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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

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19 WEDNESDAY, MAY 4, 2005

20

21 8:30 A.M.

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23 (PAGES 8700 THROUGH 8766)

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

28 BY: Official Court Reporter 8700

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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.

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9 PLAINTIFF'S WITNESSES DIRECT CROSS REDIRECT RECROSS

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11 PROVENCIO, Rudy R. 8706-Z (Contd.)

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2 FOR IN PLAINTIFF'S NO. DESCRIPTION I.D. EVID.

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1 Santa Maria, California

2 Wednesday, May 4, 2005

3 8:30 a.m.

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

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9 THE COURT: Good morning, everyone.

10 The Court has received the memorandum
11 concerning the admissibility of statements involving
12 this witness, and this morning received the
13 opposition filed by the defense. Without further
14 argument, I'm going to make these rulings.
15 The statement -- looking at page three of
16 the prosecution's memo and page one of the defense
17 memo -- actually, I think it's a little clearer,
18 easier to refer to, on the defense memo.

19 So number one statement, Vinnie Amen told
20 him that signs had been posted at Neverland Ranch
21 directing security personnel not to allow the Arvizo
22 children to leave the ranch. I'm not going to allow
23 him to repeat that hearsay.

24 Number two, Vinnie Amen and Marc Schaffel
25 used the word "killers." I am going to allow that.

26 Number three, Mr. Amen informed Mr.

27 Provencio that a tape-recorder had secretly been

28 used. I'm not going to allow that. 8704

1 That Mr. Schaffel informed Provencio that
2 Janet Arvizo didn't want to go to Brazil, wanted to
3 leave Neverland, did leave Neverland and that it was
4 an escape. I'm breaking that into two parts and I'm
5 not allowing the first part, but I will allow him to
6 say that Mr. Schaffel informed Mr. Provencio that
7 they, the Arvizo family, had escaped.

8 So with those rulings, I think we can go
9 forward.

10 MR. ZONEN: Any discussion about Brazil at
11 all?

12 THE COURT: Excuse me?

13 MR. ZONEN: Any discussion about his
14 knowledge for Brazil, the family going to Brazil?
15 All of that is out?

16 THE COURT: What I'm ruling on is that
17 hearsay statements made to him by Mr. Schaffel that
18 she didn't want to go to Brazil is not admissible.

19 MR. ZONEN: But that the family had escaped
20 is admissible.

21 THE COURT: Yes.

22 MR. ZONEN: Can I have a moment with the
23 witness to make sure he understands the extent of
24 the rulings before we begin?

25 THE COURT: Absolutely. I'm going to leave.

26 And when you're ready, tell the bailiff and we'll
27 have the jury brought in.

28 MR. ZONEN: Thank you so much. 8705

1 MR. SANGER: We have another motion that we
2 filed.

3 THE COURT: I'm looking up some law on that
4 motion. I received it this morning.

5 MR. SANGER: Thank you, Your Honor.

6 (Recess taken.)

7 THE COURT: Good morning.

8 COUNSEL AT COUNSEL TABLE: (In unison)

9 Good morning, Your Honor.

10 THE COURT: You may proceed.

11 MR. ZONEN: Thank you, Your Honor.

12

13 RUDY R. PROVENCIO

14 Having been previously sworn, resumed the
15 stand and testified further as follows:

16

17 DIRECT EXAMINATION (Continued)

18 BY MR. ZONEN:

19 Q. Mr. Provencio, good morning.

20 A. Good morning.

21 Q. Did you remember the name of the bank that
22 Neverland Valley Entertainment used during the
23 course of the time that you were employed there?

24 A. Yes, the U.S. Bank.

25 Q. Beverly was, in fact, the person that you
26 dealt with when you worked in conjunction with that
27 bank?

28 A. Yes. 8706

1 Q. I had asked you a few questions about your
2 work in lining up artists for the presentation of
3 the "What More Can I Give?" Were artists that were
4 going to be performing on that song going to be
5 compensated or paid for their performance?

6 MR. MESEREAU: Objection; foundation.

7 MR. ZONEN: This is what he was doing.

8 THE COURT: The objection is overruled.

9 Q. BY MR. ZONEN: You can answer.

10 A. No, they were not going to be compensated.

11 It was going to be for the next "We are the World"
12 charity single, which was going to be "What More Can
13 I Give?"

14 Q. Did you need Mr. Jackson's assistance in
15 being able to get those artists to perform?

16 A. Well, yeah. He was on conference calls, and
17 calling the artists, and -- like he -- like we were
18 in a car and he talked to Britney Spears, with us,
19 on the phone. Stuff like that.

20 Q. All right. Mr. Provencio, you mentioned
21 yesterday, you made a reference to two voices in
22 your discussion about Mr. Jackson. What do you
23 mean?

24 A. Well, there's the --

25 MR. MESEREAU: Objection; vague.

26 THE COURT: Overruled.

27 You may answer.

28 Q. BY MR. ZONEN: Go ahead. 8707

1 A. There's the -- you know, there's the voice
2 you hear on television and stuff, and then there's
3 the upset voice, I guess you could call it. You
4 know, the voice --

5 Q. How are they different?

6 A. Well, one is deeper.

7 MR. MESEREAU: Objection. Relevance;
8 foundation.

9 THE COURT: Overruled.

10 Q. BY MR. ZONEN: Go ahead.

11 A. One is a deeper voice.

12 Q. And you have heard both of those voices?

13 A. Oh, yeah.

14 Q. Are they uniquely distinct?

15 A. I think so, yes.

16 Q. Did you ever talk with Mr. Jackson about his
17 use of cell phones?

18 A. I just saw him use people's cell phones.

19 Q. Did you ever see him use his own cell phone?

20 A. I don't think he owned one.

21 Q. Did you ever have -- did you ever have the
22 ability to contact him by cell phone?

23 A. If we needed to get him, like if we were in
24 the office and needed to get ahold of him?

25 Q. Yes.

26 A. We would call the bodyguard or we would call
27 someone that we knew was close to him at that time,

28 because he would travel or he would be someplace, 8708

1 and so we'd have to get ahold of somebody to get
2 ahold of him. So he didn't have his own cell phone
3 direct.

4 Q. And that was your understanding during the
5 entirety of the time that you --

6 A. Oh, yeah. Oh, yeah. You couldn't get ahold
7 of him directly. You can't get ahold of Michael
8 Jackson directly. Like, you know, "brrring." "Oh,
9 hi." You know, it was -- you know, it was -- you
10 know, you had to go to the bodyguard or you had to
11 go through somebody, and then -- you know, that was
12 always my experience.

13 Q. Did he ever make a comment to you about
14 being like fog?

15 MR. MESEREAU: Objection; leading.

16 THE COURT: Sustained.

17 Q. BY MR. ZONEN: Did he ever talk to you about
18 how he liked to travel or move around?

19 MR. MESEREAU: Objection; leading.

20 THE WITNESS: Well --

21 THE COURT: Overruled.

22 You may answer.

23 THE WITNESS: We were at The Beverly Hills
24 Hotel, and I had made a comment that I liked -- I
25 was talking about anonymity --

26 MR. MESEREAU: Objection. Nonresponsive;

27 move to strike.

28 MR. ZONEN: I believe it is responsive. 8709

1 THE COURT: All right. Overruled.

2 Q. BY MR. ZONEN: Go ahead.

3 A. I was speaking about anonymity, and I
4 remember because I was drinking my Smart Water. And
5 I was talking about anonymity and being in New York
6 and how I loved the fact that I could be anyplace I
7 want, and nobody knows me and I like that feeling,
8 compared to someone like him, where he can't go
9 anywhere unless he's dressed up or disguised.
10 And then he had made a comment that he could
11 go places and be like no place, which was like being
12 like fog. It was like a strange reference. But
13 that he would have to be in costume. Like when he
14 was at Universal, he said that he dressed like a
15 clown and walked around in disguise so people -- so
16 he wouldn't be mobbed essentially.

17 Q. Did he explain the term "fog" to you?

18 A. Well, that's what he said. I don't -- you
19 know, I just thought it was strange.

20 Q. Now, you mentioned that the charities had
21 not been decided as to which charities that were
22 going to be the beneficiaries of this song "What
23 More Can I Give?" At some point in time was it
24 resolved who the beneficiary would be?

25 MR. MESEREAU: Objection; relevance.

26 THE COURT: Sustained.

27 Q. BY MR. ZONEN: Over the time that you had

28 the opportunity to listen to conversations between 8710

1 Mr. Schaffel and Mr. Jackson, did you ever hear any
2 use of diminutives or nicknames by either of them
3 for the other?

4 A. Just that Marc called him "Arnold." But
5 they were good friends. I mean, they were buddies.

6 Q. All right. And where did "Arnold" come
7 from?

8 A. Gosh, I don't know. I don't know. I mean,
9 "Arnold" was like, you know, "Ar-nold," and then
10 Michael would laugh. I just thought it was kind of
11 like an endearment term.

12 MR. MESEREAU: Objection; move to strike.

13 THE COURT: Stricken.

14 Q. BY MR. ZONEN: Did you hear that often?

15 A. Yeah. When they were around each other,
16 uh-huh. We were in the studio, we would go and have
17 meetings with Michael to talk about the benefit
18 single.

19 Q. What -- you mentioned the term "french
20 fries." What was that?

21 A. Money.

22 Q. Excuse me?

23 A. Money.

24 Q. And what does that mean?

25 A. Typically Michael wanted money. So, "I need
26 french fries," or -- you know, "french fries" was
27 about money.

28 Q. Did that term come up in conversations 8711

1 frequently?

2 A. Well, yeah.

3 Q. Did you learn over time what it was in

4 reference to?

5 A. That Michael needed money.

6 Q. Did either Mr. Jackson or Mr. Schaffel tell

7 you that, that that was what that term meant?

8 A. Well, Michael was always asking for money,

9 or --

10 MR. MESEREAU: Objection.

11 THE WITNESS: You know, everybody has to

12 make money.

13 MR. MESEREAU: Objection; move to strike.

14 THE COURT: Stricken.

15 Q. BY MR. ZONEN: In the conversations that you

16 overheard between Mr. Schaffel and Mr. Jackson, were

17 there discussions about money passing from one to

18 the other?

19 A. Yeah.

20 Q. Frequently?

21 A. Well, yeah. We were -- you know, you had to

22 make money to -- you know, the single had to take

23 off, and there were other things Michael wanted to

24 do, and he needed his cash, like after the RMAs

25 and --

26 MR. MESEREAU: Objection. Nonresponsive;

27 move to strike.

28 THE COURT: I'll strike the last phrase. 8712

1 Q. BY MR. ZONEN: Did you ever specifically
2 hear Michael Jackson -- ever hear Michael Jackson
3 specifically ask for cash from Mr. Schaffel, money
4 to be delivered in cash?

5 A. Yes.

6 Q. On a number of occasions?

7 A. Couple times, yes.

8 Q. Were you present when that happened, when
9 money was, in fact, transferred from Mr. Schaffel to
10 Mr. Jackson?

11 A. No. I saw checks.

12 MR. MESEREAU: Objection. Nonresponsive;

13 move to strike.

14 THE COURT: Overruled. Next question.

15 Q. BY MR. ZONEN: In November 2001, did
16 something happen that changed the working
17 relationship between you, Marc Schaffel and Mr.
18 Jackson?

19 A. Yes. The -- Marc got fired.

20 Q. Got fired by whom?

21 A. Neverland Valley wasn't closed. Marc got
22 fired, though.

23 Q. And did you actually see or witness the
24 firing of Mr. Schaffel?

25 A. Yeah, it came through a fax machine.

26 Q. It was a letter?

27 A. Yeah, it was a letter.

28 Q. From whom? 8713

1 A. A guy named Zia. I believe --

2 Q. Do you know his last name?

3 A. Maroda. Maroder or something.

4 Q. Do you know who Zia is?

5 A. He was just one of Michael's lawyers, crony
6 lawyers.

7 MR. MESEREAU: Objection; move to strike.

8 MR. ZONEN: Did I hear that right?

9 THE WITNESS: Well, there's many lawyers.

10 THE COURT: Just a moment.

11 THE WITNESS: Oh, sorry.

12 THE COURT: I'll strike the last phrase in
13 that answer.

14 Q. BY MR. ZONEN: You understand Zia to be one
15 of the attorneys; is that right?

16 A. Yes.

17 Q. And this letter was received by whom?

18 A. By Marc in his office.

19 Q. All right. But did you see it?

20 A. Yes.

21 Q. Did you see it when it actually came in?

22 A. Yes.

23 Q. Did you see it before or after Mr. Schaffel
24 saw it?

25 A. We pretty much saw it at the same time,
26 because it was, you know, "You're fired," you know,
27 when I handed it to him.

28 Q. Was there some level of controversy that -- 8714

1 MR. MESEREAU: Objection. Nonresponsive;

2 move to strike.

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

4 Leave the first phrase in, that they "saw it at the
5 same time."

6 Q. BY MR. ZONEN: Was there some controversy

7 that was going on at that time involving Mr.

8 Schaffel?

9 MR. MESEREAU: Objection. Relevance;

10 foundation.

11 MR. ZONEN: I can lay foundation for it.

12 MR. MESEREAU: And leading.

13 MR. ZONEN: But it would require some

14 discussion.

15 THE COURT: The objection is overruled.

16 Q. BY MR. ZONEN: Go ahead.

17 A. What was the question?

18 Q. Was there some controversy that was going on

19 involving Marc Schaffel at that time?

20 A. Well, they --

21 THE COURT: Just answer "yes" or "no" on

22 that.

23 THE WITNESS: Oh, okay. Yes.

24 Q. BY MR. ZONEN: What was it?

25 MR. MESEREAU: Objection. Relevance;

26 foundation; 352.

27 THE COURT: Overruled.

28 You may answer. 8715

1 Q. BY MR. ZONEN: What was it?

2 A. His past.

3 Q. And what was it about his past?

4 A. He was in adult entertainment.

5 MR. MESEREAU: Objection. Objection. 352;

6 foundation; relevance.

7 THE COURT: Overruled.

8 Q. BY MR. ZONEN: What was it about his past?

9 A. He was in adult entertainment.

10 Q. What type of adult entertainment; what was

11 he doing?

12 MR. MESEREAU: Objection. Relevance; 352.

13 THE COURT: Sustained.

14 Q. BY MR. ZONEN: All right. And he was fired.

15 But this operation was out of his home; is that

16 correct?

17 A. Right. Neverland Valley Entertainment kept

18 on operating.

19 Q. Up until this time in November -- and do you

20 remember if it was early or late November of '01?

21 A. It was -- I think it was like the third week

22 in November.

23 Q. Up until this time in November of '01, was

24 there fairly continuous communication between Mr.

25 Schaffel and Mr. Jackson and even between you and

26 Mr. Jackson?

27 A. There was continuous communication between

28 those two definitely, and then I would only come 8716

1 into it when it was just business.

2 Q. Okay. And the communication between Mr.

3 Jackson and Mr. Schaffel was communication that you

4 were able to personally witness; is that right?

5 A. Right. He would have him on the

6 speakerphone.

7 MR. MESEREAU: Objection. Nonresponsive;

8 move to strike.

9 THE COURT: Overruled. Next question.

10 Q. BY MR. ZONEN: All right. Now, after the

11 firing of Mr. Schaffel, was there any communication

12 that you were able to personally witness between Mr.

13 Schaffel and Mr. Jackson?

14 A. No.

15 Q. And did that go on for some period of time?

16 A. Yeah. For quite a while.

17 Q. All right. Now, Neverland Valley

18 Entertainment was housed in Mr. Schaffel's home; is

19 that correct?

20 A. Yeah, it was a Michael Jackson/Marc Schaffel

21 company housed in his home.

22 Q. So what happened to you at that point?

23 A. Well, we just kind of went into limbo,

24 because we didn't -- without Michael's cooperation

25 on the single, we couldn't really get more artists

26 to sing on it, and everything just kind of went

27 screeching to a halt.

28 Q. All right. What did you continue to do? 8717

1 A. We started working on, you know, finances,
2 how much we have spent on the project, getting the
3 receipts together. Getting the books together,
4 essentially, to make sure that, you know, things
5 were, you know, on the up and up and --

6 Q. Who is "we"? You say "we."

7 A. Marc and I.

8 Q. So Marc was still working there?

9 A. Yeah, Marc, Christian, I was still there.

10 Q. Christian Robinson?

11 A. Yes, Christian Robinson.

12 Q. What was he doing during this time?

13 A. He was doing the same thing we were doing,
14 you know, just getting filing done and -- you know,
15 there had been a mountain of things. You know,
16 everybody had been traveling, trying to get artists.

17 MR. MESEREAU: Objection. Nonresponsive;

18 move to strike.

19 THE COURT: Overruled. Next question.

20 Q. BY MR. ZONEN: Did you continue to draw
21 salary during this time?

22 A. Yeah.

23 Q. Do you know if Mr. Schaffel continued to
24 draw salary?

25 A. I'm pretty sure.

26 Q. Was that bank account still in existence at
27 U.S. Bank?

28 A. Yes. 8718

1 Q. And were either you or Schaffel periodically
2 dealing with that bank with regards to funds?

3 A. Well, yeah, we had to go in and see Beverly
4 and --

5 Q. For how long did this continue, that you
6 continued working in Mr. Schaffel's home on this
7 project?

8 A. Well, at the beginning, we took a break.

9 You know, we just kind of took a breather. And then
10 we started -- just went in like gangbusters and got
11 all the paperwork together. So that went on for
12 like seven, eight months, something like that.

13 Q. And for the next seven or eight months, was
14 there any contact between you and Michael Jackson?

15 A. No. He wasn't calling the office.

16 Q. Pardon me?

17 A. He wasn't calling the office.

18 Q. And there was no contact between Mr.
19 Schaffel and Mr. Jackson that you were personally
20 witness to; is that correct?

21 A. Correct.

22 Q. Was there any progress that was being made
23 toward the development of "What More Can I Give?"

24 A. No. Everything was at a dead halt. Other
25 than, you know, it was trying to be -- Marc was
26 trying to work on things. But, you know, as far as
27 I was concerned, getting artists in the studio and

28 everything, and recording and other things, you 8719

1 know, everything was at a dead halt.

2 Q. Did you still have your point? Do you know
3 what I'm talking about, the point?

4 A. I didn't. Yeah.

5 Q. Did you still have -- that's the point of
6 the interest, 1 percent interest in the song; is
7 that right?

8 A. Yeah, I still had it in the beginning. And
9 then I started debating whether I was going to hold
10 on to it.

11 MR. MESEREAU: Objection. Nonresponsive;
12 move to strike.

13 THE COURT: I'll strike after, "In the
14 beginning."

15 Q. BY MR. ZONEN: Mr. Provencio, what did you
16 do with your 1 percent interest in "What More Can I
17 Give?"

18 A. I gave it back to Michael.

19 Q. How did you do that?

20 A. I signed documents at Wahoo's Fish Taco on
21 Wilshire, and basically it says that I give my point
22 back to Michael.

23 Q. Who did you furnish those documents to?

24 A. To Marc Schaffel, but it had Michael's name.

25 I read it. It said that, "This hereby" -- "You are
26 giving your point back."

27 MR. MESEREAU: Objection. Nonresponsive;

28 move to strike. 8720

1 THE COURT: The last portion is stricken.

2 Q. BY MR. ZONEN: Why did you do that? Why did
3 you return your 1 percent back to Michael Jackson?

4 MR. MESEREAU: Objection; relevance.

5 THE COURT: Overruled.

6 Q. BY MR. ZONEN: Go ahead and explain.

7 A. Well, there was two things. I was really
8 kind of just wanting to get away from all of them,
9 and I really didn't feel like really I deserved to
10 keep something that was Michael's song, and make
11 money on something that I didn't really -- it was
12 Michael's song, so I felt that it was the right
13 thing to do.

14 And I just wanted to kind -- I had a good
15 time while I had it, and -- and, you know, I wasn't
16 rich before, so, you know, I can't miss anything I
17 didn't have. So I just gave it back because I
18 thought that was the right thing to do.

19 Q. Mr. Provencio, during that period of time,
20 did Marc Schaffel continue to work with Neverland
21 Valley Entertainment?

22 A. Yes.

23 Q. Even after he was fired?

24 A. Yes. Because Neverland Valley Entertainment
25 still existed.

26 Q. Were there other projects that Neverland
27 Valley Entertainment was engaged in other than "What

28 More Can I Give?" 8721

1 MR. MESEREAU: Objection; foundation.

2 THE COURT: Overruled.

3 You may answer.

4 MR. ZONEN: I'm sorry, Your Honor?

5 THE COURT: Yes, he may answer.

6 Q. BY MR. ZONEN: Go ahead, please.

7 A. The rebuttal specials, the RMA Awards in Las

8 Vegas. Essentially The BAMBIs, The BAMBIs in

9 Germany.

10 Q. Now, The BAMBIs in Germany, tell us what

11 that is.

12 A. Well, that's --

13 MR. MESEREAU: Objection; relevance.

14 THE COURT: Sustained.

15 Q. BY MR. ZONEN: Did Marc Schaffel attend any

16 activities with Michael Jackson during the latter --

17 at any time during 2001 or 2002?

18 MR. MESEREAU: Objection; foundation.

19 THE COURT: Sustained.

20 Q. BY MR. ZONEN: Were you present during the

21 attendance of any activities with Marc Schaffel and

22 Michael Jackson after he had been fired?

23 A. Yeah.

24 Q. Where?

25 A. Went to Gary, Indiana.

26 Q. What happened at Gary, Indiana?

27 A. We went to Michael's home town.

28 Q. And Mr. Schaffel was there? 8722

1 A. Yeah. That's the last time I talked to
2 Michael, was there.

3 Q. Okay. Do you remember when that was?

4 A. June 2003, I think.

5 Q. Let me go back, if we can, please, to early
6 2003, January 2003. Did you know in January 2003 a
7 woman by the name of Kathryn Milofsky?

8 A. Yes.

9 Q. Did I pronounce her name correctly?

10 A. I can't even pronounce her name. Yeah, I
11 believe so.

12 Q. Okay. Who is Kathryn Milofsky, to your
13 knowledge?

14 A. She was a press person, a really nice press
15 person.

16 Q. Okay. From where; do you know?

17 A. Well, she worked at one of the major
18 networks.

19 Q. And do you know in which country?

20 A. Yeah, Great Britain. And then she came over
21 to America.

22 Q. Did she send something to you or to Mr.
23 Schaffel that you saw in early January 2003?

24 A. Yeah, the transcript to Martin Bashir,
25 January 24th.

26 Q. So the "Martin Bashir," what was that
27 exactly? Do you know the name of it?

28 A. It was the transcript -- I'm sorry? 8723

1 Q. Do you know the name of it?

2 A. "Living with Michael Jackson."

3 Q. All right. Now, had it been aired at the
4 time that she sent it?

5 A. No.

6 Q. Did she actually have a conversation with
7 either -- with you?

8 A. About?

9 Q. About "Living with Michael Jackson" and the
10 transcript.

11 MR. MESEREAU: Objection; hearsay.

12 THE COURT: Overruled.

13 You may answer "yes" or "no."

14 Q. BY MR. ZONEN: Just "yes" or "no."

15 A. Yes.

16 Q. Was this conversation with her before or
17 after she sent you the transcript?

18 A. Both before and after.

19 Q. You had multiple conversations with her?

20 A. Yeah. It was -- she had warned us it was
21 going to be very damaging to Michael.

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

24 MR. ZONEN: Tends to explain their conduct
25 thereafter.

26 THE COURT: Well, it's nonresponsive.

27 Sustained.

28 Q. BY MR. ZONEN: Mr. Provencio, when you 8724

1 received the transcript, did you read it?

2 A. Yes. On the 24th.

3 Q. Was this before the documentary had been
4 aired either in Europe or in the United States?

5 A. Yes.

6 Q. Did you understand the impact of that
7 transcript when you read it?

8 A. Oh, yeah.

9 MR. MESEREAU: Objection; leading.

10 THE COURT: Overruled.

11 MR. ZONEN: The answer is in?

12 THE COURT: Yes.

13 Q. BY MR. ZONEN: All right. At some point in
14 time did you begin getting phone calls at Neverland
15 Valley Entertainment?

16 A. Oh, yeah, the phone went ballistic.

17 Q. Was that before or after the first showing
18 of "Living with Michael Jackson"?

19 A. It was actually before, because other --
20 other press people had, I guess, received the
21 transcript, too, or got ahold of it.

22 Q. And when you say -- don't tell me what the
23 content of the conversations were, but just give me
24 a sense of how much -- you say the phone went
25 ballistic. How many calls were you getting, how
26 often?

27 A. Well, if an octopus could pick up a phone

28 every two seconds, that's how many phone calls we 8725

1 were getting. So literally the phone just rang and
2 rang and rang and rang.

3 Q. For the entire time?

4 A. Oh, yeah, day and night.

5 Q. Was it people other than the press?

6 A. Well, first it was European press and then
7 it was the American press, North American press.

8 Q. Was the American showing a few days after
9 the European showing?

10 A. Excuse me?

11 Q. The American showing of "Living with Michael
12 Jackson," to your understanding, was a few days
13 after the European showing?

14 A. Yes, like two or three days.

15 Q. And after that, were there plenty of phone
16 calls?

17 A. Yeah, it was crazy.

18 Q. Did it go on for some period of time?

19 A. Well, yeah, it was an engagement. You had
20 to -- you know, you had to take the phone calls, or
21 people would just keep calling.

22 Q. All right. Now, without getting into what,
23 were the questions geared towards specific areas of
24 the content of that documentary?

25 MR. MESEREAU: Objection. Hearsay and
26 leading.

27 MR. ZONEN: Leading for a reason. I'm

28 trying to narrow the focus, Your Honor. 8726

1 THE COURT: Just a moment. The objection is
2 overruled.

3 Q. BY MR. ZONEN: Did you understand the
4 question?

5 A. Yes. They were asking -- the press was
6 asking primarily two questions.

7 MR. MESEREAU: Objection.

8 MR. ZONEN: Hold on. Hold on.

9 MR. MESEREAU: Hearsay.

10 THE COURT: Sustained.

11 Q. BY MR. ZONEN: I'll ask you specifically --
12 listen to the question. Were there specific
13 areas -- without getting into what they were, were
14 there specific areas in particular that the press
15 were inquiring about?

16 A. Yes.

17 Q. All right. Was one of those areas the issue
18 of the child?

19 MR. MESEREAU: Objection; leading.

20 MR. ZONEN: For a reason.

21 THE COURT: The objection is overruled.

22 Q. BY MR. ZONEN: Was one of those areas the
23 issue of the child?

24 A. Yes.

25 Q. As to that issue, what were they inquiring
26 about?

27 MR. MESEREAU: Objection. Hearsay;

28 foundation. 8727

1 THE COURT: Overruled.

2 Q. BY MR. ZONEN: Go ahead.

3 A. What was their question?

4 Q. Yes. Who were they inquiring about?

5 A. Who was this boy Michael was sleeping with.

6 Q. Was that asked often?

7 A. Yeah, a lot.

8 Q. Was that asked as much as any other inquiry,

9 without getting into any of the other inquiries?

10 A. Yeah, that was the number one.

11 Q. Now, did things change at Neverland Valley

12 Entertainment after the screening of "Living with

13 Michael Jackson"?

14 A. Well, yeah, it was in high gear again, and

15 they were going to make doc -- rebuttals.

16 MR. MESEREAU: Objection. Nonresponsive;

17 move to strike.

18 THE COURT: After "in high gear again," I'll

19 strike that.

20 Q. BY MR. ZONEN: Were there other people

21 brought in now to Neverland Valley Entertainment to

22 deal with this crisis?

23 A. Yeah. Well, Frank's always been around.

24 But Vinnie was brought in and -- but they were --

25 they were -- and Stuart Backerman.

26 Q. Okay. Is Stuart Backerman somebody that you

27 knew prior to the screening of "Living with Michael

28 Jackson"? 8728

1 A. Oh, God, no. Nobody knew him. So, no.

2 Q. What was Mr. Backerman's role?

3 A. He was going to be the press person.

4 Q. Did he work out of Mr. Schaffel's residence
5 as well?

6 A. Yes. You know, at first, and then he was
7 working at a hotel down the street. And they would
8 come into the office.

9 Q. Did you know an Ann Gabriel or Ann Kite?

10 A. I only knew that they had her around for
11 like a minute, and then she was gone. So --

12 Q. Did you know of any other people who were
13 brought in, who were working with Neverland Valley
14 Entertainment dealing with this issue?

15 A. Oh, this British company, Bell something or
16 something Bell.

17 Q. Bell Yard?

18 A. Bell Yard. That's it.

19 Q. And were there, in fact, conversations that
20 you were able to overhear between Mr. Schaffel and
21 Bell Yard in England?

22 A. Yeah. And I also saw the paperwork.

23 Q. Okay. Were there -- was there now
24 communication with Michael Jackson that you were
25 privy to, that you were actually witness to?

26 A. Yeah.

27 Q. Did that begin after this?

28 A. After -- 8729

1 Q. In other words, after the -- after the
2 screening of "Living with Michael Jackson," or
3 even -- let me withdraw that question.
4 After you and Mr. Schaffel became aware of
5 the existence of the transcript of that show, did
6 either you or Mr. Schaffel make that -- the content
7 of that transcript known to Mr. Jackson?

8 A. Marc did. Marc did to Ronald, Dieter and
9 Michael.

10 Q. So all of them were contacted at that time?

11 A. Yes.

12 Q. All right. Now, had Ronald and Dieter been
13 active in dealing with Mr. Schaffel in your presence
14 during the preceding months prior to January '03?

15 A. I don't understand. Can you say that --

16 Q. Were you witness to conversations between
17 Marc Schaffel and either Ronald Konitzer or Dieter
18 Weizner prior to January of '03?

19 A. Oh, prior to January?

20 Q. Yes.

21 A. Yeah. They were -- he was trying to get
22 back into good graces with Michael, so he was
23 talking to Frank and to Ronald and Dieter on the
24 phone a lot.

25 Q. What -- did you ever have conversations with
26 Frank or Ronald or Dieter during that period prior
27 to January '03?

28 A. Well, Ronald and Dieter came over to the 8730

1 house to have meetings, like two meetings I
2 remember.

3 Q. All right. And that was -- you were there
4 at the time; is that correct?

5 A. Yeah, we had a meeting with them.

6 Q. All right. Were there any conference calls
7 that took place in the early part of February or
8 late part of January that involved Mr. Jackson,
9 conference calls that you were privy to?

10 A. January 1st.

11 Q. How many conference calls were there that
12 you actually heard?

13 A. With Michael on it?

14 Q. Yes.

15 A. Two.

16 Q. And were you actually part of the conference
17 call?

18 A. Well, in the beginning I was sitting there.
19 And they got -- you know, he put them on
20 speakerphone. And then -- and then he kind of just
21 wanted to make it a little more private, and I went
22 in my office and was listening to the conference
23 call.

24 Q. All right. Were you listening to the
25 conference call on your phone in your office?

26 A. Yes.

27 Q. We're talking about Mr. Schaffel's

28 residence; is that correct? 8731

1 A. Right, but I had my own office in there, and
2 the phones were all interlinked.

3 Q. And were you able to listen to the
4 conversation in its entirety?

5 A. Yeah, because I kept notes.

6 Q. You kept notes as to both those
7 conversations?

8 A. Yes.

9 Q. All right. Was Mr. Jackson part of the
10 conversation?

11 A. Yes. Not in the beginning, but Dieter would
12 bring him on.

13 Q. From the point that Mr. Jackson became part
14 of the conversation - and this is the first
15 conversation on the 1st of January - was there any
16 discussion about Debbie Rowe in that conversation?

17 MR. MESEREAU: Objection; leading.

18 THE COURT: Overruled.

19 Q. BY MR. ZONEN: Go ahead.

20 A. Yes.

21 Q. And what was discussed about Debbie Rowe?

22 MR. MESEREAU: Objection; vague.

23 THE COURT: Sustained.

24 Q. BY MR. ZONEN: Was there any specific
25 discussion about Debbie Rowe being actively involved
26 in dealing with this controversy?

27 MR. MESEREAU: Objection. Leading and

28 vague. 8732

1 MR. ZONEN: I'm not sure they can be both
2 leading and vague.

3 THE COURT: I'll allow a "yes" or "no" answer
4 to that question.

5 Do you know the question?

6 THE WITNESS: Could you state it again,
7 please?

8 MR. ZONEN: Perhaps the court reporter could
9 read it back.

10 THE COURT: Yes.

11 (Record read.)

12 THE WITNESS: The answer is yes.

13 Q. BY MR. ZONEN: Okay. Was Mr. Jackson asked
14 to do something by any of the other participants in
15 this conference call with regards to Debbie Rowe?

16 MR. MESEREAU: Objection; leading.

17 THE COURT: Overruled.

18 You may answer.

19 Q. BY MR. ZONEN: You can answer.

20 A. Yes.

21 Q. What was he asked to do?

22 A. Call her.

23 MR. MESEREAU: Objection. Vague and
24 hearsay.

25 THE COURT: Overruled.

26 MR. ZONEN: And the answer is in?

27 THE COURT: Yes.

28 Q. BY MR. ZONEN: Did Mr. Jackson say something 8733

1 in regards to that?

2 A. Just that he wanted to know what was going
3 on.

4 Q. Did he ask that throughout that
5 conversation?

6 MR. MESEREAU: Objection; leading.

7 THE COURT: Sustained.

8 Q. BY MR. ZONEN: Was he told what he needed to
9 say or was there any discussion about what he needed
10 to say to Debbie Rowe?

11 A. Yeah.

12 Q. What was that?

13 MR. MESEREAU: Objection; vague.

14 THE COURT: Overruled. I want -- there's an
15 issue here for me, though, and that is who is
16 talking?

17 MR. ZONEN: All right. All right. Let me
18 back up a question, and then we'll go back to the
19 other one.

20 Q. Who was on this telephone conversation?

21 A. Dieter, Marc and then Michael.

22 Q. Now, did you know where Dieter and Michael
23 were at the time of the conversation? That's just
24 "yes" or "no."

25 A. No.

26 Q. And Marc, of course, was in the same
27 residence with you?

28 A. Correct. 8734

1 Q. Who was it who was talking to -- to Mr.

2 Jackson about -- specifically about what he needed

3 to do with regards to Debbie Rowe?

4 A. Marc and Dieter.

5 Q. Were both of them speaking at different

6 times with Mr. Jackson with regards to Debbie Rowe?

7 A. Together and separate.

8 Q. What is it that Marc told Mr. Jackson he

9 needed to do with regards to Debbie Rowe?

10 MR. MESEREAU: Objection. Hearsay and

11 leading.

