

1 THOMAS W. SNEDDON, JR., DISTRICT ATTORNEY  
County of Santa Barbara  
2 By: RONALD J. ZONEN (State Bar No. 85094)  
Senior Deputy District Attorney  
3 J. GORDON AUCHINCLOSS (State Bar No. 150251)  
Senior Deputy District Attorney  
4 GERALD McC. FRANKLIN (State Bar No. 40171)  
Senior Deputy District Attorney  
5 1112 Santa Barbara Street  
Santa Barbara, CA 93101  
6 Telephone: (805) 568-2300  
FAX: (805) 568-2398  
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF SANTA BARBARA  
10 SANTA MARIA DIVISION

11 ~~PROPOSED~~ REDACTED VERSION

12 THE PEOPLE OF THE STATE OF CALIFORNIA.

13 Plaintiff.

14 v.

15  
16 MICHAEL JOE JACKSON,

17 Defendant.

No. 1133603

PLAINTIFF'S MOTION FOR  
ADMISSION OF CERTAIN  
STATEMENTS BY DEFENDANT  
ON "LIVING WITH MICHAEL  
JACKSON" AND "60 MINUTES"  
AS EXCEPTIONS TO THE  
HEARSAY RULE.

DATE: February 21, 2005  
TIME: 9:30 a.m.  
DEPT: TBA (Mcville)

20  
21 TO: THE CLERK OF THE COURT, TO DEFENDANT, AND TO  
22 DEFENDANT'S COUNSEL:

23 PLEASE TAKE NOTICE that on ~~February 21, 2005~~, the People will move the  
24 court for the admission at trial of certain statements by Defendant (a) in the course of the  
25 filming of Martin Bashir's "Living with Michael Jackson" documentary, which was broadcast  
26 in the United Kingdom on February 3, 2003, and (b) on the CBS television program "60  
27 Minutes" on December 28, 2003, for the truth of the matters asserted, on the ground they  
28 qualify as "admissions" and so come within one or more exceptions to the hearsay rule.

1 This motion will be based on this notice, the accompanying memorandum of points  
2 and authorities, the court's records and files in this matter, and upon such evidence and further  
3 argument as may be permitted at the hearing of the motion.

4 DATED: February 10, 2005

5 Respectfully submitted,

6 THOMAS W. SNEDDON, JR.  
7 District Attorney

8 By: /s/  
9 Gerald McC. Franklin, Senior Deputy  
10 Attorneys for Plaintiff

MEMORANDUM OF POINTS AND AUTHORITIES

CERTAIN OF DEFENDANT'S RECORDED STATEMENTS  
CONSTITUTE ADMISSIONS AND SO COME WITHIN AN  
EXCEPTION TO THE HEARSAY RULE

Evidence Code section 1220 provides, in pertinent part: "Evidence of a statement is not made inadmissible by the hearsay rule when offered against the declarant in an action in which he is a party . . . ." CALJIC 2.71 instructs the jury that "An admission is a statement made by the defendant which does not by itself acknowledge his guilt of the crimes for which the defendant is on trial, but which statement tends to prove his guilt when considered with the rest of the evidence."

Defendant's admissions include his acknowledgement that the Doe brothers shared his room with him for the night. The Doe brothers agree this statement is true as to the first night they stayed at Neverland back in 2000. At that time the brothers slept in the bed and Defendant slept on the floor.

Defendant's admission that he shared the room with the boys is admissible in that it establishes that the John and James Doe were in an intimate setting with the defendant when they said they were.

Defendant's statement that he has slept with many boys is admissible as corroboration of the Doe brother's allegation that he slept with them. Certainly the admission that he has slept with many boys clearly shows his willingness to sleep with boys, his acknowledgement that that type of conduct is permissible and even appropriate, and as evidence of his intent to continue to share his bed with children.

Attached to this Motion as Exhibit A is what Plaintiff regards as the relevant portions of the transcript of "Living with Michael Jackson."

Attached to this Motion as Exhibit B is what Plaintiff regards as the relevant portions of the transcript of the "60 Minutes" interview of Defendant by Ed Bradley.

1 Full transcripts of both "Living with Michael Jackson" and the "60 Minutes"  
2 interview will be lodged with the Court. The portions excerpted as Exhibit A and Exhibit B are  
3 highlighted in the full transcripts for ease of the Court's reference.

