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19 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
20 **FOR THE COUNTY OF SANTA BARBARA, COOK DIVISION**

21 **THE PEOPLE OF THE STATE OF**
22 **CALIFORNIA,**

23 Plaintiffs,

24 vs.

25 **MICHAEL JOSEPH JACKSON,**

26 Defendant.

Case No. 1133603

OPPOSITION TO DISTRICT
ATTORNEY'S MOTION TO LIMIT
INTRODUCTION OF EVIDENCE OF
PRIOR LITIGATION INVOLVING THE
DOE FAMILY

~~UNDER SEAL~~

Honorable Rodney S. Melville
Date: February 10, 2005
Time: 9:30 a.m.
Dept.: 8

27 **MEMORANDUM OF POINTS AND AUTHORITIES**

28 **INTRODUCTION**

The prosecution asks this Court to issue an order "limiting introduction of prior litigation

OPPOSITION TO DISTRICT ATTORNEY'S MOTION TO LIMIT INTRODUCTION OF EVIDENCE OF
PRIOR LITIGATION INVOLVING THE DOE FAMILY

FILED
SUPERIOR COURT of CALIFORNIA
COUNTY of SANTA BARBARA

FEB 04 2005

GARY M. BLAIR, Executive Officer
BY *Carrie L. Wagner*
CARRIE L. WAGNER, Deputy Clerk

* Unsealed pursuant to
6/16/05 court order

1 involving the Doe family.” (Motion, page 1.) Evidence of the Arvizo family’s lawsuit against
2 J.C. Penney is relevant because it demonstrates: (1) Janet Arvizo has used her children to commit
3 frauds on other occasions; (2) Janet Arvizo has a history of making false allegations that become
4 more outrageous as time passes; (3) the Arvizo family has a history of making false allegations
5 that are not corroborated by other witnesses; (4) the Arvizo family’s lawsuit against J.C. Penney
6 sheds light on the other frauds that have been perpetrated by the family; and (5) Janet Arvizo has
7 committed the crime of perjury on several occasions, which is relevant to her credibility in the
8 present case.

9 The exclusion of such relevant evidence threatens to deprive Mr. Jackson of his federal
10 and state constitutional rights to a fair trial, due process of law, the right to confront and cross-
11 examine witnesses against him, and equal protection pursuant to the Fifth, Sixth, and Fourteenth
12 Amendments to the United States Constitution and Article 1, Sections 7, 15 and 24 of the
13 California Constitution.

14 ARGUMENT

15 INTRODUCTION

16 On August 27, 1998, Janet and David Arvizo were arrested on charges of burglary after
17 Gavin Arvizo was caught shoplifting at J.C. Penney. Rather than admit their culpability in using
18 their children to shoplift, the Arvizos concocted an outrageous story that the security guards
19 responsible for detaining the family assaulted them by using excessive force and she eventually
20 claimed that they sexually assaulted her. Janet Arvizo testified to the grand jury that she
21 witnessed J.C. Penney Security Guards beating her husband. (RT 1190:26.) She testified that
22 she attempted to stop them and a security guard turned around and “clobbered” her. (RT
23 1191:16-19.) As a result, she claimed they broke her hand and that she suffered bruising. (RT
24 1191:16-19.)

25 Ms. Arvizo testified that the security officers broke Gavin’s arm. (RT 1191:20-22.) She
26 claims that Star suffered a concussion that resulted in “a cyst on his brain.” (RT 1191:26-28.)
27

1 Ms. Arvizo claimed that the security guards dragged her, beat her, and then handcuffed her. (RT
2 1192:1-6.) She stated that while being handcuffed, her "breasts were exposed" and that her then
3 7 and 8 year-old "boys were the ones who put [her] breasts back in her bra and buttoned [her]
4 up." (RT 1192:1-6.) She and her family were charged with burglary and the charge was later
5 dismissed. (RT 1192:15-16.) Ms. Arvizo stated that she filed the lawsuit to obtain an "apology,"
6 but that her lawyers forced her to seek monetary damages because they "don't work for free."
7 (RT 1193:23-25.)¹

8 On July 22, 1999, the Arvizo family filed a lawsuit against J.C. Penney, and security
9 officers Jessica Betancourt, Gary Weidemann and Dexter Mason, alleging, among other things,
10 that the Arvizo family was battered, falsely arrested and falsely imprisoned. The scheme was
11 "successful" in the sense that the lawsuit seeking more than \$3 million in damages resulted in a
12 settlement of more than \$150,000 (RT 1193:4), in which J.C. Penney admitted no liability.

13 The witnesses present at the scene of the J.C. Penney incident have a very different
14 account of what occurred.

15 Dexter Mason, the loss prevention supervisor for J.C. Penney, will testify that on the day
16 in question he was searching for a juvenile who was reported to have stolen merchandise from
17 the store. He tracked down the suspect in a van where he was able to recover the stolen
18 merchandise which consisted of boy's clothing. As he was walking back to the store with the
19 suspect, he saw one of his security officers standing with an adult who was being handcuffed.
20 He walked over to the area and saw a female adult who was struggling with two security officers.
21 He had the agents and the woman stand up. Jessica Betancourt, a security officer under his
22 supervision, advised him that the female, later identified as Janet Arvizo, assaulted her by hitting
23 her in the face and head several times. The other male employee confirmed this account. The
24 West Covina Police were contacted and both suspects were taken into custody. Later in the day,

26 ¹ She also gladly accepted the money and, according to other personal disclosures,
27 bought herself a new car.

1 Janet Arvizo returned to the store and somewhat apologized for the incident. Ms. Betancourt
2 indicated that she wished to file charges against the woman for battery. (Attached Report of
3 Interview with Dexter Mason, hereinafter Exhibit A.)

4 Mr. Mason was surprised to learn, weeks later, from one of the police officers who
5 responded to the scene that the charges had been dropped and that the Arvizo family had filed a
6 lawsuit. He later advised the store's attorneys that the Arvizo family's allegations of battery,
7 harassment, and fondling were bogus. He was displeased to learn that the store settled the case.
8 (Exhibit A.)

9 Mr. Mason now looks back on the incident and believes that Janet Arvizo set the whole
10 thing up. During his contacts with her and her then husband, he believed that she was in charge
11 and that the family listened to her and obeyed her. (Exhibit A.)

12 Jessica Betancourt, a security officer at J.C. Penney on the day in question, stated that she
13 received a radio transmission stating that security officer Gary Wiedeman was following
14 suspected shoplifters out of the store and she was instructed to assist him. She caught up with
15 Mr. Wiedeman and a man who later turned out to be David Arvizo. She confronted Mr. Arvizo,
16 advised him of the reason for detaining him, and then attempted to place handcuffs on him.
17 While she was attempting to handcuff Mr. Arvizo, a woman, later identified as Janet Arvizo,
18 approached them rapidly, waving her arms and yelling. (Attached Report of Interview with
19 Jessica Betancourt, hereinafter Exhibit B.)

20 Janet Arvizo was "out of it" and would not calm down. Ms. Arvizo appeared to be
21 "psycho." Ms. Betancourt and another security officer attempted to restrain Ms. Arvizo and all
22 three ended up falling to the pavement. At this time, Dexter Mason arrived on the scene with
23 Gavin Arvizo. Mr. Mason instructed Ms. Betancourt and the other officer to stand up and place
24 handcuffs on Ms. Arvizo. She and the other security officer were able to handcuff Ms. Arvizo.
25 Ms. Arvizo's shirt was never unbuttoned during this incident. Her breasts were not exposed and
26 her children did not assist in putting her breasts back in her bra. (Exhibit B.)
27

1 Ms. Betancourt sustained injuries to her face and body during her struggle with Ms.
2 Arvizo. She wrote a report of the incident. (Exhibit B.)

3 The Arvizo family's former attorney, Tony Ranieri, was the "hands on" lawyer who
4 handled their case against J.C. Penney. He will testify that he did not believe the Arvizo family's
5 story during his first meeting with them. Ms. Arvizo called him on a daily basis regarding the
6 case. She "wore the pants in the family." Ms. Arvizo was "consumed" with the case. She was
7 "all about the money." (Attached Report of Interview with Tony Ranieri, hereinafter Exhibit C.)

8 Mr. Ranieri was surprised during Ms. Arvizo's deposition because she testified that breast
9 was removed from her shirt and fondled twenty-five times. At this point, he had serious doubts
10 about her credibility. Ms. Arvizo, under oath, strongly denied that she was the victim of
11 domestic violence. (Exhibit C.)

