

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

<b>Dated &amp; Entered:</b> DECEMBER 20, 2004	<b>Time:</b> 9:45 A.M.	<b>F</b>	
<b>Honorable RODNEY S. MELVILLE</b>		<b>CC</b>	
<b>Deputy Clerk:</b> L FREY	<b>Dept.</b> SM TWO	<b>CA</b>	
<b>Deputy Sheriff :</b> L. AVILA		<b>AC</b>	
<b>Court Reporter:</b> M. MC NEIL	<b>Case No.</b> 1133603	<b>SR</b>	
<b>Plaintiff:</b> THE PEOPLE OF THE STATE OF CALIFORNIA		<b>ST</b>	
<b>vs.</b>		<b>DOC</b>	<b>X</b>
<b>Defendant(s):</b> MICHAEL JOE JACKSON			
<b>District Attorney:</b> THOMAS W. SNEDDON, JR.			
<b>Defense Counsel:</b> THOMAS A. MESEREAU, JR.			
<b>Probation Officer:</b>	<b>Interpreter:</b>		

**NATURE OF PROCEEDINGS:** PLAINTIFF'S OBJECTION TO THE SUBPOENA OF PSYCHIATRIC RECORDS AND REQUEST THAT THE COURT LIMIT THE SCOPE OF RECORDS SOUGHT; MOTION FOR PROTECTIVE ORDER FILED BY SANTA BARBARA COUNTY'S JURY COMMISSIONER; MOTION FOR ADMISSION OF EVIDENCE OF DEFENDANT'S PRIOR SEXUAL OFFENSES; MOTION TO CONTINUE THE TRIAL; MOTION FOR PROTECTIVE ORDER; MOTION TO SEAL MOTION TO CONTINUE TRIAL, OPPOSITION, REPLY AND SUPPLEMENTAL DECLARATION; MOTION TO SEAL MOTION FOR ADMISSION OF EVIDENCE OF DEFENDANT'S PRIOR SEXUAL OFFENSES; MOTION TO SEAL PLAINTIFF'S OBJECTION TO THE SUBPOENA OF PSYCHIATRIC RECORDS AND REQUEST THAT THE COURT LIMIT THE SCOPE OF MEDICAL RECORDS AND DECLARATION OF BRIAN OXMAN IN OPPOSITION; MOTION TO SEAL EXHIBITS OFFERED DURING THE 1538.5 HEARING RE: SEARCH WARRANT 5135; MOTION TO SEAL PLAINTIFF'S PROPOSED PROTOCOL FOR EXPERT'S EXAMINATION OF ENCASE COMPUTER HARD DRIVES; MOTION TO SEAL ORDER RE: COMPUTER HARD DRIVES; MOTION TO DISMISS FOR OUTRAGEOUS GOVERNMENT CONDUCT AND TO SUPPRESS ALL EVIDENCE SEIZED PURSUANT TO SEARCH WARRANTS 5192 AND 5196; MOTION TO DISMISS FOR VINDICTIVE PROSECUTION AND OUTRAGEOUS GOVERNMENT CONDUCT; MOTION TO SEAL MOTION TO COMPEL DISCOVERY; MOTION TO SEAL OSC RE: CONTEMPT AND APPLICATION TO RECALL OSC; MOTION TO SEAL MOTION TO DISMISS FOR VINDICTIVE PROSECUTION AND OUTRAGEOUS GOVERNMENT CONDUCT AND OPPOSITION THERETO; MOTION TO SEAL MOTION TO DISMISS FOR OUTRAGEOUS GOVERNMENT CONDUCT AND TO SUPPRESS ALL EVIDENCE SEIZED PURSUANT TO SEARCH WARRANTS 5192 AND 5196; MOTION TO SEAL SEARCH WARRANT NO. 5196; MOTION TO SEAL SEARCH WARRANT NO. 5192; MOTION FOR A JURY QUESTIONNAIRE

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) P.C.