4 DATED: February 10, 2005

5 Respectfully submitted,

6 THOMAS W. SNEDDON, JR.  
7 District Attorney

8 By: KS/  
9 Gerald McC. Franklin, Senior Deputy

10 Attorneys for Plaintiff  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



1  
2 mjfacts.com

3  
4  
5  
6  
7 mjfacts.com

8  
9  
10  
11  
12 mjfacts.com



13  
14  
15  
16  
17  
18  
19 mjfacts.com



20  
21  
22  
23  
24  
25  
26 mjfacts.com



27  
28  
29  
30  
31  
32  
33 mjfacts.com



34  
35  
36  
37  
38  
39  
40 mjfacts.com



41  
42  
43  
44  
45  
46  
47 mjfacts.com



48  
49  
50  
51  
52  
53  
54 mjfacts.com



55  
56  
57  
58  
59  
60  
61 mjfacts.com



62  
63  
64  
65  
66  
67  
68 mjfacts.com



69  
70  
71  
72  
73  
74  
75 mjfacts.com



76  
77  
78  
79  
80  
81  
82 mjfacts.com

83  
84  
85  
86  
87  
88  
89  
90  
91  
92  
93  
94  
95  
96  
97  
98  
99  
100  
101  
102  
103  
104  
105  
106  
107  
108  
109  
110  
111  
112  
113  
114  
115  
116  
117  
118  
119  
120  
121  
122  
123  
124  
125  
126  
127  
128  
129  
130  
131  
132  
133  
134  
135  
136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146  
147  
148  
149  
150  
151  
152  
153  
154  
155  
156  
157  
158  
159  
160  
161  
162  
163  
164  
165  
166  
167  
168  
169  
170  
171  
172  
173  
174  
175  
176  
177  
178  
179  
180  
181  
182  
183  
184  
185  
186  
187  
188  
189  
190  
191  
192  
193  
194  
195  
196  
197  
198  
199  
200  
201  
202  
203  
204  
205  
206  
207  
208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220  
221  
222  
223  
224  
225  
226  
227  
228  
229  
230  
231  
232  
233  
234  
235  
236  
237  
238  
239  
240  
241  
242  
243  
244  
245  
246  
247  
248  
249  
250  
251  
252  
253  
254  
255  
256  
257  
258  
259  
260  
261  
262  
263  
264  
265  
266  
267  
268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315  
316  
317  
318  
319  
320  
321  
322  
323  
324  
325  
326  
327  
328  
329  
330  
331  
332  
333  
334  
335  
336  
337  
338  
339  
340  
341  
342  
343  
344  
345  
346  
347  
348  
349  
350  
351  
352  
353  
354  
355  
356  
357  
358  
359  
360  
361  
362  
363  
364  
365  
366  
367  
368  
369  
370  
371  
372  
373  
374  
375  
376  
377  
378  
379  
380  
381  
382  
383  
384  
385  
386  
387  
388  
389  
390  
391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436  
437  
438  
439  
440  
441  
442  
443  
444  
445  
446  
447  
448  
449  
450  
451  
452  
453  
454  
455  
456  
457  
458  
459  
460  
461  
462  
463  
464  
465  
466  
467  
468  
469  
470  
471  
472  
473  
474  
475  
476  
477  
478  
479  
480  
481  
482  
483  
484  
485  
486  
487  
488  
489  
490  
491  
492  
493  
494  
495  
496  
497  
498  
499  
500  
501  
502  
503  
504  
505  
506  
507  
508  
509  
510  
511  
512  
513  
514  
