

11493

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 MONDAY, MAY 23, 2005

20

21 8:30 A.M.

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23 (PAGES 11493 THROUGH 11539)

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

28 BY: Official Court Reporter 11493

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2

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28 11494

1 I N D E X

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

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

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

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

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8

9 DEFENDANT'S

10 WITNESSES DIRECT CROSS REDIRECT RECROSS

11 GOMEZ, Maria

12 (Re-called) 11497-SA 11503-SN 11508-SA

13 RADAKOVICH, Mike 11512-SA 11530-A

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28 11495

1 E X H I B I T S

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

3 5097 Washington Mutual Bank

4 statement, 12-22-00 through 1-25-01 11513 11525

5 5098 Washington Mutual Bank

6 Check payable to Hollywood Ford 11513 11525

7 5099 Check from Michael Alder

8 payable to Janet Arvizo 11519 11525

9 5100 1-2-03 City of Los Angeles check payable to

10 Janet Arvizo 11522 11525

11 5101 \$637 check dated 1-2-03 payable to Raymond

12 Trujillo from Jay D. Jackson 11522 11525

13 5102 2-15-03 City of Los

14 Angeles check payable to Janet Arvizo 11522 11525

15 5103 2-25-03 check payable to

16 Raymond Trujillo from Jay D. Jackson 11522 11525

17 5104 3-17-03 City of Los

18 Angeles check payable to Janet Arvizo 11522 11525

19 5105 Analysis of certain

20 financial transactions of Arvizo family, June 15,

21 2000, to present 11512

22

23

24

25

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1 Santa Maria, California

2 Monday, May 23, 2005

3 8:30 a.m.

4

5 THE COURT: Good morning, everyone.

6 THE JURY: (In unison) Good morning.

7 COUNSEL AT COUNSEL TABLE: (In unison)

8 Good morning, Your Honor.

9 THE COURT: Call your next witness, please.

10 MR. SANGER: We would call Maria Gomez back

11 to the stand, please.

12 THE COURT: All right. Come forward to the

13 witness stand. You're still under oath, so when you

14 get to the witness stand, you may be seated.

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

16 THE COURT: You may.

17

18 MARIA GOMEZ

19 Having been previously sworn, resumed the

20 stand and testified further as follows:

21

22 DIRECT EXAMINATION

23 BY MR. SANGER:

24 Q. Okay. Miss Gomez, we've called you back to

25 the stand to ask you more questions. First of all,

26 did you participate in a test of the bells at

27 Neverland outside Mr. Jackson's private suite?

28 A. Yes. 11497

1 Q. And first of all, remind us how long you've
2 worked out there at Neverland.

3 A. I have worked there nearly 11 years.

4 Q. And when was the first time you went down
5 that hallway and heard the bells go off?

6 A. When the first time was?

7 Q. Sure. About how many months or years ago
8 was that when you first heard those bells go off?

9 A. Oh, many years ago.

10 Q. Okay. And it would have been before
11 February of 2003; is that correct?

12 A. Yes.

13 Q. Okay. And has the -- excuse me one second.

14 At the time you did this alarm test, or
15 this -- let me withdraw that, I'm sorry. At the
16 time you did this test with Mr. Nimmer where you
17 walked in and out, do you remember that?

18 A. Yes, that was about, I don't know exactly,
19 but just a few days ago.

20 Q. Okay. Sometime this year, correct?

21 A. Yes.

22 Q. When you heard the bells at that time, is
23 that what the bells have always sounded like over
24 the last few years?

25 A. Yes.

26 MR. SANGER: Your Honor, I'd like to have
27 permission to play the -- Exhibit 5096. It's the

28 short one, if that's all right. 11498

1 THE COURT: All right.

2 MR. SANGER: I can't find the remote

3 control. Do you see it?

4 Oh, here it is. Thank you.

5 Q. Miss Gomez, we're going to play 5096 and I'm

6 just going to ask you to watch it and see if you

7 recognize yourself in there and recognize what was

8 going on, and then I'm going to ask you some

9 questions about it after it's over, okay?

10 A. Fine.

11 (Whereupon, a portion of a DVD, Defendant's

12 Exhibit 5096, was played for the Court and jury.)

13 MR. SANGER: With the Court's permission,

14 I'm going to stop it after the first test to ask

15 some questions.

16 THE COURT: All right.

17 Q. BY MR. SANGER: Okay. Miss Gomez, you

18 recognize yourself in that film?

19 A. Yes.

20 Q. All right. And you remember Mr. Nimmer, the

21 man who was shooting this?

22 A. Yes.

23 Q. What were you asked to do in that particular

24 test?

25 A. I was supposed to walk outside to a -- like

26 a hallway that's right in front of the house, and

27 that I should walk all the way in to the room,

28 passing by the doors. I had to punch in the code 11499

1 and then I could open the door.

2 Q. Okay. So when you -- when you went out, you
3 went all the way down the hallway to the end of the
4 hallway that's near the front door; is that right?

5 A. Yes. Outside of the house, yes.

6 Q. All right. So did you actually go out of
7 the hallway into the front door area?

8 A. Yes.

9 Q. Now, do you know anything about the
10 technology of how this alarm system is set up?

11 A. No. No, I don't know anything about that.

12 Q. Is there some point when you're walking down
13 the hall that it makes the bell ring?

14 A. Yes, when you reach about halfway down the
15 hallway, it begins to ring.

16 Q. All right. And then it continues to ring
17 for a number of rings; is that right?

18 A. It will stop for a few moments and then when
19 you arrive at the door, I don't know if it's
20 stepping into the lift or -- it begins again.

21 Q. All right. Now, the sound that you heard on
22 that tape, is that the sound of the alarm that you
23 have heard for the last few years?

24 A. Yes.

25 Q. Are there any changes to it that you know
26 of?

27 A. No.

28 MR. SANGER: All right. I'm going to resume 11500

1 playing this, if it's all right, Your Honor.

2 THE COURT: Yes.

3 (Whereupon, a portion of a DVD, Defendant's
4 Exhibit 5096, was played for the Court and jury.)

5 MR. SANGER: Let me just pause it right
6 there.

7 Q. There's a door down at the bottom of the
8 stairway there.

9 A. Yes.

10 Q. All right. And the door appears to be open
11 right now; is that correct?

12 A. Yes.

13 Q. Okay. Did you do a test where you left that
14 door open?

15 A. Once.

16 Q. Okay. And then the second time you closed
17 the door; is that right?

18 A. When I went out, I closed it.

19 MR. SANGER: All right. And I'm going to
20 resume playing.

21 (Whereupon, a portion of a DVD, Defendant's
22 Exhibit 5096, was played for the Court and jury.)

23 Q. BY MR. SANGER: Okay. I'm going to pause it
24 right there on the blank screen.

25 And for that test, you went down the stairs,
26 correct?

27 A. Yes.

28 Q. You went out the door, we could see, at the 11501

1 bottom of the stairs?

2 A. Yes.

3 Q. And then you went out the main door to Mr.

4 Jackson's suite?

5 A. Yes, it's all in the same process. I went

6 all the way out.

7 Q. So then you went all the way down the hall,

8 out the end of the hall, turned around and walked

9 back; is that right?

10 A. Yes.

11 Q. All right. And you could hear the bell in

12 that tape, correct?

13 A. Yes.

14 Q. Okay. And that's the same bell that you've

15 heard for years; is that right?

16 A. It's the same -- it's the same bell.

17 MR. SANGER: All right. Okay. And then

18 we'll resume, if we may.

19 (Whereupon, a portion of a DVD, Defendant's

20 Exhibit 5096, was played for the Court and jury.)

21 MR. SANGER: All right. Thank you.

22 Q. On that last test, you did the very same

23 thing that you did the time before except you closed

24 the door at the bottom; is that right?

25 A. Yes, that's the only different thing.

26 Q. All right. And let me ask you, did you do

27 this a whole bunch of times or did you just do it

28 these three times? 11502

1 A. I did it, not very many times, but....

2 Q. So when -- I'm talking about when they
3 filmed it. Did Mr. Nimmer film it more than three
4 times or he just had you do the three tests and he
5 filmed what you did?

6 A. He filmed it -- well, the first one he did
7 it once, the first time. And then the other times,
8 like when I went up to the room, since he did two
9 different tests, perhaps he taped more than one.

10 Q. Okay. So he did the first one, the second
11 one and the third one?

12 A. Yes. Yes.

13 MR. SANGER: All right. Okay. I have no
14 further questions. Thank you.

15

16 CROSS-EXAMINATION

17 BY MR. SNEDDON:

18 Q. Good morning.

19 A. Good morning.

20 Q. How many times did you go up and down the
21 stairs?

22 A. I cannot recall, but at that I did do more.
23 Three or four times.

24 Q. So we saw two times on the film, correct?

25 A. Yes.

26 Q. But there were other times that did not
27 appear on the film?

28 A. Maybe one or two times, I believe. 11503

1 Q. In each time you walked out of the doors of
2 the room, you walked all the way to the end of the
3 hallway, correct?

4 A. Yes.

5 Q. And then you turned around -- you went
6 through the doors, correct?

7 A. Yes.

8 Q. And you turned around and came right back,
9 correct?

10 A. Yes.

11 Q. So in each of the occasions that we saw on
12 the film, you did exactly the same thing?

13 A. In the first -- the first test, I just got
14 to the point and then returned. And then when I
15 went up the stairs to the room, I waited -- I
16 counted to about 15 and then I repeated the process.
17 I came back.

18 Q. And where was it that you counted to 15?

19 A. In front of the main doorway.

20 Q. So you go all the way out, count to 15, and
21 then come back?

22 A. Yes.

23 Q. The chimes that go off, you can hear them
24 when you go through the first door to begin your
25 route down the hallway, correct?

26 A. What do you mean, when you're just about to
27 go in?

28 Q. Okay. You're outside of the hallway to Mr. 11504

1 Jackson's room, near the entrance of the front door
2 of the house, correct?

3 A. I am inside the house by the doorway to the
4 main residence.

5 Q. Correct. And you're going to go through the
6 first set of doors heading towards Mr. Jackson's
7 bedroom?

8 A. Yes.

9 Q. And when you go through those doors the
10 bells, the chimes, go off, correct?

11 A. When you reach about halfway down the hall.

12 Q. And then they stop -- well, and then the
13 second set of chimes goes off right before you get
14 to Mr. Jackson's door to his bedroom?

15 A. When you go in the doorway, the door to his
16 room, then they begin to sound.

17 Q. For the second time?

18 A. Yes. I don't know if it's because you're
19 standing by the lift or when you press the code or
20 what it is.

21 Q. Now, during the year -- during the time of
22 February and March of 2003, were you responsible for
23 cleaning Mr. Jackson's room?

24 A. No.

25 Q. During February and March of 2003, did you
26 go into Mr. Jackson's room for any reason?

27 A. No.

28 Q. In -- were you at work the day that the 11505

1 sheriff's deputies came to the ranch and executed
2 the search warrant?

3 A. Yes.

4 Q. And that was November of 2003, correct?

5 A. Yes.

6 Q. And at that time were you responsible for
7 cleaning Mr. Jackson's room?

8 A. No.

9 Q. Had you gone into Mr. Jackson's room during
10 2003 at all?

11 A. No.

12 Q. In 2004, the next year - okay? --

13 A. Yes.

14 Q. -- were you responsible for cleaning Mr.
15 Jackson's room at that time?

16 A. I have never been in that position.

17 Q. And during 2004, did you ever go into Mr.
18 Jackson's bedroom?

19 A. Perhaps.

20 Q. Do you remember -- let's go back to 2003.

21 Do you remember during 2003 whether both of those
22 chimes were working?

23 A. Yes.

24 Q. And if you didn't go into Mr. Jackson's
25 bedroom during that time, what were you doing going
26 down the hallway?

27 MR. SANGER: Objection. Argumentative as

28 phrased. 11506

1 THE COURT: Overruled.

2 You may answer.

3 THE WITNESS: Could you repeat that again?

4 Q. BY MR. SNEDDON: Yes. You told the jury

5 that during 2003, you did not go into Mr. Jackson's

6 bedroom.

7 A. Yes.

8 Q. And I'm asking you, if you did not go into

9 his bedroom, why would you be in the hallway leading

10 to his bedroom?

11 A. There is a bathroom in that hallway.

12 Q. Okay.

13 A. And that hallway is our responsibility to

14 clean. And then -- and then when one is walking in

15 that hallway, you will hear the chimes.

16 Q. Okay. That's what I wanted to get to.

17 Now, during 2003 you did clean that

18 bathroom, correct?

19 A. Yes.

20 Q. And when you do that, the alarm only goes

21 off once, correct, when you go through the first set

22 of doors?

23 MR. SANGER: Objection. Misstates the

24 evidence and compound.

25 THE COURT: Overruled.

26 THE WITNESS: It -- it rings -- I don't

27 know. It will ring and then it stops.

28 Q. BY MR. SNEDDON: During 2003, in November, 11507

1 when the sheriff's deputies came to Mr. Jackson's
2 ranch, is it your testimony that the alarm through
3 the first set of doors was working?

4 A. Yes.

5 Q. And in December of 2004, do you recall
6 sheriff's deputies coming back to Mr. Jackson's main
7 residence on another occasion?

8 A. Yes.

9 Q. And you were there?

10 A. Yes.

11 Q. And is it your testimony that the chimes at
12 the first set of doors were working during December
13 of 2004?

14 A. Yes.

15 MR. SNEDDON: All right. Nothing further.

16

17 REDIRECT EXAMINATION

18 BY MR. SANGER:

19 Q. I believe you said that the alarm goes off
20 the first time when you're just about the middle of
21 the hallway; is that correct?

22 A. Yes.

23 Q. And this is a hallway that has a lot of
24 stuff in it; is that right?

25 A. Yes.

26 Q. Okay. And you need to dust and clean in
27 there; is that correct?

28 A. Yes, we are responsible for that place. 11508

1 Q. All right. So aside from the bathroom
2 that's off that hallway, you need to go down the
3 hallway to Mr. Jackson's door and dust and do
4 things, right?

5 A. Yes.

6 Q. So the alarm that we heard is the same alarm
7 that you've heard for years in that hallway; is that
8 right?

9 A. Yes.

10 Q. Okay. And you were just asked by Mr. Nimmer
11 to help him by walking, right?

12 A. Yes.

13 Q. This was not your idea to be in this, was
14 it?

15 A. Oh, no. No, no.

16 MR. SANGER: All right. Your Honor, what
17 I'd like to do is play Exhibit 345, which is already
18 in evidence, and this was the People's version of
19 the alarm that they taped on November 18, 2003.

20 THE COURT: All right.

21 MR. SANGER: If I may play that.

22 I'm going to play that in one second, and
23 when I do, I'm simply going to ask that you watch
24 this and then -- I'll play this one all the way
25 through. It's very short. And when we get through
26 playing it, then I'll ask you a few questions about
27 it, okay? And I don't believe you were there at the

28 time, so I'm just going to ask you to watch it. 11509

1 (Whereupon, a DVD, Plaintiff's Exhibit 345,

2 was played for the Court and jury.)

3 Q. BY MR. SANGER: Okay. Now, that's a very
4 short film there, and we don't know exactly where
5 the cameraman was on that picture. Did you hear a
6 bell in that?

7 A. Yes.

8 Q. Was that the first bell or the second bell;
9 do you know?

10 A. The second bell.

11 Q. All right. So the first bell would have
12 already gone off from somebody going through the
13 middle of the hallway?

14 MR. SNEDDON: Object. Calls for a
15 conclusion and speculation as to that point in time.

16 THE COURT: Sustained.

17 Q. BY MR. SANGER: All right. Did you hear the
18 bell that goes off when you go through the middle of
19 the hallway in that tape?

20 A. I wasn't present at that time.

21 MR. SANGER: Okay. All right. Okay. I
22 have no further questions.

23 MR. SNEDDON: No questions, Your Honor.

24 THE COURT: All right. Thank you. You may
25 step down.

26 Call your next witness.

27 MR. SANGER: Can I just have one second,

28 Your Honor? 11510

1 (Off-the-record discussion held at counsel
2 table.)

3 MR. AUCHINCLOSS: May we approach, Your
4 Honor?

5 THE COURT: Yes.

6 (Discussion held off the record at sidebar.)

7 MR. SANGER: All right. My apologies, Your
8 Honor. As the Court knows, we're all getting down
9 to the end here, so we've got a few details to work
10 out.

11 We would call Mr. Radakovich, whose name I
12 probably mispronounced. I apologize in advance.

13 THE COURT: Come forward, please. When you
14 get to the witness stand, please remain standing.
15 Face the clerk over here, raise your right
16 hand.

17

18 MIKE RADAKOVICH

19 Having been sworn, testified as follows:

20

21 THE WITNESS: Yes, I do.

22 THE CLERK: Please be seated. State and
23 spell your name for the record.

24 THE WITNESS: My name is Mike Radakovich.

25 R-a-d-a-k-o-v-i-c-h.

26 THE CLERK: Thank you.

27 //

28 // 11511

1 DIRECT EXAMINATION

2 BY MR. SANGER:

3 Q. Okay. I did mispronounce your name, but you
4 weren't in the room so you didn't hear it.

5 Mr. Radakovich, what do you do for a living?

6 A. I'm a certified public accountant.

7 Q. How long have you done that?

8 A. Around 30 years.

9 Q. All right. And where do you have your
10 office?

11 A. In San Luis Obispo, California.

12 Q. And do you work in this area, in the Santa
13 Maria area as well?

14 A. Yes, I've testified both in Santa Maria and
15 San Luis Obispo County.

16 Q. In addition to doing forensic work, which is
17 testifying in court, do you do ordinary CPA-type
18 duties?

19 A. Yes, I do.

20 MR. SANGER: All right. I'm going to --

21 maybe I should have this marked first, Your Honor,

22 as defense next in order. I'm going to ask that a

23 chart, an analysis chart, be marked, and my guess is

24 that would be 5105.

25 May I approach, Your Honor?

26 THE COURT: Yes.

27 Q. BY MR. SANGER: I'm going to -- I'm going to

28 show you 5105 for identification and ask you if you 11512

1 prepared that chart?

2 A. Yes, I did.

3 Q. And did you prepare that chart after

4 reviewing certain documents?

5 A. Yes, I did.

6 Q. All right. Now, I'm going to show you

7 what's been marked for identification as 5097, which

8 appears to be a Washington Mutual Bank statement,

9 and also 5098, which appears to be a Washington

10 Mutual Bank copy of a cashier's check.

11 May I approach for that purpose?

12 MR. AUCHINCLOSS: Can I see that?

13 MR. SANGER: Yeah.

14 Q. Okay. Now I'm showing you those two

15 documents.

16 And for the record, Your Honor, those have

17 been retrieved from subpoenaed documents from

18 Washington National Bank. I believe counsel's

19 indicated they have no objection to the foundation

20 as being subpoenaed business records.

21 MR. AUCHINCLOSS: That's correct.

22 Q. BY MR. SANGER: Okay. Were those two of the

23 documents that you looked at in the course of

24 preparing your analysis sheet?

25 A. Yes, it was.

26 Q. Now, on your analysis sheet, there are two

27 entries at the very beginning that indicate "Date"

28 and "Source," and the "Source" on those first two 11513

1 entries are "Louise Palanker" and the amounts on
2 those two entries are \$10,000 apiece. Do you see
3 those?

4 A. That is correct.

5 Q. And you reviewed copies of those checks; is
6 that correct?

7 A. Yes, I did.

8 Q. And you put those on your analysis sheet,
9 correct?

10 A. Correct. Those are two checks. One was
11 written to Ms. Janet Arvizo and one was to Mr. David
12 Arvizo.

13 MR. AUCHINCLOSS: Your Honor, I'm going to
14 object to statements being read from this report
15 and --

16 BAILIFF CORTEZ: Can't hear you, sir.

17 MR. AUCHINCLOSS: I'm going to object to
18 statements being read into the record from this
19 report, as well as referencing this document as an
20 analysis before there is some foundation laid as to
21 its admissibility on the basis of hearsay,
22 authentication and relevance.

23 MR. SANGER: I don't think I asked him, Your
24 Honor, to read from the report. I just asked him if
25 he made an entry as to two checks.

26 MR. AUCHINCLOSS: I believe counsel has
27 already read the first two entries to the witness.

28 THE COURT: So I think what -- your objection 11514

1 is that the items are not in evidence yet?

2 MR. AUCHINCLOSS: They're not in evidence

3 and no foundation has been laid.

4 MR. SANGER: Your Honor, I believe they are

5 in evidence. I believe these were admitted in

6 evidence by the prosecution some time ago.

7 THE COURT: What number?

8 MR. AUCHINCLOSS: I'm not referring to the

9 items. I'm referring to this document that counsel

10 is reading from. My foundation and hearsay --

11 THE COURT: That's the question. What I

12 need to know is are they in evidence.

13 MR. SANGER: The two Palanker checks are in

14 evidence, Your Honor. And I know you're going to

15 ask me the number and I don't have the number off

16 the top of my head.

17 THE COURT: That's all right. Do both sides

18 agree they're in evidence?

19 MR. AUCHINCLOSS: Yes, I believe those two

20 documents are in evidence, those two checks.

21 THE COURT: Your objection is overruled.

22 Q. BY MR. SANGER: So now we go down to -- so,

23 before we go down there, as to those two checks, did

24 you simply record, from the information on the

25 checks, the date, the source, the amount, and a

26 brief description?

27 A. Yes, sir.

28 Q. All right. Now we're going to go down to 11515

1 the next lines and we'll try to take these all at
2 once. They would be the next five lines. And those
3 appear to be references to deposits in the
4 Washington Mutual account.

5 A. Yes, those are the same deposits that appear
6 on this bank statement that you handed me, Exhibit
7 No. 5097, as being deposits into that Washington
8 Mutual account.

9 Q. So 5097 appears to be a bank statement; is
10 that correct?

11 A. Yes, sir.

12 Q. And that bank statement is from what bank?

13 A. Washington Mutual Bank.

14 Q. And who is the account holder?

15 A. The name at the top of the statement is
16 Janet Arvizo, FBO Gavin Anton Arvizo.

17 Q. What does FBO mean?

18 A. My understanding, that's "for the benefit
19 of."

20 Q. That's an account that Janet Arvizo -- under
21 ordinary banking practices, Janet Arvizo would have
22 the ability to sign on and she is putting it in the
23 form that it's for the benefit of somebody else; is
24 that right?

25 A. Yes, sir.

26 Q. All right. Now, from that exhibit, 50 --
27 which exhibit was that? 5097?

28 A. The bank statement is 5097, yes. 11516

1 Q. Yeah. From 5097, did you record the date of
2 the various deposits?

3 A. Yes, sir. Those appear in the column headed
4 "Date."

5 Q. And then we'll skip "Source" for a second.

6 Under "amount," you indicated the amounts that were
7 deposited into the account; is that correct?

8 A. Yes, sir.

9 Q. And then you have, under "Description,"
10 "Deposit into" that particular bank account number,
11 "Janet Arvizo, FBO Gavin Anton Arvizo," correct?

12 A. Yes, sir.

13 Q. All right. Now, the source says,
14 "Fund-raiser." Were you asked to assume that there
15 had been testimony in this case that moneys were
16 deposited in that account from fund-raisers?

17 A. Yes, that was my assumption.

18 Q. Okay. So between that assumption and what
19 you saw on Exhibit 5097, the next five entries would
20 be correct; is that right?

21 A. Yes, sir.

22 MR. AUCHINCLOSS: I'm going to object to
23 foundation as to the source and assumptions made by
24 the witness regarding specifics -- specific sources
25 for these five deposits. I don't think there's been
26 any testimony concerning those specific deposits and
27 the sources.

28 MR. SANGER: Your Honor? 11517

1 THE COURT: Yes.

2 MR. SANGER: There was testimony that this
3 account was set up by Janet Arvizo; that she had set
4 up an account and she admitted on cross-examination
5 that the money had gone in and she had withdrawn it
6 all.

7 So this is an expert witness -- although his
8 expertise for the purposes of this is very limited,
9 but he's an expert witness who's being asked to
10 simply organize these facts. And I asked him to
11 assume hypothetically that there had been proof that
12 this money came from a fund-raiser, which is
13 consistent with prior testimony.

