

10846

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 WEDNESDAY, MAY 18, 2005

20

21 8:30 A.M.

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23 (PAGES 10846 THROUGH 10928)

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

28 BY: Official Court Reporter 10846

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2

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28 10847

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 JACKSON, Simone

12 Pech 10849-M (Contd.) 10850-Z 10862-M 10863-Z

13 JACKSON,

14 Rijs 10865-M 10877-Z 10906-M

15 JACKSON, Michelle

16 Henriette 10907-M 10911-Z

17 ROBINSON, Christian 10916-SA

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1 Santa Maria, California

2 Wednesday, May 18, 2005

3 8:30 a.m.

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5 THE COURT: Good morning, everyone.

6 COUNSEL AT COUNSEL TABLE: (In unison)

7 Good morning, Your Honor.

8 THE JURY: (In unison) Good morning.

9 THE COURT: Counsel?

10 MR. MESEREAU: Thank you, Your Honor.

11

12 SIMONE PECH JACKSON

13 Having been previously sworn, resumed the

14 stand and testified further as follows:

15

16 DIRECT EXAMINATION (Continued)

17 BY MR. MESEREAU:

18 Q. Good morning.

19 A. Good morning.

20 Q. Simone, you talked about the incident where

21 you saw Gavin and Star steal some wine, okay? And

22 you said that was in March of 2003?

23 A. Yeah.

24 Q. Do you know approximately when in March that

25 was?

26 A. No, I don't.

27 MR. MESEREAU: Okay. No further questions.

28 THE COURT: Cross-examine? 10849

1 CROSS-EXAMINATION

2 BY MR. ZONEN:

3 Q. Miss Jackson, good morning.

4 A. Good morning.

5 Q. During the month of February of 2003, how
6 often did you go to Neverland?

7 A. It was once.

8 Q. You went once during February?

9 A. Yes.

10 Q. And for what period of time?

11 A. For one day.

12 Q. And then you left at the end of that day?

13 A. Yes.

14 Q. All right. And did you see Gavin and Star
15 on that day?

16 A. Yes.

17 Q. Had you ever met them prior to that day?

18 A. No.

19 Q. Did you ever see them on any of your other
20 trips to Neverland, prior to February of 2003?

21 A. Excuse me, what does "prior" mean?

22 Q. Before. Before 2003.

23 A. No.

24 Q. Did you know who they were on the day that
25 you arrived there in February?

26 A. No.

27 Q. You had not met them, and you didn't know

28 who they were? 10850

1 A. No.

2 Q. They were just a couple kids who were
3 staying there?

4 A. Yes.

5 Q. Did you have an opportunity to talk to them
6 when you were there in February?

7 A. Yes.

8 Q. All right. Did you learn where they were
9 from?

10 A. No.

11 Q. Did you learn how long they had been staying
12 at Neverland?

13 A. No.

14 Q. Did you learn where they had been prior to
15 going to Neverland?

16 A. No.

17 Q. Did you know why they were at Neverland?

18 A. No.

19 Q. Did you know that they were personal friends
20 of your cousin Michael Jackson?

21 A. Yes.

22 Q. Now, Michael Jackson is your cousin, is that
23 right, not your uncle?

24 A. Yes.

25 Q. Okay. Did you know how they met Michael
26 Jackson, your cousin?

27 A. No.

28 Q. Did you know the extent of their friendship 10851

1 with Michael Jackson?

2 A. No.

3 Q. Now, on that occasion, on the occasion of
4 that birthday party, you were there just for one
5 day; is that right?

6 A. Yes.

7 Q. And then you went home at the end of that
8 day?

9 A. Yes.

10 Q. Did you tell your mother or anybody else
11 anything about Gavin or Star?

12 A. Yes, I did.

13 Q. All right. And who was that who you talked
14 to?

15 A. My mother.

16 Q. All right. Was that something that you told
17 her that you were concerned about Gavin or Star?

18 A. No.

19 Q. What did you tell your mother about Gavin or
20 Star.

21 A. I just told my mother that I met them.

22 Q. That you met the two of them. Did you meet
23 their sister as well?

24 A. Yes.

25 Q. Did you meet their mother as well?

26 A. No.

27 Q. You didn't know their mother; is that right?

28 A. Yes. 10852

1 Q. You didn't know their parents; is that
2 right?

3 A. Yes.

4 Q. Did you wonder why they were at Neverland
5 without their parents?

6 A. No.

7 Q. Did you ask either one of them whether they
8 were in school?

9 A. No.

10 Q. Did either one of them tell you whether or
11 not they were in school?

12 A. No.

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

14 A. In March.

15 Q. That was in March sometime?

16 A. Yes.

17 Q. Do you remember when in March?

18 A. No, I don't.

19 Q. Did you have more than one visit to
20 Neverland in March?

21 A. Yes.

22 Q. How many visits did you have to Neverland in
23 March?

24 A. Two.

25 Q. Two? And on each of those occasions did you
26 stay overnight?

27 A. Yes.

28 Q. For how long did you stay overnight in 10853

1 March?

2 A. A total of five days.

3 Q. You stayed five days in March?

4 A. Yes.

5 Q. In total? For both visits or --

6 A. Both visits.

7 Q. Both visits total? Does that mean five

8 nights or four nights; do you recall?

9 A. Five nights.

10 Q. Five nights in total. Was that during the

11 week?

12 A. Yes.

13 Q. All right. Were you in school at that time?

14 A. Yes.

15 Q. Did you miss any school while you were

16 staying at Neverland?

17 A. Yes, I did.

18 Q. Did you see Gavin and Star the entire time

19 you were there?

20 A. Yes.

21 Q. Did you see their mother during that time as

22 well?

23 A. Yes.

24 Q. Did you see Davellin during that time as

25 well?

26 A. Yes.

27 Q. Did it occur to you that they were there the

28 entire time; in other words, from the time that you 10854

1 had been there in February, to the time that you
2 came back to Neverland in March?

3 A. Yes.

4 Q. All right. And you understood that they
5 were simply staying there for that entire time; is
6 that right?

7 A. Yes.

8 Q. All right. Did you wonder whether or not
9 they were going to school?

10 A. Yes, I did.

11 Q. Okay. Did you ask any of them whether or
12 not they were going to school?

13 A. No.

14 Q. Why not?

15 A. I just didn't.

16 Q. Well, did it seem strange to you that they
17 were staying at Neverland for such an extended
18 period of time without going to school?

19 A. Yes.

20 Q. Did you talk to your cousin Michael Jackson
21 about why they weren't in school?

22 A. No.

23 Q. Did you talk to your cousin Michael Jackson
24 at any time about Gavin or Star?

25 A. No.

26 Q. All right. Now, at some point in time, you
27 saw these kids take wine from the kitchen; is that

28 right? 10855

1 A. Yes.

2 Q. All right. And Mr. Mesereau called it
3 stealing wine. Did you think they were stealing
4 wine?

5 A. Yes.

6 Q. Now, did you think they were stealing wine
7 because they're kids?

8 A. Yes.

9 Q. All right. If your mom went to the kitchen,
10 she could take a bottle of wine; is that right?

11 A. Yes.

12 Q. It was there for the guests?

13 A. Yes.

14 Q. Okay. But you felt it was improper for them
15 to do it because they were 12 years old and 13 years
16 old; is that right?

17 A. Yes.

18 Q. Is that correct?

19 A. Yes.

20 Q. Okay. So you felt that that was stealing;
21 is that right?

22 A. Yes.

23 Q. Now, did you tell somebody immediately when
24 that happened?

25 A. No, I didn't.

26 Q. Now, this was one o'clock in the morning; is
27 that right?

28 A. Yes. 10856

1 Q. And you were in the kitchen at one o'clock
2 in the morning?

3 A. Yes.

4 Q. Was there a video game there?

5 A. Yes.

6 Q. Is that what you were doing?

7 A. Yes.

8 Q. Was it one of those games that rings and
9 dings as you press the different buttons?

10 A. Yes.

11 Q. And was it doing that at the time that you
12 were there?

13 A. No, it wasn't.

14 Q. Why wasn't it?

15 A. Because I wasn't playing it. I was watching
16 them.

17 Q. You were sitting there watching them?

18 A. Yes.

19 Q. All right. Did you at any time tell them
20 that you were there?

21 A. They saw me after. After they left they
22 saw --

23 Q. And why didn't you greet them as soon as
24 they walked in the door?

25 A. I don't know.

26 Q. Were you already angry at them?

27 A. No.

28 Q. Okay. Did you tell anybody afterward? 10857

1 A. Yes.

2 Q. Okay. Who did you tell?

3 A. My mother.

4 Q. All right. Did you tell Michael Jackson,
5 your cousin?

6 A. No.

7 Q. All right. At any time while you were there
8 at Neverland, did you go talk to Michael Jackson,
9 your cousin?

10 A. No.

11 Q. Did you ever spend the night in Michael
12 Jackson's room?

13 A. Yes.

14 Q. Okay. By yourself?

15 A. Yes.

16 Q. Did you ever spend a night in his room in
17 his bed with him?

18 A. Yes.

19 Q. By yourself?

20 A. Yes.

21 Q. All right. How old were you when you did
22 that?

23 A. I was about eight or nine.

24 Q. Eight or nine. Have you done it since age
25 eight or nine?

26 A. No.

27 Q. Why not?

28 A. I don't know. 10858

1 Q. Were you invited to come back into his room?

2 A. Yes.

3 Q. Were you invited to come back into his bed?

4 A. Yes.

5 Q. By Michael Jackson?

6 A. Yes.

7 Q. So he offered you his bed to share with him?

8 A. Yes.

9 Q. When was the most recent time he did that?

10 A. When I was 14.

11 Q. When you were 14 years old. So he invited

12 you to come sleep with him in his bed by yourself?

13 A. With my brother.

14 Q. Okay. The question that I had asked you is

15 whether or not you had been invited to sleep in his

16 bed by yourself.

17 A. Oh, no.

18 Q. Had you been?

19 A. No.

20 Q. At any time since age eight?

21 A. No.

22 Q. Okay. Was your brother sleeping in his bed

23 with you?

24 A. Yes.

25 Q. Okay. And when he invited you and your

26 brother to come back when you were 14 years old to

27 sleep in his bed, did your brother go sleep in his

28 bed? 10859

1 A. Yes.

2 Q. Where did you sleep?

3 A. I slept with them.

4 Q. You slept in the bed?

5 A. Yes.

6 Q. So you were 14 years old?

7 A. Yes.

8 Q. And you and your brother and Michael

9 Jackson --

10 A. Yes.

11 Q. -- in his bed?

12 A. Yes.

13 Q. Okay. Now, why did you do that? Why didn't

14 you sleep in the guest cottage?

15 A. I don't know.

16 Q. You mentioned that when you went into the

17 house or would go into the house that you would have

18 to knock on the door to get in; is that right?

19 A. Yes.

20 Q. Was that just at night or was it during the

21 day as well?

22 A. During the day.

23 Q. So that door was kept locked all the time;

24 is that correct?

25 A. Yes.

26 Q. So all the time that Janet Arvizo was there,

27 the doors to the main house were locked; is that

28 right? 10860

1 A. Yes.

2 Q. All right. And they were not opened at
3 night and kept locked just during the day. They
4 were locked all the time?

5 A. Yes.

6 Q. All right. Now, when you would go to knock
7 on the door, who was it who would come to the door
8 to let you in?

9 A. One of the chefs.

10 Q. Were the chefs there 24 hours a day?

11 A. No.

12 Q. So the chefs would not be there at the
13 nighttime; is that right?

14 A. Yes.

15 Q. Would there be somebody standing by the door
16 to let you in if you wanted to knock and come in
17 late at night?

18 A. No.

19 Q. So you would simply not be able to gain
20 access to the main house at night if you were not
21 already in there; is that right?

22 A. Yes.

23 Q. Unless you got a security guard to let you
24 in?

25 A. Yes.

26 MR. ZONEN: Thank you. I have no further
27 questions.

28 10861

1 REDIRECT EXAMINATION

2 BY MR. MESEREAU:

3 Q. Simone, did the Arvizo children ever tell
4 you that they had gotten homework from school --

5 A. No.

6 Q. -- that they could do? Did Janet ever tell
7 you?

8 MR. ZONEN: Objection; exceeds the scope of
9 the -- withdrawn. Withdrawn.

10 Q. BY MR. MESEREAU: Did Janet Arvizo ever tell
11 you she had gone to the school and gotten homework
12 sent to the kids?

13 MR. ZONEN: Objection; leading.

14 MR. MESEREAU: I think they opened it.

15 MR. ZONEN: Well, it's still leading.

16 THE COURT: Sustained. "I think they opened
17 it" is a good response. "They opened it, Your Honor."

18 MR. MESEREAU: I'm at the door.

19 (Laughter.)

20 THE COURT: Oh, the door. Go ahead.

21 Q. BY MR. MESEREAU: All right. Was it your
22 impression that Janet Arvizo could enter the main
23 house when she wanted to?

24 A. Yes.

25 MR. ZONEN: Objection. Speculative and
26 leading.

27 THE COURT: Overruled. The answer is, "Yes."

28 Next question. 10862

1 Q. BY MR. MESEREAU: Did you ever see Janet

2 Arvizo enter the main house?

3 A. No.

4 Q. You did see Gavin and Star in the main house

5 from time to time, right?

6 A. Yes.

7 Q. And did you know whether or not they seemed

8 to have pass codes to get into the house?

9 MR. ZONEN: I'll object as leading.

10 THE COURT: Overruled.

11 You may answer.

12 Q. BY MR. MESEREAU: Did you know either way?

13 A. No.

14 MR. MESEREAU: No further questions.

15

16 RE-CROSS-EXAMINATION

17 BY MR. ZONEN:

18 Q. Miss Jackson, did you have a pass code to

19 get into the house?

20 A. No.

21 Q. Nobody ever told you what the pass code was?

22 A. No.

23 Q. Did you have a pass code to get into your

24 cousin's bed?

25 A. No.

26 Q. Nobody ever told you that code?

27 A. No.

28 MR. ZONEN: No further questions. 10863

1 MR. MESEREAU: No further questions, Your
2 Honor.

3 THE COURT: Thank you. You may step down.

4 MR. MESEREAU: Defense will call Rijo
5 Jackson.

6 THE COURT: I just wanted to -- I've just
7 been informed that the Police Department Honor Guard
8 is going to be shooting some rounds today, so I
9 don't want anybody to panic. They didn't want me to
10 panic, so I'm going to share with you what they just
11 told me.

12 MR. SANGER: Do we know where they're going
13 to be shooting? That might be --

14 THE COURT: I've given them some -- no.
15 (Laughter.)

16 THE COURT: Come forward to the witness stand
17 here, please. Remain standing. Face the clerk
18 here, and raise your right hand.

19

20 RIJO VALDES JACKSON

21 Having been sworn, testified as follows:

22

23 THE WITNESS: I do.

24 THE CLERK: Please be seated. State and
25 spell your name for the record.

26 THE WITNESS: Rijo Valdes Jackson. R-i-j-o;
27 V-a-l-d-e-s; J-a-c-k-s-o-n.

28 THE CLERK: Thank you. 10864

1 DIRECT EXAMINATION

2 BY MR. MESEREAU:

3 Q. Good morning.

4 A. Good morning.

5 Q. Mr. Jackson, do you know the fellow seated
6 at counsel table to my right?

7 A. Yeah.

8 Q. Who is that?

9 A. Michael Jackson.

10 Q. And are you related to him?

11 A. (Nods head up and down.)

12 Q. How are you related to Michael Jackson?

13 A. Cous -- cousin.

14 Q. Okay. And where is your home?

15 A. At Lompoc.

16 Q. Okay. And is Simone your sister?

17 A. Yes.

18 Q. Okay. Have you ever been to Neverland?

19 A. Yes.

20 Q. You've been there a lot?

21 A. Yes.

22 Q. Okay. And what do you like to do at

23 Neverland?

24 A. Play games and have fun.

25 Q. And what -- how do you have fun at

26 Neverland?

27 A. Like, watch movies. Go to the rides, and go

28 ride his motorcycles and -- 10865

1 Q. Have a good time?

2 A. Yeah.

3 Q. Okay. How do you get to Neverland when you
4 go?

5 A. You go through Santa Ynez, I think.

6 Q. Does somebody pick you up?

7 A. Yes. My mom.

8 Q. Okay. And does she go there with you a lot?

9 A. Yes.

10 Q. Does your mom take you home?

11 A. Yes.

12 Q. And sometimes does your cousin Michael have
13 somebody pick you up?

14 A. Yes.

15 Q. Okay. And, Rijo, have you met anyone named
16 Gavin Arvizo?

17 A. Yes.

18 Q. And have you ever met someone named Star
19 Arvizo?

20 A. Yes.

21 Q. Okay. Where did you meet Gavin and Star?

22 A. At Neverland.

23 Q. Okay. And was that in the year 2003; do you
24 know?

25 A. Yes.

26 Q. Okay. Now, where did you meet them?

27 A. Like right -- when we first walked in, we

28 seen them in the kitchen. 10866

1 Q. Okay. And what did you see them doing in
2 the kitchen?

3 A. They were just playing games and having fun.

4 Q. Okay. And there were games in the kitchen
5 area, right?

6 A. Yes.

7 Q. What kind of games?

8 A. Like, the one -- it's like on a television
9 that you touch, and, like, a touch-screen game.

10 Q. And you play that game, too?

11 A. Yeah.

12 Q. Okay. Did you spend time at Neverland with
13 Gavin and Star?

14 A. Yes.

15 Q. And what did you used to do there with Gavin
16 and Star?

17 A. We used to go on the rides, watch movies, go
18 to the zoo, and play games, and that's all.

19 Q. Okay. Now, do you remember staying at
20 Neverland with Gavin and Star?

21 A. Yeah.

22 Q. And where did you stay?

23 A. In the unit.

24 Q. Okay. Is that a guest unit?

25 A. Yeah.

26 Q. Okay. And were you staying in the same room
27 with Gavin and Star?

28 A. Yes. For one night I was. 10867

1 Q. Pardon me?

2 A. For one night.

3 Q. Okay. Did you spend that night with Gavin

4 and Star?

5 A. Yes.

6 Q. Okay. Was that -- did they sleep in the

7 guest unit?

8 A. Yes.

9 Q. Okay. Is that where you slept?

10 A. Yes.

11 Q. Okay. Now, what did you see Gavin and Star

12 do in the guest unit, Rijo?

13 A. I saw them go to the T.V. and turn to a

14 channel that had, like, naked girls on there, and

15 doing other stuff, like nasty stuff.

16 Q. What nasty stuff?

17 A. They were, like, jacking off and everything.

18 Q. Okay. Did they do that in front of you?

19 A. (Nods head up and down.)

20 Q. Was Michael Jackson anywhere near that room?

21 A. No.

22 Q. Okay. What did you do when you saw Gavin

23 and Star jacking off?

24 A. I told my sister and she told me to go to

25 Michael's room.

26 Q. And did you run to Michael's room when you

27 saw that?

28 A. (Nods head up and down.) 10868

1 Q. Did Gavin and Star stay in the guest unit?

2 A. Yeah.

3 Q. Did Gavin and Star say anything to you when
4 they did the nasty stuff?

5 A. The other day they did. They said, "Why
6 don't you do that with me?"

7 Q. And what did you say to them?

8 A. I said I didn't want to because it was
9 nasty, and it's wrong.

10 Q. Now, when you ran to Michael's room, did you
11 leave them in the guest unit?

12 A. Yeah.

13 Q. Okay. Did you ever spend another night with
14 Gavin and Star?

15 A. No.

16 Q. Okay. Did you ever see Gavin and Star with
17 any wine at Neverland?

18 A. No, I seen them take it, but --

19 Q. Where did you see them take it?

20 A. In Michael's room.

21 Q. And what did you see them do?

22 A. I seen them take it upstairs and then that's
23 all. And then, like, a few moments later I seen
24 them run out the door.

25 Q. With wine?

26 A. No. They were just running out the door.

27 Q. Okay.

28 A. Real quickly. 10869

1 Q. So you saw them in Michael's room, right?

2 A. Uh-huh.

3 Q. And you saw them grab some of Michael's

4 wine?

5 A. Yeah, because he ordered some, and then

6 they -- then the chef brought it in, and Star and

7 Gavin said, "We'll take it upstairs for him."

8 And so I seen them do that for -- like, ten

9 minutes later they came downstairs and ran out the

10 door.

11 Q. Did Michael ever see them with the wine?

12 A. Huh-uh.

13 Q. Where was Michael at that time; do you know?

14 A. He was in his studio or the bathroom.

15 Q. Okay. So Michael never saw them steal the

16 wine?

17 A. Huh-uh.

18 Q. Did you see them actually drink the wine?

19 A. No.

20 Q. You have to say "yes" or "no," Riyo.

21 A. No.

22 Q. Okay. But you saw them run out with it?

23 A. Yes.

24 Q. Which way did they run with the wine?

25 A. I don't know. I seen them go out the door.

26 That's all.

27 Q. And Michael wasn't there?

28 A. He wasn't there. 10870

1 Q. So he didn't see them take the wine?

2 A. No.

3 Q. Did you ever observe Gavin and Star in the
4 house?

5 A. Can you repeat it?

6 Q. Yeah. Sure. I'm sorry. I'm probably not
7 using the right word.

8 Did you ever watch what Gavin and Star were
9 doing in the main house?

10 A. They were just running around the house
11 doing, like, what they do, like, playing.

12 Q. When you say like they do, what do you mean,
13 Rijo?

14 A. Like, play with each other, like, tag and --

15 Q. Did you ever see them looking through
16 drawers?

17 A. Yes.

18 Q. And what do you mean?

19 A. Like, in the kitchen, they had like --
20 like -- they took some money, and, like, that was
21 the chef's money and stuff.

22 Q. Now, what money are you referring to?

23 A. Like, in the kitchen there's all kinds of
24 drawers. And then we seen them go in the -- Jesus'
25 office after they went into the kitchen and seen
26 them take some stuff.

27 Q. What stuff did you see them take?

28 A. They had, like, little crystals. We seen 10871

1 them take crystals and money, and that was all they
2 took. We seen them.

3 Q. Now, where did you see Gavin and Star take
4 money?

5 A. In Jesus' office.

6 Q. Okay. And what did you see them do? Did
7 they go into a drawer?

8 A. Yeah.

9 Q. Were you watching them?

10 A. No.

11 Q. Okay.

12 A. I was in the kitchen.

13 Q. How do you know they took money?

14 A. Because we seen them run out with it.

15 Q. Run out with money?

16 A. Yeah.

17 Q. Okay. Did they have money in their hands?

18 A. Yes.

19 Q. And were they running out of Jesus' office?

20 A. Yes.

21 Q. You have to say "yes," Rijo.

22 A. And they ran out the door.

23 Q. Okay. I don't think you answered that other
24 question. You have to say "yes" or "no," okay?

25 Because this court reporter is writing down what you
26 say.

27 Now, you saw them run out with the money?

28 A. Yes. 10872

1 Q. Okay. And what direction did they go?

2 A. They went to the outside.

3 Q. Okay. And was the money in their hands?

4 A. Yes.

5 Q. Okay. Did you see them take anything

6 besides money?

7 A. No.

8 Q. Okay. Now, you mentioned crystals. Now,

9 what were you talking about when you said crystals?

10 A. They're like little plastic crystals. They

11 look like little crystals. They took them.

12 Q. Gavin and Star took them?

13 A. Yeah.

14 Q. And where did they get the crystals?

15 A. From Jesus' office.

16 Q. Okay. Now, you said they were looking

17 through drawers in the kitchen; is that right?

18 A. Yeah.

19 Q. You have to say "yes" or "no."

20 A. Yes.

21 Q. All right. Now, when did you see them

22 looking through drawers in the kitchen?

23 A. Like earlier before they went through Jesus'

24 office drawers.

25 Q. And did you see Gavin and Star take anything

26 from the drawers in the kitchen?

27 A. Not really. I see them take, like, a deck

28 of cards and that's all. 10873

1 Q. You said "cards"?

2 A. Yeah.

3 Q. What do you mean by "cards," Rijo?

4 A. Like playing cards.

5 Q. You saw them take them out of the kitchen?

6 A. Yeah.

7 Q. Now, you said something about chef's money.

8 What did you mean?

9 A. Like, his money that he -- that he worked

10 for and everything.

11 Q. This was the chef?

12 A. Yeah.

13 Q. Do you know what the chef's name was?

14 A. I think it was Angel or Rudy.

15 Q. And where did you see them take Angel's

16 money?

17 A. Outside.

18 Q. Okay. They took it outside the house?

19 A. Yeah.

20 Q. Did you see them actually take it from the

21 kitchen?

22 A. Yes.

23 Q. Explain what you saw when they took the

24 money.

25 A. I seen them have some green paper in their

26 hand, so -- you know, I seen them run outside, so --

27 Q. And, Rijo, how did you know it was Angel's

28 money? 10874

1 A. Because the -- the cook, he doesn't really,
2 like, keep his stuff -- he keeps his stuff in there,
3 but that's all where he puts it.

4 Q. That's in a drawer?

5 A. Yeah.

6 Q. Was Angel there at the time?

7 A. No.

8 Q. Okay.

9 A. Nobody was there at the time.

10 Q. Okay. Did you ever hear Gavin or Star talk
11 about the money they'd taken?

12 A. No.

13 Q. Okay. Now, you say you saw Gavin and Star
14 steal wine, right?

15 A. Uh-huh.

16 Q. Did you ever actually watch them drink it?

17 A. No.

18 Q. Okay. Have you ever gone to the store
19 Toys-R-Us?

20 A. Yes.

21 Q. And who did you go to the store Toys-R-Us
22 with?

23 A. With Michael and Star and Gavin and his
24 friend -- Michael's friends that he picked up.

25 Q. Okay. And are these people he met --

26 A. Yes.

27 Q. -- on the road?

28 Michael just picked them up and took them 10875

1 with him?

2 A. No, he had met them before.

3 Q. Okay. Were they fans?

4 A. Yes.

5 Q. Okay. And what did you do at the store

6 Toys-R-Us?

7 A. He took us to buy stuff, like just go around

8 and play.

9 Q. And were Gavin and Star there the whole time

10 with you?

11 A. Yes.

12 Q. Did you play?

13 A. Yes.

14 Q. What did you do when you played?

15 A. Like, we got the balls and played with them,

16 toss back and forth. Rode the bikes. And that was

17 it.

18 Q. And then did Michael take you back to

19 Neverland?

20 A. Yeah.

21 Q. Okay. And were these fans that Michael

22 picked up and took with you to the store, were they

23 girls?

24 A. Boys and girls.

25 Q. Boys and girls. Okay. How many were there,

26 do you think?

27 A. I'm not sure.

28 Q. Okay. And if you remember, Rijo, what time 10876

1 of day was that when you went to Toys-R-Us?

2 A. It was at night.

3 Q. At night? Okay.

4 Have you ever spoken to Janet Arvizo, the
5 mother of Gavin and Star?

6 A. Not really. I only seen -- I seen her once
7 and that was it.

8 MR. MESEREAU: Okay. No further questions.

9

10 CROSS-EXAMINATION

11 BY MR. ZONEN:

12 Q. Rijo, good morning.

13 A. Good morning.

14 Q. In February of 2003, how often did you go to
15 Neverland?

16 A. A lot.

17 Q. A lot? Does that mean like every week?

18 A. No, not every week. Like once every two
19 weeks, I think.

20 Q. And when you went to Neverland every two
21 weeks, did you go with your sister?

22 A. Yes.

23 Q. And your sister was there the entire time?

24 A. Yes.

25 Q. How long did you stay each time you went to
26 Neverland in February?

27 A. A day or we spent the night sometimes.

28 Q. A day or you spent the night? 10877

1 A. Yeah.

2 Q. Could you have spent the night on both times
3 you went?

4 A. No. Because we had school probably.

5 Q. So you weren't missing school while you were
6 going to Neverland?

7 A. Can you re -- what?

8 Q. In February of 2003. Do you remember that
9 clearly, in February of 2003? It's over two years
10 ago. Do you remember it fairly clearly now?

11 A. A little bit. A little bit.

12 Q. A little bit? Do you remember going to
13 Neverland on more than one occasion?

14 A. Yes.

15 Q. And when you went to Neverland, did you go
16 simply with your sister?

17 A. Yes.

18 Q. Did you do that more than one time in
19 February?

20 A. Yeah.

21 Q. Okay. Did your mother ever go with you to
22 Neverland?

23 A. Yes, she did.

24 Q. Did your father ever go with you to
25 Neverland?

26 A. No.

27 Q. In March, did you go back to Neverland?

28 A. Yes. 10878

1 Q. Do you know how many times you went to
2 Neverland in March?

3 A. No.

4 Q. Could you have gone to Neverland as much as
5 five days in March?

6 A. Yeah.

7 Q. On all of the occasions that you went to
8 Neverland in February and in March, were Gavin and
9 Star there?

10 A. No.

11 Q. Was it always on the weekends when you went
12 to Neverland?

13 A. No.

14 Q. Well, if you didn't go to Neverland on the
15 weekends, would that have meant that you missed
16 school on some days?

17 A. Like once.

18 Q. Just one time?

19 A. I --

20 Q. Do you remember when that was that you
21 missed school to go to Neverland?

22 A. No.

23 Q. Did you spend some time talking to Gavin and
24 Star while you were at Neverland?

25 A. Yeah.

26 Q. Did you learn that Gavin and Star had been
27 staying at Neverland the entire time that you were

28 visiting? 10879

1 A. No.

2 Q. That they were at Neverland for the
3 entirety, just about, of February and for quite a
4 bit of March as well?

5 A. No.

6 Q. Did you think that they were simply coming
7 at the same time that you were coming and then going
8 back?

9 A. What?

10 Q. Did you ask them how long they had been
11 staying there?

12 A. No.

13 Q. Did you ask them if they were going to
14 school?

15 A. No.

16 Q. Did you ever talk to your cousin Michael
17 about Gavin and Star?

18 A. We didn't bring -- we didn't bring their
19 name up in our conversations.

20 Q. Rijo, I'm sorry, I can't hear you. You're
21 going to have to say that --

22 A. We didn't bring their names up in
23 conversations.

24 Q. You never brought their names up in
25 conversations with your cousin Michael?

26 A. Not really.

27 Q. Did you have conversations with Michael

28 during the time that Gavin and Star were there? 10880

1 A. Yeah.

2 Q. Did you tell Michael that they were
3 stealing?

4 A. No.

5 Q. Why didn't you tell him?

6 A. Because he wasn't around.

7 Q. All right. But you just said you had
8 conversations with Michael.

9 A. Yeah, that was after.

10 Q. All right. You didn't have any
11 conversations with Michael at any time during
12 February or March?

13 A. No.

14 Q. No conversations with him at all?

15 A. Because we didn't see him.

16 Q. You did not see your cousin Michael at any
17 time during all of February or March, not once?

18 A. Can you -- what? Can you repeat that?

19 Q. Did you see your cousin Michael at any time
20 during the month of February of 2003?

21 A. Yes.

22 Q. During the time that you saw your cousin
23 Michael, did you ever talk with him about Gavin and
24 Star?

25 A. What? You're talking too fast.

26 Q. I'm sorry. I'll slow down.

27 (Laughter.)

28 MR. ZONEN: There's a court reporter here 10881

1 who would agree with you.

2 Q. At some time during February, did you see
3 your cousin Michael?

4 A. Yes.

5 Q. Okay. Did you talk with your cousin Michael
6 during the month of February?

7 A. Yes.

8 Q. Did you talk with your cousin Michael about
9 Gavin and Star during the month of February?

10 A. No.

11 Q. Why not?

12 A. Because we didn't -- because we didn't have
13 nothing to say about them.

14 Q. Does that mean that nothing happened in the
15 month of February with Gavin and Star?

16 A. No, it did, but, like, we didn't talk about
17 them.

18 Q. Well, weren't you concerned about their
19 behavior?

20 A. Not really.

21 Q. You weren't concerned about it?

22 A. I was, but I tried to tell -- I forgot about
23 it.

24 Q. You forgot about it?

25 A. (Nods head up and down.)

26 Q. He was stealing, and you forgot about that?

27 A. Yeah.

28 Q. So you didn't tell Michael anything about 10882

1 Gavin or Star?

2 A. (Shakes head from side to side.)

3 Q. At any time of the month of February?

4 A. Because he had to go -- like someone --

5 during the day he had to go to, like, the studios,

6 and then he had to go, like, L.A. and everything.

7 Q. So you never had a chance to talk with him

8 at all?

9 A. We did, but, like, after our chance to talk

10 to him, he went to L.A., and so he came back and

11 then that was it.

12 Q. Did you tell your cousin Michael about what

13 Gavin and Star were doing in the bedroom?

14 A. (Shakes head from side to side.)

15 Q. No?

16 A. I was scared, no, so --

17 Q. Did you tell your cousin Michael about the

18 television and the fact that they were watching

19 something bad on television?

