

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

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6

7 THE PEOPLE OF THE STATE OF)
8 CALIFORNIA,)
9 Plaintiff,)
10 -vs-) Number 1133603
11 MICHAEL JOE JACKSON,)
12 Defendant.)

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16 REPORTER'S TRANSCRIPT OF PROCEEDINGS

17

18 MONDAY, FEBRUARY 28, 2005

19

20 8:30 A.M.

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

28 BY: Official Court Reporter 1

1 APPEARANCES OF COUNSEL:

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For Plaintiff: THOMAS W. SNEDDON, JR.,

4 District Attorney -and-

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6 -and- GORDON AUCHINCLOSS,

7 Sr. Deputy District Attorney -and-

8 GERALD McC. FRANKLIN, Sr. Deputy District Attorney

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12

13 For Defendant: COLLINS, MESEREAU, REDDOCK & YU BY: THOMAS A.
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1 Santa Maria, California
2 Monday, February 28, 2005
3 8:30 a.m.
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5 THE COURT: Good morning.
6 THE JURY: (In unison) Good morning.
7 COUNSEL AT COUNSEL TABLE: (In unison)
8 Good morning, Your Honor. Good morning.
9 THE COURT: There's two things we're going to
10 do before we commence with the opening statement.
11 One of them is that I'm going to read the
12 Indictment.
13 Remember, during jury selection, I generally
14 told you what the Indictment contained, and it does
15 contain that. But I want to read it specifically to
16 you because it's a little more detailed than the
17 general description.
18 The second thing I'm going to do is to give
19 you some pre-trial jury instruction. And they're
20 very brief, but they're meant to help you as you
21 start to hear the evidence, and as you hear the
22 opening statements of counsel.
23 What I'm going to do is, again, come down to
24 where you are to talk to you. I just -- this
25 distance between us is disturbing to me.
26 This is the Indictment:
27 The People of the State of California versus
28 Michael Joe Jackson, Defendant. 3

1 Count 1: The Grand Jury of the County of
2 Santa Barbara, State of California, by this
3 Indictment, hereby accuses Michael Joe Jackson of a
4 felony, to wit: a violation of Penal Code Section
5 182, subdivision (a), sub (1), conspiracy, in that
6 on or about and between February 1, 2003, and March
7 31, 2003, in the County of Santa Barbara, State of
8 California, he did conspire with Ronald Konitzer,
9 Dieter Weizner, and Frank Cascio, aka Frank Tyson,
10 Vinnie Amen, Frederic Marc Schaffel, and other

11 uncharged co-conspirators and co-conspirators whose
12 identities are unknown, to commit the crime of a
13 violation of Penal Code Section 278, child
14 abduction, a felony; a violation of Penal Code
15 Section 236, false imprisonment, a felony; a
16 violation of Penal Code Section 518, extortion, a
17 felony; and that pursuant to and for the purpose of
18 carrying out the objectives and purposes of the
19 aforesaid conspiracy, to wit: unlawfully
20 controlling, withholding, isolating, concealing,
21 enticing and threatening John Doe, James Doe, Judy
22 Doe, all minor children, and Jane Doe, an adult, did
23 commit one or more of the following overt acts in
24 the State of California, at least one of them in the
25 County of Santa Barbara:
26 Overt Act Number 1: On or about February
27 4th, 2003, Michael Joe Jackson told Jane Doe that
28 the lives of her children, John, James and Judy Doe, 4

1 were in danger due to the recent broadcast on
2 British television of the documentary "Living with
3 Michael Jackson," in which John Doe appears with
4 Michael Joe Jackson. And Michael -- excuse me,
5 appears with Michael Joe Jackson, period. Michael
6 Joe Jackson did tell Jane Doe that she and her three
7 children would be flown to Miami to participate in a
8 press conference, which press conference never took
9 place.

10 Overt Act Number 2: On and between February
11 4th, 2003, and February 5th, 2003, the documentary
12 "Living with Michael Jackson," in which John Doe
13 appears, was broadcast in the United States.
14 Michael Joe Jackson did personally prevent the Doe
15 family from viewing the program, while at the
16 Turnberry Resort Hotel in Miami, Florida.

17 Overt Act Number 3: On and between
18 February 7th, 2003, and February 8th, 2003, Michael
19 Joe Jackson did return the Doe family to Santa
20 Barbara in a private jet. On the flight, Michael
21 Joe Jackson did sit with John Doe and did give him
22 an alcoholic beverage, concealed in a soft drink
23 can. Michael Joe Jackson did then present John Doe
24 with a wristwatch. Michael Joe Jackson did tell
25 John Doe that the watch was worth \$75,000. Michael
26 Joe Jackson did tell John Doe not to tell anyone
27 about them drinking alcoholic beverages together.
28 Overt Act Number 4: On or about February 5

1 8th, 2003, Michael Joe Jackson brought the Doe
2 family to Jackson's Neverland Ranch, where John,

3 James, Judy and Jane Doe remained for approximately
4 five days.

5 Overt Act Number 5: On and between February
6 6th, 2003, and February 12th, 2003, in both Miami,
7 Florida, and at Neverland Ranch in Santa Barbara
8 County, Ronald Konitzer and Dieter Weizner did tell
9 Jane Doe that there were death threats made against
10 her and her children by unknown individuals. They
11 did further tell Jane Doe that the only way to
12 assure the safety of her family was for the Does to
13 participate in the making of a "rebuttal" video
14 favorable to Michael Joe Jackson.

15 Overt Act Number 6: On and between February
16 12th, 2003, and February 15th, 2003, after the Doe
17 family had departed Neverland Ranch in the night,
18 Frank Cascio, aka Frank Tyson, did telephone Jane
19 Doe and did urge her to return with her children to
20 Neverland Ranch and did say, quote, "I know Michael
21 would love for you to come back to the ranch, for
22 the safety of all concerned," unquote; and, quote,
23 "Now is not the time to be out there alone,"
24 unquote; and, quote, "Never turn your back on
25 Michael," unquote; and, "Michael wants to see you
26 and the family," that's in quotes; and, quote, "You
27 need to go back up to the ranch and see Michael,
28 because he's very concerned," unquote; and, quote, 6

1 "Even staying another night alone is not safe,"
2 unquote.

3 Frank Cascio, aka Frank Tyson, did tell Jane
4 Doe that, "We would love for you to go on tape and
5 just say something beautiful about Michael." Frank
6 Cascio did assure Jane Doe and John Doe that Ronald
7 Konitzer and Dieter Weizner would no longer be
8 present at the ranch if they returned. He did
9 state, "They are not there; I know that for a fact."

10 Overt Act Number 7: On and between February
11 2003 and March 2003, at Neverland Ranch, Frank
12 Cascio, aka Frank Tyson, did threaten James Doe that
13 Cascio did have ways to make James Doe's parents
14 disappear. Frank Cascio did tell John Doe, "I could
15 have your mother killed."

16 Overt Act Number 8: On or about February
17 14th, 2003, and February 15th, 2003, Michael Joe
18 Jackson's personal chauffeur, Gary Hearne, did drive
19 to Jane Doe's Los Angeles residence and did
20 transport her and her children back to the Neverland
21 Ranch in Santa Barbara County.

22 Overt Act Number 9: On and between February
23 14th, 2003, and February 15th, 2003, upon the Doe
24 Family's return to Neverland Ranch, Ronald Konitzer
25 and Dieter Weizner were, in fact, present; whereupon

26 Jane Doe asked to leave with her children. Ronald
27 Konitzer and Dieter Weizner did tell Jane Doe that
28 she was free to depart, however her children must 7

1 remain at the ranch.

2 Overt Act Number 10: During the month of
3 February 2003, in Santa Barbara County, California,
4 Michael Joe Jackson's personal security staff was
5 directed in writing not to allow John Doe to leave
6 Neverland Ranch.

7 Over Act Number 11: During the month of
8 February 2003, Frederic Marc Schaffel, Christian
9 Robinson and an unknown attorney did prepare a
10 script of questions to be asked of the Doe family
11 during the filming of the "rebuttal" video by Hamid
12 Moslehi, Michael Joe Jackson's personal
13 videographer.

14 Overt Act Number 12: On or about February
15 19th, 2003, the Doe children were transported by
16 Hamid Moslehi from Neverland Ranch to Moslehi's home
17 in the San Fernando Valley, and on the same date,
18 Vinnie Amen did transport Jane Doe to Hamid
19 Moslehi's filming of the "rebuttal" video.

20 Overt Act Number 13: On or about February
21 19th, 2003, in Los Angeles County between 11:00 p.m.
22 and 1:00 a.m., the employees and associates of
23 Michael Joe Jackson did tape the "rebuttal" video,
24 an interview of the Doe family, in the presence of
25 Vinnie Amen and Bradley Miller, a licensed private
26 investigator. During the taping, previously
27 scripted questions were asked of the Doe family.

28 Overt Act Number 14: On or about February 8

1 20th, 2003, Vinnie Amen did transport Jane Doe to
2 Norwalk, in Los Angeles County, to obtain birth
3 certificates of the Doe family for the purpose of
4 obtaining passports and visas to travel to Brazil.

5 Overt Act Number 15: On and between
6 February 25th, 2003, and March 2nd, 2003, Vinnie
7 Amen did take the Doe family from Neverland Ranch to
8 the Country Inn and Suites in Calabasas, Los Angeles
9 County. Vinnie Amen did transport Jane Doe to
10 public offices in Los Angeles County where passports
11 showing the destinations of Italy and France and
12 visas for entrance to Brazil for the Doe family were
13 obtained. Frederic Marc Schaffel, business partner
14 of Michael Joe Jackson and president of Neverland
15 Valley Entertainment, did pay expenses in connection
16 with this activity.

17 Overt Act Number 16: On or about February

18 25th, 2003, Frederic Marc Schaffel did make airline
19 reservations for the Doe family to travel to Brazil
20 on March 3rd, 2003.
21 Overt Act Number 17: On or about February
22 26th, 2003, Frederic Marc Schaffel and Frank Cascio,
23 aka Frank Tyson -- excuse me.
24 On or about February 26th, 2003, Frederic
25 Marc Schaffel paid Frank Cascio, aka Frank Tyson,
26 \$1,000 in connection with "vacation" expenses of the
27 Doe family.
28 Overt Act Number 18: On or about February 9

1 23rd (sic), 2003, Frederic Marc Schaffel did pay
2 Vinnie Amen the sum of \$500 cash for costs related
3 to the Brazilian visas of the Doe family.
4 Overt Act Number 19: On and between
5 February 2003 and March 2003, at the Neverland
6 Ranch, Michael Joe Jackson did have John Doe sleep
7 in his bedroom and in his bed.
8 Overt Act Number 20: On and between
9 February 2003 and March 2003, at Neverland Ranch,
10 Michael Joe Jackson did house Jane and Judy Doe in a
11 guest cottage on Neverland Ranch where Jane and Judy
12 Doe slept.
13 Overt Act Number 21: On and between
14 February 2003 and March 2003, at Neverland Ranch,
15 Michael Joe Jackson did show sexually explicit
16 materials to John and James Doe.
17 Overt Act Number 22: On and between
18 February 2003 and March 2003, at Neverland Ranch,
19 Michael Joe Jackson did drink alcoholic beverages in
20 the presence of John and James Doe and provided
21 alcoholic beverages to them.
22 Overt Act Number 23: On and between
23 February 2003 and March 2003, Michael Joe Jackson
24 did monitor and maintain control over the activities
25 at Neverland Ranch by means of multiple interior
26 door locks, proximity sensor alarm devices, and a
27 keypad combination lock, as well as video and
28 telephone surveillance equipment. Michael Joe 10

1 Jackson did personally monitor telephone
2 conversations of Jane Doe, without her knowledge or
3 permission.
4 Overt Act Number 24: On or about March 1st,
5 2003, Vinnie Amen did pay the rent on the residence
6 of the Doe family in Los Angeles County and moved
7 their belongings into storage.
8 Overt Act Number 25: On or about March 6th,
9 2003, Vinnie Amen did go to John Burroughs Middle

10 School in Los Angeles County and he did withdraw
11 John and James Doe from their enrollment there,
12 telling school authorities that the children were
13 relocating to Phoenix, Arizona.
14 Overt Act Number 26: On or about March 9th,
15 2003, Michael Joe Jackson was told by John Doe that
16 John Doe had a medical appointment the following
17 day, at which time he was to give his medical staff
18 a 24-hour-long urine collection specimen for
19 laboratory analysis.
20 Michael Joe Jackson, in Santa Barbara
21 County, did tell John Doe to cancel the appointment,
22 because the sample would reveal that John Doe had
23 been consuming alcoholic beverages while staying at
24 the Neverland Ranch.
25 On or about March 10th, 2003, in Los Angeles
26 County, after Jane Doe refused to cancel the medical
27 appointment and while on the way to the medical
28 appointment, Vinnie Amen did destroy most of John 11

1 Doe's collected urine specimen, intended for
2 laboratory analysis in connection with John Doe's
3 follow-up treatment for the disease of cancer.
4 Overt Act Number 27: On and between
5 February 2003 and March 2003, in Los Angeles County,
6 and as revealed by a surveillance tape located on
7 November 18th, 2003, in the office of Private
8 Investigator Bradley Miller, an unknown
9 co-conspirator conducted video surveillance of John
10 Doe and various members of John Doe's family,
11 including his grandmother and grandfather, his
12 mother, his mother's boyfriend, his brother and his
13 sister, at and near their respective residences and
14 elsewhere.
15 Overt Act Number 28: On or about March 31,
16 2003, Michael Joe Jackson did direct Frederic Marc
17 Schaffel to pay Frank Cascio, aka Frank Tyson, the
18 sum of one million dollars, from "Petty Cash" of
19 Neverland Valley Entertainment on behalf of Michael
20 Joe Jackson.
21 Those are the end of the overt acts. We're
22 now going to Count 2.
23 Count 2: The Grand Jury of the County of
24 Santa Barbara, State of California, by this
25 Indictment, hereby accuses Michael Joe Jackson of a
26 felony, to wit: a violation of Penal Code Section
27 288, subdivision (a), lewd act upon a child, in that
28 on or about and between February 20th, 2003, and 12

1 March 12th, 2003, in the County of Santa Barbara,

2 State of California, he did willfully, unlawfully,
3 and lewdly commit a lewd and lascivious act upon and
4 with the body and certain parts and members thereof
5 of John Doe, a child under the age of 14 -- under
6 the age of 14 years, with the intent of arousing,
7 appealing to, and gratifying the lust, passions, and
8 sexual desires of said defendant and the said child.
9 The further allegation that in the
10 circumstances of the crime alleged in this count the
11 crime constituted substantial sexual conduct with a
12 child under the age of 14 years, within the meaning
13 of Penal Code Section 1203.066, subdivision (a)(8).
14 Count 3: The Grand Jury of the County of
15 Santa Barbara, State of California, by this
16 Indictment, hereby accuses Michael Joe Jackson of a
17 felony, to wit: a violation of Penal Code Section
18 288, subdivision (a), lewd act upon a child, in that
19 on or about and between February 20th, 2003, and
20 March 12th, 2003, in the County of Santa Barbara,
21 State of California, he did willfully, unlawfully
22 and lewdly commit a lewd and lascivious act upon and
23 with the body and certain parts and members thereof
24 of John Doe, a child under the age of 14 years, with
25 the intent of arousing, appealing to, and gratifying
26 the lust, passions and sexual desires of said
27 defendant and said child.
28 The further allegation that in the 13

1 circumstances of the crime alleged in this count the
2 crime constituted substantial sexual conduct with a
3 child under the age of 14 years, within the meaning
4 of Penal Code Section 1203.066, subdivision (a)(8).
5 Count 4: The Grand Jury of the County of
6 Santa Barbara, State of California, by this
7 Indictment, hereby accuses Michael Joe Jackson of a
8 felony, to wit: a violation of Penal Code Section
9 288, subdivision (a), lewd act upon a child, in that
10 on or about and between February 20th, 2003, and
11 March 12th, 2003, in the County of Santa Barbara,
12 State of California, he did willfully, unlawfully
13 and lewdly commit a lewd and lascivious act upon and
14 with the body and certain parts and members thereof
15 of John Doe, a child under the age of 14 years, with
16 the intent of arousing, appealing to, and gratifying
17 the lusts, passions, and sexual desires of said
18 defendant and the said child.
19 The further allegation that in the
20 circumstances of this count, the crime constituted
21 substantial sexual conduct with a child under the
22 age of 14 years, within the meaning of Penal Code
23 Section 1203.066 (a)(8).
24 Count 5: The Grand Jury of the County of

25 Santa Barbara, State of California, by this
26 Indictment, hereby accuses Michael Joe Jackson of a
27 felony, to wit: a violation of Penal Code Section
28 288, subdivision (a), lewd act upon a child, in that 14

1 on or about and between February 20th, 2003, and
2 March 12th, 2003, in the County of Santa Barbara,
3 State of California, he did willfully and unlawfully
4 and lewdly commit a lewd and lascivious act upon and
5 with the body and certain parts and members thereof
6 of John Doe, a child under the age of 14 years, with
7 the intent of arousing, appealing to, and gratifying
8 the lusts, passions, and sexual desires of said
9 defendant and said child.

10 The further allegation that in the
11 circumstances of the crime alleged in this count the
12 crime constituted substantial sexual conduct with a
13 child under the age of 14 years, within the meaning
14 of Penal Code Section 1203.066, subdivision (a)(8).

15 Count 6: The Grand Jury of the County of
16 Santa Barbara, State of California, by this
17 Indictment, hereby accuses Michael Joe Jackson of a
18 felony, to wit: a violation of Penal Code Sections
19 664 and 288, subdivision (a), attempt to commit a
20 lewd act upon a child, in that on or about and
21 between February 20th, 2003, and March 12th, 2003,
22 in the County of Santa Barbara, State of California,
23 he did willfully, unlawfully and lewdly attempt to
24 have John Doe, a child under 14 years of age, commit
25 a lewd and lascivious act upon and with Defendant
26 Michael Joe Jackson's body and certain parts and
27 members thereof, with the intent of arousing,
28 appealing to, and gratifying the lust, passions, and 15

1 sexual desires of the said defendant and the said
2 child.

3 Count 7: The Grand Jury of the County of
4 Santa Barbara, State of California, by this
5 Indictment, hereby accuses Michael Joe Jackson of a
6 felony, to wit: a violation of Penal Code Section
7 222, administering an intoxicating agent to assist
8 in the commission of a felony, in that on or about
9 and between February 20th, 2003, and March 12th,
10 2003, in the County of Santa Barbara, State of
11 California, he did unlawfully administer to John Doe
12 an intoxicating agent, to wit: alcohol, with the
13 intent thereby to enable and assist him to commit a
14 felony, to wit: child molestation, in violation of
15 Penal Code Section 288, subdivision (a).

16 Count 8: The Grand Jury of the County of

17 Santa Barbara, State of California, by this
18 Indictment, hereby accuses Michael Joe Jackson of a
19 felony, to wit: a violation of Penal Code Section
20 222, administering an intoxicating agent to assist
21 in the commission of a felony, in that on or about
22 and between February 20th, 2003, and March 12th,
23 2003, in the County of Santa Barbara, State of
24 California, he did unlawfully administer to John Doe
25 an intoxicating agent, to wit: alcohol, and with the
26 intent thereby to enable and assist himself to
27 commit a felony, to wit: child molestation, in
28 violation of Penal Code Section 288, subdivision 16

1 (a).

2 Count 9: The Grand Jury of the County of
3 Santa Barbara, State of California, by this
4 Indictment, hereby accuses Michael Joe Jackson of a
5 felony, to wit: a violation of Penal Code Section
6 222, administering an intoxicating agent to assist
7 in the commission of a felony, in that on or about
8 and between February 20th, 2003, and March 12th,
9 2003, in the County of Santa Barbara, State of
10 California, he did unlawfully administer to John Doe
11 an intoxicating agent, to wit: alcohol, with the
12 intent thereby to enable and assist him to commit a
13 felony, to wit: child molestation, in violation of
14 Penal Code Section 288, subdivision (a).

15 Count 10: The Grand Jury of the County of
16 Santa Barbara, State of California, by this
17 Indictment, hereby accuses Michael Joe Jackson of a
18 crime, to wit: a violation of Penal Code Section
19 222, administering an intoxicating agent to assist
20 in the commission of a felony, in that on or about
21 between February 20th, 2003, and March 12th, 2003,
22 in the County of Santa Barbara, State of California,
23 he did unlawfully administer to John Doe an
24 intoxicating agent, to wit: alcohol, with the intent
25 thereby to enable and assist him to commit a felony,
26 to wit: child molestation, in violation of Penal
27 Code Section 288, subdivision (a).

28 It is further alleged that Counts 2 through 17

1 5 are serious felonies within the meaning of Penal
2 Code Section 1192.7, subdivision (c)(6).
3 As to Counts 2 through 5, it is further
4 alleged, pursuant to Penal Code Section 1203.066,
5 subdivision (a)(8), that the victim in the above
6 offense, John Doe, was under the age of 14 years and
7 Michael Joe Jackson had substantial sexual conduct
8 with John Doe.

9 Pursuant to the provisions of Penal Code
10 Section 293.5 the use of "John Doe" as it appears in
11 the Indictment is for the purpose of protecting the
12 privacy of the alleged victim.
13 This Indictment is signed by Ronald Zonen on
14 behalf of Tom Sneddon, signed by Gordon Auchincloss
15 on behalf of Thomas Sneddon, and is declared to be a
16 true bill by the foreperson of the grand jury, who
17 signed it on April 21st, 2004.
18 Up until this time the Indictment in this
19 case has been sealed. It is hereby unsealed.
20 I'm now going to read to you a short two- or
21 three-page statement of some jury instructions that
22 I hope will help you as you begin to listen to the
23 case. But I need some water.
24 And I want to remind you, after reading that
25 entire Indictment, that Mr. Jackson has pled not
26 guilty to all those charges. He's put every
27 allegation in those charges at issue by pleading not
28 guilty. And the Indictment is not evidence of his 18

1 guilt.
2 Members and alternate members of the jury:
3 You have been selected and sworn as jurors and
4 alternate jurors. I shall now instruct you as to
5 your basic functions, duties and conduct.
6 At the conclusion of the case, I will give
7 you further instructions on the law. All of the
8 Court's instructions, whether given before, during
9 or after the taking of testimony, are of equal
10 importance.
11 You must base the decisions you make on the
12 facts and the law. First, you must determine the
13 facts from the evidence received in the trial and
14 not from any other source.
15 A fact is something proved by the evidence
16 or by a stipulation. A stipulation is an agreement
17 between attorneys regarding the facts.
18 Second, you must apply the law that I state
19 to you to the facts as you determine them, and in
20 this way arrive at your verdict and any finding you
21 are instructed to include in your verdict.
22 You must accept and follow the law as I
23 state it to you, regardless of whether you agree
24 with it or not. If anything concerning the law said
25 by the attorneys in their arguments or at any other
26 time during the trial conflicts with my instructions
27 on the law, you must follow my instructions.
28 You must not be influenced by pity for the 19

1 defendant, or by prejudice against him. You must
2 not be biased against the defendant because he has
3 been arrested for this offense, charged with a
4 crime, or brought to trial. None of these
5 circumstances is evidence of guilt. And you must
6 not infer or assume any or all of them -- assume
7 from any or all of them that he is more likely to be
8 guilty than not guilty.
9 You must not be influenced by mere
10 sentiment, conjecture, sympathy, passion, prejudice,
11 public opinion, or public feeling. Both the People
12 and the defendant have a right to expect that you
13 will conscientiously consider and weigh the
14 evidence, apply the law, and reach a just verdict,
15 regardless of the consequences.
16 Statements made by the attorneys during the
17 trial are not evidence. However, if the attorneys
18 stipulate or agree to a fact, you must regard that
19 fact as proven.
20 If an objection is sustained to a question,
21 do not guess what the answer might have been. Do
22 not speculate as to the reason for the objection.
23 Do not assume to be true any insinuation
24 suggested by a question asked a witness. A question
25 is not evidence and may be considered only as it
26 helps you to understand the answer. Do not consider
27 for any purpose any offer of evidence that is
28 rejected or any evidence that is stricken by the 20

1 Court. Treat it as though you had never heard it.
2 You must not independently investigate the
3 facts or the law or consider or discuss facts as to
4 which there is no evidence. This means, for
5 example, that you must not, on your own, visit the
6 scene, conduct experiments, or consult reference
7 works or persons for additional information.
8 You must not converse among yourselves or
9 with anyone else, including, but not limited to,
10 spouses, spiritual leaders or advisors or therapists
11 on any subject connected with the trial, except when
12 all of the following conditions exist: A, the case
13 has been submitted to you for your decision by the
14 Court following arguments by counsel and jury
15 instructions; B, you are discussing the case with a
16 fellow juror; and, C, all 12 jurors and no other
17 persons are present in the jury deliberating room.
18 You must not read or listen to any accounts
19 or discussions of the case reported by the
20 newspapers or other news media, including radio,
21 television, the Internet, or any other source.
22 You will be given notebooks and pencils.
23 Leave them on your seat when you leave each day and

24 at each recess. You will be able to take them into
25 the jury room when you deliberate.
26 A word of caution: You may take notes.
27 However, you should not permit note-taking to
28 distract you from the ongoing proceedings. 21

1 Remember, you are the judges of the believability
2 of the witnesses.
3 Notes are only an aid to memory and should
4 not take precedence over recollection. A juror who
5 does not take notes should rely on his or her
6 recollection of the evidence and not be influenced
7 by the fact that other jurors do take notes. Notes
8 are for the note-taker's own personal use in
9 refreshing his or her recollection of the evidence.
10 Should a discrepancy exist between a juror's
11 recollection of the evidence and a juror's notes, or
12 between a juror's recollection and that of another,
13 you have a right to, and may request, the court
14 reporter read back the relevant testimony, which
15 must prevail.
16 You will be permitted to separate at the
17 evening recess. You must return following -- on the
18 following days at such times as I instruct you.
19 During recess, you must not discuss with anyone, any
20 subject connected with this trial.
21 As for the alternate jurors, you are bound
22 by all these admonitions. You must not converse
23 among yourselves or with anyone else on any subject
24 connected with the trial or form or express any
25 opinion on it until the case is submitted to you,
26 which means until such time as you are substituted
27 in for one of the 12 jurors and begin deliberating
28 on the case. 22

1 This means that you must not decide how you
2 would vote if you were deliberating with the other
3 jurors, and that you must not form or express an
4 opinion about the case unless and until you have
5 been substituted in as a juror in the case.
6 You are not to visit or view the premises or
7 place where the crime or crimes charged were
8 allegedly committed or any other premises or place
9 mentioned or involved in the case.
10 During the course of this trial, and before
11 you begin your deliberations, you must keep an open
12 mind on this case, and upon all of the issues that
13 you will be asked to decide. In other words, you
14 must not form or express any opinions on this case
15 until the matter is finally submitted to you.

