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

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7 THE PEOPLE OF THE STATE OF)

8 CALIFORNIA,)

9 Plaintiff,)

10 -vs-) No. 1133603

11 MICHAEL JOE JACKSON,)

12 Defendant.)

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17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

18

19 TUESDAY, MAY 10, 2005

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21 8:30 A.M.

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23 (PAGES 9679 THROUGH 9735)

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

28 BY: Official Court Reporter 9679

1 APPEARANCES OF COUNSEL:

2

3 For Plaintiff: THOMAS W. SNEDDON, JR.,

4 District Attorney -and-

5 RONALD J. ZONEN, Sr. Deputy District Attorney

6 -and- GORDON AUCHINCLOSS,

7 Sr. Deputy District Attorney 1112 Santa Barbara Street

8 Santa Barbara, California 93101

9

10

11 For Defendant: COLLINS, MESEREAU, REDDOCK & YU BY: THOMAS A.
MESEREAU, JR., ESQ.

12 -and- SUSAN C. YU, ESQ.

13 1875 Century Park East, Suite 700 Los Angeles, California 90067

14 -and-

15 SANGER & SWYSEN

16 BY: ROBERT M. SANGER, ESQ. 233 East Carrillo Street, Suite C

17 Santa Barbara, California 93101

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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 DEFENDANT'S

10 WITNESSES DIRECT CROSS REDIRECT RECROSS

11 MARCUS, Joseph 9682-SA 9713-A

12 (Contd.)

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28 9681

1 Santa Maria, California

2 Tuesday, May 10, 2005

3 8:30 a.m.

4

5 THE COURT: Good morning, everyone.

6 Counsel?

7 MR. SANGER: Good morning.

8

9 JOSEPH MARCUS

10 Having been previously sworn, resumed the

11 stand and testified further as follows:

12

13 DIRECT EXAMINATION (Continued)

14

15 BY MR. SANGER:

16 Q. Okay. Mr. Marcus, when we left off

17 yesterday, we were talking about the trip to Dr.

18 Seamont's office. Do you recall that?

19 A. Yes.

20 Q. All right. You went and picked the family

21 up and you stayed there while they were in the

22 dental office, right?

23 A. Correct.

24 Q. All right. Now, at that time, was there a

25 film crew following the family into the dental

26 office?

27 MR. AUCHINCLOSS: I'll object. Asked and

28 answered. 9682

1 THE COURT: Sustained.

2 MR. SANGER: Didn't I ask about the shopping
3 trip and not this? Maybe I did. I apologize if I
4 did.

5 THE COURT: Now you're testing my memory?
6 I'll let you ask the question.

7 MR. SANGER: Okay. And I apologize, Your
8 Honor. Maybe I did ask it.

9 Q. But in any event, was there a film crew
10 following anybody into the dentist's office?

11 A. No.

12 Q. And was there -- if I didn't ask it, let me
13 ask this, so I cover both of them. Was there any
14 film crew following the shopping trip to Solvang?

15 A. No.

16 Q. And those were two separate occasions; is
17 that correct?

18 A. Correct.

19 Q. All right. Now, you are familiar with the
20 gate logs; is that correct?

21 A. Correct.

22 Q. And I believe I asked you about this, but
23 just to be certain as well, when you -- are the gate
24 logs kept in the ordinary course of business?

25 A. Yes.

26 Q. That's something that you rely on on a
27 regular basis, you and the security staff and

28 others, on a regular basis to run the business at 9683

1 Neverland Ranch?

2 A. Correct.

3 Q. All right. I'm going to ask you to look at

4 a couple of different entries.

5 Before I do that, let me just ask you if you

6 know off the top of your head what date the trip to

7 Dr. Seamont was.

8 A. I do not recall.

9 Q. And do you recall roughly when it was in

10 the -- the year, first of all, I think you said, was

11 2003, right?

12 A. It was.

13 Q. Do you recall roughly when it was in the

14 stay of the Arvizos? Was it towards the beginning?

15 Towards the end?

16 A. I honestly don't recall.

17 MR SANGER: All right. Okay. With the

18 Court's permission, I would like to approach the

19 witness with the gate logbook.

20 THE COURT: You may.

21 MR. SANGER: I'll tell you what, let's do

22 this, if it's all right with the Court, why don't I

23 just put them up on the screen. That might be

24 easier. If that's all right.

25 And I'm going to refer to Exhibit 334. And

26 this is page MJ00171. And I'll slide it up so we

27 can see the bottom there.

28 Q. First of all, this is for 2-24-03. Does 9684

1 that appear to be correct?

2 A. Yes.

3 Q. Okay. Now, the trick is to look over your
4 shoulder and then turn around and talk in the
5 microphone, just as you did. That was perfect.

6 All right. Now, you notice that it says at
7 the bottom there, "Joe Marcus," and it looks like it
8 was "Gray van."

9 A. Yes.

10 Q. What does that represent?

11 A. It represents that I left the property at
12 1759 and returned at 2005 in the gray van.

13 Q. All right. And right above it, it appears
14 that there's a reference there that I think says,
15 "Vinnie," comma, "Arvizos, 4, Pontiac."

16 A. Correct.

17 Q. What does that tell us about that particular
18 transaction?

19 A. That Vinnie departed the property at 1634
20 and returned at 1855.

21 Q. Okay.

22 A. With four passengers.

23 Q. Thank you.

24 A. I believe.

25 Q. So it looks like he left at 1634 and came
26 back -- he left at 1634 with four passengers and he
27 came back at 1855 hours. Looks like you left in a

28 gray van, 1759, came back at 2005, correct? 9685

1 A. Correct.

2 Q. And then if we look up here at the Arvizos,
3 there's a reference to Gavin, Star, Davellin and
4 Janet, correct?

5 A. Correct.

6 Q. And it appears that they stayed overnight;
7 is that right?

8 A. That's correct.

9 Q. And then it looks like they all left at 1634
10 hours?

11 A. Correct.

12 Q. That would be the same time as Vinnie?

13 A. That's correct.

14 Q. And it looks like one of them, Davellin,
15 came back at 1855?

16 A. Correct.

17 Q. Is that the same time as anybody else you
18 see on the list there?

19 A. I believe they came back with Vinnie.

20 Q. And then it looks like the others, the two
21 boys and Janet, came back at 2005?

22 A. Correct.

23 Q. Now, does that refresh your recollection as
24 to when you took this trip to the dental office?

25 A. Yes.

26 Q. Does that appear to be the date that that
27 occurred?

28 A. That appears to be. 9686

1 Q. All right. In any event, looking at this,
2 it appears that you, in fact, picked up the mother
3 and the two children somewhere and brought them back
4 to the ranch, correct?

5 A. That's correct.

6 Q. All right. Now, I'm going to take that off
7 and once again make an effort to keep the book in
8 order. Let me ask you about another entry in the
9 book.

10 And with the Court's permission, this is
11 Exhibit 334 and it's page MJ00154. We've had that
12 up before. May I put it up?

13 THE COURT: Yes.

14 MR. SANGER: Thank you.

15 Q. So we'll just show at the bottom here, for
16 the record, for everybody's reference, that is the
17 Bates stamp number, and I'm going to put this one up
18 here. And there's a reference here that says,
19 "1752." It appears to say, "The kids are not to
20 leave per Joe. 'Kids' meaning like Gavin, Star, et
21 cetera."

22 Do you see that reference?

23 A. Yes.

24 Q. And that's on 2-19-03; is that correct?

25 A. That's correct.

26 Q. Now, you've been asked about this incident
27 both by the defense and by the prosecution, is that

28 correct, by police officers? 9687

1 A. I don't --

2 Q. Let's put it this way. Not this particular
3 log entry, but you were asked about whether or not
4 you had ever given instructions that the Arvizo
5 children were not to leave the ranch; is that
6 correct?

7 A. Yes.

8 Q. What was the reason that you recall for the
9 Arvizo children not to be leaving the ranch?
10 Before you look at that, I'm sorry, I should
11 have started the other way. I don't want to
12 distract you with that yet. Go ahead.

13 A. The main reason on this particular situation
14 was that the children had been known to pull up to
15 the gate in vehicles, by themselves without an
16 adult, driving one of Mr. Jackson's vehicles. So I
17 didn't want the guards to allow them off property in
18 a vehicle. That was one situation.

19 There was also a situation where there was
20 a --

21 MR. AUCHINCLOSS: I'm going to object as to
22 foundation. Move to strike.

23 THE COURT: Sustained.

24 MR. SANGER: Your Honor, I'd like to not
25 offer that for the truth of the matter, but offer it
26 for his state of mind as to why he gave this
27 instruction.

28 THE COURT: You can do that. But that's not 9688

1 what you did either. So I'll strike that answer and
2 you can go back and develop that foundation.

3 MR. SANGER: Let me do that.

4 Q. Okay. As of February the 19th, 2003, were
5 you aware -- were you aware of any incidents
6 involving the Arvizo children using vehicles in an
7 unauthorized fashion?

8 A. Yes.

9 Q. And what were you aware of?

10 A. That they had used the vehicles of Mr.
11 Jackson's to drive around the property.

12 Q. All right. Did that cause you any concern
13 as the ranch manager?

14 A. Yes.

15 Q. And what was your concern?

16 A. Number one, their safety. Number two, the
17 safety of the employees and the property. And
18 number three, the vehicle itself.

19 Q. All right. And what was your frame of mind
20 as far as allowing the Arvizos to leave the property
21 on any vehicles, whether it be automobiles, vans or
22 even ATVs?

23 A. It was not to happen.

24 Q. Were the Arvizo children supervised by a
25 parent at all times during February and March of
26 2003?

27 A. No.

28 Q. Were there times when Janet Arvizo was not 9689

1 there?

2 A. Yes.

3 Q. Now, was there something else -- you started
4 to respond. Let me go back and ask you, was there
5 something else in your mind around this time with
6 regard to whether or not the Arvizo children should
7 be allowed to leave the ranch?

8 A. Yes.

9 Q. What was that?

10 A. There was a film documentary that was --

11 MR. AUCHINCLOSS: I'm going to object. No
12 foundation.

13 MR. SANGER: Not offered for the truth.

14 THE COURT: All right. I'll overrule the
15 objection.

16 THE WITNESS: There was a film documentary
17 that was going to be happening on or off the
18 property, and I do not believe that that had been
19 decided where exactly it was going to happen.

20 Q. BY MR. SANGER: And who was involved in that
21 documentary?

22 A. I believe Hamid Moslehi.

23 Q. Did you know Mr. Moslehi?

24 A. Yes.

25 Q. How did you know him, or how long had you
26 known him?

27 A. For a few years.

28 Q. And you knew him to be an employee of -- or 9690

1 a contract employee of Mr. Jackson; is that correct?

2 A. Correct.

3 Q. And did you see him on or around February

4 the 19th, 2003?

5 A. I believe so.

6 Q. Okay. And what was he doing there?

7 A. I believe he was coming to do the

8 documentary.

9 Q. And what was your understanding when he

10 first arrived as to where the documentary would be

11 occurring?

12 A. I believe it was undecided at that point.

13 Q. At some point was it determined that the

14 documentary would be done somewhere else?

15 A. I believe so.

16 Q. During that period of time, did you discuss

17 with anybody whether or not the children should

18 leave the ranch? During that particular -- on that

19 particular afternoon.

20 Was there a period of time when you were

21 trying to decide whether or not they should be

22 allowed to leave without their mother?

23 A. Yes, I needed, obviously, some guidance on

24 that.

25 Q. All right. At some point, did you receive

26 guidance?

27 A. I believe so.

28 Q. And did you authorize the children to leave 9691

1 with Mr. Moslehi?

2 A. I believe they did leave.

3 Q. All right. And now when you look at that
4 entry, 00154 of Exhibit 334, does that seem to
5 reflect an instruction that you gave that particular
6 afternoon at about 5:52?

7 A. That's correct.

8 Q. Did that -- did you ever give any
9 instruction to anybody to hold any of the Arvizos
10 against their will?

11 A. Never.

12 MR. SANGER: I would like to, with the
13 Court's permission, put up two exhibits. I'll ask
14 at once to do both in succession. 308 and 309, if I
15 could. May I?

16 THE COURT: Yes.

17 MR. SANGER: Thank you. Exhibit 308 has
18 already been received into evidence --

19 MR. AUCHINCLOSS: May I see that?

20 MR. SANGER: Yes.

21 Exhibit 308 is a one-page exhibit. I'll put
22 it up so we can see the exhibit number there. And
23 then I'm going to pull it down, and see if we can do
24 a little bit of a wide angle. There we go.

25 Q. Okay. Up at the top, it says, "Neverland
26 Valley Ranch Security Clearance and Guest
27 Information." Are you familiar with this kind of

28 document? 9692

1 A. Yes.

2 Q. And in the course and scope of your duties
3 at the ranch, excuse me, is this the kind of
4 document that is kept in the ordinary course of
5 business?

6 A. Correct.

7 Q. And what is the purpose of this document?

8 A. Number one, to authorize access onto the
9 property. And number two, to advise the proper
10 people what the guests have access to.

11 Q. All right. Now, at this time, this appears
12 to be for an arrival date of 6-21-02; is that
13 correct?

14 A. Correct.

15 Q. And the arrival is expected sometime in the
16 afternoon, right?

17 A. Correct.

18 Q. Who were the people who were coming in this
19 particular group?

20 A. I believe Chris Tucker, Gavin, Star Arvizo,
21 Adrian, Kelly, Davellin, and Aubrey, I believe.

22 Q. Okay. Now, it said "Gavellin" there, but
23 you take that to -- it should have been "Davellin";
24 is that right?

25 A. I believe so.

26 Q. All right. This particular group -- do you
27 recall, in June of 2002, if this is one of the times

28 that the Arvizos did, in fact, come with Chris 9693

1 Tucker?

2 A. I believe so.

3 Q. Okay. Now, at the bottom there it says,

4 "Special Instructions" -- or, "Special Instruction,"

5 I guess, "General Comment." Do you see that

6 section?

7 A. Yes.

8 Q. And what does this tell you? What is this

9 supposed to tell the staff that -- both yourself and

10 all the people that work for you there at the ranch,

11 what does this tell you all about --

12 A. Tells me that the guests have full access to

13 pretty much anything that they would like to enjoy

14 at the property.

15 Q. Do you know if Mr. Jackson was even on the

16 property at that time?

17 A. I don't know.

18 Q. All right. Now, when it says, "Full

19 Access," that's what it says there, and then there's

20 some boxes checked. They aren't boxes, and they

21 aren't checks for that matter. There's some lines

22 with "Xs" on them, correct?

23 A. Correct.

24 Q. And that outlines the different kinds of

25 activities, right?

26 A. Yes.

27 Q. And I see on there "quadrainers." And I'm

28 pointing to it. You might take a quick look. Is 9694

1 that right?

2 A. That's correct.

3 Q. That means this entire group, including the
4 Arvizo children, were authorized to take out the
5 quadrunners; is that correct?

6 A. Correct.

7 Q. Now, does that mean they could do anything
8 they wanted with them?

9 A. Unfortunately, within reason.

10 Q. All right. So they could use them, they had
11 full access to them, but they were supposed to use
12 them within reason?

13 A. Within reason.

14 Q. Okay. What do you mean by "within reason"?

15 A. Number one, they should wear helmets,
16 goggles, gloves. That was at times an issue to
17 enforce. Security would try to enforce that, of
18 course.

19 Q. They were supposed to use them safely?

20 A. Exactly.

21 Q. All right. And then I want to make sure I
22 go over the head of the court reporter here, so I
23 don't shine this in her eyes.

