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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA BARBARA

JUN 29 2004

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*unsealed, pursuant
to Judge's 6/16/05
order*

13 Attorneys for Defendant MICHAEL JOSEPH JACKSON
14

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION
17

18 THE PEOPLE OF THE STATE OF CALIFORNIA,

) Case No. 1133603

19 Plaintiffs,

) NOTICE OF MOTION AND MOTION TO
) SET ASIDE THE INDICTMENT (Penal Code
) § 995); MEMORANDUM OF POINTS AND
) AUTHORITIES

20 vs.

21 MICHAEL JOSEPH JACKSON,

) FILED UNDER SEAL

22 Defendant.

) Honorable Rodney S. Melville

23 Date: July 9, 2004

24 Time: 8:30 am.

25 Dept: SM 2
26
27

28 NOTICE OF MOTION AND MOTION TO SET ASIDE THE INDICTMENT
(Penal Code § 995)

ORIGINAL

TO THE CLERK OF THE ABOVE ENTITLED COURT AND TO THE DISTRICT
2 ATTORNEY OF THE COUNTY OF SANTA BARBARA, TOM SNEDDON, AND DEPUTY
3 DISTRICT ATTORNEYS RON ZONEN, GERALD FRANKLIN AND GORDON
4 AUCHINCLOSS:

5 PLEASE TAKE NOTICE that Defendant Michael J. Jackson hereby moves and on July 9,
6 2004, at 8:30 a.m., or as soon thereafter as the matter may be heard, in the above-entitled court, will
7 move the Court for an order setting aside the indictment filed on April 30, 2004, or for such other
8 and further relief as the Court may deem just and proper.¹ Relief is required because: (1) the lawful
9 evidence presented to the grand jury was insufficient to show the requisite probable cause of the
10 elements of the crime charged; (2) that the lawful evidence received by the grand jury did not create
11 a strong suspicion that the crimes of conspiracy to commit child abduction, false imprisonment and
12 extortion, lewd act upon a child, attempt to commit a lewd act upon a child, and administering an
13 intoxicating agent to assist in commission of a felony occurred; and (3) the government's conduct
14 before the grand jury proceedings and the introduction of testimony inadmissible over objection at
15 trial was so prejudicial as to require the entire indictment to be set aside.

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26 ¹Petitioner makes this motion pursuant to Penal Code § 995 at the earliest time practicable given
27 the timing of the arraignment on the indictment and the excessive length of the grand jury
28 transcript. Mr. Jackson intends to address other issues pertaining to the government's conduct
and to the proceedings before the grand jury at a subsequent time.

1 The motion will be based on this Notice of Motion, the Memorandum of Points and Authorities
2 served and filed herewith, the grand jury transcript, such supplemental memoranda of points and
3 authorities as hereafter may be filed with the court, all pleadings and documents heretofore filed with
4 the Court and such oral argument as may be presented at the hearing on the motion.

5 Dated: June 29, 2004

6 COLLINS, MESEREAU, REDDOCK & YU
7 Thomas A. Mescreau, Jr.
8 Susan C. Yu
9 KATTEN MUCHTN ZAVIS ROSENMAN
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By: 

Robert M. Sanger
Attorneys for
MICHAEL JOSEPH JACKSON

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 INTRODUCTION

3 The grand jury proceeding leading up to the indictment of Michael Jackson was
4 remarkable. The transcripts reveal a complete disregard on the part of the prosecutor for his
5 duties to present evidence fairly and accurately and to behave in a fashion that would have been
6 approved by a judge.

7 Information was freely conveyed to the grand jurors without regard to the rules of
8 evidence. The prosecutors bullied and argued with witnesses. The prosecutors became involved
9 in what appeared to be personal arguments with other witnesses. At least once, the prosecutor
10 vouched for his own version of events while not under oath and accused witnesses of lying.
11 Witnesses were told not to provide information to the defense. Prosecutors suggested without
12 foundation that Mr. Jackson's defense investigation is improper. The prosecutors ran the
13 proceedings as if they employed the grand jurors. They proceeded by innuendo and sarcasm,
14 impugning Mr. Jackson by ridiculing those allegedly associated with him and even those who
15 sought to legally represent him.

16 Mr. Jackson is a celebrity, however, as this court has duly noted, he is entitled to due
17 process and fundamental fairness like everyone else. He is entitled to no more, but no less
18 consideration, than anyone else who stands accused by the government. Here, the prosecutors
19 allowed themselves to act in a fashion that, one would hope, they would not act in any other case.
20 It is up to the Court at this time to look critically and dispassionately at the manner in which this
21 grand jury proceeding was conducted and call it for what it is.

22 Taking only one example from dozens, no Court has ever condoned the kind of grand jury
23 decorum exhibited by Mr. Sneddon during an exchange with witness Henry Russell Halpern:

24 Q Did you at the time that you heard that these serious charges had been leveled
25 against a worldwide known entertainer, ever come to the DA's office and say,
26 "Hey, Mr. Sneddon, I've got these scripts," or, "I heard about these scripts," or,
"You might want to know this." Did you ever do that before you went on national
TV?

27 A No. I found the DA's office to be hostile when I called. I found the head DA,
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1 that being yourself, to be very uncooperative.

2 In fact, I called your office in the beginning to find out whether my client's son
3 was the person who was charged with molestation. You initially refused to tell
4 me. I asked you if my client's son was dying. You initially refused to tell me. It
5 was only after I told you that I might have to tell the press of your reaction that
6 you called back and then told me.

7 I found your attitude, conduct to be very hostile, and not a office that would be
8 wanting to hear from me, period.

9 Now, I have other information. And if you want to ask me other information, I'll
10 provide -

11 Q That is a total - that is not the way that conversation went and you know it.

12 A You know it too.

13 Q I explained to you why at that time we couldn't tell who the victim was.
14 Because nobody knew the family at that time, did I not?

15 A No, you didn't.

16 Q And then you said, "Wouldn't you as the father want to know if the child was
17 sick?" And I said to you, "Okay. I'm going to tell you." And I did tell you the
18 child was fine, did I not?

19 A I'll tell you, I remember the conversation specifically because I took notes.

20 Q So do I.

21 (RT 715:19-716:25.)

22 The transcript reveals that Mr. Sneddon was personally upset by the fact that Mr. Halpern
23 had embarrassed him by making public statements to the media. Mr. Sneddon, through bullying
24 tactics, inadmissible evidence, and his own personal vouching for his version of events, wanted
25 to destroy this witness and establish to the captive grand jurors that he, Tom Sneddon, was the
26 victor. This was an outrageous display of power that would not be allowed before a judge in any
27 open court.

28 There is no case in the history of the State of California that has condoned anything like
the abuse of power demonstrated in this grand jury proceeding. It is a paradigm of what a
prosecutor is not allowed to do behind closed doors and a case in which the indictment must be
set aside.

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1 PROCEDURAL SUMMARY

2 The District Attorney officially commenced this action on November 18, 2003, with a
3 massive, media-covered search conducted at Mr. Jackson's home and other locations. On
4 November 19, 2003, the District Attorney held a press conference to announce an arrest warrant
5 alleging violations of Penal Code § 288 (a). Mr. Jackson voluntarily surrendered to the Santa
6 Barbara County Sheriff on November 20, 2003.

7 The District Attorney filed a complaint on December 18, 2004. The complaint alleged
8 seven counts of Penal Code § 288(a) and two counts of Penal Code § 222.

9 Mr. Jackson appeared for arraignment on the complaint on January 16, 2004 and entered
10 pleas of not guilty. In March 2004 the prosecution convened a grand jury in lieu of a preliminary
11 hearing. After hearing 12 days of evidence and a day of argument presented by the District
12 Attorney, the grand jury returned an indictment on April 21, 2004. The indictment alleged
13 violations of Penal Code §§ 182, 288(a), 664 and 222.

14 Mr. Jackson appeared for arraignment on the indictment on April 30, 2004. He entered a
15 plea of not guilty to all counts.

16 THE SO-CALLED FACTS PRESENTED TO THE GRAND JURY

17 The grand jury proceedings in this matter spanned from March 29, 2004 to April 21,
18 2004, producing an eight-volume transcript of more than 1900 pages. Much of what was
19 presented was inadmissible over objection at trial.

20 **A. BACKGROUND**

21 Star Arvizo ("Star") testified that he is the son of Janet Ventura Arvizo ("Mrs. Arvizo")
22 and David Gavino Arvizo ("David"), and a younger sibling of Gavin Arvizo ("Gavin") and
23 Davellin Arvizo ("Davellin"). He currently lives with Jay Daniel Jackson ("Jay"). (RT 103-
24 104.)

25 Star testified that Gavin was diagnosed with cancer when Star was in the fourth grade.
26 Gavin dropped out of school as a result and went to the Kaiser Permanente Hospital on Sunset
27 Boulevard in Los Angeles, California. At that time, Star was living with Gavin, Davellin, Mrs.

1 Arvizo, and David in a one bedroom apartment. (RT 107-109.)

2 Star testified that while Gavin was ill, Gavin was interested in meeting Michael Jackson,
3 Chris Tucker, and Jim Carrey. "Jaime Masada granted his wish." Star was in the hospital room
4 with Gavin on two occasions when Michael Jackson called Gavin in the hospital. He was also
5 present with Gavin when Michael Jackson called Gavin at Mrs. Ventura's home. (RT 110.)

6 Davellin Arvizo, Star and Gavin's sister, testified that Gavin met Mr. Jackson through
7 Jamie Masada. (RT 233.)]

8 Gavin Arvizo testified that she met Mr. Jackson through "this one lady" or a man named
9 Jamie Masada. He knew Mr. Masada from comedy camp. Mr. Masada would come and visit
10 him in the hospital frequently. At some point while he was in the hospital, he received a call
11 from Mr. Jackson. He had other conversations with Mr. Jackson while he was at the hospital and
12 at his grandparents house. (RT 340-349.)

13 Gavin Arvizo testified that his grandmother does not speak English but his grandfather
14 does speak English. When he was in the hospital he would take trips to his grandparents home,
15 or to Neverland. (RT 341-344.)

16 David Arvizo, the father of Davellin, Gavin and Star, and former husband of Janet
17 Arvizo, testified that Gavin, and the rest of the Arvizo family, knew Mr. Jackson prior to his
18 illness. Gavin was taught tap and performing by people who taught Mr. Jackson. (RT 672-673.)

19 Janet Ventura Arvizo testified that she was also known as Janet Arvizo. At the time of
20 her testimony, she was living in West Los Angeles with Jay, Gavin, and Star. Mrs. Arvizo's
21 daughter, Davellin, lived with Mrs. Arvizo's parents. She was previously married to David
22 Arvizo. (RT 916-917; 919.)

23 Mrs. Arvizo testified that Gavin became ill with cancer in June 2003. He became very ill
24 for nearly a year, undergoing chemotherapy and radiation. Doctors frequently told Mrs. Arvizo
25 that Gavin would die. (RT 921-923.) As a result, Gavin has a reduced immune system and has
26 to take medications on a regular basis. Gavin went into remission approximately one year after
27 he was diagnosed, and still went back for regular appointments. (RT 924-925.)

1 Mrs. Arvizo testified that she met Jamie Masada, the owner of the Laugh Factory,
2 through a comedy camp that Gavin and Star attended. Mr. Masada called once in a while
3 thereafter to see how the children were. When Gavin became ill, Mrs. Arvizo called Mr.
4 Masada. Mr. Masada brought a number of celebrities to visit Gavin, including George Lopez and
5 Chris Tucker. Chris Tucker, in turn, brought his girlfriend and their baby. (RT 925-926; 928-
6 930.)

7 Mrs. Arvizo testified that Gavin expressed a desire to meet Michael Jackson at some
8 point. Mrs. Arvizo was present on at least one occasion when Mr. Jackson called Gavin at Mrs.
9 Arvizo's parents' home. Gavin frequently spent hours talking to Mr. Jackson. (RT 930-933.)

10 Jamie Masada, owner of the Laugh Factory comedy club, testified that he has a comedy
11 camp for underprivileged kids. Star, Gavin and Davellin Arvizo attended the camp. At some
12 point, he received a call from Janet Arvizo. She told him that Gavin had been diagnosed with
13 cancer. He visited him in the hospital almost every day and tried to take a comedian with him
14 every day. At some point while Gavin was in the hospital, he asked Mr. Masada to introduce
15 him to Mr. Jackson. Mr. Masada did not know Mr. Jackson. He told Gavin that he would
16 introduce him to Mr. Jackson. He called Neverland and made the request. Mr. Jackson called
17 Gavin on the next day. (RT 296-305.)

18 Azja Pryor testified that she is the mother of Chris Tucker's son. Chris Tucker is an actor
19 and comedian who has appeared in movies. Azja met Star, Gavin, and Davellin through Mr.
20 Tucker in October of 2000 when Mr. Tucker brought them to Azja's home. Azja did not meet
21 Mrs. Arvizo until July or August of 2001. (RT 799-801.)

22 Azja Pryor testified that she was aware that Gavin had cancer because she knew that Mr.
23 Tucker met the Arvizo children while doing a benefit for Gavin at the Laugh Factory. Azja and
24 Mr. Tucker would "take the kids out from time-to-time, more so Chris than [Azja]." Azja and
25 Mr. Tucker liked to take the Arvizo children out and "let them experience some fun" because
26 they wanted to help Gavin enjoy himself. (RT 801-802.)

27 Azja testified that she first met Mrs. Arvizo at a press junket at a Beverly Hills hotel in
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1 July or August of 2001. Azja was there with Mr. Tucker and Mrs. Arvizo was there with the
2 Arvizo children. Thereafter, Azja would talk to Mrs. Arvizo sporadically "once or twice a week,
3 and then [Azja] might go for four months without talking to [Mrs. Arvizo] on the phone." Azja
4 saw Mrs. Arvizo about five times total. Azja and Mrs. Arvizo were not friends, but they "did
5 have a relationship where [they] could talk to one another, where [Azja] mainly listened to [Mrs.
6 Arvizo] talk." (RT 802-803.)

7 **B. THE FIRST VISIT TO NEVERLAND**

8 Star testified that he visited Neverland Ranch sometime before Christmas while he was in
9 fifth grade. He and his family, including Mrs. Arvizo, David, Gavin, and Davellin, were taken
10 from his grandmother's house to Neverland Ranch in a limousine. It was still light when they
11 arrived. Star said that when he arrived, there was music playing and "[c]hefs and the cooks were
12 in line at the front door." (RT 111.)

13 Star testified that, about an hour after he arrived at Neverland Ranch, he saw Mr. Jackson
14 while walking through the kitchen hallway. Star said that "we all hugged him and we said hello,
15 and nice to meet him." Star noticed that Mr. Jackson had tape over his nose at the time. Star
16 said that Mr. Jackson "wanted to see if we know how to drive the carts . . . so I jumped in one of
17 the carts . . ." Star said that Mr. Jackson sat in the cart with him and Gavin was in a customized
18 golf cart with Frank Tyson. After going around a trail one time, Mr. Jackson left Star for the
19 remainder of the day. Star, Gavin, and David slept in a room in the guest house that night. (RT
20 112-113.)

21 Star testified that Mr. Jackson gave Gavin a computer and a couple of DVDs sometime
22 after noon on the next day. Later that evening, Mr. Jackson asked Gavin to ask his parents if
23 Gavin could "sleep in -- sleep with Michael." Gavin then asked Star to join him in Mr. Jackson's
24 room. At some point, Gavin asked Mrs. Arvizo and David for permission and they agreed. (RT
25 114-115.)

26 Star testified that when he entered Mr. Jackson's bedroom later that evening, it was the
27 first time that he had ever been there. Star said that Mr. Jackson's room is unusual when you go
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1 into it because:

2 There's a bell, there's a sensor. And there's a hallway, and there's a, like -
3 - like, you know, stuff they see where if you're stealing or not, okay. It's like
4 detectors, okay. You know how you're leaving the supermarket and there's a -
5 detective things to see if you're stealing items or something . . . It was like
6 those, two of them on the side of the door. And there's a key pad to type in the
7 code to open his door.

8 (RT 115-116.)

9 Star testified that there are also seven locks on Mr. Jackson's bedroom door. Mr.
10 Jackson's bed is located in the "second top floor" of his bedroom, accessible "by walking
11 through another door and making a left and going up the stairs." (RT 116-117.)

12 Star testified that Prince Jackson (Mr. Jackson's eldest son), Paris Jackson (Mr. Jackson's
13 daughter), Frank Tyson, Gavin, Mr. Jackson and he were in Mr. Jackson's bedroom on the
14 second night of Star's first time at Neverland Ranch. Gavin had his computer in the room. It
15 was "sort of like" Mr. Jackson's and Frank's idea to go on pornography sites. There was a
16 picture of a woman with her shirt up and Mr. Jackson said, "Got Milk?" Mr. Jackson leaned
17 over to Prince and said, "Prince, you're missing some pussy." They looked at five websites and
18 all of them showed nude girls. (RT 118-120.)

19 Star testified that Mr. Jackson set up "like a sleeping bag for himself at the foot of the
20 bed, on the bottom" and "Frank set up a sleeping bag to the right of the bed by the floor." Star
21 and his brother were on the bed, along with Paris and Prince. Nothing else happened that night.
22 They got up at 6:00 a.m. and left Neverland. Star testified that he went back to Neverland with
23 his brother and his father a couple of weeks later. Mr. Jackson was not there. (RT 120-122.)

24 Star testified that the first time he slept in Mr. Jackson's room was the first time he was at
25 Neverland. His parents were both there. That was the last night of the first visit. On the first
26 visit, he slept both in the cottage and in Mr. Jackson's bedroom at least one night. He went to
27 Neverland a total of about 20 times while Gavin had cancer. There were no trips to Neverland

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1 where Mrs. Arvizo was there but David was not, prior to the Miami trip. There was a five month
2 period where he did not go to Neverland. The first trip after that period was for Chris Tucker's
3 son's birthday.(RT 1554-1558.)

4 Davellin testified that her whole family visited Neverland, the first time Gavin was there,
5 including Mrs. Arvizo, David, Star and Davellin. Davellin stayed in a guest room that night.
6 Mrs. Arvizo and David were in a separate guest room. In between the time of their arrival and
7 dinner, her brothers were hanging out with Mr. Jackson. During dinner, Gavin asked David and
8 Mrs. Arvizo if he could stay in Mr. Jackson's room. They said it was fine. Star also stayed with
9 him. (RT 229-238.)

10 Davellin testified that Mr. Jackson gave a white Bronco to Gavin. At some point it
11 wouldn't start so "they" took it back. She didn't hang out with Mr. Jackson during the first visit
12 to Neverland. She never went into Mr. Jackson's bedroom. (RT 239- 244.)

13 Gavin testified that a limousine took him to Neverland. Mr. Jackson greeted his family
14 and then left to do something. He has met Frank Tyson. The first visit to Neverland lasted 3 to 5
15 days. He slept in Mr. Jackson's room with Mr. Jackson, his brother and Mr. Tyson. He doesn't
16 remember if this was the first or second night. He asked his parents permission to sleep in the
17 room and they said yes. He received a computer from Mr. Jackson, and some DVDs, during his
18 first visit. Frank went on the internet on the computer and visited websites that contained
19 pictures of undressed women. Frank and Mr. Jackson slept on the floor that night while Gavin
20 and Star slept on the bed. (RT 349-358.)

21 Gavin testified that he visited Neverland about 10 times with his father. Star was there
22 some of those times. He did not sleep in Mr. Jackson's room during those visits. He sometimes
23 visited Neverland with Chris Tucker, who he met through Jamie Masada. He went to Neverland
24 with Mr. Tucker "about twice." He also flew to a Raider game with Mr. Tucker on a plane. (RT
25 358-366.)

26 Gavin testified that he visited Neverland six or seven times while he had cancer. He slept
27 in Mr. Jackson's room one time while he was ill and on the other occasions he slept in a guest
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1 room. There were no molestations and he was not drinking alcohol during this period. There
2 was a period of time where he did not go to Neverland up until the Bashir taping in February.
3 He also went to Neverland for Chris Tucker's birthday and doesn't remember if that was before
4 or after the Bashir tape. (RT 1512-1520.)

5 David Arvizo testified that the first time they visited Neverland was when Gavin was ill.
6 On either the first or second trip to Neverland, the whole family drove up in a limo. The subject
7 of the boys sleeping in Mr. Jackson's room was not discussed. He couldn't leave Gavin alone,
8 even with his own brother, because of his illness. It would disturb him to hear that Gavin and
9 Star testified that he gave permission for them to sleep in Mr. Jackson's room. He took Gavin to
10 meet Mr. Jackson at the Universal Hilton Hotel and was with Gavin for the entire meeting. (RT
11 670-677.)

12 Mrs. Arvizo testified that Mr. Jackson first met Gavin when Gavin, Star, Davellin, and
13 David went to Neverland in the end of August, 2000. (RT 932.) The Arvizos stayed at
14 Neverland for at least two, but less than 10 days. Mrs. Arvizo, David, and Davellin stayed in the
15 guest houses. Star and Gavin stayed with Mr. Jackson from the very first day. Gavin asked
16 David if Gavin and Star could stay with Michael. David gave his permission. Mrs. Arvizo
17 understood that to mean that Gavin and Star would be staying in the main house, but not in the
18 same room with Mr. Jackson. Although Mrs. Arvizo had been in the main house at Neverland,
19 she never entered Mr. Jackson's room. (RT 936-940.)

20 Mrs. Arvizo testified that she did not come to understand that Gavin and Star had been
21 sleeping in Michael Jackson's room "till now." The children's seemed to enjoy their first visit to
22 Neverland. Mrs. Arvizo had no indication "that anything [was] amiss," though "it just didn't feel
23 right." Gavin and Star went back to Neverland with David on other occasions, but Mrs. Arvizo
24 did not, until Chris Tucker's baby had a birthday in 2003. (RT 941-942.)

25 Mrs. Arvizo testified that David took Gavin to a hotel to visit Mr. Jackson without Mrs.
26 Arvizo's permission, but wouldn't tell Mrs. Arvizo what was going on. Although Mrs. Arvizo
27 did not know when this occurred, Gavin was still sick at the time. Mrs. Arvizo was not able to
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1 estimate the number of times that David took Gavin and Star to Neverland after that first visit.
2 (RT 943-944.)

3 Mrs. Arvizo testified that at some point she became concerned because Gavin was
4 spending "a lot of hours talking to him." Mr. Jackson would separate Gavin from talking to
5 Davellin and Star. (RT 945.)

6 Mrs. Arvizo testified that the children spent little time at Neverland in 2001. Then, in
7 spring of 2002, Chris Tucker and Azja invited Star, Gavin, and Davellin to go to Neverland.
8 Almost immediately after the children returned, Mr. Jackson asked that if the children could
9 come back, and he was not going to be there." Mr. Jackson sent a driver to pick up the Arvizo
10 children who returned to Neverland without David or Mrs. Arvizo. Shortly after the children
11 returned from that trip, Chris Tucker and Azja invited the children and Mrs. Arvizo back to
12 Neverland for Mr. Tucker's baby's birthday. The Arvizo children enjoyed being at Neverland.
13 (RT 946-950.)

14 Mrs. Arvizo testified that her first visit to Neverland was in August of 2000. They did
15 not visit Neverland in 2001. (RT 1157.) The next visit to Neverland was in Spring of 2002.
16 They went back to Neverland in August of 2002. She was in Miami on February 6, 2003, when
17 the Bashir tape aired on ABC. (RT 1158-1159.)

18 Mrs. Arvizo testified that Mr. Jackson gave Gavin a number of gifts, including a
19 computer and a Ford Bronco. At some point thereafter, both the Bronco and computer stopped
20 working, and Mr. Jackson promised to fix each in turn if Gavin would visit him. Mrs. Arvizo
21 refused, and Gavin never got the items back. (RT 932-936.)

22 **C. THE BASHIR TAPING, BROADCAST AND THE TRIP TO MIAMI, FLORIDA**

23 Star testified that Mr. Jackson called Gavin and wanted Gavin to go to the ranch by
24 himself. Gavin insisted that Star come, too, and Davellin went also. The three of them took a
25 limousine. When they got there, Mr. Jackson spoke with Gavin. Star and his sister were waiting
26 somewhere and all he remembers is "they started filming." Mr. Jackson and Gavin were in the
27 film. Star was in the film while he was talking to Mr. Jackson. He didn't know "they were
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1 filming us." They were showing "them" a cadence that they learned at sea cadet boot camp.

2 They stayed there one night, but Mr. Jackson left. (RT 123-128.)

3 Star testified that the next contact his family had with Mr. Jackson was a couple of
4 months later. Mr. Jackson called their residence, which was a one bedroom apartment they lived
5 at with Jay Daniel Jackson (Janet Arvizo's boyfriend.). Mr. Jackson talked to Gavin and wanted
6 Gavin to fly down to Miami for a press conference. Gavin asked for Star, Davellin and Mrs.
7 Arvizo to go to Florida. Chris Tucker decided to fly them there on his private jet. The first time
8 he heard about "Living with Michael Jackson" was when it aired while they were in Florida.
9 When they landed in Florida, they went to the Turnberry Resort. (RT 129-131.)

10 Star testified that when they woke up they went to Mr. Jackson's room with Chris Tucker.
11 Mr. Jackson, Marie Nicole (Frank Tyson's sister), Baby Rubba (Aldo, Frank Tyson's brother)
12 and Davellin were in the room with Gavin, Star and Chris Tucker. Paris and Prince were also in
13 the room. They spent all day in the room. Janet Arvizo didn't come into the room with him at
14 first, but came later, and was there for a long time. (RT 132-134.)

15 Star testified that Mr. Jackson took Gavin into the bedroom at some point. They were in
16 the room for two or three minutes before Star walked in the room. Mr. Jackson and Gavin were
17 "cussing." That was the only time he saw Gavin go into that room on that night. There was talk
18 about "Living with Michael Jackson." They didn't watch it because Mr. Jackson "had all of the
19 televisions turned off." At some point, he said Mrs. Arvizo went downstairs and he thought one
20 of the security guards went down to bring her back to the room. There was not a press
21 conference while they were there, but they thought there was going to be a press conference.
22 There was always someone with them when they went out. (RT 135-138.)

23 Star testified that on the night before they went back to California, Mr. Jackson took
24 Gavin into his room because Star was playing with Prince and Paris. Later that night, Gavin
25 walked out with a soda can with wine in it and was acting funny. They flew to Santa Barbara the
26 next day, on Mr. Jackson's private Lear jet, and then took a stretch Excursion to Neverland. Dr.
27 Farshi, Mrs. Arvizo, the newborn baby's nanny, Grace, Prince, Paris, Marie Nicole, Baby Rubba,

1 Davellin, Gavin, Star and Mr. Jackson were on the plane. (RT 139-142.)

2 Star testified that, on the plane, Gavin sat next to Mr. Jackson and Prince and Paris sat
3 across from Mr. Jackson. Star was sitting behind Gavin, facing the other way. Later, Star
4 switched seats with his sister, and sat at the end of the couch facing the side of Mr. Jackson.
5 Gavin had a can which was filled with wine and so did Mr. Jackson. Mr. Jackson was acting
6 funny. Star took a drink. Mr. Jackson was rotating his head while his tongue was out and licking
7 Gavin's head. Gavin was also acting weird at some points during the flight. (RT 143-145.)

8 Star testified that Mr. Jackson gave Gavin a \$75,000 watch at Neverland. Mr. Jackson
9 also gave Gavin a jacket. When they got to the ranch, Star, Gavin and Mr. Jackson went to Mr.
10 Jackson's room. Mrs. Arvizo and Davellin went to the guest rooms. (RT 146-147.)

11 Star testified that Jesus, who he thought was the head of security at Neverland, drove him
12 and his family to his grandma's house when Mrs. Arvizo wanted to leave. They stayed for a
13 couple of days and then went back to Neverland. (RT 147-148.)

14 Star testified that he drank alcohol on "a lot of occasions" at Neverland after they
15 returned from Miami. Mr. Jackson would give Star, Gavin, Baby Rubba and Maric Nicole
16 alcohol. They were drinking between the time they got back from Miami and they left with
17 Jesus. They would drink wine, Skyy vodka and a bunch of other stuff. (RT 148-149.)

18 Star testified that he went to Miami because Mr. Jackson wanted Gavin to go to Miami.
19 The first time he drank alcohol was on the plane back from Miami. He drank one swallow of
20 wine. His brother was acting differently. His eyes were closed and he was saying things that did
21 not make sense. (RT 1558-1560.)

22 Star testified that Mr. Jackson licked Gavin's head on the plane. He licked Gavin's head
23 on the hair more than once. He did not discuss the licking with anyone at the time and never
24 discussed it, at some later point, with his mother. When they arrived at Neverland after the
25 flight, they stayed there for a month until they went back to their grandmother's house. The first
26 time they left Neverland was with Jesus Salas. He didn't know why they left. Janet Arvizo
27 seemed kind of upset. They went to his grandmother's house where they stayed for a week or a
28

1 couple of days. He and Gavin did a lot of drinking after coming back from Miami. Gavin drank
2 more than he did. Mr. Jackson was there the entire time. Star drank with Mr. Jackson almost
3 every night. Mr. Jackson drank every night. Gavin drank every night. He was spending nights
4 in Mr. Jackson's room with Mr. Jackson, Gavin and Aldo. Aldo was there the entire time until
5 he went back to his grandmother's house. Aldo was drinking as well. (RT 1561-1565.)

6 Star testified that Janet Arvizo was facing Dr. Farshchian, with her back to Mr. Jackson,
7 when he saw Mr. Jackson licking Gavin. He overheard his mother telling Jay Jackson that she
8 saw the licking. (RT 1580-1581.)

9 Davellin testified that the family visited Neverland in November of her Junior year of
10 high school for a taping. A limo picked them up from their East Los Angeles apartment and
11 drove them to Neverland. Gavin taped an interview. When they arrived at Neverland, Gavin
12 spoke to Mr. Jackson in private. She and Star watched the taping. Then the cameras filmed her
13 and her brothers. Star and Gavin were "doing their little marching Navy thing" and she was
14 talking to Mr. Jackson. (RT 245-248.)

15 Davellin testified that she called her mother from a pay phone during her junior year of
16 high school and her mother said they were going to Florida. A car picked her up at the East Los
17 Angeles apartment and she met her family at Chris Tucker's house. Chris Tucker, Mrs. Arvizo,
18 Gavin and Star were on the private jet with her. They went to a resort hotel when they arrived in
19 Miami. They went to Chris Tucker's room and later to their rooms. They went to Mr. Jackson's
20 room the next day, which was on the floor above the room of her, Mrs. Arvizo, Gavin and Star.
21 They arrived at Mr. Jackson's room in the early afternoon. They said hi to everyone, then sat
22 down and watched TV. Mr. Jackson, two nannies, Prince, Paris, and Paris the second (Blanket)
23 were present. Dieter and Ronald were also there. Marie Nicole and Baby Rubba were there.
24 They stayed in Mr. Jackson's room until nighttime. (RT 248- 253.)

25 Davellin testified that Gavin was acting "kind of really hyper" and was more talkative
26 than normal, that afternoon and night. They weren't allowed to watch the Bashir tape. Mrs.
27 Arvizo left the room, because she had a headache, and then a couple of minutes later someone
28

1 down and got her and she came back to the room. They never participated in a press conference.
2 During the Miami trip, Frank Tyson told them not to leave the hotel. (RT 253-256.)

3 Davellin testified that Mrs. Arvizo, Gavin, Star, the two nannies, Mr. Jackson's doctor,
4 Mr. Jackson, Marie Nicole and Baby Rubba were on the plane back to Santa Barbara. Gavin was
5 sitting in front of her and Mr. Jackson was sitting next to him. Mr. Jackson and Gavin had a Diet
6 Coke can. Mr. Jackson scooted it over to Gavin and whispered to him. She never saw the can
7 offered to Star. She slept for an hour or so on the trip. She saw Mr. Jackson hand a watch and a
8 jacket to Gavin on the plane. During this trip, Gavin was wearing the jacket and watch. When
9 they got off the plane in Santa Barbara, a limo picked them up and drove them to Neverland
10 Ranch. It was late when they arrived. She and her mother went to guest rooms and Star and
11 Gavin went off with Mr. Jackson. The next day, she got up and ate and Gavin came and took a
12 shower. (RT 256-259.)

13 Davellin testified that Mr. Jackson would walk in the room occasionally during the
14 discussion of the Bashir tape in Miami. He was very serious about it. (RT 285-286.)

15 She does not remember the subject of her grandparents being brought up. They were
16 told not to watch the Bashir program. Mr. Jackson told them not to watch it. When she first
17 went to Miami, she did not feel threatened. When they were at the ranch, Dieter and Frank told
18 them there were death threats, but did not say who was making the threats. This was before the
19 rebuttal. Frank told them that he could have the family killed, after the rebuttal. Mr. Jackson did
20 not explain why he did not want them to watch the Bashir tape in Miami. (RT 288-292.)

21 Gavin testified that at some point after he visited the ranch with Mr. Tucker he received a
22 call from Mr. Jackson asking him to come to Neverland for "some thing he was filming." He
23 went up to Neverland with Star and Davellin. Mrs. Arvizo was not there. Mr. Jackson
24 introduced him to Martin Bashir. He participated in an interview. He held hands with Mr.
25 Jackson during the interview. He didn't know the Bashir tape would be played around the world.
26 He left Neverland on the day of the filming. He heard on the news about boys sleeping in Mr.
27 Jackson's room a few months after the filming and figured out that they were referring to him

1 because they used his name. He was angry at the media because he thought Mr. Jackson was a
2 good guy. (RT 366-374.)

3 Gavin was in remission during the Bashir taping. He did not talk to Mr. Bashir. (RT
4 1519.)

5 Gavin testified that he received a call from Mr. Jackson asking him to go to Florida to do
6 a press conference. They flew in Chris Tucker's plane because Mr. Tucker wanted to go see Mr.
7 Jackson, as well. Gavin introduced Mr. Tucker to Mr. Jackson. Star, Davellin, Mrs. Arvizo and
8 Mr. Tucker were on the plane with him. They took a limousine to the Turnberry Resort when
9 they arrived in Miami. They went to sleep because they were tired. The next day, they woke up
10 and went upstairs to Mr. Jackson's room. Aldo and Marie Nicole, Frank Tyson's brother and
11 sister, were in the room. Frank came to the room later. Dieter and Ronald were also there. He
12 met with Mr. Jackson in a bedroom twice while he was in Miami. Mr. Jackson gave him a jacket
13 during the second time. (RT 374-379.)

14 Gavin testified that Mr. Jackson gave him wine in a Diet Coke can. He drank one can of
15 wine, which was the most he drank while he was in Miami. He thinks he drank on other
16 occasions while he was in Miami. They flew back on a private plane from Miami. Mr. Jackson,
17 Star, Davellin, Mrs. Arvizo, Marie Nicole, Aldo, the two babies, Prince and Paris were on the
18 plane. It was a "pretty packed plane." Mr. Jackson sat next to him. Davellin sat across from
19 him. People kept switching seats. Mr. Jackson got a soda can, poured it out, and put wine in it.
20 He and Mr. Jackson drank from it. Star drank from it. The can was refilled. Mr. Jackson gave
21 him a watch on the plane. They took a limousine to Neverland when they arrived in California.
22 He and Star asked Mr. Jackson if they could stay in his room that night and they did. (RT 379-
23 388.)

24 Gavin testified that he spoke with Mr. Jackson about going to Miami. Mr. Jackson told
25 him that he wanted him to do a press conference because of "all the stuff they're saying." At this
26 point, nothing occurred that would give him cause to be concerned other than the viewing of
27 pornography on the internet. He thinks he went to Miami in October or November. He first
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1 drank alcohol with Mr. Jackson in Miami. Mrs. Arvizo, Star, Davellin, Chris and Cris Tucker
2 were present, but did not know he was drinking. Mr. Jackson gave him alcohol in a Diet Coke
3 can. Mr. Jackson gave him alcohol frequently after that point. Mr. Jackson gave him alcohol in
4 a can on the plane. If no other adult was present, Mr. Jackson would put the alcohol in a glass.
5 He was intoxicated when he arrived in Santa Barbara. On the plane, they started with one can,
6 but later in the trip, Mr. Jackson poured him his own can. Mr. Jackson gave Star wine on the
7 plane. Star did not take a sip of wine at the hotel. (RT 1520-1525.)

8 Azja Pryor testified that she became aware at some point that Mr. Tucker and the Arvizo
9 children flew to Florida in a private jet in mid-February of 2003. Azja was not on the plane
10 herself, but knew that the Arvizo's were going to Florida in order to leave Los Angeles because
11 Davellin told her that "they were being hounded by the media." Azja did not know why Mr.
12 Tucker was flying to Florida at that time. (RT 804-805.)

13 Jay testified that he was aware that Mrs. Arvizo and her children went to Florida in early
14 February, 2003. They went because they had heard that Gavin was in a documentary with Mr.
15 Jackson. Jay believed that Mrs. Arvizo willingly went to Miami "to do a news, press
16 conference." Jay could not be sure, but thought that Mrs. Arvizo had called him from Miami
17 (but did not express any concerns) and from Neverland after she returned from Miami. (RT 854-
18 855.)

19 Jay Jackson testified that he was a major in the United States Army Reserve on active
20 duty as a personnel services officer. He was stationed at the 311th corps support command at
21 Fort Lewis, Washington. He had been in the military for 22 years. (RT 848-849)

22 Jay testified that he was Mrs. Arvizo's fiancée. He met Mrs. Arvizo and her children
23 through their involvement in the Sea Cadets program. (RT 849.)

24 Jay testified that he and Mrs. Arvizo were living together at his apartment in the
25 Koreatown district in February of 2003. Mrs. Arvizo had her own apartment because she "had a
26 lot of stuff that she wanted to store" and "it gave her a place to go when she was visiting her
27 mom." Mrs. Arvizo would stay at that apartment periodically, but mostly would stay with Jay.

1 (RT 852-853.)

2 Jay testified that he was aware that the Arvizo children had been to Neverland before
3 their return from Miami. Jay had been there himself for Mr. Tucker's son's birthday, though Jay
4 had not met Mr. Jackson. Jay "understood . . . the relationship that the children had with
5 Neverland." (RT 855-857.)

6 Mrs. Arvizo testified that she received a message at her mother's house. Mrs. Arvizo
7 called the phone number left for her and spoke with Evelyn Tavasci, Mr. Jackson's secretary.
8 Mrs. Arvizo said that she ultimately spoke with Mr. Jackson around the time that the Bashir
9 documentary aired in England. This was a unique event. Mrs. Arvizo had only met Mr. Jackson
10 once prior to receiving this phone call: when she first visited Neverland in 2000. The person on
11 the phone told Mrs. Arvizo that "Gavin was in danger" and "they had to do a press conference."
12 The person also told Mrs. Arvizo that people wanted to kill Gavin, but did not say who the
13 people were or why "they" were in danger. (RT 951-956.)

14 Mrs. Arvizo testified that the person that she identified as Mr. Jackson wanted Gavin to
15 fly to Florida by himself. Mrs. Arvizo refused, demanding that Mrs. Arvizo and the other Arvizo
16 children accompany them. She said that she only became willing to go to Florida when she felt
17 that Mr. Jackson "did generally want to protect the kids" because "he's seeing something that
18 [her] children have experienced and its feeling for [her] children." Ms. Tavasci and Mr. Jackson
19 both told Mrs. Arvizo that they were going on a commercial flight. (RT 956-957.)

20 Mrs. Arvizo testified that "Gary" picked up the Arvizos and said that the plans had
21 changed: the Arvizos were to go to "Chris's house" and go with Chris. The Arvizos and Chris
22 flew to Florida alone on a private jet. Mrs. Arvizo spoke with Mr. Tucker at his home before
23 they left, but Mr. Tucker had not heard anything about the threats to the Arvizo children. (RT
24 957-959.)

25 Mrs. Arvizo testified that they arrived at Florida after dark. They stayed at The
26 Turnberry, a big hotel. The Arvizos mostly stayed "in the children and Michael's" suite. The
27 Arvizos had two connecting rooms one floor away from Mr. Jackson's suite. They stayed in the
28

1 hotel the whole time, but did not "wander around Miami or go down to the swimming pool"
2 because "at this time it had escalated that there's death threats on three of [Mrs. Arvizo's]
3 children." Michael, Dieter, and Ronald all told her so. Mrs. Arvizo believed the threats to be
4 true. (RT 959-962.)

5 Mrs. Arvizo testified that when she first arrived, the Arvizos went with Mr. Tucker to his
6 hotel room, then back to theirs. The next morning, Mrs. Arvizo had a conversation with Mr.
7 Jackson. Mr. Jackson said that the children's lives were all in danger, and that "Ronald and
8 Dieter were going to be the ones that were going to stop the death threats on [Mrs. Arvizo's]
9 three children." Mrs. Arvizo had never before met Dieter or Ronald. Michael told her that they
10 were both German. (RT 962-965.)

11 Mrs. Arvizo testified that Ronald and Dieter told her that she needed to do the press
12 conference to alleviate the danger that her children were in. It did not make any sense to Mrs.
13 Arvizo. When Mrs. Arvizo asked Ronald and Dieter about it, they grew angry and Ronald called
14 Mrs. Arvizo a "stupid woman" because she was "just asking." They never explained to Mrs.
15 Arvizo who it was that posed a danger to the Arvizo children. (RT 965-966.) It became clear as
16 she was flying back that there was not going to be a press conference in Florida. (RT 963.)

17 Mrs. Arvizo testified that Frank Tyson was present with her in Florida. At the time,
18 Mrs. Arvizo knew Marie Nicole (a teenage girl) and Baby Rubba (a young boy "like in
19 elementary, age-wise") as Mr. Tyson's younger siblings. Mrs. Arvizo believed that Baby
20 Rubba's real name was Al or Aldo. (RT 997-999.)

21 Mrs. Arvizo testified that the American screening of the Bashir documentary took place
22 while she was in Florida. She wanted to see the documentary at that time because she "wanted to
23 know what was the big deal with [her] children being killed." She had been in Mr. Jackson's
24 suite with her children when she learned that the documentary was coming on television. Mr.
25 Jackson "ordered all the TVs completely off in the room." Mrs. Arvizo therefore went to her
26 own room to watch the video, but returned to Mr. Jackson's suite after receiving a call from
27 Davellin. When she arrived, Mr. Jackson told her that he did not want her to see the
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1 documentary. (RT 967-968.)

2 Mrs. Arvizo testified that Ronald asked her to sign a plain piece of paper the next day.
3 Ronald told Mrs. Arvizo that "this will stop the killers." Mrs. Arvizo signed it. Ronald did not
4 offer any explanations, but said "after I complete what I'm going to do, I'll show it to you."
5 Later at Neverland, when Mrs. Arvizo asked Ronald what she had signed, "he went crazy mad at
6 [her]." The next day, Dieter asked Mrs. Arvizo to sign something else. The paper that Dieter
7 had her sign was "a typed up thing" about Mr. Jackson. When Mrs. Arvizo later asked Dieter
8 "[w]hat is it that I signed?" Dieter got mad at her. (RT 969-970; 976.)

9 Mrs. Arvizo identified Exhibit 70 as the paper that she signed for Ronald. The paper was
10 blank when she signed it. (RT 971-973.) Mrs. Arvizo had never heard of Theodore Goddard or
11 a complaint against Bashir's production company at this time. She later learned that Mr.
12 Goddard was an attorney in England involved in a suit against Bashir's production company.
13 (RT 974.)

14 Mrs. Arvizo testified that after she signed the paper for Dieter, she was told to go and
15 wait in her room at The Turnberry. Mrs. Arvizo "noticed that they were trying to separate [her]
16 and the children." Then a person named "Big Mike" called and said that Mr. Jackson did not
17 want Mrs. Arvizo to go on the airplane; that she was "going to have stay" in Florida because
18 there was no room on the plane. Mrs. Arvizo believed that Big Mike was the head of Mr.
19 Jackson's security while Mr. Jackson traveled. Mrs. Arvizo told Big Mike that she would be
20 flying with the children. When Big Mike told Mrs. Arvizo that she could not, Mrs. Arvizo began
21 to cry and plead with him. Big Mike finally told her that he would have to speak with Mr.
22 Jackson. Big Mike called back and told Mrs. Arvizo that she could fly back if Mrs. Arvizo sat
23 where they told her to sit. She agreed. Mrs. Arvizo never spoke with Mr. Jackson about this.
24 (RT 976-979.)

25 Mrs. Arvizo testified that Dr. Farschian, Patty (a nanny), and Grace (another nanny) sat
26 near her on the flight back from Florida. Mr. Jackson and Gavin sat in a booth, with Star and
27 Davellin across from them. Marie Nicole and Baby Rubba and the two babies sat near the back
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1 of the plane. "Paris and Michael were just running around all over the place." There was also a
2 flight attendant on the plane. Mrs. Arvizo said that there were other seats available on the plane.
3 (RT 979-981.)

4 Mrs. Arvizo testified that she was not allowed to get up or "look at what was going on"
5 while the plane was in flight. Mrs. Arvizo saw Gavin and Mr. Jackson with Coke cans. Dr.
6 "Farshi" was drinking alcohol, but Mrs. Arvizo was not. At some point, when Dr. Farschian,
7 Patty, and Grace were asleep, Mrs. Arvizo got up and saw Mr. Jackson repeatedly licking Gavin
8 on the side of Gavin's head. Gavin was asleep. Mrs. Arvizo believed that she was imagining
9 things and did not talk with any of her children about it afterwards. (RT 981-984.)

10 Mrs. Arvizo testified that she flew back into an airport very near to Neverland and Santa
11 Barbara. She arrived at night, but did not remember anything about the building at all. Gavin
12 seemed very tired when he arrived at the airport. Mr. Jackson's driver, Jesus, drove a car right up
13 to the airplane and drove the Arvizos to Neverland. When they arrived at Neverland, Mr.
14 Jackson had everyone walk to the front door from the front gate. (RT 975-976; 984-985.)

15 Mrs. Arvizo testified that, on the flight back from Miami, she got up from the seat when
16 Dr. Farshchian, Patty and Grace had fallen asleep, to check on her children. Prior to that she
17 stayed in her seat because Grace had ordered her to do so. She never discussed being
18 compensated for the videos with Jay Jackson. (RT 1195-1212.)

19 Christopher Carter, a former employce of Mr. Jackson, testified that he worked as
20 security for Mr. Jackson from August 2002 to August of 2003. He was on flights with Mr.
21 Jackson. He stayed at different places at Neverland, but never in the main house. Frank Tyson
22 was a friend of Mr. Jackson and was "pretty much there to hang out." Mr. Tyson would come
23 and go during the time he was at the ranch. Mr. Tyson traveled with Mr. Jackson, on occasion.
24 Mr. Tyson was like a private executive assistant for Mr. Jackson. Dieter was supposed to be one
25 of the business managers and a business executive. Dieter was an advisor. Marc Schaffel is a
26 video person and has a business relationship with Mr. Jackson. He was present at two occasions
27 where Mr. Schaffel traveled with Mr. Jackson. He met Vinnie Amen two or three times. Vinnie
28

1 only had a relationship with Frank Tyson. (RT 560-567.)

2 Mr. Carter testified that he recognizes Davellin, Star and Gavin from Exhibit 35 and has
3 met Mrs. Arvizo. He was with them at the ranch. He was with them in Miami at the Turnberry
4 in February 2003 but wasn't "really with them one on one." The Arvizos, Danny Crawford,
5 Mike Laparook, Prince, Paris, Blanket and Grace were on the flight back to Santa Barbara. He
6 doesn't recall if Dr. Farshchian was on the flight. He saw drinking on the flight. Mr. Jackson
7 was drinking alcohol from a Coke can and Gavin had the can at some point. Mr. Jackson drank
8 red and white wine, during the course of his employment. Mr. Jackson called wine Jesus juice.
9 (RT 567-573.)

10 Mr. Carter testified that he never saw Gavin drink from the can on the flight back from
11 Miami. He was in a position to see anything that was happening on the plane. He could see
12 everything from his position. He never saw Gavin drink out of the same can as Mr. Jackson. He
13 never saw Mr. Jackson rubbing Gavin's head on the flight (RT 587-588.)

14 Mr. Carter testified that Gavin did not appear to be intoxicated on the flight back from
15 Miami. He always sat in the same spot, on the front of the plane. Gavin was in the middle
16 section of the plane. (RT 1633-1634.)

17 Lauren Wallace, an employee of Extra Jet, testified that she worked on approximately 18
18 flights in which Mr. Jackson was a passenger. She would empty out Diet Coke cans, rinse them,
19 fill them with six to nine ounces of white wine, and put them on ice. It was very rare that he
20 would ask for liquor in a glass or a mixed drink. She remembers him drinking gin and tequila.
21 On a longer flight, Mr. Jackson would consume "maybe three cans" of wine. He would "maybe
22 fix himself maybe one or two mixed drinks." Mr. Jackson asked her to give a guest a can of
23 wine on six occasions. There were times when she placed bags of miniature liquor bottles in the
24 lavatory because she knew Mr. Jackson did not like to drink alcohol in front of his children. (RT
25 454-466.)

26 Cynthia Bell, a former employee of Extra Jet, testified that she was a flight hostess on at
27 least three flights in which Mr. Jackson was a passenger. Mr. Jackson requested that she serve
28

1 him wine in a Diet Coke can. On another occasion, she served Mr. Jackson wine in a "weird
2 plastic mug thing." She also served him vodka drinks in a Diet Coke can. Mr. Jackson was one
3 of the most nervous fliers that she ever experienced in her life. He would drink more wine on a
4 turbulent flight. (RT 468-478.)

5 Ms. Bell testified that she worked on a flight in which the children in Exhibit 35 were
6 passengers along with Mr. Jackson. The flight was in February of 2003. Grace, the head
7 governess, the mother of the children in Exhibit 35, Paris, Prince and Prince Jr. were on the
8 flight. There was another person who was either Latoya's daughter or another Jackson family
9 member's daughter who was on the flight. She served Mr. Jackson wine in Diet Coke cans and
10 vodka on that flight. He was intoxicated. She went through a lot of alcohol on that flight. (RT
11 479-481.)

12 Ms. Bell testified that Mr. Jackson sat next to the child in the middle of Exhibit 35 during
13 the entire flight. She never saw Mr. Jackson give wine to Gavin Arvizo or any other child. Mr.
14 Jackson is "touchy-feely" and "soft spoken." She did not witness Mr. Jackson doing anything
15 inappropriate. He would always touch her arm to have communication with her. She had to get
16 on her knee to hear him. She served alcohol to the girl in Exhibit 35 (Davellin Arvizo) and her
17 friend. They demonstrated intoxicated behavior. Her friend was intoxicated as well. She was
18 concerned about their alcohol consumption and "carded" one of them. (RT 481- 485.)

