

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

Dated & Entered: MARCH 11, 2005	Time: 8:35 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: 1. IN CAMERA HEARING RE: MOTION TO COMPEL COMPLIANCE WITH TEAL SUBPOENA; 2. OBJECTIONS BY WILLIAM DICKERMAN TO SUBPOENA DUCES TECUM; 3. MOTION TO QUASH SUBPOENA DUCES TECUM SERVED ON FEBRUARY 3, 2005 BY DISTRICT ATTORNEY ON BERNSTEIN, FOX, WHITMAN & CO.; 4. MOTION TO QUASH SUBPOENA DUCES TECUM SERVED ON FEBRUARY 3, 2005 BY DISTRICT ATTORNEY ON BERNSTEIN, FOX, WHITMAN & CO.; 5. MOTION TO QUASH SUBPOENA DUCES TECUM SERVED ON FEBRUARY 23, 2005 BY DISTRICT ATTORNEY ON BERNSTEIN, FOX, WHITMAN & CO.; 6. MOTION TO QUASH SUBPOENA DUCES TECUM SERVED ON FEBRUARY 23, 2005 BY DISTRICT ATTORNEY ON BERNSTEIN, FOX, WHITMAN & CO.; 7. MOTION TO QUASH SUBPOENA DUCES TECUM SERVED ON FEBRUARY 3, 2005 BY DISTRICT ATTORNEY ON HOLTHOUSE CARLIN & VAN TRIGT LLP; 8. MOTION TO QUASH SUBPOENA DUCES TECUM SERVED ON FEBRUARY 3, 2005 BY DISTRICT ATTORNEY ON HOLTHOUSE CARLIN & VAN TRIGHT LLP; 9. MOTION TO QUASH SUBPOENA DUCES TECUM SERVED ON FEBRUARY 23, 2005 BY DISTRICT ATTORNEY ON HOLTHOUSE CARLIN & VAN TRIGT LLP; 10. MOTION TO QUASH SUBPOENA DUCES TECUM SERVED ON FEBRUARY 23, 2005 BY DISTRICT ATTORNEY ON HOLTHOUSE CARLIN & VAN TRIGT LLP; 11. MOTION TO QUASH SUBPOENA SERVED TO BANK OF AMERICA DATED NOVEMBER 3, 2005; 12. MOTION TO QUASH SUBPOENA SERVED ON BANK OF AMERICA ON JANUARY 19, 2005; 13. MOTION TO QUASH SUBPOENA SERVED ON BANK OF AMERICA SERVED ON FEBRUARY 23, 2005; 14. MOTION TO DISMISS AND MOTION TO PERMIT BROADCAST RESPONSE; 15. MOTION FOR CLARIFICATION THAT "GAG ORDER" DOES NOT APPLY TO JAY LENO; 16. MOTION REQUESTING TIMELY ACCESS TO COPIES OF ALL VIDEOTAPES THAT HAVE BEEN AND WILL BE PLAYED IN OPEN COURT AND FOR PUBLIC RELEASE OF SUCH VIDEOTAPES AND OTHER EXHIBITS INTRODUCED AS EVIDENCE THROUGHOUT THE TRIAL; 17. MOTION FOR JURY VIEW; 18. MOTION IN LIMINE TO RESTRICT MENTION OF CERTAIN ISSUES RE: JANE DOE AND MAJOR JACKSON; 19. MOTION TO SEAL MOTION IN LIMINE TO RESTRICT MENTION OF CERTAIN ISSUES RE: JANE DOE AND MAJOR JACKSON AND OPPOSITION THERETO; 20. MOTION TO ADMIT EVIDENCE OF SEXUAL

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CONDUCT; 21. MOTION FOR RULING ON ADMISSIBILITY OF DOCUMENTARY AND NON-EXPERT TESTIMONY CONCERNING DEFENDANT'S FINANCIAL CONDITION DURING RELEVANT TIMES

Felony Complaint Filed December 18, 2003 charging the Defendant with Counts 1 thru 7: 288(a) P.C., Felonies, Counts 8 and 9: 222 P.C., Felonies, 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: Motion to Compel Production of Records Granted as to Janet Arvizo Only; Attorney Dickerman Shall Provide the Subpoenaed Documents Except for the Attorney-Client Privilege Records; Protective Order re: Jay Leno; Motion to Dismiss Denied; Specific Request for Statements Shall be Submitted to the Court; Videos Shall be Made Available for Viewing; Motion for Jury View Denied; Motion to Restrict Mention of Certain Issues re: Jane Doe and Major Jackson Granted; Motion to Seal Motion in Limine to Restrict Mention of Certain Issues re: Jane Doe and Major Jackson and Opposition Thereto Granted; Affidavits re: Motion to Admit Evidence of Sexual Conduct; Ruling on Items 3 through 13 and 21 shall be reserved until March 17, 2005; Court Shall Issue Findings on In Camera Hearings Request; J. C. Penney Case Shall Not be Re-Litigated; George Lopez Testimony Issues.

At 9:35 A.M. in the absence of the Jury and the Defendant with Court, Counsel and Research Attorney Jed Beebe present, hearing re: motions proceeded.

Counsel present for the People are 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.

Attorneys Theodore Boutrous and William Genego present.

