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

5

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7 THE PEOPLE OF THE STATE OF)

8 CALIFORNIA,)

9 Plaintiff,)

10 -vs-) No. 1133603

11 MICHAEL JOE JACKSON,)

12 Defendant.)

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17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

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19 THURSDAY, JUNE 2, 2005

20

21 8:30 A.M.

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28 BY: Official Court Reporter 12718

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1 Santa Maria, California

2 Thursday, June 2, 2005

3 8:30 a.m.

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

8

9 THE COURT: Good morning, everyone.

10 COUNSEL AT COUNSEL TABLE: (In unison)

11 Good morning, Your Honor.

12 THE COURT: Mr. Zonen, you may proceed.

13 MR. ZONEN: Your Honor, ladies and gentlemen

14 of the jury, good morning.

15 Am I turned on? I'm not turned on.

16 I'm now turned on. Everybody can hear. All

17 right.

18 Ladies and gentlemen, good morning.

19 This is the closing argument. We expect

20 that it will go through a few hours today. We will

21 be covering quite a few areas of testimony and

22 evidence that has been presented.

23 Ladies and gentlemen, this case is about the

24 exploitation and sexual abuse of a 13-year-old

25 cancer survivor at the hands of an international

26 celebrity. The case is about a woman trying to

27 protect her children from a collection of overpaid

28 employees all determined to profit at the expense of 12720

1 her and her children.

2 Over this closing argument, I will discuss
3 with you the evidence that proves that Michael
4 Jackson molested Gavin Arvizo and numerous other
5 boys. I will discuss with you the methods that he
6 uses to seduce boys into his confidence, into his
7 bedroom, and into his bed.

8 I will talk with you about the defense in
9 this case. I will talk to you and tell you that the
10 defense in this case is limited entirely to
11 attacking the mother of this child, as well as the
12 children. We will talk about how easy it is to say
13 that Janet Arvizo concocted this entire story, and
14 we will talk about how entirely impossible it would
15 actually be to do so.

16 There are two themes that will run through
17 this closing argument. One is that Michael Jackson
18 inserted himself into the life of the Arvizo family,
19 not the other way around.

20 It's Michael Jackson who invited the Arvizo
21 children to his home in September of 2002 so that he
22 might benefit from their inclusion in a documentary
23 that was designed to jump-start his career. It was
24 Michael Jackson who called those kids to his house
25 on that day. It was Michael Jackson who told Gavin
26 Arvizo that, "This is an audition for you." It was
27 Michael Jackson who put those children in that

28 documentary. It was Michael Jackson who exposed 12721

1 themselves, all of them, to the ordeal that came
2 about when that documentary turned out to be
3 something other than what he expected.

4 It was Michael Jackson who contacted the
5 Arvizo family in early February. It was Michael
6 Jackson who brought the Arvizo family to Florida.

7 It was Michael Jackson who was oblivious of the
8 consequences that would occur to the lives of these
9 children and to the life of their mother by
10 including them in his escapades.

11 It was Michael Jackson who decided that
12 these children were necessary for him to be able to
13 further his career, to be able to stem the flow of
14 negative press that was occurring as a consequence
15 of that documentary. It was Michael Jackson who
16 brought them to Florida.

17 Now, the second thing is this: Janet Arvizo
18 never asked for one penny from Michael Jackson.
19 Janet Arvizo, in fact, had never had a conversation
20 with Michael Jackson, other than the first time that
21 she met him early in June of 2000 at the occasion
22 that the whole family went to Neverland when Gavin
23 Arvizo was sick with cancer.

24 At that time, they all had dinner together
25 and she, as part of the family, had conversation
26 with Mr. Jackson that I'm quite certain neither one
27 of them remember the context of.

28 Beyond that visit in June of 2000, Janet 12722

1 Arvizo never went back, except for the occasion of
2 Chris Tucker's child's birthday where she was there
3 with a busload of other people. Michael Jackson was
4 not there. She left at the end of the day.

5 During that three-year period of time up to
6 the point where Michael Jackson called her, because
7 he needed her, not the other way around, Janet
8 Arvizo had never asked for one penny from Michael
9 Jackson, and to this day has never asked for one
10 penny from Michael Jackson, has never asked anything
11 of him, has never desired anything from him, and
12 there is absolutely no evidence whatsoever that she
13 does today.

14 And those are the two concepts that you need
15 to keep in mind during the balance of this closing
16 argument.

17 Now, I'd like to read something to you, and
18 this is something that you heard in the course of
19 this trial. I'm not going to tell you right now
20 when you heard it or who spoke it, but you might
21 recognize it, and at the conclusion, I will tell you
22 where it came from.

23 "I want to take it a step further and I want
24 to let all of you know that I think an opening
25 statement is a contract. You make promises in an
26 opening statement, you better fulfill them. Because
27 at the end of the trial, the jury's going to know

28 whether you did or didn't. And I say to you right 12723

1 now, I'm going to make some promises in this case.

2 I am going to fulfill them and I want you to judge

3 me accordingly at the end."

4 Do you remember who spoke those words?

5 That was Thomas Mesereau at the very

6 beginning of his opening statement. He was making a

7 contract with you, a contract that what he was

8 representing in the course of his opening statement,

9 he was going to prove, and he was inviting you to

10 judge him on whether or not he did so.

11 Let's begin that judgment.

12 Janet Arvizo staged a shakedown of George

13 Lopez was one of the first things that he said in

14 the course of his opening statement and went ahead

15 and described this event of Janet Arvizo being

16 involved in leaving a wallet behind in the

17 actor/comedian's home, George Lopez. That wallet

18 was Gavin's wallet and later there was a claim by

19 Janet Arvizo that there was \$300 missing from that

20 wallet; that Janet Arvizo wanted George Lopez to pay

21 \$300 to her. A shakedown, as described by Thomas

22 Mesereau.

23 What does the evidence reveal? We're the

24 ones who brought George Lopez into this courtroom,

25 and George Lopez said there most certainly was

26 something going on. There was definitely a wallet

27 left at his home. It was definitely Gavin's wallet.

28 It was left in his home after Gavin and his father, 12724

1 David Arvizo, were at the house. There was a \$50
2 bill in that wallet. He called David Arvizo and
3 said, "What do you want me to do with it?" and the
4 wallet was sent back to him.

5 It was David Arvizo who later told Jamie
6 Masada that there was \$300 in the wallet. It was
7 Jamie Masada who gave \$300 to David Arvizo on the
8 representation that it had been taken from that
9 wallet at George Lopez's home.

10 Janet Arvizo had nothing to do with this.

11 Janet Arvizo didn't know about it. Janet Arvizo was
12 not there. She had never been there. Janet Arvizo
13 had never been in George Lopez's home. The only
14 time Janet Arvizo had ever seen George Lopez was
15 during the period of time that George Lopez was
16 mentoring her children at the comedy camp. On those
17 occasions Janet would travel by bus, multiple buses,
18 from East Los Angeles to the Sunset area in Los
19 Angeles, to bring her kids to comedy camp. During
20 the course of those mentorships, they would meet, he
21 would work with the children, and sometimes he would
22 take them out to lunch. That was it.

23 When Gavin became ill with cancer, Janet
24 Arvizo called George Lopez very upset over the
25 prospect of her child having cancer, and having
26 cancer in such an advanced stage at the time that
27 they discovered it.

28 George Lopez and his wife very graciously 12725

1 visited Gavin at the hospital on a number of
2 occasions. They had a few conversations with Janet.
3 Janet at no time asked for money from anyone. Both
4 George and Ann Lopez testified in this courtroom she
5 never asked for anything. And in fact -- in fact,
6 the only time that there was any kind of a transfer
7 of anything between the two of them was when Janet
8 Arvizo gave a key chain to George Lopez, an amulet,
9 a mustard seed amulet for good luck. It was right
10 off her key chain.

11 It probably had not much value monetarily.

12 It was sentimental and she wanted George Lopez to
13 have that, and he appreciated that gift. She had
14 nothing to do with any kind of a shakedown with
15 George Lopez.

16 Now, Mr. Mesereau either knew it or should
17 have known it before he made that representation to
18 you. He asked to be judged. Go ahead and do so.

19 Janet Arvizo tried to get money from Fritz
20 Coleman. We brought Fritz Coleman in here. Fritz
21 Coleman never gave Janet Arvizo a penny. Fritz
22 Coleman was never asked for a penny. Fritz Coleman
23 was never the subject of a shakedown by Janet Arvizo
24 or anybody else. What Fritz Coleman testified to
25 was that he had met the Arvizo children when he did
26 a benefit or participated in a benefit on behalf of
27 Gavin while he was sick to raise funds and to raise

28 blood for this very sick child. 12726

1 He testified that at one point over
2 Christmas, probably Christmas '00, of 2000, that he
3 wanted his children to understand that there were
4 other children less fortunate than them. So he
5 brought his children with Louise Palanker to the
6 residence where Janet Arvizo lived on Soto Street in
7 East Los Angeles. That residence was a single room.
8 It was a studio apartment, and all five of them
9 lived in that studio apartment.
10 They were not brought there for purposes of
11 soliciting charitable contributions. The idea was
12 Fritz Coleman's idea. There was no conversation
13 whatsoever with Janet Arvizo in advance of that
14 idea.
15 Fritz Coleman contacted Louise Palanker. He
16 thought it would be a good idea. She agreed. They
17 went out and bought a few hundred dollars of gifts
18 for the children. They then got in the car. They
19 called 20 minutes in advance. I wanted you to hear
20 that, 20 minutes in advance, so that there was no
21 possible way that Janet Arvizo would set up this
22 apartment in some fashion for purposes of
23 encouraging some kind of a charitable donation.
24 They got to the apartment. It was neat. It
25 was orderly. There were partitions in this one room
26 to afford some measure of privacy for the family.
27 The family were all, each and every one of them,

28 were gracious in their acceptance of these gifts for 12727

1 Christmas. There was never a shakedown. There was
2 never a request for money. There was never a
3 request for anything else.

4 Mr. Mesereau either knew, or should have
5 known, that what he said was simply not true. Janet
6 Arvizo approached Mike Tyson, Adam Sandler, and Jim
7 Carey for money. Did you see any of those three
8 come in here? I didn't. And I know what they all
9 look like, and I think probably most of you know
10 what most of the three of them look like, and I
11 suspect you would have recognized them as well.

12 There was some testimony that one of them, I
13 believe Jim Carey, or Adam Sandler I think it was,
14 gave a gift to Gavin Arvizo. There's absolutely no
15 evidence that Janet Ventura -- that Janet Arvizo
16 ever met any of the three of them. There's no
17 evidence she ever asked any of the three of them for
18 anything. There's no evidence she ever received
19 anything from the three of them.

20 Janet Arvizo tried to shake down Jay Leno.

21 Jay Leno testified. It couldn't be further from the
22 truth. There were a number of telephone calls that
23 were placed by Gavin to Jay Leno. For a good
24 reason. Gavin was in a bed, either in his cleanroom
25 at his grandmother's house or in a hospital, for the
26 better part of a year. There were periods of time
27 that he was well enough to move around, but for the

28 most part, while he was undergoing the chemotherapy, 12728

1 he was either in a hospital or he was in a cleanroom
2 in his grandmother's house.

3 He had a lot of time on his hands. He loved
4 comedians. He was a graduate of the comedy camp at
5 The Laugh Factory. He had met quite a few
6 comedians. His favorite was Jay Leno. He called
7 him. He probably called him many times. He was a
8 ten-year-old child afflicted with cancer and he
9 probably didn't have the social subtleties down. He
10 probably didn't understand that too many calls would
11 be boorish, it wouldn't be appropriate to do.
12 Jay Leno didn't understand. He called
13 Louise Palanker. He asked, "Who is this child?
14 What's going on?" She explained that he was a
15 cancer patient. He then called. He called and may
16 or may not have reached the hospital at the time
17 that Janet was there.

18 He says he remembers talking to the child,
19 he remembers talking to Star Arvizo, and he
20 remembers talking to the person who he believes to
21 be the mother. There was no shakedown at any time.
22 Nobody asked for anything. No one asked for money.
23 He never gave money.

24 He says that the person he spoke to who he
25 believes to be the mother, Janet Arvizo, she was
26 gracious, she was kind, she was appropriate, she was
27 thankful, she was sincere. There was absolutely

28 nothing that she said in this conversation that 12729

1 indicated that she was looking for money or anything
2 else, other than a person to extend a moment of
3 kindness to her sick child for which she was
4 eternally grateful.

5 Now, let me point out that it is
6 inconsistent with the testimony of both Gavin and
7 the mother in the sense that neither remember that
8 conversation. They remember certainly that Gavin
9 had called Jay Leno but they don't remember actually
10 talking with him. That's not necessarily
11 inconsistent. If Gavin was in the hospital, then he
12 was sick at that time. He was undergoing
13 chemotherapy. He was probably receiving all manner
14 of medications. He might not have known that the
15 person that he was on the phone with was actually
16 Jay Leno. That's certainly possible. There were
17 probably plenty of people who were calling him and
18 wishing him well, and it's entirely likely that he
19 did not know who he was speaking to at what time.
20 And he may not have remembered it, even if he did
21 know it at that time. He certainly remembers
22 calling him. He certainly remembers his admiration
23 for Jay Leno.

24 Was that Janet Arvizo who was on the phone
25 with him? It may have been. It may have been
26 somebody else who was there at the time. It was a
27 very brief conversation. She may not have

28 remembered it either. 12730

1 That's almost insignificant. The
2 significant point is, Mr. Mesereau represented to
3 you that it was a shakedown. And it clearly was
4 nothing of the sort.

5 Janet Arvizo held her son's arm out at
6 The Laugh Factory looking for money. Remember when
7 he said that? Janet Arvizo was never at The Laugh
8 Factory during the time of those fundraisers. Those
9 fund-raisers were during the month of October of
10 2000. During that period of time she was working.
11 She was waitressing at the St. Bonaventure Hotel in
12 downtown Los Angeles.

13 It was David Arvizo who was organizing and
14 pursuing and receiving the money from those
15 fund-raisers. To the extent that any money came in,
16 and some money did come in, it went to David Arvizo.
17 How much of that he used for the family, how much of
18 it he used for himself, how much he blew on drugs,
19 was something that he will ultimately have to answer
20 for.

21 But the question of whether or not it was
22 Janet Arvizo at The Laugh Factory pushing her son's
23 arm out looking for donations is simply a statement
24 that is not true. And there is no evidence to
25 support it, and all the people who were at The Laugh
26 Factory agree with that. Everyone who testified in
27 this trial said they have no recollection of Janet

28 Arvizo being there. They have a major recollection 12731

1 of David Arvizo being there, because he was at times
2 obnoxious in his behavior. That statement was
3 simply not true. Janet Arvizo was not there.
4 Janet Arvizo bought a car from Hollywood
5 Ford. That's come up quite a few times. And in
6 fact, they even put a witness on the witness stand
7 who told you, as the son rises in the morning, she
8 purchased a car from Hollywood Ford.
9 What we found out, of course, when we
10 brought the witness from Hollywood Ford, I think
11 that was Gina Villegas, when she came from Hollywood
12 Ford, testified, "No, no Janet Arvizo or Ventura
13 ever purchased a car from here. And in fact, we
14 notified the defense of that accordingly."
15 Mr. Mesereau apparently knew that she never
16 purchased that car. Now, incidentally, it's an
17 irrelevant point. She has a right to buy a car.
18 She got a civil judgment of \$32,000. She could have
19 purchased a car with it. She intended to do so.
20 She took out a cashier's check. She changed her
21 mind. It's just that simple. And then she
22 cancelled the check.
23 But why would they put a witness on, and why
24 would Mr. Mesereau make the representation that she
25 purchased a car, if in fact they knew all along that
26 she didn't?
27 Janet used the Soto Street apartment to get

28 money from celebrities. Remember him saying that in 12732

1 the course of his opening statement? Janet Arvizo
2 used the Soto Street apartment for sympathy ploys to
3 get money from celebrities. Yes? Name one. Name
4 one. Of all the witnesses who testified in this
5 trial, one, name one who came in and said, "You
6 know, I was brought to that apartment for purposes
7 of looking at it, and I was so impressed with the
8 miserable conditions that they live in, that I
9 organized some kind of fund-raiser." Nobody said
10 that, because it never happened.

11 There were two people who actually came to
12 the Soto Street apartment, and that was Fritz
13 Coleman and Louise Palanker. There was no evidence
14 that any other celebrity was ever brought there for
15 any reason whatsoever. And the two of them went
16 there on their own initiative for reasons that I've
17 already explained. There was no other person who
18 was ever brought to the Soto Street apartment for
19 any reason.

20 Later, he says the Soto Street apartment was
21 used as a grounds for some form of fraud against
22 somebody or other, perhaps welfare fraud. No,
23 that's not true either. That was their apartment
24 and they lived in that apartment for many years.
25 And after David Arvizo finally left the family after
26 years of a tumultuous relationship, a violent
27 relationship, Janet Arvizo continued to live in that

28 apartment with her children. 12733

1 Finally at about November of '02, 2002,
2 after she had met and became involved with a very
3 decent man, Jay Jackson, Major Jackson from the
4 Army, eventually started using his address at his
5 apartment so that the kids could start attending
6 John Burroughs Middle School, a much better school
7 than the Hollenbeck District in East Los Angeles,
8 where the kids were starting to be exposed to gang
9 activity. That was with the understanding of the
10 school, it was with the understanding of Jay
11 Jackson, it was okay with them. They started living
12 more and more at his apartment, but they
13 maintained -- she maintained her own apartment. And
14 that apartment was the same Soto Street studio
15 apartment that they had had for years, and lived in.
16 And at the time that Mr. Geragos's employees
17 moved all of their possessions out of that apartment
18 to some unknown location, unknown to her, it was a
19 truckload of possessions that filled two vaults.
20 There was no question but that she was still living
21 in that apartment and that was her residence. Yes,
22 they were spending days during the week at Jay
23 Jackson's apartment while the kids attending school,
24 but she still had that residence. She paid for it,
25 she supported it, she paid utilities, and she paid
26 rent, and they lived in it, and all of their
27 possessions were in it.

28 And that was in November. 12734

1 By March of 2003, they were finally in their
2 own apartment -- in the apartment with Jay Jackson.
3 Janet told law enforcement that they needed
4 money. No, she didn't. No, she didn't. That was
5 one of his statements in opening statement. Janet
6 Arvizo told law enforcement, the detectives who
7 interviewed her. All of the interviews with law
8 enforcement that were done back at that time were
9 videotaped. There was transcripts of it. It would
10 have been very easy to present that evidence, if she
11 actually told them that she was in need of money.
12 She didn't. She never said that to law enforcement.
13 They never presented it. He never proved it.
14 Janet Arvizo was negotiating for more money
15 with an attorney during the rebuttal taping.
16 Remember him saying that, that she was on the phone
17 with an attorney negotiating for more money? No,
18 she wasn't. No, she wasn't.
19 We're going to show you the documents that
20 were generated during the taping of that rebuttal
21 video. That was in the Calabasas residence of Hamid
22 Moslehi. That was taken -- they arrived at that
23 place on the 19th. We'll talk about it a little
24 more. The taping was on the 20th. Who she was on
25 the phone with was an attorney, talking about
26 whether her children were going to be taken away
27 from her the next morning. Taken away from her

28 because there was an allegation that she was not a 12735

1 fit mother. Why was she not a fit mother? Because
2 she allowed her children to spend time alone with
3 Michael Jackson in his room, and in fact in his bed,
4 something she didn't even know about at that time.
5 That interview with the Department of
6 Child & Family Services was a direct result of
7 Michael Jackson's intrusion into their life, not the
8 other way around. And she was on the telephone with
9 a lawyer by the name of Vicki Podberesky, and that
10 was the extent of that conversation, and you have
11 not heard one word of testimony to the contrary.
12 It was a conversation that was limited
13 entirely to how she can hold on to her children and
14 not have her children taken away from her because of
15 what Michael Jackson did, not because of anything
16 that she did. Other than perhaps the moment of
17 neglect when she assumed that she could trust
18 Michael Jackson, given his reputation.
19 There was no conversation with any lawyer
20 looking for money. And in fact, what we will show
21 you is that the only discussions that took place
22 between lawyers were the lawyers who were drafting
23 the release agreement for her to sign. And we will
24 show you the release agreement that she had to
25 revise during the course of that evening because the
26 original one was simply too complicated for her.
27 And the one that they ultimately signed, she

28 ultimately signed, was simply a simplified version 12736

1 of the more complicated; smaller words, smaller
2 sentences, smaller paragraphs, simpler to
3 understand, and larger font, the print was bigger.
4 That's all that was. She never negotiated for one
5 penny.

6 She did receive that money. She did receive
7 money that night. Not from Michael Jackson or any
8 employee of Michael Jackson. She got \$2,000 from
9 Hamid Moslehi. Why did he give her \$2,000? It's
10 pretty obvious. Hamid Moslehi knew what was going
11 on that night. He was well aware that he was going
12 to get \$250,000 for his efforts the very next day.
13 He knew that all of the people who were
14 promoting this video were going to become very
15 wealthy off of it, and he understood what was going
16 on; that the only people who were to get nothing
17 from this production were, in fact, the Arvizo
18 family members. Not one penny were they going to
19 get. And he reached into his pocket and he gave her
20 \$2,000 because he recognized the injustice of what
21 was going on. Did she ask for it? No. And he
22 readily said that she did not ask for that. That
23 was his own doing. That had nothing to do with
24 Michael Jackson. It had nothing to do with any of
25 Michael Jackson's employees. She was not
26 negotiating for more money that night. And he
27 either knew that or should have known that.

28 Michael Jackson -- Michael Jackson took a 12737

1 lot of time away from his career to help Gavin. Do
2 you recall him saying that in the course of his
3 opening statement?

4 There's no evidence that Michael Jackson
5 took one minute away from his career to help Gavin.
6 Michael Jackson was on the telephone with Gavin when
7 he was sick, when he was in the hospital, and when
8 he was at home. He had many, many, many long
9 telephone conversations with Gavin, some in the
10 middle of the night. Some that went on for hours.
11 But guess what? He did that with all the
12 boys who ended up in his room. He would have long
13 conversations with all of them. That's how Michael
14 Jackson functioned. That's what Michael Jackson
15 does. That had nothing to do with benevolence, that
16 had nothing to do with him taking time away from his
17 career. There's not one moment of testimony in this
18 case that shows that he sacrificed his career on
19 behalf of either Gavin or any member of Gavin's
20 family.

21 Michael Jackson never once went to Los
22 Angeles to visit. Never once went to the hospital
23 during the time that he was ill at the hospital.
24 Janet Arvizo was soliciting funds while
25 being supported by a man earning \$80,000 a year?
26 How many times did you hear that from Mr. Mesereau?
27 Janet Arvizo was soliciting funds while

28 being supported by a man earning \$80,000 a year? 12738

1 No, she wasn't, nor is there any testimony that she
2 did that. Presumably, at some point in time, she
3 ended up living with Michael -- with Jay Jackson,
4 and in fact they ended up married together, and it's
5 certainly presumable that he's supporting her at
6 this stage, and perhaps even before they actually
7 got married.

8 But at the time that these solicitations
9 were going on, which was very early, very early in
10 the course of this testimony, and very early in a
11 period of time, and we're going to look at a slide
12 right now, that will give you a sense of the time
13 periods that we're involved in, jumbling together
14 all of these things together.

15 Would you do the first one.

16 The J.C. Penny's incident that ultimately
17 resulted in a favorable judgment on behalf of Janet
18 Arvizo and her children, that incident occurred on
19 August 27th of 1998. It was in June of 2000 that
20 Gavin was diagnosed with cancer and his first visit
21 at Neverland was in August of 2000. The
22 fund-raisers for Gavin were in October 2000. That's
23 when all of those occurred. Every one of the
24 witnesses who testified to whatever was going on
25 was, for the most part, around October, was the
26 fund-raiser at The Laugh Factory, and then into
27 Christmas of 2000.

28 The turkey that supposedly she wasn't as 12739

1 appreciative of as she should have been. Think
2 about that for a moment. When you think about
3 Michael Jackson and the people who work for him, who
4 expect to make millions of dollars off the
5 exploitation of this family, think about them
6 begrudging her for receiving a turkey and for not
7 demonstrating the proper level of appreciation.
8 Think about them begrudging her because she
9 accepts a body wax for \$100, or a leg wax, or
10 wherever they wax.

11 And then he exploits this family to the
12 extent of millions of dollars that they expect to
13 profit off of this. Millions of dollars. Very
14 careful to make sure that they don't get a penny of
15 it.

16 The fund-raisers occurred in October of
17 2000. David and Janet were separated in June of
18 2001. She was on her own at that point. Married at
19 16, and pregnant at 16, for the first time in her
20 adult life, she's now on her own in 2001, and
21 raising three children. No child support until the
22 child support starts coming in through the District
23 Attorney's Office, not until March 2003.

24 Did she make a false representation on an
25 application with the Department of Social Services
26 for welfare? Yes, she did. Yes, she did. She got
27 a check for \$32,000. A check for \$32,000. From the

28 disposition of that settlement, that check was 12740

1 received and cashed on November 5th, '01. The
2 settlement was resolved on the 18th of October, '01.
3 Fifteen days later she went on welfare, and she did
4 not disclose that she had \$32,000 from that.
5 This is a woman who was on her own, with
6 three children. That was a mistake. It was fraud.
7 She shouldn't have done it. And she stood before
8 you, at age 37, by the time that she was here as a
9 witness in this case, and that is the only thing in
10 her lifetime that she has done that she clearly
11 should not have done. That was a bad mistake on her
12 part. And she may yet have to deal with the
13 consequences before all this is over with.

14 Go ahead to the next slide.

15 The summer visit to Neverland was in the
16 year of 2002, with Chris Tucker. That was during
17 the summertime. The kids stayed on. Janet and Jay
18 went back. That was the time of Chris Tucker's
19 son's birthday. Chris Tucker remained at Neverland
20 for some period of time. When we came to September
21 of 2003 was the Bashir filming. And then finally in
22 January 2003 was the time that the transcript was
23 received from a reporter by the name of Kathryn
24 Milofsky. She sent that transcript to Rudy
25 Provencio and to Marc Schaffel. I'll talk about
26 that a little bit in a moment.

27 On the 24th of January, Michael Jackson and

28 his crew arrive at the Turnberry Resort Hotel and 12741

1 they stay there until the 7th of February at that
2 hotel.

3 Much of the conversations that take place
4 between Michael Jackson, between Dieter, between
5 Ronald, between Marc Schaffel, some of the
6 conversations overheard by Rudy Provencio, are with
7 Michael Jackson at the Turnberry Resort. "Living
8 with Michael Jackson" aired in England on the 3rd of
9 February. And it was Jackson who called Gavin and
10 asked him to come to Miami on the 5th of February.
11 Go ahead to the next slide.

12 Gavin met Michael Jackson, as I said, in
13 August of 2000. At the time of that meeting, very
14 early on, Gavin was taken into Michael Jackson's
15 room with his younger brother Star. Gavin at the
16 time was ten years old. His brother was nine years
17 old. At the time that they went in there, Michael
18 Jackson and Frank Cascio showed them sexually
19 explicit material.

20 Incidentally, the admonition is over for
21 purposes of this argument. And I may, at my
22 judgment, refer to any of this material as
23 pornography, and I will be doing so. And I will
24 show you what it is, and why it is.

25 Showed them sexually explicit material on
26 the computer. That material was brought up by Frank
27 Cascio. It was talked about at that time. And both

28 of these kids, when they testified on the witness 12742

1 stand, already a number of years later, talked about
2 the fact that Frank and Michael Jackson showed them
3 pornographic images on the computer. At that age,
4 Gavin was sick at the time with cancer, but they
5 were being entertained with sexually explicit
6 material.

7 Both of them remember two statements that
8 Michael Jackson made at the time. The first was
9 that parody of an ad that was popular back then,
10 where he says, "Got milk?" in reference to a picture
11 of a naked woman whose breasts were exposed. And
12 the second statement was a statement that Michael
13 Jackson said, as he mentioned to his young son, who
14 was then four years old, who was asleep on the bed,
15 and he says to him, "You're missing some good
16 pussy."

17 Both of those statements were relayed to you
18 as statements that came from Michael Jackson at that
19 time. They were in the presence of Frank.

20 Now, I have to ask you this at the very
21 beginning of this opening argument, and I wish you
22 to recall this and think about this every time we
23 talk about evidence of this nature. Their
24 contention is Janet Arvizo made all of this up and
25 had the children say it. So I ask you now, and you
26 use your good judgment and decide whether common
27 sense dictates that these are events that simply

28 happened. That's all, they happened. And these 12743

1 children are recalling these events with remarkable
2 accuracy.

3 Why would they make up something like this
4 and put a witness in? Why would they ever do that?

5 Why would Janet Arvizo sit down with her three
6 children and say, "This is how we can make a fortune
7 sometime in the future, years in the future, but we
8 will start with you talking about looking at
9 sexually explicit pictures in the presence of a
10 witness, and the witness that we're going to select
11 will be one favorable to Michael Jackson"?

12 Frank Cascio, also known as Frank Tyson, was
13 very close to Michael Jackson and had been very
14 close to him since he was 13 years old. Why would
15 they make this up and put a witness in there?

16 Someone who they have every reason to believe would
17 come forward and say that never happened.

18 They're going to put a witness in, put a
19 witness who would be favorable to them.

20 Now, your common sense, which you don't
21 leave at the doorway when you walk into this
22 courtroom -- you were, in fact, selected for jury
23 duty because of your ability to be able to exercise
24 common sense and rely upon your experiences.

25 Your common sense tells you that when these
26 children testified to that event, that they were
27 accurate in that testimony. That, in fact, when

28 they said that Michael Jackson made both of those 12744

1 statements, that it simply has the ring of truth to
2 it. And if he made no statements, then what is he
3 telling you? What he's telling you, is that he was
4 entirely happy to be sitting in a room with these
5 two young boys and showing them sexually explicit
6 material. Why? Because it excited him. That's
7 why. That's why he has all of that material there.
8 We'll talk about that a little bit later.

