Exclude Any Reference by Defense to Any  
) Alleged [Redacted] ]

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The redacted form of the Defense's Opposition to District Attorney's Motion to Exclude Any Reference by Defense to Any Alleged [Redacted] attached to this order shall be released and placed in the public file. The court finds that there is more material in the motion that should be redacted than that contained in the proposed redacted version. The unredacted originals shall be maintained conditionally under seal pending the next motion hearing, date to be announced.

Dated: February 17, 2005

Rodney S. Melville  
RODNEY S. MELVILLE  
Judge of the Superior Court

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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

14 THE PEOPLE OF THE STATE OF )  
15 CALIFORNIA, )

16 Plaintiffs, )

17 vs. )

18 MICHAEL JOSEPH JACKSON, )

19 Defendant. )

REDACTED  
Case No. 1133603

) OPPOSITION TO DISTRICT  
) ATTORNEY'S MOTION TO EXCLUDE  
) ANY REFERENCE BY DEFENSE  
) COUNSEL TO ANY ALLEGED  
) [REDACTED]

) ~~UNDER SEAL~~

) Honorable Rodney S. Melville

) Date: February 10, 2005

) Time: 9:30 a.m.

) Dept.: 8

20 MEMORANDUM OF POINTS AND AUTHORITIES

21 INTRODUCTION

22 The prosecution asks this Court to issue an order "forbidding counsel to inquire about or  
23

24 OPPOSITION TO DISTRICT ATTORNEY'S MOTION TO EXCLUDE ANY REFERENCE BY DEFENSE  
25 COUNSEL [REDACTED]

1 comment on [REDACTED]  
2 (Motion, page 1.) Defense counsel will follow the Evidence Code. Defense counsel will limit its  
3 inquiries regarding [REDACTED] to areas that are relevant to this case and will  
4 not question her regarding [REDACTED] that are not relevant. An order forbidding defense  
5 counsel from any inquiry into [REDACTED]  
6 [REDACTED] 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 [REDACTED]. Despite her claims to the contrary  
17 in the videotape recorded by [REDACTED], and under penalty of perjury in an application for  
18 welfare, [REDACTED] 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 [REDACTED] that caused him to become concerned. While talking to [REDACTED]  
23 [REDACTED] This  
24 caused [REDACTED] 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  
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1 she was in a committed relationship with [REDACTED], 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 [REDACTED] 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 [REDACTED]  
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 [REDACTED]  
13 [REDACTED]  
14 [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]

19  
20 [REDACTED]

21 [REDACTED]

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28 OPPOSITION TO DISTRICT ATTORNEY'S MOTION TO EXCLUDE ANY REFERENCE BY DEFENSE  
COUNSEL [REDACTED]

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II.

CONCLUSION

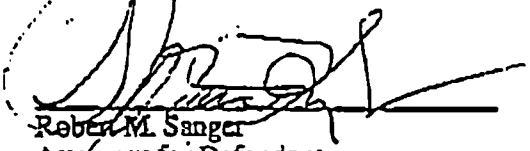
For the above stated reasons, the Court should deny the District Attorney's motion.

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

STATE OF CALIFORNIA, COUNTY OF SANTA BARBARA:

I am a citizen of the United States of America and a resident of the county aforesaid. I am employed by the County of Santa Barbara, State of California. I am over the age of 18 and not a party to the within action. My business address is 312-H East Cook Street, Santa Maria, California.

On FEBRUARY 17, 2005, I served a copy of the attached ORDER FOR RELEASE OF REDACTED DOCUMENTS (OPPOSITION TO DISTRICT ATTORNEY'S MOTION TO EXCLUDE ANY REFERENCE BY DEFENSE TO ANY ALLEGED [REDACTED]) addressed as follows:

THOMAS A. MESÉREAU, JR.  
COLLINS, MESÉREAU, REDDOCK & YU, LLP  
1875 CENTURY PARK EAST, 7<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90067

THOMAS W. SNEDDON, JR.  
DISTRICT ATTORNEY'S OFFICE  
1112 SANTA BARBARA STREET  
SANTA BARBARA, CA 93101

FAX

By faxing true copies thereof to the receiving fax numbers of: (805) 456-0699 (Thomas Mesereau, Jr.); (805) 568-2398 (Thomas Sneddon), Said transmission was reported complete and without error. Pursuant to California Rules of Court 2005(l), a transmission report was properly issued by the transmitting facsimile machine and is attached hereto.

MAIL

By placing true copies thereof enclosed in a sealed envelope with postage fully prepaid, in the United States Postal Service mail box in the City of Santa Maria, County of Santa Barbara, addressed as above. That there is delivery service by the United States Postal Service at the place so addressed or that there is a regular communication by mail between the place of mailing and the place so addressed.

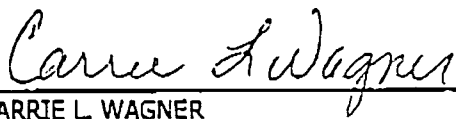
PERSONAL SERVICE

By leaving a true copy thereof at their office with the person having charge thereof or by hand delivery to the above mentioned parties.

EXPRESS MAIL

By depositing such envelope in a post office, mailbox, sub-post office, substation, mail chute, or other like facility regularly maintained by the United States Postal Service for receipt of Express Mail, in a sealed envelope, with express mail postage paid.

I certify under penalty of perjury that the foregoing is true and correct. Executed this 17<sup>TH</sup> day of FEBRUARY, 2005, at Santa Maria, California.

  
CARRIE L. WAGNER