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1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF SANTA BARBARA
3 SANTA MARIA BRANCH; COOK STREET DIVISION
4 DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

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7 THE PEOPLE OF THE STATE OF)

8 CALIFORNIA,)

9 Plaintiff,)

10 -vs-) No. 1133603

11 MICHAEL JOE JACKSON,)

12 Defendant.)

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17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

18

19 TUESDAY, APRIL 12, 2005

20

21 8:30 A.M.

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23 (PAGES 5771 THROUGH 5841)

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27 REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

28 BY: Official Court Reporter 5771

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1 I N D E X

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3 Note: Mr. Sneddon is listed as "SN" on index.

4 Mr. Zonen is listed as "Z" on index. Mr. Auchincloss is listed as "A"
on index.

5 Mr. Mesereau is listed as "M" on index. Ms. Yu is listed as "Y" on
index.

6 Mr. Sanger is listed as "SA" on index. Mr. Oxman is listed as "O" on
index.

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9 PLAINTIFF'S WITNESSES DIRECT CROSS REDIRECT RECROSS

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11 JACKSON, Jay D. 5775-Z

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28 5773

1 Santa Maria, California

2 Tuesday, April 12, 2005

3 8:30 a.m.

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5 (The following proceedings were held in
6 open court in the presence and hearing of the
7 jury:)

8

9 THE COURT: Good morning, everyone.

10 THE JURY: (In unison) Good morning.

11 THE COURT: Ready to proceed? Go ahead.

12 MR. ZONEN: We'll call our next witness,

13 Major Jay Jackson, to the stand.

14 THE COURT: Come forward and raise your right
15 hand, please. Face the clerk.

16

17 JAY D. JACKSON

18 Having been sworn, testified as follows:

19

20 THE WITNESS: I do.

21 THE CLERK: Please be seated.

22 THE WITNESS: Thank you.

23 THE CLERK: State and spell your name for the
24 record.

25 THE WITNESS: Yes, Jay D. Jackson. Spelled
26 J-a-y. Middle initial D. Jackson, J-a-c-k-s-o-n.

27 THE CLERK: Thank you.

28 THE WITNESS: Thank you. 5774

1 MR. ZONEN: May I proceed, Your Honor?

2 THE COURT: You may.

3

4 DIRECT EXAMINATION

5 BY MR. ZONEN:

6 Q. Sir, what is your current occupation?

7 A. I am in the -- I'm on active duty with the

8 Army reserve.

9 Q. How long have you been in the Army reserve?

10 BAILIFF CORTEZ: Speak right in here,

11 please.

12 THE WITNESS: Thank you.

13 I've been in the Army reserve for 23 years,

14 some of that active duty, some of that reserved part

15 time.

16 Q. BY MR. ZONEN: Most recently you've been on

17 active duty for what period?

18 A. About five years.

19 Q. All right. Were you in Desert Storm?

20 A. The first one, yes, sir, I was.

21 Q. And what position did you hold at that time?

22 A. I ran a prisoner of war camp processing

23 area. We ran enemy prison of war through the

24 prisoner of war camp.

25 Q. In which country?

26 A. In Saudi Arabia.

27 Q. Your current rank with the Army reserves is

28 what? 5775

1 A. Major.

2 Q. And what are your responsibilities?

3 A. Currently I'm working in a command where we
4 do mobilizations, we mobilize soldiers to go to war.

5 Q. Are you currently married to Janet Ventura
6 Jackson?

7 A. Yes, sir, I am.

8 Q. She has taken your name after your marriage;
9 is that correct?

10 A. That is correct.

11 Q. Do you have children together?

12 A. We do. We have one. A little boy.

13 Q. And do you have other children living in
14 your household?

15 A. Yes, sir, we do. Three additional children.

16 Q. And they are who?

17 A. Gavin, Star and Davellin.

18 Q. When did you first meet Janet Arvizo?

19 A. Back in July of 2002.

20 Q. How did you meet her?

21 A. I was working one Saturday, and she came --
22 she knocked on the door, and I -- it's a secured
23 facility, and I let her in. She had Star with her.

24 Q. All right. What were the children involved
25 in at that time, the boys?

26 A. There's a Sea Cadet Command right there that
27 is for children between the ages of, say, 11 and 18

28 years old. And she was bringing her children there 5776

1 for that program.

2 Q. And both of them were involved, Star and
3 Gavin?

4 A. Yes, they were.

5 Q. All right. Then that's how you met her?

6 A. That is how I met them.

7 Q. And began dating after that?

8 A. We talked. I met her. She said -- I was
9 sitting in the hallway and walked by her, and got
10 into a conversation, and then -- I got her phone
11 number, I think. And then about a month later, we
12 talked on the phone for about a month.

13 And then a month later she was telling me
14 that Gavin and Star were graduating from the Sea
15 Cadet program, a little two-week training or
16 one-week training. And so we decided that our first
17 date we would go down there for that graduation, and
18 we did.

19 Q. And you've been married how long now?

20 A. Oh, goodness. May 29th will be one year.

21 Q. I'd like to direct your attention back to
22 February of '03, 2003.

23 A. Okay.

24 Q. Will you tell us in what neighborhood you
25 were living at that time?

26 A. The mid-Wilshire district, also known as
27 Korea Town.

28 Q. And the street that you were living on was 5777

1 what?

2 A. St. Andrews Place.

3 Q. Was Janet Arvizo living with you at that

4 time?

5 A. She was.

6 Q. Was she living with you full time at that

7 time?

8 A. No, she wasn't. She had a place over on

9 Soto Street in East L.A.

10 Q. And the boys, where were they living?

11 A. The same place. Both places.

12 Q. All right. Do you remember or do you recall

13 where they were attending school at that time?

14 A. Well, I don't know the name of the school,

15 but it was in East L.A. And then because there was

16 a lot of problems at that school - they were, you

17 know, being pushed into getting into gangs, and

18 there was some altercations - we thought it was a

19 good idea if we enrolled them in John Burroughs,

20 which is a real good school in the mid-Wilshire

21 district.

22 Q. And that was closer to your home; is that

23 right?

24 A. Yes, sir, it was. Very close.

25 Q. And did you do that?

26 A. Sir?

27 Q. Did you do that, enroll them at John

28 Burroughs? 5778

1 A. Yes, sir, we did.

2 Q. That is John Burroughs Middle School?

3 A. That is John Burroughs Middle School.

4 Q. Was your address, then, on St. Andrews Place
5 the address that was used?

6 A. That is correct, yes, sir.

7 Q. Did Janet Arvizo maintain the Soto Street
8 address?

9 A. She did, sir.

10 Q. For what period of time?

11 A. Through about November of '04, I believe.

12 Q. Had you ever gone to Neverland?

13 A. I've been to Neverland one time.

14 Q. And when was that; do you recall?

15 A. It was in -- it was before November of '02,
16 so it was in the summer, I believe, of '02. I was
17 still living in West L.A., and we were invited by
18 Chris Tucker and his girlfriend; that they were
19 having a little-baby birthday party.

20 Q. Were you the only ones invited to Neverland
21 for that occasion?

22 A. Oh, no, sir. There was two busfuls of
23 people.

24 Q. You met the bus where; do you recall?

25 A. It was -- you know, I think it was the
26 Beverly Hills Hilton or something like that. It was
27 one of the hotels in the local area.

28 Q. Did you spend the day at Neverland? 5779

1 A. Yes, sir, we did.

2 Q. Did you spend the night at Neverland?

3 A. We left in the evening, late in the evening.

4 Q. And then returned back to Los Angeles?

5 A. That is correct.

6 Q. How many people, approximately, to your
7 recollection, attended that party?

8 A. 40 or 50, maybe.

9 Q. Did you see Michael Jackson at any time
10 during that occasion?

11 A. No, sir, I did not.

12 Q. Had you ever met Michael Jackson?

13 A. No, sir, not until today.

14 Q. At some point in early February of 2003, did
15 you become aware of the fact that a documentary was
16 being shown on television?

17 A. I'm not sure if I knew at that moment, but I
18 know that Janet received a call from either Michael
19 or somebody in his entourage asking him to go to
20 Miami -- asking her to go to Miami, and with the
21 kids.

22 MR. MESEREAU: Objection. Nonresponsive;
23 move to strike.

24 THE COURT: I'll strike after the word
25 "moment. "

26 Q. BY MR. ZONEN: Did Janet Arvizo and the
27 children go to Miami?

28 A. Yes, they did. 5780

1 Q. Do you know what prompted that?

2 A. Um --

3 MR. MESEREAU: Objection. Foundation and
4 hearsay.

5 MR. ZONEN: Yes or no; does he know.

6 THE COURT: I sustained the objection. I'm
7 sorry.

8 MR. ZONEN: Oh, I'm sorry. I didn't hear.

9 Q. Do you know on what day they left for Miami?

10 A. I just know approximately it was early
11 February.

12 Q. Had there been any discussion in the
13 household about Michael Jackson prior to going to
14 Miami?

15 A. No, sir, not really.

16 Q. Had there been any problems in the household
17 that dealt in some fashion with either Neverland or
18 Michael Jackson prior to Janet Arvizo going to
19 Miami?

20 A. No, sir, not at all.

21 MR. MESEREAU: Objection; vague.

22 THE COURT: Overruled. The answer was, "No,
23 sir, not at all." Next question.

24 Q. BY MR. ZONEN: Had there been any discussion
25 about Michael Jackson prior to her going to Miami in
26 your household, say, within a week or two prior to
27 their departure?

28 A. No, sir. 5781

1 Q. And could you tell us approximately what
2 percentage of the week Janet Arvizo was living at
3 your home as opposed to her residence on Soto
4 Street?

5 A. Three or four days a week.

6 Q. Is that during the time that the kids were
7 at school?

8 A. Yes, sir. That's correct.

9 Q. Did Janet Arvizo have parents living in the
10 Los Angeles area?

11 A. Yes, sir. In the El Monte area.

12 Q. And had you visited their home on occasion?

13 A. Yes, sir.

14 Q. And El Monte is where in Los Angeles County?

15 A. I -- I'm not sure exactly. I mean, it's
16 in -- El Monte is in -- it's in -- I mean, Los
17 Angeles area. I'm not sure exactly how to --
18 because I'm not from California, I really can't lay
19 out where everything is from.

20 Q. We do hear an accent in your voice. Where
21 are you from?

22 A. Virginia.

23 Q. Is that where you grew up?

24 A. Yes, sir, I did.

25 Q. Did you know in advance that Janet Arvizo
26 and her children were going to be going to Miami?

27 A. No, sir, I didn't. I received -- excuse me

28 one second. 5782

1 Q. Go ahead.

2 A. Janet just told me that she was going to

3 my --

4 MR. MESEREAU: Objection. Nonresponsive;

5 move to strike.

6 THE COURT: I'll strike after "I didn't."

7 MR. ZONEN: I'm sorry, I don't have the

8 ability to read it. I'm not hearing everything

9 you're saying at the moment.

10 THE COURT: I'm sorry. The question was,

11 "Did you know in advance that Janet Arvizo and her

12 children were going to be going to Miami?" "No,

13 sir, I didn't." Then after that I struck his

14 answer.

15 Q. BY MR. ZONEN: When did you first learn that

16 they were going to Miami?

17 A. I believe Janet told me right before they

18 were ready to leave that they were going.

19 MR. MESEREAU: Objection. Nonresponsive;

20 hearsay; move to strike.

21 THE COURT: Overruled.

22 MR. ZONEN: And the answer's in?

23 THE COURT: The answer's in.

24 THE WITNESS: Janet -- should I --

25 THE COURT: No.

26 THE WITNESS: No? Thank you.

27 Q. BY MR. ZONEN: We'll move on to the next

28 question. 5783

1 And did they, in fact, leave that day?

2 A. That day or the next day, yes, sir. Within
3 a day or two, yes.

4 Q. Did you have conversations -- without
5 getting into the content of them, did you have
6 conversations with Janet Arvizo while she was in
7 Miami?

8 A. I believe she called me, yes, sir.

9 Q. Did you have conversations with any of the
10 kids while they were in Miami?

11 A. No. No, sir.

12 Q. Without getting into the content, did you
13 know the purpose of the trip to Miami?

14 A. I knew that they were going to be going
15 there to do a press conference.

16 Q. Did you know -- again, without getting into
17 the content, did you know what the purpose of the
18 press conference was?

19 A. I'm not sure that I knew exactly at that
20 time, but I knew very shortly thereafter what was
21 going on with the documentary.

22 Q. Did you understand that it had something to
23 do with the documentary?

24 A. I believe I may have known, but I didn't
25 know the specifics.

26 Q. All right. Was there, in fact, a
27 documentary about Michael Jackson shown on

28 television that you saw within a few days 5784

1 thereafter?

2 A. Yes, sir, I did.

3 Q. And how did you know that it was going to be
4 on television?

5 A. I believe I saw something on T.V. that said
6 it was coming on.

7 Q. Did you know in advance that that
8 documentary would feature any of Janet Arvizo's
9 children?

10 A. I believe that there was some indication
11 that -- yes, that the children were going to be on
12 there.

13 Q. Did you watch the documentary in its
14 entirety?

15 A. Yes, sir, I did.

16 Q. Did it, in fact, feature Janet Arvizo's
17 children?

18 A. It did, yes, sir.

19 Q. At the time you watched that documentary,
20 was Janet Arvizo and her children in Miami? Were
21 they in Miami?

22 A. Yes, sir, they were in Miami.

23 Q. At some point in time were you contacted by
24 reporters from any news agency, presumably reporters
25 from the news agency?

26 A. I wasn't contacted by them. But I did talk
27 to several -- two reporters, British reporters, at

28 Janet's Soto Street apartment. 5785

1 Q. Do you remember when that was?

2 A. It was right -- I guess right after -- it
3 was right before the documentary aired in the United
4 States.

5 Q. All right. And what did they want to do
6 with you?

7 A. They -- well, when I was -- I took Janet and
8 the kids back to that Soto Street apartment. And
9 Davellin was at the apartment, and she said that --
10 either two journalists or two guys had just knocked
11 on the door asking for Janet.

12 I saw them at the end of the hall. I walked
13 down to ask them what they were -- who they were
14 with, and what they wanted.

15 Q. All right. What did they tell you?

16 A. They said that they were with a British
17 tabloid, and that they wanted to do a story on the
18 family as it pertained to Michael Jackson.

19 Q. All right. Did they actually use the word
20 "tabloid"?

21 A. I'm not sure if they did. I think I found
22 that out later.

23 Q. That may have been your conclusion?

24 A. It may have been, yes, sir.

25 Q. I can't imagine a reporter saying they're
26 with a tabloid.

27 A. Right.

28 Q. Did they say to you what it was exactly that 5786

1 they wanted to talk to you about?

2 A. They didn't say specifically, no. They just
3 said that they wanted to have a conversation, they
4 wanted to do an interview with the family, and they
5 wanted to take some photographs of the family.