515  
516  
517  
518  
519  
520  
521  
522  
523  
524  
525  
526  
527  
528  
529  
530  
531  
532  
533  
534  
535  
536  
537  
538  
539  
540  
541  
542  
543  
544  
545  
546  
547  
548  
549  
550  
551  
552  
553  
554  
555  
556  
557  
558  
559  
560  
561  
562  
563  
564  
565  
566  
567  
568  
569  
570  
571  
572  
573  
574  
575  
576  
577  
578  
579  
580  
581  
582  
583  
584  
585  
586  
587  
588  
589  
590  
591  
592  
593  
594  
595  
596  
597  
598  
599  
600  
601  
602  
603  
604  
605  
606  
607  
608  
609  
610  
611  
612  
613  
614  
615  
616  
617  
618  
619  
620  
621  
622  
623  
624  
625  
626  
627  
628  
629  
630  
631  
632  
633  
634  
635  
636  
637  
638  
639  
640  
641  
642  
643  
644  
645  
646  
647  
648  
649  
650  
651  
652  
653  
654  
655  
656  
657  
658  
659  
660  
661  
662  
663  
664  
665  
666  
667  
668  
669  
670  
671  
672  
673  
674  
675  
676  
677  
678  
679  
680  
681  
682  
683  
684  
685  
686  
687  
688  
689  
690  
691  
692  
693  
694  
695  
696  
697  
698  
699  
700  
701  
702  
703  
704  
705  
706  
707  
708  
709  
710  
711  
712  
713  
714  
715  
716  
717  
718  
719  
720  
721  
722  
723  
724  
725  
726  
727  
728  
729  
730  
731  
732  
733  
734  
735  
736  
737  
738  
739  
740  
741  
742  
743  
744  
745  
746  
747  
748  
749  
750  
751  
752  
753  
754  
755  
756  
757  
758  
759  
760  
761  
762  
763  
764  
765  
766  
767  
768  
769  
770  
771  
772  
773  
774  
775  
776  
777  
778  
779  
780  
781  
782  
783  
784  
785  
786  
787  
788  
789  
790  
791  
792  
793  
794  
795  
796  
797  
798  
799  
800  
801  
802  
803  
804  
805  
806  
807  
808  
809  
810  
811  
812  
813  
814  
815  
816  
817  
818  
819  
820  
821  
822  
823  
824  
825  
826  
827  
828  
829  
830  
831  
832  
833  
834  
835  
836  
837  
838  
839  
840  
841  
842  
843  
844  
845  
846  
847  
848  
849  
850  
851  
852  
853  
854  
855  
856  
857  
858  
859  
860  
861  
862  
863  
864  
865  
866  
867  
868  
869  
870  
871  
872  
873  
874  
875  
876  
877  
878  
879  
880  
881  
882  
883  
884  
885  
886  
887  
888  
889  
890  
891  
892  
893  
894  
895  
896  
897  
898  
899  
900  
901  
902  
903  
904  
905  
906  
907  
908  
909  
910  
911  
912  
913  
914  
915  
916  
917  
918  
919  
920  
921  
922  
923  
924  
925  
926  
927  
928  
929  
930  
931  
932  
933  
934  
935  
936  
937  
938  
939  
940  
941  
942  
943  
944  
945  
946  
947  
948  
949  
950  
951  
952  
953  
954  
955  
956  
957  
958  
959  
960  
961  
962  
963  
964  
965  
966  
967  
968  
969  
970  
971  
972  
973  
974  
975  
976  
977  
978  
979  
980  
981  
982  
983  
984  
985  
986  
987  
988  
989  
990  
991  
992  
993  
994  
995  
996  
997  
998  
999  
1000

