

11105

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 THURSDAY, MAY 19, 2005

20

21 8:30 A.M.

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23 (PAGES 11105 THROUGH 11163)

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

28 BY: Official Court Reporter 11105

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1 I N D E X

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

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

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

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

7

8

9 DEFENDANT'S

10 WITNESSES DIRECT CROSS REDIRECT RECROSS

11 KING, Larry

12 (Nonjury) 11113-M

13 VINER, Michael

14 (Nonjury) 11120-M 11127-Z 11128-M

15 PRYOR, Azja 11138-M

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1 E X H I B I T S

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

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4 5088 CD of Vinnie Amen interview 11110

5 5089 DVD entitled "Neverland

6 Ranch 2005" 11137

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1 Santa Maria, California

2 Thursday, May 19, 2005

3 8:30 a.m.

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

8

9 THE COURT: Good morning, everyone.

10 COUNSEL AT COUNSEL TABLE: (In unison)

11 Good morning, Your Honor.

12 THE COURT: I have the CD on the other
13 issue, but I listened to it this morning.

14 Did you deliver that, Mr. Sanger?

15 MR. SANGER: Yes, sir, we delivered it with
16 a pleading.

17 THE COURT: And the transcript, I have that.

18 MR. SANGER: The same way we were doing
19 that. Okay.

20 THE COURT: So what do you want to do with
21 this? I listened to it. Should we put it in
22 evidence or --

23 MR. SANGER: I think -- as we suggest in
24 writing, I think we should mark it as an exhibit.

25 THE COURT: Next in order.

26 MR. SANGER: Next in order, yes.

27 THE CLERK: That would be 5088.

28 MR. SANGER: Thank you. 11110

1 THE COURT: All right. Now, I understand
2 you're ready to call your next witness.

3 MR. MESEREAU: Yes, Your Honor. The defense
4 will call Mr. Larry King.

5 THE COURT: All right.

6 Mr. King, come forward, please.

7 MR. BLUM: Good morning, Your Honor.

8 My name is Jeff Blum at Davis Wright
9 Tremaine representing nonparty journalist Mr. King
10 this morning. I'm here with Mr. Fields and Mr.
11 Barondess, Mr. King's private attorneys.

12 MR. FIELDS: Good morning, Your Honor.

13 MR. BLUM: Your Honor, we have submitted a
14 short memorandum outlining the shield law along the
15 lines of Mr. Drew's testimony several weeks ago for
16 the US Weekly.

17 And what Mr. King requests is that you
18 conduct a brief 402 hearing to determine the scope
19 of the direct and cross-examination to protect Mr.
20 King's rights under California shield law and the
21 First Amendment to the U.S. Constitution.

22 THE COURT: All right. I've reviewed your
23 points and authorities. Thank you.

24 Mr. King, would you stand, and I'll have you
25 sworn. Please raise your right hand, face the
26 clerk.

27 //

28 // 11111

1 LARRY KING

2 Having been sworn, testified as follows:

3

4 THE WITNESS: I do.

5 THE CLERK: Please be seated. State and

6 spell your name for the record.

7 THE WITNESS: Larry King. L-a-r-r-y.

8 K-i-n-g.

9 THE CLERK: Thank you.

10 MR. MESEREAU: Shall I conduct the hearing,

11 Your Honor?

12 THE COURT: Yes.

13 Before you start, let me complete a note I'm

14 making.

15 THE BAILIFF: Make sure you guys either talk

16 at the microphone --

17 MR. MESEREAU: Your Honor, Mr. King's

18 counsel would like to reserve the right to object.

19 Where would you like him to be?

20 THE COURT: Right there is fine.

21 MR. BLUM: All right. Thank you, Your

22 Honor.

23 MR. MESEREAU: With your permission, I will

24 not go into Mr. King's background, I'll simply get

25 to the heart of the matter, the questions that I

26 think are of importance to the Court.

27 THE COURT: I appreciate that.

28 // 11112

1 DIRECT EXAMINATION

2 BY MR. MESEREAU:

3 Q. Good morning, Mr. King.

4 A. Good morning.

5 Q. Mr. King, do you know an attorney named

6 Larry Feldman?

7 A. I do.

8 Q. And how long have you known Attorney Larry

9 Feldman?

10 A. Probably ten years.

11 Q. And do you have -- do you meet with Mr.

12 Feldman from time to time?

13 A. Occasionally.

14 Q. And have you interviewed Mr. Feldman?

15 A. Yes.

16 Q. My questions are not going to concern any of

17 those interviews.

18 Have you ever discussed this case with

19 Attorney Larry Feldman?

20 A. Yes.

21 Q. When did that happen?

22 A. Last year sometime, I think. I don't know

23 the date.

24 Q. And approximately what month do you think it

25 was?

26 A. Gee, I, you know -- I'd be -- it would be a

27 wild guess. It was sometime before this trial

28 started. 11113

1 Q. Okay.

2 A. Quite some time.

3 Q. And where did this meeting take place?

4 A. Took place at Nate 'n Al's Restaurant in
5 Beverly Hills.

6 Q. Who else was present?

7 A. One of my producers, Nancy Baker, and three
8 friends, Sid Young, Asher Dan and Michael Viner.

9 Q. And who arranged the meeting?

10 A. We contacted him -- I contacted Larry
11 Feldman in order to try to convince him to come on
12 our show.

13 Q. And did Mr. Feldman show up at Nate 'n Al's?

14 A. He did.

15 Q. Did he show up with anyone else?

16 A. No.

17 Q. Did he sit down with you?

18 A. We were in adjoining booths. He sat here.

19 The booths only hold four. So -- I have breakfast
20 there every morning. So I was sitting here, and
21 Asher was sitting there, and Sid was sitting there,
22 and Michael over here, and Nancy over there, and
23 Larry Feldman was sitting right next to me.

24 Q. Did Mr. Feldman express any interest in
25 working with your show?

26 A. Very much.

27 Q. How long did the meeting last?

28 A. About 45 minutes. 11114

1 Q. Okay. Did Mr. Feldman say anything to you
2 about the Michael Jackson case?

3 A. He did.

4 Q. What did he say?

5 A. He said that -- that the case of ten years
6 ago, when he represented the other person when there
7 was a settlement, that was a definite good case.

8 But he thought the woman in this case, the
9 mother, was a whacko, was the term he used, and he
10 thought she was in it for just the money. He had
11 met with her. He didn't want to represent her. He
12 advised her to see someone else and he informed the
13 authorities. He didn't tell me which authorities.

14 Q. Did he say that this woman told him she
15 wanted money?

16 A. No, I think he said he thinks she wants
17 money.

18 Q. Did he say what he based that opinion on?

19 A. No.

20 Q. Did you ask him?

21 A. No. He just said she was a whacko. That --
22 he said "whacko" a couple of times, and he said,
23 "She's in this for the money."

24 Q. When he said she was a whacko, did you ask
25 Mr. Feldman what he meant?

26 A. No, I think that's self-explanatory.

27 Q. Okay. Did he say anything else about Janet

28 Arvizo? 11115

1 A. Other than he refused to take her case.

2 Q. Okay. Did he give any other reasons why he
3 refused to take her case?

4 A. He thought that it was -- she was just in it
5 for the money, and she was a little erratic, or
6 whacko, as he said, and he didn't want to represent
7 her.

8 Q. Did he say he had met Janet Arvizo?

9 A. Yes.

10 Q. Did he tell you how many times he had met
11 her?

12 A. No.

13 Q. Did he tell you where he met her?

14 A. I gathered it was his office, but he didn't
15 say that.

16 Q. Now, you said he, Mr. Feldman, mentioned
17 that he had given the authorities his opinion?

18 A. Yeah. I don't remember what authorities.

19 He said that he gave his opinion to the authorities.

20 What authorities, I don't remember.

21 Q. And did he say when he had given this
22 opinion to the authorities?

23 A. I guess it was subsequent to meeting with
24 her.

25 Q. Okay. Did he tell you who he was speaking
26 to with the so-called authorities?

27 A. No.

28 Q. Did he tell you whether he had gone to 11116

1 authorities in Los Angeles?

2 A. Could have been Los Angeles. Could have
3 been Los Angeles, could have been Santa Barbara. I
4 don't remember.

5 Q. Did he say anything else about the Michael
6 Jackson case that you remember?

7 A. Other than that he would like to be a
8 regular on our show.

9 Q. Okay. And after that meeting, did he pursue
10 any further discussions with you about being a
11 regular on your show?

12 A. Well, we left the meeting and we would call
13 him to pick a date for him to come on and he would
14 be a regular panelist during the course of the
15 trial.

16 And then we called him a week later. He
17 didn't respond. And then a couple weeks later, I
18 saw him at another restaurant at lunch, and I said,
19 "What's going on?" And he said, "Well, there's --
20 something came up." And that's the last -- last we
21 heard of it. He never came on.

22 Q. And at some point you learned he had decided
23 to represent Janet Arvizo, correct?

24 A. I learned that just through reading it in
25 the paper.

26 MR. ZONEN: I'll object as lack of
27 foundation. Hearsay.

28 THE COURT: Sustained. 11117

1 Q. BY MR. MESEREAU: Did you ever learn that
2 Mr. Feldman decided to represent Janet Arvizo after
3 your discussion with him?
4 MR. ZONEN: Objection; lack of foundation.
5 MR. BLUM: Objection, Your Honor, to the
6 extent it calls for the unpublished information.
7 Mr. King got that information publicly. I'll permit
8 him to testify to it.
9 THE BAILIFF: You've got to talk louder.
10 MR. BLUM: All right. I'll --
11 THE COURT: I'll sustain both of your
12 objections.
13 MR. MESEREAU: No further questions.
14 THE COURT: Just a minute, Mr. Zonen.
15 You may sit down, Mr. Mesereau.
16 I'm not going to cut off examination, but at
17 this point I don't find any reason to allow Mr. King
18 to testify.
19 MR. ZONEN: I have no questions.
20 THE COURT: All right. Based on the offer
21 of proof, I don't find that Mr. King's testimony
22 would impeach Mr. Feldman, based on the record that
23 you presented in your points and authorities. So
24 I'll disallow his testimony.
25 MR. MESEREAU: Okay.
26 THE COURT: Thank you, Mr. King. You may
27 step down.

28 THE WITNESS: Thank you. 11118

1 MR. BLUM: Thank you, Your Honor.

2 MR. MESEREAU: Your Honor?

3 THE COURT: Yes.

4 MR. MESEREAU: We would be calling Mr.

5 Michael Viner next. And perhaps the Court would

6 like to find out what he has to say outside the

7 presence of the jury.

8 THE COURT: Thank you, Mr. Mesereau.

9 THE BAILIFF: Who's next?

10 MR. AUCHINCLOSS: Can I just address the

11 Court real quick? While we're waiting, I just

12 wanted to let you know, I'm still trying to get

13 ahold of Mr. Fahey. I did listen to the tape last

14 night. It's not in conformity with my recollection,

15 so I did learn a few things listening to it. But we

16 will be filing some paperwork on the issue, and I

17 hope to have Mr. Fahey's declaration when we do.

18 So I just wanted to let you know that should be

19 coming in hopefully today.

20 THE COURT: All right.

21 When you get to the witness stand, please

22 remain standing. Face the clerk and raise your

23 right hand.

24

25 MICHAEL VINER

26 Having been sworn, testified as follows:

27

28 THE WITNESS: Yes, ma'am. 11119

1 THE CLERK: Please be seated. State and
2 spell your name for the record.

3 THE WITNESS: Michael Viner. V-i-n-e-r.

4 THE CLERK: Thank you.

5

6 DIRECT EXAMINATION

7 BY MR. MESEREAU:

8 Q. Good morning, Mr. Viner.

9 A. Good morning.

10 MR. MESEREAU: Your Honor, again, for
11 purposes of the hearing, I think I'll dispense with
12 background information and just get to the heart of
13 the matter.

14 THE COURT: Thank you.

15 MR. MESEREAU: With your permission. Thank
16 you.

17 Q. Mr. Viner, do you know someone named
18 Attorney Larry Feldman?

19 A. I have met him.

20 Q. And where have you met him?

21 A. At Nate 'n Al's Restaurant.

22 Q. And when was this?

23 A. About six months ago.

24 Q. That was before this trial began?

25 A. Yes.

26 Q. And what was the purpose of the meeting?

27 A. I was just a bystander. It was really a

28 meeting with Larry King and some people from CNN. 11120

1 Q. And what was the purpose of the meeting, if
2 you know?

3 A. They -- I -- they were discussing Larry
4 Feldman becoming a guest or an expert or rendering
5 opinions on Larry's show regarding this upcoming
6 trial.

7 Q. And where were you sitting at the meeting?

8 A. I was sitting on -- in the corner of one of
9 two booths, side-by-side booths.

10 Q. Could you hear Mr. Feldman speak?

11 A. Yes.

12 Q. And did you hear him speak?

13 A. Yes, I did.

14 Q. Did you ever hear Mr. Feldman say anything
15 about this particular case?

16 A. Yes.

17 Q. What did you --

18 A. About the subject matter of the case.

19 Q. What did you hear him say?

20 A. He expressed opinions about the accuser and
21 his family.

22 Q. And what were his opinions?

23 A. To paraphrase, that he had met with them and
24 felt that their statements, their case didn't hold
25 up to scrutiny, and he didn't believe them.

26 Q. Did he say anything about the mother?

27 A. Yes.

28 Q. What did he say about the mother? 11121

1 A. That -- again, paraphrasing, not remembering
2 verbatim, that she was out for money.

3 Q. Did he quote her as being out for money?

4 A. Yes. Well, no, he -- I'm sorry. I'm
5 quoting him. I'm not implying that she said those
6 words exactly.

7 Q. Did he tell you she said anything?

8 A. There was some discussion, but I couldn't
9 and wouldn't want to say exact words, because I
10 don't recall them.

11 Q. Did he ever say words to the effect, "She
12 told me she wants money from Mr. Jackson"?

13 MR. ZONEN: Objection; leading.

14 THE COURT: Sustained.

15 Q. BY MR. MESEREAU: Do you recall Mr. Feldman
16 saying anything about what Mrs. Janet Arvizo told
17 him?

18 A. That her motives were financial.

19 Q. And did Mr. Feldman say anything about Janet
20 Arvizo's children?

21 A. Again, only referring, to my recollection,
22 to the accuser, that -- that he had talked and I
23 believe had someone else talk to the accuser, and he
24 didn't believe the story.

25 Q. Did you say anything to Mr. Feldman about
26 his comments?

27 A. I'm sure I -- you know, I chimed in a little

28 bit on the conversation, but I don't remember what I 11122

1 said. Nothing significant in any way, I'm quite
2 sure.

3 Q. Do you recall anyone else responding to his
4 comments that the mother said she was out for money?

5 A. Again, I know there --

6 MR. ZONEN: That's a misstatement of the
7 evidence, Your Honor.

8 THE COURT: Sustained.

9 Q. BY MR. MESEREAU: Do you recall anyone else
10 commenting on Mr. Feldman's statement about money?

11 A. There was general conversation, but I
12 couldn't quote it.

13 Q. Okay. Did Mr. Feldman tell you when he had
14 met with the mother?

15 A. I only knew it was sometime in the past,
16 before that breakfast.

17 Q. Did he tell you where he met with her?

18 A. My impression, and I don't remember why this
19 was my impression, but that it was his office.

20 Q. Did Mr. Feldman say anything to you about
21 his belief that the allegations against Mr. Jackson
22 are false?

23 A. Again, I want to be clear. I was a -- more
24 a wallflower at this. He wasn't talking directly to
25 me. But -- but I went away believing that --
26 definitively that he did not believe the
27 allegations.

28 Q. Okay. Do you know what your belief was 11123

1 based on?

2 A. Yes.

3 MR. ZONEN: I'm going to object as a
4 speculative belief. So I'll move to strike the last
5 answer.

6 THE COURT: Stricken.

7 Q. BY MR. MESEREAU: Was your belief about what
8 you heard Mr. Feldman say?

9 MR. ZONEN: Your Honor, that belief was
10 stricken from the record.

11 THE COURT: I think it needs to be termed in
12 something other than his beliefs.

13 MR. MESEREAU: Okay.

14 THE COURT: I'll sustain the objection.

15 Q. BY MR. MESEREAU: Did Mr. Feldman say
16 anything about what the mother had told him?

17 A. He said that he didn't believe the mother's
18 story.

19 Q. Okay.

20 MR. ZONEN: I'll object as nonresponsive to
21 the question.

22 THE BAILIFF: Is your microphone on, Mr.
23 Zonen?

24 MR. ZONEN: I'll withdraw the objection,
25 Your Honor.

26 Q. BY MR. MESEREAU: What did he say the
27 mother's story to him was?

28 A. Again, not being able to quote him exactly, 11124

1 and not wanting to misquote, it was that her son was
2 sexually abused by Michael Jackson.

3 Q. And he said that he thought it was false?

4 A. Yes.

5 Q. Did he say she ever said anything to him
6 about wanting money from Mr. Jackson?

7 MR. ZONEN: Objection; asked and answered.

8 THE COURT: Overruled.

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

11 THE WITNESS: No, Your Honor.

12 I cannot specifically recall whether he said
13 it was his opinion or she stated it, but -- but he
14 did state that -- that that was -- or left me with
15 the -- believing that that was her purpose in seeing
16 him.

17 Q. BY MR. MESEREAU: And I'm trying to find out
18 what your belief stemmed from.

19 A. The conversation.

20 MR. ZONEN: I'll object as to his belief
21 being irrelevant and lacking in foundation.

22 THE COURT: I'll overrule the objection.

23 He's not calling for the belief, he's calling for
24 the underlying statement.

25 Q. BY MR. MESEREAU: Did you hear him say
26 anything to the effect that, "My opinion is based
27 upon her statement to me that she wants money"?

28 MR. ZONEN: I'll object as leading. 11125

1 THE COURT: Sustained.

2 Q. BY MR. MESEREAU: Do you recall anything in
3 that discussion that suggested that Janet Arvizo,
4 the mother, told Mr. Feldman she wants money from
5 Mr. Jackson?

6 MR. ZONEN: I'll object as leading and
7 calling for a conclusion, an opinion, and asked and
8 answered.

9 THE COURT: I'll sustain the objection on
10 "suggested." Calls for his opinion.

11 MR. MESEREAU: No further questions.

12 THE COURT: Mr. Zonen? I have -- there's one
13 area I'm still concerned about. Let me find it.
14 Both attorneys, do you have a transcript in
15 front of you?

16 MR. MESEREAU: Yes, Your Honor.

17 THE COURT: Look at page 13, lines 9 through 12.

18 MR. ZONEN: The Livenote you're talking
19 about?

20 MS. YU: Of yesterday?

21 THE COURT: Today.

22 MR. SANGER: We don't have it.

23 THE COURT: Would you look at it? Do you
24 have it in front of you?

25 MR. ZONEN: Did you say 30 or 13?

26 THE COURT: 13, 12. Actually 13, 9, I'm
27 sorry.

28 MR. ZONEN: This is Mr. King's testimony? 11126

1 THE COURT: No. Come up here, please. I've
2 got it here.

3 (Discussion held off the record at sidebar.)

4

5 CROSS-EXAMINATION

6 BY MR. ZONEN:

7 Q. Mr. Viner, good morning.

8 A. Good morning, sir.

9 Q. Am I pronouncing your name correctly?

10 A. Viner.

11 Q. Mr. Viner.

12 Is it true that Mr. Feldman did not say
13 anything to you during the course of that
14 conversation?

15 A. No, I don't think so. I'm sure, you know,
16 there was some -- some back and forth.

17 Q. I'm sorry, there may have been some back and
18 forth between you and Mr. Feldman?

19 A. There was back and forth. Yes, sir.

20 Q. Was it a discussion at all about this case?

21 A. Yes.

22 Q. Is it true that Mr. Feldman did not tell you
23 anything that Janet Arvizo told him?

24 A. I don't recall exact quotes.

25 Q. All right. You cannot stand here today with
26 any degree of certainty and tell us what exactly it
27 was that Janet Arvizo told Larry Feldman?

28 A. I certainly wasn't there. No, I don't know 11127

1 exactly what he told her.

2 Q. And you don't have a specific recollection
3 of any specific quote that Mr. Feldman told you that
4 was directly related to Janet Arvizo?

5 A. I can tell you only in a general term what
6 he said, not specifically.

7 Q. All right. And you have difficulty at this
8 time being able to distinguish between Mr. Feldman
9 giving a personal opinion as opposed to Mr. Feldman
10 telling you what his client had said?

11 A. Um, in terms of exact quotes, that would be
12 correct, sir.

13 MR. ZONEN: I have no further questions.

14 THE COURT: Mr. Mesereau?

15

16 REDIRECT EXAMINATION

17 BY MR. MESEREAU:

18 Q. Mr. Viner, excluding any requirement that
19 you give an exact quote, is it correct that Mr.
20 Feldman said words to the effect --

21 MR. ZONEN: I'm going to object as leading.

22 Q. BY MR. MESEREAU: -- that, "Janet Arvizo
23 wants money"?

24 MR. ZONEN: Objection; leading.

25 THE COURT: Just a moment.

26 I'll overrule the objection.

27 You may answer that.

28 THE WITNESS: Yes. 11128

1 Q. BY MR. MESEREAU: Was it your understanding,
2 based upon what you heard Mr. Feldman say, that
3 Janet Arvizo had told him in a meeting that her
4 motives against Mr. Jackson were financial?

5 MR. ZONEN: Objection to his understanding
6 as being opinion and irrelevant. The question is
7 what was said.

8 THE COURT: Sustained.

9 Q. BY MR. MESEREAU: Did Mr. Feldman say words
10 to the effect, "I met with Janet Arvizo and I
11 learned from her that her motives against Mr.
12 Jackson are financial"?

13 MR. ZONEN: Objection; leading.

14 THE COURT: Sustained.

15 Q. BY MR. MESEREAU: Do you know whether or not
16 Mr. Feldman said words to the effect that he met
17 with Janet Arvizo and her motives are financial,
18 based on what she told him?

19 MR. ZONEN: Objection. Leading; calls for
20 an opinion.

21 THE COURT: Sustained.

22 Q. BY MR. MESEREAU: Did Mr. Feldman say that
23 Janet Arvizo, the mother, had told him anything?

24 A. Yes.

25 Q. What did Larry Feldman say Janet Arvizo had
26 told him?

27 A. I do not have the ability to quote exactly.

28 But the upshot of what he said was that he believed 11129

1 that she was out for the money.

2 Q. And did he say his belief --

3 MR. ZONEN: I'll object as nonresponsive,

4 "that he believed."

5 Q. BY MR. MESEREAU: Did he say --

6 MR. ZONEN: There's an objection pending.

7 THE COURT: Sustained. Stricken.

8 Q. BY MR. MESEREAU: Did Mr. Feldman say his

9 belief was based upon what Janet Arvizo had told him

10 about money?

11 A. Yes.

12 Q. In effect, without remembering the exact

13 quotation, did Mr. Feldman say, "Janet Arvizo is out

14 for money, based on what she told me"?

15 MR. ZONEN: I'll object as leading and

16 calling for a conclusion.

17 THE COURT: Sustained.

18 Q. BY MR. MESEREAU: Did Mr. Feldman ever say

19 words to the effect Janet Arvizo told him she wants

20 money from Mr. Jackson?

21 A. That is my belief, yes.

22 MR. ZONEN: Your Honor, I'd like the record

23 to reflect there was a 15-second pause between the

24 conclusion of the question and the answer. And I'll

25 move to strike the answer as an opinion.

26 MR. MESEREAU: His belief is based on what

27 he heard, Your Honor.

28 THE COURT: Just a moment. Let me read this. 11130

1 The objection is overruled.

2 MR. MESEREAU: No further questions.

3 MR. ZONEN: No further questions.

4 THE COURT: All right. I do not believe that
5 this witness's statements are sufficient to impeach
6 Mr. Feldman, so I will not allow him to testify.
7 You may step down.

8 THE WITNESS: Thank you, sir.

9 THE COURT: Who is the next witness you're
10 going to call?

11 MR. MESEREAU: It's Azja Pryor, Your Honor.

12 THE COURT: And we don't need to have
13 another hearing on this?

14 MR. MESEREAU: Not that I know of.

15 THE COURT: Okay. I'll recess so that you
16 can bring in the jury.

17 MR. SANGER: Your Honor, just for a
18 heads-up, we do have a witness after this who I
19 believe the District Attorney is going to interpose
20 an objection to part of what the witness after this
21 is going to be presenting. So just as a heads-up,
22 we may need to address that.

23 THE COURT: Is that something we should
24 address now or should it wait?

25 MR. SANGER: We could address it now.
26 That's why I was bringing it up so the Court can
27 decide. It's not inviting their objection, I just

28 want to make sure we're -- 11131

1 THE COURT: No, it's just to help the flow of
2 evidence. Thank you.

3 THE BAILIFF: Are you leaving the bench or
4 do you just want them brought in?

5 THE COURT: We're not doing anything right
6 at the moment, but I will leave the bench before you
7 bring in the jury.

8 MR. SANGER: Can I tell you what it's about
9 and that will help?

10 THE COURT: Yes, but let's make sure we have
11 their attention.

12 MR. SNEDDON: Yes, sir.

13 THE COURT: Do you know what he's talking
14 about?

15 MR. SNEDDON: Yes, sir.

16 THE COURT: Are you prepared to deal with
17 that right now?

18 MR. SNEDDON: I am.

19 MR. SANGER: We have a witness by the name
20 of Larry Nimmer and he is a videographer in
21 Carpinteria. His office is there. He's experienced
22 in doing day-in-the-life videos and other
23 documentation for court cases. He's testified all
24 over the place, we'll lay the foundation.
25 He is going to come in and present, if --
26 or it would be our request that he come in to
27 present two different videos. The first one I

28 believe we do not have an objection, or we've worked 11132

1 it out. It has to do with the ringing of the bell
2 at the entrance to Mr. Jackson's suite. And we have
3 an agreement that he can testify to that, and put
4 that on.

5 We will call back Maria Gomez, who was the
6 person who is setting the bell off by walking
7 through the door, at the request of Mr. Sneddon for
8 whatever purpose, for whatever questions he wants to
9 ask about that video. So that's worked out.

10 The second is a video of Neverland that we
11 are offering in lieu of the visit to the scene that
12 we requested. And it goes from the front gate to --
13 through Neverland, to the end. I believe it is
14 19 and a half minutes. That's my recollection.

15 THE COURT: So it's not unduly long.

16 MR. SANGER: Not unduly long.

17 We tried to capture -- most of it's during
18 the day, showing the guesthouse, showing clocks,
19 showing the trains, showing the out -- you know, the
20 overall property. And then the part at the end is
21 during the night, showing it lit up, and then that's
22 it.