24 There's golf cars, jet skis. All of that's
25 okay; is that right?

26 A. Yes.

27 Q. So that was on 6-21-02?

28 A. Correct. 9695

1 Q. Now I'm going to take down 308, Exhibit 308.

2 Put it back in the book here. Okay. And I'm going
3 to put up 309. And again, I'll just put that up for
4 everybody's reference so we can see at the bottom
5 "309," and show you the top.

6 This, again, appears to be the same type of
7 document; is that correct?

8 A. Correct.

9 Q. And this appears to be for 6-28; is that
10 correct?

11 A. That's correct.

12 Q. If you were to look in the logs, could you
13 determine what year that was?

14 A. If I were to look in the logs, possibly.

15 Q. So for right now, it says, "6-28." All
16 right. Do you know what year it was without looking
17 at the logs?

18 A. No.

19 Q. In any event, if we look farther down here,
20 it appears that -- well, I'm sorry, up at the top it
21 says, "Gavin, brother and sister," correct?

22 A. Correct.

23 Q. You took that to pertain to the Arvizos?

24 A. Correct.

25 Q. Okay. And then if we look down here - I'll
26 do it this way - it looks like, "Quadrunners and" --

27 A. "Jet skis."

28 Q. "Jet skis," it says, "No." 9696

1 A. Correct.

2 Q. So apparently the Arvizo children were not
3 authorized to use the quadrunners and the jet skis
4 on that visit, the 6-28 visit; is that correct?

5 A. Correct.

6 MR. SANGER: We could have the lights again,
7 if that's all right, Your Honor.

8 Thank you.

9 Q. All right. Now, on February the 11th, early
10 morning of the 12th, do you recall Janet Arvizo
11 leaving the ranch with her children? In the early
12 morning hours of the 12th, actually. Do you recall
13 that?

14 A. What was the date?

15 Q. February 12th of 2003.

16 MR. AUCHINCLOSS: I'll object. Foundation.

17 MR. SANGER: I'm asking if he recalls
18 personally right now.

19 THE COURT: All right. You may answer.

20 THE WITNESS: I do not recall.

21 Q. BY MR. SANGER: Okay. Do you recall an
22 instance where Jesus Salas took the family to Los
23 Angeles in the middle of the night?

24 MR. AUCHINCLOSS: I'll object. Foundation.

25 MR. SANGER: Does he personally know about
26 it.

27 THE COURT: You may answer.

28 THE WITNESS: Yes. 9697

1 Q. BY MR. SANGER: And were you personally
2 contacted with regard to that trip?

3 A. Yes.

4 Q. Who contacted you?

5 A. I believe it was either --

6 MR. AUCHINCLOSS: I'll object as hearsay.

7 THE COURT: Overruled.

8 You may answer. The question was, "Who
9 contacted you?"

10 THE WITNESS: I believe it was Jesus.

11 Q. BY MR. SANGER: All right. Were you there
12 on the ranch that night, into the next day?

13 A. No.

14 MR. SANGER: What I'm going to do, with the
15 Court's permission, I'm going to ask to approach the
16 witness to show him some gate logs.

17 MR. AUCHINCLOSS: I'm going to object and
18 move to strike his testimony in this area. He has
19 no personal knowledge.

20 MR. SANGER: There's no question.

21 THE COURT: You may approach. The objection
22 is overruled.

23 Q. BY MR. SANGER: Okay. I'm going to ask you
24 to take a moment and take a look at the gate logs.
25 And you're welcome to look at whatever you want in
26 there that might help refresh your recollection of
27 whether you were on the property the night of

28 February 11th, onto the early morning hours of 9698

1 February the 12th.

2 A. Okay. I believe that's a possibility. But
3 I didn't spend the night there. That's what I
4 thought you were asking.

5 Q. All right. So as you look -- so as you look
6 at the gate logs, does that help refresh your
7 recollection? Either it does or doesn't. If it
8 doesn't, that's okay.

9 Does that help you refresh your recollection
10 as to whether or not you were there into the early
11 morning hours of the 12th?

12 A. Yes, I left at 1:15 a.m.

13 Q. All right. Now, at the time that you
14 were -- let me withdraw that.

15 Do you recall where you were when you were
16 contacted by Jesus Salas?

17 A. I believe I was home.

18 Q. So you think you were actually home by that
19 time?

20 And where do you live, generally? You don't
21 have to give your address, but --

22 A. I live here in town.

23 Q. In Santa Maria?

24 A. Yes.

25 Q. Okay. Now, by reviewing the gate logs, the
26 records of the ranch, can you determine what kind of
27 a vehicle Mr. Salas used to transport this family on

28 that night? You might need to look forward on 9699

1 the -- to the next date.

2 A. I'm sorry, I don't see it here.

3 Q. Okay. Okay. Do you know off the top of

4 your head, or do you --

5 A. I believe it was a limo.

6 Q. All right. In any event, whatever kind of a

7 vehicle it was, do you remember -- do you have a

8 Rolls Royce there on the property?

9 A. Yes. We have a few Rolls Royces.

10 Q. Okay. Whatever kind of a vehicle it was,

11 was it your understanding that it was a vehicle that

12 belonged to Neverland Ranch?

13 A. Yes.

14 Q. And did Mr. Salas take that, with your

15 permission?

16 A. Yes.

17 Q. Okay. And he, I take it, returned with it

18 the next day; is that right?

19 A. Correct.

20 Q. All right. All right. We're getting close

21 to the end here, which is a lot of good news for you

22 and everybody else.

23 Let me ask about some of the employees. You

24 had mentioned that you were the ranch manager and

25 therefore in charge of the various departments

26 through the chain of command through the department

27 heads, correct?

28 A. Correct. 9700

1 Q. We have had some testimony from Brian
2 Barron, and you may have mentioned already, you know
3 Brian Barron was a police officer; is that correct?

4 A. Correct.

5 Q. Were there other people who were former
6 police officers or -- well, let's start with police
7 officers.

8 A. Yes.

9 Q. Can you recall during the time you were
10 there how many people had actual peace officer/law
11 enforcement experience?

12 A. Probably five to ten.

13 Q. Can you give us the names and associations
14 of some of them, as best you can remember?

15 MR. AUCHINCLOSS: I'm going to object,
16 relevancy, as to this applicable time frame.

17 MR. SANGER: I can --

18 THE COURT: Just a moment.

19 MR. SANGER: I'm sorry.

20 THE COURT: Objection is overruled.

21 MR. SANGER: Very well.

22 THE WITNESS: Yes. There was Retired Herman
23 Stubblefield, who I believe worked for Santa Barbara
24 County Sheriffs. James Wade, who I believe worked
25 for Santa Barbara County Sheriffs. There was a
26 gentleman from Santa Maria Police Department, Rudy
27 Salinas, I believe. He was also retired Santa Maria

28 P.D. There was a gentleman from Grover -- Kelly 9701

1 Cook from Grover -- Grover Beach, I believe. And
2 that's really all that comes to mind at the moment.

3 Q. BY MR. SANGER: Was there a retired military
4 police officer?

5 A. We currently still employ a gentleman that
6 was a military police.

7 Q. Okay. Who is that?

8 A. Curtis Gordon.

9 Q. Okay. Where was Mr. Gordon at the time of
10 the search on November 18th, 2003?

11 A. He was at the front gate.

12 Q. So he would have been the gentleman wearing
13 a security uniform at the front gate?

14 A. Correct.

15 Q. And he would have been the gentleman who was
16 greeted by, or greeted, such as it was, the
17 sheriff's officers coming through the gate with
18 their search warrants?

19 A. That is correct.

20 Q. Now, all of these people you mentioned, I
21 don't want to go through each one unnecessarily, but
22 did they -- did each of the people you mentioned
23 work there over a period of time? I mean, they
24 weren't there for a day or two.

25 A. Correct.

26 Q. How long did -- let's take the longest one.

27 How long did the longest one work there, the one who

28 worked there the longest? 9702

1 A. Probably Curtis Gordon. He's still employed
2 with us.

3 Q. About how many years has he been there?

4 A. Eight, ten years. I'm not exactly sure.

5 Q. Okay. Now, in addition to police officers,
6 did you also have people who worked at the ranch who
7 were fire -- fire personnel from fire departments?

8 A. Yes.

9 Q. And can you give us an idea of roughly how
10 many over the period of time you worked there?

11 A. At least 20.

12 Q. Okay. Can you give us the names and
13 affiliations, if you can remember some of them?

14 A. Currently we have two officers that work at
15 Taft City Fire. One that works at Grover Beach.
16 One that's full time at Lompoc Fire Department. And
17 there was many more that have left the property over
18 the years and moved on to bigger and better things.

19 Q. All right. So when you say "bigger and
20 better things," you didn't really mean that with Mr.
21 Jackson sitting here, did you?

22 A. No.

23 Q. Okay. But as far as law enforcement or fire
24 careers, sometimes this is a jumping-off point; is
25 that right?

26 A. It's a stepping stone for them, yes.

27 Q. And sometimes this is a retirement job?

28 A. Exactly. 9703

1 Q. All right. Now, with regard to the police
2 officers, other than Brian Barron, were there any
3 others who were moonlighting currently, they were
4 police officers who are currently moonlighting? Let
5 me withdraw that phrase, "currently."

6 Were there other people other than Brian
7 Barron who, during this period of time, were
8 concurrently working as peace officers actively and
9 moonlighting at the ranch?

10 A. Not to my knowledge.

11 Q. The others were retired police officers,
12 correct?

13 A. Correct.

14 Q. And with regard to the fire department
15 people, apparently there were a number of people
16 concurrently working for fire departments and
17 working at the ranch, correct?

18 A. Correct.

19 Q. Was it your understanding that all of these
20 people understood the need to abide by the law?

21 A. Correct.

22 Q. All right. And if they observed anything
23 illegal or improper, was it their duty to report it
24 to the staff, to their supervisors?

25 MR. AUCHINCLOSS: Objection; leading.

26 THE COURT: Overruled.

27 You may answer.

28 THE WITNESS: Yes. 9704

1 Q. BY MR. SANGER: Did you have, as the
2 owner -- as the ranch manager, did you have an
3 expectation that former police officers, former and
4 current firefighters would also report any unlawful
5 activities to the civilian authorities?

6 MR. AUCHINCLOSS: Objection; leading.

7 THE COURT: Sustained.

8 Q. BY MR. SANGER: The people that you have
9 just mentioned, was there any secret made of their
10 backgrounds?

11 A. No.

12 Q. Based on your discussions with Mr. Jackson,
13 was Mr. Jackson aware that some or all of these
14 people were either prior or current employees of
15 police or fire departments?

16 MR. AUCHINCLOSS: Objection; hearsay.

17 THE COURT: Sustained.

18 Q. BY MR. SANGER: Was there any effort made to
19 keep any of this secret from Mr. Jackson?

20 MR. AUCHINCLOSS: Same objection.

21 THE COURT: Sustained.

22 MR. SANGER: All right.

23 Q. Now, do you recall the Bashir documentary?

24 A. Yes.

25 Q. The Bashir television program?

26 A. Yes.

27 Q. Did you see it when it was aired originally

28 in February of 2003? 9705

1 A. No.

2 Q. Did you hear about it --

3 A. Yes.

4 Q. -- around that time?

5 Did it create a certain amount of buzz

6 around the ranch?

7 A. Yes.

8 Q. Now, you've been there during this entire

9 period of time. Are there times when there is more

10 media attention to Mr. Jackson at the ranch than

11 other times?

12 A. Yes.

13 Q. Do you recall back in '93, was there a lot

14 of media attention?

15 A. Yes.

16 Q. Were there vehicles on Figueroa Mountain

17 Road by the gate on a regular basis?

18 A. Yes.

19 Q. Did that subside after '93 for a while?

20 A. For a while, yes.

21 Q. Now, you do tend to have people up at the

22 gate sort of on a regular basis; is that right?

23 A. That's correct.

24 Q. What kind of people tend to congregate up

25 around the gate?

26 A. All different types of people, from all

27 different walks of life.

28 Q. People from other countries? 9706

1 A. Other countries, here in this country.

2 Q. What's their interest in Mr. Jackson, would
3 you tell us that? Are they fans? Are they --

4 A. Some are fans, some just want to come and
5 see where Neverland is.

6 Q. All right. Now, in early 2003, did there --
7 was there an increase in the media attention at the
8 ranch?

9 A. I don't recall.

10 Q. Do you recall at some point there were media
11 vans and whatnot coming to the front gate?

12 A. Yes.

13 Q. When the Arvizos came to the ranch, was
14 there any particular concern with regard to the
15 Arvizos and the media?

16 MR. AUCHINCLOSS: Objection. Foundation;
17 hearsay.

18 THE COURT: Overruled.

19 You may answer.

20 THE WITNESS: Can you repeat the question?

21 THE COURT: I'll have it read back.

22 (Record read.)

23 THE WITNESS: "Concern," I don't -- I don't
24 really understand the question.

25 MR. SANGER: Okay.

26 Q. Were you made aware that the media had
27 attempted to have contact with the Arvizos?

28 A. Not personally. 9707

1 MR. AUCHINCLOSS: Objection; leading.

2 MR. SANGER: Not personally --

3 MR. AUCHINCLOSS: Objection. Leading;

4 hearsay.

5 THE COURT: Overruled.

6 THE WITNESS: Not personally.

7 Q. BY MR. SANGER: Were you advised that the

8 media was attempting to contact the Arvizos? In

9 general. I'm not talking about at the ranch gate,

10 but just in general.

11 A. Yes, in general.

12 Q. What was your understanding of why the media

13 was interested in the Arvizos?

14 A. Due to the documentary, the Bashir

15 documentary.

16 Q. Were you aware at some time, and I'm asking

17 now for your state of mind, that there was a

18 discussion regarding the Arvizos taking a trip to

19 Brazil?

20 A. Yes.

21 Q. Based on your personal contact with the

22 Arvizos, did the Arvizos ever voice any objection to

23 going to Brazil?

24 MR. AUCHINCLOSS: Objection; hearsay.

25 THE COURT: Foundation; sustained.

26 MR. SANGER: Okay.

27 Q. Did you have occasion to talk to the Arvizos

28 or be in the Arvizos' presence when the Brazil issue 9708

1 arose?

2 A. Yes.

3 Q. Did the Arvizos at that time voice any

4 objection to going to Brazil?

5 MR. AUCHINCLOSS: I'll object. Vague as to

6 which Arvizo. Hearsay.

7 THE COURT: Sustained as to --

8 MR. SANGER: As to which one?

9 THE COURT: -- which one.

10 Q. BY MR. SANGER: Let's take the children.

11 Did you have a discussion with the children, or did

12 they have a discussion, or was this discussed in

13 your presence?

14 A. There was no objection at that point that I

15 know of.

16 Q. Okay. What about Janet, did you ever have a

17 discussion or overhear a discussion where Janet was

18 involved in some discussion, to use that word again,

19 about going to Brazil?

20 A. Only that they needed some assistance in

21 finding a spot to take a passport picture.

22 Q. Did Janet Arvizo discuss that in your

23 presence?

24 A. It was in the presence of Vinnie and Janet,

25 yes.

26 Q. Okay. And did she -- was she objecting to

27 having a passport picture?

28 A. No. 9709

1 Q. Was she -- what was she doing? What was she
2 saying?

3 A. They were asking for instructions on where
4 they could go to get their passport picture taken.

5 Q. And was Janet asking for those instructions
6 as well?

7 A. I don't know if she asked personally, but
8 she was standing right next to Vinnie.

9 Q. And what was her demeanor at that point?

10 A. They were getting ready to get in the car to
11 head to Santa Maria to get a picture taken.

12 Q. All right. All right. And then one last
13 area here, for now.

14 Are you familiar with the kinds of fan mail
15 that Mr. Jackson gets?

16 A. Yes.

17 Q. And where is the fan mail delivered?

18 A. Some is delivered to the property.

19 Q. Okay. I'm sorry. Of the fan mail
20 delivered -- I take it you haven't seen his fan mail
21 that goes elsewhere; is that right?