6 Q. And did you understand this to relate to
7 Michael Jackson in some fashion?

8 A. Yes, sir.

9 Q. Did they tell you that that's what they
10 wanted to do?

11 A. Yes, sir, they did.

12 Q. Now, I believe you said this was prior to
13 the screening of the documentary "Living With" --

14 A. Yes, sir, it was.

15 MR. MESEREAU: Objection; misstates the
16 evidence.

17 THE COURT: Sustained.

18 Q. BY MR. ZONEN: Was this prior to the
19 screening of the documentary --

20 A. Yes, sir, it was.

21 Q. -- that you saw?

22 The documentary we're talking about, can you
23 tell us the name of it, if you recall?

24 A. "Living with Michael Jackson."

25 Q. Was it a documentary that featured a man by
26 the name of Martin Bashir?

27 A. Yes, sir, it did.

28 Q. At the time you talked to these two 5787

1 reporters, did you have a sense of what was going on
2 at that point?

3 A. No, sir, I did not.

4 Q. Did you either request payment for an
5 interview or did they offer you payment for an
6 interview?

7 A. Well, I said -- again, we have to put it in
8 context. They --

9 MR. MESEREAU: Objection.

10 MR. ZONEN: Let me withdraw the question.

11 THE WITNESS: Okay.

12 Q. BY MR. ZONEN: Tell us what the discussion
13 was with regards to payment.

14 A. The discussion was -- I asked them what was
15 it that they were going -- how they were going to
16 compensate the family --

17 Q. Okay.

18 A. -- for doing this. And he said -- he said,
19 "We can probably give them four to five hundred
20 dollars."

21 Q. What did you say?

22 A. I said, "I don't think that's going to
23 happen."

24 Q. What did you understand -- what did you
25 think that they wanted to ask this family?

26 A. I don't think I really knew. I believe that
27 they were looking for something negative on Michael

28 Jackson as it related to the children. 5788

1 Q. Did you know anything negative about Michael
2 Jackson at that time?

3 A. No, sir, we did not. I did not.

4 Q. Had Janet Arvizo or her children at any time
5 expressed any kind of negative comment to you about
6 Michael Jackson up to that point?

7 A. None.

8 Q. Were you aware as to whether or not the
9 children had visited Neverland prior to that date?

10 A. I knew they had a relationship with Michael
11 Jackson.

12 Q. Did you have any reason to believe that
13 relationship was anything but positive?

14 A. That's all I believed it was.

15 Q. Did you tell those two reporters that?

16 A. I did.

17 Q. All right. And was that before or after or
18 during the conversation about payment?

19 A. I'm not real clear. It was a back-and-forth
20 about that. But I said, you know, "If you're
21 looking for dirt," you know, "This" -- "I don't
22 believe there's anything negative to say." And they
23 continued to ask for it. And they said, "Let me get
24 back with my boss and we'll get back to you
25 tomorrow."

26 And I don't know if I gave him my phone
27 number, or whether he got it, or -- I probably gave

28 it to him. Although some reporters tend to be able 5789

1 to find your phone number.

2 Q. All right. Did you ask for more money than
3 three or four hundred dollars?

4 A. No, I just said that wasn't going to be
5 acceptable.

6 Q. And what did you mean by that?

7 A. Well, I think I was -- you know, I was
8 intrigued by it. I have never had anybody come up
9 asking to pay for any kind of story of any kind.
10 And maybe I was -- I was the one that initially
11 asked, you know, "Is there any compensation for the
12 family?" But I think that I just thought that was
13 the standard in the industry. I meant no malice by
14 it.

15 Q. Did they tell you at any time during this
16 initial interview that it had something to do with
17 the documentary that featured in England?

18 A. That featured what, sir?

19 Q. That was shown in England, that was aired on
20 television in England.

21 A. They mentioned something about a documentary
22 in England, but they really were vague.

23 Q. And did you have any other independent
24 information about it at that time?

25 A. I did not.

26 Q. Did you have a follow-up conversation with
27 them?

28 A. I did. 5790

1 Q. And when was the follow-up conversation?

2 A. I believe it was the next day, or the day
3 after that.

4 Q. Was this before or after Janet Arvizo and
5 her children went to Miami?

6 A. They had not left yet.

7 Q. Okay. Had you told Janet Arvizo about your
8 initial conversation with these two reporters?

9 A. I mean, while Janet and the family were in
10 the apartment. But no, I did not talk to them
11 specifically about any conversation I was having
12 with the British reporters.

13 Q. All right. Do you know the name of the
14 reporter or reporters who you talked to on this
15 first occasion?

16 A. David Gardner, Garner or Gardner, and Alec
17 Byrne.

18 Q. And then you said there was a follow-up
19 conversation over the telephone?

20 A. Right.

21 Q. Perhaps a day or two later?

22 A. Perhaps -- yes, it was a day or two later.

23 Q. Do you recall with which person this
24 conversation took place?

25 A. I'm sorry, sir?

26 Q. With which person did you have this --

27 A. My conversations were with David Gardner.

28 Q. Did Mr. Gardner talk more about wanting to 5791

1 have an interview with the family?

2 MR. MESEREAU: Objection; leading.

3 MR. ZONEN: I'll withdraw the question.

4 Q. What did Mr. Gardner say?

5 A. He continued to say he wanted to have an
6 interview with the family and that he was going to
7 offer additional money; that his boss, I guess, had
8 allowed something like \$15,000, and that he wanted
9 to bring them to a hotel or somewhere and do a full
10 spread with them. And I declined that.

11 Q. You declined \$15,000?

12 A. I did.

13 Q. To say nice things about Michael Jackson?

14 A. Well, you know, at that time I -- I
15 really -- wasn't really in a position to make that
16 decision. I knew Janet wouldn't do that.

17 MR. MESEREAU: Objection; move to strike.

18 MR. ZONEN: Well --

19 MR. MESEREAU: Nonresponsive.

20 THE COURT: That's stricken. After the word
21 "decision," that's stricken, the last sentence.

22 Q. BY MR. ZONEN: Why did you say no?

23 A. The more I thought about it, the less I
24 liked the idea.

25 Q. Why? What was it that didn't appeal to you?
26 \$15,000 seems like a lot of money.

27 MR. MESEREAU: Objection. Admonish the

28 prosecutor not to make gratuitous remarks. 5792

1 THE COURT: Don't make gratuitous remarks.

2 (Laughter.)

3 MR. ZONEN: I'm admonished.

4 THE COURT: And that goes for all of you.

5 (Laughter.)

6 Q. BY MR. ZONEN: What about \$15,000 didn't you
7 want to have?

8 A. Sir, I don't think -- you know, at that time
9 I remember going through the thought process of, you
10 know, this would be -- we could use this money.
11 But, you know, the more I thought about it, these
12 children were going to be on television, and it
13 wasn't -- it just wasn't going to be an appropriate
14 thing to do to this family.

15 Q. All right. Now, in the course of this
16 conversation, this was also prior to your viewing
17 "Living with Michael Jackson"?

18 A. That is correct, sir.

19 Q. Was it prior to your knowing about "Living
20 with Michael Jackson"?

21 A. Yes, sir.

22 Q. All right. Did you ever communicate with
23 Janet Arvizo this particular offer?

24 A. I did not.

25 Q. All right. Did you ever make any kind of a
26 counteroffer for more money?

27 A. No, I did not.

28 Q. Were there any other discussions with this 5793

1 reporter after this phone call?

2 A. Yes, he -- you know, after they left for
3 Miami, I received a phone call from him. And I
4 said -- you know, he continued to want to have a
5 conversation about doing an interview. And I told
6 him, "Sir, I can't" -- you know, "The family is not
7 even in the area now. There's nothing that I can
8 do."

9 He continued to call. He called again.
10 Several months later, he says, "Well, I'd just like
11 to have a cup of coffee with you." I said, "I'm not
12 interested in that."

13 And then when the raid on Neverland
14 occurred, again he called me back, and in some ways
15 made a threat. He said, you know, "I haven't given
16 your information to any other organizations." And I
17 said, "Sir, this is a military phone line. Please
18 do not call here again." That was the last
19 consideration I had with him.

20 Q. Have you had a conversation with any other
21 reporters attempting to get a story from you?

22 A. I have not had any detailed conversations.
23 I have had a number of reporters contact me. How
24 they get my number I do not know. But they called
25 my office primarily. And they have shown up at
26 various -- at various locations like my apartment.

27 Q. Have you accepted money from anybody?

28 A. Zero. We have not accepted a penny. 5794

1 Q. For any kind of a story?

2 A. For anything.

3 Q. Have you given a story to anybody?

4 A. No, sir, I have not.

5 Q. Have you promised a story to anybody?

6 A. No, sir.

7 Q. Have you made arrangements to accept money

8 in the future in exchange for a story?

9 A. No, sir.

10 Q. Do you have any intention of giving a story

11 in the future?

12 A. No, sir.

13 Q. Do you have any intention of accepting money

14 for a story in the future?

15 A. No, sir.

16 Q. Now, when they left for Miami, "they" being

17 Janet Arvizo and here children, when did you expect

18 them to return?

19 A. I didn't have a specific date, you know.

20 They were -- they knew Michael, and if that's what

21 they were going to do, I wasn't going to get

22 involved with all of that. But I didn't anticipate

23 them being gone more than three or four days.

24 Q. When you saw "Living with Michael Jackson,"

25 did any part of that documentary disturb you?

26 A. Yes, absolutely. The --

27 MR. MESEREAU: Objection. Relevance; move

28 to strike; and leading. 5795

1 THE COURT: Leading is overruled. Relevancy
2 is sustained.

3 Q. BY MR. ZONEN: All right. Where did they
4 go? Did they return to Los Angeles after their trip
5 to Miami?

6 A. Yes, sir. They came back from Miami and I
7 believe went straight to Neverland.

8 Q. All right. So they didn't come to Los
9 Angeles?

10 A. No, sir.

11 Q. Did --

12 A. Not that I'm aware of.

13 Q. Were you contacted by Janet Arvizo?

14 A. I was contacted by her on a couple of
15 occasions.

16 Q. Now, during the course of the conversations
17 that you had from her, can you tell us approximately
18 how many phone calls you had from her while she was
19 at Neverland?

20 A. During this period of time?

21 Q. Yes.

22 A. I can't tell you the specific number. But
23 it was -- it was several phone calls that I received
24 from her over a two- or three- or four-day period.

25 Q. Okay. How did she sound to you?

26 A. She was distressed.

27 Q. Had she been distressed prior to going to

28 Miami? 5796

1 A. No, not at all.

2 Q. Had there been any noticeable problems in
3 your family prior to her going to Miami?

4 A. No, sir.

5 Q. Were the kids healthy?

6 A. Yes, sir.

7 Q. Were the kids in school?

8 A. The kids were in school.

9 Q. In the course of her conversations with you
10 over the telephone, did she tell you why she was
11 distressed?

12 A. She did not.

13 MR. MESEREAU: Objection; hearsay.

14 MR. ZONEN: That would be state of mind.

15 MR. MESEREAU: And foundation.

16 THE COURT: I think I'll allow the "yes" or
17 "no" answer to whether or not she told him. That
18 doesn't get to the real issue.

19 MR. ZONEN: Yes.

20 Q. Was that a yes or no?

21 A. Could you repeat the question, please?

22 Q. Did she tell you -- well, maybe the court
23 reporter should repeat the question.

24 (Record read.)

25 Q. BY MR. ZONEN: Yes or no.

26 A. Yes. Yes.

27 Q. What did she tell you was the reason for her

28 distress? 5797

1 MR. MESEREAU: Objection. Hearsay;

2 relevance; foundation; relevance.

3 THE COURT: Sustained.

4 Q. BY MR. ZONEN: During the period of time

5 that you had conversations with her, did she appear

6 to you to be any less stressed as time went on?

7 A. Yes, sir.

8 Q. At some point in time, did she return to Los

9 Angeles?

10 A. Yes, sir, she did.

11 Q. With her children?

12 A. Yes, sir, with her children.

13 Q. Did they go to your home or some other

14 location?

15 A. They went to El Monte. They went to her

16 mother's house.

17 Q. And did you visit them soon thereafter?

18 A. I picked them up. Yes, sir, I did.

19 Q. How long did they stay in the Los Angeles

20 area?

21 A. Several days, probably three or four days.

22 You're talking about at my apartment or at her

23 mother's?

24 Q. At --

25 A. Total?

26 Q. At her mother's and at your apartment.

27 A. I would say three to four days, but that's

28 speculation. 5798

1 Q. During that period of time, were you getting
2 any telephone calls at your apartment?

3 A. She -- Janet was talking to me -- oh, okay.

4 What happened was that I went and picked her up from
5 El Monte, brought her back to the house, and then I
6 started receiving phone calls from a gentleman by
7 the name of Frank.

8 Q. All right. Did Frank have a last name?

9 A. Tyson, I believe. But at the time I think I
10 only knew "Frank." I don't think I knew his last
11 name.

12 Q. How many conversations did you have with
13 Frank Tyson?

14 A. During that time, I didn't have many
15 conversations with Frank. I might have picked up
16 the phone and passed it to Janet. I believe that
17 there was one -- one phone call maybe that I
18 actually talked to him in any detail.

19 Q. And the phone -- excuse me, I'm sorry.

20 In that detailed conversation that you had,
21 do you remember the content of that conversation?

22 MR. MESEREAU: Objection; hearsay.

23 MR. ZONEN: It would be a statement in
24 furtherance, Your Honor.

25 THE COURT: All right. I'll admit it for the
26 limited purposes that we discussed earlier on the
27 conspiracy charges, the statement in furtherance of

28 the conspiracy. 5799

1 Q. BY MR. ZONEN: The question was, do you
2 recall the content of that conversation?

3 A. The content of the conversation was, is that
4 Frank wanted to know what kind of car I drove.

5 Q. All right.

6 A. And I asked him why he wanted to know what
7 kind of car I drove. And he said his girlfriend in
8 New York was doing some kind of survey on what
9 people drove in Los Angeles.

10 I thought it was quite strange. But at this
11 point I didn't really understand what was happening,
12 so I gave him that information.

13 Q. All right. And you told him what kind of a
14 car you drove; is that correct?

15 A. Yes, sir, I did.

16 Q. Did you ultimately have an opportunity to
17 view surveillance tapes?

18 A. Yes, sir, I did.

19 Q. And were they surveillance tapes of you?

20 A. Yes, sir, they were.

21 Q. And were they surveillance tapes of you in
22 the car that you described?

23 A. Yes, sir, they were.

24 Q. Can you tell us how many phone calls were
25 coming from Frank during the time that Janet Arvizo
26 was staying at your house after her first return
27 from Neverland?

28 A. She was receiving phone calls continuously. 5800

1 Q. What does that mean, "continuously"?

2 A. Every 15 to 20 to 30 minutes.

3 Q. Throughout the day?

4 A. Yes, sir.

5 Q. Were they always from Frank?

6 A. They seemed to be from Frank.

7 Q. Were you able to hear any portion of the
8 conversation?

9 A. Janet was --

10 MR. MESEREAU: Objection; hearsay.

11 THE WITNESS: -- somewhat emotional.

12 THE COURT: Nonresponsive. Sustained.

13 Q. BY MR. ZONEN: Were you able to hear any
14 portion of the conversation? Yes or no.

15 A. Yes.

16 Q. All right. Do you know if those
17 conversations went on for long periods of time?

18 A. They did.

19 Q. Without getting into the content of her end
20 of the conversation, tell us what her mood was like,
21 what her manner or her demeanor was like.

