

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

Dated & Entered:	JANUARY 28, 2005	Time:	9:35 A.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: PLAINTIFF'S MOTION IN LIMINE RE: EVIDENCE CODE 402 ISSUES; PLAINTIFF'S MOTION IN LIMINE RE: ADMISSION OF EXPERT TESTIMONY ON "BATTERED WOMEN'S SYNDROME"; PLAINTIFF'S MOTION FOR ADMISSION OF MARTIN BASHIR'S DOCUMENTARY "LIVING WITH MICHAEL JACKSON" AS EVIDENCE OF DEFENDANT'S MOTIVE, ETC.; PLAINTIFF'S REQUEST TO ADMIT SEIZED EVIDENCE OF EROTIC MATERIALS TO DEMONSTRATE DEFENDANT'S INTENT, ETC.; PLAINTIFF'S MOTION IN LIMINE FOR ADMISSION OF EXPERT TESTIMONY ON DEFENDANT'S FINANCES; MOTION FOR ORDER DIRECTING THAT TESTIMONY OF CHILD WITNESSES BE CLOSED TO THE PUBLIC; MOTION FOR AN ORDER ALLOWING INDIVIDUAL SEQUESTERED VOIR DIRE OF PROSPECTIVE JURORS; MOTION FOR AN ORDER THAT THE DISTRICT ATTORNEY NOT BE ALLOWED TO TELL THE JURY THAT HE REPRESENTS "THE PEOPLE" IN A MANNER THAT IMPLIES THAT HE REPRESENTS THE JURY AGAINST THE DEFENDANT, ETC.; MR. JACKSON'S MOTION IN LIMINE TO LIMIT UNCHARGED CONSPIRATOR HEARSAY; MR. JACKSON'S MOTION IN LIMINE TO PRECLUDE REFERENCE TO MATERIALS AS PORNOGRAPHIC; MR. JACKSON'S MOTION IN LIMINE TO EXCLUDE REFERENCE TO CIVIL SETTLEMENT AMOUNTS; MR. JACKSON'S MOTION IN LIMINE TO EXCLUDE REFERENCE TO BOOKS, MAGAZINES, PHOTOGRAPHS, ETC. OF DISROBED INDIVIDUALS; MOTION IN LIMINE TO EXCLUDE FOURTEEN ITEMS OF IRRELEVANT EVIDENCE; APPLICATION FOR ORDER THAT THE DEFENSE RESPONSE TO THE DISTRICT ATTORNEY'S MOTION IN LIMINE FOR ADMISSION OF EXPERT TESTIMONY ON DEFENDANT'S FINANCES, DATED JANUARY 21, 2005, BE WITHDRAWN; MOTION FOR PROTECTIVE ORDER PRECLUDING MARTIN BASHIR FROM BEING REQUIRED TO TESTIFY AND FOR CLARIFICATION THAT "GAG" ORDER DOES NOT APPLY TO MARTIN BASHIR; MOTION TO SEAL PLAINTIFF'S MOTION IN LIMINE RE: EVIDENCE CODE 402 ISSUES, AND OPPOSITION AND REPLY THERETO IF SEALING REQUESTED; MOTION TO SEAL PLAINTIFF'S MOTION IN LIMINE RE: ADMISSION OF EXPERT TESTIMONY ON "BATTERED WOMEN'S SYNDROME" AND OPPOSITION AND REPLY THERETO IF SEALING REQUESTED; MOTION TO SEAL MOTION FOR ADMISSION OF MARTIN BASHIR'S DOCUMENTARY, ETC. AND OPPOSITION AND REPLY THERETO IF SEALING REQUESTED; MOTION TO SEAL PLAINTIFF'S REQUEST TO ADMIT SEIZED EVIDENCE OF EROTIC MATERIALS TO DEMONSTRATE DEFENDANT'S INTENT, ETC. AND OPPOSITION AND REPLY THERETO IF SEALING REQUESTED; MOTION TO SEAL PLAINTIFF'S MOTION IN LIMINE FOR ADMISSION OF EXPERT TESTIMONY ON DEFENDANT'S FINANCES AND OPPOSITION AND REPLY THERETO IF SEALING REQUESTED; MOTION TO SEAL DEFENSE OPPOSITION TO MOTION FOR ORDER DIRECTING THAT TESTIMONY OF CHILD