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**The Court made orders re: Plaintiff's Objection to the Subpoena of Psychiatric Records and Request that the Court Limit the Scope of Records Sought Continued to In Camera Hearing on December 22, 2004; Motion for Protective Order Filed by Santa Barbara County's Jury Commissioner; Motion for Admission of Evidence of Defendant's Prior Sexual Offenses Continued to January 12, 2005; Motion to Continue the Trial Denied; Motion to Seal Motion to Continue Trial, Opposition, Reply and Supplemental Declaration Granted; Motion to Seal Motion for Admission of Evidence of Defendant's Prior Sexual Offenses Granted; Motion to Seal Plaintiff's Objection to the Subpoena of Psychiatric Records and Request that the Court Limit the Scope of Medical Records and Declaration of Brian Oxman in Opposition Granted; Motion to Seal Exhibits Offered During the 1538.5 Hearing re: Search Warrant 5135 Granted; Motion to Seal Plaintiff's Proposed Protocol for Expert's Examination of EnCase Computer Hard Drives Granted; Motion to Seal Order re: Computer Hard Drives Granted; Motion to Dismiss for Outrageous Government Conduct and to Suppress All Evidence Seized Pursuant to Search Warrants 5192 and 5196 Denied; Motion to Dismiss for Vindictive Prosecution and Outrageous Government Conduct Denied; Motion to Seal Motion to Compel Discovery Granted; Motion to Seal OSC re: Contempt and Application to Recall OSC Granted; Motion to Seal Motion to Dismiss for Vindictive Prosecution and Outrageous Government Conduct and Opposition Thereto Granted; Motion to Seal Motion to Dismiss for Outrageous Government Conduct and to Suppress All Evidence Seized Pursuant to Search Warrants 5192 and 5196 Granted; Motion to Seal Search Warrant No. 5196 Granted; Motion to Seal Search Warrant No. 5192 Granted; Motion for a Jury Questionnaire Granted; DVD Exhibits 40, 46 and 49 from the 1538.5 Hearing Shall be Provided to the Court; Counsel shall be Excused from Providing Orders After Hearing Unless Court Requests a Formal Order; Exhibits to Motions shall be Redacted When it is Appropriate; Subpoenaed Video Tapes shall be Released for Copying and Returned to the Court; Michael Jackson shall be Present when Jury Selection Commences**

At 9:45 A.M. with Court, Counsel and Research Attorney Jed Beebe present, hearing proceeded.

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, Susan Yu and Brian Oxman.

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

Investigating Officer Steve Robel present.

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The Court orders that the Plaintiff's Objection to the Subpoena of Psychiatric Records and Request that Court Limit the Scope of Records Sought shall be continued to an in camera session on December 22, 2004 at 1:30 P.M.

The Court heard arguments by Diane Matsinger, David Nye, Robert Sanger and Thomas Sneddon re: the Motion for Protective Order filed by Santa Barbara County's Jury Commissioner. The Court shall make a ruling on said motion later today. Attorney Matsinger's and Nye's presence waived for the ruling.

The Court further orders that the Motion for Admission of Evidence of Defendant's Prior Sexual Offenses shall be continued to January 12, 2005 at 10:00 A.M.; that the Defense shall serve their opposition to said motion by January 3, 2005 and file said motion by January 4, 2005; that the District Attorney shall file and serve their reply by January 10, 2005; that the Court shall advise Counsel of a new FAX number to be used; that the OSC re Contempt of Court's Protective Order by a Person Subject to That Order is recalled and that the matter shall be off calendar; that the Motion to Compel Discovery shall be continued to January 12, 2005 at 9:30 A.M.; that the Motion to Seal Motion to Compel Discovery set for December 21, 2004 shall be continued to the in camera hearing on December 22, 2004 at 1:30 P.M.

The Court heard arguments by Attorneys Sanger and Sneddon re: the Motion to Continue the Trial.

Counsel gave their time estimate for the trial to the Court. It was estimated that with a five day trial week the trial shall last approximately four to five months.

An in camera hearing was held re the Motion to Continue the Trial with the Court, Research Attorney Jed Beebe, Attorneys Mesereau and Sanger present, in the absence of the District Attorney.

The Court orders that the Reporter's transcript of the in camera hearing shall be sealed pursuant to the protective order and findings previously made by the Court and shall not be transcribed without further order of the Court.

With Court, Research Attorney Jed Beebe and Counsel present, hearing continued.

The Court heard further argument re: the Motion to Continue the Trial. The Court will issue a decision re: said motion after further consideration.