23 So that's our offer. We do have the video.

24 We could show the Court. But that's our offer. I
25 think it should be acceptable.

26 THE COURT: Mr. Sneddon?

27 MR. SNEDDON: Judge, first of all, about the

28 short video, the shorter of the two, Mr. Sanger is 11133

1 correct. We'll agree to go ahead and let it be
2 played this morning subject to the maid. And I'm
3 assuming in Mr. Sanger's offer that Mr. Nimmer is
4 going to testify about the manner and method of the
5 preparation of it as opposed to just -- we're not
6 agreeing to -- we want that foundation part to come
7 in and we want to hear testimony, because we have
8 some questions we want to ask him. So with that
9 caveat, then the answer is yes.

10 MR. SANGER: Just to clarify that, the
11 answer to that is yes, we will have him testify how
12 he did it.

13 MR. SNEDDON: And with regard to the second
14 video, I really think the Court should see the
15 entire video, because there is a lot of things in
16 there, including notes from Mr. Jackson's children
17 to him, and a lot of focusing on photographs showing
18 him with children, and I'm not -- in my
19 recollection, some of the stuff that's in there
20 wasn't even at the ranch at the time these events
21 occurred, and I believe -- we object to it. We
22 object to -- if they'd just simply shown the grounds
23 and done a straightforward presentation, that's one
24 thing. But this is clearly a puff piece that has a
25 lot of stuff that is really not relevant to this --
26 to this -- to this case. And I think if you see it,
27 that you will see it in that manner and not for

28 simply being an illustration of where the guest 11134

1 cottages are or the bedroom is or where this is. It
2 really doesn't reflect that.

3 And I would ask the Court to please view it
4 ahead of time before you allow the jury to see it.
5 It's about 19 minutes, I think. It's not unduly
6 long, but I do believe it's unduly -- I don't want
7 to use the word "prejudicial," but it's really --
8 it's a self-serving documentary that goes far beyond
9 just simply showing what the ranch is like. So that
10 is our objection.

11 THE COURT: Well, if you -- I would have to
12 review it first, if that's your request, before I
13 determine its admissibility.

14 MR. SNEDDON: Thank you.

15 MR. SANGER: I have a copy. I have the
16 original, actually. I don't know. It's a CD. So I
17 have whatever it is. I'd be happy to have it marked
18 and then the Court can take a look at it.

19 THE COURT: Why don't you do that.

20 MR. SANGER: Should I do that? Let me do it
21 on the record.

22 All right. I have a DVD that's entitled
23 "Neverland Ranch 2005" and it says, "Length, 19
24 minutes and eight seconds. Duplication date,
25 5-17-05. Nimmer Legal Graphics." And I'd ask that
26 this be marked as defense next in order.
27 And then I take it the Court's going to

28 watch it off the bench, or do you want to watch it 11135

1 here?

2 MR. SNEDDON: I would request that the Court
3 view it off the bench.

4 THE COURT: I think I should view it on the
5 bench, because it's not an evidentiary hearing that
6 requires any secrecy. It's just -- but I don't want
7 to do it now. The jury's been waiting.

8 I'm trying to think. How long is the next
9 witness going to take?

10 MR. SANGER: I believe she'll probably be a
11 little while. That's as close as I can get to an
12 estimate.

13 THE COURT: You don't really know.
14 I should watch that before you call the next
15 witness after her.

16 MR. SANGER: Right now, this -- Mr. Nimmer
17 would be the next witness after her. If there's a
18 problem, we may be able to put another witness in
19 first. Just depends. This witness, the next
20 witness, could go for a half an hour or three hours.
21 I just don't know.

22 THE COURT: Why don't we handle the next
23 witness.

24 MR. SANGER: Very well.

25 THE COURT: And then we'll see where we are
26 and how we'll deal with me viewing that.

27 Have you given that CD to the clerk?

28 THE CLERK: Yes. 11136

1 THE COURT: You have it.

2 THE CLERK: Judge, that's Exhibit 5089.

3 THE COURT: You know what I would like to do
4 if -- well, that's okay. Let's get the jury in.

5

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

9

10 THE COURT: Good morning.

11 COUNSEL AT COUNSEL TABLE: (In unison)

12 Good morning, Your Honor.

13 THE COURT: Call your next witness, please.

14 MR. MESEREAU: Your Honor, the defense will
15 call Ms. Azja Pryor.

16 BAILIFF CORTEZ: Face that way.

17 THE COURT: Raise your right hand and face
18 the clerk here.

19

20 AZJA PRYOR

21 Having been sworn, testified as follows:

22

23 THE WITNESS: Yes, I do.

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

26 THE WITNESS: My full name is Azja Pryor.

27 A-z-j-a, P-r-y-o-r.

28 THE CLERK: Thank you. 11137

1 DIRECT EXAMINATION

2 BY MR. MESEREAU:

3 Q. Good morning, Miss Pryor.

4 A. Good morning.

5 THE BAILIFF: Mr. Mesereau, you're going to
6 have to have her move way forward.

7 BAILIFF CORTEZ: Move closer.

8 Q. BY MR. MESEREAU: Okay?

9 A. Uh-huh.

10 Q. Miss Pryor, you live in Los Angeles County,
11 correct?

12 A. Yes, I do.

13 Q. And what is your line of work?

14 A. I'm a casting assistant in television.

15 Q. And where do you do that?

16 A. At Paramount Studios.

17 Q. Okay. Do you know someone named Chris
18 Tucker?

19 A. Yes, I do.

20 Q. And how do you know Chris Tucker?

21 A. Chris is the father of my son.

22 Q. Okay. And how long have you known Chris
23 Tucker?

24 A. For about eight years now.

25 Q. How old is your son?

26 A. My son is six.

27 Q. Okay. Do you know the fellow seated at

28 counsel table to my right? 11138

1 A. No, I do not.

2 Q. Okay. Have you ever been to his home?

3 A. Yes, I have.

4 Q. And when did you do that?

5 A. About three to four times.

6 Q. Okay. When did you first visit Neverland?

7 A. I first visited Neverland in 1999.

8 Q. Okay. And Mr. Jackson was not there?

9 A. No, he was not.

10 Q. Okay. Did you ever meet a family by the

11 name of Arvizo?

12 A. Yes, I did.

13 Q. And when did you meet them for the first

14 time?

15 A. I first met the Arvizos in October of 2000.

16 Q. And where did you meet them?

17 A. At my home.

18 Q. Okay. What caused them to be at your home?

19 A. My son's father, Chris, brought them over

20 and we were going to take them to an amusement park.

21 Q. Okay. And do you recall their names?

22 A. Yes.

23 Q. And what are their names?

24 A. Star, Gavin and Davellin.

25 Q. Okay.

26 A. And also David, the father.

27 Q. Okay. Did you ever meet the mother, Janet?

28 A. Yes, I have. 11139

1 Q. When did you first meet Janet?

2 A. I first met Janet in July or August of 2001.

3 Q. And where was that? Where did you meet her?

4 A. I believe it was The Four Seasons Hotel in
5 Beverly Hills.

6 Q. Okay. Now, so when you first met the
7 Arvizos at Chris Tucker's home --

8 A. At my home.

9 Q. At your home, excuse me. -- (Continuing)
10 was Janet there?

11 A. No, she was not.

12 Q. Was David, the father, there?

13 A. Yes, he was.

14 Q. And who else was present?

15 A. The three children, their father, Chris and
16 myself.

17 Q. Okay. And that was to go on a trip?

18 A. Yes.

19 Q. Okay. Did you do that?

20 A. Yes.

21 Q. And how long a trip was it?

22 A. I'll say we left my house around 8:30 and
23 didn't return back to my house till about 1:30 in
24 the morning.

25 Q. Okay. And that was the first time you had
26 ever actually met them, right?

27 A. Yes, it was.

28 Q. Did you have an understanding as to how long 11140

1 Chris Tucker had known them?

2 A. Not for long. I can't give you a period of
3 time. I would say no more than a month, a couple of
4 weeks.

5 Q. And did you have an understanding as to
6 where Chris Tucker met the Arvizo family?

7 A. Yes, he met them at The Laugh Factory.

8 Q. Okay. Now, after that first trip that you
9 just described, did you stay in touch with the
10 Arvizo family?

11 A. Yes, I did.

12 Q. And what do you mean by that?

13 A. More so Chris stayed in touch with them,
14 talking to them on the phone at this period of time,
15 but I would see them from time to time. Chris would
16 bring them over to his house. And along with myself
17 and my son, we would all take them different places,
18 various places.

19 Q. And where did you take them?

20 A. We took them -- well, Chris took them to a
21 Raiders game in Oakland. We took them to -- out to
22 eat. I took them horseback riding once, even though
23 we didn't end up horseback riding, but I did take
24 them with the intention of going. And I can't
25 remember anything else.

26 Q. You were not on the trip to the Raiders
27 game, right?

28 A. No, I was not. 11141

1 Q. That was in Oakland, right?

2 A. That was in Oakland.

3 Q. Do you know how the Arvizo family and Chris
4 got to that game?

5 A. By plane.

6 Q. Who arranged that trip, if you know?

7 A. Chris did.

8 Q. And after the trip to the Raiders game in
9 Oakland, you said that you went out to eat with
10 them?

11 A. Well, I didn't go to the Raiders game.

12 Q. Okay.

13 A. But I had taken them out to eat before.

14 Q. Okay. Is this before the Raiders game?

15 A. Not on the actual day, but before that time
16 when they went to the game. You know, maybe a month
17 before, or maybe a month afterward.

18 Q. Now, when you say you would take them out to
19 eat, who are you referring to?

20 A. The three kids.

21 Q. Okay. What about the parents?

22 A. Well, David was always there. When David
23 was around, David was always with the children.

24 Q. Okay. Did you ever see Janet with the
25 children when you were with them?

26 A. Not until after I met her in July 2001. I
27 never saw her until that point.

28 Q. Okay. Would you talk to the children on the 11142

1 phone from time to time?

2 A. From time to time, yes.

3 Q. And normally would you call them or would

4 they call you?

5 A. They would call me.

6 Q. Okay. Would they call you at your home?

7 A. Yes, they would. They did not have a phone

8 a lot of the time. So if I did call them, it would

9 be over to their grandmother's house, who did have a

10 phone, or they would call me, definitely.

11 Q. Now, what year did the phone calls start?

12 A. I don't remember.

13 Q. Okay. Did you start talking to the Arvizo

14 children on the phone shortly after you first met

15 them?

16 A. No.

17 Q. Okay. Was there a reason that you know of

18 why you didn't talk to them right after you first

19 met them?

20 A. No. You know, I just -- I thought they were

21 more Chris's friends. Chris had met them. You

22 know, he had taken a liking to the children, and I

23 didn't -- I had a lot going on in my own life so I

24 didn't -- I just didn't call them right away. It

25 wasn't until later, until we actually developed a

26 relationship, that I would call them.

27 Q. And when do you think you actually developed

28 a relationship with the Arvizo family? 11143

1 A. I'll say in late 2001.

2 Q. And is there any particular reason why you
3 suddenly began to talk to them on your own as
4 opposed to when you were with Chris?

5 A. Yes. The reason being is the kids,
6 especially Davellin, really took to me. We really
7 bonded. And she was in an Explorer program or a
8 cadet program, some kind of police academy
9 something, I don't know exactly the name of it, and
10 she invited me to the graduation. I went, and after
11 that, that's when we really started talking on the
12 phone.

13 Q. And that's approximately 2001?

14 A. Yes, late -- sometime before Christmas 2001.
15 Sometime in December.

16 Q. Would Davellin call you on the phone?

17 A. Yes, she would.

18 Q. Would Gavin call you on the phone?

19 A. Sometimes, yes.

20 Q. How about Star?

21 A. He wouldn't call me. But I would talk to
22 the three children. If I was on the phone with
23 either one of them, they would put the other ones on
24 the phone.

25 Q. So when you spoke to any of the children on
26 the phone, the other two were usually there?

27 A. Yes. Definitely.

28 Q. Did you speak to the father, David, from 11144

1 time to time?

2 A. Only when I saw him. I never talked to him
3 on the phone.

4 Q. Okay. And how many times do you think
5 you've ever seen David Arvizo?

6 A. If I would have to estimate, I would say
7 probably about four or five times in all.

8 Q. And where did you see David Arvizo?

9 A. At my home.

10 Q. Okay.

11 A. At Chris's home. At a premier for Rush Hour 2.

12 Those are the only times I can recall seeing him.

13 Q. Okay. Would you say that you spoke to
14 Davellin more than Gavin?

15 A. Yes.

16 Q. Would you say you spoke to Davellin more
17 than Star?

18 A. Yes.

19 Q. And would it be accurate to say you spoke to
20 Gavin more than Star?

21 A. No.

22 Q. Okay. You spoke to Gavin and Star about the
23 equal amount of times?

24 A. About the same, yes.

25 Q. Okay. Did you ever learn anything about a
26 fund-raiser at The Laugh Factory for Gavin?

27 A. Yes, I did.

28 Q. And what did you learn about that? 11145

1 A. I learned that there had been a fund-raiser
2 held at The Laugh Factory to raise money for Gavin's
3 sickness.

4 Q. Okay. And where did you learn that from?

5 Or who did you learn that from? Excuse me.

6 A. First from Chris. Chris told me. That's
7 how he met Gavin.

8 Q. Okay. He met him at the fund-raiser?

9 A. Uh-huh.

10 Q. Now, at that point in time, did Chris Tucker
11 go to The Laugh Factory on a regular basis?

12 A. I don't know.

13 Q. Do you know how often he would show up
14 there?

15 A. Not that often.

16 Q. Okay.

17 A. I don't know.

18 Q. Do you know how he found out about the
19 fund-raiser?

20 A. From what Chris told me, he had been at The
21 Laugh Factory --

22 MR. SNEDDON: Your Honor, I'm going to
23 object to hearsay statements. Move that the answer
24 be stricken.

25 THE COURT: Sustained. Stricken.

26 Q. BY MR. MESEREAU: Do you know whether or not
27 Chris Tucker attended the fund-raiser at The Laugh

28 Factory that you just talked about? 11146

1 A. Yes.

2 Q. Do you know approximately when that was? If
3 you recall.

4 A. I would say maybe in the month of October,
5 but that would be a guess. Again, I think it was
6 shortly before we went to the Knott's Berry Farm,
7 before we took the children to Knott's Berry Farm.
8 He had just met them.

9 Q. And do you recall whether or not there was
10 more than one fund-raiser for Gavin's sickness?

11 A. Through later conversations with his mother,
12 I do believe that there was more than one.

13 MR. SNEDDON: Move to strike, based on
14 hearsay.

15 MR. MESEREAU: State of mind. Not offered
16 for the truth.

17 THE COURT: The motion to strike is denied.

18 Q. BY MR. MESEREAU: What year do you think you
19 first met Janet?

20 A. 2001.

21 Q. Okay. And did you develop a relationship
22 with Janet?

23 A. Yes.

24 Q. And could you please describe that
25 relationship?

26 A. The relationship that I had with Janet was
27 based on the love that I shared for her children.

28 It's hard for me because I really do love the kids a 11147

1 lot.

2 Q. Would you like some water? Do you want a
3 little water? Are you okay?

4 A. Okay. Because of the love I have for her
5 children and because of Gavin's sickness, and I'm a
6 mother myself, I -- that's how we became, I wouldn't
7 say friends, but it was -- there was a mutual
8 feeling there that she could talk to me about a lot
9 of things --

10 Q. Okay.

11 A. -- regarding her children. And I really did
12 love her kids.

13 Q. Okay. And did she talk to you from time to
14 time about her children?

15 A. Yes.

16 Q. Okay. Would Janet typically call you on the
17 phone?

18 A. Yes.

19 Q. And do you know where she would typically
20 call you from?

21 MR. SNEDDON: Your Honor, I'm going to
22 object as vague as to time.

23 THE COURT: All right. Sustained.

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

25 Q. Miss Pryor, during the year 2001 --

26 A. Uh-huh.

27 Q. -- do you recall Janet Arvizo telephoning

28 you? 11148

1 A. Yes.

2 Q. And approximately when did these calls
3 start?

4 A. I would say that the calls started towards
5 the later part of the year. I believe it was after
6 Davellin's Explorer graduation or the cadet
7 graduation. That's when they started.

8 Q. Did you used to talk to Janet about Gavin's
9 illness?

10 A. Yes.

11 Q. Okay. Did you visit Gavin at the hospital?

12 A. Once, yes.

13 Q. And when was that?

14 A. That was New Year's. It was after midnight
15 so it would have been New Year's of 2001. And Janet
16 was not there.

17 Q. Okay. Who was there?

18 A. The three kids and David.

19 Q. Okay. And what time of day was this, if you
20 remember?

21 A. It was after midnight.

22 Q. And that's Kaiser?

23 A. Yes.

24 Q. In Los Angeles, right?

25 A. In Hollywood, yes.

26 Q. Now, how many times do you think you spoke
27 to Janet Arvizo on the phone?

28 A. I have no way of telling you that answer. I 11149

1 don't know.

2 Q. Was it quite often?

3 A. There would be times when I would talk to
4 her two or three times a week and there would be
5 times when I wouldn't talk to her for three to four
6 months at a time.

7 Q. Okay. Did you and Janet ever meet at any
8 locations during the year 2001?

9 A. Only at Davellin's cadet graduation.

10 Q. Okay. How about during the year 2002, did
11 you stay in touch with Janet?

12 A. I stayed in touch with her. I talked to her
13 mostly during the beginning part of the year of
14 2002. And then I saw her in September of 2002.

15 Q. And where did you see Janet in September of
16 2002?

17 A. She was on a bus with us. My son was having
18 a birthday party at Neverland, and she rode up on
19 the bus with myself and our family.

20 Q. Okay. Now, when she accompanied you on that
21 bus trip, were her children with her?

22 A. Yes.

23 Q. Okay. And would that be Star, Gavin and
24 Davellin?

25 A. Yes.

26 Q. Okay. And did you meet at the bus for that
27 trip?

28 A. I don't remember. 11150

1 Q. Okay.

2 A. I believe so. We didn't pick her up. I
3 think she met us. We all met at The Beverly Hills
4 Hotel.

5 Q. And did you talk to Janet in advance about
6 her family joining you on that trip?

7 A. Yes.

8 Q. And did you invite Janet and the children to
9 join you on that trip?

10 A. Yes, I did.

11 Q. Okay. So you met at The Beverly Hills
12 Hotel?

13 A. Uh-huh.

14 Q. Was day was this, if you remember?

15 A. It was September 14th, 2002.

16 Q. And was that during the week or was that a
17 weekend?

18 A. It was a Saturday.

19 Q. Okay. And what time did you meet the Arvizo
20 family for purposes of the bus trip?

21 A. I don't remember.

22 Q. Okay.

23 A. It would have been in the morning time,
24 maybe around 11:00.

25 Q. Okay. So they came with you to Neverland
26 for the birthday party, right?

27 A. And her friend Jay came.

28 Q. Is that Jay Jackson? 11151

1 A. I guess. I don't know. I remember his name

2 was Jay. I don't know his last name.

3 Q. What did he look like?

4 A. White. Not too tall. Probably about

5 five-seven. Maybe in his late 30's, early 40's.

6 Blond hair.

7 Q. Was it your understanding that he was in the

8 United States Army?

9 A. No, it was not. No one told me that.

10 Q. But you think his name was Jay?

11 A. I know his name was Jay.

12 Q. And he had blond hair?

13 A. Yes.

14 Q. Was it long?

15 A. No. It was like this.

16 Q. Okay.

17 A. I don't know.

18 Q. Okay. So you went to Neverland for the

19 party?

20 A. Uh-huh.

21 Q. All of you. You spent the day at Neverland,

22 right?

23 A. We spent the whole day at Neverland, yes.

24 Q. And did you talk to Janet during that day?

25 A. I don't remember having any conversations.

26 I would see her around on the rides and things like

27 that. But I -- we had over 50 people there, so I

28 was entertaining, and, you know, I don't remember 11152

1 having any in-depth conversations with Janet at that
2 time.

3 Q. Was Chris Tucker there?

4 A. Yes, he was.

5 Q. Okay. How did he get there, if you know?

6 A. We all rode together.

7 Q. He was on the bus, too?

8 A. Yes.

9 Q. How many people were on that bus ride?

10 A. We actually had two buses. And there were a
11 lot of people. We have a very big family.

12 Q. Now, Michael Jackson wasn't there that day,
13 right?

14 A. No, he was not.

15 Q. And was it your understanding that the --
16 Michael had allowed the party to take place at
17 Neverland?

18 A. I know he allowed it.

19 Q. How do you know that?

20 A. Because I actually talked to him on the
21 phone briefly when he and Chris were in Vegas.

22 Q. Okay. Did you ask Michael if you could have
23 the party at Neverland?

24 A. I believe Chris did, and Michael said it was
25 okay.

26 Q. Okay. And if you know, who made the
27 arrangements for the party at Neverland?

28 A. A woman by the name of Evvy. 11153

1 Q. Okay. Is that Michael Jackson's assistant?

2 A. I guess so.

3 Q. Did you speak to her?

4 A. Yes, I did.

5 Q. Okay. And so she made the arrangements for

6 the party. Did she arrange the buses also?

7 A. No. That was our own arrangement.

8 Q. Okay. Now, did you spend much time with the

9 Arvizo children that day during the birthday party

10 at Neverland?

11 A. Davellin was by my side the entire day.

12 Q. Okay. And how about Gavin and Star, did you

13 see much of them?

14 A. No. They were with Chris or they were --

15 you know, they knew their way around so -- it wasn't

16 like it was their first time there, so they were all

17 over the place.

18 Q. Okay. But that was your first trip there,

19 right?

20 A. No, that was --

21 Q. That was your second trip?

22 A. My second or third. I can't remember.

23 Q. Okay. All right. And when the party ended,

24 was it nighttime?

25 A. Yes.

26 Q. And did you all come back on the bus?

27 A. Some of us did. Chris and the kids stayed

28 overnight at Neverland. 11154

1 Q. So that would be Chris and the Arvizo
2 children?

3 A. Yes.

4 Q. Okay. Do you know if Janet stayed there?

5 A. I don't remember. I know she was not on the
6 bus that I was on.

7 Q. Was David Arvizo there for the party?

8 A. No. David hadn't been in the picture at
9 this time for about a year.

10 Q. So you know that Chris stayed with the
11 children at Neverland but you're not sure if Janet
12 was there, right?

13 A. Right.

14 Q. Do you know whether or not Janet came home
15 that day?

16 A. I don't know.

17 Q. Okay. Excuse me. Did you ever return to
18 Neverland again?

19 A. Yes, I did.

20 Q. And when was that?

21 A. In February of 2003.

22 Q. Why did you go to Neverland in February of
23 2003?

24 A. The children asked me to take them.

25 Q. Okay. Now, before you went back in February
26 of 2003, did you have regular contact with the
27 Arvizo family?

28 A. No. I don't -- during that period, from 11155

1 September of '02 to February, I don't remember
2 talking to them. Maybe I had one phone
3 conversation. I know I definitely did not see them
4 during that time.

5 Q. Now, at some point in time, did any of the
6 Arvizo children spend the night at your house?

7 A. Yes.

8 Q. And approximately when was that?

9 A. I don't know.

10 Q. Who spent the night at your house?

11 A. Davellin did.

12 Q. Okay. Did either Star or Gavin ever spend
13 the night at your house?

14 A. Huh-uh.

15 Q. Did they ever request to?

16 A. Uh-huh.

17 Q. Tell us about that.

18 A. They would ask. When I went to their
19 apartment to pick up Davellin, they tried to jump in
20 the car, but I kind of wanted it just to be a girls
21 day out, but they -- I think Gavin even jumped in
22 the trunk of my car.

23 Q. All right.

24 A. Trying to come along.

25 Q. And what did you do when Gavin jumped in
26 your car trunk?

27 A. I told him to get out; he couldn't come. It

28 was just for his sister. 11156

1 Q. Did he get out?

2 A. Yeah, he got out.

3 Q. Now, where was this?

4 A. That was at their apartment.

5 Q. So you had driven to their apartment?

6 A. Uh-huh.

7 Q. And where was the apartment located?

8 A. Kind of near downtown. I think Soto Street.

9 Q. Okay. At this point in time, did you

10 observe the behavior of the Arvizo children?

11 MR. SNEDDON: Your Honor, I'm going to

12 object as vague as to time.

13 Q. BY MR. MESEREAU: Well, during the time that

14 Davellin came to your house to spend the night --

15 A. Uh-huh.

16 Q. -- the same time where Gavin jumped in your

17 trunk and you had to get him out, did you have an

18 occasion to observe the behavior of the children?

19 A. On that day?

20 Q. Yes.

21 A. Yes.

22 Q. And what was your observation?

23 A. Same observation I've always had when

24 watching the children, is that the boys were a

25 little rough. My son at the time was only four, and

26 Gavin and Star were older, and they were a little

27 rough. And it would concern me sometimes, because

28 my son would want to play, but they really 11157

1 roughhoused a lot, so I would be extra -- I would
2 have to be extra careful around them.

3 Q. Okay. When you say they roughhoused a lot,
4 what do you mean?

5 A. Wrestling, you know, doing the things that
6 boys do that just -- play-fighting and things like
7 that.

8 Q. And I gather the boys never did spend the
9 night at your house, right?

10 A. No.

11 Q. Do you know if the Arvizo children ever
12 spent the night at Chris Tucker's home?

13 A. Yes, I believe Gavin and his dad did.

14 Q. Do you know approximately when that was?

15 A. No, I don't.

16 Q. Okay. Do you know how many times they spent
17 the night at Chris Tucker's home?

18 A. No, I don't.

19 Q. Did Janet ever ask you for any help for the
20 children?

21 A. No.

22 Q. Did Janet ever ask you for any kind of
23 assistance for her family?

24 A. No.

25 Q. Did you ever give the family any assistance?

26 A. Do you mean monetarily?

27 Q. Sure.

28 A. Yes. 11158

1 Q. When was this?

2 A. I gave them a Christmas gift of \$600.

3 Q. And what led up to that gift?

4 A. I knew that it was a really hard time for
5 them. This would have been after Davellin's
6 graduation. And I found out that Janet had been
7 being abused by her husband, and that he had left
8 and taken the car and left them with no money.