12 THE COURT: Overruled.

13 Q. BY MR. ZONEN: Go ahead.

14 A. He needed to call her and talk to her.

15 Q. Okay.

16 A. Give her permission.

17 Q. All right. Something about permission?

18 A. Uh-huh.

19 Q. Okay. What did Dieter say to Mr. Jackson

20 with regards to Debbie Rowe?

21 MR. MESEREAU: Objection. Foundation and

22 hearsay.

23 THE COURT: Overruled.

24 Q. BY MR. ZONEN: Go ahead.

25 A. That he needed -- that all he needed to do

26 was talk to her so that she could do the rebuttal.

27 Q. Did Mr. Jackson say anything in that regard

28 as to whether he would or would not do that? 8735

1 A. No, I never knew if he even called her.

2 So....

3 Q. All right. Were you aware, from your having
4 read the transcript -- incidentally, did you ever
5 see the documentary "Living with Michael Jackson"?

6 A. Yeah, I saw it. I mean, parts I nodded off
7 on, but, you know, I saw it for what it was worth,
8 yeah.

9 Q. Did you see the portion of the documentary
10 that specifically featured this child who was the
11 subject of the controversy?

12 A. Oh, yeah.

13 Q. Did you see it in its entirety, that
14 section?

15 A. Oh, absolutely.

16 Q. All right. Did you know the name of this
17 family?

18 A. Yes.

19 Q. Did you know how many members were in the
20 family?

21 A. Yeah, I mean, I pretty much knew there was
22 like -- how many people were there, yeah.

23 Q. In this first conference call that you were
24 listening to on the 1st of January, was there any
25 discussion about the family at all?

26 A. Yes.

27 Q. And what was said in the presence -- at the

28 time that Mr. Jackson was on the phone? 8736

1 MR. MESEREAU: Objection; vague.

2 THE COURT: Sustained.

3 Q. BY MR. ZONEN: Was Mr. Jackson asked to do
4 anything with regard to this family?

5 MR. MESEREAU: Objection. Hearsay and
6 vague.

7 THE COURT: Vague as to the person asking.

8 MR. ZONEN: Okay.

9 Q. Did either Mr. Schaffel or Mr. -- it was
10 Dieter, right? Not Ronald.

11 A. Dieter.

12 Q. Dieter was on the call.

13 Did Mr. Weizner or Mr. Schaffel ask Michael
14 Jackson to do anything with regards to the family?

15 A. Well, Frank had told him that --

16 MR. MESEREAU: Objection; nonresponsive.

17 Q. BY MR. ZONEN: "Yes" or "no."

18 A. Yes.

19 Q. All right. And who was it, Dieter or
20 Schaffel or both?

21 A. Both.

22 Q. Let's start with Mr. Schaffel. What did Mr.
23 Schaffel say with regards to Mr. Jackson with
24 regards to this family?

25 MR. MESEREAU: Objection; hearsay.

26 THE COURT: Overruled.

27 You may answer.

28 Q. BY MR. ZONEN: Go ahead. 8737

1 A. That they could ruin your career, they could
2 blackmail you.

3 Q. All right. Did Mr. Weizner say anything to
4 Mr. Jackson?

5 A. Essentially the same thing. You know,
6 essentially the same thing.

7 Q. Was there some discussion by either one of
8 them as to what should be done?

9 A. On the second conference call there was a
10 little bit better clarity there.

11 Q. We'll get to that in a second. But on the
12 first one, was there any further discussion at that
13 point?

14 A. Not really. Not that I can remember, that I
15 can recall. I mean, it's -- do you want me to look
16 at my notes, or --

17 Q. Would it refresh your recollection to look
18 at your notes?

19 A. Yeah.

20 Q. Did you, in fact, take notes at that time?

21 A. Yeah, at the time. This is --

22 Q. Were your notes taken contemporaneous with
23 the event, the phone call?

24 A. Yeah, they're right here.

25 Q. You have those notes with you?

26 A. Yes.

27 Q. Go ahead and take a look at your notes.

28 Don't read from them, just read them, and then close 8738

1 your notebook back up when you're done.

2 A. Okay.

3 Q. Having reviewed your notes, did it refresh
4 your recollection as to any other content of that
5 conversation that specifically dealt with this
6 family?

7 A. Yes.

8 Q. All right. And what else was said?

9 A. That --

10 MR. MESEREAU: Objection; vague.

11 Q. BY MR. ZONEN: Let's start with either Mr.

12 Weizner -- what else was said by Mr. Weizner, if
13 anything else?

14 MR. MESEREAU: Objection; hearsay.

15 THE COURT: Overruled.

16 You may answer.

17 THE WITNESS: I don't -- Weizner and Marc
18 were essentially saying the same things back and
19 forth. There was that urgency tone in their voice
20 of, you know, "You've got to" -- you know, "You have
21 got to take care of" --

22 MR. MESEREAU: Objection; nonresponsive.

23 THE COURT: Overruled. As to the tone of
24 voice is stricken.

25 Q. BY MR. ZONEN: Let's deal specifically with
26 Mr. Weizner, as best you can recall. Anything other
27 than what you've told us already with regards to the

28 Arvizo family? 8739

1 MR. MESEREAU: Objection; hearsay.

2 Your Honor, was there a ruling?

3 THE COURT: I'm sorry, yes.

4 MR. ZONEN: What was the ruling? I'm sorry,

5 I didn't hear it. I apologize.

6 THE COURT: Overruled.

7 MR. ZONEN: All right.

8 THE COURT: My voice was --

9 MR. ZONEN: Now I don't remember the

10 question.

11 Q. Oh, it was dealing with Mr. Weizner, and the

12 question of whether or not your notes refresh your

13 recollection as to anything else that Mr. Weizner

14 had said to Mr. Jackson concerning the Arvizo

15 family. Am I right?

16 A. Right.

17 Q. Tell us anything else you can recall having

18 read your notes, reviewed your notes.

19 A. That they wanted to do this rebuttal and put

20 some money in his pocket.

21 Q. There was discussion about rebuttal at that

22 point?

23 A. Yeah, that was an early concept of theirs.

24 Q. All right. What specifically was the

25 discussion about the rebuttal coming from Mr.

26 Weizner? And then we'll talk about from Mr.

27 Schaffel.

28 MR. MESEREAU: Objection; hearsay. 8740

1 THE COURT: Just rephrase the question.

2 You've confused the witness.

3 Q. BY MR. ZONEN: Was there a conversation
4 between Mr. Weizner and Mr. Jackson about a
5 rebuttal?

6 A. Yes.

7 Q. What did Mr. Weizner say to Mr. Jackson
8 about a rebuttal?

9 MR. MESEREAU: Objection; hearsay.

10 THE COURT: Overruled.

11 You may answer.

12 Q. BY MR. ZONEN: To the best of your
13 recollection.

14 A. That we -- that they needed to do it.

15 Q. Did he say why they needed to do this
16 rebuttal?

17 A. To save Michael's image, his career.

18 MR. MESEREAU: Objection; hearsay.

19 THE COURT: Overruled.

20 Q. BY MR. ZONEN: And did he talk at all about
21 this being a money-raiser in any way?

22 A. Oh, yeah. This could make money.

23 Q. And that's what Mr. Weizner said to Mr.
24 Jackson?

25 A. Both of them did.

26 Q. All right. Now, let's move to Mr. Schaffel
27 as well. To the best of your recollection, what did

28 Mr. Schaffel say about -- to Mr. Jackson about 8741

1 performing this -- doing this rebuttal film?

2 MR. MESEREAU: Objection; hearsay.

3 THE COURT: Overruled.

4 You may answer.

5 Q. BY MR. ZONEN: Go ahead.

6 A. That, "You could let the network make all
7 the money or you could make the money." So there
8 was an incentive.

9 Q. Do you recall what Mr. Jackson said in
10 response to that?

11 A. Well, he agreed.

12 Q. Was there any discussion about whether the
13 Arvizo family would be involved in this rebuttal?

14 A. Yes, because Michael had --

15 MR. MESEREAU: Objection; vague.

16 THE COURT: Overruled. The answer was,

17 "Yes."

18 Q. BY MR. ZONEN: All right. Tell us who --
19 between which parties was there discussion about the
20 Arvizo family being involved in this rebuttal? Who
21 talked about the Arvizos' family participation in
22 the rebuttal?

23 A. Oh, Michael brought it up.

24 Q. And what did he say?

25 A. That Frank had told him.

26 Q. That Frank had told him what?

27 A. That they could be filming the family, or

28 that the family might be in this rebuttal special. 8742

1 And needed to be.

2 Q. Did Mr. Jackson offer any commentary as to
3 why the family needed to be involved in this
4 rebuttal?

5 A. Not really. Just -- wanted just to be aware
6 of things.

7 Q. Now, this is all the first conversation, is
8 that right, the first conference call?

9 A. Yes. Things were moving very quickly.

10 MR. MESEREAU: Objection; move to strike.

11 THE COURT: Stricken. No question pending.

12 Q. BY MR. ZONEN: Now, the second conversation
13 conference call that took place, do you remember
14 when that was?

15 A. Yeah, it was either Feb 2nd or 3rd. One of
16 those days.

17 Q. Within one to two days?

18 A. Yes.

19 Q. Were you listening to that conversation as
20 well?

21 A. Yes.

22 Q. Were you party to the conversation? In
23 other words, were you talking during the
24 conversation?

25 A. No, I was just listening.

26 Q. Do you know whether or not the other parties
27 knew you were on the line?

28 A. They didn't know. 8743

1 Q. As to the first conversation on the 1st, do
2 you know whether the other parties knew whether you
3 were on the line?

4 A. He knew I was sitting there when he got them
5 on the phone, and then I went into the other room
6 and listened.

7 Q. Did he know that you -- Schaffel, you're
8 talking about, is "he," right?

9 A. Right.

10 Q. Did Mr. Schaffel know that you were
11 listening on the other line as to either of those
12 two conversations?

13 A. No, but he -- no, the answer is no.

14 Q. In the second conversation, who were the
15 participants of that conversation?

16 A. Dieter and Michael again, and it was the
17 same way. Dieter first and then Michael got on the
18 phone.

19 Q. In other words, initially the conversation
20 was between Marc and Dieter?

21 A. Uh-huh.

22 Q. And then Michael got on the phone?

23 A. Uh-huh.

24 Q. Without getting into the content of the
25 conversation, what -- how long did Marc and Dieter
26 talk before Michael got on the phone?

27 A. A couple of minutes. Just about probably,

28 like, eight or ten minutes. And it was just 8744

1 rambling money crap, I mean stuff.

2 Q. That happens here every once in a while.

3 A. Oh, okay.

4 Q. Could you tell if Dieter and Michael were in
5 the same location? I mean, when Michael -- Mr.
6 Jackson got on the phone, did they have to commence
7 another phone call to do that or did he simply get
8 on the phone?

9 A. Well, initially it was like an operator, so
10 I knew it wasn't at Neverland. But I didn't know
11 where they were.

12 Q. But did they have to invoke -- use an
13 operator again to get Mr. Jackson on the phone?

14 MR. MESEREAU: Objection; leading.

15 THE COURT: Overruled.

16 Q. BY MR. ZONEN: Do you understand the
17 question?

18 A. Yes.

19 No, when Michael came on the phone, it was
20 like he was right there.

21 Q. Okay.

22 A. Or he had walked into another room, you
23 know, if it was that kind of phone.

24 Q. You said, "Neverland." Did you know whether
25 or not they were actually calling from Neverland?

26 A. No, because when you call at Neverland, they
27 pick up and say "Neverland."

28 Q. Do you know who commenced this phone call? 8745

1 A. Marc did.

2 Q. And no one said "Neverland" at the time that
3 he called?

4 A. No. It was an operator.

5 Q. All right. After Mr. Jackson became party
6 to this conversation that was now a conversation
7 with Dieter and Michael Jackson and Mr. Schaffel,
8 was there a discussion about making the video?

9 MR. MESEREAU: Objection; leading.

10 THE COURT: Overruled.

11 You may answer.

12 Q. BY MR. ZONEN: Just "yes" or "no."

13 A. Yes.

14 Q. Who was involved in that discussion?

15 A. Dieter, Ronald, Michael.

16 Q. Can you tell us what Michael Jackson said
17 specifically about the video and making the video?

18 A. Well, he wanted to know what was going on,
19 so he just asked it blunt, like, "What's happening?
20 What's the latest? What's going on?"

21 Q. And did either Dieter or Marc answer that
22 question? That's "yes" or "no."

23 A. Yes.

24 Q. Which one answered that question?

25 A. Both of them did.

26 Q. What did Marc say with regards to what's
27 going on?

28 MR. MESEREAU: Objection; hearsay. 8746

1 THE COURT: Overruled.

2 You may answer.

3 Q. BY MR. ZONEN: What did Marc say with

4 regards to what's going on?

5 A. Can I look at my notes?

6 Q. Would it refresh your recollection to do so?

7 A. Yes.

8 Q. All right. And if that same question dealt

9 with Dieter, would you need to refresh your

10 recollection as to that as well?

11 A. Yes.

12 Q. All right. Would you please refresh your

13 recollection as to both of those.

14 Have you reviewed your notes as to both of

15 those conversations?

16 A. Uh-huh.

17 Q. Were you able to refresh your recollection

18 as to both of those conversations?

19 A. Yes.

20 Q. What did Mr. Jackson say with regards to his

21 conversation with Marc Schaffel as to what was going

22 on?

23 A. Well, first --

24 Q. You already answered that.

25 I'm sorry. What did -- you know, I'm not

26 sure what the question was.

27 THE COURT: It was, "What did Marc say?"

28 MR. ZONEN: I'm sorry? 8747

1 THE COURT: I think you were asking, "What
2 did Marc say?"

3 Q. BY MR. ZONEN: Okay. Go ahead.

4 A. What did Marc say? Well, he said that,
5 "We're going to go down to Florida," or something
6 like that, yeah.

7 Q. He made a comment about going to Florida?

8 A. Yes.

9 Q. Do you recall what --

10 A. Taking the family down to Florida.

11 Q. So the content of that conversation included
12 going to Florida with the family?

13 A. Correct.

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

16 THE COURT: Overruled.

17 Q. BY MR. ZONEN: And as to Dieter, what did
18 Dieter say specifically?

19 MR. MESEREAU: Objection; hearsay.

20 THE COURT: Overruled.

21 Q. BY MR. ZONEN: To Michael Jackson, what did
22 Dieter say?

23 A. They needed to do a press conference.

24 Q. What did Mr. Jackson say in response to
25 doing a press conference?

26 A. That he hates doing those things.

27 Q. I'm sorry?

28 A. That he hated doing those things. 8748

1 Q. Did he agree to do it?

2 A. You know, I didn't hear Michael say, "Yes,"
3 you know, "I want to do it." He just says, "Ahh, I
4 hate doing those things."

5 Q. Was there any other discussion about the
6 Arvizo family in this conversation other than that
7 they were going to go to Florida to do a press
8 conference?

9 A. Yeah, they were going to be with Michael and
10 Michael wanted to go someplace fun.

11 Q. What did he say specifically about going
12 someplace fun?

13 A. He said, "Let's go someplace fun." I don't
14 know, maybe the place was boring.

15 Q. Was there any discussion in this second
16 conference about being concerned about the Arvizo
17 family?

18 MR. MESEREAU: Objection; leading.

19 THE COURT: Overruled.

20 You may answer.

21 THE WITNESS: No, but I was concerned.

22 Q. BY MR. ZONEN: All right. But --

23 MR. MESEREAU: Objection. Move to strike;
24 nonresponsive.

25 THE COURT: Stricken. Except for "No."

26 Q. BY MR. ZONEN: You had mentioned, as to the
27 first conversation on the 1st, that there was some

28 discussion about blackmail; is that right? 8749

1 A. Correct.

2 Q. Was there any discussion about blackmail on
3 the second conversation, to the best of your
4 recollection?

5 A. No, not that I can think of.

6 Q. Was there any more discussion in the second
7 conversation about Debbie Rowe's involvement in the
8 video?

9 A. No, she was just going to do the rebuttal.

10 Q. All right. Was that talked about in the
11 second conversation at all?

12 A. No.

13 Q. At some point in time, did you become aware
14 of the fact that there was going to be an interview
15 with Debbie Rowe?

16 A. Oh, yeah.

17 Q. Did you learn about that prior to the
18 commencement of that interview?

19 A. Could you say that again?

20 Q. Before the interview actually took place,
21 did you know that that interview was going to
22 happen?

23 A. Oh, yeah.

24 Q. How long prior to the commencement of the
25 interview?

26 A. A couple days. It was going quick.

27 Q. Do you know when that interview took place

28 relative to, say, the second phone call? 8750

1 A. Actually a couple days later, I believe.

2 Yeah.

3 Q. Do you know where that interview took place?

4 A. Yeah, I was there. It was at Marc's house.

5 Q. Do you know for what period of time that

6 interview took place? How long did it last?

7 A. It went on for forever. It was like -- it

8 was like eight, nine hours, something like that.

9 Q. Do you know approximately what time it

10 started and approximately what time it ended?

11 A. It seemed like it just went on all day.

12 There was a lot of setup. Hamid had to come in and

13 set up. So if you're talking that, that started

14 early. And then, you know, we didn't get out of

15 there until the sun went down, really, so....

16 Q. And was Debbie Rowe there the entire time?

17 A. No, not in the beginning, because that's all

18 setup; microphones, lighting, the cameras.

19 Q. You said Hamid was there. Who is Hamid? Do

20 you know his full name?

21 A. Hamid Molesi or Moleshi.

22 Q. And what does he do?

23 A. He was Michael's personal videographer,

24 photographer.

25 Q. If I referred to Hamid as Mr. Moslehi --

26 A. Moslehi.

27 Q. -- would that sound close enough?

28 A. I always mispronounced his name, so yeah. 8751

1 Q. I think everybody does.

2 Who else was there besides Mr. Moslehi?

3 A. Iris, her attorney.

4 Q. Whose attorney?

5 A. Debbie Rowe's attorney.

6 Q. Do you know Iris's last name?

7 A. Silver something.

8 Q. Does Finsilver sound right?

9 A. Finsilver.

10 Q. And then Debbie was there?

11 A. Uh-huh.

12 Q. All right. And who else was there?

13 A. Christian. Ian Drew.

14 Q. Is this Christian Robinson we're talking

15 about?

16 A. Yes.

17 Q. Christian Robinson was still working --

18 A. Oh, yeah.

19 Q. -- for Neverland Valley Entertainment?

20 A. Oh, yes.

21 Q. And the workplace for Christian Robinson

22 continued to be Mr. Schaffel's residence?

23 A. Correct.

24 Q. And he was there on that occasion?

25 A. Yes.

26 Q. Was he actually involved in this interview

27 with Debbie Rowe?

28 A. Well, he was working, yeah. I mean, doing 8752

1 some sideline things and helping to assist camera
2 work and stuff.

3 Q. Was Marc Schaffel there?

4 A. Yes.

5 Q. We have Christian Robinson, Marc Schaffel,
6 Iris Joan, Hamid, you were there; is that correct?

7 A. Uh-huh.

8 Q. Who else was there? Anybody else you can
9 think of?

10 A. Stuart Backerman.

11 Q. Was he there for the entire time?

12 A. Yeah, everybody stayed for the entire time.

13 Q. Anybody else?

14 A. Not that I can think of. I mean, there was
15 camera -- I think Hamid had some camera guys, but --

16 Q. Who actually conducted the interview?

17 A. Ian Drew.

18 Q. Now, were you witness to any part of this
19 interview?

20 A. Yeah, I would come up and -- upstairs and
21 downstairs and watch, and then get bored and go back
22 upstairs, and then come down.

23 Q. Did you watch at times for extended periods?

24 A. Yeah, to see what was said and how it was
25 going to be performed or whatever.

26 Q. Over the entirety of the time that this
27 interview took place, what percentage of it do you

28 believe you actually witnessed? 8753

1 A. Probably 75 percent of it, because I was
2 going up and down. You couldn't help it, it was
3 just happening right there, so --

4 MR. ZONEN: Your Honor, may I approach the
5 witness?

6 THE COURT: Yes.

7 Q. BY MR. ZONEN: I'm going to show you Exhibit
8 No. 888. 888, you would agree, is a photograph?

9 A. Yes.

10 Q. Okay. Can you tell us the content of the
11 photograph, the subject matter?

12 A. It's the interview that's happening in the
13 house. Marc's home.

14 Q. Can you identify the people who are in that
15 photograph?

16 A. Yes.

17 Q. All right. Who are they?

18 A. Debbie Rowe. Ian Drew sitting across from
19 her. Marc to the right in the blue shirt. And
20 Christian Robinson to the left.

21 Q. Does that appear to be a photograph that was
22 taken during the course of that interview?

23 A. Oh, absolutely.

24 Q. All right. Are all of those people
25 identified accurately as the subject of that
26 photograph?

27 A. Yes.

28 Q. And is that photograph, in fact, an accurate 8754

1 depiction of the subject matter contained within?

2 A. I guess so, yeah.

3 MR. ZONEN: I would move to introduce 888

4 into evidence.

5 MR. MESEREAU: No objection.

6 MR. ZONEN: All right.

7 Q. In that photograph, do you see Mr. Schaffel

8 doing something?

9 THE COURT: It's admitted.

10 MR. ZONEN: Your Honor, can I publish the

11 photograph?

12 THE COURT: Yes.

13 Q. BY MR. ZONEN: And can you identify those

14 people again, please?

15 A. Yes. By pointing?

16 MR. ZONEN: Do we have that laser?

17 Yeah, right there.

18 THE WITNESS: This is a laser?

19 MR. ZONEN: It is.

20 THE WITNESS: All right.

21 MR. ZONEN: Don't start playing with it.

22 Q. Point out, please, Debbie Rowe for us.

23 Point out Ian Drew for us.

24 A simple point would be adequate.

25 Point out Marc Schaffel, if you would,

26 please.

27 And point out Christian Robinson.

28 Okay. Can you tell what Mr. Schaffel is 8755

1 doing at that time?

2 A. He's working on the -- he's working on the
3 questions and answers.

4 Q. Did you actually see documents that you
5 believed to be questions and answers?

6 A. Well, initially they were just questions,
7 because they were sent over by Ian Drew. And then
8 they became questions and answers.

9 Q. Now, you say "were sent over by Ian Drew."
10 Ian Drew was actually there at that time. Do you
11 mean sometime prior to this interview?

12 A. Oh, yeah, because Ian was upset that Marc
13 hadn't responded to him right away.

14 MR. MESEREAU: Objection. Nonresponsive;
15 hearsay; move to strike.

16 THE COURT: Strike the last sentence.

17 Q. BY MR. ZONEN: Were questions received by
18 Marc Schaffel at Neverland Valley Entertainment
19 headquarters, at Mr. Schaffel's residence, prior to
20 the commencement of this interview?

21 A. Yes. 100 questions.

22 Q. Did those questions also contain suggested
23 answers?

24 MR. MESEREAU: Objection; foundation.

25 THE COURT: Sustained.

26 Q. BY MR. ZONEN: Did you see the questions at
27 the time they came from Mr. Drew?

28 A. He printed them and had them on the desk. 8756

1 Q. And you looked at them?

2 A. Yeah, I just looked at them quickly.

3 Q. You were able to see how many questions

4 roughly; is that correct?

5 A. Well, yeah, there was 100. There was about

6 100. 90 to 100.

7 Q. Were they numbered, the questions?

8 A. Well, actually, Marc complained there were

9 so many questions. I said, "How many questions?"

10 And he said, "About 100."

11 Q. All right. But you did actually look at it

12 at one point?

13 A. Yes. It was sitting on his desk.

14 Q. And at that time that it came in, were there

15 answers associated with those questions?

16 A. Not at the time.

17 Q. At a later time, were there answers

18 associated with those questions?

19 MR. MESEREAU: Objection; foundation.

20 THE COURT: Sustained.

21 Q. BY MR. ZONEN: Did you see the document at a

22 later time?

23 A. Yes.

24 Q. Did that document change over time?

25 A. Uh-huh.

26 Q. How did it change?

27 A. There was answers.

28 Q. Prior to the commencement of this interview, 8757

1 were there answers as part of that document?

2 A. Well, it was changing. So Ian Drew sent
3 over the questions. And it changed. And then there
4 were answers.

5 Q. During the course of the interview, what was
6 Mr. Schaffel's involvement?

7 A. He was like the producer. He was like the
8 director.

9 Q. All right. Was he making any suggestions
10 one way or the other?

11 A. Oh, yeah.

12 Q. In what way?

13 MR. MESEREAU: Objection; hearsay.

14 THE COURT: Is that a request for him to
15 repeat what was said or -- I'll ask for a different
16 question.

17 MR. ZONEN: I'm sorry --

18 THE COURT: "In what way" is the question I
19 find vague.

20 MR. ZONEN: All right.

21 Q. What was Mr. Schaffel saying to Debbie Rowe
22 during the course of this interview?

23 MR. MESEREAU: Objection; hearsay.

24 THE COURT: It's overly broad. It's
25 sustained.

26 Q. BY MR. ZONEN: Was Mr. Schaffel making any
27 suggestions as to how to answer the questions to

28 Debbie Rowe? 8758

1 MR. MESEREAU: Objection as leading.

2 THE COURT: Overruled.

3 You may answer.

4 THE WITNESS: Yes.

5 Q. BY MR. ZONEN: In what way? What was he
6 saying?

7 MR. MESEREAU: Objection; hearsay.

8 MR. ZONEN: It's not for the truth of the
9 matter stated.

10 THE COURT: The objection is overruled.

11 Q. BY MR. ZONEN: Tell us in what way.

12 A. He would prod her to do it better or say it
13 better, like any producer would.

14 Q. How often did he do that with regards to the
15 questions, the frequency with which the questions
16 were asked? How often would he offer suggestions?

17 A. A lot. That's what -- he was there the
18 whole time and he was working on things at the same
19 time. He would write things and scratch it out and
20 then she would redo it.

21 Q. Was Debbie Rowe responsive to his
22 suggestions?

23 A. Yes.

24 Q. Was she changing her answers in accordance
25 with his directions?

26 MR. MESEREAU: Objection. Hearsay and
27 leading.

28 THE COURT: Calls for a conclusion. 8759

1 Sustained.

2 Q. BY MR. ZONEN: Did she make changes in any
3 answers at any time during those interviews?

4 MR. MESEREAU: Objection. Foundation;
5 hearsay.

6 THE COURT: Sustained.

7 Q. BY MR. ZONEN: Did you hear any discussions
8 about --

9 THE COURT: It's not the foundation. You're
10 asking him to conclude, when she says A and then
11 says B, that that's a change in testimony. Not in
12 testimony, but in statement. So it's opinion, and
13 I'm not allowing that.

14 MR. ZONEN: Okay.

15 THE COURT: If you want to give some
16 examples --

17 MR. ZONEN: I can do that.

18 THE COURT: -- you can do that.

19 Q. BY MR. ZONEN: Mr. Provencio, were there
20 some subject matters that you recall at this time
21 that were the subject of this discussion -- this
22 interview?

23 A. Yeah, well, like when she was --

24 MR. MESEREAU: Objection; nonresponsive.

25 Q. BY MR. ZONEN: That's "yes" or "no."

26 A. Yes.

27 MR. MESEREAU: Move to strike.

28 Q. BY MR. ZONEN: Do you recall specifically 8760

1 that there was a discussion about the quality of Mr.

2 Jackson's parenting of his children?

3 MR. MESEREAU: Objection; leading.

4 MR. ZONEN: For a reason.

5 THE COURT: The objection is overruled.

6 Q. BY MR. ZONEN: Were there any discussions

7 about the quality of Mr. Jackson's parenting of his

8 children?

9 A. Well, that Debbie said?

10 Q. Questions that were put to Debbie Rowe about

11 exactly that.

12 A. Yes.

13 Q. Were those questions subject to Mr.

14 Schaffel's suggestions?

15 A. Yes, because he would --

16 MR. MESEREAU: Objection. Objection;

17 hearsay.

18 THE COURT: Overruled.

19 Q. BY MR. ZONEN: All right. What -- do you

20 remember a question in specific that dealt with that

21 topic that was eventually commented on by Mr.

22 Schaffel?

23 A. That Michael was a good father, and then he

24 said, "You're going to see your kids."

25 Q. Do you recall having heard that?

26 MR. MESEREAU: Objection. Nonresponsive;

27 move to strike.

28 THE COURT: Sustained. The question was 8761

1 whether or not you remember a question, not what the
2 response was.

3 THE WITNESS: Okay.

4 Q. BY MR. ZONEN: All right. Let me -- was
5 there an answer specifically that Debbie Rowe gave
6 to that issue of the quality of Mr. Jackson's
7 parenting that Mr. Schaffel wanted to change?

8 MR. MESEREAU: Objection. Calls for
9 speculation, hearsay, and a conclusion.

10 THE COURT: Sustained.

11 Q. BY MR. ZONEN: Was there a conversation
12 about her seeing her children?

13 A. Well --

14 MR. MESEREAU: Objection; leading.

15 THE COURT: Overruled.

16 Q. BY MR. ZONEN: You may answer.

17 A. He said, "You're going to see your kids
18 soon."

19 MR. MESEREAU: Objection. Nonresponsive;
20 hearsay; move to strike.

21 THE COURT: It's stricken.

22 Q. BY MR. ZONEN: Well, but the answer would be
23 "yes" or "no." Was there a conversation
24 specifically about her kids?

25 A. Yes.

26 Q. What did Mr. Schaffel say to her about her
27 kids?

28 MR. MESEREAU: Objection; hearsay. 8762

1 THE COURT: Overruled.

2 Q. BY MR. ZONEN: Go ahead.

3 A. That, "You were doing good. You are going
4 to see them soon," or something like that.

5 Q. Were there times when you were watching this
6 interview when Miss Rowe was crying?

7 A. Yes.

8 Q. Was there any discussion between Mr.
9 Schaffel and Ms. Rowe about her crying at other
10 times?

11 A. Yes.

12 Q. Would you explain that to us, please?

13 MR. MESEREAU: Objection. Hearsay; vague.

14 THE COURT: Overruled.

15 You may answer.

16 Q. BY MR. ZONEN: Go ahead.

17 THE WITNESS: Can you say it again?

18 MR. ZONEN: Perhaps the court reporter would
19 read it back.

20 (Record read.)

21 THE WITNESS: Okay. He thought she could cry
22 better.

23 Q. BY MR. ZONEN: And did they do the scene
24 again?

25 A. Pretty much, yeah. Well, not "pretty much."

26 They did.

27 Q. And did she cry when they redid it?

28 A. She cried better. 8763

1 Q. She cried better.

2 Did you eventually see this production of
3 the Maury Povich rebuttal?

4 A. Yes.

5 Q. Were there, in fact, scenes of Debbie Rowe
6 in this production?

7 A. Yes.

8 Q. Were any of the scenes including -- which
9 included her crying?

10 A. Yeah, there was like a crying scene.

11 Q. During the course of the interview, did you
12 receive phone calls at the house from a Mark
13 Geragos?

14 A. Yes.

15 Q. Were you able to overhear those
16 conversations?

17 A. Well, he would -- he would get on the phone
18 with Marc.

19 Q. "Yes" or "no."

20 A. Yes, sorry.

21 Q. You were able to overhear the conversations?

22 A. Yes.

23 Q. How could you overhear the conversations?

24 A. Because sometimes they were on speakerphone,
25 and sometimes -- you know, he just --

26 Q. Did he call more than once?

27 A. Oh, yeah.

28 Q. And can you give us a sense of how often he 8764

1 called, how frequently he called during that time?

2 A. Well, he was calling -- in a week's time, he
3 was calling three or four times that I would know
4 for sure that was him, because I could hear his
5 voice. And then -- and then if Vinnie was there, he
6 called a lot.

7 Q. All right. And we're talking at the moment
8 during the course of the interview, the Debbie Rowe
9 interview.

10 A. Oh. If we're talking towards the interview,
11 he was calling a couple of times, yes.

12 Q. Vinnie was not there during that interview;
13 is that correct?

14 A. I don't believe he was, no.

15 Q. But at subsequent times Vinnie was --
16 "Vinnie" is Vinnie Amen; is that right?

17 A. Vinnie Amen.

18 Q. And Vinnie was there at the house subsequent
19 to that interview; is that correct?

20 A. Yes.

21 Q. And you testified that there were
22 conversations with Mr. Geragos and Vinnie Amen?

23 A. Correct.

24 MR. ZONEN: Your Honor, this might be a good
25 time to take a break, if that's okay.

26 THE COURT: All right. We'll take our break.

27 (Recess taken.)

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 8704 through 8765

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 May 4, 2005, and thereafter

20 reduced to typewriting by computer-aided

21 transcription under my direction.

22 DATED: Santa Maria, California,

23 May 4, 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.)

13

14

15

16

17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

18

19 WEDNESDAY, MAY 4, 2005

20

21 8:30 A.M.

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23 (PAGES 8767 THROUGH 8966)

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26

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

28 BY: Official Court Reporter 8767

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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.

7

8

9 PLAINTIFF'S WITNESSES DIRECT CROSS REDIRECT RECROSS

10

11 Provencio, Rudy R. 8792-M 8908-Z 8936-M

12 8947-Z (Further)

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28 8769

1 E X H I B I T S

2 FOR IN PLAINTIFF'S NO. DESCRIPTION I.D. EVID.

3

4 45 Photo of Dale Couture 8960

5 46 Photo of Dale Couture 8960

6 47 Photo of Jordan Graham 8960

7 219-222 Calabasas Country Inn & Suites records 8950 8950

8 250 Xtra Jet/Chris Tucker records 8950

9 294 Document from inside Exhibit

10 No. 288, 12 pages, with M.J. initials on each page 8955

11 349 Orange-colored plastic bottle 8956

12 401 Marc Schaffel's Rudy Provencio

13 file 8951

14 405 Marc Schaffel's files 8951

15 409 Marc Schaffel's Christian Robinson file 8951

16 410 Marc Schaffel's address book

17 file 8951

18 413 Marc Schaffel's model releases file 8951

19 625 Collection of letters to

20 Attorney Geragos and one letter from Attorney Geragos 8957

21 823-826 VHS tapes 8959

22 827 Audio cassette tape 8959

23 828 Audio cassette tape 8959

24 829 Mini video cassette tape 8959

25 887 "Invincible" CD 8771 8773

26

27

1 Q. BY MR. ZONEN: Mr. Provencio, did you ever
2 become aware of a CD that was produced by Michael
3 Jackson?

4 A JUROR: Your microphone.

5 MR. ZONEN: I'm in my own world today.

6 Q. Did you ever become aware of a CD that was
7 produced by Michael Jackson entitled "Invincible"?

8 A. The album "Invincible," yes.

9 Q. Do they still call them "albums" nowadays?

10 A. Yeah, CDs, albums.

11 Q. Are there actually people who remember
12 albums?

13 A. Yeah, I hope so.

14 Q. Did you have an opportunity to take a look
15 at it?

16 A. Oh, yeah. Yes.

17 Q. Did you look at the credits that are
18 contained in it?

19 A. Oh, yeah. Marc gloated over it.

20 MR. MESEREAU: Objection; move to strike.

21 THE COURT: Stricken, the last sentence.

22 Q. BY MR. ZONEN: I'd like to show you Exhibit
23 887, please. Is that, in fact, the CD "Invincible"
24 produced by Mr. Jackson?