22 A. She was emotional. She was crying. And she
23 was sitting in the closet having these conversations
24 with Frank and -- I mean, I can tell you what I
25 heard, but --

26 Q. Let's not go into that at the moment. You
27 said she was sitting in the closet?

28 A. She was -- it's a long closet in the bedroom 5801

1 back in the back of the room. And she would sit in
2 the closet. She was -- she would be -- she was very
3 distressed.

4 Q. All right.

5 A. She was crying.

6 Q. Were you able to hear her end of the
7 conversation?

8 A. I only heard bits and pieces, but, yes, sir.

9 Q. What could you hear her saying?

10 A. She at that --

11 MR. MESEREAU: Objection; hearsay.

12 MR. ZONEN: As to her state of mind.

13 MR. MESEREAU: Same objection.

14 THE COURT: Let's see, she's -- all right.

15 I'll overrule the objection and allow her statement
16 in for her state of mind.

17 Q. BY MR. ZONEN: What did you hear, her
18 comments?

19 A. I heard her comments that she was very
20 disturbed about two gentlemen's treatment of her,
21 one being a gentleman named Ronald and another being
22 a gentleman by the name of Dieter.

23 Q. Did she, in fact, return back to Neverland?

24 A. She did, sir.

25 Q. Do you recall if a person -- do you know a
26 person named Brad Miller?

27 A. Yes, sir, I met him one time.

28 Q. Can you tell us who Brad will Miller is? 5802

1 A. As far as I understood, Brad Miller's a
2 security detail for Michael Jackson.

3 Q. When and where did you meet Brad Miller?

4 A. Brad Miller showed up at the house one
5 evening during this period of time when Janet and
6 the children were there. And I asked Janet who he
7 was, and she said he was a security detail for
8 Michael Jackson. He came in and did an audiotaped
9 interview of the family.

10 Q. Do you have a sense of when that was? If
11 you don't know the date, say so.

12 A. Yeah, I don't know the date.

13 Q. Do you know how many days Janet Arvizo and
14 her children were back in Los Angeles by the time
15 Brad Miller came by?

16 A. Probably two or three days.

17 Q. Which residence was it that he came to?

18 A. My residence on St. Andrews Place.

19 Q. Did you have a conversation with Brad Miller
20 prior to his arrival at the apartment?

21 A. No, sir, I did not.

22 Q. Did you know in advance that he was going to
23 be coming to the apartment?

24 A. No, sir, I did not.

25 Q. Did you know in advance the purpose of his
26 visit to the apartment?

27 A. No, sir, I did not.

28 Q. When he came to the apartment, did you talk 5803

1 with him?

2 A. I was cordial, offered him a drink. But no,
3 sir, not other than that.

4 Q. Did he explain to you his presence in the
5 apartment?

6 A. No, I don't think so.

7 Q. Tell us what happened with Brad Miller when
8 he was at the apartment.

9 A. He showed up at the apartment. Janet seemed
10 to be anticipating his arrival. I asked what he was
11 coming for. She said -- I guess they were going to
12 do an interview of some type, an audio interview.
13 I'm not even sure if that was said.

14 But he showed up and there was a phone call.

15 There was a phone call between him and, I guess
16 Frank, because he passed the phone to Janet, and
17 Janet talked to him, to Frank. And then they came
18 in, and they sat down around the table. It's a
19 coffee table in the living room. And they all
20 circled around it, and they had an interview.

21 Q. Was that interview tape-recorded, to your
22 knowledge?

23 A. Yes, sir, it was.

24 Q. Did you see the tape-recording?

25 A. Yes, sir.

26 Q. Who did you believe Brad Miller worked for?

27 A. Michael Jackson.

28 Q. Did you have a sense of the purpose of that 5804

1 interview?

2 A. I did not.

3 Q. Did you listen to any part of the interview?

4 A. I was up and down throughout the entire
5 time, so I really did not. I think -- I assume it
6 was in relation to the "Living with Michael
7 Jackson," and that it was just to buffet his story
8 that nothing had happened.

9 Q. All right. Did you at any time ask him any
10 questions about what was going on?

11 A. No, sir, I did not.

12 Q. Did you ask him any questions about the two
13 men that Janet had expressed concern about?

14 A. No, sir, I did not.

15 Q. Were you expecting that Janet Arvizo and the
16 children would be returning to Neverland?

17 A. You know what? At this point I'm not even
18 sure I knew that. You know what? Janet had this
19 relationship with Michael --

20 MR. MESEREAU: Objection; nonresponsive.

21 Q. BY MR. ZONEN: The answer was you didn't
22 know?

23 A. No, sir, I did not know.

24 THE COURT: I'll strike the last sentence.

25 Go ahead.

26 Q. BY MR. ZONEN: At the time that you were in
27 the apartment during this interview, did you not

28 know whether they would be returning? 5805

1 A. No, sir, I did not.

2 Q. How long did that interview go for?

3 A. Probably two hours, two hours and 15
4 minutes, something like that.

5 Q. Do you have a recollection of any part of
6 that interview, the content of that interview at
7 all?

8 A. Not really, sir, I don't.

9 Q. Did Janet Arvizo and her children return to
10 Neverland after that interview?

11 A. Yes, sir, they did. I believe it was like
12 the next day.

13 Q. Your apartment on St. Andrews Place was how
14 large?

15 A. It's about 1100 square foot, one bedroom.

16 Q. One bedroom and a living room?

17 A. Yes, sir.

18 Q. And at times all of you were staying there
19 at that apartment?

20 A. Yes, sir.

21 Q. When they went back to Neverland, did you
22 know in advance that they were going?

23 A. I mean, at the last minute, I believe I knew
24 that they were going.

25 Q. Do you know how they got to Neverland?

26 A. Sure. Someone came and picked them up.

27 Q. You said, "At the last minute." What does

28 that mean? 5806

1 A. It means that I -- you know, she wasn't
2 telling me specifically what was happening. And I
3 wasn't asking. So I think she might have told me
4 that they were leaving, but I really -- I'm not
5 clear that they were leaving.

6 Q. All right. When they went back to
7 Neverland, do you know if they went back during the
8 day or in the evening?

9 A. Seems to me that they went in the afternoon.

10 Q. And when was the next time you saw Janet
11 Arvizo or her children?

12 A. That same night Janet came back. Late at
13 night.

14 Q. Without her children?

15 A. Without her children.

16 Q. All right. What was her mood or her affect
17 at that time?

18 A. She was very emotional.

19 Q. Did you ask her where the children were?

20 A. I assumed that they were still at the ranch.

21 Q. Did you talk about what had happened?

22 A. She didn't want to talk about it.

23 Q. Do you know what day it was that she
24 returned? Do you have a sense of it?

25 A. Early February, but I really don't have a
26 date.

27 Q. Do you know how much time had gone by since

28 the Miami trip at this point that she came back? 5807

1 A. Maybe a week.

2 Q. Now, when she came back, how long was it
3 before you saw the kids next?

4 A. At that point, I didn't see them for
5 probably three weeks. I don't know. It was a long
6 time.

7 Q. Was there a meeting at your house involving
8 the department of --

9 A. I stand corrected, sir. Can I go back on
10 the last statement?

11 Q. Yes. Go ahead.

12 A. They -- they apparently did a CPS -- a
13 Department of Child & Family Services interview
14 after Janet left to go do the video that night. The
15 next morning they all showed back up, and I did see
16 the children but it was briefly.

17 Q. Now, you mentioned a couple of things we're
18 going to talk about in order.

19 A. Okay.

20 Q. First is the video.

21 A. Okay.

22 Q. At some point in time, did you become aware
23 of the fact that Janet was -- Janet Arvizo was going
24 to be doing a video?

25 A. I did.

26 Q. When did you learn about that?

27 A. Well, when Janet came back by herself, she

28 was very emotional. And then the next day Frank 5808

1 started calling again, just continuously.

2 Q. Let me stop you for one second. The same

3 Frank who was calling the first time?

4 A. Yes, sir, the same Frank.

5 Q. The person you mentioned as Frank Tyson?

6 A. Frank Tyson.

7 Q. And you said before he was calling

8 continuously?

9 A. That is correct.

10 Q. Was he calling more continuously, less

11 continuously, or about --

12 A. I would say now it's more continuously.

13 Q. And what does that mean in terms of actually

14 how many phone calls he was making?

15 A. You know, I can't tell you a number of phone

16 calls, but I can say he was calling every 15 or 20

17 minutes. I mean, I even told him -- I would tell

18 him certain times, "She's not available. Call back

19 later today," or, "I'll have her call you." Fifteen

20 minutes later he calls again.

21 Q. Did he tell you who he was in any of these

22 phone calls?

23 A. I don't think he did specifically. I knew

24 he worked with Michael Jackson.

25 Q. Did he tell you why he was calling?

26 A. Well, he always wanted to speak --

27 MR. MESEREAU: Objection; hearsay.

28 MR. ZONEN: It would be in furtherance of. 5809

1 THE COURT: First he has to answer the
2 question. It was nonresponsive.

3 I'll have the court reporter read back
4 the question.

5 MR. ZONEN: The question actually is "yes"
6 or "no."

7 (Record read.)

8 Q. BY MR. ZONEN: That would be "yes" or "no."

9 A. Yes.

10 Q. What did he say?

11 MR. MESEREAU: Objection; hearsay.

12 MR. ZONEN: Statement in furtherance of.

13 THE COURT: I'm going to admit the statement
14 with the same limited purpose for the last one.

15 THE WITNESS: Okay.

16 Q. BY MR. ZONEN: What did he say?

17 A. He at one point asked me, "How can I get
18 Janet to come back up to the ranch?"

19 And another time he asked me, he said, "We
20 need her to sign a contract to do this video." And
21 he said, "We really have got to hurry on this,
22 because it's going to air tomorrow. It's got to be
23 in to be finalized by tomorrow.

24 So he was really pushing that issue, and so
25 I had a conversation with him about that.

26 Q. Had you -- prior to that conversation, had
27 you had a conversation with Janet Arvizo about a

28 video? 5810

1 A. No, I had overheard her talking to Frank on
2 the phone about it. I mean, at one point she was
3 asking them to bring her children home.

4 MR. MESEREAU: Objection; hearsay.

5 MR. ZONEN: Reflects her state of mind.

6 THE COURT: Just a moment.

7 The question was, "Had you -- prior to that
8 conversation, had you had a conversation with Janet
9 Arvizo about the video?" Answer, "No." He then
10 proceeded to not answer, so I'll strike that after,
11 "No." You may ask another question.

12 Q. BY MR. ZONEN: But you had some knowledge
13 about what this video was about?

14 A. Yes, sir, I believe I did.

15 Q. And did that knowledge -- from what source
16 was that knowledge?

17 A. I believe mostly from Frank.

18 Q. And did Janet Arvizo speak with you about
19 that video at all?

20 A. No, sir.

21 Q. Did you overhear any conversation between
22 Janet Arvizo and presumably Frank on the telephone?

23 A. Yes, sir, I did.

24 Q. And did you overhear a conversation that
25 specifically addressed the video?

26 A. Yes, sir. She said she didn't want to do
27 it.

28 Q. I'm sorry, she what? 5811

1 A. She said she did not want to do it.

2 MR. MESEREAU: Move to strike;

3 nonresponsive; and hearsay.

4 THE COURT: Stricken after, "Yes, sir."

5 Q. BY MR. ZONEN: All right. When you had a

6 conversation with Frank about this video, did you

7 ask him any questions about it?

8 A. Yes. I said -- he said he wanted to do --

9 MR. MESEREAU: Objection; nonresponsive.

10 THE COURT: Sustained.

11 Q. BY MR. ZONEN: Some of these questions

12 really call for a "yes" or "no."

13 A. Okay, sir.

14 Q. And then we can get into content thereafter.

15 A. Okay.

16 Q. I believe the question was, did you have a

17 conversation with Frank about this video?

18 A. Yes, sir, I did.

19 Q. All right. Did Frank tell you what the

20 video was about?

21 A. Yeah, I believe he did, sir.

22 Q. What did he tell you?

23 MR. MESEREAU: Objection; hearsay.

24 MR. ZONEN: Statement in furtherance of.

25 THE COURT: All right. I'll admit this for

26 the limited purposes of the conspiracy.

27 You may answer.

28 THE WITNESS: I'm not clear exactly. I know 5812

1 Frank said some things to me about the fact that we
2 needed to have this -- they needed to do this prior
3 to it going to the editor or something, to get it
4 out there, and it was a rush to get it done. And
5 that's really what I would say.

6 Q. BY MR. ZONEN: Did he tell you or did you
7 understand that this video would go on television?

8 A. I did, yes, sir.

9 Q. Did you talk to him about this contract that
10 he wanted Janet Arvizo to sign?

11 A. Yes, sir, I did.

12 Q. What did you say to him?

13 A. "What is this contract?"

14 Q. I'm sorry?

15 A. I said, "What is this contract? What is in
16 this contract?"

17 Q. And what did he say?

18 A. He --

19 MR. MESEREAU: Objection; hearsay.

20 MR. ZONEN: Same response.

21 THE COURT: You know, the last time you told
22 me that, the response wasn't what you represented,
23 so --

24 MR. ZONEN: Actually, I would refer the
25 Court to Overt Acts 11, 12 and 13, and I believe it
26 does refer to those overt acts.

27 THE COURT: Depends on what he says in his

28 answer, doesn't it? That's the problem. Not your 5813

1 question, Counsel.

2 MR. ZONEN: Let me withdraw that last

3 question.

4 THE COURT: No, let's have a discussion for a

5 moment.

6 MR. ZONEN: Okay.

7 THE COURT: I just want to give you an

8 example here.

9 "Did Frank tell you what the video was

10 about?

11 "Yes, I believe he did.

12 "What did he tell you?

13 "Objection; hearsay.

14 "Statement in furtherance of conspiracy.

15 "The Court: All right. I'll admit it for a

16 limited purpose.

17 "A. I'm not clear exactly."

18 And then he went on to say something else.

19 If you're going to offer a statement in

20 furtherance of the conspiracy, then you need to know

21 what statement he's going to make when you ask the

22 question. Do you understand what I'm saying?

23 MR. ZONEN: Yes.

24 THE COURT: I'm not going to agree in advance

25 to that kind of response.

26 MR. ZONEN: I think the best thing we need

27 to do is to withdraw the last question and proceed

28 to another question. 5814

1 THE COURT: All right.

2 MR. ZONEN: I will do that.

3 Q. Did you have a conversation -- did you ask
4 for a copy of the contract?

5 A. I did, yes, sir.

6 Q. All right. Did he send you a copy of the
7 contract?

8 A. No, sir, he did not.

9 Q. Did he agree to send you a copy of the
10 contract?

11 A. No, he did not.

12 Q. Did you have a conversation with Frank about
13 payment for this video?

14 A. Yes, sir.

15 Q. What did you say to him?

16 A. Well, after I asked him to send the contract
17 to me by e-mail, and he kind of changed the subject,
18 I asked him, "What are you offering this family to
19 do this?" I had seen on T.V. that they were making
20 money on this -- this video, and I felt that they
21 were taking advantage of this family. So I said,
22 "What are you offering them?" He said, "Well, we're
23 offering them protection."

24 And that struck --

25 MR. MESEREAU: Objection. Objection;

26 nonresponsive.

27 MR. ZONEN: And I believe that statement --

28 MR. MESEREAU: And hearsay. 5815

1 THE COURT: That's overruled.

2 Q. BY MR. ZONEN: He said something to you

3 about protection?