19 Ms. Bell testified that Gavin Arvizo was "clicky" and seemed defensive when she spoke
20 to Mr. Jackson. He was "very demanding" and would say things like, "Get this" or "This
21 Chicken isn't warm." He was very rude. He is "kind of a weird kid" so it would be hard for her
22 to judge whether he was intoxicated. Mr. Jackson had his arm around him at times. (RT 485-
23 486.)

24 **D. ALLEGED THREATS, "ESCAPES" FROM NEVERLAND, THE REBUTTAL**
25 **INTERVIEW AND THE PASSPORTS FOR TRAVEL TO BRAZIL**

26 Star testified that he met Dieter and Ronald when he returned from Miami. Dieter and
27 Ronald told them to "lie in front of the cameras." Star, Gavin, Davellin and Mrs. Arvizo were in
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1 one of the guest rooms and Dieter handed them scripts. Dieter wanted to take the watch back to
2 put in storage until Gavin was 18. Then he switched the subject to what to say on the rebuttal.
3 Star then testified that the conversation about the script actually occurred at Hamid's house,
4 which is where they did the film. (RT 149-150.)

5 Star testified that Mrs. Arvizo had problems with Ronald and Dieter. Mrs. Arvizo wanted
6 to leave. Star, Davellin, and Gavin did not want to leave. They missed a total of two months
7 and two weeks of school. They would go on rides and golf cars. From the time they got back to
8 the ranch from Miami until the time they left, he slept in Mr. Jackson's room every night. At the
9 end, before they finally went back to school, he stopped sleeping in Mr. Jackson's room. (RT
10 151-152.)

11 Star testified that he was threatened at some time between the time they got back from
12 Miami and the time they made the film. Frank told them that he had ways to make their
13 grandparents disappear. He and Frank were walking to Mrs. Arvizo's guest room when Frank
14 said this. (RT 160.)

15 It was Frank and Mr. Jackson's idea that they go to Brazil. They were taken to a place to
16 get passports by Frank and Vinnie. The two occasions when Star saw Mr. Jackson touching his
17 brother occurred after they went to get passports. They were staying at a hotel during the time
18 they went to get the passports. Frank, Vinnie, a security guard, and a guy named Johnny were
19 staying with them. He and his family were not free to go any time they wanted. (RT 156-157.)

20 Star testified that when they came back to the ranch after leaving with Jesus, Ronald and
21 Dieter were still there. He didn't expect them to be there. He, Gavin and Davellin never talked
22 to Mrs. Arvizo about how they wanted to stay at the ranch, despite Mrs. Arvizo's wanting to
23 leave. Hamid drove Star, Gavin and Davellin to make the film at his house. Vinnie brought Mrs.
24 Arvizo from the St. Andrews apartment to Hamid's house. (RT 161-162.)

25 Star testified that Dieter handed all of them a script. Star did not speak a lot because it
26 was late so he was tired. During the film there is some discussion of Mr. Jackson helping them
27 with their homework, which is something that did not happen. That was in the script. He

1 remembers saying Mr. Jackson was good and that he gave them his phone number. That isn't
2 true. They had the phone number but it was disconnected. At the end he thought Mr. Jackson
3 was a bad guy, but Dieter had him say he was a good guy. (RT 163-164.)

4 The first time he heard about a trip to Brazil was after he had met with the social workers.
5 Frank told him about it. Frank and Vinnie took them to outlets to buy clothes. They also took
6 them to get passports and visas. (RT 167-168.)

7 Star testified that Mr. Jackson showed him a phone that could be used to listen to all the
8 phone conversations at Neverland. They listened to a guard at the front of the house talk to his
9 girlfriend. (RT 193-194.)

10 Star testified that he did not sign the passport application that has his name on it and that
11 it is not Mrs. Arvizo's handwriting. The signature on the visa application is not his. Vinnie was
12 the person who "figured out all the applications and everything." (RT 207-209.)

13 Star testified that after he came back to Neverland from El Monte, his mother stayed in El
14 Monte. The next time he left Neverland was to film the rebuttal video at Hamid's house. After
15 the rebuttal, Vinnie took them to the St. Andrew's Place apartment. They were staying in
16 Calabasas in a hotel while they were obtaining passports and visas. He went back to Neverland
17 after the stay in Calabasas. He stayed at Neverland for "a month or a couple of weeks" before
18 finally returning to his grandmother's house. (RT 1565-1568.)

19 Davellin testified that they were "starting to get scared" and Jesus took her, her mother,
20 and her brothers, to her grandmother's house. During the time between coming back from
21 Miami and leaving with Jesus, she was dealing with Dieter and Ronald. They spoke German.
22 Mrs. Arvizo was not around a lot during that time. She was in her room. Davellin doesn't know
23 why that was. She was in the room with her mother one time when either Ronald or Dieter
24 wanted the watch back. Gavin didn't give the watch back. They left the ranch with Jesus
25 because they were "starting to get scared" because they weren't allowed to go out of the ranch
26 and were told there were death threats being made against them. Frank and Dieter told them
27 about death threats. They were at her grandparents house for one or two days. Then they went to
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1 Jay Jackson's apartment. Her mother met Jay before the Miami trip but after the Bashir taping.
2 Someone came and picked them up from Jay's apartment and took them back to the ranch. She
3 doesn't remember who it was. (RT 259-264.)

4 Davellin testified that Ronald and Dieter were not at Neverland when she and her family
5 came back from Jay's apartment. She doesn't remember seeing them later. She left the ranch for
6 the rebuttal. The rebuttal was a taping of her, her brothers and her mother. It was at Hamid's
7 house. Hamid picked them up. Hamid taped the rebuttal. Dieter told her what she was supposed
8 to say. Dieter told her to say nice things about Mr. Jackson. Dieter gave them a script, basically.
9 She cried during the rebuttal because she became emotional when talking about her brother. She
10 was thinking about Gavin being called a "faggot" and bringing it up made her cry. During the
11 rebuttal, she said certain things that were not true. Everything about her family and her brother
12 was true. (RT 264-267.)

13 Davellin testified that Vinnie, Frank's assistant, took the family to a hotel after the taping.
14 She first met Vinnie, at the ranch, after the time when they left with Jesus. (RT 267-268.)

15 Davellin testified that Azja took them to Neverland after an interview with social
16 workers. They next left Neverland in March. At some point they went to get passports in Los
17 Angeles. Dieter and Frank told them that they were going to be sent to Brazil. They didn't tell
18 them that Mr. Jackson was going on the trip. They said he might go later. She didn't sign the
19 passport application. She was never told that they would visit Italy or France. She thinks she
20 signed the visa application but doesn't remember signing it. It is dated February 28th. The
21 information on the form is not filled out in her writing. Vinnie took them to obtain the
22 documents. They were staying at a hotel in Calabasas at the time. They were not free to go from
23 the hotel. There was a bodyguard at the front of the hotel. (RT 269-272.)

24 Davellin testified that "they" told her the reason they were going to Brazil was "just to get
25 away." Mrs. Arvizo didn't want to go. Frank told her that Mrs. Arvizo was a bitch and that she
26 "really needed to talk to her and make her go." "They" bought her some suitcases and some
27 clothes. (RT 275-276.)

1 Jesus Salas, a former employee of Neverland Ranch, testified that he was in charge of
2 running the ranch. He also made sure the guests had whatever they needed. Mrs. Arvizo never
3 expressed to him that she was having a problem. Janet Arvizo asked him to drive her down to
4 Los Angeles, last year, right after Christmas. She was unhappy and wanted to leave. She was
5 crying. He was not aware that the Arvizo family was restricted in anyway on Neverland Ranch.
6 He was not aware that they were being supervised. He was not told that the family was not
7 allowed to go anywhere. Frank and Dieter told him that the family was not allowed to leave the
8 property. He drove Mrs. Arvizo to Los Angeles on the night she wanted to leave. He asked
9 Chris Carter if he could take her and Mr. Carter agreed that he could take her. He drove Mrs.
10 Arvizo and her kids to Los Angeles. (RT 312-324.)

11 Mr. Salas testified that Mr. Tyson told him, the day after he drove Mrs. Arvizo to Los
12 Angeles, to be sure to let him or Dieter know the next time somebody wanted to leave. Mrs.
13 Arvizo and her family came back to the ranch a month after he drove them to Los Angeles.
14 During that stay there was a time when she wanted to leave again and he told her to speak to Mr.
15 Tyson or Dieter. (RT 330-332.) He was not concerned about Mrs. Arvizo and her children. He
16 treated them like the other guests. (RT 336.)

17 Dan McCannnon, a sergeant with the Sheriff's Department, testified that he received a
18 call from dispatch asking him to contact Jay Jackson on February 11, 2003. Jay Jackson
19 expressed that his girlfriend had expressed to him that she was in some peril while staying at
20 Neverland Ranch. He told Jay Jackson to have the girlfriend call 9-1-1 if she was in peril. He
21 called Jay Jackson on February 12th and was told that Ms. Ventura had left Neverland and there
22 was no cause for concern. (RT 1233-1239.)

23 Gavin testified that he saw Ronald and Dieter at the ranch in between the time he came
24 back from Miami and left with Mr. Salas. His mother wanted to leave and was upset. He did not
25 want to leave at that point. Gavin testified that, at some point, Jesus Salas took them to their
26 grandparents' house. (RT 379-388.) They went back to Neverland, probably about a week or so
27 after leaving with Mr. Salas. When they got back, Ronald and Dieter were there. They would
28

1 run down to the wine cellar and drink wine and vodka, pretty much every night they were there.
2 Mr. Jackson was involved on those occasions. Between the time he got there and the time he left
3 with Jesus, he slept in Mr. Jackson's room, on the bed. Star and Mr. Jackson also slept on the
4 bed. Aldo also slept on the bed. (RT 388-393.)

5 Gavin testified that at some point, after they had left with Jesus, his family went with a
6 man named Hamid to do a video at Hamid's house. Dieter was at Hamid's house. Prior to the
7 filming, he had heard about his family being threatened. Mr. Tyson told him that he could have
8 his mother killed. He has had a chance to review the video. A lot of the statements in the video
9 were not true. He did not actually have Mr. Jackson's phone number and could not call him
10 whenever he wanted. (RT 393-397.)

11 Gavin said that there was a time when he felt that he couldn't leave the ranch if he wanted
12 to. Mr. Jackson's cousin or nephew came over and wanted the Arvizos to go to his house.
13 "They" were "like kind of panicking" about them leaving the ranch, but "they" finally said it was
14 okay for them to leave. (RT 436-441.)

15 At some point after Azja brought them to the ranch they went to get passports. They first
16 started talking about going to Brazil after they came back to Neverland, after leaving with Jesus.
17 He never talked to Mr. Jackson about the trip. Vinnie and Frank took him to buy clothes for the
18 trip. They stayed at an inn in Calabasas for a few days. Then they went back to Neverland. (RT
19 402-408.)

20 After the child services' interview, a man named Vinnie took them to get passports and
21 visas. Nothing inappropriate happened prior to his stay at a hotel in Calabasas. Mr. Jackson was
22 not in Calabasas. Frank and Vinnie were in Calabasas. He went to Neverland after his stay in
23 Calabasas. He stayed in Neverland for "maybe a week or two, or a little longer" and then went to
24 his grandmother's house. (RT 1531-1534.)

25 Gavin said that Dieter presented him with the rebuttal video script. It was not a script to
26 memorize, it was the answers to questions. Dieter coached him as to what he needed to say. (RT
27 1545-1549.)

1 Mr. Robinson testified that he worked with Hamid Moslehi. They worked together for 25
2 days over five months on "What More Can I Give?" He believes Mr. Schaffel called him in
3 February of 2003 to make a video of an interview. They had discussed shooting an interview of
4 the family prior to that time. He received a check from Neverland Valley Entertainment, signed
5 by Marc Schaffel, for his work on that project. The purpose of the interview was that the Fox
6 television network wanted to do a rebuttal program and for "any other legal purposes that might
7 be necessary." The Bashir film was perceived by him and Mr. Schaffel as a liability to Mr.
8 Jackson. The idea was to make a video to rebut what was said on the Bashir tape. They had a
9 full version of the Bashir tape that Hamid had taped on a little camera that showed the "whole
10 thing that was broadcast was inaccurate" and was cut to answer the wrong questions. (RT 504-
11 512.)

12 Mr. Robinson testified that he "wanted to express as much truth" as he could in the
13 rebuttal video. He described the Bashir film as a "nightmare" for Mr. Jackson. The only
14 interviews he did were with the Arvizo family. He had Hamid give the tape of the Bashir taping
15 to Mr. Schaffel because he knew it was worth a lot of money. The basis of the program was
16 going to be that tape, and the Arvizo interview was going to be extra for the program. He
17 perceived that this video would contain an actual interview of the family. He could not
18 speculate as to what they would say, but knew that they wanted to do an interview. He knew Mr.
19 Jackson and thought that if the family wanted to do an interview with him asking questions it
20 was probably going to be positive. (RT 512-516.)

21 Mr. Robinson testified that he saw the Bashir tape as a liability because he knew the
22 tabloids and lawyers would be contacting Mrs. Arvizo. The biggest problem, obviously, is when
23 you have somebody who's never had access to a lot of money who is suddenly getting calls from
24 tabloids and lawyers offering money. The mother of a child who was in something like the
25 Bashir film would be contacted by 50 people the next day offering money for a story. It has to be
26 a "silver bullet" type of story for the tabloids to pay a lot of money. The family might be paid
27 money to lie. That is what usually happens. (RT 516-518.)

1 Mr. Robinson testified that he doesn't know if he said the film was being prepared to
2 "cover Michael's butt" but that fits his recollection. Questions were prepared for the video that
3 he asked the family. He came up with most of the questions and submitted them to Mr. Schaffel.
4 He received the list back with lines through certain inappropriate questions. He knew Mr.
5 Schaffel was asking someone, probably an attorney, if the questions were okay. It took him an
6 hour to prepare the questions and it took a couple of hours to prepare the final product of
7 questions by committee. He received the final list from Mr. Schaffel at 6 or 7 p.m. He knows
8 who Frank Casio and Vinnie Amen are. Frank was not at Mr. Schaffel's home at all on the day
9 the questions were prepared. Vinnie probably stopped in and was out and about. (RT 518-522.)

10 Mr. Robinson testified that he had prepared questions for other interviews. He has asked
11 Mr. Schaffel about the questions prior to giving other interviews. There was never an occasion
12 where he, Mr. Schaffel and an attorney were faxing questions back and forth. He knew Vincent
13 was running errands to get the Arvizo family ready to go on vacation. Vinnie was taking care of
14 certain travel things. He thinks Vinnie went to get passports on the day the questions were
15 prepared. Mr. Schaffel contacted him, more than a month and a half ago, to ask him to document
16 his participation in the video. There were not really any ground rules for the video. He had to
17 "keep it kosher" and refrain from using the word sex, or "really specific graphic terms." They
18 wanted to "keep it casual" and not to "grill" the family or make it uncomfortable. There may
19 have been a rule that he couldn't use the word "molest," which was probably Mr. Schaffel's or
20 the attorney's rule. The video was not designed to portray Mr. Jackson in a favorable light. It
21 was designed to portray an "accurate light of a misunderstood situation." He had not met the
22 Arvizos at this point. He doesn't know if Mr. Schaffel had met them. He had information about
23 the Arvizos but doesn't know where it was from. (RT 522-527.)

24 Mr. Robinson testified that he recalled asking specific questions, mentioned by the
25 prosecutor, of the Arvizos. He knew Davellin and Star were going to say nice things when he
26 asked them questions about how Mr. Jackson had treated the family because he does interviews
27 with fans all the time. He was aware that Mr. Jackson brought Gavin in when he was very sick
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1 and that Mr. Jackson had provided medical help, like he does for a lot of kids. He doesn't know
2 who told him that. He expected a positive response to the question about whether Janet Arvizo
3 hesitated in letting "Gavin spend time with Michael after the things [she] heard" because "she
4 was allowing her kids to hang out" with Mr. Jackson. He expected positive responses to his
5 questions and asked them to tell the truth. (RT 527-532.)

6 Mr. Robinson testified that he knows Dieter Weizner. Mr. Weizner works with Ronald
7 Konitzer. He thinks Mr. Weizner worked with Mr. Jackson. He doesn't think Mr. Weizner was
8 paid and thinks that he and Mr. Jackson were partners on something. Mr. Weizner has a
9 merchandising contract with Mr. Jackson. He thinks Mr. Weizner was sort of an advisor to Mr.
10 Jackson. Mr. Weizner was around a lot. Mr. Weizner and Mr. Jackson were friends and had a
11 business relationship. Mr. Konitzer was a business partner of Mr. Weizner. Frank Casio
12 essentially grew up with Mr. Jackson. Mr. Jackson asked Frank to move on. They were best
13 friends. He doesn't know if Vinnie ever even talked to Mr. Jackson. Vinnie's best friend is
14 Frank. Vinnie visited Neverland a lot and "wanted in" on the business side. He doesn't know
15 who Vinnie works for and thought that he had a business with Frank. Vinnie ran errands for Mr.
16 Schaffel and for Mr. Robinson. He became friends with Vinnie during a three week period in
17 which he was working at Neverland. (RT 532-536.)

18 Mr. Robinson testified that there was a sense of urgency regarding the taping of the
19 interview. He wanted to get the interview before anyone else, because once the tabloids do an
20 interview, there is a three week period in which the tabloid that does the interview has exclusive
21 rights. Mr. Schaffel also wanted to get the interview done. The filming was done at Mr.
22 Moslehi's home. He arrived at the home at nine or nine-thirty. The filming began an hour or an
23 hour and a half after he arrived. They finished between twelve and one. Vinnie, Mrs. Arvizo,
24 Gavin, Davellin, Hamid, a crew member named Scott, Hamid's grip Greg, and a private
25 investigator were present. He doesn't think the investigator worked for Mr. Schaffel. He and
26 Mr. Moslehi were in charge. He was told not to do an interview until Janet Arvizo had signed
27 model releases and it was Mr. Moslehi's job to have the releases signed. The investigator was
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1 "probably just monitoring" and "seeing what they were saying." (RT 536-539.)

2 Mr. Robinson testified that there was an issue regarding the model release and "it was
3 very strange." He spoke to Mrs. Arvizo, and her children, for an hour when he arrived at the
4 interview. They talked about "everything they talked about in the interview.", but there was
5 some sort of conflict with the model releases. Mrs. Arvizo was talking to someone on the phone,
6 who he thought was a lawyer or a tabloid, with whom she had signed something. Mr. Schaffel
7 wasn't there. Mr. Robinson handles the questions and Mr. Moslehi handles the production. He
8 believes that she signed the model releases after the interview concluded. It was not his "normal
9 interview." The whole family gave him a "strange vibe," Mrs. Arvizo in particular. She seemed
10 unstable and strange. (RT 539-541.)

11 Mr. Robinson testified that all filming he had ever done for Mr. Jackson was for his
12 personal use. They took breaks during the taping so the family could get out of the hot lights.
13 Mrs. Arvizo was particularly nervous and seemed "a little bit rehearsed." The children were
14 "really comfortable." They did "reiterate things, which means that they obviously had something
15 to say." When "you have something to say you usually think that they thought about it
16 beforehand." He gets cut off a lot in interviews because he has ADD and his questions run on
17 and on. Gavin answered "maybe a couple" of his questions before he finished asking them. (RT
18 541-545.)

19 Mr. Robinson testified that he is aware that Mr. Schaffel had a search warrant served on
20 his home. He doesn't think Mr. Schaffel's attitude towards him has changed since that time. He
21 helped the police with the search warrant by bringing Mr. Schaffel's garage door opener to their
22 hotel. He offered to put some of Mr. Schaffel's tax stuff in a safety deposit box. It was his idea
23 to put the safety deposit box in his name. The police warned him he could get in trouble for
24 obstruction of justice. Officer Klapakis never told him to leave the documents in Mr. Schaffel's
25 safety deposit box. The next day he called Mr. Schaffel and told him he wouldn't deal with his
26 tax stuff. He didn't know how the Arvizos would "perform" because he didn't meet them prior
27 to the taping. Overall, he was "very pleased" with the taping because he received an emotional
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1 response from the family. His specialty is getting an emotional response. He and Mr. Schaffel
2 both had ideas about a rebuttal tape but thought about it differently. He found out Hamid had a
3 little digital tape of the entire Bashir interview and know it was worth "millions of dollars." Mr.
4 Moslehi didn't know this because "he's not very bright." (RT 545-551.)

5 Mr. Robinson testified that there was "absolutely not a script provided to the Arvizos."
6 He thinks he asked the kids a question about sleeping in Mr. Jackson's bed. That was one of the
7 things wrong with the Bashir video that he wanted to clarify. Mr. Schaffel told him that he was
8 offered \$1 million to talk to a British company. People pay a lot of money to talk to people who
9 have an inside scoop on Mr. Jackson's life. (RT 551-555.)

10 Mr. Robinson testified that he did not think that the Arvizos would lie for money, but he
11 did not trust Janet Arvizo. He thought they were "freeloading on Michael." He did not think
12 they would like during the interview. (RT 555-556.)

13 Mr. Carter testified that after returning from Miami, there was a time when Janet Arvizo
14 asked him for a ride. Gary Hearne, a limo driver, had just driven Mrs. Arvizo to the ranch and
15 she called him 15 or 20 minutes after that and said she wanted to leave. Mrs. Arvizo said the
16 reason she asked him to drive her was because Mr. Hearne drives too slow. He drove her
17 somewhere, off Western, in LA and helped her bring her bags to the door. Mrs. Arvizo left the
18 children at the ranch. Mrs. Arvizo prayed in the car, during the drive. He found it odd but kept
19 driving. Mrs. Arvizo seemed upset. (RT 573-576.)

20 Mr. Carter testified that he took the Arvizos shopping at some point after the trip to
21 Miami. Mr. Jackson's assistant, Evvy, gave him petty cash. Jesus Salas or Joe Marquez told him
22 to take the Arvizos to buy clothes for the special that was coming up with Gavin. There was
23 another shopping trip, that also happened after the Miami trip, that he went on with the Arvizos
24 and Chris Tucker. Frank Tyson told him the Arvizos were going on vacation to Brazil. He was
25 not told that he was going to join them or that Mr. Jackson was going to Brazil. (RT 580-582.)

26 Mr. Carter testified that the Arvizos were getting on the nerves of Mr. Jackson and the
27 Casio children. The Casios were at the ranch at the same time as the Arvizos. He didn't

1 question why the Arvizos were going to Brazil instead of going home, because that "is the kind
2 of stuff that goes on." Mr. Jackson has a machine in his room that allows him to monitor phone
3 calls. Mr. Jackson showed him a tape of someone's conversation. Mr. Jackson had a cell phone
4 but he isn't sure if Mr. Jackson ever used it. Mr. Jackson mostly used other people's cell phones.
5 He never saw Mr. Jackson touch anyone inappropriately. Mr. Jackson called the shots around the
6 ranch. Mr. Jackson was a delegator. He never saw Janet Arvizo drinking alcohol. (RT 582-
7 587.)

8 Hamid Moslehi testified that he has worked on 40 to 50 projects for Mr. Jackson since
9 1996. He did the video footage of the Arvizo family for "Footage You Were Never Meant to
10 See." He did a videotape of Debbie Rowe, Mr. Jackson's ex-wife. He also did videotapes of Mr.
11 Jackson's brother Jermaine and Mr. Jackson's parents for that project. He was present on three
12 occasions during Mr. Bashir's taping. Marc Schaffel was in charge of "Living with Michael
13 Jackson, The Footage You Were Never Meant to See." He was contacted about working on the
14 project sometime between February 17 and February 20, 2003. He flew to Florida February 6,
15 2003 to interview Mr. Jackson. He didn't videotape anything and returned on February 7, 2003.
16 He doesn't know why filming was not done. On February 19th he traveled to Neverland to tape
17 an interview with the Arvizo family. The Arvizo children were present but Mrs. Arvizo was not
18 there. Mr. Schaffel called him and said the taping was not going to occur. The interview was
19 eventually filmed at his house in West Hills. (R 645-655.)

20 Mr. Moslehi testified that he drove the Arvizo children to his home. Janet Arvizo arrived
21 45 minutes to an hour after he arrived at the house. She was with Vinnie. Also present were his
22 crewmembers Mark and Ray, an associate of Mr. Schaffel named Paul, an investigator and
23 Christian. Janet Arvizo didn't seem happy about the release she was given to sign. Vinnie was
24 in touch with Mr. Schaffel about redrafting the paperwork. Janet Arvizo gave her consent for the
25 taping before the start of the taping. Christian read questions to the Arvizos from a piece of
26 paper. (RT 655-663.)

27 Mr. Moslehi testified that he refused to deliver the tape of the interview to Mr. Schaffel
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1 because of a dispute regarding money issues. They missed the deadline to put the interview in
2 the rebuttal video for Fox. Mr. Schaffel, Ronald and Dieter were responsible for preparing the
3 rebuttal. (RT 663-667.)

4 Azja Pryor testified that Mrs. Arvizo told her that she "didn't like the way that certain
5 things were being handled. Specifically, Janet "mentioned being in a hotel and not having a hotel
6 key card to get into her room. That was upsetting to her. [Mrs. Arvizo] was upset that she didn't
7 have any transportation. [Mrs. Arvizo] did not have a car so she could not move around freely
8 like she wanted to." Mrs. Arvizo also said that there was a German guy who she really did not
9 care for. (RT 819.)

10 Azja testified that she never noticed any media around when the Arvizo kids were around.
11 Azja did not see any of the Arvizo children drinking alcohol at Neverland Ranch. Mrs. Arvizo
12 never expressed any concern to Azja that Mrs. Arvizo felt threatened by anybody "from
13 Jackson's group." (RT 820-822.)

14 Jay testified that he called the number for the Santa Barbara Police Department because
15 Mrs. Arvizo "seemed to be under duress" at some point when she called Jay. Mrs. Arvizo
16 "seemed scared ... [a]nd she hung up the phone on [Jay] ... as if there was a problem." Jay spoke
17 with a sergeant for a "good period of time." Jay told the sergeant that he had "a girl friend and
18 children that are at Neverland. They cannot leave there." The sergeant did not seem to believe
19 Jay, and told Jay that "[w]e can't go to there and do anything because she hasn't called us." (RT
20 857-858.)

21 Jay testified that Mrs. Arvizo and the children returned to his home sometime the next
22 day. Jay does not recall whether Mrs. Arvizo gave him "any indication as to what was going on."
23 The sergeant called Jay back later that evening. Jay told him that Mrs. Arvizo and the children
24 had returned. (RT 858-860.)

25 Jay testified that Mrs. Arvizo and the children went back to Neverland some number of
26 days later. Mrs. Arvizo called Jay from Neverland on more than one occasion, acting in ways that
27 Jay did not understand. Jay "could not make heads or tails of exactly what was happening,
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1 because [Mrs. Arvizo] had not brought [him] into the loop as to what was happening." (RT 860-
2 861.)

3 Jay testified that Mrs. Arvizo returned home "about on a Sunday" shortly before "they did
4 a documentary, like a -- it was supposed to be for the rebuttal." Jay understood that the rebuttal
5 referred to Gavin and the "speculation as to whether there had been any kind of contact." Mrs.
6 Arvizo was unhappy that the children had been on television without her approval and blamed
7 Bashir for it. Mrs. Arvizo was "very emotional" about the rebuttal video. Mrs. Arvizo would sit
8 in the closet, crying. Jay said that Frank Tyson was "calling continuously trying to get [Mrs.
9 Arvizo] to come back." Frank told Jay that he wanted to send someone over to pick Mrs. Arvizo
10 up and meet her to have Mrs. Arvizo sign a contract so "they could be on the video because of
11 the problems with the Bashir documentary." (RT 861-863.)

12 Jay testified that he asked Frank how he was "going to financially help this family out."
13 Jay understood that they were going to make four to \$5 million on the rebuttal video. The
14 Arvizos did not have the "wherewithal to try to set up any contract with them." Frank told Jay,
15 "[f]irst of all, we're protecting the family." Jay responded that he was protecting them. Frank
16 said "we're going to give them a tutor. We're going to give them a house. We're going to give
17 them college educations." Jay said, "Frank, that's all fine, well and good, but what are you going
18 to give them monetarily? Because you're making all this money on this." Frank said, "[a]re you
19 trying to blackmail us?" (RT 863-864.)

20 Jay testified that Frank never told him that the Arvizos would receive financial
21 compensation for taking part in the rebuttal video. Ultimately, Mrs. Arvizo spoke with Frank
22 over the phone and made the decision to participate. Jay never said a contract between the two of
23 them. (RT 865-866.)

24 Janet Arvizo testified that she stayed at Neverland until Jesus Salas helped her leave.
25 Mrs. Arvizo knew Jesus from visits that she and her children had made to Neverland before.
26 Mrs. Arvizo considered Jesus to be the head of security at Neverland. Mrs. Arvizo spoke to
27 Jesus in Spanish to express that she needed his help. Mrs. Arvizo felt that "people were -- were
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1 strange, and things were happening that were strange and that [she] didn't understand." (RT 988-
2 990.)

3 Mrs. Arvizo testified that at some point during this visit, Dieter told Mrs. Arvizo that she
4 and the Arvizo children could not leave because Dieter wanted Mrs. Arvizo and the children to
5 "do the rebuttal video" and leave the country. Ultimately, "someone decided that [Mrs. Arvizo
6 and the children] were all going to go to Brazil" for an unspecified period of time. Mrs. Arvizo
7 did not want to leave the country and did not believe that it was necessary. (RT 988-993.)

8 Mrs. Arvizo testified that Chris Carter returned to Neverland with Dieter the day after
9 Mrs. Arvizo and the Arvizos returned from Florida. Mrs. Arvizo understood that Mr. Carter was
10 Mr. Jackson's personal bodyguard. Mr. Jackson was not always present when Mr. Carter was
11 present. Dieter was the only person who spoke with Mrs. Arvizo at that time about the rebuttal
12 or going to Brazil. Ronald arrived later, as did another "German guy." Mr. Tyson was not at
13 Neverland at this point. (RT 992-993; 999.)

14 Mrs. Arvizo testified that she was treated badly during this time at Neverland. Dieter told
15 her to memorize a script that he had put together for the rebuttal. The script said, in summary,
16 that "Michael's this absolutely wonderful guy." Ronald and Dieter also wanted everything to be
17 choreographed, including taping the Arvizo children at their school. It was confusing to Mrs.
18 Arvizo, because they had told her that the killers and the media had gone to the children's school.
19 During this time, Dieter told her about the dangers to her children "[a]ll day long," but wanted
20 the children to go to school and act normal "so they could videotape this for Michael's positive
21 PR damage control." Dieter never told Mrs. Arvizo who presented a danger to her children. (RT
22 999-1002.)

23 Mrs. Arvizo testified that the words "humble" and "biological" are not in her children's
24 vocabulary and were part of Dieter's alleged script. The only things she said during the rebuttal
25 that were not scripted were regarding God, "the child welfare thing" and the cancer. (RT 1215-
26 1216.)

27 Gavin testified that some statements in the video were true. It was true that Mr. Jackson,
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1 at that point, was "nice and stuff" and that Mr. Jackson was "humble." (RT 393-397.)

2 Mrs. Arvizo testified that she confronted Mr. Jackson about these problems when she first
3 returned to Neverland from Florida. Mr. Jackson told her "Do everything that Ronald and Dieter
4 tell you to do. They're the ones that are going to make the killers go away." (RT 1003-1004.)

5 Mrs. Arvizo testified that she really believed that the Bashir documentary could cause
6 people to want to kill her children. Finally, Mrs. Arvizo decided to talk to Jesus. She told him
7 that she wanted to leave and was told that she could not. Jesus told Mrs. Arvizo that he would
8 help her "because no one should ever ... be kept from being able to leave." Jesus drove Mrs.
9 Arvizo and the children to Mrs. Arvizo's home, arriving some time after midnight. The Arvizo
10 children were confused because Mr. Jackson "kept telling them" about the death threats. (RT
11 1004-1006.)

12 Mrs. Arvizo testified that, before she left Neverland this time, she asked Ronald, Dieter,
13 and Mr. Jackson whether they were monitoring her telephone calls. They all told her that they
14 were not. At some point during this time, Mrs. Arvizo called Jay and told him something that
15 her children would not know anything about. Dieter then came storming into the room, yelling at
16 her and relating some information back to her that she had given to Jay. At this point, no one
17 "acknowledged that they were monitoring the telephone calls." (RT 1006-1009.)

18 Mrs. Arvizo testified that she received a lot of calls from Mr. Tyson after Jesus drove her
19 and the children home. Initially, Mr. Tyson said that he wanted to protect the children. Mr.
20 Tyson said that Ronald and Dieter were no longer there. Mr. Tyson told Mrs. Arvizo that she
21 was endangering her parents' home by being there. Mrs. Arvizo was convinced to return to
22 Neverland a number of days later because she believed that "they wanted to protect the kids, and
23 that they loved the kids and they loved [Mrs. Arvizo]." (RT 1009-1011.)

24 Mrs. Arvizo testified that she later learned that her conversations with Mr. Tyson had
25 been recorded. Mrs. Arvizo said that she had many conversations with Mr. Tyson like the one
26 recorded in Exhibit 72. She indicated that Exhibit 72 represented a conversation "at the
27 beginning". (RT 1011-1013.)

1 Mrs. Arvizo testified that after she left Neverland with Jesus Salas, she went home for a
2 few days, then returned to Neverland. During that time, she received a number of phone calls
3 from Frank. Ronald and Dieter were at Neverland when she returned, even though Frank said
4 they would not be there. Frank wasn't there. Chris Carter was there. Mr. Jackson, Jesus Salas,
5 and the chefs were there. She did not speak with Mr. Jackson and did not attempt to speak with
6 him. She wanted to leave as soon as she saw Ronald and Dieter in the main home. She asked
7 Mr. Salas to help her leave. She asked Mr. Carter to take her home immediately. Dieter, and
8 then Ronald, both told her she could not take her children. She left with Mr. Carter. He took her
9 to Jay Jackson's home. Ronald told her that "they would know" if she tried to "contact anyone."
10 Ronald told her that her children's lives would be in danger if she told anyone. There was no
11 discussion of the rebuttal tape during the minutes she spent at Neverland. (RT 1054-1064.)

12 Mrs. Arvizo testified that the child welfare people called her the next day, February 17,
13 2003. A meeting was set up for February 20th. Frank told her that he would bring the children to
14 the meeting if she "would do the video exactly as Dieter had scripted it." She actually saw the
15 script. She sat with Dieter and went over the script with the children. The video was going to be
16 done on February 19th. Frank told her that if she and the children did everything on the script
17 then they did not have to go to Brazil. Looking back, she realizes that Frank and Vinnie were
18 slowing moving into Ronald and Dieter's positions. (RT 1065-1073.)

19 Mrs. Arvizo testified that she stayed in her guest room, pacing around, between February
20 21st and February 25th. The children were running around and having a good time. The boys
21 were staying in the house and Davellin was staying in a guest room. She didn't know where in
22 the main house the boys were staying. She could not speak to her children. The "Germans" were
23 gone and it was Frank and Vinnie who kept her from speaking with her children. From the 25th
24 of February to the 2nd of March, she was in a hotel in Calabasas. She attempted to leave the hotel
25 with her children and Frank stopped her from entering the elevator. There were many calls made
26 from her hotel room. She called Azja, her parents, Yolanda, her cousin and Jay. (RT 1104-
27 1107.)

1 Mrs. Arvizo testified that she did some shopping between February 25th and March 2nd
2 because "the killers had arrived at Neverland" and they had to leave the country immediately and
3 needed to replace their clothes with new clothes. Frank and Vinnie told her that the killers had
4 arrived. They said she was not going back to Neverland, but she actually did go back to
5 Neverland. She was driven there. Johnnie sat at the entrance to her hotel room every day. She
6 made efforts to get passports and visas during the time she was in Calabasas. The passport
7 application says Italy and France were going to be visited but she was not going to Italy and
8 France. The visa application that is Exhibit 34 is not in her handwriting. Vincent Amen's
9 signature is on the bottom of it. She felt horrible when it started to look like she was going to
10 Brazil. (RT 1107-1115.)

11 Mrs. Arvizo testified that the expense account of expenditures for her and her family, that
12 was shown to her, is "pretty accurate." Dinner and new clothes were bought for her and her
13 children. She returned to Neverland on March 2nd and was unaware that her possessions were
14 removed from her home during that time. She secretly called Yolanda and told her "what they
15 were trying to do." Vinnie and Frank asked her if she had any debts. Vinnie said that Mr.
16 Geragos wanted to know if there were any debts from the past in order to prevent anyone from
17 coming to look for her and her children. (RT 1115-1121.)

18 Mrs. Arvizo testified that at the time she did the rebuttal, she was confused about Mr.
19 Jackson because of the press conference that did not happen. She didn't believe at that time that
20 Mr. Jackson was doing anything bad to her children. She didn't know that they were sharing a
21 bed. She saw Gavin acting giddy and drinking a can of soda in Miami but didn't suspect
22 anything. Dieter told her to say that she was always with the kids in the rebuttal video. At some
23 point after March 12th, Star told her that he saw Mr. Jackson licking Gavin's head, as well. (RT
24 1175-1185.)

25 Brian Barron, an employee of Neverland Ranch and the Guadalupe Police Department,
26 testified that in the early part of 2003, a chalkboard in the security office contained a directive to
27 not allow Gavin off the property. The only thing that stood out in his mind about Mrs. Arvizo
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1 and Gavin Arvizo is that "they appeared to want to be there." (RT 1377-1399.)

2 Ann Gabriel testified that she was hired by David LeGrand to do public relations work
3 regarding crisis management for Michael Jackson. She was hired on February 9th after starting
4 discussions about the job on January 27th. This was after the Bashir tape came out and her focus
5 was trying to take the negative image of Mr. Jackson portrayed in the press and turn it into a
6 positive image. The other people she worked with were Ronald Konitzer, Marc Schaffel and
7 Stuart Backerman. There was also a team out of the UK named Bell Yard and Melanie Riley
8 was her main contact there. There were also some attorneys, here and in the UK, involved. She
9 understood that Mr. Konitzer was the boss. She never spoke to Dieter Weizner. Stuart
10 Backerman was the official spokesperson and stayed with Mr. Schaffel. Mark Geragos was
11 involved and everything had to be run through him. He was on top on the legal side. Mr.
12 Schaffel "worked through" both Mr. Konitzer and Mr. Geragos. (RT 1450-1459.)

13 Ms. Gabriel testified that she went to Los Angeles to appear on Access Hollywood on
14 February 14, 2004. She prepared to answer about ten questions from a list that was pre-screened
15 that was provided to her by Mr. Geragos. Mr. Geragos cancelled that interview. The public
16 relations team ascribed to the "hunker down" theory of saying nothing and waiting for things to
17 blow over. (RT 1459-1496.)

18 **E. THE ALLEGED INCIDENTS OF LEWD CONDUCT**

19 Gavin testified that he and Star slept in Mr. Jackson's room when they were back at
20 Neverland. Sometimes Mr. Jackson was not there and sometimes he was there. Gavin testified
21 that Mr. Jackson discussed masturbation with him while he and Star were walking. They
22 discussed masturbation in Mr. Jackson's room, while no one else was present. Mr. Jackson told
23 him that he wanted to teach him how to masturbate. Mr. Jackson put his hand down his pants
24 and started rubbing him. It lasted for five minutes and Gavin thinks that he ejaculated. It
25 happened again the following night. Gavin testified that the first act of masturbation occurred
26 after they went to get the passports and visas. (RT 438-439.) He and Mr. Jackson had both been
27 drinking on these occasions. He thinks it happened five times but has a clear recollection of it

1 happening two times. He never touched Mr. Jackson's penis. (RT 408-416.)

2 Gavin testified that at some point before he had come back from getting passports and
3 visas, he saw Mr. Jackson pretend to have sex with a mannequin. Mr. Jackson "introduced" the
4 suitcase identified as Exhibit 53 to him. It contained adult magazines. The first time this
5 occurred was the first day back from Miami. The second time was a week or two later. There
6 was a time when Mr. Jackson came into the room naked while Star and Gavin were watching
7 television. He could not see whether he had an erection. There were times when Gavin would
8 drink and just fall asleep and other times that he would drink and feel dizzy. (RT 417-424.)

9 Gavin testified that Mr. Jackson told him that he could listen to phone calls at the ranch.
10 He received a computer from Mr. Jackson. When it stopped working, he called Evvy and then
11 sent her the computer. He did not receive it back. (RT 425-435.)

12 Gavin testified that he stayed at Neverland from the time he got back from Miami to the
13 time he left with Jesus Salas. He drank every night during that period of time. Mr. Jackson
14 would take them down to the wine cellar under the arcade. He did not have access to the wine
15 cellar on his own. He did not have a key and the wine cellar was locked. He never went to the
16 wine cellar by himself. He never drank alcohol when Mr. Jackson was not present. None of the
17 sexually inappropriate behavior, whether it was touching him or showing him pornographic
18 magazines, took place before he left with Jesus Salas. (RT 1525-1528.)

19 Gavin testified that he started drinking again when he returned to Neverland after leaving
20 with Mr. Salas. He did not drink during this time unless Mr. Jackson was present. At this stage,
21 Marie Nicole, Star and Davellin were also drinking. At the time of the child services' interview
22 at Jay Jackson's house, Mr. Jackson had showed him a magazine, but had not touched him. Mr.
23 Jackson had showed him the magazine during the week that they returned from Miami. Mr.
24 Jackson showed him the suitcase with the magazines but did not actually take out a magazine.
25 (RT 1528-1531.)

26 Gavin testified that inappropriate conduct occurred during that final trip to Neverland,
27 after Calabasas and before his grandmother's house. During that time, Mr. Jackson left for part
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1 of that time. When Mr. Jackson was there, he would sleep in his room. When Mr. Jackson was
2 gone, he would sleep in the theater or in a unit. The two events of molestation that he previously
3 testified about occurred during the period of time between Calabasas and his grandmother's
4 house. He was intoxicated on both of those occasions. Star stayed with him in Mr. Jackson's
5 room except for the last few nights. Star did not tell him why he stopped staying there. He was
6 sleeping on Mr. Jackson's bed the entire time at that point. He started sleeping in the bed as soon
7 as they arrived back from Miami. Aldo, Star and Mr. Jackson would sleep in the bed together.
8 Aldo was not there during the time between Calabasas and his grandmother's house. On the two
9 occasions of molestation, Aldo and Star were not present. He has no recollection of his brother
10 coming into the room while something sexual was happening. (RT 1534-1539.)

11 Gavin testified that he believes there were times when he passed out from drinking
12 alcohol. He did not pay attention to time at Neverland. There were no clocks and he did not
13 wear a watch. He stayed up late at Neverland. He had a conversation about masturbation with
14 his grandmother that occurred "way after all this stuff." The conversation occurred before the
15 police were involved. His grandmother never told him that men rape women if they do not
16 masturbate. He never talked about what occurred with Mr. Jackson with Star. The first people
17 he disclosed all of the details to were Steve Robel and Paul Zelis. He told Dr. Katz certain
18 information but did not tell him everything. Even today, he does not discuss this with his family
19 at all. (RT 1539-1542.)

20 Gavin testified that he never talks about the whole case, the prosecution of Mr. Jackson,
21 his testimony or questions the prosecutors ask him with his family. No one, including his mother
22 and Jay Jackson, has coached him as to what types of answers he should give to certain
23 questions. His mother has never talked about the questions that may be asked and the answers
24 that should be given. No one told him what answers to give to questions during the J.C. Penny's
25 lawsuit. No one ever prepared a script for the J.C. Penny's lawsuit. He became sick from
26 drinking sometimes. He threw up from drinking. He woke up with his head hurting. (RT 1542-
27 1545.)

1 There were times when he heard the alarm system go off in Mr. Jackson's bedroom. His
2 mother never asked him where he was sleeping in Mr. Jackson's house. (RT 1549-1550.)

3 Gavin testified that he sometimes talks to his mother about drinking alcohol at Neverland.
4 He makes jokes about how that period of his life is over. He does not know who told his mother
5 about the molestation. He does not know what her reaction was and did not discuss it with her.
6 The molestations occurred within the last few days he was at Neverland. Mrs. Arvizo was
7 always in her guest unit while he was intoxicated. (RT 1549-1553.)

8 Mr. Robel testified that Gavin Arvizo told him that the molestations occurred before the
9 interview with Child Protective Services. Gavin later told him that some of the molestations
10 occurred after the interview with CPS. In a second interview, Gavin told him that some of the
11 molestations occurred before the CPS interview and some of them occurred after. In the first
12 interview, Gavin told him that he did not remember if he ejaculated during the molestations and
13 in the second interview he told him that he did ejaculate. The first interview was in July of 2003
14 and the second interview was in August of 2003. (RT 1399-1405.)

15 Mr. Robel testified that Gavin was asked why he did not report the molestation to the
16 child protective workers and he said that he was concerned that if he did not do what he was
17 asked that something would happen to his family. Gavin said that first molestation occurred after
18 the Miami trip. Gavin said that his grandmother explained masturbation to him. Gavin's
19 grandmother told him that if men do not masturbate they will rape women. Gavin told him that
20 Mr. Jackson said masturbation was okay and that he wanted to demonstrate it with Gavin. Gavin
21 told him that Mr. Jackson proceeded to masturbate him. Gavin told him that he consumed
22 alcohol prior to that incident but that he was not so drunk that he did not know what was
23 happening. (RT 1406-1411.)

24 Star claimed that there was one time when he walked into the bedroom and the alarm
25 went off. He walked up the stairs and before he made it to the top he saw Mr. Jackson with his
26 hands in his pants while he was touching Gavin. He saw Mr. Jackson masturbating while
27 touching his brother. Star was "halfway up the stairs looking through the rails." The lights on
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1 the stairway were on and the lights in the bedroom were off. Star was "grossed out" and went to
2 the guest room to sleep without telling anyone. There was another time when Star claimed he
3 went up the stairs to talk to Gavin and saw the "same situation." Mr. Jackson was touching his
4 brother's private area while masturbating. He went back to the guest room to sleep without
5 telling anyone. (RT 152-155.)

6 Star testified that during the first incident he saw from the stairwell, Mr. Jackson was
7 wearing underwear, a shirt and socks. During the second incident, Mr. Jackson was wearing the
8 same thing and Gavin was wearing short pants and a shirt. (RT 209-211.) Star testified that he
9 watched the first incident for five or six seconds and that he watched the second incident for
10 three or four seconds. (RT 220.) Star, in his second appearance before the grand jury, testified
11 that he watched both incidents for "like about a minute." (RT 1599-1560.)

12 Star testified that he never drank without Mr. Jackson. Mr. Jackson always drank when
13 Star drank. His mom was in her guest unit during the time between getting back from Miami and
14 leaving with Jesus. He visited her and rarely saw her out. She spent most of her time in her
15 room. (158-160.)

16 Star testified that he was shown picture of naked ladies on two occasions after the first
17 time. He was shown magazines of naked women in a room with a Jacuzzi type tub in it. The
18 magazines were in a black briefcase. They looked at the magazines for thirty minutes. There
19 were five magazines. Mr. Jackson showed them to him. Gavin and Baby Rubba were also there.
20 The second occasion was in Mr. Jackson's bedroom. They looked at different magazines that
21 were also from the black briefcase. They looked at the magazines for 45 minutes. There is a
22 mannequin of a female child in Mr. Jackson's bedroom and he saw Mr. Jackson pick it up and
23 pretend like he was "humping" the mannequin. All of them were laughing. The mannequin
24 incident happened before they went to get the visas and the passports. (RT 169-173.)

25 Star testified that while he and Gavin were watching a movie, Mr. Jackson came up the
26 stairs into the room naked. They were grossed out and Mr. Jackson told them it was natural. Mr.
27 Jackson had a "hard on." This occurred after they had gone to get the passports. He had one
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1 conversation with Mr. Jackson involving masturbation. Mr. Jackson said it was okay and that
2 everyone does it. Mr. Jackson asked Star if he masturbated and Star said no. He isn't sure if that
3 was before or after went to get the passports and visas. There was another incident when Mr.
4 Jackson came into the room when Star and Gavin were in the bed and Mr. Jackson rubbed
5 against Gavin, who was wearing his underwear. This occurred "probably after" they went to get
6 the passports. (RT 174-178.)

7 Star testified that he stopped liking Mr. Jackson when he came up the stairs naked and
8 when he talked about masturbation. He noticed a change in Gavin when they left the ranch
9 permanently. Gavin started "getting more violent" and he "protected his masculinity." The first
10 person Star told about the incidents was Dr. Katz. (RT 212-213.)

11 Star testified that from the time they got back from Miami until they left the ranch for the
12 last time, they didn't go to school. He slept in the guest units after seeing the first incident
13 between Mr. Jackson and Gavin. (RT 214-216.)

14 Star testified that there was an incident where he and Mr. Jackson were in a golf cart and
15 Mr. Jackson put his hand on Star's leg and moved his hand. They didn't speak about it. (RT
16 218.)

17 Star testified that he saw Mr. Jackson touching his brother on two occasions during "the
18 last week that we were there, probably." He knows Gavin was asleep during these incidents
19 because Gavin was snoring. Gavin's eyes were closed and his head was down. He was not
20 moving at all. There is no question in Star's mind that Gavin was asleep. There were some
21 nights when he slept in the guest cottage at the end after he saw Mr. Jackson touch his
22 brother. (RT 1568-1571.)

23 Star testified that he never went into the wine cellar without Mr. Jackson. He did not
24 have a key. He would have been able to go into the wine cellar without Mr. Jackson because
25 "there's an easy way to get in" but he never used it. There is a key in the maid's break room. He
26 knew of other locations in the house where alcohol was kept but he never only went to those
27 places with Mr. Jackson. (RT 1577-1580.)

1 Star testified that he never slept in Mr. Jackson's room when his dad was at Neverland
2 except for the first time. He started staying in Mr. Jackson's room on a regular basis following
3 the Miami trip. His mother never asked him where he was sleeping in the main house. Gavin
4 never spoke with him about what was going on with Mr. Jackson. He has never talked to anyone
5 about the molestations except the police and Dr. Katz. (RT 1582-1585.)

6 Star testified that there was one time when Mr. Jackson tried to touch him inappropriately
7 while they were driving in a cart. It was nighttime and they were driving back from the theater.
8 Star was driving. Mr. Jackson put his hand on Star's right thigh, a couple of inches from his
9 crotch. Mr. Jackson started "moving closer." Once they arrived at the train station, where there
10 are a lot of lights, Mr. Jackson removed his hand. This occurred a couple of days before he saw
11 Mr. Jackson touching his brother. Prior to this incident, he had observed Mr. Jackson trying to
12 fix Gavin's shirt. (RT 1585-1588.)