16 Before and within 90 days of your discharge
17 as a juror in this matter, you must not request,
18 accept, agree to accept, or discuss with any person
19 receiving or accepting any payment or benefit in
20 consideration for supplying any information
21 concerning the trial.
22 You must promptly report to the Court any
23 incident within your knowledge involving an attempt
24 by any person either to improperly influence any
25 member of this jury or to tell a juror his or her
26 view of the evidence of the case.
27 At this time, the lawyers will be permitted
28 to make an opening statement, if they choose to do 23

1 so. An opening statement is not evidence. Because
2 it is not evidence, do not take any notes during the
3 opening statement.
4 Neither is it argument. Counsel are not
5 permitted to argue the case at this point in the
6 proceedings.
7 An opening statement is simply an outline by
8 counsel of what he or she believes or expects the
9 evidence will show in this trial. Its sole purpose
10 is to assist you in understanding the case as it is
11 presented to you.
12 Mr. Sneddon.
13 MR. SNEDDON: Yes, Your Honor.
14 THE COURT: I understand there is a change in
15 the way we're going to refer to the alleged victims
16 in this case.
17 MR. SNEDDON: That's correct, Your Honor.
18 And the change is that we are going to use the real
19 names.
20 THE COURT: All right. Counsel agree.
21 MR. MESEREAU: Defense would agree to that,
22 Your Honor.
23 THE COURT: And I understand the reason for
24 this change in this case is that there is so much
25 documentary, written evidence that has their names
26 in it would be pretty much impossible to proceed
27 without reaching this agreement.
28 MR. SNEDDON: That's correct, Your Honor. I 24

1 discussed it with the family and explained to them
2 the technical problems of trying to go through all
3 the redaction process with every tape and video and
4 everything else, and they understood. And they said
5 that they were comfortable with it, the decision to
6 change it back.
7 THE COURT: All right. I'll accept that

8 agreement and request. And I will allow the names
9 of the victims to be used in this case.
10 In doing so, I want to express to the
11 members of the press who did not reveal the names of
12 the victims in accordance with our law, how deeply
13 appreciated that was by the Court.
14 And I want you to know that in other cases,
15 it would remain very important to continue your
16 policies that you expressed not revealing the
17 victim's names in these type of cases.
18 Are you ready to proceed.
19 MR. SNEDDON: Judge, there's one final thing
20 that we discussed a long time ago, but I wanted to
21 double-check with the Court. There is a motion to
22 exclude witnesses; is that correct.
23 THE COURT: I don't remember. Yes, there
24 was, during one of the hearings, a motion -- is
25 there a motion to exclude witnesses during the
26 trial.
27 MR. SNEDDON: Yes, sir. I believe that was
28 the request of both parties. 25

1 MR. MESEREAU: We would make a similar
2 motion, Your Honor.
3 THE COURT: All right. The motion to
4 exclude witnesses made by both parties is granted.
5 MR. SNEDDON: Yes, sir.
6 THE COURT: Does that require witnesses not
7 to be present during your opening remarks or just
8 during the testimony.
9 MR. SNEDDON: Well, I understand -- I'm
10 sorry, Your Honor. My understanding would sort of
11 defeat the proposition if they were allowed to
12 remain in the courtroom during the opening
13 statement, by either party.
14 THE COURT: All right. Then --
15 MR. SNEDDON: Other than the investigating
16 officer, of course, who's been designated.
17 THE COURT: All right. Any witnesses that
18 have been subpoenaed to testify in this case or who
19 expect to testify, if you're in the courtroom at
20 this time, you're required to leave the courtroom.
21 Seeing nobody leaving, you may proceed.
22 I am going to take breaks at the standard
23 time, so -- just so you know.
24 MR. SNEDDON: Good morning.
25 THE JURY: (In unison) Good morning.
26 MR. SNEDDON: On February the 3rd of 2003,
27 Michael Jackson, the defendant in this case, world
28 was rocked. And it didn't rock in a musical sense. 26

1 It rocked in a real life sense. And it was rocked
2 by the fallout from the broadcast in the United
3 Kingdom of the Martin Bashir video documentary,
4 "Living with Michael Jackson."
5 And his life was rocked so badly that one of
6 his long-time closest and most trusted associates,
7 and co-conspirator in this case, Marc Schaffel
8 described it as "a train wreck."
9 Now, I'm sure that some of you ladies and
10 gentlemen are going to be a little surprised to
11 learn, as the testimony and the evidence unfolds in
12 this case, that actually for years prior to the
13 Bashir video that the defendant in this case was
14 heavily in debt. That his musical assets --
15 MR. MESEREAU: Objection.
16 MR. SNEDDON: -- and his real estate
17 property --
18 MR. MESEREAU: Objection.
19 THE COURT: Sustained.
20 MR. SNEDDON: Your Honor, that's the motive
21 for the --
22 MR. MESEREAU: Objection, again, Your Honor.
23 THE COURT: The --
24 MR. MESEREAU: He's violating your order.
25 THE COURT: The final determination as to the
26 financial evidence coming in has not been reached.
27 MR. SNEDDON: Very well, Your Honor.
28 Unfortunately, for Mr. Jackson, the effect 27

1 of the Bashir documentary had just the opposite
2 effect.
3 This case, in Count 1, is a case about
4 conspiracy. It's about the train wreck situation
5 caused by the Bashir documentary. It's about the
6 world's reaction and how it created the motive for
7 the once superstar's desperate attempt to salvage
8 his once very powerful musical career.
9 This is also a case about Michael Jackson's
10 exploitation of a 13-year-old boy and cancer
11 survivor, Gavin Arvizo.
12 It's about how Jackson, after almost a year
13 of having no contact with this young boy, reached
14 out to the young boy and invited him to Neverland
15 Ranch to participate in the Bashir documentary.
16 It's about how he never told this boy that
17 the interview was anything other than an audition.
18 That the boy nor any member of their family realized
19 that the interview that occurred on the ranch that
20 day was going to be broadcast internationally around
21 the world and seen by millions and millions of
22 people.

23 This case is about the defendant. It's
24 about his manipulation of the young boy's
25 adolescence through exposing him to strange sexual
26 behavior and introducing him to sexually graphic
27 adult magazines.
28 It's about how he traded on the boy's 28

1 obvious and often expressed admiration for the
2 defendant. And it's about how he exploited the
3 knowledge of the fact that the child had no father
4 in his life, and had had no father in his life for
5 over a year, because of the separation and divorce
6 of the parents, and the fact that there was a court
7 restraining order prohibiting the father from seeing
8 the children.

9 He exploited this paternal relationship and
10 created another relationship with the child as a
11 surrogate father, encouraging both the child, Gavin
12 Arvizo, the mother, and other members of the family
13 to refer to him as "Daddy" or "Michael Daddy."

14 You will soon see, as one of the first
15 witnesses in this case, the Martin Bashir
16 documentary. You will see Bashir's probing and
17 incredulous questioning of the defendant.
18 And you will see the defendant's almost
19 casual responses to his questions in trying to
20 justify his admitted practice and long-standing
21 custom and habit of sharing his bedroom, and his
22 bed, with young boys.

23 You will soon hear the testimony from such
24 witnesses as Ann Gabriel, Rudy Provencio, Ian Drew,
25 and others close to the defendant in this case, that
26 the Bashir documentary was deemed a disaster. And
27 that the Arvizo family was a dangerous loose end.
28 One that needed to be isolated, one that needed to 29

1 be controlled, and one that needed to be convinced
2 to participate in a pro Michael Jackson video that
3 was planned to be aired later in mid-February.
4 As the trial unfolds, you will also learn
5 that maintaining that isolation and maintaining that
6 control became very problematic. And gaining the
7 cooperation of the mother, Janet Arvizo, was very,
8 very difficult. And you will learn the reasons why.
9 The evidence through the Arvizo family, and
10 corroborated by tape-recordings and other witnesses,
11 will show that when logic and reason appeals to
12 trust, deceit, and lies and threats, failed.
13 That the defendant in this case and his
14 co-conspirators were able to obtain the valuable

15 interview that they needed from the Arvizo family
16 through extortion. And it was done very simply.
17 As events turned out -- and I will explain
18 to you in later detail during other parts of my
19 opening statement here this morning -- that as a
20 result of the things that occurred in this case,
21 authorities from the school contacted the Department
22 of Social Services in Los Angeles, and they
23 contacted Mrs. Arvizo, and they wanted Mrs. Arvizo
24 to produce the children for an interview on February
25 the 20th in Los Angeles.
26 But Mrs. Arvizo had a problem. Because
27 Mrs. Arvizo at that point in time was not on the
28 ranch, and the children were. And she had refused 30

1 to participate in the video that they desired on a
2 number of occasions prior to this.
3 She placed a phone call to one of the
4 co-conspirators in this case, Frank Tyson, who also
5 goes by the name of Frank Cascio. And it was put to
6 her quite simply: No children; no video. No
7 children; no video.
8 She had no choice but to agree for herself
9 and the children to participate in the video.
10 What followed was kind of a bizarre event in
11 the sense that the children were taken from
12 Neverland Ranch by Michael Jackson's personal
13 videographer --
14 THE BAILIFF: Hit the switch.
15 MR. SNEDDON: Well, I know I've had some
16 effects on people before, but I don't think I've
17 ever had that one.
18 (Laughter.)
19 BAILIFF CORTEZ: Okay. Back on.
20 THE BAILIFF: Wait just one second.
21 MR. SNEDDON: I don't need it.
22 THE BAILIFF: You don't need it.
23 MR. SNEDDON: I told you, I don't need it.
24 I guess that gives new meaning to an
25 electric personality.
26 I think we were at that point in time now
27 where we're talking about the fact that the children
28 are at the ranch. And the defendant's personal 31

1 videographer, Hamid Moslehi, is commissioned to
2 bring the children from the ranch to his Calabasas
3 residence where the filming is going to take place.
4 Another member of the co-conspirator's team
5 named Vinnie Amen, who also goes by the name of
6 Vinnie Black, picks up Janet Arvizo at a West Los

7 Angeles apartment where she's staying with her
8 future husband and fiance, Major Jay Jackson.
9 They meet at Moslehi's residence in
10 Calabasas. And it's now approaching about 11:30 or
11 almost midnight when everybody arrives. What
12 results is a video that occurs -- and I'm going to
13 speak more about later in my presentation -- but
14 occurs and doesn't end until two o'clock in the
15 morning. And the children are then taken back to
16 West Los Angeles for a nine o'clock appointment with
17 the Department of Social Services people, the very
18 next morning.
19 Now, what I want to do is -- at this point,
20 is I want to share with you just a few of the
21 comments from the Bashir transcript. I want to
22 share with you some of the things that caused the
23 reactions and the movement of the people and the
24 parties involved in this particular case that I've
25 already discussed rather briefly.
26 And before I do that, though, I want to stop
27 and tell you, in caution and in candor and in
28 fairness, this video that you will hear is about an 32

1 hour and 40 minutes long. And it's not my intention
2 to lift from that -- from that video just a portion
3 of it. But you will see from what I'm going to
4 lift, that it is the parts that deal most
5 specifically with this case.
6 This is the interview of Martin Bashir and
7 the defendant. It's the interview that occurs
8 towards the end of the eight-month journey in the
9 filming of the life and "Living with Michael
10 Jackson" video documentary.
11 "Martin Bashir: It was a great privilege to
12 meet Gavin because he's had a lot of suffering in
13 his life.
14 "Michael Jackson: Yeah.
15 "Martin Bashir: When Gavin was there, he
16 talked about the fact that he shares your bedroom.
17 "Michael Jackson: Yes.
18 "Martin Bashir: Can you understand why
19 people would worry about that.
20 "Michael Jackson: Because they're ignorant.
21 "Bashir: But is it really appropriate for a
22 40-year-old man to share a bedroom with a child that
23 is not related to him.
24 "Michael Jackson: That's a beautiful thing.
25 "Martin Bashir: That's not a worrying
26 thing.
27 "Michael Jackson: Why should it be
28 worrying. Who's the criminal. Who's the Jack the 33

1 Ripper in the room. This is a guy trying to help
2 and heal a child. I'm sleeping in a sleeping bag on
3 the floor. I give him the bed because he has a
4 brother named Star, so him and Star took the bed and
5 I'm on the floor in the sleeping bag.
6 "Did you ever sleep in bed with him.
7 "No, but I have slept in bed with many
8 children. I sleep in bed with all of them.
9 "Bashir: But is that right, Michael.
10 "Michael: It's very right. It's very
11 loving. That's what the world needs now. More
12 love, more love.
13 "Martin Bashir: The world. The world
14 needs....
15 "Michael Jackson: More heart.
16 "Martin Bashir: The world. The world needs
17 a man, 44, sleeping in bed with children.
18 "Michael Jackson. No, you're making it --
19 no, no, you're making it all wrong. That's wrong.
20 "Bashir: Well, tell me. Help me.
21 "Michael Jackson: Because what's wrong with
22 sharing a love. You don't sleep with your kids and
23 some other kids" -- I'm sorry. "You don't sleep
24 with your kids or some other kids who need love who
25 didn't have a good childhood.
26 "Martin Bashir: No. No, I don't. I never
27 dream of sleeping --
28 "Michael Jackson: Well, I would. I would. 34

1 Because you've never been where I've been mentally."
2 Later on in the transcript, Bashir goes on:
3 "But isn't that precisely the problem, that when you
4 actually invite children into your bed, you never
5 know what's going to happen.
6 "Michael Jackson: But when you say 'bed,'
7 you're thinking sexual. They make it sexual. It's
8 not sexual. We're going to sleep. I tuck them in.
9 We put -- I put a little, like, music on. We do a
10 little story time. I read a book. It's very sweet.
11 We put the fireplace on. We give them hot milk, you
12 know, and we have little cookies. It's very
13 charming. It's very sweet."
14 Ladies and gentlemen, this case begins with
15 ten-year-old Gavin Arvizo. It begins in the year
16 2000. It begins when Gavin Arvizo is living with
17 his mother, Janet Arvizo, and his father David, and
18 his older sister Davallin, and his younger brother
19 Star, in a studio apartment in East Los Angeles.
20 It begins with his diagnosis of stage four
21 cancer at the age of 10. In an attempt to stem the

22 cancer, a medicine-sized -- medicine-ball-size
23 tumor, weighing 16 pounds, is removed from his
24 abdomen. Lesions were removed from his lungs. His
25 gall bladder was removed. Lymph nodes were removed.
26 And one kidney was also removed.
27 For a year, he underwent chemotherapy. Long
28 recuperative hospitalizations and long periods of 35

1 recuperation at his grandparents' place. And in all
2 candor, the doctors told the Arvizos and told Gavin
3 Arvizo to prepare for his funeral, that he wasn't
4 going to survive.
5 But, you see, Gavin's a fighter, and Gavin
6 wasn't willing to quit. And because of a miracle,
7 today Gavin is alive and his cancer is in remission
8 and he's a freshman in high school. And he's an
9 active member of a Navy Explorer unit and has gone
10 through a boot camp in 2003 in Virginia. And he
11 played football on his freshman high school football
12 team this year.
13 During Gavin's fight for life, however,
14 there were people actively involved in supporting
15 him. And one of those people that you're going to
16 learn about in this case is Jamie Masada.
17 Now, Jamie Masada you probably have not
18 heard of, but you may have heard of the company that
19 he founded. He started with The Laugh Factory on
20 Sunset Boulevard in Los Angeles. He now has places
21 in Hawaii and he has a place in New York City. It's
22 for comedians. And as one of the things that Mr.
23 Masada did, is he sponsored camps during the summer
24 for underprivileged children.
25 And during the summer one year when the
26 children were younger, the three children, Davallin,
27 Star and Gavin, participated at The Laugh Factory in
28 a summer program for underprivileged children. 36

1 Jamie Masada took a liking to the children.
2 He particularly took a liking to Gavin. And when he
3 heard that Gavin was -- had cancer, that it was
4 serious and that he may not live, he began to visit
5 Gavin on a regular basis.
6 And some of -- you know, unfortunately one
7 of the things that happens to kids that are going to
8 die from cancer, there are organizations and people
9 and individuals, allow them to try to make a last
10 wish, to make a wish.
11 And Gavin's wish, Gavin's wish was to meet
12 some comedians and entertainers. And Gavin's wish
13 was to meet Chris Tucker. And Gavin's wish was to

14 meet Adam Sandler. And Gavin's wish was to meet the
15 defendant in this case, Michael Jackson.
16 He actually met all of them. The first call
17 came from the defendant while Gavin Arvizo was in
18 the hospital recuperating from one of his
19 chemotherapy sessions. Over the next several weeks,
20 they exchanged television calls on a regular basis.
21 The calls often lasted hours.
22 And during one of the recuperative periods
23 when Gavin was at home, Michael Jackson invited the
24 Arvizo family from East Los Angeles to the ranch of
25 Neverland here in Santa Barbara County.
26 In August of 2000, the Arvizo family,
27 Gavin's -- Gavin, ten, and Star, nine, were picked
28 up in a limousine with their mother and their father 37

1 and their brother, and traveled to Neverland Valley
2 Ranch.
3 It was here -- and you can imagine just
4 about the excitement that must have been with the
5 family, coming from an environment like that to the
6 ranch and this beauty that we have here in Santa
7 Barbara County. And the family was put up in the
8 guest cottages at the ranch and they were there for
9 several days.
10 Now, on the night before the last day that
11 they were to leave, Michael Jackson, the defendant
12 in this case, takes Gavin aside, and he says to
13 Gavin, "Gavin, why don't you ask your parents if you
14 can spend the night in my bedroom, at the dinner
15 table tonight."
16 Well, obviously here's a little kid who's in
17 the midst of a life-threatening disease --
18 MR. MESEREAU: Objection.
19 MR. SNEDDON: -- a chance to spend the
20 night --
21 MR. MESEREAU: Objection.
22 THE COURT: Overruled. Go ahead.
23 MR. SNEDDON: -- the chance to spend the
24 night with one of his idols. Gavin obliges. Gavin
25 asks his parents at dinner, "Can I spend the night
26 with Michael Jackson in his bedroom."
27 And the parents say, "Yes"; they agree. And
28 it's agreed that Star will go along with them. 38

1 Now, what happens that night is this: The
2 defendant, Frank Tyson, the defendant's children,
3 particularly his son Prince, Prince Michael, and the
4 two Arvizo boys are in the downstairs area of the
5 Jackson bedroom suite. And after a few hours, they

6 go upstairs to the bedroom. And when they get up
7 into the bedroom, Tyson pulls out a laptop computer,
8 and Jackson and Tyson are hooking the computer up to
9 the Internet. And when they get on the Internet,
10 they then place the computer with the boys there,
11 and they take the boys, nine-year-old and
12 ten-year-old, on a tour of sexually explicit
13 websites. Naked ladies. They take them on a tour
14 of a number of websites. And it lasts approximately
15 30 to 40 minutes.
16 And during the time that they travel through
17 these websites, at one of the points in time when a
18 female is shown to -- with her shirt up, exposing
19 her breasts, the defendant turns and exclaims: "Got
20 milk." And he turns around to the sleeping Prince
21 on the bed and says, "Prince, you're missing a lot
22 of pussy."
23 The Arvizo boys spent the night with Michael
24 Jackson. They did not sleep in bed with him. They
25 slept in the bed. And it is true, Jackson slept on
26 the floor.
27 The Arvizo boys returned to the ranch a
28 couple of times during 2000. Never with their 39

1 mother or their sister again. Jackson was rarely
2 there. And after several months, the relationship
3 drifted apart. The number that Gavin had been given
4 for the defendant was no longer good. There was no
5 more phone calls and there was relatively no contact
6 between the Arvizos and Michael Jackson.
7 However, the participation of Gavin Arvizo
8 in the Martin Bashir video changed his life forever.
9 Because, you see, Gavin Arvizo ended up being one of
10 those boys who shared a bed with the defendant,
11 Michael Jackson.
12 He didn't do it in 2000 on the first visit
13 to the ranch. And he didn't do it, as many people
14 suspected, when they saw the Martin Bashir video.
15 But he did it in February and in March of 2003 at
16 Neverland Valley Ranch.
17 I want to take you now back to some of the
18 statements that we heard in the Bashir tape made by
19 the defendant in this case. I want to take you back
20 to the admissions that are found in that video about
21 his public statements acknowledging sharing his
22 bedroom and his bed with young boys, and to the
23 circumstances of the explanation under -- in which
24 he says he does so. Let's explore that for a
25 moment.
26 You see, the private world of Michael
27 Jackson is quite different from what he said on that
28 video. As the testimony and the evidence unfolds in 40

1 this particular case, you will learn that the
2 stories he refers to in that video remark do not
3 consist of children's books, but the Internet visits
4 to sexually explicit sites, the exposure of children
5 to suitcases, briefcases laden with sexually
6 explicit magazines and centerfold cutouts from
7 magazines such as Hustler and Playboy, with titles
8 like "Barely Legal Hard-Core," "Barely Legal" and
9 many others with far more offensive covers and cover
10 titles.

11 You see, the private world of Michael
12 Jackson reveals that instead of cookies and instead
13 of milk, you can substitute wine, vodka, and
14 bourbon.

15 Now, publicly Michael Jackson says he
16 doesn't drink. But his private behavior and conduct
17 is quite the opposite, as you will learn through
18 numerous witnesses in this case.
19 First he's caught on film talking to Martin
20 Bashir about wine. And he uses it and describes it
21 as "Jesus Juice," the same exact expression that the
22 Arvizo children told detectives in this case that
23 Michael Jackson used in referring to red wine that
24 he provided to them, and he referred to it as "Jesus
25 Juice."

26 Former employees and security guards and
27 maids of the defendant will tell you that he
28 furnished alcohol, that he encouraged children to 41

1 drink, and on occasion he was actually viewed to
2 pour drinks for children.
3 Several airline stewardesses will testify in
4 this case. They work for a charter jet
5 organization. They are the stewardesses on
6 chartered planes chartered by the defendant in this
7 case. And they have, in conjunction with the work
8 that they do, a profile of information as to what to
9 take on the plane to satisfy the people that are
10 going to be on the plane.

11 They will tell you that they have not only
12 seen -- they have not only seen the defendant drink
13 alcohol on the planes, they have furnished it. And
14 they have furnished it in a method and a manner
15 exactly like the Arvizo children told detectives in
16 this case that the defendant does; and that is, that
17 it is put in Diet Coke or soda pop cans.