9 The boys had a few visits thereafter. As we
10 said, Janet Arvizo never went back again, not until
11 the summer of 2002 for that one-day birthday party
12 when Michael Jackson wasn't there.

13 They go back for the Martin Bashir taping.
14 They're part of that taping. Of course Martin
15 Bashir interviews the children. Janet Arvizo has
16 nothing to do with it, doesn't know it's happening.
17 Signs no releases.

18 January 2003, a script comes. The script is
19 delivered by Kathryn Milofsky and it goes to Rudy
20 Provencio, and to Marc Schaffel, and there is an
21 absolute firestorm that begins, because many members
22 of the press already have the script. And then
23 finally the showing, which I believe is on the 3rd
24 of February, and that showing is in England, and at
25 this point it's madness.

26 Rudy Provencio testified that, as he said,
27 "If I was an octopus, I could not have answered all

28 the phones that were ringing at that time." The 12745

1 phones were ringing off the hook. They had all
2 manner of concerns that they had. They were
3 concerned about Michael Jackson as a parent. They
4 were concerned about that scene, pushing the baby
5 bottle into his baby's mouth. They were concerned
6 about the incident that occurred in the zoo where
7 there was too large of a crowd of people. They were
8 concerned about his children being veiled. They
9 were certainly concerned about the dangling
10 incident, the baby over the rail. They were
11 concerned about that ridiculous shopping spree in
12 Las Vegas.

13 But mostly they were concerned about his
14 admission in the course of this interview that he
15 shares not just his room with young boys, but his
16 bed with young boys. And that he has done that over
17 and over and over again. As he said specifically,
18 "I've slept with all of them."

19 They were particularly concerned about that
20 image of a young boy sitting next to him, holding
21 his hand and leaning his head on Michael Jackson's
22 shoulder. Because anybody in the press who was
23 familiar with the 1993 investigation, who knew about
24 that civil suit against him by Jordie Chandler, who
25 had information about the other resolution of the
26 case involving Jason Francia, all of them knew that
27 this was a very sensitive and very risky issue for

28 Michael Jackson. 12746

1 And as they watched that picture, their
2 reaction was the very same reaction anybody would
3 have of Michael Jackson talking about how wonderful
4 and how loving it is to share your bed with a child.
5 And gets asked over and over again by Martin Bashir,
6 "But this isn't right. I mean, what is wrong with
7 this picture? You're not related to these children.
8 You're a 45-year-old man. What are you doing in bed
9 with a child?"

10 And his response over and over again is,
11 "It's loving. It's wonderful. We have warm milk.
12 We have cookies." And they juxtapose this image of
13 Gavin Arvizo, at that time 12 years old, sitting
14 next to him with his head resting on his shoulder.
15 And everybody who watches that has exactly the same
16 reaction. The reaction is, "Get that child out of
17 there. Somebody take that child and get that child
18 away from him. And where are his parents?" That
19 reaction is simply undeniable.

20 And so there was an immediate outcry, and
21 there were problems and calls from the press, and it
22 created chaos in the Michael Jackson camp, and a
23 need to do something about it.

24 They immediately assemble a whole collection
25 of people, most of whom have been working for
26 Michael Jackson for some time and some were new who
27 came into the picture at a later time. All of these

28 people were activated to deal with this particular 12747

1 emergency that was coming along. Michael Jackson,
2 of course, in the middle. The attorney, David
3 LeGrand, who was handling the financial matters at
4 the time. The Germans, who have been referred to in
5 the course of this trial, Dieter Weizner and Ronald
6 Konitzer. Marc Schaffel, who had been working for
7 Michael Jackson for quite some time, held a very
8 close position with Michael Jackson, was included as
9 a credit in his production of "Invincible," where I
10 think the statement, "Marc, I love you very much.
11 Thank you for all the work that you have helped to
12 make this project possible." The byline for Marc
13 Schaffel was every bit as long as the byline for his
14 own parents.

15 Mark Geragos, who testified in this trial,
16 and Brad Miller, who did not testify in this trial.
17 And we'll be talking about that some more. Mr.
18 Geragos was the attorney. Geragos was hired by
19 Michael Jackson or more specifically by his
20 employee, Mr. Konitzer, to take care of two
21 particular issues. One issue was the question of
22 whether or not his children would be taken from him,
23 because of his remarks.

24 The second issue is the question of whether
25 or not there would be pending criminal liability.
26 We're going to talk about Mark Geragos, as you can
27 imagine, in greater detail a little bit later in

28 this argument. 12748

1 Up here is Frank Cascio. This is the person
2 who was in the room with Michael Jackson back in
3 2000 at the time. That he, Cascio, accessed graphic
4 pornographic images on the computer for purposes of
5 showing to these two kids, age ten and age nine. I
6 want you to think about that in the course of this
7 argument.

8 Because there is no question in your mind
9 that Frank Cascio knows exactly what's going on in
10 Michael Jackson's bedroom. And as we start to show
11 you the evidence, particularly confirmed by the
12 telephone calls you'll see, that Frank Cascio was
13 the closest person among all of these people to
14 Michael Jackson. That Frank Cascio was, in fact, a
15 close friend of Michael Jackson since he was a
16 child. That Frank Cascio was the one who was the
17 hub of all of the communications on all of these
18 crucial dates. That Frank Cascio was very, very
19 devoted to Michael Jackson.

20 And the suggestion that Michael Jackson was
21 ignorant and kept in the dark about these events
22 simply doesn't hold water given the extent of their
23 relationship, and the communication that Frank
24 Cascio had in the course of the days that took place
25 following the publication of "Living with Michael
26 Jackson."

27 And the last person up here to the right,

28 that's Vinnie Amen, close friend of Frank Cascio, 12749

1 and who was brought in particularly from the time
2 around the 20th to the time of the filming of the
3 film.

4 Now, as I move on -- before I move on, let
5 me talk a little bit to you about Rudy Provencio.
6 Because Rudy is going to -- Rudy testified, Mr.
7 Provencio testified to a number of conversations
8 that took place between a variety of different
9 people.

10 And before I get into the content of the
11 conversations, let me mention something about Mr.
12 Provencio. He's an unusual person. He was a lively
13 personality. Funny. Was very, very candid in the
14 answers that he gave. I expect at some time during
15 Mr. Mesereau's closing argument that he will tell
16 you that Mr. Provencio cannot be trusted. He might
17 even say he lies. He might even say he committed
18 perjury. Before we get to that discussion, let me
19 point out something about Mr. Provencio.

20 Mr. Provencio accepted a contract for
21 \$225,000 with Neverland Valley Entertainment.
22 Neverland Valley Entertainment was a corporate
23 entity that effectively was Michael Jackson, the
24 money that went in to create it was Michael
25 Jackson's money. The agreement in the creation of
26 that entity was between Michael Jackson and Marc
27 Schaffel. He was hired on to be the executive

28 officer, to be able to manage it and run it. He had 12750

1 20 years of experience in the music industry,
2 something Marc Schaffel didn't have. Marc
3 Schaffel's experiences were varied, but there was a
4 great deal of it, frankly, in the porn industry. He
5 was very good at promoting things, but he didn't
6 understand the music industry.

7 Rudy Provencio was brought in for that
8 purpose. Rudy Provencio signed a contract for
9 \$225,000. It was expected that the project would be
10 over in one year. It took longer than that and
11 ultimately didn't resolve for a variety of different
12 reasons. But they worked hard at this project. The
13 project was creating one song, "What More Can I
14 Give?" It was supposed to be the sequel to "We are
15 the World," "We are the Children," "We are the
16 Someone." It was the first song that made a
17 tremendous amount of money. This was expected to
18 make money every bit as much, perhaps as much as or
19 more than \$100 million.

20 During the course of the dealings between
21 Mr. Provencio and Michael Jackson, he was personally
22 given a one point interest in the entire profits of
23 "What More Can I Give?"

24 That one point means 1 percent. It's 1
25 percent of the gross profits. That means that Rudy
26 Provencio stood to make, in addition to his \$225,000
27 salary, up to or even more than one million dollars,

28 if this song was successful on the level of the last 12751

1 one.

2 And if this song raises the kind of money
3 that he expected, it certainly would have brought in
4 hundreds of thousands of dollars in addition to his
5 salary. Rudy Provencio, at some point during the
6 course of his work for Neverland Valley
7 Entertainment and for Michael Jackson, came to the
8 realization and conclusion that the work that he was
9 doing did not justify the receipt of that
10 percentage, and he gave it back to Michael Jackson.
11 He did it officially, used David LeGrand to put it
12 in writing, and he returned it. He believed that,
13 one, he returned it, and, two, he did not want to be
14 involved with them particularly for the rest of his
15 life, as that percentage might necessarily involve
16 in terms of the giving of royalties, and frankly he
17 didn't believe that he earned it.

18 It was an entirely admirable thing to do.

19 It was an entirely unselfish thing to do. It was a
20 sign of great integrity. He didn't give it to Marc
21 Schaffel. He didn't sell it to somebody.

22 Schaffel, it turns out, sold his interest to
23 somebody who died before they were be able to
24 collect anything. Schaffel got the money from it,
25 they died, that was the end of it. Even Rudy
26 Provencio felt that was inappropriate; that Schaffel
27 should have given that money back to that investor

28 as well. Did not sell that percentage. He gave it, 12752

1 he gave it to Michael Jackson. Simply felt that he
2 didn't deserve it. Didn't want to have it.

3 I want you to think about that when Mr.
4 Mesereau stands up here and tells you that Rudy
5 Provencio is lying. Think about that. What motive
6 would he have? Rudy Provencio tells us that the
7 conversations that took place as early as the first
8 of February were conversations between one or both
9 of the Germans, Michael Jackson, Marc Schaffel, and
10 perhaps others. And it was early on in February,
11 before the first screening of "Living with Michael
12 Jackson" in England.

13 The purpose of those conversations -- the
14 purpose of those conversations was to determine how
15 to stem the problems that were created by the
16 presentation of this documentary. It was decided at
17 that time that there would be two goals in what they
18 were about to do. One was to reverse the negative
19 publicity, if that was at all possible, and the
20 second was to raise money.

21 The second proposition was argued against by
22 Ann Gabriel Kite, who was hired for public relations
23 in New Orleans, who said, "You don't do both,
24 because one compromises the effect of the other one.
25 Either make it profitable or do it for reversing the
26 negative publicity that he received, but don't do
27 both." She was soon thereafter fired.

28 It was very clear that their goal was to 12753

1 look for a money-making venture, and they found one.
2 But one of the things that was decided early on in
3 this event was that they needed to have a second or
4 third person involved. Early on, it was decided,
5 and we know this from Rudy Provencio because of the
6 calls that he monitored early on. And we're talking
7 about the 1st or the 2nd of February, where it was
8 decided at that time that they needed the assistance
9 of Debbie Rowe, Michael Jackson's ex-wife and the
10 mother of his two children, and they needed the
11 assistance of Gavin Arvizo. Both of these people
12 were going to come in and effectively say, "He's
13 normal. He's normal. All of this publicity is" --
14 "bad publicity is inappropriately generated. He's a
15 normal human being."

16 Debbie Rowe was going to say, "He's a good
17 father. He's attentive to the children." All of
18 that business about, "Oh, the children don't have a
19 mother, they shouldn't have a mother, they can't
20 have a mother," all that stuff that came in that
21 dealt with him raising children, "Where is the
22 mother? Whether they have access." Debbie Rowe was
23 going to stem the publicity dealing with that issue.
24 And then they had to deal with the issue of whether
25 or not Michael Jackson had an appropriate or
26 inappropriate relationship with Gavin Arvizo, and
27 for that they needed Gavin.

28 As to the first, Debbie Rowe, they dangled 12754

1 the prospect -- and it was specifically Michael
2 Jackson who did this, not one of his employees.
3 They dangled the prospect of her being able to once
4 again see her children. Quite unlike what he was
5 representing, she did in fact want to see her
6 children, and had not seen them for two and a half
7 years.

8 And that representation was made
9 specifically by Michael Jackson, that "If you do
10 this, you'll come" -- "you'll come to Neverland,
11 you'll visit with the children." And she was quite
12 excited and quite willing to do so. In like
13 fashion, Michael Jackson dangled Janet Arvizo's
14 children in front of her as well, but in a different
15 manner.

16 Debbie Rowe wasn't going to be convinced
17 that her children were in danger. That wasn't
18 something that Debbie Rowe was going to be
19 influenced by. For her incentive was to be able to
20 see the children. For Janet Arvizo it was a
21 different matter entirely.

22 There were a series of telephone calls that
23 began. The first telephone call that we have from
24 Michael Jackson at the Turnberry Hotel was on the
25 4th of February, 1985 at 4:35 in the afternoon. A
26 second one at 1754, that's 5:54, almost six o'clock
27 in the afternoon. The duration of both of those

28 phone calls was one minute in length, but this was 12755

1 on the 4th of February, in the late afternoon hours
2 of the 4th of February.

3 And I bring this to your attention because I
4 want you to understand that the defense contention
5 is they're going to be saying that it was actually
6 Gavin who initiated this trip to Florida, not the
7 other way around. And it's simply not true. The
8 first conversations and the first phone calls come
9 from Michael Jackson. And that was at 4:35. That
10 was to the Ventura residence in El Monte. It was
11 for purposes of being able to locate Gavin and be
12 able to make that arrangement. Obviously that
13 happened, on the same day, at 6:11. And then a
14 second phone call at 6:14, both for a duration of
15 four minutes each, were from Jay Jackson's residence
16 in the west -- excuse me, in the mid-Wilshire area
17 of Los Angeles to Chris Tucker at that point.

18 Now, obviously there was communication
19 between Chris Tucker and Michael Jackson and Evvy
20 Tavasci. And we're going to go through a few more
21 of these. Excuse me. You'll be able to see what it
22 is. But the original calls came from Michael
23 Jackson at that time.

24 Now, let me suggest to you that two
25 telephone calls of one minute each being placed
26 three minutes apart, and only for a maximum duration
27 of four minutes or less, that could be actually

28 three minutes and one second, as Mr. Nicola was 12756

1 effective in pointing out with each of the telephone
2 records people. It will show as four minutes, if
3 it's only one second beyond three.

4 But that could be a reflection of how long
5 his answering machine is, at Chris Tucker's home.
6 And in fact, when you look at Chris Tucker's records
7 of the phone records of his phone for that day, of
8 the 4th of February of '03, you'll see that there
9 are no phone calls made by Chris Tucker. None
10 whatsoever that go out, at least phone records that
11 would have registered, phone calls that would have
12 registered, which means, in all likelihood, Chris
13 Tucker was not there.

14 Gavin Arvizo probably called Chris Tucker.
15 He left two messages, one back-to-back, which is
16 what people do when they max out a message and they
17 call right back and leave a second message for the
18 same duration of time. That's probably what
19 happened. There was no actual conversation between
20 Gavin Arvizo and Chris Tucker at that time.

21 There is then in the early morning, 6:58,
22 this is Pacific Standard time, so that call was
23 placed at 9:58 in the morning by Michael Jackson
24 from the Turnberry Hotel in Florida. The duration
25 of that conversation was 27 minutes. That was the
26 call where Michael Jackson reached Gavin Arvizo and
27 asked him to come and do a press conference. Gavin

28 Arvizo, of course, was 13 years old at the time. He 12757

1 was not about to tell Michael Jackson, "Sure, I can
2 come to Florida, no problem." Janet Arvizo got on
3 the phone and immediately said, "Of course he is not
4 going to Florida by himself." And that began a
5 27-minute conversation between Michael Jackson and
6 Janet Arvizo. And it was in that conversation that
7 Michael Jackson told Janet Arvizo, "This is
8 necessary to protect your child. Your child is in
9 danger."

10 In that conversation, she talked with her
11 about -- he talked with Janet Arvizo about her
12 ex-husband. He told Janet Arvizo that she knew --
13 that he knew about the violent relationship that she
14 had had with her ex-husband, David Arvizo, for that
15 entire period of time. He knew exactly what he
16 needed to be able to say to Janet Arvizo to be able
17 to gain her cooperation. He told her that the child
18 was in danger; that there were crazed people out
19 there in response to the presentation of this video.
20 And, "Please, you need to come to Florida."

21 She agrees. That took 27 minutes, that
22 conversation.

23 Immediately thereafter, as you can see,
24 roughly that same period of time, Michael Jackson
25 called Evvy Tavasci at her home. That's his
26 personal assistant and secretary. Immediately
27 thereafter, there's a call to Jay Jackson's

28 residence. Again, that's to set up the 12758

1 arrangements. There is a call soon thereafter,
2 within an hour and a half or two hours thereafter to
3 Air Apparent. Air Apparent was the travel agency at
4 that time that Michael Jackson was using. That was
5 to make the transportation arrangements. Those
6 records are in evidence. They're there for you to
7 see. In the course of those arrangements,
8 transportation was arranged for a one-way passage to
9 Florida. This was not a round trip. They had no
10 intention on returning this family home as soon as
11 the press conference occurred.

12 It was already decided early on, that once
13 they had the family in their grips, they were going
14 to keep them in their grips, and for good reason.
15 They understood what was going to happen in
16 terms of the press going after this family. And the
17 last thing that they wanted was Gavin Arvizo
18 standing up on some other reporter's television
19 station talking about pornography and booze in that
20 room. That's the last thing they needed.

21 They needed to be able to stem what might be
22 coming out of the mouths of these children and out
23 of the mouth of Janet Arvizo and they needed to be
24 able to profit from it. And they weren't going to
25 profit from it if, in fact, they were giving
26 statements to some other reporter. Something that
27 Janet Arvizo had no intention of doing anyway, and

28 did not do at any time, never mind all the offers 12759

1 that ultimately came in.

2 A series of phone calls later in the
3 afternoon, it's now noon, to MJJ Productions.
4 That's the cell phone. Presumably that's the phone
5 of the person that's going to be driving them, Gary
6 Hearn. Another call a couple minutes later.
7 Another call a couple minutes later to Jay Jackson's
8 residence at 12:17. Again from the cell phone that
9 they called, presumably Gary Hearn, the driver.
10 Another phone call from Evvy. Another phone
11 call here to Chris Tucker.

12 Now, Chris Tucker is in the picture. This
13 is on the 5th, and it's at -- just after 12:30 in
14 the afternoon. They are now making the arrangements
15 that they're going to be going with Chris Tucker.
16 MJ -- and incidentally, Chris Tucker had a flight
17 that was arranged for the day before. This was a
18 flight that was going to take him. He left it
19 there. That plane sat on the tarmac for nine hours,
20 didn't go anywhere. Chris Tucker was billed for the
21 fact that the plane sat on the tarmac for nine hours
22 ready to go. He paid the bill. It was not till the
23 next day that plane left, Chris Tucker's private
24 flight for Miami.

25 Again, a series of phone calls from Chris
26 Tucker to the Jackson limo service. Chris Tucker
27 to, again, the driver. This is now at 3:17 in the

28 afternoon. The driver presumably is Gary Hearn. A 12760

1 call from the Ventura residence to Michael Jackson
2 Productions from Chris Tucker to again that cell
3 phone, and again from Chris Tucker to that cell
4 phone.

5 And they arrived in Florida.

6 And they arrived in Florida very late on
7 the -- on the 6th, or very early on the 6th. They
8 flew late into the early morning. And during the
9 entirety of the 6th, they stayed in Michael
10 Jackson's suite. They did not leave that hotel
11 room, excuse me, at all during that entire time.

12 This was not a vacation for Janet Arvizo.

13 Mr. Mesereau says that she should be grateful
14 because she was extended a vacation in Florida. And
15 you need to understand that she stayed in her room,
16 or in the room or suite of Michael Jackson.

17 When there was finally the presentation of
18 "Living with Michael Jackson," the American showing,
19 Michael Jackson made it very clear that nobody was
20 to watch that and they were all rounded up and taken
21 up to the suite, and that's where they all stayed
22 during that showing. She has, to this day, never
23 watched it. She's seen clips of it on news. She's
24 seen that image that you saw, but she has never
25 watched the entire presentation. Jay Jackson has,
26 but she hasn't.

27 They stayed that entire day. It was during

28 that entire time that Janet was exposed to quite a 12761

1 few events that were taking place then. She met the
2 two Germans, Dieter Weizner and Ronald Konitzer, and
3 the two of them had her sign a release at that time,
4 except it wasn't a release. The document that
5 you're going to see soon was, in fact, a document
6 that was a blank piece of paper that she signed and
7 later there was an addition to it.

8 Michael Jackson told her very specifically
9 that she was to do what the Germans told her to do.
10 And once again, they asserted the fact that there
11 were people out there who meant to harm her
12 children; that they were in danger; that they had to
13 do this press conference; that this was the only way
14 to relieve the danger to her children.

15 The Germans became, very rapidly, very
16 heavy-handed with her. They were not complimentary
17 by any stretch of the imagination. They were
18 dictating things that she had to do. They scared
19 her from the very beginning and they were having her
20 sign things as well.

21 Now, she was there voluntarily. She had
22 nothing bad to say about Michael Jackson at all.
23 She had never had anything bad to say about Michael
24 Jackson. She believed that he was a good influence
25 in the life of her child. She was appreciative of
26 the generosity that he extended to her family over
27 this period of time. She felt that he was kind to

28 her child when her child was ill. She was very 12762

1 grateful for that. She never had a bad word to say
2 about Michael Jackson at all.

3 The Germans scared her, Dieter and Ronald,
4 and they did from the very beginning, and they did
5 so for a reason. They wanted her cooperation and
6 they believed that that was the way to do it. You
7 need to understand that this was something that was
8 agreed upon as a strategy from the very beginning.
9 They knew that they needed Janet Arvizo's
10 cooperation and they knew that they were not going
11 to get it unless there was a motivation, and they
12 needed to scare her, and that's how they did it.
13 She signed those documents, but something else was
14 going on in Florida at that time.

15 Michael Jackson was renewing a relationship
16 with Gavin Arvizo during this period of time. They
17 were in the room together. He gave him a gift. He
18 gave him the jacket off his back. And he started
19 drinking with him. It was during that time that
20 Gavin had his first drink of alcohol with Michael
21 Jackson. They were together during that entire
22 time.

23 They finally went back on the 7th, in the
24 early part of the 7th. They did not want Janet to
25 be in the vehicle with them, in the plane. They
26 were going to have her take a commercial flight back
27 and she insisted otherwise. And in the course of

28 that flight back, which was about seven or eight 12763

1 hours, in that flight going back, for about seven or
2 eight hours --

3 You can move on.

4 This is a note -- I'm going to take a moment
5 here before we move on.

6 This was a note that was shown to you, and I
7 want you to take a look at it. This is in evidence.
8 This exhibit right here. Look at the piece of paper
9 and the writing on it, and look at the serration at
10 the very top. This was obviously a piece of paper
11 that was pulled from a small notebook, a spiral
12 notebook. This is a note that was written by Gavin
13 Arvizo to Michael Jackson. This note was discovered
14 in Michael Jackson's bedroom area in a black -- not
15 exactly a briefcase, but more like a suitcase, a
16 black suitcase. That suitcase also contained
17 pornographic magazines, but it had this note. And
18 this is a note that Gavin wrote to him. And in it,
19 he says, "I'm your son. I love you and Prince,
20 Paris and Blanket, but especially I love you. I
21 love all of you a lot." It's three separate pieces
22 of paper, and Gavin Arvizo indicated that he wrote
23 that.

24 Go to the next one.

25 This was found in exactly the same place.

26 This is a note that he said was written by Michael
27 Jackson. "You have to really be honest in your

28 heart that I am your dad and will take good care of 12764

1 you. Signed, Dad."

2 "I want you to have a great time in Florida.

3 I'm very happy to be your daddy. Blanket, Prince

4 and Paris are your brother and sisters" -- "brothers

5 and sister. Love, Dad."

6 All those notes were found together. They

7 were obviously written together at the same time.

8 The notes were written by Gavin and given to Michael

9 Jackson. That other note was written by Michael

10 Jackson to Gavin. One of them brought all of the

11 notes back to Neverland. Likely Michael Jackson.

12 He kept that note, all of the notes. He kept the

13 note from Gavin Arvizo. That note went into the

14 briefcase, in that very briefcase that was in his

15 bedroom, no place else. It was also found

16 pornographic images, and you will see.

17 Now, what is significant about this note?

18 Well, first of all, do you remember the

19 testimony of Janet Arvizo? Do you remember Janet

20 Arvizo telling you that when they were in Florida

21 Michael Jackson said, "We are family. I am your

22 family. I will take care of you. I will protect

23 you. You need to believe that I am your family"?

24 Have you heard that before from other

25 witnesses? In fact, isn't it true that virtually

26 all of the witnesses from the 1993 case who were in

27 some way involved with Michael Jackson, whether it

28 was the Barnes family or whether it was the other 12765

1 family, the Robson family, or whether it was the
2 Chandler family, virtually all of those witnesses
3 said the same thing? Michael Jackson would stress
4 over and over again, "We are family. I am your
5 father. We are family. You have to trust in me."
6 This note corroborates that testimony. When
7 Janet Arvizo told everybody that that conversation
8 had taken place, she had no way of knowing that one
9 day we would do a search, nine months later, of
10 Neverland and we would recover exactly this note
11 from Michael Jackson. The note has two misspellings
12 in it, "really" and "Blanket," his own child's name.
13 But that is him. That's his note. It was in his
14 room. And Gavin said that was written to him at the
15 same time. It's clearly from the same piece of
16 paper or the same notepad. That corroborates Janet
17 Arvizo. And once again, she had absolutely no way
18 of knowing that we would eventually find this note
19 at a later time.

20 They're coming back on the plane. This was
21 written obviously in Florida, because they were
22 together. They hadn't seen each other before Gavin
23 arrived in Florida. They're now on the plane and
24 they're heading back. And while they're heading
25 back, there is testimony before you from Gavin and
26 from Janet Arvizo that there were two things that
27 occurred during this flight, this four or five --

28 five or six hours, five-hours-plus flight heading 12766

1 back.

2 One of the things that occurred was the
3 testimony of Janet Arvizo that she said she saw an
4 unusual event. She saw the defendant lick the top
5 of her son's head. That was also testified to by
6 Star, who said he saw it as well. Neither one told
7 the other until a much later period of time, when
8 they both discovered that the other had seen that
9 particular event.

10 Now, this is in the category of something --
11 this is like Frank being in the room at the time
12 that pornography is being shown. If they're going
13 to make up events, why would they make up something
14 like this? This is an event that takes place in a
15 public setting. There are plenty of other people in
16 that plane. Dr. Farshshian is in that plane.

17 Mr. Mesereau told you Dr. Farshshian would testify
18 to what he did and did not see. He didn't.

19 All right. There are other people in that
20 plane. The nannies for the children are on that
21 plane. Many other people are on that plane. Why
22 would they make up something like this, and
23 particularly a head-licking event? That is a
24 bizarre activity, by anybody's standard. I mean,
25 the notion of licking the top of the head of a
26 13-year-old boy. Many of you have had 13-year-old
27 boys living in your household. Some of you may

28 currently have a 13-year-old boy in your household. 12767

1 You would no sooner lick the head of a 13-year-old
2 boy than you would lick the bottom of their shoe,
3 all right?

4 And Janet Arvizo understands that. She
5 understands that this is a pretty bizarre
6 observation. She knew it was bizarre at the time
7 she saw it, and she knew it was bizarre at the time
8 she was saying it. And Janet Arvizo clearly
9 understood that she is not necessarily the most
10 credible person around. She knew that this would be
11 the type of thing that would be hard to believe.
12 That people would react to that observation by
13 saying, "Come on, give me a break."

14 And yet what happens months later, we come
15 upon a person by the name of Bob Jones. Who is Bob
16 Jones? Bob Jones was the publicist for Michael
17 Jackson for over 30 years. Thirty years the
18 publicist for Michael Jackson. Bob Jones knew
19 Michael Jackson since he was a teenager. He worked
20 with him throughout his entire career, as he was
21 developing his career, when he was in the prime of
22 his career, and up until fairly recently.

23 Bob Jones had a number of communications
24 with a man by the name of Stacy Brown. Stacy Brown
25 was co-writing a book with him about Michael
26 Jackson, and other aspects of his long and
27 distinguished career. Bob Jones came to court

28 reluctantly. He was subpoenaed to come to court. 12768

1 When he took the witness stand, he basically said he
2 didn't remember any such observation. And then we
3 showed him an e-mail that he sent to Stacy Brown,
4 where he says in this e-mail, "I saw Michael Jackson
5 do exactly the same thing to Jordie Chandler ten
6 years earlier, lick the top of his head." And guess
7 where they were at the time? On an airplane, with
8 Jordie Chandler sitting right next to Michael
9 Jackson in exactly the same fashion that we had on
10 this particular airplane as well.

11 When Janet Arvizo told law enforcement about
12 this event, as bizarre as it was, she had absolutely
13 no way of knowing that we would ultimately produce
14 an entirely credible witness, reluctant, but
15 credible, who would come into court and say he saw
16 him do exactly the same thing to another 13-year-old
17 boy, who looks very much like him, seated next to
18 him on an airplane ten years earlier.

19 Now, Bob Jones was as reluctant as a witness
20 could probably be. He did not want to give
21 testimony against Michael Jackson, the man he had
22 worked for for over 30 years. Until he was shown
23 that e-mail, and then he acknowledged, "If I wrote
24 it in the e-mail, and if I wrote this, it's my
25 e-mail, it is true."

26 And then, of course, we put Stacy Brown on
27 the witness stand. And Stacy Brown said, "I had a

28 number of conversations with Bob Jones where he told 12769

1 me about that exact observation," because it's so
2 bizarre, for exactly the reason that we're initially
3 asked to view that event as incredible, it is for
4 exactly that reason that he remembered it, because
5 it is so bizarre, him licking the top of Jordie
6 Chandler's head.

7 Stacy Brown said, "He told me about that on
8 a number of occasions. He sent me e-mails." And in
9 fact, it's in the manuscript of the book that they
10 are about to publish, exactly that observation.