13 Star testified that Gavin never asked him why he stopped sleeping in Mr. Jackson's room.
14 The first person he told about Mr. Jackson licking Gavin and the molestation was Dr. Katz. He
15 never told Gavin or his mother before that. (RT 1589-1590.)

16 Star testified that Mr. Jackson's eyes were closed and that both of his hands were moving
17 when he saw Mr. Jackson touching Gavin. Mr. Jackson had one hand touching Gavin and
18 another hand masturbating. He heard an alarm sound when he entered Mr. Jackson's bedroom.
19 He set off the alarm while walking to the front door of the entire bedroom in the hallway. There
20 are two sensors because it sounds twice. (RT 1590-1594.) You barely hear the alarm in the
21 bedroom, if you are paying attention, if the door that takes you to the stairway to the second floor
22 is closed. That door was closed on the occasions in which he saw Mr. Jackson touching Gavin.
23 On the first occasion the door was "kind of locked." The door was unlocked the second time.
24 He came from the hallway, through the bedroom, and up the stairs on both of those occasion.
25 (RT 1594-1598.)

26 Star testified that he was a little past the midway point of the stairs when he saw what was
27 occurring on the bed. There was enough light and he could see the top of the bed. He stood at
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1 that point for about a minute on both occasions before leaving. The two incidents he witnessed
2 were two days apart. He is 5'5" tall and was 5'2" tall two years ago. On both occasions, as soon
3 as he saw what was happening, he went no further. Mr. Jackson and Gavin were on top of the
4 blankets. He went to Mr. Jackson's room the first time to sleep there and the second time
5 because he wanted to. It was one or two in the morning. He did not spend any time in the
6 downstairs area of Mr. Jackson's bedroom before going upstairs on either occasion. (RT 1598-
7 1604.)

8 Star testified that, during the time in between leaving El Monte and going to Hamid's
9 house, he stayed in Mr. Jackson's room every night. He slept in Mr. Jackson's room, in the bed,
10 with his brother, every night during this time. (RT 1565-1569.)

11 Star testified that no one has ever talked to him about what happened at Neverland. No
12 one ever coached him or told him the answers to give, or what kind of questions would be asked.
13 Janet Arvizo has not in any way suggested to him or coached him as to the answers to give to the
14 prosecutor's questions in front of the Grand Jury. Mrs. Arvizo has not prepared anything in
15 writing for him. Mrs. Arvizo and David Arvizo did not prepare anything in writing after the J.C.
16 Penny's incident. No one coached him in anyway after as part of the J.C. Penny's lawsuit.
17 Dieter coached him for the rebuttal video. No one else coached him for the rebuttal video. (RT
18 1569-1573.)

19 Brian Barron, an employee of Neverland Ranch and the Guadalupe Police Department,
20 testified that he can see the bed in the loft in Mr. Jackson's bedroom from halfway up the stairs.
21 He is 6'4" tall. (RT 1390.)

22 Davellin testified that, between the time she got back from Miami and the time they left
23 the ranch in March, she saw her brothers drinking with Mr. Jackson. She went down the
24 stairway in the arcade and went into a "little room." She saw Baby Rubba, Gavin, Star and Mr.
25 Jackson drinking wine out of cups. She was offered wine and she drank it. She doesn't recall
26 any other occasion where her brother was drinking on the ranch. (RT 274-275.) Davellin
27 testified that she only drank that one time and that the beverage was white wine. (RT 288.)

1 Davellin testified that there were a lot of wine bottles in Mr. Jackson's room. She would
2 go in his room when she caught Gavin and Star going into his room. (RT 293.)

3 Mrs. Arvizo testified that she first began to understand there were allegations of child
4 molestation involving Gavin when Star mentioned things. She learned about allegations of
5 molestation from the police. It wasn't a complete surprise when the police told her. (RT 1173-
6 1175.)

7 Jay testified that he first learned that there were allegations of child sexual abuse
8 occurring at Neverland before the police were involved. Star and Davellin were the sources of
9 his information when they spoke to Mrs. Arvizo in front of Jay. Jay mostly learned about the
10 allegations during the time that Mr. Dickerman was looking into the issue with Bashir. (RT880.)

11 Mr. Salas testified that he personally took sheets and sleeping bags to Mr. Jackson's room
12 when Gavin and Star slept there. They spent ninety percent of their time with Mr. Jackson while
13 they were there. (RT 332-333.) There was alcohol at Neverland. Mr. Salas made sure there was
14 alcohol in the building. Mr. Salas witnessed Mr. Jackson drinking. Mr. Jackson's drinking was
15 done privately, but the house staff knew about it. Frank knew about it. Mr. Jackson preferred
16 white wine and Skyy vodka. Mr. Salas observed pornography in Mr. Jackson's quarters, in one
17 of the bathrooms. (RT 326-330.)

18 Mr. Carter testified that Gavin and Star would mainly sleep with Mr. Jackson in Mr.
19 Jackson's room. Mr. Jackson's bedroom includes two stories. He has a bed upstairs and a bed
20 downstairs. (RT 572.)

21 Mr. Carter testified that he observed drinking at the ranch, following the trip to Miami.
22 He walked into Mr. Jackson's office and Mr. Jackson, Star, Gavin, Marie Nicole, Aldo Casio and
23 Dominic Casio were present. They were watching movies and everybody had a wine glass. He
24 didn't see them drinking, but there were glasses in front of them. Mr. Jackson was in the room.
25 Mr. Jackson, Star, Gavin, Marie Nicole, Aldo Casio and Dominic Casio were present. On one
26 occasion he saw Gavin stumbling around. Sometimes some of the kids would grab the key to the
27 wine cellar and run down and pull out whatever they wanted. He was usually at the ranch when
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1 Mr. Jackson was there. (RT 576-580.)

2 Mr. Carter testified that he has seen minors drinking at Neverland. He saw Gavin drunk
3 one night. (RT 1634-1635.)

4 Brian Barron, an employee of Neverland Ranch and the Guadalupe Police Department,
5 testified that he has never seen Mr. Jackson act inappropriately with any young boys. (RT 1389.)
6 The camping equipment in the wine cellar is being stored there and he never saw kids sleeping
7 down there. (RT 1395-1396.)

8 **F. THE INVESTIGATION CONDUCTED BY LOS ANGELES COUNTY**

9 Star testified that Vinnie, an employee of Mr. Jackson, drove them to the St. Andrews
10 apartment, on the morning after they did the rebuttal film. Three ladies from children's
11 protection came and talked to them. This occurred prior to the two occasions when Star saw Mr.
12 Jackson touching Gavin. (RT 156-157.) One of the bodyguards tried to give Mrs. Arvizo a tape
13 recorder. The social workers made the bodyguard leave the apartment. (RT 164-166.)

14 Star testified that he told the social workers that Mr. Jackson was like a father to them
15 and that he was a good guy. Mr. Jackson told Gavin to call him "Daddy", beginning when Gavin
16 was ill. After the social workers left, Chris Tucker's fiancé drove them back to Neverland. (RT
17 167-168.)

18 Davellin testified that they met with some ladies from the Department of Social Services
19 on the morning after the taping in Jay's apartment. Azja, Chris Tucker's fiancé, Destine, Chris
20 Tucker's son, Mrs. Arvizo, Gavin, Star and her were present prior to the arrival of the ladies.
21 One of the bodyguards talked to her mother in a room. She saw a black item she thought was a
22 tape recorder and saw her mom put it in the closet. The ladies forced everyone other than her,
23 her brothers and her mom, to leave the room. She told the ladies nice things about Mr. Jackson
24 because at that point she "still felt that way towards him." There was nothing she said that
25 wasn't truthful. She did not become emotional during that interview. (RT 267-269.)

26 She told the social workers nice things about Mr. Jackson, despite having heard about
27 death threats, because "they hadn't told us really it was from them." At some point later, Dieter

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1 told them he could have them killed. There was one occasion where she saw Mr. Jackson hug,
2 kiss, carressing, rub and hold Gavin. Most of the time he would just hug Gavin. Her opinion of
3 Mr. Jackson changed when he did not want her around. (RT 284-288.)

4 Gavin testified that after making the video, they were interviewed by social workers at
5 their apartment in Koreatown. Mrs. Arvizo, Star, Davellin and the social workers were present
6 with him at that interview. No one else was in the apartment before the social workers arrived.
7 He told the social workers that Mr. Jackson was a good guy, because at that point, that is what he
8 thought. He did not tell the social workers that "they" were not letting them go. (RT 397-402.)

9 Gavin testified that he met Vinnie at Hamid's house. Vinnie drove them to their house.
10 Azja drove them to Neverland after the interview. At the interview, he saw Mrs. Arvizo talking
11 to "some guy in a blue shirt." There was a tape recorder on the counter and Mrs. Arvizo was
12 talking to the guy. He did not see the tape recorder after that. (RT 402-408.)

13 Vicki Podberesky, an attorney, testified that she had approximately three conversations
14 with Janet Arvizo. She did not take any notes during these conversations. She was not retained
15 by Mrs. Arvizo. The first conversation was in February of 2003. It was the day before Mrs.
16 Arvizo had a meeting with child services. The conversation occurred in the evening. She
17 understood the situation involved an investigation by Department of Child and Family Services.
18 She understood there was an allegation of child molestation against Mr. Jackson and that Mrs.
19 Arvizo was the mother of the child. She was told that Mrs. Arvizo wanted to speak to a lawyer
20 and didn't want to speak to child services. (RT 591-595.)

21 Ms. Podberesky testified that her partner may have contacted her and said that Mr.
22 Geragos and/or Mr. Miller needed to consult with a lawyer because they had somebody who
23 might need counsel. Then there was a further conversation with Mr. Geragos or Mr. Miller. At
24 some point she was given Mrs. Arvizo's number or Mrs. Arvizo called her. She doesn't think
25 she gave Mrs. Arvizo her cell phone number. She did not charge her a fee for the consultation
26 because she normally does not charge for consultations. She informed Mrs. Arvizo that her
27 children could be taken from her if she didn't participate in the child services interview. She

1 offered her services if Mrs. Arvizo thought they were necessary. Mrs. Arvizo kept indicating to
2 her that there had been molestation. She would have charged a flat fee for the interview. She
3 was not told by anyone at Mr. Geragos' office that they would take care of the bill. She called
4 Brad Miller to let him know the outcome of the conversation. She had a brief conversation with
5 Mrs. Arvizo the next day in which Mrs. Arvizo confirmed that she did not need a lawyer. Mrs.
6 Arvizo called her again a week to ten days later to consult with her regarding a custody dispute
7 and she referred Mrs. Arvizo to her husband, who is a family law attorney. (RT 595-602.)

8 Ms. Podberesky testified that Mark Geragos is a criminal defense lawyer who represented
9 Mr. Jackson at the time of these events. She worked with Mark Geragos prior to this and it made
10 sense that he would refer a case to her. (RT 602-605.)

11 Karen Walker Meniku ("Ms. Walker") testified that she worked for the California
12 Department of Children and Family Services in Los Angeles ("DCFS"), as a "supervising
13 children's social worker." Ms. Meniku said that when DCFS social workers when into the field,
14 they were typically focused on instances of child abuse and neglect. Their focus in that regard is
15 to ensure that "the children are able to remain safely in their home, or if they need to be removed
16 from the home, they're detained and placed with either a relative or in a foster care system...."
17 (RT 742-743.)

18 Ms. Walker testified that Laverne Peters and Jacqueline Bowen, two social workers in
19 her office, received a referral from the Department of Children and Family Services regarding the
20 Arvisos. That referral was based on a call from the child abuse hotline. After referring to the
21 department's official report, Ms. Walker said that she participated in a resulting interview with
22 the Arvisos on February 20, 2003. (RT 743-744.) Ms. Walker testified that the report was
23 written by Ms. Peters and reviewed by Ms. Walker and Ms. Walker's supervisor, Miss
24 Blackburn.

25 Ms. Walker testified that she went from the Wilshire and Westmoreland branch office of
26 the DCFS to the Arvisos' upstairs apartment on the morning of February 20, 2003. Ms. Peters
27 and Ms. Bowen traveled with her. Mr. Meniku was greeted by Mrs. Arvizo and another person.
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1 Ms. Walker remembered that the other person was introduced as a friend of Mr. Jacksons. Star,
2 Gavin, and Davellin were in the room when Ms. Walker and the DCFS social workers arrive, as
3 were "Chris Tucker's son, and the son's mother." (RT 746-747.)

4 Ms. Walker testified that Mrs. Arvizo said that she wanted all of the people in the room to
5 stay. Ms. Walker responded that it was a confidential interview between Mrs. Arvizo and Mrs.
6 Arvizo's children, and so the others would not be allowed to remain. Ms. Walker did not see or
7 hear anything indicating that the interview was going to be tape recorded. She later learned from
8 others that her voice was played on The Today Show. (RT 749.)

9 Ms. Walker testified that the Arvizos were very friendly when she first arrived. Their
10 behavior seemed very genuine, and did not strike Ms. Walker as unusual at the time. Ms. Walker
11 had never had anyone, when she was going to investigate neglect, been happy to see her. Mrs.
12 Arvizo showed the DCFS workers a 7 minute excerpt of the Martin Bashir show on the VCR.
13 The clip contained a discussion of Mr. Jackson and Gavin. (RT 750- 752.)

14 Ms. Walker testified that, once the DCFS workers were alone with the Arvizos, Mrs.
15 Arvizo "insisted that she and all the children remain in the room together, and that they have the
16 conversation together." Mrs. Arvizo said that they had nothing to hide. Ms. Walker allowed
17 them to remain. This was typical where the parent insists that they be present for interviews with
18 the children because DCFS would then schedule additional interviews with only the children if
19 the situation warranted the follow-up. (RT 752-753.)

20 Ms. Walker testified that she first interviewed Mrs. Arvizo. Ms. Walker first satisfied
21 herself that Mrs. Arvizo was doing a good job as a mother. Mr. Meniku then began to question
22 the Arvizos about their relationship with Mr. Jackson. Mrs. Arvizo told Ms. Walker that Mr.
23 Jackson was like a father to her children. Mrs. Arvizo said that her children were never alone
24 with Mr. Jackson, that there was always an adult with them. Mrs. Arvizo said that her children
25 did not share a bed with Mr. Jackson. Mrs. Arvizo told Ms. Walker that she was "usually up
26 walking around the house all night long." Ms. Walker did not think that this was strange. (RT
27 755-759.)

1 Ms. Walker testified that she next interviewed Gavin. Gavin told her that "Michael was
2 like a father to me. He's always been there for me." Given everything else that Gavin said about
3 Michael, Ms. Walker was not suspicious that Gavin used the same words that Mrs. Arvizo used.
4 Ms. Walker did not ask Gavin whether he was ever alone with Mr. Jackson. Gavin did say that
5 Mrs. Arvizo went in and out of Mr. Jackson's bedroom and that his mother was "always around
6 to know what goes on." Gavin denied that he ever slept in Mr. Jackson's bed with Mr. Jackson.
7 Gavin also said that he had not been touched in any inappropriate way. (RT 759-762.)

8 Ms. Walker testified that she next interviewed Star. Star also told Ms. Walker that Mr.
9 Jackson was like a father to him. Star said that they stayed overnight in Mr. Jackson's room
10 watching television, and that Mrs. Arvizo was always there when they were in Mr. Jackson's
11 bedroom. Ms. Walker understood this to mean that whenever the Arvizo children were in Mr.
12 Jackson's bedroom, Mrs. Arvizo or an adult other than Mr. Jackson would also be present. The
13 DCFS report indicated that Star denied ever sleeping in a bed with Mr. Jackson and denied
14 allegations of sexual abuse by Mr. Jackson. (RT 763-765.)

15 Ms. Walker testified that she interviewed Davellin next. Davellin told Ms. Walker that
16 "Michael is like a father to us all." Because each of the Arvizos said many things that differed
17 from each other's statements, it didn't set off any alarms with Ms. Walker that they all said that
18 Mr. Jackson "is like a father." Davellin said that she typically took a girlfriend with her to
19 Neverland Ranch to keep her company. Davellin said that she and her girlfriend stay in a room
20 down the hall in the main house and that Mrs. Arvizo always knew what was going on when Mrs.
21 Arvizo was with them at Neverland. (RT 765-767.)

22 Ms. Walker testified that DCFS did not find that there was any need to follow up on the
23 initial interview by interviewing the children separately from their mother. (RT 754-755.) Ms.
24 Walker concluded that Mrs. Arvizo was providing adequate care to her children. (RT 767.)

25 Ms. Walker testified that she saw another man that she took to be associated with Mr.
26 Jackson as she left was leaving from the interview. Ms. Walker returned to same apartment in
27 the afternoon on the next day to have Mrs. Arvizo sign a language waiver. Mrs. Arvizo came out
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1 of the apartment to sign the waiver. Mrs. Arvizo told Ms. Walker that "they were trying to get
2 the kids a tutor, or get them home schooled because of all the publicity from the Martin Bashir
3 tape, and the kids not wanting to go back to their school." Ms. Walker did not see any of the
4 Arvizo children at that time, though she did see the same man with the makeup. Mrs. Arvizo
5 said "that's the person that's trying to get us home schooled, or get a tutor for the kids." (RT
6 767-770.)

7 Ms. Walker testified that she met Mrs. Arvizo again about six weeks later when Ms.
8 Walker was at lunch with Ms. Peters and Ms. Bowen. Mrs. Arvizo said that she had not gotten a
9 tutor for the children, or started them on home schooling. Mrs. Arvizo and the boys told Ms.
10 Walker that the children had missed a lot of school. Mrs. Arvizo said that "Michael Jackson
11 tried to send them to Brazil to avoid the media." Mrs. Arvizo described the situation as "awful"
12 or "horrible." (RT 770-773.)

13 Ms. Meniju testified that Mrs. Arvizo had telephoned DCFS after Ms. Walker had
14 obtained the waiver and before Ms. Walker ran into Mrs. Arvizo at lunch. Mrs. Arvizo had
15 requested assistance in getting her children home schooled. DCFS told Mrs. Arvizo that they
16 were not able to do anything like that. (RT 773.)

17 Ms. Walker testified that she was present during a conversation where Larry Feldman
18 came to DCFS. A forensic psychologist, another attorney, Jennifer Hottenroth, and Ms. Bowen
19 were also present. Ms. Hottenroth represented the department at that meeting. Mr. Feldman and
20 the forensic psychologist said that they were attempting to fulfill their duty as a mandatory
21 reporter regarding a criminal matter that had nothing to do with the mother protecting her
22 children. Mr. Feldman and the forensic psychologist were told that they should report the matter
23 to the Santa Barbara Sheriff's Department because an incident involving non-parental abuse was
24 not something for DCFS. (RT 774-776.)

25 Ms. Walker also testified that Mrs. Arvizo said, during the February 20 interview, that
26 Mrs. Arvizo had never signed a release to have Martin Bashir tape her son. Although no one
27 mentioned Mr. Jackson's name during the meeting with Mr. Feldman, Ms. Walker knew that
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1 they were discussing Mr. Jackson because Mr. Jackson had been discussed at the prior meetings
2 with the Arvizos. (RT 777-778.)

3 Ms. Walker identified Exhibit 41 as the "security guard" that she met at her first
4 interview with the Arvizos. (RT 780.) Lastly, Ms. Walker testified that her lunch meeting with
5 Mrs. Arvizo and the meeting including Mr. Feldman and DCFS were not mentioned in the
6 department's confidential report because the investigation was already closed before those
7 meetings occurred. (RT 783.)

8 Ms. Hottenroth testified that she had been employed by the DCFS in Los Angeles since
9 1990. At the time of her testimony, Ms. Hottenroth was an assistant regional administrator,
10 overseeing "supervisors and social workers doing investigations for children that are medically
11 fragile." She oversaw Ms. Walker within the DCFS. (RT 785-786.)

12 Ms. Hottenroth testified that she was asked to meet with Mr. Feldman and a psychologist
13 "because they wanted to discuss ... [whether] they had information that would constitute a
14 referral to the child abuse hotline." Mr. Feldman and the psychologist did not meet with Ms.
15 Hottenroth to make a report as such, however. Ms. Hottenroth and the other DCFS workers
16 referred Mr. Feldman and the psychologist to law enforcement and the Santa Barbara Child
17 Protective Services. (RT 786-787.)

18 Ms. Hottenroth testified that she oversaw "sensitive cases" in her DCFS office. She said
19 that the "this particular investigation" was classified as a "sensitive case." In late November, Dr.
20 Sofic directed Ms. Hottenroth to prepare a memorandum about DCFS's involvement in the
21 Michael Jackson investigation. Dr. Sofic was a bureau chief at DCFS and the medical director of
22 Ms. Hottenroth's department. Dr. Sofic was fairly new to the department when he requested the
23 memorandum. (RT 787-789.)

24 Ms. Hottenroth testified that her memorandum contained "a brief summary of what was
25 detailing the case in [their] case file ... just a summary of the investigation that was done by the
26 social workers and the supervisor." Specifically, the memorandum included information about
27 the February 20th meeting, but not the meeting between Ms. Hottenroth and Dr. Feldman and the
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1 psychologist. The memorandum also stated that the allegations against Mr. Jackson had been
2 unfounded. (RT 789-790.) The memorandum did not contain information about Ms.
3 Hottenroth's meeting with Dr. Feldman because the department was not conducting a relevant
4 investigation at that time. (RT 796.)

5 Ms. Hottenroth testified that she was not aware that her predecessor at the DCFS had
6 been contacted by the Santa Barbara Sheriff's Department regarding Ms. Hottenroth's
7 department's report of the Arvizo interview. A document - purportedly a transcript of the
8 interview between the Santa Barbara Sheriff's Department and Ms. Hottenroth's predecessor -
9 did not state within its conclusion section that the allegations against Mr. Jackson were
10 unfounded. (RT790-791.)

11 Ms. Hottenroth testified that she did not know how the memorandum that she prepared
12 for Dr. Sofie "ended up in mainstream media." She had a copy, and send copies to Dr. Sofie,
13 Ms. Walker, and Ms. Hottenroth's direct supervisor. The leak of the confidential memorandum
14 is still under investigation with the DCFS. (RT 791-792.)

15 Ms. Hottenroth testified that she understood that the meeting with Mr. Feldman and the
16 psychologist was about the Arvizo children. She also knew that Mr. Jackson had children, and
17 reminded Mr. Feldman that if he felt like Mr. Jackson's children were at risk of abuse or neglect,
18 then Mr. Feldman would need to contact Santa Barbara. She also told Mr. Feldman that the
19 allegations of molestation were a law enforcement matter because "the alleged abuse was
20 happening by a noncustodial parent." Hypothetically, Ms. Hottenroth would have contacted the
21 police if the children themselves had indicated that they were being molested. (RT793-795.)

22 Azja Pryor testified that she spoke with Mrs. Arvizo between five and seven times in
23 February and March of 2003. She only saw Mrs. Arvizo in person once during that time, at an
24 interview with DCFS. Mrs. Arvizo had asked Azja to come because "[Mrs. Arvizo] wanted
25 [Azja] there for support." Specifically, Mrs. Arvizo told Azja that Mrs. Arvizo was concerned
26 that Mrs. Arvizo's children would be taken from her. (RT 805-806.)

27 Azja testified that the interview took place at an apartment occupied by one of Mrs.
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1 Arvizo's friends. Star, Gavin, Davellin, and another man were there with Mrs. Arvizo when
2 Azja arrived. Three social workers arrived at the same time that Azja did. Azja didn't know
3 who the man was and had not seen him before. Azja did not stay at the interview, however,
4 because one of the social workers asked her to leave because "a nonfamily member could not be
5 present by law during the interview." Mrs. Arvizo protested, but both Azja and the unknown
6 man left the room before the interview began. (RT 806-809.)

7 Azja testified that she thought that the unknown man was a "security man" because the
8 Arvizo children has told her that "the media was hounding them, was following them, calling
9 them." Azja said that she assumed that the unknown man was there to protect them from the
10 media. (RT 809.)

11 Azja testified that she went to Carl's Jr. with her son after leaving the interview. The
12 unknown man stayed outside the street corner. After the interview, Mrs. Arvizo asked Azja to
13 drive the Arvizo children to Neverland. Azja did so, though she had never met Mr. Jackson.
14 Azja had been to Neverland with the children once or twice, however. To the best of her
15 knowledge, Mr. Jackson was never at Neverland when Azja was. Mrs. Arvizo never came to
16 Neverland when Azja was there. (RT 809-811.)

17 Azja testified that she did not remember seeing Mrs. Arvizo again after the interview with
18 DCFS, though they have spoken on the telephone three times since then. Azja was under the
19 impression that the Arvizo children were staying at Neverland when she drove them there after
20 the DCFS interview. Azja did not know where Mrs. Arvizo went after the interview, but
21 believes that Mrs. Arvizo left with an unknown "Jackson employec." (RT 813-814.)

22 Azja testified that she did not recognize the individual shown in Exhibit 66, nor identify
23 the photographs marked as Exhibits 67 and 54. The person in Exhibit 56 looked familiar, but she
24 did not know where from. Azja recognized Exhibit 41 as being a picture of someone that
25 Azja believed was an employee of Mr. Jackson, but did not recognize the person in Exhibit 39 at
26 all. (RT 813-815.)

27 It was in the two o'clock hour that Azja arrived at Neverland Ranch with the
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1 Arvizo children after the DCFS interview. Azja's son never stayed with the Arvizo children at
2 Neverland Ranch. (RT 820-822.)

3 Mrs. Arvizo testified that, at some point in time, Brad Miller handed her the phone and
4 dialed the number for Vicki. At some later point, Brad Miller made a tape recording on which he
5 mentioned that her and her children were in the room and he did not mention the fact that Jay
6 Jackson was in the room. Frank told her this was because they could kill Jay. At the point she
7 did the taped interview, she didn't know what was going on. She was confused. No one ever
8 answered the question of who wanted to kill her children. Mr. Miller handed her the piece of
9 paper (Exhibit 74) as he handed her a cell phone. Vicki Podberesky told her that she was a
10 lawyer for Mr. Jackson and Mr. Geragos. Ms. Podberesky told her that she worked in Mr.
11 Geragos' office. Ms. Podberesky stated that she needed to be present at the child welfare
12 interview and that Mrs. Arvizo should not say anything during the interview because "she has
13 seen children ripped from their mother's arms." (RT 1074-1078.)

14 Mrs. Arvizo testified that she was instructed by Frank that she was going to go to
15 Neverland with Azja and the children. She was to be informed as to whether she had stuck to the
16 script during the interview. She was ultimately informed of this at Jay Jackson's apartment by
17 Vinnie following the interview with child welfare. Vinnie told her that she did not do a good
18 enough job following the script. Vinnie said that she mentioned God and Child Welfare
19 Services, and that she "was not on target" about what she had to say about Gavin's cancer. He
20 told her she was going to Brazil. The date on the applications is the 20th. (RT 1078-1084.)

21 Mrs. Arvizo testified that prior to the interview with the three CPS ladies, Azja and Asaf
22 were present. No one else from "the Jackson camp" were present. No one said anything about a
23 tape recorder when she arrived for the interview. The tape recorder came up when CPS asked
24 Asaf and Azja to leave. Asaf told her to tape record. She turned off the tape recorder and put it
25 in the closet. She told the social workers she wanted Asaf and Azja in the room and that the
26 children could not be interviewed individually, because she was instructed to do so by Ms.
27 Podberesky. When Asaf gave her the tape recorder, he told her to turn it on. Asaf told her there
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1 was another tape recorder in the room. She played a DVD of Gavin and Mr. Jackson that she had
2 possessed since the trip to Florida. (RT 1084-1101.)

3 Mrs. Arvizo testified that, following the interview with the social workers, the children
4 returned to Neverland with Azja. She was with Vinnie and he told her they needed to get
5 passports and visas to go to Brazil. At some point she met with Karen Walker, one of the social
6 workers, she was whispering to Ms. Walker "what they were actually doing" and Vinnie turned
7 around and looked at her. She stood quiet. Frank had threatened to kill her parents before she
8 did the rebuttal video. (RT 1101-1104.)

9 Mrs. Arvizo testified that they left Neverland with Jesus on February 12, 2003. She
10 returned to Neverland on February 16th and left minutes later. She was contacted by the
11 Department of Child and Family Services on February 17th. The filming at Hamid Moslechi's
12 house was done on February 19th and 20th. The CPS interview occurred on February 20th. She
13 went to Norwalk with Vinnie to get birth certificates on February 20th. She met with Karen
14 Walker, with Vinnie, on February 21st. (RT 1151-1163.)

15 **G. THE ARVIZO'S MEET WITH WILLIAM DICKERMAN**

16 Davellin testified that Vinnie drove them to see Jamic Masada at the Laugh Factory. Mrs.
17 Arvizo had told Vinnie that Mr. Masada wanted to see Gavin. They were all going to go see him
18 but Vinnie told her and Star to stay in the car. Vinnie stood outside the car. Mrs. Arvizo and
19 Gavin went inside for about an hour. She doesn't know if anyone else was inside at that point.
20 At some point, she went in the Laugh Factory, because Vinnie told her to go in to get her mom,
21 and Bill Dickerman was there. He is a lawyer. (RT 272-274.)

22 Mr. Masada testified that, sometime after the Bashir tape aired, he advised Janet Arvizo
23 to consult with Bill Dickerman. He went with Mrs. Arvizo to visit Mr. Dickerman. The first
24 time he introduced Mrs. Arvizo to Bill Dickerman was at Mr. Dickerman's West Los Angeles
25 office. Gavin and Star were present for that meeting and he isn't sure if Davellin was present.
26 This meeting occurred one and a half weeks prior to the meeting at the Laugh Factory. (RT 306-
27 309.)

1 Mr. Masada testified that Star, Gavin and Mrs. Arvizo came inside the Laugh Factory to
2 meet with Mr. Dickerman. Davellin was with them, but went to the car to keep the "bodyguard
3 or security person" company. (RT 309.)

4 Mr. Masada testified that he received phone calls from Janet Arvizo, following the airing
5 of "Living with Michael Jackson" and her first two meetings with Mr. Dickerman. She was
6 upset. (RT 309-311.)

7 Gavin testified that there was a time when he visited the Laugh Factory to see Jamic
8 Masada, with Mrs. Arvizo. He and Mrs. Arvizo went inside the Laugh Factory. He met Bill
9 Dickerman and Jamic Masada inside. Vinnie drove them there. Star and Davellin were in the
10 car with Vinnie. This occurred after he met with the social worker ladies. (RT 441-442.)

11 William Dickerman, an attorney, testified that he has represented Jamic Masada since
12 1991. He became acquainted with the Arvizo family through Mr. Masada. The first time he met
13 them was February 21, 2003 in the conference room in his office. The next time he met with
14 them was February 25, 2003, at the Laugh Factory. Mr. Masada set up that meeting. There were
15 two meetings at the Laugh factory. All of the Arvizo children were present at the first Laugh
16 Factory meeting. Davellin was only present at the end of the meeting. He began sending a series
17 of letters and communications on behalf of Mrs. Arvizo and her family to Mark Geragos, an
18 attorney representing Mr. Jackson, in March of 2003. He had discussions with individuals at a
19 law firm called Hale Lane in Las Vegas. (RT 607-617.)

20 Mr. Dickerman testified that he was representing Mrs. Arvizo at the point he sent the
21 March 26th letter to Mr. Geragos. There were at least five different areas that he addressed in the
22 letter. People associated with Mr. Jackson were paying unwanted attention to the Arvizo family.
23 The second paragraph of the letter is concerned with the return of passports, visas, and
24 supporting documentation, such as birth certificates that had apparently been taken from the
25 Arvizos and not returned. There was also a concern that furniture and other materials had been
26 taken out of the Arvizo apartment and that nobody knew, except in the Jackson camp, where
27 those materials were stored. They also wanted to get back certain clothing, belonging to Gavin,
28

1 that had not been returned. The second page contained a list of the items that he wanted
2 returned. It was his understanding that video and audio tapes were made of the family and that
3 there were documents signed purporting to give consent or waivers by the family members. He
4 wanted to find out what they were and to get them back so they couldn't be used. He had reason
5 to believe that there was no consent for Gavin to participate in the "Living with Michael
6 Jackson" program and wanted to know if in fact there had been any consent or release signed.
7 He was concerned that the children did not get displayed on television or in the media again. (RT
8 617- 622.)

9 Mr. Dickerman testified that he indicated he would seek a civil restraining order. The
10 March 26th letter accurately represents the areas of concern for the Arvizo family. The letter
11 asked Mr. Geragos to deliver the items by March 26th. Mr. Geragos called Mr. Dickerman in
12 response to the letter. He asked for three to five additional days to get the stuff together. It
13 sounded like Mr. Geragos didn't know anything about the passports or Brazil. Mr. Geragos
14 never referred to the passports, birth certificates or other things and did not make any indication
15 that he had asked for them in his responses. He wrote the April 8th letter to Mr. Geragos after it
16 was clear to him that Mr. Geragos was putting barriers in the way of getting "these things." The
17 April 9th letter was "yet another reiteration of the demand to get these things." It was clear to him
18 that there was not a desire to cooperate. The April 11th letter reflects a desire that certain items
19 be returned and certain action be taken. He had not received anything from Mr. Geragos in
20 response to his letters by April 22nd. The April 22nd letter reflects another attempt to get those
21 items delivered. The letters through April 22nd do not reflect his client's desire to sue Mr.
22 Jackson for child molestation. Up until that point, his effort was to have the items returned,
23 prevent the family from being displayed on international media, and prevent harassment and
24 intimidation. (RT 622-629.)

25 Mr. Dickerman testified that on June 2nd, Mr. Geragos faxed him a letter saying that he
26 would forward the information related to the storage lockers. On June 12th, he received that
27 information from Brad Miller. He doesn't know if anything was recovered from the storage
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1 locker and he never received passports, visas or other documentation that he requested from Mr.
2 Geragos. He has not written a letter to Mr. Geragos, or anybody representing Mr. Jackson, on
3 behalf of his clients for anything involving child molestation. He was involved in a series of
4 correspondences with David LeGrand, an attorney representing Mr. Jackson, regarding the Bashir
5 matter. The July 7th letter from Mr. LeGrand regards a complaint filed by Mr. Jackson with the
6 Broadcast Standards Commission that eventually included the Arvizos as complainants. This
7 complaint was filed before he ever met the Arvizos. Janet Arvizo did not want to cooperate with
8 Mr. LeGrand. (RT 629-634.)

9 Mr. Dickerman testified that he saw a watch but never had possession of it. He contacted
10 Larry Feldman. He had never done business with Mr. Feldman but knew of his involvement with
11 the 1993 case. He tried to refer another case to Mr. Feldman on one other occasion. (RT 635-
12 636.)

13 Mrs. Arvizo testified that she did not meet with William Dickerman on February 21st.
14 She had no meeting at all with Mr. Dickerman in which Jamie Masada was present. She met
15 with Mr. Dickerman and Mr. Masada on February 25th. She remembers that it was on February
16 25th because they were on the way to the hotel from being on Sunset Boulevard. (RT 1104.)

17 Mrs. Arvizo testified that she did not meet with William Dickerman on February 21,
18 2003. She has seen Mr. Dickerman write and feels he must be mistaken about meeting on
19 February 21, because she "knows the way Bill writes" and that Mr. Dickerman "must have
20 mistaken a two for a three." (1163-1164.)

21 H. THE ARVIZOS LEAVE NEVERLAND

22 Star testified that, when she left the ranch for good, Mrs. Arvizo made up an excuse that
23 Gavin had to see the doctor. After they left the ranch, they stayed at the St. Andrews apartment.
24 They went to John Burroughs school and for a while they were taken out of school by Frank and
25 Vinnie. They were out for a couple of weeks and then Mrs. Arvizo enrolled them at John
26 Burroughs. Other kids would tease Gavin by saying that something sexual happened to him.
27 (RT 178-182.)

1 Davellin testified that Vinnie took Mrs. Arvizo and Gavin to a doctors appointment.
2 Gavin has mandatory appointments every week. Gavin had called Mrs. Arvizo and told her he
3 was drinking and was afraid to turn in a bottle of his urine to the doctor. Mrs. Arvizo called her
4 and told her to go get Gavin. She knocked an no one answered. Mrs. Arvizo and Gavin left with
5 Vinnie the next morning. They left the ranch permanently the next day. (RT 276-277.)

6 Davellin testified that she was part of the plan to get off the ranch. Mrs. Arvizo called her
7 the night they went to the doctor and told her "vaguely" that her grandparents were sick and that
8 they needed to go see them. She told Frank. They left the next day. She packed the belongings
9 of Mrs. Arvizo, Star and Gavin, along with her own belongings. Frank told her to leave Gavin's
10 suitcase. She left Gavin's stuff. (RT 277-278.)

11 Davellin testified that they went to her grandmother's house when they left Neverland and
12 she went back to school the next day. One day, when she was walking home, a car pulled up.
13 Someone in the car was vidcotaping her. Someone threw rocks at her grandmother's house that
14 night. Since leaving Neverland she has noticed "a very big change" in Gavin. He doesn't want
15 to be touched. He would not want to talk. He is mostly not that way today. (RT 279-283.)

16 Gavin testified that he had to collect his urine in a large can to take to the hospital for
17 testing. Vinnie drove him to the hospital. They stopped and Mrs. Arvizo used the restroom,
18 while he was outside. When she came back from the restroom the can was empty. Prior to this,
19 he told Mr. Jackson about the urine test and he claimed Mr. Jackson told him not to take it. He
20 called Mrs. Arvizo from Mr. Jackson's room and told her that he drank some wine. Mrs. Arvizo
21 was confused about him drinking. (RT 443-448.)

22 Jay Jackson testified that, at some point, he received a phone call from Mrs. Arvizo while
23 she was at a beauty parlor. Mrs. Arvizo told him that she was there with Gavin ad that "she
24 wanted me to come over." Mrs. Arvizo and Gavin had been at Neverland before this time, and
25 Mrs. Arvizo's calls were "very suspect." When Jay arrived at the beauty parlor, Mrs. Arvizo was
26 sitting on a couch. Mrs. Arvizo told Jay that she wanted to "go home now." Jay said that Mrs.
27 Arvizo "sccmed to be under, you know, some duress." (RT 867-868.)

1 Jay testified that Gavin then walked in from the back entrance with a young man who
2 may have introduced himself as Vinnie. Gavin and "Vinnie" appeared surprised to see Jay. Jay,
3 who was in uniform, told Vinnie that "Janet's going to go home with me." Vinnie and Gavin
4 went outside and Vinnie got on his cell phone. Jay followed Vinnie and asked if there was a
5 problem. Vinnie said that there was no problem with it. Vinnie told Jay, "you can all go."
6 Gavin was abnormally cocky that day and went back into the beauty parlor. Gavin told Mrs.
7 Arvizo, "Mom, you're screwing up everything. ... You're messing up the plan." Gavin was
8 abnormally cocky and defiant that day. Gavin returned to Neverland with Vinnie to join Star and
9 Davellin who were still there. (RT 868-872.)

10 Jay testified that at some point he and Mrs. Arvizo came up with a plan to get the children
11 out of Neverland. Mrs. Arvizo came up with the idea to call Frank or Vinnie and tell them that
12 Mrs. Arvizo's father was "deathly ill, and that he's requesting all of his children come home
13 immediately." Mrs. Arvizo made that phone call; it seemed to have worked. The children
14 arrived at their grandparents thereafter, and Jay and Mrs. Arvizo went to pick them up. The
15 children were very upset and to see Jay and Mrs. Arvizo again. The children seemed very
16 different at that time than the way that Jay knew them. It was several months before they were
17 "back to their normal selves." (RT 874-876; 878.) Jay testified that he had a couple of face-to-
18 face encounters with someone that identified as "Jonnie." On the first occasion, Mrs. Arvizo
19 called Jay at work and told him that "Johnnie is banging on the doors and screaming through the
20 door." After Jay returned home, Johnnie arrived. Jay opened the door and slammed it behind
21 him, confronting Johnnie and telling him to "get off the property and don't ever come back." A
22 couple of days later, Mrs. Arvizo called Jay again to say that "Johnnie's in the area again." Jay
23 returned home to find someone hiding behind a car. Jay could not identify the man as Johnnie,
24 but Jay chased him away nonetheless. (RT 881-883.)

25 Jay testified that the children were having some issues with other children "saying
26 statements to them" after the Arvizo children returned to school. (RT 876.) Jay and Mrs. Arvizo
27 picked the children up from school because Mrs. Arvizo was afraid that "they had their passports
28

1 so they could snatch them up and send them overseas somewhere." Jay was waiting for the
2 children to leave the school when Mrs. Arvizo "comes running to the thing and says, 'Johnnie's
3 out here.'" Jay ran up to the indicated car with a camera that he had forgotten to turn on. Jay
4 pretended to take pictures of a person that he recognized as "Johnnie" while "Johnnie" tried to
5 turn his car around. Jay approached a school counselor nearby and told him that there was a man
6 that is "stalking Gavin and Star." Jay immediately reported the incident to Mr. Davy's. (RT
7 884-885.)

8 Jay was unable to identify the persons pictures in Exhibits 67 or 54. Jay identified the
9 man in Exhibit 39 as Dieter, but he "only [knew] that by TV." Jay indicated that Brad Miller had
10 come to his apartment "early on" asking Mrs. Arvizo and the children about their contact with
11 Michael Jackson. Jay watched the interview in its entirety and did not see anything suggesting
12 prompting as to what do say or what types of answers to give. (RT 887-889.)

13 Yolanda Lazalde testified that she manages an apartment building that Janet Arvizo, and
14 her children, lived at in 2003. Their tenancy terminated in February or March of 2003. She
15 received a call from Janet Arvizo indicating that she wanted to end her tenancy prior to that time.
16 There is a receipt, dated March 4th, that says she will be paid \$850, the outstanding balance,
17 because Mrs. Arvizo wanted to completely pay her bill. She received money from a kid who
18 went to pick up the things. She was given the letter by that person, along with the keys, and she
19 signed the letter on March 5th. The things in the apartment were moved out on March 4th. Mrs.
20 Arvizo called her to see if the apartment was clean, following the move. (RT 1018-1031.)

21 Maria Ventura, Janet Arvizo's mother, testified that there was a conversation in which
22 she informed her grandchildren that she was sick. The children came to her home after that call.
23 The children were "aggressive" when they arrived. Jay Jackson and Janet Arvizo arrived hours
24 later. She received phone calls for the children at her home. On two or three occasions, she
25 received phone calls from "Frank", as indicated on the caller ID. She saw someone outside of
26 her home on one occasion. She never had a conversation with her grandchildren about
27 masturbation. (RT 1032-1053.)

1 Mrs. Arvizo testified that she stayed at Neverland until March 10th. At 4 a.m. on March
2 10th, she received a call from Gavin, who told her that Mr. Jackson wanted him to reschedule his
3 doctor's appointment to prevent the test of his urine from occurring so that the doctor would not
4 discover the presence of alcohol. Gavin told her that Mr. Jackson had given him wine. At 6
5 a.m. she told one of the security personnel that she needed Gavin to take him to his appointment.
6 Vinnie drove them to Kaiser in Los Angeles. Gavin was in a deep sleep in the back of the car.
7 Prior to their arrival, they stopped at a Denny's because she needed to use the restroom. When
8 she returned from the restroom, the car was gone. Then the car showed up again. She noticed
9 the jug that contained Gavin's urine had been moved from the place where she left it. She picked
10 it up and it was almost empty. The top was not screwed on tightly. She believes that Vinnie
11 spilled the urine. When they arrived at the laboratory, Vinnie and Gavin went inside with her.
12 She pleaded with someone at the laboratory to conduct the test but was told they needed more
13 urine. She left the urine there and later was informed via mail that there was insufficient urine
14 for testing. They then went to the ultrasound where a CT scan was done. (RT 1121-1132.)

15 Mrs. Arvizo testified that she told Vinnie that she needed to get something from the
16 apartment. She went to the apartment while Gavin stayed with Vinnie. She called Jay Jackson
17 and asked him to meet her at the nail shop by his work. She also called him from the nail shop.
18 Vinnie came in the shop and then left. She called Jay at that point. Jay arrived and she told him
19 to "play along." Vinnie turned red when Jay arrived. Vinnie called Frank. Gavin spoke with
20 Frank. Gavin and Vinnie went back to Neverland and she stayed with Jay. She had a family
21 court date on March 11th. She expressed to Vinnie that the children needed to be at that court
22 date. Vinnie did not show up with the children. She called Neverland and spoke with Davellin.
23 She told Davellin that her parents were sick. Jay called her parents and told them to say they
24 were sick if someone called. Frank agreed to let the children come to see the grandparents for
25 two days. The children arrived that day. (RT 1132-1143.)

26 Mrs. Arvizo testified that the children arrived at her parents house before she arrived.
27 When she and Jay arrived the children did not want to see Jay. She received calls from Frank.

1 Johnnie came by the house. She received a note asking her to call Frank or Vinnie. She saw
2 Johnnie when the note was dropped off. At this point, she had moved out of the East Los
3 Angeles apartment, which was done without her approval. She had secretly called Yolanda and
4 told her that she did not want to move. She did not know where her things were until Bill
5 Dickerman became involved. She went to Mr. Dickerman and said she wanted her things back.
6 She also talked to him about the issue of the Bashir tape. (RT 1143-1148.)

7 Mrs. Arvizo testified that she did not sign and did not see the letters (Exhibits 73 A, B,
8 C). She told Yolanda that she was moving out. Whenever she could "sneak and call" she told
9 Yolanda not to listen to "them." Yolanda could have been under the belief that gave her
10 permission for the move. She told Yolanda that she had not signed anything and asked that the
11 letters be mailed to her mother's home. (RT 1148-1151.)

12 Michael Davy was the extended learning coordinator at Hollywood High School since
13 July 1, 2003. Prior to July 1, he was a grade level counselor at John Burroughs Middle School
14 for four years, and the administrator in charge of attendance since Spring of 2002. Mr. Davy was
15 the counselor for Gavin and Star for six months while Mr. Davy worked at John Burroughs
16 Middle School. (RT 894-895.)

17 Mr. Davy testified that it came to his attention in February 2003 that Gavin and Star were
18 not attending school. Mr. Davy was unable to contact Mrs. Arvizo, so he sent a pupil services
19 and attendance counselor (Stephen Coffman) to their house. Neither Mr. Davy nor Mr. Coffman
20 were able to contact Mrs. Arvizo. Mrs. Arvizo had been very responsive to prior contact with
21 Mr. Davy. (RT 895-897.)

22 Mr. Davy testified that Mrs. Arvizo called at some point thereafter. Mrs. Arvizo told him
23 that the children could not come into school right away. Mr. Davy said that the issue needed to
24 be resolved: either the children needed to return to school or they needed to be checked out. Mrs.
25 Arvizo repeated that the children could not return, so Mr. Davy suggested that they check Star
26 and Gavin out of school. (RT 897-898.)

27 Mr. Davy testified that Mrs. Arvizo told him that the children would be continuing school
28

1 in Phoenix, Arizona. (RT 906.) He later indicated that he had no record of Phoenix, Arizona
2 except for the paperwork turned in by Mr. Amen. (RT 913-914.) Mrs. Arvizo did not tell Mr.
3 Davy why the children were leaving school. (RT 908.)

4 Mr. Davy testified that he explained the procedure for checking a child out of school,
5 preferably that it be done in person to allow for the return of books and settle accounts. Mrs.
6 Arvizo told Mr. Davy that she was unable to do that, but that she would send someone else. She
7 also indicated that she wanted to keep the textbooks that Gavin and Star had checked out. Mr.
8 Davy explained that a non-relative would need an authorization with Mrs. Arvizo's signature,
9 including her driver's license. On March 6, 2003, someone came to check Star and Gavin Arvizo
10 out of John Burroughs Middle School. (RT 898-899; 905.)

11 Mr. Davy testified that he was able to identify Exhibits 69-A through G and testified as to
12 the requirements for their admission as business records. Mr. Davy identified these documents
13 as a series of notes and letters documenting the children's removal from John Burroughs Middle
14 School by Vinnie Amen on March 6, 2003. In addition to completing the necessary paperwork,
15 Mr. Amen apparently paid for textbooks that the children either lost or wanted to keep. The
16 paperwork was signed by Mr. Amen and Mrs. Arvizo as necessary. (RT 899-902.)

17 Mr. Davy testified that Star and Gavin returned to John Burroughs Middle School on
18 March 17, 2003. Mr. Davy was an administrator at the school at that time, and no longer
19 counseling for Star or Gavin. Shortly after the children returned to school, Jay approached Mr.
20 Davy looking very agitated. Mr. Davy was on supervision for the children's daily dismissal from
21 school. Jay told Mr. Davy that "there's a guy in a car down there videotaping the kids." Mr.
22 Davy walked down to the car and told the driver that "You can't videotape school children." The
23 driver put the camera down, but was not able to leave in a quick manner because the traffic was
24 very backed up. The driver appeared to be ending his videotaping as Mr. Davy approached.
25 Gavin was in the vicinity during this event. (RT 903-905.) Mr. Davy reported the incident to the
26 police. (RT 910.)

27 Mr. Davy testified that the car appeared to be a "kind of a pearl white, low slung
28

1 car, like a 300ZX, or that type." He recognized it as a Nissan in unexceptional condition. (RT
2 912-913.)

3 **I. LARRY FELDMAN'S REFERRAL TO DR. STAN KATZ AND ALLEGATIONS**
4 **OF MISCONDUCT**

5 Larry Feldman, a Los Angeles based attorney, testified that he represented Jordi Chandler
6 in a 1993 lawsuit against Michael Jackson. (RT 63:23-27.) He said that case settled for "multi-
7 multi-multimillions of dollars." (RT 64:19.) This is extremely prejudicial and highly
8 inadmissible under California Evidence Code Section 1152 which prohibits evidence of
9 settlement to prove liability.

10 He then testified based on hearsay. Janet Arvizo was referred to his office by William
11 Dickerman. He spoke with her and her children several times, in April 2003 through June 2003.
12 (RT 64:24-65:15.) Part of the subject of the conversations was the Bashir tape. (RT 66:2-5.)
13 They also discussed that allegedly Michael Jackson or his staff had her belongings stored
14 someplace. There were also "very, very vague" discussions about how "maybe something
15 happened." (RT 66:18-20.)

