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FILED
SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA

FEB 22 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

) [Ex Parte Application for an Order that a
) Subpoena Duces Tecum Issue; Proof of
) Service]

The redacted form of the Defense's Ex Parte Application for an Order that a Subpoena Duces Tecum Issue and the Defense's Proof of Service of that Application 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: FEB 22 2005

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

1 COLLINS, MESEREAU, REDDOCK & YU
Thomas A. Mesereau, Jr., State Bar Number 091182
2 Susan C. Yu, State Bar Number 195640
1875 Century Park East, 7th Floor
3 Los Angeles, CA 90067
Tel.: (310) 284-3120, Fax: (310) 284-3133

4 SANGER & SWYSEN
5 Robert M. Sanger, State Bar Number 058214
233 East Carrillo Street, Suite C
6 Santa Barbara, CA 93101
Tel.: (805) 962-4887, Fax: (805) 963-7311

7 OXMAN & JAROSCAK
8 Brian Oxman, State Bar Number 072172
14126 East Rosecrans
9 Santa Fe Springs, CA 90670
Tel.: (562) 921-5058, Fax: (562) 921-2298

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 **REDACTED**

15 THE PEOPLE OF THE STATE OF
16 CALIFORNIA,

17 Plaintiffs,

18 vs.

19 MICHAEL JOSEPH JACKSON,

20 Defendant.

) Case No. 1133603

) EX PARTE APPLICATION FOR AN
) ORDER THAT A SUBPOENA DUCES
) TECUM ISSUE; DECLARATIONS OF
) ROBERT SANGER AND SUSAN YU

) ~~UNDER SEAL~~

) Honorable Rodney S. Melville
) Date: TBA
) Time: TBA
) Dept.: 8

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24 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

25 Mr. Jackson respectfully requests that the Court make an order allowing the issuance of the
26 attached subpoena duces tecum for [REDACTED] through his attorney, [REDACTED]
27
28

1 objected to a previous subpoena. [REDACTED] is a material witness to relevant facts in this case and is the
2 proper subject of a subpoena. Moreover, [REDACTED] is believed to be in possession of relevant
3 documents. (See attached Declarations of Robert M. Sanger and Susan Yu.) Failing to allow Mr.
4 Jackson to compel the attendance of [REDACTED] would violate Mr. Jackson's rights to compel the
5 compulsory attendance of favorable witnesses, to a fair trial, and to due process, under the Fifth, Sixth
6 and Fourteenth Amendments to the United States Constitution and the Constitution of the State of
7 California.

8 Dated: February 8, 2005

Respectfully submitted,

9 COLLINS, MESEREAU, RIEDDOCK & 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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27 We also request that the Court endorse the subpoena for service of more than 150 miles even
28 though [REDACTED] did not object to the previous subpoena on that ground and agreed to accept
service. Out of an abundance of caution we ask for endorsement.

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 & Swyser, and co-counsel for Michael Jackson.

2. Based on my review of the prosecution's investigation and that of the defense, I believe that [REDACTED] is a percipient witness to admissible evidence in this case.

3. [REDACTED] is a witness [REDACTED] of the [REDACTED]. The [REDACTED].
[REDACTED] The [REDACTED].

4. Based on our investigation, it appears [REDACTED].

[REDACTED] We believe that he [REDACTED].

5. [REDACTED].

6. I believe and am informed that [REDACTED].

7. Based on the current investigation, it is probable that [REDACTED].

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[REDACTED]

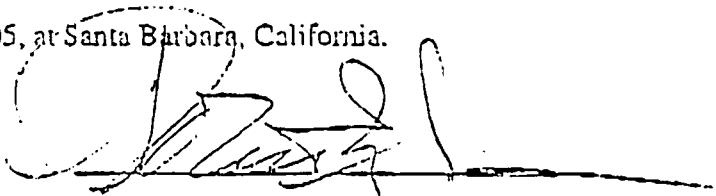
8. [REDACTED]

9. It is believed that [REDACTED]

10. [REDACTED]

However, the facts stated above demonstrate good cause to believe [REDACTED] have relevant and material evidence in their possession.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct this 8th day of February, 2005, at Santa Barbara, California.



Robert M. Sanger

DECLARATION OF SUSAN C. YU

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I, Susan C. Yu 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 Collins, Mesereau, Reddlock & Yu, and co-counsel for Mr. Michael Jackson in the pending criminal action entitled People v. Michael Joe Jackson, Santa Barbara County Superior Court Case No. 1133603. I submit this declaration in support of, trial subpoenas reissued² to [REDACTED] and to [REDACTED], material witnesses in this case. I have personal knowledge of the facts set forth herein and, if called and sworn as a witness, I could and would competently testify thereto under oath.