11 What else happened in the course of that
12 flight? Gavin Arvizo told us that they made crank
13 telephone calls. Michael Jackson's having them make
14 crank telephone calls. Now, we're going to learn a
15 lot about it in the course of this argument as we go
16 on, Michael Jackson encouraging bad behavior from
17 kids who are entrusted to him, who are placed in his
18 trust and in his custody. He wants them engaged in
19 bad behavior. And this is the first instance, other
20 than the drinking. But keep in mind, once again,
21 that this is a statement that Gavin makes that his
22 mother is making him make, because, after all, a
23 shakedown, then why would he make a statement about
24 an event that we can prove or not prove, because
25 this is something that's fairly easy to do.
26 This is Exhibit No. 850 that's before you.
27 This is the records of telephone calls. I suspect

28 you've seen enough phone records probably to last 12770

1 you for a lifetime. But I want you to look at this
2 one. Maybe a few more, but look particularly at
3 this one. This is the Xtra Jet air-ground telephone
4 calls that were coming through.

5 You don't have many occasions to make a
6 telephone call where each telephone call cost \$12,
7 okay? Plus a variety of other fees on there.

8 Some of these telephone calls are -- are
9 very legitimate. I mean, the ones to El Monte is
10 obviously the kids calling their home, their
11 grandparents in El Monte. That air linkage time,
12 you have AirLink. That's simply the method of
13 connecting that telephone call through the air.
14 That's all part of the same call. That's -- in
15 other words, 25 and 26 is all one phone call. 26 --
16 27, 28, is one telephone call.

17 But look what happens at around number 42 on
18 here. All the way from 42 through 50 -- there's a
19 second page we're going to get to in a moment, but
20 from 42 through 50 are on a series of telephone
21 calls that are all one minute in length. Okay? We
22 have a Santa Ynez one that's probably a legitimate
23 one. But all the rest of them, from 42 on, this
24 is -- this notation right over here where it says,
25 "NM," that means New Mexico. That's where they're
26 flying over at the time that these phone calls
27 occur. And they begin from about 42 on, at about

28 8:43 p.m., and in rapid succession, as you see 8:44, 12771

1 8:46, 8:49, 8:51, each of these telephone calls
2 lasting one minute or less. One minute or less.
3 Go to the next one.
4 Los Angeles up here, once again. 8:52.
5 Then there's a break to 9:03. Excuse me, 9:08.
6 9:09. Both of these, when it says "short term,"
7 that means that telephone call is for 30 seconds or
8 less. No more than 30 seconds. A prank telephone
9 call. One to New Jersey here. Short term. Here's
10 three different phone calls that are so short they
11 don't even connect. Here's one to New Jersey.
12 California. The El Monte, California, is
13 probably -- is probably a legitimate one. New
14 Jersey. New Jersey.
15 There's a whole bunch of them as they're
16 flying over Arizona now, and moving on. All of
17 these calls are one minute or less. Some of them
18 are 30 seconds or less. They're all different. As
19 you look at these numbers, they're all different.
20 There's probably 18 or 19 telephone calls
21 that are probably exactly what Gavin said they were,
22 prank calls. There is no evidence before you that
23 these are legitimate telephone calls. Dr. Farshshian
24 didn't come in and say, "I made a bunch of
25 prescription fill-in calls to patients while I was
26 on that plane that took one minute or less." This
27 is direct -- and it's all within a similar period of

28 time. This is roughly a 40-minute period of time. 12772

1 About 19 phone calls are made during that period of
2 time, one minute or less. It is direct
3 corroboration, direct corroboration of Gavin.
4 He had no way of knowing that we would be
5 able to do that. And if these crank calls, in fact,
6 were being made at the time that they were on the
7 plane, then doesn't that really cast doubt as to the
8 testimony of people like Cindy Bell, the stewardess,
9 who says, "During that entire flight I always had an
10 eye on Michael Jackson; that I could tell you
11 exactly what Michael Jackson was doing; that I would
12 have seen if there was any problem going on."
13 They're making crank calls from this
14 telephone at \$12 a shot. Gavin is sitting next to
15 Michael Jackson at that point in time. It is direct
16 corroboration of Gavin Arvizo. It is also
17 corroboration that at a later time in Michael
18 Jackson's bedroom, and in the presence of the
19 younger brothers and sisters of Frank Cascio, Nicole
20 Marie and Aldo Cascio, who they called Baby Rubba,
21 that also they were doing that same game of
22 playing -- of making crank telephone calls and
23 taking drinks of alcohol during that period of time.
24 THE COURT: Counsel.
25 MR. ZONEN: Yes.
26 THE COURT: Let's take a break.
27 MR. ZONEN: Okay. Thank you.

28 (Recess taken.) 12773

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 12720 through 12773

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 June 2, 2005, and thereafter

20 reduced to typewriting by computer-aided

21 transcription under my direction.

22 DATED: Santa Maria, California,

23 June 2, 2005.

24

25

26

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

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

5

6

7 THE PEOPLE OF THE STATE OF)

8 CALIFORNIA,)

9 Plaintiff,)

10 -vs-) No. 1133603

11 MICHAEL JOE JACKSON,)

12 Defendant.)

13

14

15

16

17 REPORTER'S TRANSCRIPT OF PROCEEDINGS

18

19 THURSDAY, JUNE 2, 2005

20

21 8:30 A.M.

22

23 (PAGES 12775 THROUGH 12929)

24

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26

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

28 BY: Official Court Reporter 12775

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28 12776

1 THE COURT: Counsel, you may proceed.

2 MR. ZONEN: Thank you.

3 I had a moment of panic when I wondered if
4 the microphone I walked into the rest room with was
5 still on.

6 (Laughter.)

7 MR. ZONEN: It wasn't.

8 February 8th, 2003, they're in Neverland.

9 They had arrived in Neverland on the 7th. Janet
10 Arvizo was never told she was going to Neverland.
11 She was never told anything in terms of what was
12 going to be happening to her and her family from
13 that point on.

14 On the 8th of February, they were joined by
15 Mark Geragos, by the entire 60 Minutes news crew,
16 including Ed Bradley. Janet Arvizo and the children
17 were there. Dieter and Ronald were there. One of
18 them was there at that time, the other one arrived
19 later, I don't remember which. Frank Cascio was
20 there. Michael Jackson was there. The boys at that
21 point were staying with Michael Jackson.

22 And that began five weeks of the boys
23 staying with Michael Jackson, except for those
24 periods of time that he was gone, the brief period
25 of time that they were in Los Angeles when Janet
26 finally grabbed them and left, and the period of
27 time that they were at the Calabasas hotel, The

28 Country Inn & Suites in Calabasas while they were 12777

1 getting all the arrangements done for their
2 departure for Brazil.

3 Keep in mind, barely five days earlier,
4 Janet Arvizo was minding her own business in her own
5 home, with her children healthy, all healthy
6 children, and in a new relationship that ultimately
7 ended up in a marriage. At this point, five days
8 later, they're planning on sending her to Brazil.

9 She was at Neverland over the next five
10 days. Did not return home during that time. During
11 that period of time, she worked with the two
12 Germans, Ronald and Dieter. They prepared for this
13 video that they were going to be doing. They were
14 briefing her on what she needed to be saying. They
15 were coaching her on what she needed to be saying.

16 The boys more and more were separated from her.
17 They were staying with Michael Jackson in his room
18 during that period of time.

19 Once again, she was being encouraged to
20 believe that outside of Neverland was a danger
21 situation for her children. And once again, the
22 threats became more oppressive. They are now no
23 longer against just Gavin, but they were threats
24 against Gavin, his brother, his sister, and in fact
25 the threats have extended to Janet herself and to
26 her parents. They were no longer just threats that
27 there were people out there who would cause her

28 harm, crazed fans, sort of an obscure sort of person 12778

1 that nobody quite -- could quite describe. But, in
2 fact, at this point there were threats that
3 specifically were coming from the two Germans in
4 terms of, "We know where your parents live. We can
5 make people disappear."

6 She had enough by the early morning hours of
7 the 12th. She had enough by the early morning hours
8 of the 12th.

9 At one or two o'clock in the morning, she
10 finally went to Jesus Salas, who was the house
11 manager at that time, and speaking in Spanish with
12 him, she asked him to please take her home, and the
13 kids home.

14 Janet Arvizo, for all of her shortcomings,
15 for all of her shortcomings, understood that
16 Neverland is not the place to have her children
17 long-term. That might be nice for a day visit. But
18 it's not where you want to have children long-term.
19 She grabbed her kids, they got in the car with Jesus
20 Salas, and he drove them to her mother's house in El
21 Monte.

22 Now, that began a whole series of events
23 that took place at that point. This was on the 12th
24 when they finally took off. But there were
25 immediately a whole collection of telephone calls
26 that next day. Now, granted, understand this was
27 the early morning hours of the 12th. By the time

28 the 12th was done with, look what was going on in 12779

1 terms of telephone calls.
2 38 separate telephone calls between Frank
3 Cascio and Marc Schaffel. 38 separate phone calls.
4 There are two calls between Mark Geragos and Brad
5 Miller. And three between Brad Miller and Marc
6 Schaffel. There were three phone calls between
7 Frank Cascio and Mark Geragos. There was one
8 three-way phone call between Mark Geragos, Brad
9 Miller and Marc Schaffel. But look at the
10 collection of calls, 19, between Frank Cascio and
11 Vincent Amen. What is going on? 38 telephone
12 conversations between Frank Cascio and Marc
13 Schaffel. 38. What is going on at this point?
14 The answer is, they escaped. Literally
15 escaped, as preposterous as that sounds. Who would
16 want to escape from Neverland? But they did. She
17 grabbed her kids, and at one or two o'clock in the
18 morning, they got out of there. And immediately
19 what this entire collection of people, all working
20 for and around Mark Geragos and Frank Cascio and
21 Marc Schaffel, all realized that this was a very
22 difficult situation and even dangerous situation for
23 them, because they needed to produce this video,
24 because this video was going to be contained in the
25 "Take 2" program that was going to be shown in just
26 a few days. I believe it was on the 21st, late at
27 night, that that performance was going to be shown

28 on FOX television, FOX Studios. 12780

1 There was a tremendous amount of money
2 riding on all of this, and their expectation and
3 their promotion was that Janet Arvizo was going to
4 be part of this production, and now she left.
5 On the 13th, the very next day, a series,
6 again, of phone calls. Four between Marc Schaffel
7 and Mark Geragos. Four between Mark Geragos and Ann
8 Kite. Mark Geragos's answer to every question I
9 asked him, every single one, about the content of
10 any telephone conversation that he had with anyone
11 was, "I don't really recall. I was kind of in the
12 dark on all of this."

13 On the 19th, over that period of time, a
14 whole collection of telephone calls as they lead to
15 the filming. But before we get to this, let me talk
16 a little bit about what happened in that in-between
17 period of time.

18 Janet Arvizo was the recipient of many
19 telephone calls from Frank Cascio. Many of them.
20 And in the course of one or more of those
21 conversations, there was a tape-recording made.
22 That tape-recording was made by Frank Cascio.
23 Excuse me, that tape-recording was of a telephone
24 call involving Frank Cascio, but it was made by Brad
25 Miller. And we recovered it when we seized -- when
26 we searched Brad Miller's office and seized that
27 tape-recording.

28 There was an expert who testified, a man who 12781

1 came from the Los Angeles area, works in the
2 aerospace industry, and who also does work analyzing
3 tape-recordings to determine authenticity. His
4 testimony to you was that that tape, which goes over
5 20 minutes, it's 20-plus minutes, that that tape
6 was, in all likelihood, a second-generation tape,
7 and in fact there were 34 breaks in that tape. In
8 other words, somebody started and stopped that tape
9 34 times. Well, the "somebody" is Brad Miller.
10 It's not likely to be anybody else under the
11 circumstances.

12 Mark Geragos told you that that telephone
13 call was tape-recorded because they were certain at
14 that point that Janet Arvizo was going to shake them
15 down for money. In other words, it was going to be
16 in that telephone conversation that there was going
17 to be the demand by Janet Arvizo that they pay
18 money.

19 That statement was not true. When he
20 testified to that, he was not giving you truthful
21 testimony. There was never the expectation by
22 either Mark Geragos or Brad Miller or Frank Cascio
23 that Janet Arvizo would ever ask for a penny in the
24 course of that conversation. And you can tell by
25 the nature of the conversation.

26 If this was a conversation where they were
27 going to be talking about a shakedown, then that

28 conversation would have begun with Frank Cascio 12782

1 saying to Janet Arvizo, "All right. You asked for a
2 million dollars in a numbered account in the Cayman
3 Islands, let's talk about that. What do we get if
4 we give you a million dollars in a numbered account
5 in the Cayman Islands?" That's what that
6 conversation would begin with.

7 This conversation was very different.

8 I'd like you to go to that.

9 These are either a series of telephone
10 conversations or a single telephone conversation
11 that had been edited 34 times. It may be more than
12 one conversation. It may be many. We don't know.
13 Brad Miller didn't testify in this case.

14 The first thing that she begins to talk
15 about is the Germans:

16 Frank: "What happened?"

17 Janet: "It's just those German people. You
18 don't imagine."

19 Janet: "Those people terrify me, Frank.

20 They were threatening. They were terrifying."

21 Frank: "Like I said, you don't, like, like
22 I said, I promise you, Janet, you don't have to
23 talk to them anymore."

24 Janet: "Because they were trying to dictate
25 to me exactly what to say."

26 Janet: "Are the German guys there?"

27 Frank: "No, don't worry. And if -- they're

28 not there. And if they are -- they're not there, I 12783

1 know that for a fact. But if they are, you don't
2 have to talk to them. You just talk -- it's
3 unsafe."

4 This came up continuously in the course of
5 this telephone conversation between the two of them.

6 Frank: "Let us take care of you. Let us
7 protect you. Now is not the right time to be
8 out there alone."

9 Frank: "No, no, that's not what I'm worried
10 about. I'm worried because you and -- you and --
11 the protection, because there's a lot of evil
12 people out there right now."

13 "Frank: That's why even staying another
14 night alone is not safe, so I want to talk to
15 Gavin and see if he's okay, but then I want to
16 talk to you and we can make some arrangements."

17 "Frank: And when you left like that, it was
18 just so dangerous, and we were so worried about you."

19 "Frank: I'm going to get you guys out of
20 there into a safe place tonight. I need you to be
21 safe, and I need your family to be safe."

22 Janet says, "Okay."

23 Frank says, "To you and to your family,
24 because you know how vindictive people can be."

25 Now, Janet Arvizo came into this courtroom
26 and told you that over and over and over they were
27 telling her it was very dangerous outside of

28 Neverland. And that she, in fact, had to be at 12784

1 Neverland. She had no way of knowing that this
2 conversation was being tape-recorded. She was never
3 told that. She had no way of knowing that we would
4 some day recover that tape-recording. This
5 corroborates her testimony 100 percent. Janet
6 doesn't want money.

7 Remember, this was the whole purpose of
8 tape-recording this telephone call, according to
9 Mark Geragos. This was the telephone call where
10 Janet was going to make a demand for money.

11 "Don't" -- "Don't worry, Frank, I can't be
12 bought."

13 Remember when she says that in there? We
14 have no idea what they cut out of this
15 tape-recording, but this is the part that they left
16 in. This is exactly the opposite of what is the
17 pretense for them tape-recording this telephone call
18 in the first place.

19 "Don't worry, Frank, I can't be bought."

20 Janet says, "Are, like, crazy here."

21 Frank says, "Who?"

22 Janet says, "The reporters and stuff. And
23 we haven't talked to a single person, Frank."

24 She can talk to anybody she wants. This is
25 America. If she wants to sell her story, she can
26 sell her story. And what is she doing? She's not
27 talking to anybody. She's not accepting any offer,

28 and there are -- offers abound. 12785

1 "And, you know, Frank, I have -- my mom's
2 table is filled with offers and stuff like that.
3 And I didn't take a single penny," is what she says
4 to Frank. They're recording this conversation.
5 There are parts that they are cutting out, but this
6 they don't cut out.
7 She goes on: "It's like -- it's like crazy.
8 Can I read you one of the letters? It's like all
9 kinds of things and it's of no interest to me,
10 because family never leaves family behind, you
11 know."
12 This is Janet. This is Janet telling Frank
13 that her biggest concern is friends and family. She
14 has no interest at all in profiting off Michael
15 Jackson. Once again, she has never asked for a
16 penny from Michael Jackson.
17 Michael Jackson's statements, now listen to
18 this. This is all from Frank, the person who is
19 quite possibly the closest person at Neverland. The
20 closest person among Michael Jackson's entire
21 entourage is Frank Cascio, and look what he says:
22 "Michael would love to see you. He is so
23 worried. Michael cares about you and your family,
24 entire family, and we would not mislead you.
25 Michael has been missing you. Michael wants to see
26 you. He was almost -- he didn't know what happened.
27 He thought he did something and he was trying to get

28 in touch with you. And I said, 'Don't worry, I'll 12786

1 take care of this.'"

2 Frank: "We didn't know that, where you
3 went. Michael didn't know. Nobody knew anything.
4 I know Michael would love for you to come back to
5 the ranch."

6 Look at that. "I know Michael would love
7 for you to come back to the ranch."

8 Who is it who's trying to get this family
9 back at Neverland? Who is exploiting whom here?

10 "You need to go back up to the ranch and see
11 Michael because he's very concerned. He's concerned
12 about you and Gavin and Star and your daughter."

13 The trip.

14 Now, this part is pretty interesting,
15 because you get a sense here as to what exactly it
16 is that they may have cut out. Understand that they
17 don't want anybody to know about this Brazil trip.

18 But look what the statements are here:

19 Frank: "Michael -- we were all going to go
20 away."

21 And this includes Michael Jackson, is his
22 representation to her. Exactly consistent with her
23 testimony, exactly consistent with what she said in
24 the interviews. This is a trip to Brazil and
25 Michael Jackson is personally coming as well.

26 "Michael -- we are all going to go away. We
27 are gonna -- we are actually going to take you to a

28 really great place that -- I was going to take you 12787

1 first, and Michael and the rest of them was going to
2 come join us."

3 "For the safety of everyone, and trust me,
4 where are you going to go? You're going to have an
5 unbelievable time. I'm going to take you dancing
6 every single night."

7 Remember her response to that? She said,
8 "Oh, that's okay, Frank. I just want you guys'
9 hugs."

10 Janet Arvizo has never asked for anything
11 other than friendship and compassion. Ever.

12 Frank: "I'm going to just let you and
13 Michael -- we're all going to have to go someplace,
14 including Michael, from what's going on, and it's
15 going to be a fun trip. Even my brother and sister
16 are going to be coming out."

17 In the course of that telephone call, she
18 never makes a demand for a single penny. In the
19 course of that telephone call, there was never an
20 offer of a single penny. And in the course of that
21 telephone call she assures Frank she doesn't want
22 money, has never asked for money, is not going to
23 sell her story, is not going to say anything bad
24 about Michael Jackson at all.

25 They stayed together. She stays in Los
26 Angeles until the 19th. She finally makes the
27 determination that she is going to do the video.

28 They are desperate at this point with regards to the 12788

1 video. They are desperate because they want this
2 thing prepared and done and completed in time for
3 the production that's going to take place.

4 Frank: "But one thing I would love for you
5 to do, and this would really help Michael, if you
6 could tell your story, because you know this whole
7 documentary we're dealing, and this is, like I said,
8 you don't have to talk to the Germans. You don't
9 have to do anything. We would love for you to go
10 tape and just say something beautiful about Michael.
11 "Because they are trying to dictate...."

12 And here's her answer. Listen to this:

13 "Because they are trying to dictate to me what
14 exactly to say."

15 That is exactly what she's been complaining
16 about all along. She has no trouble saying a few
17 good words about Michael Jackson. Up to this point,
18 she has had not one reason in the world to be angry
19 or upset with him, other than what she saw on the
20 plane of him licking the head, and she had no idea
21 what that was all about.

22 Other than that, there was no reason to be
23 upset with Michael Jackson, nor did she ever express
24 it. When asked if she would say good words about
25 him, she said, "Fine." She was upset with the
26 Germans and how they were behaving and what they
27 were telling her about the danger to her and her

28 children and what they were saying about what she 12789

1 had to say.

2 "But you know? I know there are things and
3 the way" -- the way doing. They were going to take
4 you down to see me, actually, because we were going
5 to do the whole interview the next day, remember?
6 But, listen, you don't ever have to deal with them
7 again."

8 That was the conversation that took place.

9 She went back. She made the determination she still
10 wasn't going back to Neverland. She caused them to
11 have to move that interview to Hamid Moslehi's house
12 in Calabasas. And at that point that interview took
13 place there.

14 In the course of that interview, she had
15 that conversation with Vicki Podberesky. That
16 conversation was limited entirely to the concerns
17 that she would have the following morning when she
18 had to address Child Protective Services.
19 She gave that interview. It was well over
20 the top. She was filled with praise for Michael
21 Jackson, praise for things he never did, and praise
22 for things he did do. That business of helping the
23 kids with their homework and spending time and
24 curing her son of cancer, stuff that he obviously
25 didn't do.

26 But she did what was asked of her, and she
27 did it for a variety of different reasons. One, she

28 liked Michael Jackson and was happy to do that for 12790

1 him. Two, she believed them when they said, "You
2 have to do this to protect the well-being of your
3 children." And, three, she believed that there was
4 a correlation between what she said in that
5 interview and ultimately whether her children would
6 be taken away from her. She understood that if she
7 made sure the Child Protective workers understood
8 that Michael Jackson was a decent and loving man who
9 was protecting her children and helping her
10 children, and not causing harm for her children,
11 that she would be able to keep her children. And
12 that was her motivation as she went through that
13 next thing.

14 From the 21st to the 25th, they went about
15 the efforts -- they went back to Neverland, the
16 entire family. These kids have now been at
17 Neverland or out of school or in the presence of
18 Michael Jackson since the 5th of February. It is
19 now between the 21st and the 25th, and all of them
20 have been staying at Neverland. On the 25th, they
21 go to Calabasas, they stay in Calabasas. And let me
22 go back just one moment, and I'll move back to
23 Calabasas again.

24 What you see here is Exhibit 413, and this
25 is the consent and release agreement. Remember Mr.
26 Mesereau telling that you she was negotiating for
27 more money? Well, this was the agreement that was

28 originally furnished to her that she did not sign. 12791

1 This is the one that she did sign.
2 As you can see, there was no offer of money
3 in any way. She has never asked for money. They
4 never gave her money. This simply released her and
5 allowed them to be able to use her image, to be able
6 to profit from it. The second release is the one
7 that waives rights on behalf of her children, as
8 well. So that they can use the image of her
9 children in this production. That she asked for no
10 money in any of this; has never asked for any money
11 in any of this at all.

12 During the period of time -- during the
13 period of time between the 25th, the period of time
14 between the 25th and the 2nd of March, Janet Arvizo
15 and the kids stayed at a hotel in Calabasas. She
16 had at this point reconciled herself to the fact
17 that she was heading off to Brazil. She had had the
18 interview with the Child Protective Services. That
19 interview was tape-recorded. It was tape-recorded
20 by -- until she turned the tape off, because she
21 believed that the tape-recording was illegal. That
22 tape-recording was done by an employee of Mark -- an
23 employee of Brad Miller, the private investigator
24 who worked for Mark Geragos.

25 Mark Geragos told you he knew nothing about
26 it. That is probably unbelievable. Of course, he
27 told you he knew nothing about anything, and we'll

28 get to Mark Geragos a little bit further on. 12792

1 That tape-recording was made and it
2 eventually ended up on television. Ultimately we
3 received a copy of that tape-recording from the
4 defense, and that was the copy that was played for
5 you, in its entirety, until she finally turned that
6 tape-recording off.

7 Between the 25th and the 2nd, the 25th of
8 February and the 2nd of March, they made the
9 arrangements to go to Brazil. She obviously at this
10 point agreed that she was going to go to Brazil.
11 She was never happy about it under any
12 circumstances. And why would she be? She had a
13 child who was sick and needed continuous medical
14 attention. She was scared. She was worried. She
15 was in a new relationship. She didn't trust the
16 people who were dictating what was going on in her
17 life at this point, but she was convinced that she
18 needed to leave the country at that point.
19 They got passports, they got visas, they got
20 her birth certificate. They got the court records
21 that showed that she had sole custody of her
22 children, custody having been taken away from her
23 ex-husband, David Arvizo. They took them shopping.
24 They got new clothes for this trip. They got
25 luggage for her to be able to pack all of this
26 stuff. And they were making the arrangements to go.
27 They went back to Neverland on the 2nd of

28 March, and guess who returned to Neverland at 12793

1 exactly that time? Michael Jackson. And you'll see
2 from the Air Apparent records that he had actually
3 flown his family from Neverland out to Florida the
4 very day before, leaving the family behind in
5 Florida. He then returned back to Neverland on the
6 2nd of March, as he was then reunited after this
7 five-day absence with Gavin and Star. Gavin and
8 Star both go back into his bedroom during that
9 period of time.

10 During that period of time, they stayed in
11 his bedroom the entire time from the 2nd of March to
12 the 10th of March, with the exception of two nights.
13 There were two nights that Michael Jackson went to a
14 hotel in Los Angeles. Excuse me. That was the
15 night of the 7th and the night of the 8th. Other
16 than that, these boys were in Michael Jackson's
17 bedroom the entire time. It was during this period
18 of time that the behavior had turned to something
19 horribly illegal.

20 On the 9th of March, Janet Arvizo had her
21 child begin the collection of a 24-hour sample,
22 urine sample, for a creatinine testing at Kaiser
23 Hospital. Gavin was still under the care of a
24 doctor, and receiving regular appointments and
25 regular checkups. Once again, the reason why she
26 would not pick up and simply move this family to
27 Brazil. The urine collection was the 24-hour urine

28 collection that was put in a large container and it 12794

1 would be taken to the hospital for the test.

2 In the morning hours of the 10th of March,
3 she received a telephone call from her son Gavin,
4 four o'clock in the morning. And he explained to
5 her for the first time that Michael Jackson was
6 giving them alcohol. And he was worried because
7 this test, as he had told -- as Gavin had told
8 Michael Jackson, Michael Jackson came to believe
9 that this test would reveal that the children were
10 given alcohol and could cause problems for him.
11 Michael Jackson wanted Gavin to throw it away and
12 cancel the test. And he, in fact, wouldn't do that.
13 Janet Arvizo was very upset at hearing this,
14 very concerned about hearing this. This is the
15 first time that she had ever expressed anything
16 negative about Michael Jackson, that he would give
17 her child, who had suffered from cancer, who suffers
18 still from an immune deficiency problem because of
19 that. Alcohol was just unspeakable for her.
20 And she sent her daughter Davellin to the
21 house at six o'clock in the morning to gain entry,
22 to get Gavin, to get them out so that they could
23 leave. Davellin pounded on the door. There was no
24 response, no answer. Remember Macaulay Culkin
25 talking about Michael Jackson has an open-door
26 policy? Well, apparently not on that day. She
27 wasn't able to rouse anybody.

28 It wasn't until much later that morning that 12795

1 she finally arranged with Vinnie and Gavin that they
2 were going to go to the Kaiser Hospital. On the way
3 to Kaiser Hospital there was a stop. She used a
4 rest room. When she came back in, the urine had
5 been spilled.

6 Vinnie spilled out the urine. Said it was
7 an accident. Spilled out the urine. There wasn't a
8 sufficient quantity to test. There was no blood
9 test that was done at that time either. But Janet
10 at this point knew that there was a serious problem.
11 And I want you to think about something.

12 From the moment that Janet Arvizo understood
13 that Michael Jackson posed a direct threat to her
14 child -- and this was not molestation. That wasn't
15 what she was thinking. It was alcohol being
16 furnished to a child who was sick and still
17 undergoing medical attention. From the moment she
18 learned that, 36 hours later, her children were out
19 of Neverland and never went back. 36 hours.

20 Contrast that against Liz Barnes, who
21 allowed her child to sleep in Michael Jackson's bed
22 for over a year.

23 Contrast that against Joy Robson, who took
24 thousands of dollars from Michael Jackson and
25 allowed her child to spend months at a time in that
26 bedroom.

27 Contrast that even against June Chandler,

28 who today understands what she did wrong. And today 12796

1 regrets the fact that she has even lost her child
2 because of his association with Michael Jackson.
3 But who also allowed Michael Jackson to spend months
4 in bed -- in her own house, in bed with her son at
5 age 13.
6 For all her shortcomings, for all her
7 shortcomings, Janet Arvizo, within 36 hours of
8 learning that Michael Jackson was giving her child
9 alcohol, had all three of her kids out of Neverland
10 and they never went back. And that was amid a great
11 deal of pressure from a lot of very highly paid
12 people during that period of time.
13 On the 10th, when she went to the hospital
14 to furnish the sample of urine, she made this ruse
15 about going to a beauty parlor in West L.A., and in
16 that beauty parlor she called Jay Jackson. Jay
17 Jackson came. She said she was not going back to
18 the ranch. They took Gavin back to the ranch.
19 On the next day she had a court appearance,
20 on the 11th. They went to that court appearance.
21 Vinnie was supposed to bring the kids. Vinnie came.
22 He never brought the kids.
23 That next day was the 11th. They understood
24 very clearly that they had to get the kids out of
25 there, and that began the process of doing so.
26 They then hatched a plot with her mother,
27 Maria Ventura, who you met. You heard her

28 testimony. Again, use common sense. Is she making 12797

1 all of that stuff up? You saw her, you saw her
2 demeanor, you heard the words out of her mouth as it
3 was translated to you. The testimony was in
4 Spanish.

5 But they had to use a ploy to be able to get
6 those kids delivered from Neverland over to their
7 house. And they were delivered there. And they
8 never went back.

9 And Maria Ventura's testimony to you was
10 that she did not even recognize these children by
11 the time they got back. And certainly she did not
12 recognize Gavin. Angry, hostile, confrontational,
13 very upset that he had been taken away from
14 Neverland during that period of time. Very upset.
15 She testified to you that even today he is not the
16 same child that he was before he met Michael
17 Jackson.

18 What happened at Neverland during that
19 period of time? I mean, what was going on at
20 Neverland when they were there.

