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**MICHAEL JOSEPH JACKSON**

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiffs,

vs.

MICHAEL JOSEPH JACKSON,

Defendant.

) Case No. 1133603

) BRIEF REGARDING MOSLEHI  
) OUTTAKES BEING ADMITTED FOR  
) TRUTH

) Honorable Rodney S. Melville

) Date: TBD  
) Time: 8:30 a.m.  
) Dept.: 8

Pursuant to Evidence Code Section 356, the portions of the Moslehi outtakes that are related to the same subject matter as the admissions are admissible. Evidence Code 356 states that, "[w]here part of an act, declaration, conversation, or writing is given in evidence by one party, the whole on the same subject may be inquired into by an adverse party . . ."

The Court of Appeal, in *People v. Douglas* (1991) 234 Cal.App.3d 273, 285, held that Evidence Code Section 356 "applies even if the omitted portions of the conversation are self-serving." The Court of Appeal stated that, "[t]he fact that declarations made by the accused were self-serving does not

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

JUN - 1 2005

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


1 preclude their introduction in evidence as a part of his whole statement, provided they are relevant to,  
2 and were made on the same occasion as the statements introduced by, the prosecution. [citations  
3 omitted]" (*People v. Douglas*, supra, 234 Cal.App.3d 273, 285.)

4 Dated: June 1, 2005

5 Respectfully submitted,

6 COLLINS, MESEREAU, REDDOCK & YU  
7 Thomas A. Mesereau, Jr.  
8 Susan C. Yu

9 SANGER & SWYSEN  
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11 Stephen K. Dunkle

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