2. The [REDACTED] in this case attended [REDACTED]

[REDACTED] Our investigation revealed the following [REDACTED]

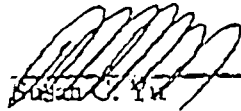
- (a) [REDACTED]
 - (b) [REDACTED]
 - (c) [REDACTED]
 - (d) [REDACTED]
 - (e) [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

² This declaration is being presented pursuant to the Honorable Rodney Melville's ruling on [REDACTED] [REDACTED] in Camera Motion to Quash held on January 27, 2005. In this connection, by submitting this required declaration, I, in no way (directly or indirectly or expressly or impliedly) waive any attorney work-product or privileges.

1 3. [REDACTED]

2 [REDACTED]
3 [REDACTED]
4 [REDACTED] Accordingly, without these witnesses, Mr. Jackson
5 will be denied a right to a fair trial and will suffer extreme prejudice.

6 I declare under penalty of perjury that the foregoing is true and correct and that this declaration
7 was executed this 8th day of February, 2005 at Los Angeles, California.

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and address): Sanger & Swyson Robert M. Sanger SBN58214 233 East Carrillo Street, Suite C Santa Barbara, CA 93101	TELEPHONE NO.: 805-962-4867	FOR COURT USE ONLY
ATTORNEY FOR (Name): Defendant Michael Joseph Jackson		
Name of court, judicial district or branch court, county, and post office and street address: Santa Barbara Superior Court - State of California 312 East Cook Street Santa Maria, CA 93454.		
Title of case: People v. Michael Joseph Jackson		
SUBPOENA AND PROOF OF SERVICE (CRIMINAL OR JUVENILE) <input checked="" type="checkbox"/> DUCES TECUM		CASE NUMBER 1133603

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (Name): [REDACTED]

1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this action at the date, time, and place shown in the box below UNLESS you make a special agreement with the person named in item 3:

a. Date: [REDACTED]	Time: 9:30 a.m.	<input checked="" type="checkbox"/> Dept.: SM-8	<input checked="" type="checkbox"/> Div.: Cook	<input type="checkbox"/> Room:
b. Address: 312 East Cook Street Santa Maria, CA				

2. AND YOU ARE

- a. ordered to appear in person.
- b. not required to appear in person if you produce the records described in the accompanying affidavit and a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271, in the following manner: (1) Place a copy of the records in an envelope (or other wrapper). Enclose your original declaration with the records. Seal them. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number, your name and date, time, and place from item 1 (the box above). (3) Place this first envelope in an outer envelope, seal it, and mail it to the clerk of the court at the address in item 1. (4) Mail a copy of your declaration to the attorney or party shown at the top of this form.
- c. ordered to appear in person and to produce the records described in the accompanying affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records is required by this subpoena. The procedure authorized by subdivision (b) of section 1560, and sections 1561 and 1562, of the Evidence Code will not be deemed sufficient compliance with this subpoena.

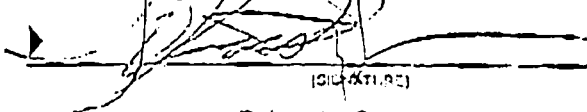
3. IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE FOR YOU TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:

a. Name: Scott Ross

b. Telephone number: 818-884-8960

4. WITNESS FEES: You may be entitled to witness fees, mileage, or both, in the discretion of the court. Contact the person named in item 3 AFTER your appearance.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED BY A FINE, IMPRISONMENT, OR BOTH. A WARRANT MAY ISSUE FOR YOUR ARREST IF YOU FAIL TO APPEAR.

FOR COURT USE ONLY	Date: February 8, 2005	
		(SIGNATURE)
		Robert M. Sanger
		(TYPE OR PRINT NAME)
		Attorney for Defendant
		(TITLE)

(See reverse for proof of service)

Page 1 of 2

SHORT TITLE:	CASE NUMBER: 1133633
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PROOF OF SERVICE OF SUBPOENA

1. I served this Subpoena Subpoena Duces Tecum and supporting affidavit by personally delivering a copy to the person served as follows:

a. Person served (name):

b. Address where served:

c. Date of delivery:

d. Time of delivery:

2. I received this subpoena for service on (date):

3. NON-SERVICE RETURN OF SUBPOENA

- a. After due search, careful inquiry, and diligent attempts at the dwelling house or usual place of abode or usual place of business, I have been unable to make personal delivery of this Subpoena Subpoena Duces Tecum in this county on the following persons (specify):

b. Reason:

(1) Unknown at address.

(4) Out-of-county address.

(2) Moved, forwarding address unknown.

(5) Unable to serve by hearing date.

(3) No such address.

(6) Other reasons (explanation required):

4. Person serving:

a. Not a registered California process server.

b. Exempt from registration under Bus. & Prof. Code section 22350(b).

b. California sheriff, marshal, or constable.

c. Registered California process server.

i. Name, address, and telephone number and, if applicable, county of registration and number:

d. Employee or independent contractor of a registered California process server.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(For California sheriff, marshal, or constable use only)
I certify that the foregoing is true and correct.