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WITNESSES BE CLOSED TO THE PUBLIC AND REPLY THERETO IF SEALING REQUESTED; MOTION TO SEAL OPPOSITION TO MOTION FOR AN ORDER ALLOWING INDIVIDUAL SEQUESTERED VOIR DIRE OF PROSPECTIVE JURORS AND REPLY THERETO IF SEALING REQUESTED; MOTION TO SEAL MR. JACKSON'S MOTION IN LIMINE TO LIMIT UNCHARGED CONSPIRATOR HEARSAY AND OPPOSITION AND REPLY THERETO IF SEALING REQUESTED; MOTION TO SEAL MR. JACKSON'S MOTION IN LIMINE TO PRECLUDE REFERENCE TO MATERIALS AS PORNOGRAPHIC AND OPPOSITION AND REPLY THERETO IF SEALING REQUESTED; MOTION TO SEAL MOTION IN LIMINE TO EXCLUDE REFERENCE TO CIVIL SETTLEMENT AMOUNTS AND OPPOSITION AND REPLY THERETO IF SEALING REQUESTED; MOTION TO SEAL MR. JACKSON'S MOTION IN LIMINE TO EXCLUDE REFERENCE TO BOOKS, MAGAZINES, PHOTOGRAPHS, ETC. OF DISROBED INDIVIDUALS AND OPPOSITION AND REPLY THERETO IF SEALING REQUESTED; MOTION TO SEAL MOTION IN LIMINE TO EXCLUDE FOURTEEN ITEMS OF IRRELEVANT EVIDENCE AND OPPOSITION AND REPLY THERETO IF SEALING REQUESTED; MOTION TO SEAL EX PARTE APPLICATION FOR AN ORDER THAT MR. JACKSON BE ALLOWED TO MAKE A PUBLIC STATEMENT REGARDING INFORMATION LEAKED TO THE MEDIA; MOTION TO SEAL PLAINTIFF'S RESPONSE TO MARTIN BASHIR'S MOTION FOR PROTECTIVE ORDER PRECLUDING HIM FROM BEING REQUIRED TO TESTIFY AS WITNESS IN THIS CASE; MOTION TO SEAL EX PARTE APPLICATION FOR AN ORDER THAT THE DEFENSE RESPONSE TO THE DISTRICT ATTORNEY'S MOTION IN LIMINE FOR ADMISSION OF EXPERT TESTIMONY ON DEFENDANT'S FINANCES DATED JANUARY 21, 2005 BE WITHDRAWN

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.

The Court made orders re: The children shall not be referred to as victims; the District Attorney shall be referred to as The People; the District Attorney shall not imply that he represents the Jury against the Defendant; the Court shall make the appropriate determinations regarding the admissibility of character evidence or prior bad acts to impeach during the course of the trial as objections are made; the Court declines to rule on the issue of admission of expert testimony on "Battered Women's Syndrome" prior to hearing testimony; Plaintiff's motion for admission of Martin Bashir's documentary "Living with Michael Jackson" as evidence of Defendant's motive, etc. shall be granted, but limited to the original ITV broadcast with a limiting instruction; Counsel shall file briefs re: Bashir documentary of admissible statements made by the Defendant in the documentary; the Court shall preclude the use of terms pornographic, obscene or erotica and the terms adult material or sexually explicit shall be used; the materials seized during the 1993 investigation shall not be admitted; the Court orders that a 402 hearing shall be held prior to expert testimony on Defendant's Finances; the Court denied the motion for order