12 **I.**

13 **THE PROSECUTION'S CONCERNS REGARDING CONFUSING THE JURY AND**
14 **CONSUMING UNDUE TIME ARE RIDICULOUS IN LIGHT OF THE MOUNTAIN OF**
15 **IRRELEVANT EVIDENCE THAT THEY PRESENTED TO THE GRAND JURY AND**
16 **NOW SEEK TO PRESENT TO THE JURY**

17 The District Attorney has had an open casting call for "victims" of Michael Jackson for
18 more than a decade. The fact that the best witnesses the prosecution can come up with, after all
19 this time, have major credibility problems, based on a history of making false allegations for
20 financial gain, among other reasons, is something that the prosecution must deal with at trial.
21 Rather than present an accurate picture of their "victims" to the jury, the prosecution seeks to
22 bolster their incredible testimony through the use of experts on Battered Women's Syndrome and
23 Child Abuse Accommodation Syndrome, while at the same time, hiding the Arvizo's history of
24 perjury and fraud from the jurors. The prosecution realizes that when the jury finds out that the
25 only people to answer the District Attorney's open casting call are the same people who have
26 committed welfare fraud, lied under oath, taken advantage of the generosity of good Samaritans,

1 systematically targeted celebrities to bilk them for money, and filed a lawsuit based on false
2 allegations, Mr. Jackson will be acquitted. The Court should not allow the prosecution to
3 deceive the jury by hiding the Arvizo family's modus operandi from their view.

4 The prosecution conducted a grand jury proceeding that spanned 1900 pages of
5 testimony. They have served more than 100 search warrants. Law enforcement has raided Mr.
6 Jackson's home on two occasions and, in one of those instances, used more than 40 officers to do
7 so. The prosecution has treated this case like no other case in the history of Santa Barbara
8 County. For instance, the prosecution's witness list shows that they are seeking to introduce the
9 testimony of three Battered Women's Syndrome² experts in a child molestation/conspiracy case.
10 Now, when faced with relevant impeachment evidence that demonstrates Janet Arvizo
11 committed perjury and coached her children to lie on other occasions, the prosecution is suddenly
12 concerned with undue consumption of time and confusing the jury.

13 II.

14 **THE ARVIZO'S PRIOR LITIGATION IS RELEVANT BECAUSE IT IS EVIDENCE OF** 15 **A PATTERN AND PRACTICE OF USING THE DOE CHILDREN FOR FINANCIAL** 16 **GAIN**

17 The Arvizo family's lawsuit against J.C. Penney demonstrates that Janet Arvizo has a
18 pattern and practice of using her children to commit frauds. Gavin Arvizo was caught leaving
19 J.C. Penney with merchandise without having paid for it. According to a statement of Jessica
20 Betancourt, a J.C. Penny security guard who witnessed the incident, Gavin Arvizo "immediately
21 said, 'They made do it!'" when he was confronted by store security. A true and correct copy of
22 Ms. Betancourt's statement is attached as Exhibit D. Following the incident, Ms. Arvizo
23 coached her children to lie about the incident in order to reach a financial settlement with the
24 store. There is nothing "speculative" it. Janet and David Arvizo coerced their own children into
25

26 ² Ironically, the prosecution seeks to introduce expert testimony on Battered Women's
27 Syndrome and also seeks to exclude her statement that she was not battered.

1 stealing and lying for financial gain.

2 Contrary to the prosecution's claims, J.C. Penney never "simply conceded they were
3 liable and handed over more than \$150,000."³ (Motion, page 5.) In fact, the Confidential
4 Release and Settlement Agreement specifically states that, "[t]he Parties further understand and
5 agree that **neither the payment of the sum by Defendant's J.C. Penney . . . shall constitute or**
6 **be construed as an admission of any liability whatsoever by any of them, and that each**
7 **consistently take the position that they have no liability whatsoever in this matter."**

8 (Emphasis added.)

9 J.C. Penney found itself the target of a fraudulent lawsuit orchestrated by professional
10 plaintiffs. Like many other companies with deep pockets in the same position, a decision was
11 made that it would be cheaper to pay off the plaintiffs, rather than to litigate the case. Moreover,
12 the fact that Gavin Arvizo was suffering from cancer during this litigation created a risk that a
13 jury would sympathize with him, for reasons that were totally irrelevant to the Arvizo's claims,
14 and award money to the Arvizos despite the incredible nature of their case. Finally, J.C. Penney
15 had to be aware of the adverse publicity to the store that might occur if they fought a child
16 allegedly dying of cancer.

17 III.

18 **THE ARVIZO FAMILY TESTIFIED ABOUT THE J.C. PENNEY'S LITIGATION AT** 19 **THE GRAND JURY PROCEEDING**

20 The District Attorney invited Janet Arvizo to give a self-serving account of the J.C.
21 Penney incident in front of the grand jury. Her testimony regarding this incident was so over-the-
22 top that the District Attorney was barely able to contain her. He urged her to limit her responses
23 to answering his questions so that they would not have to be "here for another five hours." (RT
24 1187:26-27.) Nevertheless, what she did say was another instance of perjury which is a felony.

26 ³ One wonders, based on the inaccuracies in the prosecution's motion, if Janet Arvizo
27 was the source of the prosecution's information.

1 It is a proper basis for impeachment.

2 **IV.**

3 **EVIDENCE THAT SCRIPTS WERE USED DURING PRIOR LITIGATION IS**
4 **RELEVANT TO THE PRESENT CASE**

5 The testimony will demonstrate that Janet Arvizo used scripts to prepare her children for
6 their depositions in the J.C. Penney case. The testimony will prove that Ms. Arvizo coached her
7 children to answer deposition questions in a way that would assist her in her scheme to defraud
8 J.C. Penny. The answers that her children gave at their deposition show that they were coached.
9 This evidence is relevant because it shows the lengths Ms. Arvizo will go to prepare her children
10 to assist her in committing fraud. She did so with other people and she did so with Michael
11 Jackson.

12 **V.**

13 **THE FACT THAT JANET ARVIZO'S STORY OF WHAT OCCURRED BECAME**
14 **MORE OUTRAGEOUS AS TIME PASSED IS RELEVANT**

15 Janet Arvizo's account of the incident at J.C. Penney was not always as outrageous as the
16 eventual version of the story. What began as an open and shut case of shoplifting gradually
17 developed into an outrageous and improbable tale of sexual assault. By the time Ms. Arvizo
18 spun this story to the grand jury, it involved her 7 and 8 year-old sons tucking her breasts back
19 into her bra. The police report of the incident does not contain the allegations that Ms. Arvizo
20 eventually raised. A true and correct copy of the police report is attached as Exhibit E.

21 The J.C. Penney incident demonstrates Ms. Arvizo's modus operandi of embellishing her
22 stories over time and using her children to portray her as a victim for money. In the present case,
23 the testimony will show that while at Neverland, Ms. Arvizo never let on that she felt like she
24 was being falsely imprisoned. She told anyone who would listen that Michael Jackson had done
25 nothing but help her family and that she considered him to be like a father to her children. On
26 three separate occasions that were recorded with by audiotape or videotape, Ms. Arvizo praised
27

1 Mr. Jackson for his generosity. During the same time period she now claims she was allegedly
2 held hostage. But, at the time, she let Mr. Jackson pick up the tab as she indulged in shopping
3 spree, five star hotels, and salon treatments.

4 Months later, after talking to at least two plaintiffs lawyers, she began to tell a vastly
5 different story of her time at Neverland. By August of 2003, during her second recorded
6 interview with the police, the story grew to include allegations that she was led to believe that
7 “killers” were after her and her family. The new story conveniently attempted to explain all of
8 the recorded exculpatory statements that she had previously made regarding Mr. Jackson. By the
9 time of the grand jury proceeding, Ms. Arvizo suddenly remembered seeing Mr. Jackson’s “long
10 white tongue” licking her son’s head on an airplane trip. Mr. Jackson had gone from being a
11 generous father figure who helped her son beat cancer to “the Devil.”

12 VI.

13 **THE FACT THAT WITNESSES TO THE J.C. PENNEY SHOPLIFTING INCIDENT**
14 **REPORTED A VERY DIFFERENT VERSION OF EVENTS IS RELEVANT TO THE**
15 **CREDIBILITY OF THE ARVIZO FAMILY**

16 The evidence will demonstrate that Janet Arvizo and her family lied under oath in their
17 depositions and to the grand jury with regard to what happened at J.C. Penny. The security
18 officers who arrested her will testify that her version of events is an utter fabrication. Not only
19 that, but any The loss prevention supervisor will testify that he believes that Ms. Arvizo set up
20 the entire incident for the purpose of suing the store for money. Ms. Arvizo’s former attorney
21 will state that he doubted her story the first time he met her and that his doubts increased over
22 time. He will testify that he was shocked when she announced during her deposition that her
23 breast was fondled twenty-five times and that her embellishments caused him to doubt her
24 credibility.

VII.

**THE ARVIZO FAMILY'S PRIOR LITIGATION SHOULD BE CONSIDERED IN THE
CONTEXT OF THE OTHER FRAUDS THAT THE FAMILY HAS PERPETRATED**

The evidence will demonstrate that Janet Arvizo committed welfare fraud when she failed to disclose significant sums of income while applying for welfare. In particular, Janet Arvizo failed to disclose that her family had received a six figure settlement in the J.C. Penny lawsuit weeks before she filled out her welfare application.