Date: February 0, 2005

Date:

(SIGNATURE)

(SIGNATURE)

ATTACHMENT

1. Please provide all files, records, and documents, however preserved, relating to [REDACTED] or anyone acting on their behalf to include [REDACTED]

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and address): Sanger & Swysen Robert M. Sanger SBNS8214 233 East Carrillo Street, Suite C Santa Barbara, CA 93101 ATTORNEY FOR (Name): Defendant Michael Joseph Jackson		TELEPHONE NO.: 805-962-4887	FOR COURT USE ONLY
INSTRUCTIONS: (Name of court, judicial district or branch court, if any, and post office and street address) Santa Barbara Superior Court - State of California 312 East Cook Street Santa Maria, CA 93454			
TITLE OF CASE: People v. Michael Joseph Jackson			
SUBPOENA AND PROOF OF SERVICE (CRIMINAL OR JUVENILE) <input checked="" type="checkbox"/> DUCES TECUM		CASE NUMBER: 1133603	

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (Name): [REDACTED]

1. YOU ARE ORDERED TO APPEAR AS A WITNESS in this action at the date, time, and place shown in the box below UNLESS you make a special agreement with the person named in Item 3:

a. Date: [REDACTED]	Time: 9:30 a.m.	<input checked="" type="checkbox"/> Dept.: SM-R	<input checked="" type="checkbox"/> Div.: Cook	<input type="checkbox"/> Room:
b. Address: 312 East Cook Street Santa Maria, CA				

2. AND YOU ARE

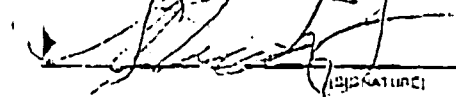
- a. ordered to appear in person.
- b. not required to appear in person if you produce the records described in the accompanying affidavit and a completed declaration of custodian of records in compliance with Evidence Code sections 1560, 1561, 1562, and 1271, in the following manner: (1) Place a copy of the records in an envelope (or other wrapper). Enclose your original declaration with the records. Seal them. (2) Attach a copy of this subpoena to the envelope or write on the envelope the case name and number, your name and date, time, and place from Item 1 (the box above). (3) Place this first envelope in an outer envelope, seal it, and mail it to the clerk of the court at the address in Item 1. (4) Mail a copy of your declaration to the attorney or party shown at the top of this form.
- c. ordered to appear in person and to produce the records described in the accompanying affidavit. The personal attendance of the custodian or other qualified witness and the production of the original records is required by this subpoena. The procedure authorized by subdivision (b) of section 1560, and sections 1561 and 1562, of the Evidence Code will not be deemed sufficient compliance with this subpoena.

3. IF YOU HAVE ANY QUESTIONS ABOUT THE TIME OR DATE FOR YOU TO APPEAR, OR IF YOU WANT TO BE CERTAIN THAT YOUR PRESENCE IS REQUIRED, CONTACT THE FOLLOWING PERSON BEFORE THE DATE ON WHICH YOU ARE TO APPEAR:

- a. Name: Scott Ross
- b. Telephone number: 818-884-8960

4. WITNESS FEES: You may be entitled to witness fees, mileage, or both, in the discretion of the court. Contact the person named in Item 3 AFTER your appearance.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED BY A FINE, IMPRISONMENT, OR BOTH. A WARRANT MAY ISSUE FOR YOUR ARREST IF YOU FAIL TO APPEAR.

FOR COURT USE ONLY	Date: February 8, 2005	 (SIGNATURE)
		Robert M. Sanger (TYPE OR PRINT NAME)
		Attorney for Defendant (TITLE)

(See reverse for proof of service)

SHORT TITLE:	CASE NUMBER: 1133603
--------------	-------------------------

PROOF OF SERVICE OF SUBPOENA

1. I served this Subpoena, Subpoena Duces Tecum and supporting affidavit by personally delivering a copy to the person served as follows:

a. Person served (name):

b. Address where served:

c. Date of delivery:

d. Time of delivery:

2. I received this subpoena for service on (date):

3. NON-SERVICE RETURN OF SUBPOENA

a. After due search, careful inquiry, and diligent attempts at the dwelling house or usual place of abode or usual place of business, I have been unable to make personal delivery of this Subpoena Subpoena Duces Tecum in this county on the following persons (specify):

b. Reason:

(1) Unknown at address.

(4) Out-of-county address.

(2) Moved, forwarding address unknown.

(5) Unable to serve by hearing date.

(3) No such address.

