

1 THOMAS W. SNEDDON, JR., DISTRICT ATTORNEY
2 County of Santa Barbara
3 By: RONALD J. ZONEN (State Bar No. 85094)
4 Senior Deputy District Attorney
5 GORDON AUCHINCLOSS (State Bar No. 150251)
6 Senior Deputy District Attorney
7 GERALD McC. FRANKLIN (State Bar No. 40171)
8 Senior Deputy District Attorney
9 1112 Santa Barbara Street
10 Santa Barbara, CA 93101
11 Telephone: (805) 568-2300
12 FAX: (805) 568-2398

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

OCT 08 2004

GARY M. BLAIR, Executive Officer
Carrie L. Wagner
CARRIE L. WAGNER, Deputy Clerk

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SANTA BARBARA
10 SANTA MARIA DIVISION

11
12 THE PEOPLE OF THE STATE OF CALIFORNIA,)

No. 1133603

13 Plaintiff,)

14 v.)

PEOPLE'S RESPONSE TO
DEFENDANT'S MOTION TO
COMPEL DISCOVERY

15)
16 MICHAEL JOE JACKSON,)

17 Defendant.)

DATE: October 14, 2004
TIME: 8:30 a.m.
DEPT.: SM 2 (Mcville)

18)
19)
20)
~~UNCLERK SEAL~~

21 On July 27, 2004, the Honorable Rodney S. Melville made an order setting forth the
22 discovery process in this case.

23 "The court further orders that a status conference shall be held on November 5, 2004, at
24 8:30 a.m.; that counsel shall file and serve notice of any outstanding discovery problems with a
25 minimum of 15 days prior to November 5, 2004; that counsel shall meet and confer in person
26 at least 5 days prior to November 5, 2004, to try and resolve any discovery problems.

27 Although there have been multiple written defense requests for discovery and multiple
28 People's responses documenting compliance, inasmuch as the motion addresses only the

1 defendant's July 22, 2004, request our response will focus on the People's August 12, 2004,
2 response to the defendant's request.

3 As noted in the August 12, 2004, letter response, substantial compliance was agreed
4 upon and noted and those areas of disagreement were documented. The majority of disputed
5 areas were listed in paragraphs 5 and paragraphs 6 of the People's August 12, response.

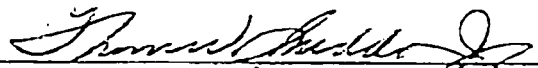
6 As noted in paragraph 6, further dialogue and discussion regarding many of these
7 disputed items were invited. At the time of our response it was thought that many of the
8 defendant's requests were overbroad, vague or ambiguous and further discussion could perhaps
9 have resulted in some narrowing or agreement on at least some of these items. To our
10 knowledge at this point the Defense has made no effort to address the People's concerns or
11 offered any dialogue as to why some of the materials noted are within the provisions of Penal
12 Code section 1054.1 or that they are not "overly broad, vague or ambiguous."

13 Given the court's designated process, both parties have until October 22, 2004, to file
14 and serve notice of any outstanding discovery problems. A meet-and-confer conference is then
15 mandated within five days of the November 5th status conference. The People are assuming
16 that this discovery motion is a precursor to that conference.

17 As previously noted in our August 12, 2004, letter we are willing to enter into a
18 dialogue to further refine some of the disagreements between the parties as to the items noted
19 in paragraphs 5 and 6, but even the defendant's moving papers in this motion are not helpful to
20 this process. The motion simply re-states by way of conclusion without any factual or legal
21 support that the information requested in those paragraphs are within the purview of Penal
22 Code section 1054 et seq. provisions or constitute Brady materials.

23 For the reasons set forth above, this motion requires no action at this time and should go
24 off calendar for November 5, 2004.

25 Dated: October 8, 2004

26 
27 Thomas W. Sneddon, Jr., District Attorney

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3 **PROOF OF SERVICE**

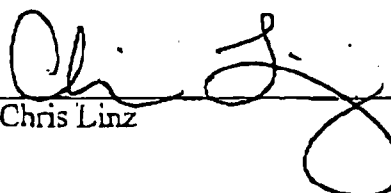
4 STATE OF CALIFORNIA
5 COUNTY OF SANTA BARBARA } SS

6 I am a citizen of the United States and a resident of the County aforesaid; I am over
7 the age of eighteen years and I am not a party to the within-entitled action. My business
8 address is: District Attorney's Office; Courthouse; 1105 Santa Barbara Street, Santa Barbara,
9 California 93101.

10 On October 8, 2004, I served the within PEOPLE'S RESPONSE TO
11 DEFENDANT'S MOTION TO COMPEL DISCOVERY on Defendant, by THOMAS A.
12 MESEREAU, JR., STEVE COCHRAN, ROBERT SANGER, and BRIAN OXMAN by
13 personally delivering a true copy thereof to Mr. Sanger's office in Santa Barbara, by
14 transmitting a facsimile copy thereof to Attorneys Mesereau and Cochran, and by causing a
15 true copy thereof to be mailed to each of them (Mr. Sanger excepted), first class postage
16 prepaid, at the addresses shown on the attached Service List.

17 I declare under penalty of perjury that the foregoing is true and correct.

18 Executed at Santa Barbara, California on this 8th day of October, 2004.

19
20 
21 Chris Linz

SERVICE LIST

1
2 THOMAS A. MESEREAU, JR.
3 Collins, Mesereau, Reddock & Yu, LLP
4 1875 Century Park East, No. 700
5 Los Angeles, CA 90067
6 FAX: (310) 284-3122
7 Attorney for Defendant Michael Jackson

8 STEVE COCHRAN, ESQ.
9 Katten, Muchin, Zavis & Rosenman, Lawyers
10 2029 Century Park East, Suite 2600
11 Los Angeles, CA 90067-3012
12 FAX: (310) 712-8455
13 Co-counsel for Defendant

14 ROBERT SANGER, ESQ.
15 Sanger & Swysen, Lawyers
16 233 E. Carrillo Street, Suite C
17 Santa Barbara, CA 93001
18 FAX: (805) 963-7311
19 Co-counsel for Defendant

20 BRIAN OXMAN, ESQ.
21 Oxman & Jaroscak, Lawyers
22 14126 E. Rosscrans Blvd.,
23 Santa Fe Springs, CA 90670
24
25
26
27
28 Co-counsel for Defendant