9 Q. Did Janet tell you she was left with no
10 money?

11 A. Yes.

12 Q. And did she tell you she didn't have a car?

13 A. Yes.

14 Q. Okay. Did any of the children tell you they
15 didn't have money?

16 A. I don't really remember them saying that
17 they did not have money. I don't remember those
18 words coming out of their mouth, but I do know that
19 references were made to them not having certain
20 pieces of clothing that they needed, equipment.
21 I think Gavin played baseball or something,
22 and I know he broke his arm one time. His mom said
23 he caught a ball with a torn up glove. You know, it
24 wasn't adequate equipment, I guess, for the sport
25 that he was playing.
26 So while they never said that they needed
27 money, you know, I knew of the hardships that they

28 were going through. 11159

1 Q. Was that because they would periodically
2 tell you that?

3 A. Uh-huh. More so Janet than the kids,
4 though.

5 Q. What are the kind of things that Janet would
6 tell you about their hardship?

7 MR. SNEDDON: I'm going to object. Hearsay.

8 MR. MESEREAU: I think it's --

9 THE COURT: Overruled.

10 You may answer.

11 THE WITNESS: Can you repeat the question?

12 Q. BY MR. MESEREAU: Sure. What kinds of
13 things would Janet say to you about the family's
14 hardship?

15 A. Janet told me how much of a horrible, awful
16 husband and father David Arvizo was, and from that,
17 she told me about the abuse. She told me that he
18 told the children he did not love them. She told me
19 that money that had been raised from the benefit --
20 the fund-raiser at The Laugh Factory, or I'm not
21 sure if it was The Laugh Factory or somewhere else.
22 She just said "the fund-raiser"; that he had spent
23 it all taking his family out to show them a good
24 time, things of that nature.

25 Q. Did she ever tell you she had taken any of
26 the money from any of these fund-raisers?

27 A. No.

28 Q. Did she ever tell you that there was an 11160

1 account set up for Gavin that she would take money
2 from?

3 A. No. We never talked about that.

4 Q. Did she ever mention to you there was a bank
5 account set up for Gavin?

6 A. No. Or if she did, I don't remember her
7 saying that.

8 Q. Okay. Now, you say she told you that Gavin
9 had a broken arm?

10 A. Yes.

11 Q. And she said it was from baseball?

12 A. Yes. He was playing -- he was playing in a
13 game.

14 Q. Did she ever tell you he broke his arm
15 because a security guard at J.C. Penney broke it?

16 A. No.

17 Q. Did Janet ever tell you about any incident
18 at J.C. Penney?

19 A. No.

20 Q. Ever tell you she'd gotten any money from
21 J.C. Penney?

22 MR. SNEDDON: Your Honor, I'm going to
23 object as hearsay.

24 MR. MESEREAU: It's impeachment, Your Honor.

25 MR. SNEDDON: It's not impeachment.

26 THE COURT: The objection is sustained.

27 Is this a good time to break?

28 MR. MESEREAU: Oh. 11161

1 THE COURT: We'll take our morning break.

2 (Recess taken.)

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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 11110 through 11162

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 19, 2005, and thereafter

20 reduced to typewriting by computer-aided

21 transcription under my direction.

22 DATED: Santa Maria, California,

23 May 19, 2005.

24

25

26

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

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

5

6

7 THE PEOPLE OF THE STATE OF)

8 CALIFORNIA,)

9 Plaintiff,)

10 -vs-) No. 1133603

11 MICHAEL JOE JACKSON,)

12 Defendant.)

13

14

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16

17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

18

19 THURSDAY, MAY 19, 2005

20

21 8:30 A.M.

22

23 (PAGES 11164 THROUGH 11320)

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26

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

28 BY: Official Court Reporter 11164

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1 I N D E X

2

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

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

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

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

7

8

9 DEFENDANT'S

10 WITNESSES DIRECT CROSS REDIRECT RECROSS

11 PRYOR, Azja 11244-SN 11261-M

12 NIMMER,

13 Laurence 11271-SA 11302-SN

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1 E X H I B I T S

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

3

4 5089 DVD entitled "Neverland Ranch

5 2005" 11289

6 5090 Photo mailed to Azja from Gavin 11230

7 5091 Photo mailed to Chris

8 from Gavin 11230

9 5092 Photo mailed to Boo Boo from Gavin 11230

10 5093 Photo mailed to Azja

11 from Star 11230

12 5094 Photo mailed to Chris from Star 11230

13 5095 Letter to Azja from

14 Davellin 11242 11243

15 5096 DVD - Neverland alarm test 11275 11282

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1 THE COURT: Go ahead.

2 Q. BY MR. MESEREAU: Miss Pryor, before the
3 break, you said that you were told that Gavin had
4 broken his arm at a baseball game, right?

5 A. Yes.

6 Q. Who told you that?

7 A. Janet did.

8 Q. Did Gavin ever tell you that?

9 A. No.

10 Q. Was Gavin there when Janet told that to you?

11 A. I don't know. It was over the phone.

12 Q. Okay. And did she tell you exactly how he
13 had broken his arm in the baseball game?

14 A. She told me he was running to catch the
15 ball, and his -- his glove was worn through.
16 Something about a worn-out glove.

17 Q. Okay. And did she tell you in that
18 conversation that the family needed money for
19 baseball equipment?

20 A. No, she didn't. When she told me, I told
21 her, "Janet, if you need anything, you can ask me."
22 I said, "Anything for the kids." I said, "If Gavin
23 needs a glove, then let me know."

24 Q. Did Janet tell you Gavin needed a glove?

25 A. No.

26 Q. Did she ever tell you he needed anything
27 related to baseball?

28 A. No. 11168

1 Q. Okay. What about any equipment or uniforms
2 or anything of that sort?

3 A. No.

4 Q. Okay. Did she tell you why she was telling
5 you he had broken his arm in a baseball game?

6 MR. SNEDDON: Your Honor, I'm going to
7 object. Calls for a conclusion. Speculation.

8 THE COURT: Overruled.

9 You may answer.

10 THE WITNESS: Can you repeat that?

11 Q. BY MR. MESEREAU: Yes.

12 Did Janet give you any indication why she
13 was telling you that Gavin had broken his arm in a
14 baseball game?

15 A. I would think she told me just because we
16 would talk about the kids. And, you know, with a
17 child breaking a bone, that's pretty serious.

18 Q. Did she ever tell you he had broken a bone
19 anywhere else?

20 A. Not that I can remember, no.

21 Q. Did she ever tell you he had broken a bone
22 in a parking lot?

23 A. I don't remember if she said Gavin or Star
24 did, but one of them did break a bone, she told me,
25 when they were younger.

26 Q. Okay. Did she ever mention any altercation
27 with security guards anywhere?

28 A. No. 11169

1 Q. Did she ever tell you she had filed any
2 lawsuit of any kind?

3 A. No.

4 Q. Now, you did give a Christmas gift, right?

5 A. Yes.

6 Q. And you indicated this was after Janet had
7 discussed some financial problems they were having,
8 right?

9 A. Yes.

10 Q. And approximately what year did you give a
11 gift to them?

12 A. The gift of \$600?

13 Q. Yes.

14 A. That was in December of 2001.

15 Q. Okay. Did you give \$600 in cash or did you
16 give a check?

17 A. It was a cashier's check.

18 Q. Who did you give it to?

19 A. Janet.

20 Q. Okay.

21 A. I mailed it to her.

22 Q. Okay. And did she ever thank you for it?

23 A. Yes.

24 Q. All right. Now, did you give Janet this
25 check before or after you knew there were
26 fund-raisers for Gavin's illness?

27 A. Well, I knew there had been a fund-raiser

28 when I first met Gavin, so therefore I gave her the 11170

1 \$600 after I knew about it. Now, if I gave it to
2 her before or after she told me about them, I don't
3 remember.

4 Q. Okay. Now, you knew that Chris Tucker had
5 gone to the fund-raiser, right?

6 A. Yes.

7 Q. And did you learn whether or not he had
8 given them any financial assistance?

9 A. Not to my knowledge.

10 Q. Okay. Do you recall whether or not Davellin
11 ever asked you for a car?

12 A. If she asked me for a car?

13 Q. Yes.

14 A. Yes.

15 Q. When was that?

16 A. This was in February of 2003.

17 Q. Okay. And explain what she asked you.

18 A. She didn't ask me to give her the car out of
19 the blue. There had been a discussion about them
20 receiving a car of mine from Chris.

21 Q. And who did you have that discussion with?

22 A. Janet.

23 Q. What did Janet say about that?

24 A. She thanked me profusely for -- for giving
25 them the car. I knew nothing about it until they
26 actually told me. Chris had not even told me. They
27 told me.

28 Q. So Janet thanked you for giving her a car? 11171

1 A. For giving her the car, yes.

2 Q. Had you given her a car?

3 A. I had not given it to her yet.

4 Q. Were you surprised when she thanked you for
5 giving her a car that you never gave her?

6 A. Obviously I was a little surprised.

7 However, I felt like -- I kind of knew it was
8 coming, because Chris had spoken about it before,
9 that he wanted to help them out. He knew that Janet
10 was taking Gavin to his weekly doctor appointments
11 on the bus.

12 Q. Is that what Janet told him?

13 A. Yes.

14 Q. So it's in approximately February of 2003
15 that she thanks you for the car?

16 A. Yes. She told me that Chris said he would
17 give them the car. And she called me to thank me,
18 and I guess I assumed to ask when it was going to be
19 handed over to her.

20 Q. And what did you say to her?

21 A. The car was not in my name, so I told her it
22 needed to be changed. She needed to wait till Chris
23 got back in town to switch the registration and
24 everything.

25 Q. Was it your intention to give them the car?

26 A. No, not necessarily.

27 Q. Did you ever give them a car?

28 A. No. 11172

1 Q. Did Janet ever ask you for a car on another
2 occasion?

3 A. No.

4 Q. How many phone conversations did you have
5 with Janet when she asked you for a car?

6 A. Too many to remember. I don't know.

7 Q. What do you mean by that?

8 A. A lot of times. If Janet wouldn't call me,
9 Davellin would call me.

10 Q. Asking you for a car?

11 A. For the car.

12 Q. And did Davellin act as if they owned the
13 car?

14 A. No, I think it was more so they just wanted
15 to know when they were going to get it, to gain
16 possession of the car.

17 Q. And during these many conversations, what
18 would you tell them about the car?

19 A. It was out of my hands. There was nothing I
20 could do about it.

21 Q. Is that what you said to them?

22 A. Uh-huh. I told them they had to wait on
23 Chris.

24 Q. At some point, did they stop calling you and
25 asking for a car?

26 A. Well, yes.

27 Q. Approximately what was that?

28 A. The last conversation I had with Davellin, 11173

1 which was in April of 2003, I believe.

2 Q. Okay.

3 A. That was the last time I talked to her.

4 Q. Was it your choice not to talk to her
5 anymore?

6 A. No, not at all.

7 Q. Why did you stop talking to her?

8 A. I have no idea.

9 Q. Did they stop calling you?

10 A. Yes.

11 Q. Did you stop calling them?

12 A. I didn't have a number to reach them.

13 Q. Okay. If you can guess, how many times do
14 you think Janet asked you for a car?

15 A. If it was my guess, I would say anywhere
16 from seven to ten times.

17 Q. And did this all happen in the year 2003?

18 A. Yes.

19 Q. If you can estimate, how many times did
20 Davellin ask you for a car?

21 A. I don't remember. I know Davellin would
22 leave me messages, because I wouldn't always answer
23 the phone. So there were numerous messages.

24 Q. Okay. And in those numerous messages, was
25 Davellin requesting the car?

26 A. Yes.

27 Q. And all this was in the year 2003?

28 A. This was all in February. 11174

1 Q. February of 2003?

2 A. Uh-huh.

3 Q. Okay. Now, did Janet tell you in February
4 of 2003 that they had no car?

5 A. Yes.

6 Q. Did Davellin tell you in February of 2003
7 that they had no car?

8 A. Yes.

9 Q. All right. In any of these phone
10 conversations, were Janet and Davellin on the phone
11 together?

12 A. No, there was no kind of three-way or two
13 different phones where they were. You know, I would
14 maybe start on the phone with Davellin and she would
15 hand the phone to her mom, or vice versa.

16 Q. Do you recall whether or not Gavin was ever
17 on the phone when you were asked to give them a car?

18 A. I don't remember Gavin ever even mentioning
19 the car to me.

20 Q. How about Star?

21 A. I don't remember Star either.

22 Q. Okay. Okay. Now, you saw the Arvizo
23 children at Chris Tucker's home, correct?

24 A. Correct.

25 Q. And could you describe their behavior?

26 A. I don't like to call people's kids bad, but
27 Gavin and Star really needed attention, I felt like.

28 Q. In what -- 11175

1 A. They really needed attention.

2 Q. What do you mean by that?

3 A. You know, they would do little things, very
4 mischievous. One time I remember us sitting down in
5 front of Chris's big-screen television and there was
6 a drink on the floor. I don't remember what it was.

7 But Gavin, I saw him look at the glass and I
8 saw him just kind of do his foot and kick it over
9 and then act like it was an accident, you know, just
10 to get that reaction out of us. Like, "Gavin," you
11 know, "what happened?"

12 You know, they would do little things like
13 that.

14 Or, you know, like I said, roughhousing,
15 just playing around. I mean, they were kids. You
16 know, I think at the time they were maybe 11 or 12.
17 I don't remember.

18 Q. Would you describe them as well behaved?

19 A. At times. But I think that they lacked
20 discipline.

21 Q. And what do you mean by that?

22 A. I think that anytime I saw David Arvizo with
23 his kids, I never saw him discipline them, even when
24 they got out of hand. And I think -- because Gavin
25 was sick, I think that he did not discipline them
26 when I think -- I felt like they needed it at times.

27 Q. Now, at any time did Janet tell you that

28 Star had a cyst in his brain? 11176

1 MR. SNEDDON: Your Honor, I'm going to
2 object as hearsay.

3 MR. MESEREAU: Impeachment, Your Honor.

4 MR. SNEDDON: There's -- no.

5 THE COURT: Sustained.

6 Q. BY MR. MESEREAU: Did you ever learn whether
7 or not Star had a cyst on his brain?

8 MR. SNEDDON: Object. Lack of foundation;
9 immaterial; irrelevant.

10 THE COURT: Overruled.

11 You may answer.

12 THE WITNESS: Did I learn Star had a cyst?

13 Q. BY MR. MESEREAU: Yes.

14 A. Not that I can recall.

15 Q. Did Janet ever say anything like that?

16 MR. SNEDDON: I object. Hearsay.

17 THE COURT: Sustained.

18 MR. MESEREAU: Okay.

19 Q. Do you recall when the -- or what has become
20 known as the Bashir documentary was aired?

21 A. I'm sorry, I didn't hear you.

22 Q. Did you ever hear of something called the
23 Bashir documentary?

24 A. Yes.

25 Q. And when did you learn about that?

26 A. I learned about it when I watched it on
27 television.

28 Q. And do you know approximately when that was? 11177

1 A. In early February.

2 Q. After the Bashir documentary aired, did you
3 speak to any of the Arvizos?

4 A. Yes.

5 Q. Who did you speak to?

6 A. Davellin.

7 Q. Okay. Did she call you?

8 A. Yes.

9 Q. And did she talk about the documentary?

10 A. Yes, she did.

11 Q. What did she say?

12 MR. SNEDDON: Object. Hearsay.

13 THE COURT: Sustained.

14 Q. BY MR. MESEREAU: Did you ever talk to Janet
15 about the Bashir documentary?

16 A. Yes.

17 Q. When was this?

18 A. After it aired. Maybe the same conversation
19 when Davellin first called me.

20 Q. Now, who called you?

21 A. Davellin did.

22 Q. Okay. And did she discuss the Bashir
23 documentary?

24 A. Yes, she did.

25 Q. Okay. And do you know where Davellin was
26 living at the time?

27 A. No, I don't.

28 Q. Was she living at her grandmother's, to your 11178

1 knowledge?

2 MR. SNEDDON: Object. Leading.

3 THE COURT: Sustained.

4 Q. BY MR. MESEREAU: Do you know where Janet
5 and the boys were living?

6 A. At the time when they called me?

7 Q. Yes.

8 A. After the documentary?

9 Q. Yes.

10 A. No, I don't know.

11 Q. After the Bashir documentary aired, did
12 Janet ever tell you they were spending a lot of time
13 with Major Jay Jackson?

14 MR. SNEDDON: Object. Calls for hearsay.

15 THE COURT: Sustained.

16 Q. BY MR. MESEREAU: Do you know whether or
17 not, after the Bashir documentary aired, if the
18 Arvizos were spending time with Major Jackson?

19 MR. SNEDDON: Object. Lack of foundation.

20 THE COURT: Sustained.

21 Q. BY MR. MESEREAU: You mentioned that you met
22 Major Jackson on a bus, right?

23 A. Yes.

24 Q. And that was the bus --

25 MR. SNEDDON: Excuse me. I'm going to
26 object as a misstatement of the testimony with
27 regard to the rank and the last name.

28 THE COURT: Overruled. 11179

1 You may answer.

2 Q. BY MR. MESEREAU: Did you meet Major Jackson
3 on a bus?

4 A. Yes.

5 Q. And that was to go to the birthday party at
6 Neverland, right?

7 A. Yes.

8 Q. Did you ever see him again after that?

9 A. No.

10 Q. Did you ever speak to him on the phone?

11 A. No.

12 Q. Did you ever meet Janet Arvizo at an address
13 where Mr. Jackson lived?

14 A. I don't know. It would be my guess that the
15 apartment on St. Andrews that I met them at for an
16 interview would be Jay's apartment, but no one told
17 me that. Or if they did, I don't remember.

18 Q. Okay. So the only time you ever saw Jay was
19 at the birthday party?

20 A. Correct.

21 Q. Okay. Now, did you talk to Janet about the
22 Bashir documentary?

23 A. Yes, I did.

24 Q. What did she say to you?

25 MR. SNEDDON: Object. Hearsay.

26 MR. MESEREAU: It's impeachment, Your Honor.

27 THE COURT: I can't tell really. The

28 question is too general. I'll sustain the 11180

1 objection.

2 MR. MESEREAU: Okay.

3 Q. Did Janet ever complain to you about the

4 Bashir documentary?

5 A. Yes.

6 MR. SNEDDON: Object. Hearsay.

7 THE COURT: You're offering this for

8 impeachment?

9 MR. MESEREAU: Yes, Your Honor. Yes.

10 THE COURT: All right. I'll overrule the

11 objection.

12 Q. BY MR. MESEREAU: You can answer.

13 A. Can you repeat that?

14 MR. MESEREAU: Sure. I'll withdraw the

15 question and repeat it.

16 Q. Did Janet Arvizo ever complain to you about

17 the Bashir documentary?

18 A. Yes, she did.

19 Q. Approximately when did she complain about

20 that documentary?

21 A. In the first conversation I had with her

22 after the documentary.

23 Q. Okay. Would that be in 2003?

24 A. Yes.

25 Q. And what did she say to you?

26 A. She said that there had been a documentary

27 aired showing Gavin and her children which she had

28 not given her permission for. She had not given 11181

1 permission for her children to be taped.

2 Q. And did she say she was going to do anything
3 about it?

4 A. No, not that I can remember.

5 Q. Did Janet ever tell you that David was on
6 drugs?

7 A. Yes.

8 Q. When was this?

9 A. After Davellin's graduation.

10 Q. Did she ever tell you that David was
11 spending all the money they raised on drugs?

12 A. She did tell me that he was spending -- I
13 wouldn't say "all." She didn't use the word "all,"
14 but she said that he was spending some of the money
15 on drugs and to take his family out and show them a
16 good time.

17 Q. Did she ever tell you that she had spent any
18 of that money?

19 A. No.

20 Q. Okay. Let's go to 2003, after the Bashir
21 documentary airs, okay?

22 A. Uh-huh.

23 Q. You have this conversation with Janet about
24 the documentary, right? And when do you talk to her
25 again after she complains about the documentary?

26 A. There's no way for me to say. There were
27 many conversations after that initial conversation.

28 Q. Well, did you talk to her on a regular basis 11182

1 in the year 2003?

2 A. In February I did.

3 Q. Okay. And is there any particular reason
4 why you were talking to her so often in February of
5 2003?

6 A. I think Janet was in over her head, and I
7 don't think she really knew what to do. So I
8 believe that she knew I was always there, at least
9 to listen, you know. And if I could help in any
10 kind of way, she knew I was there. She knew I was
11 good for that.

12 Q. Did she ever tell you she was looking for an
13 attorney?

14 A. No. I don't remember.

15 Q. Did she ever tell you she was going to do
16 anything about the Bashir documentary?

17 A. No. Again, like I said, I believe she was
18 in over her head, and I don't think she really knew
19 what to do at that moment. I believe I suggested to
20 her that she should get an attorney.

21 Q. Okay. Did she ever tell you she got one?

22 A. No, she never told me she did.

23 Q. Did she ever tell you she had joined in any
24 complaint in England against the Bashir documentary?

25 A. No.

26 Q. Did Janet ever mention a trip to Brazil to
27 you?

28 A. Yes. 11183

1 Q. What did she say?

2 A. She said that they --

3 MR. SNEDDON: I'll object as hearsay.

4 MR. MESEREAU: Impeachment, Your Honor.

5 THE COURT: The objection's overruled.

6 THE WITNESS: She said that they were going
7 to Brazil for Carnivale.

8 Q. BY MR. MESEREAU: And what is Carnivale, to
9 your knowledge?

10 A. Beautiful costumes, beads. I guess it's
11 kind of like Mardi Gras.

12 Q. Kind of a holiday celebration, right?

13 A. A holiday celebration.

14 Q. Did she ever ask you to go with her?

15 A. Yes, she did.

16 Q. And when did Janet ask you to go to Brazil
17 with her to attend Carnivale?

18 A. During a phone conversation. It was
19 sometime in February.

20 Q. Okay. And did you say anything in response
21 to her invitation?

22 A. I said, "Sure, I'd love to go."

23 Q. And did you ever talk to her about Brazil
24 again?

25 A. Yeah, we talked a couple of times about
26 Brazil.

27 Q. And did you talk about your going with her?

28 A. I'm sure -- I'm sure I did. I told her I 11184

1 couldn't go for too long. I was in school at the
2 time, so I would only be able to be there for, like,
3 three or four days.

4 Q. Did she say that was okay?

5 A. Yes.

6 Q. Okay. Did she seem excited about you going
7 to Brazil with her?

8 A. I don't know. I don't know if she was
9 excited. Janet's always excited. She's excited --
10 either she's excited or she's sad. So it was kind
11 of hard to gauge whether she was excited about me
12 going or this is just during one of the times that
13 she was really happy.

14 Q. But you had a number of discussions about
15 you and she going to Brazil?

16 A. No more than two, maybe three. On occasion.

17 Q. And were all these conversations on the
18 phone?

19 A. Yes.

20 Q. Did she call you or did you call her, if you
21 remember?

22 A. I would guess she called me during this
23 time. I didn't really know where they were staying,
24 so my guess is that she called me.

25 Q. Okay. And do you think this is February of
26 2003?

27 A. I know it was February of 2003.

28 Q. And did you have any discussions with her 11185

1 about going to Brazil in March of 2003, if you know?

2 A. I don't remember.

3 Q. Okay. Did she tell you what she wanted to

4 do in Brazil other than attend Carnivale?

5 A. No, she didn't say.

6 Q. Did she seem excited about going to

7 Carnivale?

8 MR. SNEDDON: Object. Asked and answered.

9 THE COURT: Sustained.

10 Q. BY MR. MESEREAU: Did Janet tell you when

11 Carnivale is in Brazil?

12 A. No.

13 Q. But there's no question she mentioned

14 Carnivale, right?

15 A. Yes.

16 Q. Did she tell you whether or not her family

17 were going to be at Carnivale in Brazil?

18 A. Yes.

19 Q. And what did she say about that?

20 A. Well, she said that Michael and I guess his

21 family and their family, they were all going to go

22 to Carnivale. That's all she said.

23 Q. Do you mean Michael Jackson?

24 A. Yes.

25 Q. So she said Michael Jackson and his family

26 are going to Carnivale with her?

27 A. Yes.

28 Q. And this is in February of 2003? 11186

1 A. This is in February.

2 Q. Okay. Did she ever tell you that she had
3 learned that Michael Jackson was not going to
4 Brazil?

5 A. Yes, I believe she did.

6 Q. Do you know approximately when that was?

7 A. It would have been in early March.

8 Q. Okay. Was she upset about that?

9 A. No.

10 Q. Okay. Did she still, as far as you know,
11 plan to go to Brazil?

12 A. By this time I don't think she wanted to go.

13 Q. Okay. Was that -- did she tell you she
14 didn't want to go because she found out Michael
15 wasn't going?

16 MR. SNEDDON: Object. That's a leading
17 question, Your Honor.

18 THE COURT: Sustained.

19 Q. BY MR. MESEREAU: Did Janet tell you why she
20 no longer wanted to go to Brazil?

21 A. Because there were a lot of unknowns. Her
22 children had been out of school for one month. She
23 didn't know when they were going back to school.
24 She didn't know exactly where she was staying in
25 Brazil.

26 Q. Did she ever tell you she had cancelled the
27 trip?

28 A. No. I don't even remember when we stopped 11187

1 talking about Brazil.

2 Q. Okay.

3 A. It just kind of went away. We didn't talk
4 about it anymore.

5 Q. Did you learn at some point she never went
6 to Brazil?

7 A. No.

8 Q. Okay. Did she tell you that tickets had
9 never been purchased to go to Brazil?

10 A. Had never been purchased?

11 Q. Yes.

12 A. No, she didn't tell me that.

13 Q. Okay. Now, do you think the last time you
14 talked to Janet was in March of 2003?

15 A. Yes.

16 Q. And where were you when you talked to her in
17 March of 2003?

18 A. At my house.

19 Q. Did Janet ever tell you that Michael Jackson
20 had falsely imprisoned her?

21 A. No.

22 Q. Did Janet ever tell you that Michael Jackson
23 had kept her family against their will?

24 A. No.

25 Q. Did Janet ever tell you that Michael Jackson
26 had extorted her family?

27 A. No.

28 Q. Did Janet ever tell you that Michael Jackson 11188

1 was in a conspiracy to commit crimes against her
2 family?

3 A. Absolutely not.

4 Q. And you were talking to her on a regular
5 basis in February 2003, right?

6 A. Yes.

7 Q. And would that be daily?

8 A. I don't remember if it was daily. And
9 again, if I got calls, sometimes they were from
10 Davellin and sometimes they were from Janet.

11 Q. Okay. Did Davellin ever tell you that the
12 family was being held against their will?

13 A. No.

14 MR. SNEDDON: Object as hearsay, Your Honor.

15 THE COURT: Overruled. The answer was "No."

16 Next question.

17 Q. BY MR. MESEREAU: Did Davellin ever tell you
18 that the family was being falsely imprisoned by
19 Michael Jackson?

20 A. No.

21 Q. Did Davellin ever tell you that her family
22 were the victims of extortion by Michael Jackson?

23 A. No.

24 Q. Did Davellin ever tell you that there was
25 some conspiracy to injure her family?

26 A. No.

27 Q. Did you have any discussions with Gavin

28 during February of 2003? 11189

1 A. Yes.

2 Q. And would he call you or would you call him?

3 A. If his sister would call me, he would get on
4 the phone. Normally if Davellin would call, they
5 would all get on the phone.