20 A. No.

21 Q. Now, that television is in a guest room; is

22 that right?

23 A. Yes.

24 Q. Do you know if they were using a video or a

25 DVD?

26 A. No, they weren't.

27 Q. Do you think they were using regular

28 television? 10883

1 A. Yes.

2 Q. And then you said they were jerking off; is
3 that right?

4 A. Yes.

5 Q. Do you know what that means?

6 A. Yeah, like putting your hand, like, on your
7 private and then just moving it.

8 Q. And were they both standing at the time?

9 A. They were in bed.

10 Q. They were in bed. And they were covered
11 with blankets?

12 A. (Nods head up and down.)

13 Q. You could tell what they were doing?

14 A. (Nods head up and down.)

15 Q. Were they in separate beds?

16 A. Yes.

17 Q. How many beds were in the room?

18 A. Three.

19 Q. Three beds in the room. So usually there's
20 two beds in that room; is that right?

21 A. Uh-huh.

22 Q. Did they bring another bed into the room for
23 you?

24 A. Yes.

25 Q. Okay. And then after that happened, you
26 left the room; is that right?

27 A. Yes.

28 Q. And you went to your sister? 10884

1 A. Yes.

2 Q. And your sister said, "Go to Michael's
3 room"?

4 A. (Nods head up and down.)

5 Q. Did you go to Michael rooms?

6 A. (Nods head up and down.)

7 Q. Was Michael there?

8 A. (Nods head up and down.)

9 Q. And did you tell him what happened?

10 A. No.

11 Q. You didn't tell him what happened.

12 All right. Do you remember being
13 interviewed by an investigator for your cousin
14 Michael?

15 A. Yes.

16 Q. Do you remember telling him that you went to
17 your sister, and your sister said, "Go back to your
18 room"?

19 A. (Nods head up and down.)

20 Q. And is that true, that you went back to your
21 room?

22 A. Yes, and then I went to Michael's room to
23 get my stuff.

24 Q. All right. So you went to your sister's
25 room and then you went to Michael's room?

26 A. Yes.

27 Q. Afterward. Okay. But you told the

28 investigator that you went back to your room and you 10885

1 never went to Michael's room; is that true?

2 A. (Shakes head from side to side.)

3 Q. No?

4 A. (Shakes head from side to side.)

5 Q. So did you go to Michael's room?

6 A. Yes -- no, first I went to my sister's room

7 and then I went back to my room, and then I went to

8 Michael's room.

9 Q. Now, when you went to Michael's room, I

10 think you said Michael was there at that time?

11 A. (Nods head up and down.)

12 Q. Is that "yes"?

13 A. Yes.

14 Q. Okay. And you told Michael what had

15 happened in the bedroom; is that right?

16 A. I told him a little bit. And then he left

17 to the bathroom.

18 Q. And he left for the bathroom?

19 A. Yeah.

20 Q. When you told him a little bit, did you tell

21 him -- among the little bit that you told him, did

22 you tell him that they watched something bad on

23 television?

24 A. Yes.

25 Q. And you told him that they watched something

26 that had naked women --

27 A. Yes.

28 Q. -- on television? 10886

1 A. And then -- yes.

2 Q. And did it also have naked men?

3 A. No.

4 Q. Just naked women?

5 A. Yes.

6 Q. Okay. What did Michael say to you when you
7 told him that they were watching something with
8 naked women on television?

9 A. He didn't believe it.

10 Q. He didn't believe it?

11 A. Because, like, he thought -- he thought they
12 were cool, and he didn't think they would do that.

13 Q. I'm sorry, I can't hear you. Say it again.

14 A. He thought they were good, and they wouldn't
15 do that.

16 Q. Did you tell him about what they were doing
17 inside the bed?

18 A. No.

19 Q. You didn't tell him that? How come you
20 didn't tell him that?

21 A. Because I didn't want to, like, tell him,
22 because I was scared.

23 Q. Did you spend that night in bed with your
24 cousin Michael?

25 A. Yes.

26 Q. Okay. Did you do that often, share a bed
27 with your cousin Michael?

28 A. Yes. 10887

1 Q. Did you tell your cousin Michael about the
2 fact that they were stealing money?

3 A. No.

4 Q. Why not?

5 A. Because he was gone.

6 Q. I'm sorry?

7 A. He was gone. We tried to tell a maid or
8 something like that.

9 Q. Did you tell --

10 A. But they were gone. It was at night.

11 Q. Did -- did you see your cousin Michael again
12 after the boys were stealing money?

13 A. No, I only seen him, like, once, like, a
14 day. Because he was gone most of the time.

15 Q. You said he was stealing money from Jesus'
16 office; is that right?

17 A. No, the kitchen.

18 Q. In the kitchen?

19 A. Yes.

20 Q. Did you also say that he was stealing
21 something from Jesus?

22 A. Yes.

23 Q. And you said he was stealing money from
24 Jesus?

25 A. Jesus' office.

26 Q. Jesus' office?

27 A. Yes.

28 Q. And were you there at the time? 10888

1 A. I was in the kitchen.

2 Q. Is Jesus' office in the kitchen?

3 A. It's near the kitchen.

4 Q. Okay. Were you in the office at the time
5 you saw them steal?

6 A. No.

7 Q. Okay. Was Jesus there that day?

8 A. No.

9 Q. Was he there the next day?

10 A. No.

11 Q. All right. Did you tell anybody the next
12 day?

13 A. No.

14 Q. Why not?

15 A. Because I don't -- I forgot.

16 Q. You forgot to tell somebody?

17 A. (Nods head up and down.)

18 Q. When did you remember it?

19 A. Like -- I don't know.

20 Q. You said that he stold some plastic

21 crystals, little plastic crystals?

22 A. Yes.

23 Q. Explain what those are for me.

24 A. Like little -- you know how crystals look,

25 they're little plastic things. They're, like,

26 shiny, and that's all they are. They're, like,

27 shiny balls, like crystals.

28 Q. And where were they from? 10889

1 A. From Jesus' office in his drawer.

2 Q. And that was inside his office?

3 A. Yes.

4 Q. And you were inside his office at the time?

5 A. I was at the kitchen.

6 Q. Were you able to see inside his office at

7 the time from where you were in the kitchen?

8 A. When they got out, I seen them with some

9 stuff, like I can see them juggling, like, crystals

10 and stuff.

11 Q. Did you know what they were, the crystals?

12 A. (Nods head up and down.)

13 Q. And you were able to get them; is that

14 right? You were able to see them?

15 A. Yeah.

16 Q. And when did you seen them before?

17 A. Just then. And then Michael showed me what

18 they were, and so --

19 Q. Michael showed you?

20 A. So I knew what they were.

21 Q. Because --

22 A. Because he had some in his room.

23 Q. Because your cousin Michael had showed them

24 to you once before?

25 A. Yes.

26 Q. And then you saw the boys take them?

27 A. (Nods head up and down.)

28 Q. Do you know if they returned them? 10890

1 A. No.

2 Q. How do you know? You don't know if they did
3 or didn't?

4 A. I don't --

5 Q. So they might have returned them?

6 A. Yeah.

7 Q. Might have been just been playing with them?

8 A. (Nods head up and down.)

9 Q. Did you tell anybody about them taking the
10 crystals?

11 A. (Shakes head from side to side.)

12 Q. Was that the same time they took the deck of
13 cards?

14 A. Yes.

15 Q. Were the deck -- was the deck of cards there
16 for people to play with?

17 A. Yes.

18 Q. So they took it, and were they then playing
19 with the deck of cards?

20 A. Yes.

21 Q. Did you play with them with the deck of
22 cards, too?

23 A. No.

24 Q. The time that you went to Toys-R-Us, was
25 Gavin and Star with you?

26 A. Yes.

27 Q. And you say that Michael stopped and picked

28 up some other kids? 10891

1 A. Some other people.

2 Q. Some other people. How old were they?

3 A. Like around his age, like twenties,
4 thirties.

5 Q. Like whose age?

6 A. Like twenties or thirties.

7 Q. Oh, they were older?

8 A. Yeah.

9 Q. So they weren't kids?

10 A. No.

11 Q. They were adults?

12 A. Yes.

13 Q. Okay. And where were they?

14 A. They were like around his gate in the front
15 entrance.

16 Q. And you said, "like his age." Do you mean
17 your cousin Michael?

18 A. (Nods head up and down.)

19 Q. Do you know how old your cousin Michael is?

20 A. 40.

21 Q. 40?

22 A. I think.

23 Q. Do you remember when it happened that they
24 were looking at the television show? Do you
25 remember if that was in March or in February?

26 A. No.

27 Q. Do you remember if it was right before they

28 left? 10892

1 A. No, I don't remember.

2 Q. Did you ever talk with Michael about any of
3 these incidences, other than conversation you told
4 us about, them looking at the show?

5 A. No.

6 Q. Did you ever tell your mother about it?

7 A. Yes. And then she called Chris Carter.

8 Q. You said that you saw them walk out with
9 green paper?

10 A. Uh-huh.

11 Q. This was from the chef's money?

12 A. Yes.

13 Q. Did you actually see that it was green paper
14 or money?

15 A. It was green, it was like -- it looked like
16 green money -- it looked like money, so --

17 Q. You didn't see them take it; is that right?

18 A. Yeah, I seen them take it in their hand.

19 Q. Did you ever report any of this to anybody
20 at Neverland?

21 A. No.

22 Q. Did you know Jesus Salas?

23 A. No.

24 Q. Did you know Chris Carter?

25 A. Oh, I knew Jesus, yeah. I knew Jesus and
26 Chris Carter.

27 Q. You thought it was Jesus' money that was

28 stolen; is that right? 10893

1 A. Yeah.

2 Q. Did you ever tell him?

3 A. And the chef's money.

4 Q. You thought it was the chef's money?

5 A. Yeah. Or -- I don't know whose money it
6 was.

7 Q. But didn't you think there was something
8 stolen from Jesus Salas as well?

9 A. Yeah.

10 Q. Did you tell Jesus Salas about that?

11 A. No, because I didn't see him.

12 Q. Did you ever tell the chef about that?

13 A. No.

14 Q. Now, you said that he took some wine that
15 had been ordered by Michael?

16 A. Yeah.

17 Q. Is that right?

18 A. Yes.

19 Q. All right. Were you up in his room when it
20 was ordered by Michael?

21 A. I was downstairs in his room.

22 Q. You were downstairs in his room. And where
23 was Michael at the time it was ordered?

24 A. He was upstairs, and then he ordered it,
25 because I could hear him upstairs, and then he went
26 to the bathroom, and he told the cook that -- to
27 bring it upstairs, but Gavin and Star answered the

28 door. 10894

1 Q. Okay. So he brought it into the room while
2 Gavin was there, and while Star was there, and while
3 you were there; is that right?

4 A. Yeah.

5 Q. Okay. And he ordered it while you were
6 there, and while Gavin was there, and while Star was
7 there?

8 A. Yes.

9 Q. Okay. And you expected that he would
10 bring -- that they would bring wine to the room
11 while you were there; is that right?

12 A. Yes.

13 Q. And your cousin Michael knew that you were
14 there, and Gavin was there, and Star was there; is
15 that right?

16 A. Yes.

17 Q. So you're telling us that as soon as they
18 delivered it, Gavin and Star grabbed the wine and
19 left?

20 A. They grabbed the wine from the door, and
21 then they took it upstairs, and then like a few
22 minutes later, I don't know how many, but they came
23 downstairs and ran out the door.

24 Q. So they took the wine?

25 A. Yes.

26 Q. And they went upstairs?

27 A. Yes.

28 Q. And upstairs is where your cousin Michael's 10895

1 bed is; is that right?

2 A. Yes.

3 Q. All right. So they were upstairs with your
4 cousin Michael and with the wine?

5 A. No, Michael was downstairs.

6 Q. All right. Michael was downstairs when the
7 wine was delivered?

8 A. Yes.

9 Q. So Michael saw that the wine was delivered?

10 A. No. He was in the bathroom.

11 Q. He was in the bathroom when the wine was
12 delivered?

13 A. Yes.

14 Q. All right. So they took the wine upstairs
15 to the bedroom; is that right?

16 A. Yes.

17 Q. And your cousin Michael stayed in the
18 bathroom?

19 A. No, because he ordered it, and then he said,

20 "I'll be right back, because I'm going to go to the
21 bathroom."

22 And so the cook brang -- he took it to the
23 door, and then Gavin and Star took it upstairs while
24 Michael was in the bathroom.

25 Q. Okay.

26 A. And then like a couple minutes later, they
27 took it outside. Or they -- they -- they ran

28 outside with no -- with no wine. 10896

1 Q. They ran outside what?

2 A. With no wine.

3 Q. I didn't hear that last word.

4 A. No wine.

5 Q. Oh. They did take the wine outside?

6 A. No, they didn't.

7 Q. So the kids left the wine in the room?

8 A. Yes.

9 Q. All right. So they didn't take the wine?

10 A. Michael's -- they took it upstairs.

11 Q. We're going to start from the beginning a

12 little bit, because this is my doing, not yours.

13 This is not your problem, this is my problem, all

14 right? I'm having a little hard time understanding

15 this. So let's see if we can just start at the

16 beginning and make it clear.

17 Michael ordered wine to be delivered to the

18 room?

19 A. Yes.

20 Q. At the time he ordered the wine, you were

21 there, Gavin was there, and Star was there?

22 A. Yes.

23 Q. Michael then said, "I'm going into the

24 bathroom"?

25 A. Yes.

26 Q. He went into the bathroom knowing that wine

27 was going to be delivered to the room?

28 A. Yes. 10897

1 Q. He knew the three of you were in the room;

2 is that right?

3 A. Uh-huh.

4 Q. The wine was delivered while the three of

5 you were in the room?

6 A. Yes.

7 Q. What time was it?

8 A. It was nighttime.

9 Q. How late at night?

10 A. I don't remember.

11 Q. It's -- I'm sorry, go ahead.

12 A. What?

13 Q. I asked you if you knew how late it was at

14 night. Do you know?

15 A. No.

16 Q. It's true, isn't it, that when you stay with

17 your cousin Michael, sometimes you stay up all

18 night, don't you?

19 A. Yes.

20 Q. Because he likes to stay up all night?

21 A. Yes.

22 Q. It's fun to be with him all night long,

23 isn't it?

24 A. Yes.

25 Q. Because you do things all night long.

26 A. Uh-huh.

27 Q. So when that wine was delivered, it could

28 have been very, very late at night, couldn't it? 10898

1 A. Yes.

2 Q. Well past the time you normally go to bed;

3 no?

4 A. I think, yeah.

5 Q. Do you remember if it was well past the time

6 you normally go to bed when this wine was delivered?

7 A. It was, yes, I think.

8 Q. Do you remember who it was who delivered the

9 wine? Was it somebody you knew?

10 A. It was Angel.

11 Q. It was Angel who brought it. Angel Vivanco?

12 A. Yeah.

13 Q. Did he bring it with glasses?

14 A. Yeah, he brang it with one glass and a

15 bottle.

16 Q. Just one glass? And when it came in, the

17 wine and the glass, did Angel put it down in the

18 room?

19 A. Yeah.

20 Q. And when he put it down, was Star and Gavin

21 in the room?

22 A. Yes.

23 Q. And you were in the room?

24 A. I was downstairs, so --

25 Q. So Star and Gavin were upstairs?

26 A. Yes.

27 Q. But when Angel brought it in, he brought it

28 in downstairs, didn't he? 10899

1 A. (Nods head up and down.)

2 Q. "Yes"?

3 A. Yes.

4 Q. You have to answer out loud, if you would.

5 A. Yes.

6 Q. Did Angel then take the bottle of wine

7 upstairs?

8 A. No, he set it downstairs and then Star and

9 Gavin took it upstairs.

10 Q. Okay. And was Michael in the bathroom

11 downstairs or the bathroom upstairs?

12 A. Downstairs.

13 Q. He was downstairs in the bathroom?

14 A. (Nods head up and down.)

15 Q. Did you tell Michael when he was in the

16 bathroom that the wine had been delivered?

17 A. Yes.

18 Q. You told him it had been delivered, okay,

19 and what did he say?

20 A. He said, "Okay. I'll be right there."

21 Q. Okay. And meanwhile, Gavin and Star were

22 upstairs; is that right?

23 A. Yes, and then they left.

24 Q. With the bottle, with a bottle of wine?

25 A. Yes.

26 Q. Was the wine open or closed?

27 A. It was closed.

28 Q. Do you remember if it was a bottle of red 10900

1 wine or a bottle of white wine?

2 A. White wine.

3 Q. Do you know if there was a bottle opener

4 with it?

5 A. I don't -- I think so, but I don't know.

6 Q. You're not certain?

7 A. I'm not sure.

8 Q. But you remember it was definitely closed at

9 the time?

10 A. Yes.

11 Q. So nobody had uncorked the bottle; is that

12 right?

13 A. Right.

14 Q. Okay. Now, while you were there on the

15 first floor, did Gavin and Star then come back

16 downstairs?

17 A. Yes.

18 Q. Okay. And is it true that if you are

19 upstairs in the bedroom in your cousin Michael's

20 suite, that you can't leave from there without going

21 downstairs; is that right?

22 A. Ri -- what do you mean?

23 Q. If you were upstairs in the bedroom, you

24 have to come downstairs before you can leave the

25 suite?

26 A. Yeah.

27 Q. So they would have had to have come back

28 downstairs to have left the suite? 10901

1 A. Yes.

2 Q. And did they come downstairs?

3 A. Yes.

4 Q. And did they come downstairs with the bottle
5 of wine?

6 A. No.

7 Q. All right. Where was the bottle of wine?

8 A. It was upstairs for Michael.

9 Q. They left it upstairs?

10 A. Yes, because he was going back up to his
11 room.

12 Q. So Gavin and Star came downstairs?

13 A. Yes.

14 Q. The bottle of wine stayed upstairs, and
15 Gavin and Star then left?

16 A. Uh-huh.

17 Q. Okay. Then Michael Jackson came out of the
18 bathroom?

19 A. Yes.

20 Q. And Gavin and Star were gone?

21 A. Yes.

22 Q. Okay. Did you then go upstairs with your
23 cousin Michael?

24 A. Yes.

25 Q. Did you spend the rest of the night with
26 your cousin Michael --

27 A. Yes.

28 Q. -- upstairs? 10902

1 Was the wine still there?

2 A. Yes.

3 Q. Okay. Was it still corked, still closed?

4 A. I don't know.

5 Q. Well, was it already open when you got
6 upstairs?

7 A. Yes.

8 Q. I'm sorry?

9 A. Yes.

10 Q. So it was already opened. And was it
11 finished?

12 A. No.

13 Q. So was there some missing?

14 A. Yes.

15 Q. So they were the only two who were upstairs;
16 is that right?

17 A. Yes.

18 Q. So they took the bottle of wine, they opened
19 it and they had a drink; is that right?

20 A. I -- I'm not sure if they drank it or not.

21 Q. Well, some was missing, right?

22 A. Yes.

23 Q. So they either drank it or they poured it
24 out; is that right?

25 A. Yes.

26 Q. Now, did you talk with Michael about that?

27 A. No, because I wasn't sure that they drank it

28 or not. Because -- 10903

1 Q. You weren't sure that they drank it?

2 A. Yes.

3 Q. Well, was anybody else up there?

4 A. No.

5 Q. Did Michael seem upset that there was some
6 wine missing from the bottle?

7 A. No.

8 Q. Did he ask you about why wine was missing
9 from the bottle?

10 A. No.

11 Q. Did he know that the only other two people
12 who were there were Gavin and Star?

13 A. Yes.

14 Q. Okay. And did he say something to you
15 about, "Boy, those rascals, they just get into the
16 wine whenever they can"?

17 A. No.

18 Q. He didn't say anything like that?

19 A. Huh-uh.

20 Q. Did you tell him that the boys had taken the
21 bottle of wine upstairs?

22 A. Yes.

23 Q. Did you tell Michael that?

24 And did you tell him that when they took it
25 upstairs the bottle was sealed?

26 A. Yes.

27 Q. Okay. Did your cousin Michael seem upset

28 about that, that it was opened? 10904

1 A. (Shakes head from side to side.)

2 Q. He thought it was okay?

3 A. Yeah.

4 Q. And --

5 A. Because he might have thought that the cook
6 opened it for him.

7 Q. He might have thought that?

8 A. Yeah.

9 Q. But you told him that it was closed when it
10 was delivered; no?

11 A. No.

12 Q. And even if the cook had opened it, would
13 the cook drink some of that bottle of wine?

14 A. No.

15 Q. So it was probably the boys who drank the
16 wine, right?

17 A. Yes.

18 Q. That's probably what your cousin Michael
19 thought, right?

20 A. Yes.

21 Q. But you didn't have a discussion with him
22 about that?

23 A. No.

24 Q. You didn't -- now, when you were up there
25 with that bottle of wine, was that before or after
26 that incident that took place in the guest room with
27 the television and the naked lady on the television?

28 A. It was after -- I don't remember. 10905

1 Q. You're not sure?

2 A. No.

3 Q. Was it before or after you had seen the boys
4 stealing money?

5 A. It was -- it was after, I think.

6 Q. You think it was after that?

7 Okay. So you were with Michael Jackson that
8 entire night; is that right?

9 A. Yes.

10 Q. And during that time, did you tell your
11 cousin Michael that the boys had stolen money?

12 A. No.

13 Q. Was there a reason you didn't?

14 A. No.

15 MR. ZONEN: I have no further questions.

16

17 REDIRECT EXAMINATION

18 BY MR. MESEREAU:

19 Q. Rijo, at the time that you saw the Arvizos
20 run out of Michael's room before he came out of the
21 bathroom, you were nine years old; is that right?

22 Were you ten?

23 A. I think I was ten.

24 MR. MESEREAU: No further questions.

25 MR. ZONEN: I have no questions.

26 THE COURT: All right. Thank you. You may
27 step down.

28 Call your next witness. 10906

1 MR. MESEREAU: Yes, Your Honor, the defense
2 will call Michelle Jackson.

3 THE COURT: Please remain standing, face the
4 clerk here and raise your right hand.

5

6 MICHELLE HENRIETTE JACKSON

7 Having been sworn, testified as follows:

8

9 THE WITNESS: I do.

10 THE CLERK: Please be seated. State and
11 spell your name for the record.

12 THE WITNESS: Michelle Jackson.

13 M-i-c-h-e-l-l-e. Henriette is my middle name,

14 H-e-n-r-i-e-t-t-e. Jackson, J-a-c-k-s-o-n.

15 THE CLERK: Thank you.

16

17 DIRECT EXAMINATION

18 BY MR. MESEREAU:

19 Q. Good morning, Miss Jackson.

20 A. Hi.

21 Q. Miss Jackson, do you know the fellow seated
22 at counsel table to my right?

23 A. Yes, I do.

24 Q. Who is he?

25 A. He's my nephew, Michael.

26 Q. Okay. And -- excuse me. Pardon me.

27 Do you know Simone Jackson?

28 A. Yes, she's my granddaughter. 10907

1 Q. Do you know Riyo Jackson?

2 A. Yeah, he's my grandson.

3 Q. Okay. And have you ever been to Neverland

4 Ranch?

5 A. Yes, I have.

6 Q. Been there many times?

7 A. Yes, I have.

8 Q. Okay. And where is your home?

9 A. My home is in Lompoc.

10 Q. Okay. Do you recall ever meeting Janet

11 Arvizo?

12 A. Pardon?

13 Q. Do you recall ever meeting Janet Arvizo?

14 A. I have never met.

15 Q. Do you recall meeting the Arvizo family at

16 Neverland?

17 A. I have met the children.

18 Q. Okay. Who did you meet? Did you meet

19 Gavin?

20 A. I have met Davellin, and I have met Gavin,

21 and I have met Star.

22 Q. Okay. And do you know approximately when

23 you met them?

24 A. During the time that the children was there.

25 It was around the time that Prince was supposed to

26 have a birthday party sometime.

27 Q. Would this be 2003, do you think?

28 A. Yeah. 10908

1 Q. Okay. Do you know approximately what month?

2 A. February.

3 Q. February or March? Okay. Okay. And did

4 you attend the party for Prince?

5 A. No.

6 Q. Okay. Did you ever talk to Gavin about a

7 trip to Brazil?

8 A. Yes, I have.

9 Q. And did Gavin say anything to you about a

10 trip to Brazil?

11 A. I was introduced to the children by my

12 granddaughter. She introduced me to Davellin first.

13 Then Gavin came in the kitchen, and she introduced

14 me to Gavin. And she told me they were waiting

15 there for going on a trip. And I asked --

16 MR. ZONEN: I'm going to object to a

17 commentary from her as hearsay.

18 THE COURT: Sustained.

19 Q. BY MR. MESEREAU: Who told you about a trip?

20 A. Simone.

21 Q. Did you ever talk to Gavin about this trip?

22 A. Yes.

23 Q. What did Gavin say?

24 MR. ZONEN: Objection; hearsay.

25 THE COURT: Overruled.

26 You may answer.

27 THE WITNESS: Gavin told me, "We don't want

28 to go to Brazil. This is my mother who wants to go. 10909

1 We want to stay here."

2 MR. ZONEN: I'm going to object as to

3 multiple hearsay.

4 THE COURT: Sustained.

5 MR. ZONEN: Motion to strike.

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

7 Q. BY MR. MESEREAU: Did Gavin tell you why

8 they were planning to go to Brazil?

9 A. He told me his mother wanted to go.

10 MR. ZONEN: Objection. Move to strike;

11 hearsay.

12 THE COURT: Stricken.

13 Q. BY MR. MESEREAU: Did you ever talk to

14 Davellin about Brazil?

15 A. No.

16 Q. Okay. Now, your granddaughter is Simone; is

17 that correct?

18 A. Yes.

19 Q. And was Simone there when you spoke to Gavin

20 about the Brazil trip?

21 A. Yes.

22 Q. Okay. And did you ask Gavin whether or not

23 his mother wanted to go to Brazil?

24 MR. ZONEN: I'm -- objection.

25 THE COURT: Sustained.

26 MR. MESEREAU: No further questions.

27 //

1 CROSS-EXAMINATION

2 BY MR. ZONEN:

3 Q. Miss Jackson, good morning.

4 A. Hi.

5 Q. When was that that you were at Neverland and
6 had that conversation with Gavin?

7 A. Around February, March. I'm not exactly
8 the -- I don't know -- I don't remember exactly the
9 dates.

10 Q. Did you go to Neverland on a number of
11 occasions during February and March?

12 A. Yes, I have.

13 Q. On all the occasions that you went to
14 Neverland during February and March, did you see
15 either Gavin or Star?

16 A. This is the only time that I was talking
17 about just before now that I saw the children when I
18 was introduced to them.

19 Q. You have no recollection of ever seeing
20 those children on any other occasion at Neverland?

21 A. No, sir.

22 Q. And you went to Neverland on how many
23 occasions during February and March?

24 A. Maybe three, four times. Maybe more.

25 Q. Maybe more?

26 A. Yeah.

27 Q. When you went on those occasions, did you

28 spend the night there? 10911

1 A. No.

2 Q. You would only go during the day and then
3 leave?

4 A. Yes, I would go and check on my
5 grandchildren.

6 Q. You would accompany your grandchildren when
7 they went?

8 A. No. I would go from work to the ranch, to
9 check on my grandchildren to see if they had
10 baseball practice.

11 Q. You would check on -- you would go to the
12 ranch to see if your grandchildren were there?

13 A. Yes.

14 Q. Because sometimes they had baseball
15 practice?

16 A. Right.

17 Q. And you would have to pick them up at the
18 ranch to take them to --

19 A. And take them to Lompoc to practice.

20 Q. Did you know before going to ranch whether
21 or not your grandchildren had baseball practice or
22 not?

23 A. No. No, I can't keep up with everything
24 with my grandchildren, you know.

25 Q. So you would have to go to the ranch --

26 A. Right, from work.

27 Q. One of the problems is that my question has

28 to finish before you start your answer, or we make 10912

1 the court reporter crazy.

2 A. Sorry.

3 Q. Okay? So if you can just wait till the

4 question's done and then you can answer.

5 Did you know in advance of going to the

6 ranch whether or not the kids had practice?

7 A. Sometimes.

8 Q. Sometimes. Okay. And how did you know when

9 they were at the ranch?

10 A. I knew everything that my grandchildren do.

11 Q. So somebody told you in advance; is that

12 right?

13 A. No.

14 Q. Do they live with you, your grandchildren?

15 A. Sometime.

16 Q. Did you know that they were at the ranch

17 because they were living with you at the time they

18 went to the ranch?

19 A. No, it's because I do a lot of driving. My

20 daughter can't do a lot of driving. I do all the

21 driving for her and I drive the children a lot of

22 place.

23 Q. Okay. She can't drive because she works?

24 A. No, because she had injury in the neck.

25 Q. All right. So you do all the driving to get

26 the kids around?

27 A. Yes, sir.

28 Q. All right. Now, on only one occasion did 10913

1 you meet Gavin?

2 A. Yes.

3 Q. And you never met his brother Star?

4 A. Yes, I did. The same day.

5 Q. The same day. Did you meet their sister

6 Davellin?

7 A. Yes, I did.

8 Q. Did you meet their mother Janet?

9 A. No.

10 Q. Do you know if she was there?

11 A. I didn't know. I didn't ask.

12 Q. Did you talk to any of them about why they

13 were there?

14 A. No.

15 Q. Was it during the week?

16 A. Yeah.

17 Q. All right. So the kids were in school at

18 the time; is that right?

19 A. I don't know about them. I know my

20 grandchildren was in school.

21 Q. Okay. Did you know at the time that you

22 talked to Gavin how long he had been at Neverland?

23 A. No, sir.

24 Q. Did you ever talk to Gavin about how long he

25 was going to stay at Neverland?

26 A. No.

27 Q. Okay. When Gavin talked about a trip to

28 Brazil, did you understand that that was going to be 10914

1 your cousin Michael Jackson sending them to Brazil?

2 A. I didn't even question. It didn't even dawn

3 on me to ask the question how they were going.

4 Q. Did you ever have a conversation with

5 Michael Jackson about the family?

6 A. No.

7 Q. About Gavin and Star --

8 A. No.

9 Q. -- and Davellin.

10 I have no further questions.

11 MR. MESEREAU: No further questions, Your

12 Honor.

13 THE COURT: Thank you. You may step down.

14 MR. SANGER: We call Christian Robinson,

15 Your Honor.

16 THE COURT: Come forward, please. When you

17 get to the witness stand, please remain standing.

18 Face the clerk and raise your right hand.

19

20 CHRISTIAN ROBINSON

21 Having been sworn, testified as follows:

22

23 THE WITNESS: I do.

24 THE CLERK: Please be seated. State and

25 spell your name for the record.

26 THE WITNESS: Christian Robinson.

27 C-h-r-i-s-t-i-a-n, R-o-b-i-n-s-o-n.

28 THE CLERK: Thank you. 10915

1 DIRECT EXAMINATION

2 BY MR. SANGER:

3 Q. Take your time. I'll let you get a drink of
4 water there.

5 A. Thank you.

6 Q. And while you're getting it, I'll just tell
7 you we have to tell all the witnesses to please use
8 the microphone on the right side. And then you have
9 to really lean into it to get very close to it;
10 okay. There you go.

11 A. All right.

12 Q. Mr. Robinson, how are you employed?

13 A. I'm self-employed. I develop reality
14 television shows. And work a camera. I do a lot of
15 post-production.

16 Q. All right. So you said reality shows, work
17 a camera and post-production; is that right?

18 A. Correct.

19 Q. And do you know Mr. Jackson, who's seated
20 here at counsel table?

21 A. I do.

22 Q. Do you know him well?

23 A. Not extremely well, no.

24 Q. Have you met him in the course of your work?

25 A. Yes.

26 Q. All right. Do you know him socially? Do
27 you hang out with him?

28 A. No. 10916

1 Q. All right. Now, are you here pursuant to a
2 subpoena?

3 A. Yes, sir.

4 Q. Let me ask you to explain a little bit about
5 your background. How long have you been working in
6 the film industry?

7 A. I do a lot of things. I've only been doing
8 reality shows for about a year now. In the past, we
9 published film-related publications, and we sort of
10 run a trade organization in Denver and Salt Lake, so
11 it's all related. And I've always done video work,
12 so....

13 Q. All right.

14 A. How long, was that the question?

15 Q. Well, how long -- I said "film industry,"
16 but, you know, the -- whatever you call it.

17 A. Television or videography, about eight
18 years.

19 Q. All right. Good. Now, during that
20 eight-year period of time, you indicated that you
21 also worked a camera. Can you tell us what you mean
22 by that?

23 A. Operate a camera, a video camera. All
24 kinds.

25 Q. Is this something that you do
26 professionally?

27 A. Yes, sir.

28 Q. All right. So somebody would hire you to be 10917

1 the videographer or the person running the camera to
2 do some sort of filming; is that right?