14 MR. AUCHINCLOSS: And that is a matter of
15 contention.

16 THE COURT: As to whether it came from the
17 prior testimony or not?

18 MR. AUCHINCLOSS: Yes, and the specific
19 source for these deposits on these individual dates.

20 THE COURT: Well, I'll allow the witness to
21 make that assumption.

22 (To the jury) It goes back to an
23 instruction I gave you a long time ago, it seems
24 now, about hypothetical questions. Remember that?
25 It was a short instruction, but basically it tells
26 you that when a hypothetical question is proposed to
27 a witness or propounded to a witness, the jury, the

28 fact finder, still has to determine whether or not 11518

1 the underlying hypotheticals are proven or not, when
2 you consider this witness's testimony.

3 So I'll just remind you of that instruction,
4 and allow the attorney to proceed with this line,
5 making it clear that you're --

6 Use the word "hypothetical," if you would,
7 so that the jury understands that, and then I'll --
8 based on that, I'll overrule the prosecution's
9 objection.

10 Q. BY MR. SANGER: All right. So other than
11 the characterization of "Fund-raiser" on those next
12 five lines, the rest you simply recorded from the
13 documents, from the Washington Mutual records,
14 correct?

15 A. That is correct.

16 Q. All right. Now, I'm going to show you 5099
17 for identification.

18 If I may approach, Your Honor.

19 THE COURT: You may.

20 Q. BY MR. SANGER: 5099 is a copy of a check;
21 is that correct?

22 A. Yes, sir.

23 MR. SANGER: And, Your Honor, that also
24 comes from the materials that were business records
25 that were subpoenaed, and there's a stipulation as
26 to the foundation.

27 Q. As to 5099, did you record on the next line

28 of your analysis the date that that check was 11519

1 written?

2 A. I recorded the date it was deposited. It

3 was actually written on November 2nd.

4 Q. All right. And it was deposited November 5?

5 A. Yes, sir.

6 Q. And that was 2001; is that correct?

7 A. Yes, sir.

8 Q. The source is Michael Adler?

9 A. Yes, Michael Adler.

10 Q. And it looks like it says "Alder" here.

11 A. It is -- it's hard to read a copy of the

12 copy, but I think it is Alder. A-l-d-e-r.

13 Q. And then the amount is \$32,308; is that

14 correct?

15 A. Yes.

16 Q. And that amount was deposited in that same

17 account; is that correct?

18 A. That's correct.

19 Q. All right. Now, there's a notation, "J.C.

20 Penney lawsuit." Do you see that under

21 "Description"?

22 A. Yes, that's under the "Description," "J.C.

23 Penney lawsuit." On the check itself it says, under

24 "Memo," "Arvizo settlement."

25 Q. All right. And were you asked to assume

26 that there had been testimony -- for the purpose of

27 a hypothetical for the entry of this material on

28 your analysis, that there had been testimony that 11520

1 the settlement source was a J.C. Penney lawsuit?

2 A. Yes, sir.

3 Q. All right. Now, I'm going to ask you to
4 look at 5098, which is a document dated November 9,
5 2001; is that correct?

6 A. Yes.

7 Q. And what does that appear to represent?

8 A. About four days after the \$32,000 is
9 deposited, Ms. Arvizo withdraws \$29,000 from the
10 same account, and it's made into a money order
11 payable to Hollywood Ford.

12 Q. All right. Now, could you determine that on
13 November 9, 2001, Janet Arvizo withdrew \$29,000,
14 approximately, from her Washington Mutual Bank
15 account?

16 A. I see that same amount clearing the bank
17 after this check is drawn.

18 Q. All right. So you determined that from the
19 Washington Mutual Bank account records; is that
20 correct?

21 A. Yes, sir.

22 Q. All right. And then the actual document
23 that you have in front of you is a -- what appears
24 to be a cashier's -- a copy of a cashier's check; is
25 that correct?

26 A. Yes.

27 Q. Now, do you know if that cashier's check

28 actually was cashed by Hollywood Ford? 11521

1 A. I do not know where it was cashed. I do
2 know that there's a withdrawal from the bank around
3 that time for \$29,000.

4 Q. All right. And is there any indication that
5 \$29,000 went back into the account?

6 A. I never saw it go back into the account.

7 Q. All right. Now, the next line under the
8 analysis is December 2001 --

9 A. Yes, sir.

10 Q. -- is that correct?

11 Were you asked for the purpose of preparing
12 this analysis to assume that Azja Pryor had
13 testified in this court that she had given \$600 to
14 Janet Arvizo in December of 2001?

15 A. That's the assumption that I've made, yes.

16 Q. And -- okay. And I'm sorry, I couldn't help
17 overhearing Mr. Sneddon, so I apologize, but it was
18 a stage whisper.

19 Whether it's cash or a cashier's check, were
20 you asked to assume that money was given to Azja
21 Pryor?

22 A. I assumed money was given to Azja Pryor.

23 Q. You assume that because you were asked to
24 assume that, for the purpose of preparing this,
25 correct?

26 A. Yes, sir.

27 Q. All right. Now, if -- we're going to

28 skip -- no, we aren't. We're going to go from 11522

1 January 2 through March 17, and I'm going to show
2 you a series of checks and these checks are Nos.
3 5100 through 5104.

4 May I approach, Your Honor?

5 THE COURT: Yes.

6 MR. SANGER: Thank you.

7 Q. I'm showing you 5100 through 5104. Those
8 are documents that came from the bank records that
9 have been subpoenaed of Jay Jackson, and I'm going
10 to ask you if you reviewed those for the purpose of
11 preparing this analysis?

12 A. Yes, I did. They are listed on my schedule.

13 Q. And is the information listed on the
14 schedule the information that comes directly off of
15 all of those checks?

16 A. Yes, sir.

17 MR. AUCHINCLOSS: Could we have the actual
18 exhibit numbers traced to the individual exhibits?

19 MR. SANGER: Sure. So 5100 would be the
20 January 2 welfare check of \$769; is that correct?

21 A. That is correct.

22 Q. And that was deposited into Jay Jackson's
23 Bank of America account; is that correct?

24 A. Yes, it was.

25 Q. And then 5101 was the same date, January 2,
26 2003, and that's a check from Jay Jackson to Raymond
27 Trujillo, rent for Soto Street apartment.

28 A. That is correct. 11523

1 Q. And then 5102 is a February 24 welfare check
2 for \$769, and that was deposited in Jay Jackson's
3 Bank of America account?

4 A. Actually, the check is February 15th. I
5 think it was deposited February 24th.

6 Q. Okay. So the date of the check is the 15th,
7 deposited February 24th?

8 A. That is correct.

9 Q. All right. And there's a notation that
10 apparently somebody switched the numbers around at
11 the bank, and they had to correct that error?

12 A. Yeah. Being an accountant, it's not unusual
13 to transpose numbers. And when it was first
14 deposited, it was deposited as \$796, and the bank
15 caught that. And so when it first -- it shows up as
16 a deposit on his bank deposit as \$796, and Bank of
17 America catches it and takes \$27 back out of the
18 account.

19 Q. All right. So the bottom line -- aside from
20 all that accounting business within the bank, the
21 bottom line is the welfare check of \$769 was
22 deposited into Jay Jackson's Bank of America
23 account, correct?

24 A. That is correct.

25 Q. And the next one is 5103, and that's a check
26 from Jay Jackson of \$425, a rent payment to Raymond
27 Trujillo for the Soto Street apartment; is that

28 correct? 11524

1 A. That is correct.

2 Q. And the last one, 5104, appears to be a
3 welfare check; is that correct?

4 A. Yes, dated March 17th, 2003.

5 Q. And that's for \$769?

6 A. Yes, it is.

7 Q. And that appears to have been cashed by
8 Janet Arvizo?

9 A. It's hard to read, but I -- it looks like
10 it's her signature.

11 MR. SANGER: All right. Okay. Your Honor,
12 we would move into evidence 5097 through 5104, which
13 are those documents as exhibit records from the
14 various accounts.

15 MR. AUCHINCLOSS: No objection.

16 THE COURT: They're admitted.

17 Q. BY MR. SANGER: Now, looking at your
18 analysis for the moment, or back to that, the last
19 five entries are entries for which you did not have
20 specific documentation; is that correct?

21 A. Correct. Except for the February 6th
22 through March 12th, I did review what I referred to
23 as Exhibits 414 and 416.

24 Q. All right. Well, let's start with that.

25 Did you have an occasion to look at court exhibits
26 414 and 416?

27 A. Yes, sir.

28 Q. And what did those appear to be? 11525

1 A. They appeared to be expense -- I guess you'd
2 call them expense reports that showed various
3 expenses being made and the notation on those was
4 for Janet Arvizo.

5 Q. All right. And who -- whose bank account --
6 what was the name -- I'm sorry, let me withdraw
7 that.

8 What was the name of the entity for which
9 this expense report was prepared?

10 A. It was my understanding it was Neverland
11 Valley Entertainment.

12 Q. All right. Now, were you able to come up
13 with a precise number as to how much money had been
14 expended on behalf of Janet Arvizo or her children
15 as opposed to expended indirectly on her behalf in
16 some other fashion?

17 A. No, I was not, but it appeared to be several
18 thousand dollars.

19 Q. All right. And were you asked to assume for
20 the purpose of preparing this chart that there was
21 testimony in this court indicating that several
22 thousand dollars had been spent on behalf of Janet
23 Arvizo and her children during this period of time?

24 A. Yes.

25 Q. All right. So under the "Amount," rather
26 than putting an exact dollar amount, you just put
27 "Several Thousand Dollars"; right?

28 A. That's correct. 11526

1 Q. Was your purpose to come up with a bottom
2 line that was going to be computed?

3 A. No.

4 Q. It was just to record these various
5 transactions so we'd have them all in one place; is
6 that right?

7 A. Yes, sir.

8 Q. All right. And then February -- the next
9 line is February 5th to February 24th, 2003. And
10 this says, "Source," "Michael Jackson."

11 Were you asked to assume, for the purpose of
12 preparing this, that there had been testimony that
13 money had been expended on behalf of Janet Arvizo
14 and her children for a trip to Miami, body wax,
15 children's braces, lodging, travel, food expenses
16 and so on?

17 A. Yes, sir.

18 Q. You indicated in the "Amount" column
19 "Several Thousand Dollars," correct?

20 A. Yes, sir.

21 Q. Once again, did you have any ability to do
22 an accounting as to what Mr. Jackson expended on
23 behalf of these particular individuals?

24 A. No, sir.

25 Q. Okay. All right. And then I see there's
26 actually maybe a typo here. The next line is
27 February 7 to March 12th, 2003. There's an

28 indication, "Several Thousand Dollars," "Living 11527

1 Expenses at Neverland Ranch”?

2 A. Yes, sir.

3 Q. All right. And it says, for some reason,
4 “MJ Sounds” and I have no idea why it says “Sounds”
5 there. Why don’t we just strike that word out.

6 A. That’s fine.

7 Q. Was it -- were you asked to assume there had
8 been testimony that this family had been living at
9 the Neverland Ranch, the previous one was living
10 elsewhere and other expenses for them, but this line
11 being living expenses while they’re at Neverland
12 Ranch?

13 A. That is correct.

14 Q. All right. And again, you didn’t know how
15 much so you put “Several Thousand Dollars”; is that
16 correct?

17 A. That is correct.

18 Q. Now, the next line is February 20, 2003, and
19 you indicated “Hamid Moslehi,” and the total amount
20 of \$2,000, and “Description,” “Cash.”

21 Were you asked to assume that there was
22 testimony in this trial that Hamid Moslehi had given
23 Janet Arvizo \$2,000 in cash on February 20th?

24 A. Yes, I was.

25 Q. And were you asked to assume whether that
26 was a loan or a gift or anything else or just that
27 it was \$2,000?

28 A. I assumed that he received \$2,000 -- or the 11528

1 Arvizo family received \$2,000 from that gentleman.

2 Q. All right. And then the last entry is

3 November 2 to present. It says "Source" is Jay

4 Jackson. "Amount" is "Unknown."

5 Were you asked to assume that there had been

6 testimony from Gavin and from Jay Jackson that Janet

7 Arvizo had been living with Jay Jackson off and on

8 from November 2002 to the present?

9 A. That is correct.

10 Q. And so you've indicated there would be some

11 sort of lodging and use of an automobile based on

12 the assumptions that we asked you to make; is that

13 correct?

14 A. Yes, sir.

15 Q. All right. Based on all of that, is this

16 chart now a fair and accurate depiction of what you

17 have just testified to, that is, the documents you

18 received and looked at, and also the assumptions you

19 were asked to make from the prior testimony?

20 A. That is correct.

21 MR. SANGER: Your Honor, I would move into

22 evidence Exhibit 5105.

23 MR. AUCHINCLOSS: I'd object to the

24 admission of that evidence, Your Honor. I'd like to

25 take the witness on voir dire.

26 BAILIFF CORTEZ: Microphone's off again,

27 sir.

28 THE COURT: I'll -- I won't rule on the 11529

1 admissibility until after your cross-examination.

2 MR. AUCHINCLOSS: All right.

3 MR. SANGER: I was going to request to
4 publish it so I could just show it to the jury, but
5 I'll hold off, if that's all right, if I would be
6 allowed to do that after Mr. Auchincloss concludes
7 his cross, assuming it's admitted.

8 THE COURT: I'm going to hold off on the
9 ruling until he examines. We could do it by voir
10 dire or cross, but I think it's better just to do it
11 by cross.

12 MR. SANGER: With that exception, I would
13 like to put this up if it's admitted later. I'll
14 defer to Mr. Auchincloss.

15 THE COURT: All right.

16

17 CROSS-EXAMINATION

18 BY MR. AUCHINCLOSS:

19 Q. Good morning, Mr. Radakovich.

20 A. Yes, sir.

21 Q. Did I pronounce that correctly?

22 A. Perfectly.

23 Q. All right. I'm looking at Exhibit 5105 and
24 I'm going to go through that with you somewhat
25 quickly, but I want to focus on the items for which
26 you do not have any evidence before you. There's
27 several things you were asked to assume in this

28 document and I want to talk about those, first of 11530

1 all.

2 Beginning at the top of this document, you
3 have a June 15th, 2000, entry from Louise Palanker,
4 \$10,000, check to Janet Arvizo. Have you seen that
5 check, first of all?

6 A. Yes, I have.

7 Q. Do you know if Janet Arvizo actually
8 received, personally received, that \$10,000?

9 A. I saw a signature that appeared to be her
10 signature on the back of it, cashing it. I don't
11 know what happened to the funds.

12 Q. Okay. How about the check to David Arvizo,
13 the next entry, July 10th? Can you tell us whether
14 or not Janet Arvizo actually received that \$10,000?

15 A. The check was made out to David Arvizo.

16 Q. Okay.

17 A. And it looked -- I've never seen his
18 signature before to compare, because that was the
19 only document that his signature was on, but it
20 looked like he cashed it.

21 Q. Okay. But you have no evidence to lead you
22 to believe or conclude that Janet Arvizo received
23 that \$10,000?

24 A. No, sir.

25 Q. Now, what were you specifically asked to do
26 in preparing this document, Exhibit 5105?

27 A. Well, to look at particular transactions,

28 and to basically list the pieces of information from 11531

1 those documents in the order that shows up on the
2 schedule.

3 Q. Was the idea here to create a list of income
4 that Janet Arvizo received between the dates of,
5 let's say, June 15th, 2000, and I guess March 12th,
6 2003, over those three years?

7 A. Not to list any income. Just to show the
8 transactions.

9 Q. Okay. Just to show a list of transactions?

10 A. That is correct.

11 Q. Was there any guidance as far as what
12 transactions you were going to put in this list?

13 A. I was provided, I'm going to call it a book
14 of evidence, an evidence book, that had various
15 checks. Some of which are in evidence here,
16 additional ones that I don't know if they're in
17 evidence or not in evidence as those checks from
18 Louise Palanker. I was given those documents.

19 Q. You were given a book of documents?

20 A. Yes, sir.

21 Q. Who gave you the book of documents?

22 A. Actually it was delivered to my office, but
23 it's my understanding it came from Mr. -- either Mr.
24 Sanger's or Mr. Mesereau's office.

25 Q. Do you have that book with you today?

26 A. Yes, I do.

27 MR. AUCHINCLOSS: May I approach and take a

28 look at that item, Your Honor? 11532

1 THE COURT: Yes.

2 MR. AUCHINCLOSS: All right. Thank you.

3 Q. So when you received this book -- I noticed
4 that -- well, is it fair to say that the book has
5 some additional documents in it apart from what
6 you've included in your report on Exhibit 5105?

7 A. Yes, sir.

8 Q. And did you receive some guidance from Mr.
9 Sanger or anybody else as to which documents were
10 going to be selected out of that book to be included
11 in this exhibit?

12 A. Yes, we met and discussed the documents in
13 the book and which ones Mr. Sanger wanted to have on
14 the schedule and which ones had the actual
15 documentation behind them.

16 Q. Okay.

17 A. There were a lot of documents in the book.

18 Q. So Mr. Sanger told you what he wanted on
19 this list?

20 A. We had a meeting and we discussed various
21 transactions. And I suppose, yes, he told me which
22 transactions to put on the book, but it was a
23 discussion that him and I had back and forth. We
24 discussed various transactions.

25 Q. But many of these transactions you don't
26 even have in that book; is that fair to say? You
27 don't have any evidence of the transaction in the

28 book that was delivered to you? 11533

1 A. Just the ones that Mr. Sanger brought up at
2 the end from February 6th on. There aren't any
3 indications of those in this book.

4 Q. And you also don't have any indication of
5 the transaction involving Azja Pryor in December of
6 2001?

7 A. I'm sorry. That one also. There's no
8 indication for that.

9 Q. And some of this information in this report
10 you don't have any knowledge of except based upon
11 what Mr. Sanger told you; is that fair to say?

12 A. I don't quite understand what you're asking.

13 Q. Well, for instance, the source of the
14 deposits to Janet Arvizo's account at Washington
15 Mutual, you have no idea what the source of those
16 deposits was?

17 A. No, and I don't think I'm trying to --
18 all -- under "Description" I just say, "Deposit into
19 the Washington Mutual account." I'm not making any
20 kind of opinion as to where I think those sources
21 are coming from.

22 Q. But the "Source" you wrote in this document
23 is "fund-raiser," "fund-raiser," "fund-raiser,"
24 "fund-raiser," "fund-raiser," for those five
25 documents. And you don't know that the source of
26 those funds on those entries was, in fact, a
27 fund-raiser except for what Mr. Sanger told you; is

28 that fair to say? 11534

1 A. Yes, as he indicated, that was an assumption
2 that was made.

3 Q. Okay. So moving down the list, you assumed
4 that each of those deposits came from a fund-raiser,
5 but you don't have any knowledge of that?

6 A. That is correct.

7 Q. Moving to the next entry, November 5th,
8 2001, there's a check from Michael Alder. It says,
9 "J.C. Penney lawsuit." Did Mr. Sanger ask you to
10 assume that as well?

11 A. Yes, and there was -- also I reviewed a J.C.
12 Penney lawsuit settlement statement.

13 Q. And then moving down to the next one, that's
14 a cashier's check from Hollywood Ford. Do you have
15 any information as to whether or not that check to
16 Hollywood check was cashed?

17 A. Actually, it's a check to Hollywood Ford,
18 not from --

19 Q. I misspoke. A check to Hollywood Ford. Do
20 you have any idea whether that check was ever
21 cashed?

22 A. I have no idea.

23 Q. Do you have any idea where those funds went?

24 A. The check is made out to Hollywood Ford. I
25 assume it went to Hollywood Ford.

26 Q. But that's all you have had. Does that
27 check cashed -- does it indicate it's been cashed

28 based upon the markings on the check? 11535

1 A. Well, what we have is a copy of a cashier's
2 check. So we don't have the actual check itself.
3 The check would have not been returned to Miss
4 Arvizo. It would have been returned to the bank.
5 When you get a cashier's check, it doesn't come back
6 in the mail with your bank statement. It's returned
7 to the bank.

8 Q. Okay. Did you call Hollywood Ford?

9 A. No, sir.

10 Q. So you really don't know if Hollywood Ford
11 received that check, true?

12 A. All I can say is it was made out to
13 Hollywood Ford.

14 Q. Do you have any idea whether the \$32,000,
15 \$32,308, do you have any idea whether those funds
16 went to Janet Arvizo or if she shared those with her
17 husband or if they went to somebody else? Do you
18 have any idea where those funds went ultimately?

19 A. Yes, I do. They went to the Washington
20 Mutual account and they were deposited into the
21 Washington Mutual account, the \$32,000.

22 Q. Yes.

23 A. And about seven or eight days later, the
24 funds were basically cleared out when she wrote a
25 check to Hollywood Ford. Basically, money comes
26 into the bank and the money goes out to Hollywood
27 Ford.

28 Q. So with the exception of the \$3,000, 11536

1 approximately, \$3,000?

2 A. That is correct.

3 Q. Okay. But we're back to my previous

4 question. You don't know what happened to that

5 \$29,000, exactly where those funds went?

6 A. Well, it went to Hollywood Ford. I guess

7 I'm --

8 Q. You have a cashier's check, but you said you

9 didn't have an indication whether or not that check

10 was cashed, true?

11 A. No, I -- the funds were withdrawn from the

12 bank. I know that.

13 Q. Yes.

14 A. The funds were withdrawn from the bank.

15 There is a check on that same day for the same

16 amount to Hollywood Ford. It's not unreasonable to

17 think that that check went to Hollywood Ford.

18 Q. Gotcha. But that's an assumption that

19 you're making, correct? You don't have any direct

20 evidence that that check was cashed at Hollywood

21 Ford, true?

22 A. Well, the check was made out to Hollywood

23 Ford, the funds left the bank. I guess I'm assuming

24 that, but I guess I assumed the sun came up this

25 morning, too.

26 Q. Well, let me throw another assumption at

27 you.

28 THE COURT: Let's take a -- let's assume 11537

1 we're going to take a break.

2 (Laughter.)

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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 11497 through 11538

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 23, 2005, and thereafter

20 reduced to typewriting by computer-aided

21 transcription under my direction.

22 DATED: Santa Maria, California,

23 May 23, 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

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15

16

17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

18

19 MONDAY, MAY 23, 2005

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21 8:30 A.M.

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23 (PAGES 11540 THROUGH 11685)

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26

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

28 BY: Official Court Reporter 11540

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28 11541

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 RADAKOVICH, Mike 11563-A

12 MANRRIQUEZ,

13 Mercy Dee 11566-SA 11618-A 11625-SA 11631-A

14 ARVIZO,

15 Marian 11633-M 11642-Z

16 KEENAN, Connie 11646-M 11658-SN 11676-M 11681-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 5106 Subpoenaed records from

4 the Department of Public Social Services 11569 11569

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1 THE COURT: Counsel?

2 MR. AUCHINCLOSS: Thank you, Your Honor.

3 Q. Where we left off, Mr. Radakovich, we were
4 talking about whether the sun was going to come up
5 tomorrow, and I wanted to just ask you about another
6 assumption, okay?

7 Assume that you take a -- you go into your
8 bank, your bank is Washington Mutual, let's say, and
9 you have a \$30,000 balance in your account.
10 And you go in and you get a cashier's check
11 for \$30,000 for, let's say, an automobile dealer.
12 You walk out of the bank intending to buy a car, and
13 you turn around and you say, "You know, I don't
14 really want that car," and you walk back into the
15 bank and you say, "I've changed my mind. Here's my
16 receipt. Here's my cashier's check. I don't want
17 the car. I just want cash."

18 The bank will negotiate that check for you,
19 won't they?

20 A. I would assume so, yes.

21 Q. So there's an example where that check would
22 not have gone to Hollywood Ford, a conceivable
23 possibility?

24 A. That would be a possibility, yes.

25 Q. And you can't testify whether or not
26 Hollywood Ford actually received that check, true?

27 A. No, sir.

28 Q. So the sun will come up tomorrow; is that 11544

1 fair to say?

2 A. I certainly hope so.

3 Q. Okay. Let's go back down to the next entry
4 involving Azja Pryor. You had absolutely no
5 information as to that particular transaction except
6 for what Mr. Sanger told you?

7 A. He told me that that was admitted as -- I
8 don't know the legal term. Was admitted as evidence
9 or there was testimony as to that.

