

JUN 27 2005

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By Carrie L. Warner
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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION
12

13 THE PEOPLE OF THE STATE OF
CALIFORNIA,

14 Plaintiffs,

15 vs.
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17 MICHAEL JOSEPH JACKSON,

18 Defendant.
19
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21

) Case No. 1133603

) RESPONSE TO MEDIA MEMORANDUM RE
) REQUEST TO INSPECT AND COPY
) EXHIBITS INTRODUCED AS EVIDENCE

) Honorable Rodney S. Melville

) Date: TBD

) Time: TBD

) Dept: SM 2

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28 RESPONSE TO MEDIA MEMORANDUM RE REQUEST TO INSPECT AND COPY EXHIBITS
INTRODUCED AS EVIDENCE

1 ARGUMENT

2 I.

3 THERE IS NO AUTHORITY FOR THE PROPOSITION THAT THE MEDIA IS
4 ENTITLED TO MAKE REPRODUCTIONS OF COURT EXHIBITS FOLLOWING A
5 TRIAL

6 The media has not cited authority to support the proposition that the press or the public is
7 entitled to copy court exhibits following the conclusion of a trial. There is a significant
8 difference between being allowed to see exhibits that were admitted into evidence and being
9 allowed to possess them, delay the return of the exhibits to the rightful owners, and to make
10 reproductions for entertainment purposes.

11 While the media has cited cases that generally support public access to court records,
12 there is no support for the argument that the public has the right to make reproductions of
13 materials seized from a defendant's home following the conclusion of a criminal trial. These
14 materials, including videotapes, were seized pursuant to the Court's search warrant power. The
15 issuance of a search warrant does not give the public the right to make reproductions of the
16 seized materials.

17 Furthermore, Penal Code Section 1417.5 governs the disposition of exhibits after the final
18 determination of an action. Section 1417.5 does not contain any provisions which support the
19 position that the Court may hold certain exhibits so that they may be copied by the media.
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28 _____
RESPONSE TO MEDIA MEMORANDUM RE REQUEST TO INSPECT AND COPY EXHIBITS
INTRODUCED AS EVIDENCE

1 II.

2 CONCLUSION

3 The Court should deny the media's motion to inspect an copy exhibits. .

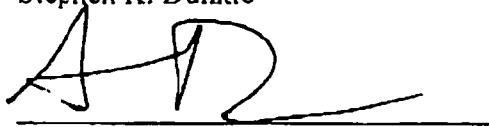
4 Dated: June 27, 2005

5 Respectfully submitted,

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

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9 Robert M. Sanger
Stephen K. Dunkle

10
11 By:



12 Stephen K. Dunkle
13 Attorneys for Defendant
14 MICHAEL JOSEPH JACKSON
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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 June 27, 2005, I served the foregoing documents on the interested parties in this action by depositing a true copy thereof as follows: **RESPONSE TO MEDIA MEMORANDUM RE REQUEST TO INSPECT AND COPY EXHIBITS INTRODUCED AS EVIDENCE** on the interested parties in this action by depositing a true copy thereof as follows:

Santa Barbara County District Attorney
1112 Santa Barbara Street
Santa Barbara, CA 93101
Fax 805-568-2398

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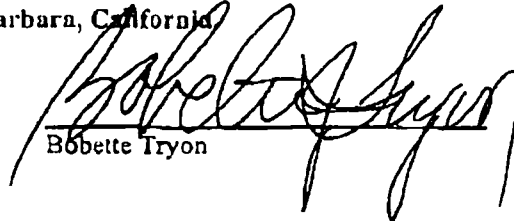
 BY U.S. MAIL - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid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

 X **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.

 X **STATE** - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed June 27 2005, at Santa Barbara, California


Bobette Tryon