3 A. Yes. In the past, that's correct.

4 Q. All right. And then you said you're also
5 involved in post-production. What do you mean by
6 "post-production"?

7 A. I take a project and shoot it, and then I
8 edit for the network or for the production company
9 who's presenting the piece.

10 Q. Okay. Very good. You were not involved in
11 the reality television projects as of 2003; is that
12 right? Is that something that happened after that?

13 A. I always had the dream of making films.

14 Reality television is sort of like rock bottom. So
15 I'm young, so that's what I have to do.

16 Q. But the question is -- you said the last
17 year. So I want to know what you were doing in
18 2003. By 2003, you hadn't started the reality
19 television?

20 A. Well, I was working for Mr. Jackson. That
21 wasn't exactly reality. That was more of a
22 documentary type of position. I was in charge
23 of like -- not "in charge," but one of my
24 responsibilities was sometimes booking crews and
25 making sure that we were covering the right steps.
26 Sort of like a producer.

27 Q. You say you were working for Mr. Jackson.

28 Let's go back. When is the first time you 10918

1 worked for Mr. Jackson or somebody associated with
2 Mr. Jackson?

3 A. Wow. That would have been in September of
4 2001.

5 Q. Okay. And what project was it that you were
6 working on?

7 A. It was the Michael Jackson charity single,
8 "What More Can I Give?"

9 Q. And what was the production "What More Can I
10 Give?"

11 A. What was the production?

12 Q. Yes. You said it was a charity single. Can
13 you explain that, please?

14 A. It was a combination of different artists
15 recording a song that Michael wrote. Really nice
16 song.

17 And what I would do is -- my background was
18 in radio. At the time I had still done a lot of
19 video work, but mostly my job on that was to ask
20 questions. I would interview all the different
21 artists.

22 Q. So the artists participated in --

23 A. In recording --

24 Q. -- in recording the song?

25 A. In recording the song.

26 Q. You've got to let me finish first, and I'll
27 try to let you finish.

28 A. Gotcha. 10919

1 Q. Because the court reporter tries to write
2 down what we say here.

3 So we'll just take it here so everybody
4 understands. "What More Can I Give?" was a song,
5 that was the title of a song, right?

6 A. Correct.

7 Q. And I think you said it was written by Mr.
8 Jackson; is that correct?

9 A. I believe so.

10 Q. Okay. And there were a number of recording
11 artists who participated in putting that song
12 together; is that correct?

13 A. True.

14 Q. Can you recall some of the artists?

15 A. Celine Dion, Mariah Carey, Tom Petty, Billy
16 Gilman, The Backstreet Boys. Well, Nick Carter,
17 Nsync. Maya. Luther Vandross. We must have
18 interviewed like 40 people.

19 Q. That was -- before we get to the interview
20 part, as far as the singing part is concerned, and
21 the performing --

22 A. Right.

23 Q. -- did these people actually perform in the
24 song?

25 A. Correct.

26 Q. So they'd come to a studio; is that right?

27 A. We would usually travel to them, but in a

28 studio, yes. 10920

1 Q. All right. And then they would perform,
2 they'd record whatever they were doing, right?

3 A. Right.

4 Q. Did they all record it at the same time or
5 was --

6 A. No, no. Everybody recorded separately.

7 Q. All right. Now, you said something about
8 interviewing the people.

9 A. Right.

10 Q. Your job was to do the interviews; is that
11 right?

12 A. My job -- one of my responsibilities was to
13 do the interviews.

14 Q. And did you, in fact, interview various
15 people?

16 A. I interviewed all of the people, yes.

17 Q. So Celine Dion, for instance, you would be
18 asking her questions and she would respond?

19 A. Right.

20 Q. And the idea was to use this footage to help
21 put this together for charity; is that right?

22 MR. AUCHINCLOSS: Objection; relevancy.

23 THE COURT: Overruled.

24 You may answer.

25 THE WITNESS: Yes.

26 Q. BY MR. SANGER: All right. Now, did that
27 project come to a conclusion? Was it finished and

28 marketed? 10921

1 A. It did come to a conclusion. But not the
2 conclusion that we had hoped.

3 Q. All right. It got interrupted at some
4 point; is that correct?

5 A. I believe so. I didn't deal with the
6 business side of it.

7 Q. All right. Now, who did you work with on
8 that project?

9 A. I worked with Marc Schaffel and Hamid
10 Moslehi.

11 Q. All right. Were there other people on the
12 crew for that?

13 A. Yes.

14 Q. About how many people were involved in that
15 project?

16 A. Let's see. We had myself and Hamid, and we
17 had two grips who helped us carry things and set up
18 lights, and we had a sound guy, Marc. Marc.

19 Q. Now, what was Mr. Schaffel's role in this,
20 as far as you could tell?

21 A. He was like the per -- he was the person who
22 was orchestrating the whole thing, you know, besides
23 Michael. Michael wasn't always on scene, so Marc
24 was arranging the artists and the times and the
25 places, and, you know, getting the most important
26 things done, you know.

27 Q. Now, when you say "Michael," we have to use

28 last names in court so.... 10922

1 A. Oh. Mr. Jackson, yeah.

2 Q. Mr. Jackson, or Michael Jackson was the
3 person who was there during some of the creative
4 process; is that correct?

5 A. Right. Michael would come into the studio
6 occasionally and produce, which is, you know,
7 obviously one of his fortes, so --

8 Q. So he would, on occasion, be there when the
9 artists were actually recording?

10 A. Not all the time, but, yes.

11 Q. Okay. And he'd sit at one those big things
12 that has all those switches on it?

13 A. Right, it's called a board.

14 Q. Okay, the board. And would he interact on
15 an artistic level with people?

16 A. Yes. Yes.

17 Q. All right. Now, what was Hamid Moslehi's --
18 I know I'm mispronouncing that, but Hamid Moslehi's
19 job, what was that?

20 A. Hamid was what I would call a director of
21 photography. He took -- he not only was in charge
22 of the main video camera, but he would also do a
23 session of still photographs every day.

24 Q. All right. Now, after -- after this
25 occurred -- this, you said, was September of 2001,
26 is your best recollection?

27 A. Well, it -- it began before 9-11 and we

28 didn't finish until November, so -- 10923

1 Q. All right. Now, after that, did you have
2 occasion to work on any projects that involved Mr.
3 Jackson?

4 A. Yes.

5 Q. And what was the next thing?

6 A. The next thing? Probably would have been a
7 trip to Gary, Indiana.

8 Q. When was that?

9 A. No, it would have been a trip to Las Vegas,
10 and I don't know when it was.

11 Q. Okay. Now, were you doing this -- were you
12 working under Marc Schaffel?

13 A. Yes.

14 Q. So --

15 A. Well, I was working with Marc.

16 Q. With Marc. Okay, sorry. Don't want to
17 misconstrue the hierarchy here. But you were
18 working with Marc Schaffel on these various
19 projects; is that right?

20 A. Correct.

21 Q. All right. Now, did you have occasion at
22 some point to work on a project involving Debbie
23 Rowe?

24 A. Yes, sir.

25 Q. What was your role in the Debbie Rowe
26 project?

27 A. Oh, I was prepared to ask her the questions,

28 and I wrote questions, but I did not end up asking 10924

1 the questions, so I ran a camera on the shoot.

2 Q. Okay. Who asked the questions in that
3 situation?

4 A. That was Ian Drew.

5 Q. Okay. And Ian Drew was a reporter of some
6 sort?

7 A. Yeah, he was a freelance reporter, a tabloid
8 reporter.

9 Q. Now, you -- actually what you did on that
10 occasion, you were present in the room during the --
11 during the interview; is that right?

12 A. Yes.

13 Q. And you had a camera?

14 A. Yes.

15 Q. Did you actually take some of the footage?

16 A. Yes.

17 Q. Do you recall how much footage was actually
18 taken? When you say "footage," I guess that
19 hearkens back to film. But how long was the video
20 that came out of that?

21 A. The raw tape was probably between one hour
22 and an hour and a half, I would guess.

23 Q. Okay. That was the part you did?

24 A. Well, there was two cameras, but, yes. Yes.

25 Q. Okay. Now, on that occasion, do you know
26 whether or not there was a script? Was there a
27 script?

28 A. No, sir. 10925

1 Q. Okay. And you know what a script is; is
2 that correct?

3 A. Yes.

4 Q. Okay. Were there questions that were
5 written out in advance?

6 A. Of course.

7 Q. And you wrote some of those questions; is
8 that correct?

9 A. Right.

10 Q. Now, in your experience, you indicated you
11 had experience doing interviews in "What More Can I
12 Give?" and you also were prepared to do an interview
13 here. Have you had occasion to do other interviews?

14 A. Other interviews?

15 Q. Yeah. Without going into who or what, but
16 just have you done other interviews for film?

17 A. Yes. Yes.

18 Q. Okay. Now, as an interviewer for something
19 like this, where you're interviewing Celine Dion for
20 "What More Can I Give?" or you're interviewing
21 Debbie Rowe, would it be customary for the person
22 asking the questions to have a list of questions to
23 ask?

24 A. Yes.

25 Q. Okay. You smiled a bit. Would it be
26 unusual for somebody to just walk in there and try
27 to wing it without a list of questions?

28 A. Yeah, that would not be proper. 10926

1 Q. Okay. And is it appropriate to have a list
2 of questions that attempt to cover the subject
3 matter, that is, the subject matter of the video?

4 In other words, do you just put random questions
5 together or do you give some thought to it?

6 A. Before you -- can I answer this?

7 Q. Yes.

8 A. Before you do a project, you have to have
9 some sort of vision of what is going to come from
10 that project. So of course you have questions that
11 shape the outcome.

12 Q. All right. Now, when you watched the Debbie
13 Rowe interview, you were there for it. You were
14 running a camera. Were Miss Rowe's -- I'm sorry.
15 Let me try that again.

16 You were there for the interview. Were Miss
17 Rowe's responses scripted?

18 A. No.

19 MR. AUCHINCLOSS: Objection; foundation.

20 THE COURT: Overruled. The answer is, "No."

21 We'll take our break.

22 (Recess taken.)

23 --o0o--

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28 10927

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 10849 through 10927

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 18, 2005, and thereafter

20 reduced to typewriting by computer-aided

21 transcription under my direction.

22 DATED: Santa Maria, California,

23 May 18, 2005.

24

25

26

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

28 10928

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

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16

17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

18

19 WEDNESDAY, MAY 18, 2005

20

21 8:30 A.M.

22

23 (PAGES 10929 THROUGH 11104)

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26

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

28 BY: Official Court Reporter 10929

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28 10930

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 ROBINSON, Christian 10957-A 11011-SA 11034-A

12 JOHNSON,

13 Vernee Watson 11037-M

14

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17

18 E X H I B I T S

19 FOR IN

20 PLAINTIFF'S NO. DESCRIPTION I.D. EVID.

21 414 Marc Schaffel's expenses file 11067

22 416 Marc Schaffel's file;

23 accounting of expenses and receipts 11067

24

25

26

27

28 10931

1 THE COURT: Go ahead.

2 MR. SANGER: Thank you, Your Honor.

3 Q. Okay. Mr. Robinson, we were talking about
4 the Debbie Rowe interview. And by the way, can you
5 tell us what the approximate date of that interview
6 was?

7 A. I don't know the date.

8 Q. All right. What year was it; do you recall?

9 A. It would have been around January of 2003.

10 Q. All right. You say around January. Could
11 it have been early February?

12 A. Yes. It probably was early February. But I
13 just know a range.

14 Q. That's fine.

15 Do you recall the Bashir television show?

16 A. Of course. Yes.

17 Q. All right. And do you recall whether or not
18 you saw it when it first aired in the United States?

19 A. I did see it when it first aired in the
20 United States, but I had read the entire transcript
21 before it aired here.

22 Q. All right. And at the time that -- so you
23 read the transcript. And then did that have
24 anything to do with Debbie Rowe?

25 A. As soon as we, as in Mr. Schaffel and Hamid
26 and the other people that were working around Mr.
27 Jackson at the time, heard about this documentary,

28 we began working on creating other programs which we 10932

1 felt were more truthful.

2 Q. All right. And so was Debbie Rowe -- I
3 guess what I'm asking is, was the Debbie Rowe
4 interview part of this project that you were working
5 on?

6 A. Yes.

7 Q. And did the interview of Debbie Rowe occur
8 around the time that the Bashir television show
9 aired in the United States?

10 A. Yes. Around the time.

11 Q. All right. Now, what was Miss Rowe's
12 attitude during the time that this was being taped,
13 to the extent you could observe it?

14 A. Yes, Miss Rowe was -- she was very eager to
15 do the interview. She was very happy to be doing
16 it, and she was almost like -- well, she was very
17 irate. She was very angry about what she had heard
18 or what she had seen as far as this program. That's
19 why she agreed to do it.

20 Q. And what angered her? Did she express what
21 angered her about the program?

22 MR. AUCHINCLOSS: Objection; hearsay.

23 THE COURT: Sustained.

24 Q. BY MR. SANGER: All right. Now, where did
25 the filming of Debbie Rowe take place?

26 A. The filming of Debbie Rowe took place in
27 Marc Schaffel's living room in Calabasas.

28 Q. All right. And at the time of the 10933

1 interview, did you have occasion to talk with her in
2 between the actual filming?

3 A. Yeah.

4 Q. And was there anything about your
5 discussions with her, your interaction with her
6 during the period of time of the filming, including
7 when the camera was on, that indicated that her
8 production was rehearsed in any way?

9 A. Absolutely not.

10 Q. Now, this particular interview was done on
11 rather short notice, I take it; is that correct?

12 A. I don't know if it was short notice. I
13 don't.

14 Q. All right. Let me put it this way: Were
15 you in the process of trying to put something
16 together for release to television? Let's talk
17 about that.

18 A. Oh, yeah, we were working on productions as
19 quickly as we could. I don't know how much time we
20 had to prepare, though.

21 Q. Have you had occasion to work on productions
22 like that, when you were trying to get something out
23 for television on a short schedule?

24 A. Yes.

25 Q. All right.

26 A. Right now, actually.

27 Q. All right.

28 A. I've got to go home. 10934

1 Q. Except you've been up here waiting to
2 testify; is that right?

3 A. Yeah.

4 Q. Now, when you have a schedule for
5 television, do you have -- let me withdraw that.
6 You mentioned you did these interviews with
7 the "What More Can I Give?" Did those interviews
8 all take place on a real short schedule?

9 A. Yes.

10 Q. All right.

11 A. Yes.

12 Q. You were trying to get that project together
13 quickly?

14 A. I don't think it was as efficient as it
15 could have been, but, yeah.

16 Q. Now, with regard to these television shows,
17 was there -- was there a schedule; in other words,
18 "We have to get these interviews done by a certain
19 date"?

20 A. Marc Schaffel had made business deals for
21 the Debbie Rowe interview to get them on the air and
22 in publications immediately, so, yes, we were on a
23 very tight deadline once everything was done
24 businesswise.

25 Q. Now, when you're doing -- shooting on a
26 short schedule, do you observe bankers' hours, you
27 know, 9:00 to 5:00 kind of hours?

28 A. No. 10935

1 Q. Is it typical, in your experience, to work
2 late into the night?

3 A. Yes.

4 Q. Okay. Now, after you did the Debbie Rowe
5 interview, did you have occasion to be involved in
6 interviewing the Arvizo family?

7 A. Yes.

8 Q. And what was your general role in that
9 project?

10 A. My general role. Well, I was told the day
11 of that we were doing this interview, so I wrote
12 questions, submitted them to Marc Schaffel.

13 And about -- I don't know, you know, later
14 in the day, I went -- later that night I went to the
15 Arvizo -- to Hamid Moslehi's home and did the
16 interview, conducted the interview.

17 Q. So your role was not to run a camera on that
18 occasion?

19 A. I may have actually set up a B camera. But
20 it wouldn't have been manned. It would have been
21 like a wide shot.

22 Q. And a B camera --

23 A. Is a secondary camera.

24 Q. I just felt we had to ask that question.

25 So you have the main camera and the main
26 camera operator?

27 A. Uh-huh.

28 Q. And then you might have a second camera just 10936

1 running to pick things up?

2 A. Well, you always need a close or a medium
3 and wide so that they can cut. You know, you can't
4 show the entire interview, so you have to be able to
5 cut. And you can't cut from the same frame to the
6 same sized frame and make it look natural.

7 Q. And sometimes you'll do other shots, like
8 two shots; is that right?

9 A. Exactly.

10 Q. Where you'll go and -- you'll go backwards
11 and film, for instance, the interviewer.

12 A. In this case, I wasn't being filmed.

13 Q. All right. So you were not being filmed.

14 So the B camera in this case -- just in case
15 anybody's up on this, the B camera in this case was
16 a stationary camera that was just doing the wide
17 shot?

18 A. Yes.

19 Q. So there was no two shots of the
20 interviewer?

21 A. No.

22 Q. All right. Now, your recollection is you
23 were called the day of this to participate?

24 A. Yes. Yes.

25 Q. And when you wrote out the questions, did
26 you write out answers?

27 A. No.

28 Q. Was there ever a script for the Arvizos to 10937

1 follow?

2 A. Absolutely not.

3 Q. Did you receive instructions on specifically

4 what your questions should be?

5 A. I submitted a list, and some of them were

6 crossed off.

7 Q. All right.

8 A. So, yes.

9 Q. So what -- your first list, then, you just

10 wrote from what you knew by then about the

11 situation; is that right?

12 A. Exactly.

13 Q. And then you submitted that to Mr. Schaffel?

14 A. Correct.

15 Q. And somehow by the time you got ready to ask

16 the questions, some things were crossed off; is that

17 right?

18 A. That is correct.

19 Q. All right. Okay. Now, you were told to

20 report, as it were, you were asked to go to Mr.

21 Moslehi's home, correct?

22 A. Yes.

23 Q. Had you been there before?

24 A. Yes.

25 Q. And did he have a professional set-up for

26 filming an interview?

27 A. Yes.

28 Q. All right. He had a backdrop? A screen 10938

1 backdrop, right?

2 A. He had a backdrop. I mean, it wasn't the
3 best of locations to do this, but, you know.

4 Q. Did you -- were you aware of the deadline
5 that you were on to submit this film to the
6 television producer?

7 A. I know there was a deadline. I don't know
8 what that deadline was. I only knew it was urgent.

9 Q. So you were trying to get it done that
10 evening; is that correct?

11 A. Yes.

12 Q. All right. When did you get to Mr.
13 Moslehi's house?

14 A. Later in the evening. Probably 10:30 or
15 10:00. Maybe even later.

16 Q. And when you arrived, who was there?

17 A. Oh. I know Hamid and the crew was there,
18 because I went in and helped them set up. So that
19 would be Hamid, Mark, a guy named Ray, and one other
20 crew member. I don't remember his name.

21 Q. All right. So you had the -- when you say
22 "Mark," that's Marc Schaffel?

23 A. No, Marc wasn't there.

24 Mark is an audio guy, I'm sorry.

25 Q. I'm sorry, that's right. All right.

26 So Mark is an audio guy. We don't know his
27 last name.

28 A. No. 10939

1 Q. All right. In any event, let's just do it
2 this way: You had the crew, the audio guy and a
3 couple of other people assisting?

4 A. Right. And I -- you know, you think about
5 this series of events, and I don't know if the
6 family was there yet. I don't think they were.

7 Q. Okay. That's what I was going to ask you
8 next. But you had Hamid Moslehi, who was basically
9 the director of photography for this shoot; is that
10 right?

11 A. Yes.

12 Q. All right. And some staff, and then
13 yourself, right?

14 A. Right.

15 Q. All right. Now, you just told us you're not
16 sure when the family got there. You thought they
17 weren't there yet. But as you sit there, do you
18 have a better recollection?

19 A. All I know is that at one point there was
20 more people there. There was also the family and
21 another guy who was working with Marc, Vinnie Amen,
22 and there was a man that I was told was a private
23 investigator there.

24 Q. All right. Do you remember that person's
25 name?

26 A. No. I -- I know his name now, but I didn't
27 know who he was at the time.

28 Q. You didn't know him. And did you even know 10940

1 he was a private investigator at the time?

2 A. I know I knew that by the end of the night.

3 I don't know at what point I asked a question and --

4 you know, because we weren't talking a lot, you

5 know. I was doing my job, so --

6 Q. Let me ask about the private investigator.

7 Did -- did he do anything to interfere with the

8 production?

9 A. No, he just -- he was an onlooker.

10 Q. Okay. Did he do anything to suggest

11 questions or answers or --

12 A. No.

13 Q. -- anything whatsoever?

14 A. No. No intervention.

15 Q. Now, you mentioned Vinnie Amen. You said he

16 worked for Marc Schaffel; is that correct?

17 A. Yeah.

18 Q. And was he there during the entire shooting?

19 A. Yes.

20 Q. Did he do anything to interfere with the

21 production?

22 A. No.

23 Q. Did he suggest questions, change questions,

24 do anything with regard to questions?

25 A. No.

26 Q. All right. Did he do anything to suggest

27 answers or anything of that sort?

28 A. No. 10941

1 Q. All right. Now, you said the family was
2 there. Do you recall if they all arrived at the
3 same time?

4 A. No, I don't recall.

5 Q. When you say "the family," can you tell us
6 who they were?

7 A. They were Janet, Gavin, Star and Davellin.
8 Davellin.

9 Q. Arvizo?

10 A. Arvizo, yes.

11 Q. And the mother and the three children; is
12 that right?

13 A. Yes.

14 Q. Have you ever had occasion to see the raw
15 footage that was shot that night?

16 A. No.

17 Q. Was it your intention to produce from this
18 shooting a three-hour interview that would be shown
19 in its entirety?

20 MR. AUCHINCLOSS: Objection; leading.

21 THE COURT: Overruled.

22 You may answer.

23 THE WITNESS: It would not be shown in its
24 entirety, no.

25 Q. BY MR. SANGER: What is your understanding
26 of what you were doing? In other words, what the
27 end result would be. You're shooting raw footage.

28 What do you expect is going to happen to it after 10942

1 that?

2 A. Well, first of all, obviously it has a
3 television value. Anything we want to interject --
4 any Michael program that we would want to use to
5 rebut the Martin Bashir documentary, that would
6 obviously be a huge building block and foundation
7 for that production.

8 Q. So I guess what I'm asking is more on a
9 technical level. Did you expect somebody would edit
10 and cut and take parts out of this and use it?

11 A. Yes.

12 Q. Okay. Do you know if it ever aired?

13 A. No, I don't think Hamid ever gave it to
14 Marc, so, no.

15 Q. Okay. So nobody had a chance, then, to cut
16 it or select scenes from it or questions from it to
17 play on television, as far as you know?

18 A. No. Nobody ever had the footage.

19 Q. All right. When you are doing an interview
20 of this sort, do you simply go through in a linear
21 fashion and ask questions and stop, or do you
22 sometimes reask the same questions?

23 A. Some -- especially when you're dealing with
24 four people, sometimes I'll ask the same question
25 four times. Or if I get an answer that is like
26 cold, "yes" or "no," or, "Yeah, he's a really good
27 guy," then I'm going to say, "Would you restate the

28 question and your answer?" You know, "If you're 10943

1 trying to tell me that Michael is a really nice guy,
2 say, you know, 'Michael is a really nice guy; for
3 example...."

4 So, yeah, you definitely help them in the
5 ways that -- they're not going to hear my voice in
6 the television production, so they need to restate
7 my question in their answer.

8 Q. So in other words, you're trying to get
9 answers in the tape that would be usable to be cut
10 into a television program; is that correct? On this
11 particular occasion that's what you were trying to
12 do?

13 A. Yeah, so that anybody could do, like, a
14 voiceover or even another interviewer could be heard
15 asking the questions. It's kind of a trick of the
16 trade, I guess.

17 Q. In other words, you didn't expect that your
18 actual voice would be used on television; is that
19 right?

20 A. Right. Right.

21 Q. And in fact, you were not miked in a way
22 that your voice was being recorded appropriately?

23 A. Yeah, I wouldn't have been miked.

24 Q. All right. Now, in the course of this
25 interview -- and I'm going to go back to the set-up
26 here in a second, but let me ask you a general
27 question.

28 In the course of this interview, were any of 10944

1 the answers scripted?

2 A. No.

3 Q. Were any of the answers rehearsed?

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

5 MR. SANGER: Let's put it this way. Fair

6 enough. Let me withdraw it.

7 Q. To your knowledge -- you're sitting there.

8 You're doing the interview. Did you have any of the

9 answers in advance?

10 A. Of course not.

11 Q. All right. Did it appear to you to be a

12 spontaneous interview as far as the answers to your

13 questions?

14 A. Oh, I think they were nervous. Can I --

15 Q. But --

16 A. It was spontaneous, yes. I would ask

17 questions and they would give answers.

18 Q. All right. Now, let's go back to the set-up

19 for this for a second.

20 You say the family got there. Do you

21 remember what the kids did before the filming

22 actually took place?

23 A. Yeah. I remember meeting the kids. I shook

24 their hands. We were introduced. And I wanted to

25 make them feel comfortable with me, because I was

26 going to be asking them sometimes questions that

27 might not be, you know, comfortable to ask to a

28 stranger. 10945

1 So they were playing video games, and they
2 showed me a production that Michael funded at the
3 ranch called "Neverland T.V.," and it was like a
4 kids' show.

5 Q. And did that star Star?

6 A. Yes, Star was the star. Star was really
7 adamant he was going to be a comedian.

8 Q. All right. And so you talked with them.

9 They showed you that video there?

10 A. Right. And, you know, they were just kind
11 of lounging. You know, I would try to be nice to
12 them and stuff, but they were -- they were kind of
13 in their own world, in a way. They didn't --

14 Q. Did they feel -- I'm sorry. Let me withdraw
15 that.

16 Did they appear to be comfortable there in
17 Mr. Moslehi's house?

18 A. You would have thought it was their house.

19 Q. All right. Now, what about Janet Arvizo?

20 Do you remember her demeanor?

21 A. Yeah, I probably talked with Janet. For
22 some reason, it took a long time to get going, so I
23 had about probably a half-an-hour conversation with
24 Janet before the interview.

25 Q. All right. And what was she doing before
26 the interview actually started, besides talking with
27 you?

28 A. Talking with me, talking with Hamid. She 10946

1 was on her cell phone a lot. You know, eating food.

2 Just being comfortable.

3 Q. Did she appear to be comfortable in Mr.

4 Moslehi's house?

5 A. Yes.

6 Q. You say "eating food." How did she get

7 food?

8 A. Oh, you know, there was probably drinks and

9 stuff out. But I know that -- you know, we were in

10 the kitchen, and she was just opening the fridge,

11 and -- you know, it was a very comfortable setting.

12 It wasn't like a normal T.V. production. It wasn't

13 huge lights and 50 crew members. It was pretty

14 intimate.

15 Q. She felt comfortable just going in his

16 refrigerator and getting --

17 A. Yeah, she -- yeah.

18 Q. All right. Now, Janet Arvizo appeared to

19 have makeup on in this film; is that correct?

20 A. I don't know.

21 Q. Okay. Did you have anybody there doing

22 makeup?

23 A. No. No.

24 Q. Did you have anybody there to do her hair?

25 A. No.

26 Q. And when she arrived, did she look pretty

27 much the way she looked when she was on the screen?

28 A. I think so, yes. 10947

1 Q. So she didn't get there and then somebody
2 made her up for the show?

3 A. Not -- not that I remember, no.

4 Q. Okay. Now, when you were talking with her
5 before the shooting started, do you recall what she
6 was saying?

7 MR. AUCHINCLOSS: Objection to any answer
8 other than "yes" or "no."

9 Q. BY MR. SANGER: Start with that.

10 A. Yes.

11 Q. Okay. What was she saying?

12 MR. AUCHINCLOSS: Objection; hearsay.

13 MR. SANGER: Both for impeachment and state
14 of mind, Your Honor.

15 THE COURT: Overruled.

16 You may answer.

17 THE WITNESS: She was saying a lot. She
18 talked about Michael being a great father figure to
19 the family. She talked about how horrible it was,
20 how he was portrayed in the video.

21 She was very eager to do the interview. She
22 wanted to make the situation right for Michael,
23 because she felt like what had happened on
24 television was, you know, like a really bad thing.
25 She had so much respect.

26 And -- you know, she -- and she's a very
27 religious woman. She kept talking about God and

28 Jesus, and, you know, how lucky that they were to 10948

1 have, you know, Jesus help them and brought Michael
2 into their lives, and that he was a healer.
3 Like, she was saying things that I thought
4 were a little nutty. You know, I -- I thought she
5 was a warm person, but at the same time, I didn't
6 want -- you know, she was -- she was warm, but I
7 didn't feel --

8 MR. AUCHINCLOSS: Object to the narrative.

9 THE COURT: Sustained.

10 Q. BY MR. SANGER: Okay. Do you recall
11 anything else that she talked about during the time
12 she was talking to you?

13 Let me ask, did she talk about her
14 ex-husband at all?

15 A. Oh, yeah, a lot.

16 Q. Could you explain what she talked about in
17 that regard?

18 MR. AUCHINCLOSS: Objection. Hearsay;
19 irrelevant.

20 THE COURT: Sustained.

21 Q. BY MR. SANGER: Let me put it this way.

22 Did she have a name for her ex-husband?

23 A. Yes.

24 Q. What did she refer to him as?

25 MR. AUCHINCLOSS: Objection. Hearsay;
26 relevance.

27 THE COURT: Overruled.

28 You may answer. 10949

1 THE WITNESS: The children's biological

2 father.

3 Q. BY MR. SANGER: Now, without going into

4 detail as to what she said to you any further about

5 the ex-husband or the biological father, what she

6 was telling you in this half-hour conversation, was

7 that consistent with what she said when the cameras

8 were rolling?

9 A. Yes.

10 Q. And when she was talking to you, did she

11 appear to be spontaneous? In other words --

12 A. Before or after?

13 Q. Well, let's take the half-hour conversation.

14 Was she just talking to you?

15 A. Oh, yeah. Yeah.

16 Q. And were you asking her questions to elicit

17 all this that she was talking about?

18 A. No, she was -- I mean, I asked her some

19 questions. I wanted her to feel comfortable with

20 me, but that was like, you know, zero to -- that was

21 in no time. She was talking a lot. And I was

22 probably asking her questions to see -- you know,

23 because I gave her the questions that -- I told her

24 a lot of the questions that I was going to ask her,

25 you know.

26 Q. When you say you gave her the questions, did

27 you give a written list?

28 A. No, no, no. I did not give her the 10950

1 questions, but I let her read my questions, and I
2 went over, you know, "If you don't feel comfortable
3 with anything, that's fine, I don't have to ask it."
4 You know, that kind of stuff.

5 Q. All right. And is that an unusual procedure
6 when you're doing an interview with somebody, to go
7 over the questions in advance?

8 A. If they've done a lot of interviews, then
9 you would not want to give them -- you would not
10 want to show them the question, because they're used
11 to answering questions.

12 But I was pretty sure that this was the
13 family's first time doing a televised interview, so
14 I -- yeah, I went over certain kinds of things with
15 all the kids to make them feel more comfortable. I
16 didn't tell them what to say. I just told them, you
17 know, "I just want you to tell the truth." I said
18 that a lot. But I definitely, you know, made them
19 feel as comfortable as possible.

20 Q. Now, do you recall Janet Arvizo talking to
21 anybody about being compensated for doing the video?

22 A. I don't recall her talking to anybody about
23 being compensated, but Hamid told me that she wanted
24 to be compensated.

25 MR. AUCHINCLOSS: Objection. Hearsay; move
26 to strike.

27 THE COURT: Stricken.

28 Q. BY MR. SANGER: So she had no discussion in 10951

1 your presence about being compensated; is that
2 right?

3 A. Not that I know of.

4 Q. All right. Was there any discussion with
5 Janet Arvizo about model releases?

6 A. Yes, that was the big issue of the night.

7 Q. Now, are model releases an unusual procedure
8 in your profession?

9 A. Are they unusual?

10 Q. Yeah. Is it unusual --

11 A. No.

12 Q. -- to get somebody to sign a model release?

13 A. No, it's required.

14 Q. So before you do an interview or you're
15 going to put somebody on tape to send to television,
16 you have them do a model release; is that right?

17 A. Yeah, especially when you're dealing with
18 kids. That's the -- yeah.

19 Q. Was there anything unusual, as far as you
20 were concerned, about the model release in this
21 particular case?

22 A. Yes. She wasn't signing the model releases
23 and she was yet so eager to do this interview. And
24 so I just -- I thought it was money, and I -- that
25 was purely my thought, but -- you know, I thought
26 she wanted money.

27 Q. All right. At some point, did she -- did

28 she, meaning Janet Arvizo, talk with somebody on the 10952

1 telephone about the model releases?

2 A. Yes, she was talking about the model
3 releases, but I don't know what else -- you know,
4 she was answering "yes," "no."