10 Q. Okay. But in terms of him supplying you
11 with any hard documentation, any accounting records
12 of any kind, you have nothing to justify that except
13 for what Mr. Sanger told you, true?

14 A. That is correct.

15 Q. All right. Now --

16 MR. SANGER: I'm going to object. Really I
17 asked him to assume that for purposes of a
18 hypothetical --

19 MR. AUCHINCLOSS: I'm going to --

20 MR. SANGER: -- as opposed to just --

21 THE COURT: The objection is overruled. Next
22 question.

23 Q. BY MR. AUCHINCLOSS: Moving down, let's see,
24 let's go to the four -- five final transactions.
25 Now, each of these transactions were based
26 completely on assumptions or hypotheticals that Mr.
27 Sanger gave you; is that correct?

28 MR. SANGER: Objection; misstates the 11545

1 evidence.

2 MR. AUCHINCLOSS: I'll ask a different

3 question.

4 THE COURT: All right.

5 MR. AUCHINCLOSS: Strike that.

6 Q. With the exception of Exhibits 414 and

7 416 -- same question. With the exception of those

8 two exhibits, which I believe you were supplied,

9 correct?

10 A. Yes.

11 Q. Did the rest of this information come from

12 Mr. Sanger?

13 A. Yes, sir.

14 Q. All right. And as far as the amounts that

15 are itemized, we don't have specific amounts for any

16 of these transactions, with the exception of the one

17 involving Hamid Moslehi, \$2,000, true?

18 A. That is correct.

19 Q. Okay. So we don't really know what kind of

20 dollar figure we're talking about with each of those

21 transactions?

22 A. No, sir.

23 Q. All right. And have you ever prepared a

24 document like this before?

25 A. I've prepared many documents. Yes, I

26 prepared many documents. I'm not sure when you say

27 "like this" --

28 Q. Well, a document that included many 11546

1 assumptions and unknown amounts and hypotheticals.

2 A. I've prepared documents for different cases,
3 and it seems like almost every single case is
4 different. I'm not sure exactly how to answer that
5 question. I mean, I have never prepared a document
6 just like this one, because this case is different
7 than the next case.

8 Q. Let me ask you another question. You said
9 that this was a fair and accurate document. But in
10 fact, it's not accurate at all because we don't know
11 the figures that we're talking about; isn't that
12 fair to say?

13 MR. SANGER: Objection. Argumentative, and
14 misstates the evidence as a matter of fact.

15 THE COURT: Overruled.

16 You may answer.

17 THE WITNESS: It's fair and accurate based
18 on the assumptions that underlie the schedule.

19 Q. BY MR. AUCHINCLOSS: Assuming that all of
20 Mr. Sanger's hypotheticals are accurate, then it's
21 fair and accurate?

22 A. Yes, sir.

23 Q. With the exception of the fact that it's not
24 accurate in the amounts that you provided for these
25 various transactions for which you have no specific
26 amount, known amount; is that fair to say?

27 A. It's accurate based on the assumptions that

28 were used to prepare it. I don't know how else to 11547

1 say that.

2 Q. What does "several thousand dollars" mean in
3 terms of accuracy?

4 A. Well, it was explained to me, as an example;
5 that they flew to Miami and that they stayed at a
6 hotel. And it would be my experience that that
7 would be several thousand dollars to get there, to
8 stay at the hotel, and the assumption that the goods
9 and services provided them would probably be several
10 thousand dollars.

11 MR. AUCHINCLOSS: All right. Thank you,
12 Mr. Radakovich. Thank you. No further questions.

13 MR. SANGER: Your Honor, I would ask to
14 admit 5105, which is the summary chart.

15 MR. AUCHINCLOSS: And we would object to the
16 admission of that document based upon improper
17 foundation and -- or lack of foundation.

18 THE COURT: Right now I'll sustain the
19 objection to the chart. I think, basically, it
20 would be helpful in your final argument as an
21 exhibit of -- you know, to explain to the jury that,
22 but I don't think that it has an evidentiary value
23 independently of argument, so --

24 MR. SANGER: It is foundational to the next
25 witness. That's the purpose of doing it this way.
26 Could we approach for a moment, Your Honor?

27 THE COURT: Yes.

28 MR. SANGER: Thank you. 11548

1 (Discussion held off the record at sidebar.)

2 MR. SANGER: May I approach the witness to
3 retrieve the exhibits that have been admitted?

4 THE COURT: Yes.

5 MR. SANGER: Okay. And I'm holding out
6 5105. That was not. The others have been received
7 and I'd like permission, then, to publish them.

8 THE COURT: You may.

9 MR. SANGER: Thank you.

10 Q. I'm putting up these documents that have
11 been received. They've been received into evidence
12 and -- do we have our laser thing there?

13 MS. YU: Yeah.

14 MR. SANGER: Sorry. Technical moment here.

15 There we go. Thank you. There we go.

16 Q. Okay. What I want to do is go through these
17 quickly. You've already testified to them before
18 they were received, but just to publish them so the
19 jury can see what we're talking about.

20 This is Exhibit 5097, and you referred to
21 this exhibit. You indicated it showed an account,
22 "Janet Arvizo, FBO Gavin Anton Arvizo," correct?

23 A. That is correct.

24 Q. All right. And the address for the
25 statement was in El Monte on Ramer Street; is that
26 correct?

27 A. Yes.

28 Q. And this particular exhibit -- I want to be 11549

1 careful not to shine this in the court reporter's
2 eyes here.

3 This particular exhibit shows deposits and
4 withdrawals from this particular FBO account;
5 correct?

6 A. That is correct.

7 Q. And you had indicated that -- there we go.

8 I think our laser is getting faint here for some
9 reason. It may be running out of battery or
10 something.

11 Okay. These are the deposits, and you
12 listed those -- well, never mind what you listed.
13 But the deposits show how much money went into this
14 account?

15 A. Looks like \$7,000 in that one month, yes.

16 Q. Okay. All right. And that month would have
17 been December, and actually into January. December
18 of 2000 and January of 2001; is that correct?

19 A. That is correct.

20 Q. Thank you. Let's see if we can get a --

21 whoa, that's a lot better. Okay.

22 Let's take 5098. Now, in looking at this
23 particular document, this is the copy of the
24 Hollywood Ford cashier's check, correct?

25 A. Yes, that's the infamous Hollywood Ford
26 check.

27 Q. And basically you don't have a copy of that

28 thing that's endorsed by Hollywood Ford to show that 11550

1 it actually went into one of their accounts; is that
2 correct?

3 A. Again, as I said, because it's not returned
4 to the person writing the check. It goes back to
5 the bank.

6 Q. All right. However, did it appear, from
7 your review of the records, that this money ever
8 went back into Janet Arvizo's account?

9 A. I never saw it going back into any account I
10 looked at, no.

11 Q. So in other words, whether Hollywood Ford
12 got it or somebody else got it, it did not go back
13 into Janet Arvizo's account?

14 A. That I could see, that is correct.

15 Q. All right. Now, I'll put up 5099, and that
16 is very hard to read. But it appears to be Mr.
17 Alder's check; is that correct?

18 A. Yes. That was a check from Mr. Alder's
19 office to Janet Arvizo. And the bottom, where the
20 "Memo" says "Arvizo settlement," it's \$32,307.88.

21 Q. Now, you said you also reviewed the J.C.
22 Penney's settlement documents, or lawsuit documents;
23 is that correct?

24 A. Yes, sir.

25 Q. Did it appear that other Arvizo family
26 members received additional sums in their name in
27 addition to the amount that Janet Arvizo received?

28 A. Yeah, the total settlement was \$152,000. 11551

1 Q. All right. Some of that went to attorney's
2 fees and costs?

3 A. Attorney fees and costs, and I think some
4 went to the kids, and I think Mr. Arvizo received a
5 check. And I think this was the check that went to
6 Janet, or obviously this is a check that went to
7 Janet.

8 Q. This is just Janet Arvizo's portion of that,
9 right?

10 A. That is my understanding.

11 Q. And I think you're doing okay, but you got
12 to really speak --

13 A. I'm scared I'm in their way over here. I
14 feel like I'm at the movies and I want to --

15 Q. I think they can see over your head. The
16 concern is make sure you talk into the microphone.

17 Okay. And that amount of money went into
18 this FBO account for Gavin and then was taken out
19 shortly thereafter by virtue of whatever this
20 transaction was with the Hollywood Ford cashier's
21 check?

22 A. That's correct. 32,000 goes in, 29,700 goes
23 out, and then later that month the remaining 3,000
24 goes out.

25 Q. All right. And then the -- oh, I won't put
26 all of these up, but we had the series of 5100
27 through 5104. This is 5100 that I'm putting up

28 there. And that's basically a copy of a check that 11552

1 shows that it was deposited into Jay Jackson's
2 account; is that correct?

3 A. That is correct.

4 Q. And you had a couple of those; is that
5 right?

6 A. Right. And I also looked at the Bank of
7 America account of Mr. Jackson and actually saw that
8 same amount on that same day being deposited into
9 his account.

10 Q. All right. So the actual check record
11 corresponded with the statement from the bank; is
12 that correct?

13 A. That is correct.

14 Q. And similarly, looking at 5101, which I
15 indicated was the rent payment for Soto Street,
16 that's noted on there; is that correct?

17 A. That is correct.

18 Q. And that appeared to have been paid out of
19 the Jay Jackson account to Raymond Trujillo; is that
20 correct?

21 A. That is correct.

22 Q. And you had a couple of those.

23 A. Yes, sir.

24 Q. Now, there were -- in the documents you
25 looked at, there were a number of other payments
26 made by Jay Jackson; is that correct?

27 A. Yes, sir.

28 Q. All right. And were you asked to take a 11553

1 liberal approach to this? A conservative approach?

2 Can you explain what you were asked to do?

3 A. I looked at all the documents submitted to
4 me, and there were a lot of documents I looked at.

5 And I didn't see, in my opinion, the relevancy of
6 those documents. There was just a check from Jay
7 Jackson's account to American Express, but it
8 didn't -- I mean, that's all I had. To me, that's a
9 meaningless check. The --

10 Q. Let me stop you there, if I could, just so
11 we can pick up on that point. In other words, you
12 saw a number of expenditures, but you couldn't tie
13 them directly with the information you had to Janet
14 Arvizo; is that correct?

15 A. That is correct.

16 Q. So you took the representative ones here
17 that are clearly for something that has been
18 identified as a residence of Janet Arvizo; is that
19 correct?

20 A. That is correct.

21 Q. All right. Now, I want to ask you --
22 Switching gears here for a second, I'd like
23 to first approach the witness and I'm going to come
24 back and put this up on the board, if I can. I'd
25 like to approach the witness with the book that
26 includes Exhibit 414 and 416 that have already been
27 received into evidence. And while I'm at the

28 microphone here, I'll just say it here so we don't 11554

1 have a colloquy up there.

2 I'm just going to ask you to look at 414 and
3 416. And these have been placed in these glassine
4 protectors, or whatever they are, and unfortunately
5 the book is broken on the top, and it tends to come
6 apart, so we've got to be careful flipping through.

7 I'm going to ask you to look through 414 and
8 then look through 416, and tell me if those appear
9 to be the same documents that you looked at earlier,
10 okay?

11 Did I ask if I may approach? I think I did,
12 yes.

13 In fact, what we'll do is just start with
14 414.

15 A. Yes. This is the document I previously saw.

16 Q. Okay. Now, on 414, that appears to be a
17 report of some sort that was generated on behalf of
18 a company called Neverland Valley Entertainment,
19 correct?

20 A. I don't know who it was generated on. It's
21 a Quicken report generated by the Quicken software,
22 and it appears to be disbursements with different
23 categories, such as Panda Express, Anchor Blue
24 Clothing, Johnny Rocket's, with various dollar
25 amounts and then a running balance going forward.

26 Q. All right. And at the end -- so the running
27 balance going forward at the end should show you the

28 total amount of the expenditures for the particular 11555

1 items included in that Quicken report; is that
2 correct?

3 A. That's correct.

4 Q. Take your time.

5 A. And what happens, the way the account reads,
6 it starts at zero. Somebody puts in \$2500, and that
7 \$2500 is eaten up, so your balance actually goes
8 down, if that makes any kind of sense.

9 Q. Can you tell -- and I'm sorry to put you on
10 the spot here, but can you tell quickly about how
11 much money was expended through that account?

12 I see you brought a calculator. I'm not
13 really encouraging you to use it, if you can give us
14 an approximation.

15 A. I'm going to give it about \$7,000.

16 Q. So earlier when you said several thousand
17 dollars, you see about 7,000 there; is that correct?

18 A. Yes, 7,000 or so.

19 Q. All right. Now, I'm going to ask you to
20 turn to 416. And I'm going to come and help you,
21 because the book is going to fall apart.

22 If I may, Your Honor.

23 THE COURT: Yes.

24 MR. SANGER: Let me just help you with this.

25 All right?

26 Q. Now, I'll ask you to go through 416. Just
27 kind of flip through it and see if that appears to

28 be the same documents that we showed you as being a 11556

1 copy of 416.

2 A. Yes. And the title of it is "Summary of
3 Petty Cash Expenditures," and it lists dates and
4 various payees such as Banana Republic, Pacific
5 Sunwear, Levi's. And then it has dollar amounts,
6 \$160, \$450, and has a running total that adds up to
7 \$4,800 for about a one-month period. 4,800 for a
8 month period.

9 MR. SANGER: All right. May I retrieve the
10 book? I'd like to publish selected pages.

11 THE COURT: Yes.

12 MR. SANGER: Thank you.

13 And with the Court's permission -- oops,
14 that's probably why the book is broken. It's
15 because I did it wrong. No? Okay.

16 With the Court's permission, I would like to
17 take Exhibit 414, which has been received, and
18 publish some representative pages here of the
19 eight-page register, if I may.

20 THE COURT: Yes.

21 MR. SANGER: Okay. Thank you.

22 Q. Now I'm taking them out of the book. And
23 the first page of Exhibit 414, for the record, the
24 little glassine envelope has a "1" on the bottom and
25 it has a couple of computer disks inside. So I'm
26 going to go to 2, page two of Exhibit 414, and just
27 ask you if -- can you read that? Is it clear enough

28 or -- 11557

1 A. Yes.

2 Q. You can? Okay. Let's just start at the
3 top. And all of these pages are set up the same
4 way; is that correct?

5 A. That is correct.

6 Q. All right. So they've got a date, which
7 appears to be obliterated by a hole punch. And then
8 it's got "Number," it says "N-U-M," "Transaction,"
9 "Spend," "C," "Received" and "Balance." Do you know
10 what those columns relate to in this Quicken
11 register?

12 A. Yes. The date is obviously the date. The
13 number is probably a transaction number. Either a
14 check number or a credit card number. The
15 "Transaction" is somebody putting a description as
16 to who the payee is and the reason for it. The
17 "Spend" is the amount of the transaction. And the
18 "Received," as I was saying, was where somebody's
19 putting money into that account.

20 So the first transaction is an \$80 deposit,
21 so we have a balance of \$80. The second transaction
22 is Five Star Parking for \$6. And so our balance now
23 is only \$74. And it goes into a running total.

24 Q. Okay. I'm sure everybody's up to date with
25 us here, but the opening balance, somebody put --
26 the opening balance is zero, and then on 2-20 they
27 record an \$80 deposit, showing a balance of a

28 deposit of \$80, correct? 11558

1 A. That is correct.

2 Q. And then you have the next transaction, \$6

3 is spent, so that leaves you \$74 --

4 A. Yes, sir.

5 Q. -- right?

6 And you can follow this through. I'm going

7 to move this particular page up a little bit. You

8 had mentioned there was a \$2500 deposit at some

9 point, and that appears to have occurred on 2-25-03,

10 2500, correct?

11 A. Yes.

12 Q. And looks like there was a negative balance

13 here after an expenditure at Robinson's-May --

14 actually, there's been a negative balance for a

15 while here. And now the total is 2272.70, which

16 means that the \$2500 then replenished that account;

17 is that correct?

18 A. That is correct.

19 Q. And in the various -- in the columns here

20 for the period of time covered by this register, you

21 have certain indications such as "Hair products for

22 Janet," "Outback Restaurant, Janet," and looks like

23 it says "Vinnie"?

24 A. Yes, sir.

25 Q. All right? And it also -- apparently "Gas

26 for rental car." That's also included in this

27 account; is that correct?

28 A. That is correct. I think the -- I think the 11559

1 account title is "Janet."

2 Q. All right. All right. So if we take this
3 through to the end, there's the same -- same
4 accounting procedure through the entire seven pages.

5 A. That's correct. And when I came up with
6 that \$7,000, I ran a mental total of all the
7 deposits, that 80, the 2500, and I came up with
8 around 7,000.

9 Q. Okay. And that's why you're an accountant
10 because you can do that fairly quickly.

11 All right. Now, let me turn to -- I'm going
12 to turn to the next exhibit, Your Honor. I just
13 need to do it carefully. To Exhibit 416.

14 And may I put that up on the board?

15 THE COURT: Yes.

16 MR. SANGER: It's been previously received.

17 Q. Okay. You talked about 416 and you told us
18 that this appears to be what you reviewed. This is
19 a handwritten, obviously, expenditure sheet of some
20 sort; is that correct?

21 A. That's correct.

22 Q. All right. And this appears to go from
23 2-26-03 to, looks like, 2-28-03?

24 A. Yes.

25 Q. Okay. In any event, this has -- the bottom
26 line for this period of time, it shows, you thought,
27 about \$4,000 in expenses?

28 A. \$4,817. 11560

1 Q. Now, they said "Cash left" of 180. So, to
2 be technically correct, I suppose you'd subtract the
3 180 from that 4800?

4 A. I believe that 180 is the amount of the
5 expenditure --

6 Q. Oh, okay.

7 A. -- to the left. So --

8 Q. Okay.

9 A. I don't know what "cash left" means.

10 Q. But the rest of the things seem to be
11 expenditures of some sort for McDonald's, Mobil and
12 so on, Baskin Robbins, I see, right?

13 A. That is correct.

14 Q. All right. Now, in the rest of Exhibit 416,
15 there are -- the first two pages, there were a
16 series -- there was a series of receipts; is that
17 correct?

18 A. That is correct.

19 Q. Now, you did not go through and attempt to
20 match all the receipts to expenditures; is that
21 right?

22 A. No, sir.

23 Q. I'm going to take page three and put this up
24 here. There's a note, "Luggage for trip." Do you
25 see this up there?

26 A. Yes, it appears to be to Wilson's down at
27 the Camarillo Outlet.

28 Q. Wilson's is a leather or luggage store? 11561

1 A. I believe it is.

2 Q. And then there's a note, "Food," and it
3 shows a Denny's receipt?

4 A. Denny's in Thousand Oaks.

5 Q. And I'll take the next page here quickly.

6 I'll put that back there. It appears to be a Banana
7 Republic receipt; is that correct?

8 A. Correct. It looks like they're all from the
9 Camarillo outlets.

10 Q. Pacific Sunwear. So all of these seem to be
11 from the same general place?

12 A. Yes, sir.

13 Q. Okay. And basically, if you go through
14 here, based on your understanding of accounts and
15 documenting accounts, it appears that somebody at
16 least attempted to put together all the receipts, or
17 put together receipts that would back up the kind of
18 accounting document that you saw either in 414 or
19 the beginning of 416; is that correct?

20 A. Correct. Assuming that those match up.

21 Now, I didn't match them up, no.

22 Q. And you weren't asked to assume that every
23 single one of these receipts pertained to Janet
24 Arvizo.

25 A. No, sir.

26 Q. So if we look at Outback Steakhouse here, it
27 looks like there's a number of different dinners

28 that were purchased on a particular evening; is that 11562

1 correct. Five guests?

2 A. That's correct. It appears that the total
3 was \$111, with a \$10 tip.

4 Q. All right. And we've just gone through the
5 tip of the iceberg here to save time, but I think
6 there are -- if I'm not mistaken, in the exhibit
7 there are about 60 pages. The last number is
8 numbered 63. But assuming a couple of the pages are
9 for the handwritten accounting in this exhibit,
10 there are about 60 pages of documentation for this;
11 is that correct?

12 A. I would assume so, yes. Excuse me.

13 MR. SANGER: All right. I have no further
14 questions.

15

16 REDIRECT EXAMINATION

17 BY MR. AUCHINCLOSS:

18 Q. Just a couple of final questions.

19 As far as the Exhibits 414 and 416, 414 has
20 a number of entries indicating for Janet; is that
21 true?

22 A. That is my recollection, yes.

23 Q. Do any of the entries likewise indicate a
24 recipient of those services or goods for someone
25 else other than Janet?

26 A. I just remember seeing "Janet," but I
27 couldn't tell you every transaction, no.

28 Q. Okay. And do you know who prepared that 11563

1 document?

2 A. No, sir.

3 Q. Do you know where it came from?

4 A. Mr. Sanger gave it to me out of an evidence
5 book.

6 Q. Okay. But other than that, you don't know
7 who prepared it or under what circumstances it was
8 prepared?

9 A. No. For some reason in the back of my mind,
10 I remember I was told it was Neverland Ranch or --
11 but I don't really --

12 Q. Neverland Valley Entertainment?

13 A. But I don't even know who that is.

14 Q. And as far as Exhibit 416, which has the
15 handwriting entries, those handwritten entries, by
16 and large, don't associate those goods with any
17 individual; is that fair to say?

18 A. I'd have to look at the document. I thought
19 there was some indication, but I don't remember.

20 Q. Do you remember seeing any entries that
21 indicated goods or services for Frank and Vinnie?

22 A. Those names I remember.

23 Q. Okay. So some of those entries were things
24 that Frank or Vinnie arguably received. At least
25 that's what it indicates?

26 A. I would agree with that, yes.

27 Q. Were there entries for The Country Inn &

28 Suites? 11564

1 A. I don't remember that particular entry.

2 Q. Were there entries for gasoline?

3 A. I remember seeing gasoline.

4 Q. Okay. And there were a number of entries

5 for fast food places; is that fair to say?

6 A. That is correct.

7 MR. AUCHINCLOSS: All right. Thank you. No

8 further questions.

9 MR. SANGER: No further questions.

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

11 Call your next witness.

12 MR. SANGER: We'll call Mercy Manrriquez.

13 And -- and, Your Honor, while the witness is

14 coming in here, maybe we could approach quickly on a

15 procedural matter.

16 THE COURT: Okay.

17 MR. SANGER: Try to handle this with the

18 clerk.

19 (Discussion held off the record at sidebar.)

20 THE COURT: Would you remain standing,

21 please, and face the clerk here and raise your right

22 hand.

23

24 MERCY DEE MANRRIQUEZ

25 Having been sworn, testified as follows:

26

27 THE WITNESS: I do.

28 THE CLERK: Please be seated. State and 11565

1 spell your name for the record.

2 THE WITNESS: Mercy Dee Manrriquez.

3 M-e-r-c-y, D-e-e, M-a-n-r-r-i-q-u-e-z.

4 THE CLERK: Thank you.

5 MR. SANGER: Okay. Your Honor, before we

6 start -- well, let me start with this so everybody

7 knows where we are.

8

9 DIRECT EXAMINATION

10 BY MR. SANGER:

11 Q. Miss Manrriquez, how are you employed?

12 A. I'm employed by the County of Los Angeles,

13 the Department of Public Social Services.

14 Q. What does the Department of Public Social

15 Services do?

16 A. The program I'm involved in -- we determine

17 eligibility for people that are requesting public

18 assistance.

19 Q. Okay. And you're doing pretty much okay,

20 but maybe you can pull the right microphone up just

21 a little bit. It's kind of a hard one to talk into.

22 A. Okay. Is that better?

23 Q. That's a little better. You're doing okay,

24 actually. All witnesses tend to fall off a bit if

25 we're not careful.

26 Okay. So you determine welfare eligibility,

27 correct?

28 A. Yes. 11566

1 Q. Do you personally know an individual by the
2 name of Janet Ventura Arvizo?

3 A. No, I don't.

4 MR. SANGER: We have subpoenaed the records
5 from the Department of Public Social Services and I
6 believe the clerk has them. And pursuant to prior
7 orders, they have not been opened by anybody. So I
8 would ask that --

9 THE COURT: Do you have those?

10 MR. SANGER: And, Your Honor, I'm going to
11 ask that the witness and counsel be allowed to
12 inspect those documents. I believe the Department
13 of Public Social Services required a court order
14 that the witness be allowed to testify as to this
15 particular individual, if I'm not mistaken.