25 A. Yes.

26 Q. Was that published during the course of your
27 employment with Neverland Valley Entertainment?

28 A. Yes, but it was a Sony record. 8771

1 Q. A Sony production?

2 A. Yes, it's a Sony record.

3 Q. All right. Are there credits that are

4 published along with that CD?

5 A. Yes.

6 Q. And did you have an opportunity to look at

7 them?

8 A. Oh, many times.

9 Q. All right. Is there, in fact, a credit

10 there to Marc Schaffel?

11 A. Yes.

12 Q. Could you read that to us?

13 A. "Marc Schaffel: Thank you for all your

14 help. I love you, Michael."

15 MR. MESEREAU: Objection; hearsay.

16 THE COURT: Overruled.

17 Q. BY MR. ZONEN: I'm sorry, the -- we heard

18 the, "Thank you for all your help." What's the next

19 part?

20 A. "Thank you for all your help. I love you,

21 Michael."

22 Q. Is there also a credit to the Cascio family,

23 including Frank Cascio?

24 A. Yes.

25 Q. And did you find that?

26 A. Yes. "Frank" --

27 Q. What does that say?

28 A. "Frank: Thank you for all your help, love 8772

1 and support. You are my true friend and family.

2 (Stop fishing). I love you, Michael."

3 Q. Is there a separate credit to the Cascio
4 family, other members of the Cascio family besides
5 Frank?

6 A. There is. Let me look for it. Hold on.

7 Q. Okay.

8 A. Oh, yes. "Special thanks to Connie (Momma
9 Rubba)" -- I think that's a -- oh, "Angel and Frank,
10 my other family."

11 Q. Is there a credit there to Bob Jones?

12 A. Yes.

13 Q. What does that say?

14 A. Let me find it.

15 "Special thanks and appreciation to Bob
16 Jones for your continuing support and love over the
17 years. Love, Michael Jackson."

18 Q. Do you know when "Invincible" came out?

19 A. 2001.

20 MR. ZONEN: All right. I'd move into
21 evidence Exhibit No. 887.

22 MR. MESEREAU: No objection.

23 MR. ZONEN: May I approach the witness? I'd
24 like to show some other exhibits.

25 THE COURT: It's admitted. Yes.

26 You're stepping on my lines here.

27 Q. BY MR. ZONEN: Let me put this notebook in

28 front of you, if I may, and with the admonition that 8773

1 it's --

2 A. Oh, the water spilled.

3 Thank you. Okay.

4 Q. I'd like to direct your attention to Exhibit

5 No. 400 that's before you here. And with the

6 admonition as we turn each page, do it gingerly,

7 because it gets caught in the binder.

8 No. 400 is the document that's currently in

9 front of you. Do you recognize that document?

10 A. Yes.

11 Q. What is that document?

12 A. The work agreement.

13 Q. And was that -- a work agreement for whom?

14 A. For Marc, I believe, yes.

15 Q. Okay. At Neverland Valley Entertainment?

16 A. Correct.

17 Q. Was that kept at Mr. Schaffel's offices at

18 his home?

19 A. Yes, in the filing cabinet.

20 Q. And you've seen that document before, have

21 you?

22 A. Yeah. It was -- it's been -- it's laid out

23 a couple of times, too.

24 Q. No. 401, please. 401, consisting of one,

25 two, three and four pages, do you know what these

26 pages are?

27 A. This is the agreement where Michael gives

28 Marc the song and gives me a point on the record, on 8774

1 "What More Can I Give?"

2 Q. And this was kept at Mr. Schaffel's
3 residence, the offices to Neverland Valley
4 Entertainment?

5 A. Yes, and I had a copy as well.

6 Q. Exhibit No. 402. Tell us, please, what 402
7 is.

8 A. It's the reports on basically money that
9 we're spending, receipts, and what we've been
10 spending on, you know, production people for the
11 record, Brad Buxer, Bruce Swedien, who was a
12 production person for "What More Can I Give?"

13 Q. Did you participate in putting these
14 compilation figures together?

15 A. Yeah, parts. And then -- we would work on
16 parts and then bring it all together, because we had
17 to hunt down receipts and just do what you do in any
18 kind of an office.

19 Q. Was this document, No. 402, kept at
20 Neverland Valley Entertainment offices at Mr.
21 Schaffel's residence as well?

22 A. Yes, that's part of how we'd track money.

23 Q. And was that where you and Mr. Schaffel
24 compiled those figures?

25 A. Yes.

26 Q. Going to No. 405, please.

27 A. Uh-huh.

28 Q. The document, No. 405, with the name, at the 8775

1 upper left-hand, of "Bell Yard," had you ever seen
2 that document before?

3 A. Yes.

4 Q. And where did you see that document?

5 A. Laying around in the office.

6 Q. Did you have any discussions with Mr.

7 Schaffel concerning the content of that document at
8 any time?

9 A. I just concerned -- I was just concerned for
10 the family --

11 Q. Hold on a second. It's a "yes" or "no."

12 A. Yes.

13 Q. Yes, you did have a conversation with Mr.

14 Schaffel concerning that document?

15 A. Yes.

16 Q. Do you recall at what time that was? When,
17 approximately, in terms of month, year?

18 A. February 2003.

19 Q. Now, I -- let me correct something while I
20 remember to do so.

21 The telephone conference calls that you

22 referred to --

23 A. Uh-huh.

24 Q. -- the two of them, where you were listening
25 in on those two conference calls, were at the
26 beginning of what month?

27 A. February.

28 Q. It was February 1st and February 2nd? 8776

1 A. 2nd, 3rd.

2 Q. Or 2nd or 3rd was the other one?

3 A. Yes.

4 Q. 2003?

5 A. 2003.

6 Q. I may have said "January" early on. Do you
7 have a recollection of that at all?

8 A. January was when the transcript was sent.

9 Q. All right. So the conference calls were at
10 the beginning of February?

11 A. Correct.

12 Q. All right. I take you now to Exhibit 409.

13 What is this, please?

14 A. Oh, this is the thing we would -- basically
15 we had a wall where we just stuck people's numbers
16 on so that everybody knew who they were when they
17 called and how to get ahold of them.

18 Q. And the wall was where?

19 A. Right there in Marc's office. There was an
20 extra space right there for someone to work on the
21 other computer.

22 Q. Do you know who compiled those documents?

23 A. Well, we all did, pretty much. We would
24 write them down and then -- this one looks like it
25 was done by Marc or Christian.

26 Q. Okay.

27 A. So --

28 Q. And the -- this document contains a phone 8777

1 number and the name of Gavin Arvizo; is that
2 correct?

3 A. Yes.

4 Q. Showing you now No. 410, please. Tell us
5 what 410 is.

6 A. It's the same thing. Basically phone
7 numbers and -- of people we need to know. David
8 LeGrand, Ronald Konitzer. You know, if they called,
9 so you would recognize numbers and know to patch
10 them in to Marc right away.

11 Q. And did this also include the name Gavin
12 "Orvizo," spelled O-r-v-i-z-o?

13 A. Yeah.

14 Q. We are in Exhibit No. 413, and 413 is a
15 piece of paper, yellow legal pad, that has
16 handwriting writing on it. Do you recognize the
17 handwriting of Exhibit No. 413?

18 A. Yeah, it's Vinnie's.

19 Q. This is 413, specifically page six. That's
20 Vinnie's handwriting?

21 A. Yes.

22 Q. And you've seen his handwriting before?

23 A. Many times. He always writes in notebooks.

24 Q. Let's see if we can get to the very back of
25 that. Let's just do that.

26 A. No, I can just hold it.

27 Q. All right. Showing you Exhibit no. 423

28 then, which is a collection of pages -- 8778

1 A. Uh-huh.

2 Q. -- do you recognize these documents?

3 A. Yes. They're the Parviz documents.

4 Q. The entire collection of documents?

5 A. Yes. I mean, these are what Parviz had to
6 sign and Marc had to sign and Michael had to sign.

7 Q. And you had testified to those documents
8 yesterday; is that correct?

9 A. Right, because we went there twice.

10 Q. And where was that collection of documents
11 kept?

12 A. In the office.

13 Q. Was there a particular file it was kept in?

14 A. Well, yeah, it had a -- I think it was just
15 the Parviz loan file.

16 Q. It was kept in the office at Mr. Schaffel's
17 residence?

18 A. Yes, in the filing cabinet.

19 Q. Thank you. Go ahead and --

20 A. Shut it all?

21 Q. Well, leave it like that. I'll take care of
22 it.

23 In the early days of Neverland Valley
24 Entertainment after you had started up and until the
25 time that Marc Schaffel was formally fired, were you
26 involved in meetings or conference calls with
27 Michael Jackson?

28 A. Yes. 8779

1 Q. Was he involved in the business decisions of
2 Neverland Valley Entertainment?

3 A. Absolutely.

4 MR. MESEREAU: Objection; foundation.

5 THE COURT: Sustained.

6 MR. ZONEN: All right.

7 Q. Were you able to watch Mr. Jackson's
8 participation in meetings that were held between Mr.
9 Jackson and Mr. Schaffel?

10 A. Yes.

11 Q. All right. Were you able to listen to the
12 interaction between the two of them?

13 A. Yes.

14 Q. Were you able to listen and understand the
15 content of the dialogue between the two of them?

16 A. Oh, yeah, because it was business.

17 Q. All right. And did those conversations take
18 place with some level of frequency?

19 A. Yes. I mean -- yes.

20 Q. And did you hear all of them when they did?

21 A. Not all of them, no.

22 Q. What percentage of conversations were you a
23 witness to?

24 A. Well, if we had a face-to-face meeting, is
25 that what you're saying?

26 Q. Yes. Yes.

27 A. I was there with those meetings, with him

28 and Michael. 8780

1 Q. How many face-to-face meetings did you have
2 with Michael Jackson and Mr. Schaffel?

3 A. There was three at The Beverly Hills Hotel.
4 Two at The Universal Hilton. And then all the ones
5 in the studio, when Michael would come to the
6 studio.

7 Q. And how many times did that happen?

8 A. Four. Maybe four, five times maybe.

9 Q. As to all of those meetings, was business
10 discussed?

11 A. Excuse me?

12 Q. As to all of those meetings, was there a
13 discussion of business matters?

14 A. Yes, my situation with Michael was always
15 business, just business.

16 Q. Was Michael Jackson actively involved in the
17 business of Neverland Valley Entertainment?

18 A. Yes.

19 Q. In what way?

20 A. He was the captain at the helm.

21 Q. All right. And what do you mean by that?

22 A. He had to make the decisions. It was
23 Michael Jackson's project, "What More Can I Give?"
24 Michael and Marc's.

25 Q. I want to move back now to February of --
26 February and March of 2003.

27 A. Uh-huh.

28 Q. Did you have a discussion with anyone among 8781

1 the people who -- may I have just one second?
2 Did you have a discussion with anyone among
3 the people who were working for Michael Jackson
4 where the words or word "killers" became part of the
5 conversation?

6 MR. MESEREAU: Objection; leading.

7 THE COURT: Overruled.

8 You may answer.

9 THE WITNESS: Yes.

10 Q. BY MR. ZONEN: All right. With whom did you
11 have that discussion?

12 A. With Marc and Vinnie.

13 Q. All right. Who was the first person with
14 whom you had that discussion?

15 A. Marc.

16 Q. And where were you at the time of that
17 discussion?

18 A. I was in his office.

19 Q. Do you remember when that was? Can you tell
20 us as to the best of your recollection?

21 A. It was right -- right after the Arvizos came
22 to the house the first time.

23 Q. Did the Arvizos actually come to the house?

24 A. Oh, yeah. Twice.

25 Q. On more than one occasion?

26 A. That I saw, twice.

27 Q. Did they ever actually come into the house?

28 A. Yes. 8782

1 Q. Did you ever meet them?

2 A. Well, I pointed to the bathroom.

3 Q. Okay.

4 A. When Gavin -- or the boy came in.

5 Q. All right. Did other members of the Arvizo

6 family come into the house besides Gavin?

7 A. Yes. They were in the car.

8 Q. Did they actually come into the house?

9 A. No.

10 Q. All right. Was Gavin the only member of the

11 family to actually come into the house?

12 A. That I saw, yeah.

13 Q. Do you remember when those two visits were?

14 A. Had to have been -- well, I don't remember

15 exactly the date, but I remember when they came, you

16 know.

17 Q. Do you remember if it was still in February

18 of '03?

19 A. Oh, it was in February for sure.

20 Q. Do you remember how far apart these two

21 visits were?

22 A. They were pretty close because they were

23 going shopping.

24 Q. Did you ever see the other members of the

25 family besides Gavin?

26 A. Yes, the young girl.

27 Q. Did you ever see the mother?

28 A. No. 8783

1 Q. Were you ever introduced to any of them?

2 A. No.

3 Q. Now, I asked you the question about the
4 discussion of the word "killer" or "killers" --

5 A. Uh-huh.

6 Q. -- and you said that it was Frank -- excuse
7 me, you said it was Marc Schaffel --

8 A. Marc and Vinnie.

9 Q. -- and Vinnie.

10 Tell me about the conversation with Marc
11 Schaffel involving the word "killer."

12 A. Well --

13 MR. MESEREAU: Objection; hearsay.

14 THE COURT: Overruled.

15 Q. BY MR. ZONEN: Go ahead.

16 A. He said -- he made a flippant remark about
17 the "killers," and I was kind of trying to figure
18 out what was happening here. So I said to him, I
19 said, "Well, what killers?" And he said, "The
20 killers that are after the Arvizos." And I think
21 I'm pronouncing the name right. And I said, "Um,"
22 because I thought, "Well, maybe I should be" --

23 MR. MESEREAU: Objection. Nonresponsive;
24 narrative.

25 THE COURT: Narrative; sustained.

26 Q. BY MR. ZONEN: All right. He said the
27 killers that were after the Arvizos; is that

28 correct? 8784

1 A. Correct.

2 Q. Did he say anything else about the killers?

3 A. No, that was the first time I was hearing
4 about it, so -- it was a flippant remark.

5 Q. Did you ever hear the word "killers" prior
6 to that?

7 A. Never.

8 Q. Did you ask him about that, to explain
9 further?

10 A. Yes.

11 Q. And what did you ask him?

12 A. I said, "Who are the killers?"

13 Q. And what did he say?

14 MR. MESEREAU: Objection; hearsay.

15 THE COURT: Overruled.

16 You may answer.

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

18 A. He says, "The killers that are after the
19 family." I mean, he didn't really go into it. That
20 was the first time I was hearing about it. So --

21 Q. Did he offer any further explanation?

22 A. No. That's what was alarming, because --

23 MR. MESEREAU: Objection; move to strike.

24 THE COURT: Strike the last sentence.

25 Q. BY MR. ZONEN: Were you alarmed by those
26 comments?

27 A. Absolutely.

28 Q. Did you ask him for any further explanation? 8785

1 A. No. Because I didn't know -- I didn't
2 know -- it was just an alarming situation.

3 Q. What was the tone of that --

4 MR. MESEREAU: Objection; move to strike.

5 THE COURT: Overruled. Next --

6 Q. BY MR. ZONEN: What was the tone of his
7 comments?

8 A. The comment about "the killers"?

9 Q. Yes.

10 A. Just flippant, like it was nothing. Like,
11 "Oh, the killers."

12 Q. And that conversation lasted for
13 approximately how long?

14 A. 15 seconds, I guess.

15 Q. Okay.

16 A. I mean, it just didn't go on that long. It
17 was just "the killers." And I was --

18 Q. Did you ever pursue that conversation with
19 anybody else?

20 A. Yes.

21 Q. Was that Vinnie?

22 A. Yes, it was Vinnie.

23 Q. Approximately how long after your
24 conversation with Marc Schaffel was it that you had
25 the conversation with Vinnie?

26 A. I raced over to the phone and picked up the
27 phone and called him.

28 Q. So immediately? 8786

1 A. Immediately.

2 Q. All right. What did you ask Vinnie?

3 A. "Who the heck are the killers?"

4 Q. What did he say?

5 A. He goes, "There are no killers."

6 Q. Did he say anything beyond that?

7 A. He said that -- that they were calling him a
8 faggot at school, and that was really it. It was
9 just so -- it was another kid or something, I don't
10 know. But he just said that they were calling him a
11 faggot at school, so....

12 Q. Was that the end of that conversation?

13 A. Pretty much.

14 Q. Did you have a conversation with anybody
15 among the people who worked for Michael Jackson at
16 that time about escape or escaping from Neverland?

17 MR. MESEREAU: Objection; leading.

18 THE COURT: Overruled.

19 THE WITNESS: Yes.

20 Q. BY MR. ZONEN: All right. With whom did you
21 have that conversation?

22 A. With Marc and Vinnie again.

23 Q. Okay. At the same time, or at separate
24 times?

25 A. Separate times.

26 Q. With whom did you first speak about that
27 subject?

28 A. Marc. 8787

1 Q. And what did Marc say to you?

2 MR. MESEREAU: Objection; hearsay.

3 THE COURT: Overruled.

4 Q. BY MR. ZONEN: What did he say to you?

5 A. "I can't talk right now. They just
6 escaped."

7 Q. Was there any further discussion with him at
8 that point?

9 A. No, he just got off the phone. It was kind
10 of ugly.

11 Q. You were talking to him over the telephone?

12 A. Yes.

13 Q. All right. Did he make any further
14 qualifications on that?

15 A. No.

16 Q. Did you have -- but the word "escaped" was
17 the word he used?

18 A. He used "escaped."

19 Q. Okay. Do you know when this conversation
20 took place, as best you can recall?

21 A. Yes. I was -- my dad was -- I was taking
22 care of my dad because he was dying of liver cancer,
23 so I was taking care of him at his house, so I
24 called on the phone.

25 Q. And his house was where?

26 A. In Michigan.

27 Q. And so your conversation was with Mr.

28 Schaffel by telephone? 8788

1 A. Yes.

2 Q. Do you remember what period of time you were
3 tending to your father's needs in Michigan?

4 A. It would have been March, the first of
5 March, like around the 6th or 7th, something around
6 there.

7 Q. The early part of March?

8 A. Yeah, it was the 6th. I think it was the
9 6th or 7th.

10 Q. Are those to the best of your recollection,
11 the dates?

12 A. Oh, I remember. You don't forget "escape."

13 MR. MESEREAU: Objection; move to strike.

14 Q. BY MR. ZONEN: No, I understand the content
15 of the conversation, but the date.

16 THE COURT: Sustained.

17 THE WITNESS: Yes, the date. Sorry.

18 Q. BY MR. ZONEN: Now, did you follow up that
19 conversation, on the question of escape, with
20 anybody else?

21 A. I didn't bring it up. I just called Vinnie.

22 Q. All right. Was this one of those things
23 where you did it again immediately after?

24 A. Yes, I did it often, to see what the truth
25 was.

26 MR. MESEREAU: Objection. Move to strike;

27 nonresponsive.

28 THE COURT: I'll strike the last voluntary 8789

1 clause.

2 Q. BY MR. ZONEN: Did you, in fact, call Vinnie
3 soon after your conversation with Mr. Schaffel where
4 the word "escaped" was used?

5 A. Yes.

6 Q. All right. Did you have a conversation with
7 Vinnie about that particular word?

8 A. It was just very quick.

9 Q. What did you ask Vinnie, and what did he
10 tell you?

11 MR. MESEREAU: Objection. Hearsay;
12 compound.

13 THE COURT: Overruled.

14 You may answer.

15 Q. BY MR. ZONEN: Go ahead.

16 A. He essentially was panicked and said he
17 couldn't talk right now because the family just
18 escaped.

19 Q. He said that as well?

20 A. Yeah, pretty much the same thing.

21 Q. Did you ask him for any clarification on
22 that as well?

23 A. No, because I was kind of relieved.

24 Q. I'm sorry?

25 A. I was relieved.

26 MR. MESEREAU: Objection. Move to strike;
27 nonresponsive.

28 THE COURT: After "No," I'll strike that. 8790

1 Q. BY MR. ZONEN: All right. Did he offer any
2 other commentary or -- commentary or explanation?

3 A. No. He just wanted to get off the phone.

4 Q. And did you get off the phone?

5 A. Yes.

6 Q. All right. When did you leave Neverland
7 Valley Entertainment?

8 A. The beginning of March.

9 Q. Did you complete your contract with them?

10 A. Yes.

11 Q. Were you paid everything in accordance with
12 your contract?

13 A. Yes. I received my last check on the 25th
14 of February.

15 Q. And the point that you had, you had already
16 given back to Mr. Jackson?

17 A. Yes.

18 MR. ZONEN: Thank you. I have no further
19 questions.

20 Hold on just one second, Mr. Mesereau.

21 Excuse me. Your Honor, if I could have just
22 one moment.

23 THE COURT: Yes.

24 MR. ZONEN: No further questions. Thank
25 you, Your Honor.

26 MR. MESEREAU: May I just take a second,
27 Your Honor?

28 THE COURT: Yes. 8791

1 CROSS-EXAMINATION

2 BY MR. MESEREAU:

3 Q. Good morning.

4 A. Hello.

5 Q. Mr. Provencio, we haven't spoken before. My
6 name is Tom Mesereau, and I speak for Mr. Jackson,
7 okay?

8 A. Okay.

9 Q. Now, you referred to your taking notes in
10 response to the prosecutor's questions, correct?

11 A. Could you repeat that, please?

12 Q. Yes. Did you make a reference in response
13 to one of the prosecutor's questions to taking
14 notes?

15 A. I've always taken notes, yes.

16 Q. And could you please explain what you mean
17 by that?

18 A. By always taking notes?

19 Q. Yes.

20 A. I take notes -- I have been taking notes in
21 journals since I was a teenager.

22 Q. And do you take notes about every phone call
23 you make?

24 A. No. Not every single one.

25 Q. Do you take notes of some phone calls that
26 you make?

27 A. Ones that I think are important.

28 Q. Okay. When did you first talk to any 8792

1 representative of the Santa Barbara sheriffs about
2 this case?

3 A. When -- let's see. That would have been,
4 oh, gosh, a couple months after Michael's house was
5 raided.

6 Q. And that would be when, do you think?

7 A. That would have been 2000 -- 2004.

8 Q. And do you recall where that interview took
9 place?

10 A. Interview?

11 Q. Yes. Was it an interview?

12 A. No, that was they came to my place.

13 Q. And did you talk?

14 A. Yeah.

15 Q. Was it an interview?

16 A. No, I just told them, "You can have whatever
17 you want."

18 Q. Did they ask you any questions?

19 A. Yes.

20 Q. Did you answer the questions?

21 A. Yes, sir.

22 Q. Okay. And approximately how long was that
23 discussion, if you know?

24 A. Maybe -- well, you know, I was pretty
25 nervous. Probably 30 minutes.

26 Q. Did they ask you questions about Mr.
27 Jackson?

28 A. Yeah. They asked me, you know, basic 8793

1 questions in regards to, you know, "How well do you
2 know him?" And, "Do you have any information in
3 regards to what we're investigating?" or "You saw,"
4 you know, "on the news," or whatever.

5 Q. Did you tell them when you first met the
6 Arvizo family?

7 A. At that meeting?

8 Q. Yes.

9 A. Did I tell them when I first met them?

10 Q. Yes.

11 A. No, not at that meeting, I don't believe.

12 Q. When did you first meet the Arvizo family?

13 A. I never met them, other than showed Gavin
14 the bathroom.

15 Q. When did you first meet them?

16 MR. ZONEN: Asked and answered.

17 THE COURT: Sustained.

18 Q. BY MR. MESEREAU: When you showed Gavin the
19 bathroom, did you meet the family?

20 MR. ZONEN: Objection; asked and answered

21 THE WITNESS: Not the family. Just Gavin.

22 Q. BY MR. MESEREAU: Was Gavin the only one --

23 THE COURT: Just a minute.

24 MR. MESEREAU: I'm sorry.

25 THE COURT: The objection is overruled. Next
26 question.

27 Q. BY MR. MESEREAU: Was Gavin the only member

28 of the Arvizo family that you met that day? 8794

1 A. Yes.

2 Q. And where did you meet him?

3 A. Downstairs in Neverland Valley

4 Entertainment.

5 Q. And "downstairs" is in the home of Marc

6 Schaffel, true?

7 A. Right.

8 Q. Was any other member of the Arvizo family

9 present that day, to your knowledge?

10 A. Yes. They were -- yes.

11 Q. And who were they?

12 A. It was -- it was that girl, Star, I think is

13 her name, yeah. And then whoever was in the car. I

14 couldn't see in the car. I didn't look in the car.

15 Q. Do you know approximately when that

16 happened?

17 A. February.

18 Q. February of when?

19 A. Middle of February.

20 Q. Okay. Would that be 2003?

21 A. 2003.

22 Q. Okay. Were you making notes about the

23 Arvizos at that point in time?

24 A. Yes. Because there was a slanderous thing

25 that was said against them.

26 Q. Okay. And this -- the slanderous thing was

27 said when?

28 A. Was -- was the first -- first time they came 8795

1 over.

2 Q. And approximately when was that?

3 A. February 2003.

4 Q. Okay. Do you know the date, approximately?

5 A. The middle of February I'm thinking.

6 Q. Was it after the Bashir documentary had
7 aired?

8 A. I believe so. Possibly -- well, honestly, I
9 won't say yes, because I know it was in February,
10 but things are moving so quickly, so I think I'd
11 have to tell you that I'm -- I guess I would say I'm
12 uncertain.

13 Q. Did you have any reason to meet them before
14 the Bashir documentary had aired?

15 A. No. I just knew they were nice people.
16 That's what they said.

17 Q. I understand that. But you met them after
18 the Bashir documentary aired, true?

19 A. Yes.

20 MR. ZONEN: Objection; assumes facts not in
21 evidence, that he met them.

22 MR. MESEREAU: I'll rephrase it, Your Honor.

23 THE COURT: All right.

24 Q. BY MR. MESEREAU: Did you meet Janet Arvizo
25 after the Bashir documentary aired?

26 A. No.

27 Q. Did you meet Janet Arvizo before the Bashir

28 documentary aired? 8796

1 A. No.

2 Q. Didn't you just say she's a nice person?

3 A. They said she was a nice person.

4 Q. Did you meet Gavin Arvizo after the Bashir
5 documentary aired?

6 A. Yes.

7 Q. Did you meet Davellin Arvizo, his sister,
8 after the Bashir documentary aired?

9 A. No.

10 Q. Did you ever meet Davellin Arvizo?

11 A. No.

12 Q. Did you ever meet Star Arvizo?

13 A. Saw her.

14 Q. Excuse me?

15 A. Didn't meet her, no.

16 Q. Okay. Is Gavin Arvizo the only member of
17 the Arvizo family you ever met personally?

18 A. Yes.

19 Q. Okay. And that was at Mr. Schaffel's house,
20 correct?

21 A. Yes. As I pointed to the bathroom.

22 Q. And he was alone, to your knowledge?

23 A. Well, Vinnie had come in.

24 Q. Okay. And he was with Vinnie, right?

25 A. Correct.

26 Q. All right. Now, the conversation that
27 you've described about killers --

28 A. Uh-huh. 8797

1 Q. -- happened approximately when, to your
2 knowledge?

3 A. It was soon after the second visit. So that
4 would have been mid-February.

5 Q. Okay. And to your knowledge, was that after
6 the Bashir documentary had aired?

7 A. In America -- I think the Bashir thing aired
8 the 5th or 6th in America. So, yes, that would be
9 afterwards.

10 Q. Okay. And is it your recollection that the
11 discussion about so-called killers happened after
12 you saw the Bashir documentary?

13 A. After I saw the Bashir documentary, did the
14 word "killers" come into dialogue with other people
15 and I heard it? Is that what you're saying?

16 Q. Yes. Yes.

17 A. Yes.

18 Q. Okay. Was it your belief that the
19 discussion about killers that you heard with
20 Schaffel and Vinnie in some way related to the
21 Bashir documentary?

22 A. Well, it would have to be, because they're
23 saying it, and they're around, so that would make
24 sense, yes.

25 Q. And were you taking notes about your
26 discussions with any member of the Arvizo family?

27 A. I didn't have a discussion with the Arvizo

28 family. I showed him the bathroom. Is that what 8798

1 you mean?

2 Q. Did you take notes about any discussion you
3 had with Schaffel concerning the Arvizos?

4 A. Yes. He called them "stupid Mexicans," so I
5 wrote it down.

6 Q. Did you write that down?

7 A. Yeah, it's in my notes.

8 Q. Okay. And did you write down any notes
9 about what Vinnie said about killers?

10 A. Well, he said there were no killers.

11 Q. Did you write that down in your notes?

12 A. I believe so.

13 Q. Would you write your notes down shortly
14 after you heard these discussions?

15 A. Yeah. Typically -- well, this is the
16 notebook. So I would write it -- if I had the
17 notebook in my hand, I would write it and then -- or
18 as soon as I could go and write something, I would
19 write it. I was concerned that something might be
20 wrong with the family.

21 Q. And because of your wonderful concern for
22 the family, you were writing notes down?

23 MR. ZONEN: I'm going to object as
24 argumentative.

25 THE COURT: Sustained.

26 Q. BY MR. MESEREAU: Because of your concern
27 for the family, you were taking contemporaneous

28 notes, true? 8799

1 A. For my concern for the family, I took notes,
2 because I wanted to see what was happening.

3 Q. Okay. That was your only purpose, correct?

4 A. Well, I thought it was fishy. And so much
5 was moving so quickly, that if I didn't write things
6 down, I wouldn't remember things, so I wrote them
7 down as they were happening.

8 Q. And your only purpose was a concern for the
9 family, true?

10 A. Well, yeah. Because I just wanted to know
11 what was happening. Something fishy was going on.

12 Q. No, I understand, I understand. And because
13 something fishy was going on, you thought you would
14 just take notes of everything that was happening,
15 right?

16 A. I took notes because I knew things were
17 moving so quickly, that unless I kept track of what
18 was going on -- I wasn't sure what was happening
19 with this family, because people were all saying
20 different things.

21 Q. I understand. And have you ever discussed
22 the possibility of writing a book based on your
23 notes?

24 A. No.

25 Q. When you first met the sheriffs, did you
26 tell them you had taken notes?

27 A. At first, maybe, probably not. I didn't

28 want to get involved really. 8800

1 Q. I see. And did you continue to take notes

2 about what was going on around Mr. Jackson?

3 A. Around Mr. Jackson?

4 Q. Yes.

5 A. I take notes anyways. Of everything. For

6 my life; I mean, for who I am. It helps me become a

7 better person.

8 Q. And you do that every day?

9 A. Not every single day.

10 Q. Every other day?

11 A. Couple times a week.

12 Q. Have you at any point, when you wrote notes

13 about this investigation, gone backward and wrote

14 about what happened, say, months before?

15 A. No.

16 Q. Have all of your notes been taken about the

17 time you described these events in the notes?

18 A. Yeah. That's why they seem kind of

19 scrambled, because I just frantically write and I

20 never meant for anybody to read them. They were

21 just for me to understand.

22 Q. And you wrote notes about the word

23 "killers," right?

24 A. Yeah. I believe I did, yes.

25 Q. You wrote notes about how you thought the

26 Arvizos used to be good people, right?

27 A. Yes. But those were their words, so I was

28 just writing down what they had said. 8801

1 Q. Okay. And when you wrote those notes, you
2 thought the Arvizos used to be good people, right?

3 A. Well, yeah, until they called them a crack
4 whore, called her a crack whore.

5 Q. I understand your point.

6 A. Yeah.

7 Q. When you wrote the notes that you thought
8 they were good people --

9 A. Oh, I see what you're saying.

10 Q. Yes.

11 A. Oh. I wrote the notes because verbiage
12 started changing around the family. And so I
13 started writing notes during the time, and then
14 afterwards I started writing notes, you know, still.

15 Q. And you consider your notes to be accurate,
16 right?

17 A. Well, they were for me, yes.

18 Q. Yeah. And you thought they were --
19 everything you wrote down is honest and truthful,
20 right?

21 A. For --

22 Q. Yeah.

23 A. Because I was writing them for me, not for
24 other people to read.

25 Q. You were just writing them for yourself for
26 therapy, is that the idea?

27 MR. ZONEN: That's argumentative and I'll

28 object. 8802

1 THE COURT: Sustained.

2 Q. BY MR. MESEREAU: And you never went

3 backward months and wrote down --

4 A. I wrote them --

5 MR. ZONEN: Object as asked and answered.

6 THE COURT: Sustained.

7 Q. BY MR. MESEREAU: Okay. Mr. Provencio,

8 isn't it true that in your notebook, you claim the

9 word "killers" was used on February 1st, 2003?

10 A. If that's in my notes, yes.

11 Q. Sir, that's before the Bashir documentary

12 ever aired. Did you know that?

13 A. I just wrote it. I heard -- if I heard it,

14 I wrote it. I mean, that's what I did.

15 Q. Do you remember writing that word down

16 and --

17 A. I remember writing it down.

18 Q. On February 1st, 2003?

19 A. If it's in my notes, I wrote it, yeah.

20 Q. Do you remember that you put the date

21 "February 1st, 2003"?

22 A. No, I don't remember that.

23 Q. Would it refresh your recollection to look

24 at your own notes?

25 A. Sure, if you want me to.

26 Q. Sure, please.

27 A. Okay. Yes, here it is.

28 Q. Did you write, "Are these killers?" and date 8803

1 it February 1st, 2003?

2 A. Well, actually, if you look at it, it's a
3 different paragraph, so I don't really know when
4 that was written specifically. I mean -- because
5 the top part is February the 1st.

6 Q. And what date do you have above those words,
7 sir?

8 A. The first paragraph, I have February the
9 1st. The second paragraph, if you -- if you take a
10 look at the entire page, there's all kinds of
11 information on there that either has a date or it
12 doesn't have a date. These notes were intended as,
13 like, scribbled memory. So parts of it, unless I
14 have a date right there, then I don't know if that
15 second paragraph is exactly when I wrote it, because
16 I wrote these notes for me.