5 Q. So during the time you were trying to get a
6 model release signed, she was on the phone?

7 A. Right. Right.

8 Q. Was it more than once?

9 A. Yeah, it was ongoing. Like I was freaking
10 out, because, you know, I was calling Mr. Schaffel
11 and saying, "We're not going to be able to do this.
12 She won't sign the model releases," because I was
13 told not to do it without signed releases.

14 Q. Did she eventually agree to sign the model
15 release?

16 A. I believe she signed, but I believe it was
17 after the interview.

18 Q. All right. So at some point, the production
19 went ahead?

20 A. Yes.

21 Q. And were you in charge of actually getting
22 the model release in your hand, or was that somebody
23 else?

24 A. No, I needed to see them signed. I know
25 Vinnie was supposed to take the model releases up to
26 Mr. Schaffel at the end of the night. It wasn't my
27 responsibility.

28 Q. So your understanding is that they were 10953

1 signed sometime before the night was over; is that
2 right?

3 A. No. I know they were signed, yes.

4 Q. Did anybody -- did you see anybody coerce
5 Miss Arvizo into signing the model releases?

6 MR. AUCHINCLOSS: Objection; foundation.

7 THE COURT: Overruled.

8 THE WITNESS: No, I didn't see anybody
9 coercing her.

10 Q. BY MR. SANGER: And when she went to begin
11 the interview, did it appear to you -- let's put it
12 this way. Was there anything that you saw that
13 indicated that she was not absolutely willing to
14 give this interview? Was there anything that you
15 saw that indicated to you that she was unwilling to
16 give this interview?

17 A. No. Except for the model releases.

18 Q. All right. And I guess what I'm saying is,
19 when it started --

20 A. No, she wanted to do the interview. She was
21 adamant about wanting to do the interview. But
22 that's why I was like in a very strange place,
23 because, "If you're so eager to do this interview,
24 then why won't you just sign the model release?"
25 Like, I didn't know how to treat the situation.

26 Q. All right. Now, you finished that project
27 that night?

28 A. Correct. 10954

1 Q. And that was the end of your involvement in
2 that part of it, is that correct; in other words,
3 the filming of the Arvizos?

4 A. Yes.

5 Q. The filming was over. Okay.

6 And by the time -- did it appear to you that
7 anybody had, in your presence, done anything to
8 intimidate Mrs. Arvizo or the children?

9 A. Absolutely not.

10 Q. By the time you left that night, or they
11 left, whoever left first, by the time you parted
12 company with the Arvizos, did you ever see them
13 again in person?

14 A. I don't think I did.

15 Q. That was -- your contact with the Arvizos
16 was that night; is that correct?

17 A. Correct.

18 Q. During the entire course of that time that
19 you had contact with the Arvizos, did any of them
20 indicate to you in any way that they were being held
21 against their will?

22 A. Not at all.

23 Q. Did any of them indicate that they were
24 being extorted?

25 A. That they were being extorted?

26 Q. Extorted.

27 A. No.

28 Q. All right. Did any of them indicate in any 10955

1 way that they had been mistreated by Michael Jackson
2 in any way?

3 A. No, they indicated -- they indicated the
4 opposite.

5 Q. And that was true of the statements off
6 camera as well as on camera; is that right?

7 A. Right.

8 Q. Did they indicate in any way that they had
9 been mistreated by anybody who was working for Mr.
10 Jackson?

11 A. No.

12 Q. Was -- did there appear to be any animosity
13 or tension or anything inappropriate in the
14 relationship between Mr. Amen and any members of
15 this family?

16 A. No.

17 Q. Did the private investigator appear in any
18 way to do anything or exhibit any behavior that
19 indicated there was anything inappropriate going on
20 there?

21 A. No.

22 Q. Now, you did mention Gary, Indiana. Do you
23 recall participating in another production -- or not
24 a -- a production of another piece?

25 A. A lot of pieces, yeah.

26 Q. Was the Gary, Indiana, ultimately televised
27 as "Michael Jackson's Home Movies," or was that part

28 of what you did for that? 10956

1 A. You know, that may have been part of the
2 "Michael Jackson Home Movies," but I -- I always
3 viewed my purpose filming for Michael as more of an
4 archival documentary. I don't -- it will be on
5 television some day. And, you know, Michael has
6 seen a lot of the footage, but I don't know how much
7 of that has aired.

8 MR. SANGER: Okay. All right. I have no
9 further questions. Thank you.

10 THE COURT: Cross-examine?

11

12 CROSS-EXAMINATION

13 BY MR. AUCHINCLOSS:

14 Q. Good morning, Mr. Robinson.

15 A. Good morning.

16 Q. Now, you've testified that you are a
17 videographer?

18 A. Among other things, yes, sir.

19 Q. Among other things. And would it be fair to
20 say that videography was the primary job that you
21 did when you were working in -- on behalf of Michael
22 Jackson?

23 A. No, I wouldn't say it was primary.

24 Q. Okay. Give me a description of the types of
25 tasks that you would undertake on behalf of Mr.
26 Jackson.

27 A. Okay. It's a lot. I started out on "What

28 More Can I Give?" as mostly an interviewer who ran a 10957

1 B camera, a secondary camera. It transitioned to
2 the point where I would produce events. Like
3 Michael had a birthday, so I booked crews, and I
4 would locate -- you know, I would give crews
5 positions and give them instruction on what we're
6 going to cover.

7 I would take the footage from, like, Gary
8 Indiana, for example, and edit like a ten-minute
9 selects reel with music for Michael to watch, you
10 know, so he could enjoy it. And also if we had a
11 media person that was interested in the footage, we
12 would -- we could show them that at some point. So
13 it was -- it was pretty encompassing.

14 Q. You also said that you would sometimes
15 prepare videos for archival purposes.

16 A. Yeah. I didn't feel like what I was
17 shooting was for any specific television show most
18 of the time.

19 Q. Would you sometimes prepare videos just for
20 Mr. Jackson's personal use?

21 A. Yes. I prepared a few, yes.

22 Q. And would those mostly comprise videos of
23 fans praising Mr. Jackson, that type of thing?

24 A. No. I mean, the fans are obviously praising
25 Jackson, but it's also, you know, you establish with
26 the airport in Gary, you know, and then you just
27 show the madness of the trip. And, you know, if

28 Michael's being awarded something, then you show 10958

1 that. You know, it's just like a mini documentary
2 about the event.

3 Q. But haven't you stated before that Michael
4 Jackson particularly enjoyed videos of his fans when
5 they were praising him, King of Pop, King of the
6 World?

7 A. He was the king of -- yeah. Absolutely.

8 Q. You used those words, "King of Pop," "King
9 of the World"?

10 A. "King of Pop," "King of the World." The
11 people loved -- they loved to let him know how they
12 felt.

13 Q. And Mr. Jackson liked to see those videos?

14 A. Absolutely.

15 Q. All right. Now, would it be fair to say
16 that in your work for Mr. Jackson, some of this
17 video work that you would do would be for public
18 relations purposes?

19 A. Yeah, I'm not going to obviously film
20 somebody saying, "Michael is a jerk." I'm like,
21 "Oh, yeah, that's going to make the video."

22 Q. So you were primarily involved in public
23 relations aspects of --

24 A. Yeah.

25 Q. -- Michael Jackson and his image, making his
26 image appealing to the public?

27 A. Sure. You could say that that was part of

28 my job description. 10959

1 Q. Okay. Because you were working for Michael
2 Jackson?

3 A. Exactly. I was working for an artist. I'm
4 not going to -- I'm going to make him look as good
5 as possible.

6 Q. All right. And you've had a business
7 relationship with him?

8 A. Correct.

9 Q. How many times would you say you have
10 personally talked business with Michael Jackson, if
11 you can approximate?

12 A. You know, maybe -- maybe 100. You know, and
13 if there's an eight-day trip, then a couple times a
14 day, so that's how I am coming up with that number.

15 Q. All right. And your relationship with him
16 was strictly business?

17 A. Well, I mean, I considered him a nice guy.

18 We would talk a little bit. He was interested in
19 what the camera was. And, you know, he was always
20 very kind to me.

21 Q. And you're aware that Mr. Jackson has been
22 in the entertainment industry for virtually his
23 entire life?

24 A. Yes.

25 Q. Okay. Over 40 years?

26 A. 40, wow, that's -- that's a long time.

27 Q. It is.

28 So would you agree that Mr. Jackson is 10960

1 fairly accomplished in the area of public relations?

2 A. No.

3 Q. You wouldn't agree with that?

4 A. No. He's -- he's a public relations

5 nightmare in a lot of ways, I think.

6 Q. Well, how did he become the king of pop

7 without having some acumen in public relations?

8 A. Because he's a genius musically, man. You

9 know, that's I believe how he became so famous. I

10 think the PR thing is a whole different story.

11 Q. Well, as far as his work in the public

12 relations part of his career --

13 A. Uh-huh.

14 Q. -- this -- let's talk a little bit about the

15 "Home Movies" thing.

16 A. Okay.

17 Q. Was that a public relations film?

18 A. Well, I believe they paid, like, eight

19 million dollars for it, so I wouldn't call it a

20 public relations film.

21 Q. But it was designed to promote Michael

22 Jackson's career in some fashion?

23 A. Everything an artist does, yeah, I believe

24 is.

25 Q. Do you think everything Michael Jackson does

26 is somehow related to promoting his career?

27 MR. SANGER: Objection, Your Honor. That's

28 vague. Beyond the -- no foundation. 10961

1 THE COURT: Sustained as vague.

2 Q. BY MR. AUCHINCLOSS: Well, let's talk about
3 the -- you've heard some of the stories about Mr.
4 Jackson with sleeping in a hyperbaric chamber, that
5 type of thing?

6 MR. SANGER: Objection, Your Honor. Beyond
7 the scope of direct and no foundation and calls for
8 hearsay.

9 THE COURT: Sustained.

10 Q. BY MR. AUCHINCLOSS: Have you heard of any
11 PR stunts that Mr. Jackson has pulled on his behalf
12 that are somewhat odd or unusual that get a lot of
13 attention?

14 MR. SANGER: Objection, Your Honor.
15 Argumentative; no foundation; assumes facts not in
16 evidence; and hearsay from tabloids.

17 MR. AUCHINCLOSS: It's a "yes" or "no"
18 question.

19 THE COURT: Sustained.

20 MR. AUCHINCLOSS: All right.

21 Q. Now, you've been personally involved on a
22 number of projects with Mr. Jackson?

23 A. Yes, sir.

24 Q. The "What More Can I Give?" shoot, correct?

25 A. Correct.

26 Q. "Home Movies"?

27 A. Yes.

28 Q. That was -- part of that, I believe you 10962

1 said, was shot in Gary, Indiana?

2 A. You know, I believe they used some of that
3 footage. I never saw the finished product.

4 Q. Did you also involve yourself in a shooting
5 of a party that involved an artist by the name of
6 Britto at Neverland?

7 A. Oh, yes. Yes.

8 Q. So you shot the film for that?

9 A. Yes.

10 Q. When was the "Home Movies" shot?

11 A. The "Home Movies" --

12 MR. SANGER: I'm going to object. I believe
13 there's a lack of foundation on that.

14 MR. AUCHINCLOSS: Well, I can maybe clean
15 that up a little bit.

16 Q. When did you do the shoot that you've talked
17 about in Gary, Indiana, that was used in "Home
18 Movies"?

19 MR. SANGER: I'm going to object to that.

20 There's no foundation.

21 THE COURT: Overruled.

22 You may answer.

23 THE WITNESS: Gary, Indiana. That would
24 have been -- it was getting warm. I would say it
25 was -- this is an estimation. I could be way off
26 here. I think it was in the spring of 2003.

27 Q. BY MR. AUCHINCLOSS: I'm sorry?

28 A. I think it was in the spring of 2003. 10963

1 Q. Okay. And when was the Britto party filmed?

2 A. Neverland party. I don't know. I really
3 don't know the dates of the Neverland party.

4 Q. Could it have been in the fall of 2003?

5 A. Yes, likely.

6 Q. Does that ring a bell?

7 A. I mean, you guys know, you know. And I'm
8 horrible with dates, but -- yeah.

9 Q. It was several months after the shooting of
10 the Arvizos; is that accurate?

11 A. It was after the shooting of the Arvizos?

12 Q. Yes.

13 A. Okay.

14 Q. Well, do you know?

15 A. I don't know. I don't know. That was --
16 that was a stressful trip to me, and I think my mind
17 flushed it away.

18 Q. So the -- but both of those projects were
19 Neverland Valley Entertainment projects, correct?

20 A. Neverland Valley Entertainment, yes.

21 Q. They both involved Marc Schaffel?

22 A. Yes.

23 Q. Michael Jackson was employing Marc Schaffel
24 for each of those projects, to help produce them?

25 A. Yes. You know, I don't think Michael
26 Jackson produced -- actually, I don't think
27 Michael -- I think the party was Marc's idea. I

28 don't think that was something that Michael 10964

1 initiated. I think that was a Marc thing.

2 Q. And that was a promotional party,
3 thousand-dollar-a-plate dinner type of a thing,
4 right?

5 A. It was weird, yeah.

6 Q. Why do you say it was weird?

7 MR. SANGER: Objection. Your Honor, this is
8 beyond the scope of direct.

9 THE COURT: Sustained.

10 Q. BY MR. AUCHINCLOSS: Now, did you get to
11 know an individual named Brett Ratner during any of
12 these shoots?

13 A. Yes.

14 Q. Which shoot was that?

15 A. That would have been the "Home Movies"
16 shoot, and kind of -- there's another shoot that
17 Hamid had, you know, the second camera show, the FOX
18 "The Interview You Weren't Meant To See." He may
19 have had something to do with getting some footage
20 for that as well, but I know those were close
21 together, so --

22 Q. So did Mr. Ratner work with Mr. Schaffel in
23 those two productions?

24 A. Did Mr. Ratner work with Marc?

25 Q. Yes.

26 MR. SANGER: I'm going to object. Lack of
27 foundation. And also beyond the scope of direct,

28 and relevance. 10965

1 THE COURT: Overruled.

2 You may answer.

3 THE WITNESS: I believe that Brett Ratner
4 was paid by FOX.

5 Q. BY MR. AUCHINCLOSS: All right. And --

6 A. That's my --

7 Q. Do you know that?

8 A. That's what I have assumed the entire time.

9 Q. Weren't these productions produced,
10 packaged, and then sold to FOX?

11 MR. SANGER: Objection; lack of foundation.

12 THE COURT: Sustained.

13 Q. BY MR. AUCHINCLOSS: Okay. How did you meet
14 Mr. Marc Schaffel?

15 A. The first time I came to L.A., I met Mr.
16 Schaffel on a pilot for a comedic sitcom that was
17 produced by Joseph Medawar.

18 Q. You didn't meet Mr. Schaffel at an Indy film
19 festival?

20 A. No.

21 Q. And what year was it that you met Mr.
22 Schaffel?

23 A. Hmm. When I first met Mr. Schaffel, it
24 would have been sometime early 2001 or in 2000.

25 Q. Did you form a business relationship with
26 Mr. Schaffel after that time?

27 A. I was back and forth from Utah a lot, so,

28 yeah, I mean, it started then, you know, that I 10966

1 realized that, you know, he was a very smart person,
2 and I would like to work with him, sure.

3 Q. Okay. And Fred Schaffel headed up Neverland
4 Valley Entertainment, correct?

5 A. Correct.

6 Q. And that was an enterprise that was formed
7 with Mr. Jackson?

8 MR. SANGER: Objection; lack of foundation.

9 THE COURT: Sustained.

10 Q. BY MR. AUCHINCLOSS: Do you know if that was
11 an enterprise that was formed with Mr. Jackson?

12 MR. SANGER: Objection. Lack of foundation
13 beyond a "yes" or "no."

14 THE COURT: You may answer "yes" or "no."

15 THE WITNESS: Please repeat the question.

16 Q. BY MR. AUCHINCLOSS: Do you know if
17 Neverland Valley Entertainment was an enterprise
18 formed with Mr. Jackson -- by Mr. Schaffel with Mr.
19 Jackson?

20 A. Yes.

21 Q. Okay. And was Neverland Valley
22 Entertainment an enterprise that was formed by Mr.
23 Schaffel with Mr. Jackson?

24 MR. SANGER: Objection; lack of foundation.

25 THE COURT: Sustained.

26 Q. BY MR. AUCHINCLOSS: How do you know that
27 this enterprise was formed with these two

28 individuals? 10967

1 A. How do I know?

2 Q. Yes.

3 A. Well, I never saw any paperwork.

4 Q. But did you see them work together in
5 enterprises that involved Neverland Valley
6 Entertainment?

7 MR. SANGER: Objection; argumentative.

8 THE COURT: Sustained.

9 Q. BY MR. AUCHINCLOSS: How do you know that?

10 Why do you say that you know that Neverland Valley
11 Entertainment involved Mr. Jackson and Mr. Schaffel?

12 MR. SANGER: Well, I'm going to -- I'm going
13 to object that that's what he said. That was not
14 the question, so misstates the evidence.

15 THE COURT: Overruled.

16 You may answer.

17 Q. BY MR. AUCHINCLOSS: Go ahead.

18 A. I assumed that because of "What More Can I
19 Give?" And then everything I did with Marc was
20 under the same company, so, yes.

21 Q. Marc Schaffel --

22 MR. SANGER: Excuse me, I'm going to then
23 move to strike the answer as being without an
24 adequate foundation and the answer to the prior
25 questions on that subject.

26 THE COURT: I'll strike the answers that he
27 gave relating to that relationship as a company.

28 Go ahead. Next question. 10968

1 Q. BY MR. AUCHINCLOSS: Neverland Valley
2 Entertainment -- everything that Neverland Valley
3 Entertainment did involved Mr. Jackson in some
4 fashion, as far as you know, true?
5 MR. SANGER: Objection; lack of foundation.
6 THE COURT: Sustained.
7 Q. BY MR. AUCHINCLOSS: Michael Jackson and
8 Marc Schaffel were friends, correct?
9 A. Yes.
10 Q. And Mr. Schaffel admired Mr. Jackson?
11 A. A great deal.
12 Q. He respected him?
13 A. Yes.
14 Q. Did you ever spend the night at -- well, let
15 me back up.
16 How many times did you work for Marc
17 Schaffel?
18 A. How many times did I work for Marc Schaffel?
19 Q. Yeah.
20 A. Couldn't put a number on it. A lot of days.
21 Q. On how many different projects did you work
22 for Marc Schaffel on behalf of Neverland Valley
23 Entertainment?
24 A. How many different jobs or how many
25 different days?
26 Q. Let's start with jobs.
27 A. Probably 10 or 12. Maybe 15.

28 Q. And -- go ahead. 10969

1 A. A lot of them were more than one day, so --

2 Q. And how many different days, approximately?

3 A. Probably 140 days of work. Maybe between

4 100 and 140. I'm not positive.

5 Q. And --

6 A. Maybe less, actually. Maybe like 70, even.

7 Q. Did Mr. Schaffel see working with Mr.

8 Jackson as a significant career opportunity?

9 MR. SANGER: I'm going to object. Lack of

10 foundation; calls for speculation.

11 THE COURT: Sustained.

12 Q. BY MR. AUCHINCLOSS: Did you ever discuss

13 with Mr. Schaffel his work with Michael Jackson?

14 A. While I was -- Marc didn't --

15 MR. SANGER: It's -- excuse me, Your Honor.

16 I believe that would be a "yes" or "no." Otherwise,

17 I object as calls for hearsay.

18 THE COURT: All right. I'll sustain the

19 objection.

20 You can read back the question.

21 It's a question that only requires you to

22 answer "yes" or "no."

23 THE WITNESS: It only requires me to answer

24 "yes" or "no"?

25 THE COURT: Yeah. So wait. I'll let you

26 have the question back.

27 THE WITNESS: Okay. Thank you.

28 (Record read.) 10970

1 THE WITNESS: Did I ever discuss with
2 Schaffel his work with Jackson. I tried.

3 Q. BY MR. AUCHINCLOSS: Okay. And you, I
4 believe, have testified that you engaged in work for
5 Mr. Jackson that involved Mr. Schaffel?

6 A. Yes.

7 Q. On numerous occasions?

8 A. Yes.

9 Q. And you would agree that Marc Schaffel would
10 never do anything to hurt Michael Jackson, would you
11 not?

12 MR. SANGER: Objection. Calls for
13 speculation; lack of foundation.

14 THE COURT: Sustained.

15 Q. BY MR. AUCHINCLOSS: Based on everything
16 you've heard and seen.

17 THE COURT: Sustained.

18 THE WITNESS: Sustained. I can answer?

19 MR. AUCHINCLOSS: No.

20 Q. Have you ever seen Marc Schaffel do anything
21 to hurt Michael Jackson --

22 A. No.

23 Q. -- intentionally?

24 A. No.

25 Q. When you've worked with Schaffel, have you
26 stayed at his house at times?

27 A. Yes.

28 Q. And when you worked for Mr. Schaffel on 10971

1 behalf of Neverland Valley Entertainment, were you
2 paid by Neverland Valley Entertainment?

3 A. Most of the time. Once in a while I would
4 get a check from Michael's office, I believe.

5 Q. And do you consider yourself a friend of
6 Marc Schaffel?

7 A. Yes, I do.

8 Q. A close friend?

9 A. No, no, not close, but, you know, he's a
10 good guy.

11 Q. When was the last time you talked to him?

12 A. I probably talk to him once a week. If --
13 sometimes a month will go by, especially lately.

14 I've been very busy, so I don't see him much.

15 Q. Do you respect Marc Schaffel?

16 A. In a few ways I respect Marc Schaffel a lot.

17 In a few ways I would say that he's not the kind of
18 person that -- in a few ways I respect him a lot,
19 like as a business mentor. He was very good to me,
20 you know. I know his family, you know. But in a
21 few career decisions that he made in the past, I
22 wouldn't model my career after.

23 Q. Such as his previous --

24 MR. SANGER: Objection, Your Honor.

25 MR. AUCHINCLOSS: I haven't finished the
26 question.

27 MR. SANGER: But I'd like to be heard, then.

28 THE COURT: Go ahead. Ask your question. 10972

1 Q. BY MR. AUCHINCLOSS: Such as his previous
2 experiences in the entertainment industry?

3 A. Such as his previous experiences in the
4 entertainment industry.

5 Q. All right.

6 A. Yeah.

7 Q. Now, does -- do you know if Mr. Schaffel has
8 connections in Brazil?

9 MR. SANGER: Objection.

10 THE WITNESS: Connections?

11 MR. SANGER: Beyond the scope of direct.

12 THE COURT: Sustained.

13 Q. BY MR. AUCHINCLOSS: Let's talk a little bit
14 about the Bashir film.

15 A. Okay.

16 Q. That film was indeed a public relations
17 nightmare for Mr. Jackson, true?

18 A. Yes.

19 Q. And you saw the appearance of Gavin Arvizo
20 in that film as a serious liability for Michael
21 Jackson, correct?

22 MR. SANGER: Objection; vague.

23 THE COURT: Overruled.

24 You may answer.

25 THE WITNESS: Yes.

26 Q. BY MR. AUCHINCLOSS: Okay. And that one of
27 the problems in that film was that Michael Jackson

28 was recorded holding hands, cuddling with Gavin 10973

1 Arvizo on a sofa, and talking about sleeping --

2 Gavin Arvizo was talking about sleeping in Michael

3 Jackson's bed?

4 A. There were --

5 MR. SANGER: Object. One second, please.

6 Objection. That's compound and it misstates

7 the evidence.

8 THE COURT: Compound. Sustained.

9 Q. BY MR. AUCHINCLOSS: One of the problems in

10 that film was that Gavin Arvizo was on a sofa with

11 Michael Jackson being physically affectionate with

12 him, true?

13 A. One of the problems, yes.

14 Q. Yes. And another problem was that Gavin

15 talked about sleeping in Michael Jackson's bed?

16 A. Did he? I think he did. Yes. If he did,

17 then, yes, absolutely.

18 Q. All right. And later in that video, Mr.

19 Jackson admitted that he slept with a number of

20 small boys, or small children?

21 A. Okay.

22 Q. That was part of the --

23 MR. SANGER: I'm going to move to strike the

24 answer as without foundation.

25 THE COURT: Sustained.

26 Q. BY MR. AUCHINCLOSS: You've seen the video,

27 right?

28 A. I've seen it once and I read it once, but 10974

1 that was two years ago, so I can't -- I don't know
2 the exact language in the film.

3 Q. Well, you were -- you saw yourself as an
4 individual that was attempting to address the public
5 relations disaster or nightmare of the Martin Bashir
6 footage, correct?

7 I mean, isn't that what you were trying to
8 do in the month of February with Marc Schaffel?

9 A. That -- was I trying to address the public
10 relations nightmare? Yes.

11 Q. And this film footage that you were putting
12 together with people like Debbie Rowe and the
13 Arvizos was designed to help rebut the Martin
14 Bashir?

15 A. Yeah, in part. Beyond financial, probably.

16 Q. And there was a financial component to
17 this --

18 A. I'm sure.

19 Q. -- rebuttal film, correct?

20 A. Absolutely.

21 Q. Because it was designed as a money-making
22 enterprise, true?

23 A. Yes. Not designed as a money-making -- I
24 think it was -- I think it had two purposes, and
25 they were equal.

26 Q. Okay. And the two purposes were --

27 A. To --

28 Q. -- to help Michael Jackson -- 10975

1 MR. SANGER: Objection. The witness was
2 trying to answer.

3 MR. AUCHINCLOSS: I hadn't finished my
4 question.

5 THE COURT: The objection is overruled. Go
6 ahead.

7 Q. BY MR. AUCHINCLOSS: And the two purposes
8 were to help Michael Jackson with his public
9 relations nightmare and make some money doing it.
10 Those are the two purposes?

11 A. I think the PR thing was more important, now
12 that I -- now that you say it that way.

13 Q. Okay.

14 A. But really the first thing we did was "The
15 Interview You Weren't Meant To See," which showed
16 how poorly Michael was treated in the first.

17 Q. Okay. So one of the things that you
18 mentioned is very early on, you read a complete
19 script of the Martin Bashir video?

20 A. I don't know if it was complete. I found it
21 online. It was a transcript, supposedly.

22 Q. Okay. And -- but that was before you even
23 saw the Martin Bashir video?

24 A. Yes.

25 Q. And was that before -- between -- let me
26 strike that.

27 Was that after it had been aired in England?

28 A. Yes. 10976

1 Q. And you worked with Debbie Rowe on the
2 filming with Debbie Rowe?

3 A. Correct.

4 Q. Videography; is that a fair way to describe
5 your job at that particular time?

6 MR. SANGER: I'm going to object. That's
7 ambiguous.

8 THE COURT: Overruled.

9 You may answer.

10 THE WITNESS: Like we've already talked
11 about, I don't classify my work as one thing. So
12 that is part of what I do is videography, yes.

13 Q. BY MR. AUCHINCLOSS: But you weren't the
14 interviewer in that, right?

15 A. I was prepared to do the interview, but I
16 did not do the interview.

17 Q. So you helped out with the cameras?

18 A. Right.

19 Q. Lighting?

20 A. I helped set up, get it done.

21 Q. And there were questions prepared for that
22 interview?

23 A. Yes.

24 Q. Okay. And you don't know for a fact whether
25 or not Debbie Rowe was coached or screened
26 beforehand concerning those questions?

27 A. She wasn't coached or screened at Marc

28 Schaffel's house, if she was. 10977

1 Q. Okay. But you don't know, other than what
2 happened at Marc Schaffel's house?

3 A. Right.

4 Q. And how did it come about that Marc Schaffel
5 contacted you to help with that?

6 A. If he had a video project and he needed to
7 get it done, he would call me to help pull all the
8 things together.

9 Q. You were in California at the time?

10 A. I may have been in Salt Lake at the time. I
11 have a business in Salt Lake that I would travel
12 back and forth whenever I had work here.

13 Q. Was there any discussion at the time about
14 how you would be paid?

15 A. No. I always -- Marc always paid my
16 invoices.

17 Q. Okay. Now, at this time, there was also --
18 let me strike that.

19 After the -- the Debbie Rowe interview was
20 shot after the Martin Bashir had aired in the United
21 States, true?

22 A. I don't know.

23 Q. Okay. In any event, after the Bashir film
24 aired in the United States, you were aware that it
25 would be very valuable to get the Arvizos on
26 videotape?

27 A. Yeah, I think we knew that that was a

28 possibility. 10978

1 Q. "We" being you and Marc and who else?

2 A. Anybody who, you know, has a logical brain,
3 you know. You know, this kid that's causing all
4 this news, he's worth money. And I don't think that
5 was our primary motivation. But if you can fix a
6 bad problem and make money doing it, wow, you
7 just -- you know, you just killed two birds with one
8 stone.

9 Q. But certainly you knew that was going to be
10 worth money? That's really my question.

11 A. Sure. Of course.

12 Q. And you spent some time over at Mr.
13 Schaffel's house during that time period in February
14 of 2003?

15 A. Yeah, we probably worked a lot.

16 Q. Were you spending the night over there at
17 that time?

18 A. We had a whole camp set up there. A lot of
19 people were spending the night up there.

20 Q. So you were one of them?

21 A. Yes.

22 Q. Did you see the comings and goings of
23 various people that were involved in this
24 enterprise?

25 A. Like Stuart and Vinnie and Frank, yeah.

26 Q. Okay. And Stuart Backerman, that was -- he
27 was Michael's PR man?

28 A. That's correct. 10979

1 Q. Vinnie, he's a close personal friend of
2 Frank's?

3 A. He's a friend of mine, yeah.

4 Q. Okay.

5 A. He's a good guy.

6 Q. Friend of yours as well.

7 And Frank, you're talking about Frank

8 Cascio, right?

9 A. Uh-huh.

10 Q. Frank Cascio's kind of like a brother to

11 Michael Jackson; is that fair to say?

12 MR. SANGER: Objection. Objection.

13 THE WITNESS: I didn't see them together

14 that much.

15 MR. SANGER: I'll withdraw it.

16 THE COURT: Okay.

17 MR. SANGER: I was going to say no

18 foundation, but I think that's --

19 Q. BY MR. AUCHINCLOSS: You've seen Michael and

20 Frank together?

21 A. I have.

22 Q. And in the past, you have described Michael

23 and Frank as best friends, true?

24 A. That's how Frank --

25 MR. SANGER: I'm going to object. I'm going

26 to object that that calls for hearsay.

27 THE COURT: Sustained.

28 Q. BY MR. AUCHINCLOSS: In the past, you have 10980

1 described Michael and Frank Cascio as sort of like
2 brothers?

3 MR. SANGER: Objection; calls for hearsay.

4 Q. BY MR. AUCHINCLOSS: True?

5 MR. SANGER: No foundation.

6 MR. AUCHINCLOSS: Offered as impeachment.

7 THE COURT: Yeah, just a moment. I need to
8 check something here.

9 All right. I'm going to overrule the
10 objection.

11 Q. BY MR. AUCHINCLOSS: Didn't you say that in
12 the grand jury when you testified?

13 A. Yes, that's how Frank would have described --
14 I would ask, probably, and that's --

15 Q. Well, that was your opinion when you
16 described it, wasn't it?

17 A. Okay. Yes. If that's -- if those are my
18 words. I don't have a transcript in front of me,
19 so --

20 Q. Okay.

21 A. You can tell me. I'm not --

22 Q. Did you know a guy by the name of Dieter
23 Weizner?

24 A. I know Dieter.

25 Q. How many times have you met Dieter?

26 A. Maybe 20. Maybe 15.

27 Q. And Dieter is an individual who's involved

28 in business with Michael Jackson, correct? 10981

1 A. Yes. Or he was.

2 Q. All right. And he was at that time?

3 A. Yes.

4 Q. Hamid Moslehi, he was Michael Jackson's
5 personal videographer?

6 A. Yes. And photographer.

7 Q. I'm sorry?

8 A. And photograph.

9 Q. Director of photography?

10 A. Yeah, that's a good word for it.

11 Q. Okay. And the effort at this camp at Marc
12 Schaffel's house was directed at helping Michael
13 Jackson; is that true?

14 A. Yes.

15 Q. Everybody was working hard to help Michael
16 Jackson during that entire period, correct?

17 A. Yes.

18 MR. SANGER: I'm going to object. It calls
19 for speculation without a foundation.

20 THE COURT: Sustained.

21 Q. BY MR. AUCHINCLOSS: That's what you were
22 trying to do, right?

23 A. Yes.

24 Q. Is help Michael Jackson?

25 A. Yes.

26 Q. And from everything you saw, it looked like
27 Marc Schaffel was helping -- trying to help Michael

28 Jackson, true? 10982

1 A. Yes. Yes.

2 Q. And Frank?

3 A. Frank's lazy, but, yeah.

4 Q. Okay. He's lazy, but he wanted to help

5 Michael Jackson if he could?

6 A. Yeah.

7 MR. SANGER: I'm going to -- well, I'll

8 withdraw it.