16 Is that correct?

17 THE WITNESS: That's correct.

18 MR. SANGER: So we would request an order;
19 the Court order the witness to testify regarding
20 Janet Arvizo.

21 THE COURT: In anticipation of this this
22 morning, I reviewed these records.
23 Sorry. In anticipation of this this
24 morning, I reviewed these records, and I will make a
25 determination that the Court has waived the privacy
26 privileges involved and finds that the probative
27 value and the nature of these proceedings are such

28 that I will order the records revealed and order the 11567

1 Department of Social Services to answer the
2 questions propounded by both sides here today.

3 MR. SANGER: Thank you, Your Honor.

4 Procedurally, may both counsel take a quick
5 look at it, since we haven't seen it yet?

6 THE COURT: Yes.

7 MR. SANGER: Can we approach and do that?

8 THE COURT: Why don't you just take them.

9 There were several envelopes. The mailing envelope
10 I'm discarding. There was an envelope that also was
11 opened to ensure that the subpoena had been complied
12 with, and then I reviewed the records.

13 MR. SANGER: Okay. Could --

14 THE COURT: Yes.

15 MR. SANGER: Could Mr. Auchincloss and I
16 just have a moment so we can see where we're going?

17 THE COURT: Go ahead.

18 MR. SANGER: Your Honor, there are a few
19 pages in here that are upside down. And with the
20 permission of counsel, I'm going to turn them right
21 side up, if that's all right.

22 THE COURT: All right.

23 MR. SANGER: Otherwise, I'll try to leave it
24 in the same condition.

25 Your Honor, both counsel and I have had an
26 opportunity to review the documents that were
27 subpoenaed to the court. And I believe they were

28 delivered in January, if I'm not mistaken. And 11568

1 we've just now taken a look at them.

2 What I propose to do, if it's all right with
3 the Court, I'd like to question the witness on these
4 documents, so I would ask that we mark them all as
5 one exhibit. There is the Court's order endorsing
6 the subpoena duces tecum from November 5, 2004. I
7 would remove that, unless somebody wants to keep it
8 in there.

9 THE COURT: That's fine to remove it.

10 MR. SANGER: I'll remove that and we'll just
11 give that back and lodge it with the Court. And
12 then I suppose the envelope and the -- all the
13 documents could be marked as one exhibit next in
14 order.

15 THE COURT: That will be fine.

16 THE CLERK: That would be 5106.

17 Q. BY MR. SANGER: Okay. We're back to you.

18 Sorry to make you sit there so long.

19 All right. What I -- we have these
20 documents marked as Exhibit 5106 for identification,
21 and I would actually move to admit them at this time
22 as based on -- based on the Evidence Code section
23 1560 verification.

24 THE COURT: As official records?

25 MR. SANGER: As official records.

26 THE COURT: They're admitted.

27 MR. SANGER: Thank you. May I approach the

28 witness? 11569

1 THE COURT: Yes.

2 Q. BY MR. SANGER: Now I'm going to ask you
3 just to flip through that, if you would, just so you
4 feel comfortable with what's in there. And I am
5 going to go through and ask you questions on some of
6 the documents as we go along.

7 Okay. Miss Manrriquez, have you had a
8 chance to flip through those and get a feel for
9 what's in there?

10 A. Yes, I did.

11 Q. All right. Now, I want to ask you some
12 questions in general, and then I'm going to come
13 down and retrieve those from you after a little
14 while. Not right now, so you can look at them. And
15 I'm going to ask permission to put some of them up
16 on the screen as we go along. But let's start.
17 So you're free to answer the questions, if
18 you know, directly. If you need to refer to the
19 file, indicate that you want to do that, and then we
20 can do that as well, okay?

21 A. Okay.

22 Q. So first of all, let me ask you some general
23 questions about welfare eligibility.
24 What is the function of the welfare
25 eligibility worker?

26 A. To determine eligibility for the
27 participants that are receive -- there's the three

28 programs that I work, Cal-Works, which is cash 11570

1 assistance, food stamps, and Medi-Cal.

2 Q. Okay. And are these benefits distributed by
3 the State of California, the County of Los Angeles,
4 the federal government, or what?

5 A. The County of Los Angeles. The County of
6 Los Angeles.

7 Q. Okay. And wherever the funds come from
8 initially, it's the County of Los Angeles that is
9 given the job of deciding who should get the funds?

10 A. Correct.

11 Q. Now, you said there are three categories.
12 The first one was Cal-Works; is that correct?

13 A. Cal-Works.

14 Q. Can you spell that so we can hear what
15 you're saying?

16 A. C-a-l-W-o-r-k-s.

17 Q. It's Cal-Works?

18 A. Correct.

19 Q. And Cal-Works is what kind of a program?

20 A. That's the cash assistance.

21 Q. If somebody comes in and has an emergency
22 need for cash, can they -- I'm sorry. If somebody
23 comes in and they can make a showing that they have
24 a need for emergency cash, would it be distributed
25 under that program?

26 A. Yes. They need to meet the qualifications.

27 Q. Okay. Now, as to all of the programs, is

28 there -- I mean, this is an obvious question, but is 11571

1 there a bottomless pit of money that's out there to
2 be distributed to people in California?

3 A. No.

4 Q. All right. Is it important to determine who
5 really needs the assistance?

6 A. Yes, it is.

7 Q. Why is that? It may be an obvious question,
8 but why is that?

9 A. In my opinion, I would think it would be to
10 cut down on the fraud.

11 Q. And if people come in and do not accurately
12 represent to you their assets or the availability of
13 funds or people to assist them in their living
14 expenses, does that keep you from doing your job
15 properly?

16 A. Yes, it would.

17 Q. And if they willfully exclude any of those
18 items I just mentioned, would that amount to fraud?

19 A. Yes, it would.

20 Q. It's your job to try to eliminate fraud the
21 best you can or avoid fraud the best you can so you
22 give money to people who really deserve it and need
23 it; is that correct?

24 MR. AUCHINCLOSS: Objection. Argumentative;
25 leading.

26 THE COURT: Sustained.

27 MR. SANGER: All right.

28 Q. Now, do you have an opportunity to verify 11572

1 everything that people put in the written
2 applications to you?

3 A. No, not everything.

4 Q. Do you have an opportunity to verify
5 everything that people tell you orally in interviews
6 or over the phone?

7 A. No, not always.

8 Q. Do you have to depend on people telling the
9 truth when they fill out the various forms?

10 A. Yes.

11 Q. Now, one of the forms that you had there I
12 think was an eligibility form, and I think it's --
13 well, it's called Statement of Facts. So I don't
14 really know what it is. But I think you've got
15 something there called a Statement of Facts; is that
16 correct?

17 A. Yes.

18 Q. Can you tell us what the purpose of that
19 document is?

20 A. This is their application to determine their
21 eligibility.

22 Q. Do you depend on people to be honest when
23 they fill out a form like that, or fill out that
24 particular form?

25 A. Yes, we do.

26 Q. And do you make decisions as to who should
27 receive benefits based on the information in that

28 form? 11573

1 A. Yes.

2 Q. Is that form signed under penalty of
3 perjury?

4 A. Yes, it is.

5 Q. Now, were you the actual eligibility worker
6 who worked with Janet Arvizo to determine her
7 eligibility?

8 A. I was her intake worker.

9 Q. All right. And so as the intake worker, you
10 went over this form with her?

11 A. Yes.

12 Q. Do you have that form as part of the
13 exhibit?

14 A. Yes, I do.

15 Q. I've now forgotten what the exhibit number
16 is. I apologize.

17 MR. MESEREAU: 5106.

18 MR. SANGER: 5106.

19 Q. So you have 5106, which is the big packet of
20 information there?

21 A. Yes.

22 Q. And right towards the top is the actual
23 Statement of Facts application part of that?

24 A. You have two Statement of Facts in this
25 exhibit here.

26 Q. Okay. Is there a reason for that? Because
27 I have no idea. We just opened it.

28 A. The first one that's dated 11-15-01, that's 11574

1 her intake. The second one, which is dated
2 10-23-02, is her yearly affirmation.

3 Q. All right. Now, how many -- you've got one
4 application for November 15th of '01?

5 A. Correct.

6 MR. SANGER: Could I have the Post-its
7 there? Just the little ones. The little ones.

8 Q. You have the initial application and then
9 you have one for 2002; is that correct?

10 A. Correct.

11 Q. Do you have one for 2003?

12 A. No.

13 Q. All right. The first date was November
14 2001. The second one was November 2002; is that
15 right?

16 A. No. The first one is 11-15-01, and the next
17 one is 10-23-02.

18 Q. Okay. So 11-15, November 15 of 2001, and
19 then October-something of 2002, correct?

20 A. Correct.

21 Q. So if Janet Arvizo had continued, wanted to
22 continue to collect money through your office in
23 October or November of 2003, she would have had to
24 fill out an annual form at that time; is that
25 correct?

26 A. Yes.

27 Q. Is there also a monthly form that you have

28 to fill out when you're receiving welfare? 11575

1 A. Yes, there is.

2 Q. And what monthly form is there?

3 A. It's called a CEW7. CW7.

4 Q. CW7, okay. We have to learn a new
5 vocabulary every time we get into a new area.

6 So the CW7 is a monthly form. In order for
7 somebody to receive a check, do they have to file
8 that monthly form?

9 A. Yes. There are exceptions, but the norm is,
10 yes, you do file one every month.

11 Q. Now, I interrupted. We are going to come
12 back to the CW7 in a second, and the other one as
13 well. I interrupted you.

14 Cal-Works is a cash payment program. And
15 you have food stamps; is that correct?

16 A. Correct.

17 Q. And food stamps are certificates that can be
18 redeemed at a retail market, for instance, for food
19 products; is that correct?

20 A. Correct.

21 Q. And the idea is that these are given to
22 families so that they can buy food products or use
23 those to buy food products.

24 Is it a complete dollar-for-dollar sort of
25 thing, or is it a percentage off, or how does it
26 work?

27 A. No, it's a dollar for dollar.

28 Q. You get so many dollars' worth of food 11576

1 stamps. You can go to a food store and buy food,
2 and those count just like dollar bills?

3 A. Correct.

4 Q. The third category you told us about?

5 A. Medi-Cal.

6 Q. And that's for medical care?

7 A. Correct.

8 Q. All right. If somebody is not covered by a
9 medical insurance program?

10 A. Correct.

11 Q. So if somebody is covered by a medical
12 insurance program, the medical insurance would pick
13 up the tab first; is that right?

14 A. That is correct.

15 Q. And then Medi-Cal will kick in if there is
16 anything left over?

17 A. Correct.

18 Q. All right. And with regard to Janet Arvizo
19 and her family, can you tell us if she received any
20 Cal-Works benefits?

21 MR. AUCHINCLOSS: I'll object as vague as to
22 time.

23 THE COURT: Sustained.

24 MR. SANGER: Okay.

25 Q. Let's do this. Can you tell us when Janet
26 Arvizo started receiving benefits of any sort
27 through your program and when she ceased receiving

28 benefits? 11577

1 A. Okay. According to what I have here, she
2 started receiving assistance, Cal-Works, in November
3 of '01 and stopped in January of '03.

4 Q. That was the Cal-Works?

5 A. Correct.

6 Q. Did she receive any other sorts of benefits,
7 food stamps or Medi-Cal?

8 A. Medi-Cal goes hand in hand with Cal-Works,
9 so she did receive that.

10 Q. I'm going to show you exhibits that have
11 already been admitted into evidence, these three
12 exhibits. They're Exhibits 5100, 5102 and 5104.

13 May I approach, Your Honor?

14 THE COURT: Yes.

15 MR. SANGER: I'd put them up on the board,
16 but they'd be hard to see. So let me -- let's put
17 this over here so we don't get mixed up, and let's
18 just take a look at those exhibits.

19 Q. 5100, does that appear to be a benefit
20 that's distributed through your agency?

21 A. Yes, it is.

22 Q. And what does that appear to be a check for?

23 A. A check for the amount of \$769 for
24 Cal-Works.

25 Q. That's Cal-Works?

26 A. Correct.

27 Q. Okay. And then the 5102?

28 A. Also is a check made out to Janet Arvizo for 11578

1 \$769 for Cal-Works.

2 Q. Now, that's dated February 24, 2003, I

3 believe; is that correct?

4 A. February 15, 2003.

5 Q. I'm sorry. We have a deposit date here, but

6 the actual date of the check is February 15, 2003?

7 A. Yes.

8 Q. And, now, you indicated that your records --

9 the records that were brought to the court and we

10 all looked at here just now seem to indicate she

11 received Cal-Works through January of '03.

12 A. Correct.

13 Q. Is that consistent with her receiving a

14 check dated February 15, '03?

15 A. February 15th, yes.

16 Q. In other words, the other records seem to

17 end January '03, and here we have a February 15,

18 '03, check.

19 A. Can I go back and make sure that I have

20 seen --

21 Q. You're welcome to do that. But so we don't

22 waste time, if you look at the next one, 5104, it

23 appears to be a welfare check dated in March of

24 2003; is that correct?

25 A. Correct.

26 Q. That does look like one of your Cal-Works

27 checks?

28 A. Yes, it does. 11579

1 Q. With that in mind, so I didn't have you do
2 it twice, can you tell from your records if it
3 appears that Miss Arvizo was, in fact, receiving
4 welfare checks through March of 2003?

5 A. Yes, through March of 2003.

6 Q. Okay. Now, that's Cal-Works. The food
7 stamps, do you have any ability to determine when
8 she received food stamp assistance?

9 A. She started receiving food stamps
10 11-15-2001.

11 Q. And when do those records show that she
12 continued to receive the food stamps through?

13 A. There's no --

14 Q. Go ahead, sorry.

15 A. There's not a printout of that.

16 Q. So you can see it started, but you can't see
17 from the records that were delivered here to court
18 when it ended?

19 A. Correct.

20 Q. Okay. The Medi-Cal would have just followed
21 with the Cal-Works?

22 A. Correct.

23 Q. And so it would be your opinion that she
24 would have had Medi-Cal for uninsured medical
25 expenses at least through March of 2003; is that
26 correct?

27 A. At least through March 2003.

28 MR. SANGER: All right. Now, let me -- if I 11580

1 may approach and retrieve Exhibit 5106, and I'll try
2 to put that up on the board, if that's all right.

3 THE COURT: Yes.

4 MR. SANGER: Thank you.

5 I'll take the envelope and the documents and
6 everything. There we go.

7 Your Honor, this part will be easy. This is
8 starting with the third page of this exhibit. I
9 suspect it will get a little more difficult as we go
10 along, but I'll refer to this as the Statement of
11 Facts. It is the third page in the stack as I have
12 it here, if that's all right.

13 And may I publish that?

14 THE COURT: Yes.

15 MR. SANGER: All right.

16 Q. All right. Well, we'll start with this for
17 a second first. But I see the way this is
18 organized, for some reason, this is the -- the
19 current print date says 10-23-02; is that correct?

20 A. Correct.

21 Q. So this is the second one of those that you
22 were talking about; is that right?

23 A. Yes.

24 Q. All right. So let me, now that I've figured
25 that out, take that off and we'll come back to this
26 in one second, and I'm going to mark that and come
27 back to it.

28 Now, more precisely, somewhere about a third 11581

1 of the way through this exhibit is something else
2 entitled "Statement of Facts."

3 Is that close enough to identify it?

4 THE COURT: I think so.

5 MR. SANGER: Thank you.

6 THE COURT: There's just two Statements of
7 Facts in the file?

8 MR. SANGER: That's correct, Your Honor.

9 And I'm going to put the first page up.

10 Q. All right. Miss Manriquez, it's a little
11 hard to -- a little fuzzy there, but this apparently
12 is -- current print date is 11-15-01, correct?

13 A. Correct.

14 Q. It says, "Worker name, Mercy Manriquez"?

15 A. Correct.

16 Q. That would be you?

17 A. Yes.

18 Q. All right. Is this Statement of Facts the
19 statement that you printed out after interviewing
20 Janet Arvizo?

21 A. Yes.

22 Q. Was she asked to review it carefully and
23 sign it if it was correct?

24 A. Yes.

25 Q. And at the end of this document, there is a
26 certification; is that correct?

27 A. Yes.

28 Q. And down at the bottom -- let's see if we 11582

1 can -- I'll leave it there. It says, in bold print,
2 "I declare, under penalty of perjury under the laws
3 of the United States of America and the State of
4 California, that the information in this Statement
5 of Facts is true, correct and complete." Is that
6 right?

7 A. Yes, it is.

8 Q. And then you see what appears to be a
9 signature there. And that would be the signature of
10 the applicant in this case, Janet Arvizo; is that
11 correct?

12 A. That's correct.

13 Q. And the date 11-15-01, correct?

14 A. Correct.

15 Q. Now, I note that the declaration statement
16 says, "the State of California," because we're in
17 the State of California, and it also says, "under
18 the laws of the United States of America."

19 Are any of the funds, in part, federal funds
20 that are used for funding these programs?

21 A. Yes, it is.

22 Q. So somebody is being asked to not only swear
23 under the laws of California, but also the laws --
24 the federal laws that what they say is true and
25 correct, correct?

26 MR. AUCHINCLOSS: Objection. Relevancy;
27 argumentative.

28 THE COURT: Overruled. 11583

1 Q. BY MR. SANGER: Is that correct, ma'am?

2 A. Yes, it is.

3 Q. Thank you. All right. Now, Question No. 47 --

4 I don't want to mix the pages up here, so this is a
5 page from the middle of this Statement of Facts from
6 11-15. It says "11-15-2001" there.

7 Question 47 says, "Does anyone, including
8 children, have any personal or business-related
9 resources?" Do you see that?

10 A. Yes, I do.

11 Q. Is that one of the standard questions?

12 A. Yes, it is.

13 Q. And Miss Arvizo answered, "No"; is that
14 correct?

15 A. That's correct.

16 Q. Miss Arvizo did not disclose to you on
17 November 15, 2001, that on November 5, 2001, she
18 personally had received \$32,308, did she?

19 A. No, she did not.

20 Q. If she had disclosed that, would that have
21 resulted in a different answer to that question?

22 A. Yes.

23 Q. Now, it says, "Children." Did Miss Arvizo
24 advise you at that time that her children had also
25 received -- one of them had received \$25,000 on that
26 same date?

27 A. No.

28 Q. The other child had received, I believe it 11584

1 was, in excess of 10,000, off the top of my head. I
2 don't remember. But did she disclose anything like
3 that?

4 A. No, she did not.

5 Q. Did she disclose that her ex-husband had
6 received money from a court settlement as well?

7 A. No, she did not.

8 Q. If she had disclosed that, would that have
9 been a material fact that you would have wanted to
10 know in evaluating whether or not she was eligible
11 for welfare?

12 A. That would have been something we needed to
13 know.

14 Q. Now, how long back does this relate? In
15 other words, what I just asked you about was within
16 ten days of signing this, November 5th. How far
17 back does this relate? Does it go back a year, two
18 years, three years? What's the -- when a question
19 like this is asked?

20 A. As long as the participant has the resource
21 they need to put it in no matter what the date is as
22 to when they received it.

23 Q. All right. And is it the obligation of the
24 applicant on the monthly eligibility reports to
25 report any change in any of these circumstances?

26 A. Yes, it is.

27 Q. Question No. 48, "Does anyone get or expect

28 to get money from any of the above resources, such 11585

1 as interest, dividends, et cetera?"

2 If somebody had -- let's take the children.

3 If one of the children, say, had \$25,000 in a bank

4 account that was earning interest, would it be

5 necessary to disclose that under Question 48?

6 A. Yes, it would be necessary.

7 Q. And again, the answer there is "No"; is that

8 correct?

9 A. That's correct.

10 Q. And you relied on Mrs. Arvizo telling you

11 that that was the answer?

12 A. Yes, I did.

13 Q. I'm going to put up the next page, with the

14 Court's permission. The next page is -- I'm going

15 to direct your attention to Question No. 53.

16 Now, that one says, if I may read it, "Has

17 anyone received money from insurance or court

18 settlements, inheritance, lottery or back pay in the

19 last three years (36 months)?"

20 Do you see that?

21 A. Yes, I do.

22 Q. And the "anyone" would be the applicant or

23 the children of the applicant; is that correct?

24 A. Correct.

25 Q. Did Mrs. Arvizo disclose to you that she had

26 just received a settlement, a court settlement, of

27 \$152,000, less attorney's fees and costs?

28 A. No. 11586

1 Q. Would that have been a material
2 consideration on your part in determining her
3 eligibility?

4 A. Yes.

5 Q. And if she, in fact, had received such a
6 settlement, would that be fraud, to fail to disclose
7 it on this form?

8 A. Yes, it would be.

9 Q. I'm going to put up the next page, with the
10 Court's permission. I did it before asking, I
11 suppose, but....

12 THE COURT: That's all right.

13 MR. SANGER: Thank you.

14 Q. Look at No. 62. "Does anyone have health,
15 dental, vision, hospitalization or long-term care
16 insurance or health plans, such as Kaiser, Blue
17 Cross, CHAMPUS, et cetera?"

18 Do you see that?

19 A. Yes, I do.

20 Q. Did Miss Arvizo tell you she did not have
21 such?

22 A. Correct. It says, "No."

23 Q. So if she, in fact, had health insurance,
24 comprehensive health insurance for her children
25 under Kaiser, would that be a false answer?

26 A. Yes, that would be false.

27 Q. And that would also be fraud, would it not?

28 A. Correct. 11587

1 MR. AUCHINCLOSS: I'm going to object to the
2 characterization as calling for a legal conclusion.

3 THE COURT: Sustained.

4 Q. BY MR. SANGER: Okay. Whatever we want to
5 call it here, you are trying to -- I think you told
6 us you're trying to avoid fraud?

7 A. Correct.

8 Q. And if we -- let's put it this way: In
9 layman's terms, rather than describing it in legal
10 terms, so we don't get into a legal definition of
11 fraud, if somebody tells you something that is
12 materially false with regard to their assets or
13 income, and you grant them welfare based on those
14 false statements, is that what you're referring to
15 as fraud?

16 A. Yes.

17 MR. AUCHINCLOSS: Same objection.

18 THE COURT: Overruled. The answer's in.

19 Next question.

20 Q. BY MR. SANGER: All right. Now, in this
21 packet, there were monthly -- I didn't see a monthly
22 eligibility report for every month. Did you?

23 A. No, I did not.

24 Q. Does that mean they don't exist, or they
25 just didn't end up being produced here?

26 A. It could mean either/or.

27 Q. Okay. If somebody continues to receive

28 welfare of the type you described through March of 11588

1 2003, you would expect them to have to fill out
2 monthly eligibility reports, correct?

3 A. Yes, monthly, until I believe it was in July
4 of 2002 we went into a quarterly reporting system.

5 Q. Okay. So monthly up to July of 2002 and
6 then it was quarterly?

7 A. I believe it was July.

8 Q. All right. I'm going to turn to some of the
9 other pages. By the way, these pages don't seem to
10 be in chronological order, do they?

11 A. I don't know.

12 Q. Okay.

13 A. They should be.

14 Q. Okay. Well, that's all right. I didn't --
15 let's -- I'm going to try to keep the pages together
16 here.

17 I'm going to go a few more pages into the
18 materials. And these two pages are next to each
19 other, so I'm going to ask to put these up one after
20 the other and see if they have anything to do with
21 anything.

22 All right. The first page is something
23 entitled, "Application for Cash Aid, Food Stamps,
24 and/or Medi-Cal, State CMSP (CW1)."

25 Now, I heard about a CW7 earlier. The "7"
26 is the monthly report?

27 A. Yes, it is.

28 Q. Okay. So this is a CW1. What is the 11589

1 purpose of this?

2 A. The CW1 is taken when the participant first
3 comes in, into our office. This is the first page
4 of their application.

5 Q. Oh, okay. So this -- in this packet, it
6 follows that Statement of Facts, but actually this
7 would have been part of the application?

8 A. The original.

9 Q. Okay. And if we look down here, it says,
10 "I need" -- I think everybody can see it there.

11 Here we go.

12 Right here, it says, "I need," and it says,
13 "Cal-Works, immediate need payment; yes." "Food
14 stamp, expedited service; yes." "Medi-Cal or are
15 pregnant and have an immediate medical need; yes,"
16 correct?