18 Indeed, several employees, including his
19 long-time security guard Chris Carter, and others,
20 will tell you that they observed children on the

21 ranch drinking, in highly intoxicated states on a
22 number of occasions when Jackson is on the ranch.
23 Security Guard Chris Carter will tell you
24 that he observed one incident one night where he
25 encountered Gavin Arvizo. It was late. It was
26 dark. Gavin was intoxicated, and he wanted to get
27 into one of the little carts, electric carts that
28 you can use to drive around the premises. 42

1 Carter stopped him. He saw that Gavin was
2 in no condition to drive. And he told him that he
3 couldn't do that. When Carter asked the boy why he
4 was drinking, he replied, Michael Jackson told him
5 that he had to be a man and drink.
6 In another incident, Michael Jackson's
7 personal attendant and a long-time employee, Jesus
8 Salas, will describe taking a full bottle of wine
9 and a full bottle of vodka on a tray into Michael
10 Jackson's bedroom with four glasses.
11 And when he got into the bedroom, he saw the
12 defendant and three children sitting on the bed.
13 And when he came back the next morning to clean out
14 the bedroom, both bottles were empty, and the
15 glasses had been used.
16 Another ranch employee, Kiki Fornier, is
17 going to testify in this case. And she will tell
18 you that on a number of occasions she saw three
19 local Santa Ynez boys intoxicated, saw them at a
20 time when Jackson was on the ranch and Jackson was
21 with the boys. And she viewed this on a number of
22 occasions.
23 The private world of Michael Jackson reveals
24 that instead of bedtime discussions and children's
25 books and discussions of Peter Pan, at the same time
26 that this 44-year-old man is sharing with
27 13-year-old Gavin and 12-year-old Star and another
28 11-year-old boy his collection of sexually explicit 43

1 magazines, that he's talking to Gavin about
2 masturbation. And he's telling him that it is
3 normal, and that it is okay, and that everybody does
4 it.
5 That each of these acts are calculated to
6 desensitize the boy, to change his moral antenna,
7 and to add the trust and the admiration of an adult
8 voice to the boy's conduct to convince him that what
9 was being done was all right in the adult world.
10 And it worked.
11 Lastly, you're going to be able to peek into
12 the defendant's private world, and you're going to

13 hear Gavin Arvizo describe to you his molestation.
14 You will hear Star Arvizo tell you how, on
15 other occasions, he happened upon seeing Michael
16 Jackson masturbating himself with one hand while
17 Jackson's other hand was inserted into the
18 underpants of his brother, Gavin.
19 Your Honor, I think this will probably be a
20 good place to take the morning recess.
21 THE COURT: All right. We'll take a
22 15-minute recess.
23 (Recess taken.)
24 --o0o--
25
26
27
28 44

1 THE COURT: Mr. Sneddon. Go ahead.
2 MR. SNEDDON: Thank you, Your Honor.
3 Ladies and gentlemen, the scene for most of
4 the events that occur in this particular case is
5 going to be the defendant's home, Neverland Valley
6 Ranch. And I think you'll get a very good feel for
7 the ranch through videos that are going to be shown
8 probably by both sides, as well as snippets of tape
9 and footage that is shown in the Martin Bashir
10 documentary.
11 But for just a moment, since probably most
12 or none of you have an idea of what the ranch is
13 like, I want to take you on a little visual tour of
14 what it is.
15 And I want to say, first and foremost, that
16 the ranch is something that is a beautiful thing.
17 And it's been used for beautiful causes. For the
18 children, the underprivileged children, for the
19 children who have been suffering, who have been
20 brought there to share a day or a weekend on the
21 ranch. It's something very good.
22 But just like so many things in life,
23 something very good can end up being, on another
24 occasion, in another setting, something very bad.
25 And several of the witnesses in this case
26 are going to tell you that some of the young
27 visitors at the ranch, that stay on and that visit
28 with Mr. Jackson, and who are there on a prolonged 45

1 basis, begin to change because of the personality of
2 the ranch. That it creates a no-rules,
3 no-restriction, no-wants environment. And people
4 who walk in there with manners walk out and can be

5 described by some of the staff as hellions, rude,
6 obnoxious. And what is there about Neverland that
7 can do that to somebody.
8 What is there about Neverland Valley Ranch.
9 Well, first of all, for those of you who may
10 not know where it is, I'll try to describe it to you
11 briefly. It's at the foot of the Los Padres
12 National Forest. It's about 2,800 acres. And it's
13 about 4.5 miles from Los Olivos, or, better put,
14 Mattei's Tavern, up Figueroa Mountain Road. It has
15 a zoo with lots of animals. And you heard Mr.
16 Mesereau talk about some of those animals during the
17 questioning of some of you folks.
18 It has an amusement park with a ferris wheel
19 and a merry-go-round and a lot of other rides for
20 the enjoyment of children and adults.
21 It has a NASCAR-type racing track with small
22 miniature NASCAR cars that people, even adults, can
23 drive around the track. And it has a theater
24 complex with a huge screen and a stage, where people
25 can go to watch movies at any time of the day or
26 night, with a snack bar with free popcorn, free ice
27 cream, and free candy of just about any variety or
28 sort that you may desire. 46

1 Neverland Valley Ranch, where selected
2 guests are allowed to drive electric-powered golf
3 carts out around the ranch's many acres into the
4 back country on roads, paths, many times
5 unsupervised. Complete with a two-story video
6 arcade. Video arcade with just about every
7 imaginable video game that you can think of, from
8 the old traditional type to the most recent virtual
9 reality type of video games. Two stories high,
10 packed with these things.
11 The arcade also has a cellar. The cellar is
12 hidden behind a juke box. Behind the juke box, you
13 remove it, go down into the cellar. And in the
14 cellar, wine and alcohol. And it's a place where
15 special guests of Mr. Jackson are taken and they're
16 invited into the cellar and they're treated to
17 alcoholic beverages poured by Mr. Jackson himself.
18 Neverland Valley Ranch, where music is piped
19 throughout the entire main residence area. The
20 lawns are sprinkled with statues and figurines of
21 kids and animals. An area that has a
22 Disneyland-like replica train station, and a
23 Disneyland-like replica train that takes people
24 throughout the grounds, to the zoo, and to the
25 amusement park, and the theater, and back to the
26 main house residence.
27 The residence is complete with four guest

28 cottages that are nestled down by two lakes that 47

1 form a boundary to the house.

2 Neverland Valley Ranch, where the main
3 residence has at least two rooms on the second floor
4 totally dedicated to every imaginable toy that a
5 child would ever want. Electric trains, games,
6 figures. Lifelike figurines of R2-D2, Darth Vader,
7 Superman, Batman, Daffy Duck. You name it. One
8 whole room devoted to dolls and dollhouses in the
9 main residence.

10 Next to the arcade and on the back side of
11 the house is a swimming pool and a Jacuzzi. And on
12 the other side is another part of the lake, a
13 teepee, trees to climb, tree houses. You name it.
14 It has everything.

15 Next to the main business -- main residence
16 is another building that's attached to it by an
17 arch. And in that arch, in that building, is a
18 security office on one end. And at the other end is
19 a personal office of the defendant, Michael Jackson.
20 In that office is a small museum with figurines, a
21 lot of lifelike figures in the back office, and six
22 large-sized plasma T.V.'s.

23 It's in this room that during the course of
24 the execution of the search warrant on November the
25 18th, 2003, that at least two sexually explicit
26 magazines were found, one teenaged themed.

27 Neverland Valley Ranch, where the defendant
28 reigns supreme in his own two-bedroom -- two-floor 48

1 suite. One bedroom, two-floor suite. The bottom
2 floor of the bedroom -- and let me take you on a
3 little tour, if I can, visually. You'll see it
4 through photographs during the course of the trial.
5 And let me see if I can lay the foundation for that
6 now.

7 The bottom floor is entered through -- you
8 walk down a hallway. And when you come into the
9 door, you turn to your left, you open up into the
10 main part of the downstairs.

11 And what you will see, what you did see, if
12 you were a visitor there at the time of the Arvizo
13 boys, was a room that is cluttered. It's cluttered
14 with figurines. It's cluttered with boxes. It's
15 cluttered with video games. There's a piano.
16 There's all kinds of things in a very small,
17 relatively small area. And including king and queen
18 chairs and figures, life-sized figures in the chairs
19 and at other locations in the room.

20 There's a piano that plays different tunes
21 and is electric, can be changed to different
22 formats.
23 In this room, when you walk towards the back
24 of it, towards what would be the back side of the
25 room that fronts onto the back part of the house,
26 you move to the right. As you move to the right,
27 you walk into the master bathroom. As you move into
28 the master bathroom, you see, at the far end of the 49

1 master bathroom, a large Jacuzzi tub.
2 It was in this room on November the 18th
3 that police officers seized at least 15 sexually
4 explicit magazines and DVDs lining the tub at the
5 time of the execution of the search warrant.
6 It's in this same room - right next to the
7 tub is a briefcase containing correspondence private
8 to the defendant in this case, Michael Jackson -
9 that two more sexually explicit magazines are found.
10 In a drawer just above that are found numerous
11 envelopes containing cards and letters and
12 correspondence from the Arvizo family. Almost all
13 of them are signed or saluted with the phrase
14 "Michael Daddy" or "Michael," and with greetings and
15 with love and admiration for the defendant in this
16 case.
17 It's actually in this room and from some of
18 the materials in this room that for the first time
19 the boys were shown sexually explicit magazines
20 during their visit to Neverland Ranch during
21 February and March of 2003.
22 And let me pause for a second and let me
23 tell you something that you will learn during the
24 testimony and the evidence in this case about the
25 defendant's master suite.
26 There will be maids, like Blanca Francia,
27 Jesus Salas, other people who are responsible for
28 serving the defendant and taking care of his private 50

1 premises in this house, and that is, that the
2 defendant, Michael Jackson, was pathological about
3 not allowing people in there without his permission.
4 And that entrance could only be secured by those who
5 knew the secret password and that there was an alarm
6 that went off when anybody approached the door, to
7 give him knowledge of people approaching.
8 Neverland Valley Ranch, where the
9 defendant's bedroom is located on the second floor
10 of this master suite. It's a bedroom that can only
11 be accessed by one entrance and exit. Only one.

12 As you walk through the room into another
13 vanity type of bathroom and you turn immediately to
14 the left, there's a stairway. And as you walk up
15 the stairwell to the top of the stairs, there are
16 walls on both sides until you reach about two-thirds
17 of the way up the stairwell. At that point the
18 right side of the wall gives way to a banister and
19 to pedestals that are separated about 18 inches
20 apart.
21 Ladies and gentlemen, it's in this room and
22 on the bed that you see when you reach the landing
23 and you can see through the pedestals, that the
24 defendant, Michael Jackson, on the second occasion,
25 opened up his Samsonite briefcase and displayed to
26 the boys numerous sexually explicit magazines, both
27 adult and teenaged themed.
28 It's on -- in this room and in this bed that 51

1 the defendant took a mannequin from the -- from the
2 corner -- I forgot to tell you, when you reach the
3 top of the bed (sic) and you look over to the far
4 right-hand corner, there's a female mannequin. A
5 young, 13-, 14-, 15-year-old-looking mannequin. And
6 it's in this room and on that bed that the
7 defendant, in the presence of these two boys, put
8 that mannequin, put it on the bed, and began to
9 simulate an act of sexual intercourse with this
10 mannequin.
11 It's in this room and on that bed where the
12 boys were sitting there watching T.V. one night, and
13 all of a sudden, the defendant appears from the
14 stairwell, absolutely stark naked, with an erection.
15 And when the boys look at him - and Star will say he
16 was grossed out - that the defendant says, "It's
17 natural. It's okay. Why don't you boys do the same
18 thing." Their response was to get up from the bed
19 and go downstairs and pretend like they had to go to
20 the bathroom.
21 It's in this room and on that bed that Gavin
22 Arvizo was molested by the defendant in this case.
23 And it's in this room and on that bed that Star
24 Arvizo saw his brother Gavin molested on two
25 separate occasions.
26 During the course of the execution of the
27 search warrant in this case, at the foot of the bed
28 was a box. And in that box, Sergeant Robel, from 52

1 the Santa Barbara Sheriff's Department, found 17
2 more sexually explicit adult and teenaged themed
3 pornographic, sexually-themed magazines.

4 MR. MESEREAU: Objection.
5 MR. SNEDDON: And --
6 THE COURT: Just a moment. Grounds.
7 MR. MESEREAU: You ruled that term not to be
8 used.
9 THE COURT: Overruled. You may proceed.
10 MR. SNEDDON: Sexually explicit adult
11 magazines and sexually explicit teenaged themed.
12 And by that, "teenaged themed," I mean, when you see
13 them - and you will see them - it is clear that if
14 these young ladies are 18 years old, which they're
15 supposed to be, they sure don't look 18 years old.
16 Also found in his books -- in this box were
17 23 -- 23 '60s vintage nudist magazines whose common
18 denominator is naked pictures of children.
19 As you will see from the photographs
20 presented to you and from the testimony and the
21 evidence of witnesses in this case, that in the
22 room, the defendant's bed is in the center of this
23 room. In the center of this room the bed is flanked
24 by two nightstands on each side.
25 In the nightstand on the left, which was
26 opened by Detective Zelis serving the service of the
27 search warrant, he observed a photograph of the
28 three Arvizo children. Next to the photograph were 53

1 more sexually explicit adult magazines.
2 The Samsonite briefcase that I described to
3 you that was shown and laden with these materials
4 was found by Detective Bonner downstairs in the
5 master bedroom (sic).
6 Now, these materials, not only the ones from
7 the Samsonite briefcase, but other materials found
8 at other locations in the house, were obviously
9 taken by the sheriff's department. And some of
10 those materials, many of those materials, were sent
11 to their forensic unit, and they were sent to the
12 forensic unit for the purpose of ascertaining
13 whether or not there were any fingerprints that
14 could be identified with participants in this
15 particular lawsuit.
16 So what they did was they attempt to find
17 latent prints. And Sergeant Bob Spinner is going to
18 testify in this case. Sergeant Spinner is actually
19 retired and he was called back to do the work in
20 this particular case.
21 Sergeant Spinner has been a long-time
22 employee of the sheriff's department and has
23 testified on numerous occasions throughout the
24 courts in this county as an expert in fingerprint
25 analysis. And he will tell you that the sheriff's
26 department was able to recover from the magazines,

27 not only the ones in the Samsonite briefcase, but
28 others, latent prints. And it was the job and the 54

1 responsibility of Sergeant Spinner to look at those
2 latent prints and to compare them with the known
3 prints of the defendant in this case that was
4 obtained during his arrest and booking back in
5 December of 2002, and the known prints of the Arvizo
6 boys which were taken by the sheriff's department in
7 this case.

8 Sergeant Spinner is going to tell you ladies
9 and gentlemen that he was able to make
10 identifications. He was able to match the prints of
11 the defendant in this case with the latent prints
12 recovered from some of those magazines in that
13 briefcase and some in other locations.

14 He's also going to tell you that he was able
15 to recover the latent prints -- he was able to
16 identify the prints of the boys, both Star and
17 Gavin, on some of those magazines. And, in fact, he
18 was able to find at least one magazine where the
19 prints of the defendant and the prints of Gavin are
20 on the same magazine.

21 You will also hear testimony from both Star
22 and from Gavin that at no time since their visit to
23 that ranch have they ever had an opportunity to
24 touch those magazines since they left, and that
25 includes during the time that they testified at the
26 grand jury.

27 Now, moments ago, you heard the Judge read
28 to you the charges in this case involving the lewd 55

1 and lascivious conduct with a child under the age of
2 14 and an attempt by the defendant to do the same
3 thing, and that these molestations were accomplished
4 during times when the child was fueled by alcohol.

5 You will learn from the testimony of Gavin
6 Arvizo and Star Arvizo that these acts were acts of
7 masturbation and acts of touching of the -- of
8 Gavin. The Indictment covers the time period from
9 February 20th to March the 12th. And the location
10 of these crimes is Neverland Valley Ranch.

11 Now, you heard in the little pieces that I
12 read to you other things from that Bashir video that
13 the defendant said. You heard him say that sleeping
14 with young boys is innocent, that it's a beautiful
15 thing, and there's nothing sexual about it.

16 Ladies and gentlemen, again, the differences
17 between his public statement and his private life
18 could not be more different.

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19 Through the testimony of Gavin Arvizo and
20 Star Arvizo, you will see the molestations of Gavin.
21 You will see it as the product of use of liberal
22 doses of alcohol on a child with one kidney, the use
23 of sexually explicit materials to whet the young
24 boys' blossoming sexual awareness, and the
25 defendant's conversations encouraging them to
26 masturbate and describing it as normal and natural,
27 and manipulating the trust and the loyalty bond that
28 had been created, and the pacts of silence that you 56

1 will hear about in the forbidden world and the
2 forbidden conduct.
3 Indeed, Gavin Arvizo will tell you that it
4 wasn't at Neverland, the first time that he was
5 given alcohol by the defendant in this case. The
6 fact of the matter is, that when they were taken to
7 Miami in February, that Gavin Arvizo was given
8 alcohol by the defendant on that occasion.
9 But the truth and the fact is, that when
10 they got back to the ranch on the 7th of February,
11 that continuously when the defendant was there,
12 almost every night that they were there with the
13 defendant, the boys drank alcohol. And the fact of
14 the matter is, they will tell you that on virtually
15 every night in which the defendant is there, from
16 February 17th till March 12th when they left, that
17 they shared a bed with the defendant, Michael
18 Jackson.
19 Let me pause for just a second and talk to
20 you a little bit about Gavin Arvizo's brother, Star.
21 Star is a year younger. He was born on
22 December 9th of 1990. But I think one of the things
23 that will strike you when you see Star testify in
24 this particular case, and also when you see
25 photographs of Star depicted of what he looked like
26 when he was nine years old and what he looked like
27 when he was 12 years old when he visited the ranch
28 in the year 2002 and 2003; that Star doesn't look 57

1 anything like the boy in those pictures or the boy
2 who visited the ranch at the time of these
3 particular events.
4 Because what you will see is Star Arvizo
5 walk in here, who is a 225-pound center on the
6 freshman football team. He's a boy who's grown
7 considerably since these events occurred. He's also
8 a boy that has been active in the Navy Explorer
9 unit, just like his brother Gavin.
10 Star Arvizo will describe to you what he saw

11 one night. He was at the movie theater with other
12 guests at the ranch, and his brother and the
13 defendant were nowhere to be seen. And after the
14 movie was over with, as was his custom, he went back
15 to the main residence. And when he got to the
16 residence, he walked down the hallway, he put in the
17 code, he heard the "ding" go off of the little
18 alarm. He walked back through the -- towards the
19 stairwell, pushed on the door, the door was closed.
20 The door was locked. It was latched from the top.
21 He pushed again. The latches gave way. He went
22 into the little bathroom and turned to his left and
23 headed up the stairway.
24 Now, I described to you how those stairways
25 work and I described to you how they open up to the
26 right. And as he walked up those stairwells, when
27 he got to the location where those banisters appear
28 and the pedestals are located, and he turned to his 58

1 right, he was frozen. And he was frozen by what he
2 saw. And this is what he saw:
3 Lying on the bed directly in front of him
4 was the defendant, Michael Jackson. The defendant
5 was lying on his back. He had on a shirt,
6 underwear, and socks. Lying next to Jackson was his
7 brother Gavin dressed in underwear and a shirt.
8 Gavin was curled up, and Star thought he was
9 sleeping. He wasn't moving. No motion.
10 What he saw at that particular point in time
11 also was, on the nightstand directly to the right of
12 the bed, which he had seen on numerous other
13 occasions, were empty glasses and bottles of wine
14 and Skyy Vodka that the three of them had shared on
15 many occasions and were there that night.
16 Jackson on the left, Gavin on the right.
17 What he saw was Jackson's hand. He saw his left
18 hand wrapped into the inside of Jackson's private
19 parts, into his underwear. And he saw Jackson's
20 left hand over the top of his brother and inside his
21 brother's pants. And what he saw was the motion of
22 Jackson's hand inside of his underpants rhythmically
23 moving up and down and his body moving up and down
24 while he masturbated with his hand under the
25 underpants of the motionless Gavin Arvizo.
26 He stared for about five or ten seconds and
27 then he ran off, and he went back into the guest
28 cottages, and he never stayed in those bedrooms 59

1 again.
2 There was a second occasion where Star

3 Arvizo encountered the same thing. It was about a
4 couple of days later, to his recollection. Again,
5 this time he thinks it was between 1 and 2 o'clock
6 in the morning. And again, the defendant and Gavin
7 were nowhere to be seen.
8 Star headed back up to the bedroom. And
9 again, going up the stairway, and again when he
10 turned to his right, he saw the defendant. This
11 time things were just a little bit different. Not a
12 lot. This time the defendant was still on the left.
13 Gavin was still on the right. This time they were
14 both laying on their backs. They were dressed in
15 exactly the same way, except this time Gavin had on
16 shorts instead of the underpants. At this time the
17 actions were exactly the same, except that this time
18 the defendant had his hand up underneath the pants
19 of Gavin, and Star saw him masturbating Gavin at the
20 same time that he was masturbating himself. And
21 again, he ran off.
22 Star told no one of what he saw. He didn't
23 tell his mother. He didn't tell his brother. And
24 he didn't tell his sister. He told no one. The
25 first person that Star Arvizo told about what he saw
26 was Dr. Stanley Katz, a psychologist, who an
27 attorney had referred the child -- the Arvizo
28 children to see. 60

1 Now, let me just take a few moments to
2 describe how this all came about.
3 You see, you will learn later on in my
4 remarks here that there was a point in time where
5 the possessions of the Arvizos were taken and put in
6 storage and that -- at a location they knew nothing
7 about. And when they eventually were able to get
8 off the ranch, they were trying to get their
9 belongings together.
10 And Jamie Masada, the family friend, again
11 came to the rescue. Jamie Masada said to Janet
12 Arvizo, "Why don't you contact my lawyer, Bill
13 Dickerman. And why don't you ask Bill Dickerman to
14 try to get your property back."
15 And you're going to see a number of
16 correspondence between Mr. Dickerman and the
17 attorney representing the defendant in this case,
18 Michael Jackson, Mark Geragos, trying to get their
19 personal property back.
20 You will also see correspondence indicating
21 that one of the things that Mr. Dickerman was
22 interested in doing was Janet Arvizo was angry, but
23 not at the defendant. She was angry at Martin
24 Bashir. She was angry because her boy was shown
25 around the world without her permission. And she

26 wanted something done about it.
27 Now, Dickerman, in turn, was aware of Mr.
28 Feldman. It was Dickerman's idea to refer the 61

1 family to Feldman. Mr. Feldman was aware from prior
2 litigation of his relationship with the defendant.
3 And it was Mr. Feldman, without any consultation
4 from the family, who made the decision to send these
5 children to Dr. Katz.
6 And it was during the course of these
7 conversations that both Star and Gavin Arvizo, for
8 the first time, told Dr. Katz what happened at
9 Neverland Valley Ranch, what Star Arvizo saw the
10 defendant do to his brother, and what Gavin Arvizo
11 experienced and told the doctor the defendant did to
12 him.

