

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

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|-------------------------------------|---------------------------------------|-----------------|-----------|-----------|------------|----------|
| Dated & Entered: | MAY 28, 2004 | Time: | 8:30 A.M. | F | | |
| Honorable RODNEY S. MELVILLE | | | | CC | | |
| Deputy Clerk: | L. FREY/P. BLAYLOCK | Dept. | SM TWO | CA | | |
| Deputy Sheriff : | D. NARRON | | | 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. (not present) | | | | | |
| Defense Counsel: | THOMAS A. MESEREAU, JR. | | | | | |
| Probation Officer: | Interpreter: | | | | | |

NATURE OF PROCEEDINGS: TRIAL SETTING CONFERENCE; MOTION FOR REDUCTION OF BAIL; MOTION TO COMPEL DISCOVERY; MOTION TO SEAL: OSC RE: CONTEMPT ISSUE; MOTION RE: SEALING SEARCH WARRANTS 4977 AND 4977A; MOTION TO UNSEAL GRAND JURY TRANSCRIPTS; MOTION TO UNSEAL GRAND JURY INDICTMENT

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: 1197.7(c)(6) P.C. and 1203.066(a)(8)

The Court made orders re: Trial and Readiness and Settlement Conference Dates, Motion for Reduction of Bail, Motion to Compel Discovery, Subpoena Duces Tecum Returns, Grand Jury Evidence, Filing of Motions Under Seal, Sealing of Search Warrants, Search Warrant Evidence and Grand Jury Evidence Viewing; OSC re: Contempt Remains Sealed, Motion re: Sealing Search Warrants 4977 and 4977A, Sealing of Search Warrant 4976, Motion to Unseal Grand Jury Transcript, Motion to Unseal Grand Jury Indictment, Computer Discs, Continuance

Counsel present for the People are: Gerald M. Franklin, Ronald J. Zonen and Gordon Auchincloss.

Counsel present for the Defendant are: Thomas A. Mesereau, Jr., Robert M. Sanger, Steve Cochran and Susan C. Yu.

Counsel present for the Media is: Theodore Boutrous.

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

At 8:30 A.M. with Court and Counsel present, in the absence of the Defendant, hearing proceeded.

The Court orders that the trial for this case shall commence September 13, 2004 at 8:30 A.M.; that the Readiness and Settlement Conference shall be held on September 7, 2004 at 10:00 A.M.

The Court further orders that Counsel may come before the Court ex-parte regarding Defendant's present Counsel not receiving all the files from the Defendant's previous Counsel.

The Court heard arguments by Counsel Thomas Mesereau and Ronald Zonen re: Defendant's motion for bail reduction. The Court shall take the matter of bail reduction under submission.

The Court heard arguments regarding the Motion to Compel by Counsel Steve Cochran and Gordon Auchincloss.

The Court further orders that anything returned under subpoena duces tecum shall not be released to either party until further Court order except the J.C. Penney documents which were previously stipulated to by Counsel to be opened, copied and released to Counsel.

The Court further orders that the Court shall not issue a general discovery order as the statute provides for discovery; that Motions to Compel shall be directed at more specific problems and not the general discovery process.

Counsel for the People advised the Court that the Defense has the discovery of all audio tapes at this time.

The Court further orders that both sides may have access, under supervision of Court personnel, to the Grand Jury evidence; that the Grand Jury evidence shall remain in Santa Barbara until closer to time for trial.

The Court further orders that written requests for release of any exhibits shall be filed with the Court.

The Court emphasized the Court's previous order that motions shall be filed under seal with a request for sealing of any sensitive or protected issues; that the Court will issue further instructions in writing re: the request for sealing issue.

Counsel Gerald Franklin addressed the Court re: the sealing of Search Warrants.

The Court further orders that requests for sealing Search Warrants shall be submitted to the Court within the required ten day time frame.

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Counsel for the media addressed the Court re: sealing of documents and receiving copies of unsealed documents as previously ordered.

Counsel Gordon Auchincloss advised the Court that physical evidence that was seized pursuant to Search Warrants is in the custody of the Sheriff.

The Court further orders that the Defense team shall be given an area where they can examine the Search Warrant evidence that is large enough to insure the confidentiality of the Defense team's conversations while they are examining the evidence; that the Defense team shall not be left alone with the Search Warrant evidence; that any law enforcement individual selected to oversee the viewing of the Search Warrant evidence by the Defense is prohibited from revealing anything that is said by anyone during the viewing; that when the person is selected, they shall be advised of the Court's protective order; that the viewing of the Search Warrant evidence shall take place forthwith at a place and time agreed to by Counsel; that the Court shall not authorize any release of evidence at this time.

The Court further orders that Counsel shall call Gary Blair to arrange for the viewing of the Grand Jury evidence.

The Court further orders that Counsel for the People shall provide the Court with a list of the evidence that may be contaminated by handling.

Counsel Theodore Boutrous addressed the Court regarding the Motion to Seal the OSC re: Contempt Issue. The Court further orders that the document shall remain sealed except as redacted. The Court shall issue findings on this issue next week.

Counsel Theodore Boutrous addressed the Court regarding Motion re: Sealing Search Warrants 4977 and 4977A. The Court shall issue findings on this issue next week.

The Court further orders that Counsel for the People shall file a motion to seal Search Warrant 4976; that hearing on the Motion to Seal Search Warrant 4976 shall be heard on June 25, 2004, 8:30 A.M.

The Court further orders that when the People wish to have Search Warrant materials sealed from the Defense as well as from the public, the motion should so indicate; that in all other cases involving sealing of Search Warrant materials, the Defense should be provided with a copy of the materials proposed to be sealed by the prosecution.

Counsel Steve Cochran advised the Court that he will step back on the issue of the Motion to Unseal the Grand Jury Transcript as he represents Universal NBC and the Defendant Jackson. The Court grants the limited recusal of Attorney Cochran.

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Counsel Theodore Boutrous addressed the Court regarding the Motion to Unseal the Grand Jury Transcripts.

The Court shall read the Grand Jury transcripts. The Court further orders that in advance of the next hearing both sides shall submit written suggestions as to the possibility or impossibility of meaningfully redacting the Grand Jury transcripts; that the parties shall follow the Court's sealing rules when submitting their proposals; that if feasible, proposed redacted copies shall be submitted to the Court at the same time; that the Motion to Unseal the Grand Jury Transcripts shall be heard on June 25, 2004.

Counsel Theodore Boutrous and Steve Cochran addressed the Court regarding the Motion to Unseal the Grand Jury Indictment. The Court further orders that the Grand Jury Indictment shall continue to be sealed; that the Court shall issue findings next week.

At 10:15 A.M. the Court held an in camera hearing with the Court, Attorneys Gerald Franklin, Thomas Mesereau and Robert Sanger and the Research Attorneys Jed Beebe and Tracy Splitgerber present regarding computer material belonging to Mr. Miller that may contain attorney-client information.

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

At 10:35 A.M. with Court and Counsel present, hearing continued.

Counsel for the District Attorney withdraws his request for the computer discs to be immediately turned over to the District Attorney. The Defense shall either turn over the computer discs or file a motion for protective order.

Counsel stated their appearances on the record.

The Court further orders that this matter shall be continued to June 25, 2004, 8:30 A.M., SM Two for Motion to Seal Search Warrant 4976, Motion to Unseal the Grand Jury Transcripts and any further motions that may be filed prior to June 25, 2004.

The Court orders that the Defendant shall remain on the bail previously posted.

At 10:40 A.M. Court adjourned.

CLERK OF THE SUPERIOR COURT

BY Lorna Frey
LORNA FREY, DEPUTY CLERK