21 Well, you need to understand a little bit of
22 what the grooming process is. What happens to a
23 child who is exposed to a predator, and particularly
24 a predator who has a great deal of money and a great
25 deal of influence over children, and has the
26 ability, because of his reputation and his position,
27 not in the community, but the international

28 community as a celebrity, to be able to work with 12798

1 children in ways that nobody else can possibly
2 imagine?

3 The first thing that begins with children at
4 Neverland is that they're separated from their
5 parents, and they're separated from authority, and
6 they are separated from discipline.

7 During the five weeks that these children
8 were exposed to Michael Jackson, they've had no
9 schooling. They had no homework. They had no
10 discipline. Their mother, when she was there,
11 basically stayed in her room. The kids stayed with
12 Michael Jackson. They ran free. They did whatever
13 they wanted to do. They played all of the games
14 that are in Neverland. They rode on the rides.
15 They drove the golf carts around. They drove the
16 quads. They went to the zoo. They ate whatever
17 they wanted, which for a 12- and 13-year-old means
18 candy. They ate enormous amounts of sugar, candy,
19 ice cream, soda pop, whenever they wanted. When
20 they didn't want to eat, they didn't eat. There was
21 no discipline, there was only fun.

22 They played with video games, and they were
23 clearly the best video games that had ever been
24 invented. They played with all manner of toys.
25 They watched movies. They did whatever they wanted
26 to do during the course of the day.

27 And at night, they entered into the world of

28 the forbidden. At night they went into Michael 12799

1 Jackson's room, which is a veritable fortress. It
2 is a room that nobody else has access to. It is a
3 room that has codes and locks and multiple doors and
4 alarm systems, and they knew all of those alarm
5 systems and all of those codes, and they stayed
6 there, and they knew all of that information because
7 Michael Jackson wanted them to know all of that
8 information. And inside that room, in the evening
9 time, they entered the world of the forbidden and
10 they learned about human sexuality from somebody who
11 is only too willing to be their teacher.

12 And that discussion began with looking at
13 magazines. Looking at pornography. Looking at a
14 collection of sexually explicit material. It began
15 with very frank discussions about sexuality designed
16 to reduce their inhibitions. It began with
17 discussions about masturbation. It began with
18 discussions about nudity. It included a
19 presentation by himself, nude, to them, to these
20 children. It included an act of simulating a sex
21 act on a mannequin that was up in the room.

22 Now, again, I ask you, Mr. Mesereau is going
23 to say these kids made all of this up and they made
24 all of this up at the behest of Janet Arvizo. And
25 when he says that to you, you need to ask yourself,
26 does common sense suggest that that's how it
27 happened, when we find a mannequin in that room,

28 exactly the mannequin that they talked about nine 12800

1 months later? Janet was never up in that room.

2 Does that make sense that they would find -- that
3 they would find this thing that corroborates the
4 testimony of these boys so well when they talk about
5 him presenting himself nude? Who made that up?

6 It simply has the ring of truth to it. And
7 as you apply your common sense to this evidence, you
8 see that that's true, particularly given the wealth
9 of poverty -- of pornography that is found in that
10 room. Not just that room but in other places at
11 Neverland as well, something that clearly all of
12 them understand.

13 The grooming process takes a while. It
14 takes a while. Not a terribly long while, but a
15 while. And it begins with the selection of a
16 vulnerable child, because a child who comes from a
17 healthy household with two parents, two loving
18 parents who are watching carefully over their
19 children, is a much harder hold, to get a foothold
20 in for a predator than would be a child from a
21 broken home with only one parent, and with one
22 parent who deals with her own collection of
23 disabilities. That is a much more vulnerable home.
24 And when you look at all the other kids, you
25 will realize that there's a common theme with all of
26 them. There's no father in the picture in virtually
27 all of them. In the Barnes family, in the Robson

28 family. There was no child (sic) in the Chandler 12801

1 family. There was no father in the picture. Jason
2 Francia, there was no father in the picture. And at
3 this point, there was no father in the picture for
4 Gavin Arvizo either.

5 And in the case of their mother, as well
6 meaning as she was, this is a person who had endured
7 16 or 17 years of domestic violence, and an
8 additional year of watching her son almost die, and
9 she simply lacked the emotional wherewithal to be
10 able to deal with all that was going on at
11 Neverland, as hard as she tried. And even given her
12 limited sophistication and understanding, she still,
13 more than any of the others, understood that
14 Neverland was not the place for her children to be,
15 and she battled valiantly to get those kids the heck
16 out of there.

17 So what happened over that particular period
18 of time? Well, the vulnerable child is the one who
19 simply doesn't have the protection. A colleague of
20 mine uses the expression, he says, "The lion on the
21 Serengeti doesn't go after the strongest antelope.
22 The lion on the Serengeti goes after the weakest
23 antelope."

24 All predators go after the weakest, not the
25 strongest. To distinguish the weakest in terms of
26 children is the level of protection their parents
27 are able or unable to afford. And in this case,

28 this was the vulnerable child. 12802

1 Now, Gavin stood up here, at age 15, and he
2 testified for you. This is why we thought it was so
3 important that you see the actual disclosure in the
4 tape when he was 13 years old, and for the first
5 time disclosed to Steve Robel what had happened to
6 him.

7 But as he stood up here at age 15, think
8 about this for a moment. He stood before you at age
9 15 and in a room that's filled with people. It was
10 filled with people back then. There's 20 jurors
11 sitting in this box. There's a collection of people
12 sitting up here, and there's Michael Jackson, the
13 man that he once held in such high regard, the man
14 that he loved, the man that he spent endless nights
15 in bed with in the most intimate manner possible.

16 And he stood up here, at age 15, in a room
17 filled with people, and there's no question that the
18 people out there, a good number of them, are press,
19 national press. He knew that his words were going
20 to be showing up everywhere. It is a large
21 collection of people out there. That had to be
22 intimidating for him. It's intimidating for me.
23 You look out there, there are faces out there you
24 recognize. Some of them I even like.

25 (Laughter.)

26 MR. ZONEN: What would it have been like for
27 a 15-year-old child? And talking about what?

28 Talking about the most sensitive subject matter 12803

1 possible. The fact that he had been molested by a
2 man he once loved, a man he held in very high
3 regard.

4 And he plugged through it. And he talked
5 about what happened. And he talked about this
6 entire process of, over a period of weeks, being
7 shown sexually graphic material, being talked to
8 about intimate sexual matters, being oriented into
9 the world of sexuality at age 13, and sharing a bed
10 with him.

11 And finally he described to you an act of
12 lying in bed, drinking, having been drinking on
13 numerous occasions, drinking every night to a point
14 of intoxication, and he described to you two events
15 that he said he was sober enough to be able to give
16 descriptions with some level of accuracy. He
17 believed that there were more events, but those were
18 two that he was able to describe to you.

19 And he described the defendant lying in bed
20 with him and reaching his hand into his pajama
21 bottoms and fondling his genitalia, and at least on
22 one occasion to the point where he ejaculated. And
23 he described that, a 15-year-old boy.

24 All of you have known or know a 15-year-old
25 boy. And you have got to understand that that may
26 be probably the second most difficult moment in his
27 life. The first most difficult moment was that

28 moment you saw on tape as he sat with Steve Robel 12804

1 and for the first time ever disclosed what happened
2 to him.

3 That has got to be a difficult moment. And
4 yet we are supposed to believe, we are supposed to
5 believe that what he said was all made up, because
6 there's some expectation that in the future he would
7 become a wealthy person. This is a 15-year-old
8 child.

9 All of you have dealt with children at one
10 time or the other. All of you understand that the
11 expectation of telling a child, "Do this for me now,
12 and in two weeks, something good will happen for
13 you," that the response that you get from that
14 teenager is something along the line of, "Whatever."
15 That it is almost impossible to assure from a child
16 that they will receive some expectation of gratitude
17 or appreciation of something that will happen at
18 sometime down the line.

19 The suggestion that this child should
20 subject himself to the humiliation of this kind of
21 an ordeal and the ordeal of going through that
22 interview with Steve Robel that you watched, and you
23 watched that twisted response of a small child
24 having to disclose for the first time those kinds of
25 words at age 13.

26 The suggestion that all of this was planned
27 and plotted and it was simply nothing more than a

28 shakedown, a good acting job, is nonsense. It's 12805

1 unmitigated rubbish. You cannot do that to a child.

2 It would be impossible to do, even if he was

3 motivated to do it, and he wasn't. And he wasn't.

4 Would you go to the experts, please, Katz?

5 Now, there were a number of witnesses who

6 testified in this proceeding. And I'm going to be

7 quoting Stan Katz at this moment, who is of course

8 the person who was retained by Larry Feldman to

9 evaluate these children at the time. These are

10 questions that he answered:

11 "A pre-adolescent or adolescent boy is

12 hypersensitive about his sexuality."

13 "It would be extremely unusual for a child

14 who's developmentally at a stage where he's trying

15 to figure out who he is, and to actually become a

16 man, to make an allegation which would suggest that

17 he's had inappropriate sexual relationships with a

18 male."

19 This is somebody who has been doing this for

20 many years and has the reputation of being

21 conservative in his determinations that sexual

22 molestation took place.

23 "It would be extremely rare, because these

24 children are so protective and so guilt-ridden and

25 shamed by any behavior that's extraordinary and

26 ultra-normal."

27 "In my experience, a child who is going to

28 lie and fabricate cannot be consistent and hold that 12806

1 very long, because children are impulsive. They
2 can't delay gratification. You can't tell a child,
3 'Years from now, if you lie, something good will
4 happen.'"

5 All right. Now, Stan Katz obviously was a
6 witness who was hired by Mr. Feldman. There is
7 every expectation that Mr. Mesereau will say, "Well,
8 he's biased in his view. He was paid by Feldman.
9 Obviously he's on one side." But let's look at some
10 of the comments, if we could, by Dr. Esplin.

11 Dr. Esplin was, of course, the expert who
12 was retained by the defense, who was called by Mr.
13 Sanger. And look at a number of the questions that
14 he answered to.

15 "All right. Doctor, in terms of
16 disclosures, you agree with Dr. Urquiza" -- Dr.
17 Urquiza testified for the prosecution. "You agree
18 with Dr. Urquiza that you really can't draw any
19 conclusion from a child reporting late; isn't that
20 true?"

21 "Yes."

22 "And you would agree with Dr. Urquiza when
23 he says that the time and even the manner in which
24 one discloses is not necessarily reflective of the
25 truth of the allegation?"

26 And he says, "Yes."

27 "And in fact, children often report in

28 piecemeal. They give a little information now, and 12807

1 a little information later, and more information
2 after that; would that be true? That's not
3 unusual?"

4 And his answer is: "I would agree with
5 that, but you're talking about that they don't tell
6 you everything there is to tell on the initial
7 disclosure."

8 Dr. Esplin was the retained expert for the
9 defense who testified, and as I started asking him
10 questions about what might you logically see in the
11 case of the consenting victim, the victim who's in a
12 relationship with the offender, not one who's
13 abducted off the street, but one who is in a
14 consenting relationship with the defendant, with the
15 suspect, one who has been groomed to be able to
16 behave appropriately, because you need to
17 understand, it's not that hard to molest a child.
18 What's hard is getting away with it. In other
19 words, you need to develop the relationship where
20 you have the confidence that the child will not
21 reveal what's going on, that the child will accept
22 what's going on. Sometimes that the child will even
23 enjoy engaging in acts that a 13-year-old would
24 otherwise find repulsive, and you do that by
25 developing a relationship. Befriending a nonrelated
26 child. Spending a great deal of time with a
27 nonrelated child. Providing the child with

28 extravagant gifts or money. 12808

1 In this case, that child had been given not
2 just extravagant gifts or money, but gifts that are
3 personal to the defendant: The jacket off of his
4 back, a watch off of his wrist, a watch that he
5 represents is worth \$75,000. I don't know anything
6 about expensive watches. That one looks a lot less
7 than that, but that's what he represented to Gavin
8 at the time, "That's a watch worth \$75,000."

9 Taking the child to fun places. Doing fun
10 things. This is Dr. Esplin, their own witness.
11 What could be more fun than everything that is
12 Neverland?

13 Bestowing special privileges. Shares
14 intimate moments. What could be more intimate than
15 going to bed with a person night after night after
16 night, but staying in the same room, sequestered in
17 his suite, locked away from the rest of the world,
18 even locked away from the rest of Neverland?

19 Gavin Arvizo is the child in the upper left.
20 Brett Barnes is the child in the upper right.
21 Jordie Chandler is the child on the lower left. And
22 on the lower right is Jason Francia.

23 I want to talk to you now about some of the
24 corroboration that we've presented in this
25 particular case.

26 There was a collection of testimony from
27 different witnesses who came before you, and I'm

28 going to start with Jason Francia. Jason Francia 12809

1 today is 24 years old.

2 I apologize, I have a bit of a cold. But

3 I'll get through this, okay?

4 Jason Francia today is 24 years old. He is

5 very actively involved in his church. When he was

6 13 years -- excuse me, when he was ten years old, he

7 was molested by Michael Jackson. In fact, he had

8 been molested on two previous occasions by Michael

9 Jackson.

10 On the first of those occasions, which could

11 date back as young as age seven, Mr. Jackson fondled

12 his genitalia on the outside of his clothing. That

13 happened a second time. And then finally on the

14 third occasion, when he was about ten years old, it

15 was by putting his hand on the inside of his shorts

16 up through the leg and fondling his genitalia, skin

17 to skin. That event occurred when he was about ten.

18 He was the son of a maid who worked for Michael

19 Jackson.

20 Today, he's 24 years old. This was

21 disclosed when he was 13. It was disclosed in

22 conjunction with the investigation that took place

23 surrounding the allegations about Jordie Chandler in

24 the civil suit that was filed by Larry Feldman on

25 behalf of Jordan Chandler back in 1993 and 1994.

26 Jason Francia went through five years of

27 therapy after the resolution of their civil case in

28 his favor. Over five years, up until age of 18, and 12810

1 at the age of 18, he stopped his therapy, and he
2 went and became involved with his church.
3 Over the next six years, he went through a
4 program, an apprenticeship program to become a youth
5 pastor at that church, and today is a youth pastor,
6 but as well is the director of a youth mentorship
7 program at that church. In other words, they take
8 at-risk children, at-risk children, and they work
9 with them to show them that there are alternatives
10 to being involved with gangs, to being involved with
11 drugs, to being involved with criminal behavior.
12 And as he said it to you, one of the alternatives is
13 the discovery of God.

14 There is absolutely no reason to believe
15 that Jason Francia has anything to gain by coming
16 into this courtroom and testifying about what
17 happened to him when he was ten years old and when
18 he was younger.

19 Not only does he have nothing personal to
20 gain by it, he is not selling his story. He is not
21 going to a tabloid. He has never sold his story.
22 He has never gone to a tabloid. The civil claim
23 that was settled back when he was 13 years old had
24 nothing to do with him. Nobody asked his permission
25 or his involvement. He had no idea that his mother
26 had sold her story for \$20,000 until just days
27 before he walked into the courtroom.

28 Jason Francia appears to be the kind of 12811

1 young man you want living next door to you. He is
2 an absolutely -- a delightful young person and
3 there's just no indication that there's anything
4 about his personality or character that could be
5 defined in any way other than absolutely beyond
6 reproach, a man of impeccable character and
7 integrity. He came into this courtroom and he
8 testified that he was molested by Michael Jackson.
9 Michael Jackson paid money to his mother and
10 to him to settle that claim against him, as did he
11 do for Jordie Chandler. "Very favorably resolved,"
12 as Mr. Feldman said.

13 If you believe that Jason Francia testified
14 truthfully as he testified before you, then Michael
15 Jackson is a child molester. If you believe that
16 his testimony is truthful, and you have no reason in
17 the world not to believe it, it's corroborated by
18 the fact that Michael Jackson paid this kid off, and
19 the mother, and it's corroborated by the fact
20 that -- frankly, the testimony of Gavin himself.
21 But it is mostly corroborated by this child
22 himself, whose presentation before you was
23 absolutely sincere and painful. You watched him
24 struggle through his testimony in very much the same
25 way that Gavin struggled through his, both on that
26 video and in court as well. This is not an easy
27 subject for an adolescent boy, and it doesn't get

28 easier when they get into their 20s. He testified 12812

1 to you that he never told his mother. To this day
2 he has never told his mother. Gavin told you
3 exactly the same thing. He has never told his
4 mother what happened.

5 Jason Francia told you on the witness stand
6 that he never told his wife he had just married
7 within the last month before the testimony; that she
8 was hearing it for the first time sitting in the
9 courtroom. This is not the type of thing that
10 adolescent boys talk about or disclose. It is not
11 easy.

12 The suggestion that his testimony was
13 contrived and part of a plot to shake down a
14 celebrity is nonsense. You'll notice they never
15 accused Chris Tucker of anything. They never
16 accused George Lopez of anything. There were a
17 variety of celebrities that they were exposed to
18 when Gavin was sick. None of them have ever been
19 the recipient of any accusation whatsoever.

20 June Chandler testified in this particular
21 case. June Chandler testified that her child was
22 saturated with telephone calls, many telephone calls
23 over a long period of time, long calls going hours.

24 Exactly what Gavin said. This is what he does.

25 This is how he begins his relationship.

26 June Chandler testified that they went on
27 trips together. They traveled to Las Vegas. They

28 traveled to Monaco. They traveled to Paris. They 12813

1 traveled to New York. They traveled to Florida
2 together. This whole family. He took them many,
3 many places. June Chandler testified that he gave
4 the mother a diamond Cartier bracelet. June
5 Chandler testified that she got a gift certificate
6 from Michael Jackson from Fred Siegel, a higher-end
7 clothing store in Los Angeles. \$7,000.
8 And what was his relationship with her
9 child? While he was wining and dining the family,
10 and again there was no father in the picture during
11 this time, he was coming to June Chandler's home
12 every day at about three o'clock after school let
13 out, and he would spend the balance of that day and
14 night - and night - with Jordie Chandler, the
15 balance of the day and nights in his room, in his
16 bed, until the next morning, when Jordie would go
17 off to school and Michael Jackson would then leave
18 and return at three o'clock the next day. This went
19 on for weeks and weeks. It was at least 30 days
20 that this was going on. And that doesn't count the
21 period of time that they were traveling to places
22 like Monaco and Paris and New York and Florida and
23 Las Vegas during this period of time.
24 June Chandler has lost her son as a
25 consequence of this. She hasn't had a conversation
26 or seen her son since he was 13 years old. When all
27 of this came to light, the investigation occurred,

28 he went to live with his father. 12814

1 There is no reason to disbelieve anything
2 June Chandler said. In that lawsuit, she got a
3 settlement as well, and that settlement was at the
4 request of the defense, and it was at the request of
5 the defense because it included within that
6 settlement a provision that she not discuss any
7 aspect of Michael Jackson or that settlement. That
8 money that she got was to buy her silence, and it
9 did until this came along.

10 Ralph Chacon testified in this trial. Ralph
11 Chacon testified that he saw Michael Jackson in a
12 shower with Jordie Chandler. He believed that
13 Jordie Chandler was young at the time. Both of them
14 were nude. He saw it through the window into the
15 shower. He saw Michael Jackson caressing his hair,
16 he saw him kissing his head, kissing his face, once
17 against kissing his head. Again corroboration of
18 what Janet saw on the plane. She saw him -- he saw
19 him kissing his mouth. He saw Michael Jackson with
20 his hands all over Jordie's body, kissing his
21 nipples, and then finally putting Jordie Chandler's
22 penis in his mouth. He said he went back to the
23 house at that time.

24 He said he saw them leave the shower with
25 the bathing suits left behind. He said he saw them
26 leaving with Jordie Chandler up on Michael Jackson's
27 shoulders wearing only a towel, obviously nothing

28 else. The bathing suits had been left behind in the 12815

1 shower room.

2 You saw a separate occasion of them standing
3 in front of the Peter Pan display as Michael Jackson
4 kissed him and ran his hands down his crotch.

5 Ralph Chacon acknowledged that at a later
6 time he was involved in a lawsuit. He lost that
7 lawsuit. He declared bankruptcy. There was over a
8 million-dollar judgment entered against him as a
9 counterclaim by Michael Jackson, but you need to
10 understand something.

11 The disclosure of what he saw that day was
12 made under oath, in testimony under oath, a year
13 prior to that lawsuit taking place. It was made
14 under oath after he had been contacted by attorneys
15 representing the defendant, including Robert Sanger.
16 And he refused, refused at that time, to give
17 statements to them. That testimony was done under
18 oath well in advance of that matter.

19 There was the testimony of Kassim Abdool.

20 Kassim Abdool testified that he saw very much the
21 same thing in terms of Jordie Chandler walking out
22 of that shower on the shoulders wearing that towel.

23 There was the testimony of Adrian McManus. Adrian
24 McManus gave testimony that she saw Wade Robson
25 being kissed by Michael Jackson with his hand on his
26 buttocks. That she saw Brett Barnes in bed together
27 with Michael Jackson, something Brett Barnes readily

28 acknowledged. That she saw Macaulay Culkin being 12816

1 kissed on the cheek with a hand on his rear end.
2 And that she saw Jordie Chandler being kissed on the
3 cheek and then on the mouth and then with his hand
4 on his crotch.
5 She also filed a lawsuit against Michael
6 Jackson. She was part of that one at a subsequent
7 time. She lost that lawsuit. She's the only one
8 who did not seek bankruptcy protection, and as a
9 consequence, Michael Jackson has in the past
10 garnished her salary. She comes here and she
11 testified ten years later, says the same thing.
12 She's not going to get anything from this.
13 She's not going to get a story sold, none of that.
14 The only risk she runs is that her salary could
15 still be garnished at some time in the future.
16 Blanca Francia testified. She testified
17 that she saw Wade Robson in the shower with Michael
18 Jackson. His underwear was on the floor of the
19 room. He was about eight years old. She saw Wade
20 and -- Wade and Macaulay spending days on end in
21 Michael Jackson's bedroom.
22 Phillip LeMarque testified. And Phillip
23 LeMarque testified that they delivered french fries
24 to the arcade, and while he was in there, he saw
25 Michael Jackson holding up Macaulay Culkin. He saw
26 his hand going underneath his shorts. And he saw
27 his hand in the region of his crotch. Phillip

28 LeMarque's testimony directly corroborates both 12817

1 Jason Francia, and it directly corroborates as well
2 Gavin Arvizo.

3 Now, what other corroboration do we have of
4 the testimony of Jason Francia?

5 Could I have the pictures of the magazines?

6 There was a collection of material that was
7 shown to you during the course of this trial. And,
8 frankly, it took quite some time to show it to you,
9 and I want to go through some of this material right
10 now.

11 This book up here, entitled, "Man, A Sexual
12 Study of Man," was found inside Mr. Jackson's
13 bedroom. We had last night thought about presenting
14 some of the photographs inside this book. And we
15 decided -- and understand, as you've seen in the
16 course of this trial, we're not squeamish about
17 showing photographs. We've done that. We could not
18 find a photograph inside this manual that we felt
19 could be projected on this wall.

20 This is a detailed study of what two men are
21 able to do to one another sexually. The two men are
22 depicted in numerous photographs. The photographs
23 are divided in three categories. A series of
24 photographs of two men masturbating one another, the
25 second category of two men performing oral sex on
26 one another, and then the final chapter is two men
27 performing acts of sodomy or anal sex on one

28 another. The pictures are absolutely graphic. This 12818

1 is not a publication that you're going to find on
2 anybody's coffee -- anybody's coffee table.
3 This is a publication that Michael Jackson
4 had in his possession because it excites him. The
5 content of this publication is sexual. And it is
6 sexually exciting for him to have. That is the only
7 reason somebody would have this type of publication.
8 This is not appreciation of the content for its
9 photographic sake. It is not appreciation of the
10 content for its artistic sake. There is no artistic
11 sake to it. It's graphic depictions of two men
12 performing sex acts on them. You need to look at
13 that book. You need to look at the content of that
14 book. This is not possessed by him for any reason
15 other than the fact that he finds sexual excitement
16 in looking at them.
17 And then you have to ask yourself, are you
18 comfortable with a middle-aged man getting into bed
19 with a 13-year-old boy as he possesses material like
20 this that is, for him, sexually exciting? That's
21 the question you have to deal with.
22 "The Boy, A Photographic Essay." This book
23 was seized from Michael Jackson's possession in
24 1993. It is filled with photographs very much like
25 this.
26 "Boys Will Be Boys" is the other
27 publication. It is filled with photographs just

28 like this. All of the photographs in this 12819

1 publication are very much like this.
2 Now, I will suggest again that there may be
3 people who possess these because they find the
4 photographs to be artistic. That's possible. But
5 let me suggest to you that Michael Jackson possessed
6 this book in 1993, at a time that he was sharing his
7 bed, for months at a time, with one child after
8 another. A succession of young boys going into his
9 room for days and weeks and months at a time and
10 sharing his bed in the most intimate manner
11 possible. This was the kind of material that he had
12 in his room at the time. He possessed this because
13 it was sexually exciting for him, not because he
14 thought that there was something good about the
15 quality of the photography or because he considered
16 that to be art.

17 This is a book called "Cronos" that was
18 found in his room as well. That is a description or
19 an example of the photography in that book.
20 Now, in his bedroom, when we went in there
21 and we started opening drawers conducting our
22 search, is a drawer that contains, as -- just as you
23 open the drawer, that is the magazine that you see
24 that's in there. In that drawer, the testimony to
25 you was also found photographs of the Arvizo
26 children. That picture of the Arvizo children, with
27 Davellin in her uniform as an LAPD cadet and the

28 other two boys, was found in that drawer at that 12820

1 time.

2 This was found in a box at the foot of the
3 bed. Just like that. I mean, it may have been
4 closed, but all you have to do is open it up.
5 Remember the open-door policy that Mr. Culkin talked
6 about? Anybody could walk in there. His children
7 walk in there. The people -- the staff who walk in
8 there and clean his room. It had to be the case
9 that every single person who works at Neverland
10 understands that he collects material like this.
11 This is his bathroom on the first floor.

12 Look at the -- I didn't lose it. I didn't lose it.
13 It's here.

14 Right down here, that is a suitcase. Right
15 there is the black suitcase. This is in his
16 bathroom on the first floor. Anybody can walk into
17 that bathroom at that time. Inside that suitcase
18 was a number of different documents, including these
19 magazines. Also, there was a contract that you
20 received in evidence, a contract, I believe it was
21 the Neverland Valley Entertainment -- no, no. I
22 don't remember which one. There's a contract that
23 was in that suitcase at the time.

24 This is some magazines that was found on the
25 first floor near the bathroom.

26 Go ahead.

27 This was found in the bathroom, simply

28 sitting up on the counter, "Pimp Up, Ho's Down," and 12821

1 then copies of "Barely Legal."

2 Go ahead to the next one.

3 Guess what this is? This is the suitcase
4 that Gavin told you about. This is the suitcase, or
5 the briefcase that Gavin told law enforcement about.
6 And Star as well. Both of them said that there were
7 magazines in there. They described some of the
8 magazines. Some have been added to since then, some
9 have been taken away. It is from this collection of
10 magazines, from this collection, that we found all
11 of the fingerprints.

12 Go ahead to the next one.

13 These are figurines that are found in his
14 office. This is the office in the separate building
15 that's connected by a breezeway. You walk in there,
16 and they are on the desk. Again, his open-door
17 policy. Anybody in that ranch walks in there and
18 sees this stuff, including his own children. He is
19 simply not inhibited about hiding what he finds to
20 be interesting sexually. Everybody on the ranch
21 knows what's in there. His own witness, Maria, who
22 testified, the maid, says she has seen the
23 magazines.

24 Go on to the next one.

25 That's another one of the figurines.

26 Next.

27 This is inside the cabinet in the bathroom

28 to the office. You just open the door, and that's 12822

1 what you see. Another copy of "Barely Legal." I'm
2 going to be talking about that publication in a
3 moment.

4 Next.

5 Here is another drawer in the bathroom to
6 the office. You just open the door, a bottle of
7 Vaseline on the left and another pornographic
8 magazine on the right.

9 Go ahead to the next one.

10 All right. Now, the fingerprints that we
11 presented over a great deal of time, I'm going
12 resolve this in less than one minute - all right? -
13 because you already heard days and days of that.

14 This is a collection of the magazines for
15 which the fingerprints were found. You were exposed
16 to hours of cross-examination of each of these
17 witnesses as they talked about a fingerprint that
18 was misidentified in Spain, okay? Or in Oregon, or
19 in Philadelphia, or something like that. But the
20 bottom line is that there were no experts who were
21 presented by the defense to say that what we
22 believed to be fingerprints of Star or Gavin were,
23 in fact, mistakes. They didn't do that. And these
24 prints were given to them to analyze separately.

25 So the bottom line is that these are their
26 fingerprints. And by not producing evidence to the
27 contrary is an acknowledgement that these are their

28 fingerprints. As to Star in the green, there were 12823

1 fingerprints on one magazine called "Finally Legal."

2 Look at the topics of these things.

3 As to Gavin there are fingerprints on a

4 title "Barely Legal - Hardcore." And then there was

5 another magazine, "Visions of Fantasy," and another

6 one's "Al Goldsteins 100 Best Adult Videos."

7 One of those magazines actually went to the

8 grand jury, and it was that one. Remember Mr.

9 Sanger asking Paul Zelis on the witness stand,

10 "Detective Zelis, isn't it true all of these

11 magazines were handed to the boys during the grand

12 jury?" And the answer is, "No."

13 Of all the magazines that we found

14 fingerprints on, only one of them actually went to

15 the grand jury. All the rest of them were in the

16 possession of Charlene Marie, who testified.

17 Charlene Marie is the criminalist from the

18 Department of Justice, and all of those magazines

19 during the period of the grand jury hearings were,

20 in fact, in her possession.

21 This is the mannequin that Janet testified

22 to. The mannequin that -- not "Janet testified."

23 I'm sorry, that Gavin and Star testified that the

24 defendant simulated a sex act against them at that

25 time.