6 Q. Okay.

7 A. One by one.

8 Q. And that would include Janet?

9 A. Sometimes -- no, not all the time. A lot of
10 times during this period Janet had a headache, she
11 would say.

12 Q. Okay.

13 A. They would tell me their mom was lying down.

14 Q. Okay. Now, when Janet invited you to go to
15 Carnivale in Brazil, were the kids around, to your
16 knowledge?

17 A. I don't know.

18 Q. Do you know if the children were on the
19 phone at the same time?

20 A. Not the same time, meaning there was more
21 than one phone, no.

22 Q. Okay. But you think you had two or three
23 conversations with her about Brazil?

24 A. Yes.

25 Q. Did she ever tell you she was being forced
26 to go to Brazil?

27 A. No.

28 Q. Did Janet say anything about whether or not 11190

1 Jay Jackson was going to go to Brazil with her?

2 A. No, she didn't mention it to me.

3 Q. Okay. And did she express disappointment

4 that Michael Jackson wasn't going to go to Brazil

5 with her?

6 MR. SNEDDON: Your Honor, I object. Asked

7 and answered.

8 THE COURT: Sustained.

9 Q. BY MR. MESEREAU: Did Janet Arvizo ever

10 complain to you about Michael Jackson in February of

11 2003?

12 A. No.

13 Q. Did Janet Arvizo ever complain to you about

14 Michael Jackson in March of 2003?

15 A. No.

16 Q. Now, there was a point in time where you

17 attended an interview between the Arvizo family and

18 some social workers in Los Angeles, right?

19 A. Correct.

20 Q. And did you attend that interview?

21 A. Yes, I did.

22 Q. Why did you do that?

23 A. Janet asked me to.

24 Q. Do you know approximately when she asked you

25 to?

26 A. I would say approximately about a week

27 before the interview.

28 Q. Okay. Do you remember whether she called 11191

1 you or you called her?

2 A. Again, I'm sure she called me during that
3 time. They were from place to place, so I had no
4 way of reaching them.

5 Q. Okay. And was she calling you often during
6 this particular part of February?

7 A. Yes.

8 Q. Would it be correct to say she was calling
9 you on almost a daily basis?

10 A. I don't remember.

11 Q. Could it have been a couple of times a week?

12 A. Yeah. Several times a week.

13 Q. Okay. Is there any particular time of day
14 when Janet would call you?

15 A. No. All hours of the day.

16 Q. Okay. And did you consider Janet to be your
17 friend at the time?

18 A. Yeah, she was a friend.

19 Q. You seem to hesitate. Is there a reason?

20 A. I mean, she's not someone who I ever hung
21 out with on a one-on-one basis. If the children
22 were around. She's not one of my girlfriends who I
23 would call up and talk about a new CD or a new movie
24 or -- you know, most of the conversations we had,
25 about 95 percent I was listening to her or it would
26 be about her children.

27 Q. Now, when Janet called you in February of

28 2003, did she ever tell you she was being forced to 11192

1 go to any location?

2 A. No.

3 Q. Did Janet ever tell you she was being forced
4 to get into anyone's car and go anywhere?

5 A. No.

6 Q. Did Janet ever tell you in February of 2003
7 that her children were being forced to travel to
8 various locations --

9 A. No.

10 Q. -- by anybody?

11 A. No.

12 Q. Did Janet ever tell you that she was forced
13 to do any interview about Michael Jackson?

14 A. Never.

15 Q. Did Janet ever tell you that her family was
16 forced to rehearse lines that they were then to
17 articulate in an interview about Michael Jackson?

18 A. No.

19 Q. Did Janet ever tell you that she or her
20 family were given scripts to memorize --

21 A. No.

22 Q. -- for an interview?

23 A. No.

24 Q. Did she ever complain about having to do any
25 interview for a rebuttal documentary?

26 A. No. As a matter of fact, she was happy to
27 do the rebuttal video.

28 Q. Please explain what you mean. 11193

1 A. She was very upset about the uproar that had
2 been caused by this documentary. Not only that her
3 children had been taped without permission, but that
4 the relationship, the friendship that her son had
5 with Michael was taken completely out of context and
6 made -- and made into something that was bad. She
7 was upset about that.

8 Q. And she told you that?

9 A. She told me that.

10 Q. Okay. Now, when did she tell you she was
11 happy to do an interview for the rebuttal
12 documentary?

13 A. Her exact words were not, "I'm happy to do
14 this," but she was very excited about doing it. She
15 was very anxious to do it, to tell the world that
16 this friendship was nothing more than what they saw,
17 a beautiful friendship, and that's it.

18 Q. She used those words to you?

19 A. She's used the word "beautiful friendship"
20 before in regards to Michael, yes. I don't know in
21 this specific conversation if she used it.

22 Q. Is there anything else she told you about
23 Michael and her family, that you remember?

24 A. Janet told me the same thing about Michael
25 as she said about Chris and I. She praised Chris
26 and I to the point where it made me uncomfortable,
27 saying that we were sent -- we were angels and how

28 we just have done so much for her family. 11194

1 And while I believe that we did provide the
2 children with happiness and maybe love that they
3 were not receiving from the other parent, David, you
4 know, me, as a woman, I feel uncomfortable because
5 I'm only a human being, you know.

6 And I would tell her all the time, "Janet,
7 stop. Stop. I'm only doing what anyone else would
8 do with a heart," you know.

9 She praised Chris. She praised myself. She
10 praised Michael.

11 Q. When she praised Michael, what did she say?

12 A. I don't remember exact words, but she -- it
13 was something to the effect of, "What a great man he
14 is," "He's an angel," "His love is great."

15 Q. Did she ever refer to you and Chris Tucker
16 as part of her family?

17 A. All the time.

18 Q. What would she say about that?

19 A. "You are our family." She said it over and
20 over and over. The children said it. I said it. I
21 would call them my Mexican brothers and sisters,
22 because they were like my little brothers and
23 sisters.

24 Q. Would Gavin say you were part of his family?

25 A. Yes.

26 Q. Would Star?

27 A. They called me --

28 Q. I'm sorry. 11195

1 A. They called me "big sister."

2 Q. Okay. Did Star say you were part of the
3 Arvizo family?

4 A. Yes.

5 Q. Would Davellin say you were part of the
6 Arvizo family?

7 A. Yes.

8 Q. Do you recall whether or not Janet said
9 Michael Jackson was part of the Arvizo family?

10 A. I'm sure over the three-year relationship
11 we've had she's mentioned that at some point in
12 time. I don't remember any specific conversation,
13 but I'm sure she has.

14 Q. Now, during February of 2003, do you recall
15 whether or not Janet ever referred to Michael
16 Jackson as a father figure to the Arvizo family?

17 A. Yes.

18 Q. Now, around the same time, did she refer to
19 Chris Tucker as a father figure to the Arvizo
20 family?

21 A. No.

22 Q. Did she ever refer to Chris as a father
23 figure, to your knowledge?

24 A. No.

25 MR. SNEDDON: It was asked and answered,

26 Your Honor

27 THE COURT: Sustained.

28 Q. BY MR. MESEREAU: Now, in 2003, was it your 11196

1 understanding that Gavin was still ill?

2 A. No.

3 Q. Did you learn at some point that he had

4 recovered from his illness?

5 A. Yes, I did.

6 Q. And what did you learn?

7 A. After undergoing all of his chemo, I believe

8 his dad told me his cancer had gone into remission.

9 David was still in the picture at this time.

10 Q. Okay. Did Janet ever tell you words to the

11 effect that Michael Jackson had helped her son

12 overcome his illness?

13 A. She mentioned that after the Bashir

14 documentary.

15 Q. And what did she say about that?

16 A. Exactly what you just said; that Michael had

17 helped cure her son, and this is what a beautiful

18 friendship they have.

19 Q. Now, do you recall -- excuse me, let me

20 rephrase that.

21 Did you learn at some point that Janet and

22 the children were going to be interviewed for a

23 rebuttal documentary to the Bashir program?

24 A. That's -- excuse me, yes.

25 Q. And you just said that she praised Michael

26 for helping her son overcome his illness, right?

27 A. Uh-huh.

28 Q. Now, to your knowledge, was that praise that 11197

1 she gave to Michael Jackson before the family was
2 interviewed for a rebuttal program?

3 A. Yes.

4 Q. And did she say that many times before that
5 interview?

6 A. I don't know about "many times," but she
7 said it.

8 Q. More than once?

9 A. One time is clear in my head. Once.

10 Q. Okay.

11 A. During the initial conversation that we had
12 after the documentary aired.

13 Q. Okay. Do you recall when Janet and the
14 children were interviewed for the rebuttal
15 documentary?

16 A. Yes.

17 Q. And what do you remember about that?

18 A. I remember it was the night before the
19 interview with the social workers.

20 Q. Now, Janet asked you to come to the
21 interview with the social workers, right?

22 A. Yes.

23 Q. Did she tell you why?

24 A. Why --

25 Q. She wanted you to be there.

26 A. For support. Janet has asked me -- well,
27 first of all, I -- Janet had been interviewed, or

28 the children had been interviewed by social workers 11198

1 before, so Janet was very scared that her children
2 were going to be taken away from her. So I believe
3 that's why she asked me to come, for support.

4 Q. And did you agree to come?

5 A. Yes.

6 Q. Okay. Did you go to that interview?

7 A. Yes, I did.

8 Q. Was your child with you?

9 A. Yes, he was.

10 Q. Okay. Did you drive to Major Jackson's home
11 for the interview?

12 A. I don't know if it was Major Jackson's home,
13 but I drove to an apartment.

14 Q. And what street was that on?

15 A. St. Andrews.

16 Q. That's in Los Angeles, right?

17 A. Yes. Near Western.

18 Q. Okay. And do you know about what time of
19 day you and your child drove there?

20 A. It was in the morning. I think about nine
21 o'clock. 9 a.m. Maybe earlier.

22 Q. Did you park on the street?

23 A. Yes. And I got a parking ticket.

24 Q. Okay. And you then went into the apartment,
25 right?

26 A. Yes.

27 Q. Did you have to go up the stairs to do that?

28 A. I took an elevator up. 11199

1 Q. Okay. And when you first got into the
2 apartment, what did you see?

3 A. First of all, I rode up in the elevator with
4 the three social workers. I didn't know they were
5 the social workers until I got in the apartment,
6 till we went to the same place.

7 When I got in, I saw the -- I saw Janet and
8 three children.

9 Q. And so you walked in at the same time the
10 social workers did, right?

11 A. Yes.

12 Q. And what's the next thing you remember
13 seeing?

14 A. Oh, and there was another guy there. I
15 don't know his name.

16 The first thing that I saw, Janet was
17 talking to the social workers.

18 Q. Okay. Did you hear what she said?

19 A. I don't remember.

20 Q. And you met the social workers, obviously.

21 A. Yes.

22 Q. And did you talk to the social workers at
23 all?

24 A. Briefly, yes.

25 Q. And what did you say to them, if you
26 remember?

27 A. We were introduced.

28 Q. By who? I'm sorry. 11200

1 MR. SNEDDON: Go ahead.

2 THE WITNESS: We were introduced, and they
3 were commenting about how cute my son is. Because
4 he really is cute.

5 MR. SNEDDON: That's why I let you say it.

6 Q. BY MR. MESEREAU: And do you remember
7 anybody showing a video?

8 A. Yes.

9 Q. What do you remember about that?

10 A. I remember -- I don't know who put it in, if
11 the kids put it in or Janet, but the video was of
12 Michael Jackson and Gavin when Gavin was very ill.
13 He was undergoing chemo at the time. You could tell
14 he was very weak, very pale, little to no hair. At
15 times I don't think he was walking. I think Michael
16 was maybe pushing him around in a wheelchair.
17 And there was a part of them where Gavin
18 kind of just plops on a blanket. You could tell he
19 was just so weak he can't really just sit down. He
20 kind of just falls. His knees buckle. And they're
21 by a lake. And that's it.

22 Q. And you watched that with the social workers
23 and Janet and the Arvizo children?

24 A. Yes.

25 Q. Okay. Did it -- do you know whose idea it
26 was to watch that video?

27 A. I believe -- yeah, I think it was Janet's.

28 Q. Okay. After the -- after you -- excuse me. 11201

1 Let me rephrase the question.

2 After you all watched the video, what
3 happened next?

4 A. After the video, I believe that's when the
5 interview started and I was asked to leave. My son
6 and I were asked to leave.

7 Q. And who asked you to leave?

8 A. One of the social workers.

9 Q. And did you leave?

10 A. I did, but Janet put up a fight. She wanted
11 me to stay.

12 Q. Okay. When you say she put up a fight, now,
13 what do you mean?

14 A. She said, "Absolutely not. Azja is our
15 family and I want her here."

16 Q. And did you see Janet have a discussion like
17 that for a while?

18 A. For about a minute.

19 Q. And what was the result of that discussion?

20 A. The social workers told her she understood
21 that, but, you know, I guess by law, that no one
22 else outside of the family could be present.

23 Q. Okay. And then what did you do?

24 A. I told Janet it was okay, and I would go
25 wait outside. And as soon as she was done, "Come
26 get me."

27 Q. Did you go wait outside?

28 A. Yes. 11202

1 Q. How long do you think you waited outside?

2 A. Well, I went and got something to eat. And

3 I came back, and it was still another hour, hour and

4 a half, so it was altogether maybe two hours.

5 Q. And then did you go back in?

6 A. Yes.

7 Q. And what did you see when you went back in?

8 A. A completely different scene from the

9 beginning. Everyone was hugging each other. And it

10 was like the tension had left the room. You could

11 tell that everyone was happy.

12 Q. And when you say "everyone," who are you

13 referring to?

14 A. The kids and Janet, and the social workers.

15 Q. Okay.

16 A. It was very tense at first when the social

17 workers first arrived. It was very tense. And by

18 the end of the interview, it was a completely

19 different scene.

20 Q. And at the end of the interview, what did

21 you do?

22 A. I stayed around for a while.

23 Q. Okay. Did you stay with Janet and the

24 children?

25 A. Uh-huh.

26 Q. All right. Now, you made a comment about

27 Janet having a prior experience with the Department

28 of Children & Family Services, right? 11203

1 A. Yes.

2 Q. And what were you referring to?

3 MR. SNEDDON: Your Honor, I'm going to
4 object. Lack of foundation and calls for hearsay.

5 No personal --

6 THE COURT: Sustained.

7 Q. BY MR. MESEREAU: Were you ever with Janet
8 before this particular time when she had an
9 experience with the Department of Children & Family
10 Services?

11 A. No, I was not with Janet. I was with the
12 children.

13 Q. And when was this?

14 A. It's unclear to me if it was in December of
15 2001 or early 2002. It was somewhere around that
16 time, though.

17 Q. And you say you were with the children?

18 A. Yes, I went to visit them at the apartment.

19 Q. Okay. Which apartment now?

20 A. The one near downtown.

21 Q. Okay. Was that on Soto Street?

22 A. I believe so.

23 Q. Was that in East Los Angeles?

24 A. Yeah. I think East L.A.

25 Q. And why were you at the apartment that day?

26 A. I went to visit, to check on them. This was
27 during a time that Janet and I were talking a lot on

28 the phone, and she had told me about the abuse from 11204

1 her husband, and I was worried about them. And I'm
2 a very spiritual person, as well as Janet is, so I
3 went over to pray with her.

4 Q. Did you do that?

5 A. She wasn't there.

6 Q. Were the children there?

7 A. Yes.

8 Q. Were they alone?

9 A. They were alone. And they told me that

10 the --

11 MR. SNEDDON: Your Honor, I'm going to
12 object. It's nonresponsive and it's hearsay.

13 THE COURT: Sustained. I'll strike after
14 she said, "They were alone."

15 Q. BY MR. MESEREAU: Did you stay at the home
16 that day?

17 A. I stayed for a couple of hours.

18 Q. Okay. Did you ever see Janet that day?

19 A. No.

20 Q. Why did you go to the home that day?

21 A. For support.

22 MR. SNEDDON: That's asked and answered.

23 THE COURT: Overruled.

24 You may answer.

25 Q. BY MR. MESEREAU: For support, did you say?

26 A. For support and to pray with her.

27 Q. And you mentioned that this had some

28 relationship with the Department of Children & 11205

1 Family Services?

2 A. Yes. Prior to me getting there, the
3 children told me that a social worker or two, I
4 don't know, had come to their apartment.

5 Q. On that day?

6 A. On that day.

7 Q. And was the mother not home that day?

8 A. She was not home, and she had given the
9 children instructions not to answer the door, but
10 Star had let them in.

11 Q. Okay. And you never saw Janet that day at
12 all?

13 A. Nope.

14 MR. SNEDDON: Your Honor, I'm going to
15 object as asked and answered.

16 THE COURT: Overruled. Next question.

17 Q. BY MR. MESEREAU: Okay. Now, to your
18 knowledge, was Chris Tucker visiting the Arvizo
19 family at their home?

20 A. No.

21 Q. Do you know if he ever has done that?

22 A. Not to my knowledge, no.

23 Q. Okay. The day that you attended the
24 interview with three social workers at St. Andrews
25 Place, did you speak to Janet or the children before
26 the interview?

27 A. Meaning that day did I speak to them?

28 Q. Yes. 11206

1 A. No.

2 Q. Do you know if you spoke to Janet or the
3 children the day before that interview?

4 A. Yes, I spoke to them the night before.

5 Q. Okay.

6 A. When they were doing the rebuttal video.

7 Q. And did you talk to Janet?

8 A. Yes. She called me.

9 Q. Do you know where she called you from?

10 A. From wherever they were doing the video.

11 Q. And did she ever tell you she didn't want to
12 do the video?

13 A. No.

14 Q. Did she tell you she wanted to do it?

15 MR. SNEDDON: Your Honor, object. Asked and
16 answered.

17 MR. MESEREAU: Not this particular time.

18 THE COURT: Overruled. Connect the time.

19 MR. MESEREAU: Sure.

20 Q. We're talking about the night that Janet and
21 the children did the rebuttal interview, okay?

22 A. Uh-huh.

23 Q. This is the night before your meeting with
24 the Department of Children & Family Services, all
25 right?

26 A. Yes.

27 Q. You say Janet called you?

28 A. Yes. 11207

1 Q. And did Janet ever complain about anything
2 in that call?

3 A. No. She was -- she seemed happy. Whoever's
4 house they were at, she put them on the phone and
5 introduced us.

6 MR. SNEDDON: Your Honor, I'm going to
7 object to anything beyond "No." Move to strike.

8 THE COURT: Sustained. Stricken.

9 Q. BY MR. MESEREAU: In that phone call, did
10 Janet put anyone else on the phone?

11 A. Yes.

12 Q. Do you know who it was?

13 A. I'm trying to think of the name. It was an
14 interesting name. I don't remember. It was like --
15 I want to say like an Arabic name or something. I
16 don't know.

17 Q. Did you talk to this person?

18 A. Yes.

19 Q. How long did you talk to Janet in that call,
20 if you remember?

21 A. I don't remember. It wasn't a long
22 conversation, though.

23 Q. But she called you and seemed happy?

24 A. Uh-huh.

25 Q. Did she ever ask you to call the police
26 because they were being held against their will?

27 A. No.

28 Q. Did Janet ever tell you they were being 11208

1 falsely imprisoned; "Please help"?

2 A. No.

3 Q. Did she sound like she was in any kind of
4 trouble in that call?

5 A. No.

6 Q. Did you talk about the social workers'
7 interview the next day?

8 A. I believe that's when she gave me the
9 address of where it was going to take place.

10 Q. And did you agree on a time that you would
11 be at the St. Andrews address for the next day?

12 A. Yes, she told me what time the interview
13 started.

14 Q. Okay. Okay. Now, you said that when the
15 interview was completed, you went back into the
16 apartment, and you hung around for a while?

17 A. Yes.

18 Q. Did the children seem happy?

19 A. Not happy. Just -- you know, just like
20 their normal selves. I don't know. They might have
21 been even watching T.V.

22 Q. Did Janet seem happy?

23 A. Yes.

24 Q. Did you talk to Janet?

25 A. Not -- not much.

26 Q. At some point, did you leave that apartment
27 on St. Andrews Place after the interview with the

28 social workers? 11209

1 A. Yes.

2 Q. And where did you go?

3 A. I went to Neverland.

4 Q. Why did you go to Neverland?

5 A. The children asked me -- the children and
6 their mother asked me to take them.

7 Q. And you agreed to do that?

8 A. Yes.

9 Q. And did you drive the three children to
10 Neverland?

11 A. Yes. And my son.

12 Q. Okay. Now, did Janet ask you to take them
13 to Neverland after the interview?

14 A. Yes.

15 Q. Did she ask you to take them to Neverland
16 while she was in the apartment on St. Andrews Place?

17 A. Yes.

18 Q. Did she tell you why she wanted you to take
19 the children to Neverland?

20 A. I assumed that's where they were staying.

21 Q. At this point, had Janet ever told you that
22 she was forced to escape imprisonment at Neverland?

23 A. No.

24 Q. At this point in time, had Janet ever told
25 you she ever escaped from Neverland?

26 A. No.

27 Q. Did Janet tell you how she was going to get

28 to Neverland on that day? 11210

1 MR. SNEDDON: Object. Calls for

2 speculation, conclusion.

3 THE COURT: Overruled.

4 You may answer.

5 THE WITNESS: Can you repeat that?

6 Q. BY MR. MESEREAU: Sure.

7 You agreed to take the Arvizo children and

8 your son to Neverland, right?

9 A. Correct.

10 Q. This is after the interview with the social

11 workers?

12 A. Yes.

13 Q. Did you have an understanding where Janet

14 was going to be?

15 A. Yes. A young man came to the house, and

16 Janet told me that they were going to retrieve some

17 birth certificates to get their passports.

18 Q. Was that for the Brazil trip?

19 A. I assumed it was.

20 Q. Did she ever complain to you about the

21 Brazil trip?

22 MR. SNEDDON: Your Honor, I'm going to

23 object as asked and answered.

24 THE COURT: Sustained.

25 MR. SNEDDON: Vague as to time.

26 THE COURT: Sustained.

27 Q. BY MR. MESEREAU: After the interview with

28 the three social workers -- 11211

1 A. Yes.

2 Q. -- when you were in the apartment on St.

3 Andrews Place, did Janet ever complain about the

4 Brazil trip?

5 A. Yes.

6 Q. What did she say?

7 A. This was in a conversation about two or

8 three weeks later --

9 Q. I'm talking about this particular day now.

10 A. Oh. No. No, no, not that day.

11 Q. Did she say anything negative about the

12 Brazil trip on that day?

13 A. No. She seemed eager to go to get the birth

14 certificates to take care of the passport situation.

15 And she told me she'd come to Neverland after that.

16 Q. Okay. Now, you drove to Neverland after

17 that?

18 A. Uh-huh.

19 Q. Took the children to Neverland?

20 A. Uh-huh.

21 Q. And about what time do you think you arrived

22 at Neverland?

23 A. About three o'clock.

24 Q. And what did you do when you arrived at

25 Neverland around three o'clock?

26 A. What do you do when you go to Neverland?

27 You do everything. I mean, I probably got on the

28 bumper cars. I don't know. I turn into, like, a 11212

1 child. I turn into a child when I go to Neverland.

2 I maybe got on the Ferris wheel. I don't know. I

3 was all over the place.

4 Q. On that particular day?

5 A. Yes.

6 Q. So you were -- so you were essentially

7 playing with the children at Neverland, right?

8 A. Yes.

9 Q. At some point, did you see Janet at

10 Neverland that day?

11 A. No.

12 Q. Okay. When did you next see Janet Arvizo?

13 A. I never saw her again.

14 Q. Did you ever talk to her again?

15 A. Yes, I did. On the phone.

16 Q. When was that?

17 A. The only time I remember -- the only time

18 that's clear in my head is a phone conversation we

19 had two to three weeks after this interview with the

20 social workers.

21 Q. Okay. We'll get to that.

22 Did you leave the Arvizo children at

23 Neverland?

24 A. Yes.

25 Q. Okay. And where did you leave them, if you

26 remember?

27 A. What do you mean where did I leave them?

28 Q. Did you leave them in the main house? Did 11213

1 you leave them in the guest units? What went on?

2 A. I believe we were in the main house.

3 Q. Okay. Did you talk to Janet while you were

4 at Neverland?

5 A. No.

6 Q. What time do you think you left that day?

7 A. I spent the night that day, and that was a

8 Thursday. I did not leave until about ten or eleven

9 o'clock Friday night.

10 Q. Okay. So Thursday night you stayed at

11 Neverland, right?

12 A. I stayed overnight, yes.

13 Q. Did you see Michael Jackson there?

14 A. No.

15 Q. Did you see Michael Jackson the next day?

16 A. No.

17 Q. Do you know where the Arvizo children stayed

18 that night?

19 A. No.

20 Q. Where did you stay?

21 A. In a guest unit.

22 Q. Okay. Did someone bring you to the guest

23 unit at Neverland?

24 A. I think I walked over there.

25 Q. Okay. And the next day you got up in the

26 morning?

27 A. Yes.

28 Q. And what did you do? 11214

1 A. Ate breakfast.

2 Q. Okay. Was that in the main house?

3 A. Yes.

4 Q. Did you just walk into the main house?

5 A. I don't remember. I can't remember someone

6 letting me in. I think the door is locked or

7 something. I think someone let me in.

8 Q. And did you go to the kitchen area?

9 A. Yes.

10 Q. Did you sit at the counter?

11 A. Yes.

12 Q. And were there some cooks on the other side

13 of the counter?

14 A. Yes.

15 Q. And you just ordered breakfast and had

16 breakfast right there, right?

