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

Dated & Entered:	APRIL 29, 2005	Time:	8:35 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 – FORTY EIGHTH 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: Testimony of Ian Drew Not Allowed; Exhibits 841 and 842 Received into Evidence; Continuance

At 8:35 A.M. in the absence of the Jury with Court, Counsel and Defendant present, trial continued.

Counsel present for the People are Ronald Zonen and Gordon Auchincloss.

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

Investigating Officer Steve Robel present for the People.

A hearing was held re: the admissibility of Exhibits 841 and 842.

Rosibel Smith sworn and examined as a witness on behalf of the People.

The following People's Exhibits Marked for Identification:

S41 "Boys Will Be Boys!" Book
S42 "The Boy, A Photographic Essay" Book

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

S56 Photo of File Cabinet in Michael Jackson's Bedroom Where Exhibits 841 and 842 Were Seized.

Attorney Zonen examined the witness.

Attorneys Sanger and Zonen addressed the Court re: Exhibits 841 and 842.

The Court shall reserve ruling as to the admissibility of Exhibits 841 and 842.

Ian Drew's Attorney, Kelli Sager, addressed the Court re: Ian Drew's testimony

Attorneys Mesereau and Zonen addressed the Court re: Ian Drew's testimony.

At 9:10 A.M. in the presence of the Jury with Court, Counsel and Defendant present, trial continued.

Craig Bonner recalled for further testimony as a witness on behalf of the People.

Attorneys Zonen and Sanger examined the witness.

Harry Koons sworn and examined as a witness on behalf of the People.

Attorneys Zonen and Sanger examined the witness.

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

S57 Audio Gram, Intensity of Function of Frequency, Showing Breaks in Tape
858 Record of Amplitude for Signal from Tape, Showing Breaks in Tape.

The following People's Exhibits Received into Evidence:

841 and 842.

The Court finds that the probative value exceeds the prejudicial effect under 352 E.C. as to Exhibits 841 and 842.

Rosibel Smith recalled for further examination as a witness on behalf of the People.

Attorneys Zonen and Sanger examined the witness.

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

Ian Drew sworn and examined as a witness on behalf of the People.

Attorneys Zonen and Mesereau examined the witness and made their arguments to the Court re: the scope of Ian Drew's testimony.

Ian Drew's Attorney, Kelli Sager, present in Court and objects to certain questions asked of Ian Drew under the Shield Law.

Upon stipulation of Counsel for respective parties, the Court reviewed the police reports re: Ian Drew's statements.

The Court finds that the probative value of the statement offered by Ian Drew is questionable; that if the statements were introduced, it might somewhat prove the conspiracy, but would prove Konitzer's state of mind and not Jackson's state of mind nor prove Jackson's involvement; that there is real vagueness in Ian Drew's statement as he is not sure of exactly what was said; that under Delaney, the Court does not believe that the Shield Law is overcome; that the Shield Law remains in effect and bars cross examination. The Court orders that the testimony of Ian Drew shall not be allowed.

At 1:35 P.M. in the presence of the Jury with Court, Counsel and Defendant present, trial continued.

The Court admonished the Jury and ordered a recess until May 2, 2005 at 8:30 A.M.

Defendant released on bail previously posted.

CLERK OF THE SUPERIOR COURT

BY Lorna Frey
LORNA FREY, DEPUTY CLERK

PROOF OF SERVICE

1013A(1)(3), 1013(c) CCP

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 May 3, 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, 7TH 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(i), 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 3RD day of MAY, 2005, at Santa Maria, California.

Carrie L. Wagner

CARRIE L. WAGNER