13 At no time during this period did Janet
14 Arvizo ever request either lawyer to file any kind
15 of a lawsuit against Michael Jackson or to pursue
16 any litigation against Michael Jackson.
17 Gavin Arvizo will describe to you his sexual
18 experiences with the defendant, Michael Jackson. He
19 will do it here. He will do it in open court. And
20 he will do it with the whole world watching. He
21 will describe to you with vivid particularity the
22 two separate occasions he was molested by the
23 defendant, Michael Jackson.
24 Gavin will describe to you how he was lying
25 on the bed next to Mr. Jackson, how he was lying
26 there in his underwear and a shirt, in much the same
27 way that Star had described. How Jackson asked him,
28 Gavin Arvizo, whether he masturbated, and Gavin 62

1 said, "Number"
2 Jackson replied, "It's okay. It's normal.
3 Everybody does it."
4 Jackson then reached over and inserted his
5 hand up underneath Gavin's underpants. And he
6 proceeded to masturbate Gavin for about ten minutes
7 while he simultaneously masturbated himself.
8 The second occasion was pretty much like the
9 first. The barriers had been knocked down. He
10 again inserted his hand into the private areas of
11 the young boy, masturbated him while he masturbated
12 himself. But one thing happened on this occasion
13 that didn't happen on the first occasion. On this
14 occasion, the defendant, Michael Jackson, reached
15 over and he grabbed Gavin's arm, and he grabbed
16 Gavin's arm and he began to move it down to the area
17 of Jackson's private parts. Gavin Arvizo

18 immediately yanked his arm away, and that was the
19 end of the event.
20 Now, one of the other things that you should
21 know about the incidents that were described by Star
22 and the incidents that were described by Gavin
23 Arvizo from the witness stand that will be described
24 is that both of those incidents, all of those
25 incidents actually occurred after -- after the
26 rebuttal video at Hamid Moslehi's place that I'm
27 going to describe to you, and they occurred after --
28 after these children had been interviewed by the 63

1 Department of Social Services and had said that the
2 defendant had never inappropriately touched them.
3 And interestingly enough, they occurred after all of
4 the preparations had been made for this family to be
5 taken to Brazil and isolated from the media.
6 Ladies and gentlemen, Count 1 of this
7 Indictment does not involve lewd and lascivious
8 acts. Probably some of you are saying that that's a
9 relief.
10 It does, however, involve the defendant,
11 Michael Jackson. It charges him with conspiring
12 with five named individuals, Mark Schaffel, Dieter
13 Weizner, Ronald Konitzer, Frank Cascio, who is also
14 known as Tyson, and Vincent Amen, who is also known
15 as Vinnie Black.
16 As the Judge read to you, you now know that
17 Indictment also includes charges that -- of the
18 conspiracy that it was -- the objectives of the
19 conspiracy were to extort, to falsely imprison, and
20 to abduct the children. It specifies, as you've
21 heard now, 28 different acts that the conspirators
22 hoped to achieve in that conspiracy.
23 And as you now know and see, the central
24 focus of those -- of those acts was to isolate and
25 to control the Arvizo family and to keep them away
26 from the media, and to convince them to participate
27 in a network planned rebuttal video to be produced
28 by the defendant and his co-conspirators. 64

1 Who are these co-conspirators and what are
2 their relationships to the defendant in this case.
3 Well, first of all, let's start with Marc
4 Schaffel. The testimony will be produced, there's
5 probably no dispute about this fact, that they were
6 long-time friends, long-time business acquaintances.
7 Records found at Schaffel's house when a
8 search warrant was executed showed that Schaffel was
9 in business with the defendant in a partnership

10 called Neverland valley Entertainment, and that Marc
11 Schaffel was the president and was paid generously
12 by the defendant for his partnership in that
13 business. That, actually, the defendant had, as
14 part of this partnership, deeded his residuals to a
15 production that Schaffel was listed as the producer
16 on, on a video called "What More Can I Give."
17 Schaffel's presence in Germany with the defendant
18 during the Bashir documentary filming, you'll see it
19 during the video. You can see him in the background
20 there.
21 Schaffel, in turn, was a partner and
22 business adventurers with Ronald Konitzer and Dieter
23 Weizner. And Konitzer and Weizner both being German
24 nationals, one living in Germany and the other
25 living in Vancouver, British Columbia. Weizner, by
26 the way, is also captured on the video with Schaffel
27 and Jackson during the Bashir filming in Munich,
28 Germany. 65

1 Now, the Neverland Valley logs that were
2 seized during the course of the execution of the
3 search warrant on November 18th show that during
4 2002, particularly during the last part of 2002,
5 that Dieter Weizner and Ronald Konitzer and Frank
6 Tyson Cascio were regular visitors at the ranch of
7 Michael Jackson.
8 Documents further show that at the time of
9 the events that are right at the heart and the crux
10 of this particular lawsuit, that the defendant,
11 Michael Jackson, Marc Schaffel, Dieter Weizner and
12 Ronald Konitzer were involved financially and
13 artistically in the production of the video that was
14 going to derail the Bashir video, a video that was
15 going to be aired and was eventually sold to FOX
16 network to be aired in the United States on February
17 the 20th.
18 E-mails, documents, press releases from the
19 Jackson camp and the FOX network will show that an
20 important ingredient that was put out to the public
21 about this rebuttal film for the 20th for FOX was
22 the participation of the Arvizo family supporting
23 the defendant, Michael Jackson, who was under siege.
24 The Arvizo family participation was very important
25 to the success of this project.
26 Another important step occurred during this
27 time of the crisis created by the Bashir tape, and
28 that was an individual by the name of Ann Gabriel. 66

1 Ann Gabriel will testify -- she's actually going to

2 be one of the first witnesses who testifies in this
3 case. Ann Gabriel runs a business called Gabriel
4 Media and she has a specialty. Her specialty is
5 crisis management. And in crisis management what
6 she does is she helps people, or people who have
7 products, that are having a bad time with the media
8 or the public, and that's her expertise.
9 She was first approached about this by
10 Jackson's lawyer, David LeGrand, in Washington D.C.
11 even before the video was shown and just before
12 LeGrand left Washington D.C. to fly down to Miami to
13 be with the defendant in late January, early
14 February, at the time the Bashir tape was about to
15 be shown.
16 As a member of the Jackson team - very
17 short-lived member, I might add - Ann Gabriel will
18 confirm to you the hierarchy and the way that the
19 team operates. She will confirm to you that Dieter
20 Weizner and Ronald Konitzer and Marc Schaffel were
21 at the top and that they were in charge of public
22 relations; that there was another firm in England
23 called Bell Yard, which was the equivalent of what
24 she did. Bell Yard was the crisis management team
25 from Great Britain dealing with the outfalls of the
26 Bashir video over there.
27 And she will confirm to you of being part of
28 conversations, conference calls, decisions involving 67

1 how to handle the furor created by the Bashir tape.
2 Not only that, ladies and gentlemen, we will
3 produce witnesses in this case that will tell you
4 that the defendant was intimately involved in the
5 day-to-day discussions and decisions and planning of
6 the response to the Bashir video.
7 Rudy Provencio was working for Marc Schaffel
8 during this period of time. And Rudy Provencio will
9 tell you that he was present during conversations,
10 present when he overheard conversations involving
11 the defendant and Marc Schaffel over all of the
12 things that I just talked to you about.
13 There's also no disputing the relationship
14 between the defendant in this case and Vinnie Cascio
15 Tyson. Actually, Vinnie -- not Vinnie, Frank, was
16 seen back in the 1990s, early 1990s, on film
17 clippage traveling with Michael Jackson in Europe.
18 Later, he went to work for MJJ Productions, which is
19 the headquarters for the defendant's master --
20 overhead headquarters, handles his business
21 projects, at a very, very generous monthly salary.
22 Now, on the other hand, Vinnie Amen's only
23 connection with these people was that he was a
24 friend of Frank Tyson's. And Vinnie came to

25 California with Frank Tyson. And they came there in
26 February, and he was hired by Schaffel and he was
27 placed in an office right next to Schaffel helping
28 with this crisis management project. 68

1 The decision for the defendant to
2 participate with Martin Bashir on a video
3 documentary, as you will learn during the testimony
4 and the evidence, was well thought out. It was part
5 of a comeback that he was trying to make. And in
6 the course of agreeing to do that, there were four
7 segments that were filmed. It was an eight-month
8 project. Segment filmed in Munich, Germany. There
9 was a segment filmed in Las Vegas, Nevada. There
10 was a segment filmed -- the last segment in Miami,
11 Florida. And there was a segment filmed at
12 Neverland Valley Ranch in the fall of 2002.
13 Now, the defendant had had -- at this point
14 in time, in the fall of 2002, had had little or no
15 contact with the Arvizo family for a long period of
16 time. Even though the kids had visited the ranch
17 with Chris Tucker during the summer, the defendant
18 wasn't there.
19 So it's rather strange, but understandable,
20 why, in the fall of 2002, the defendant, Michael
21 Jackson, arranges to have a call made inviting the
22 Arvizo children to come to Neverland Valley Ranch.
23 And the plan is for Jackson to use cancer survivor
24 Gavin Arvizo as part of his comeback attempt in the
25 Bashir video, and to enlist him in an interview to
26 take place on the ranch.
27 Understandably, the children were eager to
28 renew their friendship and acquaintanceship with the 69

1 defendant in this case and agreed.
2 The mother was not invited, nor did she
3 insist that she come, and no releases for these
4 children were obtained by either Martin Bashir or
5 the defendant.
6 A limousine picked the children up at the
7 apartment, brought them to the ranch. As soon as
8 they arrived at the ranch, Gavin was taken aside
9 from the other two children by the defendant, and he
10 was taken into a small room and the door was closed,
11 and he will tell you they were there for about five
12 to ten minutes.
13 Gavin will tell you what went on inside that
14 room during that five or ten minutes. And what he
15 will tell you was that the defendant told him this
16 was like an audition. The defendant already knew

17 that Gavin wanted to be an entertainer. He said it
18 was like an audition. He didn't tell him it was
19 going on international T.V. It was an audition and
20 he told him what to say and he told him what not to
21 say. And after the rehearsal was done, they came
22 out.
23 Gavin, for his part, was then placed on a
24 couch next to the defendant. And during the course
25 of the interview that occurred, that you will see in
26 this courtroom, that's part of the reason that the
27 Bashir video backfired on the defendant in this
28 case. For in part of that video, you will see Gavin 70

1 Arvizo holding hands with the defendant, Gavin
2 Arvizo affectionately putting his head on the
3 defendant's shoulder. And the reaction, not only to
4 people who saw it, but the reaction from Bashir, was
5 instantaneous.
6 And you can see by the questions he begins
7 to ask Jackson about his relationship not only with
8 Gavin Arvizo but with other children, led to the
9 questions that I read to you and to the defendant's
10 answers in the follow-up interview in Miami,
11 Florida.
12 Now, what happened was that after the
13 filming, defendant left the ranch immediately. The
14 children stayed around that night and then were
15 taken home early the next morning. Between the time
16 of the filming of that video and the time of the
17 Martin Bashir video, there was no contact between
18 the defendant and the family. Not a single phone
19 call.
20 Marc Schaffel, through his contacts in the
21 media, had received an advanced copy of the
22 transcript of the Bashir documentary. And he
23 immediately contacted Ronald Konitzer. And they
24 immediately contacted Michael Jackson. And it was
25 apparent to anybody who saw it that even though the
26 video starts out in a very favorable way to the
27 defendant, that the totality of the video was
28 clearly not what the defendant anticipated, what he 71

1 expected, but it was clearly a boomerang on a
2 comeback attempt, and they saw it as a public
3 relations disaster.
4 The entire video was broadcast in England
5 for the first time on February the 3rd of 2003 to 17
6 million people in Europe on a show called "Trevor
7 McDonald."
8 As I said, Bashir was less than

9 complimentary, and he expressed open disbelief and
10 concern about Jackson's admissions and his behavior
11 with children, both his and others.
12 So there will be no argument about the fact
13 that somehow Bashir had tricked the defendant into
14 going into this topic or somehow misled him down a
15 path. The defendant reiterated pretty much the same
16 statements about sleeping with young boys in a
17 follow-up conversation with Ed Bradley on 60
18 Minutes, two weeks later.
19 Through the testimony of insider Ann
20 Gabriel, Rudy Provencio, Ian Drew, as well as
21 documents, computer printouts seized at Marc
22 Schaffel's residence, you will learn how Jackson and
23 Jackson's own employees and the co-conspirators all
24 felt that the Bashir documentary was like a moving
25 landslide. And if it wasn't stopped, it was going
26 to destroy everything in its path, including Michael
27 Jackson.
28 Documents weekly show that the group went 72

1 into a damage control environment, mentality. There
2 are other parts of the Bashir tape that I haven't
3 mentioned that you will see. And I'm not going to
4 go into them in great detail, but also were of
5 concern of the people involved in the crisis
6 management of the situation for the defendant.
7 There were parts -- there were parts about
8 scenes that were taken at the Munich Zoo with the
9 trip with the kids. There were scenes involving
10 incidents that occurred at a hotel. There were
11 things that occurred in Las Vegas during a spending
12 spree and again the outfootage and takes during the
13 Gavin Arvizo interview.
14 The enormity of the furor, just to give you
15 an idea of just how big it was, looked at from the
16 side of Michael Jackson, is that Ann Gabriel, who
17 was hired, was asked to give an opinion on a scale
18 of 1 to 10 how bad things were for Michael Jackson.
19 She said it was a 25. A 25.
20 Christian Robinson, a writer who was hired
21 by the Jackson's co-conspirators to do commercials
22 and documentaries, and who actually did the
23 interview of the Arvizo family on the 19th and 20th
24 of February, described the "Living with Michael
25 Jackson" as a nightmare for Jackson.
26 For the Arvizo family, they had no idea.
27 They didn't receive an advanced copy of the
28 transcript. They were not able to see the 73

1 documentary when it was shown in England. And the
2 way they found out that their children were shown on
3 this documentary was BBC reporters started coming
4 around the house and pounding on the door, and more
5 media came and then went to the schools asking for
6 interviews. And, of course, the Arvizo family had
7 no idea what was going on.
8 And the worst of it came because Gavin
9 Arvizo and the Arvizo family had never seen the
10 interview. They had never seen the context. They
11 had never seen the Miami interview. And they had
12 never seen the questions and answers with Bashir
13 about sleeping with young boys.
14 But Gavin found out in a very difficult way
15 about how his role played out in this video when
16 classmates and friends came up to him and began
17 calling him "faggot," and began calling him rude,
18 crude, sexual remarks about his relationship with
19 the defendant in this case. That's how Gavin Arvizo
20 found out about this video.
21 Further documents from the Schaffel
22 residence and e-mails that were exchanged between
23 Konitzer and Schaffel and Weizner, and other people
24 involved in this management situation, reveal that
25 the idea was -- at this point in time the primary
26 focus was to get the Arvizo family and to get them
27 isolated and sequestered and away from the media in
28 a way they would not make any statements to the 74

1 media, and hopefully to enlist them, as I said, in
2 this planned pro Jackson video.
3 When all of this public storm hit, and when
4 Schaffel and Konitzer got the advanced copy of the
5 Bashir tape in late January, the defendant in this
6 case was in Florida. And he was in the Turnberry
7 Inn. It's not an inn, it's a resort. It's a very
8 swanky resort, actually. They'd be very upset if I
9 called it an inn, I guess.
10 He was down there with co-conspirators
11 Dieter Weizner, Ronald Konitzer. And he summoned
12 Frank Cascio from New Jersey, who got down there
13 immediately and was there about the time the Arvizo
14 family arrived.
15 Now, it's February the 4th of 2003, and the
16 Martin Bashir video has already been shown in
17 England. It's already been seen by an international
18 audience. On February the 6th, it's going to be
19 rebroadcast in the United States on network T.V., on
20 ABC, on 20/20. Barbara Walters was the commentator
21 and Bashir was a guest to narrate some of the events
22 of the documentary.
23 Before that documentary was broadcast in the

24 United States on the 6th, Michael Jackson took the
25 initiative. It was Michael Jackson, who, on the 4th
26 of February, who had had no contact with the Arvizo
27 family or children since fall, set forth -- actually
28 called his office, MJJ Productions. And there are 75

1 notations in Evvy Tavasci, his business manager's
2 book, showing a request on the part of Jackson to
3 try to locate the Arvizos and get telephone numbers
4 so he can contact them.

5 There are not only the notations in the
6 book, but the television records from the Turnberry
7 Inn and his suite reflect those phone calls being
8 made on the 4th. It also reflects that on the 4th,
9 after that information is obtained, that the
10 defendant twice tried to contact the Arvizos at
11 Janet Arvizo's parents.

12 She wasn't there.
13 The next morning, again it's the defendant's
14 voice who's heard in this, reasserting himself back
15 into the life of the Arvizos. It's the defendant,
16 as the records at the Turnberry Resort show, made a
17 27-minute phone call to the Arvizo family that was
18 currently at that particular time in West Los
19 Angeles with Major Jay Jackson, who was going to be
20 the future husband of Janet Arvizo.

21 That phone call took place at 6:58
22 California time, 9:58 in Miami, Florida. It was
23 Jackson who spoke to Janet Arvizo and Gavin Arvizo.
24 And it was Jackson who told them that there were
25 people out there who wanted to kill them, who told
26 them that it was dangerous out there for them, and
27 that Gavin was in danger. It was Jackson who wanted
28 Gavin to join him in Florida. And it was Jackson 76

1 who told them that he wanted Gavin to participate in
2 a press conference. And it was Jackson who told
3 them that a strong statement supporting him, Michael
4 Jackson, would go a long way to making these killers
5 go away.

6 Janet Arvizo refused. She wasn't going to
7 let her boy fly on a plane all by himself to Miami,
8 Florida. She refused. And there were arguments
9 between Jackson and Janet Arvizo. And it finally
10 was settled. Gavin Arvizo would go to Florida. But
11 he would only go to Florida with his mother, and his
12 brother, and his sister. Jackson was upset and he
13 was angered, but he had to agree, because he needed
14 Gavin in Florida.

15 Their airline records reflect they were made

16 by MJJ Productions and through the travel agency
17 characteristically and uniformly used by MJJ
18 Productions to make reservations for this family to
19 fly to Miami in the afternoon of the 5th, the very
20 same morning, by the way, that the phone call was
21 made. They were scheduled to leave out of Los
22 Angeles Airport at two o'clock in the afternoon.
23 The flight never occurred. And the reason
24 it didn't occur was because Chris Tucker, who was
25 also planning a trip to Miami on a chartered jet, it
26 was arranged the children would go with Chris Tucker
27 later that night. And that was, in fact, what
28 happened. 77

1 So on the night of February 5th, on the
2 night of February 5th, the night before the 20/20
3 viewing, this family is on a chartered jet with
4 entertainer Chris Tucker and his family flying to
5 Miami, Florida. And they get there. It's probably
6 after midnight by the time they get there, and they
7 land at the Miami airport, and they're picked up by
8 a limousine and they're taken to the Turnberry
9 Resort. And they were put up in, what would be by
10 any standards, a very, very nice room. But it's
11 late. And after some conversations with Chris
12 Tucker, they all go to bed. Everybody sleeps in
13 until the next morning.
14 But, you see, the plan is working perfectly,
15 because the family is now there, they're now under
16 their control, and they're now isolated from the
17 media and the public.
18 Now for a description for you about what
19 happened in the next couple of days about the
20 control and the attempts to convince the family to
21 participate in the video.
22 Again, it is Michael Jackson's voice that is
23 heard first and foremost in this attempt. On the
24 6th, when everybody got up, they went upstairs, and
25 Jackson's suite was right above the room occupied by
26 the Arvizo family. And they went into the room.
27 It's a large room. It's the presidential suite.
28 There was plenty of room and plenty of people there. 78

1 In fact, they were introduced to Ronald Konitzer and
2 Dieter Weizner, who were also in the room. And by
3 that time, Frank Cascio Tyson are also in the room,
4 along with his brother and his sister.
5 It's at this point that the defendant,
6 Michael Jackson, introduces Ronald Konitzer and
7 Dieter Weizner to Janet Arvizo. And it is the

8 defendant, Michael Jackson, who instructs Janet
9 Arvizo to "Do everything that Ronald and Dieter tell
10 you to do." It is Jackson who concludes by saying
11 to Janet Arvizo, "These are the ones that are going
12 to make the threats go away."
13 It was for that reason, trusting the
14 defendant and trusting what he said, that Janet
15 Arvizo agreed to the request by Weizner and Konitzer
16 to sign two blank pieces of paper with her
17 signature, one on the 6th and one on the 7th before
18 they left.
19 Unbeknownst to her, and without her
20 permission, that blank signature on the bottom of
21 that page ended up having a typed part at the top
22 saying that she authorized and joined in Michael
23 Jackson's lawsuit or complaint to the British
24 Standards Commission against Bashir. She had never
25 been consulted on that and had never agreed to have
26 her signature used in that capacity.
27 There was some other significant events that
28 occurred on the day of the 6th and just before the 79

1 evening of the 20/20 broadcast. It's clear from the
2 testimony of a number of different people who will
3 testify in this lawsuit that Michael Jackson was
4 adamant about one thing: He was adamant that no one
5 was going to watch the "Living with Michael Jackson"
6 broadcast that night. They were prohibited. And
7 they didn't. Except that at one point in time,
8 Janet Arvizo decided she'd like to see it, and she
9 went down to her room.
10 When they found out that she had left, they
11 sent somebody down to get her, and brought her back
12 up to Jackson's room so she couldn't see the
13 documentary.
14 Another thing happened on the 6th. It was
15 the beginning of the efforts by the people who would
16 make this thing go away, Konitzer and Weizner, to
17 convince Janet to participate in the rebuttal and to
18 say nice things about Jackson.
19 And there's no coincidence that the same
20 people who were involved in these efforts in Miami,
21 you will learn in a few moments, or a few minutes,
22 to be candid, that these are the same people
23 involved in the attempts, once they're at Neverland
24 Ranch, to get the same interview, and the same
25 remarks, and the same support for Michael Jackson.
26 It began in Miami, but they weren't making any
27 progress.
28 Konitzer and Weizner echoed the same words, 80

1 almost word for word, that Michael Jackson said
2 about there being threats, only this time they
3 expanded the threat not only from Gavin, but to the
4 entire family.
5 One of the other things that happened was
6 during the time that they were in Miami, they
7 released a press release quoting Janet Arvizo
8 attacking Bashir and supporting the defendant.
9 Janet Arvizo will tell you she never was
10 asked about that press release. She never gave
11 authority and knew nothing about it. Ian Drew,
12 another member of this, that was hired by the
13 co-conspirators, who is also involved in production
14 of videos, an interviewer of some note, will tell
15 you that he was contacted while he was in Miami
16 during the time everybody was there on the 6th and
17 7th. He was contacted by Weizner, and he was
18 contacted by Konitzer and particularly Weizner. And
19 Weizner told him, "Call Marc Schaffel. We want you
20 to be a part of this network broadcast program as
21 one of the interviewers," and that the Arvizo family
22 was to be one of the key parts of it.
23 Ladies and gentlemen, there's another thing
24 that happened in Miami, and this is where the
25 attempts by the co-conspirators to enlist the
26 support of the Arvizo family, to isolate them and to
27 control them, converged with the infatuation of the
28 defendant with Gavin Arvizo. 81

1 And you will learn that in addition to
2 having Gavin Arvizo come to Miami, Florida, that on
3 the day of the 6th, almost immediately when Gavin
4 was in the presidential suite, that Jackson beckoned
5 him, beckoned him to come back in his room. And he
6 closed the door, and he began to reacquaint himself
7 with Jackson, between Jackson and Gavin, and they
8 were having conversations.
9 And he talked, and he remembered that Gavin
10 wanted to be an -- in entertainment. And he said,
11 "Why don't we pretend like this is an audition. And
12 why don't we do this: Why don't we have a cussing
13 contest, and we'll use cuss words. I'll use a cuss
14 word, you use a cuss word. We'll just go back and
15 forth. You pretend like it's an audition," and he
16 did.
17 Well, the cuss words escalated until they
18 involved very sexually graphic cuss words that I'm
19 sure all of you have heard on a number of occasions,
20 on the playground or the gym, or other places.
21 It was interrupted when one of the nannies
22 walked into the room. It was the first step in

23 desensitizing the boy. It was the first step in
24 introducing him again to the no-rules,
25 no-restrictions and no-wants world of the defendant
26 and Neverland Ranch.
27 In addition to this, it was on this occasion
28 and on this day and in that room that the defendant 82

1 later took Gavin Arvizo aside and brought him into
2 the room and offered him wine, wine that the
3 defendant was drinking out of a Diet Coke can.
4 Gavin Arvizo will tell you that when he woke
5 up the next morning, he had a stomachache and he had
6 a headache. Doesn't that sound familiar.
7 And his brothers and sisters will tell you
8 on that particular night, on the 6th, that Gavin was
9 acting very weird. He was acting out of character,
10 and he was very talkative.
11 Other things that happened during the next
12 few days to cement this relationship were further
13 furnishing of alcohol to not only Gavin, but to
14 Star. And in the attempt to create this trust bond
15 between the defendant and this child, who already,
16 and had in the past, referred to him as "Daddy," and
17 "Daddy Michael," he gave him presents. He gave him
18 his jacket. He gave him a watch that was
19 purportedly worth \$75,000, which it wasn't. And it
20 was cemented through other acts of kindness and
21 generosity on his part to the child and to the
22 child's family.
23 On the following day, everybody left
24 Turnberry. So we're now, from the point where the
25 video was shown for the first time on the 3rd, it
26 was shown in America on the 6th, and it's now the
27 morning of the 7th, and we're still at The
28 Turnberry. And there's one final last thing that 83

1 happened. Chris Tucker had arranged that the
2 ladies, meaning Davallin Arvizo and Janet Arvizo,
3 were taken down to the salon and were able to have a
4 pedicure. And these boys, who were at this time 12
5 and 13 years old, were taken in and were given a
6 massage. Having pedicured them and massaged them,
7 they were told to pack and that they were leaving
8 and they were taken to the airport.
9 And when they got to the airport, there was
10 one final problem: Janet Arvizo was told she was
11 not to be on the chartered jet taking the family
12 back to California. She was to take a flight the
13 next day.
14 I don't think it takes a whole lot of

15 imagination to figure what your reaction would be to
16 that, or what her reaction to that was. "It ain't
17 going to happen." And it didn't happen.
18 So eventually one of the bodyguards had to
19 get off the charter flight, Janet Arvizo was on it,
20 and the flight left Miami.
21 Now, the flight itself was highlighted by a
22 number of events. It was highlighted by the fact
23 that there was more drinking. The stewardesses will
24 tell you unequivocally, without hesitation and
25 without contradiction, that on that flight with
26 these boys, that she served alcohol in those cans
27 full of wine. And the boys drank, especially Gavin.
28 They will also tell you it was during this 84

1 time that the defendant, as both the brother and the
2 sister will tell you, would lean over and whisper in
3 Gavin's ear, and Gavin would lean over and whisper
4 in the defendant's ear, like a conspiracy. And that
5 at one point in time after the leaning over and the
6 whispering in each ear, the defendant gave him the
7 jacket. And on another occasion, he gave him the
8 watch.
9 And Gavin will tell you what all that was
10 about was the defendant swearing him to secrecy not
11 to tell anybody about the wine. The presents were,
12 in effect, a bribe for that secrecy.
13 They'll tell you at least two other
14 incidents during the time of the call -- during the
15 time of this flight back to Neverland -- and by the
16 way, I didn't say it, but I should, should tell you
17 who else was on that plane. There were two other
18 children, the brother and sister of Frank Tyson
19 Cascio. There were nannies. There were Michael
20 Jackson's children. And there was a physician by
21 the name of Al-Farschian who was also on that
22 flight.
23 During the flight, after the kids had
24 consumed the alcoholic beverages, the defendant and
25 Gavin began to make crank calls using the plane's
26 telephone system. They would call people, just at
27 random numbers, and make various crass and crude
28 remarks and then hang up. That happened. 85

1 On another occasion during the flight, after
2 Gavin had gone to sleep and put his head on
3 Jackson's shoulder, both the mother and the brother
4 observed Jackson to be caressing the face of Gavin
5 Arvizo with his hands and to reach over and to lick
6 his forehead with his tongue. They will tell you