16 Mr. Feldman testified that he was told there was a concern that Mr. Bashir had gotten the
17 consent to do the taping by reason of talking to Mrs. Arvizo's parents, and that Mrs. Arvizo's
18 parents didn't speak English. (RT 67:1-7.) He was told that Mr. Jackson called for the boys to
19 come up there without telling them that a videotape was going to be done that day. (RT 67:8-15.)
20 Mrs. Arvizo was upset about her son being on television without her consent. (RT 67:13-15.)
21 Gavin was upset about teasing he was receiving as a result of the videotape. (RT 67:18-20.) Mrs.
22 Arvizo was concerned that Mr. Jackson had allegedly hired lawyers for her without her consent
23 to pursue a claim against the BBC in England. (RT 67:19-28.) She did not want, or consent, to
24 the lawyers handling it for her. (RT 67:19-18.) He said that the focus of their discussions was
25 not Michael Jackson at that point and that their focus was "clearly about this unauthorized taping
26 of Gavin in this special." (RT 68:6-9.)

27 Mr. Feldman testified that he decided to send the whole family to see Dr. Katz. (RT
28

1 68:14-15.) He had hired Dr. Katz for the Jordi Chandler case but said he never used him. (RT
2 69:10-70:1.) He sent them to Dr. Katz because "for my own selfish reasons I didn't want to get
3 involved in a Michael Jackson case II, knowing what was in store, without getting an honest view
4 of what was really going on with the kid." (RT 70:2-11.) He had a "sixth sense" that he wasn't
5 really hearing what happened and he wanted a doctor that could give him an objective viewpoint
6 of whether what was really happening with the family. (RT 70:12-17.)

7 Mr. Feldman testified to hearsay from Dr. Katz. According to Mr. Feldman, Dr. Katz
8 believed that he had sufficient information to trigger the requirement that he report the abuse to
9 some agency. (RT 71:1-6.) He wanted to prevent the press from finding about the story so he
10 went to the head of the Department of Children's Services in Los Angeles. (RT 71:7-26.) He and
11 Dr. Katz met with the head of the organization and two investigators. (RT 72:6-8.) The only
12 question they asked was whether the child was in imminent danger and Dr. Katz said the child
13 was not. (RT 72:9-17.)

14 Mr. Feldman offered his opinions about the reaction of the Department of Children's
15 Services' refusal to act on his attempt to cause them to investigate Michael Jackson. Mr.
16 Feldman volunteered his opinions about the adequacy of inquiry by the investigators. He
17 couldn't believe what was happening. (RT 73:4-5.) It was clear to him that the investigators
18 were playing games. (RT 73:6-8.) He testified that he didn't know what their motivations were.
19 (RT 73:10-11.)

20 Mr. Feldman testified that he figured that they better make a report to Santa Barbara. (RT
21 73:26-27.) He called District Attorney Tom Sneddon and said, "Guess who's here with another
22 Michael Jackson case?" (RT 73:28-74:1.) He testified that from that moment on, he handed it to
23 Mr. Sneddon. (RT 74:11-14.) He testified that Mr. Sneddon asked him if he envisioned filing a
24 civil suit at some point and he told him that they were not going to file a civil suit. (RT 74:15-
25 20.)

26 Mr. Feldman testified that he had another contact with the Department of Child Family
27 Services in Los Angeles. (RT 75:3-7.) He again offered his opinion as to the Department's
28

1 reaction. He said he was astounded that they had leaked a report after he went to the trouble of
2 keeping it a secret. (RT 75:11-13.) He testified that the report was created after Michael Jackson
3 was arrested and that it left out the fact that Dr. Katz was there, making a report that he had a
4 reasonable suspicion of child abuse. (RT 75:15-19.) It was "the most outrageous thing that he
5 had ever heard of from an agency that was supposed to be protecting children and asking people
6 to report." (RT 75:9-22.) He testified that "nobody's done a darn thing" about the leak. (RT
7 75:23-25.)

8 Mr. Feldman testified to his opinion regarding the contention that his client, Janet
9 Arvizo, is greedy and is after Mr. Jackson's money is a "bald face lie." (RT 77:2-5.) He said it
10 is "the most ridiculous statement in this matter." (RT 77:2-5.) He testified that if he "wanted to
11 settle this lawsuit for money", or if Mrs. Arvizo or "the kid" wanted to do that, all he had to do
12 was pick up the phone and tell "them" what he had. (RT 78:1-4.) There is no question in his
13 view that he could have "settled this lawsuit" any time he wanted to "settle the lawsuit." (RT
14 78:4-7.)

15 Mr. Feldman testified that the one thing he wouldn't do if he wanted to "give Janet a
16 chance for money was to do what happened here, that is to turn it over to a District Attorney."
17 (RT 78:10-12.) He testified that he wants to be in control and call the shots. (RT 78:13-16.) He
18 doesn't want to rely on the District attorney to call the shots. (RT 78:13-16.) He testified that he
19 would have "gone my own way" if it was about money. (RT 78:17-18.) There was "no time in
20 this case that either this young boy or his mother ever suggested to me that they wanted money."
21 (RT 78:17-20.) If they did want money, "this would be the worst way in the world to go." (RT
22 78:20-21.) He testified that it is "understandable that the defense makes this charge", but it is
23 just "absolutely ridiculous to make that allegation in this case." (RT 78:17-24.)

24 Dr. Katz testified that he is a forensic psychologist, who focuses on issues regarding law
25 and psychology. He is "probably most known" for his "specialty in child sexual abuse." He has
26 been appointed by courts to do evaluations and has served as an expert witness in criminal and
27 civil proceedings. (RT 85-86.)

1 Dr. Katz testified that Larry Feldman asked him to conduct interviews with Star Arvizo
2 ("Star") and Gavin Arvizo ("Gavin"). The first time he saw Star and Gavin was on May 29th,
3 2003 and he saw them again on June 11, 2003.² He interviewed each child separately with no
4 one else in the room. He took notes of the interviews. Gavin was in the waiting room with Mrs.
5 Arvizo and Davellin Arvizo ("Davellin"), while he interviewed Star. (RT 87-89.)

6 Dr. Katz testified that he began the interview by talking about the purposes of the
7 interview. The purpose was to determine if anything had happened to either Star, his brother or
8 his sister. There was a possibility that a lawsuit might be filed. He wanted Star and Gavin to
9 know that, should a lawsuit be filed, their anonymity may not be maintained. He wanted the
10 children to know that "this may not be private forever." Star was fine with that. (RT 89.)

11 Dr. Katz testified that he didn't begin the interview by discussing Mr. Jackson, but that
12 they "certainly proceeded into that territory." At first, he "just talked about the lawsuit and the
13 allegations without naming Mr. Jackson." He testified that Star told him that Star had been to
14 Neverland on a number of occasions. The first time Star was there, Star stated that he and Gavin
15 slept on Mr. Jackson's bed while Mr. Jackson slept on the floor. Star said that Mr. Jackson said
16 he had a surprise and then showed them pictures of naked women on the computer. Star said that
17 Mr. Jackson commented as one of the women came on the screen with large breasts, "want
18 milk?" Star said that Mr. Jackson told them to tell their mother that they were watching "The
19 Simpsons." Star did not allege that "anything happened" that night. (RT 89-91.)

20 Dr. Katz testified that the next time Star "alleged that anything inappropriate happened"
21 was while in Florida following the airing in Europe of the television program where Gavin was
22 on the couch with Mr. Jackson. Star alleged that Gavin was acting "very funny" and that he
23 smelled of alcohol. Star also told him that on the way back in Mr. Jackson's plane that he
24 witnessed Mr. Jackson lick Gavin on the side of the head above the ear. Star told him that Mr.

25 _____
26 ² By this time, two agencies, including the Santa Barbara County Sheriff's Department,
27 investigated whether Mr. Jackson mistreated these children. Both concluded such an allegation
28 is not founded. (RT 790-791; 1497-1499.)

1 Jackson was drunk and that Mr. Jackson offered Star red wine in a Coke can. (RT 91)

2 Dr. Katz testified that Star told him that when they returned to Neverland for an
3 "extended period of time", Mr. Jackson gave them some form of alcohol, including red wine and
4 vodka, every night they were there. Star told him that Gavin would feel and look drunk, and that
5 Star felt dizzy. Dr. Katz testified that Star told him that Mr. Jackson would make sexual
6 comments such as saying the word "clitoris" and that he asked them if they had "jacked off" and
7 if "white stuff came out of their penises." Star told him that Mr. Jackson asked them if they
8 wanted to learn how to "jack off" and they both replied no. Star told him that Mr. Jackson told
9 them that there was a "hole in the dressing room where he would see pussy" and that Mr. Jackson
10 said he "saw a child jacking off and humping a dog." Star reported that he saw Mr. Jackson
11 "hump a girl mannequin." (RT 91-92.)

12 Dr. Katz testified that one night after Gavin was "passed out from alcohol" lying on the
13 bed with Mr. Jackson, Star saw Mr. Jackson's hand down his pants and his "left hand on Gavin's
14 crotch." Star told him that "approximately a week later", Mr. Jackson and Gavin were "in bed
15 again" and that he saw Mr. Jackson "rubbing his penis against Gavin's buttocks." Star told him
16 that he also witnessed Mr. Jackson kissing Gavin on the cheek and "touching his buttocks." Star
17 told him that he was offered red wine, which Mr. Jackson called "Jesus juice," on a daily basis
18 and that Mr. Jackson touched Star "on his butt." Star told Dr. Katz that Mr. Jackson put his hand
19 near Star's penis while they were in a golf cart one time. Star also reported that he saw
20 magazines that contained pictures of naked women in a black suitcase in Mr. Jackson's room and
21 that he saw the titles "Hustler" and "Playboy" on the covers. (RT 92-93.)

22 Dr. Katz testified that, in the June 11th interview, Star told him that his mother was in a
23 cottage "during these episodes." He said that his mother was "put in a cottage" and was "kept in
24 her room" and that they were told not to tell her they were sleeping in Mr. Jackson's room. Star
25 also said that he "smelled marijuana" although Dr. Katz asked him if he had seen it and he said
26 no. Dr. Katz testified that Star told him that someone on Mr. Jackson's staff named Frank told
27 Star that "if he ever told anybody that Mr. Jackson had given them alcohol, that [Frank] would
28

1 kill his grandparents." (RT 93.)

2 Dr. Katz testified that he attempted to discuss issues of masturbation with Mr. Jackson,
3 with Gavin Arvizo during his interview. He said that Gavin told him that Mr. Jackson had told
4 him of a boy who "had to masturbate or he'd go crazy." Gavin said that Mr. Jackson asked him
5 "if he touched himself" and asked him "if white stuff came out." Gavin said that Mr. Jackson
6 offered to teach Gavin how to masturbate. Dr. Katz testified that he asked Gavin if Mr. Jackson
7 demonstrated or taught Gavin how to masturbate and Gavin cowered, began to tear up, and
8 looked "extremely fragile at the moment." Dr. Katz said Gavin told him that he didn't want to
9 talk about it. (RT 95.)

10 Dr. Katz offered opinion testimony. He testified that children who are molested by
11 someone they know have ambivalent feelings as a molestation occurs. He said that children who
12 are molested venture out to tell someone something and then recant when they see a reaction and
13 hear about the consequences. They will reveal what happened in gradual steps. He testified that
14 it is "fairly normal for a child who has been abused sexually to not divulge everything at one
15 time." He thinks it would be "more normal" for Gavin not to divulge everything at one time.
16 (RT 95-97.)

17 Dr. Katz testified that he brought up the possibility of a civil lawsuit with Gavin because
18 he wanted him to understand that there might be consequences of making disclosures to him. He
19 testified that he told Gavin that one consequence would be money and that there were other
20 consequences, like the discomfort of trial and the loss of his anonymity. (RT 100-101.)

21 **J. MR. JACKSON'S SUPPOSED TIES TO AN ALLEGED CONSPIRACY**

22 Mr. Salas testified that Frank Tyson was a regular visitor to Neverland. Mr. Tyson was
23 trying to become part of Mr. Jackson's business, or trying to run his business or his traveling
24 tours. Dieter lived in one of the guest houses during the time Mrs. Arvizo asked to leave
25 Neverland. Mr. Tyson was living in the video library room. Mr. Tyson lived at Neverland for
26 six months prior to Mrs. Arvizo asking to leave, and continued to live there after she left. Dieter
27 continued to live there after she left. (RT 324-326.)

1 Christian Robinson testified that he has visited and talked to Mr. Jackson, regarding
2 business, ten or fifteen times. He was introduced to Mr. Jackson by Marc Schaffel, a
3 businessman. Neverland Valley Entertainment is a business that March Schaffel set up. He
4 worked with Mr. Schaffel on a majority of the occasions. He did work for Mr. Jackson but was
5 sometimes booked by Evvy, Mr. Jackson's secretary. He worked with Mr. Schaffel on the video
6 for "What More Can I Give?" Mr. Jackson did not contact them to do the video. Mr. Schaffel
7 contacted him to do the video. (RT 495-504.)

8 Mr. Carter testified that he owned a T-Mobile cell phone during the time he worked for
9 Mr. Jackson and was provided with a Nextel phone, paid for by the Michael Jackson production
10 company, when his T-Mobile service ended. The Nextel service began in February or March of
11 2003. Mr. Jackson did not typically carry a cell phone and used his phones. Mr. Jackson used
12 his cell phone "on and off withing every hour" over a 24 hour period. The reception on his T-
13 Mobile phone was "vcry, very weak" at Neverland. The Nextel phone did not function at all at
14 Neverland. The T-Mobile and the Nextel phone both worked great in Solvang, Santa Maria and
15 Santa Barbara. He had occasion to go off of the ranch with Mr. Jackson during February and
16 March of 2003. They went right around the ranch, to Toys R Us, Subway and antique stores in
17 Solvang. They would go off of the ranch "maybe three times a week." There were periods when
18 they were not at the Ranch during that time. They were in Miami three or four times in February
19 and March. The phone worked fine in Florida at the Turnberry location. The reception between
20 the Ranch and the Santa Barbara airport was okay. The reception between the ranch and the Los
21 Angeles airport was okay. (RT 1611-1618.)

22 Mr. Carter testified that Mr. Jackson also used the phones of Mike Laparook, Danny
23 Crawford, Marie Nicole and Dominic Casio. Mr. Jackson frequently used Marie Nicole's phone.
24 (RT 1618-1619.)

25 Mr. Carter testified that he never personally called Dr. Farshchian. He made and received
26 calls to Dr. Farshchian for Mr. Jackson. When Frank Tyson called he would pass the phone to
27 Mr. Jackson. He has no recollections of specific conversations between Mr. Tyson and Mr.
28

1 Jackson. He would make calls to Evvy Tavasci, Mr. Jackson's main assistant, quite often. Mr.
2 Jackson would make or receive calls from Ms. Tavasci quite often. He made or received calls
3 from Mr. Moslehi once or twice, for Mr. Jackson. (RT 1619-1623.)

4 Mr. Carter testified that if someone wanted to reach Mr. Jackson at Neverland security
5 would most likely answer the phone. Most of the time they would not patch the call through and
6 would take a message and give it to Mr. Jackson. If it was an important call it would to Mr.
7 Jackson's room upstairs or downstairs, or to his office. (RT 1623.)

8 Mr. Carter testified that Ronald Konitzer and Dieter Weizner were business associates of
9 Mr. Jackson. He would not have reason to call or receive calls from Mr. Konitzer or Mr.
10 Weizner, other than for Mr. Jackson. He doesn't know who Jerry Bady is and would not have
11 reason to receive calls from him, other than for Mr. Jackson. Mr. Malnick is a lawyer from
12 Florida who is a friend and a business associate of Mr. Jackson. If there were phone calls to or
13 from Mr. Malnick it would be for Mr. Jackson. In February and March of 2003 Mr. Jackson and
14 Mr. Tyson conversed with one another using his cell phone quite a bit. (RT 1623-1625.)

15 Mr. Carter testified that Mr. Jackson and Mr. Tyson were friends. He doesn't know what
16 Mr. Tyson did business-wise. If there was something small that concerned Mr. Jackson or his
17 employment, he would call Mr. Tyson first. If it were something pertaining to Mr. Jackson's
18 welfare he would call Mr. Jackson first. He would call Mr. Tyson about small details because he
19 didn't want to bother Mr. Jackson. (RT 1625-1627.)

20 Mr. Carter testified that Gavin, Star, Davellin, Aldo, Frank, Marie Nicole, Mike
21 Laparook, Grace, Patricia Chavez and Danny Crawford were around in the February and March
22 time period in which the Miami trips occurred. (RT 1629-1630.)

23 Mr. Carter testified that during February and March of 2003 he received calls from Mr.
24 Tyson. Mr. Konitzer called for Mr. Jackson a few times. Dieter Weizner called for Mr. Jackson.
25 Frank is always more upbeat. Mr. Konitzer and Mr. Weizner were normal when they called. He
26 doesn't know if any conference calls were made by Mr. Jackson on his phone. (RT 1630-1631.)

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28

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2 company, when his T-Mobile service ended. The Nextel service began in February or March of
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7 Santa Barbara. He had occasion to go off of the ranch with Mr. Jackson during February and
8 March of 2003. They went right around the ranch, to Toys R Us, Subway and antique stores in
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10 they were not at the Ranch during that time. They were in Miami three or four times in February
11 and March. The phone worked fine in Florida at the Turnberry location. The reception between
12 the Ranch and the Santa Barbara airport was okay. The reception between the ranch and the Los
13 Angeles airport was okay. (RT 1611-1618.)

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15 Crawford, Marie Nicole and Dominic Casio. Mr. Jackson frequently used Marie Nicole's phone.
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20 Jackson. He would make calls to Evvy Tavasci, Mr. Jackson's main assistant, quite often. Mr.
21 Jackson would make or receive calls from Ms. Tavasci quite often. He made or received calls
22 from Mr. Moslehi once or twice, for Mr. Jackson. (RT 1619-1623.)

23 Mr. Bonner testified that he participated in the search of Marc Schaffel's home on
24 January 31, 2004. He found an email from David LeGrand to Ann Gabriel with a cc to Marc in
25 L.A. He seized a list of phone numbers including numbers for Mark Geragos, Gavin Arvizo,
26 Ronald Konitzer, Vinnic Black and Vinnic Tyson Playboy. He seized a 12 page document that
27 has an invoice for \$3136 to Vincent Amen from Neverland Valley Entertainment. The next page
28

1 appears to indicate a petty cash disbursement of \$2500 to Mrs. Arvizo. There is a cash receipt
2 from Vinnie Amen for \$500 for visa and pictures from Mr. Schaffel dated February 27, 2003. It
3 appears to be a Quicken printout. The next page appears to be a check receipt to the U.S.
4 Department of State for passports dated February 25, 2003 from Fred Schaffel Productions.
5 There is another check receipt from Neverland Valley Entertainment to Frank Casio for \$5000
6 dated February 26, 2003. There is a receipt from Frank Casio from Marc Schaffel for \$1000 for
7 "vacation" expenses. A Country Inn and Suites receipt was in the book. There is an itemization
8 of expenses, it appears, for "Living with Michael Jackson, Take Two" that shows a number of
9 expenses, including \$4550 to Mrs. Arvizo. The total expense is \$139,000. (RT 1411-1423.)

10 Mr. Bonner testified that Exhibit 96 is a memorandum of acknowledgment between Marc
11 Schaffel and MJJ Productions that is unsigned. Exhibit 97 is a photo of a phone list with names
12 such as Mark Geragos, Brad PI, Dieter Weizner, Gavin Arvizo, Hamid, Jack Susman, Karen
13 Faye, Ronald Konitzer, Vinnie Black and Frank Tyson Playboy. There is also an additional name
14 at the bottom saying, "Christian Robinson will do anything you want." The first page of Exhibit
15 98 is a photo of a phone sheet. The names are Mark Geragos, criminal lawyer, Brad PI, Dieter
16 Weizner, Gavin Arvizo, Hamid, Ronald Konitzer, Vinnie Black, Jack Susman and Frank Tyson
17 Playboy. The next page appears to be an email to Marc in L.A. from Ronald. (RT 1423-1426)

18 Mr. Bonner testified that Exhibit 99 is a six page document selected from an address
19 book with over one hundred pages. The first page mentions "Vinnie Amen (Black)." The next
20 page indicates numbers for Brad Miller, Joe Marquez, Asaf and Al Malnick. The next page
21 indicates a meeting with Mark Geragos at 12:30 pm in El Monte. There is a lined piece of paper
22 that says "Janet and Gavin, PI Brad Miller" and it says "recorder for phone", which he found in
23 the address folder. Mr. Bonner testified that Exhibit 10, "Hawaii identification. Work agreement
24 Neverland" appears to be a work agreement with Neverland Valley Entertainment and Marc
25 Schaffel. (RT 1426-1434.)

26 Mr. Bonner testified that Exhibit 101 is a photograph taken by him of a document titled
27 "Approved Statement By Janet Ventura Arvizo." (RT 1448-1449.)

1 Mr. Bonner testified that Exhibit 108 is a document he prepared that is an analysis of the
2 telephone toll record obtained by Mr. Zelis. He made a list that shows the frequency of calls that
3 were made on specific dates by specific individuals to other specific individuals.

4 Mr. Zelis testified that he obtained records for Chris Carter's T-Mobile cell phone from
5 February 2 to February 25, 2003. The records show phone calls to Frank Tyson, either Dieter
6 Weizner or Ronald Konitzer, Marie Nicole, Neverland, Mr. Farshchian, Jerry Bady, Evvy
7 Tavasci, Rebecca Paced, Hamid, Malnick, and Gary Hearn. (RT 1639-1647.)

8 Mr. Zelis testified that he obtained Verison Wireless records for Frank Casio from the
9 beginning of February through the end of February. Chris Carter's records and Frank Casio's
10 records show a phone call between the two phones. There is a call from one of Mr. Casio's cell
11 phone to another one of his cell phones. There are calls with B.M. Steller, Vincent Amen,
12 Ronald Konitzer, Marc Schaffel, Neverland, Evvy Tavasci, a Skytel pager, Brad Buxer, Mr.
13 Geragos, Christian Robinson, Janet Arvizo's parents, Brad Miller, Jay Jackson's former
14 residence, Asaf Valchyk, Washington Mutual and Frankie Bluc. (RT 1647-1658.)

15 Mr. Zelis testified that he obtained Vincent Amen's T-Mobile phone records. There is a
16 call with Neverland Valley Entertainment, run by Marc Schaffel out of the Calabasas area. There
17 are calls with the Hilton Garden Inn, Hamid Moslehi, Gary Hearn, Jay Jackson's former
18 residence, Jay Jackson's work, the Country Inn and Suites, Yolanda Lazalde, Brad Miller, Rudy
19 Provencio, Mark Geragos, Marc Schaffel and Marie Nicole. (RT 1659-1667.)

20 Mr. Zelis testified that he obtained phone records from Jay Jackson's Talk America
21 phone. The records show calls with Frank Tyson's cell and home phones, Chris Carter, Vinnie,
22 and some Neverland numbers. (RT 1712-1725.)

23 **J. INVESTIGATION BY SANTA BARBARA COUNTY**

24 Terry Flaa, a former Sheriff's Department detective and current Santa Maria police
25 officer, testified that he received a referral from the Department of Child and Family Services in
26 Los Angeles on February 20, 2003, concerning the Arvizo family. He was assigned to evaluate
27 whether a criminal investigation should be launched as a result of that referral. An investigation
28

1 was started but it was not classified as a crime at that time. Jeff Klapakis, a lieutenant, contacted
2 Child Welfare Services and asked them to interview the children. Mr. Klapakis made the
3 decision to make that request. CPS read him their report but said that they could not release it for
4 confidentiality reasons. He told them he was recording the conversation. Based on the
5 interviews they conducted, CPS determined that neither Arvizo sibling had disclosed any form of
6 sexual abuse. The decision was made not to open an investigation. (RT 1438-1445.)

7 Jeffery Klapakis, a lieutenant with the Sheriff's Department, testified that he received a
8 referrals related to the Bashir film from a principal of a school and from a Los Angeles attorney.
9 There was no indication that any inappropriate behavior had occurred. He contacted CPS in
10 Lompoc to obtain telephone numbers for DFCS so that they could explore some of the referrals.
11 Based on the DCFS report read to Terry Flaa, he did not initiate an investigation. (RT 1497-
12 1499.)

13 Mr. Klapakis testified that an investigation began in July of 2003. He assigned Paul Zelis
14 and Steve Robel to work on the investigation. The investigation began when he received a phone
15 call from Larry Feldman who indicated the child had been interviewed by Dr. Katz. (RT 1499-
16 1502.)

17 Jeff Klapakis testified that he was a lieutenant with the sheriff's department in charge of a
18 criminal investigations division. Lt. Klapakis had been involved in the investigation of the case
19 People versus Michael Jackson since the investigation's inception. Lt. Klapakis was also
20 "involved in, as part of [his] responsibilities, with maintaining security [at the Grand Jury Room]
21 and for the witnesses." (RT 824-825.)

22 Lt. Klapakis testified that, prior to giving testimony, he reviewed a time line that had been
23 collectively assembled by a number of different people. He was not personally familiar with all
24 of the entries of the timeline.

25 Lt. Klapakis testified that he was personally familiar with the following dates and their
26 events based on the records that he had examined or witnesses that he spoke with:
27
28

1	Junc, 2000	Gavin diagnosed with cancer.
2	August, 2000	Arvizo family's first visit to Neverland.
3	2001	No visits to Neverland
4	September, 2002	Arvizo children spent one night at Neverland at Mr. Jackson's invitation. Bashir documentary being filmed.
5		
6	February, 2003	Bashir documentary aired in England.
7	February 4 or 5, 2003	Mr. Jackson called Mrs. Arvizo and asked the Arvizos to travel to Florida.
8	February 5, 2003	Arvizos fly to Florida, arranged by Chris Tucker.
9	February 6, 2003	Bashir documentary aired in the United States.
10	February 7, 2003	Arvizos returned to Neverland from Florida.
11	February 11, 2003	Jay called Santa Barbara Police Department and sheriff's department. Mrs. Arvizo and children still at Neverland.
12		
13	February 12-13, 2003	Mrs. Arvizo and Arvizo children "escape" Neverland and driven back to Los Angeles. Sergeant with sheriff's department called Jay to learn that Mrs. Arvizo and children were back with Jay.
14		
15	February 15, 2003	Arvizos returned to Neverland because Frank Tyson Casio promised that Dieter and Ronald were not there. Mrs. Arvizo leaves without her children on the same day.
16		
17	February 19-20, 2003	Vinnie drives Mrs. Arvizo to Hamid's home. Arvizo children driven by Hamid.
18		
19	February 20, 2003	DCFS interview at Jay's apartment in Los Angeles. Azja returns the Arvizo children to Neverland.
20	February 20-21, 2003	Mrs. Arvizo taken to Norwalk by Asaf to get birth certificates for passports and visas.
21	February 21, 2003	Vinnie and Mrs. Arvizo met with Ms. Walker to sign paperwork based on February 20 interview. Vinnie took Mrs. Arvizo back to Neverland.
22		
23	February 21-25, 2003	"Arvizos all stayed at Neverland"
24	February 25 -	Arvizos and "several of Mr. Jackson's entourage"
25	March 22, 2003	stayed at Country Inn and Suites in Calabasas to get passports and visas for the family.
26	March 1, 2003	Brad Miller placed Arvizo possessions in storage after moving them out of their apartment.
27		
28		

1	March 2, 2003	"All" returned to Neverland
2	March 6, 2003	Amen withdraws Gavin and Star from school.
3	March 10, 2003	Viinie drove Mrs. Arvizo and Gavin to Gavin's
4		doctor's appointment. Gavin's urine sample spilled
5		en route. Later, Mrs. Arvizo, Gavin, and Vinnie were
6		taken to a beauty parlor where Mrs. Arvizo called Jay
7	March 11, 2003	and Jay met them there. Vinnie and Gavin returned to
8		Neverland while Mrs. Arvizo stayed in Los Angeles
9		with Jay.
10	March 12, 2003	Mrs. Arvizo has a court hearing regarding child
11		custody. Vinnie showed up but did not bring the
12		Arvizo children with him.
13		Mrs. Arvizo and Jay had Mrs. Arvizo's father call
14		Neverland pretending to be sick.

(RT 825-832.)

Lt. Klapakis testified that some of the dates were approximations and that he was not sure who accompanied Mrs. Arvizo after her meeting with the DCFS. (RT 832-833.)

Timothy Sutcliffe, a detective in the Sheriff's forensics bureau, testified that, during the search of Neverland, the police found some books in a nylon bag in a closet. They seized those items because there was a manila folder included with those articles that had the name Gavin on it. He did some fingerprinting on bottles including a whiskey bottle and a wine bottle and did not find any prints that matched Gavin's prints. (RT 1240-1251.)

Michael Kuhbander, a Sheriff's detective, testified that he was assigned to conduct interviews and then assist with the search, on the day the search at Neverland was executed. He found the computer (Exhibit 83) in Mr. Jackson's quarters. (RT 1252-1260.)

Steve Robel, a sergeant with the Sheriff's Department, testified that he was involved in the search of Neverland Ranch on November 18, 2003. (RT 1261-1269.)

Rod Forney, a detective with the Sheriff's Department, testified that he participated in the search of Bradley Miller's office. (RT 1270-1272.)

Victor Alvarez, a detective with the Sheriff's Department, testified that he went to the Country Inn in Calabasas to acquire records. (RT 1273-1274.)

Jeffery Ellis, an investigator for the District Attorney, testified that he interviewed George

1 Irwin, a representative of Dino's Storage, and Mr. Irwin provided him with records. The records
2 indicate that Brad Miller ordered the pickup and storage of the goods. (RT 1279-1292.)

3 Craig Bonner, a detective with the Sheriff's Department, testified that he assisted in the
4 search of Mr. Jackson's home on November 18, 2003. He searched the "lower floor, personal
5 bedroom area" of the main house. (RT 1293-1322.)

6 Karen Shepherd, a detective with the Sheriff's Department, testified that she assisted in
7 the search of Mr. Jackson's home and was assigned to the main portion of the house.

8 Courtney Williams, a detective with the Sheriff's Department, testified that he
9 participated in the search of Hamid Moslehi's home. He seized seven beta tapes. (RT 1333-
10 1336.)

11 Paul Zelis, a detective with the Sheriff's Department, testified that he participated in the
12 search of Mr. Jackson's home and was assigned to the "personal bedroom area." He was the
13 affiant on the search warrant and was assigned to the case on June 13, 2003. He has done more
14 work than anyone else on this case. He obtained information about a black suitcase containing
15 pornography from Star Arvizo. He obtained a note and a gold colored watch from Larry
16 Feldman who received them from Janet Arvizo. He obtained a black jacket from Tom Sneddon.
17 He interviewed Stan Katz. He was not present when Janet Arvizo was told that her son had been
18 molested. (RT 1347-1360.)

19 Mr. Klapakis testified that he was in charge of the search of Neverland Ranch. The
20 search warrant limited the scope of where they could search. They could search the main house,
21 security shack and the arcade. The rest of the facility was not included in the search warrant. He
22 assigned people to videotape the search. There were people there to take photographs. The
23 search team itself had 25 to 30 people. They were there for 18 hours. They also searched Brad
24 Miller's office and Hamid Moslehi's home. There were a team of detectives at Neverland Ranch
25 who were conduct interviews while they were at Neverland. They obtained two "spinoff"
26 warrants to seize the mattress and the bedspread while they were at the ranch. They did not have
27 a night endorsement so it had to go between 7:00 a.m. and 10:00 p.m. (RT 1502-1511.)

1 L. THE PERFUNCTORY PRESENTATION OF DEFENSE MATERIAL PROVIDED
2 TO THE PROSECUTION

3 The District Attorney introduced exculpatory materials, provided by defense counsel, to
4 the grand jury in a perfunctory manner that undermined the grand jury's obligation to
5 independently evaluate those materials.

6 Mr. Zonen compared the presentation of those materials to a "grade school" assignment.
7 (RT 835:12016.) He went on to inform the jurors that the statements of Mr. Jackson's counsel
8 "were made by them in their role as partisan advocates for the accused, not as witnesses." (RT
9 837:7-9.) He commented to the grand jurors that "[m]uch of the material in the 61 exhibits
10 contain hearsay statements, or refer to events that have already been testified to before the Grand
11 Jury in this proceeding." (RT 837:22-25.) After commenting on the materials, he stated, "[t]he
12 District Attorney submits the materials presented by the defense without commenting on its
13 character, weight, importance, relevance, or materiality. (RT 838:11-16.) After claiming that the
14 District Attorney would not comment on the defense evidence, Mr. Zonen stated, "[i]t is for you
15 to decide what weight or significance, if any, should be given to those unsworn statements in
16 determining whether additional witnesses or evidence should be produced." 838:17-20.) He
17 stated "[y]ou are advised that the materials in the exhibits portion of the binder contain
18 statements and information that were not made under oath." (RT 841:13-16.)

19 The District Attorney's improper commentary prevented the grand jurors from viewing
20 the exculpatory evidence independently. Pointing out that statements are "unsworn" and
21 "hearsay" to a grand jury made up of laypersons had the effect of asking the grand jury to
22 discount exculpatory evidence as less valuable than the handpicked evidence presented by the
23 prosecution.

24 The District Attorney encouraged the grand jurors to read through the material at a fast
25 pace and belittled the value of the evidence by stating that it could be "figured out." In response
26 to a question from a grand juror regarding whether the prosecution wanted them to "read the
27 whole thing today", Mr. Zonen stated, "[y]ou'll figure this out fairly rapidly." (RT 843:24-844:4.)

1 Furthermore the District Attorney removed 9 of the 60 exhibits and obscured portions of
2 10 other exhibits. (RT 838:2-5.) So much of the evidence presented to the grand jurors was
3 "blacked out" that it prompted one of the grand jurors to ask the prosecutors, "[d]id you guys get
4 any sleep this weekend." (RT 839:15-16.)

5 ARGUMENT

6 I.

7 THE GRAND JURY PROCESS IS DESIGNED TO PROTECT THE ACCUSED FROM
8 UNWARRANTED PROSECUTION

9 The grand jury process in California is a real, not perfunctory, safeguard to a person
10 accused. In *Johnson v. Superior Court* (1975) 15 Cal. 3d 248, 253-254, the Supreme Court
11 emphasized the importance of the grand jury in our system of justice:

12 The grand jury's historic role as a protective bulwark standing solidly between the
13 ordinary citizen and an overzealous prosecutor is as well-established in California
as it is in the federal system.

14 The Supreme Court has enumerated four components to the grand jury process:

15 First, the prosecutor must not abuse his or her trust in the secret grand jury room. The
16 prosecutor has a duty to present the case fairly both as to the facts and the law. (*Johnson v.*
17 *Superior Court* (1975) 15 Cal. 3d 248; *Cummiskey v. Superior Court* (1992) 3 Cal. 4th 1018.)

18 Second, the grand jury must deliberate in a fair and impartial fashion, untainted by bias,
19 prejudice, public opinion or inflammatory evidence. (*People v. Backus* (1979) 23 Cal. 3d 360.)

20 Third, the grand jury must determine if "a man of ordinary caution or prudence could
21 entertain a strong suspicion of guilt of the accused, and if some rational ground exists for an
22 assumption of guilt the indictment will not be set aside." (*People v. Backus* (1979) 23 Cal. 3d
23 360, 387.)

24 Fourth, the matter is then submitted to the trial court which must determine under Penal
25 Code Section 995 whether or not the defendant has been indicted without probable cause. (Penal
26 Code § 995; *Greenberg v. Superior Court* (1942) 19 Cal. 2d 319.)

27 In the case of this indictment, the first three protections failed and it is now up to the
28

1 Court to protect Mr. Jackson against an overzealous prosecutor and an improperly returned
2 indictment. As argued below, the prosecutors abused the grand jury process. They bullied
3 witnesses, they allowed extremely prejudicial material to freely come before the grand jurors,
4 they gave short shrift to the law, they vouched for their version of facts over that of sworn
5 witnesses, they argued improper inferences and the grand jurors succumbed to their influence.

6 One has only to think about how these proceedings would have been different if the
7 accused's attorney were there to object or if a judge had heard the proceeding in open court.
8 How much of what went on to influence and prejudice this jury would have been admissible over
9 objection at trial? That legal question pursuant to Penal Code Section 939.6 must now be
10 answered by this court. The court then must not only excise the inadmissible material but must
11 also determine whether or not the prejudicial effect of the inadmissible material and the conduct
12 of the prosecutors caused prejudice to the grand juror's ultimate decision.

13 **II.**

14 **THE TRIAL COURT THAT MUST DETERMINE UNDER PENAL CODE SECTION**
15 **995 WHETHER OR NOT THE GRAND JURY ABUSED ITS POWER IN RETURNING**
16 **THE INDICTMENT**

17 Penal Code Section 995 provides that an indictment must be set aside when:

18 (a) Subject to subdivision (b) of Section 995a, the indictment or information shall
19 be set aside by the court in which the defendant is arraigned, upon his or her
20 motion, in either of the following cases:

(1) If it is an indictment:

(A) Where it is not found, endorsed, and presented as prescribed in this code.

(B) That the defendant has been indicted without reasonable or probable cause.

21 The court in *People v. Boehm*, (1969) 270 Cal.App. 2d 13, stated that the trial court, in
22 reviewing the indictment, must look to the quality of the evidence as well as the correctness of
23 the procedures leading up to the indictment:

24 The law gives an indicted defendant protection against abuse of a grand jury's
25 power. The superior court is empowered to set aside an indictment when it is not
26 based upon the required quality of evidence, or is otherwise not found, endorsed
or presented as required by law.

27 Under *People v. Morris* (1988) 46 Cal.3d 1, a finding of fact must "be an inference drawn

1 from evidence rather than . . . a mere speculation as to probabilities without evidence" (*ibid.*) –
2 and must logically flow from other facts established in the action. (*Id.*, at 21; Evidence Code, §
3 600, subd. (b).) While a court "may speculate about any number of scenarios that may have
4 occurred," a reasonable inference "may not be based on suspicion alone, or on imagination,
5 speculation, supposition, surmise, conjecture, or guess work." (*People v. Morris, supra*, 46 Cal.3d
6 at 21.)

7 A grand jury transcript must contain some evidence to support each element of the
8 charged offense or clause. (*Garabedian v. Superior Court* (1963) 59 Cal. 2d 124; *Barber v.*
9 *Superior Court* (1991) Cal.App. 4th 793, 795.)

10 The inferences drawn from the evidence must be reasonable. If they are "speculative," it
11 is the reviewing judges's duty to discard those inferences that "derive their substance from
12 guesswork, speculation, or conjecture." (*Birt v. Superior Court* (1973) 34 Cal.App. 3d 934, 938.)
13 The Court has the duty to "resolve the issue in light of the whole record" and "may not limit [its]
14 appraisal to isolated bits of evidence" selected by the prosecution. (*People v. Johnson* (1980) 26
15 Cal. 3d 557, 577.)

16 As will be argued below, this indictment is not supported by evidence or reasonable
17 inferences. It must be set aside, particularly the conspiracy count with regard to which there is no
18 proof of the elements of conspiracy.

19 As will also be shown below, the prosecution abused its power and violated its duty to go
20 into the grand jury room and present the evidence fairly and accurately. They offered and allowed
21 evidence extremely prejudicial to Mr. Jackson which would have never been allowed over
22 objection at trial. In fact, much of the most prejudicial prosecutorial conduct and evidence
23 probably would have been excluded by a trial judge *sua sponte*. Had a trial jury heard even
24 portions of it, a mistrial would have been the only remedy. Here the only remedy now is to set
25 aside the indictment.

1 ///

2 III.

3 THE ADMISSIBLE EVIDENCE IS INSUFFICIENT TO ESTABLISH A STRONG
4 SUSPICION OF THE ELEMENTS NECESSARY TO SHOW MR. JACKSON WAS
5 PART OF A CONSPIRACY

6 Although this indictment must be set aside due to the prejudicial effect of the misconduct of
7 the prosecution, it is also the case that the elements of the crimes charged are not supported by
8 the evidence which was presented which would have been admissible over objection at trial
9 (Penal Code Section 939.6.) The elements of conspiracy are specific and require proof that the
10 accused, himself, is actually guilty. In this case, there was innuendo, guilt by association and a
11 tremendous amount of inflammatory and prejudicial material. There is no way for this court to
12 guess how the grand jurors might have reacted overall if they had been properly presented with
13 just the evidence. However, for the purpose of this analysis, it is clear that there was no rational
14 basis to find that Mr. Jackson was a conspirator based on the law of conspiracy itself.

15 CALJIC 6.10 defines conspiracy as:

16 A conspiracy is an agreement entered into between two or more persons with the
17 specific intent to agree to commit a crime and with the further specific intent to
18 commit that crime, followed by an overt act committed in this state by one [or
more] of the parties for the purpose of accomplishing the object of the agreement.
Conspiracy is a crime.

19 In order to find a defendant guilty of conspiracy, in addition to proof of the
20 unlawful agreement and specific intent, there must be proof of the commission of
at least one of the acts alleged in the indictment to be [an] overt act[s] and that the
21 act committed was an overt act. It is not necessary to the guilt of any particular
defendant that defendant personally committed the overt act, if he was one of the
22 conspirators when the alleged overt act was committed.

23 The term "overt act" means any step taken or act committed by one [or more] of
the conspirators which goes beyond mere planning or agreement to commit a
24 crime and which step or act is done in furtherance of the accomplishment of the
object of the conspiracy.

25 To be an "overt act", the step taken or act committed need not, in and of itself,
26 constitute the crime or even an attempt to commit the crime which is the ultimate
object of the conspiracy. Nor is it required that the step or act, in and of itself, be a
27 criminal or an unlawful act.

1 Conspiracy is a specific intent crime, with the intent divided into two elements: (a) the
2 intent to agree or conspire, and (b) the intent to commit the offense which is the object of the
3 conspiracy. (*People v. Backus* (1979) 23 Cal.3d 360, 390.) Accordingly, to prove a particular
4 person committed a particular offense, the prosecution must show not only that that person
5 intended to agree with his co-conspirators but also that he and they intended to commit the
6 elements of that offense. (*People v. Horn* (1974), 12 Cal.3d 290, 296.)

7 **A. Proof of Intent to Agree or Conspire**

8 There is simply no evidence that Mr. Jackson had the specific intent to agree or conspire
9 with anyone about anything. The prosecution called witnesses who lacked personal knowledge
10 as to the nature of Mr. Jackson's relationships with the alleged co-conspirators. In particular,
11 Christian Robinson, Christopher Carter and Jesus Salas were asked to testify regarding Mr.
12 Jackson's personal and business affairs. Despite their lack of personal knowledge, these
13 witnesses were allowed to speculate regarding Mr. Jackson's involvement with the people named
14 as co-conspirators in the indictment. Furthermore, none of this evidence established probable
15 cause to believe that Mr. Jackson had the specific intent to agree or to conspire with the alleged
16 co-conspirators.

17 **B. Proof of Specific Intent to Commit Specific Crimes**

18 The indictment must be set aside because the grand jury was not presented with
19 admissible evidence that established Mr. Jackson had the specific intent to commit the particular
20 crimes that are alleged as the object of the conspiracy. The prosecution presented the grand jury
21 with speculation and innuendo to suggest that Mr. Jackson was involved in a criminal
22 conspiracy. Nothing presented to the grand jury established that Mr. Jackson had the specific
23 intent to commit the elements of the alleged conspiracy's three target crimes of false
24 imprisonment, child abduction and extortion.

25 CALJIC 9.70 states that a conviction for child abduction requires proof of the following
26 elements:

- 27 1. A person took, enticed away, kept, withheld, or concealed a child;
- 28 2. That person did not have a right of custody of the child;
3. That person acted maliciously; and

1 4. With the specific intent to detain or conceal the child from a lawful
2 custodian.

3 No evidence was presented to establish that Mr. Jackson intended to commit any of the
4 elements of child abduction. In particular, no evidence was presented that would establish that
5 he specifically intended to act maliciously or that he specifically intended to separate the Arvizo
6 children from Janet Arvizo, their lawful custodian.

7 The testimony of Star Arvizo (RT 156-157), and other witnesses, that Mr. Jackson was
8 aware of the planned trip to Brazil was inadmissible over objection at trial because it was utterly
9 lacking in foundation. There was no admissible evidence that Mr. Jackson had any personal
10 knowledge of such an alleged crime and certainly no evidence that he had the specific intent that
11 such a crime be committed.

12 CALJIC 16.135 states that a conviction for false imprisonment requires proof of the
13 following elements:

- 14 1. A person intentionally and unlawfully restrained, confined or detained
- 15 2. The other person did not consent to this restraint, confinement or
- detention.

16 No evidence was presented that Mr. Jackson had any knowledge that anyone intended to
17 confine or detain the Arvizos. Further, no evidence was presented that established that Mr.
18 Jackson himself specifically intended to restrain, confine or detain the Arvizos.

19 CALJIC 14.70 states that a conviction for extortion requires proof of the following
20 elements:

- 21 1. A person obtained property from the alleged victim;
- 22 2. The property was obtained with the consent of the alleged victim;
- 23 3. The alleged victim's consent was induced by the wrongful use of force or
- 24 4. The person who wrongfully used force or fear did so with the specific
- intent to induce the alleged victim to consent to the giving up of his or her
- property.

25 There was no evidence that anyone intended to commit extortion and no evidence was
26 presented to show that Mr. Jackson specifically intended to commit any of the elements of that
27

1 crime.

2
3 IV.

4 MERE ASSOCIATION WITH THE PERPETRATOR OF A CRIME IS NOT
5 SUFFICIENT EVIDENCE TO ESTABLISH PARTICIPATION IN A CRIMINAL
6 CONSPIRACY

7 [S]o many prosecutors seek to sweep within the drag-net of conspiracy all those
8 who have been associated in any degree whatever with the main offenders. That
9 there are opportunities of great oppression in such a doctrine is very plain, and it
is only by circumscribing the scope of such all comprehensive indictments that
they can be avoided.

10 (*Krulwicht v. United States* (1949) 336 U.S. 440, Justice Jackson concurring.)

11 Mr. Jackson is the only alleged co-conspirator who has been indicted despite the fact that,
12 even under the prosecution's version of facts, based on inadmissible evidence, he was the least
13 involved in the conspiracy of any of the alleged co-conspirators. While the government may
14 consider Mr. Jackson to be the most attractive target of their investigation, it is notable that the
15 evidence linking him to an alleged conspiracy is inadmissible innuendo and speculation that he
16 participated in a conspiracy based on his association with the alleged co-conspirators.

17 Mere association with the perpetrator of a crime is not sufficient to prove a criminal
18 conspiracy and there must be evidence of some participation in the commission of the offense.
19 (*People v. Manson* (1976) 61 Cal.App. 3d 102, 126; *Dong Haw v. Superior Court* (1947) 81
20 Cal.App.2d 153, 158.) Indeed, "[c]onspiracies cannot be established by suspicions." (*Dong Haw*
21 at 158.) Evidence of an act which furthered another's illegal purpose is not, in itself, sufficient to
22 prove the person doing the act was a member of a conspiracy to accomplish the illegal purpose.
23 (*People v. Samarjian* (1966) 240 Cal.App.2d 13, 17; *People v. Villa* (1957) 156 Cal.App.2d 128,
134; see CALJIC No. 6.18.)

24 The prosecution attempted to establish Mr. Jackson's participation in a conspiracy by
25 showing his association with the alleged co-conspirators. Jesus Salas guessed as to the nature of
26 Mr. Jackson's relationship with Frank Tyson. (RT 324:1-9.) Mr. Salas was asked to speculate on
27

1 Mr. Jackson's association with others, as well. The following is an example of Mr. Salas'
2 testimony regarding Mr. Jackson's relationship with Dieter Weizner which would not have been
3 admissible at trial over objection that a sufficient foundation was not established and that his
4 answer is speculative:

5 325:22-28

6 Q Okay. And what is his position at Neverland?

7 A Honestly I'm not sure what his position was. I mean, I know that he would just
8 come to the place, I mean, Neverland Valley. And he was also, I guess, trying to
9 become part of Mr. Jackson's business, or trying to run his business or his
10 traveling tours, that kind of stuff. That's all I know. I mean -

11 Christian Robinson testified to Mr. Jackson's business relationship with Mr. Schaffel and
12 others. (RT 495-504.) The following are examples of Mr. Robinson's inadmissible testimony
13 used by the District Attorney to link Mr. Jackson to a conspiracy:

14 502:3-12

15 Q What is Neverland Valley Entertainment?

16 A A business that Marc set up to produce Michael Jackson projects, I assume.

17 Q Okay. Who are the principals in that business?

18 A If there's any principal other than Marc Schaffel, then I'm not aware of it.

19 Q Do you know if Michael Jackson is involved in that company?

20 A I would assume he would have been. Absolutely. But -

21 533:12-22

22 A I think Dieter worked with Michael, from what I understand. I don't think he
23 was paid --

24 Q They were partners in something?

25 A Yeah, exactly.

26 Q Partners in what?

27 A I don't know exactly. Let me think about that. Dieter and Michael - Dieter has a
28 merchandising contract with Michael that I don't think he's done much with. But I
think that's one thing they were developing. And I think he was sort of an advisor
to Michael.

29 Chris Carter testified regarding Mr. Jackson's business and personal relationships with
30 some of the alleged co-conspirators, and to the fact that Mr. Jackson may have used Mr. Carter's
31 cell phone to speak with some of these people at various points in time. (RT 1611-1631.) Much
32 of this testimony was based on speculation and lacked any foundation.

33 Mr. Salas, Mr. Robinson and Mr. Carter had little personal knowledge of Mr. Jackson's
34 association with the supposed co-conspirators, yet the prosecution allowed them to speculate as

1 to the nature of those relationships. None of the witnesses presented the grand jury with
2 admissible testimony that Mr. Jackson had any involvement in a criminal conspiracy. The
3 prosecution argued that Mr. Jackson must have participated in the alleged conspiracy because he
4 was the reason the other alleged co-conspirators knew each other. (RT 1836.) This is precisely
5 the kind of unreasonable inference that is insufficient to support a finding of probable cause. As
6 argued above, conspiracy is a specific intent crime that requires not only the intent to agree but
7 also the specific intent to commit the elements of the target offenses. The fact that Mr. Jackson
8 has some type of relationship with most of the alleged co-conspirators is not evidence that he had
9 the necessary intent to participate in a conspiracy.

10 V.

11 **THE EVIDENCE THAT ALLEGEDLY TIES MR. JACKSON TO A CRIMINAL**
12 **CONSPIRACY IS INADMISSIBLE OVER OBJECTION AT TRIAL**

13 A. "An Indictment Based Solely On Hearsay Or Otherwise Incompetent Evidence Is
14 Unauthorized And Must Be Set Aside On A Motion Under Penal Code Section 995."
15 (*People v. Backus* (1979) 23 Cal. 3d 360, 387.)