22 A. Exactly.

23 Q. So the fan mail that's delivered to
24 Neverland Ranch is what I'm talking about --

25 A. Yes.

26 Q. -- where is that ultimately delivered?

27 A. It's delivered to the Los Olivos post office

28 and then delivered to the property. 9710

1 Q. When it gets to the property, where does it
2 go?

3 A. Sometimes it goes to Los Angeles, and
4 sometimes some of the nicer stuff we might keep at
5 the property.

6 Q. All right. Now, when you say "nicer
7 stuff" -- before we get to the distinction, what
8 volume of fan mail comes to the Los Olivos ranch?

9 A. Three boxes probably every other week.

10 Q. All right. And sometimes you'll get big
11 packages; is that right?

12 A. Correct.

13 Q. Sometimes people will send artwork?

14 A. Artwork. Books. Clothing. Ties. Coffee
15 mugs. Gifts. Just lots -- lots of gifts.

16 Q. How about letters?

17 A. Letters. Lots of letters.

18 Q. Cards?

19 A. Cards, yes.

20 Q. Whose job is it to go through and screen
21 that, if anybody?

22 A. We don't really have somebody doing that at
23 this point.

24 Q. In the past have you had somebody screen it
25 or does it just all go to Mr. Jackson, and say,
26 "Here. Read your mail"?

27 A. No.

28 Q. Does it end up sometimes in the 9711

1 administration building?

2 A. Yes.

3 Q. All right. And from there, you said

4 something about "the nicer stuff." So going back to

5 that answer, how do you make the decision as to what

6 ought to go to Mr. Jackson himself to look at?

7 A. Memorabilia. Just some of the nicer --

8 nicer items that I think that he might be interested

9 in seeing what the fans have sent for him.

10 Q. Okay. And you mentioned there might be

11 paintings?

12 A. Yes.

13 Q. Books?

14 A. Yes.

15 Q. When you deliver this to Mr. Jackson, does

16 he tend to keep it or throw it away, or what does he

17 do with the stuff?

18 A. You would have to ask Mr. Jackson.

19 Q. Okay. Well, looking at his house -- you've

20 been inside his house and his room; is that correct?

21 A. Yes.

22 Q. And you're here under oath and we're not

23 here to, you know, either please or insult Mr.

24 Jackson one way or the other. Just tell it the way

25 it is. Does Mr. Jackson tend to keep a lot of stuff

26 all over the place?

27 A. Lots of stuff.

28 MR. AUCHINCLOSS: Objection; leading. 9712

1 THE COURT: Sustained.

2 Q. BY MR. SANGER: Does Mr. Jackson, based on
3 your observation of his premises, does he tend to
4 keep stuff that's sent to him by fans or throw it
5 all away?

6 A. I believe he keeps everything.

7 MR. SANGER: All right. I have no further
8 questions at this time.

9 THE WITNESS: Do you want this back?

10 MR. AUCHINCLOSS: Do you have the logbook up
11 there, Mr. Marcus?

12 If I may approach to retrieve that, Your
13 Honor.

14 THE COURT: You may.

15 MR. AUCHINCLOSS: Thank you.

16

17 CROSS-EXAMINATION

18 BY MR. AUCHINCLOSS:

19 Q. All right. Good morning, Mr. Marcus.

20 A. Good morning.

21 Q. You have worked at Neverland since 1988 --

22 A. That's correct.

23 Q. -- correct?

24 You've worked there the entire time that Mr.

25 Jackson has owned that property, true?

26 A. Correct.

27 Q. Is there anybody at Neverland Ranch who has

28 worked there as long as you have? 9713

1 A. Yes.

2 Q. Okay. Who would that be?

3 A. There's multiple employees that have been
4 there longer.

5 Q. All right. And you began in the maintenance
6 department?

7 A. Correct.

8 Q. You've been the property manager three
9 years?

10 A. That's correct.

11 Q. You have been a security officer at
12 Neverland Ranch?

13 A. That's correct.

14 Q. Tell me what period of time that was.

15 A. I believe it was from '92, '93, through '96,
16 possibly.

17 Q. Okay.

18 A. Maybe a little bit -- I might be off on the
19 dates.

20 Q. When you were a security officer there, were
21 you armed?

22 A. Yes.

23 Q. And at present, as a property manager, you
24 supervise everybody at Neverland; is that correct?

25 A. Correct.

26 Q. And you supervise the supervisors, true?

27 A. Yes.

28 Q. How often do you interact with your boss, 9714

1 Mr. Jackson, when he's on the property, let's say?

2 A. Daily.

3 Q. Daily? And would you meet with him more

4 than once a day?

5 A. No. Might speak with him.

6 Q. Okay. Do you ever have meetings with Mr.

7 Jackson?

8 A. Once in a while, yes.

9 Q. Does he ever sit down with you and tell you

10 that he wants something changed at Neverland?

11 A. Yes.

12 Q. And if he wants something changed at

13 Neverland, does he typically talk to you or will he

14 talk to other employees, more of a direct route?

15 A. Sometimes he'll use the direct route.

16 Q. Okay. So there's not always a chain of

17 command at Neverland, is that fair to say, in terms

18 of Mr. Jackson's interaction with his employees?

19 A. No, he'll sometimes go directly to the

20 source if something needs to be done at that point.

21 Or if I'm not available.

22 Q. And I believe your testimony is nobody

23 outranks you at Neverland, true?

24 A. I didn't say that.

25 Q. I mean other than Mr. Jackson. Is there

26 anybody above you at Neverland, other than your

27 boss, Mr. Jackson?

28 A. No. 9715

1 Q. Okay. So you answer only to Mr. Jackson in
2 terms of your job at Neverland Ranch?

3 A. Yes.

4 Q. And would it be fair to say that your job is
5 to make sure Mr. Jackson is happy?

6 A. "Happy"?

7 Q. Pleased. Pleased with everything at
8 Neverland. Isn't that your job?

9 MR. SANGER: I'm going to object. That's
10 argumentative.

11 THE COURT: Overruled.

12 You may answer.

13 THE WITNESS: That's fair to say.

14 Q. BY MR. AUCHINCLOSS: Okay. In fact, that's
15 everybody's job at Neverland, is to make sure Mr.
16 Jackson -- everything that's done at Neverland is
17 exactly the way Mr. Jackson wants it, true?

18 A. It's mainly for him and his guests, correct.

19 Q. Yes. But he's the one who decides what
20 guests will be on the property?

21 MR. SANGER: Objection. That's
22 argumentative.

23 THE COURT: Overruled.

24 You may answer.

25 THE WITNESS: Yes.

26 Q. BY MR. AUCHINCLOSS: And he decides what
27 people will not be allowed on that property, true?

28 A. Correct. 9716

1 Q. Doesn't he sometimes make specific
2 directives to the security staff, "Do not let this
3 person on the property"?

4 A. Yes.

5 Q. And when he allows a guest on the property,
6 sometimes he will take privileges away from those
7 guests, true?

8 A. Yes.

9 Q. And he personally gets involved in deciding
10 what privileges individual guests will enjoy at
11 Neverland?

12 MR. SANGER: I'm going to object. That's
13 vague as to time and subject matter.

14 THE COURT: Overruled.

15 Q. BY MR. AUCHINCLOSS: You can answer.

16 A. Repeat the question.

17 Q. My question was that he gets personally
18 involved in deciding what privileges individuals
19 will have at Neverland.

20 A. I don't know that to be true, but --

21 Q. Didn't we just look at a log that said that
22 Mr. Jackson allows the Arvizos and Chris Tucker, et
23 cetera, to enjoy all the privileges at Neverland?

24 A. Yes.

25 Q. So he does at times get personally involved
26 in deciding whether they get to go horseback riding
27 or not, true?

28 A. Correct. 9717

1 Q. Would it be fair to say that you probably
2 know more about Neverland Ranch than anybody who
3 works there, being the manager that you are and
4 having your experience?

5 A. Yes.

6 Q. All right. Now, you know about the
7 telephone system there, right?

8 A. Correct.

9 Q. And you know that it requires a three-button
10 code to get out, to get an outside line, right?

11 A. Correct.

12 Q. And if you don't know that three-button
13 code, you can't get an outside line, can you?

14 A. That's not correct.

15 Q. Okay. Explain that to me. Why can't --
16 how can you get out -- let's say you're at a phone,
17 and you previously testified that it requires a
18 three-button code to get an outside line, true?

19 A. Not all phones require a three-button, but
20 some phones do.

21 Q. Tell me which phones require the
22 three-button code.

23 A. Mainly the outbuildings, the theater, the
24 zoo area, the employees' areas. A few of the phones
25 in the main house, but not all of them. Some of the
26 phones are direct dial where you would pick them up.
27 And it's any code. There's no set code. It's any

28 three digits. It could be 000. It could be 245. 9718

1 It's not a set code.

2 Q. But if you don't know there's a code, you
3 can't get out, true?

4 MR. SANGER: Objection; vague.

5 THE COURT: Overruled.

6 You may answer.

7 Q. BY MR. AUCHINCLOSS: If you just pick up the
8 phone and dial a number, you won't get out?

9 A. That is correct.

10 MR. SANGER: Objection. Vague as to which
11 phones.

12 THE COURT: Sustained.

13 Q. BY MR. AUCHINCLOSS: All right. Tell me
14 specifically which phones in the house do not
15 require a three-button code, specifically in the
16 main house.

17 A. In the living room of the main house, as
18 well as -- I believe that -- the library also. I
19 think those are the only two that are direct dial.

20 Q. Do you know if the library requires a
21 three-button code, or not?

22 A. I do not recall at the moment. I believe
23 it's just the living room.

24 Q. What about Mr. Jackson's personal phone in
25 his room?

26 A. I honestly don't recall if it is -- I
27 believe it's direct dial.

28 Q. Are you aware that he has a private line in 9719

1 his bathroom?

2 A. Yes.

3 Q. And the guest cottages. You neglected to

4 mention the guest cottages. They require a

5 three-button code out, don't they?

6 MR. SANGER: Objection. That's

7 argumentative.

8 MR. AUCHINCLOSS: I'll rephrase.

9 Q. Did you neglect to mention the guesthouses

10 when you were telling us about phones that require a

11 three-button code to get out?

12 MR. SANGER: Objection; argumentative.

13 THE COURT: Overruled.

14 You may answer.

15 THE WITNESS: I actually didn't go through

16 the whole list of phones. There's multiple areas

17 with phones, as well as the train depot, the

18 theater, the guest units.

19 MR. AUCHINCLOSS: I move to strike the

20 answer as nonresponsive.

21 THE COURT: Sustained. But I think what he's

22 saying is that he wasn't allowed to finish the

23 question where he was giving the list. And I think

24 that's correct.

25 MR. AUCHINCLOSS: All right.

26 Q. So you would include the guest cottages as

27 being among the phones that require a three-button

28 code to get out, true? Yes? 9720

1 MR. SANGER: I'm going to object. That's
2 confusing the way it's phrased. It's vague and
3 ambiguous.

4 THE COURT: Overruled.

5 You may answer.

6 THE WITNESS: I believe it's direct dial.

7 But I could be wrong at this moment. But I believe
8 it's pick up and go.

9 Q. BY MR. AUCHINCLOSS: You believe so?

10 A. I believe so.

11 Q. A moment ago did you say that the
12 guesthouses were included in three-button dial-out
13 code?

14 MR. SANGER: Objection, misstates the
15 evidence and argumentative.

16 THE COURT: I think I'll allow the question.

17 I think the District Attorney is inquiring if he
18 said that.

19 Go ahead.

20 THE WITNESS: I believe that they are direct
21 dial.

22 Q. BY MR. AUCHINCLOSS: They do not require a
23 three-button code to get out, the guest cottages; is
24 that your testimony?

25 A. At this moment I don't recall.

26 Q. All right. Now, you testified that Mr.

27 Jackson made a number of improvements to Neverland.

28 He added the amusement park while you were there? 9721

1 A. Yes.

2 Q. The water fort? Yes?

3 A. Yes.

4 Q. Teepees, the trains? Yes?

5 A. Correct.

6 Q. Video arcade?

7 A. Yes. Actually, the video arcade was already

8 there.

9 Q. But he put in the video games?

10 A. There were some video games there before,

11 when he first purchased the property.

12 Q. But basically the improvements that Mr.

13 Jackson added were all attractions for children, is

14 that correct, in general?

15 MR. SANGER: Objection. As phrased, it's

16 compound. All, or in general?

17 THE COURT: Sustained.

18 MR. AUCHINCLOSS: All right. I'll strike

19 "all" in that question.

20 Q. In general --

21 A. Yes.

22 Q. -- these improvements are for children,

23 designed to attract -- attractions for children,

24 correct?

25 A. Correct.

26 Q. And you've seen children when they arrive at

27 Neverland?

28 A. Correct. 9722

1 Q. They go crazy when they see all this, don't
2 they?

3 A. Yes.

4 Q. I mean, they love it?

5 A. Yes.

6 Q. Never seen anything like it, have they?

7 A. Some children have not.

8 Q. And there's quads. Tell us what a quad is.

9 A. It's a four-wheel, all-terrain vehicle.

10 Q. How fast will it go?

11 A. One or two of them will go in the excess of
12 70 miles an hour.

13 Q. They can be pretty dangerous, can't they?

14 A. Yes.

15 Q. So generally, would it be fair to say that
16 quads are not allowed to be sent out with young boys
17 without any supervision? I mean, would you put an
18 11-year-old boy on a quad and say, "Go have a great
19 time," that goes 70 miles an hour?

20 A. I didn't say all of them go 70 miles an
21 hour. I said two of them do.

22 Q. Let's back up. How fast do the slower quads
23 go?

24 A. We're talking about a 50cc motor. They're
25 very small. Not very fast. Maybe 25, 30 miles an
26 hour, tops.

27 Q. All right. And they can be dangerous?

28 A. Yes. 9723

1 Q. An 11-year-old boy could get hurt on such a
2 vehicle, couldn't he?

3 A. Yes.

4 Q. And generally, you would not, for safety
5 reasons, send an 11-year-old boy out to ride one of
6 these quads even if they just go 30 miles an hour
7 without supervision, true?

8 A. Yes.

9 Q. Or a 13-year-old, without any adult
10 supervision, wouldn't be allowed to ride the quads,
11 right?

12 A. No, that's not true.

13 Q. Same thing with the jet skis. They can be
14 dangerous, can't they?

15 A. Yes.

16 Q. A child could drown using jet skis?

17 A. Yes.

18 Q. And typically you require some supervision
19 to send a kid out on the water with the jet skis,
20 true?

21 A. Yes.

22 Q. You mentioned a zoo. And I think you talked
23 a little bit about the animals. You mentioned that
24 they're all well cared for.

