

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

Dated & Entered: NOVEMBER 5, 2004	Time: 8:30 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: MOTION TO SUPPRESS AND RETURN MATERIALS SEIZED PURSUANT TO SW NO. 5135; COURT ORDERED CONFERENCE RE: STATUS OF DISCOVERY; DA'S MOTION FOR DISCOVERY; MOTION TO SEAL DOCUMENT ENTITLED "STIPULATION OF PARTIES REGARDING ITEMS SEIZED AT NEVERLAND RANCH"; DISTRICT ATTORNEY MEMO RE: FURTHER SANCHEZ VIOLATION

Felony Complaint Filed December 18, 2003 charging the Defendant with Counts 1 thru 7: 288(a) P.C. a Felony, Counts 8 and 9: 222 P.C. a Felony, 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)

The Court made orders re: Media Motions to Unseal; Motion to Seal Document Entitled "Stipulation of Parties Regarding Items Seized at Neverland Ranch" granted; Special Master Appointed to Review the Computer's Memory for Privileged Information; List of Items Seized Pursuant to Search Warrant No. 5135 shall be Conditionally Sealed with a Motion to Seal to Follow; Motion to Suppress and Return Materials Seized Pursuant to Search Warrant No. 5135 Taken Under Submission; Dates for Setting Motions; Continuance of Court Ordered Conference re: Status of Discovery Continued.

At 8:00 A.M. out of the presence of the Court, Counsel were present to pull out the privileged documents and to go over the items needed for the Search Warrant No. 5135 Motion.

At 11:15 A.M. with Court, Counsel and Research Attorneys Jed Beebe and Tracy Splitgerber present, hearing proceeded.

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Counsel present for the People are Thomas W. Sneddon, Jr., Ronald Zonen, Gordon Auchincloss and Gerald M. Franklin

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

Counsel present for the Media is Theodore J. Boutrous, Jr.

A 977 Waiver is on file and the Defendant's presence is excused for this hearing.

Attorney Boutrous addressed the Court regarding shortening time on motions to seal oppositions and replies. Upon Attorney Boutrous' request, the Court will give Attorney Boutrous additional time on specific issues to file his motions. Attorney Boutrous will submit his motions without appearance, and he will notice the Court if he plans to appear on any specific motions. The Court orders therefore, that motions to seal, oppositions and replies may be calendared for hearing on the same day as the motion to seal the underlying motion.

The Court orders that the Motion to Seal Document Entitled "Stipulation of Parties Regarding Items Seized at Neverland Ranch" shall be granted. The Court's findings and order shall follow.

Attorneys Sanger and Sneddon addressed the Court re: the Motion to Suppress and Return Materials Seized Pursuant to Search Warrant No. 5135. Counsel requested that a Special Master be appointed to resolve claims of Attorney Client privilege with respect to the seized computers. Upon stipulation of Counsel, the Court orders that Stan Roden shall be appointed as the Special Master for the purpose of reviewing and resolving those claims. The Court shall contact Mr. Roden re: his appointment.

Attorney Sanger addressed the Court re: the Defendant's position as to the list of items seized pursuant to Search Warrant No. 5135.

The following People's Exhibit Marked for Identification:

- 2 List of Items Seized Pursuant to Search Warrant No. 5135.

The Court orders that the list of items seized pursuant to Search Warrant No. 5135 shall be placed under conditional seal pending the District Attorney filing a Motion to Seal.

At 12:05 P.M. Court in recess until 1:30 P.M.

At 1:30 P.M. with Court and Counsel present, trial continued.

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Attorneys Sanger and Zonen further addressed the Court re the Motion to Suppress and Return Materials Seized Pursuant to Search Warrant No. 5135.

Lt. Jeff Klapakis sworn and examined as a witness on behalf of the Defendant.

Attorneys Sanger and Zonen examined the witness.

Det. Paul Zelis sworn and examined as a witness on behalf of the Defendant.

Attorneys Sanger and Zonen examined the witness.

The following Defendant's Exhibit Marked for Identification:

3 Property Form for Execution of search Warrant No. 5135.

Det. Craig Bonner sworn and examined as a witness on behalf of the Defendant.