16 The evidence presented to the grand jury that allegedly links Mr. Jackson to a supposed
17 criminal conspiracy to commit child abduction, false imprisonment and extortion is was not
18 admissible at trial over the objection of counsel. As discussed above, conspiracy is a specific
19 intent crime, with the intent divided into two elements: (a) the intent to agree or conspire, and
20 (b) the intent to commit the offense which is the object of the conspiracy. (*People v. Backus*
21 (1979) 23 Cal.3d 360, 390.) None of the admissible evidence presented to the grand jury
22 established that Mr. Jackson had either the intent to agree or the intent to commit the offense
23 which is the object of the conspiracy.

24 The Penal Code states:
25
26
27
28

1 Except as provided in subdivision (c)³, the grand jury shall not receive any
2 evidence except that which would be admissible over objection at the trial of a
3 criminal action, but the fact that evidence that would have been excluded at trial
4 was received does not render the indictment void where sufficient competent
5 evidence to support the indictment was received by the grand jury.

(California Penal Code section 939.6(3)(b).)

4 Furthermore, illegally obtained evidence as sole basis of indictment or information does not
5 constitute reasonable or probable cause. (*People v Valenti* (1957) 49 Cal 2d 199, 316 P2d 633.)

6 The Court of Appeal held, in *People v. Byars* (1961) Cal.App. 2d 794, 795-796, that:

7 While all that is required by way of evidence to support an indictment is a
8 reasonable probability of defendant's guilt, the evidence upon which it is found
9 must be competent and admissible; thus, when the only evidence produced against
10 a defendant is incompetent and inadmissible, there exists no reasonable or
11 probable cause to hold him. The proof which will authorize a magistrate in
12 holding an accused for trial must consist of legal, competent evidence. No other
13 type of evidence may be considered by the magistrate. The rules of evidence
14 require the production of legal evidence and the exclusion of whatever is not
15 legal. The same applies to evidence received before the grand jury to support the
16 indictment and if the competency of the evidence is challenged, then it becomes a
17 matter reviewable on a motion to set aside the indictment under section 995, Penal
18 Code.

14 **B. The Overt Acts, Listed In The Indictment, Are Not Supported By The Admissible
15 Evidence.**

16 The District Attorney presented inadmissible evidence in an attempt to show that Mr.
17 Jackson participated in overt acts that supposedly furthered a conspiracy. For example, the first
18 overt act was supported only by an alleged phone call for which there was no adequate
19 foundation.

20 Overt Act Number 1 states:

21 On or about February 4, 2003, MICHAEL JOE JACKSON told Jane Doe that the
22 lives of her children, John, James and Judy Doe, were in danger due to the recent
23 broadcast on British television of the documentary *Living with Michael Jackson*,
in which John Doe appears with MICHAEL JOE JACKSON. MICHAEL JOE

24 ³ Penal Code section 939.6(3)(c) allows for certain hearsay statements to be admitted at a grand
25 jury proceeding upon the "sworn testimony of a law enforcement officer relating the statement of
26 a declarant made out of court and offered for the truth of the matter asserted." Such statements
27 are admissible only when the officer has "either five years of law enforcement experience or have
28 completed a training course certified by the Commission of Peace Officer Standards and Training
that includes training in the investigation and reporting of cases and testifying at preliminary
hearings." (Penal Code section 939.6(3)(c).)

1 JACKSON did tell Jane Doe that she and her three children would be flown to
2 Miami to participate in a press conference, which press conference never took
place.

3 The only evidence of this was the disjointed testimony of Janet Arvizo. Her testimony
4 about the telephone call, however, was not admissible over objection at trial because there was
5 no foundation to establish that she was speaking with Mr. Jackson on the telephone. Without
6 that foundation, the evidence has to be excised and there is no basis for this particular Overt Act.

7 Admissible evidence of the identity of a person answering the telephone arises under the
8 following circumstances: the person's number, as listed in the telephone book, is dialed, the
9 person listed is asked for, and the person who answered identifies himself as the person sought.
10 (See *Union Const. Co. V. Western Union Tel. Co.* (1912) 163 Cal. 298, 305; *People v. Horace*
11 (1954) 127 Cal.App. 2d 366, 369.)

12 Mr. Zonen attempted to lay the foundation to establish that the person Mrs. Arvizo claims
13 to have talked with was Mr. Jackson, but Ms. Arvizo's answers to his questions were non-
14 responsive and vague. They failed to establish the foundation necessary for the admission of this
15 testimony:

16 951:15- 957:11

17 Q At some point in time did you get a personal call from Michael Jackson?

A Yeah.

18 Q Did Michael Jackson talk to you on a regular basis or was this a unique event?

A This was a unique event.

19 Q Had you ever spoken with him prior to that?

A Huh-uh.

20 Q Not really?

A No.

21 Q You'd met him?

A Yup.

22 Q And you had seen him--

A On that time initially.

23 Q The very first time?

A Yeah.

24 Q You never spoke with him since then?

25 A Uh-huh. Because I felt as long as I stayed an outsider, I could see clear. Those
were my feelings.

26 Q All right. Martin Bushir. When Michael Jackson called you and had this
27 conversation with you, what was the subject matter of the conversation? What did
he say to you?

1 A The majority that stood out was that Gavin was in danger. And that they had to
do a press conference.
2 Q Okay
A Because there was--
3 Q Did he say in danger from whom?
A Because there were people who wanted to kill him.
4 Q Why? Did he say why?
5 A I don't know why either.
6 ...
Q Now, he called you and he said Gavin is in danger. Did he say anybody else
was in danger?
7 A No.
Q But he said Gavin was?
8 A Yes.
Q And did he tell you specifically who the people were?
9 A Huh-uh. That he's received death threats on Gavin's life.
Q Okay.
10 A And that is a quote.
Q All right. Okay. And he told you that specifically?
11 A Yes.
Q All right. Do you remember where this phone call was received? Where were
12 you at the time? Were you at home? Were you with your parents? Where were
you at the time?
13 A Well, he had left messages with my mom's house. At the time I didn't have a
14 phone in my East L.A. apartment, but Jay did have a phone. My phone had been
disconnected.
15 And so I told- told him that I would return- my mom gave me a phone number
that they had given her.
16 Q Okay.
A And so I called that number, and that was Evvy's phone number.
17 Q Okay. Evvy is Evelyn?
A I don't know. I don't know. All I know, Evvy.
18 Q You don't know her last name?
A Tavasci.
19 Q Do that one more time more slowly, the name?
A I know because I've- when I returned the computer I put her last name. T-a-v-
a-s-c-i.
20 Q Tavasci, something like that?
A I've heard her- I've heard it said.
21 Q Have you ever met her before?
A Never met her.
22 Q But you've talked with her?
A Many times.
23 Q She works for whom?
A Michael. She says she was Michael's secretary.
24 Q All right. All right. And you had this conversation with Michael. It was how
long a conversation?
25 A With Evvy?
Q No, with Michael. The one you finally had with Michael.
26 A Oh, well, as long as it took to convince me to say yes to the press conference.
Q Okay. Give me a sense of it? Was it ten minutes, an hour--
27 A Oh, you know--
28

1 Q - something in between?

A I don't know. I don't know. I don't know.

2 Q Hard to remember at this point?

A (Nods head up and down.)

3 Q All right. What did Michael Jackson want you to do, or what did he want
Gavin to do?

4 A For Gavin to fly to Florida by himself.

Q By himself?

5 A By himself. And I said no. If there's death threats on him, me and the kids are
coming.

6 Q All right. Did you agree to do that?

7 A Yes.

8 No evidence was presented that Mrs. Arvizo called Mr. Jackson's phone number. No
9 evidence was presented that the person she spoke with identified himself as Mr. Jackson. No
10 evidence was presented that when she called Evvy Tavasci that she asked for or talked to Mr.
11 Jackson. At certain points in Mrs. Arvizo's testimony she implies that it was Ms. Tavasci that
12 she actually spoke with about the trip to Miami, Florida. (RT 956:4-7; 957:16-18.) No
13 foundation was established that Mrs. Arvizo was able to identify the voice on the telephone as
14 Mr. Jackson's by voice or other circumstances that would give rise to a strong inference that Mr.
15 Jackson was on the other end of the telephone. Nothing that was allegedly said would
16 satisfactorily indicate that the identity of the person on the other end of the line was Mr. Jackson.
17 No evidence was presented that Mrs. Arvizo had heard Mr. Jackson speak on any occasion, in
18 person or on the telephone.

19 There was no foundation to believe that Mrs. Arvizo actually spoke to Mr. Jackson on the
20 telephone. This testimony is inadmissible. Mrs. Arvizo's testimony, regarding the phone call,
21 would never have been allowed to be presented at trial, over the objection of defense counsel.
22 Thus, her testimony regarding the call must be excised.

23 **C. Once The Inadmissible Evidence Is Properly Excised, There Is Nothing That**
24 **Connects Mr. Jackson To The Overt Acts Or To The Conspiracy Itself.**

25 The admissible evidence presented to the grand jury does not permit a rational inference
26 that Mr. Jackson participated in any overt act that furthered a criminal conspiracy. The
27 inferences drawn from the admissible evidence must be reasonable. If they are "speculative," it

1 is the reviewing judges's duty to discard those inferences that "derive their substance from
2 guesswork, speculation, or conjecture." (*Birt v. Superior Court* (1973) 34 Cal.App. 3d 934, 938.)
3 The Court has the duty to "resolve the issue in light of the whole record" and "may not limit [its]
4 appraisal to isolated bits of evidence" selected by the prosecution. (*People v. Johnson* (1980) 26
5 Cal. 3d 557, 577.) Once the innuendo, speculation and testimony lacking foundation is removed
6 from the grand jury transcripts, the admissible evidence does not support a finding of probable
7 cause.

8 VI.

9 MANY OF THE OVERT ACTS THAT MR. JACKSON IS ALLEGED TO HAVE
10 PARTICIPATED IN PERSONALLY DO NOT HAVE ANY RATIONAL CONNECTION
11 TO A CONSPIRACY TO COMMIT CHILD ABDUCTION, FALSE IMPRISONMENT
12 AND EXTORTION

13 The Overt Acts that Mr. Jackson is alleged to have personally participated in are not acts
14 traditionally associated with furthering a conspiracy to commit false imprisonment, child
15 abduction and extortion.

16 The first Overt Act alleges that Mr. Jackson told Janet Arviso that her son was in danger.
17 Even if it were a fact that Janet Arviso had a telephone call with Michael Jackson and he said her
18 son was in danger, this act did not further any conspiracy. This Overt Act is irrelevant to
19 committing child abduction, false imprisonment, and extortion. Janet Arviso voluntarily got on
20 an airplane and, with her children, traveled to a luxury hotel Florida where they received their
21 own room and enjoyed massages, before returning home on a private jet.

22 Mr. Jackson is accused of personally preventing the Arvizos from viewing a television
23 program during their stay at a luxury resort in Miami, Florida (Overt Act Number 2), providing
24 an alcoholic beverage and a valuable watch to a minor (Overt Act Number 3) and bringing the
25 Arviso family, by limousine, to stay as guests at his home (Overt Act Number 4). Mr. Jackson is
26 accused of having Gavin Arviso sleep in his bedroom and his bed (Overt Act Number 19),
27 providing guest accommodations to Mrs. Arviso and Davellin Arviso (Overt Act Number 20),
28

1 showing sexually explicit materials to Gavin and Star Arviso (Overt Act Number 21), drinking
2 alcoholic beverages in the presence of and providing alcoholic beverages to Gavin and Star
3 Arviso (Overt Act 22), and telling Gavin Arviso to cancel a doctor's appointment (Overt Act 26).

4 These supposed overt acts cannot be rationally inferred to have furthered a conspiracy to
5 commit child abduction, false imprisonment and extortion.

6 VII.

7 THE INDICTMENT MUST BE SET ASIDE BECAUSE THE DISTRICT ATTORNEY
8 PRESENTED THE GRAND JURY WITH SO MUCH INCOMPETENT AND
9 IRRELEVANT EVIDENCE THAT IT WOULD BE UNREASONABLE TO EXPECT
10 THAT THE GRAND JURY COULD LIMIT ITS CONSIDERATION TO THE
11 ADMISSIBLE, RELEVANT EVIDENCE

12 A. The Prosecution Presented The Grand Jury With A Tremendous Amount Of
13 Inadmissible And Irrelevant Evidence.

14 A selection of evidence which would not be admissible over objection at trial is attached
15 hereto as Appendix A. The sheer quantity of inadmissible evidence is overwhelming. The
16 prosecutors used little or no discipline in regulating what was to come before the grand jury. It is
17 impossible to excise this material after the fact and conclude that the grand jurors would have
18 come to the same conclusion.

19 The fact that the prosecutors introduced inadmissible evidence, bullied witnesses, allowed
20 extremely prejudicial material to come in, gave short shrift to the law, vouched for their version
21 of facts over that of sworn witnesses, and argued improper inferences, among other things, is an
22 additional basis to set aside the indictment in this case. The extent of this inadmissible evidence
23 was such that it would have been impossible for the grand jury to limit its consideration to
24 admissible and relevant evidence, despite any instructions or advice by the prosecution. The
25 Supreme Court of California, in *People v. Backus* (1979) 23 Cal. 3d 360, 393, held:

26 If the grand jury cannot fulfill its obligation to act independently and to protect
27 citizens from unfounded obligations (*In re Tyler* (1884) 64 Cal. 434, 437 [1 P.
28 884]) when not advised of relevant exculpatory evidence, neither can it do so if it

1 is invited to indict on the basis of incompetent and irrelevant evidence. It follows
2 therefore that when the extent of incompetent and irrelevant evidence before the
3 grand jury is such that, under the instructions and advice given by the prosecutor,
4 it is unreasonable to expect that the grand jury could limit its consideration to the
5 admissible, relevant evidence (see *People v. Aranda* (1965) 63 Cal.2d 518, 528-
529 [47 Cal.Rptr. 353, 407 P.2d 265]), the defendants have been denied due
6 process and the indictment must be dismissed notwithstanding Penal Code section
7 939.6.

8 **1. Poisoning the Well with the Larry Feldman and Dr. Katz.**

9 The District Attorney called many witnesses whose testimony would not have been
10 allowed over objection at trial. The District Attorney eliminated any chance that the grand jury
11 could limit its consideration to admissible and relevant evidence when he chose to call Larry
12 Feldman and Stan Katz as witnesses on the first day of testimony. Both witnesses proceeded to
13 testify to a large amount of incompetent and irrelevant evidence that poisoned the entire
14 proceeding with highly inflammatory and prejudicial testimony that was inadmissible over
15 objection at trial.

16 The District Attorney focused Mr. Feldman's testimony on inflammatory and irrelevant
17 areas from the very beginning. Mr. Sneddon asked Mr. Feldman about the 1993 lawsuit against
18 Mr. Jackson and prompted Mr. Feldman to inform the grand jury that the lawsuit resulted in a
19 settlement for "[m]ulti-multi-millions of dollars." (RT 63:23-64:19.) Mr. Sneddon asked Mr.
20 Feldman if "Johnnie Cochran of the O.J. Simpson fame" represented Mr. Jackson in that lawsuit.
21 (RT 64:5-13.) These types of questions and answers violated Mr. Jackson's right to due process
22 from the moment the grand jury began to hear testimony and guaranteed that the grand jury
23 would not be able to function as an independent body with the obligation to protect citizens from
24 unfounded allegations. Any limiting instructions later provided by the prosecution (RT 227)
25 could not unring the bell. By the time the jurors heard these instructions it was too late. This is
26 demonstrated that the grand jurors continued to ask about the 1993 case after they had heard the
27 instructions. (RT 492.)

28 Additional examples of inadmissible and irrelevant evidence that was heard by the grand
jury as a result of Mr. Feldman's testimony includes, but is not limited to the following:

1 66:11-20 Hearsay

2 Q And at least in the initial stages when you were contacted, the -- the subject
under consideration were all the areas involving in that Bashir tape?

3 A It was -- it was the Bashir tape, and it was that allegedly Michael Jackson had
4 no, him or his staff had her belongings stored some place. They wouldn't give her
back her stuff. And the Bashir tape. And, you know, there were vague things. But
very vague about, maybe something happened. But very, very vague.

5 70:28-71:6 Hearsay

6 Q All right. And what did you decide?

7 A I decided -- well, we had a problem, that is that Dr. Katz believed that he had
sufficient information to inform what is called a reasonable suspicion of child
8 abuse. And that he as a mandatory reporter under the law had to report that abuse
to some agency.

9 72:9-27 Hearsay

10 And they -- Dr. Katz started to make the report. And the question -- the
only question they asked us in this whole thing was, "Do you believe the child was
11 in imminent danger at the present time?" And Dr. Katz said, "No, I don't, because
the child's with the mother. And he's removed from Michael Jackson. And I don't
12 think there's any risk that he'll be involved with Michael Jackson again." And they
said, "Then what are you doing here?"

13 And either he or I, I can't remember who, spoke up and said, "We are
making the report. I'm a mandatory child reporter. I need to make a report. I'm
14 making the report."

15 And the question is, again, what -- "Do you believe he's -- the child is in
any imminent danger?" And, again, the answer was, "No. I just told you this. We
16 don't think the child's in imminent danger because he's with his mother. We're
making the report. You do what you want to do with this report."

17 73:24-25 Leading

18 Q Okay. So at some point after all of that, just -- you contacted someone, right?

19 74:10 Leading

20 Q And that's what happened, correct?

21 75:3-7 Leading

22 Q Eventually you had another contact with the Department of Child Family
23 Services in Los Angeles as a result of their failure to incorporate some
information to a report that was leaked to the media, correct?

24 A Yes.

25 75:8-76:6 Non-responsive

26 Q And did you express -- in other words, the information that was leaked did not
include the fact that you had tried to contact them and report this case?

27 A Well, I was astounded, number one, that the department leaked anything after I
went to the trouble that I went to to keep this secret. And then to leak a report like
28 they did that was created after Michael Jackson was arrested. This report isn't
some report where they took notes, but rather was created after Michael Jackson
was arrested, and then leave out the fact that Dr. Katz was there making a report
and telling them that he had a reasonable suspicion of child abuse, was the most
outrageous thing that I had ever heard of from an agency that was supposed to be
protecting children and asking people to report.

1 And I asked, and I still ask, and nobody's done a darn thing about it to this
2 point, for a criminal investigation of this agency for leaking this report.

3 And it turns out that the woman who wrote the report, I didn't realize this
4 at the time, was indeed the same woman who was sitting in the room with me
5 when we made the report. So it was unbelievable to me.

6 Q What's her name?

7 A Aside from Michael Jackson, that an agency in Los Angeles that is designed to
8 protect kids could leak a report, and then leak half a report. It's just unbelievable
9 to me that that took place.

10 76:7-12 Assumes Facts not in Evidence, Leading

11 Q Let me conclude with this question to you. Since the charges have been filed
12 against Mr. Jackson back in November, or December, actually, of 2002, there's
13 been extensive media coverage. And some of that coverage is focused upon your
14 client, Janet and the family, correct?

15 76:14-19 Assumes Facts not in Evidence

16 Q And you've heard media reports, and especially from Mr. Geragos who
17 represents Michael Jackson, making statements to the public that the mother,
18 Janet, is greedy and is after Mr. Jackson's money. I want to ask you a question.

19 A All right.

20 78:1-9 Speculation

21 If I wanted to settle this lawsuit for money, if Janet wanted to do that, or
22 the kid wanted to do that, all I had to do was pick up a phone and tell them what I
23 had. And I could have done this secretly, nobody would have known. We could
24 have - I don't know what he would have done, and what Michael Jackson would
25 have done, I can't tell you that. But there's no question, in my view, I could have
26 settled this lawsuit any time I wanted to settle the lawsuit.

27 The testimony of Dr. Katz regarding the alleged statements of Gavin and Star was
28 inadmissible hearsay that was not admissible over objection at trial. The hearsay exception in
Evidence Code Section 1360 does not apply because the alleged victim is over 12 years of age.
Furthermore, much of Dr. Katz's testimony regarding was also irrelevant to the matter before the
grand jury. The District Attorney's presentation of Dr. Katz's inadmissible testimony poisoned
the well with incompetent and irrelevant evidence.

2. Bullying Witnesses and Vouching by the District Attorney

Still early on in the proceedings, The District Attorney called certain witnesses and
attacked them in front of the grand jury in a way that would never be permitted in court. During
this formative period in the relationship of the prosecutor to the grand jurors, Mr. Sneddon made

1 it clear that he was to be personally believed and that the witnesses were not.⁴ His behavior was
2 outrageous.

3 These witnesses included Henry Russell Halpern, the lawyer for David , and David . Mr.
4 Sneddon made it very clear that these witnesses would be treated as hostile from the moment
5 they reached the witness chair. He resorted to personal attacks and outrageous tactics in an
6 attempt to discredit their testimony. The grand jury transcripts demonstrate that he subjected Mr.
7 Halpern and Mr. Arvizo to bullying tactics and to improper cross-examination style questioning,
8 while favored prosecution witnesses such as Mr. Feldman, Mr. Dickerman, and Dr. Katz were
9 treated with a "kid gloves" approach⁵, designed to bolster their credibility in front of the jurors.

10 The District Attorney's examination of David Arvizo and Henry Russell Halpern was
11 improper and resulted in a large amount of inadmissible and irrelevant evidence being put in
12 front of the grand jury. Furthermore, the substance and tone of the questions directed at Mr.
13 Arvizo, Mr. Halpern was confrontational and hostile from the start of their appearances in front
14 of the grand jury. The vast majority of the evidence presented in the form of their testimony was
15 wholly irrelevant to the grand jury proceeding and served no purpose other than to put
16 inflammatory and prejudicial material in front of the grand jury, distracting them from their role

17
18 ⁴Mr. Sneddon's motivation for his behavior and that of his deputies is not relevant. Any
19 experienced prosecutor, were he thinking clearly, would have known that his behavior was
20 inappropriate. This Court will never know what caused this behavior: the fact that this is a career
21 opportunity to indict a famous celebrity, the fact that Mr. Sneddon had been boastful in the media
22 months earlier, the fact that Mr. Sneddon had been embarrassed by criticism of his prior conduct
23 in the media by people like Gloria Allred for not getting an indictment in 1993, the fact that some
24 of the witnesses before this grand jury, like Mr. Halpern, had also gone on television to criticize
25 the investigation – it is not within the purview of a 995 motion to so determine. The fact is that
26 there is no case of which the undersigned is aware in which a prosecutor has been allowed to
27 conduct himself in anything approaching this fashion before a grand jury.

23 ⁵ For example, Mr. Sneddon bolstered Mr. Dickerman's testimony by asking him about his
24 educational background. (RT 608.) Mr. Dickerman stated that he received an undergraduate
25 degree from UC Berkeley and attended law school at USC, where he served on law review. (RT
26 608.) Mr. Sneddon joked that law review is "where all the smart people got to be on" and asked
27 him to "[j]ust tell us you were in the top ten percent." The next witness, Vicki Podberesky also
28 received an undergraduate degree from UC Berkeley and attended law school at USC, yet, she
was never asked to tell the grand jury about her educational background. We respectfully request
that the Court take judicial notice of Ms. Podberesky's official information listed on the State Bar
website. (www.calbar.ca.gov.)

1 as an independent body charged with the responsibility to protect citizens from unfounded
2 obligations.

3 It is almost incomprehensible that an experienced prosecutor would get into a personal
4 argument with a witness and, without being sworn, "testify" to his version of events contrary to
5 that of the witness. Not only would this not be admissible over objection at trial but would have
6 resulted in a mistrial had it occurred in the presence of a judge and trial jury.

7 Q That is a total – that is not the way that conversation went and you know it.

8 A You know it too.

9 Q I explained to you why at that time we couldn't tell who the victim was.
10 Because nobody knew the family at that time, did I not?

11 A No, you didn't.

12 Q And then you said, "Wouldn't you as the father want to know if the child was
13 sick?" And I said to you, "Okay. I'm going to tell you." And I did tell you the
14 child was fine, did I not?

15 A I'll tell you, I remember the conversation specifically because I took notes.

16 Q So do I
17 (RT 715:19-716:25.)

18 Remember that this occurred early on in the proceedings and helped set the tone for the
19 grand jurors. The only people in the room who were symbols of authority, the District Attorneys,
20 made it clear that they were running the show and that their version of events was the one to be
21 followed. After this display with Mr. Halpern, how could any grand jury be expected to be
22 detached and neutral?

23 3. Bullying and Improper Questions

24 The District Attorney engaged in bullying and improper questioning that compromised
25 the grand jury's ability to function independently. In a grand jury proceeding, like any other
26 courtroom setting, prosecutors are required to balance their personal desire to win their cases
27 with the interests of justice. The California Supreme Court, in *People v. Hill* (1998) 17 Cal. 4th
28 800, 819-820, held:

Prosecutors, however, are held to an elevated standard of conduct. It is the duty of

1 every member of the bar to maintain the respect due to the courts and to abstain
2 from all offensive personality. A prosecutor is held to a standard higher than that
3 imposed on other attorneys because of the unique function he or she performs in
4 representing the interests, and in exercising the sovereign power, of the state. As
5 the United States Supreme Court has explained, the prosecutor represents a
6 sovereignty whose obligation to govern impartially is as compelling as its
7 obligation to govern at all; and whose interest, therefore, in a criminal prosecution
8 is not that it shall win a case, but that justice shall be done. Prosecutors who
9 engage in rude or intemperate behavior, even in response to provocation by
10 opposing counsel, greatly demean the office they hold and the People in whose
11 name they serve.

12 Given the non-adversarial nature of a grand jury proceeding, it is even more imperative
13 that prosecutors resist the temptation to engage in rude or intemperate behavior when their own
14 witnesses are answering questions in a manner that displeases them. This type of behavior not
15 only demeans the office of the District Attorney, but in a grand jury setting, makes it impossible
16 for grand jurors to remain impartial and perform their duty as an independent body.

17 Representative examples of questions asked of Mr. Arvizo that would not be admissible over
18 objection at trial are not limited to but include the following:

19 673:22-24 Argumentative

20 Q That's not the question, Mr. Arvizo. This is going to be a long afternoon unless
21 you listen to what I have to say and answer my questions.

22 675:20-28 Argumentative

23 Q During the course of dinner on either the first or second evening, did the subject
24 matter of the boys spending the night with Michael Jackson in their bedroom
25 come up?

26 A I don't know if it was at dinner.

27 Q All right. Did it come up at any time?

28 A Not a sleepover, no. Gavin was -- had a --

29 Q Just -- I'm asking you a specific question. And I'm going to ask you --

677:27-678:6 Leading, Relevance

Q Mr. Arvizo, during -- you were at some point in time charged with a domestic
violence incident for wife beating, for beating your wife, correct?

A Yeah, correct. I pleaded -- yeah. I was charged with that.

Q I'll get to what you did. I'll give you a fair chance to say what you want to say
about it, okay.

1 A Uh-huh.

2 678:14-19 Leading, Argumentative

3 Q And in fact, it ended up being two criminal cases, one involving you and your
4 wife for child -- for wife beating, and then a -- another charge later was added
involving your daughter Davellin on an incident that occurred at school?

5 A Correct.

6 679:4-10 Leading, Argumentative

7 Q Wasn't the knife -- didn't you just watch a horror movie, and she was doing the
8 dishes, and she

turned around and just raised the knife in jest?

9 A Absolutely not. She was attacking me at that time.

10 Q With a knife?

11 A Yes.

12 679:14-17 Leading, Argumentative, Lack of Foundation, Relevance

13 Q Did you strike her?

14 A No. Of course not. I never struck my wife.

15 Q You've never struck your wife?

16 A No.

17 Q All right. So that's what the photo's all about? She came after you with a knife.
18 Did you give that photo to your lawyer, Mr. Halpern?

19 679:25-680: Leading, Argumentative, Relevance, Hearsay

20 A Yes. I presented it to the District Attorney in L.A.

21 Q And the DA wasn't impressed by it?

22 A No. Janet said she posed for it. She was there acting. And I also had another
23 picture of her coming at me with a stick with different clothes. And he asked her,
24 "Well, the same day?" And she said "Yes." Not on the stand. And she said, "Yes.
25 We were acting." And he said, "Why are you wearing two different clothes?" And
26 she said, "Well, I changed."

27 680:7-28 Leading, Argumentative, Lack of Foundation, Relevance, 352

28 Q You gave those photos to Mr. Halpern?

29 A Yes, sir.

30 Q And those photos -- were you responsible for selling them to The Globe?

31 A No. I didn't sell any photos.

32 Q Did you authorize them to be sold to The Globe?

33 A No. I did not.

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Q Do you have any idea how The Globe got them?

A I have no idea. The Globe says it was given by a family friend or family acquaintance or --

Q And when The Globe put it in the paper they blacked everything out and just showed her with the knife; isn't that correct?

A I seen it once, you know. And I pretty much stayed away from everything because it's pretty upsetting.

Q Mr. Arvizo, the question was, The Globe took the picture and they blacked everything out and simply showed her with the knife, correct?

A I don't remember.

Q Did you authorize your attorney, Mr. Halpern, to sell those photographs to The Globe?

681:20- Leading, Argumentative, Relevance, Hearsay

Q Do you know that he alleged on TV you gave him transcripts of questions and answers that she had written, she meaning Janet, for your children to use when they were going to testify?

A I wasn't --

Q Is that true or false?

A I didn't want him to take any interviews. And I wasn't paying attention --

Q Mr. Arvizo, is that true or is that false?

A I told him about how she did the case.

Q Did you produce him -- listen to the question again. Did you produce -- Mr. Halpern, listen to me now. I'm not trying to be unfair.

683:20-27 Leading, Argumentative

Q It was what you wrote?

A I was what I wrote with, you know, misspellings corrected and --

Q Yeah, I understand. But the essence of it was you not her?

A Ycs.

Q That was true of all the others, you assumed?

A Yeah, I don't know. I assume, yes.

684:8-11 Argumentative, Relevance

Q All right. That's fine. Now, with regard to the incident that caused your wife to be smart enough to tell you all to sit down and write what happened the day it happened, okay, were you in the store with the boys?

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A Yes. And since then, when I've tried to ask for -- you know, they've been interrupted by your letters for, you suggesting that I don't see them.

687:2-20 Argumentative, Leading, Bullying, Relevance

Q Does it say my name on it? Have you read the letter?

A I didn't get through the letter.

Q Did you read the letter?

A No. I didn't get to read it.

Q So you don't have any idea what the letter says, do you?

A I'm not arguing with you.

Q So you don't know that that letter simply says that Gavin is in good health when you were questioning --

A Because that's the first time I was able to find out officially how he was.

Q All right. So -- so before you say things, you ought to stop and think about it as to what was really in the letter, okay. Now --

A I'm not upset, it's just -- you know.

Q It's okay. But I'm just telling you, let's just answer the question.

687:27-688:3 Attorney-Client Privilege

Q -- correct? And you had reconciled yourself to that to be the situation until this whole thing with Michael Jackson occurred, right? When the allegations against Michael Jackson occurred Mr. Halpern contacted you and said he wanted to use this as leverage?

689:3-11 Argumentative, Leading, Bullying, Relevance

Q You mean the \$24,000 in arrears that you currently have from not supporting your kids?

A No. I've always supported my kids. You don't understand. I raised them by myself. They're always with me.

Q Okay. Now, you didn't answer my question. So I'm going to ask it again. We'll just stay here 'til you answer it, okay. It's a simple question. I'm going to get an answer.

690:3-26 Argumentative, Leading, Attorney-Client Privilege

Q I didn't ask you whether you wanted to see them. I asked you, did you go to court and file any documents?

A I couldn't.

...

1 692:5-696:24 Argumentative, Relevance, Bullying, 352

2 Q You missed a lot of work, right?

3 A I did.

4 ...

5 Q Yes, she did. And the judge said he believed her.

6 A Poor thing.

7 699:5-16 Argumentative, Relevance, Bullying

8 Mr. Sneddon: You can talk to your attorney if it's in the course of something he
9 needs to represent you about. But your attorney, whose coming in next, I'll take
care of the next part of it, cannot disclose it to anybody.

10 The Witness: So forget it. I won't talk to him about nothing. Can't trust him-

11 Mr. Sneddon: Maybe you can tell him how I was so mean-

12 The Witness: You weren't mean. I just - it's ongoing for three years, sir. And,
you know, I just miss my kids.

13
14 Representative examples of questions asked of Mr. Halpern that would not be admissible
15 over objection at trial are not limited to but include the following:

16 703:4-9 Compound, Attorney-Client Privilege

17 Q Between the time of December of 2001 and November of 2003, before the
18 Michael Jackson investigation, did Mr. Arvizo approach you with the purpose of
19 trying to modify his domestic stay-away order from his children and allege that
you still owed him money from the prior case to finance it?

20 703:27-704:6 Argumentative, Relevance, Attorney-Client Privilege, 352

21 Q All right. Well, you got half the question. It's not bad. That'll get you in the hall
of fame in baseball.

22 A I don't play baseball. Racquetball.

23 Q What I asked you was, between December of 2001 and November of 2003, did
24 Mr. Arvizo come to you and ask you to do something about his domestic case in
order to change the fact he couldn't see his kids?

25 704:20-23 Attorney-Client Privilege

26 Q Yeah. Did Mr. Arvizo come to you or any member of your firm and ask you to
27 change those orders during that two-year period, after they'd been put in place, not
28 while they're put in place?

1
2 705:14-19 Argumentative, Leading, Relevance, Attorney-Client Privilege

3 Q First of all, I'm not confusing anything. It's a very clear question. Very simple,
4 Mr. Halpern. At a certain point in time you indicated to the ladies and gentlemen
of the Grand Jury, at 2000, somebody who used to be associated with you stopped
representing Mr. Arvizo; is that correct?

5 706:14-24 Argumentative

6 Q Yeah. It answers my question to the extent that I was right the first time. So let
me try again.

7 From the point in 2002 when your wife stopped representing Mr. Arvizo,
8 okay --

9 A (Nods head up and down.)

10 Q You got that part of it?

11 A Well, you --

12 Q As a beginning point?

13 A Okay. And 2002 is now the new beginning point?

14 Q It is. It was the beginning point from the beginning.

15 706:26-707:2 Attorney-Client Privilege

16 Q In 2002 when your wife stopped representing Mr. Arvizo, to the time in
17 November, prior to the Michael Jackson case going public, did Mr. Arvizo ever
18 approach you, you, to represent him in changing his inability to see his children?

19 708:2-709:4 Attorney-Client Privilege

20 A I don't believe I can discuss what I -- what arrangements we had, or what our
21 discussions between he and I, and what I received or did not receive from him due
22 to the attorney-client privilege.

23 Q Well, Mr. Halpern, your client already told us about it.

24 ...

25 Q Now, the fact that you may have showed those photographs to the attorney
26 would waive whatever privilege whatever was there, wouldn't it? Because now it's
27 no longer a confidential communication.

28 709:13-18 Argumentative

Q You don't know? Your client knew about it. The fact that they were in The
Globe. You never spoke --

A Pardon me?

Q Your client knew about it. You didn't know that those photographs were in The

1 Globe?

2 709:26-27 Attorney-Client Privilege

3 Q So as far as you know, they're still in your file in your office?

4 710:9-10 Threatening the Witness for Asserting the Attorney-Client
5 Privilege

6 Q All right. We'll have you come back in front of the Judge and have that
7 litigated.

8 710:28-711:3 Argumentative, Attorney-Client Privilege

9 A You know, come to think of it, if I did say something of that nature, it could
10 have been a waiver of the client -- attorney-client privilege.

11 Q Yeah. It really could, couldn't it?

12 712:15-20 Attorney-Client Privilege

13 A ... So at this time I'm actually not sure whether I actually had them in my hand
14 or whether I just was told of them. But I definitely was told of the scripts.

15 Q By your client Mr. Arvizo?

16 A Yes. And also by -- I think other people, family members.

17 713:17-22 Improper Question, Argumentative, Relevance

18 Q I intimidated him into an answer?

19 A Pardon me?

20 Q I intimidated him into an answer?

21 A Are we arguing? Is --

22 Q I'm asking you a question. Do you feel I intimidated him into an answer?

23 714:13-25 Argumentative, Leading, Bullying, Vouching, Relevance

24 Q Now, your client, Mr. Arvizo, one of the things that he was very forthcoming
25 in, described what occurred. And he said simply that his wife was smart enough
26 when they came home the day of the incident to sit down and ask everybody to
27 write down their recollections. And that is the only thing that he's ever seen her
28 prepare for that lawsuit. Would that surprise you?

A No.

Q And that's not consistent with the script, is it? You say questions and answers,
four or five pages of questions and answers. Those don't seem to be consistent?

715:19-24 Argumentative, Bullying, Relevance

Q Did you at the time that you heard that these serious charges had been leveled

1 against a worldwide known entertainer, ever come to the DA's office and say,
2 "Hey, Mr. Sneddon, I've got these scripts," or, "I heard about these scripts," or,
3 "You might want to know this." Did you ever do that before you went on national
4 TV?

5 716:12-719:20: Argumentative, Bullying, DA Testifying, Relevance, Calls
6 for Legal Conclusion

7 Q That is a total -- that is not the way that conversation went and you know it.

8 ...

9 Q So we now have two imprudent things that you may have said.

10 722:6-723:20 Argumentative, Relevance, 352

11 Q Well, I have a transcript, so I don't have to rely on your recollection, okay.

12 ...

13 Q Yes. "If I go to jail I'm going to quit my job. I'm going to kill your -- I could
14 have your mom killed if I want to. I could have your mom killed." Do you recall
15 that?

16 730:1-11 DA Testifying, Vouching

17 Q You mean he?

18 A He be placed in custody. I believe that they -- the city attorney was attempting
19 to have his bail revoked at that point and have him placed in custody, if my
20 recollection is correct.

21 Q I think you're correct.

22 A Pardon me?

23 Q I think you're correct.

24 737:13-16 Relevance, D.A. Testifying

25 Q You said that you were going on TV because you were a sole practitioner and
26 you needed all the publicity you could get.

27 A That's an absolute lie sir.

28 The prosecutor's examination of Christian Robinson was improper and presented a large
amount of incompetent and irrelevant evidence to the jury. As discussed above, the prosecution
asked him to speculate about matters of which he had no personal knowledge and asked him

1 improper questions about Mr. Jackson's business and personal relationships that lacked
2 foundation. At the conclusion of Mr. Robinson's testimony he was admonished by the
3 foreperson. (RT 556:18-557:3.) Mr. Robinson asked if he could consult with an attorney or
4 speak with the attorneys for Mr. Jackson. (RT 557:5-7.) Mr. Auchincloss told Mr. Robinson
5 that it would be illegal to discuss the substance of his testimony. (RT 557:8-9.) Mr. Sneddon
6 asked Mr. Robinson if anyone had contacted him regarding his testimony before the grand jury.
7 (RT 557:13-17.) Mr. Robinson informed Mr. Sneddon that he talked to defense investigator Eric
8 Mason and that Mr. Mason wanted to further talk with him. (RT 557:18-558:4.) Mr. Robinson
9 stated that Mr. Mason wanted to go to lunch with him and Mr. Sneddon responded, "I bet he
10 does."⁶ (RT 558:2-5.) Mr. Robinson asked if it would be legal for him to make a statement that
11 "MJ is innocent." (RT 558:16-17.) Mr. Sneddon informed him that such a statement would
12 violate the gag order. (RT 558:18-19.) Representative examples of questions asked of Mr.
13 Robinson that would not be admissible over objection at trial are not limited to but include the
14 following:

15
16 505:4-9 Hearsay

17 Q Did you talk at all about the fact that you were going to be testifying in this
18 case?

19 A I asked him if he had been contacted. Yeah, he knows that -- he knows --

20 Q So the answer to that would be?

21 A Yes.

22 515:7-8 Calls for Speculation

23 Q So what would have happened if the Arvizos didn't say something good about
24 Mr. Jackson?

25 ⁶ The District Attorney improperly asked witnesses before the grand jury if they had spoken with
26 defense investigator Eric Mason. (RT 557-558; 589:32-590:6.) The District Attorney's questions
27 disparaged the defense function by suggesting that Mr. Mason's role as a defense investigator
28 was improper and illegal. This tactic apparently succeeded in convincing the grand jurors that it
was inappropriate for Mr. Mason to have contact with witnesses, because it prompted grand
jurors to submit questions to witnesses regarding their contacts with Mr. Mason. (RT 668:22-
669:14.)

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515:12-15 Leading

Q Okay. But wasn't it planned that the Arvizos -- wasn't it perceived or understood between you and Mr. Schaffel that the Arvizos were going to say positive things about Michael Jackson? Yes or no?

516:8-9 Calls for Speculation

Q Was that Marc's perception, that they wanted to say something positive?

516:10-12 Argumentative, Improper Question

Q Okay. That's an example, just so you know, that's an example of an answer to a question I didn't ask, okay.

A Well, I feel like I need to explain myself instead of saying yes or no sometimes.

Q Well, but that's -- let me interrupt you. As the attorney in the case I am allowed to control the examination.

518:2-5 Calls for Legal Conclusion

Q Okay. And if you lie -- tell a lie to a tabloid about Michael Jackson, wouldn't you be at risk for a major lawsuit?

530:19-20 Hearsay

A I'd heard, you know. I'd heard. Like I say, I don't know how.

546:8-12 Relevance, Hearsay

Q How did you know he had tax documents that he needed to have access to?

A Because he told me. He told me. I said, "Are you worried about your house getting searched?" you know.

546:13-14 Leading

Q Okay. And so it was your idea to put these documents in a safe deposit box; is that right?

548:5-26 Leading, Relevance, Hearsay

Q And did they specifically tell you that you could get in trouble for obstruction of justice?

A They actually mentioned that when they arrived to my apartment. So, they said that was part of the reason they were at my apartment.

Q Did they tell you that?

A Did they tell me that I could get in trouble for obstruction of justice?

Q Yes.

1 A If I -- if I had done anything wrong. I don't know.

2 Q I'm just asking you a question.

3 A I don't know.

4 Q Did they tell you you could get in trouble for obstruction of justice if you tampered with witnesses or evidence, or anything of that nature?

5 A Yeah. They warned me of that.

6 Q All right. And did you tell them that there were documents that you had concealed for Mr. Schaffel in a safe deposit box under your name? Did you tell them that?

7 A I told them.

8 550:8-9 Calls for Speculation; Vague

9 Q Okay. As far as the video goes, at the end of the day did the Arvizos perform as anticipated?

10
11 **4. The District Attorney Allowed Witnesses to Prejudice the Grand Jury.**

12 The grand jury is the worst nightmare of a person facing unfounded allegations and an
13 overzealous prosecution. Accusations are made in secret. The person accused has only the
14 prosecutors' willingness to follow the rules to protect him. Here, unfortunately, the prosecutors
15 not only willfully violated the rules of evidence and grand jury decorum but also allowed
16 witnesses to try to persuade the jurors with impassioned and prejudicial remarks.

17 For instance, the District Attorneys allowed Janet Arvizo to call Mr. Jackson "the Devil."
18 The prosecutor stated that "[p]erhaps the biggest and most vicious accusation is the one that you
19 have made this all up." She stated that she didn't want to take "the devil's money." The
20 prosecutor asked if she was "clear about that." She stated that Mr. Jackson is "the Devil." The
21 District Attorney made no effort to stop or limit the harmful impact of this inadmissible
22 testimony. (RT 1152.)

23
24 At the same time the prosecution allowed witnesses to disparage Mr. Jackson and his
25 associates, they allowed witnesses to bolster their testimony by making improper obsequious
26 remarks to the grand jury. The District Attorney allowed Janet Arvizo to state that "this room is
27 filled with good, honest, decent people, because my children have communicated that to me."

1 (RT 1016.)

2 Witnesses whose credibility would not withstand even the most gentle cross-examination
3 were allowed to make self-serving statements to bolster their testimony. Janet Arvizo was
4 allowed to testify to a highly improbable version of events in regard to her lawsuit against J.C.
5 Penny. She stated that security guards gave Star a concussion that resulted in a "cyst on his
6 brain" and that her then grade school age sons helped "put her breasts back in [her] bra." (RT
7 1191-1192.)

8 Furthermore, the District Attorney allowed Janet Arvizo to prejudice the grand jury with
9 wild tales of "killers" (i.e. RT 1139; 1148) and secret conversations in "code" (RT 1133) despite
10 a total lack of support for this version of events by other witnesses, including her own family.

11 Other witnesses, such as Dr. Katz and Maria Ventura, were called whose testimony
12 consisted almost entirely of hearsay.
13

14 **5. The District Attorney Ran the Grand Jury.**

15 Throughout the proceedings, the District Attorneys made it clear that they were running
16 the grand jury. They did not show respect or deference to the foreperson. They did not ask or
17 suggest but, instead, told the grand jurors when breaks would occur, when to give admonitions
18 and what to do. They deprecated the serious function of the foreperson with remarks trivializing
19 her admonitions.

20 The grand jury was discouraged from exercising their power to conduct an independent
21 investigation. The grand jury wanted to ask Ms. Bell if she had observed other children drinking
22 alcohol on the flight. (RT 466.) Mr. Auchincloss informed the grand jurors that "the issue of Mr.
23 Jackson and other children is not before you." (RT 490.) The grand jurors requested that the
24 prosecutors call back certain witnesses and Mr. Auchincloss stated that in order to call witnesses
25 they must first submit a written request for the approval of the prosecution. (RT 1250:23-
26 1251:41.)
27
28

1 Mr. Auchincloss and Mr. Zonen instructed Mr. Davy to review the school records so that
2 he could be recalled to testify to what he received. (RT 913-914.)

3 Mr. Sneddon directed the jurors to take a lunch break, arranged for sandwiches to be
4 brought to the grand jurors, and told them what time they should come back from lunch. (RT 80.)
5 Mr. Zonen told the grand jurors to "stay in place" while the district attorney stepped outside for a
6 moment. (RT 94.) The prosecutors decided when the grand jury would take breaks and when it
7 would adjourn without asking the foreperson. (RT157-158; 220; 298; 398; 833; 846; 891; 986.)
8 The grand jurors believed that they had to ask the prosecutors for permission to use the restroom.
9 (RT 844:8-10.)

10 The foreperson asked Mr. Sneddon whether she had to admonish everyone. (RT 158.)
11 Mr. Sneddon told the foreperson that she did not have to take roll call. (RT 338.) Mr. Sneddon
12 gave the grand jury two choices of how to proceed and told them of his preferred choice. (RT
13 450.)

14
15 The grand jury was utterly dependent on the prosecution in every way. The grand jury
16 never had a chance of being independent because prosecutors trained the grand jurors to follow
17 their lead by demonstrating their control over the grand jury from the start of the proceedings.

18 **6. The Grand Jury was Sequestered and Under Control of the Lead Detective**

19 It was not possible for the grand jury to remain independent because the lead detective
20 investigating the case against Mr. Jackson was also responsible for the safety of the grand jurors
21 during the grand jury proceeding. The District Attorney went out of his way to explain that Lt.
22 Klapatkis was not only the lead detective for the Sheriff's Department in this case but that he was
23 responsible for the grand jury's security. The prosecutor commented to Lt. Klapatkis that "we
24 have noticed you in the vicinity of this temporary courthouse since the beginning of the Grand
25 Jury." (RT 824:28-825:2.) Lt. Klapatkis was asked if he was "involved in, as part of your
26 responsibilities, with maintaining security here and for the witnesses as well." (RT 825.)
27
28

1 B. The Appearance Of Bias In And Of Itself, Requires That The Entire Indictment Be
2 Set Aside.

3 As argued above, the District Attorney conducted himself in a manner that would never
4 have been allowed over the objection of defense counsel at trial in front of any judge. The
5 District Attorney bullied witnesses and gave his own unsworn testimony to rebut the sworn
6 testimony of witnesses. The District Attorney's conduct in the grand jury proceeding created, at
7 the very least, the appearance of bias. Under *People v. Eubanks* (1996) 14 Cal. 4th 580, 592 n.4,
8 the Supreme Court of California left open the issue of whether for the purposes of setting aside
9 an indictment under Penal Code Section 995 the mere appearance of impropriety may be
10 sufficient.

11 The District Attorney's flagrant misconduct before this grand jury certainly created the
12 appearance of bias and, in and of itself, that is sufficient to set aside the indictment. Of course,
13 here the bias and misconduct go far beyond mere appearance.

14 C. The Individual Instances Of Misconduct Discussed Above Are Enough To Require
15 That The Indictment Be Set Aside and, When Taken As A Whole, The Cumulative
16 Effect is Overwhelming.

17 Should the Court determine that the individual instances of misconduct are not sufficient
18 grounds for overturning the indictment, Mr. Jackson submits that the cumulative effect of these
19 instances of misconduct sabotaged the grand jury's ability to perform its function as a bulwark
20 protecting an ordinary citizen against the actions of an overzealous prosecution.
21

22 VIII.

23 SHOULD THE COURT GRANT MR. JACKSON'S CONCURRENTLY FILED
24 MOTION TO TRAVERSE, QUASH, AND SUPPRESS IS GRANTED, MR. JACKSON
25 MUST RECEIVE A NEW DETERMINATION OF PROBABLE CAUSE WITH THE
26 ILLEGALLY OBTAINED EVIDENCE EXCISED FROM THE EVIDENCE

1 PRESENTED TO THE GRAND JURY

2 Mr. Jackson is concurrently filing a motion to motion to traverse the affidavits, quash the
3 search warrants and suppress the illegally obtained evidence. Should the Court grant this motion
4 is granted, Mr. Jackson "must have an opportunity to receive a determination whether the
5 indictment rests upon competent legally obtained evidence." (*People v. Sherwin* (2000) 82
6 Cal.App. 4th 1404, 1409.) In *Sherwin*, the Court of Appeal held that the suppression of evidence,
7 as a result of the defendants' motions to suppress, resulted in a sufficient change of
8 circumstances to warrant renewal of the motions under section 995. (*Sherwin* at 1411.)

9 As argued elsewhere, the Court must also consider the prejudicial effect of the
10 presentation of the illegally obtained evidence. The indictment must be set aside if the extent of
11 the incompetent and irrelevant evidence is such that the grand jury cannot fulfill its obligation to
12 protect citizens from unfounded allegations. (*People v. Backus* (1979) 23 Cal. 3d 360.) Here,
13 the amount of illegally obtained evidence, including physical evidence and the testimony of
14 officers who participated in the search, was so extensive that it necessarily tainted and prejudiced
15 the grand jurors to the point where they could no longer act independently.

16
17 IX.