9 Q. BY MR. AUCHINCLOSS: All right. So one of

10 your tasks during this time was to interview the

11 Arvizo family?

12 A. That is correct.

13 Q. And Marc Schaffel is the one who assigned

14 you to that task; is that correct?

15 A. Yes.

16 Q. And on the day that that was to be shot, you

17 said that you spent some time writing down questions

18 to ask the Arvizos?

19 A. That is correct.

20 Q. Okay. Had you ever met the Arvizos at that

21 point?

22 A. No, I had seen the mother once, but I had

23 never -- I had never been introduced to her.

24 Q. And you saw the mother at one time when?

25 A. Vinnie was driving her around doing errands

26 and he had to stop by Marc's.

27 Q. And the mother was out in the car?

28 A. I think she came up to the doorstep and I 10983

1 opened the door, you know, but I didn't have a
2 conversation with her.

3 Q. And ultimately this film was to be filmed at
4 Hamid's house? That's where it ultimately took
5 place?

6 A. That's correct.

7 Q. Do you know why it wasn't filmed at Marc's
8 house, like Debbie Rowe?

9 A. Well, Hamid --

10 Q. That's "yes" or "no."

11 A. -- had all the stuff in his garage. It's
12 probably a pretty convenient location. I mean,
13 we're talking a thousand or more pounds of gear,
14 so --

15 Q. Okay. Now, let's talk a little bit about
16 your day. What time of the day did you find out
17 that you were going to be interviewing the family
18 approximately, if you can?

19 A. Probably early afternoon.

20 Q. Okay. Did you ever tell a police officer
21 that it was in the morning that you started work on
22 this?

23 A. It might have been my morning. You know, I
24 might -- if I woke up at -- late or something.

25 Q. And you started to prepare this script of
26 questions, or this list of questions, and ultimately
27 you were assisted in the final product, correct?

28 A. That is correct. 10984

1 MR. SANGER: I'm going to -- well, I'm going
2 to object to that question as being compound,
3 misstating the evidence as phrased.

4 THE COURT: Compound, sustained.

5 Q. BY MR. AUCHINCLOSS: You were ultimately
6 assisted in preparing this list of questions,
7 correct?

8 A. Yes.

9 Q. And one of the people who assisted you was
10 Marc Schaffel, correct?

11 A. Can I answer -- I don't know. I mean, he
12 was talking to somebody, so I don't know if it was
13 actually his call.

14 Q. Okay.

15 A. I may have taken the papers and faxed them
16 to somebody or sent them an e-mail.

17 Q. You can answer that question. Who was he
18 talking to?

19 A. I don't know.

20 Q. You believed he was talking to a lawyer
21 based on everything you saw, though?

22 A. Well, yeah, it wouldn't --

23 MR. SANGER: Objection. Calls for
24 speculation; no foundation.

25 THE COURT: Sustained.

26 Q. BY MR. AUCHINCLOSS: Were there some legal
27 questions asked when you watched -- well, let me

28 back up first. 10985

1 Does Mr. Schaffel have a speakerphone in his
2 office?

3 A. Yes.

4 Q. Does he frequently talk on that
5 speakerphone?

6 A. Yes.

7 Q. Does he frequently talk on that speakerphone
8 when people are present and can overhear
9 conversations?

10 A. If it has no -- you know, if it's not a
11 personal conversation, sure. I mean --

12 Q. And did you overhear him talking on the
13 phone when these questions were being worked on by
14 Mr. Schaffel and another person who was on the
15 phone?

16 A. I think at one point.

17 Q. Okay.

18 A. I don't think it was the entire
19 conversation.

20 Q. And based on everything you heard, did you
21 form an opinion as to what the other person's
22 occupation was?

23 A. Yes.

24 Q. And what is that?

25 A. I felt -- because of the nature of the
26 interview, I felt that the advice they were giving
27 implied that they had a lot of legal knowledge or

28 that they were an attorney. 10986

1 Q. Okay. And the script of questions was
2 modified and returned to you?

3 A. Not modified as in they just -- he just
4 crossed them out.

5 MR. SANGER: I'm going to move to strike the
6 answer for the purpose of objecting. The question
7 misstates the evidence as to the word "script."

8 MR. AUCHINCLOSS: I said "script of
9 questions."

10 THE COURT: The objection is overruled.

11 Q. BY MR. AUCHINCLOSS: Okay. The script of
12 questions was modified and returned to you?

13 A. The list of questions was modified, yeah.
14 Some of the questions were crossed out.

15 Q. Now, ultimately, this whole script or list
16 of questions was formed by committee; is that
17 accurate?

18 MR. SANGER: Objection, Your Honor. The
19 witness has now clarified it's not a script. I
20 object to the question. It's also compound.

21 THE COURT: Overruled.

22 You may answer.

23 THE WITNESS: I need to clarify that. It was
24 not a script. That's not --

25 Q. BY MR. AUCHINCLOSS: That's fine. Call it a
26 list.

27 A. It's a list.

28 Q. A list of questions. 10987

1 A. Okay.

2 Q. Ultimately this list of questions was formed
3 by committee; is that true?

4 A. True. That is true.

5 Q. Okay. And what was produced in this list of
6 questions was somewhat thematic; would you agree?

7 A. Yes.

8 MR. SANGER: I'm going to object -- well,
9 all right. I'll withdraw it.

10 Q. BY MR. AUCHINCLOSS: In other words, there
11 were certain themes that you were going for; is that
12 fair?

13 A. Yes.

14 Q. And you basically have testified on direct
15 that the questions shape the interview?

16 A. That is -- that is correct.

17 Q. And the attempt here was to shape this
18 interview into something that would be usable for
19 the rebuttal film?

20 A. Yes.

21 Q. And you saw that this rebuttal film would be
22 worth -- and I should say this rebuttal film in
23 particular, the filming of the Arvizo family, you
24 believed that that film would be worth a fortune,
25 correct?

26 A. That would have been my opinion, yes.

27 Q. You believed it was worth millions, true?

28 A. Probably. 10988

1 MR. SANGER: I'm going to object. There's a
2 lack of foundation.

3 THE COURT: He answered it. I'll overrule
4 the objection. Next question.

5 Q. BY MR. AUCHINCLOSS: Let's talk about some
6 of the themes that were developing in the script of
7 questions.

8 One of the major themes was that Michael
9 Jackson is a good person; fair to say?

10 A. Described his character, sure.

11 Q. Another major theme was that Michael Jackson
12 was taking in the Arvizo family as part of his
13 family?

14 A. I mean, do you want all the beats? I
15 probably can explain it to you. That was part of --

16 Q. What do you mean by "beats"?

17 A. Beats. Points that you're going to hit on.

18 Q. Okay. That was one of the points you were
19 going to hit on, right?

20 A. Sure.

21 Q. And one of the points was that Michael was
22 like a father to these kids?

23 A. Caretaker.

24 Q. I mean --

25 A. Father.

26 Q. -- that word was used, "father," in your
27 questions, right? Wasn't it?

28 A. I don't have my list of questions. 10989

1 Q. Okay.

2 A. But probably.

3 Q. Another beat was that Michael is a good

4 parent, correct?

5 A. Is he a good parent?

6 Q. Another beat was that Michael is

7 misunderstood?

8 A. Is Michael misunder -- yeah, yeah.

9 Q. Yeah. And another beat was that Michael is

10 somehow responsible for healing Gavin's cancer.

11 Helpful or responsible, something along those lines,

12 true?

13 A. Not responsible.

14 Q. Well, helpful.

15 A. Helpful, yes.

16 Q. Something he did, he helped heal --

17 A. Absolutely. He definitely --

18 Q. -- helped heal Gavin's cancer.

19 A. We wanted to get that story, because it's a

20 great story.

21 Q. How long did it take you to ultimately

22 achieve a finished product with this list of

23 questions?

24 A. It may have been two hours. It may have

25 been three. I was definitely working on other

26 things at the same time, so....

27 Q. Do you know the person's name who Marc

28 Schaffel was talking to on the phone? 10990

1 A. I don't.

2 Q. Were you directed not to use any
3 inflammatory language in your questions?

4 A. "Inflammatory" as in like the word "sex" or --

5 Q. "Sex" or "molest"?

6 A. Yeah.

7 Q. Were you told not to use those words?

8 A. I think -- "sexual" I think I ended up
9 using. But I definitely didn't use "molest." I
10 don't think I used "sex."

11 Q. My question is, were you directed not to use
12 such --

13 A. Yes.

14 Q. -- inflammatory language?

15 By whom?

16 A. Marc.

17 Q. During the time that you were at Mr.
18 Schaffel's home during this period, were you privy
19 to conversations about the Arvizos being sent to
20 Brazil?

21 A. I had heard -- you know, I had heard them on
22 the phone talking about tickets and stuff, yeah.

23 Q. Who would "they" be?

24 A. Marc. Maybe -- maybe Vinnie. I think
25 Vinnie had to do -- like he was -- he was like the
26 grunt. He had to go to get passport photos and all
27 that kind of stuff and -- you know.

28 Q. So you completed the script, and then -- or 10991

1 the list of questions. Let me say that correctly.

2 And you were to report somewhere to conduct this
3 interview?

4 A. Yes.

5 Q. Who directed you to report to Hamid's house?

6 A. Hamid probably gave me instructions to his
7 house. I probably called him.

8 Q. Do you know who directed you to go to
9 Hamid's house?

10 A. Who directed me to go there?

11 Q. Yes.

12 A. It was Marc Schaffel.

13 Q. In fact, wasn't this -- the plan for this
14 video, wasn't the original plan for this video to be
15 shot at Neverland of the Arvizo family?

16 A. Probably. I'm not positive. I think, you
17 know --

18 Q. Weren't you planning on going to Neverland
19 to do this interview?

20 A. I think the family was staying up there, so
21 that probably -- that was probably my plan. I can't
22 speculate as to my plans as going to Neverland.

23 That doesn't --

24 Q. Were you ever directed that you were going
25 to Neverland at any time to conduct an interview of
26 the Arvizo family? Did anyone ever tell you that
27 you were going to do an interview of the Arvizo

28 family? 10992

1 A. Nobody told me we were going to. I think
2 they told me that we wanted to.

3 Q. Okay. So, when did that plan -- when was
4 that plan aborted?

5 MR. SANGER: I'm going to object to the --
6 misstates the testimony.

7 THE COURT: Sustained.

8 Q. BY MR. AUCHINCLOSS: Was there a plan to go
9 to Neverland to interview the Arvizo family?

10 A. I'm not sure.

11 Q. Who told you that, "We wanted to go to
12 Neverland to interview the Arvizos"?

13 A. It was probably my suggestion. Marc. I
14 don't know if that was Marc's opinion.

15 Q. Did you ever intend to go to Neverland to
16 interview the Arvizos?

17 A. I would have liked to, yes.

18 Q. Did you ever intend to go to Neverland to
19 interview the Arvizos?

20 A. Did I ever intend -- intend.

21 MR. SANGER: I think it's been asked and
22 answered, Your Honor.

23 THE COURT: Sustained.

24 That's all right.

25 MR. AUCHINCLOSS: It has been asked and
26 answered.

27 Q. When did your intent to go to Neverland to

28 interview the Arvizos change? 10993

1 MR. SANGER: Objection; misstates the
2 evidence.

3 THE COURT: What he said was he would like to
4 go there.

5 MR. AUCHINCLOSS: Okay.

6 THE COURT: I felt that was a sufficient
7 answer to your question.

8 Q. BY MR. AUCHINCLOSS: When did your desire to
9 go to Neverland to interview the Arvizos change?

10 A. I don't know. I don't know when that
11 changed.

12 Q. Did it change on the date that you
13 interviewed the Arvizo family?

14 A. Probably, if that's where I'm doing the
15 interview, yeah.

16 Q. Were you ever told by anybody that the film
17 cannot be done at Neverland because there's a
18 problem?

19 A. I don't know.

20 Q. You don't know?

21 A. No.

22 Q. Now, some of the questions that you asked,
23 I'm going to ask you some specific questions about
24 those questions.

25 Did you say in the interview, "But in
26 reality, has he actually taken you on as his family?

27 Did Michael take you all in as his family? And

28 please explain it." Was that one of the questions 10994

1 you asked the Arvizo family?

2 A. I haven't seen that list for two years. So

3 I -- it sounds like something I might have asked

4 them, but I can't tell you for sure. And I'm not --

5 unless it's a short question, I might not be able

6 to.

7 Q. Okay. If I show you your testimony from the

8 grand jury, do you think that would refresh your

9 recollection?

10 A. That would be great, because that was a year

11 closer to the actual events, so --

12 MR. AUCHINCLOSS: If I may approach, Your

13 Honor.

14 THE COURT: Yes.

15 MR. SANGER: If I may inquire as to what

16 page, please.

17 MR. AUCHINCLOSS: Page 530.

18 MR. SANGER: Thank you.

19 THE WITNESS: This question?

20 Q. BY MR. AUCHINCLOSS: Yes.

21 A. That was my testimony, uh-huh.

22 Q. Does that refresh your recollection?

23 A. If I didn't ask that exact question, then it

24 was definitely close to that, then.

25 Q. Okay. So you asked them a question close

26 to, "But in reality, has he actually taken you on as

27 a family? Did Michael take you all in as a family?

28 And please explain it." That's close? 10995

1 A. Sure.

2 Q. Okay.

3 A. Yes.

4 Q. Was that one of the --

5 MR. SANGER: I'm going to object, Your
6 Honor, and ask to approach on that.

7 THE COURT: I don't think he finished his
8 question. I think you interrupted him.

9 What was the question?

10 Q. BY MR. AUCHINCLOSS: My question was -- the
11 question I was starting --

12 THE COURT: Finish the question, yeah.

13 Q. BY MR. AUCHINCLOSS: Okay. Where did you
14 get the notion that Michael had treated the
15 Arvizo -- the Arvizo family as a family if you'd
16 never met them?

17 A. Because I had been told by people like
18 Vinnie, probably, who had spent a lot of time with
19 them and knew everything about them, so --

20 Q. Vinnie told you about the Arvizo family
21 being treated as a family by Michael?

22 A. Probably told me a little bit, yeah, or
23 Frank.

24 Q. Did you have any other sources of
25 information about the Arvizo family other than
26 Vinnie and Frank?

27 A. Well, what Marc knew, you know; what Stuart

28 knew. I don't -- anybody who was around knew the 10996

1 family better than I did, if they had met them.

2 Q. Did you ask the question, "How about
3 personally for Davellin and Star? Maybe give me an
4 example of how Michael has treated you like a
5 family."

6 Does that sound about -- sound like an
7 approximation, at least, of a question you asked?

8 A. Yes.

9 MR. SANGER: Well, that's vague.

10 THE WITNESS: Oops.

11 THE COURT: Overruled. The answer was,

12 "Yes." Next question.

13 Q. BY MR. AUCHINCLOSS: "So you truly believe
14 that your attitude about life has something to do
15 with your health; is that right?" Is that a
16 question you asked Gavin Arvizo?

17 A. Is that a question that I asked him?

18 Q. Yes.

19 A. How do I answer that if I don't know if I
20 asked the question when I was in his --

21 Q. Well, I don't know, unless -- I mean, unless
22 you tell us that --

23 THE COURT: Wait. Wait. Wait. Wait.

24 If you don't know the answer to a question,
25 it's all right to say "I don't know" or "I don't
26 remember."

27 THE WITNESS: I'm not sure if I asked him

28 that exact question. 10997

1 Q. BY MR. AUCHINCLOSS: What about, "And so do
2 you feel that Michael's love and Michael example and
3 everything he did, do you think that had something
4 to do with helping you get better? And explain it,
5 please"?

6 Is that one of the questions you asked?

7 MR. SANGER: I'm going to object that
8 there's a lack of foundation for this witness to
9 answer about those questions.

10 MR. AUCHINCLOSS: I believe he testified he
11 wrote it.

12 MR. SANGER: And, Your Honor, I object to
13 that remark. These are questions that were asked,
14 not the questions that were written.

15 THE COURT: Well, the objection is overruled.
16 You may answer the question.

17 THE WITNESS: Please ask the question again.

18 THE COURT: I'll have the court reporter read
19 it back to you.

20 THE WITNESS: Oh, thank you.

21 (Record read.)

22 THE WITNESS: It was close, if it wasn't the
23 question.

24 Q. BY MR. AUCHINCLOSS: Okay. So where did you
25 get the idea that Michael's love and Michael's
26 example had something to do with Gavin getting
27 better? Who told you that?

28 A. That probably would have been my assumption 10998

1 after spending time with Hamid and seeing the video
2 of the child, Gavin, when he was very sick and
3 Michael was, you know, like pushing him around in
4 the wheelchair and -- you know.

5 So with that, me knowing what I've seen in
6 videos before, and talking to people who have spent
7 a lot of time with them.

8 Q. Okay. And you also asked a question, did
9 you not, that "What was the biggest misconception
10 that other people have, things that they don't
11 understand about Michael?" Was that one of your
12 questions?

13 A. Yes.

14 Q. How did you know the Arvizos believed that
15 there were misconceptions about Michael?

16 A. How did I know?

17 Q. Yes.

18 A. Well, if they're going to come to a rebuttal
19 video, then they probably feel like I do, and know
20 that -- what everybody who knows Michael knew, which
21 was that what was in that video, the Martin Bashir
22 piece, wasn't accurate, so that creates
23 misconceptions.

24 Q. You said, asked Janet Arvizo, "Mom, do you
25 think Michael is a good parent, a fit parent? And
26 please explain." Was that one of your questions?

27 A. Yes.

28 Q. And, "First of all, very briefly, just by -- 10999

1 just state -- by now I already know, but state for
2 me how close a relationship you have with your
3 children and then answer for me if you think
4 Michael's a good parent, if he is a fit parent.
5 "The first part of the question is, how
6 close are you to your children? And then the second
7 part is, knowing your children as well as you do, do
8 you think Michael is a good parent? Do you think
9 Michael is a fit parent?"

10 Is that one of your questions?

11 A. Pretty close.

12 Q. Was that one of the bullets that you were
13 trying to --

14 A. Yeah, that would be a beat.

15 Q. A beat. A beat, yes.

16 A. That would be a talking point for sure.

17 Q. "And let's just ask one more question.

18 Let's go. I think a lot of the time when people
19 look at Michael as a parent, they see an extremely
20 successful person who spoils his kids."

21 "I mean, even with you, Gavin, does

22 Michael -- you know, does he give you instruction
23 for -- you know, say things that you shouldn't do,
24 things that are wrong, I mean give you advice?"

25 Is that one of your questions?

26 A. "Does Michael counsel you?" That was
27 probably a talking point.

28 Q. That was a beat? 11000

1 A. That's like acting like a father, okay.

2 Q. And you expected to get positive responses
3 to those questions, correct?

4 A. Yes.

5 Q. And when you went into this video shoot, you
6 showed Janet the entire list of questions?

7 A. Probably, yes.

8 Q. Well, you said you did on direct.

9 A. Yeah, I showed her.

10 Q. So she saw you had a list --

11 A. I don't know if she read all the questions,
12 but I showed her the list.

13 Q. You showed her a piece of paper and there
14 were a lot of questions written down on it?

15 A. Right. You know --

16 Q. Or papers, I should say. How many pages was
17 this?

18 A. Probably two. Maybe three.

19 Q. Was it word-processed or handwritten?

20 A. It was probably mostly word-processed. I
21 may have written some notes on those papers.

22 Q. Did you talk to the kids about these
23 questions you were going to ask?

24 A. I gave them an order of the kinds of
25 questions I would be asking them.

26 Q. Did you show them the piece of paper that
27 you showed Janet?

28 A. I don't think so. 11001

1 Q. Do you know?

2 A. No.

3 Q. And you said -- I believe you talked with
4 them for some time before the video shoot took
5 place. Was that about an hour that you spent with
6 the Arvizos before the shoot took place?

7 MR. SANGER: That's really compound, Your
8 Honor.

9 THE COURT: Sustained.

10 Q. BY MR. AUCHINCLOSS: Was this about an hour
11 of time that you spent with the Arvizos before the
12 shoot took place?

13 MR. SANGER: Same question. Objection.

14 Compound.

15 THE COURT: Overruled.

16 You may answer.

17 THE WITNESS: I wanted to start the
18 interview as soon as possible. And we were held up
19 because of the releases issue. So, yes, I did, in
20 fact, spend more time with them before than I would
21 have liked.

22 Q. BY MR. AUCHINCLOSS: And at this shoot,
23 there was Vinnie Amen?

24 A. Yes.

25 Q. The Arvizo children?

26 A. Yes.

27 Q. Janet?

28 A. Yes. 11002

1 Q. Was a man named Paul Hugo there?

2 A. Wow. If Paul was there, he was keeping a
3 low profile. But it's possible.

4 Q. Who's Paul Hugo?

5 A. I don't know. Well, he was -- he's somebody
6 who works -- knows Marc. Beyond that, I really
7 don't know who he is.

8 Q. Was Paul Hugo at Marc Schaffel's house
9 during that period of time?

10 A. He may have been. He may have been brought
11 in to help.

12 Q. And you did the video shoot with the Arvizos
13 and asked the questions?

14 A. Yes.

15 Q. There were breaks in the film?

16 A. We probably took either one or two breaks.
17 And we probably had to interview two at a time and
18 then four at a time is what I recall. So there
19 would have been multiple breaks to move things
20 around.

21 Q. There was a private eye present?

22 A. Yes.

23 Q. And he was just watching and monitoring?

24 A. That was my understanding.

25 Q. Did that seem odd to you?

26 A. Yeah, of course.

27 Q. Have you ever been to a video shoot where a

28 private investigator was monitoring the shoot? 11003

1 A. Not that I know of. That's why they call
2 them P.I.s.

3 Q. Okay. And during this shoot, there was --
4 or prior to the shoot, there was a problem with
5 Janet and the releases?

6 A. That's correct.

7 Q. It's common in the industry to sign these
8 model releases before you do a shoot, correct?

9 A. It's common if you're used to it.

10 Q. Okay. But Michael Jackson would know that
11 you have to sign releases before a shoot takes
12 place?

13 MR. SANGER: Objection. Relevance and calls
14 for speculation.

15 THE COURT: Overruled.

16 THE WITNESS: Michael would be aware?

17 Q. BY MR. AUCHINCLOSS: Yeah. I mean, isn't
18 that fundamental?

19 MR. SANGER: Objection; argumentative.

20 THE COURT: Sustained.

21 MR. AUCHINCLOSS: All right.

22 Q. So back to my other question.

23 So Michael would be aware of something known
24 as a model release and that it needs to be signed to
25 obtain the rights to shoot an individual on a video?

26 MR. SANGER: Objection; compound.

27 THE COURT: Sustained.

28 Q. BY MR. AUCHINCLOSS: Would Michael be aware 11004

1 of the issue of signing model releases before videos
2 are shot?

3 A. I would hope so.

4 Q. Okay. Now, you worked --

5 MR. SANGER: Your Honor, I'm sorry, I'm
6 going to move to strike the answer for lack of
7 foundation.

8 THE COURT: Stricken.

9 Q. BY MR. AUCHINCLOSS: There was some
10 testimony about Janet being on a cell phone.

11 A. That's correct.

12 Q. Do you know whose cell phone it was?

13 A. I don't remember whose cell phone it was.

14 Q. Who was she standing next to when she was
15 talking on the cell phone?

16 MR. SANGER: Objection; assumes facts.

17 MR. AUCHINCLOSS: I'll strike it.

18 Q. Was there someone standing near Janet when
19 she was talking on the cell phone?

20 A. It's not a big house. I'm sure. I mean, I
21 could hear her. I was probably standing close to
22 her.

23 Q. So you were standing near her. What room
24 was she talking on the cell phone in?

25 A. The front living room. She may have been --
26 she may have walked around the house, but --

27 Q. Did you hear her discuss on the phone

28 anything concerning the Department of Child & Family 11005

1 Services?

2 A. No.

3 THE COURT: All right. Let's take our break.

4 (Recess taken.)

5 THE COURT: Counsel?

6 MR. AUCHINCLOSS: Thank you, Your Honor.

7 Q. Mr. Robinson, this whole evening with the
8 Arvizos where you asked them questions and assisted
9 in the filming of their various statements seemed
10 very weird to you; isn't that fair to say?

11 MR. SANGER: Objection; vague.

12 THE COURT: Is that a quote you have from him
13 from an earlier --

14 MR. AUCHINCLOSS: (Nods head up and down.)

15 THE COURT: All right. Overruled.

16 THE WITNESS: Yeah, it was different. It
17 was weird.

18 Q. BY MR. AUCHINCLOSS: One of the things that
19 was weird about it was the fact that there was a
20 P.I. there? You already talked about that.

21 MR. SANGER: Asked and answered. Asked and
22 answered.

23 THE COURT: Sustained.

24 Q. BY MR. AUCHINCLOSS: And -- well, another
25 thing that was weird about this was the fact that it
26 was being shot at some time around one o'clock in
27 the morning with this family of young teenagers,

28 kids, right? 11006

1 MR. SANGER: Objection. Compound and

2 assumes facts not in evidence.

3 THE COURT: Overruled.

4 You may answer.

5 THE WITNESS: When we finished, it was late.

6 Q. BY MR. AUCHINCLOSS: And that was odd,

7 wasn't it, to have this family --

8 A. Well, it's not odd in -- I mean, I work

9 18-hour days a lot. But when you have kids, you

10 want to wrap it up a little bit early, but....

11 Q. Okay. Now, you spoke to a sheriff's deputy

12 by the name of Detective Bonner in this case; is

13 that correct?

14 A. There was a bunch of them. That rings a

15 bell.

16 Q. And you spoke to a detective at the time

17 when your home was searched pursuant to a warrant?

18 A. Right. There was two guys.

19 Q. And you also spoke to Mr. Bonner the

20 following day on the telephone?

21 A. Yes. No, I saw him the following day.

22 Q. Oh, you saw him the following day?

23 A. Yeah.

24 Q. And are you aware that that interview was

25 recorded?

26 A. No.

27 Q. Okay. And were you honest in your responses

28 to Detective Bonner's questions? 11007

1 A. What were they?

2 I'm sure I was. I'm not a dishonest person,
3 but if you want to ask me the question first.

4 Q. Well, you told Detective Bonner that during
5 this interview Janet Arvizo seemed to be rehearsed;
6 isn't that true?

7 A. Well, how you interpret -- interpret that, I
8 think, is objective. I think if I'm going to be
9 interviewed by the news cameras for the first time
10 in my life, I want to know what I'm going to say.
11 So in that case, I think a few things that
12 she said she said a lot, and those things seemed a
13 little bit rehearsed.

14 Q. Okay. She said things over and over again?

15 A. That's correct.

16 Q. And you stated, "I felt like she had
17 rehearsed some of the things she was going to say,"
18 true?

19 A. Just like I just explained.

20 Q. Okay. And as far as Gavin's responses to
21 your questions, you believed that he knew the
22 questions were coming up; it was like he had heard
23 those questions before?

24 A. Like when I told him about them before the
25 interview.

26 Q. Well, you thought Gavin had been --

27 A. Well, I'm sure they said, "We're going to do

28 this interview. We're going to ask you about," you 11008

1 know, "your relationship with Michael" and stuff.

2 I'm sure they asked, "What are you going to
3 interview me about?" You know, I'm sure they were
4 told.

5 Q. You felt somebody talked to them before you
6 did?

7 A. They're briefed. If you want to do an
8 interview, they want to make sure they're not going
9 to be asked things they don't want to answer.

10 Q. And it seemed to you like they'd been
11 briefed?

12 A. I couldn't answer --

13 MR. SANGER: I'm going to object. That
14 calls for speculation.

15 THE COURT: Overruled.

16 You may answer.

17 Do you want the question read back?

18 THE WITNESS: No. No.

19 I'm sure they knew where they were going,
20 yes.

21 Q. BY MR. AUCHINCLOSS: Okay. And you stated
22 someone must have at least told him what the
23 interview was going to be about?

24 A. In general terms. There's no way that he
25 was told questions before.

26 Q. And didn't you also -- wouldn't you also
27 agree that the kids were parroting one another?

28 A. The kids were doing what? 11009

1 Q. Parroting one another? Saying the same
2 thing that their mother said?

3 A. Um --

4 MR. SANGER: I'm going to object. That's
5 compound and unintelligible

6 THE COURT: Sustained. Compound.

7 Q. BY MR. AUCHINCLOSS: Did you say that the
8 kids parroted the mother?

9 A. I probably did say that.

10 MR. AUCHINCLOSS: If I could have just a
11 moment, Your Honor.

12 Q. As far as any money that was given to Janet
13 Arvizo by Hamid, were you present when that money
14 was given?

15 A. No, I think I knew that it happened, but I
16 just --

17 Q. It's just a "yes" or "no."

18 A. Ask it again, please.

19 Q. I'm sorry?

20 A. Did I --

21 Q. Were you present when that money was given?

22 A. I was probably in the home, yes.

23 Q. Did you see it --

24 A. No.

25 Q. -- being handed over to her?

26 Do you know when it was given to her?

27 A. I don't know if it was.

28 Q. Okay. When this telephone call with the 11010

1 cell phone call was going on, you said you were
2 standing right there?

3 A. For part of it I was, that's true.

4 Q. Was Brad Miller standing right there as
5 well?

6 A. I don't know.

7 Q. Was Vinnie Amen standing right there?

8 A. When I was -- the only reason I remember
9 standing close to her is because I could hear the
10 gender of the person on the other line.

11 A. I don't know who else was there.

12 Q. But it was clear to you that Janet Arvizo
13 had a serious problem with signing these releases?

14 MR. SANGER: Objection to the
15 characterization. Misstates the evidence.

16 Argumentative.

17 THE COURT: Overruled.

18 You may answer.

19 THE WITNESS: I was aware that she had a
20 problem signing the releases. Yes.

21 MR. AUCHINCLOSS: Thank you. I have no
22 further questions.

23

24 REDIRECT EXAMINATION

25 BY MR. SANGER:

26 Q. Okay. Let's just start with something here.

27 You were interviewed by the Santa Barbara

28 Sheriff's Department, correct? 11011

1 A. That is correct.

2 Q. And you submitted voluntarily to that
3 interview; is that correct?

4 A. Yeah, a lengthy, long interview.

5 Q. All right. And that was -- that interview
6 was given roughly when?

7 A. Man. Wow.

8 Q. Put it this way: Was it well over a year
9 ago?

10 A. Oh, yeah.

11 Q. All right.

12 MR. SANGER: I just thought I'd watch the
13 bailiff do that before I ask the next question.

14 BAILIFF NARRON: You were hoping I was going
15 to spill it.

16 MR. SANGER: Okay. I didn't -- okay. There
17 we go. Okay. I wasn't quite sure what the bailiff
18 was doing, so I wanted to wait. I think we're okay.
19 I hope we're okay.

20 Q. All right. So basically you told -- you
21 told the Santa Barbara Sheriff's Department pretty
22 much what you had to say, what you observed, right?

23 A. Everything, I think.

24 Q. At least everything in response to what they
25 asked you, right?

26 A. That's correct.

27 Q. And was there any other reason why the Santa

28 Barbara District Attorney would be aware of what you 11012

1 had to say in this case?

2 A. Would there be any other reason --

3 MR. AUCHINCLOSS: Objection; ambiguous.

4 MR. SANGER: Yeah.

5 MR. AUCHINCLOSS: Assumes facts.

6 MR. SANGER: That's fine. Let me withdraw

7 it, and I'll ask directly.

8 Q. Were you called by the Santa Barbara

9 District Attorney's Office to testify before the

10 grand jury in this case?

11 A. Yes, I was.

12 Q. And did a Deputy District Attorney ask you

13 questions at those proceedings?

14 A. Did a deputy ask me questions?

15 Q. Yeah, one of the district attorneys.

16 A. Oh, yeah. Mr. "Auchinelos" or something.

17 (Laughter.)

18 Q. So you've disclosed his true name now for

19 the first time.

20 A. That was good, yeah. Quote that one.

21 Q. Okay. I think it's Auchincloss.

22 But in any event, it was this gentleman

23 right there?

24 A. That's the dude.

25 (Laughter.)

26 Q. Okay. Now, and you answered -- you answered

27 all of their questions at the grand jury, right?

28 A. Yeah. 11013

1 Q. And that grand jury took place long before
2 the beginning of this trial, right?

3 A. It did.

4 Q. Now, let's take up some of these questions
5 right at the end, and then I'll go back, while this
6 is fresh in our minds.

7 You were asked some questions about
8 rehearsed and parroting and that sort of thing.

9 First of all, let me ask you about the parroting
10 issue.

11 When you asked a question in that tape and
12 you were trying to get an answer from one of the
13 kids, did the kids always get a chance to answer it?

14 A. Sometimes I had to address the kids
15 separately. The mom was really -- she had something
16 to say about everything, so the kids wouldn't always
17 get something in, and I would reask the questions
18 for the kids.