17 Q. What is the date above those words?

18 A. The date above the first paragraph?

19 Q. Yes.

20 A. Is February 1st. The second paragraph has
21 no date.

22 Q. Okay. Well, let's look at the first
23 paragraph.

24 A. Yes, sir.

25 Q. You say, "I thought they used to be good
26 people," correct?

27 A. Correct.

28 Q. You're talking about the Arvizos? 8804

1 A. Uh-huh.

2 Q. You'd never met them on February 1st, 2003,
3 right?

4 A. No. They said they were good people, like I
5 said before.

6 Q. Did you write down, "I thought they used to
7 be good people" under February 1st, 2003?

8 A. Yes.

9 Q. You hadn't met them, correct?

10 A. I hadn't met them, but that's what they
11 said.

12 Q. Did you write under February 1st, 2003,
13 "Mom's flipping out about something"?

14 A. About February 1st, 2003?

15 Q. Yes.

16 A. Yes.

17 Q. You hadn't met the mom, correct?

18 A. Never met her.

19 Q. Did you write under February 1st, 2003,
20 "Family-kids"?

21 A. Yes.

22 Q. You hadn't met the family or the kids on
23 February 1st, 2003, correct?

24 A. That's not what it means.

25 Q. And write below that first paragraph is
26 where you wrote the words, "Who are these killers?"
27 Correct?

28 A. Yes. 8805

1 Q. And after that, you wrote, "Nobody but press
2 are calling," correct?

3 A. Right.

4 Q. Okay.

5 A. Because that was after the transcript on the
6 24th.

7 Q. You don't write down the 24th there, do you?

8 A. No. You're right.

9 Q. Okay. Now, you've been taking notes about
10 various conversations you've had with people you
11 think are associated with this case, correct?

12 A. Yes.

13 Q. And at one point you were recording
14 conversations with various people you think are
15 associated with this case, correct?

16 A. Correct.

17 Q. How many people's conversations do you think
18 you recorded of people you think are associated with
19 this case, sir?

20 A. Three, four.

21 Q. A lot more than that, wasn't it?

22 A. Well, if you count my grandma. She's on --
23 you know, but it comes on automatically sometimes.

24 Q. I understand that. Let's look at Ms.
25 Milofsky.

26 A. Okay.

27 Q. How many times have you recorded phone

28 conversations with Miss Milofsky? 8806

1 A. A few times. Quite a few times.

2 Q. How many?

3 A. I don't know. Quite a few times.

4 Q. Can you give an estimate?

5 A. No, just -- I can tell you it's quite a few

6 times.

7 Q. Ten?

8 A. Probably a little more than that.

9 Q. 20?

10 A. Probably -- yeah, something like that,

11 probably.

12 Q. 30?

13 A. No. 30, come on. 10, 15. Something like

14 that.

15 Q. Okay. How about Vinnie? How many times

16 have you recorded phone conversations with --

17 A. A few times, yeah.

18 Q. How many?

19 A. Less than ten probably.

20 Q. How about Schaffel?

21 A. Quite a few times.

22 Q. How many do you think?

23 A. Probably 10, 20, probably.

24 Q. 10 or 20?

25 A. Probably ten. I would say ten.

26 Q. So now we're up to about 40 you've recorded,

27 correct?

28 A. Well, yeah, I was cooperating with the 8807

1 police.

2 Q. Yeah.

3 A. Law enforcement.

4 Q. You were doing it before then, weren't you?

5 A. Was I doing it before that?

6 Q. Yeah.

7 A. With -- cooperating with the police?

8 Q. You were recording people before you started

9 cooperating with the police, were you not?

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

11 Q. You sure?

12 A. I'm pretty sure.

13 Q. Did you go to the police at some point and

14 say, "I recorded people"?

15 A. Oh, I didn't -- did I go to the police?

16 Q. Yes.

17 A. Say that question one more time.

18 Q. Did you ever go to any representative of the

19 sheriff's department and say, "I've recorded

20 people's conversations"?

21 A. Yes, later on.

22 Q. Yeah. And then you agreed to keep recording

23 at the request of the sheriffs, true?

24 A. Yes. For law enforcement.

25 Q. Yes. How many do you think -- how many

26 phone conversations with people associated with this

27 case do you think you recorded before you revealed

28 that fact to the police? 8808

1 A. Say that one more time. I'm sorry.

2 Q. Sure. Maybe I'm not clear.

3 How many phone conversations with people
4 associated with this case do you think you recorded
5 before you told any representative of the sheriffs
6 about your recordings?

7 A. So how many people or how many times?

8 Q. Well, let's start with people, yes.

9 A. Probably like four or five people. Yeah,
10 four people.

11 Q. And how many times?

12 A. Well, quite a few times. You know, I felt
13 there was something wrong, so I -- I was, like,
14 everybody should work with law enforcement. I did
15 it.

16 Q. I understand. But you were doing it before
17 you worked with law enforcement, were you not?

18 A. No. I did it after.

19 Q. Did you record anyone's phone conversation
20 associated with this case before you went to law
21 enforcement and told them about it?

22 A. Before I went --

23 MR. ZONEN: I'll object as vague as to when
24 he went to law enforcement and told them about it.

25 THE COURT: Sustained.

26 Q. BY MR. MESEREAU: When did you first tell
27 anyone associated with law enforcement, Mr.

28 Provencio, that you were recording telephone calls? 8809

1 A. Well, they had asked me if I was willing to
2 cooperate with law enforcement. So I told them
3 later on that I had -- had did, you know, what they
4 had requested.

5 Q. Did you ever record anyone's call before you
6 got authorization from law enforcement? Anyone.

7 A. Not to my memory.

8 Q. You ever recall Schaffel -- did you ever
9 record Schaffel's calls before you went to law
10 enforcement?

11 A. Not that I can remember.

12 Q. Are you sure?

13 A. I'm pretty sure. I believe I bought the
14 recorder after, after the police -- I had contact
15 with the police.

16 Q. Now, you've testified you were listening in
17 on phone calls --

18 A. Correct.

19 Q. -- of Mr. Jackson and Mr. Schaffel, correct?

20 A. Correct.

21 Q. You were listening in on phone calls without
22 them knowing about it, true?

23 A. That's true.

24 Q. Okay. And you were doing this because you
25 were so concerned that something wrong might be
26 going on; is that correct?

27 A. Well, it's not that sarcastic, but I was

28 concerned about the family. 8810

1 Q. Right. Right. But you didn't even know the
2 family, correct?

3 A. You didn't need to. Something was fishy.
4 Something was going wrong.

5 Q. I see. And did you call the police
6 immediately and say, "Something wrong is going on"?

7 A. No, because nobody would believe me. So
8 I --

9 Q. You just kept working for Schaffel,
10 listening to phone calls, hearing what wrong was
11 going on, and never called the police, right?

12 A. I was trying to figure out what was going
13 on.

14 Q. Okay. And when do you think you first spoke
15 to any representative of the sheriffs?

16 A. It was a couple months, I guess, after
17 Michael's place was raided.

18 Q. Okay. And Michael's place was raided
19 approximately when?

20 A. Gosh. Gosh, I know I saw it on T.V. I know
21 the police came to me the first of the year. So it
22 had to have been sometime --

23 Q. Was it maybe November 2004, something like
24 that?

25 A. Maybe. Yeah.

26 MR. SANGER: 2003.

27 Q. BY MR. MESEREAU: 2003?

28 A. Oh, yeah, it was around Thanksgiving, wasn't 8811

1 it? It was around Thanksgiving that the place was
2 raided.

3 Q. But you're writing in your notes in February
4 of 2003 --

5 A. Right.

6 Q. -- your concern about killers and
7 disparaging remarks, correct?

8 A. Correct.

9 Q. You waited from February to November to do a
10 good deed and go to the police, right?

11 A. No. It wasn't like that. It was -- it was
12 basically there was no -- they escaped, so I didn't
13 need to. I was relieved because I didn't need to do
14 anything.

15 Q. Did you watch them escape, sir?

16 A. No. They told me they escaped.

17 Q. Did you watch them escape?

18 A. No.

19 Q. Did you know that Janet Arvizo got a body
20 wax that day?

21 MR. ZONEN: I'm going to object. Objection.

22 Irrelevant; argumentative.

23 THE COURT: Sustained.

24 BAILIFF CORTEZ: Microphone's off, sir.

25 Q. BY MR. MESEREAU: When you heard they
26 escaped, did you call the police and say, "These
27 people are being held"?

28 A. No, I was relieved at least this portion of 8812

1 this train wreck was over.

2 Q. In other words, they'd been held against
3 their will, they had escaped, so you had no need to
4 call the police at that point, correct?

5 MR. ZONEN: Object as argumentative. And
6 asked and answered.

7 THE COURT: It's a compound question.

8 Sustained.

9 MR. ZONEN: That too.

10 Q. BY MR. MESEREAU: Let me try and ascertain
11 your state of knowledge, sir. When you say this
12 escape took place --

13 A. Uh-huh.

14 Q. -- you assumed they had been held against
15 their will, true?

16 A. They said there were signs up at Neverland.

17 Q. Did you assume they had been held against
18 their will?

19 A. True.

20 Q. Did you assume they had escaped from
21 confinement?

22 A. Well, why would you use the word "escape"?

23 So the answer is true.

24 Q. Did you call the police right away?

25 A. No, they had escaped. I didn't need to.

26 Q. How long did you keep working for Schaffel
27 after this escape?

28 A. I was already gone. 8813

1 Q. Did you stay in contact with Mr. Schaffel
2 after this escape?

3 A. Yes.

4 Q. On a regular basis?

5 A. Well, not when -- the month that I buried my
6 dad.

7 Q. Did you stay in contact with Mr. Schaffel on
8 a regular basis after you thought the Arvizos had
9 escaped?

10 A. Yes.

11 Q. How often would you talk to Mr. Schaffel
12 after you claim the Arvizos escaped?

13 MR. ZONEN: Objection. Compound and
14 argumentative.

15 THE COURT: Overruled.

16 You may answer.

17 THE WITNESS: Okay. Can you ask again?

18 Q. BY MR. MESEREAU: Yes.

19 THE COURT: I'll have the court reporter read
20 it back.

21 (Record read.)

22 THE WITNESS: Often. I mean, you know, I
23 would talk to him quite a bit.

24 Q. BY MR. MESEREAU: You talked to Mr. Schaffel
25 a lot between February 2003 and when you went to the
26 sheriffs in late 2003, correct?

27 A. Late 2003?

28 Q. Yes. 8814

1 A. Do you mean 2004, when -- after Michael's
2 place was raided?

3 Q. Yes.

4 A. Yes.

5 Q. You --

6 A. We would chitchat, but the chitchat was just
7 that. Chitchat. Nothing real --

8 Q. Did you have any ongoing business
9 relationship with Schaffel during the year of 2003?

10 A. Oh, only that I went to -- there to visit
11 him and Michael at Gary, Indiana.

12 Q. And when was that?

13 A. It was -- I believe it was in the summer. I
14 believe it was the summer.

15 Q. How many months after you thought this
16 escape took place did you go to Gary, Indiana, with
17 Schaffel?

18 A. About five months. I think it was about
19 five months.

20 Q. Did you think you were traveling with a
21 criminal at that point?

22 A. I was just trying to get over this train
23 wreck. That's why I gave my point back. I was over
24 this part of my life, and I just, you know, thought
25 now that the family's gone and maybe everything's
26 going to get better for everybody.

27 Q. Uh-huh. And did you ever learn that they

28 went back and escaped a few more times? 8815

1 MR. ZONEN: I'm going to object as
2 argumentative.

3 THE COURT: Sustained.

4 Q. BY MR. MESEREAU: Did you ever learn of any
5 other escapes after the one that you have just
6 articulated?

7 A. I only knew of the one escape on the first
8 of March.

9 Q. Did you ever hear anything about the Arvizos
10 returning to Neverland after the escape that you've
11 described?

12 MR. ZONEN: Objection. No evidence that
13 it's that escape. Argumentative.

14 THE COURT: It's vague as to date.

15 Q. BY MR. MESEREAU: Okay. You've indicated
16 that in your mind an escape took place, correct?

17 A. That's what they said.

18 Q. And you believed it, right?

19 A. Well, yeah. Nobody uses those words.

20 Q. And you were relieved that they had escaped,
21 right?

22 A. I was just happy that it was over.

23 MR. ZONEN: Objection. Objection.

24 Objection; asked and answered.

25 THE COURT: Sustained.

26 Q. BY MR. MESEREAU: When did you think this
27 escape took place?

28 MR. ZONEN: Objection. Beyond the scope of 8816

1 his information, personal knowledge. Foundation.

2 MR. MESEREAU: I'll withdraw it.

3 Q. Did you know when this escape took place?

4 A. I only know what they told me.

5 Q. And when did -- did they tell you when the
6 escape took place?

7 A. They didn't tell me when they escaped. That
8 they couldn't talk because they had escaped.

9 Q. When do you think this escape had taken
10 place?

11 A. Well, I tried to get that information, but
12 they told me on, like, March the 6th.

13 Q. And when were you relieved that an escape
14 had taken place?

15 MR. ZONEN: Objection. Irrelevant and
16 argumentative.

17 THE COURT: Sustained.

18 Q. BY MR. MESEREAU: You claim you were
19 relieved that the family had escaped, true?

20 MR. ZONEN: Objection; asked and answered.

21 THE COURT: The objection is overruled.

22 You may answer.

23 THE WITNESS: Okay. Will you ask it again?

24 Could you ask it again?

25 Q. BY MR. MESEREAU: Yeah. I'm trying to find
26 out when you felt relief that the Arvizos had
27 escaped from Neverland.

28 A. Well, I was relieved at that point because 8817

1 that meant that -- that that part -- portion of this
2 train wreck was going to be over.

3 Q. No, I understand.

4 A. That's what I thought.

5 Q. When --

6 A. That would have been the first week of
7 March, like March 6.

8 Q. Okay. So around March 6th you thought they
9 had escaped from Neverland, correct?

10 A. That's what they said.

11 Q. Okay. Did you ever check to see if the
12 Arvizos were at Neverland in early March?

13 A. I -- no.

14 Q. Do you know if the Arvizos were at Neverland
15 in early March?

16 A. No.

17 Q. Okay. Have you ever spoken to Janet Arvizo
18 at any time?

19 A. No.

20 Q. Okay. Now, you took notes about a need for
21 a Debbie Rowe interview, correct?

22 A. Correct.

23 Q. And when did you learn there was any thought
24 about a Debbie Rowe interview?

25 A. Well, that was the first time I was hearing
26 about it.

27 Q. When?

28 A. I guess February the 1st, I guess. Well, 8818

1 not "I guess." It was February the 1st when I was
2 listening to the conference call.

3 Q. Before the Bashir documentary aired, right?

4 A. Yeah, because we had received the transcript
5 on the 24th.

6 Q. Okay. And when, in your mind, were they
7 planning a Debbie Rowe interview?

8 A. I didn't know. I really didn't know until
9 like maybe a day or two beforehand.

10 Q. Before the interview?

11 A. Before the interview took place there, I
12 really didn't know exactly when it was going to be.

13 Q. And when did the interview take place, if
14 you know?

15 A. I think it was that Thursday or something.
16 That Thursday or -- I was going to say the 5th,
17 maybe the 5th or 6th of February, something around
18 there.

19 Q. Do you remember writing in your notes about
20 a Debbie Rowe interview and dating it February 2nd,
21 2003?

22 A. Yeah.

23 Q. Did you know about a Debbie Rowe interview
24 on February 2nd, 2003?

25 A. Well, they were talking about it, but I
26 don't know if -- I don't believe I wrote down what
27 day it was going to be.

28 Q. Do you want to check your notes? 8819

1 A. Oh. Okay.

2 Okay, what about it?

3 Q. Didn't you write down the words "Debbie Rowe
4 interview" on February 2nd, 2003?

5 A. Oh, I'm at the wrong one. I'm sorry. Hang
6 on one second.

7 It appears, again -- you're looking at one
8 that's dated, correct? Correct?

9 Q. It says, in the middle of the top of the
10 page, "February 2nd, 2003," correct?

11 A. Okay. I'm looking for that one.

12 Oh, okay. With the scripts, yes.

13 Q. You see that? First you say, "Two scripts,"
14 right?

15 A. Uh-huh.

16 Q. Slash, "questions and answers," right?

17 A. Uh-huh.

18 Q. And then you say, "Debbie Rowe interview,"
19 right?

20 A. Right, question mark.

21 Q. There had been no discussion about a Debbie
22 Rowe interview on February 2nd, 2003, had there?

23 A. They were talking about it.

24 Q. Where did that discussion take place?

25 A. Where did that -- on the phone.

26 Q. Yes.

27 A. On the phone.

28 Q. And where were you? 8820

1 A. I was there on the phone listening.

2 Q. Where is "there"?

3 A. Oh, at Neverland Valley Entertainment.

4 Q. Okay. Is that a conversation you claim Mr.

5 Jackson was involved in?

6 A. Well, yeah.

7 Q. And you say here, "Rough drafts on Marc's

8 computer," correct?

9 A. Correct.

10 Q. Are you telling the Court that there were

11 rough drafts of the Debbie Rowe interview on

12 February 2nd, 2003?

13 A. There was an outline of something they

14 wanted -- he wanted to do something, so -- I -- I --

15 you know what, I should say that "rough drafts"

16 might not be an accurate thing to say about that,

17 but there was -- there was something there.

18 Q. Sir, you went back and wrote these notes

19 because you wanted to be involved in this case,

20 didn't you?

21 A. No. God, no. And ruin my career?

22 Q. It just happens all the dates are wrong?

23 A. Well, not all the dates are wrong.

24 MR. ZONEN: I'll object as argumentative.

25 THE COURT: Sustained.

26 Q. BY MR. MESEREAU: Now, the prosecutor asked

27 you about your relationships with Vinnie and

28 Schaffel, right? 8821

1 A. Uh-huh.

2 Q. Did you respond truthfully about all your
3 relationships with Schaffel and Vinnie?

4 A. Yeah.

5 Q. Were you ever involved in a corporation with
6 Schaffel and Vinnie?

7 A. Oh, yeah. We started an LLC, I think it
8 was.

9 Q. Really. When was that?

10 A. Oh, yeah. It was with Marc, yes. It was an
11 LLC that basically, if we wanted to start something
12 else, we could do it.

13 Q. Well, let's explore that a little bit.

14 A. Okay.

15 Q. Please say what an LLC is.

16 A. Limited liability company, corporation.

17 Q. And who did you form that company with?

18 A. With Vinnie. I thought it was with Frank,
19 too, but maybe it wasn't. I think it was Vinnie and
20 Marc definitely.

21 Q. And when did you form that limited liability
22 company with Vinnie, Marc, and you think Frank?

23 A. Well -- well, I think Frank, but I'm not
24 sure. I'm not positive, because Vinnie did it on
25 the computer.

26 Q. Okay.

27 A. At the office, he did it on the computer.

28 Q. And when was this? 8822

1 A. Gosh, I don't remember, to tell you the
2 truth.

3 Q. Can you kind of estimate the year, Mr.
4 Provencio?

5 A. I would say it was 2003. Early 2003.

6 Q. Any reason why you didn't say that in your
7 response to the prosecutor's questions?

8 A. I don't remember that question. I'm sorry.

9 Q. Let me rephrase it. Is there any reason
10 why, when you were asked when you met Vinnie and
11 Schaffel by the prosecutor, you never talked about
12 the company you had set up with those individuals?

13 A. Nothing ever happened with it. So to answer
14 your question, no, I didn't mention it.

15 Q. What was the name of your limited liability
16 company that you set up with Schaffel and Vinnie?

17 A. I don't remember. It was so off the cuff,
18 it was just something we did on the computer. You
19 can do it on the computer in like ten minutes, and
20 you mail in a check and that was it. So it wasn't
21 really something that -- I probably didn't pay
22 enough attention to it, to tell you the truth.

23 Q. What was the name of your company that you
24 set up with Schaffel and Vinnie?

25 A. I don't remember the name of it.

26 Q. Was it called Steal the Stage, LLC?

27 A. Yeah. It was, yeah.

28 Q. And where did that company operate out of, 8823

1 Mr. Provencio?

2 A. That operated out of nowhere. It was
3 registered, but there was no operations from it.

4 Q. Where was it registered?

5 A. It was registered on the computer at Marc's
6 house.

7 Q. It was registered in New Jersey, was it not?

8 A. Oh, maybe it was. Maybe he did register it
9 in New Jersey.

10 Q. Okay. And what was the purpose of the
11 company?

12 A. To explore other options outside of, you
13 know, being on the coattails of Michael or anything
14 like that.

15 Q. What other options were you exploring?

16 A. Well, possibly we could do things with --
17 like an American Idol, but something different.
18 That's what it was, yeah. I remember that now,
19 yeah.

20 Q. Michael Jackson was not part of that
21 company, was he?

22 A. No.

23 Q. Did you have a board of directors?

24 A. No.

25 Q. Did you have shareholders?

26 A. We did it on the computer in 15 minutes, so,
27 no.

28 Q. I understand. And it was filed in the State 8824

1 of New Jersey, correct?

2 A. He must have did it in the State of New
3 Jersey.

4 Q. I see. Did you ever look at any papers
5 involving that company?

6 A. No, he just said, "This is what I did," and,
7 "I just have it set up." Like a kid could do it. I
8 mean, it's just like nothing.

9 Q. I understand. Just set up a company like a
10 kid, right?

11 MR. ZONEN: Objection; argumentative.

12 THE COURT: Sustained.

13 Q. BY MR. MESEREAU: Does the company still
14 exist?

15 A. Um, you know what? I don't know. To tell
16 you the truth, I don't know.

17 Q. Did you have meetings with Schaffel and
18 Vinnie --

19 A. No, I don't think it exists. No, I don't
20 think it exists.

21 Q. Did you have meetings with Schaffel and
22 Vinnie about this company?

23 A. No.

24 Q. When did you start recording conversations
25 for the sheriff's department as part of this
26 investigation?

27 A. Soon after they -- that I agreed to work

28 with law enforcement. So it would have been a 8825

1 little bit after they came and served a search
2 warrant, that I agreed to.

3 Q. And when was that?

4 A. A couple months after Michael's place had
5 been raided. A couple months after November.

6 Q. And do you think that was what year, 2004?

7 A. Yeah, I think it was 2004.

8 Q. Okay. And between February 1st, 2003, when
9 you were so concerned about the family, and that
10 meeting with the police, you never called the police
11 at any time about Mr. Schaffel, Vinnie or anybody,
12 right?

13 A. You know what, Mr. Mesereau, I didn't want
14 anybody really to get in trouble. I really didn't.
15 I thought -- I thought it was -- they had gone, and
16 that possibly and hopefully this problem was just
17 gone, too. So --

18 Q. Okay. Well, when did the escape take place
19 in relation to the interview of Debbie Rowe?

20 A. Oooh, I think I already answered that, but
21 the -- they said "escape" in the first week of
22 March.

23 Q. When did the Maury Povich documentary air,
24 if you know?

25 A. I think it was -- I think it was the third
26 week of February.

27 Q. The third week of February?

28 A. I think so. 8826

1 Q. Okay.

2 A. Yeah, I think so.

3 Q. So it aired before the --

4 A. We watched it at Neverland Valley

5 Entertainment. That's where we watched it.

6 Q. By the way, did you ever find out how the
7 Arvizos escaped from Neverland, meaning who took
8 them home?

9 A. No.

10 Q. Did you ever learn it was a Michael Jackson
11 employee?

12 MR. ZONEN: I'm going to object as exceeding
13 the scope of this witness's knowledge.

14 THE COURT: Sustained.

15 Q. BY MR. MESEREAU: Have you ever had a
16 discussion with anybody about how the Arvizos left
17 Neverland?

18 A. Not that I can remember. I -- I know that
19 they had left. I was relieved. And so I kind of
20 figured that that's -- that's where it was.

21 Q. And no one's ever told you a Michael Jackson
22 employee took them home?

23 A. I think I heard that on the news.

24 Q. But never discussed that with the sheriffs,
25 right?

26 A. That -- that what?

27 Q. That a Michael Jackson employee had taken --

28 A. Oh, I heard that. 8827

1 MR. ZONEN: I'm going to object as exceeding
2 the scope of this witness's knowledge. No
3 foundation.

4 THE COURT: Overruled. The question was,
5 "But never discussed that with the sheriffs, right?"
6 And then he asked for clarification, "What?" So
7 it's in your --

8 MR. MESEREAU: Okay. I guess -- let me
9 withdraw the question, Your Honor.

10 Q. To date, you've never had a discussion with
11 any representative of the sheriff's department about
12 who helped the Arvizos escape, right?

13 A. I -- no. I inquired about it, yes.

14 Q. When did you inquire about it?

15 A. Probably -- oh, probably just recently.

16 Probably in the last month. Because I had a lot of
17 unanswered questions, and I was just curious in
18 nature.

19 Q. Those questions that have been just sort of
20 sitting in there for a couple years, right?

21 A. Well, not a couple years, but --

22 MR. ZONEN: That's argumentative and I'll
23 object.

24 MR. MESEREAU: I'll withdraw it.

25 THE COURT: Sustained.

26 Q. BY MR. MESEREAU: Now, in your notes, and
27 I'm referring to the February 1st, 2003, entry, you

28 say, "Mom's flipping out about something," right? 8828

1 A. Uh-huh.

2 Q. Is that Ms. Arvizo you're talking about?

3 A. I'm assuming -- yes, yes, yes.

4 Q. Did you think she was flipping out on

5 February 1st, 2003?

6 A. Well, she was kind of strange.

7 Q. But you hadn't met her.

8 A. I know. They were telling me she was

9 strange.

10 Q. Did you think she was flipping out on

11 February 1st, 2003, when you made your entry?

12 MR. ZONEN: Objection. Lack of foundation

13 and irrelevant.

14 THE COURT: Overruled.

15 You may answer.

16 THE WITNESS: Would you state your question

17 again? I'm sorry.

18 THE COURT: I'll have the court reporter read

19 it back.

20 THE WITNESS: Okay.

21 (Record read.)

22 THE WITNESS: Yes, they had said that.

23 Q. BY MR. MESEREAU: And did you get your

24 information from Schaffel?

25 A. Yes.

26 Q. Did you know whether or not Schaffel had

27 ever met them on February 1st, 2003?

28 A. He said he never met them, but then I 8829

1 reminded him that they came to the house, and then
2 he goes, "Oh, yeah."

3 Q. They came to the house before February 1st,
4 2003?

5 A. Oh, no, they didn't come to the house before
6 February 1st.

7 Q. Well, you wrote down in your, as you
8 described, your accurate notebook --

9 A. Uh-huh. My notebook.

10 Q. -- that "Mom's flipping out about something"
11 on February 1st, 2003, right?

12 A. Yeah, February, that is true. And it has a
13 question mark, because I really don't know what
14 she's flipping out about.

15 Q. You haven't met her at that point, true?

16 A. I never met her.

17 Q. Schaffel hadn't met her either, right?

18 A. I don't know.

19 MR. ZONEN: Objection; lack of foundation.

20 THE COURT: Sustained.

21 Actually, I'll leave the question and answer
22 in. He answered he didn't know.

23 Q. BY MR. MESEREAU: And you say on February
24 1st, 2003, in the first paragraph that you identify
25 with that, "I thought they used to be good people,"
26 right?

27 A. Correct. That's what they said.

28 Q. But you say, "I thought they used to be good 8830

1 people."

2 A. Yeah, because I'm asking myself a question.

3 You know, are these -- because, you know, Michael

4 had taken care of this person with cancer. You

5 know, oh, they're good people. They're gracious.

6 And so I'm -- I'm hearing some verbiage

7 starting to change around them, but I'm not really

8 sure -- I'm not really certain what's exactly

9 happening, so I'm trying to kind of get kind of a

10 clarity around that. What is really going on here?

11 You know, it was kind of like my general question.

12 If you look through my notes, I'm asking

13 myself a lot of questions, because I don't know the

14 answers. And I just keep -- keep asking, you know,

15 because it's I think what people do.

16 Q. And you're doing this for yourself, you

17 say, right?

18 A. Yeah, because I don't know what's going on.

19 Q. Okay. All right. Now, to your knowledge,

20 the Bashir documentary didn't air until February

21 3rd, 2003, right?

22 A. The one in the United States or the one in

23 Great Britain?

24 Q. Well, which one aired first, to your

25 knowledge?

26 A. Great Britain.

27 Q. When did that air?

28 A. It was -- it was probably the 3rd or -- I 8831

1 believe the 3rd or something like that. 3rd or 4th.

2 Because we got the transcript on the 24th, so

3 then -- then came the British one, and then right on

4 top of that, I think it was two days later, came the

5 one in North America.

6 Q. To your knowledge, was the Florida trip

7 planned in response to the airing of the Bashir

8 documentary?

9 A. Was it planned?

10 Q. Yes.

11 A. I know that they were going to fly -- well,

12 according to my notes and what I remember hearing,

13 that they were going to come down to Florida. I

14 guess.

15 Q. And to your knowledge, was that supposed to

16 be a response to the airing of the Bashir

17 documentary?

18 A. Everything was a response. Push and pull

19 every single day.

20 Q. Okay. Starting when, Mr. Provencio?

21 A. Starting on January the 24th, to my -- the

22 best of my recollection. Things -- as soon as we

23 got the -- got the transcript, things were going

24 cuckoo.

25 Q. And that's when you wrote down that the

26 Arvizos were having trouble, right?

27 A. What, on the 24th?

28 Q. Sure. 8832

1 A. No. Are you saying did I write it down and
2 you're seeing it?

3 Q. When did you think the Arvizos were having
4 trouble with the press?

5 A. I thought possibly -- well, the phone calls
6 were coming in, so the 24th -- the 24th we get the
7 transcript, and then all of a sudden the phone calls
8 started coming in. They just started coming in.

9 So I felt that possibly -- do you want me to
10 explain or not?

11 Q. Yeah, please explain.

12 A. I felt that possibly there could be a
13 problem, because you have this poor family and
14 you've got somebody who's very wealthy. I've been
15 in entertainment enough to know that, you know, that
16 could potentially be kind of a bad situation for
17 both people. And so I was starting to pay
18 attention, because I had read the transcript.

19 Q. How did you know they were poor?

20 A. You know what? I didn't know for sure, so
21 they told me they were poor, that they were ghetto.

22 Q. The Arvizos did?

23 A. No, Marc and -- Marc and Vinnie.

24 Q. Okay. Okay. And this is approximately
25 when, Marc tells you they're poor people?

26 A. Well, yeah, that they live in East L.A.,
27 that they live in a dump.

28 Q. When was this? 8833

1 A. Probably in -- probably had to be in January
2 sometime. Yeah, the late part of January, to the
3 best of my recollection.

4 Q. Marc knew nothing about these people in
5 January, did he?

6 A. I don't know.

7 MR. ZONEN: I'm going to object as to lack
8 of foundation.

9 THE COURT: He answered he doesn't know.

10 Next question.

11 Q. BY MR. MESEREAU: Do you remember telling
12 Kathryn Milofsky, "Marc is putting this whole thing
13 together. He wants to be the kingpin"?

14 A. Uh-huh.

15 Q. What were you referring to?

16 A. He -- I was referring to a phone call that
17 he had made to Dieter at -- at the ranch, that, you
18 know, "This is what you need to do." He was trying
19 to get ingratiated back with Michael.

20 Q. And approximately when were you starting
21 this process?

22 A. As soon as he got the transcript. As soon
23 as he got the transcript.

24 Q. That's approximately when?

25 A. January the 24th.

26 Q. Okay.

27 A. Or soon after that.

28 Q. So when you referred to Marc putting this 8834

1 whole thing together, he wants to be a kingpin,
2 you're talking about sometime after January 24th,
3 2003, correct?

4 A. Actually, I remember that conversation with
5 her, and I'm referring to the phone call, because --
6 because I'm saying he wants to be the kingpin, he
7 wants to be in charge of things, and he wants to
8 look good with Michael, like most people do.

9 Q. Okay. Do you remember telling Ms.
10 Milofsky -- excuse me, let me rephrase that. Did
11 you ever communicate with Ms. Milofsky by e-mail?

12 A. Oh, yeah, frequently.

13 Q. Did you turn those e-mails over to the
14 sheriffs?

15 A. Yes.

16 Q. Do you remember telling Kathryn Milofsky,
17 "I would always" --

18 A. They took my computer. Oh, I'm sorry.

19 Q. Okay. Do you remember telling Kathryn
20 Milofsky in an e-mail, "I would always say that MJ
21 had no idea what he was up to," referring to
22 Schaffel?

23 A. Well, not all -- okay, go ahead, I'm sorry.

24 Repeat that.

25 Q. Do you remember saying that?

26 A. Yes.

27 Q. Words to the effect that, "Michael Jackson

28 had no idea what Schaffel was up to"? Do you 8835

1 remember telling that to Milofsky?

2 A. Of the total scope. You've got to remember
3 the complete conversation. The total scope of
4 everything, yes.

5 Q. Do you remember saying that?

6 A. Yes.

7 Q. Okay. Do you remember telling Milofsky

8 Michael Jackson was unaware of what Schaffel was up
9 to?

10 A. In his totality, his other situations, maybe
11 his past and things like that.

12 Q. Okay. That's what you were referring to,
13 without explaining it, correct?

14 A. Well, I mean, there's a whole conversation
15 happening, so that's just one piece of a
16 conversation.

17 Q. Okay.

18 A. But that Michael and him were business
19 people, but the totality of the conversation was --
20 was that, you know, there were other things Marc was
21 doing --

22 Q. Right.

23 A. -- that probably Michael didn't know about
24 it.

25 Q. But you said that right after you talked to
26 Ms. Milofsky about the hiding of the Arvizos;
27 correct?

28 A. I'd have to -- I don't know. I'd have to 8836

1 look. There's a zillion e-mails.

2 Q. Did you ever tell Milofsky, "I saw him give
3 them money to take them shopping"?

4 A. Yes.

5 Q. And you were referring to Schaffel, true?

6 A. Yes. Schaffel and Vinnie.

7 Q. Schaffel and Vinnie gave the Arvizos money
8 so they could go shopping, right?

9 A. Correct.

10 Q. Do you know how much money they gave the
11 Arvizos so they could go shopping?

12 A. No. I just saw an envelope with money in
13 it, and then Vinnie had to sign a receipt for it.

14 Q. Did you ever go shopping with them at any
15 time?

16 A. Oh, God, no.

17 Q. Where were you when they were shopping?

18 A. I stayed put. I wasn't going to go anywhere
19 near that disaster. I was already close enough.

20 Q. Where are you staying put?

21 A. Well, the first time, where -- are you
22 talking about the first time he gave them money and
23 I saw it?

24 Q. Sure.

25 A. I was in the office. And the Arvizos came
26 over and they parked in that four-door whatever.

27 Vinnie came in. Gavin came in to use the rest room.

28 Stuart was downstairs. And I just pointed to the 8837

1 bathroom. And then Vinnie went upstairs and got
2 some money and signed for a receipt.