4 A. Yes, sir, he did.

5 Q. What did he tell you about offering the

6 family protection?

7 A. He said he was offering the family

8 protection. And I said, "Frank, the family doesn't

9 need any protection. Who are you protecting them

10 against?"

11 Q. Did he answer that question?

12 A. He did not. He moved on to the next point.

13 Q. At any point in time during this

14 conversation, did he tell you who the family needed

15 protection from?

16 A. No, sir, he did not.

17 Q. Did he tell you what kind of danger the

18 family was in?

19 A. No, sir, he did not.

20 Q. Did he tell you who were posing threats to

21 the family?

22 A. No, sir.

23 Q. And did you ask him those questions?

24 A. I did.

25 Q. All right. Then you said he moved to the

26 next subject?

27 A. Yes, sir.

28 Q. Now, again, you had asked him for 5816

1 compensation for the family?

2 A. Well, I -- yes, I did. And he said he was
3 going to give them a tutor. Well, we found out they
4 didn't ever get any kind of schooling.

5 MR. MESEREAU: Objection. Nonresponsive;
6 hearsay; move to strike.

7 THE COURT: After "Yes, sir, I did," I'll
8 strike the rest of the answer.

9 Q. BY MR. ZONEN: Did Frank offer you or Janet
10 Arvizo or her children anything in exchange for this
11 video?

12 A. He said he was going to offer a college
13 education, and a house. Well, they didn't need a
14 house. And they're in eighth grade. They didn't
15 need a college education.

16 MR. MESEREAU: Objection; move to strike.

17 THE COURT: The last sentence is stricken.

18 Let me --

19 Q. BY MR. ZONEN: What did you say to Frank in
20 response to that offer?

21 A. I said, "That's fine, Frank. What are you
22 offering them monetarily?" I was very suspicious of
23 him at this point.

24 MR. MESEREAU: Objection. Nonresponsive;
25 move to strike.

26 THE COURT: That's -- that last remark is
27 stricken. And the last answer, I'm striking the

28 last three sentences, not the last one sentence. 5817

1 Q. BY MR. ZONEN: All right. He had made you
2 an offer of a house?

3 A. Yes, sir.

4 Q. All right. And you said no?

5 A. Basically said no.

6 Q. Okay. Did you ask him for any monetary
7 payment in exchange for that video?

8 A. I asked him what he was offering financially
9 or monetarily.

10 Q. And did he answer to that specific question?

11 A. No, sir, he did not.

12 Q. Did he tell you whether or not they were
13 going to be paid?

14 A. No, he actually said, "Are you trying to
15 blackmail us?"

16 Q. Had you made any demands from him?

17 A. No, sir.

18 Q. Were you personally familiar with any
19 information that could be used for blackmail?

20 A. No, sir.

21 Q. What did you tell him when he said that?

22 A. "Why are you saying that? That makes no
23 sense. It has nothing to do with what we're talking
24 about here."

25 Q. Did you tell him that you believed they were
26 going to be profiting from this?

27 A. I did. I said, "You're going" -- you know,

28 "It's being blasted all over the T.V. that they're 5818

1 going to be doing this Take Two video, a response to
2 the Martin Bashir 'Living with Michael Jackson.'
3 And they're advertising that the family's going to
4 be on there, and you want her to sign this contract,
5 but you won't show me the contract. And you" -- he
6 wanted me to have her --

7 MR. MESEREAU: Objection. Nonresponsive;
8 move to strike.

9 THE COURT: Okay. After "there," where he
10 started, "You want me to sign the contract," I'll
11 strike that. That's the last sentence.

12 Q. BY MR. ZONEN: Did he ever send you a copy
13 of the contract?

14 A. No, sir, he did not.

15 Q. Did he ever read you a copy of the contract?

16 A. No, sir, he did not.

17 Q. Did you ever have a discussion with Janet
18 Arvizo about the video?

19 A. No, sir, I did not.

20 Q. At some point in time, do you know if she
21 actually did the video with or without her children?

22 A. Yes, sir, I believe she did.

23 Q. And was that after this discussion with
24 Frank?

25 A. Yes, sir.

26 Q. Do you know how long after this discussion
27 with Frank?

28 A. He continued to call, and at some point 5819

1 Janet accepted it or moved --

2 MR. MESEREAU: Objection. Nonresponsive;

3 move to strike.

4 Q. BY MR. ZONEN: The question was how long

5 after, if you know?

6 A. Within a day.

7 Q. Did the phone calls from Frank continue

8 during that --

9 THE COURT: The ruling on that is I will

10 strike the answer as requested. Go ahead.

11 Q. BY MR. ZONEN: Okay. During that period of

12 time, that day that followed your conversation with

13 Frank, did he continue to call the apartment?

14 A. Yes, he did.

15 Q. And the calls we're talking about were to

16 your apartment on St. Andrews?

17 A. That's correct.

18 Q. Was there anybody else calling other than

19 Frank?

20 A. Not that I'm aware of.

21 Q. Do you know where the children were during

22 this time?

23 A. I believe they were at Neverland.

24 Q. Now, you had mentioned that you did see them

25 during the course of an interview with the

26 Department of Child & Family Services; is that

27 correct?

28 A. That is correct. 5820

1 Q. All right. Can you tell us where that
2 interview took place?

3 A. It took place in my apartment.

4 Q. Were you there at any time during that
5 interview?

6 A. No, sir, I wasn't.

7 Q. Did you greet any of the people as they
8 came?

9 A. No, sir.

10 Q. Were you there earlier at the time that
11 Janet Arvizo and the children arrived?

12 A. About the time I was getting up to go to
13 work, they arrived at the apartment. I was there a
14 short period of time and went on to work.

15 Q. Do you know approximately what time that was
16 that they arrived?

17 A. Well, I get up probably about six o'clock in
18 the morning, so that's my guess.

19 Q. So they were just arriving at six o'clock?

20 A. That -- it might have been a little earlier,
21 but I'm not positive on that. Depends on what I had
22 to do at work that day.

23 Q. Now, was Janet Arvizo arriving with them or
24 had she already been at your apartment?

25 A. No, she was arriving with them.

26 Q. Do you know when it was that she had left
27 your apartment prior --

28 A. The night before. 5821

1 Q. The night before?

2 A. Late at night. I don't know. Around eleven
3 o'clock, twelve o'clock.

4 Q. Do you know if she drove herself or if
5 someone came to get her?

6 A. Someone came and got her.

7 Q. Do you know who that was?

8 A. I don't. I'm not sure. I think I went
9 outside -- I know I went outside to help her get in
10 the car, but I don't know who the driver was at this
11 time. I can't put my finger on who it was.

12 Q. Were you there at the time that any of the
13 people from the Department of Child & Family
14 Services arrived?

15 A. No, sir.

16 Q. Were you gone that entire day?

17 A. I was gone the entire day.

18 Q. When you got back, who was present at your
19 apartment?

20 A. No one.

21 Q. Not even Janet Arvizo?

22 A. Janet, I believe, may have been there.

23 Q. Did Janet Arvizo remain that night?

24 A. I believe she stayed that night, and then
25 either -- yeah, I believe she left the next morning.

26 Q. Were the kids gone already?

27 A. They were already gone.

28 Q. By the time you got home that day? 5822

1 A. Yes, sir.

2 Q. That night, what was her mood like?

3 A. I don't really remember.

4 Q. Did Janet Arvizo say anything to you about
5 Brazil?

6 A. Yes, sir, she did.

7 Q. What did she say?

8 MR. MESEREAU: Objection; hearsay.

9 THE COURT: Sustained.

10 Q. BY MR. ZONEN: Did you know if there was a
11 trip to Brazil in the planning?

12 A. Yes, sir, I did.

13 Q. Was Janet Arvizo enthusiastic about going to
14 Brazil?

15 A. No, sir.

16 MR. MESEREAU: Objection; hearsay.

17 MR. ZONEN: State of mind.

18 THE COURT: Calls for a conclusion.

19 Sustained.

20 Q. BY MR. ZONEN: Did she say to you that she
21 was enthusiastic about going to Brazil?

22 MR. MESEREAU: Objection; hearsay.

23 THE COURT: Sustained.

24 MR. MESEREAU: And leading.

25 Q. BY MR. ZONEN: How long were they gone after
26 they left, after this meeting with the Department of
27 Child & Family Services?

28 A. About three weeks. 5823

1 Q. A long period of time?

2 A. Yes, sir, a long period of time.

3 Q. Did you know in advance they were going to
4 be gone that long?

5 A. No, sir, I did not.

6 Q. Did you have conversations with Janet during
7 that period of time?

8 A. Yes, sir, I did.

9 Q. Over the telephone?

10 A. Yes, sir.

11 Q. What was her mood like over the telephone?

12 A. Distressed. Disturbed.

13 Q. When was the next time that you saw her?

14 A. The next time that I saw her was at a nail
15 salon.

16 Q. All right. Explain that to us.

17 A. Well, over that period of time Janet had
18 been calling, and she was hanging up on me, and very
19 short conversations, and very disturbed.

20 MR. MESEREAU: Objection. Nonresponsive;

21 move to strike.

22 THE COURT: It's responsive, but it calls for
23 a narrative, so I'll sustain the objection.

24 MR. ZONEN: Okay.

25 Q. During the course of your conversations,
26 would you describe the nature of the conversations
27 you had with her? Without getting into the content

28 of them, just the nature of them. 5824

1 A. The nature of the conversations was, is --

2 Q. Go ahead.

3 A. I can tell you how she was -- appeared, how

4 she felt. She was --

5 MR. MESEREAU: Objection; nonresponsive.

6 THE WITNESS: I'm not sure I understand the

7 question.

8 MR. ZONEN: Let me withdraw the question.

9 THE WITNESS: Yeah.

10 MR. ZONEN: Because I think the question

11 might be difficult to answer.

12 Q. Did she sound concerned over the telephone?

13 A. Yes.

14 MR. MESEREAU: Objection; leading.

15 THE COURT: Overruled. Next question.

16 Q. BY MR. ZONEN: Were they long conversations?

17 A. Not normally, no.

18 Q. Did she express concerns to you in the

19 course of these conversations?

20 A. Yes, sir.

21 MR. MESEREAU: Objection. Leading and asked

22 and answered.

23 MR. ZONEN: Overruled. Next question.

24 Q. BY MR. ZONEN: What did she say to you that

25 she was concerned about?

26 MR. MESEREAU: Objection; hearsay.

27 MR. ZONEN: Her state of mind.

28 THE COURT: I'll admit it for that purpose. 5825

1 Q. BY MR. ZONEN: What did she say to you that
2 she was concerned about?

3 A. Well, she said that she was not being able
4 to see her children; that they were following her
5 around wherever she went off Neverland; that she
6 was -- either had a chaperone or that somebody was
7 following her.

8 At one time when she was in a hotel --

9 MR. MESEREAU: Objection. Narrative;
10 nonresponsive.

11 THE COURT: Sustained.

12 I'm going to instruct the jury that that
13 statement that was admitted just now was not
14 admitted for the truth of the matter asserted by
15 Janet, but for her state of mind as she related to
16 him.

17 Next question.

18 Q. BY MR. ZONEN: Do you know if during this
19 period of time Gavin was seeing a doctor on a
20 regular basis?

21 A. Yes, he was.

22 Q. How often was he seeing his doctors?

23 A. I'm not clear. I think probably every month
24 or so.

25 Q. Do you know when his appointments were
26 around that time?

27 A. I don't really. I know that he was having

28 them scheduled, but I wasn't sure when he had to go. 5826

1 Q. All right. And I think you said the next
2 time you saw her was at a beauty parlor; is that
3 right?

4 A. That is correct.

5 Q. How did you happen to see her at a beauty
6 parlor?

7 A. She called me at work and -- I hadn't
8 talked -- I hadn't actually seen her in a long time,
9 and she called me at work and said --

10 MR. MESEREAU: Objection; hearsay.

11 THE WITNESS: (To a juror) Bless you.

12 THE COURT: Sustained.

13 Q. BY MR. ZONEN: Did she notify you where
14 you -- where she was?

15 A. She called me at work.

16 Q. Did you go to that location?

17 A. Yes, sir, I did.

18 Q. Was anybody else there -- was she there at
19 the location?

20 A. Yes, she was.

21 Q. Was anybody else at that location?

22 A. When I came in, she was sitting there by
23 herself.

24 Q. All right. At some point -- without getting
25 into the content, did you have a conversation with
26 her?

27 A. Yes, sir.

28 Q. Is this the first time that you'd seen her 5827

1 in a few weeks?

2 A. Yes, sir.

3 Q. Was any -- and then I think you said

4 somebody else came. Who came?

5 MR. MESEREAU: Objection; misstates the

6 evidence.

7 MR. ZONEN: Withdraw the question.

8 Q. Who did you see then?

9 A. I saw Vinnie and Gavin come in the back door

10 of the nail salon.

11 Q. Is Vinnie somebody you knew prior to that

12 day?

13 A. No, sir.

14 Q. Were you introduced to him at that time?

15 A. I was either introduced or he introduced

16 himself. I'm not positive. I'm not clear.

17 Q. Can you describe Vinnie to us?

18 A. He would be a white male.

19 Q. About how old?

20 A. Young. Younger.

21 Q. How old is "younger"?

22 A. 25. I don't -- that's just speculation.

23 Q. Did he tell you who he was, Vinnie?

24 A. I'm not sure.

25 Q. Was there a discussion with Vinnie about

26 Janet Arvizo returning to Neverland?

27 MR. MESEREAU: Objection; hearsay.

28 MR. ZONEN: Statement in furtherance of. 5828

1 THE COURT: All right. I'll admit it for the
2 limited purpose in furtherance of the conspiracy.

3 THE WITNESS: Could you ask me the question
4 again, please?

5 THE COURT: Go ahead, the court reporter.

6 (Record read.)

7 THE WITNESS: Yes.

8 Q. BY MR. ZONEN: And what did Vinnie say about
9 that?

10 MR. MESEREAU: Same objection.

11 THE COURT: Okay. Same ruling, then.

12 Q. BY MR. ZONEN: Go ahead.

13 A. He said that -- he said, "No, you can't do
14 that." And I said, "Are you saying that I cannot
15 take her out of here?" And he said, "I got to check
16 on that." And he walked outside and immediately got
17 on his cell phone, followed by Gavin.

18 Q. Gavin followed him?

19 A. Correct.

20 Q. What was Gavin's behavior like at that time?

21 A. Cocky.

22 Q. Cocky?

23 A. Yes.

24 Q. Explain that, please.

25 A. I don't know. He was -- it's hard to
26 explain. He was -- just walked in. He strutted in
27 with Vinnie. And it wasn't the sweet, loving Gavin

28 that I knew. 5829

1 MR. MESEREAU: Objection. Nonresponsive;

2 move to strike.

3 THE COURT: Just a moment.

4 Overruled. The answer is --

5 Hold on just a moment, here, if you would,

6 please.

7 Go ahead. Thank you.

8 MR. ZONEN: May I proceed?

9 THE COURT: Yes.

10 Q. BY MR. ZONEN: All right. You described

11 Gavin's response. Was Gavin behaving differently

12 than he had been prior to -- well, prior to -- the

13 early part of February when they went to Miami?