19 Q. So quite often you would ask the question of
20 the group or of the children and the mother would
21 just answer; is that right?

22 A. A lot. Gavin was a pretty good talker, too.

23 Q. Okay. So when -- when you -- let me
24 withdraw that.

25 Would you reask the questions sometimes in
26 order to get the kids to answer the questions?

27 A. Yes.

28 Q. All right. And on occasion -- the District 11014

1 Attorney actually, a little bit ago in his
2 questioning, was asking you about some questions
3 that were asked. Were -- all the questions that
4 were asked, were they written out in advance the way
5 you asked them?

6 A. No. No. You always come up with different
7 things while you're doing the interview.

8 Q. All right. So he was asking you about
9 questions that actually appeared on the tape or
10 appeared --

11 A. Oh, okay.

12 Q. All right. And in that context, were those
13 questions sometimes based on what had happened
14 previously?

15 MR. AUCHINCLOSS: Objection; leading.

16 MR. SANGER: It probably was, Your Honor.

17 Why don't I withdraw it.

18 Q. How would you -- after the interview got
19 started, how would you formulate your questions? In
20 other words, would you read them from the list of
21 questions, or what would you do?

22 A. Sometimes you read from the list. Sometimes
23 you say, "Oh, they're talking really well about
24 this, so I'm going to take it in this direction."
25 You know, sometimes you want to get a lot of emotion
26 out of this. Just -- you ask them whatever you feel
27 they're going to answer best.

28 Q. All right. And would you incorporate in 11015

1 your questions information you had learned during
2 the course of the interview?

3 MR. AUCHINCLOSS: Objection; leading.

4 THE COURT: Overruled.

5 THE WITNESS: Yes.

6 Q. BY MR. SANGER: Now, did -- when you were
7 talking to Janet for the half-hour-or-so period that
8 you actually talked with her before you went on
9 camera, did she use some of the same language that
10 she used in answering the questions on tape, or not?

11 A. Yes.

12 Q. All right. Do you know whether or not there
13 had been a tape-recorded interview of this family
14 three or four days before you did this interview?

15 A. No.

16 Q. Do you have any information what had been
17 said by this family specifically in any kind of a
18 formal interview prior to that?

19 A. No. I didn't know there was.

20 Q. All right. Were you made aware specifically
21 of cards and letters that this family had sent to
22 Mr. Jackson in the year 2001?

23 A. No.

24 Q. All right. Do you know if this family used
25 the same sort of language to describe Mr. Jackson
26 before the Bashir tape came out?

27 A. Do I know --

28 Q. Do you know? 11016

1 MR. AUCHINCLOSS: Objection. I'll object.

2 Foundation.

3 MR. SANGER: The question truly is, do you
4 know whether or not, so I'm asking for a "yes" or
5 "no."

6 THE COURT: Sustained.

7 Q. BY MR. SANGER: Okay. Let me rephrase it.

8 Do you have knowledge as to whether or not
9 this family used the same sort of language they used
10 in your interview in response to questions at any
11 time in the past?

12 MR. AUCHINCLOSS: Same objection.

13 THE COURT: Do you mean any time before that
14 interview?

15 MR. SANGER: Any time before that interview.
16 Any time before he talked to them there that
17 evening.

18 THE COURT: All right. Overruled.

19 You may answer.

20 THE WITNESS: It was implied to me, but I
21 didn't know of any way that they were going to talk.

22 Q. BY MR. SANGER: All right. So when you say
23 "implied" to you, what was implied to you?

24 A. That they really loved Micahel and they
25 were, like, really mad about this video. That's
26 what was implied to me.

27 Q. Okay. So was any specific language given to

28 you in advance that you were trying to elicit? 11017

1 A. Was any language given to me by the family

2 or by --

3 Q. By anybody before that evening. Was any

4 specific language given to you? You just told us --

5 you just told us a conclusion, that you understood

6 how they felt. Were you given any specific language

7 that you were supposed to get out with your

8 questions?

9 A. Well, that was the plan. I mean, we want to

10 get emotional, powerful sound bites. You know, it

11 makes good television. That's always the plan.

12 Q. What I'm saying is specific language. Did

13 anybody tell you specific words that you were

14 supposed to elicit?

15 A. No.

16 Q. All right. Now, this was designed to get

17 some footage - keep calling it that - get some

18 clips, I guess, is what you call it.

19 A. Right.

20 Q. Get some clips for a television production;

21 is that right?

22 A. Yes.

23 Q. And you understand -- do you understand

24 television values, the value -- values not as far as

25 moral values. Values as far as what you're looking

26 for technically in getting a piece that is

27 acceptable for television?

28 A. Yes. 11018

1 Q. Okay. Does content for television -- can
2 you go on for a long period of time, have rambling
3 pieces for television?

4 A. No.

5 Q. Okay. What do you try to look for for
6 television clips?

7 A. As far as news and documentary clips, you
8 want concise, powerful, short clips, if possible.

9 You want tears. You want -- you want things that
10 captivate an audience. If I'm here bawling and
11 putting my hands in my face, it's going to be more
12 interesting to watch, right? So that's what you
13 look for. It's news.

14 Q. I'll try not to elicit that from you, all
15 right?

16 And is there something -- when you're trying
17 to get content, is there something about the kinds
18 of statements that you try to get? In other words,
19 do you want to have a lot of question-answer,
20 question-answer, or do you want to get
21 self-contained statements? What are you looking
22 for?

23 A. You want self-contained statements that
24 restate a question, that pack in points, you know.
25 And that's the kind of stuff we were getting. It
26 was plentiful.

27 Q. And when you say you were getting, did you

28 get this only after reasking the questions several 11019

1 times, or did you feel you got some of it right off
2 the bat?

3 A. A lot of it I got right off the bat.

4 Sometimes I would rephrase a question and have them
5 include different answers in one -- I would have
6 them paraphrase different answers, you know --

7 Q. All right.

8 A. -- that they had already given.

9 Q. Okay. Going back over some of the testimony
10 you gave in response to questions by Mr.

11 Auchincloss --

12 A. Auchincloss.

13 Q. Auchincloss, yes. You said that you had
14 worked on something to deal with the "Home Movies"?

15 A. Right.

16 Q. Okay. And I understand you didn't see the
17 actual television show called "Home Movies"; is that
18 right?

19 A. I probably saw part of it, yeah.

20 Q. All right. In any event, do you know
21 whether or not your footage was included in that
22 television show?

23 A. My footage of Michael?

24 Q. Your footage of anything.

25 A. Mostly -- I mean, mostly what I pulled for
26 that was all of Michael's home videos. Like, it was
27 older stuff, so I don't know what current was used,

28 no. 11020

1 Q. All right.

2 A. When you went to Gary, Indiana -- you were
3 asked by Mr. Auchincloss about going to Gary,
4 Indiana.

5 A. Correct.

6 Q. Did you go back there for a shoot?

7 A. Yes.

8 Q. Did you shoot any footage of Mr. Jackson's
9 old family home?

10 A. Yes.

11 Q. What did it look like?

12 A. Small.

13 MR. AUCHINCLOSS: Objection; relevancy.

14 THE COURT: Overruled.

15 You may answer.

16 THE WITNESS: It was -- it was dirty and
17 small. It was like, you know, a very poor
18 neighborhood. Well, not poor, but -- yeah, poor.
19 Poor neighborhood.

20 Q. BY MR. SANGER: All right. Now, you say it
21 was dirty. Mr. Jackson's family didn't own that
22 home anymore by the time you went back there; is
23 that right?

24 A. I think the guy was his cousin, maybe.

25 Q. Okay.

26 A. I think it was his cousin or his uncle. His
27 uncle or cousin or something.

28 Q. Somebody in the family may have still owned 11021

1 it?

2 A. Yeah.

3 Q. Did you shoot inside or just outside?

4 A. Yes, inside.

5 Q. How many rooms was that home?

6 A. If it was -- if it was more than one, then

7 it was two. Had a main room and a bedroom.

8 Q. And do you know how many people lived in

9 that home when Mr. Jackson was growing up?

10 A. Yeah, we talked about that. It was a lot.

11 I don't know how many siblings Michael has exactly.

12 It was like 11 people that lived there. A lot.

13 Q. Okay. A few more questions.

14 You said that you were familiar with what

15 was, in general terms, what was going on in Mr.

16 Schaffel's house. You described some things for Mr.

17 Auchincloss, and I want to go to that subject

18 matter.

19 Was there a business operation being

20 conducted out of Mr. Schaffel's house following the

21 Bashir video?

22 A. Yes.

23 Q. And how many people were doing business out

24 of that house?

25 A. Anywhere from four at a time to, like, eight

26 or nine. I mean, it was a big operation.

27 Q. Did -- were there work spaces set up?

28 A. Yes, there were work spaces, but they were 11022

1 makeshift.

2 Q. All right. So various rooms in the house

3 were made into makeshift --

4 A. Right.

5 Q. -- offices?

6 A. Exactly.

7 Q. Were there file cabinets?

8 A. Lots of them.

9 Q. Was there paperwork floating around?

10 A. Oh, yeah.

11 Q. Now, you mentioned Vinnie Amen.

12 A. Uh-huh.

13 Q. And I think in response to what the

14 prosecutor said, you said Vinnie Amen was a friend

15 of Frank's and he was also a friend of yours, right?

16 A. Uh-huh. Yes. Sorry.

17 Q. Can you describe Vinnie Amen?

18 MR. AUCHINCLOSS: Objection; vague.

19 Q. BY MR. SANGER: Give us a physical

20 description of him.

21 THE COURT: Overruled.

22 You may answer.

23 THE WITNESS: A physical description?

24 Q. BY MR. SANGER: Yeah.

25 A. He's like a couple inches shorter than I am.

26 He has -- very clean cut. Very, very, very proper.

27 Very -- not a big stature guy.

28 Q. And what his demeanor? Was he impolite? 11023

1 Rude? Rough?

2 A. No, he's very, very polite. He acted like
3 he went to an Ivy League school. And that he did.
4 He went to some, like, big business college. And he
5 was just a very nice, well-mannered kid. And him
6 and Frank were like opposites. I couldn't believe
7 they were best friends.

8 I liked Frank, too. I'm not -- I'm not
9 bashing him, but -- Vinnie was just one of a kind.
10 I didn't know why he was --

11 MR. AUCHINCLOSS: Objection. Objection;
12 narrative.

13 THE COURT: Sustained.

14 THE WITNESS: Sorry.

15 Q. BY MR. SANGER: Okay. And as far as Frank
16 was concerned, was he an aggressive -- what was his
17 demeanor? Was he an aggressive, mean person?

18 A. Frank was very gentle as well. He was just
19 different. Frank is very different. He's also
20 polite and very nice, but there's just -- he's just
21 different.

22 Q. All right. There was some questioning about
23 Marc Schaffel's speakerphone. Did Marc Schaffel
24 show off in your presence by talking on the
25 speakerphone?

26 MR. AUCHINCLOSS: Objection; leading.

27 THE COURT: Sustained.

28 Q. BY MR. SANGER: All right. Did Marc 11024

1 Schaffel -- in using the speakerphone, did he use it
2 in an unusual fashion?

3 A. No.

4 Q. Did -- if he had private conversations, what
5 would he do?

6 A. He would ask --

7 MR. AUCHINCLOSS: Objection; foundation.

8 THE COURT: Overruled.

9 You may answer.

10 THE WITNESS: He would ask me to leave the
11 room or he would pick up the phone. I didn't try to
12 listen to a lot of his conversations.

13 Q. BY MR. SANGER: Were you able to hear him
14 talking on the phone on a private conversation if
15 you left the room?

16 A. Maybe if you were in one of the rooms next
17 door, sure.

18 Q. Now, there was a question about the -- your
19 opinion as to whether or not the film would be worth
20 millions, and I wrote down "film." That may not
21 have been the word used, but I think it was.

22 Do you have an opinion as to the value of
23 just the raw footage? You can say "yes" or "no."

24 A. Of the interview?

25 Q. Yes.

26 A. Do I have an opinion?

27 Q. Yes.

28 A. Yeah. Yes. 11025

1 Q. Okay. Do you have an opinion as to the
2 value of the raw footage if it were cut and put into
3 a production that was played on television?

4 MR. AUCHINCLOSS: I'll object as vague as to
5 time.

6 THE COURT: Sustained.

7 Q. BY MR. SANGER: Okay. And I'm asking you
8 about at that time. Not whether or not because of
9 this trial it would be worth something. But back at
10 that time in February of 2003.

11 A. Did I have an estimation as to what it was
12 worth?

13 Q. What it was worth if it was picked up and
14 cut.

15 A. That's objective. You could cut it to make
16 it worth a lot less if you did the wrong thing,
17 so....

18 Q. Or you could cut it to make it be --

19 A. It could be worth more, sure.

20 Q. Make it be worth more. All right.

21 And basically the film at that time, in
22 February of 2003, the value would be the value of
23 that film being used in a television production,
24 right?

25 A. That would have been the value at the time.

26 Q. All right. And you did not have anything to
27 do with the business transactions regarding this

28 footage of the Arvizos; is that correct? 11026

1 A. Unfortunately not.

2 (Off-the-record discussion held at counsel
3 table.)

4 MR. SANGER: Excuse me just one second.

5 (Off-the-record discussion held at counsel
6 table.)

7 Q. BY MR. SANGER: All right. Let me just ask
8 you on that before we leave that subject.

9 You said that the film would be worth
10 millions, and I think you might have said eight
11 million at some point. But millions, anyway, as to
12 this.

13 Was the -- was that -- is that your opinion,
14 that the film was worth millions at that time?

15 A. Yeah. Absolutely. I mean, it's a worldwide
16 story. It's worth millions of dollars.

17 Q. Okay. And it would have been worth millions
18 of dollars if it had been marketed at that time; is
19 that correct?

20 A. Yeah. Yes.

21 Q. So you're talking about the value of that
22 film as produced in a television show, correct?

23 A. That is correct.

24 Q. Nobody offered you any money for that
25 footage; is that correct?

26 A. No, I charged them a day rate, as I would.

27 That's all I asked.

28 MR. SANGER: Yeah. Excuse me one second. 11027

1 (Off-the-record discussion held at counsel
2 table.)

3 Q. BY MR. SANGER: All right. So -- all right.

4 So you felt if this -- so we can get off this, if
5 that was marketed properly, that somebody might have
6 been able to get millions to sell that to somebody
7 who would include it in a show, right?

8 MR. AUCHINCLOSS: Objection; asked and
9 answered.

10 MR. SANGER: It's foundational, just to ask
11 the next question, if I may.

12 THE COURT: All right.

13 Go ahead. You may answer.

14 THE WITNESS: Yes.

15 Q. BY MR. SANGER: All right. Now, you offered
16 an opinion that -- about eight million. What was
17 the eight-million-dollar opinion?

18 A. No, he -- I know they got somewhere around
19 eight million for the -- like, this is a ballpark.
20 You know, this is what -- someone might have been
21 showing off to me or something, but it was for "The
22 Interview You Were Never Meant To See," which is the
23 camera that Hamid had in the room while Martin
24 Bashir was interviewing with Michael.

25 Q. So that was not talking about this footage
26 of the Arvizos?

27 A. No.

28 Q. All right. And what was your opinion based 11028

1 on, that that was worth eight million?

2 A. Man, I --

3 Q. In other words, did somebody just tell you

4 that, or did you see some documentation?

5 A. I must have read something or remember it

6 from a conversation. But, you know, eight million,

7 that sounds like too much. I mean, it is Michael

8 Jackson, but it's an hour- or two-hour program.

9 It's probably like four or five. But

10 internationally it probably made more than eight

11 million. I don't know.

12 Q. Okay. All right. So in other words, you

13 may have read about it? You may have read about it

14 in the press?

15 A. Right.

16 Q. All right. Then you were asked about

17 overhearing some conversations about the Arvizo trip

18 to Brazil. Do you remember those questions?

19 A. Do I remember the questions or --

20 Q. You were just asked about it. Do you

21 remember being asked?

22 A. Yeah, I remember being asked.

23 Q. During the time that you heard those

24 conversations, did you ever hear anybody saying that

25 they were forcing the Arvizos to go to Brazil, or

26 coercing them or doing anything inappropriate?

27 MR. AUCHINCLOSS: Objection; hearsay.

28 THE COURT: Overruled. 11029

1 THE WITNESS: No. I didn't hear -- I didn't
2 hear people talk about that stuff.

3 Q. BY MR. SANGER: And you understood Vinnie
4 was going to help the Arvizos get their passports?

5 A. Right. That's really the stuff that I had
6 heard about, because Vinnie was really agitated by
7 having to go do these runt things.

8 Q. And Vinnie's -- Vinnie felt he was more
9 qualified to do other things; is that correct?

10 A. Vinnie could run --

11 MR. AUCHINCLOSS: Objection. Relevancy;
12 foundation.

13 THE COURT: Sustained.

14 Q. BY MR. SANGER: You said Vinnie was agitated
15 by having to do something.

16 And actually, I couldn't hear the word, Your
17 Honor.

18 THE COURT: Do you want it read back?

19 MR. SANGER: Well, I think it was "grunt
20 things" or "grunt work." My colleague tells me it
21 was "grunt work," but I don't know.

22 THE COURT: Interesting. Were you talking
23 about what he just said or what he said half an hour
24 ago?

25 MR. SANGER: What he just said.

26 THE COURT: He didn't say "grunt" this time.

27 MR. SANGER: Okay. That's what I thought I

28 heard. 11030

1 Q. He was irritated by doing what, by having to
2 do what?

3 A. Pointless chores that had no -- you know,
4 you have a business degree. Do you want to go down
5 to -- and get passport photos? No, you don't.

6 Q. All right. Now, with regard to the taping
7 that you did of the Arvizos, you were asked about a
8 number of questions.

9 Based on your conversations with Janet, your
10 brief conversations with the kids, and then the
11 interview that you did that night with them, did you
12 believe that their responses were sincere that
13 Michael Jackson helped Gavin?

14 A. As far as Michael --

15 MR. AUCHINCLOSS: Objection; calls for a
16 conclusion.

17 THE COURT: Sustained.

18 Q. BY MR. SANGER: Okay. The District Attorney
19 asked you about various questions you asked about
20 Michael Jackson helping Gavin.

21 Did you believe that you were coaching these
22 people to say something that was not true about
23 Michael Jackson helping Gavin?

24 A. No. It was -- I felt very much so that it
25 was very sincere and very truthful.

26 Q. And when you asked questions about
27 parenting, you asked Mrs. Arvizo about her

28 relationship with her own children, right? 11031

1 A. That is correct.

2 Q. And did you ask her children, or at least
3 Gavin about his relationship with his mother?

4 A. I believe I did.

5 Q. Do you remember his response to that?

6 MR. AUCHINCLOSS: Objection; hearsay.

7 MR. SANGER: That would be a "yes" or "no,"
8 first of all. And I take it he's going to say "no."

9 THE COURT: I'll sustain the objection.

10 MR. SANGER: All right.

11 Q. Now, when you asked questions about Michael
12 Jackson, Michael Jackson's parenting, first of all,
13 had you seen Michael Jackson with his own children?

14 A. Yes.

15 Q. And did you have an opinion of his abilities
16 as a parent, his relationship with his kids?

17 A. Yes, I did.

18 MR. AUCHINCLOSS: Objection. Relevancy;
19 calls for a conclusion; lack of foundation.

20 THE COURT: Sustained.

21 Q. BY MR. SANGER: When you asked the question
22 whether or not Michael Jackson was a good parent,
23 did you ask that question based on any information
24 that you had about his -- whether or not he was a
25 good parent?

26 MR. AUCHINCLOSS: Same objection.

27 THE COURT: Overruled.

28 But I do want you to just answer that "yes" 11032

1 or "no," whether you had information. "Yes" or
2 "no."

3 THE WITNESS: Yes, I had information.

4 Q. BY MR. SANGER: And what was the source of
5 that information? Without telling us what the
6 information was, what was the source of that
7 information?

8 A. The source of my opinion based on Michael's
9 parenting was based on my own interpretation of
10 things that I had witnessed with him and his
11 children. Events when they were together, that kind
12 of stuff.

13 Q. Did Janet Arvizo or the Arvizo children at
14 any time, prior to the taped interview, indicate in
15 any way that they thought Michael Jackson was not a
16 good parent?

17 A. Did they indicate that he was not?

18 Q. Yeah.

19 A. No. No, they did not.

20 Q. Okay. And then you said that -- something
21 to the effect that it took a while to get the model
22 release sorted out, and you would not have wanted to
23 spend that much time. I believe you said something
24 to that effect. Do you recall that?

25 A. That is true.

26 Q. Can you explain why that is?

27 A. Because it was getting late. And I don't

28 want to have -- we've set up our equipment. I don't 11033

1 want to send people home because of something so
2 strange to me.

3 That was part of the strangeness of the
4 night. She's wanting to do this interview so badly,
5 but she won't sign the model release. And I was
6 just like, "This was a joke." And I don't know, it
7 was stressing me out, because, you know, that was --
8 one of my jobs is -- I wasn't supposed to start
9 until we had them done, and that never happened
10 until after. They just had to get out of the way.
11 If we couldn't use it, we couldn't use it.

12 Q. All right. And as to all of the questions
13 that you asked, did you have any reason to believe
14 that the answers were not the answers of the Arvizos
15 themselves?

16 A. Not at all.

17 MR. AUCHINCLOSS: I'll object as vague.

18 THE COURT: Overruled. He said "Not at all,"
19 so....

20 MR. SANGER: Okay. And then I have no
21 further questions. Thank you.

22

23 RE-CROSS-EXAMINATION

24 BY MR. AUCHINCLOSS:

25 Q. Mr. Robinson, you were assigned to leave
26 that video shoot with the videotape; was that one of
27 your assignments?

28 A. That was one of the assignments. 11034

1 Q. And you were assigned to get those model
2 releases signed by the Arvizo family?

3 A. That is correct.

4 Q. Okay. And when you left --

5 A. Well, Vinnie might have -- Vinnie might have
6 been taking care of the model releases, actually.

7 Q. Okay.

8 A. But I knew it had to be done.

9 Q. And Brad Miller, too?

10 A. I didn't -- I didn't talk to Brad much at
11 all. If anything, it was like a hello, you know.

12 Q. But was he around when those model releases
13 were signed, if they were?

14 A. Oh, man. Like I said, you know, he was
15 staying very quiet and staying in the background.
16 He may have been there. But I don't know if he was
17 in the room at all.

18 Q. And Hamid would not turn over that videotape
19 at the end of the evening, would he?

20 A. That's correct.

21 Q. So you left without that videotape?

22 A. That's right. I wasn't going to go to jail
23 over it. He wasn't going to give it to me no matter
24 what I did. It wasn't something that I had any
25 power over.

26 MR. AUCHINCLOSS: All right. Thank you. No
27 further questions.

28 THE WITNESS: Sure. 11035

1 MR. SANGER: No further questions, Your
2 Honor.

3 THE COURT: Thank you. You may step down.

4 THE WITNESS: Thank you very much.

5 MR. ZONEN: Your Honor, can counsel and I
6 approach the sidebar before the next witness is
7 called?

8 THE COURT: All right.

9 (Discussion held off the record at sidebar.)

10 THE COURT: All right. You may call your
11 next witness.

12 MR. MESEREAU: Yes. Thank you very much,
13 Your Honor. The defense will call Mrs. Vernee
14 Watson Johnson.

15 THE COURT: When you get to the witness
16 stand, please remain standing.
17 Face the clerk here and raise your right
18 hand.

19

20 VERNEE WATSON JOHNSON

21 Having been sworn, testified as follows:

22

23 THE WITNESS: I do.

24 THE CLERK: Please be seated. State and
25 spell your name for the record.

26 THE WITNESS: My name is Vernee Watson
27 Johnson. Vernee is spelled V-e-r-n-e-e, with an

28 accent. And then Watson Johnson, it doesn't have to 11036

1 be hyphenated, W-a-t-s-o-n, J-o-h-n-s-o-n.

2 THE CLERK: Thank you.

3 THE WITNESS: Uh-huh.

4

5 DIRECT EXAMINATION

6 BY MR. MESEREAU:

7 Q. Good afternoon, Miss Watson Johnson.

8 A. Hi.

9 Q. Would you please give us a brief history of
10 your career?

11 A. Okay. I started out with an acting group in
12 New York. And I did quite a few commercials in New
13 York. And I moved out to Los Angeles, and I was --
14 I appeared on Welcome Back Kotter for a while as a
15 sweathog. And then I did a couple of stuff on
16 That's My Mama, the Love Boats, and did another
17 series called Carter Country. And Foley Square.
18 And then I did Fresh Prince. And a lot of
19 episodics, guest-starring on episodics. A few
20 films. And more commercials. And --

21 Is that enough?

22 Q. That's enough.

23 A. Okay.

24 Q. Yes. Thank you very much.

25 Do you live in Los Angeles?

26 A. Yes. I live in Los Angeles, the city of --

27 I don't live in the City of Los Angeles, but I live

28 in the valley, San Fernando Valley. 11037

1 Q. Okay. Have you ever met someone named Janet
2 Arvizo?

3 A. Yes. Yes.

4 Q. And when did you meet Janet Arvizo?

5 A. I was teaching acting at a place called
6 The Los Angeles Academy of Fine Arts. And her
7 children were in my acting class.

8 Q. And approximately what year was this?

9 A. Back in about 1997.

10 Q. And did Mrs. Arvizo come to your school at
11 some point?

12 A. Yes. Her and David, her husband. Her
13 ex-husband, I guess.

14 Q. And did they approach you about her children
15 going to your school?

16 A. Well, they -- you know, the director of the
17 school just lets me know who's coming into my acting
18 class. So, you know, I met them, and their kids
19 attended my classes.

20 Q. And how long did the Arvizo children attend
21 your acting classes?

22 A. I think they were there for maybe a session,
23 a session and a half, "a session" being six months
24 to a year. And they --

25 Q. And are those children Gavin, Star and
26 Davellin?

27 A. Yes.

28 Q. Do you know all three children? 11038

1 A. Yes.

2 Q. Did you see Janet Arvizo from time to time
3 when you were teaching her children?

4 A. Yes.

5 Q. And would she come to your class?

6 A. Come in my class? I don't allow the parents
7 in my class.

8 Q. Where would you see her?

9 A. Out in the waiting area or in her car.

10 Q. And would she, as far as you knew, typically
11 bring her children to the class?

12 MR. ZONEN: I'm going to object.

13 No, I'll withdraw the objection.

14 THE WITNESS: Her and her husband brought the
15 kids to class. Yes.

16 Q. BY MR. MESEREAU: Was it your understanding
17 that Janet and her husband would pick up the kids
18 and take them home from your class?

19 A. Yes.

20 Q. Okay. Did you ever learn at some point that
21 Gavin was ill?

22 A. Yes.

23 Q. How did you learn that?

24 A. They had not been in my class for a while.

25 Actually, I had actually stopped teaching at LAAFA.

26 That's the L.A. Academy of Fine Arts. And the

27 director called me and said that, "Vernee, do you

28 remember Gavin?" 11039

1 I was like, "Hmm, okay. Yeah, I think so."

2 And she said, "Well, his mother called me
3 and said that, "You know, you used to be very" --
4 "you were very nice to him, and he's very sick right
5 now, and she wants you to come and visit him in the
6 hospital."

7 Q. Did you speak to Janet about any
8 fund-raisers for Gavin?

9 A. Yes.

10 Q. And what did she say to you about a
11 fund-raiser for Gavin?

12 A. We -- you know, we -- you know, I had --
13 there were -- I had seen David a lot at the
14 hospital. And we knew that they -- David -- you
15 know, sometimes they didn't eat and stuff, so we
16 were trying to get some money together to -- you
17 know, a fund-raiser for them.

18 And I had -- but I was a little suspicious
19 of, because of some other things that had happened,
20 where the money was going.

21 So anyway, we -- I asked Janet to open an
22 account. I said, "We're going to do a fund-raiser
23 but we need Gavin to have his own account, a trust
24 account."

25 MR. ZONEN: I'll object as --

26 THE WITNESS: What? I'm sorry.

27 (Laughter.)

28 MR. ZONEN: I'm going to withdraw the 11040

1 objection.

2 Q. BY MR. MESEREAU: You can continue to

3 answer.

4 A. Okay. And --

5 MR. ZONEN: Now I will object --

6 THE WITNESS: There's so much back story

7 here --

8 MR. ZONEN: I will object now to continuing

9 the answer as a narrative.

10 THE COURT: All right. Next question.

11 Q. BY MR. MESEREAU: Okay. Who first mentioned

12 the word "fund-raiser" to you regarding Gavin?

13 A. Myself and Carol Lamir and -- me and Carol

14 were going to put a fund-raiser together for her.

15 Q. Okay. Was it your idea to do that?

16 A. I guess. I mean, we were all in -- we were

17 all in agreement that we would try to raise money

18 for them, yes.

19 Q. And did you discuss the idea of a

20 fund-raiser for Gavin with Janet?

21 A. Yes, I did.

22 Q. And what did you say to Janet about a

23 fund-raiser?

24 A. I told her that we were going to try to do a

25 fund-raiser for her, but we needed a separate

26 account opened up for Gavin.

27 Q. Why did you say that to Janet?

28 A. Because I -- 11041

1 MR. ZONEN: I'm going to object as

2 irrelevant, the explanation.

3 THE COURT: Overruled.

4 Q. BY MR. MESEREAU: You may answer.

5 A. Because I had found out from talking to

6 Carol that the moneys --

7 MR. ZONEN: I'll object as hearsay, Your

8 Honor.

9 THE COURT: Sustained.

10 Q. BY MR. MESEREAU: What was your state of

11 mind?

12 A. I didn't trust her.

13 Q. Why not?

14 MR. ZONEN: I'm going to object as hearsay

15 and lack of foundation. And opinion, improper

16 opinion.

17 THE COURT: Sustained.

18 Q. BY MR. MESEREAU: What did you say to Janet

19 about an account for Gavin?

20 A. I told her I needed a separate account for

21 Gavin. I wanted her to open an account in his name

22 so that the money could be deposited in that

23 account.

24 Q. And with respect to that particular issue,

25 what was her response?

26 A. She said, "Don't worry about it. You can

27 put it in my account."

28 Q. What was your reaction to that? 11042

1 MR. ZONEN: I'm going to object as

2 irrelevant, her reaction to it.

3 THE WITNESS: Is that objection sustained?

4 THE COURT: I'm thinking.

5 THE WITNESS: I'm sorry, sir.

6 (Laughter.)

7 THE COURT: Are you asking her to tell you

8 something she said? If so -- if not, I'll sustain

9 the objection. If so, rephrase the question.

10 Q. BY MR. MESEREAU: Okay. You've indicated

11 that Janet did not want to set up a separate account

12 for Gavin, correct?

13 A. Yes, I did.

14 Q. You wanted her to, correct?

15 A. Yes.

16 Q. Okay. And I believe you said Janet said she

17 would take the money, right?

18 A. Right.

19 Q. Did you then continue efforts to put

20 together a fund-raiser?

21 A. No.

22 Q. Why not?

23 MR. ZONEN: Objection; irrelevant.

24 THE COURT: Overruled.

25 You may answer.

26 THE WITNESS: I didn't hear you, sir. Your

27 Honor, I didn't hear you.

28 THE COURT: You may answer. 11043

1 THE WITNESS: Okay.

2 What was the question again? I'm sorry.

3 Q. BY MR. MESEREAU: Why didn't you continue to
4 set up the fund-raiser when Janet said she would put
5 the money in her account?

6 A. Because I had a strong feeling that the
7 money would not be used for the purposes --

8 MR. ZONEN: I'm going to object as
9 speculative, lack of foundation, and improper
10 opinion.

11 THE COURT: Overruled.

12 Q. BY MR. MESEREAU: You may answer.

13 A. Because I didn't trust her.

14 Q. Why not?

15 MR. ZONEN: I'm going to object as
16 irrelevant, improper opinion, immaterial.

17 THE COURT: Overruled. The answer is in.

18 Next question.

19 Q. BY MR. MESEREAU: You said you didn't trust
20 Janet, right?

21 A. Correct.

22 Q. Why?

23 MR. ZONEN: Objection; improper opinion.

24 BAILIFF CORTEZ: Your microphone's off.

25 THE COURT: Excuse me. I couldn't hear you.

26 MR. ZONEN: I'm sorry.

27 Objection. Irrelevant and improper opinion.

28 THE COURT: Overruled. 11044

1 You may answer. Do you remember the
2 question at this point?

3 THE WITNESS: Yes. Why didn't I --

4 THE COURT: Trust her.

5 THE WITNESS: -- trust her.

6 Because I feel -- and I don't know if this
7 is just my opinion, but I feel like if you want to
8 raise money for someone, and the person that's doing
9 the fund-raiser feels that it should be in an
10 account for your child, and you tell me to put it in
11 your account, then something is wrong.