3 Q. And at this particular point in time, you
4 thought something was wrong about this, right?

5 A. Well, it was the conversation, because I
6 said, "Well, what's going on?" And he said -- I
7 said, "Why are you," you know, "taking them
8 shopping? This doesn't make any sense." See, none
9 of this made any sense.

10 And he said, "Do you honestly think I'd take
11 those stupid people shopping?" He goes, "Those
12 stupid Mexicans shopping? I'm just trying to get
13 receipts."

14 So it was ugly. It was kind of ugly.

15 Q. And you were in the house when Schaffel told
16 you this?

17 A. Yeah.

18 Q. Did you call the police?

19 A. No, I didn't know what was going on yet. I
20 didn't know what was going on.

21 Q. But you suspected something was wrong, true?

22 A. Well, you know, you know when something's
23 not right. And you just -- and you're paying
24 attention, like anybody would.

25 Q. So you paid attention, you followed your
26 suspicions wherever they took you and waited till
27 the following year to go to the police, right?

28 MR. ZONEN: Objection; argumentative. 8838

1 THE COURT: Sustained.

2 Q. BY MR. MESEREAU: Do you remember telling
3 Ms. Milofsky that, "Schaffel made a lot of money off
4 Michael, but I don't think Michael knows how much
5 money was made off of him"?

6 A. Yes.

7 Q. And were you telling the truth when you said
8 that?

9 A. Everybody was making money, yeah.

10 Q. Off of Michael, right?

11 A. With and off of Michael.

12 Q. Okay.

13 A. Because that needs to be clear. There's --

14 Q. And your feeling was that Michael didn't
15 know what kind of money people were making off of
16 him, true?

17 A. Well, I -- yes, that was true. I would say
18 that's true. Everybody seemed to have different
19 stories, so I just kind of -- I said what I felt was
20 the truth.

21 Q. Okay. Do you remember telling Vinnie in a
22 conversation you recorded where you were speaking to
23 him that, "All fingers point to Marc"?

24 A. Yes, Marc as a ringleader.

25 Q. That's what you said to Vinnie, correct?

26 A. Yes.

27 Q. Okay. Were you working for Marc at the

28 time? 8839

1 A. At the time of what?

2 Q. You were recording conversations with

3 Vinnie.

4 A. No.

5 Q. Were you in contact with Marc at the time

6 you were recording conversations with Vinnie?

7 A. Yes.

8 Q. How often would you talk to Marc during the

9 time you were recording conversations with Vinnie?

10 A. How often would I talk to Marc?

11 Q. Yes.

12 A. Gosh, I don't know. Your answer is, "I

13 don't know."

14 Q. You said at one point Schaffel was fired,

15 right?

16 A. Yes, in November.

17 Q. And then you said Schaffel -- I don't mean

18 to put words in your mouth, but Schaffel kept trying

19 to be involved with Mr. Jackson?

20 A. That's correct. Everybody does, from what I

21 witnessed.

22 Q. And when you say everybody was trying to be

23 involved with Mr. Jackson, who are you referring to?

24 A. Well, Ronald, Dieter, Marc. It just seemed

25 like they just kissed his butt all the time, so,

26 yeah.

27 Q. And did you have a business relationship

28 with Ronald anytime? 8840

1 A. With Ronald?

2 Q. Yes.

3 A. No.

4 Q. Did you have a business relationship with

5 Dieter at any time?

6 A. No. I mean, we had meetings with him, but,

7 no, I didn't ever, like, hawk one of their products

8 or anything like that.

9 Q. How many meetings do you think you had with

10 Dieter?

11 A. Two.

12 Q. How many do you think you had with Ronald?

13 A. The two. They were both there.

14 Q. Now, how many conversations do you think

15 you've had on the phone with Michael Jackson?

16 A. Conversations?

17 Q. Yes.

18 A. Well, they called my house like two or three

19 times, and we talked about "What More Can I Give?"

20 Q. Two or three conversations with Michael

21 Jackson?

22 A. Well, and then the meetings at The Beverly

23 Hills Hotel.

24 Q. Okay.

25 A. And The Hilton. And then in the studio.

26 Q. All right. On the phone?

27 A. But it was always business. No, not on the

28 phone. In person and on the phone. 8841

1 Q. How many times do you think you've ever
2 spoken to Michael Jackson on the phone?

3 A. Oh. If he's calling the office? Or if
4 he's -- having a conversation like, "Hey, how are
5 you doing? Do you want to go see a car show or
6 something?"

7 Q. How many times do you think you have spoken
8 to Michael Jackson on the phone?

9 A. A couple times. A dozen, I guess.

10 Q. A dozen?

11 A. Well, I mean -- I say, "How are you doing?"
12 He says, "Fine." He's always very polite. And --
13 you know. And on the phone, probably -- they called
14 me twice at my home. I would say, you know, for
15 knowing for sure that we had conversations on the
16 phone, strictly on the phone, would probably -- I
17 would say twice.

18 Q. Okay.

19 A. Everything else was just chitchat.

20 Q. How many times do you think you've met Mr.
21 Jackson in person?

22 A. 10, 12 times. And it was always business.

23 Q. And were --

24 A. Except for Gary, Indiana.

25 Q. Where did these meetings take place?

26 A. Oh, in the studio, at the hotel.

27 Q. Okay. Now, which hotel are you talking

28 about? 8842

1 A. The Beverly Hills Hotel and then The
2 Universal Hilton.

3 Q. Were you with Schaffel every time?

4 A. Oh, yes. The first time was with Ali and
5 then it was just Schaffel or Marc.

6 Q. For how long a period of time were you in
7 business with Schaffel?

8 A. For the duration of 2001 to 2003 when I
9 ended my contract and, you know, essentially when I
10 got my last check on the 25th of February.

11 Q. You got your last check from Neverland
12 Valley Entertainment on February 25th, 2003?

13 A. Yes, I believe so.

14 Q. Did you do any kind of work for Schaffel
15 after that date?

16 A. Oh, he asked me -- I have a pickup truck, so
17 he asked me if we could pick up some stones from
18 someplace. But that wasn't work. I wasn't
19 compensated. I just did it.

20 Q. What stones are you talking about?

21 A. Stones for his house, just like bags of
22 stones.

23 Q. Approximately when was this?

24 A. I was going to -- I think that summer. It
25 was that summer. So it was 2003, summer.

26 Q. Summer of 2003?

27 A. He just asked me for a favor, and I just

28 said, "Yeah, okay," whatever. 8843

1 Q. And you helped him pick up some stones for
2 his house in the summer of 2003?

3 A. I think. I believe so.

4 Q. Was that after your so-called escape?

5 A. After my so-called escape?

6 MR. ZONEN: I'm going to object as sarcastic
7 and argumentative. Also his "so-called escape."

8 THE COURT: It's sustained.

9 MR. MESEREAU: Withdraw it.

10 Q. Was that after the escape --

11 A. Yes, that was.

12 Q. -- that concerned you so much?

13 A. That concerned me so much.

14 Q. Yes.

15 A. After I was relieved that the family was
16 just gone and blah-blah-blah, yeah.

17 Q. Okay. Before Mr. Schaffel asked you to help
18 him with some stones on his house, you were in
19 constant communication with him, true?

20 A. Chitchat. Chitchat.

21 Q. "Chitchat" meaning what?

22 A. Nothing really of substance. Just -- just,
23 you know, something -- "Hey, how you doing?"
24 "What's going on?" "Oh, that sounds great." And
25 then just be off the phone. Really nothing of
26 substance. There was occasional, like, more
27 conversation, but nothing really of substance.

28 Q. The corporation that you had formed with 8844

1 Schaffel and Vinnie was still in existence, was it
2 not?

3 A. I don't know, tell you the truth. I don't
4 know. I thought it was all closed down. So -- I
5 thought it was like -- we did it, and then for a --
6 I didn't really put any weight in it. I just
7 thought, "Okay, if a project comes along and we're
8 going to it, we'll do it." But nothing happened, so
9 I just didn't put any weight in it.

10 And then Vinnie had told me that he had
11 closed it for -- I think he closed it for tax
12 purposes. I think that's what he said.

13 Q. And when was that?

14 A. Geez. Tell you the truth, I don't remember.

15 Q. When --

16 A. It was in 2003. I believe it was in 2003.

17 Q. The company was still in existence after you
18 got your last check from Neverland Valley
19 Entertainment, right?

20 A. Well, yes, because we were going to possibly
21 work on a benefit, a different benefit, and then
22 that would basically be -- I think it was called
23 "Best Buddies" or something like that. It was a
24 benefit.

25 Q. And did you work on putting this benefit
26 together?

27 A. Huh-uh.

28 Q. Did you talk to Vinnie about it? 8845

1 A. Yeah.

2 Q. Did you talk to Schaffel about it?

3 A. Not Schaffel.

4 Q. Did you talk to Vinnie about it?

5 A. Yes.

6 Q. When did you last talk to Vinnie?

7 A. Gosh. It's been a while. It's been a
8 little while. With today -- or a couple of months
9 probably now, I guess.

10 Q. Couple of months ago you talked to Vinnie?

11 A. Possibly, yeah. Possibly.

12 Q. Did you record him?

13 A. No.

14 Q. When did you last record Vinnie?

15 A. Boy, I don't remember, tell you the truth.

16 Q. When did you last record a phone call for
17 the sheriffs?

18 A. Gosh, I would say maybe a couple weeks
19 before -- gosh, you know what? I -- I can't say,
20 because I -- it just stopped and I just stopped it.
21 So, maybe a couple weeks before I gave him the
22 tapes, possibly.

23 Q. Which would be approximately when, do you
24 think?

25 A. Well, let's see, this is March -- maybe a
26 couple of weeks before April 14th. I'm sorry, I'm
27 not meaning to be that way. I'm just trying to be

28 accurate. So I'm just trying to make sure I'm 8846

1 saying what I -- what I know is in my mind.

2 Q. Now, in the notes that you say you took --

3 A. Which notes? Which ones?

4 Q. The notes you have in front of you. The

5 notes you say you took close to the date or on the

6 day these events occurred, we referred to February

7 1st, 2003, and you said that you thought there was a

8 train wreck going on, right?

9 A. A train wreck, right.

10 Q. Yet all through that year, you kept in

11 communication with all the people you thought who

12 were involved in the train wreck and never called

13 the police, right?

14 A. That's true.

15 Q. You kept in touch with Vinnie on a regular

16 basis, correct?

17 A. Initially, yes.

18 Q. All through 2003, you kept in touch with

19 Vinnie on a regular basis, correct?

20 A. Yes.

21 Q. All through 2003, you kept in touch with

22 Schaffel on a regular basis, correct?

23 A. True.

24 Q. Did you stay in touch with Frank?

25 A. Yeah, the last time we spoke was he was in

26 the studio.

27 Q. And when was that?

28 A. I don't know. It's in my notes. 8847

1 Q. Was it in 2003?

2 A. Oh, 2003? Yeah. I kept on talking to
3 Frank.

4 Q. Was it after you say this train wreck was
5 going on that you documented in your notes?

6 A. Yes, I just wrote, yes, "train wreck."

7 Q. Okay. Now, I believe you indicated in
8 response to the prosecutor's questions that you
9 thought a press conference was going to go on in
10 Florida, true?

11 A. I didn't think so. They said it.

12 Q. Okay. Well, Schaffel said it, correct?

13 A. Correct.

14 Q. Did Ronald say it?

15 A. They both wanted Michael to do a press
16 conference.

17 Q. Okay. And you said Michael was reluctant to
18 do one, correct?

19 A. Yeah, he said he doesn't like to do those
20 things.

21 Q. And ultimately, no press conference took
22 place, to your knowledge, right?

23 A. To my knowledge, yes. That's true.

24 Q. All right. Did you talk to Debbie Rowe
25 yourself?

26 A. Yes.

27 MR. ZONEN: Objection; vague.

28 MR. MESEREAU: I'll rephrase, Your Honor. 8848

1 I'll withdraw it.

2 Q. During the interview with Debbie Rowe that
3 you described in response to the prosecutor's
4 questions, did you speak with Debbie Rowe?

5 A. Yes. And Iris.

6 Q. Iris was her lawyer, correct?

7 A. Correct.

8 Q. And Iris was sitting there during the
9 interview, correct?

10 A. Yes. She's very nice.

11 Q. And Iris was sitting there when you say
12 Schaffel tried to get her to change some of her
13 answers, correct?

14 A. I didn't say Iris was sitting there. I was
15 sitting there watching Debbie. I don't know where
16 Iris was at that particular moment.

17 Q. But you did say that Schaffel tried to get
18 Debbie Rowe to change some of her answers, correct?

19 A. To -- yeah, he was nudging, like any
20 producer would, would nudge you to get a better
21 performance or whatever it is that they're looking
22 for.

23 Q. And do you know if Debbie's lawyer was right
24 there while that was going on?

25 A. She was there a lot. I don't remember
26 turning around and seeing her. But I remember she
27 was around a lot.

28 THE COURT: Let's take our break. 8849

1 MR. MESEREAU: Yes, Your Honor.

2 (Recess taken.)

3 THE COURT: Counsel?

4 MR. MESEREAU: Thank you, Your Honor.

5 Q. Mr. Provencio, you were first interviewed by
6 the Santa Barbara Sheriff's Department on Saturday,
7 January 31st, 2004, right?

8 A. Uh-huh.

9 Q. And you were interviewed by a Sergeant
10 Robel, correct?

11 A. Correct.

12 Q. And in that interview, Mr. Provencio, you
13 told Sergeant Robel that, "Marc directed
14 everything," and "It's unknown if Michael Jackson
15 even knew about what was going on with the Arvizo
16 family," correct?

17 A. If it's in the report. At that time, you
18 know, I just -- I didn't know what to do. I just
19 was, like, just talking to them, yeah.

20 Q. I understand. But that's exactly what you
21 told Sergeant Robel?

22 A. If I wrote it, then that's what I said at
23 that time. He was -- Marc was orchestrating -- oh,
24 I'm sorry.

25 Q. That was your first police interview, true?

26 A. Yeah. If you have the report there, yeah.

27 Q. You used those words in your interview with

28 Sergeant Robel, correct? 8850

1 A. Yes, if it's in the report.

2 MR. ZONEN: I'm going to object as
3 nonresponsive based on personal knowledge.

4 THE COURT: Sustained.

5 Q. BY MR. MESEREAU: Would it refresh your
6 recollection if I show you Sergeant Robel's
7 handwritten notes of your interview with him?

8 A. No, that's okay. I believe you.

9 Q. I need to find out if that's what you said
10 to Sergeant Robel.

11 A. Sergeant -- to Sergeant Robel?

12 Q. Yes. Did you tell Sergeant Robel in your
13 interview on January 31st, 2004, words to the
14 effect, "Marc directed everything. It's unknown if
15 Michael Jackson knew about what was going on with
16 the Arvizo family"?

17 A. Yes, I wrote that, or said that. Sorry.

18 Q. Now, you told Sergeant Robel in that
19 interview that when the Bashir taping of "Living
20 with Michael Jackson" was aired in the U.S.,
21 Schaffel immediately contacted Weizner and Konitzer,
22 right?

23 A. Correct. I believe Dieter was staying at
24 the ranch at that time.

25 Q. At no time in that police interview did you
26 say that any of these people got together because a
27 transcript was forwarded in January of 2003, right?

28 A. Does it say that? Or -- are you telling me 8851

1 something or are you asking me a question?

2 Q. I'm just --

3 MR. ZONEN: Objection; vague.

4 MR. MESEREAU: Okay.

5 Q. In your police interview on January 31st,

6 2004 --

7 A. Uh-huh.

8 Q. -- you told Sergeant Robel that Weizner and

9 Konitzer -- excuse me, let me rephrase that.

10 Schaffel contacted Weizner and Konitzer

11 after the Bashir taping of "Living with Michael

12 Jackson" was aired in the U.S., right?

13 A. No, it was after -- I believe it was after

14 the 24th transcript.

15 Q. That's something --

16 A. Because that's when the conspiracy really

17 starts is after the 24th transcript.

18 Q. That's something you've come up with for

19 this trial. That's not what you said in your first

20 interview, right?

21 MR. ZONEN: That's argumentative.

22 Objection.

23 THE COURT: Sustained.

24 Q. BY MR. MESEREAU: In your interview, you

25 said they got together after the airing, right?

26 A. Well, I know what happened. It was after we

27 got the transcript they made the -- he made the

28 phone calls. 8852

1 Q. Would it refresh your recollection if I show
2 you the police report?

3 A. I know what it might say, but I'm telling
4 you right now it was after the 24th transcript was
5 delivered that we -- that they, you know, started
6 contacting --

7 Q. You just came up with that recently, didn't
8 you?

9 A. No.

10 MR. ZONEN: Objection; argumentative.

11 THE COURT: Overruled. Next question.

12 Q. BY MR. MESEREAU: You recently turned over
13 the so-called notes you say you kept, right?

14 A. Uh-huh. Uh-huh.

15 Q. And when did you recently turn them over to
16 the prosecution?

17 A. When I found them in my storage unit.

18 Q. When did you find these notes in your
19 storage unit?

20 A. When -- it was probably last month, around
21 the 14th. I really had for -- I really actually did
22 forget about them. I stuck them in a box and -- you
23 know, and I just kind of forgot them, because they
24 weren't -- you know, I just -- that's what I did. I
25 just put them in a box and put the whole thing
26 behind me.

27 Q. During all of this period of time when you

28 were acting as a police informant -- 8853

1 MR. ZONEN: I'm going to object to the use
2 of that term; and compound.

3 MR. MESEREAU: I'll rephrase it.

4 Q. Did you act as a police informant in this
5 investigation?

6 A. Whenever something has happened, a criminal
7 act has been committed, it's everybody's duty to
8 work with law enforcement, so the answer is yes.

9 Q. When did you start working as a police
10 informant, Mr. Provencio?

11 A. Law enforcement, I worked with them when --
12 when they asked me, you know, after - what is it? -
13 when they served me the search warrant, or I agreed
14 to the search warrant.

15 Q. And when was that?

16 A. A couple months -- like I said, a couple
17 months after Michael's place was searched.

18 Q. And you started recording phone calls for
19 the sheriff's department --

20 A. Right.

21 Q. -- correct?

22 A. To get to the truth, correct.

23 Q. I understand. And this was in 2004,
24 correct?

25 A. It would have been 2004, yes.

26 Q. And did you do it into 2005?

27 A. Into 2005? Yes, uh-huh.

28 Q. And you were in constant touch with the 8854

1 sheriffs about the investigation, right?

2 A. Well, I only let them know what -- what I
3 had, you know, as far as, like, tried to get to the
4 truth of some matters that were unanswered.

5 Q. You were in constant touch with the sheriffs
6 during the period of time you were recording phone
7 calls, right?

8 A. Yes, sir.

9 MR. ZONEN: I'll object to that question as
10 vague.

11 THE COURT: Overruled. He said, "Yes."

12 Q. BY MR. MESEREAU: Is that right?

13 A. Yes.

14 THE COURT: He answered it; "Yes."

15 Q. BY MR. MESEREAU: And you were recording
16 phone calls for over a year, correct?

17 A. Yes.

18 Q. Never told anyone in the sheriffs about
19 these notes, right?

20 A. Well, I've always had notes, so yes, I did
21 tell them about the notes, but not these. Those
22 particular notes I had found when I cleaned out a
23 storage unit, and I have the receipt to show that I
24 cleaned out that storage unit, because I switched
25 storage units.

26 Q. When they searched your house, did you give
27 them the notes?

28 A. I gave them some notes, yes. 8855

1 Q. Not the ones you turned over in the last few
2 weeks, right?

3 A. No, that's true.

4 Q. You just kind of forgot about them while you
5 were working as an informant?

6 MR. ZONEN: I'm going to object to the
7 continuous use of argumentative questions and
8 sarcasm in his questioning.

9 THE COURT: Mr. Mesereau?

10 MR. MESEREAU: Yes, Your Honor?

11 THE COURT: I'm going to admonish you to
12 stop that.

13 MR. MESEREAU: Yes, Your Honor.

14 Q. In your interview with Sergeant Robel on
15 January 31st, 2004, you said it was around the
16 beginning of February of 2003 when Weizner and
17 Konitzer allowed Schaffel to rejoin their team,
18 true?

19 A. Yes.

20 Q. It was not in January, correct?

21 A. Can you rephrase that again? I'm sorry.

22 Maybe I blanked out a little bit. Say it again.

23 I'm sorry. I'm sorry.

24 Q. You told Sergeant Robel that Weizner and
25 Konitzer allowed Schaffel to rejoin their team
26 around the beginning of February of 2003?

27 A. It had been -- do you want me to explain?

28 No? 8856

1 Q. Is that what you told Sergeant Robel in that
2 police interview?

3 A. If it's there, I told him that, yeah. But --

4 Q. Do you know if that's what you said?

5 A. Yes. If I said it, I said it.

6 Q. Did you say it?

7 A. Yes, I said it.

8 Q. Do you remember telling Sergeant Robel in
9 that interview that you thought Debbie Rowe was
10 honest and sincere regarding her responses to the
11 questions in that interview?

12 A. Well, I don't remember exactly saying that,
13 but I know what I saw there. I mean, so I guess if
14 it's there in writing and I said it, then I said it.

15 Q. Well, I have to ask you if you said it.

16 A. Okay. I said it. Sorry.

17 Q. And you told Sergeant Robel in that
18 interview on January 31st, 2004, that you thought
19 the questions she was asked were typed via computer,
20 right?

21 A. Well, there was several versions, but, yeah,
22 like there was one version that I saw handwritten,
23 and then it -- because it's just not one piece of
24 paper that you -- that I saw. It was variations of
25 things.

26 Q. And when you saw the questions, you asked
27 Schaffel what they were, and he told you they were

28 questions to be asked to Debbie Rowe, right? 8857

1 A. Yeah, flippantly. Questions and answers.

2 Q. Well, you didn't tell the police about

3 answers in that interview, did you?

4 A. In that interview?

5 Q. Yes.

6 A. Probably not. I just -- but I was really

7 scared at that time, too, so -- because that was the

8 very first time I was meeting them, law enforcement.

9 So I didn't really know what was going on, so -- and

10 I can -- you know, I do make mistakes. I can get

11 jumbled in some of my stuff, but, you know, I was

12 being as honest -- I was being honest when I was

13 there.

14 Q. Who wrote out the questions, if you know?

15 A. For Debbie Rowe, are you --

16 Q. Yes.

17 A. Ian had sent over the questions via e-mail.

18 And then -- and then -- and then they were in many

19 different forms at the office.

20 Q. Did you work on the questions yourself?

21 A. Oh, no.

22 Q. Okay. Did you see Schaffel changing the

23 questions at all?

24 A. Well, yeah, he would write things and then,

25 you know, edit it.

26 Q. Okay. By the way, in that interview --

27 A. Uh-huh.

28 Q. -- of January 31st, 2004 -- 8858

1 A. Uh-huh.

2 Q. -- you never said anything about any escape,
3 correct?

4 A. I don't believe I did, no. We were just
5 first meeting, so it was like -- it was a
6 bombardment of questions and information, so I was
7 just trying to answer, you know, what I knew. And
8 it seemed all very overwhelming.

9 Q. In that interview of January 31st, 2004,
10 with Sergeant Robel, you never mentioned the word
11 "killers," true?

12 A. That is true.

13 Q. You did talk about the Arvizo family going
14 shopping, right?

15 A. Correct. That they had told me. And seen
16 them exchange money.

17 Q. You said Schaffel would give cash to the
18 Arvizo family for shopping, right?

19 A. Well, to Vinnie. And then Vinnie would sign
20 a receipt. That's what I witnessed.

21 Q. You talked about Vinnie Amen transporting
22 the Arvizo family, correct?

23 A. Correct, in that four-door clunker.

24 Q. And you indicated at the beginning of that
25 interview to Sergeant Robel that you would tell him
26 everything you knew, right?

27 A. Well, at that -- yeah, to the best of my

28 knowledge at that time. You know, but I was 8859

1 nervous, too.

2 Q. And you said --

3 A. Like I'm nervous now.

4 Q. You told Sergeant Robel you would tell him
5 everything you knew, and you didn't want it to be
6 tape-recorded, right?

7 A. That's true.

8 Q. Did you tell Sergeant Robel everything you
9 knew on that date?

10 A. No, because I didn't -- it's not something --
11 it wasn't something I was thinking about for a
12 while, so it was -- you know, I told him what I knew
13 at that particular time.

14 Q. And the first time you ever produced
15 anything to the sheriffs referring to "escape" or
16 "killers" was a few weeks ago, right?

17 A. Well, that was when I found it, because I
18 didn't think I had it anymore, so -- but I always
19 kept journals, so -- not all of them that I still
20 have, so --

21 Q. Well, would it be -- would it be accurate to
22 say that even though you told Sergeant Robel you
23 would tell him everything you knew on January 31st,
24 2004, you just forgot about the escape on that date?

25 A. No. I -- I told him what I knew based on
26 the questions he was asking me. And I was being
27 honest at that time.

28 Q. And would it be accurate to say that during 8860

1 your interview with Sergeant Robel on January 31st,
2 2004, you just forgot about the reference to -- I'm
3 sorry. Let me withdraw the question and restate it.
4 Would it be accurate to say that during your
5 interview with Sergeant Robel on January 31st, 2004,
6 where you said you'd tell him everything you knew
7 about these events, you just forgot about someone
8 using the word "killers"?

9 A. I know what I heard.

10 Q. Did you forget to mention that in that
11 interview?

12 MR. ZONEN: Objection; asked and answered.

13 THE COURT: Overruled. I'll have the
14 question read back.

15 THE WITNESS: Okay.

16 (Record read.)

17 THE WITNESS: I didn't mention it at that
18 time, if it's in writing. I didn't mention it at
19 that time.

20 Q. BY MR. MESEREAU: You just forgot, do you
21 think?

22 A. I don't forget. I just didn't mention it at
23 that time.

24 Q. Now, the prosecutor asked you to read some
25 of the credits --

26 A. Correct.

27 Q. -- that are found in the little brochure

28 that accompanies Michael Jackson's DVD entitled 8861

1 ""Invincible"," okay?

2 A. Uh-huh.

3 Q. And -- did you ever work on that album?

4 A. We went to the video shoot, yes.

5 Q. And he had you read credits that are given
6 to Schaffel, right?

7 A. Well, yeah, Marc said that that was his.

8 Q. And he had you read credits that are given
9 to the Cascio family, right?

10 A. Right.

11 Q. Michael gave a lot of other credits to a lot
12 of other people?

13 A. Correct. There's a lot there.

14 Q. And he tells a lot of people that he loves
15 them, right?

16 A. Yes.

17 Q. Michael typically says he loves people he's
18 giving credits to, right?

19 A. Yeah. That's like his sound bite, yeah.

20 Q. And he dedicated the ""Invincible"" album,
21 said, "A special thanks to all the children of the
22 world of all nationalities. You are my greatest
23 inspiration. Without you this album would never
24 have been released. I love you all, Michael
25 Jackson," right?

26 A. You read it. Yeah.

27 Q. Do you remember that?

28 A. Well, yeah, I read through it. 8862

1 Q. Okay. He expressed gratitude to his
2 parents, Joseph and Katherine, right? Remember
3 that?

4 A. Does it say it there?

5 Q. Right.

6 A. Does it say it?

7 Q. "For their love and support, inspiration and
8 caring, I love you dearly. Thank you for conceiving
9 me. Your son, Michael." Do you remember that?

10 A. I'm sorry, I don't remember that, but -- I
11 did read it. I read it once or twice.

12 Q. He also dedicated it to Prince and Paris,
13 saying, "You give me the greatest joy I've ever
14 known in my entire life. I love you both from the
15 bottom of my heart, now and forever," right?

16 A. Yep.

17 Q. Did you know someone named John McClain?

18 A. I don't know him. I knew of him.

19 Q. Who is he?

20 A. He's a music guy that we never could figure
21 out what he did.

22 Q. Do you remember Michael dedicated

23 ""Invincible"" to John McClain?

24 A. Yeah, I read that.

25 Q. Saying, "This album would not be possible
26 without your genius and perfection. I love you,
27 Michael Jackson," right?

28 A. I remember John McClain's name. 8863

1 Q. He dedicated it to Elizabeth Taylor,

2 correct?

3 A. Yeah.

4 Q. He said, "Elizabeth: Through it all, you

5 have been my constant, with your support, your

6 caring and your love. I love you dearly, Michael

7 Jackson," right?

8 A. Okay.

9 Q. Do you remember that?

10 A. Sure.

11 Q. He said, "A special thanks to Carlos Santana

12 for sharing your genius and love. Michael Jackson,"

13 right?

14 A. Yeah.

15 Q. Remember that?

16 A. Yeah, I guess so. You're reading it.

17 Q. He had a whole list of people --

18 A. Right.

19 Q. -- that he dedicated this album to with

20 expressions of love, correct?

21 A. Correct.

22 Q. It wasn't just to Schaffel or the Cascios

23 alone, was it?

24 A. Well, him and Schaffel were friends. So,

25 yeah, it wasn't just -- it wasn't just them.

26 Q. He dedicates it to Chris Tucker, does he

27 not?

28 A. I don't remember that one, but sure. 8864

1 Q. Says: "Dear Chris, with all my respect for
2 your art and deepest gratitude for your
3 contribution, your friendship and your love. To the
4 future, and to all that we can create together. I
5 love you, Michael Jackson," right?

6 A. Okay.

7 Q. Remember that?

8 A. No. But if it's there, I believe you.

9 Q. He gave a special thanks to everyone at MJJ
10 Productions, and listed people in various
11 capacities, right?

12 MR. ZONEN: My objection is that the witness
13 has stated to the last three that he has no
14 recollection of any of them. It appears that
15 counsel is simply reading it into the record. I'll
16 object.

17 THE COURT: Sustained.

18 Q. BY MR. MESEREAU: Before you testified, did
19 you go over this document with the prosecutor?

20 A. I looked at it.

21 Q. Where did you go over this document with the
22 prosecutor?

23 A. In the office.

24 Q. And when was this?

25 A. A couple days ago. Two days ago, or
26 something.

27 Q. And were you with Prosecutor Zonen?

28 A. Yes. 8865

1 Q. Okay. Did you talk about your being asked
2 questions about where the credits went on the album
3 "Inspiration"?

4 A. "Inspiration"?

5 Q. I mean, pardon me, ""Invincible"." I'm
6 sorry, my mistake.

7 A. ""Invincible"."

8 Q. Did you talk to him about what you were
9 going to say to those questions?

10 A. No. I just -- he just asked me to look at
11 it. "Can you identify" -- "Is this" -- you know,
12 "Is this Marc? Are you sure?" And I said, "Well,
13 yeah. He bragged about it."

14 Q. Okay. Okay. And how much work did you do
15 on the album ""Invincible""?

16 A. Went to the video shoot. And everything
17 else was -- it was -- we were already working on
18 "What More Can I Give?" We couldn't focus on two
19 things at one time.

20 Q. Okay. Now, at some point you -- let me
21 rephrase that. You mentioned Christian Robinson in
22 response to the prosecutor's questions, right?

23 A. Yes.

24 Q. And when did you first meet Christian
25 Robinson?

26 A. Gosh. 2000 -- 2001, first time I met him.

27 Q. Was he working with Schaffel at the time?

28 A. Yeah. They might have been working on 8866

1 something else, but I don't know what it was. No,
2 he was around. I don't know what they were doing.
3 I think he just brought him on board.

4 Q. You mentioned to Vinnie one time in a
5 recorded conversation that you had learned that
6 Christian Robinson made \$10,000 selling some
7 pictures of Michael Jackson, right?

8 A. That's what I had heard, yes.

9 Q. Did you ever confirm whether that was true?

10 A. I never confirmed it with Christian. I just
11 heard it from one of my friends who told me about
12 it.

13 Q. And you indicated that he had sold those
14 pictures to ABC, right?

15 A. Yes. I believe so.

16 Q. Okay. Were you --

17 MR. ZONEN: I'm going to object to lack of
18 foundation.

19 THE COURT: Sustained.

20 Q. BY MR. MESEREAU: Did you ever learn where
21 Christian Robinson had sold those pictures to?

22 A. What? Say that again.

23 Q. Did you ever learn where Christian Robinson
24 sold pictures of Michael Jackson to?

25 MR. ZONEN: Your Honor, no -- objection.

26 Lack of foundation that such pictures were sold.

27 THE COURT: Sustained.

28 Q. BY MR. MESEREAU: You've indicated that you 8867

1 learned at some point that Christian Robinson had
2 sold pictures of Michael Jackson for \$10,000, right?

3 MR. ZONEN: Your Honor, objection, lack of
4 foundation.

5 THE COURT: Overruled.

6 You may answer that. Do you want the
7 question read back?

8 THE WITNESS: Please.

9 (Record read.)

10 MR. ZONEN: I'll object as hearsay as well.

11 THE COURT: He's just asking him if he's
12 already testified to that. That's his question.

13 Did you say that a minute ago?

14 THE WITNESS: Yes.

15 THE COURT: Next question.

16 Q. BY MR. MESEREAU: Do you know -- excuse me.

17 Do you know whether those pictures were actually
18 sold?

19 A. No, I had heard about it.

20 Q. Okay. Did you ever talk to Christian
21 Robinson about that subject?

22 A. No, because I was alarmed that they were
23 doing it, but --

24 Q. You never talked to him about it, right?

25 A. No.

26 Q. When did you last see Christian Robinson?

27 A. I saw Christian, oh, in Gary, Indiana.

28 Q. Was that after you had learned that he had 8868

1 sold pictures of Michael Jackson for \$10,000?

2 MR. ZONEN: I'm going to object as lack of
3 foundation and assuming facts not in evidence.

4 THE COURT: It's not relevant. I'll sustain
5 that objection.

6 Q. BY MR. MESEREAU: At some point, you had a
7 discussion with Marc Schaffel about Schaffel's
8 writing a book about Michael Jackson, true?

9 A. True.

10 Q. Now, when did you first talk to Marc
11 Schaffel about his writing a book about Michael
12 Jackson?

13 MR. ZONEN: I'll object as hearsay.

14 MR. MESEREAU: Just asked him when, Your
15 Honor.

16 THE COURT: The objection is overruled.

17 The question is, when did you talk to
18 Schaffel about that?

19 THE WITNESS: I learned -- he had told me
20 that they were going to --

21 THE COURT: Just -- the question is when.

22 THE WITNESS: When? Oh, gosh. I don't -- I
23 don't know. I don't remember. Last year sometime.
24 German book fair.

25 Q. BY MR. MESEREAU: And you had a number of
26 discussions with him about that subject, correct?

27 A. Well, I was trying -- yeah, I -- okay, the

28 answer is yes. 8869

1 Q. And it was your understanding that Schaffel
2 was trying to make some money on a book deal in
3 Europe, right?

4 MR. ZONEN: Objection. Lack of foundation;
5 hearsay.

6 THE COURT: Sustained.

7 Q. BY MR. MESEREAU: Did you ever learn if
8 Schaffel was trying to peddle a book about Michael
9 Jackson in Europe?

10 MR. ZONEN: Objection. Lack of foundation
11 and hearsay.

12 THE COURT: Hearsay; sustained.

13 Q. BY MR. MESEREAU: How many conversations
14 have you had with Marc Schaffel about the
15 possibility of his writing a book about Michael
16 Jackson?