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directing that testimony of child witnesses be closed to the public, but a sketch artist shall not be allowed during the children's testimony; motion for individual sequestered voir dire shall be denied; the Court shall follow the statute as to uncharged conspirator hearsay; that a 402 hearing shall be held prior to reference to Civil settlement amounts; motion to exclude fourteen items of irrelevant evidence granted; the Court orders that the motion to quash re protective order precluding Martin Bashir from being required to testify is denied; the Court orders that a Jury Consultant shall be allowed in the Courtroom for each side; the Court orders that no further subpoenaed records, with the exception of Teal subpoenas, shall be opened without consent of both Counsel; the Court shall take under submission the motion to preclude reference to materials as pornographic and opposition and reply thereto; that the motions to seal shall be granted, except that the motions to seal Mr. Jackson's motion in limine to preclude reference to materials as pornographic, District Attorney's response thereto and reply shall be taken under submission and the motion to seal ex parte application for an order that the Defense response to the District Attorney's motion in limine for admission of expert testimony on Defendant's finances dated January 21, 2005 be withdrawn shall be denied.

At 9:35 A.M. with Court, Counsel and Research Attorneys Jed Beebe and Tracy Splitgerber 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. Mescreau, Jr., Robert M. Sanger, Susan Yu and Brian Oxman.

Counsel present for the Media is Theodore Boutros.

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

Attorneys Auchincloss and Sanger addressed the Court re: Plaintiff's Motion in Limine re: Evidence Code 402 Issues. The Court orders that the children shall not be referred to as victims when the children are on the witness stand. The Court further orders that the District Attorney may be referred to as "The People"; that the District Attorney shall not imply that he represents the Jury against the Defendant. The Court further orders that the Court shall make the appropriate determinations regarding the admissibility of character evidence or prior bad acts to impeach during the course of the trial as objections are made. The Court advised Counsel that the Court is confident that all attorneys will conduct themselves in a professional manner and that no personal disparagement shall occur.

Attorneys Auchincloss and Sanger addressed the Court re: Plaintiff's Motion in Limine re: Admission of Expert Testimony on "Battered Women's Syndrome." The Court declines to rule on this issue at this time. The Court will hear witness testimony before it can ascertain whether the expert will be helpful to the Jury.

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Attorneys Sneddon and Mescreau addressed the Court re: Plaintiff's Motion for Admission of Martin Bashir's Documentary "Living with Michael Jackson" as Evidence of Defendant's Motive, etc. The Court further orders that the motion shall be granted, but limited to the original documentary broadcast by ITV only. The Court further orders that the appropriate limiting instruction shall be given to the Jury; that the version aired on "20/20" shall not be admissible.

The Court further orders that Counsel shall file briefs re: admissibility of statements made by the Defendant in the Bashir documentary; that the Plaintiff's brief shall be filed by February 10, 2005, the response shall be filed by February 15, 2005 and the reply shall be filed by February 17, 2005.

Attorneys Zonen and Oxman addressed the Court re: Plaintiff's Request to Admit Seized Evidence of Erotic Materials to Demonstrate Defendant's Intent, etc., Mr. Jackson's Motion in Limine to Preclude Reference to Materials as Pornographic and Mr. Jackson's Motion in Limine to Exclude Reference to Books, Magazines, Photographs, etc. of Disrobed Individuals. The Court further orders that the Court shall preclude the use of terms "pornographic" or "obscene" as they call for a legal conclusion; that the terms "adult material" or "sexually explicit" shall be used during the trial. The Court further orders that the Plaintiff's motion shall be granted as to the materials seized from Neverland during this investigation only; that the materials seized during the 1993 investigation shall not be admitted. The Court further orders that materials seized from business associates outside of Neverland shall not be admissible.

Attorneys Auchincloss and Sanger addressed the Court re: Plaintiff's Motion in Limine for Admission of Expert Testimony on Defendant's Finances and Application for Order that the Defense Response to the District Attorney's Motion in Limine for Admission of Expert Testimony on Defendant's Finances, Dated January 21, 2005, Be Withdrawn. The Court finds that general testimony as it relates to this particular situation may be admissible, but the Court shall reserve ruling at this time. The Court further orders that a 402 hearing shall be held if such witnesses are called.

Attorneys Auchincloss, Mesereau and Boutrous addressed the Court re: Motion for Order Directing that Testimony of Child Witnesses be Closed to the Public. The Court further orders that the motion shall be denied; that the Court shall not allow sketch artists during their testimony; that if there is any disruption during their testimony, the Court will readdress the issue; that there shall be no interference with their testimony.