18 MR. JACKSON WAS DENIED HIS RIGHTS TO DUE PROCESS AND A FAIR GRAND
19 JURY PROCEEDING DUE TO IMPROPRIETIES IN GRAND JURY PROCEDURE

20 In *Johnson v. Superior Court* (1975) 15 Cal. 3d 248, 253-254, Justice Clark said that the
21 grand jury is a real, not perfunctory, safeguard to a person accused:

22 The grand jury's historic role as a protective bulwark standing solidly between the
23 ordinary citizen and an overzealous prosecutor is as well-established in California
24 as it is in the federal system. If exculpatory evidence exists, and the grand jury
25 have reason to believe that it is within their reach, they may request it to be
26 produced, and for that purpose may order the district attorney to issue process for
27 the witnesses, to the end that the citizen may be protected from the trouble,
28 expense, and disgrace of being arraigned and tried in public on a criminal charge
for which there is no sufficient cause. A grand jury should never forget that it sits
as the great inquest between the State and the citizen, to make accusations only
upon sufficient evidence of guilt, and to protect the citizen against unfounded

1 accusation, whether from the government, from partisan passion, or private
2 malice.

3 Mr. Jackson will be seeking other relief regarding the unfairness of the proceeding and
4 the effect of the District Attorney failing to provide exculpatory information. However, the
5 failure to follow the procedure as demonstrated by the record is a violation of due process and the
6 right to a fair grand jury.

7 X

8 **THE INDICTMENT MUST BE SET ASIDE BECAUSE THE PROSECUTOR**
9 **MISSTATED THE LAW OF CONSPIRACY WHEN INSTRUCTING THE GRAND**
10 **JURORS AND THE MISSTATEMENT OF LAW CAUSED THE GRAND JURY TO**
11 **RETURN AN INDICTMENT ON LESS THAN REASONABLE OR PROBABLE CAUSE**

12 Grand jurors must be properly instructed on the law. (*Cummiskey v. Superior Court*,
13 *supra*, 3 Cal.4th 1018, 1022, fn.1.) Grand jurors must decide based on evidence of each element
14 of the charged crime. (Penal Code § 939.8; *Williams v. Superior Court* (1969) 71 Cal.2d 1144;
15 *People v. Fisk* (1975) 50 Cal.App.3d 64.) Grand jurors must decide based on evidence of each
16 element of the charged crime. (Penal Code § 939.8. *Williams v. Superior Court* (1969) 71
17 Cal.App.2d 1144.)

18
19 Although a prosecutor does not have the same duty to instruct a grand jury as a
20 trial judge does a petit jury (e.g., there is no duty to instruct sua sponte on lesser
21 included offenses), an indictment may be set aside under Penal Code section 995,
22 subdivision (a)(1)(B) based on the nature and extent of the evidence and the
23 manner in which the proceedings were conducted by the district attorney,
including instructional error likely to have caused the grand jury to return an
indictment on less than reasonable or probable cause.
(*People v. Gnass* (2002) 101 Cal.App. 4th 1271, 1313.)

24 ...the Supreme Court's opinions in *Buckus* and *Cummiskey* acknowledge
25 that an indicted defendant is entitled to bring a motion to dismiss the indictment
26 under section 995 for lack of probable cause, not only on the basis of the
27 testimony received but also based on the manner in which the district attorney has
28 conducted the proceedings, including asserted error regarding advisements or
instructions given or withheld.

1 (*People v. Superior Court (Mouchaourab)* (2000) 78 Cal.App. 4th 403, 429.)

2 A. The Prosecution Misstated The Law Regarding The Required Elements Of
3 Conspiracy.

4 Mr. Auchincloss failed to instruct the grand jury that a conviction of conspiracy requires
5 not only the specific intent to commit an offense, but also the *specific intent to agree or conspire*.
6 "A conviction of conspiracy requires proof that the defendant and another person had the specific
7 intent to agree or conspire to commit an offense, as well as the specific intent to commit the
8 elements of that offense, together with proof of the commission of an overt act "by one or more
9 of the parties to such agreement" in furtherance of the conspiracy." (*People v. Morante* (1999)
10 Cal. 4th 403, 416.) "Conspiracy is a 'specific intent' crime. . . . The specific intent required
11 divides logically into two elements: (a) the intent to agree, or conspire, and (b) the intent to
12 commit the offense which is the object of the conspiracy. . . . To sustain a conviction for
13 conspiracy to commit a particular offense, the prosecution must show not only that the
14 conspirators intended to agree *but also that they intended to commit the elements of that offense*."
15 (*People v. Swain* (1996) 12 Cal. 4th 593, 600.)

16
17 Even if the defendant knowingly and voluntarily commits an act which furthers the
18 purpose of a conspiracy the defendant is not guilty of conspiracy absent a specific intent to enter
19 into an agreement with the other conspirators and a specific intent to commit the crime which is
20 the object of the conspiracy. (*People v. Horn* (1974) 12 Cal. 3d 290, 296.)

21 Mr. Auchincloss instructed the jury that there are only three elements required to show a
22 criminal conspiracy. (RT 1823:6.) He stated that a conspiracy requires:

23 An agreement to commit a crime. Two or more people. Very simple term or
24 element. Specific intent to commit that crime. There has to be an intent among
25 those two people, or more, to commit the crime that is the object of the
26 conspiracy. And three, an overt act in furtherance of that crime.
27 (RT 1823:10-16.)

28 Mr. Auchincloss failed to instruct the jury that a conviction for conspiracy requires proof

1 that the defendant and another person had the specific intent to agree or conspire to commit an
2 offense. Mr. Jackson was prejudiced because the grand jury never considered an essential
3 element of conspiracy when determining that a strong suspicion of conspiracy existed. The grand
4 jury returned the indictment on less than reasonable or probable cause because they were never
5 instructed to consider this essential element.

6 **B. The Misstatement Of Law Was Prejudicial Because The Grand Jury Was Not In A**
7 **Position To Correct The District Attorney's Misstatement Of Law.**

8 The grand jurors, as laypersons, would have no reason to consider the essential element of
9 "specific intent to agree or conspire" unless the prosecution chose to inform them of such an
10 element. In *Gnass*, the Court of Appeal held, "But, as we discussed above in connection with the
11 Supreme Court's decision in *Johnson*, the jury cannot be expected to have asked for an
12 instruction on a part of the law about which they knew nothing." (*People v. Gnass* (2002) 101
13 Cal.App. 4th 1271, 1313.)

14
15 It seems to follow that a prosecutor, at least if he or she undertakes to instruct the
16 grand jury on the elements of the offense to be charged, must instruct on *all* the
17 elements. Each is akin to an exculpatory defense in that there can be no criminal
18 liability unless all have been proven.

19 (*People v. Gnass* (2002) 101 Cal.App. 4th 1271, 1312.)

20 It cannot be inferred that the grand jurors found probable cause that a specific intent to
21 agree or conspire occurred because they were never instructed to consider whether the evidence
22 supported a strong suspicion that a specific intent to agree or conspire existed. The indictment
23 must be set aside because it was returned on less than reasonable or probable cause.

24 **C. The Trial Judge Cannot Correct Instructional Error By Attempting To Make Its**
25 **Own Determination Of Sufficiency Of The Evidence.**

26 "Unless so informed by the district attorney, the grand jury ordinarily has no "reason to
27 believe that other evidence within its reach will explain away the charge." (*Johnson v. Superior*
28 *Court* (1975) 15 Cal. 3d 248, 254.)

1 The view that it is up to the trial judge who hears the Penal Code section 995 motion to
2 determine whether the evidence was sufficient to support the indictment has been rejected by the
3 California Supreme Court in *Cummiskey*. (*People v. Gnass* (2002) 101 Cal.App. 4th 1271, 1314.)
4 In *Cummiskey*, the California Supreme Court considered the petitioner's claims of instructional
5 error "although the transcript of the testimony before the grand jury, on which the indictment was
6 based, contains substantial evidence supporting a finding of probable cause that petitioner
7 committed the crimes as charged against her." (*Cummiskey*, supra, at p.1022.)

8 *Cummiskey* demonstrates that the trial court cannot correct instructional error by
9 attempting to make its own determination of the sufficiency of the evidence. Such an attempt
10 would render the grand jury meaningless and perfunctory.

11 XI.

12 CONCLUSION

13
14 For the reasons stated above, Defendant's motion to set aside the indictment must be
15 granted.

16 Dated: June 29, 2004

17 COLLINS, MESEREAU, REDDOCK & YU

18 Thomas A. Mesereau, Jr.

19 Susan C. Yu

20 KATTEN MUCHIN ZAVIS ROSENMAN

21 Steve Cochran

22 Stacy McKee Knight

23 SANGER & SWYSEN

24 Robert M. Sanger

25 By: 

26 Robert M. Sanger

27 Attorneys for

28 MICHAEL JOSEPH JACKSON

1 APPENDIX A

2
3
4 64:5-19 Relevance, Prejudice, 352 and 1152

5 Q And during the course of that litigation that you were involved in, who represented Mr.
6 Jackson?

7 A Well, it started off with Burt Fields and Howard Weitzman, and then ultimately it was Howard
8 Weitzman and Johnnie Cochran.

9 Q Johnnie Cochran of the O.J. Simpson fame?

10 A Yes.

11 Q As the prosecutor we put it?

12 A Yes. That Johnnie Cochran.

13 Q And eventually did the matter which you had filed the lawsuit against Mr. Jackson result in a
14 substantial civil settlement in your favor?

15 A It did.

16 Q Multi-multimillion dollar settlement?

17 A Multi-multi-multimillions of dollars.

18
19 66:11-20 Hearsay

20 Q And at least in the initial stages when you were contacted, the -- the subject under
21 consideration were all the areas involving in that Bashir tape?

22 A It was -- it was the Bashir tape, and it was that allegedly Michael Jackson had not, him or his
23 staff had her belongings stored some place. They wouldn't give her back her stuff. And the Bashir
24 tape. And, you know, there were vague things. But very vague about, maybe something
25 happened. But very, very vague.

26
27 70:28-71:6 Hearsay in response

28 Q All right. And what did you decide?

29 A I decided -- well, we had a problem, that is that Dr. Katz believed that he had sufficient
30 information to inform what is called a reasonable suspicion of child abuse. And that he as a
31 mandatory reporter under the law had to report that abuse to some agency.

32
33 72:9-27 Hearsay

34 And they -- Dr. Katz started to make the report. And the question -- the only question they asked
35 us in this whole thing was, "Do you believe the child was in imminent danger at the present
36 time?" And Dr. Katz said, "No, I don't, because the child's with the mother. And he's removed
37 from Michael Jackson. And I don't think there's any risk that he'll be involved with Michael
38 Jackson again." And they said, "Then what are you doing here?"

39 And either he or I, I can't remember who, spoke up and said, "We are making the report. I'm a
40 mandatory child reporter. I need to make a report. I'm making the report."

1 And the question is, again, what -- "Do you believe he's -- the child is in any imminent danger?"
2 And, again, the answer was, "No. I just told you this. We don't think the child's in imminent
3 danger because he's with his mother. We're making the report. You do what you want to do with
4 this report."

4 73:24-25 Leading

5 Q Okay. So at some point after all of that, just -- you contacted someone, right?

6 74:10 Leading

7 Q And that's what happened, correct?

8 75:3-7 Leading

9 Q Eventually you had another contact with the Department of Child Family Services in Los
10 Angeles as a result of their failure to incorporate some information to a report that was leaked to
11 the media, correct?

11 A Yes.

12 75:8-76:6 Non-responsive

13 Q And did you express -- in other words, the information that was leaked did not include the fact
14 that you had tried to contact them and report this case?

14 A Well, I was astounded, number one, that the department leaked anything after I went to the
15 trouble that I went to to keep this secret. And then to leak a report like they did that was created
16 after Michael Jackson was arrested. This report isn't some report where they took notes, but
17 rather was created after Michael Jackson was arrested, and then leave out the fact that Dr. Katz
18 was there making a report and telling them that he had a reasonable suspicion of child abuse, was
19 the most outrageous thing that I had ever heard of from an agency that was supposed to be
20 protecting children and asking people to report.

18 And I asked, and I still ask, and nobody's done a damn thing about it to this point, for a
19 criminal investigation of this agency for leaking this report.

19 And it turns out that the woman who wrote the report, I didn't realize this at the time, was
20 indeed the same woman who was sitting in the room with me when we made the report. So it was
21 unbelievable to me.

21 Q What's her name?

22 A Aside from Michael Jackson, that an agency in Los Angeles that is designed to protect kids
23 could leak a report, and then leak half a report. It's just unbelievable to me that that took place.

23 76:7-12 Assumes Facts not in Evidence, Leading

24 Q Let me conclude with this question to you. Since the charges have been filed against Mr.
25 Jackson back in November, or December, actually, of 2002, there's been extensive media
26 coverage. And some of that coverage is focused upon your client, Janet Arvizo and the family,
27 correct?

27 76:14-19 Assumes Facts not in Evidence

1 Q And you've heard media reports, and especially from Mr. Geragos who represents Michael
2 Jackson, making statements to the public that the mother, Janet Arvizo, is greedy and is after Mr.
3 Jackson's money. I want to ask you a question.

4 A All right.

5 78:1-9 Speculation

6 If I wanted to settle this lawsuit for money, if Janet wanted to do that, or the kid wanted to
7 do that, all I had to do was pick up a phone and tell them what I had. And I could have done this
8 secretly, nobody would have known. We could have -- I don't know what he would have done,
9 and what Michael Jackson would have done, I can't tell you that. But there's no question, in my
10 view, I could have settled this lawsuit any time I wanted to settle the lawsuit.

11 93:23-26 Hearsay

12 He indicated also that one of Mr. Jackson's staff named Frank said that if he ever told anybody
13 that Mr. Jackson had given them alcohol, that he would kill his grandparents.

14 99:23-24 Improper Question

15 Q You look younger.

16 A Well, thank you.

17 99:25-28 DA Testifying

18 Q All right. Do you know from your notes, and I know that you checked this because we had
19 talked about it, do your notes shed light on the question of which of the two children were
20 interviewed first?

21 106:23-107:2 Relevance

22 Q What's your grandpa do for a living?

23 A He drives a truck since he was 17.

24 Q Since he was 17?

25 A Yes.

26 Q He drives those big trucks?

27 A Yeah. 18-wheelers.

28 Q And your grandmother, she's a housewife?

A Yes.

107:5-6 Leading

Q But your grandfather does?

A Yes. He is fluent.

1 107:17-23 Compound

2 Q And when your brother was diagnosed with cancer, what did -- what happened? What did he
do? Where did he go? Was he able to go back to school or did he have to drop out of school?

3 A He had to drop out of school because he had stage four terminal cancer. So it was -- so, yes, he
had to leave school for that.

4

5 107:28 Leading

6 Q That's where you went to visit him a lot, huh?

6

7 108:7-12 Compound; Relevanc

8 Q In -- how many rooms, bedrooms in the apartment have? Was it an apartment?

9 A Yes.

9 Q Okay. How many rooms did it have? How many bedrooms?

10 A Nonc. It was a studio apartment.

10

11 109:1-3 Leading, Relevance

12 Q So, in other words, the three children, the mother and the father in the studio apartment?

13 A Yes.

13

14 109:9-14 Leading

15 Q Yeah. I mean, at some point -- let me go back a second. You and your brother and sister
attended a summer laugh academy?

16 A Oh.

17 Q Laugh Factory academy?

18 A It was like a comedy camp.

18

19 110:12-14 Assumes Facts not in Evidence

20 Q Now, were you ever present in the room when Michael Jackson called your brother in the
hospital?

21 A Yes.

21

22 110:17-19 Assumes Facts not in Evidence

23 Q Were you ever present when, on other occasions when Michael Jackson called your brother?

24 A When he was living at my grandmother's.

24

25 110:20-25 Leading

26 Q So there were times that he would be in and out of the hospital?

27 A Yes.

27

28

1 Q And so when he was out, he was living at your grandmother's?

2 A Yes.

3 115:9-10 Leading

4 Q And, okay. So at some point that night you guys all went up to Michael's room?

5 118:27-119:1 Leading

6 Q You're going to have to talk up now, come on. I know it's not something you want to say, but
7 you're going to have to say it. Whose idea was it to --

8 122:23-123:6 Calls for Narrative, Relevance

9 Q Now, do you remember the day that your dad left?

10 A I remember the morning.

11 Q Okay. I'll settle for that. What happened?

12 A Mc, my sister and my brother was at my grandma's house. And me and my sister wanted to go
13 play basketball at the park. And we tried to wake him up. And it was probably around 10 o'clock.
14 And he got up and put on his shoes and he put on his jacket and he left. That's all.

15 Q Never came back?

16 A No.

17 123:12-22 Relevance

18 Q Now, during the time that you were living at home with your mother and your father, did your
19 father strike your mother? Hit her?

20 A Yes.

21 Q Often?

22 A Often. Yes.

23 Q Did he physically abuse -- did he hit you?

24 A Yes. Yes.

25 Q Many times?

26 A Couple times. But he hit my sister and hit my brother also.

27 124:21-22 Leading

28 Q So it was through your brother when your brother was ill?

125:4-8 Relevance, Vouching

Q What time did I tell you to get to bed?

A Like ten.

Q You didn't, did you?

1 A No.

2 Q No. Just like my kids.

3 125:12-15 Assumes Facts not in Evidence, Calls for Narrative

4 Q Now, do you remember an occasion where you were at the ranch and there was some filming going on?

5 A Uh-huh.

6 Q Tell us about it?

7 125:27 Calls for Narrative

8 Q Tell us about the filming?

9 127:28-128:4 Speculation

10 Q Do you know when he left?

11 A When he left? Probably late at night. Probably late at night.

12 Q You didn't see him leave?

13 A No.

14 128:25- Non-responsive, Relevance, Narrative, Hearsay

15 A When we were living with Jay Daniel Jackson at a new apartment. This time it was a one
16 bedroom apartment. And we were -- we're already dressed to go to school and Michael called and
17 started -- he started -- started talking to Gavin. And then Michael wanted Gavin to fly down to
18 Miami for a press conference. And then my brother asked for me, then asked for my sister, then
19 asked for my mom. And we all -- they're thinking about flying us in commercial. But then Chris
20 said that he was going to go to Florida.

21 129:11 Leading

22 Q And how did you get there? On a private jet?

23 130:5-9 Leading, Misstates the Record

24 Q Okay. Not until then?

25 A Yes.

26 130:10 Vague

27 Q Did you have anybody come before you went to Miami?

28 132:10-11 Vouching, Calls for Narrative

Q You sleep like-my kids, too. All right. You get up, what do you do?

1 132:12-19 Speculation

2 A We go get Chris and then we all walk over to Michael's room. And I think he rented out the
3 whole floor.

4 Q Say that again?

5 A I think he rented out the whole floor, because there's security all over the floor. And then we
6 knocked on Michael's door, and then he opened it. And --

7 135:1-2 Leading

8 Q So she just didn't come up with you originally
9 but she came in later?

10 135:10-14 Leading

11 Q Was there anybody -- just Michael and Gavin?

12 A Yes.

13 Q Into what room?

14 A His room.

15 Q His bedroom?

16 135:22 Leading

17 Q So not very long?

18 137:4-5 Vague

19 Q Okay. So it wasn't this night but it was another night?

20 137:7-9 Leading

21 Q All right. But on this night you didn't see him go into any other room with Michael Jackson,
22 your brother?

23 138:11-12 Leading, Compound, Calls for Speculation

24 Q So she left and they went down to get her and brought her back to the room?

25 138:17-18 Leading

26 Q You thought there was going to be a press conference?

27 138:22-23 Leading

28 Q Were you ever allowed to go out on your own and do anything, or was there always somebody
29 with you?

1 139:13 Calls for Narrative
2 Q All right. Tell us about it?

3 139:19-26 Hearsay
4 A -- up and down the hallway. Didn't really matter. Then later that night Gavin walked out with a
5 can of, it looked like a can of soda, but inside of it was wine. And Gavin was acting a little funny.
6 And when I asked him what was -- what was he drinking, he said wine. It was a 7-Up can, I
7 think. I don't remember what can he was drinking it out of. But that's what he was doing.

8 141:10-18 Hearsay
9 A Yeah. That was in the -- there's a presidential -- it was like this huge suite that he was in, and a
10 connecting room of another suite that had two beds inside. And Marie Nicole's inside there. It
11 was -- I looked in the refrigerator and all, like the liquor bottles were drank, were gone. I was
12 like, "So who drank all these?" "Oh, it was" -- Marie Nicole said, "It was me and Michael
13 drinking the --" there was like a bunch of little bottles like that. They were all empty.

14 146:10 Speculation
15 A It was -- I think it was a \$75,000 watch.

16 148:26 Speculation
17 A Probably wine and Skyy vodka.

18 149:22-23 Lack of Foundation
19 A Because they're the one that told us to lie in front of the cameras and stuff like that. They're
20 like Michael's PR people.

21 150:8-16 No Question Pending
22 At first it started out with Dieter wanted to take the watch back, because he wanted to put it in
23 storage -- well, store it in a safe box so when he's 18 he could take it out. Then he went -- then
24 the subject switched to what to say on the rebuttal. Well, actually, no. It was mostly about the
25 watch, but then when -- no, that was a different occasion. When he took us in the guest room was
26 to talk about the watch and putting it in a safe box.

27 150:27-28 Calls for conclusion
28 Q Did you -- was your mother having problems with Ronald and Dieter?

29 151:8-9 Calls for Speculation
30 Q She felt threatened?
31 A Yes. Right.

32 151:15-18 Calls for Speculation

1 Q Did your brother want to leave?

2 A No.

3 Q Your sister want to leave?

4 A No.

5 151:23 Leading

6 Q You weren't in school, right?

7 153:27-154:6 Non-Responsive

8 Q Was there another occasion after that that you saw anything happen?

9 A There was another occasion where it was like, I was going up there to talk to Gavin. And it
10 was just -- well, things that I heard, and I went up there to talk to Gavin, the same situation was
11 happening, but my brother was laying -- this time he was -- he wasn't curled up in a ball, he was
12 facing to the right and he was laying down like this, with the pillow like that. It's kind of hard to
13 explain really.

14 154:7 Vouching

15 Q You're doing fine. Go ahead.

16 155:20 Lack of Foundation

17 A Vinnie was another person working for Michael.

18 156:17-18 Lack of Foundation; Calls for Speculation

19 Q Whose idea was it for you guys to go to Brazil?

20 A Frank's and Michael's.

21 157:22-23 Leading, Vague

22 Q Were you -- were you and your family free to go any time you wanted?

23 157:25-26 Leading

24 Q They wouldn't let you go anywhere without them; is that right?

25 159:27 Leading, Calls for Speculation

26 Q So she spent most of the time in the room?

27 165:3-7 Improper Question

28 Q After the filming -- you managed to make it through that whole thing without yawning, didn't
you, at the film? Not here. It's amazing. You're a night animal, I guess that's it. We should hold
this at one o'clock in the morning, you'd be on your --

1 165:19-28 Lack of Foundation; Hearsay
2 A That morning the -- the social workers come to -- because all the stuff that was happening with
3 the "Living with Michael Jackson." So the social workers come to our apartment. And Michael
4 has one of his bodyguards, I think, come to our apartment. And while the ladies came into our
5 house, one of the bodyguards tried to give my mom a tape recorder. And the lady said, "No, she
6 doesn't need that." He's like, "No, she needs it." And he tried to give my mom a tape recorder.

7 167:12 Leading
8 Q So he was waiting for you when you got done?

9 167:28 Opinion, Relevance
10 Q And do you think it was a good idea?

11 168:2-4 Leading
12 Q Did they -- now, when you came back from Miami, were you -- you went home for just a
13 couple of days when Jesus took you home, right?

14 181:13-21 Leading
15 Q BY MR. SNEDDON: Star, I'm going to hand you an exhibit that's been marked as People's
16 No. 4 -- Grand Jury Exhibit No. 4. All right. See what that exhibit is? The time line?
17 A Yes.
18 Q And it basically is a recap of your testimony in terms of the grades during which the events
19 occurred; is that correct?

20 201:1-7 Relevance
21 Q Yeah. Who are the people in that photograph?
22 A JFK, Michael, Lincoln, and Einstein, and can't -- Charlie Chaplin. Can't see the other ones.
23 Q Where is Michael in that picture?
24 A In the center.
25 Q Surrounded by all those other people?
26 A Yes.

27 209:12-14 Lack of Foundation, Calls for Speculation
28 Q And so who was the person that took care of it all?
A Vinnic.

29 212:20-23 Improper Opinion
30 A He started getting more violent and started being, yeah, like protected his masculinity. Like --
31 like he -- like he was, like he was -- he was like, didn't like being made fun of. And --

1 214:23-25 Leading
2 Q Now, from the time that you got back from Miami till the time that you eventually left the
3 ranch for the last time, you didn't go to school?
4 215:1-8 Lack of Foundation
5 A After a time of missing school, about a month, Vinnie went to our school and forged my
6 mom's signature and got us out of John Burroughs.
7 Q And did what?
8 A Forged my mom's signature. Because -- and he gave the excuse that he was going to put us in
9 another school. But we never went to another school, we just never went.
10 234:19 Leading, Speculation
11 Q So he wanted it to be a private conversation?
12 237:25-28 Cutting off Witness
13 A Yes. After Gavin talked to the therapist, Gavin told me that --
14 Q Well, just -- you had a conversation with your brother about it?
15 238:2-6 Hearsay
16 Q He told you whose idea it was?
17 A He told me that Mr. --
18 Q Don't tell me what he said, just say whether or not -- was it his idea or somebody else's?
19 A It was somebody else's.
20 239:16-240 Relevance, 352
21 Q I'm sorry. Big words are no good. How did your dad leave?
22 A My mom -- because it was already really late in the afternoon and we were bored, and my
23 mom was asking my dad to take us out to play basketball. And he was sleeping, and my mom
24 was asking him. And then he just got up, he said, "I can't take this no more," and he walked out
25 the door. And that was it.
26 ...
27 Q And it's a lot of physical activity involved there as well as academics?
28 A Yeah. We had to -- in the morning we run two miles at least. And do then -- do sit-ups and
stuff. And then we get dressed in our uniforms and go take a class about different criminal stuff.

26 242:24 Leading, Misstates the Witness's Testimony

27 Q So Mr. Jackson had given that vehicle to the family?

28

1 244:2-6 Argumentative, Leading, Calls for Speculation

2 Q Didn't you know where your brothers were that day?

3 A With him.

4 Q So your brothers were with Mr. Jackson, but you were by yourself?

5 254:6-7 Improper Opinion

6 Q Did you folks watch it?

7 A No. We weren't allowed to.

8 254:11-12 Vague

9 Q And what happened when they found out she'd gone downstairs?

10 254:11-16 Vague, Speculation

11 Q And what happened when they found out she'd gone downstairs?

12 A They asked where she was at, and I told them that she had a headache and she went downstairs. And then a couple minutes later somebody went down and got her.

13 260:24-27 Lack of Foundation

14 Q ... During that period of time, who were you dealing with in terms of the people from the ranch? What individuals?

15 A Dieter, Ronald. That's all I can remember.

16 261:9-14 Vouching as to credibility

17 Q All right. Well, that ought to do it. All right. Then, again, I want to focus on the time period when you first got there from Miami and back to the ranch and before you left with Jesus, okay. What was your mother -- were you around your mother a lot during that period of time?

18 266:9-13 Leading

19 Q And during that filming of that video you got quite emotional, did you not?

20 A Yes.

21 Q You started crying?

22 A Yes.

23 272 Lack of Foundation, Relevance

24 Q Did you ever get a chance to use the swimming pool?

25 275:12-13 Lack of Foundation, Speculation

26 Q And how did your mother feel about the trip?

27

28

1 A She didn't want to go.
2 275:14-23 Hearsay
3 Q And did any of those people say anything to you that you should work on your mother to try to
4 get her to go on the trip?
5 A Yeah. They had told me that she's a B.
6 Q A what?
7 A A B. It's a bad word. B-i-t-c-h.
8 Q Okay.
9 A And that --
10 Q Who said that?
11 A Frank did.
12
13 276:15-20 Hearsay
14 A Yes. Because Gavin -- because they monitor his kidney. He has to go pee in a bottle for two
15 days straight. And -- but Gavin called my mom and told her that he was drinking and that he
16 didn't want to -- he said that he didn't want it to come out on the test, that he was afraid to turn in
17 the bottle.
18
19 277:25-26 Improper Characterization of the Witness's Testimony, Lack of Foundation,
20 Leading
21 Q Now, were you part of the plan about how to get off the ranch?
22
23 278:9-12 Hearsay, Non-Responsive
24 Q And what did he say?
25 A He said, "Do you guys really need to go? Is this really necessary?" He's just really trying not to
26 let it happen.
27
28 279:9-10 Hearsay
29 Q All right. What did they tell you about him?
30 A That he was a friend of Michael's.
31
32 280:7-14 Hearsay
33 Q How about when you were at your grandparents house, did anybody come to your grandparents
34 house?
35 A My grandma had called, said there was a bunch of reporters over there asking for my mom.
36 Q About the tape?
37 A Uh-huh.
38 Q The Bashir tape?

1 A Uh-huh.

2 281:6-8 Lack of Foundation

3 A I always walked to school. And one day when I was walking back home a car pulled up next to
4 me, and it was one of Michael's bodyguards.

5 282: Lack of Foundation; Hearsay

6 A I put -- it's pretty much sure that it was him, because my grandmother told me --
7 Q Well, just what you know.

8 A Yeah. It was, from what I know, I'm pretty much sure it was him.

9 287:4-8 Relevance (W's Opinion), Non-Responsive

10 Q Did you ever see what you considered to be any improper touching of Michael with your
11 brother Gavin?

12 A There was a lot of hugging and a lot of -- he would be kissing Gavin a lot on the head and just
13 holding him a lot.

14 287:22-288:9 Speculation, Hearsay

15 Q Okay. When did your opinion about Mr. Jackson change?

16 A When -- he didn't want me around. And when people -- all the things started getting more
17 awkward with the death threats and with us -- them telling us that they're going to take us to
18 Brazil, and the way Gavin started acting totally against me. And that's abnormal for us, because
19 we're a very, very close brother and sister because of all the things we've gone through. That's
20 only been us. So for him to act that way towards me, it just felt abnormal. And he was the only
21 one he was hanging around with. He would tell him that girls are tattletales, girls are -- he
22 would just say bad comments.

23 Q He meaning who?

24 A Mr. Jackson.

25 289:17-18 Leading

26 Q It was his room, so I guess you didn't watch it, did you?

27 291:12-13 Lack of Foundation, Leading

28 Q And then after the rebuttal things changed differently, it became very personal?

29 293:3-4 Leading

30 Q So she didn't mention anything about being at Neverland Ranch?

31 293:8-11 Non-Responsive

32 Q Did you ever see any vodka bottles when you saw -- on the occasions that you saw them

1 drinking?

2 A Well, there was a lot of wine bottles in his room.

3 298:4-14 Hearsay, Non-Responsive

4 A It was Star, it was Gavin, and Davellin. All three of them they came in, they were young kids.
5 And they actually, their teacher, they said they were undernourishment and they didn't have
6 enough money to eat. And they recommended, they say if you could help them.

7 And I remember particularly first day they came in that they were really hungry. They
8 didn't have enough food to eat. We provide them lunch and everything, and cannot -- I remember
9 their, exactly the first time I met them.

9 300:10-301:16 Relevance

9 Q How sick was he at his sickest during the times that you were visiting him? Describe his
10 condition to us?

10 A His condition, he lost a lot of weight. And the doctor one point told me that -- that's when I
11 was heartbreaking. The doctor told me he have three weeks to live. And he had a rare blood. And
12 his blood I believe was O negative. Something, couple -- another initial. And if I think about it, I
13 give it to you. But couple of initials behind the O negative.

12 And we did a blood drive for him from the club. And we said anybody, any customer
13 come with that rare blood, if they come to club and they go to donate blood to the Gavin, they get
14 in free. We take care of their drinks, we take care of their food. We take care everything, as long
15 as they go help the kids.

15 So we have few people that came in, they -- they did it. And then we heard from Red
16 Cross. Red Cross called us, they said, "Jamic, what you been doing, a lot of people been coming
17 in, but the blood we want, we don't have it still." So at that point I tried to call couple of TV
18 stations to see if I can get anybody interested to bring the issue. Maybe somebody out there they
19 are willing to give more blood, or they have his blood. Millions of people's are out there. So
20 called few stations. And we put on the marquis at one point.

18 Q Was that broadcast on the television, an appeal for more blood? Did they actually broadcast
19 that on
20 television?

20 A Yes, sir. And I was with the broadcast, a couple of them, the broadcast. I was -- I actually
21 pleaded to the news, ABC, several of them, and pleaded them, if anybody that they know, that
22 they are -- this

21 blood they have O negative, please come in, we need it bad.

22 305:13-19 Hearsay

23 A Yes. Janet Arvizo called me. He was -- she was upset because people -- Gavin would have
24 shown him on ABC documentary, Martin Bashir, show him sleep over. And they have him,
25 Gavin, put his head on Michael Jackson's shoulder. And he thought the kids they were teasing
26 him, and all of the kids that were in the school they were teasing him.

26 306:25-28 Lack of Foundation, Hearsay, Non-Responsive

27 A They were couple of time after that. But Janet could not go to his office because Michael
28

1 Jackson people, they were watching her and they would not allow her.

2 308:20-24 Lack of Foundation, Hearsay

3 A Because Janet was afraid, because the bodyguard and the people that were watching her, they
4 did not want her to see any attorney or go to any place they were watching, and they were driving
her around. They did not want her to see anybody.

5 310:13-23 Lack of Foundation, Hearsay

6 A She was in kind of panic. She was kind of like disturbed. She could not talk. She said,
7 "Everybody watching me. They don't want to leave me." I didn't know what to do. I did not know
if I could get assistance, police, what shall I do.

8 But she will call me again and she said, "Jarnic, they listening to my voice. I can't do
9 that." And she would hang up. And, you know, two, three times I got phone call. She was very
much in a panicked state that somebody was watching her or somebody was holding her against
her will. That's the feeling I got.

10

11 311:7-11 Lack of Foundation, Improper Opinion

12 A I was -- I told her, I said, "You want me to call the police or something?" I never finished a
13 conversation with her. Always somebody hang up on her, or somebody cutting the phone, or
something happen. I have no idea. It was a strange thing.

14 317:24-26 Leading, Assumes Facts not in Evidence, Speculation

15 Q Okay. And when Mr. Jackson was upset about something would he have any hesitation in
16 letting you or that other employee know about it?

16

17 325:1-3 Lack of Foundation, Speculation

18 Q Okay. And his relationship with Mr. Jackson during that time?

19 A I guess it was just friends.

19

20 325:22-28 Speculation

21 Q Okay. And what was his position at Neverland?

22 A Honestly I'm not sure what was his position. I mean, I know that he would just to come to the
23 place, I mean, to Neverland Valley. And he was also, I guess, trying to become part of Mr.
Jackson's business, or trying to run his business or his traveling tours, that kind of stuff.
That's all I know. I mean --

23

24 328:1-12 Calls for Speculation (as to the knowledge of others)

25 Q Okay. So who, if anybody, other than yourself, would know that he was drinking?

26 A The house staff.

27 Q Okay. How about other individuals?

28 A Drinking you mean?

28

1 Q Yeah. Who else would be around when he was drinking, in general?
A General? Also be Frank.
2 Q Frank?
3 A And some kids, I would say.
4 Q All right. That's what you witnessed?
A Right.
5
6 331:11 Leading
Q It had to be okay by them?
7
8 332:17-21 Non-responsive
9 Q Do you know how many occasions that you were aware of that they -- that they slept in Mr.
Jackson's room?
10 A During their time at Neverland Valley that's where they spend most of their time, with Mr.
Jackson.
11
12 335:15-17 Improper Opinion (calls for conclusion on ultimate issue)
Q -- to Neverland? Did it appear to you, based on everything you saw, that the Arvizos were
13 being held against their will?
14
15 341:24-27 Relevance
Q As long as you've known him has he been a truck driver for Ralph's?
16 A Yeah. Yeah. He's been driving trucks since he was like 17 years old.
17
18 342:3-344:16 Relevance
Q Tell us a little bit about that, how you found out and what happened to you?
19 A Well, it was over like a week, and I was having pain in my stomach -- well, it was like here.
Q You're indicating to your right side?
20 A My lower left torso.
21
22 ...
23 But for me I had to go to the hospital, and they had to put me in a room, and I had to stay there.
24 And they had to give me adult dosages of chemotherapy for like a week straight. And then I
would get out, and then I would rest for about three weeks. And they would give me a checkup.
25 And then I'd go back and do it again.
26 347:5-7 Leading
Q And we even have a picture here, just to make sure we're talking about the same Michael
27
28

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1 Jackson, but I know we are, so --

2 361:23-362:9 Relevance

3 Q They'd fight a lot?

4 A Yeah.

5 Q Did you ever see your father strike your mother?

6 A Yes.

7 Q Was it just something that happened occasionally, or was it something that was pretty often?

8 A It was pretty often.

9 Q How about you or your brother or sister?

10 A He never really hit me as much as my mother. He hit me on my surgery once.

11 Q Say that again?

12 A He didn't really hit me during my cancer much, but one time he hit me on my surgery, where my surgery was.

13 366:9-10 Speculation, Improper Opinion

14 A Well, I pretty much, after my remission Michael didn't want to talk to me anymore.

15 366:18-20 Leading (ACTUALLY AFFECTED TESTIMONY)

16 Q So your mother wasn't there?

17 A I think my mother was there. I don't know. No, no, she wasn't there.

18 369:25-26 Relevance, Speculation

19 Q Girls get names?

20 A I don't think so.

21 370:25-372:13

22 Q Are you a member of that?

23 A Yes.

24 Q Did you join that after you got out of remission?

25 ...

26 Q And you have a career in some form in the military; is that right?

27 A Yes.

28 372:19-21 Leading

1 Q So you weren't told that when you talked to Michael Jackson prior to the filming? He didn't tell
2 you, "Hey, you're going to be seen around the world"?

3 379:13-18 Hearsay (witness's statements)

4 A He told us -- told me if I knew what Jesus juice was. I told him, "I don't know" -- "I don't know
5 what Jesus juice is." And then he's like, "Oh, wine." And then he's like I should have some
6 because it will relax me, because he said like, oh, I'm stressed out because all the stuff on the
7 news, and stuff like that.

8 380:6-7 Non-Responsive, Vague, Hearsay

9 Q Were you acting kind of weird?

10 A That's what they told me.

11 386:16-17 Lack of Foundation

12 Q Do you ever remember Mr. Jackson doing anything to you on the trip at all?

13 387:19- Improper Opinion, Hearsay

14 A Well, Frank Tyson, and people, they wouldn't let us leave. They always try to -- we want to
15 leave, they won't let us. But there was a man named Jesus. He was like the manager of
16 Neverland. He -- we told Jesus that we wanted to leave. And he told us that it was wrong for us,
17 that's not right for us to be held there, and if we want to go. And so he went into a car, put our
18 stuff in a car, and we drove to my grandfather's house.

19 387:28-388:4 Hearsay

20 Q That's what Jesus told you?

21 A That's what we did.

22 Q Yeah, but he told you that it wasn't right for you to be kept there?

23 A Uh-huh.

24 389:8-12 Speculation

25 Q Was she upset?

26 A Yes.

27 Q Describe -- describe to me how she was?

28 A She like, she wanted to leave. She was stubborn about having to stay there. She was scared.

392:2-3 Leading

Q Okay. So you got pretty used to drinking every night, huh?

392:28- Lack of Foundation, Improper Opinion

1 Q Did you ever -- did you ever mention to Mr. Jackson that it wasn't probably a good idea for
you to be drinking?

2 A Yes.

3 Q Tell us about that?

4 A Well, it wasn't really a good idea for me drinking because I only had one kidney, I only have
one kidney. And so it harms my kidney for I drink that stuff. But he would just say, "It's okay."
And he would just keep on telling me to drink.

5 393:23-26 Lack of Foundation

6 A It was with a man named Hamid. And by that time it was already after we left with Jesus and
we came back. And so like the security guards were all, like they wouldn't let us leave either.

7

8 394:6-8 Lack of Foundation, Speculation

9 So we went down to his house. And we did, like I said, we did like this thing for, I guess
Michael, I

10 guess.

11 395:5-7 Hearsay

12 A They would tell my mother, my mother would tell me they would tell her there's like death
threats to her.

13

14 395:15 Calls for Speculation

15 Q Why did he say that?

16 404:17-26 Hearsay

17 Q And was Michael Jackson mentioned in the planning trips?

18 A Yes. They told us that he was going to come a week later.

19 Q And meet you in Brazil?

20 A Yes.

21 Q Who told you that?

22 A Dieter.

23 Q Anybody else?

24 A Frank would tell us.

25 407:11-12 Calls for Speculation

26 Q Did you have clothing there at Neverland? Or why did they buy you clothes? Let's put it that
way.

27

28 408:6-7 Calls for Speculation, Improper Opinion (ultimate issue)

Q Were you free to go places by -- wherever you wanted to go?

29

1 418:11-15 Relevance
2 A On the plane that we're taking off from Miami.
3 Q Did he tell you how much that watch was worth?
4 A He told me it was worth \$75,000.
5 Q \$75,000?
6 A Yes.

7 419:23 Leading, Argumentative
8 Q You just don't remember receiving it?

9 426:5-6 Argumentative, Improper Question
10 Q -- you've got to talk into the mic, and quit swiveling. You're not in a barber chair.

11 426:18-28 Lack of Foundation, Hearsay
12 A Yeah. He would like listen to the security guards talking like to their girl friends and stuff.
13 Q Any other occasions where he'd listen to conversations that you were with him?
14 A No.
15 Q Did you ever talk to him about whether or not he was listening to any conversations between your mother and Mr. Jackson, Jay Jackson?
16 A No. Well, but the person that was listening to them, Frank told me, Frank told me he would listen to the conversations.

17 428:9-10 Lack of Foundation, Calls for Speculation
18 Q Do they work very well?
19 A Yes.

20 431:11-18 Leading
21 Q Does it mention something that you're going to do with Mr. Jackson? Gavin?
22 A What do you mean, we're going to do?
23 Q Is that embarrassing to you, the note?
24 A No. It doesn't say anything that we're going to do. Can you point it out to me?
25 Q How about the second part of it, what does it say?

26 435:13-436: Relevance
27 A Okay. I had it for a while, then it stopped working. So my mom, you know, this was the time
28 period where they stopped talking to me and my family, and so -- but we still had Evvy's phone number....

1 ...

2 Q And were you able to identify one that you thought was your computer?

3 A Yes.

4 437:26- Lack of Foundation, Relevance

5 Q So you didn't have those pills while you were at the ranch?

6 A No. And they wouldn't really let us go get them.

7 439:22-26 Relevancce, Lack of Foundation

8 A I did -- yeah. I did some homework. I did -- see, we're staying there for a while, so we had to
9 turn in the homework. I think we did my homework once, and then I think I turned it in, and then
Vinnie checked us out of our school.

10 441:7-10 Lack of Foundation, Non-Responsive

11 And then also like when we -- when we left -- I told earlier when I went and saw Hamid, the
12 security guard was like, they always check in every car see if we were there. They wouldn't let us
leave.

13 444:7-10 Lack of Foundation, Non-Responsive

14 Q That was the only time you stopped and you and your mom got out of the car is that one stop?

15 A Yeah. And I'm -- it's like I think Vinnie was the one that like sabotaged the urine.

16 446:8-9 Leading

17 Q Did you, right after you had that conversation with her, did you hear somebody banging on the
18 door?

A My door? Or the door that was there?

19 Q Michael's room. Somebody banging outside the door trying to get in?

20 448:5-18 Lack of Foundation, Relevance, Non-Responsive

21 Q BY MR. SNEDDON: Gavin, you're currently not in school, are you?

22 A I'm currently getting home schooled.

23 Q And who is paying for the home schooling?

24 A City of Los Angeles. It's a public home school program. It's because I used to have cancer, so I
25 get to -- I qualify for it. So my mother doesn't -- she's scared about me going to school because of
Michael Jackson's people and some fans that might try to hurt me. So she wants me to go to
home school. So I'm going to home school.

26 Q Has it been hard on you being at home all the time and not being able to go to school?

27 A Yes.

1 460:25-461:1 Hearsay

2 A I had heard from a different flight attendant that Mr. Jackson drank -- drank white wine in a
3 diet Coke can, and that was all he really drank on the aircraft. And to have it placed, or to give it

4 463:2-7 Lack of Foundation, Calls for Speculation

5 Q Would you do that? And if Mr. Jackson didn't inform someone that there was wine in the Coke
6 can, or didn't smell it or drink from it, as far as you know is there any way someone else in the
7 flight would know that wasn't just diet Coke?

7 A No. They wouldn't know.

8 476:9-12 Lack of Foundation, Speculation

9 And he was -- I mean, he knew. I'd instructed everyone that had flown him to make certain to get
10 eye contact and say, "Here's your diet Coke, Mr. Jackson." So he was aware, you know, of what
11 was going on.

11 482:24-28 Calls for Speculation

12 Q Okay. And is it possible that Mr. Jackson could have given a sip to the individual that was
13 seated right next to him when your attention was focused elsewhere?

13 A It's possible. It is possible.

14 502:3-12 Lack of Foundation, Speculation

15 Q What is Neverland Valley Entertainment?

16 A A business that Marc set up to produce Michael Jackson projects, I assume.

17 Q Okay. Who are the principals in that business?

17 A If there's any principal other than Marc Schaffel, then I'm not aware of it.

18 Q Do you know if Michael Jackson is involved in that company?

19 A I would assume he would have been. Absolutely. But --

20 505:4-9 Hearsay

21 Q Did you talk at all about the fact that you were going to be testifying in this case?

22 A I asked him if he had been contacted. Yeah, he knows that -- he knows --

23 Q So the answer to that would be?

23 A Yes.

24 515:7-8 Calls for Speculation

25 Q So what would have happened if the Arvizos didn't say something good about Mr. Jackson?

26 515:12-15 Leading
27
28

1 Q Okay. But wasn't it planned that the Arvizos -- wasn't it perceived or understood between you
2 and Mr. Schaffel that the Arvizos were going to say positive things about Michael Jackson? Yes
3 or no?

3 516:8-9 Calls for Speculation

4 Q Was that Marc's perception, that they wanted to say something positive?

5 516:10-12 Argumentative, Improper Question

6 Q Okay. That's an example, just so you know, that's an example of an answer to a question I
7 didn't ask, okay.

8 518:2-5 Calls for Legal Conclusion

9 Q Okay. And if you lie -- tell a lie to a tabloid about Michael Jackson, wouldn't you be at risk for
10 a major lawsuit?

11 530:19-20 Hearsay

12 A I'd heard, you know. I'd heard. Like I say, I don't know how.

13 533:12-22 Lack of Foundation

14 A I think Dieter worked with Michael, from what I understand. I don't think he was paid --

15 Q They were partners in something?

16 A Yeah, exactly.

17 Q Partners in what?

18 A I don't know exactly. Let me think about that. Dieter and Michael -- Dieter has a
19 merchandizing contract with Michael that I don't think he's done much with. But I think that's
20 one thing they were developing. And I think he was sort of an advisor to Michael.

21 546:8-12 Relevance, Hearsay

22 Q How did you know he had tax documents that he needed to have access to?

23 A Because he told me. He told me. I said, "Are you worried about your house getting searched?"
24 you know.

25 546:13-14 Leading

26 Q Okay. And so it was your idea to put these documents in a safe deposit box; is that right?

27 548:5-26 Leading, Relevance, Hearsay

28 Q And did they specifically tell you that you could get in trouble for obstruction of justice?

A They actually mentioned that when they arrived to my apartment. So, they said that was part of
the reason they were at my apartment.

Q Did they tell you that?

1 A Did they tell me that I could get in trouble for obstruction of justice?
2 Q Yes.
3 A If I -- if I had done anything wrong. I don't know.
4 Q I'm just asking you a question.
5 A I don't know.
6 Q Did they tell you you could get in trouble for obstruction of justice if you tampered with
7 witnesses or evidence, or anything of that nature?
8 A Yeah. They warned me of that.
9 Q All right. And did you tell them that there were documents that you had concealed for Mr.
10 Schaffel in a safe deposit box under your name? Did you tell them that?
11 A I told them.
12 550:8-9 Calls for Speculation; Vague
13 Q Okay. As far as the video goes, at the end of the day did the Arvizos perform as anticipated?
14 564:8-10 Leading, Lack of Foundation
15 Q So he wasn't a decision-maker, he was the guy -- the person who did what he was supposed to
16 do?
17 564:16-18 Lack of Foundation
18 A I just know he was supposed to be a business -- one of the business managers, and just a
19 business executive.
20 566:2-5 Leading, Lack of Foundation
21 Q So they were in a business relationship?
22 A Business relationship, yes.
23 Q They used to consult often in relation to those business affairs?
24 567:7-12 Speculation
25 A As far as I know, he only had a relationship with Frank Tyson, because Frank's the one that
26 brought him in and brought him on board, and then Michael found out later about it. That's
27 what I know. And that was the only, really, relationship. And then Dieter, I guess, was over
28 Frank and Vinnic, anyway.
29 576:11-16 Non-Responsive, Hearsay, Cut-Off Witness
30 Q Did you notice whether or not they got along well or not?
31 A They didn't get along. From what I heard, they didn't get along. But I noticed that there was
32 some kind of dissension in there. But I really don't know what their problem was, because --
33 578:13-16 Leading, Argumentative, Mischaracterizes the Witnesses's Testimony

1 ("staggering")

2 Q So it wasn't even dark outside?

3 A It wasn't dark.

4 Q And he's already staggering around?

5 A He was staggering around. I approached him.

6 585:21-586:5 Speculation, Lack of Foundation, Improper Opinion

7 Q Well, let me put it this way. If the kids -- if the Arvizo family was going to Brazil --

8 A Right.

9 Q -- in your experience, based on the time you worked with Mr. Jackson, would Mr. Jackson know about that?

10 A He would know about it. Yes.

11 Q That's not something somebody would do without talking to him?

12 A Right. Because you can't do anything without letting your boss know what's going on. Even if somebody had suggested it, he'd have to make the final call on that.

13 589:22-24 Relevance, Lack of Foundation

14 Q Who's Mr. Mason?

15 A Mr. Eric Mason is a, pretty much a private investigator for Mr. Jackson's side.

16 608:10-19 Relevance, Vouching

17 Q For those who are members of the Grand Jury, Law Review, that's where all the smart people got to be on, right?

18 A Well, there were two ways. One was being at the top of your class, the other one was by entering a

19 writing competition. I did all right -- I did pretty well in law school, but I got in on the writing competition.