17 MR. ZONEN: I'm going to object as hearsay.

18 MR. MESEREAU: Just asked how many, Your
19 Honor.

20 MR. ZONEN: Assumes facts not in evidence.

21 THE COURT: Sustained. It's just hearsay.

22 Q. BY MR. MESEREAU: Do you remember in one of
23 your recorded conversations with Vinnie where you
24 told Vinnie that Chris Tucker and a woman identified
25 as his girlfriend are witnesses the Arvizo family
26 were free to come and go from Neverland whenever
27 they wanted?

28 A. Did Vinnie say that or did I say that? 8870

1 Q. You.

2 A. Gosh. I don't remember.

3 Q. Would it refresh your recollection if I show
4 you a transcript?

5 A. Sure. Go ahead.

6 MR. MESEREAU: May I approach?

7 THE COURT: Yes.

8 THE WITNESS: Could I ask you a question?

9 MR. ZONEN: I'm going to object to any
10 further dialogue other than whether or not that
11 provision refreshed his recollection.

12 THE WITNESS: Oh.

13 Q. BY MR. MESEREAU: Have you had a chance to
14 look at that page of the transcript?

15 A. Yes, I looked at that.

16 Q. Does it refresh your recollection about you
17 saying that to Vinnie?

18 A. Can you say the question again? I'm sorry.

19 What was the question?

20 Q. Did you tell Vinnie that it was your
21 understanding that Chris Tucker and a woman
22 identified as Tucker's girlfriend are witnesses that
23 the Arvizos were free to come and go whenever they
24 wanted from Neverland?

25 A. I think I'm asking a question. I'm not? Am
26 I asking it or am I making a statement?

27 MR. ZONEN: I'm going to object to the

28 absence of a foundation that it refreshed his 8871

1 recollection.

2 THE COURT: The only question pending is
3 whether, having looked at that manuscript, your
4 memory is refreshed about that statement or
5 question, whatever it may be.

6 THE WITNESS: Okay.

7 THE COURT: Does it refresh your
8 recollection?

9 THE WITNESS: No. Not really.

10 THE COURT: All right. Next question.

11 Q. BY MR. MESEREAU: You've talked about the
12 project "What More Can I Give?" right?

13 A. Correct.

14 Q. You've talked about the work you did on
15 "'Invincible'," right?

16 A. No, I didn't -- no, I didn't say that. I
17 said I went to a video shoot.

18 Q. You didn't do any work yourself on it?

19 A. No. My name ain't in it.

20 Q. You did some work on the rebuttal show
21 involving Debbie Rowe, correct?

22 A. I was there for the shooting of Debbie Rowe,
23 true.

24 Q. Were you actually working for Schaffel at
25 that time?

26 A. I worked until the 25th, and that was it, of
27 February of '03.

28 Q. So you were working for Schaffel when the 8872

1 interview with Debbie Rowe took place?

2 A. With Neverland Valley Entertainment.

3 Q. Okay, excuse me.

4 A. Okay.

5 Q. You were working with Neverland Valley

6 Entertainment when the interview with Debbie Rowe

7 took place?

8 A. Correct. I received my last check on the

9 25th.

10 Q. And when the interview with Debbie Rowe took

11 place, were you working that day at Schaffel's

12 residence?

13 A. Yeah, I was doing filing and other

14 miscellaneous --

15 Q. Did you do any work on that video yourself?

16 MR. ZONEN: Which video? Objection.

17 MR. MESEREAU: I'll rephrase.

18 Q. Did you yourself do any work on the rebuttal

19 video involving Debbie Rowe?

20 MR. ZONEN: Again, it's vague as to just the

21 section of Debbie Rowe or the whole film?

22 MR. MESEREAU: I'll be happy to rephrase

23 those questions, Your Honor.

24 Q. The first question: Did you do any work on

25 the rebuttal video documentary --

26 A. Uh-huh.

27 Q. -- involving the Arvizos?

28 A. No. 8873

1 Q. Did you do any work on the rebuttal
2 documentary particularly, specifically the Debbie
3 Rowe interview?

4 A. I was there for the filming.

5 Q. Okay. Were you working on it at all?

6 A. Just upstairs I was doing things for
7 Neverland Valley Entertainment. It was part of
8 Neverland. They were filming there.

9 Q. Did the work that you were doing on that day
10 involve the interview with Debbie Rowe?

11 A. No, not really. My work was just office
12 stuff.

13 Q. When you looked at the list of questions
14 you've identified that were being asked of Debbie
15 Rowe --

16 A. Uh-huh.

17 Q. -- was that part of your responsibilities
18 and your work for Neverland Valley Entertainment?

19 A. They were laying around. It wasn't like --
20 there was no secret about it. They were laying
21 around. It was like -- just like you would in any
22 production.

23 Q. Well, I think you said you went up and down
24 the stairs during the shoot.

25 A. Yeah, I went up and down the stairs to get
26 coffee, take a leak, come back downstairs, watch a
27 little bit more. Go back upstairs.

28 Q. Were you just watching it on your own time 8874

1 or was that part of your work for Neverland Valley
2 Entertainment?

3 A. Everybody was -- it was like Stuart. We
4 were just there. We were watching. We were -- you
5 know, I just wanted to do something else other than
6 just sit there for nine hours. So --

7 Q. So am I correct you didn't directly work on
8 that portion of the video?

9 A. I didn't do any lighting. I didn't ask her
10 any questions. You know, but I was there. It was
11 part of Neverland Valley Entertainment, for
12 clarity's sake.

13 Q. Do you remember telling Vinnie --

14 A. In what?

15 Q. -- in one of your recorded interviews with
16 him -- excuse me, not "interviews." Excuse me. Let
17 me rephrase the question.

18 Do you remember telling Vinnie during one of
19 your phone conversations with him that you recorded
20 that, "All fingers point to Marc"?

21 A. Yeah, he was mastermind, letting people know
22 what was happening.

23 Q. Do you remember telling Vinnie that, "Even
24 if you were stupid and had the inside track, you
25 would see the finger's pointing to Marc"?

26 A. Yeah, and Marc informed everybody what was
27 going on.

28 Q. How long were you in contact on a regular 8875

1 basis with Marc Schaffel after you decided there was
2 a conspiracy?

3 A. I never -- I never really decided there was
4 a conspiracy per se. I just knew something was
5 wrong. The family had escaped, and so I was
6 relieved. I was just real relieved that everything
7 was just like -- I thought everything was just going
8 to be -- you know, that these people were kind of on
9 a -- like lost souls on a ship. They could just
10 float away from me and I could just be free of all
11 of it.

12 So -- but I kept in contact with them. I
13 love people. I adore people. Even if they do
14 something wrong doesn't mean that I have a right to
15 judge them. And maybe I don't know all the answers
16 and maybe I don't -- I didn't know everything that
17 was happening at the time. But as long as they
18 were -- everything was okay and everybody was okay,
19 I just kind of figured that -- I'm rambling. Sorry.
20 So that's a --

21 Q. So around the time you decided the family
22 had escaped, you did not judge Marc positively or
23 negatively; is that right?

24 A. I was just -- like I said, they were all on
25 a boat, I mean, lost souls on a boat, so just let it
26 go. Just let them go and do whatever fantastic
27 things they do.

28 Q. While you were working for Neverland Valley 8876

1 Entertainment at Schaffel's residence --

2 A. Uh-huh.

3 Q. -- you learned that Schaffel had stolen

4 money from a woman in Japan, correct?

5 A. Correct.

6 Q. And you kept working with him anyway, right?

7 A. I didn't learn it until later. And -- and

8 even though I saw some documents, I don't know if

9 the agreement specifically was that there was to be

10 any money given back or anything like that. I only

11 saw, you know, what I saw and heard what I heard.

12 Q. You saw what you saw and you heard what you

13 heard while you were working with Schaffel, right?

14 A. We were on hiatus, yeah.

15 Q. Did you see the documents that you just

16 referred to at Schaffel's residence?

17 A. I saw a couple of them, yeah. They would

18 come in fax.

19 Q. How much longer did you keep working with

20 Schaffel after you learned he had stolen money from

21 a woman in Japan?

22 A. Well, I learned it much later, what had

23 happened. I learned that the money situation --

24 because the people who brought -- can I explain

25 this? Is that okay?

26 Q. I'm just asking you how much longer you kept

27 working for Schaffel after you saw the document

28 you've just described. 8877

1 A. I kept on working with him, but I didn't
2 know he had taken this money until much later.

3 Q. You are friendly with a woman named Cindy
4 Montgomery, right?

5 A. Correct. I met her.

6 Q. And when did you first meet Cindy
7 Montgomery?

8 A. Around the Brazil trip, where they were
9 trying to get one-way tickets to Brazil. Right
10 around that time.

11 Q. Well, Mr. Schaffel used to go to Brazil a
12 lot, didn't he?

13 A. Well, yeah. But -- yes. The answer is yes.

14 Q. You knew Cindy Montgomery before the Brazil
15 trip you just referred to.

16 A. I knew of her.

17 Q. Correct.

18 A. But that was the first time I was actually
19 meeting her face to face and talking to her.

20 Q. At some point you learned Cindy Montgomery
21 tape-recorded a phone conversation with you,
22 correct?

23 A. Yes.

24 Q. And you then began to tape-record phone
25 conversations with Cindy Montgomery, right?

26 A. Yes. Because the machine would come on.

27 I believe there was one conversation in there.

28 Q. And you repeatedly told Cindy Montgomery 8878

1 that Marc Schaffel is a prolific liar, right?

2 A. That's true.

3 Q. When did you learn that Marc Schaffel was a
4 prolific liar?

5 A. Well, do you want the short answer or the
6 long one?

7 Q. When do you think you decided Marc Schaffel
8 is a prolific liar?

9 A. When I started working with him, things --
10 things were -- things were unraveling, stories
11 weren't matching. You know, things his parents did
12 for a living, things like that. You know, so I -- I
13 kept on kind of, "Well, wait a second. That's not
14 what you told me last month," so then I was just
15 starting to remember.

16 Q. You'd known him since high school; is that
17 correct?

18 A. I knew of him since high school, yes.

19 Q. Okay. Did you know him in high school?

20 A. Yes, I knew of him in high school.

21 Q. Before you began to work for Neverland
22 Valley Entertainment, were you working in the
23 entertainment industry?

24 A. Yes.

25 Q. What were you doing?

26 A. I was a record promoter.

27 Q. And where were you promoting records?

28 A. At the Universal Music Group. 8879

1 Q. How long did you do that?

2 A. Oh, God, like four years.

3 Q. Did you meet -- did you run into Schaffel
4 while you were working for the Universal Music
5 Group?

6 A. No, I ran into Schaffel when I was working
7 for the Warner Music Group.

8 Q. When was that?

9 A. In '93. Because we lost contact from like
10 '84 to like '93 is kind of like when we lost contact
11 with each other, because I didn't know where he
12 moved.

13 Q. Did the sheriffs -- excuse me. Did
14 representatives of the sheriff's department tell you
15 that Cindy Montgomery had recorded a conversation
16 with you?

17 A. No, but I understood the wisdom of it later.

18 Q. How did you learn she had recorded a
19 conversation with you?

20 A. She told me the truth.

21 Q. Okay. Approximately when was this, if you
22 know?

23 A. Gosh, I don't remember. I really didn't
24 think it was a big deal, so I don't remember. I
25 mean, I couldn't honestly tell you a day or a month.

26 Q. Did you learn she had done that as a part of
27 a police investigation?

28 A. She just basically said, "Listen, I'm your 8880

1 friend. I really like you. I don't want this to
2 ruin our friendship, but, you know, I" -- "I wanted
3 to make this recording." And she did it and....
4 Listen, everybody was making recordings in
5 that world. So this was like nothing. This was
6 nothing. I mean, people were following people.
7 People were making recordings. You weren't allowed
8 to talk on the phone at Neverland, things like that.
9 So this was nothing new.

10 Q. So you were not upset when you learned that
11 Cindy Montgomery had recorded a conversation with
12 you as part of this investigation?

13 A. Well, I was upset, because I wished she
14 would have just told me. And I remember, you know,
15 I put it in my notes, that I just thought, you know,
16 God, you know -- I was upset at the time. And then
17 later on, I just -- I realized that, you know, I
18 could see the wisdom of why that occurred, and it
19 was fine. It was just like I got done with what I
20 was doing, so --

21 Q. Did you tell her that you were recording
22 conversations with her?

23 A. No, I don't think so. But I think that
24 conversation with her was an accident, if I'm right.
25 I think there's maybe one or two in there with her,
26 and I think that was a complete accident, because it
27 was just -- the tape would go on, so -- when you

28 pick up the phone. 8881

1 Q. Do you remember discussing with Cindy
2 Montgomery the fact that you were keeping notes of
3 this investigation?

4 A. Keeping notes?

5 Q. Yes.

6 A. Yeah. I keep notes of everything, you know.

7 My journals do you mean?

8 Q. Yes. Do you remember telling Cindy

9 Montgomery that you were taking notes about this
10 investigation?

11 A. I was keeping notes, yes.

12 Q. Do you remember telling her about that?

13 MR. ZONEN: I'll object as hearsay.

14 THE COURT: Overruled.

15 You may answer.

16 THE WITNESS: Okay.

17 Q. BY MR. MESEREAU: Do you remember that?

18 A. Yes.

19 Q. Do you remember telling Cindy Montgomery, in
20 discussing your notes, "I'll give my lawyer the
21 bullet points, overview, but not give him my
22 detailed notes. Are you kidding me? That's a book,
23 honey"?

24 A. Yes, I did say that.

25 Q. But you said earlier you have no intention
26 of writing a book about this case, right?

27 A. I don't. I really don't.

28 Q. Okay. Do you know someone named Ian 8882

1 Barkley?

2 A. He was one of the people that Christian
3 Robinson -- Christian Robinson brought on board. I
4 think he was a photographer also.

5 Q. Did you ever --

6 A. From Utah.

7 Q. Did you work with him?

8 A. No, I didn't really communicate with him.

9 I know he was around and was working for Christian
10 or helping to assist Christian.

11 Q. Did you ever see Ian Barkley with Michael
12 Jackson?

13 A. No.

14 Q. Was it your belief that Schaffel was trying
15 to prevent people from talking to Michael Jackson?

16 A. Well, yeah, he would -- I mean, he always
17 wanted to kind of hog the spotlight, I guess you
18 might say.

19 Q. And he tried to keep Ian Barkley away from
20 Michael Jackson, did he not?

21 MR. ZONEN: I'll object as lack of
22 foundation and relevance.

23 THE COURT: Sustained.

24 Q. BY MR. MESEREAU: I'm not sure if I asked
25 you this. When did you last talk to Schaffel?

26 A. Right before last month, on the 14th.

27 Q. Did he call you?

28 A. I don't remember. But I know I talked to 8883

1 him.

2 Q. And when had you talked to him last before
3 that call?

4 A. Gosh, off the top of my head, I don't
5 remember. It was just back and forth. Whatever.

6 Q. When did you last see Marc Schaffel in
7 person?

8 A. I think it was in Ohio. Yeah, I'm pretty
9 sure it was in Ohio. Yeah, it was in Ohio.

10 Q. You indicated you gave up your point --

11 A. Uh-huh.

12 Q. -- in the project that you had with
13 Neverland Valley Entertainment?

14 A. Yes, with "What More Can I Give?"

15 Q. And how did you give up your point?

16 A. I signed documents and just said --
17 basically Marc had provided me documents and said
18 that this is going to return -- because I had said,
19 you know, "I think this is a good idea. We should
20 return our points to Michael. I think that's a very
21 good idea." And he said, you know, "Oh, I agree."
22 And I met him at Wahoo's Fish Taco, and we
23 had lunch, and that's when I signed the point over
24 to Michael.

25 Q. And I believe you said you did that out of
26 pure generosity; is that --

27 A. Well, I did it because I just felt like I

28 would have bad karma owning something I didn't think 8884

1 I deserved. I really thought that I should; I
2 should do it.

3 Q. Okay. Do you remember telling Vinnie Amen
4 that you should have made \$150,000 by going to a
5 tabloid?

6 A. That I go to the tabloid or he did?

7 Q. You.

8 A. I never went to a tabloid.

9 Q. Do you remember telling him you should have?

10 A. I might have been tempted, yes, but I never
11 did it. And I got calls and offers, but I never
12 took them.

13 Q. Have you been told by anyone associated with
14 the prosecution, "Don't make any deal till after the
15 trial's over"?

16 A. No.

17 Q. Have you been told by any member of the
18 prosecution, "Don't give interviews till the trial's
19 over"?

20 A. Oh, they said I'm under gag order. Is that
21 what you mean?

22 Q. Has anyone from the prosecution said to you,
23 "Mr. Provencio, don't give any interviews till this
24 trial's over"?

25 A. They never said do interviews or any of
26 that. They just said, "You're under gag order," you
27 know, and, "You're accountable for your own

28 actions." 8885

1 Q. Do you remember telling Vinnie Amen, "Marc
2 has made money hand over fist on Michael Jackson"?

3 A. Yes.

4 Q. Do you remember telling Vinnie that Michael
5 Jackson had given a million dollars to Marlon
6 Brando?

7 A. Yeah, I was there. Because he got booed.

8 Q. And you told Vinnie that Schaffel had stolen
9 a million dollars from that woman in Japan, correct?

10 A. Yes. After I found out -- and maybe I'm
11 being overassumptious, but the woman died and he
12 didn't return the money, so I considered that not
13 right.

14 Q. Have you ever spoken to anyone who
15 represents the media about this case?

16 A. I have friends in the media, but -- I would
17 listen to what they said, but I -- I didn't want
18 people to put a stranglehold on me, so I preferred
19 not to speak to them about it.

20 Q. And what friends in the media have you
21 spoken to about this case?

22 A. Well, Kathryn's a person that I talked to.

23 Q. Okay. She's with who, CBS?

24 A. CBS.

25 Q. Who else have you spoken to in the media
26 about this case?

27 A. Nobody. So....

28 Q. You just referred to some friends in the 8886

1 media.

2 A. Yes, I did refer to friends. And --

3 Q. And who were they?

4 A. And that's Kathryn Milofsky.

5 MR. ZONEN: I'm going to object unless there
6 are people he actually discussed in this context.

7 THE COURT: Sustained.

8 Q. BY MR. MESEREAU: Correct me if I'm wrong --

9 A. Uh-huh.

10 Q. -- did you just say you have friends in the
11 media that you have listened to about this case?

12 A. Yes, they -- they call me, and I hear what
13 they have to say, but it's -- you know, it's -- it
14 has to stay a one-way street.

15 Q. And who are they?

16 MR. ZONEN: Objection, irrelevant.

17 THE COURT: Sustained.

18 Q. BY MR. MESEREAU: Is Ian Drew a friend of
19 yours?

20 A. Yes. He is in the media.

21 Q. Who does he work for?

22 A. A magazine. US Weekly, I think.

23 Q. Have you ever had a discussion with him
24 about this case?

25 A. Oh, yes, I -- yes.

26 Q. And when was that discussion?

27 A. We were both there experiencing things at

28 the same time, so that's what -- I mean, at the time 8887

1 it wasn't really a case, but we were experiencing
2 things at the same time. So, like, I said, "Did you
3 hear the word 'escape' or did I just make that up in
4 my mind?" And he said he had heard it, too.

5 Q. When did you last talk to Ian Drew about the
6 case?

7 A. A couple days ago. Oh, about the case?

8 Q. Yes.

9 A. He just said he --

10 Q. When did you last talk to Ian Drew about
11 this case?

12 A. A couple days ago.

13 Q. And you said he worked for US Weekly?

14 A. Yes. But I've never been paid by them or
15 anything like that.

16 Q. What does he do for US Weekly?

17 A. You know what? I think he's a writer.

18 I think he's a writer.

19 Q. Did he call you or did you call him?

20 A. He called me.

21 Q. Do you talk to him on a regular basis?

22 A. Infrequently. He's very infrequent. Cool
23 guy. Very infrequent.

24 Q. Now, in your handwritten notes, you refer to
25 someone named Larry Schiller, correct?

26 A. I guess. Oh, is that my handwriting or
27 Marc's?

28 Q. I don't know. I can show you a page of 8888

1 this.

2 A. I can look at it, if you want me to look.

3 Q. Sure.

4 THE COURT: We'll take our break now.

5 MR. MESEREAU: Yes, Your Honor.

6 THE COURT: No?

7 (Laughter.)

8 All right. We won't.

9 THE WITNESS: Oh.

10 THE COURT: The second time.

11 (Laughter.)

12 Q. BY MR. MESEREAU: I can show you that page,

13 if you want.

14 A. You know what? Why don't you just show me.

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

16 THE COURT: Yes.

17 MR. ZONEN: Counsel, could I see that,

18 please?

19 THE WITNESS: Oh, yeah, that's Marc's

20 writing.

21 Q. BY MR. MESEREAU: Okay. Now, that page was

22 found in your notes, true?

23 A. Correct.

24 Q. Do you know why Marc's writing is found in

25 your notes?

26 A. Well, I would have it -- well, sometimes I

27 was kind of stupid and I would have the -- the --

28 the -- the book sitting out. And if he went to my 8889

1 phone to answer the phone and he was in there, I

2 think that's when he wrote it.

3 Now, I didn't see him write it, but that's

4 when -- I mean, I freaked out. I even made the

5 reference that I got to keep my notes a little bit

6 better.

7 Q. Do you know who Larry Schiller is?

8 A. No.

9 Q. Okay. Did you ever talk to Marc about who

10 Larry Schiller was?

11 A. Huh-uh.

12 Q. Okay. He writes books about trials. Did

13 you know that?

14 A. No.

15 MR. ZONEN: I'll object as beyond the scope

16 of this witness's knowledge and assuming facts not

17 in evidence.

18 THE COURT: Sustained.

19 Q. BY MR. MESEREAU: Have you ever taken your

20 notes and rewritten them?

21 A. Huh-uh.

22 Q. Are --

23 A. I mean, I ramble and I scribble, but -- you

24 know, and rewrite sometimes. Like if I find a fact

25 out, I'll, like, write out the answer. Or sometimes

26 I'll be, like, "Well, what is this?" You know what

27 I mean?

28 Because, like, in that period of time, I 8890

1 wasn't sure who was telling me the truth. That's
2 why the notes seem pretty scrambly a little bit.

3 Q. I thought you'd forgotten about them.

4 A. What do you mean?

5 Q. Your notes.

6 A. Well, I did, you know, for a period of time
7 after it was all done. I just stuck it in a box in
8 storage, so --

9 Q. Did you ever go back to those notes and redo
10 them?

11 A. No.

12 Q. Ever add anything to any of those notes?

13 A. No. I know I have, like, different styles
14 of handwriting. But, no.

15 Q. Did you ever go back to your notes when you
16 had another thought and just kind of add something?

17 A. No. That wouldn't be cool.

18 Q. Was there only one set of notes?

19 A. One set of notes?

20 Q. Yes.

21 A. There are many notes. There are many
22 journals.

23 Q. When did you first give the police -- well,
24 let me rephrase that.

25 A. Okay.

26 Q. The notes you took, are you referring to
27 them as journals?

28 A. Yes. 8891

1 Q. Okay.

2 A. You know, just notes that I took. Journals.

3 Q. Okay. When did you first give any
4 representative of the sheriff's department a journal
5 referring to anything about this case?

6 A. I guess the first -- the first couple weeks,
7 I guess. Oh, no, it was during the -- no, I had
8 notes that I gave them during the -- when they came
9 to my house the first time.

10 Q. You gave them your journal notes a few weeks
11 ago, didn't you?

12 A. No, I continuously give them notes.

13 Q. The notes you were referring to earlier that
14 have a February 1st date are notes you gave them a
15 couple of weeks ago?

16 A. That's true. From the Neverland Valley
17 book, right.

18 Q. Had you given them some notes before that
19 recent date?

20 A. Well, it was an ongoing investigation, so I
21 gave them notes all along. I was keeping in contact
22 with people, so --

23 Q. You didn't give them any of your notes until
24 a few weeks ago, right?

25 A. Any of my notes? No.

26 MR. ZONEN: Objection.

27 THE COURT: Sustained.

28 Q. BY MR. MESEREAU: You mentioned someone 8892

1 named Stuart Backerman, right?

2 A. Uh-huh. Uh-huh.

3 Q. And when did you first meet Stuart

4 Backerman?

5 A. When he was hired to come on for the "What

6 More Can I Give?" project. Or was it -- no, he was

7 hired for the -- for when he -- he came on -- excuse

8 me. He came on when Ronald brought him on to work

9 on the -- the -- kind of the fall-out of the Martin

10 Bashir thing. That's when I believe he started

11 working.

12 Q. Did you work with him directly?

13 A. Yeah, he was in the office.

14 Q. How long did you work with him?

15 A. Couple months. Well, not really. I mean,

16 probably a month and a half maybe.

17 Q. Now, in your notebook, you have phone

18 numbers and fax numbers for Access Hollywood?

19 A. Yes.

20 Q. MTV?

21 A. Uh-huh.

22 Q. Entertainment Tonight?

23 A. Uh-huh.

24 Q. Have you ever talked to anyone associated

25 with those organizations?

26 A. Yeah, they call -- they were all calling us.

27 Q. About the case?

28 A. About the case? 8893

1 Q. Yes.

2 A. Not me. Marc did. But I just kept the
3 phone calls because they called in.

4 Q. Did you listen in on any of Marc's calls to
5 the media?

6 A. A few of them. Like when he was -- like I
7 said, he would have it on speakerphone, and you
8 would just sit there and you would just listen.

9 Q. Did you ever become aware of Marc's efforts
10 to sell any information about Michael Jackson to the
11 media?

12 MR. ZONEN: Assuming facts not in evidence.

13 Objection.

14 THE COURT: Sustained.

15 Q. BY MR. MESEREAU: Do you remember discussing
16 with Cindy Montgomery the possibility that she
17 secretly videotaped Michael Jackson on an Xtra Jet
18 flight?

19 A. Did I talk to her about it?

20 Q. Yes.

21 A. I just -- I don't remember it. But probably
22 did.

23 Q. Did you have a number of discussions with
24 Cindy Montgomery about the claim that she had
25 secretly videotaped Michael Jackson on an Xtra Jet
26 flight?

27 MR. ZONEN: Assuming facts not in evidence,

28 that she had secretly videotaped anyone. 8894

1 THE COURT: Sustained.

2 Q. BY MR. MESEREAU: Do you remember learning
3 about that issue?

4 A. Yes.

5 MR. ZONEN: Objection; vague. What issue?

6 Q. BY MR. MESEREAU: Cindy Montgomery
7 videotaping Michael Jackson on an Xtra Jet flight.

8 Do you remember learning about that subject?

9 MR. ZONEN: Objection; assuming facts not in
10 evidence.

11 THE COURT: Sustained.

12 Q. BY MR. MESEREAU: Did you ever tell anyone
13 you thought Cindy Montgomery secretly videotaped
14 Michael Jackson on a flight?

15 MR. ZONEN: I'm going to object as
16 irrelevant; assumes facts not in evidence.

17 THE COURT: Overruled.

18 MR. ZONEN: And hearsay.

19 THE COURT: Overruled.

20 THE WITNESS: I don't remember.

21 Q. BY MR. MESEREAU: Do you remember talking
22 with her about that subject?

23 A. Of her videotaping?

24 Q. The claim that she had.

25 A. That she -- what the news was reporting?

26 Q. Yes.

27 A. Yeah, I brought it up to her. I believe so.

28 Q. Did you ever tell anyone you thought she had 8895

1 done it?

2 A. I was uncertain.

3 Q. To your knowledge, how long had Cindy

4 Montgomery been friendly with Marc Schaffel?

5 A. Well, I found out many things, but I found

6 out that --

7 MR. ZONEN: Judge, I'm going to object.

8 Lack of foundation, personal knowledge, and hearsay.

9 THE COURT: Foundation; sustained.

10 Q. BY MR. MESEREAU: How many phone calls of

11 Cindy Montgomery -- excuse me. How many phone

12 conversations with Cindy Montgomery did you record?

13 MR. ZONEN: That was asked and answered.

14 Objection.

15 THE COURT: Sustained.

16 Q. BY MR. MESEREAU: Did anyone from the

17 sheriff's department ask you to record a phone

18 conversation with Cindy Montgomery?

19 A. No. But like I said, it just came on, so it

20 was an accident. I acknowledge that.

21 Q. It was a what?

22 A. It was an accident. I acknowledge that.

23 Q. Okay. It was an accident that you recorded

24 her?

25 A. It was an accident that the thing -- I

26 didn't mean to record her.

27 Q. Okay. And how many times did you record her

28 in total, do you think? 8896

1 A. I think once or twice, because I wouldn't
2 get to the thing and pick it up right away.

3 Q. Okay. And was this at your home?

4 A. Yes.

5 Q. Were you recording these phone conversations
6 out of your home?

7 A. Yes.

8 Q. Okay. Did the sheriffs give you some
9 equipment to use to record those conversations?

10 A. I went and got it.

11 Q. Yourself?

12 A. Yes.

13 Q. Had you ever done that before you began to
14 work with the sheriffs in this investigation?

15 A. Huh-uh.

16 Q. Did they tell you what equipment to buy?

17 A. No.

18 Q. Did you already know what kind of equipment
19 to buy for that purpose?

20 A. I just walked into Radio Shack.

21 Q. And when was that?

22 A. I don't recall.

23 Q. You used to discuss entertainment projects
24 with Cindy Montgomery, right?

25 A. Correct.

26 Q. And why did you do that?

27 A. Because she had some good ideas.

28 Q. Was she involved with you in any 8897

1 entertainment projects?

2 A. Oh, yeah, we worked on Michael's party
3 together.

4 Q. And when was that?

5 A. September of '03.

6 Q. Was that a party at Neverland?

7 A. Yes. The Romero-Britto party.

8 Q. And you worked with Cindy Montgomery on
9 that?

10 A. We did the -- we did the thing for the
11 raffle, yes.

12 Q. And that was a charitable function?

13 A. I hope so. But, yes.

14 Q. It was a charitable function, correct?

15 A. Yes.

16 Q. Schaffel was involved in that, correct?

17 A. Yes.

18 Q. And you were working for Schaffel at that
19 time, right?

20 A. Well, no, I was working for Neverland Valley
21 Entertainment.

22 Q. And this was when, September of 2003?

23 A. Yes. They had asked me to -- to -- if I
24 would be willing to do another fund-raising thing
25 and basically -- and help Michael raise some money.
26 And I thought maybe that might be a good idea.

27 Q. Were you suspicious at the time that the

28 money might not go to charity? 8898

1 A. Well, I was uncertain, but -- I don't want

2 to think the worst, but --

3 Q. Did you keep working for Neverland Valley

4 after that date?

5 A. No.

6 Q. You didn't work after September of 2003?

7 A. Oh, September 2003. Neverland Valley

8 Entertainment, getting a check?

9 Q. Yes.

10 A. No.

11 Q. When was this event that you just described?

12 A. It was in September.

13 Q. Of what year?

14 A. I think 2003. 2003 or 2004. Maybe I'm

15 wrong. I have a reference here. May I look at it?

16 Q. Sure.

17 A. Okay.

18 Q. Just looking for that day.

19 A. Yes. Yes, September 13th, 2003.

20 Q. And that was how long after you were

21 relieved that the family escaped?

22 A. It was a while.

23 MR. ZONEN: I'm going to object as asked and

24 answered and argumentative.

25 THE COURT: Sustained.

26 Q. BY MR. MESEREAU: Do you remember telling

27 Cindy Montgomery in a recorded phone conversation

28 regarding the Debbie Rowe interview that it was a 8899

1 sheet full of questions, in reference -- referring
2 to the script? Do you remember that?

3 A. Yes, there was -- there was a few, in the
4 beginning, a sheet full of questions, and then it
5 turned into having answers on it.

6 Q. All right.

7 A. It wasn't just one piece of paper, ever.

8 Q. During the time you worked with Marc
9 Schaffel, how many times do you remember him going
10 to Brazil?

11 A. Quite a few times.

12 Q. And over --

13 A. Four, five times, maybe.

14 Q. Over what period of time would that have
15 been?

16 A. Over a couple of years, that I knew of.

17 Q. To your knowledge, did Cindy Montgomery book
18 his trips to Brazil?

19 A. To my knowledge, yes.

20 Q. Do you know when you first talked to her?

21 A. About?

22 Q. Anything.

23 A. Probably not until the "What More Can I
24 Give?" project. Probably June, June 2001, when she
25 would call at the office.

26 Q. Do you remember giving the sheriffs your
27 handwritten notes about the taping of the Arvizos --

28 A. Right. 8900

1 Q. -- where you said you saw the script

2 yourself. Questions only, no answers?

3 A. Yes. I wrote that.

4 Q. You gave those notes to the police, correct?

5 A. Right.

6 Q. You were referring to the taping of the

7 Arvizos, right?

8 A. Correct. And then later on, I believe, in

9 the notes I make another remark about it.

10 Q. Were you there during the taping of the

11 Arvizos?

12 A. No. That was at Hamid's place.

13 Q. Did you ever meet Jay Jackson?

14 A. No.

15 Q. To your knowledge, has Ian Drew been

16 speaking to Marc Schaffel as of late?

17 A. No. They don't like each other.

18 Q. Did they ever work together, to your

19 knowledge?

20 A. Yeah, on the Debbie Rowe rebuttal.

21 Q. Did they work on any other projects

22 together, to your knowledge?

23 A. The -- the one that was -- they were at,

24 which was the Debbie Rowe rebuttal. I think there

25 was something else, but -- I think there was

26 something in regards to --

27 MR. ZONEN: I'm going to object to lack of

28 foundation, unless it's based on personal knowledge. 8901

1 THE COURT: Sustained. Foundation.

2 Q. BY MR. MESEREAU: Now, you mentioned hearing
3 some conversations that involved Mark Geragos,
4 right?

5 A. Correct. He would call the office.

6 Q. Did you used to speak to Mark Geragos?

7 A. No, I didn't speak to him.

8 Q. Ever spoken to him?

9 A. Just when he called the office.

10 Q. And did you ever actually have a
11 conversation with him?

12 A. No.

13 Q. Do you recognize his voice if you hear it?

14 A. It's pretty distinctive, but --

15 Q. Did you ever listen in on any discussions
16 that Marc Schaffel had with Mark Geragos?

17 A. No.

18 Q. Well, in your response to the prosecutor's
19 questions, you, I think, gave a number of how many
20 times you had -- you recall Geragos calling
21 Schaffel, right?