At 12:05 P.M. the Court ordered a recess until 1:00 P.M.

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At 1:00 P.M. with Court, Counsel and Research Attorneys Jed Beebe and Tracy Splitgerber present, hearing continued.

Attorneys Sanger and Sneddon addressed the Court re: Motion for an Order Allowing Individual Sequestered Voir Dire of Prospective Jurors. The Court further ordered that the motion for individual sequestered voir dire shall be denied; that a Chambers examination shall be limited to confidential and sensitive issues.

Attorneys Mesereau and Sneddon addressed the Court re: Mr. Jackson's Motion in Limine to Limit Uncharged Conspirator Hearsay. The Court shall follow the statute. The Court shall make a finding initially that there is sufficient evidence before statements are admitted; that the Jury shall also make a finding that there is sufficient evidence; that the Court will consider as well, requests to conditionally admit such statements subject to evidence of the preliminary fact being supplied later. The District Attorney advised the Court that he will submit a trial brief with a road map of where they are going as to this issue.

Attorneys Mesereau and Sneddon addressed the Court re: Mr. Jackson's Motion in Limine to Exclude Reference to Civil Settlement Amounts. The Court further orders that evidence cannot be offered without prior permission by the Court; that a 402 motion under 1108 would be the motion to consider prior misconduct or an additional motion shall be filed.

The Court further orders that if the Court declined to rule on an issue, then it can't be mentioned in Counsel's opening statement.

The Court further orders that the Motion in Limine to Exclude Fourteen Items of Irrelevant Evidence, there being no opposition filed, the motion shall be granted.

Attorneys Boutros, Sneddon and Mesereau addressed the Court re: Motion for Protective Order Precluding Martin Bashir from Being Required to Testify and for Clarification that "Gag" Order Does Not Apply to Martin Bashir. The Court denied the requested protective order re: the Bashir subpoena. The Court further ordered that the intent of the "Gag" Order is that Mr. Bashir, along with other witnesses, would not identify the minors involved and would not disclose through the media evidence on the charges known to him by personal observation; that as long as the order remains in effect Mr. Bashir will be bound by these restrictions, but he is not prevented from reporting or giving commentary to the same extent that a non-witness journalist could.

The Court advised Counsel that the Court will not be in session on February 9, 2005 due to arguments in the Appellate Court that day.

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The Court asked Counsel for an estimate of the jury trial length. The District Attorney and Defense Counsel gave an estimate of five months after jury selection is completed.

The Court further advised Counsel that as soon as the Jurors and Alternates are sworn, the Court intends to release the Grand Jury transcript and indictment.

Attorneys Mescreau and Sneddon addressed the Court re: sealed pleadings. The Court further advised Counsel that as the case commences the Court will release sealed pleadings that no longer need to be sealed.

Attorney Sanger addressed the Court re: the Computer Hard Drive Discs and advised the Court that it will take another ten days for their review.

Attorneys Sneddon and Sanger addressed the Court as to whether or not Jurors will be brought in on February 7, 2005. The Court will make a decision on Monday, January 31, 2005.

Attorney Mesereau requested that the Court allow Juror Consultants in the Courtroom. The Court further ordered that Counsel may have a Jury Consultant in the Courtroom; that said consultant can replace one of the attorneys in front of the bar; that a designated media pool will be present in the Courtroom during Jury selection; that seating designated for the family during the trial does not apply during Jury selection; that no family members will be allowed during Jury selection due to the lack of seating; that matter may be revisited as the Jury pool is reduced.

Attorney Sneddon asked permission of the Court that only one District Attorney be present on January 31, 2005, February 1, 2005 and February 2, 2005. The Court granted the District Attorney's request.

Court and Counsel discussed subpoenaed records. The Court further orders that no additional subpoenaed records, with the exception of Teal subpoenas, shall be opened without the consent of both Counsel.

Attorney Sneddon addressed the Court re: the Decorum order and discussion was held re: said order.

Attorney Yu advised the Court the numbering issue on the documents has been resolved.