26 Let me take a moment to talk to you -- let

27 me take a moment to talk to you about the sexually

28 explicit material that was in his home. It was 12824

1 probably in three categories of material. There
2 were the two books, and others, that depict nude
3 children. There was the collection of material that
4 was homoerotic. Some of it extraordinarily graphic.
5 There are about five or six publications that he had
6 that contain homoerotic material. Some just
7 photographs and some depicting sex acts in the
8 extreme. And it's whatever two people, two men, can
9 do to one another.

10 Then there was a collection of heterosexual
11 material, mostly in the form of magazines. The
12 greatest collection of that material had titles like
13 "Just Legal" or "Barely Legal." They are magazines
14 that are selected -- for whom models are selected
15 because they are presumably 18 years old, but
16 frankly look 14. Okay? And for all we know,
17 they're 14 pretending to be 18 pretending to be 14,
18 because there's no way of knowing what their true
19 age is. Identification is easy to get ahold of.

20 Why is he in possession of all of those
21 magazines? Because he has 13-year-old boys in his
22 room and 13-year-old boys who look at those
23 magazines, and it's not an accident that that's
24 where the fingerprints come up. It's not an
25 accident. They did not go through his drawers and
26 find it in that room. It's not an accident that
27 that happened.

28 They're going through that material because 12825

1 he's showing them that material, and the selection
2 of those particular magazines are designed to appeal
3 to a 13-year-old boy, who is exactly at that stage
4 in his life, and looking through those pictures, he
5 sees images of -- what he sees are like girls that
6 he knows and goes to school with. He's 13 years
7 old, and these models are selected because, frankly,
8 they look that age, or 14, or 15, but girls that he
9 would be familiar with. That is sexually exciting
10 to a child and that reduces his inhibitions.

11 Why would he possess all of this material?

12 Why would a man who has an interest in homoerotic
13 material also have an interest in this kind of
14 heterosexual material? And my answer to that
15 question is, it's not for him. It's for the
16 children who come into his room.

17 The third area of corroboration that we're
18 dealing with is the alcohol. There was a great deal
19 of alcohol that was being poured at Neverland. He
20 was drinking a lot of it, and the kids were drinking
21 a lot of it. And we know it's true. Michael
22 Jackson has a drinking problem. There's no other
23 explanation to it. Jesus Salas described him as
24 being intoxicated many nights a week. Not drinking
25 many nights a week, intoxicated many nights a week.
26 That corroborated the boys when they said he was
27 intoxicated on a regular basis as well.

28 Let's go to the jury instructions, if we 12826

1 can.

2 We found bottles of alcohol in his room.

3 There's no question but that he was drinking. We
4 even have the testimony of his cousin, Rijo Jackson,
5 who said that while the boys were in his room, a
6 bottle of wine was delivered to his room.

7 I'm going to go through some of the
8 instructions fairly rapidly and we're going to move
9 on quickly.

10 He's charged with four counts of lewd act
11 with a child. That's Counts 2, 3, 4 and 5. Counts
12 2 and 3 deal with acts of molestation as described
13 by Gavin Arvizo. Counts 4 and 5 deal with the acts
14 of molestation as described by Star Arvizo.

15 Go ahead.

16 A lewd act with a child is -- there are
17 three elements to this offense. We have to
18 establish that a person touched the body of a child,
19 a child was under 14 at the time; that the touching
20 was done with the specific intent to arouse, appeal
21 to, or gratify the lust, passions or sexual desires
22 of either the person or the child.

23 If there's any kind of touching of a child,
24 it doesn't matter whether it's skin to skin, or skin
25 on clothing, or otherwise. Any touching of a child
26 under the age of 14 that is done because of the
27 sexual interest, it's done because he finds it

28 sexually satisfying to do, or he wants it to be 12827

1 sexually satisfying to the child, that is an act of
2 child molestation as defined under 288(a), which is
3 the offense that we deal with. Four counts. Two
4 counts separately as described by Gavin; two counts
5 separately as described.

6 On Count 6, Count 6 was an attempt of child
7 molest. That was described by Gavin, and that was
8 the incident where Michael Jackson took his hand and
9 brought his hand toward his crotch intending him to
10 fondle Michael Jackson. Gavin was not ready to do
11 that. The grooming process had not yet extended far
12 enough. He pulled his hand away. It's charged as
13 an attempt, but that's that count.

14 Attempt is a specific intent to commit the
15 crime, and a direct but ineffectual act toward its
16 commission. In other words, he took an act toward
17 doing it, and he intended to do it at the time.

18 That satisfies that crime.

19 The final four counts deal with
20 administration of an intoxicant to aid the
21 commission of a felony.

22 This is the final four counts, and each one
23 reflects a correspondence with each of the child
24 molestation counts. That the accused administered
25 an intoxicating agent to another person. He did
26 that every night while they were there. And, two,
27 the accused administered the intoxicating agent with

28 the specific comment to thereby enable or assist him 12828

1 in committing a lewd act with the child.

2 Conspiracy.

3 Move through this.

4 This conspiracy began as they were in

5 Florida. This conspiracy began when they decided

6 that they needed to get into the mind of Janet

7 Arvizo that she was in danger. A conspiracy is an

8 agreement to commit a crime, a specific intent to

9 commit the crime, a specific intent to commit that

10 crime, the specific intent to commit an overt act in

11 furtherance of that crime, all right?

12 The agreement may be unspoken, and the

13 agreement may be inferred from the circumstances.

14 Now, what does this mean?

15 Three men get together and decide that

16 they're going to rob a liquor store. One goes out

17 and buys a gun, one goes out and gasses up the car,

18 one goes out and selects which liquor store. All

19 three of those acts are in furtherance of that

20 conspiracy.

21 The three men get together and they

22 specifically say they're going to do that. You now

23 have a crime of conspiracy to rob a liquor store.

24 Does it matter that they did not rob the liquor

25 store? No, not in the least. Conspiracy is what

26 they call an inchoate crime, an incomplete crime.

27 The crime is sufficient --

28 There is something flying around. I'm not 12829

1 just doing that.

2 The crime is sufficient when they get into
3 the agreement that they're going to do it and one of
4 them takes one step in furtherance of the commission
5 of that crime.

6 They are charged with conspiracy in this
7 case.

8 There were overt acts - go ahead - "A step
9 or act committed by one or more of the
10 co-conspirators which goes beyond mere planning or
11 agreement to commit a crime and which step or act is
12 done in furtherance of the accomplishment of the
13 object of the conspiracy."

14 In other words, when the -- of the three
15 men, the one who goes out and buys a gun, which is
16 legal to do; one goes out and gases up the car,
17 that's legal to do; but it is the step in
18 furtherance of the conspiracy. All you need is one.
19 In this case, there are 28 overt acts that are
20 alleged in this conspiracy.

21 Go on.

22 "Overt act need not be criminal or
23 unlawful."

24 Go ahead.

25 It is, in this case, a conspiracy to commit
26 any of three different crimes, and all you need to
27 do is find one of them. Any of three different

28 crimes that they agreed to do. One is child 12830

1 abduction. In other words, the separation of Janet
2 Arvizo from her children.

3 Go ahead.

4 "A person took, enticed away, kept or
5 withheld, or concealed a child." "No right of
6 custody." "Malicious," which means bad. That's all
7 that means.

8 And No. 4, "A specific intent to detain or
9 conceal the child from the lawful custodian."

10 This was what happened. And this
11 actually -- remember, I said the crime doesn't have
12 to be completed at all? It's simply that they
13 intend to do it. This crime was completed when they
14 told her she could leave Neverland, but her children
15 are not leaving, and she was so scared that she felt
16 the need to leave. This crime was actually
17 committed at that time.

18 Go to the next one.

19 Definition of "keeps" or "withholds."

20 "Retains physical possession whether or not the
21 child resists or objects." In other words, these
22 kids were happy to be at Neverland. That's not --
23 it's a question of whether the mother has the right
24 to have these children.

25 "To entice," the -- the definition of that
26 is, "To allure, to attract, to draw, or to lead away
27 by exciting hope or desire." In other words, draws

28 these kids away with the promise that there was 12831

1 something fun to do, but separating the kids from
2 the mother. It does not necessarily include any
3 domination.

4 "Detain" means to delay, to hinder, or to
5 retard. It does not necessarily include force or
6 menace."

7 The second crime that we're dealing with
8 here is false imprisonment.

9 Now, there was a lot of cross-examination of
10 witnesses by Mr. Mesereau and even Mr. Sanger, where
11 they asked such questions of, "Well, did you hear
12 any screaming? Did you hear anybody calling for
13 help? As they walked from the car, did you hear
14 anybody calling for help? As they walked from the
15 car, did you hear anybody calling for help? As they
16 went in the building, did you hear anybody calling
17 for help?" That demonstrates a complete lack of
18 understanding of what this case is all about, and
19 this crime.

20 Nobody was falsely imprisoned, but there was
21 the allegation that they conspired to do so; that
22 they wanted that. They wanted to keep this family
23 at Neverland, and they wanted to take them to
24 Brazil. Now, the question is, did a number of
25 people get together and decide that they were going
26 to tell Janet that her life was in danger, and her
27 children's lives were in danger, and they used that

28 as a means to isolate her and keep her from moving 12832

1 about at will?

2 Whether or not it actually happened, we went
3 through hours - hours - of cross-examination about
4 all the opportunities she had to run away. That has
5 nothing to do with this case. The ultimate was when
6 we had that -- the orthodontist on the witness stand
7 giving testimony with a road map of Solvang, talking
8 about all the different escape routes out of
9 Solvang, and all the questions about, "Did you hear
10 any screaming out of the office? Did you hear any
11 yelling for help in the orth" -- as if Janet Arvizo
12 is going to leave her kids in the orthodontist seat
13 with braces on and run through the streets of
14 Solvang screaming. It simply has nothing to do with
15 this case.

16 The question is, did a number of people get
17 together and decide that they were going to frighten
18 her into believing that her children were in danger
19 for the purpose of keeping them isolated at
20 Neverland? That is false imprisonment. It is the
21 intent to commit that crime. Whether it actually
22 happened or not is completely irrelevant.

23 "False imprisonment. Intentional or
24 unlawfully confined or detained another."

25 By the time we got to that stage of talking
26 about whether the locks were on the inside of the
27 door of the orthodontist office or on the outside of

28 the door of the orthodontist office, I was ready to 12833

1 come screaming from the courtroom at that point.

2 Number two, that there was no consent in

3 false imprisonment. That somebody was simply taken --

4 was required to stay at a particular location.

5 Number three, "Accomplished by force or

6 threats that are either express or implied."

7 These were express threats. They told her

8 her children were in danger of dying; that there

9 were killers out there. And that has been

10 corroborated by that tape that we recovered from

11 Brad Miller's office.

12 Go ahead.

13 Extortion. This deals with taking from her

14 a value, and it was under threat or fear.

15 Go ahead.

16 "A person obtained tangible or intangible

17 property or other thing of value from a victim."

18 Go ahead.

19 "With consent. Consent induced by wrongful

20 use of fear." Fear.

21 "Specific intent to wrongfully use fear to

22 induce victim to give up their property."

23 What constitutes fear?

24 Go ahead.

25 Definition of "property" in this case. What

26 are we talking about? The use of fear to have them

27 give up their own likeness, which in this case was a

28 very valuable object. Everybody who testified in 12834

1 this case as to what went on in the early morning
2 hours of the 20th of February for this video
3 acknowledged that this was done for profit. That
4 video was worth millions of dollars to somebody.
5 But it was taken from the people who actually were
6 entitled to it. And that was the Arvizo family, and
7 that was done by means of fear.

8 The threat that there were people who would
9 harm her and her children if they didn't do this
10 particular project, that is extortion.

11 In this particular case it was a crime that
12 was actually accomplished. They certainly intended
13 to do it, but in this case it was actually
14 accomplished.

15 Go on to the next.

16 All right. I'd like to show you a couple of
17 documents very quickly. This is an interesting one.
18 Go ahead and expand the sentence on here.

19 This is a letter that had been e-mailed, and
20 I believe it was Marc Schaffel to one of the
21 Germans, but look at this statement that's on this
22 letter: "There's a possibility of a second show for
23 the 25th or 26th for the same amount or more. As
24 always, again, in my first plan, this would include
25 Gavin and his mother, as well as a Michael Jackson
26 interview."

27 Go to the next page.

28 The next page is an accounting of the amount 12835

1 of money that was going to come from this production
2 and that amount of money came to about \$3.2 million.
3 They were planning on using this production in a
4 very profitable way. They were planning on using
5 Gavin and his mother, Janet Arvizo, for their
6 profit. They had no intention on giving them a
7 penny.

8 Go to the next, please.

9 No.

10 MR. AUCHINCLOSS: Sorry.

11 MR. ZONEN: This is an exhibit of a document
12 that was signed by Janet Arvizo on the 7th of
13 February. This was while they were in Florida.
14 That top line, as she said, it was a blank piece of
15 paper when she signed it. When you take a look at
16 this document, that makes sense. The writing is
17 typed in, it's well above the signature. It's
18 certainly consistent with the fact that she signed a
19 document that had no paper (sic) on it.

20 If you look at the writing below it, "Mrs.
21 Arvizo also learned that Davellin and Star may have
22 been on T.V. without their consent. Please send it
23 back accordingly."

24 Do you know what this document does? This
25 document gives Michael Jackson the authority to
26 include Janet Arvizo in his lawsuit in England to
27 take "Living with Michael Jackson" off the air,

28 because she's the one with standing to do it. She's 12836

1 the one who has children for whom she did not give
2 consent for them to be on it. Michael Jackson needs
3 Janet Arvizo's signature to effectively pursue that
4 litigation. Not the other way around.

5 This is a fraudulent document. The
6 signature on the bottom was transposed. In other
7 words, a copy of her signature was made from another
8 document, it was pasted on, and then a Xerox was
9 made, and then somebody wrote -- and, look, it's in
10 the third person.

11 And in that bottom paragraph, "Miss Arvizo
12 also learned," whereas in the top paragraph, it's "I
13 confirm," first person.

14 This is a fraudulent document, and it was
15 used to be able to effect her inclusion in this
16 lawsuit in England. And even David LeGrand on the
17 witness stand has so acknowledged.

18 Go ahead.

19 This is a document containing the
20 expenditures of money.

21 Can we see this? Can we blow it up? Go
22 ahead.

23 This is incoming money from Fox Studios on
24 the 13th. This is an advance on what this
25 production was going to be, \$750,000. On the 20th,
26 the day before the production, it was 750,000.
27 We're up to 1.5 million. On the next one, an

28 incoming wire, this is the day after the production, 12837

1 of 1.5 million. They're now up to three million.

2 Go ahead.

3 And finally, Alfred Haber, this deals with
4 the incoming money from overseas, another half
5 million, and another half million five days later.
6 Four million dollars they got on the production of
7 the "Take 2," the one that Michael Jackson was going
8 to include the production of the Arvizos as well,
9 but frankly, he couldn't get it done in time because
10 she refused to go back to Neverland.

11 Go ahead.

12 "Hale Lane" means that there was -- this is
13 the money to David LeGrand. He gets \$80,000.

14 Go ahead.

15 This is for Neverland Valley Entertainment.
16 That means Marc Schaffel. He gets \$150,000 for his
17 involvement.

18 Joe Marcus gets \$35,000. He's the ranch
19 manager. And this is on the 14th. This is before.
20 You know, and this goes into his account. Joe
21 Marcus is the one who put the notations, "Do not let
22 Gavin leave the property." Remember that? On the
23 19th?

24 Remember what they said about that? "Well,
25 do not let Gavin leave the property was because he
26 drives an SUV."

27 That's nonsense. That notation went on

28 one-half hour after Hamid Moslehi arrived to do that 12838

1 video. They wanted to make sure that family was
2 there to do that video.

3 Go to the next one.

4 Neverland Valley Ranch. That's Michael
5 Jackson. \$60,000.

6 Go ahead.

7 Geragos & Geragos. Look at this. On the
8 14th, Geragos & Geragos. Mark Geragos worked for
9 him for seven days and got \$70,000. It's not over
10 yet.

11 Go ahead.

12 Hale Lane, that's -- again, that's the
13 attorney, LeGrand, \$40,000.

14 Ken Finkelstein is the attorney in New York,
15 represents Michael Jackson. He's managing the
16 money. This is the account from Fire Mountain.

17 This is the money that came into that account that
18 had been created, a corporate structure that had
19 been created to be able to deal with the money that
20 came from the production of "Take 2." Ken

21 Finkelstein is an attorney representing Michael
22 Jackson. With Michael Jackson's knowledge and
23 approval, two million dollars goes to him for his
24 management on behalf of Michael Jackson of that
25 production.

26 Go to the next one.

27 Hale Lane, another \$30,000.

28 Go ahead. 12839

1 Allan Whitman is his accountant, \$150,000.
2 That's what goes to pay the creditors. That's it.
3 He owes ten million dollars to his creditors.
4 That's what goes for that.
5 Go ahead.
6 Another document in here. This is the
7 demonstration of the money, of the two million
8 dollars that went to Finkelstein in New York.
9 Another \$41,000 to Geragos & Geragos. At
10 this point we're up to \$110,000.
11 Another \$70,000 to Geragos & Geragos. This
12 is now \$180,000 to Mark Geragos. This is all within
13 the first three weeks of his representation of
14 Michael Jackson.
15 Do you remember his testimony here? Do you
16 remember when I asked him how many conversations he
17 had with Michael Jackson? One that he had, on the
18 first day he was there, he does not remember the
19 content of that conversation. Remember that? When
20 I asked him about conversations with anybody else,
21 he had no recollection of any of them.
22 Conversations with Marc Schaffel, conversations with
23 Dieter or conversations with Ronald Konitzer,
24 conversations with Cascio. None of them did he
25 remember, none of them did he take notes on, none of
26 them did he keep notes on, none of them he could say
27 in court.

28 He got \$180,000 in his first three weeks of 12840

1 representation of Michael Jackson and can't sit up
2 here and represent to you one single conversation he
3 had and adamantly denies that he ever had a
4 conversation with Michael Jackson. Adamantly denied
5 that he ever knew that this family was staying at
6 Neverland. Adequately denied that he knew anything
7 about a trip to Brazil. Adamantly denied that he
8 knew anything about passports. Mark Geragos, who
9 stood up here and testified, "I" -- anything about
10 ever being told by an attorney representing Janet
11 Arvizo, that there was a demand for her passport,
12 her birth certificate, original certified copies,
13 and visas to New York.

14 She had an absolute right to be concerned
15 about them being in possession of her passport. An
16 absolute right. And Dickerman had an absolute right
17 to demand it. And he sent six letters to Mark
18 Geragos, and we presented them. And every one of
19 those letters we corroborated and confirmed that
20 they had been -- the first one delivered,
21 hand-delivered to Mark Geragos, and five additional
22 letters sent by fax, and we provided the proof that
23 the facsimile had been delivered.

24 In all six of those letters he makes a
25 demand that the passports be returned. Mark Geragos
26 says, "I knew nothing of the passports. I knew
27 nothing of the visas. I knew nothing of the trip to

28 Brazil. I had no conversation with Michael Jackson, 12841

1 certainly not that I recall. I took no notes of
2 anything. I don't remember anything of any
3 conversation with anybody else. All I knew was that
4 Janet Arvizo was trouble, and I said, 'You need to
5 do something about that.'"
6 I said to him, "Well, when did you first
7 learn that they were living there for the better
8 part of five weeks, that these children were staying
9 in his room, that these children were about the last
10 of a succession of boys who had been living in his
11 room, sharing his room and in fact sharing his bed?"
12 And his answer, "I knew nothing about that."
13 Even the production of "Living with Michael
14 Jackson," the reason that he had been retained, that
15 production itself he said he didn't watch for weeks
16 and had never read the transcript. Did not know
17 about the content of the phone conversation that was
18 recorded by Brad Miller. Had never seen that
19 transcript either.
20 What exactly was he paid \$180,000 for over a
21 three-week period? Because if you believe him in
22 his testimony, he is both the most incompetent
23 lawyer who ever occurred and the most uninformed.
24 And that is not Mark Geragos. That's not his
25 reputation. And that means when he testified that
26 he did not know anything about those passports, even
27 though they were in his vault, and had been in his

28 vault for over a year, in a law office that had a 12842

1 protocol set up to be able to deal with evidence
2 being deposited into that vault, "I didn't know it
3 was there. I didn't know who got it. I didn't know
4 who put it in there. Nobody signed for it. It just
5 happened to be there."

6 This is the case of The People versus
7 Michael Jackson. This isn't the case of John Doe
8 being charged with drunk driving. This is the case
9 of People versus Michael Jackson. There is nobody
10 who is going to be able to convince you that when
11 four passports, four birth certificates and four
12 visas are delivered to Mark Geragos' office
13 involving who? The victim in this case and his
14 mother, his brother and his sister, that he did not
15 know about that.

16 Go ahead to the next one.

17 \$180,000. Mark Geragos' testimony before
18 you was simply not true.

19 Now, why was Mark Geragos testifying there?

20 He was there to testify that his investigator, Brad
21 Miller, told him that Janet Arvizo asked for money.

22 You have to simply not believe that.

23 Because Brad Miller, one thing he's capable of doing
24 is running a telephone wire and running a
25 tape-recorder. And if, in fact, she had ever asked
26 him for money, we would have a tape of that. They
27 never even put Brad Miller on the witness stand.

28 And you have to disbelieve Mark Geragos when he 12843

1 says, "That's what Brad Miller told me." And that
2 is the only testimony that came in, three months of
3 trial, that actually has somebody saying Janet
4 Arvizo asked Michael Jackson for money. Nobody else
5 has said that at any time.

6 This is a document that was sent to Yolanda
7 and Raymond Trujillo. They were the landlords of
8 the Soto Street address. That document right there.
9 The reason I'm showing it to you is, I want you to
10 look at that signature.

11 Go to the next one.

12 Again, to Yolanda and Raymond Trujillo.

13 This is about moving them out of that apartment.

14 Mr. Geragos said, "We paid for it because they
15 wanted to keep tabs on her." The answer to that is
16 no, they didn't. They moved them out of that
17 apartment because they wanted to ship them off to
18 Brazil and Mr. Geragos was part of that plan.

19 Again, look at the signature over "Janet Arvizo."

20 Now go to the next one.

21 The two top are the two signatures you just
22 looked at. The bottom one is actually her
23 signature. She never signed those authorizations to
24 have her property moved out of that apartment.
25 Those are forgeries. Just like that document on the
26 7th of February that was done in Florida that
27 included her in that civil suit.

28 Go to the next one. 12844

1 This is a document, and as we blow up the
2 portion in here that I want you to see, it shows
3 Janet Arvizo at 11520 Trent. The "N" is obscured in
4 this photograph, but you can actually see it in the
5 document which is in evidence. 11520 Trent Avenue,
6 Trent Court in Calabasas, is an address that does
7 not exist. Does not exist.

8 Go to the next one.

9 All right. Before I get to that, let me
10 talk a little bit more about what was going on in
11 terms of Mark Geragos, Brad Miller and all of the
12 others.

13 THE COURT: Counsel? Since you shifted, it's
14 time for a break.

15 MR. ZONEN: Okay. We'll do that.

16 (Recess taken.)

17 THE COURT: Counsel?

18 MR. ZONEN: Thank you.

19 They were erasing this family. Remember
20 that movie that came out a few years ago starring
21 our Governor? They were erasing this family. It
22 began with that note that you just saw, the Trent
23 Court address that doesn't exist as the address that
24 they used for the purchase of the tickets to Brazil.
25 A one-way ticket was the testimony of what they
26 wanted to do. Ultimately bought a round-trip,
27 because that's the only way they could do it and get

28 into Brazil was to show that you have a ticket to 12845

1 get back out of the country, but that wasn't one
2 that they had to use. They had no intention of
3 bringing this family back from Brazil at any time
4 soon.

5 The furnishings that were taken out of the
6 apartment were taken to an unknown location. Nobody
7 knew where it was. And it took Mr. Dickerman two
8 and a half months in order to get a response of
9 where this property was. The property was put into
10 the vault at this storage facility and it was put in
11 the name of Brad Miller. Nobody else's name was on
12 it. There was no way to trace that stuff to them.
13 There was no information that was given that
14 reflected accurate information about where the
15 family was going. Vinnie checked the kids out of
16 John Burroughs Middle School. All debts were paid
17 to John Burroughs Middle School with regard to the,
18 excuse me, debts on the books. Whatever books
19 weren't returned, they were paid. At John Burroughs
20 Middle School, they were told the kids were going to
21 be going to Phoenix. They obviously weren't going
22 to Phoenix.

23 On the applications for the passports, they
24 said that the family was going to be going to France
25 and Italy. They obviously were not going to France
26 or Italy. And finally, they got visas through the
27 Brazilian embassy to go, in fact, to Brazil. Janet

28 Arvizo told you that that decision was made to go to 12846

1 Brazil after they realized that any other country in
2 South America would be a country where she would be
3 able to speak the language, but couldn't do so in
4 Brazil.

5 The family literally was being erased.

6 There was no evidence where they were going to.

7 There was no evidence of where they had been, the
8 apartment being closed out, all debts having been
9 paid. They were simply going to disappear in
10 Brazil.

11 Now, why? Why were they doing that? Why
12 was the surveillance going on? Why did the
13 surveillance continue to go on even days after they
14 had left?

15 And I think the answer to that, I want you
16 to think about two things. When we showed you the
17 surveillance tapes that we seized from Brad Miller's
18 office, and again there's no reason to believe that
19 was the sum total of them, because they were simply
20 snippets of surveillances. They obviously did hours
21 and hours and hours over a long period of time.

22 Something had to justify \$180,000 worth of billable
23 hours in three weeks, so it was obviously more than
24 seven minutes of surveillance. But one of them was
25 particular -- two of them were particularly telling.
26 The first one was the surveillance camera
27 from a car that was directly behind that Range Rover

28 that had the Department of Social Services workers 12847

1 in it as they were having a conversation with Janet.
2 This was the day after, the day after her interview
3 with the DCFS at Jay Jackson's apartment. And it
4 was being filmed as she talked with them through the
5 window of the Range Rover, exactly as she had said.
6 Janet Arvizo had no way of knowing that,
7 months later, we would do a search of Brad Miller's
8 office and find a surveillance tape, but she kept
9 telling everybody, "They're following us. They're
10 filming us." And she told you that accordingly.
11 That film is corroboration of the fact that that
12 happened.
13 That film actually captures Vinnie running
14 up to the car at some point as they left and her
15 walking with Vinnie. They're literally surveilling
16 Janet while she's with Vinnie. And he knows it.
17 They're still following behind and they're taking
18 pictures. And yet we're supposed to believe she's
19 nuts when she says they follow with a camera crew
20 and take pictures. They do. And we seized some
21 evidence of that.
22 But the other one that's the most telltale
23 of all of the surveillance was the one that was done
24 I believe on the 22nd of March. You can see it
25 again, if you wish. It was the one in El Monte at
26 the home of the Venturas, David and Maria Ventura.
27 And it was while Davellin was walking home from

28 school. And she had her book bag on her back. And 12848

1 what's telling about this is, she knew she was being
2 followed and they knew that she was watching and
3 that she knew. They knew she knew. She knew they
4 knew.

5 She was scared to death. She looks back.

6 She sees this car. She runs to her parents'
7 backyard, closes the gate behind her, and once again
8 looks back, and you can see that. And you can see
9 the expression on her face. And they continue to
10 film. They don't drive away. They don't engage in
11 any kind of evasive behavior. They wanted her to
12 know that she was being followed. They wanted her
13 to be scared. They wanted this family to understand
14 that there was still a threat to them. They wanted
15 this family still back at Neverland.

16 If you would, please.

17 There was a note that was left on Maria and
18 David Ventura's house. That note is this one right
19 here. The note that was left and the testimony that
20 they had, it was this person Johnny, whose, frankly,
21 level of education is comparable to the photograph
22 that he took. Johnny misspells "Vinnie" in here.

23 But think about this for a second: This is
24 ten days after they had left Neverland. And you
25 have this adult man misbehaving, throwing stones at
26 the house, who leaves a note to a 13-year-old boy
27 and to a 12-year-old boy to, "Please call Frank or

28 Vinnie" That, I'm assuming, should be "Vinnie," 12849

1 V-i-e-n-n-y, at -- and that's the number. And
2 that's of course in -- up in Santa Barbara County.
3 That's at Neverland. Now, they add -- and on the
4 other side it says, "To Star or Gavin."
5 Now, imagine that you're the parent for a
6 moment and some man is throwing stones at the house
7 and leaving a note on the door to your children to
8 call for an emergency.
9 There was a real concerted effort to get
10 this family back to Neverland. Why? Why would they
11 do that? Why can't they just leave this family
12 alone?
13 And the answer to that is that they were
14 profitable to them, and they were a potential
15 liability against them. If they were out wandering
16 about and doing what they wanted to do, there was
17 always the possibility that at some point in time
18 this family would end up on a television station, of
19 some other station, talking about all the
20 pornography and all the drinking, all the problems
21 that is Neverland. That was their fear.
22 There was a second fear that they had. And
23 let me suggest to you that that fear was even more
24 paramount.
25 Aside from the fact that they were
26 exploiting this family for just simply money, the
27 very thing that Mr. Mesereau tells you was the

28 motivation for Janet Arvizo, in fact was their 12850

1 motivation all along. This family was profitable.
2 The press wanted to know all about them, who they
3 were. Frankly, they wanted to know who Michael
4 Jackson's new boyfriend was, the truth being very
5 simple in this regard. This family was profitable.
6 And they wanted to capitalize off that profit, not
7 allow them to do so.

8 But I think another issue that you need to
9 take into consideration is this: All of the
10 sexually explicit material that we showed you during
11 the course of this trial, and during this closing
12 argument, was found in a number of different
13 locations in Neverland. It was in the bathroom, it
14 was in the office, it was in the cabinets, it was
15 out of the cabinets, it was on the counters. It was
16 readily visible and a lot of people knew about it.
17 The maids, certainly, who cleaned, they knew about
18 it. The kids who were around there, they knew about
19 it. The staff, they knew about it. The person who
20 bought this material for Mr. Jackson, they knew
21 about it.

