

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

Dated & Entered: JULY 27, 2004	Time: 8:30 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: MOTION TO SET ASIDE THE INDICTMENT (995 P.C.); MOTION TO UNSEAL GRAND JURY TRANSCRIPT (CONTINUED FROM JULY 9, 2004); MOTION TO SEAL OPPOSITION TO MOTION TO SET ASIDE INDICTMENT (995 P.C.); MOTION TO SEAL REPLY TO MOTION TO SET ASIDE INDICTMENT (995 P.C.); MOTION TO QUASH CERTAIN SUBPOENAS; MOTION TO SEAL MOTION TO QUASH CERTAIN SUBPOENAS; MOTION TO SUPPRESS EVIDENCE (PART I)(1538.5 P.C.); MOTION TO SEAL OPPOSITION TO MOTION TO SUPPRESS (PART I) (1538.5 P.C.); MOTION TO SEAL REPLY TO MOTION TO SUPPRESS (PART I) (1538.5 P.C.); MOTION TO CONTINUE TRIAL; MOTION TO SEAL MOTION TO CONTINUE TRIAL; MOTION TO SEAL RESPONSE TO MOTION TO CONTINUE TRIAL; MOTION TO SEAL SEARCH WARRANT 5048A; MOTION TO SEAL MOTION TO SUPPRESS (PART 2) (1538.5 P.C.)

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)

The Court made orders re: Motion to Set Aside the Indictment (995 P.C.) Taken Under Submission, Motion to Unseal the Grand Jury Transcript Denied, Motions to Seal the Opposition and the Reply to set Aside the Indictment Granted, Motion to Quash Certain Subpoenas Denied, Warrant of Attachment Issued and Stayed, Tailoring of Affidavit re: Katz Continued, Motion to Exclude Witnesses Granted, Today's Testifying Witnesses Released Subject to Recall on August 16, 2004; Motion to Seal Opposition to Motion to Suppress (Part 1) and the Reply to Motion to Suppress (Part 1) Granted, Today's

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Exhibits Conditionally Sealed; Motion to Continue Trial Granted Subject to Filing New Time Waiver of Defendant, Nov. 5, 2004 Status Conference re: Discovery, Motion to Seal Motion to Continue Trial and Motion to Seal Response to Motion to Continue Trial Granted, Motion to Seal Search Warrant 5048A Granted, Motion to Seal Motion to Suppress (Part 2) Granted, Bail Review Hearing, Search Warrant Numbers, Media Presence at Phone Conferences Under Submission, Hearing Dates and Times.

At 8:30 A.M. with Court, Counsel and Research Attorneys Jed Beebe and Tracy Splitgerber present, hearing proceeded.

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

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

Counsel present for the Media: Theodore Boutrous.

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

Attorney Mesereau made his opening argument to the Court as to the 995 P.C. motion.

Attorney Auchincloss made his closing argument to the Court as to the 995 P.C. motion.

Attorney Mesereau made his closing argument to the Court as to the 995 P.C. motion.

The Court shall take the Motion to Set Aside the Indictment (995 P.C.) under submission and will issue a written order.

The Court heard arguments on the Motion to Unseal the Grand Jury Transcript.

Attorney Boutrous made his argument to the Court to unseal portions of the Grand Jury Transcript

Attorney Franklin made his argument to the Court to keep the Grand Jury Transcript sealed.

Attorney Mesereau made his argument to the Court to keep the Grand Jury Transcript sealed.

The Court orders that the motion to Unseal the Grand Jury Transcript shall be denied; that the Court will issue findings and an order in writing.

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The Court heard arguments to the Court on the Motion to Seal Opposition to Motion to Set Aside the Indictment and the Motion to Seal Reply to the Motion to Set Aside the Indictment.

Attorney Boutrous made his argument to the Court to unseal said documents.

The Court further orders that the motions to Seal the Opposition and the Reply to Set Aside the Indictment shall be granted; that the Court will issue findings and an order in writing.

The Court heard arguments to the Court on the Motion to Quash Certain Subpoenas.

Attorney Franklin addressed the Court and advised the Court that Mr. Dickerman has not agreed to appear. Other subpoenaed individuals have agreed to appear at a later date. The Court advised Counsel that the Court is willing to sign subpoenas.

Attorneys Sanger and Zonen also addressed the Court regarding the Motion to Quash Subpoenas.

The Court further orders that the Motion to Quash Certain Subpoenas shall be denied; that the party issuing the subpoena shall determine what they want to do if a witness refuses to comply with the subpoena.

At the request of Counsel for the Defendant, the Court further orders that a warrant of attachment for failure to appear shall issue for William Dickerman; that bail shall be set at \$5,000.00; that the warrant of attachment shall be stayed until August 6, 2004; that a phone conference shall be held on August 6, 2004 at 9:30 A.M. to determine Mr. Dickerman's availability, to determine whether the warrant of attachment shall issue and for an update on Mrs. Doe's medical condition.