17 A. Correct.

18 Q. And that would have been Janet Arvizo's
19 request?

20 A. Yes.

21 Q. And this would be the signature of Janet
22 Arvizo, the applicant?

23 A. Correct.

24 Q. The date, 11-15-01?

25 A. Correct.

26 Q. And what's that? Looks like the signature
27 of a witness?

28 A. That's the signature of our -- one of our 11590

1 clerks that takes the application at the window.

2 Q. So the clerk is certifying that Janet Arvizo
3 is signing this on that date; is that correct?

4 A. Correct.

5 Q. Okay. And this particular form says that
6 the person certifies that they got a cover sheet,
7 and it says, "I understand and agree that I have to
8 comply with eligibility rules, some of which I may
9 be asked to do before any aid can be given. I
10 understand the statements I have made on this form
11 may be checked and verified," correct?

12 A. Correct.

13 Q. And there's another entry there. The last
14 part before the signature says, "I declare, under
15 penalty of perjury under the laws of the United
16 States of America and the State of California, that
17 information I have given on this form is true and
18 correct and complete" -- "true, correct and
19 complete," right?

20 A. Correct.

21 Q. So this is signed under penalty of perjury
22 as well.

23 The next page in the file, and I'm quite
24 frankly not sure if this goes directly with it or
25 not, can you tell us what that page is?

26 A. Those are the notices that have been issued
27 to the participant, and, no, it does not go with

28 that first page. 11591

1 Q. Okay. It's also dated 11-15-2001, correct?

2 A. Correct.

3 Q. So this is basically a receipt that the
4 person who is applying for welfare payments
5 acknowledges that the following items were reviewed
6 with her and issued to her today, on 11-15-2001,
7 correct?

8 A. Correct.

9 Q. And included in those are the cover sheet of
10 the application for cash aid, food stamps and/or
11 Medi-Cal, correct?

12 A. Correct.

13 Q. And it says, "Cover Sheet." Does that mean
14 that's the whole Statement of facts?

15 A. No. That's the cover sheet. There is a
16 cover sheet that goes on it.

17 Q. And is this issued before they sign the
18 Statement of Facts?

19 A. It's issued after.

20 Q. After. Is there reference to the Statement
21 of Facts here in all these code numbers?

22 A. The reference would be both on the SAWS 1
23 and SAWS 2A. They would give them all their
24 responsibilities.

25 Q. All right. So the idea that you're signing
26 under penalty of perjury and telling the Department
27 of Public Social Services that what you're saying is

28 the truth is covered by one or more of these forms; 11592

1 is that correct?

2 A. Yes.

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

4 (Recess taken.)

5 THE COURT: Counsel?

6 MR. SANGER: May I proceed?

7 THE COURT: Yes.

8 MR. SANGER: Your Honor, we had on the board

9 a page that we've been talking about, which, for the

10 purpose of the record, is the best way to put it.

11 And I want to put it back up on the board.

12 THE COURT: All right.

13 MR. SANGER: Thank you.

14 Q. Now, this was the page that -- you were just

15 telling us about this page, and down at the bottom

16 there, it has "Client's Signature." Would that be

17 Janet Arvizo's signature?

18 A. Yes, it would.

19 Q. And that's dated 11-15-2001. That would

20 have been the date that she signed that?

21 A. Correct.

22 Q. And it says, "Copy to client." So the

23 client, that being Janet Arvizo, would have gotten a

24 copy of this as well; is that correct?

25 A. Correct.

26 Q. Now I'm going to put up the next page in

27 order in the exhibit, 5106.

28 Looking at the top part, did this have 11593

1 something to do with the application of Janet Arvizo
2 on 11-15-01?

3 A. That's what they use to clear her name, and
4 if she had a previous record, case, with the county.

5 Q. All right. So when you're -- it's like
6 running a records check; is that correct?

7 A. Yes. That's our Medi-Cal system that that
8 form is from.

9 Q. And the date is 11-15-01, so that would have
10 been when that was done?

11 A. Correct.

12 Q. I see some handwriting on the bottom. Is
13 that your handwriting?

14 A. No, it's not.

15 Q. Okay. What would be the purpose of this
16 type of a note in the file?

17 A. That -- you know, we don't have a screener.
18 The intake worker that was interviewing her before
19 me would have taken notes down. And once it became
20 aware to that intake worker that it was a domestic
21 violence, and then she referred her to me.

22 Q. Okay. That's interesting. You can turn
23 around a bit, it will make it easier, and I'll ask
24 you about that in a minute. Turn around this way,
25 and that will make it easier to talk into the
26 microphone.

27 You said the case was referred to you

28 because it was domestic violence? 11594

1 A. Correct.

2 Q. Do you have some particular role there with
3 regard to domestic violence cases?

4 A. I was the intake domestic violence worker.

5 Q. So when Janet Arvizo first came in, she
6 talked to another intake worker; is that correct?

7 A. Correct.

8 Q. And that intake worker would have gone over
9 the same questions; is that correct?

10 A. Not on the application.

11 Q. Okay.

12 A. Which does a screening first to see what the
13 participant needs.

14 Q. Okay. So a preliminary kind of screening?

15 A. Correct.

16 Q. And then when it was determined who should
17 get the final screening, it was sent to you to do
18 the final screening?

19 A. The final intake.

20 Q. All right. Now, the intake worker -- and
21 now you can turn around, if you like, and take a
22 look.

23 The intake worker made a note here, and this
24 says, looks like, "Mother and three children, all
25 U.S. born," and then it indicates, "Gavin has
26 cancer. Advised mother to apply for SSI."

27 Would that be an ordinary kind of a note?

28 A. Yes. 11595

1 Q. And that would be the course of action that
2 an intake worker might pursue; is that right?

3 A. Correct.

4 Q. So in addition to the benefits that are
5 being sought through your office, Janet Arvizo was
6 advised that she could apply for benefits through
7 the federal government through SSI; is that correct?

8 A. Correct.

9 Q. And that's a program under Social Security,
10 correct?

11 A. Correct.

12 Q. It also indicates - and I'm going to
13 lengthen the abbreviations, unless I'm wrong, so
14 tell me - "Month last worked was 10-31-01 due to
15 surgery on her foot"; is that correct?

16 A. Correct.

17 Q. And then it says, "On DIB." I guess
18 disability?

19 A. Correct.

20 Q. \$104 a week for disability that she was
21 getting?

22 A. Correct.

23 Q. Now, it says, "No bank accounts. No cars."

24 A. Correct.

25 Q. Does that reflect, in the ordinary course of
26 business in your department, that somebody would
27 have asked her, "Do you have any bank accounts?"

28 A. Yes, we did. 11596

1 Q. And any cars?

2 A. Yes.

3 Q. And you not only ask for cars, but you ask
4 for access or use of a vehicle; is that right?

5 A. Correct.

6 Q. And according to this, there was no bank
7 accounts and no use of a vehicle?

8 A. Well, the "no cars" would be that she was --
9 does not own a vehicle.

10 Q. Fair enough. And "no bank accounts" would
11 be no bank accounts, right?

12 A. Correct.

13 Q. All right. And then it says -- what's the
14 abbreviation down there?

15 A. It says, "Part." Participant.

16 Q. Participant, okay. "Participant also
17 applying for divorce due to domestic violence,"
18 "DV"?

19 A. Correct.

20 Q. So this would have been information coming
21 from Janet Arvizo to that first worker; is that
22 correct?

23 A. Correct.

24 Q. And when you got the file, then, you would
25 have looked at that note in the file?

26 A. Right.

27 Q. And in fact, that's the reason it was sent

28 to you particularly, because it was a DV case, 11597

1 domestic violence case?

2 A. Right.

3 Q. All right. The next -- ask leave to put up

4 the next piece of paper in order, if I may.

5 THE COURT: You may.

6 Q. BY MR. SANGER: And this is another piece of

7 paper. It says "Emergency" on the side there.

8 Whose handwriting is that; do you know?

9 A. No, I don't.

10 Q. Would that be the applicant's handwriting?

11 A. No, I believe it would be one of our clerks.

12 Q. So it would probably be an intake worker of

13 some sort?

14 A. No, one of our clerks, the receptionist.

15 Q. So this would be the very first page, the

16 very first piece of paper in the process?

17 A. Correct.

18 Q. Okay. And it shows the applicant as

19 applying for various benefits, and it says, "Are you

20 in need of emergency?" I think that's what it says.

21 "Are you in need of emergency"?

22 A. Correct.

23 Q. Right?

24 A. Correct.

25 Q. By that we mean emergency benefits, correct?

26 A. Correct.

27 Q. And then down here it says, "Domestic abuse,

28 child and spousal," correct? 11598

1 A. Correct.

2 Q. And this is based on information that would
3 have been obtained from Janet Arvizo herself?

4 A. Correct.

5 Q. An emergency -- an emergency request, as
6 noted up here on the end, is that noted for some
7 reason in your department?

8 A. Yes, in order to expedite services to that
9 participant.

10 Q. And why do you -- I mean, it may be obvious,
11 but explain why you have a process to expedite
12 services.

13 A. One might be the family's in danger. We
14 don't want to put the children in -- and, you know,
15 the woman back in there.

16 Q. All right. And so they need to have money
17 right away so they can go someplace to be safe?

18 A. Well, not always cash, but we can locate a
19 shelter.

20 Q. Okay. And so when you say "emergency," it
21 means, "We need" -- "We're just not going to put
22 this in the system and go through the normal
23 process; we're going to pay special attention to
24 your case"?

25 A. Correct.

26 MR. SANGER: All right. I'm going to put up
27 5099, if I may. That's been received.

28 THE COURT: All right. 11599

1 Q. BY MR. SANGER: If you were aware -- you
2 haven't seen this before, but this is admitted into
3 evidence.

4 If you were aware that Janet Arvizo
5 personally, in addition to what her children got,
6 had received a check for \$32,000, \$32,308, and that
7 she had -- it's dated on November 2nd -- that she
8 had actually deposited it in her bank on November
9 5th, 2001, would that have affected your decision as
10 to whether or not this was an emergency case?

11 A. Yes, it would.

12 Q. Okay. Now, you mentioned that there was a
13 need to fill out a monthly application form, or a
14 monthly -- I'm sorry, what do we call it? It was a
15 monthly form to show that there were no changes; is
16 that correct?

17 A. Correct.

18 MR. SANGER: All right. Sorry, Your Honor,
19 excuse me just one second.

20 Q. I may be wrong, but I'm not sure that I find
21 all the monthly eligibility reports in here. Did
22 you see a set for monthly and then quarterly?

23 A. I didn't see a set. I believe I saw one.

24 MR. SANGER: Yeah. With the Court's
25 permission, I'll put this up.

26 THE COURT: All right.

27 Q. BY MR. SANGER: And this, for the record, is

28 from 5106 and it's a page somewhere in the middle. 11600

1 I'll put it back in the same order.

2 Now, this particular form -- this is the
3 monthly eligibility report that you would expect to
4 be filled out by applicants each month to be
5 entitled to welfare assistance the next month; is
6 that correct?

7 A. Correct.

8 Q. Skipping down to the bottom, this one is
9 dated 1-10-03, correct?

10 A. Correct.

11 Q. Okay. It appears, it says here, "Received
12 January 9, '03." And then it says, upside down,
13 "SCU scanned." What does that mean?

14 A. We have clerks that scan the reports as they
15 come in.

16 Q. Is it possible that these other reports are
17 scanned in the system somewhere and they just didn't
18 make it to the court documents?

19 A. Yes.

20 Q. In fact, you would expect that, if somebody
21 received --

22 A. Correct.

23 Q. If somebody received assistance the entire
24 time, you would expect to have these every month?

25 A. Yes. If not, their case would be
26 terminated.

27 Q. This is really hard to read, so -- I'm going

28 to try to make it harder. I'll make it a little 11601

1 easier there.

2 This question, No. 3, is that a standard
3 question on all of these monthly eligibility
4 reports?

5 A. Yes.

6 Q. And what's the purpose of Question No. 3?

7 A. It's to determine eligibility.

8 Q. And in essence, you want to find out if,
9 during the last month or since the last report,
10 there has been any change, people have come up with
11 some money from some source; is that right?

12 A. Correct.

13 Q. And it says, "Did anyone receive money or
14 benefits from any other source?" All right?

15 A. Correct.

16 Q. And it says, "Include child, spousal
17 support, interest or dividends."

18 Now, that would pertain to interest or
19 dividends on accounts that were held in the name of
20 children; is that right?

21 A. Correct.

22 Q. I'll skip over here. "Legal settlements,
23 strike benefits." Cash is included; is that right?

24 A. Correct.

25 Q. And it wouldn't matter whether it was cash
26 in greenbacks, as they say, or if it was a cashier's
27 check; is that right?

28 A. Correct. 11602

1 Q. Or a regular check, right?

2 A. Correct.

3 Q. Gifts? So a gift would count, right?

4 A. Correct.

5 Q. Loans? If somebody said, "Well, I'm going
6 to loan it to the person. If they can pay it back,
7 fine, and if they can't, it's okay," it would still
8 go in there, right?

9 A. It would still go in the record.

10 Q. There's a number of other things here.

11 Basically that's intended to describe what you mean
12 by "Anyone receive money or benefits from any other
13 source," right?

14 A. Correct.

15 Q. Okay. Now, on 1-10-03, it appears that this
16 applicant said, "No change," and checked the box
17 "No" there; is that correct?

18 A. Correct.

19 Q. There is a second page to this form, is
20 there not?

21 A. The reverse side.

22 Q. Should be on the other side? Ahh. Yes,
23 there is. How about that?

24 And on this form Question 7, it says, "Did
25 anyone move in or out of your home, or did you move
26 in with someone else?" Correct?

27 A. Correct.

28 Q. And if somebody had moved in with their 11603

1 boyfriend and were living there, you would want to
2 know about it?

3 A. Yes.

4 Q. What if somebody was just living there about
5 half the time. Would you still want to know about
6 it?

7 A. Yes.

8 Q. And this person said, "No." Is that
9 correct?

10 A. Yes. That's correct.

11 Q. And then, just in case, it's hard to make it
12 fit yet be able to read it. But in this particular
13 case, it says, "Does anyone have anything else to
14 report, including expected changes, et cetera?"
15 Right?

16 A. Correct.

17 Q. So you're really telling them, "Look, be
18 honest with us. Tell us what's going on in your
19 life," right?

20 A. Yes.

21 Q. And then this form was signed by Janet
22 Arvizo on 1-1-03; is that correct?

23 A. Correct.

24 Q. And was that form relied upon by your office
25 for the purpose of disseminating welfare benefits?

26 A. Yes.

27 Q. And you saw some of these checks that I

28 showed you, I think three checks there, from 11604

1 January, February and March of 2003, the last one
2 being March 17, 2003. Were those checks, based
3 on, in at least one case, this particular form, and
4 in all cases on filing a similar form?

5 A. Yes, it is.

6 Q. Now, if somebody received \$600 in cash at
7 Christmas because they said they really needed money
8 and a nice person said, "Here, I'm going to give you
9 \$600," is that something that should have been
10 reported on such a form?

11 A. Yes.

12 Q. Would that affect eligibility?

13 A. It could affect eligibility.

14 Q. Okay. In February of 2003. Now we have a
15 March 17, 2003, check showing welfare was still
16 being received.

17 If a person received a check in the amount
18 of -- I'm sorry, either check or cash in the amount
19 of \$2,000 on February 20th, is that something they
20 should have reported to welfare?

21 A. Yes.

22 Q. If a person were receiving several thousand
23 dollars for their living expenses from various
24 sources, from a corporation and from an individual,
25 during a period of time from February to early
26 March, is that something that should have been
27 reported by the person before accepting a March 17

28 welfare check? 11605

1 A. Yes.

2 MR. SANGER: With the Court's permission,

3 I'll put up the next page in order.

4 THE COURT: Yes.

5 Q. BY MR. SANGER: Oh, before I do that, let's

6 assume somebody receives a windfall. They get a lot

7 of money and they got their February check and they

8 know they got all this money. They don't report it

9 for some reason, and they get their March 17 check.

10 Is it proper for them to keep that check?

11 A. It all depends when they received this

12 amount of money.

13 Q. If they received the -- let's say they

14 received the amount of money between -- during the

15 month of February and then they go ahead and get a

16 check March 17, and deposit it or cash it sometime

17 later in the month. Is that appropriate or should

18 they refuse to cash it?

19 MR. AUCHINCLOSS: I'm going to object as

20 vague as to the term "appropriate" or "proper."

21 THE COURT: Overruled.

22 You may answer.

23 THE WITNESS: They should report it. And if

24 they received it in January, it would affect their

25 March.

26 Q. BY MR. SANGER: Okay. Would February affect

27 their March?

28 A. We would consider it as a resource and we 11606

1 would have to do a work sheet on it. Yes, it would.

2 Q. So before they are really entitled to a
3 March 17 check, you'd theoretically want to know
4 about what money they received in February?

5 A. Yes.

6 Q. And welfare -- recipients of -- people who
7 are receiving these benefits from the government are
8 advised, are they not, that they have to report any
9 significant changes in their situation?

10 A. Yes.

11 MR. SANGER: I'm going to now, if I may, put
12 up the next page.

13 Q. First of all, who is Pamela Adkins?

14 A. I believe she's another worker at the
15 Lincoln Heights office.

16 Q. So we have, "Attention: Pamela Adkins" with
17 a little heart over the "i" there. So this is a
18 note to somebody in your office; is that correct?

19 A. Correct.

20 Q. And the fax number, is that a fax number
21 you're familiar with?

22 A. That's a fax number to Lincoln Heights.

23 Q. All right. I'm not sure -- let me just see,
24 here. Don't -- just -- if I may, let me put it up
25 and see if you can read it there. Otherwise I'll
26 bring it up to you.

27 Can you tell what the fax date on this is?

28 A. No. 11607

1 MR. SANGER: Okay. May I approach the

2 witness?

3 THE COURT: Yes.

4 Q. BY MR. SANGER: Of course now you're sitting

5 in the dark, which is apparently my fault here. But

6 can you see that?

7 A. I can see partially.

8 MR. SANGER: If I may just ask the question

9 up here, Your Honor.

10 THE COURT: Yes.

11 Q. BY MR. SANGER: Can you tell me what date

12 that was faxed?

13 A. It appears to be March 3rd, 2003.

14 Q. Okay. Very well. Now I'm going to put this

15 up again. And it says, "I, Janet Arvizo, chooses to

16 discontinue and be off of the welfare system aid

17 effective today, 3-3. Thank you so much, Janet

18 Arvizo." Do you see that?

19 A. Yes, I do.

20 Q. Do you often receive letters like this?

21 A. We do receive.

22 Q. So people tell you that circumstances have

23 changed and they're no longer going to be on

24 welfare?

25 A. Yes.

26 Q. After this was sent, apparently this check

27 of March 17 was cut and eventually sent to Janet

28 Arvizo. Why would that be? 11608

1 A. Because we have a cut-off date. If they
2 wanted their aid terminated the beginning of March,
3 that would be for the end of February they would
4 give us notice. But this seems that she did this in
5 March, and everything was already mailed out to be
6 batched out.

7 Q. So the check was in the pipeline one way or
8 another?

9 A. Right.

10 Q. All right. Now, if this person who wrote
11 this, Janet Arvizo, had, in fact, during the month
12 of March, between -- I'm sorry, let me withdraw
13 that.

14 During the month of February of 2003, if
15 Janet Arvizo had received several thousand dollars
16 in gifts, spa treatments, trips to Miami, private
17 jet flights, lodging, food, if she had received that
18 sort of thing during the month of February, should
19 she have reported that to the welfare department?

20 A. Yes.

21 Q. Now, if Janet Arvizo had, in fact, been
22 living with her boyfriend, a major in the United
23 States Army, who was paying her expenses and
24 depositing her welfare checks in his bank account,
25 should she have reported that?

26 MR. AUCHINCLOSS: I'm going to object as
27 compound and assumes facts not in evidence, improper

28 hypothetical. 11609

1 MR. SANGER: I'll break it down, if you
2 like.

3 THE COURT: The objection is sustained.

4 Q. BY MR. SANGER: Okay. Let's take it one at
5 a time.

6 If a person were -- I think I asked you this
7 part already, but let me just be sure. If a person
8 were residing -- a welfare applicant or participant
9 were residing with her boyfriend in his apartment,
10 is that something that should have been reported to
11 the welfare department before accepting checks?

12 A. Yes.

13 Q. If that person, in this case Janet Arvizo,
14 were in fact depositing her welfare checks into her
15 boyfriend's bank account, is that something that
16 should have been reported?

17 A. Yes.

18 Q. If the boyfriend were a major in the United
19 States Army, with a base pay, exclusive of
20 allowances, a base pay of over \$5,000, is that
21 something that should have been reported to the
22 welfare department?

23 A. Yes.

24 Q. If the boyfriend, the major in the United
25 States Army, were, in fact, paying expenses for
26 Janet Arvizo, is that something that should be
27 reported?

28 A. Yes. 11610

1 Q. Would each of those factors have an impact
2 on the eligibility of that person to receive
3 welfare?

4 A. Yes.

5 Q. And I'll ask you to assume, for the moment,
6 that those facts are true that I just recited with
7 regard to the boyfriend. Janet Arvizo was living
8 there. He was a major in the United States Army.
9 He was depositing her checks and he was paying some
10 of the expenses, and his income was \$5,000 -- more
11 than \$5,000 per month base pay. Would that cause
12 her to be ineligible for the type of welfare that
13 you see in this file?

14 A. No.

15 Q. So she would still be able to get all this
16 welfare?

17 A. Not "all."

18 Q. Okay. How would it affect her welfare?

19 A. We would determine what the cost -- what
20 he's paying, and we would include it as in-kind, and
21 we would deduct that from the amount of her grant.
22 If he's purchasing -- and they're purchasing and
23 preparing their food together, their whole income
24 has to be counted as one.

25 Q. All right. So you would have to do a
26 calculation to see if she'd still be entitled to
27 welfare?

28 A. Correct. 11611

1 Q. Now, if he had an automobile and she had the
2 use of the automobile, is that something that you
3 would want to have reported?

4 MR. AUCHINCLOSS: I'm going to object.

5 Assumes facts not in evidence.

6 MR. SANGER: The testimony of Mrs. Arvizo.

7 THE COURT: The objection is overruled.

8 Q. BY MR. SANGER: Is that something you would
9 want to know?

10 A. If the vehicle's not in her name, it would
11 not be counted towards her grant.

12 Q. So there's a question on the original form
13 about having the use of a vehicle. Is that
14 something you do not have to disclose in the monthly
15 updates?

16 A. Not on a monthly update.

17 Q. Okay. Now, if somebody is receiving more
18 welfare than they're entitled to, is that a concern
19 that you have?

20 A. Yes, it is.

21 Q. And you had mentioned in your lay version of
22 fraud -- I'm not asking for a legal opinion, but you
23 said you were trying to avoid fraud. Is that fraud
24 that you're trying to avoid?

25 A. Yes.

26 MR. SANGER: Now I'm going to refer -- if I
27 may, Your Honor, this is the one I put up first, the

28 Statement of Facts, which turns out to be 11612

1 chronologically second.

2 I wanted to make sure everything was in the
3 same order.

4 Q. Taking a look at this, this says -- this is
5 a Statement of Facts, and it says, "Current print
6 date 10-23-02," correct?

7 A. Correct.

8 Q. And I think we covered before that it says,
9 "For application dated 11-15-01"; is that right?

10 A. Correct.

11 Q. So the next year, this is the one where Miss
12 Arvizo came back and talked to Pamela Adkins in your
13 office; is that right?

14 A. Correct.

15 Q. And we go through the same questions here as
16 of 10-23-02 that we covered in the other form. The
17 form remains the same. It didn't change; is that
18 right?

19 A. Correct.

20 Q. And there remains the question, for
21 instance, No. 53, which I'll now put up with the
22 Court's permission: "Has anyone received money from
23 insurance or court settlements, inheritance, lottery
24 or back pay in the last three years?" Correct?

25 A. Correct.

26 Q. So once again, that same settlement -- if a
27 settlement were received for \$152,000 November 5th,

28 2001, that should have been disclosed in response to 11613

1 that question even a year later, correct?