Attorney Boutros addressed the Court re: the Motion to Seal Mr. Jackson's Motion in Limine to Preclude Reference to Materials as Pornographic and Opposition and Reply thereto if sealing requested. The Court shall take said motion under submission.

Attorneys Sanger and Sneddon addressed the Court re: Discs that were submitted to the Court by the Defense of Items 913, 910, 911, 912 and 1315 and The District Attorneys Discs 134 and 135. Counsel stipulate that the Court may review said discs in the absence of Counsel; that if either Counsel has a copy of the British version of the Brashir tape, they shall submit it to the Court on January 31, 2005.

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The Court further orders that the Motions to Seal Plaintiff's Motion in Limine re: Evidence Code 402 Issues and Opposition and Reply Thereto shall be granted. The Plaintiff's Motion was filed on January 18, 2005 and conditionally sealed on January 19, 2005. The redacted version was released on January 20, 2005. Defendant's Opposition was filed on January 21, 2005 and conditionally sealed on January 26, 2005. The proposed redacted version with court modification was released on January 26, 2005. Plaintiff's Reply was filed on January 24, 2005 and conditionally sealed on January 26, 2005. The redacted version was released on January 26, 2005. Findings and Order shall follow.

The Court further orders that the Motions to Seal Plaintiff's Motion in Limine re: Admission of Expert Testimony on "Battered Women's Syndrome" and Opposition Thereto shall be granted. The Plaintiff's Motion was filed on January 18, 2005 and conditionally sealed on January 19, 2005. The redacted version was released on January 20, 2005. Opposition was filed on January 21, 2005 and conditionally sealed on January 26, 2005. The redacted version was released on January 26, 2005. Findings and Order shall follow.

The Court further orders that the Motion to Seal Motion for Admission of Martin Bashir's Documentary, etc. shall be granted. The Plaintiff's Motion was filed on January 18, 2005 and conditionally sealed on January 21, 2005. The redacted version was released on January 20, 2005. Findings and Order shall follow.

The Court further orders that the Motion to Seal Plaintiff's Request to Admit Seized Evidence of Erotic Materials to Demonstrate Defendant's Intent, etc. and Opposition thereto shall be granted. The Plaintiff's Motion was filed on January 18, 2005 and conditionally sealed on January 21, 2005. The redacted version was released on January 20, 2005. Defense Opposition was filed on January 21, 2005 and conditionally sealed on January 26, 2005. The proposed redacted version was released on January 26, 2005. Findings and Order shall follow.

The Court further orders that the Motions to Seal Plaintiff's Motion in Limine for Admission of Expert Testimony on Defendant's Finances and Oppositions Thereto shall be granted. The Plaintiff's Motion was filed on January 18, 2005 and conditionally sealed on January 19, 2005. The redacted version was released on January 20, 2005. Defendant's Response was filed January 21, 2005. It was later withdrawn and their Opposition was filed on January 24, 2005. Redacted versions of both documents were released on January 26, 2005. Findings and Order shall follow.

The Court further orders that the Motions to Seal Defense Opposition to Motion for Order Directing that Testimony of Child Witnesses be Closed to the Public and Reply Thereto shall be granted. Opposition was filed on January 21, 2005 and conditionally sealed on January 26, 2005. The proposed redacted version was modified by the Court and released on January 26, 2005. Reply was filed on January 25, 2005 and conditionally sealed on January 26, 2005. The Court's redacted version was released on January 26, 2005. Findings and Order shall follow.

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The Court further orders that the Motion to Seal Opposition to Motion for an Order Allowing Individual Sequestered Voir Dire of Prospective Jurors shall be granted. The District Attorney's opposition was filed on January 24, 2005 and conditionally sealed on January 26, 2005. A proposed redacted version was released on January 25, 2005. Findings and Order shall follow.

The Court further orders that the Motion to Seal Mr. Jackson's Motion in Limine to Limit Uncharged Conspirator Hearsay shall be granted. The Defendant's Motion was filed on January 18, 2005 and conditionally sealed on January 19, 2005. The redacted version was released on January 20, 2005. Defendant's reply was filed on January 27, 2005 under conditional seal. The redacted version was released the same day. Findings and Order shall follow.

