

**FILED**  
SUPERIOR COURT of CALIFORNIA  
COUNTY of SANTA BARBARA

MAY 18 2005

GARY M. BLAIR, Executive Officer  
BY *Carrie L. Wagner*  
CARRIE L. WAGNER, Deputy Clerk

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF SANTA BARBARA  
10 SANTA MARIA DIVISION

11  
12 THE PEOPLE OF THE STATE OF CALIFORNIA, )  
13 Plaintiff, )

14 vs.

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20 MICHAEL JOE JACKSON,  
21 Defendant. )

No. 1133603

**PLAINTIFF'S MOTION TO  
EXCLUDE TESTIMONY OF  
DEFENSE WITNESSES  
DEXTER MASON & PAUL  
KRUGMAN PURSUANT TO  
EVIDENCE CODE § 352 &  
THE PRIOR RULING OF  
THIS COURT**

DATE: TBA  
TIME: 8:30 AM  
DEPT.: SM2 (Melville)

22  
23 INTRODUCTION

24 The defense has indicated their intent to call as witnesses Mr. Dexter Mason and  
25 Mr. Paul Krugman. Both of these individuals were security agents involved in the J.C. Penney  
26 incident of 1998 which resolved in favor of the Arvizo family. Insofar as the only possible  
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1 evidence the defense intends to introduce from either of these witnesses involves the conduct  
2 of parties involved in the J.C. Penney litigation, it is irrelevant to this current proceeding.

3 This court issued an order on February 25, 2005, prohibiting the defense from re-  
4 litigating the J.C. Penney case. It is clear that the defense purpose of calling these two  
5 witnesses is to do precisely that which the court would not allow at the beginning of this case.  
6 The defense should be required to notice this court and the People by way of written motion  
7 why the court's order of February 25 should no longer apply. The People should be given  
8 ample time to reply and argue this issue prior to the defense calling these witnesses.

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10 DATED: May 18, 2005

11 Respectfully submitted,

12 THOMAS W. SNEDDON, JR., DISTRICT ATTORNEY

13  
14 By: 

15 Mag M. Nicola  
16 Senior Deputy District Attorney

17 Attorneys for Plaintiff  
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