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

Attorney Oxman addressed the Court re: In Camera Hearing re: Motion to Compel Compliance with Teal Subpoena. The Court finds that there is no reason to hold the motion in camera as it has previously been discussed in open Court. The Court orders that motion to compel production of records shall be granted as related to Janet Arvizo only; that the Court shall not make a ruling on the admissibility of the records at this time; that a hearing will be held prior to introduction of said records.

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Attorneys Oxman and Zonen addressed the Court re: Objections by William Dickerman to Subpoena Duces Tecum. The Court finds that Attorney Dickerman confirmed by FAX on March 9, 2005 that he withdraws his objection as to all matters except the attorney-client privilege. The Court further orders that the documents shall be produced except attorney-client privilege records; that Attorney Oxman shall clarify with Mr. Dickerman re: what is in effect for both subpoenas; that if there is a problem, Attorney Oxman shall notify the Court.

Attorneys Sanger, Auchincloss and Genego addressed the Court re: Calendar Items 3 through 13 and 21. Counsel shall meet and confer today re: the documents to be provided.

Attorneys Franklin, Boutrous and Sanger addressed the Court re: the Motion for Clarification that "Gag Order" Does Not Apply to Jay Leno. The Court further orders that the intent of the protective order is that Mr. Leno, along with other witnesses, shall not identify the minors involved and shall not disclose through the media evidence on the charges known to them by personal observation; that Mr. Leno is not prevented from reporting or giving commentary to the same extent that a non-witness comedian or talk show host could.

Attorneys Franklin, Boutrous and Oxman addressed the Court re: Motion to Dismiss and Motion to Permit Broadcast Response. The Court further orders that Mr. Jackson may present a specific request to the Court for public statements he wishes to make; that any member of the media may speak about the case except the portion of the case to which he or she is a percipient witness; that once a witness is excused, they are no longer subject to the protective order; that if the Court does not excuse a witness after their testimony, they are not excused and shall remain on call and subject to the protective order; that all requests for statements by Mr. Jackson shall be submitted in writing to all parties; that the motion to dismiss shall be denied. The Court shall issue written findings.

The Court further orders that all motions that involve Mr. Boutrous' clients shall be served on Mr. Boutrous.

Attorneys Boutrous and Sanger addressed the Court re: Motion Requesting Timely Access to Copies of All Videotapes and Other Exhibits Introduced as Evidence Throughout the Trial. The Court denied Attorney Boutrous' request for the media pool to receive a copy of videos and DVDs once the exhibit is in evidence. The Court further orders that the videos will be made available for viewing each day after they are received into evidence. The Court shall issue formal findings and order.

Attorney Mesereau addressed the Court re: Motion for Jury View. The Court finds that more than adequate evidence has been provided as to what Neverland is like. The Court further orders that said motion shall be denied.

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The Court further orders that the Motion in Limine to Restrict Mention of Certain Issues re: Janet Arvizo's elective surgeries shall be denied; that said issue must be traced and connected correctly prior to bringing up the issue in Court; that the issues re: Major Jackson shall not be mentioned.

The Court further orders that the Motion to Seal Motion in Limine to Restrict Mention of Certain Issues re: Jane Doe and Major Jackson and Opposition Thereto shall be granted.

The Court further orders that as to the Motion to Admit Evidence of Sexual Conduct, under 782 E.C., the Court shall review the affidavit submitted in support of the motion to determine if the offer of proof is sufficient to order a hearing; that if it is, the Court will order a hearing out of the presence of the Jury. The Court finds that the Yu affidavit is inadequate. The Court will consider further affidavit that would include date of the male witness's alleged observation; that others not by a male shall not be allowed; that this ruling does not preclude cross-examination of the complaining witness.

At 10:30 A.M. Court in recess.

A Chambers conference was held on certain issues with Court, Attorneys Auchincloss and Mescreau and Research Attorney Jed Beebe present.

The Court further orders that the Reporter's transcript shall be sealed pursuant to the protective order and findings previously made by the Court.

At 10:40 A.M. Court in recess.

Court and Counsel had a Chambers conference re: Items 3 thru 13 and 21.

At 11:05 A.M. with Court, Counsel and Research Attorney Jed Beebe present, hearing continued.

At the request of Counsel, the Court shall reserve ruling on Items 3 thru 13 and 21 until March 17, 2005 to give Counsel an opportunity to reach an agreement.

Attorney Boutrous addressed the Court re: In Camera hearings and requested that the Court make findings in advance of the In Camera Hearing, give a subject matter for said hearings and a transcript for said hearings. The Court shall issue findings.

Attorney Sanger addressed the Court re: clarification on rulings made on the J. C. Penney case. The Court advised Mr. Sanger that said case shall not be re-litigated.

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Attorney Sanger further addressed the Court re: George Lopez Testimony. The Court further orders that the incident concerning the wallet shall not be admissible; that the Court declines to quash the subpoena of George Lopez as the evidence may change and he may be called for other issues; that Counsel for Defendant may file a brief by Monday on the wallet issue and the District Attorney will advise the Court of their need for time to answer.

Attorney Auchincloss addressed the Court re: the computers issue. The report on said issue shall be provided soon.

At 11:15 A.M. Court adjourned.

CLERK OF THE SUPERIOR COURT

BY *Lorna Frey*
LORNA FREY, DEPUTY CLERK

PROOF OF SERVICE

1013A(1)(3), 1013(c) CCP

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 March 22, 2005, 2005, I served a copy of the attached MINUTE ORDER 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

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(l), 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 22ND day of MARCH, 2005, at Santa Maria, California.


CARRIE L. WAGNER