14 A. Yes, he was.

15 Q. In what way was he behaving differently at

16 this point?

17 A. Again, he was acting very cocky. He -- kind

18 of rude, actually.

19 Q. Did he greet you at all when he saw you?

20 A. I don't think he wanted to see me. I don't

21 think that he -- he was very surprised when he saw

22 me there. And he may have greeted me, but he was

23 certainly not a loving -- it was almost like, "What

24 are you doing here?"

25 Q. Your relationship with him prior to Miami,

26 how would you describe that relationship?

27 A. Father-like.

28 Q. You had a good relationship with him? 5830

1 A. Very good relationship.

2 Q. Now, we were talking about Vinnie and his
3 comments. He said that he had to go out and call
4 somebody. Did he call somebody?

5 A. Yes, sir, he did.

6 Q. Did he continue to have a conversation with
7 you while he was on the phone with that person?

8 A. Yes, sir. I asked him -- I asked him, you
9 know, "Is there a problem here?" And he said, "Oh,
10 no, there's no problem. I'm working on that right
11 now."

12 Q. Did he say anything about where Janet Arvizo
13 or Gavin would be going?

14 MR. MESEREAU: Objection; leading.

15 THE COURT: Overruled.

16 You may answer.

17 THE WITNESS: Did he say where she was going
18 to go?

19 THE COURT: Read the question back.

20 MR. ZONEN: Let me redo that question, if I
21 can.

22 THE WITNESS: Please.

23 Q. BY MR. ZONEN: Did he say anything to you
24 about where he wanted Janet Arvizo or Gavin to go?

25 A. He didn't.

26 MR. MESEREAU: Same objection.

27 Q. BY MR. ZONEN: Did you say anything to --

28 THE COURT: Just a moment. 5831

1 The objection was overruled. The answer
2 was, "He didn't." Next question.

3 Q. BY MR. ZONEN: Was there a discussion
4 involving Vinnie about where everybody would be
5 going?

6 A. It wasn't Vinnie. It was -- Gavin came in
7 after that and said something to me.

8 Q. All right. In Vinnie's presence?

9 A. No, Vinnie was still outside.

10 Q. Okay. Where finally did Janet go?

11 A. Janet left with me.

12 Q. And where did Gavin go?

13 A. Gavin left with Vinnie.

14 Q. To your understanding, where?

15 A. Back to Neverland.

16 Q. The other two children, were they there?

17 A. They were still at Neverland, no, sir.

18 Q. And did you go home with Janet?

19 A. Yes, sir, I did.

20 Q. And "home" is the St. Andrews residence?

21 A. Yes, sir, it was.

22 Q. What was Janet Arvizo's mood like when you
23 were back at the house at St. Andrews?

24 A. She was distressed. She was saying there
25 was a problem.

26 Q. All right. Did you make an effort at some
27 time to find out --

28 MR. MESEREAU: Objection. Objection. 5832

1 Nonresponsive; move to strike.

2 THE COURT: Sustained. I'll strike the last
3 sentence of what she said.

4 Q. BY MR. ZONEN: Did you make an effort with
5 Janet Arvizo to get the children back from
6 Neverland?

7 A. Yes, sir.

8 Q. What did you do?

9 A. Well, at one point I called her father, and
10 said, "I want to go to Neverland and get these
11 children out of there." And then at -- and he --
12 well, I don't believe that he was --

13 MR. MESEREAU: Objection; hearsay.

14 MR. ZONEN: Tending to explain their
15 actions.

16 THE COURT: The question was what did he do.
17 So I will overrule the objection and strike the last
18 sentence.

19 Q. BY MR. ZONEN: All right. Ultimately was
20 there a decision made to make a phone call by
21 somebody in the family to Neverland?

22 A. Yes, Janet called someone. Either Frank or
23 Vinnie.

24 Q. All right. And what did she represent to
25 them?

26 MR. MESEREAU: Objection; hearsay.

27 MR. ZONEN: Explaining the conduct.

28 THE COURT: Explaining what conduct? 5833

1 MR. ZONEN: Hers.

2 THE COURT: Sustained.

3 Q. BY MR. ZONEN: Were the children returned to
4 either your house or some other location? When did
5 you --

6 A. I'm drawing a blank. I'm not sure I
7 understand what's going back and forth here.

8 Q. When was the next time you saw the children?

9 A. The next time I saw them was the next night
10 at her -- Janet's parents' house.

11 Q. Were you present at the time any phone calls
12 were made to Neverland by either Janet or her
13 parents?

14 A. No, sir.

15 Q. Who brought the children to her parents'
16 house?

17 A. I don't -- I do not know, because we waited
18 for them to arrive before we went to her parents'
19 house.

20 Q. When you got there, were they still there,
21 the people from Neverland?

22 A. No, sir, they were not.

23 Q. Whoever had brought them there had left by
24 that time?

25 A. That is correct.

26 Q. Describe Gavin's behavior at the time that
27 you got there.

28 A. Gavin didn't want to see me. He stayed back 5834

1 in the back room. There was some crying coming from
2 the back room.

3 MR. MESEREAU: Objection. Nonresponsive;
4 hearsay; move to strike.

5 THE COURT: Overruled.

6 Q. BY MR. ZONEN: Who was crying in the back
7 room?

8 A. I believe it was Davellin.

9 Q. Did you talk with Gavin at all?

10 A. No, I did not.

11 Q. Was he friendly to you?

12 A. No, sir.

13 Q. Did he talk with you at all during that day?

14 A. No. No, sir.

15 Q. Was there any discussion about returning to
16 Neverland?

17 A. No, sir.

18 Q. Did any of the kids ask to be returned to
19 Neverland?

20 MR. MESEREAU: Objection. Leading and asked
21 and answered.

22 THE COURT: Overruled.

23 You may answer.

24 Q. BY MR. ZONEN: Go ahead.

25 A. I'm sorry?

26 THE COURT: Court reporter.

27 (Record read.)

28 THE WITNESS: The only thing I remember is 5835

1 they said that Michael -- I mean Gavin couldn't see
2 me, because if he did, he couldn't return to
3 Neverland to see Michael.

4 Q. BY MR. ZONEN: Gavin said that?

5 A. Yes, sir, he did.

6 Q. How would you contrast Gavin's behavior at
7 that time as against his behavior prior to the Miami
8 trip?

9 MR. MESEREAU: Objection. Improper opinion;
10 vague.

11 THE COURT: Overruled.

12 You may answer.

13 Q. BY MR. ZONEN: Go ahead.

14 A. Night and day. It appeared to me he'd been
15 brainwashed in some way.

16 MR. MESEREAU: Objection.

17 Q. BY MR. ZONEN: Just tell us what his
18 behavior was.

19 A. He was vague, he was angry.

20 MR. MESEREAU: Objection.

21 THE COURT: Just a moment. Just a moment.

22 THE WITNESS: Yes, sir.

23 THE COURT: The last response is stricken.

24 The jury's admonished to disregard it. Ask him
25 another question.

26 Q. BY MR. ZONEN: Just tell us what his
27 behavior was like at this time.

28 A. Angry. 5836

1 Q. In what way?

2 A. He was just mean. He was yelling.

3 Are we talking about the night that he was

4 at --

5 Q. That night and even beyond.

6 A. Even beyond. He became mean. He was using

7 curse words.

8 MR. MESEREAU: Objection; vague.

9 THE WITNESS: He had never done before.

10 THE COURT: Just a moment.

11 THE WITNESS: Yes, sir.

12 MR. MESEREAU: Vague and nonresponsive.

13 THE COURT: I'm going to strike the last

14 sentence again.

15 The problem here is that you're required to

16 listen to the question and just answer it. And

17 every answer you give, you add something to it,

18 which causes counsel to object, and me to rule,

19 which is causing a great disturbance in your

20 testimony. If you want to keep doing it, you can.

21 But you can't imagine how it sounds to everybody

22 else.

23 So I'm going to admonish you to pay

24 attention to what the question is, and then just

25 answer the question. Nothing further. All right?

26 THE WITNESS: Yes, sir.

27 Q. BY MR. ZONEN: Was he saying things or using

28 speech different from the type of speech he used 5837

1 prior to the Miami trip?

2 A. Yes, sir.

3 Q. In what way?

4 A. He was using curse words.

5 Q. He had not used curse words before in the
6 house?

7 A. No, sir.

8 Q. Was this in the presence of his grandmother?

9 A. I don't remember if it was that night. But
10 he did over the next few days period of time.

11 Q. Did his behavior in time return to what you
12 considered to be normal, what it was prior to the
13 Miami trip?

14 A. Over several months, yes, sir.

15 Q. Did you and Janet Arvizo put the boys into
16 some kind of tutoring?

17 A. Yes, sir, we did.

18 Q. What tutoring program was that?

19 A. It's called JEI Learning Center. We
20 immediately put them in after they got back from
21 Neverland.

22 Q. Was that a private school?

23 A. No, it's not a private school. It's just to
24 assist children who -- who need additional
25 assistance getting their level up in a certain area.

26 Q. What was the purpose for doing so, putting
27 them into JEI?

28 A. Because they had been out of school for 5838

1 almost two months and we wanted to bring their
2 skills back up to the level they should have been.

3 Q. And did they attend JEI tutoring?

4 A. Yes, sir.

5 Q. Did the boys resume their activities with
6 military scouting?

7 A. With the Sea Cadets, yes, sir.

8 Q. When did that resume?

9 A. Almost immediately.

10 Q. Are they still active in military scouting?

11 A. Yes, sir, they are.

12 MR. MESEREAU: Objection; relevance.

13 THE COURT: Overruled. The answer was,

14 "Yes."

15 THE WITNESS: Yes, sir, they are.

16 Q. BY MR. ZONEN: And that involves attendance
17 at military camps how frequently?

18 A. They go every week, about every Sunday. And
19 then they have field exercises that they attend
20 probably every month or two months. They're over
21 the weekends.

22 Q. Are all three children living with you
23 today?

24 A. Yes, sir, they are.

25 Q. Would you describe Gavin's behavior today?

26 MR. MESEREAU: Objection; relevance.

27 THE COURT: Asked and answered, I believe.

28 Sustained. 5839

1 Q. BY MR. ZONEN: Is he still involved in
2 scouting today?

3 MR. MESEREAU: Objection; relevance.

4 MR. ZONEN: Could we approach sidebar?

5 THE COURT: The --

6 MR. ZONEN: Is that a "Yes"?

7 THE COURT: No. I'm trying to -- I'll

8 overrule the objection. I think that was asked and
9 answered. But rather than waste time looking, go
10 ahead.

11 MR. ZONEN: All right.

12 THE WITNESS: Yes, sir. They're still
13 involved with it, with that.

14 MR. ZONEN: Thank you. I have no further
15 questions.

16 THE COURT: All right. We'll take our break
17 two minutes early. Give me time to recover.

18 (Laughter.)

19 (Recess taken.)

20 --o0o--

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1 REPORTER'S CERTIFICATE

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3

4 THE PEOPLE OF THE STATE)

5 OF CALIFORNIA,)

6 Plaintiff,)

7 -vs-) No. 1133603

8 MICHAEL JOE JACKSON,)

9 Defendant.)

10

11

12 I, MICHELE MATTSON McNEIL, RPR, CRR,

13 CSR #3304, Official Court Reporter, do hereby

14 certify:

15 That the foregoing pages 5774 through 5840

16 contain a true and correct transcript of the

17 proceedings had in the within and above-entitled

18 matter as by me taken down in shorthand writing at

19 said proceedings on April 12, 2005, and thereafter

20 reduced to typewriting by computer-aided

21 transcription under my direction.

22 DATED: Santa Maria, California,

23 April 12, 2005.

24

25

26

27 MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF SANTA BARBARA
3 SANTA MARIA BRANCH; COOK STREET DIVISION
4 DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

5

6

7 THE PEOPLE OF THE STATE OF)

8 CALIFORNIA,)

9 Plaintiff,)

10 -vs-) No. 1133603

11 MICHAEL JOE JACKSON,)

12 Defendant.)

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17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

18

19 TUESDAY, APRIL 12, 2005

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21 8:30 A.M.

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23 (PAGES 5842 THROUGH 5891)

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26

27 REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

28 BY: Official Court Reporter 5842

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1 I N D E X

2

3 Note: Mr. Sneddon is listed as "SN" on index.

4 Mr. Zonen is listed as "Z" on index. Mr. Auchincloss is listed as "A"
on index.

5 Mr. Mesereau is listed as "M" on index. Ms. Yu is listed as "Y" on
index.

6 Mr. Sanger is listed as "SA" on index. Mr. Oxman is listed as "O" on
index.

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9 PLAINTIFF'S WITNESSES DIRECT CROSS REDIRECT RECROSS

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11 JACKSON, Jay D. 5845-M

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1 THE COURT: Mr. Mesereau?

2 MR. MESEREAU: Yes. Thank you, Your Honor.

3

4 CROSS-EXAMINATION

5 BY MR. MESEREAU:

6 Q. Good morning.

7 A. Good morning, Mr. Mesereau.

8 Q. You indicated that you saw behavioral
9 changes in Gavin from when you knew him initially to
10 when he left Neverland for the last time, correct?

11 A. Yes, sir.

12 Q. Did you know anything about his school
13 history?

14 A. I didn't. I don't think I knew a lot about
15 it, no, sir.

16 Q. Did you know anything about his disciplinary
17 record in various schools with various teachers?

18 A. I know that when he was with me that he had
19 some problems at John Burroughs.

20 Q. Did you know anything about his history
21 before?

22 A. Not that I'm aware of, no, sir.

23 Q. All right. Now, you indicated in response
24 to the prosecutor's questions that you knew about a
25 Miami trip that Janet and the children took,
26 correct?

27 A. That is correct.

28 Q. And that was approximately when, to your 5845

1 knowledge?

2 A. Early February.

3 Q. I believe you said that while Janet and the
4 children were on that trip to Miami you had these
5 discussions with some people who purported to be
6 representatives of a British tabloid, correct?

7 A. That would have been prior to her leaving.

8 Q. Okay.

9 A. Although, sir, they did call me back after
10 she left, but I was not talking to them.

11 Q. But they contacted you on a number of
12 occasions, you say, right?

13 A. That is correct.

14 Q. Okay. Now, at one point you indicated that
15 you spoke to Frank Tyson and wanted to know what the
16 family was going to get out of the rebuttal video,
17 right?

18 A. Yes, sir.

19 Q. And you actually mentioned at one point to
20 Tyson that, "You're making millions out of this.
21 What is this family going to get?" Right?

22 A. In -- in essence, I did say that.

23 Q. And I believe you said that Mr. Tyson
24 offered a house and a college education; is that
25 correct?

26 A. First he offered protection. Then he said
27 he was going to offer a tutor. Then he was going to

28 offer a house and a college education. 5846

1 Q. And you, in effect, said to Mr. Tyson,

2 "That's not enough," right?

3 A. That would be incorrect.

4 Q. First you said, "You guys are making

5 millions and this family's not getting anything,"

6 right? Right?

7 A. Are you asking me the question now to

8 answer?

9 Q. Yes.

10 A. Okay. I said basically that, "I understand

11 that they're making four to five million dollars on

12 this documentary. In my perception, that you should

13 compensate this family for helping out in this

14 video."