2 A. Yes.

3 Q. And if the children of the applicant still
4 had bank accounts that had money in them, is that
5 something that should have been disclosed in this
6 form?

7 A. Yes.

8 Q. And it appears that it was not disclosed in
9 this form; is that correct?

10 A. Correct.

11 MR. SANGER: And I'm going to put the last
12 page on, if I may, Your Honor.

13 THE COURT: Yes.

14 Q. BY MR. SANGER: And this is the signature
15 page, once again showing under penalty of perjury
16 under the laws of the United States of America and
17 the State of California; is that correct?

18 A. Correct.

19 Q. And it appears that Janet Arvizo signed this
20 form on 10-23-02?

21 A. Correct.

22 Q. And the -- besides the monthly and later
23 quarterly updates -- I always forget the name of
24 that. Whatever they're called, the monthly
25 eligibility reports. In addition to that, the
26 department, your department, relies on these
27 Statement of Facts, these annual Statement of Facts

28 in order to award welfare? 11614

1 A. Correct.

2 Q. All right. I'm going to put -- actually,
3 this part of it being a little bit out of order
4 here, there are a number of documents that you
5 use -- or let me withdraw that.

6 There are a number of documents generated
7 when there's a claim of domestic violence; is that
8 correct?

9 A. Correct.

10 Q. Do the applicants always bring in their
11 police reports and divorce papers?

12 A. No, not always.

13 Q. In this case, do you know if Mrs. Arvizo
14 brought in papers?

15 A. I believe she did.

16 Q. Okay. And back in 2001 -- I apologize for
17 the lack of sequence here, but I just discovered
18 these. Back in 2001, did Janet Arvizo indicate that
19 she did not want to go to a shelter?

20 A. Yes, sir.

21 Q. And you gave her a form that gave
22 information about domestic violence information --
23 I'm sorry, that's redundant. You gave her a form
24 entitled, "Confidential Domestic Violence
25 Information"; is that correct?

26 A. Yes.

27 Q. And that told her about her -- the sorts of

28 things that she could avail herself of in addition 11615

1 to the actual money that you were dispensing; is
2 that right?

3 A. Yes.

4 MR. SANGER: Okay. I think I'm almost
5 through here, Your Honor. Just one more moment.

6 Q. Did it appear at some point that you
7 realized -- I'm sorry.

8 Did it appear at some point from this file
9 that your department became aware that Janet Arvizo
10 was receiving other assistance? Do you want to look
11 at the file so --

12 A. Yes.

13 Q. You don't know without looking?

14 A. No, I would not.

15 Q. All right. I'm going to approach with these
16 three pages of the exhibit.

17 I've just handed you three pages that appear
18 to apply to other benefits other than the DPSS
19 benefits; is that correct?

20 A. Correct.

21 Q. And what does that show?

22 A. That she was entitled to receive -- that she
23 did receive disability benefits.

24 Q. Okay. So is that something that -- a check
25 that you run through your computer somehow?

26 A. Yes. There's a match.

27 MR. SANGER: May I approach and exchange

28 documents? This one for that one. 11616

1 Q. This is a document I've located in your
2 file. It appears to be a rent receipt, and it's in
3 the Janet Arvizo file from your department. Why
4 would that be in there?

5 A. It's to -- we use a rent amount in order to
6 calculate her food stamp allotment.

7 Q. Okay. And that shows that Raymond Trujillo
8 was getting 400-and-some dollars a month; is that
9 correct?

10 A. Correct.

11 Q. So in the course of calculating her food
12 stamp allowance, you were assuming that she was
13 actually paying rent in October of 2002 of
14 400-and-some dollars a month; is that correct?

15 A. Correct.

16 Q. If you were aware that the landlord had
17 allowed her to stay in that apartment rent free for
18 a period of time, would that have been something
19 that should have been reported to you?

20 Let me withdraw that, because that question
21 made no sense, if you're aware of it.

22 Let me put it this way: If a person
23 presenting a rent receipt like that in fact had been
24 given free rent for a period of time by her
25 landlord, is that something that should have been
26 reported to you?

27 A. Yes.

28 Q. And if, in fact, in 2003, in January and 11617

1 February, somebody else was paying that rent, that
2 \$425 a month, is that something that should have
3 been reported to the department?

4 A. Yes.

5 MR. SANGER: Okay. If I may retrieve that
6 so I can put it back in the same place here.

7 Okay. I have no further questions of this
8 witness at this time.

9

10 CROSS-EXAMINATION

11 BY MR. AUCHINCLOSS:

12 Q. Good afternoon, Miss Manriquez.

13 A. Good afternoon.

14 Q. Tell me, why is there a domestic violence
15 unit in the welfare department?

16 A. We have a domestic violence worker, and the
17 reason is that we want to make sure that we take
18 care of those people. We don't want to put them in
19 any danger. We want to take them out of that.

20 Q. Do they have special needs that need to be
21 addressed in the welfare system that are different
22 from your average recipient of welfare?

23 A. Their safety.

24 Q. Okay. And when you spoke to Janet Arvizo
25 back in 2001, did she express concern for her safety
26 in regards to her domestic violence situation?

27 A. Yes, she did.

28 Q. In what way did she express her concern for 11618

1 her safety?

2 A. That she was afraid to go back home.

3 Q. All right. In fact, did she ask for an
4 escort from the welfare department to accompany her
5 to her home to make sure she was safe?

6 A. We don't escort our participants.

7 Q. But isn't there a request in the file from
8 her to obtain an escort --

9 A. Yes, there is.

10 Q. -- to transfer her home, to help her get
11 home safely?

12 A. Yes.

13 Q. Now, in your reports, your official reports
14 indicate that she was receiving welfare, food stamps
15 and Medi-Cal; is that correct?

16 A. Correct.

17 Q. And the Medi-Cal covers insurance, health
18 insurance, over and above an individual's needs that
19 are covered by their own insurance; is that correct?

20 A. Correct.

21 Q. So if a person has their own insurance, that
22 doesn't exclude them from Medi-Cal?

23 A. Does not exclude them.

24 Q. So if Janet Arvizo had insurance coverage,
25 that wouldn't prevent her from getting these
26 benefits?

27 A. No, it would not.

28 Q. Do you know if she received any Medi-Cal 11619

1 benefits?

2 A. Medi-Cal goes hand in hand with Cal-Works.

3 Q. But if she actually received any insurance
4 proceeds from Medi-Cal, do you know if any --

5 A. I don't know.

6 Q. Okay. And as far as her -- as far as her
7 receiving disability, counsel asked you a few
8 questions about that, that she received some
9 disability benefits; is that right?

10 A. Yes.

11 Q. And were those disability benefits for a
12 time when she was unable to work because she had to
13 have surgery?

14 A. Yes, it is.

15 MR. SANGER: Objection. Well, calls for
16 speculation.

17 MR. AUCHINCLOSS: Well, is that reflected --
18 I'll let the Court rule.

19 THE COURT: What you're asking her is if
20 that's on the application?

21 MR. AUCHINCLOSS: Yes.

22 THE COURT: Rephrase your question.

23 Q. BY MR. AUCHINCLOSS: The question, really, I
24 have is based upon your records. Is it reflected
25 that Janet Arvizo had to have some surgery, and
26 that's why she went on disability for a period of
27 time?

28 A. It's noted at the intake. 11620

1 Q. Okay. And that was for a limited period of
2 time while she was going through her medical
3 procedures?

4 A. I believe so.

5 Q. Okay. In your experience, how diligent are
6 welfare recipients, if you can characterize, about
7 these details concerning reporting gifts, reporting
8 if someone lets them use their car, that kind of
9 thing? How --

10 MR. SANGER: Objection. Compound; vague;
11 and not relevant.

12 THE COURT: Sustained.

13 Q. BY MR. AUCHINCLOSS: Do you often find that
14 at Christmastime people come rushing down to the
15 welfare office to report their Christmas gifts?

16 MR. SANGER: Objection; argumentative.

17 THE COURT: Sustained.

18 Q. BY MR. AUCHINCLOSS: When did the quarterly
19 notices go into effect?

20 A. Quarterly notices, I believe -- I want to
21 say July of 2004. I thought it was '3, but it may
22 be 2004. We just went in -- Cal-Works --

23 Q. Okay.

24 A. -- just went into quarterly reports.

25 Q. Did you say before it was 2003?

26 A. I did. But I believe it's 2004.

27 Q. Are you sure?

28 A. I'm not positive. 11621

1 Q. Is it possible that it was in effect in
2 2003, based on your recollections?

3 A. It may have been. But like I say, I'm not
4 positive.

5 Q. If a mother sets up a trust account for
6 their child, based upon proceeds from a personal
7 injury case, and this trust account cannot be
8 touched by the mother or by the child until that
9 time -- the time that the child reaches maturity,
10 18 years old, would that affect a person's right to
11 receive welfare?

12 MR. SANGER: Objection. Improper
13 hypothetical. It assumes facts not in evidence.

14 THE COURT: Sustained.

15 Q. BY MR. AUCHINCLOSS: Can you tell me if
16 funds placed in trust for a child, let's say by a
17 lawyer, that the child cannot receive, would that
18 affect -- would those funds placed in trust that the
19 child cannot touch, would that affect their
20 eligibility for welfare?

21 MR. SANGER: Objection; assumes facts not in
22 evidence.

23 THE COURT: Overruled.

24 THE WITNESS: Yes, it would.

25 Q. BY MR. AUCHINCLOSS: Okay. And if the funds
26 cannot be used for current needs, why would that
27 limit eligibility for welfare?

28 A. They would have to actually bring in a 11622

1 statement saying that they cannot touch it, but even
2 if they were to be penalized for withdrawing that
3 money.

4 Q. I'm saying they can't withdraw the money
5 even with penalty. It cannot be withdrawn. It's
6 untouchable.

7 MR. SANGER: I object. This calls for
8 speculation; it's an improper hypothetical; assumes
9 facts not in evidence.

10 MR. AUCHINCLOSS: I believe counsel's asked
11 numerous questions about interest on these accounts.

12 THE COURT: Sustained.

13 THE WITNESS: I believe it still would have --

14 THE COURT: Just a minute. He has to ask
15 another question.

16 THE WITNESS: Oh, I'm sorry, sir.

17 Q. BY MR. AUCHINCLOSS: If a child is going to
18 receive benefits at 18 that he cannot receive before
19 that time, regardless of the benefit, okay? It's an
20 item that the child cannot receive. The child is,
21 let's say, a teenager. Would that affect
22 eligibility for welfare?

23 MR. SANGER: Well, again, improper
24 hypothetical; assumes facts not in evidence.

25 THE COURT: Sustained.

26 Q. BY MR. AUCHINCLOSS: All right. If a
27 welfare recipient does not have a bank account of

28 their own, and they allow a friend to cash that 11623

1 check for them, and then they obtain those welfare
2 benefits from that friend, is that a violation of
3 the rules of receiving welfare?

4 A. No.

5 Q. Okay. So if an individual has a boyfriend
6 and she uses his account to simply cash the check,
7 and then she receives those funds, that's not a
8 violation?

9 A. That's not.

10 Q. What about if she uses those funds to be
11 deposited into his account and then he, in turn,
12 writes a check, for instance, to her landlord. In
13 other words, using the funds for the benefit
14 intended, but it's just run through the paperwork in
15 that fashion. Is that a violation? Do you
16 understand the question?

17 A. I believe I do understand, and he's the
18 one -- we, in our department, would say he is the
19 one paying the bills.

20 Q. Okay. But if -- let's say the boyfriend
21 simply writes the check to the landlord. She gives
22 him \$450 from her welfare. He writes a check to the
23 landlord -- for \$450 to the landlord. Is that a
24 problem?

25 A. Yes, it would be.

26 Q. And why would that be?

27 A. We are now looking that he's making out the

28 check. He's paying it. 11624

1 Q. Okay.

2 A. He's the one that's paying the rent.

3 Q. Even though the benefit to the welfare

4 recipient is the same?

5 A. Correct.

6 Q. Would that term be something more technical

7 in nature?

8 A. Yes.

9 Q. All right. And as far as receiving, let's

10 say, a trip to Miami, suppose someone takes you to

11 Miami, pays for your plane fare to Miami, allows you

12 to stay, at their expense, at a hotel for a couple

13 of days, and then you fly back, all at the expense

14 of this friend. Is that something that's going to

15 affect your eligibility for welfare?

16 A. No.

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

18 have no further questions.

19 MR. SANGER: Okay. Let's just pick up where

20 we left off.

21

22 REDIRECT EXAMINATION

23 BY MR. SANGER:

24 Q. If during the month of February, let us say,

25 somebody not only takes the trip to Miami, has all

26 expenses paid, including food, but during this same

27 period of time they then return and stay, all

28 expenses paid, somewhere during the entire month, 11625

1 including another luxury hotel for a period of time,
2 including a beautiful home that belongs to a major
3 celebrity. The whole month, in essence, they're
4 taken care of. Is that something that needs to be
5 reported?

6 A. If it's over 30 days that they're out of
7 their home, they need to report that.

8 Q. Okay. So if it was from February 6th to
9 March the 12th, where either the children or the
10 parent, or both of them, were out of the home,
11 living all expenses paid on somebody else's nickel,
12 is that something that should have been reported?

13 MR. AUCHINCLOSS: Objection. Compound;
14 assumes facts not in evidence.

15 THE COURT: Sustained.

16 Q. BY MR. SANGER: You're basically looking to
17 find out if this is somebody who, month to month,
18 has a need for welfare, correct?

19 A. Yes.

20 Q. Okay. Now, I posed several hypotheticals to
21 you. And I want to avoid doing them all again, but
22 we had a number of expenses that were paid that we
23 talked about being paid that include not only
24 lodging, but food, purchase of gifts, spa
25 treatments, full body waxes, cosmetics.
26 If somebody was receiving that kind of a
27 treatment for a month, is that the sort of person

28 who should also be receiving a check from the 11626

1 government for welfare?

2 MR. AUCHINCLOSS: Objection. Vague,

3 compound and assumes facts not in evidence. I'll

4 throw in argumentative, too.

5 THE COURT: Sustained.

6 Q. BY MR. SANGER: Do you want to have accurate

7 information on your monthly reports so that you can

8 evaluate who's really entitled to welfare in this

9 state when you're doing the job as an eligibility

10 worker?

11 A. Yes.

12 MR. AUCHINCLOSS: Objection. Asked and

13 answered; beyond the scope.

14 THE COURT: Overruled.

15 MR. SANGER: I'm sorry, did you rule, Your

16 Honor?

17 THE COURT: Overruled.

18 MR. SANGER: Thank you. And the answer came

19 in?

20 THE COURT: I believe so.

21 MR. SANGER: Okay. Now, I'd like to put up

22 5098. 5099 first, if I may.

23 MR. AUCHINCLOSS: I'm going to object as

24 beyond the scope.

25 THE COURT: Overruled. Go ahead.

26 Q. BY MR. SANGER: All right. I think I showed

27 you this check for \$32,307.88, something like that,

28 and asked you about this previously. The District 11627

1 Attorney asked you about some kind of trust account.

2 If Janet Arvizo, in fact, had access to this
3 money, no matter whose name the account was in, is
4 that something that should have been reported on her
5 initial form on 11-15-01?

6 A. Yes.

7 Q. Okay. And I'll put up 5098, if I may. This
8 has been received into evidence that there was, in
9 fact, a cashier's check to Hollywood Ford, but
10 there's no indication as to who actually got the
11 proceeds from this check. However, it was withdrawn
12 shortly after the money was deposited in Miss
13 Arvizo's account and it was withdrawn by Miss Arvizo
14 herself.

15 Is that the kind of financial transaction
16 that you would want to know about days before
17 deciding whether or not she's entitled to welfare?

18 A. Yes.

19 Q. I believe -- it's hard to see, and I
20 apologize. I believe that's November 9th. I think
21 that's what it says up there.

22 Now, those -- if somebody has access to
23 funds and uses the funds, it doesn't matter what the
24 name of the account is, does it?

25 A. As long as they're a household member.

26 Q. Okay. So now we'll move on to -- there's
27 one question to which there was not an objection

28 sustained that had to do with a trust account. 11628

1 If the children of Miss Arvizo, Star and
2 Gavin, received between them in excess of \$40,000 at
3 this same time that you just saw these transactions
4 for Janet Arvizo herself, if they received an
5 additional \$40,000, whether --

6 MR. AUCHINCLOSS: I'll object to the amount.

7 Misstates the evidence.

8 THE COURT: Go ahead. Complete your
9 question.

10 MR. SANGER: Well, let's do it -- just so --
11 I believe that's correct, but let me just put it
12 this way.

13 Q. If one child received in excess of 25,000
14 and the other child received in excess of \$10,000 at
15 the same time that this transaction occurred when
16 Mrs. Arvizo received her \$32,000, and that money was
17 put in any kind of a bank account for their benefit,
18 is that something that was required to be disclosed
19 to your department on these forms?

20 A. Yes.

21 Q. Now, the District Attorney in that question
22 about a trust account -- does it matter whether it's
23 a trust account or not a trust account, if they
24 received the money for their benefit?

25 A. No, it should be reported.

26 Q. And if it's reported and there's some
27 argument about it, you would want to see all the

28 documentation about that account; is that correct? 11629

1 A. Correct.

2 Q. But the form clearly says you have to report
3 any money in bank accounts for any of the people in
4 the family; is that right?

5 A. Correct.

6 Q. All right. There were questions about the
7 boyfriend paying the rent, and I got lost on some of
8 that, but basically one of the concerns that you
9 have in your department is that participants will
10 receive benefits, let us say, and at some point
11 their circumstances change and they start living
12 with someone else who starts providing for their
13 basic needs, and you need to know about that; is
14 that correct?

15 A. Correct.

16 Q. All right. And it's not uncommon that
17 people will move in with a boyfriend or a
18 girlfriend, and that boyfriend or girlfriend will
19 start paying for things that the participant
20 previously had to pay for out of his or her own
21 pocket, correct?

22 A. Correct.

23 Q. And part of your screening process for each
24 month's eligibility is to determine whether or not
25 that has occurred, correct?

26 A. Correct.

27 Q. And if you aren't told about it, you don't

28 have an ability to evaluate it; is that right? 11630

1 A. Correct.

2 Q. And you believe that it's -- that it's part
3 of the reporting requirement that a person who moves
4 in with a boyfriend, and the boyfriend is not only
5 cashing the welfare checks, but also paying rent and
6 paying other expenses on behalf of the participant,
7 that that participant has an obligation to report
8 that so you can evaluate it, correct?

9 A. Correct.

10 MR. AUCHINCLOSS: Objection; asked and
11 answered.

12 THE COURT: Compound. Sustained.

13 MR. SANGER: It wasn't asked and answered?

14 If it wasn't, I won't ask any more questions.

15 THE COURT: Okay. Asked and answered.

16 MR. SANGER: There you go. Okay. I have no
17 further questions.

18

19 RE-CROSS-EXAMINATION

20 BY MR. AUCHINCLOSS:

21 Q. Just real quickly, clearly if Mrs. Arvizo
22 received a \$30,000 settlement, that should have been
23 reported and mentioned to welfare; isn't that fair
24 to say?

25 A. Correct.

26 Q. The only question that I have remaining is
27 not whether or not the reporting of funds placed in

28 a trust account for children should have taken 11631

1 place. My question is, provided that children --
2 the children in the family received those funds,
3 they were placed in trust, and they cannot be
4 touched until the children became adults, that
5 wouldn't affect the eligibility for welfare, would
6 it, just as far as eligibility goes?

7 MR. SANGER: Objection. Improper

8 hypothetical; assumes facts not in evidence.

9 THE COURT: Sustained.

10 MR. AUCHINCLOSS: I believe there are a
11 couple of exhibits that are in evidence, 820 and
12 824, dealing with the trust.

13 THE COURT: Let's see. I don't have those up
14 here.

15 MR. AUCHINCLOSS: I can tell you my
16 foundation based on -- at sidebar if you want.

17 THE COURT: I'll look at your exhibit.

18 MR. AUCHINCLOSS: 821 and 820.

19 THE COURT: The problem that I'm having with
20 your hypothetical is that the....

21 See, the problem in the exhibits is that
22 under these compromises for minors, the Court can
23 always authorize the release of funds. So, every
24 question you've asked, with the exception of one,
25 presupposed that the minor couldn't get to the
26 funds. And it's just not the law. The law is that
27 the Court can give access to the funds. That's what

28 the document says. So let's go to our next 11632

1 question.

2 MR. AUCHINCLOSS: All right. I have no

3 further questions then. Thank you.

4 THE COURT: All right.

5 MR. SANGER: Nor do I.

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

7 THE WITNESS: You're welcome.

8 THE COURT: Call your next witness, please.

9 MR. MESEREAU: Thank you, Your Honor. The

10 defense will call Miss Marian Arvizo.

11 THE COURT: When you get to the witness

12 stand, please remain standing.

13 Face the clerk here and raise your right

14 hand.

15 MARIAN ARVIZO

16 Having been sworn, testified as follows:

17

18 THE WITNESS: I do.

19 THE CLERK: Please be seated. State and

20 spell your name for the record.

21 THE WITNESS: My name is Marian Arvizo.

22 Spelled M-a-r-i-a-n; Arvizo, A-r-v-i-z-o.

23 THE CLERK: Thank you.

24

25 DIRECT EXAMINATION

26 BY MR. MESEREAU:

27 Q. Good afternoon, Miss Arvizo.

28 A. Good afternoon. 11633

1 Q. Miss Arvizo, are you related to David

2 Arvizo?

3 A. Yes, I am.

4 Q. How are you related to him?

5 A. I'm his sister.

6 Q. Okay. And do you live in the Los Angeles

7 area?

8 A. I do.

9 Q. Okay. Do you know Janet Arvizo?

10 A. Yes, I do.

11 Q. And how do you know her?

12 A. She was married to my brother David Arvizo.

13 Q. Approximately when did you first meet Janet

14 Arvizo, just approximately?

15 A. About 19 -- about 18, 19 years ago.

16 Q. Okay. And did you stay in contact with her

17 through the years?

18 A. No.

19 Q. Okay. Did you at some point learn that

20 Gavin Arvizo was ill?

21 A. Yes, I did.

22 Q. And how did you learn that?

23 A. Through fellow neighbors in the neighborhood

24 that I live in, that my family lived in, in South El

25 Monte.

26 Q. This is El Monte?

27 A. In South El Monte.

28 Q. Okay. Now, at this point in time, when you 11634

1 learned that Gavin was ill, were Janet and David
2 still together?

3 A. Yes, they were.

4 Q. Okay. And did you visit Gavin at the
5 hospital?

6 A. No, I didn't.

7 Q. Did you get involved in any efforts to do
8 any drives for Gavin?

9 A. Yes, I did.

10 Q. What did you do?

11 A. I organized a blood drive that was held at
12 the Von's warehouse in El Monte.

13 Q. Now, approximately when did you start
14 organizing the blood drive for Gavin?

15 A. I don't remember the dates and times. It
16 was probably maybe -- it was at the time where he
17 was needing -- he was needing blood transfusions
18 pretty frequently. And what happened was, is that
19 the news had put out that they needed blood for
20 him --

21 Q. Okay.

22 A. -- because --

23 Q. Let me just ask one question at a time, if I
24 can. Thank you.

25 You say that the news had put out
26 information that there was a need for blood for
27 Gavin?

28 A. Yes. 11635

1 Q. And did you hear that on the news?

2 A. Yes, I did.

3 Q. So you were not talking to Janet when you
4 learned that?

5 A. No, I didn't.

6 Q. And did you learn there was a particular
7 type of blood that he needed?

8 A. Yes.

9 Q. And how did you learn that?

10 A. On the news.

11 Q. Okay. What did you do after you learned
12 that information on the news?

13 A. I -- I started to see if I can organize a
14 blood drive to get more of the blood type that he
15 needed, because it was a rare blood type.

16 Q. What did you do to organize the drive?

17 A. I had a -- I knew of a woman that worked at
18 Kaiser, who was in charge, by the name of Marie
19 Triggs. And I talked to her and asked her how would
20 I go about organizing a blood drive to help them out
21 to make sure he had enough blood.