The testimony will show that Janet Arvizo coached her children to hug strangers and refer to them as "Mommy" or "Daddy" in order to gain their trust so that the family could later solicit money from the. She did exactly the same thing to Michael Jackson. The Arvizo children were sent to places like the Laugh Factory with instructions to tell people that they were hungry and did not have money for food. While at the same time, when good Samaritans attempted to help the family with donations of food, Ms. Arvizo informed them that she would rather have the cash.

In an interview with Detectives Zelis and Bonner, recently disclosed by the prosecution to the defense, Ms. Palanker tells of how Janet, David and the children tried to gain advantage from her. She first says that David was the one who seemed to be pushing the kids. After she gave David \$10,000, he asked for more. Gavin then came to her and asked for a laptop. She felt it was inappropriate.

She tells of another incident where the Arvizo family went to the home of George and Ana Lopez who had also been importuned to "help" them. Gavin claimed that he has lost his wallet. When George Lopez, the well known comic and actor, found it, David claimed that Gavin had \$300 in it and now there were only \$2. David tried to get Gavin to spontaneously claim the amount but Gavin said he was not sure how much had been in it.

Louise Palanker gave Janet another \$10,000 because she claimed she needed a "clean room" for Gavin. She sent her contractor over to Janet's mother's house to do work and to be

1 paid out of the \$10,000. Janet and David did not pay the contractor and kept the money.

2 Ms. Palanker says that Janet called her in late February or early March 2003 and wanted
3 to come stay at her home. She declined to let them do that. Janet then said she was being held
4 against her will by people associated with Michael Jackson. But then Janet told her she could
5 meet her at the shopping mall the next day "because they let her out to shop." Ms. Palanker
6 thought this so strange, she called her lawyer and he said, "If they can call you, they can call
7 911."

8 Palanker thought that Janet was mentally ill, perhaps bi-polar. She said that they were
9 over-the-top. Palanker gave a couple of cards to the Sheriffs where the Arvizo family and Janet
10 and Gavin in particular seemed to be overly affectionate and manipulative. They called her
11 "Mommy" and "Big Sis" and said that they loved her. True and correct copies cards from the
12 Arvizo family to Louise Palanker are attached as Exhibit F.

13 The evidence will prove that Janet Arvizo made her living by soliciting money under the
14 guise of paying her son's medical bills, when, in reality, David Arvizo's union healthcare plan
15 covered the costs of all of the bills and the money was funneled towards allowing Ms. Arvizo
16 support herself without working.

17 Both the defense investigation and the Sheriff's investigation have uncovered a pattern of
18 scripted, manipulative behavior whereby the children, and in particular, Gavin, have been
19 prompted by both Janet and David Arvizo to try to obtain favors and money from wealthy people,
20 authorities and celebrities.

21 Police officers actually paid for meals for them and then got together an impromptu fund
22 for Christmas gifts.

23 According to interviews conducted by the Sheriff, they got a newspaper reporter to come
24 to their house with a Thanksgiving turkey dinner and told her they would rather have had money.

25 They have received gifts and then removed them from their Soto street apartment so that
26 they could influence people who visited to believe that they were poor.

1 They entered a tap-dancing school and claimed they had no money. They were given free
2 tuition and offered free shoes. When they saw the shoes they demanded a certain high priced
3 brand. When they were not given them by the school, they came wearing the high priced version.

4 They entered the Laugh Factory comic program for disadvantaged children. They would
5 come to the place and claim they were too poor to afford breakfast. They were fed by them and
6 then people raised money for expensive gifts which they received at a "barrio" location. In fact,
7 the father was a long term and well paid employee of Von's and they resided at Janet's mother's
8 house free of charge.

9 When Gavin became ill, they arranged for benefits to be given at the Laugh Factory and
10 Gavin and the family collected money at the door. They also importuned a wealthy benefactor,
11 Louise Palanker who gave them gifts and at least \$20,000 cash. She also indicated that the
12 Arviso's attempted to take advantage of the comedic actor, George Lopez. They have not turned
13 over their written report and we have not had time to transcribe the actual statement. However,
14 we would ask leave of the Court to play the statement in open court. They also importuned Jay
15 Leno. A summary of his statement and that of his secretary is also attached as Exhibit G. We
16 would ask leave of the court to play the Sheriff's tape of his statement, as well.

17 In these instances, the parents, including specifically Janet, put the children, particularly
18 Gavin, up to manipulating celebrities. They told them on one else cared. They said they were
19 poorer than they were. They lavished manipulate "love" and praise on each. They pretended to
20 be a part of their family. They sent cards with and letters with "over-then-top" writings. This is
21 exactly what they did to Michael Jackson.

22 This is exactly the same approach that the Arvizos used in their lawsuit against J.C.
23 Penny. The Arviso's lawsuit against J.C. Penny provides a context for their various other
24 schemes to use their children for financial gain.

VIII.

**THE DISTRICT ATTORNEY CONCEDES THAT JANET ARVIZO COMMITTED
PERJURY ON AT LEAST ONE OCCASION**

The District Attorney concedes that Janet Arvizo lied under oath, but only because, if she was not lying, they could not bolster her otherwise preposterous testimony with a Battered Women's Syndrome expert. (Motion, page 5.) At trial, defense counsel will demonstrate that this is only one of several times that Janet Arvizo has committed perjury. The fact that Ms. Arvizo committed the felony offense of perjury is relevant to her credibility in the present case. The District Attorney's claim that her perjury was related to a "collateral matter" is unpersuasive.

The government's argument that Ms. Arvizo's perjury related to "a collateral matter to the issues at bench" is puzzling. First, lying under oath is relevant to her credibility in the J.C. Penney case and in the present case. Second, the government has alleged that Ms. Arvizo was not only the victim of domestic violence on one occasion, but that she suffers from Battered Women's Syndrome as the result of repeated spousal abuse. The issue of whether or not she was actually the victim of domestic violence on one or more occasions has been raised by the prosecution and any statements made under oath regarding that alleged violence are clearly relevant to refute the government's convenient theory that her lying can be explained by BWS.

IX.

**DR. HOCHMAN'S INDEPENDENT ASSESSMENT THAT JANET ARVIZO IS
[REDACTED] AND THAT SHE COACHES HER CHILDREN TO LIE IS
RELEVANT TO THE CASE BAR**

Dr. Hochman's assessment that Janet Arvizo suffers from [REDACTED] and influences her children's testimony is highly relevant to the present case. As in the J.C. Penny case, Janet Arvizo has set up a scam and coerced her children into participating in it. The fact that she is [REDACTED] may mean that she comes to actually believe some of her own lies.

The District Attorney argues that "[w]hether or not she is [REDACTED] has nothing to do

1 with whether Michael Jackson molesting (sic) her oldest son.”⁴ (Motion, page 7.) The fact is,
2 however, that the District Attorney made the strategic decision to make this into much more than
3 a case about child abuse allegations. In doing so, the prosecution may believe that it has an
4 explanation for the Arvizos’s repeated statements that Mr. Jackson did nothing wrong, however,
5 the prosecution now must deal with the gaping holes in their conspiracy theory. The fact is that
6 the least credible witness in this entire case, Janet Arvizos, is the most critical witness in the
7 prosecution’s case with regard to the conspiracy count. She is the only witness who claims that
8 “killers” were after her and her family. She is the only witness who claims to be able to
9 personally tie Mr. Jackson to the purported conspiracy. If the jury doesn’t believe her, there is no
10 conspiracy case. Without the conspiracy case, there is no child molestation case.

11 The prosecution argues that “the diagnosis of [REDACTED] . . . would cut against the
12 notion that Jane Doe had the ability to coordinate a conspiracy of this magnitude.” (Motion, page
13 7.) Of course, this ignores the fact that Dr. Hochman, specifically opined that Ms. Arvizo’s
14 diagnosis contributed to her practice of coaching her children to lie. Dr.. Hochman’s testimony is
15 relevant to this case and the Court should allow it to be introduced to the jury.

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26 ⁴ Ironically, despite the claim that Janet Arvizo’s mental health is irrelevant to this case,
27 the prosecution believes that her purported status as a battered woman has plenty to do with
whether her son was molested.

X.

CONCLUSION

For the above stated reasons, the Court should deny the District Attorney's motion.