7 that they thought that at that point in time Jackson
8 was also intoxicated.
9 The plane landed in Santa Barbara. Michael
10 Jackson's chartered plane landed in Santa Barbara.
11 It didn't take the family back to their home. A
12 limousine was there, and the limousine took them to
13 Michael Jackson's secluded and isolated ranch, not
14 back to the apartment on Soto Street. There was
15 never a press conference held in Miami. None.
16 Zero.
17 Once at Neverland Ranch, the experiences of
18 the mother and the daughter and the two Arvizo boys
19 were quite different. And they couldn't be more
20 contrasting. For the boys, there was no school.
21 There was no homework. They had free rein at
22 Neverland. The arcade, the cars, the amusement
23 park, the theater, the toys. They, in effect, had
24 the undivided attention of Michael Jackson. They
25 slept in his bed. They enjoyed his wine, enjoyed
26 his magazines that I've described previously, and
27 they dominated his attention.
28 And I don't think it takes a whole lot of 86

1 imagination for you, or for anybody else in this
2 world, to imagine that for young 12- and 13-year-old
3 boys, it just doesn't get much better than that.
4 Meanwhile, Janet Arvizo and Davallin Arvizo,
5 their experiences were quite different.
6 Now, let me pause for just a second and just
7 give you a quick bio about Davallin Arvizo.
8 Davallin is the older sister of these two boys, and
9 the first child of Janet Arvizo. Davallin, at the
10 time of these events, was approximately 14 or 15
11 years old, and she was a high school student at
12 Monte Vista High School in El Monte.
13 Now, Davallin now will tell you that she has
14 graduated from high school. And that also at the
15 time of these events back in the summer when some of
16 the events were going on, that she was a member of
17 the Los Angeles Police Department Academy, because
18 she wants to be a forensic scientist, crime scene
19 investigator, and that she's taking classes in that
20 regard right now at City College and maintaining a
21 full-time job.
22 Davallin and Janet Arvizo were placed in the
23 guest cottages that I described to you. Janet will
24 tell you, Janet Arvizo, that she rarely, if ever,
25 left the guest cottage. That will be confirmed not
26 only by her children, but by the ranch employees.
27 Janet became a recluse. She didn't leave the
28 cottage on hardly any occasion. 87

1 Davallin, for her part, rarely saw the boys.
2 They were off with Jackson, and it was a boys' thing
3 and girls weren't invited. And they made it very
4 clear that she wasn't to be invited.
5 On the one occasion that she was brought
6 into -- she was able to follow the boys into
7 Jackson's bedroom, she'll describe to you that
8 incident and how eventually she had to leave,
9 because it became very uncomfortable and very
10 obvious that they did not want her around. She was
11 a girl.
12 She'll tell you how this family that was so
13 close and had bonded so much together because of the
14 adversity that they had felt and experienced through
15 so many things with their family, with their father,
16 with the divorce, with the sex -- with the physical
17 abuse of the father that was on both the children
18 and on the mother that they witnessed and
19 experienced, they were a close family. And she
20 could see the boys being pulled apart and that she
21 was no longer a part of their world.
22 At the same time now this family is at
23 Neverland. This is the 7th, the 8th, the 9th, the
24 10th, the 11th and the 12th of February. At the
25 same time, the co-conspirators begin to travel to
26 California, they begin to travel to Los Angeles, and
27 they begin to travel to Neverland Ranch. The first
28 to arrive is Dieter Weizner. He arrives on the 8th. 88

1 He flies into LAX from Miami and he immediately goes
2 to the ranch. And the ranch logs confirm that he's
3 on the ranch, and he's there for days.
4 On the 10th, Ronald Konitzer from Vancouver,
5 and Frank Tyson and Vinnie Amen arrive almost within
6 like three or four minutes. Konitzer goes to the
7 ranch. Tyson and Vinnie originally go to Schaffel's
8 place. Vinnie Amen is put to work. He's hired.
9 He's on the payroll for the conspirators.
10 Meanwhile, some other things are happening.
11 And what's happening is we're now at the point in
12 time, ladies and gentlemen, where the 20/20 program
13 has occurred. We're now at the program where the
14 Jackson team is planning the network production that
15 was sold eventually to FOX T.V. for \$3 million to be
16 aired on the 20th. Now, between that period and the
17 20th of February, the crisis continues to get worse,
18 not better. And not because of Bashir or the
19 documentary.
20 What happens is kind of the things that Mr.
21 Mesereau talked about in his statements to you

22 during voir dire. The media sees the hot topic.
23 CBS, not to be outdone by ABC, has an Ed Bradley
24 program and an interview with the defendant. NBC,
25 not to be outdone by either one of them, has a
26 program called Dateline, which is another very,
27 very, very bad piece about the defendant.
28 At the same time as that's going on during 89

1 this two-week period, a website called
2 smokinggun.com decides to publish documents
3 involving some litigation involving the defendant --
4 MR. MESEREAU: Objection.
5 THE COURT: Sustained.
6 MR. SNEDDON: I'm sorry.
7 THE COURT: Sustained.
8 MR. SNEDDON: It's about this time that Ann
9 Gabriel is added to the team and about this time she
10 begins to participate in conference calls with
11 Schaffel, Konitzer, Mark Geragos, David LeGrand, and
12 other people associated with this, the events that
13 occurred here.
14 The other thing that was found during the
15 course of the search warrant at Marc Schaffel's
16 residence is the fact that I spoke to you about the
17 FOX film that was going to be shown on the 20th.
18 There are clearly documents which reflect the fact
19 that the defendant in this case, Michael Jackson,
20 was in partners with Marc Schaffel, Dieter Weizner,
21 Ronald Konitzer in this production and the
22 distribution of the shares of the moneys from that
23 production.
24 There's another thing that the testimony and
25 the evidence is going to show in this case that was
26 different between the experiences of the boys, who
27 were spending their time with Michael Jackson, and
28 Janet Arvizo. During this time period, from the 7th 90

1 of February till the 12th of February, Ronald
2 Konitzer and Dieter Weizner were trying to convince
3 Janet Arvizo to participate in the promised footage
4 for the February 20th production. We know this not
5 only from e-mails and records and documents, but we
6 know it from Michael Jackson's own personal
7 videographer, Hamid Moslehi.
8 The fact of the matter is, they attempted to
9 try to encourage her, much as they did in Miami.
10 And then it became quite confrontational. They had
11 scripts that they showed her. They tried to
12 convince her to participate, and she would not.
13 They told her that people went out to the school,

14 that they were in danger, and people were looking
15 for the children at the school. They went out and
16 said that these were the only people who could
17 protect them from these fictitious killers or people
18 who were threatening throughout the community and
19 that they needed to stay at the ranch to be isolated
20 from that danger. As I said, they were presented
21 with scripts.
22 Now, you don't need, and you will not have
23 to take the word of the Arvizo family that the
24 eventual interview that took place on the 19th and
25 20th was scripted.
26 You will hear testimony from Christopher
27 Robinson -- Christian Robinson that, in fact, he
28 worked on the script with Schaffel and a lawyer, and 91

1 that others saw the script and heard the
2 conversations over the telephone, including Rudy
3 Provencio. And Janet was refusing to participate.
4 On one day things came to a crisis and Dieter
5 Weizner asked that Gavin Arvizo give him the watch
6 back. He said they would put it in a safe place,
7 they would keep it for him, and they would give it
8 back to him later. They gave no reason for wanting
9 to get the watch all of a sudden.
10 Gavin refused. And Janet Arvizo refused.
11 And things became so tense that the family was going
12 to attempt to try to leave the ranch.
13 Now, this is probably a very good time to
14 talk a little bit about the person you've heard so
15 much about, and the person that I can tell you
16 probably unequivocally will be on the witness stand
17 in this case up there for a number of days during
18 this trial. It's the mother of Gavin Arvizo and
19 Star Arvizo and Davallin Arvizo, Janet.
20 And let me tell you a little bit about what
21 I think that the testimony and the evidence in this
22 case is going to disclose about Janet Arvizo.
23 She was married at 16. She had three
24 children by the time she was 21. She was in a
25 violently abusive, physically abusive relationship
26 with her husband for 16 years. Not only physically
27 abusive to her but to her children when they'd try
28 to come to her defense. 92

1 I think you will see, through the testimony
2 and the evidence presented here, that she presents
3 as someone who's somewhat insecure, somewhat
4 dependent, easily influenced, and at times can be
5 adamant and quite emotional and determined. Heavily

6 religious, and personally overly affectionate.
7 I think you will see and get a sense of
8 Janet Arvizo from the tape-recorded conversations
9 not only with Frank Tyson, but a later conversation
10 I'll discuss with you in a few moments by a private
11 investigator hired by the Jackson camp, Brad Miller.
12 That she speaks fondly of love and
13 affection, that she desperately wants to be loved
14 and her family to be loved, and to be part of a
15 family that they weren't able to have because of the
16 fact that there was no father in the particular
17 family at this time.
18 That she's taught her children to do
19 something which, to a lot of people, kind of sets
20 them off, and that is that when they greet you,
21 instead of giving you their hand, they like to hug
22 you and say they're glad to meet you. Some people
23 are not used to, on a first occasion or encounter,
24 to that kind of a greeting. But that's the kind of
25 person that Janet Arvizo is and that's the kind of
26 things that she instills in her family.
27 The testimony and the evidence in this case
28 will show you, like virtually every one of us in our 93

1 life, that she's made mistakes, that she's done
2 things that were wrong. The testimony will show in
3 this particular case that, in fact, on one occasion
4 during the lawsuit that she lied in a deposition.
5 She was asked whether her husband ever beat her, and
6 she lied. Because she knew at that point in time
7 nobody knew it except for her and the children. And
8 that if she had to admit the truth, she most
9 certainly would get another beating. She lied under
10 oath.
11 It's true also that she obtained welfare
12 funds when she wasn't entitled to them. She's going
13 to tell you that, and she's going to admit that.
14 It's not a large amount of money. But she did it.
15 And it was wrong. And she knows it was wrong.
16 She's not a person, as you will see from the
17 testimony and the evidence in this case, that made
18 necessarily the kinds of decisions that you, or you,
19 or you would have made during the facts or
20 circumstances of this case. But none of us can put
21 ourself in her place.
22 But we're going to help you -- we're going
23 to help you in that respect, by having an expert
24 come in and testify to you to what it's like to be a
25 person -- to be in a relationship that's abusive for
26 16 years, and how that affects their judgment system
27 and the reaction to certain things.
28 MR. MESEREAU: Objection. 94

1 THE COURT: Sustained.
2 MR. SNEDDON: Judge, you approved that.
3 THE COURT: No, I didn't. I haven't ruled on
4 it.
5 MR. SNEDDON: I think one of the things that
6 also will be shown throughout this trial about Janet
7 Arvizo is that on these same tapes that I referred
8 to with Frank Tyson and Vinnie Amen, that she,
9 without hesitation, over and over and over again
10 during the events and the times that these things
11 happened, expressed open admiration for the
12 defendant, open love for the defendant and
13 appreciation for what the defendant had done for the
14 family; that she trusted him; that she loved him in
15 that kind of a respectful way.
16 She never talked about suing Michael
17 Jackson. And she will tell you today on the witness
18 stand here that even though her attitude towards
19 Michael Jackson is no longer loving and no longer
20 respectful, or no longer does she feel him the
21 father figure in her life, that she's bitter about
22 what happened, she will tell you that she wants not
23 one penny from the defendant in this case. She will
24 tell you, "I do not want the devil's money."
25 As I told you, the situation degenerated
26 pretty badly. And on the 12th, Janet Arvizo went up
27 to Jesus Salas and, speaking in Spanish between the
28 two of them, she asked Salas if she could take them, 95

1 the family, from the ranch. And he said, "Yes."
2 She had asked to leave before, but was
3 denied by Dieter and Ronald the ability to leave.
4 Jesus grabs a car and takes them down to Los
5 Angeles. It isn't until the following morning that
6 the co-conspirators and Michael Jackson learn that
7 the Arvizo family has fled the ranch. And the
8 second explosion occurs within the Jackson camp.
9 Ann Gabriel will tell you about a
10 conversation early in the morning that she received
11 by an agitated and concerned Marc Schaffel about the
12 fact that he described the Arvizo's flight from the
13 ranch as a disaster.
14 She will later tell you about a second
15 conversation where Schaffel called and was much
16 relieved to say that the situation -- that they had
17 contained the situation.
18 You will soon learn, after we take -- I
19 think, Your Honor, we're going to take a break at
20 11:30; is that correct.

21 THE COURT: Correct.
22 MR. SNEDDON: -- after the break, just
23 exactly what it meant to have the situation
24 "contained."
25 But let me tell you that the evidence that
26 will be presented in this case through the telephone
27 records that have been subpoenaed and obtained
28 through search warrants will show you that the lines 96

1 burned off their hooks between the co-conspirators,
2 Michael Jackson, Neverland Ranch, and some of the
3 parties involved in the conspiracy.

4 THE COURT: All right. We'll take our 11:30
5 break.

6 (Recess taken.)

7 THE COURT: Mr. Sneddon.

8 MR. SNEDDON: We're now at that point in
9 time where the Arvizo family is off of the Neverland
10 Valley Ranch premises. And they're at, originally,
11 their grandparents, where they were taken by Jesus
12 Salas. And then eventually Janet Arvizo and the
13 boys end up over at Major Jay Jackson's apartment in
14 West Los Angeles.

15 The first contact between the
16 co-conspirators and Janet Arvizo in their attempts
17 to get the Arvizo family to come back to the ranch
18 occurred in the early morning hours of the 13th out
19 here and the 14th in New Jersey. And they occurred
20 between Frank Tyson Cascio and Janet Arvizo. And
21 there were three calls that were placed at right
22 around 1:45 a.m., Eastern Standard Time.

23 Between that call on that date and that time
24 and February 17th, when the Arvizo family finally
25 returned to Neverland Valley Ranch, there were over
26 40 telephone calls between Janet Arvizo and Frank
27 Tyson Cascio, with Cascio trying to convince Janet
28 Arvizo to return to the ranch. 97

1 Now, there is one particular conversation
2 that probably will be of interest to you. And the
3 reason that we can provide this information to you
4 was that it was a tape that was found in Private
5 Investigator Brad Miller's office when the sheriff's
6 department executed a search warrant. And it is
7 obviously a surreptitiously tape-recorded
8 conversation between Frank Tyson, on one end, who is
9 in New Jersey at this point in time, and Janet
10 Arvizo, who is in Los Angeles at this point in time,
11 and the family, who is not on the ranch at this
12 particular point in time.

13 The conversation lasted approximately 19
14 minutes. And I'm not going to go into the whole
15 conversation itself, because you will hear it played
16 here in the courtroom and you can make of it what
17 you want. But the highlights of that conversation,
18 I believe, are as follows:
19 Frank Tyson acknowledges the high pressure
20 and threatening tactics of Dieter Weizner and Ronald
21 Konitzer over and over again on this tape. Janet
22 Arvizo is heard to complain about those two
23 individuals. And Frank Tyson is over and over again
24 heard to say, "They're businessmen. They're
25 businessmen. They don't know about family. Don't
26 take it that way."
27 Tyson promises Janet, and he promises Gavin,
28 when Gavin complains about these two individuals, he 98

1 promises that if they come back to the ranch, that
2 neither one of them will be there. In fact, he goes
3 farther than that. He says, "They're already gone,
4 and you won't have to deal with them, so please come
5 back to the ranch, Janet."
6 The third part of the conversation you will
7 hear, that he is so willing and working so hard to
8 try to get Janet back to the ranch during this
9 conversation, that when he asks her what she's going
10 to do this weekend, and she says, "I'm going to go
11 to church," he says to her, "Oh, whoa, come back to
12 the ranch. I'll take you to church here in Santa
13 Ynez." He's in New Jersey, and he's telling her
14 that.
15 Tyson implores Janet Arvizo to do the video.
16 "Do the video and say beautiful things about Michael
17 Jackson." He reiterates the scare tactics that
18 we've heard from Miami and from the ranch, from
19 Dieter and from Michael Jackson, from Ronald
20 Konitzer; that it's dangerous out there for the
21 family to be away from the ranch; that there are
22 evil people out there; and only they and only the
23 ranch can protect them. "Come back to the ranch."
24 He expresses to Janet, on behalf of Jackson,
25 how much Jackson misses them, how much he feels that
26 they're family, how much Jackson loves them and how
27 much Michael Jackson wants this family back on the
28 ranch. You betcha. 99

1 He goes further than that. He reminds Janet
2 Arvizo that when the tape is done, the tape they
3 want, that there will be a trip to Brazil, and there
4 will be pleasure for everyone. And that Michael

5 Jackson, the defendant in this case, will join them
6 there.
7 Well, it doesn't work. She's not convinced.
8 But they are persistent. There are more calls.
9 There are 21 calls between Michael Tyson and the
10 other co-conspirators, including Marc Schaffel. And
11 between Tyson and Brad Miller, there's another 15.
12 And there's numerous calls between Schaffel and the
13 ranch, and the ranch and other people involved in
14 this conspiracy.
15 That the defendant is actively involved in
16 this counteroffensive. I think I've mentioned to
17 you already the testimony of Rudy Provencio about
18 him being present during conversations between Marc
19 Schaffel and the defendant.
20 There are other indications of that. The
21 fact that the defendant himself was the one who
22 called his ex-wife and surrogate mother to his
23 children, Debbie Rowe. And it was Michael Jackson
24 that asked Debbie Rowe to participate in part of the
25 FOX network interview.
26 Chris Carter, Jackson's own security guard,
27 and Davallin Arvizo will tell you that during this
28 period of time, often they observed the defendant, 100

1 Michael Jackson, Dieter Weizner and Ronald Konitzer
2 huddled up in meetings in Michael Jackson's office.
3 And that this was a consistent thing that was going
4 on during this period of time when the crisis was
5 raging uncontrolled.
6 Debbie Rowe will testify to some interesting
7 evidence in this case. She's going to tell you that
8 her interview was also scripted, only a little bit
9 different from the Arvizos, because they took her
10 upstairs and did a complete rehearsal before they
11 ever brought her down to be interviewed. And when
12 she's doing the interview, when they didn't like her
13 answers, they would stop the tape and they would
14 tell her how to answer that.
15 If you don't believe Debbie Rowe, you don't
16 have to, because her attorney, who was present
17 during the entire time, is going to testify that
18 that's exactly what they did. They scripted that
19 interview, just like they scripted the Arvizo
20 interview.
21 As part of the attempt to get Janet back to
22 the ranch and part of the attempts to provide
23 statements from the Arvizo family, Private Detective
24 Brad Miller was sent over to the Arvizos' house on
25 the 16th. This is now Sunday. And she is -- and he
26 is let into the house by the Arvizos, because Frank
27 Tyson has told them that he's coming.

28 When he arrives, he has a cell phone, and he 101

1 has Frank Tyson on the phone. And Frank convinces
2 Janet to give him a statement. You'll hear that.
3 Because that statement is also on a tape that was
4 seized during the search warrant of his office.
5 It's kind of an interesting conversation,
6 because what you'll see and what you'll hear from
7 experts that are going to be called, when that tape
8 was sent out to be examined by experts, that that
9 tape has all kinds of blanks in it, and that it was
10 edited, and that it was stopped and it was started,
11 which is entirely consistent exactly with what the
12 Arvizo family will tell you. When Brad Miller
13 didn't like an answer, he would stop it, he would
14 erase it, he would go back, and he would tell them
15 what to say.
16 It's now been what must seem like an
17 eternity to you, but it's only been two weeks in the
18 life of the Arvizo family, because it's the 17th.
19 And -- but the school officials are getting very
20 antsy. They're also getting pressure by the media.
21 "What are you doing about this. What are you doing
22 about this."
23 So the principal of John Burroughs Middle
24 School, where the Arvizo boys were students,
25 contacts the Los Angeles Department of Child &
26 Family Services and lodges a complaint and asks them
27 to look into the allegations of whether Janet Arvizo
28 is a fit mother and what -- what is the nature of 102

1 their relationship between the defendant in this
2 case and the Arvizo boys.
3 On the 17th, the social workers from that
4 department called up Mrs. Arvizo and said that they
5 wanted a meeting, and they wanted to see the boys
6 and the family. And the meeting was set for
7 Thursday, and it was set for the 20th.
8 Shortly after that, one of Michael Jackson's
9 employees picks up the Arvizo family. She's finally
10 decided to go back to the ranch. They take her back
11 to the ranch. And when she gets to the ranch that
12 evening, she gets out of the car, and who do you
13 think she sees. Dieter Weizner and Ronald Konitzer.
14 She's been deceived. She's angry. She's
15 upset. She insists that they want to go home. They
16 don't want to be at the ranch. They don't want to
17 be around these people and they want to leave. And
18 Weizner and Konitzer tell her flat out, "You can go
19 wherever you want, but your children are not leaving

20 this ranch."
21 And that's what happened. Security Guard
22 Chris Carter then took her in one of the ranch
23 vehicles back to Los Angeles and back to Jay
24 Jackson -- Major Jackson 's apartment. And he will
25 describe to you the trip. And he'll tell you that
26 Janet was upset, that she was crying. She had her
27 head down, and she was praying almost the entire way
28 to Los Angeles. 103

1 During the time that the mother is in the
2 car being transported back to Los Angeles, of course
3 the boys gravitate right back to the defendant,
4 Michael Jackson. They begin drinking. They begin
5 sleeping in his bed.
6 For Davallin, it becomes an isolation now.
7 She's the only woman on the ranch and she's by
8 herself in one of the guest cottages.
9 What happens next is, when Janet gets back
10 home, she then calls, a few days later, Frank Tyson
11 Cascio and says to him, "I need the boys and
12 Davallin for the meeting with the social workers on
13 Thursday, the 20th." And it's at this point in time
14 that the conversation occurs that I referenced
15 earlier this morning. "No children; no video. Give
16 us the video; we'll give you the children." She
17 agrees. And that's when the video is done.
18 Now, let me talk to you a little bit about
19 the video itself. Shortly before the children --
20 now, you have to understand the children are at the
21 ranch, and she's in West Los Angeles.
22 And shortly before Hamid takes them to his
23 house in Calabasas for the filming, they are brought
24 into the residence and one last time Dieter Weizner
25 shows them a script, a written script, and tells
26 them what they have to say about Michael Jackson,
27 the good things that need to be said about Michael.
28 They're told -- Janet istold by Tyson that 104

1 if the family does a really good job in the
2 interview, and if they do a really good job in
3 talking to the social workers, that the family can
4 leave the ranch. "Do a really good job."
5 All right. So what happens.
6 They do the video. And you're going to see
7 the video. And let me tell you a little bit about
8 the video right now. There are parts of the video
9 that you can see are over the top. You will see
10 Janet Arvizo and the children, particularly Gavin,
11 very flattering, very bubbly, very out of character

12 for the situation they're in. You will see the
13 children say things about Michael Jackson that they
14 will tell you are lies, that are not true. They
15 will tell you that they said on the video that
16 Michael Jackson -- that they had his phone number at
17 all times and could contact him any day or night.
18 They'll tell you that's not true, they didn't have
19 his phone number, and hadn't had his phone number
20 for a long, long, long time. They'll tell you
21 that's a lie.
22 That Michael Jackson helped them do their
23 homework. They never did any homework when they
24 were there. In fact, their books were found, during
25 the search warrant, up in a video room which is
26 adjacent to the house. They never did any homework,
27 much less have Michael Jackson help them with it.
28 They will tell you that Michael Jackson 105

1 never really helped Gavin with his cancer. That, in
2 fact, Michael Jackson, after a short time period,
3 had had very little contact with Gavin during his
4 fight with cancer.
5 In the beginning he was and did support
6 Gavin. But in the later months, he wasn't around.
7 He'll tell you that's a lie.
8 What is the truth, though, is that both --
9 at least insofar as Janet Arvizo is concerned, but
10 at least insofar as Gavin was concerned especially,
11 that Gavin's statements on that video probably
12 express his feelings towards Michael Jackson at this
13 particular point in life.
14 And exemplary of that is the fact that you
15 will hear that what happened when they left the
16 ranch on the 12th and they got to their
17 grandparents' house, that he blew up, that he threw
18 a tantrum, that he raged, that he didn't want to be
19 there, and he wanted to be back on the ranch, and he
20 wanted to be with Michael Jackson.
21 That was his attitude. And that was the
22 pervasive effect of the defendant on this child of
23 13.
24 As I told you before, the video was
25 completed sometime in the early morning hours of the
26 20th. We're now at February 20th. We're now taking
27 these children over to the residence of Major Jay
28 Jackson and we're now talking about a fact that the 106

1 social workers are going to be there on the 20th.
2 Let me tell you what happens on the morning
3 of the 20th at this apartment.