The Court heard arguments to the Court on the Motion to Seal Motion to Quash Certain Subpoenas.

Attorney Boutrous made his argument to the Court to unseal the Motion to Quash Certain Subpoenas.

The Court further orders that the Motion to Seal the Motion to quash Certain Subpoenas shall be granted; that the Court will issue findings and an order in writing.

The Court finds that the affidavit re: Katz was overbroad; that the Court reserves the issue of tailoring the affidavit and the issue shall be further heard on August 6, 2004 at 9:30 A.M.

The Court heard evidence on the Motion to Suppress Evidence (Part 1) (1538.5 P.C.).

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Counsel for the Defendant made a motion to exclude witnesses.

The Court orders that the motion to exclude witnesses shall be granted; that Detective Steve Robel shall remain in the Courtroom as the investigating officer to assist the People.

Paul Zelis sworn and examined as a witness on behalf of the Defendant.

Attorney Cochran examined the witness.

The following Defendant's Exhibits Marked for Identification:

- 1 Sheriff Item 200 – Corresponded to Other Documents Provided by Jane Doe to Sgt. Steve Robel and Det. Paul Zelis on 5-06-03
- 2 Letter from Dickerman to Geragos Dated 3-26-03
- 3 Letter from Dickerman to Geragos Dated 4-08-03
- 4 Letter from Dickerman to Geragos Dated 4-03-03
- 5 Letter from Dickerman to Geragos Dated 4-09-03
- 6 Letter from Dickerman to Geragos Dated 4-11-03
- 7 Letter from Geragos to Dickerman Dated 4-15-03
- 8 Letter from Dickerman to Geragos Dated 4-22-03
- 9 Letter from Dickerman to Geragos Dated 5-12-03
- 10 Letter from Dickerman to Geragos Dated 5-15-03
- 11 Letter from Geragos to Dickerman Dated 5-15-03
- 12 Letter from Geragos to Dickerman Dated 5-17-03
- 13 Letter from Dickerman to Geragos Dated 5-20-03
- 14 Letter from Dickerman to Geragos Dated 5-29-03
- 15 Letter from Geragos to Dickerman Dated 6-02-03
- 16 Letter from Miller to Dickerman Dated 6-12-03
- 17 Report of Sgt. Steve Robel Dated 9-10-03
- 18 Memorandum of Tom Sneddon Dated 11-10-03
- 19 Affidavit in Support of Search Warrant Dated 11-03.

The following Defendant's Exhibits Received into Evidence:

2 through 19.

At 11:55 A.M. the Court ordered a recess until 1:30 P.M.

At 1:30 P.M. with Court and Counsel present, hearing continued.

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Further examination of Paul Zelis as a witness on behalf of the Defendant continued.

Attorneys Cochran and Zonen examined the witness.

Steve Robel sworn and examined as a witness on behalf of the Defendant.

Attorney Sanger and Zonen examined the witness.

Rod Forney sworn and examined as a witness on behalf of the Defendant.

Attorneys Cochran and Zonen examined the witness.

The following Defendant's Exhibits Marked for Identification:

- 21 Report of Det. Forney Dated 11-19-03
- 22 Inventory of Items Seized from Offices of Brad Miller, Dated 11-18-03.

The following Defendant's Exhibit Received into Evidence:

22.

The following People's Exhibits Marked for Identification and Received into Evidence:

- 24 Photo of Plastic Storage Container
- 25 Photo of Mr. Miller's Office Showing Desk and Plastic Storage Container
- 26 Photo of Mr. Miller's Office Showing Check Stub and Billing Summary
- 27 Photo of Mr. Miller's Conference Room with Computer
- 28 Photo of Close Up of Video Tapes
- 29 Photo of Close Up of Video Tapes
- 30 Photo of Entertainment Center in Conference Room
- 31 Photo of Entertainment Center After Search.

The following Defendant's Exhibit Marked for Identification and Received into Evidence:

- 20 Warrant for Search of Brad Miller's Office Dated 11-16-03.

William Caldwell sworn and examined as a witness on behalf of the Defendant.

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Attorneys Cochran and Zonen examined the witness.

The following Defendant's Exhibit Marked for Identification and Received into Evidence:

23 Diagram of Brad Miller's Office by Sgt. Caldwell.

The Court orders that all witnesses that testified today are released subject to recall on August 16, 2004.

David Tonello sworn and examined as a witness on behalf of the Defendant.

Attorneys Sanger and Zonen examined the witness.