22 Q. And did you learn from her what to do?

23 A. Yes. She did help me to organize the blood
24 drives.

25 Q. And Kaiser was the hospital that Gavin
26 was -- the hospital that Gavin was being treated at?

27 A. Yes, she was -- he was.

28 Q. And what did you do to put a blood drive 11636

1 together?

2 A. We talked to one of the supervisors at the
3 Von's warehouse, and he opened up the warehouse for
4 us to come in and have the guys donate blood.

5 And Marie Triggs and I met there, and we
6 went into the warehouse and set up in the break room
7 and did a small blood drive there with all -- I
8 don't remember how many units of blood she got that
9 day, but there was quite a few people that donated.

10 Q. Now, why did you choose Von's to do the
11 drive?

12 A. I'm also an employee for Von's, and I had
13 heard through several people that there was a lot of
14 guys at the warehouse that were interested in
15 donating blood.

16 Q. You say you're also an employee of Von's.
17 What did you mean by that? Who else are you
18 referring to that was employed there?

19 A. My brother, David.

20 Q. That's David?

21 A. Yes.

22 Q. And so you both were working at Von's at the
23 same time?

24 A. He works in the warehouse now and I work in
25 the stores.

26 Q. Okay. And was David working at this point
27 in time at Von's; do you know?

28 A. No, I believe he was out. 11637

1 Q. Okay. Was he out to visit David (sic) at
2 the hospital?

3 A. I believe he was still with Gavin and going
4 through his -- the chemo and all the --

5 Q. Right.

6 A. -- at the hospital.

7 Q. So you had a blood drive, right?

8 A. Yes.

9 Q. At Von's?

10 A. Yes.

11 Q. And approximately how many people do you
12 think came to the blood drive?

13 A. I would say maybe 25 or 30.

14 Q. Were they mostly people from Von's?

15 A. They were all the guys in the warehouse.

16 Q. Okay. And did you actually obtain blood for
17 Gavin?

18 A. Yes, we did.

19 Q. Okay. And did you do more than one blood
20 drive?

21 A. Yes. We did -- also did a second blood
22 drive. One of my sisters, her sister-in-law's
23 church donated the church recreational room. And
24 Marie Triggs, my sister Karen and myself, we all met
25 down at the church and we had a small blood drive
26 there. It was just announced at the church, so we
27 mostly had -- mostly had church members that came in

28 to donate. 11638

1 Q. Now, did you communicate with Janet Arvizo
2 about the blood drives you were organizing?

3 A. No, I didn't.

4 Q. Did you ever talk to her at all about it?

5 A. No, I didn't.

6 Q. Okay. Did she ever contact you about a
7 blood drive?

8 A. Yes, she did.

9 Q. And approximately when was this, do you
10 think?

11 A. I don't remember a certain day and time.

12 Q. And do you remember whether or not she
13 wanted to participate in the drive?

14 A. She didn't seem to want to participate.

15 She -- I didn't talk to her before the blood drives.
16 I talked to her -- I talked to her before the blood
17 drives, not while I was doing the blood drives.

18 Q. And did you offer her the opportunity to get
19 involved?

20 A. No, I didn't.

21 Q. Did you offer the opportunity to give her
22 views about whether this was a good idea?

23 A. Well, there was a letter that went in the
24 City of South El Monte that had information on our
25 family, because we had been in the city for so many
26 years, and that letter actually just said if you are
27 willing to donate blood for Gavin, and gave a

28 specific blood type, that to donate it at the Kaiser 11639

1 on Sunset, and just thanking -- you know, "On behalf
2 of the entire Arvizo family, we thank you."

3 And Janet did call me on that.

4 Q. Did Janet ever complain to you about the
5 blood drive?

6 A. Yes, she did.

7 Q. What did she say?

8 A. She told me that she didn't need my fucking
9 blood. That she needed money.

10 Q. And did she call you on the phone when she
11 said that?

12 A. Yes, she did.

13 Q. Are you okay?

14 A. Yes.

15 Q. What was your response, if any?

16 A. I think I just hung up on her.

17 Q. Did you ever talk to her again about the
18 blood drive?

19 A. No, I don't believe so.

20 Q. How many drives do you think you organized
21 for Gavin?

22 A. There was two blood drives.

23 Q. The second one was at the church?

24 A. The second one was at the church.

25 Q. Okay. Now, after David and Janet separated,
26 do you recall an incident where Gavin, Star and
27 Davellin were swimming?

28 A. Yes, they came over to my house and went 11640

1 swimming.

2 Q. Okay. Now, was this long after the

3 separation; do you know?

4 A. No. It was just in the beginning of the

5 separation.

6 Q. Okay. And they went swimming at your house?

7 A. Yes, they did.

8 Q. And this was in El Monte?

9 A. This is in Covina.

10 Q. Covina, okay. All right. And do you recall

11 Star -- whether or not Star ever made a comment

12 about a house they were going to move to?

13 MR. ZONEN: Objection; hearsay.

14 THE COURT: Sustained.

15 Q. BY MR. MESEREAU: Did you ever learn from

16 Star that the family might move to the Hollywood

17 Hills?

18 MR. ZONEN: Objection; hearsay.

19 THE COURT: Sustained.

20 Q. BY MR. MESEREAU: Did you ever say anything

21 to Star Arvizo about the family's moving to the

22 Hollywood Hills?

23 MR. ZONEN: Your Honor, the third objection.

24 Hearsay.

25 THE COURT: Sustained.

26 MR. ZONEN: Ask for an admonition.

27 THE COURT: Next question.

28 MR. MESEREAU: I'll move on. I'll move on, 11641

1 Your Honor.

2 Q. Have you had any contact with Janet since
3 the conversation you just described?

4 A. No, I haven't.

5 Q. Okay. Have had you had any contact with any
6 of the Arvizo children since the drives?

7 A. No.

8 MR. MESEREAU: No further questions.

9 THE COURT: Cross-examine?

10

11 CROSS-EXAMINATION

12 BY MR. ZONEN:

13 Q. Ms. Arvizo, good afternoon.

14 A. Good afternoon.

15 Q. Do you know a Connie Keenan?

16 A. Do I know Connie Keenan? No, I don't.

17 Q. You never met her?

18 A. I believe I met her today.

19 Q. That's the first time you've ever met her?

20 A. Yes.

21 Q. Had no prior association with her at all?

22 A. No.

23 Q. Did you have a prior association with
24 anybody who works at Mid Valley News?

25 A. No, I don't.

26 Q. Had you ever talked with anybody at Mid
27 Valley News?

28 A. No, I didn't. 11642

1 Q. Now, you testified that the manner in which
2 you became familiar with the fact that your nephew
3 needed this blood was from the news account; is that
4 correct?

5 A. Yes, I did.

6 Q. Was that a news account on the radio or news
7 account on television?

8 A. On television.

9 Q. On television?

10 And had you seen that throughout El Monte on
11 a number of occasions or just on one occasion?

12 A. Actually, I was viewing the television set
13 at my house in Covina.

14 Q. You and your brother both work at Von's; is
15 that right?

16 A. Yes, we do.

17 Q. Did you both work at the same Von's?

18 A. No. He works in the warehouse and I work in
19 the actual grocery stores.

20 Q. And do you work in more than one store?

21 A. No, I work in one store.

22 Q. Is there a reason your brother didn't tell
23 you about the need for blood?

24 A. I didn't have contact with my brother.

25 Q. During that period of time?

26 A. No, I didn't.

27 Q. During the time that you were raising money

28 on behalf of Gavin -- excuse me, raising -- not 11643

1 "raising," but recruiting volunteers to donate blood
2 on behalf of Gavin, had you had any contact with
3 your brother at all during that time?

4 A. Yes, I did.

5 Q. And did he tell you about the need for blood
6 that Gavin was experiencing at that time?

7 A. I explained to him that I was having --
8 organizing blood drives and doing the best I can to
9 get the information out. As far as him being
10 involved, no.

11 Q. And was that during the time that you were
12 organizing the blood drives?

13 A. Yes, it was.

14 Q. And prior to that, how long had it been
15 since you had spoken with your brother David?

16 A. About 15 years.

17 MR. ZONEN: Thank you. No further
18 questions.

19 MR. MESEREAU: No further questions, Your
20 Honor.

21 THE COURT: Thank you. You may step down.
22 Call your next witness.

23 MR. MESEREAU: Your Honor, shall we call a
24 witness or have a break? Whatever you like.

25 THE COURT: Do you want to break early?

26 MR. MESEREAU: Sure.

27 THE COURT: All right.

28 (Recess taken.) 11644

1 THE COURT: I'm sorry. We took a few
2 minutes longer. We're trying -- as you know, we're
3 getting to the end of the trial. We're --
4 Is that a sigh I heard?
5 What Mr. Sneddon and Mr. Mesereau and I were
6 trying to do was just get a feel for where we are
7 and schedule it out in our own minds. We didn't
8 reach any conclusion. We're going to talk again
9 tomorrow, but when we get our --
10 I think I left my cell phone on. I'm out of
11 here.

12 THE BAILIFF: I have the "Sorry" card.

13 (Laughter.)

14 THE COURT: How can I follow that?

15 As soon as we figure out a plan here so that
16 you'll -- we'll tell you, so you know what the
17 schedule for arguments and jury instruction will be,
18 but I don't think we can do that right at this
19 point. We didn't get that final conclusion.

20 All right. Mr. Mesereau, would you call
21 your next witness?

22 MR. MESEREAU: Yes, thank you, Your Honor.

23 Defense will call Ms. Connie Keenan.

24 THE COURT: When you get to the witness
25 stand, please remain standing.

26 Face the clerk and raise your right hand.

27 //

1 CONNIE KEENAN

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: My name is Connie Keenan.

8 C-o-n-n-i-e, K-e-e-n-a-n.

9 THE CLERK: Thank you.

10

11 DIRECT EXAMINATION

12 BY MR. MESEREAU:

13 Q. Good afternoon, Miss Keenan.

14 A. Good afternoon.

15 Q. Miss Keenan, how are you employed?

16 A. I'm sorry, I didn't hear --

17 Q. How are you employed?

18 A. I am an editor for a community newspaper.

19 Q. Which newspaper is that?

20 A. That's the Mid Valley News.

21 Q. Where is that newspaper circulated?

22 A. In El -- well, we circulate in seven cities.

23 The City of El Monte, South El Monte, Rosemead,

24 Monrovia, Arcadia and Temple City.

25 Q. And how long have you been doing that?

26 A. Since 1999, June.

27 Q. Okay. And have you been in the newspaper

28 business before that day? 11646

1 A. Yes.

2 Q. And please just summarize what work you've
3 done in the newspaper business.

4 A. I was a reporter, a political reporter, for
5 The Independent Voice in San Diego Valley. Before
6 that, I was fashion editor for Teen Magazine.

7 Q. Now, where is your office located?

8 A. Our -- my office is 11401 Valley Boulevard,
9 Suite 100, El Monte.

10 Q. Okay. At some point in time, did you meet
11 someone named Janet Arvizo?

12 A. I have never met Mrs. Arvizo.

13 Q. Have you spoken to her?

14 A. Yes, I have.

15 Q. And do you recall the circumstances under
16 which you spoke to her?

17 A. Mrs. -- I had assigned a story about her son
18 to a college intern I had at the time by the name of
19 Christie Causer. And I had some bad feelings about
20 the whole incident and the whole story, and the
21 mother wanted an additional story because she didn't
22 make money enough money from the first story. And
23 that's her words, not mine.

24 Q. Which story did you authorize the paper to
25 publish?

26 A. I authorized "Gavin Still Smiles," which was
27 the story about Mrs. Arvizo's son, who was suffering

28 from cancer at the time. And the general thrust of 11647

1 the story is with the family was very, very bad off.
2 They were losing their car. They were losing their
3 home. And it's not a story we normally do. It was
4 one I did not want to do. However, Mrs. Arvizo did
5 play on some sympathies in the office, and it kind
6 of -- I assigned it to Christie to do, because I
7 didn't want to deal with it.

8 Q. Now, how did you begin to even think about
9 doing such a story?

10 A. Mrs. Arvizo called the office.

11 Q. Okay.

12 A. And she con -- she continually called the
13 office, and I had told my secretary to tell her --

14 MR. SNEDDON: Your Honor? Excuse me. I'm
15 going to object on the basis of hearsay unless it's
16 a personal conversation that she had with Mrs.
17 Arvizo. Move to strike.

18 THE COURT: Sustained.

19 Q. BY MR. MESEREAU: Let me ask you --

20 THE COURT: Stricken.

21 MR. MESEREAU: I'm sorry.

22 THE COURT: Go ahead.

23 Q. BY MR. MESEREAU: Okay. You at the time --
24 let's set a time. What year was this, if you know?

25 A. This would be year 2000.

26 Q. Okay. And you were editor at that time?

27 A. Yes.

28 Q. And does your newspaper have a particular 11648

1 thrust, a particular --

2 A. Our --

3 Q. -- theme to it?

4 A. We do nothing but positive community news.

5 We are not an investigative-type newspaper at all.

6 Q. And what is positive community news?

7 A. My goal, when I took over the paper and I
8 purchased the paper, was to -- there's enough
9 negative media out there. I wanted -- my goal is to
10 make sure every kid in our cities have their face or
11 photo in the publication sometime before I retire.

12 Q. And how old is the publication?

13 A. Actually, the publication in itself was
14 adjudicated in 1966.

15 Q. And has it always had the same sort of
16 thrust to it?

17 A. No.

18 Q. Okay. What changes has it gone through?

19 A. It came -- it's evolved from a purely
20 political piece, making commentary within the
21 communities it circulated, to, others would say, a
22 purely fluff piece, and that's where it is now.

23 Q. Now, at some point you assigned, as you
24 said, the writing of this particular article about
25 Gavin Arvizo to an intern, correct?

26 A. Correct.

27 Q. And you said her name was Christie Causer;

28 is that right? 11649

1 A. That's correct.

2 Q. Why did you do that?

3 A. It is not -- there are many people within
4 the cities I serve that need money and are facing
5 hard times, and my -- I felt that if I did one, I
6 would have to do many, many more. I did not want to
7 deal with it. I thought it was a human interest
8 story, that's something Christie could learn from
9 doing, which was part of her being an intern, but it
10 was something that I didn't want personally to deal
11 with myself.

12 Q. And when you assigned it to Christie Causer,
13 had you made the decision to have this article about
14 Gavin Arvizo published?

15 A. No, not until her article was finished.

16 Q. Was it your idea that you would first see
17 what Christie Causer wrote and then decide whether
18 or not it's publishable?

19 A. Indeed. That is my job.

20 Q. And just directing your thoughts to just
21 what you were thinking at the time, what made you
22 decide to have this article written?

23 A. I read all copy that goes into the
24 newspaper.

25 Q. Let me rephrase it. I'm not being clear.

26 At some point, you got some information
27 about Gavin Arvizo, right?

28 A. Uh-huh. 11650

1 Q. You thought about whether or not you wanted
2 to assign this project to an intern, right?

3 A. I don't know where you're going, Counsel.

4 Q. I'm trying to figure out why you wanted this
5 article written.

6 A. We kept getting telephone calls from Mrs.
7 Arvizo. Mrs. Arvizo talked to my secretary.

8 MR. SNEDDON: I'm going to object. Excuse
9 me. I'm going to object, unless it's based on
10 personal knowledge, as being hearsay.

11 THE WITNESS: I received messages.

12 MR. MESEREAU: It's not offered for the
13 truth.

14 MR. SNEDDON: Then it has no relevance.

15 THE COURT: Just a moment. I'll sustain her
16 objection to her repeating what the secretary said.

17 Q. BY MR. MESEREAU: Okay. Don't repeat what
18 your secretary said.

19 A. Uh-huh.

20 Q. But at some point, you made a decision you
21 wanted this article created, right?

22 A. Indeed.

23 Q. And without saying what the secretary said,
24 was it based on the fact that these calls had come
25 in?

26 A. Yes.

27 MR. SNEDDON: Same objection. Move to

28 strike. No personal knowledge; lack of foundation. 11651

1 THE COURT: Overruled. The answer was,

2 "Yes." Next question.

3 Q. BY MR. MESEREAU: Without saying what was
4 said, did you have a discussion with someone about
5 this subject matter before --

6 A. I just --

7 Q. -- before you decided that you wanted to try
8 and do an article about Gavin?

9 A. I discussed it with my secretary, and my
10 secretary told me --

11 Q. You're not allowed to say what she told you.

12 A. Okay.

13 Q. So let me just try -- we have some technical
14 rules we have to follow, okay?

15 A. All right.

16 Q. The calls came in, and you discussed it with
17 your secretary, right?

18 A. Yes.

19 Q. And after the discussion, you made the
20 independent decision to assign to Christie Causer
21 the responsibility of writing an article about the
22 subject, right?

23 A. Yes.

24 Q. And was a draft article written?

25 A. Yes. A draft article was written. I read
26 through the article. I questioned the amount of
27 money that was supposedly paid for an injection. I

28 questioned the fact that the money had been 11652

1 requested to be sent to Mrs. Arvizo at her home
2 address. And I told Christie that was not ethical,
3 we could not do that, and we would not have that
4 information in the paper unless there was a trust
5 fund that was set up or if -- and that was the only
6 way it would be in the paper.

7 Q. Now, eventually did you authorize the
8 publishing of that article?

9 A. Yes, I did.

10 Q. Okay. What was your concern about the costs
11 of an injection?

12 A. My concern was that \$12,000 for an injection
13 was a little over the top. And I said, "Are you
14 sure, Christie, that this was the amount that she
15 said?"

16 She said she tape-recorded it, and she went
17 through it again, and yes, indeed, she said \$12,000
18 for a chemotherapy injection.

19 Q. Now, was the intent of the article to raise
20 money to pay for Gavin's medical expenses?

21 A. It wasn't the intent. It was, "If you wish
22 to do so, you may" --

23 Q. Okay.

24 A. -- type of thing.

25 Q. Was it your intent to provide information to
26 readers who wanted to contribute money regarding
27 where to send the money?

28 A. Yes. 11653

1 Q. And did you do that?

2 A. Yes, I did.

3 Q. As far as what the money was to be raised
4 for, was it your intention that this article was to
5 raise money purely for medical expenses?

6 A. The thrust -- the whole slant of the article
7 was how expensive it was for his medical care, which
8 is what we assumed that money was going to go
9 toward.

10 Q. And did you know at the time you authorized
11 the publishing of this article whether or not
12 insurance was paying for Gavin's medical expenses?

13 A. I -- I will answer that yes, in a -- in an
14 after-the-fact case.

15 Q. Let me rephrase it. I'm sorry. I'll
16 withdraw the question.

17 Before you published an article that talked
18 about raising money for Gavin, did you know whether
19 or not insurance was paying for his medical
20 expenses?

21 A. Before that? No, I did not know that.

22 Q. Now, did you authorize the publishing of an
23 article which talked about \$12,000 per injection for
24 Gavin?

25 A. Yes, I did.

26 Q. And where did that information come from?

27 A. From Mrs. Arvizo.

28 MR. SNEDDON: Your Honor, I'm going to 11654

1 object to that as lack of foundation and hearsay.

2 THE COURT: Sustained.

3 MR. SNEDDON: Move to strike.

4 THE COURT: Stricken.

5 Q. BY MR. MESEREAU: Were there any other
6 purposes to the publishing of this article as far as
7 you were concerned?

8 A. No other, than --

9 Q. Did you think this was an issue of community
10 interest like you've described?

11 A. Of course.

12 Q. Okay. And how often -- or let me rephrase
13 that.

14 How many times did this article appear?

15 A. One time.

16 Q. Okay. Was there any reason why it only
17 appeared one time?

18 A. Um --

19 MR. SNEDDON: Object as immaterial and
20 irrelevant.

21 THE COURT: Overruled.

22 You may answer.

23 THE WITNESS: I found out that the child was
24 indeed covered by insurance.

25 Q. BY MR. MESEREAU: To your knowledge, was any
26 money raised through your newspaper's article?

27 A. Mrs. Arvizo told me that she wanted a second

28 article because she didn't raise enough money from 11655

1 the first article, and that is why there were no
2 other articles written.

3 Q. Did you ever learn how much money was, in
4 fact, raised?

5 A. No, sir.

6 Q. Now, to your knowledge, did the intern that
7 you've mentioned, Christie Causer, actually write
8 the article?

9 A. Yes, she did.

10 Q. And did you then edit the article?

11 A. Yes, I did.

12 Q. And after you edited the article, did you
13 authorize the publication?

14 A. I did.

15 Q. Now, how often -- let me get to the year
16 2000.

17 How often was your newspaper appearing in
18 the year 2000?

19 A. Once a week.

20 Q. Does it still appear once a week?

21 A. Still once a week.

22 Q. Okay. Did you ever mention in any of your --
23 excuse me.

24 Did you ever mention in your article about
25 Gavin any information about a bank account where
26 people could contribute to?

27 A. Yes.

28 Q. And where did the information on that bank 11656

1 account come from?

2 A. I instructed Mrs. Causer that she could not
3 use the name of Mrs. Arvizo, nor her home address to
4 send money or funds because we would have no idea
5 where the funds went; that we would have to have a
6 trust account.

7 Approximately four days later, Christie came
8 back to me and said that indeed the family had a
9 trust fund.

10 Q. Okay. And did you mention that trust fund
11 in the article?

12 A. Yes, I did.

13 Q. Okay. Did you ever confirm whether or not
14 it was, in fact, a trust fund?

15 A. No, sir.

16 Q. Who told you that it was, in fact, a trust
17 fund?

18 A. It was listed in the article as a trust fund
19 and an employee of that particular bank to refer all
20 matters to.

21 Q. Do you know who was a signatory on that
22 account?

23 A. No, sir.

24 Q. Do you know if any withdrawals were ever
25 made from that account?

26 A. No, sir.

27 Q. Do you recall ever communicating with a

28 former attorney for Mr. Michael Jackson named Mark 11657

1 Geragos?

2 A. I wrote Mr. Geragos a letter.

3 Q. And was that approximately November 24th,

4 2003?

5 A. Approximately, yes.

6 Q. Okay. Why did you write the letter to him?

7 A. I had seen the --

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

9 object as immaterial, and irrelevant, and calls for

10 hearsay.

11 THE COURT: Sustained.

12 MR. MESEREAU: No further questions at this

13 time.

14 THE COURT: Cross-examine?

15

16 CROSS-EXAMINATION

17 BY MR. SNEDDON:

18 Q. Good afternoon.

19 A. Good afternoon.

20 Q. Did you have a chance to review -- is it Ms.

21 Causer? It's Ms.?

22 A. Yes. Yes.

23 Q. Missus?

24 (Continuing) -- Ms. Causer's article before

25 you came to court here today?

26 A. Not yet, but I did bring it.

27 Q. You didn't review it before you came to

28 court? 11658

1 A. No.

2 Q. Did you have a chance to review the article
3 that you wrote in your newspaper about the
4 experience?

5 A. I did not write an article. I simply --

6 Q. Well, you wrote an editorial?

7 A. Oh, I did read an editorial. No, I didn't
8 reread my editorial, no.

9 Q. Are you acquainted with anybody in the
10 Arvizo family personally?

11 A. No.

12 Q. David Arvizo, Marian Arvizo, nobody from
13 that family?

14 A. No.

15 Q. And with regard to the article that was
16 published in your newspaper that was initially done
17 by the intern, Christie Causer, did you make
18 substantial changes in the editorial process or was
19 it basically pretty much what she wrote?

20 A. It's basically pretty much what she wrote,
21 the context.

22 Q. And your goal as a newspaper was to attempt
23 to put -- to emphasize the medical aspects of what
24 was going on with Gavin at this particular point in
25 time, correct?

26 A. Correct.

27 Q. And did you have a picture of Gavin that

28 accompanied the article? 11659

1 A. Yes, we did.

2 Q. And it's correct, is it not, that the
3 article, in essence, the way it -- not "in essence,"
4 the article that was eventually published after you
5 had edited it basically dealt with Gavin's medical
6 experiences on the whole, did it not?

7 A. Yes.

8 Q. In other words, they talked about what had
9 happened to him in terms of the cancer and the size
10 of the tumor and the -- what had happened to him
11 internally, correct?