Dated: February 4, 2005

COLLINS, MESEREAU, REDDOCK & YU
Thomas A. Mesereau, Jr.
Susan C. Yu

SANGER & SWYSEN
Robert M. Sanger

OXMAN & JAROSCAK
Brian Oxman

By:


Robert M. Sanger
Attorneys for Defendant
MICHAEL JOSEPH JACKSON

1/1/05

Memo to File

From: Dale Kelley

Interview of Dexter Mason
Loss Prevention Manager
RITE AID Corporation, Region 45
4200 Chino Hills Parkway
Suite 500
Chino Hills, CA 91709
Bus: 909.393.6581
Cell: [REDACTED]

Date of Interview: 12/31/04

On 12/31/04, Dexter D. Mason, Jr., Loss Prevention Manager, Rite Aid Corporation was served with a trial subpoena and interviewed concerning the "JC Penny" incident. He provided the following information:

He advised that he has been interviewed and deposed a number of times concerning this incident. Mason provided the short version:

He said during the time of the incident (--1998) he was a loss prevention supervisor with the J.C. Penny store at West Covina Mall. He became involved in the incident after being alerted to it by one of his loss prevention employees. His involvement started when he and other employees started searching for a juvenile and adult who left the store with merchandise. He located the juvenile and the merchandise inside a van near the Tower Record store. He asked the juvenile to exit the van and he recovered the merchandise which he recalls were boy's clothes. While he was taking the juvenile back to the store, he saw one of his employees standing with the adult from the store, who was being handcuffed. He walked over to the area they were in and saw two other employees struggling with a female on the ground. He had the employees get off the woman and had them all stand up.

One of his employees, Jessica Bentencourt, advised him that the female assaulted her by hitting her in the face and head several times. The other male employee confirmed this account. The West Covina Police were called and upon responding, took both adults into custody. His employee, Jessica, asked him about filling battery/assault charges against the female. He told her it was up to her and in fact, battery charges were filled with the police department.

Mason said he assumed he would be contacted by the district attorney's office when the case proceeded. He was surprised to learn from one of the West Covina officers several weeks later that all charges against the two adults (David & Janet Arviso) had been dropped and they were in the process of filing a civil lawsuit. Mason later learned from JC Penny attorneys that a civil suit was filed alleging assault, harassment, fondling Janet Arviso, assaulting two juveniles and additional charges. He and his employees advised the attorneys that the charges were bogus and unfounded. The attorney's decided to settle the case, much to his surprise and displeasure.

Mason recalled that sometime later during that day, Janet Arviso returned to the JC Penny Store, somewhat apologized for the incident and gave him a hug (which he did not return).

Mason stated that thinking back to the incident he now wonders if Janet set the whole thing up. During his contacts with her and David Arviso he got the feeling that she was in charge and all in the family listened to her and obeyed her.

Mason advised that when he realized that the Arviso's were involved in the Michael Jackson case, he called Mark Geregog and offered information about the Penny's incident and Janet Arviso. He left several messages and his calls were never returned.

Mason advised that he is very willing to testify for the defense in the case and feels that Janet may have engineered the situation with Michael Jackson.



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EXHIBIT B

2/2/05

Memo to File

From: Dale Kelley

Subject: Interview of Former Penney's Security Officer Jessica Betancourt

On 2/2/05, former Penney's security officer Jessica Betancourt was interviewed at her mother's residence 2544 Commerce Way, City of Commerce, CA. Betancourt may be reached at the following phone numbers:

Home: [REDACTED]

Cell: [REDACTED]

Betancourt was advised of my identity and the purpose of the contact. She provided the following information:




Concerning the incident that occurred with David and Janet Arviso at the Penny's store, she was one of four security officers on duty that day. She received a transmission on her radio stated that Security Officer Gary Wiedeman was following suspected shoplifters out of the store and she was instructed to assist him. She said she caught up with Gary and the unidentified male who was later identified as David Arviso. She and Gary confronted Arviso, advised him of the reason for the stop and then attempted to place handcuffs on him.

At that time, she did not notice any other individuals in the area. She did not see the Arviso children, who later joined the group, nor did she see Janet Arviso.

While they were attempting to place the handcuffs on David, a female, later identified as Janet Arviso, approached them rapidly, yelling and waving her arms. Betancourt turned from assisting Gary and attempted to calm and take control of the women. She advised the women was "out of it, psycho" and would not calm down. She was joined by Frank, last name unknown, another security officer, who assisted her with Janet. While they were attempting to take control of Janet, all three fell to the pavement.

At about this time, Security Supervisor Dexter Mason arrived at the scene, with a juvenile, later identified as Gavin Arviso. Mason instructed them to stand up and place handcuffs on Janet. They accomplished this.

Betancourt advised at no time was Janet Arviso's shirt (blue, button-up, long sleeve) undone, unbuttoned or ever open. She did not fall out of her bra and/or shirt and her children did not assist her with her bra or shirt in any way.













During the struggle with Janet Arviso, Betancourt sustained hits to her face and person and scrapes when she fell. When she wrote her report of the incident she described these actions.

She recalls the West Covina Police were called and when they arrived they took both David and Janet Arviso into custody and transported them to the police department.

She recalls that she and Frank took David Arviso into the Penney's security office and Dexter and Gary stayed outside with Janet and Gavin Arviso. She does not recall when Star Arviso came on the scene but does recall seeing him later, at the end of the incident.

Betancourt was served a trial subpoena and an on-call agreement which she signed. She was very cooperative.





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Memorandum

Re: Interview
By: S. Ross
Subject: Anthony Ranieri, Esq.

Date: 12/28/04

Anthony "Tony" Ranieri

Ranieri was interviewed at his office on December 28, 2004. He was the actual "hands on" attorney for the Arvizo family in the JC Penny's incident. He recalled the initial contact with Janet that was somewhat of disbelief of the incident. He recalled Janet telling him that the children had previously been in a fashion show for JC Penny's, hence the confirmation of the David Arvizo comment that Janet wanted the children in their television commercials as part of her settlement.

Ranieri was adamant that Janet was consumed with this case, that he received "daily" calls from her demanding that something, what ever it may have been, be done on the case. He added that he went along with everything rather than have a confrontation with her. Ranieri described Janet as very "strident." He described the case as her entire life. Ranieri described Janet as being in charge of the family. According to him, "she wore the pants in the family." He described her as being all about the money.

Ranieri was caught off guard during Janet's deposition, and when she said "her breast was removed and 'fondled' twenty five times." Ranieri had serious doubts about her credibility. With respect to the abuse by David, he recalled Janet strongly denied this during her deposition.

Ranieri heard that there was fund raiser for Gavin. He had heard that she was asking for money for medical bills and medication. She had spoken to him about getting the bank account set up for Gavin, but only mentioned it to him on one occasion.



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EXHIBIT D

JCP enney Company

1203 Plaza DR West Covina, CA 91790 (626) 960-3711

Statement

On 08/27/98, at approximately 1830 Hrs, I, Jessica Betancourt, was responding to a call from Loss Prevention Officer Gary Wiedemann for assistance in the lower level mall area. I met up with Wiedemann at the North mall entrance next to "Russell". At that time Wiedemann advised me that he was following a male adult and a male juvenile that had exited the store carrying merchandise from our store. Wiedemann and I approached the male and we asked where the juvenile was at with the merchandise. The male adult, now thought to be David Arvizo, said that he could not find his son and Wiedemann asked him to step to the wall. As Wiedemann had the male up against the wall and we were attempting to handcuff the male, a female came from the East side of Tower records and ran towards us. At that time, the female back-handed me with her right hand and struck me on the right side of my face. I attempted to keep the female away from Wiedemann as he continued to keep control of the male. The female was saying, "leave him alone", and continued to swing her arms and strike me in the upper torso area. Wiedemann showed the female his badge and the female continued to attempt to get to the male.

After approximately 5-6 seconds, Loss Prevention Officer Frank Martinez arrived at the rear of Tower Records and assisted Wiedemann with the male. The female still continued to swing her arms and strike me and Wiedemann then assisted me in detaining the female.

Loss Prevention Manager Dexter Mason responded to the area behind Tower records just prior to Wiedemann stopping the male and Wiedemann advised Mason that the juvenile was in possession of the merchandise and had fled North into the parking lot. Mason walked Northbound and located a juvenile hiding in the front passenger seat of a white Nissan Quest, CL# 3RRJ283. Mason approached the vehicle and the juvenile was ducking down further. Mason walked to the passenger door and opened it. The juvenile, now thought to be Gavin Arvizo, immediately said, "They made me do it!". Mason found the two pairs of pants and two shirts with hangers/tags still attached on the passenger floorboard underneath the juvenile. Mason walked over to the male and female and assisted Martinez handcuff the male. Mason then walked over to the female as she was on the ground with Wiedemann and Betancourt. Mason advised the female that he was going to have her stand up so they could handcuff her. The female stood up and refused to be cuffed. The female was then handcuffed. The female refused to walk with us back to the store and so Martinez walked the male adult back and west Covina Police were called to transport the female.

The juvenile advised Mason that they did not have money for school clothes and so his dad had him carry the clothes out to the car.