25 A. Yes.

26 Q. Have you ever seen Mr. Jackson throw stones
27 at the lion?

28 A. No. 9724

1 Q. Tell me about the lion cage. What's it look
2 like?

3 A. It's a cage with a few toys in it for the
4 lions. Some logs. I mean, what exactly do you
5 want?

6 Q. What separates the lion from the people who
7 are looking at the lion?

8 A. Wires.

9 Q. Okay. What do they look like?

10 A. Did you want me to draw you a picture?

11 Q. No, I'm just curious. If you can describe
12 it.

13 A. Like a cage. Like --

14 Q. Is it like a bar? Bar or chicken wire, or
15 what?

16 A. No, it's not chicken wire. It's -- it's
17 eighth-inch, I believe, wire that you would see at a
18 normal zoo to --

19 Q. Okay. Is it wire or bars?

20 A. It's wire.

21 Q. Okay. And how is the wire configured, in
22 terms of is it configured in squares, in diamonds,
23 in rectangles?

24 A. Squares.

25 Q. How big are the squares?

26 A. I don't know.

27 Q. Can you estimate?

28 A. I believe you probably couldn't get two 9725

1 fingers through --

2 Q. All right.

3 A. -- the cage.

4 Q. All right. Now, have you ever seen any of
5 the other animals abused in any way?

6 A. I've never seen any of the animals abused.

7 MR. SANGER: I'll withdraw my -- the
8 beginning of my objection.

9 Q. BY MR. AUCHINCLOSS: All right. So when
10 children come to Neverland, within the bounds of
11 safety, they get to do whatever they want; isn't
12 that fair to say?

13 A. That is fair to say.

14 Q. They're treated like royalty almost?

15 A. Yes.

16 Q. And kids being kids, getting into mischief
17 is kind of part of the program, isn't it?

18 MR. SANGER: Objection. Vague; calls for
19 speculation.

20 THE COURT: Overruled.

21 You may answer. Do you understand the
22 question?

23 THE WITNESS: Yes.

24 Q. BY MR. AUCHINCLOSS: Would you agree with
25 that statement?

26 THE COURT: Let him answer it.

27 MR. AUCHINCLOSS: I'm sorry.

28 THE WITNESS: Yes. 9726

1 Q. BY MR. AUCHINCLOSS: And in your assessment
2 of the Arvizo children, you described them as,
3 quote, "a little destructive"?

4 A. That's correct.

5 Q. Okay. And you've seen other children there
6 be a little destructive as well?

7 A. Yes.

8 Q. It's common, isn't it?

9 A. I don't know if it's common, but it does
10 happen.

11 Q. Now, during your 17 years at Neverland, you
12 had a firsthand opportunity to see a number of young
13 boys visit Neverland; is that true?

14 A. Yes.

15 Q. Okay. Have you had a chance to see a number
16 of these young boys who spent a lot of time with Mr.
17 Jackson?

18 A. Repeat the question, please.

19 Q. Have you had an opportunity to see a number
20 of these young boys that you just mentioned spend a
21 considerable amount of time with Mr. Jackson?

22 A. Yes.

23 Q. Mr. Jackson tends to form special bonds with
24 these -- some of these young boys, true?

25 MR. SANGER: I'm going to object. Lack of
26 foundation.

27 THE COURT: Overruled.

28 You may answer. 9727

1 THE WITNESS: Not just boys, but yes, I have
2 seen him have bonds with children.

3 Q. BY MR. AUCHINCLOSS: Okay. And one of the
4 young boys that Mr. Jackson had a special bond with
5 was Frank Cascio. While you were there, did you see
6 that?

7 A. Yes.

8 Q. And Frank is now an adult. He's about --
9 you said, I think, he's in his twenties now?

10 A. I believe so.

11 Q. And when you were there in 2003, working,
12 you mentioned -- I believe you mentioned that Frank
13 was there during that time?

14 A. I believe he was.

15 Q. Okay. And in fact, he stayed there for
16 several months in early 2003, didn't he?

17 A. I don't know if he was there several months.

18 He was in and out, yes.

19 Q. But he was on the ranch for over a month?

20 A. That's probably fair to say.

21 Q. And he was working for Mr. Jackson at that
22 time, doing something for him, wasn't he?

23 MR. SANGER: Objection. Compound; vague;
24 and no foundation.

25 THE COURT: Sustained on compound.

26 Q. BY MR. AUCHINCLOSS: He was working for Mr.
27 Jackson at that time, wasn't he?

28 A. I have no knowledge of that. 9728

1 Q. Well, he had an office at Neverland, didn't
2 he?

3 A. He had a space, yes.

4 Q. He had a desk?

5 A. I believe he did have a desk.

6 Q. He was working at that desk?

7 A. I don't honestly know what he was doing.

8 Q. And this was at the same time that the

9 Arvizos were there, true?

10 A. True.

11 Q. And what he was doing had something to do

12 with the Arvizos, didn't it?

13 MR. SANGER: Objection; foundation.

14 THE COURT: Overruled.

15 You may answer.

16 THE WITNESS: Not to my knowledge.

17 Q. BY MR. AUCHINCLOSS: Well, he had a friend

18 named Vinnie there, didn't he?

19 A. I believe so.

20 Q. Do you know what Vinnie's last name is?

21 A. No.

22 Q. And Vinnie stayed there for about the same

23 amount of time during that period as Frank did,

24 true? Over a month.

25 A. Not to my recollection.

26 Q. Okay. What is your recollection about

27 Vinnie, as far as the amount of time he spent at

28 Neverland? 9729

1 A. I recall him coming and going a lot.

2 Q. And when Vinnie would come and go, he would

3 come and go with the Arvizos, wouldn't he?

4 A. Sometimes. Not always.

5 Q. But often?

6 A. Not always.

7 Q. And you saw Frank with the Arvizos at times,

8 didn't you?

9 A. Yes.

10 Q. You mentioned a time when Vinnie was

11 standing there and you witnessed a conversation with

12 Janet, something to do about getting pictures --

13 A. That's correct.

14 Q. -- for the passports?

15 And it was Vinnie that wanted to -- was

16 concerned about getting these pictures for

17 passports, wasn't it?

18 A. Vinnie and Janet were standing there asking

19 me for directions to a spot that they could get a

20 picture taken.

21 Q. Do you know a man named Marc Schaffel?

22 A. I've met him.

23 Q. Who is Marc Schaffel?

24 A. He was a guest on the property.

25 Q. A guest of Mr. Jackson's?

26 A. Yes.

27 MR. SANGER: I'm going to object. This is

28 beyond the scope of direct. 9730

1 THE COURT: Sustained.

2 Q. BY MR. AUCHINCLOSS: Have you seen Mr.

3 Jackson form a special bond or special friendship

4 with Aldo Cascio?

5 MR. SANGER: Beyond the scope of direct.

6 MR. AUCHINCLOSS: He's asked him about

7 his -- any improprieties.

8 MR. SANGER: Object to a speaking response.

9 THE COURT: I've looked to him to speak.

10 I'll overrule the objection. Go ahead.

11 Q. BY MR. AUCHINCLOSS: Did you see Mr.

12 Jackson, observe it, form a special bond with Aldo

13 Cascio?

14 A. They were friends, yes.

15 Q. What about Brett Barnes?

16 A. Yes.

17 Q. Jason Francia, did you ever see him spend

18 time with Jason Francia?

19 A. No.

20 Q. What about Wade Robson?

21 A. Yes.

22 Q. Jordie Chandler?

23 A. Yes.

24 Q. Macaulay Culkin?

25 A. Yes.

26 Q. Gavin Arvizo?

27 A. Yes.

28 Q. Did you mention a Shane Brando? 9731

1 A. I didn't mention him.

2 Q. What about Shane Brando?

3 A. Yes.

4 Q. Little Michael?

5 MR. SANGER: Objection, Your Honor. Beyond
6 the scope of direct and the Court's ruling.

7 THE COURT: Overruled.

8 Q. BY MR. AUCHINCLOSS: Little Michael?

9 A. Do you have a full name?

10 Q. Omar Bhatti?

11 A. Yes.

12 MR. SANGER: Renew my objection. Motion to
13 strike.

14 THE COURT: Overruled.

15 Q. BY MR. AUCHINCLOSS: Mr. Jackson is very
16 security conscious, isn't he?

17 A. Yes.

18 Q. Are calls monitored at Neverland?

19 A. No.

20 Q. Doesn't Mr. Jackson have a phone in his
21 private quarters where he can monitor phone calls?

22 A. Yes.

23 Q. So you don't really know if Mr. Jackson
24 monitors phone calls?

25 A. No.

26 Q. Mr. Marcus, doesn't it say in the policy and
27 procedures manual for Neverland Valley Ranch that

28 employees acknowledge that their calls from 9732

1 Neverland Ranch can be monitored?

2 A. Yes.

3 Q. And your testimony is that those calls are
4 not monitored?

5 A. Well, there's only two phones that you can
6 actually monitor from. One is in my office. And
7 one is at the house. And I don't monitor them. And
8 to my knowledge, he doesn't monitor them.

9 Q. But you don't know whether Mr. Jackson
10 monitors phone calls, do you?

11 A. No.

12 Q. And didn't that policy go into effect when
13 Violet Silva complained to you about Mr. Jackson
14 listening to her phone calls?

15 MR. SANGER: Objection; calls for hearsay.

16 MR. AUCHINCLOSS: Offered as impeachment.

17 THE COURT: Sustained.

18 Q. BY MR. AUCHINCLOSS: Did anybody at
19 Neverland Ranch complain to you that their calls
20 were being monitored by Mr. Jackson?

21 MR. SANGER: Objection; calls for hearsay.

22 THE COURT: You may answer.

23 THE WITNESS: Nobody told me specifically
24 that Mr. Jackson had been monitoring a call. But it
25 was brought to my attention that somebody had picked
26 up on a line and listened in on a phone call. But
27 it was never said that it was Michael Jackson.

28 Q. BY MR. AUCHINCLOSS: Well, his is the only 9733

1 phone that can do that other than yours, right?

2 MR. SANGER: Objection; argumentative.

3 MR. AUCHINCLOSS: I'll strike that.

4 THE COURT: Sustained.

5 Q. BY MR. AUCHINCLOSS: All right. So no

6 unauthorized people are allowed on the ranch.

7 You've said that, true?

8 A. That's correct.

9 Q. And in order to drive into Neverland Valley

10 Ranch, someone has to open the gate, right?

11 A. That's correct.

12 Q. And in order to drive out of Neverland

13 Ranch, a security guard has to manually push

14 something that opens a gate, true?

15 A. That is true.

16 Q. And the policy at Neverland is not to let

17 golf carts off the property, correct?

18 A. That is correct.

19 Q. Same thing for quads, true?

20 A. There was a gray area, because security will

21 sometimes use a quad to go outside the front gate.

22 Q. Okay.

23 A. But normally --

24 Q. Guests are not allowed to take quads out?

25 A. That is correct.

26 THE COURT: All right. Let's 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 9682 through 9734

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 10, 2005, and thereafter

20 reduced to typewriting by computer-aided

21 transcription under my direction.

22 DATED: Santa Maria, California,

23 May 10, 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

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17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

18

19 TUESDAY, MAY 10, 2005

20

21 8:30 A.M.

22

23 (PAGES 9736 THROUGH 9803)

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26

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

28 BY: Official Court Reporter 9736

1 APPEARANCES OF COUNSEL:

2

3 For Plaintiff: THOMAS W. SNEDDON, JR.,

4 District Attorney -and-

5 RONALD J. ZONEN, Sr. Deputy District Attorney

6 -and- GORDON AUCHINCLOSS,

7 Sr. Deputy District Attorney 1112 Santa Barbara Street

8 Santa Barbara, California 93101

9

10

11 For Defendant: COLLINS, MESEREAU, REDDOCK & YU BY: THOMAS A.
MESEREAU, JR., ESQ.

12 -and- SUSAN C. YU, ESQ.

13 1875 Century Park East, Suite 700 Los Angeles, California 90067

14 -and-

15 SANGER & SWYSEN

16 BY: ROBERT M. SANGER, ESQ. 233 East Carrillo Street, Suite C

17 Santa Barbara, California 93101

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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 DEFENDANT'S

10 WITNESSES DIRECT CROSS REDIRECT RECROSS

11 MARCUS, Joseph 9763-SA 9797-A

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28 9738

1 THE COURT: Go ahead, Counsel.

2 MR. AUCHINCLOSS: Thank you, Your Honor.

3 Q. All right. Where we left off, I believe you
4 were telling us that the quads are generally --

5 THE BAILIFF: Turn your microphone on,
6 please.

7 Q. BY MR. AUCHINCLOSS: The quads were
8 generally not allowed off the property when guests
9 were driving them; is that correct?

10 A. True.

11 Q. Now, you have been -- when you were a
12 security guard for Mr. Jackson, do you know if he
13 considered you one of his best security guards?

14 MR. SANGER: I would object. That calls for
15 speculation, without foundation.

16 THE COURT: The answer is obvious. All
17 right. Sustained.

18 Q. BY MR. AUCHINCLOSS: Did Mr. Jackson place
19 any special trust in you when you were a security
20 guard?

21 A. Yes.

22 Q. And one of the things that he did that
23 involved trust was that while he was on tour in '93,
24 he had you personally patrol the hallway to his
25 bedroom to make sure no one entered it; isn't that
26 true?

27 A. I don't recall that.

28 Q. You don't remember that? 9739

1 A. Personally patrol inside --

2 Q. Inside the main house to make sure no one
3 went in his bedroom when he was not there.

4 A. I don't recall that.

5 Q. When the '93 case was under investigation,
6 additional security was brought in to Neverland
7 Ranch. Are you aware of that?

8 A. Yes.

9 Q. And they were known as "the OSS"; is that
10 correct?

11 A. Yes.

12 Q. Were you the last security guard of the
13 previous staff of security, not including the OSS,
14 that turned his firearm over to -- or actually
15 stopped being armed?

16 MR. SANGER: I'm going to object to that
17 question as unintelligible.

18 THE COURT: Sustained.

19 MR. AUCHINCLOSS: I can rephrase it.

20 Q. Were you the last armed security guard on
21 Mr. Jackson's normal staff of security?

22 A. I don't know if I was the last. I don't
23 know.

24 Q. Well, didn't you refuse to turn your gun
25 over at one time when you were asked to turn it over
26 to the head of security?

27 MR. SANGER: That's argumentative the way

28 it's phrased. 9740

1 MR. AUCHINCLOSS: It's offered as

2 impeachment.

3 THE COURT: Overruled.

4 You may answer.

5 THE WITNESS: Do you know who the head of

6 security was?

7 Q. BY MR. AUCHINCLOSS: Zimmerman. I believe

8 he was your father.

9 A. I don't recall.

10 Q. All right. Do you consider yourself a loyal

11 employee of Mr. Jackson?

12 A. Yes.

13 Q. And you previously testified that he's the

14 person who gives you your instructions for your job

15 at Neverland?

16 A. Yes.

17 Q. Do you take any orders from Dieter Weizner?

18 MR. SANGER: I'm going to object to the term

19 "orders" as vague.

20 MR. AUCHINCLOSS: I'll rephrase that.

21 That's fair.

22 Q. In terms of your duties as the ranch manager

23 of Neverland Ranch, do you take orders from Dieter

24 Weizner?

25 A. I would take requests from Dieter Weizner

26 and address them as needed.

27 Q. And those requests would be the normal

28 requests of a guest, true? 9741

1 A. True.

2 Q. But as far as policies and procedures at
3 Neverland Ranch, Dieter Weizner doesn't tell you
4 what to do, true?

5 A. True.

6 Q. And neither does Marc Schaffel?

7 A. True.

8 Q. Neither does Frank Cascio?

9 A. True.

10 Q. Or Vinnie Amen?

11 A. True.

12 Q. Or Hamid Moslehi?

13 A. True.

14 Q. Ronald Konitzer?

15 A. True.

16 Q. That's because Mr. Jackson is the only
17 person who can tell you how to handle policies and
18 procedures at Neverland Ranch, correct?