12 A. And how expensive it was.

13 Q. Well, I'm getting there. I just want to
14 talk about, first of all, the process of the article
15 itself.

16 A. Okay.

17 Q. Okay? And then they talked about this need
18 for blood, correct?

19 A. I believe so.

20 Q. And they talked about the fact that the
21 tumor weighed 16 pounds that they took out of him,
22 correct?

23 A. Correct.

24 Q. And then they talked about his fragile
25 condition and how high risk he was, correct?

26 A. Correct.

27 Q. And they talked about the fact that they had

28 actually sent the tumor to research at Johns Hopkins 11660

1 and Cedars-Sinai to try to determine what kind of
2 cancer it was. Do you recall that?

3 A. Yes, I do.

4 Q. And then they talked a little bit about
5 Gavin. They talked about how -- what a great sense
6 of humor he had, and what a great spiritual outlook
7 he had on the whole process, correct?

8 A. I believe so.

9 Q. And then they talked about the fact that
10 there were comedians and people in the entertainment
11 industry who were supporting the family during this
12 time of need, correct?

13 A. Correct.

14 Q. And they mentioned, in fact, Chris Tucker,
15 did they not?

16 A. Yes.

17 Q. And they talked about the fact that Fritz
18 Coleman had actually advertised on T.V. to try to
19 raise blood for Gavin, correct?

20 A. I don't recall that, but --

21 Q. You don't recall that?

22 A. I just truly don't recall.

23 Q. Do you have the article in front of you?

24 A. Yes, I have it.

25 Q. Would it refresh your recollection if you
26 looked at the article?

27 A. Okay.

28 Q. And I just direct you down to probably 11661

1 five-sixths of the way down to the bottom of the
2 article.

3 A. Okay. Yes, sir. I see it.

4 Q. Okay. And then after that, Gavin is quoted
5 as saying, "There are more friends than reporters,"
6 correct?

7 A. Correct.

8 Q. And then they go on to talk about the
9 expressions of gratitude and the fact that the
10 family prays for helping Gavin in this particular
11 situation, right?

12 A. Correct.

13 Q. Now, we're almost at the end of the article,
14 are we not?

15 A. Yes.

16 Q. We're basically down to the last paragraph,
17 correct?

18 A. Yes.

19 Q. And it's only in that paragraph is there
20 anything mentioned about the financial situation of
21 the family; isn't that correct?

22 A. True.

23 Q. So would it be a fair statement to say that
24 the vast -- vast majority of this article dealt with
25 the personal plight of Gavin and the family rather
26 than any financial aspects of the family, correct?

27 A. Correct.

28 Q. Now, in the article it says that their car 11662

1 was repossessed, correct?

2 A. Yes.

3 Q. And it says that there's one chemotherapy
4 injection that cost \$12,000, correct?

5 A. Yes.

6 Q. And that's the only things mentioned about
7 the finances for the family?

8 A. Uh-huh.

9 Q. Now, there's no mention in this article at
10 all about the fact that they're going to lose their
11 home, is there?

12 A. No.

13 Q. You told the jury in your direct examination
14 that you were told that they were going to lose
15 their home, that Miss Causer told you that?

16 A. No, but the secretary that doesn't exist
17 did.

18 Q. Ma'am --

19 A. I'm sorry, I don't mean to be rude. It's
20 just --

21 Q. Well, you are being, so --

22 MR. MESEREAU: Objection, Your Honor. Move
23 to strike counsel's comments.

24 THE COURT: I'll strike --

25 THE WITNESS: That was the only reason --

26 THE COURT: Just a moment. I'm going to
27 instruct you that you must follow the rules of

28 evidence here -- 11663

1 THE WITNESS: Okay.

2 THE COURT: -- and not comment to the jury on
3 your opinion of them. Do you understand?

4 THE WITNESS: I --

5 THE COURT: Just a moment. Just tell me
6 whether you understand that or not. You are not
7 allowed to do anything except answer the questions.

8 THE WITNESS: I understand that.

9 THE COURT: Okay. Mr. Sneddon, ask the next
10 question.

11 MR. SNEDDON: Yes, sir.

12 Q. Did you not say on direct examination in
13 front of this jury that you received the information
14 with regard to the possible repossession of the
15 house from Miss Causer?

16 A. Among other people, yes.

17 Q. That information is not in the article, is
18 it?

19 A. No.

20 Q. Now, are you certain that Miss Causer
21 tape-recorded this conversation?

22 A. I asked -- yes, I am certain.

23 Q. And did you review the tape of that
24 conversation?

25 A. No, sir.

26 Q. So you never -- you did not independently
27 review the tape before you edit -- before you

28 applied your editorial license to the article? 11664

1 A. That's correct.

2 Q. Now, did you write an article? You said you
3 did write an editorial later, correct?

4 A. Yes, I did.

5 Q. In the editorial you were very critical of
6 Mrs. Arvizo, correct?

7 MR. MESEREAU: Objection; relevance.

8 THE WITNESS: I don't recall being --

9 THE COURT: Just a moment.

10 THE WITNESS: -- critical.

11 THE COURT: Just a moment, ma'am. You have
12 to wait till I rule.

13 THE WITNESS: Oh. Oh.

14 THE COURT: The objection is overruled.

15 All right. You may answer.

16 THE WITNESS: The question once again.

17 THE COURT: I'll have the question read back.

18 (Record read.)

19 THE WITNESS: I don't -- I -- I'm sort of
20 stuck on the word "very." I was critical, but I
21 don't know about the rest.

22 Q. BY MR. SNEDDON: I'll settle for that. That
23 helps.

24 A. Okay.

25 Q. Did you say in that article that Miss Causer
26 had taken a cooked turkey over to the Arvizo family?

27 A. That was my understanding, yes.

28 Q. Okay. You put that in the article? 11665

1 A. Yes, I did.

2 Q. Did you determine later that that was
3 incorrect?

4 A. Yes.

5 Q. And did you put in that article that Mrs.
6 Arvizo said that she would rather have money than
7 the turkey?

8 A. Yes, I did.

9 Q. Did you determine that was incorrect?

10 A. No.

11 Q. Did you talk to Miss Causer about that?

12 A. Yes.

13 Q. And you know that she denies that Mrs.
14 Arvizo ever made that statement?

15 A. Then it's after the fact. I don't know
16 that.

17 Q. Did she tell you that when you asked her?

18 A. She told me that the reason she was upset
19 was the mother said she would rather have the money
20 instead of the food.

21 Q. And that's what she told you?

22 A. That's what she's told me. And she's not
23 retracted it since then.

24 Q. She hasn't?

25 A. No, sir.

26 Q. She denies that statement today, though.

27 You know that?

28 A. No, I do not. 11666

1 MR. MESEREAU: Objection; improper question.

2 MR. SNEDDON: No, I'm asking if she's aware
3 of that.

4 THE COURT: Objection sustained.

5 Q. BY MR. SNEDDON: Are you aware of the fact
6 that she has denied ever making such a statement to
7 you about that?

8 A. No.

9 Q. You said in your article that she was
10 crushed, correct?

11 A. Who?

12 Q. Cindy Causer (sic).

13 A. Yes.

14 Q. And that she was furious; is that correct?

15 A. That is correct.

16 Q. Are those the words that she used in
17 describing that event to you?

18 A. Those were the words I used when she relayed
19 them to me.

20 Q. I think the question was, were those the
21 words that she used to you to describe the
22 situation?

23 A. No. That was my observation.

24 Q. Now, you at some point contacted Kaiser,
25 correct?

26 A. I did.

27 Q. It was at that point that you determined

28 that there was medical coverage for the Arvizo 11667

1 family, correct?

2 A. Yes.

3 Q. And that event, in contacting Kaiser, did
4 not occur until the allegations in this case became
5 public; isn't that correct?

6 A. No, sir.

7 Q. They were not?

8 A. No. If you're speaking of still my
9 editorial? The -- the original story and the
10 editorial.

11 Q. I'm talking about when you contacted Kaiser
12 to determine whether or not the Arvizo family had
13 medical coverage. When did that occur? Before or
14 after the allegations in this case became public?

15 A. Before.

16 Q. How much before?

17 A. Three months before -- after the original
18 article was written, so I would say January of 2001.

19 Q. Now, did you -- did you ever determine
20 whether or not the Arvizo car, the Arvizo family
21 car, was in fact repossessed?

22 A. No, sir.

23 Q. And did you do any research into the
24 financial background of the family in general?

25 A. No, sir.

26 Q. Did you determine whether or not the husband
27 was employed?

28 A. No, sir. 11668

1 Q. Did you determine whether or not the husband
2 was on disability at the time that Miss Causer did
3 the article?

4 A. No, sir.

5 Q. Did you determine whether or not the fact
6 that he was on disability at the time may affect
7 whether or not the medical insurance would continue
8 to cover the child's expenses during the time of the
9 cancer treatment?

10 A. No, sir.

11 Q. Did you determine -- did you assume that
12 Miss -- Mrs. Arvizo was the one who was totally in
13 control of the trust account that was set up in the
14 name of the child?

15 A. I didn't know who was in charge of the trust
16 account.

17 Q. Okay. So you didn't know whether it was
18 Mrs. Arvizo or David Arvizo, the husband?

19 A. Right.

20 Q. But when you wrote your article, you didn't
21 mention David Arvizo, did you?

22 A. Not to my recollection, no.

23 Q. You pointed your article at Mrs. Arvizo?

24 A. That is who I had the dealings with.

25 Q. I know. But you didn't mention the husband
26 that she was married to?

27 A. No.

28 Q. And you knew -- you knew no role what he 11669

1 played in the family.

2 A. None whatsoever.

3 Q. Were you aware that Mrs. Arvizo was the
4 victim of domestic violence for 16 years in
5 relationship with the husband?

6 A. No, sir.

7 MR. MESEREAU: Objection; relevance.

8 MR. SNEDDON: I think it --

9 THE COURT: Sustained.

10 MR. SNEDDON: Your Honor, can I just be
11 heard briefly?

12 THE COURT: All right.

13 MR. SNEDDON: It goes to the credibility of
14 the bias in the article.

15 THE COURT: The objection is sustained.

16 Q. BY MR. SNEDDON: Did you determine whether
17 or not any other members of the children of the
18 family had been the victims of domestic violence?

19 MR. MESEREAU: Objection. Beyond the scope;
20 relevance.

21 THE WITNESS: No.

22 THE COURT: Sustained.

23 Q. BY MR. SNEDDON: Did you contact any of the
24 celebrities who were mentioned in the original
25 article by Miss Causer to get more information on
26 the background of the family?

27 A. No.

28 Q. You didn't contact, for instance, Fritz 11670

1 Coleman?

2 A. No.

3 Q. You didn't contact Chris Tucker?

4 A. No.

5 Q. Were you aware of the fact that George

6 Lopez, the comedian, and Ann Lopez, his wife, were

7 helping the family at the same time to raise money?

8 A. No.

9 Q. Did you ever contact them?

10 A. No.

11 Q. Were you aware that Louise Palanker had

12 provided funds to the family at the same time?

13 A. No.

14 Q. To see whether or not -- what she knew about

15 the family and the family's needs?

16 A. No.

17 Q. Are you familiar with a person by the name

18 of Jamie Masada who owns The Laugh Factory?

19 A. I know the name.

20 Q. Did you contact Mr. Masada to determine what

21 his efforts were on behalf of this family to help

22 their plight while their son was going through

23 cancer?

24 A. No.

25 Q. And you made no attempt to determine the

26 husband's role in the expenditures of those funds

27 from the trust account, correct?

28 A. Correct. 11671

1 Q. Now, the trust account information was
2 placed in the newspaper by you?

3 A. I authorized its placement, yes.

4 Q. And it's your testimony that Miss Causer was
5 the one who got that information?

6 A. Yes.

7 Q. And provided it to you to be printed in the
8 paper?

9 A. Yes.

10 Q. And when Miss Causer went out to the house,
11 she also gave the family some money, did she not, of
12 her own?

13 A. She did not mention that to me.

14 Q. You didn't reprimand her for giving them
15 money and saying it was against your policy?

16 A. No.

17 Q. Now, were you aware of the fact that at the
18 time that Miss Causer was writing this article --
19 let me go back.

20 Was it your understanding that you were
21 putting an article in the paper to enlist the
22 community's support to assist this family during
23 Gavin Arvizo's fight against cancer?

24 A. Yes.

25 Q. Okay. And was it your -- was it your
26 particular understanding or at least the goal of the
27 paper only to help raise money to offset the medical

28 expenses? 11672

1 A. That's true.

2 Q. In other words, you didn't care whether
3 their car was repossessed or what the other
4 financial implications were to the family?

5 A. Well, I definitely care. But if money was
6 raised for his medical expenses, then whatever
7 moneys they were paying for medical could go to
8 their everyday care.

9 Q. But your article implied to the community,
10 did it not, that this family was suffering not only
11 because of medical expenses but also personal
12 hardships that resulted from Gavin's cancer,
13 correct?

14 A. No.

15 Q. Isn't that why you put the part in there
16 about their car being repossessed?

17 A. You're referring to the editorial piece.

18 Q. No, ma'am. I'm referring to the original
19 article.

20 A. The original article says his car has been
21 repossessed?

22 Q. Yes, ma'am.

23 A. I don't recall that either.

24 Q. Go ahead and look at the article. It's
25 right down at the bottom.

26 A. Oh, yes.

27 Q. It does, does it not?

28 A. Yes, it does. 11673

1 Q. So it's informing the community of El Monte
2 and all the surrounding cities, the six other
3 cities, that this family not only had medical
4 expenses associated with Gavin's illness, but they
5 had some personal hardships, personal financial
6 hardships, correct?

7 A. As a result of medical problems.

8 Q. Well --

9 A. Yeah.

10 Q. You assume it was a result of the medical
11 problems?

12 A. Sure.

13 Q. Did you not assume that it could have been
14 as a result of some of the other related problems
15 created by the medical problem?

16 MR. MESEREAU: Objection; compound.

17 MR. SNEDDON: Let me rephrase, Your Honor.

18 Q. Has it been your experience that people who
19 go through a severe medical hardship like this incur
20 other substantial hardship expenses that are not
21 directly related to the medical aspects of it,
22 correct?

23 MR. MESEREAU: Objection. Beyond the scope;
24 relevance.

25 THE COURT: Overruled.

26 You may answer.

27 THE WITNESS: I -- having been in that

28 situation, yes. 11674

1 Q. BY MR. SNEDDON: And were you aware at the
2 time that Miss Causer wrote her letter, for
3 instance, that Gavin Arvizo, when he would come out
4 of the hospital from his chemotherapy treatments,
5 would have to be in a special room? Did you know
6 that?

7 A. No, sir.

8 Q. Okay. And did you know that in that special
9 room they had to buy a special air purifier in order
10 to protect against infection? Did you know that?

11 MR. MESEREAU: Objection. Relevance;
12 foundation.

13 THE COURT: Sustained.

14 Q. BY MR. SNEDDON: Did you know when this
15 article was prepared that there were special
16 hardship -- financial hardships associated with his
17 medical treatment outside the course of the
18 hospital?

19 MR. MESEREAU: Objection. Foundation;
20 relevance; beyond the scope.

21 THE COURT: Overruled.

22 You may answer.

23 THE WITNESS: No.

24 Q. BY MR. SNEDDON: So you -- you've told us
25 that you do believe or understand the fact that
26 there are financial hardships not associated with
27 the direct paying of medical costs. Did you

28 envision that this fund could be used to offset some 11675

1 of those financial hardships on the family?

2 A. No.

3 Q. That was what was in your mind?

4 A. That was in my mind. I thought it was
5 purely for medical reasons.

6 Q. Would you concede to me that a public
7 reading this article, you having mentioned the
8 repossession of their car, might want to give money
9 to help for other aspects of the hardships created
10 by Gavin's medical situation, could you not?

11 MR. MESEREAU: Objection. Foundation; calls
12 for speculation.

13 THE COURT: Sustained.

14 MR. SNEDDON: No further questions.

15

16 REDIRECT EXAMINATION

17 BY MR. MESEREAU:

18 Q. Did you ever determine that the figure
19 \$12,000 for chemotherapy treatment given to your
20 paper by Janet Arvizo was false?

21 A. No. Um -- no.

22 Q. Did she ever call up and say, "You made a
23 typo, it's really \$1200"?

24 A. No.

25 Q. Now, how many messages did she leave with
26 your paper, if you know, about these articles?

27 MR. SNEDDON: Object. Calls for hearsay.

28 THE COURT: Foundation. Sustained. 11676

1 Q. BY MR. MESEREAU: Do you know how many phone
2 calls Janet Arvizo made to your paper around the
3 time you published the article?

4 MR. SNEDDON: Same objection, Your Honor.

5 THE COURT: You may answer that "yes" or
6 "no."

7 THE WITNESS: Yes.

8 Q. BY MR. MESEREAU: How many?

9 A. Five.

10 MR. SNEDDON: Same objection.

11 THE COURT: Sustained.

12 Just a moment. I'm going to change my ruling
13 on that. I'll leave the answer in, "Five."

14 Next question.

15 Q. BY MR. MESEREAU: The prosecutor asked you
16 questions about what you were thinking when you
17 published the article and what your intent was.

18 Was it your belief that the Arvizos had to
19 spend \$12,000 per chemotherapy injection for Gavin?

20 A. Yes.

21 Q. And what was your belief based upon?

22 A. Based upon the interview by Christie, and
23 she had it on tape.

24 Q. And was it your understanding that insurance
25 would not pay for the \$12,000 cost per injection?

26 A. At that time, yes.

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

28 object to that. Calls for her conclusion; 11677

1 speculation.

2 THE COURT: Sustained. Stricken.

3 Q. BY MR. MESEREAU: Was the intent of the
4 article -- excuse me. Was one of the purposes of
5 the article to raise money to pay for the \$12,000
6 per chemo injection cost?

7 A. Yes.

8 Q. Now, the prosecutor asked you questions if
9 you knew about Miss Arvizo's marriage. Did you
10 think it was your obligation to dig into that?

11 A. No.

12 Q. Was there any purpose in your article to
13 talk about Ms. Arvizo's marriage?

14 A. Never -- no.

15 Q. Was one of the purposes of the article to
16 raise money to pay for a repossessed car?

17 MR. SNEDDON: Your Honor, I'm going to
18 object as to which article he's talking about here
19 now. It's vague as to which article. There's --

20 MR. MESEREAU: I'll rephrase it.

21 Q. Let's talk about the first article. Was one
22 of the purposes of your newspaper publishing that
23 article to help Janet Arvizo raise money for a
24 repossessed car?

25 A. No.

26 Q. Let's talk about the second article. Was
27 one of the purposes for having your newspaper

28 publish that article the raising of money to pay for 11678

1 a repossessed car?

2 A. No.

3 Q. The prosecutor asked you questions about
4 financial hardship that comes to a family that has
5 some medical expenses, okay? Was one of the
6 purposes of your first article to raise any money to
7 pay for ancillary financial expenses of the family?

8 A. No.

9 Q. Was one of the purposes of the second
10 article you published to raise money for nonmedical
11 family expenses?

12 A. No.

13 Q. Did you ever try to ask the public to pay
14 for any nonmedical expenses of the Arvizos in any of
15 your articles?

16 A. No.

17 Q. Now, was it your understanding that the
18 original article was based upon an interview with
19 Janet?

20 A. Yes.

21 Q. Was it based upon one interview with Janet,
22 if you know?

23 A. I don't know that.

24 Q. Okay. Was it your understanding that Janet
25 had called the paper about an article?

26 A. Yes.

27 Q. And who did you learn that from?

28 A. My secretary. 11679

1 Q. To your knowledge, did Janet ever call the
2 paper and want other articles published to raise
3 money?

4 A. Yes.

5 Q. How many times did she do that, if you know?

6 MR. SNEDDON: Object. Asked and answered.

7 MR. MESEREAU: I think I limited it to
8 raising money, Your Honor.

9 THE COURT: I think the last question was
10 how many times she'd called totally, so I'll sustain
11 the objection.

12 MR. MESEREAU: Okay.

13 Q. To your knowledge, how many times did Janet
14 Arvizo call your newspaper for the purpose of
15 raising money?

16 A. I have no way of gauging that, Counsel.

17 Q. Okay. And other than Christie Causer and
18 your secretary, do you know if anyone else
19 associated with your newspaper ever spoke to Janet?

20 A. No.

21 Q. Okay. How large a staff did your newspaper
22 have at the time?

23 A. At the time, three.

24 Q. Okay. And when you published your newspaper
25 in 2003, approximately how many articles would you
26 devote to this topic?

27 A. Very, very, very, very -- almost none to a

28 family-in-need article. 11680

1 Q. Okay. And if you know, which page was the
2 article published on?

3 A. It was on front page.

4 Q. Was there any reason for that?

5 A. I think the story tugged at your heart
6 strings. The child's face, beautiful.

7 Q. Now, you said that Janet complained that not
8 enough money was raised from the first article,
9 right?

10 A. Yes.

11 Q. Did she complain to you?

12 A. Yes.

13 Q. Did she call you at the paper?

14 A. Yes.

15 Q. How long was that conversation?

16 A. The conversation was approximately one
17 minute and 20 seconds.

18 Q. Why?

19 A. Because I didn't want to talk to her.

20 Q. How come?

21 A. Because I had already established the fact
22 that I had been duped.

23 MR. MESEREAU: No further questions.

24

25 RE-CROSS-EXAMINATION

26 BY MR. SNEDDON:

27 Q. Are you telling us that the conversation you

28 had with Miss Arvizo was three months after the 11681

1 publication of the first article?

2 A. She wanted what --

3 Q. No, I'm asking you a very specific question.

4 A. Okay. I'll listen again.

5 MR. SNEDDON: Maybe the court reporter could

6 read it back, Your Honor.

7 THE COURT: All right.

8 (Record read.)

9 THE WITNESS: Approximately, yes.

10 Q. BY MR. SNEDDON: Was three months later?

11 A. Yes.

12 Q. After you'd already called Kaiser?

13 A. Yes.

14 Q. And did you have a conversation with

15 Miss Causer and ask her whether or not she could

16 have made a mistake about the \$12,000 and it really

17 could have been \$1200?

18 A. Yes.

19 Q. Did you go back and verify that?

20 A. I asked Mrs. Causer to verify it on her

21 tape.

22 Q. No, I think --

23 A. Oh, okay.

24 Q. Let me make it clearer for you.

25 After you determined from calling Kaiser --

26 well, first of all, you drew the conclusion you'd

27 been duped because you determined that full medical

28 coverage was being taken care of by Kaiser, correct? 11682

1 A. Correct.

2 Q. But you made none of the inquiries I asked
3 about before. You didn't check to see whether or
4 not the insurance may have been jeopardy. Did you
5 do that?

6 A. No, sir.

7 Q. Okay. And the reason that you feel that you
8 were duped is because you felt, in your mind, that
9 the money only should have been used to pay for the
10 direct medical costs, correct?

11 A. Correct.

12 Q. And yet, the article itself says nothing
13 about where the money -- how the money is going to
14 be expended, does it?

15 A. No.

16 Q. Okay. So the article, to somebody reading
17 it in the public who didn't know your mindset, would
18 not be able to determine from that that the money
19 had to go directly into the direct medical expenses
20 for Gavin Arvizo, would it?

21 A. No. You're right.

22 MR. SNEDDON: Thank you. I'll quit while
23 I'm ahead.

24 MR. MESEREAU: Move to strike his comments.

25 THE COURT: Stricken.

26 MR. MESEREAU: No further questions.

27 THE COURT: All right. Thank you. You may

28 step down. 11683

1 All right. We'll recess until tomorrow.

2 8:30.

3 (The proceedings adjourned at 2:30 p.m.)

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1 REPORTER'S CERTIFICATE

2

3

4 THE PEOPLE OF THE STATE OF)

5 CALIFORNIA,)

6 Plaintiff,)

7 -vs-) No. 1133603

8 MICHAEL JOE JACKSON,)

9 Defendant.)

10

11

12 I, MICHELE MATTSON McNEIL, RPR, CRR, CSR

13 #3304, Official Court Reporter, do hereby certify:

14 That the foregoing pages 11544 through 11684

15 contain a true and correct transcript of the

16 proceedings had in the within and above-entitled

17 matter as by me taken down in shorthand writing at

18 said proceedings on May 23, 2005, and thereafter

19 reduced to typewriting by computer-aided

20 transcription under my direction.

21 DATED: Santa Maria, California,

22 May 23, 2005.

23

24

25

26

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