A customer was in the area and observed the situation. The male, now thought to be Paul Krugman, wrote the following statement:

"As I drove in to the Tower parking lot I observed what appeared to be an attempt to detain a shoplifter. Next I saw a female run from behind and strike another female using her hands." Krugman provided the following address: [REDACTED]

Jessica Betancourt
Loss Prevention Officer 08/27/98





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EXHIBIT E

**West Covina Police Department
Crime Report**

Crime: 484 (a) P.C.
Date: 8-27-98
Time: 1813
Case No: 98-9120
Officer: Anderson #292
Location: 1203 Plaza Dr.
Page: 5 of 7

SYNOPSIS

As V-2 attempts to arrest S-1 for petty theft, S-2 (wife of S-1) interferes with the process. S-2 strikes V-2 on the face and upper torso as she attempts to separate the security agents from her husband and children.

Narrative

On the above date and time, I was dispatched to the above location, in reference to a theft investigation. Upon my arrival, I met with W-1 (Weidemann), and at that time, I proceeded to review his completed arrest report. I concluded that the arrest had been a lawful one, and subsequently took custody of S-1 (Arvizo, David) for petty theft. S-1 was transported to WCPD for booking. A second suspect later identified as S-1's wife (Arvizo, Janet) was also taken into custody at the location. Cpl. Gonzales #204 arrived to assist with the investigation. S-2 (Arvizo, Janet) was arrested for battery, which was associated to this same incident, and was transported to WCPD by Cpl. Gonzales. For further on S-2 (Arvizo, Janet); refer to Cpl. Gonzales's attached report. I met with V-2 (Betancourt) who was the victim of the battery. I saw no visible signs of any trauma to her face or exposed arms. Therefore, no photos of V-2 were taken. V-2 (Betancourt) submitted her report on the account, and was reviewed at the location.

I admonished S-1 (Arvizo, David) of his rights per Miranda, and was told that he wished to make a statement. The suspect stated that his 7-year-old son had taken some items of clothing from one of the displays, and was asking the suspect to purchase them. When S-1 refused to make the purchase, his son ran out of the business with the unpaid items in hand. The suspect then ran after his son in order to retrieve these items. He was then detained by Store security. He then saw his wife run up and attempt to separate the security agents from his kids. According to the suspect his wife "bulldozed herself through". The suspect stated that at no time did he intend to leave without paying for these items. S-1 (Arvizo, David) had a total of \$118.02 on his person at the time of his booking. For further, refer to W-1's, W-2's and V-2's attached reports.

WEST COVINA
POLICE DEPARTMENT

NARRATIVE REPORT

CASE NO.
9805170

CODE SECTION 247 P.C.	CRIME BATTERY	CLASSIFICATION	REFER OTHER REPORTS
LOCATION 1705 PLAZA DR., W.C.	PO	DATE 8-27-98	TIME 1930
		SUPPL.	INOCENT NO.

SYNOPSIS REQUIRED ON ORIGINAL REPORT ONLY
THE LISTED CRIMES INCLUDE ATTEMPTS.
SYNOPSIS - MAIN FACTS OF THE CRIME, INCLUDE M.O. TYPE
SUSPECT STATEMENT.

HOMICIDE, RAPE, ROBBERY, ASSAULT, BURGLARY, ARSON
GRAND THEFT PERSON, SEX OFFENSES, SUICIDE, GANG CRIMES, SUSP. CIRCS.

SYNOPSIS:

ATTN: DATA ENTRY CLERK-ENTER DESCRIPTIONS OF SCARS, MARKS, TATTOOS FROM SUSPECT PAGE.

NARRATIVE:

I ASSISTED OFFICER ANDERSON IN BOOKING S-ARVIZO, J.
AT W.C.P.D. AT THE STATION, I ADVISED S-1 OF
HER "MIRANDA" RIGHTS. S-1 CHOSE TO WAIVE HER RIGHTS.

S-ARVIZO SAID THAT SHE WAS WITH HER FAMILY
OBTAINING JOB APPLICATIONS, WITHIN THE MALL. S-1
SAID THAT ONE OF HER SONS TOLD HER THAT HER HUSBAND
WAS WALKING OUTSIDE. S-1 SAID THAT SHE WALKED OUT
OF THE MALL, AND SAW A MALE SUBJECT PLACING HER
HUSBAND AGAINST A WALL ADJACENT TO "TOWER RECORDS"
(1705 PLAZA DR.). S-1 SAID THAT SHE RAN UP TO
WHERE HER HUSBAND WAS STANDING, AND ASKED "WHO
ARE YOU?" AND "WHAT'S GOING ON?" S-1 SAID THAT A
FEMALE STANDING BY THE INCIDENT WALKED UP TO HER
AND PUNCHED HER ON THE RIGHT SIDE OF THE FACE.

S-1 SAID THAT SHE HELD HER HAND UP, AND MAY.

REPORTING OFFICER GONZALES, P.	ID# 204	DATE 8-27-98	REVIEWED BY	ID# 115	DATE 8/27/98
COPIES TO: <input checked="" type="checkbox"/> CHIEF <input type="checkbox"/> CLERK <input type="checkbox"/> DET. <input type="checkbox"/> SGT.		<input type="checkbox"/> OTHER AGENCY		ROUTED BY GON	
				CERTIFIED COPY BY NAME DATE	

98 9120

2

WAVE STRUCK THE FEMALE BY ACCIDENT. S-1 SAID THAT THE NEXT THING SHE KNEW, AT LEAST TWO PEOPLE WERE PUSHING HER TO THE GROUND. S-1 SAID THAT SHE THEN LEARNED THAT THE SUBJECTS WERE "J.C. POWNEY SECURITY OFFICERS."

S-1 ADVISED PERKS THAT SHE WAS WRONGLY TREATED BY STORE SECURITY, AND STATED THAT SHE HAD NO KNOWLEDGE OF THE ORIGINAL THEFT.

CERTIFIED COPY BY

2

of

2

NAME

JAH

DATE

7/2/20

WEST COVINA POLICE DEPT.

- ☐ NO RESOLUTION DESIRED
☐ TELEPHONE REPORT
☐ INSURANCE REPORT
☐ COURTSHIP REPORT
☐ DOMESTIC VIOLENCE
☐ CONFIDENTIAL SEX CRIME



WEST COVINA POLICE DEPARTMENT
 PO BOX 2188-1444 W. GARVEY AVE
 WEST COVINA, CALIFORNIA 91790
 818-814-8500

CRIME REPORT

- ☒ ACTIVE
☐ SUSPENDED
☐ RECORDS
☐ CLOSED
☐ COUNTESSY
☐ UNPAID

CASE NUMBER

98-9120

REFER OTHER RPTS

CRIME	CODE SECTION	CRIME	PRIMARY COUNTS	SECONDARY COUNTS	OTHER COUNTS
	827.1.484.0, 242 P.C.	PETTY THEFT / BATTERY	060330	000501	
	SPECIFIC LOCATION OF CRIME		OCCURRED ON	DATE	TIME
	1203 PLEAS DR. WEST COVINA		8-27-98	THURS.	1830
SUSPECT NAME	J.C. PENNEY	DATE RPTD	TIME RPTD	DATE	TIME
		8-27-98	1842		

VICTIM	NAME (Last, First, Middle)	OCCUPATION	D.O.B.	AGE	SEX	<input type="checkbox"/> WHT <input type="checkbox"/> HSP <input type="checkbox"/> BLK
	J.C. PENNEY					
	RESIDENCE ADDRESS	CITY	ZIP	RES PHONE		
BUSINESS NAME AND ADDRESS	1203 PLEAS DR.	CITY	ZIP	BUS PHONE		
		WEST COVINA	91799			

VICTIM(S) - WITNESS-PP	CODE	NAME (Last, First, Middle)	OCCUPATION	D.O.B.	AGE	SEX	<input type="checkbox"/> WHT <input checked="" type="checkbox"/> HSP <input type="checkbox"/> BLK
	V-2	BETHAN JESSIE JENNIFER	SECURITY		21	F	
	RESIDENCE ADDRESS	CITY	ZIP	RES PHONE			
	REFUSED						
BUSINESS NAME AND ADDRESS		CITY	ZIP	BUS PHONE			
		WEST COVINA	91799				
CODE	NAME (Last, First, Middle)	OCCUPATION	D.O.B.	AGE	SEX	<input checked="" type="checkbox"/> WHT <input type="checkbox"/> HSP <input type="checkbox"/> BLK	
	W-1	WEIDEMAN, GARY JOHN	SECURITY		22	M	
	RESIDENCE ADDRESS	CITY	ZIP	RES PHONE			
	REFUSED						
BUSINESS NAME AND ADDRESS		CITY	ZIP	BUS PHONE			
	S.A.A.						
CODE	NAME (Last, First, Middle)	OCCUPATION	D.O.B.	AGE	SEX	<input checked="" type="checkbox"/> WHT <input type="checkbox"/> HSP <input type="checkbox"/> BLK	
	W-2	SCHACHUZE, PAMELA (MOM)	SALES		36	F	
	RESIDENCE ADDRESS	CITY	ZIP	RES PHONE			
	REFUSED						
BUSINESS NAME AND ADDRESS		CITY	ZIP	BUS PHONE			
	S.A.A.						