EXHIBIT A  
EXCERPTS FROM "LIVING WITH MICHAEL JACKSON"



1 "Living with Michael Jackson"

2 Excerpts from the program transcript (from ITV.com)

3 [P.38]

4 [Bashir, speaking to █████]

5  
6 Bashir: What is it, █████, about Michael that makes him connect so well with children?  
7 What is it?

8 [End p. 38]

9  
10 [P. 39.]

11 █████: Because he's really a child at heart. He acts just like a child. He knows how a child  
12 is. He knows what a child thinks. See, 'cause I think that you don't necessarily  
13 have to be a child just because society says, 18 and up, you're an adult. That  
14 doesn't really matter. You're an adult when you want to be one.

15 . . . . .

16 Bashir: When you stay here, do you stay in the house? Does Michael let you enjoy the  
17 whole premises?

18 █████: There was one night, I asked him if I could stay in his bedroom. And he let me  
19 stay in the bedroom. And I was like, "Michael you can sleep in the bed," and he  
20 was like "No, no, you sleep on the bed," and I was like "No, no, no, you sleep on  
21 the bed." And then he finally said, "Okay, if you love me, you'll sleep on the bed."  
22 I was like "Oh, mannnn?" And so I finally slept on the bed. But it was fun that  
23 night.

24 Jackson: I slept on the floor. Was it a sleeping bag?

25 █████: You packed a whole bunch of blankets on the floor.

26  
27 Bashir: But Michael, you're a 44-year-old man now, what do you get out of this?

1 [REDACTED]: [He ain't 44;] he's 4!

2 [End p. 39; check alternative versions of this conversation]

3  
4 [P. 40.]

5 Jackson: Yeah, I'm four. I love; I feel; see, I think what they get from me, I get from them.  
6 I've said it many times: my greatest inspiration comes from kids. Every song I  
7 write, every dance I do, all the poetry I write, is all inspired from that level of  
8 innocence, that consciousness of purity. And children have that. I see God in the  
9 face of children. And, man, I just love being around them all the time. [Jackson to  
10 [REDACTED]] Are you guys still staying up late? Sometimes I call your house, it's so late.  
11 But you tell me to call. You tell me to call late.

12 Bashir: When people that children from other families have come and they've stayed in  
13 your house, they've stayed in your bedroom . . .

14 Jackson: Well, very few.

15 Bashir: But, you know, some have. And they say, "is that really appropriate for a man, a  
16 grown man, to be doing that?" How do you respond to that?

17 Jackson: I feel sorry for them because that's judging someone who just wants to really help  
18 people. Why can't you share your bed? The most loving thing to do is to share  
19 your bed with someone, you know.

20 Bashir: You really think that?

21 Jackson: Yeah. Of course.

22 [REDACTED]: You're taking a position that you use every single night that you go into. You sleep  
23 and you're sharing it with another.

24 Jackson: I said, 'You can have my bed if you want. Sleep in it. I'll sleep on the floor. It's  
25 yours. Always give the best to the company. Like to him, I said; 'cause he was  
26 going to sleep on the floor. I said "No, you sleep on the bed, I'll sleep on the f  
27 floor."  
28

1 Bashir: But haven't you got a spare room or a spare house here where he could have  
2 stayed?

3 Jackson: Yes. We have guest units. But whenever kids come here they always want to stay  
4 with me. They never want to stay in the guest [rooms?], and I have never invited  
5 them in my room. They always just want to; they say, "Can I stay with you  
6 tonight?" I go "If it's OK with your parents, yes, you can."

7 Bashir: Were your parents happy that you were here with Michael?

8 [End p. 40]

9  
10 [P. 41.]

11 [REDACTED]: Yeah, well, my mom is very, very, very happy. And I know they're happy, because  
12 I was happy.

13 Bashir: Do they come with you?

14  
15 [REDACTED]: Most of the time. But I wasn't really with my parents, I was mainly with Michael.

16 Bashir: But they were happy that you were here?

17  
18 [REDACTED]: Yeah.

19 (P. 49.)

20  
21 Bashir: When you are talking about children, we met [REDACTED]. And it was a great privilege to  
22 meet [REDACTED] because he's had a lot of suffering in his life.

23 Jackson: Yeah.

24  
25 Bashir: When [REDACTED] was there he talked about the fact that he shares your bedroom.

26 Jackson: Yes.

27  
28 Bashir: Can you understand why people would worry about that?



1 Jackson: Because they're ignorant.

2  
3 Bashir: But is it really appropriate for a 44-year-old man to share a bedroom with a child  
4 that is not related to him at all?

5 Jackson: That's a beautiful thing.

6  
7 (End p. 49)

8 (P. 50)

9  
10 Bashir: That's not a worrying thing?

11 Jackson: Why should it be worrying? Who's the criminal? Who's Jack the Ripper in the  
12 room? This is a guy trying to help heal a child. I gave him the bed because he  
13 has a brother named [REDACTED]. So him and [REDACTED] took the bed. And I'm on the floor in  
14 a sleeping bag.

15 Bashir: Did you ever sleep in the bed with them?

16 Jackson: No. But I have slept in a bed with many children. I slept in the bed with all of  
17 them. When Macauley Culkin was little, Kieran Culkin would sleep on this side,  
18 Macauley Culkin was on this side, his sisters in there. We all would just jam in the  
19 bed. And we'd wake up like dawn and go in the hot air balloon. You know, we,  
20 have the footage. I have all that footage.

21 Bashir: But is that right, Michael?

22 Jackson: It's very right. It's very loving, that's what the world needs now, more love, more

23 —  
24 Bashir: The world needs . . .