22 They all knew about the drinking. They all
23 knew that Michael Jackson drinks entirely too much
24 and achieves levels of intoxication on a regular
25 basis. They also knew that Gavin was not the first
26 of a succession of young boys who have disappeared
27 into his room for long periods of time. Not just

28 hours, but days, weeks, and even months. Everybody 12851

1 understood what was going on at Neverland, and for
2 anybody to say otherwise is simply not being honest.
3 They understood.

4 And the realization, particularly from
5 Frank, who was there back in the year 2000, at the
6 time the sexually explicit materials and images were
7 shown to these boys, who were then only nine or ten
8 years old, he particularly understands. And that's
9 why, when you look at those phone record charts, you
10 realize that he is the center of attention.

11 There is the very real fear that at some
12 point in time, a Sergeant Steve Robel, or a
13 Detective Craig Bonner, or a Lieutenant Jeff
14 Klapakis, or a Detective Vic Alvarez is going to
15 show up at that door with a search warrant, because
16 they know what's going on at Neverland. And that
17 effort to isolate this family, not just from the
18 public and not just from the press, but from the
19 police, was one of the incentives to get this family
20 into Brazil where they might stay for any length,
21 period of time.

22 Among the documentation that you have in
23 evidence is documentation that came back and forth
24 between Marc Schaffel and others that refer to this
25 "vacation" that they were going to be taking. And
26 in a number of those documents, whenever you see the
27 word "vacation for Janet and boys," "vacation" is in

28 quotes, which of course means it's anything but a 12852

1 vacation.

2 The incentive in this case by Michael
3 Jackson and all of his employees was, first of all,
4 to exploit this family financially so that he might
5 be able to salvage a second career financially and
6 bring some much needed funds into that business
7 enterprise, and secondly, to salvage his career.
8 And that was done at the expense of this family.

9 It is also the case that Gavin Arvizo,
10 demonstrating remarkable courage in coming into this
11 courtroom, gave testimony to you about a series of
12 events that took place in Michael Jackson's bedroom
13 when Michael Jackson, not for the first time, took
14 sexual liberties with a 13-year-old boy. That
15 information and testimony is entirely credible,
16 entirely accurate, and entirely truthful. It should
17 be believed, and Michael Jackson should be held
18 responsible for what he did.

19 Thank you.

20 THE COURT: All right. Thank you, Counsel.

21 Mr. Mesereau?

22 MR. MESEREAU: We need some time to set up,
23 if we may, Your Honor.

24 THE COURT: You may.

25 MR. MESEREAU: Thank you. Miss Yu went
26 upstairs. I have to find her. She's doing computer
27 type of things.

28 May I just -- 12853

1 THE COURT: Yes.

2 MR. MESEREAU: Okay. Thank you.

3 (Discussion off the record.)

4 MS. YU: I'm having some computer problems.

5 I'm sorry, Your Honor.

6 THE COURT: It's okay.

7 MR. MESEREAU: Still having a computer

8 problem.

9 THE COURT: Take your time.

10 MR. MESEREAU: Thanks.

11 It may take five or ten minutes. Something

12 happened to the computer. Apologize.

13 THE COURT: That's okay.

14 THE BAILIFF: Judge, I.T. is on their way,

15 too.

16 MR. MESEREAU: We're going to be just a

17 couple of minutes. Thanks.

18 I think we're almost there, Your Honor.

19 MS. YU: I'm sorry.

20 THE COURT: (To the jury) I should tell you,

21 everything was tested yesterday and it all worked.

22 So it's not that this is the first time they're

23 trying to do this.

24 THE BAILIFF: This computer gremlin came

25 and....

26 MR. MESEREAU: I think we're ready, Your

27 Honor.

28 THE COURT: All right, Counsel. 12854

1 MR. MESEREAU: Thank you.

2 Thank you, Your Honor. Like in the age of
3 computers, right?

4 Ladies and gentlemen of the jury, I'd like
5 to begin my closing argument by thanking each and
6 every one of you on behalf of Michael Jackson, his
7 family, and everyone at the defense table for all
8 the time you've spent on this case. It's been a
9 long trial. You've spent many months. You spent a
10 lot of time looking at some testimony that was
11 interesting and some that was not, some that was
12 dull and some that was exciting, but you've had to
13 work very, very hard, and we all appreciate it very
14 much. Thank you very much.

15 Ladies and gentlemen, I just heard a
16 prosecutor get up, start his closing argument with
17 an attack on me. And whenever a prosecutor does
18 that, you know they're in trouble.

19 Now, I can look at you and say, "Mr. Sneddon
20 said that Debbie Rowe would testify that the
21 outtakes were scripted." She did not. She said the
22 opposite.

23 I can tell you that Mr. Sneddon said that
24 Chris Carter would testify to acts at Neverland. He
25 never showed up.

26 I can tell you that Christian Robinson was
27 supposed to come for the prosecution and say things

28 were scripted. He did not. We called him. He 12855

1 said they were not scripted.

2 That's not the point. This is not a

3 popularity contest between lawyers.

4 The issue in this case is the life, the

5 future, the freedom and the reputation of Michael

6 Jackson. That's what's about to be placed in your

7 hands. And the question you have before you is very

8 simple. Do you believe the Arvizos beyond a

9 reasonable doubt, or not?

10 If you don't, Mr. Jackson must go free.

11 I submit, based upon the testimony you've

12 heard, the witnesses you've seen, the issues you've

13 seen addressed, there is no way in the world you can

14 find that the Arvizos are trustworthy beyond a

15 reasonable doubt.

16 And if you can't do that, if anything they

17 said to you, if anything they presented to you

18 causes you to pause and wonder or suspect what

19 really happened, Mr. Jackson must be acquitted under

20 our legal system.

21 You have heard so much testimony about the

22 scams of Mrs. Arvizo. The prosecutor gets up and

23 tries to prop her up, justify her actions, explain

24 her as a nice person, tell you you can trust her,

25 tell you everyone should trust her. And he

26 especially looks at you in the eye and says, "She

27 never asked for money."

28 Well, I have some questions for the jury. 12856

1 When she took her children to The Laugh
2 Factory, placed them on stage, had them do skits and
3 plays about their poverty, about how poor they were,
4 about the part of town they came from in front of
5 George Lopez; when she told George Lopez a story
6 about how her children used to dive for coins in a
7 fountain; when the fund-raisers took place and money
8 was raised, and Janet Arvizo called George Lopez and
9 wanted to give him a gift to thank him, was she
10 asking for money?

11 When Janet Arvizo and Davellin kept hounding
12 Chris Tucker, "When are we getting the truck? When
13 are we getting the truck? When are we getting the
14 truck?" was she asking for money?

15 When Janet Arvizo went to Miss Kennedy, who
16 owned the dance class and said, "You know, we
17 settled the J.C. Penney case. We got some money out
18 of it, but all we ended up with were two bicycles.
19 Please continue to give my children free lessons,"
20 was she asking for money?

21 When Janet Arvizo concocted the J.C. Penney
22 fraud, when her lawyer was shocked, after 25
23 meetings with her, to hear her say at a deposition
24 how she'd been fondled 25 times by J.C. Penney
25 security guards, was she asking for money?

26 When Janet Arvizo had her children call
27 celebrities, constantly hounding celebrities, trying

28 to get money, with her in the background scripting 12857

1 them and coaching them, do you think she was asking
2 for money?

3 When Janet Arvizo went to the editor of the
4 local newspaper in El Monte and said, "We have no
5 insurance. Chemotherapy costs \$12,000 per
6 injection. Please put the bank account number in
7 your article. Please do an article. I know it's
8 against your policy to do things like this, but
9 please do it for us, because we can't pay our
10 medical bills," was she asking anyone for money?

11 When the calls went to Jay Leno, repeated
12 messages, "You're my favorite comedian," messages he
13 thought were awfully effusive, sounded scripted,
14 sounded contrived, didn't sound like the appropriate
15 message from a child of that age, when he called the
16 hospital and a woman was in the background telling
17 her son to be effusive, to be wordy, to continue to
18 tell him, "You're my favorite comedian," when he
19 thought they might be asking for money but they
20 actually didn't, what was Janet Arvizo doing?

21 Ask yourself, "Do I have any problem
22 believing what Janet Arvizo says?" Because if you
23 have the slightest problem that's a reasonable one,
24 the slightest doubt that's a reasonable one, the
25 slightest suspicion, Mr. Jackson must go home and he
26 must be free.

27 Now, the list of people she hustled is

28 endless. You know that ten days after the J.C. 12858

1 Penney settlement -- the prosecutor wants you to
2 think she just got \$32,000. The fact of the matter
3 is, she put 25,000 in an account for Gavin, she put
4 8,000 in an account for Star, and she set that up so
5 that she can't touch it, which I commend her for.
6 She got much more than \$32,000, and yes, she had to
7 pay legal fees and costs, and that's what you
8 normally do when you file a lawsuit and take it to
9 settlement. But when she filed for emergency
10 welfare ten days after getting that money, was she
11 asking for money?

12 In the J.C. Penney case, in her deposition
13 when she admitted that she had filed a state
14 disability claim because she was depressed, and when
15 she was asked, "Why are you depressed?" she said,
16 "Because I'm a nobody," was Janet Arvizo asking for
17 money?

18 When she fraudulently sought food stamps,
19 when she fraudulently sought disability, when she
20 fraudulently sought every state benefit she could
21 get her hands on by perjuring herself and perjuring
22 herself and perjuring herself through constant
23 welfare applications, where she disguised
24 settlements, disguised bank accounts, disguised
25 benefits, was Janet Arvizo seeking money?
26 Because if you think she was, the
27 prosecution falls.

28 Now, ladies and gentlemen, the issue is 12859

1 very, very simple. If you do not believe the
2 Arvizos beyond a reasonable doubt, Michael Jackson
3 must be acquitted. That's the law.
4 And these claims are completely based upon
5 your having to believe the Arvizos every which way
6 but Sunday. You've got to believe them.
7 Now, I submit that the witnesses we have
8 called and the cross-examination we have elicited in
9 this case proves the Arvizos are con artists, actors
10 and liars.
11 What do I mean?
12 Janet Arvizo is a very interesting
13 individual in some ways. Janet Arvizo sometimes
14 directly asks for money. She directly asked her
15 lawyer, Mr. Ranieri, for a contribution. He said
16 no.
17 More often than not, Janet Arvizo does not
18 directly ask for money. But she's so skilled at
19 what she does in articulating her tales of woe, her
20 family's poverty, her abuse, all the problems, that
21 invariably the person she's talking to decides on
22 their own to write her a check.
23 Isn't that what happened to Hamid Moslehi at
24 the home during the rebuttal video? He saw her
25 giving an acting lesson, as she describes it, about
26 her state of affairs. "Everybody abandoned us.
27 DCFS. My husband. Everyone. Nobody would come. I

28 couldn't -- I couldn't feed my children. I had no 12860

1 cereal to give them. We had no money. We had no
2 means of transportation. We couldn't get anywhere."
3 She tells all of this in the rebuttal. Then
4 she has a 25-minute discussion with Hamid, and what
5 does he do? He writes her a \$2,000 check.
6 I ask you, was she asking for money?
7 When she was on the phone with Jamie Masada
8 and Jay Jackson -- and she was living with Jay
9 Jackson at the time. He was making \$80,000 a year.
10 And Jay Jackson asked if Masada would pay the costs
11 of the karate school with Janet on the phone, do you
12 think she was asking for something?
13 See, Janet Arvizo is much smarter than her
14 ex-husband David. David was like a bull in a china
15 shop. He would just come out and say, "Give us
16 money," or he'd send Gavin out to say, "Give us
17 money."
18 Janet develops a relationship first. She
19 hardly knows you and she's hugging you. She's
20 loving you. She's saying, "You're our family.
21 You're my brother. You're my father. We're all
22 part of your family and you're part of ours."
23 She starts sending letters to Michael
24 Jackson in 2002, when Mr. Zonen told you there was
25 no contact. Every letter, "Daddy Michael, you're
26 our family. We love you. We can't live without
27 you," words to that effect.

28 Janet Arvizo waits and develops a 12861

1 relationship before she looks you in the eye and
2 gives you a tale of woe about why you should give
3 something to her. And it's happened time again,
4 time again, time again.

5 Now, you know that Janet Arvizo wanted her
6 children to be actors. You know that, because they
7 went to various schools to be actors. Every time
8 they went to a school about how to act, she told the
9 teachers how poor they were. You know her children
10 wanted to be actors. They said they wanted to be
11 actors. And you know that she had an almost
12 compulsive addiction to celebrities. I submit it
13 wasn't just about getting money. It was almost a
14 thrill. It was almost an excitement. They called
15 every celebrity in town they could get their hands
16 on. Chris Tucker said, "They made me think I was
17 the only comedian in their life. I later learned
18 they were calling every comedian in Los Angeles."
19 It's a very unusual story. It's hard to believe
20 that it's true when you really step back and look at
21 the MO of the Arvizos. But it is true and we proved
22 it.

23 Now, are they liars? I'm going to show you
24 pages of this transcript from this trial, their
25 testimony to you, and I'm going to show you where
26 they have repeatedly committed perjury in this
27 trial. But that's nothing new. Look at the J.C.

28 Penney lawsuit. How did that suit originate? 12862

1 Eight-year-old Gavin shoplifted, ran into a
2 parking lot and was followed by security guards.
3 David followed, Janet came out from another
4 location, and an altercation developed. Janet and
5 David were arrested.
6 You saw Janet's booking photo at the police
7 department. Not only is there not a bruise on her
8 face, her hair is very neat. It couldn't be neater.
9 She filled out documents, "I have no medical
10 problems. I have no injuries. I don't need
11 attention." She left the jail at approximately
12 twelve o'clock, went to a hospital that evening, and
13 had photos taken within the next couple of weeks at
14 the request of her attorney, and lo and behold, she
15 was bruised, lo and behold she was injured, and lo
16 and behold a lawsuit was filed.
17 Very interesting the way that lawsuit
18 developed, because Janet Arvizo had Gavin testify
19 for her in a sworn deposition at the age of
20 approximately nine or ten. And Janet Arvizo
21 initially did not allege sexual assault. Initially
22 she alleged assault and false imprisonment.
23 As her thoughts about how to get money from
24 J.C. Penney and Tower Records developed, the sexual
25 assault claims developed as well. She amended her
26 complaint, and suddenly, to the surprise of her own
27 lawyer, who couldn't believe what he was hearing at

28 a deposition, she had been fondled 25 times in a 12863

1 parking lot, after security guards did belly flops
2 on top of her, after they spit on her children,
3 after they spit pumpkin seeds at them, after they
4 hit them all with closed fists, after they hit them
5 with handcuffs, after they bruised every part of her
6 body. The claims went through an evolutionary
7 process. They developed and got bigger and bigger
8 and bigger.

9 And she used her son's illness, his cancer,
10 to get damages. She claimed that Star had a cyst on
11 his brain. That was to get damages. Eventually
12 J.C. Penney settled in a fraudulent lawsuit for
13 \$152,000.

14 This is a pattern that serves as a looking
15 glass for everything that followed. And I repeat:
16 Ten days after she gets the money, she doesn't just
17 seek welfare under penalty of perjury, she seeks
18 emergency welfare assistance using violence in the
19 home as a reason.

20 Now, I have some graphs we're going to show
21 you that plot out these evolutionary claims, but I
22 have to tell you, it's a pattern and it does not
23 stop, and it's going to right in this courtroom
24 today.

25 You know that Gavin Arvizo, at a very young
26 age, made a false claim of abuse against his mother
27 in the 1990s to the Department of Children & Family

28 Services. He then withdrew the claim. He was very 12864

1 young. He was very street smart. He'd been
2 schooled by his parents, David and Janet.
3 You note in the middle of Janet's spousal
4 abuse case with her ex-husband David, suddenly the
5 claim that David had molested Davellin surfaced.
6 I'm going to show you her testimony in this
7 courtroom. She doesn't remember it. She didn't
8 know it happened. She said she was too young.
9 Janet told her it happened. The slow evolution of a
10 claim of molestation.
11 Just like what happened in this case. And I
12 will chart it out for you, the meetings with
13 lawyers, the meetings with Masada, the development
14 of claims, starting off with claims about, "We don't
15 want to be in the lawsuit in England. We don't --
16 we want our stored materials back," evolving into
17 harassment, evolving into false imprisonment,
18 evolving into molestation. I will chart that out
19 for you in my closing argument.
20 Whenever you see a legal claim from Janet
21 Arvizo or Gavin Arvizo, you have cause to be
22 suspicious. The history is clear. The manipulation
23 is absolute.
24 Janet Arvizo and lawyers.
25 Have any of you tried to count how many
26 lawyers she's seen in her short life? I'll give you
27 some ideas. She said she had a lawyer in her civil

28 divorce action with David and her criminal 12865

1 proceedings with David for all these years named
2 Manning. She had lawyers represent her in the J.C.
3 Penney case against J.C. Penney and Tower Records.
4 She had a criminal defense attorney represent her
5 when they were arrested at J.C. Penney. She went to
6 Bill Dickerman while she allegedly was being falsely
7 imprisoned.

8 And by the way, she first went to Bill
9 Dickerman on the 21st of February, 2003. Two days
10 after that, they were continuing to go after their
11 visas and passports at various federal buildings.
12 And the prosecution tells you she was not trying to
13 develop a lawsuit against Michael Jackson? You have
14 in evidence the visa applications. You have the
15 passport applications. You have documents showing
16 they're going to the Brazilian consulate, they're
17 going to the federal building in Los Angeles. She's
18 already been to Bill Dickerman. What do you think
19 is going on?

20 Bill Dickerman represents her for a period
21 of time and then shuttles her off to Larry Feldman,
22 who is a very well-known attorney in Los Angeles who
23 had represented the Chandlers against Mr. Jackson in
24 1993. Why do you think he sends her to Larry
25 Feldman? Why do you think he has a profit-sharing
26 arrangement with Larry Feldman? Why do you think
27 Mr. Feldman gets ahold of Stanley Katz, a

28 psychologist he used against Mr. Jackson in the 12866

1 early '90s? Why do you think Mr. Masada is bringing
2 her to all these meetings? Doesn't it suggest
3 everybody's looking for a big payday against Michael
4 Jackson? There's only one thing they need. A
5 conviction, by you.

6 There's going to be great celebration in Los
7 Angeles among this group if he is convicted of one
8 single count in this case.

9 You heard Mr. Feldman testify. He spent an
10 enormous amount of money in the early '90s
11 litigating and getting a settlement against Mr.
12 Jackson. He didn't want to do it again. He told
13 the grand jury in Santa Barbara he didn't want to
14 spend that money again. He grudgingly admitted that
15 if Mr. Jackson is convicted in this courtroom, he
16 will not have to spend huge sums of money
17 establishing liability in a civil courtroom. It
18 will be established.

19 Now, he tried to fudge his way around this
20 by suggesting that once liability is established, if
21 you want to prove punitive damages, you still have
22 to prove malice and you still have to go into court.
23 That's true. But isn't liability the big
24 hurdle?

25 Aren't they all after millions from Mr.
26 Jackson? Haven't you seen one witness after another
27 come into this courtroom having sued Mr. Jackson,

28 having tried to get a settlement out of Mr. Jackson? 12867

1 Every one, Ralph Chacon, McManus, Abdool, Cindy
2 Montgomery. They're all lined up.
3 He has a reputation for being a very
4 childlike person, very naive, very idealistic, a
5 musical genius. A person who likes to sit in trees
6 and compose. A person who likes to spend time in
7 the studio. A person who, from an early age, was
8 such a genius at what he did that he attracted
9 millions of dollars before he even knew what it
10 meant. A person who has not managed his money
11 terribly well. Has allowed people to use his
12 signature. Has trusted the wrong people. They've
13 emptied out accounts. They've diverted funds. Mr.
14 LeGrand even had the people around him investigated
15 for stealing from Mr. Jackson, the very people the
16 prosecution claims were his co-conspirators.
17 And he has been a target for years,
18 particularly after he settled with Chandler and
19 Francia, because he doesn't like courtrooms, he
20 doesn't like lawyers particularly, he doesn't like
21 litigation. He's known to be childlike, and
22 different, and creative, and offbeat. He's known
23 not to trust adults.
24 He's known to have developed Neverland as a
25 Disney-like environment to bring inner city children
26 so they can have some fun. He's known to have
27 developed his own lifestyle in a very idealistic and

28 naive kind of way. And he is an unbelievable target 12868

1 because he's attracted millions and millions and
2 millions of dollars through the years because of his
3 genius and his talent and through his hard work.
4 This case is no different.
5 You saw Mr. Robel in that taped interview
6 with Gavin in July, the first interview, before any
7 investigation had ever taken place, he looked at him
8 and he said, "We're going to bring a criminal case.
9 You and your mother are victims. Mr. Jackson is
10 wrong. The people around him are wrong."
11 He hadn't even investigated the case and the
12 train started rolling and nobody would put the
13 brakes on. They didn't know anything about the
14 Arvizos on that date. They didn't want to know.
15 They didn't want to know about welfare fraud and
16 perjury and lying under oath, and J.C. Penney, and
17 hustling celebrities, and bank accounts, putting
18 checks into her mother's account to hide it from
19 welfare and everybody else. Nobody knew about that
20 on this side of the table. The problem is when they
21 began to learn, nobody wanted to say "Stop," and
22 that's why we're here.
23 And I submit, you cannot let injustice
24 happen in this courtroom. You cannot let these
25 people prevail. They're all just ready to pounce
26 with a conviction.
27 I don't have to say much about welfare fraud

28 and perjury. We proved it. The applications prove 12869

1 it. They're all signed under penalty of perjury.
2 They're all manipulative. Not only what's said and
3 what's not said, but what she does. She takes her
4 welfare checks and puts them through Jay Jackson's
5 account, a person in the United States Army making
6 \$80,000 a year.
7 She doesn't want a record of where she's
8 depositing them. She doesn't want them to be
9 traced. She lies about settlements. She lies about
10 where she's living. She lies about who's helping
11 support her. She lies to get food stamps. She lies
12 to get disability. Everything she can get her hands
13 on, we have proven is true.
14 And perjury is meaningless to her. She lied
15 in the J.C. Penney depositions. She lied on the
16 applications. Perjury is a habit. And she
17 committed perjury right in this courtroom. We're
18 going to show you some transcripts to show it.
19 I submit, ladies and gentlemen, the biggest
20 red flag in these claims is Janet Arvizo and Gavin
21 Arvizo and Star Arvizo and Davellin Arvizo going to
22 lawyers before they go to the police.
23 The visits to lawyers start on February
24 21st, 2003, when they meet Attorney Bill Dickerman.
25 As I said before, they have more meetings with him.
26 He refers them to Larry Feldman. Feldman brings in
27 Stan Katz. Feldman has a profit-sharing arrangement

28 with Dickerman. They're having all of these 12870

1 meetings, developing their claims, and they don't go
2 to the police until June 13th, 2003, four months
3 later.

4 If you truly believe you've been falsely
5 imprisoned, you've been extorted, your children have
6 been abducted, your children have been molested,
7 they've been plied with alcohol to take advantage of
8 illness, why are you going to all these lawyers
9 first?

10 This is not the first time civil lawyers
11 have tried to manipulate the criminal process to get
12 their work done for them, by the way. Think about
13 it. You don't have to hire experts. You don't have
14 to hire investigation. You don't have to go through
15 months of trial. Because if somebody is convicted
16 and found guilty beyond a reasonable doubt, the
17 civil burden of proof, preponderance of the
18 evidence, is already established.

19 They want the taxpayers of this county to
20 establish liability for them. And it's crystal
21 clear that that has been their plan from day one.

22 And I'm asking you not to let it happen.

23 To let it happen, you have to strip Mr.
24 Jackson of his freedom and reputation. You have to
25 label him a convict. You have to label him a sex
26 offender. You have to label him all of the things
27 he is not and they have not proven he is.

28 This is a case, a prosecution, based on the 12871

1 Arvizos' lies and innuendo and exaggerations only.
2 Do any of you really think, from what you've
3 learned about Mr. Jackson, that he would even be
4 capable of running a conspiracy to abduct children,
5 falsely imprison a family, ship them off to Brazil?
6 For what purpose? To make a documentary that they
7 didn't even appear in? For what purpose?
8 I want you to think carefully, ladies and
9 gentlemen, I beg you to think carefully about the
10 dates of the alleged molestation. The charge says
11 the molestations occurred February 20th, 2003,
12 through March 12th, 2003. They claim the
13 molestations begin right after the filming of the
14 rebuttal and the DCFS interview.
15 Now, why do they pick those dates? Because
16 Janet and her family were so laudatory, so effusive
17 about Michael Jackson, praising him every which way
18 they could. "He's a father figure. He's generous.
19 He's caring. He's sensitive. He's always there for
20 them. He helped Gavin with his illness."
21 The dates were carefully chosen to follow
22 those statements. They couldn't get away from those
23 statements. They had to do something about them.
24 But think about this, ladies and gentlemen:
25 How absurd is it to say molestation by Michael
26 Jackson occurred on Gavin Arvizo between February
27 20th and March 12th? What's going on at that point

28 in time? And I will show you a timeline as well. 12872

1 You've got international media scrutiny of
2 Michael Jackson. He's under a microscope, the
3 Arvizos are under a microscope, because of the
4 Bashir documentary. Everyone's talking about it.
5 All sorts of media are buzzing around. They're
6 following the Arvizos. They're trying to follow
7 Michael Jackson. There's ample evidence to suggest
8 that. The Arvizos don't like it. Mr. Jackson, of
9 course, is used to it. He seems to have generated
10 publicity his whole career.

11 But to make a long story short, there is no
12 question you have a media frenzy going on
13 internationally.

14 You have a Department of Children & Family
15 Services investigation going on as well. Mr.
16 Jackson knows it, Janet Arvizo knows it, everyone
17 knows it. Remember the evidence of leaks from DCFS
18 that the prosecution didn't care for? Everyone
19 knows about the investigation.

20 Mr. Geragos is doing his own investigation
21 into the Arvizos because he's concerned about who
22 they are, who they meet with, what their motives
23 are, what they're up to. He told you that he did a
24 quick litigation search. He saw the J.C. Penney
25 suit. It raised some red flags, as it should have
26 for any lawyer pledged to protect a client, and he
27 started his own investigation with Brad Miller, a

28 licensed private investigator. So that's going on. 12873

1 The evidence has shown and proven that the
2 effort to produce a rebuttal show was monumental.
3 You had producers, you had distributors, you had
4 agents, you had lawyers, you had different networks
5 vying to do it. You've already heard about CBS
6 being at Neverland. Janet Arvizo was there on that
7 particular day. Mr. Geragos was there on that
8 particular day. To make a long story short, you
9 have an intense effort to produce this rebuttal that
10 the Arvizos never appeared in and didn't have to
11 appear in.

12 According to the prosecution, this criminal
13 conspiracy is beginning on February 1st, 19 days
14 before the alleged molestation. Put all this
15 together, what does it say to you about the dates
16 the so-called molestation occurred? It's absurd.
17 It's unrealistic. And it makes no sense. Because
18 the whole case makes no sense.

19 You know, these molestation counts and this
20 attempted molestation count, they are completely
21 based on the testimony of Gavin and Star Arvizo.
22 There is no independent witness who allegedly sees
23 any of this. Star changed his story a bunch of
24 times, as I will show you through transcript. But
25 he's the one who says he saw molestation one night,
26 when all the lights were out except the light on the
27 stairwell. The lights in the room were out, he

28 looked for a couple of seconds, and he says he saw 12874

1 Mr. Jackson, lying in bed, touch his brother, who's
2 out like a light. He's asleep. He says he saw that
3 twice.

4 Gavin Arvizo says he was touched a couple of
5 times as well. There is no independent witness to
6 any of this. You have to believe Star beyond a
7 reasonable doubt, you have to believe Gavin beyond a
8 reasonable doubt, and look at the lies they told in
9 court.

10 I am going to go through transcripts of
11 their testimony, but just to whet your appetite a
12 little bit, they are profuse in their testimony that
13 they only had alcohol with Mr. Jackson. And you
14 know Shane Meridith caught them with alcohol. You
15 know Simone caught them with alcohol. You know
16 Angel Vivanco caught them with alcohol. They were
17 profuse in their testimony that they didn't know
18 anything about sexuality till Mr. Jackson showed
19 them a "Hustler"-type magazine. And we know that's
20 false, because they were caught.

21 You know that Gavin looked at you, under
22 oath, and said, "Mr. Jackson told me that if men
23 don't masturbate, they'll go out and rape,"
24 forgetting that he had told the grand jury, "My
25 grandmother told me that."

26 We will go through a transcript as well
27 about these particular witnesses, but you have to

28 understand there's no independent witness allegedly 12875

1 watching any of this. You got to believe them
2 beyond a reasonable doubt. You got to believe them
3 all the way. It's impossible.

4 The prosecution doesn't like to focus on the
5 fact there is no forensic evidence supporting any of
6 these alleged molestation claims. No DNA supports
7 it. There's no semen stain or sample that supports
8 it. No evidence of bodily fluids support it that
9 you can link to Gavin. No hair, no fibers. They
10 didn't fingerprint the bottles or any of the area
11 where he's supposed to have been molested. No
12 forensic evidence. No independent witness to any of
13 this.

14 Conspiracy.

15 They have to prove beyond a reasonable doubt
16 that Michael Jackson had a specific intent to enter
17 into an agreement to falsely imprison, abduct
18 children and extort.

19 There is no evidence that he did anything
20 like that whatsoever. They don't put him at
21 meetings. They don't record his phone calls. They
22 don't have anything that suggests he wanted to enter
23 into a felony conspiracy to commit these crimes on a
24 family. They have to prove that he wanted to abduct
25 these children to Brazil, I guess.

26 How absurd is that? No plane tickets were
27 ever purchased for the trip to Brazil. When they

28 didn't want to go to Brazil, they went home. And 12876

1 they went home when they realized Michael Jackson
2 was not going to Brazil, because Janet was playing
3 all sides, like so many other people around Michael
4 Jackson. She wanted to be part of Michael Jackson's
5 world. She wanted to benefit from the financial,
6 the celebrity, the public relations advantages she
7 had with Michael Jackson.

