

1 THOMAS W. SNEDDON, JR., DISTRICT ATTORNEY  
County of Santa Barbara  
2 By: RONALD J. ZONEN (State Bar No. 85094)  
Senior Deputy District Attorney  
3 GORDON AUCHINCLOSS (State Bar No. 150251)  
Senior Deputy District Attorney  
4 GERALD McC. FRANKLIN (State Bar No. 40171)  
Senior Deputy District Attorney  
5 1112 Santa Barbara Street  
Santa Barbara, CA 93101  
6 Telephone: (805) 568-2300  
FAX: (805) 568-2398  
7

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

AUG 22 2005

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

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 v. )

15  
16 MICHAEL JOE JACKSON,

17 Defendant. )  
18

No. 1133603

PROPOSED WAIVER OF  
LIABILITY CONCERNING  
RECEIPT OF CERTAIN  
PROPERTY TREATED WITH  
TOXIC SUBSTANCES IN  
THE COURSE OF THE  
INVESTIGATION

19  
20  
21 The Court and counsel for Plaintiff and Defendant have previously discussed the  
22 return of evidence seized from Defendant in the course of the investigation underlying the  
23 charges upon which Defendant was indicted. Plaintiff's counsel noted that some of the  
24 property had been treated with one or more substances in an effort to reveal fingerprint, and  
25 that the residue of that or those chemicals on a given item of property might well be toxic and  
26 pose a danger to the health of anyone handling the property without taking adequate  
27 precautions. Plaintiff's counsel suggested that the Court consider conditioning release of the  
28 contaminated property to Defendant upon the execution by him or his authorized representative

1 of a release and hold-harmless agreement and assuming the risk of harm attributable to  
2 handling any property so treated with toxic substances.

3 Attached for consideration by the Court and Counsel is a draft of a "Waiver,  
4 Release and Assumption of Risk Agreement" prepared by the County Council's Office.

5 DATED: August 22, 2005

6 Respectfully submitted,

7  
8   
9 THOMAS W. SNEDDON, JR.  
District Attorney

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

PROOF OF SERVICE

STATE OF CALIFORNIA }  
COUNTY OF SANTA BARBARA } SS

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years and I am not a party to the within-entitled action. My business address is: District Attorney's Office; Courthouse; 1112 Santa Barbara Street, Santa Barbara, California 93101.

On August 22, 2005, I served the within PROPOSED WAIVER OF LIABILITY CONCERNING RECEIPT OF CERTAIN PROPERTY TREATED WITH TOXIC SUBSTANCES IN THE COURSE OF THE INVESTIGATION on Defendant, by THOMAS A. MESEREAU, JR. and ROBERT SANGER by personally delivering a true copy thereof to Mr. Sanger's office in Santa Barbara, by transmitting a facsimile copy thereof to Attorney Mesereau, and by causing a true copy thereof to be mailed to Mr. Mesereau, first class postage prepaid, at the addresses shown on the attached Service List.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Santa Barbara, California on this 22 day of August, 2005.

  
Gerald McC. Franklin

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**SERVICE LIST**

THOMAS A. MESEREAU, JR.  
Collins, Mesereau, Rcdock & Yu, LLP  
1875 Century Park East, No. 700  
Los Angeles, CA 90067  
FAX: (805) 456-0699  
Attorney for Defendant Michael Jackson

ROBERT SANGER, ESQ.  
Sanger & Swysen, Lawyers  
233 E. Carrillo Street, Suite C  
Santa Barbara, CA 93001  
FAX: (805) 963-7311  
Co-counsel for Defendant

**WAIVER, RELEASE AND ASSUMPTION OF RISK AGREEMENT  
(PLEASE READ CAREFULLY BEFORE SIGNING)**

I \_\_\_\_\_, am a duly and legally authorized representative of Michael Jackson, and am advised and understand that certain property seized by the Santa Barbara County Sheriff's Department in Santa Barbara Superior Court case no. 1133603, People v. Jackson, which property is being returned to Mr. Jackson by order of the Santa Barbara Superior Court, does as a result of the criminal investigation in the above case, contain hazardous and/or toxic substances which may pose a danger to persons who come in contact with the property. Such property does contain a warning; however, the Santa Barbara Sheriff's Department wishes to ensure that appropriate care is taken in the return and handling of such property and that those who receive the property are fully aware of the dangers posed by its return and future handling.

Therefore, in consideration of the receipt of and as a condition of the return of such property, I, on behalf of Michael Jackson, his heirs, successors and assigns, hereby waive, release and discharge any and all claims, demands, causes of action of any kind whatsoever for, or on account of death, personal injury, property damage or loss of any kind which may exist, or which hereafter arises, against the County of Santa Barbara, the Santa Barbara District Attorney and the County of Santa Barbara Sheriff's Department or its/their employees.

This release is intended to discharge and hold harmless the County of Santa Barbara, its District Attorney, its Sheriff's Department, their officers, officials, employees and volunteers, and any other involved municipalities or public agencies from and against any and all liability arising out of or connected in any way with the return of the property. I further understand and agree that upon receipt of the property, any liability for any injury, property damage or loss of any kind which may exist or arise in the future, shall be that of Mr. Jackson and not that of the County of Santa Barbara, its District Attorney, its Sheriff's Department, their officers, officials, employees and volunteers, and any other involved municipalities or public agencies.

I further understand that the receipt and handling of such property may pose risks due to the hazardous and/or toxic nature of the substances used on said property; however, being made aware of those risks, I hereby agree to assume those risks and release and hold harmless all of the persons or agencies mentioned above who might otherwise be liable to me (or my heirs or assigns) for damages.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Authorized Representative