12 Q. BY MR. MESEREAU: Okay. At the time you had
13 this discussion with Janet --

14 A. Yes.

15 Q. -- about a possible fund-raiser, had you
16 done anything to put the fund-raiser together?

17 A. Myself personally? I had called some
18 people, yes.

19 Q. Okay. And had you spoken to Janet about who
20 you were going to call?

21 A. No, I don't -- we didn't get that far in our
22 conversation. I mean, she knew Carol. And she knew
23 Miss Kennedy, who was also involved in --

24 MR. ZONEN: Object to what she knew as
25 nonresponsive.

26 THE COURT: Sustained.

27 Q. BY MR. MESEREAU: Who did you call about

28 getting people to a fund-raiser for Gavin? 11045

1 A. Carol Lamir. Arlene Kennedy. That was
2 about it.

3 Q. And after Janet made that comment to you,
4 did you stop all efforts to put together a
5 fund-raiser?

6 A. Yes, we did.

7 Q. Okay. Now, had you been visiting Gavin at
8 the hospital?

9 A. Had I been?

10 Q. Yes.

11 A. Yes.

12 Q. And how many times do you think you visited
13 Gavin at the hospital?

14 A. Many times. I went there two, three times a
15 week for his -- the extent of his hospitalization,
16 yes.

17 Q. Was there a particular time of day that you
18 often went to see Gavin at the hospital?

19 A. During the day, you know, anytime I had an
20 audition or -- I would just go down there. I would
21 go there quite often.

22 Q. And did you see Janet at the hospital with
23 Gavin?

24 A. I saw her the first time I went down there.
25 And I saw her maybe once again.

26 Q. Did you see Gavin's father David at the
27 hospital?

28 A. Yes. All the time. 11046

1 Q. Okay. Did you stay in contact with Janet
2 during the time that Gavin was in the hospital?

3 A. She would call me, and actually she would
4 have Star call me.

5 MR. ZONEN: I'll object as speculative, lack
6 of foundation.

7 THE COURT: Sustained.

8 Q. BY MR. MESEREAU: Did Janet herself continue
9 to call you while Gavin was in the hospital?

10 A. She called me. I mean, I'm going to say the
11 same thing I said the last time, so I don't know --

12 Q. Let me just ask you about Janet only.

13 A. Okay.

14 Q. I'll get to the others.

15 A. All right.

16 Q. Was Janet calling you while Gavin was in the
17 hospital?

18 A. She may have called me several times, yes.

19 Q. And did you talk to her about efforts to
20 raise money?

21 A. Yes. When the fund-raiser -- the
22 fund-raiser effort came up, yes.

23 Q. Do you know whether or not Janet herself
24 ever asked you for money?

25 A. Um, I gave them money.

26 MR. ZONEN: Objection; nonresponsive.

27 THE WITNESS: But I'm not sure --

28 MR. ZONEN: Objection; nonresponsive. 11047

1 THE COURT: She's answering.

2 Go ahead, finish your answer.

3 THE WITNESS: -- if it was, you know, because
4 she directly asked me for it or because I just felt
5 that they needed some help, and she didn't refuse it
6 when I gave it to her.

7 Q. BY MR. MESEREAU: Let me just go one step at
8 a time, okay?

9 A. Uh-huh.

10 Q. Did Janet ever directly ask you for money,
11 that you recall?

12 A. I don't recall.

13 Q. Did Janet ever indirectly suggest she'd like
14 money?

15 MR. ZONEN: I'll object to that as vague.

16 THE COURT: Sustained.

17 Q. BY MR. MESEREAU: Did Janet ever say
18 anything to you that suggested that she wanted money
19 from you?

20 MR. ZONEN: Objection; vague.

21 THE COURT: Overruled.

22 THE WITNESS: That means I can answer?

23 THE COURT: Yes.

24 THE WITNESS: Okay.

25 Say that again, please. I'm sorry.

26 Q. BY MR. MESEREAU: Did Janet ever suggest
27 anything to you in your conversations that made you

28 think she wanted money? 11048

1 A. She would -- I mean, whenever I would talk
2 to her, it would be a lot of what they needed and
3 how they didn't have anything, and how they were
4 struggling, and didn't have a place to live really,
5 and, you know, all that kind of stuff. So it was
6 heavy-handing there going on.

7 Q. And how often did you give the Arvizos
8 money?

9 A. I gave David money a couple of times. I
10 didn't have much money, so it wasn't like I was --
11 you know, so -- I just gave him money a couple of
12 times, yes.

13 Q. Do you recall whether or not David himself
14 ever asked you for money?

15 A. David -- no, I offered it to him. I mean, I
16 just -- I wrote a check to them a few times and I
17 gave him some cash and that's it, yeah.

18 Q. Did you give him this money at the hospital?

19 A. Yeah. I also gave him food.

20 Q. Okay. Who did you give the food to?

21 A. David, because he was always there. He
22 never went home to shower. He didn't go -- he was
23 hungry. And I would say, you know, "You should get
24 up out of here sometimes." I never saw Janet there
25 after that, but I saw him there all the time. And I
26 would -- and he wouldn't eat, so I would prepare
27 food for him and bring it to him.

28 Q. Okay. Now, did Gavin ever call you on the 11049

1 phone?

2 A. When he was in the hospital, do you mean?

3 Q. Yes.

4 A. I mean, David would call me and say that

5 Gavin would want to see me. I don't remember

6 hearing Gavin's voice on the phone. I don't know.

7 I know I did -- they would call me and say, "Well,

8 when are you coming over again?" And, "When are you

9 coming to visit us again?" You know, that kind of

10 stuff.

11 Q. Do you recall whether or not Star ever

12 telephoned you?

13 A. Uh-huh. Yes, I do.

14 Q. And was this around the time Gavin was ill?

15 A. Yes. He had -- yes. Gavin would get out of

16 the hospital sometimes and then he'd have to go

17 back, you know.

18 And when he got out, they would want to come

19 over to my house. And I would -- you know, Star

20 would call me and I could hear Janet in the

21 background prompting him, you know.

22 Q. Did the family ever come to your house?

23 A. Yes.

24 Q. And on how many occasions?

25 A. I didn't allow it after the first time --

26 well, they came there once, and it was just

27 ridiculous. You know, they were just all over my

28 house. And I couldn't stand the energy that they 11050

1 had. And I wouldn't allow all of them to come at
2 one time. It was just, "Okay. If you want to come
3 visit me, just David and Gavin."

4 Q. Now, you say you didn't like the energy.

5 What do you mean?

6 MR. ZONEN: Objection; vague.

7 THE COURT: Sustained.

8 Q. BY MR. MESEREAU: Why didn't you want the
9 family to return to your house after that first
10 visit?

11 MR. ZONEN: Objection.

12 THE WITNESS: Because they were not --

13 MR. ZONEN: Objection; irrelevant.

14 THE COURT: Overruled.

15 THE WITNESS: They were not ruly kids. They
16 were very unruly. And they were all into my stuff.
17 They would walk around my house, they would be all
18 in the other rooms. They were jumping on my son's
19 bed. Just very disruptive.

20 Q. BY MR. MESEREAU: Did the family ever spend
21 the evening at your house?

22 A. Do you mean like spend the night?

23 Q. Yes.

24 A. No.

25 Q. Were you ever asked if they could?

26 A. Yes.

27 Q. By who?

28 A. By them. 11051

1 Q. Who is "them"?

2 A. Well, I -- Star would call me. I could hear
3 Janet in the background, "Tell her you love her,
4 Star. Tell her you love her." And I was like,
5 "O-kay."

6 MR. ZONEN: I'm going to object as
7 nonresponsive and irrelevant.

8 THE COURT: Sustained.

9 Q. BY MR. MESEREAU: Who in the family asked
10 you if the family could spend the night? Just give
11 the name.

12 A. The children would ask me.

13 Q. All right. So this happened more than once?

14 A. Yes.

15 Q. Okay. Did you ever hear Janet directly ask
16 you if the family could spend the night at your
17 house?

18 A. I heard her telling Star to ask me.

19 Q. Okay. Did Janet herself ever ask you, if
20 you remember?

21 A. No, I don't remember that.

22 Q. Okay. Do you recall whether or not David
23 ever asked you if the family could spend the night
24 at your home?

25 A. No.

26 Q. You have -- I didn't --

27 A. I mean -- no, he didn't. That I recall. I

28 don't remember that. 11052

1 Q. Now, you've indicated that Star called you
2 on some occasions and you heard Janet in the
3 background; is that right?

4 A. Yes.

5 Q. How many times did that happen?

6 A. Several times.

7 Q. Okay. Do you recall whether or not Davellin
8 ever called you on the phone during this time
9 period?

10 A. Oh, excuse me. One second. Let me think
11 about this. Davellin.

12 No. Davellin didn't call me. It was
13 usually Star. And -- I'm sorry, I think Gavin did
14 call me a couple of times when he was out of the
15 hospital. Yeah.

16 Q. Okay. And did you ever visit the Arvizos at
17 their home?

18 A. No.

19 Q. How long were the Arvizo children enrolled
20 in your class?

21 A. Like I said before, maybe a session or so.

22 Q. And how long would a session be?

23 A. We kind of went from September to June, you
24 know, during that time. So, six, nine months or
25 something.

26 Q. Okay.

27 A. Uh-huh.

28 Q. Now, this was a school that you taught at, 11053

1 right?

2 A. Uh-huh.

3 Q. And who owned the school?

4 A. Her name was Belinda Johnson. Her name is
5 Belinda Johnson. It was a nonprofit performing arts
6 center. And she had after-school tutoring, and
7 actually had some -- she had some academics going on
8 there, too. And we did performances with the young
9 children for Christmas and stuff.

10 Q. Okay. Do you know whether or not the
11 children paid for their schooling?

12 MR. ZONEN: Objection. Irrelevant; lack of
13 foundation.

14 THE COURT: Sustained. Foundation.

15 Q. BY MR. MESEREAU: Was your role at the
16 school strictly to teach or were you involved in the
17 business affairs as well?

18 A. Well, I mean, if someone came in and wasn't
19 going to pay, I would, you know, be asked, or, you
20 know, "Is it okay that they take class?" And that
21 kind of stuff. So, yeah. That way I was. And --
22 but I got a check -- well, not much, but I got paid
23 a little bit for teaching.

24 Q. All right. Now, at some point in time, did
25 you learn that the Arvizos were visiting Neverland?

26 A. Yeah, I helped set that up.

27 Q. What did you do?

28 A. Well, when I was visiting Gavin in the 11054

1 hospital, I had been to Neverland, and I knew, you
2 know, what a nice -- what a wonderful place it was
3 and that Michael would have kids come out there,
4 especially children who were sick.

5 And I asked my friend Carol if she could
6 possibly set it up for Gavin to go out there. And
7 she -- do you want to hear any more?

8 Q. I'll just go a little bit at a time, if I
9 may.

10 A. Okay.

11 Q. And did you ever learn whether or not Carol
12 Lamir had helped arrange for the Arvizos to go to
13 Neverland?

14 A. Oh, yeah, she did. She did that -- with a
15 little reluctance, but she did it.

16 Q. Now, is Carol Lamir a friend of yours?

17 A. Yes.

18 Q. And is she still a friend of yours?

19 A. Yes.

20 Q. Okay. At some point in time, did you ever
21 learn whether Davellin was living with Carol Lamir?

22 MR. ZONEN: Objection. Lack of foundation;
23 irrelevant.

24 THE COURT: Overruled.

25 You may answer.

26 THE WITNESS: Yes.

27 Q. BY MR. MESEREAU: And what did you learn

28 about that? 11055

1 MR. ZONEN: Objection; hearsay.

2 THE COURT: Sustained.

3 THE WITNESS: I saw her there.

4 I'm sorry.

5 THE COURT: Next question.

6 MR. MESEREAU: Let me rephrase the question.

7 Q. Did you ever discuss with Davellin whether

8 or not she was staying with Carol Lamir?

9 MR. ZONEN: Objection. Hearsay; relevancy.

10 MR. MESEREAU: Impeachment.

11 MR. ZONEN: Collateral impeachment.

12 THE COURT: Sustained.

13 Q. BY MR. MESEREAU: Did you ever visit Carol

14 Lamir at her home?

15 A. Yes.

16 Q. Would you do that on a regular basis?

17 MR. ZONEN: Objection; irrelevant.

18 THE COURT: Overruled.

19 You may answer.

20 THE WITNESS: Yes.

21 Q. BY MR. MESEREAU: Did you ever see Davellin

22 at Carol's house?

23 A. Yes.

24 MR. ZONEN: Objection; irrelevant.

25 MR. MESEREAU: Impeachment, Your Honor.

26 THE COURT: The objection is overruled.

27 THE WITNESS: Yes, I did.

28 Q. BY MR. MESEREAU: How many times did you see 11056

1 Davellin at Carol Lamir's home?

2 A. When I was there?

3 Q. Yes.

4 A. She was there all the time when I -- during
5 a time period of a couple of months.

6 Q. Did you actually see her there during those
7 couple of months?

8 A. Yes.

9 Q. Did Davellin herself ever tell you she was
10 staying at Carol Lamir's?

11 A. Did she tell me? Do you mean like call me
12 up and say, "Vernee, I'm at Carol's," or --

13 Q. Did Davellin ever tell you, "I'm living at
14 Carol Lamir's house"?

15 A. Well, I -- no, I mean, I just knew it. She
16 was there.

17 Q. Did she ever discuss with you the fact that
18 she was living with Carol Lamir?

19 A. No. Not really, no.

20 Q. Okay. When did you first learn that
21 Davellin was staying at Carol Lamir's home?

22 MR. ZONEN: Objection. Lack of foundation;
23 irrelevant.

24 THE COURT: Overruled.

25 You may answer.

26 THE WITNESS: When she first got there. I
27 mean, I don't know the date. But I -- I know she

28 was having some problems and that she needed -- 11057

1 MR. ZONEN: Objection.

2 THE WITNESS: Okay.

3 MR. ZONEN: Lack of foundation;

4 nonresponsive.

5 THE COURT: Sustained.

6 Q. BY MR. MESEREAU: I'm simply asking you --

7 A. Oh, I'm sorry.

8 Q. -- if you know that Davellin --

9 A. Carol called me as soon -- when she --

10 MR. ZONEN: I'm going to object as to

11 hearsay.

12 THE COURT: Sustained.

13 THE WITNESS: Oh, boy.

14 MR. MESEREAU: I'm sorry. Let me try and

15 rephrase it.

16 THE WITNESS: Okay.

17 Q. BY MR. MESEREAU: Did Davellin ever say

18 anything to you that indicated she was living at

19 Carol Lamir's house?

20 MR. ZONEN: Objection; asked and answered.

21 THE COURT: Sustained.

22 Q. BY MR. MESEREAU: When did you first learn,

23 through observation, that Davellin was staying at

24 Carol Lamir's home, if you know?

25 A. Do you mean when did I first look in her

26 face in the house?

27 Q. Sure.

28 A. When I visited Carol after she moved in 11058

1 there.

2 Q. Okay. And do you know approximately when
3 that was?

4 A. Well, the only thing I can say is that it
5 was during a time when Carol's son was in school,
6 because it was -- yeah, because Davellin wasn't and
7 he was. So that's during that time. I don't
8 remember exactly.

9 Q. And if you can estimate, how many times do
10 you think you saw Davellin at Carol Lamir's house?

11 A. 10, 15 times. I don't know.

12 Q. Did you ever speak to Davellin inside Carol
13 Lamir's home?

14 A. Oh, yeah.

15 Q. Did you do that many times?

16 A. Yeah.

17 Q. Okay. Did she ever tell you why she was
18 living at Carol Lamir's house?

19 A. Not me, no.

20 Q. Okay. Did you ever talk to Gavin about his
21 experiences at Neverland?

22 A. Yes.

23 Q. Approximately when was this?

24 A. The first time he went.

25 Q. What did he say?

26 MR. ZONEN: Objection; irrelevant.

27 THE COURT: Sustained.

28 MR. MESEREAU: No further questions, Your 11059

1 Honor.

2 THE COURT: Cross-examine?

3 MR. ZONEN: I have no questions, Your Honor.

4 THE COURT: All right. Thank you. You may
5 step down.

6 MR. MESEREAU: We have no further witnesses
7 for today, Your Honor.

8 THE COURT: (To the jury) All right. We'll
9 excuse you until tomorrow morning. The Court will
10 use the time. We'll take up some motions that are
11 pending.

12 Remember the admonition. I'll see you at
13 8:30 tomorrow morning.

14

15 (The following proceedings were held in
16 open court outside the presence and hearing of the
17 jury:)

18

19 THE COURT: All right. We have some motions
20 pending that we can take up.

21 All right. The first issue I'll take up is
22 the plaintiff's brief re admissible evidence of
23 defendant's character.

24 Do you wish to be heard?

25 MR. SNEDDON: Not unless you're willing to
26 change your mind. Let me just say this, because you
27 already indicated --

28 MR. SANGER: Excuse me, I'm sorry. 11060

1 MR. SNEDDON: -- you've already made a
2 tentative indication.

3 THE COURT: I gave you both a tentative
4 indication. That's correct.

5 MR. SNEDDON: And so I would just say that
6 we put everything in our brief, and nothing's
7 changed. I would just ask the Court, if you're
8 going to continue to make that ruling, that you give
9 us the option, if at some point some witness comes
10 in and opens the door, that we have the ability to
11 renew the motion.

12 THE COURT: That would be the case. The
13 Court -- the issue that's raised here is whether or
14 not the defense has put Mr. Jackson's character at
15 issue with some of the testimony concerning
16 witnesses testifying that they have never seen Mr.
17 Jackson do anything untoward towards children.
18 And under certain circumstances, that could
19 raise character testimony. But I think that in this
20 case, where the Court's allowed testimony under
21 1108, which was the testimony of alleged prior
22 similar acts of sexual activity or that type of
23 activity towards children, that that creates a
24 situation where they're not raising character.
25 They're just dealing with the 1108 material and
26 rebutting the 1108 material.
27 So I'm not going to put them in a position

28 where they're -- they can't try to rebut the 1108 11061

1 material without being -- without being accused of
2 raising character. So that's really why I'm ruling
3 the way I am.

4 And so in a different context, they could
5 raise character, and of course this ruling wouldn't
6 have anything to do with what happens in the future,
7 but I don't believe that they have at this time. So
8 that's my ruling. Character's not at issue.

9 The next item that I'll take up is the
10 testimony regarding -- the District Attorney's
11 motion regarding testimony of David Conn.

12 Again, I gave a tentative ruling on that.

13 The tentative ruling was that I would allow the
14 cross-examination suggested by the District
15 Attorney.

16 And do you wish to be heard on that?

17 MR. MESEREAU: Yes, Your Honor.

18 As I mentioned at sidebar, based upon the
19 tentative ruling, we have withdrawn him as a
20 witness.

21 THE COURT: All right. Then that moots
22 that. If you change your mind, then I would
23 reconsider their motion.

24 MR. MESEREAU: Okay. Thank you.

25 THE COURT: The next issue I want to take up
26 is an issue that we keep going back to, the 400
27 series of exhibits, but every time I think we've put

28 them to rest, I find out we have not. 11062

1 The defense has notified me that they --
2 that even though the prosecution withdrew Exhibit
3 414 and 416, that they had asked that they be
4 admitted into evidence. And I do remember -- when
5 you reminded me of that, I now remember that you did
6 make that request.

7 So it seems to me that 416 was -- there was a
8 lot of testimony about 416.

9 Do you want to respond? Who's going to
10 respond to this?

11 MR. AUCHINCLOSS: I'll respond to that, Your
12 Honor.

13 If I could have the exhibit, please. Thank
14 you.

15 THE COURT: Was there a foundation laid for
16 416?

17 MR. AUCHINCLOSS: I can't recall if the
18 detective indicated whether or not he located these
19 documents in Mr. Schaffel's home. If memory serves,
20 I believe counsel did ask a couple of questions
21 about that on cross-examination.

22 The problem with these exhibits is that it
23 appears to be a writing or an accounting in
24 someone's personal handwriting. No one has been
25 identified, and it purports to be literally dozens,
26 if not 100 receipts and additional accountings for
27 items, with no testimony concerning the authenticity

28 of the individual receipts, which probably is not of 11063

1 any great moment. They appear to be what they look
2 like, receipts from various businesses, restaurants,
3 stores.

4 But the purpose of this evidence, ostensible
5 purpose for the defense is to attempt to prove that
6 these purchases were made for the Arvizo family.

7 And if that's the case, there's absolutely no
8 connection. There's no authentication or foundation
9 for that position, given that we don't know who was
10 present when these receipts were created. We don't
11 know who the purchases were made for. We don't know
12 who created the receipt, and therein lies the
13 problem.

14 I'll also address the second question. Can
15 you direct me to the exhibit that you were inquiring
16 about, Your Honor?

17 THE COURT: 414 and 416 are the two
18 exhibits. They really, I think, are the same.

19 MR. AUCHINCLOSS: They're pretty much the
20 same thing.

21 THE COURT: Let me hear what -- who's
22 speaking for the defense?

23 MR. SANGER: I'm sorry, that was with regard
24 to a witness issue, and I couldn't hear what you
25 said. Did you ask to respond?

26 THE COURT: Yeah.

27 MR. SANGER: That was my guess, but I don't

28 want to guess before talking. 11064

1 THE COURT: Yes, thanks. Right. Thank you.

2 MR. SANGER: Can I inquire of the clerk, was
3 415 received?

4 THE CLERK: Yes.

5 THE COURT: Yes.

6 MR. SANGER: Was the answer to that "Yes,"
7 Your Honor?

8 THE COURT: The answer was "Yes."

9 MR. SANGER: Okay. 415 was offered -- and I
10 just want to make sure that was one of them. There
11 were several exhibits, including 415, that were
12 offered by the prosecution based on the fact that
13 these documents were found in Mr. Schaffel's house,
14 and therefore indicated that they were business
15 records that were kept for some purpose.

16 THE COURT: Well, and you know that on most
17 of those, I made them put in an additional
18 foundation. Although there were some -- I can't
19 remember how many now, but a few that I felt that
20 that was sufficient. Do you think this comes within
21 that clarification?

22 MR. SANGER: Well, I think if you look at
23 414, for instance, where there's just accountings,
24 and I believe there was a couple of other exhibits
25 in this book that come in that same category, that
26 they're just general accountings or accounting
27 documents that were found in Mr. Schaffel's file

28 cabinets. And I think where the Court made a 11065

1 particular delineation was where you had documents
2 that purported to be, for instance, contracts that
3 may or may not have been signed, may or may not have
4 been seen. There was a fax cover that didn't match
5 the fax, you know.

6 THE COURT: And there were e-mail addresses
7 that hadn't been verified and that kind of thing.

8 MR. SANGER: That's correct.

9 But I believe this would be consistent,
10 allowing 414 -- I mean, 414 and 416 in would be
11 consistent with the Court's other rulings where you
12 had documents which appeared to be an accounting or
13 financial documents that were kept in the business
14 records at the Schaffel residence, that they would
15 be admissible.

16 The fact is that 415 is a business record --
17 I'm sorry, I'm looking at the tab. 414 is a
18 business record. It comes off the computer, just as
19 415 did, and includes a list of expenses that says,
20 "Janet cash account. Vinnie, Frank."

21 And then when you go to 416, you have a
22 "Summary of petty cash expenditures, Vinnie, for
23 Janet and children." They're itemized, and then you
24 have a whole bunch of receipts, some of which the
25 subject matter has been covered by testimony of even
26 Janet Arvizo, where she admitted that certain of
27 these expenditures were made on her behalf.

28 So it would seem to me that it comes within 11066

1 the same category of items that were admitted, as I
2 understood the Court's ruling, as business records
3 that appeared to have been kept in the ordinary
4 course of business at the Schaffel residence
5 relating to what we've now heard from other
6 testimony apparently was part of what he was
7 involved in. And Vinnie and -- Vinnie was involved
8 in purchasing things for Janet and the children.
9 Based on that, I think there's an adequate
10 showing that this is not only a business record, but
11 it's reliable. It's been testified to by the police
12 officer. As I stand here, I think we asked somebody
13 else about this too, but I can't be sure.

14 THE COURT: I think so, too.

15 Let's take our break. I've got the argument.

16 (Recess taken.)

17 THE COURT: All right. On the issue of where
18 we left, I'll admit 414 and 416.

19 Let's see, an issue came up during the break
20 about Larry King. And counsel had asked me to allow
21 him not to appear tomorrow because his attorney's
22 father was ill. And now I understand that his --
23 her father has passed away.

24 MR. MESEREAU: That's what I've just
25 learned, Your Honor.

26 THE COURT: But what I told you, just so
27 it's clear, is that you fill up the space. He can

28 come whenever you want him. I'm not telling him 11067

1 when he can come, when he can't come. But I want
2 this court operating, not shut down, and I want that
3 clear. We've shut down twice, now, for you. So you
4 have your witnesses lined up, just like I made the
5 D.A. have their witnesses lined up.

6 MR. MESEREAU: Yes, Your Honor.

7 THE COURT: All right.

8 MR. MESEREAU: If I may, Your Honor --

9 THE COURT: The next item --

10 MR. MESEREAU: Your Honor, if I may.

11 THE COURT: Yes.

12 MR. MESEREAU: Some issues have come up with
13 regard to motions in limine filed recently, and as
14 often as today or as current as today, involving
15 certain witnesses we propose to call. And we have
16 tried to work out some understandings in that
17 regard, Your Honor, as we discussed in chambers
18 briefly.
19 We were planning to call an expert named
20 Mrs. Minnow, and she would take a considerable
21 amount of time. The prosecution has filed a motion
22 to preclude her testimony and have said that if she
23 is allowed to testify, they will be calling an
24 expert in the rebuttal case. And we're trying to
25 work things out like that. And it appears there may
26 be a mutual agreement not to call either one, for
27 example.

28 THE COURT: Okay. 11068

1 MR. MESEREAU: So as Mr. Sanger did mention
2 to the Court earlier, we're trying to make sure the
3 witnesses we call have a valid and clear and
4 definite purpose. We're not just trying to call
5 witnesses to make sure we have witnesses.

6 THE COURT: I understand.

7 MR. MESEREAU: And I want the Court to know
8 that. We're trying to pare things down.

9 THE COURT: Both sides do that. And both
10 sides, you know, have to have their witnesses lined
11 up. I said this from day one. And that means if I
12 exclude a witness's testimony, right then you still
13 have to have a witness available to testify. So
14 it's -- the burden on you is no greater than the
15 burden was on the District Attorney. If anything,
16 it's less. You've had a lot more time since the
17 trial started to have your witnesses lined up.
18 I understand the fact that situations change,
19 and I appreciate you're trying to do a good job with
20 that, but we have to think about the fact that we've
21 had a jury. We've taken them out of their lives.
22 We've still got several weeks to go, and not using
23 the times available, we've got law enforcement
24 standing around in the outer areas. We've got all
25 sorts of funds committed to this trial that, when we
26 shut down, costs us, and that's why I encourage you
27 to -- strongly encourage you to keep the witnesses

28 coming. 11069

1 MR. MESEREAU: I understand, Your Honor, and
2 we'll try to do that.

3 THE COURT: Okay.

4 MR. MESEREAU: Appreciate it.

5 THE COURT: And any of the matters that we're
6 deciding that you don't want me to decide because
7 you think you're trying to work something out, tell
8 me. They're not really formal in limine motions.
9 They're really motions that are just being made as
10 quickly as either side can make them, just -- and I
11 appreciate it. What you're doing is giving me a
12 heads-up on an issue that's going to come up on an
13 issue that I'm going to need to rule on, and that
14 really helps me because we can spend the time to do
15 that.

16 MR. SANGER: I was waiting for the
17 opportunity to tell you that one of them is taken
18 off the table with an agreement, and I'd just like
19 to refer to that. It's the motion that was -- one
20 of them I believe was filed this morning by the
21 District Attorney to exclude the testimony of Mary
22 Minnow, and Mr. Mesereau referred to that. I
23 believe Mr. Sneddon would agree.
24 Part of their response was, if we called
25 Miss Minnow, they would call their expert, and we
26 would mutually agree to withdraw our expert on the
27 agreement that they withdraw their expert.

28 Obviously subject to some other change in 11070

1 circumstances, but basically --

2 THE COURT: That would be --

3 MR. SANGER: If we called another expert,
4 for instance, that would change the ballgame.

5 THE COURT: Okay. Do you agree with that?

6 MR. SNEDDON: I do.

7 THE COURT: All right. Then I'll accept the
8 stipulation, and I will not make a ruling on those
9 issues.

10 MR. SANGER: And I think that's what Mr.
11 Mesereau was respectfully referring to was that was
12 a big hole for tomorrow, so we're doing our best to
13 fill it.

14 THE COURT: Part of the problem here, too,
15 is that I'm going to try to end early Friday. You
16 know, we had Friday set aside as not going so you
17 could go to your appointment, and now, because of
18 the issue that has arisen involving the testimony of
19 Geragos, I've had to use that time.

20 To the extent that we can finish Mr. Geragos
21 on Friday, then I won't expect you to call any more
22 witnesses on Friday so that Mr. Sanger can go to the
23 event that he had made a commitment to go to.

24 But --

25 MR. SANGER: Thank you.

26 THE COURT: -- that means it's all the more
27 important that we use today and tomorrow and Monday,

28 okay? 11071

1 MR. SANGER: Yes, sir.

2 One other thing that might factor in. You
3 said "quite a number of weeks" or "a number of
4 weeks," something like that. We have pared down our
5 witness list even more since yesterday, so things
6 are going even more quickly, and I think it's safe
7 to say that "a number of weeks" is probably an
8 overstatement on the amount of time that we're going
9 to be taking up, here.

10 THE COURT: Well --

11 MR. SANGER: Just to point that out. I'm
12 not criticizing the Court.

13 THE COURT: That's one place I would really
14 like to be wrong.

15 MR. SANGER: Yes.

16 THE COURT: There's -- to overestimate when
17 the trial will be completed, that would be great to
18 be wrong.

19 MR. SANGER: We had talked generally where
20 we were, and we have eliminated a number of
21 witnesses since we had that discussion with the
22 Court.

23 THE COURT: Okay. Thank you. I know you're
24 working hard. I'm not accusing you of not working
25 hard to get this done. I'm just saying get it done.
26 The James -- let me see. Let me take up the
27 next thing. What was I going to take up? We're not

28 going to take up the Geragos issue until Friday, 11072

1 because I believe he should be here and has standing
2 to be involved in that.

3 Take up the plaintiff's motion to exclude
4 hearsay testimony of defense witness Michael Viner.
5 I'll give you a tentative. Do you want a tentative,
6 or --

7 MR. ZONEN: I believe you already had, Your
8 Honor.

9 THE COURT: I gave a sidebar tentative; is
10 that right?

11 MR. ZONEN: You gave an open court
12 tentative.

13 THE COURT: Open court tentative.

14 MR. ZONEN: Yes.

15 THE COURT: All right. Does either side
16 wish to say anything before I make a ruling on that
17 issue?

18 MR. SANGER: I'm not sure what the Court's
19 tentative was on this one. You had given a
20 tentative on two others.

21 MR. MESEREAU: To grant the motion to
22 exclude.

23 MR. SANGER: Okay. Yes, it was before we
24 had filed the brief.

25 THE COURT: That's correct.

26 MR. SANGER: It was the same day that they
27 filed --

28 THE COURT: That's correct. 11073

1 MR. SANGER: So you have not given a
2 tentative since you've had a chance to look at the
3 transcript cites that we --

4 THE COURT: Correct.

5 MR. SANGER: Does that change the Court's
6 tentative?

7 THE COURT: Well, a little bit.

8 You know, to the extent that this may apply
9 to Larry King also, since he was -- if I remember
10 the testimony correctly, he was at a table with
11 Viner or next to Viner, and they may have overheard
12 the same thing. So to the extent that we're talking
13 about the same conversation, then this ruling would
14 be the same, you know; apply to both of these
15 people.

16 And I think that the testimony would be --
17 the part that I would allow would be that Mr.
18 Feldman was heard to express opinions contrary to
19 his assertion that anyone that said that he
20 expressed opinions about his clients would be a
21 liar.

22 But I'm not going to allow the specific
23 statements that are opinions of the credibility of
24 the witnesses, accepting the D.A.'s argument that
25 it's improper to give opinions about the credibility
26 of other people. And this is -- I'm not going to
27 let it in through the side door which I wouldn't --

28 what I wouldn't let in through the front door, in 11074

1 spite of your "They opened the door."

2 You know what I'm talking about?

3 MR. MESEREAU: Yeah.

4 MR. SANGER: So may I respond?

5 THE COURT: Yes.

6 MR. SANGER: Okay. Sounds like there's

7 quite a breeze going through this house here.

8 I understand the Court's ruling. I'll just

9 try to go right to the exact point that I think is

10 the sticking point, and we'll see if it is or it

11 isn't.

