

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

Dated & Entered: NOVEMBER 8, 2004	Time: 2:00 P.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: CONFERENCE RE: STATUS OF DISCOVERY

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: Discovery Issues and Status Report

At 2:00 P.M. with Court, Counsel and Research Attorney Jed Beebe present, hearing proceeded.

Counsel present for the People is Thomas W. Sneddon, Jr.

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

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

Attorneys Yu and Sneddon addressed the Court re: discovery issues.

The Court orders that the items in number nine, all inter and intra departmental communications referencing Mr. Jackson's arrest and investigation and or inquiry, are not discoverable under 1054.1 unless they contain information that is discoverable for some other reason, such as exculpatory evidence, Brady material; that the position of the defense that they may lead to Brady material, et cetera, is not the test set out in the code; that the

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District Attorney shall examine the memos to see if they contain material discoverable in some other fashion.

The Court further orders that items in number ten, the notes or notebooks of the investigating officers, are discoverable if they are still in existence; that chronological records and logs as a group are not all discoverable or not discoverable; that the chronological list that was used at the grand jury hearings that was clearly connected to the witnesses is discoverable and has been provided; that there could be other chronological records created by the trial attorneys or their agents in preparation for trial that are not within 1054, because they're not reports or statements that are going to be used by witnesses, et cetera, those would not be discoverable under 1054.1; that the audio and/or videotapes and police reports generated by the Santa Barbara Sheriff's Department or the District Attorney's Office would be discoverable; that any other social law enforcement or criminal justice entity involved in the pre arrest or post arrest investigation of Michael Jackson, to the extent that those items are in the district attorney's possession are discoverable, but if they are not in the district attorney's possession, he is not required to go out and seek those records unless they come within other provisions of 1054.1, such as written or recorded statements of witnesses or reports that they intend to call; that if the District Attorney has the records of the Child Protective Services, they would be discoverable; that if the records are not in their possession, the appropriate statutory procedures for obtaining those records shall be followed.

The Court further orders re: items in number twelve, regarding e-mail communications, that if it is an interoffice e-mail that doesn't come within the 1054 limitation, then even though it mentions the particular case we're involved with, it is not discoverable, if an e-mail comes within the provisions of 1054.1, it is discoverable and shall be provided.

The Court further orders that items in number thirteen, re: providing all notes, records, reports, phone conversations, statements whether telephonic, in person, verbal, written, signed or unsigned, recordings, audio, video transcripts involving the District Attorney Tom Sneddon's contacts but not limited to the list of potential witnesses in the case are discoverable if they are going to be used as witnesses in the case, and they are in the District Attorney's possession; that it is the subject matter of the items, not the form that they are in that determines if an item is discoverable under 1054.

The Court further orders that items in number 35, re: all notes made by prospective witnesses relating to matters to be covered in their testimony at trial, are discoverable to the extent the District Attorney has them and they come within the meaning of the statute; that the District Attorney shall tell his witnesses that they need to give their notes to him and that they will be produced for the defense.

The Court further orders that items in number 52-W, re: appearances by investigators, personnel and their agents, shall not be an order of the Court.

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The Court further orders that items in number 52-X, re: newspaper articles shall not be ordered by the Court.

The Court further orders that items in number 52-Z, re: intradepartmental correspondence from all involved shall not be ordered as a distinct item; that if the intradepartmental correspondence is within 1054, such as relevant written or recorded statements of witnesses, et cetera, then it has to be disclosed; that the fact that it is an intra office or departmental correspondence, doesn't exclude it, but the Court does not order any other intra departmental correspondence, even though it may mention or be mentioned, or reference the Jackson case.

The Court further orders that items in number GG, re: correspondence to other agencies, shall be discoverable if it falls within the wording of 1054; that the Court shall not expand the order to order the District Attorney to provide all of their correspondence to other agencies involved in the case.

The Court further orders that items in number 52V, re: press releases, shall be provided.

The Court further orders that items in number 52U, re: prior crime reports involving suspects or witnesses, the District Attorney shall provide documentation re: all felonies that come within the code section, misdemeanors and lesser crimes that are of moral turpitude as to all witnesses that are called, and that's without regard to time when the offense occurred, if it falls into that category.

The Court further orders that items in number 52CC, re: providing names of prosecutors that reviewed reports, shall be denied.

The Court further orders that items in number 52DD, re: the prosecutors charge evaluation sheets, shall be denied.

The Court advised Counsel that the Special Master, Stan Roden, has Tuesday and Wednesday available this week to review the hard drives; that a person from the Court's technology department can take the hard drives and put them in a computer so that the hard drives can be read. Then Mr. Roden can review the claimed privileged documents and make a recommendation to the Court. Under the Court's protective order, the documents shall be placed into three categories – privileged, possible privilege and not privileged. Once Mr. Roden designates the claimed privileged documents, said documents shall be separated from the rest of the documents. The privileged documents would then be given to the defense so that they could make their claim, and then the Court would review them. The District Attorney would get the rest of the documents to conduct their search. Mr. Roden would also designate any other documents that appear to be attorney-client privilege in other cases and said documents shall not be shown to either side. Attorneys Sneddon and Sanger shall be designated to work with Peter Sherlock, the designated person from the Court's staff to work out the final details. The same procedure shall be followed as to the Mrs. T. hard drives and the Miller hard drives.

Attorney Sneddon addressed the Court re: the status report.

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The following People's Exhibits Marked for Identification and Received into Evidence:

- 1 11-02-04 Letter from Sneddon to Yu with Three Page Attachment re: Discovery
- 2 11-03-04 Letter from Sneddon to Yu re: Further Response Regarding Discovery
- 3 Detective Bonner's Report
- 4 Fingerprint Memo.

The Court further orders that the District Attorney shall provide Counsel for the Defendant with copies of search warrant returns; that all forensic reports that have been completed shall be turned over to the defense and any new reports within 24 hours of the time they are received.


The Court further orders that the District Attorney shall complete their discovery to the defense by December 6, 2004 under 1054.1; that the 30 days before trial shall be advanced to December 6, 2004; that both sides shall provide their list of witnesses to the other side by December 6, 2004; that the District Attorney shall prepare the proposed written discovery order and submit it to the other side for approval as to form and to the Court for signature and filing; that if there is any dispute over the order, the Court shall resolve the dispute.

At 4:05 P.M. Court adjourned.

The Defendant shall remain on bail previously posted.

CLERK OF THE SUPERIOR COURT

BY



LORNA FREY, DEPUTY CLERK

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 11/8/04 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