22 A. Uh-huh.

23 Q. And how many times do you recall Geragos
24 calling Schaffel?

25 A. Well, he called quite a bit. When he --
26 Marc said that he only talked to him twice, but I
27 know he was calling often when Vinnie was there.

28 Q. Did you hear anything that Mark Geragos ever 8902

1 said in those conversations?

2 A. Just updates.

3 Q. You heard him giving updates?

4 A. No, he -- he -- Vinnie was giving him
5 updates.

6 Q. Could you hear Vinnie but not Geragos? Is
7 that the way it worked?

8 A. Well, yeah.

9 Q. Were you in the room?

10 A. And then he would hang up, and I would go,
11 "Who was that?" And he would go, "Oh, just Mark
12 Geragos."

13 Q. Were you in the room listening to Vinnie
14 speak to Mr. Geragos?

15 A. Well, sometimes it's -- well, it's an
16 office, so if you're on the fax machine or you're on
17 the computer, you can hear people talking. So --

18 Q. Could you hear what Vinnie was saying?

19 A. Well, you could hear Vinnie, yes.

20 Q. Did you listen to his conversations with
21 Mark Geragos?

22 A. I heard the conversation in a work setting.

23 Q. And was this one conversation?

24 A. No, there were a couple.

25 Q. And where did they take place?

26 A. At Neverland Valley Entertainment.

27 Q. Have you ever met Mark Geragos?

28 A. Huh-uh. 8903

1 MR. MESEREAU: Let me take just one second.

2 THE COURT: Yes.

3 Q. BY MR. MESEREAU: You took notes -- excuse
4 me. You've been writing notes about this case
5 almost up till the present, right?

6 A. Practically, uh-huh.

7 Q. And do you do this on a daily basis?

8 A. No.

9 Q. How often do you do it?

10 MR. ZONEN: Objection; asked and answered.

11 THE COURT: Sustained.

12 Q. BY MR. MESEREAU: Did you ever tell any
13 representative of the sheriff's department that
14 Dieter didn't tell Michael Jackson everything?

15 A. None of them told everybody everything,
16 so -- that's an accurate statement, you know,
17 because they had their own deal -- oops, sorry.

18 They had their own deals they would do, and if they
19 weren't part of Michael, I don't think they would
20 tell him.

21 Q. During the time you worked with Neverland
22 Valley, was it your perception that Schaffel was
23 working closely with Dieter and Konitzer?

24 A. And Michael, yes.

25 Q. Well, but you've made -- excuse me. But
26 you've told the police that you didn't think Michael
27 Jackson knew what they were doing, correct?

28 A. No, not what they were doing. Not every 8904

1 thing. There's a difference.

2 Q. Do you recall anyone in the sheriff's
3 department ever giving you a police report to read
4 and make corrections to?

5 A. Oh, I'm -- yes, I made corrections.

6 Q. And when did you do that, if you remember?

7 A. One of the meetings.

8 Q. Pardon me?

9 A. One of the meetings.

10 Q. Do you know who you were meeting with?

11 A. Yes.

12 Q. Who were you meeting with?

13 A. Gordon and Steve -- or was it -- oh, it was
14 Gordon. It was Jeff Klapakis.

15 Q. And where did that meeting take place?

16 A. In their office.

17 Q. And did someone give you a police report
18 about your interview to look at?

19 A. At that time?

20 Q. Yes.

21 A. No. They gave me a police report to look at
22 later.

23 Q. When was that?

24 A. And I made corrections.

25 Q. When was that?

26 A. You know what? Honestly I don't know.

27 Q. Were you given a copy of a police report

28 about a past interview you'd had for you to correct? 8905

1 A. Yes. Some of the words, like my name was
2 misspelled and other things like that. Plus, I'd
3 been getting phone threats, and I wanted to make
4 sure they knew that I had been getting some phone
5 threats lately.

6 Q. Well, my question is this: Who gave you a
7 police report from a past interview to look at and
8 make corrections?

9 A. Gordon.

10 Q. Gordon Auchincloss?

11 A. Yes, sir.

12 Q. All right. Did you do what he asked you to
13 do?

14 A. He said to look it over, "Are these things
15 spelled right? Are these things right?" And I did.

16 Q. And when did that meeting take place?

17 A. I told you, I don't exactly remember.

18 Q. Was it recently?

19 A. No. It was a while -- a while ago. Maybe a
20 couple months ago, yeah.

21 Q. A couple of months ago?

22 A. Yeah, probably a couple months ago.

23 Q. And what report were you -- excuse me. The
24 report that Mr. Auchincloss gave you to look at --

25 A. Uh-huh.

26 Q. -- concerned an interview that was very old,
27 did it not?

28 A. Yeah. Like I said to you prior, that, you 8906

1 know, when that interview was taking place, I was
2 very nervous, and I could expand on certain things a
3 little bit better, bring clarity to it.

4 Q. And is that what you and Mr. Auchincloss
5 discussed the purpose of your looking at that report
6 was?

7 A. No, he just said correct the spelling, and
8 if there's something that's totally wrong, just make
9 a mark on it.

10 Q. This is a report about an interview that had
11 happened a long time ago, correct?

12 MR. ZONEN: Objection; asked and answered.

13 THE COURT: Sustained.

14 Q. BY MR. MESEREAU: Do you remember looking at
15 that report of your prior interview where you talked
16 about Schaffel and Dieter and Konitzer doing things
17 you thought were wrong?

18 A. Yeah. I always thought that.

19 Q. And while you were sitting with Prosecutor
20 Auchincloss, you decided to add the name "Michael
21 Jackson," right?

22 A. No. God, no.

23 Q. Did you ever add "Michael Jackson" to any
24 report that he gave you to correct?

25 A. I added -- added "Michael Jackson." Yes, I
26 added "Michael Jackson," because that's what I knew
27 from those two conference calls. That's it.

28 Q. He wanted you to add the name "Michael 8907

1 Jackson" because it didn't appear in your original
2 interview, right?

3 A. No, he didn't want me to add it.

4 Q. Well, that's what you did, isn't it?

5 A. I added it, because it was correct.

6 Q. So you were correcting a statement you made
7 well over a year ago where you said Schaffel,
8 Konitzer and Dieter were doing incorrect things?

9 A. Uh-huh.

10 Q. And suddenly, right before the trial, you
11 handwrote in an additional name, Michael Jackson,
12 right?

13 MR. ZONEN: I'm going to object as
14 argumentative; and narrative in the questioning.

15 THE COURT: Sustained.

16 MR. MESEREAU: No further questions at this
17 time, Your Honor.

18 Just one second, Your Honor. I've got a
19 bunch of stuff to move.

20 Thank you.

21

22 REDIRECT EXAMINATION

23 BY MR. ZONEN:

24 Q. Mr. Provencio, did anybody in law
25 enforcement ever ask you to change your testimony?

26 A. No.

27 Q. Did anybody in law enforcement ever ask you

28 to create facts to help this prosecution? 8908

1 A. Absolutely not.

2 Q. Would you have done such a thing?

3 A. No.

4 Q. Did Mr. Auchincloss ever ask you to change
5 any of the factual content in your report?

6 A. No.

7 Q. What exactly did he ask you to do with
8 regards to that report?

9 A. Look it over, make sure things are right,
10 that they're spelled right. And my name was even
11 spelled wrong. And I didn't give a taped recording,
12 so I know it was kind of handwritten-note-driven and
13 there was things missing. Because if you're not
14 tape-recorded, then it can't be like a transcript
15 form.

16 Q. And did you make changes on that report?

17 A. Yes.

18 Q. All right. Did you believe that there was a
19 statement that missed Mr. Jackson's name that should
20 have been included?

21 A. Yes. That's why.

22 Q. What was it that you believed that Mr.
23 Jackson's name should have been included on?

24 A. That he knew what was going on along with
25 everyone else, he knew what was happening.

26 Q. What did you base that on?

27 A. The conversation I heard.

28 Q. You had had many conversations with Mr. 8909

1 Jackson over the two years you worked for Neverland

2 Valley Entertainment; is that correct?

3 A. Not tons and tons, but many, yes.

4 Q. And had overheard many conversations that he

5 had with Mr. Schaffel?

6 A. That's correct.

7 Q. Did you -- was it your experience that Mr.

8 Jackson was actively involved in his own businesses?

9 A. He's a brilliant businessman. He knows

10 what's going on.

11 Q. And he would ask questions frequently?

12 A. He wanted updates.

13 MR. MESEREAU: Objection; leading.

14 THE COURT: Overruled.

15 Q. BY MR. ZONEN: Do you have the notebook with

16 you that contains that note that you wrote on --

17 that is dated February 1, '03?

18 A. May I look?

19 Q. Please.

20 A. Okay. In regards to the conference call?

21 Q. It was a note that was shown to you by Mr.

22 Mesereau.

23 Could I approach the witness?

24 THE COURT: Yes.

25 THE WITNESS: Yes.

26 Q. BY MR. ZONEN: Do you have that with you?

27 A. Yes.

28 Q. Would you pull it out, please? 8910

1 A. Okay. Oh, here it is. Is it this one?

2 Yeah.

3 Q. Those are the original notes; is that

4 correct?

5 A. Yes.

6 Q. And may I take a look at it?

7 A. Sure.

8 Q. Now, you -- are these the notes that you

9 refer to as the ones that went into a storage

10 locker?

11 A. Yes. And I have the storage locker thing to

12 show that that's when I found them.

13 Q. Would this be the front of the notebook

14 here?

15 A. Yeah. It looks juvenile, but, yeah.

16 Q. That's all right. We have "N-V-E" --

17 A. Right.

18 Q. -- in kind of block letters. Is that

19 Neverland Valley Entertainment?

20 A. Right.

21 Q. All right. Now, as we proceed to the

22 section that has February 1, '03 -- and you see that

23 page right here; is that correct?

24 A. Uh-huh. Uh-huh.

25 Q. Now, let's back up one, two pages.

26 A. Uh-huh.

27 Q. And this would be closer to the front of the

28 notebook; is that correct? 8911

1 A. Right.

2 Q. And here we have a date, February 17, '03?

3 A. Uh-huh.

4 Q. Can you explain how that is, that you have
5 an entry from February 17 closer to the front of the
6 notebook and this reference that Mr. Mesereau talked
7 to you about, February 1, '03, two full pages
8 beyond? How is that?

9 A. Well, my notebook's random. I doodle in it.

10 I mean, I flick -- open a page that's open, and I
11 just write. Then there's -- it's on both sides.

12 I've got horrible drawings, and that's what --
13 that's what my notebook is. It's for me and my eyes
14 only, so it's not really meant for other people to
15 see and care about it.

16 Q. I guess the question, then, is this: Should
17 we assume that the order in which we see the pages
18 is the order in which they're entered?

19 A. Oh, no. For -- if it's -- if the first page
20 is supposed to be January 1st and then the third
21 page, you know, or second page January 2nd, no, it's
22 not written like a diary.

23 It's written like a notebook would, from an
24 office. You just scribble on whatever you scribble
25 on. This is the notebook I just carried around.

26 Q. Now, this notebook ended up in a storage
27 locker; is that correct?

28 A. Yes. 8912

1 THE COURT: All right. We'll take our break.

2 (Recess taken.)

3 MR. ZONEN: May I proceed?

4 THE COURT: Yes.

5 Q. BY MR. ZONEN: I'd like to go back to a
6 couple more inquiries about that notation in your
7 notebook that includes the reference to --

8 BAILIFF CORTEZ: Turn your microphone on,
9 sir.

10 Q. BY MR. ZONEN: Let me go back to that
11 notation in your notes of February 1, '03. You had
12 testified as to the paragraph that was right after
13 February 1, '03, and then another paragraph that
14 followed after that, "Family in danger."

15 A. Uh-huh.

16 Q. "Who are these killers? Nobody but the
17 press are calling."

18 A. Uh-huh.

19 Q. Do you have an opinion as to whether or not
20 that paragraph was written on February 1, '03?

21 A. Well, like I said to Mr. Mesereau, that's a
22 different paragraph with the slant going different,
23 and it's a different kind of writing. I have
24 different style writing, and like I showed
25 everybody, including Mr. Mesereau, I scribble and
26 write all over the place.

27 Q. Okay. But the question is, do you have an

28 opinion as to whether that paragraph was written on 8913

1 a day other than February 1, '03?

2 A. Yes.

3 Q. Okay. What is that opinion?

4 A. I just -- I just wrote it as I heard it, and
5 it was later.

6 Q. At a later time?

7 A. Yeah.

8 Q. Do you have any way of knowing how much
9 later that was?

10 A. Not unless I put a date on it.

11 Q. And you didn't put a date on it on this
12 occasion?

13 A. Huh-uh.

14 Q. Is your handwriting different in that
15 paragraph than the paragraph that precedes it, the
16 paragraph directly above it?

17 A. Yes, as in all -- my whole book I have
18 different styles of writing based on urgency. And
19 if I take my time, I really write well, and if I
20 don't, it looks like chicken scratch.

21 Q. Let's go to the paragraph above it. There's
22 some reference to Mexicans in that, and there are a
23 few references in your notes to that, correct?

24 A. Yes. Yes.

25 Q. When did you first hear that reference to
26 Mexicans?

27 A. It was when the family first came to the --

28 Neverland Valley Entertainment and Gavin came in and 8914

1 went down to the bathroom.

2 Q. All right. Was that after the 1st of
3 February?

4 A. That was -- yeah, that would have been after
5 the 1st, but I had heard -- I had heard them talk
6 about them --

7 MR. MESEREAU: Objection. Reference to
8 "them."

9 THE COURT: Sustained.

10 Q. BY MR. ZONEN: Who are you talking about,
11 "them"?

12 A. The family.

13 Q. The Arvizo family?

14 A. Yeah.

15 Q. All right. When was the first time you
16 heard Marc Schaffel speak in a derogatory fashion
17 about the Arvizo family?

18 A. Well, unfortunately, Marc is catty and spoke
19 in derogatory terms about everybody. And so the
20 first time, I think, was actually in January. But I
21 don't think I wrote it down till later. You know,
22 not right when he said it, but when I heard it the
23 next time, I wrote it down.

24 Q. Were you hearing conversation from Marc
25 Schaffel about the Arvizo family as soon as you had
26 read the transcript that was delivered to you by
27 Kathryn Milofsky?

28 A. Yes. Oh, absolutely. 8915

1 MR. MESEREAU: Objection; leading.

2 THE COURT: Sustained.

3 Q. BY MR. ZONEN: When did you first start
4 hearing commentary from Marc Schaffel about the
5 Arvizo family?

6 A. That day.

7 Q. What day?

8 A. The 24th of January.

9 Q. And the 24th of January was --

10 A. I believe it was the 24th of January.

11 Q. Was what?

12 A. Oh -- oh, '03.

13 Q. When you received the transcript?

14 A. Right.

15 Q. Did the commentary from Mr. Schaffel about
16 the Arvizo family change over time?

17 A. Well, the --

18 MR. MESEREAU: Objection; vague.

19 THE COURT: Sustained.

20 Q. BY MR. ZONEN: You told us that at some
21 stage they were speaking favorably of the Arvizo
22 family?

23 A. Right.

24 Q. Who is "they"?

25 A. Vinnie, Frank, Marc, you know, because Marc
26 had already started talking to -- he had been
27 speaking to Frank for a while, trying to ingratiate

28 himself back into Michael's world and stuff. And he 8916

1 was informed from Ronald and Dieter, and this is
2 what Marc had told me, that there was this family
3 that the boy had cancer. And so they were
4 wonderful, good people at that time. And so I heard
5 that early on.

6 Q. Did they discuss the family in a religious
7 context?

8 MR. MESEREAU: Objection; leading.

9 THE COURT: Overruled.

10 You may answer.

11 THE WITNESS: Yes.

12 Q. BY MR. ZONEN: What did they say?

13 A. They were deeply religious, so -- Catholic I
14 believe is what he said.

15 Q. Now, you've mentioned the term "crack
16 whore."

17 A. Oh, yeah.

18 Q. And who used that term?

19 A. They all did.

20 Q. When?

21 MR. MESEREAU: Objection.

22 THE COURT: Sustained.

23 Q. BY MR. ZONEN: Who are "all," if that
24 sentence is even close to permissible?

25 A. Vinnie, Frank, Marc.

26 Q. I'm sorry?

27 A. Vinnie, Frank and Marc.

28 Q. Vinnie, Frank and Marc all used that term? 8917

1 A. Yeah. I double-checked, and I said, "Did
2 you see them smoke crack? On the ranch?" See, that
3 didn't make any sense.

4 Q. Did anybody acknowledge actually seeing
5 anybody in the Arvizo family smoking crack?

6 A. No.

7 Q. Did you confront each of them with that?

8 A. Yeah, I asked them, because it just sounded
9 stupid.

10 Q. Did all three of them use that expression?

11 A. Yeah, they said that, "Oh, well, no, Marc
12 told me they were using crack." And then, "No,
13 Frank told me she was using."

14 And I was like, "Oh, whatever." So it was
15 like --

16 Q. Did they say who in the Arvizo family was
17 using crack?

18 A. The mom.

19 Q. The reference on that note on February 1,
20 '03, to "Mom flipping out," who was it who told you
21 that?

22 A. Marc did.

23 Q. Did he --

24 A. Because -- oh. Sorry.

25 Q. Did he give you any other information about
26 that?

27 A. No, not really, because I don't know what

28 she was flipping out about. I mean, she was kind 8918

1 of -- as I said, she was kind of cuckoo, so it could
2 have been anything, I guess.

3 Q. And the reference to the subsequent
4 paragraph where it says, "Who are these killers?
5 Nobody but the press are calling" --

6 A. Uh-huh.

7 Q. -- what does that mean, "Nobody but the
8 press are calling"?

9 A. Well, the 24th transcript comes, and the
10 press are already calling. They want to ingratiate
11 themselves to either Marc or whoever.

12 That's the game. You know, you get there
13 first. You're buddy-buddy.

14 MR. MESEREAU: Objection; nonresponsive.

15 Q. BY MR. ZONEN: Did anybody from the press
16 mention anything about killers?

17 A. No.

18 Q. Did you receive any telephone calls from
19 people voicing threats against anyone?

20 MR. MESEREAU: Objection; leading.

21 THE COURT: Overruled.

22 You may answer.

23 THE WITNESS: I never -- I never heard any
24 threats coming in.

25 Q. BY MR. ZONEN: Did you know anything about
26 threats at all --

27 A. Huh-uh.

28 Q. -- other than these statements about 8919

1 killers?

2 A. I was hearing about this. That's why I
3 wrote it down. I was like, "What the hell? What
4 are the killers?"

5 Q. The conversation you had with Ian Drew where
6 the word "escape" came in, when was that
7 conversation?

8 A. Gosh. A while ago.

9 MR. MESEREAU: Objection; assumes facts not
10 in evidence.

11 THE COURT: Overruled. The answer is in.

12 Next question.

13 Q. BY MR. ZONEN: Did you begin recording
14 conversations with people prior to the involvement
15 of law enforcement?

16 A. No.

17 Q. Why did you record telephone conversations?

18 A. Well, I -- everybody had been doing so much
19 shady crap, and I just was like -- I was just tired
20 of it, you know. I was just tired, because it was
21 involving me still and ruining my career, and I just
22 figured, "You know what? I'm just going to do this
23 for the right people and I am going to do it."

24 And, you know, I hem-hawed for a long time,
25 because I knew it would really -- in Hollywood, that
26 would ruin your career.

27 Q. What do you mean by that?

28 A. Well, it's -- you know, it's -- you don't 8920

1 want people to think that of you. But I did it
2 because I made a choice. You know, like I even told
3 my father on his deathbed. He said, you know, "You
4 have to live your life without regret."

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

7 THE COURT: As to the last sentence, I'll
8 strike it.

9 Q. BY MR. ZONEN: Do you believe there's going
10 to be a consequence for you in your profession for
11 having cooperated with law enforcement?

12 MR. MESEREAU: Objection; calls for
13 speculation.

14 THE COURT: Sustained.

15 Q. BY MR. ZONEN: Have you had a consequence to
16 your profession because of your involvement in this
17 case?

18 A. Oh, yeah.

19 MR. MESEREAU: Objection. Relevance; calls
20 for speculation.

21 THE COURT: Sustained.

22 Q. BY MR. ZONEN: What is Steal the Stage, LLC?

23 A. It was a company that basically Vinnie,
24 Marc -- and I don't remember if Frank was involved
25 or not, like I said before, but we decided that
26 maybe we should open an LLC. It was in the office.
27 It was early, whatever, but -- so that we could

28 possibly do other things outside the realm of 8921

1 Michael Jackson. Not just use Michael Jackson's
2 name for things, but do our own things.

3 Q. Did you ever begin working on such a thing?

4 A. No. Nothing ever happened with it.

5 Q. Was there any project that had ever actually
6 been commenced?

7 A. No.

8 Q. What did you mean by the statement "making
9 money off or with Michael Jackson" in reference to
10 Marc Schaffel?

11 A. Well, they would use his name to, you know,
12 make money. I mean, they would -- you know, some
13 things he was included and did things with, and then
14 some things, you know, Marc was doing his own thing.
15 So --

16 Q. Like what?

17 A. You know, like him and Dieter wanted to put
18 out some book. You know, it was a table -- coffee
19 table book or something. And it had Michael's
20 authorization, but they were kind of doing it. You
21 know, but I wasn't really -- the details on exactly
22 who knew what, or whatever, isn't clear to me. But
23 I knew that that was something that they were
24 pursuing, but it didn't necessarily need Michael's
25 involvement every day like something like working on
26 a charity single did.

27 Q. Did you believe that that was going to

28 profit somebody other than Michael Jackson? 8922

1 MR. MESEREAU: Objection. Calls for
2 speculation; leading; foundation.

3 MR. ZONEN: It's in response to his
4 questions.

5 THE COURT: Overruled.

6 You may answer.

7 Q. BY MR. ZONEN: Go ahead.

8 A. Everybody would have benefited I'm sure.

9 Q. Including Michael Jackson?

10 A. Yes.

11 Q. Did you see at any time Marc Schaffel
12 involved in any activity that you believed was done
13 for purposes of cheating Michael out of money?

14 A. I think -- well, that's why I kind of kept
15 on keeping track. I was trying to figure out what
16 the whole story was. So to answer yes or no, I
17 guess -- I guess it would have to be probably -- I
18 would say yes. He was doing things, and some
19 things --

20 Q. Like what?

21 A. Well, like I don't know if that coffee table
22 book thing was on the level, you know.

23 Q. Okay.

24 A. And there was these MJ speakers. Like where
25 in the heck did those come from? You know, all of a
26 sudden --

27 Q. What is an MJ speaker?

28 A. I don't know. They had some speakers that -- 8923

1 Q. Are you speaking people speaking, or --

2 A. Like speakers for his home stereo system. I
3 was just like, "Where did those come from? And what
4 the world were those?"

5 Q. Did you ever inquire as to whether that was
6 a project that did or did not have Mr. Jackson's
7 permission?

8 A. It had his name on it, and Dieter and Ronald
9 were practically living at the ranch, so when they
10 showed up, I just was like -- also, they showed up
11 at the RMAs in Las Vegas.

12 Q. All right. But did you have any information
13 from any of them that these were projects that were
14 done to the exclusion of Michael Jackson?

15 MR. MESEREAU: Objection; leading.

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

17 THE COURT: All right. You may answer that
18 "yes" or "no." Do you want the question read back?

19 THE WITNESS: Yes, please.

20 (Record read.)

21 THE WITNESS: No, not the exclusion. They
22 always said that Michael knew.

23 Q. BY MR. ZONEN: All right. What was Frank
24 Cascio's relationship with Michael Jackson?

25 A. He was a family friend.

26 MR. MESEREAU: Objection; foundation.

27 THE COURT: Sustained.

28 Q. BY MR. ZONEN: During the time that you knew 8924

1 both Frank Cascio and Michael Jackson, did you see
2 them together?

3 A. Yeah, at the ranch and at the studio.

4 Q. Did you see them interact with one another?

5 A. Yeah. Especially at the studio.

6 Q. Did Michael Jackson ever tell you about his
7 relationship with Frank Cascio?

8 A. No. Frank told me.

9 Q. Did -- did -- during the entirety of your
10 two years of dealing with Michael Jackson or
11 Neverland Valley Entertainment, was Frank Cassidy
12 involved?

13 A. Cassidy?

14 Q. Excuse me, Frank Cascio.

15 A. Okay. Was he involved?

16 Q. Was he involved?

17 A. Yes.

18 Q. So was there any time during the time that
19 you were involved with Neverland Valley
20 Entertainment that you were not dealing at one point
21 or another with Frank Cascio?

22 A. Gosh, you know what? No, because he was
23 there bringing -- he would come to the studio, and
24 then -- and then, you know, when, you know, there
25 was the firing.

26 MR. MESEREAU: Objection; nonresponsive.

27 THE WITNESS: Oh.

28 THE COURT: After "No," I'll sustain that. 8925

1 MR. MESEREAU: Move to strike.

2 THE COURT: Strike it after "No."

3 Q. BY MR. ZONEN: Mr. Mesereau had asked you if
4 you had made the statement in an interview that
5 Debbie Rowe was honest and sincere in her interview.

6 A. Uh-huh.

7 Q. Do you recall making that statement?

8 A. Not really, no.

9 MR. MESEREAU: Objection; asked and
10 answered.

11 MR. ZONEN: Not by me.

12 THE COURT: The objection is overruled. And
13 he did answer the question.

14 THE WITNESS: I'm sorry --

15 MR. ZONEN: The answer is in?

16 THE COURT: The answer is in. He said, "No."

17 Q. BY MR. ZONEN: Do you believe that Debbie
18 Rowe was honest and sincere in her interview?

19 A. No.

20 Q. I'm sorry?

21 A. No.

22 Q. Mr. Mesereau was asking you questions about
23 your answers to questions put to you by Detective
24 Sergeant Robel in the January 24, '04, interview.

25 A. Uh-huh.

26 Q. Did you have any pre-notice about that
27 interview?

28 A. Pre-notice? 8926

1 Q. Yeah. Did they call you in advance and say
2 they were going to be coming by to ask you some
3 questions?

4 A. In the very first time I meet them?

5 Q. That's right.

6 A. No.

7 Q. Was that interview conducted on the very day
8 that you met them?

9 A. Yeah. They just asked me basic questions.

10 Q. How long was that interview?

11 A. God, not more than 30 minutes. I mean, it
12 was just like, "Where's your car? Is this your
13 computer?" Things like that.

14 Q. And you did cooperate with them; is that
15 correct?

16 A. Yeah. I gave them my notes.

17 Q. Now, in the course of this interview, were
18 they interested in conversations that you had with
19 any of these other people that you've been
20 testifying about today?

21 A. Well, yeah, but, you know, I was outside in
22 pajamas, so it wasn't like I was going to go very
23 far.

24 Q. Is it the case that you were giving them as
25 much information as you were able to recollect on a
26 moment's notice in your pajamas --

27 MR. MESEREAU: Objection; leading.

28 Q. BY MR. ZONEN: -- about many people? 8927

1 MR. MESEREAU: Move to strike.

2 THE COURT: Yes. Stricken.

3 Q. BY MR. ZONEN: Were you really in your
4 pajamas?

5 A. Yeah. I was -- I was in my pajamas and
6 freaking out, yeah.

7 Q. And in this 30-minute conversation, did you
8 give them as much information as came to mind at
9 that time?

10 A. Yeah. I mean --

11 MR. MESEREAU: Objection; leading.

12 THE COURT: Sustained.

13 Q. BY MR. ZONEN: What were the difficulties in
14 your being able to recall facts at that time?

15 MR. MESEREAU: Objection; leading.

16 THE COURT: Overruled.

17 You may answer.

18 THE WITNESS: I was just extremely nervous.

19 Here was -- here was one explosion -- yet another
20 Neverland explosion, so -- happening at my front
21 door.

22 Q. BY MR. ZONEN: What does the expression "all
23 fingers point to Marc" mean?

24 A. He was organizing, informing. He was taking
25 care of some of the business of, you know, paying
26 Vinnie and Frank. You know, money, receipts. It
27 was a lot of, you know, that kind of business going

28 on. 8928

1 Q. There was a woman Mr. Mesereau asked you
2 about from Japan. There was a woman that Mr.
3 Mesereau asked you about from Japan. His question
4 suggested that Mr. Schaffel stole from that woman.

5 A. Uh-huh.

6 Q. Do you have information about that
7 encounter?

8 A. I just know that -- that he had bragged and
9 said that -- he didn't brag, per se, but he just
10 said -- later on I said, "Well, how did you get that
11 money?" And he said, "Oh, well, she died. It
12 doesn't matter."

13 Q. All right. What was the nature of the
14 transaction between this woman and Mr. Schaffel?

15 A. She was going to try to buy the rights to
16 "What More Can I Give?" I guess, and then -- and
17 hopefully Marc was going to convince Michael to do a
18 show in Japan.

19 Q. All right. Did she advance money in that
20 effort?

21 A. Yes.

22 Q. And then she died?

23 A. Then she died.

24 Q. Was it your belief that Mr. Schaffel should
25 have returned the money to the family?

26 A. Absolutely. Absolutely.

27 Q. And he did not do that?

28 A. Yeah, and like I said, I didn't know exact -- 8929

1 you know, contract, maybe there was some clause in
2 there, but I just thought it was the right thing to
3 do. If somebody dies and you're in it, in the
4 middle of an agreement, then you should give that
5 money back, especially like a million bucks.

6 Q. You gave your point back to Mr. Jackson,
7 didn't you?

8 A. Yes.

9 Q. Did you have a conversation with Mr.
10 Schaffel at that time suggesting that he do the same
11 with his points?

12 MR. MESEREAU: Objection; leading.

13 THE COURT: Overruled.

14 You may answer.

15 Q. BY MR. ZONEN: Did you?

16 A. I thought -- I thought we were all giving
17 our points back because that was the right thing to
18 do.

19 Q. Did he tell you whether or not he would do
20 that?

21 A. He never answered me, but then I didn't care
22 anymore.

23 Q. Do you know whether or not he did that?

24 A. I don't know.

25 Q. Do you know what your point was worth?

26 A. Well, I got an offer of a million bucks for
27 it from this guy from Korea.

28 Q. Did you turn it down? 8930

1 A. Oh, yeah. I turned it down.

2 Q. Why?

3 A. I mean, Michael gave it to me in the spirit
4 of good faith. And I thought it was -- you know,
5 that was going to be worth a lot of money, so I gave
6 it back because I couldn't miss what I didn't have.
7 And I thought -- I kind of felt sad for everybody.
8 I mean, I kind of felt sad. I loved them and at the
9 same time didn't like what they were doing, but I
10 felt sad for them, and at the same time I kind of
11 figured, you know, I was a good person coming into
12 this, and I think that I'll be an okay person
13 leaving, too, so --

14 Q. Are you intending on writing a book on this
15 matter?

16 A. No, I'm not intending to write a book.

17 Q. What was the meaning of the reference, the
18 statement to Cindy Montgomery?

19 A. The book just means this is a book. I mean,
20 this is like -- this is like a story I don't think
21 anybody would believe. I mean, this is just -- it's
22 outrageous. It's really an outrageous, ridiculous
23 train wreck story.

24 Q. You said to Mr. Mesereau you weren't allowed
25 to talk on the phone at Neverland. What did you
26 mean by that?

27 A. Oh. I was just told by everybody not to

28 talk on the phone. We were always monitored. 8931

1 That's what I -- that's why I didn't really feel bad
2 recording people. I was always monitored, so what
3 the heck.

4 Q. Who told you that?

5 A. Frank, Vinnie and Marc.

6 MR. MESEREAU: Object.

7 THE WITNESS: Because I would say something,
8 and they would shut me up and say, "Don't say that
9 on the phone here." And I was like, "Oh, okay."

10 Q. BY MR. ZONEN: You told Mr. Mesereau that
11 Mr. Jackson gave one million dollars to Marlon
12 Brando. Is that true?

13 A. Yes.

14 Q. When did that take place?

15 A. Right after the 30th Anniversary Special in
16 New York before September 11. But the check
17 actually didn't get -- you know, because we were
18 stuck there in New York. The check didn't actually
19 get to Marlon Brando until afterwards.

20 Q. When was the direction from Mr. Jackson to
21 turn a million dollars over to Marlon Brando?

22 A. Well, he was upset that Marlon Brando got
23 booed and just said, you know, in that kind of
24 deeper voice, he just says, "You got to give him a
25 million dollars." And we were just like, you know,
26 stunned.

27 Q. And where did this money come from?

28 MR. MESEREAU: Objection; foundation. 8932

1 THE COURT: Sustained.

2 Q. BY MR. ZONEN: Were you present at the time

3 Mr. Jackson made that statement?

4 A. Yeah, we were in the dressing room. We were

5 in the back.

6 Q. To whom did he make that statement?

7 A. To Marc.

8 Q. Were you there at that time?

9 A. Yeah, we were both standing there, because

10 we were both -- our faces were set to stun, really.

11 You know, I wanted to get booed, so --

12 (Laughter.)

13 Q. Incidentally, do you know what Marlon Brando

14 did to warrant being booed?

15 A. Yeah.

16 MR. MESEREAU: Objection; relevance.

17 THE COURT: Sustained.

18 Q. BY MR. ZONEN: All right. Let's go back to

19 the million dollars. Was he paid a million dollars,

20 Mr. Brando?

21 MR. MESEREAU: Objection; foundation.

22 THE COURT: Sustained.

23 Q. BY MR. ZONEN: Did you have an opportunity

24 to look at the bank records dealing with that

25 transaction?

26 A. I saw the check.

27 Q. You saw the check. The check was made on

28 whose account? 8933

1 A. Neverland Valley Entertainment.

2 Q. All right. How long after that encounter
3 was that check written on Neverland Valley
4 Entertainment?

5 A. Well, as soon as we got back, because we
6 flew back private jet. So as soon as we got back,
7 you know, he started working and complaining about
8 it.

9 Q. So was this part of the money that came from
10 the Parviz loan?

11 A. Oh, yeah.

12 Q. This was part of your operations money; is
13 that right?

14 A. Uh-huh.

15 MR. MESEREAU: Objection; leading.

16 THE COURT: Sustained.

17 Q. BY MR. ZONEN: At the time the police came
18 to your house when you were in your pajamas, did
19 they have a search warrant?

20 A. They had one with them, but they didn't need
21 to serve it.

22 Q. And why is that?

23 A. Because I believe -- I believe that you
24 should work with law enforcement.

25 MR. MESEREAU: Objection. Objection.

26 Nonresponsive; relevance.

27 THE COURT: Sustained.

28 Q. BY MR. ZONEN: You've been in the music 8934

1 industry, I think you said, 20 years; is that right?

