

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

NOV 19 2004

GARY M. BLAIR, Executive Officer  
BY *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

) EXPARTE APPLICATION TO FILE UNDER  
) SEAL

) Honorable Rodney S. Melville

) Date: November 29, 2004  
) Time: ~~8:30 p.m.~~ 10:00 A.M.  
) Dept: SM 2

28 TO THE CLERK OF THE ABOVE ENTITLED COURT:

29 Defendant requests that the Court issue an order that the accompanying Mr. Jackson's Motion  
30 for Mental Examination, and accompanying documents, be filed under seal and for such other such

EX PARTE APPLICATION TO FILE UNDER SEAL

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

5 In addition, Mr. Jackson will provide the court with a proposed redacted version of the  
 6 documents that Mr. Jackson requests be placed in the Court's public file.

7  
 8 Dated: November 19, 2004

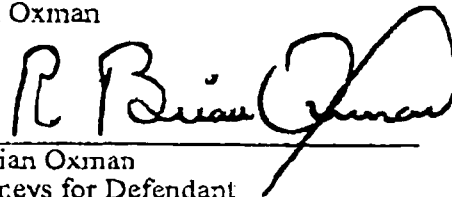
9 Respectfully submitted,

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

12 SANGER & SWYSEN  
 13 Robert M. Sanger

14 OXMAN & JAROSCAK  
 Brian Oxman

15  
 16 By:



17 R. Brian Oxman  
 18 Attorneys for Defendant  
 MICHAEL JOSEPH JACKSON

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 EX PARTE APPLICATION TO FILE 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 documents 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 accompanying document is 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

EX PARTE APPLICATION TO FILE UNDER SEAL

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

6 CONCLUSION

7 For the foregoing reasons, Mr. Michael Jackson requests his Motion for Mental  
 8 Examination and accompanying documents be filed under seal.

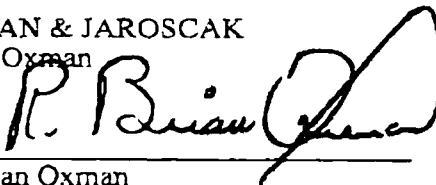
9 Dated: November 19, 2004

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14 OXMAN & JAROSCAK  
 15 Brian Oxman

16 By:

  
 17 R. Brian Oxman  
 18 Attorneys for  
 19 MICHAEL JOSEPH JACKSON  
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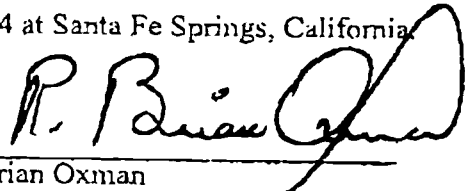
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DECLARATION OF BRIAN OXMAN

I, Brian Oxman, declare:

- 1. I am an attorney at law duly licensed to practice law in the courts of the State of California, and an attorney for Michael Jackson.
- 2. It is necessary that the accompanying Mr. Jackson's Motion for Mental Examination 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 19st day of November, 2004 at Santa Fe Springs, California.

  
 R. Brian Oxman

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