12 I think the impeachment of Mr. Feldman is

13 not just that he said that and just to show that he

14 then said something different, that he did express

15 opinions about a client's case in public when he

16 said he didn't, but also to show, to the contrary of

17 what the prosecution was trying to show on the

18 merits of this, that Mr. Feldman's testimony was

19 being offered to show that he -- that Janet Arvizo

20 abandoned the case and that they were no longer

21 seeking money, something to that effect.

22 And that's certainly what was argued in the

23 opening statement, and it was a fair interpretation

24 of Mr. Feldman's testimony under direct examination

25 by the prosecution; that he was saying, "Gee," you

26 know, "This case was given up because the Arvizos

27 just didn't really want to pursue it." It is

28 contrary to what we believe to be the case and we 11075

1 have some other evidence on that. But in this
2 particular instance, you have Mr. Feldman expressing
3 an opinion indicating that he's not taking a case
4 because he doesn't think they're credible.
5 Now, for that purpose, it would be offered
6 for, in that regard, not for the truth of the matter
7 that they're not credible, so it doesn't go to the
8 issue of credibility per se, which the prosecution
9 is objecting to, but it does go directly to the
10 contention of the prosecution that they, for some
11 reason, had this contingent fee arrangement for a
12 lawyer and they were not seeking money. I mean, it
13 makes no sense, but that's their contention.

14 MR. ZONEN: Your Honor, in the Simmons
15 California Evidence Manual, it reads as follows:
16 "Counsel often mistakenly believe that if they allow
17 the other party to admit objectionable evidence by
18 refraining from making the objection, they will then
19 be entitled to admit relevant evidence that is
20 otherwise inadmissible. The so-called 'open the
21 door' or 'open the gates' argument is a popular
22 fallacy." And it quotes a number of different cases
23 including People vs. Gambos and People vs. Williams.
24 The questions were asked by Mr. Mesereau on
25 cross-examination. It was done for purposes of
26 soliciting information that is not relevant to this
27 proceeding, that is not material, and that is

28 inadmissible for purposes simply because it's 11076

1 opinion, improper opinion, to then be able to set up
2 an opportunity to be able to engage in impeachment.
3 That's improper impeachment. You can't do that.
4 In that regard we're going to be asking that
5 the matter be kept out in total. In total. We do
6 not feel that any of that is admissible.
7 One other issue we have to deal with is that
8 I don't know if Mr. King actually is going to come,
9 Larry King. But my conversation with his attorney,
10 Kelli Sager, who is the attorney who represented Ian
11 Drew in this proceeding, and I think the Court
12 remembers her contribution to this proceeding,
13 unless they can show in advance that any of that
14 statement actually was aired and published,
15 published in the journalist sense, in other words,
16 it appeared on the television or in radio or
17 newsprint coming directly from Mr. King, I don't
18 believe Mr. King is going to say one word in this
19 proceeding without Miss Sager standing up and
20 yelling, and I suspect that the result will be
21 exactly the same as what happened with Mr. Drew.
22 And he is the witness to this encounter.
23 And in the absence of that witness, I think it's one
24 more factor for the Court to put into this equation
25 in terms of whether or not this material should come
26 before the jury, because one of the witnesses, I
27 suspect, will simply not be testifying based on the

28 shield law. 11077

1 MR. SANGER: May I respond to that?

2 THE COURT: Yeah. Yeah.

3 MR. SANGER: And Miss Sager unfortunately is
4 the person who lost her father just now. But I did
5 talk to her day before yesterday specifically about
6 this, and she said that this is not covered by the
7 shield law. She agrees, because it was a
8 conversation being had in a restaurant, and she is
9 not objecting to Larry King's testimony as to this.
10 She would object to anything we attempted to
11 elicit with regard to any reporting that he was
12 doing, but she agrees that this is not -- this is
13 not reporting.

14 So I -- I pass that along as being what she
15 did tell me, and I believe she will show up or her
16 partner will show up at the appropriate time and say
17 exactly that.

18 The other thing is that Larry King -- we've
19 got both Larry King and Michael Viner lumped
20 together here. I believe Larry King is going to say
21 that -- something to the effect -- I don't have the
22 exact quote, but something to the effect that he --
23 that he was discussing the case, saying, "She's
24 crazy and all she wants is money."

25 So it goes directly to the money issue as to
26 whether or not Janet Arvizo is involved in wanting
27 money. She says all she wants is zero. And Major

28 Jay Jackson says, "All we want is zero," using the 11078

1 same terms. That is not evidently what they told
2 Mr. Feldman, and it would run contrary to any
3 lawyer's observation that Mr. Feldman is not going
4 to take a case like this on a contingent fee if
5 somebody doesn't want money. This, however, for the
6 jury's purpose, is evidence showing that what he
7 said is, in fact, contradicted by his own
8 statements.

9 And so we'd ask to admit it.

10 THE COURT: That's a little different than
11 the problem I was having with the opinions as to his
12 opinion that they were only in the case for money,
13 as opposed to her saying -- someone reporting -- I
14 guess he's reporting. That's double hearsay, right?
15 He's reporting that Feldman said that she said? Is
16 that what you're -- how you're putting it now?

17 MR. SANGER: Well, I suppose that -- that
18 wasn't how I was putting it, but I understand the
19 Court's construction of that. However, the
20 important thing is that Feldman said it, because
21 Feldman on the stand said that wasn't the case. So
22 whether -- let's assume for the moment --

23 THE COURT: Well, the question is, are you
24 offering an opinion by Feldman that -- are you
25 offering a statement that he gave an opinion that
26 all she wanted was money, or are you offering a
27 statement that she said all she wanted was money?

28 MR. SANGER: I believe he will say she said 11079

1 that.

2 THE COURT: That's not what you have in your
3 brief.

4 MR. SANGER: Well, the brief -- of course
5 the brief was very brief.

6 THE COURT: Right.

7 MR. SNEDDON: It was done very quickly.

8 THE COURT: The quote --

9 MR. SANGER: That's true.

10 THE COURT: You didn't leave any ellipsis in
11 there.

12 MR. SANGER: The door was opened and it
13 could have gotten away.

14 Quite frankly, the brief was with regard to
15 Viner, and now we have King. But anyway, that's
16 what we believe that Mr. King will say. However,
17 either way, I understand what is the distinction.

18 THE COURT: The safest way to handle this is
19 to have a little 402 hearing before you -- before
20 either of those people testify, so there's
21 nothing -- so that I know exactly what they say they
22 heard.

23 MR. SANGER: That's fair enough, because we
24 have been dealing through lawyers with them, and so
25 I think that's a fair enough way to --

26 THE COURT: So you haven't had a one-on-one
27 conversation? Okay.

28 MR. MESEREAU: That's not -- 11080

1 THE COURT: And I will instruct them, and I
2 would like you to let them know, if I rule certain
3 things cannot come in, they cannot blurt that out.

4 MR. MESEREAU: Your Honor, that statement is
5 not completely true. I was at -- having lunch at
6 The Grill one day in Los Angeles, and Larry King was
7 there, and he told me that.

8 THE COURT: You were having lunch at --

9 MR. MESEREAU: I was. Larry King was there.

10 THE COURT: They can't hear you back there.

11 You're --

12 MR. MESEREAU: Okay. All right.

13 MR. ZONEN: We have not been furnished a
14 report of counsel's conversation with this witness.
15 And before it's broadcast to the press, I think we
16 ought to be given a written comment of this.

17 THE BAILIFF: They didn't hear you either.

18 MR. MESEREAU: I happened to be having lunch
19 one day --

20 MR. ZONEN: I have a request, Your Honor.

21 THE COURT: I deny your request.

22 Go ahead.

23 MR. MESEREAU: -- at The Grill restaurant in
24 Beverly Hills. And Mr. King, I believe, came over
25 and introduced himself and blurted out this
26 statement. I then asked my investigator to follow
27 up on it. And I have had no further discussions.

28 The investigator has talked to Mr. King's 11081

1 attorney, I believe, and got from him what he's
2 going to say and that was a statement turned over.
3 But I want to make sure the Court knows what
4 happened.

5 THE COURT: Thank you.

6 So it would behoove all of us to start
7 having lunch at The Grill.

8 (Laughter.)

9 THE COURT: All right. We'll do that with
10 402 hearings.

11 MR. MESEREAU: Your Honor, if I may, just
12 for the record, I didn't interview him.

13 THE BAILIFF: Please use the microphone.

14 MR. MESEREAU: Okay.

15 All right. I did not interview Mr. King.

16 THE COURT: I understand. He came over and
17 voluntarily told you.

18 MR. MESEREAU: And I asked an investigator
19 to follow up on it. Thank you.

20 THE COURT: Okay. The next item I'll take
21 up is the James Newton. That was on -- handed to me
22 just a little while ago.

23 MR. SANGER: It's the People's motion, but
24 if I could be heard, because I think I can focus the
25 issue much more.

26 THE COURT: Yes. Go ahead.

27 MR. SANGER: It was just handed and so

28 therefore I don't have the document in front of me. 11082

1 And we obviously have not had a chance to file
2 anything in writing, but the motion talks about a
3 number of conclusions in the article that relate to
4 the wrapping up of the Michael Jackson case and
5 there are quotes from Gil Garcetti and other people
6 in there that the People object to. None of that is
7 what we intend to introduce.

8 There is a statement by Larry Feldman, a
9 quote in the article. And I don't know if the Court
10 has a copy of the article there. I don't think it
11 was attached to their moving papers.

12 THE COURT: It's not attached, no.

13 MR. SANGER: We can provide that. But
14 there's a quote in the article, basically two
15 different quotes by Mr. Feldman, where he was quoted
16 verbatim saying that he was, in 1993 -- this is an
17 article written in 1994. He said in the 1993-1994
18 case, that he had -- he was disappointed that the
19 prosecution did not go ahead and prosecute, and that
20 he would much rather have had the District Attorney
21 prosecute so that it would help him in his civil
22 case.

23 And Your Honor may recall that on the stand
24 here, he said something to the effect, "You'd have
25 to be nuts to do that. You don't want to have the
26 prosecution go first." So it's an absolute
27 contradiction. That's the only thing from that

28 article that we want to bring in. 11083

1 I'm paraphrasing this off the top of my
2 head, but I think it's pretty close. There are two
3 different quotes. They're in two different
4 paragraphs, I think. But they essentially add up to
5 what I just said. And that's the only thing we want
6 to offer, and I think it's admissible for the
7 reasons stated.

8 THE COURT: Okay.

9 MR. SNEDDON: First of all, Judge, there's
10 been no verification with regard to what context
11 that statement was made and when that statement was
12 made. But if you look at the history of that case,
13 as everybody knows it, the fact of the matter is,
14 that Mr. Feldman's case was completed and the money
15 was already in the bank before we had ever finished
16 our investigation.

17 So the statement makes no sense at all. He
18 had already obtained a civil settlement from the
19 defendant prior to the time we had finished our
20 investigation. The time of that press conference is
21 not until seven months later, after Mr. Feldman had
22 already completed his case. So it has nothing to do
23 with that statement. Nothing whatsoever. He
24 couldn't be disappointed about anything. He's
25 already got his money and he's already got his
26 settlement.

27 THE COURT: Do you have the article? Have

28 you seen it. 11084

1 MR. SNEDDON: I had it. We got it last
2 night at -- we just saw it. Maybe it was this
3 morning, I don't know. We just got it. And we
4 immediately -- it may have been last night we got
5 it. But I might -- I don't have it here. I
6 actually thought it was attached, but it's not.

7 MR. MESEREAU: Miss Yu has it on her system.
8 She can print it out for you.

9 MR. SANGER: Or perhaps she's got to go
10 upstairs.

11 MR. SNEDDON: The timing of this makes no
12 sense in light -- it's attributed to him, and of
13 course he was never asked about this particular
14 statement at any point in time, so it wouldn't be
15 impeaching.

16 MR. MESEREAU: Would you like to just see
17 the screen, Your Honor?

18 THE COURT: That would be fine, if I can just
19 see the quote.

20 MS. YU: Which quote do you want?

21 MR. SANGER: May I approach, or to deliver
22 the laptop?

23 THE COURT: Yes.

24 Do you want to look at this, Mr. Sneddon?

25 MR. SANGER: I'm just going to scroll down a
26 little bit and then I'll turn it around for you.

27 THE COURT: Okay.

28 MR. SANGER: Let me just make sure. Yes, 11085

1 okay. I believe that's the quote we're talking
2 about.

3 Do you want me to take it?

4 THE COURT: That's fine.

5 MR. SANGER: Okay. Thank you.

6 THE COURT: Okay. I think what I'll do on
7 that is, if you would give me a printed out copy,
8 I'll look at Mr. Feldman's testimony, which I have
9 in my office, and see how it fits, how the two
10 things fit.

11 MR. SANGER: Yes, sir.

12 THE COURT: If you want to help me with
13 that, Mr. Sneddon, if you'd find the -- either of
14 you.

15 MR. MESEREAU: Miss Yu is getting you a
16 copy.

17 THE COURT: I was just saying, I remember --
18 at this point I remember the essence of Mr.
19 Feldman's statement. I don't remember his exact
20 statement, and I want to see -- compare the two and
21 see if they are truly inconsistent, which I need to
22 do.

23 MR. SNEDDON: Yeah, it would have been
24 easier to pinpoint the exact statement, but when I
25 asked Mr. Sanger if that was the subject of the
26 person's testimony, he didn't pinpoint that for me,
27 so we just had to file the motion the way we did,

28 otherwise I would have done that beforehand. 11086

1 THE COURT: Thank you.

2 MR. SANGER: And I apologize. If Mr.

3 Sneddon asked me that, I didn't get the call of his

4 question. I certainly would have told him that that

5 was it. So I apologize to Mr. Sneddon for not

6 making that clear.

7 THE COURT: Okay. The next one is -- I just

8 received, too, is another -- Dexter Mason and Paul

9 Kruegman.

10 MR. SANGER: Yes, Your Honor. That was just

11 filed by the prosecution. We can respond to it

12 orally.

13 THE COURT: Go ahead.

14 MR. SANGER: All right. Understanding I've

15 been working here instead of reading this over

16 carefully, but it's a short motion and the thrust of

17 it is the Court has already made a ruling that the

18 evidence with regard to J.C. Penney's is limited,

19 and we have, in fact, tried to limit our testimony

20 about that.

21 However, these two witnesses, of the 20 or

22 so that could be called with regard to that, these

23 two witnesses go right to the heart of the J.C.

24 Penney's testimony by Janet Arvizo and why it was

25 fraudulent.

26 And Dexter Mason was one of the security

27 guards who was accused by Janet Arvizo of beating

28 her and sexually molesting her on the ground and 11087

1 while she was up against a wall, and there was all
2 that detail that we believe ties into a pattern
3 that on at least three occasions has been
4 demonstrated by Miss Arvizo. Allegations are made,
5 false imprisonment, and then months later you come
6 up with some kind of sexual thing. She did that to
7 her husband, she did it to the J.C. Penney's people,
8 and she did it to Mr. Jackson.

9 Paul Kruegman is a civilian. He's an
10 individual who was -- just happened to be in the
11 parking garage, and he saw the woman, which would be
12 Janet Arvizo, striking the security guards, and saw
13 them simply restrain her. There was no sexual
14 molesting. There was no kicking, pounding or
15 bruising or anything else.

16 We feel that in light of the credibility
17 issues involved and the significance of this family
18 litigating in unison and being deposed in a
19 choreographed fashion to make out a case against
20 J.C. Penney's, that it is relevant that we be
21 allowed to at least bring in these two witnesses.
22 Now, we had a bunch of other ones and we
23 made the cut. And I'm assuming the Court wouldn't
24 punish us for doing that. We could have come in
25 with 20 people and said, "Can we just call two?"
26 But we picked the two that we think are appropriate
27 on those issues. They will not cause a great deal

28 of consumption of time, but I think it will be of 11088

1 significance to the jury in seeing this same pattern
2 and understanding the significance of that pattern
3 in this case.

4 THE COURT: What about -- I mean, you were
5 talking about Paul Kruegman, right?

6 MR. SANGER: Yes, sir.

7 THE COURT: What about Dexter Mason?

8 MR. SANGER: Dexter Mason was one of the
9 security guards who was accused of punching, kicking
10 and molesting her. And he will not only tell you
11 that --

12 Oh, thank you.

13 Appreciate the Court asking that question,
14 because he will not only tell you that he didn't do
15 it, but he will also say that the very next day,
16 Janet Arvizo came to J.C. Penney's and -- while she
17 was facing criminal charges, she came to J.C.
18 Penney's and hugged him and apologized.
19 I think that's just critical testimony that
20 confirms the same modus operandi to try to
21 ingratiate yourself, as well as the modus operandi
22 of proceeding seriatum to make increasing charges
23 and claims resulting in sexual charges and claims
24 when it comes down to trying to get something
25 resolved in her favor.

26 THE COURT: Seems to me, though, that these
27 two witnesses are just witnesses that end up doing

28 exactly what I've been trying to prevent, which is 11089

1 to litigate all of the facts of the J.C. Penney
2 case, you know, and we've -- we had -- I think you
3 went beyond what I had ordered, and then the
4 response by the District Attorney was to bring in
5 the pictures, the photographs, and now we're back on
6 that.

7 I'm not in favor of extending the J.C.
8 Penney litigation here.

9 MR. SANGER: I understand the Court's not in
10 favor of it, and I'm trying to persuade Your Honor
11 that we should do it anyway. I think it's very
12 limited, and I think, you know, the People did bring
13 in the pictures. They widened it a little bit.

14 I'm not saying the whole thing should be
15 relitigated, but I think this is pretty critical
16 testimony, particularly coming back the next day and
17 offering an apology and a hug, and then once their
18 criminal case is resolved, then they sue them and
19 then -- and then escalate their claims.

20 So I think it is particularly relevant. I
21 don't think that it is going to open yet another
22 door to some large relitigation, but it's -- it's a
23 fair response to their showing pictures. It's a
24 fair, I think, comment or fair evidence as to the
25 hugging and the apologies and then the escalation of
26 claims.

27 MR. ZONEN: Your Honor, we didn't ask

28 anything about the J.C. Penney's lawsuit in our 11090

1 direct examination. That was entirely brought up on
2 cross-examination, and we dealt with it in a very
3 limited and perfunctory fashion on redirect
4 examination in a manner that we felt addressed the
5 specific issues, and we did so in as limited a way
6 as we could.

7 The Court indicated at the time that this
8 motion was litigated, back, I think, in January,
9 that we were not going to be litigating the J.C.
10 Penney's lawsuit. If these two witnesses are called
11 to testify, we're going to be exploring our options
12 in terms of dealing with rebuttal witnesses and in
13 terms of addressing exactly those issues. And this
14 was exactly what we advised the Court that we felt
15 was going to be the problem with this type of thing;
16 that we are effectively, once again, litigating a
17 case that took place six or seven years ago. We
18 would ask that these witnesses not be allowed to
19 testify.

20 THE COURT: All right. I'm going to rule
21 that they cannot testify.

22 All right. Okay. The only other issue I
23 think I have left was a memo about leading questions
24 filed by the District Attorney asking me to --
25 basically I guess the position is that I have
26 allowed leading questions on redirect by the
27 defense. And you want me to quit doing that and

28 chastise the defense for asking leading questions on 11091

1 redirect. Is that the essence?

2 MR. ZONEN: I don't need the chastisement,
3 but quit doing that, yes.

4 THE COURT: Let's talk about it a minute, you
5 know.

6 MR. ZONEN: Okay.

7 THE COURT: There's a lot of evidence in this
8 case that's in, it's been in through umpteen
9 witnesses, you know. Two witness, five witnesses,
10 whatever. And during direct it's brought out
11 without leading questions. You do your cross, and
12 then they come back and do some leading.

13 And leading questions are allowed where it
14 expedites the proceedings. They aren't required to
15 lay a foundation, go back through every step.
16 Neither are you. I'm sure they're as chagrined as
17 you are sometimes when what is obviously a leading
18 question I overrule.

19 The law is not that you have to prohibit all
20 leading questions. You know, you have to -- the
21 Judge has to measure whether or not there's any loss
22 of evidentiary value by a leading question. And if
23 the evidence is in -- in fact, I think the waste of
24 time here is people objecting to leading questions
25 all the time. It's -- you know, it's a useless
26 objection. Very seldom does it get you anywhere.
27 Here's an example: "Are the buttons on your

28 sweater blue?" And I get from both sides, 11092

1 "Objection, leading question."

2 Well, what is the suggestion there? You

3 know, answer "yes" or "no."

4 It's a little different than, "You are

5 wearing a sweater with blue buttons, aren't you?"

6 It's a little different, and if you can't perceive

7 that difference, then we got a problem.

8 So putting words in a witness's mouth is a

9 leading question. Asking questions that can be

10 answered "yes" or "no" that are inconsequential

11 anyway, the waste of time comes from the objection,

12 not from the question or the answer.

13 So I don't find your suggestion to be

14 productive. I would still weigh each objection that

15 you make on each of you, but, you know, I've tried

16 whole cases where I haven't had as many objections

17 as you all are giving me in a day. I mean, it's

18 literally -- you know, not to pick on anybody, but

19 we had someone object to an answer that was in

20 Spanish. No one knew what she'd said, and we had an

21 objection.

22 I mean, what -- you know what I mean.

23 Mr. Zonen? Do you wish to say anything?

24 MR. ZONEN: No, thank you.

25 (Laughter.)

26 THE COURT: You're all doing a good job. I

27 appreciate the hard work you're doing.

28 Is there anything else to come before the 11093

1 Court today?

2 All right. Court's in recess.

3 MR. MESEREAU: Your Honor, shall I use the

4 term "open the floodgates"?

5 (Laughter.)

6 THE COURT: Oh, I'm sorry. Counsel, I

7 forgot. My secretary just pointed out I didn't

8 cover the Vinnie Amen issue.

9 MR. SANGER: That is true. That's on the

10 list.

11 THE COURT: I can't tell from your points

12 and authorities -- I guess what I'm saying, does

13 this require a 402 hearing? Does -- no?

14 Who's going speak to it?

15 MR. AUCHINCLOSS: Well, I will for the

16 People, Your Honor.

17 Have you received our response?

18 THE COURT: Yes.

19 MR. AUCHINCLOSS: It's our position that's

20 dispositive of the issue. We are not going to -- I

21 think the question that was presented to the Court

22 and to counsel was that whether or not Mr. Amen had

23 been granted use immunity. Two things are pointed

24 out in our response.

25 One, the District Attorney has no power to

26 grant use immunity. It's something that the Court

27 can petition -- or the District Attorney can

28 petition the Court for a grant of use immunity. 11094

1 THE COURT: Can you grant use immunity

2 without petitioning the Court?

3 MR. AUCHINCLOSS: I don't believe so.

4 THE COURT: Can you just grant it in your

5 office?

6 MR. AUCHINCLOSS: I do not believe so.

7 THE COURT: Did you --

8 MR. AUCHINCLOSS: I know of no authority for

9 that, and I don't know of any time that it's ever

10 been done in our office.

11 Every time that, in my experience as a

12 prosecutor, we have sought use immunity for a

13 witness, it has been through a petition.

14 But secondarily, the fact remains that we

15 have never given or agreed to give Vinnie Amen use

16 immunity.

17 THE COURT: This --

18 MR. AUCHINCLOSS: It's predicated on his

19 taking the stand as a witness for the People, and

20 that discussion fell through.

21 THE COURT: It says he was offered -- in the

22 sheriff's report, it says he was offered use

23 immunity.

24 MR. AUCHINCLOSS: Well, the lieutenant in

25 that case is paraphrasing a conversation. And I'm

26 not sure he's privy to the legalities of use

27 immunity or exactly the discussion that took place.

28 I can represent to the Court that I talked 11095

1 to John Fahey, Mr. Amen's attorney, about this, to
2 confirm that our understanding was identical. And
3 he did agree with me, and that is what I placed in
4 my affidavit.

5 THE COURT: Who's going to speak for the
6 defense?

7 MR. SANGER: I am, Your Honor.

8 I must admit, in the rush to do all these
9 things, I can't find my moving papers. I've got
10 their response, but the --

11 THE COURT: Do you want -- I think these are
12 your moving -- is the one with the sheriff's
13 report attached to it?

14 MR. SANGER: Yes, yes. Thank you. I don't
15 want to take it from the Court if you need it.
16 Thank you.

17 First of all, Mr. Auchincloss was there.
18 There is a tape of this, of this interview, and Mr.
19 Auchincloss was right there while this immunity was
20 discussed on the tape. So it may be necessary to
21 have a 402 hearing where we either play the tape or
22 have Mr. Amen here. It would be nice to resolve
23 this before flying him out from the East Coast.

24 THE COURT: When does --

25 MR. SANGER: We had hoped to call him next
26 week, but we're waiting for a ruling on this so that
27 we can, you know, schedule him for a particular day.

28 We could lodge the tape with the Court so the Court 11096

1 could listen to it. I don't know how -- you don't
2 have to listen to the whole thing. It's several
3 hours. You could just listen to the beginning where
4 they talk about it.

5 The fact of the matter is, number one, Mr.
6 Auchincloss was there, so so much for saying that
7 the lieutenant doesn't know what he's talking about.
8 Number two, they very clearly gave Mr. Amen
9 immunity. They told him that. His lawyer was
10 present. And there is no discussion about, "This is
11 subject to us going to court and getting court
12 approval." That's number two.

13 Number three, use immunity can be conferred
14 de facto by a prosecutor. It is true that the
15 statute says that the Court is ultimately the one to
16 determine whether or not immunity should be granted.
17 In other words, the order. The prosecutor can't
18 give an order of immunity, because the prosecutor is
19 not a judicial officer. That requires a judicial
20 officer to have the order of immunity.

21 However, effectively, a person can be
22 granted and is granted routinely immunity, and in my
23 experience, as opposed to Mr. Auchincloss's
24 evidently, the immunity is granted routinely by
25 police officers and district attorneys. Usually the
26 District Attorney's Office is involved, is granted
27 routinely to people. They're told, "You have

28 immunity. Come on, let's talk." 11097

1 That's what happened here. They have a
2 lawyer, you have immunity and talk.
3 What happened was Mr. Amen went through very
4 patiently, very politely, as I think we heard he
5 was, for I want to say two and a half hours or maybe
6 more and answered all of their questions. They said
7 they didn't finish the interview. They asked him to
8 get some documents and bring them back. And he
9 said, "Yeah, I'll go find the documents and bring
10 them back."

11 We have no follow-up report, so I don't know
12 if he ever did that, but they asked him virtually
13 every question. Mr. Auchincloss asked him questions
14 himself. Mr. Auchincloss participated in the
15 interview at great length, all under a purported
16 grant of immunity.

17 And were they to prosecute Mr. Amen and say,
18 "We're now going to use these statements against
19 you," you can bet that his lawyer would be in here
20 and say, "Your Honor, he was granted immunity." And
21 the Court would say, "Yeah, Mr. Auchincloss, you sat
22 there with the sheriff saying, 'You have immunity.
23 Talk to us.' You cannot use those statements."
24 So de facto immunity was granted.

25 What has happened is, Mr. Amen very
26 specifically answered their questions about his
27 interaction with Janet Arvizo and contradicted --

28 not only contradicted, but explained exactly what 11098

1 happened, and explained things that, now we see from
2 other evidence, were in fact true.

3 MR. AUCHINCLOSS: I'm going to object to
4 counsel's paraphrasing the interview in a way that
5 he perceives to be beneficial to his client.

6 MR. SANGER: Well, I don't know how else I
7 would be speaking if I didn't deal with --

8 MR. AUCHINCLOSS: It's irrelevant to the
9 discussion.

10 MR. SANGER: It is relevant.

11 MR. AUCHINCLOSS: There's an objection.

12 MR. SANGER: I'm sorry. There's an
13 objection, so I'll stop.

14 THE COURT: Well, I'll give you an
15 opportunity. I'm not going to sustain the
16 objection. I'm trying to -- I'd like to back up,
17 though, to the point.

18 Mr. Auchincloss, how would you like to
19 proceed? There is a tape-recording. Do you want
20 to -- it sounds to me like a 402 hearing is
21 necessary.

22 MR. AUCHINCLOSS: We can do that if you
23 wish, Your Honor.

24 The issue is, though, that the agreement was
25 reached before we went on tape. We went -- as I
26 recall. And I talked to Mr. Fahey about this, and
27 his recollection is identical to mine.

28 So the issue as to whether or not immunity 11099

1 was to be granted was conditional upon being called
2 by the People as a witness. That was clearly the
3 understanding. It was not just, "We're going to
4 grant you immunity, and whatever happens happens."
5 So, you know, he's -- of course, Mr. Fahey's
6 on the East Coast, and I suppose we could, for the
7 sake of convenience, conference him in in some
8 fashion into this inquiry.

9 But I'll listen to the tape again. Perhaps
10 that will -- I mean, I haven't listened to it
11 recently.

12 THE COURT: Okay. Just a moment.

13 (Discussion off the record at counsel
14 table.)

15 MR. AUCHINCLOSS: And that's -- Mr. Sneddon
16 makes a good point. We'd be happy to provide a
17 declaration under penalty of perjury from Mr. Amen's
18 attorney, Mr. Fahey. That may be handling the issue
19 right there.

20 MR. SANGER: Your Honor, that's my point.

21 It's not up to Mr. Fahey right now to make some
22 judgment call. The People didn't evidently like the
23 testimony. They offered immunity. That's our
24 position. It's -- I believe it's sufficiently
25 called out on the actual audiotape, because I got
26 the audiotape before I got the report and I listened
27 to the tape. And I heard that, and we'll get the

28 tape so the Court can hear it. 11100

1 I'm always subject -- I always say these
2 things subject to, you know, actually having the
3 evidence, but I'm certain that it's on the tape to
4 start with. So if that --

5 THE COURT: Why don't we start with that.

6 Let me hear the tape, and then maybe I can see
7 what's the best way to proceed from there.

8 MR. SANGER: All right. We will get a copy
9 of that for you as soon as possible. No later than
10 tomorrow morning.

11 THE COURT: Okay.

12 MR. SANGER: And I think, unless you want us
13 to try to redact it, we'll give you Disk 1. If I'm
14 not mistaken, I think there's three disks. Three or
15 four disks, right?

16 THE COURT: I just want --

17 MR. SANGER: It's just -- in other words,
18 we'll give you Disk 1, but -- the whole thing. You
19 don't have listen to the whole thing. You just have
20 to listen to the beginning.

21 THE COURT: Just the beginning. It's -- you
22 could leave a note if I need to -- you know, if
23 there's several conversations, you leave a note and
24 say, "Don't stop at the end of the first
25 conversation," or something, that would help me.

26 MR. SANGER: Yes, sir.

27 THE COURT: If it's all in -- once you get

28 into that subject matter, it's all completed, I'd 11101

1 appreciate a note to that effect so I know not to
2 keep going.

3 MR. SANGER: We'll give you the counter
4 numbers, which should be the same.

5 THE COURT: Is it on a DVD?

6 MR. SANGER: It's on a DVD or a CD, a disk.

7 MR. AUCHINCLOSS: Since what's on the tape
8 is only a portion of the discussion that we had,
9 which was somewhat lengthy before the tape started,
10 I would like to go ahead and submit a declaration
11 from Mr. Fahey, with the Court's permission.

12 THE COURT: All right.

13 MR. AUCHINCLOSS: Thank you.

14 MR. SANGER: I'm not -- I mean, we have a
15 problem here with Mr. Auchincloss also, you know,
16 sort of testifying before this Court as to what
17 happened. You know, we don't --

18 THE COURT: I'm not -- I understand the
19 difference between attorneys talking and testimony.
20 And when he submits a declaration, then I'll decide
21 whether or not that's sufficient and whether or not
22 I would allow you to cross-examine if there's some
23 issue there. I'm not going to just accept -- we're
24 trying to see what's the least bothersome to
25 everybody that we have to do, whether we have to
26 call him out here to testify, you know, when maybe
27 he's not going to testify. I don't know.

28 So if you give me the tape and you give me a 11102

1 declaration, give it to the other side, and then we
2 can make a decision as to where we go from there.

3 MR. SANGER: Very well, Your Honor. And
4 we're hoping to call him. He's not under subpoena,
5 but his lawyer has agreed to produce him as long as
6 the Court clarifies the immunity issue.

7 Pardon me for sitting down. If I stand up,
8 I'll be too far from that.

9 And his lawyer's agreed to produce him, so
10 we would like to know as soon as possible so we
11 could get him on a plane to get him out here, within
12 reason.

13 THE COURT: With me, I'm saying we've got to
14 move along. I understand we need to know the answer
15 to this as soon as possible.

16 MR. SANGER: I will return the Court's copy.

17 THE COURT: Thank you. All right.

18 (The proceedings adjourned at 2:35 p.m.)

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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 10932 through 11103

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 18, 2005, and thereafter

20 reduced to typewriting by computer-aided

21 transcription under my direction.

22 DATED: Santa Maria, California,

23 May 18, 2005.

24

25

26

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