20 Q Don't be modest. Just tell us you were in the top ten percent.

21 639:7-28 Improper Opinion, Hearsay

22 A Nothing that I ever heard from her indicated that at all. And in fact, much to the contrary. If she'd been interested in financial gain, the way to do it was to retain me and/or Mr. Feldman and try to get a settlement without suing. And if necessary, sue Jackson. But with --

23 Q Contrary to what people might believe, we do actually settle lawsuits without going to trial?

24 A It happens in the civil arena. In the civil arena it generally happens. But with the Hale, Lane especially, I remember specifically the conversation where I never got it out of my mouth before it was completely shot down. And I insisted, because it was my duty to advise of all possibilities, I told her that there was, you know, undoubtedly more money there. And she couldn't care a less.

25 And on many, many, many occasions it was, "I'm not interested in the money. I'm not interested in the money." And that, of course, is not a great thing to here as a civil litigator who handles plaintiffs contingency cases, and who makes his living, as I and Larry Feldman do, on

1 these kinds of cases.
2
3 647:20-23 Leading, Calls for Speculation
4 Q Okay. So if Michael Jackson had a videotape he wanted to make of anything, he'd get on the phone to -- he or his personal assistant would get on the phone to Hamid Moslchi?

5 648:13-19 Calls for Speculation
6 Q Okay. And who was that videotape prepared for? Who employed you to do that videotape?
7 A Who employed me to do that videotape?
8 Q Yes. Who paid you to work on that videotape?
9 A Nobody has paid me yet.
10 Q Okay. Who was supposed to pay you?
11 A Mr. Jackson.

12 653:8-20 Lack of Foundation, Hearsay
13 Q Okay. Do you know who that person was?
14 A I believe was one of Mr. Jackson's manager. Do you need the name?
15 Q If you know his name.
16 A Dieter Weizner, I believe.
17 Q All right. Showing you People's Exhibit 39. Do you recognize this individual?
18 A That's him. That's Dieter Weizner.
19 Q Okay. And do you know Mr. Weizner's -- what can you tell me about Mr. Weizner's relationship to Mr. Jackson, if you know?
20 A I was told by Mr. Weizner, that he now has the management of Mr. Jackson.

21 655:3-6 Hearsay
22 Q And did he tell you why it wasn't going to be filmed at Neverland?
23 A If I remember correctly, because Janet, the mom, was missing. She wasn't at Neverland.

24 655:21-24 Hearsay
25 Q Okay. Did he tell you why he didn't want to do it at his house?
26 A If I remember correctly he said he doesn't want them to know where he lives.

27 658:9-17 Lack of Foundation, Hearsay
28 A And there was another guy, which I'm assuming it was Brad Miller.
29 Q Why do you say Brad Miller?
30 A Because I asked -- and also another guy named Christian.
31 Q Okay.
32 A When I asked, I believe Christian, who this guy is, he said, "Don't worry, he's just a private

1 investigator."

2 660:3-7 Speculation

3 Q He was called? Or you tell me. How do you know that?

4 A If I remember correctly, Vinnie asked me to use my fax machine, which, Janet was not happy about certain things about the release, and they wanted to redraft it.

5
6 663:25-28 Leading, Hearsay

7 Q Okay. Frank was involved with business with Mr. Jackson?

8 A At one point of time I was heard that he is. Yes.

9 664:1-4 Speculation

10 Q Do you know what kind of business?

11 A Various things, like from maybe merchandizing to concert, things like that. I was never involved directly with their --

12 664:10-14 Hearsay

13 A He's also -- well, he was one of the managers also. When I was talking to Mr. Weizner he also mentioned that there's going to be another partner by the name of Ronald, which they both going to be taking over the management.

14
15 664:26-28 Speculation

16 Who did Marc Schaffel not want to know -- who did Marc Schaffel want to prevent knowing where he lived, the Arvizos or Mr. Jackson?

17
18 666:22-28 Lack of Foundation (contrary to DA's remark to Star)

19 Q Okay. Can you explain why this film was done at -- after midnight? Why this film of the Arvizos was done after midnight? Was there a reason for that?

20 A I guess that's how it happened to come.

21 Q Was that odd to film a family with young children after midnight?

22 A Yeah. It was odd.

23 667:21-23 Leading, Speculation

24 Q Okay. Running the show. Mr. Jackson's show, is that what you're --

25 A Mr. Jackson's management affairs.

26 671:4-7 Relevance

27 Q And how old was she when she was married?

28 A I think 16.

1 Q How old were you?

2 A Just turned 18.

3 673:22-24 Argumentative

4 Q That's not the question, Mr. Arvizo. This is going to be a long afternoon unless you listen to
5 what I have to say and answer my questions.

6 674:7-10 Leading

7 Q Now, after those conversations at the -- on the phone, at some point you and your son went to
8 Neverland Ranch to meet Michael Jackson for the first time in person, correct?

9 674:18 Leading

10 Q Didn't the whole family go up the first time?

11 675:20-28 Argumentative

12 Q During the course of dinner on either the first or second evening, did the subject matter of the
13 boys spending the night with Michael Jackson in their bedroom come up?

14 A I don't know if it was at dinner.

15 Q All right. Did it come up at any time?

16 A Not a sleepover, no. Gavin was -- had a --

17 Q Just -- I'm asking you a specific question. And I'm going to ask you --

18 677:27-678:6 Leading, Relevance, Improper Impeachment with Criminal Conviction, Prejudice

19 Q Mr. Arvizo, during -- you were at some point in time charged with a domestic violence
20 incident for wife beating, for beating your wife, correct?

21 A Yeah, correct. I pleaded -- yeah. I was charged with that.

22 Q I'll get to what you did. I'll give you a fair chance to say what you want to say about it, okay.

23 A Uh-huh.

24 678:14-19 Leading, Argumentative, Improper Impeachment with Criminal Conviction,
25 Prejudice

26 Q And in fact, it ended up being two criminal cases, one involving you and your wife for child --
27 for wife beating, and then a -- another charge later was added involving your daughter Davellin
28 on an incident that occurred at school?

29 A Correct.

30 679:4-10 Leading, Argumentative

31 Q Wasn't the knife -- didn't you just watch a horror movie, and she was doing the dishes, and she
32 turned around and just raised the knife in jest?

1 A Absolutely not. She was attacking me at that time.

2 Q With a knife?

3 A Yes.

4 679:14-17 Leading, Argumentative, Lack of Foundation, Relevance, Improper Impeachment
with Criminal Conviction, Prejudice

5 Q Did you strike her?

6 A No. Of course not. I never struck my wife.

7 Q You've never struck your wife?

8 A No.

9 Q All right. So that's what the photo's all about? She came after with you a knife. Did you give
that photo to your lawyer, Mr. Halpern?

10 679:25-680: Leading, Argumentative, Relevance, Hearsay

11 A Yes. I presented it to the District Attorney in L.A.

12 Q And the DA wasn't impressed by it?

13 A No. Janct said she posed for it. She was there acting. And I also had another picture of her
coming at me with a stick with different clothes. And he asked her, "Well, the same day?" And
she said "Yes." Not on the stand. And she said, "Yes. We were acting." And he said, "Why are
you wearing two different clothes?" And she said, "Well, I changed."

14 680:7-28 Leading, Argumentative, Lack of Foundation, Relevance, 352

15 Q You gave those photos to Mr. Halpern?

16 A Yes, sir.

17 Q And those photos -- were you responsible for selling them to The Globe?

18 A No. I didn't sell any photos.

19 Q Did you authorize them to be sold to The Globe?

20 A No. I did not.

21 Q Do you have any idea how The Globe got them?

22 A I have no idea. The Globe says it was given by a family friend or family acquaintance or --

23 Q And when The Globe put it in the paper they blacked everything out and just showed her with
the knife; isn't that correct?

24 A I seen it oncc, you know. And I pretty much stayed away from everything because it's pretty
upsetting.

25 Q Mr. Arvizo, the question was, The Globe took the picture and they blacked everything out and
simply showed her with the knife, correct?

26 A I don't remember.

27 Q Did you authorize your attorney, Mr. Halpern, to sell those photographs to The Globe?

28 681:20- Leading, Argumentative, Relevance, Hearsay

1 Q Do you know that he alleged on TV you gave him transcripts of questions and answers that she
had written, she meaning Janet, for your children to use when they were going to testify?

2 A I wasn't --

3 Q Is that true or false?

4 A I didn't want him to take any interviews. And I wasn't paying attention --

5 Q Mr. Arvizo, is that true or is that false?

6 A I told him about how she did the case.

7 Q Did you produce him -- listen to the question again. Did you produce -- Mr. Halpern, listen to
me now. I'm not trying to be unfair.

8

682:25- Leading, Calls for Legal Conclusion

9 Q Just to preserve your interests?

10 A Correct.

11 Q All right. So there's nothing wrong with that, was there?

12 683:2-10 Leading, Speculation

13 Q So she didn't tell the kids what to put on
these documents? She didn't tell you what to write
down, did she.

14 A No.

15 Q She didn't tell Gavin what to write down?

16 A (Shakes head from side to side.)

17 Q You're shaking your head no.

18 A No.

19 Q She didn't tell Davellin what to write down?

20 683:20-27 Leading, Argumentative

21 Q It was what you wrote?

22 A I was what I wrote with, you know, misspellings corrected and --

23 Q Yeah, I understand. But the essence of it was you not her?

24 A Yes.

25 Q That was true of all the others, you assumed?

26 A Yeah, I don't know. I assume, yes.

27

28 684:8-11 Argumentative, Relevance

Q All right. That's fine. Now, with regard to the incident that caused your wife to be smart
enough to tell you all to sit down and write what happened the day it happened, okay, were you
in the store with the boys?

29

30

NOTICE OF MOTION AND MOTION TO SET ASIDE THE INDICTMENT

(Penal Code § 995)

1 684:13-686:23 Leading, Relevance, Misstates the Witness's Testimony

2 Q And Janet wasn't there originally?

3 A No, she was in Oshman's. She had just got a job in Oshman's.

4 ...

5 A Yes. And since then, when I've tried to ask for -- you know, they've been interrupted by your
6 letters for, you suggesting that I don't see them.

7 687:2-20 Argumentative, Leading, Bullying, Relevance

8 Q Does it say my name on it? Have you read the letter?

9 A I didn't get through the letter.

10 Q Did you read the letter?

11 A No. I didn't get to read it.

12 Q So you don't have any idea what the letter says, do you?

13 A I'm not arguing with you.

14 Q So you don't know that that letter simply says that Gavin is in good health when you were
15 questioning --

16 A Because that's the first time I was able to find out officially how he was.

17 Q All right. So -- so before you say things, you ought to stop and think about it as to what was
18 really in the letter, okay. Now --

19 A I'm not upset, it's just -- you know.

20 Q It's okay. But I'm just telling you, let's just answer the question.

21 687:27-688:3 Attorney-Client Privilege

22 Q -- correct? And you had reconciled yourself to that to be the situation until this whole thing
23 with Michael Jackson occurred, right? When the allegations against Michael Jackson occurred
24 Mr. Halpern contacted you and said he wanted to use this as leverage?

25 688:11-23 Leading, Relevance, 352, Hearsay

26 Q Did you, between the time of your conviction in December of 2001 and December of 2003, for
27 two years you were on probation, correct?

28 A Yes, sir.

Q And for two years you were told by the court you were supposed to be attending parenting
classes?

A Yes, sir.

Q In order to put you in a position to get your kids back?

A Yes, sir. And criminal -- and domestic violence.

Q And community service?

1 A Yes.

2 689:3-11 Argumentative, Leading, Bullying, Relevance

3 Q You mean the \$24,000 in arrears that you currently have from not supporting your kids?

4 A No. I've always supported my kids. You don't understand. I raised them by myself. They're always with me.

5 Q Okay. Now, you didn't answer my question. So I'm going to ask it again. We'll just stay here 'til you answer it, okay. It's a simple question. I'm going to get an answer.

6
7 690:3-26 Argumentative, Leading, Attorney-Client Privilege

8 Q I didn't ask you whether you wanted to see them. I asked you, did you go to court and file any documents?

9 A I couldn't.

10 ...

11
12 A No.

13 Q But now that Michael Jackson's involved he can help you?

14 691:2-5 Leading, Relevance, Hearsay

15 Q For Mr. Halpern you mean?

16 A Yeah.

17 Q He made that pretty clear he was in this for the --

18 A He ain't hiding that at all. If it was my opinion I would have a completely different lawyer already. He hasn't done anything in my interest that was very good throughout this whole thing.

19 691:14-18 Leading, Relevance

20 Q ...

21 With regard to the domestic violence incident -- first of all, we're going to talk about the one between you and your wife. The one that led to the charges being filed against you.

22 You pled nolo contendere, correct?

23 692:5-696:24 Argumentative, Relevance, Bullying, 352

24 Q You missed a lot of work, right?

25 A I did.

26 ...

27 Q Yes, she did. And the judge said he believed her.

28

1 A Poor thing.

2 703:4-9 Compound, Attorney-Client Privilege

3 Q Between the time of December of 2001 and November of 2003, before the Michael Jackson
4 investigation, did Mr. Arvizo approach you with the purpose of trying to modify his domestic
5 stay-away order from his children and allege that you still owed him money from the prior case to
6 finance it?

6 703:27-704:6 Argumentative, Relevance, Attorney-Client Privilege, 352

7 Q All right. Well, you got half the question. It's not bad. That'll get you in the hall of fame in
8 baseball.

8 A I don't play baseball. Racquetball.

9 Q What I asked you was, between December of 2001 and November of 2003, did Mr. Arvizo
10 come to you and ask you to do something about his domestic case in order to change the fact he
11 couldn't see his kids?

11 704:20-23 Attorney-Client Privilege

12 Q Yeah. Did Mr. Arvizo come to you or any member of your firm and ask you to change those
13 orders during that two-year period, after they'd been put in place, not while they're put in place?

14 705:14-19 Argumentative, Leading, Relevance, Attorney-Client Privilege

15 Q First of all, I'm not confusing anything. It's a very clear question. Very simple, Mr. Halpern. At
16 a certain point in time you indicated to the ladies and gentlemen of the Grand Jury, at 2000,
17 somebody who used to be associated with you stopped representing Mr. Arvizo; is that correct?

17 706:14-24 Argumentative

18 Q Yeah. It answers my question to the extent that I was right the first time. So let me try again.
19 From the point in 2002 when your wife stopped representing Mr. Arvizo, okay --

19 A (Nods head up and down.)

20 Q You got that part of it?

20 A Well, you --

21 Q As a beginning point?

22 A Okay. And 2002 is now the new beginning point?

23 Q It is. It was the beginning point from the beginning.

24 706:26-707:2 Attorney-Client Privilege

25 Q In 2002 when your wife stopped representing Mr. Arvizo, to the time in November, prior to the
26 Michael Jackson case going public, did Mr. Arvizo ever approach you, you, to represent him in
27 changing his inability to see his children?

1 708:2-709:4 Attorney-Client Privilege

2 A I don't believe I can discuss what I -- what arrangements we had, or what our discussions
3 between he and I, and what I received or did not receive from him due to the attorney-client
4 privilege.

5 Q Well, Mr. Halpern, your client already told us about it.

6 ...

7 Q Now, the fact that you may have showed those photographs to the attorney would waive
8 whatever privilege whatever was there, wouldn't it? Because now it's no longer a confidential
9 communication.

10 709:13-18 Argumentative

11 Q You don't know? Your client knew about it. The fact that they were in The Globe. You never
12 spoke --

13 A Pardon me?

14 Q Your client knew about it. You didn't know that those photographs were in The Globe?

15 709:26-27 Attorney-Client Privilege

16 Q So as far as you know, they're still in your file in your office?

17 710:9-10 Threatening the Witness for Asserting the Attorney-Client Privilege

18 Q All right. We'll have you come back in front of the Judge and have that litigated.

19 710:28-711:3 Argumentative, Attorney-Client Privilege

20 A You know, come to think of it, if I did say something of that nature, it could have been a
21 waiver of the client -- attorney-client privilege.

22 Q Yeah. It really could, couldn't it?

23 712:15-20 Attorney-Client Privilege

24 A ... So at this time I'm actually not sure whether I actually had them in my hand or whether I just
25 was told of them. But I definitely was told of the scripts.

26 Q By your client Mr. Arvizo?

27 A Yes. And also by -- I think other people, family members.

28 713:17-22 Improper Question, Argumentative, Relevance

Q I intimidated him into an answer?

A Pardon me?

Q I intimidated him into an answer?

1 A Are we arguing? Is --

2 Q I'm asking you a question. Do you feel I intimidated him into an answer?

3 714:13-25 Argumentative, Leading, Bullying, Vouching, Relevance

4 Q Now, your client, Mr. Arvizo, one of the things that he was very forthcoming in, described
5 what occurred. And he said simply that his wife was smart enough when they came home the day
6 of the incident to sit down and ask everybody to write down their recollections. And that is the
7 only thing that he's ever seen her prepare for that lawsuit. Would that surprise you?

8 A No.

9 Q And that's not consistent with the script, is it? You say questions and answers, four or five
10 pages of questions and answers. Those don't seem to be consistent?

11 715:19-24 Argumentative, Bullying, Relevance

12 Q Did you at the time that you heard that these serious charges had been leveled against a
13 worldwide known entertainer, ever come to the DA's office and say, "Hey, Mr. Sneddon, I've got
14 these scripts," or, "I heard about these scripts," or, "You might want to know this." Did you ever
15 do that before you went on national TV?

16 716:12-719:20: Argumentative, Bullying, DA Testifying, Relevance, Calls for Legal
17 Conclusion

18 Q That is a total -- that is not the way that conversation went and you know it.

19 ...

20 Q So we now have two imprudent things that you may have said.

21 722:6-723:20 Argumentative, Relevance, 352

22 Q Well, I have a transcript, so I don't have to rely on your recollection, okay.

23 ...

24 Q Yes. "If I go to jail I'm going to quit my job. I'm going to kill your -- I could have your mom
25 killed if I want to. I could have your mom killed." Do you recall that?

26 730:1-11 DA Testifying, Vouching

27 Q You mean he?

28 A He be placed in custody. I believe that they -- the city attorney was attempting to have his bail
revoked at that point and have him placed in custody, if my recollection is correct.

Q I think you're correct.

A Pardon me?

1 Q I think you're correct.

2 733:11-12 Relevance

3 Q Okay. Are you what you would consider to be a mandated child abuse reporter?

4 734:16-17 Relevance

5 Q Are you currently representing David Arvizo in any legal matters?

6 746:12-24 Leading, Lack of Foundation, Best Evidence, Hearsay

7 A Miss Arvizo did, and somebody that she said was one of Mr. Jackson's employees.

8 ...

9 ...
10 Q Do you remember what the security guard looked like?

11 747:4-6 Misstates the Witness's Testimony (Sneddon and the Report call "him" a
12 "security guard")

13 Q Now, in addition to the person you've described as a security guard, were there any other
14 persons present in the room when you arrived?

15 749:10-26 Lack of Foundation

16 Q Did you know that the conversation was being tape recorded?

17 749:13-15 Compound, Leading

18 Q By reason of the fact that it's confidential, that would be a reason that it would surprise you if it
19 was tape recorded, correct?

20 749:25-26 Leading

21 Q Evidently somebody had a recorder that you weren't aware of?

22 749:25-750:1 Leading, Compound, Speculation

23 Q Evidently somebody had a recorder that you weren't aware of?

24 A Right.

25 Q And clearly the voices on that tape that you heard are your voice and Miss Peters' voice,
correct?

26 750:13-14 Hearsay

1 A And they kept it, and they said it was me. But I did not hear it.

2 750:26-28 Leading, Relevance, Hearsay

3 Q I think you told the officers that in all your years of experience you'd never been hugged by
4 anybody before during an interview of this type?

5 751:8-10 Argumentative, Leading

6 Q Given the circumstance of the allegations, it didn't strike you that their behavior was just a
7 little bit unusual?

8 754:13-20 Argumentative, DA Testiying

9 Q I understand that. And what -- I guess what I'm asking you is, I mean, if you got out of the
10 serious allegations, and these were serious allegations, and the conversations all take place in the
11 family unit, it seems to me that you might want to do an interview in an environment where
12 everybody isn't all together just to substantiate where there's undue pressure being put on
13 people?

12 755:4-9 Argumentative

13 Q Okay. Look, okay, so the answer to the question is nobody ever went back and tried to
14 interview the children separately --

14 A No.

15 Q -- to see whether or not what they told you was the truth?

16 756:4-22 Argumentative, Leading, Bullying

17 Q Okay. Now, all of the stuff before that where Mrs. Arvizo was basically satisfying you that she
18 was a good mother, correct?

19 ...

20 Q Okay. Now, at that point you then begin to focus on the allegations involving the children and
21 Mr. Jackson, correct?

22 757:22-26 Speculation

23 Q And when she made the statement, "My children are never solely alone with Michael Jackson.
24 There's always someone around," did you and your fellow workers assume that that meant that on
25 no occasion were those boys alone with Michael Jackson anywhere?

26 758:15-18 Leading, Argumentative

27 Q That didn't sound strange to you that this woman's telling you that she's up walking around the
28 house all night and that the room doors are open all the time?

1 758:20-24 Speculation, Argumentative

2 Q Well, I understand you took it for what she said. But didn't that in your mind suggest that
3 something didn't ring true about a woman who's up walking around a house all night? Why
4 would she do that?

4 760:6-7 Leading, Hearsay

5 Q The first sentence, first response after the question is, "Michael has been like a father to me"?

6 760:9-11 Argumentative, Leading

7 Q That didn't raise a suspicion in your mind that that is exactly what the mother just said in
8 response to this very same question?

9 761:14-17 Best Evidence, DA is Testifying

10 Q Well, let me go back, just in fairness to you. I think your report reflects that you asked Gavin if
11 anyone had ever touched him in any way that was inappropriate.

12 765:7-24 DA is Testifying

13 Q Okay. With regard to Star, you asked him if there was any inappropriate touching that
14 occurred, what did he say? That would be towards the end of the report.

15 A Denied allegations of sexual abuse by Mr. Jackson, denies that he ever slept in the bed with
16 Mr. Jackson.

17 Q All right. Now, the next person, and the last person interviewed was Davellin, correct?

18 A Yes. Davellin.

19 Q Okay. Davellin. She pronounces it Davellin.

20 A Oh, okay.

21 Q I've learned that too, after being corrected a number of times by her.

22 And after, again, some information that she attends Roosevelt High School and is an
23 honor student, and the question is, to her, "What is your relationship with Michael Jackson?"
24 Correct?

25 766:5-6 Leading, Argumentative

26 Q That doesn't send any alarms off to you that this may have been prepared or scripted for them?

27 768:15-16 Hearsay

28 A I think she said he was the driver that was going to drive them back to the ranch.

769:16-17 Speculation

A Probably the same gentleman that we saw that she said was driving them back to the ranch.

773:8-17 Hearsay, Speculation, Leading

1 Q To your knowledge, just to your knowledge, did -- after you obtained the waiver from Mrs.
2 Arvizo, to the time you met her at Fat Burger with the family, had she ever talked to you on the
3 phone?

4 A She might have called and spoke to me, or she might have called and spoke to Laverne about,
5 "Can we do anything about getting the kids home schooled?" or talking to Mr. Jackson's people
6 about getting the kids home schooled. And, you know, we told her that we weren't able to do
7 anything like that.

8 773:18-22 Leading

9 Q So she was really concerned about the kids' education?

10 A Yes.

11 Q And their inability to go to school because of what was happening to the kids when they went?

12 773:28 Speculation

13 A I think to protect them from the media.

14 776:2-8 Argumentative, Leading

15 Q Well, I guess it's hard for me to distinguish that in the abstract. But if a child is being molested,
16 and the parents have been telling you that nothing's been going on, and it turns out they have in
17 fact been molested, doesn't that -- shouldn't that indicate to you that perhaps the parents may have
18 been complicit in or may been neglectful about what happened --

19 777:10-15 Hearsay

20 Q And what did they say about that?

21 A Miss Arvizo said that she had never signed a release to have Martin Bashir tape her son.

22 Q And did one or more of the children say that they didn't realize that they were going to be on
23 international TV?

24 777:25-26 Speculation

25 A I would think from that program. But I'm not sure.

26 778:14-17 Leading

27 Q But you knew who they were talking about?

28 A Yes.

Q That it was Mr. Jackson, because of the previous interview?

778:19-23 Compound, DA Testifying

Q Do you remember what month it was or how much time elapsed from the time that you
interviewed the Arvizos and your meeting with Mr. Feldman? We know that the Arvizo
interview was on February 20th. Do you remember when the meeting was with Mr. Feldman?

1 780:24-26 Speculation, Leading

2 Q The one you've described as the security guard?

3 A Right.

4 Q Possibly looks like that?

5 781:24-25 Improper Question

6 Q And in this case what's the reason that you did not do that in this case, that you didn't follow up
7 and
8 do that?

9 782:2-4 DA Testifying

10 Q So you were taking everything in the interview just at face value at that point? There's nothing
11 wrong with that.

12 782:12 DA Testifying

13 Q Okay. Nothing sinister.

14 783:1-784:6 Leading, Relevance

15 Q The report did not contain any information with regard to Mr. Feldman and the forensic
16 psychologist attempt to contact you, did it?

17 ...

18 A I have no idea about that.

19 788:8-10 Leading

20 Q And clearly, by your own records, the initial interview that was done, they categorize this as a
21 sensitive case?

22 790:8-791:5 Relevance, Argumentative, Best Evidence, Hearsay

23 Q The report doesn't say that, does it?

24 ...

25 A No.

26 791:14-792:13 Argumentative, Leading, Best Evidence, Relevance, Hearsay

27 Q Now, with regard to the report I showed you, it simply says that the children denied any sexual
28 misconduct, correct?

1 ...

2 A Right.

3

4 792:14-18 Leading, Relevance, Calls for Legal Conclusion

5 Q That would be considered a confidential memorandum, correct?

6 A That's correct.

7 Q And that's protected by the courts and cannot be released without court order, correct?

8 793:10-15 Non-Responsive

9 A I -- what I had -- in the June meeting is what I had stated to the psychologist, or the therapist, is that if he -- if he believed that Mr. Jackson's children were at risk of having been abused or neglected, that he would need to contact Child Protective Services in Santa Barbara.

10

11 794:11-14 Leading

12

13 Q And part of the reason that your department had originally closed -- been asked to look into this case, part of the reason was that there was some suspicion that one or more of the children may have been molested?

14

15 794:19-21 Argumentative

16

17 Q So you felt that you had no obligation at all if you'd uncovered information with regard to the molestation to do something about that?

18

19 794:26-795:1 Argumentative, Speculation

20

21 Q Yeah. What if the kids had come in and said they were molested back in February, what would you have done about that information? Told them to go file with the police?

22

23 795:10-14 Leading, Argumentative, Asked and Answered

24

25 Q So when the doctor and Mr. Feldman are there now with information that they suggest that your original report wasn't correct, you didn't feel an obligation to notify law enforcement? You just told them to do it?

26

27 802:5-6 Leading, Hearsay

28

Q Okay. You understand -- you understood his cancer was life-threatening?

29

30 803:15-16 Leading, Opinion, Relevance

31

32 Q And was Janet going through some emotional trauma because of the cancer situation?

33

34 804:8-9 Leading, Hearsay

35

36 Q Okay. So sometime in February she flew to Florida with the kids with Mr. Tucker?

37

1 804:20 Speculation, Hearsay

2 Q Why they were going to Florida?

3 804:23-24 Hearsay

4 A Well, I was told by Davellin that they were being hounded by the media.

5 807:3-6 Lack of Foundation, Improper Opinion, Hearsay

6 Q Security for whom?

7 A For Michael Jackson.

8 Q Had you ever seen him before?

9 A No, I hadn't.

10 807:17-18 Assumes Facts not in Evidence, Misstates the Witness's Testimony, Speculation

11 Q Okay. Were there any other employees of Michael Jackson present?

12 809:5-11 Hearsay

13 Q Did you have any idea why the security man was there?

14 A Well, from what I had been told by the children, the media was hounding them, was following them, calling them. So I was under the assumptions, and it's purely my assumption, that he was there to protect them, you know, from media, and things of that nature.

15 814:7-8 Lack of Foundation

16 A She left with a Jackson employee. I don't know his name. I don't know what -

17 814:28-815:2 Lack of Foundation

18 A I believe that's -- that is one of Michael's employees. I don't know his name, but I've seen his picture before.

19 817:26-28 Speculation

20 Q Would that have anything to do with the fact that she was looking to you for support?

21 A I'm sure. Yes.

22 818:1-4 Speculation

23 Q Okay. And given the fact that she stated she was upset during this occasion, would it fit, given everything you know about this incident and your knowledge of Janet, that she probably did cry?

24 818:16-20 Hearsay

25 Q What did she tell you?

26

1 A She said that she had not given permission for her children to be on video, to be taped. Her life
2 had been turned upside down. And she never gave any permission.

3 819:12-28 Hearsay

4 A I don't know their name in particular. But she -- she mentioned she didn't like the way certain
5 things were being handled.

6 Q Did she elaborate?

7 ...

8 A She did, but I don't remember. I don't remember what she said.

9 826:14-832:11 Lack of Foundation, Hearsay for "I am aware" testimony

10 A I'm aware that August 2000 the Arvizo family's first visit to Neverland.

11 ...

12
13 A I'm not familiar with that. Then on March 12th I'm aware that Janet and Jay had her father call
14 Neverland pretending to be sick so that the kids would be brought to Los Angeles and delivered
to the grandparents' house, which in effect got her kids back to her.

15 848:18-849:3. Relevance, 352

16 Q Which is what? What type of functions do you serve?

17 ...

18
19 A 22 years.

20 848:10-851:19 Relevance, 352

21 Q And under what circumstances did you meet her?

22 ...

23
24 Q And she'll be ready this afternoon.

25 854:27-855:4 Hearsay

26 A Yes, sir. The -- we -- we had heard that Gavin had been on a TV documentary with Michael
27 Jackson. And then apparently -- and I don't know this to be a fact, but I believe she got a phone
call from Michael or somebody in his entourage and said they wanted her to go to Miami to do a

1 news, press conference.

2 855:16-18 Cuts off Witness

3 A If I told you, I would not be honest. Because I'm not sure. It seemed to be about a week, but
4 that's --

5 857:11-15 Hearsay

6 A She, at one point called me, and she seemed to be under duress. And she was -- she seemed
7 scared. And she hung up the phone on me, and -- as if there was a problem. And, in fact, she may
8 have even said, "Somebody is coming," or something of that nature.

8 860:25-28 Hearsay

9 A Janet called back and was -- I became more overly angry at this point because she would call
10 me, and things like hang up on me, "They're coming." Or, "Oh, my gosh," and she would hang
11 up.

11 863:23- Hearsay

12 And -- and the family didn't, you know, have the wherewithal to try to set up any contract
13 with them. So I asked him, you know, "I'd like to see this contract. What are you preparing to
14 offer them? And he said, "Well, we're going" -- he said, "First of all, we're protecting the family."
15 I said, "What are you protecting them from, Frank? There's nobody to protect them from. If
16 they're being protected, I'm protecting them."

17 And he said, "Well, we're also -- we're going to give them a tutor. We're going to give
18 them a house. We're going to give them college educations." I said, "Frank, that's all fine, well
19 and good, but what are you going to give them monetarily? Because you're making all this money
20 on this." And he came back with -- he said, "Are you trying to blackmail us?" And I said, "I take
21 offense to that. I don't understand why you would say that. Because that's not what we're talking
22 about here."

18 864:25-27 Hearsay, Lack of Foundation

19 A No, sir. They were asking her. They were begging her. They were constantly calling, "Please,
20 how can you get Janet to come up here?"

21 865:20-22 Hearsay, Lack of Foundation

22 A No, sir. They were asking her. They were begging her. They were constantly calling, "Please,
23 how can you get Janet to come up here?"

24 866:11-16 Lack of Foundation

25 Q All right. Now, did you get a -- at some point in time did you or Janet receive a phone call
26 from -- see if I remember the name of the organization, the -- Santa Barbara's Child Protective
27 Services, in Los Angeles it's the Department of Child and Family Services?

27 867:16-18 Leading

28

1 Q Was this during the period of time that those phone calls were -- I guess the best word would
2 be suspect?

3 868:23-26 Leading

4 Q All right. So, tell me what happened? She says she wants to go home, and you said, "Sure."
5 You couldn't see a reason in the world why she couldn't, right?

6 870:4-22 Hearsay

7 A Very surprised to see me. Immediately, I believe I said -- I said, "Janet's going to go home with
8 me." And they went outside to the front side. And Vinnie immediately got on his cell phone. And
9 I'm like, "There's a problem here." So I walk outside and I look to Vinnie and I said, "Is there a
10 problem here? Is there any reason why I cannot take Janet home with me?" "Oh, no, no, no. I'm
11 checking into that right now. I don't see any problem here. I don't see any problem with it."

12 In the interim, Gavin comes back in and says, "Mom, you're screwing up everything.
13 You're" -- you know, "We're not" -- said, "We're supposed to" -- he said, what's the word he said.
14 "You're messing up the plan."

15 Q The plan?

16 A "You're messing up the plan."

17 Q Okay.

18 A I said, "What plan is that?"

19 871:9 Lack of Foundation

20 A Well, I would like to say that I have seen it written that he's streetwise, you know, very slick
21 child. Gavin is far from that. Gavin is -- is very much young in his mind. Gavin is a 14-year-old.
22 His mother wraps her arms around him continuously because of his previous bout with cancer.
23 And so Gavin really has no streetwise ability at all. I mean, he does not -- he's never hung out on
24 the street, he's never, you know, smoked a cigarette, he's never -- it's just not his nature. He's a
25 very loving young child.

26 873:4 Leading

27 Q He wasn't rude with you, was he?

28 873:26-874:4 Leading, Hearsay

29 Q Is conjure a good word?

30 A Well, we were trying to come up with a way to get -- after we got Janet out of the beauty
31 parlor, Janet said, you know, "We got problems here."

32 Q Okay.

33 A Okay. And she said, "We need to get these children out immediately."

34 876:1-6 Opinion, Lack of Foundation, Hearsay

35 Q The kids were at this time different from how you knew them?

1 A Very much so. They were almost as if -- and I've used the word brainwashed. You know, they
2 -- the children later told me things that they told them about me.

3 S77:12-878:8 Relevance

4 Q Back at the time of that call did it occur to you to make other phone calls to other agencies or
5 other organizations?

6 ...

7 A I've continued my military education. I'm working on commander general staff college, which
8 is a two year program. And it's sanctioned by Fort Leavenworth, Kansas. But I haven't done any
9 additional work in the master's program.

9 S78:9-14 Relevance, Vouching

10 MR. ZONEN: Folks, I'm sorry, these other two questions, they're hearsay. We can't get into that.
11 I have no problem asking this last question. I think it's the last question. Almost the last. I will
12 save it for the last question because I already know the answer to it.

12 S78:28-879:3 Hearsay, Improper Opinion

13 A Because they'd been loyal to me up to this point, and all of a sudden they're being told they had
14 to be loyal to someone else, which created all kinds of turmoil in a child's mind.

15 S79:4-7 Relevance

16 Q The second half of that question I can't ask. Are you the sole support of the Arvizo family at
17 this time?

18 A Yes, sir. I am.

19 S79:27-28 Relevance, Compound

20 A ... And finally, we do get to the last one. Is this your first marriage? Is this your first child?

21 S80:13-16 Hearsay

22 A Mainly it was coming out of Star and -- Star and Davellin, you know, that some things had
23 transpired that they saw. And that -- and Gavin was not responding that way.

24 S80:4-28 Hearsay

25 Q It was during that time. So it -- Star had told you some things?

26 A Well, he said -- yes, sir. He didn't tell it to me directly. He talked about it to, I believe, in front
27 of Janet, and I heard them.

1 881:24-882:14 Hearsay, Lack of Foundation

2 A Well, first of all, I received a phone call at work and they said, "Johnnie is intimidating us.
3 He's banging on the doors and screaming through the door." And this guy Johnnie apparently was
4 a bodyguard or bouncer, or somebody working for the Jackson camp.

5 ...

6 A Yes, sir. He showed up after I got there. Yes, sir. He did. And so I -- for fear he was going to
7 try to come inside, I opened the door and walked out and slammed the door behind me. And we
8 were standing nose to nose. And I said, "You know, what do you want?" He said, "I want to
9 know how the children are doing." I said, "The children are doing fine." I said, "Now, get off the
10 property and don't ever come back."

11 889:28-890: DA Testifying

12 Q All right. Did it sound like a fairly normal type of interview? I mean, I guess none of
13 this is
14 normal.

15 890:7-13 Lack of Foundation

16 A Yeah. Let me say that, and that is, this was early on. And you know what, I was under the
17 impression at that time that there was no problems. And so all -- all he was trying to do on the
18 other side was to just, you know, reinforce that with, you know, with the audiotape, you know.
19 But now I know -- I can see pretty clearly what he was trying to do now.

20 897:24-898:1 Hearsay

21 A I did. I asked -- I asked her -- or she said that they couldn't come in right away, and I said that
22 we need to resolve it one way or the other. They need to come back to school or we need to
23 check them out. And she said that they couldn't -- couldn't return to school at that time. So I said,
24 "Let's check them out."

25 905:4-9 Lack of Foundation, Asked and Answered

26 Q During your time at John Burroughs High School, or any time thereafter, were you ever aware
27 of the Arvizo children to be receiving threats from any source?

28 A No.

Q No threats from Jackson fans, Michael Jackson fans, anything of that nature?

907:4-6 DA Testified

Q When you talked to Johnnie or -- okay. When you talked to the man who was filming the
vidcotape at the school, what was Mr. Jay Jackson doing at that time?

908:22-23 Leading

Q So you -- because you were no longer counselor status?

1 918:19-20 Relevance

2 Q All right. Your first child came along at what age?

3 920:2-921:26 Relevance, 352

4 Q Did you move into that residence in West Los Angeles fairly recently?

5 ...

6

7 Q All three of your children?

8 922:2-925:17 Relevance, Cumulative

9 Q How did you discover that? How did you discover that he had cancer?

10

...

11

12 A Almost a whole year.

13

14 926:7-927:19 Relevance, 352

15 Q Were your kids the victims of violence by your ex-husband as well?

16

...

17

18 A Nothing. I would change the subject. I would smile.

19

20 930:4-27 Leading

21 Q And a number of people extended their friendship and their support on that?

22

...

23

24 Q They extended their support --

25

26 931:6-7 Leading, Compound

27 Q And did that happen? Was he able to at least have a telephone conversation with Mr. Jackson?

28

934:3-4 Lack of Foundation

A Michael wanted him to have that one because that's the one he drove, and that's what he specified.

29

30

1 935:4-11 Lack of Foundation, Speculation
2 Q About six, seven months. What happened to the Bronco?
3 A They took it away.
4 Q Who took it away?
5 A Michael.
6 Q Why is that?
7 A I think he was angry because I wouldn't let my kids go see him.

8 936:21-23 Hearsay
9 A Yes. And Gavin had told Michael about it. Michael had said to send it back and he'll have it
10 repaired. Same thing as with the Bronco.

11 938:4-14 Hearsay
12 Q By whom? Who invited them?
13 A Michael.
14 Q Okay. Did they talk to you about that beforehand?
15 A No. Just asked if they could.
16 Q Okay. Who is it that asked? Was it Gavin or Star?
17 A Gavin.
18 Q Gavin asked. Did they ask you or your then husband?
19 A They asked David.

20 939:21 Leading, Lack of Foundation
21 Q You really couldn't do that, could you?

22 940:17-26 Leading, Compound
23 Q Okay. Did you not know that they were, at that time, that they were sharing the room with
24 Michael?
25 A No, I didn't.
26 Q And when do you think it was? I mean, how much longer? Was it months later? Was it weeks
27 later? Was it over a year later? When did you finally realize that they were actually, on those
28 visits, sharing a bed? By sharing at least a room with him and not a bed, sharing a room with
him. Or did you ever come to understand that that was happening?

941:17-18 Leading
Q So you really weren't part of the team that was
visiting Neverland thereafter?

942:18-943:4 Non-Responsive

1 Q How many visits did your boys have at Neverland after this first one back in August of 2000?
How many times do you believe that they went back to Neverland?

2 A Oh, we're talking when he was ill?

3 Q Yeah.

4 A Okay. When he was ill, then --

5 Q Well, starting from the first one, that first one in August 2000.

6 A The initial visit, then David took them back. And then -- then David was doing -- doing sneaky
7 things that I didn't -- when I wanted to know what was going on, he wouldn't tell me. And he
8 appeared to be getting close to Michael. And then to -- he took, without my permission, Gavin to
9 the hotel where Michael was. And by this time Michael was --

10 943:6-13 Hearsay

11 A No. Just this time Gavin to the hotel. And at this -- a little bit later David's telling them --
12 telling Michael how, I don't appreciate their talking, because I find it very peculiar how the
13 conversations, when Gavin was sick, telling me, he said, Michael had the same exact color as
14 Gavin, his favorite color. You know, and all these things that Gavin liked, Michael liked. I
15 thought that was really strange.

16 945:1-14 Hearsay

17 Q What were the things that Gavin was telling you that caused you concern?

18 A Well, first, spending a lot of hours talking to him. How he would separate from talking to
19 Davellin and Gavin -- and Star, which I had noticed other people -- other people -- like other
20 people, like George Lopez, Jamie, included all three of the kids in everything. Because it wasn't
21 just Gavin suffering from cancer, it was Star and Davellin were also suffering from watching
22 their brother.

23 But Michael, no, he was separating the two and only paying attention to Gavin. And I
24 thought that was strange. Because why were all these other people including all three of them.

25 947:13-20 Hearsay

26 A ... So this particular conversation when the children were calling me from Neverland they were
27 saying that they were all good. And then Chris gets on the phone -- Azja didn't go to that one,
28 only Chris. Chris told me, "Janet, they're behaving beautifully." I said "Chris, come on, are you
29 saying that with your eyes closed, one eye winking?" And he goes, he goes, "No, really, they're
30 behaving. They're behaving so good."

31 953:2-14 Hearsay

32 Q All right. Martin Bashir. When Michael Jackson called you and had this conversation with
33 you, what was the subject matter of that conversation? What did he say to you?

34 ...

35 A I don't know why either.

1 954:1-13 Leading, Relevance

2 Q Nor have you seen the parts that depict your children in them?

3 ...

4 Q In a very profound way?

5 A Yes.

6 956:27-957:11 Non-Responsive, Hearsay

7 Q Were you willing to do that?

8 A No. I wasn't willing to do it, until he started telling me things, like, at first I'm saying no, no.
9 And then when he started telling me about David, he told me that he didn't want -- that the
10 children had expressed to him what a bad guy David was, and that he feels that David's a bad
11 guy. When he started talking to me like this I felt, you know what, all these feelings that I might
12 have had about Michael, they made -- may have been incorrect. Because he's seeing something
13 that my children have experienced and is feeling for my children. And so I felt at that time that,
14 yes, he did generally want to protect the kids.

12 958:7-9 Relevance

13 Q Was that an interesting experience being on a private jet?

14 A I was more concerned about my children.

15 958:10-11 Leading, Compound

16 Q Where was Michael Jackson? He wasn't on the plane, was he?

17 958:25-26 Leading, Compound

18 Q Did you feel a desire to talk with him about it, or really didn't occur to you at that point?

19 962:24-28 Leading, 352

20 Q All right. Do you still believe it to be true today? Do you believe that your children are in
21 danger?

22 A Yeah. From different people now.

23 Q All right. But you're still concerned about your children's well-being?

24 963:25-964:1 Hearsay

25 Q And -- but during the time that Jackson was there and he conveyed to you his belief that all
26 three of your children were in danger, and he said, now, Ronald and Dieter were going to be the
27 ones who were going to kind of fix things, right?

27 967:21-23 Asked and Answered

1 Q Did you want to see it at that time?

2 A Yes.

3 Q Did you actually?

4 968:11-24 Hearsay

5 Q What happened?

6 A Because Michael had ordered all the TVs completely off in the room. And so I went down. And when I got down, Davellin called me up. I don't know if -- I don't know if all of you have kids, but you kind of know when they're like scared or -- just different things, you know.

7 So Davellin, when she called me, she sounded scared. She goes, "Mommy, you better come up here right now." I go, "Why Davellin?" "Because Michael is angry." I go, "Why is he angry?" "Because you're going to watch the Bashir." And so I said, "Okay. I'll be there right now. I'll be there right now." So I ran back up. And when I went in there Michael told me that he did not want me to see it.

10 972:6-10 Leading, DA Testifying

11 Q All right. Now, this is a Xerox copy, incidentally. And it appears that there's been faxed some place. There's some numbers up here on the top. But none of this was on that piece of paper at the time that you signed it; is that right?

13 974:5-7 Lack of Foundation, Hearsay

14 Q All right. Is it your understanding that Michael Jackson's lawyer wanted you to join in a lawsuit against a production company in England?

17 976:12-19 Leading, Hearsay

18 A And then he had me write in my writing right underneath there the, for example, I don't remember exact memory, but things like, he's a father, things -- everything that he's a father, he's -- just different things like that.

19 Q Things about Michael Jackson?

20 A Yes. And that would appease the killers. And that's a quote.

21 977:3-7 Hearsay

22 Q Okay.

23 A And -- okay. Then I went to the room, and just sitting there. And then that's when Big Mike called and he says that Michael said he didn't want me to go on the airplane, that I was going to have to stay there the night.

25 977:23-25 Lack of Foundation

26 A No, I don't. But Big Mike, he is the -- to my understanding, I don't know, he's the head security of when Michael travels.

28

1 978:16 Hearsay
2 A He said that Michael said I could not fly.

3 979:7-16 Hearsay
4 A Then he goes, "Well, look, I'm going to ask Michael and see what I can do."
5 Q Okay.
6 A And then he called me back and he told me that -- that in one condition, that I sit where they
7 ask me to sit. Because at first they had told me that there was no room on the airplane. And that
8 -- when I got on the airplane I thought that was pretty peculiar, because there was plenty of room
9 for everybody there. But that's what they initially said.

10 980:18-27 Non-Responsive
11 Q One. Can you describe her, do you remember?
12 A Yeah. She was a very nice lady. Grace was kind of mean to her. Whenever the stewardess
13 would stand like overlooking Michael, or the -- or anybody, just stand there doing her job. To me
14 I saw nothing wrong with it. And Grace was very bothered by it. And she would make her go
15 away. And make her go away like -- it was kind of like in the end of the airplane, she would
16 make her go over there. She didn't want her there.

17 983:7-14 Hearsay
18 A Okay. In Jay's apartment Star said, "Oh," because Star was left and right throwing out different
19 things that he had seen and what was happening. It came to a point where I was telling them after
20 this, "Forgive and forget, forgive and forget, forgive and forget." And that's when Star had said,
21 "Oh, mommy, and I saw Michael lick Star's -- Gavin's head on the airplane." And right there,
22 that's when I knew that what I saw --

23 984:6 Leading, Relevance
24 Q You don't drink, do you?

25 985:5-8 Relevance, Lack of Foundation, Hearsay
26 A When we got to Neverland, he -- he -- Michael ordered the car not to take us all the way to the
27 front, but to stand by the gate. And he wanted all of us to walk from the gate to the front door, a
28 freezing night.

993:4-6 Lack of Foundation
A Chris the -- his -- Michael's personal bodyguard. Personal security. The only bodyguard that
Michael had at that time.

994:6-16 Lack of Foundation
Q Was Chris Carter there as his personal bodyguard, Michael Jackson?
A Yes. Michael's only personal bodyguard. Only.

1 Q Would it be fair to say that when Chris Carter was there, Michael Jackson was there? Was that what you'd noticed?

2 A Yeah. But not all the time. Because Chris would go to Los Angeles at night. He would -- he had friends, he had girl friends in Los Angeles, and friends. So he would use that time to go and sleep somewhere else.

4 1000:11-21 No Question Pending, Hearsay

5 A Oh, also, another thing that Ronald and Dieter wanted my kids to do. It was confusing this part. After they told me that I had to do -- oh, Dieter telling me that everything had -- everything had to be choreographed. Everything. And Dieter had said to the point where he wanted the children to go to school --

7 Q Uh-huh.

8 A -- then he videotaped at school, as if there was nothing wrong at school. But yet they're telling me that the media and killers had gone to my children's school. That was confusing to me.

10 1000:22-1001: Hearsay

11 Q All right. Did he say to you that killers had gone to your children's school?

12 ...

14 Q Were they telling you this sort of thing --

15 A During that time that we were at Neverland.

16 Q -- on a regular basis?

17 A Yes.

18 1001:18-28 Asked & Answered, Non-responsive

19 Q Okay. All right. Now, was this on a daily basis that Dieter would tell you about the dangers to your children?

20 A Yes. All day long.

21 Q And actually told you that killers had gone to their school?

22 A Yes.

23 Q All right.

24 A And the confusing part was then he wanted my children to go to school and act normal so they could videotape this for Michael's positive PR damage control.

25 1002:7 Non-responsive

26 A Positive PR for Michael. It --

27 1002:22-26 Leading, Asked & Answered

28 Q Did he tell you who poses the danger to your children? Who are these people?

1 A They never told me who they were.
2 Q Crazed fans or enemies or what? He wouldn't say anything?
3 1003:12 Leading
4 Q So he was talking about killers as well?
5 1003:22-23 Leading, Asked and Answered
6 Q So you actually did have a conversation with him?
7 1003:25-26 Leading, Asked and Answered
8 Q And then you never talked to him again after that?
9
10 1004:2 Asked & Answered
11 Q Did he say something about a danger to you while you were at Neverland as well, Michael
12 Jackson?
13 1004:5-24 Non-Responsive
14 A They had said because of the Bashir.
15 1006:11-15 Hearsay
16 Q Do you know if they told you they didn't want to go, or they said it was okay?
17 A No. At that time they were -- to me they were little bit of confused because of these killers.
18 Because Michael kept telling them.
19 1006:26-1007:6 Hearsay
20 A The children said that they had walked in on Dieter, and that Dieter was writing down
21 everything I was saying. And that they knew it was my voice and Jay's voice. And when they had
22 walked in again, that's when he stopped it.
23 And so -- and the kids came to me and told me, "Mommy, I think they're listening to your
24 phone calls, yours and Jay's." And then that's when -- that's when I had asked them, "Are you
25 monitoring my phone calls?"
26 1007:12-14 Hearsay
27 A They all said no. And this -- remember, the conversation with Michael is at Florida, and when
28 I initially arrived in Neverland. No more. No more.
29 1008:13-14 Leading
30 Q So he was relating some information back to you that you had given to Jay?