The Court further orders that as to the Motion for Protective Order that materials identified in the subpoena including items 3, 5 and 8 shall be disclosed to Defense Counsel; that the merge/purge list shall be turned over to Attorney Sanger with a protective order that they are for the Attorney's eyes only, including their experts, and shall stop with the names of the 235 prospective Grand Jurors that were called in and shall not include disclosure of their qualification questionnaires; that the actual sworn Grand Jurors names shall not be revealed; that no one is to contact any of the jurors or prospective jurors; that the jurors shall not be notified as they are not being revealed; that Attorney Sneddon shall advise Counsel for the Jury Commission of the Court's decision.

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The Court further orders that the Motion to Seal Motion to Continue Trial, Opposition, Reply and Supplemental Declaration shall be granted; that the Motion was filed on December 10, 2004 and conditionally sealed on December 13, 2004 with the proposed redacted version released on December 14, 2004, the opposition was filed on December 16, 2004 and the proposed redacted version was released on December 17, 2004, the reply was filed on December 17, 2004 and the proposed redacted version was released the same day, the supplemental brief was filed on December 17, 2004 under conditional seal and the proposed redacted version was released the same day; that findings and order shall follow.

The Court further orders that the Motion to Seal Motion for Admission of Evidence of Defendant's Prior Sexual Offenses shall be granted; that the Motion was filed on December 10, 2004 and conditionally sealed on December 13, 2004 and the proposed redacted version released on December 14, 2004; that findings and order shall follow.

The Court further orders that the Motion to Seal Plaintiff's Objection to the Subpoena of Psychiatric Records and Request that Court Limit the Scope of Medical Records and Declaration of Brian Oxman in Opposition shall be granted; that the motion was filed on December 8, 2004 and conditionally sealed on December 9, 2004 with the redacted version released on December 16, 2004, the declaration of Brian Oxman in opposition was filed on December 15, 2004 and a redacted version was released on December 17, 2004; that findings and order shall follow.

The Court further orders that the Motion to Seal Exhibits Offered During the 1538.5 Hearing re: Search Warrant 5135 shall be granted as to Exhibits 3 through 7; that Exhibits 1 and 2 shall remain under conditional seal and the District Attorney shall file a motion to seal Exhibits 1 and 2; that findings and order shall follow.

The Court further orders that the Motion to Seal Plaintiff's Proposed Protocol for Expert's Examination of EnCase Computer Hard Drives shall be granted; that the proposed protocol was submitted on November 29, 2004 and the Court conditionally sealed the document on the record at the November 29, 2004 hearing with a redacted version released on November 30, 2004; that findings and order shall follow.

The Court further orders that the Motion to Seal Order re: Computer Hard Drives shall be granted; that on November 29, 2004 the Defendant submitted an Order re: Computer Hard Drives under conditional seal and the proposed redacted version was released on December 1, 2004; that findings and order shall follow.

The Court heard arguments by Attorneys Auchincloss and Sanger regarding the Motion to Dismiss for Outrageous Government Conduct and to Suppress All Evidence Seized Pursuant to Search Warrants 5192 and 5196 by Attorneys Auchincloss and Sanger. Said motion was advanced from the December 23, 2004 calendar date.

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The Court further orders that the Motion to Dismiss for Outrageous Government Conduct and to Suppress All Evidence Seized Pursuant to Search Warrants 5192 and 5196 shall be denied. The Court finds that there was probable cause for issuance of the Search Warrants and that they were carried out in a normal manner.

At 12 Noon the Court ordered a recess until 1:30 P.M.

At 1:30 P.M. with Court, Counsel and Research Attorney Jed Beebe present, hearing continued.

The Court heard arguments by Attorneys Mesereau and Auchincloss regarding the Motion to Dismiss for Vindictive Prosecution and Outrageous Government Conduct. Said motion was advanced from the December 23, 2004 calendar date.

The Court further orders that the Motion to Dismiss for Vindictive Prosecution and Outrageous Government Conduct shall be denied.

The Court further orders that the Motion to Seal Motion to Compel Discovery shall be advanced from the December 21, 2004 calendar date; that said motion shall be granted; that findings and order shall follow.