19 A. Correct.

20 Q. Have you reviewed any documents in this case
21 in your preparation for your testimony?

22 A. Yes.

23 Q. Which documents?

24 A. My -- the document the investigator let me
25 see before.

26 Q. I'm sorry?

27 A. It was a document of what I was to testify

28 to. 9742

1 Q. You were given a document regarding what you
2 were to testify to?

3 A. No, what I had testified -- what I had
4 stated in an interview with the investigator.

5 Q. An investigator who was working for Mr.
6 Jackson?

7 A. Yes.

8 Q. How many documents did you review?

9 A. It was just my statement. I think it was a
10 page and a half.

11 Q. Just one statement?

12 A. Yes.

13 Q. How many times have you been interviewed in
14 this case by Mr. Jackson's investigators?

15 A. That was it.

16 Q. Just one time?

17 A. Yes.

18 Q. And was that in November of -- I'm sorry.

19 Was that in the early part of 2004?

20 A. No.

21 Q. Who was the investigator that interviewed
22 you?

23 A. Jesus Castillo.

24 Q. Was he the only investigator that has
25 interviewed you in relation to this case?

26 A. I believe so.

27 Q. Haven't you been interviewed by Eric Mason?

28 A. No. 9743

1 Q. You've never been interviewed in regards to
2 this case by Eric Mason?

3 A. I've spoken with Eric Mason, but I have not
4 officially been interviewed by him.

5 Q. Didn't you testify on August 20th, 2004, at
6 a hearing in this case that you were interviewed by
7 Eric Mason?

8 A. I believe it was off the record, and I was
9 not actually interviewed.

10 Q. I see. So Eric Mason -- do you know who he
11 is?

12 A. Yes.

13 Q. He's a private investigator who works for
14 Mr. Jackson?

15 A. That's correct.

16 Q. He had a private interview with you that
17 was, quote, "off the record"?

18 A. Yes.

19 Q. Is that what he said?

20 A. That was my understanding of it, yes.

21 Q. Did Mr. Mason say that, "This interview is
22 off the record"?

23 A. I don't recall.

24 Q. But that was your understanding?

25 A. I didn't actually physically sit down with
26 Eric Mason.

27 Q. And he didn't take any notes at that

28 meeting, did he? 9744

1 A. I don't believe so.

2 Q. And he didn't record it, did he?

3 A. I don't believe so.

4 Q. And no one else was present, were they?

5 A. No.

6 Q. And you knew at the time Mr. Mason was

7 working for Mr. Jackson, correct?

8 A. Yes.

9 Q. Are you aware of the charges against your

10 employer?

11 A. Yes.

12 Q. And you were present when a search warrant

13 was executed at Neverland Ranch on November 18th,

14 2003?

15 A. Yes.

16 Q. And you were interviewed by law enforcement

17 in this case?

18 A. Yes.

19 Q. Did you tell the truth in that interview?

20 A. Yes.

21 Q. You were completely honest with the

22 interviewer?

23 MR. SANGER: Objection. Argumentative and

24 asked and answered.

25 THE COURT: Sustained.

26 Q. BY MR. AUCHINCLOSS: You were aware at the

27 time that this interview was tape-recorded?

28 A. Yes. 9745

1 Q. Did you tell the interviewer that Mr.
2 Jackson had no security for his room except for a
3 key?

4 A. I don't recall.

5 Q. Did you tell the interviewer that alcohol
6 has been served only two times in the history of
7 Neverland at events there?

8 A. That's correct.

9 Q. Is that true?

10 A. I believe that to be true.

11 Q. It's only been served two times in the
12 history of Neverland?

13 A. At events.

14 MR. SANGER: Objection.

15 THE WITNESS: I believe "events" was the key
16 word.

17 MR. SANGER: I'll withdraw it.

18 Q. BY MR. AUCHINCLOSS: What qualifies as an
19 "event"?

20 A. More than five people, ten people.

21 Q. Okay. So a dinner party; never been served
22 at a dinner party?

23 A. No, I didn't say that. I said "event."

24 Q. More than five people?

25 A. A scheduled event.

26 Q. Okay. A dinner party with more than five
27 people?

28 A. Yes, alcohol would be served at dinner if 9746

1 somebody wanted some wine, that is correct.

2 Q. Okay.

3 A. The children's parties? No. Those are --

4 Q. I'm not asking about children's parties.

5 A. Okay.

6 MR. SANGER: Objection. Argumentative. The

7 witness was answering the question.

8 THE COURT: Overruled.

9 Q. BY MR. AUCHINCLOSS: And do you -- let me

10 strike that.

11 Do you have any knowledge of Mr. Jackson

12 drinking alcohol himself?

13 A. Yes.

14 Q. You've seen him drink alcohol?

15 A. No.

16 Q. You have never seen Michael Jackson drink

17 alcohol?

18 A. Personally, no.

19 Q. You said that when you met -- that you knew

20 of the Arvizo family at that interview, correct?

21 A. That is correct.

22 Q. But you said -- when questioned about the

23 family, you said, "Honestly, I only met the wife or

24 the mother." Was that a true statement?

25 MR. SANGER: Objection.

26 MR. AUCHINCLOSS: I'll back up. I'll back

27 up. I should have asked a predicate.

28 Q. Did you say that you had only met the wife 9747

1 or the mother of the Arvizo family?

2 A. I believe that to be true; that I had not
3 met the father.

4 Q. Well, you understood the question "family"
5 included the entire family, didn't you?

6 MR. SANGER: Objection. Argumentative and
7 calls for hearsay.

8 THE COURT: Overruled.

9 You may answer. Do you want the question
10 read?

11 THE WITNESS: Yes.

12 (Record read.)

13 THE WITNESS: Yes.

14 Q. BY MR. AUCHINCLOSS: And was it true when
15 you said, "Honestly, I only met the wife or the
16 mother"? Is that a true statement?

17 A. With regard to the father, that is true. I
18 have not met the father.

19 Q. But you understood the question included the
20 entire family, correct?

21 A. We can go back and forth here. I'm telling
22 you what I recall.

23 Q. Well, do you recall that the question was,
24 "What does" -- "Who's included in that family? How
25 many kids, parents, names, et cetera?" Do you
26 recall that being the question when you said,
27 "Honestly, I only met the wife or the mother"?

28 MR. SANGER: I'm going to object. This is 9748

1 hearsay and it's improper impeachment.

2 THE COURT: Overruled.

3 Q. BY MR. AUCHINCLOSS: Do you recall that
4 being the question when you gave that answer?

5 A. I don't recall that to be the question or
6 the exact question.

7 Q. Did the kids ever stay at Neverland without
8 their mother?

9 A. Yes.

10 Q. Did you know that to be true when you gave
11 this interview?

12 A. Yes.

13 Q. In the interview, didn't you specifically
14 state, "The kids never stayed there without their
15 mother"?

16 A. I don't recall.

17 Q. Mr. Marcus, when you gave this interview,
18 weren't you trying to distance yourself from the
19 facts of this case and protect your employer,
20 Michael Jackson?

21 MR. SANGER: Objection. Argumentative and
22 compound.

23 THE COURT: I'll sustain the objection as
24 argumentative.

25 Q. BY MR. AUCHINCLOSS: You mentioned that you
26 took this family, the mother and the children at
27 least, to the dentist?

28 A. That's correct. Actually, the orthodontist. 9749

1 Q. Orthodontist. And you took them there

2 because --

3 A. I did not take them there.

4 Q. I'm sorry?

5 A. I met them there.

6 Q. I'm sorry. Did you arrange that meeting

7 with the orthodontist?

8 A. Yes.

9 Q. And you arranged that meeting because the

10 two boys were having -- suffering from pain related

11 to their braces, correct?

12 A. That's part of the story that I heard, yes.

13 Q. Isn't that what you told the interviewer?

14 A. Yes.

15 Q. You didn't tell them anything else other

16 than the fact that the boys were having pain and

17 they needed to go to the orthodontist immediately?

18 A. Correct.

19 Q. And you called the orthodontist, correct?

20 A. Yes.

21 Q. You picked that orthodontist?

22 A. It was recommended to me.

23 Q. Okay. You made an appointment?

24 A. Yes.

25 Q. And you specifically made an appointment

26 after the orthodontist's office would be closed for

27 business, true?

28 A. Correct. 9750

1 Q. What time did you make that appointment for?

2 A. 6 or 7 p.m. I don't know exactly what time.

3 Q. And then Vinnie took them to the

4 orthodontist, true?

5 A. Vinnie met me at the orthodontist, correct.

6 Q. But Vinnie was transporting the Arvizo

7 family, true?

8 A. Yes, he was.

9 Q. Did you arrange for that?

10 A. They were on their way back from Santa

11 Maria, so we met there.

12 Q. Did you arrange for Vinnie to take the

13 Arvizo family to the orthodontist?

14 A. Did I personally arrange it? No.

15 Q. You didn't talk to Vinnie?

16 A. Yes.

17 Q. So did you arrange with Vinnie to meet you

18 at the orthodontist?

19 A. Yes.

20 MR. SANGER: I'm going to object. That's

21 argumentative and that's a different question.

22 THE COURT: Overruled. The answer was,

23 "Yes." Next question.

24 Q. BY MR. AUCHINCLOSS: And the Arvizo family,

25 during that meeting, was never outside either your

26 presence or Vinnie's presence, as far as you know,

27 correct?

28 A. Not correct. 9751

1 Q. When were they outside your presence or
2 Vinnie -- well, let me break that up. Were they
3 outside your presence?

4 A. Yes.

5 Q. When was that?

6 A. While they were in the operating room or --
7 I was in the lobby. They were in the back, the back
8 room.

9 Q. But they were in the same building, correct?

10 A. Yes.

11 Q. And you sat there for about an hour and a
12 half?

13 A. Correct.

14 Q. Can you tell us why you sat there for an
15 hour and a half reading magazines?

16 A. It was pouring down rain. They needed a
17 ride back. I didn't know how long the procedure was
18 going to take.

19 Q. And why did you meet them there at the same
20 time that the appointment was to begin?

21 A. I arranged the appointment. And I was going
22 to pay for the appointment.

23 Q. But the payment would be at the end of the
24 appointment?

25 A. I didn't know what the -- I don't believe we
26 had agreed upon a price at that point, possibly.

27 Q. Was Neverland Valley Ranch on a skeleton

28 crew at this time, in February of 2003? 9752

1 A. No.

2 Q. Do you know who International Business
3 Management is?

4 A. International Business Management. No.

5 Q. Did you ever contact anyone complaining that
6 Neverland Valley is on a skeleton crew and that you
7 were concerned about safety in the month of February
8 2003?

9 MR. SANGER: Objection; beyond the scope of
10 direct.

11 THE COURT: Overruled.

12 You may answer.

13 THE WITNESS: Who was that International
14 Business Management? What is the name?

15 Q. BY MR. AUCHINCLOSS: My question is, did you
16 ever complain to anybody that Neverland Valley Ranch
17 was on a skeleton crew during the month of February
18 2003, and that you were very concerned about safety?

19 A. I don't recall.

20 Q. That's possible that you might have done
21 that?

22 A. It's possible.

23 MR. SANGER: Calls for speculation.

24 THE COURT: Overruled. The answer was, "It's
25 possible." Next question.

26 Q. BY MR. AUCHINCLOSS: So my question was, was
27 Neverland Valley Ranch on a skeleton crew at that

28 time? 9753

1 A. Apparently it was possible.

2 Q. Do you have any knowledge of children
3 sleeping in Mr. Jackson's room?

4 A. Yes.

5 Q. On the interview that you had with the
6 investigator at the time of the search warrant, you
7 specifically said you had no knowledge of children
8 sleeping in Mr. Jackson's room, didn't you, Mr.
9 Marcus?

10 A. That's correct.

11 Q. That was untrue, wasn't it?

12 A. Yes.

13 Q. So you weren't honest in that interview,
14 were you, as you just testified?

15 MR. SANGER: Objection; argumentative.

16 THE COURT: Sustained.

17 MR. AUCHINCLOSS: I'll strike that.

18 Q. In terms of the question regarding whether
19 or not the Arvizo children were allowed to leave the
20 ranch, you ordered security not to let Gavin and
21 Star and Davellin off of the Neverland Ranch
22 property, didn't you?

23 A. No, I don't believe that to be true.

24 Q. You don't believe it to be true?

25 A. Ordered? You're saying I ordered someone --

26 Q. Gave a directive to the security staff not
27 to let those children off of the property, correct?

28 A. I believe -- I believe that we -- yes. 9754

1 Q. You did do that?

2 A. Yes.

3 Q. And that order was placed on a grease board
4 in the security office, wasn't it?

5 A. I don't know about that, no. The only order
6 I know of is the one that you've -- that we saw
7 today.

8 Q. Well, you just testified that you ordered
9 security not to let those children off the property.
10 How did you do that?

11 A. I believe it was in writing on the overhead
12 that we saw earlier.

13 Q. My question is, how did you do that, Mr.
14 Marcus? How did you make that order? How did you
15 communicate that order to the security staff?
16 That's my question.

17 A. The phone.

18 Q. You called who?

19 A. Probably the officer that was at the gate.

20 Q. And at least one time you made that order at
21 5:52 p.m. on February 19th, '03, correct?

22 MR. SANGER: I'm going object to the
23 question as misstating the evidence, "at least one
24 time."

25 THE COURT: Overruled.

26 You may answer.

27 THE WITNESS: Can you repeat the question?

28 THE COURT: I'll have it read back. 9755

1 THE WITNESS: I just don't have the date in
2 front of me, so....

3 MR. AUCHINCLOSS: That's fine.

4 (Record read.)

5 THE WITNESS: If that's what the document
6 says that's in your hand, then that is correct.

7 MR. AUCHINCLOSS: Could I have the Elmo,
8 please, Your Honor?

9 THE COURT: Yes.

10 Q. BY MR. AUCHINCLOSS: Mr. Marcus, I'd like to
11 show you that document again. For the record, it's
12 Exhibit 334, Bates number MJ00154.

13 Okay. Can you read that?

14 A. Yes.

15 Q. I'd like you to go down to 1740, the
16 notation that, "Hill house garage is going to be
17 left unlocked per Jesus." Do you see that?

18 A. Yes.

19 Q. And then under that, it said, "Hamid is
20 going up there." So does that mean at 5:40 Hamid is
21 going up to the hill house garage?

22 A. That's what it appears.

23 Q. And then under that, approximately 12
24 minutes later, there's the notation, "The kids are
25 not to leave per Joe. 'Kids' meaning like Gavin,
26 Star, et cetera."

27 A. That's correct.

28 Q. Is that when you made that directive to 9756

1 security that the kids are not to leave?

2 A. Did I call them at 1752? I don't know.

3 Q. Okay. Would it be the policy of the

4 security guard to make that notation when you made

5 that call?

6 A. It would be the policy, yes, but it's not

7 always the case.

8 Q. Okay. But the reason why they have a number

9 next to that, the 1752, that's to connote the time

10 that you made that order?

11 A. That's correct.

12 Q. Okay. So 12 minutes after Hamid arrives,

13 you decide that the kids are not to leave the

14 property, true?

15 A. That is true.

16 Q. And your testimony is that your reason for

17 that is because you were concerned about the kids at

18 that moment driving off the property driving an

19 automobile? Is that the reason why you made that

20 order?

21 A. I also stated that there was a documentary

22 going on, and it was undecided where the location

23 was going to be that it was going to take place.

24 Q. Okay. Who told you about this documentary?

25 A. Hamid.

26 Q. Okay. So Hamid arrived and told you that he

27 was going to take the kids off the property?

28 A. That is correct. 9757

1 Q. And you told Hamid, "The kids are not
2 allowed to leave the property," didn't you?

3 A. Their mother was not on property and, yes, I
4 did.

5 Q. Okay. So --

6 A. I do not believe their mother was on
7 property.

8 Q. So you were not going to allow those kids
9 off the property, no matter what?

10 MR. SANGER: Objection. Argumentative and
11 vague.

12 MR. AUCHINCLOSS: I'll strike that.

13 Q. So now you're adding another reason: It's
14 the mother wasn't on the property. Is that the
15 reason why you wouldn't allow them off the property
16 at that time?