VIC VEH	LICENSE #	STATE	YEAR	MAKE	MODEL	BODY STYLE	<input type="checkbox"/> 2-DR <input type="checkbox"/> 4-DR <input type="checkbox"/> 6-DR <input type="checkbox"/> 8-DR <input type="checkbox"/> 10-DR	<input type="checkbox"/> 10-DR <input type="checkbox"/> 12-DR <input type="checkbox"/> 14-DR <input type="checkbox"/> 16-DR	<input type="checkbox"/> 18-DR <input type="checkbox"/> 20-DR <input type="checkbox"/> 22-DR <input type="checkbox"/> 24-DR	<input type="checkbox"/> 26-DR <input type="checkbox"/> 28-DR <input type="checkbox"/> 30-DR <input type="checkbox"/> 32-DR
	COLOR/COLORA	OTHER CHARACTERISTICS				DISPOSITION OF VEHICLE				

FACTORS	<input checked="" type="checkbox"/> 1 THERE IS A WITNESS TO THE CRIME <input checked="" type="checkbox"/> 2 A SUSPECT WAS ARRESTED <input type="checkbox"/> 3 A SUSPECT WAS NAMED <input checked="" type="checkbox"/> 4 A SUSPECT CAN BE LOCATED <input checked="" type="checkbox"/> 5 A SUSPECT CAN BE DESCRIBED <input checked="" type="checkbox"/> 6 A SUSPECT CAN BE IDENTIFIED <input type="checkbox"/> 7 A SUSPECT VEHICLE CAN BE IDENTIFIED <input checked="" type="checkbox"/> 8 THERE IS IDENTIFIABLE STOLEN PROPERTY <input checked="" type="checkbox"/> 9 THERE IS A SIGNIFICANT M.O. <input type="checkbox"/> 10 SIGNIFICANT PHYSICAL EVIDENCE IS PRESENT <input type="checkbox"/> 11 THERE IS A MAJOR INJURY/SEX CRIME INVOLVED <input checked="" type="checkbox"/> 12 THERE IS A GOOD POSSIBILITY OF A SOLUTION <input type="checkbox"/> 13 FURTHER INVESTIGATION NEEDED <input type="checkbox"/> 14 CRIME IS GANG RELATED <input type="checkbox"/> 15 HATE CRIME RELATED	EVIDENCE	<input type="checkbox"/> 0 NONE <input type="checkbox"/> 1 FINGERPRINTS <input type="checkbox"/> 2 TOOLS <input type="checkbox"/> 3 TOOL MARKINGS <input type="checkbox"/> 4 GLASS <input type="checkbox"/> 5 PAINT <input type="checkbox"/> 6 BULLET CASING <input type="checkbox"/> 7 BULLETS <input type="checkbox"/> 8 RAPES KIT <input type="checkbox"/> 9 SEMEN <input type="checkbox"/> 10 BLOOD <input type="checkbox"/> 11 URINE <input type="checkbox"/> 12 HAIR <input type="checkbox"/> 13 FIREARMS <input checked="" type="checkbox"/> 14 PHOTOGRAPHS <input type="checkbox"/> 15 OTHER (DESCRIBE)
	IDENTIFIED COPY OF <u>SIR/PROCTIV</u> NAME <u>JOHN</u> DATE <u>8/27/98</u> WEST COVINA POLICE DEPT.		

REPORTING OFFICER	DATE	REVIEWING SUPERVISOR	DATE
ANDERSON	8-27-98	RW	8/27/98
OTHER			
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		CARL	and

WEST COVINA POLICE DEPARTMENT

SUSPECT REPORT

PAGE 2 OF 7

CASE NO. 98-9120

CRIME	CODE SECTION 837.1, 484(A) P.C.	CRIME PETTY THEFT	CLASSIFICATION	REFER TO OTHER RPTS.
	LOCATION (Be Specific) 1203 PLAZA DR.	RD.	DATE 8-27-98	TIME 1842

SUBP. VEH	LICENSE # N/A	STATE	VEH YR	MAKE	MODEL	BODY STYLE	<input type="checkbox"/> 1 LK <input type="checkbox"/> 2 LK <input type="checkbox"/> 3 LK <input type="checkbox"/> 4 LK <input type="checkbox"/> 5 LK <input type="checkbox"/> 6 LK <input type="checkbox"/> 7 LK <input type="checkbox"/> 8 LK <input type="checkbox"/> 9 LK <input type="checkbox"/> 10 LK <input type="checkbox"/> 11 LK <input type="checkbox"/> 12 LK <input type="checkbox"/> 13 LK <input type="checkbox"/> 14 LK <input type="checkbox"/> 15 LK <input type="checkbox"/> 16 LK <input type="checkbox"/> 17 LK <input type="checkbox"/> 18 LK <input type="checkbox"/> 19 LK <input type="checkbox"/> 20 LK <input type="checkbox"/> 21 LK <input type="checkbox"/> 22 LK <input type="checkbox"/> 23 LK <input type="checkbox"/> 24 LK <input type="checkbox"/> 25 LK <input type="checkbox"/> 26 LK <input type="checkbox"/> 27 LK <input type="checkbox"/> 28 LK <input type="checkbox"/> 29 LK <input type="checkbox"/> 30 LK <input type="checkbox"/> 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CASE NO. 98-9120

[illegible]

WEST COVINA POLICE DEPARTMENT P.O. BOX 2186, 1444 W. GARVEY 91793 818-814-8500								PROPERTY REPORT		<input checked="" type="checkbox"/> ORIG <input type="checkbox"/> SUPP		CASE NO. 98-9120 REFER OTHER REPORTS	
ITEM No.	TYPE	QTY	ARTICLE	BRAND	MODEL	SERIAL NO.	VALUE						
1	S/R	4	SHIRT	APPAREL		422-7702	39.96						
COLOR(S)		GENERAL DESCRIPTION											
WHITE		POLO SHIRT											
PREMISE/AREA/ROOM TAKEN FROM				WHERE IS PROPERTY NOW		ADDITIONAL NOTES							
BOYS DEPT				B.T. 2-5700.6		9.99 x 4 = 39.96							
2	S/R	2	PANTS	MICHAEL KORS		436-1107	39.98						
COLOR(S)		GENERAL DESCRIPTION											
BLUE		SCHOOL PANTS											
PREMISE/AREA/ROOM TAKEN FROM				WHERE IS PROPERTY NOW		ADDITIONAL NOTES							
BOYS DEPT				B.T. 2-5700.6		19.99 x 2 = 39.98							
3	E	2	PHOTO	POLAROID									
COLOR(S)		GENERAL DESCRIPTION											
MULTIPLE		PHOTO OF SUSPECT & EVIDENCE											
PREMISE/AREA/ROOM TAKEN FROM				WHERE IS PROPERTY NOW		ADDITIONAL NOTES							
SECURITY OFFICE				B.T. 2-5700.6									
ITEM No.	TYPE	QTY	ARTICLE	BRAND	MODEL	SERIAL NO.	VALUE						
COLOR(S)		GENERAL DESCRIPTION											
PREMISE/AREA/ROOM TAKEN FROM				WHERE IS PROPERTY NOW		ADDITIONAL NOTES							
ITEM No.	TYPE	QTY	ARTICLE	BRAND	MODEL	SERIAL NO.	VALUE						
COLOR(S)		GENERAL DESCRIPTION											
PREMISE/AREA/ROOM TAKEN FROM				WHERE IS PROPERTY NOW		ADDITIONAL NOTES							
ITEM No.	TYPE	QTY	ARTICLE	BRAND	MODEL	SERIAL NO.	VALUE						
COLOR(S)		GENERAL DESCRIPTION											
PREMISE/AREA/ROOM TAKEN FROM				WHERE IS PROPERTY NOW		ADDITIONAL NOTES							
ITEM No.	TYPE	QTY	ARTICLE	BRAND	MODEL	SERIAL NO.	VALUE						
COLOR(S)		GENERAL DESCRIPTION											
PREMISE/AREA/ROOM TAKEN FROM				WHERE IS PROPERTY NOW		ADDITIONAL NOTES							
ITEM No.	TYPE	QTY	ARTICLE	BRAND	MODEL	SERIAL NO.	VALUE						
COLOR(S)		GENERAL DESCRIPTION											
PREMISE/AREA/ROOM TAKEN FROM				WHERE IS PROPERTY NOW		ADDITIONAL NOTES							

PROPERTY TYPES SR = STOLEN & RECOVERED E = EVIDENCE F = FOUND
 S = STOLEN A = RECOVERED SK = SAFE KEEPING L = LOST

REPORTING OFFICER

ANDERSON

ID#

292

DATE

8-27-98

REVIEWED BY

CERTIFIED COPY OF

NAME

DATE

WEST COVINA POLICE DEPT.