25 Jackson: More heart.

26  
27 Bashir: The world needs a man who's 44, who's sleeping in a bed with children?

28 Jackson: No, no you're making it all wrong. That's wrong.

1 Bashir: Well, tell me. Help me

2 Jackson: Because what's wrong with sharing a love? You don't sleep with your kids? Or  
3 some other kid who needs love who didn't have a good childhood?  
4

5 Bashir: No, no I don't. I would never dream of sleeping . . .

6 Jackson:  
7

8 [End p. 50]  
9

10 [P. 51]

11 [Jackson:] I would. I would. Because you've never been where I've been mentally . . .

12 Bashir: What do you think people would say if I said well – "I've invited some of my  
13 daughter's friends round or my son's friends round and they're going to sleep in a  
14 bed with me tonight?"

15 Jackson: That's fine.  
16

17 Bashir: What do you think their parents would say?

18 Jackson: If they're wacky they would say "You can't," but if you're a close family, like your  
19 family, you know them well and . . .  
20

21 Bashir: But Michael, I wouldn't like my children to sleep in anybody else's bed.

22 Jackson: Well, I wouldn't mind. If I knew the person well, and; like, I am very close to  
23 Barry Gibb. Paris and Prince can stay with him anytime. My children sleep with  
24 other people all the time.

25 Bashir: And you're happy with that?  
26

27 Jackson: I'm fine with it. They're honest. They're sweet people. They're not Jack the Ripper.  
28

.....

1 (P. 51, cont'd)

2 Bashir: Just cast your mind back. What was that like when you first heard the allegations  
3 that were being made against you?

4 Jackson: It was shocking, and I'm not allowed to talk about this by way of law, so . . .

5  
6 Bashir: But how did you feel about what was being said? I'm not asking you to talk about  
7 what was said.

8 [End p. 51]

9  
10 [P. 52]

11 Jackson: I was shocked because God knows in my heart how much I adore children.

12  
13 Bashir: But isn't that precisely the problem? That when you actually invite children into  
14 your bed, you never know what's going to happen.

15 Jackson: But when you say "bed," you're thinking sexual. They make that sexual. It's not  
16 sexual. We're going to sleep. I tuck them in. I put little, like, music on. Story  
17 time. I read a book. Very sweet; put the fireplace on. Give them hot milk. You  
18 know; we have little cookies. It's very charming; very sweet.

19 Bashir: Sure.

20 Jackson: It's what the whole world should do.

21  
22 . . . . .

23 Jackson: We're; don't even eat with their fathers, anymore. Their mothers. The family  
24 bond has been broken. It's an outcry for attention, why kids are going to school  
25 with guns. They want love. They want to be touched. They want to be held. But  
26 they're busy off on their day job and, you know; and they leave them at home on  
27 the computer. And they're just doing all kind of crazy stuff. And that's destroying  
28 our world. We need to bond again. That's very important, Martin.

////



1  
2 mjfacts.com



3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

3 mjfacts.com



4 mjfacts.com



5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

5 mjfacts.com



6 mjfacts.com



7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

7 mjfacts.com



8 mjfacts.com



9 mjfacts.com



10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

10 mjfacts.com



11 mjfacts.com



12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

12 mjfacts.com



13 mjfacts.com



14 mjfacts.com

EXHIBIT B  
EXCERPTS FROM "60 MINUTES" TRANSCRIPT

60 Minutes Interview with Michael Jackson  
December 28, 2003

Ed Bradley and Michael Jackson

BRADLEY: That British documentary last February — which you didn't like —

JACKSON: Yeah, I didn't like it.

BRADLEY: You — you said in that documentary that— that many children have slept in your bedroom.

JACKSON: Yeah.

BRADLEY: You said, and — and I'm gonna quote here, "Why can't you share your bed? A most loving thing to do is to share your bed with— with someone."

JACKSON: Yes.

BRADLEY: As — as we sit here today, do you still think that it's acceptable to share your bed with children?

JACKSON: Of course. Of course. Why not? If you're gonna be a pedophile, if you're gonna be Jack the Ripper, if you're gonna be a murderer, it's not a good idea. That I'm not. That's how we were raised. And I met — I didn't sleep in the bed with the child. Even if I did, it's okay. I slept on the floor. I give the bed to the child.

