

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

Dated & Entered:	APRIL 8, 2005	Time:	8:40 A.M.	F		
Honorable RODNEY S. MELVILLE				CC		
Deputy Clerk:	L. FREY	Dept.	SM TWO	CA		
Deputy Sheriff :	L. AVILA			AC		
Court Reporter:	M. MC NEIL	Case No.	1133603	SR		
Plaintiff:	THE PEOPLE OF THE STATE OF CALIFORNIA				ST	
Vs.					DOC	X
Defendant(s):	MICHAEL JOE JACKSON					
District Attorney:	THOMAS W. SNEDDON, JR.					
Defense Counsel:	THOMAS A. MESEREAU, JR.					
Probation Officer:	Interpreter:					

**NATURE OF PROCEEDINGS: JURY TRIAL – THIRTY FOURTH DAY**

Felony Complaint Filed December 18, 2003 charging the Defendant with Counts 1 thru 7: 288(a) P.C., Felonies, Counts 8 and 9: 222 P.C., Felonies, Enhancements on Counts 1 through 7: 1192.7(c)(6) P.C. and 1203.066(a)(8) P.C.

Indictment filed April 21, 2004 charging the Defendant with Count 1: 182 P.C., a Felony, Counts 2 through 5: 288(a) P.C., Felonies, Count 6: 664/288(a) P.C., a Felony, Counts 7 through 10: 222 P.C., Felonies, Special Allegations on Counts 2 through 5: 1192.7(c)(6) P.C. and 1203.066(a)(8) P.C.

**The Court made orders re: Continuance**

At 8:40 A.M. in the presence of the Jury with Court, Counsel and Defendant present, trial continued.

Counsel present for the People are Thomas W. Sneddon, Jr., Ronald Zonen and Gordon Auchincloss.

Counsel present for the Defendant are Thomas A. Mesereau, Jr., Robert M. Sanger, Susan Yu and Brian Oxman.

People's Investigator Steve Robel present.

Examination of Adrian Marie Mc Manus as a witness on behalf of the People continued.

Attorneys Mesereau and Zonen examined the witness.

Witness Mc Manus shall remain subject to call.

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Phillip Le Marque sworn and examined as a witness on behalf of the People.

Attorneys Auchincloss and Mesereau examined the witness.

In the absence of the Jury with Court, Counsel and Defendant present, trial continued.

Attorney Mesereau asked permission of the Court to be able to impeach witness Le Marque with certain evidence. Attorney Auchincloss objected to said evidence. The Court sustains said objection.

At 10:05 A.M. in the presence of the Jury with Court, Counsel and Defendant present, trial continued.

Examination of Phillip Le Marque as a witness on behalf of the People continued.

The following People's Exhibits Marked for Identification and Received into Evidence:

- 800 Photo of Inside the Arcade
- 801 Photo of Inside the Arcade
- 802 Copy of Handwritten Note by Phillip Le Marque.

At 11:05 A.M. the Court admonished the Jury and ordered a recess until April 11, 2005 at 8:30 A.M.

In the absence of the Jury and the Defendant with Court and Counsel present, trial continued.

A 977 Waiver is on file and the Defendant's presence is waived for this portion of the trial.

Defendant released on bail previously posted.

Court and Counsel addressed the Defendant's Motion for a Mistrial that was made on April 1, 2005. The Court orders that the Motion for a Mistrial shall be denied. The Court has previously ordered that both sides shall admonish their witnesses that they are bound by the protective order. The Court does not see evidence that the protective order has been violated. The Court shall determine later if there will be a special instruction given to the Jury.

Court and Counsel addressed the District Attorney's Request for Mandatory Judicial Notice of Statutes. The Court will not give a special instruction to the Jury at this time. The Court will determine later if there will be an instruction given to the Jury.

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Court and Counsel addressed the Motion to Prohibit Testimony of 1108 witnesses for Failure to Comply with Penal Code 1054.7. The Court orders that said motion shall be denied.

Court and Counsel addressed the Objection to Admission of 1108 and 1101 evidence. The Court finds that the Court has previously ruled on the admissibility of said evidence. The Court further orders that said objection shall be denied.

The Court advised Counsel that the statutorily sealed declarations issue is still under consideration by the Court.

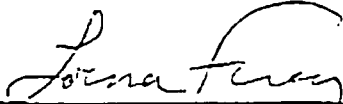
Court and Counsel addressed the issue regarding the computers. Said matter shall be readdressed on April 11, 2005.

Upon stipulation of Counsel for respective parties the Court orders that the subpoenaed documents from Talk America, Varig Airlines, Santa Ynez High School and Vons may be opened and copied by the District Attorney; that the District Attorney shall make copies of said documents for the Defense.

The Court further orders that the Defense subpoenaed records that have not be objected to may be opened and copied by the Defense.

At 11:25 A.M. Court in recess until April 11, 2005 at 8:30 A.M.

CLERK OF THE SUPERIOR COURT

BY   
LORNA FREY, DEPUTY CLERK

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 April 18, 2005, 2005, I served a copy of the attached MINUTE ORDER addressed as follows:

THOMAS A. MESEREAU, JR.  
COLLINS, MESEREAU, 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

X 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(1), 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 18<sup>th</sup> day of APRIL, 2005, at Santa Maria, California.

  
\_\_\_\_\_  
CARRIE L. WAGNER