DATE

5/28/00

mjfacts.com

WEST COVINA POLICE DEPARTMENT

mjfacts.com

1444 W. GARVEY, WEST COVINA, CA. 91790

814-8540 814-8500

STATEMENT OF PRIVATE PERSON'S (CITIZEN'S) ARREST

DR NO. 98-9120DATE 8/27/98AS A PRIVATE PERSON, I, Wiedeman Gary John HAVE
(Surname) (First) (Middle)ARRESTED Arvizo David Gavino
(Surname) (First) (Middle)FOR Petty theft 484(a)
(Indicate Violation) (Code Section or Ordinance)A PUBLIC OFFENSE COMMITTED IN MY PRESENCE AT 1830 8-27-98
(Hour) (Date)AT 1203 Plaza Dr. West Covina CA.
(Location of Offense)I HEREBY DEMAND THAT OFFICER(S) Anderson #292TRANSPORT SAID Arvizo David Gavino
(Show Name of Above Indicated Suspect)

TO THE WEST COVINA POLICE DEPT.

I agree to cooperate fully and appear as required at various stages of the proceedings. I agree to testify in court to the truth as I have told the police officer. I understand that once a criminal complaint is filed by the police with the District Attorney's Office, the charges may not later be dropped without the approval of the court and payment of court costs between \$150 to \$250. I understand that I may be liable for any false arrest action or civil liability that the person arrested may initiate as a result of this incident.

Gary Wiedeman 1203 Plaza Dr West Covina CA 91790
Signature of person making arrest Address

Res: Bus: (626) 960-3711
Telephone

ANDERSON #292
Officer taking report

DISTRIBUTION:
ORIGINAL - STATION FILE
COPY - TO PERSON MAKING ARREST

WCPD Form # 246

CERTIFIED COPY pg 6 of 7
NAME SWA DATE 8/28/98

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WEST COVINA POLICE DEPARTMENT

1444 W. GARVEY, WEST COVINA, CA. 91790

814-8540 814-8500

STATEMENT OF PRIVATE PERSON'S (CITIZEN'S) ARREST

DR NO. 98-9120DATE 8-27-98AS A PRIVATE PERSON, I, Betancourt Jessica Jennifer HAVE
(Surname) (First) (Middle)ARRESTED ARVIZO, JANET VENTURA
(Surname) (First) (Middle)FOR 837.1, 242 P.C. BATTERY
(Indicate Violation) (Code Section or Ordinance)A PUBLIC OFFENSE COMMITTED IN MY PRESENCE AT 1830 8-27-98
(Hour) (Date)AT 1203 Plaza Dr West Covina 91790
(Location of Offense)I HEREBY DEMAND THAT OFFICER(S) ANDERSON #292TRANSPORT SAID ARVIZO, JANET VENTURA
(Show Name of Above Indicated Suspect)

TO THE WEST COVINA POLICE DEPT.

I agree to cooperate fully and appear as required at various stages of the proceedings. I agree to testify in court to the truth as I have told the police officer. I understand that once a criminal complaint is filed by the police with the District Attorney's Office, the charges may not later be dropped without the approval of the court and payment of court costs between \$150 to \$250. I understand that I may be liable for any false arrest action or civil liability that the person arrested may initiate as a result of this incident.

[Signature] 1203 Plaza Dr West Covina 91790
Signature of person making arrest Address

Res: Bus: (669) 03711
Telephone #270

ANDERSON #292
Officer taking report

DISTRIBUTION:

ORIGINAL - STATION FILE
COPY - TO PERSON MAKING ARREST

WCPD Form # 246

CERTIFIED COPY OF 7 OF 7
NAME [Signature] DATE 5/28/00

JUVENILE & CASE NUMBER
 ATTACH CASE NUMBER
 LABEL HERE

ADDITIONAL SUBJECT INFORMATION (IF NECESSARY) LIST LAST NAMES ONLY

ACTIVITY	TIME	LOCATION	BY WHOM - ASSOCIATE(S) NAME AND TITLE(S)	WITNESS - NAME(S)
<p>EACH WITNESS SIGNATURE AND PRINTED NAME REQUIRED. A SEPARATE REPORT FOR EACH WITNESS.</p>				

SECTION TAKEN (COMPLETE APPLICABLE SECTIONS)

SUBJECT IS PROSECUTED, COMPLETE THIS SECTION

SCRIBE INCIDENT IN DETAIL - ON BACK

DESCRIPTION OF INCIDENT

On August 23rd 1998 at approx. 18:30 hrs I Gary Wiedemann working for the Spencer Co. as a loss prevention officer observed via floor observation, a adult male known as ^{S/1} Debra Gavino Alvarez carrying two sets of school uniforms with the merchandise bags and hangers still attached to the clothing. ^{S/1} Alvarez handed the merchandise to the child as they were walking out of our store via north exit. The child is believed to be known as ^{S/1} Gavino Alvarez. As the child exited our store he was approx. 4 feet outside of our store when he turned back around and walked back into our store, meet back up with ^{S/1} inside our store. At this point ^{S/1} gave a set of keys to the child and presumably turned the child around and push him back out of the store. The child started walking at a fast pace towards the north parking lot with the merchandise. ^{S/1} was following the child. I lost sight of the child but I was still following ^{S/1}. Approx. 200 feet into the parking lot ^{S/1} walked approx. 25 feet from a white van belongs to him license plate # 3B83283. At this point ^{S/1} started to walk back towards me and at this point I visually and verbally identified myself as Spencer ^{S/1} kept walking then for the second time I identified myself as Spencer ^{S/1} and security, at this point ^{S/1} tried to run passed me. I grabbed ^{S/1} and

REPORT PREPARED BY

NAME AND TITLE

GARY WIEDEMANN L.P.O.

SIGNATURE

DATE

8/23/98

REPORT REVIEWED BY

NAME AND TITLE

SIGNATURE

DATE

DESCRIPTION OF INCIDENT

TOLD ME TO RELAX AND I JUST WANTED TO TALK TO HIM, 3/1
 START TO STRUGGLE I PUSHED HIM AWAY FROM THE WALL 3/1 CONTINUED
 STRUGGLING BY KICKING AND SWINGING HIS ARMS. AT THIS POINT
 A FEMALE, NAME UNKNOWN RAN INTO US KICKING EVERYBODY OFF
 BALANCE. I USUALLY AS WELL AS VIBRALLY IDENTIFIED MYSELF AS JEFF
 SECURITY. MY PARTNER WAS TRYING TO RESTRAIN THE FEMALE MYSELF AND
 3/1 CONTINUE TO STRUGGLE 3/1 WAS PLACED INTO HANDCUFFS WITH THE HELP
 OF MY PARTNER F. MARCHER, AFTER 3/1 WAS DETAINED I GOT UP OFF 3/1
 AND SAW THE FEMALE STRIKE MY PARTNER I BEZINCOVAT WITH A CLOSE
 FIST UPON SEEING THIS I TOOK THE FEMALE BY THE RIGHT ARM
 AND PLACED HER ON THE GROUND, THE FEMALE WAS TOLD SEVERAL
 TIMES THAT I WAS SECURELY SECURED AND TO RELAX IN WHICH
 SHE DIDN'T SO I PLACED THE FEMALE INTO HANDCUFFS. M.C.P.D WAS
 CONTACTED FOR PROSECUTION TOTAL RECEIPT \$59.96

REPORT PREPARED BY	NAME AND TITLE	SIGNATURE	DATE
REPORT REVIEWED BY	NAME AND TITLE	SIGNATURE	DATE
SP-1 WATKINS	L.P.O.	[Signature]	8/27/98

98-10

DESCRIPTION OF INCIDENT

I WAS IN COSMETICS DEPT. WHEN I SAW LOSS PREVENTIONS GARY APPROACHING ME WITH A CONCERNED LOOK ON HIS FACE. HE THEN SAID I HOPE THAT KID ISNT GOING TO TAKE OFF WITH THOSE CLOTHES. I TURNED TO SEE WHAT HE WAS TALKING ABOUT WHEN I SAW THIS LITTLE BOY LEAVE THE STORE WITH CLOTHING UNDER HIS ARM. I SAW A MAN WALKING JUST BEHIND THE LITTLE BOY - THE FURTHER THE LITTLE BOY GOT FROM JC PENNYS HIS WALK TURNED TO A TROT. LOSS PREVENTION FOLLOWED -