BRADLEY: But given all that you've been through —

JACKSON: Yeah?

BRADLEY: Given the allegations, given the innuendo — why would you put yourself in a position where something like this could happen again?

JACKSON: Well, I'm always more cautious. But I will never stop helping and loving people the way Jesus said to. He said, "Continue to love. Always love. Remember children. Imitate the children." Not childish, but childlike.

BRADLEY: You're a parent. You've got three children.

JACKSON: Yes.



1 BRADLEY: Would you allow your children to sleep in the bed with a grown man, who was  
2 not a relative, or to sleep in the bedroom?

3 JACKSON: Sure, if I know that person, trust them, and love them. That's happened many  
4 times with me when I was little.

5 BRADLEY: Would you, as a parent, allow your children to sleep in the same bedroom with  
6 someone, who has the suspicions and allegations that have been made against  
7 you, and about you today? Would you allow that?

8 JACKSON: Someone —

9  
10 BRADLEY: If you knew someone, who had the same —

11 JACKSON: I'm not —

12  
13 BRADLEY: — kind of allegations —

14 JACKSON: Ed, I — I know exactly what you're saying.

15  
16 BRADLEY: — that were made against you — would you let your children —

17 JACKSON: My children?

18  
19 BRADLEY: — sleep in that man's bedroom?

20 JACKSON: Mmm, if I — if I knew the person personally. 'Cause I know how the press is,  
21 and how people can twist the truth, if I knew the person personally, absolutely  
22 yes. Absolutely. I wouldn't have a problem with it.

23 BRADLEY: Do you know how this looks to a lot of people? I mean, do you understand  
24 that?

25 JACKSON: How does what look?

26  
27 BRADLEY: How the fact that you —  
28

1 JACKSON: Know why? People think sex. They're thinking sex. My mind doesn't run that  
2 way. When I see children, I see the face of God. That's why I love them so  
much. That's what I see.

3  
4 BRADLEY: Do you know any other man your age, a 45-year-old man, who shares his  
5 bedroom with children?

6 JACKSON: Of course. Not for sex. No. That's wrong.

7  
8 BRADLEY: Well, let me — let me say, from my perspective, my experience, I don't know  
9 any 45-year-old men, who are not relatives of the children, who share their  
bedroom with other children.

10 JACKSON: Well, what's wrong with sharing your bed? I didn't say I slept in the bed. Even  
11 if I did sleep in the bed, it's okay. I am not going to do anything sexual to a  
12 child. It's not where my heart is. I would never do anything like that. That's not  
13 Michael Jackson. I'm sorry. That's someone else.

PROOF OF SERVICE

STATE OF CALIFORNIA

COUNTY OF SANTA BARBARA

} SS

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years and I am not a party to the within-entitled action. My business address is: District Attorney's Office; Courthouse; 1112 Santa Barbara Street, Santa Barbara, California 93101.

On February 10, 2005, I served the within *Redacted version of* PLAINTIFF'S MOTION FOR ADMISSION OF CERTAIN STATEMENTS BY DEFENDANT ON "LIVING WITH MICHAEL JACKSON" AND "60 MINUTES" INTERVIEW on Defendant, by THOMAS A. MESEREAU, JR., ROBERT SANGER and BRIAN OXMAN by causing a true copy thereof to be transmitted to Mr. Mesereau at his confidential facsimile number in Santa Maria and to Mr. Sanger at the facsimile number shown on the Service List.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Santa Barbara, California on this 10th day of February, 2005.

151  
GERALD McC. FRANKLIN

SERVICE LIST

THOMAS A. MESEREAU, JR.  
Collins, Mesereau, Reddock & Yu, LLP  
1875 Century Park East, No. 700  
Los Angeles, CA 90067  
FAX: [CONFIDENTIAL]

Attorney for Defendant Michael Jackson

ROBERT SANGER, ESQ.  
Sanger & Swysen, Lawyers  
233 E. Carrillo Street, Suite C  
Santa Barbara, CA 93001  
FAX: (805) 963-7311

Co-counsel for Defendant

BRIAN OXMAN, ESQ.  
Oxman & Jaroschak, Lawyers  
14126 E. Rosserans Blvd.,  
Santa Fe Springs, CA 90670

Co-counsel for Defendant