The Court further orders that the Motions to Seal Mr. Jackson's Motion in Limine to Preclude Reference to Materials as Pornographic, District Attorney's Response Thereto and Reply shall be taken under submission. The Defendant's Motion was filed on January 18, 2005 and conditionally sealed on January 19, 2005. The redacted version was released on January 20, 2005. The District Attorney's Response was filed on January 24, 2005 and conditionally sealed on January 26, 2005. The proposed redacted version was released on January 26, 2005. Defendant's reply was filed on January 27, 2005 under conditional seal. The redacted version was released the same day. Findings and Order shall follow.

The Court further orders that the Motions to Seal Motion in Limine to Exclude Reference to Civil Settlement Amounts, District Attorney's Response Thereto and Reply shall be granted. The Defendant's motion was filed on January 18, 2005 and conditionally sealed on January 19, 2005. The redacted version was released on January 20, 2005. The District Attorney's Response was filed on January 24, 2005 and conditionally sealed on January 26, 2005. The proposed redacted version with Court modification was released on January 26, 2005. The Defendant's reply was filed on January 27, 2005 under conditional seal. The redacted version was released the same day. Findings and Order shall follow.

The Court further orders that the Motions to Seal Mr. Jackson's Motion in Limine to Exclude Reference to Books, Magazines, Photographs, etc. of Disrobed Individuals, District Attorney's Response Thereto and Reply shall be granted. The Defendant's motion was filed on January 18, 2005 and conditionally sealed on January 21, 2005. The redacted version was released on January 20, 2005. The District Attorney's response was filed on January 24, 2005 and conditionally sealed on January 26, 2005. The proposed redacted version with Court modification was released on January 26, 2005. The Defendant's reply was filed on January 27, 2005 under conditional seal. The redacted version was released the same day. Findings and Order shall follow.

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The Court further orders that the Motion to Seal Motion in Limine to Exclude Fourteen Items of Irrelevant Evidence shall be granted. The Defendant' s motion was filed on January 18, 2005 and conditionally sealed on January 19, 2005. The redacted version was released on January 20, 2005. Findings and Order shall follow.

The Court further orders that the Motion to Seal Ex Parte Application for an order that Mr. Jackson be allowed to Make a Public Statement Regarding Information Leaked to the Media shall be granted. The application was filed January 18, 2005. The redacted version was released January 25, 2005. Findings and Order shall follow.

The Court further orders that the Motions to Seal Plaintiff' s Response and Defendant' s Opposition to Martin Bashir' s Motion for Protective Order Precluding Him from Being Required to Testify as a Witness in this Case shall be granted. The Plaintiff' s response was filed on January 24, 2005 and conditionally sealed on January 26, 2005. The Defendant' s Opposition was filed January 26, 2005 under conditional seal. The proposed redacted version was released on January 27, 2005. Findings and Order shall follow.

The Court further orders that the Motion to Seal Ex Parte Application for an Order that the Defense Response to the District Attorney' s Motion in Limine for Admission of Expert Testimony on the Defendant' s Finances Dated January 21, 2005 Be Withdrawn shall be denied. The application to withdraw was filed January 24, 2005 and conditionally sealed on January 26, 2005. The proposed redacted version was released on January 26, 2005.

At 2:55 P.M. Court adjourned.

CLERK OF THE SUPERIOR COURT

BY 
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 FEBRUARY 8, 2005, I served a copy of the attached MINUTE ORDER, DATED 1/28/05 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

X FAX

By faxing true copies thereof to the receiving fax numbers of: (805) 456-0699 (Thomas Mesereau, Jr.); (805) 568-2398 (Thomas Sneddon), Said transmission was reported complete and without error. Pursuant to California Rules of Court 2005(1), 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.

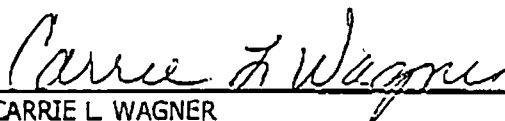
___ PERSONAL SERVICE

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 8TH day of FEBRUARY, 2005, at Santa Maria, California.


CARRIE L WAGNER