2 A. Yeah, 20 years. Started when I was 18.

3 Q. Have you been involved with albums before?

4 A. Yeah, plenty.

5 Q. Are you familiar with people putting credits

6 on the album jacket?

7 A. They're called liner notes, yes.

8 Q. Called what?

9 A. Liner notes.

10 Q. Liner notes; is that right?

11 A. Uh-huh.

12 Q. All right. Is it generally the habit and

13 custom of artists to do that for people who they're

14 close to or people who have a particular interest in

15 the production of that album?

16 A. Yeah. Oh, yeah.

17 Q. Is it generally the case that they hold them

18 in high regard?

19 A. Yes.

20 Q. Would there be people contained --

21 MR. MESEREAU: Objection. Foundation; move

22 to strike; and calls for speculation.

23 THE COURT: I'll strike the last answer.

24 Sustain the objection.

25 Q. BY MR. ZONEN: Is there any expectation in

26 the record industry that a person would

27 automatically be included in one of these things?

28 A. Huh-uh. 8935

1 MR. MESEREAU: Objection. Foundation; calls
2 for speculation; relevance.

3 THE COURT: Sustained.

4 MR. ZONEN: I have no further questions.

5

6 RE-CROSS-EXAMINATION

7 BY MR. MESEREAU:

8 Q. Now, Mr. Provencio, on cross-examination you
9 admitted having a discussion with Cindy Montgomery
10 about your notes and saying to her the following:
11 "I'll give my lawyer the bullet points, overview,
12 but not giving him my detailed notes. Are you
13 kidding me? That's a book, honey."

14 A. Uh-huh.

15 Q. What is your explanation now for that?

16 A. It's -- it's like -- it's like a really bad
17 fairy tale that -- it's like a book nobody would
18 believe. I mean, you wouldn't believe it if you
19 read it. It's kind of unbelievable. It's an
20 unbelievable story, I think.

21 Q. Were you telling the jury when you made that
22 statement in a recorded phone call with Cindy
23 Montgomery you were not referring to your writing a
24 book?

25 A. Not at that time.

26 Q. Whose book were you referring to when you
27 said --

28 A. The tale. 8936

1 Q. -- when you said, "That's a book, honey"?

2 A. That's a book. It's a tale. It's like an
3 unbelievable tale and a book.

4 Q. When you said, "I'll give my lawyer the
5 bullet points," which lawyer were you talking about?

6 A. An entertainment lawyer that I dealt with.

7 Q. You said, "I'll give my lawyer the bullet
8 points, overview, but not giving him my detailed
9 notes. Are you kidding me? That's a book, honey."

10 A. Uh-huh.

11 Q. Are you telling -- excuse me. Are you
12 testifying under oath that you were not referring to
13 your writing a book?

14 A. That's true.

15 Q. Okay. All right.

16 Now, the prosecutor for the government asked
17 you some questions about your interview with
18 Sergeant Robel of January 31st, 2004, correct?

19 A. Who's the government? I'm sorry.

20 Q. These guys.

21 A. Oh. Okay. Law enforcement. Okay. So,
22 state your question again, please. I'm sorry.

23 Q. The prosecutor asked you about your
24 interview with Sergeant Robel of January 31st, 2004,
25 correct?

26 A. Correct.

27 Q. That's when you say you were in your pajamas

28 and just don't remember a lot of things, right? 8937

1 A. Well, when the police show up, you freak
2 out, so, yeah, that's true.

3 Q. So you told Sergeant Robel in that interview
4 that you were going to tell him everything you knew,
5 but you didn't want to be recorded, correct?

6 A. Oh, no, that was an interview -- oh, the
7 2000 -- wait. Hold on a second. So when they came
8 to my house and served me with a search warrant, are
9 you talking about that particular time, or are you
10 talking about --

11 Q. Excuse me. I'm sorry. Let me rephrase the
12 question.

13 A. Okay.

14 Q. You were interviewed by Sergeant Robel on
15 January 31st, 2004, correct?

16 A. Correct.

17 Q. Is that the interview you claim you gave
18 while you were in your pajamas?

19 A. If that's the interview at the hotel, I was
20 not in my pajamas. The time I was in my pajamas is
21 when they first came to my house with a search
22 warrant.

23 Q. There are nine pages of comments you made
24 about these events in that interview, right?

25 A. Uh-huh. I guess, if they're there.

26 Q. Well, the interview took place January 31st,
27 2004, right?

28 A. Where? Does it say where? 8938

1 Q. It says "in Los Angeles area."

2 A. Okay.

3 Q. Right?

4 A. Not Calabasas?

5 Q. You gave an interview on January 31st, 2004,
6 to Sergeant Robel, correct?

7 A. Right. Right.

8 Q. You said in that interview you were going to
9 tell him everything you knew, but you didn't want it
10 tape-recorded, right?

11 A. Correct.

12 Q. You were given that report recently to look
13 at, correct?

14 A. To correct spelling. I corrected the
15 spelling.

16 Q. Well, you did a lot more than that with it,
17 didn't you?

18 A. Well --

19 MR. ZONEN: Objection; asked and answered.

20 THE COURT: Overruled.

21 You may answer.

22 THE WITNESS: Yes, I made -- because it was
23 not taped, I guess not everything I know is in my
24 head made it on that piece of paper.

25 Q. BY MR. MESEREAU: So approximately two weeks
26 ago would be --

27 A. Uh-huh.

28 Q. -- April of 2005, correct? 8939

1 A. Right.

2 Q. Prosecutor Auchincloss gives you a police
3 report about your interview on January 31st, 2004,
4 right?

5 A. Right. The book, or whatever.

6 Q. He says, "Read it and correct it," right?

7 A. No. He says -- he says, "Look it over."

8 "Look it over. Is this information correct, to your
9 best ability?"

10 Q. And you started adding the name Michael
11 Jackson to statements you had made about Dieter,
12 Konitzer and Schaffel --

13 MR. ZONEN: Objection. Asked and answered;
14 exceeding the scope of the redirect.

15 THE COURT: Sustained.

16 Q. BY MR. MESEREAU: Was your memory of these
17 events better two weeks ago than it was on January
18 31st, 2004, Mr. Provencio?

19 A. No, it's like riding a bike. You either
20 remember or you don't remember. It's in your head
21 or it's not. Like I remember what people wear,
22 their shoes, if they smell. You know, weird things
23 like that.

24 Q. Now, let me get this straight, your comments
25 about your notes on February 1st, 2003.

26 A. Okay.

27 Q. You have a -- you put down "February 1st,

28 2003," on the pad, correct? 8940

1 A. Uh-huh. Straight up and down.

2 Q. You wrote a paragraph that goes how many
3 lines under that day?

4 A. Four. In -- but the four -- the four lines
5 are slanted to the right. So the "February 1st,
6 '03" slanted upward and it says, "Family-kids," and
7 then there's a couple lines and it slants to the
8 right.

9 Q. Okay. And in that paragraph you say
10 Schaffel made a derogatory comment about Mexican
11 people, right?

12 A. That's correct. And I'm Mexican.

13 Q. And you talk about "Mom flipping out" in
14 that first paragraph, correct?

15 A. Correct.

16 Q. Right?

17 A. Correct.

18 Q. In the next paragraph, you talk about a
19 family, right?

20 A. Well, yeah, but it's written in different
21 writing again, so it's --

22 Q. You say --

23 A. It's a different paragraph. It's a
24 different paragraph. I'm scribbling at a different
25 time.

26 Q. You say "Who are these killers?" in that
27 paragraph, right?

28 A. Yes, uh-huh. Because the press are calling, 8941

1 and it's after the 24th. So they were already
2 calling.

3 Q. And you wrote those words underneath the
4 date February 1st, 2003?

5 A. The first paragraph that you are referring
6 to --

7 Q. Yes.

8 A. -- the first two lines --

9 Q. Yes.

10 A. -- "Family-kids" is written under February
11 the 1st. There's a paragraph there with different
12 kinds of handwriting, and then it shoots down to
13 another paragraph.

14 Q. Okay.

15 A. And that's -- that's -- you know, those
16 things are unrelated thoughts, and they're just
17 scribbling thoughts.

18 Q. Sir, look at the last sentence that you
19 wrote --

20 A. Uh-huh.

21 Q. -- on the first paragraph. Do you see that?

22 A. "I thought they used to be good people."

23 Q. Right.

24 A. Uh-huh.

25 Q. Are you saying that that handwriting is
26 different from the handwriting in the next
27 paragraph?

28 A. It's similar, but I know my handwriting 8942

1 enough to know when I write things, so --

2 Q. It's the same style of handwriting, true?

3 MR. ZONEN: Objection; argumentative.

4 THE COURT: Overruled.

5 THE WITNESS: So answer?

6 THE COURT: Yeah.

7 THE WITNESS: Okay. I don't believe so. I

8 think it's different.

9 Q. BY MR. MESEREAU: How is it different?

10 A. Well, first of all, "family" is written
11 different. It's a different paragraph. If you take
12 a look at the entire -- if the jury could see the
13 entire thing, there's many things on a piece of
14 paper, and it all looks like kind of a collision/
15 mess, because it's not meant to be an exact
16 narrative. It's meant for me to remember certain
17 things as they occurred.

18 Q. During the break, the last break, did you
19 talk to Prosecutor Zonen about your testimony?

20 A. Yes. I asked about -- I asked a couple
21 questions.

22 Q. Did he ask you any questions?

23 A. He wanted to know about the threatening
24 phone calls that I got.

25 Q. Did he tell you anything about what you had
26 testified to?

27 A. Yes, he asked me a question, "Did you tell

28 the truth?" And I told him, "Yes." 8943

1 Q. Did he ask you anything -- excuse me. Did
2 he tell you anything about what he was going to ask
3 you after the break?

4 A. No. He just asked me to clarify something
5 for him on the date.

6 Q. Did he discuss your police interview of
7 January 31st, 2004?

8 A. No.

9 Q. Isn't it true that when you were interviewed
10 by the sheriffs on January 31st, 2004, you did not
11 hand over any notes?

12 A. I don't know. Is that what it says? I'd
13 have to look at it, but I don't -- did I not hand
14 over notes at that time?

15 Q. You didn't hand over any notes during your
16 police interview on January 31st, 2004.

17 A. When they came to my house? I sure did.

18 Q. When you were interviewed in the Los Angeles
19 area, you gave no notes, correct, to Sergeant Robel?

20 A. I did give him notes, because I even gave
21 him the address book. I remember that.

22 Q. So the report should reflect that, in your
23 mind, right?

24 A. It should, yeah.

25 Q. When did you discuss these notes you had
26 lost, the ones you took -- you turned over a couple
27 weeks ago?

28 MR. ZONEN: Objection. Misstates the 8944

1 evidence, that they were lost.

2 THE COURT: Sustained.

3 Q. BY MR. MESEREAU: When did you discover the
4 notes that you had kept in storage all this time but
5 I believe you said you forgot about?

6 A. I had stuck them in a box. I thought they
7 were just lost. Like I said, I just stuck them in
8 storage.

9 Q. And you found them when?

10 A. Do you want me to look? I can tell you
11 exact dates.

12 Q. Approximately.

13 A. I have the receipt right here. Do you want
14 me to look?

15 Q. Sure.

16 A. I believe I brought the receipt.
17 Mid-April.

18 Q. That's this year?

19 A. Yes, this year.

20 Q. Now, Prosecutor Zonen asked you a question
21 on redirect examination about whether you thought
22 Debbie Rowe was honest and sincere in her responses
23 during the interview, right?

24 A. Uh-huh.

25 Q. Did you discuss that issue with him during
26 the break?

27 A. No.

28 Q. But you admit that on January 31st, 2004, 8945

1 you told Sergeant Robel that Debbie Rowe was honest
2 and sincere in her responses, right?

3 A. Yes, some of it was. I think some of it
4 was.

5 Q. You didn't say "some of it." You said she
6 was honest and sincere in her responses?

7 A. Well, it wasn't recorded. I know what I
8 meant is that some of it was sincere.

9 Q. Okay.

10 A. She wanted her kids back, to see them.

11 Q. Just to clarify something in your notes of
12 February 1st, 2003, you say that, "Mom's flipping
13 out about something," correct?

14 A. Uh-huh. Yes.

15 Q. And you're referring to Mrs. Arvizo,
16 correct?

17 A. Yes.

18 Q. Whom, at that point, you had never met,
19 right?

20 A. No, just heard about.

21 Q. And that's before the Bashir documentary
22 aired in the United States, correct?

23 A. And after the transcript was received on the
24 24th of January, correct.

25 Q. By you, right?

26 A. I received it. Marc received it.

27 Q. Do you agree that in every police interview

28 you've done, you've never mentioned the transcript 8946

1 of February 24?

2 A. I don't know if I did or didn't, but I know
3 when I got it, because I had the e-mail.

4 MR. MESEREAU: I have no further questions.

5

6 FURTHER REDIRECT EXAMINATION

7 BY MR. ZONEN:

8 Q. Do you remember to whom you turned over your
9 notes when the police arrived at your door?

10 A. Who did I turn them over to?

11 Q. Yes.

12 A. The police officers.

13 Q. Do you remember which one that was?

14 A. Steve Robel and Jeff Klapakis -- Klapakis.

15 Q. Do you know whether it was Lieutenant
16 Klapakis or if it was Sergeant Robel?

17 A. Yes, it was those two.

18 Q. It was those two, all right.

19 A. Uh-huh.

20 Q. Was that on the first occasion that they
21 came to your door?

22 A. Yes.

23 Q. That was at the time they had a search
24 warrant?

25 A. Correct.

26 Q. All right. The interview that took place
27 was at a -- was there some level of interview that

28 was done at that time, at the time of the search 8947

1 warrant?

2 A. Yeah, but it was like I'm outside, and it's
3 cold, and I'm freaking out, there's cops everywhere.

4 Q. Was there a follow-up interview that then
5 took place --

6 A. Oh, yeah.

7 Q. -- soon thereafter?

8 A. Yep.

9 Q. Approximately how long after that was the
10 follow-up interview?

11 A. I don't remember. I just remember it was in
12 the Calabasas area.

13 Q. Do you remember if it was longer than a week
14 or two after the initial arriv --

15 A. No, I think it was within the first two
16 weeks of that.

17 Q. Did you have additional notes to turn over
18 on that occasion?

19 A. Yeah, just stuff -- you know, I mean, they
20 asked, "Where's your computer?" You know, "Do you
21 have some notes?" And I said, "Yes, there's some
22 right here."

23 You know, "What other information" -- "Can
24 we talk to you outside?" And I said, "That's okay."
25 And I agreed -- you know, I mean, I was
26 scared, but I agreed to, because I just felt that
27 that was the right thing to do.

28 Q. Over the months that followed, did you take 8948

1 additional notes?

2 A. Yes.

3 Q. And did you turn those notes over

4 periodically to Detective Robel, Detective Sergeant

5 Robel or to Lieutenant Klapakis?

6 A. Yes.

7 MR. ZONEN: No further questions.

8 MR. MESEREAU: No further questions.

9 THE COURT: All right. Thank you. You may

10 step down.

11 THE WITNESS: Okay.

12 Where do I go?

13 THE COURT: Call your next witness.

14 MR. SNEDDON: Your Honor, at this time we

15 have some items to be moved into evidence.

16 (Off-the-record discussion held at counsel

17 table.)

18 MR. SNEDDON: Your Honor, we're going to

19 start with a series of records that have been marked

20 as People's 250 for identification purposes. It's

21 one, two, three, four, five, six, seven -- eight

22 pages, front and back. And I believe there's a

23 stipulation that they may come into evidence.

24 MR. SANGER: Yes. So stipulated, Your

25 Honor.

26 MR. SNEDDON: In addition to that, Your

27 Honor, there are a series of records.

28 THE COURT: Just a moment. 8949

1 MR. SNEDDON: I'm sorry? I guess I should
2 wait.

3 THE COURT: 250 through 258?

4 MR. SNEDDON: No, 250 only, Your Honor.

5 That's all one document.

6 THE COURT: Those are pages 1 through 8?

7 MR. SANGER: For the record, I think we
8 should say they're records pertaining to Xtra Jet
9 and Chris Tucker.

10 MR. SNEDDON: That's correct.

11 THE COURT: All right. No objection, 250 is
12 admitted.

13 MR. SNEDDON: And then there is a series of
14 records, Your Honor, from the Country Inn & Suites
15 which have been provided through the custodian of
16 records, and we've had a chance to look at them.
17 And we're moving that People's 219, 220, 221 and 222
18 be admitted into evidence. They're all records
19 dealing with the Calabasas Inn.

20 MR. SANGER: No objection.

21 THE COURT: They're admitted.

22 MR. SNEDDON: Your Honor, Mr. Provencio was
23 our last witness. However, there still remains the
24 outstanding issue of the documents that are before
25 the Court under consideration, and there are one
26 other set of records that just came in today that I
27 need to look at with counsel, but beyond that, we'd

28 be prepared to rest. 8950

1 And, oh, also we need to go over the
2 exhibits, because there are several exhibits that
3 you deferred ruling on, and we need to address
4 those.

5 So there's some miscellaneous items that
6 need to be done, but other than that, in terms of
7 live witnesses, we're prepared to rest once all
8 these are cleared up.

9 THE COURT: You're resting subject to those
10 issues?

11 MR. SNEDDON: I am, Your Honor.

12 THE COURT: The Court will make the following
13 rulings on the 400 series, which I've been briefed
14 by both sides on and listened to the evidence:

15 401 is admitted.

16 402 is excluded as cumulative and restricted
17 financial information.

18 405 is admitted. 409 is admitted. 410 is
19 admitted. 413 is admitted.

20 And 423 is admitted -- no, excuse me, I'm
21 excluding 423.

22 So then that leaves what issues?

23 MR. SNEDDON: I'm sorry.

24 THE COURT: I'm just waiting for --

25 MR. SNEDDON: We're consulting. We don't....

26 (Off-the-record discussion held at counsel
27 table.)

28 MR. SNEDDON: Judge, there are -- do you 8951

1 have your court exhibit sheet handy, Your Honor?

2 THE COURT: Yes.

3 MR. SNEDDON: There are several items that
4 have been marked for identification but have not yet
5 been admitted into evidence. We would be moving --

6 MR. SANGER: I didn't know he was going to
7 do that. Can I have a moment to get my sheet out?

8 MR. SNEDDON: Go ahead.

9 THE COURT: I was just thinking we could let
10 the jury go a few minutes early, because we can go
11 through the admitting of them.

12 MR. SNEDDON: That's fine, Your Honor.

13 That's --

14 THE COURT: Let me speak to the jury for a
15 second.

16 MR. SANGER: Excuse me. Just for
17 planning -- I'm very sorry to interrupt, but there
18 will be a motion when the People rest. For
19 planning.

20 THE COURT: I understand that.

21 I wanted to tell the jury that next Tuesday,
22 the 10th, will be a half day. So we'll stop at
23 11:30 on that day.

24 And then what you're suggesting, I think, is
25 that they should come in a little later in the
26 morning, because you're going to make a motion.

27 They're really resting right now, and I don't think

28 you have time to make the motion this afternoon. 8952

1 MR. SANGER: I -- I don't think so. We also
2 have a written brief which we did not, and should
3 not, file until they rest. So I have that.

4 THE COURT: Right.

5 MR. SANGER: They may want to take a look at
6 it, so it may be more efficient to do it tomorrow
7 morning.

8 THE COURT: Yeah.

9 (To the jury) So I think what we'll do is,
10 court will start at the regular time and I'll hear
11 the motion, and then I'll have you come in at --
12 we'll start with jury at 10:00. I don't want you
13 frivolously wasting that time of your day.
14 All right. I'll see you tomorrow morning.

15

16 (The following proceedings were held in
17 open court outside the presence and hearing of the
18 jury:)

19

20 THE COURT: All right. Go ahead, Counsel.

21 MR. SNEDDON: Judge, may I inquire of the
22 Court for just a moment before we start the process?

23 THE COURT: Yes.

24 MR. SNEDDON: With regard to the 418 that
25 you excluded, was that on the basis of a lack of
26 foundation or for some other reason? That's the
27 check.

28 MR. AUCHINCLOSS: 418, page three. 8953

1 THE CLERK: You didn't mention 418.

2 THE COURT: I didn't rule on that. The
3 rulings were on 401, 402, 405, 409, 410, 413 and
4 423, which are the documents you took testimony on
5 today.

6 MR. AUCHINCLOSS: Okay.

7 THE COURT: That's what I was keeping track
8 of today.

9 MR. AUCHINCLOSS: Okay.

10 THE COURT: In your briefs, you had covered
11 other exhibits.

12 MR. SNEDDON: And we'll --

13 THE COURT: But they were not addressed
14 today, so I didn't rule on them today.

15 MR. SNEDDON: Okay. I just was seeking
16 clarification. And will there be an opportunity to
17 address that, or are you going to rule on those
18 without argument?

19 THE COURT: Well, if you're offering
20 something, you can offer it. I mean, that's what
21 you're doing now, is it not, offering the rest of
22 your exhibits?

23 MR. SNEDDON: Yes, sir. The ones that
24 haven't been previously admitted.

25 THE COURT: Right. So just go ahead and
26 offer them, and we'll see if there's any --

27 MR. SNEDDON: I'll do the ones that I know

28 about, and I'll have Mr. Auchincloss do the 400 8954

1 series, if that's okay with the Court.

2 The one I'd like to begin with is 294, which
3 for the Court's recollection, it was a document that
4 was found inside of the briefcase that contained
5 several items of adult materials and was offered for
6 indicia of ownership and knowledge of the materials
7 inside. It was identified by the officer and
8 contains the initials of the defendant on the
9 document. So we're moving that 294 be admitted.

10 THE COURT: All right. It's admitted.

11 MR. SANGER: Your Honor, I at this point --

12 THE COURT: You need to speak into the
13 microphone.

14 MR. SANGER: I just turned it on. I'm
15 sorry.

16 I was going to say, at this point, unless
17 the Court is absolutely clear, I don't have an
18 absolute clear recollection, without looking at that
19 particular exhibit, and I -- I have notes on some of
20 the items.

21 THE BAILIFF: No one can hear you.

22 MR. SANGER: Can't hear?

23 THE BAILIFF: No.

24 MR. SANGER: It's on. I've just got to bend
25 over. What happened is the cord got shorter.

26 All right. All I'm saying is, if the Court
27 has a clear recollection and is prepared to rule

28 without hearing from the defense, I understand that, 8955

1 but if not, I'd like to have a chance to look at
2 that exhibit.

3 THE COURT: I'm going to admit it. And if,
4 for some reason, you want to readdress that after
5 you look -- find it -- I think I do have a clear
6 recollection. But then I thought the break was at
7 quarter to 1:00.

8 MR. SANGER: Okay. Thank you.

9 MR. SNEDDON: The next item, Your Honor, is
10 349, which is the orange bottle that you took under
11 submission and we offered as demonstrative evidence.
12 And I believe there's case law that --

13 THE COURT: There is. That's admitted.
14 That's clear to the jury that that's not the -- it
15 just looks like the bottle. It's not the bottle.

16 MR. SNEDDON: Right.

17 MR. SANGER: We object there was a lack of
18 foundation, and I believe we did object, but if we
19 didn't, I --

20 THE COURT: You did object, and that's why I
21 took it under submission. And there is a couple of
22 cases on it, one I recall about a fire can that
23 carried gasoline to start a fire, and they lost the
24 can, and they brought a can just like it in, and
25 that was just to show the jury what it looked like,
26 and that's admissible.

27 MR. SNEDDON: The next item, Your Honor, is

28 625, which is the series of letters between Mr. 8956

1 Geragos and Mr. Dickerman.

2 THE COURT: All right. They're admitted.

3 MR. SNEDDON: We'll withdraw -- I mean 630

4 we're not offering, because that has not been

5 admitted.

6 THE COURT: Yes.

7 MR. SNEDDON: With regard to the series of

8 exhibits in 823 through 829, I believe we laid the

9 foundation when we put Detective Alvarez and Bonner

10 on to establish the foundation for these particular

11 exhibits that they're the ones from which the DVDs

12 were made from, so -- and seized by Detective

13 Caldwell, so we would move that they be admitted.

14 THE COURT: I believe the foundation was

15 laid. Is there any objection to that?

16 MR. SANGER: I just want to make sure that

17 we don't have one in there -- I understand that

18 there's been a foundation for most of them, but I'm

19 not -- I'm not sure that all of them have been --

20 there's an independent relevance foundation laid.

21 In other words, there's been a seizure foundation

22 laid, that they were obtained and in the offices of

23 Brad Miller, but there's nothing that -- as I sit

24 here, I don't know which number, but there's nothing

25 that lays the foundation for the relevance in this

26 case.

27 MR. SNEDDON: Judge, they're the

28 surveillance tapes. 8957

1 THE COURT: They were all played to the jury.

2 They were your surveillance tapes.

3 MR. SNEDDON: That's why we thought they

4 were in evidence.

5 MR. SANGER: Were they all played?

6 MR. ZONEN: All were except 829. 829 is a

7 duplicate of another one. It's the micro-mini.

8 They made a copy of the micro-mini. We then played

9 it off of the more conventional form, but 829, it is

10 the micro-mini that was seized, and then the one we

11 played was the one that was duplicated onto to be

12 able to play it.

13 MR. SANGER: I didn't understand that, quite

14 frankly.

15 THE COURT: They made it -- they made one

16 from this exhibit, so he didn't show this exhibit,

17 but he showed the copy they made from the exhibit.

18 MR. ZONEN: And the testimony was that

19 they're identical.

20 MR. SANGER: Okay. I think they showed the

21 copies. They showed copies of all of these. They

22 didn't show any VHS tapes. So that's not the issue.

23 I believe there were two tapes that were similar,

24 and one of them was not shown and one of them was

25 shown.

26 MR. ZONEN: That's 829.

27 MR. SANGER: So 829 was shown and 828 was

28 not? 8958

1 MR. ZONEN: 829 is the mini. That's the one
2 that was not shown.

3 MR. SNEDDON: Excuse me. The DVD copy of
4 829 was shown, so this is the foundation to show
5 that this is the original.

6 MR. ZONEN: Yes.

7 MR. SNEDDON: And this was authenticated by
8 the officer.

9 THE COURT: Well, in terms of what the jury
10 should get, 828 has been authenticated. We'll just
11 put in 828. We'll leave out 829. It's in as an
12 exhibit and it's part of the --

13 MR. SNEDDON: Record.

14 THE COURT: -- record.

15 MR. SNEDDON: That's fine. That's perfectly
16 acceptable to us, Your Honor.

17 MR. SANGER: There you go.

18 MR. ZONEN: I don't believe that's the
19 duplicate of 828. I believe it's actually the
20 duplicate of 825.

21 THE COURT: Okay. Okay. Same ruling.

22 MR. SANGER: Your Honor, since everybody's
23 still talking and we've only got a couple minutes, I
24 understand the Court's ruling is that you're not
25 going to let in both tapes of the same thing.

26 THE COURT: Right.

27 MR. SANGER: And with that ruling in mind,

28 if there's some dispute, can we take it up later? 8959

1 THE COURT: Absolutely.

2 MR. SANGER: Okay. Thank you.

3 MR. SNEDDON: I believe, except for the 400
4 series, that covers all the issues, except for the
5 one that I mentioned to the Court about having to
6 check with the SDT records that just came in with
7 United Airlines. Other than that, I think we're --
8 oh, wait a minute. That's right.

9 I'm sorry, Your Honor, there are three
10 photographs --

11 THE COURT: Okay. What I'm going to do is --

12 MR. SNEDDON: Yeah. 45, 46 and 47 should be
13 admitted, Your Honor.

14 THE COURT: All right. Any objection?

15 MR. SANGER: No objection, Your Honor.

16 MR. AUCHINCLOSS: Would you like me to
17 address the 400 series at this time, Your Honor?

18 THE COURT: Well, no. Just tell me what
19 other ones you want rulings on that I haven't ruled
20 on.

21 MR. AUCHINCLOSS: I believe at this point
22 you've excluded 402; is that correct?

23 THE COURT: Yes.

24 MR. AUCHINCLOSS: Okay. We would ask that
25 the remainder of the 400 series --

26 THE COURT: And 423.

27 MR. AUCHINCLOSS: And 423. Very well. We'd

28 ask that the remainder of the 400 series be 8960

1 admitted, with the exception of -- the exceptions of
2 414 and 416.

3 MR. SANGER: When counsel says "the
4 exception," Your Honor, does that mean they're
5 withdrawn?

6 MR. AUCHINCLOSS: Yes.

7 THE COURT: I think they're not offering
8 that.

9 THE CLERK: There's numerous in the 400
10 series that haven't even been identified.

11 THE COURT: The only ones I'm going to
12 consider are the ones that have been identified in
13 court, which are the 400 series up to 424. After
14 that, 425 through -- just so you all know, 425
15 through 449 haven't been identified; 460 through
16 469. But I think you were just talking about the
17 400 series ending with 423, because that's what your
18 briefs covered.

19 MR. AUCHINCLOSS: We have some additional
20 exhibits under the 400 series that -- let me just
21 have a moment to look at the notebook.

22 MR. SANGER: While they're looking, Your
23 Honor, you went so quickly through the numbers, when
24 I tried to write them down, I don't think I got them
25 all.

26 402 was excluded. 401 was admitted?

27 THE COURT: 401 was admitted.

28 MR. SANGER: Okay. 8961

1 THE COURT: 402 was excluded. 405 was
2 admitted. 409 was admitted. 410 was admitted. 413
3 was admitted. And 423 was excluded.

4 MR. AUCHINCLOSS: And if your question was
5 are we offering at this time, concerning the 400
6 series, only up through 423, which, as you said, has
7 been excluded, that is correct.

8 THE COURT: Well, then I can make rulings on
9 the others.

10 MR. AUCHINCLOSS: You may. But the one
11 thing I'd request, Your Honor, if we have a dispute
12 about exhibits that can be remedied by additional
13 foundation, we'd just ask that the Court allow us to
14 reopen to handle that evidentiary issue, if
15 necessary.

16 MR. SANGER: Well, Your Honor, we had filed
17 a written brief, and I believe we objected to all of
18 these.

19 THE COURT: You did.

20 MR. SANGER: Okay. So the Court has ruled
21 on some, but not all of them.

22 THE COURT: The only ones I ruled on were the
23 ones that they laid foundation on today.

24 MR. SANGER: There you go. Okay. Now I
25 understand. We did object to everything else, and I
26 don't believe there is a foundation --

27 THE COURT: Well, that's true.

28 MR. SANGER: -- as to the remaining ones. 8962

1 THE COURT: There are foundation problems as
2 to other documents, there's no question.

3 MR. SANGER: Yes.

4 THE COURT: Other than these documents that
5 are hanging out here, what I would like to have us
6 do is to have you rest, subject to my rulings on
7 that, have you serve your 1118 motion, and be
8 prepared to argue that motion tomorrow morning, both
9 of you. And I'll make rulings on the other
10 documents in the 400 series that have been
11 identified before you make your argument.

12 MR. AUCHINCLOSS: Okay. My request is just
13 because, as you know, of the timing of the admission
14 of these documents, we've held off on them, but
15 normally during the course of the presentation of
16 our case, we would have an opportunity to lay
17 additional foundation if there was a foundational
18 issue on any of the documents. And there may be an
19 issue that could be remedied fairly quickly, so I'd
20 just make that representation to the Court, that
21 that may be a request, depending upon the outcome.

22 THE COURT: Okay.

23 MR. SANGER: Well, Your Honor, just so I'm
24 clear, I would like to be able to file -- I'd like
25 to be able to serve and file the motion, and I think
26 the Court has asked us to do that. My concern --
27 I'm sitting because I'm worried about

28 getting too far away from that, so let me stand here. 8963

1 My concern is that these are documents
2 obviously -- let's put it this way. Obviously,
3 Count 1 is going to be the subject -- significant
4 subject of our motion.

5 THE COURT: Right.

6 MR. SANGER: And these are documents that,
7 if they intend to reopen and call some more
8 witnesses, we are giving them a road map to our
9 objections, and they could then say, "Well, we said
10 we're going to reopen," so, you know, call in a
11 bunch of witnesses.

12 So I don't want that to happen, and Mr.
13 Auchincloss was very vague in what he's requesting,
14 so I'm going to object to what he's requesting.
15 Either they rest or they don't rest.

16 I understand the Court can say, "I'll take
17 under submission whether these documents come in or
18 not." That's not a problem. I just don't want to
19 file this and have them bring in another witness, or
20 two, or three.

21 THE COURT: Well, I am taking under
22 submission whether or not any of the other 400
23 series would be admissible under the present state
24 of the record. They're resting subject to that.
25 They've said they may wish to reopen. I'm not
26 ruling on that issue. So as of right now, you have
27 a record. You have them resting, and all that's

28 left is my ruling. 8964

1 MR. SANGER: Based on that -- Your Honor,
2 thank you for clarifying that. Based on that, I
3 will serve in open court a copy of a Motion for
4 Judgment of Acquittal Under 1118.1, and I'll file
5 the original and provide two copies to the clerk.
6 And we'll expect to argue that tomorrow, if that's
7 all right.

8 THE COURT: Right.

9 All right. Then court's in recess. I'll see
10 you tomorrow at 8:30.

11 MR. SANGER: Thank you, Your Honor.

12 Oh, Your Honor? Not to take time, but there
13 is one other motion that was still pending.

14 THE COURT: I'll rule on that in the
15 morning. I haven't had time -- I got that late this
16 morning. I haven't had time to -- I read it.
17 That's all I've done with it, so --

18 MR. SANGER: Okay.

19 THE COURT: That's the motion to dismiss; the
20 mistrial.

21 MR. SANGER: The mistrial and the Griffin/
22 Doyle.

23 THE COURT: I'll rule on that before you
24 argue in the morning.

25 MR. SANGER: Thank you, Your Honor.

26 THE COURT: Thank you.

27 (The proceedings adjourned at 2:40 p.m.)

1 REPORTER'S CERTIFICATE

2

3

4 THE PEOPLE OF THE STATE OF)

5 CALIFORNIA,)

6 Plaintiff,)

7 -vs-) No. 1133603

8 MICHAEL JOE JACKSON,)

9 Defendant.)

10

11

12 I, MICHELE MATTSON McNEIL, RPR, CRR, CSR

13 #3304, Official Court Reporter, do hereby certify:

14 That the foregoing pages 8771 through 8965

15 contain a true and correct transcript of the

16 proceedings had in the within and above-entitled

17 matter as by me taken down in shorthand writing at

18 said proceedings on May 4, 2005, and thereafter

19 reduced to typewriting by computer-aided

20 transcription under my direction.

21 DATED: Santa Maria, California,

22 May 4, 2005.

23

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