8 And everybody's playing everybody to see if
9 they can gain advantage and be with Michael Jackson.
10 It's been the story of his life. It's why his
11 finances have had problems despite all these
12 millions generated.

13 The Arvizos were no different. Once she
14 found the most popular celebrity in the world, who
15 happened to be that childlike and that naive, who,
16 unlike Jay Leno, didn't see the signs, unlike Chris
17 Tucker, who eventually saw the signs, unlike others
18 that got taken and disappeared, Michael brought this
19 family into Neverland and took care of them.

20 Can you imagine, based upon what you've seen
21 in this courtroom, Michael Jackson conspiring to
22 abduct children, falsely imprison or commit
23 extortion? Does he look like the kind of person who
24 would do that? You saw a tape. He wants to have
25 celebrity animal parties. He wants an international
26 day for children. He likes to sit in a tree and do
27 music. He says, "Other people go to baseball games

28 and football games. I like to sit in my tree." He 12877

1 likes to create. He lets children visit Neverland
2 who are ill and sick.
3 Does he look like the kind of person who is
4 even capable of masterminding a criminal conspiracy
5 of this magnitude? It's absurd.
6 And to even consider it, you have to believe
7 Janet Arvizo beyond a reasonable doubt that she
8 escaped from Neverland, went back, escaped from
9 Neverland, went back, escaped from Neverland, went
10 back.
11 It's absurd on its face. And, ladies and
12 gentlemen, you have to shake your head to think they
13 would even bring a claim like that against Mr.
14 Jackson, who, by the way, is the only person charged
15 with it.
16 Have one of these other alleged
17 co-conspirators even been charged with a
18 misdemeanor? No. No. It was done to keep them
19 away from this courtroom, scare them.
20 If you really think there was a conspiracy
21 of this magnitude, if you really think the actions
22 were this serious, if you really think a family was
23 being abducted and hidden and spirited away to their
24 doom, why do you only charge Michael Jackson?
25 Because he's a mega celebrity and that's
26 what this case is about. Seventy officers search
27 his home. They don't do that in homicide cases.

28 Seventy officers invade his privacy. 12878

1 Yes, he's a human being. They find a lot of
2 girlie magazines; "Hustler," "Playboy," "Penthouse."
3 He does read them. Did he want the world to know
4 that? No, that's his private life. Did he think
5 they were going to bring it all into a courtroom and
6 just flash it for the world? No.

7 They went all around his house trying to
8 find something. And I'm going to tell you in a
9 little while what they didn't find. But let me just
10 go through this general outline first.

11 There is no incriminating statement by Mr.
12 Jackson of any kind that, "I want these people
13 spirited to Brazil. I want them held against their
14 will. I want these children abducted, separate them
15 from their mother"; nothing. In fact, throughout
16 all of this elaborate evidence of a conspiracy, you
17 hardly hear of him. He's not at meetings. He
18 doesn't have a cell phone. They can do all this,
19 you know, fancy arrows going every which way but
20 Sunday, but where is Michael Jackson in the middle
21 of this?

22 In fact, the evidence is that Janet
23 complained to Azja Pryor and others, including Maria
24 Gomez, that "These people are separating me from
25 Michael Jackson." She felt she was a victim of
26 their efforts to monopolize Michael Jackson and keep
27 her away. And indeed, Mr. LeGrand did testify

28 Dieter and Konitzer were intending to take over all 12879

1 of his affairs, all of his business matters, and
2 Dieter and Konitzer didn't want Michael Jackson
3 involved in their discussions.

4 What significant events in this so-called
5 conspiracy is he even at? Where is he? You don't
6 know where he is. You don't hear from him. He's at
7 Neverland. He's in his studio. He's traveling.
8 Where is he when this so-called conspiracy is being
9 hatched and operated?

10 Janet's statements refute this whole idea of
11 a conspiracy. Her actions refute the idea of a
12 conspiracy, as you heard me say ad nauseam in my
13 examination of witnesses: "Did you call the police?
14 Did you call the police? Did you call the police."
15 No.

16 The conspiracy's happening at Jay Jackson's
17 apartment, a major in the U.S. Army. That's where
18 the interviews with Brad Miller take place. That's
19 where the Department of Children & Family Services
20 interview take place. What kind of a conspiracy is
21 going to want to meet at Jay Jackson's apartment?
22 What kind of a conspiracy goes on with all
23 of these hotels, and all of these shopping sprees
24 and all of this stuff in full view? What kind of
25 conspiracy goes on when you've got a licensed,
26 bonded mover to move her stuff into storage and put
27 it in Brad Miller's name?

28 This is not a conspiracy. There's no 12880

1 conspiracy at all involving Mr. Jackson.

2 Now, what some of these other guys may have
3 done on occasion is unclear, because they weren't in
4 the courtroom and Mr. Jackson wasn't with them.
5 They're all trying to make a buck off of him, that's
6 clear. They're all angling for advantage. That's
7 clear. The testimony that Schaffel was trying to
8 make a buck off Mr. Jackson is clear. The testimony
9 that Konitzer and Dieter wanted to take over his
10 affairs is clear.

11 Where is Mr. Jackson in this conspiracy?

12 You can put him in the center of a nice
13 photograph and you can have all these faces around
14 him, but that's not evidence. That's a substitute
15 for evidence.

16 Now, Mr. Jackson got himself in trouble by
17 very innocently and naively telling Bashir, "I have
18 allowed children into my bed. I have allowed
19 children into my room. What do you do with a child
20 that has no parents? What do you do? Children
21 flock to me all over the world. I'm a childlike
22 figure. And I see nothing wrong with it because
23 nothing sexual happens. And the world needs more
24 love, and children need more caring, and this is,
25 like, kids are bringing guns to schools."
26 Idealistic, naive, in light of the target he
27 is, but not criminal in nature. And if he really

28 were out to commit crimes, why would he go on an 12881

1 international documentary and make these statements?

2 Because he hasn't been committing crimes.

3 But he has naively and idealistically and in
4 a childlike way let people run roughshod through his
5 home, let them sleep in his bedroom. He has opened
6 his gates to all kinds of people. And it's a naive
7 way to look at the world because he is such a
8 target. He is.

9 Say to yourself, why would he say these
10 things to Bashir if he were a criminal? Why?

11 Because he's not.

12 Now, because their case is so weak, because
13 of their concern that you're not going to believe
14 the Arvizos beyond a reasonable doubt, this
15 prosecution has engaged in a mean-spirited, nasty
16 attempt, a barbaric attempt to dehumanize and
17 degrade Mr. Jackson. It started during jury
18 selection when Mr. Zonen talked about his sagging
19 music career. It continued as they flashed
20 magazines to you throughout the trial. It continued
21 with efforts to show you his finances to show he's
22 had some financial problems through mismanagement
23 and misguided motives.

24 And what am I talking about?

25 The guy's millions in debt and he gives a
26 million dollars to Marlon Brando because he feels
27 bad about his friend. He pays for everybody.

28 Shopping sprees, hotels. He has all these sharks 12882

1 around him getting power of attorney so they can
2 sign documents for him. His generosity, his lax
3 behavior knows no bounds because the man has a
4 wonderful, kind heart.

5 But they do it thinking somehow he'll be
6 embarrassed, or they'll embarrass him by this
7 preposterous claim that because Mr. Jackson had some
8 financial difficulties with cash flow, that he would
9 want to abduct a family to do a broadcast that
10 didn't even include them, a broadcast that generated
11 money that isn't even close to fulfilling the debt
12 obligations that they tried to establish.

13 They didn't really do it because they think
14 you're going to buy that it's a motive for a
15 conspiracy. They did it to embarrass him and
16 dehumanize him in your eyes because they're worried
17 you just might like Michael Jackson. You just might
18 admire Michael Jackson. You just might have pity
19 for Mr. Jackson for being treated the way they've
20 treated him and for being the target of Mr.
21 Sneddon's actions for many years.

22 They're worried, and the only way they can
23 handle it is through dirt everywhere. To take
24 everything he has tried to build and create and
25 accomplish and try and degrade it and dehumanize it,
26 and I submit it's wrong.

27 And I submit it's no substitute for

28 evidence. It is absolute misconduct by them. 12883

1 He's not charged with possessing any illegal
2 pornography, because no illegal pornography was
3 found. Everything they found in his home was
4 lawful. That was clear. He's not charged with
5 showing adult material to children. That's not one
6 of the charges here. They're doing that to dirty
7 him up, and try to get you to somehow make it easier
8 for you to convict him.

9 He's not charged with lax supervision. How
10 many times in this trial have we heard that kids get
11 all the candy they want, all the ice cream they
12 want; that kids can run around Neverland and have
13 fun with the animals; that they're not supervised
14 well enough; that the doors are open; that they run
15 in and out of his room, in and out of his house?
16 How often have we heard that? That they can jump on
17 ATVs and drive everywhere.

18 They tried to make it look like a crime.

19 He's not charged with lax supervision. Kiki
20 Fournier said he's too nice to people. He lets
21 people into his house too often. He lets them run
22 around.

23 And of course you know the Arvizo kids, what
24 they were doing, in and out of everything, like they
25 were at every house they were able to get into.

26 The prosecutor mentioned Dr. Esplin, our
27 expert. Dr. Esplin said most false claims of

28 molestation come from children ten and up and 12884

1 usually the motive is financial gain. And he talked
2 specifically about a long history of deceptive
3 behavior by the parents.

4 Could you have parents with more of a
5 pattern of deceptive behavior than David and Janet?
6 The prosecution did us a favor. They
7 focused on David, how he just hustled Mr. Lopez for
8 money, and irritated people at The Laugh Factory,
9 and irritated people at the hospital, and kept
10 trying to get money, and concocted this scheme with
11 Gavin, his young son, about George Lopez stealing
12 money from a wallet.

13 They painted him as the bad guy, not
14 realizing that there was no way in the world they
15 were going to make Janet look good. And what they
16 did was they added all the pieces to the puzzle.

17 This is a family where children have been
18 taught to con, and children have been taught to lie,
19 and children have been taught to very brashly and
20 brazenly, and with no embarrassment or any type of
21 restraint, call one celebrity after another, and
22 keep bombarding them with calls, like they did to
23 Jay Leno, like they did to Chris Tucker, like they
24 did to Michael Jackson. This is the way they've
25 been taught.

26 It doesn't mean they're irredeemable. It
27 doesn't mean they don't have some good qualities.

28 Azja Pryor, a very nice person, fell in love with 12885

1 the kids. But she wasn't street smart like Mr.
2 Leno. She didn't see what was coming until
3 eventually they hounded her for a truck, hounded her
4 for money. Janet told her her tale of woe and she
5 gave her 600 bucks, and the pattern continued.
6 The prosecutor mentioned Stanley Katz. He
7 quoted Stanley Katz, Larry Feldman's good friend,
8 who he hired in '93 to go after Mr. Jackson, who he
9 brought into this case to take the same type of
10 approach with the Arvizos.
11 Do you remember Stanley Katz, a psychologist
12 with the Ph.D., looked at you and said, "I've never
13 heard of a false claim by a teenager"? Remember he
14 said that? Remember he said that? Did anyone on
15 this jury believe that?
16 Of course you didn't. It was self-serving,
17 it was manipulative and it was dishonest.
18 Dr. Esplin is the leading authority on false
19 claims. He's done studies with law enforcement all
20 around the world. He told you children ten and up
21 are the biggest group for making false claims like
22 this. And if you see a pattern and a history of bad
23 behavior by parents, it raises a red flag.
24 Could you ever have imagined more of a
25 history than what you've seen here?
26 I want to clarify some of the issues in the
27 case, ladies and gentlemen, because I really believe

28 the prosecution, with their scattered claims of too 12886

1 much candy and too much girlie magazines and too
2 much ice cream, and here, there and everywhere, are
3 muddying the waters so you will not focus on what
4 the real claim is.

5 First of all, the only alleged victim of
6 child molestation in this case is Gavin Arvizo. The
7 counts only relate to Gavin Arvizo. They brought in
8 alleged victims from the '90s - three of them came
9 in and said nothing happened - because they're
10 desperate. They are absolutely desperate. The only
11 claims here relate to Gavin. If you don't believe
12 Gavin and Star beyond a reasonable doubt, acquittal
13 is necessary.

14 As I said before, they're the only witnesses
15 to the molestation counts. Nobody else. I told you
16 they repeatedly lied under oath and I told you
17 there's no independent witnesses to support their
18 claims.

19 What are you left with? What are you left
20 with? What kind of a system do we have if these
21 kinds of witnesses can convict someone and destroy
22 their life, with all you know about them at this
23 point.

24 I talked about there not being forensic
25 evidence. There's none.

26 You know that he went to his teacher and was
27 questioned twice. "Did Mr. Jackson ever molest

28 you?" And the answer was, "No." 12887

1 And that's when the prosecution started to
2 backpedal. "Well, we have evidence that people
3 delay reporting, and we have evidence that young men
4 get embarrassed about being sexually handled in a
5 way like this."

6 Some of that may be true, but how do you
7 know it's true here? How do you know it's true
8 here?

9 And if the prosecution has the burden to
10 prove a case beyond a reasonable doubt, how can they
11 come to you and respond to the fact that he told
12 this teacher on two occasions, "Mr. Jackson never
13 touched me," by saying, "Well, studies show that
14 sometimes people delay their reports"?

15 Is that proof beyond a reasonable doubt or
16 is it just a wishy-washy type of explanation for
17 something they know is devastating to their case
18 because the problems continue: The lack of
19 forensics, the lack of an independent witness, the
20 lies under oath, the history of the family. Now you
21 got a witness who Gavin Arvizo said it never
22 happened to.

23 And as I said before, he's the only alleged
24 victim in the case.

25 As I said before, he made a false claim
26 about his mother abusing him in the '90s. He made
27 false claims as a child in the J.C. Penney case

28 where he was deposed under oath. He supported his 12888

1 mother in everything she wanted to do.

2 I'm going to go through their transcripts,
3 their testimony, and show you where Gavin and Star
4 kept changing their stories, kept telling lies. And
5 as I said before, the timing is outrageous that
6 molestation is going to occur starting February
7 20th.

8 THE COURT: Is this a good place for a break?

9 MR. MESEREAU: Yes, sir.

10 (Recess taken.)

11 THE COURT: Counsel?

12 MR. MESEREAU: Thank you, Your Honor.

13 Ladies and gentlemen, the prosecution would
14 like the defense to focus only on Janet Arvizo.
15 That is their dream. Their dream is that we will
16 focus on her and somehow the children will look
17 clean and honest and truthful. And I want to make
18 sure that's not what our thrust is.

19 You may recall that Gavin Arvizo met Chris
20 Tucker at his home and lied. He told him, "We made
21 no money at the fund-raiser," and that's when Chris
22 Tucker wrote a check. Chris Tucker described him as
23 cunning, smart. He didn't trust him.

24 Even at a young age, Star Arvizo told Louise
25 Palanker, "All we got was love for Christmas," and
26 she began to write the \$10,000 checks.

27 Davellin kept hassling Azja Pryor for Chris

28 Tucker's truck. It was relentless. She finally had 12889

1 to stop talking to Davellin, and she actually liked
2 Davellin.

3 I don't want to suggest, in any shape or
4 form, this is just a target of Janet. The whole
5 family has difficulties with the truth, difficulties
6 with honesty, difficulties with money, and the
7 children have been raised this way.

8 Now, I want to make a couple of things clear
9 that I talked about earlier.

10 In the J.C. Penney fraud, which Gavin was
11 very much a part of at a young age, Janet was
12 arrested and got out of jail at 9:15. David got out
13 of jail at 12:03. Janet checked into the ER at 1:11
14 that day claiming she'd be injured.

15 The family has been part of these fraud
16 scams, not someone alone.

17 When David was in the picture and
18 manipulating celebrities, he used Gavin.

19 Do you remember George Lopez said, "We'd go
20 to a mall, and David would be standing there, and
21 Gavin would be asking me to buy all these things.
22 And I thought it was strange that the father would
23 simply stand there, not say anything, and let his
24 child just keep asking me to buy and buy and buy."

25 But that's the way it's worked. Mrs. Watson
26 Johnson said that Star would call her asking for
27 money and she could hear Janet in the background

28 coaching him. 12890

1 Mary Holzer said that Janet bragged to her
2 that her kids were good actors, that Gavin knew his
3 lines well, but Star used to falter. He wasn't
4 quite as smart, wasn't quite up to it.
5 Could you believe how many witnesses came in
6 to establish this MO of scamming and manipulating
7 and lying? Can you believe that many people would
8 come in to testify that this family has gotten in a
9 rhythm, a pattern of going after celebrities?
10 Because it's worked and worked and worked. It's a
11 family program. It's not just Janet's problems.
12 Now, ladies and gentlemen, the prosecution
13 has tried to focus your attention on what they now
14 call pornography at Neverland. And they found for
15 the last ten years' worth of "Hustler," "Playboy,"
16 "Penthouse," things of that sort. All legal. All
17 heterosexual.
18 In a library of thousands and thousands of
19 books, they found a couple of books that focused on
20 men. And they wanted you to think that somehow Mr.
21 Jackson was some -- I don't know whether they're
22 trying to say he's a gay man, or, as Mr. Zonen in
23 his mean questioning, try to suggest he's asexual.
24 They're not sure which way they're going. But
25 basically they went through this home where
26 thousands and thousands of books have accumulated,
27 where the evidence was, that when fans around the

28 world sent things to Mr. Jackson, he keeps 12891

1 everything like a pack rat.

2 And what do they find? They found this

3 book, "Boys Will Be Boys" - okay? - published in New

4 York in 1966. Yes, it has some naked pictures of

5 boys. It also has pictures that are not naked,

6 okay?

7 And what does it say, what is inscribed in

8 the book? It says, "Look at the true spirit of

9 happiness and joy in these boys' faces. This is the

10 spirit of boyhood, a life I never had and will

11 always dream of. This is the life I want for my

12 children, MJ."

13 Now, you've already seen the outtakes where

14 Mr. Jackson talks about his not having a childhood.

15 He was working clubs at a young age at 3:00 in the

16 morning --

17 MR. ZONEN: Your Honor, I'll object to this

18 matter as exceeding the scope of the Court ruling.

19 MR. MESEREAU: Your Honor, the prosecution

20 talked similarly about Bashir.

21 MR. ZONEN: It's the outtakes.

22 THE COURT: The objection is sustained on

23 that.

24 MR. MESEREAU: Is this the sign of a

25 pedophile? To write an inscription in a published

26 book of this sort?

27 The other book, "The Boy: A Photographic

28 Essay," says, "To Michael: From your fan, Rhonda," 12892

1 with a little heart. "1983, Chicago," it says in
2 it.

3 Now, Mr. Zonen didn't know what to do with
4 that so he suggested through his questioning on
5 cross-examination that maybe somebody had faked it.
6 But there's no evidence anybody faked that. They
7 seized these things in the early '90s.

8 And was there any evidence that these books
9 were ever shown to any witness? No. Not one
10 witness came into this courtroom and said, "Michael
11 Jackson showed me books of men." Not one.

12 Now, we're asking you to use your common
13 sense in this area of alleged pedophilia.

14 First of all, they never put a pedophilia
15 expert on the stand, because they were afraid.

16 Having all of these heterosexual books and magazines
17 doesn't add up to pedophilia, okay?

18 What do you typically find? You find
19 illegal child pornography, websites galore,
20 pictures. None of that came in. And, yes, the
21 prosecution suggested they would prove that, and
22 none of it was found at Neverland. No websites of
23 pedophilia. No child sex pictures on websites. No
24 photographs. None of the things you typically
25 associate with a pedophile.

26 And their biggest problem is repeated
27 editions of "Hustler" and "Playboy" and "Penthouse"

28 and "Barely Legal" do not equate with what they're 12893

1 trying to prove. I'm not saying it's necessarily
2 commendable that you have all these magazines, but
3 you can get them at any newsstand and there's been
4 no evidence that anything was illegal.

5 And if Mr. Jackson has been proven to like
6 to read these magazines for years and years and
7 years, how does that equate to their theory that he
8 wanted to sexually touch a male child?

9 It doesn't. There's a problem with their
10 case. And as I said before, not one of these books
11 they found, among thousands, of males was shown to a
12 single witness. No illegal child pornography,
13 either in a website or anywhere else. No websites
14 where you try to meet children, like pedophiles
15 often do, and the rest.

16 This is nothing but a mean-spirited attempt
17 to damage his reputation and embarrass him by
18 digging into his private life through repeated
19 searches, with 70 officers, trying to find something
20 to dirty him up with.

21 They have dirtied him up, because he's
22 human. But they haven't proved their case. They
23 can't.

24 Now, you know that Gavin and Star tried to
25 act like they're very naive on sexual matters.
26 Do you remember that last police interview
27 which they showed you so you would understand

28 Gavin's demeanor? Well, you can certainly study his 12894

1 demeanor in conjunction with what's said, because
2 they played for you what was said. It wasn't
3 offered for the truth. The tape was offered to show
4 his demeanor, but you can consider his demeanor in
5 terms of what is said.

6 Do you remember, after Mr. Robel said,
7 "We're going to bring a criminal case against Mr.
8 Jackson, and you're the victims, you and your mom,"
9 before they'd even investigated? Do you remember he
10 started off by looking at Gavin and saying, "Tell me
11 something that's wrong. Give me an example of
12 something that's wrong."

13 And Gavin hesitated. And you study his
14 demeanor. He's sort of stymied. He doesn't quite
15 know what to say. He comes up with, "Staying out
16 late at night."

17 MR. ZONEN: I'll object to the content as
18 exceeding the scope of the court ruling.

19 THE COURT: Overruled.

20 MR. MESEREAU: And then they ask him, "Come
21 up with something else."

22 And he hesitates. He has this guilty look
23 on his face. He doesn't know what to say. He says,
24 "Break things."

25 And then Mr. Robel says, "How about
26 something else?"

27 He hesitates. He looks stymied. He looks

28 confused, and he says, "Kill somebody." 12895

1 Did he ever say lie, cheat, or steal? Do
2 most children his age, if you ask them, "Give me an
3 example of something that's wrong," say, "Don't lie;
4 don't tell the truth"?
5 No. And if you have time in the jury room,
6 just take a look at the beginning of that interview.
7 By the way, that's the same interview where
8 his mother's outside the door, and he says, "I
9 haven't told my mother any of this," after they met
10 for months with lawyers, okay?
11 That's the same interview where you can
12 study his demeanor as he lies about wanting to leave
13 Neverland because he was scared.
14 Didn't he testify to you that he loved
15 Neverland, wanted to be there? Didn't he tell
16 various witnesses he loved Neverland, wanted to be
17 there?
18 Study his demeanor. That's why they asked
19 you to look at it. Study it. And study this sort
20 of fake notion that he's unsophisticated in sexual
21 matters. He acts like he doesn't know what an
22 erection is.
23 He's 13. His brother's been caught with
24 girlie magazines at Neverland. He acts like he
25 doesn't know what an ejaculation is. He acts so
26 innocent.
27 They've been meeting with Feldman and

28 Dickerman and Masada and Katz for months. He's been 12896

1 talking to his mother about this stuff for months.
2 Do you believe for a second they went to Feldman
3 without thinking there was some type of molestation
4 they could pull off? Why else do you go to Feldman?
5 Why else? Do you really believe his mother was
6 outside the door and they never talked about it?
7 Study his demeanor. You don't see much
8 emotion.
9 You know, one of the most important moments
10 in this trial was, I submit that when you get in the
11 jury room, discuss this occurrence: He's on the
12 witness stand. He describes the alleged sexual
13 touching, the alleged molestation. You saw no
14 emotion whatsoever.
15 When did you see him really get mad? When
16 he talked about Michael Jackson abandoning his
17 family.
18 Do you remember? Do you remember the
19 emotion, the anger? Do you remember how he reacted?
20 You can't look at a transcript and see it. You have
21 to see it in person. He was angry because he felt
22 that Michael Jackson had abandoned his family. They
23 were not part of his world. And he wanted to be
24 part of his world. That was clear.
25 No emotion about the alleged touching.
26 Plenty of emotion about, "Why did Michael do that to
27 us?"

28 That happened on cross-examination. And 12897

1 that sums up this case when it comes to Gavin Arvizo.
2 Put all of this together, what do you get?
3 The Arvizos, Gavin and Star, tried to suggest that
4 Michael Jackson corrupted them with these magazines.
5 Yet Star was caught twice with his own magazines.
6 Julio Avila caught him with a magazine in his
7 backpack. He said, "I got it at home," when he was
8 caught writing "Suck dick" on the wall.
9 That is not a naive kid on sexual matters,
10 but they'd like you to think it was all Michael
11 Jackson taking these innocent little lambs and
12 corrupting their minds. And it's baloney.
13 They tried to tell you that Michael Jackson
14 taught them masturbation and taught them the facts
15 of life and, again, they were just these innocent
16 little kids. But they were caught masturbating by
17 Rijo, who took the stand and was as honest as can be
18 and thoroughly abused by Mr. Zonen. Do you remember
19 he started to wipe his eyes he was so scared about
20 this whole event?
21 Gavin and Star are not what they're trying
22 to make you think they are.
23 I've already talked about the financial
24 motive. It's clear as day. You don't keep going to
25 all these lawyers and changing your claims unless
26 you have a financial motive.
27 Demeanor? Well, in that police interview

28 that they ended their case with, do you remember 12898

1 Gavin begins with, "How long is this going to take?"
2 Do you remember that?
3 You've got a police officer stroking him
4 along, "You're the victim. You're the victim.
5 We're going after Michael Jackson. We're going
6 after his people. We're on your side. Don't be
7 afraid," encouraging him to make these accusations
8 that conflict with things that he said to the police
9 on other occasions.
10 He didn't show emotion. Remember, he's
11 trained as an actor. His mother's proud of it.
12 He's proud of it.
13 Does it complicate your job?
14 Yes. But you have to deal with the facts.
15 Does it make it harder to believe him beyond
16 a reasonable doubt?
17 It does. But the facts are the facts are
18 the facts.
19 These are the same kids that were dancing on
20 the stage at The Laugh Factory about their poverty
21 so celebrities would feel sorry for them.
22 Now, as I said before, we're going to get
23 into some transcript, because transcripts don't lie.
24 I want to show you what they said in this courtroom
25 so the prosecution can't get up and just
26 misinterpret what they said or did.
27 Let me cover a few more points first.

28 The alcohol counts. I want to be clear on 12899

1 what you're being asked to do. The felony alcohol
2 counts require proof beyond a reasonable doubt that
3 alcohol was given to molest Gavin Arvizo. He's the
4 only alleged victim of those counts.

5 What they're saying is Michael Jackson, with
6 all you know about him through this trial, would
7 look at a cancer patient, a child, and say, "Ah-hah,
8 I'm going to ply him with alcohol so I can disable
9 him and molest him."

10 Michael Jackson couldn't even conceive of
11 such a thing. He couldn't.

12 The same problems with the molestation
13 counts exist for the felony alcohol counts, because
14 it's allegedly giving alcohol for the purpose of
15 molesting.

16 Now, Judge Melville read you the jury
17 instructions yesterday, and there is the option of a
18 misdemeanor count on alcohol. It's called a
19 lesser-included. But it still requires that you
20 believe Gavin Arvizo beyond a reasonable doubt,
21 okay? And it still requires that the time period
22 for the alleged molestation be the time period for
23 that misdemeanor count.

24 And you can't believe Gavin Arvizo on
25 alcohol beyond a reasonable doubt. Why?
26 He and Star claim they only drank with
27 Michael Jackson. Remember that? They repeatedly

28 say that under oath. Shane Meridith caught the two 12900

1 of them in the wine cellar with a half-empty bottle
2 of wine. Michael Jackson was nowhere around. So
3 they lied under oath.

4 Rijo Jackson. He says he was in Michael
5 Jackson's bedroom. Michael Jackson was in the
6 bathroom. A glass and a bottle of alcohol was
7 brought in while Michael Jackson was in the
8 bathroom. Gavin and Star ran upstairs and then ran
9 out of the room, and after they'd run out of the
10 room alcohol was missing from the bottle.

11 Now, I ask you this: If Michael was so
12 freely giving them alcohol, why did they have to run
13 out of the room behind his back? Why?

14 Simone Jackson was in the kitchen area. Saw
15 them come in and go to the refrigerator and take
16 alcohol. They didn't see her.

17 Michael Jackson was nowhere near where they
18 were that night. They've lied under oath about
19 alcohol.

20 Angel Vivanco. He says that Star told him,
21 "You either put this liqueur in my milkshake or I'll
22 get you fired." Michael Jackson isn't there.

23 Now, the alcohol allegations don't relate to
24 the air flight, okay? That's not the time period.
25 As I said before, the time period for the alcohol
26 allegations is the same time period for the
27 molestation allegations, which allegedly start

28 February 20th, and I've talked to you about how 12901

1 weird that is and how ridiculous it is.

2 But the Arvizos came up with this story on
3 the plane about drinking alcohol, but Cynthia Bell
4 saw none of this. And she didn't have credibility
5 problems. They did.

6 Michael Jackson wanted alcohol in cans so
7 kids couldn't see it, because he does drink alcohol
8 on occasion and he doesn't like to advertise it. Of
9 course, with this investigation, his personal life
10 has been turned topsy-turvy, and they're trying to
11 make a criminal out of him because he gets
12 intoxicated from time to time.

13 You have to look at this with a human lens.

14 You have to look at him as a human being. He's been
15 put under this microscope his whole life as this
16 megastar. Some say he's better known than Elvis
17 around the world, but that has a price attached to
18 it. And the price sometimes is loneliness and
19 confusion and not knowing who your friends even are.

20 And he is a human being, but he's not a criminal.

21 Jesus Salas. They thought he was going to
22 be their star witness on alcohol. They put him on
23 the stand. He said he came into Michael's room with
24 wine, glasses and soda.