17 A. Yes.

18 Q. And your son was with you?

19 A. Yes.

20 Q. What did you do after breakfast?

21 A. I don't remember.

22 Q. Okay.

23 A. Oh, I do remember. We fed -- we fed

24 elephants --

25 Q. Okay.

26 A. -- and the birds and things like that.

27 Q. Were the Arvizo children with you?

28 A. Yes, they were. 11215

1 Q. Did they meet you in the main house?

2 A. I believe they called me. And they were the
3 ones to tell me, kind of, "Hurry and get up and come
4 over here."

5 Q. Do you think you met them at the main house?

6 A. Yes.

7 Q. Did they have breakfast with you?

8 A. Yes, they did.

9 Q. Okay. And that's -- after breakfast, you
10 all fed the elephants?

11 A. Uh-huh.

12 Q. Okay. How long were you at Neverland that
13 day?

14 A. Until I left, which was about 10:00 or
15 11:00 that night.

16 Q. Okay. And did you ever see Janet that day?

17 A. No.

18 Q. Okay. Were you with the Arvizo children
19 during the entire day?

20 A. Yes.

21 Q. Were you with them that evening before you
22 left?

23 A. Yes.

24 Q. Okay. Did you have lunch and dinner with
25 them?

26 A. I believe so, yes.

27 Q. And did you ever see Michael Jackson there?

28 A. No. He wasn't there. 11216

1 Q. Okay. How did you find that out?

2 A. There were other children there. There were
3 other guests there who said that he wasn't there.

4 Q. Did you know what the other guests' names
5 were?

6 A. Marie Nicole, Baby Rubba, and I don't
7 remember the older brother's name. And Marlon
8 Brando's son and his three kids.

9 Q. Okay. Now, if you know, where were Marlon
10 Brando's son and his three kids staying?

11 A. I don't know.

12 Q. Do you know where the other children were
13 staying?

14 A. I don't know.

15 Q. Was their name Cascio, if you know?

16 A. I don't know.

17 Q. Okay. When you went around Neverland, were
18 you with the other children as well?

19 A. Yes.

20 Q. So you were with Marie Nicole?

21 A. Uh-huh.

22 Q. And Baby Rubba?

23 A. Uh-huh.

24 Q. And the third person?

25 A. No, the older one, who was probably about 15
26 or 16, I don't know, maybe even older, he was kind
27 of just doing his own thing.

28 Q. Okay. 11217

1 A. He wasn't with us at that time.

2 Q. Were the Brando children with you?

3 A. No. They were on the quads.

4 Q. Okay. They were on the quads driving
5 around?

6 A. Uh-huh.

7 Q. Okay. So you leave about eleven o'clock at
8 night, right?

9 A. Uh-huh.

10 Q. You went home?

11 A. Yes.

12 Q. Did Janet ever complain to you about the way
13 the media was treating her?

14 A. I don't remember.

15 Q. Did she ever say words to the effect that
16 her family was being hassled by the media?

17 MR. SNEDDON: Your Honor, I'm going to
18 object as leading and suggestive.

19 THE COURT: Sustained.

20 Q. BY MR. MESEREAU: After the Bashir
21 documentary aired, did you ever discuss the media
22 with Janet?

23 MR. SNEDDON: Your Honor, I'm going to
24 object. It's hearsay and it's asked and answered on
25 the prior question.

26 MR. MESEREAU: I don't think so.

27 MR. SNEDDON: The word was "ever."

28 THE COURT: It's a time difference. 11218

1 Go ahead. You may answer. If you'd like it

2 read back, we can do that.

3 THE WITNESS: Please.

4 (Record read.)

5 THE WITNESS: Yes.

6 Q. BY MR. MESEREAU: And did you say anything

7 to Janet about the media?

8 A. Not that I can remember.

9 Q. Did she say anything to you about the media?

10 A. She did. But I don't remember what she

11 said.

12 Q. Okay. Did Janet ever tell you anything to

13 the effect that the media was following her?

14 MR. SNEDDON: Your Honor, I'm going to

15 object as leading.

16 THE COURT: Sustained.

17 MR. SNEDDON: Suggestive.

18 THE COURT: Sustained.

19 Q. BY MR. MESEREAU: Okay. Did Janet ever say

20 anything to you about getting a body wax?

21 A. No.

22 Q. Did she say anything to you about Michael

23 Jackson paying for her children's dental work?

24 A. No.

25 May I go back to one of those questions to

26 follow up?

27 Janet never mentioned anything that I can

28 remember about the media following her, but Davellin 11219

1 did.

2 Q. And what did Davellin say?

3 A. Davellin --

4 MR. SNEDDON: Excuse me. Object as hearsay.

5 THE COURT: Sustained.

6 Q. BY MR. MESEREAU: How many times have you

7 discussed the media with Davellin?

8 A. I don't remember how many times.

9 Q. Was it more than once?

10 A. Yes.

11 Q. Okay. Was this during your phone

12 conversations with Davellin?

13 A. During the initial conversation with

14 Davellin.

15 Q. Was this about the same time that Davellin

16 was asking for a car?

17 A. No, this was before.

18 Q. Okay. I think you said this, but I don't

19 remember. I apologize. Do you remember when the

20 last conversation you had with Davellin was when she

21 asked for a car?

22 A. I don't remember.

23 Q. Was -- it was in 2003, right?

24 A. It was in 2003, yes.

25 Q. Okay. Okay. So you -- you leave Neverland

26 at about eleven o'clock, right?

27 A. 10:00 or 11:00.

28 Q. The Arvizo children remain at Neverland, 11220

1 right?

2 A. Yes.

3 Q. And to your knowledge, Michael Jackson is

4 not at Neverland, right?

5 A. Right.

6 Q. When do you next talk to any member of the

7 Arvizo family, if you recall?

8 A. The next day or so. Maybe Saturday or

9 Sunday.

10 Q. Who did you talk to?

11 A. Davellin.

12 Q. Did Davellin call you?

13 A. Yes.

14 Q. Do you know where Davellin was when she

15 called you?

16 A. At Neverland.

17 Q. How long did you talk to Davellin on that

18 occasion?

19 A. I don't remember.

20 Q. Okay. When did you next talk to Janet?

21 A. I can't remember.

22 Q. Did Janet ever talk to you about some German

23 people?

24 A. Yes.

25 MR. SNEDDON: I'm going to object. Vague as

26 to time.

27 MR. MESEREAU: I'll ask when.

28 THE COURT: All right. 11221

1 Q. BY MR. MESEREAU: When did Janet first talk

2 to you about some German people?

3 A. I don't remember the first conversation when

4 she first talked to me about them.

5 Q. Was it in the year 2003?

6 A. Yes.

7 Q. And did she call you the first time she

8 mentioned some German people?

9 A. I'm sure she did.

10 Q. Okay. And do you remember what she said

11 about them?

12 A. She didn't like them.

13 Q. Did she tell you why?

14 A. They were rude. They said mean things to

15 her. She didn't elaborate what mean things they

16 said, but she just did not care for them at all.

17 And it was obvious that they didn't care for her.

18 Q. Did she ever complain that these German

19 people were keeping her away from Michael Jackson?

20 A. Yes.

21 Q. What did she say?

22 A. It was in an answer following a question

23 that I asked her. I asked her -- with all the mean

24 things they were saying, I said, "Does Michael know

25 anything about this? And she said, "No, they won't

26 let us around him, because they know that the

27 children tug at his heart strings."

28 Q. Tug at whose heart strings? 11222

1 A. Michael's.

2 Q. Okay. Now, was this conversation about the
3 German people after the interview with the three
4 social workers?

5 A. Yes, this conversation in particular I'm
6 talking about was two to three weeks after the
7 social workers' interview.

8 Q. Was that the first time you had spoken to
9 Janet since the social workers' interview?

10 A. I don't know if it's the first time, but
11 it's the only time that's clear in my head right
12 now.

13 Q. Did Janet tell you where she was during that
14 discussion?

15 A. She was at Neverland.

16 Q. Okay. And do you know whether or not her
17 children were at Neverland when you had that
18 conversation?

19 A. Yes.

20 Q. Did you ever learn whether or not Janet went
21 back to Neverland to be with her children after the
22 interview with the social workers?

23 A. Can you repeat that?

24 Q. Sure. After the interview with the social
25 workers, you took the children to Neverland?

26 A. Uh-huh.

27 Q. And did you ever learn that Janet went to

28 Neverland to be with the children? 11223

1 A. After I took them there?

2 Q. Yes.

3 A. In the phone conversation I had with
4 Davellin following my time at Neverland, I don't
5 remember her mentioning her mother being there. I
6 don't remember her mentioning her mother not being
7 there. I just -- I can't remember that.

8 Q. So you don't really know if Janet went back
9 to Neverland after the interview with the social
10 workers?

11 A. I know she went back at some point. I just
12 don't know when.

13 Q. Okay. And I think you said the next time
14 you spoke to Janet, it was your understanding she
15 was at Neverland, right?

16 A. I know she was at Neverland.

17 Q. How do you know?

18 A. Because she told me.

19 Q. Okay.

20 A. And because whenever I have Privacy Manager
21 or something like that, Neverland Valley Ranch shows
22 up on my caller I.D.

23 Q. Okay. Approximately when do you think you
24 had the conversation with Janet at Neverland that
25 you just described?

26 A. I'll say it was anywhere from two to three
27 weeks after that interview with the social workers.

28 Q. Okay. Did Janet talk about the German 11224

1 people in that discussion?

2 A. Yes.

3 Q. What did she say?

4 A. She didn't like them.

5 Q. Did she elaborate?

6 A. I'm sure she did. But I don't remember

7 exactly what she said about them. It was a very

8 long conversation, so I don't remember exactly what

9 she said about the German people.

10 Q. Okay. And she mentioned Brazil in that

11 conversation?

12 A. Yes.

13 Q. Did she say she wasn't going?

14 A. She said she didn't want to go.

15 Q. Okay. And did she mention in that

16 conversation that she learned Michael Jackson wasn't

17 going to Brazil?

18 A. Not that I can remember, no.

19 Q. Okay. Did she complain about Michael

20 Jackson in that conversation?

21 A. No.

22 Q. Did Janet ever complain to you about Michael

23 Jackson?

24 A. Never.

25 Q. Did she say nice things about Michael in

26 that conversation?

27 A. No.

28 Q. Did she really talk about him? 11225

1 A. I'm sorry?

2 Q. Did she talk about Michael in that

3 conversation, if you remember?

4 A. The only instance that I remember her

5 mentioning Michael's name is when she said that they

6 would not allow the children around -- her and the

7 children around Michael.

8 Q. Okay. And that was in February of 2003 or

9 March of 2003?

10 A. I believe it was March of 2003.

11 Q. Okay. And that conversation -- excuse me.

12 In that conversation, was it your understanding that

13 Janet was at Neverland?

14 A. I know she was at Neverland.

15 Q. Okay. Okay. Now, did you ever talk to

16 Davellin about whether or not she had any friends

17 she used to be with at Neverland?

18 A. Davellin talked about Marie Nicole a lot.

19 Q. And what did she say about her?

20 MR. SNEDDON: Your Honor, I'm going to

21 object as hearsay.

22 THE COURT: Sustained.

23 Q. BY MR. MESEREAU: Was it your understanding,

24 based upon your discussions with Davellin, that

25 Marie Nicole was her friend?

26 A. Yes.

27 Q. Did you ever see Davellin at Neverland with

28 Marie Nicole? 11226

1 A. Yes.

2 Q. On how many occasions do you think?

3 A. When I drove to Neverland after the
4 interview, she told me about Marie Nicole on the way
5 there, and that we would meet her once we got there.

6 And once we arrived, Marie Nicole was there.

7 Q. Okay. And did you see Davellin hang out
8 with Marie Nicole at Neverland?

9 A. Yeah, we all kind of hung together.

10 Q. Okay. In the conversation with Janet in
11 March that you have just described, did she ever
12 tell you that her family had been held against their
13 will at Neverland?

14 A. No.

15 Q. In that conversation with Janet in March,
16 did she ever say that her family had been falsely
17 imprisoned?

18 A. No.

19 Q. In that conversation with Janet in March,
20 did she ever say that her family were the victims of
21 extortion?

22 A. No.

23 Q. And in that conversation with Janet in March
24 of 2003, did she ever say that she or her family
25 were forced to escape from Neverland?

26 A. No. I'm sorry.

27 Q. Why are you smiling?

28 A. I mean, it's Neverland. I don't really know 11227

1 who would want to escape Neverland. It's just a fun
2 place.

3 Q. Okay.

4 A. But, no, she never said that.

5 Q. Okay. Now, you've indicated that Janet
6 would speak to you for long periods of time, right?

7 A. Yes.

8 Q. And what -- when you say a long period of
9 time, what do you mean?

10 A. Sometimes an hour or two.

11 Q. And is this in the year 2003?

12 A. This is pretty much from the start of us
13 talking on the phone until the last conversation we
14 had.

15 Q. Did Janet ever complain to you that Michael
16 Jackson had molested her children?

17 A. No.

18 Q. And when do you think the last conversation
19 you had with Janet was?

20 A. In March of 2003.

21 Q. Do you have any idea what part of March that
22 was?

23 A. I'll say early March.

24 Q. So in early March, she told you that the
25 German people wouldn't let her children see Michael
26 Jackson?

27 MR. SNEDDON: Your Honor, I'm going to

28 object. Asked and answered. 11228

1 THE COURT: Sustained.

2 MR. MESEREAU: With the Court's permission,
3 I'd like to approach the witness, if I may, Your
4 Honor, to show some exhibits.

5 THE COURT: All right.

6 MR. MESEREAU: They would be Defense
7 Exhibits 5090, 5091, 5092, 5093 and 5094. They are
8 photographs with writings on the back, and I have
9 showed them to the prosecution.

10 THE COURT: All right.

11 MR. MESEREAU: Thank you.

12 MR. SNEDDON: Just let me see them a minute.

13 Q. BY MR. MESEREAU: Miss Pryor, I'm showing
14 you the exhibits I just described, and I'd like you
15 to first look at Defense Exhibit 5090, okay?

16 A. Okay.

17 Q. Have you seen that photograph before?

18 A. Yes.

19 Q. And where have you seen that photograph?

20 A. At my house.

21 Q. And how did you ever see that photograph?

22 A. It was mailed to me, along with other
23 photographs.

24 Q. Okay. And do you know who mailed it to you?

25 A. The children did.

26 Q. Okay. Would you please read what's on the
27 back of that photograph?

28 A. Sure. 11229

1 MR. SNEDDON: Well, Your Honor, it's not in
2 evidence yet, so I'd object. But to save some time,
3 I'll just indicate to the Court, I'll stipulate to
4 the admissibility of all these, just to make the
5 record clear.

6 THE COURT: You're offering all of them?

7 MR. MESEREAU: We are. We are.

8 THE COURT: They're admitted.

9 MR. MESEREAU: If I can approach, I'll just
10 put them all in front of the witness, then.

11 Q. Will you please read what's on the back of
12 the first exhibit?

13 A. "Hi, Azja. I am sending you a picture of us
14 so when we are not with you, you can see us. I love
15 you, Azja. Your little guy, Gavin Arvizo."

16 Q. Do you know if Gavin sent that to you?

17 A. I'm assuming he did.

18 Q. And when did you receive it?

19 A. I don't know.

20 Q. Okay. Do you know which year?

21 A. I don't remember.

22 Q. Okay. Could you read the back of each
23 exhibit in front of you?

24 A. Sure.

25 THE COURT: Tell us the number you're
26 reading.

27 THE WITNESS: Oh. Sorry.

28 5091. This one is for Chris. It says, 11230

1 "Chris, this is a picture for you to remember us
2 always and when you are far away from us you can see
3 us. I love you, Chris. See you soon, big bro.
4 Your little bro, Gavin Arvizo."

5 Q. Okay.

6 A. 5092. "Hi, Boo-Boo."

7 That's my son's nickname.

8 "Hi, Boo-Boo. This is your big brother.

9 Now you can see us all the time. I love you,
10 Boo-Boo, and I miss you. Your big brother, Gavin
11 Arvizo."

12 5093. "Dear, Azja. I give this to you with
13 love. I love you. Love, your little brother,
14 forever, Star."

15 5094: "Dear, Chris. I love you and miss
16 you with all my heart. Love, Star David Arvizo."

17 Q. Now, these are all photographs of the Arvizo
18 children, right?

19 A. Yes.

20 Q. And were they mailed to you at once or did
21 you get them periodically?

22 A. No, they all were mailed at one time.

23 Q. And do you know approximately when that was?

24 A. No.

25 Q. Okay.

26 A. Sometime during our friendship.

27 Q. Okay. Now, in March of 2003, did you speak

28 to any of the Arvizo children? 11231

1 A. Yes.

2 Q. Who did you speak to in March of 2003?

3 A. I spoke to the three children.

4 Q. And when you spoke to them, did you know
5 where they were?

6 A. I don't remember.

7 Q. Did any of the children ever complain about
8 Michael Jackson to you?

9 A. No.

10 Q. Did Janet Arvizo ever mention someone named
11 Jamie Masada to you?

12 A. Yes.

13 Q. And when did she mention Jamie Masada to
14 you?

15 A. I've been hearing Jamie's name since I
16 believe the first day I met the children. And
17 subsequently, after that, when I would speak on the
18 phone to their mother.

19 Q. Did Janet ever mention to you that Jamie
20 Masada was a close friend?

21 A. Yes.

22 Q. Did she ever mention to you in February of
23 2003 that Jamie Masada had taken her to an attorney?

24 A. No.

25 Q. Did Janet mention to you at any time in
26 February of 2003 that she had seen an attorney named
27 Bill Dickerman?

28 A. I believe so. 11232

1 Q. Okay. And do you know when she told you
2 that?

3 A. I don't remember. It's not so clear in my
4 head, but I do remember her mentioning the name Bill
5 Dickerman.

6 Q. Do you know when she mentioned Dickerman?

7 A. No, I don't know.

8 Q. Okay. Did she ever tell you that Jamie
9 Masada had taken her -- excuse me. Let me rephrase
10 that.

11 Did she ever tell you that Jamie Masada
12 introduced her to Attorney Bill Dickerman?

13 A. I don't remember.

14 Q. Okay. Did Janet ever tell you that Jamie
15 Masada and Attorney Bill Dickerman had introduced
16 her to Attorney Larry Feldman?

17 A. No.

18 Q. Now, when you were at Neverland, right after
19 the interview with the social workers, --

20 A. Uh-huh.

21 Q. -- this is the day you drove the children
22 there when Michael wasn't there, do you recall
23 whether or not the Arvizo children ever asked to
24 stay in Michael Jackson's room?

25 A. Yes.

26 Q. And did you hear them make that request?

27 A. Yes, I did.

28 Q. Where were they when they made that request? 11233

1 A. Maybe in the kitchen. I can't remember.

2 Q. Do you know who they asked if they could
3 stay in Michael Jackson's room when Michael wasn't
4 there?

5 A. I believe his name is Joe. He's the guy
6 who's always there.

7 Q. And do you recall what he said?

8 A. He said no.

9 Q. And do you know where the kids stayed --
10 excuse me, the Arvizo children stayed that night?

11 MR. SNEDDON: Your Honor, that's been asked
12 and answered.

13 THE COURT: Sustained.

14 Q. BY MR. MESEREAU: Did you ever learn that a
15 rebuttal documentary with Maury Povich appeared on
16 television?

17 A. Yes, we watched it that night.

18 Q. And who is "we"?

19 A. It was myself and my son, the three
20 children, Marie Nicole, Marlon Brando's son, and I
21 don't know if some of his children were there or
22 not.

23 Q. Did you watch the rebuttal show with Maury
24 Povich at Neverland?

25 A. Yes.

26 Q. Okay. And did you notice that the Arvizos
27 were not in that show?

28 A. Yes. 11234

1 Q. Did you say Janet was there?

2 A. No, she was not.

3 Q. Okay. Okay. Just a few more questions.

4 May I just take a minute, Your Honor, just

5 to --

6 THE COURT: Yes.

7 Q. BY MR. MESEREAU: Do you recall Janet ever

8 discussing whether or not Michael Jackson was going

9 to set up a college fund for her children?

10 A. Can you repeat that?

11 Q. Sure. Do you recall whether or not Janet

12 ever discussed words to the effect that Michael was

13 going to set up a college fund for her children?

14 A. Yes.

15 Q. When did this discussion take place?

16 A. I believe it was in the conversation that I

17 had with her two or three weeks after the interview.

18 We covered many grounds during that phone

19 conversation.

20 Q. This is after the interview --

21 A. With the social workers.

22 Q. Okay. Did she tell you that she thought a

23 college fund was being set up for her son?

24 A. No. She didn't tell me that there was a

25 college fund being set up. She said there was

26 mention of a college fund.

27 Q. And did she want one?

28 A. No. 11235

1 Q. What did she say?

2 A. Her exact words were she doesn't even know
3 if her son is going to be alive in ten years; "What
4 is a college fund going to do for him?"

5 Q. Did she say she wanted anything?

6 A. She didn't say she wanted anything.

7 Q. Okay. Did you think she was suggesting she
8 wanted money?

9 MR. SNEDDON: Your Honor, I'm going to
10 object. Calls for opinion, speculation.

11 THE COURT: Sustained.

12 Q. BY MR. MESEREAU: Did you ever have a
13 discussion with Janet about her hiring a lawyer to
14 sue the people who did the Bashir documentary?

15 A. Yes. I asked her -- I'm sorry. Just one
16 moment.

17 I don't know if I asked her if she has an
18 attorney and whether she should look into legal
19 action against Martin Bashir, but I asked her, "Has
20 anyone spoke on compensating you for this?" And
21 that's when she mentioned the college fund to me.

22 Q. But did she indicate she wanted compensation
23 of any kind, to you?

24 A. She indicated that a college fund wasn't
25 going to do her son any good when he might not even
26 be alive in ten years.

27 Q. Okay. Did you suggest to her that she get

28 an attorney to try to get compensation? 11236

1 A. I may have. I don't remember clearly, but I
2 probably did.

3 Q. Did Janet ever talk to you about whether she
4 should sign a release form?

5 A. I asked her did she sign a release form.

6 Q. And when was this?

7 A. During the same conversation.

8 Q. Okay. And again, when did this conversation
9 take place?

10 A. Two to three weeks after the interview.

11 Q. Okay. And did she say she had signed a
12 release?

13 A. No.

14 Q. Did she say she hadn't?

15 A. Yes, she said she had not signed one.

16 Q. Okay. Did you have any further discussion
17 with Janet about the fact that her family had been
18 interviewed?

19 A. I'm sorry, can you repeat that?

20 Q. Yes. Did you have --

21 MR. SNEDDON: I'm going to object to the
22 question as assuming facts not in evidence with
23 regard to -- can't do any more than that, but it's
24 unclear, vague as to time, and also as to which
25 conversation.

26 MR. MESEREAU: I think it is vague. I'll
27 rephrase it.

28 Q. After the interview with the three social 11237

1 workers, and after the Arvizo family had been
2 interviewed for the rebuttal show, did you have any
3 further discussion with Janet about that rebuttal
4 show?

5 A. No.

6 Q. Did you ever talk to Janet about the fact
7 that you watched the Maury Povich rebuttal show with
8 her children?

9 A. No, not that I can remember.

10 Q. So do you recall Janet ever commenting on
11 that show at any time?

12 A. No.

13 Q. Did Janet ever mention anything to you about
14 phone calls being monitored at Neverland?

15 A. No.

16 Q. Ever tell you she thought she couldn't talk
17 because her phone calls were being listened in to?

18 A. No.

19 Q. Did Janet ever talk to you about going
20 shopping?

21 A. No.

22 Q. Did Davellin ever mention the names of any
23 young women who went to Neverland with her?

24 A. No.

25 Q. Ever mention the name of a woman named
26 Adrianna or --

27 MR. SNEDDON: Your Honor, I'm going to

28 object as leading and suggestive. 11238

1 THE COURT: I didn't hear the end of the
2 question.

3 MR. MESEREAU: I'll restate it.

4 Q. To your knowledge, did Gavin ever invite a
5 female to Neverland?

6 A. Yes.

7 Q. And when was this?

8 A. This was before the interview with the
9 social workers.

10 Q. Okay. And how did you learn about that?

11 A. They told me about it.

12 Q. Who is "they"?

13 A. Gavin and Davellin and Star.

14 Q. And --

15 MR. SNEDDON: I'm going to move to strike
16 based on hearsay.

17 THE COURT: Stricken.

18 Let's take a break.

19 (Recess taken.)

20 THE COURT: Counsel?

21 MR. MESEREAU: Thank you, Your Honor.

22 Q. Miss Pryor, you said that when you were at
23 Neverland with the Arvizo children, you walked
24 around the property, right?

25 A. Yes.

26 Q. And do you recall ever going into the
27 theater?

28 A. Yes. 11239

1 Q. And did you go into the theater with the
2 Arvizo children?

3 A. Yes.

4 Q. Do you recall ever going into a dance
5 studio?

6 A. I didn't go in, but I looked in it.

7 Q. Okay. Now, when you looked in it, was it
8 locked?

9 A. Yes.

10 Q. And did somebody unlock the door?

11 A. No. No one had a key. There was, like, a
12 keypad on the door.

13 Q. Okay. And did someone know the combination?

14 A. Yes, Star opened it.

15 Q. Okay. Did you ever see Star open any other
16 combinations at Neverland?

17 A. Just the dance studio and the main house.

18 Q. Did you ever see Gavin open any combination
19 locks at Neverland?

20 A. Just the main house.

21 Q. Okay. Did Star and Gavin tell you they knew
22 the combinations?

23 A. Star didn't. He opened the dance studio
24 door. He said no one should be in there.

25 Q. And did he tell you how he learned the
26 combination?

27 A. No.

28 Q. Did Janet ever complain to you about her 11240

1 children drinking alcohol at Neverland?

2 A. No.

3 Q. Did she ever mention anything about her

4 children drinking alcohol at Neverland?

5 A. No.

6 Q. Do you recall Janet ever commenting about

7 people making millions of dollars off of her son?

8 A. Yes.

9 Q. What did she say about that?

10 A. She said everyone around them was making

11 millions of dollars off of the video. They

12 didn't -- she didn't specifically say her sons, but

13 off of this documentary.

14 Q. Did she complain that she wasn't making

15 millions?

16 A. No.

17 Q. Was that the implication you got from her

18 comment?

19 MR. SNEDDON: Your Honor, I'm going to

20 object to the question. It's asked and answered;

21 leading; speculation.

22 THE COURT: Sustained.

23 Q. BY MR. MESEREAU: Did Janet ever complain

24 that she and her children were beaten up by a group

25 of white boys?

26 A. Yes.

27 Q. What did she say about that?

28 A. This was during one of the times when she 11241

1 was telling me what a horrible husband David was,
2 and she told me that David had stood there and
3 watched while some white boys beat up her and her
4 children, her and her two sons.

5 Q. Did she ever mention any lawsuit?

6 A. No.

7 MR. MESEREAU: Your Honor, I'd like to show
8 the witness a document that's been marked as Exhibit
9 No. 5095, if I may.