17 MR. SANGER: Objection; argumentative.

18 THE COURT: Sustained.

19 Q. BY MR. AUCHINCLOSS: Mr. Marcus, Gavin
20 Arvizo and Star Arvizo never drove a full-sized
21 automobile on the Neverland Valley Ranch property,
22 did they?

23 A. No, that is not true.

24 Q. Did you personally observe them driving an
25 automobile on Neverland?

26 A. No.

27 Q. Do you know of anybody, by name, who saw

28 Gavin and Star Arvizo driving on the Neverland 9758

1 Valley property?

2 A. Yes.

3 Q. Who?

4 A. I believe Jesus Salas let me know that they
5 had driven it back from the -- a van, actually, from
6 the theater. And that was obviously a concern.

7 Q. A van from the dealer?

8 A. The theater.

9 Q. Oh, the theater. Okay. And you were
10 concerned that a 13-year-old boy would drive a van
11 or some full-sized vehicle to the gate and that,
12 unless you told the security guards not to let him
13 out, they would just say -- open the gates, "Have a
14 nice drive"? Is that what your concern was?

15 A. My concern was, it is not uncommon for a
16 vehicle, if it's one of the primary vehicles that
17 have tinted windows, if somebody were to pull up,
18 some guards would just automatically open the gates.
19 So, yes, I would want them to know who was in the
20 vehicle.

21 Q. Isn't it a fact that they don't let any of
22 the ranch vehicles out unless they know who's
23 driving them?

24 A. That is not true.

25 Q. Aren't there notations in this very log
26 where employees attempted to drive out of Neverland
27 Ranch and they were stopped and detained because

28 they didn't have authorization? 9759

1 A. They attempt. But it's not always the case.

2 I've driven off property many times with --

3 Q. Well, 13-year-olds are not allowed to drive

4 on Neverland property, right?

5 A. They do.

6 Q. But, I mean, the security guards know this,

7 true?

8 A. The security guards try to limit them.

9 Q. When Jesus told you about Gavin driving the

10 van on Neverland property, Jesus told you that Jesus

11 was in the van with Gavin at the time, didn't he?

12 Isn't that true?

13 A. No, that's not true. I don't recall that to

14 be the case.

15 Q. Is there any notation anywhere in the

16 Neverland documents, security records, logs,

17 anywhere that indicates Gavin or Star Arvizo drove a

18 Neverland vehicle?

19 A. I believe you have the documents, so I don't

20 know that to be true or not.

21 Q. I'm asking you what you know.

22 A. I don't know.

23 MR. SANGER: Objection; argumentative.

24 THE COURT: Overruled. Next question.

25 Q. BY MR. AUCHINCLOSS: And after this driving

26 incident, you continued to keep the keys to these

27 vehicles in the vehicles themselves; is that

28 correct? 9760

1 A. Yes.

2 Q. Why?

3 A. Convenience.

4 Q. Convenience was more important than safety?

5 MR. SANGER: Objection; argumentative.

6 MR. AUCHINCLOSS: It's a fair question.

7 THE COURT: Sustained.

8 Q. BY MR. AUCHINCLOSS: You said that you've

9 never seen anything inappropriate at Neverland, is

10 that correct, involving children?

11 A. Inappropriate, yes.

12 Q. Now, you have full access to the entire

13 property, correct?

14 A. Yes.

15 Q. You have access to Mr. Jackson's room?

16 A. With permission, yes.

17 Q. Yes. You have access to his office?

18 A. With permission, yes.

19 Q. You've been in his office?

20 A. Yes.

21 Q. Children are in his office?

22 A. That's correct.

23 Q. Children are in his room?

24 A. Correct.

25 Q. You've seen pornography -- or, excuse me,

26 you've seen adult erotic materials at Neverland

27 Ranch, correct?

28 A. Yes. 9761

1 Q. And have you seen adult erotic materials in
2 Mr. Jackson's room?

3 A. No.

4 Q. Have you seen adult erotic materials in
5 areas where Mr. Jackson allows children to be?

6 A. No.

7 Q. Do you know if Mr. Jackson possesses adult
8 erotic materials?

9 MR. SANGER: Lack of foundation.

10 THE COURT: Overruled.

11 You may answer.

12 THE WITNESS: Yes.

13 Q. BY MR. AUCHINCLOSS: You know that he does
14 possess adult erotic materials?

15 A. Oh, no. I don't know that he does.

16 Q. You have no knowledge of that?

17 A. Have I gone out and bought them for him?

18 No. Do I know that he owns them? I haven't seen
19 them with him, no.

20 Q. Well, you've been in his office numerous
21 times, true?

22 A. Yes.

23 Q. I'm showing you Exhibit 779. Do you
24 consider these adult erotic materials, Mr. Marcus?

25 Yes? Do you?

26 A. No. I mean, yes, they are. They're
27 artwork, but --

28 Q. You keep looking at Mr. Jackson. Why is 9762

1 that?

2 MR. SANGER: Objection; argumentative.

3 THE COURT: Sustained.

4 Q. BY MR. AUCHINCLOSS: Okay. So you admit

5 that these are adult erotic materials?

6 MR. SANGER: Asked and answered.

7 THE COURT: Sustained.

8 Q. BY MR. AUCHINCLOSS: And you have seen these

9 before, haven't you?

10 A. Yes.

11 Q. And they are on Mr. Jackson's desk in his

12 office?

13 A. That is correct.

14 Q. And they are there when children are allowed

15 to come into his office?

16 A. That is correct.

17 MR. AUCHINCLOSS: All right. Thank you. I

18 have no further questions.

19 MR. SANGER: I think you've left some things

20 up here, and I'll let you --

21 MR. AUCHINCLOSS: I'm sorry.

22 MR. SANGER: May I proceed, Your Honor?

23 THE COURT: Yes.

24 MR. SANGER: Thank you.

25

26 REDIRECT EXAMINATION

27 BY MR. SANGER:

28 Q. Okay. Mr. Marcus, the figurines that you 9763

1 just were shown, how big are those figurines; do you
2 know? Do you remember actually seeing them as
3 opposed to seeing the pictures?

4 A. Probably ten -- well, I don't know. 16
5 inches.

6 Q. And where are these figurines located?

7 A. I believe they're on his desk.

8 Q. And what else is on his desk?

9 A. Lots of other stuff.

10 Q. Again, so is his desk messy?

11 A. Yes.

12 Q. All right. Let's go back to a couple things
13 here. First of all, let's talk about interviews for
14 a second. You were interviewed by the Los Angeles
15 Police Department in 1993; is that correct?

16 A. I don't recall that, but if that is --

17 Q. That's right. I think I asked you if you
18 were interviewed by law enforcement. You remembered
19 that, but not which department it was; is that
20 right?

21 A. Yes.

22 Q. Do you remember there being a detective by
23 the name of Rose Ferrufino?

24 A. No.

25 Q. Were you interviewed by a woman detective at
26 that time? Do you remember at all?

27 A. I don't recall.

28 Q. In any event, whatever you did, you 9764

1 cooperated at that time with the interview; is that
2 right?

3 A. I believe so.

4 Q. Okay. Now, you were also interviewed on
5 November the 18th of 2003; is that right?

6 A. That's correct.

7 Q. Were you there when the officers arrived at
8 the ranch in the morning?

9 A. No.

10 Q. All right. Did somebody call you to come in
11 or did you just come at in your regular time?

12 A. Yeah, I just arrived a little bit after
13 the --

14 Q. And you were at that time, November 18th,
15 2003, the ranch manager, correct?

16 A. Yes.

17 Q. Was this something you expected to happen?

18 A. No.

19 Q. Okay. Was it -- did it upset the routine
20 that you had planned for that day?

21 MR. AUCHINCLOSS: Objection; relevance.

22 THE COURT: Overruled.

23 You may answer.

24 THE WITNESS: Yes, definitely.

25 Q. BY MR. SANGER: Can you describe the state
26 of things at the ranch? Just sort of describe what
27 was happening.

28 A. Well, there was 70 officers going in every 9765

1 different direction doing what they wanted at that
2 point in time, and it caused me concern because we
3 had about 60 employees on property. And I wanted
4 to -- number one concern was the employees, to make
5 sure that they were obviously taken care of or if
6 they needed anything. I wasn't exactly sure what
7 was really going on at that exact moment.

8 Q. Okay. And when this group of officers
9 arrived, did they -- did they pretty much all arrive
10 at once?

11 A. I believe so.

12 Q. Okay.

13 A. They arrived before I did.

14 Q. All right. So by the time you got there,
15 was it pretty overwhelming?

16 A. Yes.

17 Q. Now, were there also guests on the property?

18 A. Yes.

19 Q. Did you have concern for the guests?

20 A. Yes.

21 MR. AUCHINCLOSS: Objection; leading.

22 THE COURT: Overruled. Next question.

23 Q. BY MR. SANGER: Did you attempt to respond
24 to requests from the various officers?

25 MR. AUCHINCLOSS: Objection; leading.

26 THE COURT: Overruled.

27 THE WITNESS: Yes.

28 Q. BY MR. SANGER: Okay. Thinking back to that 9766

1 day, what sorts of things were you being asked about
2 or asked to do?

3 A. Open certain buildings that they needed
4 access to.

5 Q. All right. And did you attempt to
6 accommodate those requests?

7 A. If I had the key available, yes.

8 Q. All right. Were you also -- when you said
9 you were dealing with employees, what sorts of
10 things were you doing with some of the employees?

11 A. I mainly wanted to know that they were -- I
12 wasn't sure if the employees were allowed to leave
13 the property at that point or if they had to stay.
14 And I was trying to figure out if that was an
15 option, if some of the employees could leave. Some
16 of them were uncomfortable with being there for
17 whatever reason. It was just a stressful morning,
18 obviously.

19 Q. And what did the police officers or the
20 sheriff's officers do, sheriff's and district
21 attorney's investigators? What did they do with
22 regard to the employees?

23 MR. AUCHINCLOSS: Objection. Vague;
24 relevance.

25 THE COURT: Sustained.

26 MR. SANGER: Which ground?

27 THE COURT: Relevance.

28 MR. SANGER: May I, Your Honor -- 9767

1 THE COURT: All right.

2 MR. SANGER: -- in just one word explain?

3 Has to do with his interview.

4 THE COURT: All right. I'll allow the
5 question.

6 MR. SANGER: Thank you.

7 Q. What did they do with the employees in
8 general?

9 A. They would interview them or speak with
10 them, get their information. Some were in different
11 areas, so there was different officers with
12 different employees.

13 Q. Okay. And did you make arrangements to send
14 some of the people back to work?

15 A. Yeah. I thought that if they wanted to
16 stay, then, yes.

17 Q. And did you try to comply with all the
18 officers' requests with regards to interviews?

19 A. Yes.

20 Q. Did you personally submit to an interview
21 yourself?

22 A. Yes.

23 Q. And you were aware it was tape-recorded; is
24 that correct?

25 A. Yes.

26 Q. And when you were being interviewed, was
27 that after everybody else left and it was all calm,

28 or how were things going at the time? 9768

1 A. No, it was about eleven o'clock, I believe,
2 and --

3 Q. 11 a.m.?

4 A. Yeah, 11 a.m., so it was only two hours into
5 it. They were there until ten o'clock, I believe,
6 p.m.

7 Q. Was it calm or chaotic, or what was going on
8 around that time?

9 A. Yeah, it was still -- it was chaotic. The
10 whole day was obviously chaotic.

11 Q. And did you have a radio?

12 A. Yes.

13 Q. Is that something you carry around in the
14 normal course of your duties at the ranch?

15 A. Yes.

16 Q. Why did you carry a radio?

17 A. To communicate with the employees and to be
18 accessible.

19 Q. All right. Were people on the radio to you
20 seeking guidance and expressing concerns during this
21 period of time?

22 A. I believe so, yes.

23 Q. Okay. In fact, while you were being
24 interviewed, your -- you asked permission to answer
25 the radio several times; is that correct?

26 MR. AUCHINCLOSS: Objection; leading.

27 THE COURT: Overruled.

28 You may answer. 9769

1 THE WITNESS: That is correct.

2 Q. BY MR. SANGER: All right. And the officers
3 let you -- did the officers let you answer your
4 radio?

5 A. Yes.

6 Q. All right. Now, in the middle of this, when
7 you were giving the interview, did you remember all
8 the names of the Arvizo family as you were sitting
9 there?

10 A. I was extremely overwhelmed at the moment,
11 and no, I did not.

12 Q. Did the officers eventually tell you the
13 names of the Arvizo family members?

14 A. I believe it was on the -- the warrant, I
15 guess, if you will. So, yes.

16 Q. But you went over -- you went over the
17 Arvizo family members with the -- with the officers;
18 is that correct?

19 A. Yes.

20 Q. And they asked you about the father. Do you
21 recall that?

22 A. Yes.

23 Q. Do you remember telling them whether or not
24 you had seen the father?

25 A. I don't believe I've ever met the father. I
26 might have seen him, but I don't know if I've ever
27 met him. If so, it was a long time ago.

28 Q. Okay. And that's what you told them, right? 9770

1 A. Yes.

2 Q. Now, as far as the mother was concerned, did
3 you tell them that you had met Janet Arvizo?

4 A. Yes.

5 Q. You told them that you had -- did you tell
6 them that you had met the children?

7 A. Yes.

8 Q. Did you tell them where the mother usually
9 stayed?

10 A. I believe so. I don't know if that came up.

11 I know that she stayed in the guest units.

12 Q. Okay. Did one of the officers ask you if
13 the children had ever stayed in the arcade, slept in
14 the arcade?

15 A. Possibly.

16 Q. Did the children ever sleep in the arcade?

17 A. There's no sleeping quarters in the arcade,
18 so I wouldn't -- I wouldn't think so.

19 Q. All right. Now, did you tell the -- you
20 were asked a question by Mr. Auchincloss about
21 whether or not you said that the children, the
22 Arvizo children, had slept in Mr. Jackson's room.

23 I believe that was the question that was asked.

24 Do you have personal knowledge -- have you
25 seen the children sleeping in Mr. Jackson's room?

26 A. I don't recall that question being asked.

27 Q. Okay. Well, let me ask you this: Do you

28 recall the Arvizo children actually sleeping in Mr. 9771

1 Jackson's room? In other words, did you see them
2 sleeping in Mr. Jackson's room? Forget about what
3 you were asked.

4 Let me start over. I'm asking you right
5 now. Did you ever see the Arvizo children sleeping
6 in Mr. Jackson's room?

7 A. I don't believe so.

8 Q. All right. Did you -- were you aware,
9 through your duties and in the course of what you
10 were doing, that the Arvizo children were sleeping
11 in the house?

12 A. Yes.

13 Q. Did you assume that they were probably
14 sleeping in Mr. Jackson's quarters?

15 A. I didn't assume. But there is an extra room
16 in the suite, so, yes, they could have been.

17 Q. All right. And about how long was your
18 interview that day with the police, the sheriff's
19 and D.A.'s investigators at the ranch on November
20 18th, 2003?

21 A. About an hour and a half, I think. An hour
22 maybe.

23 Q. Now, you were also asked about whether or
24 not you were interviewed by various people. Let's
25 start with Eric Mason. Do you know who Eric Mason
26 actually worked for?

27 A. Ultimately? I believe Mr. Jackson.

28 Q. All right. First of all, is Mr. Mason a 9772

1 licensed private investigator?