4 First of all, before the social workers show
5 up, one of the first people who arrived is a
6 security guard named Asaf Vilchic. Big, hulking
7 guy. And he's there to represent the Jackson team.
8 And he's identified as a security guard. He's
9 really there to make sure what happens. Also in the
10 room at that time are some friends of the Arvizos.
11 Actually Chris Tucker's girlfriend, who Miss Arvizo
12 calls and asks to come over for support.
13 There is a period of time in the room where
14 the security guard tells Janet Arvizo that he wants
15 the interview tape-recorded, and asks her to hide
16 the tape on her person, and goes farther than that,
17 and he tells her, "Don't turn it off, because
18 there's another one in the room and we're going to
19 hear what went on anyhow."
20 And you're going to hear parts of that tape.
21 Not very much. Enough to confirm and to corroborate
22 what Janet Arvizo tells you about what happened in
23 that room, and tells you about that investigator,
24 and tells you about that tape-recorder.
25 Now, the social workers arrive, and they're
26 ready for their interview. And at that point,
27 they're introduced to this private investigator,
28 who's there on behalf of Michael Jackson. And they 107

1 say to the people who are there, "All of you folks
2 have to leave, except for the family and the
3 mother."
4 And Janet Arvizo says, "No, no, I want them
5 to stay." And the social workers say no, because
6 that's what she was told to say beforehand.
7 Now, they're told to leave and they do
8 leave, and then the interview proceeds. But before
9 the interview proceeds, there's a disk, a DVD, and
10 it's a DVD of when Gavin Arvizo visited Michael
11 Jackson back in the year 2000. And you'll see that
12 DVD. I'll play that DVD and you'll see what Gavin
13 looked like at that time. And it's not a pretty
14 sight. He was in the ravages of his cancer,
15 full-blown, at that particular point in time.
16 The social workers begin their conversations
17 with the family. And there are two aspects to the
18 conversation. The first aspect is simply for them
19 to determine whether these kids are being cared for
20 properly by the mother in this case, Janet Arvizo.
21 That is put to rest almost immediately. I
22 mean, these are social workers from Los Angeles.
23 They see that these kids are well kept. There's no
24 bruises, there's no scars. They're articulate.
25 They're satisfied. And they write that in their
26 report. "Well taken care of. Fit mother."

27 And then they get to the part where they ask
28 about what happens at Neverland Ranch and they ask 108

1 about the kids' relationship with Michael Jackson.
2 And the family repeats a lot of the things that were
3 said during the video the night before, but they add
4 some things to it this time, because now for the
5 first time they're asked to give explanations for
6 why the boys would be sleeping with Michael Jackson
7 in his bedroom and in his bed that were never asked
8 on the tape the night before.

9 Now, for their part, the Department of
10 Social Services workers apparently were not alarmed
11 by the fact that there was an investigator there,
12 and nor were they alarmed by the fact that when the
13 children spoke, they spoke almost the same exact
14 words each time in describing Michael Jackson.
15 But then what happened was the addition of
16 this information that dealt specifically with the
17 inappropriate conduct. And here's where the family
18 added some things that were pretty preposterous, if
19 you know anything about the way Neverland Valley
20 Ranch operates, and they could have been objectively
21 determined to be not true, like the logs and the
22 employees of that particular ranch.
23 Statements by the family were the children
24 were never alone with Mr. Jackson. There was always
25 an adult with them. The children never shared a bed
26 with Michael Jackson. Mrs. Arvizo specifically told
27 the social workers she was usually up walking around
28 the house all night. Not only was she not walking 109

1 around the house, she was never in the house. She
2 was in a guest cottage. And the Neverland Valley
3 Ranch logs show that.
4 Gavin Arvizo stated that his mother went in
5 and out of Jackson's bedroom all the time and was
6 always around to know what was going on. And Janet
7 Arvizo, in fact, has never been in Jackson's
8 bedroom, ever. Both Star and Gavin deny ever
9 sleeping in Jackson's bed with Jackson or ever
10 having any inappropriate contact with him. Star
11 added to this, that his mother was always present in
12 Michael Jackson's bedroom.
13 Davallin Arvizo, for her part, added that
14 she stayed in the house and that she had a friend of
15 hers from school staying there in the main house in
16 a room down the hall, and that her mother always
17 knew what was going on.
18 Well, as I said, the Neverland Ranch records

19 and the employees who were Jackson employees, by the
20 way, will confirm that the truth, like so many
21 things in this case, is quite different.
22 The truth is that they never stayed in the
23 house. The truth is that Janet Arvizo rarely left
24 the guest cottage, much less walked around the house
25 at night. And the truth is both Janet Arvizo and
26 Davallin rarely saw the boys, because they were with
27 Michael Jackson. And the truth is that Janet Arvizo
28 was off the ranch between the 17th and the 20th, and 110

1 between the 10th and the 12th of March. And the
2 truth is that the boys will testify that they were
3 constantly spending the night in Michael Jackson's
4 bed, and Davallin will tell you they were not
5 staying in the guest cottage.

6 After the social workers left, the children
7 got in the car, and they were taken back to
8 Neverland Ranch. And Mrs. Arvizo was with Vinnie
9 Amen. And Vinnie Amen placed a call to Frank Tyson
10 to find out whether the video was acceptable and
11 whether the interview with the social workers was
12 okay. And she was told no, it wasn't enough. It
13 wasn't good enough. "And now you folks are going to
14 Brazil."

15 Well, on the very day, the 20th, records
16 will show that Vinnie Amen took Janet Arvizo to
17 Norwalk to get duplicates of birth certificates, and
18 pay the money for that and pay for the expedited
19 process of that. Those certificates, birth
20 certificates, were picked up on the 20th.
21 Detective Craig Bonner of the Santa Barbara
22 Sheriff's Department is going to testify in this
23 case, and he's going to tell you about being present
24 during the execution of the search warrant at Marc
25 Schaffel's. And he's going to tell you about what
26 he found there. And he's going to tell you that he
27 found a black binder. And in that black binder, he
28 found information about the -- and this is not me -- 111

1 this is the Arvizo "vacation," in quotes, expenses.
2 There's also a floppy disk. And the floppy
3 disk contains a complete printout of probably seven
4 or eight pages of all the money that was expended --
5 MR. MESEREAU: Objection. Objection.

6 THE COURT: Reason.

7 MR. MESEREAU: No visuals.

8 MR. SNEDDON: All right. I'll take it down,
9 Judge. That's --

10 THE COURT: That's all right. You were just

11 waving a paper. That's --
12 MR. SNEDDON: It's a seven- or eight-page
13 expense account. You're going to see it. You don't
14 need me to tell you about it, but I can tell you
15 that it outlines virtually every movement, every
16 movement of this family with Frank Tyson and Vinnie
17 Amen that was being directed from Marc Schaffel's
18 residence in nearby Calabasas.
19 Because you see what happens was, this
20 family was taken from the ranch on the 25th of
21 February, and they were put up in the Calabasas Inn,
22 and they were put up under the watchful eye of Amen
23 and Tyson, and a security guard was placed in the
24 lobby to make sure they didn't go anywhere. That
25 security guard is the same security guard that was
26 present when the DSS workers from L.A. arrived on
27 the 20th at Jay Jackson's place.
28 Let me tell you about a few of the things 112

1 that happened - quickly - between the 25th and March
2 2nd on the preparation of this trip of the Arvizos
3 to go to Brazil, because I think you'll find some of
4 it quite interesting.
5 One of the things that was done is that
6 Vinnie Amen goes to school, to the John Burroughs
7 School, and checks the children out. And he pays
8 \$123 for missing books. And he puts on the checkout
9 form that the family's moving to Arizona.
10 And then on another day, he goes down and
11 gets passports for the family. He has to pay extra
12 money to get expedited passports. And when he goes
13 to fill out the passports, he tells the government
14 officials, the United States government officials,
15 the custom officials, that the family is going to
16 Italy or France.
17 And then, when he later goes over to the
18 Brazilian consulate, of course he tells them they're
19 going to Brazil. And, in fact, the Brazilian
20 consulate would not issue visas for them to go to
21 Brazil without confirmed airline tickets, which were
22 procured by MJJ Productions, through MJJ
23 Productions' Heir Apparent, the company they always
24 do business with.
25 And you'll see those records. You don't
26 have to take my word for it.
27 You will find out that during this same
28 period of time, the family's possessions, what 113

1 little possessions they had, were put in storage.
2 They were taken to Dino's Storage. They didn't

3 where know they were taken. They just know they
4 were taken. They were moved, lock, stock and
5 barrel, out of their apartment and the rent that was
6 due for two months was paid by Vinnie Amen, the
7 moneys that were advanced by Marc Schaffel out of
8 the Neverland Valley Entertainment business account
9 on the partnership between the defendant in this
10 case and Marc Schaffel.
11 You'll also learn when you see this document
12 that the family was treated to some movies. They
13 were treated to meals. That, in fact, Janet Arvizo
14 was taken to a beauty shop for whatever you lovely
15 ladies do at beauty shops. And that the boys and
16 Davallin and Janet were bought clothes, because they
17 didn't have any clothes because all their stuff had
18 been put in storage. And there was probably over
19 \$2,000 in suitcases, because they didn't have any
20 suitcases, and new clothes for the trip to Brazil.
21 All during this time that they were at the Calabasas
22 Inn, with the security guard in the lobby and Vinnie
23 Amen and Frank Tyson there.
24 Well, the mission was accomplished and all
25 arrangements were made, ready to go to Brazil. And
26 by the way, they didn't want to go to Brazil.
27 You'll learn that. It was not their idea. And they
28 are taken back to the ranch. And this is March 2nd. 114

1 And the logs show they were brought back to the
2 ranch. I don't think there will be any dispute to
3 that.
4 Now, let me just back up a bit, because I
5 think you're going to find it interesting what the
6 evidence will show in this respect.
7 On the -- on the 28th of February, the
8 defendant, Michael Jackson, is in the Los Angeles
9 area, and the ranch. He actually flies on the 28th
10 to Miami, Florida. Now, it's only 28 days, so we're
11 now talking about March 1st. On March 1st, his
12 family, with Security Guard Chris Carter, flew from
13 Los Angeles to Miami, okay. We have records to
14 prove it. We can show who went on the plane. We
15 can show the cancelled tickets. We can show all
16 these were booked through MJJ Productions.
17 The interesting part about it, however, is
18 that Chris Carter, the security guard who flew with
19 the family on the 1st and arrived in Miami around
20 six o'clock in the morning on the 2nd, an hour and a
21 half later gets on a plane with the defendant,
22 Michael Jackson, and flies back to L.A, and they go
23 to Neverland Ranch where the Arvizos are.
24 I believe that the records from the ranch
25 logs and the testimony from individuals involved

26 here will show that from basically March the 2nd to
27 March the 5th, that the defendant and the Arvizos
28 were on the ranch together. That again, from March 115

1 9th until March 12th, when the Arvizos left for the
2 last time, that the Jackson -- Michael Jackson, the
3 defendant in this case, was present.
4 Let me tell you how this all comes to a
5 head. The boys are back at the ranch now. Janet
6 Arvizo is back at the ranch. And many of the things
7 that I told you earlier in the morning that I talked
8 about - and I'm not going to go into repeating all
9 those things - the things that had to do with the
10 display of the magazines and the unusual sexual
11 conduct and some of those other things, occurred
12 during this period of time.

13 And one of the things that I think that
14 you're going to want to ask yourself in connection
15 with the allegations in the Indictment alleging that
16 the alcohol was used in the commission of these
17 offenses is, why would any adult give alcohol to a
18 minor. But more importantly, why would any adult
19 give alcohol to a cancer survivor with one kidney.
20 And I think the answer is rather apparent,
21 based upon what I've indicated to you the testimony
22 and evidence will show occurred on that ranch
23 between the boys and Michael Jackson, and what the
24 ultimate effect and impact of it was on their lives
25 in terms of their being molested, or Gavin being
26 molested.
27 One final crisis occurred on the ranch, if
28 you could believe that. On the 9th, when 116

1 everybody's back at the ranch, Gavin tells the
2 defendant, "I'm worried."
3 "Why."
4 "Because I got a doctor's appointment
5 tomorrow. And I have to take to the doctor one of
6 these two-quart urine specimens so they can check
7 and see if my kidney's working okay."
8 I'm sure you're thinking what he was
9 thinking. Well, if you're going to show urine and
10 they're going to do tests, it may show that he had
11 alcohol in his system. And both the defendant in
12 this case and Gavin were worried that that urine
13 specimen was going to show that this child was being
14 provided with alcohol.
15 The defendant tries to talk Gavin into not
16 going to his doctor's appointment, and Gavin says,
17 "It won't do you any good. My mother is adamant.

18 I will be going to that appointment." He's worried.
19 So he calls his mother, and he confesses to the
20 alcohol. She's irate. Just livid. And she sends
21 Davallin over to try to get the boys from Jackson's
22 room.
23 Davallin goes to the door and she pounds on
24 the door and pounds on the door and nobody answers.
25 She goes back and tells the mother she can't get
26 through or nobody's there.
27 The following morning, Vinnie Amen is
28 directed to take Gavin, Janet Arvizo, and the urine 117

1 specimen to the Kaiser Hospital. When they make a
2 stop on the way and they come back to the car,
3 Vinnie Amen says that the urine specimen has been
4 tipped over, the lid came off and it's been spilled.
5 And there's now only a small amount of the urine
6 left in the bottle. Of course Janet doesn't believe
7 that because she's seen these jars and she knows how
8 the lids go on 'em, and they don't fall off that
9 way. If you've ever been in a hospital bed, you'll
10 know they're the ones they put on the side with the
11 caps. This is not something that comes off.
12 So she's had enough. They take the child --
13 and maybe for you, or some of you, it may have been
14 enough a long time ago. But at least for her, it
15 reached the point that, after the Kaiser visit to
16 the hospital, she asks Vinnie Amen -- in fact, she
17 didn't ask. She insisted that Vinnie Amen take her
18 to the beauty parlor. Not because she wanted to get
19 a manicure or pedicure or anything else. But it was
20 a beauty parlor that was located very close to the
21 place where Major Jay Jackson worked for the United
22 States Army.
23 And the first thing she did was she got
24 there, she got on the phone, and she called him and
25 asked him to come down immediately. And he did.
26 And she refused to go back to the ranch. And she
27 didn't want Gavin going back to the ranch. And
28 there were a number of calls between Frank Tyson and 118

1 Vinnie Amen at that time.
2 And I can tell you, frankly and candidly,
3 that Gavin wanted to go back to the ranch. And it
4 was finally decided that Gavin would go back and she
5 would not. And it was decided between -- as you
6 will learn through the testimony and the evidence
7 here, that it was at this point that the plan was
8 made and discussed to try -- on how to get those
9 kids off the ranch permanently. And that will

10 unplay over here in the next couple of days.
11 Now, the other thing that happened on the
12 10th after the visit, after Vinnie Amen takes Gavin
13 back to the ranch, is before they leave, Janet
14 Arvizo says, and reminds him, "Listen, I have a
15 court appearance tomorrow. I have a court
16 appearance in my divorce with my husband. I need
17 the kids in court. Will you bring the kids to
18 court." He says, "Sure."
19 The next morning on the 11th when they show
20 up to court, he's there; there's no kids.
21 She's really insistent now. What happens
22 then is, although the kids are still back in the
23 ranch and the same things are going on, and some of
24 the events that I described to you previously are
25 occurring right during this particular point in
26 time, the fact of the matter is, they're serious
27 about what they're going to do about this now.
28 So what they do is, Janet Arvizo calls Frank 119

1 Tyson, and she says, "Listen, I'll agree to go to
2 Brazil. I'll agree to cooperate. I'll make this an
3 easy thing for all of you guys. But my father's
4 sick and these children need to see their
5 grandfather before this trip. So if you agree, let
6 the children come over for one night to see the
7 grandfather, I'll agree to come back to the ranch
8 and we'll go to Brazil and this thing will be a done
9 deal." And Tyson bit.
10 So what happened was on the 12th, the
11 children were told to pack their bags and they
12 packed their bags. And it's around noon, give or
13 take a few minutes, or 15 minutes or 20 minutes, but
14 it's around noon and the children are waiting to get
15 in the car to leave.
16 But one last thing happens. Frank Tyson
17 comes out and he says to Gavin, "You can't take your
18 suitcase." And they say, "Why." He says, "You're
19 not taking your suitcase. We'll give it to you
20 later." The children get in the car, they're taken
21 back to the home of the grandparents in Los Angeles.
22 Later, when that suitcase shows up, all of
23 his underpants are missing and his tap dancing
24 shoes.
25 Now, the family at that point is back away
26 from the ranch. And they're not going back and they
27 don't go back. But it doesn't stop there. Because
28 what happens over the next few days is private 120

1 investigators are sent down, telephone calls are

2 made. They video-surveillance the kids coming and
3 going from school. They had to involve the security
4 officer from Davallin's high school because of the
5 activities. Notes are slipped under the door, "Call
6 Vinnie," all these kinds of conduct and behavior
7 over the next few days. But Janet was adamant,
8 "They're not going back to the ranch."
9 I think the way to conclude my remarks to
10 you this morning are simply to talk to you about
11 what Davallin Arvizo will tell you about her brother
12 Gavin, and about what Davallin will tell you about
13 Gavin's conduct after they left the ranch.
14 She will tell you it was like having a
15 stranger for a brother. She will tell you that a
16 family that used to love and hug and touch and be
17 with each other, that he wouldn't let anybody in the
18 family touch him. He would go like that
19 (indicating); "Don't touch me. Don't touch me."
20 That he was explosive, that he was frustrated, and
21 his conduct was not like the Gavin Arvizo that she
22 knew before all of this stuff happened with the trip
23 to Miami. She will tell you how he was silent and
24 he was indifferent and how she wanted to have her
25 brother back, and that it's taken a long time for
26 her to get her brother back.
27 I'd like to conclude by thanking you for
28 your patience and for your attention to what even in 121

1 a profession which is known to be long-winded, was a
2 very lengthy opening statement. It's extraordinary
3 in its length, but this is an extraordinary case.
4 And the lives of these people will be
5 affected forever. And the fact of the matter
6 remains that no matter how complicated the events
7 that I have unfolded to you here this morning and as
8 they unfold over the next several months in this
9 trial or how tragic it is to everybody involved in
10 this situation, there's only one person responsible
11 for the conduct and the consequences of what
12 happened, and that person is sitting right here in
13 the courtroom, and that's the defendant, Michael Joe
14 Jackson.
15 THE COURT: All right. Thank you, Mr.
16 Sneddon.
17 Mr. Sneddon, would you and Mr. Mesereau
18 approach.
19 (To the jury) Which means you can talk to
20 each other.
21
22 (Discussion held off the record at sidebar.)
23
24 THE COURT: That's a little more formal than

25 me saying, "Cut it off."
26 All right. Mr. Mesereau, are you ready to
27 proceed, or do you need another minute to gather --
28 MR. MESEREAU: Could I take one more minute, 122

1 Your Honor.
2 THE COURT: You certainly may.
3 MR. MESEREAU: Thank you.
4 I'm ready, Your Honor.
5 THE COURT: Go ahead.
6 MR. MESEREAU: Thank you very much. Good
7 afternoon.
8 THE JURY: (In unison) Good afternoon.
9 MR. MESEREAU: I think it's afternoon. I
10 get mixed up with this no break for lunch.
11 Ladies and gentlemen, as you know, my name
12 is Tom Mesereau. And it is my honor and privilege
13 to speak to you on behalf of Mr. Jackson. The
14 prosecutor has outlined some very serious charges
15 and made some very serious allegations, as you well
16 know.
17 If he is to be believed, Mr. Jackson
18 conspired to imprison a family, abduct children and
19 extort. If he is to be believed, Mr. Jackson
20 molested children, and gave a cancer-patient child
21 alcohol to reduce his inhibitions and molest him.
22 And I'm here to tell you that these charges are
23 fictitious, they're bogus, and they never happened.
24 Now, an opening statement, as I think you
25 all know, is generally thought to be an outline or a
26 preview of what's to come. It's often described as
27 a blueprint of what the evidence will be like in
28 court. 123

1 I want to take it a step further, and I want
2 to let all of you know that I think an opening
3 statement is a contract. You make promises in an
4 opening statement, you better fulfill them. Because
5 at the end of the trial, the jury's going to know
6 whether you did or didn't. And I say to you right
7 now, I am going to make some promises in this case,
8 I am going to fulfill them, and I want you to judge
9 me accordingly at the end. These charges are fake,
10 silly, ridiculous --
11 MR. SNEDDON: Your Honor, I'm going to
12 object as argumentative.
13 THE COURT: Sustained.
14 MR. MESEREAU: Ladies and gentlemen, I have
15 an organized opening statement for you. I'm going
16 to take you through various topics. Who Mr. Jackson

17 is, what Neverland is, how he met these people, what
18 kind of lives they have led.
19 But I've decided, in light of what was just
20 said, to start off with a couple of issues that I'd
21 like you to think about throughout the trial.
22 Because I'm going to prove exactly what I'm going to
23 tell you now.
24 First of all, the Arvizo family is from Los
25 Angeles. We are going to bring in witnesses to tell
26 you about their behavior. For example, Janet and
27 Gavin called Comedian Jay Leno and tried to get
28 money from Mr. Leno. Mr. Leno has told the Santa 124

1 Barbara police, "Something was wrong. They were
2 looking for a mark. It sounded scripted. The
3 mother was in the background, and I terminated the
4 conversation."
5 Comedian George Lopez was approached by
6 Gavin and Janet. He was asked for money. He didn't
7 want to give money, and then they accused him of
8 stealing \$300 from Gavin's wallet.
9 MR. SNEDDON: Your Honor, I'm going to
10 object to that statement. The Court has a 403
11 ruling.
12 THE COURT: Sustained.
13 MR. MESEREAU: An actress named Vernee
14 Watson, who has appeared on Fresh Prince of Bel Air
15 and the movie Antoine Fisher, met this family at a
16 dance school. As soon as she met Janet and Gavin,
17 they wanted to move into her house and wanted money.
18 She refused.
19 A comedian named Louise Palanker was
20 approached by Janet, told they needed money for
21 medical bills and living expenses. She was not told
22 that insurance was covering all the medical bills.
23 She gave them \$20,000, two \$10,000 checks.
24 She then went to the home to check out the
25 room she thought she was contributing to, to redo
26 for Gavin when he came home to heal. She knew of a
27 builder who had gone to the home and redid the room.
28 She found out the builder had been stiffed, not 125

1 paid, and the money had been used for a huge T.V.
2 and DVD player. And she was upset.
3 This kind of behavior, we will prove to you,
4 went on and on and on. Michael Tyson was
5 approached. Efforts were made to reach Adam
6 Sandler. Jim Carey. A number of celebrities.
7 And we will prove to you that the best-known
8 celebrity and the most vulnerable celebrity became

9 the mark: Michael Jackson.
10 Who is Michael Jackson. You're going to
11 learn a lot about him in this trial. Because
12 Michael Jackson, as you know, has been the subject
13 of so much speculation, so much false reporting, so
14 much embellished documentary, so many shows for so
15 many years, the question you're going to be asking
16 is, "Who is he." And you're going to learn.
17 You're going to learn that Michael Jackson
18 was born in Gary, Indiana, in a large family, a very
19 famous musical family. They didn't have much in
20 those days. Michael Jackson had to work hard from
21 the age of five to develop his musical talents and
22 his musical genius, and he did so. He went to
23 school, he came home, he did his homework.
24 And instead of having the freedom that many
25 young people had, he then had to rehearse, and
26 rehearse, and rehearse. And on weekends, there were
27 performances in various cities, Chicago, Detroit,
28 and he worked very hard. And a success that you 126

1 know about has come about through a combination of
2 genius, and very, very hard work.
3 Michael Jackson has often said, "I missed
4 some of my childhood. I didn't have as much freedom
5 as other kids. I couldn't be as spontaneous,
6 because when I wasn't in school and I wasn't doing
7 my homework, I seemed to be rehearsing into the wee
8 hours of the morning." And he's always taken an
9 interest in his own childhood and how it relates to
10 the world, his career, and his life.
11 The prosecutor has presented to you a
12 picture of Neverland. He purchased Neverland in
13 1988. It's approximately 2,800 acres in Los Olivos.
14 The prosecutor presented a picture of Neverland
15 being some haven for crime, some lure for despicable
16 conduct. It is not.
17 Neverland was created by Michael Jackson for
18 a number of reasons. If you go into Neverland, you
19 are struck by the childlike, Disneylike, fantasylike
20 atmosphere. You'll see statues of children. Boys
21 and girls playing in various ways. You'll see a
22 train. You'll see a lake. You'll see a zoo with
23 elephants and giraffes, with tigers and all kind --
24 alpacas and all kind of animals. You will see a
25 theater. You'll see rolling hills. And you'll see
26 an invitation to play and be childlike. And as I
27 think you already know, children come there all the
28 time. Most of them inner city children from 127

1 poverty, drugs, violence, problems. They go there
2 for recreation. It is an invitation for them.
3 You will also see the main street named
4 after his mother. You will go into the main house
5 and see beautiful antiques that he has purchased and
6 you will see pictures of his beautiful children and
7 his family all over. Some of them painted. Some of
8 them photographs. He created Neverland for
9 particular reasons. He felt that his childhood had
10 been somewhat deprived by all the work I just
11 described. And he wanted a place where children,
12 particularly these kinds of children from the inner
13 city with problems, could come and have fun and be
14 free and spontaneous, innocent, have a wonderful
15 time.
16 He did it in honor of his family. As I said
17 to you before, the main street's named after his
18 mother, whom he loves very much. He did it because
19 this is where he wanted to live. In this community,
20 in this fashion. And that's why he chose Los
21 Olivos. It could have been anywhere in the world.
22 Michael Jackson met the Arvizo family
23 because he was contacted and told a young boy had
24 cancer and wanted to meet him and needed his help.
25 And unlike others who spelled the ruse, he didn't.
26 He contacted the child. They talked on the phone.
27 He sent toys and favors to the family.
28 The mother was extremely eager to meet 128

1 Michael Jackson. Because we will prove to you, the
2 mother, with her children as tools, was trying to
3 find a celebrity to latch on to. They were trying
4 to find a celebrity to create their life and give
5 them advantages they didn't have. And they were
6 looking far and wide for that celebrity. And
7 unfortunately, for Michael Jackson, he fell for it.
8 That's where it all begins.
9 Now, Michael Jackson, you will learn about
10 in court. You will learn that the person who's not
11 on stage is really a very shy person, a very private
12 person, a person who in some ways shuns the
13 limelight when he's not on stage, and a person who
14 has chose to live his life as he wants to live it,
15 based on his background, what he thinks he was
16 deprived of, and his dreams.
17 He has written of the importance of dreams,
18 not only as a creative process, but as the basis for
19 living your life. And he has tried to do that at
20 Neverland. And Neverland, we will prove to you, is
21 not a haven for criminal activity, a lure for
22 molestation, a magnet for crime. It is none of the
23 things the prosecutor tried to tell you it is.