(6) Other reasons (explanation required):

4. Person serving:

a. Not a registered California process server.

b. Exempt from registration under Bus. & Prof. Code section 22350(b).

b. California sheriff, marshal, or constable.

c. Registered California process server.

f. Name, address, and telephone number and, if applicable, county of registration and number.

d. Employee or independent contractor of a registered California process server.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

(For California sheriff, marshal, or constable use only)
I certify that the foregoing is true and correct.

Date: February 8, 2005

Date:

(SIGNATURE)

(SIGNATURE)

ATTACHMENT

1. Please provide all files, records, and documents, however preserved, relating to [REDACTED], or anyone acting on their behalf to include [REDACTED]

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 8, 2005, I served the EX PARTE APPLICATION FOR AN ORDER THAT A SUBPOENA DUCES TECUM ISSUE; DECLARATIONS OF ROBERT SANGER AND SUSAN YU BE FILED UNDER SEAL

foregoing documents on the interested parties in this action by depositing a true copy thereof as follows: 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

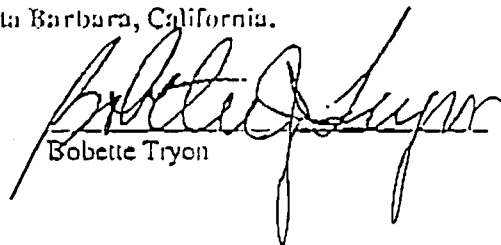
BY U.S. MAIL - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid 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

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 8, 2005, at Santa Barbara, California.


Bobette Tryon

1 **COLLINS, MESEREAU, REDDOCK & YU**
Thomas A. Mesereau, Jr., State Bar Number 091182
2 Susan Yu, State Bar Number 195640
1875 Century Park East, 7th Floor
3 Los Angeles, CA 90067
Telephone (310)284-3120
4 Facsimile (310)284-3133

5 **SANGER & SWYSEN**
Attorneys at Law
6 Robert M. Sanger, State Bar No. 058214
233 East Carrillo Street, Suite C
7 Santa Barbara, CA 93101
(805)962-4887 FAX(805)963-7311

8 **OXMAN & JAROSCAK**
9 Brian Oxman, State Bar Number 072172
14126 East Rosecrans
10 Santa Fe Springs, CA 90670
Tel.: (562)921-5058, Fax.: (562)921-2928

11 Attorneys for Defendant
12 **MICHAEL JOSEPH JACKSON**

13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION**
15

16 **THE PEOPLE OF THE STATE OF**
17 **CALIFORNIA,**

18 Plaintiffs,

19 vs.

20 **MICHAEL JOSEPH JACKSON,**

21 Defendant.
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Case No. 1133603

PROOF OF SERVICE OF
[REDACTED]

Honorable Rodney Melville

Trial Date: TBA
Time: 9:30 am.
Dept: TBA

05 FEB 10 AM 11:02

RECEIVED

PROOF OF SERVICE

I, the undersigned declare:

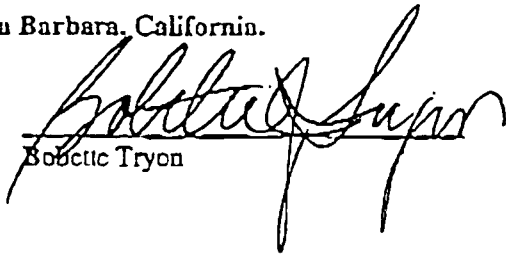
I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 233 East Carrillo Street, Suite C, Santa Barbara, California, 93101.

On February 10, 2005, I served the foregoing documents on the interested parties in this action by depositing a true copy thereof as follows: EX PARTE APPLICATION FOR AN ORDER THAT EX PARTE APPLICATION FOR AN ORDER THAT A SUBPOENA DUCES TECUM ISSUE BE FILED UNDER SEAL and EX PARTE APPLICATION FOR AN ORDER THAT A SUBPOENA ISSUE and [PROPOSED] ORDER THEREON on the interested parties in this action by depositing a true copy thereof as follows:

[REDACTED]

- 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
- 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 10, 2005, at Santa Barbara, California.


Bobette Tryon

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 March 1, 2005, 2005, I served a copy of the attached ORDER FOR RELEASE OF REDACTED DOCUMENTS (EX PARTE APPLICATION FOR AN ORDER THAT A SUBPOENA DUCES TECUM ISSUE: PROOF OF SERVICE) addressed as follows:

THOMAS A. MESEREAU, JR.
COLLINS, MESEREAU, REDDOCK & YU, LLP
1875 CENTURY PARK EAST, 7TH 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.

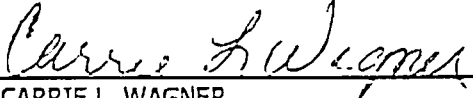
PERSONAL SERVICE

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 1ST day of MARCH, 2005, at Santa Maria, California.


CARRIE L. WAGNER