2 A. I don't know.

3 Q. Okay. Where is he from? Do you have any
4 idea?

5 A. I believe he lives in the Bay Area.

6 Q. Okay. Do you know whether or not he has an
7 office up there?

8 A. I believe so.

9 Q. Have you ever seen the name of his office or
10 his firm?

11 A. No.

12 Q. Okay. Now, do you know if Mr. Mason was
13 working for an attorney or attorneys as an
14 investigator?

15 A. I believe so.

16 Q. Okay. When you say ultimately for Mr.
17 Jackson, do you know whether or not he was working
18 for the attorneys or if he was employed directly by
19 Mr. Jackson?

20 A. I don't know.

21 Q. Have you seen Mr. Mason in the company of
22 any attorneys over the years?

23 A. Yeah.

24 Q. Okay. Which attorneys?

25 A. I believe Mark Geragos, yourself. Do you
26 mean there together?

27 Q. Yeah. Do you know if -- for instance, do

28 you know Steve Cochran? 9773

1 A. Yes.

2 Q. Okay. And who does he work for?

3 A. Are we talking firm, or --

4 Q. Yes, his firm. Do you know the firm?

5 A. Rosenman -- I'm just not sure on the rest of
6 it.

7 Q. Okay. A firm that includes the name
8 Rosenman; is that correct?

9 A. Yes.

10 Q. And is that -- where is that firm located?

11 A. In Los Angeles.

12 Q. Do you know if Mr. Mason was working for Mr.
13 Cochran and that firm?

14 A. I think so.

15 Q. All right. All right. You mentioned you'd
16 seen me over the years; is that right?

17 A. Yes.

18 Q. And during the period of time in recent
19 years that you've been the ranch manager, have you
20 been responsible for making arrangements for the
21 attorneys and investigators to come to the ranch for
22 various purposes associated with the case?

23 A. Yes.

24 Q. Did you make an effort to avoid being
25 involved in any substantive discussions while
26 attorneys and investigators were there?

27 MR. AUCHINCLOSS: Objection; leading.

28 THE COURT: Sustained. 9774

1 Q. BY MR. SANGER: Did you -- would you be
2 interviewed whenever attorneys or investigators
3 would come to the ranch?

4 A. No.

5 Q. What would happen, generally?

6 A. Generally we would just go about our
7 business, whatever needed to happen with regard
8 to if it was -- they were there for -- it was more
9 or less I was just there to assist them if they
10 needed something, an area opened or -- just mainly
11 to assist them if they needed something.

12 Q. So you've met Mr. Mesereau before, I take
13 it?

14 A. Yes.

15 Q. You met Miss Yu?

16 A. Yes.

17 Q. Now, as far as being interviewed about this
18 case, as far as defense investigators, somebody
19 representing Mr. Jackson, you referred to about a
20 page -- and I think you said it was a page or a
21 page-and-a-half interview that you reviewed earlier;
22 is that right?

23 A. Yes.

24 Q. And who was the investigator who actually
25 did the interview of you for that report?

26 A. Jesus Castillo.

27 Q. Jesus Castillo. And did -- is Mr. Castillo

28 a licensed private investigator, to your knowledge? 9775

1 A. I believe so.

2 Q. Okay. Where is he from?

3 A. Here in Santa Maria.

4 Q. All right. He has an office here in Santa

5 Maria?

6 A. Yes.

7 Q. Did Mr. Castillo tell you what to say?

8 A. No.

9 Q. What did he do?

10 A. He asked me -- number one, he subpoenaed me.

11 Number two, he let me see the report, if you will,

12 and just -- I was at his office for 15 minutes. It

13 was --

14 Q. Okay. That was recently, to get you here --

15 A. Yes.

16 Q. -- right?

17 Okay. Before that, there's a report that

18 you reviewed that had to do with your testimony, you

19 said.

20 A. Uh-huh.

21 Q. So my question is, how did that report come

22 about? Was that as a result of you talking to

23 somebody?

24 A. With Jesus.

25 Q. There you go. Okay. Do you remember when

26 that was that you talked with Jesus?

27 A. Just recently. Two months ago maybe.

28 Q. And so two months ago was the first time you 9776

1 sat down and were actually interviewed by an
2 investigator about this case?

3 A. That's correct.

4 Q. Now, back in '93, were you formally
5 interviewed by anybody, that you can remember?

6 A. I don't recall.

7 Q. Did Eric Mason ever make any effort to have
8 some kind of secretive talks with you?

9 A. No.

10 Q. All right. So when you talked to any
11 investigators or lawyers, did you speak honestly,
12 whatever the context was, with any of the defense
13 lawyers or investigators?

14 A. Yes.

15 Q. Okay. Let's go back to other questions that
16 you were asked. You talked about having codes
17 programmed into the phone, right?

18 A. Yes.

19 Q. First of all, are guests at the ranch
20 instructed on how to use the phone?

21 A. Yes.

22 MR. AUCHINCLOSS: Objection; foundation.

23 THE COURT: Sustained.

24 Q. BY MR. SANGER: Okay. To your knowledge --
25 you're the ranch manager. Based on your knowledge
26 of ranch operations, is it policy to advise or
27 instruct guests on how to use the phone?

28 A. Yes. 9777

1 Q. All right. And have you personally either
2 done so yourself or witnessed other employees
3 instruct guests on how to use the phone?

4 A. Yes.

5 Q. Are you asked from time to time how to use
6 the phone?

7 A. Yes.

8 Q. Do you ever deny guests the information as
9 to how to use the phone?

10 A. No.

11 Q. Now, you talked about two different
12 situations, one being the three-digit entry --

13 A. Yes.

14 Q. -- and you said it can be any three digits?

15 A. That's correct.

16 Q. So basically you get one of these phones and
17 you have to push a button to get a line. You hit
18 the digits and that gives you an open line. You hit
19 that button and you can call out; is that right?

20 A. That's correct.

21 Q. And if anybody ever asked you how to do
22 that, you would tell them, right?

23 A. Yes.

24 Q. And you believe that there's some of the
25 phones -- let me withdraw that.

26 Do you have any question as to whether or
27 not some of the phones are accessible without the

28 three-digit code? 9778

1 A. That is true.

2 Q. So you're not absolutely certain which
3 phones are which; is that right?

4 A. Exactly.

5 Q. And you believe that the phones in the guest
6 quarters do not need the three digits?

7 MR. AUCHINCLOSS: Objection. Misstates the
8 evidence; leading.

9 THE COURT: Overruled.

10 THE WITNESS: I believe that to be true.

11 Q. BY MR. SANGER: All right. Now, let's put
12 it this way: If somebody were in the guest units,
13 and they were able to call from the guest units to
14 somebody in Los Angeles, they would either have to
15 have a phone without the code or they would have to
16 know the code, correct?

17 A. Correct.

18 Q. And if they were able to get that outside
19 line and make a call to people in Los Angeles, they
20 could call 9-1-1; is that correct?

21 A. That's correct.

22 Q. And by calling 9-1-1, they'd actually get
23 the outside 9-1-1 dispatch center; is that right?

24 A. That's correct.

25 Q. Is it also possible to call security for an
26 emergency?

27 A. That is correct.

28 Q. And how would you do that? 9779

1 A. You would use the intercom to call the front
2 gate. They're there 24 hours a day.

3 Q. All right. So if there's ever an emergency
4 of any sort, you can call -- you can call for
5 security and they'll respond; is that right?

6 A. That's correct.

7 Q. You mentioned that there were a number of
8 things set up in the ranch by Mr. Jackson that
9 involved games and entertainment and that sort of
10 thing; is that correct?

11 A. Yes.

12 Q. Are they just for children?

13 A. No.

14 Q. Do adults also partake of the various video
15 games and rides and other things at the ranch?

16 A. Yes.

17 Q. Do adults seem to enjoy it as well?

18 A. Yes.

19 Q. By the way, before I turn my page here, I'll
20 go back to the telephone calls for a second.

21 To your knowledge, as the ranch manager and
22 having reviewed all the records of the ranch, and
23 based on any information you received from
24 department heads or anybody else at the ranch
25 whatsoever, is there any indication whatsoever that
26 Janet Arvizo was in any way restricted from using
27 any telephone at that ranch?

28 MR. AUCHINCLOSS: Objection; foundation. 9780

1 THE COURT: Sustained.

2 Q. BY MR. SANGER: All right. Now, you were
3 asked by Mr. Auchincloss about special bonds with
4 different people and he asked about young boys, I
5 think, in his own words. Do you recall those
6 questions?

7 A. Yes.

8 Q. Did Mr. Jackson have any special bonds with
9 young girls?

10 A. Yes.

11 Q. Can you recall -- well, I don't want to go
12 and list the names here unnecessarily, but do you
13 recall any Cascio children?

14 A. Yes.

15 Q. Who would that be?

16 A. Marie Nicole.

17 Q. Who how about the Culkin family?

18 MR. AUCHINCLOSS: Objection; leading.

19 THE COURT: Sustained.

20 Q. BY MR. SANGER: Well, you were asked about --
21 let me see here. You were asked specifically --
22 May we approach for a moment? I just have a
23 technical issue on this.

24 THE COURT: All right.

25 (Discussion held off the record at sidebar.)

26 MR. SANGER: Okay. May I proceed, Your
27 Honor?

28 THE COURT: Yes. 9781

1 MR. SANGER: Thank you.

2 Q. All right. Were there other girls who were
3 family members -- let me withdraw that.

4 Were there other girls who visited the
5 ranch?

6 A. Yes.

7 Q. And did other girls besides Marie Nicole
8 seem to have a special bond with Mr. Jackson and
9 vice versa?

10 MR. AUCHINCLOSS: Objection; asked and
11 answered.

12 THE COURT: Overruled.

13 You may answer.

14 THE WITNESS: Yes.

15 Q. BY MR. SANGER: And who were they, the best
16 you can recall? Do you recall some names?

17 A. I don't recall the names of each individual
18 child, no, but some of the Culkin kids. Karlee
19 Barnes. I don't recall exact names now.

20 Q. Okay. But were there girls involved in
21 activities?

22 A. Yes.

23 Q. Now, were there also adult women who had a
24 special bond with Mr. Jackson?

25 MR. AUCHINCLOSS: Objection -- well, I'll
26 withdraw that objection.

27 THE COURT: Go ahead.

28 THE WITNESS: Yes. 9782

1 Q. BY MR. SANGER: Okay. Besides the women to
2 whom he was married, were there other women who
3 seemed to be particularly close friends with Mr.
4 Jackson?

5 A. It appeared to be, yes.

6 Q. Okay. Do you recall the names of any of
7 those particular individuals?

8 A. Besides his wives?

9 Q. Yeah.

10 A. He has friends. Elizabeth Taylor. I'm
11 drawing a blank on a few of the names, but --

12 Q. You need to speak up just a little. It's --
13 you're trailing off there.

14 You said Elizabeth Taylor. And you drew a
15 blank on the others?

16 A. Yeah. There's other women, I just don't --

17 Q. All right. Okay. All right. Now, just
18 picking up, again, on questions that you were asked
19 here. You were asked about Frank Cascio having a
20 desk. Was there a desk that he was allowed to use
21 at the ranch?

22 A. Yes.

23 Q. All right. Do you know if anybody assigned
24 it to him or if he just started using it?

25 A. He went and bought it.

26 Q. Oh, he bought it?

27 A. Okay.

28 Q. And where did he put this desk? 9783

1 A. In the video library.

2 Q. All right. Now, the video library is up
3 above the garage; is that correct?

4 A. Correct.

5 Q. Can you describe the video library itself,
6 just briefly? What does it look like?

7 A. It's filled with videos and DVDs, laser
8 disks, all different titles.

9 Q. Are they arranged? Does it look --

10 A. Yes.

11 Q. How is it arranged?

12 A. By category.

13 Q. All right. Sort of like a Blockbuster? If
14 you walk in there, the same kind of shelves?

15 A. Yeah, you can go to the comedy section or
16 horror section, cartoon section, yes.

17 Q. And is there a small living area at the west
18 end of that video library?

19 A. Yes.

20 Q. And describe that very briefly.

21 A. It's a couch, a massage chair, a bed.

22 Actually, the couch turns into a bed. And a kitchen
23 area and video equipment to watch movies.

24 Q. All right. And do guests sometimes stay
25 there?

26 A. Yes.

27 Q. All right. Now -- and did Frank Cascio

28 sometimes stay there? 9784

1 A. Yes.

2 Q. Did other people sometimes stay there?

3 A. Yes.

4 Q. Where was this desk that Frank Cascio
5 bought? Where did he put that desk in this --

6 A. I believe it was in the -- at the other --
7 the other end of the building.

8 Q. So the east end?

9 A. The east end, yes.

10 Q. So you got the video library, that is kind
11 of like Blockbuster, in the middle?

12 A. Uh-huh.

13 Q. And you have the little kitchenette and a
14 convertible sofa on the west end?

15 A. Exactly.

16 Q. And on the east end there's a little cove,
17 and the desk was stuck there; is that right?

18 A. Yes. Next to the rest room.

19 Q. And was this a full-fledged office where
20 this desk was placed, or was it -- was it a big
21 office with chairs --

22 A. No.

23 Q. -- and all that?

24 Just describe it.

25 A. One chair. Fax machine. Computer.

26 Q. All right. Now, you were asked about Vinnie
27 being there as much as Frank. Was Frank sometimes

28 there when Vinnie was not there? 9785

1 A. Yes.

2 Q. And we're talking about February and March
3 of 2003, okay?

4 A. Uh-huh.

5 Q. How often was Frank there and Vinnie not
6 there?

7 A. I don't recall.

8 Q. You recall that it happened, but just not
9 the frequency?

10 A. Yeah.

11 Q. And from February the 7th, let's say, to
12 March the 12th, that period of time, was Frank
13 always at the ranch during that period of time?

14 A. I don't know if he was there every day.

15 Q. Okay. You can check the logs and that might
16 help you make that determination; is that right?

17 A. Yes.

18 Q. Was Vinnie ever there during that period of
19 time when Frank wasn't there?

20 A. I don't recall.

21 Q. All right. Now, when you were a security
22 guard, there was something asked about your being
23 armed. Did you have a guard card at that time?

24 A. Yes.

25 Q. What is a guard card?

26 A. It authorized you to carry a weapon here in
27 the State of California.

28 Q. And do you need to have a guard card, to 9786

1 your knowledge, on private property?

2 A. I don't believe so.

3 Q. Okay. But you had one anyway?

4 A. Yes.

5 Q. And did you have to qualify?

6 A. Yes.

7 Q. At the time when you were carrying a
8 weapon -- let me stop that for a second and ask
9 this: At this point in time, nobody carries a
10 weapon out there; is that correct?

11 A. Correct.

12 Q. At the time when you were carrying a weapon
13 in the early '90s at the ranch, did you feel that it
14 was an appropriate thing to do?

15 A. At that point, yes.

16 Q. And this is a ranch, we've heard about. Are
17 there unimproved portions of this ranch?

18 A. Yes.

19 Q. Are there areas where you will go up into
20 the hills and into brush and --

21 A. Yes.

22 Q. -- tree areas, that sort of thing?

23 A. Yes.

24 Q. As part of the security job, would you have
25 to go into those areas from time to time?

26 A. Yes.

27 Q. Now, since that time, things have worked out

28 okay without being armed; is that correct? 9787

1 A. Yes.

2 Q. And do you have good radio communication
3 now, in the last couple, few years?

4 A. Yes.

5 Q. So if you encounter a problem or anybody on
6 the ranch encounters a problem, they can call
7 security to back them up?

8 A. Yes.

9 Q. What's the response time usually, if you're
10 in the main area of the ranch, if somebody puts out
11 an emergency call for security?