15 Q. And at the end of that conversation, you in

16 effect communicated to Frank a house is not enough,

17 right?

18 A. That was not the way it came across, no,

19 sir.

20 Q. Okay. Did you accept the house?

21 A. I still don't have it, no. I don't see the

22 house yet.

23 Q. Are you still looking for it?

24 A. I'm not even looking for it.

25 Q. Okay. And are you telling the jury that

26 there was no response to your comment that, in

27 effect, somebody's making four to five million

28 dollars and the family's not getting any money? 5847

1 A. His response was, "Well, how about" -- "I'm
2 going to protect the family. We're going to protect
3 the family."

4 Q. Right.

5 A. "We're going to give them a house. We're
6 going to give them a college education."

7 And I said, "Frank, but what are you going
8 to do financially or monetarily for this family?"

9 Q. Right.

10 A. They had already been taken advantage of in
11 the first documentary and received nothing.

12 Q. Okay. And you never really got a response
13 to that question except discussion about a house,
14 correct?

15 A. Again, sir, what I've said, yes.

16 Q. Okay. You told the jury that it was your
17 understanding that Janet and the family went to
18 Miami to do a press conference, right?

19 A. That is correct.

20 Q. Do you remember your first interview with
21 any sheriff's department representative in this
22 case?

23 A. Yes, sir, I do.

24 Q. Do you remember it was approximately on
25 November 25th, 2003?

26 A. Yes, sir.

27 Q. It was with a sheriff named Zelis, correct?

28 A. Paul Zelis. 5848

1 Q. Do you remember you told him that it was
2 your understanding that the purpose of the Miami
3 trip was to do a rebuttal video?

4 A. I did write that, yes. I mean, I did see
5 that, yes.

6 Q. When did you last read that transcript?

7 A. I've read the transcripts over the last
8 several days.

9 Q. You told Mr. Zelis they were going to film
10 some kind of rebuttal for Michael, and when she
11 returned she said no rebuttal had ever been done,
12 right?

13 A. That is correct.

14 Q. And you said that Janet believed Michael
15 Jackson is innocent, right?

16 A. At what point, sir?

17 Q. At that point.

18 MR. ZONEN: I'm not sure what point that is.

19 I'll object as vague.

20 THE COURT: Sustained.

21 Q. BY MR. MESEREAU: When -- excuse me. You
22 told Sheriff Zelis --

23 A. Yes.

24 Q. -- that when Janet and the children went to
25 Miami - okay? --

26 A. Yes, sir.

27 Q. -- your understanding was they were going to

28 film some kind of rebuttal for Michael Jackson -- 5849

1 A. Or press conference, right.

2 Q. -- Right? No, you said rebuttal.

3 A. I said rebuttal, but it's the same thing.

4 It was going to be a press conference that they were
5 going to do to rebut what was being done -- what had
6 been -- what was going to be said in the "Living
7 with Michael Jackson."

8 Q. You said they were going to film a rebuttal,
9 right?

10 A. Yes, sir.

11 Q. And you said at that time Janet believed
12 Michael Jackson was innocent, correct?

13 A. That is correct, sir.

14 MR. ZONEN: I'll object as to vague. What
15 time?

16 Q. BY MR. MESEREAU: The time of the Miami
17 trip, right?

18 A. Before they left for Miami, yes, sir, they
19 did.

20 Q. Okay. Okay. And you told Mr. Zelis that
21 the family was upset that they never did a rebuttal
22 in Miami, right?

23 A. I don't recall that. You would have to show
24 it to me.

25 Q. Okay. Did you ever say anything to that
26 effect?

27 A. I don't remember that, sir. You could show

28 it to me and refresh my memory. 5850

1 Q. Do you recall the attitude of the family
2 when they returned from Miami?

3 A. I didn't see the family when they
4 immediately returned from Miami.

5 Q. When did you next see them?

6 A. I saw them when the family came home about a
7 week later from Neverland.

8 Q. Was it your understanding that any rebuttal
9 was done in Florida?

10 A. It was my understanding nothing was done in
11 Florida.

12 Q. They just sort of flew there for a day and
13 flew back?

14 A. They flew there, were there several days, I
15 guess, and then came back, yes.

16 Q. And you indicated to Mr. Zelis that you had
17 seen both television documentaries, the Bashir
18 documentary and a rebuttal documentary, correct?

19 A. No, I don't believe I said that. I told him
20 that I had seen the "Living with Michael Jackson."

21 Q. Do you remember telling Mr. Zelis you saw
22 both of them?

23 A. I don't.

24 Q. Would it refresh your recollection if I just
25 show you the transcript?

26 A. Sure. Yes.

27 MR. MESEREAU: May I approach, Your Honor?

28 THE COURT: Yes. 5851

1 MR. ZONEN: What page, Counsel?

2 MR. MESEREAU: 9 of 37.

3 MR. ZONEN: Thank you.

4 THE WITNESS: Okay. Where are we at?

5 Okay. Yes, sir.

6 Q. BY MR. MESEREAU: Have you had a chance to

7 look at the transcript?

8 A. I saw that one sentence, yes.

9 Q. Does it refresh your recollection about what

10 you told Mr. Zelis?

11 A. Not overly, no. No, sir, it doesn't. I saw

12 the sentence that said I said I saw both. That's

13 all I saw.

14 Q. Do you recall that that's what you told

15 them?

16 A. I'm really -- really unsure.

17 Q. Did you see both of them?

18 A. Yes, sir, I did.

19 Q. Now, you told Mr. Zelis that because Janet

20 and the children were taped in the middle of the

21 night, that they couldn't get it in time to put it

22 on the show, correct?

23 A. That is correct. And I may have heard that

24 from T.V. I'm not sure where I heard that because

25 they were supposed to be on that show according to

26 the previous advertisements for the Take 2 video.

27 Q. And they never were on it?

28 A. And they were not on it. 5852

1 Q. But you're still waiting for a house?

2 MR. ZONEN: Objection; argumentative.

3 THE COURT: Sustained.

4 Q. BY MR. MESEREAU: You said you thought

5 Bashir was slandering Michael Jackson, correct?

6 A. At that time, I think so, yes, sir.

7 Q. Okay. You've said you were really upset

8 about that, right?

9 A. Yes, sir.

10 Q. You had not met Michael Jackson then?

11 A. No, sir, I had not.

12 Q. And as you said, you've never met him?

13 A. Never met him.

14 Q. Until you see him today, correct?

15 A. Correct.

16 Q. Did you meet Chris Tucker?

17 A. I did.

18 Q. And when did you meet him?

19 A. When we went to Neverland.

20 Q. Did he ever contact you?

21 A. No, sir, he contacted Janet.

22 Q. Did you meet him the first time on the

23 Neverland property?

24 A. The first time I saw him was on the bus

25 prior to arriving -- leaving for Neverland.

26 Q. And was it your understanding that Janet and

27 the family went to Miami on his plane?

28 A. That was my understanding. 5853

1 Q. Okay. To your knowledge, were Janet and the
2 children in contact with Chris Tucker on a regular
3 basis during this time period?

4 A. While they were in Miami, I have no idea.

5 Q. How about before Miami?

6 A. Prior to Miami, yes, they had a very good
7 friendship.

8 Q. Do you know when Janet last talked with
9 Chris Tucker?

10 A. I do not specifically.

11 Q. Okay. Now, I believe you said the British
12 reporters talked to you before the Bashir
13 documentary aired in the United States?

14 A. That is correct.

15 Q. To your knowledge, was that after the Bashir
16 documentary aired in England?

17 A. I think so.

18 Q. Okay. And how many discussions do you think
19 you had with them?

20 A. I cannot tell you that for sure. Depends on
21 if you're taking it from the beginning all the way
22 through the raid of Neverland. Three or four.

23 Q. Three or four discussions with these same
24 British reporters?

25 A. And then that's speculation. It may have
26 been five or six.

27 Q. Okay. Five or six discussions with the same

28 British reporter, right? 5854

1 A. One gentleman. David Gardner.

2 Q. Okay. And who does David Gardner work for,
3 if you know?

4 A. I think it's The Daily Mail or something. I
5 believe that's correct.

6 Q. Now, in these five or so discussions, have
7 you ever discussed Mr. Jackson?

8 A. I'm sure his name was brought up.

9 Q. Have you ever given them information about
10 Mr. Jackson?

11 A. No, I wouldn't have known information about
12 Mr. Jackson.

13 Q. Well, you could have gotten something from
14 Janet, couldn't you?

15 A. Other than that he was a nice guy.

16 Q. Well, are you saying you've had five
17 conversations with this fellow, but never gave them
18 any information and never talked about getting
19 money?

20 A. There was conversation about money.

21 Q. You went back and forth with him a little
22 bit on money, did you not?

23 A. That would be true.

24 Q. And never could reach an agreement, correct?

25 A. That is correct.

26 Q. When was the last time you talked to
27 Gardner?

28 A. Gardner called me right after the Neverland 5855

1 raid, and wanted to see if he could get an interview
2 with the family again. And I just said no. He
3 said, "Well, I have it" -- he said, you know, "I
4 haven't given your phone number to any other
5 organizations yet," as if he was implying that he
6 would if I didn't work with him.

7 Q. Who else have you been contacted -- excuse
8 me. What other media representative or alleged
9 media representative has contacted you about this
10 case?

11 A. Roger Friedman has called my office. People
12 Magazine has called my office. People Magazine
13 showed up at the gates of my job. There's been a
14 number of them.

15 Q. Have you talked to any representative of the
16 media besides Mr. Gardner?

17 A. No, sir.

18 Q. Now, you mentioned that Frank talked about a
19 contract, right?

20 A. That is correct.

21 Q. And you wanted to see the contract, correct?

22 A. Absolutely.

23 Q. To your knowledge, did Janet ever sign a
24 contract?

25 A. I have no idea.

26 Q. Did you ever talk to her about it?

27 A. I did not.

28 Q. To this day you've never asked Janet -- 5856

1 A. I did not, sir.

2 Q. Did you sign any agreement?

3 A. No, sir.

4 Q. You learned at some point she and the
5 children had filmed a rebuttal video, true?

6 A. That is correct.

7 Q. And when did you learn that?

8 A. I'm not sure.

9 Q. Do you have any idea at all?

10 A. I really don't. I'm unsure when I learned
11 that.

12 Q. You indicated in response to the
13 prosecutor's questions that the CPS interview --

14 A. Correct.

15 Q. -- the Child Protective Services interview
16 was the morning after Janet and the children filmed
17 footage for a rebuttal video, right?

18 A. That is correct.

19 Q. And you saw Janet that morning, correct?

20 A. I did.

21 Q. Would it be reasonable to say that when you
22 saw her that morning, you learned she and the kids
23 had filmed a rebuttal video?

24 A. I don't know that we -- I don't think we
25 talked about it. In fact, I'm pretty sure we did
26 not.

27 Q. Well, you told the prosecutor you knew what

28 time approximately they left the night before, 5857

1 right?

2 A. I knew what time Janet left, which was late
3 at night, yes, sir, I did.

4 Q. And you were with her when she left, true?

5 A. And you know what? Maybe I did know that
6 she was heading to do that, but I'm not really clear
7 right now.

8 Q. Okay.

9 A. I'm not trying to be evasive. I just -- I'm
10 not clear.

11 Q. Yet, when you think back to Janet leaving
12 that evening --

13 A. Right.

14 Q. -- you don't remember if she told you why
15 she was leaving at that time?

16 A. She may have. Like I say, I'm really
17 unclear.

18 Q. Okay. And then you saw her come back the
19 next morning?

20 A. That is correct.

21 Q. You must have asked her where she'd been,
22 true?

23 A. I don't think so.

24 Q. Did she spend the next evening at your home,
25 to your knowledge?

26 A. She did.

27 Q. Do you remember seeing her that evening?

28 A. I -- this is -- I worked very late that 5858

1 night. I was in Command and General Staff College
2 and I had a paper or something I had to do. I
3 stayed late at night. I got home fairly much -- I
4 believe I went to bed. The next morning I got up,
5 and I guess she left.

6 Q. Okay. But to this day you've never asked
7 her, "Did they have you sign a document before you
8 and the kids filmed the rebuttal video?"

9 A. No, sir.

10 Q. Now, you've had a number of discussions with
11 representatives of the Santa Barbara Sheriff's
12 Department, right?

13 A. Correct.

14 Q. And you've had a number of discussions with
15 representatives of the District Attorney's Office,
16 right?

17 A. Yes, sir.

18 Q. And you've met with Mr. Zonen, the
19 government prosecutor, on a number of occasions,
20 right?

21 A. That would be correct.

22 Q. And in those discussions, you have spoken
23 about your desire to see any contract before Janet
24 or the kids signed anything, right?

25 A. That is correct.

26 Q. Have you ever discussed your interviews with
27 any sheriff, representative of the sheriff's

28 department, any prosecutor or representative of the 5859

1 prosecutor's agency with Janet?

2 A. No, sir.

3 Q. You indicated that at some point, you were
4 present for an interview conducted by Brad Miller;
5 is that correct?

6 A. That is correct.

7 Q. And you indicated that -- actually, you
8 indicated a couple of times to the jury that it was
9 your understanding that Brad Miller worked for Mr.
10 Jackson --

11 A. That is correct.

12 Q. -- correct?

13 Did you ever learn in that interview that
14 Brad Miller worked for an attorney named Mark
15 Geragos?

16 A. No, sir.

17 MR. MESEREAU: Okay. At this point, Your
18 Honor, we'd like to play the tape of that interview,
19 which is in evidence.

20 THE COURT: All right.

21 MR. SANGER: It's Exhibit 5000.

22 MR. MESEREAU: Exhibit 5000.

23 THE BAILIFF: Are you playing it off of your
24 computer?

25 MR. SANGER: Playing it off the DVD, I
26 think.

27 THE BAILIFF: "Input 4," Your Honor.

28 THE COURT: Excuse me? 5860

1 THE BAILIFF: "Input 4."
2 THE COURT: Does it go through the PC?
3 THE BAILIFF: No, it's going through the
4 DVD.
5 Did you push the proper --
6 MR. SANGER: I certainly hope so. There's
7 no video, Your Honor.
8 MS. YU: It's an audio.
9 MR. SANGER: It's only audio, yes.
10 THE COURT: What's the length of the audio?
11 What's the length of the DVD?
12 MR. SANGER: I think it's about 20 minutes.
13 MR. ZONEN: It's about 20, 25 minutes
14 playing the entirety.
15 MR. SANGER: Yes. May we proceed?
16 THE COURT: Yes.
17 THE BAILIFF: "Input 1." We're going to
18 play it through the PC, Judge.
19 MR. SANGER: Just take a second while it
20 loads the program.
21 THE BAILIFF: Do you have it in the right
22 format for --
23 MR. SANGER: I hope so.
24 THE BAILIFF: Did you push the right -- is
25 it coming out of your computer?
26 MR. SANGER: Best-laid plans, Your Honor.
27 Okay. It's coming out of the computer, and

28 we got to make it come out of the sound system. 5861

1 I think this will work well enough, it's
2 pretty clear, if we just try it this way. Let's see
3 how this works.

4 (Whereupon, a portion of an audio CD,
5 Defendant's Exhibit 5000, was played for the Court
6 and jury.)