REPORT
PREPARED BY

REPORT
REVIEWED BY

NAME AND TITLE

NAME AND TITLE

SIGNATURE

SIGNATURE

DATE

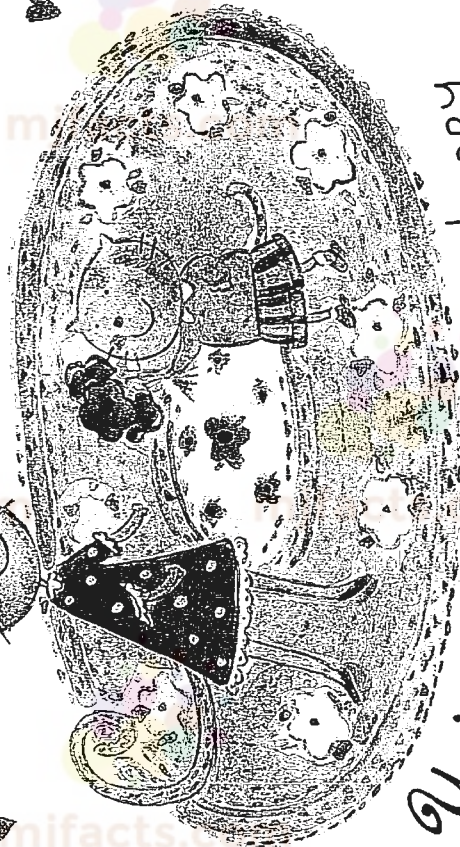
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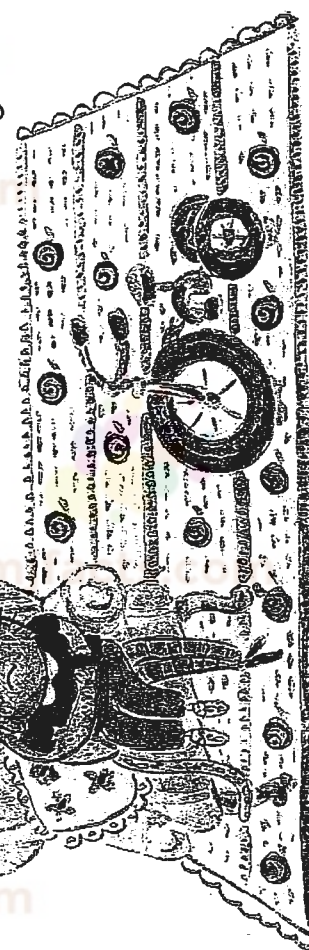
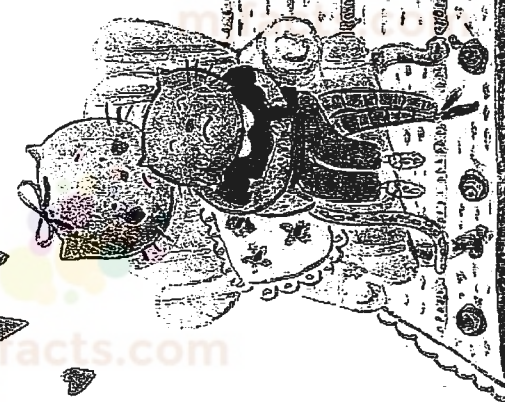
Garnita L. Hester

From Your 2 Boys AND GIRL
 de Louise Mommy

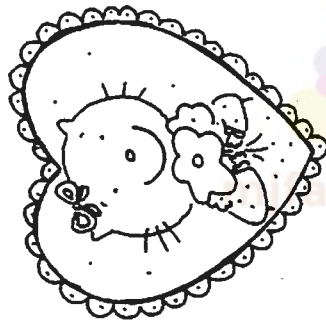


You're smiling when I'm happy

And you hug me
 when I'm hurt...

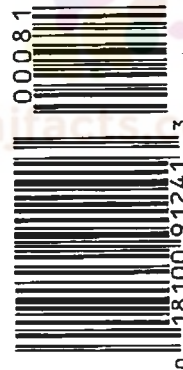


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Dear Louise, (my big sis)

I love you, I miss you.

I would love to spend time with you. You make me laugh. I pray for you everyday.

You are so much fun to hang around with you. I love you.

Love,

Daveellin Cave Anvizo

Dear Louise, every

I think of you second of my like And pray for every night's every morning. I love you, I wish I can spend time with you.

That's all
Love,
Daveellin

You're a real

sunshine-maker!



What's up Louise,

How you Doing

I miss you

you love it

you a lot can't wait

to see you again. I miss

you. your Bud,

Gavin
Anvizo

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*So many times,
I think of you
throughout
the busy day,
and remember
all the good times
we've had
together...*

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Dear Louise, (Big sis)
I love you. I
want to spend time
with you, go places,
or I will go to
your house. I love
and miss you.

love,
Dorellin love Anizio

Dear Louise,
One I see you my day is
wonderful Louise I miss you.
I love you. Every day I want
to be with you. Thank you I
love you love,

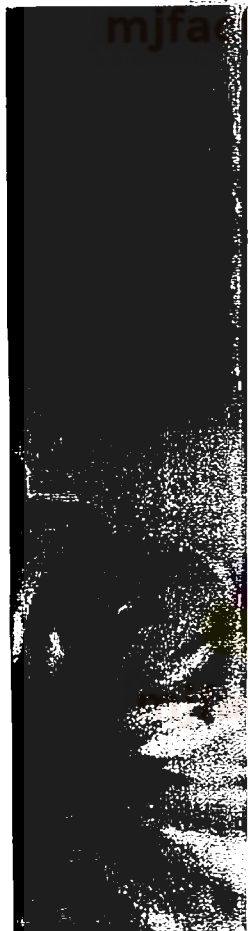
Shan Anizio

So many times,
I appreciate
what it means
to have someone
as special as you
in my life...

This is one
of those times.

Hey Louise it's me
Gavin. You are you.
I love you ~~love~~ Louise.
You are the funniest
girl alive. I
love you Louise,

your Bud,
Gavin
Anizio



Mon Aug 6
12:00

Ambassador



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OUR DARLING LOUISE, WHEEZY

So thanks for being
the wonderful person you are.

I'm very glad and grateful
that you're in ^{our} my life.

Dean Walley

WE DEARLY LOVE YOU AND CARE ABOUT YOU
WE LOVE YOU TO THE MOON AND BACK.
FAITHFULLY AND DEVOTEDLY YOUR FRIENDS (your family)

Davellin

Gavin

Star

David

Janet

P.S. PLEASE TELL
CUTIE PIE FRITZ
THAT WE SEND HIM A
HUMUNGOUS HI CHEERFULLY.
Coated with lots of Hugs and
Kisses. P.S. P.S. P.S.
BUT TELL HIM THAT YOU WHEEZY ARE
TEN TIMES CUTER A DEFINITE HOTTIE PIE.

OUR

WE DE
WE LO
FAITHF
Dave



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EXHIBIT G



Notes on Jay Leno interview by Bonner:

Mother called him. She said my son loves you and thinks you are the greatest. She put the Gavin on the phone. It seemed weird. It seemed rehearsed. They seemed to be looking for money, "Anything you can do to help." The mother was in the background coaching Gavin.


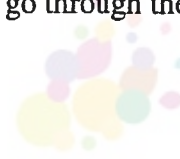
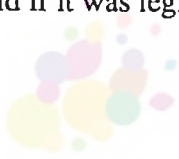
He felt that they were looking for a "mark." It was too smooth, too "professional."

He said that even though he thinks Michael Jackson is guilty, Jay Leno felt that with Jackson, they "finally found a mark."

He said that he got a lot of requests for help, usually through Make a Wish. The conversations seemed scripted. They were over the top. Gavin told him he couldn't go to sleep without seeing you. Leno said that he realized it didn't help the detective's case and he was sorry. But he said that the call sounded scripted. Gavin did not talk like a 12 year old. He said that there were 2 or 3 calls. Gavin said how much he loved him. It was not natural for a 12 year old.

His secretary, Helga Pollack, got on the phone and confirmed that they had called and left voice mails besides talking directly with Jay Leno. She was very disturbed by the calls. They persisted, kept talking "on and on" and saying that they loved him. She said it was "over all very disturbing."

He also felt that if Jaime Masada was involved in any way, he is sort of a "publicity guy." He said if it was legitimate it would probably go through the normal channels.



PROOF OF SERVICE

I, the undersigned declare:

I am over the age of 18 years and not a party to the within action. I am employed in the County of Santa Barbara. My business address is 233 East Carrillo Street, Suite C, Santa Barbara, California, 93101.

On February 4, 2005,, I served the foregoing document **OPPOSITION TO DISTRICT ATTORNEY'S MOTION TO LIMIT INTRODUCTION OF EVIDENCE OF PRIOR LITIGATION INVOLVING THE DOE FAMILY BE FILED UNDER SEAL** n the interested parties in this action by depositing a true copy thereof as follows:

Tom Sneddon
Gordon Auchincloss
Ron Zonen
Jerry Franklin
District Attorney
568-2398

- ☒ **BY FACSIMILE** -I caused the above-referenced document(s) to be transmitted via facsimile to the interested parties
- ☐ **BY HAND** - I caused the document to be hand delivered to the interested parties at the address above.
- ☒ **STATE** - I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- ☐ **FEDERAL** - I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed February 4, 2005, at Santa Maria, California.


Bobette J. Tryon