Attorneys Sanger and Zonen examined the witness.

The following Defendant's Exhibit Marked for Identification:

- 4 Sheriff's Evidence Item #1818 Pursuant to Search Warrant No. 5135.
- 5 Numerous Papers Withdrawn from Sheriff's Evidence Item #1810, Marked as Item #1810A Pursuant to Search Warrant No. 5135
- 6 Numerous Papers Withdrawn from Sheriff's Evidence Item #1811, Marked as Item #1811A Pursuant to Search Warrant No. 5135
- 7 Numerous Papers Withdrawn from Sheriff's Evidence Item #1822, Marked as Item #1822A Pursuant to Search Warrant No. 5135.

Upon stipulation of Attorneys Sanger and Zonen the Court finds: this morning the District Attorney and Sheriff's Deputies met with Counsel for the Defendant and brought items seized pursuant to Search Warrant No. 5135; that Attorney Sanger went through the seized documents at the direction of The Sheriff's Deputies, opened the items that seemed to be attorney-client privilege and they are now marked as Exhibit No. 5 which was withdrawn from Item 1810, Exhibit No. 6 which was withdrawn from Item 1811 and Exhibit No. 7 which was withdrawn from Item 1822.

The following Defendant's Exhibits Received into Evidence:

3 thru 7.

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The following People's Exhibits Received into Evidence:

1 and 2.

Defendant rests.

Counsel Zonen and Sanger made their arguments to the Court re: the Motion to Suppress and Return Materials Seized Pursuant to Search Warrant No. 5135.

Counsel stipulate that if Detective Bonner were recalled to the stand that he would say that he looked at Exhibit No. 4 and showed it to Sgt. Robel; that they asked Mrs. T and she gave them a first name; that the investigating officer did not know the name and the name was not identified as an investigator.

Counsel further stipulate that E is Eric Mason who is an investigator working for an attorney for Michael Jackson.

Counsel further stipulate that items seized from Search Warrant No. 5135 shall be left with the Court and placed in the Court's evidence locker and that doing so shall not affect the chain of custody; that when the Court is finished with the items, they shall be returned to the Sheriff.

The Court shall take the Motion to Suppress and Return Materials Seized Pursuant to Search Warrant No. 5135 under submission.

The Court further orders that a redacted version of the list of items shall be submitted to the Court by Monday, November 8, 2004

That as to the District Attorney's Motion for Discovery the Court finds that the deadline for the disclosure must be at least 30 days prior to the trial, but that the Court can set an earlier deadline.

Regarding the District Attorney's memo re: further Sanchez issues, the Court finds that the District Attorney's view is overly broad, and that Defense Counsel understand their obligations in this respect.

The Court orders that the Defendant's Counsel shall comply with Penal Code Section 1054 for disclosure by December 6, 2004; that if after the deadline has passed the District Attorney feels that a motion is necessary due to the disclosure or lack thereof, the hearing shall be held on Tuesday, December 21, 2004.

The Court further orders that the District Attorney or Attorney Mesereau may file any further motions to be heard on November 22, November 29, December 13, or December 20, 2004; that the hearing for said motions

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may take additional days; that there shall be no motions heard from December 24, 2004 through January 7, 2005.

Attorney Sneddon addressed the Court re: the Court Ordered Conference re: Status of Discovery, and the Court orders that further hearing re: the discovery issue shall be heard on November 8, 2004 at 2:00 P.M.

At 4:30 P.M. Court adjourned.

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 NOVEMBER 22, 20 04, I served a copy of the attached MINUTE ORDER, DATED 11/5/04 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

FAX

By faxing true copies thereof to the receiving fax numbers of: (310) 861-1007 (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.

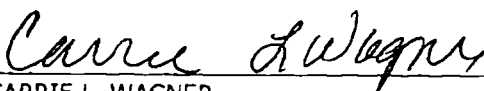
PERSONAL SERVICE

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 22ND day of NOVEMBER, 20 04, at Santa Maria, California.


CARRIE L. WAGNER