24 We will prove that in this case.
25 Michael Jackson wanted to help Gavin Arvizo.
26 He let them come to Neverland. He sang songs to
27 Gavin. His parents were around, his brothers and
28 sisters were around. And he tried to help Gavin in 129

1 ways he thought might work. The child was described
2 to him as having very serious cancer, as having had
3 rounds of chemotherapy, various organs removed. He
4 was told, Michael, that is, that this child was on
5 his last legs.
6 He took him around Neverland. He showed him
7 the animals. He showed him the kind of Disneylike
8 atmosphere that he thought and believes and knows
9 children like. He did things that were unusual.
10 Michael is a voracious reader. He loves to
11 read books and all subject matters. He has close to
12 a million books at Neverland. And he tried to use
13 techniques that he had read about to help cancer
14 patients.
15 For example, he asked Gavin to envision he's
16 playing Pac Man, and the cancer cells are being
17 gobbled up by the good people. He had gotten that
18 from studies of visualization techniques that were
19 perfected in England years ago for cancer patients.
20 Their theory is that if you will visualize and
21 imagine in your mind a way to beat a disease, if you
22 will visualize the good cells going after the bad
23 cells - they're sometimes described as fish, the
24 good fish eating the bad fish - if you will
25 visualize healing, if you will visualize through
26 imagery how you can beat a disease, the studies show
27 it sometimes succeeds. And he taught that to Gavin.
28 He taught him to climb trees when he was 130

1 well. He did the kinds of things his mother and
2 father had asked Michael Jackson to do. He took a
3 lot of time away from his career to help this child
4 and help his family, never knowing that the trap was
5 being set. And I'm going to tell you how the trap
6 was set.
7 First of all, ladies and gentlemen, I am
8 going to prove to you in this case that there is a
9 pattern by Janet and her children of ensnaring
10 people for money.
11 First of all, the prosecutor alluded to a
12 deposition where he said she admittedly lied. He
13 didn't tell you the details. Let me tell you some
14 of them.
15 Janet Arvizo sued J.C. Penney in West Covina

16 in Los Angeles County. She was living in Los
17 Angeles with her family at various locations, which
18 will become important, and I will tell you why.
19 She claimed that she was the victim and her
20 children were the victim of battery, false
21 imprisonment and infliction of emotional distress.
22 This was in July of 1999.
23 Almost a year later, she amended that
24 complaint to add sexual assault by a security
25 officer. What did she say the security officer had
26 done in the J.C. Penney public parking lot.
27 She said her breasts were fondled, her
28 nipple was squeezed 10 to 20 times, she was punched 131

1 with a closed fist by a J.C. Penney security guard,
2 she was molested in her vaginal area, and she was
3 called racial slurs. That is the case where she was
4 testifying under oath. That is the case where the
5 prosecutor says she lied. She has admitted lying in
6 that case.
7 Her son was ill. The lawsuit was settled.
8 The family got a total of \$152,500. That's the
9 Arvizo family.
10 Janet Arvizo's ex-husband, David, says Janet
11 coached her children in that case what to say. A
12 witness named Mary Holzer, an employee for a law
13 firm that represented Janet Arvizo, Gavin Arvizo,
14 Star Arvizo, and David Arvizo in the J.C. Penney
15 case, has come forward to testify that Janet
16 admitted she lied.
17 Let me take this a step further: Miss
18 Holzer says that Janet said her husband had a cousin
19 in the Mexican mafia and this woman says she never
20 came forward because she feared harm.
21 This is the first pattern I want to identify
22 for you with respect to this family. Let's go to
23 the second example of this pattern.
24 On December 18th, in the year 2000, in the
25 deposition in the J.C. Penney case, Janet Arvizo
26 said her husband David never assaulted her. She now
27 says she was assaulted for 17 years, every year of
28 their marriage. 132

1 On September 29th, 2001, Janet Arvizo told
2 the Los Angeles Police Department she was assaulted
3 by David Arvizo, her husband. Less than a month
4 later, she filed for divorce. Exactly a month after
5 she filed for divorce, she filed a welfare
6 application that said her husband had assaulted her.
7 And incidentally, we will prove the 152,000 I just

8 talked about never appeared on her welfare
9 application, and that application was under penalty
10 of perjury.
11 On November 26th, 2001, Janet Arvizo told
12 the LAPD, the Los Angeles Police Department, for the
13 first time that David Arvizo, her soon-to-be
14 ex-husband, molested her daughter 12 years earlier.
15 She had never raised that allegation before.
16 Again, she claimed false imprisonment. She
17 said she was the victim of terrorist threats. And
18 she claimed that her ex-husband had willfully harmed
19 her children.
20 The allegations against Michael Jackson are
21 the third claim of false imprisonment she has made.
22 They are, by our count, approximately the fourth
23 claim for sexual assault she has made.
24 On November 26th, 2001, Davallin Arvizo,
25 parroting her mother, claims her father physically
26 abused her brothers and threatened to kill her
27 mother.
28 Ladies and gentlemen, we will call witnesses 133

1 who will tell you that Mrs. Arvizo in the past often
2 says people are trying to kill her.
3 On November 26th, 2001, Janet Arvizo filed a
4 copy of an arrest report on her husband with the
5 Social Services agency in Los Angeles to expedite
6 the aid, the public assistance she wanted. That's
7 the public assistance that she applied for without
8 disclosing assets, bank accounts, the J.C. Penney
9 settlement, and other things she had, and other
10 things she was required to disclose. And I repeat,
11 those forms are under penalty of perjury.
12 In the current case, she claims that her
13 former husband, David, struck her and the children
14 for many, many years. As the prosecutor suggested
15 to you, she's claiming that she's the victim of a
16 whole lifetime of abuse. What he didn't tell you
17 was that she also claims other relatives are in the
18 drug business and abused she and her kids as well.
19 Let me tell you a little bit about the
20 evidence that we're going to present to you about
21 her efforts to get money from celebrities by
22 claiming she's destitute, when she's not.
23 You have heard a description from the
24 prosecutor about that little apartment in East Los
25 Angeles, where that furniture allegedly came from,
26 that he says Michael Jackson somehow wanted to
27 arrange to steal through others. I guess the
28 implication is that Michael Jackson needed her 134

1 furniture.
2 That was a studio apartment in East Los
3 Angeles where her family had lived from time to
4 time, but generally not often. That was a studio
5 apartment which had a few furnishings, was sparsely
6 decorated, looked like it really hadn't been used
7 because, for the most part, it wasn't.
8 For the most part, she lived with her
9 parents in El Monte. And when she became engaged to
10 her current husband, she moved in with him and the
11 family.
12 But when she wanted celebrities to
13 contribute money to her, after she told them her son
14 had cancer, and they were destitute, and they needed
15 money for medical bills, guess where she took them.
16 The studio apartment in East Los Angeles. She kept
17 it even when she was living in other locations.
18 Her husband worked at Von's. He was a
19 Teamster. And he had all the medical benefits the
20 Teamsters provide, including full medical coverage.
21 Gavin was treated at Kaiser Hospital on Sunset in
22 Los Angeles. There were no co-payments. There were
23 no deductibles. His medical expenses were paid in
24 full. But Janet Arvizo put into effect a program to
25 take her son and try and use him to obtain money.
26 She approached the Mid Valley News, an El
27 Monte newspaper. She said she couldn't pay her
28 son's medical bills. She told them it was \$12,000 135

1 per chemo treatment. Those treatments were being
2 paid by the insurance company. She asked them to
3 help her raise money. She wanted an ad in the
4 newspaper. They did put an ad in the newspaper.
5 But she was kind of squirrely about the account,
6 because the people at the newspaper said, "If it's
7 for your son, and we are raising money for your son,
8 you have to have an account in your son's name."
9 And she said Number
10 We will prove that she went to one woman to
11 help her set up the account. This woman's sister
12 was an attorney and offered to help. This woman
13 wanted Gavin's Social Security number. Janet said
14 Number she wanted an account with her name on it,
15 and we will prove to you eventually she found a
16 clever mechanism for doing this. She set up an
17 account in her name, with she being the signatory,
18 and she said it was for Gavin's benefit, and she put
19 money in the account and she withdrew money from the
20 account.
21 The people at the newspaper will tell you
22 that they were so moved by the story of Janet and

23 Gavin, that they brought her a turkey on
24 Thanksgiving day, thinking they were engaging in an
25 act of goodwill, good fortune. They knocked on the
26 door. Janet answered, and was upset. She didn't
27 want a turkey; she wanted money.
28 On June 15th, the year 2000, Janet received 136

1 \$10,000 from Mrs. Louise Palanker. I mentioned her.
2 She's a comedian and an actress who used to hang out
3 at a place called The Laugh Factory in Los Angeles.
4 Janet Arvizo wanted her children to be
5 actors. She made no secret about that. And she
6 took them to acting school in Los Angeles. They
7 performed at The Laugh Factory. The check that
8 they -- that Mrs. Arvizo received from Louise
9 Palanker was then deposited into Janet's mother's
10 account, so she didn't have to disclose it to
11 welfare authorities and didn't have a paper trail
12 that they actually had money as she made and pursued
13 her efforts to con people out of funds.
14 On June 10th, 2000, David Arvizo, her
15 husband, received \$10,000 from Mrs. Palanker again.
16 Mrs. Palanker will testify that she was told they
17 were destitute. They needed it for medical bills
18 and living expenses.
19 On July 19th, 2000, almost a week after she
20 hid this money, Gavin requested to meet Michael
21 Jackson. Now, there's a bit of a dispute over
22 exactly who contacted Michael Jackson first, because
23 a hairdresser friend of his, Carol Lamir, has
24 indicated that she arranged the contact through Mr.
25 Jackson's assistant when she heard about Gavin. And
26 she learned about Gavin because her son was at the
27 same dancing school that Gavin was at, a dancing
28 school at Olympic and Fairfax in Los Angeles. That 137

1 is the dancing school where Janet approached Actress
2 Vernee Watson and asked for money and wanted to move
3 in.
4 Michael Jackson learned about this child's
5 illness and was very upset and very concerned. He
6 arranged for a gift basket, toys, to be sent to the
7 hospital.
8 In August of 2000, August 27th, the Arvizo
9 family first came to Neverland. And again, that was
10 all part of Michael Jackson's attempt to help a
11 family, he was told, was destitute, with a seriously
12 ill child.
13 By all accounts, during these early months,
14 the Arvizo children were pretty well behaved.

15 Nobody seems to have had a problem with them on the
16 premises. That later changed, as I will explain to
17 you in my opening statement.
18 On September 21st, 2000, the Arvizos visited
19 Neverland. They enjoyed the rides. They stayed
20 over. It was the whole family; the mother, the
21 husband, and the three children. The mother stayed
22 in a particular guest quarters at Neverland. This
23 is the guest quarters where she later claims she was
24 falsely imprisoned. It is a beautifully decorated
25 room that Elizabeth Taylor and Marlon Brando always
26 requested when they visited Neverland. It is one of
27 the most beautiful rooms you'll ever see. She says
28 she was falsely imprisoned there on a future date. 138

1 She also says that she was prevented from
2 knowing time, couldn't see a clock anyplace.
3 Prevented from just determining when she could leave
4 and not leave.
5 You will learn in this trial that
6 overlooking Neverland, on one of the most prominent
7 hills with one of the most prominent views of
8 Neverland, is a huge clock. It's lit at night.
9 It's prominent in the daytime. You can't miss it.
10 To the right of that huge clock is another
11 huge clock. And throughout Neverland are clocks,
12 many of them with a Disneylike type of style to
13 them. Big, ornate clocks.
14 In the fall of 2000, just as they were
15 visiting Neverland, they hustled Jay Leno, George
16 Lopez, and Weatherman Fritz Coleman in Los Angeles.
17 I've explained to you the approach to Jay Leno, who,
18 by the way, doesn't associate with Michael Jackson
19 at all. And he told the Santa Barbara police
20 something was wrong. The conversation was recorded.
21 They got on the phone. Mr. Leno says, "I'm actually
22 easier to reach than a lot of people think,
23 particularly if I hear somebody's in need." It was
24 Gavin calling him, not Janet. But he said, "I could
25 hear the mother in the background. And the way he
26 approached me, saying, 'I love you, I watch you late
27 at night,'" suggested to him something was wrong.
28 And he terminated the conversation fairly 139

1 quickly. He told the police they were looking for a
2 mark.
3 I already mentioned the problem with George
4 Lopez. See, The Laugh Factory is a magnet for
5 comedians in Los Angeles. Many have started their
6 careers there. And accomplished comedians like Jay

7 Leno and George Lopez once in a while like to drop
8 by again, and they maintain their contacts in the
9 world of comedy.
10 Fritz Coleman is a newscaster, a weatherman
11 in Los Angeles, very well known. He was approached
12 by Janet and Gavin Arvizo. Janet told him her son
13 was seriously ill with cancer. He arranged a
14 fund-raiser at The Laugh Factory. And we will prove
15 to you that as you entered The Laugh Factory for the
16 fund-raiser, there was Gavin with his hand out in
17 the lobby, with Janet prodding him on.
18 Now, The Laugh Factory is owned by someone
19 named Jamie Masada, who was mentioned in the
20 prosecutor's opening statement. Masada claims that
21 he's the one who contacted Michael Jackson to talk
22 about Gavin. We believe Carol Lamir. But they both
23 make that claim.
24 When questioned about where the money went,
25 Mr. Masada first said, "Well, we delivered it to the
26 hospital." But the hospital has no record of cash
27 being paid, because you didn't need to pay anything.
28 The Teamsters insurance policy paid every medical 140

1 expense.
2 Fritz Coleman doesn't know where the money
3 went either. It has disappeared in thin air. Where
4 do you think it went.
5 This was the time when they accused George
6 Lopez of ripping off 300 bucks from Gavin's
7 wallet --
8 MR. SNEDDON: Your Honor, I'm going to
9 object again.
10 THE COURT: Sustained.
11 MR. MESEREAU: Oh, I'm sorry. I'm not
12 supposed to --
13 MR. SNEDDON: That's twice.
14 MR. MESEREAU: In October of 2000, Janet,
15 through Gavin, approached Michael Jackson, and said,
16 "We have no means of transportation. We're poor.
17 We can't do it." And Michael gave them an SUV.
18 We will prove to you that Janet didn't want
19 her name on the registration, because she never
20 disclosed it in her welfare applications and other
21 requests for public assistance, including
22 disability. Nor did she itemize her disability
23 income on her welfare application as required.
24 When she met with the police at a later
25 date, one of her major complaints was she wanted her
26 car back. The car was severely damaged. No one
27 knows exactly how. There are varying stories about
28 it. It went back to Neverland for repairs. And one 141

1 of the first things she said to the police were
2 words to the effect, "Where's my SUV."
3 Janet Arvizo never directly went to Michael
4 Jackson and asked for money. She always used Gavin
5 and the children. They were always coming to him
6 and saying, "We need this, we need that. Can you
7 help us." And they were helped. Not as part of
8 some criminal conspiracy to abduct a family,
9 imprison a family, extort a family, molest a family,
10 intoxicate a family. Number they were done because
11 he had concern for what they had told him and he had
12 concern for Gavin's health.
13 One month after Michael Jackson gave the SUV
14 to the Arvizos, that incident with the El Monte
15 newspaper happened. I just told you about the
16 turkey. Her request to an ad. She was very angry
17 at the publisher, because the ad about her family
18 needing money didn't mention the Washington Mutual
19 bank account. She expressed her anger on numerous
20 occasions that they hadn't put the name of the
21 account to deposit money into. That's the account
22 where she had the argument about Gavin's Social
23 Security number.
24 On November 29th, 2000, the El Monte
25 newspaper reported that it was costing the Arvizos
26 \$12,000 for treatment of chemotherapy. All of that
27 was being paid by the Teamsters insurance.
28 In late 2000, you had the fund-raiser at The 142

1 Laugh Factory. You had a number of fund-raisers at
2 The Laugh Factory. Where the money went, nobody
3 knows.
4 THE COURT: Counsel.
5 MR. MESEREAU: Yes, Your Honor.
6 THE COURT: Can we take a break.
7 MR. MESEREAU: Yeah.
8 (Recess taken.)
9 THE COURT: Mr. Mesereau.
10 MR. MESEREAU: Yes. Thank you, Your Honor.
11 Ladies and gentlemen, when I began my
12 opening statement, I told you that I was going to
13 begin by concentrating on who these people are and
14 what they have done. And I'd like to continue that
15 little journey for the time being.
16 We left off when I told you we would prove
17 that in late 2000, there was a fund-raiser at The
18 Laugh Factory, which is a comedy club in Los Angeles
19 owned by Jamie Masada.
20 On December 22nd, the year 2000, the Arvizos
21 successfully hustled \$2,000 out of Actor Chris

22 Tucker --
23 MR. SNEDDON: I'm going to object to the
24 term "hustled." It's argumentative.
25 THE COURT: Sustained.
26 MR. MESEREAU: December 22nd, 2000, the
27 Arvizos obtained \$2,000 from actor and comedian
28 Chris Tucker, claiming they were destitute and 143

1 needed the money for medical bills. I think you
2 know who Actor Chris Tucker is. He was in Rush Hour
3 1 and Rush Hour 2, the movies.
4 On October 1st, 2001, Janet Arvizo reported
5 her husband to the police claiming assault,
6 terrorist threats, et cetera. She told the police
7 in Los Angeles that Michael Jackson, Kobe Bryant and
8 Fritz Coleman will help her in her suit against her
9 ex-husband.
10 Kobe Bryant doesn't know who she is.
11 On the same day that she made that statement
12 to the police and they put it in a report, the
13 Arvizos convinced police in Los Angeles that they
14 were destitute and had nothing.
15 On October 4th, 2001, Janet Arvizo brought a
16 video and photos of celebrities she knew to show the
17 police. The police then tried to raise money for
18 she and her family. And they did.
19 On October 31st, 2001, Chris Tucker took
20 them to Knott's Berry Farm. They had asked him for
21 help because of Gavin and their being destitute.
22 On that same day, Janet Arvizo went on
23 disability so she could receive \$104 per week,
24 didn't disclose the money she'd raised, didn't
25 disclose the J.C. Penney settlement. And as I said
26 before, she never disclosed the disability that she
27 was receiving to the welfare authorities who were
28 paying her as well. 144

1 That's the 31st, 2001. She starts getting
2 \$104 a week, and almost ten days later, November
3 9th, 2001, she buys a new car for \$23,000.
4 A week after she buys the car for \$23,000,
5 she applies for welfare and food stamps. She
6 reports no assets. She omits her disability income.
7 She never mentioned her Washington Mutual Bank
8 account, her City National Bank account or the
9 \$152,000 J.C. Penney settlement, and those
10 applications are under penalty of perjury. We'll
11 call this the second act of perjury.
12 On November 20th, 2001, five days after she
13 applied for welfare and food stamps, she filed her

14 arrest report on her husband with L.A. welfare to
15 help her get expedited public assistance. And in
16 December of that year, the LAPD, the Los Angeles
17 Police Department, had a drive to get Christmas
18 presents for the Arvizos because they were destitute
19 and can't pay their medical bills.
20 In January of 2002, Michael Jackson
21 continued to give gifts to the Arvizos, all kinds of
22 gifts.
23 Meanwhile, back at the ranch, on January
24 12th, Janet receives a welfare check. On January
25 31st, she receives a welfare check. December 8th,
26 she gets a welfare check. March 20th, she gets a
27 welfare check. April 6th, she gets a welfare check.
28 In October of 2002, she reapplies for welfare, 145

1 falsely claimed she has not received any assistance
2 in the prior three years and has no assets.
3 This is the person making these claims
4 against Michael Jackson.
5 On December 2nd, excuse me, of that year,
6 the Arvizos moved into a new home on St. Andrews
7 Place in Los Angeles with Mrs. Arvizo's fiance, who
8 she has since married. His name is Jay Jackson. He
9 is in the Army. He has paid her rent, she has not
10 disclosed the rent, and she was taking her welfare
11 checks and depositing them into his account to hide
12 them.
13 On December 22nd, moving along that year,
14 she signed an income and expense statement under
15 penalty of perjury in her divorce action, and she
16 omitted any assistance her boyfriend/fiance was
17 giving her from that declaration, which was under
18 penalty of perjury.
19 On January 3rd, moving along, her boyfriend
20 paid her back rent at the Soto Street address, which
21 is the studio apartment I described to you before
22 where she brought people to show them how poor they
23 were living. She kept it for that purpose. The
24 family wasn't living there at all.
25 On January 10th, 2003, she signed a welfare
26 eligibility report under penalty of perjury. She
27 falsely claimed she had not received cash or other
28 benefits, and as I've just told you, we will prove 146

1 she most certainly had. It goes on and on.
2 I am going to go through the events of what
3 happened at Neverland and elsewhere so I can prove
4 to you in this trial there was never any molestation
5 or any crime of any kind committed by Michael

6 Jackson. But before I do that, I think it might be
7 wise to tell you a little bit about the purchases
8 she made, care of Michael Jackson, while she claimed
9 she was falsely imprisoned at luxury hotels and
10 Neverland.

11 Now, keep in mind Ms. Arvizo and her
12 children are claiming that they were falsely
13 imprisoned, that Mr. Jackson masterminded a
14 conspiracy to falsely imprison the entire family at
15 Neverland, where he lives and where he has
16 approximately 40 or 50 employees, many of them
17 ex-police officers, others licensed in day care and
18 things of that sort. She says she was falsely
19 imprisoned on a flight to Florida with Chris Tucker,
20 not with Michael Jackson. She says she was falsely
21 imprisoned at the Turnberry Resort in Florida, a
22 luxury hotel where Michael Jackson was staying. She
23 says she was falsely imprisoned at the Calabasas
24 Inn, a very nice hotel in Calabasas, and she says
25 that she was falsely imprisoned three times at
26 Neverland and went back every time. She has said
27 that under penalty of perjury.
28 Let's go through what she was buying and 147

1 what was ultimately billed to Michael Jackson during
2 this terrible period of false imprisonment:
3 February 14th, 2003: Full leg wax at Bare
4 Skin Salon for \$50; a lip wax; a bikini wax. Has
5 her face done at Aromatherapy Day Spa. The total is
6 \$140.

7 February 21st, Lisa's Beauty, hair products
8 for Janet Arvizo are purchased for \$28.91. The same
9 day, she buys bras and Jockey bikinis at
10 Robinson-May, a total of \$92.24, all billed to
11 Michael.

12 On February 25th at Anchor Blue, she buys
13 clothing for \$448.04 for she and her children. She
14 also goes to Robinson's-May, buys bras, thongs and
15 bikinis for \$115.83 in care of Michael Jackson. She
16 buys cosmetics at Lisa's Beauty for \$34.29.

17 On February 26th, during this period of
18 alleged false imprisonment, she buys clothing at
19 Pacific Sunwear for \$26.80. She buys socks, bras,
20 and underwear at the Jockey store for \$454.64. At
21 Banana Republic, she buys shirts and boxers for a
22 total of \$416.18. She spends \$64.32 on clothing at
23 Gap. She spends \$436.77 at the Levi's outlet, same
24 day, during this period of alleged false
25 imprisonment.