The following Defendant's Exhibit Marked for Identification and Received into Evidence:

32 Stipulation re: Testimony of Beverly Hills Police Department Officer Roy Tinkler in Lieu of Personal Appearance.

The Court heard arguments to the Court on the Motion to Seal Opposition to Motion to Suppress (Part 1) and the Motion to Seal Reply to Motion to Suppress (Part 1).

Attorney Boutrous made his argument to the Court to unseal the Opposition to Motion to Suppress (Part 1) and to unseal the Reply to Motion to Suppress (Part 1).

The Court further orders that the Motion to Seal Opposition to Motion to Suppress (Part 1) and the Motion to Seal Reply to Motion to Suppress (Part 1) shall be granted; that the Court will issue findings and an order in writing.

Upon request of Attorney Sanger, the Court further orders that the Exhibits from today's hearing shall be conditionally sealed pending a Motion to Seal Exhibits.

The Court further orders that the Motion to Continue the Trial shall be granted; that the trial shall be continued to January 31, 2005 at 8:30 A.M., subject to the Defendant submitting a time waiver through February 2005.

The Court further orders that a status conference shall be held on November 5, 2004 at 8:30 A.M.; that Counsel shall file and serve notice of any outstanding discovery problems a minimum of 15 days prior to November 5, 2004; that Counsel shall meet and confer in person at least five days prior to November 5, 2004 to try and resolve any discovery problems.

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The Court heard arguments to the Court on the Motion to Seal Motion to Continue Trial and Motion to Seal Response to Motion to Continue Trial.

Attorney Boutrous made his argument to the Court to unseal the Motion to Continue Trial and the Response to Motion to Continue Trial.

The Court further orders that the Motion to Seal Motion to Continue Trial and Motion to Seal Response to Motion to Continue Trial shall be granted; that the Court will issue findings and an order in writing.

The Court heard arguments to the Court to Motion to Seal Search Warrant 5048A.

Attorney Boutrous made his argument to the Court to unseal Search Warrant 5048A.

The Court orders that the Motion to Seal Search Warrant 5048A shall be granted; that the Court will issue findings and an order in writing.

The Court heard arguments to the Court to Motion to Seal Motion to Suppress (Part 2).

Attorney Boutrous made his argument to the court to unseal Motion to Suppress (Part 2)

The Court orders that the Motion to Seal Motion to Suppress (Part 2) shall be granted; that the Court will issue findings and an order in writing.

The Court reiterated the Court's request to Defense Counsel to send a redacted version with all papers submitted to the Court.

The Court advised Counsel that according to the Court of Appeals web site, the bail issue has been remanded to this Court. However, the Court has not received any documents or remittitur from the Appeals Court.

The Court further orders that if documents are received from the Court of Appeals, the matter of bail will be heard on August 16, 2004.

Attorney Sanger addressed the Court re: Search Warrants and returns that they have not yet received.

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Attorney Franklin addressed the Court and advised Counsel that two of the Search Warrants have been sealed due to confidential informants being mentioned.

The Court further orders that a list of the Search Warrant numbers for the Jackson case shall be provided to both sides; that Counsel for the Defendant shall provide the District Attorney with a list of Search Warrants they don't have; that at the next phone conference, the Defense Counsel shall advise the Court of the Search Warrants they don't have.

Attorney Boutrous addressed the Court with a request that a media representative be present for phone conferences.

The Court shall take Attorney Boutrous' request under submission.

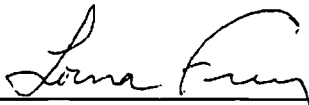
The Court further orders that the hearing set for August 16, 2004 shall commence at 10:00 A.M.; that if the hearing continues on into Tuesday and Wednesday, the commencement time shall also be at 10:00 A.M.; that if the hearing continues on into Thursday and Friday, the commencement time shall be at 8:30 A.M.

At 4:25 P.M. Court adjourned.

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

Following the Court adjournment, the Clerk provided Attorney Franklin and Attorney Sanger with a list of the Search Warrants that have been issued in this case.

CLERK OF THE SUPERIOR COURT

BY 
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 JULY 30, 20 04, I served a copy of the attached MINUTE ORDER, DATED 7/27/04 addressed as follows:

THOMAS W. SNEDDON, DISTRICT ATTORNEY
DISTRICT ATTORNEY'S OFFICE
1105 SANTA BARBARA STREET
SANTA BARBARA, CA 93101

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

X FAX

By faxing true copies thereof to the receiving fax numbers of: 805-568-2398 (DISTRICT ATTORNEY); 310-861-1007 (THOMAS A. MESEREAU, JR). 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 their clerk therein or the person having charge thereof.

 EXPRESS MAIL

By depositing such envelope in a post office, mailbox, subpost 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 TH day of JULY, 20 04, at Santa Maria, California.


CARRIE L. WAGNER