12 A. Couple of minutes.

13 Q. There was a question about alcohol being
14 served. Is it true or not that alcohol was only
15 served at two events prior to your interview in
16 2003?

17 A. When we say "event," I'm talking like a
18 large group of children or group of people that come
19 to the property. So, yes. A wedding or something
20 of that nature.

21 Q. And when you say "event," at your job, that
22 takes on a particular meaning; is that correct?

23 A. Yes.

24 Q. It's not just Mr. Jackson having friends
25 over for dinner?

26 A. No.

27 Q. Okay. And for events, what do you generally

28 have to do if you're going to have an event there? 9788

1 In other words, do you have to get special
2 equipment, put tents up, do things like that?

3 A. Yes. Yes.

4 Q. And so your recollection that there were two
5 events, do you remember what events they were?

6 A. I believe the Britto party of 2000 -- I
7 think it was 2003. Or '2, actually. And there was
8 probably two weddings that wine was served.

9 Q. All right. And since you were there when
10 the ranch was purchased by Mr. Jackson, was it
11 purchased furnished?

12 A. I believe so, yes.

13 Q. And was part of what was purchased a
14 collection of wine?

15 A. Yes.

16 Q. Has that collection of wine been depleted
17 since the purchase of the property?

18 MR. AUCHINCLOSS: Objection; relevancy.

19 THE COURT: Overruled.

20 You may answer.

21 THE WITNESS: I believe there's still some,
22 but most of it has, yes, been consumed.

23 Q. BY MR. SANGER: And that -- let me withdraw
24 that.

25 Okay. Let's talk about the orthodontist.

26 You were asked some questions about that. Is it
27 your understanding that Mr. Jackson ultimately paid

28 for the orthodontic work that was done on the Arvizo 9789

1 children?

2 A. Yes.

3 Q. Do you know how much it was?

4 A. I believe it was about \$700 or \$800. 750,
5 possibly.

6 Q. You were asked about the request that was
7 made by Mrs. Arvizo, Janet Arvizo, for orthodontic
8 care for her children. Can you describe that in
9 more detail? What was requested?

10 A. I believe the children's --

11 MR. AUCHINCLOSS: I'll object. Hearsay.

12 THE COURT: Foundation.

13 MR. SANGER: Okay.

14 Q. You were asked what reason was given for the
15 orthodontic care or the request for the orthodontic
16 care. Do you recall that?

17 A. Yes.

18 Q. And you gave an answer, and then Mr.
19 Auchincloss, I think, interrupted you.
20 Where did you get the information from for
21 that answer? In other words, how did you know that
22 orthodontic care was being requested by Janet
23 Arvizo?

24 A. I believe I spoke with Janet on that day.

25 Q. All right. And what did she tell you?

26 A. That her children's teeth were hurting
27 extremely badly and needed some care. Didn't want

28 to go back to the -- the orthodontist in L.A. I 9790

1 believe there was an issue with prior payment. She
2 just wanted to take those braces off and send them
3 back to the orthodontist that originally put them
4 on, I believe.

5 Q. All right. Did she tell you what she wanted
6 to do with her children's teeth after the braces
7 were removed and sent back to the orthodontist?

8 MR. AUCHINCLOSS: Objection. Relevancy;
9 hearsay.

10 THE COURT: Sustained.

11 MR. SANGER: All right.

12 Q. In any event, you made the arrangements for
13 her to go to the orthodontist, correct?

14 A. Yes.

15 Q. And was there any particular reason why it
16 was set up at the end of the day?

17 A. I believe it was just for convenience. I
18 don't believe that they were on property and I think
19 it was just easier for the orthodontist as well as
20 for us.

21 Q. All right.

22 A. I believe we did request to do it after
23 hours.

24 Q. Okay. Is that something that -- is that the
25 only time you've ever requested local business
26 people or professionals to see ranch guests after
27 hours?

28 A. No. 9791

1 Q. And is there some reason why you do that
2 from time to time?

3 A. Just for convenience and for -- obviously
4 just to protect the guests, if you will, if it's
5 somebody that doesn't want to go into a public place
6 at that point.

7 Q. All right. Now, on that particular day, you
8 said that Janet Arvizo and all three of her children
9 were in Santa Maria with Vinnie. I believe that was
10 your answer; is that correct?

11 A. Yes.

12 Q. What was your understanding of what they
13 were doing in Santa Maria?

14 MR. AUCHINCLOSS: Objection. Hearsay;
15 foundation.

16 THE COURT: Foundation; sustained.

17 Q. BY MR. SANGER: How did you know they were
18 in Santa Maria?

19 A. I believe they went to get their passport
20 pictures taken.

21 MR. AUCHINCLOSS: Objection. Move to
22 strike; nonresponsive.

23 THE COURT: Sustained. Stricken.

24 Q. BY MR. SANGER: Okay. You answered this
25 question for the District Attorney, so I'm just
26 wondering what is your source of information. Did
27 somebody tell you that they were going to Santa

28 Maria for some purpose? 9792

1 MR. AUCHINCLOSS: Objection; hearsay.

2 THE COURT: Overruled.

3 You may answer that "yes" or "no."

4 THE WITNESS: I gave them directions to a
5 place that I thought might be able to help them with
6 their passport picture.

7 Q. BY MR. SANGER: Okay. So did that
8 discussion you already told us about take place
9 before Vinnie and Janet and the children left?

10 A. Yes.

11 Q. Okay. And then they left, and then you got
12 a call to come and meet them at the orthodontist?

13 A. I believe we had arranged it earlier that
14 day, but, yes.

15 Q. Okay. There was a question about
16 International Business Management, which has the
17 initials IBM, it turns out.

18 Did you -- it's not International Business
19 Machines, the famous IBM, I guess.

20 Were you aware of this company, IBM, or
21 International Business Management?

22 A. I don't recall. I believe it possibly could
23 have been a business manager.

24 Q. Okay. Were there accounting firms from time
25 to time that handled business management for Mr.
26 Jackson?

27 A. Yes.

28 Q. Were there accounting firms that did so for 9793

1 a long period of time, to your knowledge?

2 A. Yes.

3 Q. All right. More recently, what accounting
4 firm has been handling things over the last couple
5 of years?

6 A. Bernstein, Fox & Whitman.

7 Q. And prior to that, do you remember the name
8 of the accounting firm?

9 A. I think it was one or two that were
10 simultaneous, so I'm not sure on the names.

11 Q. Okay. Was there one that was there for a
12 fairly short period of time?

13 A. Yes.

14 Q. And do you know whether or not that was IBM?

15 A. I don't recall.

16 Q. All right. In any event, you were asked if
17 you recall talking to somebody there in February of
18 2003. Do you remember the question?

19 A. Uh-huh.

20 Q. Okay. And you weren't sure. I think that
21 was the answer.

22 A. That's correct.

23 Q. All right. Before February 7 of 2003, from
24 the beginning of January through February 6th of
25 2003, was Mr. Jackson on the premises?

26 MR. AUCHINCLOSS: Objection; foundation.

27 THE COURT: Overruled.

28 You may answer. 9794

1 THE WITNESS: I don't recall. I don't keep
2 track of every day that he's on property.

3 Q. BY MR. SANGER: Okay. Thinking back to the
4 beginning -- let me ask you, was there a period of
5 time when Mr. Jackson was in Florida for an extended
6 stay?

7 A. Yes.

8 Q. Do you recall when that was?

9 A. I believe it was around Christmastime and
10 before.

11 Q. Okay. Was it before February 2003?

12 A. Yes.

13 Q. Okay. Now, when Mr. Jackson is not on the
14 premises, is it necessary to have as much staff
15 power as you would have when he's on the premises?

16 A. Not necessarily.

17 Q. Okay. And if he's on the premises with a
18 number of guests, do you need more staff time than
19 if he's not there at all and there are no guests
20 there?

21 A. Yes.

22 Q. And if he's on the premises and there are a
23 number of guests and you also have some kind of
24 media flurry that you talked about, where there is
25 more interest from the media, do you need to have
26 more staff people than if he's not there, there's no
27 media attention and there are no guests?

28 A. Yes. 9795

1 Q. All right. Now, you mentioned something
2 about adult materials, and we talked about those
3 figurines that Mr. Auchincloss wanted to show you.
4 Did you ever see Mr. Jackson personally in
5 possession of adult materials?

6 A. No.

7 Q. Did you ever see him -- did you ever see
8 adult magazines or books on display in any of the
9 public areas or -- I say "public areas," any of the
10 areas where guests would be frequenting?

11 A. Not on display, no.

12 Q. All right. All right. Now, you asked --
13 you were asked some questions about -- earlier on
14 about the nature of Neverland and its attraction,
15 and Mr. Auchincloss wanted to ask about young boys.
16 Was -- were the attraction --

17 MR. AUCHINCLOSS: I'm going to object to the
18 prefatory remarks.

19 THE COURT: Sustained.

20 Q. BY MR. SANGER: All right. Were the
21 attractions of Neverland oriented towards families?

22 A. Yes.

23 Q. Do you believe it's an appropriate, a nice
24 place for families to visit?

25 MR. AUCHINCLOSS: Objection; calls for a
26 conclusion.

27 THE COURT: Overruled.

28 THE WITNESS: Yes. 9796

1 MR. SANGER: No further questions.

2

3 RECROSS-EXAMINATION

4 BY MR. AUCHINCLOSS:

5 Q. Mr. Marcus, in regard to the lack of

6 security at Neverland during February 4th --

7 February of 2003, the reason for that is because Mr.

8 Jackson wasn't making his payroll; isn't that true?

9 MR. SANGER: Objection. Assumes facts not

10 in evidence and relevance.

11 THE COURT: Sustained.

12 Q. BY MR. AUCHINCLOSS: Are you, as ranch

13 manager, familiar with the finances, the financial

14 part of operating Neverland?

15 A. No.

16 Q. You have no idea what the expense of running

17 Neverland is?

18 MR. SANGER: First of all, asked and

19 answered; and secondly, no foundation; thirdly,

20 relevance.

21 THE COURT: Sustained.

22 Q. BY MR. AUCHINCLOSS: You said that Mr.

23 Jackson was not -- you've never seen him in personal

24 possession of adult materials. What would you call

25 those figurines that I showed you?

26 MR. SANGER: Objection. Argumentative;

27 asked and answered.

28 MR. AUCHINCLOSS: I'll rephrase. 9797

1 Q. Wouldn't you call those figurines that I
2 showed you adult materials?

3 MR. SANGER: Objection; asked and answered.

4 THE COURT: Overruled.

5 Q. BY MR. AUCHINCLOSS: You may answer.

6 A. They strike me as artwork, yes.

7 Q. They're just artwork? Or adult materials?

8 A. It's a type of art.

9 MR. SANGER: Objection. Excuse me. Object.

10 Argumentative; compound.

11 THE COURT: Overruled, but I really don't

12 have your question.

13 MR. AUCHINCLOSS: Yes. I'll rephrase that.

14 Q. My question is, would you consider the
15 adult -- the figurines that I showed you adult
16 materials?

17 A. I consider them a type of artwork.

18 Q. Do you consider them to be adult materials?

19 I'm not asking you whether they're artwork or not.

20 A. I understand your question.

21 Q. My question is, do you consider them to be
22 adult materials? Yes or no.

23 A. A type of artwork of adult nature, yes.

24 Q. You think it's appropriate for children to
25 be exposed to these type of materials?

26 A. No.

27 Q. You were asked about Mr. Jackson's

28 relationship with young girls. And over your 9798

1 17-year period at Neverland, you were able to come
2 up with two names that he had a close relationship
3 with young girls, Karlee Barnes and Marie Nicole
4 Cascio, correct?

5 MR. SANGER: Objection; argumentative.

6 THE COURT: Overruled.

7 MR. SANGER: And misstates the evidence,
8 Your Honor.

9 THE COURT: Overruled.

10 You may answer.

11 THE WITNESS: I believe you gave me a list
12 of the boys' names. And I didn't have a list of the
13 females' names, so, no, I don't recall every single
14 person's name, no.

15 Q. BY MR. AUCHINCLOSS: So my question is, you
16 were able to come up with two names. Any more? Is
17 that it? Just two?

18 MR. SANGER: Objection. Argumentative;
19 misstates the evidence. He came up with more than
20 two names, Your Honor.

21 THE COURT: Overruled.

22 You may answer.

23 THE WITNESS: I'm sure there are others.
24 There was Shane Brando's sister. I don't recall her
25 name.

26 Q. BY MR. AUCHINCLOSS: Go ahead.

27 A. I don't recall her first name off the top of

28 my head. 9799

1 Q. My question is, can you remember any other
2 names?

3 A. No.

4 Q. No. And you were asked about adult women
5 that Mr. Jackson formed a special bond with other
6 than his wives. And you came up with one, Liz
7 Taylor, correct?

8 A. Do you mean just friends? People that I --

9 Q. I mean a special bond, close bond, close
10 relationship with.

11 A. Liza Minnelli has been there, and they seem
12 to be good friends.

13 Q. How many times has Liza Minnelli been there?

14 A. I don't recollect.

15 Q. So we're up to two. Any others?

16 MR. SANGER: Objection, Your Honor.

17 THE COURT: Sustained.

18 Q. BY MR. AUCHINCLOSS: When you were
19 interviewed by the investigator at the time of the
20 service of the warrant, you did acknowledge that you
21 knew each one of the Arvizo -- each member of the
22 Arvizo family, correct?

23 A. I did acknowledge?

24 Q. Yes.

25 A. Yes.

26 Q. But in the beginning, you acknowledged that
27 you met only the mother, correct?

28 MR. SANGER: Objection, Your Honor, this has 9800

1 been asked and answered.

2 MR. AUCHINCLOSS: Counsel went into it.

3 THE COURT: The objection is overruled.

4 Q. BY MR. AUCHINCLOSS: But in the beginning,
5 you stated that you had only met the mother,
6 correct?

7 MR. SANGER: Objection. That misstates the
8 evidence and it's argumentative.

9 MR. AUCHINCLOSS: I'll rephrase.

10 Q. If the beginning, you said, "Honestly, I
11 only met the wife or the mother," correct?

12 A. In the beginning I also asked for an
13 attorney to be present and was denied that by Mr.
14 Tom Sneddon.

15 Q. Do you have an attorney in this case?

16 A. No.

17 Q. Have you ever had an attorney in this case?

18 A. Yes.

19 Q. Who paid for that attorney?

20 MR. SANGER: Objection, Your Honor,
21 relevance.

22 THE COURT: Sustained.

23 Q. BY MR. AUCHINCLOSS: Did that attorney tell
24 you not to talk to law enforcement?

25 MR. SANGER: Objection, Your Honor, calls
26 for attorney-client privilege. Counsel knows better
27 than that.

28 THE COURT: Sustained. 9801

1 MR. AUCHINCLOSS: There's been testimony to
2 this effect, but nevertheless, I'll move on.

3 MR. SANGER: Objection, Your Honor. Move to
4 strike counsel's gratuitous remarks.

5 MR. AUCHINCLOSS: Well --

6 MR. SANGER: And I'd ask the jury be
7 advised.

8 THE COURT: I'll strike your remarks,
9 Counsel. That's inappropriate.

10 MR. AUCHINCLOSS: All right.

11 THE COURT: I think we'll --

12 MR. AUCHINCLOSS: End for the day?

13 THE COURT: We'll take a break.

14 (To the jury) I'll see you tomorrow.

15 Remember the admonition.

16 (The proceedings adjourned at 11:30 a.m.)

17 --o0o--

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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 9739 through 9802

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 10, 2005, and thereafter

20 reduced to typewriting by computer-aided

21 transcription under my direction.

22 DATED: Santa Maria, California,

23 May 10, 2005.

24

25

26

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