26 She spends \$74.69 at Abercrombie & Fitch;
27 \$88.06 at Robinson's-May for junior clothes; \$160.58
28 at Robinson's-May, again for bras and shorts; and 148

1 she goes to Foot Locker and spends \$91.44 for shoes
2 for her son Star.
3 The next day, February 27th, another day of
4 alleged false imprisonment by this grand conspirator
5 called Michael Jackson, Robinson's-May cosmetics,
6 day-wear treatment, \$129.36; cosmetics, facial soap
7 and lotion for Janet, \$30.85; slippers, \$28.12.
8 Spends over \$63, care of Michael Jackson.
9 She goes to Rite-Aid during this period of
10 false imprisonment. She buys a mechanical pencil,
11 body spray, feminine hygiene products, Chap Stick
12 and gum for \$62.09. She goes to Anchor Blue and
13 spends \$92.01.
14 Gavin gets a haircut the next day at Hsong's
15 Barber Shop for \$20. She gets a manicure and a
16 pedicure for \$51.
17 March 3rd, Anchor Blue, more clothing for
18 Janet, \$29.23. Then we go to Robinson's-May,
19 cosmetics for Janet, \$71.86.
20 And finally on March 10th, Lovely Nails, a
21 manicure and pedicure for Janet Arvizo, \$115.
22 The total of what I just read to you is
23 \$3,312.05 for Janet Arvizo while she's falsely
24 imprisoned at luxury hotels and Neverland.
25 Ladies and gentlemen, I'd like to address
26 the issue of the Bashir documentary, which the
27 prosecutor has dramatically suggested to you led to
28 incredibly bizarre criminal and frantic behavior by 149

1 Michael Jackson and others. Before I do that,
2 however, I'd like to put this in perspective a
3 little bit.
4 You heard the prosecutor tell you that when
5 the Bashir documentary aired, there was panic, a
6 frantic reaction. The media was everywhere. And
7 they were. The Department of Children & Family
8 Services in Los Angeles was investigating what
9 happened. I will represent to you that we'll prove
10 the District Attorney's Office in Santa Barbara was
11 investigating what went on, and Michael Jackson knew
12 about it.
13 It all starts really getting going in
14 February, January and February 2003. You have, from
15 all sides, the following: Media everywhere; the
16 D.A's Office looking into what all this means; the
17 Department of Children & Family Services looking at
18 what all this means; the people around Michael
19 Jackson allegedly panicked and concerned. And there
20 was concern, but I'll tell you what it was all

21 about.
22 The networks start negotiating to have a
23 responsive show to the Bashir documentary, which
24 ultimately happens. So they're converging on
25 Neverland. They're converging on Michael's people
26 and his advisors and himself to try and do something
27 to respond to the Bashir documentary. And guess
28 what happens, they say, in the middle of all of 150

1 this. That's when they say the child molestation
2 begins.
3 I submit to you we will prove it never, ever
4 happened.
5 Can you imagine a more absurd time for it to
6 ever happen. Because what the prosecutor said to
7 you about the media was true. They were everywhere.
8 They were following the Arvizos to their home. They
9 were trying to get interviews. And the Arvizos were
10 asking for money from the media, just like they
11 wanted money to do a production with Michael
12 Jackson.
13 We will bring in witnesses who will tell you
14 Janet Arvizo wanted distribution rights. She was on
15 the phone with attorneys trying to get distribution
16 rights. Her fiance wanted millions of dollars. He
17 said, "A house, a son's education, none of this is
18 enough. We want a piece of this action."
19 And when they weren't going to get it, the
20 molestation allegations started to form, just like
21 the pattern I outlined to you before at J.C. Penney
22 and with the ex-husband David. They don't start
23 right away. They end up developing over a period of
24 time, just when they think they're not going to live
25 at Neverland forever, Michael's not going to be a
26 father as she always referred to him everywhere,
27 just as they realized they're probably not going to
28 get rich off a production involving Michael Jackson, 151

1 just as they realized documents were not going to be
2 executed because Gavin had been in the Bashir
3 documentary that would give them some piece of the
4 net or gross profits.
5 Just as they realize all of this free ride,
6 this party was ending, did they go to the police
7 with the molestation allegation.
8 Number they went to a lawyer. And then
9 they went to another lawyer, never to the police,
10 until they had worked out all their legal rights and
11 opportunities. And I will get into that a little
12 more deeply in my opening statement.

13 And by the way, we will prove to you that
14 down the line, when Janet Arvizo realized it didn't
15 look too good, if there really was a molestation
16 that went on, that you would go to a lawyer and not
17 the police, guess what she started to say. "I
18 learned it from the police."
19 This was after her lawyer went to the police
20 to report the alleged molestation. We will prove
21 this to you.
22 Let me tell you how the Bashir documentary
23 happened. It didn't happen exactly as the
24 prosecutor told you.
25 A journalist, British journalist, named
26 Bashir, Martin Bashir, wanted to do a documentary on
27 Michael Jackson. He wanted it to be scandalous, and
28 he wanted to get rich. And that's what he did. But 152

1 he knew that getting close to Michael Jackson may
2 not be easy.
3 After all, so many people around the world
4 want to get near him. They want opportunities they
5 believe he carries with him. This has been an
6 ongoing issue with Michael Jackson his whole life.
7 Because he's a musical genius, because he's so well
8 known, because he's perceived as being so
9 successful, people are always buzzing around him
10 trying to get a hook into his business, trying to
11 just grab something that will give them fame and
12 fortune. It's an ongoing reality. It's an ongoing
13 problem.
14 And as Michael Jackson has said many times,
15 "I am very lonely because of it." He has written
16 that in his autobiography and he has said it;
17 "Everybody wants a piece of me."
18 Martin Bashir was no exception, just like
19 the Arvizos were no exception.
20 So Martin Bashir decided the best way to get
21 to Michael Jackson is a form of flattery. "I will
22 misrepresent to him my true intentions, and I will
23 find that little point of vulnerability that will
24 get him to me so I can work with him and get this
25 project that's going to make me wealthy."
26 Bashir had interviewed Princess Diana of
27 England sometime previously. He knew Michael
28 Jackson was a great fan and friend of Princess 153

1 Diana. To any of you who know anything about
2 Princess Diana, you can understand why.
3 She had the opportunity to simply live in
4 wealth, pomposity, a rigidity in the social

5 structure in England, and she didn't want it, she
6 wasn't happy with it, and she branched out on her
7 own and offended people. And she went to Africa and
8 she worked with children with AIDS, and she made a
9 crusade out of trying to stop land mines around the
10 world which explode and hurt children, mines for
11 civil war. And she decided she was going to live
12 her life the way she chose. She and Mr. Jackson had
13 a friendship and a camaraderie, because he saw that
14 he had pursued a similar life.
15 Bashir concluded that, "I'll get to him
16 through his love and affection for Princess Diana."
17 Bashir knew that a psychic in England named
18 Uri Geller, who's been on T.V. doing things, he
19 thought Uri Geller could get to Michael Jackson.
20 And it turns out he could.
21 He called up Uri Geller and he was gushing
22 with flattery. He said he admired what Michael had
23 done for children around the world. He specifically
24 referred to Michael's visits to sick children in
25 hospitals around the world. He said, "I so admire
26 this. We need to promote it better. We need to do
27 a documentary that will show the world what kind of
28 a person Michael is, and we will focus on children." 154

1 And he had some specific ideas. He told Uri
2 Geller that Michael Jackson has always wanted an
3 International Children's Day, much like Mother's Day
4 or Father's Day. And he told Uri Geller that he
5 wanted to bring Michael Jackson to meet Kofi Annan,
6 the Secretary General of the United Nations, and he
7 was hoping by doing so, that Michael would visit
8 Africa and help children with AIDS.
9 He told Uri Geller, "I can accomplish that,"
10 and Geller was very interested.
11 Geller arranged a meeting between Michael
12 Jackson and Martin Bashir in London. And Bashir
13 gave the same routine that I just described: "You
14 are misunderstood. What you've done is so
15 phenomenal. The world needs to know. I'm the one
16 best positioned to do this project so the world
17 really will understand who you are and what you've
18 accomplished."
19 And he showed him a letter, somewhat
20 crumbled up letter, from Princess Diana commending
21 him for the way he had conducted her interview.
22 Everything was sugar and spice and
23 everything nice. Unfortunately, it was false. It
24 was deception par excellence.
25 The meeting was arranged. Michael met with
26 Mr. Bashir. He agreed to do the documentary because
27 he believed what I just told you.

28 Michael had some conditions. He didn't want 155

1 his children's faces to appear on the documentary.
2 Michael loves his children. They're beautiful
3 little kids. They live with him at Neverland, and
4 they were living there throughout these alleged
5 events, these so-called crimes that didn't happen.
6 But nevertheless, Bashir wanted to follow
7 him around, and he did follow him to various cities,
8 Berlin, et cetera.
9 Michael was terrified that his children's
10 faces would be on that documentary. He is
11 perpetually terrified that something will happen to
12 his children. They'll be kidnapped; there will be
13 extortion; there will be a ransom request; they'll
14 be injured, or worse. Bashir agreed. "Their faces
15 will never appear. They will not be recognizable on
16 that documentary." And that was false.
17 Michael asked him if he could see the
18 footage before it was broadcast, because Michael has
19 been in this business his whole life. He has seen
20 what the media can do to anybody. They can take
21 footage and remove it. They can take footage and
22 connect it. They can take words and replace them.
23 They can do whatever they want and make you look
24 terrible if they want, and it had been done to him
25 often throughout his career. He didn't want that to
26 happen in this documentary.
27 Martin Bashir assured him he would have full
28 editorial control, and that was a falsehood. 156

1 Michael wanted any money he received to go
2 to charity. Bashir assured him it would. Uri
3 Geller also wanted money to go to charity, but he
4 also wanted a personal service fee. He wanted a
5 percentage of the net proceeds, and he worked that
6 out with Bashir, not with Michael.
7 Let me give you a flavor for what Bashir
8 said to Michael Jackson to induce him to do this
9 project:
10 On July 23rd, 2002, he sent a letter to
11 Michael's assistant. He had a plan of action for
12 filming at Neverland. He said on July 29th, they
13 wanted to feature Michael with a large group of
14 children, around 50, welcoming them and sharing with
15 them his extraordinary home so that, for one day,
16 their lives can be enriched seeing Michael with the
17 children on the rides and then taking them into his
18 movie theater to watch a film.
19 The next day, Tuesday, July 30th, "I was

20 hoping that Mac Culkin will be available to visit."
21 He is an extremely close friend of Michael's and has
22 provided support throughout the years. That's
23 Macauley Culkin, the actor.
24 Wednesday, July 31st, this would be a day
25 spent working with Michael, the musical genius,
26 listening to the song he has written for the
27 international children's holiday, and also viewing
28 some tapes from his extraordinary career, reflecting 157

1 upon 30 years of success.
2 Thursday, August 1st, a walk around
3 Neverland, the zoo and all the other attractions
4 that have been built both for Michael and the
5 benefit of others. The beautiful landscape
6 encouraging all of us to become "as little children
7 again," quote, unquote.
8 Friday, August 2nd, late-night drive through
9 L.A, how Michael still connects with the inner city,
10 and how he has drawn inspiration for his dance
11 scenes from the ghetto kids.
12 "I shall give you a call tomorrow to check
13 through this, but hope that it will be possible.
14 Obviously, the trip to Africa, plus the U.N. visit
15 are in the early stages of planning, but I shall
16 certainly give you full details as soon as matters
17 are confirmed."
18 You will learn, ladies and gentlemen, what
19 Bashir said to Michael face to face, as he did this
20 project, a project designed to humiliate, degrade
21 and deceive, he said to him at one point with
22 respect to Michael and children, "I saw yesterday,
23 just to explain, a very special interaction between
24 you, and it was a privilege to see it. I've got
25 three children, and to be honest, it was a bit of an
26 education to watch," referring to Michael and
27 children.
28 He said to Michael, "You know, nobody ever 158

1 asks you these questions about how you approach
2 children, how you love children, what you do for
3 children, and how you raise your own." He said,
4 "Nobody ever asks Michael any of these questions.
5 They all ask these ignorant things," and he called
6 those people "scum."
7 He told Michael, "Neverland is an
8 extraordinary, a breath-taking, a stupendous, an
9 exhilarating, an amazing place. I can't put
10 together words to describe Neverland," flattering
11 Michael, trying to lead him to his destruction.

12 He said, "One of the things that puzzles me,
13 that I find difficult to understand, is why an
14 artist like yourself, who has brought such beautiful
15 music to the world, who has written the melody of
16 most of our lives, my life - my romantic development
17 was partially shaped by your records - why I find it
18 so difficult to understand is why is it that, having
19 brought this to the world, people are quick to
20 criticize."
21 He said being with Michael and children was
22 like a beautiful journey. He said to Michael
23 Jackson, "One of the things I noticed about you over
24 the last year is your relationship with your
25 children. Your relationship with your -- and I have
26 to say to you that I didn't know you before, but
27 your relationship with your children is spectacular.
28 It almost makes me weep when I see you with them, 159

1 because your interaction is so natural, loving, so
2 caring, and everyone who comes in contact with you
3 knows that."
4 As the prosecutor has told you, he will show
5 you that documentary. Keep in mind, if you will,
6 what I just told you when you see it.
7 Ladies and gentlemen, Mr. Bashir traveled
8 with Michael through Europe and the United States,
9 spent time at Neverland. Took about eight months to
10 put it together. And on that documentary, Michael
11 Jackson makes very clear, "I don't do anything
12 sexual with children. I don't commit crimes."
13 Gavin Arvizo is on that documentary.
14 But ladies and gentlemen, Janet wanted her
15 children in films. She always said that. We have
16 witnesses who will confirm that, and the children
17 all went to acting schools. They wanted to be
18 actors. In fact, while they were visiting
19 Neverland, Michael tried to assist them. He let
20 Star do his own video, called it "The Neverland
21 Channel." They were trying to get him to help them
22 break in. And he did help them.
23 She knew exactly what was happening when her
24 children went to Neverland and when Gavin was in
25 that documentary. But she had one problem: She
26 wanted money, and she didn't see it coming.
27 We will prove to you, throughout this trial,
28 that her reaction to this film was primarily, "How 160

1 do I profit. How do I get distribution rights.
2 What documents should I sign. How do I negotiate
3 the documents." In fact, one witness will tell you

4 that before the family filmed what has been called
5 the rebuttal show that the prosecutor talked to you
6 about, she not only appeared happy as can be about
7 filming it, but she delayed it because she was on
8 the phone with a lawyer trying to figure out what
9 her rights were. And when presented with what is
10 called a model document to deal with distribution
11 rights, she complained, didn't want to sign it,
12 wanted to get advice.
13 Her main complaint was she didn't profit
14 from the Bashir documentary that became world
15 famous. She did have media following her around.
16 There is no question about that. They did follow
17 her to her house. They followed her everywhere.
18 There also is no question that we will prove
19 she wanted security with her because she said the
20 media were hounding them so badly. And this stuff
21 about security from Michael Jackson somehow being
22 there to imprison her we will prove is false. She
23 wanted security. She didn't want the media just
24 hounding them, but she did want money from the
25 media. That we will prove also.
26 Her fiance, now her husband, has testified
27 that they didn't want money, but we have a witness
28 who will tell you that he approached them at their 161

1 home, and Jay Jackson wanted \$15,000 for a photo and
2 article. We will also prove to you that he made the
3 statement, "Michael Jackson can give us a house.
4 Michael Jackson can pay for college. Michael
5 Jackson can pay for benefits. That's not enough.
6 We want big money."
7 Davallin told a friend of Michael Jackson,
8 "We're getting a home in the Hollywood Hills."
9 The statements designed to get something of
10 a financial benefit are endless, and we will prove
11 them in this trial.
12 July of 2000 was the first contact between
13 Gavin Arvizo and Michael Jackson, as I said before.
14 And in August, the Arvizos visited Neverland for the
15 first time. They then came with their father David,
16 they stayed a number of nights, and in October
17 Michael gave them an SUV.
18 In June -- in the year 2000 -- excuse me,
19 the year 2001, there was very little contact.
20 Now, I've told you about some of the
21 financial stuff that was going on during the year
22 2001, but Michael Jackson didn't really see these
23 people in the year 2001. They surfaced again in
24 2002, but I have already explained to you all the
25 efforts to latch on to other celebrities that they
26 tried, and it didn't completely work.

27 Michael Jackson, as I said before, did
28 everything he could to help this family overcome 162

1 cancer, and they repeatedly commended him for doing
2 so. They repeatedly make public statements that
3 Michael had helped save Gavin's life; that the
4 friendship, the warmth, the encouragement, what went
5 on at Neverland helped save him from cancer. I will
6 read from transcripts to you words to that effect.
7 The accolades were endless until they realized he
8 wasn't going to support them forever, and that's
9 when everything changed and this nightmare of false
10 allegations started.

11 Bashir arrived at Neverland and he did film
12 Michael Jackson and he filmed Gavin, and he took
13 statements from both. Nobody expected any of this
14 to be secret or quiet. Everyone knew it was for
15 worldwide distribution. What Michael said on that
16 documentary he expected to be publicized throughout
17 the world. It wasn't meant to be a private thing.
18 It was meant to be a public thing, and that needs to
19 be understood as you watch it and hear his words.
20 And I repeat, he repeatedly says, "Nothing
21 sexual happens with me and children, ever."
22 He does display some idealism on the film.
23 He talks about children coming to school with guns
24 and why they need love, why they need caring, that
25 there's got to be a way to change this. He talks
26 about children who need attention and affection, and
27 something must be wrong with all the violence in the
28 world. Yes, that's Michael Jackson's idealism, some 163

1 might say, to some extent, naivete. Certainly
2 naivete when it comes to making yourself vulnerable
3 to false claims.
4 At this point, I would like to go through
5 some of what was said in Bashir.
6 Much of what was said did not appear on
7 Bashir. Fortunately, Mr. Jackson had his own
8 videographer filming while Bashir filmed, and as you
9 can imagine, and this is not unusual with eight
10 months of work, it had to be condensed down into a
11 show. Much of what Michael said about his view of
12 the world, his view of the need for peace and love,
13 his desire to see more creativity in the world and
14 his great belief in children as a cause was left
15 out, and in its place what you will see is
16 commentary by Bashir designed to create a scandal,
17 and he did.
18 In September of 2002, ladies and gentlemen,

19 the Arvizo family made numerous visits to Neverland,
20 one of them with Actor Chris Tucker. As Gavin says
21 on the Bashir documentary, on one occasion he slept
22 on Michael's bed and Michael slept on the floor.
23 Nowhere in that documentary does he say, "I had sex
24 with Michael Jackson." In fact, months afterward,
25 he was saying in various recorded statements, "He
26 saved my family. He saved me from cancer. He's
27 never done anything wrong."
28 Now Janet's spin was, "That was because we 164

1 were falsely imprisoned."
2 I'm going to go through those statements
3 also.
4 Incidentally, the prosecutor talked about a
5 videotaped interview with the family, and he used
6 the word "scripted." He used the word "scripted" to
7 suggest that everything you're going to see -
8 because if they don't play it, we will - was somehow
9 memorized, forced, false and fabricated.
10 Not only is that not true, I invite you to
11 watch it. Watch their facial expressions. Watch
12 their demeanor. Watch the spontaneous answers.
13 Watch how long those answers go on for, and watch
14 the point where Janet doesn't think she's on tape.
15 And when you see that stuff, you ask yourself, "Is
16 this all memorized, or is something wrong here."
17 Yes, it was a show designed to show the good
18 side of Michael Jackson, to commend him, as Bashir
19 told him he was going to be commended. And, yes, it
20 was designed to show what he had done for Gavin.
21 And, yes, before it, there was a sheet of questions,
22 and everybody pretty much knew, kind of, what was
23 going to be asked. But the responses, just watch
24 them.
25 Davallin cries as she praises Michael
26 Jackson of what he did for her brother. Janet goes
27 on and on, calling him a surrogate father, the
28 father to her children, says they had no father, and 165

1 then goes into a long tirade of what victims they
2 have been throughout their lifetime, that you really
3 need to see. She says, "We were spat on because of
4 our race. Nobody would help us. We ate cereal
5 together. Department of Children & Family Services
6 in Los Angeles did nothing for us." And you'll see
7 the anger and you'll see the "I'm a victim" type of
8 mentality throughout. She says, "We were destitute,
9 had nowhere to turn, and Michael Jackson rescued
10 us."

11 Look at the film, and see if it's memorized.
12 And look at the part where she doesn't know she's on
13 film. The reality is, ladies and gentlemen, she did
14 her own makeup. She had a little curl over the top
15 of her head so she'd look like Michael's well-known
16 sister, Janet Jackson. She wanted to be on film.
17 Christian Robinson will tell you that she
18 was happy as a lark before it, was eager to do it,
19 was on the phone with someone he thought was a
20 lawyer talking about how much money she could make
21 from it. The notion that this family was falsely
22 imprisoned with some gun to their head and forced to
23 make all those statements is absolutely false.
24 Gavin Arvizo, as you know, appeared in the
25 Bashir film. It aired in the United Kingdom,
26 England, in February, on February 3rd, 2003. The
27 next day, the media were in a frenzy. As I said
28 before, they began to track down the Arvizo family 166

1 to follow them around. They were actually camped in
2 front of their home.
3 That was the day Jay Jackson, her boyfriend,
4 demanded \$15,000 for a tabloid interview. He has
5 since denied under oath that he did that. We will
6 prove that he did.
7 Two days later, on February 6th, 2003, the
8 Bashir program aired in the United States, and
9 Prosecutor Sneddon began an investigation. And Mr.
10 Jackson knew that. Of course, the allegations now
11 are a few weeks after the media frenzy, and the D.A.
12 investigation, and the DCFS investigation, and
13 Michael suddenly starts molesting Gavin.
14 By the way, we're going to prove something
15 else. Initially when the prosecutors charged Mr.
16 Jackson, they said the molestation began in early
17 February. Later on, they learned that during a DCFS
18 interview, Department of Children & Family Services,
19 the family had all said Mr. Jackson did nothing but
20 help them. Never hurt them. Never did anything
21 wrong.
22 They later learned that on that video which
23 the prosecutor referred to where he says they had
24 essentially a gun to their head, or words to that
25 effect, and they also praised Mike Jackson and said
26 nothing bad was done, ever, and guess what. That
27 Complaint went by the wayside. An Indictment was
28 returned that changed the dates of the alleged 167

1 molestation to begin after those statements. And
2 that's a fact.

3 And incidentally, we will prove to you that
4 after learning how important those statements could
5 be, where you're recorded twice, actually more than
6 twice, you're recorded over three times saying
7 Michael never did a thing wrong, never molested,
8 never touched, never did anything like that, Gavin
9 changed his story as well. Suddenly it all started
10 later on after the statements made to the Department
11 of Children & Family Services.
12 How are we doing timewise, Your Honor.
13 THE COURT: Five more minutes.
14 MR. MESEREAU: Okay.
15 It's important, ladies and gentlemen, that I
16 talk about these dates, because the progression of
17 what develops and who gets involved, and the amount
18 of activity going on everywhere is critical to
19 understanding how utterly absurd these dates of
20 child molestation are. And I ask you to consider
21 that as you look at the evidence in this case.
22 As I said before, the Bashir program aired
23 in the United States on February 6th, 2003. The
24 same day Prosecutor Sneddon announced he was going
25 to investigate, because people were talking about
26 the way Bashir handled this issue of boys allegedly
27 being in the bed. As I said before, Michael said he
28 slept on the floor one time. It wasn't at all the 168

1 way Bashir was trying to make it look.
2 The next -- two days later, February 8th,
3 2003, Ed Bradley of the T.V. show 60 Minutes arrived
4 with a film crew to Neverland. Also present were
5 Jack Sussman, the president of CBS Entertainment,
6 and attorneys David LeGrand and Mark Geragos.
7 Various networks were trying to compete for the
8 right to do the rebuttal show, the show that was
9 supposed to be a response to Bashir's scandal show.
10 And there was a lot of activity going on at
11 Neverland and among people associated with Mr.
12 Jackson because, yes, there was great dislike for
13 what Bashir had done and the way he tried to hurt
14 Michael's reputation. But there also were, to a lot
15 of people around Michael, a great business
16 opportunity, because they saw the opportunity to
17 make millions of dollars in a production that never
18 could have happened if Bashir hadn't aired. It was
19 called by everybody a rebuttal piece.
20 So, yes, there was concern, and, yes, there
21 was elation by certain people around Michael because
22 they thought they could make money. And networks
23 were approaching Michael and people around him to
24 try and benefit from that opportunity. And ladies
25 and gentlemen, millions were made by certain people

26 on the rebuttal film.
27 On February 16th, 2003, Janet Arvizo and her
28 family were taped by Investigator Brad Miller 169

1 saying, "Michael's wonderful. He never did anything
2 improper." Now, that's supposed to be part of this,
3 I guess, false imprisonment thing, that apparently
4 they're being forced to do that.

5 They're living at Jay Jackson's apartment.
6 Jay Jackson is in the United States Army. Excuse
7 me.

8 Nobody calls the police, calls the United
9 States Army, complains that, "We're falsely
10 imprisoned. They've got -- they're forcing us to
11 make statements. They're forcing us to testify.
12 They're forcing us to say certain things
13 complimentary to Michael Jackson."

14 Nobody does because there was no reason to.
15 And the security people were requested by Janet
16 because of all the media frenzy.

17 This may be a good place to end, Your Honor.
18 Thank you.

19 THE COURT: All right. We'll take our
20 afternoon recess. We'll reconvene tomorrow morning
21 at the same time.

22 Remember my admonitions. Don't discuss the
23 case. Don't form any opinions or conclusions.
24 See you tomorrow morning.

25 (The proceedings adjourned at 2:30 p.m.)

26 --o0o--

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28 170

1 REPORTER'S CERTIFICATE

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3

4 THE PEOPLE OF THE STATE OF)

5 CALIFORNIA,)

6 Plaintiff,)

7 -vs-) Number 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 3 through 170

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 February 28, 2005, and
19 thereafter reduced to typewriting by computer-aided
20 transcription under my direction.

21 DATED: Santa Maria, California,
22 February 28, 2005.

23

24

25

26

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

28 OFFICIAL COURT REPORTER 171