7 MR. SANGER: Your Honor, excuse me. Could
8 we stop for one second? The bailiff just told me
9 what we forgot to push over here, and I think we can
10 make it run through the machine -- I mean, through
11 the loudspeaker, I say boldly. We'll find out.

12 Which number do we turn this to?

13 THE BAILIFF: (Indicating).

14 MR. SANGER: "2"?

15 THE BAILIFF: You have it all hooked up to
16 "Laptop 2," right?

17 MR. SANGER: "Laptop 2."

18 THE BAILIFF: And the master audio switch is
19 in your computer?

20 MR. SANGER: The what?

21 THE BAILIFF: The master audio is in your
22 computer?

23 MR. SANGER: That's on "PC." That's on "2."
24 So we have it on "2," and that's not still
25 not working.

26 THE BAILIFF: You're not hooked up to the
27 master audio.

28 THE COURT: Why don't you just do it the way 5862

1 you were. We could hear it okay.

2 MR. SANGER: Okay.

3 All right. We'll try it again. I'm going

4 to resume, Your Honor.

5 (Whereupon, a portion of an audio CD,

6 Defendant's Exhibit No. 5000, was played to its

7 conclusion for the Court and jury.)

8 Q. BY MR. MESEREAU: Major Jackson, you heard

9 the date that Mr. Miller articulated as February

10 16th, 2003, correct?

11 A. That is correct.

12 Q. And do you note that at the beginning of the

13 interview and at the end of the interview, Mr.

14 Miller said he was a private investigator working

15 for Attorney Mark Geragos, correct?

16 A. I did.

17 Q. And you said Attorney Mark Geragos was an

18 attorney for Mr. Jackson, correct?

19 A. You're right.

20 Q. Does that refresh your recollection that Mr.

21 Miller told you he worked for Mr. Geragos at that

22 interview?

23 A. No, sir, it doesn't.

24 Q. You don't recall hearing that at all?

25 A. I don't. And it wouldn't have mattered to

26 me or meant anything to me if I had heard.

27 Q. I'm not asking you what it meant to you.

28 I'm just asking you -- 5863

1 MR. ZONEN: That is argumentative, and I'll
2 object.

3 THE COURT: Overruled. Next question.

4 Q. BY MR. MESEREAU: You sat there for the
5 entirety of that interview, did you not?

6 A. I was in the apartment, yes, I was.

7 Q. You sat there for the entirety of the
8 interview, right?

9 A. Incorrect.

10 Q. Do you remember testifying to a grand jury
11 in Santa Barbara County in this case?

12 A. I do.

13 Q. Do you remember being asked, "The interview
14 that Brad Miller did, was that an interview that you
15 were able to watch in its entirety? Were you
16 there?"

17 "A. Yes, sir, I was. I sat on the couch,
18 yes, sir."

19 Do you remember answering?

20 A. Yes, sir, I do.

21 Q. Are you now changing that?

22 A. It's not an issue of changing. I mean, I
23 was in the apartment, sir.

24 Q. Did you tell the Santa Barbara jury that you
25 listened to that interview in its entirety?

26 MR. ZONEN: Objection. Misstatement of
27 evidence. The statement was "watch."

28 THE COURT: Overruled. 5864

1 Q. BY MR. MESEREAU: Do you recall telling that
2 to the Santa Barbara Grand Jury?

3 MR. ZONEN: Which page, please?

4 MR. MESEREAU: 889.

5 THE WITNESS: Sir, you'd have to show me.

6 MR. MESEREAU: May I approach the witness,
7 Your Honor?

8 THE COURT: Yes.

9 THE WITNESS: Okay.

10 Q. BY MR. MESEREAU: Have you had a chance to
11 look at that page of transcript?

12 A. I have.

13 Q. Does it refresh your recollection about what
14 you told the Santa Barbara Grand Jury under oath on
15 that issue?

16 A. Correct. Sure.

17 Q. Did you tell them that you watched it in its
18 entirety?

19 A. I didn't see that. You have to show me
20 again.

21 Q. Pardon me? Oh. May I?

22 A. Yes, sir. I see where I said I sat on the
23 couch, yes, sir.

24 Q. Okay. Let me just go through this again.

25 Have you had a chance to read that question?

26 A. I have.

27 Q. Does it refresh your recollection about what

28 you told the Santa Barbara Grand Jury? 5865

1 A. Yes, sir.

2 Q. Did you tell the Santa Barbara Grand Jury in
3 response to the question, "The interview that Brad
4 Miller did, was that an interview that you were able
5 to watch in its entirety? Were you there?"

6 "A. Yes, sir, I was. I sat on the couch,
7 yes, sir."

8 A. Yes, sir, but I was not sitting on the couch
9 the entire time. It was a play on words. I said
10 it, but you know what? I wasn't sitting there the
11 entire time. I was throughout the apartment. I sat
12 at my desk in the bedroom on many occasions.

13 Q. So what you told the grand jury is
14 incorrect?

15 A. It was not that I was trying to lie.

16 Q. I didn't ask you that. Is what you told the
17 Santa Barbara Grand Jury under oath incorrect?

18 A. It would be incorrect.

19 Q. Okay. Now, you were also asked by the
20 prosecutor if you saw any prompting by Mr. Miller
21 regarding what to say or what answers to give. Do
22 you remember that?

23 A. Yes, sir.

24 Q. You said you didn't know of any prompting.
25 You didn't know of any effort to tell Janet or the
26 kids what answers to give, correct?

27 A. I agree, yes.

28 Q. Now, you're aware that the rebuttal video 5866

1 was filmed February 20th?

2 A. I don't remember the specific date.

3 Q. Okay. But you do remember the Miller

4 interview being on the 16th, correct?

5 A. Because you told me, yes, sir.

6 Q. And I believe you said that Janet -- well,

7 actually, let me rephrase that.

8 Obviously, Janet and the children are at

9 your apartment for that interview, right?

10 A. That is correct.

11 Q. Were they there the night before?

12 A. Yes, sir, they were. I believe they were.

13 Q. Were they there on the evening of the 16th,

14 to your knowledge?

15 A. The night that they did the interview?

16 Q. Yes.

17 A. Yes, sir, they were.

18 Q. Do you know if they were there at your place

19 the next day?

20 A. Seems to me they left the next day.

21 Q. And do you know where they went?

22 A. I believe they went back to Neverland.

23 Q. Okay. Now, did you know on the 20th that

24 there was going to be an interview with Child

25 Protective Services at your apartment?

26 A. I believe I did.

27 Q. And how did you learn that?

28 A. I'm not sure how I figured that out, other 5867

1 than maybe hearing Janet saying it on the telephone
2 to Frank.

3 Q. Well, Janet returns home that morning and
4 sees you, correct?

5 A. That's correct.

6 Q. You're on the way out to work, right?

7 A. Right.

8 Q. Do you recall her telling you, "We're going
9 to be interviewed by Child Protective Services"?

10 A. No, I don't.

11 Q. Do you know why the interview with Child
12 Protective Services was at your apartment?

13 A. No, I don't.

14 Q. At the time of the interview with Child
15 Protective Services, were Janet and the children
16 living with you?

17 A. They were living with me, between there and
18 Soto.

19 Q. Okay. And approximately how much of the
20 time were they living with you?

21 A. Three, four days. It could have been as
22 many as five days.

23 Q. Okay. And the rest of the days would be
24 either at Soto or --

25 A. Or their grandmother's house.

26 Q. Okay. Or they could be at Neverland,
27 correct?

28 A. Well, no, they actually didn't go to 5868

1 Neverland, other than during this period right here,
2 that I'm aware of.

3 Q. Okay. Okay. Now, you said words to the
4 effect that the kids were hardly in school at one
5 point, right?

6 A. During the period that they were at
7 Neverland.

8 Q. Okay. Were they in school during the period
9 they were spending part of their time at your place?

10 A. Yes, sir.

11 Q. All right. Were they in school on February
12 16th, 2003?

13 A. I don't believe so, sir.

14 Q. They were living at your place at least the
15 night of the 15th and the 16th, correct?

16 A. I would say so.

17 Q. But they weren't going to school, correct?

18 A. That would be correct.

19 Q. To your knowledge, were they going to school
20 earlier that month?

21 A. Prior to leaving for Miami, they were going
22 to school.

23 Q. Okay. So at some point they're going back
24 and forth to Neverland, right?

25 A. They came back once or twice.

26 Q. They were living at your place when they
27 come back, correct?

28 A. Okay. Right. 5869

1 Q. Sometimes they're living at their
2 grandparents' place, right?

3 A. I don't think you're saying this properly.

4 Q. Okay. Tell me -- correct me, if you will.

5 A. They left for Neverland -- they left for
6 Miami.

7 Q. Yes.

8 A. Basically they came back one time. And then
9 when -- in March something, the whole family came
10 back. So during that period of time, Mr. Jackson --
11 according to what Frank was saying and what Janet
12 was saying is they were going to have a tutor.
13 There would not be a reason for me to put them back
14 into school for one day when in fact they may be --
15 it looks like they were leaving to go back to
16 Neverland.

17 Q. Okay. So on the 16th and the 15th when they
18 were staying at your place, you assumed they were
19 being tutored?

20 A. I believe that they were.

21 Q. Did you ask Janet --

22 A. Or that they were going to be, yes.

23 Q. Did you ask Janet if they were being
24 tutored?

25 A. I don't think I did ask Janet.

26 Q. At some point they were back at your place
27 within a few days, because the rebuttal video was on

28 the 20th, right? 5870

1 A. The rebuttal video, and then they showed up
2 that night -- or, excuse me, the next morning, and
3 then they were gone by the time I got home from work
4 that night.

5 Q. Okay. And are you asking Janet at this
6 point in time, "Janet, are the kids being tutored?"

7 A. No, I was not.

8 Q. Did you ever ask Frank to pay for tutoring?

9 A. No.

10 Q. And you never spoke to Mr. Jackson, so you
11 never asked him, right?

12 A. That would be correct.

13 Q. Okay. And you had already been to
14 Neverland, so you knew there was an amusement park
15 and a zoo and a lot of things that appealed to kids,
16 right?

17 A. Sure.

18 Q. And you must have assumed that when the kids
19 went to Neverland, they were having a fun time,
20 right? Given the amusement park and the way
21 Neverland's portrayed, right?

22 A. That would be an assumption.

23 Q. Okay. But you personally never tried to
24 find out if they were being tutored at all at
25 Neverland, true?

26 A. That would be true.

27 Q. Now, you mentioned at some point there was

28 an effort to get Gavin out of his local school 5871

1 because he was being pressured to join a gang, true?

2 A. Correct. Janet dealt with that.

3 Q. And when was that change of -- excuse me.

4 When did that change of schools occur?

5 A. Probably around the time that I moved into

6 the St. Andrews apartment.

7 Q. And when was that?

8 A. In November of '02. Let's see. Yeah.

9 Q. So in November of '02, Gavin's pulled out of

10 a school because he is in some way being pressured

11 to join gangs, correct?

12 A. Both boys.

13 Q. Both boys in November of 2002 are taken out

14 of their school because of gang influence, right?

15 A. Actually, that would be -- let me see, I got

16 to get my timeline, because I met Janet in '02. It

17 would have been November -- November of '02. I

18 guess that's correct.

19 Q. Okay. That's November of '02 --

20 A. Yeah, that would have been correct.

21 Q. -- before the trip to Miami in '03, right?

22 A. That's correct.

23 Q. And when do you remember the trip to Miami

24 being?

25 A. February of '03.

26 Q. Okay. And approximately when did you tell

27 the jury you suddenly noticed that Gavin was not

28 acting like a nice kid? 5872

1 A. When I -- when he showed up at the beauty
2 parlor or what they call the nail salon.

3 Q. Okay. And that's approximately when?

4 A. Sometime in early March.

5 Q. Where was the beauty parlor or nail salon?

6 A. On Wilshire Boulevard.

7 Q. Is that near where you work?

8 A. Within about five minutes.

9 Q. You work at Wilshire and Federal, correct?

10 A. I did, yes, sir.

11 Q. Federal is the cross street to Wilshire,

12 true?

13 A. That is correct.

14 Q. And there is a federal building at Wilshire

15 and Federal, correct?

16 A. That's incorrect.

17 Q. Is there a federal building nearby?

18 A. No, sir. There's one nearby.

19 Q. Where is it?

20 A. The next couple blocks down.

21 Q. It's a large federal building, true?

22 A. That is correct.

23 Q. And it's a building that has the FBI office

24 in it, true?

25 A. A federal building. FBI sounds good.

26 Q. Ever been in that building?

27 A. No, I haven't.

28 Q. Okay. But it's two blocks from where you 5873

1 work?

2 A. Yes, sir.

3 Q. Okay.

4 A. Past the V.A.

5 Q. And Wilshire and Federal is not far from the

6 405 freeway, correct?

7 A. That would be true.

8 Q. How long -- do you still work there?

9 A. I don't work in that location, no, sir.

10 Q. How long did you work in that location?

11 A. Three years.

12 Q. And what were the years we're talking about?

13 A. October of '01 through August of '04.

14 Q. Okay. So during the entire period that you

15 testified about this morning, you're working at that

16 location, right?

17 A. That's correct.

18 Q. And did you work there five days a week?

19 A. No, probably about 17 days straight without

20 a day off.

21 Q. Okay. And where was the salon again? A few

22 blocks away from where you worked?

23 A. Probably about five or six blocks down

24 Wilshire Boulevard.

25 Q. And where on Wilshire, if you remember?

26 A. By the McDonald's. I'm not sure. There was

27 an Italian restaurant right there. I don't have a

28 street crossing. 5874

1 Q. So would it be accurate to say that the
2 salon is a couple of blocks from your military base,
3 right?

4 A. Five or six blocks.

5 Q. And it's a few blocks away from the federal
6 building, right?

7 A. That would be correct.

8 Q. Which you agree houses the FBI and other
9 federal agents, correct?

10 A. About three miles away, four miles away.

11 Q. All right. To your knowledge, how long was
12 Janet in the beauty salon on that particular
13 occasion?

14 A. I'm really not sure. I would speculate an
15 hour or two hours.

16 Q. And you went and visited the salon yourself,
17 true?

18 A. I did.

19 Q. Did you drive there?

20 A. I did.

21 Q. Parked your car, right?

22 A. I did.

23 Q. Walked into the salon, correct?

24 A. That is correct.

25 Q. And saw Janet when you walked in?

26 A. Janet was sitting there, right.

27 Q. Was Janet getting a treatment of sorts?

28 A. Nothing that I saw at that point. 5875

1 Q. Do you know if she already had some
2 attention there?

3 A. You know what? I really don't know. I
4 really don't know. I assume she did based on the
5 fact that she was there, but I don't know.

6 Q. You spoke to Janet, right?

7 A. Yes, I did.

8 Q. You then saw Gavin and Vinnie come in,
9 right?

10 A. Correct.

11 Q. You spoke to Gavin, right?

12 A. I spoke to -- yeah, I spoke to Gavin.

13 Q. To your knowledge, was that salon in the
14 Brentwood area of Los Angeles?

15 A. I believe that's what they call the
16 Brentwood area.

17 Q. Was this near a cross street called
18 Barrington?

19 A. I would think that Barrington is close, yes.

20 Q. Okay. Now, that's a very -- Barrington and
21 Wilshire is a very commercial-type area, isn't it?
22 You have store after store after store?