25 They got upset that he mentioned soda. He
26 said, "You never asked me about it before."

27 Now, if Michael Jackson is giving alcohol to

28 the Arvizos, then why is he coming into his room 12902

1 with soda cans for them? Why?

2 When the Arvizos testified that they only
3 had alcohol with Michael Jackson, they lied, and
4 they lied and they lied. You cannot believe them
5 beyond a reasonable doubt. You cannot convict on
6 those counts.

7 I just want to refer you to the end of this.

8 Some of this is a little repetitive, but he's not
9 charged with negligent or lax supervision. That's
10 not a crime. It's not in this case. If they were
11 running wild around Neverland because their parents
12 let them do it or Michael let them do it, if they
13 get ahold of the key, if they did kitchen raids, as
14 they testified to, in the house and grabbed alcohol
15 from the refrigerator, that's not a crime he's
16 charged with.

17 He's not charged with being negligent, okay?

18 They've got to prove beyond a reasonable doubt that
19 he intended to furnish stuff to these kids.

20 I want to refer you to the third one,
21 because, you know, in their efforts to say there's a
22 conspiracy by Michael Jackson to abduct children,
23 extort, falsely imprison, that because he was having
24 a cash flow problem, despite the millions he makes
25 every year, that he was going to engage in this scam
26 to whisk this family off to Brazil, I'd like to
27 refer you to the third item.

28 Ladies and gentlemen, turn on the television 12903

1 any night of the week. Don't celebrities have
2 public relations problems? Don't celebrities get
3 arrested, get charged, get videotaped in
4 compromising positions, get audiotaped, get
5 photographed? Don't people who've known them with
6 an axe to grind come forward and tell stories? When
7 they have public relations problems, they deal with
8 them.

9 The public relations problems associated
10 with Bashir were dealt with. You had a Maury Povich
11 documentary to deal with it. It was a successful
12 documentary. All of these various factors came
13 together to produce it on the 20th. This is the way
14 celebrities deal with PR problems. They're always
15 faced with them, and their public relations
16 spokespeople always tell them, "This is a crisis.
17 This is the biggest problem of your life. We'll
18 deal with it. Here's how we deal with it."
19 The idea that the Bashir documentary was
20 such a public relations problem that he would commit
21 felonies like this is ridiculous. Is ridiculous.
22 Now, if some of the people around them are
23 excessive -- I don't know if they were or not. I
24 mean, they brought in evidence there was a rock
25 thrown at the Arvizo house. I mean, Michael Jackson
26 is nowhere near that if it happened.
27 They brought in testimony that the Germans,

28 so to speak, were mean to Janet, although Angel 12904

1 Vivanco says she was having champagne with Dieter,
2 and they appeared to be getting along the first time
3 and the next time they weren't.

4 If anybody acted excessively, Michael
5 Jackson didn't. He's nowhere to be seen. And he
6 had no intention and would never deal with a PR
7 crisis -- it wasn't the first PR crisis in his
8 career, by the way. He's been under a microscope, a
9 looking glass, since he was a child. He doesn't
10 engage in a conspiracy to kidnap a family to Brazil.
11 The response was the documentary, which was
12 successful.

13 Okay. Now -- okay. All right.

14 You know, and I will show you Janet's
15 transcripts, you know, that she knew a lot of police
16 officers. Do you remember I asked her all these
17 questions about Andrew Lassak, a police officer that
18 she knew, police officers from the MTA, the
19 Metropolitan Transportation Authority, that she
20 knew, and she was gladly describing how the police
21 station was constructed? I'll show you the
22 transcript.

23 And Lassak was in touch with them. She had
24 his cell phone number. She knew other police in the
25 area and never went to any of them and said, "We're
26 in trouble. We're being falsely imprisoned. We're
27 being held against our will. We're victims."

28 Nothing of this. 12905

1 She told Azja Pryor she was hoping to go to
2 Brazil and she hoped Azja would come with her.
3 Now, you know that David LeGrand was
4 concerned that Dieter and Konitzer and Schaffel, he
5 even investigated Vinnie and Frank, who were like
6 really young kids, he was concerned they were all
7 engaged in self-dealing and they were taking
8 advantage of Michael Jackson. And he hired an
9 investigative firm in New York to investigate.
10 Do you remember the testimony about finding
11 an offshore account that he thought Sony had set up,
12 et cetera? And he approached Dieter and Konitzer
13 and said, "Where did this \$900,000 go? You've just
14 withdrawn it. Justify it."
15 And of course Mr. Auchincloss, in a
16 remarkable shift of position, got up and tried to
17 prove they hadn't stolen anything.
18 If LeGrand was concerned about these alleged
19 co-conspirators and what they were doing to Michael,
20 does that suggest Michael is involved in a
21 conspiracy with them? Or does it suggest the same
22 old pattern of Michael Jackson, the creative genius,
23 generating hundreds of millions of dollars in his
24 lifetime, and letting people sign his name, and
25 letting people steal money, and letting people get
26 away with all sorts of financial things? Otherwise,
27 with what you've seen of his finances, why would he

28 have cash flow problems? Why would that Beatles 12906

1 catalog be leveraged?

2 He hasn't always managed money well, but
3 he's not a criminal, and he doesn't commit crimes
4 because of it.

5 You know that Weizner and Konitzer tried to
6 take over his business, because LeGrand said so. He
7 saw documents where they said, "We're going to take
8 over Michael Jackson's affairs." You know that
9 Schaffel was stealing from Michael Jackson. Their
10 star witness, Rudy Provencio, who none of you would
11 buy a used car from, believe me, he said Schaffel
12 was stealing from Michael Jackson.

13 Remember Provencio, who suddenly came up
14 with a diary at the last minute, who was recording
15 people's phone calls not knowing he was being
16 recorded as well, and in one classic comment said,
17 "I'm not even giving my lawyer information. This is
18 for the book, honey." Remember the word "honey"?
19 This is the guy they want you to think you
20 can trust, their star witness on conspiracy, who
21 couldn't put Michael Jackson anywhere either, except
22 in a recording studio.

23 They did nothing to refute the notion that
24 Geragos, as any lawyer would in his position, put
25 the Arvizos under surveillance. You're allowed to
26 do that. It's done in cases all the time. People
27 do in divorce cases. They do it in criminal cases,

28 and they have private investigators who are 12907

1 licensed, like Miller was, follow people around to
2 see where they're going.

3 And based on what you knew of the Arvizos,
4 you can see why. It's not part of a conspiracy. It
5 was a lawyer representing a celebrity client who he
6 feared was about to be shaken down, about to be
7 taken advantage of, who had a history of being taken
8 advantage of, and he did exactly what he should have
9 done. He investigated. And he was very open about
10 what he did.

11 As I said before, if this was a conspiracy
12 to hide a family, or worse, whatever they're saying,
13 why is Miller using a bonded, licensed mover, who
14 had pretty good record-keeping procedures, to move
15 their stuff into storage and put it under his name?

16 Dickerman and Janet and Masada meet at The
17 Laugh Factory on the 21st. Dickerman never calls
18 the police. And as I said before, after the 21st,
19 she continues to go to these various embassies and
20 get her visas and her passport stuff done.

21 Does that suggest there's a conspiracy going
22 on? Does that suggest she's worried? Or does it
23 suggest, "Hey," you know, "We wanted Michael to be
24 our family. We wanted to be included. There's
25 nobody left now. Gavin's healed. Star's healed.
26 We're not going to use illness to generate money
27 anymore through any lies or manipulations. We're

28 slipping away from Mr. Jackson. These guys are 12908

1 taking over his affairs. They're keeping us away
2 from him. Now how do we get something out of this?"

3 Go to a lawyer.

4 That's what she did, and that's what she's
5 still doing.

6 You've heard a lot about the body wax, the
7 shopping sprees, the hair appointment. She had an
8 excuse for everything, that somehow she was being
9 forced to the orthodontist against her will, that
10 somehow she was being forced to get a body wax
11 against her will.

12 The woman from the salon came in, and it was
13 interesting. She said Janet looked at her and said,
14 "I'm from South America." A little strange. Sounds
15 like she might have Brazil on her mind, and it
16 sounds like it may not be something she's
17 particularly concerned about.

18 But she was left there alone. She could
19 have done whatever she wanted. She could have
20 called 9-1-1 at any time. She wanted a hair
21 appointment for the next day.

22 I mean, all of these witnesses came in. No
23 one detected any concern by Janet that she was being
24 held against her will. Nobody saw a PR crew
25 following. Nobody substantiated any of the things
26 Janet said to you under oath, because they're false.
27 Her problem, as I said before was, she

28 figured out, "At some point Michael's not going to 12909

1 be our family/father soon. Now what do we do to
2 gain?"

3 And here we are.

4 Now, the prosecutor talked about these
5 alleged prior bad acts.

6 A prosecutor once told me, "Prior bad acts
7 are a band-aid for a bad case," because none of
8 these alleged victims are alleged victims in this
9 case. So why do they bring them in? If they've got
10 such a great case for Gavin being a victim, why are
11 they bringing these people in and why are they
12 trying to sell you false claims of molestation? And
13 I do mean false.

14 Macaulay Culkin says he was never molested.
15 He called it absolutely ridiculous. And they tried
16 to attack Macaulay like he was trying to lie on the
17 stand.

18 They want you to believe people like Ralph
19 Chacon, Adrian McManus and Kassim Abdool rather than
20 Macaulay Culkin or Wade Robson or Brett Barnes.

21 Why does a prosecution come into this
22 courtroom and tell you these three people are
23 victims of molestation when they are absolutely
24 adamant they're not? Why? If they're trying to
25 tell you the truth.

26 Adrian McManus said in a deposition under
27 oath that Mr. Jackson never did anything to any

28 child. Then changes her story; goes to the 12910

1 tabloids. She and Chacon and Abdool find out that
2 Blanca Francia and Jordan Chandler got money, and
3 they want money, too. They don't want to work.
4 They want to be millionaires at Mr. Jackson's
5 expense.

6 Ladies and gentlemen, when he settled those
7 two cases in the early '90s, he became a real target
8 for people who don't want to work. And he still is.
9 McManus, a Judge in this courthouse, in this
10 county, finds that she stole from a child's trust.
11 A Judge in this courthouse finds that she acted with
12 malice against Michael Jackson. She sues Michael
13 Jackson. He cross-complains and decides not to
14 settle that case, just to fight it. It's the
15 longest trial in the history of -- civil trial in
16 the history of this courthouse, six months. And he
17 prevails, and he wins his cross-complaint, and
18 there's a judgment against McManus and Chacon and
19 Kassim for over a million dollars.

20 McManus is found with materials from
21 Neverland stored in her house. She steals from a
22 children's trust. She steals from Mr. Jackson. She
23 has judgments against her. They want you to believe
24 her over these alleged victims who come in and say,
25 "He didn't do anything to us."

26 What does that tell you about their case?
27 What does that tell you about how desperate they are

28 to do something to win? 12911

1 Wade Robson got on the stand and he said,
2 "These claims that I was molested are ridiculous,"
3 were his words.

4 What does Mr. Zonen do? He starts grabbing
5 these books and shoving them in his face, books he's
6 never seen before, and asking him to describe sex
7 acts to you. That's his response. Abusive, mean-
8 spirited, and having nothing to do with seeking the
9 truth. Nothing.

10 Brett Barnes came in and was angry. He
11 said, "It absolutely never happened. I wouldn't
12 stand for it." He was angry. He flew from
13 Australia, he gave up his job, to come here and
14 testify that this stuff is false.

15 Do they want you to believe him?
16 No. No, put your faith and trust in Ralph
17 Chacon, who said he wanted to be a millionaire in
18 his deposition in that case. Put your faith and
19 trust in Kassim Abdool, who forgot that he had
20 signed a statement saying he never saw anything
21 improper happen at Neverland and admitted he wanted
22 to be a millionaire. Put your faith and trust in
23 Adrian McManus. Put your faith and trust in all the
24 trips to the tabloids they made through that agent
25 they hired, who they claim their lawyer was
26 responsible for. Don't believe these three young
27 men who say, "We were never touched."

28 It's the story of this case. 12912

1 Jordan Chandler never testified. He filed a
2 lawsuit with Larry Feldman and got money. Mr.
3 Jackson settled that case in the early '90s. He
4 didn't even come into court, say one way or the
5 other. His mother hasn't seen him.

6 June Chandler, his mother, never testified
7 she saw any molestation. What she testified to was
8 that Michael became essentially a member of their
9 family and stayed at their home in his room. She
10 also said he stayed at her ex-husband's home in the
11 room with Jordan, but she never saw any molestation
12 and never testified to any.

13 And that's a strange story, too, because Joy
14 Robson said, "She's a gold digger." She made a
15 statement in an interview that men had disappointed
16 her in her life and she didn't know if she wanted
17 another man in her life, meaning Michael.

18 Joy was correct. She was out for fame and
19 fortune, and that's what she's all about.

20 Blanca Francia took 20,000 from a tabloid,
21 talked to Larry Feldman and ended up with another
22 lawyer and settled.

23 Jason Francia says tickling went too far
24 after he initially denied anything had happened. He
25 said, "At the age of 16, money became important to
26 me," and he settled.

27 And guess what? No criminal case was ever

28 filed against Michael Jackson for any of these 12913

1 alleged victims.

2 Now, let me ask you this, ladies and
3 gentlemen: If Jason Francia cooperated with Mr.
4 Sneddon, and indeed he said Mr. Sneddon was there
5 for the first meeting with his counselor, I wonder
6 what Mr. Sneddon was trying to do? If he cooperated
7 with the sheriffs, if he allowed himself to be
8 interviewed -- although in his last interview, he
9 said, "Don't tape-record it." Do you remember that?
10 That was an interview having to do with this trial.
11 He and his lawyer showed up at the sheriff's office
12 and said they didn't want it tape-recorded, all
13 right?

14 But let's assume, and it seems pretty clear,
15 that he cooperated with law enforcement from day
16 one. Remember the cross-examination on his
17 interviews? He first denied anything happened.
18 Then these police were leaning on him with curse
19 words, et cetera, and he said, "Well, he tickled
20 me," and then he started remembering it went too
21 far, et cetera, said his genitals were touched.
22 Let's assume all of that's true. He
23 cooperates. He works with Mr. Sneddon. He works
24 with the sheriffs. Why was a case not filed? Why?
25 Because they didn't think they could win one
26 with him. He took money. His mom took money. His
27 mom went to a tabloid. He came into court and said,

28 "Gee, I didn't even know my mom went to a tabloid." 12914

1 Mr. Zonen said that to you in his closing argument a
2 little while ago like you're supposed to believe it.
3 He didn't tell you he didn't want his interview with
4 the police tape-recorded, did he?
5 No criminal case for any of these people.
6 Phillip LeMarque. I've already talked
7 Chacon, McManus, Abdool. They were all part of that
8 group that did the same thing.
9 Phillip LeMarque, he was the chef that
10 claims that Macaulay Culkin was being touched, when
11 Macaulay Culkin says he wasn't being touched.
12 Remember, he was the one who tried to up his price
13 to \$500,000 for a story and said, "I was just
14 kidding around." He had that agent representing
15 him. He kept upping the price, and eventually he
16 found out the agent sold the story himself.
17 You're going to trust him over Macaulay
18 Culkin?
19 They want you to. That's what they want.
20 If you listen to them, Macaulay, Wade, Brett, all
21 came here to lie under oath and say they weren't
22 molested. Do you buy any of that?
23 I want to mention one other thing about
24 these families.
25 The prosecution would like you to think that
26 Michael Jackson, the manipulative monster, sort of
27 befriends families and just uses them and discards

28 them, and that he somehow has a pattern of doing 12915

1 this, and he did it to the Arvizos, those poor
2 souls.

3 These families have been friends of Michael
4 Jackson, in one case almost 20 years. They consider
5 Michael to be in their family. They love him as a
6 family member. They trust him. They have stayed
7 friends all these years, and if they wanted to
8 develop false claims, like others, they could have.
9 And they could have stood in line for millions, the
10 Robsons, the Barneses, Macaulay.

11 They didn't.

12 And when their family member, their friend,
13 was in trouble in this courtroom, they came here to
14 testify, and they didn't have to.

15 Macaulay Culkin is 24 years old. He is very
16 wealthy and very successful. He's on top of the
17 world. He's in his 20s. You're immortal in your
18 20s. He didn't have to come here and testify for
19 his friend. He did it because he wanted to do the
20 right thing.

21 And the same with Brett Barnes flying from
22 Australia.

23 The same with Wade Robson. He's a
24 successful choreographer now.

25 They came here to stand up for their friend
26 in a time of need and tell the truth.

27 And they want you to believe Chacon, Abdool

28 and McManus and LeMarque rather than these three 12916

1 individuals and their families, sisters, mothers, et
2 cetera.

3 What does it tell you about their motives?

4 What does it tell you about their case? What does
5 it tell you about what they're willing to do to try
6 and win in this courtroom?

7 I have some timelines I just want to quickly
8 go through with you before we get into transcript,
9 if I may.

10 J.C. Penney suit. All right. August 27th,
11 '98, the arrest. Then you have the lawsuit filed in
12 '99, okay?

13 Janet files for divorce in October of 2001,
14 right before the settlement. The settlement checks
15 are received, and ten days later she wants emergency
16 welfare assistance.

17 And as I said to you before, this provides a
18 lens through which you can look at this case,
19 because the sexual assault claims evolved later on.

20 That's why her lawyer was so shocked at the
21 deposition.

22 Janet Arvizo versus David Arvizo. 9-29-01,
23 she tells the Los Angeles Police Department her
24 husband assaulted her. Later on, as things evolve,
25 she claims false imprisonment and child molestation
26 on Davellin, where Davellin says she doesn't
27 remember it. Her mother told her about it.

28 Now, I'm not saying David is some prize 12917

1 character. Apparently he's not. Sounds bad news to
2 me and probably to you. But did he really molest
3 Davellin? Or did Janet concoct it? And would Janet
4 concoct false claims of sexual touching? Ask
5 yourselves that question.

6 Here's the lawsuit developing against
7 Michael Jackson.

8 February 21st, she meets with Attorney Bill
9 Dickerman at The Laugh Factory. They have a number
10 of meetings with Masada. She meets Attorney Larry
11 Feldman April 3rd. He has her meet with Stan Katz,
12 his business associate, on May 15th. Feldman goes
13 to the police in June. Gavin's first interview is
14 July. And all the while she's having meetings with
15 Masada, Dickerman, Feldman and Katz, and the claims
16 get bigger and bigger and bigger.

17 Remember the correspondence that Dickerman
18 sent Geragos? Nothing about false imprisonment,
19 nothing about alcohol, nothing about molestation.

20 Begins with, "Make sure nobody has the rights to our
21 film footage. Give us our stored materials back.
22 Stop harassing us." Evolves, evolves, evolves.

23 And you got to ask yourself this question:
24 Gavin says he never told his mother, and he went to
25 the police and finally said, "I was molested" in
26 July. Why did they go to Feldman in April? Why
27 does anybody go to Feldman in a situation like this?

28 Do any of you really think they didn't have in mind 12918

1 a molestation case when they went to Feldman?
2 And you know something? Three lawyers in
3 this courtroom, Feldman, Dickerman and a lawyer for
4 Blanca Francia, all told you Gavin, Star, Davellin,
5 they have till the age of 18 before the clock starts
6 ticking on a civil suit. Feldman told you there's
7 still time for Janet to sue Michael Jackson. And he
8 told you he filed a Notice of Claim against Los
9 Angeles County, and there's still time for Star and
10 Gavin to file a claim against Los Angeles County.
11 And Janet on the stand tried to hesitate
12 about whether he still represents her. They were
13 playing all these games. But the fact is, he'd been
14 on the phone with her recently, he'd been on the
15 phone with Jay Jackson, he had been helping her with
16 subpoenas. What do you think is going on?
17 If the time hasn't run to file a civil case,
18 and if a conviction here allows you to automatically
19 win it, and the lawyer's still in touch with these
20 alleged victims, what do you think is going on?
21 And by the way, remember in the J.C. Penney
22 case, in her deposition Janet said, "Initially I
23 only wanted an apology, and I said there would be no
24 civil suit." Do you remember that?
25 Did she keep her word? Did she file a civil
26 suit eventually when she realized, "I can get some
27 money out of this deal?" Did sexual assault claims

28 then evolve later on? 12919

1 Yes. Same pattern. Same motives. Same
2 lies.

3 Just like here. Just like here. She just
4 needs one more thing: You to convict Michael. All
5 this group wants. Masada, Dickerman, Feldman, Katz
6 and the Arvizos. That's all they need. And you
7 have that power in your hands to make them rich, and
8 they'll never have to work a day in their life. You
9 have the power.

10 I talked about the questionable timing of
11 this so-called molestation. February 6th, airing of
12 the Bashir documentary. There's a suspected child
13 abuse report filed with DCFS February 10th. You
14 have the rebuttal taping and the DCFS interview on
15 the 19th and 20th. You got all these things going
16 on.

17 Look when they say the alleged molestation
18 takes place. Does it make sense to any of you? How
19 can it?

20 Their problem was what they did on the 19th
21 and 20th.

22 Ladies and gentlemen, remember when Janet
23 was asked questions about the Brad Miller interview
24 on the 16th of February where she praised Michael
25 Jackson as a father figure, someone who came into
26 their life, mentored her children, kind,
27 considerate, and she said it was all true. I'll

28 show you the transcript. She said it was all true. 12920

1 But then she got there on the 20th and said
2 it was all scripted, and she said essentially the
3 same things.
4 They had to allege molestation after the
5 20th because of all the statements they'd been
6 making before that date. It's purely a manipulative
7 gesture. And you're going to see through it, I
8 believe.

9 At this point I'd like to go into some of
10 the trial testimony of Gavin Arvizo, because I think
11 you'll find it quite revealing, especially in light
12 of what Mr. Zonen said to you today.

13 "Did you ever go down there and drink any
14 alcohol without Mr. Jackson being present?"

15 "No."

16 Under oath.

17 "And did you have -- don't tell us what she
18 said, just tell us - I want to know - did you
19 have any conversations with her?"

20 "Yes."

21 "Did you have any conversation with her
22 about leaving?"

23 "Yes."

24 "Did you want to leave, you personally?"

25 "Not really, because I was kinda having
26 fun."

27 This is about leaving Neverland.

28 Remember the police interview they showed 12921

1 you at the end of their case?

2 "I was scared. I wanted to leave."

3 He's asked about the Bashir documentary

4 where, as you know, he said nothing bad happens in

5 Mr. Jackson's bed. Remember that?

6 Well, as I said before, when all the furor

7 starts and all the pressures from every side begin

8 and the storm starts building is when they now claim

9 molestation happens.

10 He's asked about Mr. Jackson:

11 "Did Mr. Jackson ever say anything to you

12 about going to Brazil?

13 "Yeah.

14 "What did he say?

15 "He said that we were going to go to Brazil,

16 that we were going to have a good time.

17 "Do you remember anything else Mr. Jackson

18 said to you about the trip?

19 "That he was going to come a week later

20 after we got there."

21 Now, assuming that's true and assuming they

22 are planning a trip to Brazil, all of them, why

23 can't you cancel it? And wasn't it cancelled? The

24 tickets weren't purchased. The trip was cancelled.

25 Nobody went out of the country. The Arvizos went

26 home.

27 Where's the crime? Please tell me. Where's

28 the crime? Is it a crime to plan a trip abroad and 12922

1 cancel it?

2 If you listen to the prosecution, it was a
3 crime when Mr. Jackson thought of having a press
4 conference in Florida and then cancelled it. Big
5 nefarious part of a conspiracy. Nonsense.

6 "We would only drink with Michael."

7 "So -- all right. So when you came back
8 from Calabasas and Mr. Jackson was there, did you
9 drink with him?

10 "Yes."

11 He keeps saying they only drank with
12 Michael, but the witnesses have proven that's a lie.
13 A lie under oath. Repeatedly he says it.
14 Why? Because it's to their advantage to say
15 it. And you're supposed to believe him beyond a
16 reasonable doubt on alcohol. He's the only alleged
17 victim with alcohol.

18 This is Mr. Sneddon's questions:

19 "And where were you when you saw Mr. Jackson
20 coming up the stairs?"

21 Do you remember the testimony of Star and
22 Gavin about Mr. Jackson coming up the stairs of his
23 room naked? I'd like you to look carefully what
24 happens here.

25 Mr. Sneddon: "And where were you when you
26 saw Mr. Jackson coming up the stairs?"

27 "Me and my brother were laying on the bed.

28 "Q. And what were you doing? 12923

1 "I think we were just laying there.

2 "Q. All right. And Mr. Jackson came up
3 the stairs. Did you notice anything?

4 "Yeah, he was naked.

5 "Q. When you say 'naked,' what do you mean
6 by that?

7 "A. Like not clothes on.

8 "Q. Did Mr. Jackson do or say anything at
9 that point in time?

10 "No, he just ran up and just got something
11 and went back down."

12 "Q. By Mr. Sneddon: I'm sorry?

13 "A. I think he just ran up there and got
14 something and went back downstairs.

15 "Q. Do you recall him saying anything at
16 that point?

17 "A. No.

18 "Q. And what was your reaction to what you
19 saw?

20 "A. Nothing. It was just kind of like --
21 me and my brother were kind of like, 'Eeuww,'
22 you know what I mean.

23 "Q. Kind of like what?

24 "'Eeuww,' like we never really saw a grown
25 man, like, naked before."

26 Which, of course, is baloney, but....

27 Here we go again. At some point -- now,

28 they're trying to make that look like some kind of a 12924

1 molester or something, that Mr. Jackson was in his
2 room, came out of the bathroom, came up the stairs,
3 saw them, and ran back down again. Nothing
4 nefarious happened at all.

5 "Q. At some point did you tell somebody
6 else that you'd been drinking alcohol in
7 connection with the fact that you had to collect
8 your pee in that bottle?

9 "Yes."

10 Now -- keep going.

11 "Who was that?

12 "It was my mom."

13 I want to present something to you.

14 He admits at 4:00 in the morning telling his
15 mother that he had wine. His mother admits on the
16 stand that that happened, that she knew he had wine.

17 They have an appointment at Kaiser Hospital that
18 morning. Janet takes possession of the urine
19 sample. Vinnie's driving.

20 Now, does Gavin want that test if he's been
21 drinking wine? Does Janet want that test if she
22 knows he's been drinking wine? Do they really want
23 to go to Kaiser and have him fail that test?

24 What she came in here and said to you was,

25 "I noticed suddenly urine was missing and we never
26 had the test."

27 Do you believe her? Do you believe Gavin?

28 Should you believe them? Is it possible the two of 12925

1 them didn't want to have the test? They wanted to
2 make their appointment, because this was their
3 treating physician. Do you necessarily believe
4 Vinnie had something to do with this?
5 Think about their lack of credibility, their
6 lies under oath, their manipulative scams and
7 schemes. Are you sure they're victims when it comes
8 to this urine sample and lack of test? What do you
9 think?

10 Let me go back:

11 "What did you say to your mother?

12 "Well, I called her and I told her, 'Well,
13 Mom, you know how Jesus drank juice? I mean,
14 Jesus drank wine?'

15 "And then she told me -- I don't know. I
16 don't remember what exactly she said. She said
17 like, 'Yeah.'

18 "And then, like, I just tried to tell her
19 that -- I'm not really too sure what happened in
20 that conversation. I know I called my mom and I
21 told her."

22 Their assumption is you must believe
23 everything Janet said about suddenly finding urine
24 missing, that they're victims. Why should you
25 believe it?

26 I know this: Michael Jackson's nowhere near
27 any of this.

28 I actually thought this was going to appear 12926

1 a little earlier, but we're back on that subject of
2 Mr. Jackson going up naked, seeing them and running
3 down the stairs. This is Mr. Sneddon:

4 "And the time you said he was naked --

5 "Yes.

6 "-- and I asked you whether or not he said
7 anything to you at that particular point in
8 time --

9 "Uh-huh."

10 "--and you said you didn't recall anything?

11 "I do not.

12 "Do you recall testifying at the grand
13 jury?

14 "Yes.

15 "You testified there a couple of times, did
16 you not?

17 "Yes.

18 "One time that I asked you questions and one
19 time Mr. Zonen did?

20 "Yes.

21 "Would it refresh your recollection if I
22 showed you what you said to the grand jury about
23 that incident?

24 "Probably."

25 And in other words, Mr. Sneddon didn't like
26 the answer when he said nothing happened.

27 Mr. Jackson did nothing untoward or

28 improper. Mr. Jackson ran up the stairs, saw them, 12927

1 and ran down. That wasn't enough for Mr. Sneddon,
2 so he wanted to give a transcript to his own witness
3 to remind him of what he should say.

4 Okay. So he does it. He does it, right in
5 front of you:

6 "Gavin, with regard to that portion of your
7 testimony when you indicated to this jury just a
8 little while ago that you had no recollection of
9 what Mr. Jackson said when he walked in front of
10 you naked; do you recall that?

11 "Yes, well, he didn't really walk. He just
12 came up the stairs.

13 "He came up the stairs?

14 "Yes.

15 "And you saw that he was naked?

16 "Yes.

17 "And I asked you if you recall whether he
18 said anything to you, do you recall that, in
19 front of this jury here?

20 "Yes.

21 "And you said you did not?

22 "Yes."

23 And it goes on and on. It's the story of
24 this case. Anything to win.

25 THE COURT: All right. We'll stop for the
26 afternoon. See you tomorrow morning at 8:30.

27 (The proceedings adjourned at 2:30 p.m.)

1 REPORTER'S CERTIFICATE

2

3

4 THE PEOPLE OF THE STATE OF)

5 CALIFORNIA,)

6 Plaintiff,)

7 -vs-) No. 1133603

8 MICHAEL JOE JACKSON,)

9 Defendant.)

10

11

12 I, MICHELE MATTSON McNEIL, RPR, CRR, CSR

13 #3304, Official Court Reporter, do hereby certify:

14 That the foregoing pages 12777 through 12928

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 June 2, 2005, and thereafter

19 reduced to typewriting by computer-aided

20 transcription under my direction.

21 DATED: Santa Maria, California,

22 June 2, 2005.

23

24

25

26

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