10 THE COURT: All right.

11 MR. MESEREAU: May I approach?

12 THE COURT: Yes.

13 MR. MESEREAU: Thank you.

14 Q. Miss Pryor, have you seen that --

15 A. Yes, I have.

16 Q. -- document before?

17 And what is that?

18 A. It's a letter to me from Davellin.

19 Q. And if you look at the bottom, you see some
20 driver's license information. Do you see that?

21 A. Yes.

22 Q. Is that all part of the same document?

23 A. Yes, it is.

24 Q. Did you receive that document?

25 A. Yes, I did.

26 Q. And did Davellin send it to you?

27 A. Yes.

28 Q. Do you know why? 11242

1 A. From the looks of it, to give me her
2 mother's license information.

3 Q. And do you know approximately when she sent
4 you that driver's license information?

5 A. It's hard to see here, but I can remember
6 from seeing the letter. It was dated February 13th.

7 Q. Do you know what year that probably was?

8 A. 2003.

9 MR. MESEREAU: Okay. I move this document
10 into evidence, Your Honor.

11 MR. SNEDDON: No objection.

12 THE COURT: It's admitted.

13 MR. MESEREAU: May I approach and retrieve
14 it?

15 THE COURT: Yes.

16 MR. SANGER: Your Honor, could we have the
17 screen to the Elmo?

18 MR. SNEDDON: Your Honor, may we approach on
19 the display of this exhibit?

20 THE COURT: Because of address information?

21 MR. SNEDDON: The DMV information on it,
22 yes. I don't believe that should be public.

23 MR. MESEREAU: We will not display that
24 information.

25 Q. Davellin -- "Davellin." Miss Pryor,
26 Davellin sent you her mother's driver's license
27 information, right?

28 A. Yes. 11243

1 Q. She sent you her mother's address, right?

2 A. I believe it was her grandmother's address.

3 Q. And she sent her mother's birthday

4 information, right?

5 A. Yes.

6 Q. And she sent her driver's license

7 information, right?

8 A. Yes, she did.

9 Q. And was that in relation to the

10 conversations you had -- excuse me. Was that in

11 relation to the many conversations you had about

12 their wanting a car?

13 A. Yes, it was.

14 Q. Did you ask for Janet Ventura's driver's

15 license information?

16 A. No.

17 Q. Did you know Davellin was going to send you

18 Janet Ventura's driver's license information?

19 A. No.

20 Q. What was your reaction when you received it?

21 A. I guess it was -- I knew that they wanted

22 the car, so it didn't really surprise me, even

23 though she didn't tell me she was sending it, but it

24 didn't really surprise me.

25 MR. MESEREAU: No further questions.

26 MR. SNEDDON: Would you leave that exhibit

27 there for a second?

1 CROSS-EXAMINATION

2 BY MR. SNEDDON:

3 Q. Good afternoon.

4 A. Good afternoon.

5 Q. Miss Pryor, I just want to ask you a few
6 questions. I won't be long.

7 A. All right.

8 Q. With regard to your relationship with the
9 Arvizo family - okay? - I believe you've indicated
10 in the past that you found the family to be a very
11 affectionate family, correct?

12 A. Yes, very much so.

13 Q. And in fact, Davellin used, as you've
14 indicated, the term "sister" in relationship to
15 describe her relationship with you.

16 A. Yes.

17 Q. And they were a family that would like to
18 hug people even the first time they met them,
19 correct?

20 A. Yes.

21 Q. And some people, who aren't familiar with
22 the family or the way they behaved, sometimes took
23 that the wrong way?

24 A. I don't know.

25 Q. Okay. But you didn't take -- it didn't
26 bother you that they hugged you?

27 A. Not at all.

28 Q. Okay. And you knew that they were a 11245

1 religious family, correct?

2 A. Yes.

3 Q. They would use the term "God bless" a lot to
4 express thanksgiving for things?

5 A. Yes.

6 Q. And you, in fact, went over to pray one time
7 with Janet, correct?

8 A. Yes. Yes.

9 Q. Now, when you went to the Soto Street
10 apartment, that was a -- to call it an apartment may
11 even be misleading. It was a one-room apartment,
12 correct?

13 A. Correct. It was a studio apartment.

14 Q. There was no bedroom in it. Everybody was
15 in one room, correct?

16 A. Right.

17 Q. Did you observe mattresses on the floor?

18 A. Yes.

19 Q. And the room was divided off with sheets
20 hanging up just to partition it into certain areas?

21 A. I never saw any sheets.

22 Q. So you just saw mattresses on the floor?

23 A. Yes.

24 Q. And it was your understanding that everybody
25 was sleeping in that one room, correct?

26 A. Correct.

27 Q. Now, you've described how you met Janet

28 Arvizo for the first time, and you've described some 11246

1 of your relationships with the children. I'd like

2 to just review some of this, if we can.

3 You indicated that you and Chris Tucker and

4 your son visited Gavin in the hospital on New Year's

5 Eve, correct?

6 A. Correct.

7 Q. Actually, it was -- it was the next year,

8 right?

9 A. New Year's day, yes.

10 Q. New Year's day. But it was early in the

11 morning?

12 A. Right.

13 Q. So you got there just in time to be there

14 for the year 2001, correct?

15 A. Right. We got there on January 1st, 2001.

16 Q. Yes, ma'am. When you got there, you

17 actually -- Janet was not there?

18 A. No, she was not.

19 Q. But you did talk to her on the phone,

20 correct?

21 A. Yes, I did.

22 Q. And when you talked to her on the phone, she

23 thanked you for everything you had done for Gavin,

24 right?

25 A. Yes, for her family.

26 Q. For her family. And she said that -- even

27 in that conversation, though she had never met you,

28 she said she loved you for what you had done for 11247

1 them?

2 A. Correct.

3 Q. Now, you talked about Knott's Berry Farm and
4 you talked about the premier and the Oakland game,
5 but let me ask you another thing about this.

6 Was there an occasion when Chris Tucker's
7 brother got married?

8 A. Yes.

9 Q. And did you go to that wedding?

10 A. Yes.

11 Q. And did you invite the Arvizo children to go
12 with you?

13 A. I don't remember if I did or Chris did, but
14 one of us did.

15 Q. But the Arvizo children went with you to
16 Chris Tucker's brother's wedding, correct?

17 A. No, they came in their mother's car.

18 Q. Okay. I'm sorry. But they were there
19 because you invited them?

20 A. Yes.

21 Q. Either you or Chris?

22 A. Yes.

23 Q. And they were there as your guests?

24 A. Yes.

25 Q. You were with Chris?

26 A. Uh-huh.

27 Q. And was -- were there a lot of people at

28 this wedding? Was it a big wedding? 11248

1 A. There were about 60 people altogether.

2 Q. Okay. And where was it held?

3 A. In Pasadena.

4 Q. At a private club?

5 A. It was at a residence.

6 Q. At a residence?

7 A. Uh-huh.

8 Q. A nice residence?

9 A. Yes.

10 Q. And then you invited them to your son's

11 birthday party at the ranch?

12 A. Yes.

13 Q. And was there an occasion where you actually

14 stayed at the ranch with the children for about a

15 week after the birthday party?

16 A. No.

17 Q. So to your knowledge, was Chris Tucker there

18 with them for about a week during the summer?

19 A. I have no idea.

20 Q. Okay. You weren't there if they were?

21 A. I wasn't there.

22 Q. Okay, fine. Now, Davellin -- Davellin --

23 A. Davellin.

24 Q. -- called you her big sister, right?

25 A. Yes.

26 Q. Did you call her your little sister?

27 A. Yes.

28 Q. And it's clear you have a very strong 11249

1 affection for Davellin and the boys. And she did
2 stay at your house on occasion?

3 A. Yes.

4 Q. Did you find her helpful when she stayed at
5 the house in playing with your son and helping take
6 care of your son?

7 A. Yes. She's very nurturing. Very sweet
8 girl.

9 Q. Very loving girl?

10 A. Very loving.

11 Q. Somebody you really cared for a lot?

12 A. Yes.

13 Q. And still do?

14 A. Yes.

15 MR. SNEDDON: Hand me that pen.

16 Q. Now, you told us about attending Davellin's
17 graduation from the academy.

18 A. Yes.

19 Q. The Explorer academy. And when you attended
20 that graduation, did you sit with Janet Arvizo?

21 A. Yes, I did.

22 Q. And it's true, is it not, that on that
23 particular occasion, you actually observed bruises
24 and injuries on Mrs. Arvizo's person, correct?

25 A. Yes, I did.

26 Q. Now, Mr. Mesereau asked you about this
27 conversation about Gavin hurting his arm and the

28 conversation about the glove. Do you remember that? 11250

1 A. Yes.

2 Q. And do you remember you saying to Janet if
3 she needed some equipment, you'd give her the
4 equipment; you'd give her the money to get the
5 equipment, correct?

6 A. I said if she needed anything, just to ask,
7 and if I could do it, I would help her.

8 Q. Did she ever ask you to buy any equipment
9 for the family?

10 A. No.

11 Q. Now, let's talk a little bit about the DSS
12 meeting that you went to with Miss Arvizo.
13 You had had at least, as I recall your
14 testimony, at least two conversations with her prior
15 to the time that you went to the St. Andrews Street
16 address on the 20th, correct?

17 A. I'm sure I had more than two conversations.

18 Q. I said at least two.

19 A. Yes.

20 Q. And one was the night before where she gave
21 you directions on how to get there?

22 A. Correct.

23 Q. And one was before that in which she
24 expressed to you that there was going to be some
25 kind of a meeting with DSS?

26 A. Yes.

27 Q. And when she talked to you about that, she

28 told you that she was really scared about the 11251

1 meeting, correct?

2 A. She didn't say she was really scared about
3 the meeting. She was afraid that her children may
4 be taken from her. I don't know if she was afraid
5 it was going to happen at that meeting, but just the
6 whole surroundings of this documentary and actually
7 someone calling and reporting her to Social Services
8 was scary for her.

9 Q. Okay. So she was very concerned about
10 whether or not they might take her children from
11 her?

12 A. Yes.

13 Q. And you knew that that was her mindset
14 before she went into that interview?

15 A. Yes.

16 Q. And the concern was directly related to, as
17 you understand, directly related to the fact that
18 Gavin had appeared with the defendant, Michael
19 Jackson, in the Bashir video, correct?

20 A. Can you repeat that? I'm sorry.

21 Q. Yes, ma'am. The concern of Mrs. Arvizo was
22 that the DSS folks had focused on the fact that
23 Gavin had appeared in the Bashir video, correct?

24 A. I don't know if that was her main concern.
25 I'm sure that had something to do with it since it
26 seems like this investigation had arisen since the
27 documentary aired. But I don't know if that was her

28 main concern, just because her son had appeared in a 11252

1 video with Michael Jackson.

2 Q. Had you seen the video before you went to
3 the DSS meeting?

4 A. Which video?

5 Q. The documentary.

6 A. Yes, I had.

7 Q. Okay. And you had seen Gavin in the
8 documentary?

9 A. Yes, I had.

10 Q. You recognized him?

11 A. Yes.

12 Q. And you recognized that it was Gavin sitting
13 on the couch with the defendant in this case with
14 his head on his shoulder?

15 A. Yes, I did.

16 Q. And holding hands with him?

17 A. Yes.

18 Q. Okay. And you knew also that during the
19 same documentary -- let's call it a "documentary" so
20 we don't confuse it with the other video that you
21 mentioned. That in that documentary also, that Mr.
22 Jackson had stated publicly that he slept with
23 little boys, correct?

24 A. Correct.

25 Q. Okay. Now, it was the media attention that
26 had been generated by those scenes and those
27 statements that was causing the DSS people to

28 investigate Janet, correct? 11253

1 A. I believe so. I'm not sure if there was
2 something else involved, but I believe it was
3 stemming from that documentary.

4 Q. So this was the nature of the relationship
5 between Gavin and the defendant, Michael Jackson,
6 that was -- that was the reason that she was
7 concerned about being declared an unfit mother, or,
8 let me change that, in your words, that they would
9 take the children away at some point?

10 A. Yes.

11 Q. Now, you mentioned that -- when you were at
12 the DSS meeting, that Janet -- at some point you
13 were asked or told that you would have to leave by
14 the Department of Social Services ladies. The
15 social workers, let's just call them that.

16 A. Yes.

17 Q. And you said that Janet objected to that?

18 A. Yes, she did.

19 Q. And you used the word "absolutely objected"?

20 A. She was adamant.

21 Q. Okay. And do you remember that?

22 A. Yes.

23 Q. So do you know that that conversation was
24 tape-recorded?

25 A. What conversation?

26 Q. The conversation with the Department of --
27 the social ladies, the social workers.

28 A. No, I wasn't aware of that. 11254

1 Q. Have you heard a tape of it?

2 A. Not at all.

3 Q. Did Mr. Mesereau provide you a tape to
4 listen to before you testified?

5 A. No.

6 Q. So you at no time, up to me just telling you
7 this, did you know that there was actually
8 tape-recording of that part of the conversation?

9 A. No. Actually, I heard that there was a
10 tape-recording, but I wasn't aware of it at the
11 time. It was up until recently.

12 Q. Do you recall during that conversation that
13 when the social workers asked you to leave, that
14 Mrs. Arvizo actually apologized to the social
15 workers for having invited you and said it was her
16 fault for having you come?

17 A. I don't remember that.

18 Q. Now, let's just talk a little bit about a
19 couple of things dealing with some of the
20 conversations that you had with Mrs. Arvizo.
21 Just so we don't -- so we can make it easier
22 for both of us and for everybody, let's talk
23 about -- let's give these things different names,
24 okay?

25 A. Okay.

26 Q. I want to ask you some questions about the
27 Martin Bashir documentary, okay?

28 A. Okay. 11255

1 Q. And then there is what has variously been
2 called the rebuttal video that occurred the night
3 before you went over to the house for the Department
4 of Social Services meeting, okay?

5 A. Correct.

6 Q. All right. Now, with regard to the Bashir
7 documentary, it's true, is it not, that Mrs.
8 Arvizo's conversations with you about the fact that
9 no release had been signed dealt with the Martin
10 Bashir documentary, correct?

11 A. Prior to the Martin Bashir documentary, I
12 don't recall us having any conversation about any
13 release being signed. It wasn't until two to three
14 weeks after she was interviewed by the social
15 workers.

16 Q. Right. But the conversation about -- that
17 she was complaining about the lack of a release
18 being signed had to do with the Bashir documentary,
19 correct?

20 A. Correct.

21 Q. It wasn't anything to do with the rebuttal
22 film that had occurred the night before the
23 Department of Social Services?

24 A. No, it was not.

25 Q. All right. Let's talk just a little bit
26 about the car.

27 A. Okay.

28 Q. Mr. Mesereau asked you a number of times 11256

1 about them asking about a car, asking for a car,
2 okay? In this particular situation, actually Chris
3 Tucker had given them the car, right, your car, to
4 your knowledge?

5 A. He had not given them the car. The car has
6 never left my -- my parking space.

7 Q. It eventually never went to them, but your
8 understanding was that he had indicated to them that
9 he was giving them your car, correct?

10 A. Yes.

11 Q. As a gift?

12 A. Yes.

13 Q. Out of the kindness of his heart?

14 A. Yes.

15 Q. So it wasn't a car. It was the car. It was
16 your car.

17 A. Right. It was my car.

18 Q. Yeah. And part of the problem here was that
19 during the month of February, Mr. Tucker had flown
20 to Florida and then was gone the entire month of
21 February, correct?

22 A. I don't remember. I don't think he was gone
23 the entire month of February.

24 Q. He was gone for an extended period of time?

25 A. He may have been.

26 Q. But in any case, the car that they were
27 talking about was your car that you had -- let me go

28 back. You got a new car, right? 11257

1 A. Yes.

2 Q. You got a Mercedes?

3 A. Yes.

4 Q. An SUV Mercedes?

5 A. Yes.

6 Q. Did the children go with you when that car
7 was picked out?

8 A. I wasn't there when the car was picked out.

9 The children went with Chris to pick out the car.

10 Q. And to your knowledge, did Chris let them
11 pick out the color for the car?

12 A. I don't know. I think they may have
13 mentioned that before, but I don't know. The
14 children told me that they actually went with Chris.

15 Q. When he bought the car for you?

16 A. Right.

17 Q. You mentioned giving the Arvizo family a
18 cashier's check for Christmas as a present, correct?

19 A. Correct.

20 Q. And that was in the year 2001, for the
21 Christmas 2001?

22 A. Yes.

23 Q. And you sent that to them with a nice
24 Christmas card and a note, right?

25 A. I'm sure I did, yes.

26 Q. And as a matter of fact, they also gave you
27 some Christmas presents and gift certificates for

28 your son, correct? Do you recall that? 11258

1 A. I remember them giving me gift certificates.

2 I don't know when it was, if it was that Christmas
3 or Mother's Day. They would send me gifts from time
4 to time, different holidays.

5 Q. So the feeling between you and the kids was
6 that it was one of -- that close, that you would
7 actually exchange gifts and pleasantries with each
8 other, correct?

9 A. Correct.

10 Q. I actually just have one more question.

11 A. Great.

12 Q. I know that's a great relief to you.

13 When -- actually, I have two, I'm sorry. That's a
14 lawyer's problem. They can never ask just one.
15 But the exhibit that Mr. Mesereau handed
16 you, which is the 5095, which is the one with the
17 information on it --

18 A. Okay.

19 Q. -- that I'm showing you now, actually the
20 document itself contains an affectionate note from
21 Davellin to you before all the information about the
22 driver's license and all that, does it not?

23 A. Yes.

24 Q. And in fact, there's like a heart at the top
25 of it with "February," and then there's a nice note
26 to you about how much she loves you and cares for
27 you?

28 A. Yes. 11259

1 Q. And then the information is below that?

2 A. And then the driver's license information.

3 Q. Okay. She signs it, "Love, your little

4 sister"?

5 A. Right.

6 Q. Okay. Now we can get to the last question.

7 A. Okay.

8 Q. At the time you were with the Department of

9 Social Services workers and just before you were

10 asked to leave, do you recall that?

11 A. Yes.

12 Q. Do you recall telling the Department of

13 Social Services that you would like to stay because

14 you considered these people your family?

15 A. I didn't say that. Janet said that. She

16 said she would like for me to stay because I am her

17 family.

18 Q. Do you recall making this statement? "I

19 mean, I was -- I'm here to support my family.

20 That's -- you know, but I understand your policies

21 about it. If she wants, you know, she needs me with

22 them."

23 Did you make that statement?

24 A. Maybe I did. I don't know. I don't really

25 remember saying that. I may have said that, yes.

26 Q. But you used the term "family" --

27 A. Right.

28 Q. -- there, "to support my family"? 11260

1 A. I don't know if I said there "to support my
2 family," but I have used "my family," that term
3 before when talking about them. So I may have said
4 it that day.

5 MR. SNEDDON: Okay. Thank you. No further
6 questions.

7

8 REDIRECT EXAMINATION

9 BY MR. MESEREAU:

10 Q. Ms. Pryor, nowhere in the Bashir documentary
11 does Mr. Jackson ever say, "I sleep with little
12 boys," does he?

13 A. No, that was an issue that Janet and I
14 talked about. My understanding of watching the
15 documentary was that Mr. Jackson said that children
16 have slept in his bed and he slept on the floor.
17 And that was another issue why we didn't understand
18 there was being such a big uproar about this when he
19 clearly said that he slept on the floor.

20 Q. And Mr. Jackson makes a point to say that he
21 never has any sexual contact with children, right?

22 A. I believe he did.

23 Q. The words "I sleep with little boys" are
24 just made up by the government, right?

25 MR. SNEDDON: Your Honor, I'm going to
26 object. That is argumentative, and I'd ask counsel
27 to be admonished for this.

28 THE COURT: Sustained. It's argumentative. 11261

1 Q. BY MR. MESEREAU: Now, Mr. Jackson also in
2 that documentary talks about children needing more
3 love and attention, doesn't he?

4 A. Yes.

5 Q. He talks about kids bringing guns into
6 schools, doesn't he?

7 MR. SNEDDON: Your Honor, I'm going to
8 object as leading, suggestive.

9 THE COURT: Sustained.

10 Q. BY MR. MESEREAU: Now, the prosecutor, Mr.
11 Sneddon, talked about Mr. Jackson holding hands with
12 Gavin, correct?

13 A. Correct.

14 Q. Isn't it correct that Gavin often wanted to
15 hold hands with people around him?

16 MR. SNEDDON: Your Honor, I'm going to
17 object. Calls for a conclusion, speculation, and
18 it's leading.

19 THE COURT: Sustained.

20 Q. BY MR. MESEREAU: Did you ever see the
21 rebuttal footage of the Arvizo family interview when
22 Janet says to Gavin, "Let's hold hands"?

23 A. I haven't seen any rebuttal footage of the
24 Arvizos, no.

25 Q. Do you remember Janet often saying, "Let's
26 hold hands"?

27 A. Yes.

28 Q. She said that to you, didn't she? 11262

1 A. I don't remember.

2 Q. Didn't Janet tell you that her family all
3 held hands and prayed to God that they would meet
4 Michael Jackson and Chris Tucker?

5 A. Yes, she did.

6 Q. And when the prosecutor, Mr. Sneddon, asked
7 about the Arvizos being affectionate, you agreed
8 with him, right?

9 A. Very much so.

10 Q. When he said they were very unduly and very
11 quickly affectionate with people, you agree with
12 that, right?

13 A. Very much so, yes.

14 Q. And they used to immediately hug people,
15 correct?

16 A. Yes.

17 Q. People they hardly knew, right?

18 A. I don't know, but -- I don't know. I
19 haven't really been around them when they just met
20 strangers, but anyone who I ever brought around
21 them, yes, they --

22 Q. I'm sorry.

23 A. -- they were very affectionate towards them.

24 Q. Part of their being affectionate was also
25 holding hands at times, right? Ever see them hold
26 hands?

27 MR. SNEDDON: Well, Your Honor, let -- she

28 was waiting for the answer to the first question. 11263

1 THE WITNESS: I've seen them hold hands.

2 THE COURT: All right. That's okay. Go to
3 your next question.

4 MR. MESEREAU: Okay.

5 Q. Now, the prosecutor, Mr. Sneddon, asked you
6 if you'd been to the Soto Street address, right?

7 A. Yes.

8 Q. Have you been to the grandparents' address?

9 A. No.

10 Q. But you've been to what you now know is Jay
11 Jackson's address, correct?

12 A. Yes.

13 Q. When Janet -- excuse me. When Davellin and
14 Janet were asking you for a car, did you know
15 whether or not Jay Jackson was supporting them?

16 A. I was not aware that Jay Jackson was even in
17 the picture during this time.

18 Q. Okay. Was -- Janet and Davellin, were they
19 telling you they were too poor to get a car?

20 MR. SNEDDON: Object. Calls for hearsay and
21 leading.

22 THE COURT: Compound, sustained.

23 Q. BY MR. MESEREAU: At the time they were
24 asking you for a car, did you know whether or not
25 Janet was collecting welfare checks?

26 MR. SNEDDON: Object, Your Honor. This is
27 compound and leading.

28 THE COURT: It's sustained. Compound. 11264

1 Q. BY MR. MESEREAU: Well, when they
2 consistently called you, call after call, and asked
3 for an automobile, did they tell you in any of those
4 conversations that they were too poor to buy a car?

5 MR. SNEDDON: Your Honor, I'm going to
6 object to that as argumentative in the use of the
7 word "consistently."

8 THE COURT: Sustained.

9 MR. MESEREAU: I have no further questions,
10 Your Honor.

11 MR. SNEDDON: No questions, Your Honor.

12 Thank you.

13 THE COURT: All right. Thank you. You may
14 step down.

15 THE WITNESS: Thank you.

16 MR. SANGER: Your Honor, our next witness
17 would be -- our next witness would be Mr. Nimmer.

18 BAILIFF CORTEZ: Mr. Sanger?

19 THE BAILIFF: I'll come get it.

20 THE COURT: Are you prepared to show me that?

21 (To the jury) All right. I have to review a
22 piece of evidence here that's going to take,
23 according to counsel, 19 minutes and 8 seconds.

24 MR. SANGER: Three seconds.

25 THE COURT: Three seconds. So I'm going to
26 let you go outside and have some more soup.

27 A JUROR: There's none left.

28 THE COURT: Ahh. 11265

1

2 (The following proceedings were held in
3 open court outside the presence and hearing of the
4 jury:)

5

6 MR. SANGER: Your Honor, are you ready to
7 proceed?

8 THE COURT: Yes. Is it "1" or "4"?

9 MR. SANGER: All right. Before I start it,
10 let me just state for the record that we have
11 Exhibit 5089, which I think I already identified for
12 the record. I've put that in the machine, and then
13 we'll keep a good thought.

14 It might be helpful if we could have the
15 lights. Thank you. I know there's somebody usually
16 on the other side there.

17 THE BAILIFF: Is there sound?

18 MR. SANGER: No, there is no sound with
19 this, Your Honor.

20 (Whereupon, a DVD, Defendant's Exhibit 5089,
21 was played for the Court.)

22 MR. SANGER: That's the end of the video,
23 and we would propose to have Mr. Nimmer narrate
24 basically where he was when he was shooting, and he
25 would say, "This is the front gate," "This is
26 Figueroa," "This is the guest unit," that sort of
27 thing.

28 MR. SNEDDON: Judge, as I indicated earlier, 11266

1 I believe that this -- a good deal of what's in this
2 video is inadmissible. And particularly
3 objectionable is those parts that deal with having
4 staff out there doing things, basically scripted
5 or -- "scripted" is probably not a good word to use
6 in light of everything that's happened in this
7 courtroom, but certainly the way they're performing
8 on the video and performing for the camera
9 specifically.

10 Secondly, there are some parts about this
11 that there is no way to establish that this is the
12 way that the premises looked at the time of the
13 events in February and March of 2003. And I believe
14 this video, portions of it were filmed earlier this
15 year and maybe portions of it recently, and we know
16 for a fact that certain portions of it are different
17 from when we went out there, when members of the
18 sheriff's department went out there in December of
19 2004.

20 So it's misleading to the jury in the sense
21 that it portrays certain locations and places
22 different than they were and certain facilities. If
23 this were simply a video of somebody showing the zoo
24 or showing the giraffes or showing the amusement
25 park -- and you can see it's unduly suggestive in
26 the fact that they have notes on the board that are
27 obviously propaganda in the sense they're notes

28 with, "We love you, Daddy," and in the mail room 11267

1 where they took them, there was actually a sign of
2 protest dealing with this case.

3 Those things don't belong in front of the
4 jury, and it's highly inappropriate focusing on one
5 particular picture and one particular room. And so
6 I just think that this video should not be admitted.
7 It's -- it's 352. It's of little or no value to the
8 jury, and that it would tend to mislead the jury as
9 to the factual issues they have to make.