23 A. Yes, sir, that's correct.

24 Q. And Wilshire, for anyone who doesn't know,
25 is a main thoroughfare through Los Angeles, true?

26 A. That is correct.

27 Q. And if you keep going west for a few miles,

28 you end up in Santa Monica, right? 5876

1 A. That would be correct.

2 Q. And that's Santa Monica at the ocean, right?

3 A. That's correct.

4 Q. Okay. And do you think Janet was at the

5 salon for a couple hours?

6 A. You know what? That's speculation. I

7 really don't know how long she was there. She

8 called me from the salon.

9 Q. And how long were you at the salon?

10 A. Probably 25 minutes at the most.

11 Q. And then did you go back to work?

12 A. No. I went home.

13 Q. Where did you go?

14 A. I went back home.

15 Q. Okay. Anyone go back home with you?

16 A. Janet.

17 Q. Okay. Do you know approximately when that

18 was?

19 A. Six o'clock in the evening. I'm guessing.

20 Q. And did Janet spend the evening at your

21 apartment?

22 A. She did.

23 Q. What did she do the next day, to your

24 knowledge?

25 A. The next day I believe she had a Family

26 Court appearance.

27 Q. Okay. And did you go to Family Court with

28 her? 5877

1 A. No, sir, I went to work.

2 Q. Do you know if anybody went to Family Court
3 with her that day?

4 A. I understand Vinnie did, but I don't know
5 that to be a fact.

6 Q. Now, Family Court, to your knowledge, was in
7 downtown Los Angeles, correct?

8 A. I believe so.

9 Q. And it goes without saying that in Family
10 Court, you have bailiffs and police and state
11 employees, true?

12 A. Sir -- yes, sir.

13 Q. Do you know how long Janet was in Family
14 Court that day?

15 A. Sir, I don't.

16 Q. Okay. Did she talk to you that day?

17 BAILIFF CORTEZ: Sir, I'm sorry, I need you
18 to speak into the microphone.

19 THE WITNESS: Okay.

20 Yes, sir, she got home before I did, I
21 believe.

22 Q. BY MR. MESEREAU: Did she stay at your home
23 that evening, to your knowledge?

24 A. She did, yes, sir.

25 Q. And you saw her that evening?

26 A. I did.

27 Q. Approximately what time did you see her

28 after she returned from Family Court? 5878

1 A. Yes, I got home a little early because we
2 called the Department of Child & Family Services.

3 Q. Okay. All right. And the next day, was
4 Janet with you?

5 A. I was at work.

6 Q. Where was Janet the next day, to your
7 knowledge?

8 A. I'm not sure where she was. I assume she
9 was at home.

10 Q. Okay. Do you recall Janet ever going back
11 to Neverland after that day?

12 A. No, sir, I don't.

13 Q. Okay. Do you know if she did?

14 A. No, sir, I don't think she did.

15 Q. Okay. Do you know if the children ever left
16 Neverland after that date?

17 A. After the day that they were brought to
18 their grandmother's house?

19 Q. Yes.

20 A. No, they did not.

21 Q. Okay. Were they brought to their
22 grandmother's house before or after you saw Janet at
23 the salon, if you know?

24 A. No, it was after.

25 Q. Okay. So, you meet Janet at the salon. She
26 goes home with you, right?

27 A. Correct.

28 Q. The next day she goes to court in downtown 5879

1 Los Angeles, correct?

2 A. That is correct.

3 Q. She comes back that night and is with you?

4 A. Right.

5 Q. And approximately when do you think the
6 children are returned to the grandparents?

7 A. I believe the next day.

8 Q. Do you know how they got to the
9 grandparents?

10 A. I don't know. Somebody from Jackson's
11 entourage gave them a ride, I believe.

12 Q. Okay. Is that something you just heard from
13 somewhere?

14 A. I believe so. I didn't see it.

15 Q. Okay. All right. And to your knowledge,
16 there never was any trip to Brazil, right?

17 A. To my knowledge, no, but there was a claim
18 that they were going to be taken to Brazil.

19 Q. I understand your point, but nobody ever
20 went to Brazil, true?

21 A. That would be true.

22 Q. All right. How many times do you think you
23 talked to Frank Tyson?

24 A. I spoke to Frank Tyson two times.

25 Q. And where did you speak -- excuse me. Where
26 were you when you spoke to Frank Tyson?

27 A. In my apartment.

28 Q. Okay. And Frank would call your apartment? 5880

1 A. Continuously.

2 Q. Okay. Did you know where Frank was when he
3 called your apartment continuously?

4 A. No, sir, I didn't.

5 Q. Okay. Did he -- did you speak to Frank in
6 person or on the phone when you were talking about
7 the family not getting anything financial out of the
8 rebuttal video?

9 A. Right, I've never met Frank, so it was on
10 the telephone.

11 Q. Do you know approximately when that
12 discussion took place?

13 A. After Janet returned by herself from
14 Neverland.

15 Q. And if you know, approximately when is that?

16 A. Mid February. Probably within a week after
17 she left.

18 Q. So was this discussion before or after you
19 meet her at the salon in Brentwood?

20 A. With Frank?

21 Q. Yes.

22 A. Prior to.

23 Q. Prior to?

24 A. Yes, sir.

25 Q. Okay. All right. And you indicated that
26 Frank asked you if you were trying to blackmail
27 them, correct?

28 A. That is correct. 5881

1 Q. Okay. And you certainly said, "We're not,"
2 right?

3 A. That's correct.

4 Q. You just thought the family should be
5 properly compensated, right?

6 A. That would be correct.

7 Q. Okay. Did you ever threaten that the family
8 won't be available to be filmed unless they're paid
9 properly?

10 A. No, sir, I didn't.

11 Q. All right. How did you determine that
12 somebody was going to make five million dollars on
13 that rebuttal video?

14 A. I believe it was on television. They were
15 talking about it, that the family was going to be on
16 there and that Jackson was making so many millions
17 of dollars. I'm not sure of the specific dollar
18 amount. It was a large sum of money.

19 Q. You did tell one of the sheriffs that you
20 had learned about that on the Internet at one time,
21 correct?

22 A. That may have been. That may have been the
23 way I heard it. I'm not sure.

24 Q. Would it refresh your recollection just to
25 show you a transcript of your police interview?

26 A. Please.

27 MR. MESEREAU: May I approach, Your Honor?

28 THE COURT: Yes. 5882

1 THE WITNESS: Yeah. Correct.

2 Q. BY MR. MESEREAU: Have you had a chance to
3 look at that page of transcript?

4 A. Yes, sir, I have.

5 Q. Does it refresh your recollection about
6 where you said you learned that somebody was going
7 to make millions of dollars on that documentary?

8 A. Correct.

9 Q. You said the Internet, correct?

10 A. I did.

11 Q. Now, were you following issues related to
12 Mr. Jackson and the Bashir documentary on the
13 Internet?

14 A. Not that I'm aware of. I did later, but I
15 don't think I did at the time. I may have just seen
16 it on one of the Internet sites, CNN or MS-NBC.

17 Q. Okay. And in that interview with Paul
18 Zelis, you said that Frank said, "We're planning on
19 giving them a house. We're planning on giving the
20 boys a college education," right?

21 A. Correct.

22 Q. And you told Mr. Zelis you were concerned
23 that these things were not going to be in any kind
24 of a contract, right?

25 A. That is correct.

26 Q. And you asked Frank to include this stuff in
27 a contract, right?

28 A. I don't know that -- no, I didn't ask him to 5883

1 put it in a contract. I said I would like to see
2 the contract.

3 Then it went from protection, to tutor, to
4 house, to all of these things that I wasn't asking
5 him about.

6 Q. Well, you were asking him about a contract
7 because you wanted the family to be properly
8 compensated in a contract, correct?

9 A. I asked him if I could see the contract. I
10 asked him if he could e-mail it to me.

11 Q. And he didn't respond?

12 A. He never did. He didn't respond.

13 Q. All right. Did you discuss with Janet at
14 any time, "We want to see if we're going to be
15 properly compensated in a contract"?

16 A. I did not.

17 Q. Never even discussed the subject with her?

18 A. No, sir, I didn't.

19 Q. Did you ever discuss that subject with any
20 of the children at any time?

21 A. No, sir.

22 Q. Did you ever tell Janet or the children,
23 "Don't let them film you. We haven't had an
24 appropriate contract signed"?

25 A. Oh, no, sir. The phone was passed to Janet.

26 She ended up talking to them on the phone, him on
27 the telephone, and they ended up going and doing it.

28 There was no contract that I'm aware of -- 5884

1 Q. Okay.

2 A. -- at all.

3 Q. While you were talking to Frank about proper
4 family compensation in a contract, were you also
5 talking to these reporters for the British tabloids?

6 A. No, sir.

7 Q. Did it ever cross your mind that if you or
8 Janet entered into some deal with a tabloid, it
9 might destroy your ability to get compensated in the
10 rebuttal video?

11 A. No, sir, that was never an issue.

12 Q. Do you know if Janet ever spoke to Mr.
13 Jackson about all of these media sources contacting
14 her to make a deal?

15 A. I don't know.

16 Q. All right. You heard her voice on the Brad
17 Miller interview tape --

18 A. Correct.

19 Q. -- a few minutes ago. You heard her saying
20 that she was essentially under siege by media
21 people, correct?

22 A. Her mother was, actually.

23 Q. Well, she said she was and her parents were,
24 correct?

25 A. Okay.

26 Q. She talked about Celebrity Justice and Extra
27 and other shows, true?

28 A. They may have been showing up. 5885

1 Q. Okay.

2 A. I just heard them calling.

3 Q. To your knowledge, did she attempt to

4 discuss any of this with Mr. Jackson?

5 A. I don't know what she talked to with Mr.

6 Jackson.

7 Q. Now, she says on that tape that she and the

8 family are being besieged by media, right?

9 A. Okay.

10 Q. And that is February 16th, 2003, correct?

11 A. Okay.

12 Q. And within certainly the next couple of

13 days, you're in a discussion with Frank about proper

14 compensation and a contract, true?

15 A. Okay.

16 Q. That doesn't happen, to your knowledge,

17 right?

18 A. That is correct.

19 Q. They're filmed on the 20th, right?

20 A. Okay.

21 Q. The next day they're at your home to be

22 interviewed by Child Protective Services, right?

23 A. Correct.

24 Q. And to your knowledge, in the middle of all

25 this turmoil, there now is a claim that molestation

26 began sometime on the 20th. Is that your knowledge?

27 MR. ZONEN: Objection. Speculative. Lack

28 of foundation. No personal knowledge. 5886

1 THE COURT: Foundation; sustained.

2 Q. BY MR. MESEREAU: Have you discussed this
3 case with Janet at all?

4 A. No, sir.

5 Q. How long have you lived with Janet?

6 A. Since -- for sure, since March of '03.

7 Q. Have you discussed this case with Gavin at
8 all?

9 A. No, sir.

10 Q. Have you discussed this case with Davellin
11 at all?

12 A. No, sir.

13 Q. And have you discussed this case with Star
14 at all?

15 A. No, sir.

16 Q. Have you ever seen the rebuttal videotape
17 that appeared on television?

18 A. That appeared? What do you mean?

19 Q. The one that was on television. You saw
20 that, didn't you?

21 A. The Take 2?

22 Q. Yes.

23 A. I did see it, but I really don't remember a
24 whole lot of it.

25 Q. Was that a Maury Povich --

26 A. That's right. That was the Maury Povich
27 one.

28 Q. To your knowledge, has Janet ever seen the 5887

1 Bashir documentary?

2 A. No, not to my knowledge.

3 Q. To your knowledge, has Janet ever seen the

4 Maury Povich rebuttal?

5 A. Not to my knowledge.

6 Q. Okay. Have you ever discussed with Janet

7 why she and the children don't appear in the

8 rebuttal T.V. show with Mr. Povich?

9 A. No, sir.

10 Q. Never even broached the subject with her?

11 A. No, sir. No, sir.

12 Q. How long have the children lived with you?

13 A. Same period.

14 Q. Same period you just gave for Janet?

15 A. That's correct.

16 Q. Okay. Now, at some point you moved to West

17 Los Angeles, right?

18 A. That would be correct.

19 Q. And when was that?

20 A. In November of '03.

21 Q. And how long did you live there?

22 A. Till about July of '04.

23 Q. And just to -- excuse me. Let me rephrase

24 that question.

25 Do you know how long Janet kept an address

26 on Soto Street in East Los Angeles?

27 A. I believe that she did away with the address

28 once the people took her stuff away from her 5888

1 apartment.

2 Q. I'm asking you how long she lived --

3 A. That would have been in March of '03, yeah.

4 Q. March? Okay. Have you ever been present in

5 any meeting that Janet has ever had with an

6 attorney?

7 A. Yes, sir.

8 Q. And --

9 A. Yes, sir.

10 Q. And how many meetings where Janet met with a

11 lawyer have you been present at?

12 A. The only one that I can remember is the one

13 with Bill Dickerman.

14 Q. And do you know when that was?

15 A. Sometime in April. '03.

16 Q. Is that April of '03?

17 A. It was either -- yeah, it was late March or

18 April of '03, I believe.

19 Q. Where did that meeting take place, if you

20 know?

21 A. At his office.

22 Q. Okay. Did you drive Janet to the office?

23 A. I believe I did.

24 Q. Was someone named Jamie Masada present?

25 A. No, sir.

26 Q. Do you know who Jamie Masada is?

27 A. I know who Jamie is, yes.

28 Q. Do you know him personally? 5889

1 A. Yes, I do.

2 Q. When did you last talk to him?

3 A. It's been quite a while. I really don't

4 have a specific date.

5 Q. How many times have you met with him?

6 A. I have met Jamie and have had a couple of

7 social occasions at my house. Maybe four or five

8 total.

9 Q. Okay. Is that the house in West Los

10 Angeles?

11 A. That would be the house in West Los Angeles.

12 Q. So that would be between November of 2003

13 and July of 2004?

14 A. It would have been from the time that I met

15 Janet in July of '02 through present day.

16 Q. Okay.

17 THE COURT: Counsel?

18 Q. BY MR. MESEREAU: So the last time you saw --

19 THE COURT: Counsel? Are you ready to quit?

20 MR. MESEREAU: Okay. Yes, Your Honor.

21 THE COURT: All right.

22 Tomorrow morning at 8:30. Remember the

23 admonitions I gave you.

24 (The proceedings adjourned at 11:30 a.m.)

25 --o0o--

26

27

1 REPORTER'S CERTIFICATE

2

3

4 THE PEOPLE OF THE STATE)

5 OF CALIFORNIA,)

6 Plaintiff,)

7 -vs-) No. 1133603

8 MICHAEL JOE JACKSON,)

9 Defendant.)

10

11

12 I, MICHELE MATTSON McNEIL, RPR, CRR,

13 CSR #3304, Official Court Reporter, do hereby

14 certify:

15 That the foregoing pages 5845 through 5890

16 contain a true and correct transcript of the

17 proceedings had in the within and above-entitled

18 matter as by me taken down in shorthand writing at

19 said proceedings on April 12, 2005, and thereafter

20 reduced to typewriting by computer-aided

21 transcription under my direction.

22 DATED: Santa Maria, California,

23 April 12, 2005.

24

25

26

27 MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