The Court further orders that the Motion to Seal OSC re Contempt and Application to Recall OSC shall be advanced from the December 23, 2004 calendar date; that said motion shall be granted; that findings and order shall follow.

The Court further orders that the Motion to Seal Motion to Dismiss for Vindictive Prosecution and Outrageous Government Conduct and Opposition Thereto shall be advanced from the December 23, 2004 calendar date; that said motion shall be granted; that findings and order shall follow.

The Court further orders that Motion to Seal Motion to Dismiss for Outrageous Government Conduct and to Suppress All Evidence Seized Pursuant to Search Warrants 5192 and 5196 shall be advanced from the December 23, 2004 calendar date; that said motion shall be granted; that findings and order shall follow.

The Court further orders that the Motion to Seal Search Warrant No. 5196 shall be advanced from the December 23, 2004 calendar date; that said motion shall be granted; that findings and order shall follow.

The Court further orders that the Motion to Seal Search Warrant No. 5192 shall be advanced from the December 23, 2004 calendar date; that said motion shall be granted; that findings and order shall follow.

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The Court further orders that the Motion for a Jury Questionnaire shall be advanced from the December 23, 2004 calendar date. Upon stipulation of Counsel for respective parties the Court further orders that there shall be a Jury Questionnaire. The Court further orders that Counsel shall meet and confer re: said questionnaire and present a combined questionnaire to the Court by January 10, 2005; that if Counsel can't come up with a joint questionnaire, they shall submit a questionnaire with questions that they all agree on and one with questions they don't agree on; that each side shall pay one-half the expense for printing the questionnaire; that neither side shall release the questionnaire without permission of the Court; that the questionnaire shall be filed under seal; that motions for sealing the questionnaires shall be filed.

The Court further finds that the DVD Exhibits 40, 46 and 49 from the 1538.5 P.C. hearings that the Court ordered on November 29, 2004 for the Defense to provide the Court have not been provided. The Court further orders that said exhibits shall be provided to the Court by January 10, 2005.

The Court further orders that Counsel shall be excused from providing orders after hearing to the Court unless the Court requests a formal order be prepared by Counsel.

The Court further orders that the exhibits to motions shall be redacted when it is appropriate.

Attorney Auchincloss addressed the Court re: Subpoenaed video tapes from MSNBC, 60 Minutes, CBS, TV Show 20/20 and ABC.

The Court further orders that the original video tapes shall be released to the District Attorney for copying and then said tape shall be returned to the Court; that the District Attorney shall submit a copy of said tapes to the Defense the day after they are copied.

Attorney Zonen addressed the Court re: the December 22, 2004 in camera hearing.

The Court further orders that Counsel may appear by phone on December 22, 2004; that the District Attorney's motion may be taken off calendar if Counsel reach a stipulation.

The Court further orders that the Motion to Continue the Trial shall be denied.

Attorney Sneddon addressed the Court re: the Defendant's presence for trial.

The Court orders that Mr. Jackson shall be present when Jury selection commences.

Attorney Sneddon further addressed the Court requesting the presence of the Defendant for the 1108 Motion hearing.

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The Court does not find it necessary for the Defendant to be present for the 1108 Motion hearing, but the Defendant's Counsel may have him present if they choose to do so.

The Court advised Counsel that the Jury Summons will go out next week.

At 2:20 P.M. Court adjourned.

CLERK OF THE SUPERIOR COURT

BY *Lorna Frey*  
LORNA FREY, DEPUTY CLERK

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 DECEMBER 30, 2004, I served a copy of the attached MINUTE ORDER, DATED 12/20/04 addressed as follows:

THOMAS A. MESEREAU, JR.  
COLLINS, MESEREAU, REDDOCK & YU, LLP  
1875 CENTURY PARK EAST, 7<sup>TH</sup> FLOOR  
LOS ANGELES, CA 90067

THOMAS W. SNEDDON, JR.  
DISTRICT ATTORNEY'S OFFICE  
1112 SANTA BARBARA STREET  
SANTA BARBARA, CA 93101

X  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.

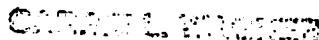
    PERSONAL SERVICE

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 30<sup>TH</sup> day of DECEMBER, 2004, at Santa Maria, California.



CARRIE L. WAGNER