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FILED
 SUPERIOR COURT of CALIFORNIA
 COUNTY of SANTA BARBARA

NOV 23 2004

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Carrie L Wagner
 CARRIE L WAGNER, Deputy Clerk

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18 Attorneys for Defendant
 19 **MICHAEL JOSEPH JACKSON**

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

22 THE PEOPLE OF THE STATE OF
 23 CALIFORNIA,

24 Plaintiffs,

25 vs.

26 MICHAEL JOSEPH JACKSON,

27 Defendant.

) Case No. 1133603

) EX PARTE APPLICATION FOR AN
) ORDER THAT THE NOTICE OF
) HEARING BE FILED UNDER SEAL

) Honorable Rodney S. Melville

) Date: November 29, 2004
) Time: 1:30 P.M.
) Dept: SM 2

28 TO THE CLERK OF THE ABOVE ENTITLED COURT:

29 Defendant requests that the Court issue an order that Mr. Jackson's pleading entitled

30 EX PARTE APPLICATION FOR AN ORDER THAT
 31 RESPONSE TO THE COURT'S INQUIRY REGARDING COMPUTER EXPERT BE FILED UNDER SEAL

1 NOTICE OF HEARING and accompanying documents be filed under seal and for such other such
 2 further relief as the Court may deem just and proper. This request is based on the overriding
 3 interests of Mr. Jackson's rights to due process and a fair trial under the Fifth, Sixth and Fourteenth
 4 Amendments to the United States Constitution and Article I, Sections 1, 7, and 15 of the California
 5 Constitution.


6 Dated: November 23, 2004

7 Respectfully submitted,

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

10 SANGER & SWYSEN
 11 Robert M. Sanger

12 OXMAN & JAROSCAK
 Brian Oxman

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 14 By: 
 15 Robert M. Sanger
 16 Attorneys for Defendant
 17 MICHAEL JOSEPH JACKSON
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EX PARTE APPLICATION FOR AN ORDER THAT
 RESPONSE TO THE COURT'S INQUIRY REGARDING COMPUTER EXPERT BE FILED UNDER SEAL

MEMORANDUM OF POINTS AND AUTHORITIES

I.

**THE COURT HAS THE AUTHORITY TO ORDER THAT
A RECORD BE FILED UNDER SEAL**

Pursuant to California Rule of Court 243.1(d), the Court has the authority to order a record be filed under seal if it expressly finds that:

- 1. There exists an overriding interest that overcomes the right of public access to the record;
- 2. The overriding interest supports sealing the record;
- 3. A substantial probability exists that the overriding interest will be prejudiced if the record is not sealed;
- 4. The proposed sealing is narrowly tailored; and
- 5. No less restrictive means exist to achieve the overriding interest.

(California Rule of Court 243.1(d).)

II.

**OVERRIDING INTERESTS EXIST THAT MEETS THE ABOVE CRITERIA FOR
SEALING A RECORD**

It is necessary to seal the record pursuant to California Rule of Court 243.1(d) based on the overriding interests of Mr. Jackson's rights to due process and a fair trial under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution and Article I, Sections 1, 7, and 15 of the California Constitution.

An inspection of the exhibits will reveal that they disclose the testimony of witnesses or potential witnesses and disclose possible evidence, the admissibility of which, is yet to be determined.

The overriding interests of Mr. Jackson's rights to a fair trial and due process would be compromised if the exhibits are not filed under seal. A person accused of a crime is entitled to due process and a fair trial under the Fifth, Sixth and Fourteenth Amendments to the United

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1 States Constitution and Article I, Sections 1, 7, and 15 of the California Constitution. Material
 2 contained the exhibits pertains to evidence and the testimony of witnesses that, if made public,
 3 would compromise Mr. Jackson's these rights and would result in prejudice to Mr. Jackson. In
 4 order to protect these overriding interests, it is necessary that the exhibits be filed under seal.

5 **CONCLUSION**

6 For the reasons stated above, Mr. Jackson requests that the Court issue an order that
 7 **NOTICE OF HEARING** and accompanying documents be filed under seal.

8 Dated: November 23, 2004

9 COLLINS, MESEREAU, REDDOCK & YU
 10 Thomas A. Mesereau, Jr.
 Susan C. Yu

11 SANGER & SWYSEN
 12 Robert M. Sanger

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 Brian Oxman

14 By: 

15 Robert M. Sanger
 16 Attorneys for
 17 MICHAEL JOSEPH JACKSON

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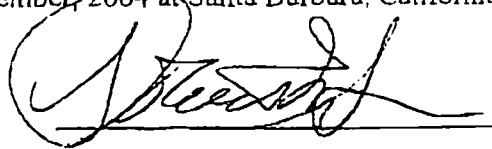
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DECLARATION OF ROBERT M. SANGER

I, Robert Sanger, declare:

1. I am an attorney at law duly licensed to practice law in the courts of the State of California, a partner in the law firm of Sanger & Swysen, and co-counsel for Michael Jackson.
2. It is necessary that Mr. Jackson's pleading entitled NOTICE OF HEARING , and accompanying documents, be filed under seal in order to protect the overriding interests of Mr. Jackson's rights to due process and a fair trial, as well as to prevent the disclosure of witnesses, potential witnesses and potential evidence.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 23RD day of November, 2004 at Santa Barbara, California.



Robert M. Sanger