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**FILED**  
SUPERIOR COURT of CALIFORNIA  
COUNTY of SANTA BARBARA  
  
DEC 13 2004  
  
GARY M. BLAIR, Executive Officer  
BY *Carrie L. Wagner*  
CARRIE L. WAGNER, Deputy Clerk

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

*unsealed pursuant  
to 6/16/05  
Court order*

THE PEOPLE OF THE STATE OF CALIFORNIA,  
  
Plaintiff,  
  
v.  
  
MICHAEL JOE JACKSON,  
  
Defendant.

No. 1133603  
PLAINTIFF'S REQUEST FOR  
ORDER TO SHOW CAUSE RE:  
CONTEMPT OF COURT'S  
PROTECTIVE ORDER BY  
A PERSON SUBJECT TO THAT  
ORDER; DECLARATION OF  
GORDON AUCHINCLOSS

~~FILED UNDER SEAL~~

**INTRODUCTION**

On January 23, 2004 the court issued a protective order in this case prohibiting attorneys for either side from, among other things: "3. Mak[ing] any statement for public dissemination as to the existence or possible existence of any document, exhibit, photograph or any other evidence, the admissibility of which may have to be determined by the Court"; "4. Express[ing] outside of court an opinion or mak[ing] any comment for public dissemination as to the weight, value, or effect of any evidence as tending to establish guilt or innocence"; and "7. Mak[ing] any out-of court statement as to the nature, source, or effect of any purported evidence alleged to have been accumulated as a result of the investigation of this matter."

1 On December 4, 2004 the People obtained a DNA sample from defendant pursuant  
2 to a court ordered search warrant. That very same day, the New York Post published a story  
3 quoting Brian Oxman, one of defendant's attorneys, revealing previously confidential  
4 evidence; commenting upon the purpose of the search warrant and offering exculpatory  
5 opinions regarding the evidence. (See Exhibit "A.") The People now ask the Court for an  
6 order to show cause why Brian Oxman should not be held in contempt.

7  
8 **ATTORNEY BRIAN OXMAN IS IN DIRECT VIOLATION**  
9 **OF THE COURT'S PROTECTIVE ORDER**

10  
11 On December 4, 2004, the New York Post published an article concerning the DNA  
12 search of Michael Jackson in which attorney for defendant, Brian Oxman is quoted as saying  
13 that: "the deputies were looking for DNA evidence that would link Jackson to the young  
14 cancer patient he is accused of sexually abusing . . . ." The article continued, "Oxman said  
15 investigators had found traces of DNA evidence from three males other than Jackson in the  
16 star's Neverland bedroom – but none from his accuser. Asked to explain the DNA that was  
17 found, Oxman said: "Kids crash where they crash. They play in his room, and that's where  
18 they crashed."

19 It appears from the foregoing that Attorney Oxman has disseminated evidence in  
20 this case and provided exculpatory commentary thereon to the national press. He should be  
21 ordered to explain why he should not be held in contempt for this seemingly deliberate  
22 violation of the Court's protective order.

23 A proposed Order to Show Cause for Brian Oxman with a proposed hearing date on  
24 one of the dates currently scheduled for the next appearances in this matter is attached.

25 ////  
26 ////  
27 ////  
28 ////

1 DATED: December 13, 2004

2  
3 Respectfully submitted,

4 THOMAS W. SNEDDON, JR., DISTRICT ATTORNEY

5  
6 BY:

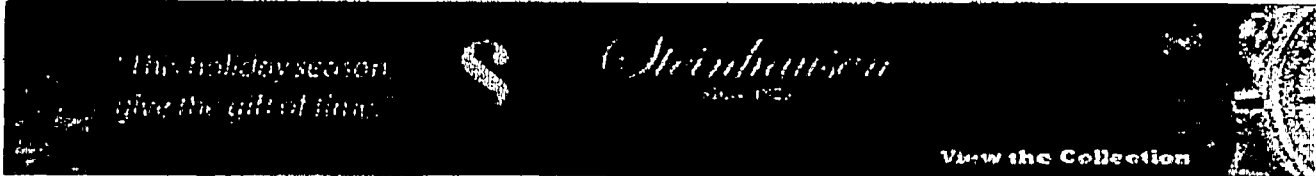


7 GORDON AUCHINCLOSS  
8 Senior Deputy District Attorney



**EXHIBIT "A"**

EXHIBIT "A"



# NEW YORK POST

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## JACKO JOINT RAIDED

By **DAVID K. LI** *In Los Olivos, Calif.* and **MARSHA KRANES** *In New York*

Email   
  Archives   
 December 4, 2004 – Santa Barbara sheriff's deputies armed with a search warrant yesterday raided Michael Jackson's Neverland Ranch apparently in search of DNA evidence they believe will lock up their child-molestation case against the disgraced King of Pop.

The raid came just over a year after more than 60 investigators descended on the pop star's storybook spread and hauled off truckloads of his personal effects.

Jackson lawyer Brian Oxman said he believed the deputies yesterday were looking for DNA evidence that would link Jackson to the young cancer patient he is accused of sexually abusing during overnight visits in February and March 2003.

The moon-walking megastar is charged with seven counts of committing lewd acts on the boy, who was 12 at the time, and two counts of using alcohol to seduce him.

Oxman said investigators had found traces of DNA from three males other than Jackson in the star's Neverland bedroom — but none from his accuser.

Asked to explain the DNA that was found, Oxman said: "Kids crash where they crash. They play in his room, and that's where they crash."

Santa Barbara officials confirmed they had searched Jackson's estate, but would not reveal what they were seeking — or what they had seized.

A caravan of unmarked Santa Barbara County sheriff's department vans — with lead investigator Lt. Jeff Klapakis at the head of the procession — departed Neverland after the eight-hour search.

Sources close to the boy's family said the deputies were acting on information provided by videographer Marc Schaffel, an unindicted co-conspirator in the molestation case.

They said Schaffel is now cooperating with authorities.

Schaffel, a gay-porn filmmaker, last month against Jackson seeking \$3 million in unpa producing fees.

One of the fees owed him, Schaffel claims,

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Onlin  
with MS

Starting  
\$29.95  
First mont  
you order

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producing a TV show to rebut the "shockur British reporter Martin Bashir, which shows holding hands with a young boy he admitted his bed.

As part of the Jackson investigation, deput Schaffel's home last year and removed cor videotapes, photos and documents relating

Jackson, free on \$3 million bail, was leavin acre ranch when the deputies arrived at 9 :

Oxman said the star is staying elsewhere i

Asked how Jackson, 46, reacted to the raic "He's strong. He feels OK."

Jackson's trial is scheduled to begin Jan. 31. If convicted, he faces up to 20 years in prison.

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