1 1009:8-11 Leading

2 Q Okay. All right. Now, you've convinced Jesus and grabbed your kids, jumped in the car --

3 A Yes.

4 Q -- and gone home?

5 1011:5-13 Lack of Foundation, Hearsay

6 A They told me my children's life was in danger, that you should see how much death threats
7 they're getting. And that they wanted to protect the kids, and that they loved the kids and they
8 loved me. And everybody that I came into contact I was endangering them. And Jay's mother had
9 told me that I should take care -- that I needed to take care of Jay when I started the relationship
10 with Jay. So that was on my mind.

11 1011:14-16 Lack of Foundation

12 Q Okay. All right. Did you know that any of those -- that any of those conversations that you had
13 with Frank were being tape recorded?

14 1013:22-1016:7 Relevance, 352

15 Q On a few different occasions you said in this interview, as I heard it, that you felt Michael
16 Jackson was family to you?

17 A Yes.

18

19 ...

20 And now I know this room is filled with good, honest, decent people, because my
21 children have communicated that to me. But it's still hard for me. Now I'm not open with people.
22 I don't know their motives. And I'm more frightened than ever. And I mask that by hollering. I
23 mask that by being irritable. I mask that with many things.

24 1021:2-18 Relevance

25 Q Okay. Can you tell me the size of that apartment?

26 A It was one room, the kitchen, the bathroom, and two closets.

27 Q Okay. Was it a studio apartment?

28 A Yes.

29 Q So the kitchen was not in a separate room?

30 A Yes. Separate.

31 Q The kitchen was separate?

32 A Yes.

33 Q So it was -- how many rooms were in the apartment?

34 A It was like a bedroom, a dining, a living room together.

35 Q Yes.

36

1 A And the kitchen separate and the bathroom separate.

2 1024:11-17 Leading, Speculation

3 Q Okay. Can you say with certainty whether or not one of those two individuals was the man
4 who visited you on that date and gave you the money and letter?

5 A No. I don't remember.

6 Q Okay. So it could have been one of those two individuals, or -- but you just don't have any
7 recollection?

8 1025:11-13 Leading, DA Correcting the Witness, Asked and Answered

9 Q Just a moment. Let's go back. I want to go to the first day that the apartment was cleaned out,
10 that the property was removed. What happened on that day?

11 1029:20-23 Relevance, Improper Character Evidence

12 Q During the period that the Arvizos were tenants, did you have any problems -- were there any
13 problems with the Arvizos as tenants?

14 A No. None at all.

15 1033:28 Improper Question, 352

16 Q Star. Mr. Interpreter, you did very well.

17 1034:16-1035:3 Relevance, 352

18 Q And how long has he worked as a truck driver?

19 ...

20 A And all the truck drivers switched over.

21 1037:18-20 Hearsay

22 Q Okay. Who is it who told you that they were visiting up there?

23 A They did, when they'd come.

24 1038:20-24 Hearsay

25 A No. No. They always spoke with me. They always told me everything. But once they were over
26 there, they couldn't talk. And then they would talk to me in this manner, and I would say, "Talk
27 to me louder. I can't hear you." They'd say, "I can't," and hung up.

28 1038:26-1039:4 Hearsay

29 A Yes. Yes. One of the times, one of the children, I don't remember which, because my nerves
were all like that, they said to me, "Ma, we can't talk or call you because they're listening to me."
Then I was in worse shape. I ended up in worse shape, because then again, they had to call me.

1 otherwise -- so I said, "What is going on with you?" And then hang up.

2 1039:8-15 Lack of Foundation, Speculation, Relevancy, Hearsay,

3 A One would call me, I would say, "Bring the others." And they'd say no, they couldn't. And they
4 were in one place, and the others were in another place. So then I would say, "Well, tell them."
5 Once Star called me very late at night, and I said, "Star, tell me what's going on?" "I can't, Ma,
6 because they'll hear us. They're listening to us." Then they had the telephones bugged or
7 something. I don't know.

8 1043:5-17 Hearsay

9 A The time went by. Time went by. I had to talk to them and talk to them. And I said to Gavin,
10 because he was the one who was most like that, I said, "Gavin, why are you like that? Why are
11 you like that?" And I said, "That man is bad. He's put bad things in your head." And then he
12 would yell at me, "No."

13 And Gavin never had ever lack of respect for me or yelled at me. He said that that man
14 was going to pay for his university and was going to turn him into an entertainer. Many things
15 Gavin told me. And I started to cry, because I said, "No, Gavin, I'm the one who loves you." I
16 said, "I'm the one who loves you, because that man is nothing to you."

17 1044:23-1045: Hearsay

18 Q What was the name that you saw? Do you remember it?

19 A There was a Frank two or three times. I don't remember. There was Neverland. It said
20 Neverland. And what hurts me most is that my little granddaughter broke it, because she wants to
21 fix one phone with another one.

22 1046:3-13 Hearsay

23 A And then he got in the car and took off. But the next day Davellin always would come and go
24 from the school with the children from the area. Then Davellin, when she came out of school, she
25 was running, and she was running. And she came in and knocked on the door and I said, "What's
26 wrong with you, Davellin?" She seemed to be frightened. I said, "Davellin," and I looked at her
27 from top to bottom, I said, "What's wrong with you?" And then she said, "He's out" --
28 "Somebody's following me, somebody's following me, and he was talking to me."

1046:21-1047:4 Relevancy

Q You haven't been driving for what, ten years before?

A Well, I don't remember. I don't remember. Because one time when I was at Sav-On as I came
out, there's a car parked like that, another one coming like this. There were two of them. When I
backed up they went like this. I looked at them and looked at the other one, and then I thought,
"Oh, this is for me." And since I was alone in the car, then I went like this, one of them came
over like this, and the other one on the street, the other one was there. And they followed me for
15 minutes. I was going crazy.

1048:17-1049:2 Relevancy, 352

Q Did you ever see David Arvizo, your former son-in-law, did you ever see him abuse Janet or

1 the children, physically abuse them?

2

...

3

4 A No. I didn't believe the answer. Sometimes it looked like finger marks that she had.

5

1049:9-12 Hearsay

6 A Well, no. But the way they talked to me, I'd say something's going on. Oh, yes, one time they told me that they would spy on them. That they spied on them.

7

8 1049:24-26 Hearsay

9 A Yes. I said to my husband, "Why don't you call the police on them. That is kidnapping if they don't want to let the children out."

10

1050:11-15 Hearsay

11 A And my daughter. Because I said, "What's going on? Why are they going to take them." They said, "Mama, I can't tell you too much." And I said, "No, no. They're not -- they're children, they're your children and my grandchildren."

13

1055:15-20 Leading, DA Testifying

14 Q Now, my question to you, the accuracy of that tape recording, we don't know who taped it, we just recovered it. We know where we recovered it, but we don't know who taped it. The question is, is it accurate in the sense that the words that we actually hear spoken, were those words spoken yours and his?

17

1055:22-26 Leading, Speculation

18 Q Do you believe that that is the sum total of all the words spoken? Do you believe there may have --

19 A I feel there was more.

20 Q You feel there may have been parts that are chopped out?

21

1055:28-1056:12 Lack of Foundation, DA Testifying

22 Q All right. There seemed to be at times the sound of --

23 A Yes.

24 Q -- maybe a break, I don't know.

25 A Yes.

26 Q Could that be what you're referring to?

27 A Yes.

28 Q All right.

1 A And on -- when he started coughing when I would start to emphasize how mean they were.

2 Q Uh-huh. There were background noises. Did he tell you where he was at the time of that call?

3 A No. No.

4 1057:8 Lack of Foundation

5 A Michael's personal bodyguard.

6 1057:21-22 Lack of Foundation

7 A No. They didn't let me. They -- he went straight to my kids.

8 1058:12-14 Leading, Lack of Foundation, Speculation

9 Q So it was Ronald and Dieter --

10 A Yes.

11 Q -- were the two advisors who were there?

12 1058:27-28 Hearsay

13 A Asked him for help. And he said he couldn't help me. He said he was threatened with his job.

14 1062:2-7 Asked and Answered, Non-Responsive

15 Q Minutes?

16 A Minutes.

17 Q Truly minutes?

18 A Minutes. And I was trying everything possible in order to take the kids with me, but they -- Michael had already taken them. The kids were with Michael.

19 1064:2-12 Hearsay

20 A And then he had said at a different time, he says, "I could tell you're not going to play along with the plan. You're not going to be part of the team." And Dieter telling me everything had to be choreographed. I told him, "What's wrong with the truth?"

21 Q Okay.

22 A At that point when they had told me that I couldn't tell anyone, when Ronald had said that to me, at that moment, what am I going to tell? That I -- that I walked across the grass in Neverland?

23 1066:27-1067:5 Lack of Foundation, Speculation, Hearsay

24 A I -- because I was in a position I couldn't say anything, couldn't tell anything, because my phone calls are being listened. So I figured I'm going to have the opportunity when I'm face-to-face to be able to tell them. And when I asked them, "Can I meet with you alone, please?" they said, "No, we want to see the children."

1 1068:1-4 Leading, DA Testifying

2 Q Now, you have a dilemma. Your kids are at Neverland. You've got an appointment with Child
Protective Services. Who did you call? What did you do next?

3
4 1068:11-13 Lack of Foundation, Speculation

5 A Because the second I -- the second they knew I knew something was not correct, then they got
like fierce on me.

6 1069:5 Speculation, Leading

7 Q And Dieter had actually scripted it?

8 1069:24 Hearsay

9 Q All right. Okay. Your kids told you that?

10 1072:16-17 Leading, Hearsay, Misstates the Witness's Testimony

11 Q So even after the video they were saying you had to come back to Neverland?

12
13 1074:28-1075:7 Hearsay

14 But later on, later on when I was at Neverland they would use -- Frank would use that and say,
"You see how -- how Brad didn't mention Jay was there? Why, Janet? You know why? Because
we can kill him. And we will."

15 Q This is something Frank had said?

16 A Yes. Fast forward. That's what I'm saying. Frank ended up being the worst one of all of them.

17 1075:21-25 Non-Responsive

18 A I didn't know what was going on. Everything was confusing. Why leaving the country. Why
have to do this before Child Welfare Services, the morning of. Why -- why would people wanted
19 to kill my children. A lot of whys. I was confused.

20 1076:28-1077:1 Hearsay

21 A She told me she was an attorney for Geragos and Michael.

22 1077:7-14 Lack of Foundation, Hearsay

23 Q What did she tell you specifically about this?

24 A That she was an attorney for Geragos and Michael. That she'd worked in Geragos office. And I
know your investigation now has --

25 Q No, no. Just tell us what she told you?

26 A Okay. She told me -- she put a lot of fear into me of what the child welfare -- I don't know
what they call it.

1 1077:19-1078:3 Hearsay

2 A Okay. She had told me that she has -- that she must be present, and that by her being present I
3 shouldn't speak at all. Because she has seen children ripped from their mother's arms. And I said,
4 "No. They're actually a group of nice people." "No, Janet, you don't know. They're going to rip
5 your kids if you say anything, anything that indicates Michael is anything different other than a
6 father figure or family, you're going to never see your kids. You're going to -- you're never going
7 to see them for years and years. By that time they'll probably be adults, and maybe they'll have so
8 much resentment towards you because you didn't fight for them."

6 1078:10-12 Lack of Foundation, DA Testifying

7 Q Did she understand that you really didn't have money to hire her to represent you? Did you tell
8 -- you never got to that stage?

9 1078:25 No Question Pending

10 A And Michael had, and Ronald and Dieter had said.

11 1079:2-6 No Question Pending

12 THE WITNESS: Not only the script, but they also told us how to behave and how to be --

13 MR. ZONEN: Okay.

14 THE WITNESS: And especially in between, like their out takes.

15 1081:6-9 DA Testifying

16 Q BY MR. ZONEN: Miss Ventura, you've now watched this -- you've watched it now in its
17 entirety. The first time you watched most of it, but this time you watched it in its entirety.

18 1081:22 Leading

19 Q So Brad Miller was there?

20 1083:9-15 Leading

21 Q All right. So what happened next? So -- well, not next. Hold on a second. Next ended up being
22 the meeting with CPS. But before we get to that, let me just kind of move ahead, as you said, fast
23 forward. Let's fast forward for just a moment.

24 You ultimately did have a meeting with, was it Vinnie?

25 1084:4-8 Leading

26 Q Did he tell you specifically, you don't have to tell us why you did it, but did he specifically tell
27 you something you should have done that you didn't do?

28 A Well --

Q Just not to mention that?

1 1084:19-20 Leading
2 Q All right. So he says, "Now you're going to have to go to Brazil," is that right?
3 1086:11-13 Non-Responsive
4 Q Did they ask you about conditions at Neverland?
5 A What you don't hear on the audiotape that all of you have already heard.
6 1087:1-7 Hearsay
7 A Asaf, he just showed up. Vicki had told me if somebody had, shows up, even though I told her
8 nobody, I want no one, they still send him. I knew at this moment now I have to go into their
9 mode. Another person verifying what Brad was verifying, whether I can make -- drove it home
10 that he was a family man, that he's a good man, that he's an honest man.
11 1087:8-19 Leading, Lack of Foundation, Hearsay
12 Q Are these things that somebody told you you
13 need to say?
14 ...
15 Q Frank was telling you the same thing?
16 A Yes.
17 1088:8-19 Hearsay
18 A Okay. The tape recorder came up when CPS asked Azja and Asaf to leave. And that's when
19 Asaf had told me to tape record. And he had placed it on Jay's desk, because that's where he had
20 assumed that the meetings were going to take place.
21 Q Uh-huh.
22 A And he instructed me how to use it. And then afterwards, right before he walked out, out of
23 Jay's bedroom, he had told me that then he had placed one, another -- another place. The one he
24 had given me in Jay's bedroom, I turned it off. I turned it off and I put it in the closet.
25 1088:26-1089:4 Non-Responsive
26 Q I'm just going to hold it up. I know you're not going to be able to see it well. But you'll be able
27 to see it on other occasions. But just so you have a sense what the picture is. The man with the
28 goatee, that's Asaf, is that right?
A And he also made sure that me and Azja didn't talk.

1 Q No bodyguards or anything like that? Or was that Asaf's job?

2 A Uh-huh.

3 Q How was he introduced to you, Asaf?

4 A That he's Michael's security.

5 Q All right.

6 A Once he said Michael's security, oh, my God.

7 1092:23-26 Hearsay

8 A I had to, per Frank's instruction and Vicki. Said, "Well, let's see, if we -- if we send someone there it's only because we feel, Janet, that the children are going to be ripped away from you."

9

10 1093:15-21 Leading

11 Q And were those the instructions?

12 A Yes.

13 Q To make sure that you were not allowed the children to be separated?

14 A Yes.

15 Q Is that correct?

16 A Yes.

17 1095:2-13 Leading

18 Q You didn't turn it off thinking you were turning it on?

19 A No.

20 Q You knew it was already on?

21 A Yes.

22 Q Why did you turn it off?

23 A Because it's illegal to tape record people.

24 Q Was that your understanding?

25 A That's how I feel.

26 Q And did you feel the need to do that then, to turn it off?

27 A Yes.

28

29 1095:8 Improper Opinion

30 A Because it's illegal to tape record people.

31

32 1097:19-20 Improper Comment

33 Q Along with I don't know how many other millions of Americans.

34

35

36

1 1098:24-26 Speculation

2 Q All right. Is it possible that the tape -- it just wasn't picked up, or you think that the tape has
3 been some way compromised?

4 1099:19-25 No Question Pending

5 THE WITNESS: Ron, there's one more reason why I know it was compromised too. Because you
6 hear that little Michael Jackson music playing? Well, also Vicki had me explain the DVD, about
7 him and Michael being together.

8 Q BY MR. ZONEN: All right. Now, that --

9 A By Frank also.

10 1106:9-10 Leading

11 Q All right. And Frank and Vinnie were now in their role, is what you're telling us?

12 1108:17-27 Hearsay

13 Q How did they reconcile that with you? I mean, after first telling you killers had arrived at
14 Neverland, and now they're telling you that they're not. Did they say something, or just drove you
15 there?

16 A No, they just drove me there. But at this time, at this time Frank was in -- and Vinnie were in
17 close contact with Mark Schaffel and Brad Miller. And Marc Schaffel had said that he was
18 preparing the place of where me and the children were going to be in Brazil. No American hotels.
19 No -- no one -- where no one spoke any English.

20 1109:6-19 Hearsay

21 Q Go ahead and tell us what they said. No hotels or --

22 A No American hotels, because the American people would tell the killers where we were at. No
23 one where they spoke English. And it was going to be a remote place so no -- the killers wouldn't
24 be able to find me.

25 Q Did they say how long you were expected to go there?

26 A Every time it was different. Every time it was a little bit more different. The one that -- the one
27 that stood out the most was when they were -- they needed to do positive PR for Michael,
28 damage control. And once that was successful, that was going to appease the killers.

1109:20-23 Compound

Q All right. During the time that you were in Calabasas at the Country Inn and Suites, did you
run errands, do things? What were you doing in preparation for this trip? What were you doing?

1112:4-6 Leading, Improper Opinion

Q Actually looks like the same handwriting as the prior one?

A Yes.

1 1112:16-18 Leading, Improper Opinion
2 Q That's Star. Again, the same writing, not your own?
3 A Yes. Not my writing.
4 1115:1-3 Leading, Relevance
5 Q Says here that -- that -- shows here that you have full custody, and that David Arvizo has no
6 visitation; is that right?
7 1115:9-12 Leading, Lack of Foundation
8 Q Star. Again, not your handwriting, not his handwriting, Vincent Amen's signature on the lower
9 left-hand corner. Same date, 28th of February, is that right?
10 1116:9-14 Leading, DA Testifying, Lack of Foundation
11 Q But apparently there was seized at some point, and more evidence will come about this, but
12 there was seized at one time a multipage expense account of expenditures for you and your
13 family --
14 A Uh-huh.
15 Q -- by the Jackson camp; is that right?
16 1119:4-5 Lack of Foundation
17 A Because I was. Because now it proved what I had -- had told you, all of you what was going on
18 there.
19 1119:8-11 Compound
20 Q Now, the things from your apartment, had you given anybody approval, or had asked anybody
21 to move you out of your apartment? Did you have a conversation with Yolanda?
22 1120:8-1121:1 Lack of Foundation, Hearsay
23 A Vinnie had asked me, Frank had asked me. Mostly Vinnie, because he said that Geragos
24 wanted to make sure, this is something that slipped out of Vinnie --
25 ...
26 A Yes. She also.
27 1122:27-28 Lack of Foundation, Hearsay
28 A Frank, Vinnie, and Michael knew because of Gavin.

1 1123:22-26 Hearsay

2 A Four a.m. into the guest room where I was. Gavin had told me, "Mommy, Michael wants to
3 know, is asking me," not me, him, to have him, "have me reschedule the" -- the -- Gavin had to
do kind of like a CT -- ultrasound CT scan type of thing.

4 1124:15-1125:9 Hearsay

5 A Okay. At four a.m. Gavin had called me and then they told me that Michael wanted him to ask
6 me to change this appointment, this ultrasound thing. And I said, "No, baby, we got to go. It's --
it's -- we have to do it." And then he goes, "Well, Mommy, it's because Michael wants me to."

7 ...
8
9 A Yes. And I said, "What is Jesus juice, Gavin?" And he goes, "Wine." And then at this point I
have a wave of so many things that I knew now, now.

10 1125:24-1126:6 Hearsay

11 A Okay. I then told -- now I know at this time that they're listening to my phone calls. So I played
12 it very calmly. I said, "Oh, baby, tell Michael that it's okay. It's not that kind of appointment.
13 They only check for -- they only check you for your kidney. That's it. They don't check" -- "No,
14 Michael's afraid, Mommy, that the alcohol's going to be detected in the -- in my urine." And I
said, "No, baby, it's not that. They don't even look for that at all, baby. It's just creatine clearance.
It's something that they check for your kidney, baby. It's okay. It's going to be okay."

15 1127:18-20 Leading, DA Testifying

16 Q All right. You were now aware of the fact that Gavin had been drinking alcohol?

17 A Yes.

18 1130:20-21 Lack of Foundation

19 Q All right. All right. Was the top screwed back on?

20 1131:1-8 Leading

21 Q This is something you'd done with Gavin on a number of occasions?

22 A Yes. For years already.

23 Q It had never been spilled before?

24 A Never had been spilled.

25 Q Not the type of cap which would naturally come loose?

26 A Nope.

27 1131:9-18 Lack of Foundation, Speculation

28 Q All right. What did you believe happened?

1 A I believe that Vinnie had spilled out Gavin's urine. But I still -- still I went to the laboratory.
2 And I go -- there was only this much urine inside the big giant bottle like this. So Vinnie goes,
3 "No, don't get off." And I said, "No, no, I'm just going to run to the laboratory real quick." And
4 he just parked the car, didn't even park the car, and he came off to the laboratory with me. And
5 he's standing right behind me. And I told him --

6 1136:10 Speculation, Hearsay

7 A Well, because of what Frank had told him.

8 1136:12-13 No Question Pending

9 A Now, at this point they had made -- they had turned the children on Jay.

10 1140:4-9 Lack of Foundation

11 Because I know that they were going to listen in to the phone calls, and once they listened to the
12 phone calls and confirmed that my parents were sick, that they would go ahead and allow -- there
13 would be an exchange. I -- they see my kids, I return with my kids. I was going to offer them
14 myself.

15 1140:14-20 Lack of Foundation, Non-Responsive

16 A Yes. What happened was -- hopefully, maybe you guys do some search or raid and you find
17 these tapes. What happened was -- and I knew we couldn't make no phone calls from Jay's
18 apartment.

19 So Jay -- and we knew at this point now we're being watched, because now I'm talking to
20 Davellin. I had called Davellin over there at Neverland in code.

21 1140:21-1141:7 Hearsay

22 And really, what happened that was very frightening was when I called Julio, I said
23 "Julio," this is another person in the security. I said, "Julio," I said, "could you please connect me
24 to the kids." And they said, "Janet, the kids aren't here." I told him, "What do you mean?" And he
25 goes, "No, Janet, I'm looking at the paperwork at the board. Your kids are not here." And I go,
26 "What do you mean?" He goes, "What room were you last in?" I go, "The children were in this
27 room." And I said, "The boys were with Michael and Davellin was here." And so Julio put -- he
28 goes, "You know what, even though there's nothing here, Janet, I'm going to connect you." And
then -- so he connected me. And he goes, "Yeah, Davellin is here. That's strange." He goes,
"There's no" -- they --

1142:2-15 Lack of Foundation, Hearsay

A From him, his work to hers. Hopefully there was a chance that nobody was listening and --
from their end. So Jay took the chance and called them and told my parents now, now what was
going on. A little bit what was going on.

And so my parents -- and I said when you receive a phone call to go ahead and say that,
that they were ill. Then they did. And Frank was in fact listening in the phone call. And then --

1 Q How do you know?
2 A Well, the children told me afterwards.
3 Q How did they know?
4 A Well, Frank was there in their presence listening to their phone calls.
5
6 1142:21-1143:6 Hearsay
7 A Frank said, "Okay, Janet, they can go for one hour. One hour. And you better be in the car on
8 the return trip back." And I said, "Okay. Okay." Since I got one hour, I said, okay, if he's willing
9 to give me one hour, and I'm somebody he wants, okay, I'll ask for two hours. He said, "No." We
10 went back and forth. And then he said, "Okay, two hours. "You know what, Frank, my parents
11 are really, really ill. They're accustomed and using, so they don't have no more questions about
12 where their children are at, and to calm their inquiries of where they're at, or so they don't" -- now
13 I know what their plan is. So I say, you know, "So they don't go tell anybody their -- their
14 concerns, express their concerns."
15
16 1150:3-6 Leading
17 Q All right. So Yolanda could have --
18 A So whenever, like I could sneak and call, "Yolanda, Yolanda," try and talk to her in code.
19 "Look what they're doing. Don't listen to them." And --
20
21 1150:10-11 Leading
22 Q Would -- could Yolanda have been under the belief that you were moving out of there
23 permissibly?
24
25 1152:4-1156:26 Relevance, Leading, Vouching, 352
26 Q You've dealt with turning on the television and seeing people talking about you, people you
27 don't know, people who don't know you?
28
29 ...
30
31 A The reason I only say that, the reason I only say that is because they said they moved it. That's
32 why. That's the only reason I say that. If they would have told me that it was someone, other
33 service moved it, I would have had a reasonable feeling about that. But because they said they
34 moved it themselves, you know, how could a tied garbage bag get untied from my red bag.
35
36 1162:19-24 Leading, Relevance
37 Q You were concerned about this, weren't you, that we had the wrong dates?
38 A (Nods head up and down.)
39 Q All right. So are you pleased that we're correcting these dates now?
40 A Yes.

1 1165:16-26 Hearsay, Vague
2 Q Who knew those notes were there?
3 A Ronald, Dieter, Frank, Michael.
4 Q How do they all know?
5 A Because I had told them. They had asked me. And my apartment was of no concern, no --
6 Q I know. I didn't ask you what. Now, please, answer just the question. They asked you what?
7 Who asked you something about notes?
8 A They had asked me what -- they had asked me in my apartment was there anything that
9 Michael had given Gavin. Specific -- that was a weird thing.
10
11 1166:1 Vague, Hearsay
12 Q And what did you tell them?
13
14 1167:20-26 Hearsay
15 Q Now, did you know about that, that he was withdrawing them from school?
16 A Yes. A little bit.
17 Q Had there been a form that --
18 A I signed the boys', he signed Davellin's.
19 Q All right.
20 A I know that. Because it's not my signature.
21
22 1169:3-6 Leading
23 Q Why -- and you have a real connection to this doctor, don't you?
24 A Yes, I do.
25 Q You credit him with saving your child's life?
26
27 1170:13-22 Leading, Lack of Foundation, Hearsay
28 A This is another thing that I thought was very odd. Michael had told Gavin he was giving him a
\$75,000 watch.
Q Does that look a little less expensive than 75 grand?
A I don't know. But Gavin had told me that Michael only gives jewelry to people he's in love
with. And to me, that was like, you know, even at that point when he had given it to him, first,
it's odd. You don't give a child --
1171:8-11 Hearsay
A And he said he wanted Gavin to wear. So from that point on Gavin was wearing -- it was
attached to him. And whenever he had taken it off, Michael would tell him to put it on.
1175:7-10 Non-Responsive

1 A Davellin was now starting to express herself. The more they got closer in the security of being
2 with my parents and returning back to Jay, returning back to me, did they start opening up.

3 1175:15-23 Hearsay, Non-Responsive

4 Q All right. We've got a whole bunch of questions, so we want to keep your answers as brief as
5 possible or we're going to be here until 10 o'clock tonight.

6 So, let's see, did the Germans ever give you a reason why they weren't seeking police
7 protection? Did you ever ask them or Frank or Vinnie or Michael why the police were not called
8 in to Neverland? Did you ever ask them that?

9 A Yes. I did. I said, "What's wrong with the truth? What's wrong with the truth?" And they said,
10 "No." Dieter had said, "Everything has to be choreographed."

11 1175:24-1176:6 Leading

12 Q Was that the standard answer that they gave?

13 A Yes. Standard, standard answer.

14 Q Did you say --

15 A Yes.

16 Q -- "Just call the police"?

17 A Yes.

18 Q What did they say?

19 A Everything had to be choreographed. They were the damage control team.

20 Q So they weren't giving you an answer?

21 A No answer.

22 1176:20-22 Leading

23 Q Did you understand that that had something to do with why they weren't calling the police? Is
24 that what you believed to be the reason?

25 1180:12-13 Speculation, Hearsay, Assumes the Ultimate Fact

26 Q Are you aware of when the actual sexual abuse occurred? Over what time period, do you
27 know?

28 1181:26-1182:8 Hearsay

29 Q Why did you want Azja to be at the meeting with the CPS?

30 A Well, it was per Vinnie's request. Not Vinnie, I'm sorry. No, no, no. Sorry. Frank. Per Frank.
31 He had told me that I could have -- that they had picked Azja, and I had suggested Azja. And
32 then it was a combination that when we got there at Neverland they were going to tell me there if
33 I had done the video appropriately, adequate as to what they wanted. And then if I had done a
34 good job I could leave with Azja. But that never happened.

1 1188:5-6 Vouching
2 Q All right. And your husband has testified -- your ex-husband has testified exactly the same
3 way.
4 1188:8-21 Leading, Relevance
5 A That is --
6 Q Russ Halpern has gone on television and said that you did that. You never did that?
7 A And if you notice in the beginning, Russ Halpern was talking to Geragos very closely.
8 Q All right. But that's simply not a true statement?
9
10 1190:12-13 Leading
11 Q All right. So you saw Star. And you said, "Where's your father?"
12
13 1194:4-15 Leading
14 Q Yeah. Five, six?
15 A The initial meeting when I went with Azja and the baby boy's birthday party, and then this
16 mess. That's it.
17
18 ...
19
20 Q Explain that for us? Were you scared at the time you were doing it?
21
22 1195:18-21 Argumentative, Leading
23 Q Again, another question that deals with the -- your having witnessed Michael Jackson licking
24 Gavin. Did it occur to you that you should report that to somebody?
25
26 1195:27-28 Argumentative, Leading
27 Q Did you really think that you were just seeing something?
28
29 1196:21-1197:17 Relevance
30 Q When was the last time you were employed?
31
32 ...
33
34 Q It was a different building?
35 A Yes.
36
37 1199:7-1200:25 Relevance
38

1 Q At the moment you were supported financially in what way?

2

...

3

4 A I am happy about, oh, many things, but one is finally being able to say about the J.C. Penney's.

5

1201:19 Vouching

6

Q No. That I disagree with too.

7

1209:7-10 Relevance, 352

8

Q But at the time that you were talking about, well, maybe you have to forgive, maybe you should talk to a priest.

9

A Forgive and forget, forgive and forget.

10

1210:14-27 Non-Responsive

11

Q When you became aware of the incidences with your son and Mr. Jackson, did you continue to allow your children to visit Neverland without --

12

A No. The alcohol, when I was told about the alcohol, that was it. That was the process of never leaving -- ever having any kind of contact, my children with them. To me I thought it was only alcohol. That was big enough for me, you know. Big enough for me.

13

14

Q All right. But --

15

A And then the fact that Gavin only has one kidney, and that kidney is malfunctioning.

16

Q I know. All right. Hold on. Hold on. This was --

17

A He's a healthy boy.

18

1215:20-21 Leading

19

Q That's not a word that's part of their vocabulary?

20

1218:13-28 Relevance

21

Q Okay. All right. All right. Again, there's a few different questions that have come up again for clarification in terms of the children's dental work. Have all of them had dental work, braces?

22

23

...

24

A Uh-huh. I paid for the co-payments. And the boys also. Union benefits, co-payments. But I couldn't continue the co-payments. One thing is, through union you get good medical care and dental.

25

26

1219:7-17 Lack of Foundation, Hearsay

27

28

1 A Because I had to, from Dieter.

2 Q Dieter had told you that he wanted you to hold his hand?

3 A Yes.

4 Q And he mentioned that?

5 A Yes.

6 Q And that was in response to what?

7 A The Bashir stuff, that I hadn't seen, but was told by them. And remember, even if the video was watching or not watching, Brad Miller was. And he was going to communicate to Dieter.

8 1221:13-16 Speculation

9 Q Suppose Michael Jackson had come to you personally and had asked you if you would participate. If he'd said to you, "This really helps me if you're in it. It just helps my legal position if you're in it."

10 1224:23-25 Hearsay

11 A Yeah. They said that over -- this is what it was explained to me. That after a year mine are gone because I was -- because I'm an adult.

12 1263:1-1264 Relevance, 352

13 Q Now, I want to ask you a few background questions about how these investigations work in response to some of the questions that the Grand Jury has asked. Is it uncommon for an investigation, criminal investigation to go on after criminal charges have been filed?

14 ...

15 A ... And there's just an abundance of evidence. And we only have limited resources that are going through a lot of the computers right now.

16 1314:23-1315:13 Improper Legal Conclusion

17 Q Is the surveillance camera mic audio illegal, as far as you know, in someone's private home?

18 ...

19 A Even in a private home.

20 1358:5-7 Lack of Foundation

21 Q Okay. Did you break the news to Janet Arvizo about the molestation of her son? Or were you present when the news was broken to her?

22

1 1362:25-28 Hearsay

2 Q When talking to Dr. Katz, what was his answer to your question, "Was Janet doing this for
3 money?"

4 A He told me his opinion that it was -- that the family was not doing this for money.

5 1363:4-7 Hearsay

6 Q And what was her answer to your question concerning that?

7 A She's adamantly told us from the beginning that she wants justice. She does not want his
8 money.

9 1384:18 Hearsay

10 A It said Gavin is not allowed off property.

11 1396:28-1397:23 Relevance

12 Q All right. Is the security department at Neverland armed?

13 ...

14 A I think it's just over 2800. It's under 3,000. I believe it's 28 and some change.

15 1401:10-11 Lack of Foundation, Leading

16 Q All right. Did he change his statement about that at a later time?

17 1401:23-27 Leading

18 Q All right. Was he ever able to tell you whether -- I assume that at some point you asked him
19 the question if he ejaculated during any of these events, and you talked with him about what that
20 meant; is that right?

21 1403:4-1404:17 Relevance, Improper Character Testimony

22 Q Have you had long and extensive conversations with her over the months since July --

23 ...

24 A She's just concerned the way she's being portrayed in the news, as far as the allegations that the
25 media is presenting and the picture they're painting of her as a mother. And she's upset because
26 she cannot speak out on her behalf to the press. She hasn't. And it's very difficult for her. And it's
27 causing anxiety in her life. And it's causing fear for her safety and safety of her family.

28 1405:8-12 Hearsay

1 A She immediately called me, and she was upset because the way she was being portrayed. And
2 she explained to me what was going on at that time with -- when they took those pictures. And
3 Gavin was at training at the military base there.

4 1405:13-1406:8 Relevance, 352

5 Q So they were actually photographing the kids when they were at the military base doing their
6 formations?

7 ...

8 Q It was some belief that he had changed over the last couple of years to the point where he
9 might not be recognized from the screening of "Living With Michael Jackson"?

10 A Right.

11 1406:21-26 Leading

12 Q Did Gavin ever express his -- did he ever express an emotion about Michael Jackson, how he
13 felt about Michael Jackson, whether he was angry or disappointed, or whether he liked him, or
14 whether he was close to him? In other words, did he ever express his feelings about how he felt
15 about Michael Jackson to you?

16 1408:13-16 Leading

17 Q Did -- do you remember if there was anything that he said to you to the effect that, coming
18 from his grandmother that if men didn't do that they would rape women?

19 1444:3-18 Relevance, 352

20 Q You were aware that -- that there was a restraining order out against the father, not just as to
21 the mother, Janet Arvizo, but as to the three children as well?

22 ...

23 A I don't recall. I don't think I did.

24 1453:3-10 Relevance

25 A Crisis management is a little bit different than normal public relations. And that happens when
26 you have a client or a product that actually has a problem, or what we call a, term a crisis. And
27 that means a lot of extra attention and focus. So when you go into crisis management mode, it's
28 usually 24 hours a day for a specific period of time.

1455:16-21 Relevance

A Yes. My own personal concerns, not with the Martin Bashir tape, but I was personally
concerned professionally for Michael about his financial condition, and several of the things that

1 were happening that I was aware of in his life that I wanted to be able to talk about.

2 1458:26 Leading

3 Q Okay. So he was a PR man as well?

4 1461:27-1465:22 Relevance, 352, Hearsay

5 Q Okay. At some point during your work for Michael Jackson and this team, was there ever a
6 discussion of Michael Jackson's financial problems?

7 ...

8
9 A By many millions of dollars. Yes.

10 1466:25-1467:6 Leading, Hearsay

11 Q Okay. And what did Mr. Schaffel tell you when he called you and informed you of a problem
12 with the Arvizo family?

13 A He told me that there was a problem at the ranch. That Janet had taken the kids and left in the
14 middle of the night or early in the morning. And he was very -- extremely upset and agitated
15 about it. And he told me that he was afraid that they had gone to -- or she had gone to sell her
16 story to a UK tabloid.

15 1468:19-26 Leading, Hearsay, 1470, 352

16 Q Did you -- did he tell you, "We found them and brought them back to the ranch"?

17 A Oh, I'm sorry. Yes. He did tell me that. He did tell me that.

18 Q And did that cause you some concern?

19 A It caused me a lot of concern, yes. I felt personally like this was something out of a very bad B
20 movie. It made me sick to my stomach.

20 1476:1-4 Leading

21 Q Okay. Now, going back to your conversation with David LeGrand, at some point you did
22 contact -- you did have a conversation with Mr. LeGrand again about Janet Arvizo?

22 1476:16-18 Leading

23 Q I think you said you asked him about, "Please make sure I'm not hearing this right. Don't tell
24 me that she's been taken"?

25 1477:6-25 Hearsay, 352

26 A ... Somehow we got on the subject of talking about her. And David told me, and I do
27 remember his exact words because I repeated them to other people, was that, "We've got her on
28 tape and we're going to make her look like a crack whore."

1 Q Did he say something along the lines of, "We don't have to worry about her," that type of
thing?

2 A Yeah. I don't remember what his exact words were. He was very flip about it. I mean, I used
3 this word before to describe it. The only thing I can tell you adamantly is that he was absolutely
gleeful when he said that to me. I mean, that is the word that I used to describe it.

4 Q Did that upset you?

5 A It upset me greatly. Yes.

6 Q And was it your impression that this was something they were going to fabricate or something
that was true?

7 A That she was a crack whore?

8 Q Yes.

8

1478:2-25 Relevance, Speculation, Hearsay, 352

9 Q Didn't he say that "We are going to make her look like a crack whore"?

10 A Yes, he did.

11 Q Those were his exact words?

12 A Yes.

13 Q Okay. Okay. Do you remember anything else about that conversation, other than the fact it
made you upset?

14 A Yes. I told him that I didn't think that even if they had her on tape it would be anything that
they could use against her in court, because I felt that it was taken under duress. And I didn't see
how anything like that could stand up in court.

15 Q Okay. Did you have any knowledge that it was taken under duress, or was that just your --

16 A I had just my personal feeling. I had -- I assumed that if this woman left in the middle of the
night, which is what Marc Schaffel told me, or early in the morning, that she obviously didn't call
17 and have a chauffeur driven limousine pull up and take her out of there.

18 I'm a mother. I have two children. If I was going to leave somewhere in the middle of the
night it was probably because there was something very wrong.

19

1482:23-1483:24 No Personal Knowledge

20 Q And I will back up. Just one thing, as far as 101. You don't have any personal knowledge that
21 -- whether or not Janet Arvizo wrote this?

22 ...

23

24 A Well, whoever was handling -- whoever was handling the, carrying out those types of
statements. And at that point I believe it was Bell Yard. So it's not like everybody gets together
and decides how to do it. One or two people are usually appointed to take care of it. When I was
25 brought in I took care of it on the United States side.

26

1485:27-1487:3 Relevance, 352

27

28

1 Q Okay. Let me go to the Grand Jury questions. And along those lines, there's a good one here.

2 Why would Michael Jackson's reputation reduce the value of the music catalog? Does its
3 value depend on who owns it?
4

...

5 Q And would the association be even greater in terms of the value of those particular songs?

6 A Yes, it would.

7 1489:6-14 Hearsay

8 A Well, there was one in particular that we had found, my friend Don Hancock and I had
9 discussed. And again, we didn't have time to analyze the whole thing. But the one that was
10 glaring that he pointed out to me was that it looked like the portion in the tape where Michael
11 was actually feeding the bottle to his baby, it looked like his legs had actually been sped up to
12 look like they were jumping at a more rapid rate than what they would normally be doing.

11 1493:12-1496:11 Relevancc, 352

12 Q In an e-mail shown as evidence, which we've talked about, did you express a concern that
13 Marc Schaffel was being retained for the PR effort?

14 ...

15 A ... did with his music. So that made me deeply sad. Personally I am, of course, relieved that I
16 was never drawn in any deeper than what happened. I feel like I'm in deep enough.

17 1517:13-1518:26 Leading

18 Q All right. All right. Do you happen to remember when that was? I mean, we actually have
19 some dates and some times on that, but do you have an independent memory of when that took
20 place?

21 ...

22 A Yeah. Like sometimes on my computer that he gave me, we called -- well, because, so it was
23 like -- the battery got messed up to where like it wouldn't charge no more.

24 1520:10-17 Leading, Hearsay

25 Q Okay. Now, at some point you received a call about going to Miami. Did you get the call or
26 was it your mother who got the call, or did both of you get calls?

27 A I don't know. It was pretty much -- what happened was, like all the stuff started coming on the
28 news. And they called us and they got in contact with us, and they called me and they said, "Is
Gavin there?"

1 1527:6-1528:1 Lack of Foundation, Relevance

2 Q Did you ever drink alcohol at Neverland at a time when Michael Jackson wasn't there?

3 ...

4 A He had like a bottle of this thing called Jim bean, Jim, something like that.

5
6 1532:3-1533:16 Relevance

7 Q All right. This is just afternoon -- all right. Well, let's stay attentive. And you're only going to
8 be here for a few more minutes.

9 ...

10 A Excuse me for like being all tired and stuff.

11 1538:23-1539:3 Leading

12 Q Were there some times that you were more intoxicated than other times?

13 A Yes.

14 Q Do you believe that you ever at any time actually passed out from the alcohol?

15 A Probably. Yeah.

16 Q But more from alcohol than just because it was time to go to sleep?

17 A Yeah. More from alcohol.

18 1548:6-11 Hearsay

19 A And then she'd even tell me about sometimes like they would be -- she'd be watched. And also
20 it happened to me, we'd be watching the news, and then like because they didn't ever let us watch
21 the news. One time my mom was watching the news and I was sitting there with her and the TV
22 just turned off. So --

23 1559:4-15 Hearsay

24 Q It was for your brother?

25 A Well, the reason we were going there was because Michael wanted Gavin to go to Miami.

26 Q Michael wanted what?

27 A Gavin to go to Miami.

28 Q I --

29 A Michael wanted Gavin to go to Miami.

30 Q Michael wanted Gavin to go to Miami?

31 A Because Gavin asked Michael -- first Michael called and he asked for Gavin to go. And Gavin
32 asked for me to go. Then Gavin asked for my sister to go, then asked for my mom to go.

1 1560:16-25 Lack of Foundation

2 Q Could you tell if your brother had been drinking a fairly substantial amount? In other words,
3 was his behavior any different?

4 A He was just -- he was -- his eyes were closed and he was -- he was saying stuff that didn't make
5 sense.

6 Q So he was behaving differently?

7 A Yeah.

8 Q Did you think it was because of what he was drinking?

9 1561:28 Leading

10 Q Did you sometime later talk with your mom?

11 1564:9-18 Lack of Foundation, Improper Opinion

12 Q Star, was it your impression that he drank every night?

13 A Yes.

14 Q Did he drink to the point where he was intoxicated?

15 A Yes.

16 Q You thought he drank too much?

17 A Yes.

18 Q And every night?

19 A Yes.

20 1564:28-1565:2 Relevance, 352, Improper Opinion,

21 A Because he has only one kidney, and alcohol like that could kill him. That's what I found out
22 once

23 we left Neverland. We went to the doctor's.

24 1569:10-20 Leading

25 Q You saw what was going on in the room?

26 A Yeah. So I went back to the cottage.

27 Q You mean with regards to your brother?

28 A Yes.

29 Q And Michael Jackson touching him?

30 A Yes.

31 Q You had testified that there were two separate instances of that; is that right?

32 A Yes.

33 Q And there was another occasion where he was rubbing up against him?

34

35

1 1573:22-1575:11 Relevance

2 Q Do you cook?

3 ...

4 A Yeah. They wanted me to.

5
6 1587:6-8 Leading

7 Q All right. When was this in the overall scheme of things? I'm assuming it's after Miami. Is it after Miami?

8
9 1589:14-16 Hearsay

10 Q Do you know how it was that your mom found out about it?

11 A I guess from Dr. Katz.

12 1592:4-6 Asked and Answered

13 Q Did you and your brother ever drink when Michael Jackson was not there?

14 A No. You already asked that question.

15 1592:20-28 Leading, Compound

16 Q All right. Now, how long does it ring and where can you hear it?

17 A What sets it off? I don't know where the sensors are, but the sensors I think are on the ground that once you walk through them it sounds.

18 Q Okay. So once you walk through the sensors it will set it off, and you're not sure where the sensors are?

19 A No.

20 1613:1-1614:24 Relevance

21 Q And who was that cell phone service with?

22 ...

23 A On the ranch it did not work at all, on Neverland Ranch. It's very, very weak. It might come in once in a blue moon. And you can't get the call. It would close up before it goes through.

24
25 1629:1-4 Hearsay

26 Q Do you know whom she was calling?

27 A A friend of hers. Jay Jackson.

28

1 Q And how did you know that?

2 A I was told.

3 1642:10-16 Lack of Foundation, Hearsay

4 Q For instance, on the first page it appears that on -- at 2-02-03, I take it that's February 2nd, '03,
at 12:01 p.m. there's an incoming call from Frank?

5 A And I wrote the word Frank. Correct.

6 Q Okay. When you write Frank on this document, who do you mean?

7 A Frank Casio, who's also known as Frank Tyson.

8 1678:10-20 DA Cuts Off Witness

9 Q Is it fair to say that based upon the evidence you have that may be a very easy or a very
difficult assignment in terms of establishing enough probable cause to get the judge to sign it?

10 A In this -- once the initial investigation was completed, it's actually --

11 Q My -- my call -- or my question is -- concerns a general question. In general in search warrants
is it fair to say that depending on the evidence it may be easy to get a search warrant or it may be
very difficult?

12

13 1717:20-25 Hearsay

14 A A female voice answered when I called, and I asked, "Is this Marie Nicole Casio?" She said,
"Yes." I said, "Is your brothers Frank, Dominic, Aldo and Angel?" She says, "Yes. And who is
this?" I introduced myself. She told me, "Hold on," as she put another -- what sounded like
another person on.

16

17 1719:2-7 DA Testifying

18 Q I'm sorry?

19 A The Marie Nicole number is not on this exhibit. I believe it's on --

20 Q Well, I think you should probably take a second look at it, unless I'm mistaken, which wouldn't
be the first time.

21

22 1784:17-1785:2 Relevance, 352

23 All of these began probably back in June of 2000. June of 2000 was when Gavin Arvizo
became ill with cancer. He was quite ill, as the testimony illustrated, and illustrated very
graphically. He was, as I explained to you in opening statement and was illustrated in the course
of his testimony, the testimony of his mother, he was probably as close to death as any child
could be and still survive. And forget child, as close to death as any human being could be and
survive, and survive beautifully. He's a robust young man now. And doing well.

24 He still has significant health issues. They may come back to haunt him sometime in the
future. We pray not. But he certainly at this time is doing well.

26

27 1785:27-1786:6 352

28

1 Now, think about this for a moment. One of the exhibits that you're going to see is a
2 picture of the three Arvizo children taken back then. What they looked like. These boys were ten
3 years old and 11 years old. And Michael Jackson, who at the time was in his early 40s, and Frank
Tyson in his early 20s, are showing these two children pornography. Children they had never
met, one of whom was sick.

4 1792:2-26 352

5 This is a -- this is a woman with barely a high school education, coming out of East Los
6 Angeles, who's being taken advantage of by people who are well educated and well paid, and
very sophisticated in the ways of the movie entertainment industry.

7 They stay there for two days. They don't do a press conference. They then all get back on
8 a jet. She has to plead for the right to get back on the jet with her children. They want her to take
a commercial flight and take the children separately. She begs and pleads to be able to get back
on. And they fly back to Neverland.

9 Do you understand that nobody knew her prior to that day? Nobody knew her. Think
10 about that front letter in the materials that were furnished to you, the notebook from the defense
team in this case. In that front letter where they talk about this is motivated by her greed and her
11 avarice and her desire for money. She's never asked for anything from any of these people. She's
never called them. They've called her. She was the one who was called by them and asked to go
12 to Miami, not asked, told to go to Miami, that her life and the lives of her children were in
danger. And this is people who work for Michael Jackson, an international superstar.

13 1793:24-1794:22 352

14 And once you get to know Janet you realize a few things about Janet. She's
15 uncontrollable. I couldn't. She's unpredictable. She has her own mind and her own opinion. She
is zealous in the protection of her children. She doesn't always make the best decisions, but she
16 tries. And she's raised three good kids. She's raised three good kids. Davellin is now 18 years old.
She's been for two years a member of the LAPD Explorer Scouts.

17 The two boys, at the time of that phone call in early February, the two boys were doing
18 fine. His health was good, Gavin's health was good. They were in school, they were functioning
in school. Both the boys were involved in the sea scouts, the Navy sea scouts, and doing well.
None of them were delinquent s. None of them are in trouble. Their lives were okay.

19 Janet had freed herself from an abusive relationship and met somebody decent, and he is
20 decent, and was in a good relationship. Their lives were okay. They weren't asking anything from
anybody at the time that Michael Jackson interfered in their lives, not the other way around.
21 Because of his own conduct, not the conduct of the children, his conduct in putting those children
in harm's way by putting them in that video. He then introduced himself and his staff of thugs
22 into her life, not the other way around. Not the other way around.

PROOF OF SERVICE

I, the undersigned declare:

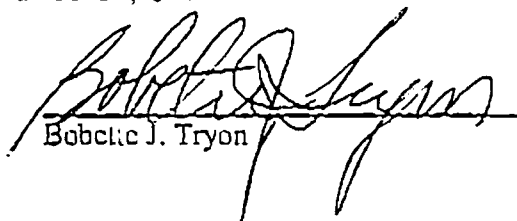
I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 233 East Carrillo Street, Suite C, Santa Barbara, California, 93101.

On June 29, 2004, I served the foregoing document NOTICE OF MOTION AND MOTION TO SET ASIDE THE INDICTMENT(Penal Code § 995); MEMORANDUM OF POINTS AND AUTHORITIES on the interested parties in this action by depositing a true copy thereof as follows:

Tom Sneddon
Gerald Franklin
Ron Zonen
Gordon Auchincloss
District Attorney
1105 Santa Barbara Street
Santa Barbara, CA 93101
568-2398

- BY U.S. MAIL - I am readily familiar with the firm's practice for collection of mail and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited daily with the United States Postal Service in a sealed envelope with postage thereon fully prepaid and deposited during the ordinary course of business. Service made pursuant to this paragraph, upon motion of a party, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit.
- BY FACSIMILE -I caused the above-referenced document(s) to be transmitted via facsimile to the interested parties at
- BY HAND - I caused the document to be hand delivered to the interested parties in open court.
- STATE - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- FEDERAL - I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed June 29, 2004, at Santa Barbara, California.


Bobbie J. Tryon