10 And I think it's particularly misleading
11 with regard to the fact of the clocks. There's some
12 testimony about where the clocks were. It's not
13 inconsistent with what's portrayed here, but the way
14 they portrayed it here is the way the clocks were
15 operating when this video was taken, and it misleads
16 the jury that they may have been operating
17 differently at another time.

18 And so I think in all respects that this
19 video should not, in its current condition, be
20 submitted to this jury for observation and review,
21 and we object to that, Your Honor.

22 Thank you.

23 THE COURT: Well, I think the -- I did deny
24 the request to go to the Neverland Ranch, but I had
25 in mind, when I denied that, that the parties would
26 be capable of showing the property with a video such
27 as this. And there's some truth to the fact they're

28 showing -- I guess it's probably the typical welcome 11268

1 that the guests get at Neverland when they go there,
2 but I don't think it's a prejudicial issue, and I'll
3 allow the film.

4 MR. SNEDDON: Judge, I can't convince the
5 Court that they should edit out some of the parts
6 that are really inappropriate for the jury to see?
7 It's a simple editing job. It seems to me if you're
8 going to let some of it in, that's fine, but it also
9 seems to me that some of those things are really not
10 appropriate, particularly the writings on the
11 chalkboard and --

12 THE COURT: Well, I don't know. It moves
13 pretty rapidly. I mean, I didn't get the feeling
14 that I could read any of that material. It moves
15 right along. I tried to -- I started to look at it,
16 and about the time I was understanding what might be
17 there, it was gone. So I don't really see any
18 problem with it.

19 I would not want you dwelling on those items
20 with your narrator, if you had that in mind. You
21 haven't said that you do.

22 MR. SANGER: No. In fact, we will make it
23 clear the narrator did this in 2005. It says it
24 right on the -- on the video. And the thing on the
25 board was just there when he was out there. It was
26 Mr. Jackson's kids had written something, evidently.
27 But that's clear he did it in 2005, and the jury

28 will know it wasn't in 2003. 11269

1 THE COURT: All right.

2 MR. SANGER: What I'd propose to do is to
3 play the other tape first, the one we have an
4 agreement on, and we can probably do that before we
5 have the break.

6 THE COURT: All right. Let's have the jury
7 come in, and we'll play the other part first.
8 Did you call them in?

9 THE BAILIFF: I did.

10

11 (The following proceedings were held in
12 open court in the presence and hearing of the
13 jury:)

14

15 THE COURT: When you get to the witness
16 stand, please remain standing. Face the clerk over
17 here. Raise your right hand.

18

19 LAURENCE NIMMER

20 Having been sworn, testified as follows:

21

22 THE WITNESS: Yes, I do.

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

25 THE WITNESS: Hello. Laurence, or Larry,
26 Nimmer. Laurence is L-a-u-r-e-n-c-e. Nimmer is
27 N-i-m-m-e-r.

28 THE CLERK: Thank you. 11270

1 MR. SANGER: Okay. May I proceed, Your

2 Honor?

3 THE COURT: Yes.

4 DIRECT EXAMINATION

5 BY MR. SANGER:

6 Q. Mr. Nimmer, how are you presently employed?

7 A. I have a legal graphics, demonstrative

8 evidence company.

9 Q. All right. And you did just the right

10 thing. We have to tell every witness to sit right

11 up into that right microphone.

12 A. Okay.

13 Q. All right. And how long have you had a

14 legal graphics company?

15 A. I've had my company for 13 years, and I've

16 worked in the field another two years.

17 Q. All right. Can you give us your background,

18 training, and experience that leads up to your being

19 employed in the legal graphics field?

20 A. Well, I have an undergraduate degree in

21 architecture, and then I studied broadcasting at San

22 Francisco State University. I worked in T.V. news

23 for the CBS affiliate in San Francisco. And I've

24 been involved in graphics and multi-media for the

25 last 30 years.

26 Q. Now, as far as the legal graphics aspect and

27 legal documentation aspect is concerned, I think

28 you've said you've been doing this for about 15 11271

1 years?

2 A. Correct.

3 Q. All right. And during that 15 years, have

4 you had occasion to prepare exhibits for

5 presentation in court cases?

6 A. Yes, quite a few.

7 Q. Is that one of the main things that you do?

8 A. That is correct.

9 Q. All right. Can you tell us whether or not

10 you have been called to testify in any of the courts

11 in this general area?

12 A. Yes, I have.

13 Q. And what courts do you recall testifying in?

14 A. Santa Barbara. Ventura. Los Angeles.

15 Q. Have you testified in Santa Maria courts?

16 A. I don't believe I've testified here. I've

17 had trial exhibits in these courts.

18 Q. Have you testified in San Luis Obispo?

19 A. I have not testified there. I've had trial

20 exhibits there.

21 Q. Your exhibits have been received in court

22 without your testimony?

23 A. Correct.

24 Q. All right. Now, over the course of your

25 work in the last 13 years in your own company, about

26 how many cases have you prepared exhibits for?

27 A. Between 900 and a thousand.

28 Q. And about how many exhibits do you believe 11272

1 have been, to your knowledge, admitted into evidence
2 in court?

3 A. I would guess around a thousand exhibits --

4 Q. So you prepared --

5 A. -- I'd estimate.

6 Q. So you've prepared more than one exhibit --

7 A. Per trial.

8 Q. -- per case?

9 A. Yes.

10 Q. So a percentage of the cases you work on go
11 to trial, and of those, there's a number of exhibits
12 per case that might go before a jury or before a
13 judge; is that correct?

14 A. That's correct.

15 Q. All right. Now, you have -- have you worked
16 primarily in the criminal area or the civil area?

17 MR. SNEDDON: Your Honor, in order to
18 expedite this, I'll stipulate to his qualifications.

19 We can just move on to the --

20 MR. SANGER: I'll accept the stipulation. I
21 need to ask a couple more foundational questions for
22 the first tape, but --

23 THE COURT: Okay.

24 MR. SANGER: Thank you.

25 THE COURT: Thank you.

26 Q. BY MR. SANGER: Now, as far as the work that
27 you do, does part of it involve preparing diagrams

28 and charts for court? 11273

1 A. Yes.

2 Q. Does part of it involve preparing video
3 documentation?

4 A. Yes.

5 Q. And can you explain what the purpose is to
6 video documentation, in general? What are you doing
7 when you're doing that?

8 A. Generally it's to give an objective view of
9 a scene, or an object, or whatever the subject
10 matter.

11 Q. And have you worked for both sides in cases,
12 both the plaintiff's side and the defense side?

13 A. Yes, I have.

14 Q. When you say -- I think you said "an
15 objective view." Were those your words?

16 A. Yes.

17 Q. Is it possible to manipulate video or visual
18 media to give a distorted view of something?

19 A. Yes.

20 Q. Do you attempt to avoid that when you're
21 preparing a video documentation?

22 A. Yes, I do.

23 Q. Can you explain what kind of video
24 documentation you often prepare for court cases?

25 A. I've done day-in-the-life videos that
26 document, if someone's been injured, what their
27 quality of life is now or when they were involved in

28 a certain job. 11274

1 I've documented accident scenes, different
2 environments, buildings, that type of thing.

3 Q. All right. And you mentioned day in the
4 life. Can you just explain just briefly what that
5 means?

6 A. Well, if someone in a personal injury case
7 has been injured, sometimes I will follow them
8 around and show what their quality of life now is
9 for the jury to be able to evaluate what their
10 problems are or what their lifestyle is like,
11 basically.

12 Q. All right. In this particular case, did you
13 prepare two different videos?

14 In fact, what I'll do, Your Honor, let me
15 back up for a second. During the break, I asked
16 that a DVD, which I'm calling a video, be marked as
17 Exhibit 5096, and it's entitled, "Neverland alarm
18 test."

19 And then prior to this, I believe out of the
20 presence of the jury, we marked -- we had already
21 identified a video entitled "Neverland Ranch 2005,"
22 and that was marked for identification as 5089.

23 THE COURT: Yes.

24 MR. SANGER: Okay. Thank you.

25 May I approach the witness with these
26 exhibits?

27 THE COURT: Yes.

28 Q. BY MR. SANGER: All right. You have before 11275

1 you Exhibit 5096?

2 A. Yes.

3 Q. Okay. Do you see the little yellow tab on
4 there?

5 A. I do.

6 Q. Okay. And what is that?

7 A. The Neverland alarm test.

8 Q. And is that a video that you created?

9 A. Yes, it is.

10 Q. All right. Now, with regard to that video,
11 did you have a particular assignment that you were
12 asked to carry out?

13 A. Yes, I did. Should I describe it?

14 Q. Yes, please.

15 A. I was asked to document the sound of the
16 alarm in the private suite of Mr. Jackson, both
17 downstairs in the private suite and upstairs in the
18 bedroom area.

19 Q. Okay. When we say "alarm," I suppose that's
20 what it says on the video. Can you describe what
21 this is? You say "alarm." What is it?

22 A. Yes, it's kind of a chime sound that is
23 triggered when someone walks in the outer area of
24 the private suite.

25 Q. All right. And did you have occasion to go
26 to Mr. Jackson's home?

27 A. Yes, I did.

28 Q. Did Mr. Jackson give you permission to go in 11276

1 there and spend the time you needed to do this
2 video?

3 A. Yes.

4 Q. All right. Did you have any assistance in
5 doing this video?

6 A. I used the assistance of a maid on the
7 property to walk out and walk in to trigger the
8 alarm. I had an assistant with me for some other
9 purposes, but during the alarm test, I didn't have
10 any other really assistance on that.

11 Q. So basically for the alarm test, you pretty
12 much commandeered somebody who was working that day;
13 is that correct?

14 A. Correct.

15 Q. And you asked her to walk through the
16 hallway area to set off the chimes, or the bell, or
17 whatever it was, correct?

18 A. That's correct.

19 Q. And then what did you do to record the sound
20 of that bell?

21 A. I used my professional video camera, it's a
22 Sony VX2100, and I used the internal stereo
23 microphone on the camera to record the sound.

24 Q. Did you make any modifications to that
25 camera in order to do this test?

26 A. No.

27 Q. How long have you had that camera?

28 A. Approximately a year, year and a half. 11277

1 Q. And have you used that camera during the
2 last year, year and a half routinely in other cases?

3 A. Yes. About every day, every other day.

4 Q. All right. So that's your regular everyday
5 camera is what you're saying?

6 A. Correct.

7 Q. All right. Now, in the course of doing
8 this -- we're going to show it, but before we do --
9 or we're going to ask to show it. Before we do,
10 though, I want you to set it up a little more.

11 In the course of this, do you recall where
12 you were standing during the first part of the test?

13 A. During the first part of the test I was
14 inside the private suite area downstairs, perhaps
15 about 15 feet from the front door, opposite the
16 front door.

17 Q. And did you have -- do you remember the name
18 of the particular employee who you asked to help
19 you?

20 A. I believe her name was Maria.

21 Q. Do you remember her last name?

22 A. No.

23 Q. Does Maria Gomez sound right? Or you don't
24 know?

25 A. I'm afraid I don't know her last name.

26 MR. SANGER: I'd like to refer to her by her
27 last name.

28 Is there any objection to my doing that? 11278

1 Miss Gomez? I can represent to the Court, as you'll
2 see, that's who it is.

3 THE COURT: Is there any problem with that,
4 Mr. Sneddon?

5 MR. SNEDDON: I'm assuming that's who it is.

6 Q. BY MR. SANGER: So I'll refer to Miss Gomez.

7 A. Okay.

8 Q. Just so we're proper and polite here.

9 What did you instruct Miss Gomez to do?

10 A. I instructed her, once the camera was
11 recording, to walk out and then walk back in.

12 Q. Now, did you have her go down the hallway a
13 certain point?

14 A. Correct. There's an outer hallway where the
15 alarms or the chimes are triggered. I had her walk
16 through there so she was on the other side of it,
17 and then walk in.

18 Q. You say the other side of the hallway.

19 Would that be the door that's adjacent to the foyer
20 and the front door?

21 A. That's correct.

22 Q. So you had her walk down that little hallway
23 and turn around and walk back into the room; is that
24 correct?

25 A. That's correct.

26 Q. And did you have her close the door behind
27 her as she went out?

28 A. Yes. And possibly it automatically closed. 11279

1 Q. Okay. Now, so -- and the first test was you
2 standing on the first floor of Mr. Jackson's suite,
3 private suite area, and doing just what you said.

4 What was the second test?

5 A. The second test was upstairs in the private
6 bedroom area. My camera was positioned two or three
7 feet kind of behind the bed. So we see the bed in
8 the foreground pointing towards the stairway where
9 people walk up to get upstairs to the private
10 bedroom.

11 And your question was what was the test?

12 Q. Well, that was -- I think you answered my
13 question. I think. But let's try another question.

14 All right. And that's where you were
15 located. So then what did you instruct Miss Gomez
16 to do?

17 A. I instructed her, similar to the first test,
18 to walk downstairs, walk through the room
19 downstairs, through the hallway downstairs where the
20 alarm is triggered, to walk all the way out into the
21 foyer area, and then to turn around and walk back in
22 through the hallway, through the downstairs area, up
23 the stairway into the private bedroom.

24 Q. All right.

25 A. And I should mention we had the door open at
26 the bottom of the steps.

27 Q. So we're going to get to that.

28 The second test we're going to see, the door 11280

1 at the bottom of the steps --

2 A. Of the stairway.

3 Q. -- it's an internal door in between the
4 first-floor room and the hallway and stairway
5 leading up to the second-floor room. There's a door
6 there; is that correct?

7 A. That's correct.

8 Q. So the second test, in the sequence of three
9 tests here, you had the door open, correct?

10 A. That's correct.

11 Q. And then what was the third test?

12 A. The third test was just the same as the
13 second test; however, we had the door closed at the
14 bottom of the stairway which leads up to the
15 upstairs bedroom.

16 Q. All right. Now, have you had a chance to
17 listen to the -- or listen to and watch the video
18 that you prepared?

19 A. Yes.

20 Q. You were there, of course, during the time
21 this was being filmed? You were the one filming it,
22 correct?

23 A. Correct.

24 Q. Did you have an opportunity to compare what
25 you heard on the video to what you heard with your
26 own ears as you were standing there?

27 A. Yes.

28 Q. Does the video fairly and accurately depict 11281

1 what you heard?

2 A. I'd say fairly and accurately. Perhaps the
3 last test, with the door closed downstairs, I
4 believe the alarm actually sounded somewhat louder
5 in person than you'll hear it on the tape. But
6 otherwise, I believe it's more or less like the
7 experience of being there.

8 MR. SANGER: All right. And with that, Your
9 Honor, I'd like to play 5096, if we may. I think I
10 need to move it into evidence first, which I do.

11 MR. SNEDDON: No objection.

12 THE COURT: All right. It's admitted.

13 MR. SANGER: And -- all right. And now I've
14 got to retrieve it.

15 THE WITNESS: Okay.

16 (Whereupon, a DVD, Defendant's Exhibit 5096,
17 was played for the Court and jury.)

18 MR. SANGER: Okay. May I proceed with
19 questioning?

20 Q. Now, with regard to Exhibit 5096, you just
21 heard it?

22 A. Correct.

23 Q. Does that appear, as you listen to it, to be
24 a fairly accurate depiction of what you were able to
25 hear of the bell?

26 A. Well, as I said, the last test with the door
27 closed, I remember hearing it very clearly. Here,

28 you hear it, but not that loudly. So other than 11282

1 that, I'd say it's fairly accurate.

2 Q. Now, there was a -- there seems to be a
3 faint bell that seemed to be triggered when Miss
4 Gomez was going out, but not every time.

5 Did you -- did you hear that?

6 A. I noticed that, and I don't know why it's
7 inconsistent that way.

8 Q. In other words, sometimes it seemed there
9 was a faint bell set off when she went out the door,
10 and other times there was no bell at all that you
11 could hear; is that correct?

12 A. Correct. And sometimes the bell seemed
13 louder when she went out. Sometimes it didn't seem
14 to trigger at all when she went out, but it always
15 seemed to trigger when she came in.

16 Q. Okay. Now, you have in front of you 5089?

17 A. That's correct.

18 Q. All right. And is that the DVD that you
19 compiled as a result of visiting and going around
20 the Neverland Ranch itself?

21 A. Yes, it is.

22 Q. And is that video cut from longer -- I want
23 to say film, but it's not film, it's all on video,
24 so whatever you call it. Is that cut from a longer
25 series of shots?

26 A. Yes, it is.

27 Q. And did you try to -- what did you try to do

28 in compiling that video? 11283

1 A. I tried to give an objective view of the
2 experience of a visitor to Neverland.

3 Q. All right. There is some people who are
4 seen in the video at various places. People, for
5 instance, driving a tractor or golf cart or
6 something like that. Were they planted there by you
7 or were they actually doing that?

8 A. They were actually doing that.

9 Q. Now, there are some scenes where -- a scene,
10 for instance, where you have some people lined up --
11 there are people lined up as you're going into the
12 main house. Did you ask them to do that for a
13 particular reason?

14 A. Yes. I was told that often, when visitors
15 come, the staff stand out in front and greet the
16 visitor. So I asked if I could experience that as
17 well with my camera.

18 Q. So that is something you requested as
19 opposed to somebody just driving a tractor on the
20 property?

21 A. Correct. And I think there's also a repeat
22 of the scene of Miss Gomez walking in the downstairs
23 private suite and I arranged for that shot, too.

24 Q. All right. And there are a couple of others
25 where there's -- at the train station or the theater
26 where people are offering -- offering you something
27 or holding out something; is that correct?

28 A. That's correct. 11284

1 Q. And was that arranged?

2 A. That was arranged. I asked if they could
3 have it as it would normally be for a visitor and
4 what the experience was like.

5 MR. SANGER: All right. Very well.

6 THE COURT: We'll take our break now.

7 (Recess taken.)

8 THE COURT: I scared the bailiff. She
9 stepped right out, and I was standing right there.
10 We were like that, for a second.

11 All right. Are we prepared to go forward?

12 MR. SANGER: Yes. I wanted to ask a few
13 more preliminary questions, before we start, to set
14 the scene.

15 THE COURT: All right.

16 Q. BY MR. SANGER: You have up there -- you
17 have 5089. That's what we're talking about. And
18 that's your -- what a visitor might see if they came
19 to Neverland?

20 A. That's correct.

21 Q. Now, the ranch itself is -- and I think we
22 had testimony, is 2700 acres, something like that.
23 Did your video cover the 2700 acres?

24 A. Well, not every acre, but we went throughout
25 the property.

26 Q. And on the video that you've come up with
27 here, can you tell us, just in general terms, where

28 it starts, where it goes? In general terms. Not 11285

1 every frame, but where it starts, where it goes, and
2 how it ends.

3 A. Sure. We start on the front gate, on
4 Figueroa Mountain Road. We come in. We go into the
5 inner gate, the golden gate.

6 And then we come to the main house area, the
7 guest cottage area, which is opposite the main
8 house.

9 We see some of the grounds.

10 Then we go out to the arcade, next to the
11 main house.

12 Then we go to the amusement park, north of
13 the main house.

14 And then the zoo north of that.

15 And then we see a few other areas on the
16 property, such as video library, administrative
17 offices.

18 Q. All right. There's -- in this video that
19 we're going to see, there is -- seems to be a number
20 of clocks.

21 Did you have a particular -- were you given
22 some particular instruction with regard to clocks?

23 A. I did have an instruction to video clocks
24 that one would see particularly around the main
25 house, the guest cottage area. Other exterior --

26 Q. Could you do me a favor and talk in the
27 other microphone?

28 A. Sure. 11286

1 Q. That's the one.

2 A. Should I repeat that answer?

3 Q. I think I stepped on it. So if you would,

4 go ahead.

5 A. So, yeah, I did have a direction to document

6 clocks around the main house area, the guest cottage

7 area and other clocks outside that one would see.

8 Q. All right. And then I believe you said you

9 photographed this in part during the day; is that

10 right?

11 A. That's correct.

12 Q. Was this all done on one day?

13 A. No, I was there on three or so occasions.

14 Q. And what year was that that you did that?

15 A. This year. 2005.

16 Q. All right. And then did you also video some

17 of the footage at night?

18 A. Yes, I did.

19 Q. All right. And when -- when you were taking

20 these videos, do you personally know whether or not

21 all of this is exactly the same as it was in 2003?

22 A. No, I don't know.

23 Q. Did you ask anybody to change anything in

24 any way that would cause it to be different than the

25 way you were finding it as you went there?

26 A. No. In some cases, there was an effort to

27 make it look like it was in 2003, I believe. But I

28 didn't ask for any particular direction. 11287

1 Q. Okay. Can you explain what you just told us
2 about making it look like it was in 2003?

3 A. The only example I can think of for that is
4 in the private suite area, the first time I came
5 there, it was kind of in a state of disarray. And
6 then I was told, when I came back, that the
7 furniture was more or less arranged like it was in
8 2003.

9 Q. Okay. And was -- do you know if the people
10 that did that had a reference, any kind of a video
11 reference that they could use to try to make it look
12 as much as they could like 2003?

13 A. My understanding is that they did have some
14 reference.

15 Q. All right. Is that the search video that --

16 A. I don't know what they used. It was the
17 ranch manager.

18 Q. That's fine. All right.

19 Okay. Your Honor, with the Court's
20 permission, we will play the tape, if we can.

21 THE COURT: All right.

22 MR. SANGER: Oh. I have to retrieve it
23 first. Let me do that.

24 May I approach, Your Honor?

25 THE COURT: Yes. Did you offer that into
26 evidence?

27 MR. SANGER: I was just going to do that

28 now, Your Honor. I would offer Exhibit 5089 into 11288

1 evidence, please.

2 THE COURT: Subject to your previous
3 objection, I'll admit it.

4 THE WITNESS: And should I give some
5 narration?

6 MR. SANGER: Before I start it, let me -- as
7 I indicated to the Court earlier, I'm going to ask
8 the witness to give brief narrative statements while
9 the tape is playing, which will be primarily
10 statements as to what we are looking at, where we
11 are at various points, if that's acceptable.

12 THE COURT: That's -- Mr. Sneddon, is that
13 acceptable?

14 MR. SNEDDON: I'll --

15 THE COURT: You'll object if something --

16 MR. SNEDDON: If I see something untoward,
17 I'll say something.

18 MR. SANGER: There you go.

19 THE COURT: Subject to his objection, then
20 you can proceed that way.

21 MR. SANGER: Thank you.

22 Excuse me just one second. Just one second,
23 Your Honor.

24 (Off-the-record discussion held at counsel
25 table.)

26 MR. SANGER: Thank you. We have a little
27 technical matter that we were going to -- second

28 time. 11289

1 (Off-the-record discussion held at counsel
2 table.)

3 (Whereupon, a DVD, Defendant's Exhibit 5089
4 was played for the Court and jury.)

5 THE WITNESS: This is Figueroa Mountain Road,
6 the main entrance to the Neverland Ranch.
7 This is just inside the main entrance.
8 These are the perimeter fences on Figueroa
9 Mountain Road.
10 Straight ahead here is the bus parking and
11 turn-around area for groups that visit.
12 This is the golden gate to enter near to the
13 main house area.
14 This is the small train depot opposite the
15 main house and the guest cottages.
16 This is the guest cottage and the lake and
17 the main house area.
18 This is the main house on the southwest
19 side.
20 This is entering by the front door.
21 Here we are in the front foyer area by the
22 front door.
23 This is still the front foyer area.
24 This is right upstairs from the foyer area.
25 This is the downstairs dining room.
26 This is a view out of the dining room window
27 of the guest cottages. Panning into the dining room

28 area. 11290

1 This is still the dining room area.

2 This is the entrance to the library, the
3 downstairs library.

4 This is the living room area. And from the
5 living room we see into the family room/den/kitchen
6 area.

7 This is the private suite area, as we saw
8 earlier.

9 This is back downstairs in the main foyer
10 area.

11 And we pan out the front door and see the
12 relationship of the guest cottages across the way
13 from the main house. There's a cluster of guest
14 cottages together. Facing us is Unit No. 4.

15 This is another view of that same unit.

16 There's the main house across the way.

17 This is in front of the guest cottage.

18 And now we're inside this unit of the guest
19 cottage. This is Unit No. 4.

20 Out the window you see a view of the front
21 door of the main house. You're still in the guest
22 cottage.

23 That's the bathroom of the guest cottage.

24 This is right -- the front porch of the guest
25 cottage. And this is a view from the front porch.

26 This is the other side of that guest
27 cottage, and we pan over and you see the oversized

28 flower/plant clock. Another angle of it, and it's 11291

1 in front of the main train station.

2 There's another angle of the main train
3 station, which I said is opposite the main house and
4 the guest cottages.

5 This is inside the train station.

6 This is the back side of the train station.

7 This is the back side of the main house.

8 And this is a pan of that side of the house,
9 which is on the north side of the home.

10 This is the west end of it, the garage, and
11 just outside the garage area.

12 This is the pool on the north side of the
13 home.

14 Just north of the home, this is the arcade
15 building.

16 And here we're going inside the arcade
17 building.

18 Upstairs from the arcade building is this
19 book storage area.

20 By the way, they have three trains on the
21 property.

22 And now we're heading -- we're going to
23 see -- the next scene will be north of the main
24 house at the amusement park.

25 Opposite the amusement park, this is the
26 theater.

27 This is in the entryway to the foyer of the

28 theater. 11292

1 Now, about a quarter of a mile further
2 north, is the zoo area.
3 These are the grounds around the main house
4 and the guest cottages.
5 This is the small train depot.
6 This is the front of the train station.
7 This is the security office at the west end
8 of the main house.
9 Just east of the security office is the
10 video library. This is upstairs.
11 These are the administrative offices in the
12 administrative building, southwest of the main
13 house.
14 This is fan mail in the administrative
15 offices.
16 This is outside the main house and grounds
17 around the main house area.
18 The guest cottage.
19 Again, around the main house area.
20 This is towards the end of the day, the
21 guest cottage.
22 That completes the day scene.
23 And then here we are at night. This is the
24 amusement park.
25 This is the theater across from the
26 amusement park.
27 This is one of the clocks by the main train

28 station, which is opposite the main house and the 11293

1 guest cottages.

2 This is the lake opposite the guest cottages

3 and the main house.

4 This is the guest cottage, Unit No. 4. You

5 see it's across the way from the small train depot.

6 These are some wide-shot views of the small

7 train depot.

8 This is the guest cottage again.

9 And this is as one leaves, one goes through

10 the golden gate area.

11 And then further down the hill, by the main

12 exit, is the "Goodbye" sign.

13 MR. SANGER: I have a few more questions, if

14 I may.

15 Q. Okay. About how many times did you have

16 occasion to go to Neverland Ranch?

17 A. I think it was four or five times.

18 Q. And those were all this year?

19 A. Yes.

20 Q. During those times -- we saw on the film

21 that there was some pictures of some children's toys

22 and tricycles and other things.

23 During those times, did you see those toys

24 or toys like that around the main house?

25 A. Right. Just the way I found them.

26 Q. Did it appear that this was a family's home?

27 A. Yes.

28 Q. Now, there was some shots of the Guest Unit 11294

1 No. 4, several shots of Guest Unit No. 4 and the
2 guest units in general.

3 As a part of your directions or assignment,
4 as it were, were you asked in part to determine
5 whether or not you could see clocks from the
6 vicinity of Guest Unit No. 4?

7 A. Yes, I was.

8 Q. I think I noticed that in the video there
9 were two clocks inside the unit; is that correct?

10 A. That's right.

11 Q. Can you describe where they were?

12 A. One was on the bedside table, and the other
13 was in the bathroom.

14 Q. And that's the way you found that to exist
15 in 2005 when you visited there; is that correct?

16 A. Correct. And I believe the ranch manager
17 told me it was set the way it was --

18 MR. SNEDDON: I'm going to object to
19 anything the ranch manager told him as hearsay.

20 THE COURT: Sustained.

21 Q. BY MR. SANGER: Now, as far as the view from
22 Guest Unit No. 4, were you able to see any clocks
23 from the general vicinity of Guest Unit No. 4?

24 A. Yes.

25 Q. What clocks were you able to see?

26 A. Well, the general vicinity of Guest Unit
27 No. 4, you saw three clocks in the main train

28 station area, and two clocks -- or a two-sided clock 11295

1 at the small train depot area, and then there were
2 two clocks inside the guest unit.

3 Q. So if -- when you were standing at Guest
4 Unit No. 4, if you just opened the door, you could
5 see the small train station clock; is that correct?

6 A. That's correct.

7 Q. And if you stepped outside and looked around
8 the corner, you could see the flower clock; is that
9 correct?

10 A. That's correct.

11 Q. And then there was also the clock up on the
12 top of the train station; is that right?

13 A. That's right.

14 Q. And then there was that -- what looked like
15 a big pocket watch clock by the main tracks of the
16 train, the big train, correct?

17 A. That's correct.

18 Q. Was there also a clock right behind the
19 house?

20 A. Correct. There was a two-sided clock right
21 behind the house.

22 Q. And was that on -- can you describe what
23 that clock looked like?

24 A. It was on a stand, and somewhat antique
25 looking.

26 And to correct one answer, or to add to one
27 answer, when you're in the vicinity of the guest

28 house, if the front door to the main house was open, 11296

1 you'd also see a large clock in the foyer area.

2 Q. The clock you just described as being on a
3 large stand, was that a permanent stand, or was it a
4 lamppost kind of a thing, or --

5 A. Yes, it was permanent. It appeared to be
6 permanent.

7 Q. And then I believe you indicated that -- or
8 let me withdraw that.

9 I believe the film indicated there was some
10 other clocks on the property on the outside, for
11 instance, at the amusement park; is that correct?

12 A. Correct.

13 Q. And there were other clocks that were shown
14 inside by the kitchen; is that right?

15 A. That's correct.

16 Q. How many clocks could you see if you were
17 seated in that kitchen area where the seats are at
18 the bar?

19 A. Well, if you were a couple feet just to the
20 side of that, you'd be able to see three clocks.

21 Q. All right. And if you -- so if you're in
22 the kitchen area or the family room area, you could
23 see three clocks; is that correct?

24 A. Right.

25 Q. Let me go back to the Guest Cottage No. 4.

26 And I asked you about the clocks that were in there.

27 But let me ask you about the decor in there.

28 You could see it on the film, but from your 11297

1 personal observation, how would you describe that
2 unit?

3 A. Deluxe. Very comfortable. Nicely
4 decorated.

5 Q. I noticed in the film that there were no
6 children depicted in the film. Was that by design?

7 A. Yes.

8 Q. Okay. In other words, you were asked not to
9 film children; is that correct?

10 A. That's correct.

11 Q. And you were asked to not film a day when
12 children were coming up for an event or anything
13 like that?

14 A. That's correct.

15 Q. Now, on the other hand, we had Ferris wheels
16 turned on and a lot of things. Did you ask that
17 that be done?

18 A. Yes, I did ask if the equipment could be,
19 you know, in operation.

20 Q. So that was done for you so you could film
21 it?

22 A. Yes, I asked them to simulate what it would
23 be like when kids are visiting.

24 Q. All right. And then we had the film at
25 night. Did you ask that the lights at the amusement
26 park be turned on?

27 A. I don't recall if I asked for them to be

28 turned on or if they were already turned on. 11298

1 Q. When you were there at night, were the
2 lights that you showed for the rest of the property
3 around the house and the guest units, were those
4 lights on?

5 A. As I recall, yes, they all were on.

6 Q. Now, you mentioned that there were three
7 trains on the property. We actually saw one. That
8 was from the small -- what you called the small
9 train station. And then we saw a larger train
10 station, and we didn't see the train. We'll come
11 back to that. Where was the third train?

12 A. You know, I believe the third train is at
13 the amusement park, but I'm not sure about that.

14 Q. Is it a very small train?

15 A. I believe so.

16 Q. So you have a very small train. You have
17 the one you saw. And then there's a larger track up
18 by the train station; is that correct?

19 A. That's correct.

20 Q. And at the time you were filming, you were
21 not able to get a film of that train in operation;
22 is that correct?

23 A. Right. I was told there was a mechanical
24 problem with the train.

25 Q. Did you have occasion to see the train
26 yourself?

27 A. No, I didn't see it.

28 Q. There was -- all right. Very well. 11299

1 Excuse me just one second.

2 (Off-the-record discussion held at counsel
3 table.)

4 MR. SANGER: All right. Sorry, Your Honor.

5 All right. Now, what I'd like to do, with
6 the Court's permission, about 20 seconds into this
7 video, you see that -- the fence. And I'd like to
8 just -- I've got it ready to start again. I'd like
9 to just start it again and stop on the fence for a
10 moment and ask about the extent of that fence. I
11 won't play the whole video, just the first 15, 20
12 seconds, whatever it is.

13 Would that be acceptable?

14 THE COURT: The fence along Figueroa?

15 MR. SANGER: Yes.

16 THE COURT: All right.

17 MR. SANGER: Actually, right at the very
18 beginning there, I've -- this is easier said than
19 done, so just a moment, please. Maybe I can back
20 up.

21 Okay. That's a still shot.

22 Q. Mr. Nimmer, there is -- just out of the
23 frame to the left is the big gate with the big doors
24 that open, correct?

25 A. Correct.

26 Q. And just to the right of it here, you have a
27 split-rail fence that seems to go for quite some

28 ways; is that right? 11300

1 A. That's right.

2 Q. Let me now just go forward.

3 I think there's one other shot of this and

4 then I'll turn it off, Your Honor.

5 See the fence there in the background?

6 A. I think there's two more shots of the fence

7 coming up.

8 Q. I'll put a still on that.

9 So that's the other side of the fence.

10 That's Figueroa Mountain Road right there on the

11 other side; is that correct?

12 A. That's correct.

13 Q. And that's a close-up of the actual fencing

14 material there; is that right?

15 A. Correct. This is also on Figueroa Mountain

16 Road.

17 Q. This is on the other side of the gate; is

18 that correct?

19 A. Correct. Just south of the gate.

20 Q. The first ones that we saw were on the right

21 side of the gate as you face the ranch, and this is

22 on the left side?

23 A. That's correct.

24 MR. SANGER: Okay. Your Honor, that was, in

25 fact, 27 seconds into the tape. I'll stop it there,

26 if that's all right. Thank you.

27 Q. The mail that we saw, there was -- you

28 indicated there was fan mail that was accumulated up 11301

1 in the administration building; is that correct?

2 A. Right.

3 Q. And is that what you saw when you walked in

4 the room?

5 A. Yes.

6 Q. That was not staged in any way?

7 A. Correct. Not that I'm aware of.

8 Q. Do you personally know how long that mail

9 had accumulated; in other words, whether it was a

10 day's worth or a week's worth or whatever?

11 A. I don't really know.

12 Q. You just took a picture of what you saw when

13 you got up there; is that correct?

14 A. Yes.

15 MR. SANGER: All right. Very well. I have

16 no further questions on direct.

17 THE COURT: All right. Mr. Sneddon?

18

19 CROSS-EXAMINATION

20 BY MR. SNEDDON:

21 Q. Good afternoon, Mr. Nimmer.

22 A. Good afternoon.

23 Q. I want to talk about the short one first,

24 with the chimes, okay?

25 A. Okay.

26 Q. With regard to the chimes, is the footage we

27 saw in the courtroom on that exhibit all of the

28 footage that you shot with regard to that 11302

1 documentation of the chimes going off?

2 A. I believe so. Possibly I had a few more
3 seconds at the beginning or end of the test, but
4 that was basically all the footage of that test.

5 Q. In other words, you did not try it more than
6 once for each one of the three sequences --

7 A. That's correct.

8 Q. -- and then select one?

9 A. Correct. I don't believe we did.

10 Q. You say you "don't believe we did." Are you
11 sure of that?

12 A. Possibly the first test we did in the
13 downstairs private area, when the door opened, there
14 was some -- I'm not sure. The door opened -- I
15 think maybe the maid walked in, she opened the door,
16 and she paused for a moment and she didn't continue
17 in, and so I said, "Can we do that over again?"

18 As I recall, that's the only -- and that's
19 the only other footage that may have been shot of
20 that test.

21 Q. Okay. So we can assume that with regard to
22 the -- for purposes of our discussion, let's just
23 call it the three scenes: The first scene, the door
24 opening; the second scene, the door open and you're
25 upstairs; and the third scene being the door closed
26 and you're upstairs.

27 A. That's correct.

28 Q. I think that will help our discussion. 11303

1 A. Okay.

2 Q. So for purposes of your testimony, we're to
3 assume, then, that we have the entire footage of
4 everything that was shot in Scene 2?

5 A. That's correct.

6 Q. And we can assume that we've seen all of the
7 footage that was shot with regard to Scene 3?

8 A. That's correct.

9 Q. And then all of it with Scene 1, except for
10 the small part that you just told us about?

11 A. Right.

12 Q. Okay. Now, you said you had an assistant
13 there. Was the assistant present during the entire
14 time that each one of those three scenes was
15 photographed?

16 A. I believe so, yes.

17 Q. And what was the role of the assistant?

18 A. Well, the assistant was there to help me in
19 some other regards, not -- the assistant didn't help
20 me in that scene. The assistant helped me some with
21 my tripod and driving the car at some point and
22 helping with some still photography. That was the
23 purpose of the assistant.

24 Q. Okay. Now, in connection with the video
25 that we just saw, did you do any still photography
26 to document any of the important aspects of this
27 video?

28 A. No. 11304

1 Q. And in other words, you didn't document --
2 you didn't take still photographs of the location of
3 the sensors that set off the chimes?

4 A. That's correct.

5 Q. And you didn't take any photographs of the
6 speakers in the rooms that amplified the chimes when
7 they went off?

8 A. That's correct, I did not.

9 Q. Now, with regard to the equipment that you
10 have, you have a video camera, I take it, a VCR?

11 A. Correct, a -- well, it's not a VCR.

12 Q. A CD?

13 A. It's a mini DV camera.

14 Q. The latest equipment, let's put it that way.

15 A. Correct.

16 Q. And does the microphone that you have on
17 there have a setting on it that you can turn it up
18 or down if you choose?

19 A. There is a setting. I wasn't using it.

20 Q. So you were using just what the normal
21 setting is that comes with the equipment?

22 A. Yes.

23 Q. Okay. And does the normal setting for the
24 equipment have a sensitivity level associated with
25 it?

26 Usually when you go to the store and you buy
27 it, it will say on the -- where I shop anyhow, it's

28 Circuit City, it will tell you, you know, the mike 11305

1 has this degree of sensitivity, or you can get the
2 lower model with this degree of sensitivity.

3 Can you tell us what the degree was on the
4 normal in your sensitivity, your equipment?

5 A. Frankly, I can't tell you any specifications
6 as to the sensitivity of it.

7 Q. And what was the brand of the camera that
8 you were using?

9 A. Sony VX2100.

10 Q. Okay. Now, have you ever used, in your
11 professional capacity, a decibel calibrator?

12 A. No, I haven't.

13 Q. Have you ever been asked before to try to
14 document and reproduce the sound of something that's
15 made for purposes of courtroom preparation?

16 A. No, I have not.

17 Q. So this is your first sort of an experiment
18 into the area of sound reproduction for courtroom
19 purposes?

20 A. I've used sound for other purposes in
21 videos.

22 Q. I'm sure of that. But I meant for purposes
23 of documenting and reproducing, as accurately as you
24 can, a sound of something that is important to the
25 case itself. You haven't done that?

26 A. That's correct.

27 Q. You are aware that there are some

28 instruments that are called decibel calibrators, 11306

1 correct?

2 A. I would think so, yes.

3 Q. And decibel calibrators are used in order to
4 measure the sound that comes out of a particular
5 speaker or the noise that's made by a particular
6 person, or a band, or whatever it is, correct?

7 A. Correct.

8 Q. Did you attempt to get ahold of a decibel
9 calibrator to calibrate the sound made by the chimes
10 with the sound that you hear coming out of your
11 video equipment?

12 A. I did not. However, my camera has a VU
13 meter in it which does measure the level, but I did
14 not note any levels when I was recording.

15 Q. Now, with regard to the experiment you did,
16 as I understand it, you told the maid -- let's go to
17 the first scene, and this is probably the easiest
18 way to amplify it. In the first scene we see --
19 Gomez?

20 MR. SANGER: Miss Gomez, yes.

21 Q. BY MR. SNEDDON: -- Maria Gomez walk out the
22 door and the door closes. And she walks -- the last
23 time we see her, she's headed away from the camera,
24 correct?

25 A. Correct.

26 Q. Now, you're familiar with the hallway that
27 leads from the front --

28 A. Foyer area. 11307

1 Q. -- foyer area, thank you, down to the actual
2 entrance to Mr. Jackson's private room, correct?

3 A. Correct.

4 Q. And was her instructions to go all the way
5 outside of that door that leads into the hallway,
6 out into the foyer area?

7 A. Correct. Her instructions were to go all
8 the way out into the foyer area, turn around and
9 then come back inside.

10 Q. All right. Now, with regard to that
11 particular part of your instructions to her, before
12 you actually started filming, I'm assuming that you
13 walked down the hallway yourself, correct?

14 A. Correct.

15 Q. And when you did, the sensors set off the
16 chimes?

17 A. Correct.

18 Q. And did you do that more than once to get a
19 sense of what the sound was like and where the
20 sensors were that were operative?

21 A. I don't believe I walked through more than
22 once. Perhaps I heard it again with my assistant
23 walking through and others who were there walking
24 through.

25 Q. And was it your understanding that in that
26 hallway, that there are two sensors? One as you
27 walk through the first door from the foyer, and

28 another when you approached the door to the entrance 11308

1 of Mr. Jackson's master suite?

2 A. Frankly, I don't know where the sensors are.

3 Q. From the way that the sounds were presented,
4 did you get any sense that the sensors -- that there
5 was more than one sensor involved here?

6 A. Frankly, I wouldn't know.

7 Q. So you never looked up into the ceiling to
8 determine where the sensors were located?

9 A. That's correct.

10 MR. SANGER: I'd object. That assumes facts
11 not in evidence.

12 THE COURT: Sustained.

13 MR. SNEDDON: Actually, Judge, there are
14 photographs.

15 Never mind, I'll take care of it. I
16 apologize.

17 Q. With regard to the sensors, were you aware
18 of whether or not there was more than one sensor in
19 that hallway?

20 A. I didn't know one way or the other.

21 Q. Were you aware of whether or not all of the
22 sensors in that hallway were operative on the day
23 you did your test?

24 A. I don't know one way or the other.

25 Q. Were you aware of whether or not all the
26 sensors in that hallway were operating back in
27 February and March of 2003?

28 A. I don't know one way or the other. 11309

1 Q. Were you aware of whether or not the sensors
2 to that hallway were operating on November 18th,
3 2003?

4 A. Same answer.

5 Q. And if I were to ask you the same thing as
6 to December of 2004, it would be the same, correct?

7 A. Correct. Same answer.

8 Q. Now, when you go into the room, and you go
9 through the door to Mr. Jackson's master suite, did
10 you determine that there was more than one speaker
11 that amplified the sounds of the chimes in that
12 room?

13 A. No.

14 Q. When you heard the sound with your own ear,
15 did you -- did it appear to you that there was more
16 than one speaker in that room?

17 A. I couldn't say.

18 Q. Do you know whether or not, in March and
19 February -- February and March of 2003, whether or
20 not there were more than two -- more than one
21 speaker in that room?

22 A. I don't know.

23 Q. Do you know whether or not all the speakers
24 were operating at that time?

25 A. I don't know.

26 Q. Do you know what speakers were operating on
27 the day you did your test?

28 A. I don't know. 11310

1 Q. Do you know what the situation was with the
2 speaker or speakers on November 18th of 2003?

3 A. Same answer.

4 Q. And if I'd asked you about December, you'd
5 say the same thing, correct?

6 A. Correct.

7 Q. So in doing this test, you made no attempt
8 to try to document exactly where the sound of the
9 chime was coming from; is that correct?

10 A. That's correct.

11 Q. And whether or not there was more than one
12 speaker in this video that was producing the sound
13 that was heard by the jury in this case, correct?

14 A. More than one speaker, that's correct.

15 Q. Before you went out there, did you ask
16 anybody about how many speakers there were to the
17 chime in order to determine whether or not your
18 video could reproduce the sound of one or more
19 speakers, if they existed?

20 A. No.

21 Q. Did somebody from the ranch talk to you
22 about the chime system itself before you did your
23 video?

24 A. No.

25 Q. Did you know that there could be some
26 significance attached to the fact that there may be
27 more than one speaker in the downstairs area?

28 A. No. 11311

1 MR. SANGER: Objection. Argumentative and
2 assumes facts not in evidence.

3 THE COURT: Overruled.

4 You may answer.

5 MR. SNEDDON: I think you said "No."

6 THE WITNESS: Correct. I didn't know whether
7 it had.

8 Q. BY MR. SNEDDON: Now, it is -- how many
9 times have you actually viewed the video? Let me
10 see if I can get the number here so we --

11 A. Maybe six or seven times.

12 MR. SNEDDON: Is this the chimes one?

13 MR. SANGER: No, I think that's the one
14 that's in the machine.

15 Q. BY MR. SNEDDON: So the video 5096, Defense
16 Exhibit 5096, you viewed how many times?

17 A. Six or seven times.

18 Q. So let's start with Scene 1.

19 In Scene 1, when you videoed that, on the
20 time that it shows up on the exhibit, the maid
21 closes the door and she disappears out of our sight
22 and then you hear two series of chimes, the chime
23 rings three times and then three times, correct,
24 back to back?

25 A. Something like that.

26 Q. Okay. Yet, when you look at Series 2, or
27 you listen to Series 2 and you listen to Series 3,

28 you don't hear the chime three times back to back, 11312

1 do you?

2 A. They were inconsistent.

3 Q. So do you have any idea of why they would be
4 inconsistent?

5 A. No.

6 Q. So we -- are we to assume, then, that
7 perhaps the maid wasn't doing the same thing
8 consistently when she walked out of the room?

9 A. You may if you want. I don't know if it had
10 something to do with the maid walking in and out or
11 how the equipment's set up.

12 Q. How the equipment's set up?

13 A. Correct.

14 Q. Your equipment?

15 A. No, the sensor equipment.

16 Q. Oh. And it is true, as you indicated on
17 direct examination with Mr. Sanger, that clearly in
18 both Scene 2 and Scene 3, there are times in the
19 beginning where you barely can hear the chime, and
20 then the second series, when it rings and there's a
21 space of time in between, you hear it much louder,
22 correct?

23 A. Correct.

24 Q. And you have no idea what accounts for that?

25 A. That's correct.

26 Q. And you have no idea where you were whether
27 the very, very, very faint one that you could hear

28 might be the more accurate of the two, do you? 11313

1 A. Well, it felt like the faint one --

2 MR. SANGER: I'm going to object to that

3 question as being argumentative and vague. It's

4 ambiguous.

5 THE COURT: It's vague.

6 Q. BY MR. SNEDDON: With regard to the Scene 2

7 film where you can hear -- just barely hear the

8 chimes go off and then there's a sequence that's

9 silent and then you hear the chimes in a somewhat

10 louder fashion, correct?

11 A. Correct.

12 Q. Okay. You don't know -- I believe you

13 conceded to us that you have no idea how to account

14 for the difference between the two sounds?

15 A. Well, one way I account for it is the first

16 chimes are her going out and the second set are her

17 coming in.

18 Q. So you think that the first set is somebody

19 going out?

20 A. I think that's what I assume. But I don't

21 know that for sure.

22 Q. Do you know whether those chimes go off when

23 you go out?

24 A. Well, it appeared they did on the first

25 test, Test 1, when we were in the downstairs area.

26 Q. It's your recollection what when the maid

27 closed the door and she walked out of the door, that

28 the chime went off? 11314

1 A. That's correct.

2 Q. Now, with regard to the equipment, we heard
3 this CD played with a courtroom-amplified stereo
4 situation, correct?

5 A. Correct. It's actually a DVD.

6 Q. DVD. And there, of course, is a volume
7 control on what happens in the courtroom in terms of
8 how loud one plays this particular exhibit, correct?

9 A. That's correct.

10 Q. And it would not be your testimony, would
11 it, that the sound of your voice that we heard on
12 that video we would call the normal sound of your
13 voice if somebody were simply standing there without
14 the amplifying equipment in this courtroom?

15 A. I think it was more or less the normal
16 sound.

17 Q. You think that was the normal sound of your
18 voice?

19 A. Well, your own voice --

20 MR. SANGER: I'm going to object, Your
21 Honor. I think the question is ambiguous as
22 phrased, or vague.

23 THE COURT: I'll overrule the objection. He
24 was in the middle of an answer when he was
25 interrupted.

26 Do you remember where you were?

27 THE WITNESS: Yes.

28 I was saying when you hear your own voice 11315

1 played back, it often doesn't sound normal to you.

2 However, as normal as my voice is when I

3 hear it played back, that sounded normal.

4 Q. BY MR. SNEDDON: In terms of the level of

5 the voice, however, that was louder than what you're

6 talking right now in the courtroom, isn't it?

7 A. I don't believe it was louder than one can

8 hear me amplified. But I'm not sitting where you

9 are, so I don't really know.

10 Q. It's clear, is it not, that the effect of

11 the ability of the person inside the room to hear

12 would also affect the sound perceived from the

13 system, correct?

14 A. Correct.

15 Q. And it's true that the ability -- or the

16 degree of concentration of someone in the room could

17 affect whether they hear the chime or not as we

18 heard it on the video, correct?

19 MR. SANGER: I'm going to object as beyond

20 the scope of direct and beyond the scope of the

21 expertise of the witness.

22 THE COURT: Overruled.

23 You may answer.

24 THE WITNESS: Can you repeat the question?

25 THE COURT: I'll have it read back to you.

26 (Record read.)

27 THE WITNESS: Frankly, that isn't my

28 expertise. Maybe. I don't know, if someone is not 11316

1 concentrating, whether they hear it any less or
2 more.

3 Q. BY MR. SNEDDON: How about if they were
4 intoxicated?

5 MR. SANGER: Objection.

6 THE WITNESS: I also --

7 MR. SANGER: Lack of foundation.

8 THE COURT: Sustained.

9 Q. BY MR. SNEDDON: How about if there were
10 other noises in the room at the time?

11 A. That could affect things.

12 Q. So there's a number of variables in -- let
13 me just put it this way: Is this a fair statement:
14 That the video that the jury saw in this case was a
15 video done in the most ideal situation for hearing
16 those chimes?

17 A. I don't know that it was the most ideal
18 situation. As I said before, the third test with
19 the door closed I remember hearing the chimes louder
20 than they appear in playing back the tape.

21 Q. There were no inside noises --

22 A. Correct.

23 Q. -- to interfere?

24 And there were no outside noises to
25 interfere?

26 A. Correct, not that I recall.

27 Q. All right. Let's talk about the video.

28 A. Okay. 11317

1 THE COURT: How much time are you planning

2 on going beyond the --

3 MR. SNEDDON: I wasn't planning on going

4 beyond, because I know you don't let people go

5 beyond.

6 THE COURT: I meant --

7 MR. SNEDDON: I've learned that lesson in

8 three months.

9 I don't see any way I'm going to finish. I

10 was actually trying, but I can't get it done in four

11 minutes, in fairness.

12 THE COURT: Okay. Then what I'd like to do

13 is have you stop questioning the witness right now,

14 but I would like you and Mr. Mesereau to approach

15 for a moment so I can ask you about a scheduling

16 problem.

17 You may step down, sir. Thank you.

18 THE WITNESS: Thank you.

19 THE COURT: I think you want him back Monday,

20 right?

21 MR. SANGER: Yes, Your Honor.

22 MR. SNEDDON: Could we talk about that?

23 THE COURT: Yes. Come forward.

24 (Discussion held off the record at sidebar.)

25 THE COURT: All right. The reason I wanted

26 to have a conference with counsel is what we're

27 going to do is to --

28 Is he available? 11318

1 MR. SANGER: He said that Monday would be
2 much better. But if you prefer, he will be here
3 tomorrow morning.

4 THE COURT: Okay. I prefer.

5 MR. SANGER: Okay. He'll be here.

6 THE COURT: (To the jury) Here's what the
7 plan for tomorrow is. The reason we had to cancel
8 your day off tomorrow is that Mr. Geragos is coming
9 back to complete his examination tomorrow. We have
10 about 20 minutes or 30 minutes, at the most, left
11 with the present witness and then we're going to
12 have Mr. Geragos on. And how much time he is going
13 to take is not -- I can't predict that for you.
14 There's some issues that I haven't resolved. And
15 then there's the attorneys, whatever time they take.
16 But what I wanted you to know was that
17 whatever time he takes, then we will quit at the end
18 of his testimony. So that, you know, if you keep
19 staring at the attorneys when they ask questions....

20 All right. With that, I'll see you
21 tomorrow.

22 And I think there's nothing else for me to
23 do.

24 MR. MESEREAU: I don't think so, Your Honor, no.

25 THE COURT: All right. Court's in recess.

26 (The proceedings adjourned at 2:30 p.m.)

27 --o0o--

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 11168 through 11319

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 19, 2005, and thereafter

20 reduced to typewriting by computer-aided

21 transcription under my direction.

22 DATED: Santa Maria, California,

23 May 19, 2005.

24

25

26

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

